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A DICTIONARY

OF

GREEK AND ROMAN ANTIQUITIES.

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PREFACE

TO

THE THIRD EDITION.

THE first Edition of the Dictionary of Greek and Roman Antiquities was published in 1842; the second, improved and enlarged, appeared in 1848, since which time the work has been reprinted from the stereotyped plates without alteration. The fact that forty-two years have elapsed since any change was made in the work shows of itself that a new Edition has become necessary. Moreover, these years have been a period of quite exceptional activity both in classical research and exploration; and in most, and indeed nearly all, the subjects treated in this work, recent treatises and recent discoveries have amplified or superseded much of the information which was available for the writers of the articles in the former Editions. These are especially subjects relating to constitutional history and law, religious offices and festivals, architecture and arts in general, coins, dress, and domestic life. The views held on many of these subjects have been greatly altered by newly discovered inscriptions, by additions to museums in this country and elsewhere, and by the labours of recent scholarship bestowed upon such collections.

Epigraphy alone has revolutionised several departments of knowledge. The inscriptions known to Boeckh and Orelli forty years ago are almost insignificant in amount compared with the wealth of material which has accumulated under their successors. In many cases the discovery of single inscriptions has had results of unexpected importance. We may instance the new light thrown upon the laws of Crete by the inscription at Gortyn, and upon Roman municipal law by those at Malaca and Salpensa, in Spain. Nor has epigraphy been the only department of archaeological research. The excavations of ancient sites have not only thrown new light upon the temples, tombs, theatres, and domestic architecture of the Greeks and Romans, but have yielded many treasures of art, pottery, and ornaments, illustrating the domestic life of the ancients. It is only necessary to allude to the excavations of the pre-historic sites of Troy, Mycenae, and Tiryns, of Olympia, Halicarnassus, and Ephesus, of the Acropolis of

Athens, and of many others which cannot be enumerated in the limit of a Preface.

The literary activity of the period, in reference to classical subjects has been scarcely less marked than the vigour of its archaeologica explorations. The constitutional histories both of Greece and Rome hav been rewritten. When the last edition was published, only a small part o the great work of Grote had appeared: this, since its completion, has now been supplemented by the researches of Ernst Curtius, Busolt, and others while the works of Mommsen and his school have opened up new views o Roman constitutional law and provincial government. At the same time, the life of the Greeks and Romans, so long treated as the only "ancients" worth studying, has come to be regarded less and less as an isolated group of phenomena. The application of the comparative method to history (including the history of religions) and philology has furnished a key to much that before seemed arbitrary and inexplicable. The phrases "Ancient Law" and "Primitive Culture" have acquired a new meaning in the hands of eminent writers: much that had been thought characteristic of man only in the savage state has been shown to have coexisted with, and even to have survived, the flowering-time of Graeco-Roman, not to say of modern civilisation. Political changes, too, have not been without influence upon the modern representatives of the two great nations of antiquity. The Italians of the Kingdom are pursuing with renewed vigour and originality the studies which they had never suffered to fall into decay: the Greeks, in the happier circumstances of the last few years, have thrown themselves with zeal, if not always with discretion, into the records of their glorious past. It is not surprising, therefore, that the archaeological hand-books, to which the former editions of this work were so much indebted, have either been rewritten (as, for instance, the *Attische Process*, the *Antiquities* of K. F. Hermann and the Becker-Marquardt series), or altogether superseded by later works.

Accordingly, it has been found necessary to rewrite a great part, and remodel the remainder, of the articles in the present Edition, which may therefore be regarded, to a great extent, as a new work. It contains eight hundred pages more than the old Edition. One-third of the articles has been entirely rewritten. The remaining two-thirds have been in all cases greatly altered: scarcely twenty have been reprinted as they originally stood. There are, besides, about two hundred additional articles which did not appear in the old Edition, many of considerable length and importance, by which it is hoped that all omissions have been supplied. The subjects are more extensively illustrated than formerly: there are upwards of four hundred and fifty new woodcuts in the present Edition.

It would take up too much space to give a list of even the most important works which have been used in the preparation of the articles, nor is it necessary, as they are in all cases quoted in their proper places. We may be allowed to mention, as illustrations of the difficulties under which works like the present are produced, and in explanation of the length of time during which it has been in progress, that the "Dictionnaire des Antiquités Grecques et Romaines" edited by Daremberg and Saglio, commenced in 1877, has as yet only reached the letter D; that the new series of Hermann's *Antiquities*, edited by Blümner and others, was announced for completion in 1884 and is still unfinished in 1890; and that the valuable work of Iwan Müller is still incomplete. From all these, so far as they have been available, the greatest assistance has been derived, and is here thankfully acknowledged.

To the Keepers of Classical Antiquities in the British Museum we must also express our obligations for much assistance and advice in the course of the work.

It remains to say a few words respecting the references to ancient writers. These references are now brought as much as possible to a uniformity, though an absolute uniformity cannot be claimed for them. Following recent German (and English) works, we have quoted the Greek and Latin authors, wherever practicable, from the Editions published by Teubner. There is only one way, among scholars, of quoting such authors as Plato, Strabo, Plutarch, and Athenaeus; yet even this amount of uniformity was not attained by our predecessors. In these, it is believed, absolute uniformity has now been introduced. In Thucydides and Herodotus, when the chapters are long, the sections also have been added, though not uniformly. Such authors as Polybius and Diodorus are now for the first time quoted from the Teubner editions, in which the fragments discovered by Mai and others are now incorporated; whereas in the former Edition there were many references to Mai and other collections not easily to be procured.

In the Orators we follow all German and most recent English scholars in quoting by the §§ of Bekker's Berlin edition, which differ from those in the Oxford. In the less voluminous orators this single reference has been deemed sufficient; but as few students could find their way among the sixty Demosthenic orations without further help, in these the usually cited pages (Reiske's) have been added.

Of the numerous references to Cicero, some were to the larger, others to the smaller chapters in the old edition; the *double reference*, deemed essential by most scholars, has now been supplied throughout.

In Plautus and Terence contributors have been allowed to quote either by the lines of the play, or by acts and scenes, both being marked in recent editions. But Pliny's Natural History is now quoted, according to the modern fashion, uniformly by the marginal sections of Sillig and Jan.

The references to Clemens Alexandrinus were sometimes difficult to verify, when only a chapter of twenty or more pages was named; they are now all to Potter's pages, marked in the margin of all subsequent editions.

The Comic Fragments, to which the references are unusually copious, are cited by Meineke's *numbers* (omitting the name of the play), so as to be verified either in his larger or smaller editions. The more recent edition of Kock was incomplete while our work was in progress; there are a few references to it.

The case of Aristotle's works is peculiar. The books of the Politics, as is known, are arranged in different orders; and where contributors have referred both to Bekker's and Susemihl's arrangement, this has been allowed to stand. But in most cases (though not quite in all) the works of Aristotle are cited by the pages *and lines* of Bekker's Berlin Edition, which removes all uncertainty.

In conclusion, I have to express my warm thanks to my two colleagues for the unwearied labour and assiduity which they have bestowed upon the Work. Mr. Wayte undertook the direction of Vol. I., and Mr. Marindin that of Vol. II. They have, under my superintendence, selected the contributors, revised the articles and the proofs as they went through the press, and have themselves written a large number of important articles.

WILLIAM SMITH.

November, 1890.

A
DICTIONARY
OF
GREEK AND ROMAN ANTIQUITIES.

ABACTORES. [ABIGEI.]

ABACTUS VENTER. [ABORTIO.]

ABACULUS (ἀβακίσκος), diminutive of ABACUS, denoted a tile of marble, glass, or any other substance used for making ornamental pavements. They were of various colours (Plin. *H. N.* xxxvi. § 199; Moschion, *ap.* Ath. v. 207 d.) [MUSIVUM OPUS.] [W. W.]

ABACUS (ἄβαξ), a word probably of Eastern origin, which has been explained from two different Semitic roots: (1) *abaq*, "sand, dust," a derivation propounded by several eminent French scholars and accepted by Daremberg and Saglio (*Dict. des Antiq.* s. v.); or (2) *abak*, "to raise or lift up," recently suggested in Wölfflin's *Thesauri Latini specimen*, 1884. According to the former, the oldest meaning is that of the sanded board for calculations, rendered necessary at an early period by the rise of commerce between the East and the West. The latter has the merit of accounting more completely for the various usages of the word; but neither derivation can be regarded as anything more than a more or less probable conjecture.

Adopting, for the sake of classification, the primary meaning of "anything raised," we have:

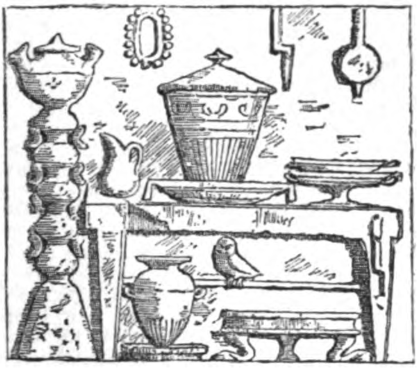
I. A table, dresser, or stand for supporting vessels of any kind.

(1) The simplest kind was no doubt that enumerated by Cato among farm requisites, and distinguished by him from *mensa* (*R. R.* 10, 4; 11, 3). Of a more elaborate sort was—

(2) A table or sideboard, used for the display of plate, of a square form, supported by a *trapezophoron*, as the leg or legs were sometimes called; but the word *trapezophoron* also signified the table itself. (Pollux, x. 69; Cic. *Fam.* vii. 23, 3; Dig. 33, tit. 3, s. 3.) The abacus was supported sometimes by four legs, sometimes by one, which were made of marble, ivory, bronze, or silver, highly ornamented. Cf. Juv. iii. 203:

> Urceoli sex,
> Ornamentum abaci, nec non et parvulus infra
> Cantharus et recubans sub eodem marmore Chiron.

Here the "Chiron" was the *trapezophoron*; and similar ones representing sphinxes and griffins are found in museums. The use of abaci (*mensae vasariae*) in private houses was first introduced at Rome (according to Liv. xxxix. 6, 7; and Plin. *H. N.* xxxiv. § 14) from Asia Minor after the victories of Cn. Manlius Vulso, B.C. 187, and their introduction was regarded as one of the marks of the growing luxury of the age. (Varr. *L. L.* ix. § 46; Cic. *Verr.* iv. 16, 35; *Tusc.* v. 21, 61; Juv. iii. 204; Plin. *H. N.* xxxvii. § 14; Petron. 73; Auson. *Epigr.* viii. 2.) Sidonius Apollinaris (*Carm.* xvii. 7) speaks of "per multiplices abaco splendente *cavernas*." These *cavernae* were probably shelves under the abacus in which ornaments were placed, somewhat resembling cabinets in modern drawing-rooms. *Mensae Delphicae* appear to have been a variety of abacus, but distinguished from it, as being round tables with three legs, and taking their name from resemblance to the Delphic tripod (Procop. *B. Vand.* i. 21; Cic. *Verr.* iv. 59, 131; Mart. xii. 66). The abacus or sideboard was used also in temples and at the festivals of the gods, where offerings of food were placed upon it, or sacred objects exposed to view (Becker-Göll, *Gallus*, ii. p. 353; Marquardt,



Abacus or Sideboard.
(From a sarcophagus in the British Museum.)

Röm. Alterth. vii. p. 310; Tyrrell, *Corresp. of Cicero*, ii. p. 239).

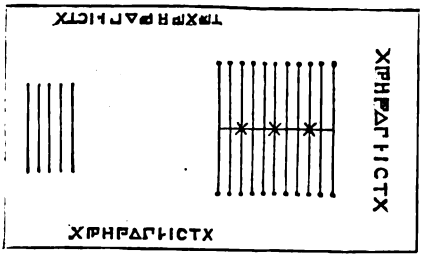
(3) A wooden tray, platter, or trencher, used for a variety of purposes in domestic economy. It was, for instance, a name given to the mactra (*μάκτρα*) or trough for kneading dough (Cratin. *Fragm.* 86, Meineke; Pollux, vi. 86, 90, x. 105; Plin. *H. N.* xxxvii. § 18, *ib.* 21; Apul. *Met.* ii. 7; Hesych. *s. v. μάκτρα*).

II. A board for playing a variety of games, either with dice or counters or figures, called *latrunculi*, and divided into compartments like the abaci described below (Pollux, x. 150; Caryst. *ap.* Ath. x. p. 435 d; joined with *latrunculi*, Macrob. *Sat.* i. 5, § 11). We may distinguish two kinds, one more resembling a backgammon board [Duodecim Scripta]; the other corresponding to the chess or draught board [Latrunculi]. The game of *πεσσοί* being traditionally said to have been invented by Palamedes, we find the board called *τὸ Παλαμήδειον ἀβάκιον* (Eustath. *in Od.* i. 107). The abacus mentioned by Suetonius was a kind of table, on which toy-chariots could be made to run ("cum eburneis quadrigis in abaco luderet," Suet. *Ner.* 22).

III. A calculating table. This might be—

(*a*) A tablet with a frame or rim, covered with sand, in which lines or figures could be drawn either with the finger or some pointed instrument; and used in geometry, arithmetic, &c. (Pers. i. 131; Apul. *Apol.* c. 16, p. 426; Sen. *Ep.* 74, 27; Plut. *Cat. min.* 70; *eruditus pulvis*, Cic. *N. D.* ii. 18, 48.) The name Arenarius applied to the elementary teacher, *qui calculare monstrabat* (Mart. Cap. vii. *init.*), implies that this sort of abacus was used by school-children.

(*b*) A development of this simple form was the abacus on which *ψῆφοι*, *calculi*, pebbles or counters, were employed to calculate with. It was a board marked off by ridges or grooves (along which balls, counters, or buttons could be moved) into compartments, for the several orders of numbers. We have examples of both Greek and Roman abaci: of the former, one found by Rangabé at Salamis is figured here (Rangabé, Letronne, and Vincent in *Revue Archéol.* année iii. p. 295 ff., p. 401 ff.). It is of marble, about 40 inches long by 28 broad. At a distance of 10 inches from one of the sides are marked five parallel lines. At 20 inches' distance from the last of these, eleven others are marked and bisected by a cross line, the point of whose intersection with the third, sixth, and ninth lines is marked by a star. Along three of the sides is arranged a series of characters in the same order, and so as to be read with equal ease whichever way the abacus is turned: the series on one side having two more characters than the others. These characters (⊢ being known as = drachma) give the following scale, reckoned from the left of ⊢:—

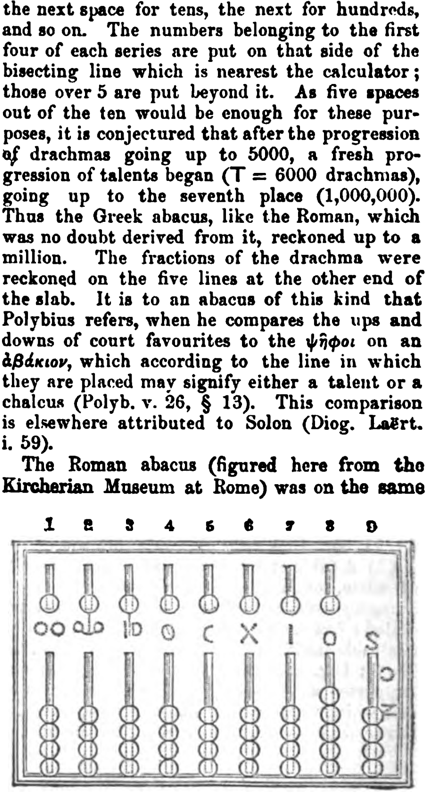


Greek Abacus or Calculating Table.

⊢	𐅃	Δ	𐅄	Η	𐅅	Χ
1	5	10	50	100	500	1000

A short explanation of these characters, which are of great antiquity, will facilitate the study of the numerous inscriptions in which public accounts have been preserved. ⊢ is a mutilated E, initial of *ἕν*; 𐅃. an old form of Π, *i.e. πέντε*; Δ obviously represents *δέκα*, and Χ *χίλιοι*: while of the three remaining characters Η is for HEKATON, the old way of writing *ἑκατόν*, 𐅄 is 𐅃 with Δ inscribed, 𐅅 𐅃 with Η. The characters on the right of ⊢ are Ι = obol, C = ½ obol, Τ = ¼ obol, Χ = *χαλκοῦς*, ⅛ obol. The two additional characters in the left-hand series are 𐅆 = 5000 (𐅃 with Χ inscribed), and Τ = talent (of 6000 drachmas); so that the lowest and highest money units are at the two ends of the scale. To understand the use of this abacus, the calculator must be supposed sitting before one of its long sides, and putting counters into the spaces between the marked lines. Each space represents an order of numerals, the space on the right hand being intended for units, the next space for tens, the next for hundreds, and so on. The numbers belonging to the first four of each series are put on that side of the bisecting line which is nearest the calculator; those over 5 are put beyond it. As five spaces out of the ten would be enough for these purposes, it is conjectured that after the progression of drachmas going up to 5000, a fresh progression of talents began (Τ = 6000 drachmas), going up to the seventh place (1,000,000). Thus the Greek abacus, like the Roman, which was no doubt derived from it, reckoned up to a million. The fractions of the drachma were reckoned on the five lines at the other end of the slab. It is to an abacus of this kind that Polybius refers, when he compares the ups and downs of court favourites to the *ψῆφοι* on an *ἀβάκιον*, which according to the line in which they are placed may signify either a talent or a chalcus (Polyb. v. 26, § 13). This comparison is elsewhere attributed to Solon (Diog. Laërt. i. 59).

The Roman abacus (figured here from the Kircherian Museum at Rome) was on the same system. It is divided into eight lower and eight higher (somewhat shorter) grooves: there is



Roman Abacus or Calculating Table.

also a ninth lower groove, without an upper groove to correspond. Four sliding buttons are attached to each lower groove except the eighth, which has five: each upper groove has one button. Between the two sets of grooves the following numbers are marked:—

X̄	CCCIↃↃↃ	CCIↃↃ	CIↃ	C	X	I
1,000,000	100,000	10,000	1,000	100	10	1

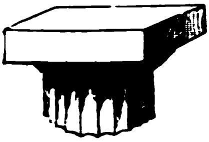
The units of any other number when not above 4 are marked by moving a corresponding number of buttons along the lower groove upwards, the button in the upper groove = 5. The eighth row was used by reckoning fractions (*aes recurrens*) on the duodecimal system, by ounces, or twelfth of the *as*, and is accordingly marked O or Θ = uncia: each of its five lower buttons = 1 ounce, and the upper one = 6. Fractions below an ounce were reckoned on the ninth groove, marked:

S	Ɔ	Z or 2
semuncia.	sicilicus.	duella.
½ oz.	¼ oz.	⅓ oz.

(Marquardt, vii. p. 97 *seq.*; Becker-Göll, *Gallus*, ii. p. 100; Daremberg and Saglio, *s. v.*) [LOGISTICA.]

IV. In architecture—

(*a*) A painted panel, coffer, or square compartment in the wall or ceiling of a chamber. (Plin. *H. N.* xxxiii. § 159, xxxv. §§ 3, 32; Vitruv. vii. 3, § 10: Letronne, *Peinture mur.*, p. 476.)


Abacus of a Column.

(*b*) The flat square tone which constituted the highest member of a column, being placed immediately under the architrave (Vitruv. iii. 5, § 5; iv. 1, § 11). The annexed figure is drawn from that in the British Museum, which was taken from the Parthenon at Athens, and is a perfect specimen of the capital of a Doric column. [COLUMNA.] [A. G.] [J. H. O.]

ABALIENA'TIO. [MANCIPIUM.]

ABDICA'TIO. [MAGISTRATUS.]

ABIG'EI, ABIGEATO'RES or **ABACTO'RES**, terms used to signify the class of thieves who commit the crime of cattle stealing (*abigeatus*), which was distinguished from ordinary *furtum* and punished as a special offence. Abigeatus was committed by stealing beasts of pasture, as horses, oxen, sheep, goats, and pigs; but only if the theft was of a sufficiently serious kind. The stealing of one horse and perhaps of an ox made the thief abigeus; but it was thought that to steal less than ten sheep, or than four or perhaps five pigs, was not abigeatus, but simple furtum. It was abigeatus, however, if the aggregate of sheep or pigs stolen on separate occasions amounted to the above numbers. It appears that a person who stole cattle was not abigeus unless it was his practice to steal cattle. (Dig. 47, 14, 1, § 1: "et abigendi studium quasi artem exercent;" but see Platner, *De jure crim. quaest.*, p. 447.) An abigeus who took cattle from a stable was punished more severely than one who drove them from pasture ground. (Dig. 47, 14, 3, § 1, "plenius coercendum;" but see Cujas, *Obs.* vi. 8.) Abigeatus was not prosecuted by a judicium publicum, but fell under the extraordinary jurisdiction of the magistrate, who punished it according to his discretion. The different punishments by which the crime was visited are enumerated in a rescript of Hadrian (Collat. xi. 7; Dig. 47, 14). They included different forms of death, the mines, and other kinds of penal servitude for a term or for life, but a person of superior rank was only liable to banishment (*relegatio*) and degradation from his rank. For an abigeus to carry arms was a great aggravation of his offence. Ulpian does not think the exposure of armed abigei to wild beasts too severe a punishment. Pastoral districts were at times devastated by armed and mounted bands of cattle stealers. (Paul. *Sent.* v. 18, *de Abactoribus;* Collat. xi. *de Abigeatoribus;* Dig. 47, 14, *de Abigeis;* Cod. ix. 37, *de Abigeis;* L. Platner, *Quaestio de jure crim.* pp. 445–449; Rein, *Das Criminalrecht der Röm.* pp. 323–325, Leipzig, 1844.) [E. A. W.]

ABOLLA, a thick, double cloak, which, according to Servius (*ad* Verg. *Aen.* v. 421), resembled the chlamys, and which he identifies with the *duplex pannus* of Horace (*Ep.* i. 17, 25). It was of foreign origin; and in a Roman inscription (A.D. 202) found in Mauretania, there is mentioned the *abolla cenatoria* in a *Lex vestis peregrinae* (*C. I. L.* viii. 4508). The generally accepted identification of the word with the Greek ἀναβολή is questionable etymologically; and it is rightly pointed out by Daremberg and Saglio (*s. v.*), that the Greek word applies especially to the manner of wearing *any* cloak (thrown back over the shoulder), while the Latin denotes a cloak of a particular form. Varro (*ap.* Nonium, p. 538, 16) contrasts it with the toga as a distinctively military garment (*vestis militaris*), much as the sagum and toga are commonly contrasted. The sagum (*q. v.*) appears as early as Cato (*R. R.* 59) to have been not confined to military wear; and the abolla similarly had become in imperial times an indiscriminately worn garment. Thus we find it used as an outdoor dress in Juvenal, iv. 76. Ptolemy of Mauretania offended Caligula by the splendour of his *purpurea abolla* (Suet. *Cal.* 35), and Martial satirizes a similar extravagance in the fop Crispinus (*abolla Tyria*, viii. 48). While for rich and fashionable wearers the original


Abolla, Military Cloak.

military form of the abolla was probably altered, and its rough texture exchanged for fine linen, it seems to have retained or exaggerated its simple coarseness when adopted by philosophers. It was thus worn by the cynic, serving alike for day- and night-clothes (Martial, iv. 53, 5; Hor. *Ep. l. c.*, same as the τρίβων διπλοῦς, Diog. Laërt. vi. 22). Hence *facinus majoris abollae* (Juv. iii. 115) means "a crime committed by a deep philosopher." The abolla as worn by soldiers is probably to be recognised in the bas-relief from the arch of Septimius Severus, figured above; as worn by philosophers, in the annexed representation from a silver vase in the Paris Cabinet des Médailles (*apud* Daremberg and Saglio, *s. v.*; cf. Marquardt, *Röm. Alterth.* vii. p. 553). [A. G.] [W. S.]

Abolla, Cloak of Philosophers.

ABOR'TIO, ABORTUS, "immature birth," "miscarriage." If we may judge from poets and satirists, it was not an uncommon practice among the Romans to procure abortion (Plaut. *Truc.* 202; Juv. ii. 32, vi. 368). Cicero (*Cluent.* 12) relates a case where a testator, leaving his wife pregnant, endeavours to secure the birth of his son by leaving his wife a handsome bequest if his son become heir, and nothing if he does not. Cicero charges Oppianicus with paying the amount contingently bequeathed to the widow, and procuring abortion in order that Oppianicus' son may succeed to the inheritance. A woman at Miletus, who in similar circumstances procured abortion by the use of drugs, was condemned to death in the time of Cicero's proconsulate. Similar cases or charges are recorded in Tac. *Ann.* xiv. 63; Suet. *Dom.* 22; Amm. Marc. xvi. 10. It was probably some such dangers that led to the Lex Cornelia making it a criminal offence to give love-potions or medicines for abortion, the penalty being death if the patient died; if not, then banishment and partial confiscation for persons of a higher rank, work in the mines for those of a lower rank (Paul. *Sent.* v. 23, 214). And women who procured abortion (*vim visceribus suis intulerunt; partum abegerunt*) were, by a rescript of Severus and Caracalla, condemned to exile (Dig. 47, 11, 4; 48, 7, 8), at least if divorced, and so acting in order to avoid bearing a son to their estranged husbands (Dig. 48, 19, 39).

Of the practice and law in Greece still less is known. Lysias in a speech (or declamation) impeached Antigonus for procuring abortion (κατ' Ἀντιγόνου ἀμβλώσεως, *Fragm.* 10, ed. Bait. and Sauppe). Plato recommended it in certain circumstances in his ideal Republic (*Rep.* v. 9, p. 461 c), and so also Aristotle, but only πρὶν αἴσθησιν ἐγγενέσθαι καὶ ζωήν (*Polit.* iv. (vii.) 16). [H. J. R.]

ABRASAX, ABRAXAS, gems. This subject belongs exclusively to Christian antiquities. See *Dict. of Christ. Biog.* s. v. ABRASAX. [W. S.]

ABROGA'TIO MAGISTRA'TUS. The deposition of a magistrate from his office by any legal process was, strictly speaking, unknown to the Roman constitution (Becker, *Rhein. Mus.* N. S., iv. 293). The only legitimate termination of the magistrate's power was his own abdication. But (1) it was in the power of a superior magistrate to forbid an inferior one to exercise his official functions (*vetare quicquam agere pro magistratu*): thus the dictator L. Quinctius in B.C. 458 suspended the consul L. Minucius from his office (Liv. iii. 29, 2; Dionys. x. 25); and this action was followed by the abdication of Minucius. (2) The people, by the exercise of its sovereign legislative power, could put an end to a magistrate's tenure of office. Thus, according to the tradition followed by Cicero (*Brut.* 14, 53; *de Off.* iii. 10, 40), and held by Schwegler (ii. 43, note 2) to be older than that of Livy and Dionysius, one of the first two consuls was deposed from his consulship (*Brutus . . . collegae suo imperium abrogavit*). The right of the people to do this was never challenged, and was admitted in terms by the Lex Cassia (cf. Ascon. p. 78), *ut quem populus damnasset* cuive imperium abrogasset *in senatu non esset.* There are no other instances of the *abrogatio* of a consul, except in the troubled times of the Civil Wars; *e.g.* Cinna (Vell. ii. 20: *ex auctoritate senatus consulatus ei abrogatus est*), who refused to regard it, because the deposition proceeded from the senate, not from the people. But there are two cases of the actual abrogation of proconsular *imperium* (cf. Appian, *Iber.* 83; Asconius, p. 78), and two more in which it was threatened (Liv. xxvii. 20, 21; xxix. 19, 6). The strict legality of the deposition of the tribune M. Octavius by the people, on the proposal of Ti. Gracchus, was never called in question, and Mommsen now withdraws the statement made in his earlier editions that "deposition was a constitutional impossibility" (cf. *Gesch.* ii. 88; *Röm. Staatsr.* i. pp. 512–3). See also LEX. [A. S. W.]

ABSIS or **APSIS** (the former more correct in Latin) (ἀψίς), in its literal meaning from ἅπτω, is a fastening of any kind; for example, the meshes of a net. (Hom. *Il.* v. 487.) It was applied specially to the joining together the extremities of a piece of wood, so as to give it the shape of a bow; and hence it came to signify anything of that shape, such as a bow, an arch, or a wheel. (Hes. *Op.* 424; Herod. iv. 72.) A potter's wheel is described, in the Anthology, as κύκλος ἀψῖδος. The next transition of meaning is to anything *vaulted* (for example, ἡ ὑπουρανία ἀψίς, *the vault of heaven*, Plat. *Phaedr.* p. 247 b); and in this sense it was adopted in architecture, first, for any building or portion of a building of a circular form, or vaulted (Plin. *Epist.* ii. 17, § 18), and more especially for the circular and vaulted end of a Basilica. (Paul. Nol. *Ep.* 12; Augustin, *Ep.* 203; Isid. *Orig.* xv. 8.) For the application of the word in Christian churches, see *Dict. of Christ. Ant.* s. v. APSE. [P. S.]

ABSOLU'TIO. [JUDEX.]

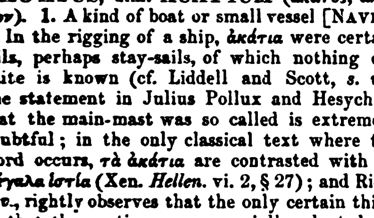
ABSTINENDI BENEFI'CIUM. [HERES.]

ABU'SUS. [USUS FRUCTUS.]

ACAENA (ἀκαίνη, ἄκαινα, or in later Greek ἄκενα, in one place ἄκαινον) is a very ancient Greek word, for it is said to have been derived from the Thessalians or from the Pelasgians. It seems originally to have meant a pointed stick: thus it was applied both to a goad and to a shepherd's staff. Afterwards it came (like our *pole* and *perch*, and the German *Stange*) to mean a measuring rod of the length of ten Greek feet, or, according to Hesychius, 9⅔ *πήχεις*, which is the same thing. It was used in measuring land, and thus it resembles the Roman decempeda. It is doubtful whether there was a corresponding square measure. (Schol. *in* Apoll. Rhod. iii. 1326; Suid. *s. v.*; Hesych. *s. v.*; Schow, *Hesych. Restit.* p. 648; Olympiodor. *ad* Aristot. *Meteorolog.* p. 25; Heron. *ap.* Salmas. *ad Solin.* p. 481; Wurm, *de Pond.* p. 93; Hultsch, *Griech. u. Röm. Metrol.* p. 36.) [ACNA.] [P. S.]

ACAPNA, sc. ligna (*ξύλα ἄκαπνα*), firewood specially prepared in order to burn without smoke. Owing to the primitive simplicity of ancient chimneys, smokeless fuel was in great request. At least three different processes are mentioned in ancient writers. 1. The wood might be simply dried and scorched over a fire, without however being converted into charcoal; these were also called *ligna cocta*, Dig. 32, 55, 7, and *coctilia*, Trebell. *Claud.* 14. 2. After peeling off the bark, it might be soaked in water and then well dried before being used (Theophr. *Hist. Plant.* xv. 10). 3. It might be smeared with oil-lees (*amurca*), and afterwards exposed to the sun (Cato, *R. R.* 130; Plin. *H. N.* xv. § 33). In Martial, *Ep.* xiii. 15, the lemma has *ligna acapna*, but the epigram itself throws no light on the mode of preparation. ACAPNON MEL, honey taken from the hive without smoking the bees, which was preferred, as usually there was a slight taste of smoke. (Colum. vi. 33, § 2; Plin. *H. N.* xi. § 45.) [W. W.]

ACATUS, dim. **ACATIUM** (*ἄκατος, ἀκάτιον*). 1. A kind of boat or small vessel [NAVIS]. 2. In the rigging of a ship, *ἀκάτια* were certain sails, perhaps stay-sails, of which nothing definite is known (cf. Liddell and Scott, *s. v.*). The statement in Julius Pollux and Hesychius that the main-mast was so called is extremely doubtful; in the only classical text where the word occurs, *τὰ ἀκάτια* are contrasted with *τὰ μέγαλα ἱστία* (Xen. *Hellen.* vi. 2, § 27); and Rich, *s. v.*, rightly observes that the only certain thing is that the acatium was especially adapted for fast sailing with light winds. 3. A drinking-vessel, so named from its shape, somewhat like our modern sauce-boat. The above figures are from the collection in the Louvre (*ap.* Daremberg and Saglio). The *ἀκάτια* are expressly distinguished from larger cups (Epicrat. *ap.* Ath. xi. p. 782 f., fr. 9, Meineke); but there was also a *μεγάλη ἄκατος* used in libations (Antiph. *ap.* Ath. xv. p. 692 f., fr. 5, Meineke). [W. W.]



Acatia, boat-shaped Cups.

ACCENSI, properly "supernumeraries," from *accenseo* (the other derivations given by Varro, *Ling. Lat.* vi. 89, Müll., are impossible and absurd). The word is used in four senses.

1. Livy (i. 43, 7) adds to the fifth class of citizens in the Servian classification a century of *accensi* (*in his accensi, cornicines, tubicinesque, in tres centurias distributi*); and Cicero, in a fragmentary passage (*de Rep.* ii. 22, 40), writes *quin etiam accensis velatis, liticinibus, cornicinibus, proletariis* .... Lange corrects Livy, reading *in his accensis*, and takes *accensi* to be the general name for the fifth class, accepting also the earlier correction *in II. centurias* (approved by Sir G. C. Lewis). This has the advantage of bringing the total number of centuries (193 instead of 194) into harmony with the statements of Dionysius and Cicero, and giving an odd number instead of an even one. Whether Livy was mistaken, or his text is corrupt, may be doubtful; but the view that *accensi* denotes the whole of the fifth class can hardly be disputed. The alternative hypothesis of Niebuhr, that the *accensi* were those citizens who possessed between 12,500 and 7000 asses, while those possessing between 7000 and 1500 were called *velati*, has but slight support, and is generally abandoned.

2. As a military term, *accensi* denotes the reserve-soldiers, who, at the time when each soldier had to find his own arms, could provide themselves with nothing better than sticks and stones. Besides serving as light infantry, they would add force to the impact of the phalanx by pressing on from behind. From their lack of defensive armour they were known as *velati*; but when any heavy-armed soldiers were killed or wounded, the *accensi* took their places, and used their armour and weapons (Varro, *L. L.* vii. 56; Paul. D. s. v. *adscripticii*). They were also called *ferentarii*, probably as Cato says (*ap.* Paul. D. *l. c.*) *quod tela ac potiones militibus pugnantibus ministrabant*; not as Varro suggests, *qui ea modi habebant arma quae ferrentur, ut jaculum.* (Corssen, *Krit. Beitr.* p. 178, suggests a wholly different derivation.) After B.C. 352, when soldiers received pay from the state, the *accensi* provided themselves with better weapons; but we find even on the Column of Trajan a soldier armed with stones alone. At this later stage the term *rorarii* was in use for the light-armed slingers, while the *accensi* denoted the *proletarii* who were *ad legionum censum adscripti.* The term *accensi* was also used to denote the attendants on the cavalry, who held their spare horses (Paul. D. s. v. *pares equi*; Varr. *L. L.* v. 82), and the orderlies of the centurions (Fest. s. v. *optio*: *optio qui nunc dicitur, antea appellabatur accensus; is adjutor dabatur centurioni a tribuno militum*).

3. The magistrates who were attended by lictors had also supernumerary attendants (*accensi*), who did not bear the fasces, but were ready to replace a lictor if occasion should arise. So long as the custom lasted that the two colleagues were preceded by the fasces on alternate days, an *accensus* attended on the one *penes quem fasces non erant.* There is no sufficient reason to assume with some that these attendants were always chosen from the class of *accensi*; in later times they were generally the freedmen of the magistrates whom they served. (Cic. *ad Q. fr.* i. 1, 4, 12; *in Verr.* iii. 67, 157; *ad Att.* iv. 6, 12, and often in inscriptions.) Among the duties of an *accensus* was to summon the people to the *comitia* (Varr. *L. L.* vi. 88):

the *accensus* of the consul, and afterwards of the praetor, also proclaimed the third, the sixth, and the ninth hour of the day in the *comitium*.

4. On inscriptions of the time of the Empire mention is made of *accensi velati*, who formed a college of 100 members, charged with the superintendence of the public roads. They consisted largely of knights and high officials, and were exempt *a tutelis et curis* (*Frag. Jur. Rom. Vat.* § 189: cf. Mommsen in *Annali dell' Instit. Arch.* 1849, p. 209). It is probable that they derived their name and functions from the *centuria accensorum velatorum*, mentioned above, who may have had charge of the communications of the army in the field (Marquardt, *Staatsr.* ii. 319). [A. S. W.]

ACCEPTILA'TIO is a formal mode of extinguishing a verbal obligation. The debtor says to the creditor, "Quod ego tibi promisi, habesne acceptum?" and the creditor answers, "Habeo" (Gai. iii. 169); or the form might be, "Accepta facis decem" (sc. sestertia), answer "Facio" (Dig. 43, 4, 7). This method of release was not regarded as peculiar to Romans, but a part of general law (*juris gentium est*), and thus the words might be Greek without impairing the effect. The term Acceptilatio must have been originally borrowed from bookkeeping, and in this connexion we find *acceptum* (*accepto*) *ferre* used in Dig. 21, 2, 4, § 1; 32, 1, 29, § 2, &c.: and in a metaphorical sense, "to credit with," in Val. Max. ii. 7, Ext. 2; viii. 2, § 3; Sen. *Ep.* 78, § 2. But *acceptum facere* or *fieri* is used in the sense of putting an end to an obligation in Cic. *Verr.* iii. 60, § 139; Plin. *Ep.* ii. 4, vi. 34; and in the lawyers frequently and indiscriminately with *acceptum fieri*. For the declinable *acceptum accepto* (dative?) is sometimes used by the lawyers. *Acceptum* (*accepto*) *rogare* is used of the debtor who seeks to be freed. The spoken words constituted an acceptilatio, but a record of the act would, as in other cases, be written and preserved. An *apocha* was what we call a receipt. (See examples in Bruns, *Fontes*, pt. ii. 8.) It was evidence of a payment, but might be rebutted by proof that the repayment had never actually taken place. But acceptilatio was a formal release of the obligation, and operated effectually whether payment had or had not been received. "Velut solvisse videtur qui acceptilatione solutus est" (Dig. 46, 4, 16 and 19). In form an acceptilatio must be absolute, not conditional, and must release at once, and not at a deferred date (*ib.* ss. 4, 5). It was applicable only to debts contracted by stipulation; the form of release must strictly follow the form of obligation, and the parties to the stipulation must (themselves or their heirs or slaves) be present and parties to the release. But the difficulty arising from these restrictions was got over by a new stipulation being entered into referring to the existing obligation, and giving it a new form suitable to the intended release. [See NOVATIO.] Hence a future debt was converted into a present one,—a debt due from Titius was converted into one due from his procurator; and an obligation arising from a loan or sale, &c., was stated in a stipulation and verbally promised (*ib.* s. 13, § 10). The new verbal obligation extinguished the old obligation, and was in turn itself extinguished by the formal acceptilatio. Gallus Aquilius invented a formula for reducing the whole liabilities of one party to another to a single obligation, in order that it might be thus extinguished. The formula is given in s. 18, Inst. iii. 29, § 2, and is called the *Aquiliana stipulatio*.

What is invalid as a release may sometimes take effect as an agreement (*pactum*, s. 19; 2, 14, 27, § 9). And in other cases, *e.g.* of a *donatio mortis causa*, or a gift between husband and wife, the operation of an acceptilatio was suspended till the death of the donor (Dig. 39, 6, 24; 24, 1, 32, § 23). The chief authorities are Gai. iii. 169–172; Dig. 46, 4; Inst. iii. 29, §§ 1, 2. [H. J. R.]

ACCESSIO, "addition," is not strictly a technical word, but is used frequently in certain connexions in a somewhat technical manner. The verb *accedere* is similarly used.

1. In some bargains it was not unusual, besides the price, to stipulate for certain extra payments (*accessiones*). In the draft contracts given by Cato we have mention of allowances both in money and kind made to a contractor for gathering the olives (*R. R.* 144); of allowances of oil and salt to the contractor for pressing the oil, besides a small sum for the use of vessels (*vasarium*, ib. 145). If the olive-harvest was sold before gathering (*olea pendens*), one of the conditions of sale was that the buyer should pay the auctioneer's fee (*praeconium*) and 1 per cent. more than the price (*amplius quam quanti emerit omnis pecuniae centesima accedet*, ib. 146). This was a commission paid to the banker or collector of the sale-moneys (cf. Cic. *Rab. P.* 11; Lex Metall. Vipasc. init. *apud* Bruns, p. 141). Such a commission may probably have been the pretext for the considerable sums of money which Verres' agents extorted from the Sicilian farmers over and above (*accessionis*) the quantity of corn due or demanded (Cic. *Verr.* iii. 32, 36, 49, 50). Columella (i. 7, § 2) speaks of wood and other extras, besides the rent, due from farming tenants (*coloni*). And among the regulations for market-sales issued by the aediles is a provision that, in case a sale is annulled, the buyer should recover besides the price any money he has given *accessionis nomine* (Dig. 21, 1, 25, § 9; cf. ss. 27, 33, &c.). An auctioneer is said by Pliny to have sold a candelabrum for 50,000 sesterces and thrown a humpback into the bargain: *accessio candelabri fuit* (*H. N.* xxxiv. § 11).

2. In the law writers both noun and verb are used in speaking of such appurtenances and accessories as share the legal fate of the principal (*accessio cedit principali*). It is especially used to include accretions from without as opposed to growths (cf. *fructibus et causis et omnibus accessionibus*, in the heading of Dig. 22, 1). Such accretions are buildings erected on land, trees planted in gradual deposits on a river bank, writing on paper, gold setting of a jewel, embroidery on dresses (Dig. 4, 1, 23). A controversy existed whether a painting by one man on another's panel should be regarded as principal or accessory. Justinian decided in favour of the painter, who, as in other similar cases, would have to reimburse the owner of the panel (Inst. ii. 1, §§ 29–38). But not only such secondary objects as are in *physical* connexion with a thing (to which class of appurtenances modern lawyers would confine the term: cf.

Wächter, *Pand.* § 65; Böcking, *Pand.* §§ 78, 81) are called *accessiones*, but even such as the terms of a bargain or the intention of a testator may have made accessory (Dig. 21, 1, 1, § 1; ss. 32, 33; 30, 1, 63, &c.). For the general law see also Keller, *Inst.* § 67.

Accessio is also specially used (3) in reckoning the length of time necessary for resuccession, when a possessor has the benefit of the addition of the time during which another person (*e.g.* a vendor or donor or testator) to whose rights he succeeds had the possession (Dig. 41, 2, 13; 44, 3, 6, 14–16); and (4) of *fidejussores* and other sureties who were regarded as accessories to the principal debtor (Gai. iii. 126; Dig. 46, 1, s. 3; s. 34, &c.). [H. J. R.]

ACCLAMATIO was the public expression of approbation or disapprobation, pleasure or displeasure, &c. by loud acclamations. For the special forms of *acclamatio* at marriages, funerals and triumphs, see MATRIMONIUM, FUNUS, TRIUMPHUS. Orators were usually praised by such expressions as *Bene et praeclare*, *Belle et festive*, *Non potest melius*, &c. (Cic. *de Orat.* iii. 26, 101.) For the applause given to authors reciting their own compositions, see RECITATIO. Under the Empire the expression of popular applause in the circus and the theatre was reduced to a system. All the audience rose at the entrance of the emperor, and greeted him with an acclamation in a set form of words, and in a fixed rhythm. Nero developed this, selecting more than 5000 among the Roman knights and citizens (called *Augustani* or *Augustales*) to be trained in the Oriental method of musical salutation (*modulatis laudationibus*, Suet. *Ner.* 20), so as to greet him at his entrance in accordance with a time for which the signal was given by one of his suite (Dio, xliii. 15; lxi. 20). The name *acclamationes* was also given to the decrees passed by the senate in honour of the emperor, and to the congratulations addressed to him, inasmuch as these were always carried by acclamation. Under Trajan these were entered in the *Acta*, and engraved upon bronze. (Plin. *Panegyr.* 75, &c.; Capitol. *Maxim. duo*, 16, 26, *Gordian. tres*, 11; Lamprid. *Alexand. Sever.* 6–12; Vopisc. *Tac.* 4, 5, 7, *Prob.* 11.) Many instances of *acclamationes* are given by Ferrarius, *De Veterum Acclamationibus et Plausu*, in Graevius, *Thesaur. Rom. Antiq.* vol. vi. Cf. also Henzen, *Acta Fratr. Arval.* p. 75 b. [W. S.] [A. S. W.]

ACCUBATIO, or **ACCUBITIO**, the act of reclining at meals. [CENA.] [W. S.]

ACCUBITUM, a couch used for reclining upon at meals, which in the imperial period took the place of the more ancient *triclinium*. It seems to have held any number of guests, whereas the triclinium only accommodated three. (Schol. *ad* Juv. v. 17, "apud veteres accubitorum usus non erat;" Lamprid. *Heliog.* 19, 25, Casaub. and Salmas. *ad loc.*; *C. I. L.* iii. 4441, "porticum cum accubito . . . restituit;" Labbaei, *Glossa*, "accubitum, ἀνακλιντήριον;" Marquardt, *Röm. Alterth.* vii. p. 298; cf. Lamprid. *Alex. Sev.* 34, "numerus accubitionum crescebat et multitudo convivarum.") The accubitum was lower and more luxurious than the triclinium, and its coverings and pillows were called *accubitalia*. (Trebell. Poll. *Claud.* 14.) [W. S.]

ACCUSATIO. [JUDEX.]

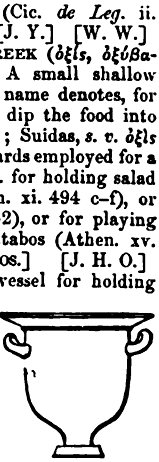
ACERRA, the incense box used in sacrifices. (Hor. *Carm.* iii. 8, 2; Verg. *Aen.* v. 745.) The incense was taken out of the acerra and let fall upon the burning altar: hence we have the expression *de acerra libare*. (Ov. *ex Pont.* iv. 8, 39; Pers. ii. 5.) It was distinct from the *turibulum* or censer in which incense was burnt; and was the more common mode of offering incense. [TURIBULUM.] The acerra represented above is taken from a frieze in the museum of the Capitol. Another figure, from a bas-relief at Rome (*ap.* Daremberg and Saglio, *s.v.*), illustrates the mode of using it. The acerra was also, according to Festus (*s. v.*), a small altar, placed before the dead, on which perfumes were burnt. There was a sumptuary law in the Twelve Tables which restricted the use of acerrae at funerals. (Cic. *de Leg.* ii. 24, 60.) [J. Y.] [W. W.]

Acerra, Incense Box.

Servant carrying the Acerra.

ACETABULUM. I. GREEK (ὀξίς, ὀξύβαφον, ὀξυβάφιον, ἐμβάφιον). A small shallow vessel, used originally, as the name denotes, for holding vinegar or sauces, to dip the food into (Poll. vi. 85; Athen. xi. 494 b; Suidas, *s. v.* ὀξίς and ὀξύβαφον). It was afterwards employed for a variety of other purposes, *e.g.* for holding salad (Athen. ii. 64 a), wine (Athen. xi. 494 c–f), or honey (Alex. Com. *Frag.* 3, 462), or for playing one form of the game of cottabos (Athen. xv. 667 e; Poll. x. 86). [COTTABOS.] [J. H. O.]

II. ROMAN. Originally a vessel for holding vinegar (*acetum*, Isidor. xx. 4, 12); then any similar vessel (Quintil. *Inst. Or.* viii. 6, § 35). It was sometimes made of silver (Dig. 34, 2, 19, § 9). The word is used of the socket of the hip-bone (Plin. *H. N.* xxviii. § 179); the suckers in the arms of polypi (id. ix. § 86); and the cup of a flower (id. xviii. § 245), from which we get the general idea of a small vessel of bell shape with a wide mouth. The first cut represents an acetabulum, given in Dennis's *Etruria*, vol. i. p. cxii.; the second, from Cassini's *Pitture antiche*,



Acetabulum.

Rome, 1783 (*ap.* Daremberg and Saglio, *s. v.*), shows two such vessels, probably containing condiments, placed on either side of a sucking pig that has been served up in a lanx. Similar vessels were used by conjurers in their tricks (Sen. *Ep.* 45, 7, with Lipsius's note); and the name was also applied to a kind of cymbal (Isid. iii. 21, 11). [A. G.]

Dish showing two small Acetabula.

ACETA'BULUM, a Roman measure of capacity, fluid, and dry, equivalent to the Greek ὀξύβαφον. It was one-fourth of the hemina; and therefore one-eighth of the sextarius. It contained the weight in water of fifteen Attic drachmae. (Plin. *H. N.* xxi. § 185.) [P. S.]

ACHAICUM FOEDUS (τὸ Ἀχαϊκόν), the league or confederation of a number of towns on the north-west coast of Peloponnesus. In speaking of the Achaean league we must distinguish between two periods, an earlier and a later one. The former, though formed for mutual protection, was mainly of a religious character, whereas the latter was pre-eminently a political confederation to protect the towns against the domination of Macedonia.

1. *The earlier League.*—When the Herakleidae took possession of Peloponnesus, which until then had been inhabited chiefly by the Achaean race, a portion of the latter, under Tisamenos, turned northwards and took possession of the northern coast of the peninsula, which was called Αἰγιαλός: the Ionians, who had hitherto occupied that country, took refuge in Attica and on the west coast of Asia Minor. The country thus occupied by the Achaeans, from whom it derived its name of Achaia, contained twelve towns which had been leagued together even in the time of their Ionian inhabitants. They were governed by the descendants of Tisamenos, until, after the death of king Ogyges, they abolished the kingly rule and established democratic institutions. The time when this happened is not known. In the time of Herodotus (i. 145; comp. Strab. viii. p. 483 foll.) the twelve towns of which the league consisted were: Pellene, Aegeira, Aegae, Bura, Helike, Aegion, Rhypes, Patrae, Pharae, Olenos, Dyme, and Tritaea. After the time of Herodotus, Rhypes and Aegae disappear from the number of the confederate towns, as they had decayed and become deserted (Paus. vii. 23, 25; Strab. viii. p. 387), and Leontion and Keryneia stepped into their place (Polyb. ii. 41; comp. Paus. vii. 6). Helike appears to have been their common place of meeting; but this town, together with Bura, was swallowed up by the sea during an earthquake in B.C. 373, whereupon Aegion was chosen as the place of meeting for the confederates (Strab. viii. p. 384; Diod. xv. 48; Paus. vii. 24). Of the constitution of this league very little is known; but it is clear that the bond which united the different towns was very loose, and less a political than a religious one, as is shown by the common sacrifice offered at Helike to Poseidon. When that town was destroyed and Aegion had become the central point of the league, the common sacrifice was offered up to the principal divinities of Aegion, *i.e.* to Zeus, surnamed Homagyrios, and to Demeter Panachaea (Paus. vii. 24). The looseness of the connexion among the towns in a political point of view is evident from the fact that some of them acted occasionally quite independent of the rest (Thuc. ii. 9). The confederation generally kept aloof from the troubles of other parts of Greece, on which accordingly it exercised no particular influence down to the time when the league was broken up by the Macedonians. But they were nevertheless highly respected by the other Greek states on account of their honesty, sincerity, and wise moderation. Hence after the battle of Leuktra they were chosen to arbitrate between the Thebans and Lakedaemonians (Polyb. ii. 39). Demetrios, Kassander, and Antigonos Gonatas placed garrisons in some of their towns, while in others they favoured the rising of tyrants. The towns were thus separated from one another, and the whole confederation was gradually destroyed.

2. *The later League.*—The ancient confederacy had thus ceased to exist for some time when events took place which in some towns roused the ancient spirit of independence. When in B.C. 281 Antigonos Gonatas attempted to drive Ptolemaeos Keraunos from the throne of Macedonia, the Achaeans availed themselves of the opportunity of shaking off the Macedonian yoke and renewing the ancient confederation. The grand object however now was no longer a common worship, but a real political union among the confederate towns. The places which first shook off the yoke of the oppressors were Dyme and Patrae, and the alliance concluded between them was speedily joined by the towns of Tritaea and Pharae (Polyb. ii. 41). One town after another now expelled the Macedonian garrisons and tyrants; and when in B.C. 275 Aegion, the head of the ancient league, followed the example of the other towns, the foundation of the new confederation was complete, and the main principles of its constitution were settled, though afterwards many changes and modifications were introduced. The fundamental laws were that henceforth the confederacy should form one inseparable state; that every town which should join it should have equal rights with the others; and that all members in regard to foreign countries should be regarded as dependent, and be bound in every respect to obey the federal government and those officers who were entrusted with the executive (Polyb. ii. 37 foll.). No town, therefore, was allowed to treat with any foreign power without the sanction of the others. Aegion, for religious reasons, was at first appointed the seat of the government, and retained this distinction until the time of Philopoemen, who proposed a measure according to which the national meetings should be held in rotation in any of the other towns (Liv. xxxviii. 30); but whether this plan was adopted is uncertain. At Aegion, therefore, the citizens of the various towns met at stated and regular times to deliberate upon the common affairs of the confederation, and if necessary upon those of any separate town or even individuals, and to elect the officers of the league. After having thus established a

firm union among themselves, the Achaeans zealously exerted themselves in delivering other towns also from their tyrants and oppressors. The league however did not acquire any great strength until B.C. 251, when Aratos united Sikyon, his native place, with it, and some years later also gained Corinth for it. Megara, Troezen, and Epidauros soon followed their example. Afterwards Aratos prevailed upon all the more important towns of Peloponnesus to join the confederacy; and Megalopolis, Argos, Hermione, Phlius, and others were added to it. In a short time the league thus reached its highest power, for it embraced Athens, Aegina, Salamis, and the whole of Peloponnesus with the exception of Sparta, Tegea, Orchomenos, Mantinein, and Elis. Greece seemed to revive, and promised to become stronger and more united than ever, but it soon showed that its new power was employed only in self-destruction and its own ruin. We cannot here enter into the history of this new confederation, but must confine ourselves to giving an outline of its constitution, as it existed at the time of its full development.

Polybius (ii. 38) remarks that there was no other constitution in the world in which all the members of the community had such a perfect equality of rights and so much liberty, and, in short, which was so perfectly democratic and so free from all selfish and exclusive regulations, as the Achaean league; for all its members had equal rights, whether they had belonged to it from the beginning or had only recently joined it, and whether they were large or small towns. Their common affairs were regulated at general meetings by the citizens of all the towns, and were held regularly twice every year, in the spring and in the autumn. These meetings, which lasted three days, were held in a grove of Zeus Homagyrios, in the neighbourhood of Aegion, and near a sanctuary of Demeter Panachaea. (Polyb. ii. 54, iv. 37, v. 1, xxix. 9; Liv. xxxii. 22, xxxviii. 32; Strab. viii. p. 385; Paus. vii. 24.) In cases of urgent necessity, however, extraordinary meetings might be convened, either at Aegion or in any other of the confederate towns (Liv. xxxi. 25; Polyb. xxv. 1, xxix. 8; Plut. *Arat.* 41). Every citizen, both rich and poor, who had attained the age of thirty, might attend the assemblies, speak, and propose any measure, to which they were invited by a public herald (Polyb. xxix. 9; Liv. xxxii. 20). Under these circumstances the assemblies were sometimes of the most tumultuous kind, and a wise and experienced man might sometimes find it difficult to gain a hearing among the crowds of ignorant and foolish people (Polyb. xxviii. 4). It is, however, natural to suppose that the ordinary meetings, unless matters of great importance were to be discussed, were attended chiefly by the wealthier classes, who had the means of paying the expenses of their journey, for many lived at a considerable distance from the place of meeting.

The subjects to be brought before the assembly were prepared by a council (*βουλή*), which seems to have been permanent (Polyb. xxiii. 7, xxviii. 3, xxix. 9; Plut. *Arat.* 53). The principal subjects on which the assembly had to decide were —peace and war (Polyb. iv. 15 foll.); the reception of new towns into the confederacy (Polyb. xxv. 1); the election of the magistrates of the confederation (Polyb. iv. 37, 82; Plut. *Arat.* 41); the punishment of offences committed by the magistrates, though sometimes special judges were appointed for that purpose, as well as the honours and distinctions to be conferred upon them (Polyb. iv. 14, viii. 14, xl. 5, 8; Paus. vii. 9). The ambassadors of foreign states had to deliver their messages to the assembly, where they were discussed by the assembled people (Polyb. iv. 7, xxiii. 7 foll., xxviii. 7; Liv. xxxii. 9). The assembly further had the power to determine as to whether negotiations were to be carried on with any foreign power or not, and no single town was allowed to send an embassy to a foreign power on its own responsibility, even on matters of merely local importance, although otherwise every individual town managed its own internal affairs at its own discretion, so long as it did not interfere with the interests of the league. No town, moreover, was allowed to accept presents from a foreign power (Polyb. xxiii. 8; Paus. vii. 9). The votes in the assembly were given according to towns; each town, whether large or small, having one vote (Liv. xxxviii. 22 foll.).

The principal officers of the Achaean league were:—

1. At first two strategi (*στρατηγοί*), but after the year B.C. 255 there was only one (Strab. viii. p. 385), who, in conjunction with the hipparchus (*ἵππαρχος*) or commander of the cavalry (Polyb. v. 95, xxviii. 6) and an under-strategus (*ὑποστρατηγός*, Polyb. iv. 59), commanded the army furnished by the confederate towns, and was entrusted with the whole conduct of the war.

2. A state-secretary (*γραμματεύς*).

3. An apparently permanent council of ten men, called the *δημιουργοί* (Strab. viii. p. 385; Liv. xxxii. 22, xxxviii. 30; Polyb. v. 1, xxiii. 10, where they are called *archontes*). These demiurgi, whom Polybius in another passage (xxxviii. 5) calls *γερουσία*, appear to have presided at the great assemblies, which either they or the strategus might convene, though it seems that the latter could do so only when the people were convened in arms or for military purposes (Polyb. iv. 7; Liv. xxv. 25).

All the officers of the league were elected in the assembly held in the spring, at the rising of the Pleiades (Polyb. ii. 43; iv. 6, 37; v. 1), and legally they were invested with their several offices only for one year; but it often happened that men of great merit, like Aratos and Philopoemen, were re-elected for several successive years (Plut. *Arat.* 24, 30; *Cleom.* 15). If an officer died during the period of his office, his place was filled by his predecessor, until the time for the new elections arrived (Polyb. xl. 2). The close union subsisting among the confederates was, according to Polybius (ii. 37), strengthened by their adopting common weights, measures, and coins. Many Achaean coins are preserved in various collections.

The Achaean league might at one time have become a great power, and might have united at least the whole of Peloponnesus into one state; but the original objects of the league were in the course of time so far forgotten that it sought the protection of those against whom it had been formed; and the perpetual discord among its members, the hostility of Sparta, the intrigues of the Romans, and the folly and rashness of the last strategi brought about not only the dissolution and destruction of the confederacy, but the political annihilation of the whole of Greece in the year B.C. 146. After a time the Romans again allowed certain national confederations to be renewed (Paus. vii. 16), but they had no political influence, and were entirely dependent upon the Roman governor of Macedonia, until in the reign of Augustus all Greece was constituted as a Roman province under the name of Achaia. (Comp. Schorn, *Gesch. Griechenlands von der Entstehung des Aetol. u. Achaeischen Bundes*, p. 49 foll. and p. 60 foll.; Drumann, *Ideen zur Gesch. des Verfalls der Griech. Staaten*; K. F. Hermann, *Griech. Staatsalterthümer*, § 185 foll.; Thirlwall, *Hist. of Greece*, vol. viii. p. 86 foll.; Hertzberg, *Gesch. Griechenlands unter den Römern*, vol. i.; Schömann, *Griech. Alterthümer*, vol. ii. p. 106 foll.) [L. S.]

ACHANE (ἀχάνη), a Persian and Boeotian measure, equivalent to 45 Attic medimni. (Aristot. *ap.* Schol. *ad* Aristoph. *Acharn.* 108, 109; Suid. *s. v.*) According to Hesychius, a Boeotian ἀχάνη was equal to one Attic medimnus. (Hultsch, *Griech. u. Röm. Metrol.* pp. 257, 275.) [P. S.]

ACHARISTIAS DIKÊ (ἀχαριστίας δίκη), mentioned among private actions by Pollux, viii. 31; but according to Xenophon, *Mem.* ii. 2, § 13, the law recognised no ἀχαριστία except towards parents. [KAKOSIS.] [W. W.]

AC'IES. [EXERCITUS.]

ACI'NACES (ἀκινάκης). a Persian sword, whence Horace (*Carm.* i. 27, 5) speaks of the *Medus acinaces.* It was a short and straight weapon, and thus differed from the Roman *sica*, which was curved. (Pollux, i. 138; Joseph. *Ant. Jud.* xx. 7, § 10.) [SICA.] It was worn on the right side of the body ("insignis *acinace dextro*," Val. Flacc. *Argon.* vi. 701), whereas the Greeks and Romans usually had their swords suspended on the left side.

Acinaces or Persian Sword.

The form of the acinaces, with the method of using it, is illustrated by the preceding Persepolitan figures. In all the bas-reliefs found at Persepolis, the acinaces is invariably straight, and is commonly suspended over the right thigh, never over the left, but sometimes in front of the body. The form of the acinaces is also seen in the statues of the god Mithras.

A golden acinaces was frequently worn by the Persian nobility, and it was often given to individuals by the kings of Persia as a mark of honour. (Herod. viii. 120; Xen. *Anab.* i. 2, § 27; 8, § 29.) That of Mardonius was among the spoils of the battle of Plataea in the Acropolis at Athens; it weighed 300 darics (Demosth. *c. Timocr.* p. 741, § 129). The acinaces was also used by the Caspii (Herod. vii. 67). It was an object of religious worship among the Scythians and many of the northern nations of Europe (Herod. iv. 62: comp. Mela, ii. 1; Amm. Marc. xxxi. 2). [J. Y.] [W. W.]

Statue of Mithras with Acinaces.

ACIS'CULUS. [ASCIA.]

ACLYS or **ACLIS.** [CATEIA.]

ACNA or **ACNUA** (also spelt *agna* and *agnua*) was, according to Varro, the Italian name, but, according to Columella and Isidore, the common Baetican name of the *actus quadratus.* [ACTUS.] An old writer, quoted by Salmasius, says "agnua habet pedes XIIII. CCCC," *i.e.* 14,400 square feet. It is very doubtful whether the word is connected with the Greek ἄκαινα or ἄκενα, seeing that the measure is so very different, and that it is quite uncertain to what language *acna* belongs. (Varro, *R. R.* i. 10, § 2; Colum. *R. R.* v. 1, § 5; Schneider, *Comment. ad ll. cc.*; Isidor. *Orig.* xv. 15; Salmasius, *ad* Solin. p. 481.) [P. S.] [A. S. W.]

ACON'TION (ἀκόντιον). [HASTA.]

ACRATISMA (ἀκράτισμα), the early breakfast (πρωϊνὸν ἄριστον), which the Greeks took immediately after rising, corresponding to the first breakfast of the French or Germans. It consisted of bread dipped in unmixed wine (ἄκρατος οἶνος), whence the name ἀκράτισμα. [See CENA.] [W. S.]

ACRATOPH'ORUM (ἀκρατοφόρον), a vessel for containing pure and unmixed wine (ἄκρατος), thus distinct from the *crater*, in which the wine was mixed with water. It differed also from the *oenophorum* in being placed upon the table [CRATER; OENOPHORUM], while Julius Pollux compares it to the ψυκτήρ [PSYCTER]. The Greek word was early naturalised in Latin (Varro, *R. R.* i. 8, 5; Cic. *de Fin.* iii. 4, § 15). The shape, as might be expected, varied considerably; but the cut in the next column from Buonarotti

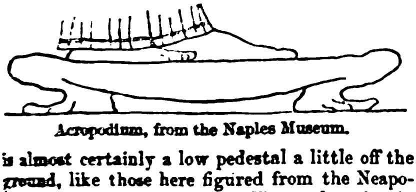
(*Vasi di Vetro*, p. 31, *ap.* Rich) is probably a common type. It is from a marble vase bearing an inscription to Silvanus (Silenus), and ornamented with a wreath of vine-leaves; and it is identical in shape with two others delineated by the Pompeian artists (*Mus. Borbon.* vii. 56, 62), one of which is placed in the hands of the god Acratus. (Cf. Marquardt, vii. p. 630.) [W. W.]

Acratophorum or Bowl.

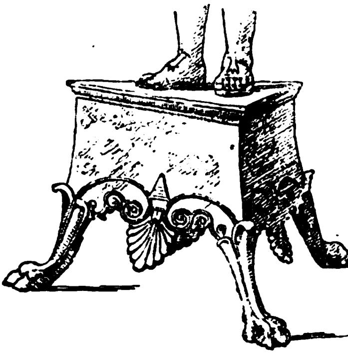
ACROA'MA (ἀκρόαμα), anything heard, and especially anything heard with pleasure, signifies properly a musical piece, e.g. *vetera acroamata* (Suet. *Vesp.* 19); but also a play, a dance (Plin. *Ep.* vi. 31, 13), or a recitation, such as were common at meals. The word is also applied to the actors and musicians who were employed to amuse guests during an entertainment (Cic. *Verr.* iv. 22, 49; *pro Arch.* 9, 20; Suet. *Octav.* 74; Macrob. *Sat.* ii. 4), or even an actor on the stage (Cic. *pro Sest.* 54, 116: *ille maximus ludius, non solum spectator, sed actor et acroama* (an artiste), *qui omnia sororis embolia novit*). See Friedländer, *Sittengesch. Roms*, i.³ p. 334; Marquardt, *Röm. Alterth.* vii. p. 327; and it is sometimes used to designate the *anagnostes* (Nep. *Att.* 14). [ANAGNOSTAE.] [W. S.] [A. S. W.]

ACROLITHI (ἀκρόλιθοι), statues of which the extremities (face, feet, and hands, or toes and fingers only) were of marble, and the remaining part of the body either gilt or, what seems to have been more used, covered with drapery. The word occurs only in the Greek Anthology (Brunck, *Anal.* iii. p. 155, No. 20; *Anth. Pal.* xii. 40), and in Vitruvius (ii. 8, § 11); but statues of the kind are frequently mentioned by Pausanias (ii. 4, § 1; vi. 25, § 4; vii. 21, § 4 or 10; vii. 23, § 5; viii. 25, § 4 or 6; viii. 31, § 1 or 2, and § 3 or 6; ix. 4, § 1). It is a mistake to suppose that all the statues of this kind belonged to an earlier period. They continued to be made at least down to the time of Praxiteles. (Comp. Jacobs, *Comment. in Anthol. Graec.* vol. iii. pt. 1, p. 298; Winckelmann, *Gesch. der Kunst*, P. i. c. 2, § 13; Müller, *Archäol.* § 69.) [P. S.]

ACROPOD'IUM (ἀκροπόδιον). The only passage of an ancient author where the word occurs is in Hygin. *Fab.* 88, where a sword is said to be hidden *sub acropodio Minervae.* This is almost certainly a low pedestal a little off the ground, like those here figured from the Neapolitan and British Museums. The explanation in the new edition of Stephens's *Thesaurus*, s. v. ἀκροπόδιον, that it is equivalent to ἄκροι πόδες, the toes of the statue itself, is much less satisfactory. [W. W.]



Acropodium, from the Naples Museum.



Acropodium, from the British Museum.

ACROP'OLIS (ἀκρόπολις). In almost all Greek cities, which were usually built upon a hill, rock, or some natural elevation, there was a kind of tower, a castle, or a citadel, built upon the highest part of the rock or hill, to which the name of *acropolis* was given. Thus we read of an acropolis at Athens, Corinth, Argos, Messene, and many other places. The Capitolium at Rome answered the same purpose as the Acropolis in the Greek cities; and of the same kind were the tower of Agathocles at Utica (App. *Pun.* 14), and that of Antonia at Jerusalem (Joseph. *B. J.* v. § 8; *Act. Apostol.* xxi. 34). At Athens, the Acropolis served as the treasury; and as the names of all public debtors were registered there, the expression "registered in the Acropolis" (ἐγγεγραμμένος ἐν Ἀκροπόλει) always means a public debtor (ἐν ἀκροπόλει γεγραμμένοι, Dem. *c. Theocr.* p. 1337, § 48; Böckh, *Publ. Econ. of Athens*, p. 388). For an account of the Acropolis at Athens, see *Dict. of Geogr.* i. p. 265 foll. [W. S.]

ACROSTOL'IUM (ἀκροστόλιον). [NAVIS.]

ACROTE'RIUM (ἀκρωτήριον) signifies an extremity of anything. It is generally used in the plural. **1.** In Architecture it was used originally in the same sense as the Latin *fastigium*, namely, for the sloping roof of a building, and more particularly for the ornamental front or gable of such a roof; that is, *the pediment.* (Plut. *Caes.* 63, compared with Cic. *Phil.* ii. 43, 110, and Suet. *Caes.* 81.) The usual meaning of *acroteria*, however, is the pedestals placed on the summit of a pediment to receive statues or other ornamental figures. There were three *acroteria*, one above each angle of the pediment. Vitruvius says that those over the outer angles (*acrot. angularia*) should be as high as the apex of the tympanum, the central one (*acrot. mediana*) an eighth part higher (Vitruv. iii. 3, or iii. 5, § 12). Some writers include the statues themselves as well as the bases under the same (Salmas. in Ael. Spart. *Pescenn. Nig.* 12; Bursian ap. Pauly, *s. v.*), but this appears to be a mistake; in Plato, *Criti.* 116 D, the pinnacles or *flèches* of a temple are all that is meant. **2.** The extremities of the prow of a vessel, which were usually taken from a conquered vessel as a mark of victory: the act of doing so was called ἀκρωτηριάζειν. (Xen. *Hell.* ii. 3, § 8; vi. 2, § 36; Herod. iii. 59, viii. 121.)

3. The extremities of a statue, wings, feet, hands, &c. (Dem. *c. Timocr.* p. 738, § 121; Athen. v. p. 199 c.) [P. S.] [W. W.]

ACTA. 1. Signified the public acts and orders of a Roman magistrate possessing the *jus agendi cum populo*, which after the expiration of his office were submitted to the senate for approval or rejection. (Suet. *Jul.* 19, 23; Cic. *Phil.* i. 7, 16, &c.) After the death of Julius Caesar, the triumvirs swore, and compelled all the other magistrates to swear (Dio, xlvii. 48), to observe and maintain all his acta (*in acta jurare*: cf. Tac. *Ann.* i. 72; Suet. *Tib.* 67); and hence it became the custom on the accession of each emperor for the new monarch to swear to observe and respect all the acta of his predecessors from Julius Caesar downwards, with the exception of those who had been branded with infamy after death, such as Nero and Domitian (Tac. *Ann.* iv. 42; Dio, lvi. 33, &c.). The senate also swore that it would recognise the validity of the acts of the new emperor. Every year all the magistrates upon entering office on the 1st of January swore approval of the acts of the reigning emperor: this oath was originally taken by one magistrate in each department on behalf of his colleagues, but subsequently it was the usual practice for each magistrate to take the oath personally. (Dio, xlvii. 18, liii. 28; Tac. *Ann.* xvi. 22, with the Excursus of Lipsius; Dio, lviii. 17, lx. 25.)

2. ACTA SENATUS, called also COMMENTARII SENATUS (Tac. *Ann.* xv. 74) and ACTA PATRUM (*Ann.* v. 4), contained an account of the various matters brought before the senate, the opinions of the chief speakers, and the decision of the house. We may infer from a passage of Suetonius ("Inito honore primus omnium instituit, ut tam senatus quam populi diurna acta confierent et publicarentur," *Jul.* 20), that the proceedings of the senate were not usually published till the first consulship of Julius Caesar, B.C. 59; but under the direction of the presiding magistrate, assisted by certain senators appointed for the purpose (*qui scribendo adfuerunt*), the decrees of the senate had been written down and recorded in the Aerarium long previously, and the debates on the Catilinarian conspiracy had been widely circulated by Cicero (*p. Sull.* 14, 15) from notes taken by some friends of his among the senators. Julius Caesar ordered that the proceedings of the senate, which had been only occasionally published before, should henceforth be published regularly every day (*senatus acta diurna*) under the authority of government, from the notes of shorthand writers taken *inter loquendum* (Sen. *de mort. Claud.* 9). Augustus forbade the publication of the proceedings of the senate, but they still continued to be preserved; and one of the senators, who received the title *ab actis senatus*, was chosen by the emperor to compile the account. (Tac. *Ann.* v. 4; Spart. *Hadr.* 3; Orelli, *Inscr.* No. 2274, 3186.) This office was generally held as an annual one, after the quaestorship (Spart. *Hadr.* 3), but before the praetorship or aedileship. The persons entrusted with this office must not be confounded with the various clerks (*actuarii, servi publici, scribae*; see also CENSUALES), who were present in the senate to take notes of its proceedings, and who were only excluded when the senate passed a *senatusconsultum tacitum*;
that is, when they deliberated on a subje
the greatest importance, respecting which sec
was necessary or advisable (Capit. *Gord.*
It was doubtless from notes and papers of t
clerks that the acta were compiled by
senator, who was entrusted with this office.
acta were deposited in the imperial arch
(*tabularium*) or in particular departments of
public libraries, to which access could only
obtained by the express permission of the *p*
fectus urbi. They were consulted and
frequently referred to by the later histori
(Vopisc. *Prob.* 2; Lamprid. *Sever.* 56; Capi
Opil. Macr. 6), and many extracts from th
were published in the Acta Diurna.

3. ACTA DIURNA, a gazette published da
at Rome by the authority of the governm
during the later times of the republic, a
under the empire, corresponding in some meas
to our newspapers. (Tac. *Ann.* iii. 3, xiii. 31, x
22.) In addition to the title *Acta Diurna*, we fi
them referred to under the names of *Diurn*
Acta Publica, Acta Urbana, Acta Rerum Ur
narum, Acta Populi, and they are frequent
called simply *Acta*. The Greek writers
Roman history call them *τὰ ὑπομνήματα*,
δημόσια ὑπομνήματα, τὰ δημόσια γράμματα, a
τὰ κοινὰ ὑπομνήματα. The nature of their co
tents will be best seen from the followin
passage of Petronius (c. 53), where an imitatio
of them is given by the actuarius of Trimalchio
—"Actuarius—tanquam acta urbis recitavit
vii. Kal. Sextiles in praedio Cumano, quod es
Trimalchionis, nati sunt pueri XXX, puellae XL
sublata in horreum ex area tritici millia modiun
quingenta; boves domiti quingenti. Eodem di
Mithridates servus in crucem actus est, qui
Gai nostri genio maledixerat. Eodem die i
arcam relatum est, quod collocari non potuit
sestertium centies. Eodem die incendium factum
est in hortis Pompeianis, ortum ex aedibus
Nastae villici . . . Jam etiam edicta aedilium
recitabantur, et saltuariorum testamenta, quibus
Trimalchio cum elogio exheredabatur; jam
nomina villicorum et repudiata a circitore
liberta in balneatoris contubernio deprehensa;
atriensis Baias relegatus; jam reus factus dispensator; et judicium inter cubicularios actum."
From this passage, and from the numerous passages in ancient writers, in which the Acta Diurna are quoted (references to which are given by Hübner), it would appear that they usually contained the following matters:—(1) The number of births and deaths in the city, an account of the money paid into the treasury from the provinces, and everything relating to the supply of corn. These particulars would be extracted from the *tabulae publicae*. By an ancient regulation, ascribed to Servius Tullius (Dionys. iv. 15), all births were registered in the temple of Venus, and all deaths in that of Libitina; and we know that this practice was continued under the empire, only that at a later time the temple of Saturn was substituted for that of Venus for the registration of births. (Jul. Cap. *M. Aurel.* 9.) (2) Extracts from the Acta Forensia, containing the edicts of magistrates, the testaments of distinguished men, reports of trials, with the names of those who were acquitted and condemned, and likewise a list of the magistrates who were elected. (3) Extracts from the Acta Senatus, especially all

the decrees and acclamationes [ACCLAMATIO] in honour of the reigning emperor. (4) A court circular, containing an account of the births, deaths, festivals, and movements of the imperial family. (5) Curious and interesting occurrences, such as prodigies and miracles, the erection of new edifices, the conflagration of buildings, funerals, sacrifices, a list of the various games, and especially amatory tales and adventures, with the names of the parties. (Comp. Cic. *ad Fam.* ii. 15.) News of private affairs seem to have been communicated to the official editor by way of advertisement (cf. Quint. ix. 3, 17, where a widower speaks of himself as *saucius pectus*). The fragments of some Acta Diurna have been published by Pighius and Dodwell, but their genuineness is more than doubtful. (Cf. Heinze, *de spuriis diurnorum act. fragmentis*, Greifswald, 1860.)

It is certain that these acta were published under the authority of the government, but it is not stated under whose superintendence they were drawn up (Hübner, p. 65). It is probable, however, that this duty devolved upon the magistrates, who had the care of the *tabulae publicae*, namely, the censors under the republic (Liv. iv. 8, xliii. 16), and sometimes the quaestors, sometimes the *praefecti aerarii* under the empire (Tac. *Ann.* xiii. 28). By a regulation of Alexander Severus, seven of the fourteen *curatores urbis*, whom he appointed, had to be present when the acta were drawn up (Lamprid. *Alex. Sev.* 33). The actual task of compiling them was committed to subordinate officers, called *actuarii* or *actarii*, who were assisted by various clerks, and by reporters (*notarii*), who took down in shorthand the proceedings in the courts, &c. After the acta had been drawn up, they were exposed for a time in some public place in the city *in albo*, where persons could read them and take copies of them. Many scribes, whom Cicero speaks of under the name of *operarii*, made it their business to copy them or make extracts from them for the use of the wealthy in Rome, and especially in the provinces, where they were eagerly sought after and extensively read (Cic. *ad Fam.* viii. 1, xiii. 8; Tac. *Ann.* xvi. 22). After the acta had been exposed in public for a certain time, they were deposited, like the Acta Senatus, in some of the record offices, or the public libraries.

The style of the acta, as appears from the passage in Petronius, was very simple and concise. They contained a bare enumeration of facts without any attempt at ornament.

Hübner has proved against Becker (*Handbuch*, i. pp. 30 and 32) that these acta were first published in the first consulship of Julius Caesar. Previous to this time it was common for a MS. chronicle of public events at Rome to be compiled by scribes, and forwarded along with private letters to friends at a distance (Cic. *ad Fam.* viii. 1, 2, 8, 11, ii. 8, xii. 22, xv. 6: cp. Hübner, p. 39; Mommsen, *Hist.* iv. 606).

There is no evidence to support an opinion adopted by many modern writers, that the publication of the acta first commenced in B.C. 133, to supply the place of the Annales Maximi, which were discontinued in that year (Cic. *de Orat.* ii. 12), while on the contrary the great difference of their contents renders it improbable that such was the case. The Annales Maximi dealt with the affairs of the republic generally, especially wars, &c.; but the Acta Urbana, as their name implies, were restricted to the news of the city. The Acta Diurna are last mentioned by Vopiscus (*Prob.* c. 2), and probably continued in use to the downfall of the Western empire, or at least till the removal of the seat of government to Constantinople, but they were never published at the latter city.

4. ACTA FORENSIA. These were of two kinds. (1) The Romans were accustomed to keep their private accounts with so much accuracy that their books *accepti et expensi*, bonds (*chirographa*) and contracts (*syngrapha*) were admitted as legal evidence. Frequently witnesses (*pararii*, Sen. *de Ben.* ii. 23, § 2) were employed to establish their authenticity. At a later date notaries (*tabelliones*) who had offices (*stationes*) in the public streets drew up these documents, which were ratified by the signature (*subscriptio*) of the parties. A senatus consultum passed under Nero (Suet. *Ner.* 17; Quintil. xii. 8, 13; Paul. *Sent. Recept.* v. 25, 6) prescribed the legal form of such documents.

(2) *Acta judiciorum* contained the record of all proceedings of the magistrates, alike in contentious and in non-contentious business. The latter included such matters as adoptions, *cessio in jure*, manumissions, the appointment of guardians, and the like. Such magisterial functions could be discharged anywhere, even in the baths or in the streets (Instit. Just. i. 5, 2). Under the republic there is no evidence of the method of legal attestation in these cases; but under the empire it was customary for the parties to have a formal statement drawn up by a public official (*acta* or *gesta*), and confirmed by the magistrate (Instit. Just. i. 11, 2, and 12, 8). In the case of contentious business, so long as the *legis actiones* were in use [ACTIO], there was no need of a written record, for the *litis contestatio* was attested by witnesses. On the other hand, when *formulae* came into use, these were necessarily in writing, though the decision of the *judex* was given *viva voce*. There was a special form of action (*judicati actio*) against a defendant who denied the existence of a decision given against him. There is evidence of the existence of a record (*acta*, Frag. Vat. Jur. 112) under the empire. The *cognitiones extraordinariae* increased the importance of this. But the existence of a written decision was not compulsory before the Constitutions of Valentinian, Valens, and Gratian (c. 213, Cod. Just. *de sent. ex peric. recitandis*, vii. 44, &c.). From this date the *acta judiciorum* prepared by the officials of the courts (*officiales*) become extremely numerous (cf. Rudorff, *Röm. Rechtsgesch.* i. p. 299).

5. ACTA MILITARIA contained an account of the duties, numbers, and expenses of each legion (Veget. ii. 19), and of the amount of property possessed by each soldier (*peculium castrense*). They were probably preserved among the official papers of the several legions. The soldiers who drew up these acta are frequently mentioned in inscriptions and ancient writers under various titles, as *librarius legionis*, *actuarius* or *actarius legionis*, *tabularius castrensis* (cf. Renier, *Inscriptions romaines de l'Algérie*, 343, 551, 799).

(Lipsius, *Excursus ad Tac. Ann.* v. 4; Ernesti, *Excursus ad Suet. J. Caes.* 20; Schlosser, *Ueber die Quellen der spätern latein Geschichtschreiber*, *besonders über Zeitungen*, &c. in the *Archiv für Geschichte*, 1830, pp. 80–106; Prutz, *De Fontibus, quos in conscribendis rebus inde a Tiberio usque ad mortem Neronis gestis auctores veteres secuti videantur*, Halle, 1840; Zell, *Ueber die Zeitungen der Alten*, Friburg, 1834; Le Clerc, *Des Journaux chez les Romains*, Paris, 1838; Lieberkühn, *De Diurnis Romanorum Actis*, Wiemar, 1840; and especially Hübner, *De senatus populique Romani actis*, Lips. 1860.) [A. S. W.]

AC'TIA (**Ἄκτια**), a festival of Apollo Actius, celebrated at Nicopolis in Epirus, with wrestling, musical contests, horse-racing, and sea-fights. It was established by Augustus, in commemoration of his victory over Antony off Actium, and was probably the revival of an ancient festival; for there was a celebrated temple of Apollo at Actium, which is mentioned by Thucydides (i. 29) and Strabo (vii. p. 325), and which was enlarged by Augustus. The games instituted by Augustus were celebrated every four years (*πεντετηρίς*, *ludi quinquennales*) at Nicopolis, probably on Sept. 2, the anniversary of the battle of Actium; they received the title of a sacred Agon, and ranked next after the four great games of Greece. Some counted by *Actiads* instead of Olympiads. (Joseph. *B. Jud.* i. 20, 4; Strab. *l. c.*; Dio Cass. li. 1; Suet. *Aug.* 18; Stat. *Silv.* ii. 2, 6; Böckh, *Corp. Inscr.* No. 1720, 1793; Krause, *Olympia*, p. 221.)

Actia were also celebrated at the same time at Rome by the orders of the senate. (Dio Cass. liii. 1, liv. 19; Mommsen, *Res gest. D. Aug.* p. 27.) They are frequently mentioned in inscriptions, and were also celebrated in other parts of the empire. (Friedländer, *Sittengesch.* ii. p. 304.) [W. S.] [A. S. W.]

AC'TIO. An action or proceeding in the technical sense is the lawfully recognised mode of enforcing one's rights, and usually took place under the control of a magistrate and in forms prescribed by the law. Three principal systems of judicial procedure prevailed successively among the Romans, the first however continuing along with the second for certain classes of cases.

I. The first mode has to be collected principally from the fragments of the Twelve Tables and the mutilated account of Gaius, iv. 11 foll., whose statements however may not be perfectly accurate respecting the early times. The sources are so meagre that a good deal of assumption is necessary, and there is no part of the history of Roman law which has given rise to more discussion and to greater divergences of opinion. A plaintiff summons his opponent into court: if he does not go, the plaintiff calls a bystander to witness the summons and refusal, and then takes the defendant by force if he shirks or resists. If illness or age prevents his going, the plaintiff has to provide a beast to carry (or draw?) him, but is not obliged to furnish a cushioned car if he does not choose. ("Si in jus vocat, ito: ni it, antestamino: igitur em capito: si calvitur pedemve struit manum endo jacito. Si morbus aevitasve vitium escit qui in jus vocabit jumentum dato; si nolet arceram ne sternito." XII. Tab.; cf. Gell. xx. i. "Pedem struit" was explained by Serv. Sulpicius as meaning *fugit*: perhaps "fixes his foot" was the real meaning; cp. Fest. p. 313.) The *antestatio* was accompanied by the plaintiff's touching the ear of the witness, as a symbolical way of bidding him listen to the summons (cf. Hor. *Sat.* i. 9, 76; Plaut. *Pers.* 747, 748). The defendant had two courses open to him in lieu of obedience; viz., he might either find an adequate defender (*vindex*, Gai. iv. 46; *Lex Rubr.* 21) to accept suit in his place, or he might settle the difference at once (Dig. 2, 4, 22). For a proletarius (*i.e.* a citizen assessed at not more than 1500 asses) any one might serve as vindex; a richer defendant required a richer vindex. ("Assiduo vindex assiduus esto; proletario jam civi qui volet vindex esto," XII. Tab.; cf. Gell. xvi. 10; Cic. *Rep.* ii. 22. The words, however, are by some referred to a different stage of the proceedings; cf. Demotius and Lenel in *Zeitschrift für R. G.* xv.) If no settlement was made, then, if we may trust the scanty fragments of the Twelve Tables, both parties before noon, either in the comitium or in the forum, stated their case (*causam coiciunto*). If one was present and the other not, the property in question was after noon assigned to the one present. The proceedings were not continued beyond sunset; and if the case was not concluded, bail (*vades*) was given for future appearance. Gaius (iv. 16, 17) gives us fuller though still imperfect information of the proceedings in court. If some piece of property was in dispute—*e.g.* a slave, an animal, or some other movable article—it was brought into court. If it was a flock of sheep, one sheep or a lock of wool was brought in; if it was land or a house or ship, a sod or brick or piece of the ship was brought in, and these were made the subjects of the formal acts just as if they were the whole of the property in dispute. Then the claimant, holding a rod (*festuca*), laid hold of the slave or other article claimed, and said, "Hunc ego hominem ex jure Quiritium meum esse aio secundum suam causam. Sicut dixi, ecce tibi vindictam imposui," and at the same time put his rod upon the slave, thereby giving physical expression to the claim contained in his words, "sicut dixi;" cf. Liv. viii. 9, § 8. (Some connect "sicut dixi" with "suam causam," and both are by some put with what precedes, by others with what follows.) "Ecce tibi" (See you there) is addressed to the defendant. The thing was claimed subject to special grounds or restrictions ("secundum suam causam:" cf. Dig. 13, 7, 18, § 2; 44, 2, 11, § 2, &c.). The rod represented a spear, which was the symbol of the most absolute right of ownership, that acquired by conquest in war. A similar claim (*vindicatio*), with like words and gestures, was made by the other party, and there was thus a symbolical strife (*manum conserebant*) over the thing. The praetor bade them take their rods off; which being done, the first claimant demanded of his opponent on what ground he had made his claim; the other answered, "Jus feci sicut vindictam imposui." The former then replied by denying the rightfulness of the other's claim, and challenging him to a trial by the devotion (*sacramento*) of fifty pounds of copper (*asses*), or, if the property was worth 1000 pounds or more, by the devotion of 500 pounds. The other claimant then went through the like forms and made the same challenge. The praetor assigned the possession of the disputed thing itself (not its representative in court) to one of the parties, and ordered him to give sureties to the other for the eventual delivery, if the possessor were defeated, of the thing itself, and of any profits which accrued before the final decision of the case. These sureties were called "praedes litis et vindiciarum, id est" (as Gaius says, §§ 16, 94) "rei et fructuum." Further bail was demanded by the praetor from both parties for the amount devoted, as that was forfeited by the losing party to the public treasury.

The next step was for a judge to be appointed to try the case. This before the Lex Primaria (A.U. 282? 322?) was done immediately, but by that law notice was given to come to court on the thirtieth day to have a judge appointed (*ad judicem accipiundum*). On the judge being appointed, notice was given of trial on the next day but one (*comperendinum diem denuntiabant*). They appeared before the judge and stated their case briefly, and then proceeded to the fuller statement. This *causae conjectio*, or brief statement, is spoken of by Gaius as occurring before the judge. How witnesses were summoned, and generally what was the procedure for supporting a case by evidence, is not told us. A fragment of the Twelve Tables, *cui testimonium defuerit is tertiis diebus ob portum obvagulatum ito*, may perhaps belong here, but its purport is obscure. Serious illness (*morbus sonticus*), or an appointment for a trial with a foreigner (*status condictus dies cum hoste*), whether affecting judge or defendant (or plaintiff, Festus v. *rem*), was a good ground for adjournment (Cic. *Off.* i. 12; Gell. xx. 1, § 27).

Gellius (xx. 10) tells of a time when the praetor accompanied the parties to the place where the thing (*e.g.* a piece of land) was, and the formal claims at least were made on the spot. When the territory grew and the praetor became more occupied, the parties left the court and went to the place and brought a turf or piece of the disputed property into court. A still later stage is given us in Cicero's satirical attack on lawyers in the speech *pro Murena*, 12. After the claim is made to a field in the Sabine territory, the claimant proceeds, *Inde ibi ego te ex jure manum consertum voco*—"Thereupon (*inde*) I summon thee there (*ibi*, perhaps only an enclitic to *inde*: Karlowa, *C. P.* p. 79, note) to join hands in accordance with law." (So Huschke, *Z. R. G.* vii. 186; others generally take *ex jure*, "out of court.") The opponent retorts, *Unde tu me ex jure manum consertum vocasti, inde ibi ego te revoco*—"I in turn call you," &c. The praetor then says, *Suis utrisque superstitibus praesentibus istam viam dico: ite viam*—"Each party having their witnesses present, I order you that way; go ye that way;" and immediately afterwards, "Come back that way." The proceedings had then become a mere formality, the parties not leaving the court; and probably any article serving as dummy for the distant property, or even for the clod, its original representative.

But this *sacramenti actio* was applicable, not only to suits in which claims to the ownership of property were urged, but also to claims upon particular persons, *e.g.* to repay loans, or to pay compensation for injuries done by them, &c. Gaius' account is mutilated, but the ritual was probably as like the other as circumstances allowed. In Valerius Probus (ed. Krüger, p. 144) we have probably some of the phrases preserved, beginning with *Aio te mihi dare oportere*, and followed by a sacramental challenge. Different reconstructions may be seen in Huschke's edit. of Gaius, iv. § 5; Rudorff, *Röm. Rechtsgesch.* ii. § 21 (p. 78); Karlowa, *Civil-Prozess*, p. 110, &c.

The distinctions just referred to between actions *in rem* and *in personam* are of great importance. An action *in rem* is a suit to establish your right to a particular thing or animal, or to a share of a particular thing, or your right to use a road, or to take water, or enjoy uninterrupted light, or to establish a personal right, such as liberty. Such claims or suits are maintainable against all the world, though in practice they are brought only against those withholding the possession or enjoyment, or disputing the right. But an *actio in personam* is a right only against a certain person or persons who by some act or omission on their part have become bound (*obligatus*) to us. The obligation may have arisen from a contract, or from a tort (*delictum*), *i.e.* an injurious act for which they are bound to make reparation, or from some course of action or neglect which in the eye of the law is tantamount to a contract (*quasi ex contractu*), or tantamount to a tort (*quasi ex delicto*). By a real action (*actio in rem*) we claim *rem nostram esse* or *jus aliquod nobis competere*; by a personal action (*actio in personam*) we claim that some one *dare oportere*. If we sue for a field, we cannot say that the possessor *ought to give* it us, for we say it is ours (*i.e.* our property) already; if we sue for the repayment of a loan, we cannot say that the money is ours, for our money (*i.e.* our actual coins lent, cf. *Lex Rubr.* 21 n.) is spent, and what we claim is that a like amount be handed over to us, to become thereby our property. Real actions are called *vindicationes*; personal actions (at least of some kinds) were called *condictiones* in the wider sense of the term (Dig. 44, 7, 25, pr.).

The second *legis actio* named by Gaius is that *per judicis postulationem*, but his account of it is lost. It is reasonable to suppose that this was the proper proceeding when an inheritance was to be divided among co-heirs, or boundaries to be regulated between neighbours, or accounts to be taken between guardian and ward, or like matters required judicial administration (cf. Rudorff, *Röm. R. G.* ii. § 22). The ridicule of Cicero (*Mur.* 12), and the formula given by Valerius Probus, *te praetor judicem arbitrumve postulo uti des*, have led some to think that this proceeding was alternative to the *actio sacramenti*, and applicable whenever a party was in some uncertainty about the extent of his rights; and fearing the loss of his case, and consequently of his *sacramentum*, if he claimed too much, sought authoritative arbitration. An analogy for this view is found in proceedings for an injunction (Gai. iv. 163 foll.). Or again, in many cases, whether of personal or real actions, an assessment of damages for the breach of contract or for the tort, or for the value of the property rightfully claimed but not duly restored, would be necessary, and an arbiter *liti aestimandae* (so in Valer. Prob.) might be demanded. But nothing is really known. (Gaius' criticism of the *actio per condictionem* (iv. 20) has been wrongly taken to imply that the process *per judicis postulationem*, as well as the *sacramenti actio*, was applicable to claims for sums of money certain, or other certain things. But Gaius has chosen to speak of the whole sphere of *quod dari oportet*, and this sphere comprises certain and uncertain claims, some of which are enforceable by *actio sacramenti*, some *per judicis postulationem*, some by both.)

The third *legis actio* is *per condictionem*. Apparently the first stage of the formal proceedings before the praetor was dispensed with, and the action was commenced by notice (*condictio = denuntiatio*) by the plaintiff to the defendant to appear on the thirtieth day to have a judge assigned. (Many writers, however, on account of Gai. iv. 29, think unnecessarily that this notice and all proceedings took place in court.) This proceeding *per condictionem* was introduced by the Lex Silia for a claim to an amount of money certain, and extended by the Lex Calpurnia to a claim for any certain amount. Gaius (iv. 20) was ignorant of any good reason for introducing such special procedure. But besides the above-named shortening of the process, two other characteristics of the new procedure have been suggested with great probability, viz., (1) that either party might tender an oath to the other as to the truth of his contention, and thereby all further proof be saved; and (2) if this were not done, a wager to the amount of one-third of the sum in question should be entered into, and thus the risk to the wrongful party be increased. There can be no doubt that the *actio de pecunia certa credita* or *si certum petitur* is the continuation of the *legis actio per condictionem lege Silia* (cf. D. 12, 1, rubr. and 13, 3, 1). Then the position of the title *de jurejurando* in the Digest (D. 12, 2; cf. Paul. *Sent.* ii. 1) and certain passages of Plautus (*Rud.* 14 *sq.*; *Pers.* 478; *Curc.* 496) go far to prove the first characteristic: and the use of *legitimae* in Cic. *Rosc. Com.* 4, § 14, compared with ib. § 14; Gai. iv. 171, go far to prove the second (Rudorff on Puchta, *Curs.* § 162 f; Huschke, *Multa*, p. 501). The *condictio triticaria* (D. 13, 3) is clearly the continuation of the action created by the Lex Calpurnia. The name *condictio* was afterwards applied to other personal actions, excepting *bonae fidei* actions, civil actions arising from torts, and praetorian actions on the case (cf. Savigny, *Syst.* v. p. 503 *sqq.*; Bethmann-Hollweg, ii. p. 274).

Of the fourth *legis actio* (*per manus injectionem*) we have a fuller account in Gaius, iv. 21–25; Gell. xx. i. 42 foll.; and the recently discovered Lex Ursonensis, cap. 61 (Bruns, pt. i. 3, 9). It was the early form of execution of a judgment, and was sanctioned by the Twelve Tables. If a man admitted the debt, or if judgment was given against him, the plaintiff laid hold of him, stating in a recognised form the fact of the judgment or admission, and the amount thereby due. The defendant then had two courses only open to him, either to pay the amount, or to find a vindex who would take legal measures in his defence, and in fact assume entire responsibility in his stead. He was no longer allowed to defend himself. (The words of the Twelve Tables as to the sufficiency of the person coming forward as vindex would apply here also; according to some writers, here only.) If neither course was taken, he was assigned (*addicebatur*, Gell. *l. c.*) to the plaintiff, who led him off to the plaintiff's house (*secum ducito*), and bound him either in the stocks (*nervo*), or with shackles on his feet (*compedibus*), the weight of the shackles to be not less (more ?) than fifteen pounds. The prisoner might, if he chose, find his own provisions; if he did not, his creditor had to give him at least a pound of corn (*far*) a day. This position lasted, if debtor and creditor did not come to terms, for sixty days, during which he had to be produced on three market days in succession before the praetor in the comitium, and the amount of his debt declared. On the third occasion, if the debt was not paid, the final step was taken. Sext. Caecilius (Gell. *l. c.*) describes it thus, the debtors *capite poenas dabant aut trans Tiberim peregre venum ibant*. If there were more creditors than one, the Twelve Tables declared *tertiis nundinis partes secanto: si plus minusve secuerunt se fraude esto*, which was taken by Sext. Caecilius and Quintilian (iii. 6, § 84) to mean that the creditors might slice the debtor's body, without incurring any risk if they happened to cut more or less than their share. Sext. Caecilius says (so also Dio Cass. *Fragm.* 17, § 8) that he never read or heard of this actually taking place. This view has been adopted by most modern writers (Kuntze, *Excurs.* p. 140, ed. 2, quotes some analogies from old German law), but is opposed by Huschke (*Nexum*, p. 89), Schwegler (*R. G.* iii. 38), Karlowa (*Civ. Proc.* p. 163), and Münderloh (*Z. R. G.* xii. p. 196). Comparing such expressions as *sectio oppidi* (Caes. *B. G.* ii. 33), *sector Pompeii* (Cic. *Phil.* ii. 26), *sectio alicujus* (Varr. *L. L.* ii. 10, § 4), we may reasonably translate "they shall make a dividend," and may apply the words to the proceeds of the sale of the debtor's person and his property. Münderloh gives as the meaning of the clause *si plus*, &c., that whether the dividend each creditor got came to more or less than the amount of his debt, there was no further responsibility of the debtor to him or of him to the debtor. In the case of a single creditor, the debtor would probably not be killed, but either be sold, or kept and made or allowed to work off his debt. At any rate the class of *addicti* are spoken of as numerous (Liv. vi. 27, 9, &c.). Neither Gaius nor the Lex Ursonensis mentions any further proceedings after the debtor was *vinctus* by his creditor, the old procedure having been long altered—as is generally supposed, by a law passed in A.U. 428, commonly called Lex Poetelia. Savigny considered the *manus injectio* and its consequences to have been originally confined to debts for money borrowed (*Verm. Schr.* ii. p. 206 foll.).

Gaius states (iv. 22) that the procedure *per manus injectionem* was made by a Lex Publilia applicable against any one who had not within six months reimbursed his surety (*sponsor*) for money expended on his behalf, and by many other laws in other cases. Thus a recently discovered inscription at Luceria (Bruns, pt. i. 3) forbids defilement of a grove under penalty of *manus injectio*. Other laws made the procedure applicable, but in a modified form, to further cases. The words *pro judicato* were omitted in the formal declaration, and the effect was that the debtor was then not disabled from making his own defence. The same relaxation was by a Lex Vallia introduced in all cases, except only the case of a judgment-debtor, or of one who had not repaid his surety. For them the harshness of the old law continued as long as this *legis actio* lasted.

It thus appears that *agere sacramento* was probably the normal way of conducting a suit at law, and applicable generally to all disputed claims which admitted of being brought to a simple issue. The *postulatio judicis* was probably applicable to matters where several persons in common sought authoritative arrangement or distribution. The *condictio* was probably a summary method of enforcing a perfectly simple claim for a liquidated amount. The *manus injectio* was a mode, originally perhaps the only mode, of obtaining execution of a judgment. But *lege agere* is used also of surrender in court (*in jure cessio*) because the form of a real action is applied to effect an amicable conveyance (Gai. ii. 24 foll.). Most lawyers, Gaius tells us (iv. 29), reckoned as a *legis actio* the old proceeding of seizing a pledge (*pignoris capio*), but only on the ground of its being accompanied by a declaration in set words. Others objected to ranking it as a *legis actio*, because it was not done in court, it was often done in the absence of the debtor, and it might be done on any day, even on those when *lege agere* was not allowed. These objections seem decisive.

The rigour of the statutable actions is given by Gaius as the reason why they went out of use. The smallest error was fatal to a man's case (iv. 30). The very words of the statute had to be strictly followed (ib. 11); a suitor must appear in person, and could not be represented by any agent or attorney, except in certain cases (ib. 82). (What they were is much disputed, see Keller, *Röm. C. P.* 254, ed. Wach. The vindex was not so much the representative of the defendant as a new defendant in his room.) Whenever security had to be given, personal sureties were required (ib. 94). A suit once brought could not be brought again on the same matter, and there was no such use of equitable pleas against the strict technical right as was allowed in Gaius' time (ib. 108). Yet in some way it must have been possible for a defendant, *e.g.*, to show that he was a minor, and by the Lex Plaetoria was not liable on a loan; or that the action had been tried and decided before; or that he had never received the loan which the stipulation on which the plaintiff was proceeding was intended to secure. The general view among modern lawyers is that such matters were urged before the magistrate, who, if he found them valid, refused to allow the *legis actio;* and that if investigation were needed, a wager (*sponsio*) to determine the point was entered into between the parties (cf. Sell. *de exceptionum usu*, 1875; B.-Hollweg, i. 338, citing Plaut. *Rud.* v. 3, 22 *sqq.*). Others maintain that all, or at least some, such grounds of defence were made the subject of a counter action, the possibility of which was often enough to deter the plaintiff from proceeding with his unjust claim (Ihering, *Geist*, iii. § 52; Karlowa, *C. P.* § 46). Huschke, but in a special way, favours the former view (*Multa*, p. 224). Be that as it may, the whole system of the *legis actiones*, as a form of contentious procedure, went out of general use under the influence of the Lex Aebutia (date quite uncertain; generally put between 150 and 250 years B.C.) and two *leges Juliae* (perhaps of Augustus). The *actio sacramenti* was retained in suits before the Court of the Hundred Men (*centumviri*), and an action on the statute might be, but in practice was not, used in the case of *damnum infectum* (Gai. iv. 30). The non-contentious procedure on the statute remained, and could be exercised not only before the praetor, but also before a consul (D. 1, 10), a proconsul (ib. 16, l. 1), a governor of a province (ib. 18, l. 10) and a juridicus (ib. 20). Adoption and emancipation were acts which could take place before those magistrates *apud quos legis actio fuit* (cf. D. 1, 7, l. 4; 16, l. 2; l. 3; Gell. v. 19, § 3), and hence are often regarded as themselves forms of non-contentious "proceeding on the statute."

In Cicero *lege agere* or *agi* is used in *Div. c. Caecil.* § 19, of proceeding under the *lex de provinciis repetundis*, but in general appears to refer to the suits under the statute of the Twelve Tables, *i.e.* to the *actio sacramenti* (*de Or.* i. 36, 167; *Verr.* i. 45, 115; ii. 16, 39; *Caecin.* 33, 97; *Mur.* 11, 25). So in Plautus (*Mil.* 453; *Aul.* 458; Ter. *Phorm.* 984). In Liv. xxvi. 15, *lege agito*, addressed to a lictor, is probably merely equivalent to "execute the law."

II. *Per formulas litigare.* The procedure on the statute was succeeded by a method more flexible, and better adapted to promote a judgment on the merits of a case. The change consisted in omitting the ancient ceremonial, and giving the praetor power to state the issue to be decided in a way which would enable the equitable claims of both parties to be duly regarded. The proceeding commenced as before by a summons given by the plaintiff to the defendant to appear in court, and non-appearance was visited by the praetor with a fine (D. 2, 5, 2, pr.). Future appearances after the first were secured by his being compelled to enter into a formal arrangement for this purpose. The defendant was said *vadimonium facere*, the plaintiff *vadari reum.* Such *vadimonium* was defined by the edict according to circumstances: either a simple promise (*purum vad.*), or a promise secured by bail (*vades*), or an oath, or a forfeit, the amount of the forfeit being usually fixed by oath of the plaintiff, but in case of a judgment debt, or of money actually paid out, it was the value of the matter in dispute (Gai. iv. 186). Persons of certain official dignity were exempt from liability to summons; so also parents and patrons, and any persons actually engaged in attending a funeral, or being married, or keeping close in their own house (D. 2, 4, s. 2; s. 4; s. 18; s. 19). On the parties appearing and stating the nature of their case the praetor appointed a judge or judges to determine the questions of fact, and gave him instructions which showed both the claim of the plaintiff, so far as it deserved legal recognition, and the duty of the judge if the facts were found to support or negative the claim. These instructions were comprised in a short formula, varied according to the equities and circumstances. The essential parts of it were two: the claim (*intentio*), and the judge's duty (*adjudicatio* or *condemnatio*). Frequently the matter in question required to be briefly stated: this was called *demonstratio.* Then came the claim. If the suit was one for partition of an inheritance or of any common property, or for defining the borders of neigbouring estates, the formula closed with a direction to the judge to adjudicate this or that thing or part to the claimant or to the defendant. In other cases it closed with a *condemnatio* or *absolutio*, i.e. with a direction to the judge, if certain things were found to be or not to be the fact, to order the defendant to pay so much money as damages to the plaintiff, or to acquit the defendant of all liability. Occasionally, where a preliminary question has to be decided (*praejudicium*) this question might be stated simply by itself, e.g. *An A. Agerius libertus sit?* or *Quanta Murciae dos sit?* Gaius (iv. 44) considers in these cases the formula to consist of the *intentio* only. As an example of a simple formula, we may take this.

L. Titius judex esto.

Quod A. Agerius N. Negidio hominem vendidit, (*Demonstratio*)

Si paret N. Negidium A. Agerio sestertium x milia dare oportere, (*Intentio*)

L. Titi, N. Negidium A. Agerio sestertium x milia condemna: si non paret, absolve. (*Condemnatio.*)

As an example of a formula in a suit for partition may be taken this (which is partly hypothetical).

L. Titius judex esto.

Quod fundus Cornelianus A. Agerio et N. Numidio communis est, (*Demonstratio*)

Quantum ejus fundi A. Agerio adjudicari oportet,

Tantum Titius A. Agerio adjudicato: reliquum N. Numidio adjudicato. (*Adjudicatio.*) Gai. iv. 42.

A distinction of much importance in many respects is found in the issue raised by the claim (*intentio*). It may state a matter of fact, and then the formula is said to be *in factum concepta*; or it may state a question of law, *formula in jus concepta*. It is an issue merely of fact if, *e.g.*, the plaintiff asserts that the defendant has been duly cited and has not appeared in court, nor produced an adequate representative (*vindex*, Gai. iv. 46). An issue of law is raised if the plaintiff asserts, *e.g.*, that anything is his property, or that something ought to be given to him; the first being a real action, the second a personal one, but both raising a question as to the legal right of the plaintiff. In the case of a deposit or a loan (*commodatum*), the formula might be shaped either way. If the complaint was merely of the refusal to restore a thing deposited with the defendant, or lent to him for use, the facts only of deposit (or loan) and non-restoration required to be proved to entitle the plaintiff to judgment in his favour. The formula then, in the case of a deposit, runs thus (Gai. iv. 47):

L. Titius judex esto. Si paret A. Agerium apud N. Negidium mensam argenteam deposuisse, eamque dolo malo N. Negidii A. Agerio redditam non esse, quanti ea res erit, tantam pecuniam judex N. Negidium A. Agerio condemnato: si non paret, absolvito.

It is true that the second fact thus stated is not quite a simple one, for an article returned in a damaged condition was deemed to be not returned, and *dolo malo* 'maliciously' is a qualification which both restricts and amplifies the conception of non-restoration. Still the question is one which, as we should say, is a question for the jury. Has the defendant restored, or honestly done his best to restore, the article deposited?

The *formula in jus concepta* has a wider range of considerations:—

L. Titius judex esto. Quod A. Agerius apud N. Negidium mensam argenteam deposuit, qua de re agitur, quidquid ob eam rem N. Negidium A. Agerio dare facere oportet ex fide bona, ejus judex N. Negidium A. Agerio condemnato; si non paret, absolvito. (We have omitted the words *nisi restituat*, given in many editions of Gaius, because they are very doubtful: cf. Keller, *Inst.* p. 115). Here the fact of deposit is not put in issue, presumably because it was not disputed. But by the formula so shaped the judge is directed to decide upon the whole of the mutual obligations created between the two parties by the deposit, and to give judgment, not for the value of the table, but for less or more according to circumstances.

In the case of all formulae the condemnation "sounds in damages"; it directs not this or that act to be performed, but, if the sentence is against the defendant, a sum of money to be paid. The injury, be it what it may, is estimated at its money value, and this money value it is for the defendant to pay. Sometimes a fixed amount (*certa pecunia*) is stated in the formula as the damages; sometimes it is left uncertain and indefinite, and the judge has to ascertain it; sometimes a maximum is named (e.g. *dumtaxat sestertium x milia*). The judge is bound to give judgment for a specific sum of money, neither exceeding the amount if a maximum is named, nor varying at all from it if a specific sum is named, nor leaving the amount undetermined if the amount is left uncertain in the formula. In the first two cases, if he does so, he is said to make the suit his own (*litem suam facit*, Gai. iv. 52; D. 4, 13, 6), *i.e.* he is responsible to the injured party for his malfeasance. In actions for a thing (*in rem*) or for the production of a thing (*ad exhibendum*) and in many *bonae fidei actions*, the judge might, and naturally often would, direct the restitution or production of the thing, or proper security for future action, and only in case this was refused condemn the defendant in damages, or at any rate in damages to the full amount otherwise proper. If a defendant maliciously or obstinately (*dolo malo aut contumacia*) refused compliance or put it out of his own power to comply, the judge had an additional weapon. He could, instead of assessing the damages himself, allow the plaintiff to assess them himself on oath (*in litem jurare*), and the assessment so sworn would as a rule be entered as judgment against the defendant (D. 8, 5, 7) unless indeed the judge, on proof being given, thought the amount excessive (D. 12, 3, 2; 4, §§ 2, 3; s. 5). It does not appear that the judge ever forcibly executed his own order for restoration, as long as the formulary process was in use. The passage (D. 6, 1, 68) quoted from Ulpian, which speaks of forcible restorations, *manu militari officio judicis ab eo possessio transfertur*, is generally considered to contain words interpolated by the compilers of the Digest. (Cf. Savigny, *Syst.* v. 123; Wächter, *Pand.* i. 565.) Those actions in which the judge had the power to direct specific performance, and only in case this was refused to condemn in damages, were sometimes called *arbitrariae* (Just. *Inst.* 4, 31; Dig. 4, 2, 14, § 4. &c.). The formula would contain the words *nisi restituat* or the like (cf. Cic. *Verr.* ii. 12, 31; Dig. *l. c.* § 11).

An error in the formula might have disastrous effect. If indeed the error was in the statement of circumstances (*demonstratio*), so as to make the statement really false, the matter which was really meant being thereby not brought forward, the proceeding was nugatory. The plaintiff was not however precluded from bringing on the case again with an amended formula (Gai. iv. 58). An error in the allegation (*intentio*) was similar if the error consisted in claiming a different thing altogether from what the plaintiff was justified in claiming, as for instance if he claimed a slave Stichus instead of the slave Eros, or based his claim on a will instead of on a formal verbal contract. But if the allegation contained the right subject-matter, but the claim was excessive (*plus* or *pluris petitio*), the plaintiff must fail (*causa cadit*). It might be excessive from claiming either too large a sum, or payment in the wrong place, or before the due time, or by restricting the choice of payment which the defendant was entitled to. If the plaintiff's claim was specific, but less than he was entitled to, he was not thereby hindered from gaining so much as his allegation covered, but he could not, within the same praetor's term of office, claim the residue. Both these could obviously only occur where the allegation of claim was specific in quantity. If the terms were general (e.g. *quidquid dare facere oportet*), no excessive or defective claim was possible (Gai. iv. 53–56).

The formula in *bonae fidei* suits was always general in terms, and it was the duty of the judge, though not expressed in the formula, to take account of any counter-claim and allow one to be set off against the other. The judgment was then only for the balance. In a banker's account with a customer all present debits and credits are taken as *ipso facto* neutralising one another; and therefore the banker cannot sue his debtor for all he has debited him, but only for the balance in account. The allegation in the formula is of this kind: *si paret Titium argentario x milia dare oportere amplius quam ipse Titio debet* (Gai. iv. 64–68).

If the damages are put at an excessive amount, the defendant can claim annulment of the formula (*restitutio in integrum*), and the case must be brought anew. If the damages are put at too little, the plaintiff cannot recover more, nor can he bring another suit for the remainder. (Gai. iv. 57.)

In some cases, where a similar danger might await the plaintiff, it was possible to obviate it by prefixing to the formula a limitation (*praescriptio*) of the matter to be put in issue. If a man entitled to an annuity brought an action to enforce payment of the sum actually due, he had to prefix the words *ea res agatur cujus rei dies fuit*, i.e. "that only is to be in suit of which the due time has already come." Then the claims to the future payments remained unaffected, not having been brought into issue in this suit (cf. Cic. *Orat.* i. 37, § 168). So if a man sued for conveyance of an estate bought, unless he specified that he sued only for the formal conveyance (*ea res agatur de fundo mancipando*), he might be held to have no further right to sue for actual delivery of the thing (Gai. iv. 130–132). Gaius says that at one time similar *praescriptiones* were prefixed in the interest of the defendant to prevent a minor issue being held to conclude a greater one, but in Gaius' day such limitations took the form of special pleas (*exceptiones*, ib. § 133).

A general denial by the defendant was outside of the formula; but any special plea which he might urge, if such as the praetor recognised to be good in itself, was by him inserted in the *intentio* of the formula in the shape of an exception or negative condition. That is to say, the allegation of the plaintiff was qualified in the formula so that it should hold good, only if the plea of the defendant was found to be untrue, or at any rate if the plea was not proved. Many such special pleas were set forth by the praetor in his edict; others were framed by the praetor to fit the particular circumstances which disclosed an equity on the side of the defendant. Pleas regularly in use are such as fraud, agreement, intimidation, &c. (D. 44, 4; 2, 14). For instance, if I sue a man on a stipulation which was entered into as a security for money lent him, and I have never paid him the money, the stipulation is still valid in strict law, but the praetor allows him to plead fraud on my part, and my claim is defeated. So an agreement not to sue for a debt does not nullify the obligation, for the regular maxim is *obligatio pacto convento non tollitur*; but the agreement may be pleaded (*pacti conventi exceptio*), and the suit is thus blocked. So intimidation or compulsion may be pleaded against any attempt to enforce an obligation entered into under them. The plea of fraud would take the form *si in ea re nihil dolo malo A. Agerii factum sit neque fiat*; that of agreement not to sue would be *si inter A. Agerium et N. Negidium non convenit ne ea pecunia peteretur*, and the claim of the plaintiff would succeed, only if these propositions (*i.e.* the absence of fraud or the absence of an agreement not to sue) were proved. Otherwise the judge would acquit the defendant (Gai. iv. 115–119).

A plea might be absolute (*peremptoria*), or dilatory (*dilatoria*). Absolute pleas are valid without limitation, such as fraud, intimidation, contravention of a statute, previous decision of the same matter, agreement not to sue at all. Dilatory pleas are good only for a time or against certain persons, &c., such as agreement not to sue within five years. In this case if, on the plea being brought forward, I withdraw from the suit, I can bring it again after the period of five years has expired; but if I persist, the matter is then brought to trial, and the plea being proved defeats my suit. If I then on the expiration of the period bring the suit again, I may be met by a fresh plea (*exceptio rei in judicium deductae*) that the matter has been already decided, and my suit is thus again defeated. Another dilatory plea is *litis dividuae*, which is good against my suing for the rest of a sum of money of which I have already sued for part. The plea is good against the further suit within the same praetorship; after that I am free. (But for the later law see Just. *Inst.* iv. 6, § 34.) Again, I may have appointed an attorney (*cognitor*) to sue for me; my suit may be defeated by a dilatory plea if I persist in suing, though I was not authorised to appoint an attorney at all (disgraced persons, *infames*, and women are in this plight, D. 3, 1, 5, § 5), or not authorised to appoint the persons whom I have appointed (some persons being not allowed to act as attorneys). Gai. iv. 120–125.

The plea may admit of a replication (*replicatio*) on the part of the plaintiff: *e.g.* an agreement not to sue may be followed by another agreement allowing me to sue. Then the plea *si non convenerit ne eam pecuniam peterem* would be met by the replication *si non postea convenit* *ut mihi eam pecuniam petere liceret*, and both would be inserted in the formula. The defendant may however have a rejoinder (*duplicatio*), and to this the plaintiff may have a surrejoinder (*triplicatio*), and so on. (Gai. iv. 126–129.)

A still further extension of the formulae was due to the praetor's bold recognition of equities requiring protection. A person whom the praetor had recognised as equitably entitled to a deceased's estate obtained the *bonorum possessio*, *i.e.* the *de facto* rights of an heir, but was not the heir *de jure* (Gai. iii. 32). He could not in strict law claim any of the property as *his*, nor could he enforce payment of a debt due to the estate as due to him. The difficulty was got over by a *fiction*. The formula was made to apply to him, on condition that it would have applied if he had been heir. And this was stated in the formula: *L. Seius judex esto. Si A. Agerius L. Titio heres esset* (*fictio*), *tum si eum fundum de quo agitur ex jure Quiritium ejus esse oporteret* (*intentio*), *L. Sei, N. Negidium, A. Agerio x milia condemna; si non oporteret* (or *paret oportere?*) *absolve* (*condemnatio*).

A similar fiction was made in favour of the *bonorum emptor*, i.e. the person who bought the insolvent estate of a deceased. But here another frame, invented by P. Rutilius, was sometimes given to the formula, the object being achieved by allowing the *intentio* still to run in the name of the heir, but inserting in the condemnatory clause the name of the purchaser of the inheritance (as plaintiff), instead of that of the heir. Still more boldly, if a foreigner sued or was sued for theft or for injury under Aquilius' statute, it was feigned that he was a Roman citizen: e.g. *si paret a Dione Hermaei filio furtum factum esse paterae aureae, quamobrem eum si civis Romanus esset pro fure damnum decidere oporteret*, &c. (Gai. iv. 34–38). In the Lex Rubria, cap. 20 (*Corp. I. L.* i. 115; Bruns, p. 91, ed. 4), prescribing analogous jurisdiction in the province to that which prevailed at Rome, we have an instance of a formula to be used in the case of a person who ought to have given security against possible damage to another from his buildings, but had not done so before the damage occurred. *Judex esto. Sei, antequam id judicium qua de re agitur factum est, Q. Licinius damnei infectei, eo nomine qua de re agitur, eam stipulationem, quam is quei Romae inter peregreinos jus deicet in albo propositam habet, L. Seio repromeisisset, tum quicquid eum Q. Licinium ex ea stipulatione L. Seio dare facere oporteret ex fide bona, dumtaxat H. S. . . . ejus judex Q. Licinium L. Seio, sei ex decreto IIvirei IIIIvirei praefecteive Mutinensis, quod ejus is IIvir IIIIvir praefectusve ex lege Rubria seive id plebeiscitum est decreverit, Q. Licinius eo nomine qua de re agitur L. Seio damnei infectei repromittere noluit, condemnato; sei non paret, absolvito.* "If before the present trial Q. Licinius had given L. Seius a guaranty against possible damage on account of the matter in question, the guaranty being couched in the standing form approved by the praetor at Rome who presides over cases between aliens (*fiction*), then whatsoever Q. Licinius ought to pay or do to L. Seius in accordance with the said guaranty, all equities being duly considered, and the amount not exceeding . . . sesterces (part of the *intentio*), so much shall the judge direct Q. Licinius to pay or do to L. Seius (*condemnatio*), if Q. Licinius has refused to give L. Seius a guaranty against possible damage on account of the matter in question, in compliance with a decree of the duumvir or quattuorvir or praefect of Mutina, so far as said decree is made in accordance with the statute, or Commons' resolution, proposed by Rubrius" (part of the *intentio*); "if this is not the case, acquit him."

The proceedings before the judge are explained under JUDICIUM.

Actions were brought or defended either by the parties in person or by attorneys. In the ante-Justinian Law an attorney was either a cognitor or procurator. A cognitor was an attorney appointed in set words by the party in person in presence of his opponent. Such words might be for the plaintiff: *Quod ego tecum agere volo, in eam rem L. Titium cognitorem do;* for the defendant: *Quia tu mecum agere vis, in eam rem P. Maevium cognitorem do.* Strict precision in the words, at any rate in Ulpian's time, was not necessary (Gai. iv. 83; *Vat. Fr.* 318, 319). If the person so apppointed was absent, he did not become attorney until he undertook the business. A procurator might be appointed by simple mandate or even by his practically undertaking the business, and neither the presence nor knowledge of the adversary was necessary to his appointment. When persons were represented by others, the formula contained the name of the representative instead of the principal in the clause of condemnation, but not in that of allegation (*intentio*).

Persons under the age of 17 years, and deaf persons, were not allowed to plead their own cause. If they had no advocate of their own, the praetor gave them one (D. 3, 1, 1, § 4). Some persons were disqualified from acting as attorneys for others. Such were soldiers (D. 3, 3, 8, § 2), women, blind persons, and those who had been convicted of a capital offence or of dishonesty in suing or defending a suit (*calumnia*), or of hiring oneself out to fight beasts in the arena. Further, all persons who were *infames*, "disgraced," were disqualified from acting for any others except for near relations, either by blood or marriage, or for a patron or patron's child. Under this head of *infames* came stage-players; persons who had had judgment against them or made a compromise in suits implying disgraceful conduct; persons dismissed ignominiously from the army; panders and persons who had married, or as fathers had consented to the marriage of, a widow before the expiration of the statutable period of mourning (which before 350 A.D. was ten months, afterwards a year: *Cod.* v. 9, l. 2). Bankrupts were apparently in ante-Justinian times disqualified. (See under INFAMIA.) Persons under guardianship were represented in suits by their guardians (*tutores et curatores*), and a disqualification for acting for others was waived in case of a guardian (Gai. iv. 92; D. 3, 1, 1, § 6), as it was in some few other cases (D. *ibid.* s. 6; s. 10).

A plaintiff suing in his own person or by a cognitor was not required in any case to give security. But a plaintiff's procurator or guardian had to give security that his principal would ratify his acts (*ratam rem dominum habiturum*), otherwise the defendant might be exposed to a fresh suit by the principal, whereas a cognitor's acts bound his principal as much as his own acts would. A defendant was in a different position. If the action was *in rem*, whether he appeared himself or by others, the plaintiff was entitled to receive security for due restitution of the disputed property or its equivalent. If the action was *in personam*, and the defendant was represented by a cognitor, the defendant had to give security; if by a procurator or guardian, the representative had to give security for the due performance of the judgment (*judicatum solvi*). If he appeared in person, he might in special circumstances be required to give security, either on account of the nature of the action, as for instance an action on a judgment or for money paid out by a surety (*depensi*); or the old action *de moribus mulieris* (cf. Just. *Cod.* 5, 17, 11, § 2); or on account of his own character—if for instance he was insolvent or was an heir suspected by the praetor to have insufficient means (Gai. iv. 88–102; D. 42, 5, 31).

Checks were provided in several ways against heedless litigation. The plaintiff was exposed to four risks. (1) To an action for *calumnia*, in which he was condemned if he was shown to have consciously brought an unjust claim. The penalty was a tenth (of the claim ?), excepting in a suit to prove a man free, in which case the penalty was a third (of the value of the slave ?). (2) To a counter trial (*contrarium judicium*). This was allowed in a few cases only, viz. in an action for *injuriae*, the penalty being one tenth part, and in two other special actions, the penalty being one fifth part. The plaintiff in the former action, now defendant, was condemned if he had not succeeded in the action impugned. (3) In some actions a wager (*sponsio*) and counter-wager (*restipulatio*) used to be made for a third part in an action for a specific sum of money lent, and for a half in an action for an agreed debt (*pecunia constituta*), and this was dependent simply on success or failure in the action. (4) Moreover the defendant might put the plaintiff on his oath as to his honesty in bringing the suit. If the oath was executed, the plaintiff was no longer liable to the other risks; and generally a defendant might bring one only of the actions named (Gai. iv. 174–181).

The defendant was similarly exposed to risk if he allowed the action to proceed. (1) In the case of actions on a judgment or on money paid out (*depensi*), or injury under Aquilius' statute, or legacies (*per damnationem*), if the defendant denied and judgment went against him, the damages were doubled. (2) In the cases of loan certain and of an agreed debt a wager was made, and the defendant had to pay if he lost the suit. (3) An oath might be tendered him on the honesty of his denial (Gai. iv. 171–173). (4) Further, any one condemned in certain actions become disgraced (*ignominiosus*). These actions were theft, robbery with violence, insult (*injuriae*), actions of partnership, trust, guardianship, commission, deposit. And in the case of the first three ignominy was incurred by making a compromise as well as by condemnation (Gai. iv. 182). *Ignominia* in Gaius appears to be identical with *infamia* in the Praetor's Edict (D. 3, 2, 1).

Many distinctions and divisions of actions are made. Some of the most important are the following.

Actio civilis and *actio honoraria*. The former is an action given by the civil law, the latter one created by the praetor. All actions belong to one or other of these classes (D. 44, 7, 25, § 2). As examples may be taken the ordinary actions *in rem*, as opposed to the *Publiciana actio*, which the praetor gave to protect one who, without formally valid conveyance, had had delivery on good ground from the owner, but had not yet held a thing long enough for usucapion to have taken effect (D. 6, 2, 1). So an action for a sum of money if founded on a formal verbal contract (*stipulatio*) is *civilis*; if on informal agreement (e.g. *pecunia constituta*), is *honoraria*. The distinction was important, not merely historically but in practice, because as a rule honorary actions could be brought only within the period of the praetor's office, *i.e.* only within one year. Civil actions were not so limited; nor indeed were those honorary actions (*e.g.* actions on contract) which aimed at recovering one's property or what is due to one, rather than inflicting damage on another. These latter actions might be brought also against the heir of the person bound; others only so far as the heir was enriched by his predecessor's wrong act (D. 44, 7, 35).

Actio directa and *actio contraria*. Some relations are essentially two-sided, and an action to enforce the rights of the one party is as likely to be required as an action to enforce the rights of the other. Such for instance are the actions *ex empto* and *ex vendito*, the purchaser suing for the delivery of the thing purchased, the seller for the purchase money. But in other cases an action is more inherently likely on one side than on the other, but yet the relations may beget occasion for an action in the reverse direction. Thus for instance an *actio commodati* or *depositi* is usually *directa*, i.e. to enforce the rights of the person who has deposited or lent a thing; but circumstances may make the recall of the thing lent unfair to the borrower, and then he has an *actio commodati contraria* (D. 13, 6, 17); or the receiver may have had to incur expenses for the protection or other care of the deposit, and he has then an *actio depositi contraria* (D. 16, 3, 5, pr. See also Cic. *Off.* iii. 17, 30). This use of *in factum* must be carefully distinguished from *actio in factum concepta*.

Actio directa and *actio utilis*. The term *directa*, besides being opposed to *contraria*, is also opposed to *utilis*. Here the great sphere of the praetor's action is seen. The precise action granted by the civil law was not applicable to numerous cases which came within its spirit but not within its letter. The praetor allowed an action which was not the same in theory, but analogous to it, and this was called a *serviceable* action, or not infrequently an "action on the case" (*actio in factum*). The Aquillian statute was noticeably extended in this way by the praetor. A person who did not actually with his own person kill a slave did not come strictly within the statute; but if he pushed the horse or mare so that they killed the slave, an *actio in factum* was granted (D. 9, 2, 7, § 3). A usufructuary was not properly an owner: this statute gave the action to the owner; but the praetor extended it to the usufructuary, and he therefore had an *actio utilis* (D. 9, 2, 11, § 10). The incidents of such an action were of course conformable to those of the prototype, the actual case being by a fiction (see above) treated as identical in its claim to remedy with the statutable or original action. The name of the prototype was often used with *quasi* prefixed for that of the analogous action, e.g. *quasi Serviana* (D. 16, 1, 13).

Actio stricti juris and *actio bonae fidei*. The stern simplicity of the old law, which would hear of nothing but definite obligations created by precise words, had to give way before the complicated circumstances and countervailing equities of the business of the world. The *actio ex stipulato* was the type of the former; commercial intercourse gave rise to many instances of the latter. Gaius enumerates the latter as sale and purchase, letting and hiring, unasked agency (*negotiorum gestorum*), commission, deposit, trust (*fiduciae*, i.e. mortgage), partnership, guardianship (and here the passage is mutilated, but we may probably add) wife's property, loan, pledge, division of inheritance, partition, actions on the case (Gai. iv. 62; Just. *Inst.* iv. 6, § 28). In all these the judge was instructed to examine and estimate the rights of the parties in the matter so far as they were founded on good faith (Cic. *Off.* iii. 17, 30). And of course therefore any debt due from the plaintiff to the defendant might be set off against anything due to the plaintiff on his claim. Justinian in some degree broke down the distinction between those two classes of actions (*Inst.* iv. 6, §§ 29, 30).

The word *actio* itself is in some passages opposed to *petitio* and *persecutio*, as for instance by Papinian (D. 44, 7, 28) *actio in personam infertur; petitio in rem; persecutio in rem vel in personam rei persequendae gratia:* and Ulpian (D. 5, 16, 178) refers *persecutio* to extraordinary proceedings, such as those for enforcing a trust (*fidei commissum*). But this must be regarded as only applicable to some particular uses; *e.g.* in the Aquillian stipulation (D. 46, 4, 18) and other places where the words are obviously to be distinguished from each other. Otherwise *actio* is general, and even includes interdicts (D. 44, 7, 37). *Judicium* is often found as equivalent to it, but there appears to have been an inclination to use the latter word in preference in cases where both parties might be regarded as indiscriminately plaintiff and defendant. Such are the *judicia finium regundorum* (D. 10, 1), *familiae erciscundae* (ib. 2), *communi dividundo* (ib. 3).

Poenalis actio was one where neither the recovery of a thing nor of damages proper (both of which were said to be *rei persequendae causa*) was the object, but the pecuniary penalty affixed by the law to certain acts (*poenae persequendae causa*). Such was the *actio furti* and the *actio injuriarum* (Gai. iv. 7). In other actions, such as those in which denial exposed the defendant to the risk of double damages (see above), both damages and penalty were the object of the action (Gai. iv. 9). A penal action did not lie against the heir, unless it had been commenced in the life of his predecessor (D. 44, 7, 26; s. 33).

The same fact often gave opportunity for several actions; sometimes the plaintiff had to choose between them, sometimes he might bring one, and then if his claim was not satisfied by that bring another action of a different class for the residue (D. 44, 7, 34; s. 31).

The plaintiff is usually called actor or is *qui agit*, sometimes *agens* or (especially in actions *in rem*) *petitor*. The defendant is *reus*, or is *unde petitur*, or *cum quo agitur*, or *qui convenitur*, or (in actions *in rem*) possessor. The plaintiff is said *agere*, *petere*, or *actionem*, *intendere*, *experiri*, *convenire;* the defendant *convenire*, *suscipere*, *actionem* or *judicium*, &c.

III. Beside this formulary procedure, in which the praetor gave instructions to a judge or judges, and this judge actually tried the issue so directed, there were other matters which the praetor himself heard and decided (*causa cognita decrevit*). From this hearing by the praetor himself, these trials were called *cognitiones*. These were partly of an executive character, such as issuing injunctions (*interdicta*) to stop apprehended wrong, or conferring security, or putting a party into possession of disputed property. But there were other matters which, on account of the delicacy of their character, were not passed through the usual forms. Of these the most important were trusts (*fidei commissa*), which, being regarded at first not as legal obligations, but as matters of honour and propriety, were not subjects for ordinary procedure, but required the special cognizance of a high officer of state (Gai. ii. 278; Ulp. xxv. 12). Similarly claims for alimony by parents against children or the reverse (D. 25, 3, 5); questions of the proper remuneration of physicians, teachers, advocates, &c. (D. 5, 13, 1), and some other matters (*e.g.* Gai. i. 53) were also placed outside the rank of ordinary suits (*extra ordinem*). In the course of time, after the period of the classical jurists, this system became universal. The various officials of the empire heard and decided all suits themselves, and the distinction of *praetor* and *judex*, *jus* and *judicium*, ceased, the general principles of decision remaining the same. Exactly how and when this change in the form was brought about we do not know. A law of Diocletian A.D. 297 (*Cod.* iii. 3, 2), which directed governors of provinces (*praesides*) to decide cases themselves, so far as their public duties allowed them, instead of appointing *pedaneos judices*, is regarded by most writers as the origin of the change, and Constantius (A.D. 342) abolished the formulae (*Cod.* ii. 57 (58), 1). Justinian says, "all trials are now *extra ordinem*" (*Inst.* iv. 15, 8; iii. 12, pr.). But the power of delegating their jurisdiction, at least in less important cases, was still reserved to the governors (*Cod.* iii. 3).

In the extraordinary trials by the praetor the defendant was summoned (*evocatus*), not by the plaintiff but by the praetor by notice (*denuntiatio*), either conveyed to him or affixed to the praetor's notice-board (cf. D. 42, 1, 53, § 1). The notice was repeated three times, and, if the defendant did not appear, the case was proceeded with in his absence (Paul. *Sent.* v. 52, § 7). In Justinian's time suits were begun generally by a written bill of complaint (*libellus*) delivered to the judge, and by him communicated to the defendant.

The checks against reckless litigation were simplified by Justinian, and these consisted (1) in an oath taken by each party of his *bona fide* action, and (2) in the costs of the suit being thrown on the loser (*Cod.* iii. 1, 13, § 6), *i.e.* probably if he had no reasonable case (cf. *Inst.* iv. 16, § 1, *improbus litigator*, D. 5, 1, 79; 31, 78, § 2).

For further details respecting the constitution of the courts and proceedings at trials, see JUDICIUM; for criminal procedure, see also

CRIMEN. The principal actions will be dealt with under their respective names.

The best treatises on the subject are Keller's *Civil-Prozess* (5th ed. edited by A. Wach, 1876), which gives references to the other writers; and the elaborate work of Bethmann-Hollweg, *Die römische Civil-Prozess*, 1865, foll. [H. J. R.]

ACTOR generally means a plaintiff in a civil action, but is sometimes used for a prosecutor in a public or criminal trial. The plaintiff in a civil action is also called *petitor*, and one who prosecutes another for a crime *accusator* (Cic. *ad Att.* i. 16; Dig. 48, tit. 2). The defendant was called *reus*, both in private and public causes; *reus*, however, in a general sense, meant a party to an action or other legal proceeding, and so is used by Cicero for the plaintiff as well as the defendant (*De Orat.* ii. 43). In a private action the defendant was often called *adversarius* but either party might be called *adversarius* in opposition to the other. As free persons who were under *potestas* had no independent property, they could not, as a rule, be plaintiffs in an action, but certain actions could be maintained by *filii*, as well as *patres familias* (Dig. 9, 44, 7). In respect to *peculium castrense* and *quasi-castrense* a *filius familias* was in the position of an independent person. Actions on behalf of wards (*pupilli*) who were below the age of seven were brought by their guardian (*tutor*); actions on behalf of wards above the age of seven were either brought by their guardian, or, as was more commonly the case, the action was brought in the name of the ward with the sanction (*auctoritas*) of the guardian. *Peregrini* or aliens could not maintain an action under the early form of procedure called *legis actio;* in later procedure, partly by means of feigned assumptions of citizenship (Gaius, iv. 37), they became capable of suing and being sued. Persons who appeared in actions as representatives of the parties directly concerned were called *cognitores* or procuratores [ACTIO]. A universitas or corporate body was represented for the purposes of procedure by an agent, who was called *actor* or *syndicus* (Dig. 3, tit. 4).

Actor has also the sense of an agent or manager of another's business generally; so a slave who was given the management of an estate, and put over other slaves, is termed *actor*. (Plin. *Ep.* iii. 19, § 2; Paul. *Sent.* iii. 6, 47, 48.)

The *actor publicus* was the officer who had the superintendence or care of slaves belonging to the state; he was himself a slave or freedman. In the case mentioned by Pliny (*Ep.* vii. 18, § 2) the *actor publicus* was the representative of the community (*respublica*) of Comum (Tac. *Ann.* ii. 30; iii. 67).

The *actor rerum privatarum nostrarum* was the manager of the emperor's private estate (Cod. Just. iii. 26, 9). [G. L.] [E. A. W.]

ACTOR in the theatre. [HISTRIO.]

ACTUA'RIAE NAVES. [NAVIS.]

ACTUA'RII, or **ACTA'RII**, clerks who compiled the Acta Publica. [ACTA.] The name is also sometimes given to the *Notarii*, or short-hand writers, who took down the speeches in the senate and the courts (Suet. *Jul.* 55; Sen. *Ep.* 33, 9); respecting whom and the use of short-hand among the Romans, see NOTARII.

2. A clerk who kept the accounts of a private person (Petron. 53).

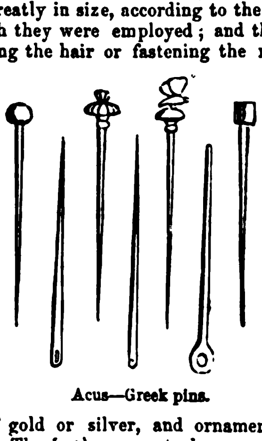
3. Military officers whose duty it was to keep the accounts of the army, to see that the contractors supplied the soldiers with provisions according to agreement, &c. (Aurel. Vict. *Caes.* 33, 13; Amm. Marc. xx. 5; Cod. Just. xii. tit. 38, s. 5, 16; xii. tit. 50.)

4. The title of certain physicians at the court of Constantinople. [MEDICUS.] [W. S.]

ACTUS, a Roman measure of land, which formed the basis of the whole system of land measurement. The word *actus* sometimes denotes a way between fields, along which cattle could be driven (Dig. 8, 1, 5; 5, 4, &c.). Varro (*L. L.* v. 34, Müller) asserts that the name of the measure was derived from this, but couples this remark with an absurd derivation of *ager: ut ager quo agi poterat, sic qua agi actus.* According to Varro, Columella (v. 1, 5, on the authority of Varro) and Festus, *s. v.*, the *actus simplex* or *minimus* was 120 (Roman) feet long and 4 feet wide. The *actus quadratus*, or simply *actus*, was a square of 120 feet each way, containing thus 14,400 square feet. Pliny (xviii. § 9) says of it: *actus in quo boves agerentur cum aratro uno impetu justo* (i.e. without turning); *hic erat cxx pedum.* Mommsen (*Hist.* i. 215) explains *actus*, "the driving," to be properly a measure of labour, denoting the half-day's work, with reference to the marked division of the day in Italy by the noontide siesta. The *jugerum*, or "yoking," the double of the *actus*, would thus denote the day's work. This is far more probable than the earlier explanations. The *actus* furnishes an example of the combination of the duodecimal with the decimal system, its length being twelve times the standard DECEMPEDA. Columella (*l. c.* § 6) says that the Gauls called the *actus quadratus*, *arepennis;* but this could only be an approximate identification, for the *actus quadratus* is somewhat smaller than the great French *arpent* and much larger than the small *arpent*. (Compare ACNA; Niebuhr, *Hist. of Rome*, vol. ii. Appendix I.) [A. S. W.]

ACTUS. [SERVITUTES.]

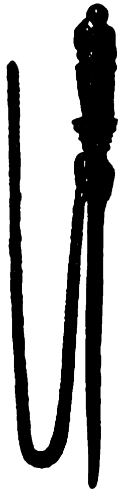
ACUS. I. GREEK—(*βελόνη, βελονίς, ῥαφίς, ἀκέστρα*), a pin or needle, made sometimes of metal, sometimes of wood, bone, or ivory. They varied greatly in size, according to the purposes for which they were employed; and those used in dressing the hair or fastening the robe were often of gold or silver, and ornamented with figures. The *ῥαφίς* seems to have answered to our sewing-needle, the *ἀκέστρα* (from *ἀκέομαι*) to our darning-needle, while *βελόνη* was appa-



Acus—Greek pins.

rently a wider term, corresponding both to our pin and needle (cf. Pollux, vii. 42; x. 136). The preceding engraving represents a few of the more ordinary types. [J. H. O.]

II. ROMAN—a pin or needle (*qua sarcinatrix vel etiam ornatrix utitur*, Festus, *s. v.*). As a pin the *acus* seems to have been specially used for women's hair (*acus crinalis*, Apul. *Met.* c. 13, or *comatoria*, Petron. 21; or simply *crinale*, Ov. *Met.* v. 53), and is accordingly figured, together with a comb, on the funeral monument of an *ornatrix* or *coiffeuse*. The *acus crinalis* was used to part the hair; hence called *discriminalis* (Hieron. *in Rufin.* 3, 42); and other *acus* served to curl, dye, or perfume it (Ov. *Amor.* i. 14, 15, and 30; Quintil. ii. 5, § 12; Juv. ii. 94, vi. 498). When the coiffure was complete, an ornamental pin, such as the one figured in the annexed illustration, confined the plaits or ribbons. The length of these hair-pins varies from 6 to 9 inches; the material is generally gold or silver. Pins used for other purposes, such as fastening parts of the dress, were of course smaller, though adorned with equal art; the material is various, bone, ivory, and metal being all found. As a needle, the *acus* is mentioned in embroidery (*pingere acu*, Verg. *Aen.* ix. 582; Mart. viii. 28, 17, xiv. 150) and in surgical use for sewing wounds (Celsus, vii. 16).



Acus. Roman gold Hair-pin from British Museum.

The mode of plaiting the hair, and then fastening it with a pin or needle (*figat acus tortas sustineatque comas*, Mart. xiv. 24), is shown in the annexed figure of a female head, taken from a marble group which was found at Apt, in the south of France. (Montfaucon, *Ant. Exp. Suppl.* iii. 3.) This fashion has been continued to our own times by the females of Italy, and of some parts of Germany, as, for instance, in the neighbourhood of Coblenz. (Böttiger, *Sabina*, i. p. 163; Becker-Göll, *Gallus*, iii. p. 272.) [A. G.]

Hair fastened with Pin.

ADDICTI. [Nexi.]

ADDICTIO. [Actio.]

ADDIX (ἄδδιξ), a Greek measure of capacity, equal to four χοίνικες. (Aristoph. *Fr.* 573 Dind., 689 Meineke, *ap.* Eustath. *in Od.* p. 1854, 12; Phot. p. 8, 6; Bekk. *Anecd.* p. 342, 26; *Etym. M.* p. 16, 53; 17, 46; Hultsch, *Metrol.* p. 275.) The form ἄδδιξις is merely a corrupt reading in Hesych. *s. v.* [P. S.] [W. W.]

ADEIA (ἄδεια), freedom from fear, or security, in any public action. When any one in Athens, who had not the full privileges of an Athenian citizen, such as a foreigner, a slave, &c., wished to accuse a person of any offence against the people, he was obliged to obtain first permission to do so, which permission was called *adeia*. (Andoc. *de Myst.* p. 2, § 11; Plut. *Pericl.* 31.) The *adeia* of a citizen did not protect the false accuser (Andoc. *l. c.* p. 4, § 20). An Athenian citizen who had incurred *atimia* was also obliged to obtain *adeia* before he could take part in public affairs (Plut. *Phoc.* 26); and it was not lawful for any one to propose to the people, that an *atimos* should be restored to his rights as a citizen, or that a public debtor should be released from his debt, till *adeia* had been granted for this purpose by a decree passed in an assembly of 6000 citizens voting secretly by ballot. (Dem. *c. Timocr.* p. 715, § 47; Böckh, *Public Economy of Athens*, p. 292.) [W. S.] [W. W.]

ADEM'PTIO. [Legatum.]

ADGNA'TI. [Cognati.]

ADGNA'TIO. [Heres; Testamentum.]

ADI'TIO HEREDITA'TIS. [Heres.]

ADJUDICA'TIO. [Actio.]

ADLECTI or ALLECTI. 1. Those who were chosen to fill up a vacancy in any office or collegium, and especially those who were chosen to fill up the proper number of the senate. As these would be generally equites, Festus (*s. v.*) defines the *adlecti* to be equites added to the senate, distinguishing between the *patres qui sunt patricii generis*, and the *conscripti*, *qui in senatu sunt scriptis annotati*; cf. also Festus, s. v. *Conscripti.* Livy (ii. 1) says *conscriptos in novum senatum appellabant lectos.* [W. S.]

2. Under the empire, by *adlectio*, which answers to the *lectio* under the republic (Mommsen, *Staatsr.* ii. 877, note), those added to the senate by the emperor were admitted to a place among the senators who had held the rank of consul, praetor, tribune or quaestor, according to the emperor's pleasure. Such were styled *adlecti inter consulares*, *praetorios*, *tribunicios*, or *quaestorios*, all which titles are found as inscriptions. The full form, however, in use even in the time of Claudius, was *adlectus in senatum et inter tribunicios relatus* (*Corp. Inscr.* v. No. 3117; cf. Mommsen, *Röm. Staatsr.* ii. 878, note 2); the abbreviated expression does not occur before Vespasian (*Corp. Inscr.* iii. 335; vi. 1359, &c.); the expression *adlectus inter consulares* apparently not before the 3rd century (Orelli, *Inscr.* 1178). Mommsen distinguishes this *adlectio* from the conferring of *ornamenta consularia*, &c. It is more probable that the two represent the same institution at different periods (cf. Willems, *Le Sénat Romain*, i. pp. 626–633).

3. *Adlecti* was also the name applied to those admitted by a decree of the council of a *municipium* or *colonia* to a seat in this body, an admission which generally involved heavy charges (cf. Plin. *Ep.* x. 112, 113; Orell. *Inscr.* 3721; Marquardt, *Staatsv.* i. 499, 507–8). [A. S. W.]

ADLECTOR, a collector of taxes in the provinces in the time of the Roman emperors. (*Cod. Theod.* xii. tit. 6, s. 12; Orelli, 369, 3654.) [W. S.]

ADLOCUTIO. This was the Roman technical term for a speech or address made by an Imperator to his troops; such as stood in the place of a modern proclamation or a general order. In this sense the word occurs only upon coins. The emperors on visiting a district or province made usually a formal speech to the troops quartered there. Such a scene is represented on the accompanying coin of Trajan and medallion of Gordian III., where the emperor, accompanied by the prefect of the camp, is addressing the army represented in an abridged form by standard-bearers. [P. G.]

Adlocutio on coins of Trajan and Gordian III.

ADMISSIO, reception or audience at court. At first all visitors were admitted without distinction to the *atria* of their wealthy friends. According to Seneca (*de Benef.* vi. 33; *de Clem.* i. 10), C. Gracchus and Livius Drusus were the first to receive some privately and others in a limited number, doubtless for political reasons. Afterwards these distinctions became the rule, and it was the exception for any one to open his doors to all comers (Cic. *ad Att.* vi. 2, 5). Under the empire friends were distinguished as *amici admissionis primae, secundae*, &c. The first alone could enter without delay, and could pay a separate visit. The rest had to await, and sometimes to purchase the favour, of the porter. At the imperial court there was a body of slaves and freedmen, acting as the introducers of visitors (*officium admissionis*, Suet. Vesp. 14; *servi ab admissione*, Orell. 2888, or *ab officiis et admissione*, and later as *admissionales*, Lamprid. *Alex. Sev.* 4). The head of the *officium admissionis* was the *magister admissionum*, subordinate himself to the *magister officiorum*. The *magister admissionum* himself introduced the most exalted visitors, and, at least in the time of Justinian, none were introduced by the *admissionales* but such as were *illustres* (Amm. Marc. xxii. 7). Hence the *admissionales* seem to have been at this time of a higher rank than most of the attendants on the court. (Cf. Marquardt, *Privatalt.* pp. 149, 231, 264.) [A. S. W.]

ADMISSIONALES. [Admissio.]

ADOLESCENS. [Infans.]

ADONIA (Ἀδώνια), a festival celebrated in honour of Adonis, the beloved of Aphrodite. It had been introduced into Greece from the East, probably about the time of the Persian wars, and, like many other Eastern rites, was celebrated in most of the Greek cities (Aristoph. *Lys.* 362; *Pax*, 410). The time and duration of the solemnities differed in the different towns and countries; but in Greece generally they seem to have lasted two days, the first being the day on which Adonis disappeared (ἀφανισμός), and the second on which his body was sought (ζήτησις) by the women in what were called "the gardens of Adonis," *i.e.* small earthen vessels which were placed before the door of private houses and at the entrance of the temple of Adonis, and in which quickly-growing and quickly-decaying herbs were planted as a symbol of the brief duration of human life. The first of these days was a day of mourning, and the second one of rejoicing and amusements of various kinds, such as the proposing of riddles, because on that day Adonis was conceived to be coming to life again to dwell with Aphrodite for six months (Plut. *Alcib.* 18; *Nic.* 13; Athen. p. 451 b; Hesych. and Suidas, *s. v.*; Roulez, *Mélanges*, vol. iii. p. 1 ff.). Other particulars respecting the worship and festivals of Adonis are given under Adonis in the *Dict. of Biogr. and Mythol.* [L. S.]

ADOPTIO, adoption. The idea of the conservation of families lay at the root of Greek and Roman, as of Hindoo, adoption; and Isaeus (*Menecl.* § 29) speaks of it as in use both among Greeks and barbarians.

I. Greek, was called by the Athenians εἰσποίησις, or sometimes simply ποίησις or θέσις. The Greek writers use θέσις also as equivalent to the Roman *adoptio*, and θετοί as equivalent to *adoptivi*. (App. *B. C.* iii. 13, 14.) The adoptive father was said ποιεῖσθαι, εἰσποιεῖσθαι, or sometimes ποιεῖν: and the father or mother (for a mother after the death of her husband could consent to her son being adopted) was said ἐκποιεῖν; the son was said ἐκποιεῖσθαι, with reference to the family which he left; and εἰσποιεῖσθαι, with reference to the family into which he was received. The son, when adopted, was called ποιητός, εἰσποιητός, or θετός: in opposition to the legitimate son born of the body of the father, who was called γνήσιος.

A man might adopt a son either in his lifetime or by his testament, provided he had no male offspring and was of sound mind. He might also, by testament, name a person to take his property, in case his son or sons should die under age. (Lex ap. Demosth. ii. *Steph.* p. 1133, § 14.) If he had male offspring, he could not dispose of his property. This rule of law was closely connected with the rule as to adoption; for if he could have adopted a son when he had male children, such son would have shared his property with the rest of his male children, and to that extent the father would have exercised a power of disposition which the law denied him.

Only Athenian citizens could be adopted; but females could be adopted (by testament at least) as well as males. (Isaeus, *Hagn.* §§ 8, 41.) The adopted child was transferred from his own family and demus into those of the adoptive father; he inherited his property and maintained the sacra of his adoptive father. It was not necessary for him to take his new father's name, but he was registered as his son.

The adopted son might return to his former family, but only in case he left a child to represent the family of his adoptive father (Isaeus, *Philoctem.* § 53: *ὁ γὰρ νόμος οὐκ ἐᾷ ἐπανιέναι ἐὰν μὴ υἱὸν καταλίπῃ γνήσιον*). Unless he so returned, he lost all right which he might have had on his father's side if he had not been adopted: *οὐδεὶς γὰρ πώποτε ἐκποιητὸς γενόμενος ἐκληρονόμησε τοῦ οἴκου ὅθεν ἐξεποιήθη, ἐὰν μὴ ἐπανέλθῃ κατὰ τὸν νόμον* (Isae. *Astyph.* § 4). But he retained all rights which he might have on his mother's side, for the act of adoption had no effect so far as concerned the mother of the adopted person; she still continued his mother after the act of adoption (Isae. *Apollod.* § 31).

If the adopted son were a minor, the consent of his natural parents was required; the contrary has been maintained, but the right of refusal may be considered as proved by a passage in Isaeus (*Menecl.* § 26): *ἀλλ' οὐκ ἂν αὐτῷ ἔδωκεν, ἄπαιδα αὐτὸν καθιστάς*.

The next of kin of an Athenian citizen were entitled to his property if he made no disposition of it by will, or made no valid adoption during his lifetime; they were, therefore, interested in preventing fraudulent adoptions. The whole community were also interested in preventing the introduction into their body of a person who was not an Athenian citizen. To protect the rights of the next of kin against unjust claims by persons who alleged themselves to be adopted sons, it was required that the father should enter his son, whether born of his body or adopted, in the register of his phratria (*φρατρικὸν γραμματεῖον*) at a certain time, the Thargelia (Isae. *Apollod.* §§ 3, 5), with the privity of his kinsmen and phratores (*γεννῆται, φράτορες*). Subsequently to this, it was necessary to enter him in the register of the adoptive father's demus (*ληξιαρχικὸν γραμματεῖον*), without which registration it appears that he did not possess the full rights of citizenship as a member of his new demus.

If the adoption was by testament, registration was also required, which we may presume that the person himself might procure to be done, if he was of age, or, if not, his guardian or next friend. If a dispute arose as to the property of the deceased (*κλήρου διαδικασία*) between the son adopted by testament and the next of kin, there could properly be no registration of the adopted son until the testament was established. If a man died childless and intestate, his next of kin according to the Athenian rules of succession took his property (*ἀγχιστεία κατὰ γένος*: Dem. *Leochar.* §§ 2, 6, 7, &c.). Though registration might in this case also be required, there was no adoption properly so called, as some modern writers suppose; for the next of kin necessarily belonged to the family of the intestate.

The rules as to adoption among the Athenians may be mainly deduced from the orations of Isaeus, and those of Demosthenes against Macartatus and Leochares. These last two speeches are instructive examples of opposite cases: in the former, the plaintiff claims as an adopted son; in the latter, the next of kin resist a similar claim. [G. L.] [W. W.]

II. ROMAN.—1. This was the subjecting of a Roman citizen to the fatherly power of another otherwise than through marriage. The person adopting became the lawful (*justus*) father of one who was not his natural child, but who thereupon became his lawful son or daughter, and a member of his family. Accordingly the adopted child received the name of the adopter, adding to it, as an additional cognomen, either a derivative from the name, or the name itself, of his former family. Thus the son of L. Aemilius Paullus, when adopted by P. Cornelius Scipio, became P. Cornelius Scipio Aemilianus; and Q. Servilius Caepio Brutus was the name of M. Brutus after his adoption by Caepio. If the person who thus entered into a new family was dependent (*filius familias*), the matter was of less legal importance, and required less solemnity than when a head of a family (*pater familias*), *i.e.* a man not under the power of another (*sui juris*), and presumably having property and perhaps children, was to become subject to another's power. Of the latter, the best-known case was that of P. Clodius, who, though a senator, got himself adopted by P. Fonteius, a plebeian of twenty years of age, in order to qualify himself to be elected a tribune of the Commons. He retained his old name, perhaps, as suggested by Lange (*Röm. Alt.* i. p. 139, ed. 3), because the adoption was only a form (*fiduciae causa*, like the co-emptions of women, Gai. i. 114, 115), and he was immediately emancipated. Cicero's discussion of this case (*Dom.* 13, 14) gives us the state of law of the period. According to him, the college of priests (*pontifices*) used to inquire into the reason of the adoption, the suitability of the transaction to the dignity of the two families, and the security for the due maintenance of the sacred rites of the family which was thus losing a representative. The adopter ought to be one who had been married, who had no children, and could not have any, and who, in age, might have been the natural father of the adoptee. On the favourable report, or on the proposal of the priests, a bill (*rogatio*) authorising the adoption had still to be passed by the *curiae*. Gellius (vi. 19; comp. also Cic. *Dom.* 29) gives this form: "Velitis jubeatis uti L. Valerius L. Titio, tam jure legeque filius siet, quam si ex eo patre matreque familias ejus natus esset, utique ei vitae necisque in eum potestas siet uti patri endo filio est. Haec ita uti dixi, ita vos Quirites rogo." From this procedure by bill the term *adrogatio* was applied to the adoption of a person *sui juris*. The earliest uses that we know is in Gaius and A. Gellius. Cicero uses *adoptio*, or *adoptatio* of both forms, and so do the lawyers, frequently distinguishing them as *adoptio quae per* (or *apud*) *populum fit*, and *ad quae apud praetorem fit*. The difference relates to the form and conditions of the act, and not to the legal position thereby acquired.

2. *Adoptio per populum*, or *arrogatio*.—The procedure in the case of arrogation was inquiry before the priests and a bill passed by the *curiae*. But even in Cicero's time the *curiae* were not assembled, but were represented by thirty lictors (Cic. *Rull.* ii. 12, § 31). Some have thought that the *pontifices* took their place (Vangerow, § 251), but there seems no ground either from Gellius, *l. c.*, or from Tac. *Hist.* i. 15, *si te privatus lege curiata apud pontifices ut moris est adoptarem*, to assign to them any other function than they always had in this matter, though no doubt this function gained in relative importance as the curial assembly became a mere form. At length

a rescript of the emperor was substituted for both, and the arrogation took place before the magistrate (comp. Gai. i. 98 with Just. *Inst.* i. 17, § 1). The first mention, by some considered the first Constitution, of this is in a law of Diocletian (Cod. viii. 47, 2). The arrogator had to appear in person (Dig. 1, 7, 25). The *detestatio sacrorum* mentioned by Gellius (xv. 27; vi. 12) is taken by Savigny (*Verm. Schr.* i. 197) to be part of the ceremony, viz. the formal abandonment of the sacred rites of the gens on the part of the arrogatus. (Danz, *Sacral. Schutz.* p. 87, opposes; Vehring, *Röm. Erbr.* p. 124, supports this view.)

In Gaius' time arrogation still required the authority of the people, and consequently could take place at Rome only, and when he wrote some of his Institutes (i. 101), according to the better opinion, applied only to males; so also Ulpian (*Fr.* 25). But later on Gaius tells us (if the quotation in the Digest [1, 7, 21; cf. *Cod.* viii. 47, 8] has not been altered), by a rescript of the emperor the arrogation was allowed. Whether a younger could adopt by either form an elder was, in his time (i. 106), still undecided. Later it was held that the adopter must be older than the adopted by the age of full puberty, *i.e.* by a period of eighteen years (D. 1, 7, 15, § 3; s. 40, § 1). Unless, indeed, some special reason of health or intimacy existed, an arrogator ought to be sixty years old (s. 15, § 2).

The effect of arrogation was to transfer, as a whole (*per universitatem*), the property and future acquisitions of the person arrogated to his new father (Justinian allowed him only the usufruct, and only on the son's death unemancipated gave him the property in fee, *Inst.* iii. 10, § 2). All the children who were in his power fell under the same power as himself, and became grandchildren of the adopter of their father (s. 15, s. 40; Gai. i. 107). Hence Tiberius was made to adopt Germanicus before he himself was adopted *lege curiata* by Augustus (Suet. *Tib.* 15). But the change of civic person (*capitis deminutio*, Gai. i. 162) brought about by his adoption caused a loss altogether of rights attached to his person, viz. any usufruct vested in him (repealed by Justinian, *Cod.* iii. 33, 16), any services which his freedman had sworn to render him (cf. D. 38, 1, 7; 9), and some others (Gai. iii. 83). At the same time all debts owed by the arrogatus on his own account did not, in strict law, become chargeable on the arrogator, but dropped altogether. The praetor, however, interfered, and gave the creditors a right, if their claims were not duly satisfied, to obtain payment by selling all the property that would have been their debtor's if he had not been adopted. If, however, the debts were owing by the arrogatus, in capacity of heir to some one else, the arrogator took the burden as parcel of the inheritance (Gai. iii. 84). A will made by a person adopted was broken, unless he was emancipated before his death (Gai. ii. 147; D. 29, 7, 8, § 3).

A person under the age of puberty (*impubes* or *pupillus*) could not be arrogated until a letter of Antoninus (Pius) allowed it under certain circumstances and conditions (Gell. v. 19, § 10; Gai. i. 102). If the arrogator had a child or children already, the propriety of the adoption was very questionable. In any case the consent of all the guardians was required (*Cod.* v. 59, 5), and the adoption must be shown to be for the youth's interest, due inquiry having been made into the morals of the arrogator and into the means of both parties; and the arrogator had to give security to a public officer (*servus publicus* or *tabellarius*) that, if the arrogatus died before the age of puberty, he would restore all the property of the arrogatus to those who would have been entitled if the adoption had not taken place (Just. i. 11, 3; D. 1, 7, 17; 18). On the death of the arrogator, the son, if surviving, and even though emancipated, unless for good cause, was entitled to the same; and in addition to one-fourth part of the arrogator's property (D. 1, 7, 22; *Cod.* viii. 37, 2; D. 38, 5, 13). This fourth part is often called *Quarta divi Pii.* A guardian or curator was not allowed to adopt one who had been his ward, lest it should be done to avoid giving account of his charge (D. 1, 7, 17). A stepfather, being guardian, was allowed by Antoninus Pius to adopt his stepson (s. 32), and the stepson (or any adopted *impubes*?) could, on reaching puberty and showing adequate cause, sometimes obtain emancipation (ss. 32, 33).

After the time of Claudius the adoption of a minor (s. 8) required the consent of his curator (s. 8).

3. *Adoptio apud praetorem.*—Adoption, in the narrower sense of the term, as opposed to *arrogatio*, came under somewhat different considerations. The natural father had to give his consent (besides the consent, actual or tacit, of the child, s. 5); and this was a safeguard of the adoptee's interests (Theoph. *Inst.* i. 11, § 3). Moreover, the adoptee would, as *filius-* or *filiafamilias*, have no property (except perhaps *castrense peculium*, and that would not pass to the adopter: D. 49, 17, 12). Nor would his children, if any, leave the family of their grandfather (D. 1, 7, 40, pr.). Persons of either sex and of any age could be adopted either at Rome before the praetor, or in the provinces before the proconsul or legate (Gai. i. 101, 102). The procedure was the result of the person to be adopted not being *sui juris*. The link with the natural family had to be dissolved before the link with the adoptive family could be made. The law held that not until a father had mancipated his son three times (a daughter or grandchild only once: Gai. i. 132) was the son deemed free from the father's control. Accordingly, on the first mancipation, the person to whom he was thus transferred set him free. The father's old power at once attached. The second mancipation and manumission had the same result. The father then mancipated him a third time. If he were manumitted, he would be free from the control of his father, and indeed would be *sui juris*. So, instead of manumission, the adopter claims (*vindicat*) him as his son, and on no counterclaim being asserted the magistrate assigns (*addicit*) him to the adopter. This ceremony was sometimes transacted merely between the natural and the adoptive father, who, in that case, on receiving him from the natural father on the third mancipation, did not manumit him, but remancipated him to his natural father, from whom he then claimed him as his son. This was the usual and more convenient course. But sometimes a third person was employed, to whom the father mancipated the son. In that

case, on the third mancipation, the adoptive father interfered and claimed him as his son (Gai. i. 134). This form is referred to in Cicero's words "filium in adoptionem D. Silano emancipaverat" (*Fin.* i. 7, § 24), and in Suetonius: "Gaium et Lucium adoptavit (Augustus) domi per assem et libram emptos a patre Agrippa" (*Aug.* 64). Justinian abolished this antiquated form, and substituted simple declaration by deed (*actis intervenientibus*), both parties being present before the magistrate (*Cod.* viii. 47, 11). A child did not lose by adoption all his rights in his natural family. He was still a cognate, and as such entitled to succeed in the third degree to the inheritance of an intestate father (Gai. iii. 31). If emancipated by his adoptive father, he reverted to the position and rights of an emancipated son of his natural father (Gai. ii. 137).

A Constitution of Justinian (*Cod.* viii. 47, 10; *Inst.* i. 11, § 2) greatly altered the effect of this adoption. The adoptee no longer either lost his natural rights, or acquired and conferred any, except a right to succeed in due place to the inheritance of the adopter if he died intestate without having emancipated him. If, however, the adopter was a maternal or (if the father was emancipated) a paternal grandfather, in this case, natural and adopted ties concurring, the old effect of adoption remained.

4. In all adoption the rule holds: "Adoptio non jus sanguinis sed jus agnationis adfert" (D. 1, 7, 23), and a person adopted became *agnate* to all to whom his adoptive father is *agnate* (D. 38, 8, 1, § 4; 16, 2, § 3), and brothers and sisters by adoption were called *consanguinei* as well as those by birth (D. 38, 16, 1, § 11; cf. *Collat.* xvi. 6). But the adopted son was not related either to the mother or to the emancipated children of the adopter or to his wife, unless the wife were *in manu*, in which case she would be legally a sister to the adopter. (Cf. Gai. iii. 14.) The son of an adopted person was himself in an adoptive position (D. 1, 7, 27). Emancipation of an adopted child broke all connexion between him and the adoptive family (s. 13), excepting that marriage between the adopter and his adopted daughter or granddaughter, though emancipated, remained unlawful (Gai. i. 59). No re-adoption by the same person, not being the natural father, was possible (D. 1, 7, 37).

A person might be adopted into the place of son, or grandson (even if the adopter had no son), or great-grandson, &c., and the same applies analogously to the adoption of girls. Further, the adoption into the place of grandson might specifically connect him with a particular son of the adopter, and thus make him brother of that son's children, if any. But the son's consent was required. If the son did not consent, the adoptee would not fall into the son's power on the death of the adopter (D. 1, 7, 6, 10, 43, 44).

The adoption of another person's freedman was not allowed (D. 1, 7, 15, § 3), probably lest the patron's rights should be impaired. Nor could a slave be adopted in the time of Sabinus (Gell. v. 19, § 3), though in early days it was allowed, the slave of course being mancipated and then claimed as son, as in the adoption of a *filius familias* (cf. Schlesinger, *Zeitschr. R. G.* vi. 119 ff.). The adoption of illegitimate children by their father was forbidden by Justin, A.D. 519 (*Cod.* vii. 27, 7).

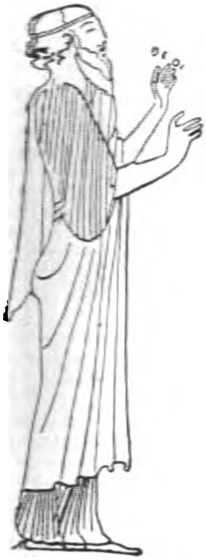
5. Besides feelings of affection, other causes sometimes led to adoptions. In early times there was the desire to maintain the family and its sacred rites (cf. Cic. *Legg.* ii. 19); in the time of Claudius the desire to qualify under the provisions of the Lex Julia et Papia Poppaea (cf. Gell. ii. 15), or escape the penalties on childless persons. A decree of the senate declared that no such pretended adoption (manumission having at once followed the adoption) should have any effect (Tac. *Ann.* xv. 19), and so we find adopted children were not counted so as to excuse from public offices (D. 50, 5, 2, § 2). And a trust conditional on the death of sons leaving no children was not defeated by their leaving an adopted child (D. 35, 1, 76).

6. Testators, at the time of Cicero, and later in several cases, coupled the grant of part of their estate with a direction to the heir to bear the testator's name; and this is often spoken of by historians as an adoption. So in the case of a Crassus, spoken of by Cicero (*Brut.* 58, § 212); of Atticus, adopted by will by his uncle Q. Caecilius (Nep. *Att.* 5); and especially of Octavius, adopted by Julius Caesar (Suet. *Jul.* 83). In this last case a *lex curiata* was obtained to confirm it (Appian, *Civ.* iii. 94; Dio Cass. xliv. 35, xlv. 3–5, &c.). No such adoption (though recognised by Greek law; cf. Isae. *Dicaeog.* § 6) is mentioned by Roman lawyers, and it obviously lacks both the due form and the substance of fatherly power obtained over the adopted. Some modern writers have regarded it as an appointment of heir conditional on bearing the testator's name (cf. Cic. *Att.* vii. 8, § 3). Suetonius tells of Tiberius taking an inheritance but declining the name attached (*Tib.* 6). But this conduct is not wholly destitute of legal support (cf. D. 36, 1, 63, § 10); and, in any case, acts either of Octavius or of others of the imperial family are scarcely to be trusted as indications of general law.

Another pseudo-adoption is found in the rescript of Diocletian (*Cod.* viii. 47, 5; cf. D. 5, 2, 2, § 3) allowing women to adopt a son. Rights of inheritance would probably be the only legal result.

The principal authorities are Cic. *pro Domo*; Gaius, i. 97–107, 134, iii. 83, 84; Ulpian, *Fr.* 8; Just. *Inst.* i. 11, iii. 10; Dig. 1, 7; *Cod.* viii. 47 (48). [G. L.] [H. J. R.]

ADORA'TIO (*προσκύνησις*) was paid to the gods in the following manner:—The person prostrated himself (*pronus*, Juv. xi. 47) before the statue of the god whom he wished to honour, then kissed his hand and waved it to the statue (cf. Apul. *Met.* iv. 28, *admoventes oribus suis dexteram, primore digito in erectum pollicem residente — adorationibus venerabantur*). While doing this he moved round his whole body, usually from left to right, but sometimes (*e.g.* in Gaul, Plin. *H. N.* xxviii. § 25; and in the temple of Aesculapius at Rome; *Corp. Inscr. Gr.* 5980) from right to left, for which custom Plutarch (*Num.* 14) gives some curious reasons; but the true reason is quite unknown. Hence the *convertere se* is used for *adorare* in Liv. v. 21 (cf. Plaut. *Curc.* i. 1, 69). It was also the practice to have the head and ears covered, so that only the forepart of the face remained uncovered (Plin. *l. c.*; Minucius Felix, 2; Lucret. v. 1197). The *adoratio* differed from the *oratio* or prayers, which were offered with the palms open and upturned to heaven, the suppliant usually kneeling. (*Il.* vii. 177; ὑπτιάσματα χερῶν, Aesch. *Prom.* 1005; *caelo supinas ferre manus*, Hor. *Carm.* iii. 23, 1.) Clasping of the hands (*digitis inter se pectine iunctis*, Ov. *Met.* ix. 299; *digitis pectinatim inter se implexis*, Plin. *H. N.* xxviii. § 59) was a gesture only resorted to by witches, as a means of hindering childbirth. The adoration paid to the Roman emperors was borrowed from the Eastern mode of adoration, and consisted in prostration on the ground, and kissing the feet and knees, or even the dress (cf. Amm. Marc. xxi. 9, *adorari purpuram principis*) of the emperor (but this did not become the ordinary etiquette of the court before the time of Diocletian). Instances, however, of this servile adoration occur much earlier; thus Vitellius "adored" Caius Caesar when returning from Syria: *capite velato circumvertensque se deinde procumbens* (Suet. *Vit.* 2). This mode of prostration is also called *adulatio* (Liv. ix. 18, 4, *humi jacentium adulationes*; cf. xxx. 16, 5). [A. S. W.]


Adoratio, from a vase in the British Museum.

ADROGA'TIO. [Adoptio (Roman).]

ADSCRIPTI'VI. [Accensi.]

ADSERTOR. [Assertor.]

ADSESSOR. [Assessor.]

ADSIGNA'TIO. [Agrariae Leges and Ager.]

ADSTIPULA'TIO. [Obligationes.]

ADSTIPULA'TOR. [Intercessio.]

ADULA'TIO. [Adoratio.]

ADULTE'RIUM, adultery. 1. Greek. Among the Athenians, if a man caught another in the act of criminal intercourse (μοιχεία) with his wife, he might kill him with impunity. According to Lysias (*de Caede Eratosth.* § 2) the law was the same in all Greek states, oligarchical or democratic, and without reference to the rank or position of the offender (cf. Xen. *Hiero*, iii. 3). Other punishments short of death are alluded to in Aristophanes (*Nub.* 1083; *Plut.* 168) and Lucian (*de Morte Peregr.* § 9). The right of vengeance extended to the cases of a wife, mother, sister, daughter, or even a concubine (παλλακή), if she were the mother of free children (Lys. *l. c.* § 31; Dem. *Aristocr.* p. 637, § 53). But it was no adultery for a man to have connexion with a married woman who prostituted herself, or who was engaged in selling anything in the agora (Dem. *c. Neaer.* p. 1367, § 87). The husband might, if he pleased, take a sum of money from the adulterer by way of compensation, and detain him till he found sureties for the payment. If the alleged adulterer had been unjustly detained, he might bring an action against the husband; and, if he gained his cause, he and his sureties were released. If he failed, the law required the sureties to deliver up the adulterer to the husband before the court, to do what he pleased with him, except that he was not to use a knife or dagger. (Dem. *l. c.* p. 1367, § 85.)

The husband might also prosecute the adulterer in the action called μοιχείας γραφή. If the act of adultery was proved, the husband could no longer cohabit with his wife under pain of losing his privileges as a citizen (ἀτιμία). The adulteress was excluded even from those temples which foreign women and slaves were allowed to enter; and if she was seen there, any one might treat her as he pleased, provided he did not kill her or mutilate her. (Dem. *l. c.* p. 1374, § 115; Aeschin. *c. Timarch.* § 183.)

Lysias further tells us (*l. c.* § 32) that the law punished seduction more than actual violence: *τοὺς βιαζομένους ἐλάττονος ζημίας ἀξίους ἡγήσατο εἶναι ἢ τοὺς πείθοντας.* The infidelities of a husband, as might be expected, were viewed more leniently, and gave the wife no right of action for divorce. [G. L.] [W. W.]

2. Roman. Adulterium properly signifies, in the Roman law, the offence committed by a man, married or unmarried, having sexual intercourse with a woman whom he knows to be another man's wife. Stuprum (called by the Greeks φθορά) signifies intercourse with an unmarried woman, but to live with a woman in the state of concubinage was not stuprum (D. 25, 7, 3, § 7). It was the condition of the female which determined the legal character of adultery; there was no adultery unless the female was married. The infidelity of the husband was restrained simply by moral and not by legal sanctions (Cato, *ap.* Gell. x. 23, § 5). The male who committed adultery was *adulter*, the female *adultera*. The Latin writers were puzzled about the etymology of the word *adulterium*; but if we look to its various significations besides that of illegal sexual intercourse, we find that we may safely refer it to the same root as that which appears in *adultus*. The notion is that of "growing to," "fixing" or "fastening to" one thing on another and extraneous thing; hence, among other meanings, the Romans used *adulterium* and *adulteratio* as we use the word "adulteration," to express the corrupting of a thing by mixing something with it of less value. Early Roman law appears to have left the punishment of adultery to private revenge and the jurisdiction of the family. (Dionys. ii. 25; Suet. *Tib.* 35.) The husband and also the father of the adulteress were allowed to take the law into their own hands, and put to death the two guilty parties. The Lex Julia de Adulteriis deprived the husband of the right of killing his wife taken in adultery; under this law he was not entitled to kill the adulterer, unless the latter was an infamous person, and had been detected in the husband's house. (Paul. ii. 26, 1-7; Coll. Leg. iv. 8.) The Lex Julia left the father the power of killing his daughter. This power was strictly limited. Thus he was not entitled to put one of the parties to death and spare the other (if he killed only one of the parties, he brought

himself within the penalties of the Cornelian law de Sicariis); the punishment had to be inflicted at once and on both; the father had only jurisdiction when the offence was detected in his own house or in that of the husband (Dig. 48, 5, 23, § 4; cf. Quint. iii. 11. 7, 5. 10, 104. 7, 1. 6). If the father were a *filius familias*, he had not by the Lex Julia any power of killing, but notwithstanding this he was permitted to exercise it (Paul. *Sent.* 26, 2). He had no jurisdiction over an emancipated child. The Lex Julia de Adulteriis coercendis, passed in the time of Augustus (probably B.C. 17), repealed in its first chapter some prior enactments on the same subject, the exact purport of which is unknown. Horace (*Carm.* iv. 5, 21) alludes to the Julian law. By this enactment the husband and father of the adulteress were given the right of prosecuting the adulterer and adulteress; but if they did not do so within sixty days, any other person might prosecute (Dig. 48, 5; Tac. *Ann.* ii. 85). A woman convicted of adultery was mulcted in half of her *dos* and the third of her separate property, and was banished (*relegata*) to some island. The adulterer forfeited half his property, and was banished in like manner, but not to the same island as the woman. The adulterer and adulteress were subjected also to civil incapacities. This law did not inflict the punishment of death on either party; and in those instances under the emperors in which death was inflicted, it must be considered as an extraordinary punishment, and beyond the provisions of the Julian law (Tac. *Ann.* ii. 50; iii. 24). By the Julian law, if a husband kept his wife after an act of adultery was known to him, and let the adulterer off, he was guilty of the offence of *lenocinium.* If the wife was divorced for adultery, the husband was entitled to retain part of the *dos* (Ulp. *Fr.* vi. 12). The husband, by the fifth chapter of the Julian law, could detain for twenty hours the adulterer whom he had caught in the act, for the purpose of calling in witnesses to prove the adultery. The Emperor Constantine limited the right of prosecuting under the Lex Julia to the husband, father, brother, and uncle of the accused woman. In the same Constitution of Constantine, the offence of the adulterer was made capital (*sacrilegos autem nuptiarum gladio puniri oportet, Cod.* ix. 9, 29). By the legislation of Justinian (*Nov.* 134, c. 10), the law of Constantine was probably only confirmed; but the adulteress was put into a convent, after being first whipped. If her husband did not take her out in two years, she was compelled to assume the habit, and to spend the rest of her life in the convent. Justinian also provided for the disposal of the forfeited property of the adulterer and adulteress.

The authorities for the Lex Julia de Adulteriis are collected by Rein, *Das Criminalrecht der Römer;* cf. Wächter, *Abh.* i. 102–122; Rudorff, *Röm. Rechtsgesch.* [G. L.] [E. A. W.]

ADULTUS. [Infans.]

ADVENTUS. The arrival of an emperor in one of the provinces is an event frequently commemorated in bronze coins issued at Rome. The specimen engraved in the next column represents the arrival of Hadrian in Judaea, Judaea being represented by a female figure accompanied by children. [P. G.]

ADVERSA'RIA, note-book, memorandum-book, posting-book, in which the Romans entered memoranda of any importance, especially of money received and expended, which were afterwards transcribed, usually every month, into a kind of ledger. (*Tabulae justae, codex accepti et expensi.*) The *adversaria* were not admitted as legal evidence, although the *tabulae* were (cf. Gaius, § 128–133; Ortolan, *Explic. Hist.* iii. 244 ff.). They were probably called *adversaria* because they lay always open before the eyes. (Cic. *p. Rosc. Com.* 2, 7; Propert. iii. 23, 20.) [W.S.] [A.S.W.]

Adventus on coin of Hadrian.

ADVERSA'RIUS. [Actor.]

ADVOCA'TUS seems originally to have signified any person who supported another in a cause or other business, as a witness for instance (Varro, *de Re Rust.* ii. 5), or as an assistant in taking possession of disputed property (Cic. *pro Caec.* 8, § 22). It was specially used in the time of the republic for a person who accompanied a party to an action into court, in order to give him legal advice or the support of his presence. The advocatus did not, like the orator or patronus, speak on behalf of the party he was assisting. (Schol. *ad* Cic. *Divin.* i. 11, Orelli, p. 104.) Under the empire the terms patronus and advocatus ceased to be distinct in meaning. (Tac. *Ann.* x. 6.) Advocatus then meant a person who in any way assisted another in conducting an action in court. (Dig. 50, tit. 13, s. 1.) The great jurists sent written opinions (*responsa*), and were not themselves present at the hearing of causes. The office of advocate was originally regarded as a purely honorary one. The Lex Cincia (550 A.U.C.) expressly prohibited patroni from taking any remuneration for their services. Under Augustus, advocati who accepted pay were made liable to a penalty (Dio Cass. liv. 18). Claudius allowed advocati to take fees not amounting to more than 10,000 sesterces. (Tac. xiii. 5; Quint. xii. 7, § 11.) Diocletian made further regulations as to the amount of the fee. The fee was not recoverable as due on a contract of letting and hiring (*locatio conductio*), but payment of it, as a honorarium, was enforced by the magistrate under his *extraordinaria cognitio.*

There came to be attached to each court of justice under the empire a limited number of advocates, who had a monopoly of practice. Such advocates (*statuti*) were appointed by the judge of the court to which they belonged, their names being entered on a register (*matricula*) kept for the purpose. The advocates of each court constituted a corporation.

The advocatus fisci, an officer instituted by

Hadrian (Spart. *Hadr.* 60), was the first in rank of such advocates. It was his business to look after the interests of the fiscus or the imperial treasury, and, among other things, to maintain its title to *bona caduca*. The various meanings of advocatus in the Middle Ages are given by Du Cange, *Gloss.* (Dig. 28, tit. 4, s. 3; Hollweg, *Civil-Prozess*, i. §§ 16, 17.) [E. A. W.]

ADY'NATI (*ἀδύνατοι*), persons supported by the Athenian state, who, on account of infirmity or bodily defects, were unable to obtain a livelihood. The sum which they received from the state appears to have varied at different times. In the time of Lysias (*Or.* 24, § 29) one obolus a day was given; later, seemingly about the time of Aristotle, it was increased to two oboli. As to the date of this change authorities differ; compare Harpoc. *s. v.* with Bekk. *Anecd.* p. 345. Another sum, intermediate between the two, 9 drachmas (=54 oboli) per month, is mentioned by Philochorus, *ap.* Harpocrat. The bounty was restricted to persons whose property was under three minae. It was awarded by a decree of the people, but the examination of the individuals belonged to the senate of the Five Hundred: the payments were made by prytanies. Peisistratus is said to have been the first to introduce a law for the maintenance of those persons who had been mutilated in war; but, according to others, this provision derived its origin from a law of Solon. (Plut. *Solon.* 31; Schol. *Aeschin.* p. 738, Reiske; Aeschin. *c. Tim.* § 103; Harpocrat., Suid., Hesych. *s. v.*; Lysias, *Or.* 24, *Pro Inval.*, a speech written for an individual in order to prove that he was entitled to be supported by the state; Böckh, *Public Econ. of Athens*, p. 242 ff.) [W. S.] [W. W.]

ADY'TUM. [Templum.]

AEACEIA (*αἰάκεια*), a festival of the Aeginetans in honour of Aeacus, the details of which are not known. The victor in the games which were solemnised on the occasion consecrated his chaplet in the magnificent temple of Aeacus. (Schol. *ad* Pind. *Ol.* vii. 156, xiii. 109; *Nem.* v. 78; Müller, *Aeginetica*, p. 140.) [L. S.]

AEDES. [Domus; Templum.]

AEDES VITIO'SAE, RUINO'SAE. [Damnum Infectum.]

AEDI'CULA signifies in the singular a room (Plaut. *Epid.* 402), but in the plural a small house (Ter. *Phorm.* 663). It is, however, more frequently used in the sense of a shrine, whether attached to a temple (Liv. xxxv. 9, *aediculam Victoriae virginis prope aedem Victoriae M. Porcius Cato dedicavit*), or quite an independent building, of which there are many representations in works of art; or finally niches in the walls of temples or houses, containing images of gods and goddesses, like that here figured (Overbeck, *Bildwerke*, pl. 30, 1). (Liv. xxxv. 41; Plin. *H. N.* xxxiii. § 19; Petron. 29; Apul. *Met.* p. 96: *Eponae deae simulacrum residens aediculae.*) The topographers of Rome speak of 423 *aediculae* in Rome, one for every *vicus*; these were probably partly chapels, partly niches, and were usually placed at the cross-ways. They contained the images of the tutelary deity of the *vicus*. On the other hand, the *aediculae* within the house contained images of the Lares and Penates. There were also portable shrines, often of precious materials, like those made at Ephesus (*Act. Ap.* xix. 4). [A. S. W.]

Aedicula or Shrine.

AEDI'LES. I. Aediles plebis. In the year B.C. 494, after the secession of the plebs to the Mons Sacer, this body was organised for the first time under magistrates of its own, answering to those of the patrician community. As the *tribuni plebis* corresponded to the consuls, so the *aediles plebis* corresponded to the quaestors; they were the subordinate officers of the tribunes, at first perhaps appointed by them, but after the Lex Publilia elected in the plebeian assembly under their presidency, placed under the same *leges sacrae*, and possessing a sacrosanct character (Dionys. vi. 90). The origin of their name is not certain, but the best interpretation is that which explains it from their functions as guardians of the temple of Ceres, in which copies of all the decrees of the senate were preserved (so Niebuhr, *Hist.* i. 621; Lange, *R. A.* i. p. 715; Mommsen, *Staatsr.* ii. 447).* After the Lex Publilia they were no longer mere assistants of the tribunes, but *collegae minores*. By degrees, as the political side of the functions of the tribunes became the more important, the aediles came to play a more independent part within the sphere that was left to them. In B.C. 454, the Lex Aternia Tarpeia conferred upon them the *ius multae dictionis*; this carried with it the *ius contionis*, and the *ius edicendi*, the right of convening and addressing a meeting of the citizens, and of declaring beforehand the principles on which they meant to act; but the *ius auspiciorum* was still wanting; so that they could not be reckoned as, strictly speaking, *magistratus populi Romani*. The recorded instances of their action at this period are such as were due to the direction either of the tribunes or of the senate. Thus, acting under the orders of the former, they arrested accused men (Dionys. vi. 90), and carried out sentences of death (when confirmed by the popular assembly) by hurling from the Tarpeian rock (Dionys. vii. 35, xi. 6; Plut. *Cor.* 18; Liv. vi. 20). Their superintendence of the publication of the Twelve Tables (Liv. iii. 57), of the exclusion of foreign deities and forms of worship (Liv. iv. 30), of the corn supplies (Plin. *H. N.* xviii. § 15), and of the plebeian (Pseud. Ascon. p. 143, Or.) and Roman (Liv. vi. 42) games, seems to have been the result of special commissions from the senate or the consuls. As the aediles thus ceased by degrees to be the mere assistants of the tribunes, they gradually lost their sacrosanct character, which attached to them only as agents of the inviolable tribunes, and were ranked in

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* Madvig, *Verf.* i. 422, prefers the old derivation from *aedes* in the most general sense, arguing both from the application of the name also to the patrician magistrates and from the fact that the title was common in the *municipia*, where no such special relation can be supposed.

this respect with other lesser magistrates (Liv. iii. 55). But they never ceased to be plebeian magistrates, and none but plebeians were eligible; they had no insignia of office; and were always chosen apart from the curule aediles at the comitia tributa, under the presidency of a tribune.

II. AEDILES CURULES. Livy's story (vi. 42) is that in commemoration of the passing of the Licinian Rogations, the senate ordered that a fourth day should be added to the *ludi Romani*; the plebeian aediles were reluctant to bear the burden thus imposed upon them; the young patricians volunteered to undertake it; and a resolution of the senate empowered the dictator to propose to the people the election of two patrician *aediles curules*. This story is altogether rejected by Niebuhr (*Hist.* iii. 33 f.), and it is far more probable that we have here an instance of the desire to absorb into the constitution of the united community an office which was originally characteristic of the plebeian revolution (Mommsen, *Staatsr.* ii. 457). Hence we find after this no traces of any especial connexion between the aediles and the tribunes: but plebeian and curule aediles alike are regarded as the subordinates of the consuls (Liv. xxxix. 14). Hence too the curule aedileship was opened in the year after its institution to the plebeians (Liv. vii. 1); but by a curious provision it was arranged that the office should be held, not by a patrician and a plebeian as colleagues, but by two patricians and two plebeians alternately. This arrangement lasted till B.C. 91, when the plebeian M. Marcellus appears in the place of a patrician (Mommsen, *Röm. Forsch.* i. 97–102), and after that date it was entirely abandoned.* The reason for it seems to lie in the fact that the curule aediles were jointly responsible for the cost of the games, and this might more probably have led to discord if the colleagues had belonged to different orders (Mommsen, *Staatsr.* ii. 488). The curule aediles were distinguished by the bordered robe (*toga praetexta*) and the use of the *sella curulis*, which we find figured on their coins, while the plebeian aediles wore only the ordinary toga, and their official seat was the *subsellium* or *bisellium*. The former were elected in the comitia tributa, under the presidency of a magistrate *cum imperio*, usually the consul, and had from the first the *auspicia minora*, which were only conferred on the latter at a later date (before B.C. 340, when we find *aediles plebis vitio creati*, Liv. xxx. 39).

Cicero (*de Leg.* iii. 3, 7) defines the aediles as *curatores urbis, annonae, ludorumque sollemnium.* We may arrange their functions under these three heads:—

1. *Cura urbis* (including the district within a mile of the town: cf. Lex Jul. Mun. l. 69): *i.e.* the superintendence of the repair and cleansing of the roads and streets, of the public baths, fountains and aqueducts, of eating-houses and brothels; the aediles also took care that the streets were not encumbered by goods offered for sale, or by the deposit of rubbish, by funerals or carriage traffic (which was strictly limited and regulated: Lex Jul. Mun. l. 58 f.), nor encroached upon by private buildings. Further, they had a general control in matters of police. We find them either inflicting fines themselves or acting as prosecutors before the comitia tributa in cases of witchcraft (Plin. *H. N.* xviii. § 42), *stuprum* (Val. Max. vi. 1, 7; Liv. viii. 22; Plut. *Marcell.* 2), fraud on the part of the *pecuarii* (Liv. x. 23, 47, &c.), insolent language (Gell. x. 6), stone-throwing from a window (Gell. iv. 14), usury (Liv. vii. 28; x. 23; xxxv. 41, &c.), and the like. The fines so inflicted were spent upon public buildings and works of general utility; but more important works, for which the treasury paid, were in charge of the censors. In many respects the police functions of the aediles appear to supplement those of the censors, especially during the period when the censors were not in office, but their action was doubtless more strictly limited to the punishment of offences against positive law (Lange, p. 729). Their control of public buildings does not appear to have extended beyond a general supervision of their condition and proper use; the charge of building and repairs lay rather with the censors or their special commisioners (*Vviri muris turribusque reficiendis, IIIviri reficiendis aedibus*: Liv. xxv. 7; xlii. 6).

2. *Cura annonae.* This is properly only one aspect of the general charge of the market, which was so important a part of the duty of the aediles that it gave them the name by which they are called in Greek writers, ἀγορανόμοι (Dionys. vi. 90). As it was their duty to superintend trade of all kinds, especially in cattle and slaves, to look after the quality of the goods exposed for sale (Plaut. *Rud.* 374), to destroy unjust weights and measures (Juv. x. 100; Pers. i. 129), and to put down usury (Plin. *H. N.* xxxiii. § 19; Liv. x. 23, &c.), so it was especially incumbent upon them to provide for a proper supply of corn, partly by punishing *dardanarii* (forestallers, and regraters), and partly by purchasing themselves and supplying it at a low rate (Liv. x. 11: cf. xxx. 26; xxxi. 4, 50; xxxiii. 42).

3. *Cura ludorum.* This must be distinguished from the general police control of the popular amusements, exercised for instance when the aediles prohibited the people from pelting an unpopular man, who was giving a show of gladiators, with anything but fruit (Macrob. ii. 6, 1). It must be distinguished also from the *presidency* of the games, which was held by a consul or praetor. The aediles had only to organise the games. This was done nominally at the expense of the state. Up to the time of the First Punic War, 500,000 asses were annually allowed for this (Dionys. vii. 71), besides an extra allowance for any official festivals (Liv. xxii. 10; xxxi. 9, &c.). But these sums by no means sufficed to defray the expenses, especially under the later republic, when the aediles were expected to spend largely from their own resources, so that the office became exceedingly burdensome. Milo and Scaurus especially are noted as having spent large fortunes on their aedileships (Ascon. *Scaur.* p. 18; *Mil.* p. 32, Orell.). Cicero kept within moderate limits (*de Off.* ii. 17, 59), but as a rule an aedile who did so lost all chance of election to higher office (*pro Mur.* 19, 40), and Sulla failed as a candidate for the praetorship because he had not been aedile, and given the splendid shows which the people expected of him (Plut. *Sull.* 5). It was a common custom, though forbidden by law (Liv. xl. 44), for the aediles to receive much

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* Livy's phrase in vii. 1, "postea promiscuum fuit," is misleading, as is seen from his own account.

assistance, nominally by way of loan, from the provinces in decorating the forum, theatre, and circus with statues and other works of art (*ad Att.* v. 21, vi. 1; *Verr.* iv. 59, 133; *ad Qu. fr.* i. 1, 9, &c.; Plin. *H. N.* xxxv. § 173). The aediles had to provide the general decorations and costumes, to organise the processions and the games, to arrange the seats and preserve order; when plays were given, they selected the piece, and paid and had also the power of chastising the actors (Liv. xxxiv. 44; Plaut. *Truc.* 990; Tac. *Ann.* i. 70, &c.).

Lange (p. 725) has well shown that the *cura ludorum*, like most of the functions of the aediles, arose from their general character as acting under commissions from the superior magistrates. The *ludi Romani* and *Megalenses* were always in charge of the curule, the *ludi plebeii* in that of the plebeian aediles; other games, such as the *Cerealia* and *Floralia*, were superintended by either without distinction, sometimes acting singly, but more commonly as a college.

III. Aediles Cereales. In B.C. 44 Julius Caesar added two aediles, with special charge of the *annona* and the *ludi Cereales* (Dig. 1, 2, 2, § 32; cf. Suet. *Caes.* 41). These continued under the empire, and are mentioned in inscriptions and on coins.

IV. But the functions of the aediles were greatly restricted by Augustus and his successors; their powers were gradually diminished, and their functions exercised by new officers created by the emperors. After the battle of Actium, Augustus appointed a praefectus urbi, who exercised the general police, which had formerly been one of the duties of the aediles. Their right of jurisdiction was further transferred to the praetor (Dio Cass. liii. 2), who also assumed henceforth the superintendence of the games (Dio Cass. liv. 2; Tac. *Ann.* i. 15; Plin. *Ep.* vii. 11, 4). Augustus also took from the aediles, or exercised himself, the office of superintending the religious rites, the banishing from the city of all foreign ceremonials, and the superintendence of the temples. Hence no one was willing to hold so contemptible an office, and Augustus was therefore reduced to the necessity of compelling persons to take it: persons were accordingly chosen by lot, out of those who had served the office of quaestor and tribune; and this was done more than once (Dio Cass. lv. 24). The last recorded instance of the splendours of the aedileship is the administration of Agrippa, who volunteered to take the office, and repaired all the public buildings and all the roads at his own expense, without drawing anything from the treasury. (Dio Cass. xlix. 43; Plin. *H. N.* xxxvi. § 122.) The aedileship had, however, lost its true character before this time. Agrippa had already been consul before he accepted the office of aedile. Augustus appointed the curule aediles specially to the office of putting out fires, and placed a body of 600 slaves at their command; but the praefecti vigilum afterwards performed this duty (Dio Cass. lv. 21). In like manner the *curatores viarum* were appointed by him to superintend the roads near the city, and the quatuorviri to superintend those within Rome. The *curatores operum publicorum* and the *curatores alvei Tiberis*, also appointed by Augustus, stripped the aediles of the remaining few duties that might be called honourable. They lost also the superintendence of wells or springs, and of the aqueducts. [Aquaeductus.] They retained, under the early emperors, the superintendence of the markets, the duty of repressing open licentiousness and disorder: thus the baths, eating-houses, and brothels were still subject to their inspection, and the registration of prostitutes was still within their duties (Tac. *Ann.* ii. 85). We read of the aediles under Augustus making search after libellous books, in order that they might be burnt; and also under Tiberius (Tac. *Ann.* iv. 35).

The last mention of aediles is under Gordian III. (A.D. 238–244): cf. Orell. *Inscript.* 977.

The history, powers, and duties of the aediles are stated with great minuteness by Schubert, *De Romanorum Aedilibus*, lib. iv. Regimontii, 1828. See Hofmann, *De Aedilibus Romanorum*, Berlin, 1842; cf. Rein in Pauly's *Realenkykl.* vol. i. p. 208 ff.; Lange, *Röm. Alt.* i.^{2} 715–735; Mommsen, *Staatsr.* ii. 443–491. Full details as to their municipal duties are given in the Lex Julia Municipalis on the *Tabula Heracleensis* (*C. I. L.* i. p. 122), with the commentary of Dirksen, *Civil. Abh.* Berlin, 1820. [G. L.] [A. S. W.]

AEDIT'UI (*νεωκόροι, ζάκοροι, ἱεροφύλακες*), more anciently called Aeditumi or Aeditimi (Varr. *R. R.* i. 2, § 1; *L. L.* vii. 12, viii. 61; Gell. xii. 10, § 4: *aedituentes*, Lucr. vi. 1275; Gell. xii. 10, § 8), persons who took care of the temples, and attended to the cleaning of them. Notwithstanding this menial service, they partook of the priestly character, and are sometimes even called priests by the Greek grammarians. (Suid., Hesych., *Etym. M.* s. v. *ζάκορος*; Pollux, i. 14.) In many cases they were women, as Timo in Herodotus (vi. 134), who also speaks of her as *ὑποζάκορος*, from which it is clear that in some places several of these priests must have been attached to one and the same temple, and that they differed among themselves in rank. Subsequently the menial services connected with the office of the *Neocori* were left to slaves, and the latter became a title given to priestly officers of high rank, of whom an account is given in a separate article. [Neocori.] The aeditui lived in the temples, or near them, and acted as ciceroni to those persons who wished to see them. (Plaut. *Curc.* i. 3, 48; Cic. *Verr.* iv. 44, 96; Liv. xxx. 17; Schol. *ad* Hor. *Ep.* ii. 1, 230; Suet. *Dom.* 1.) They seem also to have had the administration of the property of the temple, and were anciently held in great honour (Serv. *ad* Verg. *Aen.* ix. 648). They were probably the same as the *curatores templi*, frequently mentioned in inscriptions (Orelli, *Inscr.* 220, 6: cf. Paul. Diac. *s. v.*; Varr. *L. L.* vii. 12; Cic. *de Har. Resp.* 14, 31). [W. S.]

AEGINETA'RUM FE'RIAE (*Αἰγινητῶν ἑορτή*), a festival in honour of Poseidon, which lasted sixteen days, during which time every family took its meals quietly and alone, no slave being allowed to wait, and no stranger invited to partake of them. From the circumstance of each family being closely confined to itself, those who solemnised this festival were called *μονοφάγοι*. Plutarch (*Quaest. Graec.* 44) traces its origin to the Trojan war, and says that, as many of the Aeginetans had lost their lives, partly in the siege of Troy and partly on their return home, those who reached their native island were received indeed with joy by their kinsmen; but, in order to avoid hurting the feelings of those families who had to lament the loss of their friends, they thought it proper neither to show their joy nor to offer any sacrifices in public. Every family, therefore, entertained privately their friends who had returned, and acted themselves as attendants, though not without rejoicings. [L. S.]

AEGIS (αἰγίς), the shield of Zeus. The origin of the word appears to have been confused by the ancients themselves; in the Homeric sense it is probably from the root of ἀΐσσω, to move violently, but it was early taken to come from αἴξ (Herod. iv. 189). According to the mythologers, the aegis worn by Zeus was the hide of the goat Amaltheia, which had suckled him in his infancy. Hyginus relates (*Astron. Poet.* 13) that, when he was preparing to resist the Titans, he was directed, if he wished to conquer, to wear a goat-skin with the head of the Gorgon. To this particular goat-skin the term aegis was afterwards confined. Homer always represents it as part of the armour of Zeus, whom on this account he distinguishes by the epithet *aegis-bearing* (αἰγίοχος). He, however, asserts that it was borrowed on different occasions both by Apollo (*Il.* xv. 229, 307–318, 360, xxiv. 20), and by Athena (*Il.* ii. 447–449, xviii. 204, xxi. 400).

The skins of various quadrupeds having been used by the most ancient inhabitants of Greece for clothing and defence, we cannot wonder that the goat-skin was employed in the same manner. It must also be borne in mind that the heavy shields of the ancient Greeks were in part supported by a belt or strap (τελαμών, *balteus*) passing over the right shoulder, and, when not elevated with the shield, descending transversely to the left hip. In order that a goat-skin might serve this purpose, two of its legs would probably be tied over the right shoulder of the wearer, the other extremity being fastened to the inside of the shield. In combat the left arm would be passed under the hide, and would raise it together with the shield, as is shown in a marble statue of Athena, preserved in the Museum at Naples, which, from its style of art, may be reckoned among the most ancient in existence.

Aegis worn by Athena.
From Museum at Naples.

Other statues of Athena represent her in a state of repose, and with the goat-skin falling obliquely from its loose fastening over her right shoulder, so as to pass round the body under the left arm. It thus appears in the left-hand figure below, from a statue of Athena at Dresden.

Aegis worn by Athena.
From Torso at Dresden. From Statue at Florence.

Another mode of wearing this garment, also of peaceful expression, is seen in another statue of Athena at Dresden, of still higher antiquity than that last referred to, and in the very ancient image of the same goddess from the temple of Zeus at Aegina. In both of these the aegis covers the right as well as the left shoulder, the breast, and the back, falling behind so as almost to reach the feet. Schorn (in Böttiger's *Amalthea*, ii. 215) considers this as the original form of the aegis.

By a figure of speech, Homer uses the term aegis to denote not only the goat-skin, which it properly signified, but together with it the shield to which it belonged. By thus understanding the word, it is easy to comprehend both why Athena is said to throw her father's aegis round her shoulders (*Il.* v. 738, xviii. 204), and why on one occasion Apollo is said to hold it in his hand and to shake it so as to terrify and confound the Greeks (*Il.* xv. 229, 307–321), and on another occasion to cover with it the dead body of Hector in order to protect it from insult (xxiv. 20). In these passages we must suppose the aegis to mean the shield, together with the large expanded skin or belt by which it was suspended from the right shoulder.

As the Greeks prided themselves greatly on the rich and splendid ornaments of their shields, they supposed the aegis to be adorned in a style corresponding to the might and majesty of the father of the gods. In the middle of it was fixed the appalling Gorgon's head (*Il.* v. 741), and its border was surrounded with golden tassels (θύσανοι), each of which was worth a hecatomb (ii. 446–449). In the figures given above and below, the serpents of the Gorgon's head are transferred to the border of the skin.

By the later poets and artists, the original conception of the aegis appears to have been forgotten or disregarded. They represent it as a breast-plate covered with metal in the form of scales, not used to support the shield, but extending equally on both sides from shoulder to shoulder; as in the right-hand figure in the preceding column, from a statue at Florence.

The Roman poets sometimes regard it as a shield and sometimes as a breast-plate. Thus it is represented as the shield of Jupiter (Verg. *Aen.* viii. 354; Sil. xii. 720), and as the shield of Pallas or Minerva ("protegit aegide fratrem," Ov. *Met.* v. 46; "contra sonantem Palladis aegida," Hor. *Carm.* iii. 4, 57); but it more frequently appears as the breast-plate of Minerva with the Gorgon's head in the centre ("positam in pectore aegida," Ov. *Met.* ii. 754; Verg. *Aen.* viii. 435–438; on which Servius says, "munimentum pectoris aereum, habens in medio Gorgonis caput;" Sil. ix. 442, 443; Val. Flacc. vi. 174).

It is remarkable that, although the aegis properly belonged to Zeus, yet we seldom find it as an attribute of Zeus in works of art. There is, however, in the Museum at Leyden, a marble statue of Zeus, found at Utica, in which the aegis hangs over his left shoulder. The annexed figure is taken from an ancient cameo. Zeus is here represented with the aegis wrapped round the fore part of his left arm. The shield is placed underneath it, at his feet.

Zeus with the Aegis on the left arm.
From an ancient cameo.

The Roman emperors also assumed the aegis, intending thereby to exhibit themselves in the character of Jupiter. Of this the armed statue of Hadrian in the British Museum presents an example. In these cases the more recent Roman conception of the aegis is of course followed, coinciding with the remark of Servius (*Aen.* viii. 435), that this breast-armour was called aegis when worn by a god; *lorica*, when worn by a man. (Comp. Mart. vii. 1.) [J. Y.] [W. W.]

AEINAUTAE (ἀειναῦται), magistrates at Miletus, consisting of the chief men in the state, who obtained the supreme power on the deposition of the tyrants, Thoas and Damasenor. Whenever they wished to deliberate on important matters, they embarked on board ship (hence their name), put out at a distance from land, and did not return to shore till they had transacted their business. (Plut. *Quaest. Graec.* 32.) [W. S.]

AEIPHY'GIA (ἀειφυγία). [EXSILIUM.]

AEISITI (ἀείσιτοι). [PRYTANEIUM.]

AENEATO'RES (ahenatores, Amm. Marc. xxiv. 4) were those who blew upon wind instruments in the Roman army, namely, the *bucinatores*, *cornicines*, *tubicines*, *liticines*, and they were so called because all these instruments were made of *aes* or bronze. (Paul. Diac. p. 20, Müll.; Mommsen, *I. R.* No. 4232; Suet. *Caes.* 32.) Aeneatores were also employed in the public games. (Sen. *Ep.* 84.) A *collegium aeneatorum* is mentioned in inscriptions. (Orelli, *Inscr.* No. 4059.) [W. S.]

AENIGMA (αἴνιγμα), a riddle. It appears to have been a very ancient custom among the Greeks, especially at their symposia, to amuse themselves by proposing riddles to be solved. Their partiality for this sort of amusement is attested by the fact that some persons, such as Theodectes of Phaselis and Aristonymus, acquired considerable reputation as inventors and writers of riddles. (Athen. x. pp. 451, 452; xii. p. 538.) Those who were successful in solving the riddle proposed to them received a prize, which had been previously agreed upon by the company, and usually consisted of wreaths, taeniae, cakes, and other sweetmeats, or kisses, whereas a person unable to solve a riddle was condemned to drink in one breath a certain quantity of wine, sometimes mixed with salt water. (Athen. x. p. 457; Pollux, vi. 107; Hesych. *s. v.* γρῖφος.) Those riddles which have come down to us are mostly in hexameter verse, and the tragic as well as comic writers not unfrequently introduced them into their plays. Pollux (*l. c.*) distinguishes two kinds of riddles, the αἴνιγμα and γρῖφος, and, according to him, the former was of a jocose and the latter of a serious nature; but in the writers whose works have come down to us, no such distinction is observed; and there are passages where the name γρῖφος is given to the most ludicrous jokes of this kind. (Aristoph. *Vesp.* 20; Becker-Göll, *Charikles*, ii. p. 363; K. F. Hermann, *Gottesdienstl. Alt.* § 62, 29.) The Romans seem to have been too serious to find any great amusement in riddles; and when Gellius (xviii. 2) introduces some Romans at a banquet engaged in solving riddles, we must remember that the scene is laid at Athens; and we do not hear of any Romans who invented or wrote riddles until a very late period. Apuleius wrote a work entitled *Liber Ludicrorum et Griphorum*, which is lost. After the time of Apuleius, several collections of riddles were made, some of which are still extant in MS. in various libraries. [L. S.]

AE'NUM, or AHE'NUM (sc. *vas*), a brazen vessel, used for boiling, is defined by Paullus to be a vessel hanging over the fire, in which water was boiled for drinking, whereas food was boiled in the *caccabus* or saucepan [CACCABUS]. (Dig. 33, tit. 7, s. 18, § 3.) This distinction is not, however, always observed; for we read of food being cooked in the *aënum.* (Juv. xv. 81; Ov. *Met.* vi. 645.) The word is also frequently used in the sense of a dyer's copper; and, as purple was the most celebrated dye of antiquity, we find the expressions *Sidonium aënum, Tyrium aënum,* &c. (Ov. *Fast.* iii. 822; Mart. xiv. 133.) The coppers which contained the water for supplying a bath were also called *aëna.* (Vitruv. v. 10, 1.) [BALNEAE.] [W.S.] [W.W.]

Aenum, or brazen vessel used for boiling.

AEO'RA, or **EO'RA** (*αἰώρα, ἐώρα*). **1.** A festival at Athens, accompanied with sacrifices and banquets, whence it is sometimes called *εὔδειπνος*. The common account of its origin is as follows:—Icarius was killed by the shepherds to whom he had given wine, and who, being unacquainted with the effects of this beverage, fancied in their intoxication that he had given them poison. Erigone, his daughter, guided by a faithful dog, discovered the corpse of her father, whom she had sought a long time in vain; and, praying to the gods that all Athenian maidens might perish in the same manner, hung herself. After this occurrence, many Athenian women actually hung themselves, apparently without any motive whatever; and when the oracle was consulted respecting it, the answer was that Icarius and Erigone must be propitiated by a festival (Hygin. *Poet. Astron.* ii. 4). According to the *Etymologicum Magnum,* the festival was celebrated in honour of Erigone, daughter of Aegisthus and Clytaemnestra, who came to Athens to bring the charge of matricide against Orestes before the Areiopagus; and, when he was acquitted, hung herself, with the same wish as the daughter of Icarius, and with the same consequences. According to Hesychius, the festival was celebrated in commemoration of the tyrant Temaleus, but no reason is assigned. Eustathius (*ad* Hom. pp. 339, 1535) calls the maiden who hung herself Aiora. But as the festival is also called Ἀλῆτις (apparently from the wanderings of Erigone, the daughter of Icarius), the legend which was first mentioned seems to be the most entitled to belief. Pollux (iv. 7, § 55) mentions a song made by Theodorus of Colophon, which persons used to sing whilst swinging themselves (*ἐν ταῖς αἰώραις*). It is, therefore, probable that the Athenian maidens, in remembrance of Erigone and the other Athenian women who had hung themselves, swung themselves during this festival, at the same time singing the above-mentioned song of Theodorus. (See Athen. xiv. p. 618; Schömann, *Griech. Alterth.* vol. ii. p. 434.) [L. S.]

2. A swing, which formed a favourite amusement in Greece, as in England at the present da (cf. Suidas, *s. v.*; Zonaras, *s. v.*; Pausan. x. 29 The following cut shows a group swinging on another. [J. H. O.]

Aeora, or Swing, from Panofka.

AEQUIPON'DIUM. [LIBRA; TRUTINA.]

AERA. [CHRONOLOGIA.]

AERA'RII, a class of Roman citizens, excluded from the tribes, and liable to pay a poll-tax, at the discretion of the censors. They consisted of three classes:—

1. *Municipes sine suffragio.* These were the inhabitants of conquered towns, which had been deprived of their local self-government. Their citizens obtained the *conubium* and *commercium,* but no political rights. As Caere was the first *municipium sine suffragio* (about B.C. 353), the lists of the burghers of Caere were called the *tabulae Caeritum;* and this came to be the general name for the lists of the citizens who held only this inferior franchise. Hence *in tabulas Caeritum referri* came to be equivalent to *aerarium fieri* (Ps. Ascon. on Cic. *Div. in Caec.* 3, p. 103 Orell.; Schol. Cruq. on Hor. *Ep.* i. 6, 62; Gell. xvi. 13, § 7; Cic. *pro Cluent.* 43, 122: cf. Madv. *Opusc.* i. 233; Mommsen, *Röm. Trib.* 160 f.).

2. *Infames,* i.e. those who had incurred legal *infamia,* by (1) some dishonouring *act,* such as bigamy; (2) a dishonouring *profession,* such as that of *leno,* actor, gladiator; (3) a *judicium turpe,* such as condemnation in a prosecution for *furtum, injuria, dolus,* or in a *judicium tutelae, pro socio,* or *mandati* (cf. Lex Jul. munic. ll. 110–125: Cic. *Cluent.* 42, 119; *Caec.* 3, 8; *Rosc. Com.* 6, 16; *de Orat.* i. 36, 166, &c.).

3. Those visited by the severest *nota censoria,* who were said to be *tribu moti et aerarii facti* (Liv. iv. 24; xxiv. 18, 43; xlii. 10; xliv. 16; xlv. 15).

All these three classes were *aerarii,* as they had to pay protection-money (*aes*); their exclusion from the tribes and the centuries involved the loss of the suffrage, and doubtless also (though this has been denied) the *ius honorum.* The only instance of a magistracy held by an aerarius is to be regarded as the result of an amnesty passed by the supreme authority of the people. The *infames* were always excluded from military service (Liv. vii. 2; Val. Max. ii. 4, 4), and could not rise above the class of *aerarii:* the *municipes sine suffragio* served in the legions, or formed a special corps (e.g. *legio Campana*), and ceased to be *aerarii* when they attained the full franchise, as all the Italians did by the *leges Julia* and *Plautia Papiria* (q. v.). Those *notati* by the censors generally had more burdensome conditions of service (Liv. xxiv. 18), but the *nota* could be removed by succeeding censors.

The origin of the class of *aerarii* is a much disputed question, the ancient authorities only referring to the class as existing. Mommsen (*Hist.* i. 101; cf. *Forsch.* i. 389) and Lange (*Röm. Alt.* i. 406) held that they were originally resident aliens (*metoeci*) holding no freeholds, and therefore not included in the tribes. Niebuhr (*Hist.* i. 472) held that they consisted of artisans and freedmen, a view not widely differing from that of Mommsen in practice, though based upon a different idea. Madvig (*Verf.* i. 122) maintains that they were only a class of degraded citizens, not including either the *cives sine suffragio* or the artisans, who would be classed according to their property. Willems (*Droit Romain*, p. 97, note 4), following Göttling, argues that these could not have been citizens in any sense, and that the class cannot be traced back as far as Servius Tullius, but probably grew up by degrees. The first view is perhaps the most correct. (Comp. Zonaras, vii. 9; Huschke, *Verfassung des Serv. Tull.* p. 494, &c.; Göttling, *Gesch. der Röm. Staatsverf.* p. 260, &c.; Becker, *Handbuch der Röm. Alterth.* vol. ii. pp. 183–196; Lange, *Röm. Alt.* i. pp. 408–9, 678–9.) [A. S. W.]

AERA'RII TRIBU'NI. [AES EQUESTRE; TRIBUNI.]

AERA'RIUM (τὸ δημόσιον), the public treasury at Rome. After the banishment of the kings the temple of Saturn and Ops was employed, upon the proposition of Valerius Poplicola, as the place for keeping the public money, and it continued to be so used till the later times of the empire. (Plut. *Popl.* 12, *Quaest. Rom.* 42; Festus, *s. v. Aerarium*; Serv. *on Aen.* viii. 322.*) Besides the public money and the accounts connected with its receipts, expenditure, and debtors, various other things were preserved in the treasury. Of these the most important were:—1. The standards of the legions (Liv. iii. 69, iv. 22, vii. 23). 2. The various laws passed from time to time, engraven on brazen tables (Suet. *Caes.* 28). 3. The decrees of the senate, which were entered there in books kept for the purpose, though the original documents were preserved in the temple of Ceres under the custody of the aediles. (Joseph. *Ant.* xiv. 10, § 10; Plut. *Cat. Min.* 17; Tac. *Ann.* iii. 51.) [AEDILES.] 4. Various other public documents, the reports and despatches of all generals and governors of provinces, the names of all foreign ambassadors that came to Rome [LEGATUS], &c.

The *aerarium* was the common treasury of the state, and is sometimes spoken of as the *publicum* (*e.g.* Liv. ii. 5, 1; 16, 7; 42, 2). Niebuhr's view that the *publicum* was the treasury of the *populus* or patricians (*Hist.* ii. notes 386, 954) is erroneous, and has been disproved, among others, by Schwegler, *Gesch.* ii. 286. Under the republic the aerarium was divided into two parts: the *common* treasury, in which were deposited the regular taxes [TRIBUTUM; VECTIGALIA], and from which were taken the sums of money needed for the ordinary expenditure of the state; and the *sacred* treasury (*aerarium sanctum* or *sanctius*, Liv. xxvii. 10; Flor. iv. 2; Caes. *B. C.* i. 14; Cic. *ad Att.* vii. 21), which was never touched except in cases of extreme peril. Both of these treasuries were in the temple of Saturn, but in distinct parts of the temple. The sacred treasury seems to have been first established soon after the capture of Rome by the Gauls, in order that the state might always have money in the treasury to meet the danger which was ever most dreaded by the Romans—a war with the Gauls. (Appian, *B. C.* ii. 41.) At first, probably part of the plunder which the Romans gained in their wars with their neighbours was paid into this sacred treasury; but a regular means for augmenting it was established in B.C. 357 by the Lex Manlia, which enacted that a tax of five per cent. (*vicesima*) upon the value of every manumitted slave should be paid into this treasury. This money was kept in the treasury in bars of gold: hence Livy speaks of *aurum vicesimarium* (Liv. vii. 16, xxvii. 10, 11; comp. Cic. *ad Att.* ii. 16). A portion of the immense wealth obtained by the Romans in their conquests in the East was likewise deposited in the sacred treasury; and though we cannot suppose that it was spared in the civil wars between Marius and Sulla, yet Julius Caesar, when he appropriated it to his own use on the breaking out of the second civil war, B.C. 49, still found in it enormous sums of money. (Plin. *H. N.* xxxiii. §§ 55, 56; Dio Cass. xli. 17; Oros. vi. 15; Lucan, iii. 155.) Quintilian (x. 3, § 3) speaks of it, in a metaphor, as still remembered, if not actually existing.

Upon the establishment of the imperial power under Augustus there was an important change made in the public income and expenditure. He divided the provinces and the administration of the government between the senate, as the representative of the old Roman people, and the Caesar: all the property of the former continued to be called *aerarium*, and that of the latter received the name of *fiscus* [FISCUS]. The *aerarium* consequently received all the taxes from the provinces belonging to the senate, and likewise most of the taxes which had formerly been levied in Italy itself, such as the revenues of all public lands still remaining in Italy, the tax on manumissions, the custom-duties, the water-rates for the use of the water brought into the city by the aqueducts, the sewer-rates, &c.

Besides the *aerarium* and the *fiscus*, Augustus established a third treasury, to provide for the pensions due to veterans on their discharge, and this received the name of *aerarium militare*. It was founded in the consulship of M. Aemilius Lepidus and L. Arruntius, A.D. 6. Augustus paid a very large sum into the treasury upon its foundation, and promised to do so every year. In the *Monumentum Ancyranum* (iii. 35–39), Augustus says that he paid into the treasury in the consulship of Aemilius and Arruntius 170 millions of sesterces; it has been suggested that this sum is probably the entire amount which he

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* The remains of this temple are now recognised beyond doubt in the portico of eight Ionic columns on the Clivus Capitolinus, not (as by Becker, *Röm. Alterth.* i. 318) in the three adjoining Corinthian columns (Dyer, in *Dict. Geogr.* ii. 781; Burn, *Rome and the Campagna*, p. 93, where the two ruins are figured together).

contributed to it during his whole reign. As he reigned eight years and a half after the establishment of the treasury, he would in that case have contributed ten millions of sesterces every half year; but there is no authority for this view. He also imposed several new taxes to be paid into this aerarium. (Suet. *Aug.* 49; Dio Cass. lv. 23–25, 32; *Res Gestae D. Aug.* ed. Mommsen.) Of these the most important was the *vicesima hereditatum et legatorum*, a tax of five per cent., which had to be paid by every Roman citizen upon any inheritance or legacy being left to him, with the exception of such as were left to a citizen by his nearest relatives, or such as were below a certain amount. (Dio Cass. lv. 25, lvi. 28; Plin. *Paneg.* 37–40; Capitol. *M. Anton.* 11.) This tax was raised by Caracalla to ten per cent., but subsequently reduced by Macrinus to five (Dio Cass. lxxvii. 9, lxxviii. 12), and eventually abolished altogether. (Cod. vi. tit. 33, s. 3.) There was also paid into the aerarium militare a tax of one per cent. upon everything sold at auctions (*centesima rerum venalium*), reduced by Tiberius to half per cent. (*ducentesima*), and afterwards abolished by Caligula altogether for Italy (Tac. *Ann.* i. 78, ii. 42; Suet. *Cal.* 16); and likewise a tax upon every slave that was purchased, at first of two per cent. (*quinquagesima*), and afterwards of four per cent. (*quinta et vicesima*) of its value. (Dio Cass. lv. 31; Tac. *Ann.* xiii. 31; Orelli, *Inscr.* No. 3336.) Besides these taxes, no doubt the booty obtained in war and not distributed among the soldiers was also deposited in the military treasury.

The distinction between the aerarium and the fiscus continued to exist at least as late as the reign of M. Aurelius (τὸ βασιλικὸν καὶ τὸ δημόσιον, Dio Cass. lxxi. 33; Vulcat. Gallic. *Avid. Cass.* 7); but, as the emperor gradually concentrated the administration of the whole empire into his hands, the aerarium likewise became exclusively under his control, and this we find to have been the case even in the reign of M. Aurelius, when the distinction between the aerarium and the fiscus was still retained. (Dio Cass. lxxi. 33.) When the aerarium ceased to belong to the senate, this distinction between the aerarium and the fiscus naturally ceased also, as both of them were now the treasury of the Caesar; and accordingly later jurists used the words *aerarium* and *fiscus* indiscriminately, though properly speaking there was no treasury but that of the Caesar. The senate, however, still continued to possess the management of the municipal chest (*arca publica*) of the city. (Vopisc. *Aurelian.* 20.) The officers in charge are called in inscriptions *praefecti aerarii Saturni;* but the inscriptions which make mention of *quaestores aerarii Saturni*, who have been supposed to be their assistants under Hadrian and Severus (Gudius, *Ant. Inscr.* p. 125, n. 6, p. 131, n. 3; Gruter, p. 1027, n. 4), are of doubtful genuineness: the genuine inscriptions refer to the time of Claudius (Mommsen, *Staatsr.* ii. 525). These prefects had jurisdiction; and before their court in the temple of Saturn all informations were laid respecting property due to the aerarium and fiscus. (Plin. *Paneg.* 36; Dig. 49, tit. 14, ss. 13, 15.)

In the time of the republic, the entire management of the revenues of the state belonged to the senate; and under the superintendence an control of the senate the quaestors had th charge of the aerarium. [SENATUS; QUAESTOR. With the exception of the consuls, who had th right of drawing from the treasury whateve sums they pleased, the quaestors had not th power to make payments to any one, even to a dictator, without a special order from the senate. (Polyb. vi. 12, 13; Liv. xxxviii. 55; Zonar. vii. 13.) In B.C. 45, when no quaestors were chosen, two prefects of the city had the custody of the aerarium (Dio Cass. xliii. 48); but it doubtless passed again into the hands of the quaestors, when they were elected again in the following year. In their hands it seems to have remained till B.C. 28, when Augustus deprived them of it and gave it to two prefects, whom he allowed the senate to choose from among the praetors at the end of their year of office; but as he suspected that this gave rise to canvassing, he enacted, in B.C. 23, that two of the praetors in office should have the charge of the aerarium by lot. (Suet. *Octav.* 36; Dio Cass. liii. 2, 32; Tac. *Ann.* xiii. 29.) They were called *praetores aerarii* (Tac. *Ann.* i. 75; Frontin. *de Aquaeduct.* 100), or *ad aerarium* (Orelli, *Inscr.* No. 723). This arrangement continued till the reign of Claudius, who restored to the quaestors the care of the aerarium, depriving them of certain other offices which they had received from Augustus (Tac. *Ann.* xiii. 29; Suet. *Claud.* 24; Dio Cass. lx. 24); but as their age seemed too young for so grave a trust, Nero took it from them and gave it to those who had been praetors or consuls, and who received the title of *praefecti aerarii.* (Tac. *Ann.* xiii. 28, 29.) In the time of Vespasian we read of *praetores aerarii* (Tac. *Hist.* iv. 9); but in the reign of Trajan, if not before, it was again entrusted to praefects, who appear to have held their office for two years; and henceforth no further change seems to have been made. (Plin. *Paneg.* 91, 92, *Ep.* x. 20; Suet. *Claud.* 24.)

The *aerarium militare* was under the care of distinct praefects, who were first appointed by lot from among those who had filled the office of praetor, but were afterwards nominated by the emperor. (Dio Cass. lv. 25; comp. Tac. *Ann.* v. 8.) They frequently occur in inscriptions under the title of *praefecti aerarii militaris*, e.g. Wilmanns, 1144, 1202, 1214, 1720, &c.; Walter, *Geschichte des Römischen Rechts*, §§ 58, 179, 329, 405, 3rd edition, Bonn, 1860; Marquardt, *Staatsverwaltung*, ii. 293–305; Lipsius, *ad* Tac. *Ann.* xiii. 29. [W. S.] [A. S. W.]

AERO, a basket made of osiers, rushes, or sedge (Donat. *ad* Ter. *Phorm.* i. 2, 72; Vitruv. v. 12), and used to contain sand (Plin. *H. N.* xxvi. § 96), or wheat (Dig. 19, 2, 31). Rich identifies as *aerones* large baskets, somewhat wider at the top than the bottom, carried by soldiers employed on excavations, &c., on the bas-reliefs of Trajan's column. [J. H. F.]

AES (χαλκός). Much confusion arises from the fact that both Greeks and Romans use only one term for copper and for that mixture of copper and tin which we call bronze. Excepting perhaps gold, copper is the easiest of metals to find and fashion, being found in lumps, and not, like iron, hidden in ore. Hesiod and Lucretius, and ancient writers generally, made the age of Bronze precede that of Iron, and that they were right is abundantly proved by the excavations of modern times. There seems to have been a time immediately succeeding the Stone age when implements were beaten out of pure copper, but it did not last long; the custom of adding tin to copper was introduced, and from that time until the close of ancient history copper unmixed was seldom used for any purpose, various metals being added to it to increase its hardness. Bronze, containing about 12 to 14 per cent. of tin and 88 to 86 per cent. of copper, was used at a very early period in Egypt and Asia. The use of it was introduced into Greece in pre-historic times, probably by the Phoenicians. Tin is not found in Greece, and in fact exists but in few parts of Europe; the Phoenicians are supposed to have travelled in search of it as far as Cornwall and India. The likeness of the Greek word for tin (*κασσίτερος*) to the Sanskrit *kastira* seems to indicate that the original supply of Greek tin came from India. To account however for the enormous quantity of tin which in the Bronze age must have circulated through Europe is not easy.

In Homer's time bronze is the usual material for tripods, vessels, armour of defence, and even spears, though iron was beginning to be used for offensive weapons. It is probable that soon after the Homeric age weapons of bronze fell out of use. This compound however continued to be largely employed for utensils of all kinds, for works of art and other purposes. The interior of the treasuries of Mycenae and Orchomenus were lined with bronze; bronze was used in historical times for vessels, candelabra, chariots, for the inscribing of treaties and laws, for personal ornament, and in places for coin. Also all instruments used for religious purposes were made of bronze from motives of religious conservatism. The abundance of copper sufficiently accounts for its general use among the ancients. We have a remarkable result of this fact in the use of χαλκεύς and χαλκεύειν, where working in iron is meant (Hom. *Od.* ix. 391; Aristot. *Poët.* 25). One of the chief sources of copper in antiquity was Cyprus; from the name of that island is derived the Low-Latin *cuprum*, and our word copper. The metal was also procured in Euboea, near the town of Chalcis, and in other parts of Greece; also in Campania in Italy, in Germany and elsewhere. But the most celebrated bronze did not come from those regions, but was an object of special manufacture elsewhere. Two of the most celebrated mixtures were the Delian (Plin. xxxiv. § 9) and the Aeginetan (*l.c.* § 10), which were much used in art; we learn that Myron used the former mixture, Polycleitus the latter. The Delian was reckoned the more precious of these, but still more valuable was the *hepatizon* or liver-coloured bronze, and most valuable of all the Corinthian. With regard to the last-mentioned a silly story was told that it was produced by a fortuitous concourse of melted metals on the occasion of the burning of Corinth by Mummius. Pliny (xxxiv. § 7) sensibly remarks that this story is absurd, because most of the authors of the highly valued works in Corinthian bronze lived at a much earlier period. A large number of varieties of bronze of various colours were known to the ancients, and it seems that they tinted their statues by making them of a judicious mixture of sorts. Thus we hear of a bronze Jocasta which was pale, of an Athamas which was blushing (Plin. xxxiv. § 140), and of a Pallas with ruddy cheeks, made by Pheidias. Not only were the ancients clever at producing varieties in the metal, but they seem to have understood the art of hardening it by dipping in water and exposure to air. There is a passage even in Homer which is supposed to allude to this process (*Od.* ix. 391), and recent experiments have proved that this is a possibility, contrary to the usual opinion of metallurgists. The mixture of copper and zinc which we call brass was also known in antiquity, at all events in later Greek and Roman times. It is of this compound that Roman sestertii and dupondii were made, as has been proved by analysis. As Pliny (xxxiv. § 4) specially states that these were made of orichalcum, it seems that that term, which was in early times of quite vague meaning, was afterwards narrowed to the meaning *brass*. This is further shown by a passage in Cicero (*de Offic.* iii. 23, 92), who says that gold and orichalcum may be confused in consequence of their superficial resemblance.

The chief authority as regards the kinds and working of bronze is Pliny (*Hist. Nat.* xxxiv.). He distinguishes copper ore into two kinds: cadmea, found in Italy and Germany, and chalcitis, in Cyprus and elsewhere. Of Corinthian bronze (§ 8) he distinguishes three kinds; in the first silver predominates, in the second gold, in the third the metals are balanced and harmonized. Of Cyprian bronze (§ 94) the chief classes are *coronarium*, which is of golden hue when divided into thin layers, and *regulare*, which can be hammered and drawn out into bars and wires. A commoner kind of copper (not Cyprian), called *caldarium*, does not give to the hammer, and is only fit for melting. At Capua they added to copper to make bronze 10 per cent. of Spanish plumbum argentarium, which was made of tin and lead in equal proportions. Pliny states that copper was largely used in medicine (§ 100, foll.), being either mixed with milk or sulphur for external application to wounds, or taken internally, mixed with honey, in order to cause vomiting. For a mass of details of this character we must refer the reader to Pliny himself.

In all early bronze-work found in Greece and Etruria, the processes of manufacture are simple. The usual process for cups, utensils, and ornaments is working plates with the hammer into the required shape, fastening them together with nails or (sometimes) with solder, and beating up a pattern on them in *repoussé* work and finishing with a graving-tool. Small figures are sometimes cast in the lump, but nothing large. The hammering process was called by the Greeks *σφυρηλατεῖν*. The British Museum possesses the effigy of a deity thus worked in plates; similar was no doubt the bronze statue earliest erected at Rome, that dedicated by Sp. Cassius to Ceres. When we are told that the Greeks Rhoecus and Theodorus first cast in bronze (*Θεόδωρον καὶ Ῥοῖκον Σαμίους εἶναι τοὺς διαχέαντας χαλκὸν πρώτους*, Pausan. ix. 41, § 1), we must perhaps understand by this that these artists introduced the method of casting statues hollow, not solid, as their predecessors had done. These artists may have lived about the 60th

Olympiad, and certainly soon after that time bronze statuary spread with great rapidity over Greece; and indeed bronze continued a favourite material with sculptors until the decay of art. Of the formative process we have a vivid picture on a Greek vase of good period, engraved as the frontispiece to Mr. Murray's *History of Greek Sculpture*. The extraordinary abundance of works of art in bronze, found on almost all ancient sites, especially at Herculaneum and Pompeii, is a notable fact.

Copper as Coin.—In the coinage of the Greeks and Romans copper is seldom unalloyed. A number of analyses made of late years of Greek coins show a proportion of tin of from 10 to 16 per cent., and an occasional 2 to 5 per cent. of lead. Roman aes signatum in republican times shows a proportion of 5 to 8 per cent. of tin and 16 to 29 of lead. After the time of Augustus a change was introduced in the composition of Roman coin. Thenceforward sestertii and dupondii were made of brass, that is to say, of a mixture containing 20 per cent. of zinc and 80 of copper; while the asses were made entirely of copper. Money of copper and bronze stood on a very different footing in Italy to that on which it stood in Hellas and Asia. For in Western countries copper was the usual medium of exchange and measure of value; the chief currency consisted in early times of huge ingots of copper stamped with an official type; and when gold and silver came into use, they at first passed merely as the equivalents and representatives of so much copper. In the East, on the other hand, where gold and silver were the true media of exchange, and copper was used only for very small values, it was seldom minted save as money of account. [See NUMMUS.] The Ptolemies of Egypt minted copper pieces of full value; and Brandes (*Gewichtswesen*, p. 292) is disposed to think that the early Athenian and other copper money was minted up to full weight for a time. But this was exceptional; and in almost all Hellenic settlements copper money was a currency of tokens; and the weight of it is consequently most irregular. Copper money was first minted in Greece towards the end of the 5th century, at which period the cities of South Italy, Sicily, and Hellas alike began to strike copper pieces in place of the minute silver coins which had hitherto passed as small change. Conservatives objected to the innovation, as we know from Aristophanes (*Frogs*, v. 725). [CHALCUS.]

Since the most ancient coins in Rome and the old Italian states were made of aes, this name was given to money in general, so that Ulpian (Dig. 50, tit. 16, s. 159) says, *Etiam aureos nummos aes dicimus.* (Compare Hor. *Ars Poët.* 345; *Ep.* i. 7, 23.) For the same reason we have *aes alienum*, meaning debt, and *aera* in the plural, pay to the soldiers. (Liv. v. 4; Plin. *H. N.* xxxiv. § 1.) The Romans had no other coinage except copper, till B.C. 269, five years before the First Punic War, when silver was first coined; gold was not coined till sixty-two years after silver. (Plin. *H. N.* xxxiii. § 42, foll.) For this reason Argentinus, in the Italian mythology, was made the son of Aesculanus. (*Quia prius aerea pecunia in usu esse coepit, post argentea:* August. *Civ. Dei*, iv. 21.) For a further account of Roman copper money, see AS.

As to the relations in value of the three metals, gold, silver, and copper, see ARGENTUM.

For a fuller account of the use of bronze in antiquity the reader may consult: Rossignol, *Les Métaux dans l'Antiquité;* Guillaume, *La Sculpture en Bronze;* J. Evans, *Ancient Bronze Implements.* The ancient testimonies as to gold, silver, and copper mines are collected by Sabatier, *Production de l'Or, de l'Argent et du Cuivre chez les Anciens* (1850). [P. G.]

AES CIRCUMFORA'NEUM, money borrowed from the Roman bankers (*argentarii*), who had shops in porticoes round the forum. (Cic. *ad Att.* ii. 1.) [ARGENTARII.] [W. S.]

AES CORIN'THIUM. [AES, p. 39, a.]

AES EQUESTRE, AES HORDEA'RIUM, and **AES MILITA'RE**, were the ancient terms for the pay of the Roman soldiers, before the regular *stipendium* was introduced. The *aes equestre* was the sum of money given for the purchase of the horse of an eques; the *aes hordearium*, the sum of money paid yearly for the keep of the horse of an eques—in other words, the pay of an eques; and the *aes militare*, the pay of a foot-soldier. (Gaius, iv. 27.)

The *aes equestre* was probably introduced in the Constitution of Servius Tullius, by way of compounding for the horse previously supplied at the public cost to the country. It amounted, according to Livy (i. 43), to 10,000 asses: according to the method probably followed in Livy's estimates [CENSUS], this sum represents 2000 libral asses, or pounds of copper. As each knight had two horses (Paul. p. 221)—one for himself, one for his attendant squire—this tallies with Varro's statement (*L. L.* viii. 71), *equum publicum mille assarium esse.*

The *aes hordearium* was the money paid annually by the state for the purchase of corn (*hordeum*) for the *equi publici.* It was derived from the contributions of the *viduae et orbi*, i.e. the unmarried women (whether widows or not), orphans, and perhaps also childless old men, past the age for military service. The sum allowed to each knight was 2000 asses, *i.e.* 400 pounds of copper: the total amount paid to the 1800 knights was therefore 720,000 libral asses. There can be little doubt that this sum was levied upon the *viduae et orbi* in proportion to their rateable property, and paid into the *aerarium*, whence, like the *aes equestre*, it was distributed by the *tribuni aerarii* [q. v.]. Both Gaius (iv. 27) and Gellius (vii. 10) expressly tell us that the knights had a right of distraint (*pignoris capio*) against the *tribuni* (or, as Gaius says, *is qui distribuebat*), and there is nothing in the principles of Roman law to make us doubt this. The statement of Cicero that this practice was introduced by Tarquinius Priscus is probably only based upon the erroneous notion that it was borrowed from Corinth (*de Rep.* ii. 20). Cf. Lange, *Röm. Alt.* i. 474–478; Marquardt, *Röm. Staatsv.* ii. 90 ff. [W. S.] [A. S. W.]

AES GRAVE. This term was applied to the early Italian copper or bronze coins, as being heavy money, of intrinsic value, and not mere money of account, like later issues of copper. [AS.] [P. G.]

AES MANUA'RIUM was the money won in playing with dice, *manibus collectum. Manus* was the throw in the game. All who threw certain numbers were obliged to put down a piece of money; and whoever threw the Venus (the highest throw) won the whole sum, which was called the *aes manuarium*. (Gell. xviii. 13, § 4; Suet. *Aug.* 71.) [W. S.]

AES MILITA'RE. [Aes Equestre.]

AES RUDE. The blocks of copper of rude square or oblong form, and roughly stamped with a type which preceded money in Italy. [As.] [P. G.]

AES UXO'RIUM, a tax paid by men who reached old age without having married. It was first imposed by the censors, M. Furius Camillus and M. Postumius, in B.C. 403, but we do not know whether it continued to be levied afterwards. (Festus, *s. v.*; Val. Max. ii. 9, § 1; Plut. *Cam.* 2.) [Lex Julia et Papia Poppaea.] [W. S.]

AESTIMA'TIO LITIS. [Judex.]

AESYMNE'TES (*αἰσυμνήτης*, from *αἶσα*, "a just portion," hence "a person who gives every one his just portion") originally signified merely a judge in the heroic games, but afterwards indicated an individual who was occasionally invested voluntarily by his fellow-citizens with unlimited power in a Greek state. His power, according to Aristotle, partook in some degree of the nature both of kingly and tyrannical authority; since he was appointed legally and ruled over willing subjects, but at the same time was not bound by any laws in his public administration. (Aristot. *Polit.* iii. 9, § 5, iv. 8, § 2; Hesych. *s. v.*) Hence Theophrastus calls the office *τυραννὶς αἱρετή*, and Dionysius (v. 73) compares it with the dictatorship at Rome. It was not hereditary; but it was sometimes held for life, and at other times only till some object was accomplished, such as the reconciling of the various factions in the state, and the like. We have only one express instance in which a person received the title of Aesymnetes, namely, that of Pittacus, in Mytilene, who was appointed to this dignity because the state had been long torn asunder by the various factions, and who succeeded in restoring peace and order by his wise regulations and laws. (Dionys. v. 73; Strab. xiii. p. 617; Plut. *Solon*, 4; Diog. Laërt. i. 75; Plehn, *Lesbiaca*, pp. 46, 48.) There were, however, no doubt many other persons who ruled under this title for a while in the various states of Greece, and those legislators bore a strong resemblance to the aesymnetes, whom their fellow-citizens appointed with supreme power to enact laws, as Dracon, Solon, Zaleucus, and Charondas. In some states, such as Cyme and Chalcedon, it was the title borne by the regular magistrates. (Wachsmuth, *Hellen. Alterthum.* i. pp. 423, 441, 2nd ed.; Tittmann, *Griech. Staatsw.* p. 76, &c.; Schömann, *Antiq. Jur. Publ. Graec.* p. 88; Hermann, *Staatsalterth.* § 63.) [W. S.]

AETAS. [Infans; Impubes.]

AETNAEA (*Αἴτναια*), a festival celebrated in honour of Zeus Aetnaeus, so called from Mount Aetna, where a statue had been erected to him. No particulars of this festival are known. (Schol. *ad* Pind. *Ol.* vi. 162.) [L. S.]

AETO'LICUM FOEDUS (*τὸ κοινὸν τῶν Αἰτωλῶν*), a confederation of the Aetolian towns and tribes, which was afterwards joined by towns and cantons of Greece which did not belong to Aetolia proper. The league appears to have been formed shortly after the battle of Chaeroneia, in B.C. 338, to counteract the influence of Macedonia on the affairs of Greece. Its primary object therefore was the same as that of the later league of the Achaeans. It has been suggested by Schömann (*Griech. Alterth.* ii. p. 102) that there had existed from very early times a loose kind of confederacy among the Aetolians, the centre of which was the sanctuary of Apollo at Thermon. (Hom. *Il.* ii. 638; xiii. 217.) In the time of Thucydides (iii. 119) the several Aetolian tribes between the rivers Achelous and Evenus appear to have been quite independent of one another, although they were designated by the common name of Aetolians; but we nevertheless find that on certain occasions they acted in concert, as, for example, when they sent embassies to foreign powers, or when they had to ward off the attacks of a common enemy. (Thuc. *l. c.* iii. 95, &c.) It may therefore be admitted that there did not exist any regularly organised league among the tribes of Aetolia, and that it was only their common danger that made them act in concert; but such a state of things, at any rate, facilitated the formation of a league, when the time came at which it was needed. The league appears as a very powerful one very soon after the death of Alexander the Great, viz. during the Lamian war against Antipater. (Diod. xix. 66; xx. 99.) How far its organisation was then regulated is unknown, though a certain constitution must have existed as early as that time, since we find that Aristotle wrote a work on the Aetolian constitution. (Strab. vii. p. 321.) But it was certainly wanting in internal solidity, and not based upon any firm principles. In B.C. 204, two of the heads of the confederacy, Dorimachos and Scopas, were commissioned to regulate its constitution, and it was perhaps in consequence of their regulation, that a cancelling of debts was decreed two years later. (Polyb. xiii. 1, *Fragm. Hist.* 68.) The characteristic difference between the Aetolian and Achaean leagues, was that the former originally consisted of a confederacy of nations or tribes, while the latter was a confederacy of towns. Hence the ancient and great towns of the Aetolians, throughout the period of the league, are of no importance and exercise no influence whatever. Even Thermon, although it was the head of the league, and the place where the ordinary meetings of the confederates were held (Polyb. v. 8, xviii. 31, xxviii. 4; Strab. x. p. 463), did not serve as a fortress in times of war; and whenever the Aetolians were threatened by any danger, they preferred withdrawing to their impregnable mountains.

The sovereign power of the confederacy was vested in the general assemblies of all the confederates (*κοινὸν τῶν Αἰτωλῶν*, *concilium Aetolorum*), and this assembly unquestionably had the right to discuss all questions respecting peace and war, and to elect the great civil and military officers of the league. It is however clear that those assemblies could not be attended by all the Aetolians, for many of them were poor, and lived at a great distance, in addition to which the roads were much more impassable than in other parts of Greece. The constitution of the league was thus in theory a democracy, but under the cover of that name it was in reality an aristocracy, and the name *Panaetolicum*, which Livy (xxxi. 29) applies to the Aetolian assembly, must be understood accordingly as an assembly of the wealthiest and most influential persons, who occasionally passed the most arbitrary resolutions, and screened the maddest and most unlawful acts of the leading men under the fine name of a decree of all the Aetolians.

We have already mentioned that the ordinary place of meeting was at Thermon, but on extraordinary occasions assemblies were also held in other towns belonging to the league, though they were not situated in the country of Aetolia proper, *e.g.* at Heracleia (Liv. xxxiii. 3), Naupactus (xxxv. 12), Hypata (xxxvi. 2, 8), and Lamia (xxxv. 43, 44). The questions which were to be brought before the assembly were sometimes discussed previously by a committee, selected from the great mass, and called Apocleti (ἀπόκλητοι, Suid. *s. v.*; Liv. xxxvi. 28). Some writers believe that the Apocleti formed a permanent council, and that the thirty men sent out to negotiate with Antiochus were only a committee of the Apocleti. (Polyb. iv. 9, xx. 10, xxi. 3; Tittmann, *Griech. Staatsverf.* p. 727.)

The general assembly usually met in the autumn, when the officers of the league were elected. (Polyb. iv. 37.) The highest among them, as among those of the Achaean league, bore the title of *στρατηγός*, whose office lasted only for one year. The first whose name is known was Eurydamos, who commanded the Aetolians in the war against the Galatians. (Paus. x. 16, § 2.) The strategus had the right to convoke the assembly; he presided in it, introduced the subjects for deliberation, and levied the troops. (Liv. xxxviii. 4.) He had his share of the booty made in war, but was not allowed to vote in decisions upon peace or war. (Liv. xxxv. 25.) This was a wise precaution, as a sanguine strategus might easily have involved the league in wars which would have been ruinous to the nation. His name was signed to all public documents, treaties, and decrees of the general assembly. An exception occurs in the peace with the Romans, because they themselves dictated it and abandoned the usual form. (Polyb. xxii. 15.) Respecting the mode of election, we are told by Hesychius (s. *v. κυάμῳ πατρίῳ*), that it was decided by white and black beans, and not by voting, but by drawing lots. The authority on which the statement of Hesychius is based can be of no weight, and we must suppose that the election was made by voting (see Schömann, *Griech. Alt.* ii. p. 105).

The officers next in rank to the strategus were the hipparchus and the public scribe. (Polyb. xxii. 15; comp. Liv. xxxviii. 11.) We further hear of *σύνεδροι*, who act as arbiters (Böckh, *Corp. Inscr.* vol. ii. p. 633), and *νομογράφοι*, who however may have had no more to do with the making of laws than the Athenian nomothetae. (Böckh, *l. c.* pp. 857, 858.)

With the exception of the points above mentioned, the constitution of the Aetolian league is involved in great obscurity. There are, however, two things which appear to have had an injurious effect upon the confederacy: first, the circumstance that its members were scattered over a large tract of country, and that besides Aetolia proper and some neighbouring countries, such as Locris and Thessaly, it embraced towns in the heart of Peloponnesus, the island of Cephallenia in the west, and in the east the town of Cios on the Propontis; in the second place, many of the confederates had been forced to join the league, and were ready to abandon it again as soon as an opportunity offered. (Polyb. iv. 25; comp. xxii. 13, 15; Liv. xxxviii. 9, 11.) The towns which belonged to the league of course enjoyed isopolity; but, as it endeavoured to increase its strength in all possible ways, the Aetolians also formed connections of friendship and alliances with other states which did not join the league. (Polyb. ii. 46.) The political existence of the league was destroyed in B.C. 189 by the treaty with Rome, whereby they became subjects of Rome; and the treachery of the Roman party among the Aetolians themselves caused in B.C. 167 five hundred and fifty of the leading patriots to be put to death, and those who survived the massacre were carried to Rome as prisoners. (Liv. xlv. 31; Justin. xxxiii. 2.) An Aetolian, like an Achaean, league continued to exist under the Roman dominion as late as the time of Pausanias (x. 38), but it was without any political significance. (Comp. Tittmann, *Darstellung der Griech. Staatsverf.* p. 721, &c.; Lucas, *Ueber Polyb. Darstellung des Aetol. Bundes*, Königsberg, 1827, 4to; K. F. Hermann, *Griech. Staatsalterth.* § 183; Schorn, *Geschichte Griechenl.* p. 25, &c.; Brandstäter, *Die Gesch. des Aetol. Landes, Volkes und Bundes*, p. 298, &c.) [L. S.]

AETO'MA (*ἀέτωμα*). [FASTIGIUM.]

AFFI'NES, AFFI'NITAS, or ADFI'NES, ADFI'NITAS. Affinitas is the term used in Roman law to express the relationship of the husband to the *cognati* of his wife, and of wife to the *cognati* of her husband. The *cognati* of the husband and of the wife are not *affines* to one another.

Affinitas is created by and continues only during marriage, but its legal consequences may come into operation after the termination of the marriage on which it was founded. (Gaius, i. 63; *Frag. Vat.* § 303.)

By mere betrothal a relationship was created which is treated to some extent as equivalent to *affinitas*. It is sometimes described by that term. (Dig. 38, 10, 6, § 1.)

Although *affines* may be more or less nearly connected, they are not, like *cognati*, distinguished by degrees (*gradus*), but by particular terms.

The father of a husband is the *socer* of the husband's wife, and the father of a wife is the *socer* of the wife's husband; the term *socrus* expresses the same affinity with respect to the husband's and wife's mothers. A son's wife is *nurus* or daughter-in-law to the son's parents; a wife's husband is *gener* or son-in-law to the wife's parents. Thus the *avus, avia—pater, mater*—of the wife become by the marriage respectively, the *socer magnus, prosocrus*, or *socrus magna—socer, socrus*—of the husband, who becomes with respect to them severally *progener* and *gener*.

In like manner, the corresponding ancestors of the husband respectively assume the same names with respect to the son's wife, who becomes, with respect to them, *pronurus* and *nurus*. The son and daughter of a husband or wife born of a prior marriage are called *privignus* and *privigna*, with respect to their step-father or step-mother;

and with respect to such children the step-father and step-mother are severally called *vitricus* and *noverca*. The husband's brother becomes *levir* with respect to the wife, and his sister becomes *glos* (the Greek γάλως).

Affinity in the direct line was always impediment to marriage, but not collateral (Cic. *de Div.* i. 46; Val. Max. i. 5, § 4). Marriage with a brother's widow and with a wife's sister were prohibited by imperial Constitutions (Cod. v. 5, ss. 5, 8, 9; Dig. 38, 10, 4, § 3; Puchta, § 196). [G. L.] [E. A. W.]

AGALMA (ἄγαλμα). [STATUARIA.]

AGAMIOU GRAPHE' (ἀγαμίου γραφή). At Sparta, proceedings might be taken against those who married too late (γραφὴ ὀψιγαμίου) or unsuitably (γραφὴ κακογαμίου) as well as against those who did not marry at all (ἀγαμίου). The penalty was ἀτιμία. (Pollux, viii. 40; Plut. *Lycurg.* 15.) [MATRIMONIUM.]

Whether there was any such interference with individual liberty at Athens during the democratic period is more than doubtful. The evidence of passages in Plutarch (*de Am. Prolis*, p. 493 *e*) and Pollux (iii. 48) is rejected by Meier (*Att. Process*, p. 287), Westermann (in Pauly, *s. v.* ἄγαμοι), and Caillemer (in Daremberg and Saglio). No mention of ἀγαμίου γραφή occurs in the orators, even when we might most expect it; as when proof is required that a man had died unmarried (Demosth. *c. Leochar.* p. 1086, § 18; 1089, § 30). On the other hand, certain disabilities attached, at Athens, to the state of celibacy; those who entered public life, as ῥήτορες or στρατηγοί, were required παιδοποιεῖσθαι κατὰ τοὺς νόμους (Deinarch. *c. Demosth.* p. 99, § 72). Plato characteristically proposes to enforce marriage on all citizens before their 35th year by fines and atimia (*Leg.* iv. p. 721 A, B), and lays down the rule that in choosing a wife every one ought to consult the interest of the state, and not his own pleasure (*Leg.* vi. p. 773). [W. W.]

AGA'SO, a groom, a slave whose business it was to take care of the horses. (Plaut. *Merc.* v. 2, 11; Liv. xliii. 5; Plin. *H. N.* xxxv. § 134.) The word is also used for a driver of beasts of burthen (Apul. *Met.* vi. c. 18, vii. c. 18), and is sometimes applied to a slave who had to perform the lowest menial duties. (Hor. *Serm.* ii. 8, 72; Pers. v. 76.) [W. S.]

AGATHOERGI (ἀγαθοεργοί). In time of war the kings of Sparta had a body-guard of 300 knights (ἱππεῖς), of whom the five eldest retired every year, and were employed for one year, under the name of *agathoergi*, in missions to foreign states. (Herod. i. 67.) It has been maintained by some writers that the *agathoergi* did not attain that rank merely by seniority, but were selected from the ἱππεῖς by the ephors without reference to age. (Ruhnken, *Ad Timaei Lexic. Plat.* s. v.; Hesych. s. v.; Bekker, *Anecd.* vol. i. p. 209.) [W. S.]

AG'ELA (ἀγέλη), an assembly of young men in Crete, who lived together from their seventeenth year till the time of their marriage. Up to the end of their sixteenth year they remained in their father's house; and from the circumstance of their belonging to no *agela*, they were called ἀπάγελοι. They were then enrolled in *agelae*, which were of an aristocratic nature, and gave great power to particular families. An *agela* always consisted of the sons of the most noble citizens, who were usually under the jurisdiction of the father of the youth who had been the means of collecting the *agela*. It was the duty of this person, called ἀγελάτης, to superintend the military and gymnastic exercises of the youths (who were called ἀγέλαστοι), to accompany them to the chase, and to punish them when disobedient. He was accountable, however, to the state, which supported the *agela* at the public expense. All the members of an *agela* were obliged to marry at the same time. When they ceased to belong to an *agela*, they partook of the public meals for men (ἀνδρεῖα) [SYSSITIA]. These institutions were afterwards preserved in only a few states of Crete, such for instance as Lyctus. (Ephorus, *ap.* Strab. x. p. 480, &c.; Heracl. Pont. c. 3; Höck, *Creta*, iii. p. 100, &c.; Müller, *Dor.* iv. 5, § 3; Hermann, *Griech. Staatsalterthümer*, § 22; Wachsmuth, *Hellen. Alterthumskunde*, vol. i. p. 362, 2nd ed.; Krause, *Die Gymnastik u. Agonistik d. Hellenen*, p. 690, &c.) At Sparta the youths left their parents' houses at seven years of age and entered the βοῦαι. [W. S.]

AGE'MA (ἄγημα, from ἄγω), the name of a chosen body of troops in the Macedonian army, forming the royal guard, consisting of horse-soldiers and foot-soldiers, but usually of the former. It seems to have varied in number; sometimes it consisted of 150 men, at other times of 300, and in later times it contained as many as 1000 or 2000 men. (Arrian, *Anab.* i. 1, § 11; ii. 8, § 3; iv. 24, § 1; Diod. xix. 27, 28; Liv. xxxvii. 40; xlii. 51, 58; Curt. iv. 13; Polyb. v. 25, 65, xxxi. 3; Appian, *Syr.* 32; Hesych. and Suid. *s. v.*; Eustath. *ad Od.* i. p. 1399, 62.) [W. S.]

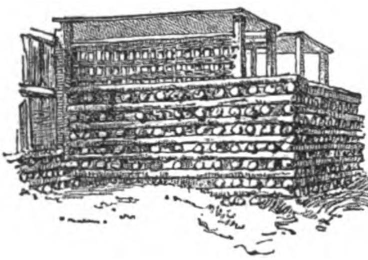
AGEORGIOU DIKE' (ἀγεωργίου δίκη) is nowhere mentioned in the classical writers, but is thus explained by grammarians: σημαίνει τὸ ἐπειδάν τις χώριον παραλαβὼν ἀγεώργητον καὶ ἀνέργαστον ἐάσῃ, ἔπειτα ὁ δεσπότης δικάζηται τῷ παραλαβόντι (Bekk. *Anecd.* pp. 20, 336). It has been argued from the use of the word παραλαβεῖν that the right of bringing this action was confined to the owner of mortgaged land as against the mortgagee or incumbrancer, and did not extend to ordinary tenancy (μισθώσασθαι); but it was probably general (Caillemer, *s. v.* in Daremberg and Saglio, against Büchsenschütz, *Besitz und Erwerb*, p. 93). [W. W.]

AGER and **AGER PUBLICUS.** [AGRARIAE LEGES; AGRIMETATIO.]

AGER SANCTUS (τέμενος). For an account of the lands in Greece devoted to the service of religion, see TEMENOS; for an account of those in Rome, see SACERDOS. [W. S.]

AGETO'RIA (ἀγητόρια). [CARNEIA.]

AGGER (χῶμα), from *ad* and *gero*, was used in general for a heap or mound of any kind which might be made of stones, wood, earth, or any other substance. It was more particularly applied to a mound, usually composed of earth, which was raised round a besieged town, and which was gradually increased in breadth and height, till it equalled or overtopped the walls. Hence we find the expressions *aggere oppidum oppugnare*, *aggere oppidum cingere;* and the making of the agger is expressed by the verbs *exstruere*, *construere*, *jacere*, *facere*, &c. Some of these *aggeres* were gigantic works, flanked with towers to defend the workmen and soldiers, and surmounted by parapets, behind which the soldiers could discharge missiles upon the besieged towns. At the siege of Avaricum, Caesar raised in twenty-five days an agger 330 feet broad, and 80 feet high. (*B. G.* vii. 24.) As the agger was sometimes made of wood, hurdles, and similar materials, we read of its being set on fire. (Liv. xxxvi. 23; Caes. *B. G.* vii. 24, *B. C.* ii. 14, 15.) The word *agger* was also applied to the earthen wall surrounding a Roman encampment, composed of the earth dug from the ditch (*fossa*), which was usually nine feet broad and seven feet deep; but if any attack was apprehended, the depth was increased to twelve feet, and the breadth to thirteen feet. Sharp stakes, &c., were usually fixed upon the agger, which was then called *vallum*. When both words are used (as in Caesar, *B. G.* vii. 72, *agger ac vallum*), the agger means the mound of earth; and the vallum the sharp stakes (*valli*) which were fixed upon the agger.



Agger, from Column of Trajan.

At Rome, the formidable rampart erected by Servius Tullius to protect the north-eastern side of Rome was called *agger*. It extended seven stadia, or about 1400 yards, from the Porta Collina to the Porta Esquilina, at the back of the Esquiline hill, where Rome is least fortified by nature. It was fifty feet broad, and protected by a ditch a hundred feet wide and thirty feet deep; and the Servian wall was carried along the top of it. (Cic. *de Rep.* ii. 6; Dionys. ix. 68.) Pliny (*H. N.* iii. § 67) attributes the erection of this rampart to Tarquinius Superbus, who may have completed the work of his predecessor. Recent excavations have greatly cleared up the subject of this *agger*, which the older writers sometimes failed to distinguish from the wall itself. (See Burn, *Rome*, p. 48 ff., and the map facing p. 49.) [W. S.] [W. W.]

AGITATO'RES. [CIRCUS.]

AGMEN. [EXERCITUS.]

AGNA'TI. [COGNATI.]

AGNO'MEN. [NOMEN.]

AG'OLUM, a shepherd's staff (*pastorale baculum quo pecudes aguntur*, Festus, *s. v.*), identified by Rich with the staff of the modern drovers of the Campagna, "formed by a long straight shoot of prickly pear." [J. H. F.]

AGONA'LES. [SALII.]

AGONA'LIA, AGO'NIA or **AGONA'LES DIES**, a name given to four festivals in the Roman calendar. Many different explanations have been given of the name (cf. Ov. *Fast.* i. 319–332; Fest. *Epit.* s. v.; Varr. *L. L.* vi. 12), most of them quite absurd. There can be little doubt that it is derived from the Old Latin *agonia*, "a victim," or *agonium*, "a festival," a word also found in other Italian dialects (Corssen, i.^{2} 396; Curtius, *Principles*, i. 209).

1. On Jan. 9 the *rex* offered in the *regia* a ram in honour of Janus (Cal. Praenest.; Ov. *Fast.* i. 333). This sacrifice was said to have been instituted by Numa (Macrob. i. 4, 7).

2. On March 17, the day of the Liberalia, called according to Masurius (*apud* Macrob. i. 4, 15) the *Agonium Martiale*, a victim was offered by the *Salii agonales* on the Mons Quirinalis, hence sometimes called *Mons Agonus*, in honour of Mars, or more probably of Quirinus. (Cal. Vatic.)

3. On May 21 there was a festival called in the Cal. Venus. *Agon. Vediovi*, when a victim was offered to Vejovis in his temple on the Capitoline hill.

4. On Dec. 11 there was, according to Festus, a festival called *Septimontium*, when sacrifice was offered on each of the seven hills. This is denoted in the Fasti Amiternini (*C. I. L.*, p. 325) AG. IN., interpreted by Mommsen as *Agoniu Inui*. (Cf. Marquardt, *Röm. Staatsv.* iii. p. 310, note; Huschke, *Das alte röm. Jahr*, Breslau, 1869, pp. 247–8.) [A. S. W.]

AGO'NES (ἀγῶνες), the general term among the Greeks for the contests at their great national games. [OLYMPIA, PYTHIA, NEMEA, ISTHMIA.] The word was also used to signify lawsuits, and was especially employed in the phrase ἀγῶνες τιμητοὶ and ἀτίμητοι. [TIMEMA.] [W. S.]

AGONOTHETAE (ἀγωνοθέται) were persons, in the Grecian games, who decided disputes and adjudged the prizes to the victors. Originally, the person who instituted the contest and offered the prize was the *agonothetes*, and this continued to be the practice in those games which were instituted by kings or private persons. But in the great public games, such as the Isthmian, Pythian, &c., the *agonothetae* were either the representatives of different states, as the Amphictyons at the Pythian games, or were chosen from the people in whose country the games were celebrated. During the flourishing times of the Grecian republics, the Eleians were the *agonothetae* in the Olympic games, the Corinthians in the Isthmian games, the Amphictyons in the Pythian games, and the Corinthians, Argives, and inhabitants of Cleonae in the Nemaean games. The ἀγωνοθέται were also called αἰσυμνῆται, ἀγωνάρχαι, ἀγωνοδίκαι, ἀθλοθέται, ῥαβδοῦχοι or ῥαβδονόμοι (from the staff they carried as an emblem of authority), βραβεῖς, βραβευταί. [OLYMPIA, PYTHIA, NEMEA, ISTHMIA.] [W. S.]

AG'ORA (ἀγορά). 1. Agora means an assembly of any nature, and is usually employed by Homer for the general assembly of the people. The agora seems to have been considered an essential part in the constitution of the early Grecian states, since the barbarity and uncivilised condition of the Cyclops is characterised by their wanting such an assembly. (Hom. *Od.* ix. 112.) The agora, though usually convoked by the king, appears to have been also summoned at times by some distinguished chieftain, as, for example, by Achilles before Troy. (Hom. *Il.* i. 54.) The king occupied the most important seat in these assemblies, and near him sat the nobles, while the people sat in a circle around them. The power and rights of the people in these assemblies have been the subject of much dispute. Platner, Tittmann, and Nitzsch in his commentary on the Odyssey, maintain that the people was allowed to speak and vote; while Müller (*Dor.* iii. 1, § 3), who is followed by Grote (*Hist. of Greece*, vol. ii. p. 91), maintains that the nobles were the only persons who proposed measures, deliberated, and voted, and that the people was only present to hear the debate, and to express its feeling as a body; which expressions might then be noticed by a prince of a mild disposition. The latter view of the question is confirmed by the fact, that in no passage in the Odyssey is any common man represented as taking part in the discussion; while, in the Iliad, Ulysses inflicts personal chastisement upon Thersites, for presuming to attack the nobles in the agora. (*Il.* ii. 211–277.) The people appear to have been only called together to hear what had been already agreed upon in the council of the nobles, which is called *βουλή* (*Il.* ii. 53, vi. 114, *γέροντες βουλευταί*), and *θόωκος* (*Od.* ii. 26), and sometimes even *ἀγορά* (*Od.* ix. 112; *ἀγοραὶ βουληφόροι*). Justice was administered in the agora by the king or chiefs (Hes. *Theog.* 85; Hom. *Il.* xviii. 497, *Od.* xii. 439), &c., but the people had no share in its administration, and the agora served merely the purpose of publicity. The common phrases used in reference to the agora are *εἰς ἀγορὴν καλέειν*; *ἀγορὴν ποιεῖσθαι, τίθεσθαι*; *εἰς τὴν ἀγορὴν εἰσιέναι, ἀγείρεσθαι*, &c. (Wachsmuth, *Hellen. Alterthumsk.* vol. i. p. 346, 2nd ed.; Hermann, *Lehrbuch. d. Griech. Staatsalt.* § 55; Grote, *Hist. of Greece*, vol. ii. pp. 91–101.)

Among the Athenians, the proper name for the assembly of the people was *ἐκκλησία*, and among the Dorians *ἁλία*. The term *agora* was confined at Athens to the assemblies of the phylae and demi. (Aesch. *c. Ctes.* § 27, p. 50, 37; Schömann, *de Comitiis Athen.* p. 27, *Antiq. Jur. Publ. Graec.* pp. 203, 205; Böckh, *Corp. Inscrip.* vol. i. p. 125.) In Crete the original name *ἀγορά* continued to be applied to the popular assemblies till a late period. (Bekker, *Anecdot.* vol. i. p. 210.) [W. S.]

2. Agora was also the place of public assembly in a Greek city, both for traffic and for the transaction of all public business. It answers to the Roman *forum*; and, in fact, it is impossible to keep these two subjects entirely separate.

In the earliest times, the agora was merely an open piece of ground, which was generally in front of the royal palace, and in seaport towns close to the harbour. The agora of Troy was in the citadel. Here the chiefs met in council and sat in judgment, and the people assembled to witness athletic games. It was evidently also the place of traffic and of general intercourse; in one passage of Homer we have a lively picture of the idlers who frequented it. It was enclosed with large stones sunk into the earth, and seats of marble were placed in it for the chiefs to sit in judgment, and it was hallowed by the shrine of one or more divinities. In the agora which Homer particularly describes —that of the Phaeacians—there was a temple of Poseidon. (Hom. *Il.* ii. 788, vii. 345, 346, xviii. 497–506; *Od.* vi. 263–285, viii. 16, 109, xvi. 361.)

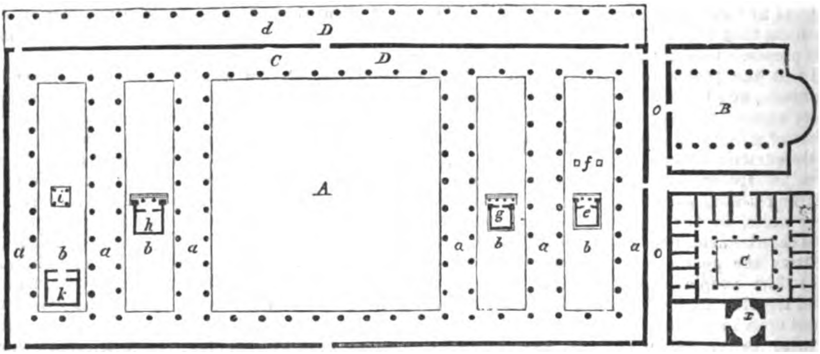
Out of this simple arrangement arose the magnificent *ἀγορά* of later times, which consisted of an open space, enclosed by porticoes or colonnades, divided into separate parts for the various occupations which were pursued in it, adorned with statues, altars, and temples, and built about with edifices for the transaction of public and private business, and for the administration of justice.

Our information respecting these edifices is rather scanty. The chief authorities are Pausanias and Vitruvius. The existing ruins are in such a state as to give us very little help.

We have, first of all, in this, as in other departments of architecture, to distinguish the ancient style from that introduced by the Greeks of Ionia after the Persian war, and more especially by Hippodamus of Miletus [see *Dict. of Biog.* s. v.], whose connexion with the building of *ἀγοραί* of a new form is marked by the name *Ἱπποδαμεία*, which was applied to the agora in the Peiraeus. (Harpocr. *s. v.* *Ἱπποδαμεία*.) The general character of the Greek *ἀγορά* is thus described by Vitruvius (v. 1): "The Greeks arrange their fora in a square form, with very wide double colonnades, and adorn them with columns set near one another, and with stone or marble entablatures, and they make walks in the upper stories."

Among the *ἀγοραί* described by Pausanias, that of the Eleians is mentioned by him (vi. 24) as being "not on the same plan as those of the Ionians and the Greek cities adjoining Ionia, but it is built in the more ancient fashion, with porticoes separated from one another, and streets between them. But the name of the agora in our days is *hippodromos*, and the people of the country exercise their horses there. But of the porticoes, the one towards the south is of the Dorian style of work, and the pillars divide it into three parts (in this the Hellanodicae generally pass the day); but against these (pillars) they place altars to Zeus... To one going along this portico, into the agora, there lies on the left, along the further side of this portico, the dwelling of the Hellanodicae (*ὁ Ἑλλανοδικεών*); and there is a street which divides it from the agora . . . And near the portico where the Hellanodicae pass the day is another portico, there being one street between them: this the Eleians call the Corcyraean portico" (because it was built from the tithe of spoil taken from the Corcyraeans in war). "But the style of the portico is Dorian and double, having columns on the one side towards the agora, and on the other side towards the parts beyond the agora; and along the middle of it is a wall, which thus supports the roof; and images are placed on both sides against the wall." He then proceeds to mention the ornaments of the agora,—namely, the statue of the philosopher Pyrrhon; the temple and statue of Apollo Acesius; the statues of the Sun and Moon; the temple of the Graces, with their wooden statues, of which the dress was gilt, and the hands and feet were of white marble; the temple of Seilenus, dedicated to him alone, and not in common with Dionysus; and a monumental shrine, of peculiar form, without walls, but with oak pillars supporting the roof, which was reported to be the monument of Oxylus. The agora also contained the dwelling of the sixteen females, who wove in it the sacred robe for Hera. It is worthy of remark that several of these details confirm the high antiquity which Pausanias assigns to this agora.

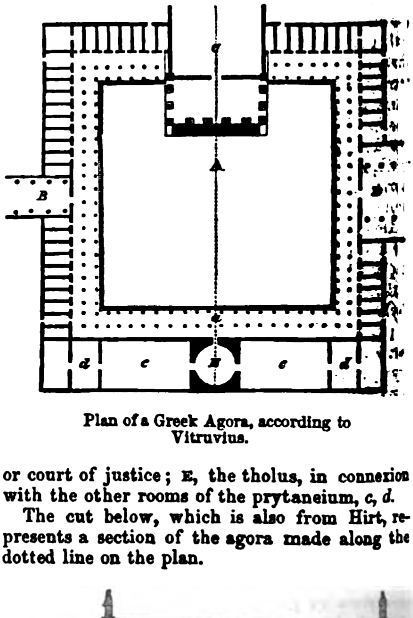
Hirt has drawn out the following plan from the description of Pausanias. (*Geschichte der Baukunst bei den Alten*, Taf. xxi. fig. 5.) We give it, not as feeling satisfied of its complete accuracy, but as a useful commentary on Pausanias.



Ground-plan of the old Agora at Elis.

A, the chief open space of the agora, called, in the time of Pausanias, *hippodromus*; *a*, colonnades separated by streets, *b*; B, the stoa in which the Hellanodicae sat, divided from the agora by a street *o*; C, the house of the Hellanodicae; *x*, the tholus; D, the Corcyraean stoa, composed of two parts, *c* looking into the agora, and *d* looking away from it; *e*, *g*, *h*, small temples; *f*, statues of the Sun and Moon; *i*, monument of Oxylus; *k*, house of the sixteen women.

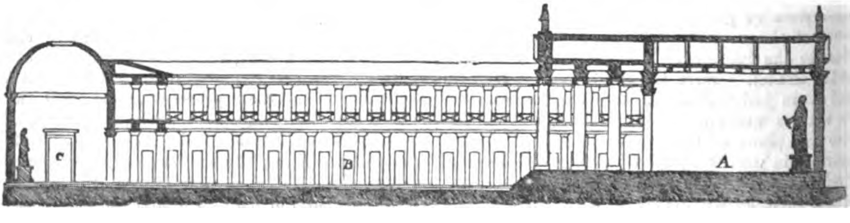
In this agora the stoa, B, answers to the later *basilica*, and the house, C, to the *prytaneium* in other Greek *ἀγοραί*. With respect to the other parts, it is pretty evident that the chief open space, A, which Pausanias calls *τὸ ὕπαιθρον τῆς ἀγορᾶς*, was devoted to public assemblies and exercise, and the *στοαί* (*a*), with their intervening streets (*b*), to private business and traffic. Hirt traces a resemblance of form between the Eleian agora and the forum of Trajan. It is evident that the words of Vitruvius, above quoted, refer to the more modern, or Ionian form of the agora, as represented in the following plan, which is also taken from Hirt (*Geschichte der Baukunst*, xxi. fig. 1):—



Plan of a Greek Agora, according to Vitruvius.

A, the open court, surrounded by double colonnades and shops; B, the curia; C, the chief temple, also used as a treasury; D, the basilica, or court of justice; E, the tholus, in connexion with the other rooms of the prytaneium, *c*, *d*.

The cut below, which is also from Hirt, represents a section of the agora made along the dotted line on the plan.



Section of the same.

We gain further information respecting the buildings connected with the agora, and the works of art with which it was adorned, chiefly from the statements of Pausanias respecting those of particular cities, such as Athens (i. 5, § 2), Thebes (ix. 17, § 1), Sicyon (ii. 7, § 7, 9, § 6), Argos (ii. 21), Sparta (iii. 11), Tegea (viii. 47, § 3), Megalopolis (viii. 30, § 2), to which passages the reader is referred for the details. The buildings mentioned in connexion with the agora are:—1. Temples of the gods and shrines of heroes [TEMPLUM], besides altars and statues of divinities. The epithet *ἀγοραῖος* is often applied to a divinity who was thus worshipped in the agora (Paus. *ll. cc.*; Aesch. *Eumen.* 976; Soph. *Oed. Tyr.* 161, where mention is made of the circular throne of Artemis in the agora), and Aeschylus expressly refers to the *θεοὶ ἀγορᾶς ἐπισκόποι* (*Sept. c. Theb.* 271, 272). 2. The senate-house (*Βουλευτήριον*), and other places for the meetings of the governing bodies, according to the constitution of the particular state: in the agora at Sparta, for example, there were the senate-house of the Gerontes and the places of meeting of the Ephori, the Nomophylaces, and the Bidiaei. 3. The residence of the magistrates for the time being [PRYTANEIUM]. 4. Courts of justice [BASILICA]. 5. The public treasury [THESAURUS]. 6. The prison [CARCER]. 7. The police-station, if such a term may be applied to an ancient agora. At Athens, for example, the station of the thousand Scythian bowmen, who formed the police force of the state, was in the middle of the agora; this does not, however, seem to have been a permanent building, but only a number of tents. 8. Buildings used for the regulation of the standards of measure, and so forth; such as the building vulgarly called the Temple of the Winds at Athens [HOROLOGIUM], and the Milliarium Aureum at Rome, which seems to have been imitated from a similar standard at Athens [MILLIARIUM]. To these various buildings must be added the works of art with which the open area and the porticoes of the agora were adorned; which were chiefly in celebration of gods and heroes who figured in the mythology, of men who had deserved well of the state, of victories and other memorable events, besides those which obtained a place there purely by their merits as masterpieces of art. As a specimen we may take the agora at Athens, a portico of which, thence called the *στοὰ ποικίλη*, was adorned with the paintings of Polygnotus, Micon, and others, and in which also stood the statues of the ten heroes (*ἀρχηγέται*) after whom the Phylae of Cleisthenes were named, of Solon, of Harmodius and Aristogeiton, of the orator Lycurgus, and of very many others. It was customary also to build new porticoes out of the spoils taken in great wars, as examples of which we have the Corcyraean portico at Elis, mentioned above, and the Persian portico at Sparta.

The open area of the agora was originally the place of public assembly for all purposes, and of general resort. Its use for political purposes is described in the preceding article. Here also were celebrated the public festivals. At Sparta, the part of the agora in which stood the statues of Apollo, Artemis, and Leto, was called *χορός*, because the choruses of the Ephebi performed their dances there at the festival of the Gymnopaedia. (Paus. iii. 9.) Lastly, it was the place of social and fashionable resort. At Athens, fashionable loungers were called *ἀγάλματα ἀγορᾶς*.

Originally the agora was also the market, and was surrounded with shops, as shown in the above plan. As commerce increased, it was found convenient to separate the traffic from the other kinds of business carried on in the agora, and to assign to each its distinct place, though this was by no means universally the case. The market, whether identical with or separate from the agora for political and other assemblies, was divided into parts for the different sorts of merchandise, each of course furnished with colonnades, which the climate rendered necessary, and partly with shops and stalls, partly with temporary booths of wicker-work (*σκηναί*, Harpocr. *s. v.* *σκηνίτης*; Demosth. *de Cor.* p. 234). Each of these parts was called a *κύκλος*. It is generally stated that this term was applied only to that division of the market where meat, fish, and such things were sold; but Becker has shown that it was used also for other parts of the market (Becker-Göll, *Charikles*, ii. p. 195). The several divisions of the market were named according to the articles exposed for sale in them. (Poll. ix. 47, x. 19.) Of these divisions, the following were the most important.

The part in which fish and other delicacies for the table were exposed for sale was called *ἰχθῦς ὄψον*, or *ἰχθυόπωλις ἀγορά*, and was the chief centre of business. It was open only for a limited time, the signal for commencing business being given by the sound of a bell, which was obeyed with an eagerness that is more than once pleasantly referred to by the ancient writers. (Plutarch, *Sympos.* iv. 4, 2; Strab. xiv. p. 658.) The coarseness and impositions of the fishsellers, and the attempts of purchasers to beat them down, are frequently alluded to by the comic poets. (Amphis, *ap.* Ath. vi. p. 224, e; Alexis, *ibid.*; Xenarch. *ibid.* p. 225, c; Alexis, *ibid.* p. 226, a, b; comp. Plat. *Leg.* xi. p. 917.) It is not quite clear whether meat, poultry, and so forth, were sold in the same place as the fish, or had a separate division of the market assigned to them. Bread was partly sold in the assigned place in the market, which was perhaps the same as the meal-market (*τὰ ἄλφιτα*), and partly carried round for sale: the sellers were generally women, and were proverbially abusive. (Aristoph. *Ran.* 857; *Vesp.* 1389.) In another part of the market, called *μυῤῥίναι*, were the women who sold garlands of myrtle and flowers for festivals and parties. (Plut. *Arat.* 6; Aristoph. *Thesm.* 448, 457.) Near these, probably, were the sellers of ribands and fillets for the head. (Demosth. *in Eubul.* p. 1308, § 31.) The wholesale traffic in wine, as distinct from the business of the *κάπηλος* [CAUPO], was carried on in the market, the wine being brought in from the country in carts, from which it was transferred to amphorae; the process is represented in two pictures at Pompeii. (Alexis, *ap.* Ath. x. p. 431, e; *Mus. Borbon.* vol. iv. Relaz. d. Scav. A., and vol. v. p. 48.) [AMPHORA.] The market for pottery was called *χύτραι*; and must not be confounded with the place where cooks sat and offered themselves for hire, with their cooking utensils: this latter place was called *μαγειρεῖα*. (Poll. ix. 48; Alexis, *ap.* Ath. iv. p. 164, f.) In short, every kind of necessary or luxury was exposed for sale in its assigned place. Thus we find, besides those already mentioned, the market for onions (*τὰ κρόμυα*), for garlic (*τὰ σκόροδα*), for nuts (*τὰ κάρυα*), for apples (*τὰ μῆλα*), for fresh cheese (*ὁ χλωρὸς τυρός*), for oil (*τοὔλαιον*), for perfumes and unguents (*τὰ μύρα*), for frankincense (*ὁ λιβανωτός*), for spice (*τὰ ἀρώματα*), for couches (*αἱ κλῖναι*), for new and old clothes (*ἀγορὰ ἱματιόπωλις*, or *σπειρόπωλις*, Poll. vii. 78), for books (*βιβλιοθήκη*), and for slaves (*τὰ ἀνδράποδα*, Poll. x. 19). Lastly, a part of the market was devoted to the money-changers (τραπεζῖται). [ARGENTARII.] Mention is sometimes made of the women's market, γυναικεία ἀγορά, a term which has given rise to much doubt. (Theophr. *Char.* 2; Poll. x. 18.) The common explanation is, that it was the part of the market to which women resorted to purchase what they wanted for household uses. But it appears clearly that purchases were seldom made in the market by women, and never by free women. The only plausible explanation is, either that a distinct part of the market was assigned to those commodities the sellers of which were women, such as the ἀρτοπώλιδες, λεκιθοπώλιδες, ἰσχαδοπώλιδες, στεφανοπώλιδες, and others, or else that the term was applied to that part of the market where articles for the use of women were sold. But the matter is altogether doubtful. The above list of commodities, sold in the respective divisions of the market, might be still further extended. Indeed, with reference to the Athenian market, to which the description chiefly applies, there can be no doubt that every article of home produce or of foreign commerce from the known world was there exposed for sale. (See Thuc. ii. 18; Xen. *Oecon. Ath.* ii. 7; Isocr. *Paneg.* 64; Ath. xiv. p. 640, b, c.)

It is not to be supposed, however, that the sale of these various articles was confined to the market. Frequent mention is made of shops in other parts of the city (*e.g.* Thuc. viii. 95); and some articles, such as salt fish, seem to have been sold outside the gates. (Aristoph. *Equit.* 1246.)

The time during which the market was frequented was the forenoon; but it is difficult to determine precisely how much of the forenoon is denoted by the common phrases πλήθουσα ἀγορὰ, περὶ πλήθουσαν ἀγορὰν, πληθώρη ἀγορᾶς. (Herod. ii. 173, vii. 223.) Suidas (*s. v.*) explains πλήθουσα ἀγορά as ὥρα τρίτη, but elsewhere (*s. v.* περὶ πλήθ. ἀγ.) he says that it was either the fourth, or fifth, or sixth hour. We might infer that the whole period thus designated was from nine to twelve o'clock (equinoctial time); but Herodotus, in two passages (iii. 104, iv. 181), makes a distinction between πλήθουσα ἀγορά and μεσημβρία. (Comp. Liban. *Ep.* 1084.) The time of the conclusion of the market was called ἀγορᾶς διάλυσις (Herod. iii. 104, comp. Xenoph. *Oecon.* 12, 1; and for a further discussion respecting the time of the full market, see Duker, *ad* Thuc. viii. 92; Wesseling, *ad* Diod. Sic. xiii. 48; Perizon. *ad* Aelian. *V. H.* xii. 30; Gesner and Reiz, *ad* Lucian. *Philops.* 11, vol. iii. p. 38; Bähr, *ad* Herod. ii. 173). During these hours the market was a place not only of traffic but of general resort. Thus Socrates habitually frequented it as one of the places where he had the opportunity of conversing with the greatest number of persons. (Xen. *Mem.* i. 1, § 10; Plat. *Apol.* p. 17.) It was also frequented in other parts of the day, especially in the evening, when many persons might be seen walking about or resting upon seats placed under the colonnades. (Demosth. *in Con.* p. 1258, § 7; Pseudo-Plut. *Vit. X. Or.* p. 849, d; Lucian, *Jup. Trag.* 16, vol. ii. p. 660.) Even the shops themselves, not only those of the barbers, the perfumers, and the doctors, but even those of the leather-sellers and the harness-makers, were common places of resort for conversation; and it was even esteemed discreditable to avoid them altogether. (Aristoph. *Plut.* 337, *Av.* 1439; Xen. *Mem.* iv. 2, §
Lysias, *in Pancl.* §§ 3, 7, *pro Inval.* § 2
Demosth. *in Aristog.* i. p. 786, § 52.)

The persons who carried on traffic in th
market were the country people (ἀγοραῖοι), wh
brought in their commodities into the city, an
the retail dealers (κάπηλοι) who exposed th
goods purchased of the former, or of produce
of any kind (αὐτοπῶλαι), or of foreign merchant
(ἔμποροι), for sale in the markets. (Plat. *d*
Repub. ii. p. 371; Xen. *Mem.* iii. 7, § 6; Plut
Arat. 8.) [CAUPO.] A certain degree of disgrac
was attached to the occupation of a retail deale
though at Athens there were positive enactment
to the contrary. (Andoc. *de Myst.* p. 68; Aristot
de Repub. i. 10, iii. 5; Plat. *Leg.* xi. pp. 918
919; Diog. Laërt. i. 104, ix. 66; Aristoph. *Eq*
181; Demosth. *c. Eubul.* p. 1308, § 30.) There i
an interesting but very difficult question as t
the effect which the occupation of selling in the market had upon the social position of women who engaged in it. (Demosth. *in Neaer.* p. 1367, § 67; Plut. *Sol.* 23; Harpocr. and Suid. *s. v.* Πωλῶσι; Becker-Göll, *Charikles*, ii. p. 189 foll.) The wholesale dealers also sold their goods by means of a sample (δεῖγμα), either in the market, or in the place called δεῖγμα attached to the port. (Harpocr. *s. v.* δεῖγμα: Poll. ix. 34; Plut. *Demosth.* 23; Plat. *Leg.* vii. p. 788; Diphil. *ap.* Ath. xi. p. 499, e; Böckh, *Econ. of Ath.* p. 58, 2nd ed.) The retail dealers either exposed their goods for sale in their shops, or hawked them about. (Aristoph. *Acharn.* 33; Plut. *Apophth. Lacon.* 62, p. 236.) The privilege of freely selling in the market belonged to the citizens: foreigners had to pay a toll. (Demosth. *in Eubul.* p. 1309, § 34; Böckh, *Econ. of Ath.* p. 313.)

Most citizens either made their own purchases in the market (Aeschin. *c. Timarch.* § 65; Aristoph. *Lysistr.* 555–559), or employed a slave, who was called, from his office, ἀγοραστής (Xen. *Mem.* i. 5, § 2; comp. Ath. iv. p. 171; Poll. iii. 126; Terent. *Andr.* ii. 2, 31.) Sometimes female slaves performed this office (Lysias, *de Caed. Eratosth.* p. 18; comp. p. 11), but such an appearance in public was not permitted to any free woman, except a courtesan (Machon, *ap.* Ath. xiii. p. 580.) The philosopher Lynceus, of Samos, wrote a book for the guidance of purchasers in the market. (Ath. vi. p. 228.) It was esteemed disreputable for people to carry home their purchases from the markets, and there were therefore porters in attendance for that purpose, who were called προύνεικοι, παιδαρίωνες, and παιδῶνες. (Theophrast. *Char.* xvii.–xxii.; Hesych., *s. v.* προύνεικοι.) The preservation of order in the market was the office of the AGORANOMI.

Both the architectural details of the agora and the uses of its several parts might be further illustrated by the remains of the ἀγορά or ἀγοραί (for it is even doubtful whether there were two or only one) at Athens; but this would lead us too far into topographical details. This part of the subject is fully discussed in the following works:—Leake, *Topography of Athens*; Krause, *Hellas*, vol. ii.; Müller, in Ersch and Grüber's *Encyclopädie*, art. *Attica*; Hirt, *Lehre d. Gebäude*, ch. v. supp. 1; Wachsmuth, *Hellen. Alterthumsk.* vol. i. supp. 6, b, 2nd ed.

For the whole subject the chief modern authorities are the following:—Hirt, *Lehre d. Gebäude* *d. Griechen und Römer*, ch. v.; Stieglitz, *Archäol. d. Baukunst*; Wachsmuth, *Hellenische Alterthumskunde*; Böckh, *Public Economy of Athens*; and especially Becker-Göll, *Charikles*, 4th scene, ii. pp. 177-212. [P. S.]

AGORAN'OMI (ἀγορανόμοι) were public functionaries in most of the Grecian states, whose duties corresponded in many respects to those of the Roman aediles; whence Greek writers on Roman affairs call the aediles by this name. Under the Roman empire, the agoranomi were called λογισταί (Schol. *ad* Aristoph. *Acharn.* 688); they enjoyed in later times great honour and respect, and their office seems to have been regarded as one of the most honourable in the Greek states. We frequently read in inscriptions of their being rewarded with crowns, of which many instances are given by Müller (*Aeginetica*, p. 138). They were called by the Romans *curatores reipublicae*. (Cod. 1, tit. 54, s.3.)

Agoranomi existed both at Sparta and Athens, and, as inscriptions prove, in almost every Greek state. Our knowledge of the Spartan agoranomi is very limited, and derived almost entirely from inscriptions. They stepped into the place of the ancient *empelori* (ἐμπέλωροι) in the time of the Romans. They formed a collegium (συναρχία), with one at their head called πρέσβυς (Böckh, *Corp. Inscr.* vol. i. p. 610; and Sauppe in *Rheinisches Museum*, vol. iv. p. 159, new series). The Athenian agoranomi were regular magistrates during the flourishing times of the republic. They were ten in number, five for the city and five for the Peiraeus, and were chosen by lot, one from each tribe. (Dem. *c. Timocr.* p. 735, § 112; Aristoph. *Acharn.* 689.) The reading in Harpocration (*s. v.* ἀγορανόμοι), which mentions twenty agoranomi—fifteen for the city, and five for the Peiraeus—is false. (Böckh, *Corp. Inscr.* vol. i. p. 337.)

The principal duty of the agoranomi was, as their name imports, to inspect the market, and to see that all the laws respecting its regulation were properly observed. They had the inspection of all things which were sold in the market, with the exception of corn, which was subject to the jurisdiction of the σιτοφύλακες. [SITOPHYLAKES.] The agoranomi had in fact chiefly to attend to retail trade (καπηλεία); wholesale trade was not much carried on in the market-place, and was under the jurisdiction of the ἐπιμεληταὶ τοῦ ἐμπορίου. They regulated the price and quantity of all things which were brought into the market, and punished all persons convicted of cheating, especially by false weights and measures. They had in general the power of punishing all infraction of the laws and regulations relating to the market, by imposing a slight fine (ἐπιβολή) upon the citizens. That they had the further power of inflicting personal chastisement upon foreigners and slaves, and even bore whips as a badge of office, must be pronounced very doubtful, as contrary to what we know of Athenian police regulations. The statement rests only on the authority of scholiasts and grammarians (Schol. Aristoph. *Acharn.* 724; Pollux, x. 177).* They had the care of all the temples and fountains in the market-place, and received the tax (ξενικὸν τέλος) which foreigners and aliens were obliged to pay for the privilege of exposing their goods for sale in the market. (Schol. *ad* Aristoph. *Acharn.* 689; Plat. *Leg.* vi. p. 763, viii. p. 849, xi. pp. 917, 918; Liban. *Declam.* 46; ἀγορᾶς τέλος, Aristoph. *Acharn.* 861, and Schol.; Phot. *s. v.* κατὰ τὴν ἀγοράν.) The public prostitutes were also subject to their regulations, as was the case at Corinth (Justin. xxi. 5), and they fixed the πορνικὸν τέλος or license duty which they paid; not, as late grammarians like Suidas and Zonaras (*s. v.* διάγραμμα) absurdly represent, the remuneration which they were to receive. The duties of the agoranomi resembled those of the astynomi. [ASTYNOMI.] (Meier and Schömann, *Att. Process*, pp. 89-92; Böckh, *Publ. Econ. of Athens*, pp. 48, 333.) [W. S.] [W. W.]

AGRA'PHIOU GRAPHE' (ἀγραφίου γραφή). The names of all persons at Athens who owed any sum of money to the state (οἱ τῷ δημοσίῳ ὀφείλοντες) were registered by the practores (πράκτορες) upon tablets kept for that purpose in the temple of Athena, on the Acropolis (Dem. *c. Aristog.* i. p. 791, § 70; Harpocr. and Suidas, *s. v.* ψευδεγγραφή); and hence the expression of being registered on the Acropolis (ἐγγεγραμμένος ἐν Ἀκροπόλει) always means being indebted to the state. (Dem. *c. Theocrin.* p. 1337, § 64.) Whoever paid his fine after registration was erased, either wholly or in part, according to the amount paid; but if a person's name was improperly erased, he was subject to the action for non-registration (ἀγραφίου γραφή), which was under the jurisdiction of the thesmothetae. If an individual was not registered, he could only be proceeded against by ἔνδειξις, and was not liable to the ἀγραφίου γραφή. (Dem. *c. Theocrin.* p. 1328, § 67.) This action might also, apparently, be brought against public officers who, through favour or carelessness, omitted to register debtors (κατὰ τῶν μὴ ἐγγραφόντων τοὺς ὀφείλοντας is the correct reading for κατὰ τῶν ἐγγραφόντων τοὺς μὴ ὀφείλοντας in *Etym. M.* p. 13, 17, and Bekk. *Anecd.* p. 199, 28). Hesychius, whose account has been followed by Hemsterhuis and Wesseling, appears to have been mistaken in saying that the ἀγραφίου γραφή could be instituted against debtors who had not been registered. (Meier, *Att. Process*, pp. 353, 354; Böckh, *Publ. Econ. of Athens*, pp. 388, 389.) [W. S.] [W. W.]

AGRAPHOU METALLOU GRAPHE' (ἀγράφου μετάλλου γραφή) was an action brought before the thesmothetae at Athens, against an individual who worked a mine without having previously registered it. The state required that all mines should be registered, because the twenty-fourth part of their produce was payable to the public treasury. (Böckh, *Publ. Econ. of Athens*, p. 664, 2nd ed.; Meier, *Att. Process*, p. 354.) [W. S.]

AGRA'RIAE LEGES. The laws so called were laws dealing with the distribution of Roman public land (*ager publicus*), and in general may be said to have been laws providing for giving to the poorer citizens allotments out of the land which belonged to the state, and regulating the tenure on which these allotments and the remaining bulk should be held. Modern discussion of the subject is founded on the brilliant exposition by

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* Schömann, in his later writings (*Antiq.* p. 416, E. T.) appears to have changed his views on this point, which however has escaped the attention of the recent editor of the *Att. Process*, pp. 101-104.

Niebuhr, whose views have been in their principal features universally adopted. The main difficulty in coming to a positive opinion on the precise details of the matter is that our earliest authority (except the fragments of the Lex Thoria) is Cicero; the earliest historians are still later, Livy and Dionysius, and the most definite accounts are from the second century of the Christian era, viz. from the Roman land-surveyors and the historian Appian. We hear of assignments of land as early as Romulus (Varr. *R. R.* i. 10, § 2, fol.; cf. Cic. *Rep.* ii. 14, 26). The first agrarian law, according to Livy, was that proposed by Sp. Cassius, B.C. 486; but the aspect of the matter which was present to the minds of Cicero and his age was that given by the laws of the Gracchi, and the violent action of Sulla; the legal arrangements present to the Roman land surveyors were those of the early empire, after numerous assignments, with or without colonies, had been made to their veterans by Julius and Augustus Caesar and their successors. The surveys made under the Gracchi seem to have been the oldest of which clear traces remained in the official records which the land surveyors had before them. One can feel no confidence in the historical accuracy, either of the language used or of the legal conceptions involved, when Romans, with different arrangements before their eyes, were writing of the proposals of Cassius or Licinius, four or more centuries removed from Cicero, and more than six centuries from Appian or the Gromatici. But the general character of the policy, its grounds and its hindrances, is clear enough.

The agrarian laws dealt with the state lands. These lands were the result of conquest in war. It was not till towards the end of the republic that we hear of the state's acquiring territory by the last will of a foreign prince. War in the ancient world made the bodies and belongings of the vanquished the absolute property of the victors. No doubt either policy or pity generally interfered to prevent the full exercise of the power. In Italy especially the persons were not usually made slaves; but, though the conquered community was allowed to exist, it was deprived of part, often of a third part, of its lands. These confiscated lands had sometimes been utterly wasted in war, sometimes were still unhurt and in a state of cultivation, sometimes consisted of moorland and wood. Each kind requires separate treatment.

1. The cultivated lands were dealt with in one, or it may be in all, of four ways.

(*a.*) Part was sold by the quaestors, and hence called *agri quaestorii*. According to the Gromatici (pp. 115, 136, 152, ed. Lachmann), the land for this purpose was measured and divided by balks (*limites*) into square plots (*laterculi*), measuring 10 *actus* each side, and containing fifty jugera, *i.e.* 31 acres, each. As containing 100 square *actus*, it was sometimes called *centuria*. The earliest instance recorded of a sale was in the case of Pometia, where, although the city was surrendered when about to be stormed, some of the chiefs were slain, some of the husbandmen were sold as slaves, the town was destroyed, and the land sold (Liv. ii. 17). Such sales are referred to in Liv. iv. 48; Dionys. viii. 73; and the general principle is mentioned by Appian, *Bell. Civ.* i. 7; Plut. *Tib. Gr.* 8. In the second Punic war relief was given to the treasury by a sale of part of the Campanian territory (Liv. xxviii. 46; xxxii. 7), in one case by the quaestors (i.e. *quaestores urbani*), in another by the censors. Possibly in early days the quaestor attached to the army sold the land either in block or rough parcels to Roman speculators. The sale under the spear (*sub hasta*) gave full rights of ownership (Gai. iv. 16). Conquest had extinguished all previous title or claims to the land, and the state would of course give legal effect to its own acts of transfer. The Gromatici appear to speak of conditions being imposed (p. 115); of this nothing is known, and the Gromatici had in view probably much later arrangements.

(*b.*) Part was given and assigned in full ownership to Roman citizens. This land was duly surveyed, measured, divided by balks into centuries, each containing 200 jugera (125 acres), and assigned by lot to Roman citizens. Such land was called *agri dati adsignati* (Grom. pp. 117, 118; 154–156, &c.). The oldest assignments were two jugera to each man; this formed an hereditament (*heredium*), i.e. he had not the mere use or life interest of the plot, but it passed to his heirs after him. The lots of 100 men thus formed one century (*cent-uir-ia*). Later on seven jugera were regarded as the normal size of a lot (Plin. *H. N.* xviii. § 18), but in fact there was great variety, the amount naturally depending upon the extent of land open to distribution and the number of citizens to share in it. The survey and distribution were effected by a special commission of three, five, or ten men (Cic. *Agr.* ii. 7), called *IIIviri A. D. A.*, i.e. *agris dandis adsignandis*. Sometimes the distribution was accompanied by the establishment of a colony at the place; at other times the allottees were incorporated into some existing colony or borough; sometimes they remained at Rome and had their allotments as well. The two former are principally regarded by the Gromatici (*e.g.* p. 2); the last—called by Niebuhr (*R. H.* ii. 622, Eng. Tr.), from a passage in Festus, *ager viritanus*—has been described by Mommsen (*C. I. L.* i. p. 88; but see *Röm. Stadtrecht*, ii. p. 618, ed. 2) as having two characteristics: the assignment was made to all Roman citizens, or at least to as many as the land admitted; and the measurement of it was by *saltus* of four centuries each; whereas the colonial distributions were to a number of persons specified in the law, and the land was divided by centuries. *Viritim dividere* or *adsignare*, says Mommsen, might be applied to the colonial land, but was properly applicable only to a non-colonial distribution. This distinction, however, appears to rest on quite insufficient grounds; it is inconsistent with Livy's language in iv. 47, 48, and v. 24, where *viritim dividere* is used, without further explanation, of colonies. (See however Mommsen, *ll. cc.*) Neither Festus nor Varro appear to have had the distinction in view; and the passage in Sic. Flacc., p. 154, quoted in support of it, when compared with p. 160, is seen to apply to colonies and to have been misunderstood by Mommsen. Siculus Flaccus is merely showing that division and assignment are different things, and may be found together (which is the usual case) or separately. But land, whether for a colony or for a non-colonial distribution, was generally divided into centuries, sometimes into oblong blocks (*strigae* or *scamna*, Grom. p. 2). Of the number or mode of selecting the persons to share in a non-colonial assignment, nothing is known. When the territory was at a distance of more than a few miles from Rome, the applicants would hardly be more numerous, as a rule, for an assignment which would attach the holder to an existing colony, than for one which would make him member of a new colony. And these assignments were evidently intended as ground for residents, not as a mere money gift in the form of land. They were however, as a fact, frequently bought up by some wealthy neighbour. There is nothing to show that Varro in explaining *saltus* is not referring to colonial land. The use and application of such a *saltus* is unknown, as also is that of a *saltus* of 25 centuries mentioned by Siculus Flaccus (Grom. p. 158).

(*c*.) Part of the lands confiscated were given back (*redditi*) to their former proprietors. In some cases, where a man owned pieces separated from one another, an exchange was made, so that his possessions might be continuous. These were noted in the official register as *redditi commutati pro suis* (Grom. 117, 55, &c.). No rent was imposed on these plots any more than on those newly assigned to Roman citizens (p. 116).

(*d*.) Part was neither sold, nor assigned, nor restored to the former owners. This happened where the number to share in the distribution was not large enough for the quantity of land taken from the enemy. The whole land, so far at least as it was cultivated, was or might be duly surveyed, and divided into centuries, and allotted as far as was required. The remainder was let for a rent (*vectigal*). In some cases the letting or selling (for both terms were often used: see Gai. iii. 145; Dig. 19, 2, 2) was for a short period, apparently from year to year (*per annos*, Grom. p. 116), or for a lustrum (some editors adding *quinos:* cf. pp. 117, 163; Dionys. viii. 73); in other cases for 100 years or more (*in annos centenos pluresve*, so Huschke and Mommsen, *Stadtrecht*, ii. p. 52, ed. 2). For these long periods the lessees were state-contractors (*mancipes*), who then sublet to the nearest occupiers. There are however two difficulties in the passage of Hyginus, from which this account is taken. *Mancipes qui emerunt lege dicta jus vectigalis ipsi per centurias locaverunt aut vendiderunt proximis quibusque possessoribus* (p. 116). What is *jus vectigalis?* and what is *per centurias?* *Jus vectigalis* was understood by Niebuhr (ii. p. 140) and others as the right of collecting the ground rent, but with this the following part of the sentence seems scarcely to accord. (Voigt, *Jus Nat.* iv. 587; Degenkolb, *Platzrecht*, p. 238.) Hyginus had before his eyes the same facts probably that Siculus Flaccus had. From Grom. pp. 162, 163, we see what these facts were. The two classes of vacant lands which formed *agri vectigales* were oddments and unallotted centuries. Whether these were retained by the Roman state, or granted to the colony, or restored to the borough or other commonwealth from which the district for allotment was taken, they were treated in much the same way. They were sold or let. If they were let, the rent was called *vectigal*. Whether it was in money or kind, whether a lump sum for the particular piece of land or so much per acre, whether a fixed amount or a certain proportion of the produce (cf. p. 235), is not stated, and may have varied considerably in different places, times, and circumstances. Nor is anything said of the persons who actually did the cultivation. They might be slaves or freemen, but they are not recognised as having any right in the soil any more than the plough-cattle, or the plough and other farming gear; but each, according to its nature, would, if the farming was to succeed, have to be maintained in active usefulness—*i.e.* fed, if animals; repaired, if things. To the proprietor who did not farm the land himself the *vectigal* was the evidence of ownership, and the realised permanent result. The interposition of a *manceps* between the owner and the actual cultivation of the land did not really alter this. For the *manceps* was not a mere collector of rents fixed by others than himself, he was the lessee; he could work the land himself if he chose, or engage with others to cultivate it: if he did the latter, he received a rent from them such as he chose or could get; and he in his turn, according to his agreement with the owner, paid a rent to him (cf. Dig. 19, 2, 53). Such share of the produce as was more than was requisite, physically and commercially, for the actual cultivator, represented the worth of the land to the *manceps;* and the same, less what was similarly requisite for the remuneration of the *manceps*, represented the worth of the land in these circumstances to the owner. Given no tenant-right in the actual cultivator—no right either to hold the land, or to pay only a fixed amount or share—the *jus vectigalis* is the same thing as the *reditus* (p. 162), and to buy this *jus vectigalis* is to be lessee of the land. The view of Niebuhr is here too narrow, because it assumes a right in the cultivator which minimises the position and the possible and legal profits of the *manceps*. But there is a natural propriety in the use of this term where a writer speaks of *buying*. The *manceps* did not buy the land from the state, as was the case with the *agri quaestorii;* he only bought, as the ancients regarded it, the produce. This last was really his own: he had the whole, not merely a percentage or poundage out of it. He paid the state for the privilege, but the payment by him has no legal connexion with, no defined proportion to, the payment to him. He does not (or at least did not originally) have an estate in the land: he buys the fruits, and the land is put into his possession merely as the easiest way for the owner to fulfil his bargain with him.

In this view the fact often mentioned in the Gromatici, that the persons who eventually worked the oddments or unallotted centuries were the nearest occupiers, is natural enough. A mere collector of taxes would be one for the whole of a district, not each adjoining occupier; but the latter is just the man for the practical cultivation of the plot in the neighbourhood of his own farm.

The second difficulty is *per centurias*. It might mean "by centuries," *i.e.* in plots of a century each. But this does not apply well to the oddments. It rather means "throughout the centuries," "in each century;" that is to say, whether the land to be dealt with was an oddment or a whole century, in either case it would have neighbours: in the first case possibly it would be let to an occupier in the same century; in the second case, and possibly in the first also, it would be let to some working occupier in the next century, or at any rate to some one near enough to work the land. For the meaning above given to *per centurias* compare *saepe enim et viarum publicarum per centurias modus exceptus est* (Hyg. p. 121); *scio quibusdam regionibus, cum adsignarentur agri, adscriptum aliquid per centurias et flumini* (ib. p. 125), and *per omnes centurias* (Grom. p. 157), *per singulos agros* (p. 146).

Hyginus mentions a long term for a lease, viz. 100 years (or more, according to Mommsen's reading), as well as a short one—five years or one. This long term probably led to what we find in Gaius and the Digest, where *agri vectigales* are defined as those lands which are let *in perpetuum*, the conditions being that so long as the rent (*vectigal*) was paid the lessees were not to be disturbed. Such leases were only found in the case of lands belonging to municipal or religious corporations (Gai. iii. 145; Dig. 6, 3). Longer terms than five years were forbidden by the law of the colony at Ossuna (cap. 82; Bruns, p. 116). The nearest analogy in English law is that of the church and college leases, which were continually renewed on the payment of a fine for the renewal, besides the annual rent. A claim was urged by these lessees to a perpetual tenure on the same terms, but was overruled, and the tenure is now dying out. In the days of the Republic the exigencies of the treasury led to a peculiar but similar tenure. In B.C. 200 those persons to whom the third instalment of a loan made ten years before (Liv. xxvi. 36) was due, had their demands satisfied by a grant of lands to the value of their claim within fifty miles of Rome, that tenure being determinable only on the lessees preferring to receive their money instead, and the seignorial rights of the state being served by a rent of one *as* per juger being imposed. These lands were called *trientabula* (Liv. xxxi. 13). Mention is also made of them in the fragments of the Lex Thoria, line 31, but nowhere else.

2. Besides the cultivated lands still in condition to be sold or let, there were the mountain pastures and woods. The mountain pastures and woods were often granted (*concessa*) to the old proprietors, or to the municipality, or to the new Roman colony, or reserved to the state. And other tracts of land were often useful as pastures where there were not sufficient farmers to require them as arable land (Grom. pp. 21, 133, 201, &c.). Sometimes a small rent was required, and then they came under the head of *agri vectigales* (pp. 203, 205). Sometimes strips of wood on the mountain were annexed by the original assignment to the different estates (*fundi*) of private persons (pp. 48). Pastures in like manner were sometimes appropriated to individuals, but held *pro indiviso;* sometimes made common to the whole of the community (Grom. p. 48). Appian (*Bell. Civ.* i. 7) says that taxes were laid for the use of the common pastures, both for larger and smaller animals, *i.e.* horned cattle and sheep. The last was collected by the publicans. All animals turned on to these pastures were declared to the tax-farmer, and registered in their books (Varr
R. R., i. 16; Festus, v. *scripturarius*, p. 333),
and the word *scriptura* was frequently used
both of the registration and of the tax itself
(*e.g.* Cic. *Verr.* ii. 70, 169; Lex Thor. 19,
&c.). Pliny mentions that even in his day the
term for revenue in the censor's books was
pascua (cf. Cic. *Agr.* i. 1, § 3), because for a
time this was the only *vectigal* (*H. N.* xviii. 11).
The farmers of this tax were called (p. 37)
publicani scripturarii. The *pecuarii* in Liv. x.
23, § 13, are by some taken to be farmers o
this tax (Marquardt, *Staatsverw.* ii. 292), b
Huschke to be large occupiers (*Varr.* p. 8). Ovi
(*Fast.* v. 283) speaks of a time when persons
used to send their herds on the public pastures
without being *fined* for it. No doubt the practice
of imposing a tax for the use of the pasture, and
collecting it through tax-farmers, was no
adopted or regularly enforced till the adminis
tration of the republican finances had grown ou
of its infancy.

In the early times indeed the Romans must,
like other nations, have lived more on the produce of their sheep and cattle than on the produce of tilled land. And this is supported, a
Mommsen has shown, by the smallness of th
allotments first spoken of—two jugera. A slav
required, according to Cato (§ 51), fifty-one pecks
(*modios*) of corn in the year; a jugerum required
five pecks for seed, and produced twenty-fiv
pecks. Hence the *heredium* would, if al
given to corn, produce forty pecks a year
after deducting the seed. It is clear therefore that it could not support a man an
his family on wheat. And spelt is still le
profitable as food (*Gesch. R.* i. pp. 184-187
notes). The common pasture was therefore
necessity. So in England, a tenant in former
times (says Joshua Williams, *Real Prop.* p. 496,
ed. 13) "required a house to live in, arable lan
for his maintenance, pasture for his cattle, acorn
for his pigs, and wood for fuel and repairs."
Hence "common appendant is the common la
right which every free tenant of arable land i
a manor had to depasture upon the lord's waste
all cattle subservient to the tillage and m
nurance of such land; namely, horses, beasts, an
sheep" (*ib.* p. 509).

3. Appian, in the passage above referred t
says that "the larger part of the lands take
from the conquered had been wasted by wa
and uncultivated (ἀργὸν ἐκ τοῦ πολέμου). A
the Romans had no time to distribute it, the
gave notice that any one who liked might tem
porarily work it, paying a tax of a yearly tent
of the seed crops, and a fifth of the plantatio
(*i.e.* fruits, for instance olives and grapes)."
There is no other authority for this defini
historical statement of a notice and a ta
(Plut. *Tib. Gr.* 8 is of doubtful reference.) Th
Gromatici speak frequently of *agri occupator*
i.e. lands belonging to squatters, and expla
that it was conquered land occupied by indiv
duals. *Singuli deinde terram, nec tantum occupaverunt quod colere potuissent sed quantum in
spem colendi reservavere* (Sic. Flac. p. 137; cf.
Hygin. 115; Festus, p. 241, s. v. *possessiones*).
Livy (iv. 36), speaking of the year 422 B.C.,
says that some candidates for the tribuneship of
the soldiers held out hopes of putting a rent
(*vectigal*) on the holders of the public land, and

applying it to the pay of the soldiers. The first regular pay was made in 406 B.C. (Liv. iv. 59); nothing is there said of the imposition of a ground rent on the occupiers of the public land, but the pay is defrayed from a tax upon every one (*tributum*).

The word most frequently used to denote this occupation is *possidere*; the occupiers are *possessores*, the lands are *possessiones*. These are the natural expressions for the fact which was patent, and do not by themselves denote or imply anything respecting the title by which the occupiers held. The possession, however, was something different from the actual physical possession. In the case of land this will always be the case. The one or two square feet on which a man stands is not what is meant when a person is said to be in possession of a piece of land. Control as owner, real or apparent, is the meaning of possession generally, and particularly in the case of land. Whether this control is recognised, and to what extent, by the law, is another question. That the occupation was recognised by the law in the case of the public lands is clear from the fact that interference with it by the state was the subject not of judicial proceedings but of legislative enactment. It was indeed a standing principle of Roman law that what is taken from the enemy in war becomes at once the property of the captor (*capientium fit*, D. 41, 1, 5, § 7; Gai. ii. 69, iv. 16); and the captor in the case of land would be the Roman people, acting in the first instance through the commander of the victorious army. An allied though not identical principle was that land or anything else which was found without an owner became the property of him who seized it (*capientium fit, occupanti conceditur*, D. 41, 1, .1; 3; 7, § 3). Here comes in the language of the Gromatici above quoted, and of Livy, who makes Licinius speak of the election of a plebeian consul as necessary to effect a *modum agros occupandi* (vi. 37 *init.*). But an occupation of lands known to belong to the state could give no right to possess as against the state. Possession was protected by the law without regard to title, but on the negative condition that it had been obtained neither by force, nor by stealth, nor by request (*nec vi, nec clam, nec precario*) from the opposing litigant. And the state therefore lost none of its rights by the occupation by private persons of the territory it had conquered. Whether forcible or secret, or by permission, the occupation gave no rights to the possessor which were good against the state. (D. 41, 3, 9; 24.)

In the above it has been assumed that the principles respecting possession, which in later times were embodied in the praetor's edict, existed in effect long before. Niebuhr has suggested that the occupation of the public lands gave rise to the establishment of legal protection in the form of equitable injunctions (*interdicta praetoris*) for possessors, and that by analogy these rules were applied to land not belonging to the public, but otherwise occupied in a similar manner. And Savigny has supported this view (*Recht des Besitzes*, § 12 A, p. 197, ed. 7. See however Puchta, *Cursus*, § 227; Schwegler, *R. G.* ch. xxv. 6; Böcking, *Pand.* 1, § 123, n. 30). Be that as it may, the conditions of protection of possession (in the case of parts of the public land assigned as private property) are expressed in the usual words in the oldest document we have, viz. the Lex Thoria, v. 18; and applied to cases of illicit occupation of public lands in Cicero's third speech against Rullus (3, § 11).

Cicero's language is the more important because he is the earliest extant writer on the subject; and, as a statesman who had actually to deal with proposals by Rullus and by Flavius (*Att.* i. 18, § 6; 19, § 4), for agrarian laws is, if we make allowance for the language of a party-orator, as competent a writer as we could desire. Sulla's outrageous confiscations of private property, and his grants of large tracts of land to his favourites and to his soldiers, were scarcely twenty years old, and were intended to be confirmed by the law of Rullus; and Cicero in the discussion of Flavius's law proposed the same (*Sullanorum hominum possessiones confirmabam*). In the following year (B.C. 59) Julius Caesar carried an agrarian law, and it is of Julius Caesar that he is speaking in the second book (24, 84) of the *de Officiis*, written shortly after Caesar's death.

Cicero says (*Agr.* ii. 26), *antea cum erat a tribuno plebis mentio legis agrariae facta, continuo qui agros publicos aut possessiones invidiosas tenebant pertimescebant*, the latter part of which is illustrated by *Agr.* iii. 3, 12. *Sunt multi agri lege Cornelia publicati nec cuiquam assignati neque venditi qui a paucis hominibus inpudentissime possidentur.* The use of *possidere* and its derivatives is not precise throughout these speeches (cf. Savigny, *Recht des Besitzes*, § 8, p. 104, d. 7). The words are applied to owners just as we speak of a person's *possessions*, or what he *possesses*, without any intention of distinguishing between ownership and possession (*e.g.* ii. 29, § 81; 30, § 82; 31, § 85; iii. 4, § 15); but land could not, properly speaking, be public (*i.e.* owned by the state) and private as well. Hence *possess* is naturally applicable to public land, and possession of the public land had sometimes an unjust origin in Cicero's time, as we may well believe it had in earlier times. But Cicero lays great stress on length of possession, even of public property. Land in the provinces being conquered territory was, by Roman law, incapable of absolute ownership by private persons. They could, to use the phrase of English law, only hold an estate in these lands. *In provinciali solo dominium populi Romani est vel Caesaris, nos autem possessionem tantum vel usumfructum habere videmur* (Gai. ii. 7; cf. Frontin. *Grom.* p. 35). Thus Cicero says of some Sicilian land: *Qui agrum Recentoricum possident, vetustate possessionis se non iure, misericordia senatus non agri condicione defendunt, nam illum agrum publicum esse fatentur, se moveri possessionibus, amicissimis sedibus ac dis penatibus negant oportere* (*Agr.* ii. 21, 57). In the *de Officiis* (ii. 22, 78), with Caesar's measures in his mind, he classes together the expulsion of possessors, which was the object of agrarian laws, and the wiping out debts incurred by loan of money, which was another democratic measure. Cicero speaks of both proposals in the same language as measures weakening the foundations of the state. These foundations are common feeling and equity (*concordia et aequitas*). Common feeling is weakened when moneys are taken from some and given to others. Equity is utterly destroyed if individuals are not allowed to keep their property (*si habere suum cuique non licet*). *Quam autem habet aequitatem ut agrum multis annis aut etiam saeculis ante possessum, qui nullum habuit, habeat, qui autem habuit amittat?* He instances the action of Aratus, who, when he overthrew a despotism which had lasted at Sicyon for fifty years, brought with him a large number (*sexcentos*) of exiles who had been the richest men in the state. He then had to deal with the opposing claims of these to their former property (*bona*), and of the men who had enjoyed them for so long a period. In that time fair claims had grown up. *Jam longo spatio multa hereditatibus, multa emptionibus, multa dotibus tenebantur sine injuria.* It was *iniquissimum* that the old proprietors should be in want, it was *non nimis aequum* that fifty years' possession should be disturbed (*ib.* 23, § 81). Appian puts similar arguments into the mouths of the rich. They pleaded the improvements they had effected on the land, their plantations (vines and olives?), and buildings; some of the land they had bought from their neighbours; it held their fathers' tombs; it had been distributed like ancestral property; they had invested in it the dowries of their wives, and given it in dowry with their daughters. Mortgagees complained that they held it as security for loans (*Bell. Civ.* i. 10). In the speeches made, according to Dionysius, by Appius and Sempronius Atratinus on the occasion of Sp. Cassius's proposals, there is an acknowledgment that parts of the public land had been occupied by private persons unjustly, by force or stealth, and the proposal was made and approved by the senate that the public land should be ascertained, marked out, and partly allotted to the plebeians, partly let for five years (viii. 73–76). And Livy (iv. 51) describes an agrarian law (B.C. 413) as one which *possesso per injuriam agro publico patres pellebat*, and the people as feeling that if a distribution were not made of the land recently taken and then vacant, it would soon be the prey of the few. The language used in reference to the Licinian laws is not certainly applicable, as—though it is usually regarded as an agrarian law dealing with the public lands (see Madvig, *Verfassung*, ii. p. 372)—Huschke, followed by Clason (bk. iv. cap. 2), and apparently Marquardt (*Staatsverw.* i. 102, ed. 2), holds that it was a general measure limiting the extent of land to be held by any one on whatever title, and related not only to the occupation of the public land but to private land also. The penalty was a fine; subject to the fine the land could be held. Whatever may have been the real truth of the matter, the Licinian laws were treated of by Appian and Plutarch in connexion with the agrarian laws of the Gracchi.

On the whole it does not seem probable that any definite arrangement was made in early times for the occupation of public land which was not assigned or sold or leased; and the legal claim of the state to deal with it was as incontestable in theory as it was difficult to enforce without the destruction of those reasonable expectations, arising from long use, which are the foundation of the statesman's view of property. It is disputed whether the patricians alone (to the exclusion of the plebeians) had, before the Licinian laws, the right to hold the public land (see Schwegler, ch. xxv. 9; Madvig, *Verf.* pp. 90, 91): as a fact it was probably the case. They were originally, and continued for long to be, the holders of the government, and they were, as a rule, the richest. Now the occupation of tracts of land wasted in war was not a poor Roman's business; it was at a distance; it required capital; and it was insecure, partly from the enemy on the border, and partly from the state's not having assigned it as private property. Neither the peasant nor the small capitalist would find the occupation of such land at a distance from Rome attractive; moreover, he was liable to be called off to serve in war. The rich man could risk something, could employ slave-labour, could judge of the political prospects, and have a potential voice in the actions of the state. Such possessions had a natural tendency to accumulate in the hands of the few. The holders added field to field (*continuare agros*, cf. Cic. *Agr.* iii. 4, § 14; Liv. xxxiv. 4, § 9), partly by purchase from their poorer neighbours, partly by violence, partly by taking in any vacant land adjoining (Sall. *Jug.* 41; Sen. *Ep.* 90, § 39; Front. *Grom.* pp. 48, 53). Thus were formed the large estates (*latifundia, lati fundi, Grom.* pp. 157, 161) which, worked by slaves, drove out, or gave no opening for, free peasants, and, portending the ruin of Italy (*verum confitentibus latifundia perdidere Italiam*, Plin. xviii. § 35), roused the Gracchi to their famous legislation.

See further under the headings Lex Licinia. Sempronia, Thoria. The political struggles in reference to these and other enactments are treated in general histories.

An echo of the old controversies was roused by Vespasian, who made fresh assignments to veterans, and in doing so probably had his attention directed to the quantity of oddments (*subseciva*) and unallotted lands which had never been formally dealt with, and, in consequence, had been usurped by the local community or by the adjoining occupiers. He proceeded to sell them for the benefit of the imperial chest. But deputations came to the emperor, and piteously represented the general alarm which this disturbance of long-standing occupations had occasioned—*quassabatur universus Italiae possessor.* Vespasian stayed his hand, but Titus resumed the action. Domitian issued an edict granting the oddments throughout Italy to the occupiers (*Grom.* pp. 53, 133, 163). Suetonius uses a metaphor when he says "subseciva veteribus possessoribus *ut usucapta* concessit" (*Dom.* 9). [H. J. R.]

AGRAU'LIA (ἀγραυλία) was a festival celebrated by the Athenians in honour of Agraulos, the daughter of Cecrops. (*Dict. of Biogr.* s. v.) We possess no particulars respecting the time or mode of its celebration; but it was, perhaps, connected with the solemn oath which all Athenians, when they arrived at manhood (ἔφηβοι), were obliged to take in the temple of Agraulos, that they would fight for their country, and always observe its laws. (Lycurg. c. *Leocr.* § 76; Dem. *de F. L.* p. 438, § 303; Plut. *Alcib.* 15; Stobaeus, *Serm.* xli. 141; Schömann, *de Comitiis*, p. 332; Wachsmuth, *Hellen. Alterth.* vol. i. p. 476, 2nd ed.)

Agraulos was also honoured with a festival in Cyprus, in the month Aphrodisius, at which human victims were offered. (Porphyr. *de Abstin. ab Anim.* i. 2.) [W. S.]

AGRICULTU'RA, agriculture.

Authorities.—When we remember that agriculture, in the most extended acceptation of the term, was for many centuries the chief, we may say almost the sole, peaceful occupation followed by any large portion of the free population in those European nations which first became highly civilised, we shall not be surprised to find that Varro (*R. R.* i. 1, § 7 foll.) was able to mention upwards of fifty Greek writers who had contributed to this science. But although the Homeric poems are filled with a series of the most charming pictures derived from the business of a country life; although Hesiod supplies abundance of wise saws and pithy aphorisms, the traditional wisdom accumulated during many successive generations; although Xenophon has bequeathed to us a most graceful essay on the moral beauty of rustic pursuits, interspersed with not a few instructive details; and although much that belongs to the Natural History of the subject will be found treasured up in the vast storehouses of Aristotle and Theophrastus, yet nothing which can be regarded in the light of a formal treatise upon the art, as exhibited in the pastures and cornfields of Hellas, has descended to us, except a volume, divided into twenty books, commonly known as the *Geoponica* (Γεωπονικά), whose history is somewhat obscure, but which, according to the account commonly received, was drawn up at the desire of Constantine VI. (A.D. 780–802) by a certain Cassianus Bassus, and consists of extracts from numerous writers, chiefly Greek, many of whom flourished in the second, third, and fourth centuries. This collection is systematically arranged, and comprehends all the chief branches; but it has never been considered of much value, except in so far as it tends to confirm or illustrate the statements found elsewhere. The information conveyed by it is, upon many points, extremely meagre, the materials were worked up at a late period by an editor with whose history and qualifications for his task we are altogether unacquainted, while the most important quotations are taken from authors of whom we know little or nothing, so that we cannot tell whether their precepts apply to the same or to different climates, whether they give us the fruit of their own experience, or, as we have great reason to suspect in many instances, were themselves mere compilers.

The Romans, during the brightest periods of their history, were devotedly attached to the only lucrative profession in which any citizen could embark with honour; and from the first dawn until the decline of their literature, rural economy formed a favourite theme for composition both in prose and verse. The works of the Sasernae, father and son, those of Tremellius Scrofa, of Julius Hyginus, of Cornelius Celsus, of Julius Atticus, and of Julius Graecinus, have perished; but we still possess, in addition to Virgil, four "Scriptores de Re Rustica," two at least of whom were practical men. We have, in the first place, 162 chapters from the pen of the elder Cato (B.C. 234–149), a strange medley, containing many valuable hints for the management of the farm, the olive garden, and the vineyard, thrown together without order or method, and mixed up with medical prescriptions, charms for dislocated and broken bones, culinary receipts, and sacred litanies; the whole forming a remarkable compound of simplicity and shrewdness, quaint wisdom and blind superstition, bearing, moreover, a strong impress of the national character; in the second place, we have the three books of Varro (B.C. 116–28), drawn up at the age of eighty, by one who was not only the most profound scholar of his age, but likewise a soldier, a politician, an enthusiastic and successful farmer; in the third place, the thirteen books of Columella (A.D. 40 [?]), more minute than the preceding, especially in all that relates to the vine, the olive, gardening, and fruit-trees, but evidently proceeding from one much less familiar with his subject; and, lastly, the fourteen books of Palladius (a writer of the fourth century who closely copies Columella), of which twelve form a farmer's calendar, the different operations being ranged according to the months in which they ought to be performed. Besides the above, a whole book of Pliny and many detached chapters are devoted to matters connected with the labours of the husbandman; but in this, as in the other portions of that remarkable encyclopaedia, the assertions must be received with caution, since they cannot be regarded as exhibiting the results of original investigation, nor even a very correct representation of the opinions of others.

We ought not here to pass over unnoticed the great work of Mago the Carthaginian, who, as a native of one of the most fertile and carefully cultivated districts of the ancient world, must have had ample opportunities for acquiring knowledge. This production, extending to twenty-eight books, had attained such high fame that, after the destruction of Carthage, it was translated into Latin by orders of the senate; a Greek version, with additions from the Greek authorities and omissions, was executed by Cassius Dionysius of Utica, and published in twenty books during the century before the commencement of our era; and this, again, was a few years afterwards condensed into six books by Diophanes of Nicaea, and presented to King Deiotarus. In what follows, Cato, Varro, and Columella will be our chief supports, although references will be made to and illustrations drawn from the other sources indicated above. (Varr. *R. R.* i. 1; Col. *R. R.* i. 1; Plin. *H. N.* xviii. § 9 foll.; Proleg. *ad Geopon.* in ed. Niclas; cf. Teuffel, *Roman Lit.* i. p. 73 foll.)

Division of the Subject.

Rural Economy may be treated of under two distinct heads—

A. Agriculture proper (*Agricultura*), or the art of tilling the soil.

B. The management of stock (*Pastio*).

A. AGRICULTURA.

Agriculture proper teaches the art of raising the various crops necessary for the sustenance and comfort of man and of the domestic animals, in such a manner that the productive energies of the soil may be fully developed but not exhausted or enfeebled, and teaches, further, how this may be accomplished with the least possible expenditure of capital. The crops to which the Greeks and Romans chiefly directed their attention were—1. Different kinds of grain, such as wheat and barley; leguminous vegetables cultivated for their seeds, such as beans, peas, and lupines; herbs cut green for forage, such as grass, tares, and lucerne; and plants which furnished the raw material for the textile fabrics, such as hemp and flax. 2. Fruit trees, especially the vine, the olive, and the fig. 3. Garden stuffs.—For the second of these divisions we refer to the articles OLEA and VINEA; and we shall not touch at all upon gardening, since the minute details connected with this topic are of little or no service in illustrating the classics generally.

Agriculture in its restricted sense comprehends a knowledge—

I. Of the subject of our operations, that is, the farm (*fundus*, *praedium*), which must be considered: *a.* with reference to its situation and soil (*quo loco et qualis*), and *b.* with reference to the dwelling-house and steading (*villa et stabula*).

II. Of the instruments (*instrumenta*) required to perform the various operations (*quae in fundo opus sint ac debeant esse culturae causa*), these instruments being twofold: *a.* men (*homines*); and *b.* the assistants of men (*adminicula hominum*), viz. domestic animals (*boves*, *equi*, *canes*, &c.), together with tools (*instrumenta*), properly so called, such as ploughs and harrows. (Varro, i. 18.)

III. Of the operations themselves, such as ploughing, harrowing, and sowing (*quae in fundo colendi causa sint facienda*), and of the time when they are to be performed (*quo quidquid tempore fieri conveniat*). (Varro, i. 5.)

IV. Of the object of these operations, viz. the different plants considered with reference to their species, varieties, and habits. Under this head we may also conveniently include what is termed the rotation of crops; that is, the order in which they ought to succeed each other upon the same ground.

I. *a.* COGNITIO FUNDI.

Knowledge of the Farm.—In selecting a farm, the two points which first demanded attention were: 1. The healthiness of the situation (*salubritas*), a matter of the greatest anxiety in Italy, where the ravages of malaria appear to have been not less fatal in ancient than they have proved in modern times; and, 2. The general fertility of the soil. It was essential to be fully satisfied upon both of these particulars; for to settle in a pestilential spot was to gamble with the lives and property of all concerned (*non aliud est atque alea domini vitae et rei familiaris*: Varro, i. 4, 5); and no man in his senses would undertake to till land which was not likely to yield a fair return for his outlay of money and labour (*fructus pro impensa ac labore*). The next object of solicitude was a good aspect. The property was, if possible, to have a southerly exposure (Cato, i. 3), to be sheltered by a wooded hill from the sweep of boisterous and cutting winds (Varro, i. 12), and not to be liable to sudden misfortunes (*ne calamitosum siet*), such as inundations or violent hail-storms. It was highly important that it should be in the vicinity of a populous town (*oppidum validum*), or, if not, that it should be readily accessible either by sea or by a navigable stream (*amnis qua naves ambulant*), or by a good well-frequented road (*via bona celebrisque*); that there should be an abundant supply of water (*bonum aquarium*); that it should be so situated that the proprietor, if he did not live upon the estate, might be able to give active and constant personal superintendence; and, finally, that it should be moderate in size, so that every portion might be brought into full cultivation (*laudato ingentia rura, Exiguum colito*: Verg. *G.* ii. 412).

These preliminary matters being ascertained, the soil might be considered in reference: *a.* to its general external features (*forma*); *β.* to its internal qualities (*qualis sit terra*).

a. In so far as its external features were concerned it might be flat (*solum campestre*), or upland rolling ground (*collinum*), or high lying (*montanum*), or might comprise within its limits all three, which was most desirable, or any two of them. These variations would necessarily exercise important influence on the climate, on the description of crops which might be cultivated with advantage, and on the time chosen for performing the various operations, the general rule being that as we ascend the temperature falls, that corn and sown crops in general (*segetes*) succeed best on plains, vineyards (*vineae*) on gentle slopes, and timber trees (*silvae*) upon elevated sites, and that the different labours of the rustic may be commenced earlier upon low than upon high ground. When flat, it was better that it should incline gently and uniformly in one direction (*aequabiliter in unam partem vergens*) than be a dead level (*ad libellam aequus*), for in the latter case, the drainage being necessarily imperfect, it would have a tendency to become swampy; but the worst form was when there were converging slopes, for there the water collected into pools (*lacunas*). (Varro, i. 6.)

β. In so far as its internal qualities were concerned, soil might be classed under six heads, forming three antagonistic pairs:—

1. The deep and fat (*pingue*). 2. The shallow and lean (*macrum*, *jejunum*). 3. The loose (*solutum*). 4. The dense (*spissum*). 5. The wet (*humidum*, *aquosum*, *uliginosum*). 6. The dry (*siccum*): while the endless gradations and combinations of which the elementary qualities were susceptible produced all the existing varieties. These are named sometimes from their most obvious constituents: the stony (*lapidosum*), the gravelly (*glareosum*), the sandy (*arenosum*), the mortary (*sabulosum*), the chalky (*cretosum*), the clayey (*argillosum*); sometimes from their colour: the black (*nigrum*), the dark (*pullum*), the grey (*subalbum*), the red (*rubicundum*), the white (*album*); sometimes from their consistency: the crumbling (*putre*, *friabile*, *cinericium*), as opposed to the tenacious (*densum*, *crassum*, *spissum*); sometimes from their natural products: the grassy (*graminosum*, *herbosum*), the weedy (*spurcum*); sometimes from their taste: the salt (*salsum*), the bitter (*amarum*); *rubrica* seems to have been a sort of red chalky clay, but what the epithets *rudecta* and *materina* applied to earth (*terra*) by Cato may indicate it is hard to determine (Cato, 34; comp. Plin. *H.N.* xviii. § 163 ff.), probably "poor" and "hard." The great object of the cultivator being to separate the particles

as finely as possible (*neque enim aliud est colere quam resolvere et fermentare terram*), high value was attached to those soils which were not only rich, but naturally pulverulent. Hence the first place was held by *solum pingue et putre*, the second by *pinguiter densum*, while the worst was that which was at once dry, tenacious, and poor (*siccum pariter et densum et macrum*). The ancients were in the habit of forming an estimate of untried ground, not only from the qualities which could be detected by sight and touch, but also from the character of the trees, shrubs, and herbage growing upon it spontaneously,—a test of more practical value than any of the others enumerated in the second Georgic (177–258).

When an estate was purchased, the land might be either in a state of culture (*culta novalia*), or in a state of nature (*rudis ager*).

The comparative value of land under cultivation, estimated by the crops which it was capable of bearing, is fixed by Cato (1), according to the following descending scale:—

1. Vineyards (*vinea*), provided they yielded good wine in abundance. 2. Garden ground well supplied with water (*hortus irriguus*). 3. Osier beds (*salictum*). 4. Olive plantations (*oletum*). 5. Meadows (*pratum*). 6. Corn land (*campus frumentarius*). 7. Groves which might be cut for timber or fire-wood (*silva caedua*). 8. *Arbustum.* This name was given to fields planted with trees in regular rows. Upon these vines were trained, and the open ground cultivated for corn or leguminous crops in the ordinary manner, an arrangement extensively adopted in Campania and many other parts of Italy in modern times, but by no means conducive to good husbandry. 9. Groves yielding acorns, beech-mast, and chestnuts (*glandaria silva*). The fact that, in the above scale, corn land is placed below meadows shows how, even in the time of Cato, the Sicilian slave-grown corn was lowering the profits of corn-growing in Italy. Varro (i. 7, 10) places *prata* first of all (cf. Mommsen, *Hist.* ii. 376).

When waste land was to be reclaimed, the ordinary procedure was to root out the trees and brushwood (*fruteta*) by which it might be encumbered, to remove the rocks and stones which would impede the labours of men and oxen, to destroy by fire or otherwise troublesome weeds, such as ferns and reeds (*filices, junci*), to drain off the superfluous moisture, to measure out the ground into fields of a convenient size, and to enclose these with suitable fences. The three last-mentioned processes alone require any particular notice, and we therefore subjoin a few words upon DRAINS, LAND-MEASURES, FENCES.

DRAINS (*fossae, sulci alveati, incilia*) were of two kinds:—

1. Open (*patentes*). 2. Covered (*caecae*).

1. *Fossae patentes*, open ditches, alone were formed in dense and chalky soil. They were wide at top, and gradually narrowed in wedge fashion (*imbricibus supinis similes*) as they descended.

2. *Fossae caecae*, covered drains, or *sivers* as they are termed in Scotland, were employed where the soil was loose, and emptied themselves into the *fossae patentes*. They were usually sunk from three to four feet, were three feet wide at top and eighteen inches at bottom; one-half of the depth was filled up with small stones, sharp gravel (*nuda glarea*), or brushwood tied in bundles (*sarmentis colligatis*, Cato, c. 43), and the earth which had been dug out was thrown in above until the surface was level. Where stones or gravel could not readily be procured, green willow poles were introduced, crossing each other in all directions (*quoquoversus*), or a sort of rope was constructed of twigs twisted together so as to fit exactly into the bottom of the drain; above this the leaves of some of the pine tribe were trodden down, and the whole covered up with earth. To prevent the apertures being choked by the falling down of the soil, the mouths were supported by two stones placed upright, and one across (*utilissimum est . . . ora earum binis utrimque lapidibus statuminari et alio superintegi*, Plin. xviii. § 47). To carry off the surface-water from land under crop, open furrows (*sulci aquarii, elices*) were left at intervals, which discharged themselves into cross furrows (*colliquiae*) at the extremities of the fields, and these again poured their streams into the ditches. (Cat. 43, 155; Col. ii. 2, 8–10, viii. 3, xi. 2; Pallad. vi. 3; Plin. *H. N.* xviii. § 179; Verg. *Georg.* i. 113.)

MEASURES OF LAND.—The measure employed for land in Latium was the *jugerum*, which was a double *actus quadratus;* the actus quadratus, anciently called *acna*, or *acnua*, or *agnua*, being a square whose side was 120 Roman feet. The subdivisions of the *as* were applied to the jugerum, the lowest in use being the *scripulum*, properly the twelfth part of an *uncia:* hence, when applied to land, a square whose side was ten feet. Two jugera formed a *heredium*, 100 *heredia* a *centuria*, a term which is said to have arisen from the allotments of land made by Romulus to the citizens; for these being at the rate of two jugera to each man, 200 jugera would be assigned to every hundred men. Lastly, four centuriae made a *saltus*. We thus have the following table:—

1 scripulum = 100 square ft., Roman measure.
144 scripula = 1 actus = 14,400 square feet.
2 actus = 1 jugerum = 28,800 square ft.
200 jugera = 1 centuria.
4 centuriae = 1 saltus.

Now, since three actus quadrati contained 4800 square yards, and since the English imperial acre contains 4840 square yards, and since the Roman foot was about three-fifths of an inch less than the imperial foot, it follows that the Roman juger was less than two-thirds of an imperial acre by about 500 square yards.

In Campania the measure for land was the *versus quadratus*, a square whose side was 100 feet, the words *actus* and *versus* marking the ordinary length of furrow in the two regions. (Varr. *R. R.* i. 10, *L. L.* iv. 4; Col. v. 1; Plin. *H. N.* xviii. § 10.)

FENCES (*saepes, saepimenta*) were of four kinds:—

1. *Saepimentum naturale*, the quickset hedge (*viva saepes*).

2. *Saepimentum agreste*, a wooden paling made with upright stakes (*pali*) interlaced with brushwood (*virgultis implicatis*), or having two or more cross-spars (*amites, longuria*) passed through holes drilled in the stakes, after the manner of what are now termed *flakes* (*palis*

latis perforatis et per ea foramina trajectis longuriis fere binis aut ternis). (Varr. i. 14.)

3. *Saepimentum militare*, consisting of a ditch (*fossa*) with the earth dug out and thrown up inside so as to form an embankment (*agger*), a fence used chiefly along the sides of public roads or on the banks of rivers.

4. *Saepimentum fabrile*, wall (*maceria*), which might be formed either of stones, as in the vicinity of Tusculum, or of baked bricks as in the north of Italy, or of unbaked bricks as in Sabinum, or of masses of earth and stone pressed in between upright boards (*in formis*), and hence termed *formacei*. These last were common in Spain, in Africa, and near Tarentum, and were said to last for centuries uninjured by the weather. (Varr. i. 14; Plin. *H. N.* xxxv. § 169; comp. Col. v. 10, x. 3; Pallad. i. 34, vi. 3.)

Finally, after the land had been drained, divided, and fenced, the banks which served as boundaries and the road-sides were planted with trees, the elm and poplar being preferred, in order to secure a supply of leaves for the stock and timber for domestic use. (Cat. vi. 3.)

I. *b*. VILLA RUSTICA.

In erecting a house and offices, great importance was attached to the choice of a favourable position. The site selected was to be elevated rather than low, in order to secure good ventilation and to avoid all danger of exhalations from running or stagnant water; under the brow of a hill, for the sake of shelter; facing the east, so as to enjoy sunshine in winter and shade in summer; near, but not too near, to a stream, and with plenty of wood and pasture in the neighbourhood. The structures were to be strictly in proportion to the extent of the farm; for if too large, the original cost is heavy, and they must be kept in repair at a great expense; if too small, the various products would run the risk of being injured by the want of proper receptacles (*ita aedifices ne villa fundum quaerat neve fundus villam*, Cat. *R. R.* 3). The buildings were usually arranged round two courts, with a tank in the centre of each, and divided into three parts, named according to the purposes for which they were destined. 1. (*Pars*) *Urbana*. 2. (*Pars*) *Rustica*. 3. (*Pars*) *Fructuaria*.

1. *Urbana*. This comprehended that part of the building occupied by the master and his family, consisting of eating room (*cenationes*) and sleeping apartments (*cubicula*), with different aspects for summer and winter, baths (*balnearia*), and porticoes or promenades (*ambulationes*). Columella recommends that this portion of the mansion should be made as commodious as the means of the proprietor will permit, in order that he himself may be tempted to spend more time there, and that the lady of the family (*matrona*) may be more willing to bear her husband company.

2. *Rustica*. This comprehended that part of the building occupied by the servants, consisting of a large and lofty kitchen (*culina*), to which they might at all times resort, baths (*balnea*) for their use on holidays, sleeping closets (*cellae*) for the *servi soluti*, a gaol (*ergastulum*) under ground for the *servi vincti*. In this division were included also the stables, byres, sheds, folds, courts, and enclosures of every description (*stabula bubilia, saepta, ovilia, cortes*) for the working oxen (*domiti boves*), and other stock kept at home, together with a magazine or storehouse (*horreum*) where all the implements of agriculture (*omne rusticum instrumentum*) were deposited; and within this, a lock-up room for the reception of the iron tools (*ferramenta*). In so far as the distribution of rooms was concerned, the overseer (*vilicus*) was to have his chamber beside the main entrance (*janua*), in order that he might observe all who came in or went out; the book-keeper (*procurator*) was to be placed over the gate, that he might watch the *vilicus* as well as the others; while the shepherds (*opiliones*), oxherds (*bubulci*), and such persons were to be lodged in the immediate vicinity of the animals under their charge.

3. *Fructuaria*. This comprehended that part of the building where the produce of the farm was preserved, consisting of the oil cellar (*cella olearia*), the press-house (*cella torcularia*), the vault for wines in the cask (*cella vinaria*), the boiling-room for inspissating must (*defrutaria*), all of which were on the ground-floor, or a little depressed below the level of the soil. Above were hay-lofts (*faenilia*), repositories for chaff, straw, leaves, and other fodder (*palearia*), granaries (*horrea, granaria*), a drying-room for newly cut wood (*fumarium*) in connexion with the rustic bath flues, and store-rooms (*apothecae*) for wine in the amphora, some of which communicated with the *fumarium*, while others received the jars whose contents had been sufficiently mellowed by the influence of heat.

In addition to the conveniences enumerated above, a mill and bake-house (*pistrinum et furnum*) were attached to every establishment; at least two open tanks (*piscinae, lacus sub dio*), one for the cattle and geese, the other for steeping lupines, osiers, and objects requiring maceration; and, where there was no river or spring available, covered reservoirs (*cisternae sub tectis*) into which rain-water was conveyed for drinking and culinary purposes. (Cat. 3, 4, 14; Varr. i. 11–14; Col. i. 6; *Geopon.* ii. 3.)

II. INSTRUMENTA.

The instrumenta employed to cultivate the ground were two-fold: *a*. Persons (*homines*); *b*. Aids to human toil (*adminicula hominum*), namely, oxen and other animals employed in work; together with tools (*instrumenta*), in the restricted sense of the word.

a. HOMINES.

The men employed to cultivate a farm might be either, 1. free labourers (*operarii*), or 2. slaves (*servi*).

1. *Free labourers*. Cato considers the facility of procuring persons of this description as one of the circumstances that ought to weigh with a purchaser in making choice of a farm; for although a large proportion of the work upon great estates was, during the later ages at least of the Roman republic, always performed by slaves, it was considered advantageous to employ hirelings for those operations where a number of hands were required for a limited period, as in hay-making, the corn harvest, and the vintage, or, according to the cold-blooded recommendation of Varro (i. 17, 2), in unhealthy situations where slaves would have died off fast, entailing a heavy loss on their owner. *Operarii* were

usually hired in gangs (*conducticiae liberorum operae*), who entered into an engagement with a contractor (*mercennarius*), who in his turn bargained with the farmer for some piece of work in the slump, or else they were persons who had incurred debt which they paid off in work to their creditors. This, which was an ordinary practice in the earlier ages of the Roman republic, seems in later times to have been confined to foreign countries, being common, according to Varro, especially in Asia, Egypt, and Illyria. The *mercennarius politor* spoken of by Cato (c. 5) was, according to Mommsen (*Hist.* ii. 363 note, and 368), a reaper, or more strictly a thresher, who was paid for his labour by a certain share of the corn.

2. Slaves (*servi*). Rustic slaves were divided into two great classes,—those who were placed under no direct personal restraint (*servi soluti*), and those who worked in fetters (*servi vincti*) when abroad, and when at home were confined in a kind of prison (*ergastulum*), where they were guarded and their wants supplied by a gaoler (*ergastularius*). Slaves, moreover, in large establishments, were ranked in bodies according to the duties which they were appointed to perform, it being a matter of obvious expediency that the same individuals should be regularly employed in the same tasks. Hence there were the ox-drivers (*bubulci*), who for the most part acted as ploughmen also (*aratores*), the stable-men (*jugarii*), who harnessed the domestic animals and tended them in their stalls, the vine-dressers (*vinitores*), the leaf-strippers (*frondatores*), the ordinary labourers (*mediastini*), and many other classified bodies. These, according to their respective occupations, worked either singly, or in small gangs placed under the charge of inspectors (*magistri operum*). When the owner (*dominus*) did not reside upon the property, and in person superintended the various operations in progress, the whole farming establishment was under the control of a general overseer (*vilicus*), himself a slave or freedman, who regulated the work, distributed food and clothing to the labourers, inspected the tools, kept a regular account of the stock, performed the stated sacrifices, bought what was necessary for the use of the household, and sold the produce of the farm, for which he accounted to the proprietor, except on very extensive estates where there was usually a steward (not a slave) (*procurator*) who managed the pecuniary transactions, and held the *vilicus* in check. With the vilicus was associated a female slave (*contubernalis mulier*) called *vilica*, who took charge of the female slaves, and the indoor details of the family. The duties and qualifications of a vilicus will be found enumerated in Cat. c. 5, and Colum. i. 8; comp. *Geopon.* ii. 44, 45; Varro, i. 17, 3; Mommsen, ii. 366.

The food of the slaves composing the household (*familia*) was classed under three heads: 1. *Cibaria.* 2. *Vinum.* 3. *Pulmentarium.*

1. *Cibaria.* The *servi compediti*, being kept constantly in confinement, received their food in the shape of bread at the rate of 4 pounds (Roman pound = 11½ oz. avoirdupois) per diem in winter, and 5 pounds in summer, until the figs came in, when they went back to 4 pounds. The *servi soluti* received their food in the shape of corn, at the rate of 4 modii (pecks) of wheat per month in winter, and 4½ in summer. Those persons, such as the *vilicus*, the *vilica*, and the shepherd (*opilio*), who had no hard manual labour to perform, were allowed one-fourth less if Cato's text is (c. 56) sound; but cf. Wordsworth's *Specimens of early Latin*, p. 617.

2. *Vinum.* The quantity of wine allowed varied much according to the season of the year and the severity of the toil imposed, but a *servus solutus* received about 8 amphorae (nearly 48 imperial gallons) a year, and a *servus compeditus* about 10 amphorae, besides *lora* [see VINUM] at discretion for three months after the vintage. (Cato, 57.)

3. *Pulmentarium.* As pulmentaria they received olives which had fallen from the trees (*oleae caducae*), then those ripe olives (*oleae tempestivae*), from which the least amount of oil could be expressed, and, after the olives were all eaten up, salt fish (*halec*), and vinegar (*acetum*). In addition to the above, each individual was allowed a sextarius (very nearly an imperial pint) of oil per month, and a modius of salt per annum, rather more than the allowance in the Bengal jails at present.

The clothing (*vestimenta*) of the rustic labourers was of the most coarse description, but such as to protect them effectually from cold and wet, enabling them to pursue their avocations in all weathers. It consisted of thick woollen shirts (*tunicae*) 3½ ft. long, skin coats with long sleeves (*pelles manicatae*), cloaks with hoods (*saga cucullata, cuculiones*), patch-work wrappers (*centones*) made out of the old and ragged garments, together with strong sabots or wooden shoes (*sculponeae*). A tunic, a *sagum*, and a pair of *sculponeae* were given every other year.

The number of hands required to cultivate a farm depended almost entirely on the nature of the crops.

An arable farm of 200 jugers, where the ordinary crops of corn and leguminous vegetables were raised, required two pairs of oxen, two bubulci and six ordinary labourers, if free from trees; but if laid out as an arbustum, three additional hands.

An olive-growing farm of 240 jugers required three pairs of oxen, three asses for carrying manure (*asini ornati clitellarii*), one ass for turning the mill, five score of sheep, a vilicus, a vilica, five ordinary labourers, three bubulci, one ass-driver (*asinarius*), one shepherd (*opilio*), one swineherd (*subulcus*); in all twelve men and one woman.

A vineyard of 100 jugers required one pair of oxen, one pair of draught asses (*asini plostrarii*), one mill ass (*asinus molaris*), a vilicus, a vilica, one bubulcus, one asinarius, one man to look after the plantations of willows used for withes (*salictarius*), one subulcus, ten ordinary labourers; in all fifteen men and one woman. Varro points out that the number in some instances need not be increased in proportion to the increased size of the farm; *e.g.* one vilicus and one vilica will suffice for a much larger estate. (Cat. 5, 10, 11; Varr. i. 19; Colum. i. 7, 8, ii. 12.)

The proprietor was usually himself the farmer, but occasionally, quite as the exception, land was let (*locare*) to a tenant, who paid his rent either in money (*pensio; ad pecuniam numeratam conduxit*), as seems to have been the practice when Columella wrote, or by making over to the landlord a fixed proportion of the produce (*non nummo sed partibus locare*), according to the system described by Cato, and alluded to by the younger Pliny. These *coloni* sometimes tilled the same farm from father to son for generations (*coloni indigenae*), and such were considered the most desirable occupants, since they had a sort of hereditary interest in the soil, while on the other hand frequent changes could scarcely fail to prove injurious. The worst tenants were those who did not cultivate in person, but, living in towns (*urbanus colonus*), employed gangs of slaves. Upon the whole Columella recommends the owner of an estate to keep it in his own hands, except when it is very barren, the climate unhealthy, or the distance from his usual place of abode so great that he can seldom be upon the spot. Cato gives a table of the proportion which the *partiarius* ought to pay, according to the nature of the crop and the fertility of the region; but as he says nothing with regard to the manner in which the cost of cultivation was divided between the parties, his statement gives us no practical insight into the nature of these leases (Cat. 136, 137; Colum. i. 7; Plin. *Ep.* ix. 37, cf. iii. 19; Mommsen, ii. 364 *n.*).

b. ADMINICULA HOMINUM.

The domestic animals employed in labour and their treatment will be considered under the second great division of our subject, *Pastio*, or the management of stock.

The tools (*instrumenta*) chiefly used by the farmer were the plough (*aratrum*), the grubber (*irpex*), harrows (*crates, crates dentatae*), the rake (*rastrum*), the spade (*ligo, pala*), the hoe (*sarculum, bidens*), the mattock (*marra*), the spud or weeding-hook (*runco*), the scythe and sickle (*falx*), the thrashing-machine (*plostellum Poenicum, tribulum*), the cart (*plostrum*), the axe (*securis, dolabra*). These will be described as we go along in so far as may be necessary to render our observations intelligible, but for full information the reader must consult the separate articles devoted to each of the above words.

III. The Operations of Agriculture.

The most important operations performed by the husbandman were:—1. Ploughing (*aratio*). 2. Manuring (*stercoratio*). 3. Sowing (*satio*). 4. Harrowing (*occatio*). 5. Hoeing (*saritio*). 6. Weeding (*runcatio*). 7. Reaping (*messio*). 8. Threshing (*tritura*). 9. Winnowing (*ventilatio*). 10. Storing up (*conditio*).

The Flamen who offered sacrifice on the Cerealia to Ceres and Tellus, invoked twelve celestial patrons of these labours by the names *Vervactor; Reparator; Imporcitor; Insitor; Obarator; Occator; Saritor; Subruncator; Messor; Convector; Conditor; Promitor*,—significant appellations, which will be clearly understood from what follows. The functions of the last deity alone do not fall within our limits; but we shall add another to the list in the person of *Stercutius* or *Sterculius* (Serv. *ad* Verg. *Georg.* i. 21; Plin. *H. N.* xvii. § 50; Lactant. i. 20; Macrob. *Sat.* i. 7, 25; Prudent. *Peristeph.* ii. 449; Augustin. *de Civ. Dei*, xviii. 15).

1. *Ploughing* (*aratio*).

The number of times that land was ploughed, varying from two to nine, as well as the season at which the work was performed, depended upon the nature of the soil and the crop for which it was prepared. The object of ploughing being to keep down weeds, to pulverise the earth as finely as possible (Verg. *Georg.* ii. 204), and to expose every portion of it in turn to the action of the atmosphere, the operation was repeated again and again (Verg. *Georg.* i. 47), until these objects were fully attained. When stiff low-lying soil (*campus uliginosus*) was broken up for wheat, it was usual to plough it four times: first (*proscindere* or *vervagere*) as early in spring as the weather would permit (Verg. *Georg.* i. 63), after which the land was termed *vervactum*, and hence the god *Vervactor;* for the second time (*offringere, iterare, vervacta subigere*), about the summer solstice, under the patronage of the god *Reparator*, and on this occasion the field was cross-ploughed (Verg. *Georg.* i. 97); for the third time (*tertiare*), about the beginning of September; and for the fourth time, shortly before the equinox, when it was ribbed (*lirare*) for the reception of the seed, the ribbing being executed under favour of the god *Imporcitor* (from *porca*, the ridge between the furrows), by adding two mouldboards to the plough (*aratrum auritum*), one on each side of the share. (Varr. i. 29; Pallad. i. 43.) Rich soil on sloping ground was ploughed three times only, the ploughing in spring or at the beginning of September being omitted; light (*exilis*) moist soil also three times, at the end of August, early in September, and about the equinox; whilst the poorest hill soil was ploughed twice in rapid succession, early in September, so that the moisture might not be dried up by the summer heat. (Verg. *Georg.* i. 70; Col. ii. 4.)

The greatest care was taken not to plough ground that had been rendered miry by rain, nor that which after a long drought had been wetted by showers which had not penetrated beyond the surface (Col. ii. 4, 5; Pallad. ii. 3); but whether this last is really the *terra cariosa* of Cato, as Columella seems to think, is by no means clear. (Cat. 5, 34; comp. Plin. *H. N.* xvii. § 34.)

With regard to the depth to which the share was to be driven, we have no very precise directions; but Columella recommends generally for Italy deep ploughing (ii. 2, 23; comp. Plin. *H. N.* xviii. § 170) in preference to mere scratching (*scarificatio*) with light shares (*exiguis vomeribus et dentalibus*), which is proper for Numidia or Egypt.

The plough was almost invariably drawn by oxen, although Homer (*Il.* x. 351; *Od.* viii. 124) prefers mules, yoked close together in such a manner as to pull by their necks and not by the horns, guided and stimulated chiefly by the voice. The lash was used very sparingly, and the young steer was never pricked by the goad (*stimulus*), since it was apt to render him restive and unmanageable. The animals were allowed to rest at the end of each furrow, but not to stop in the middle of it: when unharnessed, they were carefully rubbed down, allowed to cool, and watered, before they were tied up in the stall, their mouths having been previously washed with wine. (Col. ii. 2, 22–28.)

The ploughman (*bubulcus*) was required to make perfectly straight and uniform furrows (*sulco* *vario ne ares*, Cat. 61), so close to each other as altogether to obliterate the mark of the share, and was particularly cautioned against missing over any portion of the ground, and thus leaving *scamna*; that is, masses of hard unstirred earth (*necubi crudum solum et immotum relinquat*, *quod agricolae scamnum vocant*, Col. ii. 2, 25). The normal length of a furrow was 120 feet; any greater length was considered to try the oxen too much. A distinction is drawn between *versus* and *versura*, the former being properly the *furrow*, the latter the extremity of the furrow, or the turning point; but this is far from being strictly observed. (Col. ii. 2, §§ 27, 28.)

Four days were allowed for the four ploughings of a juger of rich low-lying land (*jugerum talis agri quatuor operis expeditur*, Col. ii. 4, 8). The first ploughing (*proscissio*) occupied two days, the second (*iteratio*) one day, the third (*tertiatio*) three-fourths of a day, and ribbing for the seed one-fourth of a day (*in liram satum redigitur quadrante operae*, ib.). The same time is allowed for the three ploughings of rich upland soil (*colles pinguis soli*) as for the four ploughings of the uliginosus campus, the fatigue being much greater, although the difficulties presented by the acclivity were in some measure relieved by ploughing hills in a slanting direction, instead of straight up and down. (Varr. i. 27, 29; Col. ii. 2, 4; Plin. *H. N.* xviii. § 178; Pallad. i. 6, ii. 3, viii. 1, x. 1; *Geopon.* ii. 23; and comp. Hom. *Il.* xiii. 704, xviii. 370, 540; *Od.* v. 127.)

2. *Manuring* (*stercoratio*).

Manure (*fimus*, *stercus*). This was of three kinds: (1) the dung of birds (*stercus columbinum*); (2) of the ordinary domestic animals (*bubulum*, *ovillum*, *caprinum*, *suillum*, *equinum*, *asininum*, &c.); (3) human excrements. These differed considerably in quality, and hence those who raised different kinds of crops are enjoined to keep the different sorts of dung separate, in order that each might be applied in the most advantageous manner. That derived from pigeon-houses (*columbariis*), from aviaries where thrushes and blackbirds were fattened (*ex aviariis turdorum ac merularum*, Varro, i. 38), and from birds in general, except water-fowl, was considered the hottest and most powerful, and always placed apart, being sown by the hand exactly as we deal with guano at the present moment. The dung of swine was considered of the least value (Col. ii. 38). The ancient writers very emphatically point out the necessity of procuring large supplies of manure, which the Romans regarded under the special patronage of *Stercutius*, and farmers were urged to collect straw, weeds, leaves of all sorts, hedge-clippings, and tender twigs, which were first used to litter the stock, and then, when mixed with ashes, sweepings of the house, road-scrapings, and filth of every description, served to swell the dunghills (*sterquilinia*). These were at least two in number, one being intended for immediate use, the other for the reception of fresh materials, which were allowed to remain for a year (Varro, i. 13); dung, when old and well rotted, being accounted best for all purposes, except for top-dressing of meadows, when it was used as fresh as possible. The dunghills were formed on ground which had been hollowed out and beaten down or paved, so that the moisture might not escape through the soil, and they were covered over with brushwood or hurdles to prevent evaporation. In this way the whole mass was kept constantly moist, and fermentation was still further promoted by turning it over very frequently and incorporating the different parts. (Col. ii. 14.)

The particular crops to which manure was chiefly applied will be noticed hereafter; but in so far as regards the time of application it was laid down in September or October, on the ground that was to be autumn sown; and in the course of January or February, on the ground that was to be spring sown. A full manuring (*stercoratio*) for a juger of land on an upland slope (*quod spissius stercoratur*) was 24 loads (*vehes*), each load being 80 modii or pecks; while for low-lying land (*quod rarius stercoratur*) 18 loads were considered sufficient. (Col. ii. 5.) The dung was thrown down in small heaps of the bulk of five modii, it was then broken small, was spread out equally and ploughed in instantly that it might not be dried up by the rays of the sun, great care being taken to perform these operations when the moon was waning, and if possible with a west wind. According to the calculations of Columella (ii. 14), the live-stock necessary for a farm of two hundred jugers ought to yield 1440 loads per year; that is, enough for manuring 60 jugers at the rate of 24 loads to the juger. In what proportions this was distributed is nowhere very clearly defined, and must necessarily have varied according to circumstances. If we take two statements of Cato in connexion with each other, we shall be led to conclude that he advises one-half of the whole manure made upon a farm to be applied to the raising of green crops used as fodder (*pabulum*), one-fourth to the top-dressing of meadows, and the remaining fourth for the olives and fruit-trees. Columella recommends the manuring of light soil (*exilis terra*) before the second ploughing; but when rich lands were summer fallowed previous to a corn crop, no manure was considered requisite. (Hom. *Od.* xvii. 297; Theophrast. *Caus. Phys.* iii. 25; Cat. 5, 7, 29, 36, 37, 61; Varr. i. 13, 38; Colum. ii. 5, 14, 15, xi. 2; Pallad. i. 33, x. i.; Cic. *de Senect.* 15, §§ 51, 54; Plin. *H. N.* xvii. §§ 50–55, xviii. §§ 192–194; *Geopon.* ii. 21, 22.)

The system of manuring by penning and feeding sheep upon a limited space of ground was neither unknown nor neglected, as we perceive from the precepts of Cato (30), Varro (ii. 2, 12), and Pliny (*H. N.* xviii. § 194), all of whom recommend the practice.

The ashes obtained by burning weeds, bushes, prunings, or any sort of superfluous wood, were found to have the best effect (Verg. *Georg.* i. 81; Colum. ii. 15, 4; Plin. xvii. § 49; *Geopon.* xii. 4), and sometimes, as we know from Virgil (*Georg.* i. 84), it was deemed profitable to set fire to the stubble standing in the fields (Plin. *H. N.* xviii. § 300). Caustic lime was employed as a fertiliser by some of the tribes of Transalpine Gaul in the time of Pliny, but in Italy its application seems to have been very limited and to have been confined to vines, olives, and cherry-trees. (Cat. 38; Pallad. i. 6; Plin. *H. N.* xvii. § 53.)

Marl also (*marga*) of different kinds was known to the Greeks, was applied by the Megarenses to wet cold lands, and was extensively employed in Gaul and Britain; but not being found in Italy, did not enter into the agricultural arrangements of the Latins. Pliny devotes several chapters to an elaborate discussion upon these earths, of which he describes various sorts which had been made the subject of experiment, classifying them according to their colour, their constitution, and their qualities: the white (*alba*), the red (*rufa*), the dove-coloured (*columbina*), the clayey (*argillacea*), the sandy (*arenacea*), the tufaceous (*tofacea*), which was either fat (*pinguis*) or rough (*aspera*). Some of them we recognise at once, as, for example, the fat white clayey marl chiefly used in Britain, the effects of which were believed to endure for eighty years. (Plin. *H. N.* xvii. §§ 42, 45; comp. Varro, i. 7, *In Gallia Transalpina intus ad Rhenum aliquot regiones accessi . . . ubi agros stercorarent candida fossicia creta.*) Daubeny believes (p. 134) that the virtue ascribed to marl as a manure, which he says is worthless *as such*, is due to the large quantity of phosphate of lime found in some soils which bear that name.

Somewhat analogous to the use of marl was the system strongly recommended by Theophrastus and Columella, but condemned by Pliny, of combining soils in which some quality existed in excess, with those possessing opposite characters —dry gravel with chalky clay, or heavy wet loam with sand,—the object being frequently attained to a certain extent by subsoil ploughing, which was greatly approved of as a means of renovating fields exhausted by severe cropping. (Theophrast. *Caus. Phys.* iii. 25; Colum. ii. 15; Plin. *H. N.* xvii. § 41.)

When ordinary manures could not be procured in sufficient quantity, a scheme was resorted to which was at one time pursued in this country, and is still adopted with considerable success in many parts of Italy and in the sandy tracts of southern France. The field was sown about the middle of September with beans or lupines, which were ploughed into the ground the following spring, in all cases before the pod was fully formed, and at an earlier stage of their growth on light than on stiff soils. Nay, many crops, such as beans, peas, lupines, vetches, lentils (*ervilia, cicerula*), even when allowed to come to maturity, were supposed to exercise an ameliorating influence, provided their roots were immediately buried by the plough, although perhaps in this case the beneficial effect may have resulted from the manure applied before they were sown. On the other hand, corn in general, poppies, fenugreek, and all crops pulled up by the roots, such as cicer and flax, were supposed to exhaust (*urere*) the soil, which then required either repose or manure to restore its powers. (Theophrast. *Caus. Phys.* viii. 9; Cat. 37; Varr. i. 23; Verg. *Georg.* i. 77; Colum. ii. 13–15, xi. 2; Pallad. i. 6, vi. 4, x. 9; Plin. *H. N.* xvii. § 56, xviii. § 182.)

3. *Sowing* (*satio*)

May be considered under three heads. 1. The time of sowing. 2. The manner of sowing. 3. The choice, preparation, and quantity of the seed.

1. The seed-time (*sementis*), κατ' ἐξοχήν, commenced at the autumnal equinox, and ended fifteen days before the winter solstice. Few, however, began before the setting of the Pleiades (23rd October), unless on cold wet ground, or in those localities where bad weather set in soon; indeed, it was an old proverb that, while a late sowing often disappointed the hopes of the husbandman, an early one never realised them (*maturam sationem saepe decipere solere, seram nunquam quin mala sit*); and the Virgilian maxim is to the same purpose (*Georg.* i. 219). Spring sowing (*trimestris satio*) was practised only in very deep stiff land, which would admit of being cropped for several years in succession (*restibilis ager*), or where, from peculiar circumstances connected with the situation or climate, such as the great inclemency of the winters, it was impossible for the farmer to sow in autumn; and hence, generally speaking, was resorted to very sparingly, and for the most part from necessity rather than inclination.

2. We can infer from incidental notices in agricultural writers, that the seed was committed to the ground in at least three different modes.

a. The seed was cast upon a flat surface finely pulverised by the plough and harrow, and then covered up by ribbing the land (*tertio cum arant,* JACTO SEMINE, *boves lirare dicuntur*). (Varr. i. 29; comp. Colum. ii. 13.)

b. The land was ribbed, the seed was then dropped upon the tops of the *lirae* or elevated ridges, according to our fashion for turnips, LIRAS *autem rustici vocant easdem porcas cum sic aratum est, ut inter duos latius distantes sulcos, medius cumulus siccam sedem frumentis praebeat.* (Colum. ii. 4, § 8.) This plan was followed on wet land to secure a dry bed for the seed, which would probably be covered up by hand-rakes (*rastris*).

c. The land was ribbed as in the former case; but the seed, instead of being dropped upon the ridge of the *lira*, was cast into the depression of the furrow, and might be covered up either by the harrow or by ploughing down the middle of the lira. This was practised on light, sloping, and therefore dry, land (*neque in lira sed sub sulco talis ager seminandus est*, Colum. ii. 4, § 11).

Vetches, fenugreek, and some other crops, as will be noticed below, were frequently thrown upon land unprepared (*cruda terra*), and the seeds then ploughed in. The seed seems to have been cast out of a three-peck basket (*trimodiam satoriam*, sc. *corbem*), which from superstitious motives was sometimes covered over with the skin of a hyaena (Col. ii. 9, 9). Pliny points out how necessary it was that the hand of the sower should keep time with his stride, in order that he might scatter the grains with perfect uniformity.

3. The points chiefly attended to in the choice of seed corn were, that it should be perfectly fresh and free from mixture or adulteration, and of an uniform reddish colour throughout its substance. When the crop was reaped, the largest and finest ears were selected by the hand, or, where the produce was so great as to render this impossible, the heaviest grains were separated by a sieve (*quidquid exteratur capisterio expurgandum erit*, Col. ii. 9, 11) and reserved. In addition to these precautions it was not unusual to doctor seeds of all sorts (*medicare semina*) by sprinkling them with an alkaline liquor (*nitrum*, i. e. probably carbonate of soda), or with the deposit left by newly-expressed oil (*amurca*), or by steeping them in various preparations, of which several are enumerated by Columella and Pliny (cf. Verg. *Georg.* i. 193); the object being twofold, in the first place to increase the quan-

tity and quality of the produce, and in the second place to protect it from the ravages of vermin, especially the little animal called *curculio*, probably the same insect with our weevil.

The quantity of seed sown varied according to the soil, the situation, the season, and the weather, the general rule being that less was required for rich and finely pulverised (*pingue et putre*), or light and sharp (*gracile*), or thin poor soil (*macrum, exile*) than for such as was stiff and heavy (*crassum, cretosum*), or moderately tenacious; less for an open field than for an *arbustum*, less at the beginning of the season than towards the close (although this is contradicted by Pliny, *H. N.* xviii. § 196), and less in rainy than in dry weather, maxims which are fully explained by the authorities quoted below. The average amount of seed used for the three principal species of grain—wheat, spelt, and barley—was respectively five, ten, and six modii per juger, which Daubeny (p. 129) shows to correspond pretty nearly with our own practice. (Xenoph. *Oecon.* 17; Theophrast. ii. 6, and iii. 25; Cat. 34, 35; Varr. i. 29, 34, 40, 44, 52; Colum. ii. 2, 3, 8–10, 13, xii. 2; Pallad. i. 6, 34, x. 2; Verg. *Georg.* i. 193, 212, 225; Plin. *H. N.* xviii. §§ 198 ff., 304 ff.; *Geopon.* ii. 15–20.)

4. *Harrowing* (*occatio*)

Might be performed at two different periods: after the first or second ploughing, in order to powder the soil completely; and after sowing, in order to cover up the seed. When the land was encumbered with roots and deep-seated weeds, a grubber (*irpex*, Cat. 10; Varr. *L. L.* v. 136) formed of a strong plank set with iron spikes was employed, but in ordinary cases wicker hurdles (*vimineae crates*), sometimes fitted with teeth (*dentatae*), were dragged over the ground; or the clods were broken with hand-rakes (*rastra*). The seed, as we have seen above, being for the most part ploughed in, and the operation for that reason placed under the patronage of a god *Obarator*, the second harrowing (*iteratio*) was omitted, except where the surface still rose in lumps (Verg. *Georg.* i. 104); but since it was the duty of a good farmer to have his fields in the best order before he began to sow, the older Roman writers considered harrowing after sowing as a proof of bad husbandry.—"Veteres Romani dixerunt male subactum agrum, qui satis frugibus occandus sit." (Colum. ii. 4, 13, xi. 2, 82; Plin. *H. N.* xviii. § 180; Verg. *Georg.* i. 94, 104.)

5. *Hoeing* (*saritio*).

The next care, after covering up the seed, was to loosen the earth round the roots of the young blades, in order that air and moisture might gain free access and enable them to send forth more numerous and more vigorous shoots and fibres (*ut fruticare possint*). This process was termed *σκαλεία*, *saritio*, or *sarculatio*, and was carried on by hand with an instrument called *sarculum*, the form of which is not known. Corn was usually hoed twice, for the first time in winter, as soon as it fairly covered the ground (*cum sata sulcos contexerint*), provided there was no frost; and for the second time in spring, before the stalk became jointed (*antequam seges in articulum eat*); great care being taken at all times not to injure the root. On the first occasion, and then only, where the ground was dry and the situation warm, the plants, in addition to a simple hoeing (*plana saritio*), were earthed up (*adobruere*). Columella recommends saritio for almost all crops, except lupines; but authorities differed much as to the necessity or propriety of performing the operation in any case, and those who advocated its expediency most warmly, agreed that the periods at which it ought to be executed, and the number of times that it ought to be repeated, must depend upon the soil, climate, and a variety of special circumstances. (Cat. 37; Varr. i. 18, 29, 36; Colum. ii. 11, xi. 2; Plin. *H. N.* xviii. § 184; *Geopon.* ii. 24: comp. Plaut. *Capt.* iii. 5, 3; Verg. *Georg.* i. 155.)

6. *Weeding* (*runcatio*).

Hoeing was followed by weeding (*βοτανισμός*, *runcatio*), which in the case of grain crops took place immediately before they began to blossom, or immediately after the flower had passed away. The weeds were either pulled up by the roots (*evulsis inutilibus herbis*), or cut over with a bill-hook, which Palladius terms *runco*. (Cat. 37; Varr. i. 30; Colum. ii. 11, xi. 2; Pallad. i. *sub fin.*; Plin. *H. N.* xviii. § 185; *Geopon.* ii. 24.)

But after the farmer had laboured with unremitting zeal in cleaning and pulverising the soil, in selecting and medicating the seed, in hoeing the young blades, and in extirpating the common noxious weeds (*lolium*, *tribuli*, *lappae*, *cardui*, *rubi*, *avena*), the safety of the crop was threatened by a vast number of assailants (*tum variae illudant pestes*, Verg. *Georg.* i. 181); such as worms of various kinds (*vermiculi*) attacking both root and ear, caterpillars (*uricae*), spiders (*phalangia*), snails (*limaces*, *cocleae*), mice (*mures*), moles (*talpae*), and the whole race of birds, besides which each kind of plant was believed to have its own special vegetable enemy, which, if not carefully watched, would spring up, choke, and destroy it. But the foe dreaded above all others in the vineyard and the cornfield was a peculiar blight or mildew termed *robigo*, which wrought such havoc in damp low-lying situations that it was regarded as a manifestation of wrath on the part of a malignant spirit, whose favour the rustic sought to propitiate by the annual festival of the *Robigalia*. [ROBIGALIA.] (Plin. *H. N.* xviii. § 154; Verg. *Georg.* i. 151.)

Another danger of an opposite description arose from the grain shooting up so rapidly that the stalk was likely to become immoderately long and weak. The danger in this case was averted by pasturing down the too luxuriant herbage with sheep (*luxuriem segetum tenera depascit in herba*), or by dragging over it an iron-toothed harrow (*cratis et hoc genus dentatae stilis ferreis*), by which it was said to be combed (*pectinari*). (Verg. *Georg.* i. 112; Plin. *H. N.* xviii. § 186.)

7. *Reaping* (*messio*).

The corn was reaped as soon as it had acquired a uniform yellow tint, without waiting until it had become dead ripe, in order to avoid the loss sustained by shaking, and by the ravages of animals. The necessity of pursuing this course with regard to barley is especially insisted upon; but it is quite at variance with modern practice. There was a saying that it was better to reap two days too soon than two days too late. (Colum. ii. 9; Plin. xviii. § 298.)

Varro (i. 50) describes three distinct methods of reaping (*tria genera messionis*).

1. That followed in Umbria, where the stalk was shorn close to the ground with a hook (*falx*). Each handful was laid down; and when a number of these had accumulated, the ears were cut off, thrown into baskets (*corbes*), and sent to the threshing-floor, the straw (*stramentum*) being left upon the field, and afterwards gathered into a heap.

2. That followed in Picenum, where they used a small iron saw (*serrula ferrea*) fixed to the extremity of a crooked wooden handle (*ligneum incurvum batillum*); with this they laid hold of a bundle of ears which were cut off, the straw being left standing to be mown subsequently.

3. That followed in the vicinity of Rome and most other places, where the stalks were grasped in the left hand and cut at half their height from the ground, the whole of the portion detached being conveyed in baskets to the threshing-floor, and the part left standing being cut afterwards.

The last two methods only are particularly noticed by Columella, who describes the instruments employed in the second under the names of *pectines* and *mergae* (*multi mergis, alii pectinibus spicam ipsam legunt*); and those employed in the third as *falces veruculatae* (*multi falcibus veruculatis, atque iis vel rostratis vel denticulatis medium culmum secant*); for which comp. Paul. ex Fest. p. 124, Müll. and Schneider's note on Col. ii. 20; Ven. i. 51, 2. In addition to the above, Pliny and Palladius describe a reaping-machine worked by oxen, which was much used in the extensive plains of Gaul. Pliny also describes another kind of reaping: *stipulae alibi mediae falce praeciduntur atque inter duas mergites spica destringitur*, where *mergites* seems to be the same as Columella's *mergae*. Daubeny supposes that *inter duas mergites* = "by a pair of shears," which can hardly be right. Virgil (*Georg.* i. 316), perhaps, alludes to binding up the corn in sheaves; but his words are not so clear upon this point as those of Homer in the charming picture of a harvest-field contained in the eighteenth book of the *Iliad*. (Varr. i. 50; Colum. ii. 20; Plin. *H. N.* xviii. § 296; Pallad. vii. 2; *Geopon.* ii. 25; comp. Hom. *Il.* xi. 67, xviii. 550.)

8. *Threshing* (*tritura*).

After the crop had been properly dried and hardened (*torrefacta*) by exposure to the sun, it was conveyed to the threshing-floor (ἅλως, ἀλωή, or ἀλωή, *area*). This was an open space, on some elevated spot over which the wind had free course, of a circular form, slightly raised in the centre to allow moisture to run off. The earth was compressed by heavy rollers (*gravi cylindro, molari lapide*), pounded with rammers (*paviculis*), and reduced to a solid consistency with clay and chaff, so as to present an even unyielding surface; or, better still, paved with hard stones. Here the corn was spread out and beaten with flails (*baculis excutere, fustibus cudere, perticis flagellare*); or more commonly, except when the ears alone had been brought from the field, trodden out (*exterere*) by the feet of a number of men or horses, who were driven backwards and forwards within the ring. To produce the effect more easily and more perfectly, the cattle were frequently yoked to a machine (*tribulum, tribula, trahea, traha*), consisting of a board made rough by attaching to it stones or pieces of iron, and loaded with some heavy weight; or what was termed a Punic wain (*plostellum Poenicum*) was employed, being a set of toothed rollers covered with planks, on which sat the driver who guided the team.

Attached to the area was a huge shed or half-enclosed barn (*nubilarium*), of sufficient dimensions to contain the whole crop. Here the corn was dried in unfavourable seasons before being threshed, and hither it was hurriedly conveyed for shelter when the harvest work was interrupted by any sudden storm. (Cat. 91, 129; Varr. i. 13, 51, 52; Colum. i. 6, ii. 19; Pallad. i. 36, viii. 1; Plin. *H. N.* xviii. § 298; Hom. *Il.* xiii. 588, xx. 495, xxi. 77; Verg. *Georg.* i. 178; *Geopon.* ii. 26.)

9. *Winnowing* (*ventilatio*).

When the grain was mixed with chaff, it was laid down in small piles upon the area, in order that the lighter particles might be borne away by the passing breeze; but when the wind was not sufficiently strong, it became necessary to winnow (*eventilare*) it. This was effected by a labourer (λικμητήρ, *ventilator*), who tossed it up from a broad basket (*vannus*), sieve (*capisterium*) or shovel (πτύον, *ventilabrum*), when the heavy portion fell down in a heap, and the chaff floated off through the air. When it was intended to keep the corn for any length of time, it was common to repeat the process (*repurgare, repolire*). that it might be thoroughly cleaned. (Varr. i. 52; Colum. ii. 9, 20; cf. Hom. *Il.* v. 499, xiii. 588.)

10. *Preservation of Corn* (*de frumento servando*).

After the corn had been threshed out and winnowed, or at least the ears separated from the stalk, the next care was to store up (*condere*) the grain in fitting repositories (*granaria, horrea*). The great object in view being to preserve it from becoming mouldy or rotten, and to protect it from the ravages of vermin, especially the weevil (*curculio*), we find that very great diversity of opinion existed as to the means by which those ends might best be attained. By some the store-houses were built with brick walls of great thickness, for the purpose, it would seem, of securing a uniform temperature, and had no window or aperture, except a hole in the roof, through which they were filled. Others, again, raised these structures aloft on wooden columns, and allowed currents of air to pass through on all sides and even from below; while others admitted particular winds only,—such, namely, as were of a drying character. Many plastered the walls with a sort of hard stucco, worked up with amurca, which was believed to act as a safeguard against vermin, while others considered the use of lime under any form as decidedly injurious. These and many different opinions, together with receipts for various preparations wherewith to sprinkle the corn, will be found detailed in the authorities cited below, among whom Pliny very sensibly observes that the principal consideration ought to be the condition of the grain itself when housed; since, if not perfectly dry, it must of necessity breed mischief. In many countries, as in Thrace, Cappadocia, Spain, and Africa, the corn was laid up in pits (*scrobibus*) sunk in a perfectly dry soil and well lined with chaff, a practice now extensively adopted in Tuscany. Wheat in the ear (*cum spica sua*) might, according to Varro, if the air was excluded, be preserved in such receptacles for fifty years, and millet for a hundred. Modern experiments (comp. British Association Reports for 1850) have shown that seeds very rarely retain their vitality for as much as forty years. (Cat. 92; Varr. i. 57; Colum. i. 6; Pallad. i. 19; Plin. *H. N.* xviii. § 307; *Geopon.* ii. 27–31.)

IV. Crops.

Crops, as already remarked, may be divided into four classes:—1. Grain or corn crops. 2. Leguminous crops, or pulse. 3. Crops cut green for forage. 4. Crops which supplied the raw materials for the textile fabrics. We might extend the number of classes did we purpose to treat of certain plants, such as poppies (*papavera*) and *sesamum*, raised to a small extent only, and confined to particular localities; but our limits do not permit us to embrace so wide a field of inquiry.

In addition to the above, much attention was devoted to what may be termed secondary crops; these, namely, which did not afford directly food or clothing for man or beast, but which were required in order to facilitate the cultivation and collection of the primary crops. Thus, beds of willows (*salicta*) for baskets and withes, and of reeds (*arundineta*) for vine-props, were frequently in favourable situations very profitable, just as land in certain districts of Kent yields a large return when planted with young chestnuts for hop-poles.

1. *Corn Crops* (*frumenta*).

The word applied in a general sense to denote what we now call "the cereal grasses" was *frumenta*; but of these wheat being by far the most important, it is not wonderful that the term in question should be employed frequently to denote wheat specially, and occasionally in such a manner as to exclude other kinds of grain, as when Pliny remarks, "calamus altior frumento quam hordeo," meaning "in wheat the stalk is longer than in barley." The only frumenta which it will be necessary for us to consider particularly in this place are—

a. Triticum and *Far*; *b. Hordeum*; *c. Panicum* and *Milium*.

a. Triticum and *Far*. No one entertains any doubt that *triticum* (*πυρὸς* in Greek, and in the later writers *σῖτος*) is the generic name for the grain which we denominate *wheat*; but when we proceed to examine the different species or varieties, we are involved in many difficulties, for the botanical descriptions transmitted to us by the ancients are in all cases so imperfect, and in many instances so directly at variance with one another, that it becomes almost impossible to identify with certainty the objects to which they refer, with those familiar to ourselves. Columella (ii. 6; comp. Dioscorid. ii. 107; Theophr. *H. P.* viii. 1, 4), who attempts a systematic classification, assigns the first place among "frumenta" to *Triticum* and *Semen adoreum*, each of which contained several species or varieties. Among many different kinds of triticum he deems the following only deserving of particular notice:—

1. *Robus*, possessing superior weight and brilliancy (*nitor*).

2. *Siligo*, very white, but deficient in weight. (Colum. ii. 9, § 13; Plin. *H. N.* xviii. § 85.)

3. *Trimestre* (*τριμηνιαῖος*, s. *τρίμηνος*), a sort of siligo, receiving its name from lying three months only in the ground, being spring-sown. We find this kind sometimes denominated *δίμηνος* also, since in very warm situations it came to maturity in two months after it was sown.

Among the different kinds of *Semen adoreum*, the following are particularly noticed:—

1. *Far Clusinum*, distinguished by its whiteness.

2. *Far venuculum rutilum.* } Both heavier than
3. *Far venuculum candidum.* } the *Clusinum*.

4. *Halicastrum* or *Semen trimestre*, very heavy and of fine quality. Here we must remark that although *robus*, *siligo*, and *trimestre* are set down as particular species or varieties of the more general term *triticum*, which is used in contradistinction to *semen adoreum*, it is much more usual to find *triticum* used in a restricted sense to denote ordinary winter wheat, in opposition to both *siligo* and *adoreum*, and hence Pliny declares that the most common kinds of grain were "*Far*, called *adoreum* by the ancients, *siligo*, and *triticum*."

Now, with regard to the three kinds of *triticum* enumerated above, we shall have little difficulty in deciding that they were not distinct species, but merely varieties of the same species; for we are assured by Columella (ii. 9), that triticum, when sown in wet land, passed in the course of three years into *siligo*, and by Pliny (*l. c.*) that *siligo*, in most parts of Gaul, passed, at the end of two years, into *triticum*; again, Columella, in describing *trimestre*, admits (although contradicted by Plin. *H. N.* xviii. § 70) that it is a variety of *siligo*, while modern experience teaches us that winter and spring wheats are convertible by subjecting them to peculiar modes of cultivation. Hence we conclude that *robus* and *siligo* were varieties of what is now termed by botanists *Triticum hibernum*, and that *trimestre* was a variety of our *Triticum aestivum*, which is itself a variety of the *hibernum*.

The question with regard to *Far*, *Ador*, *Semen adoreum*, *Semen*, *Adoreum*, names used indifferently by the Latin writers, does not admit of such an easy solution. But after a careful examination of the numerous, vague, perplexing, and contradictory statements scattered over the classics, the discussion of which separately would far exceed our limits, we may with considerable confidence decide that *far* was a variety of the Greek *ζέα* or *ζεία*, and of the modern *Triticum spelta*, if not absolutely identical with one or both. Spelt, which is fully recognised by botanists as a distinct species of triticum, is much more hardy than common wheat, succeeding well in high exposed situations where the latter would not ripen, and its chaff adheres with singular firmness to the grain, both of which circumstances were prominent characteristics of *far*. (Colum. ii. 8; Plin. *H. N.* xviii. § 83.) Indeed, it was found impossible to get rid of the thick double case in which it was enclosed, by the ordinary modes of threshing; therefore it was stored up with the chaff attached (*convenit cum palea sua condi et stipula tantum et aristis liberatur*); and when used as food it was necessary to pound it in a mortar, or rub it in a mill of a peculiar construction, in order to separate the tenacious husks—a process altogether distinct from grinding, and indicated by the words *pinsere*, *pistura*, *pistores*. (Varr. *L. L.* v. 138; Plin. *H. N.* xviii. § 97 ff.) The idea entertained by some commentators, that the distinction between triticum and far consisted in the circumstance that the latter was awned while the former was beardless, is altogether untenable; for not only does Pliny say expressly in one passage (xviii. § 92), *far sine arista est*, and in another (xviii. § 298) as distinctly that *far* had *aristae*, but it is perfectly clear from Varro (i. 48; compare Plin. *H. N.* xviii. § 53) that ordinary triticum had a beard, and from Pliny that siligo was generally, although not uniformly, without one—a series of assertions whose contradictory nature need occasion no surprise, since it is now well known that this, like colour, is a point which does not amount to specific difference, for white, red, awned, and beardless wheats are found to change and run into each other, according to soil, climate, and mode of culture. Another fact noticed by Pliny, to which, if correct, botanists seem not to have given due attention, is, that *triticum* had four joints in its stalk, *far* six, and barley eight.

All agree that triticum (we shall use the word hereafter in the restricted sense of common winter-wheat) succeeded best in dry, slightly elevated, open ground, where the full influence of the sun's rays was not impeded by trees, while siligo and far were well adapted for low damp situations and stiff clayey soils (Cato, 34, 35; Varr. i. 9; Colum. ii. 6; Plin. xviii. §§ 94, 95).

The finest Italian wheat weighed from twenty-five to twenty-six pounds the modius, which corresponds to upwards of seventy English pounds avoirdupois to the imperial bushel, the Roman pound being very nearly 11·8 oz. avoird., and the modius ·99119 of an imperial peck. The lightest was that brought from Gaul and from the Chersonese. It did not weigh more than twenty pounds the modius. Intermediate were the Sardinian, the Alexandrian, the Sicilian, the Baetican, and the African, the two last approaching most nearly in excellence to the Italian. (Plin. *H. N.* xviii. § 75.)

The proportion which the produce bore to the seed sown varied, when Cicero and Varro wrote, in the richest and most highly cultivated districts of Sicily and Italy from 8 to 10 for 1; 15 for 1 was regarded as an extraordinary crop obtained in a few highly favoured spots only, while in the age of Columella, when agriculture had fallen into decay, the average return was less than 4 for 1. Parts of Egypt, the region of Byzacium in Africa, the neighbourhood of Gadara in Syria, and the territory of Sybaris were said to render a hundred or even a hundred and fifty fold; but these accounts were in all likelihood greatly exaggerated. (Cic. *in Verr.* iii. 47, § 112; Varr. i. 44; Colum. iii. 3, § 4; Plin. *H. N.* xviii. §§ 89–92.)

Far is uniformly represented as having been the first species of grain ever cultivated in Italy, and as such was employed exclusively in religious ceremonies. Hence also *farina* became the generic term for flour or meal whether derived from far, from triticum, or from any other cereal. Thus we read of *triticea farina*, *siliginea farina*, *hordeacea farina*, even *avenacea farina* (Plin. *H. N.* xviii. § 88, xx. § 135, xxii. § 122). In the expressions *far triticeum*, *far hordeaceum*, found in Columella (viii. 5, 11), *far* is evidently used for *farina*, and we shall see that even *siligo* is in like manner used to denote, not only the solid grain, but the flour produced by grinding it. This being premised, we may proceed to examine the meaning of the terms *pollen*, *similago* s. *simila*, *cibarium*, *siligo*, *flos*, *alica*, *amylum*, *granea*, &c., several of which have never been clearly explained. Here again we can give the result only of an investigation, in the course of which we are obliged to thread our way through statements at once obscure and irreconcilable. Regarding *triticum* and *siligo* as two well distinguished varieties of wheat, their products when ground were thus classed by millers:—

From triticum,

1. *Pollen*, the finest flour dust, double dressed.
2. *Simila*, or *Similago*, the best first flour.
3. *Cibarium secundarium*, seconds flour.
4. *Furfures*, bran.

From siligo,

1. *Siligo*, the finest double-dressed flour, used exclusively for pastry and fancy bread.
2. *Flos* (*siliginis*), first flour.
3. *Cibarium secundarium*, seconds flour.
4. *Furfures*, bran.

It would appear that Celsus (ii. 18), considering wheat generally as triticum, called the finest and purest flour *siligo*; ordinary flour, *simila*; the whole produce of the grain, bran, and flour mixed together, *αὐτόπυρος*. (Plin. *H. N.* xviii. §§ 89 ff., 138.)

Alica is placed by Pliny among the different kinds of corn (xviii. § 50), and is probably the same with the *Halicastrum*, *Alicastrum*, or spring-sown *far* of Columella (ii. 6). But *alica* is also used to denote, not only the grain, but a particular preparation of it, most clearly described in another passage of Pliny (xviii. § 109). The finest was made from Campanian zea, which was first rubbed in a wooden mortar to remove the husk, and then (*excussis tunicis*) the pure grain (*nudata medulla*) was pounded. In this manner three sorts were produced and classed according to their fineness,—the *minimum*, the *secundarium*, and the coarsest or *aphaerema*,—and each was mixed with a kind of fine white marl (*creta*), found between Naples and Puteoli, which became intimately amalgamated with it (*transit in corpus, coloremque et teneritatem adfert*). This compound was the principal ingredient in a sort of porridge also called *alica*, while *alicarius*, signifying properly one who pounded alica, sometimes denotes a miller in general. (Plin. *H. N.* xviii. § 109, xxii. § 124; Cat. 76; Cels. vi. 6; Mart. ii. 37, xiii. 6; *Geopon.* iii. 7.)

Amylum is starch, and the modes of preparing it are described by Cato (87), and Pliny (*H. N.* xviii. § 76). It was used both in medicine and for the kitchen.

Granea was wheat, not ground, but merely divested of its husk, and made into a sort of porridge by boiling it in water and then adding milk. (Cat. 86.) Pliny (xviii. § 116) speaks of it as an inferior kind of alica.

b. *Hordeum* s. *Ordeum* (κριθαί; κρῖ, Hom.). Next in importance to *triticum* and *adoreum* was *hordeum* or barley, which was a more appropriate food for the lower animals than wheat, was better for man when made into *polenta* than wheat of an indifferent quality, and furnished excellent straw and chaff (*stramentum*, *palea*).

The species most generally cultivated, termed *hexastichum* or *cantherinum*, was, we can scarcely doubt, identical with the hardy species, now almost confined to Scotland, which we now call *bere* or *bigg*, the *Hordeum hexastichon* or six-rowed barley of botanists. It was sown after the vernal equinox (hence called τρίμηνος, Theophr. *H. P.* viii. 1), upon land that had been twice ploughed, at the rate of five modii to the juger; succeeded best in a dry, loose, rich soil; and being an exhausting crop, the land from which it had been reaped was summer fallowed, or recruited by manure. It was cut as soon as it was ripe; for the stalk being brittle, was liable to be beaten down; and the grain not being enclosed in an outer husk, was easily shaken.

Another species, termed *Galaticum* or *distichum*, the same apparently with the modern *Hordeum vulgare*, or with the *Hordeum distichum*, varieties of the common two-rowed barley, was remarkable for its weight and whiteness, and answered well for mixing with wheaten flour in baking bread for slaves. It was sown in autumn, winter, or early spring, at the rate of six modii to the juger. Five modii of seed hordeum required six days and a half of labour to bring it to the threshing-floor; viz. ploughing three days, harrowing (*occatoria opera*) one, hoeing (*sarritoria*) one and a half, reaping (*messoria*) one.

Pliny speaks of hordeum as the lightest of all frumenta, weighing only 15 pounds to the modius (Roman pound = 11·8 oz. avoird.). In mild climates it might be sown early in autumn. (Theophr. *H. P.* viii. 1; Cat. 35; Varr. i. 34; Colum. ii. 9, §§ 14—16; Verg. *Georg.* i. 210; Plin. *H. N.* xviii. § 62; *Geopon.* ii. 14.)

c. *Panicum* and *Milium* are commonly spoken of together, as if they were only varieties of the same grain. The first is in all probability the *Panicum miliaceum* or *common millet* of botanists, the ἔλυμος or μελίνη of the Greeks: the second is perhaps the *Setaria Italica* or *Italian millet*, which corresponds to the description of κέγχρος; while the large-grained species noticed by Pliny as having been brought from India less than ten years before the period when he wrote is, we can scarcely doubt, the *Sorghum vulgare*, or *Doora* of the Arabs. (*H. N.* xviii. § 55.)

Panicum and milium were sown in spring (Verg. *Georg.* i. 216), towards the end of March, at the rate of four sextarii (pints) only to the juger, but they required repeated hoeing and weeding to keep them clean. They succeeded well in light loose soil, even on sand if well irrigated; and as soon as the ears were fairly formed, they were gathered by the hand, hung up to dry in the sun, and in this state would keep for a longer period than any other grain. Milium was baked into bread or cakes, very palatable when eaten hot; and both panicum and milium made good porridge (*puls*). Although not much used by the population of Italy, except perhaps in Campania, they formed a most important article of food in the Gauls, in Pontus, in Sarmatia, and in Ethiopia. (Cat. 6; Colum. ii. 9, § 17; Plin. *H. N.* xviii. §§ 100, 101; Pallad. iv. 3; *Geopon.* ii. 38; Theophr. *C. P.* ii. 17, *H. P.* viii. 3; Dioscor. ii. 119.)

Secāle, rye, the *Secale cereale* of botanists, is not mentioned by any of the Greek writers unless it be the βρίζα described by Galen (*de Aliment Facult.* i. 2) as cultivated in Thrace and Macedonia (but this, in all probability, was a coarse variety of spelt), nor by Cato, Varro, Columella, nor Palladius. Pliny alone (*H. N.* xviii. § 141) speaks of it, and in the following terms:—"Secale Taurini sub Alpibus *Asiam* vocant, deterrimum, sed tantum ad arcendam famem: fecunda sed gracili stipula, nigritia triste, pondere praecipuum. Admiscetur huic far ut mitiget amaritudinem ejus; et tamen sic quoque ingratissimum ventri est. Nascitur qualicunque solo cum centesimo grano, ipsumque pro laetamine est." In the previous chapter he makes it identical with *silicia* (fenugreek) and *farrago*; that is, corn sown for the purpose of being cut green as fodder. See remarks upon *Farrago* below.

Avena, the oat (βρόμος s. βρῶμος, Theophr. *H. P.* viii. 4; Dioscorid. ii. 16), the *Avena sativa* of botanists, need scarcely be noticed in this place, since it cannot be raised as a grain with any advantage in a climate so warm as that of Greece or of Italy. Columella (ii. 10, § 9) and Pliny (*H. N.* xviii. § 143, *Avena Graeca*) recommended that it should be sown for green fodder; and the latter, who considers it a degenerate kind of *hordeum*, remarks that it became a sort of corn (*frumenti fit instar*) in Germany, where it formed a regular crop, and where oatmeal porridge was a national dish (*neque alia pulte vivant*, *H. N.* xviii. §§ 44, 149). In another passage (*H. N.* xxii. § 137) the same author prescribes oatmeal (*avenacea farina*) steeped in vinegar as a remedy for spots on the skin. The *Avena* condemned as a troublesome weed by Cato (*R. R.* 36, § 5) and Virgil (*steriles avenae*, *Georg.* i. 154) is probably the *Avena fatua* of botanists, although Pliny (*H. N.* xviii. § 149) makes no distinction between this and the cultivated kind.

Other cereals we may dismiss very briefly.

Oryza (ὄρυζα, ὄρυζον), rice, was imported from the East, and was much esteemed for making gruel (*ptisana*). Pliny's description of the plant is quite incorrect.

Zea (ζέα, ζεῖα), *Olyra* (ὄλυρα), *Tiphe* (τίφη), and *Arinca*, of which the first two are named by Homer, must be regarded as varieties of the *Triticum Spelta* or *Far* (Herod. ii. 36; Theophr. *H. P.* ii. 5, viii. 9; Dioscorid. ii. 110; Galen. *de Aliment. Facult.* i. 2, 13). The statements found in the eighteenth book of Pliny's Natural History in reference to these four are altogether unintelligible when compared with each other. He evidently copied, as was too often his custom, from a number of discordant authorities without attempting to reconcile or thinking it necessary to point out their contradictions. In one place (xviii. § 92) he says distinctly that *Arinca* is the *Olyra* of Homer, and in another he seems to say (xviii. § 62) that Olyra in Egypt became Far (*far in Ægypto ex olyra conficitur*). Herodotus (ii. 36) asserts that Olyra and Zea were synonymous, and that these exclusively were cultivated by the Egyptians, but Sir J. G. Wilkinson has proved this to be incorrect. He holds that *olyra* was *doora*. The wheat which has been raised recently from the seeds discovered in the mummy cases is probably *Triticum monococcum*.

With regard to *Irio* and *Horminum*, of which the former seems to have been called *ἐρύσιμον* by the Greeks, both enumerated by Pliny among *frumenta*, although he afterwards somewhat qualifies this assertion, we do not hazard a conjecture. (Plin. *H. N.* xviii. § 49; xxii. § 158.)

We may conclude this section with an enumeration of the technical terms employed to denote the different parts of an ear and stalk of corn.

The whole ear was named *spica*; the beard or awn, *arista*; the ear, when beardless, *spica mutica*; the white solid substance of the grain, *intimum solidum — nudata medulla—granum*; the husk which immediately envelopes the granum, *gluma*, with which *cortex*, *tunica*, *folliculus*, are used as synonymous; the outer husk, *acus*; the outer husk with the short straw attached, *palea*; the stem, *stipula*, *culmus*, to which *scapus*, *caulis* correspond in leguminous plants; the knots or joints in the stem, *geniculi*, *articuli*; the sheath-like blade in the stem from which the ear issues forth, *vagina*.

2. *Leguminous Crops* (*χέδροπα*, *Legumina*).

The vegetables falling properly under this head, chiefly cultivated by the ancients, were: *a. Faba*; *b. Lupinus*; *c. Lens* s. *Lenticula*; *d. Cicer*; *e. Cicercula*; *f. Phaseolus*; *g. Pisum*; to which, in order to avoid multiplying subdivisions, we may add *Napi* and *Rapa*, since in common with the legumina they served as food both for men and cattle.

a. Faba. The ancient *faba*, the *κύαμος* of the Greeks, notwithstanding all that has been urged to the contrary, was certainly one of the varieties of our common field bean, the *Vicia Faba*, or *Faba vulgaris arvensis* of botanists. It required either rich and strong, or well-manured land. If sown upon moist low-lying ground that had remained long uncropped (*veteretum*), no previous preparation was necessary, but the seed was scattered and at once ploughed in; the field was then ribbed and finally harrowed (*cum semen crudo solo ingesserimus, inarabimus, imporcatumque occabimus*), the object being to bury the seed as deep as possible. But if beans were to be sown upon land from which a corn crop had been just reaped (*restibilis ager*), after the stubble was cleared away, manure was spread at the rate of twenty-four *vehes* to the juger, and then the remaining operations were the same as above. Rich land required from four to six modii to the juger, poorer soil somewhat more. A portion of the seed was committed to the ground about the middle (*media sementi*), the remainder at the end of the corn-sowing season (*septimontialis satio*). Virgil (*Georg.* i. 215), indeed, following the practice of his own district, directs that beans should be sown in spring; but this was disapproved of in the rest of Italy because the stalks (*caules—fabalia*), the pods (*siliquae*), and the husks (*acus fabaginum*), all of which were of great value as food for cattle, were less luxuriant in the spring-sown (*trimestris faba*) than in the autumnal crop. Columella recommends that beans should be hoed three times, in which case they required no weeding. When they had arrived at maturity, they were reaped close to the ground, were made up into sheaves (*fasciculi*), were threshed by men who tossed the bundles with forks, trampled them under foot, and beat them with flails (*baculis*), and finally were cleaned by winnowing. The harvest took place in Central Italy about the end of May, and hence the first of June was named *Calendae Fabariae*, because on that day new beans were used in sacred rites. From four to six modii of seed required two days' work of the ploughman, if the land was newly broken up, but only one if it had been cropped the previous season; harrowing occupied one day and a half, the first hoeing one day and a half, the second and third each one day, reaping one day; in all seven or eight days.

Bean meal (*lomentum*, *σμῆγμα*) was baked into bread or cakes (*ἄρτος κυάμινος*), especially if mixed with the flour of wheat or millet; when made into porridge (*fabacia*, *puls fabata*), it was accounted an acceptable offering to the gods and termed *Refriva*,—a name properly applied to the beans brought home and set apart for holy purposes. (Hom. *Il.* xiii. 589; Cat. 35; Varr. i. 44; Colum. ii. 10, 12; Pallad. ii. 9, vii. 3; Plin. *H. N.* xviii. §§ 117, 119; *Geopon.* ii. 35; Dioscorid. ii. 127; Theophr. *H. P.* iv. 2, vii. 3, viii. 1: comp. Fest. s. v. *Refriva*; Gell. iv. 11, x. 15; Macrob. *Sat.* i. 12; Cic. *de Div.* i. 30, § 62; Ov. *Fast.* v. 436.)

b. Lupinus, the *θέρμος* of the Greeks, seems to include the *Lupinus albus*, the *L. luteus*, and the *L. pilosus* of botanists, the common white, yellow, and rose lupines of our gardens. The first of the above species was that chiefly cultivated by the Romans, and is pronounced by Columella to be the most valuable of the legumina, because it demanded very little labour, was a sure crop, and, instead of exhausting, actually refreshed and manured the land. Steeped in water and afterwards boiled, it formed an excellent food for oxen in winter, and might be used even for man during periods of scarcity. It could be sown as soon as threshed, might be cast upon ground unprepared by ploughing or any other operation (*crudis novalibus*), and was covered up anyhow, or not covered up at all, being protected by its bitterness from the attacks of birds and other animals.

The proper season for sowing was early in autumn, in order that the stalks might acquire vigour before the cold weather set in; the quantity of seed was ten modii to the juger, and the crop was reaped after it had remained a year in the ground. It succeeded well in any dry light land, especially in reddish soil, but not in wet tenacious soil. Ten modii required in all only three days' work; one for covering up, one for harrowing, and one for reaping, and of these operations, the two first might, if there was a press of work, be dispensed with. (Cat. 34; Colum. ii. 10, 16, xi. 2; Pallad. i. 6, ii. 9, vi. 3, vii. 3, ix. 2; Plin. *H. N.* xviii. § 135; *Geopon.* ii. 39; Verg. *Georg.* i. 75.)

c. Lens s. *Lenticula*, the *φακός* of the Greeks, the modern *Ervum Lens*, *Vicia Lens*, or Lentile, was sown twice a year, late in autumn (*per mediam sementim*) and early in spring, on dry light soil, in the proportion of rather more than a modius to the juger. It was recommended to mix the seed with dry manure, and, after leaving it in this state for four or five days, then to scatter it. A modius and a half required eight days' work—ploughing, three; harrowing, one; hoeing two; weeding, one; pulling, one. (Cat. 35; Verg. *Georg.* i. 228; Colum. ii. 10, 12;

xi. 2; Plin. *H. N.* xviii. § 123; Pallad. xii. 11; Theophr. *H. P.* viii. 3; Dioscorid. ii. 129; *Geopon.* ii. 37: comp. Martial, xiii. 9, 1; Gell. xviii. 8.)

d. Cicer, the ἐρέβινθος of the Greeks. The *Cicer arietinum* (κριός) and the *Cicer Punicum*, varieties of our common chick-pea, were sown in rich soil, during the month of March, in the proportion of three modii to the juger, the seeds having been previously steeped to make them germinate more readily. The crop was considered injurious to the soil, and therefore avoided by prudent husbandmen. Three modii of Cicer required four days for ploughing and sowing, two days for harrowing, one day for hoeing, one day for weeding, and three days for pulling (*vellantur tribus*). (Colum. ii. 10, 12; Plin. *H. N.* xviii. § 124; Dioscorid. ii. 126; Theophr. viii. 1, 3, 5, 6; *Geopon.* ii. 36.)

e. Cicercula, the λάθυρος of the Greeks, the *Lathyrus sativus* of botanists, which Pliny seems to regard as a small variety of the *Cicer*, was sown in good land either at the end of October or at the beginning of the year, in the proportion of three modii to the juger. None of the legumina proved less hurtful to the ground, but it was rarely a successful crop, for it suffered most from the dry weather and hot winds which usually prevailed when it was in flower. Four modii of Cicercula required six days' work—ploughing, three; harrowing, one; weeding, one; pulling, one. (Colum. ii. 10, 12; Plin. *H. N.* xviii. *l. c.*; Pallad. ii. 5, iii. 4; Theophr. *H. P.* viii. 3; comp. Plutarch. *Quaest. Rom.*)

f. Phaselus s. *Phaseolus* (φασῆλος; φασῆολος; φασίολος), the common kidney-bean, succeeded best in rich land regularly cropped, and was sown towards the end of October in the proportion of four modii to the juger. These four modii required three or four days' work,—ploughing, one or two, according to the soil; harrowing, one; reaping, one. The pods of the phaselus were sometimes eaten along with the seeds, according to our own custom. (Verg. *Georg.* i. 227; Colum. ii. 10, 12, xi. 2; Plin. *H. N.* xviii. § 125; Pallad. ix. 12, x. 1.)

g. Pisum (πίσον; πίσος; πίσσος), the common field pea, succeeded best in a loose soil, a warm situation, and a moist climate. It was sown immediately after the autumnal equinox, in the proportion of rather less than four modii to the juger, and cultivated exactly in the same manner as the *phaselus*. (Colum. ii. 10, 13; Plin. *H. N.* xviii. § 123; Theophr. *H. P.* iii. 27, viii. 3, 5.)

Napus, the βουνιάς of Dioscorides, is the modern Rape, the *Brassica rapa* of botanists. *Rapum*, the γογγυλίς of Theophrastus, is the modern Turnip, the *Brassica Napus* of botanists. The value of these plants was in a great measure overlooked by the earlier Roman writers, while the Greeks regarded them too much in the light of garden herbs; but Pliny enlarges upon their merits, and by the Gauls beyond the Po, who wintered their oxen upon them, their culture was deemed next in importance to that of corn and wine. They were highly useful as food for man, for cattle, and even for birds; both the leaf and bulb were available; being very hardy, they could be left in the ground, or would keep well if stored up, and thus one crop might be made to hold out until another came in. They required loose, well-pulverised, and highly-manured soil. Rapa succeeded best in low, moist situations, and were sown at the end of June after five ploughings (*quinto sulco*); napi, which were more adapted for dry sloping land, at the end of August or the beginning of September, after four ploughings (*quarto sulco*); both, however, in warm and well-watered spots, might be sown in spring. A juger required four sextarii (about four imperial pints) of turnip seed and five of rape seed, because the napus does not, like the rapum, expand into an ample bulb (*non in ventrem latescit*), but sends a thin root straight down (*sed tenuem radicem deorsum agit*). Columella, however, distinctly states that the rapum and napus passed into each other, under the influence of a change of soil or climate. *Rapina* is the term for a bed or field of turnips. (Daubeny, p. 118 foll.; Dioscorid. ii. 134, 136; Cat. v. 35; Colum. ii. 10; Plin. *H. N.* xviii. § 131.)

3. *Green Forage Crops* (*Pabula*).

This term included all those crops which were cut green and employed exclusively as forage for the lower animals. The most important were:—*a. Medica. b. Faenum Graecum. c. Vicia. d. Cicera. e. Ervum, Ervilia. f. Farrago, Ocinum. g. Faenum.* The description of the last will involve an account of the system pursued in the management of meadows.

a. Medica (Μηδική s. πόα), the modern lucerne. The most important of all the plants cultivated for stock exclusively was Medica, so called because introduced into Greece during the Persian wars. When once properly sown, it would last many years, might be cut repeatedly during the same season, renovated rather than exhausted the soil, was the best fattener of lean cattle, the best restorative for those that were sick, and so nourishing that a single juger supplied sufficient food for three horses during a whole year. Hence the greatest care was bestowed upon its culture.

The spot fixed upon, which was to be neither dry nor spongy, received a first ploughing about the beginning of October, and the upturned earth was allowed to be exposed to the weather for the winter; it was carefully ploughed a second time, at the beginning of February, when all the stones were gathered off, and the larger clods broken by the hand; in the month of March it was ploughed for a third time and harrowed. The ground thus prepared was divided into plots or beds (*areae*) as in a garden, each fifty feet long and ten feet broad, so that ready access might be gained by the walks between for supplying water and extirpating the weeds. Old dung was then spread over the whole, and the sowing took place at the end of April, a cyathus (about $\frac{1}{12}$ of an imperial pint) of seed being allowed for each bed of the dimensions described above. The seed was immediately covered in with wooden rakes (*ligneis rastellis*), and the operations of hoeing and weeding were performed repeatedly with wooden implements. It was not cut for the first time until it had dropped some of its seed, but afterwards might be cut as tender as the farmer thought fit. After each cutting it was well watered, and, as soon as the young blades began to sprout, every weed was sedulously removed. Managed in this manner, it might be cut six times a year for ten

(Pliny says thirty) years. It was necessary to use caution in giving it at first to cattle, since it was apt to inflate them, and make blood too rapidly, but when they were habituated to its use it might be supplied freely. It is very remarkable that this species of forage, to which so much importance was attached by the Romans, has altogether disappeared from Italy. We are assured by M. Chateauvieux that not a single plant of it is now to be seen. In England it is almost confined to Kent and the Channel Islands. (Varr. i. 42; Colum. ii. 10, 28; Verg. *Georg.* i. 215; Pallad. iii. 6, v. 1; Plin. *H. N.* xviii. § 144 ff.; Dioscorid. ii. 177; Theophr. *H. P.* viii. 7.)

b. Faenum-Graecum, variously termed *τῆλις*, *βούκερως* s. *βούκερας*, *κερατῖτις* and *αἰγόκερως*, the *Trigonella faenum Graecum*, or common Fenugreek of botanists, was called *Siliqua* by country people, *Silicia* by Pliny, and succeeded best when totally neglected, care being taken in the first place not to bury the seed deep (*scarificatione seritur*). Six or seven modii, which was the allowance for a juger, required two days for sowing, and one for reaping. (Cat. 35; Colum. ii. 10, xi. 2; Plin. *H. N.* xviii. § 140, xxiv. § 184; Dioscorid. ii. 124; Theophr. *H. P.* iii. 17, viii. 6.)

c. Vicia (*σάρακον*, the *βικίον* of Galen), some one of the varieties of the *Vicia sativa*, the Vetch or Summer (or Winter) Tare of botanists. It might be sown on dry land at different periods of the year, usually about the autumnal equinox when intended for green fodder; in January or later when raised for seed. (But see Plin. *H. N.* xviii. §§ 137, 138.) The quantity required in the former case was seven modii to the juger, in the latter six. Particular care was taken not to cast the seed when there was dew or moisture of any sort upon the surface of the ground; the period of the day selected for the operation was therefore some hours after sunrise, and no more was scattered than could be covered up before night. It required little labour—ploughing two days, harrowing one, reaping one; in all, four days' work for six or seven modii. (Cat. 35; Varr. i. 31; Verg. *Georg.* i. 75; Colum. ii. 10, 29; 12, 3; Plin. *H. N.* xviii. §§ 137, 138; comp. Ov. *Fast.* v. 267.)

d. Cicera, the *ὦχρος* of Theophrastus, the *Lathyrus Cicera* of botanists, was sown after one or two ploughings (*primo vel altero sulco*), in the month of March, the quantity of seed varying, according to the richness of soil, from two and a half to four modii for the juger. In southern Spain it was given to the cattle crushed (*cicera fresa*), steeped in water, and then mixed with chaff. Twelve pounds of *ervum* were considered equivalent to sixteen of *cicera*, and sufficient for a yoke of oxen.

Cicera was cultivated for its seed also, and formed a not unpalatable food for man, differing little if at all in taste from the cicercula, but being of a darker colour. (Colum. ii. 11, § 1, 12; Pallad. iv. 6; Theophr. *H. P.* iv. 2.)

e. Ervum, Ervilia, the *ὄροβος* of Dioscorides, are apparently varieties of the *Ervum Ervile*, or Wild Tare of botanists. *Ervum* succeeded best in poor dry land; might be sown at any time between the autumnal equinox and the beginning of March, at the rate of five modii to the juger, and demanded little care. The above quantity required six days' labour—ploughing and sowing two, harrowing one, hoeing one, weeding one, reaping one. (Varr. i. 32; Verg. *Ecl.* iii. 100; Colum. ii. 10, 34; ii. 12, 3; ii. 13, 1; vi. 3; xi. 2; Pallad. ii. 8; Plin. *H. N.* xviii. § 139; Theophr. *H. P.* ix. 22; Dioscorid. ii. 131; comp. Plaut. *Mostell.* i. 1.)

f. Farrago, Ocinum. On comparing the various authorities quoted at the end of this paragraph, although they abound in contradictions, we shall be led to conclude—

1. That *farrago* was the general term employed to denote any kind of corn cut green for fodder. The name was derived from *far*, the refuse of that grain being originally sown for this purpose (*farrago ex recrimentis farris praedensa seritur*, Plin.), but afterwards rye (*secale*), oats (*avenae*), and barley were employed; the last-mentioned, used especially in Africa, being, in the estimation of Columella, the best; and these grains were not always sown alone, but frequently with an admixture of the vetch and various legumina. Hence *farrago* is used by Juvenal to denote a confused medley of heterogeneous topics.

2. That as *farrago* properly denoted corn cut green for fodder, so *ocinum* was the name given to plants of the bean kind, when used in the same manner, before they came to maturity, and formed pods. Mamilius Sura (quoted by Pliny) gives the proportions of ten modii of beans, two of vetches, and two of erviliae to the juger; and this combination was said to be improved by the addition of *Avena Graeca*, sown in autumn. Of the three forms *ocinum, ocimum, ocymum*, the first is the most accurate; the name was, according to Varro, given on account of the rapidity of its growth in spring. From the expression of Pliny, "Apud antiquos erat pabuli genus quod Cato *Ocinum* vocat," and the silence of Columella, who mentions the garden herb *ocinum* (basil) only, we infer that this sort of pabulum was little used after the time of Varro. The notion of Gesner that ocinum is clover, the *ὠκύθοον τριπέτηλον* of Callimachus, is directly at variance with the statements of Pliny, who mentions *trifolium* as a distinct plant. (Cat. 27, 53, 54; Varr. i. 23, 31; Colum. ii. 10, §§ 31, 35, xi. 3, § 29; Plin. *H. N.* xviii. § 143.)

g. Faenum, Prata. So much importance was attached to stock, that many considered a good meadow as the most valuable species of land, requiring little trouble or outlay, subject to none of the casualties to which other crops were exposed, affording a sure return every year, and that twofold, in the shape of hay and pasture. The meadows were of two kinds, the Dry Meadow (*siccaneum pratum*) and the Irrigated or Water Meadow (*pratum riguum*). The hay produced from a meadow whose own rich natural moisture did not require an artificial stimulus was the best. Any land which declined with a gentle slope, if either naturally rich and moist, or capable of irrigation, might be laid down as a meadow, and the most approved method of procedure was the following:—The land having been thoroughly ploughed and well laboured in summer, was in autumn sown with rapa, or napi or beans, the following year with wheat, and in the third year, all trees, bushes, and rank weeds having been extirpated, with the vetch (*vicia*) mixed with grass seeds. The clods were broken down with rakes, the surface accurately levelled by wicker hurdles, so that the scythe of the mower (*faeniseca*) might nowhere encounter any obstacle. The vetches were not cut until they had arrived at maturity and begun to drop their seed; and after they had been removed, the grass, when it had attained to a proper height, was mown and made into hay. Then the irrigation commenced, provided the soil was stiff, for in loose earth it was necessary to allow the grass roots to obtain a firm hold. For the first year no stock were permitted to graze, lest their feet should poach up the soft ground, but the young blades were cut from time to time. In the second year, after the hay-making was over, if the ground was moderately dry and hard, the smaller animals were admitted, but no horses or oxen until the third. About the middle of February in each year, an abundant top-dressing of manure mixed with grass-seeds was applied to the upper part of the field, the benefit of which was extended to the lower portions by the flow either of natural rain or of artificial streams. When old meadows became mossy, the best remedy was to sprinkle ashes copiously, which in many cases killed the moss; but when this failed, the most sure plan was to break up the land afresh, which, having lain long undisturbed, was certain to afford abundant crops.

In making hay, the grass was to be cut (*falcibus subsecari*) before the stem had begun to lose its natural moisture, while the seed was not yet perfectly ripe; and in drying, it was essential to avoid the two extremes of exposing it for too long or too short a time to the sun and air. In the former case, the juices were sucked out, and it became little better than straw; in the latter, it was liable to ferment, heat, and take fire. After being properly turned over with forks (*furcillis versari*) it was collected and laid in regular swathes (*coartabimus in strigam*), and then bound into sheaves or bundles (*atque ita maniplos vincimus*). The loose stalks were next raked together (*rastellis eradi*) and the whole crop (*faenisicia*) carried home and stored in lofts, or, if this was not convenient, built up in the field into conical ricks (*in metas extrui conveniet*). Lastly, the inequalities passed over by the mowers (*quae faeniseces praeterierunt*) were cut close and smooth (*sicilienda prata, id est, falcibus consectanda*, an operation termed *sicilire pratum*); the gleanings thus obtained, which formed a sort of aftermath, being called *faenum cordum*, or *sicilimenta*. (Cat. 5, 8, 9, 29, 50; Varr. i. 7, 49; Colum. ii. 16–18, 22, 3; Pallad. ii. 2, iii. 1, iv. 2, x. 10.)

4. *Crops affording Materials for textile Fabrics.*

Of these the most important were, *a. Cannabis*; *b. Linum*.

a. Cannabis (**κάνναβις, κάνναβος**), the *Cannabis sativa*, or Common Hemp of botanists, required rich, moist, well-watered, deeply trenched, and highly manured land. Six grains were sown in every square foot of ground during the last week in February, but the operation might be delayed for a fortnight if the weather was rainy. Columella is unable to give any details with regard to the amount of time and labour necessary for raising a crop of hemp. (Varr. i. 23; Colum. ii. 10, 12, 21; Plin. *H. N.* xix. § 173; Dioscorid. iii. 165.)

b. Linum (**λίνον**), the *Linum usitatissimum*, or Common Flax of botanists, being regarded as a very exhausting crop, was altogether avoided, unless the soil happened to be peculiarly suitable, or the price which it bore in the district very inviting (*nisi pretium proritat*, Col.). It was sown from the beginning of October until the end of the first week in December, in the proportion of eight modii to the juger, and sometimes in February at the rate of ten modii. On account of its scourging qualities (Verg. *Georg.* i. 77), it was generally grown upon rich land, such being less liable to be seriously injured, but some sowed it very thick upon poor land, in order that the stalks might be as thin, and therefore the fibres as delicate as possible. (Verg. *Georg.* i. 212; Colum. ii. 10, 14; Plin. *H. N.* xix. § 2 ff.; Pallad. xi. 2; *Geopon.* ii. 10; Dioscorid. ii. 125; Theophr. *H. P.* viii. 7.)

Succession or Rotation of Crops.

It is evident from the instructions given by Columella (ii. 4) for ploughing the best land, that a summer fallow usually preceded a corn crop. For since the first ploughing was early in spring, the second in summer, and the third in autumn, it is impossible that a crop could have been raised upon the ground during any portion of the period here indicated; and the same author expressly states elsewhere (ii. 9), in accordance with the Virgilian precept (*Georg.* i. 71), that the land upon which wheat (*far, siligo*) was grown ought to repose every other year; in which case, however, manure might be dispensed with. Nor did this plan apply to corn alone, for it would seem to have been the general practice to permit nearly one half of the farm to remain at rest, while the productive energies of the other moiety were called into action. It will be seen from the calculations with regard to time and labour for an arable farm containing 200 jugers (Colum. ii. 12), that 100 jugers only were sown in autumn, 50 with wheat, 50 with leguminous or green crops; and, if spring sowing was resorted to, which was by no means general, 30 more, so that out of 200 jugers, at least 70, and more frequently 100, were left fallowed.

There were, indeed, exceptions to this system. Some land was so peculiarly deep and rich that it might be cropped for two or more years in succession (*terra restibilis*); but in this case it was relieved by varying the crop, the field from which winter wheat (*far*) had been reaped being highly manured and sown immediately with beans, or the ground which had borne lupines, beans, vetches, or any renovating crop, was allowed to lie fallow during winter, and then sown with spring wheat (*far*) (Verg. *Georg.* i. 73; comp. Plin. *H. N.* xvii. § 56, xviii. § 184 ff.), while a third rotation, still more favourable, was to take two leguminous or renovating crops after one exhausting or corn crop. In Campania, the extraordinary fertility of the soil allowed them to tax its energies much more severely, for there it was common to sow barley, millet, turnips (*rapa*), and then barley or wheat again, the land receiving manure before the millet and turnips, but never remaining vacant; while that peculiarly favoured district near Naples, called the *Campi Laborini*, or *Terrae Laboriae*, now the *Terra di Lavoro*, yielded an uninterrupted series of corn crops, two of far, and one of millet, without a moment of repose (*seritur toto anno, panico semel, bis farre*). (Cat. 35; Varr. i. 44; Verg. *Georg.* i. 71, &c.; Colum. ii. 9, 10, 12; Plin. *H. N.* xviii. § 186 ff.)

It will be proper, before bringing this part of the subject to a close, to explain a word which may occasion embarrassment in consequence of its signification being variously modified by the Roman agricultural writers. This is the adjective *novalis*, which frequently appears as a substantive, and in all the three genders, according as *ager*, *terra*, or *solum* is understand.

1. The original meaning of *novalis* or *novale*, looking to its etymology, must have been *land newly reclaimed* from a state of nature; and in this sense it is used by Pliny (*H. N.* xvii. § 39), *Talis* (sc. *odor*) *fere est in novalibus caesa vetere silva.* (Comp. Callistr. in Dig. 47, 21, 3.)

2. Varro, in his treatise *De Lingua Latina* (v. 39; comp. vi. 59, ed. Müller), places *novalis ager*, land which is allowed occasionally to repose, in opposition to *restibilis ager*, land which is cropped unceasingly,—*Ager restibilis qui restituitur ac reseritur quotquot annis; contra qui intermittitur a novando novalis*,—and hence Pliny (*H. N.* xviii. § 176), *Novale est quod alternis annis seritur.*

3. Varro, in his treatise *De Re Rustica* (i. 29), defines *Seges* to mean a field which has been ploughed and sown; *arvum*, a field ploughed but not yet sown; *novalis ubi satum fuit antequam secunda aratione renovetur*,—ambiguous words, which may be interpreted to denote a field which has borne a crop, but which has not been ploughed for a second crop; in which case it will be equivalent to *a fallow field.*

4. Columella, in one passage (vi. praef. § 1), employs *novale solum* for new or virgin land untouched by the plough; for in contrasting the tastes of the agriculturist and the grazier, he remarks that the former delights *quam maxime subacto et puro solo*, the latter *novali graminosoque;* and Varro (ii. praef. § 4) in like manner places *novalis* as pasture land, in opposition to *seges*, as corn land,—*bos domitus causa fit ut commodius nascatur frumentum in segete et pabulum in novali.*

5. Columella, in another passage, places *culta novalia*, land under tillage in a general sense, in opposition to *rudis ager*, land in a state of nature; and thus we must understand the *haec tam culta novalia* in Virgil's first *Eclogue* (v. 71), and *tonsas novales*, the cultivated fields from which a crop has been reaped,—a phrase which forms the connecting link between this meaning and that noticed above under 3. Hence the force in Juv. xiv. 148 = *segetes.* (Comp. Pallad. i. 6, ii. 10.)

B. PASTIO.

The second great department of our subject is *Pastio*, s. *Res Pastoricia*, s. *Scientia Pastoralis*, these terms being all alike understood to denote the art of providing and feeding stock so as to yield the most ample profit.

But *Pastio* must be considered under the twofold forms of

α. *Pastio Agrestis* s. *Res Pecuaria*, and
β. *Pastio Villatica*,

the former comprehending the management of cattle, sheep, horses, &c.; the latter of poultry, game, fish, bees, and some other animals to be noticed hereafter.

α. PASTIO AGRESTIS *s.* RES PECUARIA.

Contains three heads (Varro, Book ii.):

I. *Minores Pecudes*, including, 1. Sheep; 2. Goats; 3. Swine.

II. *Majores Pecudes*, including, 1. Kine; 2. Horses; 3. Asses; 4. Mules. Varro indeed, for no reason apparently except to preserve a sort of numerical symmetry, places mules in the third division; but as they evidently belong to the same class as horses and asses, we have to this extent departed from his arrangement.

III. Animals provided not for the profit which they yield directly in the market, but necessary for the proper maintenance of the foregoing: these are—

1. Dogs (*canes*); 2. Herdsmen (*pastores*).

Again, in each of these nine subdivisions (with the exception of mules, who do not breed) attention must be directed to nine different circumstances, of which four are to be considered in the purchase of stock (*in pecore parando*), four in the feeding of stock (*in pecore pascendo*), while the ninth, of a more general character, relates to number (*de numero*).

The four circumstances which demand attention in purchasing stock are: *a.* The age of the animal (*aetas*). *b.* His points (*cognitio formae*), by which we determine whether he is good of his kind. *c.* His breeding (*quo sit seminio*), by which we determine whether he is of a good kind. *d.* The legal forms (*de jure in parando*) essential to render a sale valid, and the warranty which the buyer may demand (*quemadmodum quamque pecudem emi oporteat civili jure*).

The four circumstances to be considered after a breeding stock has been acquired are: *e.* The mode of feeding (*pastio*), in answer to the questions *where*, *when*, and *with what* (*in qua regione, et quando et queis*). *f.* The impregnation of the female, the period of gestation, and her treatment while pregnant, all of which are embodied in the word *fetura.* *g.* The rearing of the young (*nutricatus*). *h.* The preservation of their health, and treatment when diseased (*de sanitate*).

i. The ninth and last inquiry (*de numero*) relates to the number of flocks and herds which can be maintained with advantage in a given space, the number of individuals which it is expedient to combine into one flock or herd, and the proportions to be observed with regard to the sex and age of the members of each flock and herd.

In following the divisions and topics indicated above, we omit the discussions on the diseases of stock and their remedies, which abound in the agricultural writers, and which form the subject of an elaborate treatise (*Mulo-medicina* s. *De Arte Veterinaria*), bearing the name of *Vegetius*, which is probably a translation or compilation from the works of the Greek *ἱππίατροι*, or veterinary surgeons, executed at a late period.

I. MINORES PECUDES.

1. Sheep (*pecus ovillum* s. *oviarium*) were divided into two classes with reference to their wool.

(1.) *Pecus hirtum*, whose fleeces were not protected artificially.

(2.) *Pecus Tarentinum* s. *Pecus Graecum* s.

Oves pellitae s. *Oves tectae*, whose fleeces were protected from all external injury by skin jackets. Their wool being thus rendered finer, and being more easily scoured and dyed, brought a higher price than any other.

Sheep were likewise divided into two classes according as they were home-fed or reared in extensive and distant pastures; we will first consider them under this point of view.

Home-fed sheep (*greges villatici*) were allowed to pasture in the fields around a farm during a portion of the year, wherever the nature of the country and the system of cultivation pursued rendered this practicable, or, more frequently, were kept constantly confined in sheds (*stabula*—*saepta*—*ovilia*), built in warm and sheltered situations, with hard floors sloping outwards to prevent the accumulation of moisture, which was regarded as particularly injurious to both the feet and the fleece. They were fed upon cytisus, lucerne, barley, and leguminous seeds, or, when such rich and succulent food could not be obtained, on hay, bran, chaff, grape husks, and dry leaves, especially those of the elm, oak, and fig, being at all times plentifully supplied with salt. They were littered with leaves and twigs, which were frequently changed, and the pens were kept carefully clean.

The more numerous flocks, which were reared in extensive pastures (*qui in saltibus pascuntur*), usually passed the winter in the low plains upon the coast, and were driven by regular drift roads (*calles publici*) in summer to the mountains of Central Italy, just as in modern times vast droves pass every autumn from the Abruzzi to seek the more genial climate of Puglia or the Maremma. Those who were employed to watch them (*opiliones*), being often at a great distance from home, were furnished with beasts of burden for transporting the materials required in the construction of folds and huts, at their halting-places, and all the stores necessary for themselves and their charge. The sheep were usually collected every night to secure them against robbers and beasts of prey; in summer they fed in the morning and evening, and reposed during the noontide heat in sheltered spots, while in winter they were not allowed to go out until the frost was off the ground. The flocks were often very numerous, containing sometimes 15,000 head, one shepherd (*opilio*) being allowed to every five or six score.

The breeds most prized by the early Romans were the Calabrian, the Apulian, which were short-woolled (*breves villo*), the Milesian, and, above all, the Tarentine; but in the time of Columella those of Cisalpine Gaul from the vicinity of Altinum (Mart. xiv. 153), and those from the Campi Macri round Parma and Mutina were especially esteemed. The system of crossing was by no means unknown; for M. Columella, the uncle of the author, produced an excellent variety by crossing the *tectae oves* of Cadiz with some wild rams from Africa, and again crossing their progeny with the Tarentines. In purchasing stock attention was always paid to the localities where they were to be maintained: thus sheep of large size (*procerae oves*) were naturally deemed best fitted for rich plains, stout compact animals (*quadratae*) for light hilly soils, and the smaller kinds (*exiguae*) for mountainous regions; just as in this country the Leicesters are kept with greatest advantage in the low-lying luxuriant pastures of Lincolnshire, Cheviots in the grass hills from which they derive their name, and the black-faced on the lofty mountains of Wales and Scotland. As to colour, pure white was most sought after; but certain natural tints, such as the dark grey (*pullus*), which distinguished the flocks of Pollentia in Liguria (*fuscique ferax Pollentia villi*, Silius, viii. 599), the yellowish brown (*fuscus*) in those of Corduba (so often celebrated by Martial, v. 37, viii. 2. 8, ix. 62, xiv. 188; comp. Juv. xii. 40), and the red brown (*ruber*) in some of the Asiatic varieties, were highly prized.

The points characteristic of a good animal and the warranty usually required of the seller will be found fully detailed in Varro (ii. 2) and Columella (vii. 2, 3).

Those which were smooth and bare under the belly (*ventre glabro*), anciently called *apicae*, were always rejected, and particular care was taken that the fleece of the ram should be perfectly pure, or at least uniform in colour, his tongue also being examined in order to ascertain that it was not black or spotted, since such defects would have been transmitted to his progeny. (Verg. *Georg.* iii. 387; Colum. vii. 3.)

Ewes were not considered fit for breeding until they were two years old, and they continued to produce until they had reached the age of seven; rams (*arietes*) were believed to be in vigour from three years old until eight. The most favourable period for impregnation in the case of ewes that had not previously brought forth was the latter end of April, about the Palilia (21st April); for others, from the setting of Arcturus (13th May) to the setting of the Eagle (23rd July); and, since the period of gestation was about 150 days, the earliest lambs (*agni*, *agnae*) would be yeaned in September, the latest about the middle of December, these being, as was remarked by Celsus, the only animals produced with advantage in midwinter. Ewes when about to lamb (*incientes*) were placed apart, constantly watched, and assisted in parturition. As soon as they had brought forth, the first milk, or *beestings*, which was of a thick consistence, and called *colostra*, was carefully withdrawn, being considered injurious in all animals, and productive of a disease named *colostratio*. The lambs were now tended with the greatest solicitude, were generally kept in the house near a fire for some days, were not allowed to go forth to pasture for a considerable time, but were partially reared by the hand on the most tender and nourishing food, being finally weaned at the age of four months. Those lambs which were carried in the womb longer than the regular time were termed *chordi*; those born late in the season, *serotini*; those which, in consequence of their mothers being unable to supply milk, were suckled by others, *subrumi*. Castration was not performed upon such as were intended for wethers (*verveces*) until five months old. The males set apart to supply the deficiencies in the breeding flock (*quos arietes submittere volunt*) were selected from the progeny of such ewes as usually gave birth to twins, those which were polled (*mutili*) being preferred on the whole to those with horns (*cornuti*).

The management of *oves pellitae* differed from that of the ordinary *greges villatici* merely in the amount of care with which they were tended. They were furnished with an ample supply of the most nutritious food, each individual receiving daily in winter three sextarii (pints) of barley or of beans crushed in their pods (*fresae cum suis valvulis fabae*), in addition to hay, lucerne, dry or green cytisus, and other fodder. Their stalls were usually paved with stone, and kept scrupulously clean; they seldom left the house, and, when allowed to pasture, it was looked upon as essential that the ground should be free from bushes and briars of every description which might tear their fleece or its covering. The jackets were frequently taken off to cool the animals, the wool was combed out at least thrice a year, and well washed and anointed with oil and wine. The wethers were killed at two years old, their skin being then in perfection.

Sheep-shearing (*tonsura*) commenced in warm districts in April; but in cold situations was deferred until the solstice. A fine day was chosen, and the operation was performed before the sun had attained to its full power, in order that the sheep might not be hot and the wool not moist. The most careful placed a rug under the animal (*tegeticulis subjectis oves tondere solent*, Varr.) that no portion of the clip might be lost or damaged (*ne qui flocci intereant*). The wool, when fresh shorn, and still impregnated with the sweat of the animal, was called *lana sucida;* the fleeces when rolled up were termed *vellera*, or *velumina*. *Oves hirtae*, when shorn, were immediately smeared with wine and oil, to which white wax and hog's lard were occasionally added; while the jackets of the *oves pellitae* were anointed with the same mixture, and then replaced on the animals. Instead of this, some rubbed in a wash composed of equal parts of boiled lupine juice, lees of old wine, and amurca. Any wound inflicted during the process was dressed with tar (*pix liquida*). On the fourth day they were bathed, if possible, in the sea; if not, in rain-water mixed with salt. In Spain and some other places it was customary to shear the sheep twice a year, under the belief that the additional labour was more than compensated by the increased quantity of wool. The ancient practice of plucking the wool instead of shearing it still lingered in certain districts even when Pliny wrote. Varro derives the name *vellus* from this, but incorrectly. (Varr. ii. 1. § 5, 16. 20, ii. 2; Colum. i. Praef. § 26, vii. 2–4, xi. 2. § 14; Plin. *H. N.* viii. § 187 ff.; Pallad. ii. 16, v. 7, vi. 8, vii. 6, viii. 4, xii. 13.)

2. Goats (*pecus caprinum*) were divided into two classes, the *genus mutilum et raripilum*, the polled and thin-haired, and the *genus cornutum et setosum*, the horned and shaggy; but there does not appear to have been any difference in the mode of rearing them, nor indeed do they seem to have been kept distinct; but it was considered advisable that the old he-goat, the *dux gregis*, should be *mutilus*, because he was then less troublesome and pugnacious.

The points characteristic of a good animal will be found enumerated in Varro (ii. 3, § 2–5) and in Columella (vii. 6). The most high-bred had always two long flaps of skin (*verruculae*, *laciniae*) depending from the throat. One peculiarity connected with the sale of goats was that they were never warranted in good health, for they were believed to be always more or less labouring under fever.

The management of goats was in most respects the same as that of sheep, except that, although intolerant of frost and cold, they throve better in mountainous craggy ground or among copsewood, where they browsed with great eagerness on the young twigs, than in open grassy plains. Both from their wandering nature and their liability to contract disease when crowded in pens, not more than fifty were kept together in a flock under the charge of the same goatherd (*caprarius*), the proportion of one male (*caper*, *hircus*) to about fifteen females (*caprae*, *capellae*) being commonly observed.

When in stalls (*caprilia*), the sloping floor was usually formed out of the native rock or paved with smooth stones, for no litter was placed beneath their feet. The houses were swept out daily; and it was deemed essential to their health that no moisture or dirt of any kind should be allowed to accumulate. The she-goat was capable of breeding from one year old until eight; but the progeny of a mother under three years old were not worth keeping permanently, but sold off. The best time for impregnation was the end of autumn; for, the period of gestation being five months, the kids (*haedi*) were thus born in spring. If the dam was of a good stock, she generally produced two or even three at a birth, which were weaned at the end of three months, and then transferred at once to the flock (*submittuntur et in grege incipiunt esse*).

The hair (*pili*) of goats was shorn or plucked (*capras vellere* is the technical phrase) out regularly, and used in the manufacture of coarse stuffs, Verg. *Georg.* iii. 313; Varro, ii. 11 (*usum in castrorum et miseris velamina nautis,—pilos ministrant ad usum nauticum et ad bellica tormenta*). The cloths woven from this material were termed *Cilicia*, because the goats in the southern and central provinces of Asia Minor, like the modern Angora species, were remarkable for the length of their hair. (*In Cilicia circaque Syrtes villo tonsili vestiuntur*, are the words of Pliny, who here alludes to the goats from the Cinyps in Libya, the "Cinyphii hirci" of Virgil, *l. c.*) (Colum. i. praef. § 26, vii. 6; Plin. *H. N.* viii. § 203; Pallad. xii. 13; Varr. ii. 3, ii. 1, §§ 5, 28.)

3. Swine (*pecus suillum*) were divided into two classes,—the *sues densae*, usually black in colour, thickly covered with bristles; and the *sues glabrae*, generally white, and comparatively smooth; but there seems to have been little difference in the management of the two breeds, except that the former was the more hardy.

The points characteristic of a good animal, and the warranty usually required by the purchaser, will be found in Varro (ii. 4), Columella (vii. 9), and Palladius (iii. 26).

During a great portion of the year, wherever it was practicable, they were driven out to feed early in the morning in woods where acorns, beech-mast, wild fruits, and berries abounded; and in the middle of the day they reposed, if possible, in swampy ground, where they had not only water but mud also wherein to wallow; in the cool of the evening they fed again, were taught to assemble when the swineherd (*subulcus*) sounded his horn, and were then driven home to the farm. In winter they were not allowed to go forth when frost was hard upon the ground. When kept in the house their chief food was acorns, or, when the supply of these failed, beans, barley, and other kinds of grains and pulse. The number in each herd varied from 100 to 150, or even more, according to circumstances and the means of the proprietor, and the proportion of one boar to ten sows was usually observed.

The sows were not considered fit for breeding until upwards of a year old, and continued prolific to the age of seven; boars (*verres*) were in full vigour from one year old till four; the best time for impregnation was from the middle of February up to the vernal equinox, the period of gestation was four months, and, the pigs being weaned at the end of two, a double farrow might be procured in a year.

Each breeding sow (*scrofa*) brought up her pigs (*porcus, porca, porcellus*) in a separate stye (*hara*), constructed in such a manner that the superintendent (*custos, porculator*) might easily see into the interior and thus be prepared to relieve the progeny, which were in constant danger of being crushed by the weight of the mother, who was supposed to bring forth as many young as she had teats, and was capable of suckling eight at first; but when they increased in size, it was deemed advisable to withdraw one half of that number. Sucking pigs (*lactentes*) when ten days old were accounted pure for sacrifice, and hence were anciently termed *sacres;* after the suckling time (*nutricatus, porculatio*), which lasted two months, was over, they were denominated *delici*, and sometimes *nefrendes*, because not yet able to crunch hard food. The males not reserved for breeding were castrated when from six to twelve months old, and were then termed *majales*. (Varr. ii. 4; Colum. vii. 9, praef. i. § 26; Plin. *H. N.* viii. § 206 foll.; Pallad. iv. 26.)

II. Majores Pecudes.

1. Kine (*pecus bubulum, armentum bubulum*) were divided into classes, according as they were kept at home and employed in the labours of the farm (*boves domiti*), or pastured in large herds (*armenta*).

Boves domiti, wherever the nature of the soil and the mode of culture pursued permitted, were allowed to pasture; since growing grass (*viride pabulum*) was considered the most suitable of all food; when this could not be supplied, it became necessary to stall-feed them (*alere ad praesepia*); but they were allowed to stand in the open air during the hot weather, while in winter they were kept in spacious byres (*stabula, consaepta*) built with a southerly aspect, so as to be sheltered from cold winds, the floors being hard and sloping to prevent moisture from being absorbed, and to allow it to run off freely, while, to promote the warmth and comfort of the animals, they were bedded with abundance of litter (*stramentum pecori et bubus diligenter substernatur*, Cat. 5), usually straw, or leaves, such as those of the ilex, which were supposed to yield little nourishment. Their staple food from the middle of April until the middle of June was vetches, lucerne, clover, and other fodder cut green; from the middle of June to the beginning of November the leaves of trees, those of the elm, the oak, and the poplar being regarded as the best; from the beginning of November until April meadow hay (*faenum pratense*), and, where hay could not be procured, chaff, grape husks, acorns, and dry leaves were substituted, mixed with barley, or with some of the leguminous seeds, such as beans, lupines, or chick-peas previously steeped in water (*maceratae*), or crushed (*fresae*). When an ox was fed upon hay, from 30 to 40 pounds weight (Roman pound = 11⅗ oz. avoird.) was an ample allowance, except during the months of November and December, that is, during the ploughing and sowing season, when they received from the feeder (*pabulatorius*) as much food of the most nutritious kind as they could consume. Lumps of salt placed near the *consaepta* proved very attractive to the animals and conduced to their health.

Large herds were pastured chiefly in woods where there was abundance of grass, leaves, and tender twigs, shifting to the coast in winter and to the cool shady hills in summer, under the charge of herdsmen (*armentarii*), a class altogether distinct from the *bubulci*, or hinds, who worked and tended the *boves domestici*. The common number in a herd was from 100 to 120, the animals were carefully inspected every year, and the least promising (*rejiculae*) weeded out. The proportion of two bulls, a yearling and a two-year old, to 60 or 70 cows was usually observed, but Columella doubles the number of males. The Umbrian oxen, especially those on the Clitumnus, were the largest and finest in Italy; those of Etruria, Latium, and Gaul were smaller, but strongly made and well adapted for labour; those of Thrace were valued for sacrificial purposes in consequence of being for the most part pure white; but the cattle of Epirus, the most important pastoral district of the Roman world, were superior to all others.

The points characteristic of a good animal, and the warranty usually demanded by the buyer, will be found fully detailed in Varro (ii. 5), in Columella, who here copies the description of the Carthaginian Mago (vi. 1, 20, 21), and in Palladius (iv. 11, 12).

Cows (*vaccae*) were not fit for breeding until they were upwards of two years old, and they continued to produce until they had reached the age of ten. Considerable variation is to be found in the agricultural writers as to the age at which the bulls arrived at full vigour, Varro considering that they might be employed when a year old, Columella and Pliny recommending that they should be kept until four. The former, however, is the precept of the practical man, and is consonant with modern experience. The time of gestation being nearly ten (lunar) months, the most favourable period for impregnation was from the middle of June to the end of July, for thus the calves (*vituli*) would be born when spring was well advanced (*maturo vere*). When parturition was approaching, the pregnant cow (*horda vacca*) was carefully watched, fed richly, and protected from the assaults of the gad-fly and other tormenting insects; the calf for some time after its birth was allowed to suck freely, but as it increased in strength was tempted with green food, in order that it might in some degree relieve the mother, and after six months had elapsed, was fed regularly with wheat bran, barley-meal, or tender grass, and gradually weaned entirely.

Castration was performed at the age of two years. The vituli intended for labour were to be handled (*tractari*) from an early age to render them tame, but were not to be broken in to work (*domari*) before their third, nor later than their fifth year. The method of breaking (*domitura*) those taken wild from the herd is fully described by Columella (vi. 2), and Palladius fixes the end of March as the time most appropriate for commencing the operation. The members of a herd, according to age and sex, were termed, *Vitulus, Vitula ; Juvencus, Juvenca ; Bos novellus, Bucula ; Bos vetulus, Taurus, Vacca ;* a barren cow was named *Taura*. (Cat. 5, 30 ; Varr. ii. 1, 5 ; Colum. vi. 1–3, 20–24 ; Plin. *H. N.* viii. § 176 ff. ; Pallad. iv. 11, 12, vi. 7, viii. 4.)

2. Horses (*pecus equinum* s. *equitium, armentum equinum*) are divided by Columella into *Generosi*, blood horses ; *Mulares*, horses adapted for breeding mules ; *Vulgares*, ordinary horses.

The points of a horse, the method of ascertaining his age up to seven years old, and the warranty usually given by the seller, are detailed in Varro (ii. 7, §§ 4–6), in Columella (vi. 29), and in Palladius (iv. 13).

Horses either pastured in grass fields or were fed in the stable upon dry hay (*in stabulis ac praesepibus*), to which barley was added when the animal was required to undergo an extraordinary fatigue. Brood mares were frequently kept in large troops which shifted, like sheep and oxen, from the mountains to the coast, according to the season ; two mounted men being attached to each herd of fifty. The mare (*equa*) was considered fit for breeding at two years old, and continued prolific up to the age of ten ; the stallion (*admissarius*) remained in vigour from three years old until twenty, but when young was limited to twelve or fifteen females. The period of gestation being twelve lunar months and ten days, the best time for impregnation was from the vernal equinox to the summer solstice, since parturition would then take place during the most favourable season. High-bred mares were not allowed to produce more than once in two years. Ten days after birth the foal (*pullus equinus, equuleus*) was permitted to accompany its dam to pasture ; at the age of five months, it was customary to begin feeding them with barley-meal and bran, and when a year old, with plain unground barley : but the best colts were allowed to continue sucking until they had completed two years, and at three years they were broken in for the toil to which they were destined, whether for racing (*ad cursuram*), for draught (*ad redam*), for carrying burthens (*ad vecturam*), or for military service (*ad ephippium*), but they were not regularly worked until four off.

Race and war horses were not castrated ; but the operation was frequently performed on those destined for the road, from the conviction that the gelding (*canterius*), while less bold and spirited, was more safe and tractable (*in viis habere malunt placidos*, Varr.).

It is to be observed that horses were, and indeed are, very little used for agricultural purposes in Italy and Southern Europe, the ordinary toils being carried on almost exclusively by oxen, and hence they never were by any means objects of such general interest to the farmer as among ourselves.

We may remark that Varro, Columella, and many other writers repeat the absurd story embellished by the poetry of Virgil, that mares in some districts of Spain became pregnant by the influence of a particular wind, adding that the colts conceived in this manner did not live beyond the age of three years. (Varr. i. praef. § 26, ii. 1. § 18, 7. § 7 ; Colum. vi. 27, 29 ; Plin. *H. N.* viii. § 166 ; Pallad. iv. 13.)

3. *Asses* (*asinus, asina*) were divided into two classes, the *Genus mansuetum*, or common domestic quadruped (*asinus, asellus*), and the *Genus ferum*, the wild ass (*onager, onagrus*), which was common in Phrygia and Lycaonia, was easily tamed and made an excellent cross.

The most celebrated breeds were those of Arcadia and of Reate. The latter was so highly esteemed in the time of Varro, that a single individual of this stock had been known to fetch sixty thousand sesterces (about 500*l.* sterling), and a team of four, as much as four hundred thousand (upwards of 3300*l.* sterling). Such animals were of course delicately nurtured, being fed chiefly upon *far* and barley bran (*furfures hordeacei*). The inferior description of asses (*minor asellus*) were valued by farmers because they were very hardy, not subject to disease, capable of enduring much toil, required little food, and that of the coarsest kind, such as the leaves and twigs of thorny shrubs, and might be made serviceable in various ways, as in carrying burdens (*aselli dossuarii*), turning corn mills, and even in ploughing where the soil was not stiff. The time of impregnation, the period of gestation, and the management of the foals (*pulli*), were the same as in horses. They were seldom kept in sufficient numbers to form a herd. (Varr. ii. 1, § 14, ii. 6 ; Colum. vii. 1 ; Plin. *H. N.* viii. § 167 ff. ; Pallad. iv. 14.)

4. Mules. *Mulus* and *Mula* were the general terms for the hybrid between a horse and an ass, but in practice a distinction was drawn between *Muli* and *Hinni*. *Hinni* were the progeny of a stallion and a she-ass, *Muli* of a male ass and a mare. The latter were larger in proportion, and more esteemed than the former. A cross sometimes was formed between the mare and the onager as a matter of curiosity.

Uncommon care was taken by breeders of mules in the selection of parents. A strong large-boned mare, powerful rather than swift, was usually chosen. The male asses at their birth were removed from their mother, suckled by mares, reared upon the most nourishing food (hay and barley), and attained to full vigour when three years old. A good admissarius from Arcadia or Reate was worth from thirty to forty thousand sesterces (250*l.* to 330*l.* sterling). The period of gestation was observed to be a little longer than in the case of the pure horse or ass, extending to thirteen lunar months ; in all other respects their management, habits, and mode of sale were the same.

The great use of mules was in drawing travelling carriages (*hisce enim binis conjunctis omnia vehicula in viis ducuntur*, Varr.) ; they were also employed, like asses, in carrying burdens upon pack saddles (*clitellae*), and in ploughing light land. The finer kinds, when kept in herds, were driven in summer from the rich plains of Rosea on the Velinus to the Montes Gurgures. (Varr.

ii. 1, § 16, ii. 8; Colum. vi. 36, 37; Plin. *H. N.* viii. § 171 ff.; Pallad. iv. 14.)

III.

1. Dogs (*canes*) were divided into three classes: *a.* *Canes Villatici*, watch-dogs, whose office was to guard farm-houses against the aggressions of thieves.

b. *Canes Pastorales* s. *Canes Pecuarii*, to protect the flocks and herds from robbers and wild beasts. Each opilio was generally attended by two of these, equipped with spiked collars (*mellum*), to serve as a defence in their encounters with wolves and other adversaries.

c. *Canes Venatici.* Sporting dogs.

Varro and Columella describe minutely the points of the first two classes, with which alone the former was concerned, and these seem to be identical with the animals employed for the same purpose at the present day in the Abruzzi. They were fed upon barley-meal and whey, or, in places where no cheese was made, on wheaten bread moistened with the warm liquor in which beans had been boiled. (Varr. ii. 9; Colum. vii. 12.)

2. Herdsmen (*pastores*).

The flocks and herds which fed in the immediate neighbourhood of the farms were usually tended by old men, boys, or even women; but those which were driven to distant and mountainous pastures were placed under the care of persons in the vigour of life, who always went well armed and were accompanied by beasts of burden (*jumenta dossuaria*), carrying all the apparatus and stores required during a protracted absence; the whole body of men and animals being under the command of an experienced and trustworthy individual, styled *Magister Pecoris*, who kept all the accounts and possessed a competent knowledge of the veterinary art.

We may conclude this part of the subject with a few words upon the management of dairy produce, which was treated as a distinct science (τυροποιία) by the Greeks, who wrote many treatises upon the topic.

Cheese-making commenced in May, and the method followed by the Romans was substantially the same as that now practised. The milk unskimmed was used as fresh as possible, was slightly warmed, the rennet (*coagulum*) was then added; as soon as the curd formed, it was transferred to baskets (*fiscellae*, *calathi*) or wooden chessets (*formae*) perforated with holes, in order that the whey (*serum*) might drain off quickly, and was pressed down by weights to hasten the process. The mass was then taken out of the frame, sprinkled with salt, and placed upon a wicker crate or wooden board in a cool dark place; when partially dried, it was again pressed more powerfully than before, again salted and again shelved,—operations which were repeated for several days until it had acquired a proper consistency. It might be flavoured with thyme, with pine cones, or any other ingredient, by mixing the condiments with the warm milk.

The rennet or coagulum was usually obtained from the stomach of the hare, kid, or lamb (*coagulum leporinum*, *haedinum*, *agninum*), the two former being preferred to the third, while some persons employed for the same purpose the milky juice expressed from a fig-tree branch, vinegar, and a variety of other substances.

The cheeses from cows' milk (*casei bubuli*) were believed to contain more nourishment, but to be more indigestible, than those from ewes' milk (*casei ovilli*); the least nourishing and most digestible were those from goats' milk (*casei caprini*), the new and moist cheeses in each case being more nourishing (*magis alibiles*) and less heavy (*in corpore non resides*) than those which were old and dry.

Butter (*butyrum*) is mentioned by Varro (ii. 2, § 16), but seems to have been scarcely used as an article of food (Varr. ii. 1, § 28, 11; Colum. vii. 8; Plin. *H. N.* xi. § 239, xxviii. § 133; Pallad. vi. 9).

β. VILLATICA PASTIO.

Villaticae Pastiones, from which many persons towards the close of the republic and under the empire derived large revenues, were separated into two departments, according to the names given to the buildings or enclosures adapted to the different animals:—

I. *Aviaria* s. *Ornithones*.
II. *Vivaria*.

I. *Aviaria* s. *Ornithones*, in the most extended acceptation of the term, signified receptacles for birds of every description, whether wild or tame, terrestrial or amphibious, but it is frequently and conveniently employed in a more limited sense to denote the structures formed for birds caught in their wild state by the fowler (*auceps*), from whom they were purchased, and then shut up and sold at a profit after they became fat.

In this way we may distinguish between, *a.* *Cohors in plano*, *b.* *Columbarium*, *c.* *Ornithon*, of which the first two only were known to the earlier Romans.

a. *Cohors in plano* was the poultry-yard, including the houses and courts destined for those domestic fowls which were bred and fed on the farm, and which were not able or not permitted to fly abroad. Of these the chief were, 1. Barn-door fowls or chickens (*gallinae*). 2. Guinea fowls (*gallinae Numidicae* s. *Africanae*). 3. Pheasants (*phasiani*). 4. Peacocks (*pavones*). 5. Geese (*anseres*). 6. Ducks (*anates*). 7. Teal (*querquedulae*).

b. *Columbarium*, the dove-cote.

c. The *Ornithon* proper, the inmates of which were chiefly: 1. Thrushes and blackbirds (*turdi*, *merulae*), especially the former. 2. Quails (*coturnices*). 3. Turtledoves (*turtures*). 4. Ortolans (*miliariae*), all of which are in Italy birds of passage arriving in great flocks at particular seasons.

II. In like manner the term *Vivaria*, which may be employed to denote all places contrived for the reception of animals used for food or which supplied articles of food and did not fall under the denomination of *pecudes* or *aves*, must be separated into those designed for the reception of land animals and those for fishes.

a. *Leporaria*, *Apiaria*, *Coclearia*, *Gliraria*, and *β.* *Piscinae*.

a. *Leporaria*. The animals kept in leporaria were chiefly: 1. Hares and rabbits (*lepores*). 2. Various species of deer (*cervi*, *capreae*, *oryges*). 3. Wild boars (*apri*), and under the same category rank: 4. Bees (*apes*). 5. Snails (*cocleae*). 6. Dormice (*glires*).

β. *Piscinae* or fish-ponds, divided into—

1. *Piscinae aquae dulcis*, fresh-water ponds; and
2. *Piscinae aquae salsae*, salt-water ponds.

We commence then with a description of the inhabitants of the *Cohors in plano* and their dwelling.

I. AVIARIA.

a. Cohors in plano.

In the science of rearing poultry (*Ratio Cohortalis*, **ὀρνιθοτροφία**), three precepts were of general application. The birds were to be kept scrupulously clean, were to be abundantly supplied with fresh air and pure water, and were to be protected from the attacks of weasels, hawks, and other enemies. The two former objects were attained by the choice of a suitable situation, and by incessant attention upon the part of the superintendents (*curatores, custodes*); the latter was effected by overlaying the walls of the houses and courts, both inside and out, with coats of smooth hard plaster or stucco, and by covering over the open spaces with large nets.

Again, the attention of those who desired to rear poultry with profit was chiefly occupied by five considerations: 1. The choice of a good breeding stock (*de genere*). 2. The impregnation of the hens (*de fetura*). 3. The management of the eggs during incubation (*de ovis*). 4. The rearing of the pullets (*de pullis*). 5. Fattening them for the market (*de fartura*), this last process being, however, frequently conducted not by the farmer (*rusticus*), but by persons who made it their sole occupation (*fartores*).

1, 2. Chickens (*gallinae*). Of the different species of domestic fowls, the most important were *gallinae*, which were divided into three classes: *a. Gallinae Villaticae* s. *Cohortales*, the common chicken; *b. Gallinae Africanae* s. *Numidicae*, the same probably with the *μελεαγρίδες* of the Greeks, the distinctions pointed out by Columella scarcely amounting to a specific difference; and *c. Gallinae Rusticae*. The last were found in great abundance in the Insula Gallinaria, but it is so difficult to determine from the descriptions transmitted to us what they really were, that we know not whether we ought to regard them as pheasants, as red-legged partridges, as wood-grouse, or as some species of game different from any of these. The *Africanae*, always scarce and dear, were treated almost exactly in the same manner as peacocks, and never became of importance to the farmer; the *Rusticae* are little spoken of except as objects of curiosity, and Columella declares that they would not breed in confinement (*in servitute non fetant*). We therefore confine our observations to the *Villaticae*.

Among the breeds celebrated for fighting were the Tanagrian, the Rhodian, and the Chalcidian; but these were not the most profitable for the market. The points of a good barn-door fowl are minutely described by Varro, Columella, and Palladius, who all agree in recommending the breeder to reject such as were white, for they were more delicate and less prolific than those whose plumage was darker. Some were permitted to roam about (*vagae*) during the day, and pick up what they could, but the greater number were constantly shut up (*clausae*) in a poultry yard (*gallinarium, ὀρνιθοβοσκεῖον*), which was an enclosed court (*saeptum*) with a warm aspect, strewed with sand or ashes wherein they might wallow, and covered over with a net. It contained hen-houses (*caveae*) to which they retired at night and roosted upon poles stretched across (*perticae*) for their convenience, nests (*cubilia*) for the laying hens being constructed along the walls. The whole establishment was under the control of a poultry man (*aviarius custos* s. *curator gallinarius*), who occupied an adjoining hut, usually assisted by an old woman and a boy, for the flocks were often very large, containing upwards of two hundred. The proportion of one cock (*gallus*) to five hens was commonly observed, the males not required for breeding being killed young or made into capons (*capi*). Their food consisted of barley with the husk removed (*hordeum pinsitum*), millet, vetches, and lentils, when these articles could be procured cheap, but when too dear they were supplied with the refuse of wheat, bran with a little of the flour adhering, the seeds of cytisus, and the like.

The laying season began in January and continued until the autumnal equinox. From twenty-five to thirty eggs, the number being increased or diminished according as the weather was hot or cold, were placed beneath a clucking hen (*gallina glociens*) from one to two years old, who was kept constantly shut up except at feeding time, or even furnished with food while on the nest. The curator made his rounds regularly during the twenty days of incubation, turning the eggs, that they might all receive equal heat, and rejecting those which upon examination were found to contain no embryos. Such as were not required for hatching were preserved by rubbing them with strong brine, and then storing them up in chaff or bran. The chicks for fifteen days were fed by hand on polenta mixed with nasturtium (cress) seed.

Chickens, when fattened for sale, were shut up in dark narrow cribs, light and motion being unfavourable to the process; or each bird was swung separately in a basket, with a small hole at each end, one for the head, the other for the rump, and bedded upon the softest hay or chaff, but so cramped in space that he could not turn round. In this state they were crammed with wheat, linseed, barley-meal kneaded with water into small lumps (*turundae*), and other farinaceous food, the operation requiring from twenty to twenty-five days. (Varr. iii. 9; Colum. viii. 2, &c., 12; Plin. *H. N.* x. § 46 ff.; Pallad. i. 27, 29.)

3. Pheasants (*phasiani*) are not mentioned among domestic poultry by Varro or Columella, but find a place in the compilation of Palladius, who directs that young birds, that is, those of a year old, should be selected as breeders in the proportion of one cock to two hens, and that the eggs should be hatched by barn-door fowls. The chicks were to be fed for the first fortnight on cold boiled barley lightly sprinkled with wine, afterwards upon bruised wheat, locusts, and ants' eggs, and were to be prevented from having access to water. They became fat in thirty days if shut up and crammed with wheat flour made up into small lumps (*turundae*) with oil. (Pallad. i. 29.)

4. **Peacocks** (*pavones, pavi, pavae*) are said to have been first introduced as an article of food by Q. Hortensius at a banquet on his installation as an augur (*augurali aditiali cena*). They speedily became so much in request that soon afterwards a single full-grown bird sold for fifty denarii (upwards of a guinea and a half), and a single egg for five (upwards of three shillings), while one breeder, M. Aufidius Lurco, derived an income of 60,000 sesterces (about £500 sterling) from this source alone. The most favourable situations for rearing peacocks were afforded by the small rocky but well-wooded islets off the Italian coast, where they roamed in freedom without fear of being lost or stolen, provided their own food, and brought up their young. Those persons who could not command such advantage kept them in small enclosures roofed over, or under porticoes, perches (*perticae*) being supplied for them to roost upon, with a large grassy court in front, surrounded by a high wall and shaded by trees. They were fed upon all kinds of grain, but chiefly barley; did not arrive at full maturity for breeding until three years old, when one cock was allowed to five hens, and care was taken to supply each bird with a separate nest (*discreta cubilia*). The hatching process was most profitably performed by common barn-door fowls, for in this way the pea-hen laid three times in a season, first five eggs (*ova pavonina*), then four, and lastly two or three, but if allowed to incubate herself could rear only one brood. In the time of Varro, three chicks (*pulli pavonini*) for each full-grown bird were considered a fair return. (Varr. iii. 6; Colum. viii. 11; Pallad. i. 28; Plin. *H. N.* x. § 43; comp. Juv. i. 143.)

5. Geese (*anseres*) were easily reared, but were not very profitable and somewhat troublesome, for a running stream or a pond with a good supply of herbage was essential, and they could not be turned out to graze in the vicinity of growing crops, which they tore up by the roots, being supposed at the same time, by a vulgar error, to injure vegetation by their dung. (Verg. *Georg.* i. 119; Pallad. i. 30.) Birds for breeding were always selected of a large size and pure white, the grey variety (*varii vel fusci*) being regarded as inferior on the supposition that they were more nearly allied to the wild species. Their feed consisted of clover, fenugreek, lettuce, together with leguminous plants, all of which were sown for their use, and especially a herb called *σέρις* by the Greeks, which seems to have been a sort of endive. Impregnation took place about mid-winter, one gander being allowed to three females, who, when the laying season, which was early in spring, approached, were shut up in a structure (*χηνοβοσκεῖον*) consisting of a court (*cohors*), surrounded by a high wall with a portico inside containing receptacles (*harae, cellae, speluncae*), from two to three feet square, built of hewn stone or brick, well lined with chaff for the eggs. Incubation, according to the weather, lasted from twenty-five to thirty days, during which period the mothers were supplied by the custos with barley crushed in water. The goslings remained in the house for about ten days, and were fed upon polenta, poppy seed, and green cresses (*nasturtium*) chopped in water, after which they were taken out in fine weather to feed in marshy meadows and pools. It was found in practice most advantageous to employ barn-door hens to hatch the eggs, since they made more careful mothers; and in this case the goose would lay three times in a season, first five eggs, then four, and lastly three.

Goslings, when from four to six months old, were shut up to fatten in dark warm coops (*saginarium*), where they were fed with barley pottage and fine flour moistened with water, being allowed to eat and drink three times a day as much as they could swallow. In this way they became fit for the market in two months or less. A flock of geese furnished not only eggs but feathers also, for it was customary to pluck them twice a year, in spring and autumn, and the feathers were worth five denarii (about three shillings and fourpence) a pound. (Varro, iii. 10; Colum. viii. 13; Plin. *H. N.* x. § 51 ff.; Pallad. i. 30.)

6. Ducks (*anates*). The duck-house (*νησσοτροφεῖον*) was more costly than the chenoboscium, for within its limits were confined, not only ducks, but querquedulae, phalerides, boscades (whatever these may have been), and similar birds which seek their food in pools and swamps. A flat piece of ground, if possible marshy, was surrounded by a wall fifteen feet high, well stuccoed within and without, along the course of which upon an elevated ledge (*crepido*) a series of covered nests (*tecta cubilia*) were formed of hewn stone, the whole open space above being covered over with a net or trellis work (*clatris superpositis*). A shallow pond (*piscina*) was dug in the centre of the enclosure, the margin formed of *opus signinum*, and planted round with shrubs; through this flowed a small stream which traversed the court in a sort of a canal, into which was thrown food for the inmates, consisting of wheat, barley, millet, acorns, grape-skins, small crabs or cray-fish, and other water animals. The eggs were generally hatched by common hens, the precautions taken during incubation and the rearing of the ducklings being the same as in the case of pullets. (Varr. iii. 11; Colum. viii. 15.)

b. Columbarium.

Pigeons (*columbus, columba*). Varro distinguishes two species or varieties: the one, *Genus saxatile* s. *agreste*, probably the *Columba livia* of naturalists, which was shy and wild, living in lofty turrets (*sublimes turriculae*), flying abroad without restraint, and generally of a darkish colour, dappled, and without any admixture of white; the other kind more tame (*clementius*), feeding about the doors of the farm, and for the most part white. Between these a cross breed (*miscellum*) was usually reared for the market in a lofty edifice (*περιστεροτροφεῖον, περιστερεών*), constructed for the purpose. These buildings, placed under the charge of a *columbarius*, were frequently large enough to contain 5000, were vaulted or roofed in with tiles, and furnished with one small entrance, but well lighted by means of large barred or latticed windows (*fenestrae Punicanae*, s. *reticulatae*). The walls, carefully stuccoed, were lined from top to bottom with rows of round-shaped nests with a single small aperture (*columbaria*), often formed of earthenware (*fictilia*), one being assigned to every pair, while in front of each row a plank was placed upon which the birds alighted. A copious supply of fresh water was introduced for drinking and washing; their food, consisting of the refuse of wheat (*excreta tritici*), millet, vetches, peas, kidney-beans, and other leguminous seeds, was placed in narrow troughs ranged round the walls, and filled by pipes from without. The pigeons kept in the country supported themselves for a great part of the year upon what they picked up in the fields, and were regularly fed (*acceptant conditiva cibaria*) for two or three months only; but those in or near a town were confined in a great measure to the *περιστεροτροφεῖον*, lest they should be snared or destroyed. They were very fruitful, since one pair would rear eight broods of two each in the course of a year, and the young birds (*pulli*) very speedily arrived at maturity, and began forthwith to lay in their turn. Those set aside for the market had their wing feathers plucked out and their legs broken, and were then fattened upon white bread previously chewed. Columella says that some preferred to tie their legs, thinking that the pain arising from breaking them could hinder this fattening; but he denies that this is the case.

A handsome pair of breeding pigeons of a good stock would fetch at Rome, towards the close of the republic, two hundred sesterces (upwards of a guinea and a half); if remarkably fine, as high as a thousand (nearly eight guineas); and as much as sixteen hundred (more than thirteen pounds) was a price sometimes asked, while Columella speaks of four thousand (upwards of thirty pounds) having been given in his time; and some persons were said to have a hundred thousand (nearly a thousand pounds sterling) invested in this kind of property. The instinct which teaches pigeons to return to the place where they have been fed was remarked by the ancients, who were wont, for the sake of amusement, to bring them to the theatres and there let them loose. (Varr. iii. 7; Colum. viii. 8; Plin. *H. N.* x. § 147; Pallad. i. 24.)

c. *Ornithon, Aviarium* (*ὀρνιθοτροφεῖον*).

Ornithones, in the restricted sense, were divided into two classes: 1. Those constructed for pleasure merely, being designed for the reception of nightingales and other singing birds. 2. Those for profit, in which thousands of wild birds were confined and fattened. Varro gives a very curious and minute description of an ornithon belonging to the first class, which he himself possessed, and Lucullus endeavoured to combine the enjoyment of both, for he had a triclinium constructed in his Tusculan villa inside of an ornithon, delighting to behold one set of birds placed upon the table ready for his repast, while others were fluttering at the windows by which the room was lighted. Ornithones of the second class, with which alone we are at present concerned, were kept by poulterers (*macellarii*), and others in the city, but the greater number were situated in Sabinum, because thrushes were most abundant in that region. These huge cages were formed by enclosing a space of ground with high walls and covering it in with an arched roof. Water was introduced by pipes, and conducted in numerous narrow channels; the windows were few and small, that light might be excluded as much as possible, and that the prisoners might not pine from looking out upon the open country, where their mates were enjoying freedom. Indeed, so sensitive were thrushes, and so apt to despond when first caught, that it was the practice to shut them for some time with other tame individuals of their own kind (*veterani*), who acted as decoys (*allectores*) in reconciling them to captivity. In the interior of this building numerous stakes (*pali*) were fixed upright, upon which the birds might alight; long poles also (*perticae*) were arranged in an inclined position resting against the walls with spars nailed in rows across, and lofts were constructed, all for the same purpose. Two smaller apartments were attached, one in which the superintendent (*curator*) deposited the birds which died a natural death, in order that he might be able to square accounts with his master; the other, called the *seclusorium*, communicating with the great hall by a door, into which those birds wanted for the market were driven from time to time, and killed out of sight, lest the others might droop on witnessing the fate of their companions.

Millet and wild berries were given freely, but their chief food consisted of dry figs carefully peeled (*diligenter pinsita*) and kneaded with far or pollen into small lumps, which were chewed by persons hired to perform this operation. The birds usually kept in an ornithon have been mentioned above, but of these by far the most important were thrushes, which made their appearance in vast flocks about the vernal equinox, and seem to have been in great request; for out of a single establishment in Sabinum, in the time of Varro, five thousand were sometimes sold in a single year at the rate of three denarii a head, thus yielding a sum of 60,000 sesterces, about £500 sterling.

The manure from ornithones containing thrushes and blackbirds was not only a powerful stimulant to the soil, but was given as food to oxen and pigs, who fattened on it rapidly.

Turtle-doves (*turtures*, dim. *turturillae*) belonged to the class which did not lay eggs in captivity (*nec parit nec excludit*), and consequently, as soon as caught, were put up to fatten (*volatura ita ut capitur farturae destinatur*, Col.). They were not however confined in an ordinary ornithon, but in a building similar to a dove-cote, with this difference, that the interior, instead of being fitted up with columbaria, contained rows of brackets (*mutulos*), or short stakes projecting horizontally from the wall and rising tier above tier. Over each row, the lowest of which was three feet from the ground, hempen mats (*tegeticulae cannabinae*) were stretched, on which the birds reposed day and night, while nets were drawn tight in front to prevent them from flying about, which would have rendered them lean. They fattened readily in harvest time, delighting most in dry wheat, of which one-half modius per day was sufficient for 120 turtles, or in millet moistened with sweet wine. (Varr. iii. 8; Colum. viii. 9; Plin. *H. N.* x. § 104 ff.; comp. Plaut. *Mostell.* i. 1, 44; Juv. vi. 36.)

II. VIVARIA.

a. *Leporaria.*

Leporaria anciently were small walled paddocks, planted thickly with shrubs to give shelter; and intended, as the name implies, for the reception of animals of the hare kind: viz. 1. The common grey hare (*Italicum hoc nostrum*, sc. *genus*). 2. The mountain or white hare from the Alps, seldom brought to Rome (*toti candidi sunt*). 3. Rabbits (*cuniculi*), believed to be natives of Spain. These, at least the first and third, bred rapidly, were caught occasionally, shut up in boxes, fattened and sold. In process of time, the name *leporarium* was changed for the more appropriate term *θηριοτροφεῖον*, since a variety of wild animals, such as boars (*apri*), stags (*cervi*), and roe deer (*capreae*), were procured from the hunter (*venator*), and shut up in these parks, which now embraced several acres even in Italy, while in the provinces, especially Transalpine Gaul, they frequently comprehended a circuit of many miles of hill and swamp, glade and forest. This space was, if possible, fenced by a wall of stone and lime, or of unburnt brick and clay, or, where the extent rendered even the latter too costly, by a strong paling (*vacerra*) formed of upright stakes (*stipites*) drilled with holes (*per latus efforantur*) through which poles (*amites*) were passed horizontally, the whole of oak or cork-tree timber, braced and, as it were, latticed by planks nailed diagonally (*seris transversis clatrare*), much in the fashion of wooden hurdles. Even in the largest enclosures it was necessary to support the animals in winter, and in those of moderate size they were frequently tamed to such an extent that they would assemble at the sound of a horn to receive their food. (Varr. iii. 12; Colum. ix. 1; Plin. *H. N.* viii. § 217 ff.)

Bees (*apes*). The delight experienced in the management of these creatures is sufficiently proved by the space and care devoted to the subject in Virgil, and by the singularly minute instructions contained in the agricultural writers, especially in Columella, who derived his materials from the still more elaborate compilations of Hyginus and Celsus, the former being the author of a regular bee calendar, in which the various precepts for the guidance of the bee fancier (*mellarius, apiarius; μελιτουργὸς, meliturgus*) were arranged in regular order according to the seasons and days of the year. The methods which the ancients describe differ little, even in trifling details, from those followed by ourselves, although in some respects our practice is inferior, since they never destroyed a hive for the sake of its contents, but abstracted a portion of the honey only, always leaving a sufficient supply for the support of the insects in winter; and the same swarm, occasionally reinforced by young recruits, might thus continue for ten years, which was regarded as the limit. Our superior knowledge of natural history has however enabled us to determine that the chief of the hive is always a female, not a male (*rex*), as was the general belief; to ascertain the respective duties performed by the queen, the working bees, and drones (*fuci* s. *fures*), which were unknown or confounded; and to reject the absurd fancy, to which however we are indebted for the most charming episode in the Georgics, which originated with the Greeks, and is repeated with unhesitating faith by almost every authority, that swarms might be produced by spontaneous generation from the putrescent carcase of an ox (*ex bubulo corpore putrefacto*; and hence they were commonly termed *βοηγενέες* by the poets, and by Archelaus *βοὸς φθιμένης πεποτημένα τέκνα*).

The early Romans placed the hives in niches hollowed out of the walls of the farm-house itself, under the shelter of the eaves (*subter subgrundas*), but in later times it became more common to form a regular apiary (*apiarium, alvearium, mellarium; μελιττοτροφεῖον, μελιττώνη*), sometimes so extensive as to yield 5000 pounds of honey in a season. This was a small enclosure in the immediate vicinity of the villa, in a warm and sheltered spot, as little subject as possible to great variations of temperature, or to disturbances of any description from the elements or from animals; and carefully removed from the influence of fetid exhalations, such as might proceed from baths, kitchens, stables, dunghills, or the like. A supply of pure water was provided, and plantations were formed of those plants and flowers to which they were the most attached, especially the cytisus and thyme, the former as being conducive to the health of bees, the latter as affording the greatest quantity of honey (*aptissimum ad mellificium*, Varr.). The yew was carefully avoided, not because in itself noxious to the swarm, but because the honey made from it was poisonous. (*Sic mea Cyrneas fugiant examina taxos*, Verg. *Ecl.* ix. 30.) The hives (*alvi, alvei, alvearia, κυψέλαι*), if stationary, were built of brick (*domicilia lateribus facta*) or baked dung (*ex fimo*); if moveable, and these were considered the most convenient, were hollowed out of a solid block, or formed of boards, or of wicker-work, or of bark, or of earthenware, the last being accounted the worst, because more easily affected by heat or cold, while those of cork were accounted best. They were perforated with two small holes for the insects to pass in and out, were covered with moveable tops to enable the mellarius to inspect the interior, which was done three times a month, in spring and summer, for the purpose of removing any filth which might have accumulated, or any worms that might have found entrance; and were arranged, but not in contact, in rows one above another, care being taken that there should not be more than three rows in all, and that the lowest row should rest upon a stone parapet, elevated three feet from the ground, and coated with smooth stucco to prevent lizards, snakes, or other noxious animals from climbing up.

When the season for swarming arrived, the movements which indicated the approaching departure of a colony (*examen*) were watched unremittingly; and when it was actually thrown off, they were deterred from a long flight by casting dust upon them, and by tinkling sounds, being at the same time tempted to alight upon some neighbouring branch by rubbing it with balm (*apiastrum, μελισσόφυλλον*, s. *μέλινον*, s. *μελίφυλλον*), or any sweet substance. When they had all collected, they were quietly transferred to a hive similarly prepared, and, if they showed any disinclination to enter, were urged on by surrounding them with a little smoke.

If quarrelsome, their pugnacity was repressed by sprinkling them with honey water (*mella*) or dust; if lazy, they were tempted out by placing the sweet-smelling plants they most loved, chiefly apiastrum or thyme, in the immediate vicinity of the hive, recourse being had at the same time to a slight fumigation. If distracted by sedition in consequence of the presence of two pretenders to the throne, the rivals were caught, examined, and the least promising put to death. In bad weather, those stricken down and disabled by cold or sudden rain were tenderly collected, placed in a spot warmed by artificial heat, and as they revived laid down before their hives. When the weather for any length of time prevented them from going abroad, they were fed upon honey and water, or upon figs boiled in must and pounded into a paste.

The honey harvest (*mellatio, mellis vindemia, castratio alvorum, dies castrandi, μελίτωσις*), according to Varro, took place three times a year, but more usually twice only, in June and October; on the first visitation four-fifths, at the second two-thirds of the honey was abstracted; but these proportions varied much according to the season and the strength of the particular hive. The system pursued was very simple; the moveable top was taken off, or a door contrived in the side opened, the bees were driven away by a smoking apparatus, and the mellarius cut out with peculiarly formed knives as much of the contents as he thought fit.

The comb (*favus*, κηρίον), which was the product of their industry, was composed of wax (*cera*, κηρὸς), formed into hexagonal cells (*sexangulis cella*), the geometrical advantages of which were soon discovered by mathematicians, containing for the most part honey (*mel*, μέλι), but also the more solid sweet substance commonly called bee-bread (*propolis*, πρόπολις), the classical name being derived, it is said, from the circumstance that it is found in greatest abundance near the entrance. The combs were cemented together, and the crevices in the hive daubed over with a glutinous gum, or bee-glue, the erithace (ἐριθάκη) of Varro and his Greek authorities, which seems to be the same with what is elsewhere termed *melligo* (μελίτωμα). But cf. Conington and Keightley on Verg. *Georg.* iv. 39.

Columella and Palladius describe ingenious plans for getting possession of wild swarms (*apes silvestres, ferae, rusticae*, as opposed to *urbanae, cicures*); and Pliny notices the humble-bees, which constructed their nests in the ground, but seems to suppose that they were peculiar to a district in Asia Minor. The marks which distinguish the varieties of the domestic species will be found detailed by the different authorities quoted below. (Aristot. *Hist. Anim.* ix. 40 ff.; Aelian. *de Anim.* i. 59, 60, v. 10, 11; Varr. ii. 5, iii. 3, 16; Verg. *Georg.* iv.; Colum. ix. 3, &c., xi. 2; Plin. *H. N.* xi. § 11 ff.; Pallad. i. 37–39, iv. 15, v. 8, vi. 10, vii. 7, ix. 7, xi. 13, xii. 8.)

Snails (*cocleae*). Certain species of snails were favourite articles of food among the Romans, and were used also medicinally in diseases of the lungs and intestines. The kinds most prized were those from Reate, which were small and white; those from Africa, of middling size, and very fruitful; those called *solitana*, also from Africa, larger than the former; and those from Illyria, which were largest of all. The place where they were preserved (*coclearium*) was sheltered from the sun, kept moist, and not covered over nor walled in, but surrounded by water, which prevented the escape of the inmates, who were very prolific, and required nothing except a few bay leaves and a little bran. They were fattened by shutting them up in a jar smeared with boiled must and flour, and perforated with holes to admit air. It has been recorded that an individual named Fulvius Hirpinus constructed, near Tarquinii, the first coclearium ever formed in Italy, a short time before the civil war between Caesar and Pompey. (Varr. iii. 14; Plin. *H. N.* ix. § 173, xxx. § 44; comp. Sallust. *Jug.* 93.)

Dormice (*glires*) were regarded as articles of such luxury that their use as food was forbidden in the sumptuary laws of the more rigid censors; but, notwithstanding, a *glirarium* became a common appendage to a villa. It was a small space of ground surrounded with a smooth wall of polished or stuccoed stone, planted with acorn-bearing trees to yield food, and containing holes (*cavi*) for rearing the young. They were fattened up in earthen jars (*dolia*) of a peculiar construction, upon chestnuts, walnuts, and acorns. (Varr. iii. 15; Plin. *H. N.* viii. § 223 f.: cf. Martial, iii. 58, xiii. 59; Petron. 31; Amm. Marc. xxviii. 4.)

b. Piscinae.

Lastly, we may say a few words upon artificial fish-ponds, which were of two kinds—fresh-water ponds (*piscinae dulces*), and salt-water ponds (*piscinae salsae s. maritimae*).

The former, from an early period, had frequently been attached to ordinary farms, and proved a source of gain; the latter were unknown until the last half century of the republic, were mere objects of luxury, and were confined for the most part to the richest members of the community, to many of whom, such as Hirrius, Philippus, Lucullus, and Hortensius, who are sneeringly termed *piscinarii* by Cicero, they became objects of intense interest. These receptacles were constructed at a vast cost on the sea-coast, a succession being frequently formed for different kinds of fish, and the most ingenious and elaborate contrivances provided for the admission of the tide at particular periods, and for regulating the temperature of the water; large sums were paid for the stock with which they were filled, consisting chiefly of mullets and muraenae; and a heavy expense was incurred in maintaining them, for fishermen were regularly employed to catch small fry for their food, and when the weather did not permit such supplies to be procured, salt anchovies and the like were purchased in the market. For the most part they yielded no return whatever, during the lifetime at least of the proprietors, for the inmates were regarded as pets, and frequently became so tame as to answer to the voice and eat from the hand. When sales did take place, the prices were very high. Thus Hirrius, who on one occasion *lent* Caesar 6,000 muraenae, at a subsequent period obtained 4,000,000 sesterces (upwards of 30,000*l.*) for an ordinary villa, chiefly in consequence of the ponds and the quantity of fish they contained.

A certain Sergius Orata, a short time before the Marsic War, formed artificial oyster-beds (*vivaria ostrearum*) from which he obtained a large revenue. He first asserted and established the superiority of the shell-fish from the Lucrine Lake, which have always maintained their celebrity, although under the empire less esteemed than those from Britain. (Varr. *R. R.* iii. 17; Colum. viii. 16, 17; Plin. *H. N.* ix. § 168; Cic. *ad Att.* i. 19.)

Of modern treatises connected with the subject of this article the most important is Dickson's *Husbandry of the Ancients*, 2 vols. 8vo. 1788, the work of a Scotch clergyman, who was well acquainted with the practical details of agriculture, and who had studied the Latin writers with great care, but whose scholarship was unfortunately so imperfect that he was in many instances unable to interpret correctly their expressions. Many useful and acute observations will be found in the *Économie Politique des Romains*, by Dureau de la Malle, 2 tomes, 8vo. Paris, 1840, but he also is far from being accurate, and he is embarrassed throughout by very erroneous views with regard to the rate of interest among the Romans, and by the singular misconception that from the expulsion of the kings until the end of the Second Punic War the law forbade any Roman citizen to possess more than 7 jugers of land (vol. ii. p. 2).* Those who desire to compare the agriculture of modern Italy with ancient usages will do well to consult Arthur Young's *Travels in Italy*, and the Appendix of Symonds; the *Agriculture Toscane* of J. C. L. Simonde de Sismondi, the historian, 8vo. Génève, 1801; and *Lettres écrites d'Italie à Charles Pictet par M. Lullin de Châteauvieux*, 8vo., Paris, 2nd ed. 1820. [W. R.] [A. S. W.]

AGRIMENSORES. The business or profession of a land-surveyor appears not to have had any special organization or state recognition, at any rate until late in the history of Rome. At first the augurs directed the laying out of a town or colony, but no doubt they had assistants for the mechanical duties. The older term specially for a surveyor was *finitor*, and is used by Plautus (*Poen.* 48), and Cicero (*Agr.* ii. 13, 34; ii. 20, 53). The latter also uses *decempedator* (*Phil.* xiii. 18, 37). The ordinary term in imperial times was *mensor* (Colum. v. 1, 33; Dig. 10, 1, 4; 11, 6; Non. p. 63). *Metator* appears to have been applied only to military surveyors (Cic. *Phil.* xi. 5, 12; xiv. 4; Front. *Strat.* ii. 7, § 12). Vegetius (*de Re Mil.* ii. 7) describes *metator* as one who selected the ground for the camp, *mensor* as one who measured out the ground. The real distinction meant was perhaps that between the skilled officer and the subordinate. But *mensor*, in general use, is certainly not confined to the lower ranks. Under the empire a body of official *mensores* existed to arrange quarters for the army on march. The Justinian Code has, in one place (Just. *Cod.* xii. 40, 5), *metator*, where the Theodosian has *mensor*. The professors of the art were also called *Gromatici* (Hygin. *Munit. Castr.* 11), and the teachers *geometrae* (cf. Colum. v. 1, § 4).

The state required surveyors chiefly for three purposes: laying out land for a colony, or other distributions of land among citizens or soldiers, measuring and registering the land for the census, and military operations, such as laying out a camp, or measuring the breadth of rivers and height of mountains. But their services were also required both by the state and by individuals to survey and mark the boundaries of estates, to re-discover lost boundaries, or give a decision or advice (*judicare aut advocationem praestare*, *Grom.* p. 35) in many questions of dispute. Soldiers were of course employed for camp purposes, and also frequently for other state-surveys (*Grom.* pp. 91 sq., 121, 244, 251). Rullus proposed to take with him for executing his agrarian law two hundred *finitores* from the equestrian order (Cic. *Agr.* ii. 13, 34).

Mensores, along with many other artificers and professional persons, were freed from the more burdensome civil duties (Dig. 50, 6, 7). And, as their work was regarded as of an honourable character, their payment was a *honorarium*, and the relation of hiring was not properly applicable to their services, so that the civil law gave no remedy for a false report, even though maliciously false, and the praetor had to give an action on the case (*in factum*). Neither want of skill nor negligence (unless gross negligence) was a ground of action (D. 11, 6, 1). Teachers of the art (*geometrae*) were freed by Constantius from civil duties generally (*Cod.* x. 66, 2), but not from acting as guardians, any more than were teachers of the civil law (*Vat Fr.* 150; Dig. 27, 1, 22; *Cod. Theod.* xiii. 4, 3). The position was evidently regarded as of a lower rank. Some Constitutions of Theodosius contained in the Gromatical collection, assigning the surveyors large fees, and, if students, the rank of *clarissimi*, if professors that of *spectabiles*, are regarded by Rudorff, Mommsen, and others as forgeries. The surveyors do however appear to have had the rank of *perfectissimi* (Rudorff, *Grom. Inst.* p. 322).

The services of the land-surveyors were resorted to in disputes (*jurgia* in older language, *controversiae* in the *Gromatici*) about land, when the question turned primarily or incidentally on the boundary between neighbours, or on the position or size of pieces of land, which had been marked out by bounds and were the subject of a claim or liable to tax or duties. They had nothing to do with any questions of law which might be involved, but solely with the ascertainment by their technical knowledge of the true boundary, and with the interpretation of the official or private charts or records, or of the inscriptions, or of the symbolical meaning of the stones, posts, or other marks of boundaries (*Grom.* p. 281). The disputes which arose touching land, so far as the land-surveyors were concerned, belonged to one of two classes—*de fine* or *de loco*, i.e. they related to the boundary of the land only, or to a piece of the land itself. Under the former head came disputes whether boundary stones had been removed (*de positione terminorum*), or where ran the straight line indicated by certain posts (*de rigore*), or what trustworthy indication of the true boundary were to be found. Under the latter head (*de loco*, cf. Dig. 50, 16, 60) came questions as to ownership or possession, or the correspondence in acreage of the land occupied by a person with that registered or assigned to him or his predecessor (*de modo*); or whether the land belonged wholly

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* Useful remarks will also be found in the notes to the Eclogues and Georgics of Virgil by Keightley, a sound scholar, and familiar with modern Italian husbandry, and in Dr. Daubeny's *Lectures on Roman Husbandry* (Oxford, 1857).

to the public, or was subject to a public right of road, or was an oddment, or was abandoned and shut out from the assignment, or belonged to some religious body or purpose, or to a tomb, or was within the jurisdiction of the contiguous community, or that of a more distant colony. To the same head belong also questions of accretion by the action of water (*alluvio*), and of damage caused by a neighbour's action in increasing the flow of rain-water on to the adjoiuing land (pp. 9–24, 37–58, 123–134). The two classes had this distinction in law, that questions of a boundary (*de fine*), if within five feet, were according to the Twelve Tables to be decided by three experts as arbiters, and any claim of usucapion was to be disregarded. Questions of a piece of land (*de loco*) were settled by the ordinary tribunals, with or without the aid of experts, as particular circumstances might require. A *lex Mamilia*, perhaps passed in Cicero's time (Cic. *Leg.* i. 21, 55), substituted a single arbiter for the three. A Constitution of A.D. 385 removed the restriction of five feet, and committed all disputes of this class to the decision of an expert, provided they were capable of settlement by skilful ascertainment of the old boundary line (*Cod. Th.* ii. 26, 4). A later Constitution of A.D. 392 restored the old distinction (*ib.* s. 5). Justinian again removed the distinction, and allowed, in all such cases, a prescription of thirty years (*Cod. Just.* iii. 39, 5, 6). The collection of the *Gromatici* does not contain this change of Justinian's. Karlowa (*Beitr.* p. 141, § 1) takes a different view of these Constitutions from the above, which is the view generally taken.

The writings of the *Gromatici* which are extant contain short treatises of about the 2nd century after Christ, by Frontinus (embedded in a commentary of a later writer called Agennius Urbicus), by Siculus Flaccus, and by apparently two writers bearing the name of Hyginus; several short mathematical treatises of uncertain date by Balbus, Nipsus, a so-called Boethius, and others; extracts from official registers, probably of the 5th century, of the colonial and other surveys of lands, chiefly in Italy; lists and descriptions of different kinds of boundary stones; extracts from the Theodosian code, and one title (x. 1) of Justinian's *Digest;* an obscure and barbarous tract (*casae litterarum*) by one Innocentius, supposed to be school exercises in land-surveying, and some other short pieces. The origin and date of the collection is unknown. The principal treatises are in two Wolfenbüttel MSS., viz. *Codex Arcerianus* of the 6th or 7th century, which, however, does not contain Siculus Flaccus, and *Codex Gudianus* of the 9th or 10th century. Niebuhr awakened modern interest in these writers (see the Appendix to his *Rom. Hist.* vol. ii. Eng. Tr.), and in 1848 Lachmann's critical edition (based partly on Blume's researches published in the *Rhein. Mus.* vols. v. vii.) appeared and superseded all earlier editions. In 1852 a second volume was published, containing essays on the MSS. by Blume, on the text by Lachmann, and on the list of colonies by Mommsen, as well as a careful and learned, though somewhat fanciful, treatise on the whole subject by Rudorff, who had previously published an essay on the action for regulating boundaries in the *Zeits. Gesch. Rechtsw.* vol. x. [H. J. R.]

AGRIMETA'TIO. In the origin of a community land has been acquired either by occupying what is vacant, or by conquest from a previous occupier. The community from time to time regulates how it shall be held by its members, whether in common or by separate families or by individuals, and what transfers from one to another shall be allowed or protected or enforced (cf. Cic. *Off.* i. 7, 21). For such purposes land has to be defined, definition requires boundaries to be declared, and naturally brings with it measurement and land surveying in general.

1. The Roman land-surveyors (whose writings will be here referred to by the pages of Lachmann's edit.) make three great classes (*qualitates*) of land: one *divisus et adsignatus*, another *mensura per extremitatem comprehensus*, a third *arcifinius qui nulla mensura continetur* (p. 1), *i.e.* land divided and marked out, land surrounded by a measured boundary, and land not measured at all.

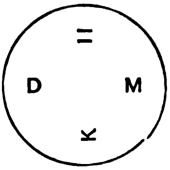
The word *arcifinius* was derived by Varro from *arcere*, and he has been followed by the Roman surveyors and by (apparently) all modern writers, Varro understanding *hostes*, others *vicinum*, others *fines* (pp. 6, 137, 284, 369; and Rudorff, *Grom. Inst.* p. 251). This derivation is certainly wrong, for it is not conformable to the laws of Latin composition, and another derivation is almost demonstrably right. Proper components of such a word are *arcus* and *finis*. A bow as seen in ancient figures was composed of two horns joined by a straight piece, each horn having a double curve, and the bow was thus a type of an irregularly curved or wavy line. Now see Balbus's words (98): *Extremitatium genera sunt duo, unum quod per rigorem observatur, alterum quod per flexus: rigor est quidquid inter duo signa veluti in modum lineae rectum perspicitur: per flexus, quidquid secundum locorum naturam curvatur, ut in agris arcifiniis solet . . . Quidquid in agro mensorii operis causa ad finem rectum fuerit, rigor appellatur . . . Flexuosa linea* (distinguished from straight and curved lines) *est multiformis, velut arcuorum aut jugorum aut fluminum; in quorum similitudinem et arcifiniorum agrorum extremitas finitur.* See also pp. 12, 31, and the figure in 312 referring to p. 342. *Ager arcifinius* is therefore land "bow-bounded," *i.e.* bounded with a natural wavy line, as opposed to land bounded by the artificial straight lines of the surveyor.

2. If a conquered territory or part of it was to be assigned to Roman citizens, as, for instance, in founding a colony, the land was divided and marked off in plots according to a regular plan. The surveyor placed himself facing due west, and drew one line due east and west, and another crossing at right angles, *i.e.* due north and south. Along these lines were set out two wide balks (*limites*). The east and west balk was called *decumanus;* the north and south balk was called *kardo.* All balks parallel to the *decumanus* were *prorsi limites*, all parallel to the *kardo* were *transversi*, but were often all called *decumani* and *kardines* respectively, the two principals being distinguished as *decumanus maximus* and *kardo maximus.* The others were numbered from the centre crossing-point, all the north and south balks in front of the *kardo maximus* being *ultra kardinem max.*, all behind

it being *citra kardinem max.*; and all the east and west balks being *dextrā decumanum max.* if on the surveyor's right of the *decumanus maximus*, and those being *sinistrā decumanum max.* which were on the surveyor's left of the same. The combination of these terms gave a ready description of any balk or block of land. The half in front of the surveyor, *i.e.* the western, was called also *pars antica*; the half behind, *i.e.* the eastern, *pars postica* (pp. 27, 303). The halves are also spoken of as *ager dextratus*, *sinistratus*, *citratus*, *ultratus* (or *pars dextrata*, &c.), being respectively, according to the normal arrangement of the balks, the northern and southern, the eastern and western halves; and the quarters being denoted by a combination, *e.g.* *ager ultratus et dextratus* for the north-western quarter, &c. (pp. 247, 290 *sqq.*).

The measurement was by a ten-foot rod, *pertica decempeda*, either substantive (*pertica*) or adjective (*decempeda*) being often used alone to denote it (*e.g.* Prop. iv. 1, 130; Hor. *Od.* ii. 15, 14). Twelve rods or 120 feet was an *actus* (*i.e.* one ploughing length, Plin. *H. N.* xviii. § 9; Colum. ii. 2, 27). A square *actus* contained 14,400 square feet, and a *jugerum* was an oblong rectangle, composed of two square *actus*, containing 28,800 square feet, being 24 rods long by 12 rods broad. The amount originally assigned to each citizen was 2 *jugera* (about equal to 1¼ acres), together forming a square plot called *heredium* ("*quod heredem sequeretur*;" comp. "hereditament"). A hundred of these plots, forming a square of 20 *actus* or 240 rods each way, was a *centuria* (Varr. *R. R.* i. 10; *Grom.* pp. 95, 153). The century was the normal unit of division of the colony, as the *jugerum* was the normal unit of the *centuria*. Between the centuries ran the *limites*, those forming the principal divisions being broader than the others. The balk along the line of the meridian was called *kardo*, from being as it were the hinge or axis on which the heavens revolved; that crossing it was called *decumanus*, dividing the realm of light (south) from the realm of darkness (north). The word has been the subject of many bad etymologies (Rudorff, *Grom. Inst.* p. 343). But it is certainly the ordinary adjective, meaning the balk "of the tenth." Each side of the century contained 10 *heredia*, and the balk bounding the century was therefore a balk "of (*i.e.* adjoining) the tenth" *heredium*. When kardo was taken for the name of the north and south lines, *decumanus* was confined to the east and west balks, which would come at every tenth *heredium*, measuring along a *kardo* (Nissen, *Templum*, p. 12, gives a more artificial explanation). Every fifth balk, counting from but not inclusive of the *decumanus* or *kardo*, was called *limes quintarius*: the others were called in Italy *subruncivi* ("slightly cleared"), and were used as occupation roads for the farmers to carry off their produce. The principal balks were also called *actuarii*, "carriage roads" (Dig. 8, 3, 1), and were usually public roads of considerable breadth (*Grom.* pp. 120, 175: compare the metaphor in Verg. *Aen.* ix. 323). Thus in the colonies founded by the Gracchi, by Sulla and by Augustus, the *decumanus max.* was to be 40 feet broad, the *kardo max.* 20 feet, the other *actuarii* (*i.e.* the *quintarii*) to be 12 feet, whilst the *subruncivi* were to be 8 feet. This last breadth was that required by the XII. Tables for a private road (Fest. *s. v. viae*: cp. Bruns, p. 299; Dig. 8, 3, 18). What in Italy were called *subruncivi* were in some parts of the world mere lines of division, and hence called *linearii* (*Grom.* pp. 168, 169; cf. p. 212).

3. The centuries were marked by a stone at each corner. The law of the Augustan colonies, which seems to have been regarded as a kind of model for others, also prescribed that these corner stones should be of flint or millstone or the like, polished, round, a foot in diameter and four feet in length, of which 2½ feet should be sunk in the ground (p. 194). Hyginus recommends the following system of inscriptions. The stones on the chief decuman and *kardo* to be inscribed on the front; the rest on the sides. Beginning with these two principal balks, each stone along them was to be marked with the notes of the decuman and *kardo* adjacent. Thus, at the corner where the *decumanus maximus* was crossed by the second *kardo*, the stone would be marked on the top with D M or D I for *decumanus maximus*, otherwise called *primus*, and K II for *kardo secundus*, i.e. the next *kardo* to the *kardo maximus*. The inscriptions were generally so put as to occupy only three-quarters of the surface. The first four centuries to be marked were those immediately adjacent at each angle of the central crossing point. Each of these centuries would have the *decumanus maximus* on one side and the *kardo maximus* on an adjoining side, and three corners would thus be on these principal balks. The fourth corner was called the *angulus clusaris*, "closing corner;" it was diagonally opposite to the centre crossing; and on this was inscribed the full technical description of the century. Thus, the north-west corner of the north-west century was marked with a stone inscribed DDIVKI, i.e. *dextra decumanum primum, ultra kardinem primum*, being the century on the surveyor's right hand and in front. The south-west corner of the south-west century was marked SDIVKI, i.e. *sinistra dec.*, &c.; the south-east corner was marked SDIKKI, *i.e.* *sinistra dec. primum, kitra kardinem primum*, being the century behind the surveyor on his left. The north-east century was marked DDIKKI. The next century east, and on the right of the *decumanus maximus*, would be beyond the *kardo secundus*; and its name would be on the stone at the north-east corner, *i.e.* the corner furthest from the principal crossing. These names of the centuries were put not on the tops but on the sides of the stones, because they would often be of considerable length, *e.g.* DD LXXXXVIII VK LXXV (p. 173), *i.e.* a remote century in the north-west region on the right of the 98th decuman and beyond the 75th *kardo*. The inscriptions had to be written on the stone downwards (p. 195; see however p. 111). This systematic marking of the centuries by the number of the adjacent decuman and *kardo*, the numbers all starting from the centre crossing, enabled a surveyor on examining a series of these stones to say in what region of the district he was, and by comparison with the heavens,



whether the *decumanus* and the *kardo* had their normal directions respectively of east and west and of north and south (p. 290). Sometimes stones were put only on the main balks and oaken posts on the minor ones (p. 112). Augustus directed all the century marks to be of stone, and the marks put to distinguish one man's allotment from another's to be oak (p. 172).

4. The earliest allotments were two *jugera* (Liv. iv. 47; *Grom.* p. 153); later we read of 2½ *jugera* (Liv. vi. 161), 2¾ and 3 (*ib.* viii. 11); of $3\frac{7}{12}$ (*ib.* v. 24), of 5 (*ib.* xxxix. 55), of 6 (*ib.* 44), of 7 (*ib.* v. 30), which last was often regarded as a standard amount (Val. M. iv. 4, 11; Plin. *H. N.* xviii. § 18), though larger amounts are also mentioned, *e.g.* 8 and 10 (Liv. xxix. 55), even in one case of 51½ *jugera* (*ib.* xli. 13); and Hyginus (p. 199) speaks of one-third of a century (=66⅔ *jugera*) as if it were not unusual. The quantity assigned as one lot was not necessarily continuous: *e.g.* of the 66⅔ *jugera*, 6⅔ might be in one century, 15 in another, and 45 in another (p. 204). The quantity depended primarily on the extent of the divisible land, and the number of the recipients; but the rule of equal distribution was not always followed. In the assignments to soldiers army rank was regarded, a common soldier receiving one lot, and higher ranks 1½ or 2 lots, and even in republican times at Frentinum 20 *jugera* were given to each foot-soldier, 40 to each horse-soldier. In the Latin colony of Bononia the amounts were respectively 50 and 70 *jugera* (Liv. xxxv. 9; xxxvii. 57). At Aquileia the foot-soldiers had 50 *jugera*, the centurions 100, the cavalry 140 each (Liv. xl. 34). The quality of the land was also regarded, its goodness being sometimes compensated by a reduction of the quantity (pp. 156, 159; cf. Suet. *Aug.* 49).* In the Augustan rules (no doubt following older precedents) the measurement and assignment of the land was to be carried "where the bill-hook and plough had gone" (*qua falx et arator ierit*, pp. 112, 201), *i.e.* so far as it had been cleared and ploughed (see Cicero's remarks, *Rull.* ii. 25, § 67). Hyginus held that this did not necessarily confine it to land actually cultivated, but that some woodland or pasture might usefully form part though not the whole of an allotment (p. 203).

The straight lines of the Roman limitation were carried out regardless, so far as possible, of natural obstructions. Hence a century would often include part of a river, and thus water as well as land fall into an allotment. This was indeed necessary where the total territory was small, and convenience often compensated the person to whom it was assigned. But with large rivers like the Po, spreading from winter torrents far beyond their banks, it was found better to except from this distribution not only the bed of the river, but a considerable margin along it also (pp. 51, 120, 157). In the same way the balks were sometimes included in the centuries, *i.e.* half the balk in each adjacent century. Sometimes where the balks were broad, these (and often public highways also) were excepted from the distribution (pp. 120, 158). But, whether excepted or not, there was a right of road along them either for the public, or at least for the neighbours. In some cases, as the land distributed had been previously occupied by the conquered people, the rigorous line of the balks would pass through a farmhouse (*villa*), and the owner then put gates and a porter to let the people through. But if he did not mind giving up more land, he might apparently deflect the public right of way, provided the circuitous road was not inconvenient (pp. 121, 158, 159).

Considerable respect in some ways was shown to the former proprietors and their arrangements. Any sacred places, groves, temples, tombs, public waterworks, public drains (*fossae*), or drains between neighbours, roads, &c., were allowed to remain subject to the same rights and use as before (pp. 120, 157). The existing proprietors sometimes, from their rank or influence or friendship (the case of Virgil is known), were allowed to retain their own lands, or else, if a man's lands were scattered, a larger continuous area was given him in one place to make up for the separated parts which were taken for distribution (pp. 155, 117, 130). A whole town indeed might be locally within the boundaries of the limitation, but be exempted and left in its former condition (p. 118; cf. Cic. *Fam.* xiii. 4). Barren parts, woods, &c., were often not assigned, but either reserved for subsequent disposal or granted (*concessa*) to the colony as a whole or to individuals, frequently to the neighbouring proprietors, to be held as common land for pasture (*ager compascuus*, pp. 196, 201). Such places would rarely or never coincide exactly with the area of a century, and the remainder of that century was an oddment (*subsecivum*). Other oddments were made at the extremity of the limitation, the ground not allowing of complete rectangular centuries (pp. 7, 155). In the colony of Emerita, in Lusitania, a very large district was surveyed and marked out, but not fully assigned. A number of veterans were settled at the extreme border, and others at the colony itself and near the river Anas. The intervening district received two additions of colonists subsequently, but there was land yet left, which was utilised apparently by such of the colonists as chose. This land also came under the class of *subseciva* (pp. 51, 201). But if land within the extreme bounds (*fines*) of the district was not wholly divided by *limites*—as, for instance, if it had not been cultivated and was therefore unfit for assignment—it was called abandoned and shut out (*relictus et extra clusus*, p. 55) from the regularly assigned district. In such a case Hyginus recommended that the bounds should be surveyed and fixed by a system of right angles, and boundary stones be erected. In certain places stone altars should bear on one side the name of the colony, on the other the name of the neighbours abutting (*adfines*); where the bounds made an angle, the altars should be triangular. If the boundary was rock, marks and (if possible) inscriptions should be put upon the rocks themselves in lieu of stones (p. 198).

5. As a general principle, land was divided by balks in order to be marked out to persons (*adsignatus*) as their property; but division

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* A problem in modern books of land-surveying is to set out a quality line so as to give the right quantity in a field of variable value.

was one thing and assignment was another (p. 54). After the survey was completed, sometimes it was found that there was more land than was wanted for assignment, and that some of it, being barren, was not suitable for assignment. On the other hand, the land might prove not enough for all the intended assignees, and then occasionally other land described, but not divided by balks, was assigned to additional citizens outside of the regular limits (p. 160). And sometimes part of a century, or even two or more complete centuries (*lati fundi*), were restored to their old proprietors on their declaring the quantity of their former holdings (pp. 156, 160). Neither the land assigned nor the land restored was subject to a ground rent (*vectigal*). But such a rent was imposed on land which was not assigned in private ownership, and was evidence of its remaining public. Thus the oddments and the land, in excess of that required for the number of colonists, were (if not left to chance) subjected to a rent payable by the occupiers to the owner, *i.e.* either to the Roman State, or, if the oddments had been granted out to the colony (*concessa*), or restored to the borough, then to the colony or borough chest (p. 117). The lands of the Vestal Virgins or of priests were also subject to a ground-rent (p. 117). In other words, the lands not assigned were usually let for a year, or five years (*lustrum*), or a hundred years. The actual occupiers were often the adjoining landowners, but they did not always hold directly from the lord, but only as sub-lessees of a *manceps*, the state generally in this, as in other matters, availing itself of the agency of a large contractor (*manceps*), who would give proper security both in person and specified estates (*praedes et praedia*) for the due payment of the ground-rent. When the lease was for 100 years, the words buy and sell (*emptio*, *venditio*) seem to have been thought by the surveyors more appropriate than take and let (*conductio*, *locatio*), though Gaius gives the other as the better legal view (iii. 145). See under AGRARIAE LEGES.

6. The colonies in the early days of Rome were Roman garrisons and outposts in a foreign, and, it might be, still hostile country (Cic. *Font.* 3, § 5; *Agr.* ii. 27, § 73), garrisons to watch the boroughs, outposts to repel the enemy on the border (*Grom.* p. 135). In the days of Augustus and his successors they were settlements of veterans in strangers' territories. Alike in both cases they were isolated intrusions, and while they had jurisdiction within their own bounds they had none outside of them. Nor was their jurisdiction co-extensive with their bounds. Only that which was given and marked out (*datum adsignatum*) was subject to their control. Such of the former owners as were allowed to retain their own lands within the bounds of the colony retained as a rule their allegiance to the neighbouring borough or other community to which they belonged before; and the same was sometimes the case with any oddments (*subseciva*) or vacant centuries (pp. 117, 163). Occasionally the former boroughs were deprived of all jurisdiction over land outside of the borough walls (p. 164). In the Augustan colonies some specially deserving veterans had their estates (*fundi*) exempted (*excepti*) from all duty to the colony, and deemed to be part of Roman soil. Other veterans had larger estates granted than the terms of the foundation allowed. These estates were therefore specially marked as *concessi* (p. 197).

The whole ground assigned to a colony was called a rod (*pertica*, p. 26), and was divided on one system and from one central crossing. If the land originally given up to the colony proved insufficient for the number of colonists, some adjoining territory was taken and surveyed, but on a separate plan, and with its own *decumanus maximus* and *kardo*. Such an adjunct to the colony was called a *praefectura*, probably as being under a praefect sent from the colony (p. 160). Sometimes the land of one borough was seen from the first not to be enough for the intended colonists, and the lands of several boroughs were taken and thrown together to form one *pertica* (p. 164). The case of Mantuan lands being taken to make up what was wanted for the veterans established at Cremona is well known from Virgil and his commentators (*ad Ecl.* ix. 27; *Georg.* ii. 198).

7. The distribution of the plots among the individuals was determined by lot. The individuals were grouped according to the number of allotments contained in a century. If 20 *jugera* were allotted to each veteran, groups of ten (*decuria*) were made; if the allotment (*sors* or *accepta*, i.e. *sors*: cf. Ov. *Am.* ii. 9, 19; Cic. *Fam.* xi. 20) was a third of a century, the groups would contain three (*conternationes*). Slips bearing the names of all the sharers were put into the urn, and the first ten (or three) that came out of the urn formed the first group, and that group took according as their respective names came out. Then lots, inscribed with the exact description of ten (or three) plots, were put into the urn, and the first that came out was for group 1, the next for group 2, and so on. The description was thus—"*Sors prima: D D I et secundum et III. et IV. citra kardinem illum*," *i.e.* "First lot: on the right of the 1st decuman and 2nd, and 3rd, &c., on the hither side of such and such a kardo." Sometimes the composition of a group was settled by private agreement, those in the same group having presumably neighbouring plots (pp. 113, 200).

8. A chart (*pertica*, *typus*, *forma*, *centuriatio*, &c., p. 154) was made of the whole *pertica*, showing its bounds and abuttals, all the balks, the position and limits of the oddments, common pastures and woods; plots assigned to individuals in fee (*data adsignata*); plots granted (*concessa*), e.g. as corporate property or under special circumstances; plots specially exempted from the colonial jurisdiction (*excepta*); plots given back to the ancient occupier (*reddita veteri possessori*), which sometimes were of large extent, and filled several centuries (hence specially registered *redditum suum lati fundi*, p. 157); plots given to an ancient occupier in exchange for his own (*reddita commutata pro suo*); the district assigned to a river, sometimes quaintly described as a veteran or ancient occupier (*datum adsignatum ut veterano*, or *redditum suum veteri possessori flumini Pisauro, tantum in quo alveus*, p. 157). Initials were often used to denote these frequently occurring categories: for instance, C V P for *concessa veteri possessori* (p. 203). When part of an allotment consisted of woodland adjoining, or mountain pasture at a

distance (*ultra quartum forte vicinum*, pp. 204, 226, 15), this was joined to it on the chart by a wavy line (*commalleolari* * *debet*, p. 204; and see figs. 196, 197). Besides the chart, there was a register of the allotments, grants, declarations (*professiones*) of the ancient owners, &c., setting forth the local description of each century, the names of the persons to whom it was assigned or restored, and the quantity of acres to be held by each. The precise appropriation of the century among those who drew it in common (*consortes*) was not entered in the register, but left to be commemorated by the sharers by erecting suitable boundary marks (pp. 211, 271, and cf. p. 162). The chart and register ought to be made on bronze and in duplicate, and one chart erected in the centre of the colony, the other kept in the imperial record office (*Caesaris tabularium*). These were the most authentic evidence in all disputes about the boundaries, the quantity and title of the lands of the colony or other assignment (pp. 154, 202). They were not always made with the same particularity. One surveyor (Balbus?), in forming the plan and register for assignments by Trajan in Pannonia, not only noted the quantity of each allotment, but drew a line round it, and inscribed the length and breadth, thus defining the extent and situation of the individual properties, and of the oddments; others contented themselves with stating the quantity assigned, only when the centuries were not full (p. 121). The chart and register contained, besides the original assignment, any subsequent assignments which might be made of the same measured district. Thus some of Julius Caesar's colonists returned to military service; and when they went back to their own lands, the plots of those who had died were assigned to others. Hence, the register often contained, under the same century, the names of the original holders, and of their successors, no note apparently being made of the cause (p. 162). Subsequent assignments of unallotted plots and grants of reserved oddments, &c., would appear in the register; but changes in their holdings, made by the settlers themselves, by purchase, or lease, or exchange, or occupation of vacant parts, were not entered. New acquisitions being often made according to mutual convenience, and without regard to the bounds set out in the survey, the register ceased to be decisive of disputes between them or their successors, and recourse had to be made to the private deeds (*cautiones*) which might describe the quantities and the marks (p. 131). In the case of a veteran dividing his allotment among his sons, there appears to have been a practice of erecting boundary stones in lines, having a common and definite relation to the boundary stone on the principal balk. Such stones were called *comportionales*.

9. The account given above relates to what was considered the normal survey and arrangements. The *decumanus maximus* running east and west; the *kardo maximus* running north and south; the surveyor facing to the west, so that the west was *ultra kardinem* and the north *dextra decumanum*; the centuries rectangular and equilateral, containing each 200 *jugera*, and each side being 20 *actus* long; the balks duly proportioned in width to their importance as the main, secondary or smaller patent lines of division, strictly parallel to the chief decuman or kardo, and marked by significant boundary posts of proper character, height, and thickness, and duly inscribed with their number and description—such was the standard of a Roman surveyor for the distribution of land among Roman colonists. But in almost all these points differences were found. Sometimes the decuman was drawn, not due east and west, but in accordance with the visible quarter of the rising of the sun on the foundation of the colony (p. 170); sometimes it was made to run along a great road, as the *Via Appia* (p. 179); or in the direction of the greatest length of the territory; or even, as in the neighbourhood of Capua, north and south, with the kardo east and west (pp. 29, 168). Where a colony was close to the sea, the balks were made parallel to the shore, and called *maritimi*, and the cross balks parallel to the mountains, and called *montani* (p. 168).

The most perfect arrangement was for the centre of the limitation to be at the centre of the town, and the decuman and kardo to pass out by gates at each end of the four sides; but often this was not possible or convenient, mountains or the municipium whose territory was now taken for distribution being in the close neighbourhood, and then the centre crossing was put in some suitable place outside (pp. 178 *sq.*, 194). A praefecture was usually divided on a system independent of that of the *pertica* to which it belonged (pp. 160, 171). The Nolan district was, from the first, surveyed with two different sets of balks, the one set adjoining the other, but meeting them somewhat obliquely. The two sets of decumans were distinguished as *dextra* and *dexterior*, *sinistra* and *sinisterior* (p. 162). If a second colony was established, with land adjoining a former one, it was (at least sometimes) so arranged as to have its balks placed (without regard to the points of the compass), not parallel, but at an angle to the old one (pp. 31, 170).

The century of 200 *jugera* was, at Beneventum, arranged so as to have 25 *actus* along the decumans, and 16 along the *kardines* (p. 59); in other parts the so-called century had only 50 *jugera*; at Cremona, 210 (p. 30); in other parts 240 *jugera*, viz. 24 *actus* by 20; at Emerita, 400 *jugera*, the decumans having 40 *actus* and the *kardines* 20; in a praefecture at Turgalium, the figures were just reversed (p. 171). The distances of the boundary stones or posts often varied in different parts of the same district. If land which had once been divided and assigned was a second time made the seat of a colony, or of a new distribution of land, the old set of balks would be cut across by the new set (p. 178), and the old boundary stones remaining were liable to be confounded by a careless observer with the new ones. Some of the distributions of the Gracchi and Sulla were thus superseded by later arrangements (p. 165).

10. Another mode of dividing and assigning colonial land is expressly contrasted with the above. *Ager divisus adsignatus coloniarum habet condiciones duas, unam qua plerumque limitibus continetur, alteram qua per proximos possessionum*

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* Perhaps from *malleolus*, a hammer-shaped vine-cutting, in Colum. iii. 63. Rudorff quite mistakes the phrase.

rigores adsignatum est, sicut in Campania Suessae Auruncae. If divided into plots of greater length than breadth, the division was *per strigas*; if of greater breadth than length, *per scamna*: length was reckoned in the direction of north and south, breadth in that of east and west. The terms are used also, in camp measurement, for oblong plots [see CASTRA]. The origin of the terms is obscure: *striga* is probably a strip (from *stringere*); *scamnum* was a farmer's word for unbroken ground (Col. ii. 2, § 25, iii. 13, § 2). *Ager strigatus* or *scamnatus* seems then to be land divided into oblong plots, the sides of which were not parallel to decumans and *kardines*, but to the boundaries of the neighbouring occupiers (Front. *l. c.* is strangely mistranslated by Rudorff, p. 290). According as the length of plot was north and south or east and west, it was called *strigatus* or *scamnatus*. (Nipsus describes land divided into centuries of 24 *actus* in length and 20 in breadth as *ager scamnatus*, p. 293, and possibly all the oblong centuries named above should be called *scamna* or *strigae*.) This method of division is expressly recommended by Hyginus (205 *sqq.*) for land in the provinces, subject to a tax, as distinguished from the tax-free land of a colony. A difference of legal condition of the land ought to be indicated by a difference of measurement; and the art of the land-surveyor is capable of dealing with the varieties of the several provinces. Hence he blames those who divided Pannonia *per centurias*; but, recognising the importance of an accurate survey with measured plots, referable to definite lines made visible by balks and marked by boundary stones, he recommends decumans and *kardines* of the usual width, but dividing the land into *strigae* and *scamna*, the *strigae* to be twice as long as broad, the *scamna* to be twice as broad as long (*dimidio longior sive latior*).

11. In an account of the different districts of Italy from a surveyor's point of view, which is found among the *Gromatici*, and was probably taken from official records (*libri coloniarum*), other modes of distribution of land are spoken of. Thus in the account of Atina: *Ager pro parte in laciniis et per strigas est adsignatus*; of Aricia, *Ager ejus in praecisuris est adsignatus* (230); of Spoletum, *Ager in jugeribus et limitibus intercisivis est adsignatus ubi cultura est; ceterum in soluto est relictum in montibus vel subsecivis, quae reipublicae alii cesserunt, nam et multa loca hereditaria accepit ejus populus* (225). *Laciniae* were probably irregular patches of land; *praecisurae* pieces bounded by straight lines but not rectangular, and cut larger or smaller according to the goodness of the land (cf. p. 211). The land of Spoletum had, in its cultivated parts, been regularly mapped out in centuries, but was allotted in portions of a certain number of acres divided from each other, not by the regular balks, but by cross or intersecting balks. The rest of the land had been left undivided (*in soluto* or *absoluto*). In some parts of Italy the land was registered as having been assigned *in nominibus*, or more fully *in nominibus villarum et possessorum* (so at Volturnum, pp. 238, 239), *i.e.* the register did not contain a list of centuries with a technical allotment of them to individuals, but a list of assigned estates described by their natural boundaries, or the names of their former possessors.

12. In this official account, the idea (though imperfectly carried out, at least in the documents extant) was to give the origin and plan of the first survey and subsequent changes, the persons to whom the assignments were made (e.g. *militibus, veteranis, familiae Augusteae, militi metyco*), the direction of the decumans and *kardines*, the character of the balks (*limitibus Graccanis*, or *triumviralibus*, or *Augusteis*, or *Gallicis*, or *montanis*, or *maritimis*, or *intercisivis*), the existence or not, and sometimes the width, of a public right of way (e.g. *iter populo debetur ped. x.* or *ped. cxx.*, or *iter populo non debetur*), the mode of marking the boundaries, whether by artificial stones or posts (*termini lapidei, silicei, molares, lignei, roborei, oleaginei*; or again, *Tiburtini*, of stone from Tibur, or *enchorii* from the spot, or *Graccani* (like those of Gracchus), *Augustei, Tiberiani, Neroniani*, &c.), erected at various intervals (*e.g.* 60 feet, 80, 100, 120, 150, 160, &c., 600, 720, 840, 1020, 1200, 1440, 1500—all divisible either by 20 or 50, *i.e.* 2 or 5 rods), or by natural or at least ruder marks.

13. This latter class of marks is found indeed in regularly divided and assigned land, especially in marking the boundaries of private properties, after sales and inheritances have disturbed the original allocation, and the technical limits have not been duly observed. But their principal use is (with or without artificial boundary stones) to distinguish the territory of one colony or borough from another, and the lands occupied by one man from those occupied by another in a district which has not been divided and assigned. Such lands were called *occupatorii* ("squatters' lands") as regards their legal character, but, not having official surveyors' straight boundaries (cf. Liv. v. 55 *fin.*), come under the general class of *ager arcifinius*. *Non mensuris actis quisque modum accepit, sed quod aut excoluit aut in spem colendi occupavit* (p. 138). These occupiers sometimes made plans of their holdings (*possessionum suarum formas*), but the plans were private, not public, documents, and consequently did not bind their neighbours or others. The bounds adopted by the occupiers, whether of their own motive or by agreement with their neighbours, were of very various kinds (pp. 138, 361), and different kinds were usual, some in one district, some in others. *Unaquaeque regio suam habet consuetudinem* is a common maxim of the surveyors (p. 349, cf. 139, 140, &c.).

The boundaries between the territories of adjoining colonies or towns were usually taken from the natural features of the country. The ridges of the mountains (*juga montium*), watersheds (*divergia aquarum*), and rivers (*flumina*) or streams (*rivi*) were the principal; but the line of division was often marked in their absence, or accentuated even when they were present, by boundary stones (*termini*). But trenches (*fossae*), springs (*fontes*), public roads (*viae*), chapels (*sacella*), and tombs (*sepulcra, monumenta*) were also not uncommonly made use of for this purpose (p. 114). All these were also found as boundaries between occupiers. Roads were not a sure indication of a boundary, for they often crossed an estate instead of bordering it; and this was so whether they were properly public highways made and kept up at the expense of the state, and under a special commissioner (*curator*), or only country roads maintained by the neighbouring occupiers under the charge of the village wardens (*magistri pagorum*, p. 146). Chapels were often erected where three or more estates adjoined (*in trifinio, in quadrifinio*). They had an altar for each estate, and an entrance on the side facing it. The altars were at 15 feet from the temple (p. 303). The areas thus enclosed were the sacred precincts, and were surrendered by the adjoining occupiers, who, by this devotion of a definite area, were able to keep their crops from being trampled by the people on the days of celebration of the *compitalia* (p. 57).

Tombs, monuments, gravestones (*cippi*) were found in the interior of estates, especially where the land was not well adapted for cultivation (p. 140), but the boundary or a road was the usual place for burial (pp. 27, 140, 349).

14. But many other marks of boundaries were used between estates. Such are smaller heights than mountains or hills. These, if not more than 30 feet high, were called brows (*supercilia*), and with these it was the rule, in the absence of any special agreement, that the whole of the slope belonged to the occupier of the higher ground as a natural support to his land (pp. 42, 109, 128, 143). Or there might be for some considerable distance a continuous bank (*ripa decisa*, p. 361), which would then be a physical embodiment of the ideal straight boundary-line (pp. 108, 109, 151, 241), or a continuous hollow (*cava*, p. 281), or, by agreement, sometimes an unploughed edge of land (*solidus margo*, pp. 129, 152). Trenches were sometimes of a military character, and accompanied by mounds (*aggeres*, p. 370; Varr. *R. R.* i. 14). Such mounds were sometimes without trenches, and then in the Reatine district called *muri* (Varr. *l. c.*), or there might be walls (*macheriae*) of stone as near Tusculum, or of brick as in Gaul, or of unbaked bricks as in the Sabine district, or of earth and pebbles as near Tarentum and in Spain (Varr. *l. c.*); or merely pebbles thrown up into a ridge (*congeriae*, pp. 221, 150; *attinea*, p. 139), or a series of pebble heaps called scorpions (*scorofiones*, p. 142), or earth heaps (*grumi*, p. 241). Varro speaks of the bounds of estates being marked by wooden fences made of posts near each other, and either intertwined with branches, or pierced so as to admit of two or three horizontal poles, or by close-set trunks of trees; but these are not mentioned by the surveyors, though posts of holm-oak, or olive, or juniper, are mentioned as used for boundary stones (p. 138). Another class of boundary marks consisted of quickset thorns (*vepres*, p. 147: *viva saepes*, Varr. *l. c.*; Col. xi. 3, § 3), often with trees standing in them, like our own hedgerows. Trees are indeed one of the most frequently mentioned boundaries, and in this case, probably from their standing ranged at considerable intervals on the outskirts, like advanced guards or pickets, were called *arbores antemissae*. These were distinguished from other trees on the estate either by being left to grow untouched, or by being of a different kind, either planted for the purpose, or left when others were cut down (pp. 41, 143). Pines, cypresses, ashes, elms, poplars (cf. Hor. *Ep.* ii. 2, 173), elders, oleasters, quinces, almonds, figs, date-palms, are all mentioned (pp. 143, 354, &c.). Foreign trees were often chosen for this purpose. If trees were planted by common consent, they were clipped or felled by each neighbour in common or in turn. It was very usual, if they belonged to one neighbour only, to mark them by scoring the bark on the side looking to the non-owner. If they were within the five feet which was regarded according to law (i.e. *Lex Mamilia*) as common to both neighbours, they were marked on each side. A tree at a corner of the boundary was marked with a gamma, Γ, to point to the new line; if at the meeting of several estates, with a cross (*decus* or *decussis*, pp. 127, 140, 144). Sometimes the boundary could be sufficiently inferred from the rows of vines or olives (cf. Cic. *Caecin.* 8, § 22) of one neighbour meeting those of the others at an angle, or from some other plain difference in the mode of cultivation (pp. 129, 282).

Boundary stones of every kind were used, both by themselves and as assistants to other marks. They were sometimes of the live rock shaped or marked for the purpose (p. 302), sometimes of separate stones, sometimes of foreign material, triangular, square, rounded, bevelled, polished, notched, hollowed, numbered, worked in a variety of suggestive or symbolical patterns, and placed either along the boundary itself or in the neighbourhood, with indications where the boundary ran. Earthenware jars, wells, and other enclosures* are frequently mentioned; and the better to preserve proof that a stone was intended to mark a boundary, it was very usual to bury under the stone things which were different from the components of the soil at the place, and not easily perishable. Such were ashes, coal (cf. Aug. *Civ. D.* xxi. 4), potsherds, broken glass, chalk, gypsum, or coins (pp. 401 *sqq.*). Mounds of earth with such enclosures were called *botontini* (p. 308). The practice seems to have originated in the rites of consecration. The neighbours whose estates met at the place each put their stone on the ground, anointed it, and crowned it with fillets and garlands; then in the pit, dug to receive the foot of the stone, they made a sacrifice, and, having set fire to the victim, dropped the blood into the pit and threw in frankincense and corn (*fruges*), honeycombs and wine, and, having consumed them all, placed the stone on the glowing embers, and rammed it tight with fragments of rock (p. 140). Wooden posts so used were often from this called *pali sacrificales* (pp. 43, 208).

15. Both religion and law combined to give sanctity to boundary stones. The rites of the annual festival of Terminus on the 23rd of February, are described in Ov. *Fast.* ii. 639–684, and closely resemble those just described from Siculus Flaccus. The sacrifice of an animal was not part of the rite according to Dionysius (ii. 74) and Plutarch (*Qu. Rom.* 15), so that the custom probably varied in different parts (cf. Hor. *Epod.* ii. 59; Juv. xvi. 39). The first institution of bounds is referred to Numa: the stones were to be sacred to Juppiter Terminalis

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* In the enumeration of boundary marks there frequently occurs this, "*vel canabula et noverca*," often with the addition "*quod tegulis construitur*" (*sic*). What is meant is quite obscure. See pp. 227, 240, 349, 401, &c.

(Ζεὺς ὅριος), and any one destroying or moving them was to be held accursed, with full allowance before God and man to any one to slay them (Dion. Hal. *l. c.*). The Gromatic collection contains (p. 250) an old prophetic utterance evidently of some Etruscan priest. "Juppiter had claimed Etruria for himself, and bade them measure the plains and mark the fields (*signari agros*). Knowing man's avarice and land-hunger, he willed that all should be fixed by bounds. Now in that eighth, all but the last age" (the eighth age would begin after 761 years from the beginning of Etruria, Censorin. xvii. 6), "men would in guile violate the rules. Whosoever shall move a bound to the increase of his own and decrease of another's possession would be condemned by the gods. If a slave, he would suffer from his master. If his master was a party to the wickedness, his house would be rooted up, and his clan (*gens*) perish. They who moved the stones would get sickness, wounds, and weakness of limb. The land would be stirred with tempest, whirlwind, and earthquake (*labes*). The fruits would be hurt and dashed down with rain and hail, would perish from the dog-days, would be killed by blight. And many dissensions would arise among the people."

The earliest law which we know of in which penalties are directed in matters of this kind is the **Lex Mamilia** (which see), the substance of which was passed by Julius Caesar before the year 703 U.C. It imposed the duty upon the occupier of restoring a boundary stone placed in any colony, borough, or other district, which had fallen; prohibited any one from building on or ploughing up the balks or decumans, or obstructing the trenches under a penalty of 4000 sesterces for each transgression (*in res singulas*), to be recovered by any of the colonists or burghers who prosecuted. Moving or removing boundary stones (*terminos*) maliciously was subjected to a penalty of 5000 sesterces for each stone, half to be given to the principal agent in procuring his conviction, and half to the public chest (p. 263; *Dig.* 47, 21, 3; cf. *Lex Urson.* 104 in Bruns, p. 121). Nerva directed any slave who moved a stone to be capitally punished, unless his master would pay the fine. And Hadrian (A.D. 119) directed persons moving boundary stones, with the object of taking others' land, if of a superior class (*splendidiores*), to be banished for a longer or shorter time, according as they were young or old; their agents to be chastised and put to public works for two or three years. Stealing such a stone ignorantly to be punished with flogging (Coll. xiv. 12; *Dig.* 47, 21). Paulus adds that the banishment was accompanied by a confiscation of one-third of the offender's property; and that slaves offending in this respect of their own will were condemned to the mines. Trees (*arbores terminales* or *finales*) were protected as well as the regular *termini* (Paul. *Sent.* v. 22, § 2). Stealing boundary stones and felling boundary trees were also subjects for condemnation in a suit *finium regundorum* (*Inst.* iv. 17, § 6).

16. It will be seen that a great deal of the matter with which the land-surveyors were concerned was conventional, and required only aptitude in devising and describing suitable modes of demarcation of land, and knowledge of what was in fact usually meant by certain marks. But scientific knowledge was also a part of the craft, and the writings of the *Gromatici* contain a variety of mathematical problems. Two instruments are mentioned as in use by them: the *gnomon* and the *groma*. The problems to be solved required two things: a determination of what we now call the points of the compass, and a method of setting out on land a right line and a right angle. The *gnomon* was employed for the first purpose, and was derived by the Greeks from the Babylonians, according to Herodotus (ii. 109), and something of the kind, *i.e.* some kind of sundial, was known to the Hebrews in the days of Isaiah (xxxviii. 8). The *groma* was employed for the second purpose, and was probably got by the Romans from the Etruscans along with the augurial discipline. Its precise shape is unknown: it was not so elaborate as the *dioptra*, nor identical probably with the *chorobates* of Vitruvius (viii. 5), else he would have used the name *groma* or said so, but consisted of a moveable instrument capable of standing steadily on the ground, and carrying either two straight bars crossing one another at right angles, or a plate, square or round, with marks in the periphery for the extremities of two straight lines crossing one another at right angles, and for their intersection. The verticality of the staff or stand was probably secured by a plumb-line corresponding to a groove in the staff or otherwise applicable to the stand. The horizontality of the cross-bars or plate was secured by observations of plumb-lines hanging from the extremities, and trying whether one covered the other in the line of sight (p. 32). The cross-bars or plate were fixed on a pivot, so that they could be moved round on the staff. The adjustment of the instrument was procured by shifting it about (*percutere gromam*, p. 285) until it was balanced (*perpensus*). The direction of the straight lines to be marked out on the land was given by bringing the end of one arm in a line with a distant object, and by erecting marks along the line so determined. This was *dictare rigorem*, "right line," or *metas*, "poles." A line at right angles was given by the direction of the arm which crossed the first arm. The point on the ground where the lines crossed was *interversura*. Sighting the marks was *comprehendere signa* or *metas*; verifying this by sighting in the opposite direction was *reprehendere metas*, &c. Two bars meeting or crossing one another at right angles, probably mounted on a pole, formed an instrument called *tetrans* (p. 186). Comp. Cantor, pp. 20–22, 72. The instrument above described (analogous to a modern surveyor's cross) is often in the *Gromatici* called *ferramentum* (*Grom.* pp. 32, 191, 285), possibly only in strictness applicable to the iron stand; by others *stella* (ἀστερίσκος, Heron. ap. Cantor, not. 45; comp. Colum. iii. 13, § 13), which perhaps was strictly applicable only to the upper part. But the old name *groma* is found in the *Grom.* pp. 170, 180, and written *croma*, p. 284; and in Hygin. *de munit. Castr.* § 12; Paul. Fest. p. 96; Non. p. 63. (There seems to be no sufficient reasons for thinking that *groma* had, as is often stated, any etymológical connexion with γνώμων.)

Where the ground sloped, the rod held horizontally, as tested by a plumb-line fastened to its end, served to give the measurement of the base level. To do this was *cultellare* (pp. 27, 33).

17. Two methods of finding the proper direction for the *decumanus maximus* and *kardo maximus* are given by Hyginus (pp. 188 foll.). The first is also given by Vitruvius (i. 6, § 6). A *gnomon* or *sciotherum*, probably an upright pole, was erected on a plain, and a circle was described from that as a centre, and with a radius not so great as the longest shadow thrown by the pole. As the sun rose, the shadow gradually shortened, and, when its extremity touched the circle, the place was marked. After noon the shadow lengthened and again touched the circle. This point being marked also, a straight line joining these points was in a due east and west direction, and was taken as the principal decuman. A straight line drawn from the centre of the circle to the middle of the first line was the *kardo maximus*, and at right angles to the decuman.

The other method proceeded by observing any three lengths of the shadow quickly following one another, and thus could be practised in the morning, without the necessity of waiting for the afternoon shadows. But it required more geometrical knowledge. Both methods, as they presume the use of the gnomon, are probably of Greek origin, though they are not to be found in any Greek writer now extant (Cantor, pp. 69–72). As the gnomon was not publicly set up at Rome till more than four centuries and a half after the foundation of the city (Plin. *H. N.* vii. § 212 *sq.*), it is probable that it was not known to the Romans long before. The augurs following the Etruscan discipline (*Grom.* pp. 27, 166) divided the heavens and earth by the indication given by the sunrise; and as they faced the west, so as to look as the sun seemed to them to be looking, the first shadow cast by their own body or rod would give the direction for the east and west line. By the aid of the groma, *posita auspicaliter*, they drew the decuman, and then the kardo, at right angles (p. 170). But sunrise varied at different times of the year and in different places; in Italy, indeed, within a range of 65° (Nissen, *Templum*, p. 164); and the proximity of mountains, concealing the real horizon, made a further difference; so that as the latitude of the place and the time of year, when the survey was inaugurated, varied, the balks set out in one place differed considerably in their direction from the balks in another—a fact which, whether theoretically defensible or not, was looked at with dissatisfaction by the later surveyors, armed with Greek astronomy and trigonometrical methods (pp. 31, 183).

18. The art of land-surveying, as we find it in the collection of gromatical tracts and fragments, comprised, amongst other things, the elements of geometry and practical instruction in the calculation of the contents of a variety of superficial figures, and in the use of the groma. Like their successors in modern times, they had to deal with such problems as how to set out a straight line across a deep valley or a high mountain, to calculate the breadth of a river which you could not readily cross, and to make complete and accurate surveys of plots of land, however irregular their boundaries (pp. 31–34; 192, 193; 285 *sqq.*; 354 *sqq.*). The methods appear to have been much the same as are now practised by surveyors with the cross; and the ten-link offset-staff is perhaps a fair representation of the ten-foot rod of the Romans.

According to Cantor (p. 85), who has set forth the result of his own and others' inquiries, there is no reason to doubt the truth of the assertions of Varro and Hyginus (*Grom.* pp. 27, 166), that the Romans owed their system of dividing and marking out land to the Etruscans. So long as the only process required was to set out balks at right angles to one another, no need was felt of trigonometrical science. But when the contents of areas of any given shape had to be calculated, and other like problems to be solved, the Roman or Etruscan discipline was insufficient. This knowledge, first developed in Egypt from the necessities induced by the Nile's annual overflow, is found in an early form in a papyrus as old as 1700 B.C. The Greek school at Alexandria developed it, and in the extant writings of Heron, who lived there about 100 B.C., we actually find most, though not quite all, of the methods for solving mathematical problems taught by the Roman Gromatici (Cantor, pp. 78, 86). The first Roman writer on geometry was Varro (cf. Ritschl, *Opusc.* iii. 359, 474), and it was in his lifetime that Julius Caesar is said to have directed a survey of the whole Roman empire, which was carried out by Augustus, who employed four Greeks and Balbus (cf. *Grom.* 239, 402) to superintend it. But the story is from a writer of the 5th or 6th century after Christ, and was unknown to the best ancient authorities, and Balbus lived in Trajan's time. That something of the kind was done or attempted is likely enough. Agrippa had a map of the empire engraved on marble and put up in his sister's house; some survey was needed for systematic revenue purposes; and it was Alexandria that furnished Julius Caesar with the astronomical science necessary for his reform of the calendar. About this time, and perhaps in this way, the methods of Alexandrian trigonometry were brought fully into the course of Roman gromatic (Cantor, pp. 83, 84; Ritschl, *Opusc.* iii. 743 ff.; Riese, *Geogr. Lat. Min.* pp. xi. xxiv.; Marquardt, *Staatsverf.* ii. p. 200 ff.). The history of land-surveying in the Middle Ages may be further followed in Cantor's work (*Die römischen Agrimensoren*, 1875). [H. J. R.]

AGRIO'NIA (ἀγριώνια), a festival which was celebrated chiefly at Orchomenus, in Boeotia, in honour of Dionysus, surnamed Ἀγριώνιος, *i.e.* the wild or boisterous. It appears from Plutarch (*Quaest. Rom.* 102), that this festival was solemnised during the night only by women and the priests of Dionysus. It consisted of a kind of game, in which the women for a long time acted as if seeking Dionysus, and at last called out to one another that he had escaped to the Muses, and had concealed himself with them. After this they prepared a repast; and having enjoyed it, amused themselves with proposing riddles to one another. This festival was remarkable for a feature which proves its great antiquity. Some virgins, who were descended from Minyas, and who probably used to assemble around the temple on the occasion, fled and were followed by the priest armed with a sword, who was allowed to kill the one whom he first caught. The sacrifice of a human being, though originally it must have formed a regular part of the festival, seems to have been avoided in later times. One instance, however, occurred in the days of Plutarch (*Quaest. Graec.* 38). But as the priest, Zoilos, who had killed the woman was afterwards attacked by disease, and several extraordinary accidents occurred to the Minyans, the priest and his family were deprived of their official functions. The festival, as well as its name, is said to have been derived from the daughters of Minyas, who, after having for a long time resisted the Bacchanalian fury, were at length seized by an invincible desire of eating human flesh. They therefore cast lots on their own children; and as Hippasos, son of Leukippe, became the destined victim, they killed and ate him, whence the women belonging to that race were at the time of Plutarch still called the destroyers (*ὀλεῖαι* or *αἰολαῖαι*) and the men mourners (*ψολοεῖς*). Agrionia of a similar kind were celebrated also at Thebes and at Argos (Hesych. *s. v.* *Ἀγριάνια*, which seems to be only another form for *Ἀγριώνια*). At Thebes the festival was celebrated with games and contests, while at Argos it was a festival of the dead (*νεκύσια*). (Müller, *Die Minyer*, p. 166, &c.; K. F. Hermann, *Gottesd. Alterth.* § 63, n. 13; Schömann, *Griech. Myth.* vol. i. p. 429.) [L. S.]

AGRON'OMI (*ἀγρονόμοι*), magistrates (*ἄρχοντες*), described by Aristotle in two passages of the *Politics* (vi. 8, 6; vii. 12, 8) as identical with the *ὑλωροί* or foresters [HYLORI]. Aristotle does not tell us in what Greek states these officers existed; and to this question no certain answer can be given. It is commonly assumed, from the frequent mention of them by Plato in his *Laws*, that they belonged to Attica, and formed one of the police magistracies. (Böckh, *P. E.* p. 303; Schömann, *Antiq.*, p. 138, E. T.; Caillemer, *ap.* D. and S.) But the correspondence of Plato's ideal laws with actual Athenian legislation has been much exaggerated; and on several grounds it is unlikely that in the large and varied powers he assigns to his *ἀγρονόμοι* he is describing an Athenian institution. In one passage (vi. 760 B.) he assigns to them the defence of the frontiers, which we know to have been the duty of the Strategi; in another (viii. 844 B.) they have to provide for the control of unruly torrents and the escape of flood waters. They are not mentioned in a single passage of the orators or of the grammarians who are our chief sources for Attic law; yet the speech of Demosthenes against Callicles, in an action arising out of a water-course, is precisely a case where, if the office described by Plato had existed at Athens, we must have found it. Lastly, the scarcity of wood in Attica makes it improbable that any "foresters" or "verderers," whether under the name of *ἀγρονόμοι* or *ὑλωροί*, can have been required. [W. S.] [W. W.]

AGRO'TERAS THY'SIA (*ἀγροτέρας θυσία*), a festival celebrated at Athens in honour of Artemis, surnamed Agrotera (from *ἄγρα*, chase), in consequence of a vow made before the battle of Marathon. It was solemnised, according to Plutarch (*De Malign. Herod.* 26), on the sixth of the mouth of Boedromion, and consisted in a sacrifice of 500 goats, which continued to be offered in the time of Xenophon. (Xenoph. *Anab.* iii. 2, § 12.) Aelian (*V. H.* ii. 25) places the festival on the sixth day of Thargelion, and says that 300 goats were sacrificed; but as the battle of Marathon, which gave rise to this solemn sacrifice, occurred on the sixth of Boedromion, Aelian's statement appears to be wrong. (Plut. *de Glor. Athen.* 7.)

This festival is said to have originated in the following manner:—When the Persians invaded Attica, Callimachus, the polemarch, or, according to others, Miltiades, made a vow to sacrifice to Artemis Agrotera as many goats as there should be enemies slain at Marathon. But when the number of enemies slain was so great that an equal number of goats could not be found at once, the Athenians decreed that 500 should be sacrificed every year. This is the statement made by Xenophon; but other ancient authors give different accounts. The Scholiast on Aristoph. (*Equit.* 666) relates that the Athenians, before the battle, promised to sacrifice to Artemis one ox for every enemy slain; but when the number of oxen could not be procured, they substituted an equal number of goats. It is not improbable that annual processions from Athens to the temple of Hecate at Agrae, in remembrance of the victory of Marathon, may have been connected with the sacrifice to Artemis Agrotera. (Plut. *de Malign. Herod.* 26.) [L. S.]

AGYRTAE (*ἀγύρται*), wandering beggars or collectors of alms (from *ἀγείρειν*), mostly but not always claiming a religious character. They were of various kinds. Some told fortunes by drawing lots, which might be either shaken out of an urn (Hor. *Sat.* i. 9, 30) or drawn out of it by a boy (Tibull. *Eleg.* i. 3, 11); the lots themselves being small plates of metal inscribed with ambiguous phrases to which any interpretation might be given (Orell. on Hor. *l.c.*). Others carried about wooden tablets called *ἀγυρτικοὶ πίνακες* (Plut. *Comp. Aristid. et Cat.* 3) or *σανίδες*, with verses inscribed upon them from which oracles could be derived. Others again, who may be called the mendicant friars of antiquity, carried, either on their shoulders or on beasts of burden, images of their respective deities, and collected alms in their name. They were connected with the worship of Isis (Suid. *s. v.* *ἀγείρει*), the Delian divinities, Opis and Arge (Herod. iv. 35), and especially Cybele, the great mother of the gods; whence they were called *μητραγύρται* (Aristot. *Rhet.* iii. 2, § 10, with Cope's notes; Clearchus, *ap.* Ath. xii. p. 541 e; Antiphanes, *fr.* 153, 154, 158, Meineke. The form *μηναγύρτης* is doubtful; in Antiph. 154 it may be a mistake for *μητραγύρτης*, and cf. Liddell and Scott, *s. v.*). They were, generally speaking, persons of the most abandoned character, *γένος μιαρώτατον* (Antiph. 158). They undertook to inflict some grievous bodily injury on the enemy of any one who paid them for such services; and also promised, for a small sum of money, to obtain forgiveness from the gods whom they served for any sins either of the man himself or his fathers (Plat. *Rep.* ii. p. 364 b). For other references to Plato, see Ruhnken on Timaeus, *s. vv.* *ἀγείρουσαν* and *ἐπαγωγαί*: and for the passages from post-classical authors, K. F. Hermann, *Gottesd. Alterth.* § 42, n. 13.

These mendicant priests came into Italy, but at what time is uncertain, together with the worship of Isis, Cybele, and other strange deities. Their begging was under strict supervision, and limited to a few days (Cic. *de Leg.* ii. 16, 40); nor would any Roman have anything to do with them (Dionys. Halic. *Ant.* ii. 19). [W. S.] [W. W.]

AHE'NUM. [AENUM.]

AIANTEIA (*Αἰάντεια*), a festival celebrated in honour of Ajax at Salamis, where he was worshipped as the tutelary divinity, and where he had a temple containing his statue of ebony (Paus. i. 35, § 2; Hesych. *s. v.*). A festival of the same name appears to have been celebrated in the Locrian Opus (Schol. *ad* Pind. *Olymp.* ix. 166; Böckh, *C. I.* i. No. 1431). In Attica the festival was celebrated in commemoration of the victory at Salamis, by a boat-race of Athenian youths to Salamis and back, and sacrifices were offered to Ajax and Asclepios. (Comp. Herod. viii. 64, 83; Plut. Themist. 15; and A. Mommsen, *Heortologie*, p. 411.) [L. S.]

AIKIAS DIKE (*αἰκίας δίκη*), a private action for assault, thus distinguished from the more serious *ὕβρεως γραφὴ* or public prosecution for the same class of offences. The Athenian law, in case of offences against the person, as in these against property [cf. KLOPES DIKE] gave the injured party alternative modes of obtaining redress by action for damages or by criminal information. If the plaintiff selected the former, the defendant would only be condemned to pay a fine, which the plaintiff received; but if he chose the latter, the accused might be punished even with death, and the pecuniary penalty, if any, went to the state.

In bringing this action it was necessary to prove two facts. First, that the defendant had struck the plaintiff, who must have been a free man, with the intention of insulting him (*ἐφ' ὕβρει*); but this intention was presumed, unless the defendant could prove that he only struck the plaintiff in jest. Thus Ariston, after proving that he had been struck by Conon and his sons, tells the dicasts that the defence will try to pass it off as mere practical joking and young men's horse-play (Dem. *c. Conon.* p. 1261, §§ 13, 14).

Secondly, it was necessary to prove that the defendant struck the plaintiff first, and did not merely return the blows which had been given by the plaintiff (*ἡ δὲ αἰκία τοῦτ' ἔστιν, ὃς ἂν ἄρξῃ χειρῶν ἀδίκων πρότερος*, Dem. *c. Everg.* p. 1151, § 40; sometimes *ἀδίκων ἄρχειν* only).

This action, it is stated, was brought before the Forty (*οἱ τετταράκοντα*, Dem. *adv. Pantaen.* p. 976, § 33). But the summary jurisdiction of the Forty we know to have been extremely limited; and when we read that they only decided money claims up to the amount of ten drachmas, it is evident that the assaults upon which they pronounced judgment could only have been of minor importance (so Schömann, *Antiq.* p. 473; cf. TETTARACONTA, HOI). They had, however, the *ἡγεμονία δικαστηρίου*, and could bring graver matters before a jury; and it is evident that the case of Conon, in which exemplary damages are demanded, was of this sort: we find the usual *ὦ ἄνδρες δικασταὶ* in the opening words.

The sum of money to be paid by the defendant as damages was not fixed by the law, but settled in court. It was thus an assessed action (*ἀγὼν τιμητὸς*), and resembled the procedure in public causes. The speech of Isocrates against Lochites, as well as that of Demosthenes against Conon, was spoken in an action of this kind; and we learn from it that for the further protection of the citizens against assaults, both private and public prosecutions for this class of offences were *ἄνευ παρακαταβολῆς*, or excused from the payment of *πρυτανεῖα* or caution-money (Isocr. *Or.* 20, § 3). It would seem however that the party who lost his suit, whether plaintiff or defendant, was liable to pay *πρυτανεῖα* in addition to damages and *ἐπωβελία* (Dem. *c. Everg.* p. 1158, § 64). In the speech against Lochites, as in that against Conon, there is perhaps intentional confusion of *αἰκία* and *ὕβρις* (Jebb, *Att. Or.* ii. 214, n.). In the case of slaves there was no action for *αἰκία*, but the owner of an injured slave might proceed either by *ὕβρεως γραφὴ* or *βλαβῆς δίκη*. (Lysias, fr. 44; Photius, p. 614, 10; Harpocrat. *s. v. αἰκίας*: Suid. *s. v. ὕβρις*: Meier, *Att. Process*, pp. 81, 547 ff.; Böckh, *P. E.* pp. 364, 372, 374; Platner, *Process und Klagen*, ii. 193 ff.; Schömann, *Antiq.* 473.) [W. S.] [W. W.]

AITHOUSA (*αἴθουσα*), the open portico, or verandah, of the Homeric house, so called *ἀπὸ τοῦ ἡλίῳ αἴθεσθαι*, the bright sun-lit verandah being opposed to the semi-twilight of the interior. The Homeric house contained two such verandahs—one, the *αἴθουσα αὐλῆς*, on each side of the courtyard gate (cf. *Il.* ix. 472, *Od.* xxi. 389, 390); the other, which may be called the *αἴθουσα δώματος*, on the opposite side of the courtyard, stretching along the front of the house. The latter is often considered as forming part of the *πρόδομος*, *ὑπ' αἰθούσῃ* and *ἐν προδόμῳ* being used as identical expressions (cf. *Od.* iv. 279, 302; *Il.* xxiv. 644, 673). The *αἴθουσα αὐλῆς* seems to have served as a convenient place to put things in, to be out of the way; goats are tied up there before they are killed (*Od.* xx. 176, 189), and the corpses of the suitors are laid *ὑπ' αἰθούσῃ εὐέρκεος αὐλῆς* (*Od.* xxii. 449). The *αἴθουσα δώματος* was used especially as a sleeping room for strangers, sometimes too as a place of meeting, as in *Il.* xx. 10, where the gods gather in the palace of Zeus, and take their seats *ξεστῇς αἰθούσῃσιν*. (See DOMUS; A. Winckler, *Die Wohnhäuser der Hellenen*, Berlin, 1868; Schliemann's *Tiryns*, p. 208.) [J. H. O.]

AKOÊN MARTYREIN (*ἀκοὴν μαρτυρεῖν*). The general rule of Athenian, as of English jurisprudence, was against the admission of hearsay evidence. The one exception was the attested declaration of a deceased person, which was carefully distinguished from the *ἐκμαρτυρία* or written deposition of an absent witness [EKMARTYRIA]. The law is expressed in Demosth. ii. *Steph.* p. 1130, § 8, *ἀκοὴν δ' οὐκ ἐῶσι ζῶντος μαρτυρεῖν, ἀλλὰ τεθνεῶτος, τῶν δὲ ἀδυνάτων καὶ ὑπερορίων, ἐκμαρτυρίαν γεγραμμένην ἐν γραμματείῳ.* As regards the living, *οὐδὲ μαρτυρεῖν ἀκοὴν ἐῶσιν οἱ νόμοι, οὐδ' ἐπὶ τοῖς πάνυ φαύλοις ἐγκλήμασιν, εἰκότως* (id. *c. Eubul.* p. 1300, §§ 6, 7, where the reasons for the prohibition are given at length; comp. *c. Leochar.* p. 1097, § 55). Will cases would naturally often turn on the evidence of the dead; hence the phrase *ἀκοὴν μαρτυρεῖν* is of frequent occurrence in the extant speeches of Isaeus (e.g. *Philoct.* § 64; *Ciron*, §§ 8, 18, 38). [W. W.]

ALA, part of a Roman house. [Domus.]

ALA, ALA'RES, ALA'RII. These military terms had different meanings at different periods.

1. In the original constitution of the Roman army, each legion of citizens was accompanied by a body of 300 *equites* (Polyb. i. 16, 2; ii. 24, 3; vi. 20, 9). These were drawn up on the flanks of the infantry, and hence were termed *alae* (cf. Cincius in Gell. xvi. 4, § 6, *alae dictae exercitus equitum ordines, quod circum legiones dextra sinistraque, tanquam alae in avium corporibus, locabantur*).

2. When, at a later date, the *socii* were required to contribute a contingent to the Roman army, the Roman legions were placed in the centre of the line of battle, and the allies formed the wings. Hence the allied troops, both cavalry and infantry, were sometimes termed *alae* or *alarii*; and we find mention, not only of *equites*, but also of *cohortes alares* or *alarii* (Liv. x. 40, 8; 41, 5; 43, 3). These were commonly grouped together as the *dextera ala* and the *sinistra ala* (id. xxxi. 21), although these terms did not always correspond to their position in the line of battle (id. xxvii. 2).

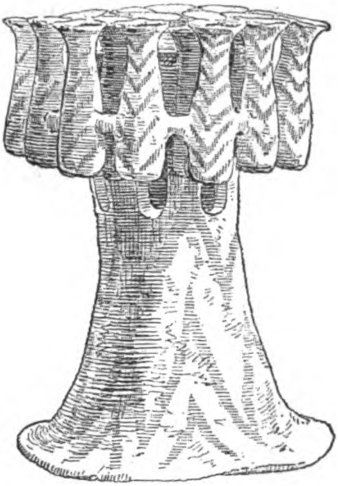
3. After the franchise had been extended to the whole of Italy, and thus all Italian troops were included in the legions, the term *alarii* was transferred to the foreign troops (*auxilia*) serving along with the Roman armies. Thus Caesar (*B. C.* i. 73) distinguishes the *cohortes alariae* from the *legionariae cohortes* (cf. *B. G.* i. 51).

4. Under the Empire, the word *ala* usually denotes "auxiliary cavalry," the term *cohortes* being used without any epithet to denote "auxiliary infantry," as contrasted with the *legiones*. Thus Tacitus (*Hist.* iv. 18) mentions the *ala Batavorum*, &c., and many others are known to us from inscriptions (cf. Henzen, *Index inscript.* c. viii. p. 131). Sometimes a body of horse was named from the officer who had first raised it, or who commanded it at the time: cf. *ala Liliana* (Tac. *Hist.* i. 75), *ala Auriana* (ib. iii. 5). The *ala* was originally divided into the *turmae*, each containing three *decuriae*. But at a later time the *ala* was either *miliaria* or *quingenaria*: in the former case there were 24 *turmae*, in the latter 16, besides various officers (Hygin. *Castrum*, 16, 23, 30; cf. Henzen, *Annal. dell' Inst.* 1860, p. 71). [A. S. W.]

ALABARCHES, a Roman official stationed at Alexandria under the Empire. Josephus applies the title (*Ant.* xviii. 6, 3; xix. 5, 1; xx. 5, 2) to Alexander Lysimachus, the brother of the famous Philo. It has been conjectured that he was a subordinate of the Jewish ethnarch (Franz, *Corp. Inscr. Gr.* iii. 2, 291 a); and others have suggested that he collected certain taxes, deriving the name from ἀλάβη, "ink," and translating it *scripturae magister*. This suggestion receives some support from the mention of *vectigal Alabarchiae per Aegyptum atque Augustamnicam constitutum* in *Cod. Just.* iv. 61, 9; but the reading there is doubtful. An epigram of Palladas of Alexandria (*Anth. Pal.* ii. p. 430) commiserates an ass, because ἐξ ἀλαβαρχείης γραμματικοῦ γέγονεν—*i.e.* because he has come from a rich house into a poor one. Some scholars regard the word as a corruption of Arabarches, but this word denotes an entirely different office (cf. Marquardt, *Röm. Staatsverw.* i. 289, note 1). [Arabarches.] The title is also found in Lycia (*C. I. G.* 4867). [A. S. W.]

ALABASTRI'TES. [Alabastrum.]

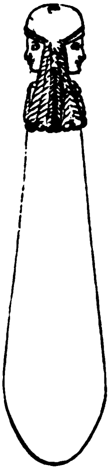
ALABASTROTHE'CA (ἀλαβαστροθήκη or ἀλαβαστοθήκη), according to some a casket for unguent-bottles [Alabastrum], according to others a holder into which they were put when not in actual use, since, being round at the bottom, they could not stand unsupported. A representation of an alabastrotheca found on an ancient vase is shown in the accompanying figure. (Aristoph. *Fragm.* 463; Demosth. *de F. L.* p. 415, § 237; Pollux, x. 121; Suid. *s. v.*) [J. H. O.]



Alabastrotheca. (British Museum.)

ALABASTRUM and **ALABASTER** (ἀλάβαστρον, or rather ἀλάβαστος, as it is written in classical Greek: in pl. ἀλάβαστρα or -στα. Lat. pl. *Alabastra*, sometimes *-tri*; see inscription below), a small tapering or pear-shaped vessel, having no feet, used for holding perfumes and ointments. Such vessels were originally made of alabaster, of which the variety called onyx-alabaster was usually employed for this purpose ("nardi parvus onyx," Hor. *Carm.* iv. 12, 17; Plin. *H. N.* xiii. § 19: "lapidem alabastriten . . . quem cavant ad vasa unguentaria, quoniam optume servare incorrupta dicatur," *ib.* xxxvi. § 60). It is doubtful, however, whether the vessels were named from the material or *vice versâ.* They are also found of stone and terra-cotta, with a white or cream-coloured ground and black figures. The right-hand woodcut on the next page shows an alabastrum from Chiusi, carved into female faces above, and having a hole in the crown for pouring out the ointment or perfume. (Dennis, *Etruria*, i. p. cxxv.) Other materials were in use, as glass, and even gold (χρύσεια ἀλάβαστρα, Theocr. xv. 114). The alabastra usually had no handles, though we sometimes find specimens with them. (See left-hand figure.) The Scholiast on Aristoph. *Acharn.* 1053 defines the ἀλάβαστος as λήκυθος ὦτα μὴ ἔχουσα; cf. Hesych. and Suidas *s. v.*; Pollux, x. 120, 121; and Pliny indicates the shape (*H. N.* ix. § 113): "elenchos appellant fastigata longitudine alabastrorum figura in pleniore orbe desinentes." In an inscription they are called "graciles alabastri" (Orelli, 4832). Such scent bottles are first mentioned by Herodotus (iii. 20, where see Stein), who speaks of a *μύρου ἀλάβαστρον* as one of the presents sent by Cambyses to the Ethiopian king; and after his time they occur both in Greek and Roman writers (Aristoph. *Acharn. l. c.*; Aelian, *V. H.* xii. 18; "alabaster plenus unguenti," Cic. *ap.* Non. xv. 17; "Cosmi redolent alabastra," Martial, xi. 8; Matt. xxvi. 7; Mark xiv. 3; Luke vii. 37). Some of these vessels had a long narrow neck, which was sealed; so that when the woman in the Gospels is said to break the alabaster box of ointment, it appears probable that she only broke the extremity of the neck, which was thus closed. (Cf. Becker-Göll, *Gallus*, ii. p. 378). [W. S.]


Alabastrum. (British Museum.)


Alabastrum. (Dennis, *Etruria*, i. p. cxxv.)

ALAEA. [Aleaea.]

ALA'RII. [Ala.]

ALAUDA, a Gaulish word, the prototype of the modern French *Alouette*, denoting a small crested bird of the lark kind, which the Latins in allusion to its tuft denominated *Galerita*. The name *alauda* was bestowed by Julius Caesar on a legion of picked men, which he raised at his own expense among the inhabitants of Transalpine Gaul, about the year B.C. 55, not, as erroneously asserted by Gibbon, during the civil war; which he equipped and disciplined after the Roman fashion; and on which, in a body, he at a subsequent period bestowed the freedom of the state. This seems to have been the first example of a regular Roman legion levied in a foreign country and composed of barbarians. The designation was, in all probability, applied from a plume upon the helmet resembling the "apex" of the bird in question, or from the general shape and appearance of the head-piece. Cicero in a letter to Atticus, written in B.C. 44, states that he had received intelligence that Antonius was marching upon the city "cum legione alaudarum" (*ad Att.* xvi. 8); and from the Philippics we learn that by the Lex Judiciaria of Antonius even the common soldiers of this corps (*Alaudae—manipulares ex legione Alaudarum*) were privileged to act as judices upon criminal trials, and enrolled along with the veterans in the third decuria of judices, avowedly, if we can trust the orator, that t framer of the law and his friends might ha functionaries in the courts of justice upon who support they could depend (*Phil.* i. 8, § 20).

That the legion Alauda was numbered V. proved by several inscriptions, one of them b longing to the age of Domitian in honour of certain Cn. Domitius, who among many othe titles is styled TRIB. MIL. LEG. V. ALAUDAE. had however disappeared from the army list i the time of Dio Cassius,—that is, in the earl part of the third century; for the historian, whe giving a catalogue of such of the twenty-thre or twenty-five legions which formed the estab lishment of Augustus, as existed when he wrote makes no mention of any fifth legion except the *Quinta Macedonica.* (Sueton. *Jul.* 24; Caesar *B. C.* i. 39; Plin. *H. N.* xi. § 121; Cic. *Phil.* v. 5 § 12, xiii. 2 § 3, 18 § 37; Gruter, *Corp. Inscrip. Lat.* CCCCIII. 1, DXLIV. 2, DXLIX. 4, DLIX. 7; Orelli, *Inscr. Lat.* n. 773.) [W. R.]

ALBOGALE'RUS. [Apex.]

ALBUM, a notice board or tablet on which the annual edict of the praetor was inscribed. It contained the formulae and other legal remedies which the Praetor was prepared to grant [Edictum]. The album was put up in a public place in Rome, so that all persons might have notice of its contents. Its actual appearance is a subject of doubt. Some think that it was a piece of white painted wood, and that the letters on it were black, except the headings (*rubricae*), which were red. According to others, the letters were white, inscribed on a dark ground. Any one who took away, defaced, or destroyed the album was liable to an *actio albi corrupti* and to a heavy penalty (Paulus, 1, 13, 3; id. 7, 9; Dig. 2, tit. 1, s. 7, 9).

Probably the word album was used for any tablet containing a public announcement. Thus Cicero informs us that the *annales maximi* were written on the album by the *pontifex maximus* (*de Orat.* ii. 12, 52).

2. But, however this may be, it was in course of time used to signify a list of any public body; thus we find the expression *album senatorium* used by Tacitus (*Ann.* iv. 42) to express the list of senators, and corresponding to the word *leucoma*, used by Dio Cassius (lv. 3). The phrase *album decurionum* signifies the list of *decuriones* whose names were entered on the album of a *municipium*, in the order prescribed by the *lex municipalis* (Dig. 50, tit. 3). *Album judicum* is the list or panel of *judices* drawn up by the magistrates, from which he was bound to make his selection (Suet. *Claud.* 16). [Judex.]

[G. L.] [E. A. W.]

ALCATHOEA (*ἀλκαθοῖα*), games celebrated at Megara, in commemoration of the Eleian hero Alcathoos, son of Pelops, who had killed a lion which had destroyed Euippus, son of king Megareus. (Pind. *Isthm.* viii. 148; Paus. i. 42, § 1.) [L. S.]

ALEA, gaming, or playing at a game of chance of any kind. [Tali, Tesserae, Par Impar.]

Gaming was looked down upon at Rome; and hence *aleator* was used as a term of reproach (Cic. *in Cat.* ii. 10, 23; *ad Att.* xiv. 5; "alea turpis," Juv. xi. 176; "damnosa alea," *id.* xiv. 4). It was also forbidden by special laws during the times of the republic and under the emperors ("vetita legibus alea," Hor. *Carm.* iii. 24, 58; Cic. *Phil.* ii. 23, 56; Ov. *Trist.* ii. 470 ff.; Dig. 11, tit. 5.) Three such laws occur in the Digest (*l. c.*)—the Leges Titia, Publicia, and Cornelia—and likewise a *senatus consultum*, and the praetor's edict; the latter enacting severe penalties on persons compelling others to gamble, and disabling the keepers of gambling-houses from bringing any action for damage or loss against their customers (cf. Ulpian, fr. 1). At what time the two former laws were passed is quite uncertain; but the Lex Cornelia was probably one of the laws of the dictator Sulla, who, we know, made several enactments to check the extravagance and expense of private persons. [SUMPTUS.] It has been inferred from the *Miles Gloriosus* (ii. 2, 9) that gaming must have been forbidden by law in Plautus' time; but the *lex talaria* (*alearia*, Ritschl) in this passage seems rather to refer to the laws of the game than to any public enactment. Those who were convicted of gaming were condemned to pay four times the sum they had staked (Pseudo-Ascon. *in* Cic. *Div.* § 24, p. 110, ed. Orelli), and became *infames* in consequence. We know that *infamia* was frequently a consequence of a judicial decision [INFAMIA]; and we may infer that it was so in this case from the expression of Cicero. ("Hominem lege, quae est de alea, condemnatum, *in integrum restituit*," Cic. *Phil. l. c.*). Games of chance were, however, tolerated in the month of December at the Saturnalia, a period of general relaxation (Mart. iv. 14, v. 84; Gell. xviii. 13; Suet. *Aug.* 71); and public opinion allowed old men to amuse themselves in this manner (Plaut. *Curc.* ii. 3, 75; Cic. *de Sen.* 16, 58). Under the empire gambling was carried to a great height (cf. Juv. i. 88–90); and the laws were probably little more than nominal. Many of the early emperors—Augustus, Caligula, Claudius, Vitellius, and Domitian—were very fond of gaming, and set but an evil example to their subjects in this matter (Suet. *Aug.* 70, 71; Dio Cass. lix. 22; Suet. *Cal.* 41, *Claud.* 33; Dio Cass. lx. 2; Suet. *Dom.* 21). Professed gamesters made a regular study of their art, and there were treatises on the subject, among which was a book written by the Emperor Claudius (Ov. *Trist.* ii. 471; Suet. *Claud. l. c.*). All gaming was forbidden finally by Justinian (Cod. 3, tit. 43). (Walter, *Geschichte d. röm. Rechts*, § 763; Rein, *Criminalrecht der Römer*, p. 833.) [W. S.] [A. G.]

ALEAEA or **ALAEA** (Ἀλέαια), a festival celebrated to the honour of Athena Alea, near Tegea, with games and contests, of which we find mention in inscriptions. (Paus. viii. 47, § 3; Krause, *Die Gymnastik u. Agonistik d. Hellenen*, pp. 734–736; K. F. Hermann, *Lehrbuch d. gottesdienstlichen Alterthümer d. Griechen*, § 51, n. 11; comp. HALOTIA.) [L. S.]

ALIC'ULA, a short cloak coming down to the elbows, mentioned by Ulpian (Dig. 34, 2, 23) as proper to boys, by Petronius (*Sat.* 40) as worn by a hunter, and by Martial (xii. 82) as an inexpensive present. It was so called, according to Velius Longus (Putsch, p. 2230), *quod alas nobis iniecta contineat*; according to Ferrarius, from its collar or cape. Rich, however, derives the name from its resemblance to wings when fastened by a brooch and floating behind the back. There seems to be no reason for connecting the word with the chlamys ἄλληξ or ἄλλιξ. Saglio identifies the *alicula* with a garment worn by shepherds and countrymen in works of art, and by the Good Shepherd on sarcophagi and paintings in the catacombs, sometimes opening in front, and sometimes furnished with a small cape. [J. H. F.]

ALIMENTA'RII PUERI ET PUELLAE. In the Roman republic the poorer citizens were assisted by public distributions of corn, oil, and money, which were called *congiaria* [CONGIARIUM]. These distributions were not made at stated periods, nor to any but grown-up inhabitants of Rome. The Emperor Nero first conceived the notion of extending them, not only to other Italian towns, but also to children (Aurel. Vict. *Epit.* xii. 4); and Trajan appointed them to be made every month, both to orphans and to the children of poor parents. The children who received them were called *pueri et puellae alimentarii*, and also (from the emperor) *pueri puellaeque Ulpiani;* and the officers who administered the institution were called *quaestores pecuniae alimentariae*, *quaestores alimentorum*, *procuratores alimentorum*, or *praefecti alimentorum*.

The fragments of an interesting record of an institution of this kind by Trajan were found at Veleia, near Placentia, in 1747; and much light has been thrown upon their interpretation by the discovery of a similar table in 1832 at Campolattaro, near Beneventum (Mommsen, *Inscr. Lat. Regn. N.* 1354; Desjardins, *Disputatio hist. de tabulis alimentariis*, Paris, 1854). We learn thus the sums which were thus distributed, and the means by which the money was raised. The emperor lent considerable sums at low interest on the security of landed estates belonging to members of the municipality, and the interest was paid to the municipal chest for the support of orphans. The idea appears to have been borrowed from the institutions due to private benevolence, such as that founded by the younger Pliny at Comum (Plin. *Epist.* vii. 18, i. 8; and the inscription in *Annali dell' Inst. Arch.* 1854), and by Helvius Basila at Atina (Orelli, 4365, *C. I. L.*, vol. x. 5056). The records of similar foundations have been discovered at Tarracina, at Sicca, and at Hispalis (Wilmanns, 2846–8). Trajan's benevolent plans were carried on upon a larger scale by Hadrian and the Antonines, who established additional foundations in honour of the two Faustinas. Under Commodus and Pertinax the distribution ceased. In the reign of Alexander Severus we again meet with *alimentarii pueri et puellae*, who were called *Mammaeani*, in honour of the emperor's mother. We learn from a decree of Hadrian (Ulp. in Dig. 34, tit. 1, s. 14) that boys enjoyed the benefits of this institution up to their eighteenth, and girls up to their fourteenth year; and from an inscription (Fabretti, 235, 619), that a boy four years and seven months old had received nine times the ordinary monthly distribution of corn. At Sicca 300 boys, between three and fifteen, and 200 girls between three and thirteen, received the benefits of the foundation. (Capitolin. *Ant. Pi.* 8, *M. Aur.* 26, *Pert.* 9; Spart. *Hadr.* 7; Lamprid. *Sev. Alex.* 57; Orelli, *Inscr.* 3364, 3365; Rasche, *Lex. Univ. Rei Num.* s. v. *Tutela Italiae;* Eckhel, *Doctr. Num. Vet.* vol. vi., p.

408; F. A. Wolf, *Von einer milden Stiftung Trajans;* Henzen, *Tabula alim. Baebiorum*, Romae, 1845; Desjardins, *op. cit.*) [P. S.] [A. S. W.]

ALIPILUS, a slave who attended on bathers, to remove the superfluous hair from their bodies (Sen. *Ep.* 56, § 2; Pignorius, *de Serv.* 42; *C. I. L.* 4302; Juv. *Sat.* xi. 157, with Mayor's note). The practice extended to ladies, who had female slaves for the purpose, called παρατίλτριαι (Cratin. fr. 251, Meineke; cf. Ovid, *Ars Amat.* iii. 194). Tweezers were used (*volsellae*, Mart. ix. 28, 5) or depilatory ointment. [PSILOTHRUM.] [W. W.]

ALIPTAE (ἀλεῖπται), among the Greeks, were persons who anointed the bodies of the *athletae* before and after the exercises of the palaestra. The chief object of the preliminary anointing was to close the pores of the body, in order to prevent excessive perspiration and the weakness consequent thereon. To effect this object, the oil was not simply spread over the surface of the body, but also well rubbed into the skin (Lucian, *Anach.* 28; Plut. *de Tuend. San.* 15, p. 130 b). The oil was mixed with fine sand, of which various sorts are enumerated, but the African was the favourite. Several jars of this sand were found in the baths of Titus, and one of these is now in the British Museum. This preparatory anointing was called ἡ παρασκευαστικὴ τρῖψις. The athlete was again anointed after the contests, in order to restore the tone of the skin and muscles; this treatment was called ἡ ἀποθεραπεία. He then bathed, and had the dust, sweat, and oil scraped off his body by means of an instrument similar to the strigil of the Romans, and called στλεγγίς, and afterwards ξύστρα. [BALNEAE.] The part of the palaestra in which the athletes were anointed was called ἀλειπτήριον (Alexis, fr. 99, Meineke; Schneider on Vitruv. v. 10, 5).

The function of the ἀλείπτης was thus a subordinate branch of that of the παιδοτρίβης, or gymnast; but the latter himself is sometimes called ἀλείπτης, as by Plutarch (*Dion.* 1: cf. Pind. *Olymp.* viii. 54–71, with Boeckh's note).

The relation of gymnastics to the medical art was early perceived, as by Iccus of Tarentum, and Herodicus, the physician of Selymbria, both in the fifth century B.C. (Plat. *Protag.* 316 D; *Rep.* iii. 406 A). The aliptae took advantage of the knowledge they necessarily acquired of the state of the muscles of the athletes, and their general strength or weakness of body, to advise them as to their exercises and mode of life. (Arist. *Eth. N.* ii. 6, 7; Plut. *de Adul. et Am.* 17, p. 59 f.) Hence the term ἰατραλείπτης, or medical trainer, which however does not occur before Roman times (Cels. i. 1; Plin. *H. N.* xxix. § 4; Plin. *Ep.* x. 4). The last passage throws some light on their social status; Pliny asks Trajan to grant the citizenship to his *iatraliptes*, a freedman. The aliptae of Cicero (*ad Fam.* i. 9, § 35), contrasted with *medici*, must have been of this class, not, as sometimes supposed, of a lower.

Among the Romans there were also slaves called aliptae who scrubbed and anointed their masters in the baths; these are to be carefully distinguished from the trainers in the gymnasium. (Compare the scene described in the beginning of Seneca's 56th Epistle, where however the word aliptes does not occur; and for the two kinds of aliptae, Juv. *Sat.* iii. 76, with *ib.* vi. 422; also Pignorius, *de Serv.* p. 81.) These slaves were also called *unctores* (Martial, iii. 32, 6), and the anointing-room *unctorium* or *unctuarium* (Plin. *Ep.* ii. 17). They used in their operations a kind of scraper called a strigil, towels (*lintea*), a cruet of oil [GUTTUS], a bottle [AMPULLA], and a small vessel called *lenticula* [BALNEAE]. [P. S.] [W. W.]

ALLEX or **ALLIX** (ἄλλιξ, ἄλληξ), a Thessalian name for a garment corresponding apparently to the Greek χλάμυς (cf. Zonaras, Suidas, and *Etym. M.* s. v.). Hesychius too, *s. v.* ἄλλικα, gives this explanation, though, *s. v.* ἄλλιξ, he translates the word by χιτὼν χειριδωτός, i.e. a tunic with sleeves. The connexion of this word with ALICULA is doubtful. [J. H. O.]

ALLU'VIO is thus defined by Gaius (*Inst.* ii. 701): "Alluvium is an addition of soil to land by a river, so gradual that it is impossible to estimate how much is added in a short period, or, as it is commonly expressed, the charge is so gradual as to be imperceptible. But a piece of your land swept away by a river and carried down to mine continues your property." There is the same definition by Gaius in his *res cottidianae* (Dig. 41, 1, 7), with this addition: "If the piece of land thus suddenly swept away should adhere for a considerable time to my land, and the trees on it should fix their roots in my soil, it thereupon becomes my property." Alluvio was considered by the Roman jurists as a mode of acquiring property in a thing, which belongs to the *jus gentium* or *naturale;* it was a particular kind of title by *accessio*. A man might protect his land against loss from the action of a river by securing the banks of his land (Dig. 43, 15, *de ripa munienda*), provided he did not injure the navigation.

An island that was formed in the middle of a river was the common property of the owners on both banks of the river; if it was not in the middle of the stream, it belonged to the proprietors of the nearer bank (Gaius, ii. 72; Dig. 41, 1, 7). By a river is meant a public river (*flumen publicum*). According to a constitution of the Emperor Antoninus Pius, there was no *jus alluvionis* in the case of *agri limitati*, the reason being that a certain quantity (*certus cuique modus*) was assigned by the form of the *centuriae* (Dig. 41, 1, 16; comp. *Aggenus urbicus* in Frontin. *Comment. de Alluvione*, pars prior, ed. Goes; and *Ager*). Cicero (*de Orat.* i. 38) enumerates the *jura alluvionum* and *circumluvionum* as matters included under the head of *causae centumvirales* (Hermannseder, *die Alluvien*, München, 1856). [G. L.] [E. A. W.]

ALO'A or **HALO'A** (Ἀλῶα, Ἁλῶα), an Attic harvest festival, but celebrated principally at Eleusis and Athens, in honour of Demeter and Dionysus, the inventors of the plough and protectors of the fruits of the earth. It took place every year after the harvest was over, and only fruits were offered on this occasion, partly as a grateful acknowledgment for the benefits the husbandman had received, and partly that the next harvest might be plentiful. We learn from Demosthenes (*c. Neaer.* p. 1385, § 116), that it was unlawful to offer any bloody sacrifice on the day of this festival, and that the priestess alone had the privilege to offer the fruits. The festival was also called θαλύσια (Hesych. *s. v.*), or συγκομιστήρια. The exact time of its celebration, as well as its duration, cannot be determined with certainty. (See A. Mommsen, *Heortologie*, p. 320 foll.) [L. S.]

ALOGIOU DIKE' (ἀλογίου δίκη), an action which might be brought before the *Logistae* (λογισταί) at Athens, against all persons who neglected to pass their accounts when their term of office expired. The punishment was *atimia*. Though the action was a public one, the grammarians agree in calling it δίκη, not γραφή: and this is preferred by Westermann *ap.* Pauly, ed. 2. (Suidas; Hesych.; *Etym. M.* s. v.; Pollux, viii. 54; *Lex. Rhet.* p. 664, ed. Pors.) [W. S.] [W. W.]

AMANUENSIS, or A MANU SERVUS, a slave, or freedman, whose office it was to write letters and other things under his master's direction. The amanuensis must not be confounded with another sort of slaves, called *ad manum servi*, who were always kept ready to be employed in any business. (Suet. *Caes.* 74, *Aug.* 67, *Ner.* 44, *Tit.* 3, *Vesp.* 3; Cic. *de Orat.* iii. 60, 225; Pignor. *de Servis*, 109.) [P. S.]

AMARY'NTHIA or AMARY'SIA ('Αμαρύνθια or 'Αμαρύσια), a festival of Artemis Amarynthia or Amarysia, celebrated, as it seems, originally at Amarynthus in Euboea, with extraordinary splendour; but it was also solemnised in several places in Attica, such as Athmone (Paus. i. 31, § 3); and the Athenians held a festival, as Pausanias says, in honour of the same goddess, in no way less brilliant than that in Euboea. (Hesych. *s. v.* 'Αμαρύσια; comp. Schol. *ad* Pind. *Olymp.* xiii. 159.) The festival in Euboea was distinguished for its splendid processions; and Strabo himself (x. p. 448) seems to have seen, in the temple of Artemis Amrynthia, a column on which was recorded the splendour with which the Eretrians at one time celebrated this festival. The inscription stated that the procession was formed of three thousand heavy-armed men, six hundred horsemen, and sixty chariots. [L. S.]

AMBACTI, according to Festus, *s. v.*, the name for slaves in the Gallic language. Caesar (*B. G.* vi. 15) mentions them along with the *clientes*. The most probable opinion is that they were of free origin, but had become practically the unfree retainers of their chief. (Mommsen, *Rom. Hist.* iv. pp. 223–4.) [A. S. W.]

AMBARVA'LIA, a rural festival among the Romans for the purification (*lustratio*) of the country, and for invoking the blessing of Ceres upon the fruits of the earth. The name is explained by Servius (*ad* Verg. *Ecl.* iii. 77), *Dicitur autem hoc sacrificium Ambarvale, quod arva ambiat victima*; and by Macrobius (*Sat.* iii. 5, 7) after Festus: *Ambarvalis hostia est, ut ait Pomponius Festus, quae rei divinae causa circum arva ducitur ab his, qui pro frugibus faciunt.*

There were two kinds of Ambarvalia, private and public, though some writers, as Hunziker (ap. D. and S.) reckon only the former. The private Ambarvalia are those alluded to in Verg. *Ecl.* iii. 77, v. 75, and described more in detail, and with singular beauty, *Georg.* i. 338 ff.; Tibull. *Eleg.* ii. 1, *passim.* The victim (*Georg.* i. 345) or rather victims (Cato, *R. R.* 141, *Impera suovetaurilia circumagi* [SUOVETAURILIA]) were led three times round the cornfields, before the sickle was put in, accompanied by a crowd of merry-makers (*chorus et socii*, v. 346), the reapers and servants dancing and singing the praises of Ceres, while they offered her libations of milk, honey, and wine. The public Ambarvalia are certainly to be distinguished from the Amburbium [AMBURBIUM], but have been identified by several writers (Mommsen, Henzen, Jordan) with the sacrifice of the Fratres Arvales to Dea Dia. Marquardt, who on the whole decides (with Marini, Huschke, Preller, and De' Rossi) against the identity of the two festivals, observes that the correspondence of time and place is in favour of it, as well as the fact that the *suovetaurilia* were offered at both; but, as he also points out, there is no mention of the Fratres Arvales beating the bounds (*circumire* or *lustrare*). The time and place of the two solemnities do not, however, correspond with so much exactness as is here implied. For, first, the Ambarvalia at Rome were fixed for May 29; in other parts of Italy the day varied in different districts, but was an immovable feast (*feriae stativae*) in each district. The feast of Dea Dia, on the other hand, was proclaimed every year; and May 29 might, or might not, coincide with one of the days on which it was held [ARVALES]. Next, as regards the locality, the Roman Ambarvalia were performed, according to Strabo, at a spot called Festi, between five and six miles from the city on the way to Alba (Strab. v. p. 230): this spot is identified beyond doubt with the Fossa Cluilia of Livy (i. 23), Dionysius, and Plutarch; the Campus Sacer Horatiorum, where the legendary encounter took place; and the ruins now called Roma Vecchia, on the left-hand side of the Appian Way at the fifth milestone (Burn, *Rome and the Campagna*, p. 416). The Lucus Deae Diae was at about the same distance from Rome, but on a different road, the Via Portuensis, in a southerly not an easterly direction. Both were doubtless on the boundary of the ager Romanus, or original Roman territory; and in this last circumstance we may trace a connexion between the festival of the Arvales and the Ambarvalia without assuming that they were identical. What this connexion was may perhaps be inferred from the statement of Strabo, that the pontiffs, whom he calls ἱερομνήμονες, offered sacrifices at Festi and several other places regarded as frontiers (θυσίαν ἐπιτελοῦσιν ἐνταῦθά τε καὶ ἐν ἄλλοις τόποις ὡς ὁρίοις αὐθημερὸν, ἣν καλοῦσιν 'Αμβαρουίαν). We may suppose that the Lucus Deae Diae was one of several ancient seats of the Ambarvalia, but that, in this particular instance, the greater solemnity of the Fratres Arvales, one of the most dignified priestly colleges, overshadowed the primitive simplicity of the rustic festival.

The Ambarvalia furnish one of several instances—the Saturnalia at Christmas being another—of heathen festivals taken up by the Church and adapted to Christian uses. There is a close resemblance to these rites in the ceremonies of the three Rogation Days which precede Ascension Day, occurring nearly at the same time of year. "They were anciently called 'Gang-days,' because processions went out on those days; hymns and canticles being sung, and prayers offered at various halting-spots or stations for a blessing on the fruits of the earth" (Lee, *Glossary*, s.v. Rogation Days). The English custom, still observed in many places, of beating the parish bounds at Whitsuntide, is another survival from the rites we have been describing. (Marini, *Atti de' Fratelli Arvali*, p. 138; Henzen, *Acta Fr. Arv.* p. 46 ff.; Jordan, *Topogr.* i. 1, 289, ii. 236; Preller, *Röm. Myth.* p. 371 f.; Marquardt, vi. p. 194 ff.) [W. W.]

AMBILUS'TRIUM. [Lustratio.]

AM'BITUS, which literally signifies "a going about," cannot be more nearly expressed than by our word "canvassing." After the *plebs* had formed a distinct estate at Rome, and when the whole body of citizens had been very greatly increased, we frequently read, in the Roman writers, of the great efforts which it was necessary for candidates to make in order to secure the votes of the citizens. At Rome, as in every community into which the element of popular election enters, solicitation of votes, and open or secret influence and bribery, were among the means by which a candidate secured his election to the offices of state. As the elections recurred annually, there was frequent opportunity for practising the various modes of corruption. The piece entitled "L. Ciceronis de Petitione Consulatus ad M. Tullium Fratrem," seems to present a pretty fair picture of those arts and means by which a candidate might lawfully endeavour to secure the votes of the electors, and also some intimation of those means which were not lawful, and which it was the object of various enactments to repress.

A candidate was called *petitor*; and his opponent, with reference to him, *competitor*. A candidate (*candidatus*) was so called from his appearing in public places, such as the Fora and Campus Martius, before his fellow-citizens in a whitened toga.

On such occasions the candidate was attended by his friends (*deductores*), or followed by the poorer citizens (*sectatores*), who could in no other manner show their good will or give their assistance. (Cic. *pro Mur.* c. 34.)

The word *assiduitas* expressed both the continual presence of the candidate at Rome and his continual solicitations. The candidate, in going his rounds or taking his walk, was accompanied by a *nomenclator*, who gave him the names of such persons as he might meet; the candidate was thus enabled to address them by their name, an indirect compliment to the electors. The candidate accompanied his address with a shake of the hand (*prensatio*). The term *benignitas* comprehended generally any kind of treating, as shows, feasts, &c. Candidates sometimes left Rome and visited the *coloniae* and *municipia*, in which the citizens had the suffrage; thus Cicero proposed to visit the Cisalpine towns, when he was a candidate for the consulship. (Cic. *ad Att.* i. 1.)

Ambitus as a criminal offence signifies interference with the free choice of electors to an office by means of corrupt practices. The word for ambitus in the Greek writers is δεκασμός. Money was paid for votes; and in order to insure secrecy and to secure the elector, persons called *interpretes* were employed to make the bargain, *sequestres* to hold the money till it was paid (Cic. *pro Cluent.* 26, 72), and *divisores* to distribute it (Cic. *ad Att.* i. 16). The offence of ambitus belonged to the *judicia publica*, and the enactments against it were numerous.

The earliest enactment that is mentioned is the Lex Pinaria tribunicia (B.C. 432; Livy, iv. 25), which prohibited candidates from "adding white to their dress." A white dress was a sign that a person was a candidate. Thus the object of the law was to put some restriction on canvassing, i.e. on ambitio or ambitus. Still the practice of using a white dress on occasion of canvassing was usual, and appears to have been the origin of the term *candidatus* being applied to a *petitor* ("cretata ambitio," Pers. *Sat.* v. 177; Polyb. x. 4). A Lex Poetelia (B.C. 358; Livy, vii. 15) forbad candidates canvassing on market days, and going about to the places in the country where people were collected. The law was specially directed against *novi homines*, of whom the *nobiles* were jealous.

By the Lex Cornelia Baebia (B.C. 181) those who were convicted of ambitus were incapacitated from being candidates for ten years (Liv. xl. 19; Schol. Bob. p. 361). The purport of the Cornelia Fulvia de ambitu is not known, but it apparently made no change in the penalties for the offence.

The Lex Calpurnia (B.C. 67) was intended to suppress treating of the electors and other like matters; the penalties were fine, exclusion from the senate, and perpetual incapacity to hold office (Dio Cass. xxxvi. 21). The Lex Tullia was passed in the consulship of Cicero (B.C. 63). It imposed a new punishment of ten years' exile, in addition to the penalties under the Lex Calpurnia (Dio Cass. xxxvii. 29; Cic. *pro Mur.* 2, 3; 3, 5; 23, 47; 32, 67; 41, 89).

This law forbad any person to exhibit public shows for two years before he was a candidate. It also forbad candidates hiring persons to attend them and be about their persons. In the second consulship of M. Licinius Crassus and Cn. Pompeius Magnus (B.C. 55) the Lex Licinia de sodaliciis was passed (Cic. *Planc.* 15, 36). It was specially directed against a particular kind of ambitus, which consisted in employing agents (*interpretes, divisores, sequestres*) to mark out the members of the several tribes into smaller portions, and by this division of labour to carry out a complete system of corruption. The distribution of the members of the tribes was called *decuriatio* (Cic. *Planc.* c. 18). This means of securing votes was employed by the clubs and collegia of the aristocracy (Cic. *ad Quint. Fratr.* ii. 3, 5). There were special provisions in the Lex Licinia for the purpose of securing a fair trial of offences under it. The *judices* were called *editicii*, because the accuser or prosecutor nominated four tribes; the accused was allowed to challenge one of the tribes so nominated. The *judices* were taken out of the other three tribes; but the mode in which they were taken is not quite clear. The penalty under the Lex Licinia was exile, as under the Lex Tullia. The Lex Pompeia (B.C. 52), passed when Pompeius was sole consul for part of that year, was brought about by the murder of Clodius. It was an attempt to put down the clubs by more stringent punishments and more rapid process. The law increased the penalties of the Lex Calpurnia and Tullia. It was made retrospective to the date of the first consulship of Pompeius (Appian, *B.C.* ii. 23, 24; Plut. *Cato Min.* 48; Ascon. *in Milon.*, p. 37, Orell.). When C. Julius Caesar obtained the supreme power in Rome, he used to recommend some of the candidates to the people, who, of course, followed his recommendation. As to the consulship, he managed the appointments to that office just as he pleased (Suet. *Caes.* 41). The Lex Julia de ambitu was passed (B.C. 18) in the time of Augustus. It appears to have consolidated earlier laws on the subject, although with some modifications. The penalties under it were expulsion from the senate, incapacity for holding any public office during five years, and a fine of 100,000 sesterces, which candidates were required to deposit before canvassing. The penalties, therefore, were milder than they had been previously. The law only applied to offices for which a popular election was held. If a candidate resorted to any violence by exciting a tumult or otherwise, he was liable to be punished under the Lex Julia de vi by exile (*aquae et ignis interdictio*, subsequently *deportatio*).

The popular forms of election were observed during the time of Augustus. Under Tiberius they ceased. Tacitus (*Ann.* i. 15) observes: "The Comitia were transferred from the Campus to the Patres"—the Senate.

While the choice of candidates was thus partly in the hands of the senate, bribery and corruption still influenced the elections, though the name of ambitus was, strictly speaking, no longer applicable. But in a short time the appointment to public offices was entirely in the power of the emperors; and the magistrates of Rome, as well as the *populus*, were merely the shadow of that which had once been a substantial form. Modestinus, a Roman jurist, who wrote about the middle of the third century after Christ, thus comments on the Lex Julia de ambitu: "This law is now obsolete in the city, because the creation of magistrates is the business of the *princeps*, and does not depend on the pleasure of the *populus*; but if any one in a *municipium* should offend against this law in canvassing for a *sacerdotium* or *magistratus*, he is punished, according to a *senatus consultum*, with infamy, and subjected to a penalty of 100 aurei." (Dig. 48, tit. 14.)

The laws that have been enumerated are probably all that were enacted, at least all of which any notice has been preserved. Laws to repress bribery were made while the voting was open; and they continued to be made after the vote by ballot was introduced at the popular elections by the Lex Gabinia (B.C. 139). It is worth remark that there is no indication of any penalty being attached to the receiving of a bribe for a vote. The utmost that can be shown is that the *divisores*, or one of the class of persons who assisted in bribery, were punished (Cic. *pro Planc.* 23, § 55; *pro Muren.* 23, §§ 46, 47). Thus the penalties were inflicted on the briber and his agents, not on the bribed.

The proposed Lex Aufidia (Cic. *ad Att.* i. 16) declared that if a candidate promised money to a tribe and did not pay it, he should be unpunished; but if he actually paid the money, he should further pay to each tribe 3000 sesterces as long as he lived. This proposal was not carried; but it shows clearly enough that the principle was to punish the briber only. The trials for ambitus were numerous in the time of the republic. A list of them is given by Rein. The oration of Cicero in defence of L. Murena, who was charged with ambitus, and that in defence of Cn. Plancius, who was tried under the Lex Licinia, are both extant. (Rein, *Criminalrecht der Römer*; Rinkes, *Disp. de crim. amb. et de sod.*) [G. L.] [E. A. W.]

AMBLO'SEOS GRAPHE' (**ἀμβλώσεως γραφή**). [ABORTIO.]

AMBROS'IA (**ἀμβρόσια**), festivals observed in Greece, in honour of Dionysus, which seem to have derived their name from the luxuries of the table, or from the indulgence of drinking. According to Tzetzes on Hesiod (*Op. et D.* v. 504) these festivals were solemnised in the month of Lenaeon, during the vintage. (*Etym. M. s. v.* Ληναιών, p. 564. 7; G. E. W. Schneider, *Ueber das Attische Theaterwesen*, p. 43; K. F. Hermann, *Lehrb. d. gottesdienstl. Alterth. d. Griechen*, § 58, n. 7.) [L. S.]

AMBUBAIAE, female musicians from Syria, who gained their living by performing in public, at Rome, especially in the circus. Their name is derived from the Syrian word *abub* or *anbub*, a flute. Their moral condition was that which females of their class generally fall into. The bayadères of India will perhaps give the best idea of what they were. (Hor. *Sat.* i. 2. 1, with Heindorf's note; Mayor on *Juvenal*, iii. 62; Suet. *Ner.* 27; *Priapeia*, 26; Petron. lxxiv. 13.) [P. S.]

AMBU'RBIUM or **AMBURBIA'LE**, a sacrifice which was performed at Rome for the purification of the city, in the same manner as the ambarvalia was intended for the purification of the country. The victims were carried through the whole town, and the sacrifice was usually performed when any danger was apprehended in consequence of the appearance of prodigies, or other circumstances. (Obseq. *de Prodig.* c. 43; Apul. *Met.* iii. *ab init.*; Lucan. i. 592 *seq.*, where it is described). Scaliger supposed that the amburbium and ambarvalia were the same; but their difference is expressly asserted by Servius (*ad* Verg. *Ecl.* iii. 77) and Vopiscus (*amburbium celebratum, ambarvalia promissa, Aurel.* c. 20; cf. Preller, *Röm. Myth.* p. 372; Marquardt, vi. p. 195). [AMBARVALIA.] [W. S.]

AMENTUM. [HASTA.]

AMICTO'RIUM, a linen covering for the breasts of women, probably the same as the strophium. [STROPHIUM.] (Mart. xiv. 149.) In later times it seems to have been used in the same sense as Amictus. (Cod. Theod. 8, tit. 5, s. 48.) [AMICTUS.] [W. S.]

AMICTUS, AMIC'ULUM. The Greek words corresponding to *amicire* and *amictus* are *ἐπιβάλλεσθαι* and *ἐπίβλημα*, to *inducre* and *indutus* *ἐνδύεσθαι* and *ἔνδυμα*. So Pollux, vii. 50, speaks of the *πέπλος* as *ἔσθημα διπλοῦν τὴν χρείαν, ὡς ἐνδῦναι τε καὶ ἐπιβαλέσθαι*; meaning, that it was used sometimes as an inner garment or *χιτών*, sometimes as an outer garment or *ἱμάτιον*. [TUNICA; PALLIUM.] Hence the verbal nouns *amictus* and *indutus*, even without any further specification, denote respectively the outer and inner clothing. (See Verg. *Aen.* iii. 545, v. 521, with Conington's notes; Tibull. i. 8, 13; Corn. Nep. *Cim.* 4, *Dat.* 3, § 2; Tac. *Ann.* xvi. 4.) [J. H. O.]

AMMA (**ἅμμα**), a measure of length, equal to forty *πήχεις* (cubits) or sixty *πόδες* (feet). It was used in measuring land. (Hero, *de Mensuris*; Hultsch, *Metrol.* p. 36.) [P. S.]

AMNE'STIA (ἀμνηστία) is a word used by the later Greek writers, and from them borrowed by the Romans, to describe the act or arrangement by which offences were *forgotten*, or regarded as if they had not been committed, so that the offender could not be called to account for them. The word is chiefly used with reference to the offences committed, or alleged to have been committed, against the laws, during those conflicts of opposing factions which so often occurred in the Greek republics, and in which the victorious party usually took a sanguinary vengeance upon its opponents. So rare indeed were the exceptions to this course of vengeance, that there is only one case of amnesty in Greek history which requires any particular notice. This was the amnesty which terminated the struggle between the democratical and oligarchical parties at Athens, and completed the revolution by which the power of the Thirty was overthrown, B.C. 403. It was arranged by the mediation of the Spartan king Pausanias, and extended to all the citizens who had committed illegal acts during the recent troubles, with the exception of the Thirty and the Eleven, and the Ten who had ruled in Peiraeus; and even they were only to be excepted in case of their refusal to give an account of their government. Their children were included in the amnesty, and were permitted to reside at Athens. An addition was made to the oath of the senators, binding them not to receive any *endeixis* or *apagoge* on account of anything done before the amnesty, the strict observance of which was also imposed by an oath upon the *dicastae*. (Xen. *Hellen.* ii. 4, §§ 38–43; Andoc. *de Myst.* § 90 ff.; Demosth. *Boeot. de Dot.* p. 1018, § 32; Nepos, *Thrasybul.* 3, who makes a confusion between the Ten Tyrants of Peiraeus and the Ten who succeeded the Thirty in the city; Wachsmuth, *Hellen. Alterth.* i. pp. 473, 646-7, new edit.; K. F. Hermann, *Staatsalterth.* §§ 71, 76, 168, 169; Grote, ch. lxvi. *init.*)

The form of the word is incorrectly given in some modern works as ἀμνηστεία. But even the genuine form only belongs to later Greek; being used only by Plutarch (*Cic.* 42, *Anton.* 14), Herodian (iii. 4, § 17; v. 4, § 18; viii. 12, § 6), and still later writers.

The better authors use only the phrase μὴ μνησικακεῖν (Xen. Andoc. *ll. cc.*): ἄδεια is sometimes said to be equivalent, but wrongly. [ADEIA.] Respecting the supposed allusion to the word in Cicero (*Phil.* i. 1), see Long's note: it is however at least as likely that he was thinking of μὴ μνησικακεῖν, as Westermann supposes (*ap.* Pauly, i.^{2} 870). [P. S.] [W. W.]

AMORGINA (τὰ ἀμόργινα), fine muslin-like textures made of ἀμοργὶς, a peculiar flax named from the island of Amorgos, but grown also elsewhere. They were finer than βύσσος and κάρπασος (Schol. Aristoph. *Lysistr.* 150), almost transparent (Aristoph. *l. c.* 48), and very costly (Pseudo-Plato, *Ep.* vii. 363 A). In the use of the adjective ἀμοργινὸς it is not always clear whether the island or the plant is intended. (Aristoph. *Lysistr.* 150, 736; Aeschin. *Timarch.* § 97; Antiphanes, fr. 152, Meineke; Clearchus, *ap.* Ath. vi. p. 255 e; Böckh, *Publ. Econ.* p. 104.) [W. W.]

AMPECH'ONE (ἀμπεχόνη, ἀμπέχονον, ἀμπεχόνιον), a shawl or scarf, worn by women over the χιτὼν or inner garment. [See TUNICA and PALLIUM.] [J. H. O.]

AMPHIARA'IA (ἀμφιαράϊα), games celebrated in honour of the ancient hero Amphiaraus, in the neighbourhood of Oropus, where he had a temple with a celebrated oracle (Schol. *ad* Pind. *Ol.* vii. 154); the rites observed in his temple are described by Pausanias (i. 34, § 3; K. F. Hermann, *Gottesd. Alterth.* § 63, n. 1). [L. S.]

AMPHICTYONES (Ἀμφικτύονες), members of an *Amphictyonia* (Ἀμφικτυονία or Ἀμφικτιονία). Institutions called Amphictyonic appear to have existed in Greece from time immemorial. Of their nature and object history gives us only a general idea; but we may safely believe them to have been associations of originally neighbouring tribes, formed for the regulation of mutual intercourse, and the protection of a common temple or sanctuary, at which the representatives of the different members met, to transact business and celebrate religious rites and games. This identity of religion, coupled with near neighbourhood, and that too in ages of remote antiquity, implies in all probability a certain degree of affinity, which might of itself produce unions and confederacies amongst tribes so situated, regarding each other as members of the same great family. They would thus preserve among themselves, and transmit to their children, a spirit of nationality and brotherhood; nor could any better means be devised than the bond of a common religious worship, to counteract the hostile interests which, sooner or later, spring up in all large societies. The true derivation of the word from κτίω, with the same meaning as περικτιόνες, is given by several ancient writers (Hesychius; Anaximenes *ap.* Harpocrat. *s. v.*; Androtion's Ἀτθὶς, *ap.* Pausan. x. 8, § 1). The mythic founder Amphictyon, son or grandson of Deucalion, belongs to the same region of eponymous heroes as Hellen and his sons, and need not be seriously considered.

The causes and motives from which we might expect such institutions to arise existed in every neighbourhood; and accordingly we find many Amphictyoniae of various degrees of importance, though our information respecting them is very deficient. Thus we learn from Strabo, that there was one of some celebrity whose place of meeting was a sanctuary of Poseidon (Müller, *Dorians*, ii. 10, § 5; Strab. viii. 6, 14) at Calauria, an ancient settlement of the Ionians in the Saronic Gulf. The original members were Epidaurus, Hermione, Nauplia, Prasiae in Laconia, Aegina, Athens, and the Boeotian Orchomenus (Thirlwall, *Hist. of Greece*, vol. i. p. 375); whose remoteness from each other makes it difficult to conceive what could have been the motives for forming the confederation, more especially as religious causes seem precluded by the fact, that Troezen, though so near to Calauria, and though Poseidon was its tutelary god, was not a member. In after-times, Argos and Sparta took the place of Nauplia and Prasiae, and religious ceremonies were the sole object of the meetings of the association. The unnamed Amphictyony to which the Messenians were ready to refer their differences with the Spartans

(Paus. iv. 5, § 1) may have been that of Calauria; though the existence of another at Argos, including all the Peloponnesian Dorians, and having either the Argive Hera or the Pythian Apollo for its tutelary divinity, has been conjectured by some modern scholars (Schömann, *Alterth.* ii. 25; De Sainte-Croix, *Des Anciens Gouvernemens Fédératifs*, Paris, 1804, p. 129; K. O. Müller, *Dorians*, i. 154). Better attested is that of Onchestus in Boeotia, where the gathering was round a famous temple of Poseidon (Strab. ix. 2, 33; Pausan. ix. 26, § 3). Near Samicum in Elis was also a temple of Poseidon, the centre of worship to the six Triphylian cities; and this is sometimes described as an Amphictyony (Strab. viii. 3, 13); as is also the Euboean festival of the Amarynthia. [AMARYNTHIA.]

One of the most important was that of Delos, the religious metropolis or *ἱστίη νήσων* (Callim. *Hymn. in Del.* 325) of the neighbouring Cyclades, where musical and gymnastic contests were celebrated every fourth year (a *πεντετηρίς*) in honour of the Delian Apollo. Thucydides, describing the purification of Delos by the Athenians in 426 B.C., attests the great antiquity of this festival, quoting two passages from the Homeric Hymn to Apollo (Thuc. iii. 104; Hom. *Hymn. in Apoll.* 146 ff. and 165 ff.). Plutarch (*Thes.* 21) ascribes the foundation of it to Theseus. The names of the states composing this Amphictyony are preserved in the inscription known as the *Marmor Sandwicense*, which contains the accounts of the four years 377–374 B.C., and is given by Böckh in *C. I. G.* i. 252 and in the appendix to his *Political Economy* (vol. ii., p. 78 ff.; 2nd Germ. edit.). They include the islands of Myconos, Syros, Tenos, Ceos, Siphnos, Seriphos, Ios, Paros, Icaria, Naxos, Andros, and the town of Carystus in Euboea. The *θεωροί* sent by the Athenians to Delos are well known [THEORI; DELIA]; they were also called Δηλιασταί. (Ath. vi. p. 234 e; Harpocrat., Hesych. *s. v.*)

The system indeed was by no means confined to the mother country; for the federal unions of the Dorians, Ionians, and Aeolians, living on the west coast of Asia Minor, seem to have been Amphictyonic in spirit, although modified by exigencies of situation. Their main essence consisted in keeping periodical festivals in honour of the acknowledged gods of their respective nations. Thus the Dorians held a federal festival, and celebrated religious games at Triopium, uniting with the worship of their national god Apollo that of the more ancient and Pelasgic Demeter. The Ionians met for similar purposes in honour of the Heliconian Poseidon* at Mycale,—their place of assembly being called the Panionium, and their festival Panionia. The twelve towns of the Aeolians assembled at Grynea, in honour of Apollo. (Herod. i. 144, 148, 149; Dionys. iv. 25.) That these confederacies were not merely for offensive and defensive purposes, may be inferred from their existence after the subjugation of these colonies by Croesus; and we know that Halicarnassus was excluded from the Dorian union, merely because one of its citizens had not made the usual offering to Apollo of the prize he had won in the Triopic contests. A confederation somewhat similar, but more political than religious, existed in Lycia (Strab. xiv. 3, 2): it was called the "Lycian system," and was composed of twenty-three cities.

But besides these and others, there was one Amphictyony of greater celebrity than the rest, and much more lasting in its duration. This was by way of eminence called the Amphictyonic league; and differed from the other associations in having two places of meeting, the sanctuaries of two divinities. These were the temple of Demeter, in the village of Anthela, near Thermopylae (Herod. vii. 200), where the deputies or representatives met in autumn; and that of Apollo at Delphi, where they assembled in spring. The connexion of this Amphictyony with the latter not only contributed to its dignity, but also to its permanence. With respect to its early history, Strabo (ix. 3, 7) says, that even in his days it was impossible to learn its origin. We know, however, that it was originally composed of twelve *tribes* (not cities or states, it must be observed), each of which tribes contained various independent cities or states. As to the names of the twelve tribes, however, our accounts are very various. The lists in Pausanias (x. 8, § 2) and Harpocration, *s. v.*, differ in some particulars from that of Aeschines (*F. L.* § 116). The latter, who may be taken as an authoritative witness for his own time, after mentioning that there were twelve *ἔθνη* in the league, gives only eleven names—the Thessalians, Boeotians (not Thebans only, he remarks), Dorians, Ionians, Perrhaebians, Magnetes, Locrians, Oetaeans, Phthiots or Achaeans of Phthia, Malians or Melians, and Phocians. Recent editors have supplied the Dolopians as the twelfth name, following a conjecture of Tittmann's in his work on the Amphictyonic League (p. 40); and the list, as thus completed, is adopted by Grote (vol. ii. p. 325). Others join the Dolopians with the Perrhaebians, and reckon as a separate tribe the Aenianes who, on Tittmann's view, are included among the Oetaeans (Foucart, *ap.* D. and S., *s. v.*). It must be admitted that it is impossible fully to harmonise the ancient authorities themselves: but the list may have varied at different times, and Pausanias, who gives only ten names (omitting the Boeotians and Perrhaebians) expressly refers the ten to the mythic Amphictyon. The preponderance of the Thessalian and northern nations of Greece proves the antiquity of the institution; and the fact of the Dorians standing on an equality with such tribes as the Malians, shows that it must have existed before the Dorian conquest of the Peloponnesus which originated several *states* more powerful, and therefore more likely to have sent their respective deputies than the tribes mentioned. That it existed moreover before the Ionian migration, has been inferred from the Ionians of Asia having a share in the vote, and from the statement of Tacitus (*Ann.* iv. 14): "Samii decreto Amphictyonum nitebantur, quis praecipuum fuit rerum omnium judicium, qua tempestate Graeci, conditis per Asiam urbibus, ora maris potiebantur." The passage in Tacitus is, however, with more probability referred to the Delian Amphictyony.

We learn from Aeschines (*l. c.*) that each of the twelve Amphictyonic tribes had two votes in congress, and that deputies from such towns as

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* Poseidon was the god of the Ionians, as Apollo of the Dorians. (Müller, *Dor.* ii. 10, § 5.)

(Dorium and) * Cytinium had equal power with the Lacedaemonians, and that Eretria and Priene, Ionian colonies, were on a par with Athens (*ἰσόψηφοι τοῖς Ἀθηναίοις*). It seems therefore to follow, either that each Amphictyonic tribe had a cycle (Strab. ix. 3, 7; Pausan. x. 8, § 2), according to which its component states returned deputies, or that the vote of the tribe was determined by a majority of votes of the different states of that tribe. The latter supposition might explain the fact of there being a larger and smaller assembly —a *βουλή* and *ἐκκλησία*—at some of the congresses, and it is confirmed by the circumstance that there was an annual election of deputies at Athens, unless this city usurped functions not properly its own.

The council itself was called *Pylaea* (Πυλαία) from its meeting in the neighbourhood of Pylae (Thermopylae), but the same name was given to the session at Delphi as well as to that at Thermopylae. It was composed of two classes of representatives, one called *Pylagorae* (Πυλαγόραι), the other *Hieromnemones* (Ἱερομνήμονες). Of the former, three were annually elected at Athens to act with one Hieromnemon appointed by lot. (Aristoph. *Nubes*, v. 623.) That his office was highly honourable we may infer from the oath of the Heliasts (Dem. *c. Timocr.* p. 747, § 150). in which he is mentioned with the nine archons. On one occasion we find that the president of the council was a Hieromnemon, and that he was chosen general of the Amphictyonic forces, to act against the Amphissians. (Tittmann, p. 87.) Hence it has been conjectured that the Hieromnemones, also called *ἱερογραμματεῖς*, were superior in rank to the pylagorae. (Tittmann, pp. 84, 86.) Aeschines also contrasts the two in such a way as to warrant the inference that the former office was the more permanent of the two. Thus he says (*c. Ctes.* § 115), "When Diognetus was Hieromnemon, ye chose me and two others Pylagorae." He then contrasts "the Hieromnemon of the Athenians with the Pylagorae for the time being." There is even good reason for supposing that the Hieromnemon was elected for life (Clinton, *F. H.*, vol. iii. p. 621; Tittmann, *l. c.*), although some writers are of a different opinion (Schömann, *de Comit.* p. 283). Again, we find inscriptions (Böckh, *Inscr.* 1171), containing surveys by the Hieromnemones, as if they formed an executive; and that the council concluded their proceedings on one occasion (Aesch. *c. Ctes.* § 124), by resolving that there should be an extraordinary meeting previously to the next regular assembly, to which the Hieromnemones should come with a decree to suit the emergency just as if they had been a standing committee. Their name implies a more immediate connexion with the temple; but whether they voted or not upon matters in general is doubtful: from the two Amphictyonic decrees quoted below, we might infer that they did not, while the inscriptions (1688 and 1699), quoted by Schömann (p. 392), and the statement of Demosthenes (*pro Coron.* p. 277, § 149 f.), lead to a contrary conclusion. The narrative of Aeschines (*c. Ctes.* § 116) implies that they were more peculiarly the representatives of their constituent states. Probably the respective functions of the two classes of representatives were not strictly defined, and varied at different times, if indeed they are always correctly distinguished by the authors who allude to them. The *ἐκκλησία*, or general assembly, included not only the classes mentioned, but also those who had joined in the sacrifices and were consulting the god; and as there was a large multitude annually collected at the Amphictyonic session at Thermopylae, it was probably numerously attended. (Hesychius, *s. v.*; cf. Soph. *Trach.* 639.) It was convened on extraordinary occasions by the chairman of the council (Ὁ *τὰς γνώμας ἐπιψηφίζων*, Aesch. *l. c.* 124).

Of the duties of this latter body nothing will give us a clearer view than the oaths taken and the decrees made by it. The oath was as follows (Aesch. *de F. L.* § 115): "They would destroy no city of the Amphictyons, nor cut off their streams in war or peace; and if any should do so, they would march against him and destroy his cities; and should any pillage the property of the god, or be privy to or plan anything against what was in his temple at Delphi, they would take vengeance on him with hand and foot, and voice, and all their might." There are two decrees given by Demosthenes, both commencing thus (Dem. *de Cor.* p. 278, § 154): "When Cleinagoras was priest (*ἱερεύς*), at the spring meeting, it was resolved by the pylagorae and the assessors of the Amphictyons, and the general body of them," &c. The resolution in the second case was, that as the Amphissians continued to cultivate "*the sacred district*," Philip of Macedon should be requested to help Apollo and the Amphictyons, and that he was thereby constituted absolute general of the Amphictyons. He accepted the office, and soon reduced the offending city to subjection. From the oath and the decrees, we see that the main duty of the deputies was the preservation of the rights and dignity of the temple at Delphi. We know, too, that after it was burnt down (B.C. 548), they contracted with the Alcmaeonidae for the rebuilding (Herod. ii. 180, v. 62); and Athenaeus (A.D. 228) informs us (iv. p. 173 b) that in other matters connected with the worship of the Delphian god they condescended to the regulation of the minutest trifles. History, moreover, teaches that if the council produced any palpable effects, it was from their interest in Delphi; and though it kept up a standing record of what ought to have been the international law of Greece, it sometimes acquiesced in, and at other times was a party to, the most iniquitous and cruel acts. Of this the case of Crissa is an instance. This town lay on the Gulf of Corinth, near Delphi, and was much frequented by pilgrims from the West. The Crissaeans were charged by the Delphians with undue exactions from these strangers, and with other crimes. The council declared war against them, as guilty of a wrong against the god. The war lasted ten years, till, at the suggestion of Solon, the waters of the Pleistus were turned off, then poisoned, and turned again into the city. The besieged drank their fill, and Crissa was soon razed to the ground; and thus, if it were an Amphictyonic city, was a solemn oath doubly violated. Its territory—the rich Crissaean or

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* There is a doubt about the reading. (See Thuc. iii. 95; Tittmann, p. 52.)

Cirrhaean plain—was consecrated to the god, and curses imprecated upon any one who should till or dwell in it. Thus ended the First Sacred War (B.C. 586), in which the Athenians and Amphictyons were the instruments of Delphian vengeance. (Paus. x. 37, § 4; Clinton, *F. H.*, vol. ii. p. 196; Aeschin. *c. Ctes.* § 107 ff.) The Second or Phocian War (B.C. 356) was the most important in which the Amphictyons were concerned (Thirlwall, *Hist. of Greece*, vol. v. pp. 263–372; Grote, ch. 87); and in this the Thebans availed themselves of the sanction of the council to take vengeance on their enemies, the Phocians. To do this, however, it was necessary to call in Philip of Macedon, who readily proclaimed himself the champion of Apollo, as it opened a pathway to his own ambition. The Phocians were subdued (B.C. 346), and the council decreed that all their cities, except Abae, should be razed, and the inhabitants dispersed in villages not containing more than fifty inhabitants. Their two votes were given to Philip, who thereby gained a pretext for interfering with the affairs of Greece; and also obtained the recognition of his subjects as Hellenes. To the causes of the Third Sacred War allusion has been made in the decrees quoted by Demosthenes. The Amphissians tilled the devoted Cirrhaean plain, and behaved, as Strabo (ix. 3, 4) says, worse than the Crissaeans of old (*χείρους ἦσαν περὶ τοὺς ξένους*). Their submission to Philip was immediately followed by the battle of Chaeroneia (B.C. 338), and the extinction of the independence of Greece. In the following year, a congress of the Amphictyonic states was held; in which war was declared as if by united Greece against Persia, and Philip elected commander-in-chief. On this occasion the Amphictyons assumed the character of national representatives as of old, when they set a price upon the head of Ephialtes, for his treason to Greece at Thermopylae, and erected monuments in honour of the Greeks who fell there. Herodotus indeed (vii. 214, 228), speaking of them in reference to Ephialtes, calls them *οἱ τῶν Ἑλλήνων Πυλαγόροι*.

We have sufficiently shown that the Amphictyons themselves did not observe the oaths they took; and that they did not much alleviate the horrors of war, or enforce what they had sworn to do, is proved by many instances. Thus, for instance, Mycenae was destroyed by Argos (B.C. 468), Thespiae and Plataeae by Thebes, and Thebes herself swept from the face of the earth by Alexander (*ἐκ μέσης τῆς Ἑλλάδος ἀνήρπασται*, Aeschin. *c. Ctes.* § 133). Indeed, we may infer from Thucydides (i. 112), that a few years before the Peloponnesian war the council was a passive spectator of what he calls *ὁ ἱερὸς πόλεμος*, when the Lacedaemonians made an expedition to Delphi, and put the temple into the hands of the Delphians; the Athenians, after their departure, restoring it to the Phocians: and yet the council is not mentioned as interfering. It will not be profitable to pursue its history further; it need only be remarked, that Augustus wished his new city, Nicopolis (B.C. 31), to be enrolled among its members; and that Pausanias, in the second century of our era, mentions it as still existing, but deprived of all power and influence. In fact, even Demosthenes (*de Pace*, extr.) spoke of it as the shadow at Delphi (*ἡ ἐν Δελφοῖς σκιά*). In the time of Pausanias, the number of Amphictyonic deputies was thirty.

A question of some interest arises with regard to the two places of meeting. Where did the association originate?—were its meetings first held at Delphi, or at Thermopylae? There seems a greater amount of evidence in favour of the latter. In proof of this may be alleged the number of Thessalian tribes from the neighbourhood of the Maliac bay, and the comparative insignificance of many of them; the assigned birthplace and residence of the mythic Amphictyon, the names Pylagorae and Pylaea. Besides, we know that Thessaly was the theatre and origin of many of the most important events of early Greek history; whereas, it was only in later times, and after the Dorian conquest of Peloponnesus, that Delphi became important enough for the meetings of such a body as the Amphictyonic; nor, if Delphi had been of old the only place of meeting, is it easy to account for what must have been a loss of its ancient dignity. But whatever was the cause, we have still the fact, that there were two places of congress; to account for which, it has been supposed that there were originally two confederations, afterwards united by the growing power of Delphi, as connected with the Dorians, but still retaining the old places of meeting. We must, however, admit that it is a matter of mere conjecture whether this were the case or not, there being strong reasons in support of the opinion that the Dorians, on migrating southwards, combined the worship of the Hellenic Apollo with that of the Pelasgian Demeter, as celebrated by the Amphictyons of Thessaly. (Thirlwall, *Hist. of Greece*, cc. x. xliii.; Grote, vol. ii. ch. 2; Heeren, *Ancient Greece*, c. 7; De Sainte-Croix, *Des Anciens Gouvernemens Fédératifs*; Tittmann, *Ueber den Bund der Amphictyonen*; Müller, *Dorians*, book ii. 3, § 5: Hermann, *Staatsalterth.* §§ 11–14; Freeman, *Hist. of Federal Government*, ch. iii.) [R. W.] [W. W.]

AMPHIDROM'IA (ἀμφιδρόμια), a family festival of the Athenians at which the newly born child was introduced into the family, and received its name. No particular day was fixed for this solemnity; but it did not take place very soon after the birth of the child, for it was believed that most children died before the seventh day, and the solemnity was therefore generally deferred till after that period, that there might be at least some probability of the child remaining alive. According to Suidas, the festival was held on the fifth day, when the women who had lent their assistance at the birth washed their hands, but this purification preceded the real solemnity. The friends and relations of the parents were invited to the festival of the amphidromia, which was held in the evening, and they generally appeared with presents, among which are mentioned the cuttle-fish and the marine polyp. (Hesych. and Harpocr. *s. v.*) The house was decorated on the outside with olive branches when the child was a boy, or with garlands of wool when the child was a girl; and a repast was prepared, at which, if we may judge from a fragment of Ephippus in Athenaeus (ix. p. 370; comp. ii. p. 65), the guests must have been rather merry. The child was then carried round the fire by the nurse, and thus, as it were, presented to the gods of the house and to the family, and at the same time received its name, to which the guests were witnesses. (Isaeus, *de Pyrrhi Hered.* § 30.) The carrying of the child round the hearth was the principal part of the solemnity, from which its name was derived. But the Scholiast on Aristophanes (*Lysistr.* 758) derives its name from the fact that the guests, whilst the name was given to the child, walked or danced around it. This festival is sometimes called from the day on which it took place: if on the seventh day, it is called ἑβδόμαι or ἑβδομάς; if on the tenth day, δεκάτη, &c. (Hesych.; Schol. Aristoph. *Av.* 923; K. F. Hermann, *Gottesd. Alterth.* § 48, n. 6.) [L. S.]

AMPHIMALLUM. [Tapes.]

AMPHIOR'KIA or **AMPHOMOS'IA** (ἀμφιορκία or ἀμφωμοσία), the oath which was taken, both by the plaintiff and defendant, before the trial of a cause in the Athenian courts, that they would speak the truth (Hesych., Suid.). In the ἀνάκρισις or preliminary investigation it was called διωμοσία. The notion of some grammarians (Pollux, viii. 122; Bekker, *Anecd.* pp. 184, 9; 311, 23), that it was also applied to the judges' oath is a mistake. [W. W.]

AMPHIPROSTYLOS. [Templum.]

AMPHISBETE'SIS (ἀμφισβήτησις), the act of claiming an inheritance (L. & S.) or, more properly, of disputing the title of the first claimant. None but direct heirs might enter and take possession of the estate immediately after the owner's death; more distant relatives, or claimants by adoption or devise (κατὰ δόσιν), were not at liberty to enter until the estate was formally adjudged to them. The proper course was to make application to the *archon eponymus*, who attended at his office for that purpose every month in the year except the last (Scirophorion). The party who applied was regarded as a suitor, and (on obtaining a hearing) was said λαγχάνειν τοῦ κλήρου (Isaeus, *Or.* 11 [*Hagn.*], §§ 15, 26-7; *Or.* 3 [*Pyrrh.*], § 60; *Or.* 9 [*Astyph.*], § 3; Demosth. *Steph.* ii. p. 1136, § 23). As the first regular assembly (κυρία ἐκκλησία) held after he had received notice, the archon caused proclamation to be made, that such a person had died without issue, and that such and such persons claimed to be his heirs. The herald then asked εἴ τις ἀμφισβητεῖν ἢ παρακαταβάλλειν βούλεται τοῦ κλήρου. There is no doubt about the meaning of παρακαταβάλλειν, "to make a deposit by way of security for costs;" the amount in this case being a tenth part of the value of the property in dispute, which was returned to the party if successful. (Pollux, viii. 32, 95; Bekk. *Anecd.* p. 197, 11; Isaeus, *Or.* 4 [*Nicostr.*], § 10; *Or.* 11 [*Hagn.*], § 13; Demosth. *c. Macart.* p. 1051, § 5; *c. Leoch.* p. 1090, § 34, &c.)

The general question of procedure in cases of disputed inheritance is treated under Heres; the only point now to be considered is whether ἀμφισβήτησις and παρακαταβολή were employed under different conditions or were alternatives open to all suitors in every case. It has been argued, indeed, as by Hefter and De Boor (quoted by Westermann *ap.* Pauly, and Caillemer *ap.* Daremberg and Saglio *s. v.*), that all who put in a claim were compelled to give security, but to this it seems sufficient to answer, that in that case the formula would have been ἀμφισβητεῖν καὶ παρακαταβάλλειν. It is clear, therefore, that two distinct processes are intended. There is little probability in the notion that the παρακαταβολή was required of those who claimed the whole inheritance, not of those who only claimed a part (C. R. Kennedy, in the former editions of this work); or that it was required only of those who sought to disturb possession already decreed (Bunsen, *de jure hered. Athen.* p. 92); or only of more distant relatives, claiming against nearer (Meier and Schömann, *Att. Process*, pp. 464, 618 f.). The best explanation is that the claimant in all cases had his choice of the two modes of procedure; but if he failed to back his claim with a substantial deposit, he would not be likely to obtain a favourable hearing. This is the view of Platner (*Process und Klagen*, ii. 310 ff.) and others, including Caillemer *ap.* D. and S. We may perhaps say that this variety of remedies ostensibly gratified the Athenian taste for cheap law, involving no risks for poor men, while it provided a real security against frivolous litigation. If the subsequent claimant or claimants elected to proceed by way of παρακαταβολή, the first suitor was practically, though perhaps not legally, compelled to do the same, on pain of having it thought that his own claim would not bear investigation. [W. W.]

AMPHITAPAE. [Tapes.]

AMPHITHAL'AMUS (ἀμφιθάλαμος), a room in the *gynaeconitis*, or women's quarters, in a Greek house, opposite the θάλαμος, from which it was separated by the παστάς. It served probably as a sleeping apartment for the grown-up daughters. (Vitruv. vi. 7, § 2.) [Domus.] [J. H. O.]

AMPHITHEA'TRUM (ἀμφιθέατρον) was a description of building arranged for the exhibition of combats of gladiators, and wild beasts, and ships, which constituted the *ludi amphitheatrales*. [Gladiatores; Venatio; Naumachia.]

I. *Its History.*—Such exhibitions—which were peculiar to the Romans, and which were unknown to the Greeks till the Romans introduced them—originally took place in the Forum and the Circus, the shows of gladiators being given in the former, and those of wild beasts in the latter; indeed the amphitheatre itself is sometimes called *circus*. The shape of the circus, however, was much better fitted for the chariot races, for which it was at first designed, than for the gladiatorial combats, and the mere wholesale slaughter of animals, which, in process of time, came to be the favourite amusements of the Romans. For these purposes, the circus was too long and too narrow, and the spina was a great impediment, so that a new form of building was required, which should accommodate a multitude of spectators in such a manner as that all might have a good view of the space occupied by the combatants, which space too required to be of quite a different shape from the circus, as the combatants were to be kept as much as possible in the same place. The idea of such a building was suggested, as the name seems to imply, by the already existing theatre: indeed, the first amphitheatre of which we have any account—that of C. Scribonius Curio—was, literally, a *double theatre*,[*] being composed of two theatres, placed on pivots, so that they could be turned round, spectators and all, and placed either back to back, forming two separate theatres for dramatic exhibitions, or face to face, forming an amphitheatre, for the shows of gladiators and wild beasts. This edifice, which was erected by Curio, the celebrated partisan of Caesar, in B.C. 50, for the celebration of his father's funeral games, is described by Pliny (*H. N.* xxxvi. § 116 f.). The next amphitheatre, and apparently the first to which the name was applied, was built by Julius Caesar himself, during his perpetual dictatorship, in B.C. 46 (Dio Cass. xliii. 22, who thus describes the building: *Θέατρόν τι κυνηγετικὸν, ὃ καὶ ἀμφιθέατρον ἐκ τοῦ πέριξ πανταχόθεν ἕδρας ἄνευ σκηνῆς ἔχειν προσερρήθη*). This, however, was still only of wood, —a material which was frequently used for theatres, and which was, therefore, naturally adopted for amphitheatres, but which sometimes proved inadequate to support the weight of the immense body of spectators, and thus occasioned serious accidents. For example, we are told that a wooden amphitheatre, which was built at Fidenae in the reign of Tiberius A.D. 27 by Atilius, a freedman, fell in, and buried either 20,000 or 50,000 spectators in its ruins. (Suet. *Tib.* 40; Tac. *Ann.* iv. 63.) Tacitus, who gives the higher and almost incredible number, expressly states that the loss of life was equal to that of a great war. These wooden buildings were, of course, also exposed to great danger from fire; thus a wooden amphitheatre at Placentia was burned in the civil war between Otho and Vitellius. (Tac. *Hist.* ii. 20.)

It was not, however, till the fourth consulship of Augustus, B.C. 30, that a more durable amphitheatre, of stone, was erected by Statilius Taurus, in the Campus Martius. (Dio Cass. li. 23; Suet. *Octav.* 29; Tac. *Ann.* iii. 72; Strab. vi. p. 236.) But, since this building was destroyed by fire, it must be supposed that only the shell was of stone, and the seats and staircases of wood. This edifice was the only one of the kind until the building of the Flavian amphitheatre. It did not satisfy Caligula, who commenced an amphitheatre near the Septa; but the work was not continued by Claudius. (Dio Cass. lix. 10; Suet. *Cal.* 18, 21.) Nero too, in his second consulship, A.D. 57, erected a vast amphitheatre of wood, but this was only a temporary building. (Suet. *Ner.* 12; Tac. *Ann.* xiii. 31.) The amphitheatre of Taurus was destroyed in the burning of Rome, A.D. 64 (Dio Cass. lxii. 18), and was probably never restored, as it is not again mentioned. It has been a question with the topographers whether any traces of it are now visible. (Becker, *Röm. Alterth.* i. pp. 642, 643; and Urlichs, *Beschreibung Roms*, pp. 53, 54.[†]) The slight elevation called *Monte Giordano* has been supposed, not improbably, to be caused by its ruins; the same has been said of the *Monte Citorio*, but it is known now that this is over the remains of the temple of M. Aurelius. (Middleton, p. 300.)

The erection of an amphitheatre in the midst of Rome, proportioned to the magnitude of the city, was among the designs of Augustus, who delighted in the spectacles of the *venatio*, and especially in the uncommon species and immense number of the animals exhibited in them; so that, as he himself informs us, in one of his *venationes* there were no less than 3500 animals slaughtered. (Suet. *Vesp.* 9; Aur. Vict. *Epit.* 1; *Monum. Ancyr.*) It was not, however, till the reigns of Vespasian and Titus that the design of Augustus was carried into effect by the erection of the *Amphitheatrum Flavium*, or, as it has been called since the time of Bede, the *Colosseum* or *Coliseum*, probably on account of its gigantic size. According to some, this name was derived from the colossal statue of Nero, which stood close by, but this is not probable, as the bronze Colossus had been overthrown and melted long before the name Colosseum had been applied to the Flavian amphitheatre (Middleton, p. 302).

This wonderful building, which for magnitude can only be compared to the pyramids of Egypt, and which is perhaps the most striking monument at once of the material greatness and the moral degradation of Rome under the empire, was commenced by Vespasian (Suet. *Vesp.* 9), probably at an early period of his reign; for the genuineness of the medal, which is quoted by Lipsius as placing its commencement in his eighth consulship, A.D. 77, is more than doubtful (Eckhel, *Doctr. Num. Vet.* vol. vi. p. 840), and the time too short. It was completed by Titus, who dedicated it in A.D. 80, when 5000 animals of different kinds were slaughtered. (Suet. *Tit.* 7; Dio Cass. lxvi. 25.) He seems, however, only to have completed the main framework of the building so far as was necessary to make it possible to hold games in it, and Domitian afterwards added the last story and the ornamental work (*usque ad clypea: Catal. Viennensis* ap. Roncalli, p. 243). As built by the Flavian emperors, the highest tiers of seats inside, and probably the fourth story as a whole, were of wood. An examination of the existing structure shows that it is of two distinct dates, with a considerable interval; and these portions of it are now proved to be not earlier than the time of Alexander Severus and Gordian III. The junction of the work of the two periods can be clearly seen in the interior. (Burn, p. 235; Parker, pt. vii. pp. 6, 25; Middleton, p. 303 f.)

There is an ecclesiastical tradition, but not entitled to much credit, that the architect of the *Coliseum* was a Christian, and afterwards a martyr, named Gaudentius, and that thousands of the captive Jews were employed in its erection. Venuti gives, as the authority for this statement, an inscription now in the church of *S. Martino* on the Esquiline. The inscription,

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[*] Mr. Parker unsuccessfully attempts to prove that the name *theatrum* was applied to an amphitheatre like the Flavian. (*Archaeol. of Rome*, pt. vii. p. 9 f.)

[†] In the south-eastern angle of the walls of Aurelian, near the church of S. Croce, are the remains of an amphitheatre of brick, called *Amphitheatrum Castrense* in the *Notitia* of the fourth century A.D. Its date is not exactly determined, but it was probably coeval with the *Castra Praetoriana*, a work of the early emperors. The doubts of Becker (*Röm. Alterth.* i. 549 ff.) as to the identity of the existing structure with that described in the *Notitia*, are not supported by the judgment of more recent scholars; and the brick-work is now stated to be of the reign of Trajan or even earlier. (Middleton, p. 328.)

however, probably relates only to the martyrdom of Gaudentius in the amphitheatre, and does not even say that he was an architect. (Burn, *l. c.*; Middleton, *l. c.*)

The Flavian amphitheatre, from its enormous size, rendered the subsequent erection of any other such building in Rome perfectly unnecessary. It became the spot where prince and people met together to witness those sanguinary exhibitions, the degrading effects of which on the Roman character can hardly be over-estimated. It was partially repaired by Antoninus Pius (Capit. *Ant. Pi.* 8). In the reign of Macrinus, on the day of the Vulcanalia, it was struck by lightning, by which the upper rows of benches were consumed, and so much damage was done to other parts of the structure, that the games were for some years celebrated in the Stadium. (Dio Cass. lxxviii. 25.) Its restoration was commenced by Elagabalus and completed by Alexander Severus. (Lamprid. *Heliog.* 17; *Alex. Sev.* 24.) A medal of Gordian III. represents the Coliseum with the legend *munificentia Gordiani Aug.*, showing that fresh works were undertaken within a few years. It was again struck by lightning in the reign of Decius (Hieron. p. 475). but was soon restored, and the games continued to be celebrated in it down to the sixth century. It is usually stated that, in consequence of the self-devotion of Telemachus, an Asiatic monk, who rushed into the arena to separate the gladiators, and was overwhelmed under a shower of stones, Honorius abolished for ever the sacrifices of the gladiators (Theodoret. v. 26); but there is evidence that they were continued even at a later period. (Augustin. *Confess.* vi. 8; Salvian. *de Gubern. Dei*, vi. 2, written after 455: see Dr. Smith's Note to Gibbon, iv. p. 41.) In later times the amphitheatre has been used sometimes in war as a fortress, and in peace as a quarry; whole palaces, such as the Cancelleria and the Palazzo Farnese, having been built out of its spoils. At length the popes made efforts to preserve it: Sixtus V. attempted to use it as a woollen factory, and to convert the arcades into shops; Clement XI. enclosed the lower arcades, and in 1750 Benedict XIV. consecrated it to Christians who had been martyred in it. The best accounts of the building are contained in the following works: Lipsius, *de Amphitheatro*; Nibby, *dell' Anfiteatro Flavio*, a supplement to Nardini, vol. i. p. 233, in which we have the most complete historical account; Fea, *Notizie degli scavi nell' Anfiteatro Flavio*; Bunsen, *Beschreibung d. Stadt Rom*, vol. iii. p. 319, &c.; Cressy and Taylor, *The Architectural Antiquities of Rome*; Maffei, *Verona Illustrata*; Stieglitz, *Archäol. d. Baukunst*; Hirt, *Geschichte d. Baukunst bei den Alten*; Burn, *Rome and the Campagna*, p. 234 ff.; J. H. Parker, *Archaeol. of Rome*, pt. vii.; J. H. Middleton, *Ancient Rome in* 1885, p. 300 foll.

II. *Description of the Flavian Amphitheatre.*—Notwithstanding the damages of time, war, and spoliation, the Flavian amphitheatre still remains complete enough to give us a fair idea, excepting in some minor details, of the structure and arrangements of this description of building. The notices of the ancient authors are extremely scanty; and Vitruvius of course fails us here altogether; indeed, this description of building was so completely new in his time, that only once does the bare word *amphitheatrum* occur in his book (i. 7). We derive important aid from the remains of amphitheatres in the provinces of the ancient Roman empire. We shall first describe the Coliseum, and then mention the chief points of difference between it and these other amphitheatres.

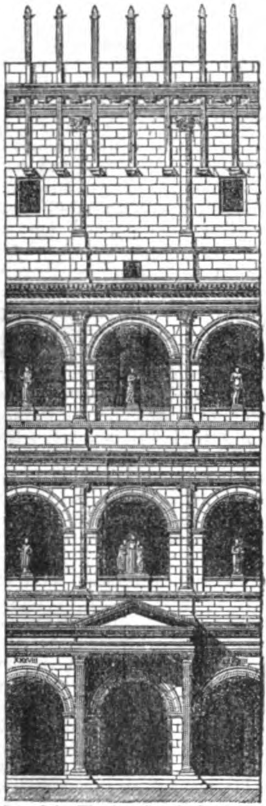
The very site of the Flavian amphitheatre, as of most others, furnishes an example of the prodigal contempt of labour and expense which the Roman emperors displayed in their great works of architecture. The Greeks, in choosing the sites of their theatres, almost always availed themselves of some natural hollow on the side of a hill; but the Roman amphitheatres, with few exceptions, stand upon a plain. The site of the Coliseum was in the middle of the city, in the valley between the Caelian, the Esquiline, and the Velia, on the marshy ground which was previously the lake of Nero's palace, *stagnum Neronis*.

> "Hic ubi conspicui venerabilis amphitheatri
> Erigitur moles, stagna Neronis erant."
> (Mart. *de Spect.* ii. 5.)

No mere measures can give an adequate conception of this vast structure, the dimensions and arrangements of which were such as to furnish seats for 87,000 spectators, round an arena large enough to afford space for the combats of several hundred animals at once, for the evolutions of mimic sea-fights, and for the exhibition of artificial forests; with passages and staircases to give ingress and egress, without confusion, to the immense mass of spectators, and others for the attendants on the arena; dens for the thousands of victims devoted to destruction; channels for the rapid influx and outlet of water when the arena was used for a *naumachia*; and the means for the removal of the carcases, and the other abominations of the arena. Admirable pictures of the magnitude and magnificence of the amphitheatre and its spectacles are drawn in the *Essays* of Montaigne (iii. 6), and in the latter part of Gibbon's twelfth chapter. As a general description of the building, the following passage of Gibbon is perfect:—"It was a building of an elliptic figure, founded on fourscore arches, and rising, with four successive orders of architecture, to the height of 140 [157] feet. The outside of the edifice was incrusted with marble, and decorated with statues. The slopes of the vast concave which formed the inside were filled and surrounded with sixty or eighty rows of seats, of marble likewise, covered with cushions, and capable of receiving with ease about 80,000 spectators. Sixty-four *vomitories* (for by that name the doors were very aptly distinguished) poured forth the immense multitude; and the entrances, passages, and staircases were contrived with such exquisite skill, that each person, whether of the senatorial, the equestrian, or the plebeian order, arrived at his destined place without trouble or confusion. Nothing was omitted which, in any respect, could be subservient to the convenience and pleasure of the spectators. They were protected from the sun and rain by an ample canopy, occasionally drawn over their heads. The air was continually refreshed by the playing of fountains, and profusely impregnated by the grateful scent of aromatics. In the centre of the edifice, the *arena*, or stage, was strewed with the finest sand, and successively assumed the most different forms. At one moment it seemed to rise out of the earth, like the garden of the Hesperides, and was afterwards broken into the rocks and caverns of Thrace. The subterraneous pipes conveyed an inexhaustible supply of water; and what had just before appeared a level plain might be suddenly converted into a wide lake, covered with armed vessels, and replenished with the monsters of the deep. In the decoration of these scenes, the Roman emperors displayed their wealth and liberality; and we read on various occasions that the whole furniture of the amphitheatre consisted either of silver, or of gold, or of amber. The poet who describes the games of Carinus,[*] in the character of a shepherd, attracted to the capital by the fame of their magnificence, affirms that the nets designed as a defence against the wild beasts were of gold wire; that the porticoes were gilded; and that the *belt* or circle which divided the several ranks of spectators from each other, was studded with a precious mosaic of beautiful stones" [really, of glass tesserae in imitation of jewels; cf. ABACULUS].

The ground-plan, external elevation, and section given on p. 111 are from Hirt, and contain of course some conjectural details. The ground-plan is so arranged as to exhibit in each of its quarters the plan of each of the stories: thus, the lower right-hand quarter shows the true *ground-plan*, or that of the lowest story; the next on the left shows a plan of the erections on the level of the second row of exterior columns, as well as the seats which sloped down from that level to the lower one; the next quarter shows a similar plan of the third order, and the upper right-hand quarter exhibits a view of the interior as it would appear to an eye looking vertically down upon it. The dotted lines on the arena are the radii, and their points of intersection the centres, of the several arcs which make up the ellipses.

This structure, like nearly all the other existing amphitheatres, is of an elliptical form. It covers nearly six acres of ground. The plan divides itself naturally into two concentric ellipses, of which the inner constituted the *arena* or space for the combats, while the ring between this and the outer circumference was occupied by the seats for the spectators. The lengths of the major and minor axes of these ellipses are, respectively, 287 feet by 180, and 620 feet by 513. The width of the space appropriated to spectators is, therefore, 166½ feet all round the building. The ratio of the diameters of the external ellipse is nearly that of 6 to 5, which becomes exactly the proportion, if we take in the substructions of the foundation. Of course, the ratio of the diameters of the arena is different, on account of the diminished size: it is, in fact, nearly as 8 to 5. The minor axis of the arena is here, and generally, about one-third of that of the outer ellipse. The material used was stone, in large blocks, fastened together, where necessary, by metal clamps. The exterior was faced with marble and adorned with statues. The external elevation requires little description. It is divided into four stories, corresponding to the tiers of corridors by which access was gained to the seats at different levels. These corridors are connected with the external air by eighty arched openings in each of the three lower stories. To the piers which divide these arches are attached columns which, in the first and second stories, stand out from the wall by nearly three-quarters of their circumference; in the third story, owing to the diminished thickness of the walls, only by a half. Thus, each of the three lower stories presents a continuous façade of eighty columns backed by piers, with eighty open arches between them, and with an entablature continued unbroken round the whole building. The width of the arches is as nearly as possible the same throughout the building, namely, 14 feet 6 inches, except at the extremities of the diameters of the ellipse, where they are two feet wider. Each tier is of a different order of architecture, the lowest being a plain Roman Doric, the next Ionic, and the third Corinthian. The columns of the second and third stories are placed on pedestals; those of the lowest story are raised from the ground by a substructure of two steps.



Elevation of the Flavian Amphitheatre restored.
(Daremberg and Saglio.)

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[*] The seventh Eclogue of Calpurnius, here referred to by Gibbon, was written in the time of Nero, and is therefore older than the Coliseum; it is the wooden amphitheatre of Nero that is really depicted. The "gold wire" is expressly ascribed to Nero's amphitheatre by Pliny, *H. N.* xxxvii. § 45. In the last quarter of the third century such profusion would have been impossible.

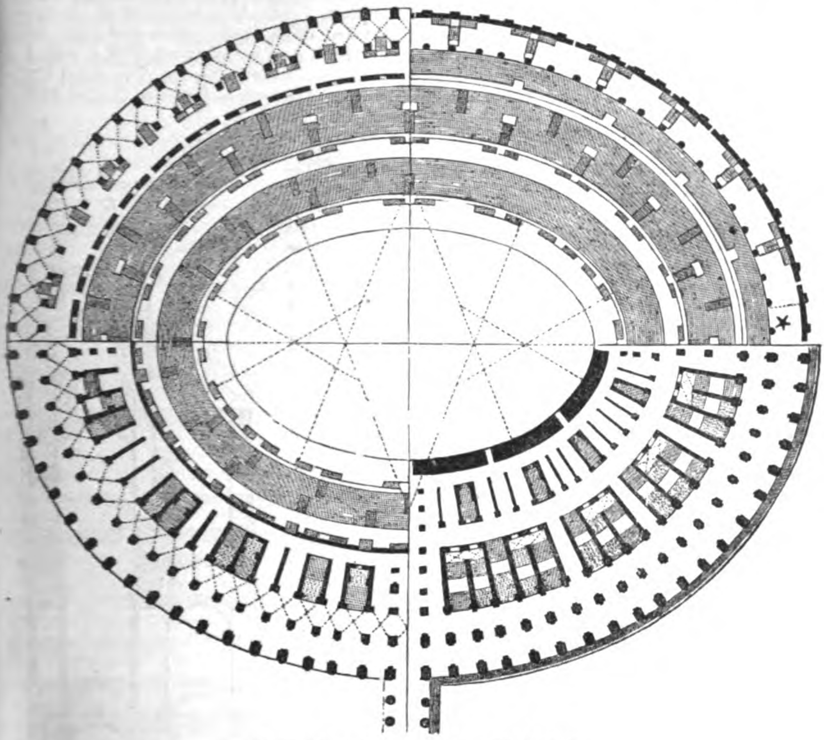
The fourth story has no arches, but consists of a wall pierced with larger and smaller square windows, placed alternately, and is decorated with pilasters of the Composite order. Between each pair of pilasters three consoles or brackets project from the wall, and above these are small vertical shafts in the entablature. The masts, upon which the *velaria* or awnings were stretched, rested on these brackets and passed through the shafts in the manner represented in the above engraving. The total height of that part of the building which remains entire, namely, about three-eighths of the whole circumference, is 157 feet: the stories are respectively about 30, 38, 38, and 44 feet high. The massiveness of the crowning entablature, the height of the upper story, and the great surface of blank wall in its intercolumniations, combine to give the elevation a somewhat heavy appearance; while the projecting cornices of each story, intercepting the view from below, take off very much from the apparent height of the building. Indeed, it would be a waste of words to attempt to specify all the architectural defects of the composition.

The stone used in the exterior is tufa and travertine, and very massive: some of the blocks are as much as five feet high, and eight or ten feet long: and it is remarkable that all these have inscribed upon them small numbers or signs, which evidently indicate the place of each in the building, and which prove how great was the care taken to adapt every single stone to the form of the whole edifice. In some parts of the interior large masses of concrete, brickwork, and tufa are seen; and in the upper part there are fragments of other buildings worked in; but this, no doubt, happened in some of the various repairs.

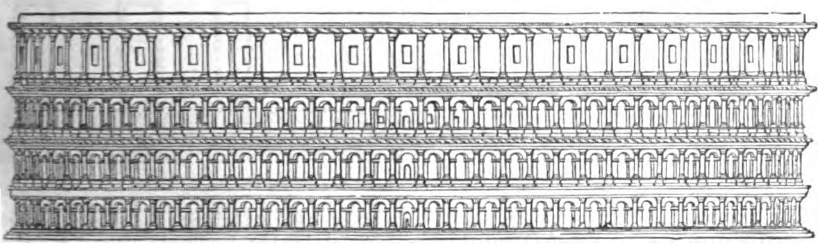
There are coins extant, bearing on the reverse a view of the amphitheatre, so arranged as to show not only the outside, but a portion of the interior also. It is from them that we learn the fact that the outer arches of the second and third stories were decorated with statues in their openings, unless, indeed, the figures shown in the arches are meant for rude representations of the people passing through the outer colonnade. These coins also show, on the highest story, in the alternate spaces between the pilasters, circles against the wall, corresponding to the windows in the other alternate spaces; they are, perhaps, the *clypea* mentioned by the old author cited above,—that is, ornamental metal shields, hung there to decorate the building. There are several coins of Titus and Domitian of this type (Eckhel, *Doctr. Num. Vet.* vol. vi. pp. 357–359, 375). There are similar coins of Gordian, which are, however, very inferior in execution to those of Titus and Domitian. (Eckhel, vol. vii. p. 271.) The coins of Titus and Domitian also show a range of three stories of columns by the side of the amphitheatre, which (though the matter is doubtful) is supposed to represent a colonnade which ran from the palace of Titus on the Esquiline to the amphitheatre, to which it gave access at the northern extremity of its minor axis, as shown on the plan. At the other extremity of this axis was the entrance from the Palatine.

The seventy-six arches of the lower story (omitting the four at the extremities of the axes) formed the numbered entrances for the spectators, and gave admission to a corridor, running uninterruptedly round the building, behind which again is another precisely similar corridor. (See the plan and section.) The space behind the second corridor is divided by eighty walls, radiating inwards from the inner piers of the second corridor; which support the structure, and between which are partly staircases leading to the upper stories, and partly passages leading into a third corridor, which, like the first and second, runs round the whole building. Beyond this corridor the radiating walls are again continued, the spaces between them being occupied, as before, partly by staircases leading on the one side to the *podium*, and on the other to the lower range of seats (*maenianum*), and partly by passages leading to a fourth continuous corridor much lower and smaller than the others, which was divided from the *arena* by a massive wall (called *podium*), the top of which formed the place assigned to the spectators of the highest rank. From this fourth corridor there are several entrances to the *arena;* and it is most probable that the whole of the corridor was subservient to the arrangements of the *arena.* (See the lower right-hand quarter of the plan, and the section.) On the second story we have the two outer colonnades repeated, and the radiating walls of the first block are continued up through this story; and between them are staircases leading out on to the second range of seats, and passages leading into a small inner corridor, from which access is obtained to a sort of terrace (*praecinctio*) which runs round the building between the first and second ranges of seats, and increases the facilities for the spectators getting to their proper places. Sloping down from this *praecinctio* to the level of the top of the *podium*, and supported by the inner series of radiating walls, are the lower series of seats. On the third story (above the floor of which the details are almost entirely conjectural), we have again the double colonnade, the inner wall of which rises immediately behind the top of the second range of seats, with only the interval of a narrow *praecinctio*, to which access was given by numerous doors in the wall just mentioned, which was also pierced with windows. Above the outer corridor of this story is an entresol, or small middle story, in front of which and above the inner colonnade were a few tiers of wooden benches for the lowest class of spectators. Above this entresol was a gallery, which ran right round the building, and the front of which is supposed to have been formed by a range of columns. It seems that the terrace formed by the top of this gallery would be also available for spectators. And, lastly, the very summit of the wall was formed into a sort of terrace, which was, no doubt, occupied by the men who worked the ropes of the *velarium*. The doors which opened from the staircases and corridors on to the interior of the amphitheatre were designated by the very appropriate name of *vomitoria.* The whole of the interior was called *cavea.* The following section (from Hirt) exhibits these arrangements as clearly as they can be shown without the aid of perspective.

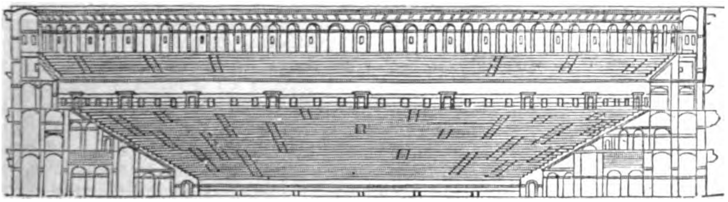
The arena was surrounded by a wall of sufficient height to guard the spectators against any danger from the wild beasts; namely, about fifteen feet. A further protection was afforded, at least sometimes, by a network or trellis of metal; and it is mentioned, as an instance of the profuse ostentation which the emperors were so fond of displaying, that Nero, in his amphitheatre, had this trellis gilt, and its intersections ornamented with bosses of amber.



Ground-plan of the Flavian Amphitheatre.



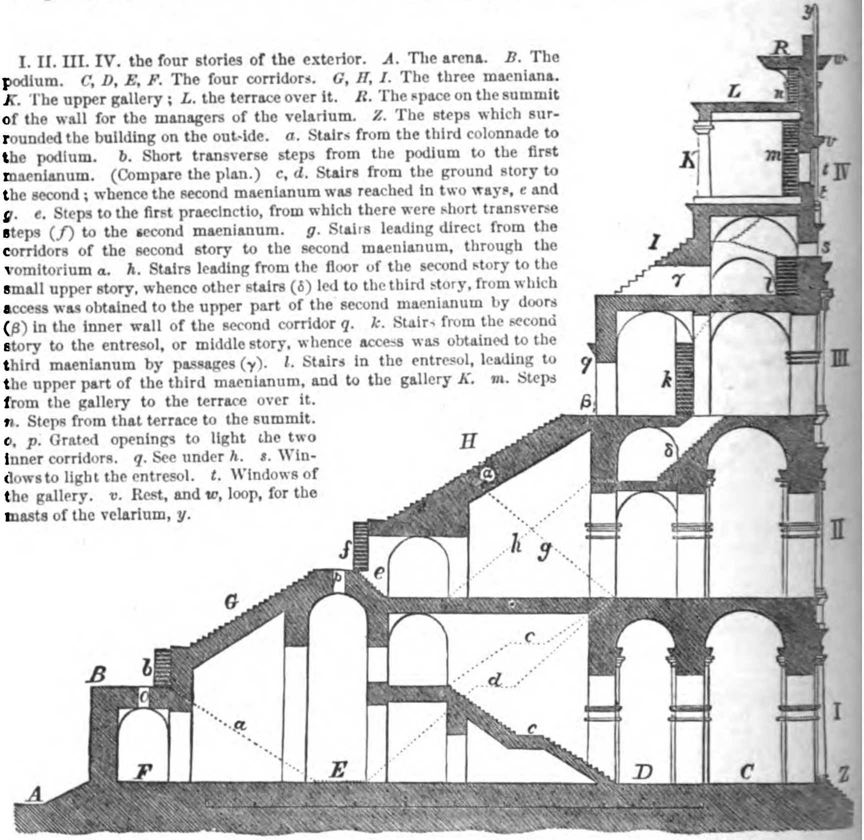
Longitudinal Elevation of the Flavian Amphitheatre.



Longitudinal Section of the Flavian Amphitheatre.

(Plin. *H. N.* xxxvii. § 45; Calpurn. *Ecl.* vii. 47.) The wall just mentioned appears to have been faced with marble, and to have had rollers suspended against it as an additional protection against the possibility of the wild beasts climbing it. (Lips. *de Amph.* 12.) The terrace on the top of this wall, which was called *podium* (a name sometimes also applied to the wall

itself), was about 12 feet high, and no wider than to be capable of containing two, or at the most three ranges of separate marble thrones. This, as being by far the best situation for distinctly viewing the sports in the arena, and also more commodiously accessible than the seats higher up, was the place set apart for senators and other persons of distinction, such as the ambassadors of foreign states (Suet. *Octav.* 44; Juv. ii. 143, &c.); the magistrates seem to have sat here in their curule chairs (Lipsius, *de Amph.* 11); and it was here, also, that the emperor himself used to sit, in an elevated place called *suggestus* (Suet. *Caes.* 76; Plin. *Paneg.* 51), or *cubiculum* (Suet. *Ner.* 12); and likewise the person who exhibited the games, on a place elevated like a pulpit or tribunal (*editoris tribunal*). The vestal virgins also appear to have had a place allotted to them on the podium. (Suet. *Octav.* 44.) Some of these marble seats were taken in the Middle Ages, and used as episcopal thrones in the centre of church apses. (Middleton, p. 315.)

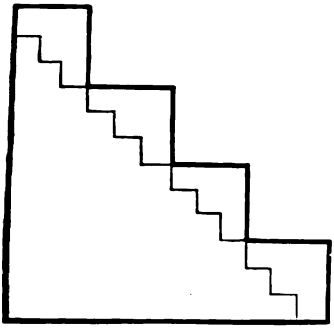


I. II. III. IV. the four stories of the exterior. *A.* The arena. *B.* The podium. *C, D, E, F.* The four corridors. *G, H, I.* The three maeniana. *K.* The upper gallery; *L.* the terrace over it. *R.* The space on the summit of the wall for the managers of the velarium. *Z.* The steps which surrounded the building on the outside. *a.* Stairs from the third colonnade to the podium. *b.* Short transverse steps from the podium to the first maenianum. (Compare the plan.) *c, d.* Stairs from the ground story to the second; whence the second maenianum was reached in two ways, *e* and *g*. *e.* Steps to the first praecinctio, from which there were short transverse steps (*f*) to the second maenianum. *g.* Stairs leading direct from the corridors of the second story to the second maenianum, through the vomitorium *α*. *h.* Stairs leading from the floor of the second story to the small upper story, whence other stairs (δ) led to the third story, from which access was obtained to the upper part of the second maenianum by doors (β) in the inner wall of the second corridor *q*. *k.* Stairs from the second story to the entresol, or middle story, whence access was obtained to the third maenianum by passages (γ). *l.* Stairs in the entresol, leading to the upper part of the third maenianum, and to the gallery *K.* *m.* Steps from the gallery to the terrace over it. *n.* Steps from that terrace to the summit. *o, p.* Grated openings to light the two inner corridors. *q.* See under *h.* *s.* Windows to light the entresol. *t.* Windows of the gallery. *v.* Rest, and *w*, loop, for the masts of the velarium, *y*.

Section of the Corridors, Stairs, and Seats.

Above the podium were the *gradus*, or seats of the other spectators, which were divided into stories called *maeniana*. The whole number of seats is supposed to have been about eighty. The first *maenianum*, consisting of fourteen rows of stone or marble seats, was appropriated to the equestrian order. The seats appropriated to the senators and equites were covered with cushions (*pulvini*), which were first used in the time of Caligula. (Juv. iii. 154; Dio Cass. lix. 7.) Then, after a horizontal space, termed a *praecinctio*, and forming a continuous landing-place from the several staircases which opened on to it, succeeded the second *maenianum*, where were the seats called *popularia* (Suet. *Dom.* 4), for the third class of spectators, or the *populus*. Behind this was the second *praecinctio*, bounded by the high wall already mentioned; above which was the third *maenianum*, where there were only wooden benches for the *pullati*, or common people. (Suet. *Octav.* 44.) The open gallery at the top was the only part of the amphitheatre in which women were permitted to witness the games, except the vestal virgins, and perhaps a few ladies of distinction and influence who were suffered to share the space appropriated to the vestals (Suet. *Octav.* 44). The seats of the *maeniana* did not run in unbroken lines round the whole building, but were divided into portions called *cunei* (from their shape), by short flights of stairs which facilitated the access to the seats. (Suet. *Oct.* 44; Juv. *Sat.* vi. 61.) See the plan, and the annexed section of a small portion of the seats.

Not only were the different ranges of seats appropriated to different classes of spectators, but the tickets of admission marked the exact seat the holder was to occupy, with the number of the *maenianum* and the *cuneus*, who was at once guided to his place by numbers placed over the external arches by which the building was entered: these numbers still exist. "An existing ivory ticket for the amphitheatre of Frusinone has similar indications (see Mommsen in *Berl. Sachs Gesell.* 1849, p. 286), namely, CVN.VI.IN.XVIII.; that is, *the sixth cuneus, lowest row, seat No.* 18." (Middleton, p. 306.) An important inscription, now in the Capitoline Museum, bearing the names of the consuls A.D. 80, shows the manner in which seats in the amphitheatre were distributed and numbered. The office of preserving order in the distribution of the places was assigned to attendants, and the whole management was under the superintendence of the *vilicus amphitheatri*.



It only remains to describe the *arena*, or central open space for the combatants, which derived its name from the sand with which it was covered, chiefly for the purpose of absorbing the blood. Such emperors as Caligula, Nero, and Carinus, showed their prodigality by using cinnabar and borax instead of the common sand. It was bounded, as already stated, by the wall of the *podium*, but in the earlier amphitheatres, in which the *podium* was probably not so lofty, there were ditches (*euripi*) between it and the arena, which were chiefly meant as a defence against the elephants. The *euripi* were first made by Julius Caesar, and were dispensed with by Nero, in order to gain space for the spectators. (Suet. *Caes.* 39; Plin. *H. N.* viii. § 21; Lipsius, *de Amph.* 12.)

The space of the arena was entirely open. If, as Lipsius thinks (*de Amph.* 4), there was an altar on which sacrifices were offered at the opening of the games, it must have been a moveable one, as a permanent structure would have interfered with the exhibitions. There were four principal entrances to it, at the extremities of the axes of the ellipse, by passages which led directly from the four corresponding arches of the exterior; there were also minor entrances through the wall of the *podium*. This wall has now been removed, and the arena is consequently much larger than its original size, which was about 250 ft. by 150. In the year 1813, the arena was partially excavated, and extensive substructions were discovered, which were at once supposed to be the dens from which the animals were let loose upon the arena through trap-doors. The chief difficulty was to reconcile such an arrangement with the fact that the arena was frequently flooded and used for a naval combat, and that too in the intervals between the fights of wild beasts. (Calpurn. *Eclog.* vii. 64, 73: the whole poem is a very interesting description of the games of the amphitheatre.) [NAUMACHIA.] Further excavations in 1874–5 laid bare the whole substructure of the arena, and cleared up several points which were before uncertain, or only inferred from the well-preserved lower portions of the amphitheatre at Pozzuoli. The sockets were discovered in which the *pegmata* or lifts worked by which the cages were raised to the level of the arena. These are figured by Parker in plate xvi. of his work on the Coliseum, whence the illustration on the next page is partly derived. We must not suppose that the animals were kept for any length of time in the dens below the podium. Immense numbers of slaves were employed, and animals must have been brought up in moveable cages as they were wanted. When a *naumachia* took place *between* the *venationes*, we must assume that the animals intended for the second *venationes* were kept in the innermost colonnade, or in its immediate vicinity, during the *naumachia*, and afterwards transferred to the lifts, as the spaces under the seats seem to have been entirely devoted to the passage of the spectators, with only the exception of the innermost corridor. The vast brick walls which fill the entire space below the arena show that there could have been no great depth of water when it was let in for the *naumachia*. There are, however, canals along which the vessels may have moved, but could not manœuvre; the fighting of the crews, and not their evolutions, being the principal amusement. Over the shallower portions flat rafts (*rates*) may have moved more freely. The floor of the arena above these substructures was of boards covered with sand, and moveable; and it was probably not more than a few feet below the present surface of the ground. Had it been below the substructures, as some have thought (referring them to a later date), none but the foremost spectators could have seen anything. Inscriptions dug up at the time of the first excavations in 1813–14 show that the arena and podium were repaired by two prefects of the city, Lampadius and Basilius, in the years 445 and 508 respectively; the second time in consequence of damage by an earthquake; but much of the brick-work lately disclosed is coeval with the building itself, and confirms the conclusions of common sense as to the original level of the arena. Middleton describes (p. 326) the four long subterraneous passages, which led from the space under the *arena* in different directions. One led towards the baths of Titus on the Esquiline; a second to the palace of Commodus on the Caelian hill; a third branched from the second in a southward direction; a fourth towards the Lateran hill. The first three are not now accessible; and of the fourth about a hundred yards are now cleared out.*

It is unnecessary to attempt a detailed de-

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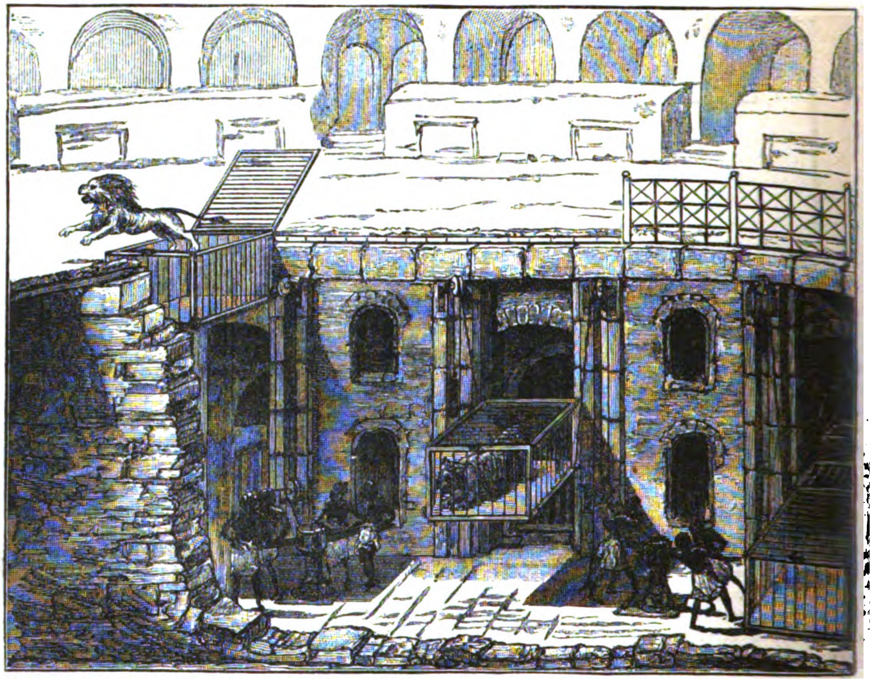
* The reviser of this article has had the advantage of seeing the Coliseum both before and since the excavations of 1874–5. Mr. Middleton's work (1885) has supplied some further details.

scription of the statues and other ornaments with which the amphitheatre was adorned; but the *velarium*, or awning, by which the spectators were sheltered from the sun, requires some explanation, which will be found under Velum. The space required for the working of the *velarium*, and the height necessary for keeping it from bending down by its own weight so low as to obstruct the view from the upper benches, are probably the reasons for the great disproportion between the height of the upper part of the amphitheatre, and the small number of spectators accommodated in that part.



Method of raising wild beasts in the Amphitheatre.

The luxurious appliances of fountains of scented water to refresh the spectators, and so forth, are sufficiently described in the passage already quoted from Gibbon. (Comp. Lucan, ix. 808.)

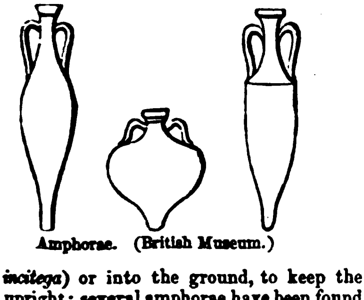
III. *Other Amphitheatres.*—The Flavian amphitheatre, as has been already stated, was, from the time of its erection, the only one in Rome; for the obvious reason that it was sufficient for the whole population. The little *Amphitheatrum Castrense* (see p. 107, note) was probably only intended for the soldiers of the guard, who amused themselves there with fights of gladiators. But in the provincial cities, and especially the colonies, there were many amphitheatres. Indeed, it is not a little interesting to observe the contrast between the national tastes of the Greeks and Romans, which is indicated by the remains of theatres in the colonies of the former, and of amphitheatres in those of the latter. The immense expense of their construction would, however, naturally prevent the erection of many such buildings as the Coliseum. (Cassiod. *Ep.* v. 42.) The provincial amphitheatres were, probably, like the earlier ones at Rome itself, generally built of wood, such as those at Placentia and Fidenae, already mentioned. Of these wooden amphitheatres there are of course no remains; but in several of the larger cities of the Roman empire there are important ruins of large amphitheatres of stone. The principal are those at Verona, Paestum, Pompeii, and Capua, in Italy; at Nîmes, Arles, and Fréjus, in France; at Pola, in Istria; at Syracuse, Catania, and some other cities in Sicily. They are all constructed on the same general principles as the Coliseum, from which, again, they all differ by the absence of the outermost corridor; and, consequently, their height could not have exceeded three stories; while some of them only had two. Of the Veronese amphitheatre, the outer wall and colonnade are entirely gone, excepting four arches; but the rest of the building is almost perfect. It was built of marble from some quarries in the neighbourhood. When complete, it had seventy-two arches in the outer circle, and, of course, the same number of radiating walls, with their passages and staircases. The lengths of the axes of the outer ellipse were 500 and 404 feet; those of the arena, 242 and 146. It was probably built under Domitian and Nerva. (Maffei, *Verona Illustrata.*) The next in importance is that at Nîmes, the outer diameter of which is 437 feet which includes the thickness of the walls. The exterior wall, which is nearly perfect, consists of a ground story and upper story, each pierced with sixty arches, and is surmounted by an attic. Its height, from the level of the ground, is above

70 English feet. The lower or ground story is adorned with pilasters, and the upper with Tuscan or Doric columns. The attic shows the holes destined to receive the posts on which was stretched the awning that covered the amphitheatre. The rows of seats are computed to have been originally 32 in number. There were four principal entrances. The amphitheatre has been computed to hold 17,000 persons. That at Arles was three stories high, and has the peculiarity of being built on uneven ground; so that the lowest story is, for the most part, below the level of the surface, and the principal entrances are on the second story. (For a detailed description, see Guis, *Description de l'Amphithéâtre d'Arles*, 1665.) Both these amphitheatres belong probably to the time of the Antonines. (Maffei, *de Amph. Gall.*) The [illegible] at Pola stands on the side of a hill, [illegible] higher on one side than on the other. [illegible] little to remark respecting the other [illegible], except that a fragment of an in[illegible] found in that at Capua, informs us [illegible] built under Hadrian, at the cost of [illegible] of the city, and was dedicated [illegible] Pius; and, concerning that of [illegible] the earthquake which preceded the [illegible] which the city was buried injured [illegible] so much, that antiquarians [illegible] disappointed in looking for any new [illegible] from it. There are traces of amphi[illegible] of a ruder kind, chiefly of earth, in [illegible] parts of our own country, as at Dor[illegible], Silchester, Caerleon, and Redruth.

II. *Use of the Amphitheatre.*—This part of the subject is treated of under GLADIATORES, NAUMACHIA, and VENATIONES. This is not the place to discuss the influence of the spectacles of the amphitheatre on the character and destinies of the Roman people. [P. S.] [W. W.]

AMPHOMOSIA. [AMPHIORKIA.]

AMPHORA (ἀμφορεύς, old form ἀμφιφορεύς, Hom. *Il.* xxiii. 107; *Od.* ii. 290, &c.; Schol. in Apoll. Rhod. iv. 1187; Simon. in *Anth. Pal.* xiii. 19). 1. A large vessel, which derived its name from its being made with a handle on each side of the neck (from ἀμφί, *on both sides*, and φέρω, *to carry*), whence also it was called *diota*, that is, *a vessel with two ears* (δίωτος, δίωτος στάμνος or κάδισκος, Plat. *Hipp. Maj.* p. 288 D; Ath. xi. p. 473 c; Moeris, *s. v.* ἀμφορέα; Hor. *Carm.* i. 9, 8). The form and size varied, but it was generally made tall and narrow, and terminating in a point, which could be let into a stand (ἐγγυθήκη, *incitega*) or into the ground, to keep the vessel upright; several amphorae have been found in this position in the cellars at Pompeii. The above cut represents amphorae in the British Museum.


Amphorae. (British Museum.)

The usual material of the amphora was earthenware (Hor. *de Arte Poët.* 21), whence it was also called *testa* (*Carm.* i. 20, 2): but Homer mentions them of gold and of stone (*Il.* xxiii. 92; *Od.* xxiv. 74, xiii. 105); and in later times glass amphorae were not uncommon (Petron. 34); several have been found at Pompeii. Nepos mentions, as a great rarity, amphorae of onyx, as large as Chian *cadi* (*ap.* Plin. *H. N.* xxxvi. § 59). The name of the maker, or of the place of manufacture, was sometimes stamped upon them: this is the case with two in the Elgin collection. [FICTILE.]

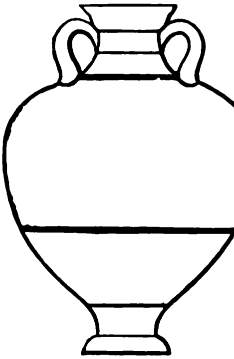
Amphorae were used for the preservation of various things which required careful keeping, such as wine, oil, honey, grapes, olives, and other fruits (Hom. *Il.* xxiii. 170; Cato, *R. R.* x. 2; Colum. *R. R.* xii. 16, 47; Hor. *Epod.* ii. 15; Cic. *Verr.* iv. 74); for pickled meats (Xen. *Anab.* v. 4, § 28); and for molten gold and lead (Herod. iii. 96; Nepos, *Hann.* 9). There is in the British Museum a vessel resembling an amphora, which contains the fine African sand used by the athletae. It was found, with seventy others, in the baths of Titus, in 1772. Respecting the use of the amphora in the streets of Rome, see Petron. 70, 79; Propert. iv. 5, 73; Macrob. *Sat.* ii. 12; and the commentators on Lucretius, iv. 1023. Homer and Sophocles mention amphorae as used for cinerary urns (*Il.* xxiii. 91, 92; Soph. *Fr.* 303, Dind.); and a discovery was made at Salona, in 1825, which proves that they were used as coffins: the amphora was divided in half in the direction of its length to receive the corpse, and the two halves were put together again and buried in the earth: the skeletons were found still entire. (Steinbüchel, *Alterthüm.* p. 67.) Amphorae of particular kinds were used for various other purposes, such as the *amphora nasiterna* for irrigation (Cato, *R. R.* 11, § 3), and the *amphora spartea*, which was perhaps a wicker amphora for gathering grapes in (*ibid.* § 2. Cf. Becker-Göll, *Gallus*, iii. p. 399 foll.).

The most important employment of the amphora was for the preservation of wine: its use for this purpose is fully described under VINUM. The following woodcut, taken from a painting on the wall of a house at Pompeii, represents the mode of filling the amphora from a wine-cart.


Amphorae and wine-cart.

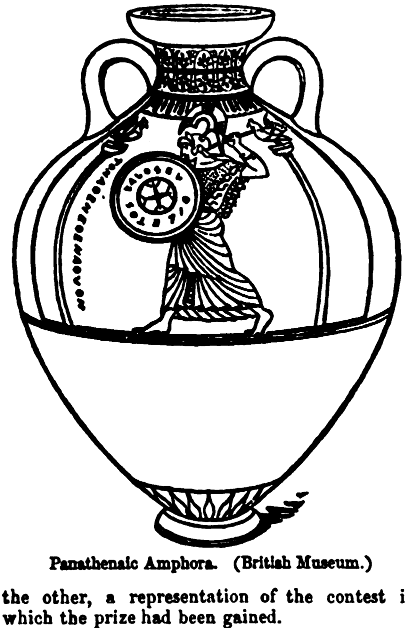
There is an interesting account of the use of the amphora among the Egyptians, in Sir G. Wilkinson's *Ancient Egyptians*, vol. ii. pp. 157–160.

The amphorae intended for purposes of decoration were furnished with a base, and were generally adorned with figures representing some scene from mythology or from ordinary life. They differed chiefly in the shape of the body and in the form of the handles, which were sometimes plain, sometimes ridged or grooved. The most ancient form is styled "Egyptian;" it has plain handles, and the shoulders of the vase are rounded, so as to meet the neck at almost right angles. The second, or archaic Greek style, is called "Tyrrhene." It has a fuller body and a thicker neck, and the greatest diameter of the vase is about half its height.



Tyrrhene Amphora. (Dennis, *Etruria*.)

To the class of decorated amphorae belong the Panathenaic amphorae, or amphorae given as prizes in the games at the Panathenaic festival and containing the holy oil. These had on one side a figure of Athene Promachos, with helmet, shield and spear, in the attitude of attack, with the inscription *τῶν Ἀθήνηθεν ἄθλων εἰμί*; on the other, a representation of the contest in which the prize had been gained.



Panathenaic Amphora. (British Museum.)

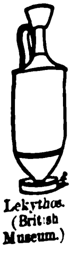
The "Nolan" amphora excels in simplicity and purity of design, as well as beauty of execution. It has red figures, on the black ground of the vase. It is slighter and more elegant than the forms already described. It is found not only at Nola, but in Sicily and Etruria. (For details, see Dennis, *Etruria*, vol. i. p. cix.)

Nolan Amphora. (Dennis, *Etruria*.)

2. The name *amphora* was also applied both by the Greeks and the Romans to a definite measure of capacity, which, however, was different among the two peoples, the Roman amphora being only two-thirds of the Greek *ἀμφορεύς*. In both cases the word appears to be an abbreviation, the full phrase being in Greek *ἀμφορεὺς μετρητής* (*the standard amphora*), and in Latin *amphora quadrantal* (*the cubic amphora*). ("Quadrantal vocabant antiqui amphoram," *Fest.* p. 258.) Respecting the measures themselves, see METRETES, QUADRANTAL. At Rome a standard amphora, called *amphora Capitolina*, was kept in the temple of Jupiter on the Capitol (Rhemn. Fann. *de Pond.* 61; Capitol. *Maxim.* 4). The size of ships was estimated by amphorae (Cic. *Fam.* xii. 15; Liv. xxi. 63); and the produce of a vineyard was reckoned by the number of *amphorae*, or of *culei* (of twenty amphorae each), which it yielded. [P. S.] [W. S.]

AMPLIATIO. [JUDICIUM.]

AMPULLA (*λήκυθος, βομβύλιος*), a tall, slender, narrow-necked vessel, furnished with a handle. The narrow neck is described by Pliny (*Ep.* iv. 30, 6). It was used for holding perfumes and unguents, and was generally made of earthenware, sometimes however of leather, or of the precious metals (Ath. xiii. 584 f.; x. 451 d; Plut. *Sull.* 13; Mart. xiv. 110). The lekythos is found in large numbers in ancient tombs. [For details, see FUNUS.] Its usual form is represented in the annexed figure. Lekythoi were in constant use at the toilette of Greek ladies, as may be seen from their frequent

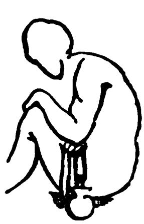


Lekythos. (British Museum.)

Lekythos. (British Museum.)

representation on Greek vases. The largest lekythos in the British Museum was found by Mr. Dennis in the necropolis of Gela, and is here figured. The lekythos of a later period had a broad base (Dennis, *Etruria*, vol. i. p. cxxiii.). The lekythos or ampulla was also used to hold the oil with which the body was anointed after bathing or athletic exercises. For this purpose they were regularly carried by a slave, together with the strigil, to the baths and gymnasia, and were often suspended by a strap from the wrist (Ath. x. 451 d; Poll. iii. 154, x. 62; "ampulla olearia, lenticulari forma, tereti ambitu, pressula rotunditate," Apul. *Flor.* i. 9). As such bottles frequently contained perfumed oils, we read of *ampullae cosmianae* (Mart. iii. 82, 26). Bottles of this kind are figured below (cf. Hermann, *Griech. Antiq.* iv.^{3} p. 164). Such bottles were also used for holding vinegar (Plin. *H. N.* xx. § 152), and wine ("ampulla potoria," Mart. xiv. 110), especially on a journey, when the wine or water was drunk from the bottle (Mart. vi. 35; Plaut. *Merc.* v. 2, 86; Suet. *Dom.* 21).

Late Lekythos. (Dennis, *Etruria.*)



Lekythos. (From a relief at Athens.)

Lekythos. (From a tomb at Myra in Lycia.)

Another common use of the lekythos was to anoint the bodies of the dead. After the anointing had been performed, the vessels used were placed near the body during the laying out (πρόθεσις), and were then buried or burned with the corpse. Large numbers of lekythoi have been found in tombs or in a charred condition, in places where funeral-piles had been erected. (Aristoph. *Eccl.* 538, 996, 1032; Hermann, *Griech. Ant.* iv.^{3} p. 364.)

The word λήκυθος was also used, like the Latin *ampulla*, as a synonym for exaggerated high-flown language, probably from the gurgling sound made by the oil as it issued from the flask (cf. Aristoph. *Ran.* 1200 ff.; Poll. iv. 114; Hor. *Ep.* i. 3, 14; *Ars Poët.* 97). The dealer in bottles was called *ampullarius*, and part of his business was to cover them with leather (*corium*). A bottle so covered was called *ampulla rubida.* (Plaut. *Rud.* iii. 4, 51, *Stich.* ii. 1, 77, compared with Festus, s. v. *Rubida.*) (See Becker-Göll, *Gallus*, ii. p. 377, iii. p. 149; Marquardt, *Röm. Alterth.* vii. p. 630.) On the use of the ampulla in the Christian church for containing the wine and water used at the altar, and also for holding consecrated oil or chrism, see *Dict. of Christian Antiq.*, s. v. [J. H. O.] [W. S.]

AMPYX (ἄμπυξ), a frontlet, or band, worn by Greek ladies to confine the hair, passing round the front of the head and fastening behind. It appears generally to have consisted of a plate of gold or silver, often richly worked and adorned with precious stones. Artemis (Eur. *Hec.* 465) wears a χρυσέα ἄμπυξ, and the epithet χρυσάμπυκες is applied by the poets to the Muses, Hours, and Fates, while the Scholiast (Eur. *l. c.*) explains it as κόσμος τις χρυσῷ καὶ λίθοις πεποικιλμένος. (*Il.* xxii. 468–470; Theocr. i. 33.) It appears in the festive scenes represented on Etruscan tombs as worn by females (Dennis, *Etruria*, i. pp. 307, 368, 371).

The word ἄμπυξ was also applied to the frontal of a horse's bridle, Lat. *frontale*, or more usually plur. *frontalia* (Plin. *H. N.* xxxvii. § 194; Liv. xxxvii. 40). In this sense the form ἀμπυκτὴρ also occurs (Aesch. *Theb.* 461). The *frontalia* might likewise be adorned with precious stones (Plin. *l. c.*), and were worn also by elephants (Liv. *l. c.*). In Aesch. *Suppl.* 431, there is a play on the two senses; a woman torn from sanctuary (βρετέων) is compared to a horse dragged by its bridle (ἱππηδὸν ἀμπύκων).

Hesychius (*s. v.* Λυδίῳ νόμῳ) supposes the men to have worn frontlets in Lydia; they were also worn by the Jews (Deut. vi. 8, xi. 18).

Ampyx or head-band.

The above woodcut exhibits the frontal on the head of Pegasus, taken from one of Sir William Hamilton's vases, in contrast with the corresponding ornament as shown on the heads of two females in the same collection. [J. Y.] [J. H. O.]

AMULETUM (**περίαπτον, περίαμμα, φυλακτήριον**), a charm attached to the body of a human being or animal to avert calamities or secure good fortune, from the Arabic *Hamâlet* ("that which is suspended"). Comp. for the derivation **περίαμμα, περίαπτον**, and the *ligatura* and *alligatura* of the Christian writers. Amulets are as old as Homer's *μῶλυ* (*Od.* x. 292), but the word first occurs in Pliny (*H. N.* xxix. § 66, xxx. § 168) and was probably introduced with the lore of the Magi under the early empire, which certainly developed the superstition very largely, as may be judged from the frequent use of Eastern symbols, and even inscriptions on amulets. Earlier we have only names of particular kinds of amulets, such as *praebia*, and no generic title. Of the use of amulets among the Egyptians, Jews, and other Oriental nations, see *Dict. of Bible*, s. v.

Large numbers of the more durable amulets are still in existence. The shapes of ancient jewellery and ornaments were in great measure decided by a belief in their magical efficacy, although the notion of the Magi, ridiculed by Pliny (*H. N.* xxxvii. § 124), that each stone had a sympathy for a special device, which, if engraved on it, drew forth its powers, was only expanded in the Middle Ages, and directions for the choice and application of amulets form no small part of many ancient treatises on medicine; indeed it is often difficult to draw the distinction (which did not exist in the minds of many ancient physicians) between a medicine and an amulet. Perhaps those remedies which are to be attached (*adalligare*) to the person may be regarded as amulets. The belief in the virtues of precious stones especially was widespread, even among the intelligent. Pliny, who himself ridicules the arts of the Magi, explains their influence by saying that *sola artium tres alias imperiosissimas humanae mentis complexa in unam se redegit*, — medicine, religion, and divination. The chief ancient authorities on the subject are Pliny's *Natural History*, and on the use of jewels the Pseudo-Orpheus *περὶ λίθων* (ascribed by Tyrwhitt to an Asiatic Greek of the 4th century A.D., by C. W. King to the author of the *Argonautica*); Plutarch (or Parthenius), *περὶ ποταμῶν*; Solinus, *de Rebus Mirabilibus*; Epiphanius of Constantia, *de xii. Gemmis*; and Isidore's *Origines*: and, among later writers, Psellus (a Byzantine of the 11th century) and Marbodus, Bishop of Rennes 1067–81, who usually borrows from Isidore and Orpheus.

In many cases the choice of these ornaments was determined by a desire to draw off the attention of the evil power by a congenial object. Sometimes, again, a fanciful connexion can be traced between the amulet and its object, as when the teeth of animals are used as a charm against dental diseases. But generally the selection seems so entirely arbitrary that, in the following list of the chief materials used as amulets and for other magical purposes, it has not been thought necessary to specify the objects sought by their use.

1. *Stones.*

Adamas (ἀδάμας), the diamond. Plin. xx. § 2; xxxvii. § 61. The *ἀδάμας* of Orph. 192 is not a diamond.

Aëtites, the eagle-stone. Plin. xxxvi. § 149.

Achates (ἀχάτης), the agate. Orph. 230, 604; Plin. xxxvii. § 139; Solin. v. p. 21; Isid. xvi. 11; Ctesias, fr. 92, Müller. The term is very comprehensive in Latin. These stones had gone out of fashion before Pliny's time for signets, but were still highly valued for their magical properties, which varied according to the markings.

Amethystus (ἀμέθυστος, ἀμέθυσον), the amethyst. *Anth. P.* ix. 748, 752. The name is perhaps of Eastern origin, in which case the belief that it counteracted the effects of wine would be due to a popular etymology. Often found with heads, &c., engraved on the centre. These gave it further virtues. Plin. xxxvii. § 124.

Batrachites. Plin. xxxvii. § 149; Isid. xvi. 4, 20. Identified by King with a green and yellow jasper, sometimes found cut into a toad-shaped amulet. Hence the mediaeval superstition of the jewel found in the toad's head.

Brontea, which entered into tortoises' heads during thunderstorms. Plin. xxxvii. § 150; Isid. xvi. 15, 24.

Carbunculus (ἄνθραξ, λυχνίτης), our ruby and garnet. Aelian, *H. A.* viii.; Philostr. *Vit. Apoll.* ii. 14; Psellus, *de Lapid.* xii.

Chelidonia. Plin. xxxvii. § 155; Isid. xvi. 9. 5.

Chelonia. Supposed to be the eye of the Indian tortoise. Plin. xxxvii. § 155.

Chelonitis. *Ibid.*

Chloritis, produced in the gizzard of the *motacilla* (water-wagtail). *Ibid.* § 156.

Corallium (κουράλιον). Orph. 570; Plin. xxx. § 22; Solin. 2, 41.

Crystallum (κρύσταλλος), rock crystal. Orph. 170; Spartianus, *Did. Jul.*

Draconitis or *dracontia.* Plin. xxxvii. § 158.

Eumitres, used in the worship of Belus. *Ibid.* § 160.

Gagates (γαγάτης), jet. Orph. 468; Plin. xxxvi. § 142.

Haematites (αἱματίτης). Orph. 658; Plin. xxxvii. § 169.

Heliotropium, bloodstone. Plin. xxxvii. § 165. Used with the plant of the same name. Isid. xvi. 7; Solin. 27.

Hyaenia, found in hyaena's eye. Plin. xxxvii. § 169.

Iaspis (ἴασπις), the chalcedony, a very common Eastern amulet. *Ibid.* § 115; Orph. 264.

Magnes (μάγνης), loadstone. Orph. 302.

Molochites (μολοχάς), green jasper. Plin. xxxvii. § 114.

Opsianum (λίθος Ὀψιανός), obsidian. Orph. 282.

Opalus (ὀπάλλιον), opal. *Ibid.* 279. The belief that it was beneficial to the eyes probably arose from a fanciful derivation: hence Marbodus calls it *ophthalmius*.

Ovum anguinum (σιδηρίτης or ὀφίτης), serpentine marble. Supposed to be formed from serpents' froth.

Παντάρβης, ruby. *Anth. P.* ix. 490; Philostr. 3, 46; Heliod. viii. 11; Ctesias, p. 265.

Prasius (πράσιος), plasma. Orph. 749.

Sarda, sardius (σάρδιος, σάρδιον), the Oriental carnelian, which became the favourite stone for engraving. Epiphan. *de xii. gemmis*, 1.

Sucinum, amber. Plin. xxxvii. § 51.

Topazus (τοπάζιος). Orph. 277; Epiphan. 2.

2. *Metals.*

Copper. Plin. xxxiv. § 134.
Iron. *Ibid.* § 151.
Gold. *Ibid.* xxxiii. § 85.

3. *Plants.*

Laurus (δάφνη), the bay-tree, especially efficacious because sacred to Apollo. Used in lustrations: Eur. *Ion.* 80–121; Juv. ii. 158; Plin. xv. § 138. Chewed to give prophetic inspiration: Hes. *Theogon.* 30 schol.; Soph. *Fragm.* 777, Dind.; Boisson, *Anecd.* iii. 385; Lucian, *Bis. Acc.* 1; Tibull. ii. 5, 63; Juv. vii. 19. Used strictly as an amulet: Theophr. *Char.* xvi.; Plin. xv. §§ 133–7; *Geopon.* xi. 2. Hence the proverb δαφνίνην φορεῖ βακτηρίαν, of a man who has a charmed life: Zenob. iii. 12. Cp. Ov. *Fasti*, iii. 137; *Etym. M.*, s. v. ἀντήνους.

Cynocephalia or *osiritis.* Plin. xxx. § 18.

Elleborus, *veratrum* (ἐλλέβορος), a charm as well as a medicine. Plin. xxv. §§ 49, 50.

Ficus (συκῆ). *Geopon.* xi. 2; Plut. *Symp.* 4, 2.

Σκίλλα, the squill. Diphil. *Mart.* 3; Theophr. *Char.* xvi.; Diosc. ii. 202; Plin. xx. § 101. Mentioned in *Geopon.* xv. 1 with *ἰβένος*, *ἀσπάλαθος*, and the scented ἀναγαλλίς.

Spina alba, hawthorn. Ov. *Fast.* vi. 130; and the closely allied *ῥαμνός*, Diosc. i. 110.

4. *Animals.*

The *ant*, the *wasp*, the *caterpillar*, the *snail*, the *louse*, the *spider*, used as amulets against fevers and mental disorders. Plin. xxviii. c. 7; xxx. c. 10, 11.

The *ass's* testicles: Plin. xxviii. 261. The horned *wild ass*: Philostr. *Vit. Apoll.* iv. 2.

The *bat.* Plin. xxix. § 83.

The *chameleon's* tongue, paws, shoulders, and tail. *Ibid.* xxviii. §§ 112–18; Marc. Emp. viii.; Scrib. Larg. *Comp.* 38; Cael. Aurel. i. 6; Gell. x. 12.

The *dog's* gall. Plin. xxx. § 32.

The *fox's* tongue and genitals. Marc. Emp. viii. p. 66; Plin. xxviii. §§ 166, 172.

The *goat's* brain, milk, and excrement. Plin. xxviii. § 259; Sext. Plat. v. 2.

The *hen's* bones. Plin. xxx. § 26.

The *horse's* teeth. *Ibid.* xxviii. § 258.

The *hyaena's* teeth, eye, spinal marrow, excrements, &c. *Ibid.* §§ 92–106; Galen, *Ther.* ix. p. 942; Marc. Empir. viii. p. 57, xxxvi. p. 240; Ael. *H. A.* vi. 22; Plut. *Symp.* 4, 2.

The *mole's* teeth. Plin. xxx. §§ 19, 20.

The *owl's* gizzard. *Ibid.* xxix. § 81.

The *rat's* ears and liver. *Ibid.* xxix. § 60, xxx. § 93; Plin. Valer. iii. 6.

The *raven's* and the *sparrow's* excrements. Plin. xxx. § 26; Marc. Emp. xii. p. 85; Sext. Plat. ii. 6, 3.

The *serpent's* tooth and heart. Plin. xxx. §§ 22, 25.

The *wolf's* flesh, fat, and head, &c. *Ibid.* xxviii. §§ 157, 247, 257; Sext. Plat. *de lup.* viii. 1.

And many species of *fishes* and other *aquatic animals*, especially the *frog*, mentioned in Plin. xxxii. §§ 6–9, 74, 81–2, 113–16, 119, 139.

Certain parts and secretions of the *human body* were also used.

One class of amulets especially reminds us of mediaeval superstitions, perhaps not yet extinct. The *blood* of gladiators (Plin. xxviii. 4; Diosc. ii. 97; Cels. iii. 23; Tert. *Apol.* 9; Scrib. Larg. ii. 13, 17; Al. Trall. i. 15); the *hair* of a man who has been crucified (Plin. xxviii. § 41); the rope or a nail (*Ibid.* 46); the hand or eye-tooth from a corpse (*Ibid.* 45); the marrow from the legs and the brain of infants (*Ibid.* 4); the human teeth (*Ibid.* 41, 45); hair (*Ibid.* 41),—were also efficacious: and a calculus was an amulet for the *calculosus*, and in other cases (*Ibid.* 42).

Artificial shapes of amulets.

Besides assuming the various forms of personal ornaments with which we are familiar—of necklaces or pendants [CREPUNDIA; LUNULAE; PHALERAE], rings, bracelets, earrings, hairpins, &c. —amulets were attached to a sort of belt which was passed over one shoulder and under the

Amulets. (Daremberg and Saglio.)

Amulet, suspended by chain. (*Bullet. dell' Inst. Arch.*, Rome, 1836, p. 149.)

opposite arm, as in the first figure, or in the shape of thin plates (*bracteae*) were sewn on garments. If the amulet could not be easily introduced into an ornament, it was often enclosed in a bag or in a bulla of gold or leather. (See the figure above.) [BULLA.] The second cut represents an amulet with chain to be worn across the shoulder. It was found at Petillia in Southern Italy, and is a thin gold plate with a metrical inscription in Greek.

The formulas of incantations called *Ephesiae litterae* (Ἐφέσια γράμματα) belonged for the most part to the later empire, although one preserved in the Museum of Syracuse is attributed by M. Labatut to the 2nd cent. B.C. It is a plate of terra-cotta, covered with an inscription for the most part unintelligible. It was probably hung up in a house. (Athen. xii. p. 548 c; Phot. *Lex.* p. 40; Eustath. *ad Od* xix. 247.)


Amulet. (D. & S.)

To gain good fortune and protection, small images of the deities were carried, especially of the *averrunci*, and in later times still more commonly those of the deities whose worship was introduced from the East. Thus Sulla carried in his breast and worshipped an image of Apollo (Plut. *Sulla*, 29), and we find many figures of Diana of Ephesus, Mithras, Isis, Anubis, and especially Serapis and Harpocrates, who as god of silence restrained ill-omened utterances. We find in the museums figures, usually female, sometimes naked, sometimes clothed, which guard silence by having one hand applied to the lips, the other behind their back. In the instance figured here, the hook by which it was suspended is visible. Sometimes again a representation is made in a precious material of an animal, &c., which was regarded as an efficacious amulet; for instance, a hellebore flower in gold.


Collection of Amulets. (D. & S.)

On the contrary, it was a very common practice to avert ill luck by wearing some ill-omened, grotesque, or obscene shape which might instantly catch the "evil eye" of the malign power and divert its malice. [FASCINUM.]

It was sought to increase the effect by combining several magical symbols in one amulet, or by grouping many together on the statue of a deity (*panthea signa*, Auson. *Epigr.* 30), or as in the last figure in the preceding column, which represents a terra-cotta plate; or a number of amulets were strung together in a necklace.

Closely connected with the subject are the statues of gods placed in front of houses and temples (*e.g.* the Athenian *Hermae*) and the magical symbols on lamps, furniture, and buildings.

Christian legislation and teaching had to carry on a perpetual warfare against the use of amulets and the abuses connected with them.

(The most available accounts of the subject are O. Jahn, *Ueber den bösen Blick* in *Berichte der sächsischen Gesellschaft*, 1855; C. W. King, *Precious Stones and Metals*, and *Gems and Decorative Stones;* Marquardt, *Röm. Alterth.* vi. p. 104 ff.; M. Labatut, in Daremberg and Saglio, *s. v.*, from which the latter part of the article is drawn; *Dict. of Christ. Antiq.*, s. v.) [J. H. F.]

AMUSSIS, a level used by masons to test the evenness of a surface (Varr. *ap. Non.* i. 28; Festus, *s. v.*). But Sisenna (*ap. Charis.* 2, p. 178, Putsch.) defines it as a raddled surface used to prove whether work was perpendicular—*tabula rubricata quae demittitur examinandi operis gratia, an rectum opus surgat.* And Auson. (*Idyll.* xvi. 10) appears to denote by *amussis* a sort of *norma*, testing whether an angle made by two surfaces was a right angle. It appears from Vitruvius (i. 6, § 6) that it was different from the *regula* (straight rule) and from the *libella* (plumb-line or square), and that it was used for obtaining a truer surface, whether horizontal or perpendicular, than those two instruments together would give. The amussis gives rise to the adverbs *amussim*, *adamussim*, *examussim*, also to *amussitatus*, in a metaphorical sense, meaning with perfect regularity and exactness (Varr. *R. R.* ii. 1, § 26; Gell. xx. 1, § 34; Plaut. *Amph.* ii. 2, 213, *Mil.* iii. 1, 38). [J. H. F.]

AMYSTIS (ἀμυστὶ πίνειν, ἄμυστιν πίνειν, ἀμυστίζειν), from ἀ and *μύω*, a draught taken without drawing breath (Athen. xi. 25, 783 d). It was a favourite amusement with the Greeks to try how much they could swallow in this way, and very large quantities are said to have been drunk. Plato (*Symp.* 214 A) represents Socrates and Alcibiades as draining off the contents of a wine-cooler holding eight κοτύλαι, or nearly two quarts, while Alexander the Great is said to have greatly exceeded this amount. Ephippus (*ap.* Athen. x. 434 a) relates that he succeeded in emptying a vessel containing two χόες, or more than two gallons and a half, and afterwards attempted to drink a second in the same way. This, however, affected him so much as to bring on the illness which resulted in his death. The name was also applied to a kind of vessel adopted for this kind of drinking. (Athen. x. 60, p. 442 f; 67, p. 447.) [J. H. O.]

ANABOL'ICAE SPE'CIES, ANABOLICA'RII. [NAVICULARII.]

ANADE'MA. [MITRA.]

ANADESME (ἀναδέσμη), part of the head-dress usually worn by Greek women (*Il.* xxii. 469; Eurip. *Med.* 978). It seems to have been a band of cloth used to fasten up the back hair, and is apparently to be identified with the μίτρα. [MITRA.] [J. H. O.]

ANADIK'IA. [APPELLATIO.]

ANAGLYPHA or **ANAGLYPTA** (ἀνάγλυφα, ἀνάγλυπτα), chased or embossed vessels made of bronze or of the precious metals, which derived their name from the work on them being in relief, and not engraved. (Plin. *H. N.* xxxiii. § 139; Verg. *Aen.* v. 267; Mart. iv. 39; cf. Strab. p. 806; CAELATURA; TOREUTICE.) The name was also applied to sculptured gems. [P. S.]

ANAGLYPTA. [ANAGLYPHA.]

ANAGNOSTAE, also called *Lectores*, were slaves, who were employed by the educated Romans in reading to them during meals, the bath, and at other times. (Cic. *Att.* i. 12, *Fam.* v. 9, 2; Nep. *Att.* 14; Suet. *Aug.* 78; Mart. iii. 50; Plin. *Ep.* i. 15, iii. 5, 14, ix. 36; Gell. iii. 19.) [W. S.]

ANAGO'GES DIKE' (ἀναγωγῆς δίκη). If an individual sold a slave who had some secret disease—such, for instance, as epilepsy—without informing the purchaser of the circumstance, it was in the power of the latter to bring an action against the vendor within a certain time, which was fixed by the laws. In order to do this, he had to report (ἀνάγειν) to the proper authorities the nature of the disease; whence the action was called ἀναγωγῆς δίκη. The details in Plato (*Leg.* xi. p. 916, A–C) appear to be partly taken from the Athenian Law, but with additional minute regulations of his own. The ἀναγωγῆς δίκη was probably confined to actions against the seller of a slave, though Meier thinks otherwise (*Att. Process*, p. 525); other cases were provided for by the βλαβῆς δίκη. (Hesych. *s. v.* ἀναγωγή; Suid. *s. v.* ἐναγωγή, ἐνάγεσθαι.) [W. S.] [W. W.]

ANAGO'GIA (ἀναγώγια), a festival celebrated at Eryx, in Sicily, in honour of Aphrodite. The inhabitants of the place believed that, at a certain period of the year, the goddess went over into Africa, and that all the pigeons of the town and its neighbourhood likewise departed to accompany her. (Aelian, *Hist. An.* iv. 2, *V. H.* i. 14; Athen. ix. p. 394.) Nine days afterwards, at the so-called καταγώγια (return), one pigeon having returned and entered the temple, the rest followed. This was the signal for general rejoicing and feasting. The whole district was said at this time to smell of butter, which the inhabitants believed to be a sign that Aphrodite had returned. (Athen. ix. p. 395; comp. K. F. Hermann, *Gottesd. Alterth.* § 68, n. 29.) [L. S.]

ANAKEIA (ἀνάκεια) or **ANAKEION** (ἀνάκειον), a festival of the Dioscuri, or Ἄνακτες, as they were called, at Athens. (Hesych. *s. v.*; Pollux, i. 37.) Athenaeus (vi. p. 235) mentions a temple of the Dioscuri called Ἀνάκειον, at Athens, on the northern slope of the Acropolis; he also informs us (iv. p. 137) that the Athenians, probably on the occasion of this festival, used to prepare for these heroes in the Prytaneium a meal consisting of cheese, a barley-cake, ripe figs, olives, and garlic, in remembrance of the ancient mode of living. These heroes, however, received the most distinguished honours in the Dorian and Achaean states, where it may be supposed that every town celebrated a festival in their honour, though it may not have been under the name of ἀνάκεια. Pausanias (x. 38, 3) mentions a festival held at Amphissa, called that of the ἀνάκτων παίδων: but adds that it was disputed whether they were the Dioscuri, the Curetes, or the Cabeiri. That the Dioscuri worshipped in the Doric and Achaean cities were not the same as the Athenian ἄνακτες, seems clear from Cicero, *de Nat. Deor.* iii. 21. (K. F. Hermann, *Gottesd. Alterth.* § 62, n. 27.) [L. S.]

ANAKLETE'RIA (ἀνακλητήρια), the name of a solemnity at which the minority of a young prince was declared at an end, and he assumed the reins of government. The name was chiefly applied to the coming of age of the Ptolemaic kings of Egypt. (Polyb. xviii. 38, xxviii. 10.) The prince went to Memphis, and was there adorned by the priests with the sacred diadem, and led into the temple of Phtha, where he vowed not to make any innovations either in the order of the year or of the festivals. He then carried to some distance the yoke of Apis, in order to be reminded of the sufferings of man. Rejoicings and sacrifices concluded the solemnity. (Diod. xxx. 16.) [L. S.]

ANAKLYPTE'RIA. [MATRIMONIUM.]

ANAK'RISIS (ἀνάκρισις), the preliminary investigation of a case by an archon or other magistrate before it was brought before the courts of justice at Athens. For the purpose of ascertaining whether the action would lie, both parties, the complainant and defendant, were summoned separately; and if either of them failed to appear without putting in a formal application for delay (ὑπωμοσία), judgment went against him by default (Demosth. *c. Theocrin.* p. 1324, § 8). The anakrisis began by both the plaintiff and defendant taking an oath, the former thereby attesting that he had brought the charge honestly and conscientiously; the latter, that to the best of his knowledge he was innocent. According to the grammarians, the oath of the former was called προωμοσία, that of the latter ἀντωμοσία, the two together διωμοσία or ἀμφιορκία [AMPHIORKIA]. (Pollux, viii. 55; Hesych. *s. v.* ἀντωμοσία; Timaeus, *s. v.* ἀντωμοσία, with Ruhnken's note.) But the word προωμοσία does not occur in the classical authors, and the other two are not used consistently. Thus we have ἀντωμοσία on the part of a plaintiff (Isae. *Dicaeog.* § 1), or of the affidavits of the different claimants to an inheritance (*ib.* § 16; *Astyph.* § 34; Demosth. *c. Macart.* p. 1051, § 3): the διωμοσία of a prosecutor in criminal cases (Antiphon. *de caed. Her.* § 11; *de Choreut.* §§ 49, 51), and that of the accused (Demosth. *c. Aristocr.* p. 643, § 69). It was further promised by both, that the subsequent prosecution and defence should be conducted with fairness and justice. (Harpocrat., Suid., Hesych. *s. v.* ἀντωμοσία: Pollux, viii. 122.) If the defendant did not bring forward any objection to the matter being brought before a court of justice, the proceeding was termed εὐθυδικία. (Demosth. *c. Phorm.* p. 908, § 4; *c. Steph.* i. p. 1103, § 6.) Such objections might be raised in regard to the competency of the court to which the matter was to be referred, or in regard to the form in which the accusation was brought forward, and the like (Lys. *c. Pancl.* § 5; Pollux, viii. 57);

they were always looked upon with suspicion (Demosth. *c. Leoch.* p. 1097, § 57 f; *c. Phorm.* p. 944, § 2); but, nevertheless, they were not unfrequently resorted to by defendants, either in the form of a *διαμαρτυρία*, or that of a *παραγραφή*. In the case of a *διαμαρτυρία*, the plaintiff had to bring forward witnesses to show that the objections raised by the defendant were unfounded; and if this could not be done, the defendant had a right to bring witnesses to show that his objections were founded on justice, and in accordance with the laws. But each of the litigant parties might denounce the witnesses of his opponent as false witnesses, and thus a secondary lawsuit might be interwoven with the principal one. If the *διαμαρτυρία* was resorted to in a civil case, the party who made use of it had to deposit a sum of money (*παρακαταβολή*); and when the plaintiff lost his suit, he had to pay to the defendant a fine for having raised an accusation without foundation. In lawsuits about the succession to the property of a person, the *διαμαρτυρία* was the only form in which objections could be raised. (Bekker, *Anecd.* p. 236.) The *παραγραφή* was a special plea in bar of a suit, which was made by the defendant and argued without calling any witnesses, and in this also the loser had to pay a fine to the opposite party (Pollux, viii. 58). See PARAGRAPHÉ; and for other forms of resistance at this stage, ANTIGRAPHÉ. When these had been set aside, the prosecution proceeded in regular course.

These are, in general, the proceedings in the *ἀνάκρισις*: and from what thus took place, it is clear that the main part of the evidence on both sides was brought out in the *ἀνάκρισις*, and at the regular trial in court the main object was to work upon the minds of the judges through the influence of the orators, with reference to the evidence brought out in the *ἀνάκρισις*. The latter, therefore, consisted of the simple evidence which required no oratorical discussion, and which was contained,—1, in laws; 2, in documents; 3, in the statement of free witnesses; 4, in the statement of slaves; and 5, in oaths. In all these kinds of evidence, one party might have recourse to the *πρόκλησις*,—that is, call upon the other party to bring forward such other evidence as was not already given. (Demosth. *c. Steph.* i. p. 1106; *c. Pantaen.* p. 978, §§ 40, 41.) There was, however, no strict obligation to comply with such a demand (Demosth. *c. Olymp.* p. 1181, § 50), and in certain cases the party called upon might, in accordance with established laws, refuse to comply with the demand: for instance, persons belonging to the same family could not be compelled to appear as witnesses against one another. (Demosth. *c. Timoth.* p. 1195, § 30.) But if the reading of a document, throwing light upon the point at issue, was refused, the other party might bring in a *δίκη εἰς ἐμφανῶν κατάστασιν*.

In regard to the laws which either party might adduce in its support, it must be observed, that copies of them had to be read in the anakrisis, since it would have been difficult for any magistrate or judge to fix, at once, upon the law or laws bearing upon the question at issue. In what manner the authorities were enabled to insure faithful and correct copies being taken of the laws, is not known; but it is highly probable that any one who took a copy in the archives had to get the signature of some public officer or scribe to attest the correctness of the copy.

Other legal documents, such as contracts (*συνθῆκαι*, *συγγραφαί*), wills, book of accounts, and other records (Demosth. *pro Phorm.* p. 950, § 18 ff.), not only required the signature and seal of the party concerned, but their authenticity had to be attested by witnesses (Demosth. *c. Onet.* p. 869, § 21).

Evidence (*μαρτυρία*) was given not only by free-born and grown-up citizens, but also by strangers or aliens; and even from absent persons evidence might be procured [EKMARTYRIA], or a statement of a deceased person might be referred to [AKOËN MARTYREIN]. If any one was called upon to bear witness (*κλητεύειν*), he could not refuse it; and if he refused, he might be compelled to pay a fine of 1000 drachmas (Demosth. *de Fals. Leg.* p. 396, § 176, p. 403, § 198; Aeschin. *c. Timarch.*, § 46), unless he could establish by an oath (*ἐξωμοσία*), that he was unable to give his evidence in the case. Any one who had promised to bear witness, and afterwards failed to do so, became liable to the action of *δίκη λιπομαρτυρίου* or *βλάβης*. The evidence of an avowed friend or enemy of either party might be rejected (Aeschin. *c. Timarch.* § 47). All evidence was either taken down in writing as it was given by the witnesses, or, in case of its having been sent in previously in writing, it was read aloud to the witness for his recognition, and he had generally to confirm his statement by an oath. (Demosth. *c. Steph.* i. p. 1115, § 45, p. 1119, § 58, ii. p. 1130, § 5; *c. Con.* p. 1269, § 41; Aeschin. *de Fals. Leg.* § 126; Diog. Laert. iv. 7.) The testimony of slaves was valid only when extorted by instruments of torture, to which either one party might offer to expose a slave, or the other might demand the torture of a slave. (Demosth. *c. Nicostr.* p. 1253, § 22; *c. Aphob.* p. 855, § 38; *c. Onet.* p. 874, § 37; *c. Steph.* ii. p. 1135, § 21.)

A distinct oath was required in cases where there were no witnesses or documents, but it has been remarked above that oaths were also taken to confirm the authenticity of a document, or the truth of a statement of a witness. [JUSJURANDUM.]

If the evidence produced was so clear and satisfactory that there was no doubt as to who was right, the magistrate could decide the case at once, without sending it to be tried in a court. During the anakrisis as well as afterwards in the regular court, the litigant parties might settle their dispute by an amicable arrangement (Pollux, viii. 143). But if the plaintiff, in a public manner, dropped his accusation, he became liable to a fine of 1000 drachmas, and incurred partial atimia (Demosth. *c. Theocrin.* p. 1323, § 6); in later times, however, this punishment was not always inflicted, and in civil cases the plaintiff only lost the sum of money which he had deposited. When the parties did not come to an understanding during the anakrisis, all the various kinds of evidence brought forward were put into a vessel called *ἐχῖνος*, which was sealed and entrusted to some officer to be kept until it was wanted on the day of trial. (Demosth. *c. Conon.* p. 1265, § 27; Schol. *ad* Aristoph. *Vesp.* 1427.) The period between the conclusion of the preliminary investigation and until the matter was brought before a court, was considered to belong to the anakrisis; and that period was differently fixed by law, according to the nature of the charge. In cases of murder, the period was never less than three months, and in others the trial in court commenced on the thirtieth day after the beginning of the anakrisis: as *e.g.* in the *δίκαι ἐρανικαί, ἐμπορικαί, μεταλλικαί*, and *προικός* (Harpocrat. s. v. *ἔμμηνοι δίκαι*: Pollux, viii. 63, 101), and the day fixed for the trial was called *κυρία τοῦ νόμου* (Demosth. *c. Mid.* p. 541, § 84; p. 544, § 93). In other cases, the day was fixed by the magistrate who conducted the anakrisis. But either party might petition for a postponement of the trial, and the opposite party might oppose the petition by an oath that the ground on which the delay was sought for was not valid, or unsatisfactory. (Harpocrat. *s. v. ἀνθυπωμοσία*; Pollux, viii. 60.) Through such machinations, the decision of a case might be delayed to the detriment of justice; and the annals of the Athenian courts are not wanting in numerous instances in which the ends of justice were thwarted in this manner for a number of years. (Demosth. *c. Mid.* p. 541, § 82; comp. Meier and Schömann, *Att. Process*, p. 622; Platner, *Process u. Klagen*, i. p. 135 ff.; C. F. Hermann, *Staatsalterth.* § 141; Schömann, *Antiquit. Jur. publ. Graec.* p. 279; Wachsmuth, *Hellen. Alterthumskunde*, ii. p. 262, &c. 2nd edit.) The examination which an archon underwent before he entered on his office, was likewise called *ἀνάκρισις* (Demosth. *c. Eubul.* p. 1319, § 66; p. 1320, § 70). [L. S.] [W. W.]

ANALEMMA (*ἀνάλημμα*), in its original meaning, is any thing raised or supported; it is applied in the plural to walls built on strong foundations. (Hesych., Suid. *s. v.*) Vitruvius uses the word to describe an instrument which, by making the lengths of the shadows of a fixed gnomon, showed the different altitudes of the sun at the different periods of the year. (Vitruv. ix. 7, 8, s. 6, 7: Schneider.) It must not be confounded with the modern analemma, which is more complicated and precise than the instrument described by Vitruvius. [P. S.]

ANANCAEUM, a large drinking vessel (Plaut. *Rud.* ii. 3. 33), mentioned by Varro in a corrupt passage *ap. Non.* p. 547, among articles of *caelatura*. Its etymology (*ἀναγκαῖον*) has suggested that the drinker was compelled to empty it at a draught. [Amystis.] [J. H. F.]

ANAPIE'SMATA. [Theatrum.]

ANASKEUAZEIN (*ἀνασκευάζειν τὴν τράπεζαν*). [Argentarii (Greek).]

ANATHE'MATA (*ἀναθήματα*). [Donaria.]

ANATOKISMOS (*ἀνατοκισμός*), compound interest, and the correlative *εὐθυτοκία*, simple interest, do not occur in the classical authors, but are often found in inscriptions; the former as a Latin word in Cic. *Att.* v. 21, 11, "centesimae cum anatocismo anniversario." The equivalent phrase *τόκοι τόκων* occurs Aristoph. *Nub.* 1156. As to the Athenian law on this subject, the researches of Büchsenschütz (*Besitz und Erwerb*, p. 499) and Caillemer (*Étude* ix. p. 26, also in Daremberg and Saglio *s. v.*) cannot be said to lead to any definite conclusions. It appears probable that the utmost freedom of contract was allowed. For the Greek feeling against usurers, and the subject generally, see Fenus (Greek). [W. W.]

ANAUMACHIOU GRAPHE' (*ἀναυμαχίου γραφή*) was an impeachment of the trierarch who had kept aloof from action while the rest of the fleet was engaged. In a cause of this kind, as in the kindred actions *ἀστρατείας, δειλίας, λιποναυτίου, λιποταξίου*, the strategi were naturally the presiding judges. The penalty was atimia without confiscation of goods, if we may trust Andocides (*de Myst.* § 74); whereas on conviction *δειλίας* or *λιποταξίου*, the property of the offender was confiscated (Lys. *c. Alcib.* i. § 9). Caillemer (in Daremberg and Saglio *s. v.*) argues from analogy that the punishment of the offender must have been the same in both cases. [W. W.]

ANAXAGOREIA (*ἀναξαγόρεια*), a day of recreation for the youths at Lampsacus, which took place once every year, in compliance with a wish expressed by Anaxagoras, who, after being expelled from Athens, spent the remainder of his life there. This continued to be observed even in the time of Diogenes Laërtius (*Anaxag.* c. 10). [L. S.]

ANAXYR'IDES (*ἀναξυρίδες*). [Braccae.]

ANCHISTEIA (*ἀγχιστεία*). [Heres.]

ANCI'LE. [Salii.]

ANCILLA. [Servus.]

AN'CORA. [Navis.]

ANDA'BATAE. [Gladiator.]

ANDRAPODISMOU GRAPHE' (*ἀνδραποδισμοῦ γραφή*), a public prosecution against two distinct offences. 1. Kidnapping or enslaving a free person (for which also an *ἐλευθεροπρασίου δίκη* is mentioned by Pollux, but not elsewhere). 2. Stealing slaves from their lawful owners. The crime of the *ἀνδραποδιστὴς* was capital both at Athens and in Greece generally (Xen. *Memor.* i. 2, § 62; *Apol. Socr.* § 25; Demosth. *Phil.* i. p. 53, § 47); and he might be summarily brought before the Eleven by *ἀπαγωγή* (Isocr. *Antid.* § 96; Meier, *Att. Process*, p. 229, note). For the feeling of the Greeks on this class of offences, compare Plato, *Leg.* ix. 869 A, xii. 955 A; Lys. *c. Theomn.* i. § 10. [W. W.]

ANDREIA (*ἀνδρεῖα*). [Syssitia.]

AN'DRIAS (*ἀνδρίας*). [Statuaria.]

ANDROGEO'NIA (*Ἀνδρογεώνια*), a festival with games, held every year in the Kerameicos at Athens, in honour of the hero Androgeos, son of Minos, who had overcome all his adversaries in the festive games of the Panathenaea, and was afterwards killed by his jealous rivals. (Paus. i. 27, § 9; Apollod. iii. 15, § 7; Hygin. *Fab.* 41; Diod. iv. 60, 61.) According to Hesychius, the hero also bore the name of Eurygyes (the possessor of extensive lands), and under this title games were celebrated in his honour, *ὁ ἐπ' Εὐρυγύῃ ἀγών*. (Hesych. vol. i. p. 1332; K. F. Hermann, *Gottesd. Alterth.* § 62, n. 22.) [L. S.]

ANDROLE'PSIA (*ἀνδροληψία* or *ἀνδρολήψιον*), a process of Greek international law which rested upon the ancient religious ideas of the duty of the "avenger of blood" in cases of homicide: for when the state or city in whose territory a murder had been committed refused to bring the murderer to trial, the law allowed the relatives of the deceased to arrest three citizens of the offending state and to hold them as hostages until satisfaction was given, or the murderer delivered up; and the property found upon the persons thus seized was confiscated. It is not to be regarded as a peculiarly Athenian institution; we learn from Demosthenes (*de Cor. Trierarch.* p. 1232, § 13) that the piratical acts of Athenian commanders abroad brought down reprisals on the persons and property (*ἀνδροληψίας καὶ σύλας*) of peaceable Athenian merchants and travellers. It is clearly, therefore, a part of the public law of Greece; and Pollux is quite wrong in treating it as a form of prosecution (*εἶδος ἐγκλήματος*, viii. 50). The guilt of blood attached to the soil of the country where a murder had been committed, only so long as the murderer remained upon its territory unpunished: the curse (*ἀρὰ*) ceased when he either went into exile or was brought to justice. Hence *ἀνδροληψία* cannot have been employed, as Pollux thought (*l. c.*), to enforce the extradition of an escaped criminal: if a murder were committed on Attic soil, and the murderer escaped into Boeotia, all legal and ceremonial requirements were satisfied by his change of abode [Exsilium]; but if an Athenian were murdered in the territory of a Boeotian city, this right would prevent that city from harbouring the murderer.

The duty of relations in such cases was commensurate with the right of inheritance; and the latter was *ἐντὸς ἀνεψιότητος* (Demosth. *c. Macart.* p. 1068, § 57),—a phrase which is elsewhere more precisely defined as *μέχρι ἀνεψιαδῶν*, "as far as second cousins." [Heres.]

For the application of this principle to the local law of Athens, our chief authority is a passage of Demosthenes (*c. Aristocr.* p. 648, § 83: the so-called "law" of § 82 is obviously compiled from the orator's own words in the next section). It is there mentioned in the most general terms, with no limitations as to the states or persons to whom it applied. It is not likely, therefore, as Weber supposes in commenting on the passage, that the right rested on a special convention, like our modern "extradition treaties;" it is much more probable, as Meier argues in one of his later writings, that as a part of the ancient *jus gentium* it was antecedent to all such treaties and liable to be modified by them (Meier, *de Dem. Aristocr.* p. 8, also in his *Opusc. Acad.* ii. 189). In the absence of precise information we cannot positively say what was done to the hostages thus seized, or whether at Athens the right of seizing them extended to foreigners, whether *ἰσοτελεῖς*, *μέτοικοι*, or *ξένοι*. So far as the early religious views prevailed, the latter, we may be pretty sure, would be included; but it would be quite in keeping with the spirit of the later democracy to curtail those privileges if they proved inconvenient to the full citizens. In the case of slaves, the injury according to Athenian notions would be to their master, not themselves; and he would have his remedy in an action for damages.

The forms *ἀνδροληψία* and *ἀνδρολήψιον* are treated as equivalent in the lexicons, but are rightly distinguished by Weber (*ad* Demosth. *l. c.* § 82) on a comparison of the passages where they severally occur. The right of reprisals is *ἀνδρολήψιον* (*c. Aristocr.* p. 648, §§ 83, 84; p. 692, § 217); the act or process by which the right is enforced is *ἀνδροληψία*, usually in the plural (*l. c.* §§ 82, 83; *de Cor. Trierarch.* § 13).

(Pollux, viii. 41, 50; Harpocrat., Suid., and *Etym. M.* s. v.; Bekk. *Anecd.* p. 213, 30; *Att. Process*, pp. 278–281, with the corrections in Lipsius' new edition: D. and S. *s. v.*) [L. S.] [W. W.]

ANDRON (*ἀνδρών*), a word which may be applied to any room in the *ἀνδρωνῖτις*, or men's quarters, in the Greek house, but is often used specially to denote the dining-room, where the Symposia took place (Xen. *Symp.* i. 13; Suid. *s. v.*). [Domus (Greek).] [J. H. O.]

ANDRONI'TIS. [Andron.]

ANGARI'A (*ἀγγαρεία*, Hdt. *ἀγγαρήϊον*) is a word borrowed from the Persians, signifying a system of posting, which was used among that people, and which, according to Xenophon, was established by Cyrus. Horses were provided, at certain distances, along the principal roads of the empire; so that couriers (*ἄγγαροι*), who also of course relieved one another at certain distances, could proceed without interruption, both night and day, and in all weathers. (Herod. viii. 98, iii. 126; Xen. *Cyrop.* viii. 6. § 17; Suid. *s. v.*) It may easily be supposed that, if the government arrangements failed in any point, the service of providing horses was made compulsory on individuals; and hence the word came to mean compulsory service in forwarding royal messages: and in this sense it was adopted by the Romans under the Empire, and is frequently found in the Roman laws. The Roman *angaria*, also called *angariarum exhibitio* or *praestatio*, included the maintenance and supply, not only of horses, but of ships and messengers, in forwarding both letters and burdens; it is defined as a *personale munus*: and there was no ground of exemption from it allowed, except by the favour of the Emperor. (Dig. 50, tit. 4, s. 18, §§ 4, 29; tit. 5, s. 10, 11; 49, tit. 18, s. 4, § 1; Cod. Theod. 8, tit. 5; Cod. Justin. 12, tit. 51.) According to Suidas, the Persian word was originally applied to any bearers of burdens; and next, to compulsory service of any kind. [P. S.]

ANGIPORTUS, or **ANGIPORTUM**, a narrow lane between two rows of houses, sometimes ending in a *cul de sac* (*id quidem angiportum non est pervium*, Ter. *Ad.* iv. 2, 39), sometimes not (id. *Eun.* v. 2, 6, 7). Thus a MS. glossary quoted by Ellis on Catull. 58, 4, says: *Angiportus viae angustae inter minores vicos quae exitum ad muros aut nullum aut angustum habent.* The ancients derived the word *ab angendo et portu*, the original meaning of *portus* being no doubt "an entrance" of any sort (Varr. *L. L.* v. 145, cf. vi. 41; Fest. p. 17, ed. Müller; Ulpian, in Dig. 50, tit. 16, s. 59). The number of such places seems to have been considerable in ancient Rome: and they were apt to be disreputable (Catull. 58, 4; Hor. *Od.* i. 25, 10). The form *angiportum* is archaic (Ter. Catull. *ll. cc.*; Plaut. *Pseud.* iv. 2, 6, 15; iv. 7, 136; Auct. *ad Herenn.* iv. 51, § 64). [L. S.] [W. W.]

ANGUILLA. [Flagrum, Flagellum.]

ANGUIS. [Draco, Genius.]

ANGUSTUS CLAVUS. [Clavus.]

AN'KYLE (*ἀγκύλη*). [Hasta.]

ANNA'LES LEGES. [Leges Annales.]

ANNA'LES MAX'IMI. [Pontifex.]

ANNO'NA is used to signify, 1, the produce of the year in corn, fruit, wine, &c.: hence, provisions in general, especially the corn which, in the latter years of the republic, was collected in the storehouses of the state or in private granaries for the provisioning of Rome; 3, the price at which such corn was sold (*e.g.* Liv. ii. 34, iv. 12); 4, a tax in kind, usually one-tenth, levied in the provinces, even under the epublic (Cic. *in Rull.* ii. 29; *Leg. Manil.* 6; *pro Flacco* 8; *in Verr.* iii. 6, 7), and under the mpire applied for provisioning the army; 5, the orn so distributed among the soldiers. [CON-ARIUM; FRUMENTATIO; PRAEFECTUS ANNO-AE.] [A. S. W.]

ANNULUS. [ANULUS.]

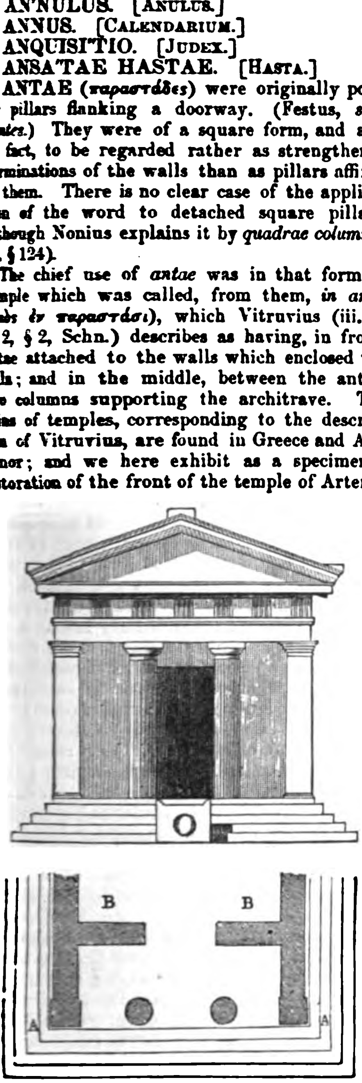
ANNUS. [CALENDARIUM.]

ANQUISI'TIO. [JUDEX.]

ANSA'TAE HASTAE. [HASTA.]

ANTAE (*παραστάδες*) were originally posts r pillars flanking a doorway. (Festus, *s. v.* *ntes.*) They were of a square form, and are, fact, to be regarded rather as strengthened rminations of the walls than as pillars affixed o them. There is no clear case of the application of the word to detached square pillars, lthough Nonius explains it by *quadrae columnae* i. § 124).

The chief use of *antae* was in that form of mple which was called, from them, *in antis* (*οὶ ἐν παραστάσι*), which Vitruvius (iii. 1, 2, § 2, Schn.) describes as having, in front, ntae attached to the walls which enclosed the lla; and in the middle, between the antae, o columns supporting the architrave. The ins of temples, corresponding to the description of Vitruvius, are found in Greece and Asia inor; and we here exhibit as a specimen a restoration of the front of the temple of Artemis Propylaea, at Eleusis, together with a plan of the pronaos.



Antae, temple at Eleusis.
A, A, the antae; B, B, the cella, or *ναός*.

Vitruvius gives the following rules for a temple *in antis* of the Doric order:—The breadth should be half the length; five-eighths of the length should be occupied by the *cella*, including its front walls, the remaining three-eighths by the *pronaos* or portico; the *antae* should be of the same thickness as the columns; in the intercolumniations there should be a marble balustrade, or some other kind of railing, with gates to it; if the breadth of the portico exceeds forty feet, there should be another pair of columns behind those between the *antae*, and a little thinner than they; besides other and minor details. (Vitruv. iv. 4.)

In the pure Greek architecture, the *antae* have no other capitals than a succession of simple mouldings, sometimes ornamented with leaves and arabesques, and no bases, or very simple ones; it is only in the later (Roman) style, that they have capitals and bases resembling those of the columns between them. The antae were generally of the same thickness throughout; among the rare instances of their tapering are one of the temples of Paestum, that of Diana at Eleusis, and the choragic monument of Thrasyllus at Athens.

In a Greek private house the entrance was flanked by a pair of antae with no columns between them; and the space thus enclosed was itself called *παραστάς*. (Vitruv. vi. 10, s. 7, § 1, Schn.) So also Euripides uses the term to denote either the pronaos of a temple (*Iph. in Taur.* 1126), or the vestibule of a palace (*Phoen.* 415).

The following are the chief of the other passages in which *antae* or *παραστάδες* are mentioned:—Euripid. *Androm.* 1121, where *παραστάδος κρεμαστὰ* signifies the arms suspended from one of the *antae* of the temple; Cratin. fr. 45, Meineke; Xen. *Hier.* xi. 2; Hero, *Autom.* p. 269; *Inscript. ap.* Gruter, p. 207. See also Stieglitz, *Archäologie der Baukunst*, vol. i. pp. 236–242; Penrose, *Invest. of the Princ. of Ath. Archit.*; Stuart, *Antiq. of Athens.* [TEMPLUM.] [P. S.] [W. W.]

ANTEAMBULO'NES were slaves who were accustomed to go before their masters, in order to make way for them through the crowd. (Suet. *Vesp.* 2.) They usually called out *date locum domino meo*; and if this were not sufficient to clear the way, they used their hands and elbows for that purpose. Pliny tells an amusing story of a man who was roughly handled by a Roman knight, because his slave had presumed to touch the latter, in order to make way for his master. (*Ep.* iii. 14, 7.) The term *anteambulones* was also given to the clients, who were accustomed to walk before their patroni in white togas when the latter appeared in public. (Mart. ii. 18, iii. 7, x. 74; Juv. i. 96, viii. 49, x. 44.) [W. S.] [A. S. W.]

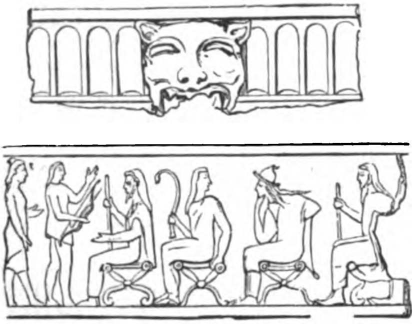
ANTECE'NA. [CENA.]

ANTECESSO'RES, called also **ANTECURSO'RES.** 1. Horse-soldiers, who were accustomed to precede an army on the march, in order to choose a suitable place for the camp, and to make the necessary provisions for the army. They were not merely scouts, like the *speculatores*. (Hirt, *Bell. Afr.* 12, who speaks of *speculatores et antecessores equites*; Suet. *Vitell.* 17; Caes. *B. G.* v. 47.) 2. Teachers of the Roman law. (Cod. 1, tit. 17, s. 2, §§ 9, 11.) [W. S.]

ANTEFIXA, terra-cottas, which exhibited various ornamental designs, and were used in architecture to cover the frieze (*zophorus*) or the cornice of a roof. Their proper place was thus under the eaves (*sub stilicidio*, Fest. *s. v.*) and on the sheltered entablature; and there is no occasion for Müller's conjecture *super stilicidio*. But they must also have sometimes stood clear of the roof, as in the case mentioned by Livy (xxvi. 23, 4), when a statue of Victory, falling *de culmine*, i.e. apparently from the *acroteria*, was caught by other Victories which were *in antefixis*. [Acroteria.] Etymologically the name might have been applied to any ornaments attached to the fronts of buildings; but in practice it seems to have been limited to those of baked clay (*figulinum opus*, Fest.; *fictilia*, Liv. xxxiv. 4, 4). These terra-cottas do not appear to have been used among the Greeks, but were probably Etrurian in their origin, and were thence taken for the decoration of Roman buildings.

Of the great variety and exquisite beauty of the workmanship, the reader may best form an idea by inspecting the collection of them in the British Museum.

The two imperfect antefixa, here represented, are among those found at Velletri, and described by Carloni. (*Roma*, 1785.)



Antefixa.

The first of them must have formed part of the upper border of the frieze, or rather of the cornice. It contains a panther's head, designed to serve as a spout for the rain-water to pass through in descending from the roof. Similar antefixa, but with comic masks instead of animals' heads, adorned the temple of Isis at Pompeii. For additional examples of ornamental water-spouts or gargoyles, see Tegula. The second of the above specimens represents two men who have a dispute, and who come before the sceptre-bearing kings, or judges, to have their cause decided. The style of this bas-relief indicates its high antiquity, and, at the same time, proves that the Volsci had attained to considerable taste in their architecture. Their antefixa are remarkable for being painted: the ground of that here represented is blue; the hair of the six men is black, or brown; their flesh red; their garments white, yellow, and red: the chairs are white. The two holes may be observed, by which this slab was fixed upon the building.

Cato the Censor complained that the Romans of his time began to despise ornaments of this description, and to prefer the marble friezes of Athens and Corinth. (Liv. xxxiv. 4.) The rising taste which Cato deplored may accou for the superior beauty of the antefixa preserv in the British Museum, which were discover at Rome. A specimen of them is given in t third illustration. It represents Athena sup intending the construction of the ship Ar The man with the hammer and chisel is Arg who built the vessel under her direction. T pilot Tiphys is assisted by her in attaching the sail to the yard. Another specimen of the antefixa is given under the article Antyx. (Müller, *Etrusker*, ii. p. 247; *Archaeol. der Kunst*, § 284.) [J. Y.] [W. W.]

Antefixa.

ANTENNA. [Navis.]

ANTEPAGMENTA, the jambs of a door-case, often made with an ornamental moulding which projected before the upright pillar (*scapus cardinalis*) on which the door turned, so as to conceal it entirely from view on the outside. (Vitruv. iv. 6; Festus, *s. v.*; Cato, *R. R.* 14, § 4.) The *antepagmentum superius* of Vitruvius (*l. c.*) is a lintel of a door-case similarly made. A door fitted with such jambs and lintel (as many houses at Pompeii are) would be entirely inside its door-case, and could only open inwards; on the other hand, it would not admit draughts (Rich). Vitruvius also uses the word to denote other mouldings, *e.g.* of *mutuli* (iv. 7) or *stilicidia*, in this sense probably the same as *antefixa*. [Antefixa.] [J. H. F.]

ANTEPILA'NI. [Exercitus.]

ANTESIGNA'NI. [Exercitus.]

ANTESTA'RI. [Actio.]

ANTHESPHO'RIA (ἀνθεσφόρια), a flower or spring festival, principally celebrated in Sicily in honour of Demeter and Persephone, in commemoration of the return of Persephone to her mother in the beginning of spring. It consisted in gathering flowers and twining garlands, because Persephone had been carried off by Pluto while engaged in this occupation. (Pollux, i. 37.) Strabo (vi. p. 256) relates that at Hipponium the women celebrated a similar festival in honour of Demeter, which was probably called anthesphoria, since it was derived from Sicily. The women themselves gathered the flowers for the garlands which they wore on the occasion, and it would have been a disgrace to buy the flowers for that purpose. Anthesphoria were also solemnized in honour of other deities, especially in honour of Hera, surnamed Ἀνθεία, at Argos (Paus. ii. 22, § 1), where maidens, carrying baskets filled with flowers, went in procession, whilst a tune called ἱεράκιον was played on the flute. (Comp. *Etym. Gud.* p. 57.) Aphrodite, too, was worshipped at Cnossus, under the name Ἀνθεία (Hesych. *s. v.*), and has therefore been compared with Flora, the Roman deity, as the anthesphoria have been with the Roman festival of the *Florifertum* or *Floralia.* [DIONYSIA.] [L. S.]

ANTHESTE'RIA. [DIONYSIA.]

ANTHRACION (*ἀνθράκιον, ἐσχάρα, ἐσχαρίς, ἐσχάριον*), a small portable stove or brazier, filled with hot coals, and carried from room to room as required, as in Italy in the present day. (Cf. Poll. x. 100, 101.) [J. H. O.]

ANTID'OSIS (*ἀντίδοσις*), in its literal and general meaning, "an exchange," was, in the language of the Attic courts, peculiarly applied to proceedings under a law which is said to have originated with Solon (Dem. *c. Phaenipp.* init.). It is natural, however, to refer the law to more democratic times; and the orators were in the habit of ascribing to Solon all laws, especially those which they happened to be quoting in a favourable sense. By this law, a citizen nominated to perform a leiturgia, such as a trierarchy or choregia, or to rank among the property-tax payers in a class disproportioned to his means, was empowered to call upon any qualified person not so charged to take the office in his stead, or submit to a complete exchange of property—the charge in question, of course, attaching to the first party, if the exchange were finally effected. For these proceedings the courts were opened at a stated time every year by the magistrates that had official cognisance of the particular subject; such as the strategi in cases of trierarchy and rating to the property-taxes, and the archon in those of choregia. (Dem. *c. Phaenipp.* p. 1040; Meier, *Att. Process*, p. 471; *προσκαλεῖσθαί τινα εἰς ἀντίδοσιν*, Lysias, *Or.* 24, *pro Inval.* § 10.) If the person challenged could prove that he had already discharged the leiturgia, or was otherwise lawfully exempted, the magistrates might dismiss the case:—otherwise the parties proceeded to a *διαδικασία* or legal award of their respective claims. Each litigant could now repair to the houses and lands of his antagonist, and secure himself, as all the claims and liabilities of the estate were to be transferred, from fraudulent encumbrances of the real property, by observing what mortgage placards (ὅροι), if any, were fixed upon it, and against clandestine removal of the other effects, by sealing up the chambers that contained them, and, if he pleased, by putting bailiffs in the house. (Dem. *c. Phaenipp.* pp. 1040, 1041.) An oath was taken by both parties that each would deliver to the other, within three days, a correct inventory (*ἀπόφασις*) of their respective properties (Dem. *c. Phaenipp.* p. 1042, § 11): but in practice the time might be extended by consent of the challenger. All immovable and movable property was transferred in the exchange, with the exception of mines, which were exempted from the extraordinary taxes and leiturgiae, as being already taxed: and all claims and obligations attached to it, and particularly all debts, were included in the transfer, as may be seen from the speech against Phaenippus. The notion of some of the older scholars, that actions not referring to property were also transferred from the one to the other, is justly pronounced by Böckh "too absurd to be imputed to the Athenian law" (*Publ. Econ.* p. 582, E. T.). The case of Demosthenes, who was challenged to an antidosis by Thrasylochus, in collusion with his guardians, at the moment when he was bringing his action against the latter to recover his property, and who performed the trierarchy rather than surrender his claims, is an instructive example of the operation of this law in real life. (Dem. *c. Aphob.* ii. pp. 840–1; *c. Meid.* pp. 539–40.) The speech of Isocrates on the Antidosis is a fiction based on a fact (Jebb, *Att. Or.* ii. 135).

Prof. Mahaffy's remarks on the absurdity of this law are by no means too strong: "It seems simply the legislation of the Athenian mob about property which they had never possessed, and did not understand; for the other alternative — that Athenian properties were small or of a simple nature, like our rentals of estates—is refuted by the many descriptions of property in the orators. It is in fact inexplicable that any intelligent people should have tolerated such a law, and it is conclusive against the business capacity of the men who tolerated it" (Mahaffy, *Social Life in Greece*, p. 409, ed. 3). [J. S. M.] [W. W.]

ANTIGONEIA (*ἀντιγόνεια*), sacrifices instituted by Aratus and celebrated at Sicyon with paeans, processions, and contests, in honour of Antigonus Doson, with whom Aratus formed an alliance for the purpose of thwarting the plans of Cleomenes. (Plut. *Cleom.* 16, *Arat.* 45; Polyb. xxviii. 16, xxx. 20.) [L. S.]

ANTIGRAPHE' (*ἀντιγραφή*) originally signified the writing put in by the defendant in all causes, whether public or private, in answer to the indictment or bill of the prosecutor. But we find the term employed not only for the answer of the defendant, but also for the statement of the plaint (Harpocrat. *s. v.* *ἀντιγραφή*: Plato, *Apol. Socr.* p. 27 C; Schömann, *Antiquities*, p. 484, E. T., in correction of his former views in *Att. Process*). Thus the word "plea," though by no means a coincident term, may be allowed to be a tolerably proximate rendering of antigraphé.

In Attic law, the defendant's answer might consist in a direct denial of the facts alleged, or a justification, leading to a trial on the merits of the case (*εὐθυδικία*). Thus, the *ἀντιγραφὴ* preserved or inserted in Dem. *in Steph.* i. p. 1115, is an instance of the simplest form of indictment and plea: "Apollodorus, the son of Pasion of Acharnae, against Stephanus, son of Menecles of Acharnae, for perjury. The penalty rated, a talent. Stephanus bore false witness against me, when he gave in evidence the matters written in the record. I Stephanus, son of Menecles of Acharnae, witnessed truly when I gave in evidence the matters written in the record." On this passage C. R. Kennedy notes: "The two pleadings together, the plaint on the left side, the plea on the right, form (as we should say) the issue on the record. The deposition complained of was annexed."

The defendant might also, by pleas asserting the incompetency of the court, the disability of the plaintiff, his own privilege, and the like, try to show that the cause in its present state could not be brought into court (*μὴ εἰσαγώγιμον εἶναι τὴν δίκην*). This form of the *ἀντιγραφὴ* was called *παραγραφή*, dilatory plea or "demurrer," and is treated in a separate article [PARAGRAPHÉ].

A third case is that in which the defendant neither meets the allegations of the plaintiff with a direct negative, nor with a demurrer, but resorts to a "cross-action." This, according to Caillemer, is the most exact sense of *ἀντιγραφή*. The subject-matter of this cross-action might or might not be connected with that of the suit upon which it retaliated. For instance, the Demosthenic speech against Evergus and Mnesibulus is a cross-action for assault (*αἰκίας*) upon a primary action for the same: Boeotus meets the claim of his half-brother Mantitheus to a talent as his mother's dowry, with a counterclaim for the same sum (*τὴν ἴσην προῖκα*) as the dower of his own mother Plango, and the speech *περὶ προικὸς μητρῴας* is the reply of Mantitheus to this cross-action. As an example of the opposite sort, Aeschines, impeached by Timarchus for misconduct on an embassy (*παραπρεσβεία*), arraigns the life and morals of his accuser on a charge which, if proved, involved the penalty of *ἀτιμία*, and so disqualified Timarchus from appearing as a prosecutor in a court of law.

As a check upon vexatious defence as well as frivolous litigation, the loser in a paragraphé (and of course in a cross-action as well) was condemned to pay the *ἐπωβελία* or penalty attaching to plaintiffs who failed to obtain one-fifth of the votes. As regarded public causes, the statutable penalty of 1000 drachmas was doubtless enforced in cross as in primary actions. [EPOBELIA.]

There is yet another sense of the word *ἀντιγραφή*, in the case of persons who laid claim to an unassigned inheritance. Here, none of the claimants was, properly speaking, either plaintiff or defendant; that is, no *δίκη* or *ἔγκλημα* could be strictly said to be directed by one competitor against another, when all came forward voluntarily into court to defend their several titles. This circumstance has been suggested by Schömann as a reason why the documents of each claimant were denoted by the term *ἀντιγραφή* (*Att. Process*, p. 465). [J. S. M.] [W. W.]

ANTIGRAPHEIS (*ἀντιγραφεῖς*), checking-clerks, *contrarotulatores*, *contrôleurs*. Efficient checks on the handling of public funds, whether municipal or national, were even more necessary among the Greeks than in modern civilised countries; and the Athenians, with their deep distrust of official honesty, sought refuge in multiplying such checks. Hence it was the rule in Athenian finance, that wherever there was a public officer entrusted with the payment of money, there was by his side an *ἀντιγραφεὺς* who watched over him and kept duplicate accounts. Thus it is proved by inscriptions that there was an *ἀντιγραφεὺς* to each deme (*C. I. G.* 100); and a general in the field disposed of his military chest subject to a like control. (Dem. *de Chers.* p. 101, § 47.) The administrators of sacred funds, such as the *ταμίαι τῆς θεοῦ* and the *ἑλληνοταμίαι* or treasurers of Delos, were similarly controlled (Inscr. 139, 141, 150, 158).

Two of these *ἀντιγραφεῖς* stand out from the rest as important public officers; the *ἀντιγραφεὺς τῆς διοικήσεως* and the *ἀντιγραφεὺς τῆς βουλῆς* (Harpocrat., Suid. *s. v.*). The office of the former was to control the expenditure of the public treasury (*διοίκησις*), and to lay the revenue accounts before the people in every prytany, so that he was a check upon the *ἀποδέκται* [APODECTAE]. This must be the officer described by Aeschines (*in Ctes.* § 25) as "formerly" elected by *χειροτονία*: his further statement, that at one time the Athenians had carried their confidence in Eubulus so far as to unite the offices of the *ἀντιγραφεῖς* and *ἀποδέκται* in the same persons, is either a rhetorical exaggeration, or, if true, an instance of their infatuation where the Theoric fund was concerned [THEORICA]. Androtion's auditing of his own accounts is represented by Demosthenes as an act of equal dishonesty and impudence.

The *ἀντιγραφεὺς τῆς βουλῆς* was originally elected by the people, but afterwards appointed by lot from the senate itself; always, it would seem, from the non-presiding tribes, the prytanes being excluded (*C. I. G.* 190). He was always present at the meeting of the senate, and checked the accounts of moneys paid into its keeping (Pollux, viii. 98); but he is to be distinguished from the *γραμματεὺς* who prefixed his name to its decrees. He controlled financial matters only, not business generally.

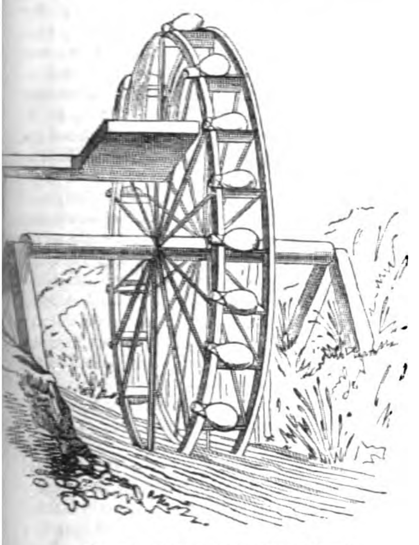
The account of the checking-clerks in Böckh (*P. E.* bk. ii. ch. 8) contains many inaccuracies in the first edition, from which the English translation most in use is taken; and these are not entirely corrected in the second edition. (Compare Schömann, *Assemblies*, pp. 287, 318–19; *Antiq.* p. 378; Hermann, *Staatsalterth.* § 127, n. 17 and 18; Wayte on Demosth. *Androt.* p. 605, § 38, p. 615, § 70.) [W. W.]

ANTINOEIA (*ἀντινόεια*), annual festivals and quinquennial games, which the Roman emperor Hadrian instituted in honour of his favourite, Antinous, after he was drowned in the Nile, or, according to others, had sacrificed himself for his sovereign, in a fit of religious fanaticism. The festivals were celebrated at Athens, Eleusis, in Bithynia, at Argos, and Mantineia, in which places he was worshipped as a god. Afterwards this festival appears to have been discontinued. (Spart. *Hadr.*, c. 14; Dio Cass. lxix. 10; Paus. viii. 9, § 4; Boeckh, *C. I. G.* 1124.) [L. S.]

AN'TLIA (*ἀντλία, ἀντλίον*), any machine for raising water. [COCHLEA; GIRGILLUS; ROTA AQUARIA; SIPHO; TOLLENO; TYMPANUM.] The figure on the next column shows a machine which is still used in Tyrol and other Alpine countries. As the current puts the wheel in motion, the jars on its margin are successively immersed and filled with water. When they reach the top, the water is sent into a trough, from which it is conveyed to a distance, and chiefly used for irrigation. Lucretius (v. 516) mentions a machine constructed on this principle: "Ut fluvios versare rotas atque haustra videmus."

In situations where the water was at rest, as in a pond or a well, or where the current was too slow and feeble to put the machine in motion, it was constructed so as to be wrought by animal force, and slaves or criminals were commonly employed for the purpose (*in antliam con-*

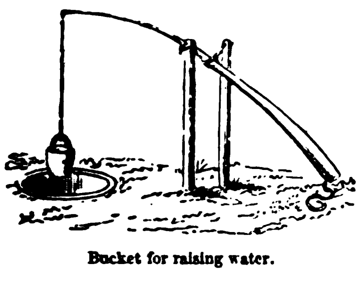
demnare, Suet. *Tib.* 51). Five such machines are described by Vitruvius, in addition to that



Machine for raising water in Tyrol.

which has been already explained, and which, as he observes, was turned *sine operarum calcatura, ipsius fluminis impulsu.* These five (on which details will be found *sub vocc.*) were, 1, the tympanum,—a tread-wheel, wrought *hominibus calcantibus*: 2, a wheel (*rota*) resembling that in the preceding figure, but having, instead of pots, wooden boxes or buckets (*modioli quadrati*), so arranged as to form steps for those who trod the wheel: 3, the chain-pump (*tolleno*): 4, the *cochlea*, or Archimedes' screw: and 5, the *ctesibica machina*, or forcing-pump. (Vitruv. x. 4–7; Drieberg, *Pneum. Erfindungen der Griechen*, pp. 44–50.)

On the other hand, the antlia with which Martial (ix. 18, 4) watered his garden was probably the pole and bucket universally employed in Italy, Greece, and Egypt. The pole is curved, as shown in the annexed figure; because it is the

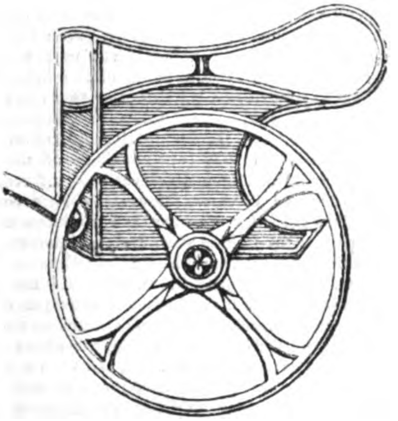


Bucket for raising water.

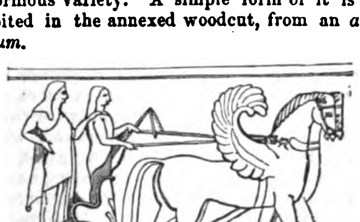
stem of a fir, or some other tapering tree. The bucket, being attached to the top of the tree, bends it by its weight; and the thickness of the other extremity serves as a counterpoise. The great antiquity of this method of raising water is proved by representations of it in Egyptian paintings. (Wilkinson, *Manners and Cust. of Anc. Egypt.* ii. 1–4; see also *Pitt. d'Ercolano*, vol. i. p. 257.) [J. Y.] [A. G.]

ANTOMOS'IA (*ἀντωμοσία*). [Anakrisis; Paragraphé.]

ANTYX (*ἄντυξ*), the edge or border of any circular object. 1. The rim of the round shield (*Il.* vi. 118, xiv. 412, xviii. 479). See examples of the *antyx* of a shield in drawings to Antefixa, Arma, Clipeus. 2. Specially the outside rim or rail, that formed the edge of the car in the Homeric chariot (*Etym. M.* and Zonar. *s. v.*). It seems to have been usually made of some kind of pliant wood, as for instance of the shoots of the wild fig (*Il.* xxi. 38), and was used to give stability to the car, which was often made of wicker-work. It rose to some height in front, so that the reins could be fastened to it when the driver left the chariot (*Il.* v. 262; cf. Eurip. *Hipp.* 1188), and projected on each side in a loop behind, to assist him in mounting. A second rail seems often to have been added, as for instance in the chariot of Hera, of which Homer says *δοιαὶ δὲ περίδρομοι ἄντυγές εἰσιν* (*Il.* v. 728). The accompanying engraving shows the *ἄντυξ*, and the Greek vases represent an enormous variety. A simple form of it is exhibited in the annexed woodcut, from an *antefixum*.



Antyx. (Ginzrot, *Wagen und Fuhrwerke*, Pl. xxix. fig. 5.)



Antyx. (From an Etruscan tomb.)

After the Homeric time, *ἄντυξ*, or the plural *ἄντυγες*, is used for the chariot itself. (Soph. *Electr.* 746; Eur. *Phoen.* 1193; Theocr. ii. 166.) [Currus.] [J. Y.] [J. H. O.]

A'NULUS or **ANN'ULUS** (*δακτύλιος*), derived from the same root as *ἀμφὶ*, meaning something which goes round (cf. *annus*; Corssen, *Beitr.* p. 316), was used for a ring of any kind, especially a finger-ring. This was originally called in Latin *ungulus* (Fest., p. 375; Plin. *H. N.* xxxiii. § 10).

In the earliest times the ring was used, not as an ornament, but as a seal (Macrob. *Sat.* vii. 13, § 12). How ancient the custom of wearing rings among the Greeks was, cannot be ascertained; though it is certain, as even Pliny (*H. N.* xxxiii. § 12) observes, that in the Homeric poems there are no traces of it. In works of fiction, however, and in those legends in which the customs of later ages are mixed up with those of the earliest times, we find the most ancient heroes described as wearing rings. (Paus. i. 17, § 3, x. 30, § 2; Eurip. *Iphig. Aul.* 154, *Hippol.* 862.) But it is highly probable that the custom of wearing rings was introduced into Greece from Asia, where it appears to have been almost universal. (Herod. i. 195; Plat. *Rep.* ii. 359 E.) From Asia Minor to Greece proper the transition of fashion was expeditious, and the signet, now for the first time worn mounted as a *finger-ring*, came into universal favour among all the Hellenic population. This was a new method for securing the engraved stone: for the original inventors of seal-engraving had worn and continued to wear down to the very close of their history (even to the date of the Arabian conquest), the cylinder or the conical seal as the ornament of the bracelet or the necklace, &c. That this invention (sc. the finger-ring) should be ascribed to Prometheus, a Grecian hero, and its designation *δακτύλιος* a word of native origin (unlike those of many other personal ornaments, evidently of a foreign root: *μανιάκης ψέλλιον*, for example), are considerations going far to prove that this latest and most permanent fashion was purely an innovation of the Greeks. Besides this, we have the express statement of Pliny (xxxiii. 4), that the use of the finger-ring was introduced amongst the Romans from Greece: "E Graecia fuit origo unde hic anulorum usus venit." (King, *Handbook of Engraved Gems*, 1885, pp. 12, 13.) In the time of Solon seal-rings (*σφραγῖδες*), as well as the practice of counterfeiting them, seem to have been rather common, for Diogenes Laërtius (i. 57) speaks of a law of Solon which forbade the artist to keep the form of a seal (*σφραγίς*) which he had sold. (Allusion to counterfeit seals in Aristoph. *Thesm.* 432; Thuc. i. 132.) Whether, however, it was customary as early as the time of Solon to wear rings with precious stones on which figures were engraved, may justly be doubted; and it is much more probable that at that time the figures were cut in the metal of the ring itself, a custom which was never abandoned altogether. King (*l. c.* p. 3) agrees with Lessing, that the signet-ring was not worn by the Greeks till about the beginning of the Peloponnesian War; otherwise Herodotus (*l. c.*) would have mentioned the Babylonians wearing the signet suspended from their *wrist* or *neck* as a striking peculiarity, which he does not. Rings without precious stones were called *ἀπείρονες, ἄπειροι, ἄλιθοι, ἄψηφοι*, the name of the gem being *ψῆφος* or *σφραγίς*, which was set in a bezel (*σφενδόνη, πυελίς, μάνδρα, funda, pala*). In later times rings were worn more as ornaments than as articles for use, and persons now were no longer satisfied with one, but wore two (Plat. *Hipp. Min.* p. 368 C), three, or even more rings (Dinarch. *in Demosth.* § 36; Diog. Laërt. v. 1); and Suidas says (*s. v. σφραγίς*) that some regularly loaded their hands with rings. Greek women likewise used to wear rings (Aristoph. *Thesm.* frag. 320, 12, Kock; Ter. *Heaut.* iv. 1, 37; *Hecyr.* iv. 1, 59; Poll. ii. 155), but not so frequently as men; the rings of women appear to have been less costly than those of men, for some are mentioned which were made of amber, ivory, &c. (Artemid. *Oneir.* ii. 5.) Rings were mostly worn on the left hand and third finger (*παράμεσος*, Plut. *Sympos. Frag.* iv. 8; Gell. x. 10), but also on the little finger (Lucian, *Dial. Merer.* 9, 2). Indeed, Pliny says (*H. N.* xxxiii. § 24) that they were worn first on the third, then on the first, and finally on the little finger; and Macrobius (*Sat.* vii. 13, § 15), quoting Ateius Capito, says that originally they were worn on any finger of either hand. But they do not seem to have been ever worn on the second finger (*digitus infamis*). An Etruscan tomb exhibits rings on the upper joints of the fingers. (See cut on p. 132.)

The Lacedaemonians are said to have used iron rings at all times. (Plin. *H. N.* xxxiii. § 9.) With the exception perhaps of Sparta, the law does not appear to have ever attempted in any Greek state to counteract the great partiality for this luxury; and nowhere in Greece does the right of wearing a gold ring appear to have been confined to a particular order or class of citizens.

The custom of wearing rings was believed to have been introduced into Rome by the Sabines, who are described in the early legends as wearing gold rings with precious stones (*gemmati anuli*) of great beauty (Liv. i. 11; Dionys. ii. 38). Florus (i. 5) states that it was introduced from Etruria in the reign of Tarquinius Priscus, and Pliny (*l. c.*) derives it from Greece. The fact that among the statues of the Roman kings in the Capitol, two, Numa and Servius Tullius, were represented with rings, can scarcely be adduced as an argument for their early use, as later artists would naturally represent the kings with such insignia as characterised the highest magistrates in later times. But at whatever time rings may have become customary at Rome, thus much is certain, that at first they were generally of iron, but often of stone (King, *Antique Gems*, p. 176, ed. 1860), that they were destined for the same purpose as in Greece—namely, to be used as seals — and that every free Roman had a right to use such a ring. This iron ring was used down to the last period of the republic by such men as loved the simplicity of the good old times, and retained its place in the ceremony of betrothal. Marius wore an iron ring in his triumph over Jugurtha, and several noble families adhered to the ancient custom, and never wore gold ones. (Plin. *H. N.* xxxiii. §§ 12, 21.)

When senators in the early times of the republic were sent as ambassadors to a foreign state, they wore during the time of their mission, and on public occasions afterwards, perhaps, gold rings, which they received from the state; in private they wore their iron ones. (Plin. *H. N.* xxxiii. § 11; Isidor. *Orig.* xix. 32, 3.)

Rings with us are mainly associated with marriage, an association borrowed from the Romans. As already mentioned, the *anulus pronubus* was originally of iron, without a stone, and continued to be so even to a late period (Plin. *H. N.* xxxiii. § 12); though Tertullian (*Apol.* 6) says the marriage ring was just the one gold ornament women wore in the good old times. Marriage rings with precious stones must also have been used, as such are found on ancient figures (Rossbach, *Hochzeitsdenkm.* p. 27). The ring was an earnest given by the bridegroom for the fulfilment of the contract of marriage (cf. *pignus*, Juv. vi. 27; Dig. 24, 1, 36, § 1), as we may see from the fact that in mere mercantile contracts a ring was often given as a pledge (Dig. 14. 3, 5, § 15; cf. Ter. *Eun.* iii. 4, 3).


Ring with Key attached. (British Museum.)

The practical purposes for which rings, or rather the figures engraved upon them, were used by the Greeks and Romans, were the same as those for which we use our seals. Besides this, however, persons, when they left their houses, used to seal up such parts as contained stores or valuable things, in order to secure them from thieves or slaves (Arist. *Thesm.* 415 *sqq.*; Plat. *Legg.* 954; Athen. p. 34 a; Plaut. *Cas.* ii. 1, 1; Cic. *ad Fam.* xvi. 26, *de Orat.* ii. 61, 248; Martial, ix. 88; Mayor on Juv. xiv. 132). The housekeeper used to carry a seal for this purpose (Arist. *Eq.* 948; Plut. *Alex.* 9); and we have still remaining rings with a key attached. The ring of a Roman emperor was a kind of state-seal, and the emperor sometimes allowed the use of it to such persons as he wished to be regarded as his representatives (Dio Cass. lxvi. 2). The keeping of the imperial seal-ring was entrusted to an especial officer (*cura anuli*, Just. *Hist.* xliii. 5). The signs engraved upon rings were very various, as we may judge from the specimens still extant: they were portraits of ancestors, or friends, subjects connected with mythology or the worship of the gods; and in many cases a person had engraved upon his seal symbolical allusions to the real or mythical history of his family. (Cic. *in Catil.* iii. 5; *de Finib.* v. 1; Val. Max. iii. 5, 1; Suet. *Tib.* 58.) Like our crests, different families seem to have had distinct seals: *e.g.* the seal of Galba's family was a dog leaping from a ship's prow (Dio Cass. li. 3). Sulla thus wore a ring with a gem, on which Jugurtha was represented at the moment he was made prisoner (Plin. *H. N.* xxxvii. § 8; Plut. *Mar.* 14). Pompey used a ring on which three trophies were represented (Dio Cass. xliii. 18), and Augustus at first sealed with a sphinx, afterwards with a portrait of Alexander the Great, and at last with his own portrait, which was subsequently done by several emperors. (Plin. *H. N.* xxxvii. § 10; Suet. *Aug.* 50; Dio Cass. li. 3.) Hadrian's seal had his own image on it (Spart. *Hadr.* 26). The Empire is the grand era of portraits on gems. See the interesting discussion in King, *Handbook*, pp. 53 ff., who quotes Ovid, *Trist.* i. 7, 5, and many other instances.


Reversible Ring. (D. and S.)

The principal value of a ring consisted in the gem framed in it, or rather in the workmanship of the engraver. The stone most frequently used was the onyx, on account of its various colours, of which the artists made the most skilful use. The elder Scipio was the first Roman who wore a ring with a sardonyx (Pliny, *H. N.* xxxvii. § 85). The Greek engravers of the best times had contented themselves with the sard, banded agate, and amethyst as the materials for their art. The Romans attacked the more precious stones in spite of their hardness—the ruby, the sapphire, and the amethyst (King, *l. c.* p. 40). Besides rings having a seal-stamp on them, we find camei also. (Senec. *Benef.* iii. 26; Plin. xxxvii. § 173.) We have many rings with inscriptions on them—χαρά, χαρὰ τῇ φορούσῃ, ἔτη χίλια ζήσῃς (Becker-Göll, iii. p. 280)—presents given to girls (Mart. viii. 5); and these "motto-camei" are very common from Diocletian's time (King, *Handbook*, p. 77). Indeed in the wearing of rings the Roman ladies do not seem to have been wanting (Tert. *Apol.* 6); and in one of the graves at Kertsch a woman was found with eight rings. We know that the ring followed the wearer in death (Propert. v. 7, 9). In the art of engraving figures upon gems, the ancients in point of beauty and execution far surpass everything in this department that modern times can boast of. The ring itself, in which the gem was set, was likewise in many cases of beautiful workmanship.


Snake-ring. (British Museum.)

The stone and its setting sometimes revolved on an axis, having on one side a figure in relief, on the other an intaglio. Sometimes the rings were spirals, resembling serpents, like many of our bracelets; and we find rings of chased gold with each side ending in a serpent's head. Originally among the Romans men wore only one ring and women none, except the one which a bride received from the bridegroom (Isidor. *l. c.*); but with the increasing love of luxury and show the Romans covered their fingers with rings (Quintil. xi. 3, § 142; Petron. 32). Lucian (*Gall.* c. 12), ridiculing the rich, speaks of sixteen rings. Martial (xi. 59) tells of a man who wore six on every finger; and of another (xi. 37) who had a ring of such a monstrous size that he recommends him to wear it on his leg instead of his finger. Some even used different rings for summer and winter, those for the latter season being too heavy for hot weather. (Juv. i. 28, with Schol.; cf. Dennis, *Etruria*, i. p. 476.) Clement of Alexandria (*Paedagog.* iii. 11, pp. 288–9, ed. Potter) says men are not to wear the ring on the joint (ἐπ' ἄρθρῳ), for this is feminine, but to place it on the little finger at the root: for so the hand will be freest to work, and the signet will not easily fall off. And our seals (he goes on) should be a dove or a fish or a ship scudding before the wind, or a musical lyre which Polycrates used, or a ship's anchor. We are not to delineate the faces of idols; nor a sword, nor a bow, following as we do peace; nor drinking cups, being temperate. Many of the licentious (he tells us also) have their lovers or their mistresses engraved on their seals. Thus, contrary to our modern custom, rings appear to have been worn on the *joints* of the fingers; and if more than one was worn on one finger, the rings were placed on different joints, not worn together and touching each other, as with us. This is exemplified in the accompanying cut from an Etruscan tomb. The materials used for rings, as exemplified in European collections, were iron, bronze, gold, silver, lead, zinc, amber, and ivory. Rings, especially among the Greeks, were often regarded as talismans (Aristoph. *Plut.* 884). For famous rings with magic powers, compare that of Gyges (Plat. *Rep.* 359), Chariclea (Heliod. *Aeth.* iv. 8), Eucrates (Lucian, *Philopseud.* 17), and more in King, *Handbook*, p. 134 foll. Rings were kept in a box called *dactyliotheca*, a name also applied to a collection of rings. (Mart. xi. 59, xiv. 123; Plin. *H. N.* xxxvii. § 11.) On ear-rings, see INAURES.

Hand from an Etruscan tomb, wearing Rings.

JUS ANULI AUREI. The Roman gold ring appears to have been originally a military distinction given for success in dealing with the enemy. This may be seen from the formula for the most part preserved in Cicero, and which has been restored as follows (*Verr.* iii. 80, 187): "Quando tu quidem in praelio in bello iure militari nunquam mihi defuisti, omnibusque in iisdem periculis et in legatione et in praetura et hac in provincia versatus es; ob eas causas hoc anulo aureo te dono:"—and also from the fact that it was the praetor or provincial governor (Cic. *Verr. l. c.*) who bestowed it (cf. Acron on Hor. *Sat.* ii. 7, 53; Suet. *Jul.* 33, 39). As is natural with such distinctions in a militant state, it came to be bestowed on the chief civil magistrates, and we find it in rather early times belonging to the *nobiles*, and like many other distinctions transmissible to their descendants. (Liv. ix. 46, 12; Plin. *H. N.* xxxiii. § 18.) It did not belong to the senators as such (Plin. *H. N.* xxxiii. §§ 12 and 21); but, military distinction as it was originally, the most distinguished military class naturally obtained it, and thus we find that the flower of the knights, the *equites equo publico*—those whom Livy (xxiii. 12, 2) styles *eorum ipsorum primores*, and Pliny (*H. N.* xxxiii. § 36) *trossuli*—must have had this badge, else the story of the bushels of rings taken from the Romans who fell at Cannae, which Mago emptied in the senate at Carthage, would be extravagant exaggeration. The *tribuni militum* also wore gold rings, according to Appian (*Pun.* 104). Such a distinction showed that these knights were regarded as attached to the *nobiles*, and forming with them the aristocracy. The rest of the knights, those *equo privato*, at all events as early as B.C. 171, must be considered as not having this distinction, and being in class-antagonism to the rest of the knights; for these latter, the *primores civitatis*, when Claudius was condemned by eight centuries of knights out of twelve, in sign of supplication, as we are told (Liv. xliii. 16, 14), laid aside their rings. But history shows us that the lower classes encroach upon the class distinctions of the higher, and these latter do not resist when there is need to conciliate or to fear the former. So that we may admit that during the following century this encroachment was going on, and that *publicani* and their sons began to appropriate this distinction of the ring (Lange, *Röm. Alt.* ii. 163); and that by the time of Caius Gracchus the ring was virtually, though not formally, a class-distinction of the knights, though the senators also who were *nobiles*, or who had served as *legati*, had the privilege of wearing the *anulus aureus*. We say "virtually, not formally," because all the knights even did not wear it as late as 90 B.C. (Plin. *H. N.* xxxiii. § 21.) Etiquette no doubt did not prescribe it as necessary, and so there must have been many who objected to it as an exhibition of new-fangled ostentation. (Cf. Plin. *l. c.* about the Quintii.)

In the later times of the Republic, we hear of several instances of the *anulus aureus* being given by grant of the military commander or provincial governor. The grantee was always supposed to have the requisite census, or else it was given him by the grantor. (Cic. *Verr.* iii. 80, 187.) The gift of the ring was equivalent to elevation to knighthood, and brought with it all the privileges granted to the knights by the Aurelian and Roscian laws. Sulla gave it to the actor Roscius (Macrob. *Sat.* ii. 10); Balbus, the quaestor at Gades, to another actor, Herennius Gallus (Cic. *ad Fam.* x. 32, 2); Verres to his scribe, Maevius (Cic. *Verr.* iii. 80, 184). But, by the way Cicero speaks of this latter case, we cannot suppose that the bestowal of knighthood was very common or much abused under the Republic.

More extensive and worse-bestowed no doubt were the special grants during the Empire, when the emperor, as holding the imperium, had the right of bestowing the ring at will. Many who were unworthy, both by birth and character, obtained it—Icelus (Suet. *Galb.* 14), Asiaticus (Tac. *Hist.* ii. 57), Hormus (Tac. *Hist.* iv. 39), &c. But really it was by encroachment, only half-heartedly opposed, that the abuse spread. The equestrian census had been fixed at 400,000 sesterces, and this qualification was requisite for one to serve in any of the first three decuriae of judges under Augustus. (See JUDEX, and Walter, *Gesch. des röm. Rechts*, § 353.) Free birth was always presupposed, and the money was the requirement principally insisted upon. But the increasing influence and wealth of freedmen under the early empire enabled many of them to attain the dignity of the *anulus aureus*. Augustus had given it to Vinius Philopoemen, to Menas (Suet. *Aug.* 27, 74), to Antonius Musa, to Vedius Pollio (Dio Cass. liii. 30, liv. 23); but so many more had assumed it without warrant that a decree of the senate was passed in the reign of Tiberius (A.D. 23) enacting that no one who had not the qualifications of (1) the census, (2) birth of free father and grandfather, could be a knight or could wear the ring; and Pliny (*H. N.* xxxiii. § 32) justly regards this as the final establishment of the equestrian order. The ring was lost by loss of the census (Mart. ii. 57) or by conviction for some crime (*e.g.* Arellius Fuscus for false accusation, Plin. *H. N.* xxxiii. § 151). Again the Lex Visellia (A.D. 24) punished those freedmen who usurped the privileges of *ingenuitas* (Cod. Just. 9, 21; 11, 31; 10, 32. 1). [On the question of the date of this law, see Walter, *l. c.*, note 25.] Yet none the less did the encroachments continue. Four hundred men who had usurped the ring and the privileges of knighthood were deprived of their goods by Claudius (Plin. *H. N.* xxxiii. § 8). Even those who had not the requisite census encroached; and this is the burden of complaint in the Flavian writers that not only any "son of a peak-snatcher," if he have the census (Juv. iii. 157 ff.), but even those who have not the census, assume the equestrian privilege of sitting in the first fourteen rows in the theatre; and hard and ineffectual work Leitus and Oceanus, the box-keepers, had in endeavouring to turn the intruders out (Mart. iii. 95, 10; v. 8, 12; 25, 1; 27, 4). So the ring practically ceased to be the symbol of either wealth or birth; and finally positive law, which follows in the wake of usage, under Hadrian enacted that the *ius anuli aurei* attested merely that the wearer was to be considered freeborn, and in the case of a freedman did not impair the rights of his patron. The patron had to give his consent to the freedman getting the *ius anuli*. Women too got the right (Dig. 40, 10, 6, 3, 4). The sole privilege the *ius anuli* now brought was that of obtaining office (Capit. *Macr.* 4). In fact, as the Vatican Fragment (226) says: "Jus anulorum ingenuitatis imaginem praestat salvo iure patroni patronique liberorum." And when this was established by law as all that the privilege of the ring really meant, the competition for it died out, and in Justinian's time all free men could legally wear the gold ring (Isid. *Orig.* xix. 32).

During the early empire it had been brought about that certain positions in the army should lead to the equestrian dignity, and enable the holder to proceed on the equestrian career, which might result in his obtaining one of the higher procuratorships. One of these was the *tribunatus legionis*. Thus Juvenal says (vii. 88) of Paris: "Semestri digitos vatum circumligat auro," which means "the ring (*i.e.* equestrian rank) won by six months' service." (See Mayor's note.) [Full details on this point will be found in the chapter of Hirschfeld's *Verwaltungsgeschichte*, entitled, "Die procuratorische Carrière."] But by Hadrian's time, as we saw, the gold ring did not carry with it equestrian dignity. It was only a sign of quasi-ingenuitas, and as such was given to all the soldiers by Septimius Severus, A.D. 197 (Herodian, iii. 8, 5). The soldiers at all times appear to have worn the iron ring (App. *Pun.* 104).

For innumerable examples of class-ornaments (such as swords, spurs, &c.) gradually coming to be used by all classes promiscuously, by encroachment, in spite of interdicts, see Herbert Spencer, *Ceremonial Institutions*, chapter ix., who alludes there to the *ius anuli aurei*. (Fortunius Licetus, *De Annulis Antiquis*, Utini, 1614, 1645; Kirch, *De Annulorum origine*. Lips. 1614; Kirchmann, *De Annulis*, Slevici, 1657; Curtius, *De Annulis Syntagma*, Antverp. 1706; Hermann, *Griech. Antiqu.* iv.^{3} p. 197; Böttiger, *Sabina*, ii. p. 157 *seq.*; Becker-Göll, *Charikles*, i. 306 ff.; *Gallus*, ii. 21, iii. 243 ff.; King, *Handbook of Engraved Gems*, 1885; Burmann, *De Jure Annulorum*, Traj. ad Rhen., 1734; Lange, *Röm. Alterth.* ii. 8, 163; Marquardt, *Privatleben*, 680 ff.; Daremberg and Saglio, *s. v.*) [L. C. P.]

APAG'ELI (ἀπάγελοι). [AGELA.]

APAGO'GE (ἀπαγωγή) was the act of arresting a person and carrying him off to prison. It was usually carried out by the magistrate or his officer, whether after ἔνδειξις, or the laying of a written information, or by ἐφήγησις, when the prosecutor applied first to the magistrate and conducted him to the spot where the capture was to be effected [ENDEIXIS]. As a law term, ἀπαγωγή had also a more technical meaning as distinguished from ἔνδειξις and ἐφήγησις. In certain specified cases the complainant was allowed to apprehend at his own risk a culprit caught *flagrante delicto* (ἐπ' αὐτοφώρῳ), and carry him off to prison or bring him before a magistrate, afterwards giving the particulars of the charge in writing. If the prosecutor failed to obtain a fifth of the votes on the trial which followed, he forfeited, as usual, 1000 drachmas; but in this instance he ran the further risk of resistance from a powerful criminal. Hence it was the remedy only of the strong and self-reliant. (Dem. *c. Androt.* p. 601, § 26: compare *c. Aristocr.* p. 647, § 80; *c. Timocr.* pp. 735–6, §§ 113, 114; *Boeot. de Nom.* p. 998, § 14.) To check the cruelties of private vengeance, no man might imprison another in his own house. (Dem. *c. Aristocr.* p. 630, § 32; p. 647, § 80.)

This summary ἀπαγωγή was allowed only in the case of the most atrocious and usually capital crimes: κακοῦργοι, οἱ τὰ μέγιστα ἀδικοῦντες are the phrases of the grammarians. Such were murder or attempted murder, man-stealing, house-breaking (ἀνδροφόνοι. ἀνδραποδισταί, τοιχώρυχοι), aggravated assault, such as that described in the *Conon* of Demosthenes (αἰκία), and robbery with violence or at night. Simple theft in the day-time was only liable to ἀπαγωγή when the value of the stolen goods exceeded 50 drachmas, except in cases where property in exposed situations was protected by special laws making 10 drachmas the limit; among these, stealing clothes or utensils from the public baths or gymnasia, and stores from the harbours, are specified. (Dem. *c. Timocr.* *l. c.*; ἡ τῶν λωποδυτῶν ἀπαγωγή, *c. Conon*, *init.*) To these may be added homicides returning from banishment without a legal pardon (Dem. *c. Aristocr.* p. 630, § 31), the grosser forms of impiety and sacrilege (ἀσεβεῖς, ἱερόσυλοι, id. *c. Androt.* p. 601, § 27), and συκοφάνται in certain cases (τὸν συκοφαντοῦντα τοὺς ἐμπόρους, id. *c. Theocrin.* p. 1324, § 10). Some other alleged instances rest upon doubtful or misinterpreted passages. Thus, it has been wrongly inferred from a so-called "law" (*ap.* Dem. *c. Timocr.* p. 733, § 105) that ἀστράτεια and κάκωσις γονέων came under this rule. We know from the text of Demosthenes (*l. c.* § 103) that the punishment for these offences was ἀτιμία, involving exclusion from the Ecclesia and from certain sacred rights; and it is the trespassing upon forbidden precincts, not the original offences, to which this penalty is assigned by the orator. Aeschines mentions the ἀπαγωγὴ of the corruptors of youth (*c. Timarch.* § 43), and of adulterers (*ib.* § 91): the former of these is likely enough, but the injured husband, as is known, might carry his vengeance much beyond simple imprisonment [ADULTERIUM]. It is difficult to believe, on the strength of a passage of uncertain authorship, that a μέτοικος might be summarily arrested on the bare suspicion of not having paid his μετοίκιον: the act, if it really took place, seems to have been one of mere lawless violence ([Dem.] *c. Aristog.* i. p. 787, § 57). And when we read the half-playful remark, that Socrates in any other state of Greece would have been imprisoned as a magician (τάχ' ἂν ὡς γόης ἀπαχθείης, Plat. *Meno*, 80 B), we must not take this as a serious contribution to the Attic law of ἀπαγωγή.

The magistrates before whom such cases were brought were generally the Eleven (Lex *ap.* Dem. *c. Timocrat. l. c.*; Lys. *c. Agorat.* § 85 f), or the Thesmothetae (Dem. *c. Aristocr. l. c.*). Charges of ἀσέβεια, whether by ἀπαγωγὴ or otherwise, came regularly before the king-archon (Dem. *c. Androt. l. c.*). The complainant was said ἀπάγειν τὴν ἀπαγωγήν: the magistrates, when they allowed it, παραδέξασθαι (Lys. *l. c.*). The ἀπαγωγὴ before the Senate, mentioned by Andocides (*de Myst.* § 91), must be pronounced, with Westermann, not to be clearly explained. The punishment of κακοῦργοι was almost always death, but we sometimes find a minor penalty adjudged by τίμησις or assessment. (Dem. *c. Timocr.* p. 732, § 103; Antiph. *de caede Herod.* § 10.)

We are not required to assign this technical sense of ἀπαγωγὴ to every passage where the word ἀπάγειν occurs. Professor Jebb indeed appears to doubt the existence of the right of arrest without previous ἔνδειξις or written plaint. But the passage of the Androtionea seems explicit on this point; and we have, besides, the express testimony of the grammarians and the general consensus of modern scholars (Harpocrat., Hesych., Suid., Bekk. *Anecd.* i. 200, 414; Schömann, *Antiq.* i. 479; Westermann in Pauly, iii. 137; Caillemer in D. and S.; Jebb, *Att. Or.* i. 57, n.). The passage in Lysias (*c. Agorat. l. c.*) deals with a case in which ἀπαγωγὴ followed ἔνδειξις, but by no means proves that this was always the rule.* [W. W.]

APATESEOS TOU DEMOU GRAPHÉ (ἀπατήσεως τοῦ δήμου γραφή), a public prosecution at Athens against any one who had misled the people by false statements of fact, quoting imaginary laws, &c. The senate and the law-courts, as well as the sovereign Demos, were included in its operation (Dem. *c. Aristocr.* p. 653, § 97). It would seem that it might also be directed against generals who, like Miltiades at Paros, failed in an expedition which they had themselves suggested (ἐάν τις τὸν δῆμον ὑποσχόμενος ἐξαπατήσῃ, Dem. *c. Timoth.* p. 1204, § 67). With the usual elasticity of Athenian procedure, it might be made to include anything, from procuring a capital conviction, as of the six generals after Arginusae (Xen. *Hellen.* i. 7, § 35), to inserting a false name on the register (Dem. *c. Boeot. de Nom.* p. 998, § 12). It belonged to the juri diction of the Thesmothetae, and the penalt was death (Dem. *c. Lept.* p. 487, § 100; p. 49 § 135). The usual mode of proceeding was b Probolé (Xen. *l. c.*) or Eisangelia (Dem. *Timoth. l. c.*). [W. W.]

APATU'RIA (ἀπατούρια) was a politica festival, which the Athenians had in commo with all the Greeks of the Ionian name (Hero i. 147), with the exception of those of Colopho and Ephesus. It was celebrated in the mont of Pyanepsion, and lasted for three days. Th origin of this festival is related in the followin manner:—About the year 1100 B.C., the Athe nians were carrying on a war against the Boeo tians, concerning the district of Cilaenae, o according to others, respecting the little tow of Oenoe. The Boeotian Xanthios, or Xanthos challenged Thymoetes, king of Attica, to singl combat; and when he refused, Melanthos, Messenian exile of the house of the Nelids, offere himself to fight for Thymoetes, on conditio that, if victorious, he should be the successor t Thymoetes. The offer was accepted; and whe Xanthios and Melanthos began the engagement, there appeared behind Xanthios a man in the τραγῇ, the skin of a black goat. Melanthos reminded his adversary that he was violating the laws of single combat by having a companion; and while Xanthios looked around, Melanthos slew the *deceived* Xanthios. From that time, the Athenians celebrated two festivals,—the Apaturia, and that of Dionysos Melanaegis, who was believed to have been the man who appeared behind Xanthios. This is the story related by the Scholiast on Aristophanes (*Acharn.* 146). This tradition has given rise to a false etymology of the name ἀπατούρια, which was formerly considered to be derived from ἀπατᾶν, to deceive. All modern critics, however (Müller, *Dorians*, i. 5, 4; Welcker, *Aeschyl. Tril.* p. 288), agree that the name is composed of α = ἅμα, and πατόρια, which is perfectly consistent with what Xenophon (*Hellen.* i. 7, § 8) says of the festival: Ἐν οἷς (ἀπατουρίοις) οἵ τε πατέρες καὶ οἱ συγγενεῖς ξύνεισι σφίσιν αὐτοῖς. According to this derivation, it is the festival at which the phratriae met, to discuss and settle their own affairs. But, as every citizen was a member of a phratria, the festival extended over the whole nation, who assembled *according to phratriae.* Welcker (*Anhang z. Trilog.* p. 200), on account of the prominent part which Dionysos takes in the legend respecting the origin of the Attic Apaturia, conceives that it arose from the circumstance that families belonging to the Dionysian tribe of the Aegicores had been registered among the citizens.

The first day of the festival, which probably fell on the eleventh of the month of Pyanepsion, was called δορπία or δόρπεια (Athen. iv. p. 171; Hesych. and Suid. *s. v.*); on which every citizen went in the evening to the phratrium, or to the house of some wealthy member of his own phratria, and there enjoyed the supper prepared for him. (Aristoph. *Acharn.* 146.) That the cup-bearers (οἰνόπται) were not idle on this occasion, may be seen from Photius (Lexic. *s. v.* Δορπία).

The second day was called ἀνάρρυσις (ἀναρρεῖν), from the sacrifice offered on this day to Zeus, surnamed Φράτριος, and to Athena, and

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* Much of the above article has already appeared in the writer's notes to the *Androtion* and *Timocrates.*

sometimes to Dionysos Melanaegis. This was a state sacrifice, in which all citizens took part. The day was chiefly devoted to the gods, and to it must, perhaps, be confined what Harpocration (*s. v.* Λαμπάς) mentions, from the Atthis of Istrus, that the Athenians at the apaturia used to dress splendidly, kindle torches on the altar of Hephaestos, and sacrifice and sing in honour of him. Proclus on Plato (*Tim.* p. 21 B), in opposition to all other authorities, calls the first day of the Apaturia ἀνάρρυσις, and the second δορπία, which is, perhaps, nothing more than a slip of his pen.

On the third day, called κουρεῶτις (κοῦρος), children born in that year, in the families of the phratriae, or such as were not yet registered, were taken by their fathers, or in their absence by their representatives (κύριοι), before the assembled members of the phratria. For every child a sheep or goat was sacrificed. The victim was called μεῖον, and he who sacrificed it μειαγωγός (μειαγωγεῖν). It is said that the victim was not allowed to be below (Harpocrat., Suid., Phot. *s. v.* Μεῖον), or, according to Pollux (iii. 52), above, a certain weight. Whenever any one thought he had reason to oppose the reception of the child into the phratria, he stated the case, and, at the same time, led away the victim from the altar. (Dem. *c. Macart.* p. 1054, § 14.) If the members of the phratria found the objections to the reception of the child to be sufficient, the victim was removed; when no objections were raised, the father, or he who supplied his place, was obliged to establish by oath that the child was the offspring of free-born parents and citizens of Athens. (Isaeus, *De Haered. Ciron.* p. 100, § 19; Dem. *c. Eubul.* p. 1315, § 54.) After the victim was sacrificed, the phratores gave their votes, which they took from the altar of Jupiter Phratrios. When the majority voted against the reception, the cause might be tried before one of the courts of Athens; and if the claims of the child were found unobjectionable, its name, as well as that of the father, was entered in the register of the phratria, and those who had wished to effect the exclusion of the child were liable to be punished. (Dem. *c. Macart.* p. 1078, § 82.) Then followed the distribution of wine, and of the victim, of which every phrator received his share; and poems were recited by the elder boys, and a prize was given to him who acquitted himself the best on the occasion. (Plat. *Tim.* p. 21 B.) On this day, also, illegitimate children on whom the privileges of Athenian citizens were to be bestowed, as well as children adopted by citizens, and newly created citizens, were introduced; but the last, it appears, could only be received into a phratria when they had previously been adopted by a citizen; and their children, when born by a mother who was a citizen, had a legitimate claim to be inscribed in the phratria of their grandfather, on their mother's side. (Platner, *Beiträge*, p. 168.) In later times, however, the difficulties of being admitted into a phratria seem to have been greatly diminished.

Some writers have added a fourth day to this festival, under the name of ἐπίβδα (Hesych. *s. v.* Ἀπατούρια; and Simplicius on *Aristot. Phys.* iv. p. 167, *a*); but this is no particular day of the festival, for ἐπίβδα signifies nothing else but a day subsequent to any festival. (See Ruhnken, *Ad Tim. Lex. Plat.* p. 119: comp. Schömann, *Griech. Alt.* vol. ii. p. 485; A. Mommsen, *Heortologie*, p. 302 ff.) [L. S.]

APAU'LIA. [MATRIMONIUM.]

APELEUTHEROS (ἀπελεύθερος). [LIBERTUS.]

APE'NE (ἀπήνη), a carriage with four wheels (τετράκυκλος ἀπήνη, Hom. *Il.* xxiv. 324), generally drawn by mules (Hom. *Il. l. c.*; *Od.* vi. 72; Paus. v. 9, § 2; Schol. *ad* Pind. *Ol.* v. 6), though Sophocles (*O. T.* 802) speaks of an ἀπήνη πωλική. (Hermann, *Griech. Ant.* iv.^{3} p. 483.) [CURRUS.] [J. H. O.]

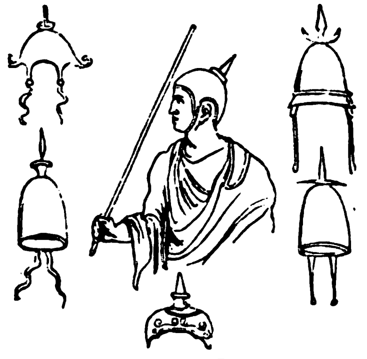
APENIAUTISMOS (ἀπενιαυτισμός). [PHONOU DIKÉ.]

APERTA NAVIS. [NAVIS.]

APEX. 1. A cap worn by the flamines and salii at Rome. The essential part of the apex, to which alone the name properly belonged, was a pointed piece of olive-wood, the base of which was surrounded with a lock of wool. This was worn on the top of the head, and was held there either by fillets only, or, as was more commonly the case, by the aid of a cap which fitted the head, and was also fastened by means of two strings or bands, which were called *apicula* or *offendices* (Festus, *s. vv.*), though the latter word is also interpreted to mean a kind of button, by which the strings were fastened under the chin. (Comp. Serv. *ad Aen.* ii. 683; viii. 664; x. 270.)

The flamines were forbidden by law to go into public, or even into the open air, without the apex (Gell. x. 15), and hence we find the expression of *alicui apicem dialem imponere* used as equivalent to the appointment of a flamen dialis. (Liv. vi. 41.) Sulpicius was deprived of the priesthood, only because the apex fell from his head whilst he was sacrificing. (Val. Max. i. 1, § 4.)

Dionysius (ii. 70) describes the cap as being of a conical form. On ancient monuments we see it round as well as conical. From its various forms, as shown on bas-reliefs and on coins of the Roman emperors, who as priests were entitled to wear it, we have selected six for the annexed woodcut. The middle figure is from a bas-relief, showing one of the salii with a rod in his right hand. The Albogalerus, or albus galerus, was a white cap worn by the flamen dialis, made of the skin of a white



Apices, or caps worn by the Flamines and Salii.

victim sacrificed to Jupiter, and had the apex fastened to it by means of a olive-twig. (Festus, s. v. *Albogalerus;* Gell. x. 15.)

2. Hence used in wider senses as (*a*) the ridge on the helmet to which the crest was attached (Verg. *Aen.* x. 270, xii. 492; Isidor. *Orig.* xviii. 14, 2). (*b*) The τιάρα ὀρθὴ of the Persian king (Hor. *Od.* i. 34, 14; iii. 21, 20). (*c*) A hat (Cic. *Leg.* i. 1).

Apex is derived from the old verb *apere*, "to join" (Serv. *ad Aen.* x. 270, and Festus), and from it was formed the epithet *apicatus*, applied to the flamen dialis by Ovid (*Fast.* iii. 197). [J. Y.] [J. H. F.]

APHAI'RESIS EIS ELEUTHERIAN (ἀφαίρεσις εἰς ἐλευθερίαν). [EXAIRESEOS DIKÉ.]

APHAMIO'TAE. [COSMI.]

APH'ANES OUSIA (ἀφανὴς οὐσία) and the correlative term φανερὰ οὐσία have been variously explained. First, that ἀφανὴς οὐσία answered to the Roman *res incorporales* or intangible property, *i.e.* rights. [DOMINIUM.] But this distinction did not exist in the older Roman law, and it is still less likely to have occurred to the simpler legal conceptions of the Greeks. Secondly, that φανερὰ οὐσία denoted immovable (in English law, real) property, ἀφανὴς οὐσία movable property or personalty. This is the opinion of Böckh, K. F. Hermann, and Schömann, founded on the express testimony of the grammarians (Harpocrat., Suid., Bekk. *Anecd.* i. 468); and it is by much the most probable. A third explanation, originating with M. de Koutorga (*Essai sur les trapézites ou banquiers d'Athènes*), is supported by Caillemer in Daremberg and Saglio: that φανερὰ οὐσία meant unconcealed property, *en évidence* before the tax-gatherer; ἀφανὴς of course the reverse. It would seem that this view rests upon a confusion between the technical legal phrase φανερὰ οὐσία and the ordinary expressions φανερὸν ἀργύριον, φανερὰ χρήματα for "ready money" or "balance at the banker's." The following passages, not cited by M. Caillemer, are, we think, decisive against his view, all referring to the conversion of real property into money:—Isaeus, *Philoctem.* § 38; Dem. *de Pace*, p. 59, § 8, and *c. Nausim.* p. 986, § 9. The words of Harpocration are worth quoting for their brevity and clearness: Ἀφανὴς οὐσία καὶ φανερά· ἀφανὴς μὲν ἡ ἐν χρήμασι καὶ σώμασι καὶ σκεύεσι, φανερὰ δὲ ἡ ἔγγειος. Schömann in his latest work (*Antiq.* i. 180 n., E. T.) remarks on φανερὰ οὐσία or immovable property: "This is at least the predominant signification of the expression, although it is sometimes used in a more general sense of all property of every kind which was not concealed." He refers, as does M. Caillemer, to Isocr. *Trapezit.* § 7, where however the expression is τὰ φανερὰ τῶν χρημάτων. [W. W.]

APH'ETAE. [HELOTES.]

APHLASTON (ἄφλαστον). [NAVIS.]

APHORMES DIKE' (ἀφορμῆς δίκη) was the action brought against a banker or money-lender (τραπεζίτης) to recover funds advanced for the purpose of being employed as banking capital. Though such moneys were also styled παρακαταθῆκαι, or deposits, to distinguish them from the private capital of the banker (ἰδία ἀφορμή), there is an essential difference between the actions ἀφορμῆς and παρακαταθήκης, as the latter implied that the defendant had refused to return a deposit entrusted to him, not upon the condition of his paying a stated interest for its use, as in the former case, but merely that it might be safe in his keeping till the affairs of the plaintiff should enable him to resume its possession in security. [PARAKATATHEKE.] The former action was of the class πρός τινα, and came under the jurisdiction of the Thesmothetae. The speech of Demosthenes in behalf of Phormio (*Or.* 36) was made in a παραγραφὴ against an action of this kind. See the Argument, and especially §§ 11, 12, 44. Caillemer would include under the name ἀφορμὴ money lent by sleeping partners (*en commandite*) to merchants as well as bankers (9^{me} *Étude*, p. 29). [J. S. M.] [W. W.]

APHRACTUS. [NAVIS.]

APHRODIS'IA (Ἀφροδίσια), festivals celebrated in honour of Aphrodite, in a great number of towns in Greece, but particularly in the island of Cyprus. Her most ancient temple was at Paphos, which was built by Aërias or Cinyras, in whose family the priestly dignity was hereditary. (Tac. *Hist.* ii. 3, *Annal.* iii. 62; Maxim. Tyr. *Serm.* 83.) No bloody sacrifices were allowed to be offered to her, but only pure fire, flowers, and incense (Verg. *Aen.* i. 116); and therefore, when Tacitus (*Hist.* ii. 3) speaks of victims, we must either suppose, with Ernesti, that they were killed merely that the priest might inspect their intestines, or for the purpose of affording a feast to the persons present at the festival. At all events, however, the altar of the goddess was not allowed to be polluted with the blood of the victims, which were mostly he-goats. Mysteries also were celebrated at Paphos in honour of Aphrodite; and those who were initiated offered to the goddess a piece of money, and received in return a measure of salt and a phallus. In the mysteries themselves, they received instructions ἐν τῇ τέχνῃ μοιχικῇ. A second or new Paphos had been built, according to tradition, after the Trojan war, by the Arcadian Agapenor; and, according to Strabo (xiv. p. 683), men and women from other towns of the island assembled at New Paphos, and went in solemn procession to Old Paphos, a distance of sixty stadia; and the name of the priest of Aphrodite, ἀγήτωρ (Hesych. *s. v.*), seems to have originated in his heading this procession. Aphrodite was worshipped in most towns of Cyprus, and in other parts of Greece, such as Cythera, Sparta, Thebes, Elis, &c.; and though no Aphrodisia are mentioned in these places, we have no reason to doubt their existence: we find them expressly mentioned at Corinth and Athens, where they were chiefly celebrated by the numerous prostitutes. (Athen. xiii. pp. 574, 579; xiv. p. 639.) Another great festival of Aphrodite and Adonis in Sestus is mentioned by Musaeus (*Hero and Leand.* 42; comp. Hermann, *Gottesd. Alterth.* § 52, 24). [L. S.]

APLUSTRE. [NAVIS.]

APOB'ATES. [DESULTOR.]

APOCLE'TI (ἀπόκλητοι). [AETOLICUM FOEDUS, p. 42, a.]

APODECTAE (ἀποδέκται), the Receivers, were public officers at Athens, who were introduced by Cleisthenes in the place of the ancient Colacretae (κωλακρέται). They were ten in number, one for each tribe, appointed by lot; and they exercised a general control over the other officers of the revenue. Their duty was to receive all the ordinary taxes and distribute them to the separate branches of the administration, which were entitled to them. They accordingly kept lists of persons indebted to the state, made entries of all moneys that were paid in, and erased in the register the items which had been paid. They had the power to decide causes connected with the subjects under their management; though, if the matters in dispute were of importance, they were obliged to bring them for decision into the ordinary courts. (Pollux, viii. 97; *Etym. M.*, Harpocrat., Suid., Hesych. *s. v.*; Demosth. *c. Timocr.* p. 750, § 162, p. 762, § 197; Aeschin. *c. Ctes.* § 25; Aristot. *Pol.* vi. 8, § 6; Böckh, *P. E.* p. 159; Schömann, *Antiq.* p. 417; Grote, ch. 31 (iii. p. 117).) [W. S.] [W. W.]

APODIDRASKINDA (ἀποδιδρασκίνδα), the game of hide and seek, played by the children in Greece, exactly as in our days. It is represented in a painting found at Herculaneum. (Pollux, ix. 17; cf. φυγίνδα or φευγίνδα, Theogn. in Bekk. *Anecd.* p. 1353; *Ant. d'Arcol.* i. tav. xxxiii.; Daremberg and Saglio, *s. v.*; Hermann, *Griech. Antiqu.* iv.³ p. 298). [W. S.]

APODYTE'RIUM. [Balneae, p. 274.]

APOGRAPHE' (ἀπογραφή) is literally "a list, or register;" but in the language of the Attic courts, the terms ἀπογράφειν and ἀπογράφεσθαι had three separate applications:—1. Ἀπογραφή was used in reference to an accusation in public matters, more particularly when there were several defendants; the denunciation, the bill of indictment, and enumeration of the accused would in this case be termed *apographé*, and differ but little, if at all, from the ordinary *graphé*. (Andoc. *de Myst.* 13, 15, 17, &c.; Antiph. *de Choreut.* § 35 ff.; Hesych. *s. v.* ἀπογραφή.) 2. It implied the making of a solemn protest or assertion before a magistrate, to the intent that it might be preserved by him, till it was required to be given in evidence. (Isae. *Philoctem.* § 44; Dem. *c. Phaenipp.* pp. 1043, § 16, 1046, § 24, &c.; *c. Macart.* p. 1068, § 54.) 3. It was a specification of property, said to belong to the state, but actually in the possession of a private person; which specification was made with a view to the confiscation of such property to the state. (Lys. *pro Milite; de bonis Aristoph.*; *c. Philocr.*)

The last case only requires a more extended illustration. There would be two occasions upon which it would occur: first, when a person held public property without purchase, as an intruder; and secondly, when the substance of an individual was liable to confiscation in consequence of a judicial award, as in the case of a declared state debtor. If no opposition were offered, the *apographé* would attain its object, under the care of the magistrate to whose office it was brought; otherwise, a public action arose, which is also designated by the same title.

In a cause of the first kind, which is said in some cases to have also borne the name πόθεν ἔχει τὰ χρήματα καὶ πόσα ταῦτα εἴη, the claimant against the state had merely to prove his title to the property, as in the case *de bonis Aristophanis*; and with this we must class the case of a person who impugned the *apographé*, whereby the substance of another was, or was proposed to be, confiscated, on the ground that he had a loan by way of mortgage or other recognised security upon a portion of it; or that the part in question did not in any way belong to the state debtor, or person so mulcted. This kind of opposition to the *apographé* is illustrated in the speech of Demosthenes against Nicostratus, in which we learn that Apollodorus had instituted an *apographé* against Arethusius, for nonpayment of a penalty incurred in a former action. Upon this, Nicostratus attacks the description of the property, and maintains that three slaves were wrongly set down in it as belonging to Arethusius, for they were in fact his own.

In the second case, the defence could of course only proceed upon the alleged illegality of the former penalty; and of this we have an instance in the speech of Lysias, for the soldier. There Polyaenus had been condemned by the generals to pay a fine for a breach of discipline; and, as he did not pay it within the appointed time, an *apographé* to the amount of the fine was directed against him, which he opposes, on the ground that the fine was illegal. The *apographé* might be instituted by an Athenian citizen; but if there were no private prosecutor, it became the duty of the demarchi to proceed with it officially. Sometimes, however, extraordinary commissioners, as the συλλογεῖς and ζητηταί, were appointed for the purpose. The suits instituted against the *apographé* belonged to the jurisdiction of the Eleven, and for a while, after the expulsion of the Thirty, to that of the Syndici. (Πρὸς τοῖς συνδίκοις ἀπογραφὰς ἀπογράφων, Lycurg. quoted by Harpocration.) The further conduct of these causes would, of course, in a great measure depend upon the claimant being, or not being, in possession of the proscribed property. In the first case the ἀπογράφων, in the second the claimant, would appear in the character of a plaintiff. In a case like that of Nicostratus above cited, the claimant would be obliged to deposit a certain sum, which he forfeited if he lost his cause (παρακαταβολή); in all, he would probably be obliged to pay the costs or court fees (πρυτανεῖα) upon the same contingency.

A private citizen, who prosecuted an individual by means of ἀπογραφή, forfeited a thousand drachmas, if he failed to obtain the votes of one-fifth of the dicasts, and reimbursed the defendant his prytaneia upon acquittal. In the former case, too, he would probably incur a modified atimia, *i.e.* a restriction from bringing such actions for the future. [J. S. M.] [W. W.]

APOI'KIA. [Colonia.]

APOKERYXIS (ἀποκήρυξις) implies the method by which an Athenian father could dissolve the legal tie between himself and his son, and disown or disinherit him. It is little mentioned by the older writers; but the language of Demosthenes (*c. Boeot. de Nom.* p. 1006, § 39) is explicit as to the absolute power of the father over the status of the son, the Attic law in this respect resembling the Roman. Plato proposes to restrict the exercise of the right by requiring the previous vote of a family council (*Leg.* xi. 928 E, 929 C). According to the author of the declamation on the subject (Ἀποκηρυττόμενος), which has generally been attributed to Lucian, substantial reasons were required to insure the ratification of such extraordinary severity. Those suggested in the treatise referred to are, deficiency in filial attention, riotous living, and profligacy generally. A subsequent act of pardon might annul this solemn rejection; but if it were not so avoided, the son was denied by his father while alive, and disinherited afterwards. It does not, however, appear that his privileges as to his tribe or the state underwent any alteration. The court of the archon must have been that in which causes of this kind were brought forward, and the rejection would be completed and declared by the voice of the herald (ἀποκηρῦξαι). It is probable that an adoptive father also might resort to this remedy against the ingratitude of a son. (Meier, *Att. Process*, p. 432, &c.) [J. S. M.] [W. W.]

APOLEIPSIS, APOLEIPSEOS DIKE (ἀπόλειψις, ἀπολείψεως δίκη). [Divortium (Greek).]

APOLLINA'RES LUDI. [Ludi.]

APOLLO'NIA (Ἀπολλώνια) is the name of a propitiatory festival solemnized at Sicyon, in honour of Apollo and Artemis, of which Pausanias (ii. 7, § 7) gives the following account:—Apollo and Artemis, after the destruction of the Python, had wished to be purified at Sicyon (*Aegialea*); but being driven away by a phantom (whence in after-times a certain spot in the town was called Φόβος), they proceeded to Carmanos in Crete. Upon this the inhabitants of Sicyon were attacked by a pestilence, and the seers ordered them to appease the deities. Seven boys and the same number of girls were ordered to go to the river Sythas, and bathe in its waters; then to carry the statues of the two deities into the temple of Peitho, and from thence back to that of Apollo. Similar rites, says Pausanias, still continue to be observed; for at the festival of Apollo the boys go to the river Sythas, and carry the two deities into the temple of Peitho, and thence back to that of Apollo.

Although festivals under the name of Apollonia, in honour of Apollo, are mentioned in no other place, still it is not improbable that they existed under the same name in other towns of Greece. [L. S.]

APOPEMPSIS (ἀπόπεμψις). [Divortium.]

APOPH'ASIS (ἀπόφασις, with the by-form ἀπόφανσις), a declaration, was—(1) The proclamation of the decision which the majority of the judges came to at the end of a trial, and was apparently made by a herald under the direction of the presiding magistrate (Lucian, *pro Imagin.* § 29). The decisions of arbitrators (διαιτηταί) were called by the same name (Dem. *c. Apatur.* p. 899, §§ 20, 21). (2) Such proclamations being generally made on court days, ἀπόφασις came to mean the day on which the trial took place. (Dem. *c. Everg.* p. 1153, § 45.) (3) The word was also employed to indicate the account of a person's property, which was obliged to be given when an *antidosis* was demanded. [Antidosis.] [W. W.]

APOPH'ORA (ἀποφορά), which properly means "produce or profit" of any kind, was used at Athens to signify the profit which accrued to masters from their slaves. It thus signified the sum which slaves paid to their masters when they laboured on their own account, and the sum which masters received when they let out their slaves on hire either for the mines or any other kind of labour, and also the money which was paid by the state for the use of the slaves who served in the fleet. (Andoc. *de Myst.* § 38; Aeschin. *c. Timarch.* § 97; Xen. *Rep. Ath.* i. 11.) Further details are given in Dem. *c. Aphob.* i. pp. 816–819; *c. Nicostr.* p. 1253; Xen. *de Vect.* iv. 14, in which passages, however, the name ἀποφορὰ does not occur. (Comp. Böckh, *P. E.* p. 72.) The term *apophora* was also applied to the money which was paid by the allied states to Sparta, for the purpose of carrying on the war against the Persians. When Athens acquired the supremacy, these moneys were called φόροι. (Böckh, *Ibid.* p. 396.) [W. S.] [W. W.]

APOPHORE'TA. 1. (ἀποφόρητα), presents which were given to friends at the end of an entertainment, to take home with them. (Petron. 56; Ambros. *Exhort. Virg.* 1.) Although the name is Greek, the custom is Roman, for Athenaeus expressly tells us that when Cleopatra presented to Antony and his staff the gold and silver dinner service which they had been using at a banquet in Cilicia, she was imitating a Roman usage (Athen. iv. p. 148 a; vi. p. 229 c); and the other instances on record of *apophoreta* belong to Roman society, and to the times of the Empire. The 14th Book of Martial consists of an introductory epigram and 222 distichs, each describing and designed to accompany one of these presents, which range from nuts to works of art and slaves. The first epigram speaks of the Saturnalia as the special time for their distribution. So Vespasian used to present them to men on the Saturnalia, to women on the Matronalia. (Suet. *Vesp.* 19; *Aug.* 75.) They were also given at weddings (Juv. vi. 203, Schol.). Caligula gave 2,000,000 sesterces to the circus charioteer Eutychus *in apophoretis* (Suet. *Calig.* 55). Symmachus (*Ep.* ii. 81, v. 56, ix. 119, Migne) uses *apophoreta* and *apophoreticum* for presents made on other occasions.

2. (ἀποφορήτη), mentioned by Isidore (*Orig.* xx. 4) as a kind of plate *a Graccis a ferendo poma vel aliquid nominata, est enim plana.* [J. H. F.]

APOPHRADES HEMERAI (ἀποφράδες ἡμέραι), unlucky or unfortunate days (*dies nefasti*), on which no public business, nor any important affairs of any kind, were transacted at Athens. Such were the last three days but one of every month, and the twenty-fifth day of the month Thargelion, on which the Plynteria were celebrated. (Lys. *Fr.* 31; Plat. *Leg.* vii. p. 800 D; Xen. *Hellen.* i. 4, § 12; *Etym. M.* p. 131, 13; Plut. *Alcib.* 34; Lucian, *Pseudolog.* 13; Schömann, *Assemblies*, p. 50.) [W. S.] [W. W.]

APORRHESEOS DIKE' (ἀπορρήσεως δίκη). The term ἀπόρρησις, "prohibition," has a technical meaning in Attic law in connexion with the sale of landed property. Public notice was required to be given of every such sale, for the protection of mortgagees and other creditors; and any one having a claim upon the estate might interdict the sale by an ἀπόρρησις. The vendor, on the other hand, had his remedy against fraudulent or malicious obstruction in an action for damages, called ἀπορρήσεως δίκη. (Pollux, viii. 59; Isae. *Or.* 2 (Menecl.), §§ 28, 29; Dem. *c. Nicostr.* p. 1249, § 10; Caillemer in *Révue de Législation*, 1871, p. 657, and *cp.* D. and S.) [W. W.]

APORRHE'TA (*ἀπόρρητα*), literally "things forbidden," has two peculiar, but widely different, acceptations in the Attic dialect. In one of these it implies contraband goods, *i.e.* those of which the export (not the import) was prohibited. The chief of these were corn (of which there was a steady importation) and articles used in the building and equipment of the fleet. An enumeration of these at different periods of Athenian history is given by Böckh (*P. E.* pp. 53-4; compare Aristoph. *Eq.* 282, *Ran.* 362 ff.).

In the other sense, it denotes certain contumelious epithets, from the application of which both the living and the dead were protected by special laws (Meier, *Att. Process*, p. 482). Among these, *ἀνδροφόνος*, *πατραλοίας*, and *μητραλοίας* are certainly to be reckoned; and other words, as *ῥίψασπις*, *λωποδύτης*, and *ἀνδραποδιστής*, though not expressly named in the law, seem to have been equally actionable. (Lys. *c. Theomn.* i. §§ 1, 2, 6 ff.; ii. §§ 3 ff.) The penalty for using these words was a fine of 500 drachmas (Isocr. *in Lochit.* § 5; Lys. *c. Theomn.* 2, § 12), recoverable in an action for abusive language (*κακηγορίας*). It is surmised that this fine was incurred by Meidias in two actions on the occasion mentioned by Demosthenes (*in Mid.* p. 540, § 104, p. 543, § 114; see also Hudtwalcker, *De Diaetet.* p. 150). [J. S. M.] [W. W.]

APOSTA'SIOU DIKE' (*ἀποστασίου δίκη*). This is the only private suit which came, as far as we know, under the exclusive jurisdiction of the polemarch. (Aristot. *de Ath. Rep.* quoted by Harpocrat.) It could be brought against none but a freedman (*ἀπελεύθερος*), and the only prosecutor permitted to appear was the citizen to whom he had been indebted for his liberty, unless this privilege was transmitted to the sons of such former master. The tenor of the accusation was, that there had been a default in duty to the prosecutor; but what attentions might be claimed from the freedman, we are not informed. It is said, however, that the greatest delict of this kind was the selection of a patron (*προστάτης*) other than the former master. If convicted, the defendant was publicly sold (Dem. *c. Aristog.* i. p. 790, § 77); but if he was acquitted, the unprosperous connexion ceased for ever, and the freedman was entitled to the full privileges of a *μέτοικος*. The patron could also summarily punish the above-mentioned delinquencies of his freedman by private incarceration without any legal award (Pollux, viii. 35; Harpocrat., Suid. *s. v.* *ἀποστασίου*).

The *ἀποστασίου δίκη*, against an *ἀπελεύθερος*, should be carefully distinguished from the *γραφὴ ἀπροστασίου*, a public action brought against a *μέτοικος*. Both are mentioned in Demosth. *c. Lacrit.* p. 940, § 48. [J. S. M.] [W. W.]

APOSTOLEIS (*ἀποστολεῖς*), ten commissioners, chosen out of the body of Athenian citizens without distinction of tribes, in order to secure the efficiency and promptitude of a naval expedition (*ἀπόστολος*) which had been voted. They were thus an extraordinary authority, appointed by decree of the people. (Böckh, *Urkunden über das Seewesen*, p. 466; Hudtwalcker, *de Diaetet.* p. 71; Meier and Schömann, *Att. Process*, p. 112, with Lipsius' note in the new ed.) They had the power, in certain cases, of imprisoning a trierarch who neglected to furnish his ship properly (Dem. *de Cor.* p. 262, § 107, with the scholia); they controlled the giving out of stores from the dockyards for this purpose, and, subject to an appeal to the senate, they decided any disputes which arose when a ship was handed on from one trierarch to another. In time of peace these duties were probably discharged by the *ἐπιμεληταὶ τῶν νεωρίων*, an inferior body chosen by lot. (Dem. *c. Everg. et Mnes.* pp. 1147, § 26, 1149, § 33, 1150, § 37; *de Cor. Trierarch.* p. 1229, § 4; Böckh, *P. E.* p. 543; Schömann, *Antiq.* i. 426, n.) [W. S.] [W. W.]

APOTHE'CA (*ἀποθήκη*), a storehouse or magazine (Thuc. vi. 97; Cic. *Phil.* ii. 27, *Vatin.* 5; Dig. 33, 7, 12; *Vulg. Par.* 1, 27, 28, &c.) for books (Luc. *Indoct.* 5); a burial-place (id. *Contempl.* 22); especially a place in the upper part of the house in which the Romans kept their wine in *amphorae*. It was usually above the *fumarium*, since it was thought that the passage of the smoke through the room tended greatly to increase the flavour of the wine. (Colum. i. 6, § 20; Hor. *Carm.* iii. 8, 11, *Sat.* ii. 5, 7). Hence Horace's expression (*Carm.* iii. 21, 7) *Descende, testa.* The *apotheca* was thus quite distinct from the *cella vinaria*, in which wine was kept in *dolia* and *cupae* until it was fit to be bottled (*diffundere*), as we should say, into the *amphorae*, or, if it was not considered good enough to mature (*aetatem ferre*), was drunk straight from the larger vessels. (Becker-Göll, *Gallus*, iii. pp. 50, 427.) [W. S.] [J. H. F.]

APOTHEO'SIS (*ἀποθέωσις*, *consecratio*), the enrolment of a man amongst the gods.

While among the free Greeks and Romans all the dead were regarded as becoming in a sense gods (*χθόνιοι*, *dii manes*) and dwelling in a subterranean abode, and received duteous worship from the family at the family hearth, and in the case of the founders of cities and great benefactors of cities were honoured by the city with sacrifices and festivals (*e.g.* Brasidas at Amphipolis, Thuc. v. 11), the privilege of a celestial abode was regarded as belonging only to those who had performed great exploits in the service of humanity. This privilege attached to very few: Hercules is an example. But under despotisms, such as that of the East and Egypt, the case is different. For there the king, who was generally also priest, living in isolation, regarded with awe and terror, slave-master of his subjects, was naturally looked on as a being vastly if not radically different from the rest, and so was considered to become a god when dead. To the polytheistic ancients, who did not believe in any impassable gulf between divinity and humanity, this did not mean much more than that the great social distinctions in this life were kept up in the next. The kings even came to be regarded as gods while alive. Here then are the conditions under which deification prevails, viz. a people who are inclined to submission, and among whom accordingly great social distinctions arise.

So in historical times among the Greeks, who worshipped Adrasteia and were wise, deification was slow in appearing. Lysander is the first we hear of: he got divine honours from the people of Asia Minor (Plut. *Lys.* 18). A temple was raised to Philip of Macedon in the Altis at

Olympia (Paus. v. 20, § 5). Demetrius Poliorcetes was deified at Athens (see the hymn in Athen. p. 253 a; and Grote, xii. 205 *seq.*) and Sicyon (Diod. xx. 102). But it is among that portion of the Greek race which conquered and amalgamated with the Eastern peoples that we find deification quite common, a sign of the Greeks becoming Asianized. Alexander the Great required divine honours to be paid to him even while alive: witness the striking scene at Bactra and the noble Hellenic protest of Callisthenes (Arr. *Anab.* iv. 10, §§ 7–9; Grote, xii. 37): and the laconic decree of the Spartans—"Whereas Alexander desires to be a god, let him be a god" (Ael. *V. H.* ii. 19). His successors in various countries continued the practice. In Egypt the Ptolemies gradually assume the rank of divinities; they could not have done otherwise without incurring the contempt of their subjects, for deification was in accordance with the national ideas and practice of Egypt. Ptolemy I. (Soter) was deified after his death (Theocr. xvii. 16), and even styled *θεὸς* while alive (Eckhel, *D. N.* iv. 9). So too we find Philadelphus and Philometor styled gods (Eckhel, *l. c.* pp. 8, 16), also Euergetes II. and his wife (*C. I. G.* 2620); and the titles of the chief priest of Egypt, the *ἱερεὺς Ἀλεξάνδρου*, ran thus—*ἐφ' ἱερέως τοῦ ὄντος ἐν Ἀλεξανδρείᾳ Ἀλεξάνδρου καὶ θεῶν Σωτήρων καὶ θεῶν Ἀδελφῶν καὶ θεῶν Εὐεργετῶν καὶ θεῶν Φιλοπατόρων καὶ θεῶν Ἐπιφανῶν καὶ θεοῦ Φιλομήτορος καὶ θεοῦ Εὐπάτορος*, &c.; the plural forms signifying that the close relations of Soter, Philadelphus, &c., were also deified (Welcker, *Gr. Götterlehre*, iii. 309). Among the Syrians Antiochus I. is called a god; in the treaty between the Smyrnaeans and the Milesians Antiochus II. was surnamed *θεός*: Antiochus IV. has *θεὸς ἐμφανὴς* on his coins (Eckhel, *D. N.* vi. 270); Antiochus VI. was called Dionysus, &c. For all this see especially Eckhel, *D. N.* iii. 209 *seqq.*, and Welcker, *Gr. Götterl.* iii. 310 *seq.*, to which the reader is referred for similar examples from Pergamus and Pontus.

The rising ascendency of Rome could not fail to obtain its meed of deification from the Greeks. They bestowed divine honours on Flamininus, and associated him with Hercules and Apollo (Plut. *Flam.* 16). Smyrna raised altars to the goddess Roma, 195 B.C. (Tac. *Ann.* iv. 56); and Alabanda built a temple and instituted games in her honour (Liv. xliii. 6). It appears to have been quite usual for the provincials to worship and enrol among the gods the *virtues* of their governors (Cic. *Q. Fr.* i. 1, 10, 31). And indeed it became so common for the provincial governors to have temples raised to them and games celebrated in their honour (*e.g.* Marcellea and Verrea in Sicily; Mucia in Asia, Cic. *Verr.* ii. 21, 51), that the Roman law made a special provision on the subject; and while it forbade the governor to levy any extraordinary impost, made this special exception, "ut ad templum et monumentum capere liceret" (Cic. *Q. Fr.* i. 1, 9, 26), thus encouraging the practice of deification. Theophanes, the friend of Pompeius, was deified by the Mitylenaeans (Tac. *Ann.* vi. 18); and before this a boxer actually had been consecrated as a god while alive (Plin. *H. N.* vii. § 152).

But the Romans were on the whole slow to adopt this un-Roman custom. Since Romulus had disappeared from the earth and had become the god Quirinus (Liv. i. 16)—and this is probably a Greek fable (Mommsen, *R. H.* i. 174, 481)—no example of apotheosis is recorded till the latest period of the republic. The Romans had not been under a despotism and had had no really great men, and besides were inclined to worship abstractions rather than individuals. But in the later times of the republic, under the influence of Asianized Greek ideas, many even of the cultivated classes of Rome held that while the souls of all were immortal, those of the great and good were divine (Cic. *Legg.* ii. 11, 27), and that they ascended to the heavens and the stars (cf. Hor. *Od.* iii. 2, 21; Verg. *Aen.* ix. 641). Cicero, absurd as he declares the idea of a man becoming a god is (Cic. *N. D.* i. 15, 38; *Phil.* i. 6, 13), yet when he had lost Tullia longed to deify her (Cic. *Att.* xii. 36); it would not be contrary, he says, to the tenets of certain philosophers, alluding to the Stoics (cf. Zeller, *Phil. der Gr.* iii. 1, 294 *seq.*, ed. 1865). Roman theology about this time produced a book on the gods who had been men (Labeo, *de diis animalibus*; see Serv. *ad Aen.* iii. 168). If such opinions on the possibility of transition from humanity to divinity were maintained by the enlightened, they were held by the people too; —in the time of Sulla they had erected statues and made offerings to M. Marius Gratidianus: Senec. *de Ira*, iii. 18—a motley crowd, gathered from all nations, who had none of the solid Roman virtues and were engrained with cosmopolitan, *i.e.* Graeco-Asiatic ideas. The time was fully ripe for deification to be practised at Rome.

And the man came. Julius Caesar's brilliant military exploits abroad, and his overthrowing the tyrannical aristocracy at home, and thus becoming the saviour of society, made him the adored of the people. He knew it, and he meant to rule, and rule as the king-god (Mommsen, *Staatsr.* ii. 732). An image of him standing on the globe of the world was set up in the Capitol, with an inscription that he was a demi-god (Dio Cass. xliii. 14). His statue was placed in all the temples of Rome and of the empire (id. xliv. 4). It was enacted later that public prayers should be offered for him every year, that oath should be taken by his genius, that there should be a festival to him every four years as to a hero (*ἥρωι*), that *Luperci Julii* should be appointed and an additional day should be added to the circensian games in his honour; that his golden chair and jewelled crown should appear in the theatre like those of the gods, and his car be borne in processions; and finally they called him plainly *Jupiter Julius*, and enacted that an altar should be set up to his Clemency and Antonius should be appointed his priest, a sort of Dialis (Dio Cass. xliv. 6); in fact, as Suetonius (*Jul.* 76) says, "nullos non honores ad libidinem cepit." All this, chiming in with the enthusiasm and affection of the mass of the people, had the effect of strengthening the idea that he was superhuman. The wild fanaticism of the people, especially the foreigners, towards his remains when he was murdered, was apparent by their raising an altar and organizing a worship to him where he was burned (Suet. *Jul.* 85). The upper classes indeed wanted this ardour wholly; and Antonius (Val. Max. ix. 15, § 1) and later Dolabella put a summary stop to this worship at his altar (Cic. *Att.* xiv. 15).

But the ardour continued and was heightened a little later (Sept. 24 or 25) when Octavian celebrated the games of Victoria Caesaris (or of Venus genetrix or victrix—they are all the same—see Mommsen on *C. I. L.* i. p. 397) and the comet appeared (Dio Cass. xlv. 7), which seemed to confirm the opinion that Caesar had become a god. Next year (43 B.C.) Caesar was solemnly enrolled among the gods as Divus Julius (lege Rufrena, *C. I. L.* i. 626, and Mommsen *ad loc.*; also ix. 2628). He was deified, says Suetonius (*Jul.* 88), not merely with the lip-service of those who decreed it, but by the sincere belief of the people. This shows the different feelings of the upper and lower orders towards Julius. The enthusiasm of the people was mainly due to their regarding him as their saviour: indeed we find Caesar and Augustus very widely worshipped as "saviours" (Dio Cass. xliv. 4, § 5; *C. I. G.* 2368, 2957; Letronne, *Recueil*, i. 81; Eckhel, *D. N.* iv. 45, &c.). From the time of this deification of Caesar, *divus* acquired the specific meaning of a god who had been a man, while *deus* was a god from the beginning (Mommsen, *Staatsr.* ii. 733, note 2). It is maintained in the Christian Church, which applies the title *divus* to its saints; and deification among the ancients corresponds in many respects with Christian canonization (see Boissier, *La Religion Romaine*, i. 180).

Aspiring to divinity was in the fashion of the time. Sextus Pompeius declared himself son of Neptune (Plin. *H. N.* ix. § 55); and Antonius and Cleopatra were Bacchus and Aphrodite, or Osiris and Isis, according to the country they were in (Plut. *Ant.* 26 and 54; Dio Cass. l. 5). Octavian was more moderate. He would not allow himself to be worshipped except along with the goddess Roma. In 29 B.C. he allowed the Romans in Ephesus and Nicaea to erect a temple to Rome and Divus Julius, and the Greeks in Pergamum and Nicomedia to erect a temple to himself (Dio Cass. li. 20, an important passage). Temples were also erected to him in Nysa (*C. I. G.* 2943), Mylasa (*ib.* 2696), Cyzicus (Tac. *Ann.* iv. 36), Athens (*C. I. G.* 478). And not only in the East, but in the West—at Tarraco (Tac. *Ann.* i. 78: "templum ut in colonia Tarraconensi strueretur Augusto petentibus Hispanis permissum *datumque in omnes provincias exemplum*;" and more in Hübner's note, *C. I. L.* ii. p. 540), at Lugdunum in 12 B.C. (Suet. *Claud.* 2), at what was afterwards Cologne (Tac. *Ann.* i. 57), at Narbo Martius in 10 A.D. (Orelli, 2489; and cf. Desjardins, *Géographie de la Gaule romaine*, iii. 186 *seq.*, 224 *seq.*)—rose altars to Rome and Augustus. [For this provincial worship of Augustus, and the important council of the province that grew up around it, see AUGUSTALES and CONCILIUM.] The men of the world at Rome naturally despised all this. No one, says Maecenas contemptuously (Dio Cass. lii. 35), has ever become a god by a show of hands (*χειροτονητός*). No one of any repute whatsoever paid worship to him in Rome or Italy, says Dio Cassius (li. 20). Perhaps not officially, but spontaneously they did, by the infection of the general enthusiasm; for we find sacerdotes or flamines Augusti, while he was alive, in Pisa (Orelli, 643, last §), in Praeneste (id. 3874), in Pompeii (*C. I. L.* x. 837), in Beneventum a Caesareum to Augustus and the colony of Beneventum (*C. I. L.* ix. 1556), &c. Later the practice spread everywhere. The temples were called Καισαρεῖα or Σεβαστεῖα (*C. I. G.* 2126, 2839, &c.): the most celebrated of these are the one at Ancyra in Galatia, on the wall of which his exploits have been found engraven, and the one at Alexandria (Philo, *Leg. ad Caium*, p. 567). Probably during the lifetime of Augustus he was not publicly worshipped at Rome. Suetonius (*Aug.* 52) is very explicit: "in urbe quidem pertinacissime abstinuit hoc honore." But we cannot deny that the eagerness of the grateful people to give divine honours to the giver of the Pax Romana, and desire to flatter on the part of the upper classes, exhibited itself in worshipping him in private (Ov. *Pont.* iv. 9, 111; Hor. *Ep.* ii. 1, 15). Besides adopting the name AUGUSTUS, the emperor allowed the senate to worship his virtues (Boissier, *l. c.* p. 137); and to gratify the enthusiasm of the lower orders he allowed his Genius (*τύχη*) to be worshipped among the Lares (Hor. *Od.* iv. 5, 30), the guardians of the state (*praestites*, Ov. *Fast.* v. 129), and these Lares were henceforth called Lares Augusti (*C. I. L.* x. 1582). This worship was placed under the charge of the MAGISTRI VICORUM and their subordinate *ministri*, people in humble walks in life; and by thus enlisting the lower orders, who had no part in the state hitherto, in the service of the empire, Augustus established in them a strong conservative element for his constitution. [For an admirable account of the worship of the Lares and Augustus, see Desjardins, *Géographie de la Gaule romaine*, iii. 212 *seq.*, a valuable discussion.] Thus we see that Augustus was worshipped as a god in the provinces, but at Rome, during his lifetime, permitted only partial divine honours to be paid him—in this less bold than Julius—just as in the sphere of politics he would not be monarch but only princeps (Mommsen, *Staatsr.* ii. 734).

Augustus died in 14 A.D., and by solemn decree of the senate was made a god ("caelum decretum," Tac. *Ann.* i. 73). Other expressions for deification are *inter divos referre* (Suet. *Aug.* 97), *in numerum deorum referre* (Suet. *Claud.* 45), *caelestes honores decernere* (Tac. *Ann.* xii. 69; *ἀθανατίζειν*, Dio Cass. lix. 11). After this, to preserve the cult, a college of priests was appointed, the *sodales* AUGUSTALES; and besides these public ministers there sprung up a number of private associations for the worship of Augustus in Rome and throughout the empire, Livia setting the example by establishing between the Palatine and the Basilica Julia a domestic sanctuary to her deified husband, of which she was the priestess; and further, she celebrated games in his honour (Tac. *Ann.* i. 73). All this worship, public and private, was an expression of strong devotion and loyalty to the empire, and as such was encouraged by those in authority. Oath by the emperor's genius had already begun under Julius (Dio Cass. xliv. 6). Subsequently it was the practice in formal oaths to swear by Jupiter, the deified emperors, the genius of the reigning emperor, and the Penates (Lex Salpensa, c. 25; and Mommsen *ad loc.* p. 460). For more see JUSJURANDUM.

Tiberius, while rigorously enforcing the divinity of Augustus (Tac. *Ann.* i. 73, 74; ii. 50; iii. 66), rejected all divine honours for himself, and would hardly allow them even in Asia (Tac. *Ann.* iv. 15). He was not made a god on his death. Not all emperors were deified, but only those whom for good or bad reasons (Plin. *Pan.* 11) the reigning emperor proposed to the senate; for it was the senate who formally decreed divine honours, "iudicavit de principibus," as Vopiscus (*Tac.* 4) says. And sometimes it was with great difficulty that deification of the preceding emperor was obtained from the senators. They refused it even under pressure from the soldiers to Domitian (Suet. *Dom.* 23), who had been styled "dominus deusque" during his lifetime (Mart. v. 8. 1, and *passim*). So Trajan was addressed by Pliny as *aeternitas vestra* (*Ep.* x. 87). It was from the earnestness with which Antoninus urged Hadrian's case that he got the title of Pius. Under pressure from Severus, who wished to make himself son of M. Aurelius and so brother of Commodus, divinity was decreed to the latter (Spart. *Sev.* 11); and the violence of the soldiers extorted it for Caracalla (Spart. *Carac.* 11). It had accordingly become a mockery. All the succeeding military emperors were deified, and the title (*divus*) continued to be given to deceased Christian emperors down at least as far as Valentinian (Eckhel, *D. N.* viii. 473), though we cannot suppose that "consecratio" (*vid. inf.*) was performed in their case.

But besides emperors many other members of the imperial family were deified, amongst whom we find many women. On their coins these often take the title of some goddess, *e.g.* Livia takes that of Herê, Julia that of Aphrodite (Eckhel, *D. N.* viii. 469). Women used to swear by the *divae*, just as men by the genius of the emperor (Dio Cass. lix. 11; lx. 5). And here it may be useful to give a list (taken from Marquardt, *Staatsverw.* iii. 446, with evidence added) of all members of the imperial family who received divine honours down to Alexander Severus:—1. Julius. 2. Augustus. 3. Livia (Suet. *Claud.* 11). 4. Drusilla, daughter of Germanicus (Dio Cass. lix. 11). 5. Claudius (Suet. *Claud.* 45). 6. Claudia Augusta, daughter of Nero and Poppaea (Tac. *An.* xv. 23). 7. Poppaea (*ib.* xvi. 21). 8. Vespasian (Plin. *Pan.* 11). 9. Titus (Henzen, 7421). 10. Domitilla, daughter of Vespasian (Orelli, 2231). 11. Julia Augusta, daughter of Titus (Eckhel, *D. N.* vi. 366). 12. Domitian's infant son (Eckhel, *D. N.* vi. 400). 13. Nerva (Orelli, 783). 14. Trajan's father (Orelli, 804). 15. Marciana, Trajan's sister (Orelli, 792). 16. Trajan (Spart. *Hadr.* 6). 17. Plotina, Trajan's wife (Orelli, 3744). 18. Hadrian (Spart. *Hadr.* 27). 19. Sabina, Hadrian's wife (Orelli, 836). 20. Matidia, Sabina's mother (*ib.* 2196). 21. Antoninus Pius (Capit. *Pius*, 13). 22. Faustina, his wife (*ib.* 6). 23. L. Verus (Capit. *M. Ant.* 15). 24. M. Aurelius (*ib.* 18). 25. Faustina, his wife (*ib.* 26). 26. Commodus (Spart. *Sev.* 11). 27. Pertinax (Capit. *Pert.* 15). 28. Sept. Severus (Herodian, iv. 2). 29. Caracalla (Spart. *Carac.* 11).

Sometimes consecration did not follow till after burial; *e.g.* Livia died in 29 A.D., but was not consecrated till 42: sometimes the two acts were simultaneous. But in any case consecration, after being decreed by the senate, involved a funeral ceremony. We have three detailed accounts of such consecration: (1) that of Augustus (Dio Cass. lvi. 34 and 42); (2) of Pertinax (id. lxxiv. 4 and 5); (3) of Severus (Herodian, iv. 2). The first differed from an ordinary Roman burial generally in its greater splendour, and specially in three waxen images taking the place of the corpse which had been previously buried (Xiphilin's supplement to Dio Cass. lvi. 34), and an eagle, the bird of Jupiter, being let loose from the pyre, which was regarded as carrying the soul of the dead man to the gods. Far more Oriental in its extravagance was the consecration of Pertinax, of which Dio Cassius was himself an eye-witness. In the Forum Romanum near the stone tribunal a wooden platform was erected, and on it an open pillared structure was raised, adorned with ivory and gold, and in it a bier was placed with heads of land and sea creatures carved thereon. The bier had coverlets of purple and gold, and on it was placed a waxen image of Pertinax, laid out in triumphal costume; and a fair youth brushed away the flies with a peacock's feather, for Pertinax, they feigned, was asleep. The emperor, the senators, and the senators' wives approached in mourning garments and sat down, the women in the porticoes, the men in the open. Then followed statues of all the illustrious Romans of old, choruses of men and boys chanting a hymn to the dead man, brazen images of all the subject nations in their national costume, representatives of the different guilds (γένη) in the city, the lictors, the scribes, the heralds, &c.; images of the great and illustrious in deed or discovery or walk in life; then the cavalry and infantry in full armour, the chief racehorses, the gifts for the pyre (mostly aromatics; see Henzen, *Arv.* 88) presented by the emperor or the senators or senators' wives or *equites illustres*, or by the divisions and collegia throughout the city. Thereafter followed a gilt altar, adorned with ivory and Indian jewels. When all these had passed, Severus mounted the Rostra and delivered the funeral oration. Tears and lamentations accompanied the speech, and burst forth louder when the speech was ended and the bier was moved. The chief priests and the magistrates, actual and designate, took it from the platform and gave it to some of the knights to bear. The procession marched before the bier, which was borne amidst droning flutes and beatings of the breast to the Campus Martius, the emperor following last. There the pyre was erected, a tower-like structure with three stories (four in Herodian's description, built like a lighthouse), adorned with gold and ivory and statues, and on the top of this was the gilded chariot which Pertinax used to drive. Into this pyre the bier was placed and the funeral offerings. Then, Severus and the relations of Pertinax having kissed the image, the emperor mounted a platform, and the senators from raised seats viewed what followed. When everything was prepared, the praefects and the knights, and the cavalry and infantry, went through their customary and their elaborate (πολιτικὰς καὶ ποιητικὰς) evolutions round the pyre (cf. Verg. *Aen.* xi. 188); the consuls applied the torch, and when the fire had caught an eagle soared up aloft. Herodian's account of the apotheosis of Severus is not materially different, except that for seven days previously the gradual death of Severus is acted, a waxen image taking the place of the emperor, physicians visiting it, and so forth. The orientalized character of the whole proceeding is obvious: and for this Preller (*Röm. Myth.* p. 787) refers to the description of the pyre of the Assyrian Hercules in K. O. Müller, *Kleine Schriften*, ii. 102 *seq.*, to the obsequies of Hephaestion (Diod. xvii. 115), and the elder Dionysius (Athen. 206).

Medal of Antoninus Pius, representing the funeral pyre at his Consecratio. (Brit. Museum.)

The oldest custom carried the dead to heaven on an eagle (Artem. *Oneir.* ii. 20), and this is the most common figure on the representations of apotheoses. But we find Augustus represented on a Paris cameo as borne on a winged horse; and in the apotheosis of Antoninus and Faustina the winged genius of Eternity with two eagles carries them to the skies. On the triumphal arch of M. Aurelius the younger, Faustina is borne aloft by a winged genius holding a torch. On a medal we see Julia Domna soaring up on the back of a peacock, Juno's bird.

Consecratio of Antoninus and Faustina, from pedestal of Column of Antoninus Pius.

The new god is represented with the *caput radiatum* (cf. Verg. *Aen.* xii. 162), first adopted by an emperor while alive by Nero (Eckhel, *D. N.* viii. 467);—the *nimbus* first on the coins of Antoninus Pius, regular after Constantine (Preller, p. 784):—the image of the deified emperor no more appears in the funerals of his family (Dio Cass. lvi. 46), but his statue appears among the statues of the gods at the games, on a tensa drawn by four elephants, symbols of eternity (Dio Cass. lxxiv. 4; Eckhel, vii. 144, 328). This is not exclusively confined to the gods, for in the 3rd century it was also used in the case of triumphs over the Parthians (Capit. *Gord.* 27). All these accompaniments of divinity appear on the coins representing consecration,—the *caput radiatum*, eagle, peacock, pyre, altar, tensa drawn by elephants: further, the star on the coins of Julius; the phœnix, another symbol of eternity, on Trajan's coins, &c. For a full account see Eckhel, *D. N.* viii. 456–473.

Medal of Julia Domna, on the back of a peacock. (Brit. Museum.)

Outside the imperial family we sometimes find examples of deification. Antinous, the favourite of Hadrian, is the best known example (Orig. *in Celsum*, iii. 36): it reminds us of Cicero and Tullia. Survivors are prone to imagine blessedness for the loved and lost: *e.g.* the Carpocratians, a Gnostic sect, built a temple to the son of their founder, who died young (Friedländer, iii. 456), and the same impulse may be seen in inscriptions (Orelli, 4647, 4530; Henzen, 7418). Men, too, paid worship to their human ideal: thus Plato, after his death, was regarded by some of his followers as son of Apollo (Zeller, ii. 1, 378, note 3, ed. 1875). Much of the sincere and lasting adoration paid to M. Aurelius (Capit. *M. Ant.* 18) was probably due to this impulse. Alexander Severus used to offer religious rites to many holy souls,—to Apollonius of Tyana, Christ, Abraham, Orpheus, "et huiuscemodi ceteros" (Lampr. *Alex.* 29).

(For apotheosis the chief works are F. G. Welcker, *Griechische Götterlehre*, ii. 294–316, 1863; L. Preller, *Römische Mythologie*, 770–796, 1858; Gaston Boissier, *La Religion Romaine*, i. 109–186, 1878; and Eckhel and the inscriptions *passim*. Besides this, additional information may be obtained in Mommsen-Marquardt, ii. 731–740, 783 *seq.*, 1078; vi. 89, 264–5, 443–455; Baumeister in his *Denkmäler*, pp. 109–111, and Mayor on Juv. iv. 71, and Index.) [L. C. P.]

APOTIMEMA. [Dos.]

APOTYMPANISMOS (*ἀποτυμπανισμὸς*), beating to death with sticks, cudgels, or clubs (*τὸ τυμπάνῳ ἀποκτεῖναι, ὅπερ ἐστὶ ξύλον ὥσπερ ῥόπαλον*, *Lex. Rhet.* p. 198), is mentioned as a mode of execution at Athens and elsewhere. It resembled, but was probably not identical with, the Roman *fustuarium*, an exclusively military punishment [FUSTUARIUM].

It is a question of some importance, as bearing on the Greek and especially the Athenian character, whether this and other cruel punishments were confined to slaves and aliens, or inflicted also upon free citizens. By far the most probable opinion is, that they were absolutely prohibited by Attic law in the case of the fully enfranchised; but, as in other things, the practice in bad times may not have been quite on a level with the theory. One Menestratus, who had been an informer under the Thirty, and was apparently a citizen, suffered this punishment as a murderer (*ἀνδροφόνος*) under the restored democracy (Lys. *c. Agorat.* §§ 55, 56); but whether as an act of popular vengeance, or in consequence of a fresh crime, is not stated. In the same speech, two brothers of the defendant are said to have been thus put to death: one by Lamachus in the Sicilian expedition for sending the enemy secret intelligence by fire-signals (this would have been under martial law); the other as a λωποδύτης: but we are expressly told that Agoratus was the son of a slave (Lys. *l. c.* §§ 67, 68). It is curious that Demosthenes in three passages somewhat brutally expresses a wish that this punishment had been inflicted on traitors, but nowhere mentions as a fact that it was so (*de Chers.* p. 104, § 61; *Phil.* iii. p. 126, § 61; *de Fals. Leg.* p. 388, § 137). The practice among barbarians or under tyrannies such as that of Aristion (or Athenion) is clearly irrelevant to this question (Athen. iv. 154 c, v. 214 d); and it would not be safe to infer from the one doubtful instance in Lysias, that Athenian citizens were liable to be thus punished. Perrot (*L'Éloquence politique à Athènes*, p. 130) holds that they were not; Caillemer the reverse (*ap.* D. and S.). The kindred question, whether torture to extract evidence was permissible in the case of citizens, is discussed under Tormentum. [W. W.]

APPARITO'RES, the general name for the free attendants of the magistrates at Rome, as distinguished from the *servi publici*. They received wages (*merces*) from the public treasury, and had places of their own in the theatre and circus (Tac. *Ann.* xvi. 12), doubtless near the magistrates on whom they waited. They were divided into five classes—the Accensi, Lictores, Viatores, Scribae, and Praecones, treated in separate articles. Sometimes the term *apparitores* is used to exclude *scribae* and *lictores*; but this is less exact, for the last two classes also *apparebant magistratibus*. (Cf. Serv. on Verg. *Aen.* xii. 850; Cic. *Cluent.* 53, 147; Liv. i. 8.) Each class constituted a corporation (*corpus*), subdivided into *decuriae*, which had the right of holding property and slaves. The number of members of a *decuria* varied with the number of attendants to which each magistrate was entitled. The term *decuria* was afterwards applied, not merely to a subdivision of a corporation, but to the whole of one not so divided. The post of *apparitor*, though nominally conferred by the magistrates of each year, became practically a permanent one, and was even transferred by sale. (Cf. Mommsen, *Staatsr.* i. 259–272; Becker, *Röm. Alt.* ii. 2, 370–384.) [A. S. W.]

APPELLA'TIO. 1. Greek (ἔφεσις or ἀναδικία). Owing to the constitution of the Athenian tribunals, each of which was generally appropriated to its particular subjects of cognizance, and therefore could not be considered as homogeneous with or subordinate to any other, there was little opportunity for bringing appeals properly so called. It is to be observed also, that in general a cause was finally and irrevocably decided by the verdict of the dicasts (δίκη αὐτοτελής). There were, however, some exceptions, in which appeals and new trials might be resorted to.

A new trial to annul the previous award might be obtained, if the loser could prove that it was not owing to his negligence that judgment had gone by default, in which case he was said ἐρήμην ἀντιλαχεῖν (Dem. *c. Zenoth.* p. 889, § 27), or that the dicasts had been deceived by false witnesses (δίκη ψευδομαρτυριῶν). And upon the expulsion of the Thirty, a special law annulled all the judgments that had been given during the usurpation (Dem. *c. Timocr.* p. 718, § 56). To this class of causes we find the phrases δίκη ἀνάδικος, ἀναδικία, ἀναδικάζεσθαι, παλινδικία, παλινδικεῖν applied; and they may be compared, *mutatis mutandis*, with the "motions for a new trial" of the English law.

An appeal properly so called (ἔφεσις) was allowed only in the following cases:—1. From a decision of the public arbitrators (διαιτηταὶ κληρωτοὶ). 2. From a διαψήφισις or decision of a man's δημόται adverse to his rights of citizenship. 3. From an ἐπιβολὴ or fine summarily imposed by a magistrate, but not from the τίμημα or fine assessed by a jury. 4. In the δίκαι ἀπὸ συμβόλων, when one of the parties was a citizen of a foreign state, between which and Athens the agreement called σύμβολα existed. The technical words employed in this last case are ἐκκαλεῖν, ἐκκαλεῖσθαι, ἔκκλητος (δίκη or πόλις). See further details under the respective headings [Diaetetae, Diapsephisis, Epibole, Symbolon, Dikai Apo]. These and other obscurer cases of appeal are noticed by Pollux (viii. 62, 63) in the following words:—"Ἔφεσις is when one transfers a cause from the arbitrators (διαιτηταί), or archons, or men of the township (δημόται) to the dicasts, or from the senate to the assembly of the people, or from the assembly to a court (δικαστήριον), or from the dicasts to a foreign tribunal; and the cause was then termed ἐφέσιμος. Those suits were also called ἔκκληται δίκαι. The deposit staked in appeals, which we now call παραβόλιον, is by Aristotle styled παράβολον."

It is not easy to determine upon what occasions an appeal from the archons could be preferred; for after the time of Solon their power of deciding causes had degenerated into the mere presidency of a court (ἡγεμονία δικαστηρίου), and the conduct of the previous examination of causes (ἀνάκρισις). Upon the rejection of the plaintiff's suit in this previous examination as unfit to be brought before a court, he would most probably proceed against the archon in the assembly of the people for denial of justice, or would wait till the expiration of his year of office, and attack him when he came to render the account of his conduct in the magistracy (εὔθυναι). (Antiph. *de Choreut.* §§ 42, 43.) An appeal, however, from the archons, as well as from all other officers, was very possible when they imposed a fine of their own authority and without the sanction of a court; and it might also take place when the king archon had by his sole voice made an award of dues and privileges (γέρα) contested by two priesthoods or sacerdotal races. (*Lex. Rhetoricum*, p. 219, 19.) [J. S. M.] [W. W.]

2. Roman. Under the republican constitution the word *appellatio* and the corresponding verb *appellare* are used to express the application of an individual to a magistrate, and particularly to a tribune of the people, for their intercession in order to prevent a wrong being inflicted on the applicant by the order of some other magistrate. The magistrate or tribune to whom such application was made, had the power of nullifying the order of the magistrate appealed against. The application had to be made within a prescribed time. There are many instances recorded of criminal, civil, and

administrative decrees of magistrates being set aside on such applications.

Appellatio, in the above sense, is to be distinguished from *provocatio*.

Provocatio is the term used for the right of appeal, in criminal cases, from a magistrate to the populus. It would seem that the *provocatio* was an ancient right of Roman citizens. The surviving Horatius, who murdered his sister, appealed from the duumviri to the populus (Liv. i. 26). The *provocatio*, though it existed in the regal period, could not be brought against the king's decisions without his permission.

There was subsequently a right of appeal from the Consuls, subject to the same restriction, but by the Valerian law (B.C. 508) the Consuls were obliged to give leave to appeal where they had passed sentence inflicting capital or corporal punishment. By a subsequent law the same principle was applied to sentences under which heavy fines were imposed. The decemviri took away the *provocatio*, but it was restored by a *lex consularis de provocatione*, and it was at the same time enacted that in future no magistrate should be made without being subject to the right of appeal. On this Livy (iii. 55) remarks that the plebeians were now protected by the *provocatio* and the *tribunicium auxilium:* this latter term has reference to the *appellatio* properly so called (iii. 13, 56). Appius (Liv. iii. 56) applied (*appellavit*) to the tribunes; and when this produced no effect, and he was arrested by a viator, he appealed (*provocavit*). Cicero (*de Orat.* ii. 48) appears to allude to the re-establishment of the *provocatio* which is mentioned by Livy (iii. 55). The complete phrase to express the *provocatio* is *provocatio ad populum:* and the phrase which expresses the *appellatio* is *appellare*, and in the later writers *appellare ad.*

The *provocatio* was an appeal in the strict sense of the term, *i.e.* it consisted of a rehearing of a case previously tried, and a new judgment upon it. The *provocatio* was, however, limited to criminal matters. In civil suits there was not, and could not be, any appeal under the republic, for the purpose of revising and altering a decision, for each magistrate had power to decide finally within the limits of his jurisdiction: and, as a general rule, the sentence of a judex could not be reversed by the magistrate who appointed him, and was not even subject to *intercessio;* but in the provinces judices were subject to the control of the governor (Cic. *Verr.* ii. 13, 27). The *appellatio* was to some extent a remedy against an illegal decree, but it was not a rehearing and revision of the previous decision, and so not an appeal in the strict sense: it was rather in the nature of a stay of execution. Where, however, an official had delegated his jurisdiction to another, there was a regular appeal to the delegating authority. Also in exceptional circumstances, a magistrate who had appointed a judex might grant a new trial by means of his extraordinary equitable remedy, the *in integrum restitutio*, in case he were dissatisfied with the decision of the judex (Cic. *pro Flacco*, 21, 49; Val. Max. v. 4, 7; cf. Mommsen, *Staatsrecht*, i. 25, note 3). Appellate jurisdiction in civil causes can hardly be said to have existed under the republic, but it became an institution on the establishment of the empire. Mommsen has connected this judicial reform with the attempt of Julius Caesar to revive the regal authority (*Röm. Gesch.* iii. 475), but there is no proof of such appellate jurisdiction being exercised before the time of Augustus, when a regular gradation of appeals from inferior to superior jurisdictions was constituted, probably under the authority of the Lex Julia Judiciaria. The origin of the new institution is left in much uncertainty. The emperor centred in himself both the power of the populus and the veto of the tribunes; hence he could rescind the decrees of all magistrates, but these powers were not a sufficient foundation for the new appellate jurisdiction by which the civil decrees of magistrates were subject to a regular revision. The jurisdiction was not limited, as under the republican constitution, to appeals brought to a delegating magistrate against the decisions of his delegate.

Under the empire the terms *provocatio* and *appellatio* lost their original signification. Thus Gellius (iv. 14) has used *provocatio* for *appellatio.* In the Digest (49, tit. 1, de appellationibus) *provocatio* and *appellatio* are used indiscriminately for a civil appeal, which is to be explained by the fact that the idea of the civil appeal was partly taken from the *appellatio* in its earlier sense, and partly from the *provocatio*. *Provocatio* seems so far to have retained its original meaning as to be the only term used for an appeal in criminal matters.

Civil appeals came, in the last resort, either to the emperor or to the senate. This division of the supreme appellate jurisdiction between the emperor and the senate was in accordance with the dual system of government which Augustus contrived. Appeals from Rome, Italy, and the provinces under its government would have been confined to the senate, if the division had been strictly carried out, while appeals from imperial provinces would have come to the emperor; but while the emperors reserved to themselves the sole right of hearing appeals from their *legati*, they also took cognisance of all appeals from Rome, Italy, and the senatorial provinces, except during the short periods when the strict principle of division was adhered to (Suet. *Calig.* 16, *Ner.* 17; Tac. *Ann.* xiv. 28).

The senate sitting as a court of appeal was perhaps regarded as the consilium of the consuls. There was no appeal from the senate to the emperor (Dig. 49, 2. 1, § 2). In course of time the emperor exercised the appellate jurisdiction of the senate by virtue of the consular power which he assumed.

There was a right of appeal from the decrees of magistrates and from the decisions of all judges who had acted under an authority delegated to them by a magistrate; but it is a question whether there was any right of appeal from the judex proper, though the emperor exercised in exceptional cases the power of granting a new trial, as magistrates had previously done by means of the *in integrum restitutio* (Suet. *Dom.* 8).

The *datus judex* of the Corpus Juris is not the judex of the republican constitution, but a judge acting under a delegated power, from whose decision there would be an appeal as a matter of course (Mommsen, *Staatsrecht*, ii. 2, 940; cf. Hollweg, *Civil-Prozess*, ii. 46).

If the sentences of judices could not be appealed against, the extent of appellate jurisdiction must have increased, as the magistrate came to decide a greater number of cases himself without the help of a judex, since the decision of the magistrate would be subject to appeal. At length, when in the time of Diocletian all judicia became *extraordinaria*, the right of appeal was necessarily applicable to all judgments.

The emperor either heard civil appeals in person, or delegated the hearing of them to others. Augustus every year assigned civil appeals from the city to the Praetor urbanus; provincial appeals to consulares appointed for each province (Suet. *Aug.* 33). The senate likewise delegated civil appeals to the consuls, who frequently transmitted the hearing of them to special delegates. Appeals tried by delegates were generally subject to a further appeal to the delegating authority; but if a special delegate was appointed by the emperor, it was not uncommon to exclude any further appeal. In the 3rd century we find civil appeals from the provinces frequently entrusted to the Praefecti praetorio; those from the city came regularly before the Praefectus urbi. From these the only appeal was to the emperor himself, whose decision was in all cases final; but he had always the right of refusing to exercise his jurisdiction.

The process by which an appeal was brought in civil cases might be either oral or written. The written appeal or *libelli appellatorii* showed who were the appellant and defendant, and the nature of the judgment appealed from. The court below transferred the case to the superior court by *litterae dimissoriae* or *apostoli*. The time within which appeals could be brought was limited. If the appellant was unsuccessful in his appeal, he was subject to a pecuniary penalty.

From the time of Augustus, the populus did not exercise sovereign criminal jurisdiction. The emperor himself took cognisance of criminal cases as a court of first instance, having coordinate jurisdiction with the senate. The *quaestio* procedure continued to be the ordinary mode of trial [Quaestio]. Appellate criminal jurisdiction was confined within narrow limits. No appeal lay to the emperor from the decisions of judices or from the senate, although he might annul a decree of the latter body by *intercessio*. The emperor delegated criminal jurisdiction to governors of provinces in capital cases, to the Praefecti urbi, and to others: appeals might be heard by him against the decisions of his delegates. The extension of imperial delegation in criminal cases and the decline of republican institutions, especially the abolition in the 3rd century of the *quaestiones*, led to the emperor's complete supremacy over criminal courts, which he also acquired over civil.

The system of *appellationes* under the empire was not limited to matters of criminal and civil procedure. A person might appeal in matters that related to the fiscus, to civil offices and burdens, and other administrative subjects. (Paul. v. 32–37; Dig. 49, 1; Cod. Just. 7, 62; Puchta, §§ 180, 181; Mommsen, *Staatsrecht*, ii. 2, pp. 930–948; Bethmann-Hollweg, *Civil-Prozess*, i. 62, ii. 42, 49; Rudorff, *Rechtsg.* ii. § 85.) [G. L.] [E. A. W.]

APPLICATIO'NIS JUS. [Exsilium.]

APROSKLE'TOS DIKE' (ἀπρόσκλητος δίκη). If there were insufficient or fraudulent service of the summons (πρόσκλησις), the suit was called ἀπρόσκλητος, and dismissed by the magistrate (Dem. *c. Nicostr.* p. 1251, § 15). [Diké, Prosklesis.] [W. W.]

APROSTAS'IOU GRAPHE' (ἀπροστασίου γραφή), an action falling under the jurisdiction of the polemarch, which was brought against those metoeki, or resident aliens, who had neglected to provide themselves with a patron (προστάτης). This action is stated to have been also brought against those metoeki who exercised the rights of full citizens, or did not pay the μετοίκιον, a tax of twelve drachmas exacted from resident aliens; but Meier has remarked that this action was only applicable in such cases, provided that the metoeki had no patron. It is probable that the μετοίκιον was regularly paid through the προστάτης, and that he was responsible for it; and in that case the default of payment would of itself prove neglect to comply with the provisions of the law. (Harpocrat., Zonar., Suid. *s. v.*; Meier, *Att. Process*, p. 315; Perrot, *Essai*, p. 264.) [W. S.] [W. W.]

APSIS. [Absis.]

APSY'CHON DIKE' (ἀψύχων δίκη), an action against inanimate objects (ἄψυχα) which had caused the death of a human being. It thus somewhat resembled the English law of deodand, lately abolished. It was tried in the court of the Prytaneum, and, according to Schömann, partook more of the nature of a religious ceremony than a judicial proceeding. If the instruments with which a murder had been committed were captured, and not the murderer himself, these, after the Ephetae had pronounced their sentence, were conveyed out of the country by the Phylobasileis, or presidents of the four old-Ionic tribes. In the same way were treated such things as had accidentally caused the death of any one. Animals likewise, by which any one had been killed, were here condemned to death, and then conveyed out of the country. (Pollux, viii. 111, 120; Dem. *c. Aristocr.* p. 645, § 89; Schömann, *Antiq.* i. 470, E. T.; comp. Plat. *Leg.* ix. 873 E.) [W. W.]

AQUAEDUCTUS (ὑδραγωγία, ὑπόνομος)—literally, a water-conduit—would, of course, properly describe any channel for the passage of water; but the word is used especially for the magnificent structures by means of which Rome and other cities of the Roman empire were supplied with water, and which may be described in general terms as channels, constructed as nearly as possible with a regular declivity from the source whence the water was derived to the place where it was delivered, carried through hills by means of tunnels, and over valleys upon a substruction of solid masonry or arches.

1. Greek.—Among the Greeks in many cases springs (κρῆναι, κρουνοί) were sufficiently abundant to supply a considerable part of the great cities with water; and great attention was paid to the preservation and adornment of them: they were converted into public fountains by the formation of a head for their waters, and the erection of an ornamental superstructure: and were dedicated to some god or hero. Pausanias (x. 4, § 1) considers no place to deserve the name of *city* which has not such a fountain. We are indebted to the same author and other Greek writers for accounts of some of the most celebrated fountains: such as that of Theagenes, at

Megara (Paus. i. 40, § 1); those of Peirene and Lerna at Corinth, where there were many other fountains, as well as a Roman aqueduct erected by Hadrian (ii. 3, §§ 2, 3, 5; 4, § 5); that in the grove of Aesculapius at Epidaurus (ii. 17, § 5); and several others (iv. 31, 32, 34; vii. 5, 21; viii. 13), of which we need only mention the *Enneakrounos* at Athens, which was constructed by Peisistratus and his sons, and of which Thucydides records the interesting fact, marking the transition from the natural springs to the artificial fountain, and showing the importance attached even to the former, that "it was called Callirhoë formerly, *when the springs were visible*" (*φανερῶν τῶν πηγῶν οὐσῶν*, Thuc. ii. 15; Paus. i. 14, § 1): to this enumeration might be added the springs of salt water in certain temples; as in those of Erechtheus at Athens, and of Poseidon Hippius at Mantineia. (Paus. i. 26, § 5; viii. 10, § 4.)

In these cases we have no reason to suppose that there was anything more than a fountain over or close to the springs, forming a head for the water derived, either immediately, or by very short channels, from them. But we are not without examples of constructions more nearly approaching the Roman aqueducts in kind, though not in degree. That the Greeks, at a very early period, had some powers of hydraulic engineering, is shown by the drainage tunnels of the lake Copaïs, and the similar works of Phaeax at Agrigentum [EMISSARIUM]; and we have an instance of a channel for water being carried through a mountain, to supply the city of Samos. The height of the mountain was 150 orguiae (900 Greek feet); the length of the tunnel was 7 stadia (7–8ths of a Roman mile, or about 1420 yards); its section was a square of 8 Greek feet. The actual channel for the water was cut below this, and was, if the text is right, 30 Greek feet deep, and 3 wide; the water passed through pipes (*διὰ σωλήνων*) from a copious spring, and was thus brought to the city. (Herod. iii. 60.) There are still remains of this tunnel. Müller conjectures that the work was one of those executed by Polycrates (*Archäol. d. Kunst*, § 81). Indeed many of the Greek waterworks appear to date from the age of the Tyrants.

But from early times, the Greeks, where the needs of a city called for it, constructed underground conduits following the undulations of the surface or carried through the hills by tunnels, and closely resembling the earlier Oriental aqueducts, of which they were probably imitations. Thus the conduit which supplied the Acropolis of Thebes was attributed to Cadmus (Dicaearch. p. 143, Fuhr), and the canalisation of the mountain torrents round Argos to Danaus (Strabo, viii. pp. 370, 388). The Greek aqueducts were usually rectangular channels cut in the rock or constructed of solid masonry, but in the Troad we have an instance of one composed of earthenware pipes (Hahn, *Ausgrab. auf der Homer. Pergamus*).

At Athens the rocky part of the city was dependent on cisterns. Two conduits entered the city on the east from the upper course of the Ilissus, which lower down was canalised, and part of its water went to supplement the *Enneakrounos*, below which an underground conduit ran from the river, repeatedly crossing under its bed, and accessible to use by shafts, and finally carried to the Peiraeus. Below the *Enneakrounos* a stream from Hymettus was carried over the Ilissus into the city. Later, two large conduits were constructed from Lycabettus on the east and west of that mountain. A system of canals from the Cephissus served to irrigate the olive-woods. (E. Curtius, *VII. Karten von Athen.*) Finally, Hadrian, at the end of his reign, built an aqueduct of the Roman type, drawing its water from the Cephissus. Among the finest and best preserved of Greek aqueducts are those of Syracuse, which Thucydides (vi. 100) tells us were laid under ground to bring drinking-water into the city. They are still in use—one from the Anapus, on the north, twelve miles long, which finally crosses under the Small Harbour and feeds the fountain of Arethusa, and one from the springs of Mount Crimiti on the south. (Schubring, *Philologus*, 1865, pp. 577–638.)

Solon, according to Plutarch (*Sol.* 23), ordained that water might be fetched from the public fountains or wells to a distance of four stadia; beyond this, persons must dig their own wells; but if any one dug to a depth of ten *orguiae* without finding water, he was permitted to take from his neighbour's well a pitcher of six *choës* twice a day. Plato (*Leg.* viii. p. 844, A, B) mentions this law, which obviously refers to country life, in vaguer terms, and also the conditions under which the waters of streams might be diverted for irrigation. The public conduits were superintended by *ἐπιστάται τῶν ὑδάτων*. Their office was apparently of some importance, as it was held by Themistocles, who inflicted fines on fraudulent consumers (Plut. *Themist.* 31). The *κρηνόφυλακες* and *κρήναρχοι* were probably subordinate officers (Phot. and Hesych. *s. vv.*; Schömann, *Antiq.* i. p. 416, E. T.). On Greek aqueducts see E. Curtius, *Ueber städtische Wasserbauten der Hellenen*, in *Archäol. Zeitung*, 1847.

2. ROMAN.—The Romans were in a very different position, with respect to the supply of water, from most of the Greek cities. They at first had recourse to the Tiber and to wells sunk in the city; but the water obtained from those sources was very unwholesome, and must soon have proved insufficient. Consequently, to supply the demands of the public baths and the fullers, and later of the growing population, and later still of the *naumachiae*, they had recourse to public works in order to bring pure water from a considerable distance—from the hills, in fact, which surround the Campagna. The date of the first aqueduct is assigned by Frontinus to the year A.U.C. 441, or B.C. 312 (*de Aquaed. Urb. Rom.* 4); and the number of aqueducts was gradually increased, partly at the public expense and partly by the munificence of individuals, till, in the time of Procopius, they amounted to fourteen (see p. 151 a); and, even before they were all erected, they might well excite the admiration which Pliny expresses with respect to the Claudian aqueduct (*H. N.* xxxvi. § 123):—"But if any one will carefully calculate the quantity of the public supply of water, for baths, reservoirs, houses, trenches (*euripi*), gardens, and surburban villas, and, along the distance which it traverses, the arches built, the mountains perforated, the valleys levelled, he will confess that there never was anything more wonderful in the whole world."

The detailed description of the arrangements of the aqueduct will be better understood, after an enumeration of the principal aqueducts by which water was conveyed to Rome across the Campagna. Our knowledge of the subject is derived almost entirely from the treatise *De Aquaeductibus Urbis Romae*, by S. Julius Frontinus, who was *curator aquarum* (keeper of the aqueducts) under Nerva and Trajan. It should be observed that the *Aquaeductus* is often called simply *Aqua*. There were nine aqueducts in the time of Frontinus, of which four belong to the time of the republic, while five were built in the reigns of Augustus and Claudius.

1. The *Aqua Appia* was begun by the censor Appius Claudius Caecus (to whom also Rome was indebted for her first great road), in B.C. 312. Its sources are mentioned by Frontinus as near the *Via Praenestina*, between the seventh and eighth milestones. But this appears to be a mistake, as its real source has been discovered in the reservoirs formed in the ancient quarries, now called *latomie della Rustica*, about 50 feet below the level of the ground. Perhaps we ought to read *Via Collatina* instead of *Praenestina* (Middleton, *Ancient Rome*, p. 466). Its termination was at the *salinae*, by the *Porta Trigemina*. Its length was 11,190 *passus*, for 11,130 of which it was carried under the earth, generally at a considerable depth; and for the remaining 60 *passus*, within the city, from the *Porta Capena* to the *Porta Trigemina*, it was on arches. The distribution of its water began from the *Clivus Publicius*. (Frontin. 5; Liv. ix. 29; Diod. xx. 36; Aur. Vict. *Vir. Illust.* 34, who confounds it with the *Anio*.) Its subterranean *specus* has been discovered in several places in Rome, especially at one point where it passes through the old tufa quarries in the Aventine near the church of S. Saba; its line near this point is now traversed by the modern Via di Porta (Middleton, *l. c.*).

2. The *Anio Vetus* was commenced forty years later, B.C. 272, by the censor M'. Curius Dentatus; but as the time of the censorship expired before the work was completed, *duumviri aquae perducendae* were appointed, and the aqueduct was finished by M. Fulvius Flaccus, one of the duumvirs, the other having died shortly after his appointment. The expense was defrayed out of the spoils taken from Pyrrhus. The water was derived from the river Anio, above Tibur, at a distance of ten Roman miles from the city; but, on account of its windings, its actual length was forty-three miles (*ita exigente libramento*, Front.), of which length less than a quarter of a mile only (namely, 221 *passus*) was above the ground. There are considerable remains of this aqueduct below the Claudian aqueduct, near the *Porta Maggiore*, and other pieces of the specus and remains of large cisterns were discovered while laying out the new streets Principe Amadeo, Carlo Alberto, and Napoleone III. (Middleton, p. 467), and also in the neighbourhood of Tivoli, which was supplied with its water. It was built of blocks of peperino stone, and the water-course was lined with a thick coating of cement. (Front. 6; Aur. Vict. *Vir. Ill.* 43.)

3. The *Aqua Marcia*, one of the most important of the whole, was built by the praetor Q. Marcius Rex, by command of the senate, in B.C. 144. The want of a more plentiful supply of water had been long felt, especially as that furnished by the *Anio Vetus* was of such bad quality as to be almost unfit for drinking; and in B.C. 179, the censors M. Aemilius Lepidus and M. Flaccus Nobilior had proposed the erection of a new aqueduct; but the scheme had been defeated, in consequence of Licinius Crassus refusing to let it be carried through his lands. (Liv. xl. 51, 7.) The two existing aqueducts had also fallen into decay by neglect, and had been much injured by private persons drawing off the water at different parts of their course. The senate therefore commissioned the praetor Marcius to repair the old aqueducts, and to build a third, which was named after him. According to Fenestella (*ap.* Front.), 180 million sesterces were voted for the purpose. Some writers have pretended that the original construction of this aqueduct is to be ascribed to Ancus Marcius, alleging a passage of Pliny (*H. N.* xxxi. §41), and a medal of the Marcian gens, family Philippus, which bears on the obverse a head with the legend ANCVS, and on the reverse a representation of an aqueduct, with the letters AQVAMR (*Aqua Marcia*) between the arches, supporting an equestrian statue with the legend PHILIPPVS: but those who know anything of the history of Roman family records will understand that this medal bears no evidence to the point in question, and is simply a perpetuation of two of the greatest distinctions of the *Marcian gens*, their alleged descent from Ancus, and the aqueduct which bore their name; and Pliny's opinion is simply one of his ludicrous blunders, arising probably from his confounding Marcius Rex with the king Ancus Marcius. (Eckhel, *Doctr. Num. Vet.* vol. v. p. 248.)

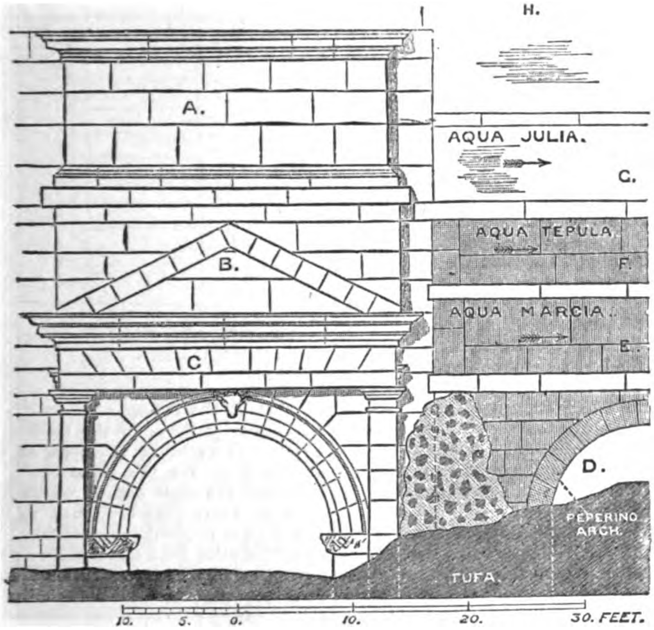
Medal of the Marcia gens, recording the Aqua Marcia.

This aqueduct commenced three miles south of the *Via Valeria*, thirty-six miles from Rome; its length was 61,710½ *passus*, of which only 7463 were above ground; namely, 528 on solid substructions and 6935 on arches. It was high enough to supply water to the summit of the Capitoline Mount. It was repaired by Agrippa in his aedileship, B.C. 33 (see below, No. 5), and the volume of its water was increased by Augustus, by means of the water of a spring 800 *passus* from it: the short aqueduct which conveyed this water was called the *Aqua Augusta*, but is never enumerated as a distinct aqueduct. Pliny states that the water of the *Aqua Marcia* was the coldest and most wholesome of all which was brought to Rome; and Vitruvius and other writers refer to the excellence of the water as being proverbial. Considerable remains of it are still standing both above and below Tivoli. (Frontin. 7, 12; Plin. *H. N.* xxxi. § 41, who differs from Frontinus in some of the details; Strab. v. p. 240; Vitruv. viii. 3, § 1; Dion Cass. xlix. 42; Plut. *Coriol.* 1; Prop. iii. 22, 24

Mart. vi. 42, 18; Stat. *Silv.* i. 5, 25.) Its *specus* can be seen, where it passes over the arch built by Augustus below the *specus* of the *Aqua Julia* and *Tepula* (see No. 5).

4. The *Aqua Tepula*, which was built by the censors Cn. Servilius Caepio and L. Cassius Longinus in B.C. 127, began at a spot in the Lucullan or Tusculan land, two miles to the right of the tenth milestone on the *Via Latina*. Its water was slightly warm, whence its name, *tepula*, a form of *tepida*. It was afterwards connected with

5. The *Aqua Julia*. Among the splendid public works executed by Agrippa in his aedileship, B.C. 33, was the formation of a new aqueduct, and the restoration of all the old ones. From a source two miles to the right of the twelfth milestone of the *Via Latina*, he constructed his aqueduct (the *Aqua Julia*) first to the *Aqua Tepula*, in which it was merged as far as the reservoir (*piscina*) on the *Via Latina*, seven miles from Rome. From this reservoir the water was carried along two distinct channels, on the same substructions (which were probably the original substructions of the *Aqua Tepula*, newly restored), the lower channel being called the *Aqua Tepula*, and the upper the *Aqua Julia;* and this double aqueduct again was united with the *Aqua Marcia*, over the water-course of which the other two were carried. The arch bearing the three aqueducts, where it entered the city, is now the *Porta S. Lorenzo;* and the rebuilding of this part of the aqueduct by Augustus in B.C. 5 is recorded by an inscription on the side of the *specus* of the *Aqua Julia* (A in cut). Other restorations were made by Titus in A.D. 79, recorded in an inscription on the frieze below (B in cut); by Severus in 196; and by Caracalla in 212. The restoration by Caracalla is recorded in an inscription, to make room for which the moulded pediment has been cut away (C in cut).



Arch built by Augustus where the three Aqueducts, *Julia*, *Tepula*, and *Marcia*, pass over a road, now the Porta S. Lorenzo. (From Middleton.)

A. Original inscription by Augustus.
B. Inscription recording restoration by Titus.
C. Inscription added by Caracalla.
D. Peperino arch of the Aqueduct.
E, F, G. *Specus* of the *Marcia*, *Tepula*, and *Julia*.
H. Part of one of the towers of Aurelian's Wall.

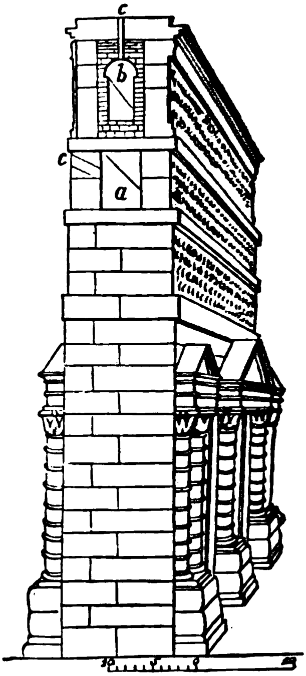
In Rome itself the three *specus* were separated and carried in different directions. A section of the three *specus* is given below (see p. 153). The whole course of the *Aqua Julia*, from its source, amounted to 15,426 *passus*, for 7000 of which its course was above ground, partly on massive substructions and partly on arches. (Frontin. 8, 9, 19.)

6. The *Aqua Virgo* was also built by Agrippa in his aedileship. In the same year, Agrippa, according to Pliny (*H. N.* xxxvi. § 121), erected for public use 700 basins or pools (*lacus*), 500 fountains (*salientes*), 130 *castella*, adorned with 300 statues and 400 marble columns. The main object of the *Aqua Virgo* was to supply the baths of Agrippa. From a source in a marshy spot by the eighth milestone on the *Via Collatina*, it was conducted by a very circuitous route, chiefly under the ground, to the *M. Pincius*, whence it was carried on arches to a spot opposite the east side of the Pantheon. Its length was 14,105 *passus*, of which 12,865 were underground; in its subterranean course it received the water of numerous springs; and its water was as highly esteemed for bathing as that of the *Aqua Marcia* was for drinking. It is one of the aqueducts on the left bank of the Tiber which are still in use, though on a

much diminished scale. (See p. 151, b.) The origin of its name is variously explained. (Frontin. 10; Dio Cass. liv. 11; Plin. *H. N.* xxxi. § 42; Cassiod. *Var.* vii. 6; Ov. *Trist.* iii. 12, 22; Mart. v. 20, 9, vi. 42, 18, xi. 47, 6.) "A well-preserved piece of the ancient *specus* can be seen below the level of the street, in the court of No. 12, Via del Nazzareno, behind the Trevi fountain. The arches themselves, which are of peperino, are buried, but the *specus* of massive travertine, decorated with an entablature, is visible, and is perfectly preserved. On both sides of the frieze is an inscription recording that this part was rebuilt by Claudius in A.D. 52." (Middleton, p. 471.)

7. The *Aqua Alsietina* (sometimes called also *Aqua Augusta*), on the other side of the Tiber, was constructed by Augustus from the *Lacus Alsietinus* (*Lago di Martignano*), which lay 6500 *passus* to the right of the fourteenth milestone on the *Via Claudia*, to the part of the *Regio Transtiberina* below the *Janiculus*. Its length was 22,172 *passus*, of which only 358 were on arches, its level being lower than that of any other aqueduct; and its water was so bad that it could only have been intended for the supply of Augustus's *Naumachia*, and for watering gardens. Its reservoir was 1800 feet long by 1200 wide. (Frontin. 11.)

8, 9. The two most magnificent aqueducts were the *Aqua Claudia* and the *Anio Novus* (or *Aqua Aniena Nova*), both commenced by Caligula in A.D. 38, and finished by Claudius in A.D. 52. The water of the *Aqua Claudia* was derived from two copious and excellent springs, called *Caerulus* and *Curtius*, near the thirty-eighth milestone on the *Via Sublacensis*, and it was afterwards increased by a third spring, *Albudinus*, and by the waters of the *Augusta*. Its water was reckoned the best after the *Marcia*. (Frontin. 13, 14: cf. Suet. *Cal.* 21, *Claud.* 20; Lamprid. *Alex.* 30.) Its length was 46,406 *passus* (nearly 46½ miles), of which 9567 were on arches and 609 on substructions. Of a still greater length was the *Anio Novus*, which began at the forty-second milestone, on the *Via Sublacensis*, being taken from a dam constructed in the bed of the river, and which received in addition, at the thirty-eighth milestone, opposite the sources of the *Aqua Claudia*, a stream called the *Rivus Herculaneus*. It was the longest and the highest of all the aqueducts, its length being nearly 59 miles (58,700 *passus*, of which 9400 were above ground), and some of its arches 109 feet high (Frontin. 15). In the neighbourhood of the city these two aqueducts were united, forming two channels on the same arches, the *Claudia* below and the *Anio Novus* above. An interesting monument connected with these aqueducts is the gate now called *Porta Maggiore*, which was originally a magnificent double arch, by means of which the aqueduct was carried over the *Via Labicana* and the *Via Praenestina*. The *Porta Labicana* was blocked up by Honorius; but the arch has been lately cleared of his barbarous constructions. Over the double arch are three inscriptions, which record the names of Claudius as the builder, and of Vespasian and Titus as the restorers of the aqueduct. The annexed cut (after Hirt) represents a restored section. By the side of this arch the aqueduct passes along the wall of Aurelian for some distance and then it is continued upon the *Arcus Neroniani* or *Caelimontani*, which were added by Nero to the original structure, and which terminated at the temple of Claudius, which was also built by Nero, on the *Caelius*, where the water was probably conveyed to a *castellum* already built for the *Aqua Julia*, and for a branch of the *Aqua Marcia*, which had been at some previous time continued to the *Caelius*. The Arch of Dolabella, erected B.C. 10, was used as a foundation for a large reservoir constructed at that point. The ruined arches of the Claudian aqueduct still extend for many miles across the Campagna.



Section of the *Porta Maggiore* at Rome: *a.* the *Aqua Claudia*; *b.* the *Anio Novus*; *c.* openings to give vent to the air.

These nine aqueducts were all that existed in the time of Frontinus, who thus speaks of them collectively, in terms which can hardly be thought exaggerated: "Tot aquarum tam multis necessariis molibus pyramidas videlicet otiosas compares, aut inertia sed fama celebrata opera Graecorum." It has been calculated that these nine aqueducts furnished Rome with a supply of water equal to that carried down by a river thirty feet broad by six deep, flowing at the rate of thirty inches a second. The total water supply of Rome has been estimated at 332,306,624 gallons a day, or, taking the population at a million, 332 gallons a head. 40 gallons a head is now considered sufficient. But the demands for public purposes and for irrigation were large. There was also another aqueduct, not reckoned with the nine, because its waters were no longer brought all the way to Rome. This was the *Aqua Crabra*, which had its source near that of the *Julia*, and which was originally carried right through the Circus Maximus; but the water was so bad that Agrippa would not bring it into the *Julia*, but abandoned it to the people of the Tusculan land; hence it was called *Aqua Damnata*. Cicero had to pay to the city of Tusculum an acknowledgment for its use. At a later period, part of its water was brought into the *Aqua Julia*, but it was again cut off from the Julia by Frontinus, and restored to the people of Tusculum (Cic. *Agr.* iii. 2, 9; *Balb.* 20, 45; *Fam.* xvi. 18, 3; Frontin. 9). It is now made use of in its course through the Campagna for watering cattle and sheep (Burn, *Rome*, p. 359).

There are still two aqueducts of later construction to be added to the list.

10. The *Aqua Trajana* was brought by Trajan from the *Lacus Sabatinus* (now *Bracciano*), to supply the *Janiculus* and the *Regio Transtiberina*. Its construction is recorded on coins of gold, silver, and bronze, of the years 110 and 111 A.D. (Eckhel, *Doctr. Num. Vet.* vi. pp. 425, 428). Trajan also restored and improved the other aqueducts, especially the *Anio Novus* (Frontin. 92, 93). The castellum of this aqueduct on the Janiculan hill is shown on the coins of Trajan. The aqueduct was restored by Belisarius, after it had been injured by the Gothic king Vitiges in A.D. 537.

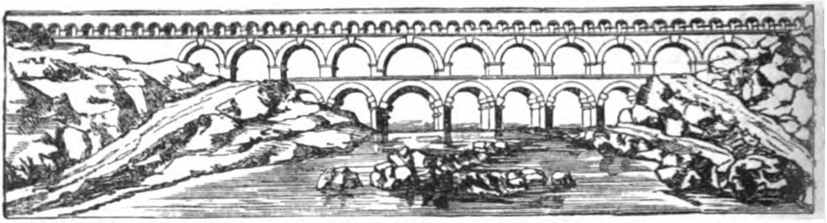
11. The *Aqua Alexandrina* was constructed by Alexander Severus, A.D. 226; its source was in the lands of Tusculum, about fourteen miles from Rome, between Gabii and the Lake Regillus. Its small height shows that it was intended for the baths of Severus, which were in one of the valleys of Rome. (Lamprid. *Alex. Sev.* 25; Fabretti, *Diss.* i. § 23.) Parker, from an inscription of Hadrian found on its collecting reservoir, attributes Fabretti's *Alexandrina* to Trajan or Hadrian, holding the real *Alexandrina* to have been a branch from the *Anio Novus*.

There may have been some other aqueducts constructed at a later time, since Procopius (*B. G.* i. 19) mentions fourteen as still preserved in Rome in his time; but there is difficulty in making up this number. He seems to have included as separate aqueducts some which were only branches of those already mentioned. Thus we read of the *Aqua Septimiana*, built by Septimius Severus, which was, perhaps, only a branch of the *Aqua Julia*, formed by the emperor to bring water to his baths (Fabretti, *Diss.* iii. § 285). The *Aqua Algentia* seems to have been a name invented from a corrupt reading of *Alsietina* (Middleton, p. 475). Other authorities give a still larger number of aqueducts. Thus the *Epilogus* to the *Notitia* mentions the *Ciminia*, the *Severiana*, and the *Antonia* (*Antoniniana*), and makes the whole number nineteen.

Great pains were taken by successive emperors to preserve and repair the aqueducts. From the Gothic wars downwards, they have for the most part shared the fate of the other great Roman works of architecture, their situation and purpose rendering them peculiarly exposed to injury in war; but still their remains form the most striking features of the Campagna, over which their lines of ruined arches, clothed with ivy and the wild fig-tree, radiate in various directions. Three of them still serve for their ancient use; and these three alone, according to Tournon, supply the modern city with a quantity of water much greater than that which is furnished to Paris by the Canal de l'Ourcq, for a population six times as large. They are: (1.) The *Acqua Vergine*, the ancient *Aqua Virgo*, which was restored by Pope Pius IV. and further embellished by Benedict XIV. and Clement XIII. The chief portion of its waters gush out through the beautiful *Fontana di Trevi*, but it also supplies the fountains in the Piazza di Spagna and the Piazza Navona, together with ten smaller ones, and the greater part of the lower city. (2.) The *Acqua Felice* (A.D. 1587), named after the conventual name of its restorer, Sixtus V. (Fra Felice), probably brings the waters from the spring of the *Alexandrina*, partly on the piers of the *Claudia*. It supplies twenty-seven public fountains, and the eastern part of the city. (3.) The *Acqua Paola*, the ancient *Trajana* and *Alsietina*, now united and restored by Paul V. (1611), supplies the *Trastevere* and the Vatican, and feeds, among others, the splendid fountains before St. Peter's. Besides these, the *Acqua Marcia-Pia* (1870) brings to Rome in pipes the old *Aqua Marcia*, which has now regained its ancient repute. Of the ruins of the other aqueducts the most extensive, within Rome, are those of the *Arcus Neroniani* and of the *Aqua Crabra*; the most interesting are the *Porta Maggiore*, with the two channels of the *Aqua Claudia* and *Anio Novus* (see p. 150), and the remains of the triple aqueduct of Agrippa, passing over a road, and resting upon an arch, now the *Porta S. Lorenzo*, already described (see p. 149).

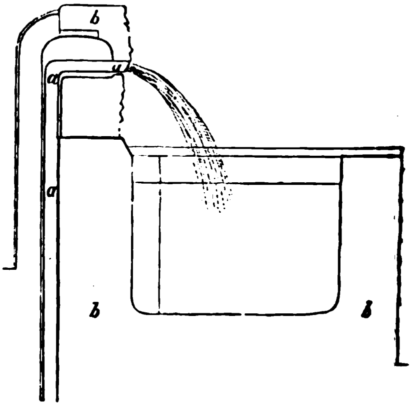
The magnificence displayed by the Romans in their public works of this class was by no means confined to the capital; for aqueducts more or less stupendous were constructed by them in various and even very remote parts of the empire,—at Athens, Corinth, Catana, Salona, Nicomedia, Ephesus, Smyrna, Alexandria in the Troad, Syracuse, Metz, Clermont in Auvergne, Nîmes (the Pont du Gard; see below), Lyon, Evora, Merida, and Segovia. Those at Ephesus and Alexandria were built by Hadrian and Herodes Atticus, and that at Athens was commenced by Hadrian and finished by Antoninus Pius, who also built those at Corinth and Nicomedia. That at Evora, which was built by Quintus Sertorius, is still in good preservation; and at its termination in the city has a very elegant *castellum* in two storeys, the lower one of which has Ionic columns. Merida in Spain, the Augusta Emerita of the Romans, who established a colony there in the time of Augustus, has among its other antiquities the remains of two aqueducts, of one of which thirty-seven piers are standing, with three tiers of arches; while of the other there are only two which form part of the original constructions, the rest being modern. But that of Segovia, for which some Spanish writers have claimed an antiquity anterior to the sway of the Romans in Spain, is one of the most perfect and magnificent works of the kind anywhere remaining. It is entirely of stone, and of great solidity, the piers being eight feet wide and eleven in depth; and, where it traverses a part of the city, the height is upwards of a hundred feet, and it has two tiers of arches, the lowermost of which are exceedingly lofty. The *Pont du Gard*, carrying an aqueduct across the valley and stream of the Gardon into Nemausus (Nîmes), consists of two tiers of noble arches, surmounted by a tier of small arches which bear the *specus*, the whole height of the three tiers being about 155 feet.

It will be observed that when the pacification of the Campagna permitted Rome to loo afield for a supply of water, the first great wor constructed was entirely underground, excep for a short distance inside the walls. Moreove we may divide the aqueducts described by Frontinus into those at a low level, intended to supply the low-lying districts and for the most part carried underground, and those at a high level, designed to reach the higher parts of the city; and in the latter alone were arcades and substructions largely employed. Frontinus (18) says that five reached the highest parts of the city, and he gives them in the following order: 1. *Anio Novus*, the highest of all. 2. *Claudia.* 3. *Julia.* 4. *Tepula.* 5. *Marcia.* Then follow the lower, constructed to a great extent underground. 6. *Anio Vetus.* 7. *Virgo.* 8. *Appia.* 9. *Alsietina*, the lowest of all, supplying the district beyond the Tiber and the lowest spots. The *aquae* from the upper waters of the Anio (*Anio Vetus*, *Marcia*, *Anio Novus*, *Claudia*) made a considerable détour southwards to follow the high ground by Pedum, Labicum, and Frascati, and then cross the Campagna more directly for Rome, following more or less closely the course of the *Via Latina*.



Aqueduct near Nemausus, now called the Pont du Gard.

Why did the Romans waste so much labour and money on works the purpose of which might have been effected much more economically by the simple plan of laying pipes along the ground, with which they were certainly well acquainted? (Vitruv. viii. 7.) Aqueducts, it is true, are often constructed in modern times in a suitable country; as, for instance, the New River for the supply of London, and the aqueduct of the Croton River for New York: but surely a modern engineer, if asked to convey water from the upper course of the Anio across the low-lying parts of the Campagna to the tops of the Seven Hills, would, like the engineer of the new *Acqua Marcia-Pia*, propose to carry out the undertaking by laying down pipes. This question was formerly answered by saying that the Romans did not know that "water finds its own level." But this is contradicted by the express statement of Latin authors (Plin. *H. N.* xxxi. § 57, "subit altitudinem exortus sui;" Vitruv. viii. 6. § 5, and 7. § 6, where he describes the application of the principle to an aqueduct), by the whole arrangements for the distribution of the waters of the aqueducts to the upper rooms of their houses, and from the very existence of their numerous fountains. As a decisive ocular demonstration we give a section of one of the many fountains still existing at Pompeii. Possibly, however, they did not recognise that the law would hold over so extended an area. Frontinus at any rate, an excellen authority on Roman engineering, theoretical an practical, does not contemplate its applicability



Section of a fountain at Pompeii.

a, *a*. The ascending pipe.
b, *b*. The basin, made of blocks of travertine.

Indeed it is very doubtful whether Roman engineers would have been found equal to the task of conveying by an underground channel a large stream of water subject, like that from the upper Anio, to a high pressure. Their conduits were always pierced by shafts at intervals of one or two *actus*, designed to avoid the supposed danger of the walls being burst by the compressed air inside. Now these shafts, sunk in the low-lying parts of the Campagna, would of course make it impossible to force the water to the tops of the hills; they were confessedly designed to relieve the pressure: and engineers were probably led to use them, and thus explain their use by the bursting of unpierced conduits conveying water at high pressure. If they had recourse to pipes, the joints would present great difficulties, and probably for such large volumes of water iron pipes would alone be sufficiently strong, and the casting of pipes of such dimensions would have been beyond their power. Moreover, as Mr. Middleton observes (p. 453), "the calcareous deposit with which water from the neighbourhood of Rome so rapidly encrusts pipes and water-channels made it doubly convenient to employ channels which were always readily accessible, and could be cleared out without any difficulty."

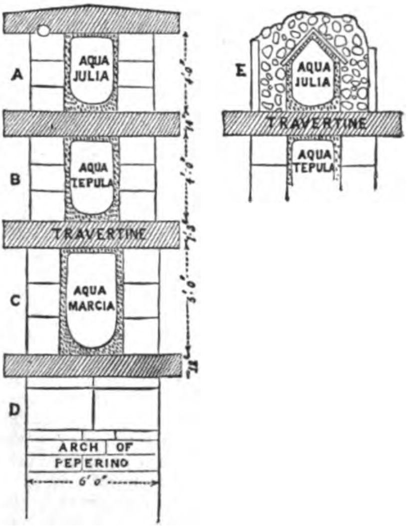
A strip of land 15 feet wide, marked at intervals by *cippi* or boundary-stones, was left on either side of the aqueduct, upon which no encroachments were allowed under penalty of a heavy fine. All trees were in particular forbidden to be planted, lest their roots should injure the substructions or arches of the aqueduct (Frontin. 127). The *cippi* or boundary-stones seem to have been first placed by Augustus, but were discontinued by the later emperors, since of the 31 *cippi* still extant, 22 bear the name of Augustus, three of Tiberius, two of Claudius, and the other five are restorations (Lanciani, *I Comentarii di Frontino*, p. 345).

We proceed to describe in detail the construction and arrangements of Roman aqueducts. There are three matters to be considered: the source from which the water was derived; the aqueduct itself, by which it was conveyed; and the reservoir in which it was received, and from which it was distributed for use.

(1.) The Sources.—It is unnecessary to follow Vitruvius into the minute rules which he lays down for the discovery of springs, where they were not naturally visible, and for testing the quality of the water: it is enough to refer to his statements as showing the importance attached to these points. (Vitruv. viii. 1.) It was also necessary that the springs should have such an elevation, as that, after allowing for the fall necessary to give the channel its proper inclination, the water should enter the final reservoir at a sufficient height to permit of its distribution for public and private use; for there were no engines used, as in modern waterworks, to raise the water to a higher elevation than that to which it rose of itself. When the source had been fixed upon, whether it was an open spring (*fons*), or one got at by sinking a well (*puteus*), a head was dug for the water, and enclosed with a wall; and, if necessary, the supply was increased by digging channels from neighbouring springs: the rules for these operations also are minutely laid down by Vitruvius (viii. 7, s. 6, §§ 12–15). Such a reservoir was called *piscina*, sometimes *piscina limaria* (Frontin. 15), in which the water might deposit any sediment it contained.

(2.) *The Channel* (*specus*, sometimes *canalis*), *or Aqueduct itself.**—In order to convey the water from its source to its destination, a channel was constructed, having a slight and, as nearly as possible, a uniform declivity. An elaborate description of the means adopted to secure this object is quite needless for readers of the present day, as they were almost precisely similar to those with which we are familiar in our railways: hills were pierced through by tunnels, and valleys crossed either by solid substructions or arches of masonry, according to the height required; and of these arches there were often two tiers, and sometimes even three. The material employed was generally stone (usually travertine or peperino), but sometimes rubble faced with brickwork (as in the *Arcus Neroniani*, the *Anio Novus*, the *Alexandrina*) or with *opus reticulatum* (as in the *Anio Novus*). The channel itself (*specus, canalis*) was a trough of brick or stone, lined with very hard cement (*opus signinum*), made of lime, pozzolana, and pounded pottery or brick, and covered with a coping, which was almost always arched, and the bottom of the channel was also curved. The water either ran directly through this trough, or it was carried through pipes laid along the trough. When the channel was carried beneath the surface, if the hill through which it passed was of rock, it was merely cut in the rock; but if of earth or sand, it was constructed of blocks of stone.

The construction of the *specus* will be seen from the annexed drawing, which represents a section of the triple aqueduct of Agrippa. (See above, p. 149.)



Section of the *specus* of the triple Aqueduct of Agrippa. (From Middleton.)

A, B, C. *Specus* of the *Aquae Julia, Tepula*, and *Marcia*. The top and bottom of each is of travertine, the sides of tufa or peperino: they are lined with *opus signatum*.
D. Peperino arch.
E. *Specus* of the *Aqua Julia* at another point, where it has been restored in concrete and brick.

The object of covering the *specus* was to exclude the sun and rain, and other obstructions; but it was necessary to provide a vent for the air, which otherwise, they thought, would have been compressed to such a degree as to burst the walls or roof of the *specus*. The vent-holes (*spiramina*) were made at regular intervals in the roof of the *specus*, or, when another channel passed over it, in the side. They are represented in the sections, given above, of the *Aqua Claudia* and *Anio Novus* (p. 150). To ventilate the subterranean channel of an aqueduct, a shaft (*puteus*) of masonry was carried to the surface of the ground at intervals of an *actus*, or 120 Roman feet (or two *actus*,

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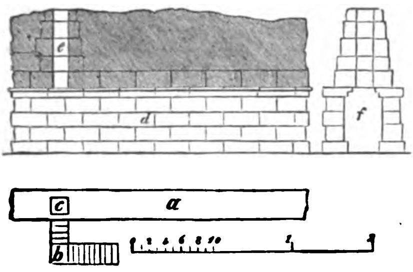
* Though the word *aquaeductus* is applied generally to the whole structure, yet in its special and proper meaning it seems only to have signified that part of the work in which the water-channel was carried over a valley, on arches or on solid substructions: a channel on the surface of the ground was properly called *rivus*; and one beneath the surface, *rivus subterraneus*, or *cuniculus*.

according to Pliny, who calls them *lumina*), as shown in the following woodcut (after Hirt),



Shaft for ventilation of an Aqueduct.

a, the water-course; *b*, steps giving access to it; *c*, the shaft; *d*, *e*, section of the *specus* and shaft; *f*, transverse section of them.

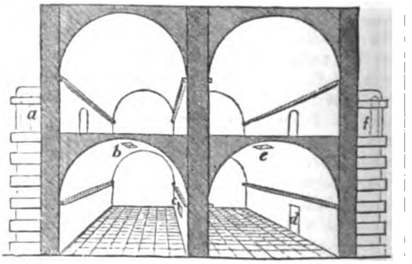
which represents the plan, longitudinal section, and transverse section of part of a *rivus subterraneus*, the ruins of which still exist at Palmyra.

The *rivus subterraneus* possessed the advantage over the *aquaeductus* of being less exposed to variations of temperature, and more secure from injury; on the other hand, it was of course more difficult to get at when it required repairs. A reference to the account of the Roman aqueducts given above will show how large a portion of them were subterranean.

Instead of, or within, the *specus*, pipes (*fistulae*, *tubuli*) were often used for the passage of the water. They were of lead, or terra-cotta (*fictiles*), and sometimes, for the sake of economy, of leather. The rules which Vitruvius lays down apply particularly to leaden pipes, although he gives the preference to the earthen ones, chiefly on the ground that the water which passed through them was more wholesome. The pipes were made in lengths of not less than ten feet, and of various widths, which were denominated in the manner explained under FISTULA. They were cemented together at the joints, which in earthen pipes were made to overlap; and when the water was first let in, ashes were mixed with it, in order that they might settle in the joints and stop them more completely. The use of pipes permitted variations to be made in the construction of the aqueduct: namely, the water could be carried round instead of through a hill, if the circuit was not too great; and in very wide valleys the costly structure of arches could be dispensed with. In this case, a low horizontal substruction was made across the bottom of the valley, and the pipe was brought down the one slope, along this substruction, and up the opposite slope, to a height of course somewhat less than that of the opposite side. The horizontal part of the pipe across the bottom of the valley (*venter*) had ventilating openings for the escape of the air. At the bendings, instead of the pipe, an elbow was bored in a solid piece of stone, into which the ends of the adjacent pieces of pipe were securely cemented. (For further details, see Vitruvius.) In those places where the pipes were laid on the surface, reservoirs were sometimes made, at intervals of 200 *actus* (24,000 feet), in order that, if a part of the pipe needed repair, the supply of water might not be entirely cut off. The advantage in the use pipes, according to Vitruvius, was the facilit of repairing them.

The slope (*fastigium*) on which the aqueduc was built, in order to give the water a prope fall (*libramentum*), ought not, says Vitruviu (viii. 6), to be less than half a foot in every 10 feet (1 in 200); but Pliny only allows *sicilicus* (a quarter of an inch) in 100 feet The great circuit which most of the aqueduct of Rome made, was taken chiefly (as is th case with the New River) to prevent the to rapid descent of the water. There is, however a considerable variation in their declivities for example, the *Aqua Marcia* and the *Aqu* *Claudia*, though of such different heights a Rome, have their sources at the same elevation.

Besides the reservoir or *piscina* at the source of the aqueduct, there were similar reservoir at convenient points in its course, especially a the middle and end. The construction of these reservoirs will be understood from the following woodcut, which represents a restored section o one which still exists.



Piscina, or reservoir of an Aqueduct.

The water flowed from the aqueduct *a* into the first upper chamber, thence down and up again through the openings *b*, *c*, *e*, into the second upper chamber, out of which it passed into the continuation of the aqueduct *f*, having deposited its sediment in the two lower chambers, which could be cleaned out by the door *d*. The *piscina* was not always vaulted: Hirt, from whose work the above cut is taken, gives also an engraving of an open *piscina*. These reservoirs were not always used: for example, the *Aqua Virgo* and the *Alsietina* were without them. They were especially necessary when the water was conveyed through pipes. They were also used as reservoirs for the supply of the neighbouring country, chiefly for the purposes of irrigation.

The details which we have now been noticing are minutely described by Frontinus, and by Vitruvius (viii. 7, s. 6), and briefly by Pliny (*H. N.* xxxi. § 57).

(3.) *The Termination of the Aqueduct, and the Arrangements for the Distribution of its Water.*—The water, when it reached the walls of the city, was received in a vast reservoir called *castellum aquarum*, which formed the *head of water*. (Vitr. viii. 6; Plin. xxxvi. § 121; Frontin. 35; Dig. 43, tit. 20.) The more ancient name in use, when the aqueducts were first constructed, was *dividiculum*. (Festus, *s. v.*) From this principal *castellum* the water flowed into other *castella*, whence it was distributed for public and private use. The term *castellum* is sometimes also applied to the intermediate reservoirs already mentioned.

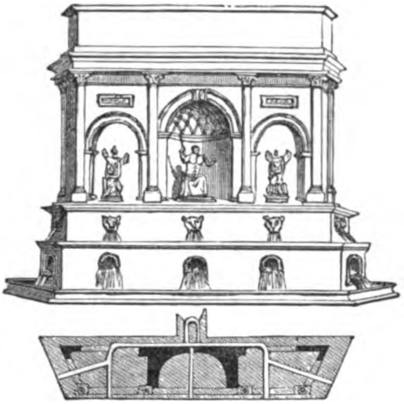
The chief *castellum* was, externally, a highly decorated building: for example, that of Hadrian, at Athens, was adorned with Ionic pillars, and that at Evora, in Portugal, had the form of a circular temple. Internally, there was generally one vast chamber, lined with hard cement (*opus signinum*), with a vaulted roof supported by massive pillars, into which the water flowed from the aqueduct, and from which it was conducted through pipes of fixed dimensions into three smaller reservoirs, which were, however, so arranged, that the middle one was only supplied from the overflow of the other two. Of these three reservoirs, the two outer supplied respectively the public baths and the private houses, and the middle one the public ponds and fountains (*lacus et salientes*); so that, in case of a deficient supply for useful purposes, none would be wasted on the fountains: the arrangement also enabled a proper account to be kept of the quantity supplied for private use, for the protection of the revenue derived from this source. (Vitruv. viii. 7, s. 6, §§ 1, 2.)

The minor *castello*, which received the water from this chief head, were distributed over the city, in such a manner that the *Aqua Appia* supplied seven *regiones* by means of twenty *castella*; the *Anio Vetus*, ten *regiones* through thirty-five *castella*; the *Marcia*, ten *regiones* through fifty-one *castella*; the *Tepula*, four *regiones* through fourteen *castella*; the *Julia*, seven *regiones* through seventeen *castella*; the *Virgo*, three *regiones* through eighteen *castella*; the *Claudia* and the *Anio Vetus*, ninety-two *castella*. (Frontin. 79–86.) For an account of the parts of the city supplied by the different aqueducts, see Becker, *Handb. d. Röm. Alterth.* vol. i. pp. 707, 708.

The ruins of the magnificent *castellum* of the *Aqua Julia*, built by Alexander Severus on the Esquiline, may be seen in the Piazza Vittorio Emmanuele. "It is shown with some minuteness on medallions of Alexander Severus. (See Froehner, *Med. Rom.* p. 169.) It was excavated, and careful drawings of it were made by some Prix de Rome students in 1822. It was again and more completely exposed in 1877, and no lead pipes were found leading from it, as would have been the case if it had been an ordinary castellum for the *erogatio*. The so-called *Trophies of Marius*, made in the reign of Domitian, were set on the exterior of this building, whence they were moved in the 16th century to the top of the Capitoline stairs." (Middleton, p. 458.) It is now much dilapidated, but was tolerably entire about the middle of the 16th century, as may be seen by the drawing published by Gamucci (*Antichità di Roma*, iii. p. 133) from which this restoration is made. The ground-plan explains part of the internal construction, and shows the arrangement adopted for disposing of the superfluous water of an aqueduct. The general stream of water is first divided by the round projecting buttress into two courses, which subdivide themselves into five minor streams, and finally fall into a reservoir.

The *castella* were divided into two classes, the *publica* and *privata*.

The *castella publica* were again subdivided into six classes, which furnished water for the following uses:—(1) The Praetorian camp (*castra*); (2) the ponds and fountains (*lacus et salientes*); (3) the circus, naumachiae, and amphitheatres (*munera*); (4) the baths, and the service of certain important handicrafts, such as the fullers, dyers, and tanners (*opera publica*); (5) irregular distributions made by the special order of the emperor (*nomine Caesaris*); (6) extraordinary grants to private individuals by the favour of the prince (*beneficia Caesaris*). The distribution under each of these heads is described by Frontinus, who enumerates the various laws relating to water supply, *Jus ducendae tuendaeque Aquae* (Frontin. 3, 78).


Castellum of an Aqueduct, called the "Trophies of Marius."

The *castella privata* were, as the name implies, for the supply of private houses. When a supply of water from the aqueducts was first granted for private uses, each person obtained his quantum by inserting a branch pipe, as we do, into the main; which was probably the custom in the age of Vitruvius, as he makes no mention of private reservoirs, for which at first there was no occasion, as there was a constant supply of water. Indeed, in early times, all the water brought to Rome by the aqueducts was applied to public purposes exclusively, it being forbidden to the citizens to divert any portion of it to their own use, except such as escaped by flaws in the ducts or pipes, which was termed *aqua caduca* (Frontin. 94). But as even this permission opened a door for great abuses from the fraudulent conduct of the *aquarii*, who damaged the ducts for the purpose of selling the *aqua caduca*; and as the subsequent method of supply required the main-pipe to be punctured in too many places (Frontin. 27), a remedy was sought by the institution of *castella privata*, and the public were thenceforward forbidden to collect the *aqua caduca*, unless permission was given by special favour (*beneficium*) of the emperor (Frontin. 111). The *castella privata* were built at the joint expense of the families supplied by them; but they were considered as public property, and were under the control of the *curatores aquarum* (Frontin. 106). The right of water (*jus aquae impetratae*) did not follow the heir or purchaser of the property, but was renewed by grant upon every change in the possession (Frontin. 107).

The leaden cisterns, which each person had in his own house to receive the water laid on from the *castellum privatum*, were called *castella domestica*.

All the water which entered the *castellum* was measured, at its ingress and egress, by the size of the tube through which it passed. The former was called *modulus acceptorius*, the latter *erogatorius*. To distribute the water was termed *erogare;* the distribution, *erogatio;* the size of the tube, *fistularum* or *modulorum capacitas*, or *lumen*. The smaller pipes which led from the main to the houses of private persons, were called *punctae;* those inserted by fraud into the duct itself, or into the main after it had left the castellum, *fistulae illicitae*.

The *erogatio* was regulated by a tube called *calix*, of the diameter required (*lumen*), and not less than 12 *digiti* long (9 inches), attached to the extremity of each pipe, where it entered the castellum; it was probably of lead in the time of Vitruvius, such only being mentioned by him; but was made of bronze (*aeneus*) when Frontinus wrote, in order to check the roguery of the *aquarii*, who were able to increase or diminish the flow of water from the reservoir by compressing or extending the lead. As a further security, the *calix* was stamped with the owner's name as well as the capacity. There are two specimens of such *calices* in the Roman Museums; one in the Vatican, another in the Museo Kircheriano (Middleton, p. 455). Pipes which had no *calix* were termed *solutae*. Frontinus also observes that the velocity of the water passing through the *calix*, and consequently the quantity given out, could be varied according to the angle which the *calix* made with the side of the reservoir: its proper position was, of course, horizontal. (Frontin. 112, 113.)

It is evident how watchful an oversight must have been required to keep the aqueducts in repair, to regulate their use, and to prevent the fraudulent abstraction of their water. Under the republic, this office was discharged by the censors (Liv. xxxix. 44), and when there were no censors by the aediles (Cic. *Fam.* viii. 6); sometimes also by the quaestors (Frontin. 95, 96). Augustus first established the office of *curator* (or *praefectus*) *aquarum* (Suet. *Octav.* 37), to which he appointed M. Agrippa, who held the office till his death in B.C. 12. A list of the *curatores aquarum* from Agrippa to Frontinus is given by the latter. They were all of consular rank, and hence we find them called subsequently *consulares aquarum* in place of their ancient name. They were under the *Praefectus urbi.* The duties of the office are minutely described by Frontinus (99), who seems, while he held the office, to have performed it with the utmost zeal: among other cares, he had plans and models made of the whole course of all the aqueducts (17, 64). The *curatores aquarum* had under them a large number of officials. They were attended outside the city by two lictors, three public slaves, a secretary, and other attendants.

In the time of Nerva and Trajan, a body of four hundred and sixty slaves were constantly employed under the orders of the *curatores aquarum* in attending to the aqueducts. They were divided into two families—the *familia aquaria publica*, established by Agrippa, and the *familia aquaria Caesaris*, added by Claudius; and they were subdivided into the following classes:—1. The *vilici*, whose duty it was to attend to the pipes and *calices*. 2. The *castellarii*, who had the superintendence of all the *castella*, both within and without the city. 3. The *circuitores*, so called because they had to go from post to post, to examine into the state of the works, and also to keep watch over the labourers employed upon them. 4. The *silicarii*, or paviours, who had to remove and relay the pavement when the pipes beneath it required attention. 5. The *tectores*, who had charge of the masonry of the aqueducts. These and other workmen appear to have been included under the general term of AQUARII. (Cod. 11, tit. 42 or 43, s. 10; Frontin. 116, 117.)

The following are the most important works on the Roman aqueducts:—Frontinus, *de Aquaeductibus Urbis Romae*, with the notes and plates of Polenus, Patav. 1722; Fabretti, *de Aquis et Aquaeductibus Veteris Romae;* Stieglitz, *Archäologie der Baukunst;* Hirt, *Geschichte d. Baukunst;* Platner and Bunsen, *Beschreibung d. Stadt Rom;* Becker, *Handbuch d. Römischen Alterthümer*, vol. i.; Canina, *Storia dell' architettura Romana;* Jordan, *de urbium Romae et Const. aquaed.*, Bonn, 1844; Parker, *Archaeology of Rome;* Burn, *Rome and the Campagna.* The most recent authorities are, Lanciani, *Topographia di Roma Antica, I Comentarii di Frontino*, Rome, 1880; Middleton, *Ancient Rome in* 1885, pp. 451–476. [J. H. F.] [W. S.]

AQUAE DUCTUS. [SERVITUTES.]

AQUAE ET IGNIS INTERDICTIO. [EXSILIUM.]

AQUAE HAUSTUS. [SERVITUTES.]

AQUAELICIUM (*aquilicium*), a sacrifice for rain (Paul. ex Festo, *s. v.* p. 2): "aquilicio Jovi immolatis, nudipedalia denuntiatis" (Tert. *Apol.* 40). In times of drought, the matrons clad in the stola, with bare feet and loosened hair (Petron. 44), and the magistrates without their purple robes and with reversed fasces (Tert. *de Jejunio*, 16), used to carry in procession a stone which lay outside the Porta Capena near the temple of Mars, through the city to the Capitol. The name of the stone was *lapis* or *petra manalis* (Paul. ex Fest. p. 128), *i.e.* the stone from which water flows: cf. AQUAEMANALIS, *Manalis Fons.* The technical term for moving the stone was *vertere* (Fulgentius, *de abstr. serm.* § 4, s. v. *manales lapides*), a word also used for turning up a vessel to empty it (Verg. *Aen.* ix. 165), so that possibly the *lapis manalis* symbolised the vessel of the rain-god. (Cf. Grimm, *Deutsche Myth.* p. 560; see generally Hartung, *Rel. der Römer*, ii. p. 11; Preller, *Röm. Myth.* pp. 173, 313; Marquardt, vi. p. 252.)

The practice of instituting ceremonies for rain is found in all ages. In 1240, at Liège, we read of a procession of the kind, three times round the town by the clergy and people with bare feet and in woollen garments (Grimm, *Deutsche Myth.* p. 159; cf. p. 562); and in our own day at Skopia, in Turkey, there is an altar which had in Roman times been erected to Jupiter, and in seasons of drought the corporation solemnly set it upright, and pour on it libations of wine (A. J. Evans, at the Society of Antiquaries, March 20, 1884). [L. C. P.]

AQUAEMANA'LIS (*aquamanale*, *aquaminale*, *aquaminarium:* for difference of form, compare *escale* and *escarium*), a jug or ewer (Varro, *ap.* Non. 547), "that from which water flows;" cf. *lapis manalis*, the basin being called *pollubrum* or *pelvis*. It was used for washing the hands at meals. In the establishments of the rich, it was generally of silver, and considered part of the plate specially belonging to eating (*escarium argentum*): see Dig. 33, 10, 3, § 3; 34, 2, 19, § 2; 34, 2, 21, § 2. It appears to have been also called *gutturnium* (Paul. ex Festo, p. 98). In Low Latin, *aquamanale* is the basin. (See Lanfranc in Ducange, *s. v.*) [L. C. P.]

AQUAE PLUVIAE ARCENDAE ACTIO. An owner who altered the natural course of rain-water, and by so doing (*opere manu facto*) injured the land of an adjoining owner, was liable to the above action. Rain-water was still treated as rain-water, although it had become mixed with other water. It was necessary that the injury caused by the water should be of a positive kind; the action could not be maintained on account of an act which deprived a neighbour of some advantage from the rain-water. The action could only be brought on account of injury done to land (*ager*); injury to a town or building was not covered by it.

The action might be brought by the owner of the higher land against the owner of the lower, if the latter prevented the water from flowing naturally from the higher to the lower ground, or by the owner of the lower land against the owner of the higher, in case the latter caused the water to flow into the lower land otherwise than in its natural course. An owner was not liable to this action on account of any work necessary for agricultural purposes. The action might also be successfully defended on the following grounds:—1. That the act had been done with the permission of the adjoining owner, or of a public authority. 2. That the land of the adjoining owner was subject to a servitude, which allowed the act in question. 3. That the alteration had been made since time immemorial. (Dig. 39, tit. 3, de aqua et aquae pluviae arcendae; Cic. *Mur.* 10, *Topic.* 9; Boëthius, *Comment. in Cic. Top.* iv. 9; Windscheid, *Pandekten*, § 473.) [G. L.] [E. A. W.]

AQUA'RII were slaves who carried water for bathing, &c. into the female apartments: they were also called *aquarioli*, and were held in great contempt. (Juv. vi. 332; Paul. Diac. *s. v.* and Müller's Note; Hieron. *Ep.* 27; Jul. Paul. iii. 6, 58.) The name was also applied to slaves who had the care of the fountains and ponds in gardens. (Becker-Göll, *Gallus*, iii. p. 74; Marquardt, *Röm. Alterth.* vii. p. 139.) The aquarii were also public officers who attended to the aqueducts under the aediles, and afterwards under the *curatores aquarum*. (Cic. *ad Fam.* vii. 6; Cod. 11, tit. 42; AQUAEDUCTUS.) [P. S.] [W. S.]

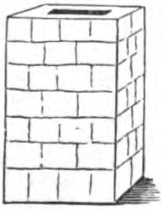
AQU'ILA. [SIGNA MILITARIA.]

ARA (*βωμός*, *ἐσχάρα*, *θυτήριον*), an altar. Altars were in antiquity so indispensable a part of the worship of the gods, that it seemed impossible to conceive of the worship of the gods without altars. Thus we have the amusing syllogism in Lucian, *εἰ γὰρ εἰσὶ βωμοί, εἰσὶ καὶ θεοί· ἀλλὰ μὴν εἰσὶ βωμοί, εἰσὶν ἄρα καὶ θεοί* (*Jupiter Trag.* c. 51). In reference to the terms, *βωμός* properly signifies any elevation, and hence we find in Homer *ἱερὸς βωμὸς*, but it afterwards came to be applied to an elevation used for the worship of the gods, and hence an altar. Ἐσχάρα, *focus*, were used in the limited sense of an altar for burnt-offerings. In Latin *ara* and *altare* are often used without any distinction, but properly *ara* was lower than *altare:* the latter was erected in honour of the superior gods, the former in honour of the inferior, heroes and demigods. Thus we read in Virgil (*Ecl.* v. 65):—

> "En quattuor aras:
> Ecce duas tibi, Daphni; duas altaria Phoebo."

On the other hand, sacrifices were offered to the infernal gods, not upon altars, but in cavities (*scrobes*, *scrobiculi*, *βόθροι*, *λάκκοι*) dug in the ground. (Hom. *Od.* x. 25, 36; Festus, *s. v.* *Altaria.*)

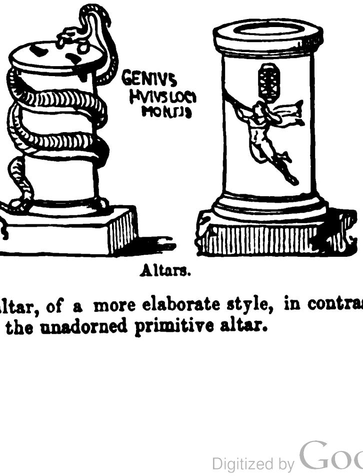
As among the ancients almost every religious act was accompanied by sacrifice, it was often necessary to provide altars on the spur of the occasion, and they were then constructed of earth, turf, or stones, collected on the spot. (Verg. *Aen.* xii. 118; Hor. *Carm.* i. 19, 13, iii. 8, 4; Ov. *Met.* iv. 753.) When the occasion was not sudden, they were built with regular courses of masonry or brickwork, as is clearly shown in several examples on the Column of Trajan at Rome. See the left-hand figure in the woodcut annexed. The first deviation from this absolute simplicity of form consisted in the addition of a base, and of a corresponding projection at the top, the latter being intended to hold the fire and the objects offered in sacrifice.



Altar (Column of Trajan).

Etruscan Altar.

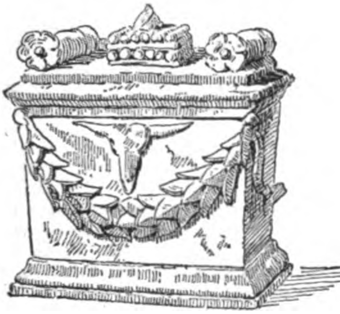
These two parts are so common as to be almost uniform types of the form of an altar, and will be found in all the figures inserted underneath. The cut above shows the outline of an Etruscan altar, of a more elaborate style, in contrast with the unadorned primitive altar.



Altars.

Altars were either square or round. The latter form, which was the less common of the two, is exemplified in the above figures.

In later times altars were ornamented with festoons and garlands of flowers; and that represented in the next cut shows the manner in which these festoons were suspended. They were also adorned with sculpture; and some were covered with the works of the most celebrated artists of antiquity. If an altar was erected before a statue of a god, it was always to be lower than the statue before which it was placed (Vitruv. iv. 9). Of this we have an example in a medallion on the Arch of Constantine at Rome, representing an altar erected before a statue of Apollo.



Bronze Altar. (British Museum.)

Altar, before a statue of Apollo. (Arch of Constantine.)

It was necessary that an altar should be built in the open air, in order that the steam of the sacrifice might be wafted up to heaven, and it might be built in any place, as on the side of a mountain, on the shore of the sea, or in a sacred grove. But as the worship of the gods was in later times chiefly connected with temples, altars became an indispensable part of the latter; and though there could be altars without temples, there could hardly be temples without altars. The altars of burnt-offerings at which animal sacrifices were presented, were erected before the temples (*βωμοὶ πρόναοι* Aesch. *Suppl.* 494), as shown in the woodcut in the article Antae; but there were also altars on which incense was burnt and bloodless sacrifices offered, within the temple, and principally before the statue of the divinity to whom they were dedicated. They were also erected against the walls of a house, as shown under Aedicula; and within the house itself, for the purpose of family sacrifices to the Lares and Penates, in which case they were placed as near as possible to the impluvium.

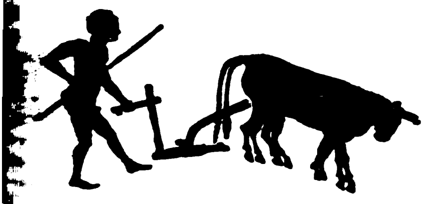
All altars were places of refuge. The supplicants were considered as placing themselves under the protection of the deities to whom the altars were consecrated; and violence to the unfortunate, even to slaves and criminals, in such circumstances, was regarded as violence towards the deities themselves. It was also the practice among the Greeks to take solemn oaths at altars, either taking hold of the altar or of the statue of the god. Cicero (*pro Balb.* 5, § 12) expressly mentions this as a Greek practice. (Comp. K. F. Hermann, *Gottesdienst. Alterth.* § 17, and § 22, n. 9.) [J. Y.] [W. W.]

ARABARCHES. Under the Roman empire Egypt was divided into three governments (*ἐπιστρατηγίαι*), Upper, Middle, and Lower Egypt. The governor (*ἐπιστράτηγος*) of Upper Egypt, or the Thebais, was called also *ἀραβάρχης*, the district between the Nile and the Red Sea being known often as Arabia (*C. I. G.* 4751). An *ἐπιστράτηγος Θηβαΐδος* is mentioned first in the fourteenth year of the reign of Augustus, when the post was held by a certain *Πτολεμαῖος Ἡρακλείδου*, but after him the governors seem always to have been Romans. Cicero, however (*Att.* ii. 17, 3), uses the word as a nickname for Pompeius, as we might say "Nabob," or "Great Mogul." We cannot take it here in its later technical sense, and must therefore suppose that Cicero derived his use of the word from some application of it no longer known to us. Orelli reads Alabarches, but there is no MS. authority for this form (Tyrrell, *ad Cic. l. c.*). [Alabarches.] Juvenal (i. 130) also uses the word in a connexion which almost excludes the notion of referring it to an important Roman official (*inter quas ausus habere nescio quis titulos Aegyptius atque Arabarches*). [A. S. W.]

ARAEOSTYLOS. [Templum.]

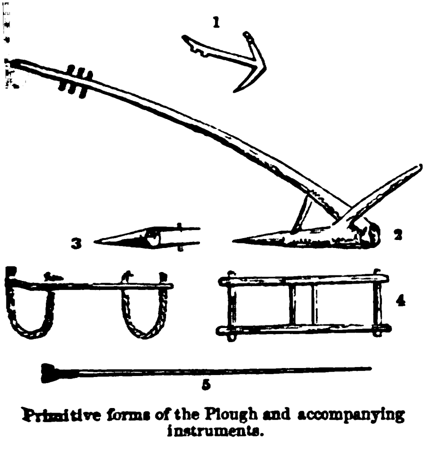
ARATEIA (*ἀράτεια*), two sacrifices offered every year at Sicyon in honour of Aratus, the general of the Achaeans, who after his death was honoured by his countrymen as a hero, in consequence of the command of an oracle. (Paus. ii. 9, § 4.) The full account of the two festive days is preserved in Plutarch's Life of Aratus (c. 53). The Sicyonians, says he, offer to Aratus two sacrifices every year: the one on the day on which he delivered his native town from tyranny, which is the fifth of the month of Daisius, the same which the Athenians call Anthesterion; and this sacrifice they call *σωτήρια*. The other they celebrate in the month in which they believe that he was born. On the first, the priest of Zeus offered the sacrifices; on the second, the priest of Aratus, wearing a white ribbon with purple spots in the centre, songs being sung to the lyre by the actors of the stage. The public teacher (γυμνασίαρχος) led his boys and youths in procession, probably to the heroum of Aratus, followed by the senators adorned with garlands, after whom came those citizens who wished to join the procession. The Sicyonians still observe, he adds, some parts of the solemnity, but the principal honours have been abolished by time and other circumstances. (Wachsmuth, *Hellen. Alterth.* vol. ii. p. 528.) [L. S.]

ARA'TRUM (ἄροτρον), a plough. The antiquity of its use in Greece may be inferred from the fact that its invention is a subject of legend, being variously attributed to Zeus (Diod. Sic. iii. 63), Dionysus (Arrian, *Ind.* 7), Triptolemus (Plin. *H. N.* vii. § 199), or the Athenian hero Buzyges (Hesych. *s. v.*; Plin. *l. c.*). The plough appears again in Athenian legend in the story of the ἥρως Ἐχετλαῖος or Ἔχετλος, who fought against the Persians at Marathon.



Ancient Greek Plough.
(Gerhard, *Trinkschalen und Gefässe*, pl. 1.)

The simplest and earliest form of the plough was that called αὐτόγυον, so called because the γύης or plough-tail and the other parts were of one piece. It was made by taking a young tree with two branches proceeding from its trunk in opposite directions, so that, while the trunk served for the pole, one of the branches stood upwards and became the tail, and the other penetrated the ground, and, being covered sometimes with bronze or iron, fulfilled the purpose of a share. This form is exhibited in fig. 1 of the annexed woodcut, taken from a medal.

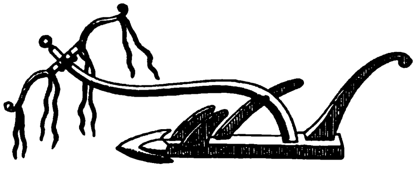


Primitive forms of the Plough and accompanying instruments.

But even in Homer (*Il.* x. 353) we hear of the πηκτὸν ἄροτρον, composed of separate pieces of wood; and Hesiod (*O. et D.* 427–36), who advises the farmer to have a plough of each sort, describes the πηκτὸν ἄροτρον as consisting of the γύης (*buris*, *bura*, plough-tail), to be made of a bent piece of ilex; the ἔλυμα (*dentale*, share-beam), to be made of oak; and the ἱστοβοεύς (*temo*, pole), to be made of bay or elm, the parts being joined by nails. Fig. 2 of the above woodcut shows a plough which differs somewhat from Hesiod's in having no distinct γύης, but consisting of ἱστοβοεύς, ἔλυμα and ἐχέτλη (*stiva*, handle). It is the plough still used in Mysia, according to Sir C. Fellows, who observes (*Excurs. in Asia Minor*, 1838, p. 71) that each portion of this instrument is still called by its ancient Greek name, and adds that it seems suited only to the light soil where he observed it, that it is held by one hand only, that the form of the share (ὕννις: see fig. 3) varies, and that the plough is frequently used without any share. "It is drawn by two oxen, yoked from the pole, and guided by a long reed or thin stick (κάτρινος), which has a spud or scraper at the end for cleaning the share." For the yoke see fig. 4; for the κάτρινος, fig. 5.

The plough was no doubt usually drawn by oxen, but mules were esteemed for this work (Hom. *Il.* x. 351; *Od.* viii. 124).

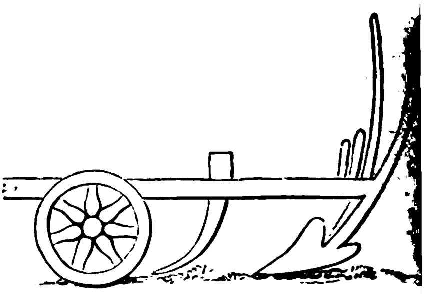
The later and more developed πηκτὸν ἄροτρον may be regarded as consisting of a share (ὕννις, ὕνις, ὕννη, ὕννης) fitted into a share-beam (ἔλυμα), from which rose the handle (ἐχέτλη), and, curving in the opposite direction, the ῥυμός, the lower and curved part of which was the γύης, the upper the ἱστοβοεύς or pole, across which was fastened the ζυγόν or yoke. The accompanying woodcut, given by Ginzrot from a bas-relief on the base of a statue of Demeter in Magnesia, shows the γύης strengthened by a piece of wood rising from the ἔλυμα, and also two earth-boards (πτερά, *aures*) behind the share. The part of the handle which the ploughman grasped was called χειρολαβής; the part where the handle entered the ἔλυμα, ἀλύη; the tip of the share, νύμφη. (Apoll. Rhod. iii. 232, *Schol.*; *Etym. Mag.* p. 173; Pollux, i. 252; Hesych.) The arrangements of the yoke are treated of under Jugum. In ancient works of art the parts of the plough are often represented as not nailed together, but lashed with thongs.



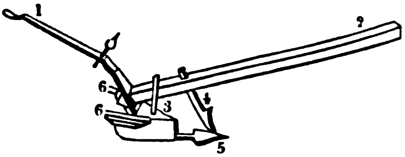
Ancient Greek Plough. (Ginzrot, *Wagen und Fahrwerke*, p. 34.)

The Italian plough, the invention of which the Romans referred to Greek (Verg. *Georg.* i. 19) or even Egyptian (Tibull. i. 7, 29) legends, had the same simple origin as the Greek (as may be inferred from Etruscan art), and a similar development. Its share was originally of bronze (Macr. *Sat.* v. 19, 13). Virgil, in a passage (*Georg.* i. 169–75) probably suggested by Hesiod, recommends that the plough-tail (*buris*, *bura*) should be made of elm, bent to the proper shape while growing, the yoke and handle (*stiva*) of smoke-dried linden or beech. The pole (*temo*) is to be eight feet long, and the plough is furnished with earth-boards or mould-boards (*aures*), rising on each side and bending outwardly in such a manner as to throw on either hand the soil which had been previously loosened and raised by the share, and adjusted to the share-beam, which was made double for the purpose of receiving them: "Binae aures, duplici aptantur *dentalia* dorso." Keightley, however, holds that this is merely a poetical use of the plural, and that the *dentale* was single. According to Palladius (i. 43), it was desirable to have ploughs both with earth-boards (*aurita*) and without them (*simplicia*). The handle (*stiva*), according to Virgil, is used to turn the plough at the end of the furrow: "Stivaque, quae currus a tergo torqueat imos." Servius, however, in his note on this line, explains *stiva* to mean "the handle by which the plough is directed." It is probable that, as the *dentalia*,—i.e. the two share-beams, which Virgil supposes were in the form of the Greek letter Δ, which he describes by *duplici dorso*,—the *buris* was fastened to the left share-beam, and the *stiva* to the right; so that, instead of the simple plough of the Greeks, that described by Virgil, and used no doubt in his country (see the following woodcut), was more like the modern Lancashire plough, which is commonly held behind with both hands. Sometimes, however, the *stiva* (ἐχέτλη, Hes. *Op. et Dies*, 467) was used alone and instead of the tail, as in the Mysian plough above represented. To a plough so constructed the language of Columella was especially applicable, "Arator stivae paene rectus innititur" (i. 9); and the expressions of Ovid, "Stivaeque innixus arator" (*Met.* viii. 218), and "Inde premens stivam designat moenia sulco" (*Fast.* iv. 825). In place of "stiva," Ovid also uses the less appropriate term "capulus" (*Ep. de Ponto*, i. 8, 61): "Ipse manu capulum prensi moderatus aratri." When the plough was held either by the *stiva* alone, or by the *buris* alone, a piece of wood (*manicula*) was fixed across the summit, and on this the labourer pressed with both hands. Besides guiding the plough in a straight line, his duty was to force the share to a sufficient depth into the soil. Virgil alludes to this in the phrase "Depresso aratro" (*Georg.* i. 45). The cross-bar, which is seen in Sir C. Fellows's drawing, and which passes from the pole to the share for the purpose of giving additional strength, was called σπάθη, in Latin *fulcrum*. The coulter (*culter*, Plin. *H. N.* xviii. § 171 ff.) was used by the Romans as it is with us. It was inserted into the pole so as to depend vertically before the share, cutting through the roots which came in its way, and thus preparing for the more complete loosening and overturning of the soil by the share. The share (*vomer*, *vomis*) was sometimes lashed under the *dentale*, sometimes imbedded in it (*indutilis:* Cato, *R. R.* 135, considers this arrangement preferable). Pliny (*l. c.*) describes the ordinary form of *vomer* as pointed like a crowbar; another, for use in light lands, did not extend over the whole of the *dentale*, but formed a slender point to its end; another shape, broader, sharper and sword-like, pierced the ground with its point, and with its edge did the work of a *culter*.

Pliny also describes (*l. c.*) a Rhaetian plough called *plaustraratrum* or *plaumoratum* (Sillig), furnished with two small wheels (*rotae, rotulae*) invented not long before his time; and Servi (*l. c.*) mentions the use of them in the countr of Virgil. The annexed woodcut shows th form of a wheel-plough, as represented on a piece of engraved jasper, of Roman workmanship. It also shows distinctly the *temo* or pole, the coulter or *culter*, the *dentale* or share-beam, the *buris* or plough-tail, and the handle or *stiva* (Caylus, *Rec. d'Ant.* v. pl. 83, No. 6). It corresponds, in all essential particulars, with the plough now used about Mantua and Venice, of which an engraving is given below.



Ancient Roman Plough.



Modern Italian Plough.

1. Buris.
2. Temo.
3. Dentale.
4. Culter.
5. Vomer.
6. Aures.

In Varro (*L. L.* v. 135) and Columella (*R. R.* ii. 4), the word *dens* includes *vomer* and the later *dentale*, which were originally not distinct parts of the plough. *Urvum* is used by Servius (*ad Verg. l. c.*) in the sense generally given to *buris*, which term he applies to the upper part of the pole, while Festus explains *urvum* as *forma simillima uncini, curvatione buris et dentis, cui praefigitur vomer*.

The operations of ploughing are described under Agricultura, p. 60, b. [J. Y.] [J. H. F.]

ARBITER. [Judex.]

ARBITRA'RIA AC'TIO. [Actio.]

ARBOR INFE'LIX. As applied to trees, *felix* and *infelix* imply "fruit-producing" or the reverse (Paul. ex Festo, p. 92; Verg. *Georg.* ii. 81; Plin. *H. N.* xxiv. § 68). "Infelices (sc. arbores) autem existimantur damnataeque religione quae neque seruntur unquam neque fructum ferunt" (Plin. *H. N.* xvi. § 108). Those trees also which bore black berries and black fruit, and were accordingly sacred to the gods of the lower world, were called *infelices* (Macrob. *Sat.* ii. 16, § 2). Such trees appear to have been used for the *patibulum* and *crux* (Cic. *Rab. Perd.* 4, 13; Liv. i. 26. See generally Rein in Pauly, *s. v.*). [L. C. P.]

ARBYLA (ἀρβύλη). [Pero.]

ARCA (λάρναξ, κιβωτός, κυψέλη, in Homer χηλός), a chest or coffer. I. Greek.—*In the*

Homeric poems, and probably far on into historic times, the *armarium*, press or cupboard, was unknown to the Greeks; a box was the only depository for valuables. The λάρναξ of Homer was of no great size: the golden λάρναξ in which the ashes of Hector are laid after his funeral is evidently a quite small casket (*Il.* xxiv. 795); and Hephaestus keeps his blacksmith's tools in a silver one (*ib.* xviii. 413). But the Homeric word for the ordinary clothes-chest is χηλός: the outfit of Achilles is a χηλὸς filled by Thetis with costly tunics and rich carpets, and in it he keeps his most precious cup (*Il.* xvi. 221): the presents of Alcinous and his courtiers to Ulysses are similarly packed by Queen Arete and her handmaids, and likewise consist of raiment, gold and silver (*Od.* ix. 424, 438; xiii. 10, 68).

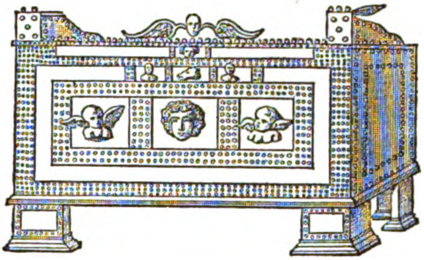
In the early historic period the chest (κυψέλη) from which Cypselus the tyrant of Corinth (cir. 660 B.C.) derived his name was of cedar inlaid with gold and ivory, and was shown at Olympia more than 800 years later. Pausanias, who describes it minutely (v. 17, § 5 ff.), tells us that it was covered not only with figures but with inscriptions, some written the ordinary way, others βουστροφηδόν, a term he explains. This would seem to show that the inscriptions were of different dates; Pausanias even hints (v. 19, § 10) that they may all have been later than the chest itself.

At Athens, in the time of the Thirty (B.C. 404), money and valuables are kept in a κιβωτὸς in an inner chamber (δωμάτιον, Lys. c. *Eratosth.* [Or. 12], § 10). Treasure-chests are λάρνακες in Herodotus (iii. 123).

On Greek vase paintings the λάρναξ or κιβωτὸς is frequently introduced in mythological subjects. In the illustration (from Overbeck, *Kunst-Mythologie*, Tafel vi. 3) a workman is seen in the act of shutting up Danae and the infant Perseus in the λάρναξ: Acrisius stands by. The epithet δαιδαλέα, in Simonides' famous poem (44, Bergk), is here sufficiently explained. [W. W.]

Greek Chest. (Overbeck, *Kunst-Mythologie.*)

II. ROMAN.—1. The *arca* was a chest or coffer in which the Romans were accustomed to place valuables (*arca vestiaria*, Cato, *R. R.* 11, 3; cf. Suet. *Cal.* 59, *Tib.* 63), but was more particularly the chest in which money was kept (Varr. *L. L.* v. § 182; Hor. *Sat.* i. 1, 67; Catull. xxiii. 1). It stood in the *atrium* of the house (Serv. *ad* Verg. *Aen.* i. 730, ix. 648), and was made either of iron (Appian, *B. C.* iv. 44), or of wood bound with iron or bronze (*ferrata*, Juv. xi. 26; *aerata*, id. xiv. 259). Its size may be inferred from the story of the proscript who remained concealed for several days in the iron *arca* of his *libertus* (Appian, *l. c.*; Dio Cass. xlvii. 7; Suet. *Oct.* 27). It is opposed to the smaller *loculi* (Juv. i. 89, 90) and *sacculus* of the poor (Juv. xi. 26). These *arcae* were so common that the word is used as equivalent to money (Cic. *Att.* i. 9; Plin. *Ep.* iii. 19. 8); and *ex arca solvere* or *persolvere* means to pay in ready money (Donat. *ad* Ter. *And.* ii. 4, 13; *Phorm.* v. 8, 29). The *arca* was under the care of the porter (*atriensis*), and in great houses an *arcarius* had the charge of it, and made the disbursements (Dig. 40, tit. 5, s. 41, § 17). In inscriptions (Orelli, 2890) we find a *servus arcarius* in the imperial palace. Two *arcae* have been found in a house at Pompeii (one of which is figured below), backed into a pillar of the *atrium*; they were slightly raised from the floor by a ledge of brickwork, but kept firm by a strong nail passing through the bottom of each into the floor. (Niccolini, *Case di Pomp.* pl. xxxiii. *apud* Daremberg and Saglio, *s. v.*) Bronze plates (*crustae*) belonging to an *arca* were also found in the quaestor's house in Pompeii (Becker-Göll, *Gallus*, ii. p. 360 *seq.*).



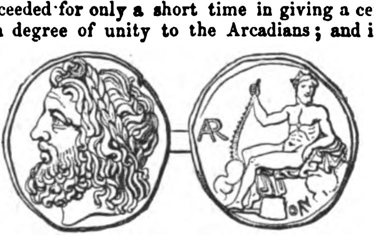
Roman Arca or Treasure-chest. (From Pompeii.)

2. ARCA PUBLICA, or simply ARCA, was the treasury of the municipal towns, whether coloniae, municipia, or praefecturae: the name frequently occurs in inscriptions (Orelli, *Inscr.* 1760). The name was also applied to the treasury of a collegium, such as that of the Pontifices (Orelli, 2145, 4549), of the Vestals (1175), of the Seviri Augustales (2258), &c. In Rome, under the empire, the *arca publica* signified the city-funds, which were distinct from the *aerarium* and the *fiscus*, and the administration of which belonged to the Senate (Vopisc. *Aurel.* 20). Subsequently it formed a department of the *fiscus*, and was divided into several departments, whence we read of an *arca frumentaria*, *arca olearia*, *arca vinaria*, &c. (Symm. *Ep.* x. 33, 42; Cassiod. ii. 42; Dig. 50, tit. 4, s. 1). The *arcarius* was a financial officer in the municipal towns and the provinces, whose name constantly occurs in inscriptions. (See Index to Orelli, *Inscr.*) Thus we find mention of the *arca Galliarum*, the provincial chest. (Marquardt, *Röm. Staatsv.* i. pp. 119, 370.)

3. ARCA, the coffin, usually of stone, more commonly called *sarcophagus*, but sometimes of common material (*vili in arca*, Hor. *Sat.* i. 1, 9), in which the body was buried. (Liv. xl. 29, 3; Lucan. viii. 736; Plin. *H. N.* xiii. § 84; Val. Max. i. 1, n. 12; Aur. Vict. 42; Dig. 11, tit. 7, s. 7; Orelli, *Inscr.* 3560, 4396.)

4. ARCA, a strong cell, made of oak, in which criminals and slaves were confined (Cic. *Mil.* 22, 60: Fest. *s. v.* *Robum*). [W. S.]

ARCA'DICUM FOEDUS (*κοινόν, τὸ Ἀρκαδικόν· συνέδριον κοινὸν Ἀρκάδων ἁπάντων*), the Arcadian League, was established soon after the battle of Leuctra, in B.C. 371, when the victory of Epaminondas had destroyed the Spartan supremacy in the Peloponnesus, and restored the independence of the Arcadian towns. The person who took the most active part in forming this league was a native of Mantineia, named Lycomedes, and the project was supported by Epaminondas. A new city was founded, named Megalopolis or the Great City, which was the seat of the league, and of which Epaminondas was regarded as the *οἰκιστὴς* or founder (Paus. viii. 27, § 2). Its population was drawn from about forty petty Arcadian townships. Of the constitution of the new confederation we have very little information.[*] We only know that the great council of the nation, which used to meet at Megalopolis, was called *οἱ Μύριοι*, or the "Ten Thousand." As representative of all Arcadia, the Ten Thousand concluded war and peace, and tried all officers or other Arcadians brought before them on accusations of public misconduct. The Athenian orators Demosthenes and Aeschines pleaded before it on various occasions. (Xen. *Hell.* vi. 5, § 3 *seq.*, vii. 1, § 38; Diod. xv. 59, 72; Paus. viii. 27, § 1 *seq.*; Dem. *Fals. Leg.* p. 344, § 11; Aeschin. *Fals. Leg.* p. 257, § 79; Harpocr., Suid., Phot., *s. v.*) Whether this council represented the numbers, more or less exact, which might be brought together for the purpose of consultation, or whether the name was used in a vague sense for a great multitude, cannot be determined. Thirlwall points out that it is strange that there should be no mention of a select council, which, according to the uniform custom of the Greek states, should have prepared the business to be transacted by the assembly of the Ten Thousand; but he conjectures that the council-house, called Thersilium, which Pausanias (viii. 32, § 1) describes as the place of meeting of the Ten Thousand, may really have been the smaller council or senate of the larger assembly of the Ten Thousand. We read of a standing army called *Epariti* (Ἐπάριτοι)—probably a word belonging to the Arcadian dialect—consisting of 5000 men, to defend the common interests of the confederation. (Xen. *Hell.* vii. 4, § 34, vii. 5, § 3; Diod. xv. 62, 67; Hesych. *s. v.* ἐπορόηττοι.) The new confederation succeeded for only a short time in giving a certain degree of unity to the Arcadians; and its influence soon declined. For its subsequent history, see *Dict. of Gr. and Rom. Geogr.*, s. vv. *Arcadia* and *Megalopolis*. Coins were struck by the league. The one figured above represents the head of Zeus on the obverse, and Pan, the national god of the Arcadians, on the reverse. (Thirlwall, *Hist. of Greece*, v. p. 85 *seq.*; Grote, *Hist. of Greece*, x. pp. 306, 317 *seq.*; Wachsmuth, *Hell. Alterth.* i.² p. 282 *seq.*) [W. S.]



Coin of the Arcadian League. (Brit. Museum.)

ARCA'RIUS. [ARCA.]

AR'CERA, a covered carriage or litter, spread with cloths, which was used in ancient times in Rome, to carry the aged and infirm. It is mentioned in the Twelve Tables [ACTIO, p. 14 a]. It is said to have obtained the name of *arcera* on account of its resemblance to an *arca*. (Varr. *L. L.* v. § 140; Nonius, p. 55; Gell. xx. 1, §§ 25, 29.) [W. S.]

Arcera. (Ginzrot, *Wagen*, Taf. 19, fig. 2.)

ARCHEION (ἀρχεῖον) properly means any public place belonging to the magistrates, whether among barbarians (Herod. iv. 62) or Greeks (Xen. *Hellen.* v. 4, § 58; [Dem.] *iv. Phil.* p. 145, § 53). At Athens the name was more particularly applied to the archive office, where the decrees of the people and other state documents were preserved. This office is sometimes called merely *τὸ δημόσιον* (Dem. *de Cor.* p. 275, § 142). The archives were kept in the temple of the mother of the gods (*μητρῷον*), and the charge of it was entrusted to the president (*ἐπιστάτης*) of the senate of the Five Hundred. (Dem. *de Fals. Leg.* p. 381, § 129; Lycurg. *c. Leocr.* § 66; Paus. i. 3, § 4; Athen. v. p. 214 e; Plut. *Vit. x. Oratt.* p. 842 e; Harpocrat., Phot., Suid. *s. v.* *μητρῷον*; Suid. *s. v.* *ἀρχεῖα.* For the building itself, C. Curtius, *Das Metroon in Athen*, 1868.) [W. S.] [W. W.]

ARCHIA'TER (*ἀρχίατρος*, compounded of *ἀρχὸς*, a chief, and *ἰατρός*, a physician), a medical title under the Roman emperors, the exact signification of which has been the subject of much discussion; for while some persons interpret it "the chief of the physicians" (*quasi ἀρχὸς τῶν ἰατρῶν*), others explain it to mean "the physician to the prince" (*quasi τοῦ ἀρχοῦ ἰατρός*). Upon the whole it seems tolerably certain that the former is the true meaning of the word, and for these reasons:—1. From its etymology it can hardly have any other sense, and of all the words similarly formed (*ἀρχιτέκτων, ἀρχιτρίκλινος, ἀρχιεπίσκοπος*, &c.) there is not one that has any reference to "*the prince.*" 2. We find the title applied to physicians who lived at Edessa, Alexandria, &c., where no king was at that time reigning. 3. Galen (*de Ther. ad Pis.* c. 1, vol. xiv. p. 211, ed. Kühn) speaks of Andromachus being appointed "*to rule over*" the physicians (*ἄρχειν*); *i.e.*, in fact, to be "archiater." 4. Augustine (*de Civit. Dei*, iii. 17) applies the word to Aesculapius, and St. Jerome to our Saviour (*xiii. Homil. in S. Luc.*), in both which cases it evidently means "the chief physician." 5. It is apparently synonymous with *protomedicus*, *supra medicos*, *dominus medicorum*, and *superpositus medicorum*, all which expressions occur

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[*] Aristotle wrote a treatise entitled *ἡ κοινὴ Ἀρκάδων πολιτεία*, which is lost (Harpocr. *s. v.* Μύριοι; *Fragm. Hist. Graec.* ii. p. 134, ed. Müller).

in inscriptions, &c., and also with the title *Rais 'ala 'l-atebbá*, among the Arabians. 6. We find the names of several persons who were physicians to the emperor, mentioned without the addition of the title *archiater*. 7. The archiatri were divided into *Archiatri sancti palatii*, who attended on the emperor, and *Archiatri populares*, who attended on the people; so that it is certain that *all* those who bore this title were not "physicians to the *prince*." The chief argument in favour of the contrary opinion seems to arise from the fact, that of all those who are known to have held the office of *Archiatri* the greater part certainly were also physicians to the emperor; but this is only what might *à priori* be expected, viz. that those who had attained the highest rank in their profession would be chosen to attend upon the prince.*

The first person whom we find bearing this title is Andromachus, physician to Nero, and inventor of the Theriaca (Galen. *l. c.*; Erotian. *Lex. Voc. Hippocr.* Praef.): but it is not known whether he had at the same time any sort of authority over the rest of the profession. The name does not appear in Pliny's Natural History, though he quotes many distinguished physicians: nor does it seem to have been commonly used in Latin till the time of Constantine. From about that date the order appears to have been divided, and we find two distinct classes of *archiatri*, viz. those of the palace and those of the people. (Cod. Theodos. xiii. tit. 3; *De Medicis et Professoribus.*) The *Archiatri sancti palatii* were persons of high rank, who not only exercised their profession, but were judges on occasion of any disputes that might occur among the physicians of the place. They had certain privileges granted to them, *e.g.* they were exempted from all taxes, as were also their wives and children; they were not obliged to lodge soldiers or others in the provinces; they could not be put in prison, &c.: for though these privileges seem at first to have been common to all physicians (Cod. Just. x. tit. 52, s. 6: *Medicos et maxime Archiatros*), yet afterwards they were confined to the *archiatri* of the palace, and to those of Rome. When they obtained their dismissal from attendance on the emperor, either from old age or any other cause, they retained the title *ex-archiatri*, or *ex-archiatris*. (Cod. x. tit. 52, s. 6.) The *Archiatri populares* were established for the relief of the poor, and each city was to be provided with five, seven, or ten, according to its size. (Dig. 27, tit. 1, s. 6.) Rome had fourteen, besides one for the vestal virgins and one for the gymnasia. (Cod. Theodos. *l. c.*) They were paid by the government, and were therefore obliged to attend their poor patients gratis; but were allowed to receive fees from the rich. (Cod. Theodos. *l. c.*) The *Archiatri populares* were not appointed by the governors of the provinces, but were elected by the people themselves. (Dig. 50, tit. 9, s. 1.) The office appears to have been more lucrative than that of *Archiatri sancti palatii*, though less honourable. In later times, we find in Cassiodorus (see Meibom. *Comment. in Cass. Formul. Archiatr.* Helmst. 1668) the title *Comes archiatrorum*, "count of the archiatri," together with an account of his duties, by which it appears that he was the arbiter and judge of all disputes and difficulties, and ranked among the officers of the empire as a *vicarius* or *dux*. (See Le Clerc, and Sprengel, *Hist. de la Méd.* Further information on the subject may be found in several works referred to in the Oxford edition of Theophilus, *de Corp. Hum. Fabr.* p. 275; and in Goldhorn, *de Archiatris Romanis et eorum Origine usque ad finem imperii Romani Occidentalis*, Lips. 1841.) [W. A. G.]

ARCHIMIMUS. [Mimus.]

ARCHITECTURA (ἀρχιτεκτονία, ἀρχιτεκτονική), in its widest sense, signifies all that we understand by *architecture*, and by *civil* and *military engineering*: in its more restricted meaning, it is the science of building according to the laws of proportion and the principles of beauty. In the former sense, it has its foundation in *necessity*: in the latter, upon *art* taking occasion from necessity. The hut of a savage is not, properly speaking, a work of architecture; neither, on the other hand, is a building in which different and incongruous styles are exhibited side by side. An architectural construction, in the artistic sense, must possess not only *utility*, but *beauty*, and also *unity*: it must be suggestive of some *idea*, and referable to some *model*.

The architecture of every people is not only a most interesting branch of its antiquities, but also a most important feature in its history, as it forms one of the most durable and most intelligible evidences of advancement in civilization. If the Greek and Roman literature and history had been a blank, what ideas of their knowledge, and power, and social condition would their monuments have still suggested to us! What a store of such ideas is even now being developed from the monuments of Asia, Egypt, and America!

The object of the present article is to give a very compendious account of the history and principles of the art, as practised by the Greeks and Romans. The details of the subject will be, for the most part, referred to their separate and proper heads. The lives of the architects will be found in the *Dictionary of Greek and Roman Biography and Mythology*.

It is well observed by Stieglitz that architecture has its origin in nature and religion. The necessity for a habitation, and the attempt to adorn those habitations which were intended for the gods, are the two causes from which the art derives its existence. In early times we have no reason to suppose that much attention was paid to domestic architecture, but we have much evidence to the contrary. The resources of the art were lavished upon the temples of the gods; and hence the greater part of the history of Grecian architecture is inseparably connected with that of the temple, and has its proper place under Templum, and the subordinate headings, such as Columna, under which heads also the different orders are described.

But, though the first rise of architecture, as a fine art, is connected with the temple, yet, viewed as the science of construction, it must have been employed, even earlier, for other purposes, such as the erection of fortifications, palaces, treasuries, and other works of utility. Accordingly, it is the general opinion of antiquaries, that the very earliest edifices, of which we have any remains, are the so-called Cyclopean works, in which we

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* Just as in England the President of the College of Physicians is (or used to be) *ex-officio* physician to the sovereign.

see huge unsquared blocks of stone built together in the best way that their shapes would allow; although it can be proved, in some instances, that the rudeness of this sort of work is no sufficient proof of its very early date, for that it was adopted, not from want of skill, but on account of the object of the work and the nature of the materials employed. (Bunbury, *On Cyclopean Remains in Central Italy*, in the *Classical Museum*, vol. ii.) [MURUS.] The account of the early palaces cannot well be separated from that of domestic architecture in general, and is therefore given under DOMUS; that of erections intended, or supposed to be intended, for treasuries, will be found under THESAURUS.

In addition to these, however, there are other purposes for which architecture, still using the term in its lower sense, would be required in a very early stage of political society; such as the general arrangement of cities, the provision of a place for the transaction of public business, with the necessary edifices appertaining to it [AGORA, FORUM], and the whole class of works which we embrace under the head of civil engineering, such as those for drainage [CLOACA, EMISSARIUS], for communication [VIA, PONS], and for the supply of water [AQUAEDUCTUS]. The nature of these several works among the Greeks and Romans, and the periods of their development, are described under the several articles. Almost equally necessary are places devoted to public exercise, health, and amusement [GYMNASIUM, STADIUM, HIPPODROMUS, CIRCUS, BALNEUM, THEATRUM, AMPHITHEATRUM]. Lastly, the skill of the architect has been from the earliest times employed to preserve the memory of departed men and past events; and hence we have the various works of monumental and triumphal architecture, which are described under the heads FUNUS, ARCUS, COLUMNA.

The *materials* employed by the architect were marble or stone, wood, and various kinds of earth, possessing the property of being plastic while moist and hardening in drying, with cement and metal clamps for fastenings: the various metals were also extensively used in the way of ornament. The details of this branch of the subject are given in the descriptions of the several kinds of building.

The *principles* of architectural science are *utility*, *proportion*, and *the imitation of nature*. The first requisite is that every detail of a building should be subordinate to its general purpose. Next, the form of the whole and of its parts must be derived from simple geometrical figures; namely, the straight line, the plane surface, and regular or symmetrical rectilinear figures, as the equilateral or isosceles triangle, the square or rectangle, and the regular polygons; symmetrical curves, as the circle and ellipse; and the solids arising out of these various figures, such as the cube, the pyramid, the cylinder, the cone, the hemisphere, &c. Lastly, the ornaments, by which these forms are relieved and beautified, must all be founded either on geometrical forms or on the imitation of nature.

To this outline of the purposes and principles of the art, it only remains to subjoin a brief sketch of its history, which Hirt and Müller divide into five periods: the first, which is chiefly mythical, comes down to the time of Cypselus, Ol. 30, B.C. 660 (Müller brings this period down to the 50th Olympiad, B.C. 580): the second period comes down to the termination of the Persian war, Ol. 75. 2, B.C. 478 (Müller brings it down to Ol. 80, B.C. 460): the third is the brilliant period from the end of the Persian war to the death of Alexander the Great, Ol. 114, B.C. 323 (Müller closes this period with the death of Philip, Ol. 111, B.C. 336): the fourth period is brought down by Hirt to the battle of Actium, B.C. 31, but by Müller only to the Roman conquest of Greece, B.C. 146; the latter division has the convenience of marking the transition from Greek to Roman architecture: Hirt's fifth period is that of the Roman empire, down to the dedication of Constantinople, A.D. 330; while Müller's fifth period embraces the whole history of Roman architecture, from the time when it began to imitate the Greek, down to the Middle Ages, when it became mingled with the Gothic: Hirt's division requires us to draw a more definite line of demarcation than is possible, between the Roman and Byzantine styles, and also places that line too early.

The characteristics of these several periods are developed under the articles which describe the several classes of buildings: they are therefore noticed in this place with the utmost possible brevity. Our information respecting the first period is derived from the Homeric poems, the traditions preserved by other writers, and the most ancient monuments of Greece, Central Italy, and the coast of Asia Minor. Strongly fortified cities, palaces, and treasuries are the chief works of the earlier part of this period; and to it may be referred most of the so-called Cyclopean remains; while the era of the Dorian invasion marks, in all probability, the commencement of the Dorian style of temple architecture. The principal names of artists belonging to this period are Daedalus, Euryalus, Hyperbius, Docius, and some others. In the second period the art made rapid advances under the powerful patronage of the aristocracies in some cities, as at Sparta, and of the tyrants in others, as Cypselus at Corinth, Theagenes at Megara, Cleisthenes at Sicyon, the Peisistratids at Athens, and Polycrates at Samos. Architecture now assumed decidedly the character of a fine art, and became associated with the sister arts of sculpture and painting, which are essential to its development. The temples of particular deities were enriched and adorned by presents, such as those which Croesus sent to the Pythian Apollo. Magnificent temples sprung up in all the principal Greek cities; and while the Doric order was brought almost, if not quite, to perfection, in Greece Proper, in the Doric colonies of Asia Minor, and in Central Italy and Sicily, the Ionic order appeared, already perfect at its first invention, in the great temple of Artemis at Ephesus. The ruins still existing at Paestum, Syracuse, Agrigentum, Selinus, Aegina, and other places, are imperishable monuments of this period. Nor were works of utility neglected, as we see in the fountain of the Peisistratids at Athens, the aqueduct at Samos [AQUAEDUCTUS], the sewers (ὑπόνομοι) and baths (κολυμβῆθρα) at Agrigentum. To this period also belong the great works of the Roman kings. The commencement of the third and most brilliant period of the art was signalized by the rebuilding of Athens, the establishment of regular principles for the laying out of cities by Hippodamus of Miletus, and the great works of the age of Pericles, by the contemporaries of Pheidias, at Athens, Eleusis, and Olympia; during its course every city of Greece and her colonies was adorned with splendid edifices of every description; and its termination is marked by the magnificent works of Deinocrates and his contemporaries at Alexandria, Antioch, and other cities. The first part of the fourth period saw the extension of the Greek architecture over the countries conquered by Alexander, and, in the West, the commencement of the new style, which arose from the imitation, with some alterations, of the Greek forms by Roman architects, to which the conquest of Greece gave, of course, a new impulse. By the time of Augustus, Rome was adorned with every kind of public and private edifice, surrounded by villas, and furnished with roads and aqueducts; and these various erections were adorned by the forms of Grecian art; but already Vitruvius begins to complain that the purity of that art is corrupted by the intermixture of heterogeneous forms. This process of deterioration went on rapidly during the fifth period, though combined at first with increasing magnificence in the scale and number of the buildings erected. The early part of this period is made illustrious by the numerous works of Augustus, and his successors, especially the Flavii. Nerva, Trajan, Hadrian, and the Antonines, at Rome and in the provinces; but from the time of the Antonines the decline of the art was rapid and decided. In one department, a new impulse was given to architecture by the rise of Christian churches, which were generally built on the model of the Roman Basilica. One of the most splendid specimens of Christian architecture is the church of St. Sophia at Constantinople, built in the reign of Justinian, A.D. 537, and restored, after its partial destruction by an earthquake, in 554. But, long before this time, the Greco-Roman style had become thoroughly corrupted, and that new style, which is called the Byzantine, had arisen out of the mixture of Roman architecture with ideas derived from the Northern nations. It is beyond our limits to pursue the history of this and later styles of the art.

Of the ancient writers from whom our knowledge of the subject is derived, the most important is, of course, Vitruvius. The following are the principal modern works on the general subject: — Winckelmann, *Anmerkungen über die Baukunst der Alten*, 1762; Stieglitz, *Archäologie der Baukunst*, 1801, and *Geschichte der Baukunst*, 1827; Hirt, *Baukunst nach den Grundsätzen der Alten*, 1809, and *Geschichte der Baukunst bei den Alten*, 1821; Müller, *Handbuch der Archäologie der Kunst*, 1825; the various works of travels, topography, and antiquities, such as those of Stuart, Chandler, Clarke, Dodwell, &c., all the most important of which will be found cited by the authorities referred to; and, for Central Italy, Müller's *Etrusker*, and Abeken's *Mittelitalien vor der Römischen Herrschaft*. [P. S.]

ARCHITHEO'RUS. [Delia.]

ARCHON (ἄρχων) was the title of the chief magistrates in many Greek states. The wide diffusion of the name is attested by a multitude of inscriptions. We find it in Boeotia applied both to federal and city magistrates; at Delphi, where a long list of archons is preserved, and other towns of Phocis; towns in Thessaly, with three archons to each; in Locris, in many islands of the Aegaean, and in outlying cities like Cyzicus and Olbia. At Athens, according to tradition, royalty was abolished on the death of Codrus, B.C. 1068, and his son Medon became the first archon for life. The archonship remained hereditary in the line of Medon and twelve successors, and must have been a slightly modified royalty under another name; but there is no sufficient ground for the conjecture (presently to be noticed) that neither the name nor the attributes of royalty underwent any change at all. The next step, dated Ol. vii. 1, B.C. 752, was to limit the continuance of the office to ten years, still confining it to the Medontidae, or house of Codrus, in whose family it was hereditary. Seven decennial archons are reckoned,— Charops, Aesimides, Cleidicus, Hippomenes, Leocrates, Apsandrus, Eryxias; but only the four first of these were of the ancient royal race. In 713 a further revolution threw open the chief magistracy to all the Eupatridae (Heracl. Pont. fr. 1, 4, ed. Müller; Herm. *Staatsalterth.* § 103, 4; *Dict. Biogr.* s. v. *Hippomenes*). With Kreon, who succeeded Eryxias, the archonship was not only made annual, but put into commission and distributed among nine persons. It is from this date, B.C. 683, that trustworthy Athenian chronology begins; and these nine archons annually changed continue throughout the historical period, interrupted only by the few intervals of political disturbance and foreign domination (Grote, ch. x., *init.*).

The essentially legendary character of these accounts of early times would seem to render any criticism of their details, from the historical point of view, more or less unprofitable. The broad fact remains that at Athens, as elsewhere in Greece, hereditary monarchy passed into a commonwealth which at the dawn of authentic history was still in its oligarchic stage. But when we find, in works of high authority, attempts to reconstruct the Athenian constitution for the four centuries assumed between Codrus and the annual archons, some notice of them seems demanded. It has been maintained, as the result of a critical inquiry, that "the monarchy existed at Athens, without essential modifications, until B.C. 752; the hereditary successors of Codrus had therefore, during three centuries, the same powers as their illustrious ancestor" (Caillemer, *ap.* D. and S., following Lugebil, *Zur Geschichte der Staatsverfassung von Athen*, Leipzig, 1871). We must therefore briefly touch upon the questions how far (1) the powers and (2) the name of royalty were really affected by the change traditionally associated with the death of Codrus.

The received view is thus stated in an often-quoted passage of Pausanias (iv. 5, § 10): "The people first deprived the successors of Melanthus [the father of Codrus], who were called Medontidae, of the greater part of their authority, and changed the monarchy into a responsible government (ἀρχὴν ὑπεύθυνον); they afterwards further limited their government to ten years." On this M. Caillemer raises the objection, that we know of no political body to whom the archons can have been responsible. The answer is obvious, to the general body of the Eupatridae, who were at this time and long afterwards the δῆμος at Athens, the only fully enfranchised citizens. Even in the Heroic age the royal power had its limits (ἐπὶ ῥητοῖς γέρασι, Thucyd. i. 13); and when the halo of divinity which attached to the name of βασιλεὺς had disappeared with the change of title, the controlling influence of the nobles was doubtless augmented. Probably, like the barons in feudal monarchies and the Venetian nobles under the early doges, they at least exercised the right of deposition. We can hardly, therefore, accept the assertion that "the powers of royalty were not limited;" the prestige of royalty had vanished, though Athens, like other ancient republics, granted a large amount of arbitrary authority, even in matters of life and death, to her chief magistrates. And as regards the mere name, too much has been made of Plato's essentially rhetorical and dramatic language (*Menex.* 238 D; *Sympos.* 208 D), and of the casual expressions of a writer so late as Pausanias, who couples the phrase τοὺς ἀπὸ Μελάνθου βασιλεύσαντας with the statement that Theseus introduced the democracy! (i. 3, § 3; cf. vii. 2, § 1;) or the still later and more uncritical Aelian (*V. H.* v. 13, viii. 10). It is enough to say with Westermann (*ap.* Pauly, *s. v.*) that the archons are sometimes called by the *Beiname*, familiar or nickname, of βασιλεύοντες. The single archon, whether perpetual or decennial, of course discharged those priestly duties of the old kings which were afterwards assigned to a subordinate member of the Nine, the second or king-archon; and this circumstance is quite sufficient to account for the occasional use of the name.

The nine annual archons during nearly the first century of their existence were still chosen from the Eupatridae exclusively, and by show of hands (ἀρχὴ αἱρετὴ or χειροτονητή). They still in reality stood at the head of the state as the supreme magistracy, combining the chief administrative and judicial functions. It is probable that a law of Draco (621) transferred the jurisdiction in cases of homicide from the archons and court of Areiopagus to the Ephetae; but, with this exception, the entire judicial system seems to have been in their hands. At the time of Cylon's revolt (about 612) they still managed the greater part of the public affairs (Thucyd. i. 126). This arrangement continued till the timocracy established by Solon, who made the qualification for office depend not on birth, but property, still retaining the election by suffrage. Two important changes remained to be made, before we arrive at the developed democracy as it stood from the age of Pericles to that of Demosthenes: the abolition of the property qualification, and the election by lot. The date and authorship of the former of these changes are matters of little doubt. Aristides, who had himself been archon in 489, the year after Marathon, under the old rule as a πεντακοσιομέδιμνος (Plut. *Arist.* 1), ten years later, when all classes of citizens had been drawn together in enthusiastic resistance to the Persian invader, proposed and carried a law that the archonship and other offices should be open to all Athenians without distinction (*ib.* 22). The effect of this change was less sweeping than at first sight appears. We must remember that the Solonian constitution had reckoned only income from land, not personal property, in classifying the citizens; and the actual effect of Aristides' law was solely to get rid of the monopoly of these offices by the larger landed proprietors, in favour of the trading classes and of capitalists in general. Besides, the devastation of Attica by the Persian invader had compelled many who had hitherto been rich to part with their lands, and had created a dangerous class of discontented Eupatrids who were not only impoverished but saw their political rights diminished, and were ready to conspire against the constitution (Plut. *Arist.* 13; Schömann, *Antiq.* p. 339, E. T.).

The question at what time the election by lot was introduced is both difficult and obscure, owing to the conflict of ancient authorities; and recent scholars have arrived at very different conclusions. The notion that this change was due to Solon may be at once dismissed; it rests only on the loose statements of orators, who flattered their hearers by ascribing all democratic legislation to the great lawgiver (Demosth. *c. Lept.* p. 484, § 90; *c. Androt.* p. 602, § 30; Grote, ch. xi., where examples are collected in an excellent note, ii. 324, ed. 1862; *Dict. Biogr.* s. v. *Solon*). And Aristotle expressly states that Solon made no change in the αἵρεσις or mode of election, but only in the qualification for office (*Pol.* ii. 12, § 3). The introduction of the lot is ascribed to Cleisthenes by Westermann, Curtius (i. 478, E. T.), H. Sauppe, and with special reference to the arguments of Grote by Schömann in his latest writings (*Const. Hist. of Athens*, p. 73, E. T.; *Antiq.* p. 337, E. T.). Among those who have upheld a later date are Niebuhr (*Lect. on Anc. Hist.* ii. 24, E. T.) and Grote (ch. xxxi. iii. 122, n.); some regarding it as anterior to the battle of Marathon, others as connected with Aristides' admission of all classes to the office, and therefore later than the battle of Plataea. In favour of the earlier date are the statements of Herodotus that Callimachus, the polemarch at Marathon, was ὁ τῷ κυάμῳ λαχών (vi. 109); and of Plutarch, who uses the same words of Aristides' archonship in 489 (Plut. *Arist.* 1). But the dates of political changes were, as has been seen, so speedily forgotten by the Athenians themselves that we cannot be surprised if Herodotus, a foreigner, made a mistake on this point though writing in the next generation; while Plutarch mentions that the historian Idomeneus (*circ.* 310–270) had stated that Aristides was elected by suffrage. We may grant to Schömann that "Plutarch had no doubt that the lot was the rule," and yet argue that Idomeneus may have preserved a genuine tradition which Plutarch, who records it, did not know how to explain. There is, we think, a strong case to be made out in favour of the view of Lugebil and Caillemer (*ubi supra*), that this was one of the reforms of Ephialtes, the friend of Pericles, about 461–458. We may be allowed to see, though Herodotus did not, the absurdity of supposing that Callimachus, as an archon appointed by lot, could have had equal authority with the ten generals; and the fact that, in the early part of the century, the ablest Athenian statesmen—Themistocles, Aristides, Xanthippus the father of Pericles—were all eponymous archons, while afterwards neither Pericles himself nor any Athenian known to history enjoyed that honour, may fairly be balanced against the testimony of uncritical writers, however numerous. On the whole, this late date for the change may be accepted, not as certain, but as by far the most probable.

The frequent occurrence at Athens of boards of ten men, one from each tribe, and the tribal constitution of the senate of 500 and its prytanies, have led to the suggestion that the nine archons also belonged each to a different tribe. This conjecture of H. Sauppe's is approved by Schömann (*Antiq.* p. 410, E. T.). The tenth tribe may have been represented by the *γραμματεὺς* or secretary, as suggested by Télfy (*Corp. Juris Attici*, p. 471), rather than by the hieromnemon, as Sauppe thought. There is evidence that the *γραμματεὺς* was on some occasions associated with the archons as a tenth man, *e.g.* in drawing lots for the dicasts among the tribes (Schol. Aristoph. *Plut.* 277; *Vesp.* 772).

Still, after the removal of the old restrictions, some security was left to insure respectability; for, previously to an archon entering on office, he underwent a double dokimasia (not, like other magistrates, a single one [DOKIMASIA]) before the senate and before a dicastery. Pollux calls this inquiry *ἀνάκρισις*: but that word has another technical sense, and in the Orators we only find the verb *ἀνακρίνειν* (Dem. *c. Eubul.* p. 1319, § 66, p. 1320, § 70; Deinarch. *in Aristog.* § 17; Pollux, viii. 85). The archon was examined as to his being a legitimate and a good citizen, a good son, and his having served in the army, and, it is added, being qualified in point of property (*εἰ τὸ τίμημά ἐστιν αὐτῷ*, Poll.); but this latter condition, if it existed at all after the time of Aristides, soon became obsolete. We read in Lysias (Or. 24, *pro Inval.* § 13) that a needy old man, so poor as to receive a state allowance, was not disqualified from being archon by his indigence, but only by bodily infirmity; freedom from all such defects being required for the office, as it was in some respects of a sacred character. Yet, even after passing a satisfactory *δοκιμασία*, each of the archons, in common with other magistrates, was liable to be deposed, on complaint of misconduct made before the people, at the first regular assembly in each prytany. On such an occasion, the *ἐπιχειροτονία*, as it was called, took place; and we read (Dem. *c. Theocrin.* p. 1330, § 28; Pollux, viii. 95; Harpocrat. *s.v. κυρία ἐκκλησία*) that in one case the whole body of *θεσμοθέται* was deprived of office for the misbehaviour of one of their body: they were, however, reinstated, on promise of better conduct for the future.

We are enabled, by means of inscriptions, to trace the archonship through the greater part of the Roman period. Athens as a *libera civitas* (*ἐλευθέρα καὶ αὐτόνομος*) was freed from the duty of receiving a Roman garrison, and had the administration of justice (*jurisdictio*) according to its own laws. But, as with the consulate at Rome, the archonship now became merely honorary, and the dignity of *ἐπώνυμος* was given by way of compliment to distinguished foreigners, like king Rhoemetalkes of Thrace and the emperor Hadrian. In these instances, at least, it would seem that election by lot was no longer the rule.

With the growth of democracy, the archons gradually lost the great political power which they had possessed as late as the time of Solon, perhaps even of Cleisthenes. They became, in fact, not as of old, directors of the government, but merely municipal magistrates, exercising functions and bearing titles which we will proceed to describe.

It has been already stated that the duties of the single archon were shared by a college of nine. The first or president of this body was called *ὁ ἄρχων*, by way of pre-eminence; and in later times *ἐπώνυμος*, from the year being distinguished by and registered in his name. But this phrase, contrary to the general opinion, did not come into use until after the Roman conquest. The second was styled *βασιλεύς*, or the king-archon; the third, *πολέμαρχος*, or commander-in-chief; the remaining six, *θεσμοθέται*, or legislators. As regards the duties of the archons, it is sometimes difficult to distinguish what belonged to them individually and what collectively. It seems, however, that a considerable portion of the judicial functions of the ancient kings devolved upon the *Archon Eponymus*, who was also constituted a sort of state protector of those who were unable to defend themselves. (Lex ap. Dem. *c. Macart.* p. 1076, § 75; Pollux, viii. 89.) Thus he had to superintend orphans and their estates, heiresses, families losing their representatives (*οἶκοι οἱ ἐξερημούμενοι*), widows left pregnant, and to see that they were not wronged in any way. Should any one do so, he was empowered to inflict a fine of a certain amount, or to bring the parties to trial. Heiresses, indeed, seem to have been under his peculiar care; for we read (Lex *ibid.* p. 1069, § 54) that he could compel the next of kin either to marry a poor heiress himself, even though she were of a lower class, or to portion her in marriage to another. Again we find (Lex *ibid.* p. 1055, § 16; Pollux, viii. 62) that, when a person claimed an inheritance or heiress adjudged to others, he summoned the party in possession before the archon-eponymus (*ἐπιδικασία*: cf. HERES), who brought the case into court, and made arrangements for trying the suit. We must, however, bear in mind that this authority was only exercised in cases where the parties were citizens, the polemarch having corresponding duties when the heiress was an alien. It must also be understood that, except in very few cases, the archons did not decide themselves, but merely brought the causes into court, and cast lots for the dicasts who were to try the issue. (Dem. *c. Steph.* ii. p. 1136, §§ 22, 23.) Another duty of the archons was to receive informations against individuals who had wronged heiresses, children who had maltreated their parents, and guardians who had neglected or defrauded their wards. [KAKOSIS.] The various modes of prosecution, by *ἀπαγωγή*, *ἐφήγησις*, *ἔνδειξις*, *εἰσαγγελία*, or *φάσις*, came as a rule before all the archons indiscriminately; but we find the *ἔνδειξις* especially connected with the office of the thesmothetae (Dem. *c. Timocr.* p. 707, § 23). The last office of the archon which we shall mention was of a sacred character; we allude to his superintendence of the greater Dionysia and the Thargelia, the latter celebrated in honour of Apollo and Artemis. (Pollux, viii. 89; cf. Meier, *Att. Process*, p. 41 ff.; Hermann, *Staatsalterth.* § 138, 6.)

The functions of the βασιλεύς, or *King Archon*, were almost all connected with religion: his distinguishing title shows that he was considered a representative of the old kings in their capacity of high priest, as the Rex Sacrificulus was at Rome. Thus he presided at the Lenaean or older Dionysia; superintended the mysteries and the games called λαμπαδηφορίαι, and had to offer up sacrifices and prayers in the Eleusinium, both at Athens and Eleusis. Moreover, indictments for impiety, and controversies about the priesthood, were laid before him; and, in cases of murder, he brought the trial into the court of the Areiopagus, and voted with its members. His wife, also, who was called βασίλισσα or βασίλιννα, had to offer certain sacrifices, and therefore it was required that she should be a citizen of pure blood, and not previously married. His court was held in what was called ἡ τοῦ βασιλέως στοά. (Dem. *c. Neaer.* p. 1370, §§ 74, 75; *c. Androt.* p. 601, § 27: Lysias, *c. Andoc.* § 4, where the duties are enumerated; Elmsley, *Ad Aristoph. Acharn.* 1143, et Scholia; Harpocr. *s. v.* Ἐπιμελητὴς τῶν μυστηρίων: Plato, *Euthyphr.* ad init. et *Theaet.* ad fin.; Pollux, viii. 90.)

The *Polemarch* was originally, as his name denotes, the commander-in-chief (Herod. vi. 109, 111; Pollux, viii. 91); and we find him discharging military duties as late as the battle of Marathon, in conjunction with the ten στρατηγοί: he there took, like the kings of old, the command of the right wing of the army. This, however, seems to be the last occasion on record of this magistrate being invested with such important functions; and in after ages we find that his duties ceased to be military, having been in a great measure transferred to the protection and superintendence of the resident aliens, so that he resembled in many respects the praetor peregrinus at Rome. In fact, we learn from Aristotle, in his "Constitution of Athens," that the polemarch stood in the same relation to foreigners as the archon to citizens. (Arist. *ap.* Harpocr. *s. v.*; Pollux, viii. 91, 92.) Thus, all actions affecting aliens, the isoteles and proxeni, were brought before him previously to trial; as, for instance, the δίκη ἀπροστασίου against a μέτοικος, for living in Athens without a patron; so was also the δίκη ἀποστασίου against a slave who failed in his duty to the master who had freed him. Moreover, it was the polemarch's duty to offer the yearly sacrifice to Artemis, in commemoration of the vow made by Callimachus at Marathon, and to arrange the funeral games in honour of those who fell in war. The functions of the three first archons are very clearly distinguished in a passage of Demosthenes, *c. Lacr.* p. 940, § 48. These three archons—the ἐπώνυμος, βασιλεὺς, and πολέμαρχος—were each allowed two assessors (πάρεδροι) to assist them in the discharge of their duties.

The Thesmothetae did not act singly, but formed a *collegium* (συνέδριον, Hyperid. *pro Eux.* col. 22). They appear to have been called "legislators" (Thirlwall, ii. 17), because in the absence of a written code they might be said to make laws (θεσμοί, an older word for νόμοι), though in reality they only declared and explained them. They were required to review, every year, the whole body of laws, that they might detect any inconsistencies or superfluities, and discover whether any laws which had been repealed were wrongly retained in the public records (Aeschin. *c. Ctes.* §§ 38, 39). Their report was submitted to the people, who referred the necessary alterations to a jury of sworn dicasts impanelled for the purpose, and called νομοθέται. [NOMOTHETAE.]

In the Athenian legal system the thesmothetae had a more extensive jurisdiction than the three archons who, in point of dignity, enjoyed precedence over them. It may be said, indeed, that all cases not specially reserved to other magistrates came naturally before them. Their duties included the receiving of informations, getting up cases as *juges d'instruction*, and presiding at the trial before a jury (ἡγεμονία δικαστηρίου). The following are instanced as being under their jurisdiction: ἔνδειξις, εἰσαγγελία other than κακώσεως (see above), προβολαί, the Dokimasia of magistrates generally and the Euthynae of the Strategi; among public causes, γραφαὶ ἀγραφίου, ἀγράφου μετάλλου, ἀδικίου, ἀπατήσεως τοῦ δήμου, βουλεύσεως, δεκασμοῦ, δωροξενίας, δώρων, ἐξαγωγῆς, ἑταιρήσεως, καταλύσεως τοῦ δήμου, μοιχείας, νομίσματος διαφθορᾶς, ξενίας, προαγωγείας, προδοσίας, συκοφαντίας, τυραννίδος, ὕβρεως, ψευδεγγραφῆς, ψευδοκλητείας: among private ones, δίκαι ἀγεωργίου, ἀμελίου (an obscure case hardly to be distinguished from ἀγεωργίου) ἀναγωγῆς, ἀργυρίου, βεβαιώσεως, βλάβης, ἐγγύης, ἐνοικίου, ἐξούλης, κακηγορίας, κλοπῆς, παρακαταθήκης, συμβολαίων παραβάσεως, χρέους: and finally, all δίκαι ἐμπορικαί, μεταλλικαί, ἐρανικαί, and δίκαι ἀπὸ συμβόλων (Westerm. *ap.* Pauly; Meier, *Att. Process*, p. 59 ff.; Pollux, viii. 88). We also find, in the Orators, informations laid before the thesmothetae in the following cases:—For breach of the law against cutting down olive-trees (Dem. *c. Macart.* p. 1075, § 71); conspiracy to defeat the ends of justice (Dem. *c. Steph.* ii. p. 1136, § 25 f.); if a foreigner married a citizen, or a man gave in marriage as his own daughter the child of another, or confined as an adulterer one who was not so (Dem. *c. Neaer.* p. 1350, § 17; p. 1362, § 52; p. 1367, § 66). If a man banished for homicide returned without a legal pardon, the thesmothetae might order him to summary execution (Dem. *c. Aristocr.* p. 630, § 31). The name thesmothetae is sometimes applied to all the nine, and not merely to the six minor archons: mostly, no doubt, in late inscriptions (*C. I. G.* 380) and grammarians (*Arg.* to Dem. *c. Androt.* p. 589, 1), but occasionally even in classical writers. For instance, in Dem. *c. Eubul.* p. 1319 § 66, the phrase τοὺς θεσμοθέτας ἀνακρίνετε must be equivalent to τοὺς ἐννέα ἄρχοντας ἀνακρίνετε in the concluding section of the speech. On the other hand, the words ἀρχαί and ἄρχοντες are used in reference to magistrates in general, not to the nine exclusively. Thus in Isaeus, *Or.* 1 (Cleonymus), § 14, certain ἄρχοντες are spoken of who in § 15 are shown to be the ἀστυνόμοι.

In their collective capacity the archons also superintended the ἐπιχειροτονία of the magistrates, held every prytany (ἐπερωτῶσιν εἰ δοκεῖ καλῶς ἄρχειν), and brought to trial those whom the people deposed, if an action or indictment were the consequence of it. Moreover, they attended jointly to the annual ballot for the dicasts or jurymen, and presided in the assemblies for the election of strategi, taxiarchs, hipparchs, and phylarchs (Pollux, viii. 87, 88; Harpocrat. *s. v.* *καταχειροτονία*: Schömann, *Assemblies*, p. 231).

The places in which the archons exercised their judicial power were, with the exception of that assigned to the Polemarch, without doubt all situated in the market. That of the first archon was by the statues of the ten Eponymi; that of the archon Basileus beside the so-called Bucolium, a building not otherwise known, in the neighbourhood of the Prytaneum, or else in the so-called Hall of the King; that of the Thesmothetae in the building called after them Thesmothesium, in which they, and perhaps the whole nine, are said to have dined at the public expense. The Polemarch had his office outside the walls, but quite close to the city, adjoining the Lyceum (Schömann, *Antiq.* p. 411 f., E. T.). In their oath of office the archons promised faithfully to observe the laws and to be incorruptible, and in the case of transgression to consecrate at Delphi a golden statue of the same size as themselves (*ἰσομέτρητον*, Plat. *Phaedr.* 235 D). Suidas improves upon this, making them three statues instead of one, at Athens, Delphi, and Olympia (*s. v.* *χρυσῆ εἰκών*). The simplest explanation of this absurdity is Schömann's, that it is an ancient formula used to denote an impossible penalty, the non-payment of which of necessity entailed Atimia (*Antiq.* p. 414, E. T. For another explanation, see Bergk in *N. Rhein. Museum*, xiii. 447; or Dr. Thompson on Plato, *l. c.*).

A few words will suffice for the privileges and honours of the archons. The greatest of the former was the exemption from the trierarchies—a boon not allowed even to the successors of Harmodius and Aristogeiton. As a mark of their office, they wore a chaplet or crown of myrtle; and if any one struck or abused one of the thesmothetae or the archon, when wearing this badge of office, he became *ἄτιμος*, or infamous in the fullest extent, thereby losing his civic rights (Dem. *c. Lept.* p. 465, § 28, *c. Meid.* p. 524, § 33; Pollux, viii. 86). The archons, at the close of their year of service, when they had delivered their account and proved themselves free from blame, were admitted among the members of the Areiopagus. [AREIOPAGUS.]

The Archon Eponymus being an annual magistrate at Athens, like the consul at Rome, it is manifest that a correct list of the archons is an important element in the determination of Athenian chronology. Now from *Creon* (B.C. 683), the first annual archon, to *Myrus* (B.C. 499), we have the names of about thirty-four. From B.C. 495 to 292, Diodorus and Dionysius of Halicarnassus furnish an almost unbroken succession for a period of nearly 200 years. After B.C. 292, about 166 names have been recovered, mostly from inscriptions, and many of them undated, down to the latest Roman period; the latest with a date being A.D. 485 (Meier, *Index Archontum eponymorum qui post Ol.* cxxi. 2 *eum magistratum obtinuerunt*; Marin. *Vit. Procl.* 36). [R. W.] [W. W.]

ARCHO'NES (*ἀρχώνης*). [TELONES.]

ARCIFI'NIUS AGER. [AGRIMETATIO.]

ARCUBALLISTA, a crossbow, occurs first in Vegetius (*de Re Mil.* ii. 15), but is probably identical with the *scorpiones minores* of Livy (xxvi. 47, 49), and the *σκορπιδία* of Polybius (viii. 7). The crossbowman is *arcuballistarius* (Veget. *op. cit.* iv. 21). The same writer speaks of a *manuballista* as nearly the same weapon (ii. 15), the Greek equivalent of which, *χειροβαλλίστρα*, is described by the elder Heron in the first of his existing fragments. Saglio, who gives two illustrations from sculpture in the museum at Le Puy, well remarks that the name and the thing have both come down substantially unaltered (Fr. *arbalète*) from ancient times to modern. [W. W.]

AR'CULUM, a kind of porter's knot or pad for carrying burdens, for which the usual Latin word is CESTICILLUS. The latter word seems to have been appropriated to secular, *arculum* to sacred uses (P. Diac. *s. vv.* pp. 14, 35, Müll.).

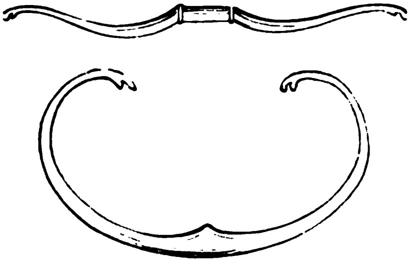
Arculum. (From Terra-cotta in the British Museum.)

The illustration is from a terra-cotta figure discovered by Mr. Newton at Halicarnassus, and now in the British Museum. It represents a Canephoros carrying a sacred vessel on her head by the aid of a pad, which must have corresponded to the Roman arculum. [W. W.]

AR'CUMA or **ARCIR'MA**, the latter according to Müller the best-attested reading, a carriole or small carriage to hold one person only (P. Diac. p. 14). It has been attempted to identify it from sepulchral monuments (Rich *s. v.*); but in reality there is no evidence to warrant us in so doing. [W. W.]

ARCUS (*βιός*, *τόξον*), the bow used for shooting arrows, is one of the most ancient weapons, but its use in warfare was early abandoned by the Greeks in general, and it became a characteristic of Asia rather than of Europe. Thus, in the description given by Herodotus (vii. 61–80) of the various nations composing the army of Xerxes, we observe that nearly all the troops used the bow, and in Greek art also the bow generally serves to distinguish barbarian races, although of course it still was retained as in ancient times in representations of certain deities, such as Apollo, Artemis, and Heracles. The Scythians and Parthians were the most celebrated archers in the East, and among the Greeks the Cretans, who frequently served as a separate corps in the Greek armies, and subsequently also among the auxiliary troops of the Romans. (Comp. Xen. *Anab.* i. 2, § 9; Liv. xlii. 35.) The use of the bow in the chase continued, nor was archery as an exercise abandoned (Plat. *Legg.* i. p. 625; vi. 794, 795; vii. 813, 814; viii. 384, 434), although it failed to gain the same encouragement in the games as other exercises testing the strength and skill of the upper part of the body, such as throwing the quoit and the spear. A contest of archers, however, is described in Hom. *Il.* xxiii. 850–84. In later times an *ἀγὼν τοξικός* was held at Ceos and at Sestos.

Pandarus' bow (Hom. *Il.* iv. 105–26) may be taken as an ordinary Greek bow of heroic proportions. It was composed of the horns of a wild goat, sixteen palms in length, joined by a straight stock (*πῆχυς*) in the centre, with a golden tip (*κορώνη*) at the end of one horn, on which, when the bow was strung, was fastened that end of the string (*νευρή, νεῦρα βόεια, Il.* iv. 122, *nervus*) which was not permanently attached. In order to make the bow more flexible, it was sometimes rubbed with oil before a fire (*Od.* xxi. 175–80). Such a bow is represented in the upper figure in the accompanying woodcut, from a fictile vase. In Hom. *Il.* iv. 115–126, the action of shooting is described, and this account is illustrated by the following outline of a statue belonging to the group of the Aeginetan Marbles. The bow placed in the hands of this statue was probably of bronze, but it has been lost. In *Od.* xxi. 405–23 we have a similar description, but there Odysseus shoots sitting. In later times flexible wood was sometimes used in place of horn, and in that case the bow, when unbent, had a circular form, whence it is described with the epithets *sinuatus* (Ov. *Met.* viii. 381) and *sinuosus* (id. *Am.* i. 1, 23); it was sometimes straight with curved ends. For a string a strip of leather was sometimes used in place of the sinew of the ox, or even horsehair (Verg. *Aen.* x. 622; Ov. *ex Ponto*, i. 2, 21), which no doubt was braided, as in a representation figured in *Mon. ined. dell' Inst. Arch.* 1851, pl. xxviii.



Greek Bows.

Figure in the Aeginetan Marbles, drawing the Bow.

The lower figure in the cut above, also from a fictile vase, is probably Homer's *τόξον παλίντονον* (*Il.* viii. 266, x. 459, xv. 433; *Od.* xxi. 11 and 59; Herod. vii. 69: the last passage shows that *παλίντονος* cannot be taken as a mere literary epithet, but describes a distinct variety of bow). When strung, it was bent backwards against the curve, which must have given it unusual force.

The Scythian bow was distinct from the ordinary Greek forms of the bow, and was curved into two unequal *sinus*. The accompanying cut is taken from a golden ornament on a sword sheath found in the Crimea, now in St. Petersburg (see Plate 5 in *Commission Archéologique pour l'année* 1865). Strabo (ii. 22) compares the outline of the Black Sea to a Scythian bow, the southern coast resembling the string, and the other coasts recalling the two curves of the bow, one of which projects further than the other. Again, the Scythian bow is compared to a serpent (Lycophr. 917), and to the letter Σ, which in many of its ancient forms consists of two unequal curves.

Scythian Bow.

In the Roman army archers (*sagittarii*) do not appear to have been employed before the Punic Wars, and afterwards only as auxiliaries, being especially drawn from Crete and the Balearic Islands. [SAGITTA.] The Asiatic *cataphracti* [CATAPHRACTI] were often armed with the bow.

When not used, the bow was put into a case (*τοξοθήκη, γωρυτός, corytus*), which was made of leather, and sometimes ornamented (*φαεινός*, Hom. *Od.* xxi. 54). The bow-case is very conpicuous in the sculptured bas-reliefs of Persepolis. It frequently held the arrows as well as the bow, and on this account is often used by the Roman poets as equivalent to the *pharetra* or quiver. (Verg. *Aen.* x. 169; Ov. *Tr.* v. 7, 15; Sil. vii. 443.) Though its use was comparatively rare among the Greeks and Romans, we find it exhibited in a bas-relief in the Museo Pio-Clementino (vol. iv. tav. 43), which is copied in the annexed cut.

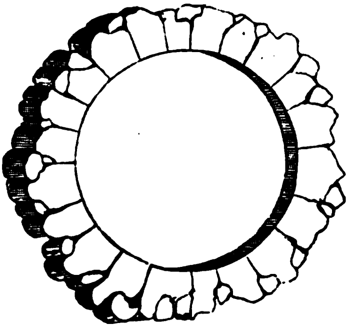

Corytus, Bow-case. rom a relief in the Vatican.)

[J. Y.] [J. H. F.]

ARCUS (also *fornix*, Verg. *Aen.* vi. 631; Cic. *Verr.* i. 7, 19, *et alibi*; ψίδα), an arch. It is possible to give an rched form to the covering of any opening by lacing horizontal courses of stones projecting ver one another, from both sides of the opening, ill they meet at top, and then cutting the ends f the projecting stones to a regular curve, as hown below. This form is found in the most ncient architecture of nearly all nations, but t does not constitute a true arch. A true arch formed of a series of wedge-like stones, or of ricks, supporting each other, and all bound rmly together by their mutual pressure.

It would seem that the arch, as thus defined, nd as used by the Romans, was not known to he Greeks in the early periods of their history, therwise a language so copious as theirs, and of uch ready application, would not have wanted name properly Greek by which to distinguish t. But the constructive principle by which n arch is made to hold together, and to afford solid resistance against the pressure upon its ircumference, was known to them even previously to the Trojan war, and its use is exemlified in two of the earliest buildings now emaining—the chamber built at Orchomenus, y Minyas, king of Boeotia, described by Pausaias (ix. 38), and the treasury of Atreus at ycenae (Paus. ii. 16). Both these works are onstructed under ground, and each of them onsists of a circular chamber formed by regular ourses of stones laid horizontally over each ther, each course projecting towards the interior, and beyond the one below it, till they eet in an apex over the centre, which was pped by a large stone, and thus resembled the side of a dome. Each of the horizontal ourses of stones formed a perfect circle, or wo semicircular arches joined together, as the bjoined plan of one of these courses will nder evident.

It will be observed that the innermost end of ch stone is bevelled off into the shape of a edge, the apex of which, if continued, would eet in the centre of the circle, as is done in rming an arch; while the outer ends against he earth are left rough, and their interstices lled up with small irregular-shaped stones, he immense size of the principal stones rendering it unnecessary to continue the sectional utting throughout their whole length. Schlieann points out that the stones, contrary to the general belief, are not immediately covered with earth, but with enormous masses of stone, which, by their ponderous weight, keep all the stones of the circular layers of masonry in their position. Thus the principle of this construction is, as Colonel Leake justly remarks, that of an arch-shaped wall resisting a great superincumbent weight, and deriving its strength and coherence, from the weight itself (Schliemann, *Mycenae*, p. 43; Leake, *Morea*, ii. p. 377). Thus it seems that the Greeks did understand the constructive principle upon which arches are formed, even in the earliest times; although it did not occur to them to divide the circle by a diameter, and set the half of it upright to bear a superincumbent weight. But they made use of a contrivance, even before the Trojan war, by which they were enabled to gain all the advantages of our archway in making corridors, or hollow galleries, and which in appearance resembled the pointed arch, such as is now termed Gothic. This was effected by cutting away the superincumbent stones in the manner already described, at an angle of 45° with the horizon. The mode of construction and appearance of such arches are represented in the annexed drawing of the walls of Tiryns, copied from Sir William Gell's Argolis. The


Circular masonry at Mycenae.


Pointed Arch in the walls of Tiryns.

gate of Signia (*Segni*) in Latium exhibits a similar example.

The principle of the true arch was known to the Egyptians, but it is remarkable that they did not make use of it in their most massive works (Wilkinson, ii. p. 299, ed. of 1878). The Assyrians also used it in subterranean buildings (Layard, *Nineveh*, i. p. 167; ii. p. 260). There are also a few specimens of the true arch in ancient Greece. At Oeniadae, in Acarnania, is a postern of a perfect arch in the polygonal walls of the city (Leake, *Northern Greece*, iii. p. 560 *seq.*); and at Xerokampo, in the neighbourhood of Sparta, is a bridge on the true arch-principle (Mure, *Tour in Greece*, ii. p. 248), though the latter, in the opinion of many archaeologists, is of Roman construction (Dennis, *Etruria*, ii. p. 250 *seq.*). But these are rare instances; and the Etruscans are the first people who used the true arch extensively. Two circumstances may have favoured this—the ease with which tufa is split into wedges, and the necessity of constructing extensive tunnels to drain the valleys of the Tiber and the Arno, and the marshes of the coast. Hence the use of the arch passed into the architecture of buildings. The Romans probably borrowed it from the Etruscans. Thus the *Cloaca Maxima*, long held to be the oldest instance of the arch at Rome, and attributed to the Tarquinii [CLOACA], closely resembles the canal of the Marta (Dennis, *Etruria*, i. p. 430 *seq.*). But whatever date be assigned to the *Cloaca Maxima* in its arched form, the general use of the arch even in subterranean buildings is far later. Thus the *specus* of the *Aqua Appia* (B.C. 313) is gabled, not arched (Burn, *Rome and the Campagna*, p. xxv.). The key-stone of the arch is mentioned by Seneca. (" Democritus invenisse dicitur fornicem, ut lapidum curvatura paulatim inclinatorum medio saxo alligaretur," *Ep.* 90, *med.*) The use of the arch constitutes one leading distinction between Greek and Roman architecture, for by its application the Romans were enabled to execute works of far bolder construction than those of the Greeks,—to erect aqueducts and permanent bridges, spanning broad and rapid rivers, and "to make a comparatively fragile material, such as brick, more extensively useful than the finest marbles in the hands of the Greeks."

But in many Roman edifices we find the use of "the arched form without the principle of the arch" (Middleton, *Ancient Rome in* 1885, p. 366), as the facing of brick or stone covers a concrete arch cast in one solid mass, and therefore without lateral thrust. [CAEMENTUM.] This is especially apparent in the thermae of Caracalla, and in the relieving arches in the walls of the Pantheon and other buildings, which are of no structural importance, but simply shallow indentations in a wall which was really one solid slab of concrete (Middleton, *ib.* p. 33). [A. R.] [J. H. F.] [W. S.]

ARCUS TRIUMPHA'LIS (a triumphal arch) was a structure peculiar to the Romans, among whom it seems to have taken its origin from the *Porta Triumphalis*, the gate by which a general celebrating a triumph led his army into the city, on which occasions the gate was adorned with trophies and other memorials of the particular victory celebrated. In process of time other arches were erected, both at Rome and in the provinces, to celebrate single victo the memorials of which were carved upon or fixed to them, and these remained as pe nent monuments. They were even erected memory of a victory for which there had bee triumph, as in the arch of L. Stertinius—the recorded instance. And it is convenient t clude under the same head many arches w were not monuments of victory, and yet an architectural point of view cannot be d guished from triumphal arches—arches memorating a great imperial achievemen that in honour of Augustus' completion of *via Flaminia* at Rimini, that in honou Trajan's improvement of the harbour at A that in honour of his restoration of the *Appia* at Beneventum, that in honour Hadrian's buildings at Athens; arches er to an emperor with a less special moti that of Gallienus at Rome, or in honour family, as that of the Sergii at Pola. Mo structures like the Porta S. Lorenzo (*Tiburtina*) and Porta Maggiore (*Porta Pr tina*) [AQUAEDUCTUS], built to carry aqu over roads, and the *Janus Quadrifrons* i *Forum Boarium*, resemble triumphal arch their architectural treatment.

Triumphal arches were usually in structures built across the principal stree the city, and, according to the space of respective localities, consisted of either a archway, or of a central one for carriage two smaller ones on each side for foot-pas which sometimes have side communi with the centre arch. Sometimes there two arches of equal height, side by side. front was ornamented with trophies an reliefs, which were also placed on the the passages. Both façades had usually against the piers, supporting an ent surmounted by a lofty attica, on the which was the inscription, and on the to bronze chariots, war-horses, statues and The triumphal arch recalls its origi city gate, in the concentration of orn the façades; while the sides, which in t gate are buried in the wall, are compar plain.

"Though these arches are upon the some of the most successful efforts of Roman architecture, because the real and constructive parts occupy the most pro place, yet Greek decorations are dragged in here. The Romans placed an unmeaning of pedestal, column and capital, with a frieze, and entablature, upon the surfa their massive piers of masonry, 'thus tyi the tyrant Mezentius did, the dead to living.' The three great triumphal ways of Titus, Septimius Severus, and C tine at Rome, and also the Arch of Drusu decorated with this foreign dress. In the of Constantine alone, the columns which in front are in some measure justified b statues they support. The Arch of Dola on the Caelian, which has a single line as nice, and the Porta S. Lorenzo are exampl the impressive effect of a plain arch wi Greek ornament." (Burn, *Rome and the pagna*, p. xxxix.)

Stertinius is the first upon record who er anything of the kind. He built, out of the gained in Spain, an arch (*fornix*) in the Forum Boarium about B.C. 196, and another in the Circus Maximus, each of which was surmounted by gilt statues (Liv. xxxiii. 27). Six years afterwards, Scipio Africanus built another on the Clivus Capitolinus, on which he placed seven gilt statues and two figures of horses (Liv. xxxvii. 3); and in B.C. 121, Fabius Maximus built a fourth at the top of the Via Sacra, which is called by Cicero (*in Verr. Act.* i. 7, § 19; *Planc.* 7, § 17) the *Fornix Fabianus.* None of these remain, though ruins of the *Fornix Fabianus* were found in the sixteenth century, and again in 1882, near the temple of Faustina. That these erections were either temporary or very insignificant, may be inferred from the silence of Vitruvius, who says nothing of triumphal arches. We might be sure, from the nature of the case, that such structures would especially mark the period of the empire.

There are about thirty-eight triumphal arches recorded by different writers as having been erected in the city of Rome, five of which now remain: namely, the *Arches of Drusus*, of *Titus*, of *Septimius Severus*, of *Gallienus*, and of *Constantine*. A brief account of these, and of some of the most important Italian and provincial ones still in existence, follows. For restorations and descriptions of them, see Canina, *L'Architettura Romana*, vol. ii. p. 676, iii. p. 473, and volume of plates, from which this article is illustrated. The Arch of Augustus at *Rimini*, represented in the accompanying woodcut after Canina, is important on account of its early date, its fine style, and its peculiarity of not being an insulated structure, but merely an archway pierced in a wall, and decorated with unusual simplicity. Hence Hope (*Essays on Architecture*, i. p. 69) criticises its detail as jejune. The Arch of Augustus at *Susa*, though insulated, is still simple in its design, the entablature being supported by attached columns at the corners. The Arch of Augustus at *Aosta*, although its Doric entablature does not harmonise with its Corinthian columns, and although it has possibly suffered restoration, is here given as an instance of a single arch of noble span. Returning to Rome, we have first to remember the *Arch of Augustus* in the Forum, erected in honour of the battle of Actium, B.C. 30 (Dio Cass. li. 19), but its exact site is unknown. The *Arch of Drusus* on the Appian Way, erected in honour of Nero Claudius Drusus (Suet. *Claud.* 1), is identified with the existing arch, which pierces a wall, while its attica carries the aqueduct over the *via* to the *thermae* of Caracalla. But this is an error, as the existing arch is in all probability only one of the arches built by Caracalla to carry his aqueduct over the road, like the *Porta Maggiore* and *Porta San Lorenzo* [AQUAEDUCTUS, pp. 149, 150]. The details are much later than the time of Drusus (Middleton, p. 365).

Arch of Augustus at Rimini.

Arch of Augustus at Aosta.

The so-called Arch of Drusus.

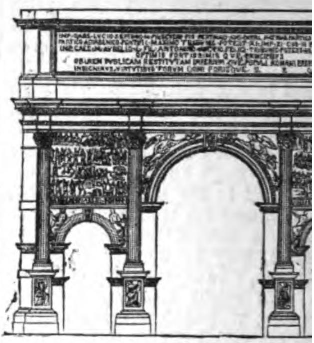
The *Arch of Tiberius* in the Sacra Via in the Forum, near the temple of Saturn, was erected in A.D. 17, in honour of Tiberius, on account of the recapture by Germanicus of the standards lost by Varus in Germany (Tac. *Ann.* ii. 41). Some fragments of it have been found near its supposed site (Middleton, p. 169). The *Arch of Claudius*, erected in A.D. 43 to commemorate his supposed victories over the Britons, stood across the Via Lata, near the Palazzo Sciarra, where fragments belonging to this arch were found, with an inscription recording its erection by Claudius.

This arch is represented on coins of Claudius, with the legend DE BRITANNIS. It existed in an almost perfect state till the seventeenth century, when it was destroyed by Alexander VII. (Middleton, p. 442; Burn, p. 323). In the same locality stood the *Arch of M. Aurelius*, in the Via Flaminia, a continuation of the Via Lata. It was also destroyed in 1563, and six of its sculptured panels are now on the staircase of the Palazzo de' Conservatori. These reliefs are of great historical interest (Middleton, p. 443).

The *Arch of Titus*, of Pentelic marble, spanning the Sacra Via at the very summit of the Velian ridge, was erected to the honour of Titus, after his conquest of Judaea, but was not finished till after his death; since in the inscription upon it he is called *Divus*, and he is also represented as being carried up to heaven upon an eagle. The bas-reliefs of this arch represent the spoils from the Temple of Jerusalem carried in triumphal procession, and are among the best specimens of Roman sculpture. This arch has only a single opening, with two columns of the Roman or composite order on each side of it. This structure, which is here represented, is generally regarded as the finest extant specimen of a triumphal arch. The *Arch of Trajan* was a magnificent structure leading to his Forum. It is represented on coins of Trajan, on the top of which stands a triumphal chariot of Trajan with six horses, and six generals. (Dio Cass. lxviii. 29; cf. Gell. xiii. 25.) From this arch some of the bas-reliefs now on the Arch of Constantine were taken, as is mentioned below. The Arch of Trajan at *Ancona*, attributed to Apollodorus of Damascus, is condemned by Hope (*l. c.*) on account of its disproportionate height and "confused reduplication of unmeaning mouldings;" that at *Beneventum* exhibits an increasing amount of sculpture.

Arch of Titus, restored.

The *Arch of Septimius Severus* was erected by the senate (A.D. 204) at the end of the Via Sacra, in honour of that emperor and his two sons,
Caracalla and Geta, on account of h
over the Parthians and Arabians.
earliest extant specimen of an *arcus*



Arch of Septimius Severus.

with three arches, the central one b
than the lateral ones, which have si
nications with it. Though its main
are fine, many of the details of it
show degeneracy.

The arch erected in honour o
and *Salonina* at Rome by M. Aure
(prefect A.D. 262), close outside of
Esquilina, in the Servian agger,
single arch with roughly executed
pilasters, two side arches and a pedin
been removed in the sixteenth centu

The *Arch of Constantine* is large
profusely ornamented than the Arc

Arch of Constantine.

It was erected by the senate in hono
stantine, after his victory over
A.D. 312. It consists of three ar
columns against each front, and
the entablatures over them, which,
other sculptured ornaments, originally
the Arch of Trajan. It owes it
Trajan's sculptures and its fine state o
tion. (Bellori, *Veteres Arcus*, Rome,
Archi trionf., Rome, 1832; Burn,
the Campagna; Middleton, *Ancient*
1885.) [J. H. F.]

ARDA'NION (ἀρδάνιον or ἀρ
vessel full of water, which was pla
door of a house in which a dead body
in order that persons on leaving
might purify themselves by sprinkl

res with the water. Since the house in ich the body lay was considered to be pol- ed, the water was fetched from some other use (Poll. viii. 66; Eur. *Alc.* 100; Aristoph. des. 1033; Hesych., Suid., *s. v.*). [J. H. O.]

AREA, any open space (*loca pura*, Varr. *L.* v. 38; *locus vacuus*, Paul. Diac. p. 11, ll.; *locus sine aedificio in urbe area, rure* [illegible] *ager appellatur*, Dig. 50, 16, 211). Many [illegible] usages of the word belong properly to Latin dictionary. The following may here noted:—(1) A site for building (Hor. *Ep.* i. , 13). (2) The site of a house pulled down in sequence of the owner's treason, and devoted religious uses (*consecrata*): such were the ses of Sp. Cassius (*Ea est area ante Telluris* [illegible], Liv. ii. 41) and Sp. Maelius, called after- rds Aequimaelium (id. iv. 16). Cicero's se, when pulled down by Clodius, became an a in both these senses (Cic. *ad Att.* iv. 1, 2; *Fam.* xiv. 2). (3) An open space in front a temple, house, or public building, always ar of the edifice itself and abutting upon the reet or upon other buildings, and thus to be stinguished from the *vestibulum*, which was tween the projecting wings of the building self [DOMUS]. The *areas* before cemeteries ten contained the *ustrinum* or place where dies were burnt (*area ante sepulcrum est* [illegible] *cincta*, Orelli-Henzen, *Inscr.* 4400); and rtullian applies the word to the graveyards the Christians, who did not burn their dead *Scap.* 3; cf. *Dict. of Chr. Ant.* i. 252 a). se in front of temples were often named ter the god, and consecrated to prevent appro- iation or encroachment: thus we have *area* [illegible], *Saturni*, *Apollinis*, *Concordiae*, and [illegible], called also *Vulcanal* or *-ale*. The *area* [illegible] adjoined the temple of the Palatine [illegible] and the celebrated library; it may be [illegible] on the marble plan of Rome, of the age Severus, now known as the "Pianta Capito- [illegible]" where the letters REA APO may be read [illegible] of the fragments, and an altar is seen, [illegible]ed by a double flight of steps. The *Vul-* [illegible] was originally a considerable space on the [illegible] slope of the Capitol, but was gradually [illegible]ched upon by other structures, notably [illegible] Temple of Concord (Liv. ix. 46); so that we [illegible] find the phrase *area Vulcani et Concordiae* [illegible] 16), as if the two *areae* had become in- [illegible]ishable. (Compare Burn, *Rome*, pp. 85, [illegible]; Pauly, s. v. *Volcanale*; Marquardt, *Privat-* [illegible], p. 220.) (4) *Areae* were sometimes used market-places; there was an *area pannaria* d a *radicaria*. (5) A threshing-floor (ἅλως), cribed under AGRICULTURA. [W. W.]

AREIO'PAGUS. The Areiopagus (Ἄρειος γος, in native authors and inscriptions always thout the article), or hill of Ares, at Athens, s a rocky eminence, lying to the west of and t far from the Acropolis. To account for the me, various stories were told. Thus, some d that it was so called from the Amazons, the ghters of Ares, having encamped there when y attacked Athens; others again, as Aeschy- s, from the sacrifices there offered by them to at god; while the more received opinion con- cted the name with the legend of Ares having en brought to trial there by Poseidon, for the urder of his son Halirrhothius. (Dem. c. *ristocr.* p. 641, § 66; Aeschyl. *Eum.* 688.) To none, however, of these legends did the place owe its fame, but rather to the council (ἡ ἐν Ἀρείῳ πάγῳ βουλή) which held its sittings there, and was sometimes called ἡ ἄνω βουλή, to distinguish it from the Solonian senate of Four Hundred, or the later Cleisthenean senate of Five Hundred (Plut. *Sol.* 19). That it was a body of very remote antiquity, acting as a criminal tribunal, was evidently believed by the Athenians themselves. In proof of this, we may refer to the express assertions of the orators, and the legend of Orestes having been tried before the council for the murder of his mother—a trial which took place before Athena, and which Aeschylus represents as the origin of the court itself. Again, we find that even before the first Messenian war (B.C. 743) began, the Messenians offered to refer the points in dispute to the Argive Amphictyony, or the Athenian Areiopagus (Paus. iv. 5, § 1; Thirlwall, *H. G.*, i. 345), because this body was believed to have had jurisdiction in cases of manslaughter (δίκας φονικάς), "from of old."

There is sufficient proof, then, that the Areiopagus existed before the time of Solon; though Plutarch tells us that most of his authorities believed Solon to have been the founder, arguing from the silence of Draco, in whose laws the name Areiopagus did not occur. To this he replies that, in the ἄξονες on which the Solonian laws were recorded, the Areiopagus is expressly coupled with the phrase πρὶν ἢ Σόλωνα ἄρξαι (Plut. *Sol. l. c.*); and Grote further points out that as before Solon's time there was no other βουλή, Draco had no occasion to mention it. He concludes, therefore, "that the senate of Areiopagus is a primordial institution, of immemorial antiquity, though its constitution as well as its functions underwent many changes;" and for the earliest period accepts the suggestion, first thrown out by Meier and Schömann, that it seems to represent the Homeric council of old men (Grote, ch. x. ii. 281; *Att. Process*, Introd. p. 10). We hear of the Areiopagus chiefly as a judicial tribunal, because it acted in this character constantly throughout Athenian history, and it is in this capacity that the orators have most frequent occasion to allude to it. But in its original form it existed permanently as the highest deliberative authority, usually combined, in primitive institutions, with the functions of a supreme court of justice. Thus, to borrow an illustration from English history, a single *curia regis* was the germ from which the House of Lords, the Privy Council, and the High Courts of Justice were all developed. In pre-Solonian Athens, the functions of this ancient council had been so far specialised that it had become only a criminal court, trying cases "of wilful murder and wounding, of arson and poisoning" (Lex ap. Dem. *c. Aristocr.* p. 627, § 22; Pollux, viii. 117). These powers were abridged by Draco, who transferred to the Ephetae the cognisance of all cases of homicide. (The details of this change, and the question whether the name Ephetae existed before Draco, are discussed under EPHETAE.) This arrangement did not last long. The legislation of Solon restored to the Areiopagus all the more important powers connected with the δίκαι φονικαί, leaving to the Ephetae little more than a ceremonial purification of blood-guiltiness;

and, thus limited, the latter body soon withered and became a mere survival. The Areiopagus, on the contrary, acquired fresh powers in addition to those now restored, and entered upon its most brilliant period. It was invested by Solon with the general supervision of the state; in particular, it watched over the conduct of the magistrates in office; it controlled the proceedings of the popular assembly, with the right of stopping unconstitutional legislation; and it possessed a censorial power of maintaining public discipline, and of bringing private persons to account for their behaviour (Schömann, *Antiq.* pp. 326, 332, E. T.). Under his new scheme, the nine archons, if they had discharged their duties without blame, "went up" to the Areiopagus, and became members of it for life, unless expelled for misconduct (*Argum.* Dem. *c. Androt.* p. 589; Lex ap. Dem. *c. Timocr.* p. 707, § 22; Deinarch. *c. Demosth.* § 56; Plut. *Sol.* c. 18).

The council, then, after Solon's time, while it became timocratic in constitution, remained aristocratic in spirit. In fact, he is said to have formed the two councils, the senate and the Areiopagus, to be a check on the democracy; that, as he himself expressed it, "the state, riding upon them as anchors, might be less tossed by storms." Nay, even after the archons were no longer elected by suffrage but by lot, and the office was thrown open by Aristides to all the Athenian citizens, the "upper council" still retained its former tone of feeling.

Various details are given of the censorial and political powers entrusted by Solon to the body thus re-organised. Thus we learn that he made the council an "overseer of everything, and the guardian of the laws," empowering it to inquire how anyone got his living, and to punish the idle (Plut. *Sol.* c. 22; Isocr. *Areiop.* §§ 42, 43). We learn from other authorities that the Areiopagites were "superintendents of good order and decency,"—terms rather unlimited and undefined, as it is not improbable Solon wished to leave their authority. There are, however, recorded some particular instances of its exercise, even in the later days of Athenian history. Thus we find that they called persons to account for extravagant and dissolute living, and, on the other hand, occasionally rewarded remarkable cases of industry. In company with certain officers called γυναικονόμοι, they made domiciliary visits at private entertainments, to see that the number of guests was not too large, and for other purposes (Athen. iv. pp. 167 c—168 b, vi. p. 245 c; Pollux, viii. 112). It is stated on the authority of Aristotle (Plut. *Themist.* c. 10; cf. Boeckh, *P. E.* p. 154) that at the time of the advance of Xerxes on Athens, when there was no money in the public treasury, the Areiopagus succeeded in raising the sum of eight drachmas for every man on board the fleet. This does not prove that they had a treasury of their own, or any control of the public finances, as some have inferred; there is no evidence of either in ancient writers, and it is enough to suppose with Grote (iii. 455) that the council, then composed in large proportion of men from the wealthier classes, put forth all its public authority as well as its private contributions as an example to others. Again, we are told (Lycurg. *c. Leocr.* § 52), that at the time of the battle of Chaeroneia th seized and p to death those who deserted t eir country, that they were thought by so ie to have b the chief preservers of the city

It is probable that public inion support them in acts of this kind, w hout the ai which they must have been owerless for such objects. In connexion w h this point, may add that when heinous rimes had riously been committed, but t e guilty par were not known, or no accus r appeared, Areiopagus inquired into the subject, and ported (ἀποφαίνειν) to the De ios. The re or information was called ἀπο φασις. This a duty which they sometimes u dertook on t own responsibility and in the e ercise of an established right, and sometin es on the of the Demos. (Deinarch. *c. Dem.* §§ 54 Schömann, *Assemblies*, p. 224.) Nay, to an extent did they carry this power, that one occasion they arrested a man (A phon) who had been acquitted by the ge assembly, and again brought him to a t which ended in his condemnation and d (Dem. *de Cor.* p. 271, § 133; Deinarch. *c.* § 63.) Again, we find them revoking an app ment of the people whereby Aeschines was the advocate of Athens before the Amphicty council, and substituting Hyperides in his re In these two cases also, they were most prob supported by public opinion, or by a str party in the state. (Dem. *l. c.* § 134.)

They also had duties connected with relig one of which was to superintend the sacred oli growing about Athens, and try those who charged with destroying them. (Lysias, *τοῦ Σηκοῦ*, § 22.) We read, too, that in discharge of their duty as religious censors, they on one occasion examined whether the wife of the king archon was, as required by law, an Athenian; and, finding she was not, imposed a fine upon her husband. (Dem. *c. Neaer.* p. 137 § 80 ff.) We learn from the same passage, that it was their office generally to punish the impious and irreligious. Again we are told, though rather in a rhetorical way, that they relieved the needy from the resources of the rich, controlled the studies and education of the young, and interfered with and punished public characters as such. (Isocr. *Areiop.* § 55.) In another passage (§ 38) Isocrates tells us that the worst men, on becoming Areiopagites, restrained their vicious propensities under the influence o the dignified and decorous atmosphere of th court. His pamphlet, written to urge the restoration of the censorial powers of the Areiopagus after they had long been lost (probably about B.C. 355–353), must of course be received with caution; but it is at least evidence that th tribunal, though shorn of its glories by the reforms of Ephialtes, had not forfeited the publ respect.

Independently, then, of its jurisdiction as criminal court in cases of wilful murder, whi Solon continued to the Areiopagus, its influen must have been sufficiently great to have be a considerable obstacle to the aggrandisement the democracy at the expense of the other parti in the state. In fact, Plutarch (*Solon*, c. 1 expressly states that Solon had this object view in its reconstruction; and accordingly find that Pericles, who never was an archon

Areiopagite, and who was opposed to the aristocracy for many reasons, resolved to diminish its power and circumscribe its sphere of action. His coadjutor in this work was Ephialtes, a statesman of inflexible integrity, and also a military commander. (Plut. *Cim.* 10; *Pericl.* 7, 9.) They experienced much opposition in their attempts, not only in the assembly, but also on the stage, where Aeschylus produced his tragedy of the Eumenides, the object of which was to impress upon the Athenians the dignity, the sacredness, and constitutional worth of the institution which Pericles and Ephialtes wished to reform. He reminds the Athenians that it was a tribunal instituted by their patron goddess Athena, and puts into her mouth a popular harangue full of warnings against innovations, and admonishing them to leave the Areiopagus in possession of its old and well-grounded rights, that under its watchful guardianship they might sleep in security. (Müller, *Eum.* § 35.) Still the opposition failed: a decree was carried, about B.C. 458, by which, as Aristotle says, the Areiopagus was "mutilated," and many of its hereditary rights abolished. (Arist. *Pol.* ii. 12, § 4; Cic. *de Rep.* i. 27, § 43.) Plutarch (*Cimon*, 15) tells us that the people deprived the Areiopagus of nearly all its judicial authority (τὰς κρίσεις πλὴν ὀλίγων ἁπάσας), establishing an unmixed democracy, and making themselves supreme in the courts of justice, as if there had formerly been a superior tribunal. But we infer from another passage, that the council lost considerable authority in matters of state; for we learn that Athens then entered upon a career of conquest and aggrandisement to which she had previously been a stranger; that, "like a rampant horse, she would not obey the reins, but snapped at Euboea, and leaped upon the neighbouring islands." (Comicus, *ap.* Plut. *Cim.* 10.) These accounts in themselves, and as compared with others, are sufficiently vague and inconsistent to perplex and embarrass; accordingly, there has been much discussion as to the precise nature of the alterations which Pericles effected. In particular K. O. Müller (*Eum.* § 37) argued that he deprived the Areiopagus of their old jurisdiction in cases of wilful murder; and one of his chief arguments is that it was evidently the design of Aeschylus to support them in this prerogative, which therefore must have been assailed. This was also the view of Boeckh in a dissertation *de Areopago*, and of Meier and Schömann in *Att. Process.* But on the appearance of Forchhammer's *Disputatio de Areopago non privato per Ephialtem homicidii judiciis*, Kiel, 1828, Schömann at once modified his view and subsequently abandoned it altogether (*Att. Process*, p. 143, with Lipsius's notes in the new edition; *Antiq.* p. 342, E. T.); and since then it has been generally agreed by scholars and historians that the Areiopagus did not lose the δίκαι φονικαί (Godfrey Hermann, *Opusc.* iv. 299 ff.; K. F. Hermann, *Staatsalterth.* § 109, 6; Thirlwall, iii. 24; Grote, ch. xlvi., iv. 104–112; Curtius, ii. 382, E. T.; Westermann, in Pauly; Caillemer, in Daremberg and Saglio). The main argument on the other side rests on an expression of Lysias (*de Caede Eratosth.* § 30): τῷ δικαστηρίῳ τῷ ἐξ Ἀρείου πάγου ᾧ καὶ πάτριόν ἐστι καὶ ἐφ' ἡμῶν ἀποδέδοται τοῦ φόνου τὰς δίκας δικάζειν. This was held to mean that the δίκαι φονικαί, lost in the time of Ephialtes, were only restored in the archonship of Eucleides, B.C. 403. But the language of Demosthenes is equally explicit, that neither tyrant nor democracy had dared to take away this jurisdiction from the Areiopagus (*c. Aristocr.* p. 641, § 66). As G. Hermann pointed out (*Opusc. l. c.*), ἀποδέδοται in Lysias may easily mean *competit*, "is within its competence," not "has been restored:" and even if the latter sense be retained, it is enough to say that under the Thirty all laws had been trampled upon, and with the restoration of democracy things resumed their natural course (Grote, *l. c.* p. 112 n.). It may be further remarked that the consequences ascribed to the innovation do not indicate that the Areiopagus lost its authority as a criminal tribunal, but rather that it was shorn of its power as superintending the morals and conduct of the citizens, both in civil and religious matters, and as exercising some control over their decisions. This supervision had extended to the proceedings of the Ecclesia, taking care that the latter did not infringe the established laws or the existing balance of the constitution. These powers were vast and undefined, not derived from any formal grant of the people, but having their source in immemorial antiquity, and sustained by general awe and reverence. Such powers, as Grote remarks, were pretty certain to be abused; and if we grant that personal corruption was rare in an assembly spoken of with so much respect even by its political opponents, we must admit that such powers would be habitually exercised in a conservative sense, and one suitable only to a passive and stationary people. The expansion of Athens, during the twenty years which followed the battle of Plataea, would be cramped and hindered by them; and in this we must see (with Grote) the justification of the measures of Pericles and Ephialtes. The separation of judicial from executive functions was not, as Aristotle called it, a dissolution of all governmental authority (ὥστε καταλύονται πᾶσαι αἱ ἀρχαί, *Pol.* iv. 5, § 6), but conformable to the best modern notions; and Pericles cannot be censured for having effected this separation, whatever we may think of the dicasteries and the irresponsible assembly between whom the powers taken from the Areiopagus were now divided. It was at this time, probably, that the Areiopagus, like the Senate of Five Hundred, became accountable to the Demos, as, indeed, we know they afterwards were. (Aeschin. *c. Ctes.* § 20; Boeckh, *P. E.* p. 189.)

The general power of supervision, now taken from the Areiopagus, became vested in seven new magistrates called νομοφύλακες [NOMOPHYLAKES], who were in their turn abolished when, in the archonship of Eucleides, the Areiopagus received back a part of its former controlling authority. The decree of Tisamenus on this occasion is preserved by Andocides: the laws were first to be revised by special νομοθέται, called also ἀναγραφεῖς, and then the Areiopagus was to watch over their enforcement (ἐπειδὰν δὲ τεθῶσιν οἱ νόμοι, ἐπιμελείσθω ἡ βουλὴ ἡ ἐξ Ἀρείου πάγου τῶν νόμων, ὅπως ἂν αἱ ἀρχαὶ τοῖς κειμένοις νόμοις χρῶνται, *ap.* Andoc. *de Myst.* § 84). It must be admitted, with Grote and Schömann, that neither the Nomophylakes, while they lasted, nor the Areiopagus in its renewed vitality, were able to exercise any real check upon the irresponsible Demos. In the last century of Athenian liberty, the γραφὴ παρανόμων gradually superseded every other form of control over constitutional changes. (Grote, ch. xlvi., iv. 115; Schömann, *Antiq.* p. 346, E. T.)

But, though thus brought under the democratic rule of accountability in all the officers of the state, no subserviency in judicial matters is imputed to the Areiopagus. Their tribunal, on the contrary, is always spoken of as most just and holy; Demosthenes goes so far as to say that not even the condemned criminal or baffled prosecutor whispered an insinuation against the righteousness of their verdicts (*c. Aristocr.* p. 642, § 66 f.). Indeed, the proceedings before them in cases of murder were by their solemnity and fairness well calculated to insure just decisions. The process was as follows:—The king archon (Pollux, viii. 90) brought the case into court, and sat as one of the judges, who were assembled in the open air, probably to guard against any contamination from the criminal. (Antiphon, *de Caede Herod.* § 11; Pollux, viii. 33.) The accuser, who was said εἰς Ἄρειον πάγον ἐπισκήπτειν, first came forward to make a solemn oath (διωμοσία) that his accusation was true, standing over the slaughtered victims, and imprecating extirpation upon himself and his whole family, were it not so. The accused then denied the charge with the same solemnity and form of oath. Each party then stated his case with all possible plainness, keeping strictly to the subject, and not being allowed to appeal in any way to the feelings or passions of the judges (προοιμιάζεσθαι οὐκ ἐξῆν οὐδὲ οἰκτίζεσθαι, Aristot. *Rhet.* i. 1; Pollux, viii. 117). The speakers were mounted upon two unhewn stones (ἀργοὶ λίθοι), still visible on the spot; that of the accused was called λίθος ὕβρεως, that of the prosecutor λίθος ἀναιδείας (Pausan. i. 28, § 5). The latter is wrongly rendered *impudentiae* by Cicero (*de Leg.* ii. 11, § 28); it is really unforgivingness or implacability. After the first speech (μετὰ τὸν πρότερον λόγον), a criminal accused of murder might remove from Athens, and thus avoid the capital punishment fixed by Draco's θεσμοί, which on this point were still in force. Except in cases of parricide, neither the accuser nor the court had power to prevent this; but the party who thus evaded the extreme punishment was not allowed to return home (φεύγει ἀειφυγίαν); and when any decree was passed at Athens to legalise the return of exiles, an exception was always made against those who had thus left their country (οἱ ἐξ Ἀρείου πάγου φεύγοντες). See Plat. *Leges*, ix. 871 D.

The reputation of the Areiopagus as a criminal court was of long continuance, as we may learn from an anecdote of Aulus Gellius, who tells us (xii. 7) that C. Dolabella, proconsul of the Roman province of Asia, referred a case which perplexed himself and his council to the Areiopagus (*ut ad judices graviores exercitatioresque*); they ingeniously settled the matter by ordering the parties to appear that day 100 years (*centesimo anno adesse*). They existed in name, indeed, till a very late period. Thus we find Cicero mentions the council in his letters (*ad Fam.* xiii. 1; *ad Att.* i. 14, v. 11); and under the emperors Gratian and Theodosius (A.D. 380), Ῥούφιος Φῆστος is called proconsul of Greece, and an Areiopagite. (Meursius, *Areiop.*)

Of the respectability and moral worth of the council, and the respect that was paid to it, we have abundant proof in the writings of the Athenian orators, where, indeed, it would be difficult to find it mentioned except in terms of praise. Thus Lysias speaks of it as most righteous and venerable (*c. Andoc.* § 14); and so great was the respect paid to its members, that it was considered rude in the people laughing in their presence, while one of them was making an address to the assembly on a subject they had been deputed to investigate (Aeschin. *c. Timarch.* § 84). This respect might, of course, facilitate the resumption of some of their lost power, more especially as they were sometimes intrusted with inquiries on behalf of the state, as on the occasion to which we have just alluded, when they were made a sort of commissioners, to inquire into the state of the buildings about the Pnyx, and decide upon the adoption or rejection of some proposed alterations. Isocrates, indeed, even in his time, when the previous inquiry or δοκιμασία had fallen into disuse, speaks well of their moral influence; but shortly after the age of Demetrius Phalereus, a change had taken place; they had lost much of their respectability, and were but ill fitted to enforce a conduct in others which they did not observe themselves. (Athen. iv. 167, e, f.)

The case of St. Paul (Acts xvii. 22) is generally quoted as an instance of their authority i religious matters; but the words of the sacr historian do not necessarily imply that he w brought before the council. It may, howev be remarked, that they certainly took cognisa of the introduction of new and unauthoris forms of religious worship, called ἐπίθετα ἱερ in contradistinction to the πάτρια or older rites of the state. (Harpocrat. *s. vv.* Ἐπίθετα Ἑορταί; Schömann, *de Comitiis*, p. 286, transl.)

With respect to the number of the Areiopag in its original form, a point of no great mome we are altogether in the dark; but it is pl that there could have been no fixed numb when the archons became members of this b at the expiration of their year of office. Ly indeed, speaks of them (Περὶ τοῦ Σηκοῦ, § but see *Argum.* Dem. *c. Androt.* p. 589) as fo ing a part of the Areiopagus even during t time; a statement which can only be reco ciled with the general opinion on the subj by supposing that they formed a part of council during their year of office, but w not permanent members till the end of t time, and after passing a satisfactory exam tion. [R. W.] [W.

ARE'NA. 1. Sand. The composition of R mortar and cement is described under St TURA: we here notice the different kinds sand employed,—a subject to which Vitru has devoted a chapter (ii. 4). He reckons kinds of pit sand (*fossilis*), besides sea river sand; the black (*nigra*), the white (c the red (*rubra*), and the volcanic (*carbun* cf. Varr. *L. L.* i. 9, 2). Pliny recognises the distinctions of sea, river, and pit not those of colours (*H. N.* xxxvi. §§ 54, In another chapter (ii. 6) Vitruvius descri the *pulvis Puteolanus*, or volcanic sand of neighbourhood of Vesuvius, as a different material, unaware that it is substantially identical with that of the Roman Campagna. The modern name *pozzolana* is applied indifferently to both.

2. [Amphitheatrum.] [W. W.]

ARENA'RII are mentioned in inscriptions as formed into *collegia* (Orelli-Henzen, Nos. 2773, 4063). The meaning of the name is variously explained as gladiators fighting in the *arena*, persons who swept it and looked after it (Orelli), or diggers in an *arenaria* or sand-pit (Muratori). The first of these three senses is the most probable; they are named in connexion with *lanistae*, *scenici*, *venatores*, &c., and Tertullian calls them *amentissimi* and *infames* (*de Spect.* 22, cf. Petron. *Sat.* 126; Capitol. *Aurel. Philosoph.*, c. 19; Rein, *ap.* Pauly, i.² *s. v.*). [W. W.]

ARETA'LOGI, a class of persons whose conversation formed one of the entertainments of the Roman dinner-tables (Suet. *Octav.* 74). The word literally signifies *persons who discourse about virtue*; and the class of persons intended seem to have been poor philosophers, chiefly of the Cynic and Stoic sects, who, unable to gain a living by their public lectures, obtained a maintenance at the tables of the rich by their philosophical conversation. Such a life would naturally degenerate into that of the parasite and buffoon; and accordingly we find these persons spoken of contemptuously by Juvenal, who uses the phrase *mendax aretalogus*: they became a sort of *scurrae*. (Juv. *Sat.* xv. 16; cf. Casaubon. *ad Suet. l. c.*; Mayor, *ad Juv. l. c.*) [P. S.] [A. S. W.]

ARGE'I. We learn from Livy (i. 21) that Numa consecrated places for the celebration of religious services which were called by the pontifices *Argei*. Varro calls them the chapels (*sacella*) of the Argei, and says they were twenty-seven in number, distributed in the different districts of the city (*L. L.* v. 45). The number 27 appears to be a copyist's mistake for 24, the number implied by Varro himself in another passage (vii. 44), *i.e.* six for each of the four ancient regions of Rome. They seem also to have been the depositories of topographical records. Thus we read in Varro,—*In sacreis Argeorum scriptum est sic: Oppius mons princeps, &c.*, which is followed by a description of the neighbourhood. They were said to be named from the chieftains who came with Hercules, the Argive, to Rome, and occupied the Capitoline or, as it was anciently called, Saturnian hill. These Argives, according to the legend, either cast themselves, or directed that their dead bodies should be cast, into the Tiber, in the hope of being carried down to Argolis. In this latter part of the story we may probably recognise an attempt to explain the ceremony of the Ides (15th) of May, when certain osier figures of men called *argei* were thrown into the Tiber from the pons Sublicius by the Vestals, as a reminiscence (not, as is most likely the truth, of human sacrifices to indigenous ancient divinities, but) of that early connexion of the Greek Heracles with the fortunes of Rome which Roman writers so generally sought to establish. Dionysius of Halicarnassus seems to mix up both explanations in his statement that the custom, continuing to his times, was instituted by Hercules to satisfy the scruples of the natives when he abolished the human sacrifices formerly made to Saturn. He gives the number of images as 30: Varro speaks of 24, which, if we read xxiiii for xxvii, as suggested above, in v. 45, makes one victim for each of the Argei. Whether, finally, the name Argei originally belonged to deities themselves, and passed from them to their shrines and their victims, must remain undecided: that the cultus associated with the name was archaic, analogous to that of the Lares, and involving human sacrifices, seems clearly deducible from our documents. The subject has been specially treated by Liebrecht in *Philologus*, xxiii. pp. 679 ff., and Bouché-Leclercq, *Les Pontifes de l'ancienne Rome*, pp. 268 ff.: cf. Jordan, *Topogr. d. Stadt Rom*, ii. p. 236; Burn, *Rome*, p. 39; *Dict. of Gr. and Rom. Geogr.* ii. p. 733 foll. The chief classical sources are Varro, *L. L.* v. 45, vii. 44; Ov. *Fast.* v. 621 ff.; Gellius, x. 15; Dionys. Halic. i. 38; Macrob. i. 2, § 47. [R. W.] [W. W.]

ARGENTA'RII (τραπεζῖται), dealers in money, included money-changers, usurers or money-lenders, and bankers properly so called, or intermediaries between business men.

1. Greek. The primitive "tables of the money changers," set up throughout Greece in the market-place and other public resorts (Plat. *Apol.* p. 17 C; *Hipp. Min.* p. 368 B), like the *mensa argentaria* of the Romans and the "bench" of the mediaeval Italians, acquired an enlarged meaning with the development of commerce; and the name τραπεζίτης was applied indifferently to men who carried on several distinct branches of business which might, or might not, be combined in the same hands. The κερματιστής (the noun is post-classical, but κερματίζω and κατακερματίζω are both found) gave small change for the larger coins, as obols for drachmas: the κολλυβιστής changed foreign money at an agio (καταλλαγή), or provided gold to be remitted abroad (Isocr. *Trapez.* § 40; Dem. *de Fals. Leg.* p. 376, § 114=124, with Shilleto's note; *c. Polycl.* p. 1216, § 30; Pollux, iii. 84, vii. 170). The δανεισταί advanced money at high interest to the necessitous, or lent it on the security of ships and their cargoes—a hazardous speculation when marine insurance was unknown; hence at Athens their headquarters were in the Peiraeus, and it was even said, doubtless with some exaggeration, that no ship could leave the port without this accommodation to traders (Dem. *c. Phorm.* p. 922, § 51). This class of business, and even the more legitimate banking, was mostly carried on by μέτοικοι or resident aliens and freedmen, who, like the Jews in the Middle Ages, bore themselves submissively towards the citizens, and had to console themselves with large profits for much social inferiority and disrepute and occasional ill-treatment. Thus Cephisiades, a man of this type, is called μέτοικος καὶ οὐδὲν δυνάμενος (Dem. *c. Callipp.* p. 1243, § 25). There were, however, bankers who enjoyed a wide connexion and had the management of large sums of money, and whose position as men of business had won them general confidence. The most conspicuous example of this class is the well-known Pasion, who, through his litigious son Apollodorus, occupies a large space in the Demosthenic orations. (For a sketch of his career, see Mahaffy, *Social Life in Greece*, ed. 3, pp. 414–418; Sandys, Introductions to Dem. *pro Phorm.* and *c. Steph.*) As in modern times, such bankers received money

on deposit at a low interest (or what passed for such) and lent it out at a higher. A banking account without interest, for the mere convenience of receiving dividends and paying cheques, was a conception as unknown to the Greeks as a joint stock or a State bank. The interest allowed to depositors may perhaps be inferred from a passage in Demosthenes: the father of the orator had, besides the capital invested in his two businesses as a cabinet-maker and sword-cutler, a talent out on loan, seemingly with the *τραπεζῖται*, at the rate of a drachma per mina per month, or 12 per cent. a year (*ἐπὶ δραχμῇ δεδανεισμένον*, *c. Aphob.* i. p. 816, § 9); he had also some money in Pasion's and two other banks (*ib.* § 11). Half as much again, or 18 per cent. (*ἐπ' ἐννέα ὀβολοῖς*), was a common rate of interest at Athens, as we see in the case of divorced couples: if the husband neglected or delayed to refund the dowry he had received with his wife, her guardians (*κύριοι*) could proceed against him for the principal and interest calculated at that rate. Sixteen per cent. (*ἐπ' ὀκτὼ ὀβολοῖς*) is mentioned as charged for a mortgage upon a house (Dem. *c. Nicostr.* p. 1250, § 13, with Sandys' note). But where the security was bad, the bankers clearly made much higher profits, and even the leading men among them were not ashamed to act the usurer's part, and to trade upon the necessities of the spendthrift and of men beginning business without capital. Thus in an important fragment of Lysias (i. ed. Teubner, B. ed. Oxon.), Aeschines, the disciple of Socrates, is described as, after having tried tavern-keeping and apparently failed in it, setting up a perfumery business with money borrowed at 36 per cent. In the case of bottomry loans or advances on ships' voyages, as the principal was lost if the ship foundered, 25 or 30 per cent. in proportion to the risks was regarded as legitimate business (Dem. *c. Lacr.* p. 926, § 10. This *συγγραφή*, as an "inserted document," is liable to some suspicion, but it is accepted not merely by Boeckh, *P. E.* p. 137, but by recent scholars, such as Büchsenschütz, *Besitz und Erwerb*, p. 498). For fuller details on the subject of the interest of money, see Fenus.

Among the securities on which money could be raised we find plate and valuables (Dem. *c. Nicostr.* p. 1249, § 9), land and houses (*c. Phorm.* p. 946, § 6). We have here, perhaps, the explanation of the fact that citizenship was somewhat freely conferred on leading bankers, even if, like Pasion and his manager and successor Phormio, they were of servile origin. The right of holding real property (*ἔγγειος οὐσία*) was confined to citizens, to the exclusion of *ξένοι* and *μέτοικοι*: and had all the lenders belonged to the latter class, no Athenian would have been able to take up money on mortgage, as no one would have lent if debarred from taking possession of the security in default of payment.

The notion of many Greeks (which a few years ago might have been pronounced exploded, but has lately been revived in unexpected quarters) that all taking of interest partook of the nature of usury, was shared even by Aristotle (*εὐλογώτατα μισεῖται ἡ ὀβολοστατική*, *Pol.* i. 10, 4). While not altogether escaping the reproach which attached to their calling as such, the higher class of bankers in many instances acquired much personal respect, and a high reputation for ability combined with honesty (Dem. *pro Phorm.* p. 957, § 44); their credit enabled them to raise money at a moment's notice in distant cities (id. *c. Polycl.* p. 1224, § 56). Such confidence was placed in them, that sometimes business was transacted with them without witnesses (Isocr. *Trapez.* §§ 2, 53); money and contracts of debt were deposited with them, and agreements were concluded or cancelled in their presence (Dem. *c. Callipp.* p. 1242, § 24; *c. Dionysod.* p. 1287, § 15). They had thus become, as Hermann remarks, a sort of unofficial notaries public. On the other hand there are instances of bankers losing everyth they possessed, and becoming utterly bankru (*ἐκστῆναι τῶν ὄντων*, Dem. *pro Phorm.* p. 95 § 50; *c. Steph.* i. p. 1120, § 64; *ἀνασκευάζε* *c. Apatur.* p. 895, § 9; *c. Timoth.* p. 1204, § 6 The high rates of interest that ruled are themselves enough to prove that the securi was often bad; and there is other evidence the unsatisfactory condition of banks and ban ing. The law of debt was severe, but ba administered; and in the ill-regulated and i pulsive Athenian dicasteries, the fraudul debtor had at his command every species subterfuge and dishonest contrivance against t creditor. In the *Apaturius*, we see the shifts borrowers to escape or transfer liability; the *Trapeziticus*, no less a person than P himself is openly accused of repudiation, bac by forgery (cf. Jebb, *Att. Or.* ii. 222-226). have, it is true, only one side of each case, are unable to judge of their merits; but fact remains that such charges were made open court, and fought out with a good deal hard swearing. Prof. Mahaffy observes: "P haps the safest and clearest evidence as to th insecurity is the fact stated on the bankers' that when Pasion's son had his choice of business worth 60 minae, or a bank worth 1 in respective yearly income, he justly, says orator, preferred the ownership of the bu establishment, on account of the insecurity an income made from other people's mo This speaks volumes on the point, and is sufficient evidence of the bad conditio banking" (Mahaffy, p. 413; Dem. *pro Ph* p. 948, § 11).

Before the rise of this system, the plac banks was to some extent supplied by the t ples, which played no unimportant part in Greek commerce. They were used as safe p for the deposit of treasure; and having l funds of their own, derived from the re their estates and from votive offerings, employed productively both these and the confided to their care. Thus Cleisthenes the Alcmaeonidae borrowed from the Del sanctuary, with the consent of the Amphicty the funds with which the Pisistratids were thrown (Isocr. *Antid.* § 232; Dem. *c. M* 561, § 144): and at the outbreak of the P ponnesian war the Corinthians proposed to a fleet with loans effected at Delphi and Oly (Thucyd. i. 121). It has been thought that temples confined themselves to State loans, did not lend money to individuals: Büch schütz, however, has shown from the D *Marmor Sandvicense* (cf. Amphictyons) other inscriptions, that private persons enj this accommodation. To the undoubted general rule, that no banks were either worked or guaranteed by the State, an exception was imagined to exist at Byzantium on the strength of a passage in Aristotle (*Oecon.* ii. 4, § 4): all that is really stated is that an impoverished government, among other expedients, sold a monopoly of money-changing to a particular bank. (Boeckh, *P. E.* bk. i., ch. xxii.; K. F. Hermann, *Privatalterth.* § 48; Büchsenschütz, *Besitz und Erwerb*, pp. 500–510; Becker-Göll, *Charikles*, sc. iv.; Mahaffy, *Social Life in Greece*, ed. 3, ch. xiii.) [W. W.]

2. ROMAN. The existence of bankers (*argentarii*) at Rome can be proved as early as 309 B.C. (See Liv. ix. 40, 16.) There does not seem any sufficient evidence to show that these were silversmiths; and it would be contrary to the simplicity of the times that the establishments of the silversmiths should have been so numerous as to form a prominent feature in the town. Silver was not coined at Rome till 268 B.C.; but the term *argentarii* can be very well explained if we regard them as the exchangers of foreign, especially South Italian and Etruscan, silver coin into Roman bronze currency. (See Weissenborn on Livy, *l. c.*) Of course, in imperial times, *argentarius* meant a silversmith. (Lamprid. *Alex. Sev.* 24; Cod. Theod. xii. 1, 37; xiii. 4, 2: cf. Marquardt, *Privatl.* 675, note 10; Wilmann's Index, 645.)

As a distinct class the bankers were called *argenteae mensae exercitores* (Dig. 2. 13, 4, pr.), *negotiatores stipis argentariae* (Orelli, 4060); and, indeed, *negotiatores* simply was the title of the dealers in money as they appear in the Roman provinces (Marquardt, *Staatsverw.* i.^{2} 539 *sq.*). But we find allusion often made to NVMMVLARII and MENSARII or MENSVLARII, terms which seem synonymous; for Festus explains *mensarius* by *nummularius* (cf. Suet. *Aug.* 4). That these are in some respects different from, though as regards pure banking business very similar to, the *argentarii*, is certain from Dig. 2. 13, 9, 2: "Nummularios quoque non esse iniquum cogi rationes edere Pomponius scribit; quia et hi nummularii sicut argentarii rationes conficiunt, quia et accipiunt pecuniam et erogant per partes quarum probatio scriptura codicibusque eorum maxime continetur; et frequentissime ad fidem eorum decurritur." How did they differ?

Some writers say the *argentarii* were private ankers, the *mensarii* and *nummularii* public. Heimbach (*Die Lehre von dem Creditum*, p. 619) holds just the reverse view. The *argentarii* were public state-licensed bankers, the *nummularii* an inferior sort of money-changers, says Neumann (*Handlexikon zu den Quellen des röm. Rechts*, 1884, *s. vv.*). All these authors, when fully understood, state what seems to be the true view, which appears to be as follows:—The *argentarii*, we saw above, were money-changers (though later their functions in this department passed to the *nummularii*), and as such had necessarily always considerable sums of ready money on hand. Now such holders and dealers in money are the natural bankers. But they were private individuals. Whenever in early times we hear of public or state bankers, they are appointed for a special emergency (*quinqueviri* or *tresviri mensarii*, Liv. vii. 21, 5; xxiii. 21, 6), chiefly to lend money to private individuals during a financial crisis (Liv. xxii. 60, 4; xxiii. 21, 6: cf. Lange, *Röm. Alt.* ii. 173), though when appointed they fulfilled other state-banking business (Liv. xxiv. 18, 12; xxvi. 36, 8). Appointments of this kind occur twice during the Republic, in 351 B.C. and 216 B.C. When the Aerarium lent aid in a similar crisis in 33 A.D., Tiberius seems to have done it through the ordinary bankers (Tac. *Ann.* vi. 17), though Mommsen (*Staatsrecht*, ii.^{2} 692) thinks that here too a special commission was appointed.

Somewhat different are the *nummularii*. At the outset this title appears to have been confined to state-officers, but officers of the mint and not bankers. It was they who assayed the coins (Dig. 46. 3, 39; cf. Otto Hirschfeld, *Verwaltungsgeschichte*, i. 95, note 5, and *C. I. L.* vi. 298), and who distributed the newly-coined money among the people. These latter were also called *collectarii* (Symmachus, *Epist.* v. 49, who applies both terms to them), and in Greek ἀργυραμοιβοί (Procop. *Anecd.* 25). But here again is a class who deals in and possesses considerable quantities of ready money, and so are natural bankers; and, as time went on, they came to be allowed to transact, besides their official functions, pure banking business, *i.e.* receiving deposits, opening current accounts, making loans, &c. (Dig. 16. 3, 7, 2, *nummularii*; 42. 5, 24, 2, *mensularii*): and thus, in point of law, so far as banking was concerned, were assimilated to the *argentarii* (Dig. 2. 13, 9, 2, quoted above). So all three terms came to be used indiscriminately for bankers; and a good example is the fact that all three are applied to the grandfather of Augustus. (Suet. *Aug.* 2 and 4.)

But though the bankers were private business men, they were regarded as exercising a public function. (Dig. 2. 13, 10, 1, "quia officium eorum atque ministerium publicam habet causam et haec principalis eorum opera est ut actus sui rationes diligenter conficiant;" 42. 5, 24, 2, "fidem publicam secuti"); and this is further shown by the special provisions the law made as regards *argentarii* in reference to COMPENSATIO (Gaius, iv. 66, 68; and Poste *ad loc.*), and the Actio RECEPTITIA (Sandars on Just. *Inst.* iv. 6. 8, 9; Salkowski, § 128). Just as stockbrokers in London are licensed by the Lord Mayor, and in Dublin by the Lord Lieutenant, so in imperial times at Rome the bankers were under the supervision of the *praefectus urbi* (Dig. 1. 12, 1, 9), and in the provinces under that of the governor (Suet. *Galb.* 9); and Pagenstecher (*De litterarum obligatione*, &c., p. 28) has supposed that they were licensed by the state. We can thus see how and in what sense the opinion has arisen that one or other class were public bankers. Both, as far as they were bankers, were just as much private and just as much public as (say) our stockbrokers.

The *argentarii* then were strictly bankers; and their various functions may be classified as follows: — 1. *Permutatio*, or the exchange of foreign coin for Roman coin, in which case a small agio (collybus) was paid to them. (Cic. *in Verr.* iii. 78, 180.) In later times, when the Romans became acquainted with the Greek custom of using bills of exchange, the Roman *argentarii*, e.g., received sums of money which had to be paid at Athens, and then drew a bill payable at Athens by some banker in that city (*permutare Athenas*, Cic. *ad Att.* xv. 15, 4). This mode of transacting business is likewise called *permutatio* (Cic. *ad Att.* xii. 24, 1, 27, 2, xv. 15, 4; comp. v. 15, 2, xi. 1, 2, 24, 3; *ad Fam.* ii. 17, 7, iii. 5, 4; *ad Quint. Frat.* i. 3, 7; *pro Rabir. Post.* 14, 40), and rendered it necessary for the *argentarii* to be acquainted with the current value of the same coin in different places and at different times. (See the comment. on Cic. *pro Quinct.* 4, 17.) 2. The keeping of sums of money for other persons. Such money might be deposited by the owner merely to save himself the trouble of keeping it and making payments, and in this case it was called *depositum;* the *argentarius* then paid no interest, and the money was called *vacua pecunia*. When a payment was to be made, the owner drew a cheque. (Plaut. *Curcul.* ii. 3, 66, &c.; iii. 66, &c.) Or the money was deposited on condition of the *argentarius* paying interest: in this case the money was called *creditum*, and the *argentarius* might of course employ the money himself in any lucrative manner (Suet. *Aug.* 39). In case of failure the law enacted that the claims of *depositarii* should be satisfied before those of creditors who had money at interest in the bank (Dig. 16. 3, 7, 2). The *argentarius* thus did almost the same sort of business as a modern banker. Many persons entrusted all their capital to them (Cic. *pro Caec.* 6, 16); and instances in which the *argentarii* made payments in the name of those whose money they had in hand, are mentioned very frequently. A payment made through a banker was called *per mensam*, *de mensa*, or *per mensae scripturam*, while a payment made by the debtor in person was a payment *ex arca* or *de domo*. (Plaut. *Curcul.* v. 3, 7, &c., *Capt.* ii. 3, 89; Cic. *ad Att.* i. 9, *Top.* 3; Schol. *ad* Hor. *Sat.* ii. 3, 69; Senec. *Epist.* 26, 8; Gaius, iii. 131; Donat. *ad* Ter. *Phorm.* ii. 413.) An *argentarius* never paid away any person's money without receiving a cheque which was called *perscriptio*, and the payment was then made either in cash, or, if the person who was to receive it kept an account with the same banker, he had it added in the banker's book to his own deposit. This was likewise called *perscribere* or simply *scribere*. (Plaut. *Asin.* ii. 4, 34, &c., *Curc.* v. 2, 20; Donat. *ad* Ter. *Phorm.* v. 7, 28, &c., *ad Adelph.* ii. 4, 13; Cic. *ad Att.* iv. 18, § 2, ix. 12, 3, xii. 51, 3, *Phil.* v. 4, *in Verr.* v. 19; Hor. *Sat.* ii. 3, 76.) We also find that *argentarii* made payments for persons who had not deposited any money with them: this was equivalent to lending money, which in fact they often did for a certain percentage of interest. (Plaut. *Curc.* iv. 1, 19; 2, 22, &c., *Epid.* i. 2, 40; Tac. *Ann.* vi. 17.) Of all this business, of the receipts as well as of the expenditure, the *argentarii* kept accurate accounts in books called *codices*, *tabulae* or *rationes* (Dig. 2. 13, 1, 1), and there is every reason for believing that they were acquainted with what is called in book-keeping double entry [LITTERARUM OBLIGATIO]. When an *argentarius* settled his accounts with persons with whom he did business, it was done either in writing or orally, both parties meeting for the purpose (Dig. 2, tit. 14, s. 47, § 1; 14, tit. 3, s. 20; Plaut. *Aulul.* iii. 5, 53, &c.), and the party found to be in debt paid what he owed, and then had his name effaced (*nomen expedire, exsolvere* or *expungere*) from the banker's books. (Plaut. *Cist.* i. 3, 41; Cic. *ad Att.* xvi. 6.) As the books of the *argentarii* were generally kept with great accuracy, and particularly in regard to dates (Dig. 2. 13, 6, 6), they were looked upon as documents of high authority, and were appealed to in the courts of justice as unexceptionable evidence. (Cic. *pro Caec.* 6, 16; Gellius, xiv. 2.) Hence the *argentarii* were often concerned in civil cases, as money transactions were rarely concluded without their influence or co-operation. Their codices or tabulae could not be withheld from a person who in court referred to them for the purpose of maintaining his cause, and to produce them was called *edere* (Dig. 2, tit. 13, s. 1, § 1), or *proferre codicem* (2, tit. 13, s. 6, §§ 7, 8). 3. Their connexion with commerce and public auctions. This branch of their business seems to have been one of the most ancient. In private sales and purchases, they sometimes acted as agents for either party (*interpretes*, Plaut. *Curc.* iii. 1, 64), and sometimes they undertook to sell the whole estate of a person, as an inheritance. (Dig. 5, tit. 3, s. 18; 46, tit. 3, s. 88.) At public auctions they were almost invariably present, registering the articles sold, their prices and purchasers, and receiving the payment from the purchasers. (Cic. *pro Caec.* 6, 16; Quintil. xi. 2, 24; Suet. *Ner.* 5; Gaius, iv. 126; Capitolin. *M. Anton. Phil.* 9.) At auctions, however, the *argentarii* might transact business through their clerks or servants, who were called *coactores* from their collecting the money. Horace's father (Hor. *Sat.* i. 6, 86) and Vespasian's grandfather (Suet. *Vesp.* 1) were *coactores*. This business, connected with auctions, seems to have belonged exclusively to *argentarii*.

Banking establishments were often owned by several partners (*socii*), and we find some special peculiarities about such partnerships: *e.g.* each partner was liable by custom for the debts of the firm (*ad Herenn.* ii. 13); again, each partner had an action against a debtor to the firm (Dig. 2. 14, 27). For other peculiarities see Dig. 2. 4, 9 and 25; and Humbert in Saglio's *Dict.* p. 408. Slaves were allowed to act as bankers on their own account with their *peculium*, and the master was liable for the amount of the *peculium* sunk in the business (Dig. 2. 13, 4, 3); but generally the slave was only the manager of the bank (*institor*) for his master (Dig. 14. 3, 19, 3). During imperial times the *argentarii*, like so many other branches of the community, organised themselves into a collegium, and we find in the 3rd century two Roman inscriptions originating from them (Orelli, 913, 995); and Justinian, *Nov.* 136 pr., mentions the ἀργυροπρᾶται as a corporation at Constantinople.

As regards the respectability of the *argentarii*, the passages of the ancients seem to contradict one another, for some writers speak of their occupation as respectable and honourable (Cic. *pro Caec.* 4, 10; Aurel. Vict. 72; Suet. *Vesp.* 1; Acron. *ad* Hor. *Sat.* i. 6, 86), while others speak of them with contempt (Plaut. *Curc.* iv. 2, 20, *Casin.* Prol. 25, &c.); but this contradiction may be easily reconciled by distinguishing between a lower and a higher class of *argentarii*. A wealthy *argentarius* who carried on business on a large scale was undoubtedly as much a person of respectability as a banker in modern times; but others who did business only on a small scale, or degraded their calling by acting as usurers, cannot have been held in any esteem. It has already been observed that the *argentarii* had their shops round the forum (Liv. ix. 40, xxvi. 11, 27; Plaut. *Truc.* i. 1, 51; Terent. *Phorm.* v. 8, 28, *Adelph.* ii. 4, 13); hence to become bankrupt was expressed by *foro cedere*, or *abire*, or *foro mergi*. (Plaut. *Epid.* i. 2, 16; Dig. 16, tit. 3, s. 7, § 2.) The shops or booths were public property, and built by the censors, who sold the use of them to the *argentarii* (Liv. xxxix. 44, xl. 51, xli. 27, xliv. 16). Comp. J. G. Sieber, *Dissertat. de Argentariis*, Lipsiae, 1737; H. Hubert, *Disput. juridicae III. de Argentaria veterum*, Traject. 1739; W. T. Kraut, *de Argentariis et Nummulariis*, Göttingen, 1826; G. E. Heimbach, *Die Lehre von dem Creditum*, Leipzig, 1849; F. Walter, *Geschichte des römischen Rechts*, Bonn, 1860, § 202; Marquardt, *Römische Staatsverwaltung*, Leipzig, 1876, vol. ii. pp. 63–66; Saglio and G. Humbert *ap.* D. and S. [L. C. P.]

ARGENTUM. The use of silver among the Greeks, although no doubt later introduced than that of gold, dates from pre-historic times. In the archaic tombs opened by Dr. Schliemann at Mycenae were several vessels and ornaments of silver. Homer mentions on several occasions vessels of silver, sometimes as coming from Sidon (*Il.* xxiii. 743), sometimes as imported from Egypt (*Od.* iv. 125), sometimes as of home manufacture (*Od.* xix. 57). Our museums exhibit numerous specimens of all these kinds of ware. The method of manufacture in early times was the same for silver as for gold and copper: the material was beaten out with a hammer and fastened either with nails or solder, or else cast in moulds.

In Asia, in the time of the Persian Empire, silver must have been common, for we know that it was thirteen times less valuable than gold (Herod. iii. 95); and the stores of gold accumulated by kings, such as Croesus, and even by private individuals, such as Pythius (Herod. vii. 27), were enormous. From Asia it came to Greece in the way of commerce. But there were also silver mines in Hellas of great importance. Among these the most prolific were the mines of Laurium, the property of the Athenian people and the chief source of their wealth. With regard to the working of these mines we possess many details; as to which see Boeckh *On the Silver Mines of Laurium*, and Rhangabé in the *Mémoires de l'Acad. des Inscr.* viii. 297. There were also extensive silver mines in the Pangaean range in Thrace and in Epirus. From these sources came the supplies of Greece before the age of Alexander. Silver was at that time in great demand in Greece. It was used by the rich for drinking vessels, by ladies for mirrors and toilet-boxes, by the pious for statues and ornaments to be dedicated in the temples. Among Greek silversmiths the most celebrated was Mentor (Plin. xxxiii. § 154), whose name is mentioned by the Romans in conjunction with those of Polycleitus and Scopas, and whose works were eagerly sought out by the connoisseurs of later times. Mys and Acragas and other silversmiths had wide reputation. But the chief use to which in earlier and less luxurious times silver was put was in coinage. The usual issues of Asia Minor were in silver, and that metal was almost the only currency in Hellas proper, and used conjointly with copper in Sicily and S. Italy. As early as the 6th century Aegina, Corinth, Euboea, Athens, Samos, and many other cities issued an abundance of silver coin, and during the next century the example was followed by nearly every Greek independent city of any pretensions. It may be remarked here that all the Greek words connected with money are derived from *ἄργυρος*, and not from *χρυσός*, as *καταργυρόω*, "to bribe with money;" *ἀργυραμοιβός*, "a money-changer," &c.; and *ἄργυρος* is itself not unfrequently used to signify money in general (Soph. *Antig.* 295), as *aes* is in Latin.

In the time of Alexander the mines of Laurium were of diminished richness, and their produce decreased until in the time of Pausanias and Strabo they were looked on as exhausted (Paus. *ad init.*). But their place was far more than supplied by the enormous treasures of silver which the Persian kings had laboriously hoarded, and which Alexander and his captains spent with lavish profusion. A whole corps of Alexander's soldiers bore silver shields (the ARGYRASPIDES), Mithradates Eupator had numerous chariots of silver, and we read in Athenaeus' description of the pomp of Ptolemy Philadelphus (v. p. 196 *sqq.*) of such things as a silver bowl holding 600 metretae and embossed with figures of animals.

Italy is less richly furnished by nature with silver than Greece. In early times, indeed, the Etruscans were celebrated for working in silver, many of their productions still surviving; and they issued silver coins as early as the 5th century. But we may suppose the metal imported either from the Gauls to the north or the seafaring Phoenicians. Certainly at the same period silver was rare at Rome, as is shown by the fact that Rome long contented herself with copper money, and only followed the example of her richer neighbours in striking silver in B.C. 269. Before that period Greek silver was in circulation at Rome; and the principal silver coin of the Romans, the *denarius*, was borrowed from the Greek *drachma*. This dearth of silver disappeared when the Romans acquired the rich mines of Spain, which the Carthaginians had worked before them. These were situate at Osca and elsewhere, but those near Carthago Nova were so rich (Polyb. xxxiv. 9) as to employ forty thousand miners, to the great profit of the Roman state. This makes more surprising the statement of Pliny (xxxiii. § 141) that at the capture of Carthage the booty in silver only amounted to 4370 pounds. It was really the victories of Scipio Asiaticus which flooded Rome with silver as with other luxuries, until silver tables of 100 pounds' weight became common at Rome, and even the cooking utensils of the wealthy were sometimes made of the same material (Plin. xxxiii. § 140). Statuettes and parts of statues of silver of the Roman period have been found, together with many silver cups and vessels. Some of these latter were found at Pompeii, some at Caere, but the largest hoard, weighing upwards of 100 pounds, at Hildesheim in Germany. This treasure, consisting of upwards of seventy vessels, must have been part of the baggage of a Roman officer on the frontiers, and forcibly illustrates the luxury of wealthy officers in late times. It also shows what immense strides the practical art of the silversmith had made since early Greek times. The Hildesheim vases, which are now in the Museum of Berlin, are composed of a body of silver, over which is fastened a second layer covered with alto-rilievos of beaten work, admirably designed and excellently adapted to the forms and purposes of the vessels. On the subject of working in silver, Pliny has a dissertation (xxxiii. § 127 ff.).

Silver as Coin.—We have already stated when and where silver was principally used for currency; and for further details, see Nummus, Denarius, As, Drachma. But we must add here a few words as to the alloy of silver. In the 6th and 5th centuries B.C. the silver issued in the Greek world is usually of almost perfect purity. Of a number of pieces of S. Italy tested, many offer a proportion of 94 to 96 per cent. of pure silver, none less than 91 per cent. The coins of Aegina are about ·96 fine. Those of Athens, which were noted in antiquity for their purity, give a percentage of ·986 to ·983. Even after Alexander the coins of Athens retain their purity, the analysis of some specimens yielding ·966 of silver, ·032 of copper, and ·002 of gold. But in some places the standard of fineness rapidly falls in late times. A tetradrachm of Philip, one of the last kings of Syria, yielded only ·678 of silver, and the contemporary coins of Egypt are still more debased. When the Romans occupied that country, they found the money so debased in quality, though it still retained its weight, that a Roman denarius was equivalent in value to the Ptolemaic tetradrachm of nearly four times its weight. Among the Romans silver retained its standard, excepting in the case of some denarii of M. Antony [Nummus Legionaris], until the time of Augustus, who fixed the purity at 98–9 per cent. But after Vespasian we find a continual decrease in the standard of silver currency, with occasional slight reactions, until the so-called silver money is but copper plated. The substances used for adulteration of silver were copper, tin, zinc, and lead, all of which are found in the later Egyptian money. For fuller details see Lenormant, *La Monnaie dans l'Antiquité*, vol. i.

Proportionate Value of Silver as compared with Gold and Copper.—A few words must be said under this head as to the relations held, in value one with another, of the three precious metals,—gold, silver, and copper. According to Herodotus (iii. 95), in reckoning the revenues of the Persian Empire gold was esteemed at thirteen times the value of silver. And Brandis tries to show by induction that this relation, or more exactly that of 13⅓ to 1, held between gold and silver in the Levant during many centuries. But in the 4th century the value of gold began to fall in Greece. The pseudo-Plato (*Hipparch.* 231 D) speaks of the comparative value of the two metals as 12 to 1; and after Philip of Macedon had possessed himself of the rich gold mines of Thrace, and his son of the treasures of the Persian kings, it fell to 10 to 1 (Menander, *ap.* Pollux, ix. 76). Mr. Head (*Coinage of Syracuse*, p. 26) shows reasons for supposing the relation in value of gold to silver in Sicily to have been 15 to 1 until about B.C. 344, and afterwards 12 to 1. Roman laws of the middle of the 2nd century show that the relation of 12 to 1 was then current in Italy; but Roman gold coins bearing marks of value show considerable variations in the relation, from 9 to 17 to 1. Under the empire it was about 10 or 12 to 1. (See Sabatier, *Production de l'or, de l'argent et du cuivre*, p. 50.) The relation between silver and copper was in Sicily 250 to 1, and nearly the same result is given for Rome (if we accept the theories of Mommsen as to the reductions of the as), by a comparison of the weights of silver and copper coins of the 3rd century which bear marks of value. At a later time copper would seem to have become far more valuable in proportion. It is, however, difficult to prove this, because copper coins of later time are mere money of account, and not struck up to the full value. [P. G.]

AR'GIAS GRAPHE' (ἀργίας γραφή), that is, an action for idleness. Vagrants and idlers were not tolerated at Athens from very early times, and every person was obliged to be able to state by what means he supported himself. (Herod. ii. 177; Diod. i. 77.) According to some (Plut. *Sol.* 37; Pollux, viii. 42), even Draco had enacted laws against idleness, while, according to others, Solon, in his legislation, borrowed these laws from the Egyptians, and others again state that Peisistratus was the first who introduced them at Athens (Plut. *Sol.* 31). In accordance with this law, which is called ἀργίας νόμος, all poor people were obliged to signify that they were carrying on some honourable business by which they gained their livelihood (Dem. *c. Eubul.* p. 1308, § 32; Isocrat. *Areopag.* § 44; Dionys. xx. 2); and if a person by his idleness injured his family, an action might be brought against him before the archon eponymus, not only by a member of his family, but by any one who chose to do so (*Lexic. Seguer.* p. 310). At the time when the Areiopagus was still in the full possession of its powers, the archon seems to have laid the charge before the court of the Areiopagus. If the action was brought against a person for the first time, a fine might be inflicted on him; and if he was found guilty a second or third time, he might be punished with ἀτιμία (Pollux, viii. 42). Draco had ordained atimia as the penalty even for the first conviction of idleness (Plut., Poll., *ll. cc.*). This law was modified by Solon, who inflicted atimia only when a person was convicted a third time, and it is doubtful as to whether in later times the atimia was inflicted at all for idleness. As the Areiopagus was entrusted with the general superintendence of the moral conduct of citizens, it is probable that it might interfere in cases of ἀργία, even when no one came forward to bring an action against a person guilty of it. It seems probable, however, that the ἀργίας γραφή was not under the exclusive jurisdiction of the Areiopagus, but came also before the dicastae in the ordinary courts. (Plut. *Lycurg.* 24; Val. Max. ii. 6, 4; Platner, *Process*, ii. p. 150, &c.; Meier and Schömann, *Att. Proc.* pp. 193, 298, &c.; Boeckh, *P. E.* p. 475.) Similar laws are said to have existed at Corinth (Athen. vi. p. 227), in Sardinia (Aelian, *V. H.* iv. 1), and in Lucania (Stob. *Flor.* xliv. 41). [L. S.] [W. W.]

ARGYRAS'PIDES (ἀργυράσπιδες), a division of the Macedonian army of Alexander the Great, who were so called because they carried shields

'hey were picked
Nicanor, the son of
high honour by
of Alexander they
rds they deserted
menes up to him.
up the corps, find-
. (Diod. xvii. 57,
3, 48 ; Justin. xii.
tarch, *Eumen.* 13,
x. passim.) The
have had a corps
y : Livy mentions
army of Antiochus
lyb. v. 79). The
nong other things
er the Great, had
who were called
oides. (Lamprid.
[P. S.]
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was liable, to the
f the most general
ργύριον ὡς προσῆ-
the more precise
ης, and *ἀφορμῆς*.
to in two speeches
m. p. 1002, § 25 ;
treated at large in
Orat. lii.). (Bekk.
9*me Étude*, p. 31,
.) [W. W.]
ργυροκοπεῖον), the
ned, the mint, at
een in or adjoining
o named Stephane-
e standard weights
in the sanctuary
(Pollux, vii. 103 ;
Corp. Inscr. vol. i.
that inscription in
. 144, E. T. : comp.
[P. S.]
ρολόγοι, with or
ecting ships of the
the Peloponnesian
iv. 75 ; Xen. *Hell.*
71). They were
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lies ; but as the
re pressing, their
to arbitrary exac-
As they acted in
er of strategi sent
to that of ships ;
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es by the destruc-
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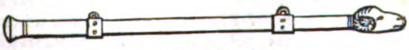
mbined skill with
cessful in this kind
casion raised 100
. *Hell.* iv. 4, 9).
evere in arguing,
iltiades, who after
133 ff.), that the
rates even in the
kh, *P. E.* p. 586 ;
; cf. Grote, ch. 36,
. [W. W.]
υροταμίαι), magistrates found only in Greek inscriptions of the Roman period. They appear to have been native financial officers in the provinces ; and their title distinguishes them from the *ταμίαι*, the Roman quaestors. We find them belonging to the people (*δήμου*, *C. I. G.* 2787), to the *φύλαρχοι* (3773), to the *πόλις* (3958), to the general assembly (*κοινὸν*) of Asia (2782). The *ἀργυροταμίας* referred to in this inscription is in every way connected with the high priest of Asia. We learn that at Athens the *ἀργυροταμίας* had the duty of selling up mortgages (*ὑποθῆκαι*), and received from the olive-growers the statement of the amount of their crop (354, 355). It appears to have been an extraordinary office at Aphrodisias, as it is more than once mentioned after *ἀρχαὶ καὶ λειτουργίαι* (2787, 2817). A man at Tralles (2930) held the post after being *δεκάπρωτος*, and before being *curator Romanorum* (cf. Mommsen-Marquardt, iv. 213 and 20). In Apamea Cibotus they carry out the consecration of the empresses decreed by the senate and people of the municipality (3958, 3959). In an inscription found near Damascus (4500), they appear to have given their name to the year. [L. C. P.]

ARIADNEIA (*ἀριάδνεια*), festivals solemnised in the island of Naxos in honour of Ariadne, who, according to one tradition, had died here a natural death, and was honoured with sacrifices, accompanied by rejoicing and merriment (Plut. *Thes.* 20). Another festival of the same name was celebrated in honour of Ariadne in Cyprus, which was said to have been instituted by Theseus in commemoration of her death in the month of Gorpiaeos. The Amathusians called the grove in which the grave of Ariadne was shown, that of Aphrodite-Ariadne. This is the account given by Plutarch (*Thes.* 20) from Paeon, an Amathusian writer. (Comp. C. F. Hermann, *Gottesd. Alterth.*, § 65, n. 12.) [L. S.]

ARIES (*κριός*), the battering-ram, was used to shake, perforate, and batter down the walls of

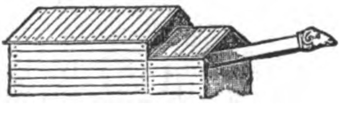
Aries, Battering Ram. (From Column of Trajan.)



Aries, Battering Ram.

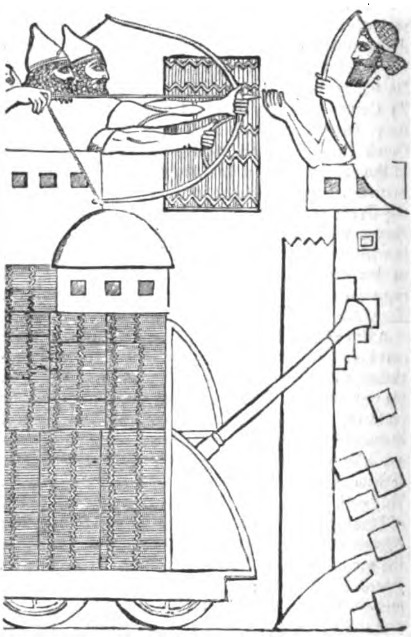
besieged cities. (Cic. *Off.* i. 11, 35; Caes. *B. G.* vii. 23; Verg. *Aen.* ii. 492, xii. 706; Liv. xxi. 12, xxxii. 23; Isid. *Orig.* viii. 11.) It consisted of a large beam, made of the trunk of a tree, especially of a fir or an ash. To one end was fastened a mass of bronze or iron (κεφαλή, ἐμβολή, προτομή), which resembled in its form the head of a ram. The upper figure in the preceding woodcut is taken from the bas-reliefs on the Column of Trajan at Rome. It shows the *aries* in its simplest state, and as it was borne and impelled by human hands, without other assistance. ("Aries actus lacertis," Lucan. i. 384.) In an improved form, the ram was surrounded with iron bands, to which rings were attached for the purpose of suspending it by ropes or chains from a beam fixed transversely over it. (See the lower figure in the woodcut.) By this contrivance the soldiers were relieved from the necessity of supporting the weight of the ram, and they could with ease give it a rapid and forcible motion backwards and forwards. (Amm. Marc. xxiii. 4, § 8; "suspenso fortior ictu," Lucan. iii. 490.)

The use of this machine was further aided by placing the frame (κριοδόχη) in which it was suspended upon wheels, and also by constructing over it a wooden roof, so as to form a *testudo* (χελώνη κριοφόρος, Appian, *Bell. Mithr.* 73; *testudo arietaria*, Vitruv. x. 19), which protected the besieging party from the defensive assaults of the besieged, while by an arrangement of stories the *aries* could be made to play on the walls of the besieged place or different heights. Josephus, who gives a description of the machine (*B. J.* iii. 7, § 19), adds, that there was no tower so strong, no wall so thick, as to resist the force of this machine, if its blows were continued long enough. The beam of the *aries* was often of great length, *e.g.* 80, 100, or even 120 feet. The design of this was both to act across an intervening ditch, and to enable those who worked the machine to remain in a position of comparative security. A hundred men, or even a greater number, were sometimes employed to strike with the beam. The besieged party endeavoured to set the *testudo* on fire, or to break in its roof with stones. To protect it against these dangers, it was lined with ox-hides or with a thick coating of clay. In order to break the *aries*, stones and other heavy substances were dropped from a height, and also nooses and the *lupus* [LUPUS] employed to sever it. Procopius (*Bell. Goth.* i. 21) describes the machine in which the *aries* was placed, as a small house resting on four pillars, the sides covered with leather, and propelled on four wheels, containing inside not less than 50 men.



Aries with Testudo. (From the Arch of Septimius Severus.)

Both the *aries* and the *testudo* are represented on Assyrian monuments. There is, however, no reference even to the *aries* in Greek literature before the siege of Plataea (Thuc. ii. 76), where, however, *it has not gained its* characteristic *name, but is called* ἐμβολή). We may dismiss the statement of Pliny (*H. N.* vii. 202) that the wooden horse at the siege of Troy was an *aries.* Vitruvius (x. 19) attributes the invention of the simple ram to the Carthaginians at the siege of Gades; of the suspended ram to a Tyrian, Pephrasmenos, on the same occasion; of the *testudo* to Ceras of Chalcedon, but he too appears in Athenaeus as Geras the Carthaginian.



Assyrian Aries and Testudo. (Layard's *Nineveh.*)

The *aries* first became an important military engine in the hands of the Macedonians, at the time of Philip and Alexander the Great. Vitruvius (*l. c.*), who gives copious extracts from the treatise of Diades on the subject, speaks of Polydus, a Thessalian, in the time of Philip, who greatly improved the machine, and his improvements were carried out still further by Diades and Chaereas, who served in the campaigns of Alexander the Great. The Romans learnt from the Greeks the art of building these machines, and appear to have employed them for the first time to any considerable extent in the siege of Syracuse in the second Punic war; on which occasion Censorinus employed two, one of which required 6000 legionaries to bring it up to the walls (App. *de reb. Pun.* 98). [HELEPOLIS.]

The *aries* is so called, according to Vegetius (iv. 14), not because its head resembled a ram's head, but because it butted the wall like a ram fighting: so he derives the name of the *testudo* from the appearances and disappearances of the *aries*, which recalled the action of a tortoise in putting out and drawing back its head under its shell: the name, however, may be taken from the resemblance of the protection given by the *testudo* to that given to the tortoise by its shell. Vitruvius thinks that the point of resemblance was its slowness of motion when being moved up to the walls of a city.

ftsteller, pp. 205,
im. Alterth. iii. 2,
. H. F.] [W. S.]
τοκρατία), a term
writers on politics,
istorians, or other-
political theories.
ernment of the best
Aristotle, Polybius,
state where politi-
he bulk of the com-
ds of a privileged
ass personally free
but excluded from
political functions)
ose supremacy was
y, but on personal
ουτίνδην ἀλλὰ καὶ
ίς, Aristot. *Pol.* iv.
τοκρατία βούλεται
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essential that the
ould be conducted
on of the general
re or predominant
d class (Aristot.
at. *Polit.* p. 301 A).
ceased to be thus
ly title to political
was the possession
tution was termed
ch, in the technical
looked upon as a
ot. *Pol.* iii. 5, p. 84,
(Comp. Plat. *l. c.*;
18, ed. Göttl. iv. 6,
τὴ, ὀλιγαρχίας δὲ
application of the
he personal excel-
necessary element
n what, according
f the Greeks, was
lies of noble birth
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Pol. iv. 6, *εἰώθασι*
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rd *ἀριστοκρατία* is
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nobles, whose descendants would of course for the most part inherit those natural and be also alone in a position to secure those acquired advantages, especially warlike skill, which would form their title to political superiority. Some aristocracies thus arose from the natural progress of society: others arose from conquest. The changes consequent on the rise of the Hellenes, and the Thessalian, Boeotian and Dorian conquests in Greece, established pretty generally a state of things in which we find the political power in the hands of a body of nobles consisting chiefly or entirely of the conquerors, beneath whom is a free population not possessed of political rights, consisting of the older inhabitants of the land, together with, in most instances, a body of serfs attached to the domains of the nobles. These last are described under various names, as **Εὐπατρίδαι** in Attica, or **Γαμόροι**, as in Syracuse and several of the Doric states. From the superior efficiency of the cavalry in early times, we also find the nobles as a class bearing the name **Ἱππόται, Ἱππεῖς**, or **Ἱπποβόται** (as in Chalcis, Herod. v. 77), since, generally speaking, they alone had wealth sufficient to enable them to equip themselves for that kind of service; and in most states the first great advance of the commonalty in power arose from their gaining greater efficiency as heavy-armed foot-soldiers; that force, when properly organized and armed, being found more than a match for cavalry. (See especially Arist. *Pol.* iv. 3, 10; K. F. Hermann, *Griech. Staatsalterth.* c. iii. §§ 55–59; Wachsmuth, *Hellen. Alterthumsk.* vol. i. c. 3, §§ 30, 31; Thirlwall, *Hist. of Greece*, vol. i. c. 10, p. 394, &c.) Comp. EUPATRIDAE, GEOMORI, PATRICII. [C. P. M.]

ARISTON. [PRANDIUM.]

ARITHMET'ICA (ἀριθμητική, *sc.* τέχνη or ἐπιστήμη, Plat. *Gorg.* 450 D, &c.: in Latin, Vitruv. i. 1, Plin. xxxv. 10, 36, § 76: *arithmetica* as n. pl. in Cic. *Att.* xiv. 12, fin.: *numeri* is used, more idiomatically, with the same meaning, Cic. *Fin.* v. 29, 87) means generally the *theory of numbers* as opposed to the practical *art of calculation*. The distinction is especially insisted on by Plato (*Gorg.* 451 B, C; *Euthyd.* 290 B, C; cf. *Charm.* 174 B), who refers λογιστική to an inferior order of thought. But the line of division cannot be sharply drawn, for the discoveries of ἀριθμητική (*e.g.* the method of finding a least common multiple) are often appropriated by λογιστική, and the processes of the latter are indispensable to many of the inquiries of the former. Hence Plato at a later time distinguishes popular ἀρ. and λογ. together from the philosophical species of both (*Phileb.* 56 D *sqq.*), and the same distinction seems to underlie *Rep.* 525 A *sqq.*, where again ἀρ. and λογ. are named together as ἀγωγὰ πρὸς ἀλήθειαν, and the study of λογ. is further commended as leading the soul finally περὶ αὐτῶν τῶν ἀριθμῶν διαλέγεσθαι. From the same passage it appears that Plato's main objection to popular λογ. was that it had no logical unit, but dealt indifferently with all manner of tangible objects — apples, cows, &c. — at the bidding of any huckster or merchant. From this it would seem that any arithmetical operation in which numbers alone were considered would fall under ἀρ., while such propositions as that 600 obols make a mina would belong to λογ. (cf. Geminus in Procl. *Comm. Eucl.* ed.

Friedlein, p. 38). But the opposition between the two terms came soon to cover an opposition, not of matter only, but of method. For philosophical purposes, numbers were generally represented by dots or lines arranged in geometrical figures (cf. Plat. *Theaet*. 147, 148; and Euclid, bks. vii. viii. ix.), and operations with the customary symbols *ά*, *β΄*, &c., were referred to *λογ*., and were seldom used, as indeed they were seldom required, in pure mathematics. Hence it was that no Greek mathematician ever seriously attempted to improve the ordinary Greek numerical symbolism, and thereby to simplify the cumbrous processes of elementary calculation (cf. Cantor, *Vorles. über Gesch. der Mathem*. p. 133).

The introduction of the study of numbers into Greece is universally attributed to Pythagoras, of whom Aristoxenus (*ap*. Stob. *Ecl. Phys*. i. 16, c. 2, *ad init.*) says, in words which illustrate the passages of Plato above cited, that he first raised arithmetic above *τῆς τῶν ἐμπόρων χρείας, πάντα τὰ πράγματα ἀπεικάζων τοῖς ἀριθμοῖς*. (On Egyptian and Chaldean arithmetic, and the possible indebtedness of Pythagoras to these foreign sources, comp. Cantor, *op. cit.* pp. 1–93.) The studious secrecy of the earliest Pythagorean school, and the almost complete loss of later Pythagorean writings, must always cause great doubt as to the development of *ἀριθμητική*: but the frequent references of Plato and Aristotle, when compared with Euclid vii.–ix., and with such late writers as Nicomachus of Gerasa, Theon Smyrnaeus, and Iamblichus, show that very little addition was from time to time made in the subject-matter of the science, although the original nomenclature received, in some cases, new applications. The chief subjects of *ἀρ*. were from the first, and remained always, the classification of numbers, the theory of proportion, and the summation of series. Some attempt at a theory of permutations and combinations may possibly have been made (cf. Plut. *Quaest. Conv*. viii. 9, 13), but the few problems and answers recorded by historians do not suggest an accurate knowledge of this branch of mathematics. The solution of equations will be mentioned later.

The unpractical nature of *ἀρ*. may be well seen from the books of Euclid above cited, in which only five propositions are of real importance in calculation. The mode of finding a G. C. M. is exhibited in vii. 2, 3, and of an L. C. M. in vii. 36, 38. In ix. 35, a proposition is stated from which the sum of a geometrical series may easily be found. But the great bulk of the books is devoted to the investigation of prime and other numbers, or to propositions in proportion, such as viii. 22: "If three numbers are proportional, and the first is a square, the third is also a square." (Cf. Nesselmann, *Algebra der Griechen*, pp. 158–183.)

It is not proposed in this article to give more than a brief statement of those arithmetical terms which occur most frequently in Greek philosophical literature, and a few references to passages where some problems are worked out. The first classification of numbers is that into *ἄρτιοι* and *περισσοί*, "odd" and "even." This division no doubt was older than Pythagoras, for a game, common in Plato's time, was founded on it (*Lysis*, 206 E). Of *περισσοί*, some are "prime," *πρῶτοι, μονάδι μόνῃ μετρούμενοι* (Eucl. vii. def. 11). Further classifications are then founded on the geometrical representation mentioned above. Plane numbers (*ἐπίπεδοι*) are the products of two factors (*πλευραί*), and solid numbers (*στερεοί*) of three (Eucl. vii. deff. 16 and 18). Of plane numbers some are triangular (*τρίγωνοι*), falling under the formula $\frac{n(n+1)}{2}$ (Theon Smyrn. *Math. Plat*. ed. Hiller, pp. 27–31; Cantor, *op. cit*. p. 135); some square, *τετράγωνοι, ἰσάκις ἴσοι* (Eucl. vii. def. 18); some *ἑτερομήκεις*, falling under the formula $n(n+1)$. All these, according to Theon (*loc. cit.*), are founded on summations of arithmetical series: viz. the sum of the first n numbers is triangular; that of the first n odd numbers is square; that of the first n even numbers is *ἑτερομήκης* (Cantor, p. 135). In Plato, a number which is the product of two unequal factors is *προμήκης* (*Theaet*. 148 A) or "oblong." The word *δύναμις*, which occurs first with mathematical application in the extracts from Hippocrates of Chios preserved by Eudemus (*Fragm*. ed. Spengel, p. 128), seems generally to mean a square number, not geometrically conceived—"a number raised to the power of 2," so to say; but in the *Theaetetus* (*loc. cit.*) it is applied to a line which is the geometrical representative of a surd. Any odd number was also called "gnomonic" ($2n + 1$), because this added to n^2 produces the next highest square (cf. Ar. *Phys*. iii. 4, 203 a, which is explained to mean that square numbers are found by adding gnomons to unity, *sc*. in the series $1 + 3 + 5 +$ &c., according to the statement of Theon mentioned above. For the *gnomon*, see Eucl. ii. def. 2). A few terms, not derived from geometry, may be added. "Perfect" numbers (*τέλειοι*, Eucl. vii. def. 22 and prop. 36) are those which are equal to the sum of their aliquot parts, as 6, 28, 496 (*e.g*. $6 = 1 + 2 + 3$: $28 = 1 + 2 + 4 + 7 + 14$). "Excessive" (*ὑπερτέλειοι*) and "defective" (*ἐλλιπεῖς*) are those of which the aliquot parts are respectively greater or less than the numbers. Aristotle, however (*Metaph*. i. 5), calls 10 a perfect number. It is unknown what definition he attached to *τέλειος*. "Friendly" numbers (*φίλιοι*) are pairs, of which one number is the sum of the aliquot parts of the other, as 220 and 284 (Iamblich. *in Nicom*. ed. Tennulius, pp. 47, 48; Cantor, p. 141). By the time of Hypsicles, probably *circa* 180 B.C., "polygonal" numbers were also distinguished, on which Diophantus afterwards wrote a short treatise (Nesselmann, pp. 463–469). These are the sums of arithmetical series, of which the common difference is 3 or more. The same nomenclature is used in the second book (on *ἀριθμοὶ σχηματογραφηθέντες*) of Nicomachus (*Introd. Arithm*. ed. Hoche, 1866), but with different applications (*e.g*. a "polygonal" number is one which, when represented by dots, can be arranged in the form of a polygon, and a "solid" number is the sum of several polygonal); but the distinctions of later *ἀριθμητική* have no literary interest, and the reader who desires more information must be referred to Nicomachus himself, and the commentary on him written by Iamblichus (ed. Tennulius, Arnheim, 1668; cf. Cantor, pp. 362–370).

Similar ratios (*ἡ τῶν λόγων ὁμοιότης*) produce a proportion (ἀναλογία, Eucl. v. def. 8). The terms of a proportion are in general called ὅροι, but the middle terms are specially called μεσότητες. The latter name was originally applied to proportions in general, ἀναλογία meaning specially *geometrical* proportion (Nesselmann, p. 210, n. 49; and Cantor, p. 206). By the time of Nicomachus, ten kinds of proportion were distinguished, three of which are ascribed to Eudoxus by the Eudemian fragment preserved in Proclus (ed. Friedlein, p. 67; Bretschneider, *Geom. vor Eukl.* p. 30), and four are of later origin (Iambl. *in Nicom.* pp. 141 *sqq.*, 159, 163, 168). The first four, according to Iamblichus (*loc. cit.*), were invented or introduced from Babylon, by Pythagoras. These are the *arithmetical* (when $a - b = c - d$), the *geometrical* (when $a : b :: c : d$), the *harmonical* or ὑπεναντία (when $a - b : b - c :: a : c$), and the *musical* or τελειοτάτη, which is created between two numbers and their arithmetical and harmonical means ($a \quad \frac{a+b}{2} :: \frac{2\,a\,b}{a+b} : b$, as $6 : 9 :: 8 : 12$). *Harmonical* proportion is said to have been so called, because a string, if stopped at $\frac{2}{3}$ of its length, gives the fifth, and, if stopped in the middle, the octave of the note which is produced by the whole string, and $1-\frac{2}{3} : \frac{2}{3}-\frac{1}{2} :: 1 : \frac{1}{2}$. (Hankel, *Zur Gesch. der Math.* p. 105. Dr. Allman in *Hermathena*, vii. p. 204, says that these proportions were never applied to number; but cf. Hankel, p. 114, and Arist. *An. Post.* i. 5, 74.)

The terms of a progression, like those of a proportion, were called ὅροι, and the progression itself was perhaps called ἔκθεσις (Cantor, p. 135, and Bienaymé in *Comptes Rendus de l'Acad. des Sci.* Oct. 3rd, 1870). The ratio or common difference seems to be called ἀπόστασις in Plat. *Tim.* 43 B. The summation of a geometrical progression is effected by implication in Eucl. ix. 35. The summation of an arithmetical series is exhibited in the first three propositions of the ἀναφορικός of Hypsicles (Paris, 1867), but a quite distinct formula is used incidentally by Archimedes (περὶ ἑλίκων, Torelli's ed. pp. 226–228) in a proposition which, in effect, amounts to the summation of a series of the first *n* square numbers. The theory of the extraction of square roots is well enough given by Theon of Alexandria, in his commentary on the Almagest (Nesselmann, pp. 111, 112), but the practice seems to have been rough and empirical, λογιστικῶς. Thus Eutocius (Torelli's *Archim.* p. 208) refers to Heron and other writers for rules ὅπως δεῖ σύνεγγυς τὴν δυναμένην πλευρὰν εὑρεῖν.

In Latin literature, *arithmetica* appears only in technical writers. The fragment in the *Arcerian* MS. of *gromatici*, attributed to Epaphroditus and Vitruvius Rufus (Cantor, *Agrimensoren*, p. 214 *sqq.*), contains one or two propositions not found in Greek writers (*e.g.* the summation of the first *n* cubic numbers. Cantor, *Vorles.* p. 473). The Arithmetica of Boethius is expressly said to be founded on that of Nicomachus (Friedlein's ed., pp. 4 and 5).

It should be added that the great work of Diophantus is also entitled ἀριθμητικά. It treats of the solution of algebraic equations, determinate and indeterminate, simple, quadratic or cubic, with one unknown. This sort of mathematical problem appears for the first time, though without any algebraic symbolism, in Heron of Alexandria (e.g. *Geometria*, 101, 7–9, p. 133 in Hultsch's ed.), who was above all things practical. The arithmetical puzzles of the Greek anthology, attributed chiefly to Metrodorus of the time of Constantine, show the popularity of the study, but its first philosophical application appears in the ἐπάνθημα of Thymaridas, obscurely described by Iamblichus (*in Nicom. Ar.* ed. Tennulius, p. 36), and admirably expounded by Nesselmann (*Alg. der Griechen*, pp. 232 *sqq.*; also Cantor, *Vorles. über Gesch. der Mathem.* p. 371). Diophantus himself does not pretend to be the inventor of a new method of inquiry, but only a systematiser, a στοιχειώτης. Thus in his definitions he uses καλεῖται, ἐστίν, where an inventor would have said καλείσθω, ἔστω, and he entirely omits to mention the rule, which he frequently uses, that the product of two *minus* quantities is *plus*. His problems are of the following kind, *e.g.* to find three numbers such that the sums of any two of them and of the three shall be a square (iii. 7). It is observable that he reasons entirely with algebraic and arithmetical symbols, only one proposition (v. 13) being treated geometrically. His symbolism does not occur in any other author, and does not therefore fall within the scope of this article. His works are most fully summarised and criticised by Hankel and Nesselmann (*opp. citt.*). The references given above indicate all the best modern authorities on every branch of the subject. [J. G.]

ARMA, ARMATU'RA (ὅπλα, Hom. ἔντεα, τεύχεα), arms, armour. Homer describes in various passages the entire suit of armour of some of his greatest warriors, viz. of Achilles, Patroclus, Agamemnon, Menelaus, and Paris (*Il.* iii. 328–339, iv. 132–138, xi. 15–45, xvi.

A Greek Soldier. (Hope's *Costume of the Ancients*.)

130–142, xix. 364–391); and we observe that it consisted of the same portions which were used by the Greek soldiers ever after. Moreover, the order of putting them on is always the same. The heavy-armed warrior, having already a tunic around his body, and preparing for combat, puts on,—first, his greaves (κνημῖδες, *ocreae*); secondly, his cuirass (θώραξ, *lorica*), to which belonged the μίτρη underneath, and the zone (ζώνη, ζωστῆρ, *cingulum*) above; thirdly, his sword (ξίφος, *ensis*, *gladius*) hung on the left side of his body by means of a belt which passed over the right shoulder; fourthly, the large round shield (σάκος, ἀσπίς, *clipeus*, *scutum*), supported in the same manner; fifthly, his helmet (κόρυς, κυνέη, *cassis*, *galea*); sixthly and lastly, he took his spear (ἔγχος, δόρυ, *hasta*), or, in many cases, two spears (δοῦρε δύω). The form and use of these portions are described in separate articles under their Latin names. The foregoing woodcut exhibits them all in the form of a Greek warrior attired for battle, as shown in Hope's *Costume of the Ancients* (i. 70).

Those who were defended in the manner which has now been represented, are called by Homer ἀσπισταί, from their great shield (ἀσπίς); also ἀγχέμαχοι, because they fought hand to hand with their adversaries; but much more commonly πρόμαχοι, because they occupied the front of the army: and it is to be observed that these terms, especially the last, were honourable titles, the expense of a complete suit of armour (πανοπλίη, Herod. i. 60) being of itself sufficient to prove the wealth and rank of the wearer, while his place on the field was no less indicative of strength and bravery.

In later times, the heavy-armed soldiers were called ὁπλῖται, because the term ὅπλα more especially denoted the defensive armour, the shield and thorax. By wearing these they were distinguished from the light-armed, whom Herodotus (ix. 62, 63), for the reason just mentioned, calls ἄνοπλοι, and who are also denominated ψιλοί, and γυμνοί, γυμνῆται, or γυμνῆτες. Instead of being defended by the shield and thorax, their bodies had a much slighter covering, sometimes consisting of skins, and sometimes of leather or cloth; and instead of the sword and lance, they commonly fought with darts, stones, bows and arrows, or slings.

Besides the heavy- and light-armed soldiers, the ὁπλῖται and ψιλοί, who in general bore towards one another the intimate relation now explained, another description of men, the πελτασταί, sometimes formed a part of the Greek army after the Persian wars, and regularly after the expedition of the Ten Thousand. Instead of the large round shield, they carried a smaller one called the πέλτη, and in other respects their armour was much lighter than that of the hoplites. The weapon on which they principally depended was the spear.

The Roman soldiers had different kinds of arms and armour; but an account of the arms of the different kinds of troops cannot be separated from a description of the troops of a Roman army, and the reader is therefore referred to Exercitus. The following cut represents two heavy-armed Roman soldiers, and is taken from the reliefs on Trajan's Column. On comparing it with that of the Greek hoplite in the other cut, we perceive that the several parts of the armour correspond, excepting only that the Roman soldier wears a dagger (μάχαιρα, *pugio*) on his right side instead of a sword on his left, and, instead of greaves (which were abandoned in imperial times) upon his legs, has *femoralia* and *caligae*. All the essential parts of the Roman heavy armour (*lorica*, *ensis*, *clipeus*, *galea*, *hasta*) are mentioned together in an epigram of Martial (ix. 57); and all except the spear in a well-known passage (Eph. vi. 14–17) of St. Paul, whose enumeration exactly coincides with the figures on the Arch of Severus, and who makes mention not only of greaves, but of shoes or sandals for the feet.

Roman Soldiers. (From Column of Trajan)

The soft or flexible parts of the heavy armour were made of cloth or leather. The metal principally used in their formation was that compound of copper and tin which we call bronze, or more properly bell-metal. [Aes.] Hence the names for this metal (χαλκός, *aes*) are often used to mean *armour*, and the light reflected from the arms of a warrior is called αὐγὴ χαλκείη by Homer, and *lux aëna* by Virgil (*Aen.* ii. 470). Instead of copper, iron afterwards came to be very extensively used in the manufacture of arms, although articles made of it are much more rarely discovered, because iron is by exposure to air and moisture exceedingly liable to corrosion and decay. Gold and silver, and tin unmixed with copper, were also used, more especially to enrich and adorn the armour. [J. Y.]

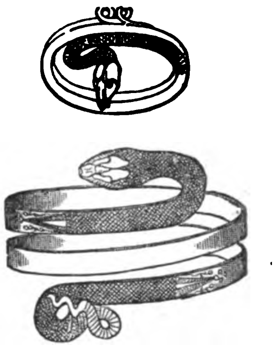
ARMAMENTA, in a general sense, signified any kind of implements or utensils (Plin. *H. N.* xvii. § 152, xviii. § 112), but was more particularly applied to the tackle of a ship, sails, ropes, cables, anchor, &c. (Plaut. *Merc.* i. 2, 64; Liv. xxi. 49, 9, xxxiii. 48, 8; Caes. *B. G.* iv. 29; Quint. x. 7, § 23.) Sometimes the sails (*vela*) are mentioned as distinct from the *armamenta*. (Caes. *B. G.* iii. 14; Liv. xxxvi. 44; Sen. *Ben.* vi. 15.) [Navis.] [W. S.]

ARMAMENTA'RIUM (σκευοθήκη, ὁπλοθήκη), a place where *armamenta* were kept; an armoury or, more frequently, a naval arsenal where tackling, &c., as well as munitions of war, were housed. In primitive times the acropolis of a city was the usual place for the storage of arms; but the fortifying of larger areas, and especially of ports like the Piraeus, gave rise to a special class of buildings designed for their safe custody. In Aeschylus (*fragm.* 273) and Aeschines (*c. Ctes.* § 25) *σκευοθῆκαι* are mentioned in connexion with naval matters. They must, however, be distinguished from *νεώρια*, dockyards, and *νεώσοικοι*, slips or docks. There was a celebrated *armamentarium* in the Piraeus, built by the architect Philo under the financial administration of the orator Lycurgus, about B.C. 342–330 (Cic. *de Or.* i. 14, § 62; Plin. *H. N.* vii. § 125; Strab. ix. p. 395; Plut. *Sull.* 14). The expression of Pliny, *armamentarium CD* (another reading is *mille*) *navium*, has been wrongly explained as a basin in which 1000 ships could lie. The corrected number comes from the passage in Strabo, where *ναύσταθμον ταῖς τετρακοσίαις ναυσὶν* is distinguished from *ὁπλοθήκη Φίλωνος ἔργον*. This was destroyed at the capture of Athens by Sulla (Plut. *l. c.*). A *ὁπλοθήκη* of the elder Dionysius at Syracuse is described by Aelian (*V. H.* vi. 12) as well filled with arms, armour, and engines; the *ναύσταθμον* at Rhodes included *θησαυροὶ ὅπλων*, as did those of Massalia and Cyzicus; and, as in modern times, strangers were wholly or partially excluded (Strab. xiv. p. 653).

Among the Romans the *armamentaria* were places for the manufacture as well as the storage of arms (Liv. xxvi. 51; xxix. 22 and 35); and arms might be served out from them in times of public danger (Cic. *Rab. Perd.* 7, § 20). We also find them under the empire, organised with the usual thoroughness of the Romans in military matters (Tac. *Hist.* i. 80; Sen. *de Tranq. An.* 3, § 5; Orelli-Henzen, *Inscrr.* 975, 3586; cf. Juv. *Sat.* xiii. 83). [W. W.]

ARMARIUM (*locus, ubi quarumcunque artium instrumenta ponuntur*, Isidor. xv. 5), a cupboard, set upright in the wall of a room, for food, clothes, books, money, and household utensils in general. Tradesmen appear to have kept their stock in armaria; Jahn gives a representation of one in a cutler's shop, and there is another, from a shoemaker's shop, figured in the *Pitture d'Ercolano*, i. p. 187. The armarium was generally placed in the atrium of the house. (Dig. 33, tit. 10, s. 3; Cato, *R. R.* 11, 3; Plaut. *Capt.* iv. 4, 10, *Ep.* ii. 3, 3, *Men.* iii. 3, 8; Cic. *Cluent.* 64, 169, *Cael.* 21, 52; Petron. *Sat.* 29; Plin. *H. N.* xxix. § 101; Hieron. *Ep.* 22.) The same name was given to a cupboard for holding books (Plin. *Ep.* ii. 17, 8), and to the divisions of a library. (Vitruv. vii. *Praef.* § 10; Vopisc. *Tac.* 8; Dig. 32, tit. 1, s. 52, §§ 3, 7.) We find *armarium distegum* mentioned as a kind of sepulchre in an inscription (Orelli, *Inscript.* No. 4549). [W. S.]

ARMILAUSA (*armelausa, armilausium*), a kind of military tunic worn by foot-soldiers, reaching down to the knees; cf. Mauritius, *Strateg.* xii. p. 303: *ποῖα δεῖ φορεῖν ἱμάτια τοὺς πεζοὺς εἴτε ζωστήρια Γοτθικὰ εἴτε ἀρμελαύσια ἔχουσι κονδὰ* ("cut away") *μέχρι τῶν γονάτων*. It was red (Paulin. Nol. *Epist.* 17 (13), c. 1, in Migne, *Patrol.* lxi.). The Scholiast on Juv. v. 143 explains "viridem thoraca" by "armilausam prasinam," both words curiously illustrating the change from classical to low Latin. Mayor (on Juv. *l. c.*) says it was a kind of waistcoat. Zeuss (*Die Deutschen und die Nachbarstämme*, ed. 1837, pp. 308–9) supposes it to be a Celtic word, and that the name of Armilausi was given from their dress to the mass of small Celtic peoples which Ptolemy places between the *Μαρούιγγοι* and the Danube. For other derivations, see Ducange *s. v.*, ed. Favre, 1883. Isidore (*Orig.* xix. 22, 28) is quite misleading when he says the armilausa was open before and behind, but closed on the shoulders, "quasi *armiclausa* littera *c* ablata." [L. C. P.]



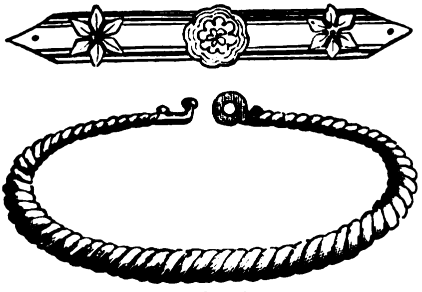
Bracelets. (*Museo Borbonico*, vol. ii. tav. 14; vol. vii. tav. 46.)

Bracelet. (On statue of Sleeping Ariadne in the Vatican.)

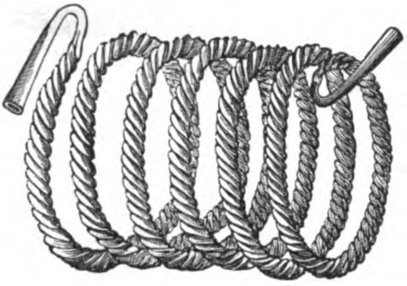
ARMILLA (*ψέλιον, ὄφις*), a bracelet or armlet. Ornaments of this kind were worn by men among the Persians and Medians, probably as a mark of distinction (cf. Herod. viii. 113; Xen. *Anab.* i. 2, § 27): in Greece, however, they seem to have been confined to the female sex, or to men of an effeminate character. With Greek ladies bracelets were a favourite ornament, and the female figures on the Greek vases are represented with bracelets of every kind. They were worn on one or both arms, sometimes on the wrist (*περικάρπια*), sometimes on the upper arm (*περιβραχιόνια*), sometimes even on both at once. One favourite kind of bracelet went several times round the arm, and seems to have had no clasp, being slipped on over the wrist, and retained in its place by compressing the arm. These bracelets, from their resemblance to serpents, were known to the Greeks as *δράκοντες* or *ὄφεις* (cf. Hesych. *s. v.* *ὄφεις*). The above bracelets are of this description.

Bracelets were likewise worn at Rome by ladies of rank, but it was considered a mark of effeminacy for men in an ordinary way to use such female ornaments. (Suet. *Cal.* 52; *Ner.* 30.) They were, however, publicly conferred by a Roman general upon soldiers for deeds of extraordinary merit (Liv. x. 44; Plin. *H. N.* xxxiii. § 37; Festus, *s. v.*); in which case they were worn as a mark of honour, and probably differed in form from the ordinary ornaments of the kind. See the cut below.

The following cuts exhibit Roman bracelets. The first figure represents a gold bracelet discovered at Rome on the Palatine Mount (Caylus, *Rec. d'Ant.* vol. v. pl. 93). The rosette in the middle is composed of distinct and very delicate leaves. The two starlike flowers on each side of it have been repeated where the holes for securing them are still visible. The second figure represents a gold bracelet found in Britain, and preserved in the British Museum. It appears to be made of two gold wires twisted together, and the mode of fastening it upon the arm, by a clasp, is worthy of observation. It has evidently been a lady's ornament. The third figure represents an armilla, which must have been intended as a reward for soldiers, for it would be ridiculous to suppose such a massive ornament to have been designed for women. The original, of pure gold, is more than twice the length of the figure, and was found in Cheshire. (*Archaeologia*, xxvii. 400.) The last example is from the Belotti Collection. [J. Y.] [J. H. O.]



Roman Bracelets.



Roman military Bracelet.

Armilla, bronze and gold. (From the Belotti Collection.)

ARMILLUM, a sort of wine-jug (*urceolus*, Varro, *ap.* Non. *s. v.* p. 547). Festus mentions it as used in sacrifices, and derives it from *armus*, as carried on the shoulder (Paul. Diac. p. 2, Müller). The word must, however, have been a familiar one, as it gave rise to a proverb, *anus ad armillum*, or *ad armillum redire, revertere*, to return to one's old tricks (Lucil. *ap.* Non. p. 74, 13; Apul. *Met.* ix. p. 197; in vi. p. 123, *armile* is variously explained by *armillum* and *armarium*).

The three last words, *armilausa, armilla*, and *armillum*, all illustrate the use, rare in classical Latin, but no doubt common enough at an earlier period, of *armus* for the human shoulder (*humerus*). This sense of the word is well discussed by Conington on Verg. *Aen.* iv. 11, xi. 641. [W. W.]

ARMILUS'TRIUM, a Roman festival for the purification of arms. It was celebrated every year on the 14th before the kalends of November (Oct. 19; Mommsen, *Inscr. Lat. Ant.* p. 404), when the citizens assembled in arms and offered sacrifices, to the sound of the trumpet, in the place called Armilustrum or Armilustrium, on the Aventine near the Lauretum. The Armilustrium appears to mark the close of the campaigning season, when the arms were laid up for the winter; as the Quinquatrus marked the beginning of it. On both occasions the Ancilia were brought out. (Paul. Diac. p. 19, Müll.; Varro, *de L. L.* v. 153, vi. 22; Liv. xxvii. 37; Plut. *Rom.* 23; P. Vict. *de Regionibus U. R.*; Inscr. in Gruter, p. 250; Marquardt, vi. 417, 419.) [P. S.] [W. W.]

ARNIS (Ἀρνίς), a festival held by the Argives during the month of August, at which they used to kill any dog which came into the agora (Conon, *Narrat.* 19; Ael. *H. A.* xii. 34). The name of Κυνοφόντις was also given to the festival (Athen. iii. p. 99 e). It may have got its name of Ἀρνίς or the "lamb festival" because Apollo, the sun-god, was also god of flocks (Νόμιος, ὀπάων μήλων, Pind. *Pyth.* ix. 64); and in that burning season he is implored to spare the lambs. That the massacre of the dogs was due to fear of their madness is probable; as was the similar killing of the dogs at Rome in the month of August (Lyd. *de Mensibus*, iii. 40), which is, however, usually assigned to punishment for having failed to give notice of the attack by the Gauls on the Capitol (Plin. *H. N.* xxix. § 57). But the Argives tell a pretty story how that Linus, son of Apollo and Psamathe, when exposed by his mother among the lambs, was eaten by the dogs of the sheepfold; and how that the mother in her distraction betrayed her fault, and was put to death by her angry father Crotopus; and in aftertimes the matrons each year bewailed Psamathe and Linus, and added lamentations for their own dead children and prayers for the living. For the full story, see Conon, *l. c.*; Paus. i. 43, §§ 7 foll.; Stat. *Theb.* i. 568 foll. The dogs represented the dog-star, the lambs the tender youth of Linus and the children for whom the mothers feared sun-stroke (Hesych. *s. v.* ἀστροβολήτους). (See Hartung, *Relig. der Griech.* iv. p. 157; Preller, *Griech. Myth.* i. pp. 205, 379–80; Saglio, *s. v.*) [L. C. P.]

AROTOI HIEROI (*ἄροτοι ἱεροί*). These were three "sacred ploughings" in Attica to commemorate the institution of agriculture. They were held in Maimacterion (Nov.–Dec.): see Bötticher in *Philologus*, xxii. 394–7, concerning the frieze with the calendar sculptured upon it, from which we learn the date of this festival. The first ploughing was held at Sciros, the second on the Rarion ('Ράριον) plain near Eleusis, and the third under the acropolis, which was specially called Βουζύγιον (Plut. *Conj. Praec.* 42 = ii. p. 144). These ploughings were probably for the purpose of sowing the corn used in the rites of the temples of Athena Sciras, of the Eleusinian goddesses and Athena Polias. The family of priests who took care of the sacred plough and of the oxen who drew it were called Buzygii, a sort of Arval Brotherhood; and the family derived their descent from an eponymous Buzyges, who was in later times assimilated with Triptolemos or Epimenides (Auson. *Epist.* 22, 46. Cf. Paus. i. 38, § 7; and especially Stoll in W. H. Roscher's *Lexikon der griech. und röm. Myth.* 1884, *s. v.* Buzyges). Great difficulty hangs round the question as to whether Buzyges belonged originally to the Cecropian worship of Athena Polias—as is held by Preller, *Griech. Myth.* i. pp. 169, 181, n. 4; Maury, *Relig. de la Grèce*, ii. 209; Stoll, *l. c.*—on the basis of a passage in Aristides (*Ath.* p. 20, Dindorf); or to the worship of Zeus, as is maintained by Schömann (*Gr. Alt.* ii. 266) and Bötticher (*l. c.* pp. 262–271—a good discussion), on the basis of *C. I. G.* 491 and an inscription Ἱερέως Διὸς Τελείου Βουζυγίου (*Philologus*, xix. 360), a worship united with that of Demeter Thesmophoros. There is no doubt that he did not originally belong to the worship of Demeter of Eleusis. The ἀραὶ Βουζύγειοι are well known (Valcken. on Herod. vii. 231), falling on him who did not show the road to one who had missed it, who did not give a light or water to one in need thereof (Athen. vi. 239 a; Cic. *Off.* iii. 13, 55; Holden *ad loc.*), who killed the oxen that ploughed (Aelian, *V. H.* v. 14), who left a corpse unburied (Schol. on Soph. *Antig.* 262), who did not practise what he recommended to others (Clem. Alex. p. 503, 17), &c. A large mass of literature on the whole subject is in Stoll, *l. c.* [L. C. P.]

ARQUITES. [SAGITTARII.]

ARRA, ARRABO, an earnest. The word *arrabo* is Hebrew, and occurs (ἀρραβὼν, LXX.) in Gen. xxxviii. 17–20, of a ring, bracelets, and staff given as a pledge for the price, and the corresponding verb in Hebrew several times. Ἀρραβὼν is also in Paul (2 Cor. i. 22, v. 5; Eph. i. 14). The Phoenician traders probably brought word and custom to Greece, and Plautus probably followed in this his Greek original (cf. Menand. *Fr. inc.* 223, Meineke). He uses the word for anything given as sign of a bargain being made and as pledge of its fulfilment. In *Most.* 648, part (one-third) of the price is called *arrabo*, and in 978 *pignus*. In *Mil.* 957, the arrabo is a ring. In *Rud.* 46, 555, *Truc.* 689. *Poen.* 1342, the thing is not specified. In Ter. *Haut.* 603, and Claud. Quadr. *ap.* Gell. xvii. 2, § 21, persons form the arrabo. Varro (*L. L.* v. § 175) speaks of the arrabo as part payment. Excepting in the Plautus-loving Apuleius (*Met.* i. 20), the word is only found in early Latin.

Pliny and the lawyers use only the form *arra*, which according to Gellius, *l. c.*, was used by the old Romans and Laberius. He calls both words vulgar. In the Code, the plural *arrae* is used always, except iv. 45, l. 2.

In D. 14. 3, 5, § 15, and 19. 1, 11, § 6, a ring is mentioned as given *arrae nomine* by a purchaser to bind the bargain; Ulpian (D. 19. 5, 17, § 5) speaks of rings deposited in a wager (*sponsionis causa*) and deliverable to the winner. Hence Pliny (*H. N.* xxxiii. § 28), in speaking of a custom among common people of producing a ring *ad sponsiones*, is referring probably to wagers, not to betrothals. But, no doubt, the ring used in a betrothal was only the ordinary mark and pledge of a bargain. The original idea seems to have been a temporary deposit reclaimable on the bargain being fulfilled. The thing thus serving as *arra* ("earnest;" "erles penny," North Country English), given on hiring a servant—"Queen's shilling" in enlisting recruits (*Handgeld*, *Gottesheller*, *Weinkauf*, Germany)—might be a mere token or a pledge of some value, as a ring or a piece of money, or might pass into part payment of the price or part delivery of the thing purchased, and, according to any special agreement or custom, might be forfeitable by the party not carrying out his bargain, such forfeit being in lieu of or in addition to other remedies for breach of contract. According to Roman law, an arra was only a proof of a bargain having been made, and not a necessary condition (Gai. iii. 139; D. 18. 1, 35, pr.). On the bargain being fulfilled, its return could be enforced either by an action on its purchase, or by a *condictio sine causa* (D. 19. 1, 11, § 6; Cod. iv. 45, 2). In sales with a forfeiture clause (see COMMISSUM), default on the part of the purchaser gave the seller the right of retaining the arra, if he declared the sale null (D. 18. 3, 6; cf. ib. 8; Cod. iv. 54, 1). Justinian ordained that when an earnest was given to secure the making of a purchase (*super facienda emptione*), the purchaser, if he declined to complete, should forfeit the earnest; the seller, if he declined, should repay the earnest and as much again: and this, whether the contract was intended to be in writing or not, and though no special agreement had been made as to what was to be done with the earnest money (Cod. iv. 21, 17, § 2; Inst. iii. 23, pr. See Savigny, *Oblig.* § 79; Maynz, *Cours*, § 259).

Arrae, sometimes *arrae sponsaliciae*, is used of gifts by the man to the intended wife before marriage as evidence of betrothal (D. 23. 2, 38; Cod. v. 1, 3; 2, 5; 1; 8, 1, § 1). And a ring is mentioned in a similar connexion (D. 24. 1, 36, § 1). A previous constitution, that women declining to fulfil their engagement should repay the amount fourfold (cf. Cod. Th. iii. 5, 11), was altered by a constitution of A.D. 472, and only simple or twofold restitution, according to circumstances, was required (Cod. v. 1, 5). If either party died without having made default in the agreement to marry, the *arrae* were returned (Cod. v. 1, 3). [H. J. R.]

ARRHEPHO'RIA (*τὰ ἀρρηφόρια, ἡ ἀρρηφορία*, *v.* L. and S.), a festival which, according to the various ways in which it is written (for we find *ἐρσηφόρια* or *ἐρρηφόρια*), is attributed to different deities. The first form is derived from ἄρρητα, and thus would indicate a festival at which mysterious things were carried. The other name would point to Erse or Herse, a daughter of Cecrops, whose worship was intimately connected with that of Athena. And there is, indeed, sufficient ground for believing that the festival was solemnised, in a higher sense, in honour of Athena. (*Etym. M.* s. v. Ἀρρηφόροι.) It was held at Athens, in the month of Skirophorion. Four girls, of between seven and eleven years (ἀρρηφόροι, ἐρσηφόροι, ἐρρηφόροι: Aristoph. *Lysist.* 642), were selected every year by the king archon from the most distinguished families, two of whom superintended the weaving of the sacred peplos of Athena, which was begun on the last day of Pyanepsion (Suid. *s. v.* Χαλκεῖα); the two others had to carry the mysterious and sacred vessels of the goddess to the Acropolis. These latter remained there a whole year, either in the Parthenon or some adjoining building (Harpocrat. *s. v.* Δειπνοφόρος: Paus. i. 27, § 4); and when the festival commenced, the priestess of the goddess placed vessels upon their heads, the contents of which were neither known to them nor to the priestess. With these they descended to a natural grotto within the district of Aphrodite in the gardens. Here they deposited the sacred vessels, and carried back something else, which was covered and likewise unknown to them. After this the girls were dismissed, and others were chosen to supply their place in the acropolis. The girls wore white robes adorned with gold, which were left for the goddess; and a peculiar kind of cakes was baked for them. To cover the expenses of the festival, a peculiar liturgy was established, called ἀρρηφορία. All other details concerning this festival are unknown. (Comp. C. F. Hermann, *Gottesd. Alterth.* § 61, n. 9; A. Mommsen, *Heortologie*, p. 443 ff.) [L. S.]

ARROGA'TIO. [ADOPTIO.]

A'RTABA (ἀρτάβη), a Persian measure of capacity, principally used as a corn-measure, which contained, according to Herodotus (i. 192), 1 medimnus and 3 choenices (Attic), *i.e.* 51 choenices = 102 Roman sextarii = 12¾ gallons nearly; but, according to Suidas, Hesychius, Polyaenus (*Strat.* iv. 3, 32), and Epiphanius (*Pond.* 24), only 1 Attic medimnus = 96 sextarii = 12 gallons nearly: the latter is, however, only an approximate value. There was an Egyptian measure of the same name, of which there were two sorts, the old and the new artaba (Didymus, c. 19; cf. c. 21). The old artaba contained 4½ Roman modii = 72 sextarii = 9 gallons nearly, according to most writers; but Galen (c. 5) makes it exactly 5 modii. It was about equal to the Attic metretes; and it was half of the Ptolemaic medimnus, which was to the Attic medimnus as 3 : 2. The later and more common Egyptian artaba contained 3⅓ modii = 53⅓ sextarii = about 6⅔ gallons, which is so nearly the half of the Persian, that we may fairly suppose that in reality it was the half. It was equal to the Olympic cubic foot. (Rhemn. Fann. *Carmen de Pond. et Mens.* v. 89, 90; Hieron. *ad Ezech.* 5; Böckh, *Metrolog. Untersuch.* pp. 242, &c., 285; *Publ. Econ. of Ath.* p. 93, 2nd ed.; Wurm, *de Pond.*, &c. p. 133; Hultsch, *Metrol.* pp. 275, 284 f.) [P. S.]

ARTEMI'SIA (ἀρτεμίσια), great festivals celebrated in honour of Artemis in various parts of Greece, in the spring of the year. We find one mentioned at Syracuse in honour of Artemis Potamia and Soteria (Pind. *Pyth.* ii. 12). It lasted three days, which were principally spent in feasting and amusements (Liv. xxv. 23; Plut. *Marcell.* 18). Bread was offered to her under the name of Λοχία (Hesych. *s. v.*). But similar festivals occur in many other places in Greece, as at Delphi, where, according to Hegesander (Athen. vii. p. 325), they offered to the goddess a mullet on this occasion; because it appeared to hunt and kill the sea-hare, and thus bore some resemblance to Artemis, the huntress. The same name was given to the festivals of Artemis in Cyrene and Ephesus, though in the latter place the goddess was not the Grecian Artemis, but a deity of Eastern origin. (Dionys. iv. 25; Achill. Tat. vi. 4, vii. 12, viii. 17; Xenoph. Ephes. i. 2.) [L. S.]

ARTIAZEIN. [PAR IMPAR.]

ARTIF'ICES. It is proposed in this article to touch on the general condition of the artisans in Greece and Rome, and the estimation in which they were held, without treating of the agricultural labourers, or going into the special technical details of the different manufactures. For the latter, the reader is referred to the articles treating of the separate trades.

I. GREEK.—Among the Homeric Greeks we find gods and heroes engaged on the works of artisans. Thus Hephaestus himself works at the forge (*Il.* xviii. 371), and Athena at the loom (*Il.* viii. 386). Odysseus makes his own bed (*Od.* xxiii. 189), Arete spins (*Od.* vi. 306), and Nausicaa washes her own clothes (*Od.* vi. 31). This shows that much was done in the family which in later times would have been the work of slaves or hired workmen. But in Homeric times there were professional artisans who worked for the people, δημιοεργοί,—a term which probably comprised all kinds of artisans, and not merely the few mentioned as examples in *Od.* xvii. 384; viz. physicians, soothsayers, shipwrights, and singers. Some acquired such reputation that they used to be "called in" (καλεῖν, *Od.* i. 416, xvii. 382—the regular term) from their town (ἄλλοθεν) to another. They were free Greeks, not barbarians (cf. e.g. *Il.* vii. 221), not forming anything like a caste, of which there is not the slightest trace in Homer. They appear to have been remunerated generally by a feast (*Od.* xv. 506; cf. *Il.* xviii. 558), though the "called-in" artisans may have also received presents as ξένοι. They almost always belonged to the lower classes (χέρηες). Work was no shame at that period; idleness was shame (Hes. *Op.* 301). (On the Homeric workmen generally, see Riedenauer, *Handwerk und Handwerker in den homerischen Zeiten*, 1873; Buchholz, *Die homerischen Realien*, ii. 1, 27 ff., 1881).

The patriarchal times gave place to a period of unrest while Greece "was moving about and settling itself" (Thuc. i. 12). During this period the warriors were everything; the artisans were of small account. These latter came to be looked down on, as they are in every military society. Accordingly, when the aristocratically governed Dorians took possession of Laconia, they made the perioeci and the slaves either actually slaves or strangers (Aristot. *Pol.* iii. 3, § 2), all came to be regarded together as forming one class, viz. *βάναυσοι* (also called *τεχνῖται, χερνῆτες, χειροτέχναι, χειρώνακτες, χρηματισταί*). For it must be carefully borne in mind that the greater mass of the artisans were foreigners (*μέτοικοι*) or slaves; in the list of workmen at the Erechtheum (*C. I. A.* i. 324) the foreigners are twice as numerous as the citizens.

What is most remarkable to us in the low opinion of the ancients with regard to manual labour is that they made no radical distinction between the *artist* and the *artisan*, as long as both took pay for their services. No doubt Phidias was thought more of than a fuller; but still even the greatest statuary or painter, if he took pay, was regarded even till the latest times as a *βάναυσος καὶ χειρῶναξ καὶ ἀποχειροβίωτος.* See the striking speeches of Statuary (Ἑρμογλυφική) and Culture (Παιδεία) in Lucian's *Somnium*, 6–9, the whole tone of which dialogue is most instructive. (Cf. Plut. *Praecept. reip. ger.* 5, 7 = ii. 802.) Aristotle, too, deprecates professional skill being displayed in music (*Pol.* v. (viii.) 6, § 2, 3). If, however, the artist took no pay, this raised him in public estimation: *e.g.* Polygnotus, who painted the Stoa Poecile gratis (Plut. *Cim.* 4). How one who took money for services was in a manner lowered in social estimation may be felt from the way professional athletes are still regarded.

Such states as Phocis and Locris deserve a passing notice. They were poor and had for a long time no slaves, so that all the artisans were citizens. We hear that they strenuously resisted, as depriving them of their daily bread, a capitalist Mnason, who wanted to compete against them with slave labour on an extensive scale (Athen. vi. p. 264 d); for, says Athenaeus, it was customary for the younger to help the elder in their different houses.

This leads us on to the consideration of the question whether there were any castes of artisans among the Greeks as there were among the Egyptians. We may say generally that there were not (cf. Grote, iii. p. 51), though we occasionally meet with something like them: thus the functions of the heralds, flute-players, and cooks were hereditary in certain families at Sparta (Herod. vi. 60). The sculptors at Athens called themselves Daedalidae (Plat. *Euthyphr.* 11 C); and some priesthoods appear to have been confined to certain families, the Eteobutadae at Athens (Aeschin. *de Fals. Leg.* 47, § 155), the Telliadae and Iamidae in Elis (Herod. ix. 37, 33). But by an individual member of a family holding a priesthood that family was not rendered holy or separated from the rest. (On the absence of castes in Greece, see especially Drumann, *Arbeiter*, § 6.) Neither did the trades form corporations till late in Roman times and under Roman influence. The artisans appear to have had partners, *συνεργοί* (*C. I. A.* i. 324, p. 173), and apprentices (*μαθηταί*, Plat. *Meno*, 90 D). But, besides these small artisans, we find large workshops (*ἐργαστήρια*), the owners of which managed them by foremen (*ἔργων ἐπιστάται, ἐπίτροποι, ἡγεμόνες τοῦ ἐργαστηρίου*) taken from among their slaves or freedmen (Dem. *c. Aphob.* 819, § 24; Aeschin. *Tim.* 14, § 97). In the two factories of the father of Demosthenes there were fifty-two slaves (Dem. *c. Aphob.* 816,

§§ 11, 12); and Lysias and his brother Polemarchus had a shield-factory with 120 slaves (Lys. *contra Eratosth.* §§ 8, 19). Thus the establishments do not appear to have been large. The work of the slaves in them was probably severe. Most of the 20,000 slaves who deserted in the Decelean war to the Spartans were *χειροτέχναι* (Thuc. vii. 27). The owners of these workshops were generally considered highly respectable members of society; the father of Demosthenes was something more than one of the middle-class citizens (*μετρίων*, Dem. *de Cor.* p. 228, § 10), yet was called "a cutler" (Mayor on Juv. x. 130); and we may well suppose that some of the tanners, cobblers, lampmakers, &c. satirized by Aristophanes, were owners of such factories (cf. Hermann-Blümner, *Privatalterthümer*, 399, notes 2, 3). The workers in these factories were mostly slaves, though sometimes no doubt day-labourers were hired (*θῆτες, μισθωτοί*). Indeed, there was not much difference between the condition of slaves and such artisans: Aristotle (*Pol.* iii. 3, § 3) says, *οἱ μὲν ἑνὶ λειτουργοῦντες τὰ τοιαῦτα δοῦλοι, οἱ δὲ κοινῇ βάναυσοι καὶ θῆτες.* Masters, too, often allowed their slaves to be hired. These day-labourers were sometimes called at Athens **Κολωνῖται**, as the place where they congregated for hire was the *κολωνὸς ἐν τῇ ἀγορᾷ παρὰ τὸ* **Εὐρυσακεῖον** (Poil. vii. 133). The united artisans celebrated the festival of the Chalkea in honour of Athena and Hephaestus (A. Mommsen, *Heortologie*, 313 foll.). On manufactories in Greece, see Drumann, *op. cit.* § 11.

The state interfered very little with the artisans. They appear to have sometimes removed unsanitary factories, *e.g.* tanneries, outside the walls (Artem. *Oneirocr.* i. 53); and at Sybaris, noisy ones (Athen. xii. 518 c). We find at Paros the agoranomi seeing that fair contracts were enforced between employer and employed (see the important inscription in honour of Cillus at Paros in Rangabé, *Antiq. hellén.* ii. 366 ff.). There are stray allusions to a *χειρωνάξιον* or tax on trades generally (Aristot. *Oec.* ii. 1, 4, and *C. I. G.* 4863 b). Each man was allowed to exercise as many trades as he liked, though Plato (*Legg.* 846 E) would not have tolerated it; yet, as a matter of fact, the extension of the principle of division of labour (cf. Xen. *Mem.* ii. 7, 6) must have practically limited the exercise of more businesses than one. We have allusions to patents for discoveries (Athen. xii. 521 d); and to the selling of good-will (Lys. *pro Inval.* § 6). The rates of wages may be seen from the following:—Farm-labourer, 4 obols a day (Lucian, *Tim* 6); hodman, 3 obols (Aristoph. *Eccl.* 312); stonecutter and such as worked at the Erechtheum, 1 drachma (*C. I. A.* i. p. 173); night-work at the mill, 2 drachmas (Athen. iv. p. 168).

The principal works on the subject are Drumann, *Die Arbeiter und Communisten in Griechenland und Rom*, 1860; Frohberger, *De opificum apud veteres Graecos conditione*, 1866; Büchsenschütz, *Besitz und Erwerb im Griechischen Alterthume*, 1869, esp. 249–292, 316–355; Caillemer in D. and S., 1874; Becker-Göll, *Charikles*, iii. 93–97; Hermann-Blümner, *Privatalterthümer*, §§ 41, 42.

II. ROMAN.—It has been epigrammatically remarked that whereas with the Greeks every handicraft was an art, with the Romans every art was a handicraft. But both agreed in looking down on all manual labour for hire, whether art or handicraft. Seneca (*Epist.* 88, 18) hesitates about classing a painter among the practisers of liberal arts (see Marquardt, *Privatleben*, p. 589 *seq.*). For the distinction of "liberal" and "sordid" or "common" (*volgares*) arts was that adopted by the Romans, the former being those which involved greater skill and produced greater advantage, the latter those which required mere labour (*opera*), not skill, the wages for which constituted an obligation of slavery (*auctoramentum servitutis*, Cic. *Off.* i. 42, 150). Now it is to be noticed, firstly, that the practical Roman valued in any art the greater advantage, not the aesthetic excellence, of what was produced, always making profession before the people of being quite unskilled in aesthetic judgment (*e.g.* Cic. *Verr.* ii. 35, 87); and, secondly, that the professors of the liberal arts were in strictness called *artifices*, while *opifices* or *sellularii* was the name given to those who exercised the *artes operosae* or *sordidae* (Cic. *Off.* l. c.). The *artifices* were painters, sculptors, engineers, architects, musicians, actors, &c. These latter appear to have been specially called *artifices* (Weissenborn on Livy, v. 1, § 5). However, it will be convenient here to treat of the whole class of what we call artisans.

The earliest notice we have of such artisans is that king Numa (Plut. *Numa*, 17) instituted nine guilds: viz. *αὐληταί, tibicines; χρυσοχόοι, aurifices; τέκτονες, fabri; βαφεῖς, tinctores*, or, according to Marquardt, *fullones; σκυτοτόμοι, sutores; σκυτοδέψαι, coriarii; χαλκεῖς, aerarii; κεραμεῖς, figuli;* and all the rest of the mechanics formed the ninth collegium. Mommsen remarks (*R. H.* i. 202, Eng. trans.) that there are no workers in iron, so that we may infer that iron was a late introduction. The skilled artisans no doubt united in order to preserve the traditions of their art. There are no signs of monopoly by these guilds, or protection in their interest (Mommsen, *l. c.*). These collegia remained in existence all through the republic.

The simplicity of the early times and the paucity of skilled slaves must have caused the artisans to be held at first in high esteem. But of this they were deprived by the Servian timocratic organisation, which excluded artisans (except the carpenters, coppersmiths, and musicians) from serving in the army, not formally but practically, because service was connected with a freehold, which the artisans did not possess (Mommsen, *l. c.*). Later the increase of capital in a few hands led to the employment by these capitalists of slaves or freedmen as artisans, and this prevented any middle class growing up in Rome. Most of the requirements of life were produced in this way. Manufacture was spread throughout Italy. The Ficoroni casket was made by a Praenestine. Cato advises the Campanian farmer to buy the different necessaries of his calling at the most various places (*de Re Rustica*, 135 [136]),—a highly important passage given by Wordsworth, *Fragm. and Specimens*, p. 334. It shows that Mommsen, *R. H.* ii. 379, is misleading. That cloth-working must have been fairly extensive is to be inferred from the frequent mention of the fullers in Roman comedy. A considerable list of manufacturers may be seen in Plaut. *Aulul.*

state" (Dio Chrys. vol. ii. 43 and 45, Reiske). This contempt did not merely attach to trade, but also to what we call art: see Sen. *Ep.* 88, 18, and also *ap.* Lactant. *Inst.* ii. 2, 14, "simulacra deorum venerantur . . . fabros qui illa fecere contemnunt." The technical skill and inventiveness of several of the artisans was of the highest order, details of which will be found in the articles treating of the different handicrafts.

The trades were sometimes taxed. Caligula exacted one-eighth of their gains from the porters (Suet. *Calig.* 40). Alexander Severus, and apparently before him Antoninus Pius (Justin Martyr, *Apol.* i. 27), laid a tax on several classes of artisans,—*braccarii, linteones, vitrarii, pelliones, claustrarii, argentarii, aurifices*—mostly makers of articles of luxury. (Lampr. *Alex. Sev.* 24.)

In post-Diocletian times all artisans were scheduled and formed in each community a corporation. Each corporation paid a fixed tax, called *lustralis collatio* (Cod. Theod. xiii. 1; and especially Marquardt, v. 230). During the same period the lower class of artisans and traders was organised into the COLLEGIATI, while a number of *artifices* by a law of Constantine obtained special exemption from all state burdens, in order that they might have more time to apply themselves each to his special art and to teach it to their sons (Cod. Theod. xiii. 4, 2; Cod. Just. x. 66). In the schedule to this law, which enumerates thirty-five different kinds of artisans concerned, architects, physicians, painters, sculptors, goldsmiths, fullers, potters, &c., all appear to be on an equality. Special immunities, too, are granted to architects, engineers, builders and painters (see the whole title Cod. Theod. xiii. 4, "De excusationibus artificum"). Compare, for similar immunities granted to military artisans, Dig. 50, 6, 7 (6). The idea was that the artisans were not rich enough to undertake *munera patrimonii*; but if the artisan or manufacturer grew rich, he became liable (Dig. 27, 1, 17, 2).

Besides Drumann, *op. cit.*, see Mommsen's *Roman History*; Friedländer's *Sittengeschichte Roms*, especially i.⁴ 284 ff.; Marquardt's *Privatleben*; Lange, *Römische Alterthümer*, i.³ 247, 470, 506, ii.³ 28, &c.; Humbert in D. and S., s. v. *Artifices*; and E. Wezel, *De opificio opificibusque apud veteres Romanos*, Berlin, 1881. [L. C. P.]

ARTYNOI or **ARTYNAI** (ἄρτυνοι or ἀρτῦναι), a sort of council at Argos and Epidaurus inside the governing aristocracy. This latter consisted of 180 at Epidaurus (Plut. *Quaest. Graec.* init. = ii. 291) and 80 for Argos (Thuc. v. 47). The artynoi were a deliberative (βουλευταί, Plut. *l. c.*) and, as their name indicates, an executive body. They swear to the peace between Athens, Argos, Mantinea, and Elis in 420 B.C. (Thuc. *l. c.*). Arnold on this passage quotes Müller, *Dorier*, ii. 140, who supposes that the ἀρτῦναι succeeded to the civil powers of the kings as the στρατηγοὶ succeeded to their military authority. The ἀρτυτὴρ at Thera (*C. I. G.* 2448, iv. *fin.*) seems to have been a financial magistrate—πράκτωρ καὶ ταμίας, says Boeckh. (See on the ἄρτυνοι, Schömann, *Ant.* i. p. 136, E. T.) [L. C. P.]

ARU'RA (ἄρουρα), a Greek measure of surface, which would appear, from its name, to have been originally the chief land-measure.

Herodotus (ii. 163) mentions a measure of the same name, which is almost certainly identical. He says that it is a hundred Egyptian cubits in every direction. Now the Egyptian cubit contained nearly 17¾ inches (Hussey, *Ancient Weights*, &c. p. 237); therefore the square of 100 × 17¾ inches, *i.e.* nearly 148 feet, gives approximately the number of square feet (English) in the arura, viz. 21,904. (Wurm, *de Pond.* &c. p. 94.) The different estimate of Suidas, making it the fourth part of the *πλέθρον* or 2500 square Greek feet, is erroneous (Hultsch, *Metrol.* p. 38, n. 4; p. 284). [P. S.] [W. W.]

ARUSPEX. [HARUSPEX.]

ARVA'LES FRATRES. The Fratres Arvales formed a college or company of priests, twelve in number, and were so called, according to Varro (*de Ling. Lat.* v. 85, Müller), from offering public sacrifices for the fertility of the fields. That they were of extreme antiquity is proved by the legend which refers their institution to Romulus, of whom it is said that when his nurse Acca Larentia lost one of her twelve sons, he allowed himself to be adopted by her in his place, and called himself and the remaining eleven "Fratres Arvales." (Gell. vi. 7, quoting Masurius Sabinus, a writer of the age of Tiberius.) We also find a college called the *Sodales Titii;* and as the latter were confessedly of Sabine origin, and instituted for the purpose of keeping up the Sabine religious rites (Tac. *Ann.* i. 53), there is some plausibility in the supposition of Niebuhr (*Rom. Hist.* i. 303), that these colleges corresponded one to the other; the Fratres Arvales being connected with the Latin, and the Sodales Titii with the Sabine element of the Roman state, just as there were two colleges of the *Luperci*,—namely, the *Fabii* and the *Quinctilii*, the former of whom seem to have belonged to the Sabines. But too little is really known of the Sodales Titii to warrant us in assuming this parallelism; and against it are the title Fratres borne by the Arvales alone among Roman priesthoods, the obvious connexion of their name with the tillage of the soil, and the absence of any gentile or tribal associations. Accordingly, Niebuhr's conjecture has been silently dropped by the latest authorities on the subject (Rein, *ap.* Pauly, i.^{2} *s. v.*; De la Berge, *ap.* D. and S.; Marquardt, vi. 427).

The office of the Fratres Arvales was for life, and was not taken away even from an exile or captive. They wore, as a badge of office, a chaplet of ears of corn (*spicea corona*) fastened on their heads with a white band (*infula*). (Plin. *H. N.* xviii. § 6.) These passages, with a single reference in Minucius Felix (*Oct.* c. 25), comprise all the extant notices of the Fratres Arvales in the ancient writers; and the name of the Dea Dia whom they worshipped is not even mentioned. But the fortunate discovery of a large number of inscriptions has placed the locality of their sanctuary beyond a doubt, and has thrown a flood of light on their constitution and ceremonial as well as on that of other Roman priesthoods. In the Vigna Ceccarelli, at a place quaintly called Affoga l'Asino, a little beyond the fifth milestone on the Via Portuensis, inscriptions upon stone tablets have been found at intervals from 1570 to the present time, which sufficiently identify that spot as the grove of the Dea Dia where the chief festival of the Arvales was held. By the end of the last century, sixty-seven documents had been recovered, and these were published with a valuable commentary, not yet superseded as a storehouse of knowledge on Roman antiquities, by Gaetano Marini, Rome, 1795, 2 vols. 4to. In 1867 more systematic excavations were undertaken with the aid of funds supplied by the King and Queen of Prussia, and the results were given to the world by Henzen, the continuator of Orelli's Inscriptions, in the works mentioned at the end of this article. We have now the *acta* or protocols of ninety-six annual meetings of the college, ranging in date from A.D. 14, the last year of Augustus, to 241, in the reign of Gordian; besides a number of fragments found at various times in Rome itself. From these we are able to form a clear idea of the officers of the college, the ceremonies they performed, and the mode of filling up vacancies in their body. Some of these minutes of proceedings, as they may be called, are much fuller than others, the most important being that of 218, the first year of Elagabalus, which includes the celebrated Hymn. The passage in Varro being the only mention of the Arvales that dates from republican times, it is a highly probable conjecture that this may have been one of the obsolete or half-forgotten cults, several of which, we know, were revived by Augustus. It has further been suggested that the absence of all records, either in literature or inscriptions, later than the age of Gordian, points to a sudden suppression of the college about the middle of the third century. This was the opinion of Marini, favoured by Sig. de' Rossi and M. de la Berge (*ap.* D. and S.): Marquardt, on the contrary, thinks that it shared in the gradual extinction of the pagan rites and died out about the end of the fourth century. The *sacrificium Deae Diae in luco* is named in the law of Constantius and Constans, about 346, which, in the interest of the public amusements, provided for the maintenance of such temples as had games connected with them. In 382, by a decree of Gratian, the disestablishment of all pagan worships was completed, and their remaining endowments confiscated.

The regular number of brethren was twelve, as the legend indicates; the attendance at the annual meetings, as shown by the inscriptions, varies between three and nine. An exception occurs early in the reign of Nero; in the year 57 twelve fratres met, exclusive of the emperor, who was also a member according to the invariable practice, and in this instance, it would appear, a supernumerary. From the time of Augustus it had become usual to appoint princes of the imperial family as extra members of the most dignified priestly colleges (Dio Cass. li. 20). Vacancies as they occurred were filled up by cooptation, originally free, but under the empire usually controlled by an imperial rescript indicating the person to be elected, like the *congé d'élire* of modern times. Thus under Hadrian we find the formula, in the *acta* of the years 118 and 120, *ex litteris imperatoris fratrem Arvalem cooptarunt*. For the purpose of an election the brethren met on the summons of the *magister* in the Regia, the temple of Jupiter Stator, that of Divus Julius, or latterly in the temple of Concord; and the votes were given in writing (*per tabellas*). The newly elected member was solemnly "admitted" by the *magister*, for which the phrase used is *ad sacra vocat*.

Like most Roman *collegia*, the Arvales had their presiding officer called *magister*, elected annually in the grove of the Dea Dia on the second or great day of the May festival, but not coming into office until the 17th of December following: *a Saturnalibus primis ad Saturnalia secunda* is the oft-recurring formula. The *promagister*, who acted in the absence of the *magister* (*vice fungens magistri*), appears to have been nominated by him for an indefinite period, and was not a regularly elected officer of the college. Next in importance to the *magister* was the *flamen*, elected annually upon the same occasion to assist in the sacrifices; he could also be represented by a *proflamen*, or by a member without that title *qui vice flaminis fungebatur*. Either of these dignities was often conferred by way of compliment on the emperor, who usually discharged its duties by deputy; and either might be re-elected, in consecutive years or after an interval. There were, besides, four *pueri ingenui patrimi et matrimi, senatorum filii* (called also CAMILLI), who waited on the brethren during the sacrificial feast, and shared it themselves sitting on *cathedrae*, while their elders of course reclined. The names of these also are found to be the same in successive lists; and it seems that, when once appointed, they retained the post until they assumed the *toga virilis* or lost one of their parents. The college had also its staff of servants; some *servi publici*, assigned to its use by the emperor and reckoned as belonging to his *familia*, an *aedituus* in charge of the sacred precinct, and lastly the *calatores*. To this last office each member of the college appointed one of his own freedmen, and they paid, or their patrons paid for them, an entrance fee or fine on admission; but it was ruled that this payment was not to be exacted more than once from any member, if he had occasion to appoint a fresh attendant (*placuit, ut cum calator accessio sit sacerdotis, semel ob introitum inferri debere, licet alius calator ab eodem sacerdote substitueretur*, year 120). These details, proved by the extant inscriptions, afford some curious points of resemblance to mediaeval and modern collegiate organisations.

The principal duty of the Arvales was to celebrate a three days' festival in honour of the Dea Dia, formerly supposed to be Ceres (Marini), but now more correctly identified with Ops; the divinity of Ceres, as Marquardt observes, not forming a part of the old Roman worship. This festival was sometimes held on the XVI., XIV. and XIII., sometimes on the VI., IV. and III. Kal. Jun., *i.e.* on the 17th, 19th, and 20th, or the 27th, 29th, and 30th of May; in either instance, it will be seen, with a bye-day between the first and second feast days, while the third immediately followed the second. The precise time was fixed in the January of each year, and solemnly proclaimed by the *magister* or his deputy from the temple of Concord on the Clivus Capitolinus. A rule of choosing the two dates alternately has been inferred from the extant *acta*, but there are many exceptions, and the festival undoubtedly belonged to the order of *feriae conceptivae*, or those fixed by proclamation. On the first and last of the three days the college met in Rome, usually at the house of the *magister*, but sometimes also *in Palatio in templo Divorum*; offered fruits, incense, and wine at sunrise to the Dea Dia; anointed her statue; bathed, and changed the *praetexta* in which they had sacrificed for a white dinner-dress (*album cenatorium*; cf. SYNTHESIS). Between dinner and dessert (*mensa prima* and *mensa secunda bellariorum*) they rose from table, reclined on more magnificent couches than those of the *triclinium* (*toralibus segmentatis*), repeated the offerings of wine, incense, and first-fruits (*fruges libatae*); then divided the *bellaria*, and received each man a *sportula* or perquisite for attendance. This in the period from Trajan to the Antonines amounted to 100 denarii, the boys receiving 25; in the impoverished times of the third century it was reduced to 25 denarii for members of the college. The *acta* of the year 218 describe each change of seats and vestments, each washing of the hands, with extraordinary minuteness; and, as has been seen, give the clearest insight, of all ancient documents, into the peculiarly ceremonial character of the Roman religion: the details are here necessarily abridged. Whether the *panes laureati* "touched" (*i.e.* consecrated) by the fratres were common loaves entwined with laurel or a special kind of fancy bread, is uncertain.

On the second day of the feast, which was the most important of the three, the Arvales assembled in the grove of Dea Dia already described. The *acta* of the year 224 contain the curious expression *in luco Deae Diae via Campana apud lapidem V.*: whereas there is no road known as the via Campana, and the road on which the spot is actually situated leads to the mouth of the Tiber, and not into Campania. The phrase, which is doubtless of great antiquity, probably means "country road" (*Feldstrasse:* Preller, *Röm. Myth.* p. 425); and may contain a trace of the process by which the district round Rome has come to be known as the *Campagna*. The grove included a circus for games and several temples, among which the Caesareum or *aedicula* of deified emperors and the Tetrastylum are mentioned; we find also the pavilion or tent (*papilio*) of the master, probably erected for the occasion. The sacrifices were begun early in the day by the *magister* or his deputy, acting alone; he first offered two young pigs in order to expiate the unavoidable desecration of the sacred grove by the use of the axe in pruning and felling it* (*porcilias piaculares ii. luci coinquiendi et operis faciundi*), then a white heifer (*vacca honoraria*) as a victim to the Dea Dia herself. In the forenoon he was joined by his colleagues, who breakfasted on the offerings already made, and then proceeded to fresh ceremonies. They sacrificed a fat lamb; made an offering, not further described, with earthenware pots placed on a table (*in mensa sacrum fecerunt ollis*); sent out two of their number to collect grains of corn, probably from the crowd collected at the temple doors, passed them on to one another, receiving them in the left hand and giving with the right, and finally handed them to the attendants (*publici*, sc. *servi*); placed the *ollae* on the altar, and then threw them away that they might not be used again (this is the probable

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* *Coinquire*, to lop trees, seems connected with *inquinare*.

explanation of the obscure phrase *ollas precati sunt et ostiis apertis per clivum jactaverunt*); and shared *panes laureati*, followed by turnips and another vegetable mysteriously described (*lumemulia cum rapinis*). The images were now anointed (the plural *deas* is used here only, and seems to refer to Acca Larentia and the Dea Dia as separate divinities); the temple was cleared of all but the priests, and the doors shut; and with their tunics tucked up for the dance, taking written copies of the formula from their attendants, and dividing right and left into two bodies, they proceeded to recite the hymn which has made the name of Fratres Arvales so interesting to philologers (*ibi sacerdotes clusi succincti, libellis acceptis, carmen descindentes tripodaverunt in verba haec*).

The text here given is that of Mommsen (*Hist.* i. 231, E. T.), with which those of Preller (*Röm. Myth.* p. 428) and Marquardt, after Bücheler (*Index schol. Bonnens. aest.* 1876), agree in the main. Another interpretation, embodying some rather fanciful notions of previous scholars, will be found in Donaldson's *Varronianus*, ch. vi. § 2. A rude Saturnian metre is traceable in the hymn:

Enos, Lases, iuvate,
Neve lue rue, Marmar, sins incurrere in pleores.
Satur fu, fere Mars! limen sali! sta! berber!
Semunis alternei advocapit conctos.
Enos Marmar iuvato.
Triumpe.

In Mommsen's rendering:

To the gods—
  Nos, Lares, iuvate,
  Neve luem ruem (= ruinam) sinas incurrere in plures.
  Satur esto, fere Mars.
To the individual brethren—
  In limen insili! sta! verbera (limen?)!
To all the brethren—
  Semones alterni advocáte cunctos.
To the god—
  Nos, Mamers, iuvato!
To the individual brethren—
  Tripudia.

Each of the first five lines was repeated thrice, *triumpe* five times in the inscription, but probably six were intended. There are, as will be seen, other indications of mistakes on the part of the stonecutter.

Very few points in Mommsen's explanation need be regarded as doubtful. Preller writes *E nos* as two words, taking *e* as equivalent to *aje* or *eia*: the rest with more probability make *enos* a form of *nos*, comparing German *uns*. The most difficult words are those which appear in the inscription as NEVELVAERVE: Mommsen's view is simple and probable, and it is easy to suppose the *a* in *luae* a stonecutter's blunder; while Bücheler's *nevel*=*ne* and *vaerve*=*verber* is far-fetched, especially as *berber* in the next line undoubtedly represents *verber*. In the following line the expressions *limen sali! sta! berber!* are much better taken as addressed to the brethren (Mommsen) than as by the others to Mars, "retire into thy temple, stop thy scourge;" Bücheler and Marquardt making *sta* transitive =*siste*, Preller rendering *sta verber(e)*, "desist from." In this line the lapidary has, doubtless by mistake, given once FVRERE, twice FVFERE; and Preller adopts this reading as *satur furere*, the rest much better *satur fu, fere Mars*, making *fu* an imperative. The phrase may have suggested Horace's *heu nimis longo satiate ludo* (I. *Od.* ii. 37), which, however, will suit either reading. For *semones*=*semihomines*, anciently *homōnes*, compare Priscian, p. 683 Putsch; Paul. Diac. s. v. *Hemona*. The connexion of *triumphus* with *tripudium*, rather than with *θρίαμβος*, is now generally accepted.

After the recitation the doors were thrown open and the service-books handed back to the attendants (*publici introierunt et libellos receperunt*); and the brethren now proceeded to the election of a Magister and a Flamen for the ensuing year, followed by the distribution of the *sportula* and of roses. Next came races in the circus of the grove, in which *bigae*, *quadrigae*, and *desultores* are mentioned: the Magister or his deputy presided at the games, habited in the *ricinium* [RICINIUM], and gave away the prizes. The brethren then returned to Rome and dined together in the house of the Magister: this seems to have been the usual practice, but we also find in some of the *acta* a dinner on the spot, in the Tetrastylum (year 219).

Of the other functions of the Fratres Arvales a short account will be sufficient. Whenever iron was brought into the grove, as for cutting the inscriptions for the *acta*, or the lopping and felling of the trees (already mentioned), there were sacrifices *ob ferrum illatum*, and, when the work was done, *ob ferrum elatum*. When the trees fell from decay or, worse still, were struck by lightning, and when replanting was undertaken, still more solemn sacrifices (*suovetaurilia majora*) were offered on the spot. The Arvales met at Rome, in the Capitol and elsewhere, for elections and the *indictio* of the annual festival, as has been seen. They also met for the *nuncupatio* or solemn pronouncing of vows for important events in the imperial family,—the birthday, marriage, illness or recovery of the emperor, his setting out for or returning from serious undertakings, the accouchement of an empress, &c. The Ambarvalia, according to the most probable opinion, were entirely separate from the functions of the Fratres Arvales [AMBARVALIA]. (Marini, *Atti e Monumenti dei Fratelli Arvali*, Rome, 1795; Henzen, *Scavi nel Bosco Sacro dei Fratelli Arvali*, Rome, 1868, and *Acta Fratrum Arvalium*, Berlin, 1874; *C. I. L.* vi. No. 2023–2119; Burn, *Rome and the Campagna*, p. 440; Mommsen, *R. H.* i. 175 ff., 231; Preller, *Röm. Myth.* pp. 422–430; and especially Marquardt, vi. 428–443.) [R. W.] [W. W.]

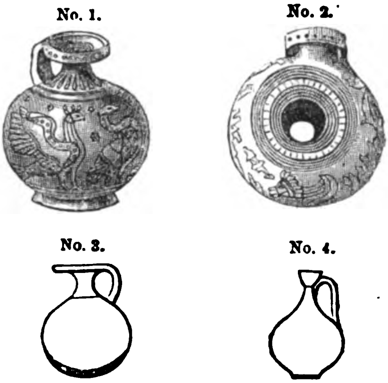
ARX (ἄκρα) signified a height within the walls of a city, but which was never closed by a wall against the city in earlier times, and very seldom in later times. The same city may have had several *arces*, as was the case at Rome; and hence Virgil says with great propriety (*Georg.* ii. 535):—

"Septemque una sibi muro circumdedit arces."

As, however, there was generally one principal height in the city, the word *arx* came to be used as equivalent to *acropolis* [ACROPOLIS]. (Niebuhr, *Hist. of Rome*, vol. iii. note 411.) Where the position of a city was not mainly fixed by commercial considerations (as in the case of Rome itself), a settlement naturally grew around a rock well adapted to become an *arx.* This is especially observable in the ancient cities of Central Italy,—for instance of the Sabines, Volscians, and Hernicans,—which often grew up round an almost inaccessible fastness. At Rome one of the summits of the Capitoline Hill was especially called *Arx*, but which of them was so called was formerly a subject of great dispute among Roman topographers, the German school for the most part placing the *Arx* on the north-eastern summit (*Ara Caeli*), and the *Capitolium* on the south-western (Palazzo Caffarelli), while the Italians generally transposed their positions. Of late, however, the German view is conclusively established, even in the judgment of the Italians themselves. (See the arguments in Burn, *Rome and the Campagna*, p. 185 ff.: and compare Middleton, *Anc. Rome in* 1885, p. 226; Lanciani, in *Bull. Comm. Arch. Rom.* 1875, iii. p. 165.) Within Rome the Arx was the regular place for taking the auspices (Liv. i. 18, x. 7); outside the walls the auspex turned towards it, if in sight (id. iv. 18). The spot in the Arx whence they were taken, probably an elevated platform at the very summit of it, was called *auguraculum*; it commanded a wide prospect to the east, which was not allowed to be obstructed (Cic. *de Off.* iii. 16, § 66). The gloss of Paulus Diaconus that *auguraculum* was an ancient name for the Arx itself is almost certainly a mistake (Fest. p. 18 M.; cf. Burn, *l. c.* p. 195). The *auguraculum* appears to have been transferred by Augustus to the Palatine; the *Notitia* (of the 4th century) mentions it in the Regio Palatina under the name *auguratorium* (Middleton, pp. 86, 235). [W. S.] [J. H. F.]

ARYBALLOS (*ἀρύβαλλος*), a vessel somewhat resembling the *λήκυθος* and ampulla, and, like them, used for carrying oil to the bath or palaestra. Pollux mentions it among the utensils of the bath (vii. 166; x. 63); but it is a mistake to identify it with the *ὑδρία* or large jug for pouring water over the bathers: it was, indeed, larger than the *ἀρύταινα* (Aristoph. *Eq.* 1091, 1094), but the latter was a mere ladle, and the *ἀρύβαλλος* itself of no great size. Athenaeus describes it as a cup (*ποτήριον*) shaped like a purse with strings (*ὡς τὰ συσπαστὰ βαλάντια*), *i.e.* with a globular body and a short and narrow neck; and adds that such purses were sometimes called *ἀρύβαλλοι* from this resemblance (Ath. xi. p. 783 f, following p. 466). It had a small ring or handle, just sufficient for a thong to carry it with, like the ink-bottles (otherwise different in shape) figured under ATRAMENTUM. Hence the name is assigned, with great probability, to the specimens of ancient pottery frequent in museums, called by the Italians *vasi a palla*, i.e. ball-shaped. They are chiefly found among vases of the earliest style, and were carried with the strigil to the bath. The earliest form is that in the cut No. 1, but often without a base, as in cuts 2 and 3. No. 4 represents a later form. These vessels are often richly painted with mythological subjects (Birch, *Anc. Pottery*, ed. 1873, p. 374).


Aryballos. (British Museum. Terra-cotta from Camirus, in Rhodes.)



Aryballoi. (Dennis, *Etruria*, i. p. cxxiv.)

Other derivatives from the same root *ἀρύω*, *ἀρύτω*, to draw water, *ἀρυστήρ*, *ἀρύστιχος*, *ἀρύταινα*, *ἀρυτήρ*, are sufficiently described in the lexicons. [W. W.]

AS. We defer to the article PONDERA an account of the Roman *libra* or pound as a weight, and will deal in the present article only with the pound of copper, the pound as applied to money, the *as*. In the earliest times in Italy, as elsewhere, cattle were the medium of exchange, one ox reckoning as ten sheep (Mommsen, *Röm. Münzwesen*, p. 169). To cattle in Rome and N. Italy succeeded the pound of copper, which in these regions occupied the place held by the silver drachm in Greece and the shekel of gold in the East. There was a period of transition, during which the as was not coined, but measured by weight. Small formless pieces of copper or bronze passed from hand to hand, and were accepted in payments. Such are found in considerable numbers in votive wells, such as that at Vicarello, whither they were thrown as offerings. It would even appear that in later times when money was in use this *aes rude* was still fashioned for religious purposes and cast into the treasuries of deities.

Gradually these lumps of metal acquired fixed shape and design. At Vicarello were found among them cubes marked with rude types—an ox, a trident, and so forth, and weighing from an ounce to a pound; also certain elliptical pieces without types, but of the uniform weight of a sextans.

At what period the regular Roman as, with its divisions, superseded this rude coinage, it is impossible to determine with certainty. *A priori* probability would indicate that the Decemviri (B.C. 451) would, among their other innovations, have introduced the use of coined money, which was in their day well known in Greece, Southern Italy, and Sicily. And it is noteworthy that in the Lex Menenia Sestia of the year of Rome 302 (B.C. 452) fines are reckoned in oxen, while in the Lex Julia Papiria of 324 (B.C. 430) they are expressed in asses,—a substitution explained by Festus as arising from the introduction between those dates of copper money (Mommsen, p. 175). It seems therefore safe to assert that copper took the place of oxen as the standard of value at Rome between the years 450 and 430 before our era.

Mommsen considers these grounds sufficient to justify his assertion that it was the Decemviri who introduced a regular copper coinage at Rome. Nevertheless it is by no means certain that the currency introduced by them was not *aes rude*, which passed current by weight. It is not likely that in any country a currency of coin would immediately supersede a currency of cattle. Another stage would be sure to intervene, during which metal would be accepted by weight, not tale. If cattle were the measure of value in B.C. 450, it is not likely that twenty years later would see the Romans in possession of a complete system of money. Further, it seems impossible to allow that any of the Roman coins, which have come down to us in such quantities, can possibly date from the 5th century B.C. In style, in relief, in type they seem to bear evidence of first appearing towards the middle of the 4th century. The prototypes from which they are copied are Greek coins of fully-developed art. Once more: if we assume that Rome began to issue money in the middle of the 5th century, we must assume that she was quite alone in doing so among all the states of Central Italy for at least a century. There is extant no *aes grave* of Southern Etruria, which was absorbed by the Roman state about B.C. 350. The *aes grave* of Luceria, Venusia, Hatria, and other cities certainly belongs to the period after 320, when those cities were Roman colonies. Even the silver coins of Etruria are now only in very rare instances attributed to a period earlier than that of Dionysius of Syracuse. For all these reasons, and others which space forbids us to mention, it seems probable that the copper which was the standard of value at Rome after the time of the Decemviri passed for quite a century by weight; and that the coinage of Rome properly so called does not begin until the middle of the 4th century. The pieces of silver with the name Valentia and the type of a sow which were formerly ascribed to the Rome of Servius Tullius, and other coins of the same style once accepted as ancient, are beyond question mere modern forgeries.

The early Roman coinage consists of large round heavy lumps of cast metal. The type of reverse alike of the as and of all its divisions is the prow of a galley, but each denomination has a different type on the obverse, together with an appropriate mark of value.

The normal weight of the Roman pound was 327·5 grammes, or 5050 English grains. The as would therefore originally have been of this weight, and a few specimens exist of nearly full weight. But it is noteworthy that extant specimens rarely weigh more than 285 grammes, which is the weight of ten Roman ounces, and the lower denominations are commo in the same proportion. This fact indi the standard of weight for money unc somewhat rapid reduction in the latte the 4th century.

Subjoined is an engraving of a Roma of the earliest period: the diameter o is half that of the coin itself.

As of the earliest
(British Muse

The types of these coins merit a passing notice. The prow which is the leading type belongs to a sea-going vessel of war. It must have been first placed on the coin at a time when the Romans were beginning to pay great attention to naval affairs, probably the time when Rome had acquired the Latin sea-board, and the second treaty was concluded with Carthage. "On the other side" (Mommsen, *Röm. Münzw.*, p. 184) "are the heads of various deities: Janus on the as—*penes Jan* Jupiter on the semis—*penes Jove* Minerva as discoverer of numbers triens and uncia, unless indeed one o meted female heads belongs to Roma on the quadrans as preserver and au wealth; Mercurius on the sextans a commerce and voyages." In the ch these types, however, save the head Greek influence is very manifest. T the various deities are like those to b the Greek coins of South Italy in century.

Denomination.	Type.	Ma
As . . .	Head of Janus	
Semis . .	,, Jupiter	
Triens . .	,, Minerva	
Quadrans .	,, Hercules	
Sextans . .	,, Mercurius	
Uncia . .	,, Roma (or Minerva)	

It was scarcely earlier than B.C. 30 other cities of Latium followed the Rome and issued copper money of lib Many series have come down to us: so of Hatria (Adria) and that of Tuder name of the mint-city at length; o merely an initial, or even no in show us where they were issued. them will be found in Mommsen. worthy that whereas the asses of Ro exceed the weight of 300 gram of the pieces issued by Latin cities and Roman colonies are of considerably higher standard. One reason of this may be that, whereas the money bearing the legal type of the Roman people went by tale and was legal tender, all other money, at all events in government payments and receipts, went by weight only (Lex Rubria, c. 21-2). Pieces of two asses (*dupondius*) and of five asses (*quincussis*) were also issued by Roman authority, although not probably in Rome itself.

We add engravings of a triens and a sextans of some state in Central Italy: in both cases the diameter is half that of the coins.

Triens and Sextans. (British Museum.)

Before arriving at the vexed question of the reductions of the Roman as, we must briefly indicate the relations which existed between the earlier coinage of Rome and those of other parts of Italy during the period B.C. 350–270.

To the north of Rome the Etruscans had adopted the art of coinage, as might have been expected, at a far earlier period than the Latin race. Deecke (*Etruskische Forschungen*, part ii.) has devoted a careful investigation to the systems of coinage in use in Etruria before the Roman conquest. He shows that there are among the Etruscan coins some in silver of an early date, the relation of which to the monetary standards of the ancient world is somewhat doubtful. But at some period not later than about B.C. 360 this system of coinage was replaced and supplanted by that in use in Sicily. The unit of this coinage is the *litra* or pound of copper (which was in weight just two-thirds of the Roman as), or its equivalent in silver of 13·5 English grains. In Etruria, gold, silver, and copper were all minted on this standard, and all bear marks of value. In Sicily copper was but a money of account, but in Etruria pounds or librae of copper of full weight were issued. The chief mint cities were—for silver Populonia, and for copper Volaterrae.

ETRUSCAN MONEY.

No. of Librae.	Mark of Value.	Weight in Grains.		
		Gold.	Silver.	Copper.
50	↑	45·		
25	XXΛ	22·5		
20	XX	..	270	
12½	XII<	11·25		
10	X	9·	135	
5	Λ	..	67·5	
1	I	..	13·5	3375
Semis . ½	⁝⁝	..	..	1687
Triens . ⅓	::	..	..	1125
Quadrans . ¼	...	..	..	844
Sextans . ⅙	..	..	..	562
Uncia . 1/12	.	..	..	281

Hence it will appear that the proportionate value of gold to silver was 15 to 1, and that of silver to copper 250 to 1. These proportions we shall find to be the usual ones in all parts of Italy, at this early period.

But the coinage of Etruria was not brought so constantly into contact with that of Rome as was the coinage of the Greek cities of Southern Italy. The mediator between the Greek silver and the Roman copper was the nummus. The equivalent in silver at Rome of the as, which was as above mentioned practically issued of the weight of 10 ounces, was the scruple of silver weighing 17·5 grains. This was at first a money of account merely, and not actually minted until it appeared in the shape of the sestertius. But its place had been previously taken, to some extent at least, by the diobol of Tarentum, Nola, and the cities of Campania, which was in value one-sixth of the local didrachm, and very nearly equal in weight to the Roman scrupulus. Thus the Campanian didrachm was reckoned as equivalent to 6 asses of 10 ounces, or one of the quincusses of full weight (60 ounces). The diobol was both in Rome and South Italy called the *nummus* (from the Greek νόμος); and in both places it was divided decimally, being considered as containing 10 libellae. The silver libella, which was a money of account, was reckoned as equivalent to the ounce in copper, being in fact equal to 1¼ ounces.

At Rome the phrase *heres ex libella*, applied to an heir who inherited the tenth of a property, survived to a late time to testify to the early Roman acceptance of the libella as one-tenth of the scruple or the sestertius. In Southern and Eastern Italy the whole coinage was based upon nummi and libellae. N for nummus occurs as mark of value on copper coins of Capua, and in all the region the quincunx takes the place of the semis, which is entirely wanting, thus giving proof of a decimal system of reckoning. It is further to be observed that if we take the copper equivalent of the libella, 437·5 grains, as an uncia and multiply by 12, we shall reach 5250 grains, nearly amounting to an as of 14 Roman ounces; and it is remarkable that an as of this very weight was issued at Hatria and other cities of Eastern Italy.

Soon after the Roman conquest of Capua (B.C. 338), there began to issue from the mint of that city the earliest gold and silver coins struck by authority of Rome, and marked with the name of that city; at first in the form ROMANO, and afterwards in that of ROMA. These gold and silver pieces, which circulated in all the southern parts of the Roman dominion, were suggested by the coins of Campania. But their weight is regulated by that of the Roman scrupulus. The gold coins are of the weight of

6, 4, and 3 scrupuli; the silver coins of 4 and 2 scrupuli. There are also copper pieces of small weight—struck, and not cast—which belong to this series, and which prove that even after the Roman conquest the circulation of Campania continued to consist of the precious metals, and copper was used only for money of account. One of the gold pieces of this series, weighing 6 scrupuli, offers us the mark of value XXX, which shows that it passed as the equivalent of 30 Roman asses, which was in fact a good deal below its market-value, as it reckons the value of gold as only ten times that of silver.

First Reduction of the As.—One of the most difficult problems in ancient numismatics is the determination of the course of depreciation followed by the Roman *as*. To determine what successive reductions it underwent in weight, the date of those reductions and their object, is almost impossible in the midst of the defective and inconclusive testimony with which we are surrounded. We may borrow our arguments from three sources: (1) ancient writers; (2) the coins themselves; (3) the Roman laws on money matters.

(1) *The writers.* — Verrius Flaccus (Festus, p. 347, ed. Müller) asserts that in the Second Punic War, when Hannibal was in the field, the Senate decreed that the weight of the as, which had hitherto been a pound, should be reduced to ⅙ of a pound. Thus new asses were issued of the same weight as the sextantes of the earlier issue. This was done, says Flaccus, with a view to relieve debtors, both private persons and the state. Pliny, however (xxxiii. § 44), states that in the First Punic War, the Roman exchequer being bankrupt, the weight of an as was reduced to ⅙ of what it had been, having previously been of full weight. Afterwards, in the Hannibalic war, during the dictatorship of Fabius Maximus, the value was again reduced by a half, and asses issued of only an ounce weight. It will be observed that Pliny and Flaccus (who was one of Pliny's authorities) are inconsistent one with the other; the one assigning the first reduction to the time of the First, the other to that of the Second Punic War.

(2) *The coins.*—As already stated, the as seldom much exceeds in weight 10 Roman ounces (285 grammes). Asses of 290-250 grammes are extremely common (cf. D'Ailly, *Monnaie Romaine*, vol. i.). They are seldom found between 240 and 150 grammes. From 150 to 55 grammes the descent seems quite gradual; asses of all intermediate weights occurring, but not being common. Thus in the list of D'Ailly there are 216 asses weighing from 270 to 260 grammes, and only 3 between 150 and 140, and 8 between 120 and 110 grs. But the semis is occasionally found between $\frac{170}{2}$ and $\frac{150}{2}$ grammes; 5 such occurring in D'Ailly's Lists. In the more recent list of weights drawn up by Dr. Samwer, there are 17 asses exceeding 11 Roman ounces in weight, 826 between 8 and 11 ounces, 15 between 5 and 8 ounces, 140 between 2 and 4 ounces, and 18 under 2 ounces.

(3) *The laws.*—Mommsen (p. 302) maintains that in the wording of several laws, for instance the Lex Voconia of B.C. 169 and the Lex Fannia of B.C. 161, the terms *as* and *sestertius* are used interchangeably. This proves that an as of one, no doubt an earlier, issue was equal in value to a sestertius (2½ asses) of a later issue.

Accepting this testimony of the Laws, Mommsen maintains that the first reduction of the Roman standard was in the ratio of 10:4. As the earlier asses were practically minted on the standard of 10 ounces, the asses of this reduction would be on the triental scale, *i.e.* weigh 4 ounces. Other considerations point in the same direction. Thus, the silver denarii issued in B.C. 269 or 268 were equivalent to 10 of the copper asses then in circulation. These denarii weigh about 70 grains. Multiplying this by 250, according to the proportion which seems to have held at this time between silver and copper, we find the value of the denarius, in copper, to be 17,500 grains, which gives 10 asses of 1750 grains or 113·4 grammes. These asses would be very nearly on the triental scale. It will be seen that the evidence we have collected under head (2) seems also to indicate a sudden change from a 10-ounce to a 4-ounce scale.

A remarkable piece of evidence as to the date and extent of the first reduction of the as is offered by the fact that, in the Roman colonies established at Hatria in B.C. 289 and in Ariminum in B.C. 268, a coinage was at first started on the libral scale. But in the colony of Brundisium, founded in 244, we find coins of the 4-ounce standard from the first. This fact seems to prove to demonstration that a reduction of the as to the extent described took place between 268 and 244 B.C.

Taking the theory of Mommsen, thus based, we may compare it with our other data. With the statements of Verrius and Pliny it cannot be reconciled, but then neither can their testimony be reconciled with that offered by existing coins. We must suppose that these writers omitted mention of the first reduction of the coin, and have the less hesitation in doing so because Verrius and Pliny, as we have seen, contradict one another.

But the evidence of existing coins must not be cavalierly treated; and it seems to prove unequivocally that the fall in weight of Roman asses, when it once began, proceeded gradually, and that afterwards every few years witnessed a lowering of standard. The regulations of the Senate in fixing the weight of successive issues, whatever those regulations may have been, must be regarded rather as attempts to put a stop to the gradual decline than as deliberate debasement of the standard. The coins prove that an effort was made to stay the decline of weight when the as had fallen to 5 ounces, about half its original bulk. At the time of the first issue of denarii the as must, as we have seen, have been of ⅓ of full weight. But it very soon sank much lower: the asses issued on the triental scale are so rare as to show that they were not issued for a long period together.

We find traces of the triental scale elsewhere than at Rome. Apulia, with the great mint cities of Venusia and Luceria, adopted, no doubt contemporaneously, the same scale. So did Tuder in Umbria. It would appear that Latium and Picenum did not, but continued issuing money of full weight.

In the case of Etruria we have very full evidence that a scale was adopted very closely of Rome. But, as bra of Etruria was he Roman libra or hat district there- and not to 60 per n extensive series ited on this foot, which the marks ontemporary with ive value of silver nged. The pieces those above cited;

.	Weight in grs.
	135
	67·5
	33·7
	16·8
	1687·

close resemblance arius, of which it ry equivalent and

-It was, according year B.C. 269, five Var, that denarii of annalists put the nominations issued

ue.	Weight in grs.
	70·
	35·
	17·5

of the weight of 1 ent in value to 1 as ounces, or 2½ asses es. The denarius puli, or $\frac{1}{72}$ of the

of the same types: ma in winged hel- ri. The Dioscuri e patrons of the d class, who pro- issue of the coin, . In the place of what later period y in a biga, and, uadriga. It is not t these early types of new types, ori- etary magistrates, the legendary his- same period the arks all the early nd in its place is or more magis-

ing the Hannibalic ccording to Pliny he coinage during ds are, "Hannibale atore asses unciales facti, placuitque denarium sedecim assibus permutari." We have reason to believe that, besides the changes mentioned by Pliny, others took place, which we must mention in order. The changes were in all four.

(1) *Reduction in the Weight of the As.*—This had doubtless not remained at the standard of 4 ounces, as it was probably fixed at the time of the first issue of denarii, but had continually fallen. What point it had reached at the outbreak of the Second Punic War we cannot say, but it is probable that the law which fixed it at 1 ounce (gr. 421) involved a considerable reduction, because the measure was one which was adopted at a period of great pressure, and which had for its professed object the easing of state obligations. As to the exact date of the measure we are in some uncertainty, as Verrius (Festus, p. 347 b) says that it was ordained by a Lex Flaminia, and so must have been ordered before the death of Flaminius in the battle at the Trasimene Lake, while Pliny ascribes the law to the dictatorship of Fabius Maximus, which followed that battle.

(2) *Reduction in the Weight of the Denarius.*—For this we have no ancient authority. But we find by induction that the weight of Roman denarii, except the very early specimens, does not exceed about 60 grains, and a denarius of that weight contains just $\frac{1}{84}$ of a Roman libra of silver, which Pliny mentions as the normal weight of a denarius (xxxiii. § 132). The denarius as reduced would correspond nearly in weight with the Attic drachm, then the standard of currency in Macedon, Syria, and Sicily. That this reduction took place exactly at the same time as the reduction of the as cannot be proved, but is intrinsically probable. It could at all events scarcely have taken place later. Samwer produces some arguments to prove that it may be fixed to about the year 241.

(3) *Alteration in the relation of Silver and Copper.*—The same measure which decreed the reduction of the weight of the as ordained that in future 16 asses should go to the denarius in the place of 10. And so it continued to be reckoned ever after, except, we are told, in the case of military pay. The pay of the soldier had been hitherto reckoned in asses, and he was allowed still to receive a denarius for every 10 asses due to him. He therefore suffered in a less degree by the depreciation of the currency than all other creditors or people in receipt of a fixed pay. And thus the mark of value X was retained on the denarius, though for nearly all the people it had become incorrect. These disproportioned changes in the weights of as and denarius necessarily produced a change in the relations of the silver and copper in circulation. Hitherto a denarius had really been equal in value to 10 current asses, but in future the denarius was reckoned as equal only to 16 asses of 1 ounce, or 6736 grains of copper, which gives as the new proportion of value of silver and copper 1 : 112; that is to say, in future asses circulated at twice their real value. And serious results might have followed from this, but that it henceforth became more and more the custom to reckon in silver, and to consider copper asses as mere money of account. After the Macedonian wars this method of reckoning indeed became universal.

(4.) *Issue of Gold Coin.*—Until the invasion of Hannibal, gold had passed among the Romans either in the form of bars, or in that of the Campanian coins, of which mention has already been made. But Hannibal cut the Romans off from Campania, the source of their wealth, and more especially of their supplies of the precious metals. It was probably the dearth of silver which caused the issue at Rome at this time of gold pieces of a new type. These bear national designs: on the obverse the head of Mars; on the reverse the Roman eagle bearing a thunderbolt, and the name ROMA. They are of the weight of 3, 2, and 1 Roman scruples, and bear respectively the marks of value ↓X, XXXX, XX. They were thus equivalent to 60, 40, and 20 asses of the early standard or sestertii of silver. The ratio of value between gold and silver exhibited by them is about 1 : 17, which shows that they circulated at a higher than intrinsic value. Mommsen maintains that they were really coins of necessity, issued at a severe crisis to ease circulation. The issue of them was not long continued.

Gold coin of 60 asses. (British Museum.)

Roman Money from Hannibal to Caesar:—

(1.) *Copper.*—The weight of the as was still further reduced by the Lex Papiria, passed 89 B.C. (Plin. xxxiii. § 46), to half an ounce. But as at this period copper had ceased to be the important medium of exchange, and all reckonings were made in silver, this regulation can have had but little effect. Far more importance in reality attaches to the Lex Valeria minus solvendi, passed in B.C. 86, which was a real measure of bankruptcy (Mommsen, *Röm. Münzw.* p. 383). Hitherto there had been two methods of reckoning: (1) in large transactions by the sestertius or old libral as; (2) in small traffic by the reduced as of $\frac{1}{16}$ denarius. The Lex Valeria suddenly abolished the former of these modes of reckoning; so that debtors could discharge obligations contracted under it with ¼ of the sum really due.

(2.) *Silver.*—The sestertius was issued for but a short period, and the quinarius was not used for very long. But beside the denarius there came into circulation the frequently discussed pieces called Victoriati. These exist in three denominations—the double, the unit, and the half. The type of all is the same: on the obverse, a head of Jupiter; on the reverse, Victory crowning a trophy, and the inscription ROMA. The Victoriatus was originally of the weight of 3 scrupuli or ¾ of a denarius; in certain parts of the Roman dominions it was so plentiful that reckonings were commonly made in it; and even Cato (*de R. R.* c. 15) sometimes uses it as the standard of value. With regard to the origin of the Victoriatus, there is some doubt. Mommsen accepted Pliny's statement (xxxiii. § 46) that the coin came originally from Illyria, but M. Zobel has since shown that the converse is the truth: the people of the cities of Illyria copied in their issues the weight of the Victoriatus, which had long been in circulation, more especially in Spain and Gaul, in which countries we should rather seek for its origin. At a later period the weight of the Victoriatus sank, and towards the end of the 2nd century pieces were issued of the type of the Victoriatus, but with the mark Q, which shows clearly that they were intended to pass as Quinarii. There is little doubt that the Victoriati owed their temporary popularity and abundance to reasons of commercial convenience; their weight being nearly that of contemporary drachms of Rhodes, Corinth, and Massilia.

One peculiarity marks all the silver coin of this period,—the frequent occurrence in it of plated pieces. These plated pieces are not in most cases to be set down as forgeries, but are due to the dishonesty of the Roman mint, which regularly, in many of its issues, mixed plated with solid pieces in a fixed proportion, which was sometimes even regulated by authority. It is to Caesar's credit that he called in most of this worthless currency, which must have caused continual losses to innocent persons.

(3.) *Gold.*—The issue of gold coin during the Second Punic War was a temporary expedient. Both before and after that period treasure was laid up at Rome in the form of gold bars, probably of fixed weight, but not issued as coin. Laws of the middle of the 2nd century show that then a pound of gold was reckoned as equivalent to 1000 denarii, which gives the proportionate value of gold to silver as 12 to 1. This treatment of the pound of gold as the unit governs the issue of gold coins, which took place at intervals during the last century B.C. Thus Sulla, for his own purposes, struck gold coins of 30 and 36 to the pound, and Pompey coins of 36 to the pound, while Caesar chose the weight of 40 to the pound for his aurei. Reckoning according to the above-mentioned proportion of 12 to 1, we get the following equations:—

$$\begin{array}{llll} \frac{1}{30} & \text{lb. of gold} = & \frac{400}{3} & \text{sesterces.} \\ \frac{1}{36} & \quad ,, \quad = & \frac{1000}{9} & \quad ,, \\ \frac{1}{40} & \quad ,, \quad = & 100 & \quad ,, \end{array}$$

All these coins were of a military character, struck not for the use of commerce, but to facilitate the distribution of booty.

Authority to issue Money.—According to the early Roman constitution, supreme power rested with the people with regard to money as with regard to other things. We have already mentioned several laws passed by them in regard to the weight of the as and similar matters. The regular issue of coin of course went on without continual interference of the Legislature, under the general control of the magistrates entrusted with the Imperium, such as Consuls and Praetors, who did not however put on it any mark or symbol of their own. With Mommsen (pp. 363–378) we would divide all coins issued within Roman dominions into three classes:—

(1.) *The normal State Coinage.*—It appears that before the Social War special magistrates were appointed to strike coin, or, as it was expressed in Roman phrase, *auro argento aeri flando feriundo.* In B.C. 100 we find the two quaestors Piso and Caepio issuing denarii. The coin issued in the name of Sulla shows great irregularities, and gives us no indication of a settled magistracy. In the censorship of Crassus and Domitius, 92 B.C., there seems to have been a board of five moneyers working under control of the Censors. But at a comparatively early period the board of moneyers consisted of three members as the rule. We first find the IIIVIRI Monetales mentioned as regular magistrates after B.C. 92. After the Social War these officers were regularly and continuously appointed. For a time Caesar raised their number to four, but Augustus restored the triumvirate. The office disappears in the first century of our era. If any one beside the Monetales had occasion to issue money, he did it by special commission of the Senate, and usually placed on each piece the letters S C (Senatus Consulto).

(2.) *Money issued by Roman authority in subject States.*—Under this head will come the coins of Capua already spoken of, the Victoriati issued with the mint-mark of Corcyra and Croton, and other series. All these bear the name of Rome; nevertheless the coins were probably issued by inferior magistrates appointed by the mint city, the resident Roman magistrate exercising only a general oversight and control.

(3.) *Money issued by Generals in the Field.*—The military Imperium carried with it in the eyes of the Romans all such inferior privileges as the minting of money and the like. The gold coins issued by Sulla and Caesar are good instances in the Roman series of military money; there is also a great deal of silver minted by Caesar, Lentulus, Pompey, and others.

Roman Money from Augustus to Caracalla.—During the civil wars there was considerable irregularity in the issue of coin. Each of the contending generals issued money as suited himself, and meantime the Senate was also coining in the precious metals. When Augustus was settled in supreme power, he made an arrangement with the Senate whereby the right of minting gold and silver was reserved to himself, but the issue of copper was conceded to them. Henceforth all copper coin bears the letters S C to show that it appeared by authority of the Senate. We will mention in order the denominations issued in all three metals.

(1.) *Gold.*—Like the early kings of Persia, the Caesar of Rome claimed the sole right in all the world to issue gold coin; and it is a remarkable fact that no gold money of the Parthians is known, and that Roman aurei are frequently found in regions so remote from Italy as India. Augustus issued gold of three denominations:—

Aureus,	**weight**	$\frac{1}{40}$	**libra or**	**Eng. gr. 126.**
Quaternio,	„	$\frac{1}{10}$	„	„ **505.**
Half aureus,	„	$\frac{1}{80}$	„	„ **53.**

The aureus was also termed the gold sestertius, and its half the gold Victoriatus. The

Aureus of Augustus. (British Museum.)

aureus was evidently modelled as to weight on the gold staters of Philip and Alexander of Macedon, which weigh about 130 to 133 grains, and had long been the standard of value in all civilized countries. It was reckoned as equivalent in value to 25 silver denarii or 100 sesterces, which gives the ratio of value of gold to silver as about 12 to 1. But as the silver issued by the successors of Augustus became rapidly alloyed, the gold coin became the real standard of value, and the silver sank into the position of a mere money of account, so that when people incurred a debt of 100 denarii, what was really meant was 4 aurei. In fact the denarii assumed exactly the same position as is occupied in England by shillings and other silver money. With a few exceptions, all gold and silver coin of the Romans from Augustus onwards bears the image and superscription of an emperor. In the reign of Nero (Pliny, *H. N.* xxxiii. § 47), the weight of the aureus had sunk to $\frac{1}{45}$ of a libra, and in that of Caracalla still further to $\frac{1}{50}$ of a libra.

(2.) *Silver.*—Under the Empire the issue of quinarii and sestertii was for a time renewed, though for the latter a copper coin was soon substituted. The weight of the denarius was at first maintained at its old standard of $\frac{1}{84}$ libra, and its fineness was likewise for a time preserved almost perfect. But Nero lowered the weight of the denarius to $\frac{1}{96}$ libra or 52 English grains, at the same time mixing $\frac{1}{10}$ of alloy with the pure metal. After this the quality of the coin went on deteriorating, and we cannot be surprised that as Tacitus tells us (*Germ.* v.) the old Serrati and Bigati [*q. v.*] of the Republic passed more easily in Germany than the Imperial denarii. Indeed the discovery of hoards has furnished us with evidence that much of the currency of Rome during the 1st and 2nd centuries consisted of consular denarii: of these most of the heavier specimens disappeared during the reign of Trajan; the lighter were not melted down until the time of the Antonines. Caracalla introduced beside the denarius, a new coin weighing about $\frac{1}{60}$ libra, bearing on the obverse his head radiate. These were called *argentei* or *denarii Antoniniani*, and became common under following emperors. Their distinguishing mark is always that the emperor's head on them wears a radiate crown.

(3.) *Copper.*—The Senate, in virtue of the privilege allowed them by Augustus to issue copper coin, struck in several denominations. The largest coin they issued was the sestertius or piece of four asses. This was made of a fine yellow metal composed $\frac{3}{4}$ of copper and $\frac{1}{4}$ of zinc, and was a Roman ounce in weight. The dupondius was in the same metal, but of smaller size, weighing about half an ounce. From the time of Nero onward it was the custom to place on dupondii the head of the emperor with radiate crown, in order to distinguish these pieces from the asses on which the head was laureate. For in size the as and dupondius were closely alike, only the former was made of inferior metal,—copper alloyed with about 30 per cent. of tin and lead. Of this metal were also made semisses and occasionally quadrantes. What are now called by collectors *large brass* coins are sestertii, the middle brass are dupondii and asses, the small brass are semisses and quadrantes. What are now called "medallions" are not coins at all, but medals issued by imperial authority to commemorate historical events.

Roman Money from Caracalla to Constantine.—This period presents us with a continually increasing adulteration of coin in all metals, ending in utter bankruptcy, and a collapse for which Diocletian and Constantine endeavoured to find a remedy.

Gold.—After the time of Caracalla various multiples of the aureus were struck. The metal whereof these and the aureus itself were formed was not at any time much adulterated, but the weight of the pieces sinks and varies in a remarkable degree. The result of this want of commercial honesty soon became apparent. Gold money, as we have seen, had become the measure of value. But when this became no longer trustworthy, people fell back on the only measure which underwent no change, the Roman pound. The pound or libra of gold remained the base of the system of credit, and gold coins circulated by weight only, just as if they had been small unstamped ingots of metal. It was reserved for Constantine to put an end to this state of things. He introduced a solidus of gold weighing $\frac{1}{72}$ of a libra, as its marks of value LXXII and O B sufficiently signify; as well as a semis and a triens of the same piece. This latter held its ground for a long time, and its lineal descendant the Bezant became the prototype of all later systems of gold coinage in East and West.

Silver.—The deterioration in the metal of the Antoniniani was very rapid, until in the time of Gallienus and Claudius II. they were little better than plated money of copper. The denarius meantime had declined both in weight and purity, and was in a shameful condition when Diocletian and his colleagues re-introduced the Neronian denarius and quinarius. Some of the former when first minted bore the mark of value XCVI, to indicate that their weight should be $\frac{1}{96}$ of a libra, though as a matter of fact they are sometimes heavier. Diocletian also struck pieces of much heavier denomination. Constantine added new denominations, striking silver pieces of the same weight as his gold solidus, and of half that weight.

Copper.—Not even the money of bronze escaped the tendency to deterioration during this age. The sestertii of fine brass fall to a half and even a third of their original weight of an ounce, and the metal becomes poorer. Finally with Florianus they become extinct. The coins of Decius, which weigh an ounce, are supposed to be quinarii in bronze. Diocletian issued copper money in two denominations, of which the heavier weighed about 150, the lighter some 35 grains; but as these pieces are washed with silver, they can scarcely have been intended to pass as mere copper. If we overlook a few temporary irregularities, these pieces continued to be part of Roman currency until the death of Theodosius I. The larger of them is mentioned by ancient writers under the name *follis* or *pecunia major*, and seems intended to succeed the degenerate Antoninianus. The smaller is called *nummus centenionalis*. By this time the denarius of account had sunk into a value too small to be coined, and was worth but a small proportion of the follis.

NORMAL WEIGHTS OF ROMAN COINS IN ENGLISH GRAINS.

	B.C. 350.	B.C. 269.	B.C. 210.	B.C. 89.	AUGUSTUS.	NERO.	CARACALLA.
GOLD.							
Aureus . . .	..	..	52·5	..	126·	112·	101·
SILVER.							
Denarius . .	..	70·	60·	60·	60·	52·	
Quinarius . .	..	35·	30·	..	30·	26·	
Sestertius . .	..	17·5	15·	..	15·		
Victoriatus . .	..	..	..	45·			
Antoninianus .	..	..	..	..	..	..	84·
COPPER.							
Sestertius . .	..	..	..	..	420	420	
Dupondius . .	..	..	..	..	210	210	
As	5050	1750	421	210	200 ?	2[illegible]0	
Semis . . .	2525	875·	210	105			

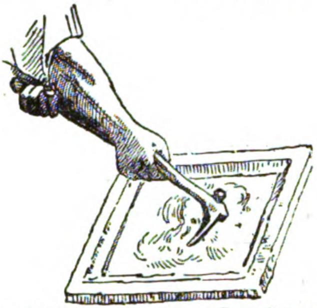
The values of these coins in modern money varies of course with the weight. The *aureus* of Augustus was a little heavier than the English sovereign, and three *denarii* nearly of the same weight as a florin. The *as* was at first rather more valuable than an English pound of copper.

[P. G.]

ASAMINTHUS (*ἀσάμινθος, σκαφή, πύελος, ἔμβασις, μάκτρα*), a bath-tub, in which the bather sat, while hot water was poured over his head and shoulders (cf. *Od.* x. 361). This was the usual mode of bathing in Homeric times; in later times, however, when regular baths were introduced, other methods seem to have been preferred. So Suidas says, speaking of the *ἀσάμινθος*: *σκαφὴ ἐν ᾗ οἱ ἀρχαῖοι ἐλούοντο, οὐκ ᾔδεσαν γὰρ βαλανεῖα* (cf. Suid. *s. v.*); and no representation of a tub, in which bathers could sit, appears on any of the vases, which depict scenes from the baths. There is, however, no doubt that baths of this kind still remained in use, as occasional references to them occur in later writers (cf. Aristoph. *Eq.* 1060; Poll. vii. 166), and Eupolis (*ap.* Poll. vii. 168) speaks of several people bathing together in a bath of this kind. [BALNEAE.] [J. H. O.]

ASCAULES. [TIBIA.]

AS'CIA, a tool employed in somewhat different forms for different purposes. 1. The *σκέπαρνον* of Homer (*Od.* v. 235, ix. 391), used in working wood, and resembling our adze. It was with representations of a tool, resembling an *ascia* (see first cut No. 3), but varying in shape on the different coins. [J. Y.] [J. H. F.]



Ascia used by Bricklayers. (From Trajan's Column.)

ASCLEPIEIA (ἀσκληπίεια), the name of festivals which were probably celebrated in all places where temples of Asklepios (Aesculapius) existed. The most celebrated, however, was that of Epidaurus, which took place in the grove of Asklepios every fifth year, and was solemnised with contests of rhapsodists and musicians, and with solemn processions and games. The solemnity took place nine days after the Isthmian games. (Schol. *ad* Pind. *Nem.* iii. 145; Paus. ii. 26, § 7.) Ἀσκληπίεια are also mentioned at Lampsacus (Böckh, *Corp. Inscr.* vol. ii. p. 1131), and at Athens (Aeschin. c. *Ctesiph.* § 67), which were probably, like those of Epidauros, solemnised with musical contests. They took place on the eighth day of the month of Elaphebolion. [L. S.]

ASCOLIASMUS (ἀσκωλιασμός, ἀσκωλιάζειν, the leaping upon the leathern bag, ἀσκός) was one of the many kinds of amusement in which the Athenians indulged during the Anthesteria and other festivals in honour of Dionysus. The Athenians sacrificed a he-goat to the god, made a bag out of the skin, smeared it with oil, and then tried to dance upon it. The various accidents accompanying this attempt afforded great amusement to the spectators. The competitor who kept his balance longest was proclaimed the winner, and received the skin as a reward. The game is alluded to by Virgil (*Georg.* ii. 384), "mollibus in pratis unctos saluere per utres." This term seems also to have included a variety of other games, the peculiarity of which consisted in hopping or standing on one leg. (Schol. *ad* Aristoph. *Plut.* 1129; Plat. *Symp.* p. 190, D, E;

Ascoliasmus, dancing on a wine-skin.
(From an ancient gem in Krause.)

Pollux, ix. 121; Suid. *s. v.*; Hesych. *s. v.* Ἀσκωλιάζοντες; Aristot. *Incess. Anim.* 4, 8; Ael. *H. N.* iii. 13; Varr. *ap.* Non. p. 21; Krause, *Gymnastik und Agonistik d. Hellenen*, p. 399; Dennis, *Etruria*, ii. p. 342.) [W. S.]

ASCOS (ἀσκός), a leathern bag, chiefly of goat-skin, mostly used for the transport of wine (Hom. *Il.* iii. 247; *Od.* v. 265, vi. 78), as in the south of Europe in the present day, is also the name to vessels resembling goat-skins. (Hermann, *Griech. Ant.* iv.^{3} p. 232; Dennis, *Etruria*, i. p. cxxv.) [W. S.]

Ascoi. (Dennis's *Etruria*.)

ASEBEIAS GRAPHE' (ἀσεβείας γραφή) was one of the many forms prescribed by the Attic laws for the impeachment of impiety. From the various tenor of the accusations still extant, it may be gathered that this crime was as ill-defined at Athens, and therefore as liable to be made the pretext for persecution, as it has been in all other countries in which the civil power has attempted to reach offences so much beyond the natural limits of its jurisdiction. The occasions, however, upon which the Athenian accuser professed to come forward may be classed as, first, breaches of the ceremonial law of public worship; and, secondly, indications of that which in analogous cases of modern times would be called heterodoxy, or heresy. The former comprehended encroachment upon consecrated grounds, the plunder or other injury of temples, the violation of asylums, the interruption of sacrifices and festivals, the mutilation of statues of the gods, the introduction of deities not acknowledged by the state, and various other transgressions peculiarly defined by the laws of the Attic sacra, such as a private celebration of the Eleusinian mysteries and their divulgation to the uninitiated, injury to the sacred olive-trees, or placing a suppliant bough (ἱκετηρία) on a particular altar at an improper time (Andoc. *de Myst.* § 110), or offering a sacrifice with any deviation from the prescribed rites (Demosth. *c. Neaer.* p. 1385, § 116). The heretical delinquencies may be exemplified by the expulsion of Protagoras (Diog. Laërt. ix. 51, 52), for writing "that he could not learn whether the gods existed or not;" in the persecution of Anaxagoras (Diog. Laërt. ii. 12), like that of Galileo in after-times, for impugning the received opinions about the sun; and the condemnation of Socrates for not holding the objects of the public worship to be gods. (Xen. *Apol. Socr.* 10; *Memorab.* i. 1, § 1.) The variety of these examples will have shown that it is impossible to enumerate all the cases to which this sweeping accusation might be extended; and, as it is not upon record that religious Athens (Xen. *Rep. Ath.* iii. 8) was scandalised at the profane jests of Aristophanes, or that it forced Epicurus to deny that the gods were indifferent to human actions, it is difficult to ascertain the limit at which jests and scepticism ended, and penal impiety began.

With respect to the trial, any citizen that pleased (ὁ βουλόμενος)—which, however, in this as in all other public actions, must be understood of those only who did not labour under an incapacitating disfranchisement (ἀτιμία)—seems to have been a competent accuser; but as the nine archons, and the Areiopagites, were the proper guardians of the sacred olives (μορίαι, σηκοί, Lysias, Περὶ τοῦ Σηκοῦ, § 29), it is not impossible that they had also a power of official prosecution upon casually discovering any injury done to their charge.

The magistrate who conducted the previous examination (ἀνάκρισις) was, according to Meier (*Att. Proc.* pp. 300, 304, n. 34), invariably the king archon; but whether the court into which he brought the causes were the Areiopagus, or the common heliastic court, of both of which there are several instances, is supposed (Meier, *Att. Proc.* p. 305) to have been determined by the form of action adopted by the prosecutor, or the degree of competency to which the Areiopagus rose or fell at the different periods of Athenian history. Westermann (*ap.* Pauly) holds the notion that indictments for ἀσέβεια could be brought before the Areiopagus to be a mistake, while admitting that it is the common opinion: the latter is re-asserted by Schömann in his latest work (*Antiq.* i. 498, E. T.). The penalty, which might be fine, banishment, or death, was usually (as in the case of Socrates) a separate question for the dicasts after conviction. For some kinds of impiety, however, the punishment was fixed by special laws, as in the case of persons injuring the sacred olive-trees: and it would seem that the sanctity of Demeter and the divinities associated with her (Cora, Dionysus) was hedged in by denouncing the penalty of death against the breach of merely ceremonial regulations in connexion with the Eleusinian worship (Andoc. *de Myst.* §§ 33, 110; Demosth. *c. Neaer.* l. c.).

If the accuser failed to obtain a fifth of the votes of the dicasts, he forfeited a thousand drachmas, and incurred probably a modified ἀτιμία, though not to the extent of exclusion from office (Demosth. *c. Eubul.* p. 1301, § 28). Other forms of prosecution for this offence were the ἀπαγωγή (Dem. *c. Androt.* p. 601, § 35), ἐφήγησις (Meier, *Att. Proc.* p. 246), ἔνδειξις (Andoc. *de Myst.* § 8), προβολή (Libanius, *Argum. ad* Dem. *in Mid.* init.), and in extraordinary cases εἰσαγγελία (Andoc. *de Myst.* § 43); besides these, Demosthenes mentions two other courses that an accuser might adopt, δικάζεσθαι πρὸς Εὐμολπίδας, and φράζειν πρὸς τὸν βασιλέα (Wayte, on Demosth. *Androt.* l. c.). [J. S. M.] [W. W.]

ASIARCHAE (ἀσιάρχαι) were, in the Roman province of Asia, the chief presidents of the religious rites, whose office it was to exhibit games and theatrical amusements every year, in honour of the gods and the Roman emperor, at their own expense, like the Roman aediles. As the exhibition of these games was attended with great expense, wealthy persons were always chosen to fill this office; for which reason, Strabo says, some of the inhabitants of Tralles, which was one of the most wealthy cities in Asia, were always chosen asiarchs. A list of ten names was drawn up annually by delegates (σύνεδροι) of the different towns of Asia, at the general assembly (κοινὸν Ἀσίας), and the selection of

(1) *falcati asseres* (Liv. xxxviii. 5, 3), also called *harpagones* (Liv. xxx. 10, 16); δορυδρέπανα (Polyb. xxi. 27, § 4), poles with hooks at the ends, used for tearing down battlements. (2) At sea, similar poles (called *longurii*) were used for destroying the rigging of the enemy's ships (Caes. *B. G.* iii. 14, 5). (3) Poles, twelve feet long, with sharp points (*cuspidibus praefixi*), hurled from engines against the works of the besiegers (Caes. *B. C.* ii. 2). (4) Strong beams with grappling hooks (*corvi et ferreae manus*) attached, which were let drop on the enemy's ships (Q. Curt. iv. 3, § 24). [L. C. P.]

ASSERTOR or **ADSERTOR** is the name given to the party who asserts or vindicates in an action (*liberale judicium*) the freedom of another (Gaius, iv. 14); for a person who claimed to be free could not sue on his own behalf. By the law of the Twelve Tables it was enacted in favour of liberty, that an adsertor should not be called on to give security in the *sacramenti actio* to more than the amount of 50 asses. In the course of the action the adsertor laid his hand on the person whose liberty he claimed (*adsertus*), and formally asserted the right of the latter to his freedom. Hence *adserere in libertatem, liberali adserere manu.* (Ter. *And.* ii. 1, 40; Plaut. *Poen.* iv. 2, 83.)

The expression *adserere in servitutem*, "to claim a person as a slave," occurs in Livy (iii. 44; xxxiv. 18). The *vindicatio in libertatem* was employed as a collusive action for the purpose of manumitting slaves (*manumissio per vindictam*). In later times the part of assertor was represented by the Praetor's lictor. (Dig. 40. 12, *de Liberali Causa;* Cod. vii. 16.) [G. L.] [E. A. W.]

ASSESSOR or **ADSESSOR.** The consuls, praetors, governors of provinces, and the judices were often imperfectly acquainted with the law and the forms of procedure, and it was necessary that they should have the aid of those who had made the law their study (Cic. *de Orat.* i. 37; *in Verrem*, ii. 19). Such advisers, who sat in court near or by the side of the functionary who was administering justice, were called *assessores.* This custom continued under the Empire (Plin. *Epist.* 20, vi. 11, x. 19; Gellius, i. 22). The *praefectus praetorio, praefectus urbi*, and other civil and military functionaries had their assessors. An instance is mentioned by Tac. (*Ann.* i. 75) of the Emperor Tiberius assisting at the judicia (*judiciis assidebat*), and taking his seat at the corner of the tribunal, nominally in the capacity of assessor.

No magistrate was allowed to sit without one or more assessors, learned in the law (*juris studiosi*). The Emperor Alexander Severus gave *assessores* a regular salary (Lampr. *Alex. Sev.* 46). The assessor was chosen by the magistrate whom he was called in to advise, and persons could not act as assessors in the province to which they belonged. *Infames* were incapable of serving the office. The jurist Paulus, who wrote a special work, *de Officio Adsessoris*, thus sums up the duties of the office: "Omne judicium adsessoris, quo juris studiosi partibus suis funguntur, in his fere causis constat: in cognitionibus, postulationibus, libellis, edictis, decretis, epistulis" (Dig. 1, tit. 22, s. 1). The magistrate was often the mere mouthpiece of his assessor. If the latter gave improper advice, he, and not the magistrate, was responsible.

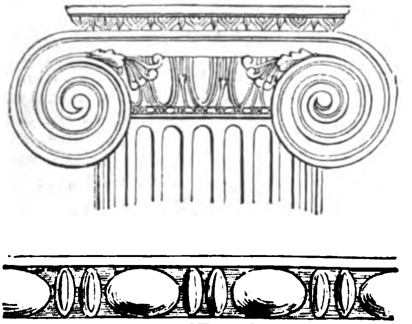
Under the later empire assessors seem to have heard causes on behalf of the magistrate in his absence. According to the conjecture of Savigny (*Geschichte des Röm. Rechts im Mittelalter*, vol. i. p. 79), as the formulary system gradually declined the *assessores* took the place of the *judices*.

The work of assessor was regarded as good preparation for high independent office (Spart. *Pesc. Nig.* 7). In the later writers assessors are mentioned under the various names of *adsessores*, *πάρεδροι*, *Consiliarii*, *juris studiosi*, *comites*. The *juris studiosi* mentioned by Gellius, xii. 13, as assistants to the judices (*quos adhibere in consilium judicaturi solent*) were *assessores*. (Bethmann-Hollweg, *Der römische Civil-Prozess*, § 141, vol. iii. 129.) [E. A. W.]

ASSID'UI. [Locupletes.]

ASTRAG'ALUS (ἀστράγαλος) literally signifies that particular bone in the ankles of certain quadrupeds which the Greeks, as well as the Romans, used for dice and other purposes, as described under the corresponding Latin word Talus.

As a Latin word, *astragalus* is used by Vitruvius, who of course borrowed it from the Greek writers on architecture, for a certain moulding (the astragal), which seems to have derived its name from its resemblance to a string or chain of *tali*; and it is in fact always used in positions where it seems intended to bind together the parts to which it is applied. It belongs properly to the more highly decorated forms of the Ionic order, in which it appears as a lower edging to the larger mouldings, especially the *echinus* (ovolo), particularly in the capital, as shown in the following woodcut, which represents an Ionic capital found in the ruins of the temple of Dionysus at Teos. Still finer examples occur in the capitals of the temple of Erechtheus or Athene Polias, at Athens, where it is seen, too, on the sides of the volutes. It is also often used in the entablature as an edging to the divisions of the cornice, frieze, and architrave. The lower figure in the woodcut represents a portion of the astragal which runs beneath the crowning moulding of the architrave of the temple of Erechtheus. It is taken from a fragment in the British Museum, and is drawn of the same size as the original.



Astragalus, from Ionic capital.

The term is also applied to a plain convex moulding of the same sectional outline as the former, but without the division into links, just like a *torus* on a small scale: in this form it is used in the Ionic base [Spira]. In the orders subsequent to the Ionic,—the Corinthian, Roman Doric, and Composite,—the astragal was very freely used. The rules for the use of the moulding are given by Vitruvius (iii. 5, § 3; iv. 6, §§ 2, 3: Schneid.). Numerous fine examples of it will be found in the plates of Mauch (*Die Griechischen und Römischen Bau-Ordnungen*, Potsdam, 1845). [P. S.]

ASTRATEIAS GRAPHE' (ἀστρατείας γραφή). Under this head we may conveniently group the principal military offences, which at Athens were dealt with by one law. A citizen was liable to indictment, and, if convicted, to disfranchisement for— 1. Failure to join the army—*ἀστρατείας*: 2. Cowardice in battle—*δειλίας*: 3. Desertion of his post—*λιποταξίου*: 4. Desertion from the army—*λιποστρατίου*. Of these terms, *λιποταξίου* was that used in the widest sense, and might include any of the others. Prof. Jebb observes that it does not appear quite certain whether there was a *γραφὴ δειλίας* distinct from a *γραφὴ λιποταξίου*. In Lysias (*c. Alcib.* i. § 6) they appear to be identified; but in the following passages (among others) they are distinguished:—Andoc. *de Myst.* § 73; Aeschin. *in Ctes.*, § 175; Plato, *Legg.* xii. 943 D, *ῥιφθέντων* in the last passage being obviously equivalent to *δειλίας* (Jebb, *Att. Or.* i. 256 n.). The two speeches of Lysias against the younger Alcibiades—one *λιποταξίου*, the other *ἀστρατείας*—are two separate indictments for the same offence, that of serving in the cavalry when he was drawn as a hoplite; an incident highly characteristic of Athenian procedure.

All these actions belonged to the jurisdiction of the strategi: the accuser was any qualified citizen that chose to come forward (*ὁ βουλόμενος, οἷς ἔξεστι*), and the court was composed of soldiers who had served in the campaign. It has been objected that a soldier could not also be a dicast: but the trial would naturally come on after the campaign was over, and the language of Lysias is explicit (*τοὺς στρατιώτας δικάζειν*, *c. Alcib.* i. § 6; *οὐκ ἐπεξῆλθε μεθ' ὑμῶν*, § 7; cf. § 15, and the concluding words of the Second Speech). The taxiarchs and hipparchs, having the duty of drawing up the military list, would be associated with the strategi in getting up the case (Demosth. *c. Boeot. de Nom.* p. 999, § 17).

The punishment of *ἀτιμία* is regularly attached to this class of offences (see, besides the passages already referred to, Aeschin. *Timarch.* § 29; Demosth. *Mid.* p. 533, § 58, *Neaer.* p. 1353, § 27), with, of course, further penalties for usurping the forfeited rights (Demosth. *c. Timocr.* p. 732, § 103). The question whether confiscation was not added in some cases, has been noticed under Anaumachiou Graphé. The *λιποστρατίου γραφὴ* must be distinguished from the much more serious *αὐτομολία*, or going over to the enemy. The latter was not a purely military offence, and so apparently not tried before the strategi, and was a capital crime [Automolias Graphé]. [W. W.]

ASTROLO'GIA. This word is employed by the best Latin writers (*e.g.* Cic. *de Divin.* ii. 42, 87; *de Orat.* i. 16, 69) to denote *astronomy* in general, for which *astronomia* does not occur earlier than Seneca. In Greek, *ἀστρολογία* is the (*ortus, occasus, motus, viae, discessiones, coetus, conventus, concursiones, circuitus, transitus, habitus, forma, positura, positus siderum et spatia*) were carefully registered in tables (**πίνακες, ἐφημερίδες**). In so far as the planets were concerned, it was of especial importance to note through what sign of the zodiac they happened to be passing, since each planet had a peculiar sign, called the *domus* or house of the planet, during its sojourn in which it possessed superior power. Thus Libra, Capricornus, and Scorpio were respectively the *houses* of Venus, Saturn, and Mars.

The exact period of birth (*hora genitalis*) being the critical moment, the computations founded upon it were styled **γένεσις** (*genesis* or *genitura*), **ὡροσκόπος** (*horoscopus*), or simply **θέμα**, and the star or stars in the ascendant *sidus natalicium, sidera natalicia*, or sometimes **ὡροσκόπος**.

The Chaldaean astrology was unknown in Greece until after the conquests of Alexander, although Eudoxus, a younger contemporary of Plato, is said to have warned his countrymen not to place faith in it (Cic. *de Div.* ii. 42, 87). Euripides (*Frag.* 485 Dind.) describes Hippo, the daughter of Chiron, as predicting the future from the risings of stars: but Archdeacon Hare (*Philol. Mus.* i. 25) thinks that this referred only to predictions of the weather. This limitation will not apply to the language of Plato (*Timaeus*, p. 40 D) about divination from the movements of the planets (Lewis, *Astr. of the Anc.* p. 295). The first Chaldaean who practised astrology in Greece is said to have been Berosus (Vitruv. ix. 7), who lived about B.C. 340–270. After this time it passed into general acceptance, especially among the Stoic philosophers: and Panaetius, in the second century, who rejected it, mentioned Anchialus and Cassander, two contemporary astronomers, as standing alone in sharing his views (Cic. *de Div.* ii. 42, 88). Astrologers by this time had found their way to Rome. The words *de circo astrologos* in Cic. *de Div.* i. 58, 132, evidently belong, not to Ennius, as has sometimes been supposed, but to Cicero himself (cf. Ribbeck, *Frag. Trag.*^{2} p. 55): but Cato (*de R. R.* 5, 4) forbids his steward to consult "haruspicem, augurem, hariolum, Chaldaeum."

In B.C. 139 C. Cornelius Hispallus, the *praetor peregrinus*, banished the Chaldaeans from the city, and ordered them to quit Italy within ten days (Val. Max. i. 3, § 2). We read, however, of prophecies of the Chaldaeans given to Sulla, Pompeius, Crassus, and Caesar; and Cicero speaks of L. Tarutius Firmanus, the friend of Varro, as "in primis Chaldaicis rationibus eruditus" (*de Div.* ii. 47, 98). In B.C. 33 they were again banished from the city by M. Agrippa, who was then aedile (Dio Cass. xlix. 1). Another severe ordinance was levelled by Augustus against this class (Dio Cass. lxv. 1, lxvi. 25), but the frequent occurrence of such phrases as "expulit et mathematicos" (Suet. *Tib.* 36), "pulsis Italia mathematicis" (Tac. *Hist.* ii. 62), in the historians of the empire, prove how firm a hold these pretenders must have obtained over the public mind, and how profitable the occupation must have been which could induce them to brave disgrace, and sometimes a cruel death (Tac. *Ann.* ii. 32). Notwithstanding the number and stringent character of the penal enactments by which they were denounced, they appear to have kept their ground, and, although from time to time crushed or terrified into silence, to have revived with fresh vigour in seasons of confusion and anarchy, when all classes of the community, hanging in suspense between hope and fear, were predisposed to yield to every superstitious impulse. It must be remembered also, that the most austere princes did not disdain, when agitated by doubts or excited by ambitious longings, to acquire the principles of the art and to consult its professors, as we may perceive, not to multiply examples, from the well-known story of Tiberius and Thrasyllus (Tac. *Ann.* vi. 20, 21). Hence Tacitus, after recounting the high promises by which the "mathematici" stimulated Otho to assume the purple, adds in a tone of sorrowful resignation, "genus hominum potentibus infidum, sperantibus fallax, quod in civitate nostra et vetabitur semper et retinebitur." (See Cic. *de Div.* ii. 42 ff.; Gell. xiv. 1; Hor. *Carm.* i. 11, 2, ii. 17, 17; Pers. v. 46; Juv. iii. 43, vii. 194, x. 94 (with Mayor's note), xiv. 248, vi. 553–581; Tac. *Ann.* ii. 27, 32, iii. 22, iv. 58, vi. 20, xii. 22, 52, 68, xvi. 14; *Hist.* i. 22, ii. 62; Suet. *Tib.* 14, 36, *Vitell.* 14, *Nero* 40, *Galb.* 4; Gell. i. 9; Dio Cass. xlix. 43, lvi. 25, lvii. 15, lxv. 1; Zonar. ii. p. 142; Lips. *Excurs.* vii. *ad* Tac. *Ann.* ii.; Jani, *Excurs. ad* Hor. *Carm.* ii. 17, 17; Ruperti, *Not. ad* Tac. *Ann.* ii. 27. For the penal enactments, see Rein, *Das Criminalrecht der Römer*, p. 901, &c. Leipzig, 1844; Becker, *Handbuch der röm. Alterth.* iv. 100–102; and on the general question, Lewis, *Astron. of the Ancients*, pp. 292–303. Those who would acquire a knowledge of the technical details of astrology, as practised by the ancients, must peruse the Latin poem of Manilius, the treatise of Julius Firmicus, and the Greek works of Manetho, Paulus, and Ptolemy.) [W. R.]

ASTRONO'MIA, astronomy. It is not proposed in the present article to give a technical history of the rise and progress of astronomy among the ancients, but to confine ourselves to what may be regarded as the popular portion of the science,—the observations, namely, upon the relative position and apparent movements of the celestial bodies, especially the fixed stars, which from the earliest epoch engaged the attention of those classes of men who, as shepherds or mariners, were wont to pass their nights in the open air. We shall consider:—

1. The different names by which the constellations were distinguished among the Greeks and Romans, and the legends attached to each; but we shall not attempt to investigate at length the origin of these names, nor the times and places when and where they were first bestowed. The materials for this first section have been carefully collected by Ideler in his essay entitled *Untersuchungen über den Ursprung und die Bedeutung der Sternnamen* (Berlin, 1809), a work which we now mention specially once for all to avoid the necessity of constant references; in the *Historische Untersuchungen über die astronomischen Beobachtungen der Alten*, by the same author (Berlin, 1806); in a paper by Buttmann, *Ueber die Entstehung der Sternbilder auf der griechischen Sfäre*, contained in the Transactions of the Berlin Academy for 1826; in Delambre, *Hist. de l'Astr. Ancienne*; and in the *Geschichte der Astronomie* of Schaubach.

2. The risings and settings of the fixed stars considered with reference to the position of the sun in the ecliptic,—a series of phenomena which, recurring regularly every tropical year, served in the most remote ages as the sole guides for the operations of the husbandman, and which, being in later times frequently appealed to by the poets, are sometimes designated the "Poetical Risings and Settings of the Stars." Here we chiefly depend upon the compilations and dissertations, ancient and modern, brought together in the *Uranologion* of Petavius; upon the disquisition by J. F. Pfaff entitled *Commentatio de Ortibus et Occasibus Siderum apud auctores classicos commemoratis* (Gotting. 1786); upon a paper by Ideler, *Ueber den astronomischen Theil der Fasti des Ovid*, in the Transactions of the Berlin Academy for 1822–1823, and on the *Handbuch der Chronologie* by the same author.

3. The division of the year into two, three, or more seasons, according to the risings and settings of particular stars or clusters of stars. The *Handbuch der Chronologie* contains a full examination of all the most important passages from the Greek and Roman authors which bear upon these points.

The determination of the length of the year, and the distribution of time into months, days, hours, and other periods, which in some degree belong to the same subject, are treated of separately under the heads of CALENDARIUM and DIES; and confining our attention for the present to the fixed stars, we shall make a few remarks on the bodies of the solar system under PLANETAE.

I. THE HISTORY AND NAMES OF THE CONSTELLATIONS.

The only constellations known to Homer (*Il.* xviii. 485–489; *Od.* v. 272–275) appear to have been the *Great Bear* or *Waggon*, *Boötes*, and *Orion*, with the two clusters of the *Hyades* and *Pleiades*. Hesiod mentions the Pleiades (*Op. et Di.* 383), *Arcturus* (possibly for *Boötes*; see below: *ib.* 566), *Sirius* (repeatedly), the *Hyades* (*Op.* 615), and *Orion* (*Op.* 598, &c.).

Pliny (*H. N.* ii. § 31) attributes the invention of the signs of the zodiac to Cleostratus of Tenedos (fl. B.C. 500), and asserts that *Aries* and *Sagittarius* were marked out before the rest. Aristotle more than once mentions *ὁ κύκλος τῶν ζῳδίων*. The first distinct information with regard to the Grecian heavens was contained in the Ἔνοπτρον and the Φαινόμενα of Eudoxus of Cnidus, who died B.C. 352. Both of these works are, it is true, lost with the exception of a few fragments (cf. *Papyrus Grecs du Musée du Louvre*, pp. 7–76; Paris, 1860), but their contents are known to us from the poem of Aratus (fl. B.C. 260), which, as we are assured in the commentary which bears the name of Hipparchus, does little more than represent in verse, with very few variations, the matter contained in the two treatises named above, especially in the latter. The great popularity enjoyed by the production of Aratus ("Cum sole et luna semper Aratus erit," Ov. *Am.* i. 15, 16) must have depended upon the attractions presented by his theme, and certainly not upon the spirit or grace with which that theme was handled. We know the names of thirty-five Greeks who composed commentaries upon it, and we are acquainted with no less than three translations into Latin verse—one by Cicero, of which fragments only remain; another by Caesar Germanicus, of which a considerable portion has been preserved; and a third by Rufus Festus Avienus, which is entire. Virgil borrowed largely from this source in those portions of his Georgics which contain references to the heavenly bodies, and particularly in that section which is devoted to prognostics of the weather. There are also valuable Greek scholia ascribed to the younger Theon, but manifestly compounded of materials derived from many different quarters. The work itself is divided into three parts:

1. A description of the constellations, extending to line 452.
2. A short account of the Planets, of the Milky Way, of the Tropical Circles, and of the Equator, followed from v. 559 by a full detail of the stars which rise and set as each sign of the zodiac appears in succession (συνανατολαί).
3. At line 733 commences what is frequently regarded as a separate poem, and placed apart under the title Διοσημεῖα, consisting of a collection of the various appearances which enable an observer of nature to predict the weather. It will be seen below that the constellations described by Aratus still retain, with a few variations, the names by which he distinguishes them.

In a little tract ascribed to Eratosthenes (fl. B.C. 230), entitled Καταστερισμοί, probably an abridgment of a more complete treatise, in which he details the mythological origin of the constellations, together with the number and place of the stars in each, we find the same forms arranged in the same order as in Aratus, who is followed step by step. The *Bird*, however, is here termed the *Swan;* the *Centaur* is individualised into *Chiron;* and the *Hair of Berenice* appears for the first time, having been introduced by Conon in honour of the sister-wife of Ptolemy Euergetes.

Scientific astronomy commenced at Alexandria in the early part of the third century before our era; and the first steps were made by Timocharis and Aristyllus, who flourished about B.C. 290. They invented the method of determining the places of the fixed stars, by referring them to one of the great circles of the heavens, and for this purpose selected the equator. By them, as we learn from Ptolemy, the right ascension and declination of many stars were observed, among others of *Spica* in the Virgin, which they found to be 8° from the equinox of autumn.

Hipparchus, about 150 years later, followed up the track which they had indicated: his observations extended from B.C. 162 to B.C. 127; and, whether we regard the originality, the magnitude, or the importance of his labours, he is well entitled to be regarded as the father of the science. (See Plin. *H. N.* ii. § 95.) In addition to many other services, he first drew up a regular catalogue of the fixed stars, pointing out their position and magnitude; he first delineated accurately the shape of the constellations; and he first discovered the precession of the equinoxes by comparing his own observations with those of Timocharis and Aristyllus. It is much to be lamented that all the works of so great a man should have perished, with the exception of a commentary in three books upon the description of the fixed stars by Eudoxus and Aratus (Ἐξήγησις τῶν Ἀράτου καὶ Εὐδόξου φαινομένων), the least valuable perhaps of all his productions. We have, however, every reason to believe that the substance of his most valuable observations has been preserved in the Almagest of Ptolemy, which long enjoyed such high fame that all former authors were allowed to sink into oblivion.

The catalogue of the fixed stars by Ptolemy (fl. A.D. 150), contained in the seventh and eighth books of the Almagest, and derived in all probability in a great measure from that compiled by Hipparchus, long served as the model for all subsequent labours in the same field, and little more than two centuries have elapsed since any attempt was made to supersede it by something more perfect. It embraces 48 constellations (21 northern, 15 southern, and the 12 signs of the zodiac), comprising 15 stars of the first magnitude, 45 of the second, 208 of the third, 474 of the fourth, 217 of the fifth, 49 of the sixth, 9 obscure, and 5 nebulous, in all 1022. These are the constellations, usually denominated the *Old Constellations*, to distinguish them from the additions made in modern times, and these we shall consider in regular order. The stars are enumerated according to the place which they occupy in the figures; the latitude, longitude, and magnitude of each being specified. In connexion with many constellations, several stars are mentioned as ἀμόρφωτοι,—that is, not included within the limits of any one of the figures; among those near the Lion he notices the *Hair of Berenice*, among those near the Eagle the *Antinous*. The single stars and small groups to which particular names are assigned are, *Arcturus*, the *Lyre*, *Capella*, the *Kids*, the *Eagle*, the *Hyades*, the *Pleiades*, the *Manger*, the *Asses*, *Regulus* (βασιλίσκος), *Vindemiatrix*, *Spica*, *Antares*, the *Hound* (he does not give the name *Sirius*), *Canopus*, and *Procyon*.

Among our Greek authorities we must not pass over Geminus, whose work Εἰσαγωγὴ εἰς τὰ Φαινόμενα contains in sixteen chapters an exposition of the most striking facts in astronomy and mathematical geography. We know nothing of him personally; but it has been inferred from his book that he was a native of Rhodes, and that he flourished about B.C. 70 at Rome, or at some place under the same parallel. The second chapter treats of the constellations and of those stars and small clusters distinguished by particular names. The *Coma Berenices*, which is not included in the 21 northern constellations of Ptolemy, has here an independent place assigned to it; the *Foal*, or *Little Horse*, is termed προτομὴ Ἵππου καθ' Ἵππαρχον, which seems to indicate that it was introduced by Hipparchus; in addition to the 15 southern constellations of Ptolemy, we find the *Stream* (χύσις ὕδατος) issuing from the urn of Aquarius, and the *Thyrsus* of the Centaur. The sixteenth chapter is particularly interesting and valuable, since it contains a parapegma or calendar of the risings and settings of the fixed stars, with prognostics of the weather, according to Meton, Euctemon, Eudoxus, Callippus, and others, the observations of each being quoted separately.

The Romans adopted the knowledge of the stars communicated by the Greeks without in the slightest degree extending it. Only two

Latin writers discourse specially on the subject, Manilius and Julius Firmicus, and their treatises belong rather to Judicial Astrology. The poets, however, especially Ovid and Virgil, make frequent allusions to the risings and settings of the fixed stars, to the most remarkable constellations and to the legends attached to them. Cicero, Germanicus, and Avienus, as we have stated above, executed translations of Aratus; while in Vitruvius, Pliny, Columella, Martianus Capella, the Scholiast on Germanicus, and Hyginus, we find a multitude of details. Manilius, it is clear, took Aratus for his guide in so far as the constellations were concerned; for he does not notice the *Hair of Berenice*, the *Foal*, nor the *Southern Crown*.

Pliny speaks of the constellations as seventy-two in number; but he seems to have eked out the sum by counting separately portions of figures, such as the *Pleiades*, the *Hyades*, the *Urn* and the *Stream of Aquarius*, the *Thyrsus of the Centaur*, the *Head of Medusa*, the *Scimetar of Perseus*, the *Manger*, the *Two Asses*, *Capella*, the *Kids*, the *Hair of Berenice*, the *Throne of Caesar*, and probably the more conspicuous among the individual stars, such as *Arcturus* and *Sirius*. He sets down the number of observed stars at 1600, which far exceeds the catalogue of Ptolemy.

The Scholia on Germanicus do not constitute a regular commentary like the Scholia on Aratus, but are translations from Eratosthenes, with some excerpts, added subsequently perhaps, from the *Sphaera Graeca et Barbara* of Nigidius Figulus and other works on astronomical myths.

The *Poëticon Astronomicon*, which bears the name of Hyginus, is written in the style of Eratosthenes, and is in a great measure borrowed from him. No notice is here taken of the *Foal* nor of the *Southern Crown*, which proves that at the time when it was composed, whenever that may have been, more attention was paid to Aratus than to Hipparchus and Ptolemy.

Names of the Constellations.

In what follows we arrange the constellations, with one or two trifling exceptions, in the order adopted by Ptolemy, enumerating first the twenty-one northern signs; secondly, the twelve zodiacal signs; and lastly, the fifteen southern signs. In each case we give, first, the name by which the constellation is known among ourselves; secondly, the name ascribed to it by Aratus; and lastly, the other Greek and Latin names which most frequently occur or which deserve particular notice.

Northern Signs.

THE GREAT BEAR, THE PLOUGH, CHARLES' WAIN, Ἄρκτος (μεγάλη), Ἑλίκη (Arat. 27, &c.), *Major Arctus*, *Major Ursa* (German.), *Helice* (Cic., Manil. i. 303). The most remarkable cluster in the northern hemisphere, both on account of its brilliancy and from the circumstance that it never sinks below the horizon in Europe and those parts of Asia known to the ancients, is that which as early as the time of Homer was known by the names of Ἄρκτος, *The She Bear*, or Ἅμαξα, *The Waggon* (*Il.* xviii. 487; *Od.* v. 275), which the Romans translated by the equivalent terms *Ursa* and *Plaustrum* or *Currus*. At a later period when the Lesser Bear had been added to the number of the celestial signs, the epithets μεγάλη and μικρά were applied to them respectively by way of distinction, and in like manner Ovid (*Trist.* iv. 3) speaks of them as *magna minorque ferae*. The ancient Italian name for the seven bright stars which form the most conspicuous portion of the group was *Septem Triones* (Cic.), that is, according to the interpretation of Varro (*L. L.* vi. 4; Gell. ii. 21; Festus, *s. v. Triones*), *The Seven Ploughing Oxen*, an appellation which as well as that of ἅμαξα was extended to the Lesser Bear. Thus Aratus commences his description

> δύω δέ μιν ἀμφὶς ἔχουσαι
> Ἄρκτοι ἅμα τροχόωσι, τὸ δὴ καλέονται ἅμαξαι,

deriving ἅμαξαι, absurdly enough, from ἅμα. Virgil celebrates

> Arcturum, pluviasque Hyadas, *geminosque Triones*;

and Vitruvius (ix. 3) not only employs *Septemtrio* simply for the Greater Bear, but distinguishes between *Septemtrio major* and *Septemtrio minor*, and again speaks of the *Arctos*, *qui Septemtriones dicuntur*.

In addition to the above designations we find Ἑλίκη, applied to the Greater Bear alone, derived from its sweeping round in a curve (ἀπὸ τοῦ ἑλίσσεσθαι, Schol. *ad* Arat. 37), while from the mythical connexion established between this constellation and Callisto, daughter of the Arcadian monarch Lycaon, the Latin poets constantly refer to it as *Lycaonis Arctos*; *Parrhasis Arctos*; *Parrhasides stellae*; *Maenalis Ursa*, &c. The term *Boves Icarii* employed by Propertius (ii. 24, 24) is explained below (No. 5) under *Arctophylax*. For the story of Callisto and her transformation see Ovid. *Met.* ii. 409, *Fast.* ii. 155; Serv. *ad* Verg. *Georg.* i. 246; Hygin. *Poët. Astron.* ii. 1, 2.

2. THE LESSER *or* LITTLE BEAR, Ἄρκτος (μικρά), Κυνόσουρα, Κυνόσουρις (Arat. 27, 308), *Arctus minor* (Cic.), *Cynosura* (Cic., Manil. i. 306). This constellation, we are assured by many authorities (Schol. *ad* Hom. *Il.* xviii. 187; Achill. Tat. *Isagog. in* Arat. *Phaen.* c. 1; Diog. Laërt. i. 23; Hygin. *Poët. Astron.* ii. 2), was first added to the Grecian catalogues by Thales, by whom it may possibly have been imported from the East; and while, from its close resemblance in form, it shared the names of Ἄρκτος and ἅμαξα with its more ancient and majestic companion, it enjoyed exclusively the appellations of Φοινίκη and Κυνόσουρα. The former was derived from the circumstance that it was selected by the Phoenicians as the guide by which they shaped their course at sea, the Grecian mariners with less judgment employing Helice for the same purpose (Arat. 37; Erat. *Cat.* 2; Schol. *ad* German. p. 89; Hygin. *P. A.* ii. 2). The latter, signifying *canis cauda*, applied by the ancients to the whole figure, and not as in modern times merely to the pole star, seems to have been suggested by the appearance presented by three of the stars which form a circular sweep, bearing some resemblance to the upturned curl of a dog's tail, and will thus be an expression analogous to that of *Helice*. The early astronomers seem to have generally considered that one of the stars in the Little Bear marked the position of the pole, but it is difficult to determine from their words to which they

severally refer. According to Hyginus, who however seems not to have clearly understood Eratosthenes whom he quotes, one of the three stars forming the tail was called *Polus*, and the two others, from circling round it, *Χορευταί*, *The Dancers*, the same apparently with the *Ludentes* of the Scholiast on Germanicus.

Those poets who regarded the Great Bear as Callisto represented the Little Bear as her dog; but according to another legend commonly received, the two bears were the two nymphs who acted as nurses in Crete to infant Jove (Arat. 31), and hence the phrase *Cretaeae Arcti* (German.).

3. THE DRAGON, **Δράκων** (Arat. 45), translated by the Latins *Draco* (Cic., German., Vitruv.), *Serpens* (German., Vitruv., Manil., Ovid), and *Anguis* (Virgil, Ovid, Manil.). Servius (*ad* Verg. *Georg.* i. 205) remarks that there are three *Angues* in the sky, one lying between the Bears:

> Maximus hic flexu sinuoso elabitur Anguis
> Circum perque duas in morem fluminis Arctos:

(comp. Vitruv. ix. 3:) the second grasped by *Ophiuchus*: the third, to the south, around the *Crater* and *Corvus*. The superior richness of the Greek language distinguished these as **Δράκων**, **Ὄφις**, and **Ὕδρη**. The description of Aratus has been rendered almost verbatim and with great spirit by Virgil in the lines quoted above. Mythologically, the dragon was regarded as the snake which once guarded the apples of the Hesperides, or as a snake snatched by Minerva from the giants and whirled by her aloft to the pole. (Hygin. *P. A.* ii. 3, iii. 2; Serv. *ad* Verg. *Georg.* i. 244.)

4. CEPHEUS, **Κηφεύς** (Arat. 183), *Cepheus* (Cic., Vitruv., Manil.), *Iasides Cepheus* (German.). The legends respecting this ill-fated monarch and the other members of his family who beamed in the heavens, *Cassiopeia*, *Perseus*, and *Andromeda*, are detailed at length in the Catasterisms of Eratosthenes and in Hyginus.

5. THE BEAR WARDEN, BOÖTES, THE WAGGONER, **Ἀρκτοφύλαξ** (Arat. 91), *Arctophylax* (Cic., German., Manil. i. 323), translated by Ovid (*Trist.* i. 10, 15) *Custos Ursae*, and by Vitruvius (ix. 3) *Custos Arcti*, or simply *Custos* (*l. c.*), was denominated also **Βοώτης** (Arat. *l. c.*), *Boötes* (Cic., German., Manil.), i.e. *Bubulcus*, the ox-driver, and according to the Scholiast on Aratus (*l. c.*) *Τρυγητής*, the vintager. The first name, which supposes the constellations to represent a man upon the watch, denotes simply the position of the figure with regard to the Great Bear, or when the latter was regarded as Callisto, then Arctophylax became her son Arcas, by whom she was hunted and slain; the second name, which is found in Homer (*Od.* v. 272), refers to the ἅμαξα, the imaginary form of **Βοώτης** being fancied to occupy the place of the driver of the team; the third name is connected with the period of the heliacal rising of the group which indicated the season of the vintage.

The chief star in the constellation is ARCTURUS, **Ἀρκτοῦρος** (Arat. 95), *Arcturus* (Cic., German., Vitruv., Manil.), a word of similar import with Arctophylax. It is twice mentioned by Hesiod (*Op.* 566, 610), and, as we shall see hereafter, occupied a prominent place in the calendars of Greece and Rome. Some late writers, such as the Scholiast on Germanicus, Hyginus and Martianus Capella, use the name Arcturus for the whole constellation; but Aratus, Geminus, and Ptolemy consider it as a single star.

The legends with regard to Boötes present many different aspects: by the Greeks he was usually represented as Arcas, the son of Callisto; Ovid in one passage (*Fast.* vi. 235) calls him Lycaon, the father of the hapless damsel; by others he was pronounced to be Icarius (or Icarus), to whom Bacchus taught the use of the vine, and then the constellation Virgo was his daughter Erigone, and either the greater or the lesser hound was her dog Maera (*Canis Icarius*, Ov. *Fast.* iv. 939). Hence, too, the Septemtriones are styled *Boves Icarii* by Propertius (ii. 24, 24).

Homer (*Od.* v. 272) calls Boötes **ὀψὲ δύων**, from his descending below the horizon in an upright position, and therefore very gradually. Compare Ov. *Fast.* iii. 405; Claud. *Rapt. Proserp.* ii. 190, and the "pigri sarraca Bootae" of Juvenal, v. 23.

6. THE NORTHERN CROWN, **Στέφανος** (Arat. 71), *Corona* (Cic., Vitruv., Manil.), *Ariadnes corona* (*Minoa corona*, German.). Ptolemy distinguishes between the Northern and the Southern Crown (**Στέφανος βόρειος, νότιος**), and hence the modern name. According to the legend commonly adopted, this was the chaplet of Ariadne placed by Bacchus in the firmament to do honour to his mistress, and hence the epithets applied by Germanicus as quoted above. (Comp. Verg. *Georg.* i. 122; Ov. *Fast.* iii. 460; Manil. i. 330.)

The name *Gemma*, now given to the most resplendent star in the circle, was not known to the Romans.

7. HERCULES. The constellation now known by this name is described by Aratus (v. 63) as an unknown or nameless form (**εἴδωλον ἄϊστον; ἀπευθέος εἰδώλοιο**), which, from its resemblance to a man toiling (**μογέοντι ἀνδρὶ ἐοικὸς εἴδωλον**) on his knees, was usually called **Ἐνγόνασιν**, which the Romans either expressed in the same letters, *Engonasi* (Manil. v. 645), *Engonasin* (Cic.), or by the translations *Geniculatus*, *Ingeniculatus* (Vitruv. ix. 3), *Ingeniculus* (Jul. Firm. viii. 17), *Nixus in genibus* (Vitruv. ibid.), *Nixa genu species* (German.; Manil. i. 322, v. 645), *Dextro genu nixus* (German.), or simply *Nisus* s. *Nixus* (Cic., German.), *Innixus* (Avien. 205), or with reference to the labouring attitude *Defectum sidus*, *Effigies defecta labore* (German.).

According to Avienus (v. 175), the appellation of Hercules was bestowed by Panyasis, by others it was regarded as Theseus, by others as Ceteus son of Lycaon, by others as Prometheus chained to Caucasus. (Hygin. *P. A.* ii. 6, iii. 5.)

8. THE LYRE, **Χέλυς, Λύρα** (Arat. 268), *Lyra* (German., Vitruv., Manil. i. 331), *Fides* (Cic.), *Fidis* (Col. xi. 2, § 43, &c.), *Fidicula* (Plin. *H. N.* xviii. § 222, &c.). Ptolemy (**Φ. Α.**) designates as **ὁ λαμπρὸς τῆς λύρας**, the peculiarly bright star (α Lyrae), which renders this constellation so conspicuous; but it appears probable that the simple **Λύρα** among the Greek astronomers, as well as *Fidis* and *Fidicula* among the Latins, was frequently employed to denote this single star, as well as the whole sign. Manilius seems to speak of *Fides* as a constellation distinct from

Lyra, but the passages are very confused (i. 409; comp. 324, 337). The invention of the Lyre being ascribed to Mercury, we naturally find the epithets Ἑρμαίη (Arat. 674), Κυλληναίη (597), *Mercurialis* (German.), *Cyllenia* (Cic.) attached to it.

9. THE SWAN, Ὄρνις, αἴολος ὄρνις (Arat. 273, 275), *Ales* (Cic.), *Volucris*, *Avis* (Vitruv. ix. 4). The Bird is the name given by Aratus and Geminus to the constellation termed by Eratosthenes (c. 25) Κύκνος, rendered *Cycnus* by Germanicus and Manilius, for which the synonym *Olor* is frequently substituted. By mythologists it was regarded as the swan of Leda.

10. CASSIOPEIA, Κασσιέπεια (Arat. 189), *Cassiepeia* (Cic., German., Manil. i. 361), *Cassiopea* (Vitruv.). For the myth regarding her, see Hygin. *P. A.* ii. 10; comp. Arat. 654; Manil. v. 504; Propert. i. 17, 3; Columell. xi. 2, § 78.

11. PERSEUS, Περσεύς (Arat. 248), *Perseus* (Cic., German., Vitruv., Manil. i. 357, 365), was pictured as bearing in one hand a crooked sword (ἅρπη, falx), and in the other the head of the Gorgon Medusa, Γοργόνιον (Gemin., Ptolem.), *Gorgoneum caput* (Vitruv. ix. 3), *Gorgonis ora* (Manil. i. 366), *Caput Gorgonis* (Hygin. *P. A.* iii. 11).

12. THE CHARIOTEER, Ἡνίοχος (Arat. 156), *Heniochus* (Manil. i. 369), *Auriga* (Cic., German., Vitruv.), *Aurigator* (Avien.), was, according to one legend (German.), *Erichthonius*,

> Quem primum cursu volitantem Jupiter alto
> Quadrijugis conspexit equis.—MANIL. i. 370.

According to another (German. *ibid.*), Myrtilus, the charioteer of Oenomaus, who betrayed his master to Pelops. (Hygin. *Fab.* 84.)

The brightest star in this constellation (α′) was termed Αἴξ (Arat. 157) by the Greeks, who pictured a goat supported upon the upper part of the left arm of the figure, and by the Romans *Capella* (Ovid, Manil., Plin.) or *Capra* (Cic., Vitruv., Hor., German., Columel.). The epithet Ὠλενίη in Aratus (164), according to the explanation of his Scholiast, was applied because the αἴξ rested ἐπὶ τῆς ὠλένης τοῦ Ἡνιόχου, and hence *Olenie*, *Olenium pecus*, *Olenium astrum*. Its heliacal rising took place soon before the winter solstice, and thus it was termed *signum pluviale*, while the legends declared that this was the very goat Amaltheia who nursed Jupiter upon Mount Ida. Both of these points are touched upon in the couplet of Ovid:

> Nascitur Oleniae signum pluviale Capellae,
> Illa dati caelum praemia lactis habet.

The two stars (ζ′, η′) placed by Aratus (166) and Ptolemy on the wrist of Auriga were

THE KIDS, Ἔριφοι (Arat. 158), *Haedi* (Cic., Vitruv., Manil. i. 372), and are said to have been first named by Cleostratus of Tenedos about B.C. 500 (Hygin. *P. A.* ii. 13). They, as well as Capella, are spoken of as heralds of the storm. (Manil. i. 372; Verg. *Georg.* i. 205, *Aen.* ix. 663; Hor. *Carm.* iii. 1, 28.) The star which marks the northern horn-tip of the Bull was, according to Vitruvius (ix. 3), called *Aurigae Manus*, since he was supposed to hold it in his hand.

13. THE SERPENT HOLDER, Ὀφιοῦχος (Arat. 75), *Ophiuchus* (German., Vitruv.), *Anguitenens* (Cic., Manil. v. 384), *Anguifer* (Columel. xi. 2, § 49), *Serpentarius* (Schol. German.), was commonly regarded by mythical writers and poets as Aesculapius (Eratosth. c. 6; Ov. *Fast.* vi. 735), and by some as Hercules, not to mention other more obscure legends. (Hygin. *P. A.* ii. 14, iii. 13.)

14. THE SNAKE, grasped by and surrounding the figure, was termed ὄφις (Arat. 86), *Anguis* (Cic., German.), or *Serpens* (Cic., Vitruv.),

> *Serpentem* Graiis *Ophiuchus* nomine dictus
> Dividit, &c.—(MANIL. i. 338,)

and is reckoned as a separate constellation.

15. THE ARROW, Ὀϊστός (Arat. 311), Τόξον (Eratosth.), *Sagitta* (German., Vitruv.), *Clara sagitta*, *Fulgens sagitta* (Cic.), is distinct from the arrow fitted to the bow of Sagittarius, the archer, in the zodiac. Hence Aratus, after describing the latter, adds:

> Ἔστι δέ τις προτέρω βεβλημένος ἄλλος ὀϊστός
> Αὐτὸς ἄτερ τόξου.

(Comp. Cic. 325; German. 683; Manil. i. 349.)

16. THE EAGLE, Ἀετός (ἀητός, Arat. 315), *Aquila* (Cic., Vitruv.), or, in poetical circumlocution, *Jovis armiger* (German., Avien.), *Jovis ales* (German., Manil. i. 350), *Armiger uncis unguibus ales* (German.), *Praepes adunca Jovis* (Ov. *Fast.* vi. 196). The principal star is named specially ἀετὸς by Ptolemy; but from the circumstance of his placing it among those of the second magnitude, it has been conjectured that it was less bright in his day than at present.

ANTINOUS. Ptolemy, when noticing the stars around the Eagle not properly included within the limits of the constellation, remarks, ἐφ' ὧν ὁ Ἀντίνοος, which corroborates the statement of Dio Cassius, that Hadrian assigned a star to his favourite. Antinous, as a separate constellation, was first introduced by Tycho Brahe.

17. THE DOLPHIN, Δελφίς (Arat. 313) s. Δελφίν, *Delphinus* (Cic., German., Vitruv., Manil. i. 353), *Delphin* (German.), was regarded by mythologists as the dolphin which bore Arion.

18. THE LITTLE HORSE, Ἵππου προτομή, literally, *the fore quarters of a horse*, was unknown to Aratus and Eratosthenes; but appears from the words of Geminus to have been introduced by Hipparchus. It is not noticed by Vitruvius nor by Manilius.

19. PEGASUS, Ἵππος (Arat. 205), *Equus* (Cic., Vitruv., Manil. i. 355), *Sonipes*, *Sonipes ales* (German.). The legends having declared that this was the steed of Bellerophon, the name Pegasus (German. 505) was employed as early as Eratosthenes to distinguish the constellations, but Aratus speaks of it simply as *the horse*. (Ov. *Fast.* iii. 450.) The figure was supposed to represent the fore quarters only.

20. ANDROMEDA, Ἀνδρομέδη (Arat. 197), *Andromeda* s. *Andromede* (Cic., German., Vitruv., Manil. i. 357, 363). Andromeda was the daughter of Cepheus and Cassiopeia, and hence the constellation is termed *Cepheis* by Manilius and Germanicus (i. 443), while in consequence of her deliverance from the sea-monster by Perseus we find *Persea* in the Scholiast on Germanicus.

21. THE TRIANGLE, Δελτωτόν (Arat. 235; Cic.), *Deltotum* (German., Manil. i. 360), the τρίγωνον of Ptolemy, and hence Vitruv. ix. 3, "Insuper Arietis signum facientes stellae sunt *trigonum* paribus lateribus."

Signs of the Zodiac.

1. THE RAM, **Κριός** (Arat. 225), *Aries* (Cic., German., Vitruv., Manil. i. 263), *Laniger* (German. 699; Manil. ii. 546). This was the very golden-fleeced ram which bore away Phrixus and Helle from the wrath of Ino, and hence the designations in Ovid of *Phrixea Ovis*, *Pecus Athamantidos Helles*.

2. THE BULL, **Ταῦρος** (Arat. 167), *Taurus* (Cic., German., Vitruv., Manil. i. 264), *Bos* (German. 181), was by some mythologers regarded as the bull into which Jupiter transformed himself to gain Europa; according to others, as the cow into which Io was metamorphosed; in either case an object of jealousy to Juno. In reference to the former idea Ovid (*Fast.* vi. 712) speaks of him as *Agenoreus*, while Martial (x. 51) applies the epithet *Tyrius*.

This constellation is chiefly remarkable from including within its limits two small but closely packed clusters of stars, which attracted attention at a very early period, and are distinguished by Homer (*Il.* xviii. 436) and Hesiod (*Erg.* 615) as the HYADES and PLEIADES, names which they still retain unchanged.

The HYADES, Ὑάδες (Arat. 173), *Hyades* (German., &c.), situated in the forehead of the figure (*ἐπὶ παντὶ μετώπῳ*, Arat.; *ἐπὶ τοῦ βουκράνου*, Gemin.), derived their name *ἀπὸ τοῦ ὕειν*, because the period of their setting in the morning twilight (the end of November) marked the most wet and stormy period of the year. By the Italian peasants they were denominated the *suculae*, i.e. the little swine, and hence it has been imagined, but probably erroneously, that Ὑάδες is etymologically connected with Ὗς (Plin. *H. N.* xviii. § 247; Gell. xiii. 9). They set in the evening twilight at Rome, towards the close of the republic, about the 20th of April, and hence were known as the *sidus Parilicium* (or *Palilicium*), the *Parilia* (or *Palilia*), the festival which marked the birthday of the city, being kept upon the 21st. Ancient astronomers were not agreed as to the number of stars included in the Hyades (see Schol. *ad* Arat.). Thales reckoned two only (viz. *α* and *ε*), the two eyes of the bull; Euripides, three; Achaeus, four; Hesiod, five; Pherecydes, seven. The latter made nymphs of them, and the names have been preserved by Hyginus. One of these, *Thyene*, is put by Ovid (*Fast.* vi. 711) for the whole group, which elsewhere (v. 734) he terms the *Sidus Hyantis*, in allusion to a legend which he had previously (v. 169) recounted.

Still more important were the PLEIADES, Πλειάδες, Πληϊάδες (Hom. *l. c.* Arat. 255 regards them as a distinct constellation), *Pleiades* (German., &c. &c.), a word for which various etymologies have been proposed, the most reasonable being the verb *πλεῖν*, their heliacal rising and setting in the first half of May and the beginning of November having been the signal in the early ages of Greece for the mariner to commence and to discontinue his voyages. The form *πελειάδες*, i.e. *the flock of pigeons*, probably originated in a corruption. The Italian name was *Vergiliae* (Cic.), *Sidus Vergiliarum* (Vitruv. ix. 2), derived manifestly from their heliacal rising in spring. Aratus notices the circumstance that they are commonly spoken of as the *seven* stars, although six only are visible, and thus Ovid also:

> Quae septem dici sex tamen esse solent.

The fact is that the cluster consists of six stars, which can be distinctly seen by the naked eye, and of several very small ones, which are telescopic. Under very favourable circumstances, however, one of these may have occasionally been discerned, as Hipparchus states, or, possibly, as we know to have been the case with other fixed stars, one of them may have lost a portion of the lustre which it at one period possessed, and have become nearly or totally invisible. Be this as it may, the disappearance of the seventh Pleiad gave rise to a multitude of legends. By Hesiod they are styled Ἀτλαγενεῖς, *Children of Atlas*, from whom the Roman poets adopted the expression *Atlantides*, the name of the damsels (Arat. 262) being *Alcyone*, *Merope*, *Celaeno*, *Electra*, *Sterope* (or *Asterope*, German.), *Taygete* and *Maia*. Of these six wedded divinities, the seventh a mortal man, and thus her brilliancy became dimmed by the influence of the debasing alliance. One or other of the above names is frequently employed to denote the whole, as *Taygete* (Verg. *Georg.* iv. 232; Ov. *Met.* iii. 594), *Maia* (Verg. *Georg.* i. 225), *Sterope* (Ov. *Trist.* x. 14), and in like manner Πλειὰς or *Pleias* is often used in the singular.

3. THE TWINS, *Δίδυμοι* (Arat. 147), *Gemini* (Cic., German., Vitruv., Manil. i. 265). The two brightest stars, being supposed to represent Castor and Pollux.

4. THE CRAB, Καρκίνος (Arat. 147), *Cancer* (Cic., Vitruv., German., Manil. i. 265), called *Lernaeus* by Columella (x. 313), because, according to the legend, it crawled out of the Lernaean swamp to attack Hercules while he was doing battle with the Hydra. The epithet *Littoreus* in Ovid (*Met.* x. 127) and Manilius (iii. 316) probably refers merely to the ordinary habits of the animal, and not, as Ideler supposes, to the same contest.

Two small stars in this constellation (*γ*, *δ*) were called Ὄνοι, *Asini* s. *Aselli*, the Donkeys, one being distinguished as the northern (*βόρειος*), the other as the southern (*νότιος*), and a nebular brightness between them, Φάτνη, *Praesepe*, the Stall or Manger. (Arat. 894, &c.; Plin. *H. N.* xviii. § 353; Ptolem.) These seem to form what Manilius calls *Jugulae* (v. 174, and note of Scalig.), although *Jugula* is a name sometimes applied to Orion.

5. THE LION, *Λέων* (Arat. 149), *Leo* (Cic., German., Vitruv., Manil. i. 266), regarded as the Nemean lion slain by Hercules, and hence constantly termed simply *Nemeaeus* (*e.g.* Manil. iii. 409). The bright star now known as *Regulus*, a name introduced by Copernicus, was anciently, as we learn from the Scholiast on Aratus, called *βασιλίσκος*, and marked the heart of the animal (*ἐπὶ τῆς καρδίας*). In Pliny it is *Regia* (*H. N.* xviii. § 271); in the Scholiast on Germanicus, *Tyberone*, which is either a corruption, or arose from his mistaking the meaning of the word in Pliny, who says, "Stella *Regia* appellata Tuberoni in pectore Leonis," *i.e.* The star on the Lion's heart called *Regia* by Tubero.

6. THE VIRGIN, Παρθένος (Arat. 96, &c.), *Virgo* (Cic., German., Vitruv., Manil. i. 266), *Erigone* (Manil. ii. 552, *et pass.*), was mythically

regarded as Δίκη, *Justitia*, or *Astraea*, or as *Erigone*, or as *Ceres*, or as *Isis*, or as *Fortuna*, the last name being given to her, according to the Scholiast on Germanicus, "because she is a headless constellation."

The brightest star in the constellation is called by Aratus Στάχυς, *Spica* (German., Vitruv.), *Spicum* (Cic.), THE CORN EAR, and this the figure is supposed to grasp in her left hand.

The star which marks the right wing (ε) was προτρυγητὴρ (Arat. 138) s. προτρυγητὴς s. τρυγητήρ, translated *Provindemiator*, *Vindemiator* s. *Vindemitor*, and is now known as *Vindemiatrix*,—names which it received in consequence of rising shortly before the period of the vintage. (Arat. 138 and Schol.; Columell. xi. 2, § 24; Ov. *Fast.* iii. 407; Plin. *H. N.* xviii. §§ 237, 309. Vitruv. ix. 3 says that the Greek name was προτρύγετος, and the Roman, *Provindemia Major.*)

7. THE BALANCE was by the earlier Greek astronomers invariably denominated Χηλαί (Arat. 89), *Chelae* (Cic., German., Manil. ii. 544, *et pass.*), THE CLAWS, *i.e.* of the Scorpion, which stands next in the Zodiac. Geminus, who flourished, it is believed, about B.C. 80, is, as far as we know, the first Greek writer who distinguishes the seventh sign as Ζυγός, which is used by Ptolemy indifferently with Χηλαί. The term *Libra*, for which Cicero in one passage employs *Jugum*, was first formally adopted by the Romans in the Calendar of Julius Caesar, to whom it was very probably suggested by Sosigenes. The figure, it would seem, was derived from the East, and must be regarded as a symbol of equality introduced into the heavens at the period when the entrance of the sun into that constellation marked the Autumnal Equinox. The scientific Latin writers, such as Vitruvius, Columella, and Pliny, uniformly distinguish this sign by the name *Libra* alone; the poets use either *Libra* or *Chelae*, as may suit their purpose. Manilius combines both into one phrase (*Juga Chelarum*, i. 609); while the ingenious conceit by which Virgil represents the Scorpion as drawing in his claws in order to make room for Augustus, is known to every reader of the first Georgic. (Comp. Ov. *Met.* ii. 195.)

In the commentary of Theon on the Almagest, *Libra* is frequently represented by Λίτρα or Λίτραι, a word originally borrowed by the Romans from the Sicilians, transformed into *Libra*, and then restored to the later Greeks in the new sense of a Balance.

8. THE SCORPION, Σκορπίος (Arat. 85, 304), *Scorpius* (Cic., German.), *Scorpios* (Manil. i. 268, *et pass.*), *Scorpio* (Vitruv.). Cicero, in his translation of Aratus, and Manilius, both make use also of the term *Nepa*,—a word, according to Festus, of African origin, sometimes employed to denote a *Scorpion* and sometimes a *Crab* (Plaut. *Cas.* ii. 8, 7; Cic. *de Fin.* v. 15); and thus Cicero, in line 460 of his Aratus, distinctly indicates the fourth sign by the word *Nepa*, which elsewhere is put for the Scorpion. Aratus names this constellation μέγα θηρίον and τέρας μέγα (84, 402), because, according to the Grecian arrangement, as explained in the last paragraph, it occupied, together with its claws, the space of two signs. (Ov. *Met.* ii. 195.)

Ἀντάρης, now Antares, the name given to the brightest star, is first found in the works of Ptolemy, and probably refers to its colour and brilliancy, *rivalling that of* (the planet) *Mars*.

9. THE ARCHER, τοξευτής, τοξευτήρ, and simply τόξον (Arat. 306, 400, 664, 665), *Sagittarius* (Vitruv.), *Sagittipotens* (Cic.), *Sagittifer* (German.), *Arcitenens* (Cic.), and simply *Arcus* (Cic., German.). This bowman was supposed to be in the shape of a centaur (*Mixtus equo*, Manil. i. 270); hence is frequently termed *Centaurus*, and sometimes individualised into *Chiron* (*Haemonii arcus*, Ov. *Met.* ii. 81), thus giving rise to a confusion between this sign and the Centaur among the southern constellations. (Comp. Columell. x. 56; Hygin. *P. A.* ii. 27.)

10. THE GOAT (*i.e.* the Chamois), Αἰγόκερως (Arat. 284), *Aegoceros* (German.), *Capricornus* (Cic., German., Vitruv., Manil. i. 271), *Caper* (Manil. ii. 659), called also Πὰν by Eratosthenes. Hyginus, the Scholiast on Germanicus, and Isidorus inform us that some of the ancients represented this creature with the tail of a fish, and in this form it is actually figured on several coins of Augustus, who was born under the sign. No notice of such a peculiarity in shape is taken by Aratus, Eratosthenes, or Ptolemy.

11. THE WATERMAN, Ὑδροχόος (Arat. 283), *Hydrochoos* (German.), *Aquarius* (Cic., Vitruv., German., Manil. i. 472), *Aquitenens* (German. 560), *Fundens latices* (German. 388), *Aequoreus juvenis* (Manil. ii. 558), *Juvenis gerens aquam* (Ov. *Fast.* i. 652), and simply *Juvenis* (Manil. iv. 709), was regarded by those who connected the figure with mythical legends sometimes as *Deucalion* (German. 568), sometimes as *Ganymedes*. (Manil. v. 487; comp. Schol. *ad* Arat. 283.)

The four stars (γ, ζ, η, π) on the right hand were, according to Geminus, named κάλπις, which is equivalent to the Latin *Situla*, an Urn.

The WATER STREAM, Ὕδωρ (Arat.), χύσις ὕδατος, *Aqua* (Cic.), *Effusio Aquae* (Schol. Germ. 119), which ends with the bright star, now known by the Arabic name *Fomalhaut*, in the mouth of the Piscis Australis (see Manil. i. 446, and comp. Vitruv. ix. 4, *quae vero ab Aquario fundi memoratur Aqua profluit inter Piscis Austrini caput et caudam Ceti*), is regarded as a separate constellation under the name of Ὕδωρ by Aratus (389–399), and also by Geminus, who distinguishes it as the Ὕδωρ τὸ ἀπὸ τοῦ Ὑδροχόου, "the Water flowing from the Waterman," in order that it may not be confounded with the constellation Eridanus, the Ποταμὸς ὁ ἀπὸ τοῦ Ὠρίωνος, "the River flowing from Orion."

12. THE FISHES, Ἰχθύες (Arat. 240), or in the dual Ἰχθύε, *Pisces* (Cic., Vitruv.), *Gemini Pisces*, *Imbriferi duo Pisces* (German.). One of these was entitled the Northern (*Aquilonaris Piscis*, Vitruv. ix. 3), the other the Southern Fish (Schol. *ad* Arat. 240; Ov. *Fast.* iii. 401; Schol. German., Hygin. *P. A.* iii. 29); but in order to prevent the embarrassment which might arise from identifying the latter with the Ἰχθὺς νότιος, or *Piscis Australis*, a constellation of the southern hemisphere, Ptolemy names the northern of the two ἑπόμενος, and the other ἡγουμένος,—a precaution by no means unnecessary, since Manilius actually confounds (i. 272) the fishes of the zodiac with the Piscis Australis. The Scholiast on Aratus remarks that the

Northern Fish was represented with a swallow's head, and on that account styled χελιδονίας (i.e. *hirundininus*) by the Chaldaeans, a circumstance for which Scaliger accounts by supposing that the name was given in consequence of the entrance of the sun into this constellation, when the swallow appeared in Greece as the herald of Spring.

The legends connected with this constellation (Eratosth. 58; Hygin. *P. A.* ii. 30, 41) bear reference to a Syrian divinity, termed by the Greeks sometimes *Atargatis* (a Semitic word signifying *The Great Fish*), sometimes *Derceto*, sometimes *Derce*. This power they confounded with another Syrian goddess, *Astarte*, whom again they identified with their own Aphrodite. The story ran that, when fleeing in terror from the violence of Typhon, she plunged into the Euphrates, and was transformed into a fish. (Manil. ii. 33; iv. 580.) Avienus terms these fishes *Bombycii*, for which Grotius has rightly proposed to substitute *Bambycii*, for Atargatis was specially worshipped at *Bambyce* or *Hierapolis* in Cyrrhestica. (Strab. xvi. p. 517; Plin. *H. N.* v. § 81; Selden, *de Diis Syriis*, ii. 3.)

The bright star (*α*) which is supposed to form the knot of the two bands which connects the fishes by their tails, is by Aratus (245) named Σύνδεσμος ὑπουραῖος, by his Scholiast δεσμὸς οὐραῖος, by Geminus and Germanicus simply Σύνδεσμος,—terms variously translated *Nodus* (Cic.), *Nodus Piscium* (Vitruv.), *Nodus coelestis* (Avien.), *Commissura piscium* (Plin. xviii. § 311). The bands themselves are called in one passage of Aratus (362) Δεσμοὶ οὐραῖοι, more commonly Λίνοι or Λίνα, the *Vincla* of Cicero and Germanicus, the *Alligamentum linteum* of the Scholiast on the latter.

From Vitruvius (ix. 4) it appears that the sprinkling of indistinct stars between the Fishes and the Whale was called by the Greeks Ἑρμηδόνη, a word explained by Hesychius to mean τῶν ἀμυδρῶν ἀστέρων χύσις.

Southern Signs.

1. The **Whale**, Κῆτος (Arat. 353), Ὀρφός (Jul. Firm. *Astron.* viii. 17), *Cetus* (Vitruv. ix. 4; Manil. i. 440), *Pristis* (German. 644; Manil. i. 363), *Nereia Pistris* (German. 714), *Neptunia Pistrix* (Cic., comp. German. 709). The last three designations are different forms of the Greek Πρῆστις, which Suidas interprets to signify εἶδος κήτους θαλασσίου. This was the sea-monster, according to Aratus, sent to devour Andromeda.

2. **Orion**, Ὠρίων (Arat. 322), Ὠαρίων (Pind. Callim.), *Orion* (Cic., German., Vitruv., Manil. i. 399), *Oarion* (Catull. lxv. *sub fin.*), *Proles Hyriea* (Ov. *Fast.* vi. 719; comp. v. 495). *Argion* in Julius Firmicus (viii. 9) is probably a corrupt form of Oarion.

This is one of the oldest constellations, being noticed in Homer (xviii. 486) and Hesiod (*Erg.* 598, 615, 619), both of whom employ the expression σθένος Ὠρίωνος. The figure was supposed to represent an armed warrior (ξίφεος ἶφι πεποιθώς, Arat.), grasping a shield in his left hand and a club in his right (*manu laeva tenens clipeum, clavam altera*, Vitruv. ix. 4), with a glittering belt, from which a sword depended (*Balteus Orionis*, *Vagina*, German.; *Ensis*, Cic.). The origin of the name is quite unknown, the ordinary derivation from οὖρον, to which a mythical legend was adapted, being altogether unworthy of attention. The morning setting of this remarkable cluster, about the beginning of November, pointed out in ancient times to the husbandman and the mariner the approach of the most stormy period of the year. (Hor. *Carm.* i. 28, 21, iii. 27, 18, *Epod.* x. 9, xv. 7; Verg. *Aen.* i. 535, iv. 52.)

An anonymous Greek writer quoted by Scaliger declares that the popular name for Orion was Ἀλετροπόδιον, which seems a corruption of Ἀλεκτροπόδιον, i.e. *Cocks-foot*; and Ideler thinks that we can, without any great stretch of fancy, trace a resemblance to a fowl strutting along.

Among the Romans *Jugula* or *Jugulae* seems to have been the indigenous appellation; the former is noticed by Varro and Festus, the latter occurs in Plautus (*Amph.* i. 1, 119)—

> Nec Jugulae, neque Vesperugo, neque Vergiliae occidunt:

but no satisfactory explanation has been proposed. The two bright stars (*α*, *γ*) under the head were called *Humeri*. (Varr. *L. L.* vi. 3.)

3. **The Eridanus**, Ποταμός (Arat. 358), *Amnis* (Cic., German.). Aratus remarks that it was considered as a remnant of the Eridanus:

> Λείψανον Ἠριδανοῖο πολυκλαύστου ποταμοῖο,

that mythical non-existent (τὸν μηδαμοῦ γῆς ὄντα, Strab.) stream which proved a fruitful source of speculation in ancient as it has done in modern times. The Romans identified the Eridanus with the Po; and hence while Cicero employs the former, Germanicus uses Eridanus and Padus indifferently. (Comp. Vitruv. ix. 4.) From Eratosthenes, the Scholiast on Germanicus and Hyginus (*P. A.* ii. 32), we learn that this constellation was by others called the Nile, that being the only earthly river which flowed from the south towards the north, as this stream of stars appears to do when rising above the horizon.

4. **The Hare**, Λαγωός (Arat. 338), Λαγώς, *Lepus* (Vitruv. ix. 4), *Levipes Lepus* (Cic.), *Auritus Lepus* (German.), *Velox Lepus* (Manil.).

5. **The Great Dog**, Κύων, Σείριος (Arat. 326), *Canis* (Cic.), *Canis Sirius* (German.). Aratus (342) employs the phrase μεγάλοιο Κυνός, but the epithet must be here understood to refer to the magnitude of the principal star and not to the constellation *Procyon*, which the Greeks never call the *Little* or *Lesser Dog*.

The most important star in the Great Dog, perhaps the brightest in the heavens, was frequently specially named Κύων, sometimes emphatically τὸ ἄστρον, and by the Romans *Canis* or *Canicula*, but is more frequently designated by the appellation Σείριος, *Sirius*, which occurs four times in Hesiod (*Op.* 417, 587, 619; *Scut.* 397), although, in the first of these passages, the sun, and not a fixed star, is probably indicated. Indeed the word seems to be properly an adjective, signifying *glittering* or *bright*; and Eratosthenes remarks (c. 33), that astronomers were in the habit of denominating other stars Σειρίους διὰ τὴν τῆς φλογὸς κίνησιν. Homer twice (*Il.* v. 5; xxii. 25) alludes to this star without naming it, in one passage with the epithet ὀπωρινός, which will be discussed hereafter.

About four hundred years before our era, the heliacal rising of Sirius at Athens, corresponding with the entrance of the sun into the sign Leo, marked the hottest season of the year; and this observation being taken on trust by the Romans of a later epoch without considering whether it suited their age and country, the *Dies Caniculares* became proverbial among them, as the *Dog Days* are among ourselves, and the poets constantly refer to the Lion and the Dog in connexion with the heats of midsummer.

6. THE LITTLE DOG, **Προκύων** (Arat. 450), *Procyon* (German.), or, literally translated, *Antecanem* (Cic.), *Antecanis* (Schol. German.), so called because in Greece the constellation in question rises heliacally before the (Great) Dog. The names *Antecanis* and *Antecanem*, however, do not appear to have been generally adopted, for Pliny (*H. N.* xviii. § 268), when speaking of Procyon, remarks, "quod sidus apud Romanos non habet nomen, nisi *Caniculam* hanc velimus intelligi, hoc est, minorem canem ut in astris pingitur"—words which do not necessarily imply that Procyon ever was actually termed *Canicula* by the Roman writers, although this was certainly sometimes the case if we can trust the express assertion of Hyginus, "Canem (sc. Icarii) autem sua adpellatione et specie *Caniculam* dixerunt, quae a Graecis, quod ante majorem canem exoritur, προκύων adpellatur" (*P. A.* ii. 4). A passage in Pliny (*H. N.* xviii. § 285) would at first sight appear to be decisive: "IV. Kalendas Maii, Canis occidit, sidus et per se vehemens, *et cui praeoccidere Caniculam necesse sit.*" But since we know that in Northern latitudes the Great Dog not only rises after, but also sets before the Little Dog, it is evident that, unless we suppose Pliny to be involved in inextricable confusion, *Canicula* cannot here signify the sign Procyon. The explanation generally adopted, although somewhat forced, is that a reference is made to the practice of offering a dog in sacrifice on the Robigalia. (See Ov. *Fast.* iv. 936, &c.; Columell. x. 342, and the commentators on Pliny.)

While, as on the whole seems probable, Procyon was sometimes termed Canicula by the Romans, so, on the other hand, the star Sirius seems to have been occasionally called **Προκύων** by the Greeks, because he rose before the rest of the constellation to which he belonged. (See Galen. *Comment. in Hippocrat. Epidem.* i.) We cannot, however, attach this meaning to the words of Horace (*Carm.* iii. 29, 18)—

> Jam Procyon furit
> Et stella vesani Leonis—

for the appearance of Procyon would to his countrymen be in reality a more sure indication of the hottest season than the rising of the Greater Dog.

We have already intimated that the Greeks designate the two constellations simply as **Κύων** and **Προκύων**, not as the Greater and Lesser Dog,—a distinction which prevailed among the Romans, as we perceive clearly from Vitruvius (ix. 4): "Geminos autem minusculus Canis sequitur contra Anguis caput: Major item sequitur Minorem."

When Boötes was regarded as Icarius, and Virgo as his daughter Erigone, Procyon became Maera, the dog of Icarius. (Hygin. *P. A.* ii. 4; comp. Ov. *Fast.* iv. 940.)

7. THE SHIP ARGO, Ἀργώ (Arat. 342), *Argo* (Cic., Manil. i. 420), *Navis* (Cic.), *Argo Navis* (Cic.), *Navis quae nominatur Argo* (Vitruv.), *Argoa puppis* (German.), *Ratis Heroum* (Manil. v. 13). Like Pegasus and the Bull, it was supposed to represent only one-half of the object (ἡμίτομος), the portion namely of the vessel behind the mast (ἱστὸν διχόωσα κατ᾽ αὐτὸν, Arat. 605. *Puppe trahitur*, German.). The brightest star was by Eudoxus and Aratus (351, 368) distinguished as πηδάλιον (*gubernaculum*, Cic.), the rudder, instead of which **Κάνωβος** (*stella Canopi quae his regionibus est ignota*, Vitruv. ix. 4), a name which appears first in Eratosthenes (c. 37) and Hipparchus, became general. According to the Scholiast on Germanicus, it was called also *Ptolemaeon*, or, as Martianus Capella has it, *Ptolemaeus*, in honour, evidently, of some Egyptian monarch. This star, as the words of Vitruvius indicate, was not visible in Italian latitudes.

Cicero, in addition to the rudder, distinguishes the mast (*malum*) also, "radiato stipite malum."

8. THE WATER SNAKE, Ὕδρη (Arat. 444), Ὕδρος (Eratosth., Gemin., Ptolem.), *Hydra* (Cic., Germ., Hygin., Avien.), *Hydros* (Germ.), *Anguis* (Vitruv. ix. 4; Ov. *Fast.* ii. 243; Manil. i. 422. See also Serv. *ad* Verg. *Georg.* i. 205; Hygin. *P. A.* ii. 40, iii. 39).

9. THE CUP, Κρατήρ (Arat. 448), *Crater* (German., Vitruv., Manil. i. 424), *Fulgens Cratera* (Cic.), *Urna* (Schol. German.).

10. THE RAVEN or CROW, Εἴδωλον κόρακος (Arat. 449), *Corvus* (Cic., German., Vitruv.), *Phoebo sacer ales* (Manil. i. 424).

The Cup and the Raven were represented as standing upon the back of the Water Snake, and the whole three are grouped together by Ovid (*Fast.* ii. 243) in the couplet:—

> Continuata loco tria sidera, *Corvus* et *Anguis*,
> Et medius *Crater* inter utrumque jacet.

11. THE CENTAUR, Κένταυρος (Arat. 431, 436), Ἱππότα φήρ (Arat. 664), Χείρων (Eratosth.), *Centaurus* (Cic., Vitruv., German.), *Geminus Biformis* (German.), *Sonipes* (German.), *Duplici Centaurus imagine* (Manil. i. 425), *Chiron* (German. 418, 624). By Ptolemy he is represented with a thyrsus in his hand, and these stars were, as we are told by Geminus, formed by Hipparchus into a distinct constellation under the name Θυρσόλογχος.

12. THE WOLF, Θηρίον (Arat. 442), *Bestia* (Vitruv. ix. 4), *Hostia* (Hygin. *P. A.* ii. 38). This, according to Aratus (*l. c.*), was a wild beast grasped in the hand of the Centaur, but it received no name from the Greeks or Romans.

13. THE ALTAR, Θυτήριον (Arat. 403), *Ara* (Cic., German., Manil. i. 428), *Apta Altaria sacris* (685), according to Geminus and Ptolemy Θυμιατήριον, translated *Turibulum* by Germanicus and Vitruvius (ix. 4). The Scholiast on Germanicus furnishes two other names, *Sacrarium* and *Pharus*. In the legend preserved by Manilius (i. 428), it was the altar erected by Jove when heaven was invaded by the giants.

13. THE SOUTHERN CROWN. Not named by Aratus, who merely remarks (401) that under the fore-feet of Sagittarius are some stars sweeping round in a circle (δινωτοὶ κύκλῳ), but to these Geminus and Ptolemy give the specific name of **Στέφανος νότιος**. In consequence of

no legend being attached to the group, Germanicus (388) describes it as

sine honore Corona
Ante Sagittiferi multum pernicia crura.

(Comp. Hygin. *P. A.* ii. 28. Manilius takes no notice of it.) Geminus has preserved two other names, Οὐρανίσκος and Κηρυκεῖον: the former Martianus Capella renders by *Caelulum;* the latter, used by Hipparchus, denotes a herald's wand of peace. Others, according to the Scholiast on Aratus, regarded it as Ixion's wheel (Ἰξιόνος τροχός).

15. THE SOUTHERN FISH, Ἰχθὺς νότιος (Arat. 387), *Piscis Notius* (Manil. i. 445; Hygin. *P. A.* iii. 40), *Piscis Australis* (Cic.), *Piscis Austrinus* (Vitruv. ix. 4; Columell. xi. 2).

It appears from Eratosthenes (38), and the Scholiast on Germanicus, that it was styled also Ἰχθὺς μέγας, *Piscis magnus.*

Before quitting this part of our subject, we must add a few words on

Coma Berenices; Berenices Crinis. Milvus.

1. THE HAIR OF BERENICE, Πλόκαμος s. Βόστρυχος Βερονίκης (Callim., Schol. *ad* Arat. 146), *Coma Berenices* (see Catull. lxv.), was, as we have seen above, formed by Conon out of certain unappropriated (ἀμόρφωτοι) stars behind the Lion's Tail, in honour of Berenice, the wife of Ptolemy Euergetes, and afforded a theme for a complimentary elegy by Callimachus, of which we possess a translation by Catullus. The constellation being unknown to Aratus, is not alluded to by his translators, Cicero and Germanicus, nor is it noticed by Manilius. When Pliny (*H. N.* ii. § 178) observes, "Septemtriones non cernit Troglodytice, et confinis Aegyptus: nec Canopum Italia, et quem vocant Berenices Crinem; item quem sub Divo Augusto cognominavere Caesaris Thronon, insignes ibi stellas," it is much more probable that he committed a positive blunder, than that, as some have supposed, he intended to indicate under the name of *Berenices Crinem* some southern sign to which no one else makes any allusion.

2. We find in Ovid (*Fast.* iii. 793) the following couplet in reference to the night of the 17th of March:—

Stella Lycaoniam vergit declivis ad Arcton
Milvus. Haec illa nocte videnda venit,

and in Pliny (*H. N.* xviii. § 237), "Caesar et Idibus Martiis ferales sibi annotavit Scorpionis occasu: XV. Kalendas vero Aprilis Italiae Milvum ostendit: XII. Kalendas April. Equum occidere matutino." In the first of these passages we find a constellation named *Milvus* or the Kite described as one of the northern signs, or at least as a sign visible in Italy, and the period of its rising fixed to the 17th of March. The words of Pliny, although more ambiguous than those of Ovid, would lead us to suppose that he was quoting this, as well as the preceding observation, from the Calendar of Caesar; but the abruptness of his ordinary style is such as to prevent us from affirming this with certainty.

Now no Greek and no other Roman writers mention any constellation bearing the above name, nor can we adopt the explanation of Grotius, who supposes that the Swan or the Eagle is indicated, for the rising of these signs is removed by three months from the period here fixed. Ideler (*Sternn.* p. 7 f.) has, in all probability, discovered the solution of the enigma. In the Parapegma of Geminus, a phenomenon described by the words Ἰκτῖνος φαίνεται, i.e. *Milvus apparet,* is placed by Eudoxus thirteen days before the vernal equinox, and by Euctemon and Callippus respectively, eight days and one day before the same epoch; while Ptolemy, in his Φάσεις ἀπλανῶν, marks under the 21st of Phamenoth (*i.e.* according to Ideler, 8th March), Εὐδόξῳ χελιδὼν καὶ ἰκτῖνος φαίνεται. But the ἰκτῖνος, rendered *milvus* by the Latins, was, as we are told by Aristotle (*H. A.* viii. 16), a bird of passage, and hence the arrival of the ἰκτῖνος, like that of the swallow, took place at and served to mark a particular season of the year. Ovid and Pliny, being ignorant of this fact, and finding in the calendars which they consulted the words *Milvus apparet,* took it for granted, without further inquiry, that *Milvus* was the name of a constellation; for when we consider the context of the naturalist, as well as the date, but one day later than that fixed by Ovid, we can scarcely doubt that he, as well as the poet, believed *Milvus* to be a "Stella." Merkel (Ov. *Fast.* p. lxvii.) has shown that in this place Ovid is simply following his guide, Clodius Fuscus.

II. RISINGS AND SETTINGS OF THE FIXED STARS.

A nation like the Greeks, whose climate permitted them to watch their flocks by night during a considerable part of the year, could not fail to remark that certain fixed stars appeared and disappeared in regular succession, as the sun passed through the different stages of his annual career. Accordingly, we find that, as early as the time of Hesiod, the changes of the seasons, and the more important operations of agriculture, were fixed with reference to the risings and settings of Orion, the Pleiades, the Hyades, Arcturus, and Sirius. Such observations were in the first instance extremely rude; but after Thales had turned the attention of his countrymen to scientific astronomy, these celestial phenomena were determined with great care and accuracy: tables were drawn up in which the risings and settings of the more brilliant stars, with reference to the sun, were fully detailed, together with such notices, touching the winds and weather to be expected at the different epochs, as experience suggested. Copies were engraved on stone or brass, and, being nailed or hung up in the market-places of large towns and other places of public resort, received the name of παραπήγματα. Two catalogues of this description have been preserved which are valuable, inasmuch as they frequently quote the authority of the early Greek astronomers, Meton, Euctemon, Eudoxus, Callippus, &c. for their statements. The one was drawn up by Geminus (fl. B.C. 80), the other by the famous Ptolemy (A.D. 140). In the former the risings and settings of the stars are fixed according to the passage of the sun through the signs of the zodiac; in the latter they are ranged under the months and years of the Julian Calendar.

The practice commenced by Hesiod was followed by subsequent writers upon rural economy, and we accordingly find numerous precepts in Virgil, Columella, and Pliny delivered with reference to the risings and settings of the stars, forming a complete Calendarium Rusticum. Ovid has combined the Fasti of the city with these Rural Almanacs, and has thus gained an opportunity of enlivening his poem by recounting the various myths attached to the constellations. Indeed it would appear that Caesar, when he reconstructed the Fasti of Rome, included the risings and settings of the stars, since Pliny frequently quotes the authority of Caesar for his statements on these points. Thus the *Fasti* of Ovid may be considered as a commentary upon the almanac in common use.

The early Grecian *parapegmata* were undoubtedly constructed from actual observation in the countries where they were first exhibited, and must therefore have completely answered the purpose for which they were intended. But this does not by any means hold good of the corresponding compilations of the Romans, who, being little versed in astronomy themselves, copied blindly from others without knowledge or discrimination.

It is necessary to attend to two facts:—

1. The time of the risings and settings of the fixed stars varies for the same place at different epochs. Thus the Pleiades which at Rome rose along with the sun on the 16th of April, B.C. 44, rose with the sun at Rome several days earlier in the age of Meton, and do not now rise with the sun at Rome until several days later. This is caused by the precession of the equinoxes.

2. The time of the risings and settings of the fixed stars is different on the same day in places whose latitude is different. Thus, in the year when the Pleiades rose along with the sun at Rome on the 16th of April, they did not rise along with the sun at Athens until the 22nd of April.

Too little attention was paid to these considerations by the Roman writers; and consequently we not unfrequently discover that they combined the observations of astronomers who lived at times and places remote from them and from each other—that calculations made for the latitude of Athens, or of Rhodes, or of Alexandria, 300 years before, were adopted at once and transferred to their calendars without change or modification.

Another source of confusion is a want of precision in specifying the different kinds of risings and settings, which ought always to be most carefully distinguished from each other by appropriate scientific terms.

The risings and settings of the fixed stars, when considered with reference to the sun's place in his orbit, may be arranged under eight heads:—

(*a*) When a star rises at sunrise.

(*b*) When a star rises at sunset.

(*c*) When a star sets at sunrise.

(*d*) When a star sets at sunset.

(α) When a star rises shortly before the sun so as to be just visible in the morning twilight as it ascends above the horizon before its rays are overpowered by the light of the more brilliant luminary.

(β) When a star rises shortly after sunset so as to be just visible in the evening twilight as it ascends above the horizon.

(γ) When a star sets shortly before sunrise so as to be just visible in the morning twilight as it sinks below the horizon.

(δ) When a star sets shortly after sunset so as to be just visible in the evening twilight as it sinks below the horizon.

The names by which these, taken in order, are discriminated by the Greek astronomers Geminus (*Isagog.* cap. xi.) and Ptolemy (*Math. Syntax.* viii. 4) are the following:—

(*a*) 'Επιτολὴ ἑῴα ἀληθινή, G.—'Εῴα συνανατολὴ ἀληθινή, P.—*Ortus Matutinus Verus.* True morning rising.

(*b*) 'Επιτολὴ ἑσπερία ἀληθινή, G.—'Εσπερία συνανατολὴ ἀληθινή, P.—*Ortus Vespertinus Verus.* True evening rising.

(*c*) Δύσις ἑῴα ἀληθινή, G.—'Εῴα συγκατάδυσις ἀληθινή, P.—*Occasus Matutinus Verus.* True morning setting.

(*d*) Δύσις ἑσπερία ἀληθινή, G.—'Εσπερία συγκατάδυσις ἀληθινή, P.—*Occasus Vespertinus Verus.* True evening setting.

(α) 'Επιτολὴ ἑῴα φαινομένη, G.—'Εῴα προανατολὴ φαινομένη, P.—*Ortus Matutinus Apparens* s. *Ortus Heliacus.* Heliacal rising, *i.e.* First visible rising of a star in the morning twilight.

(β) 'Επιτολὴ ἑσπερία φαινομένη, G.—'Εσπερία ἐπανατολὴ φαινομένη, P.—*Ortus Vespertinus Apparens.* Last visible rising of a star after sunset.

(γ) Δύσις ἑῴα φαινομένη, G.—'Εῴα πρόδυσις φαινομένη, P.—*Occasus Matutinus Apparens.* First visible setting of a star before sunrise.

(δ) Δύσις ἑσπερία φαινομένη, G.—'Εσπερία ἐπικατάδυσις φαινομένη, P.—*Occasus Vespertinus Apparens* s. *Occasus Heliacus.* Heliacal setting, *i.e.* Last visible setting of a star in the evening twilight.

With regard to the above technicalitics we must observe:—

1. That Geminus (*l. c.*) draws a distinction between the words ἀνατολὴ and ἐπιτολή. By ἀνατολὴ he understands the rising of a star considered simply with reference to its elevation above the horizon, which takes place once in twenty-four hours in consequence of the diurnal motion; by ἐπιτολή, the rising of the star considered with reference to its distance from the sun, which depends upon the sun's place in the ecliptic. As to the settings of the stars, he would make δύσις the correlative of ἀνατολὴ and κρύψις of ἐπιτολή; but to this last definition he does not himself adhere, since he constantly employs δύσις to denote the setting of a star, when considered with reference to its distance from the sun. Ptolemy, while he includes all the risings and settings under the general designation of Φάσεις ἀπλανῶν, endeavours to introduce an improved nomenclature, by varying the preposition according as the star rises or sets along with (σύν), or before (πρό) or after (ἐπί) the sun, but pays no regard to the rule of Gemiaus with respect to ἀνατολὴ and ἐπιτολή.

2. Two terms, in addition to those set down above, are commonly employed by writers on these topics, the COSMICAL rising and setting (*Ortus Cosmicus, Occasus C.*), and the ACRONYCHAL rising and setting (*Ortus Acronychus, Occasus A.*).

The epithet *Cosmicus*, as applied to this subject, first occurs in a note of Servius on Verg. *Georg.* i. 218, "Ortus et occasus duo sunt: unus ἡλιακός, id est, *solaris*; et alter κοσμικός, id est, mundanus: unde fit ut ea signa quae cum sole oriuntur a nobis non possint videri; et ea, quae videmus, quantum ad solis rationem pertinet, videantur occidere." Modern astronomers have for the most part (see Petavius, Varr. *Diss.* p. 3, ed. 1630) adopted the phrase *Ortus Cosmicus* to indicate the rising marked (*a*), that is, the *Ortus Matutinus Verus*, and *Occasus Cosmicus* to indicate the setting marked (*c*), that is, the *Occasus Matutinus Verus;* but Ideler (*Historische Untersuchungen*, &c. p. 311), while he interprets *Ortus Cosmicus* in the sense usually received, applies *Occasus Cosmicus* to the setting marked (γ), that is, to the *Occasus Matutinus Apparens.*

Again, the epithet ἀκρόνυχος appears to be first used by Theophrastus (*de Signis Pluv. et Vent.* cap. i. § 2), where ἀνατολαὶ ἀκρόνυχοι are alone mentioned, and are distinctly explained to mean the rising of a star at sunset, that is, the *Ortus Vespertinus Verus* marked (*b*); and in this sense the phrase *Ortus Acronychus* is found in the treatises of Petavius and others, who employ also the expression *Occasus Acronychus* to indicate the setting marked (*d*), that is, the *Occasus Vespertinus Verus.* Ideler concurs in the latter, but interprets *Ortus Acronychus* to mean the rising marked (β), that is, the *Ortus Vespertinus Apparens.* This view is certainly at variance with the words of Theophrastus, which are quite explicit and are corroborated by Julius Firmicus (ii. 8); but on the other hand, in the Parapegma of Geminus, in the observations ascribed to Eudoxus, ἀκρονυχος is the general term applied to all evening settings, and most of these unquestionably refer to the apparent phenomena. Euctemon again makes use of ἑσπέριος to express the same meaning. The words Ἀρκτοῦρος ἀκρόνυχος πρωιας δύνει under Scorpius d. 8. are probably corrupt.

Under these circumstances, to prevent all confusion or ambiguity, we have altogether passed over the terms *Cosmicus* and *Acronychus* in our table, but have retained *Heliacus*, which, like *Cosmicus*, first occurs in the passage quoted from Servius, but is applied uniformly by subsequent writers to the phenomenon marked (α) and (δ), and to no others.

3. Pliny (*H. N.* xviii. § 218) proposes to designate by *Emersus*, what we have called the Heliacal Rising (α), because the star then for the first time emerges from the sun's rays, and by *Occultatio*, what we have called the Heliacal Setting (δ), because this is the last appearance of the star, which is forthwith obscured by the sun's rays, but these terms do not appear to have been ever generally received.

4. It is manifest that of the eight phenomena named above, the first four are purely matters of calculation, since the true risings and settings never can be visible to the naked eye. These then ought always to have been, and for some time always were, excluded from rural calendars intended for the use of practical men. We find, however, from the fragments of Callippus, preserved in the Parapegma of Geminus, when verified by computation, that this astronomer had substituted the true risings and settings for the apparent risings and settings, which were there marked in the tables of Euctemon, Meton, and Eudoxus. Hence great caution would become indispensable in quoting from different authorities, or in advancing an original statement. If the rising of a star was named, it would be necessary not only to specify whether it was the morning or the evening rising, but also whether the true or the apparent rising was indicated, and to proceed in like manner for the setting of a star. Now and then we find in Columella and Pliny some attempt to preserve accuracy in one or other of these essential points, as when the latter observes (xviii. § 74): "Pridie Kalendas (Nov.) Caesari Arcturus occidit et Suculae *exoriuntur cum sole;*" "XVI. Kal. Octob. Ægypto Spica, quam tenet Virgo, exoritur matutino, Etesiaeque desinunt. Hoc idem Caesari XIV. Kalendas XIII. Assyriae significant;" and even in Virgil, as when he defines the *morning setting* of the Pleiads: "Ante tibi *Eoae* Atlantides abscondantur;" but for the most part, both in prose writers and in poets, everything is vague and unsatisfactory: risings and settings of all descriptions, calculated for different epochs and for different latitudes, are thrown together at random. In order to substantiate these charges, we may examine the statements contained in Columella, Ovid, and Pliny with regard to *Lyra*, a constellation to which considerable importance was attached by the Romans, since the beginning of Autumn in the calendar of Caesar was marked by its (true) morning setting. It will suit our purpose particularly well, because from its limited extent every portion of the constellation became visible within two or three days after the appearance of the first star; and hence no ambiguity could arise from the heliacal risings of the extreme portions being separated by an interval of some weeks, as was the case with Orion and others stretching over a large space in the heavens, in treating of which it became necessary to specify particular portions of the figure, as when we read "Orionis humerus oritur;" "Gladius Orionis occidere incipit;" "Orion totus oritur," and so forth. In the following quotations, the words *Fidis* and *Fidicula* seem to be absolutely synonymous, there being no reason to believe that the latter was applied exclusively to the peculiarly bright star which in the catalogues of modern astronomers is *α Lyrae*, the ὁ λαμπρὸς τῆς λύρας of Ptolemy, although to this in all probability most of the observations were directed. We shall set down in regular order, first the settings and then the risings.

Settings of Lyra.

(1.) Pridie Id. Aug. (12th August) Fidis occidit mane et Auctumnus incipit. *Col.* xi. 2, § 57.

According to Pliny (xviii. § 222), the setting of Fidicula (*Fidiculae occasus*) marked the commencement of autumn, and took place on the forty-sixth day after the solstice; that is, on the 8th of August, if we include, according to the Roman method of computation, the 24th of June, the day from which he reckoned. In a subsequent section (§ 271) he states that the phenomenon in question took place, according to the Calendar of Caesar, on the 11th of August, but that more accurate observations had fixed it to the 8th, and this he soon after repeats (§ 289).

(2.) XIII. Kal. Sept. (*i.e.* 20th August) Sol in Virginem transitum facit... hoc eodem die Fidis occidit.—X. Kal. Sept. (23rd August) ex eodem sidere tempestas plerumque oritur et pluvia. *Columell.* xi. 2, § 58.

(3.) XI. Kal. Feb. (22nd January) Fidicula Vespere occidit, dies pluvius. *Columell.* x. 2, § 5.

Ovid places the setting on 23rd of January.

> Fulgebit toto jam Lyra nulla polo.—*Fast.* i. 653.

(4.) III. Kal. Feb. (30th January) Fidicula occidit. *Columell.* xi. 2, § 6.

(5.) Kal. Feb. (1st February) Fidis incipit occidere. Ventus Eurinus et interdum Auster cum grandine est. *Columell.* xi. 2, § 14.

III. Non. Febr. (3rd February) Fidis tota occidit. *Columell.* ibid.

Ovid, without alluding to what he had said before, remarks on the 2nd of February (*Fast.* ii. 73):

> Illa nocte aliquis tollens ad sidera vultum,
> Dicet, ubi est hodie, quae Lyra fulsit heri?

Pliny has (xviii. § 235) "et pridie Nonas Februarias (4th February) Fidicula vesperi (sc. occidit)."

Risings of Lyra.

(6.) IX. Kal. Mai. (23rd April) prima nocte Fidicula apparet, tempestatem significat. *Columell.* xi. 2, § 37.

VI. Kal. Mai. (26th April) Boeotiae et Atticae Canis Vesperi occultatur, Fidicula mane oritur. *Plin.* xviii. § 248.

(7.) Ovid (*Fast.* v. 415) names the 5th of May as the day on which Lyra rises.

(8.) III. Id. Mai. (13th May) Fidis mane exoritur, significat tempestatem. *Columell.* xi. 2, § 40.

III. Id. Mai. Fidiculae exortus. *Plin.* xviii. § 255.

Id. Mai. (15th May) Fidis mane exoritur. *Columell.* xi. 2, § 43.

(9.) III. Non. Novemb. (3rd November) Fidicula mane exoritur, hiemat et pluit. *Columell.* xi. 2, § 84.

(10.) VIII. Id. Novemb. (6th November) idem sidus totum exoritur, Auster vel Favonius, hiemat. *Columell.* ibid.

(11.) XVI. Kal. Dec. (16th November) Fidis exoritur mane, Auster, interdum Aquilo magnus. *Columell.* xi. 2, § 88.

(12.) Non. Januar. (5th January) Fidis exoritur mane: tempestas varia. *Columell.* xi. 2, § 97.

> Institerint Nonae, missi tibi nubibus atris
> Signa dabunt imbres exoriente Lyra.
> Ovid, *Fast.* i. 315.

Pridie Nonas Januarias (4th January) Caesari Delphinus matutino exoritur et postero die Fidicula. *Plin.* xviii. § 234.

The total disregard of precision in the phraseology employed in describing the above appearances is evident in almost every assertion, but the confusion may be considered to have reached a climax when we read the words "Fidis (or Fidicula) exoritur mane," used without variation or explanation to denote a phenomenon assigned to the 26th of April, the 3rd and 15th of May, the 3rd and 16th of November. By examining each paragraph separately, we shall be still more fully convinced of the carelessness and ignorance displayed.

(1.) The *true morning setting* of *Lucida Lyrae* took place at Rome in the age of Caesar, on the 12th or 13th of August, and therefore the Calendar of Caesar here followed by Columella was more accurate than the authorities quoted by Pliny, unless these referred to a different latitude. Remark, however, that no hint is dropped by either to indicate that the *true* and not the *apparent morning setting* is meant; and it ought to be borne in mind that the latter happened, at the epoch in question, on that very day at Alexandria. In the Parapegma of Geminus also, we find, under 11th of August (17 Leo), *Εὐκτήμονι λύρα δύεται.*

(2.) This must be the *apparent morning setting* which took place at Rome on 24th of August for the Julian epoch.

(3.) The *true evening setting*, calculated for Alexandria at the same epoch, took place on 23rd of January, the very day named by Ovid.

(4.) This is the *heliacal setting*, which, for Lucida Lyrae, took place at Rome on 28th of January.

(5.) These notices seem to be borrowed from old Greek calendars. Eudoxus, as quoted by Geminus, assigns the *evening* (*ἀκρόνυχος*) *setting* of Lyra to the 11th degree of Aquarius; that is, the 4th of February, according to the Julian Calendar.

It will be seen that the last three paragraphs, (3), (4), (5), without any change of expression, spread the setting of Lyra over a space extending from 23rd of January to 4th February, the apparent and true settings for Rome being on the 28th January and 9th February respectively.

(6.) The *apparent evening rising*, which seems clearly pointed out by the words of Columella, took place at Rome for the Julian era on 14th of April, at Alexandria on 26th of April: the *true evening rising* at Rome on 22nd April; and to this, therefore, the statement of Columella, from whatever source derived, must, if accurate, apply. Pliny has here fallen into a palpable blunder, and has written *mane* for *vesperi*. In fact he has copied, perhaps at second hand, the observation of Eudoxus with regard to the Lyre and Dog (see Parapegma of Gem.), except that he has inserted the word *mane* where the Greek astronomer simply says *λύρα ἐπιτέλλει.*

(7.) This will agree tolerably well with the *true evening rising* at Alexandria for the Julian era, but is twenty-one days too late for the *apparent evening setting* at Rome, and thirteen days too late for the *true evening setting.*

(8.) Here all is error. We must manifestly substitute *vespere* for *mane* in both passages of Columella; but even thus the observation will not give anything like a close approximation to any rising of Lyra either at Rome or Alexandria in the Julian age.

(9.) Copied verbatim along with the accompanying prognostic of the weather, from the Parapegma of Geminus, where it is ascribed to Euctemon. The day, however, corresponds closely with the *heliacal rising*, which took place at Rome on 5th of November.

(10.) Copied along with the prognostic "hiemat" (*καὶ ὁ ἀὴρ χειμέριος γίνεται ὡς ἐπὶ τὰ πολλὰ*) from the same compilation, where it is ascribed to Democritus, who fixed upon this day for the *true morning rising* (*λύρα ἐπιβάλλει ἅμα ἡλίῳ ἀνίσχοντι*). At Rome this *rising* fell upon 23rd of October.

(11.) Copied again from the same *source*, where it is ascribed to Eudoxus. Here the observation can in no way be stretched so as to apply to Rome.

(12.) This, like the last, can in no way be made applicable to Rome; but the *heliacal setting* at Alexandria took place, for that epoch, about four days later, on the 9th or 10th of January.

Having now pointed out the difficulties which the student must expect to encounter in prosecuting his inquiries in this department, we proceed briefly to examine the most remarkable passages in the classical writers, where particular periods of the year are defined by referring to the risings and settings of the stars. We begin with the most important,—the Pleiades, Arcturus, and Sirius, which we shall discuss fully, and then add a few words upon others of less note.

The Pleiades.

Hesiod.—Hesiod indicates the period of harvest by the rising of the Atlas-born Pleiads (*Op.* 384) after they had remained concealed for forty days and forty nights. Now, in the age of Hesiod (B.C. 800) the heliacal rising of the Pleiads took place at Athens, according to the computation of Ideler, on the 19th of May of the Julian Calendar, which is just the season when the wheat crop comes to maturity in that climate. Again (*l. c.*), he indicates the commencement of the ploughing-season, and the close of the season for navigating, by the morning setting of the Pleiads, which in that age and latitude fell about the third of the Julian November. In these and all other passages where Hesiod speaks of the risings and settings of the stars, we must unquestionably assume that he refers to the apparent phenomena. Indeed it is by no means improbable that the precepts which he inculcates may be the result of the personal observations of himself and his contemporaries.

Varro, Columella, Pliny. — *Morning Rising.*—(1.) Varro, where he describes the distribution of the year into eight divisions, according to the calendar of Caesar, states that there was a space of forty-six days from the vernal equinox (25th March) to the rising of the Pleiades (*Vergiliarum exortum*), which is thus fixed to the 8th or 9th of May (*R. R.* i. 28).

(2.) Pliny (xviii. 66, § 1) names the 10th of May.

Columella has three distinct notices (*R. R.* xi. 2, §§ 36, 39).

(3.) *X. Kal. Mai.* (22nd April) *Vergiliae cum sole oriuntur.*

(4.) *Nonis Maiis* (7th May) *Vergiliae exoriuntur mane.*

(5.) *VI. Idus sc. Mai* (10th May) *Vergiliae totae apparent;* and this last corresponds with his assertion elsewhere, that the phenomenon takes place forty-eight days after the vernal equinox (ix. 14, § 4).

Now the true morning rising of the Pleiads took place at Rome in the age of the above writers, who are all embraced within the limits of a century, about the 16th of April, the apparent or heliacal rising about the 28th of May. Hence not one of the above statements is accurate. But (1), (2), (4), (5) approach closely to the observation of Euctemon (B.C. 430), according to whom the Pleiad rises on the 13th of Taurus (8th of May); and (3), which expressly refers to the true rising, although inapplicable to Rome, will suit the latitude of Athens for the epoch in question.

Morning Setting.—(1.) Varro places the setting of the Pleiades (*Vergiliarum occasum*) forty-five days after the autumnal equinox (24th Sept.); that is, on the 6th or 7th of November (*R. R.* i. 28).

(2.) Pliny names the 11th of November (xviii. 60, 74; the text in c. 59 is corrupt).

Columella, as before, has a succession of notices.

(3.) *XIII. et XII. Kal. Nov.* (20th and 21st Oct.) *Solis exortu Vergiliae incipiunt occidere.*

(4.) *V. Kal. Nov.* (28th Oct.) *Vergiliae occidunt.*

(5.) *VI. Id. Nov.* (8th Nov.) *Vergiliae mane occidunt.*

(6.) *IV. Id. Nov.* (10th Nov.) *hiemis initium.*

These are all taken from his calendar in xi. 2; but in ix. 14, § 11, "*Ab aequinoctio....ad Vergiliarum occasum diebus XL.*" i.e. 2nd or 3rd of November. Compare ii. 8, § 1.

Now the true morning setting of the Pleiads took place for Rome at that epoch on the 29th of October, the apparent morning setting on the 9th of November. Hence it appears that (5) may be regarded as an accurate determination of the apparent morning setting, and that (1) and (2) approach nearly to the truth, especially when we bear in mind that variations to the extent of two or even three days must be allowed in regard to a phenomenon which depends in some degree on the state of the atmosphere. We perceive also that (4) is correct for the true morning setting, while (3), which is inapplicable to Rome, corresponds to the horizon of Athens in the time of Meton. In the passage from Colum. ix. 14, we ought probably to adopt the conjecture of Pontedera, and read xliv. for xl.

Evening Setting and Evening Rising.—The evening setting of the Pleiades took place, according to Columella, on the 6th of April (*VIII. Idus Aprilis Vergiliae Vespere celantur*); according to the calendar of Caesar, on the 5th. (Colum. ix. 2, § 34; Plin. *H. N.* xviii. § 246.) These statements are not far from the truth, since the apparent evening setting took place at Rome for the Julian epoch on the 8th of April. The apparent evening rising belonged to the 25th of September.

Virgil.—Virgil (*Georg.* i. 221) enjoins the husbandman not to sow his wheat until after the morning setting of the Pleiades:—

> Ante tibi Eoae Atlantides abscondantur
> Gnosiaque ardentis decedat stella Coronae
> Debita quam sulcis committas semina.

Hesiod, as we have seen above, fixes the commencement of the ploughing season, without making any distinction as to the particular crop desired by the (apparent) morning setting of the Pleiades; that is, for his age, the beginning of November. But it is impossible to tell whether Virgil intended merely to repeat this precept or had in his eye the calendar of Caesar or some similar compilation. Columella (ii. 8, § 1), in commenting upon these lines, understands him to mean the true morning setting, which, he says, takes place thirty-two days after the equinox; that is, on the 25th or 26th of October, —a calculation not far from the truth, since we have pointed out above that the 28th was the real day.

There is another passage where both the rising and the setting of the Pleiades are mentioned in connexion with the two periods of the honey harvest (*Georg.* iv. 231):—

> Bis gravidos cogunt fetus, duo tempora messis,
> Taygete simul os terris ostendit honestum
> Pleias et oceani spretos pede reppulit amnes,
> Aut eadem sidus fugiens ubi Piscis aquosi
> Tristior hibernas caelo descendit in undas.

Here, again, there is nothing in the context by which we can ascertain the precise periods which the poet desired to define; we can only make a guess by comparing his injunction with those of others. Columella (xi. 2) recommends that the combs should be cut, *if full*, about the 22nd of April; but, since he adds that if they are not full the operation ought to be deferred, the matter is left quite indefinite. Now, the words of Virgil seem clearly to point to the heliacal rising which took place in his time at Rome about the 28th of May, more than five weeks after the day given by Columella. In like manner the last-named writer advises (xi. 2, § 57) that the autumnal collection of honey should be put off until the month of October, although others were in the habit of beginning earlier. The true morning setting was, as already stated, on the 28th of October, the apparent on the 9th of November.

As to the expression "sidus fugiens ubi Piscis aquosi," it will be sufficient to observe that although the "Piscis" in question has been variously supposed to be—one of the fishes in the zodiac—the Southern Fish—the Hydra—the Dolphin—or even the Scorpion, no one has yet succeeded in proposing a reasonable or intelligible interpretation, which can be reconciled with any delineation of the heavens with which we are acquainted.

Ovid.—We are told in the *Fasti* (iv. 165) that at daybreak on the morning which follows the 1st of April:—

> Pleiades incipiunt humeros relevare paternos
> Quae septem dici, sex tamen esse solent.

According to the legend, the Pleiades were the daughters of Atlas, who supported the heavens on his shoulders, and hence, when they disappeared from the sky, they might be said to remove a portion of their father's burden "humeros relevare paternos." The apparent morning setting is therefore clearly denoted. But this took place at Rome on the 9th of November, while, on the other hand, the apparent evening (or heliacal) setting fell upon the 8th of April, only six days after the date mentioned. Hence the poet blundered between the morning setting and the evening setting, which are many months apart.

Again (v. 599), the Pleiades are said to rise visibly in the morning on May 14th, marking the end of spring and the beginning of summer. Now the heliacal rising of the Pleiades did not take place at Rome when Ovid wrote until May 28th; but the phenomenon in question took place at Athens on May 16th in the age of Meton. Hence this observation was evidently copied from a Greek calendar computed for the fifth century B.C.

Arcturus.

Considerable difficulty arises in the discussion of the passages which refer to Arcturus, from the circumstance that this name is sometimes applied generally to the whole of the wide-spreading constellation of Boötes, and sometimes confined to the bright star in the knee of the figure.

Homer.—Homer (*Od.* v. 29) speaks of Arcturus as ὀψὲ δύοντα, because the apparent evening or heliacal setting took place late in the year when winter was nigh at hand, and hence the phrase νύκτες ἐπ' Ἀρκτούρῳ for *long nights*. (See Arat. 585.) Another explanation of the phrase has been given above when discussing the constellation Boötes.

Hesiod.—Hesiod (*Op.* 564) dates the commencement of Spring from the evening rising of Arcturus (ἐπιτέλλεται ἀκροκνέφαιος) sixty days after the solstice. Now the apparent evening rising for the age and country of Hesiod fell upon the 24th of February; therefore his statement is correct in round numbers.

Again, in the same poem (659) he marks the period of the vintage by the morning (heliacal) rising of Arcturus, which, according to Ideler, fell in that age on the 18th of September.

Columella, Pliny.—*Morning Rising.* Columella (ix. 14, § 10) places the rising of Arcturus about fifty days after the rising of Canicula; and since the heliacal rising of the latter fell on the 2nd of August at Rome in the Julian era, and of the former on the 21st of September, the computation is exact.

Pliny (xviii. § 310), *Arcturus vero medius pridie Idus* (sc. Septembres oritur), *i.e.* 12th of September, where the middle portion of the whole constellation is indicated, and the observation is very accurate.

Morning Setting.—(1.) *XI. et X. Kal. Jun.* (22nd and 23rd May) *Arcturus mane occidit.* Col. xi. 2, § 43.

(2.) *VII. Id. Jun.* (9th June) *Arcturus occidit.* Id. § 45.

(3.) Pliny (xviii. § 255) ascribes the *Arcturi occasus matutinus* to *V. Id. Maias*, i.e. 11th May.

(4.) Again, in the same section we find that *Arcturus matutino occidit* on the 8th of June.

Now, the true morning setting of Arcturus for Rome at this epoch belongs to 28th of May, the apparent morning setting to 10th of June.

But (1) seems to be copied from the observation of Euctemon in the Parapegma of Geminus; (2) is a close approximation to the apparent morning setting for Rome; (3) is altogether erroneous, and must be a true morning setting extracted from some old Greek calendar; (4) corresponds with (2), and is nearly correct.

Evening Rising.—(1.) *IX. Kal. Mart.* (21st Feb.) *Arcturus prima nocte oritur.* Col. xi. 2, § 21.

(2.) *Ortus Arcturi qui est ab Idibus Februariis* (13th Feb.). Col. ix. 14.

(3.) *VIII. Kal. Mart.* (22nd Feb.) *hirundinis visu et postero die* (23rd Feb.) *Arcturi exortu vespertino.* Plin. *H. N.* xviii. 65.

Now the apparent evening rising of Arcturus took place for Rome at the Julian epoch on the 27th of February, the true evening rising on the 6th of March. But since it is evident from (2) that Columella here employed *Arcturus* to denote not merely the star properly so called, but the whole figure of Boötes, a latitude of several days must be allowed in the case of this as of all the larger constellations. See below the remarks on Ov. *Fast.* ii. 153. We may remark, however, that 21st–23rd of February will answer for the apparent evening rising of the star Arcturus at Athens in the age of Meton.

Evening Setting.—*IV. Kal. Nov.* (29th Oct.) *Arcturus vespere occidit, ventosus dies.* Col. xi. 2, § 78.

This is taken verbatim from an observation of Euctemon quoted in the Parapegma of Geminus. The heliacal setting for Rome was a few days later, about the 4th of November. But the observation of Euctemon is not accurate for the latitude of Athens in his own age, for the phenomenon ought to have been placed about five days earlier, which proves, as Pfaff remarks, that the Greek astronomers are not always to be depended upon in these matters.

We find in Pliny (xviii. § 271), *VIII. Id. Aug.* (6th August) *Arcturus medius occidit.* This is so far removed from any setting of the star in question that Harduin pronounces the text corrupt, and substitutes *VII. Id. Aug. Aquarius occidit medius,* while Pfaff endeavours to refer the expression to the culmination,—an explanation which is both in itself forced and completely at variance with the ordinary usage of Pliny.

Again, Pliny (xviii. § 313), *Pridie Kalendas* (Nov.) *Caesari Arcturus occidit,* i.e. 31st of October, and a few lines farther on *IV. Nonas Arcturus occidit vesperi.* The latter is not far from the truth; the former, unless it refers to the constellation in general, must have been borrowed from a foreign source.

VIRGIL.—Virgil (*Georg.* i. 229) instructs the husbandman to sow vetches, kidney beans, and lentiles, when Boötes sets, by which he probably intends to indicate the heliacal setting of Arcturus on the 4th of November. In like manner Pliny (xviii. § 120) orders the vetch to be sown about the setting of Arcturus, the kidney bean at the setting of Boötes (xviii. § 202), the lentile in the month of November (xviii. § 125). Columella assigns the sowing of vetches and kidney beans, and Palladius of kidney beans, to the month of October; if the end of the month is meant, then the precept may be considered as identical with those of Virgil and Pliny; if the middle of the month is intended, this will correspond with the heliacal setting of Arcturus for the latitude of Alexandria.

Again, in *Georg.* i. 67, when treating of ploughing, the words

> At si non fuerit tellus fecunda, sub ipsum
> Arcturum tenui sat erit suspendere sulco,

refer to the morning rising. The true morning rising was on the 8th of September, the apparent on the 21st. The former agrees best with the directions given by Columella (ii. 4, § 11) for ploughing of very light land, "graciles clivi non sunt aestate arandi, sed circa Septembres Kalendas;" and a little lower down, when treating of the same kind of soil, "itaque optime inter Kalendas et Idus Septembres aratur et subinde iteratur."

OVID.—In the second book of the *Fasti* (153) we read:

> Tertia nox veniat: custodem protinus Ursae
> Adspicies geminos exseruisse pedes;

that is, the *constellation* Arcturus displays both his feet on the 11th of February, where it ought to be observed that from the posture in which Boötes rises his two legs appear above the horizon nearly at the same time. The apparent evening rising of the star Arcturus took place at Rome, on the 27th of February, the true evening rising on the 6th of March; but the calendar to which Ovid was indebted probably recorded the appearance of the first star in the figure which became visible.

In three passages, the morning setting is clearly described (*Fast.* iii. 403; v. 733; vi. 235). In the first, it is placed on 4th or 5th of March, according as we adopt the reading *quartae* or *quintae;* in the second, on the 26th of May; in the third, on the 7th of June. Now there is no doubt that the setting of Boötes is spread over a considerable period,—and hence the epithet *piger*, applied to him here and elsewhere,—but in no way could it be made to occupy three months. The star Arcturus is one of the first which sets in this constellation: its true morning setting took place on 28th of May, its apparent morning setting on 10th of June; thus the second and third of the above passages will apply to these two. In the first passage he has erroneously substituted the *apparent morning setting* for the *true evening rising*, which really took place, as we have seen, on the 6th of March.

SIRIUS. CANIS. CANICULA.

HOMER, HESIOD.—Homer (*Il.* v. 5; xxii. 25) alludes to Sirius as the star of ὀπώρα; that is, of the hottest portion of summer, as will be explained more fully below in treating of the ancient division of the year into seasons. The heliacal rising of Sirius in Southern Greece would take place in the age of Homer about the middle of July.

The culmination of Sirius spoken of by Hesiod (*Op.* 609), as marking along with the morning rising of Arcturus the period of the vintage, would take place in that age about the 20th of September. The passage (*Op.* 417), where Σείριος ἀστὴρ is supposed to denote the sun, has been already noticed. See above, p. 221 b.

VARRO, COLUMELLA, PLINY.—*Morning Rising* —(1.) Varro, following the calendar of Caesar, reckons an interval of twenty-four days from the summer solstice to the rising of Sirius (*ad Caniculae signum*), which, according to this calculation, would fall on the 17th or 18th of July (*R. R.* i. 28).

(2.) Columella (xi. 2, § 53) fixes upon the 26th of July (*VII. Kal. Aug. Canicula apparet*), and in another passage (ix. 15, § 5) makes the interval between the solstice and the rising of Sirius about thirty days (*peracto solstitio usque ad ortum Caniculae, qui fere dies triginta sunt*); that is, on the 24th of July.

(3.) Pliny (xviii. § 269) says, that the epoch "*quod canis ortum vocamus*" corresponded with the entrance of the sun into Leo; that is, according to the Julian Calendar, which he professes to follow, the 24th of July.

(4.) In the very next clause he says, that it fell twenty-three days after the solstice; that is, on the 17th of July.

(5.) And a little farther on (§ 288), he refers the same event specifically to the 17th of July (*XVI. Kal. Aug.*).

(6.) Finally, in a different part of his work (xi. § 36), he places the rising of Sirius thirty days after the solstice: *ipso Sirio exsplendescente post solstitium diebus tricenis fere*, a passage in which it will be seen, upon referring to the original, that he must have been consulting Greek authorities, and in which the words necessarily imply a *visible* rising of the star.

The whole of the above statements may be reduced to two. In (1), (4), (5), the rising of Sirius is placed on the 17th or 18th of July, twenty-three days after the solstice; in (2), (3), (6), *about* thirty days after the solstice,—that is, 24th–26th of July.

Now the true morning rising of Sirius for Rome at the Julian era fell upon the 19th of July, the apparent morning or heliacal rising on the 2nd of August, thirty-eight or thirty-nine days after the solstice.

Hence (1), (4), (5) are close approximations to the truth, while (2), (3), (6) are inapplicable to Rome, and borrowed from computations adapted to the horizon of Southern Greece.

Some words in Pliny deserve particular notice: "XVI. Kal. Aug. Assyriae Procyon exoritur; dein postridie fere ubique, confessum inter omnes sidus indicans, quod canis ortum vocamus, sole partem primam Leonis ingresso. Hoc fit post solstitium XXIII. die. Sentiunt id maria, et terrae, multae vero et ferae, ut suis locis diximus. Neque est minor ei veneratio quam descriptis in deos stellis." Although the expressions employed here are far from being distinct, they lead us to infer that certain remarkable periods in the year were from habit and superstition so indissolubly connected in the public mind with certain astronomical phenomena, that even after the periods in question had ceased to correspond with the phenomena, no change was introduced into the established phraseology. Thus the period of most intense heat, which at one time coincided with the heliacal rising of Sirius, would continue to be distinguished in the language of the people, and in almanacs intended for general use, as the *Canis Exortus*, long after the two epochs were removed to a distance from each other, just as among ourselves the term dog-days, having once obtained a firm footing, is used and probably will continue to be used for centuries without the slightest regard to the actual position of the constellation at the time in question. An example still more striking, because it involves an anomaly universally recognised by scientific men, is the practice of denominating the position of the sun at the vernal equinox, as the *first point of Aries*, although two thousand years have elapsed since the intersection of the ecliptic with the equator corresponded with the commencement of the constellation Aries. A necessity has thus arisen of drawing a distinction, which proves most embarrassing to the unlearned, between the signs of the zodiac and the constellations of the zodiac, and thus the sun is said to be in the sign Aries while he is actually traversing the constellation of Pisces, and enters the sign Taurus long before he quits the constellation Aries. Now something of this sort may to a certain extent explain some of the anomalies which recur so perpetually in the calendar of Columella or Pliny. Certain remarkable appearances fixed upon at a very early period to mark the approach of summer and winter, such as the rising and setting of the Pleiades, may have by custom or tradition become so completely identified in the minds of the people with particular days, that the compilers of calendars intended for general use, while they desired to register accurate observations, were compelled at the same time to include those which, belonging to remote ages and foreign lands, had nevertheless acquired a prescriptive claim to attention. We may thus account for inconsistencies so numerous and glaring, that they could scarcely have been altogether overlooked by the writers in whose works they occur, although it is impossible to forgive their carelessness in withholding the necesssary explanations, or the gross ignorance which they so often manifest.

Evening Setting.—Columella places the evening setting of the Dog on the 30th of April (*Prid. Kal. Mai. Canis se Vespere celat*), xi. 2, § 37. Pliny on the 28th (*IV. Kal. Mai. Canis occidit, sidus et per se vehemens et cui praeoccidere Caniculam necesse sit*), xviii. § 285.

The heliacal setting at Rome for the Julian era was on the 1st of May, which proves the above statements to be nearly correct. The expression *cui praeoccidere Caniculam necesse sit* has been already commented on. See above, p. 222 a.

Morning Setting. Evening Rising.—(1.) *VII. Kal. Dec.* (25th Nov.) *Canicula occidit solis ortu.* Col. xi. 2, § 89.

(2.) *III. Kal. Jan.* (30th Dec.) *Canicula vespere occidit.* Ibid. § 94.

(3.) *III. Kal. Jan.* (30th Dec.) *Matutino canis occidens.* Plin. xviii. § 234.

(1) is accurate for the apparent morning setting at Rome, B.C. 44.

(2) and (3) are directly at variance with each other, and are both blunders. The apparent evening rising took place at Rome on the 30th of December, not the evening setting as Columella would have it, nor the morning setting as Pliny has recorded.

VIRGIL.—Virgil instructs the farmer to sow beans, lucerne, and millet:—

> Candidus auratis aperit cum cornibus annum
> Taurus et adverso cedens Canis occidit astro.
> *Georg.* i. 217.

The sun entered Taurus, according to the Julian Calendar, on the 24th of April: the heliacal setting of Sirius was on the 1st of May, six days afterwards. Many interpretations have been proposed for the words "adverso cedens Canis occidit astro;" of these the most plausible is that which explains them with reference to the form and attitude under which the constellation of the Dog was depicted, which made him set backwards facing the signs which follow.

Again, in *Georg.* iv. 425, we find

> Jam rapidus torrens sitientes Sirius Indos
> Ardebat caelo et medium sol igneus orbem
> Hauserat,

words which are intended to indicate the hottest portion of the day in the hottest season of the year. Here the separate mention of "Sol" is quite sufficient to confute those who would consider Sirius as equivalent in this passage to the sun. See above, p. 221 b. Comp. Lucan. *Phars.* x. 209.

Ovid.—In the fourth book of the *Fasti* (ver. 901) the rising of Sirius is assigned to the 25th of April, is made coincident with the disappearance of Aries, and marks the epoch of mid-spring:—

> Sex ubi quae restant luces Aprilis habebit
> In medio cursu tempora Veris erunt;
> Et frustra pecudem quaeres Athamantidos Helles
> Signaque dant imbres exoriturque Canis.

A notorious blunder has been here committed by the poet. No rising of Sirius, either real or apparent, in the morning or in the evening, corresponds to this season. But this is the very day fixed by Euctemon (*ap.* Gemin. *Parapeg.*) for the heliacal setting (*κύων κρύπτεται*) of the Dog, which fell at Rome for the Julian era on the 1st of May.

Again, in *Fast.* v. 723, we read—

> Nocte sequente diem Canis Erigoneius exit;

that is, on the 22nd of May. Now, it is clear from a former passage (iv. 939) that by *Canis Erigoneius* he means the Great Dog; but the true rising of Sirius took place for Rome at this period on the 19th of July, the apparent on the 2nd of August.

Not much will be gained by supposing that Procyon is here alluded to; for the risings of that star precede those of Sirius by about eight days only. Here, again, therefore, we have a gross mistake.

Palladius. — Palladius (vii. 9): "In ortu Caniculae, qui apud Romanos XIV. Kal. Aug. (19th July) die tenetur, explorant (sc. Aegypti) quae semina exortum sidus exurat, quae illaesa custodiat." Now this is the exact period of the heliacal rising in Egypt for the Julian epoch; hence the words "apud Romanos" must refer to a notice in some Roman Calendar, and not to the real period of the phenomenon.

Orion.

It must be borne in mind that, from the great size of this constellation, its risings and settings are spread over a considerable space; while the brilliant stars which it contains are so numerous that no one can be fixed upon as a representative of the whole, as in the case of Boötes, where the different appearances are usually referred to Arcturus alone. Hence those writers who aim at precision use such phrases as "Orion incipit oriri," "Orion totus oritur," "Orion incipit occidere;" and wherever such qualifications are omitted the statements are necessarily vague.

Hesiod.—Hesiod (*Op.* 598) orders the corn to be threshed *εὖτ' ἂν πρῶτα φανῇ σθένος Ὠρίωνος*. For that age and country the apparent morning or heliacal rising of Orion would be completed about the 9th of July.

The setting of Orion was one of the tokens which gave notice to the farmer that the season for ploughing had arrived, and to the mariner that he must no longer brave the perils of the deep (*Op.* 615). The apparent morning setting extended over the whole month of November.

The culmination of Orion, which coincided with the vintage (*Op.* 609), took place about the 14th of September.

Aristotle. — Aristotle (*Meteorolog.* ii. 5, *Problem.* xiv. 26) places the rising of Orion at the commencement of Opora, and the setting at the beginning of winter, or rather in the transition from summer to winter (*ἐν μεταβολῇ τοῦ θέρους καὶ χειμῶνος*).

Now the two limits which included the beginning and end of the apparent morning or heliacal rising, which alone can be here indicated, were, for the age and country of the writer, 17th of June—14th of July; those which embraced the apparent morning setting were, 8th of November—8th of December; while the true morning setting continued from 27th of October—20th of November.

Upon examining the passages in question, a very curious contradiction will be perceived, which has long exercised the ingenuity of the commentators. Aristotle distinctly asserts in one place that the rising of Orion is characterised by unsteady stormy weather, and offers an explanation of the fact: in another place he as distinctly avers that the rising of Orion is characterised by the absence of wind (*περὶ Ὠρίωνος ἀνατολὴν μάλιστα γίνεται νηνεμία*).

Pliny. — (1.) *VIII. Idus* (Mart.) *Aquilonii piscis exortu, et postero die Orionis.* xviii. 65, § 1.

(2.) *Nonis* (Apr.) *Aegypto Orion et gladius ejus incipiunt abscondi.* xviii. 66, § 1.

(1.) The first date, 8th of March, is so far removed from the rising of Orion, whether in the morning or the evening, that Ideler is probably correct when he supposes that either the text is corrupt or that Pliny himself inserted Orion by mistake instead of the name of some other constellation.

(2.) Here also the date, 5th of April, is wide of the truth. The apparent evening setting of the middle star in the belt fell at Alexandria on the 26th of April, seven days later than at Rome, the true evening setting about the 9th or 10th of May.

Virgil, Horace. — Both Virgil and Horace frequently allude to the tempests which accompanied the winter setting of Orion (*Saevus ubi Orion hibernis conditur undis*, Verg. *Aen.* vii. 719; see also iv. 52: Hor. *Carm.* i. 28. 21, iii. 27. 17; *Epod.* x. 9, xv. 7), just as Hesiod (*Op.* 617) eight hundred years before had warned the mariner that when the Pleiades, fleeing from the might of Orion, plunge into the dark main:

> *Δὴ τότε παντοίων ἀνέμων θύουσιν ἀῆται.*

The apparent morning setting of Orion, which in the time of Hesiod commenced early in November, soon after the morning setting of the Pleiades, thus became connected in traditional lore with the first gales of the rainy season, and the association continued for centuries, although the phenomenon itself became gradually further and further removed from the beginning of the stormy period. In the *Parapegma* of Geminus we find notices by three different astronomers, in which the setting of the Pleiades and of Orion are mentioned as attended by tempests, although each of the three fixes upon a different day. For Rome, at the Julian era, the apparent morning setting commenced about the 12th or 13th of November. In Pliny (xviii. § 313) we find, "V. Idus Novembr. (8 Novemb.) gladius Orionis occidere incipit," which is the true morning setting for Alexandria at that epoch.

Ovid.—Ovid refers twice in his *Fasti* to the setting of Orion. In one passage (iv. 387) he places it on the day before the termination of the Megalesia, that is, on the 10th of April; in another (v. 493), where the complete disappearance of the figure is expressly noted, on the 11th of May.

Now the apparent evening setting of Rigel, the bright star which marks the left foot, took place for Rome in the age of the poet on 11th of April; while the smaller star, now known as κ, set on the previous day, the true evening setting of Betelgeuse, which marks the right shoulder, fell on the 11th of May. Hence it is clear that Ovid derived his information from two very accurate calendars, one of which gave the date of the commencement of the apparent evening setting; the other, the date of the termination of the true evening setting.

He refers twice to the rising of Orion also—in the sixth book of the *Fasti* (717), on the 16th of June:

> At pater Heliadum radios ubi tinxerit undis,
> Et cinget geminos stella serena polos,
> Tollet humo validos proles Hyriea lacertos,

and on the festival of Fortuna Fortis, on the 24th of June:

> Zona latet tua nunc, et cras fortasse latebit,
> Dehinc erit, Orion, adspicienda mihi,

that is, on the 26th of June.

With regard to the first, the date is nearly correct for the true MORNING (*not* EVENING, as the words denote) rising of the two stars (o o) at the extremity of the left hand; with regard to the second, the true morning rising of the middle star in the belt fell on the 21st of June, the apparent on the 13th of July. There is a mistake, therefore, here of five days, as far as Rome is concerned.

HYADES.

In Hesiod (*Op.* 615), the setting of the Pleiades, of the Hyades, and of mighty Orion warns the husbandman that the season has arrived for ploughing the earth, and the mariner, that navigation must cease. The apparent morning setting of the Hyades took place, according to the calculation of Ideler, for the age and country of Hesiod, on the 7th of the Julian November, four days after that of the Pleiades, and eight before that of Orion.

Virgil (*Aen.* i. 744, iii. 516) terms this cluster "pluvias Hyadas," and Horace (*Carm.* i. 3, 14) "tristes Hyadas," in reference to their morning setting at the most rainy and stormy season of the year. The true morning setting for Rome at the Julian era happened on the 3rd of November, the apparent on the 14th of November. The apparent evening rising, which fell upon the 25th of October, would likewise suit these epithets.

Ovid, in his *Fasti* (iv. 677), places the evening setting of the Hyades on the 17th of April, the day fixed in the Calendar of Caesar (Plin. xviii. 66, § 1), while Columella names the 18th (*R. R.* xi. 2, § 36). These statements are nearly accurate, since the apparent evening or heliacal setting took place for Rome at that epoch on the 20th of April.

In the same poem, the morning rising is alluded to five times.

(1.) It is said (v. 163) to take place on the 2nd of May, which was the day fixed in the Calendar of Caesar (Plin. xviii. § 248), and adopted by Columella (xi. 2, § 39), whose words, *Sucula cum sole oritur*, indicate the true morning rising.

(2.) On the 14th of May (v. 603), while Columella (*Ibid.* § 43) has, *XII. Kal. Jun.* (21st May) *Suculae exoriuntur.*

(3.) On the 27th of May (v. 734).

(4.) On the 2nd of June (vi. 197).

(5.) On the 15th of June (vi. 711).

Now the true morning rising of the Hyades for Rome at that epoch was on the 16th of May, the apparent or heliacal rising on the 9th of June, the true evening setting on the 3rd of May.

Hence it is clear that Ovid, Columella, and Pliny, copying in (1) a blunder which had found its way into the Calendar of Caesar, assigned the morning rising to the 2nd of May instead of the true evening setting. The true evening rising lay between the days named in (2). The heliacal rising was thirteen days after (3), seven days after (4), six days before (5).

THE CRETAN CROWN.

We have seen above that Virgil (*Georg.* i. 222) instructs the farmer not to commence sowing wheat until after the Pleiades have set in the morning:

> Gnosiaque ardentis decedat stella Coronae,

words which must signify the *setting of the Cretan Crown.* The apparent evening (or heliacal) setting of this constellation fell at Rome for this epoch upon the 9th of November, the very day after the apparent morning setting of the Pleiades.

Ovid (*Fast.* iii. 459), after having spoken of the rising of Pegasus on the night of March 7th, adds,

> Protenus adspicies venienti nocte Coronam = Gnosida,

words which denote the evening rising; and, in reality, the apparent evening rising took place on the 10th of March, only two days later than the date here fixed.

THE KIDS.

Virgil (*Georg.* i. 205), when inculcating the utility of observing the stars, declares that it is no less necessary for the husbandman than for the mariner to watch Arcturus and the glistening Snake, and *the days of the Kids* (*haedorumque dies servandi*). Elsewhere (*Aen.* ix. 658) he compares a dense flight of arrows and javelins rattling against shields and helmets to the torrents of rain proceeding from the west under the influence of *the watery Kids* (*pluvialibus haedis*). Horace (*Carm.* iii. 1, 27) dwells on the terrors of setting Arcturus and the *rising Kid*, while Ovid (*Trist.* i. 1, 13) and Theocritus (vii. 53; see Schol.) speak in the same strain. In Columella's Calendar (xi. 2, § 66) we find *V. Kal. Octob.* (27th Sept.) *Haedi exoriuntur*, and a little farther on (§ 73) *Pridie Non. Octob.* (4th Nov.) *Haedi oriuntur vespere.* The former date marks the precise day of the *true evening rising* of the

the Julian era; and
rising, which would
uld indicate the ap-
ich commonly attend
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EAR INTO SEASONS.

Iesiod the commence-
was marked by the
ain stars; but before
ese limits, it will be
how many compart-
ed out by the earlier

three: — 1. Spring
nightingale trills her
od brakes (*Od.* xix.
χεῖμα), at whose
eluges of rain (*ἀθέσ-*
y screaming away to
iii. 4; comp. Hesiod.
ρος), to which *χεῖμα*
rii. 118). 4. Three
(xi. 191, *αὐτὰρ ἐπὴν*
ώρη, and also xii. 76,
πώρα seems to be dis-
d is in consequence
n. Ideler, however,
y manner (*Handbuch*
the term originally
ate from and follow-
hottest part of sum-
rius, whose heliacal
of Homer about the
ed as *ἀστὴρ ὀπωρινός*
stath. *ad loc.*; com-
ile Aristotle in one
makes the heliacal
notes as coinciding
un into Leo, *i.e.* 24th
lar, the sign of the
and in another pas-
14) places the rising
of *ὀπώρα*, and the
llation at the begin-
ολῇ τοῦ θέρους καὶ
hich clearly indicates
thin the more general

. 462), *θέρος* (*l. c.*),
em we find the trace
e employs the adjec-
in reference to the
en the excessive heat
These rains he else-
ὄμβρος, and notices
he vintage, when he
asten home to port
has passed away—
καὶ ὀπωρινὸν ὄμβρον.
ος proper end fifty
p. 663), he leaves a
le of August to the
ust have intended to

fill by a fourth season, which he nowhere specifically names. As late, however, as Aeschylus (*Prom.* 453) and Aristophanes (*Av.* 710), the seasons are spoken of as three—*χειμών, ἔαρ, θέρος*, by the former; *χειμών, ἔαρ, ὀπώρα*, by the latter. Nor can we avoid attaching some weight to the fact that the most ancient poets and artists recognised the Ὧραι as three only, bearing, according to the Theogony (901), the symbolical appellation of Order (**Εὐνομία**), Justice (**Δίκη**), and blooming Peace (**Εἰρήνη**). Indeed Pausanias has preserved a record of a time when the Ὧραι were known as two goddesses only—**Καρπώ**, the patroness of fruits, and **Θαλλώ**, the guardian of blossoms (ix. 35, § 2). We may hence safely conclude that the Greeks for many ages discriminated three seasons only—Winter, Spring, and Summer; that the general name for the whole of summer being *θέρος*, the hottest portion was distinguished as *ὀπώρα*, and that the latter term was gradually separated from the former, so that *θέρος* was commonly employed for early summer, and *ὀπώρα* for late summer.

The first direct mention of autumn is contained in the treatise *de Diaeta* (lib. iii. &c.), commonly ascribed to Hippocrates (B.C. 420). where we are told that the year is usually divided into four parts,—Winter (*χειμὼν*), Spring (*ἔαρ*), Summer (*θέρος*), Autumn (*φθινόπωρον*); and this word with its synonym *μετόπωρον* occurs regularly from this time forward, proving that those by whom they were framed considered *ὀπώρα*, not as autumn, but as the period which immediately preceded autumn and merged in it.

We discover also in the Greek medical writers traces of a sevenfold division, although there is no evidence to prove that it was ever generally adopted. According to this distribution, summer is divided into two parts, and winter into three, and we have, 1. Spring (*ἔαρ*). 2. Early summer (*θέρος*). 3. Late summer (*ὀπώρα*). 4. Autumn (*φθινόπωρον* s. *μετόπωρον*). 5. The ploughing or sowing season (*ἄροτος* s. *σπορητός*). 6. Winter proper (*χειμών*). 7. The planting season (*φυταλία*).

From Varro (*R. R.* i. 28), Columella (ix. 14, xi. 2), and Pliny (xviii. § 220 ff.) we infer that Julius Caesar, in his Calendar, selected an eightfold division, each of the four seasons being subdivided into two, after this manner: 1. *Veris Initium.* 2. *Aequinoctium Vernum.* 3. *Aestatis Initium.* 4. *Solstitium.* 5. *Autumni Initium.* 6. *Aequinoctium Autumni.* 7. *Hiemis Initium.* 8. *Bruma.*

We find no trace in Homer of any connexion having been established between the recurrence of particular astronomical phenomena, and the return of the seasons. But in Hesiod, as remarked above, and in subsequent writers, the limits of the divisions which they adopt are carefully defined by the risings and settings of particular stars or constellations. The following tabular arrangement will afford a view of the most important systems:—

Division of the Seasons according to Hesiod.

	The evening (ἀκροκνέφαιος) rising of Arcturus 60 days after the winter solstice (*Op.* 564).
ros) or reaping time	(Heliacal) rising of the Pleiades after they have remained concealed for 40 days and 40 nights (383).
	(Heliacal) rising of the first star in Orion (595).
	(Heliacal) rising of Sirius (582, &c.).

End of summer (*θέρος*)	Fifty days after the solstice (663).
Period of the vintage	(Heliacal) rising of Arcturus. Culmination of Sirius and Orion (609).
Commencement of winter, which coincides with ploughing time (*ἄροτος*), and the close of navigation.	The (morning) setting of the Pleiades (383), of the Hyades, and of Orion (615).

According to the Author of the Treatise "De Diaeta."

Commencement of spring	The vernal equinox.
„ summer	Heliacal rising of the Pleiades.
„ autumn	Heliacal rising of Arcturus.
„ winter	Morning setting of Pleiades.

Sevenfold Division, according to Hippocrates and other Medical Writers.

Commencement of spring	The vernal equinox.
„ early summer (*θέρος*)	Heliacal rising of the Pleiades.
„ late summer (*ὀπώρα*)	Heliacal rising of Sirius.
„ autumn	Heliacal rising of Arcturus.
„ ploughing and sowing season (*ἄροτος σπορητὸς*)	Morning setting of Pleiades.
Commencement of winter proper (*χειμὼν*)	Winter solstice.
„ planting season (*φυταλία*)	Evening rising of Arcturus.

Seasons according to Euctemon, Eudoxus, and other Authors quoted in the Parapegma of Geminus.

First breezes of Zephyrus	16° or 17° of Aquarius.
Appearance of the swallow	2° of Pisces.
Appearance of kite (*ἰκτῖνος φαινέται*)	17° of Pisces (Eud.)—22° of Pisces (Euctem.).
Commencement of summer	13° of Taurus.
Midwinter	14° of Capricornus.

According to the Calendar of Julius Caesar.

Commencement of spring	The breezes of Favonius begin to blow	VII. Id. Feb. (7 February).
Vernal equinox		VIII. Kal. Apr. (25 March).
Commencement of summer	Heliacal rising of the Pleiades (Vergiliae)	VII. Kal. Mai. (9 May).
Summer solstice (*solstitium*)		VIII. Kal. Jun. (24 June).
Commencement of autumn	Morning setting of Fidicula	III. Id. Aug. (11 August).
Autumnal equinox		VIII. Kal. Oct. (24 September).
Commencement of winter	Morning setting of the Pleiades.	III. Id. Nov. (11 November).
Winter solstice (*bruma*)		VIII. Kal. Jan. (25 December).

Thus assigning to spring, ninety-one days; to summer, ninety-four days; to autumn, ninety-one days; to winter, eighty-four days.

[W. R.] [A. S. W.]

ASTY'NOMI (*ἀστυνόμοι*), public officers in most of the Greek states, who had to preserve order in the streets, to keep them clean, and to see that all buildings, both public and private, were in a safe state, and not likely to cause injury by falling down (Arist. *Pol.* vi. 5, § 3 = p. 1321 b, 19; Plato, *Legg.* vi. 759 A, 763 C; Dig. 43. tit. 10, s. 1). Among the cities where inscriptions bearing the name *ἀστυνόμοι* have been found are Athens, Ancyra, Cnidus, Eumeneia in Phrygia, Heraclea in Bithynia, Olbia, Rhodes, Sinope, and Teuthrania. In Plato's ideal *Laws* the functions of the astynomi are enlarged beyond what was actually the case at Athens; he assigns them the control of paving and of the public water supply, which we know to have been under the care of the *ὁδοποιοί* and the *ἐπιστάται τῶν ὑδάτων* (Boeckh, *P. E.* p. 203 ff.). The astynomi at Athens formed a street police, and were ten in number, corresponding with the number of the tribes, and appointed by lot, five for the city and five for the Peiraeus (Harpocrat., Suid. *s. v.*; Bekk. *Anecd.* p. 455, 24; *C. I. G.* i. 337). Aristotle states (*ap.* Harpocrat. *l. c.*) that they had the superintendence of the scavengers (*κοπρολόγοι*), which would naturally belong to them as charged with the cleansing of the streets; as also of musicians of both sexes, mountebanks, and the like. It is probable, however, that they had only to do with the latter in virtue of their duty of preserving order in the streets, since the regulation of public prostitutes belonged to the agoranomi [AGORANOMI]. We must regard the supervision of buildings as a part of their functions; the opinion that the Areiopagus was empowered to deal with such matters, and prevent the streets being made too narrow, or encroached upon by balconies (*δρύφακτοι*), has been proved to be erroneous (Schömann, *Antiq.* p. 415, E. T.; J. H. Lipsius in *Att. Process*, note 198*). It would likewise appear from a story told of the philosopher Crates by Diogenes Laërtius (vi. 90), that they could prevent a person from appearing in public in luxurious or indecent apparel. The office was regarded as burdensome, and no one could be compelled to serve in it a second time (Dem. *Prooem.* 55, p. 1461). It is mentioned on one occasion that a will was deposited with one of the astynomi (Isaeus, *Or.* 1 [*Cleon.*], § 15); but this was clearly no part of their official duties, and must be regarded simply as an instance of private confidence. There was, in fact, no regular place for the custody of wills at Athens. The notion of an *ἀστυνόμιον* or public building for the astynomi rests only on the fancy sketch of Plato, *Legg.* xi. 918 A, and is not supported by definite statements (Meier and Schömann, *Att. Process*, pp. 93–96, with Lipsius' notes; K. F. Hermann, *Staatsalterth.*, § 150, n. 8, 9; Boeckh, *Public Economy*, and Schömann, *Antiq.* as above). [W. S.] [W. W.]

ASY'LIA (*ἀσυλία*), inviolability. 1. The security of person and property everywhere granted to ambassadors and heralds, and often to others as well. It was regularly enjoyed by athletes on their journeys to and from the games, and by actors and others engaged in the Dionysiac festivals (Plut. *Arat.* 28). As granted to individuals by special favour, it is often mentioned in the inscriptions in connexion with ἀτέλεια and προξενία (*C. I. G.* n. 1052, 1542, and many more; Curtius, *Anecd. Delph.* n. 41 ff.). This privilege was also granted by one state to another, and claimed in the fullest measure by the presiding states at the four great games (Pind. *Isthm.* ii. 23; Thucyd. v. 49; Strabo, viii. p. 358; cf. OLYMPIA). The period during which the sacred truce lasted was called ἱερομηνία or ἐκεχειρία. In rare instances, the possessors of a sanctuary enjoyed by treaties a perpetual inviolability of their territory: this was especially the case with the city of Teos, as is proved by inscriptions built into the walls of the modern town which has risen out of its ruins (cf. *Dict. Geogr.* s. v. *Teos*). As the derivation of the word implies, ἀσυλία included exemption from reprisals (σῦλαι) in time of war [SYLAE]. 2. The right of sanctuary [ASYLUM]. [W. W.]

ASYLUM (ἄσυλον). 1. GREEK.—In the Greek states the temples, altars, sacred groves, and statues of the gods generally possessed the privilege of protecting slaves, debtors, and even criminals, who fled to them for refuge. The laws, however, do not appear to have recognised the right of all such sacred places to afford the protection which was claimed. There was, in fact, a clear distinction between the right of the suppliant (ἱκέτης), which was everywhere acknowledged, and the ἀσυλία, or *jus asyli*, limited to certain specially privileged places. All sacred localities were held to protect the suppliant to a certain extent, even if their right to do so was not legally recognised. How purely formal the scruples of the Greeks were on this point, is shown by the additional touch in Plutarch's narrative of the massacre of the Cylonians, as compared with the accounts in Herodotus and Thucydides. In the later version, the Cylonians, on surrendering, attached a cord to the statue of the goddess, and as long as they held it were safe; when the cord broke accidentally, their enemies looked upon them as providentially delivered into their hands (Plut. *Sol.* 12: cf. Herod. v. 71; Thucyd. i. 126). Bp. Thirlwall calls this "too characteristic of the age to have been a later invention" (*H. G.* ii. 22). When the law gave no protection, it seems to have been thought lawful to use any means in order to compel those who had taken refuge to leave the sanctuary, except dragging them out by personal violence. Thus it was not uncommon to force a person from an altar or statue of a god, by the application of fire (Eurip. *Androm.* 257, with Schol.; *Herc. Fur.* 240 ff.; Plaut. *Mostell.* v. 1, 45, 65). He might also be starved out, as in the well-known instance of Pausanias (Thucyd. i. 134; cf. Herod. iii. 48).

Among the Greek sanctuaries which were really privileged and where the right of asylum was confirmed by law, we must distinguish between those of merely local sanctity and those to which fugitives might have recourse from a distance. To the latter, more famous, class belonged the temple of Athena Alea at Tegea (Plut. *Lys.*, 30; Pausan. ii. 17, 7; iii. 5, 6; 7, 10); that of Poseidon, in Calauria (Strabo, viii. p. 373; Plut. *Demosth.* 29; Pausan. ii. 33, 3); of Poseidon, at Taenarum, the favourite refuge of Spartan slaves, Helots, and Perioeci under oppression (Thucyd. i. 128, 133; Corn. Nep. *Paus.* c. 4; Pausan. vii. 25, 3; Aelian, *V. H.* vi. 7; Plut. *Pomp.* 24); and of Athena Chalcioecos at Sparta (Thucyd. i. 128, 134; Polyb. iv. 35; Pausan. iii. 17, 7). The treatment of Pausanias by the Spartans, which was thought to have brought on the calamities that soon afterwards afflicted their state, would have passed without remark, but for the exceptional sanctity of the Brazen House. The temples of Apollo at Delos, Actium, and Leucas; of Hera at Argos and Samos, and on the Lacinian promontory; of the Lycaean Zeus; of Poseidon at the Isthmus; of Aesculapius, both at Cos, the home of the Asclepiadae, and Epidaurus; of the Chthonian Demeter at Hermione, and of the hero Amphiaraus at Oropus,—all apparently belonged to this higher class. The entire island of Samothrace claimed inviolability (Liv. xlv. 5; Plut. *Aemil. Paul.* 23, 26). On a somewhat lower footing were those sanctuaries which possessed merely local privileges, and were only occasionally used for places of refuge. Such were the temples of Athena Itonia in Boeotia, of Artemis Hegemone at Ambracia, of Artemis in Samos, of Hera at Corcyra, of Athena at Siris in Italy. There were several places in Athens which possessed this privilege; of which the best known was the Theseum, or temple of Theseus, in the city, which was chiefly intended for the protection of ill-treated slaves, who could take refuge in this place, and compel their masters to sell them to some other person (Plut. *Thes.* 36; Pollux, vii. 13; Schol. *ad* Aristoph. *Eq.* 1312; Hesych. and Suidas, *s. v.* Θησεῖον). The other places in Athens which possessed the right of asylum were: the altar of Pity (Ἔλεος) in the agora, the altar of Zeus Ἀγοραῖος, the altars of the twelve gods, the altar of the Eumenides on the Areiopagus, the Theseum in the Peiraeus, and the altar of Artemis at Munychia (Meier and Schömann, *Att. Proc.* p. 404, original edition).

In the time of Tiberius, the number of places possessing the *jus asyli* in Greece and Asia Minor became so numerous, as seriously to impede the administration of justice. In consequence of this, the senate, by the command of the emperor, limited the *jus asyli* to a few cities, but did not entirely abolish it, as Suetonius (*Tib.* 37) has erroneously stated. (See Tac. *Ann.* iii. 60–63, iv. 14; and Ernesti's *Excursus* to Suet. *l. c.*)

It is perhaps impossible to decide whether the right of sanctuary, as we find it among the Greeks of the classical period, was a survival from the primitive sanctity of temples in general, limited to a few of the most important in consequence of the abuses to which it gave rise; or, as some writers maintain, itself the growth of a later period. The latter is the opinion of Wachsmuth (*Hellen. Alterth.* i. p. 335) and Förster (*de Asylis Graecorum*, p. 39): the former is upheld by Caillemer (*ap.* D. and S.), and seems to us intrinsically the more probable. (Compare K. F. Hermann, *Staatsalterth.*, § 10, n. 6; *Gottesd. Alterth.* § 10, n. 15, 16; § 49, n. 10; Förster, *de Asylis Graecorum*, Berlin, 1847).

2. ROMAN.—The asylum which Romulus is said to have opened at Rome on the Capitoline hill, between its two summits, in order to increase the population of the city (Liv. i. 8; Vell. Pat. i. 9; Dionys. ii. 15), was, according to the legend, a place of refuge for the inhabitants of

other states, rather than a sanctuary for those who had violated the laws of the city. In the republican and early imperial times, a right of asylum, such as existed in the Greek states, does not appear to have been recognised by the Roman law. Livy seems to speak of the right (xxxv. 51) as peculiar to the Greeks:—*Templum est Apollinis Delium—eo jure sancto quo sunt templa quae asyla Graeci appellant.* The temple of Divus Julius was constituted an asylum by decree of the people; but this, the historian himself remarks, was quite exceptional (Dio Cass. xlvii. 19). By a *constitutio* of Antoninus Pius, it was decreed that, if a slave in a province fled to the temples of the gods or the statues of the emperors, to avoid the ill-usage of his master, the praeses could compel the master to sell the slave (Gaius, i. 53); and the slave was not regarded by the law as a runaway—*fugitivus* (Dig. 21, tit. 1, s. 17, § 12). This *constitutio* of Antoninus is quoted in Justinian's Institutes (1, tit. 8, s. 2), with a slight alteration; the words *ad aedem sacram* are substituted for *ad fana deorum*, since the *jus asyli* was in his time extended to churches. Those slaves who took refuge at the statue of an emperor were considered to inflict disgrace on their master, as it was reasonably supposed that no slave would take such a step, unless he had received very bad usage from his master. If it could be proved that any individual had instigated the slave of another to flee to the statue of an emperor, he was liable to an action *corrupti servi.* (Dig. 47, tit. 11, s. 5.) The right of asylum seems to have been generally, but not entirely, confined to slaves. (Dig. 48, tit. 19, s. 28, § 7. Comp. Osiander, *de Asylis Gentilium*, in Gronov. *Thesaur.* vol. vi.; Simon, *Sur les Asyles*, in *Mém. de l'Acad. des Inscript.* vol. iii.; Bringer, *de Asylorum Origine, Usu, et Abusu*, Lugd. Bat. 1828; C. Neu, *de Asylis*, Gott. 1837. Respecting the right of asylum in the churches under the Christian emperors, see Rein, *Das Criminalrecht der Römer*, p. 896.) [W. S.] [W. W.]

ATELEIA (ἀτέλεια) is generally immunity or exemption from some or all of the duties which a person has to perform towards the state. Immunities may be granted either as a privilege to the citizens of a state, exempting them from certain duties which would otherwise be incumbent on them, or they are given as honorary distinctions to foreign kings, states, communities, or even private individuals. With regard to the latter the ateleia was usually an exemption from custom duties on the importation or exportation of goods, and was given as a reward for certain good services. Thus Croesus received the ateleia at Delphi (Herod. i. 54), the Deceleans at Sparta (Herod. ix. 73), and Leucon, the ruler of Bosporus, at Athens. (Dem. *c. Lept.* p. 466 ff.) At Athens the immunity might be either general (ἀτέλεια ἁπάντων, Demosth. *l. c.* p. 475, § 60) or partial. The former included exemption from customs duties; from liturgies, other than the trierarchy; in some rare exceptions, from the εἰσφορὰ or property tax, which, as a rule, no Athenian citizen could escape; from providing victims for sacrifice (ἀτέλεια ἱερῶν, Demosth. *l. c.* p. 495, § 126), in which case the victims were provided at the cost of the state (Boeckh, *P. E.* p. 86, note); and in the case of resident aliens, from the μετοίκιον (ἀτέλεια μετοικίου, Demosth. *c. Aristocr.* p. 691, § 211). The ἀτέλεια ἁπάντων was only granted to foreigners who had been distinguished as εὐεργέται or public benefactors; and Demosthenes argues (*c. Lept.* p. 470, § 44) that practically no use was ever made of it by the small number of persons who enjoyed it. Partial ἀτέλεια consisted in exemption from any one or more of the above burdens. The descendants of Harmodius and Aristogeiton probably enjoyed all these exemptions, except that from the εἰσφορά. The most common case was that of immunity from customs duties, which was somewhat freely granted for the purpose of encouraging commerce. The trierarchy stood upon a different footing from other liturgies: none could be exempt but the nine archons (Demosth. *Lept.* p. 465, § 28). Exemption from military service, again, requires to be considered by itself: it does not seem to have formed a part of the general conception of ἀτέλεια, but was legally enjoyed by all members of the βουλὴ or senate (Lycurg. *c. Leocr.* § 37), by the archons for the time being, by the τελῶναι or farmers of taxes (Demosth. *c. Neaer.* p. 1353, § 27), and by those who traded by sea, although with them the privilege must have been under regulation to prevent fraud (Schol. *ad* Arist. *Plut.* 905, *Acharn.* 399; Suid. *s. v.* ἔμπορός εἰμι). Actors appear to have been altogether excused from military service by sea or land, and choreutae under certain restrictions; but agreeably to the general Athenian practice, such excuses were liable to be disputed by a γραφὴ ἀστρατείας (Demosth. *Olynth.* iii. p. 31, § 11; *c. Mid.* p. 577, § 193; *c. Boeot. de Nom.* p. 999, § 16). In or about B.C. 356, Leptines carried a law by which all ἀτέλειαι were abolished; Demosthenes procured the repeal of it in 355, and his speech against the law of Leptines is the chief source of our information. The loss to the state, he argues, was quite inappreciable: since the ἀτέλεια was enjoyed by not more than ten foreigners and five or six citizens. The notion of a reciprocal ἀτέλεια and full citizenship between Athens and Byzantium rests on the doubtful authority of a document in Demosth. *de Cor.* p. 256, §§ 90, 91, and is not supported by anything in the text of the speech. On the whole subject, compare Wolf, *Prolegom. ad Lept.* p. lxxi. ff.; Boeckh, *P. E.* p. 85 ff. [W. W.]

ATELLA'NAE FA'BULAE. [COMOEDIA.]

ATHENAEA (ἀθήναια). See CHALKEIA and PANATHENAEA.

ATHENAEUM (ἀθήναιον), a school (*ludus*) founded by the Emperor Hadrian at Rome, for the promotion of literary and scientific studies (*ingenuarum artium*), and called Athenaeum from the town of Athens, which was still regarded as the seat of intellectual refinement. The Athenaeum was situated on the Capitoline hill. It was a kind of university; and a staff of professors, for the various branches of study, was regularly engaged. Under Theodosius II., for example, there were three orators, ten grammarians, five sophists, one philosopher, two lawyers or jurisconsults. Besides the instruction given by these magistri, poets, orators, and critics were accustomed to recite their compositions there, and these prelections were sometimes honoured with the presence of the emperors themselves. There were other places where such recitations were made, as the Library of Trajan [BIBLIOTHECA]; sometimes also a room was hired, and made into an auditorium, seats erected, &c. The Athenaeum seems to have continued in high repute till the fifth century. Little is known of the details of study or discipline in the Athenaeum, but in the constitution of the year 370 there are some regulations respecting students in Rome, from which it would appear that it must have been a very extensive and important institution. And this is confirmed by other statements contained in some of the Fathers and other ancient authors, from which we learn that young men from all parts, after finishing their usual school and college studies in their own town or province, used to resort to Rome as a sort of higher university, for the purpose of completing their education. (Aur. Vict. *Caes.* 14; Dio Cass. lxxiii. 17; Capitolin. *Pertin.* 11, *Gordian. Sen.* 3; Lamprid. *Alex. Sever.* 35; Cod. Theod. 14, tit. 9, s. 1.) [A. A.]

ATHLETAE (*ἀθληταί, ἀθλητῆρες*). The term is in strictness applied to those who contended for prizes (*ἆθλα*) in the games which required strength, skill, and agility of body, in contradistinction to those who engaged in equestrian and musical contests; though in a general sense it is found extended even to these (Poll. iii. 143–4) and to horses (Lysias, *de bonis Aristoph.* 63), and is metaphorically used for one who is master in any laborious pursuit (*e.g.* Plat. *Rep.* 543 B). We never find *ἀθλητική* sc. *τέχνη*, though the Latins spoke of *ars athletica* (Gell. xv. 16), but either *γυμναστική* or *ἀγωνιστική* (Plat. *Legg.* vi. 764), or *ἄθλησις* (Dion Chrys. i. 540, Reiske), or *ἀθλητικὴ ἄσκησις* (Galen, i. 21, Kühn).

The contests of the *athletae* were in running, wrestling, boxing, the pentathlon, and the pancratium. Details of these will be found in the separate articles [Stadium; Lucta; Pugilatus; Pentathlon; Pancratium]. Here we must confine ourselves to a general sketch of the class of athletes.

In the early times in Greece athletic games were held occasionally at festivals in honour of the gods and heroes, but especially at the funerals of distinguished men: thus in the Iliad (xxiii.) games are held at the funeral of Patroclus. But the warriors as a rule do not appear to have trained specially for the games: as part of their general education, they had been instructed in gymnastics. In this department Grecian legend told how Hercules, Peleus, and Theseus had been celebrated (Philostratus, *Gymn.* 1), as were also Castor and Pollux (Paus. v. 8, 4); but in the Homeric age there were few who made athletics as such their special business, though we must not forget the passage (*Od.* viii. 164) where Euryalus reproaches Ulysses as not being "like an athlete," nor that even in the Iliad (xxiii. 670). Epeius the boxer says, "Is it not enough that I am not skilled in battle? A man, I ween, cannot be skilled in all pursuits." Games were becoming fairly frequent, and the special skill required in the contests was gradually demanding increased application to the different branches of athletics.

But in the next age athletics became the national Hellenic sport, and never ceased to be so till the latest times of the ancient world: for, in the first instance, they satisfied the artistic instinct of the Greeks, as they developed the human frame in strength and beauty. But as it was the national sport, just as horse-racing with us, every department tended to become more and more professionalised. The great festivals collected together the greatest concourses of the members of the Hellenic race; and the emulation to succeed before the immense gatherings of their countrymen, and the extravagant honours and rewards bestowed by the cities on their citizens when victorious, rendered victory in the games the most coveted distinction a Greek could acquire, and so every means was resorted to in order to attain the strength and skill necessary for success. But still those who contended, though often of low extraction (Aristot. *Rhet.* i. 7, 9; Athen. ix. 382 b), were also often cultured men, members of the noblest families, and men famous at home in war and politics, like Phayllus of Croton (Herod. viii. 47) and Dorieus of Rhodes (Paus. vi. 7, 4). A professional class of athletes, however, who devoted their entire exertions in that direction and who made their art a trade, had already arisen. These, by increased training, greater development of the technical side of gymnastics, and special application to details, acquired such proficiency that it became all but hopeless for any but such a specially trained athlete to contend in the games with any chance of success. The cultivated and upper classes began to stand aloof, and to take part in the games chiefly by running their chariots; while the professional athletes came to form a class of low-born, uneducated, and vulgar men (Isocr. *de Big.* 33, 34). Now, it is to these professional athletes that the term *ἀθληταὶ* was most strictly applied in the historical times; for they were those who contended for the prizes in the games then: those who practised athletics in the old liberal but unprofessional manner are said to have retained the generic term *ἀγωνισταί*. (Pauly, i. p. 1992; yet cf. Lucian, *Anach.* 10.)

Euripides (*Autol.* Frag. 1) speaks with bitter contempt of the athletes, who, he says, are the greatest evil of the countless evils of Hellas, who are slaves to their belly, a degenerating lot, useless in war, unable to bear old age or misfortune—for their training is not an ennobling training (*ἔθη γὰρ οὐκ ἐθισθέντες καλά*). On similar grounds Xenophanes (Frag. 2: Bergk, ii. p. 112), who flourished about 540 B.C., had before strongly censured as reckless and unreasonable the extravagant value the Greeks set on mere strength for the games (strength which is otherwise perfectly useless) as compared with intellectual cultivation. And he was quite right. That pursuit which lacks the exercise of a cultivated mind, no matter how much the majority passionately follows it, must become more and more mechanical and vulgar, and so sink more and more in the estimation of the cultivated classes. We see it ourselves in the case of those professionally connected with the turf, who in many ways afford a good parallel to the Greek professional athletes. In the excessive training the latter had to submit to, the body was developed at the cost of the mind; and this was one of the few cases in which the Greeks forgot their wonted moderation.

The athletic contests, just as were the "weights" in the Ring in England, were divided into "light" (*κοῦφα*) and "heavy" (*βαρέα*) or "violent" (*βίαια*): see Aristot. *Pol.* v. 4, 7 fol.; Galen, vi. 487, K.; Philostr. *Gymn.* 3. Saglio

(*Dict. des Antiq.* i. 519) remarks that the statues of the competitors in these two classes of contests correspond to the types of Hercules and of Mercury, the two gods who presided over athletics. Mercury exhibits the slight but muscular and wiry figure of the "light" athletes, and Hercules the massive body of the "heavy" ones. Philostratus (*Gymn.* 37 foll.) mentions other strange names of different classes of athletes: the "lion-like," "eagle-like," the "lathy" (σχιζίαι), the "bears," &c. The training in each of the two main classes became severer and severer as time went on; for more and more striking performances were expected. We hear of a rule that the competitors at Olympia had to swear that they had diligently devoted ten months to the recognised special training in athletics (Paus. v. 24, 9). This was to maintain that common system of athletic training which prevailed in all Hellenic wrestling-schools (see Curtius, *Hist. of Greece*, ii. 33, Eng. trans.). The ordinary gymnastic master who taught the youths bodily exercises as a branch of general education was called παιδοτρίβης, and he who trained those who were intending to compete in the games was the γυμναστής: but this distinction disappeared in later times (Hermann-Blümner, *Privatalt.* 335). The γυμναστής was in constant supervision of his pupils, followed them to the games (Paus. v. 6, 8), where he made all necessary preparations for their contest, and during the struggle stood by with words of encouragement or reproach (Philostr. *Gymn.* 20). Just as a physician, a trainer required implicit obedience in those for whom he prescribed (Epictet. *Enchir.* 29). Subordinate to him was the ἀλείπτης, who originally, as his name indicates, looked to the anointing of the body, but often, especially in later times, took much more upon himself, became confused with the παιδοτρίβης (Schol. on Ar. *Eq.* 492), and used to prescribe the course of diet to be eaten (Aristot. *Eth. Nic.* ii. 6, 7), and even how it was to be eaten: thus he disapproved of too intellectual conversation (φιλολογεῖν) during meals! (Plut. *de san. tuend.* 133, 19.) The diet of athletes is said to have been (Diog. Laërt. viii. 1, 13) fresh cheese, dried figs, and wheat; but Dromeus of Stymphalus (Paus. vi. 7, 10), or according to others a trainer called Pythagoras (Plin. *H. N.* xxiii. 63; cf. Diog. Laërt. *l. c.*), introduced a meat diet. However, it is very unlikely that the athletes were ever trained on anything but meat (see Philostr. *Gymn.* 43). Pork was the principal meat used (Galen, vi. 661), though we find also beef (Plat. *Rep.* i. 338 C) and goat's flesh (Athen. ix. 402 a). Fish was considered bad (Philostr. *Gymn.* 44). They probably drank water and not wine after their exercises, as the latter was dangerous (Galen, xv. 194); they had to abstain from all cakes (Epictet. *l. c.*). The bread they ate was of a special kind (Galen, vi. 180, K.), slightly leavened and hardly baked at all (Philostr. *Gymn.* 43): this was perhaps the *coliphia* mentioned by Plautus (*Pers.* i. 3, 12) and Juvenal (ii. 53). The usual course was to eat bread for the morning meal and meat for the evening. After the morning meal their exercises continued till the evening, interrupted only by a few intervals (Galen, vi. 168–9). Those who submitted to the severest training (βίαιος τροφή, ἀναγκαιοφαγία, ἀδηφαγία) had to eat enormous masses of meat after the day's exercise: two minae (= 2¾ lbs.) was a very small amount for an athlete (Galen, viii. 843, K.), who generally slept it off late into the next day (Galen, i. 28, K.), though we sometimes hear of athletes promoting digestion by walking (Plin. *H. N.* xi. § 283). The quantum of food was gradually increased (Arist. *Eth. Nic.* ii. 6, 7); and the most ridiculous stories of the amount some of the athletes—such as Milo, Theagenes, and others—used to eat, obtained currency (Athen. x. 412; cf. Theocr. iv. 34). But many athletes did really eat vast quantities of food; so much that their appetite became proverbial (Aristoph. *Pax*, 34), and, says Pliny (*H. N.* xviii. § 63), was like a horse's; and further they got to be unable to do without the abnormal amount even for a day (Cic. *Tusc.* ii. 17, 40). The aim of this excessive eating appears to have been to acquire not so much that plump yet muscular frame which is expressed by the verb σφριγᾶν, and that harmonious inner development of the whole constitution which Philostratus calls κρᾶσις, and which he emphasises as the distinctive difference between the former gymnastic training and the more scientific one of his own day (42, 43, cf. 28); but to get mere mass and weight (ὄγκος καὶ βάρος) of body, which was such an important element in "heavy" contests like boxing and the pancratium. Different trainers had, however, different regimens: thus Theon ordered warm baths and diminution of food after completed exercises (Galen, vi. 208); and of course the training for runners was directed towards diminishing the flesh (Galen, v. 905). Besides the ordinary training (κατασκευή), there were also other treatments, consisting of long-continued and violent movements, accompanied with shampooings by many hands and with much oil (Galen, vi. 117, 123, 222). For the obscure *tetras* see Philostr. *Gymn.* 47; Galen, v. 898; and Saglio, p. 518. It was a fourfold course of treatment, lasting four days, which is not clearly enough defined, but which Philostratus strongly disapproves of. The strictest continence was enjoined in all athletic discipline (cf. Hor. *A. P.* 414), and by some rigorously practised during the whole period of their training (Plat. *Legg.* viii. 840).

The exercises which athletes went through were the ordinary ones of the palaestra and those required for the games; though we sometimes find athletes going through exercises which were not departments of competition, merely in order to increase their strength, such as putting heavy weights, bending bars of iron, wrenching back the necks of bulls, knocking suspended bags of sand backwards and forwards by blows of their fists (κωρυκοβολία, &c.: cf. Lucian, *Lexiph.* 5; Philostr. *Gymn.* 43), also working with a mattock (Theocr. iv. 10). The athletes practised as a rule each for a separate event (Philostr. *Gymn.* 43). Hence the one-sidedness even of their physical training; and the fact that those who trained for that event, which comprised the most varied exertions (such as the pentathlon), were justly considered to have the best-proportioned frames (Aristot. *Rhet.* i. 5). But sometimes the athletes attempted more than one: for it was considered a great honour to be victorious at Olympia in both wrestling and in the pancratium on the same day. There were only seven such victors besides their mythic predecessor, Hercules (Paus. v. 21, 10; 8, 4). A certain Polites conquered on the same day in the three different kinds of races,—the stadion, the diaulos, and the dolichos (Paus. vi. 13, 3): and for other victories in more than a single event, see Pind. *Ol.* xiii. 30; Paus. vi. 15, 8; 11, 5.

Victors in the principal games were called ἱερονῖκαι; those in the separate games, ὀλυμπιονῖκαι, &c.; and those who were successful in all four games were the περιοδονῖκαι. In Roman times, however, we find this latter term applied to celebrated athletes who had been victors in a great number of games, even though they were not the four great ones (cf. Dio Cass. lxiii. 8). Another strange title of distinguished athletes at Rome was παραδοξονίκης, which was strictly applied to those who conquered in both wrestling and the pancratium (Plut. *Comp. Cim. et Lucull.* 2).

In early times the athletes used to practise in the *gymnasium*, where the young men, who had made some progress in gymnastics and were advanced from the *palaestra*, went through their ordinary unprofessional exercises. In Roman times we find the athletes frequenting the palaestrae, the gymnasia, xysti (covered places for use in bad weather, Vitruv. v. 11, 4: hence athletes were sometimes called *xystici*), and the stadia. There were exercising places in the great Roman thermae [BALNEAE]. Athletes who had won signal distinction in the sacred games were occasionally in Grecian cities honoured by having special porticoes built for them to exercise in (Paus. vii. 23, 5).

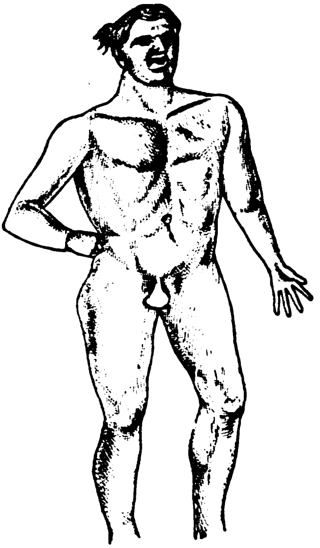
Originally the athletes used to contend with a girdle round their loins (διάζωμα, περίζωμα, or simple ζῶμα), according to the custom of the Spartans (Thuc. i. 6, 4). But very soon it became the custom to contend naked,—a custom introduced by Orsippus (Paus. i. 44, 1). It was professional for Roman athletes to wear their hair tied up in a knot called *cirrus* (see figure of a Roman athlete below), which explains a story in Suet. *Nero*, 45. The Greek as well as the Roman athletes used sometimes to shave off their hair, in that tonsure which Aristophanes would have called "the bowl crop" (σκαφίον, *Thesm.* 838). Further, they occasionally wore, according to Martial (xiv. 50), a cap (*galericulum*); and as their wonderful style of boxing consisted in swinging round their arms and not striking out straight from the shoulder, they used to wear guards for the ears (ἀμφωτίδες or ἐπωτίδες, Poll. ii. 83). For the battered ears of ancient boxers, see Plat. *Protag.* 342 B; Mart. vii. 32, 5.

He who took to the profession of an athlete seldom abandoned it before his thirty-fifth year, which was considered the age at which he was in the prime of manhood (Macrob. *Somn. Scip.* i. 4); but if he had never won a victory by that time, he generally gave up the business. A successful athlete continued to contend in the games till his strength failed (Plut. *Cat. Maj.* 4); and, as might be expected, in many cases, as he advanced in years, became a trainer of younger men: *e.g.* Iccus (Paus. vi. 10, 5).

The same causes which produced the excessive and one-sided training of men produced a similar excessive training of boys. For there arose contests of boys at the great festivals. The only distinction originally was between men and boys (Dissen on Pind. *Ol.* viii. 54); but later those below man's estate were divided into παῖδες from about 13 to 16, and ἀγένειοι from about 16 to 19 (Plat. *Legg.* viii. 833 C). In Olympiad 37 (= 632 B.C.) there was the first contest of running and wrestling for boys (Paus. v. 8, 9); in Ol. 38 (= 628 B.C.), the first and only pentathlon (Paus. v. 9, 1); in Ol. 41 (= 616 B.C.), the first boxing match (Philostr. *Gymn.* 13): but happily not till the 145th Olympiad (= 200 B.C.) the horrid pancratium (Paus. v. 8, 11), though we find this latter in the 61st Pythian celebration (Paus. x. 7, 8); and in the Pythian games we find what we do not find at Olympia, long races for boys (Paus. x. 7, 5). The training for these events was too severe for the growing frame, and Aristotle (*Pol.* v. 4, 8) raised his voice earnestly against it, as detrimental to the development of the man, pointing out how there were only two or three victors at the Olympic games both as boys and as men.

But what can sober science avail against a national passion and the extravagant praise and rewards which are bestowed on those who excel in what the people delight to honour? To be an Olympic victor, said Cicero (*Flacc.* 13, 31), was esteemed by the Greeks as a greater glory than a triumph at Rome. And indeed the victorious Greek athlete used to have a kind of triumphal entry into the town his victory had ennobled (Vitruv. ix. Pref.). Surrounded by a large crowd, sometimes with a grand procession of chariots (Diod. xiii. 82), clad in a purple mantle like a king (Schol. on Ar. *Nub.* 70), he drove into the city through a breach made in the wall for his chariot to pass through—a symbol that cities which possessed such citizens had no need of walls (Plut. *Symp.* ii. 5). Then followed the banquet, during which the victor heard his praises sung by a lyrical chorus and in verse of the greatest poets of the day. Contests which involved the honour of such a triumphal entry were technically called ἀγῶνες εἰσελαστικοί, which in early times were the four great festivals only; but in Imperial Rome this privilege was extended to other games (Plin. *Epist.* x. 119, 120). Solid material rewards, too, were given. Even as reduced by Solon, the money reward the Athenians gave the victor in the Olympic games was 500 drachmae, and 100 to the victor in any of the other games (Diog. Laërt. i. 2, 55; Plut. *Sol.* 23): sometimes he got maintenance in the Prytaneum and the honour of first seat in the assemblies and theatre (προεδρία, Xenophan. Frag. 2, 7, ed. Bergk). Statues were often erected to him in his native city and at Olympia (Paus. vi. 13, 1). In fact, Plato goes so far as to say (*Rep.* v. 465 D) that the victor at the Olympic games enjoyed a blessed life (βίος μακαριστός). Lucian (*Anach.* 10: cf. Pind. *Pyth.* x. 27; Cic. *Tusc.* i. 46, 111) declared the honours of such a victor were as those of the gods, and we do actually hear of a boxer being deified while alive (Plin. *H. N.* vii. § 152). As a contrast, the picture of the defeated competitor shows "a hateful return and contemptuous greeting and a skulking path" (Pind. *Ol.* viii. 69). Can we wonder, then, when such honourable rewards followed success and such humiliation followed defeat, that there was occasionally unfair dealing and trafficking amongst the combatants, a rich competitor buying the victory from a stronger but poorer one? An oath was required of the combatants that they would not act in violation of the rules of the contest (Paus. v. 24, 9); and so bribery was comparatively rare in early times, though it became frequent later (Philostr. *Gymn.* 45). It was punished by severe fines, according to the rules of the Olympic games (Paus. *l. c.*). We regard with wonder that species of bribery which is recorded whereby a strange city paid a victorious athlete to declare that he was their citizen, so that the city might be proclaimed as victor; and we are not surprised that, after such falsehood, the native city of the victor inflicted on him exile or some other mark of their indignation (Paus. vi. 18, 6; 13, 5).

Yet amongst the many judgments passed by the ancients on the athletes, we can hardly find any that are favourable. Allusion has been made to the strictures of Xenophanes and Euripides, who attack them for their uselessness to the state and want of cultivation. And even from the physical point of view their training appeared to thoughtful men of science utterly bad. Plato sees in the athletes a habit of body which is sleepy and very subject to disease (*Rep.* iii. 404 A), which is too highly and extravagantly trained, and unfits them for social or political duties (*ib.* 407 B). They are without information, cultivation, or grace of manner; hard and brutal, all violence and fierceness (*ib.* 410, 411). Aristotle declares that the habit of body of athletes is not suitable for that vigorous physical condition a citizen should have, nor for health and the procreation of children. It is too one-sided, and the discipline which developed it is too severe (*Pol.* iv. 16, 3). Plutarch (*de sanit. tuenda*, 16, 20) disapproves of the ἰσχὺς παλαιστικὴ and athletic training generally. Galen devotes six long chapters (9–14) of his Προτρεπτικὸς Λόγος to solemnly warning the young men against devoting themselves to athletics, by showing what athletes are in his opinion (i. 20–39, Kühn). Man has a link, he says, with God, and a link with the lower animals; athletics develops the latter only. Athletes are like swine. Their flesh-sunk soul is without intellect, and no better than the brutes (ἄλογα ζῶα). His strictures on the physical side are, however, the most interesting. Owing to their immoderate eating, sleeping, and exertion, athletes are, he says, unhealthy. Their training is a training in disease. No class of men are more liable to break down in health, or to sudden death (xvii. 2, 363, Kühn). Beauty is quite wanting in their lumpish, battered bodies. Nor is their knock-down strength (ἰσχὺς καταβλητική), though serviceable in just a few special events in the games, of any use in agriculture or in war nor does it bring with it a capability of enduring heat, cold, or fatigue. Nor are they ever rich: they are wretched (ἄθλιοι) in their lives, and are so rightly called "athletes." In fact, their whole existence is one round of "eating, or drinking, or sleeping, or evacuating, or rolling about in the mud and dust" (v. 879, K.). With such strictures, if we compare the view of Dio Chrysostom, who sees in athletes generally, and Melancomas in particular, large beautiful bodies, and the practice of athletes as generating courage and nobleness, strength and temperance (*Or.* xxix. 538, 540, ed. Reiske), we must suppose that the description, though perhaps true of Melancomas, yet was at best only an affectionate tribute to the glory that was thought to have belonged to the great Hellenic past, and in reality was a thoroughly ideal and false view of the athletes of the Graeco-Roman civilization, and one which is certainly not borne out by the repulsive portraits on the mosaic of the Thermae of Caracalla; of which is subjoined as a specimen a single example. The reader is referred for more hideous ones to Baumeister's *Denkmäler*, p. 223.



Roman Athlete. (From Baumeister.)

With Plutarch and Galen, however, we are in Roman times; and we must now hastily review the rise of athletic games at Rome. Exhibitions of gladiators, not of athletes, were the national sport. Cicero says to M. Marius (*Fam.* vii. 1, 3) of the athletic contests exhibited by Pompeius in 55 B.C., "Why should I think you regretted not having seen the athletes when you have despised the gladiators?" A certain kind of athletics had indeed been indigenous in Italy from the earliest times (Liv. i. 35), and we hear of contests in wrestling and boxing at the Roman games (Ter. *Hecyra*, Prol. 25; Cic. *Legg.* ii. 15, 38); but the whole practice was utterly unsystematic (cf. Suet. *Aug.* 45), and so quite unlike the elaborate manner in which it was cultivated in Greece (cf. Hor. *Ep.* i. 1, 49). It was from Greece that the scientific practice of athletics came. In 186 B.C. M. Fulvius Nobilior gave the first exhibition of professional Greek athletes at Rome (Liv. xxxix. 22). We do not, however, hear of a similar exhibition again till Sulla's time (App. *B. C.* i. 99), but there were a few others during the last century of the republic (Val. Max. ii. 4, 7; Dio Cass. xxxix. 38, 1; Suet. *Caes.* 39). Varro complains indeed of there being a gymnasium at every villa (*R. R.* ii. 1, 1), but this was probably for medicinally-prescribed exercises (*iatraliptice*), not regular athletics. But it was not till the Actian games were established by Augustus and other periodic games (Dio Cass. li. 1), which comprised gymnastic contests in their programme, that athletics got a steady footing among the Romans. From that time these *certamina graeca*, as they were called (Tac. *Ann.* xiv. 21), became more and more popular. Nero in 60 A.D. built a gymnasium (Suet. *Nero*, 12), and instituted a new set of games called Neronia, of which athletics formed a part, as they did also of the important Agon Capitolinus established by Domitian in 86 A.D., who further built a magnificent stadium for athletics in the Campus Martius, large enough to hold 30,000 spectators (Suet. *Dom.* 4, 5; Friedländer, p. 466). After this athletics gradually attained increased prominence in the Roman games (cf. Vopisc. *Carin.* 19, 3), till finally in the fifth century they supplanted the gladiatorial shows. Thus at the consular games of Flavius Mallius Theodorus there were athletes, but no gladiators (Claudian, *de cons. Fl. M. Th.* 288). For a full account of the Roman athletic games, see Friedländer, *op. cit.* 460–468.

It is highly noticeable, however, that the names of the athletes which are preserved in inscriptions are almost all Greek; not more than four or five are Roman (Friedländer, p. 472). Everything connected with athletics, technical terms and all, are Greek (cf. Juv. iii. 68). The reason is that for a long time it was considered quite unbecoming of Roman dignity to be an athlete. The nakedness of the Greeks offended the Roman sense of propriety (Cic. *Tusc.* iv. 33, 70). The Romans saw the uselessness for war of the athletic training, for they themselves had been, as Polybius says (i. 6, 6), "the true athletes in the feats of war, trained in contests with the Samnites and Gauls." They saw further that it was a training too in laziness and vice, one more example of the invasion of the pernicious practices of the Greeks (Plin. *H. N.* xxxv. § 163). (There is a large mass of evidence on Roman adverse opinion of gymnasia in Mayor on Juv. iii. 68.) But, like all things Greek, athletics continued to grow in popularity, especially from the time of Nero. Professional athletes used to give lessons for high pay (Mart. vii. 32, 5, 6), even to women (Juv. vi. 246, 355); were often found among the attendants of great houses (Mart. iii. 58, 25); statues were erected to them (Plin. *H. N.* xxxv. § 5), &c. M. Aurelius was a regular frequenter of the palaestrae (Galen, vi. 406), and so was Alexander Severus (Lampr. *Alex. Sev.* 27). The athletes, as free men (*ingenui*, Dig. 9, 2, 7, 4), always stood higher in social estimation (Dig. 3, 2, 4) than did the gladiators and actors. Later indeed the stringency of this rule, which admitted only free men to the athletic competitions, seems to have been somewhat relaxed, as Alexander Severus had to re-enact the law on the subject (Lampr. *Alex. Sev.* 42). And the position of an actor must have been far higher in the Grecian provinces than in Italy or the west (Friedländer, p. 480). The Olympic games continued to maintain their glory: even Epictetus (*Enchir.* 29) would not disdain to be a victor thereat, "for it was a fine thing" (*κομψόν*). We hear of Olympic victors being hired by the givers of spectacles for immense sums, even as much as five talents (Dio Chrys. *Or.* lxvi. = ii. 351, ed. Reiske).

Like all the classes in the community under the Roman empire, the athletes crystallized into societies or guilds (*σύνοδοι*). They were well organized, had presidents called *Xystarchi* (Am. Marc. xxi. 1, 4), and used to make provincial tours and give exhibitions (Friedländer, p. 475). The chief of these societies in the second century was that of the Herculanei (cf. *C. I. G.* 5906 foll.), who had their own special gymnasium, with its council-chamber (*curia*, Orelli, 2588), its records, its temple, and its president, who bore the title of *ἀρχιερεύς*, and who was also overseer of the imperial baths. To this company a Christian called Johannes appears to have belonged at the end of the fourth century (Friedländer, pp. 475–6).

Augustus increased whatever privileges athletes already had in his day (Suet. *Aug.* 45). Trajan fixed the remuneration (called *opsonia*) to be given to victors at the iselastic games (Plin. *Epist.* x. 119, 120); and a rescript of the emperors Diocletian and Maximian (Cod. Just. x. 54 (53)) gave professional athletes who without bribery had been victorious in the sacred games freedom from all taxes. We are told that there was not by any means the same strictness of training among the athletes of the Roman empire as there was in earlier times among the Greeks (cf. Philostr. *Gymn.* 44). They are especially accused of being addicted to wine (Sen. *Ep.* xv. 1; Quintil. i. 11, 15). But we must not lay too much stress on such charges: for St. Paul tells us (1 Cor. ix. 25) that "every man who striveth in the games is temperate in all things." (Cf. Epictet. *Enchir.* 29.) But undoubtedly by the time of Philostratus (240 A.D.) there was a marked decline (*Gymn.* 1, 2; cf. 43), which he attributes to unhealthy rules of training, and to the fact that the medical art unduly intermeddled by prescribing too mild a course of diet and discipline for professional athletes.

On athletics generally, the chief ancient work is Philostratus's Γυμναστικός (see Kayser's Teubner text, ii. 261–293). Modern writers are Krause, *Gymnastik und Agonistik der Hellenen*, passim; Hermann-Blümner, *Privatalterthümer der Griechen*, §§ 36, 50; Becker-Göll, *Charikles*, ii. 213 foll.; Grasberger, *Erziehung und Unterricht im klassischen Alterthum*, vols. i. iii. passim; Guhl and Koner, *Das Leben der Griechen und Römer*, § 52; and especially Friedländer, *Darstellungen aus der Sittengeschichte Roms*, ii.^{5} 459–491; M. Planck, in Pauly's *Real-Encyclopädie*; Bussemaker and Saglio, in *Dict. des Antiquités*; and Blümner, in Baumeister's *Denkmäler der klassischen Alterthümer*, s. v. *Athletae*. [L. C. P.]

ATHLO'THETAE. [AGONOTHETAE.]

ATI'MIA (*ἀτιμία*). The undiminished possession of the rights of an Athenian citizen was expressed by the word *ἐπιτιμία*: its opposite, *ἀτιμία*, denotes with various shades of meaning every limitation to the exercise of those rights, outlawry, total or partial disfranchisement, disability, all in short that came under the Roman *capitis deminutio*. The atimia occurs in Attica as early as the laws (*θεσμοί*) of Draco, without the term itself being in any way defined (Demosth. c. *Aristocr.* p. 640, § 62), which shows that the idea connected with it must even at that time have been familiar to the Athenians. The most important passage relating to atimia, in any ancient writer, is that of Andocides (*de Myst.*, §§ 73-76), with the psephisma of Patrocleides following (§§ 77-79); but it is too obscure, perhaps too corrupt, to yield any clear and consistent view of the subject. The best classification appears to us to be that of Caillemer (*ap.* Daremberg and Saglio). Atimia might be either (i.) temporary or (ii.) perpetual, and the latter again might be either total or partial.

I. The first kind of atimia—which, though in its extent a total one, lasted only until the person subjected to it fulfilled those duties for the neglect of which it had been inflicted—was not so much a punishment for any particular crime as a means of compelling a man to submit to the laws. This was the atimia of public debtors. Any citizen of Athens who owed money to the public treasury, whether his debt arose from a fine to which he had been condemned, or from a part he had taken in any branch of the administration, or from his having pledged himself to the republic for another person, was in a state of total atimia if he refused to pay or could not pay the sum which was due. If it remained unpaid at the time of the ninth prytany, the last but one of the year, the debt was doubled, and the debtor's property taken and sold (Andoc. *de Myst.* § 73; Demosth. *c. Nicostrat.* p. 1255, § 27; *c. Neaer.* p. 1347, § 7). If the sum obtained by the sale was sufficient to pay the debt, the atimia appears to have ceased; but if not, the atimia not only continued to the death of the public debtor, but was inherited by his heirs, and lasted until the debt was paid off. During his lifetime, however, his children were not included in his atimia; they remained ἐπίτιμοι (Demosth. *c. Androt.* p. 603, § 34; *c. Timocr.* p. 762, §§ 200, 201; *c. Theocrin.* p. 1322, § 2; cf. Boeckh, *P. E.* p. 391, and Heres). This atimia for public debt was sometimes accompanied by imprisonment, as in the cases of Alcibiades and Cimon; but whether in such a case, on the death of the prisoner, his children were likewise imprisoned, is uncertain. If a person living in atimia for public debt petitioned to be released from his debt or his atimia, he became subject to ἔνδειξις: and if another person made the attempt for him, he thereby forfeited his own property: if the proedros even ventured to put the question to the vote, he himself became atimos.

II. Perpetual atimia, sometimes also hereditary, is denoted by the phrase καθάπαξ ἄτιμος (Demosth. *c. Mid.* p. 524, § 32, p. 542, § 87; *c. Aristog.* i. p. 779, § 30). A detailed enumeration of the rights of which an atimos was deprived is given by Aeschines (*c. Timarch.* § 18 ff.). He was not allowed to hold any civil or priestly office whatever, either in the city of Athens itself, or in any town within the dominion of Athens; he could not be employed as herald or as ambassador; he could not give his opinion or speak either in the public assembly or the senate; he was not even allowed to appear within the extent of the agora, he was excluded from visiting the public sanctuaries as well as from taking part in any public sacrifice; he could neither bring an action nor appear as a witness in any court of justice; nor could, on the other hand, any one bring an action against him. (Compare Demosth. *c. Neaer.* p. 1353, § 27; *c. Timocrat.* p. 739, § 123; *de Rhod. Lib.* p. 200, § 32; *c. Mid.* p. 542, § 87; Lys. *c. Andoc.* § 24.) In some cases he might not even be buried within the limits of Attica (Hyperid. *pro Euxen.* col. 31; *pro Lycophr.* col. 16). The right which, in point of fact, included most of those which we have here enumerated, was that of taking part in the popular assembly (λέγειν and γράφειν). Hence this one right is most frequently the only one mentioned as being forfeited by atimia (Demosth. *c. Androt.* p. 602, § 30; Aeschin. *c. Timarch.* § 27; Andoc. *l. c.*). In two laws mentioned by Demosthenes (*c. Mid.* p. 551, § 113; *c. Aristocr.* p. 640, § 62), the children and the property of an atimos are included in the atimia. As regards the children or heirs, the disabilities came to them as an inheritance which they could not avoid [Heres]. But when we read of the property of a man being included in his atimia, this can only mean that it shared the outlawry of its owner—that is, it did not enjoy the protection of the law, and could not be mortgaged. It does not follow that it was also confiscated. The question whether atimia, as such, ever involved the confiscation of a man's property (as distinguished from its legal disabilities just mentioned), is not without difficulty. Some discrepancies in the evidence have been noticed under Anaumachiou Graphé. Demosthenes argues (*c. Lept.* p. 504, § 156) that it is contrary to justice to attach two penalties to the same offence. It is a probable conjecture of Naber's, approved by Westermann, that the words of Andocides (*l. c.* § 74, τούτους δ' ἔδει καὶ τοὺς ἀπὸ τούτων ἀτίμους εἶναι) should be transposed to the end of § 73, referring to public debtors; and we are justified, on the whole, in concluding that it was only as public debtors that the atimoi were subject to confiscation.

The crimes for which total and perpetual atimia was inflicted on a person were as follow:—The giving and accepting of bribes, the embezzlement of public money, the various military offences enumerated under Astrateias Graphé, false witness (ψευδομαρτυρία, ψευδοκλητεία), false accusation, and bad conduct towards parents (Andoc. *l. c.*): moreover, if a person either by deed or by word injured or insulted a magistrate while he was performing the duties of his office (Demosth. *c. Mid.* p. 524, § 32); if he squandered his patrimony, or was guilty of ἑταίρησις (Aeschin. *c. Timarch.* §§ 19, 21); if he proposed any alteration in the laws of homicide (Lex ap. Demosth. *c. Aristocr.* p. 640, § 62); if he passed off a foreign woman as a citizen and gave her in marriage to an Athenian (Lex ap. Demosth. *c. Neaer.* p. 1363, § 52; in this passage confiscation appears as an additional penalty, but the authority of these "laws" and other documents inserted in the text of the orators is very slight compared with the express statements of the orators themselves); if he condoned his wife's adultery (*Lex l. c.* p. 1374, § 87); and in the following cases of breach of duty by a public officer:—If a debtor, in person or by his friend, asked for the remission of a public debt, and if the proedros put this illegal motion to the vote (Lex ap. Demosth. *c. Timocr.* p. 716, § 50); if a herald made an unlawful proclamation in a theatre (Aeschin. *c. Ctes.* § 44); if a diaetetes had been guilty of partiality (Demosth. *c. Mid.* p. 542, § 87). The cases of treason (*προδοσία, δήμου κατάλυσις*), murder (*φόνος*), and robbery (*κλοπή, λωποδυσία*), sometimes referred to this head, scarcely come under the general conception of atimia: they were capital crimes, involving (like felonies under the old English law) forfeiture of goods, and as such the perpetrators were infamous. A species of atimia is said to have attached to the children of a man who had been put to death by the law, on the doubtful authority of the speech *c. Aristog.* i. p. 779, § 30; but the nature and duration of it are unknown.

III. A third and only partial kind of atimia deprived a man of a portion only of his rights as a citizen. It was called *ἀτιμία κατὰ προστάξεις* (Andoc. *l. c.* § 75), because it was specified in each case what particular right was forfeited by the atimos. The following cases are expressly mentioned:—If a man came forward as a public accuser, and afterwards either dropped the charge or did not obtain a fifth of the votes in favour of his accusation, he was not only liable to a fine of 1000 drachmas, but was deprived of the right to appear as a prosecutor in like cases in future (Demosth. *c. Aristog.* ii. p. 803, § 9; Harpocrat. *s. v.* *Δώρων γραφή*). If his accusation had been a *γραφὴ ἀσεβείας*, he also lost the right of visiting particular temples (Andoc. *de Myst.* § 33). The *εἰσαγγελία κακώσεως*, a charge brought before the chief archon respecting the ill-treatment of parents, orphans, or heiresses, was the single case in which an accuser, though he did not obtain a fifth of the votes, was not subjected to any punishment whatever (Isae. *Pyrrh.* § 46; *Hagn.* § 31; Demosth. *c. Pantaen.* p. 980, § 46). In other cases the accuser was merely subject to a fine of 1000 drachmas, without incurring any degree of atimia (Pollux, viii. 52, 53). But as Boeckh remarks (*P. E.* p. 381 n.), the law does not appear to have always been strictly observed. Andocides mentions some other kinds of partial atimia, but they seem to have had only a temporary application at the end of the Peloponnesian war (*l. c.* § 75, where Dobree's conjecture, *τετρακοσίων* for *τυράννων*, is approved by Westermann: the Thirty are always *οἱ τριάκοντα* in classical Greek, never *τύραννοι*). Partial atimia, when once inflicted, lasted during the whole of a man's life.

IV. Enforcement of the penalties. If a person, under whatever kind of atimia he was labouring, continued to exercise any of the rights which he had forfeited, he might immediately be subjected to *ἀπαγωγή* or *ἔνδειξις*: and if his transgression was proved, he might, without any further proceedings, be punished immediately, and even with death (Andoc. *l. c.* § 33; Aeschin. *Timarch.* § 21), or imprisonment (Demosth. *c. Timocr.* p. 732, § 103).

V. Rehabilitation, or release from atimia, was not impossible, but was rendered extremely difficult. A law mentioned by Demosthenes (*c. Timocr.* p. 715, § 45) ordained that the releasing of any kind of atimoi should never be proposed in the public assembly unless permission had first been granted by not less than 6000 citizens, voting by ballot. And even then the matter could only be discussed in so far as the senate and people thought proper. It was only in times when the republic was threatened by great danger that an atimos might hope to recover his lost rights, and in such circumstances the atimoi were sometimes restored *en masse* to the full citizenship. (Xen. *Hellen.* ii. 2, § 11; Andoc. *l. c.* §§ 70, 77, 107; Lycurg. *c. Leocrat.* § 41.)

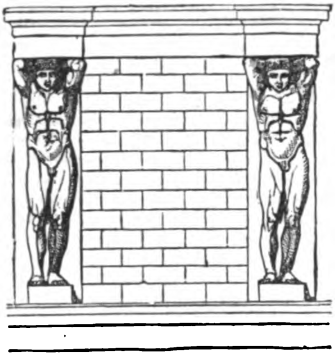
The offences which were punished at Sparta with atimia are not so well known; and in many cases it does not seem to have been expressly mentioned by the law, but to have depended entirely upon public opinion, whether a person was to be considered and treated as an atimos or not. In general, it appears that everyone who refused to live according to the national institutions lost the rights of a full citizen (*ὅμοιος*, Xenoph. *de Rep. Laced.* x. 7; iii. 3). It was, however, a positive law, that whoever did not give or could not give his contribution towards the syssitia, lost his rights as a citizen. (Aristot. *Polit.* ii. 6, p. 59, ed. Göttling.) The highest degree of infamy fell upon the coward (*τρέσας*) who either ran away from the field of battle, or returned home without the rest of the army, as Aristodemus did after the battle of Thermopylae (Herod. vii. 231), though in this case the infamy itself, as well as its humiliating consequences, were manifestly the mere effect of public opinion, and lasted until the person labouring under it distinguished himself by some signal exploit, and thus wiped off the stain from his name. The Spartans who in Sphacteria had surrendered to the Athenians were punished with a kind of atimia which deprived them of their claims to public offices (a punishment common to all kinds of atimia), and rendered them incapable of making any lawful purchase or sale. Afterwards, however, they recovered their rights (Thuc. v. 34). Unmarried men were also subject to a certain degree of infamy, in so far as they were deprived of the customary honours of old age, were excluded from taking part in the celebration of certain festivals, and occasionally compelled to sing defamatory songs against themselves. No atimos was allowed to marry the daughter of a Spartan citizen, and was thus compelled to endure the ignominies of an old bachelor (Plut. *Agesil.* 30; Müller, *Dor.* iv. 4, § 3). Although an atimos at Sparta was subject to a great many painful restrictions, yet his condition cannot be called outlawry; it was rather a state of infamy properly so called. Even the atimia of a coward cannot be considered equivalent to the civil death of an Athenian atimos, for we find him still acting to some extent as a citizen, though always in a manner which made his infamy manifest to every one who saw him.

(Lelyveld, *De Infamia ex Jure Attico*, Amstelod. 1835; Wachsmuth, *Hellen. Alterth.* vol. ii. p. 195, &c., 2nd edit.; Meier, *de Bonis Damnat.* p. 101, &c.; Schömann, *Assemblies*, p. 73 ff.; Hermann, *Polit. Ant. of Greece*, § 124; Meier and Schömann, *Att. Proc.* p. 563. On the Spartan atimia in particular, see Wachsmuth, &c., vol. ii. p. 155, &c. 2nd ed.; Müller, *Dor.* iii. 10, § 3.) [L. S.] [W. W.]

ATLANTES (*ἄτλαντες*) and **TELAMONES** (*τελαμῶνες*) are terms used in architecture, the former by the Greeks, the latter by the Romans, to designate those male figures which are sometimes fancifully used, like the female *Caryatides*, in place of columns (Vitruv. v. 7, § 6, Schneid.). Both words are derived from τλῆναι, and the former evidently refers to the fable of Atlas, who supported the vault of heaven, the latter *perhaps* to the strength of the Telamonian Ajax.

The Greek architects used such figures sparingly, and generally with some adaptation to the character of the building. They were much more freely used in tripods, thrones, and so forth.

They were also applied as ornaments to the sides of a vessel, having the appearance of supporting the upper works; as in the ship of Hiero, described by Athenaeus (v. p. 208 b).



Atlantes. (From Temple at Agrigentum: Professor Cockerell.)

A representation of such figures is given in the preceding woodcut, from the temple of Jupiter Olympius at Agrigentum. (Müller, *Archäol. d. Kunst*, § 279; Mauch, *Die Griech. u. Röm. Bau-Ordnungen*, p. 88.) [P. S.]

ATRAMENTUM (μέλαν), a term applicable to any black liquid (for instance, that emitted by the cuttle-fish, Cic. *N. D.* ii. 50, 127), but specially to three different kinds of black colouring substances:—1. *Atramentum sutorium* (χάλκανθον), used by shoemakers as a sort of blacking to dye leather with (Plin. *H. N.* xxxiv. § 123). It contained a poisonous ingredient, probably sulphate of copper (Cic. *ad Fam.* ix. 21). 2. *Atramentum tectorium* or *pictorium*, a black pigment used by painters Pliny describes many varieties, the best of which was made by collecting the soot arising from the combustion of the pitch-pine on the marble walls of a specially constructed furnace, mixing it with glue, and then drying the mixture in the sun (Pliny, *H. N.* xxxv. § 41; Vitruv. vii. 10). A kind made with vinegar instead of glue was especially permanent. Another kind, which was imported from India, was probably the same as our Indian ink. Apelles (Plin. *H. N.* xxxv. § 97) coated his pictures with a thin *atramentum* or varnish, which both protected them and toned down the colours. 3. *Atramentum librarium* (μέλαν γραφικόν, in Byzantine Greek μελάνιον, ἀτέραμνον, ἔγκαυστον, whence our English word *ink*) was usually prepared in the same way as *atramentum tectorium*, gum being substituted for glue (Pliny and Vitruv. *l. c.*) The proportions, according to Dioscorides (v. 182). were three parts of soot to one of gum. An infusion of wormwood protected manuscripts from mice (Plin. xxvii. § 52). This ink was more unctuous than ours, and perhaps more durable, resembling our printer's ink. It could, however, be easily wiped out soon after writing (Athen. ix. p. 407 c). Hence the sponge was one of the regular implements of the *scriba librarius* (Suet. *Aug.* 85; *Calig.* 20; Auson. *Ep.* 7; *Anthol. Pal.* vi. 295, 2; 65, 7; 66, 7). An inkstand containing some ink, thick but still fluid, was found at Pompeii. Its viscous character was sometimes a ground of complaint (Pers. *l. c.*), yet it was well adapted for writing on papyrus.

The invention of our modern ink, composed of oxide of iron and galls, has been placed as late as the 12th century, but it is almost impossible to write on parchment with the ink described above, and the use of galls is mentioned not only by Martianus Capella (iii. 225) in the 5th century, but by Philo of Byzantium (p. 102, *Vet. Mathem.*) in the 2nd, in a description of a sympathetic ink, and has, moreover, been established by Sir H. Davy's experiments on the Herculanean manuscripts (*Phil. Trans.* 1821, ii. 205).

The black fluid of the cuttle-fish (sepia) was also used as an ink, especially in Africa (Pers. *Sat.* iii. 12 and Schol.; Auson. iv. 76).

Coloured inks were also in use among the Romans [CINNABARIS, MINIUM, RUBRICA], and even a species of illumination in gold (Suet. *Ner.* 10).

Something like what we call sympathetic ink, which is invisible till heat or some preparation be applied, appears not to have been uncommon. So Ovid (*A. A.* iii. 627) advises writing love letters with fresh milk, which would be unreadable until the letters were sprinkled with coal-dust. Ausonius (*Ep.* xxiii. 21) gives the same direction. Pliny (xxvi. § 62) suggests that the milky sap contained in some plants might be used in the same way. Philo of Byzantium (*l. c.*) says that a letter written with an infusion of galls becomes invisible until a sponge dipped in a solution of sulphate of copper is passed over it, when it again becomes visible.

An inkstand (πυξίον, μελάνδοκον, μελανδοχεῖον, βροχίς; late Lat. *atramentarium*, *atramentale*) was either single or double. The double was probably intended to contain both black and red ink, much in the modern fashion. They were also of various shapes, as, for example, round or hexagonal, and of various materials, as terra-cotta, bronze or bronze inlaid with silver and gold, and sometimes highly decorated. It will be ob-

Inkstands from Pompeii.

nkstands in the woodcut
attach them to the

present inkstands found
] (Caneparius, *de Atra-*
Lond. 1660; Beckmann,
106, ii. 266, London,
kles, ii. 222, &c.; *Gallus*,
[J. H. F.]

a distinctive as well as
nate a particular part in
e Romans [DOMUS], and
uildings, so called from
e in construction to the
use. There is likewise a
um and area; the former
ounded by a colonnade,
such ornament attached
eover, was sometimes a
nbling in some respects
LICA], but consisting of
the Atrium Publicum in
informs us, was struck
(Liv. xxiv. 10). It was
to some temple or other
consisted of an open area
in front of the struc-
e church of St. Peter's,
more like the atrium
rch of S. Ambrogio at
rose on the ruins of a
he recently discovered
to have resembled the
unded by the apartments
read of two *atria liber-*
nich was employed as a
sors, as a prison, and as
ary of Rome (Cic. *ad*
59; Liv. xxv. 7, xxxiv.
v. *Trist.* iii. 1, 71; Tac.
); of an *atrium Minervae*,
atrium Caci, an *atrium*
rp. Inscr. i. p. 389), and
uint. 3, 12; 6, 25). The
e halls in which auctions
aria, Cic. *Agr.* i. 3, 7;
). [A. R.] [J. H. F.]

ττικουργές, *in the Attic*
term, which only occurs
iv. 6, §§ 1, 6, Schn.: as
word only occurs in a
No. 628, Meineke). The
ot to describe a distinct
t any of those variations
thenian architects made
ns. In the former pas-
it to a sort of base of a

rges.

bes as consisting of two
r trochilus with a fillet
above and below, and beneath all a *plinth*; but in several of the best examples the plinth is wanting. (For the exact proportions, see Vitruvius.) This form of base seems to have been originally an Athenian simplification of the Ionic base; but it was afterwards used in the other orders, especially the Corinthian and the Roman Doric; and it is usually regarded as being, from its simple elegance, the most generally applicable of all the bases [SPIRA].

In the second of the passages above referred to, Vitruvius applies the term *Atticurges* to a particular form of doorway, but it differed very little from that which he designates as the Doric: in fact, though Vitruvius enumerates three kinds of doorways to temples—the Doric, Ionic, and Attic—we only find in the existing building two really distinct forms (Mauch, *Die Griech. u. Röm. Bau-Ordnungen*, p. 97). According to Pliny (*H. N.* xxxvi. § 179), square pillars were called *Atticae columnae*. [P. S.]

AUCEPS, a bird-catcher, fowler (Ov. *A. A.* iii. 669; Varr. *L. L.* viii. 61, and *ap.* Non. 1, 97), the occupation called *aucupium* (Pallad. xiii. 6). The Romans, like the modern Italians, were fond of the flesh of small birds, and caught them in large quantities. In great families slaves were employed for this purpose, forming a part of the *familia rustica*, but freedmen and poor people also caught small birds, which they sold at Rome in the vicus Tuscus, near the Forum (Hor. *Sat.* ii. 3, 227; cf. Plaut. *Trin.* ii. 4, 7). The fowlers used for catching birds gins and snares (*laquei*, Pallad. xiii. 6; *pedicae*, Verg. *Georg.* i. 307), rods tipped with bird-lime (*arundines*, *calami*, Mart. ix. 54, 3; Petron. 40; Sil. Ital. vii. 674; Val. Flacc. vi. 260 *seq.*; Plaut. *Bacch.* i. 1, 17; *calami aucupatorii*, Mart. xiv. 218) [CALAMUS, 6]; clap-nets, held by two parallel rods or poles (*amites*, Pallad. x. 12; Hor. *Epod.* ii. 33; *amites*, *perticae aucupales*, Fest. p. 21, Müller), in connexion with which decoy- (*illex*) or call-birds, especially the owl (*noctua*), were used (Pallad. *l. c.*; Plaut. *As.* i. 3, 67); traps (*transennae*, Plaut. *Bacch.* iv. 5, 22; id. *Rud.* iv. 7, 10; id. *Pers.* iv. 3, 10), &c. The time for catching birds was from December to March (Pallad. xiii. 6); and the birds most frequently mentioned as caught were thrushes (*turdi*, Pallad. *l. c.*; Hor. *Epod.* ii. 33; Plaut. *Bacch.* iv. 5, 22). (See Rein, in Pauly, *Encyclop.* ii.^{2} *s. v.*) [W. S.]

AU'CTIO signifies generally "an increasing, an enhancement," and hence the name is applied to a public sale of goods, at which persons bid against one another. The term *auctio* is general, and comprehends the species *auctio*, *bonorum emptio*, and *sectio*. As a species, *auctio* signifies a public sale of goods by the owner or his agent, or a sale of goods of a deceased person for the purpose of dividing the money among those entitled to it, which was called *auctio hereditaria* (Cic. *pro Caecin.* 5, 13). The sale was sometimes conducted by an *argentarius*, or by a *magister auctionis*; and the time, place, and conditions of sale were announced either by a public notice (*tabula*, *album*), or by a crier (*praeco*).

The usual phrases to express the giving notice of a sale are *auctionem proscribere*, *praedicare*; and to determine on a sale, *auctionem constituere*. The purchasers (*emptores*), when assembled, were sometimes said *ad tabulam adesse*. The phrases signifying "to bid" are *liceri*, *licitari*, which was done either by word of mouth, or by such significant hints as are known to all people who have attended an auction. The property was said to be knocked down (*addici*) to the purchaser, who either entered into an engagement to pay the money to the *argentarius* or *magister*, or it was sometimes a condition of sale that there should be no delivery of the thing before payment (Gaius, iv. 126 : *actio*). An entry was made in the books of the *argentarius* of the sale and the money due, and credit was given in the same books to the purchaser when he paid the money (*expensa pecunia lata*, *accepta relata*). Thus the book of the *argentarius* might be used as evidence for the purchaser, both of his having made a purchase, and having paid for the thing purchased. If the money was not paid according to the conditions of sale, the *argentarius* could sue for it.

The *praeco* or crier seems to have acted the part of the modern auctioneer, so far as calling out the biddings (Cic. *de Off.* ii. 23, 83) and amusing the company. Slaves, when sold by auction, were placed on a stone or other elevated thing, as used sometimes to be the case when slaves were sold in the United States; and hence the phrase *homo de lapide emptus*. It was usual to put up a spear (*hasta*) in auctions; a symbol derived, it is said, from the ancient practice of selling under a spear the booty acquired in war. Hence the phrase *sub hasta vendere* (Cic. *de Off.* ii. 8, 27) signified "an auction." The expression *asta pubblica* is now used in Italy to signify an auction: the expression is *vendere all' asta pubblica* or *vendere per subasta*. [BONORUM EMPTIO; SECTIO.] [G. L.] [E. A. W.]

AUCTOR. A word which contains the same element as *augeo*, and signifies generally one who enlarges, confirms, or gives to a thing its completeness and efficient form. The numerous technical meanings of the word, some of which we proceed to explain, are more or less closely derived from this general notion. As he who gives to a thing that which is necessary for its completeness may, in this sense, be viewed as the chief actor or doer, the word *auctor* is also used in the sense of one who originates or proposes a thing; but this cannot be regarded as its primary meaning.

I. *Political.*—The word *auctor*, when used in connexion with *lex* or *senatus consultum*, often means him who originates and proposes, as appears from numerous passages (Liv. vi. 36; Cic. *pro Dom.* 30, 80). When the word is applied to him who recommends but does not originate a legislative measure, it is equivalent to *suasor* (Cic. *ad Att.* i. 19; *Brut.* 25, 97; 27, 106). Sometimes both *auctor* and *suasor* are used in the same sentence, and the meaning of each is kept distinct (Cic. *de Off.* iii. 30, 109). When a measure was approved by the senate before it was confirmed by the votes of the people, the senate were said *auctores fieri*, and this preliminary approval was called *senatus auctoritas* (Cic. *Brut.* 14, 55). The expressions *patres auctores fiunt*, *patres auctores facti*, have been the subject of much discussion, and are explained in a separate article. [AUCTORITAS PATRUM.]

In the imperial time, auctor is often said of the emperor (*princeps*) who recommended anything to the senate, and on which recommendation that body passed a senatus consultum (Gaius, i. 30, 80; Sueton. *Vesp.* 11).

II. *Legal.*—1. With reference to dealings between individuals, auctor has the sense of owner (Cic. *pro Caecin.* 10, 27), and is defined thus (Dig. 50, tit. 17, s. 175): *Auctor meus a quo jus in me transit.* In this sense auctor is the seller (*venditor*), as opposed to the buyer (*emptor*). (Dig. 19, tit. 1, s. 4; s. 52, § 3.) The person who joined the seller in a warranty, or as security, was called *auctor secundus*, as opposed to the seller or *auctor primus* (Dig. 21, tit. 2, s. 4). The phrase *a malo auctore emere* (Cic. *Verr.* v. 22, 56), *auctorum laudare* (Gell. ii. 10), will thus be intelligible. The testator, with respect to his heir, might be called *auctor*. (Ex Corp. Hermogen. Cod. tit. 11.)

2. A person whose concurrence is a necessary condition for giving effect to certain legal transactions, is called *auctor*. Thus as a person could not be arrogated without his own consent, he is said to be the auctor of the arrogation (Cic. *pro Dom.* 29).

3. Auctor is also used generally to express any person under whose authority any legal act is done. In this sense, it means a tutor who is appointed to aid or advise a woman on account of the infirmity of her sex (Liv. xxxiv. 2; Cic. *pro Caecin.* c. 25; Gaius, i. 190, 195): it is also applied to a tutor whose business it is to approve of certain acts on behalf of a ward (*pupillus*). (Paulus, *Dig.* 26, tit. 8, s. 3.)

4. In the criminal law auctor signifies the instigator of a crime, the person who induced another either alone, or in the company of the auctor, or in combination with others, to commit a crime (Suet. *Tit.* 9, *Dom.* 23, *Oth.* 1, *Ner.* 33; *auctor et socius*, Sall. *Jug.* 30). The passages in the Digest on this subject are given by Rein, *Criminalrecht der Römer*, p. 190.

III. The term *auctores juris* is sometimes equivalent to *jurisperiti* (Dig. 1, tit. 2, s. 2, § 13; Gell. ii. 10); but the term is specially used for those jurists to whom the *jus respondendi* had been given by the emperor. The law writers or leaders of particular schools of law were called *scholae auctores*. It is unnecessary to trace the other significations of this word. [G. L.] [E. A. W.]

AUCTORAMENTUM. [GLADIATORES.]

AUCTORTTAS. The technical meanings of this word correlate with those of auctor. The *auctoritas senatus* was not a *senatus consultum*; it was a measure, incomplete in itself, which received its completion by some other authority. Similarly in private law the *tutor* was said *auctoritatem interponere*, when he gave his sanction to such acts of his ward as would otherwise have been ineffectual (Gaius, i. 190).

An act which required the order or approval of a magistrate was said to be done by the authority of such magistrate (*auctoritas praetoris*, *auctoritate principis adoptare*, Dig. 1, tit. 7, s. 2, pr.).

The word *auctoritas* is used to express the force and validity of statute law, of legal opinion, and of decided cases (*auctoritas legis*, *sententiae*, *rerum perpetuo similiter judicatarum*).

Auctoritas sometimes signifies the obligation of the *auctor* in case the purchaser is evicted (Paul. ii. 17, § 1, 3), as also the action by which the *auctor* may be made liable (Dig. 21, tit. 2, s. 76.) It thus comes to mean the title by which property is held (Cic. *Top.* 4, 23; *pro Caecin.* 26, 74). It was a provision of the XII. Tables that no title by usucapion could be acquired in respect to a stolen thing (*res furtiva*, Gaius, ii. 45), which is thus expressed in the Atinian law as given in Gellius, xvii. 7: "Quod subreptum erit, ejus rei aeterna auctoritas esto;" *i.e.* the owner from whom the thing had been stolen retained his title, however long he might be out of possession (Cic. *de Off.* i. 12; Dirksen, *Zwölf-Tafel-Fragm.* p. 447). (As to the expression *usus auctoritas*, see USUCAPIO.)

In the imperial constitutions auctoritas is used as a title of honour (Cod. Theod. v. 13, 15, 17: "Illustris et magnifica auctoritas tua"). The other meanings of auctoritas may be easily derived from the primary meaning of the word, and from the explanations here given. [G. L.] [E. A. W.]

AUCTO'RITAS PATRUM. Few points in the constitution of Rome have been more discussed, and still divide opinion more, than the nature of the *patrum auctoritas*. Livy (i. 17) tells us that on the occasion of the election of Numa Pompilius, the senate, with the intention of securing the favour of the people, enacted that when the people had chosen (*iussisset*) a king, it should be valid *si patres auctores fierent*. The same phrase occurs in describing the elections of Tullus (c. 22) and of Ancus (c. 32). The first question that arises is whether by *patres* is meant senators or patricians. Cicero (*de Rep.* ii. 13, 17, 18, 20) does not mention expressly the *patrum auctoritas* (though in c. 13 he has the phrase *patribus auctoribus*), but in each case speaks of a Lex Curiata de imperio proposed by the king to the Comitia after his election. Niebuhr, whose opinion was long generally accepted, identified the two (cf. Becker, *Handbuch*, ii. 1, 316–331; Marquardt, ii. 3, 184) as the same thing under different phrases. But this is based upon two theories, both of them now shown to be erroneous. In the first place it identifies the *populus* with the *patres* (patricians); for Cicero says expressly of Hostilius, "de imperio suo exemplo Pompilii *populum* consuluit curiatim;" but there is not the slightest warrant for this assumption (cf. Seeley on Livy, i. 17). Secondly, it supposes the Comitia Curiata to have been a purely patrician body, which it certainly was not [COMITIA]; and, besides, the *patrum auctoritas* was given to laws as well as to elections. Hence Niebuhr's view now finds few defenders. The most important of these is Lange (*Röm. Alterth.* i. 265 ff.); the strongest argument he adduces is drawn from Livy, vi. 42, where we are told in reference to the election of the first plebeian consul, "patricii se auctores futuros negabant:" and then a decree was made by the senate, "ut patres auctores omnibus eius anni comitiis fierent." This is certainly fatal to the view commonly held before Niebuhr, which Livy's language in i. 17 seems to show that he held himself, that the *patres* were *identical* with the senate. It is not inconsistent with the second explanation, put forward by Huschke and Rubino, and now supported by Mommsen (*Röm. Forsch.* i. 233 ff.) and Madvig (*Verf.* i. 233 ff.). These scholars hold that in this case, as in that of an interregnum, *patres* denotes *the patrician portion* of the senate, and that the Lex Curiata de imperio was totally different from the *patrum auctoritas*. This is certainly the most natural interpretation of the language of Cicero (*de Rep.* ii. 13). And it appears to be proved to demonstration by a comparison of Livy, vi. 41, "nec centuriatis nec curiatis comitiis patres auctores fiant," which makes it impossible to identify *patres* with Curiata Comitia, with the passage above quoted from vi. 42, which is as great an obstacle to identifying them with the senate. It is further to be noticed that the term *auctoritas*, "sanction," is well suited to the act of a portion of the people, but quite inapplicable to the resolve of the whole body. It is no serious objection to this view that the term *patricii auctores fiunt* is sometimes used (Liv. vi. 42, xxvii. 8, 1; Sall. *Frag. Hist.* iii. 82, 15, Kr.; Dion. H. ii. 60, vi. 90; Gaius, i. 3), for the term *patricii* would be a natural one to use of the patrician section of the senate.

We have five instances on record of the attempted refusal of this *patrum auctoritas*, all instances in which some constitutional change was contemplated. Hence it seems to have held in earlier times something like the place of the action of the augurs at a later day (Mommsen, *R. F.* i. 240 ff.). The significance of the Publilian Law of 339 (Liv. viii. 12) was therefore that no merely formal objection should be allowed to interfere with the deliberate choice of the Comitia Centuriata, but "ut legum, quae comitiis centuriatis ferrentur, ante initum suffragium patres auctores fierent." A Lex Maenia early in the 3rd century B.C. (Cic. *Brut.* 14, 55) extended the same rule to elections.

A third view, which has found some support of late, is that put forward by Peter (*Epochen der Verfassungs*, Leipzig, 1841), adopted with some modifications by Schwegler (*Röm. Gesch.* ii. 155–173) and Walter (*Röm. Rechtsgesch.* i. § 23, n. 55, 56; § 41, n. 16; § 66). This ascribes a double meaning to the term, assuming both in elections and in laws passed by the centuries, first a permissive resolution on the part of the senate, and then, after the voting, a confirmatory decree on the part of the curies, both described by the same term *patrum auctoritas*. This procedure was then followed in the case of a consul's election by the Lex Curiata de imperio, proposed by the consul himself. There does not appear to be any evidence requiring such a complicated hypothesis. The recorded facts are well explained by Mommsen's simpler view.

The *patrum auctoritas* must be carefully distinguished from the *Senatus auctoritas* [SENATUS]. [A. S. W.]

AUDITO'RIUM, as the name implies, is any place for hearing. It was the practice among the Romans for poets and orators to read their compositions to their friends, who were sometimes called the *auditorium* (Plin. *Ep.* iv. 7); but under the empire the word was applied to a court of justice. Under the republic the place for all judicial proceedings was the Comitium and the Forum ("ni pagunt in comitio aut in foro ante meridiem causam conjicito quum perorant ambo praesentes," Dirksen, *Uebersicht*, &c., p. 725). Under the empire, the Forum continued to be the place where magistrates and judices heard civil causes. But for the sake of shelter and convenience, it became a practice to hold courts in the Basilicae, halls of temples, and other suitable places about the Forum. Such enclosed courts were called *auditoria*, or places in which the plaints of litigants were heard. The effect of this change was that courts of justice were less frequented by the public than when they were held in an open space. So in the dialogue *de Oratoribus* (c. 39) the writer observes that oratory had lost much by cases being generally heard in *auditoria* and *tabularia*. The courts of the provincial governors were not always open to the public in the time of Cicero (Cic. *Verr.* v. 11, 27). Their courts appear to have been held at a later period, either in the hall of their Praetorium or in the open Forum (St. John xviii. 33, xix. 9–13; Acts of the Apost. xv. 23, ἀκροατήριον).

The emperors at first sometimes sat in the Forum, but they soon gave up the practice, and only exercised justice within their own palace. The place where the court sat was called the *auditorium principis* or *sacrum auditorium*. The *auditorium principis* is first mentioned in reference to M. Aurelius, and afterwards becomes a common term (Dig. 36, tit. 1, s. 22; 49, tit. 9, s. 1; Dio Cass. lxxvi. 11; Dig. 4, tit. 4, s. 18). The *praefectus praetorio* and *praefectus urbi*, who exercised the imperial jurisdiction, also sat in *auditoria* (Dig. 12, tit. 1, s. 40; 23, tit. 3, s. 78, § 4). The imperial court of justice (*auditorium principis*) is sometimes distinguished from the imperial administrative council (*consistorium principis*), but in later Roman law the distinction is not always maintained.

Under the later empire, judicial proceedings were carried on with less publicity.

In the time of Diocletian, the auditorium was also called *secretarium*. In a constitution of Constantine the two words were used as equivalent (Cod. Th. i. tit. 16, s. 6), when he enacts that both criminal and civil cases should be heard openly from the tribunal, and not in *auditoria* or *secretaria*.

Valentinianus and Valens allowed causes to be heard either before the tribunal or in the *secretarium*; but in the latter the doors were to be left open.

From the 5th cent. causes were exclusively heard in the *secretarium* or *secretum*. The public was shut off by *cancelli* and curtains (*vela*), which in exceptional cases were drawn aside (*levato velo cognoscere*, Cod. Theod. vi. tit. 13, s. 9). Under the despotic system of the late empire the public was excluded from the inner *secretarium*, but persons of a certain rank (*honorati*) and those invited by the magistrate were admitted to it. (Bethmann-Hollweg, *Civil-Prozess*, § 147.) [G. L.] [E. A. W.]

AUGUR, AUGUR'IUM; AUSPEX, AUSPIC'IUM. *Augur* or *auspex* meant a diviner by birds, but came in course of time, like the Greek οἰωνός, to be applied in a more extended sense: his art was called *augurium* or *auspicium*. Plutarch relates that the *augures* were originally termed *auspices* (*Quaest. Rom.* c. 72), and there seems no reason to doubt this statement as Hartung does (*Die Religion der Römer*, vol. i. p. 99), on the authority of Servius (*ad* Verg. *Aen.* i. 402, iii. 20). The authority of Plutarch is further supported by the fact, that in Roman marriages the person who represented the diviner of ancient times was called *auspex*, and not *augur*. (Cic. *de Div.* i. 16, 28.) Rubino (*Römisch. Verfassung*, p. 45), followed by Mommsen (*Röm. Staatsr.* i.^{2} 101, note 2), draws a distinction between the meaning of the words *auspex* and *augur*, though believing that they were used to indicate the same person, the former referring simply to the observation of the signs, and the latter to the interpretation of them. This view is certainly supported by the meaning of the verbs *auspicari* and *augurari*, and the same distinction seems to prevail between the words *auspicium* and *augurium*, when they are used together (Cic. *de Nat. Deor.* ii. 3, 9), though they are often applied to the same signs. The word *auspex* was supplanted by *augur*, but the scientific term for the observation continued on the contrary to be *auspicium*, and not *augurium*. The etymology of *auspex* is clear enough (from *avis*, and the root *spec*), but that of *augur* is not so certain. Some ancient grammarians derived it from *avis* and *gero* (Festus, s. v. *augur*; Serv. *ad* Verg. *Aen.* v. 523), in support of which we may mention the analogy of *au-spex* and *au-ceps*, and the ancient forms *auger* and *augeratus* quoted by Priscian, i. 6, § 36; and this derivation is now accepted by Mommsen, Marquardt, Bouché-Leclercq, and others. Of modern suggestions may be mentioned that of Aufrecht and Kirchhoff, connecting the word with the Umbrian *uhtur* = *auctor* (cf. *ius est augurum cum auctoritate conjunctum*, Cic. *de Leg.* ii. 12, 31; and Nissen, *Das Templum*, p. 5), and that of Vaniček, from *avis* and the root *gar* (found in Sanscrit and in γηρύειν, *garrire*). Fick, and apparently Kuntze, connect it with *augeo augustus* (cf. *augustum augurium* in Ennius), and take it to mean "assistant;" while Lange and Bréal see in the word the root *gush* (as in γεύω) and understand by it "an appreciator." By Greek writers on Roman affairs, the augurs are called αὔγουρες, οἰωνοπόλοι, οἰωνοσκόποι, οἰωνισταί, οἰωνομάντεις, οἱ ἐπ' οἰωνοῖς ἱερεῖς.

In the most ancient times, no transaction took place, either of a private or a public nature, without consulting the auspices, and hence we find the question asked in a well-known passage of Livy (vi. 41, 4), "Auspiciis hanc urbem conditam esse, auspiciis bello ac pace, domi militiaeque omnia geri, quis est, qui ignoret?" But the private augur seems to have fallen into contempt. Thus Cicero, while arguing in favour of divination in general, follows Ennius in classing the *Marsus augur* with other impostors (*de Div.* i. 58, 132); and of the *auspices* at weddings he says that they had ceased to be such in anything but name (i. 16, 28).

The public augurs, on the contrary (in full, *augures publici populi Romani Quiritium*, Orelli, *Inscr.* 2130, &c.), are of great importance in Roman political history, and formed a collegium. But before tracing their history we will inquire what the auspices were.

All the nations of antiquity were impressed with the firm belief, that the will of the gods and future events were revealed to men by certain signs, which were sent by the gods as marks of their favour to their sincere worshippers. Hence the arguments of the Stoics, that if there are gods they care for men, and that if they care for men they must send them signs of their will (Cic. *de Leg.* ii. 13, 32), expressed so completely the popular belief, that whoever questioned it would have been looked upon in no other light than an atheist. But while all nations sought to become acquainted with the will of the gods by various modes, which gave rise to innumerable kinds of divination, there arose in each separate nation a sort of national belief, that the particular gods, who watched over them, revealed the future to them in a distinct and peculiar manner. Hence each people possessed a national *μαντική* or *divinatio*, which was supported by the laws and institutions of the state, and was guarded from mixture with foreign elements by stringent enactments. Thus the Romans looked upon astrology and the whole prophetic art of the Chaldaeans as a dangerous innovation; they paid little attention to dreams, and hardly any to inspired prophets and seers. On the contrary, in common with their kindred races in Central Italy and with the Etruscans, they attached much importance to extraordinary appearances in nature—*prodigia*. They endeavoured to learn the future, especially in war, by consulting the entrails of victims; they laid great stress upon favourable or unfavourable *omina*, and in times of danger and difficulty were accustomed to consult the Sibylline books, which they had received from the Greeks: but the mode of divination, which was peculiar to them and essentially national, consisted in those signs included under the name of *auspicia*. The observation of the auspices was, according to the unanimous testimony of the ancient writers, more ancient even than Rome itself, which is constantly represented as founded under the sanction of the auspices, and the use of them is therefore associated with the Latins, or the earliest inhabitants of the city. There seems therefore no reason to assign to them an Etruscan origin, as many modern writers are inclined to do, while there are several facts pointing to an opposite conclusion. Cicero, who was himself an augur, in his work *de Divinatione*, constantly appeals to the striking difference between the auspicia and the Etruscan system of divination; and, while he frequently mentions other nations, which paid attention to the flight of birds as intimations of the divine will, he never once mentions this practice as in existence among the Etruscans (Cic. *de Div.* i. 41, 92. 93, ii. 35, 75; *de Nat. Deor.* ii. 4, 11). The belief, that the flight of birds gave some intimation of the will of the gods, seems to have been prevalent among many nations of antiquity, and was common to the Greeks, as well as the Romans; but it was only among the latter people that it was reduced to a complete system, governed by fixed rules, and handed down from generation to generation. In Greece, the oracles supplanted the birds, and the future was learnt from Apollo and other gods, rarely from Zeus, who possessed very few oracles in Greece. The contrary was the case at Rome: it was from Jupiter mainly that the future was learnt, and the birds were regarded as his messengers. (*Aves internuntiae Jovis*, Cic. *de Div.* ii. 34, 72; *Interpretes Jovis optimi maximi publici augures*, Cic. *de Leg.* ii. 8, 20); though other divinities, such as Tiberinus and some river-gods (Cic. *de Nat. Deor.* iii. 20, 52), and even the Manes (Festus, s. v. *Manes*), were invoked by the observer. When a whole series of gods was invoked, it was called *precatio maxima*. It must be remarked in general that the Roman auspices were essentially of a practical nature; they gave no information respecting the course of future events, they did not inform men *what was to happen* (Cic. *de Div.* ii. 33, 70), but simply taught them *whether they were to do or not to do the matter purposed*; they assigned no reason for the decision of Jupiter,—they simply announced, yes or no.

The science or system of the augurs (*disciplina* or *ius augurum*), of which they were the skilled interpreters (*periti prudentes*), bound to observe its rules (Cic. *de Legg.* ii. 8, 20), was in early times reduced to a documentary form (*libri augurum*), comprising, besides the minute formalities of the ceremonial to be observed, and no doubt the whole theoretical part of augural science, which appear to have been contained in what were called the *libri reconditi* (Cic. *de Dom.* 15, 39), also records (*commentarii*, Cic. *de Div.* ii. 18, 42; cf. Marquardt, *Röm. Staatsv.* iii. 288), which consisted of judgments (*responsa* or *decreta*, Cic. *de Dom.* 15, 40; *de Div.* ii. 35, 73), when any matter was referred by the senate to the college of augurs. Much interesting historical information was contained in these records. Further, the college of augurs, like other colleges, had lists (*fasti*) of its members (a specimen is given in *C. I. L.* vi. 1976). The secrecy of these documents was guarded by an oath tendered to the members of the college (Plut. *Quaest. Rom.* 99). But augural law, just as civil law, could not always remain a mystery; and the manuals, which it became necessary to draw up, were in course of time divulged, until the subject became a favourite one with the antiquarian writers of the last century of the republic. Thus Cicero, in his philosophical treatise on *Divinatio* in general, repeatedly draws his instances from the *disciplina* of the augurs.

The words *augurium* and *auspicium* came to be used in course of time to signify the observation of various kinds of signs. They were divided into five sorts: *ex caelo*, *ex avibus*, *ex tripudiis*, *ex quadrupedibus*, *ex diris* (Festus, s. v. *quinque genera*). Strictly speaking, the last three of these formed no part of the auspices.

These signs were either *impetrita* or *impetrativa*—that is, specified by the person who consulted the will of Jupiter when he began to take observations; or *oblativa*,—that is, not specified nor expected by him beforehand, and therefore so far unfavourable. The *auspicia ex diris* always belonged to the class of *oblativa*. The specification of the *impetrita* was called *legum dictio*. (Serv. *ad Aen.* ii. 702, iii. 89, vi. 190, xii. 246, 259; Plaut. *Asin.* ii. 1, 11.) A few words must be said on each of these five kinds of augury.

1. *Ex caelo.* This included the observation of the various kinds of thunder and lightning, and was regarded as the most important, *maximum auspicium*, especially in a clear sky. (Verg. *Aen.* ix. 630; Serv. *ad* Verg. *Aen.* ii. 693; Cic. *de Div.* ii. 18, 43, &c.; Festus, s. v. *Caelestia*.) In interpreting this, as well as other signs, the Italian, unlike the Greek, regarded those from the left as lucky, those from the right as unlucky; for while both regarded the east as the lucky side, the Italian faced south and the

Greek faced north. Lightning or thunder suspended the *comitia* for the day (Cic. *l. c.*; Dio Cass. xxxviii. 13); and as it remained a fixed principle with the Romans to repose trust in announcements touching the auspices made by those who had the right of taking them (cf. Liv. x. 40, 11; xxxviii. 48, 14; Plin. *H. N.* xxviii. § 17), when the belief in the auspices decayed, this mode of augury became a political engine for causing delay; further, as being the most important species of augury, it was retained as the one formally used on the occasion of a magistrate entering upon office (Cic. *de Div.* ii. 35, 73); and in Cicero's time and later the *caelestia* were the only *auspicia impetrativa* used in the city (Mommsen, *Röm. Staatsr.* i.^{2} 78). The transition from the old system of augury to the new system, wherein only *caelestia* and *pullaria* were used, Kuntze (*Prol. zur Geschichte Roms*, p. 92) places in the Punic Wars, and supposes M. Marcellus, who was *optimus augur* (Cic. *de Div.* ii. 36, 77), to have been in a great measure instrumental in bringing this about.

2. *Ex avibus.* It was only a few birds which could give auguries among the Romans (Cic. *de Div.* ii. 36, 76). They were divided into two classes: *Oscines*, those which gave auguries by singing or their voice, and *Alites*, those which gave auguries by their flight (Festus, s. v. *Oscines*). To the former class belonged the raven (*corvus*) and the crow (*cornix*), the first of these giving a favourable omen (*auspicium ratum*) when it appeared on the right, the latter on the contrary, when it was seen on the left (Plaut. *Asin.* ii. 1, 12; Cic. *de Div.* i. 39, 85); likewise the owl (*noctua*, Festus, s. v. *Oscines*). To the *aves alites* belonged first of all the eagle (*aquila*), who is called pre-eminently the bird of Jupiter (*Jovis ales*), and next the vulture (*vultur*); and with these two the *avis sanqualis* (also called *ossifraga*, which was sacred to Sancus), the *immusulus*, and *buteo* are probably also to be classed. (Comp. Verg. *Aen.* i. 394; Liv. i. 7, 34, xli. 13; Festus, s. v. *sanqualis;* Plin. *H. N.* x. § 20.) Some birds were included both among the *oscines* and the *alites:* such were the *picus Martius* and *Feronius*, and the *parra* (Plin. *H. N.* x. § 40; Hor. *Carm.* iii. 27, 1, 15; Festus, s. v. *Oscinum tripudium*), which belonged to Vesta (Nonius, 518, 27). Some birds by their mere appearance foreboded ill, as the *bubo*, *spinturnix* (Plin. *H. N.* x. 34–37), and some again were birds of omen only to particular classes of events or people: *e.g.* the *aegithus* for weddings and agriculture (*ib.* x. 21), the swan for mariners, and the dove for kings (Serv. *ad Aen.* i. 393). These were the principal birds consulted in the auspices. There were considerable varieties of omen according to the note of the *oscines* or the place from which they uttered the note; and similarly among the *alites*, according to the nature of their flight, especially the height: hence the division of *praepetes* and *inferae* (Gell. vi. 6). Other peculiarities also of their appearance were ominous, such as tearing themselves (Festus, s. v. *Voisgram;* Stat. *Theb.* iii. 513). There were very great minutiae, such as the nine different notes of the owl (Plin. *H. N.* x. § 39), but they need not be touched upon. When the birds favoured an undertaking, they were said *addicere* or *admittere*, and were called *admissivae*. When unfavourable, they were said *abdicere*, and were called *alterae*, *arculae*, *cliviae*, *inebrae*, *remores* (see Festus, *s. vv.*), *clamatoriae*, *prohibitoriae* (Plin. *H. N.* x. § 37). The technical term for all the observations agreeing was *consensio* (Serv. *ad Aen.* iii. 60). It has been noticed that the Romans in their augury, unlike the Etruscans, did not let birds loose, but always waited for them to appear (Bouché-Leclercq, *ap.* D. and S. i. 555). This form of divination, to which the ancient Romans, like the other inhabitants of Central Italy, constantly had recourse, was cast into the shade by *haruspicina*, which was itself falling out of use in Cicero's days (*de Div.* i. 16, 28).

3. *Ex tripudiis.* These auspices were taken from the feeding of chickens, and were especially employed on military expeditions. It was the doctrine of the augurs that any bird could give a tripudium (Cic. *de Div.* ii. 35, 73); but it became the practice in later times to employ only chickens (*pulli*) for the purpose, owing to the simplicity of the signs afforded by them, and the greater rapidity and convenience by which such signs could be obtained. They are also called *auspicia pullaria* (Serv. *ad Aen.* vi. 198). It is not quite certain whether this kind of augury was used in civil concerns. There is no really clear instance to support the view that they were (Mommsen, *op. cit.* i.^{2} 82, note 2), though Servius (*l. c.*) says, *Romani moris erat in comitiis agendis et in bellis gerendis pullaria captare auguria.* The chickens were kept in a cage, under care of a person called *pullarius;* and when the auspices were to be taken, the pullarius opened the cage and threw to the chickens pulse or a kind of soft cake. If they refused to come out or to eat, or uttered a cry (*occinerent*), or beat their wings, or flew away, the signs were considered unfavourable (Liv. x. 40, 4; Val. Max. i. 4, § 3). On the contrary, if they ate greedily, so that something fell from their mouth and struck the earth, it was called *tripudium solistimum* (*tripudium*, originally the triple beat of the foot in religious dances; *solistimum* = perfect. Fest. *s. v.* For ancient derivation, see Cic. *de Div.* ii. 34, 72), and was held to be a favourable sign. Two other kinds of *tripudia* are mentioned by Festus,—the *tripudium oscinum*, from the cry of birds, and *sonivium*, from the sound of the pulse falling to the ground: in what respects the latter differed from the *tripudium solistimum*, we are not informed. (Cic. *ad Fam.* vi. 6, 3; see also Festus, s. vv. *puls*, *tripudium*, *oscinum tripudium.*) The *pullarii* appear to have trenched on the functions of the augurs, being even employed *servare de caelo* for magistrates (Cic. *de Div.* ii. 35, 74; *ad Fam.* x. 12, 3). They could secure a favourable omen by starving the chickens or giving them crumbling food (Cic. *de Div.* ii. 35, 73; Festus, s. v. *puls*).

4. *Ex quadrupedibus.* Auguries could also be taken from four-footed animals and reptiles, and were called *pedestria auspicia;* but these formed no part of the original science of the augurs, and were never employed by them in taking auspices on behalf of the state, or in the exercise of their art properly so called. They must be looked upon simply as a mode of private divination, which was naturally brought under the notice of the augurs, and seems by them to have been reduced to a kind of system. Thus we are

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and this again was
e accurately *templum*

minus; for *templum*, as Servius tells us (*ad Aen.* iv. 200), is applied not merely to a space which could be enclosed, but also to one actually enclosed. If for any reason the first tabernaculum was unfavourable, a second one was chosen: but if it likewise was unfavourable, the first was returned to (Serv. on *Aen.* ii. 178). There was one opening in the front part (*antica pars*) of the tent. This opening usually faced the south (Varr. *L. L.* vii. 7); though in the inauguration of persons and places it appears that the augur looked towards the east (Liv. i. 18, 6): cf. Nissen, *Das Templum*, p. 172, who considers the easterly aspect the more usual one. The buildings in which the senate met, such as the Curia Hostilia Pompeia or Julia, had likewise to be consecrated by the augurs and made into *templa;* for this term does not by any means apply to all the sacred buildings of the gods (Varr. *ap.* Gell. xiv. 7, 7): cf. Mommsen, *op. cit.* i.^{2} 100, note 4. Within the walls of Rome, or, more properly speaking, within the pomoerium, there was no occasion to select a spot and pitch a tent on it, as there was a place on the Arx on the summit of the Capitoline hill, called *Auguraculum*, which had been consecrated once for all for this purpose (Festus, s. v. *Auguraculum;* comp. Liv. i. 18, 6; Cic. *de Off.* iii. 16, 66). In like manner there was in every Roman camp a place called *augurale* (Tac. *Ann.* ii. 13, xv. 30), which answered the same purpose; but on all other occasions a place had to be consecrated and a tent to be pitched, as, for instance, in the Campus Martius, when the Comitia Centuriata were to be held. The spot where the auspices were taken had always to be Roman land. From the point of view of the auspices there were five sorts of land—Roman, Gabine, foreign, hostile, and doubtful (Varr. *L. L.* v. 33). Accordingly, when it was necessary to take the auspices in any of the four latter kinds of land, a tract had to be considered as Roman and inaugurated as such (Serv. *ad Aen.* ii. 178; Dio Cass. xli. 43; Liv. xxvii. 29, 5). The person who was then taking the auspices proceeded to specify the signs for which he was watching (*legum dictio*, Serv. *ad Aen.* iii. 89), and the period of time during which he would watch, the most important moment at the end being called *tempestus* (= *supremum augurii tempus*, Varr. *L. L.* 7, § 51), and, seated (Serv. *ad Aen.* ix. 4; Plut. *Marc.* 5) in a chair, waited for the favourable signs to appear; but it was necessary during this time that there should be no interruption of any kind whatsoever (*silentium*), and hence the word *silentium* was used in a more extended sense to signify the absence of everything that was faulty. Though the watcher especially took note of what he perceived himself, yet he at times asked bystanders or others to assist him in watching for signs; and in later times it was usual to be satisfied with the assertion of the assistant that the required sign had been seen (Cic. *de Div.* ii. 34, 72; 35, 75). Those who were asked to assist in the augury (*in auspicio esse*) were sometimes augurs, but not necessarily so. The formula by which the request was made and the assent given is recorded by Cicero (*de Div.* ii. 34, 71. 72). But the magistrate was no more bound to pay attention to what these assistants reported, than he was to obey the advice of his *consilium* (Mommsen, *op. cit.* i.^{2} 102); still, according to ancient law, anyone who disobeyed a decree of the augurs was guilty of a capital offence (Cic. *de Leg.* ii. 8, 21; 12, 31). Everything which rendered the auspices invalid was called *vitium* (see Festus, s. v. *silentio surgere*), and hence we constantly read in Livy and other writers of *vitio* magistratus creati, *vitio* lex lata, &c. A euphemistic phrase was *causa est* (Serv. *ad Aen.* vii. 141; ix. 630). The watching for the auspices was called *spectio* or *servare de coelo*, the declaration of what was observed *nuntiatio* or *obnuntiatio* (*vide infra*). If the signs were unfavourable, the *nuntiatio* of the augur was expressed in the form *alio die*, by which the business in hand, whether the holding of the *comitia* or anything else, was entirely stopped (Cic. *de Leg.* ii. 12, 30). For ancient descriptions of the process, see Liv. i. 18; Stat. *Theb.* iii. 459 ff.; and Sabidius, *ap.* Mommsen, *op. cit.* i.^{2} 81, note 5.

Having explained what the auspices were and how they were taken, we have now to determine who had the power of taking them. In the first place it is certain that in ancient times no one but a patrician could take the auspices, and that a plebeian had no power of doing so. The gods of the Roman state were the gods of the patricians alone, and it was consequently regarded as an act of profanation for any plebeian to attempt to interpret the will of these gods. Hence the possession of the auspices (*habere auspicia*) is one of the most distinguished prerogatives of the patricians; they are said to be *penes patres*, and are called *auspicia patrum*. It is closely connected with the possession of a *gens*; and accordingly there can be no doubt that *patres* means the whole body of patricians (see Liv. iv. 2, 5; 6, 2; vi. 41, 6; x. 8, 9; and Weissenborn, *ad loc.*). It would further appear that every patrician might take the auspices; but here a distinction is to be observed. It has already been remarked that in the most ancient times no transaction, whether private or public, was performed without consulting the auspices (*nisi auspicato, ne privatim quidem*, Cic. *de Div.* i. 16, 28; Val. Max. ii. 1, § 1); and hence arose the distinction of *auspicia privata* and *auspicia publica*. Of the *privata auspicia* we know little, but probably they were similar to the *publica*, as may be seen from the story about Attus Navius in Cicero (*de Div.* i. 17); cf. Mommsen, *op. cit.* i.^{2} 85, note 4. One of the most frequent occasions on which the *auspicia privata* were taken, was in case of a marriage (Cic., Val. Max., *ll. cc.*); and hence after private auspices had become entirely disused, the Romans, in accordance with their usual love of preserving ancient forms, were accustomed in later times to employ *auspices* in marriage, who, however, acted only as friends of the bridegroom, to witness the payment of the dowry and to superintend the various rites of the marriage (Plaut. *Cas.* prol. 85; Suet. *Claud.* 26; Tac. *Ann.* xi. 27). The employment of the auspices at marriages was one great argument used by the patricians against *connubium* between themselves and the plebeians, as it would occasion, they urged, *perturbationem auspiciorum publicorum privatorumque* (Liv. iv. 2, 5). The possession of these private auspicia is expressed in another passage of Livy by *privatim auspicia habere* (Liv. vi. 41, 6). In taking these private auspices, it would appear that any patrician was employed who knew how to form *templa* and was acquainted with the art of augury, and was therefore called *auspex* or *augur*: it does not appear to have been necessary nor usual in such cases to have recourse to the public augurs, the members of the collegium, who are therefore frequently called *augures publici*, to distinguish them from the private augurs. (Cic. *de Leg.* ii. 8, 20; *ad Fam.* vi. 6, 6; Festus, s. v. *quinque genera.*) The case, however, was very different with respect to the *auspicia publica*, generally called *auspicia* simply, or those which concerned the state. The latter could only be taken by the persons who represented the state, and who acted as mediators between the gods and the state; for though all the patricians were eligible for taking the auspices, yet it was only the magistrates who were in actual possession of them. The magistrates were the mediators between the people and both god and man; hence their authority was represented in the fullest terms by *auspicium imperiumque* (Liv. xl. 52, 5); cf. Mommsen, *op. cit.* i.^{2} 73. As long as there were any patrician magistrates, the auspices were exclusively in their hands (Cic. *Ep. ad Brut.* i. 5, 4); on their entrance upon office, they received the auspices (*accipiebant auspicia*, Cic. *de Div.* ii. 36, 76); while their office lasted, they were in possession of them (*habebant* or *erant eorum auspicia*, Gell. xiii. 15); and at the expiration of their office, they laid them down (*ponebant auspicia*, Cic. *de Nat. Deor.* ii. 3, 9). In case, however, there was no patrician magistrate, the auspices became vested in the whole body of the patricians, which was expressed by the words *auspicia ad patres redeunt* (Cic. *Ep. ad Brut.* i. 5, 4). This happened in the kingly period on the demise of a king, and the patricians then chose an interrex, who was therefore invested by them with the right of taking the auspices, and was thus enabled to mediate between the gods and the state in the election of a new king. In like manner in the republican period, when it was believed that there had been something faulty (*vitium*) in the auspices in the election of the consuls, and they were obliged in consequence to resign their office, the auspices returned to the whole body of the patricians, who had recourse to an *interregnum* for the renewal of the auspices, and for handing them over in a perfect state to the new magistrates. For this the technical expression is *renovare auspicia* (Liv. v. 31, 7; vi. 5, 6). This is to be distinguished from *repetere auspicia*, said of a general who had taken faulty omens before setting out, and had to return to Rome to renew them (Liv. viii. 30, 2, and Weissenborn), though this term is once applied (Liv. v. 17, 3) to what is more strictly *renovatio* (see Mommsen, *op. cit.* i.^{2} 88, 96). If a magistrate was declared faultily elected owing to the auspices, he had to submit to the decree and resign (*vitio facti abdicarunt* is the regular formula), and they could not conduct the new elections, nor were they eligible themselves for re-election. There are numerous examples in Livy: *e.g.* vi. 38, 9; viii. 15, 6. In the case of the resignation of the tribunes in Liv. x. 47, 1, it is hard to know who could have elected the new tribunes, as the plebeians had nothing corresponding to the patrician interregnum (see Weiss. *ad loc.*). If the magistrate refused to resign, he could not be forced to do so by the people, *e.g.* Flaminius in 223 B.C. (Plut. *Marc.* 4; Liv. xxi. 63, 7). But if a magistrate did refuse, he was liable to prosecution at the expiration of his office: "quique non paruerit capital esto," ran the old law (Cic. *de Leg.* ii. 8, 21). If a decree of the people had been vitiated by the auspices, it had to be abrogated by another decree of the people, introduced by a resolution of the senate in accordance with the judgment of the augurs; but the latter for the most part were deemed sufficient without the matter being brought before the people (see Cic. *de Leg.* ii. 12, 31; Mommsen, *op. cit.* i.^{2} 113, 114).

The distinction between the duties of the magistrates and the augurs in taking the auspices is one of the most difficult points connected with this subject, but perhaps a satisfactory solution of these difficulties may be found by taking an historical view of the question. We are told not only that the kings were in possession of the auspices, but that they themselves were acquainted with the art and practised it. Romulus is represented to have been the best of augurs, and from him all succeeding augurs received the chief mark of their office, the *lituus*, with which that king exercised his calling. (Cic. *de Div.* i. 2, 3; Liv. i. 10, 6.) He is further stated to have appointed three augurs, but only as his assistants in taking the auspices, a fact which is important to bear in mind. (Cic. *de Rep.* ii. 9, 16.) Their dignity gradually increased in consequence of their being employed at the inauguration of the kings, and also in consequence of their becoming the preservers and depositaries of the science of augury. Formed into a collegium, they handed down to their successors the various rules of the science, while the kings, and subsequently the magistrates of the republic, were liable to change. Their duties thus became twofold,—to assist the magistrates in taking the auspices, and to preserve a scientific knowledge of the art. They did not possess the right of consulting the auspices (*habere auspicia*) themselves, though they understood them better than the magistrates; the lightning and the birds were not sent to them, but to the magistrates; they discharged no independent functions either political or ecclesiastical, and are therefore described by Cicero as *privati* (*de Div.* i. 40, 89). As the augurs were therefore merely the assistants of the magistrates, they could not take the auspices without the latter, though the magistrates on the contrary could dispense with their assistance (cf. Mommsen, *Staatsr.* i.^{2} 102), as must frequently have happened in the appointment of a dictator by the consul on military expeditions at a distance from the city. At the same time it must be borne in mind that, as the augurs were the interpreters of the science, they possessed the right of declaring whether the auspices were valid or invalid, and that too whether they were present or not at the time of taking them; and whoever questioned their decision was liable to severe punishment (Cic. *de Leg.* ii. 8, 21). They thus possessed in reality a veto upon every important public transaction. It was this power which made the office an object of ambition to the most distinguished men at Rome, and which led Cicero, himself an augur, to describe it as the highest dignity in the state (*de Leg.* ii. 12, 31). The augurs frequently employed this power as a political engine to vitiate the election of persons unfavourable to the exclusive privileges of the patricians. (Liv. vi. 27; viii. 23.)

But although the augurs could declare that there was some fault in the auspices, yet, on the other hand, they could not, by virtue of their office, declare that any unfavourable sign had appeared to them, since it was not to them that the auspices were sent. Thus we are told that the augurs did not possess the *spectio;* that is, the right of taking the state-auspices. The difference between *habere auspicia* and *spectionem* appears to have been that the former was the right of observing the auspices in general, the latter the right as applied to a special case (Mommsen, *op. cit.* i.^{2} 86, note 2). When they were employed by the magistrates in taking the auspices, they possessed the right of the *nuntiatio*, and thus had the power, by the declaration of unfavourable signs (*obnuntiatio*, Donat. *ad* Ter. *Ad.* iv. 2, 9), to put a stop to all important public transactions (Cic. *de Leg.* ii. 12, 31). In this way we are able to understand the assertion of Cicero (*Phil.* ii. 32, 81), that the augurs possessed the *nuntiatio*, the consuls and the other *magistratus* both the *spectio* and *nuntiatio;* though it must at the same time, be borne in mind that this right of *nuntiatio* only belonged to them in consequence of their being employed by the magistrates.

In course of time it was found desirable to limit and define the political incidents on which it was necessary to consult the auspices, as follows:—1. On the appointment of a magistrate, on the principle that the auspices must be consulted at the transmission of the auspices. This appears most clearly in the appointment of a dictator (*ave sinistra dictus populi magister esto*, Cic. *de Leg.* iii. 3, 9). The consul, *oriens nocte silentio*, as the full phrase ran (Liv. viii. 23, 5, and Weissenborn), nominated the dictator. The first-appointed interrex was not created *auspicato*, because there was no definite *individual* to inaugurate him; hence it was not customary for the first interrex to hold the comitia (Asconius in *Mil.* p. 43, Orelli). 2. At all *comitia* (Liv. v. 52, 15). Hence convenient *templa* were to be found at all the meeting-places,—the Vulcanal in the *Comitium*, the *Calabra Curia* and the *auguraculum* on the Capitol, for the *curiata* and *calata;* the *rostra* for the *tributa*, the *horti Scipionis* (if we are not to read *spicionis*, with O. Müller and Kuntze, p. 65, note 5) in the Campus Martius for the *centuriata*. It is probable, but not certain, that the auspices were consulted of necessity at *contiones*, and apparently an attempt was made after 339 B.C. to submit the *concilia plebis* to patrician control by this obligation (cf. Mommsen, *Röm. Staatsrecht*, i.^{2} p. 110). Meetings of the senate, at any rate when a *senatus consultum* was to be passed, were always held in a *templum*, but the obligation to take the auspices does not seem to have been maintained. 3. By a magistrate on assuming office (see below). 4. By an *imperator* on the morning of his departure with an army (Liv. xxi. 63, 9). By thus taking the auspices on the Capitol, he acquired a right to the *auspicia bellica* after crossing the *pomoerium*. The necessity of a military commander taking the auspices on the

Capitol rendered every military command a regular state-magistracy, and was thus, as Mommsen (*op. cit.* i.^{2} 96) shows, a powerful barrier in preventing any new extraordinary military commands being appointed by the people.

There were also auspices at times taken before sittings of the senate (Varr. *ap.* Gell. xiv. 7, 9), before drawings of lots (Liv. xli. 18, 8), before founding colonies (Cic. *Rull.* ii. 12, 31), before a battle (Liv. xxxiv. 14, 1). A remarkable kind of military (Cic. *de Nat. Deor.* ii. 3, 9; *de Div.* ii. 36, 76) auspices were those used on crossing any running water (*auspicia perennia*); and generally if birds flew across running water a special act was required *ut perseveret augurium* (Serv. *ad Aen.* ix. 24). The auspices which had to be taken by magistrates after passing the pomoerium on their way to the Campus Martius were the *auspicia perennia*, caused by the little stream Petronia (see Festus, s. v. *Petronia amnis*). Mommsen (*op. cit.* i.^{2} 93) sees the origin of the custom in Rome's position on the Tiber, so that the first step of war against the Etruscans would be the passing of the river. Kuntze (*op. cit.* p. 96) thinks that it was owing to the frequency of the *auspicia perennia* that the convenient and simple *auspicia pullaria* came to be the auspices used especially in military affairs. They are mentioned together in Cic. *de Div.* ii. 36, 77.

During the regal period the king was the depositary and fountain of the *auspicia*, and no conflict of authority could arise. But when the *auspicia*, together with the *imperium*, were committed to the two consuls, and later to the other magistrates, precautions against such a conflict became indispensable. For this purpose the auspices were graduated according to the *potestas;* and this graduation was effected, Mispoulet thinks (*Institutions politiques*, i. 73), by the Aelian and Fufian laws (see below), and a distinction was drawn between the *auspicia majora*, possessed by the magistrates with the imperium—consuls, consular tribunes, praetors, dictators, proconsuls, propraetors, and probably the *magister equitum*—as well as by censors, though the auspices of the latter apparently differed in some degree from those of the others (see Mommsen, *op. cit.* i.^{2} 89), and the *auspicia minora*, possessed by quaestors and curule aediles. (Gell. xiii. 15.) According to Lange (*Röm. Alterth.* i. 295, 696; ii. 52, 444) the auspices were granted to the plebeian tribunes and aediles by the *lex Publilia Philonis* (B.C. 339), by which the plebeian concilia were brought under the influence of the auspicia—to the aediles the *minora*, while the tribunes claimed the powers of the *majora*. Sometimes priests, and especially the pontifex maximus, who held the *comitia calata*, had the right of taking the auspices (Mommsen, *op. cit.* i.^{2} 89). Mommsen notices (p. 108) that the reason, why the auspices were so little heard of as a political weapon (the first positive example is in the consulship of Bibulus, B.C. 59, though they were used frequently before, Cic. *Vat.* 9, 23), is that in early party warfare the weapon used was *intercessio* (cf. Mommsen, *op. cit.* i.^{2} 92). In case of collision the auspices of the higher magistrate prevailed over those of the lower: see the evidence given by Valerius Maximus (ii. 8, 2) in the controversy concerning the praetor Falto's claim to a triumph.

Again, the auspices, if derived from a superior magistrate for a special purpose, were called *auspicia aliena*. Thus the quaestors, until their office became a *magistratus* in 447, could only possess *auspicia aliena*, and after that date they still had to obtain the *auspicia maxima* in the same way from the consuls or praetors in order to summon the centuries to inquire into a capital charge (cf. Varr. *L. L.* vi. 91). A triumph could not be given to the possessor of *auspicia aliena*, but belonged to the magistrate from whom he derived them; in this point the triumph of Pompey as an *eques* in 81 B.C. was irregular.

On a campaign two commanders of equal rank possessed the *auspicia* on alternate days (Liv. xxii. 42, 8; xxviii. 9, 10), and it has been surmised that at Rome the consuls had the auspicia like the fasces, every alternate month. In case of collision of two consuls, both of whom had the auspices at the same time, the matter in question remained suspended, as was also the result of conflicting *intercessio* (Mommsen, *op. cit.* i.^{2} 92).

But these precautions were not wholly successful, for they did not prevent two magistrates, although not equal in rank, from taking the auspices on the same day for different purposes, and it might happen that one of them observed a sign which was held *diem vitiare* (Cic. *Att.* iv. 9): as, for instance, the lightning or thunder which suspended the *comitia*. The announcement of such a sign by a *privatus* (*nuntiatio*) was sometimes attended to, especially if he were an augur, but the announcement by a magistratus (*obnuntiatio*) could not be neglected. To avoid this danger, the magistratus presiding over the *comitia* ordered *ne quis magistratus minor de caelo servare velit.* But it appears to have been impossible to enforce this command, which did not destroy the validity of an observation taken in disregard of it. Hence it was sought about 154 B.C. to limit the right of *obnuntiatio* by the *lex Aelia* and *lex Fufia*, which apparently only permitted a consul to suspend the *comitia curiata* presided over by his colleague or the pontifex maximus, and a tribune to exercise the right against consuls and censors, and *vice versâ.* (Suet. *Jul.* 20; Cic. *pro Domo*, 15, 39; *Har. Resp.* 23, 48; *Prov. Cons.* 19, 45; *Att.* ii. 12, 2; *pro Sest.* 37, 79; *Att.* iv. 3, 3, 4; *ad Q. Fr.* iii. 3, 2; *Phil.* ii. 38, 99; *Att.* iv. 9, 1; Dio Cass. xxxvii. 9.) Whether the consul and the praetor had the right of *obnuntiatio* against the tribune is a much disputed point, resting as it does on a single passage (Cic. *Sest.* 36, 78). Mommsen (*op. cit.* i.^{2} 110) says Yes; but Mr. Reid (*ap.* Holden, *ad loc.*) cannot assent till a clearer example is adduced. The notice had to be given before the voting commenced (Cic. *Phil.* ii. 32, 82). The *obnuntiatio* was abolished by the *lex Clodia* (58 B.C.), but the legality of this law was called in question, and it was often violated.

As there was a distinction between the civil and the military *imperium*, so there was a distinction between *auspicia urbana* and *bellica*, although the augural science employed in each case was the same. *Auspicia urbana* were those auspices taken within the city for acts performed within the city; *auspicia bellica* (or *militaria*) were those employed by generals on a campaign anywhere a mile outside the pomoerium. We have seen that magistrates had to perform *auspicia perennia* on crossing the pomoerium to transact business in the Campus Martius, which stood within the mile-radius. The whole collection of decrees bearing on the auspices required on crossing the pomoerium was called the *jus pomoerii*, and is cited by Cicero (*de Div.* ii. 35, 75) as a department of augural law. [POMOERIUM.]

As to the manner in which the magistrates received the auspices, there is no reason to suppose, as many modern writers have done, that they were conferred upon them in any special manner. It was the act of their election which made them the recipients of the auspices, since the comitia, in which they were appointed to their office, were held *auspicato*, and consequently their appointment was regarded as ratified by the gods. The auspices, therefore, passed immediately into their hands upon the abdication of their predecessors in office. There are two circumstances which have given rise to the opinion, that the magistrates received the auspices by some special act. The first is, that the new magistrate, immediately after the midnight on which his office began, was accustomed to observe the heavens in order to obtain a happy sign for the commencement of his duties (Dionys. ii. 6). But he did not do this in order to obtain the auspices; he already possessed them, and it was in virtue of his possession of them that he was able to observe the heavens. The second circumstance, to which we have been alluding, was the *inauguratio* of the kings on the Arx after their election in the *comitia* (Liv. i. 18). But this inauguration had reference simply to the priestly office of the king, and, therefore, did not take place in the case of the republican magistrates, though it continued in use in the appointment of the rex sacrorum and the other priests. The ceremony was performed on the Capitol at the *comitia calata* before the college of *pontifices*, with the assistance of an augur. (Varr. *L. L.* v. 47; Gell. xv. 27; Cic. *Phil.* ii. 43, 110.) There was a corresponding ceremony, *exauguratio*, performed when a priest laid down his office; otherwise he would have continued to possess the auspices. (Gell. vi. 7; Capitol. *M. Aurel.* 4.) For the inauguration and exauguration of places, see TEMPLUM. The augurs were also employed, probably on the summons of the *pontifex maximus*, to discover a favourable day for certain movable feasts, such as the *augurium Salutis*—viz. the annual sacrifice to the goddess Salus; the *augurium canarium* (i.e. the sacrifice of yellow dogs to the goddess Robigo); and in the case of lustration of the land (*sacerdotesque urbemque et agros vincta virgetaque et salutem populi auguranto*, Cic. *de Leg.* ii. 8, 21).

It remains to trace the history of the college of augurs. We have already seen that it was a common opinion in antiquity, that the augurship owed its origin to the first king of Rome, and it is accordingly stated, that a college of three augurs was appointed by Romulus (*ex singulis tribubus singulos cooptavit augures*), answering to the number of the early tribes,—the Ramnes, Tities, and Lucerenses. This is the account of Cicero (*de Rep.* ii. 9, 16), who supposed Numa to have added two more (ii. 14, 26), without, however, stating in what way these latter corresponded to the tribes. Moreover, we are told that the Luceres were not incorporated in the city before the reign of Tarquin. On the other side stand two statements of Livy, the first (iv. 4, 2) that the first institution of augurs is to be attributed to Numa, seemingly on the theory that all the Roman religion was derived from the second king; the second (x. 6, 6, 7) that at the passing of the Ogulnian law the augurs were but four in number, which Livy himself, who recognised the principle of the number of augurs corresponding to that of the tribes, and so being three or a multiple of three, supposes to have been accidental. While it is admitted that augurs and augural science were in existence before the foundation of Rome, the view of Livy is now generally adopted (Lange, *Röm. Alterth.* i.^{3} 334), that the foundation of the college is to be assigned to the period marked by the name of Numa. The question of the numbers of the college presents still greater difficulties. Mercklin (*Die Cooptation der Römer*, p. 96), following the view of Niebuhr and Ambrosch on the comparative insignificance of the Luceres, supposes that the latter were not represented, that the king himself was the third member of the original college, that Numa doubled the representation of the other two tribes, and that on the expulsion of the kings the number sank to four. Marquardt (*Röm. Staatsver.* iii. 383, cf. 232) and Willems (*Droit public romain*, 325) say, that the original number of the college was three, of whom the king was one, and that subsequently this number was doubled, as was the case with the Vestals. But Cicero says (*Rep.* ii. 9, 16) that Romulus chose as his fellows (*cooptavit*) one from each of the three (ii. 8, 14) tribes,—therefore there were four augurs; that Numa added two (ii. 14, 26), thus making six, which agrees with the number given by Livy (x. 6, 7) as the normal one at the time of the Ogulnian law (cf. Mommsen, *Roman Hist.* i. 178, Eng. Tr.; Lange, *Röm. Alt.* i. 290); and most probably after the expulsion of the kings the number of augurs found in existence was maintained, and it became the practice, as it had been the original theory (cf. Cic. *Rep.* ii. 9, 16, with Liv. *l. c.*), that an equal number should be chosen from each tribe. Lange (*op. cit.* p. 291) is of opinion that the increase to the original number cannot have been due to Numa, the founder of the college, but should be attributed to the time of Tarquinius Priscus, who chose Attus Navius to the augurate, from whose election the increased importance of the augurs is dated by Livy, i. 36, 6. Cicero (*Rep.* ii. 14, 26), in mentioning the addition to the college by Numa, says he made the increase *majoribus auspiciis inventis.*

The Ogulnian law (B.C. 300), which increased the number of pontiffs to eight, by the addition of four plebeians, and that of the augurs to nine by the addition of five plebeians, may be considered an era in Roman history. The religious distinction between the two orders, which had been so often insisted upon, was now at an end, and it was no longer possible to use the auspices as a political instrument against the plebeians. The number of nine augurs which this law fixed, lasted down to the dictatorship of Sulla, who increased them to fifteen, a multiple of the original three, probably with a reference to the early tribes. (Liv. *Epit.* 89.) A sixteenth member was added by Julius Caesar after his return from Egypt. (Dio Cass. xlii. 51.)

During the regal period the kings doubtless chose the augurs. After the expulsion of the kings they were chosen by co-optation, the first recorded instance being in B.C. 453 (Liv. iii. 32). They retained the right of co-optation until B.C. 103, the year of the Domitian law. By this law it was enacted that vacancies in the priestly colleges should be filled up from the nominees of the colleges by the *comitia sacerdotum*, i.e. seventeen out of the thirty-five tribes chosen by lot. (Cic. *de Leg. Agr.* ii. 7, 18; Vell. Pat. ii. 12; Suet. *Ner.* 2.) The Domitian law was repealed by Sulla B.C. 81 (Pseudo-Ascon. *in* Cic. *Div.* p. 102, ed. Orelli), but again restored B.C. 63, during the consulship of Cicero, by the tribune T. Atius Labienus, with the support of Caesar (Dio Cass. xxxvii. 37). The *lex Atia* provided that these *comitia* were to be held annually, between the consular and the praetorian elections, under the presidency of the consuls. It was a second time abrogated by Antony B.C. 44 (Dio Cass. xliv. 53); whether again restored by Hirtius and Pansa in their general annulment of the acts of Antony, seems uncertain. The emperor received from the people (A.D. 29) the right of appointing members of the sacerdotal colleges even in excess of the prescribed numbers, and the places were filled sometimes by the emperor, sometimes by *senatus consultum*, and sometimes by the co-optation of the college. After Tiberius ceased to summon the *comitia*, the importance of the augurs rapidly declined, and their liberty increased. Alexander Severus ordered that the imperial nominations should be scrutinised by the senate (Lampr. *Al. Sev.* 49, 2). After the reign of Diocletian the history of the college is difficult to trace. The last mention we have of augurs is in 390 A.D. (*C. I. L.* vi. 503).

The augurs were elected for life, and, even if capitally convicted, never lost their sacred character. (Plin. *Ep.* iv. 8, 1.) When a vacancy occurred, the candidate was nominated by two of the elder members of the college (Cic. *Phil.* ii. 2, 4), the electors were sworn, and the new member was then solemnly inaugurated (Cic. *Brut.* 1, 1). On such occasion there was always a splendid banquet given, at which all the augurs were expected to be present (Cic. *ad Fam.* vii. 26, 2; *ad Att.* xii. 13, 14, 15). The only distinction in the college was one of age; an elder augur always voted before a younger, even if the latter filled one of the higher offices in the state (Cic. *de Sen.* 18, 64). The head of the college was called *magister collegii.* It was expected that all the augurs should live on friendly terms with one another, and it was a rule that no one was to be elected to the office who was known to be an enemy to any of the college (Cic. *ad Fam.* iii. 10, 9). The augur who had inaugurated a younger member, was always to be regarded by the latter in the light of a parent (*in parentis eum loco colere*, Cic. *Brut.* 1, 1).

The procedure adopted to decide whether there was a *vitium* or not in any proceeding was as follows: The senate or one of the magistrates laid the matter before the college (*referre, deferre rem ad collegium*, Liv. xlv. 12, 10; Cic. *Phil.* ii. 34, 84). The college does not seem to have had the right of taking the initiative: the passages adduced by Mommsen (*Röm. Staatsr.* i. 112, note 2)—viz. Cic. *de Div.* ii. 35, 74; *de Nat. Deor.* ii. 4, 11; *Fam.* x. 12, 2—do not at all prove it. When the matter was laid before the college, the inquiry into it, a matter of ecclesiastical law, was conducted just as would have been a question of civil or criminal law: evidence was heard (Liv. viii. 23, 15), and judgment (*decretum*) delivered (*pronuntiaverunt*); cf. Liv. iv. 7, 3; xxiii. 31, 13. As partaking of the nature of a court, the college had attendants, *servi publici* (Orelli, 2649). We also find *monitor augurum* (Henzen, 5670), *viator augurum* (*C. I. L.* vi. 1847), *pullarii* (Orelli, 3509), and *calatores* (Suet. *de Gramm.* 12). The necessary expenses incurred by the college of augurs, as those incurred by the other colleges, were defrayed out of landed property which the augurs possessed on the Capitol (Oros. v. 18) and near Veii (Festus, s. v. *Obscum*); cf. *Grom. Vet.* 162, 28. The augurs, who were honorary officers, were not paid any salary by the state, but the *pullarii* were (Dionys. ii. 6); cf. Marq. *Röm. Staatsv.* ii. 78, 79. The privileges of the augurs were mainly those of the other priests, viz. special places at the games and festivals (Mommsen, *Röm. Staatsr.* i.^{2} 390, note 5), freedom from military service and from certain civil duties (*Lex Colon. Genet.* lxii. and lxvii.); cf. Cic. *Ac. Pr.* ii. 38, 121. The duties they appear to have been exempted from were what were afterwards known as *munera personalia*, though they were not exempt from serving on juries (Cic. *Brut.* 31, 117). But they appear not to have been free from *munera patrimonii*, such as the payment of the *tributum* (Liv. xxxiii. 42, 4; cf. Mommsen, *Eph. Epigr.* iii. 100, 101). The daughters of augurs were exempted from liability to be chosen as Vestal Virgins (Gell. i. 12, 7). It appears that each place in the college of augurs bore the name of *decuria* (Henzen, 6021; Marq. *op. cit.* 225).

Augur, wearing the trabea. (Brit. Museum.)

The dress of the augurs, as of the other priests, was the *praetexta* (Cic. *Sest.* 69, 144, and Holden, *ad loc.*; *Att.* ii. 9, 2; *Fam.* ii. 16, 7; cf. Mommsen, *Röm. Staatsr.* i.^{2} 406, note 3). Servius (*ad Aen.* vii. 612) indeed tells us that the augurs wore the *trabea;* but perhaps this military costume was only worn by augurs when in attendance on the military commander (cf. Mommsen, *op. cit.* i.^{2} 414, note 6). They also carried in their hand the *lituus* or curved wand. [LITUUS.] On the coins of the Romans who filled the office of augur, we constantly find the *lituus*, and along with it, not unfrequently, the *capis*, an earthen vessel which was used by them in sacrifices (Liv. x. 7, 10; Varr. *L. L.* v. 121). The first cut on the next page, representing a coin of Q. Cornificius, who fought against the triumvirs in

Africa, bears on the obverse the head of Ammon, and on the reverse an augur, holding a lituus, and crowned by Juno. Both the lituus and the capis are seen in the second cut, representing a coin of Lentulus.

Coin of Cornificius, representing on the reverse an Augur, holding the lituus.

Coin of Lentulus, representing on the reverse the lituus and capis.

The science of augury had greatly declined in the time of Cicero; and although he frequently deplores its neglect in his *de Divinatione*, yet neither he nor any of the educated classes appears to have had any faith in it. What a farce it had become a few years later is evident from the statement of Dionysius (ii. 6), who informs us, that a new magistrate, who took the auspices upon the first day of his office, was accustomed to have an augur at his side, who told him that lightning had appeared on his left, which was regarded as a good omen; and although nothing of the kind had happened, this declaration was considered sufficient. (See also Cic. *Phil.* ii. 32.) Kuntze (p. 91) sums up the development of augury by showing that the taker of the auspices at first watched (the *oblativa*), then prayed (the *impetrativa*), then demanded and compelled the augury (as in the *pullaria auspicia*), and finally invented.

Our knowledge of augury as practised by the other Italian peoples is fragmentary, but in the Eugubine tables (still preserved at Gubbio) we have some most interesting remnants of the ritual of the Umbrian augurs, probably between the fourth and the second century B.C., showing striking resemblances to the Roman. The fame of the Marsi as augurs was widespread, but unenviable (Enn. *ap.* Cic. *de Div.* i. 58, 132). The augural science of the Sabines was preserved at Rome by the *Sodales Titii* (Varr. *L. L.* v. 85). Among the Latins Gabii had the honour of being the traditional source of the augury of Romulus and Rome. (Dionys. i. 84; Plut. *Rom.* 6; Preller, *Röm. Myth.* p. 106.) The Sorani on Mount Soracte are mentioned as augurs by Cic. (*de Div.* i. 47). When Rome became mistress of Italy, collegiate bodies of augurs, in imitation of the Roman, were established in many Italian cities (Plut. *Caes.* 47; Lucan. vii. 192; Orelli, 2287–8; Orelli-Henzen, 5777); also in the provinces. In the colony of Urso in Spain (*Lex Col. Genet.* lxvii. lxviii.) they were elected by the comitia, yet the phrase is still *lectus cooptatusve*; and it is to be noticed that conviction for a criminal offence deprived the augur of his office. Augurs also are found in the Album of Thamugas (Marq. *op. cit.* i. 192). For numerous other examples, see Henzen, Index, p. 49.

On the whole subject of augury amongst the Romans see Mascov, *de Jure Auspicii apud Romanos*, Lips. 1721; Werther, *de Auguriis Romanis*, Lemgo, 1835; Creuzer, *Symbolik*, vol. ii. p. 935, &c.; Müller, *Etrusker*, vol. ii. p. 110, &c.; Hartung, *Die Religion der Römer*, vol. i. p. 98, &c.; Göttling, *Geschichte der Röm. Staatsverf.* p. 198, &c.; Rubino, *Röm. Verfassung*, p. 34, &c.; Rein, art. *Augures* in Pauly's *Realencyclopädie*; Preller, *Römische Mythologie*, 109–111, ed. 1858; Nissen, *Das Templum*, chap. i.; Mommsen, *Römisches Staatsrecht*, i.^{3} 73–114; Marquardt, *Römische Staatsverwaltung*, vi. 381–393; Lange, *Römische Alterthümer*, i. 286–298(=i.^{3} 330–345); Walter, *Geschichte des römischen Rechts*, §§ 151, 152; Madvig, *Die Verfassung und Verwaltung des römischen Staates*, ii. 633–643; Mispoulet, *Les Institutions politiques des Romains*, i. 73, ii. 416–423; Willems, *Le Droit public romain*, 239–242, 324–326; Kuntze, *Prolegomena zur Geschichte Roms*, 61–102; Bouché-Leclercq, art. *Augur* and *Auspicia* in Daremberg and Saglio's *Dict. des Antiquités*, and *Histoire de la divination dans l'antiquité*. [W. S.] [J. H. F.] [L. C. P.]

AUGURA'CULUM. [AUGUR, p. 251 b; ARX.]

AUGURA'LE. [AUGUR, p. 251 b.]

AUGUSTA'LES (sc. *ludi*, also called *Augustalia*, sc. *certamina*, *ludicra*; and by the Greek writers and in Greek inscriptions, Σεβαστά, Σεβάσμια, Αὐγουστάλια) were games celebrated in honour of Augustus, at Rome and in other parts of the Roman empire. At Rome two festivals were known under this name.

I. On Sept. 23, the birthday of Augustus, which after the battle of Actium was kept as a holiday, it was customary from B.C. 13 onwards for games to be held in the circus (Dio Cass. liv. 26, 34). These were at first voluntarily given by the praetor, but from B.C. 8 they were regularly established (*id.* lv. 6). In A.D. 14 the charge was transferred to the consuls, and by these they continued to be celebrated under the empire. (Henzen, *Act. Fr. Arval.* p. 51.)

During the lifetime of Augustus the *equites* had been accustomed of their own accord to celebrate his birthday with a festival of two days (*biduo*, Suet. *Aug.* 57); and in most of the provinces (the exceptions were apparently in the West) games were held in almost every town at intervals of four years in his honour (*quinquennales ludi*, ib.). In one passage Dio, or perhaps his epitomator Xiphilinus, has confused the two festivals of the birthday of Augustus and the Augustalia proper (lvi. 29); but elsewhere (liv. 34, lvi. 46) he clearly distinguishes them, as do also the calendars (cf. *C. I. L.*, pp. 402, 404, with Mommsen's notes).

II. The *Augustalia* proper were held for ten days (Oct. 3–12). These were instituted in B.C. 19 when Augustus returned to Rome after settling the provinces (cf. Kal. Amit., Oct. 12, *Ara Fort*(*unae*) *reduci constit*(*uta*)), but the duration and character of the festival were settled only in B.C. 11 by a *senatus consultum* (Dio Cass. liv. 34). In A.D. 14 the festival was assigned at their own request to the tribunes of the commons, but shortly afterwards transferred to the *praetor peregrinus* (Tac. *Ann.* i. 15, 54). In Italy many towns observed as a holiday the anniversary of the day on which he had first visited them (Suet. *Aug.* 59).

The augustales or augustalia at Neapolis (Naples) were celebrated with great splendour. They were instituted in the lifetime of Augustus (Suet. *Aug.* 98), and were celebrated every four years. According to Strabo (v. p. 246), who speaks of these games without mentioning their name, they rivalled the most magnificent of the Grecian festivals. They consisted of gymnastic and musical contests, and lasted for several days. At these games the Emperor Claudius brought forward a Greek comedy, and received the prize. (Suet. *Claud.* 11; compare Dio Cass. lx. 6.)

Augustalia (**Σεβαστὰ**) were also celebrated at Alexandria, as appears from an inscription in Gruter (316, 2); and in this city there was a magnificent temple to Augustus (**Σεβαστεῖον**, *Augustale*). We find mention of augustalia in numerous other places, as Pergamus, Nicomedia, &c. [W. S.] [A. S. W.]

AUGUSTA'LES, the name of two classes of priests, one at Rome and the other in the municipia, frequently mentioned in inscriptions.

I. The *Augustales* at Rome, properly called *sodales Augustales*, which is the name they always bear in inscriptions, were an order of priests (*Augustalium sacerdotium*) instituted by Tiberius to attend to the worship of Augustus and the Julia gens. On this occasion they were chosen by lot from among the principal persons in Rome, and were twenty-one in number; Tiberius, Drusus, Claudius, and Germanicus, as members of the imperial family, were added as supernumeraries (Tac. *Ann.* i. 54). They were also called *sacerdotes Augustales* (id. *Ann.* ii. 83); and sometimes simply *Augustales* (id. *Hist.* ii. 95). The number was subsequently increased, but never exceeded twenty-eight. The form of election seems also to have been modified, as inscriptions show that in later times extraordinary, and probably also ordinary members were created by a senatus consultum following an imperial rescript (*C. I. L.* vi. 1985–2000; Dessau, in *Ephem. Epigraph.* iii. 208; cf. Mommsen, *Staatsr.* ii. 1055, n. 1). That there were priestesses of Augustus as well as priests appears from an inscription in Gruter (320, 10): this practice probably took its origin from the appointment of Livia, by a decree of the senate, to be priestess to her deceased husband. Even before the emperor's death we find that *flamines* and *sacerdotes* had been appointed to attend to his worship; but we have the express statements of Suetonius and Dio Cassius that this worship was confined to the provinces, and was not practised in Rome, or in any part of Italy, during the lifetime of Augustus (Tac. *Ann.* i. 10; Suet. *Aug.* 52; Dio Cass. li. 20). In this respect Augustus showed himself more moderate than the dictator Julius, who among other divine honours accepted M. Antonius as his *flamen* and *lupercus* (Cic. *Phil.* ii. 43, 110; xiii. 19, 41; Suet. *Jul.* 76). Similar priests were appointed in honour of other deified emperors: thus we find in inscriptions sodales Augustales Claudiales, Flaviales (after Vespasian), Flaviales Titiales or simply Titiales (Titus; in this case the most admired emperor of the gens gave his name to the gentile priesthood, rather than the gentile name itself, Dessau, *l. c.*); Hadrianales, Antoniniani (Ant. Pius), Aureliani, perhaps also called Marciani (M. Aurelius). The last instance is that of the sodales Alexandriani after Alexander Severus (Lampr. *Al. Sev.* 63). A man's place in these priestly colleges was called his *decuria* (Mommsen, *Ephem. Epigr.* iii. 75, note 1, who however adds a caution against extending this analogy to other cases where it cannot be proved). The imperial *sodales* were under three *magistri* changed annually (Orelli-Henzen, 6046, with Henzen's note); and were taken indiscriminately from patricians and plebeians (Dessau, *l. c.* p. 218 n.). Each of these *sodalitates* had likewise a *flamen* or sacrificing priest; we find frequent mention in inscriptions of flamines Augustales and flamines Divorum; but the precise degree of connexion between the *flamines* and the *sodales* has been disputed. The most probable opinion is that of Dessau, in accordance with which Marquardt has now corrected his former views. A member of the sodales Augustales was sometimes a flamen also (Orelli, *Inscr.* 2366, 2368); but the *flamines* were not, as such, members of the *collegium* or *sodalitas*. The flamines Augustales were necessarily patricians, and were most likely nominated, like the three great *flamines*, by the emperor as Pontifex Maximus; the *sodales*, as already stated, were under no such restriction. For further details on the imperial *flamines*, see FLAMEN. (H. Dessau, *de sodalibus et flaminibus Augustalibus*, Berlin, 1877, and in *Ephem. Epigr.* iii. 205 ff.; Mommsen-Marquardt, vi. (iii.), pp. 449–455.)

II. The *Augustales* in the municipiis are scarcely mentioned in ancient literature, but the constant growth of epigraphic material throws increasing light upon their organisation. There is no doubt that (1) they were, as a rule, *libertini*, though *ingenui Augustales* are sometimes mentioned in inscriptions; that (2) they formed, in conjunction with the *seviri*, whose precise relation to them remains to be discussed, an intermediate class (*ordo*) between the municipal senators (*decuriones*) and plebs (*municipes*); and that (3) they and the *seviri* alike had for their object the worship of Augustus, with which succeeding emperors came to be associated. They cannot have been, as was formerly supposed, instituted in the municipia in imitation of the Augustales of Tiberius at Rome, just described; they appear in the lifetime of Augustus, the others only after his death: the social status of their members is in striking contrast with that of the sodales (Tac. *Ann.* i. 54; see above); and while the more dignified priesthood honoured only consecrated emperors, those we are now considering descended to the cultus of the living, who perhaps in the end were never deified at all (e.g. Nero, *C. I. L.* 3429). Another view, based on the scholiasts of Horace (Porphyr. and Acron, ad Hor. *Sat.* ii. 3, 281), was that they were a class of priests selected by Augustus from the *libertini* to attend to the worship of the Lares, which that emperor set up in places where two or more ways met [COMPITALIA]. This was held by Orelli (*Inscr.* ii. p. 197) and Egger (*Append.* i. p. 384 ff.), but Henzen showed (*Zeitschr. für Alterthumsw.*, 1848, p. 193) from the fuller evidence of inscriptions that the *magistri Augustales* and *magistri Larum Augustorum* were distinct from the *Augustales* properly so called and the *seviri Augustales* (see especially Orelli-Henzen, 6062, 6093, 7115). The same evidence allows us to trace the worship of Augustus in his lifetime to private persons, provincial towns, and existing priestly colleges, especially those of Mercury: hence the allusion in Horace (*Od.* i. 2, 41–4). The six principal members of the college were called *seviri*, but the distinction between these and other Augustales is not always clear. The evidence of the inscriptions leads us to the following conclusions. In the municipia of Southern Italy, including parts of Samnium and Campania, the intermediate class are called Augustales, but no *seviri* are mentioned, except at Rhegium and Puteoli. They have officers of their own,—a *curator*, *quinquennales*, and *quaestores*. In the provinces of Gallia Narbonensis and Lugdunensis, we find *seviri* only, without Augustales; the *seviri* as annual officers, three equites and three freedmen, in an important inscription at Narbonne (Orelli, 2489). In most cities of Central Italy both *seviri* and Augustales occur; and this is pronounced by Henzen and Marquardt the most regular type of the institution. In this case the *seviri* appear to have served for a year, providing sacrifices at their own expense, and afterwards to have become life-members of the *ordo* under the name of Augustales. In particular places we read of *sexviri seniores* and *juniores*. Nor was the number six invariable, as in some rare cases there are *triumviri Augustales* and *octoviri Augustales*. Under later emperors the institution spread throughout the empire, and one object of it was probably to open a career of honour elsewhere to the *libertini*, who were purposely kept down at Rome (Marquardt, pp. 204–5). There was a property qualification required, which is not stated, but must have been considerable: besides the sacrifices, they had to pay a fine on admission (*summa honoraria*) and give games and other treats to the people. These admission fees went into the chest of the municipality, not into a corporate fund of their own; they were thus an *ordo*, not a *collegium*. In return they had the distinction of the *praetexta* while in office, and might also be buried in it; that of the *bisellium*, with a place of honour in the theatre; and were accompanied on state occasions by two lictors bearing fasces (ib. 206–7). We are reminded of some of the incidents of municipal dignity in modern times. (Egger, *Examen critique des Historiens anciens de la Vie et du Règne d'Auguste*, Paris, 1844, Appendix II. p. 357 ff.; Zumpt, *de Augustalibus et Seviris Augustalibus Commentatio Epigraphica*, Berol. 1846; Henzen, in *Zeitschr. für Alterthumsw.*, 1848, Nos. 25–27 and 37–40; J. Schmidt, *de Seviris Augustalibus*, Halle, 1878; O. Hirschfeld, in *Zeitschr. für die österreichischen Gymnasien*, 1878, p. 292 ff.; and especially Marquardt, iv. (i.) pp. 197–208, ed. 2 (1881). [W. W.]

AUGUSTUS, a name bestowed upon Octavianus by the senate and the Roman people, Jan. 16, B.C. 27. This date is established by the Fasti Praenestini (in *C. I. L.* i. 384) and Censorinus (*de Die Natali*, 21, § 8; cf. Mommsen, *Res gestae d. Aug.* p. 149). Octavian took the name in accordance with a senatus consultum moved by Munatius Plancus (Vell. Pat. ii. 91; Censorin. *l. c.*). It was a word used in connexion with religion, and designated a person as sacred and worthy of worship: hence the Greek writers translate it by Σεβαστός (Ov. *Fast.* i. 607; Dio Cass. liii. 16, 18; Suet. *Aug.* 7; Vell. Pat. ii. 91; Flor. iv. 12; Censorin. 22; Veget. *de Re Mil.* ii. 5). It was not an official title, but a complimentary surname, like Africanus or Pius; and is hence called by Suetonius *nomen hereditarium* (*Tib.* 26); *i.e.* practically inheritable, not legally inherited (Mommsen, *Staatsr.* ii. 749 n.). It was, however, borne not only by Tiberius and the other emperors connected with the family of Augustus, but was likewise adopted by all succeeding emperors, as if descended, either by birth or adoption, from the founder of the empire ("in ejus nomen velut quadam adoptione aut jure hereditario succedere," Lampr. *Al. Sev.* 10). It was not usually assumed until it had been formally decreed by the senate (Tac. *Hist.* i. 47; Lampr. *Al. Sev.* 1; Vopisc. *Prob.* 12); and Vitellius at first refused it (Tac. *Hist.* ii. 62). From the time of Domitian, the imperial style and title began regularly with *Imperator Caesar* as *praenomina*, and ended with Augustus, thus: Imp. Caes. T. Flavius Domitianus Aug.; though sometimes another name comes after Augustus, as in T. Aelius Hadrianus Antoninus Aug. *Pius*. The name of Augusta was frequently bestowed upon females of the imperial family, the first instance of which occurs in the case of Livia, who, upon her adoption into the Julia gens on the death of Augustus, and by the provisions of his will, became Julia Augusta (Tac. *Ann.* i. 8). But *Augustus* belonged exclusively to the reigning emperor till the middle of the second century, when Marcus Aurelius and L. Verus both received this surname (Spartian. *Ael. Verus*, 5; *M. Ant. Phil.* 7). From this time we frequently find princes of the imperial family, adoptive sons, &c. honoured with this title (Amm. Marc. xxvii. 7). All such were regarded as participators in the imperial power, though of course the one who received the title first was looked upon as the head of the empire. When there were two Augusti, we find on coins and inscriptions AVGG; and when three, AVGGG. In the fourfold division of the empire under Diocletian, the two senior emperors were styled *Augusti*, the two junior *Caesares*. From the time of Probus the title became *perpetuus Augustus*, and from Philippus or Claudius Gothicus *semper Augustus*, the latter of which titles was borne by the so-called Roman emperors in Germany. (Eckhel, vi. 88, viii. 354 ff.; Mommsen-Marquardt, ii. 731; Preller, *Mythol.* 773 ff.) [W. S.] [W. W.]

AULA (*αὐλή*), an open yard, or court. In the Homeric house the *αὐλή* served the purpose of a farm-yard, and was surrounded with farm-buildings and rooms for the men-servants of the house. In the later Greek house it was a kind of quadrangle surrounded with a colonnade, into which the rooms of the house opened, and was used as a place for exercise and recreation. (Rumpf, *De aedibus Homericis*; A. Winckler, *Die Wohnhäuser der Hellenen.*) For further particulars, see DOMUS. [J. H. O.]

AULAEUM, usually in the plural AULAEA (*ἡ αὐλαία*), a curtain, carpet, or hanging, mostly of the heavier and richer sort (*τὸ μέγα καὶ ποικίλον παραπέτασμα*, Cosmas Indicopl. *Topog. Chr.*

p. 197). The name was especially applied to the tapestry worked with human and animal figures, which was early introduced from the East (Theophr. *Char.* 21, *αὐλαίαν ἔχουσαν Πέρσας ἐνυφασμένους*: Verg. *Georg.* iii. 25; Ovid. *Met.* iii. 111 ff.). The word *αὐλαία* is good Greek, as is shown by Theophr. *l. c.*; Hyperid. *fr.* 165 ed. Turic. = 142 Blass, *οἱ ἐννέα ἄρχοντες εἱστιῶντο ἐν τῇ στοᾷ, περιφραξάμενοι τι μέρος αὐτῆς αὐλαίᾳ*: Menand. *fr.* 720 Meineke, *στυππεῖον, ἐλέφαντ', οἶνον, αὐλαίαν, μύρον*: and the notion of Servius, that *aulaeum* was *ab aula Attali regis*, betrays the ignorance of a late grammarian (*ad Georg. l. c.*). He was perhaps misled by the line of Propertius, *Porticus aulaeis nobilis Attalicis* (ii. 32, 12 = iii. 24, 12); where, of course, the meaning is simply "rich enough for Attalus" (cf. Hor. *Od.* i. 1, 12).

Such hangings were extensively used (*a*) in temples, to veil the statue of the divinity (Pausan. v. 12, § 4); (*b*) in houses, either as coverings over doors, or as substitutes for doors, as window curtains, or again to decorate the walls of rooms, especially the *triclinium* or dining-room (Hor. *Sat.* ii. 8, 54); (*c*) on the outside of houses, to close in the verandahs, balconies, or open galleries [DOMUS]; (*d*) to stretch over colonnades, and thus form a tent (Hyperid. *l. c.*; Propert. *l. c.*). See further references under VELUM; and for the use of the curtain in theatres, SIPARIUM and THEATRUM. One or two disputed points may here be noticed.

As is well known, the curtain in the Roman theatre was not drawn up as in our own, but disappeared underneath the stage: the slit which contained the roller for this purpose, between the stage (*proscenium*) and the *scena*, is plainly seen in the smaller of the two theatres at Pompeii. Hence *aulaea premuntur*, "the curtain is let down," when the acting begins (Hor. *Ep.* ii. 1, 189); *aulaeum tollitur*, "the play is ended" (Cic. *pro Cael.* 27, § 65, and Ov. *Met. l. c.*). It has commonly been assumed, as by Donaldson (*Theatre of the Greeks*, ed. 7, p. 240), that the Greek custom was the same; but, according to Godfrey Hermann (*Leipz. Lit. Zeit.* 1818, p. 1906) and Böttiger (*Kl. Schr.* i. 402), it is doubtful whether the curtain was used in Greek theatres at all. The classical passages, cited in full above, in no way connect *αὐλαία* with the theatre; the grammarians who do so (Pollux, iv. 122; Bekk. *Anecd.* 83, 7: 463, 14; *αὐλαία τὸ τῆς σκηνῆς παραπέτασμα*: Hesych., Suid.) of course prove nothing as to the earlier period. The remains of genuine Greek theatres are in general too scanty to throw any light on this question; the best preserved, that of Aspendus, has certainly been modernised in the time of the Roman Caesars. Becker, who shares these doubts, observes further that the Roman usage may perhaps not be as old as the time of Plautus, judging from the concluding lines of his *Casina* and *Cistellaria*, spoken by the entire company (*grex*, *caterva*). (W. A. Becker, *ap.* Pauly, i.^{2} s. v. *Aulaeum*; cf. Wieseler, *Theatergebäude* u. s. w., Göttingen, 1851.)

Another common but probably erroneous opinion is that the word *aulaea* is applied in Latin poetry to the coverlets and draperies of couches in the *triclinium* or elsewhere (*περιστρώματα*, *stragulum*, *stragula vestis*, *toralia*). Of the passages relied on to prove this point, *cenae sine aulaeis et ostro* (Hor. *Od.* iii. 29, 15) is explained by Orellius with reference to *Sat.* ii. 8, 54, where there is no question as to the meaning of *aulaea* (for the distinction between *aulaea* and *ostrum*, cf. Böttiger, *Kl. Schrift.* i. 424, *ap.* Orell.); and in Verg. *Aen.* i. 697 Conington has rightly reverted to the explanation of Servius and the older commentators, rejecting that of Heyne and most moderns as "without authority." (See two illustrations of wall-hangings under CENA.) [W. W.]

AURES. [ARATRUM.]

AU'REUS. Of the use of gold for coins among the Greeks, an account is given under PONDERA and AURUM, *infra*. But the term aureus was applied particularly to the Roman gold coins. Concerning the issue of these pieces at various periods of Roman history, sufficient details are given under AS, pp. 207, 208. [P. G.]

AURI'GA. [CIRCUS.]

AURUM. Gold, from its malleability and the circumstance that it is found lying in lumps, was one of the earliest of metals used by man, and among the most primitive resources of civilization. This was suspected by the ancients, who make the earliest age of the world's history an age of gold. In the Heroic age, we find that gold was put to a great variety of uses. Homer speaks of the houses of Menelaus and Alcinous as full of silver and gold; the armour of Glaucus was of gold (*Il.* vi. 236), so were the handmaids of Hephaestus (*Il.* xviii. 417), and the doves on Nestor's cup (*Il.* xi. 632). So in the decoration of the shield of Achilles, the chest of Cypselus, and other works of art, much gold was employed. And that this plenty of gold was not a mere figment of the poet, we know from the best testimony, that of graves. At Mycenae, which is in Homer called *πολύχρυσος*, Dr. Schliemann has dug up a prodigious quantity of gold, cups and jugs and masks and ornaments of all sorts. The graves of the Crimea (though these are of later date) also yield abundance of gold; the corpses which are discovered in them being covered from head to foot with gold, beaten into the shape of animals, rosettes, and designs of all kinds. The use of gold as a concomitant of luxury for personal decoration was associated specially by the Greeks with the wealthy nations of Asia Minor, such as the Lydians and Phrygians, from which notion arose the story of Midas the Phrygian, who turned everything he touched into gold, and the belief that the wealth of the Pelopid princes of Southern Greece was brought by them from their native Phrygia. In the use of gold, the wealthy Ionians of Asia Minor copied these neighbours, even binding their hair with it, in which custom the Athenians are said to have followed them (Thuc. i. 6).

There can be no question that to the smiths of early time gold must have been the metal which gave most scope for the artistic faculty. Its extreme softness and malleability enabled even workmen who had no more elaborate tools than a hammer and nails, to work it into any given shape. All the vessels of Mycenae are thus hammered out and joined into shape by nails, and the earliest statues of the gods were produced by the same method, which was called by the ancients *σφυρηλατεῖν*. They did indeed sometimes, instead of

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larger quantities in

the mountains of Thrace. These last, however, seem not to have yielded their full supply until they fell into the hands of Philip of Macedon, who procured from them, it is said, 1000 talents a year (Diod. xvi. 8),—in fact such large stocks of gold as to alter completely the degree of its rarity in Greece. In earlier days the metal had been decidedly rare in Hellas and Sicily. When the Laconians wished to procure gold to gild a votive statue of Apollo, they had to apply to Croesus for it (Herod. i. 69), and Hiero I. of Syracuse had much difficulty in procuring gold for a votive offering to Delphi of a gold Victory and tripod (Athen. vi. p. 232). But in course of commerce this poverty disappeared, and gold was poured into Greece in still increasing quantities, until the overflowings of Macedonian wealth made it comparatively common. It was then again used as in pre-historic days for the vessels and ornaments of the rich. It also became a custom for cities to bestow crowns of gold of great weight and value upon their benefactors, and even sometimes to set up their statues in gold. The horns of oxen offered in sacrifice were gilt, both in Greece and Rome.

Diodorus informs us (iii. 12) that in Upper Egypt, on the confines of Aethiopia, were gold mines which were worked from the time of the early kings of Egypt onwards for the benefit of the state. But here the gold was not found as elsewhere on the surface of the ground, but extracted from the heart of the mountains by a number of miserable slaves. Diodorus describes the process, which appears to be that of extracting gold from quartz. The stone, he says, which contained the metal was softened by fire, and then detached in masses by wedges of iron. These masses were brayed in stone mortars and ground to the fineness of sand. Finally, the gold was detached by washing, the workmen aiding the process with their hands and with fine sponges. The metal was purified by being placed, together with a certain quantity of lead, salt, tin and bran, in jars hermetically sealed, and exposed for five days to the heat of a fire, after which time the foreign substances were found to have evaporated.

In his 33rd book, Pliny traces the history of the use of gold in Rome from earliest times. He says (c. 5) that when the Gauls sacked the city, no more than 1000 pounds' weight of gold could be found in it for ransom. The stock of gold in the treasury had increased seven years before the Third Punic War to 17,410 pounds; and after the successful termination of that war, the metal came into commoner use for decoration, as for covering ceilings and walls, as well as for vessels. The custom of wearing gold rings was so late in Rome, that even Marius wore one of iron. The great influx of the metal and its use for all purposes of luxury dated in Rome as in Greece from the time of Oriental conquest. For ancient testimonies as to gold mines see Sabatier, *Production de l'or, de l'argent et du cuivre chez les anciens.*

Gold as coin.—In many parts of the East and in Egypt, gold wedges and rings of fixed weight passed as currency before the invention of coins properly so called. The earliest gold coins, which however belong to a later date than the Lydian and Milesian electrum, were issued by Phocaea [PONDERA]. For a long period, beginning with the reign of Darius Hystaspis, the gold coinage of the world consisted almost exclusively of the Persian Darics (*q. v.*), which not only circulated throughout Asia, but came over to Europe in large quantities, and were laid up in the treasuries of Greek cities. About B.C. 400, Syracuse and other Sicilian cities began to issue small coins of gold, but the earliest Greek coinage of any importance in this metal was that of Philip of Macedon. The gold pieces of Philip and Alexander were issued in enormous quantities, both during the lives and after the deaths of those monarchs. The Philippi circulated in Hellas, Italy, and the West, where they became the prototypes of the abundant gold coinages of Gaul and Britain (Evans, *Coinage of the ancient Britons*). The Alexandri, on the other hand, succeeded the Darics in Asia, and continued for many years to furnish the bulk of the gold circulation of the Seleucid and Ptolemaic kingdoms. Contemporary, however, with them, during the life of Alexander, were issues of gold by Athens, Rhodes, Cius, Panticapaeum, and other wealthy cities, which minted in their own names; and after the death of Alexander these coins gradually gave way to the gold money issued by the Macedonian kings of the East, especially the very wealthy Ptolemaic princes.

Aristophanes appears to speak of an issue of gold money at Athens, about the year B.C. 407 (*Ran.* 719). We say "appears," because it is not impossible that the poet may be using the term χρυσίον generally for "money," and here may even apply it to copper coin. But it is probable that the gold coins of Athens which have come down to us, which are numerous and of all denominations, belong to a later period, not earlier than the middle of the 4th century. At Rome gold was used in making payments as early as the 4th century B.C., but it was kept only in bars, the adulteration of which was punished by a law of Sulla. Gold coin proper was first issued at Rome in B.C. 217, but never in Republican times, except on the occasion of military expeditions. (Mommsen, *Gesch. des Röm. Münzw.* pp. 400–408.)

The Greeks, when they speak of χρυσίον, quite as often mean coin of electrum (*q. v.*) as of pure gold: which is intended, must in each case be judged by the context. Gold coin among the ancients, unless intended to pass as electrum, was usually very pure. The gold pieces of Alexander and Philip are almost without alloy; and Augustus, in his monetary reforms, fixed the margin of alloy, under severe penalties, at ·002. It is only among barbarous peoples that we find gold, the true measure of value in nearly all countries, debased. Thus in Gaul gold rapidly deteriorated, as it was copied from tribe to tribe, and the kings of Bosphorus, who continued in Roman times to issue their own gold, continually debased it until it was finally no better than copper gilt. (Lenormant, *La Monnaie dans l'Antiquité*, i. pp. 187–205.) [P. G.]

AURUM CORONA'RIUM. When a general in a Roman province had obtained a victory, it was the custom for the cities in his own provinces, and for those from the neighbouring states, to send golden crowns to him, which were carried before him in his triumph at Rome. (Liv. xxxviii. 37, xxxix. 7; Festus, s. v. *Triumphales Coronae.*) This practice appears to have been borrowed from the Greeks; for Chares related, in his history of Alexander (*ap.* Athen. ii. p. 539 a), that after the conquest of Persia, crowns were sent to Alexander, which amounted to the weight of 10,500 talents. The number of crowns which were sent to a Roman general was sometimes very great. Cn. Manlius had 200 crowns carried before him in the triumph which he obtained on account of his conquest of the Gauls in Asia (Liv. xxxix. 7). In the time of Cicero, it appears to have been usual for the cities of the provinces, instead of sending crowns on occasion of a victory, to pay money, which was called *aurum coronarium* (Cic. *Leg. Agr.* ii. 22, § 59; Gell. v. 6; Monum. Ancyr.). This offering, which was at first voluntary, came to be regarded as a regular tribute, and seems to have been sometimes exacted by the governors of the provinces, even when no victory had been gained. By a law of Julius Caesar (Cic. *in Pis.* 37, § 90), it was provided that the aurum coronarium should not be given unless a triumph was decreed; but under the emperors it was presented on many other occasions, as, for instance, on the adoption of Antoninus Pius (Capitolin. *Anton. Pius*, c. 4).

Later, the aurum coronarium became a complimentary present to the emperor on stated occasions, such as his accession, happy events in the imperial family, *rebus prospere gestis, indulgentiarum laetitia*, or, lastly, *amore proprio* (*Cod. Theod.* xii. 13, 4). The "feudal incidents" and "benevolences" of more modern times may have been connected with, and are certainly not without analogy to, these Roman customs. In the impoverishment of the empire this burden, among others, fell exclusively upon the *decuriones, curiales*, or municipal senators, whose onerous dignity was made the pretext of many exactions (*id.* xii. 13, 1–3; xii. 12, 15). The payment was excused by Alexander Severus (Lampr. *Al. Sev.* 32), and by Julian (Amm. Marc. xxv. 4; Cod. Theod. xii. 13, 1), but levied more stringently than ever by Valentinian and Theodosius (Cod. x. 74). [W. S.] [W. W.]

AURUM LUSTRA'LE was a tax imposed by Constantine, according to Zosimus (ii. 38), upon all merchants and traders, which was payable at every lustrum, or every four years, and not at every five, as might have been expected from the original length of the lustrum. This tax was also called *auri et argenti collatio* or *praestatio*, and thus in Greek ἡ συντέλεια ἡ τοῦ χρυσαργύρου. (*Cod.* 11, tit. 1; *Cod. Theod.* 13, tit. 1; Orelli-Henzen, *Inscr.* 6507.) A somewhat similar tax was the *aurum negotiatorium*, first mentioned under Caligula, which, however, went to the support of the *aerarium*, or public treasury, not the imperial *fiscus* (Suet. *Cal.* 40, 41). It does not appear to have been permanent, and is perhaps the same as the duty repealed by Nero on the petition of the trading classes (Tac. *Ann.* xiii. 51). In the confused narrative of the Augustan historian, it is mentioned first as imposed under Alexander Severus, then excused together with the aurum coronarium (Lampr. *Al. Sev.* cc. 24, 32). [W. S.] [W. W.]

AURUM VICESIMA'RIUM. [Aerarium, p. 37 b.]

AUSPEX. [Augur.]

AUSPICIUM. [Augur.]

AUTHEN'TICA. [Novellae.]

, or "self-boiler," g water or keeping both hot and cold attendants at well- (*calidae gelidaeque* Mayor's note). For used which cannot struction from our *Sabina*, ii. 30), and of costly materials *epsa illa, quam tanto* Cic. *pro Rosc. Amer.* *eas*, Lamprid. *Heliog.* rances for economical een found at Pompeii now in the Museo

Naples Museum.)

onico) at Naples. It the authepsa, unlike as not used for cook-

Naples Museum.)

be identified with a llection (*Mus. Borbon.* cut above. This vessel is in bronze, and of very tasteful workmanship: the cylinder in the centre was filled with charcoal, and has a grating which allowed the air to enter and the ashes to escape. The second cut, from *Mus. Borbon.* vol. v. pl. 44, shows another of more elaborate construction. The Russian samovar is likewise explained to mean "self-boiler," and appears to be little different from the authepsa. [W. S.] [W. W.]

AUTOMACHEIN. [Bebaioseos Diké.]

AUTOMOL'IAS GRAPHE' (**αὐτομολίας γραφή**), the accusation of persons charged with having deserted and gone over to the enemy (Pollux, vi. 151). There are no speeches extant upon this subject; it seems clear, however, that the punishment was death (Ulpian, on Demosth. *de F. L.* p. 380, § 126; Petitus, *Leg. Att.* p. 674). Meier makes it a military offence tried by a jury of soldiers under the presidency of the generals (*Att. Proc.* p. 365), like those enumerated under Astrateias Graphé; but this is probably true only of those inscribed on the **κατάλογος**, or list for service. Persons who left the city in times of danger without any intention of going over to the enemy were tried by the Areiopagus as traitors (Lycurg. *c. Leocr.*, § 52); and that civilians guilty of actual **αὐτομολία** were brought before the same court is more likely than that they could be indicted before a military tribunal.

Actors, whose exemption from military service has been noticed under Ateleia, habitually enjoyed a free pass in time of war, and thus were found useful when it was desired to open indirect negotiations; *e.g.*, Aristodemus was so employed between Philip and the Athenians, B.C. 347 (*Argum.* ad Dem. *F. L.* p. 335 *init.*; Grote, ch. lxxxix.). To check the desertion of slaves in war-time, their master's power of punishing them was restricted (Aristoph. *Nub.* 6, 7). [J. S. M.] [W. W.]

AUTON'OMI (**αὐτόνομοι**), the name given by the Greeks to those states which were governed by their own laws, and were not subject to any foreign power (Thuc. v. 18, 27; Xen. *Hell.* v. 1, § 31). This was the proper meaning of the word; but, in the days of the Athenian maritime empire, it was applied to those of the subject-allies who were merely controlled in their foreign policy, and required to furnish a contingent of ships, but not otherwise interfered with. At the time of the Sicilian expedition, the Chians and Methymnaeans seem to have been the only members of the confederacy who retained this amount of freedom; as **νεῶν παροκωχῇ αὐτόνομοι** they are distinguished from the payers of tribute (**φορά**), the badge of the **ὑπήκοοι**, and from the really independent allies (**πάνυ ἐλευθέρως ξυμμαχοῦντας**, Thuc. vi. 85, § 2). Before the revolt of 428 B.C. the Mitylenaeans had enjoyed the same privileges; and the language of Grote in describing their political state may be taken as a sufficient account of this form of autonomy: "Lesbos, like Chios, was their ally upon an equal footing, still remaining under those conditions which had been at first common to all the members of the confederacy of Delos. Mitylene paid no tribute to Athens: it retained its walls, its large naval force, and its extensive landed possessions on the opposite Asiatic continent: its government was oligarchical, administering all internal affairs without reference to Athens. Its obligations as an ally were, that in case of war it was held bound to furnish armed ships; whether in determinate number or not, we do not know. It would undoubtedly be restrained from making war upon Tenedos, or any other subject-ally of Athens; and its government or its citizens would probably be held liable to answer before the Athenian dicasteries, in case of any complaint of injury from the government or citizens of Tenedos or of any other ally of Athens; these latter being themselves also accountable before the same tribunals under like complaints from Mitylene. That city was thus in practice all but independent . . ." (*Hist. Gr.* ch. l. *init.*) It should be added that, while the tributary allies were compelled to bring their criminal causes to Athens, the autonomous allies were not. The changed condition of the Mitylenaeans after the suppression of the revolt is illustrated by the speech of Antiphon *On the Murder of Herodes*, which belongs to the subsequent period; the prisoner and the prosecutors are alike residents in Mitylene, but the trial takes place at Athens.

The same two characteristics—the retention of their own *leges* and *judicia*—mark the *liberae civitates* under the Roman dominion, of whose designation *αὐτόνομοι* was the Greek rendering. Thus Cicero writes of the beneficial effects of his own humane provincial government: *Omnes, suis legibus et judiciis usae, αὐτονομίαν adeptae, revixerunt* (*ad Att.* vi. 2). In another letter, however, he mildly ridicules the fancied independence of this class of subjects: *Graeci vero exultant quod peregrinis* (i.e. *suis, non Romanis*, Ern.) *judicibus utuntur. Nugatoribus quidem, inquies. Quid refert? tamen se αὐτονομίαν adeptos putant* (*ad Att.* vi. 1, § 15). This self-government was regarded as a great privilege and mark of honour; and the cities which enjoyed it recorded the fact upon their coins, medals, and inscriptions. We find, for instance, on coins of Antioch ΑΝΤΙΟΧΕΩΝ ΜΗΤΡΟΠΟΛ. ΑΥΤΟΝΟΜΟΥ, on those of Halicarnassus ΑΛΙΚΑΡΝΑϹϹΕΩΝ ΑΥΤΟΝΟΜΩΝ, and so of many other cities. In numismatics, "autonomous" medals are those which bear no sign of subjection in the head of an emperor or provincial governor. There are many such belonging to cities which never were really autonomous, and to Roman colonies. (On this branch of the subject, see *Essai sur les médailles autonomes romaines de l'époque impériale*, by the Duc de Blacas, in the *Revue numism.*, 1862, pp. 197–234, 387–390; on Greek autonomy in general, Hermann, *Staatsalterth.* § 41, 1; Schiffer, *Die Autonomie bei den alten Griechen*, a gymnasial programme, Münster, 1862.) [W. S.] [W. W.]

AUXILIA'RES. [Socii.]

AVIA'RIUM. [Agricultura, pp. 78, 80.]

AVUL'SIO. [Confusio.]

AXAMENTA. [Salii.]

AXI'NE. [Securis.]

AXIS. [Currus.]

AX'ONES (*ἄξονες*), also called *κύρβεις*, wooden tablets painted white, and made to turn on an upright axis, on which were written the laws of Solon. According to some writers, the *κύρβεις* contained the public and religious, the *ἄξονες* the private laws; according to others, the *κύρβεις* had three sides, and the *ἄξονες* four. But at Athens, at all events, they were almost certainly identical, according to the statement of Aristotle (*ap.* Plut. *Sol.* 25). The grammarians, indeed, insist on the difference; but the opinion of most modern scholars is in agreement with that already expressed in the former editions of this work. The phrase *ἐκ τῶν κύρβεων θύειν* in Lysias (Or. 30, *c. Nicom.* § 17) has been relied upon by the advocates of the distinction. But the law of murder must have been a public and religious law: and this we find was *ἐν τῷ ἄξονι* (Lex ap. Dem. *c. Aristocr.* p. 629, § 28: read *ἐν τῷ ά ἄξονι*, *i.e.* *πρώτῳ ἄξονι*, with Cobet, *Var. Lect.* p. 123; the *ἄξονες* being always mentioned in the plural).

The words *τρίγωνοι* and *τετράγωνοι*, used of the *ἄξονες* and *κύρβεις*, have been wrongly explained by some authorities, both ancient and modern, as applying to the separate tablets, and not to the whole contrivance (*κατασκεύασμα*). The gloss in Timaeus has *Κύρβεις· στηλὴ τρίγωνος πυραμοειδὴς νόμους ἔχουσα περὶ θεῶν* (so also Bekk. *Anecd.* p. 274, *τρίγωνοι, πυραμίδι ὅμοιοι*). This pyramidal shape is accepted by Planck (*ap.* Pauly i.^{2} *s. v.* *ἄξονες*), and Liddell and Scott (ed. 7, *s. v.* *κύρβεις*). But apart from its unsuitableness for exhibiting writings, the clear account of Aristophanes of Byzantium (in *Etym. M.* p. 547; cf. Ruhnken on Timaeus, *s. v.* *κύρβεις*) leaves no doubt that the boards were rectangular, and formed, as Caillemer puts it, a prism (not pyramid) of three or four sides.

The *ἄξονες* were at first kept in the Acropolis, but were afterwards placed, at the suggestion of Ephialtes, in the agora for all to read. Some fragments of them were preserved in the prytaneium in the time of Plutarch (*l. c.*; cf. Paus. i. 18, 3). (Schol. *ad* Aristoph. *Av.* 1354; Schol. *ad* Apoll. Rhod. iv. 280; Anaximenes *ap.* Harpocrat. *s. v.* *ὁ κάτωθεν νόμος*: *Etym. M.* p. 547; Suid. *s. v.*; Hermann, *Staatsalterth.* § 107, 1; Schömann, *Antiq.* i. 329, n., E. T.; Preller, on *Polemonis Periegetae fragm.* pp. 87–91 [the fragment itself in Müller, *Fr. Hist.* iii. 138 a].) [W. S.] [W. W.]

B.

BABYLO'NICUM (usually in plural), a Babylonian coverlet, placed upon couches (Lucr. iv. 1029; Fest. p. 298, Müller) and horses (Dig. 34, tit. 2, s. 25, § 3), sometimes used as a garment (*amictus aureo Babylonico*, Publ. Syr. *ap.* Petron. 55), though Ulpian (Dig. *l. c.*) denies that it should be classed as a dress (*non puto vestis esse*), was much prized by the Romans for its brilliant colour (Lucr. *l. c.*) and embroidery (Mart. viii. 28, 17). [W. S.]

BACCHANA'LIA, the name under which the festivals of Dionysus or Bacchus were known at Rome. The circumstances of the introduction of these rites at Rome are given in detail by Livy, xxxix. 8–19 (cf. Val. Max. i. 3, 3, and vi. 3, 7). According to his account, a Greek priest of no education or position brought into Etruria the secret nightly celebration of this worship. It was not only accompanied by all manner of licentious excesses, but was also made the occasion for planning the most revolting crimes, perjury, forgery, false accusations, poisoning, and assassination. From Etruria the contagion spread to Rome. If Livy's narrative is to be trusted, at first the rites were comparatively innocent. Women only were initiated, and that by day, three times in the year, and the priesthood was held by matrons in turn. It is quite possible that in this statement Livy has in view the worship of Stimula or Simila, an early Italian deity, afterwards identified with Semele, whence Ovid (*Fast.* vi. 503–515) regards her rites as of a Bacchanalian character. Possibly Virgil is thinking of the same, when (*Aen.* vii. 385) he speaks of the Bacchic rites as existing in Italy in the time of Aeneas. In any case it is hardly conceivable that the corrupt Etruscan cult should have so much changed its character in passing into Rome, as Livy's account would require us to believe. He goes on to say (c. 13) how a certain Pacullia Annia, a Campanian priestess, claiming to be acting under the inspiration of the gods, changed the whole character of the worship. She was the first to admit men, by initiating her own sons; she altered the time of celebration from the day to the night; and held initiations five times every month instead of three times a year. The promiscuous admission of men and women and the licence of night opened the way to all manner of debauchery and crime. The most horrible immoralities were practised; the wildest frenzy indulged in. Men flung themselves about as if possessed, and uttered frantic prophecies; women dressed as Bacchanals, with dishevelled locks, ran down to the Tiber, and plunged into the water torches, which, composed of a mixture of sulphur and lime, were not extinguished in the waves. The initiated were a vast number, —"alter jam prope populus," as Livy puts it,— including many of high birth, both men and women. To secure the complete subjugation of the votaries, a rule was made that none should be admitted who were not under twenty years of age, a time at which the judgment is weak and the passions strong. For some time, although the existence of these rites was generally known, not only by report, but also by the clanging of cymbals and the howlings of the devotees by night (*ib.* c. 15), their real nature was not suspected. But in B.C. 186 the lewd and criminal character of the meetings was brought to the knowledge of the consuls. P. Aebutius, the orphan of a Roman knight, had been left by the death of his guardians to the charge of his mother Duronia and his stepfather Sempronius Rutilus. The latter had embezzled his property, and in order to escape punishment desired either to make away with the youth, or to get him entirely into his power. Duronia, who was entirely devoted to her husband, determined to avail herself of the Bacchanalia for the corruption or destruction of her son. She informed him that at a time when he was sick she had vowed that he should be initiated into the Bacchic rites, if he recovered, and that now was the time to discharge the vow. Aebutius, taking the matter lightly, mentioned it to a freedwoman, Hispala Fecenia, with whom he had a *liaison;* but she, in the utmost terror and distress, warned him of the dangers that he was incurring: she, when still a slave, had accompanied her mistress to the orgies, and had seen the vile practices of the votaries. Aebutius, returning to his mother, refused to be initiated, without disclosing his reasons. She in a fury drove him from the house. He took refuge with his father's sister, and at her advice laid the whole facts of the case before the consuls. Hispala was induced by them to confess all that she knew; the senate was consulted; and full powers given to the consuls to investigate the matter. Prompt measures were taken to secure evidence, and to prevent the escape of the guilty. The inquiry led to the belief that more than 7000 men and women were implicated in the affair. Those who were merely initiated, and had taken the oath binding them to every kind of crime and lewdness, were punished with imprisonment; those against whom actual guilt was found—and these, we are told, were the majority—received capital punishment. The women for the most part were handed over to their relations, or to those who were responsible for them, for private execution; the rest were put to death in public. One of the most ancient and precious records of the old Latin language preserved to us is the bronze tablet containing the letter in which the consuls communicated to the magistrates *in agro Teurano* (Tirioli, in the country of the Bruttii) part (as Mommsen thinks) of the decree of the senate passed on this occasion (cp. Mommsen, *C. I. L.* i. 196; Ritschl, *P. L. M. E.* tab. xviii.); doubtless it is only a specimen of many which *mutatis mutandis* were sent throughout Italy. The Bacchanalia are rigidly prohibited: if any one, Roman, Latin or ally, considers himself under a religious obligation *bacanal habere,* he can only do so by obtaining permission from the *praetor urbanus,* confirmed by a vote of the senate in which not less than 100 have taken part. No priest, president, or common purse is allowed, nor any kind of common vow. Not more than two men or three women (five in all) should celebrate the rites, except by special permission. These regulations were carried out with unflinching rigour, apparently not without the use of military force (Cic. *de Leg.* ii. 15, 37); but it was some years before the Bacchanalian rites were completely extinguished in Southern Italy (Liv. xxxix. 41, xl. 19). It has been supposed, but probably not with justice (cf. Preller, *Röm. Myth.* p. 718), that a fragment of Varro's satires preserved by Nonius, p. 112, points to a subsequent revival of these rites at Rome. Otherwise we have no further trace of them in literature or history. The LIBERALIA were of an entirely different character. [A. S. W.]

BACCHOS (Βάκχος), a kind of Thyrsus. [THYRSUS.] [W. S.]

BAC'ULUM (*βακτηρία, ῥάβδος, σκῆπτρον, σκυτάλη*: in the poets, *βάκτρον* and *σκίπων*. The Homeric word is *σκῆπτρον*).

Carrying a stick was as common a practice in Greece as it is with us (Lysias, *pro Inval.* 12; Plat. *Protag.* p. 310 A; Aristoph. *Plut.* 272, *Eccl.* 150, 509; *Nub.* 541); and on Greek vases and sculptures we see sticks of all forms and patterns. The straight form with an ornament at the head, called the Περσικὴ βακτηρία (Hesych. *s. v.*; *Etym. M.* 185, 56; cf. Herod. i. 195), was the form affected by dandies at Athens in the time of Aristophanes (Aristoph. *ap.* Poll. x. 173, *βακτηρία δὲ περσὶς ἀντὶ καμπύλης*); while the large crook form (*καμπύλη*) was on the stage carried by old men and rustics (Poll. iv. 119), as in the illustration given next page.

The club form (*σκυτάλη*, Moeris, Suidas, Phot. *s. v.* *σκυτάλη· βακτηρία ἀκροπαχὴς*) was in vogue in the ruder states of Greece, such as Sicyon, where the lowest class of the community was called "the Club carriers" (*κορυνηφόροι*), but especially at Sparta, and became the rage at Athens among the *Λακωνισταί* (Aristoph. *Av.* 1283), while in later times it was affected by Cynic philosophers (Lucian, *Vit. Auct.* 8). The crutch, too, is often seen on ancient monuments (cf. Paus. x. 30, 1, *σκήπτρῳ τε ὑπὸ τὴν ἀριστέραν μασχάλην ἐρειδόμενος*). (For the sticks or batons carried as insignia of office by the Athenian jurymen, see Dikastes; for the shepherd's staff, Pedum; for the Spartan use of the stick in secret correspondence, Skytale; for the herald's staff, Caduceus.)

Baculum. (*Museo Borbonico*, vol. i. pl. xx.)

In Rome, on the other hand, the use of walking sticks was unknown. On the monuments we only see sticks in the hands of aged or infirm persons, or held as symbols of office. (See Sceptrum, Centurio.) [W. M. L.]

BAE'TYLUS (Βαίτυλος). [See *Dict. of Gr. and Rom. Biogr. and Myth.*; s. v.]

BA'JULUS (ἀχθοφόρος), a porter, anyone employed to carry burdens, whether a freeman or a slave. (Gell. v. 3, § 1; Fest. p. 35; Plaut. *Poen.* v. 6, 17; Cic. *de Or.* ii. 10, 40, *Par.* iii. 2; cf. Dig. 50, 16, 235.) The name was also given to a letter-carrier. (Symmach. *Ep.* iii. 34, v. 7; Sidon. *Ep.* iv. 7; Hieron. *Ep.* 6 *ad Julian.* 1; Cod. Theod. 2, 27, 1, § 2.) The bearers at funerals, properly called *vespillones*, sometimes had the name of bajuli. ("Vespillones dicti sunt bajuli," Fulg. *Expos. Serm.* p. 558; Amm. xiv. 7, § 17; Sidon. *Ep.* iii. 12.) [W. S.]

BAKTE'RIA (*βακτηρία*). [Baculum.]

BALAN'TION. [Crumena.]

BA'LATRO, a professional jester, buffoon, or parasite (Hor. *Sat.* i. 2, 2); in *Sat.* ii. 8, 21 the word is used as a proper name—Servilius Bălatro). In spite of the difference of quantity, *bălătro* is probably connected with *bala-re* (to bleat like a sheep, and hence) to speak sillily. It is doubtless akin to *blatero*, a chatterer (Gell. i. 15). Balatrones were paid for their jests, and the tables of the wealthy were generally open to them for the sake of the amusement they afforded. [A. S. W.]

BALLE'TYS (Βαλλητύς). [Eleusinia.]

BALLISTA. [Tormentum.]

BA'LNEAE, *Balineae, Balneum, Balineum, Thermae* (ἀσάμινθος, βαλανεῖον, λοετρόν, λουτρόν).

Greek Baths.—Bathing was a practice familiar to the Greeks of both sexes from the earliest times, both in fresh water and salt, and in the natural warm springs, as well as vessels artificially heated. Thus Nausicaa, daughter of Alcinous, king of Phaeacia, goes out with her attendants to wash her clothes; and after the task is done, she bathes herself in the river. (*Od.* vi. 58, 65.) Ulysses, who is conducted to the same spot, strips and takes a bath, whilst Nausicaa and her servants stand aside. (*Od.* vi. 210–224.) Europa also bathes in the river Anaurus (Mosch. *Id.* ii. 31), and Helen and her companions in the Eurotas (Theocr. *Id.* vii. 22). Warm springs were also resorted to for the purpose of bathing. The Ἡράκλεια λουτρὰ shown by Hephaestus or Athena to Hercules are celebrated by the poets. Pindar speaks of the hot baths of the nymphs—*θερμὰ Νυμφᾶν λουτρὰ* (*Olymp.* xii. 27), and Homer (*Il.* xxii. 149) celebrates one of the streams of the Scamander for its warm temperature. Bathing in rivers or the sea (*ψυχρολουτεῖν*) was always common for the young (cf. Caryst. Perg. *ap.* Athen. i. 24 c). Not to know how to read and to swim were proverbial marks of the ignoramus (*Paroem.* ed. Gaisf., D. vi. 56). A plunge in the Eurotas always sufficed for the Lacedaemonians (Schol. on Thuc. ii. 36). There appears to have been a swimming bath (*κολυμβήθρα*) at Athens in the time of Plato (*Rep.* 453 D).

The artificial warm bath was taken in a vessel called *ἀσάμινθος* by Homer, and *ἔμβασις* by Athenaeus (i. 25 c, e). It was no doubt of wood or marble, as the epithet *εὔξεστος* is applied to it (*Od.* iv. 48), and in the case of Menelaus' Egyptian presents (*Od.* iv. 128) it was of silver. It would appear from the description of the bath administered to Ulysses in the palace of Circe, that this vessel did not contain water itself, but was only used for the bather to sit in while the warm water was poured over him, which was heated in a large caldron or tripod, under which the fire was placed, and when sufficiently warmed was taken out in other vessels and poured over the head and shoulders of the person who sat in the *ἀσάμινθος*. (*Od.* x. 359–365.) The bath was usually thus administered by a handmaiden (*Il.* xiv. 6; *Od.* iv. 49, vi. 210), or even a daughter (*Od.* iii. 464), or the mistress of the house (*Od.* iv. 252; v. 263; x. 450): unless we hold with Mr. Gladstone (*Studies on Homer*, iii. 513–516) that the maidens gave the men in each case the means of washing themselves; for which he compares such expressions as "feeding the poor," and refers especially to *Od.* vi. 210, 218–220, compared with vii. 296. Where cleanliness merely was the object sought, cold bathing was adopted, which was considered as most bracing to the nerves (Athen. *l. c.*); but after violent bodily exertion or fatigue warm water was made use of, in order to refresh the

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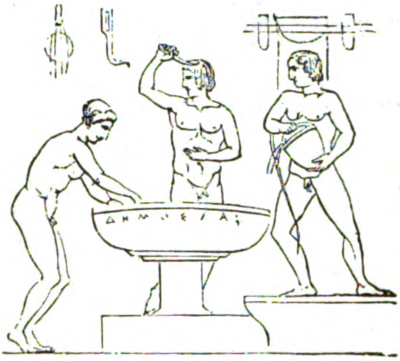
Ath. ii. 10.) There
all, almost nominal,

charge for the use of the public baths (cf. Aristoph. *Nub.* 853). Thus in the inscription of Andania (i. 107) the price is fixed at 2 chalki = ¼ obol. At Phaselis it was probably not much higher; though something more seems to have been demanded from strangers (Ath. viii. 351 f). In the time of Lucian, who calls the fee *ἐπίλουτρον* (*Lexiph.* 2), it was two obols.

We know very little of the baths of the Athenians during the republican period; for the account of Lucian in his Hippias relates to baths constructed after the Roman model. On ancient vases, on which persons are represented bathing, we seldom find anything corresponding to a modern bath in which persons can stand or sit; but there is always a round or oval basin (*λουτήρ* or *λουτήριον*), resting on a stand (*ὑπόστατον*), by the side of which those who are bathing are represented standing undressed and washing themselves, as is seen in the following woodcut taken from Sir W. Hamilton's vases. (Tischbein, i. pl. 58.) The word ΔΗΜΟΣΙΑ upon it shows that it belonged to a public bath.



Public Basin for Men. (From a Greek Vase.)

The next woodcut is also taken from the same work (i. pl. 59), and represents two women bathing. The one on the right hand is entirely naked, and holds a looking-glass in her right

Basin for Women. (From a Greek Vase.)

hand; the one on the left wears only a short kind of ἐχέσαρκον χιτώνιον, of which we have no other instance. Eros is represented hovering over the bathing vessel.

But besides the λουτῆρες and λουτήρια there were also vessels for bathing, large enough for persons to sit in, which, as stated above, are called ἀσάμινθοι by Homer and πύελοι or μάκτραι by the later Greeks (Schol. *ad* Aristoph. *Equit.* 1055; Hesych. *s. v.* Πύελος: Pollux, vii. 166, 168). The λουτὴρ thus, as we shall see, corresponded to the Roman *labrum;* the πύελος to the *solium* or *alveus.*

In the baths there was also a kind of sudorific or vapour bath called πυρία or πυριατήριον, which is mentioned as early as the time of Herodotus (iv. 75). (Compare Pollux, vii. 168; Athen. v. p. 207 f, xii. p. 519 e; Plut. *Cim.* 1.) Becker (*Charikles,* Scene viii. note 23) holds that in Greece generally, as at Sybaris (Athen. xii. p. 519), the bathers sat in separate tub-like compartments; but Marquardt (*Privatleben,* p. 282) and Göll (*Charikles,* iii. 105) show, by a comparison of Timarchus (*ap.* Athen. xi. p. 501 e) and Alciphr. *Ep.* i. 23, with Vitruvius, v. 11. 5, that this ξηρὸς θόλος (Alexand. Aphrod. *Probl.* i. 41) was the same as the *concamerata sudatio* or *laconicum* of the Romans, for which see below, p. 277. This seems to have been not simply or even principally a Spartan usage (for warm baths were very rarely allowed at Sparta; see Plut. *Lycurg.* 16), but common to the Greek race (Ἑλληνικὴ πυρίη, Herod. iv. 75), and not, as in early Rome, a luxury or form of medical treatment. Among the chambers of the Greek bathing establishment was the ἀλειπτήριον, Lat. *unctorium* (Alexis, *ap.* Poll. vii. 166; Theophr. *de Sudore,* 28). Lucian (*Hipp.* p. 73) speaks of the ἀποδυτήριον with its ἱματιοφυλακοῦντες (*capsarii*); but as they seem to be unknown to Aristotle (*Probl.* xxix. 14), they were probably introduced from Rome. Hence Aristotle tells us that those who stole clothes from the baths (ἱματιοκλέπται or λωποδύται, Diog. Laert. vi. 52; Athen. iii. p. 97 e) were punishable with death. (Cf. Demosth. *c. Conon.* p. 1256, § 1; *c. Timocr.* p. 736, § 114.) As the baths most frequently adjoined the gymnasia and palaestra (cf., for example, the baths at Anticyra, Paus. x. 36, 9), one of the rooms of these latter buildings served the purpose of undressing-room (Xen. *Rep. Ath.* ii. 10). About these rooms the τριβαλλοί used to loaf, looking out for an invitation. We hear of wrestling (Theophr. *Char.* 27) and playing the cottabos (Diog. Laert. vi. 46), besides a great deal of conversation going on in the baths. To sing there was considered the part of a boor (Theophr. *Char.* 4).

Either the bath or simple anointing of the body generally formed part of the business of dressing for dinner (Xen. *Symp.* 1, 7). Hence we find the bath spoken of as ὁδὸς ἐπὶ τροφὴν (or τρυφήν), Artemid. *Oneir.* 61. It was generally taken shortly before the δεῖπνον or principal meal of the day. Epictetus (*Diss.* i. 1, 29) and Alciphr. (*Ep.* iii. 60) mention noon as the hour; while voluptuaries bathed repeatedly (Menander, *ap.* Athen. iv. 166; Simonides, *ap.* Aelian, *H. A.* xvi. 24). It was the practice to take first a warm or vapour, and afterwards a cold bath (Plut. *de primo frig.*

10; Paus. ii. 34, § 2), though
Homer the cold bath appears to
first and the warm afterwards.
was usually poured on the bac
the bathers by the βαλανεὺς o
who are called παραχύται. (
344 D; Lucian, *Demosth. Enco*
de Invid. 6, *Apophth. Lac.*
from which the water was po
ὑδρία: there is mention also
which must have been much sm
Equit. 1091, 1094; Theophr.
first of the cuts on p. 267
represented with one of thes
hands. Roulez (*Choix de Vases*
de Leyde, pl. xix. 1) gives us a
a bath in a palaestra where tw
descend on men from spouts shap
heads, and Panofka (*Bilder an*

Shower Baths for Women. (From

xviii. 9) shows us a bath for
arranged, while an unpublished
the Louvre represents a κολυμ
ming bath for women.

Swimming Bath for Women. (From

These two last-mentioned p
incline us to the conclusion that
lishments for women existed am
whether belonging to the state
by private enterprise, and Göll re
tion on the women's λουτὴρ in T
as δημόσια, while we are told t
not use the public baths (Athe
and we learn from Varro (*L.*
the earliest Greek *balneum* in Ro
department for women.

The persons who bathed pro
with them strigils, oil, and towel
carried by a slave (ληκυθοφόρος,
ξυστρολήκυθος, Hesych.). The
was called by the Greeks στλεγ

at sometimes also of
st. Lac. 32; Aelian,
hesm. 556.) One of
. 267 is represented
several strigils are
says (x. 181), "The
en round their loins
the men who bathe
The Greeks also used
ng or washing them-
the general name of
h were supplied by
Lysistr. 377.) This
lye made of lime or
um, and of fuller's
oph. *Ran.* 710 and
) A).

person was always
e, and after death
l of the Dardanians,
ey bathe only thrice
marriage, and after
. Stob. *Flor.* v. 51.)
bride was bathed
oph. *Lysistr.* 378)
om the fountain of
ed from the time of
(Thucyd. ii. 15.)
rpocrat. *s. v.* Λουτρο-
ater was fetched by
t relation, and that
τροφόρος. He also
ed in the same way
e who had died un-
ionuments of such a
ding a water-vessel
vever, states that it
the water on such
(*c. Leochar.* p. 1089,
§ 18) speaks of ἡ
ent of a person who
mains of ancient art
as λουτροφόροι, but
Brief Description of
es, pl. 27; cf. Becker-

s (θερμὰ or Ἡράκλεια
teemed as sacred to
ed highly medicinal
The hot springs of
med for their healing
cold spring which
iii. p. 73). In later
sort for pleasure as
in the spring (Plut.
. 17). Many other
ausanias (*e.g.* vi. 22,

Greek baths is given
vol. i. p. 199; iii.
[W. S.] [L. C. P.]

rds *balneae*, *balineae*,
, are all commonly
m bath or baths; but
er and better authors
mination. *Balneum*
ved from the Greek
68), signifies, in its
bathing-vessel, such
onsequence amongst
their own houses
hence the chamber which contained the bath (Cic. *ad Fam.* xiv. 20), which is also the proper translation of the word *balnearium*. The diminutive *balneolum* is adopted by Seneca (*Ep.* 86, § 3) to designate the bath-room of Scipio, in the villa at Liternum, and is expressly used to characterise the modesty of republican manners as compared with the luxury of his own times. But when the baths of private individuals became more sumptuous, and comprised many rooms, instead of the one small chamber described by Seneca, the plural *balnea* or *balinea* was adopted, which still, in correct language, had reference only to the baths of private persons. Thus Cicero terms the baths at the villa of his brother Quintus (*ad Q. Frat.* iii. 1, § 1) *balnearia*. *Balneae* and *balineae*, which according to Varro (*L. L.* viii. 25, ix. 41; Charisius, i. 12) have no singular number,[*] were the public baths. Thus Cicero (*pro Cael.* 25, 62) speaks of *balneas Senias*, *balneas publicas*, and *in vestibulo balnearum* (*ib.* 26), and Aulus Gellius (iii. 1; x. 3) of *balneas Sitias*. But this accuracy of diction is neglected by many of the subsequent writers, and even in the time of the republic *balneum* was used for a public bath (*C. I. L.* 1263); but particularly by the poets, amongst whom *balnea* is not uncommonly used in the plural number to signify the public baths, since the word *balneae* could not be introduced in an hexameter verse. Pliny also, in the same sentence, makes use of the neuter plural *balnea* for a public, and of *balneum* for a private bath. (*Ep.* ii. 17, § 26.) *Thermae* (θέρμαι, hot springs) meant properly warm springs, or baths of warm water; but came to be applied to those magnificent edifices which grew up under the empire, in place of the simple *balneae* of the republic, and which comprised within their range of buildings all the appurtenances belonging to the Greek gymnasia, as well as a regular establishment appropriated for bathing. (Juv. *Sat.* vii. 233.) Writers, however, use these terms without distinction. Thus the baths erected by Claudius Etruscus, the freedman of the Emperor Claudius, are styled by Statius (*Silv.* i. 5, 13) *balnea*, and by Martial (vi. 42) *Etrusci thermulae*.

The Romans, in the earlier periods of their history, used the bath but seldom, and only for health and cleanliness, not as a luxury. Thus we learn from Seneca (*Ep.* 86, § 12) that the ancient Romans washed their legs and arms daily, and bathed their whole body once a week. (Cf. Cat. *ap.* Non. 108, s. v. *Ephippium*; Colum. *R. R.* i. 6, § 20.) The room set apart for this purpose was called *lavatrina* or *latrina*, and was placed near the kitchen, so that warm water might be easily procured. (Varr. *L. L.* v. 118; ix. 68.)

It is not recorded at what precise period the use of the warm bath was first introduced amongst the Romans; but we learn from Seneca (*l. c.*) that Scipio had a warm bath in his villa at Liternum; which, however, was of the simplest kind, consisting of a single chamber, just sufficient for the necessary purposes, and without any pretensions to luxury. It was "small

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[*] *Balnea* is, however, used in the singular to designate a private bath in an inscription quoted by Reinesius. (*Inscr.* xi. 115.)

and dark," he says (§ 3), "after the manner of the ancients." Seneca also describes the public baths of former times as *obscura et gregali tectorio inducta;* and while their arrangements were of the simplest kind, aediles of noble birth did not disdain to look after them personally (§ 9). These were baths of warm *water;* but the practice of heating an apartment with warm air by a hollow underneath the floor, so as to produce a hot-air bath, is stated by Valerius Maximus (ix. 1, § 1) and by Pliny (*H. N.* ix. § 168) to have been invented by Sergius Orata, who lived in the age of L. Crassus, the orator, before the Marsic war. The expression used by Valerius Maximus is *balnea pensilia*, and by Pliny *balineas pensiles*, which is differently explained by different commentators; but a glance at the plan, inserted on p. 278, will be sufficient in order to comprehend the manner in which the flooring of the chambers was *suspended* over the hollow cells of the hypocaust, called by Vitruvius *suspensura caldariorum* (v. 11), so as to leave no doubt as to the precise meaning of the invention, which is more fully exemplified in the following passage of Ausonius (*Mosell.* 337):—

> "Quid (memorem) quae sulfurea substructa crepidine fumant
> Balnea, ferventi cum Mulciber haustus operto
> Volvit anhelatas tectoria per cava flammas,
> Inclusum glomerans aestu exspirante vaporem?"

In the time of Cicero, though young people used in summer to bathe in the Tiber (*Cael.* 15, 36), yet the use of baths, both public and private, of warm water and hot air, had become general (*ad Q. Frat.* iii. 1); and we learn from one of his orations that there were already baths (*balneas Senias*) at Rome which were open to the public upon payment of a small sum (*pro Cael.* 25, 61). Besides public baths, others were built by private speculators, who either worked them themselves or leased them out. Sometimes even the state leased out the public baths under certain conditions (*e.g.* see the Lex Metalli Vipascensis in *Eph. Epigr.* iii. p. 166, which makes stipulations with the *conductor balinei* touching certain people to be admitted free, hours of opening and shutting, height of water, &c.). The lessee or worker of a bath (*balneator*) appears to have stood very low in social estimation (Juv. vii. 4; Dig. 3, 2, 4, 2). Examples of private baths in Cicero's time are the *balneae Pallacinae* (*Rosc. Am.* 7, 18), and the *balneae Seniae* already mentioned. Martial in his time says (ii 14, 11):

> "Nec Fortunati spernit nec balnea Fausti
> Nec Grylli tenebras Aeoliumque Lupi."

"The Baths of Daphne," owned by Phoebus (Schol. on Juv. vii. 233), is a name like "The Aeolium" of Lupus. Jordan has collected a vast number of the names of the baths from the Regionarii, and they appear to be nearly all called after the possessor, though we find one of Mercurius and one of Diana (*Forma Urbis Romae*, p. 43). There were baths, of course, in the country, and they professed to be quite up to city style: *e.g.* an inscription has "In praediis Aureliae Faustinianae balineus. Lavatur more urbico, et omnis humanitas praestatur" (Marini, *Atti de' Fratelli Arvali*, p. 532, where a similar profession of a *balneator* is to be found, "omnia commoda praestantur"). A signboard, in Orelli 4326, of the Thermae of M. Crassus, offers salt and fresh water baths. These baths, which were worked by private individuals, appear to have been called *balnea meritoria* (Plin. *Ep.* ii 17, 26), and money was often invested in them (Dig. 7, 4, 12). Agrippa added 170 baths to those which existed already in Rome. In the time o Constantine there were no less than 856 (Jordan *l. c.*) in the city; and the Regionarii actually reckon 952 (Becker-Göll, *Gallus*, iii. 140).

In the earlier ages of Roman history a much greater delicacy was observed with respect to bathing, even amongst the men, than was usual among the Greeks; for, according to Valerius Maximus (ii. 1, § 7), it was deemed indecent for a father to bathe in company with his own son after he had attained the age of puberty, or a son-in-law with his father-in-law. (Comp. Cic. *de Off.* i. 35, § 129; *de Orat.* ii. 55, 224; Plut. *Cat. maj.* 20.) But virtue passed away as wealth increased; and when the thermae came into use, not only did the men bathe together in numbers, but even men and women stripped and bathed promiscuously in the same bath. It is true, however, that the public establishments generally contained separate baths for both sexes adjoining each other (Vitruv. v. 10; Varr. *L. L.* ix. 68), as will be seen to have been the case at the baths of Pompeii. Aulus Gellius (x. 3) relates a story of a consul's wife who took a whim to bathe at Teanum (Teano), a small provincial town of Campania, in the men's baths (*balneis virilibus*); probably, because in a small town, the female department, like that at Pompeii, was more confined and less convenient than that assigned to the men; and an order was consequently given to the Quaestor, M. Marius, to turn the men out. In the Lex Metalli Vipascensis the women have the use of the bath from daybreak till the seventh hour; the men from the eighth hour till the second hour of the night. If at Rome there were separate establishments for the women, men at any rate appear to have been able to get into them, and they were a possible place for assignations ("celent furtivos balnea tuta viros," Ov. *Ars Am.* iii. 639);—a passage which further shows that there were small private chambers with baths in them, such as we find in the Stabian baths at Pompeii (marked *c* in Overbeck's plan, Fig. 123, p. 193; cf. p. 206). But whether the men and women were allowed to use each other's chambers indiscriminately, or some of the public establishments had only one common set of baths for both, the custom prevailed under the empire of men and women bathing indiscriminately together. (Plin. *H. N.* xxxiii. § 153.) This custom was forbidden by Hadrian (Spart. *Hadr.* c. 18), and by M. Aurelius Antoninus (Capitolin. *Anton.* c. 23); and Alexander Severus prohibited any baths, common to both sexes (*balnea mixta*), from being opened in Rome (Lamprid. *Alex. Sev.* c. 24). Although the practice was not adopted by women of respectability ("Signum est adulterae lavari cum viris," Quint. *Inst.* v. 9, § 14), yet this legislation was not permanently effective, and even the censures of the Fathers of the Christian Church and the canons of Councils did not avail to suppress it. (Clem. Alex. *Paed.* iii. 5, p. 272; Cypr. *de Virg. Habitu*, p. 179; *Const. Apost.* i. 6 and 9; Council of Laodicea (A.D. 320), *Can.* 30, renewed by Council of Constantinople (A.D. 692), *ap.* Mansi.) Justinian (*Cod.* v. 15, 11, § 2) recognises it as a ground of divorce, *si forte uxor ita luxuriosa est, ut commune lavacrum cum viris libidinis causa habere audeat.*

When the public baths (*balneae*) were first instituted, they were only for the lower orders, who alone bathed in public; the people of wealth, as well as those who formed the equestrian and senatorian orders, used private baths in their own houses. But as early even as the time of Julius Caesar we find no less a personage than the mother of Augustus making use of the public establishments (Suet. *Aug.* 94); and in process of time even the emperors themselves bathed in public with the meanest of the people. (Spart. *Hadr.* c. 17.)

The baths were opened at sunrise, and closed at sunset (Lampr. *Alex. Sev.* 24). The many lamps found in the baths at Pompeii were used for lighting the rooms and the dark passages, according to Nissen, *Pomp. Stud.* 135, and do not necessarily imply night-bathing. But, in the time of Alexander Severus, it would appear that the baths were kept open after nightfall. (Lampr. *Alex. Sev.* l. c.) The allusion in Juvenal (*balnea nocte subit*, *Sat.* vi. 419) probably refers to private baths.

The price of a bath (*balneaticum*) was a quadrans, the smallest piece of coined money, from the age of Cicero downwards (Cic. *pro Cael.* 26, 62; Hor. *Sat.* i. 3, 137; Juv. *Sat.* vi. 447), which was paid to the keeper of the bath (*balneator*); and hence it is termed by Cicero, in the oration just cited, *quadrantaria permutatio*, and by Seneca (*Ep.* 86, § 9) *res quadrantaria.* Children below a certain age were admitted free. (Juv. *Sat.* ii. 152.)

The passage of Juvenal (vi. 447), which has been quoted to show that women paid no fee, should be taken to imply that they paid a higher price than men. So by the Lex Metalli Vipascensis, which has been already referred to, the men pay half an *as*, the women an *as*. (Cf. Dio Cass. xlix. 43.) Faustus Sulla gave the people the use of the baths and oil on the day of his father's funeral (Dio Cass. xxxvii. 51), and Augustus on his return from Germany gave them baths and barbers for a day (*ib.* liv. 25). Agrippa opened the baths gratuitously to both men and women for a year (*ib.* xlix. 43), and afterwards gave the people his *thermae ὥστε προῖκα αὐτοὺς λοῦσθαι* (*ib.* liv. 29). Such munificence was repeated by emperors and also by private individuals (Dig. 32, 35, 3; Henzen, 3325, 3326, 6962).

Strangers, also, and foreigners were admitted to some of the baths, if not to all, without payment, as we learn from an inscription found at Rome, and quoted by Pitiscus (*Lex Antiq.*):

L. OCTAVIO. L. F. CAM.
RUFO. TRIB. MIL. . . . .
QUI LAVATIONEM GRATUITAM MUNICIPIBUS
INCOLIS
HOSPITIBUS ET ADVENTORIBUS.

Compare the inscription at Naples (*C. I. L.* v. 376). We also find free bathing given to an individual and his family as a reward of merit: thus a soldier gets that privilege at Nemausus (Orelli, 3579).

The baths were closed when any serious public misfortune happened, just as we should close our theatres (Fabr. *Descr. Urb. Rom.* c. 18); and Suetonius says that the Emperor Caligula made it a capital offence to indulge in the luxury of bathing upon any religious holiday (*ib.*). They were originally placed under the superintendence of the aediles, whose business it was to keep them in repair, and to see that they were kept clean and of a proper temperature (*ib.*; Sen. *Ep.* 86). In the provinces the same duty seems to have devolved upon the quaestor, as may be inferred from the passage already quoted from Aulus Gellius (x. 3).

The time usually assigned by the Romans for taking the bath was the eighth hour, or shortly afterwards. (Mart. x. 48, xi. 52.) Before that time none but invalids were allowed to bathe in public. (Lamprid. *Alex. Sev.* 24.) Vitruvius reckons the hours best adapted for bathing to be from mid-day until about sunset (v. 10). Spurinna took his bath at the ninth hour in summer, and at the eighth in winter (Plin. *Ep.* iii. 1, 8); and Martial speaks of taking a bath, when business had been pressing, at the tenth hour, and even later (iii. 36; x. 70).

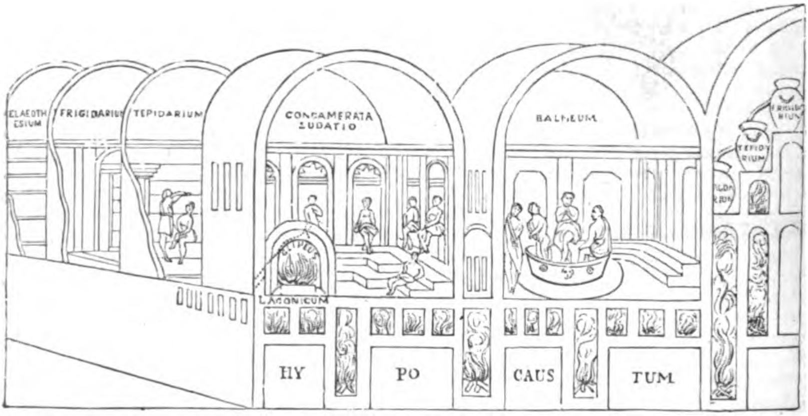
When the water was ready, and the baths prepared, notice was given by the sound of a bell—*aes thermarum.* (Mart. xiv. 163.) One of these bells, with the inscription FIRMI BALNEATORIS, was found in the Thermae Diocletianae, in the year 1548, and came into the possession of the learned Fulvius Ursinus. (*Append. ad* Ciaccon. *de Triclin.*) A sun-dial was found in the new baths at Pompeii, and Lucian (*Hipp.* 8) places in the baths a sun-dial and a water-clock with apparently some method of striking the hours attached.

Whilst the bath was used for health merely or cleanliness, a single one was considered sufficient at a time, and that only when requisite. But the luxuries of the empire knew no such bounds, and the daily bath was sometimes repeated as many as seven and eight times in succession — the number which the Emperor Commodus indulged himself with. (Lamprid. *Comm.* 11.) Gordian bathed four or five times a day in summer, and twice in winter; the Emperor Gallienus six or seven times in summer, and twice or thrice in winter. (Capitolin. *Gord.* 6; Trebell. Poll. *Gall.* c. 17.) Commodus also took his meals in the bath (Lamprid. *l. c.*); a custom which was not confined to a dissolute emperor alone. (Cf. Mart. xii. 19.)

It was the usual and constant habit of the Romans to take the bath after exercise, and previously to their principal meal (*cena*); but the debauchees of the empire bathed after eating as well as before, in order to promote digestion, and so to acquire a new appetite for fresh delicacies. Nero is related to have indulged in this practice. (Suet. *Nero*, 27; comp. Juv. *Sat.* i. 142.) This practice of carrying off the effects of gluttony by artificial means of inducing perspiration, which had taken the place of the hard labour and exercise of sterner times, was severely condemned, and sometimes proved fatal. (Columella, i. praef. § 15; Juv. i. 143; Pers. iii. 93; Sen. *Ep.* 15, 3; 86, 10; and especially Plin. *H. N.* xiv. § 139, and xxix. § 26, where he mentions as one of the causes of the ruined morals of the nation, *balineae ardentes quibus persuasere in corporibus cibos coqui.*)

Here at the outset a word must be said on the notorious illustration of a Roman bath given below. It is said to have been found in and to represent the Thermae of Titus at Rome. Long ago, however, Canina suspected its authenticity. He could not, he said, find it in the baths, nor was there any trustworthy evidence of its having been discovered previously; and further its exceedingly close following of Vitruvius made it look very like an illustration of that author. The fact is that the picture was drawn by Giovanni Antonio Rusconi, an architect, in 1553, to serve as a plan to help the description of Roman baths as given by Johannes Antonius Siccus Cremensis, *De balneis compendium ex Hippocrate et Galeno.* In the preface to this treatise the picture is merely called a "figura antiqui balinei." J. Rhodius in his edition of Scribonius Largus (1655) says (p. 103), "balnearum formam Ioannis Antonii Sicci Cremensis diligentia vulgatam inspicere iuvabit." It first appears as claiming to be a picture of the Baths of Titus in a work called *Raccolta di statue antiche e moderne data in luce da de Rossi illustrata di P. A. Maffei* (1704), who was an officer of the Papal guard and quite different from F. S. Maffei the scholar. From this work it got into Montfaucon, *Ant. expl.* iii. 2, pl. 122, and hence unfortunately obtained general acceptance. Its unauthenticity is now accepted by nearly all scholars, by Marquardt, Saglio, Overbeck, Göll, Guhl and Koner, &c. For a full account of the history of this drawing, the reader is referred to Marquardt, *Privatleben der Römer*, pp. 270–1, from whom its history as given above is taken.

The picture indicates in its way the chief rooms of a Roman bath. There was the *elaeothesium*, where the oil was kept, and where the bathers were frequently anointed. Next the *frigidarium* or cold room, which generally had a cold bath in it, and which frequently served as an undressing room (*apodyterium*), though large establishments had a separate apartment for undressing in. Beside the *frigidarium* was the warm room (*tepidarium*), which led into the hot room (*concamerata sudatio*, though generally called *caldarium*), or sweating room, heated both by the hypocaust below and by an oven called, according to the picture, *laconicum*, which could be closed or opened by a brass cover called *clipeus*. Also, over the hypocaust, in another room appears in the picture the hot bath; and in a third room three coppers (*ahena*) for cold, tepid, and warm water. The errors of this illustration will appear quite plain after we have described in detail the various rooms of the baths according to the actual remains of such buildings.



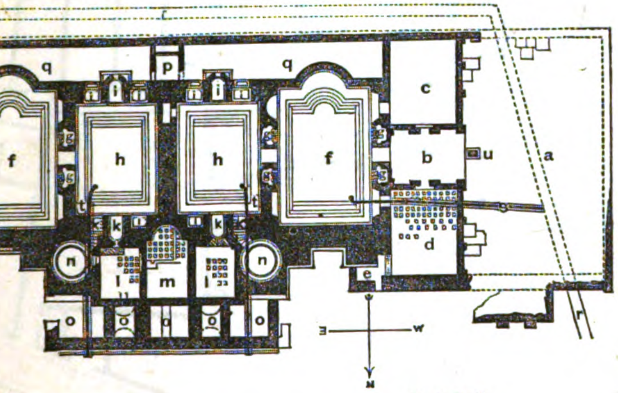
Roman Baths. (Nominally from the Thermae of Titus, but a modern representation of Roman baths.)

The Romans did not content themselves with a single bath of hot or cold water; but they went through a course of baths in succession, in which the agency of air as well as water was applied. It is difficult to ascertain the precise order in which the course was usually taken, if indeed there was any general practice beyond the whim of the individual. Under medical treatment, the succession would, of course, be regulated by the nature of the disease for which a cure was sought, and would vary also according to the different practice of different physicians. It is certain, however, that it was a general practice to close the pores, and brace the body after the excessive perspiration of the vapour bath, either by anointing or by pouring cold water over the head, or by plunging at once into the *piscina*, or into a river. (Auson. *Mosell.* 341.) Musa, the physician of Augustus, is said to have introduced this practice (Plin. *H. N.* xxv. § 77; cf. Hor. *Epist.* i. 15, 4), which became quite the fashion, in consequence of the benefit which the emperor derived from it, though Dio Cass. (liii. 30) accuses Musa of having artfully caused the death of Marcellus by an improper application of the same treatment. In other cases it was considered conducive to health to pour warm water over the head before the vapour bath, and cold water immediately after it; and at other times, warm, tepid, and cold water baths were taken in succession.

The two physicians Galen and Celsus differ in some respects as to the order in which the baths should be taken; the former recommending *conicum* (ἀέρι θερμῷ), water (ὕδωρ θερμόν), finally to be well *odo Medendi*, x. 10,); whilst the latter first to sweat for a hamber (*tepidarium*), to proceed into the *um*), and after having course of perspiration nto the warm bath antity of warm water id, and finally cold; vith the strigil (*per*- ed dry and anointed. h, in all probability, he Romans when the daily source of plea- ticular medical treat- t resembles in many thing still in practice

amongst the Orientals, who, as Sir W. Gell remarks, "succeeded by conquest to the luxuries of the enervated Greeks and Romans." (Gell's *Pompeii*, vol. i. p. 86, ed. 1832.)

Having thus detailed from classical authorities the general habits of the Romans in connexion with their system of bathing, it now remains to examine and explain the internal arrangements of the structures which contained their baths; which will serve as a practical commentary upon all that has been said. Indeed there are more ample and better materials for acquiring a thorough insight into Roman manners in this one particular, than for any other of the usages connected with their domestic habits. The principal ancient authorities are Vitruvius (v. 10), Lucian (Ἱππίας ἢ βαλανεῖον, a detailed description of a set of baths erected by an architect named Hippias), Pliny the Younger, in the two letters describing his villas (ii. 17, v. 6), Statius (*Balneum Etrusci*, *Silv.* i. 5), Martial



h.

Men's Bath.

Plan of the Roman Baths at Badenweiler.

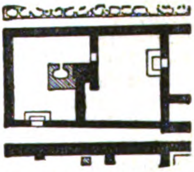
rium.
m.

g. Douche baths.
h. Warm bath, *tepidarium*.
i. Private baths, *solia*.
k. Passages for communication.
l. Hot baths, *caldaria*.
m. Hot-air bath, *laconicum*.
n. Reservoirs for cold and perhaps warm ablution.

o. Coal or wood store-rooms.
p. Closets?
q. Attendants' rooms.
r. Underground exit drains.
s. Leaden exit pipe.
t. Exit pipe.
u. Altar of *Diana abnoba*.

ms), Seneca (*Epist.* 51, llinaris (*Epist.* ii. 2). t hopeless to attempt on obtained from these the help afforded us ancient baths,—such s, Caracalla, and Dio- Pompeii excavated in ublic and private baths extent of the Roman t of which are referred ties at the end of this public baths (*balneae*) excavated in 1824–5. man system of bathing description of these lans of baths attached t of the baths of "the alatine, which exhibits ompared with private must have been built

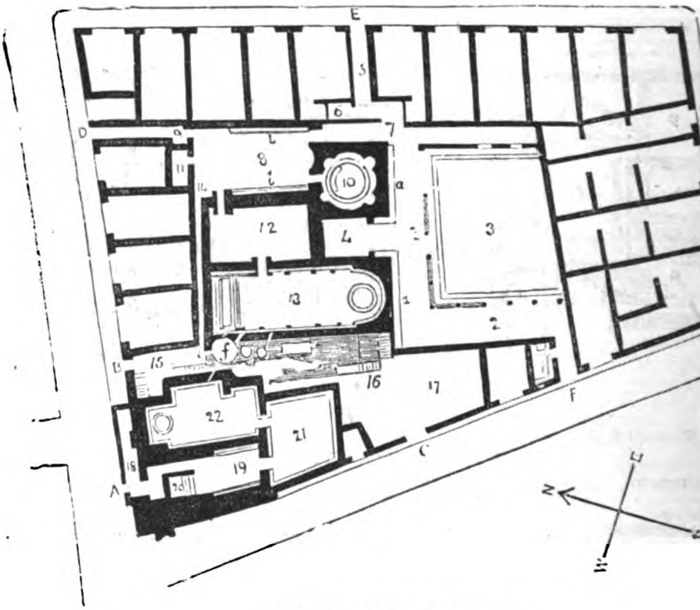
before A.D. 79. They consist of two rooms about 16 ft. square, one of which contains a stove. The cut given above is a ground-plan of the Roman baths at Badenweiler; and though less elaborate than the baths attached to some Pompeian private houses, it is interesting from its compactness and the arrangement of the women's and men's baths. A full account of them is given by Dr. Heinrich Leibnitz, *Die römischen Bäder bei Badenweiler*, Leipzig, 1860.



Bath in house of Livia. (From Daremberg and Saglio.)

The *balneae* adjoining the Forum at Pompeii, generally called the old baths, were found to be a complete set, constructed in all their important parts upon rules very similar to those laid down by Vitruvius, and in such good preservation that many of the chambers were complete, even to the ceilings. The woodcut below represents the ground-plan of these baths, which are nearly surrounded on three sides by houses and shops, thus forming what the Romans termed an *insula*.

The whole building, which comprises a double set of baths, has six different entrances from the street, one of which, A, gives admission to the smaller set only, which are supposed to have been appropriated to the women, and five others to the male department; of which two, B and C, communicate directly with the furnaces, and the other three, D, E, F, with the bathing apartments, of which F, the nearest to the forum, was the principal one; the other two, D and E, being on different sides of the building,
served for the convenience of those
the north and east sides of the city
variety of entrances (ἐξόδοις πολ
μένον) is one of the qualities en
Lucian as necessary to a well-const
baths (*Hippias*, 8). Passing throu
cipal entrance, F, which is remov
street by a narrow footway sur
insula (the outer kerb of which is
the plan by the thin line drawn
after descending three steps, the
upon his left hand a small chamb
contained a convenience (*latrina*),
into a covered portico (2), whic
three sides of an open court—*atri*
was 68 feet long and 53 feet bro
together formed the vestibule
—*vestibulum balnearum* (Cic. *pro*
which the servants belonging to
ment, as well as the attendants of the bathers, waited. There are seats for their accommodation placed underneath the portico (*a*, *a*). This *atrium* was the exercise ground for the young men, or perhaps served as a promenade for visitors to the baths. It answers exactly to the first compartment described by Lucian (*l. c.* 5). Within this court the keeper of the baths (*balneator*), who exacted the *quadrans* paid by each visitor, was also stationed; and the box for holding the money was found in it. The room (4), which runs back from the portico, might have been appropriated to him; but most probably it was an *oecus* or *exedra*, for the convenience of the better classes whilst awaiting the return of their acquaintances from the interior, in which case it will correspond with the chambers mentioned by Lucian (*l. c.* 5), adjoining to the servants' waiting-place (ἐν ἀριστερᾷ δὲ τῶν ἐς τρυφὴν παρεσκευασμένων οἰκημάτων). In this court likewise,
as being the most public place,
for the theatre, or other anno
general interest, were posted up,
announcing a gladiatorial show,
At the two sides of the entran
stone seats (*scholae*). (5) Is the
conducts from the entrance E,
vestibule. (6) A small cell of
the corresponding one in the c
dor (1). (7) A passage of commu
leads into the chamber (8), th
(*spoliarium*, perhaps in this sens
p. 488), a room for undressing;
also accessible from the street by
through the corridor (9), in w
niche is observable, which pr
for the station of another *balnea*
lected the money from those ente
north street. In this room, whic
long and 22 feet broad, all the



Plan of the Old Baths at Pompeii.

have met before entering into the interior of the baths; and its locality, as well as other characteristic features in its fittings up, leave no room to doubt that it served as an undressing room. It does not appear that any general rule of construction was followed by the architects of antiquity, with regard to the locality and temperature best adapted for an *apodyterium.* The word is not mentioned by Vitruvius, nor expressly by Lucian; but he says enough for us to infer that it belonged to the *frigidarium* in the baths of Hippias (*l. c.* p. 71): "After quitting the last apartment there are a sufficient number of chambers for the bathers to undress, in the centre of which is an *oecus* containing three baths of cold water." Pliny the Younger says that the *apodyterium* at one of his own villas adjoined the *frigidarium* (*Ep.* v. 6, § 25); but it is plain from a passage already quoted, that the *apodyterium* was a warm apartment in the baths belonging to the villa of Cicero's brother, Quintus (*assa in alterum apodyterii angulum promovi*), to which temperature Celsus also assigns it. In the thermae at Rome the hot and cold departments had probably each a separate *apodyterium* attached to it; or if not, the ground-plan was so arranged that one *apodyterium* would be contiguous to and serve for both, or either; but where space and means were circumscribed, as in the little city of Pompeii, it is more reasonable to conclude that the *frigidarium* served as an *apodyterium* for those who confined themselves to cold bathing, and the *tepidarium* for those who commenced their ablutions in the warm apartments. The bathers were expected to take off their garments in the *apodyterium,* it not being permitted to enter into the interior unless naked (Cic. *pro Cael.* 26, 62). They were then delivered to a class of slaves, called *capsarii* (from *capsa*, the small case in which children carried their books to school), whose duty it was to take charge of them, and to whom the room (11) may have been assigned. These men were notorious for dishonesty, and leagued with all the thieves of the city, so that they connived at the robberies they were placed there to prevent. Hence the expression of Catullus—*O furum optume balneariorum!* (*Carm.* xxxiii. 1); and Trachilo in the *Rudens* of Plautus (ii. 33, 51) complains bitterly of their roguery, which, in the capital, was carried to such an excess that very severe laws were enacted against them, as we find in a special title of the Digest (47, 17), *De Furibus Balneariis.*

To return into the chamber itself—it is vaulted and spacious, with stone seats along two sides of the wall (*b*, *b*), and a step for the feet below, slightly raised from the floor (*pulvinus et gradus*, Vitruv. v. 10). Holes can still be seen in the walls, which might have served for pegs on which the garments were hung when taken off. It was lighted by a window closed with glass, and ornamented with stucco mouldings and painted yellow. A sectional drawing of this interior is given in Sir W. Gell's *Pompeii.* There are no less than six doors to this chamber: one led to the entrance E, another to the entrance D, a third to the small room (11), a fourth to the furnaces, a fifth to the tepid apartment, and the sixth opened upon the *frigidarium*, the room which had the cold bath (10), named indifferently by the ancient authors, *natatio, natatorium, piscina,* baptisterium, puteus,* λουτρόν. The bath, which is coated with white marble, is 13 feet 8 inches in diameter, and about 3 feet 9 inches deep, and has two marble steps to facilitate the descent into it, and a seat surrounding it at the depth of 10 inches from the bottom. It is probable that many persons contented themselves with the cold bath only, instead of going through the severe course of perspiration in the warm apartments; and it is said that at one period cold baths were in such request that scarcely any others were used. (Gell's *Pompeii, l. c.*) There is a platform or ambulatory (*schola*, Vitruv. v. 10) round the bath, also of marble, and four niches of the same material disposed at regular intervals round the walls, with seats. The ceiling is vaulted, and the chamber lighted by an opening towards the south-west. A drawing of this room is given on p. 279. The annexed woodcut represents a *frigidarium* with its cold bath (*puteus*, Plin. *Ep.* v. 6, § 25) at one extremity, supposed to have formed a part of the Formian villa of Cicero, to whose age the style of construction, and the use of the simple Doric order, undoubtedly belong. The bath itself, into which the water still continues to flow from a neighbouring spring, is placed under the alcove, and the two doors on each side opened into small chambers, which probably served as *apodyteria.* It is still to be seen in the gardens of the Villa Caposeli, at Mola di Gaeta, the site of the ancient Formiae.

Frigidarium of a Formian villa.

In the cold bath of Pompeii the water ran into the basin through a spout of bronze, and was carried off again through a conduit on the opposite side. It was also furnished with a waste-pipe under the margin to prevent it from running over. No. 11 is a small chamber on the opposite side of the *frigidarium*, which might have served for keeping unguents or *strigiles*, or for the *capsarius;* and from the side of the

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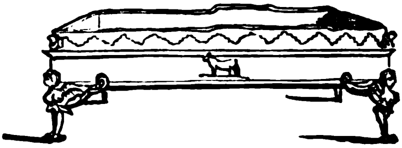
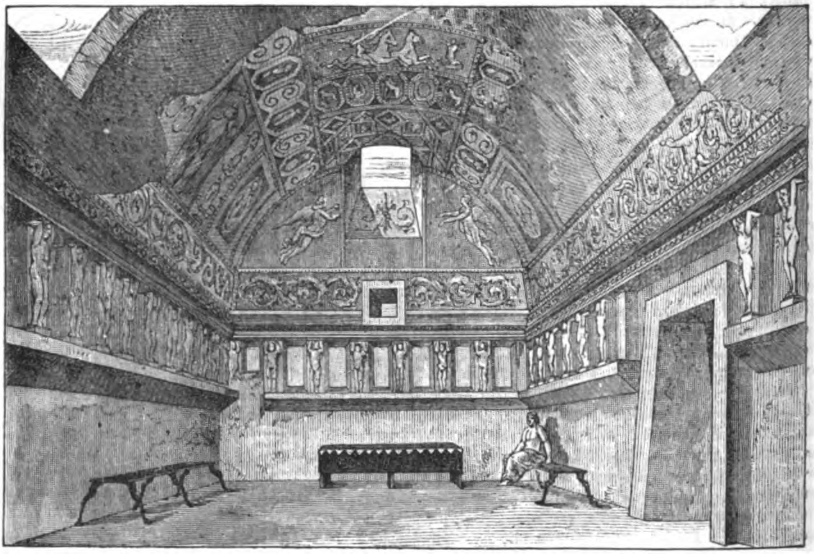
* *Piscina* is a general word for a large basin either of cold or warm (see p. 277 a) water, into which bathers could plunge (Sen. *Ep.* 56, 2) or swim about (Plin. *Ep.* ii. 17, § 11). It is therefore synonymous with the *natatorium*(-*ia*) or *natatio*, and the *baptisterium* of Sidonius Apollinaris. (*Ep.* ii. 2; cf. Plin. *Ep.* l. c. and v. 6, § 25.)

frigidarium, the bather, who intended to go through the process of warm bathing and sudation, entered into (12) the *tepidarium*.

This *tepidarium*, 33 feet long by 18 feet broad, did not contain water either at Pompeii or at the baths of Hippias, but was merely heated with warm air of an agreeable temperature in order to prepare the body for the great heat of the vapour and warm baths, and, upon returning, to obviate the danger of a too sudden transition to the open air. In the baths at Pompeii this chamber served likewise as an *apodyterium* for those who took the warm bath; for which purpose the fittings up are evidently adapted, the walls being divided into a number of separate compartments or recesses for receiving the garments when taken off, by a series of figures of the kind called *Atlantes* or *Telamones*, which project from the walls, and support a rich cornice above them. One of these divisions, with the *Telamones*, is represented in the article ATLANTES. Three bronze benches were also found in the room, which was heated as well by its contiguity to the hypocaust of the adjoining chamber, as by a brazier of bronze (*foculus*), in which the charcoal ashes were still remaining when the excavation was made. Sitting and perspiring beside such a brazier was called *ad flammam sudare* (Suet. *Aug.* 82). A representation of it is given in the above woodcut. Its whole length was 7 feet, and its breadth 2 feet 6 inches. The benches contained the inscription M. NIGIDIVS VACCVLA P.S. (*pecunia sua*). No doubt, from the representation of the cow on the brazier, this latter was also a gift of the same man.



Brazier of the Old Baths at Pompeii.



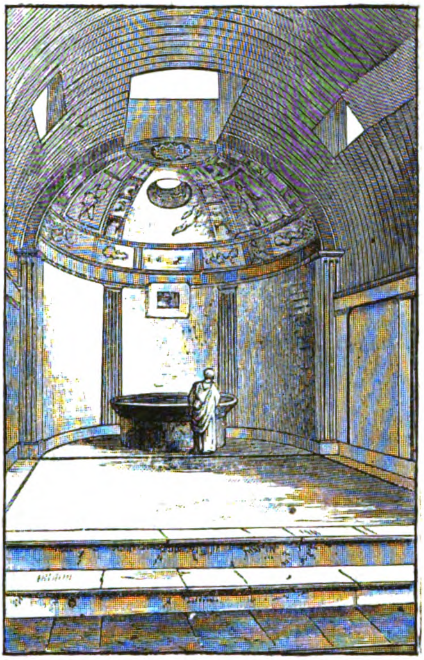
Tepidarium of Old Baths of Pompeii. (From Gell.)

The *tepidarium* is generally the most highly ornamented room in baths. It was merely a room to sit in and be anointed in. The water-bath which appears in the Stabian baths at Pompeii is quite an exception (see Becker-Göll, *Gallus*, iii. 132–4). In the old baths at Pompeii the floor is mosaic, the arched ceiling adorned with stucco and painting on a coloured ground, the walls red. The light is from a window at the south side, below which is a niche for a lamp. An illustration of the room taken from Gell, plate 29, is given above.

In addition to this service there can be little doubt that this apartment was used as a depository for unguents and a room for anointing (ἀλειπτήριον, *unctorium*, *elaeothesium*), the proper place for which is represented by Lucian (*l. c.*) as adjoining to the *tepidarium*, and by Pliny (*Ep.* ii. 17, § 11) as adjoining to the hypocaust; and for which purpose some of the niches between the *Telamones* seem to be peculiarly adapted. In the larger establishments a separate chamber was allotted to these purposes; but as there is no other spot within the circuit of the Pompeian baths which could be applied in the same manner, we may safely conclude that the inhabitants of this city were anointed in the *tepidarium* (cf. Celsus, i. 4); which service was performed by slaves called *unctores* and *aliptae*. [ALIPTAE.] Anointing sometimes took place before going into the hot bath (Celsus, *l. c.*), sometimes after the cold bath, just before putting on the clothes, in order to stop perspiration (Galen, x. 479). In some baths we find a special room, the *destrictarium* or *unctorium*,

Epist. ii. 17, § 11).
on people used oil,
more wealthy classes
travagance with re-
d unguents. These
the *elaeothesium* of
them in small glass
hundreds of which
ifferent excavations
Italy. [AMPULLA.]
enaeus contains an
numerous kinds of
ns; which subject is
H. N. xiii.).
Suetonius (*Cal.* 37)
uxury in the use of
water, whether hot
ecious odours, or, as
2), by anointing the
nts; a practice, he
one of the slaves of
t not be confined to
r hoc bonum).
oor which closed by
t the admission of
13, the *caldarium*,
d. Its mosaic floor
pocaust. The wall
t was hollow, form-
for the heated air.
of bricks with pro-
of about four inches,
the outer wall by
as at its south side
uct. *ad Her.* iv. 10;
(Lucr. vi. 800; Cat.
; Liv. xliv. 6; Suet.
lin. *Ep.* ii. 17, § 11;
e north side, which
rcle, a round *labrum*
uv. v. 10, 4), like
on p. 267. Into
k πύελος or θερμὴ
36), or κολυμβήθρα
lv. 7), the bather
(*schola*; cf. Petron.
ent was made from
by two steps. The
broad, and 2 deep.
gether. Sometimes
ne level of the room,
Both occur in the
he *labrum* at the
made of marble, 7½
deep, raised 3¼ feet
support of lava. It
Orelli, 3277), which
5250. It was used
pouring over the
itted the hot room.
truscus there was a
m silver pipes into a
water, in wonder at
Stat. *Silv.* i. 5, 48),
ere we hear of baths
(Plin. *H. N.* xxxiii.
eat of the *caldarium*,
ntation in this room
g. Any ornamenta-
me over the *labrum*.
arranged with no
v the opening in the

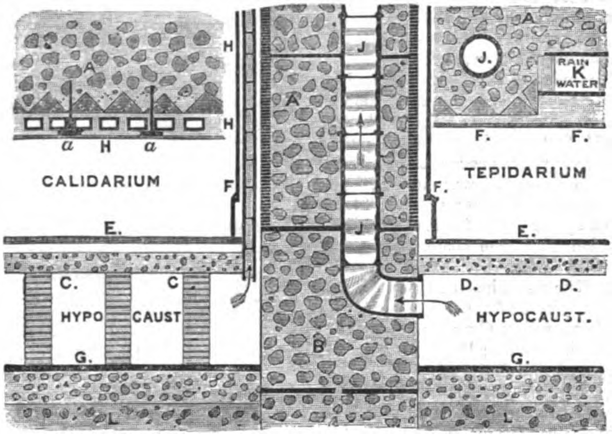
dome is a hollow for the lamp. The woodcut taken from Gell (plate 31) represents the end of the room which contained the *labrum*.



Caldarium of Old Baths at Pompeii. (From Gell.)

Strictly speaking, there was no *laconicum* (*assa*, Cic. *Q. Fr.* iii. 1, 2; *sudatorium*, Senec. *Ep.* li. 6; ξηρὸν βαλανεῖον, Galen, vi. 228) in the old baths at Pompeii. When a *laconicum* did occur, it was quite separate from the *caldarium*, and raised to a higher temperature. It was merely a sweating-room, and had no bath. It was a circular apartment with a dome-shaped ceiling; ξηρὸς θόλος it is called by Alexander of Aphrodisias. The diameter of such a room, Vitruvius says (v. 10), should be equal to the height as far as the beginning of the dome; and in the middle of the dome there should be an opening which could be closed or opened partially or entirely by a brass cover or shield (*clipeus*), worked by chains from below (cf. Timarchus, *ap.* Athen. p. 501 f, who calls the cover ὀμφαλός). The term *laconicum* appears to have arisen in Italy; for the Greeks, as we saw, called such a sweating bath Ἑλληνικὴ πυρίη (Herod. iv. 75). According to Dio Cassius (liii. 27), "Agrippa first introduced the Laconian sweating-bath; for the gymnasium is a Laconian institution, and the Spartans seemed especially in former times to have stripped and anointed themselves with oil" (cf. Thuc. i. 6). The first statement cannot be accurate, as we hear of a *laconicum* as early as 70 B.C. in an inscription from the Stabian baths at Pompeii (*C. I. L.* i. 1251), and at Cicero's villa at Puteoli in 55 B.C. (Cic. *Att.* iv. 10). But it is quite possible that the hot room got the name of *laconicum* from the notoriety of the Laconian practice of anointing, which would of course be most conveniently done in a room of fairly high temperature. When the name originated, the highest temperature used was nothing very considerable; but as the use of baths increased, the heat of the hottest rooms increased also (cf. Senec. *Ep.* 86, 10), and the name *laconicum* appears to have continued to be applied to the hottest rooms, though the anointing was no longer performed there, but in the milder temperature of the *tepidarium.* There is no *laconicum* proper, as has been said, in the old baths at Pompeii; but as the hottest room is the *caldarium*, we may if we like, with Nissen (*op. cit.* 156), apply that term to this latter apartment, but we must apply it to the whole room, and not merely to the niche for the *labrum*. The view that the *laconicum* was a little arched oven in the *caldarium* which was in direct communication with the hypocaust, and which had an aperture with a moveable covering (*clipeus*), through which the heat of the *caldarium* could be regulated—this view, which is derived from the supposed plan of the Baths of Titus, vanishes by the proved unauthenticity of that illustration.

Here a word must be said on the *suspensurae*, or hanging floors above the *hypocaustum.* (Vitruv. v. 10; Plin. *Ep.* ii. 17, § 23; Stat. *Silv.* i. 5, 59; Dig. 17, 1, 16.) On this subject we cannot do better than quote the words of Mr. Middleton (*Ancient Rome*, p. 334), who thus explains the system of heating used in the *Thermae* of Caracalla at Rome: "Vitruvius's description of the hypocausts or hollow floors used for heating the hot rooms (*calidaria*) agrees closely with many existing examples. The lower floor was to be laid with 2 feet tiles (*tegulae bipedales*) over a bed of concrete: on this, all over the area of the room, rows of short pillars (*pilae*) were built to support the upper or 'hanging floor' (*suspensura*). These *pilae* were to be 2 feet high [in the baths of Caracalla they are from 2½ to 2¾ feet high, p. 367], made of *tegulae bessales*, or tiles 8 inches square, set, not in mortar, but with clay in the joints: in existing examples these clay joints have been baked into brick by the action of the fire" (rather "hot air," for there was not a fire in the *hypocaustum*, but in the *hypocausis*). The passages from the furnace to the hypocaust and the flues in the walls appear to have been called *cuniculi* ("per quos vapor trahitur in balneariis," Dig. 43, 21, 3, 6; "fornacis cuniculus," Plin. *H. N.* ix. 134).



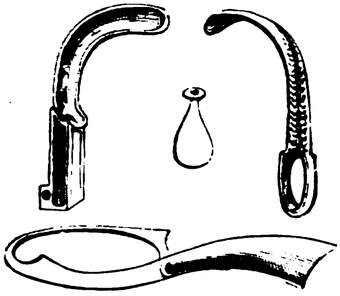
Method of heating the Baths in the Thermae of Caracalla. (From Middleton.)

AA. Concrete wall faced with brick.
B. Lower part of wall with no brick facing.
CC. *Suspensura*, or upper floor of hypocaust, supported by pillars.
DD. Another floor, with support only at the edges.
EE. Marble flooring.
FF. Marble plinth and wall lining.
GG. Under-floor of hypocaust, paved with large tiles.
HH. Horizontal and vertical sections of the flue tiles, which line the walls of the Caldarium.
aa. Iron holdfasts.
JJ. Socket-jointed flue-pipe of Tepidarium.
K. Rain-water pipe.
LL. Vaults of crypt, made of pumice-stone concrete.

After having gone through the regular course of perspiration, the Romans made use of instruments called *strigiles* (or *strigles*, Juv. *Sat.* iii. 263), to scrape off the perspiration, much in the same way as we are accustomed to scrape the sweat off a horse with a piece of iron hoop, after he has run a heat, or comes in from violent exercise. The strigil was also used by the Greeks, who called it *stlengis* (στλεγγίς, Plat. *Hipp. Min.* 368 C) or *xystra* (Luc. *Lexiph.* 5); and the Greek instrument is represented in the annexed cut. These instruments, some specimens of which are also represented in the cut on p. 279, and many of which have been discovered amongst the ruins of the various baths of antiquity, were made of bone, bronze, iron, and silver; all corresponding in form with the epithet of Martial, "*curvo distringere ferro*" (*Epig.* xiv. 51). The poorer classes were obliged to scrape themselves, but the more wealthy took their slaves to the baths for the purpose; a fact which is elucidated by a curious story related by Spartianus (*Hadrian.* c. 17).

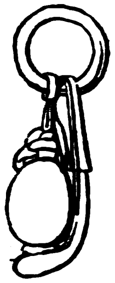
Strigil. (From a Statue in the Vatican.)

The strigil was by no means a blunt instrument, consequently its edge was softened by the application of oil, which was dropped upon it from a small vessel called *guttus*,* which had a narrow neck, so as to discharge its contents drop by drop, from whence the name is taken. A representation of a *guttus* is given in the preceding woodcut; a strigil and guttus together are represented below, and also in the figure on p. 117. Augustus is related to have suffered from an over-violent use of the strigil. (Suet. *Aug.* 80.) Invalids and persons of a delicate habit made use of sponges, which Pliny says answered for towels as well as strigils. They were finally dried with towels (*lintea*), and anointed. (Juv. *Sat.* iii. 262; Apuleius, *Met.* i. 23; Plin. *H. N.* xxxi. § 125 ff.)



Strigils. (Found in Roman baths.)

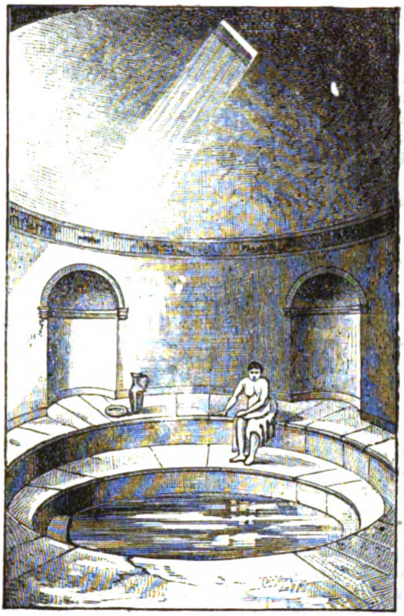
The common people were supplied with these necessaries in the baths,—*omnia commoda praestantur*, as we saw above; but the more wealthy carried their own with them (Pers. *Sat.* v. 126).



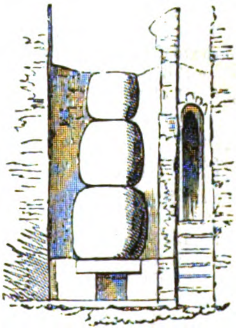
Strigil and Guttus. (From a Relief at Athens.)

After the operation of scraping and rubbing dry, they retired into, or remained in, the *tepidarium* until they thought it prudent to encounter the open air. But it does not appear to have been customary to bathe in the water, when there was any, either of the *tepidarium* or *frigidarium*; the temperature only of the atmosphere in these two chambers being of consequence to break the sudden change from the extreme of heat to cold.

Returning now back into the *frigidarium* (8), which, according to the directions of Vitruvius (v. 11), has a passage (14) communicating with the mouth of the furnace (*e*), which is also seen under the boilers in the cut opposite, called *praefurnium* (Vitruv. v. 10), or *propnigeum* (Plin. *Ep.* ii. 17, § 11); and passing down that passage, we reach the chamber (15) into which the *praefurnium* projects, and which has also an entrance from the street at B. It was appropriated to the use of those who had charge of the fires (*fornacatores*). There are two staircases in it; one of which leads to the roof of the baths, and the other to the coppers which contained the water. Of these there were three: one of which contained the hot water—*caldarium* (sc. *vas*, or *ahenum*); the second the tepid—*tepidarium*; and the last the cold—*frigidarium*. The warm water was introduced into the warm bath by means of a conduit pipe, marked on the plan, and conducted through the wall. Underneath the *caldarium* was placed the circular furnace (*f*) (*furnus*, Hor. *Ep.* i. 11, 12), over 7 feet in diameter, which served to heat the water and give out streams of warm air into the hollow cells of the *hypocaustum*. It passed from the furnace under the first and last of the caldrons by two flues, which are marked upon the plan. The copper containing hot water was placed immediately over the furnace; and, as the water was drawn out from thence, it was supplied from the next, the *tepidarium*, which was raised a little higher and stood a little way off from the furnace. It was already considerably heated from its contiguity to the furnace and the hypocaust below it, so that it supplied the deficiency of the former without materially diminishing its temperature; and the vacuum in this last



Frigidarium of the Old Baths at Pompeii. (From Gell.)



Boiler, *miliarium*. (From Pompeii.)

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* It was also called *alabastrum*, *ampulla*, λήκυθος, μυροθήκιον, ἐλαιοφόρον. (Ruperti, *ad* Juv. *Sat.* iii. 262.) [AMPULLA.]

was again filled up from the farthest removed, which contained the cold water received directly from the square reservoir seen behind them,—a principle which has at length been introduced into the modern bathing establishments, where its efficacy, both in saving time and expense, is fully acknowledged. The boilers themselves no longer remain, but the impressions which they have left in the mortar in which they were imbedded are clearly visible, and enable us to ascertain their respective positions and dimensions, the first of which, the *caldarium*, is represented in the above cut. Such coppers or boilers appear to have been called *miliaria*, from similarity of shape to a milestone (Pallad. v. 8, i. 40).

Behind the coppers there is another corridor (16), leading into the court or *atrium* (17) appropriated to the servants of the bath, and which has also the convenience of an immediate communication with the street by the door at C.

We now proceed to the adjoining set of baths, which were assigned to the women. The entrance is by the door A, which conducts into a small vestibule (18), and thence into the *apodyterium* (19), which, like the one in the men's bath, has a seat (*pulvinus*, *gradus*) on either side built up against the wall. This opens upon a cold bath (20), answering to the *natatio* of the other set, but of much smaller dimensions, and probably similar to the one denominated by Pliny (*l. c.*) *puteus*. There are four steps on the inside to descend into it. Opposite to the door of entrance into the *apodyterium* is another doorway which leads to the *tepidarium* (21), which also communicates with the thermal chamber (22), on one side of which is a warm bath in a square recess, and at the further extremity the *labrum*. The floor of this chamber is suspended, and its walls perforated for flues, like the corresponding one in the men's baths. It is to be specially noticed that the *tepidarium* in the women's baths had no brazier, but had a hanging or suspended floor. Suspending the floor of a *tepidarium* was a proceeding subsequent apparently to Vitruvius's time; so that this, among many other reasons which are enumerated by Nissen (*op. cit.* chap. v.), proves that the women's baths were a subsequent addition.

True, the comparative smallness and inferiority of the fittings-up in this suite of baths has induced some Italian antiquaries to throw a doubt upon the fact of their being assigned to the women; and amongst these the Abbate Iorio (*Plan de Pompeii*) ingeniously suggests that they were an old set of baths, to which the larger ones were subsequently added when they became too small for the increasing wealth and population of the city. But their greater carelessness of structure is an actual proof of later date in a building at Pompeii (see Nissen, *l. c.*). And the story, already quoted, of the consul's wife who turned the men out of their baths at Teanum for her convenience, seems sufficiently to negative such a supposition; and to prove that the inhabitants of ancient Italy, if not more selfish, were certainly less gallant than their successors. In addition to this, Vitruvius expressly enjoins that the baths of the men and women, though separate, should be contiguous to each other, in order that they might be supplied from the same boilers and hypocaust (v. 10); directions which are here fulfilled to the letter, as a glance at the plan will demonstrate.

Besides the public baths at Pompeii, there are several very interesting baths of two or three chambers in private houses, which reproduce in a smaller scale many of the peculiarities of the larger baths. Such are to be found in the villa of M. Nonius (Overbeck, *op. cit.* 247–8), Casa del Fauno (310), the three-storied house (323), the Villa Suburbana (326), and especially the Casa del Laberinto (305).

Notwithstanding the ample account which has been given of the plans and usages respecting baths in general, something yet remains to be said about that particular class denominated *Thermae*; of which establishments the baths in fact constituted only a small part. The *thermae*, properly speaking, were a Roman adaptation of the Greek *gymnasium* [GYMNASIUM], or *palaestra*, as described by Vitruvius (v. 11): both of which contained a system of baths in conjunction with conveniences for athletic games and youthful sports; *exedrae* in which the rhetoricians declaimed, poets recited, and philosophers lectured; as well as porticoes and vestibules for the idle, and libraries for the learned. They were decorated with the finest objects of art, both in painting and sculpture, covered with precious marbles, and adorned with fountains and shaded walks and plantations, like the groves of the Academy. It may be said that they began and ended with the empire, for it was not until the time of Augustus that these magnificent structures were commenced. M. Agrippa is the first who afforded these luxuries to his countrymen, by bequeathing to them the *thermae* and gardens which he had erected in the Campus Martius. (Dio Cass. liv. 29; Plin. *H. N.* xxxvi. § 189.) Recent excavations (1882) have brought to light magnificent remains of these baths, but a careful examination goes far to disprove the belief long entertained that the Pantheon was originally designed to be a part of Agrippa's *thermae*, probably a colossal *laconicum*. But it was originally a separate structure; and though the *thermae* extended to it subsequently, yet no passage was ever broken through. Besides, the Pantheon has no trace of a hypocaust. It was consecrated as a temple to Mars, Venus, and other ancestors of the Gens Julia, probably immediately after its completion, in 27 B.C.: see Dio Cass. lxiii. 27. (Middleton, *Rome*, p. 337.) It appears from a passage in Sidonius Apollinaris (*Carm.* xxiii. 495), that the whole of these buildings, together with the adjacent Thermae Neronianae, remained entire in the year 466 A.D. The example set by Agrippa was followed by Nero, and afterwards by Titus; the ruins of whose *thermae* are still visible, covering a vast extent, partly under ground and partly above the Esquiline Hill.* *Thermae* were also erected by Trajan, Caracalla, Diocletian, and Constantine: besides several which were constructed by private individuals, P. Victor enumerates sixteen, and Panvinius (*Urb. Rom. Descript.* p. 106) has added four more. There are still ample remains of the *thermae* of Caracalla and Diocletian.

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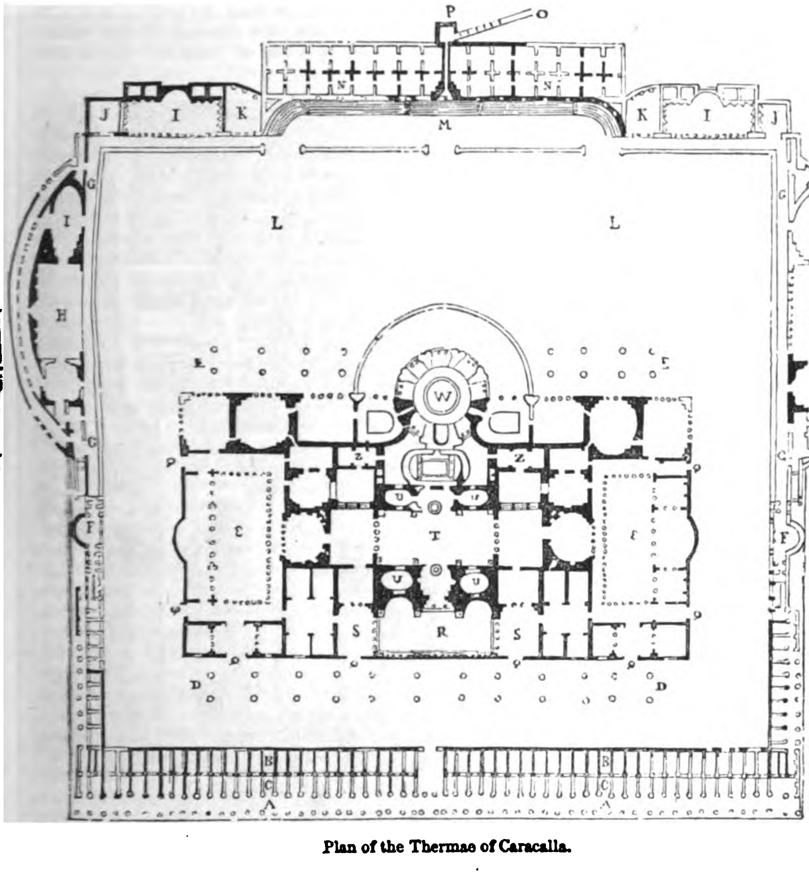
* The celebrated group of Laocoon and his sons, now in the Vatican, were found in the ruins of the *thermae* of Titus.

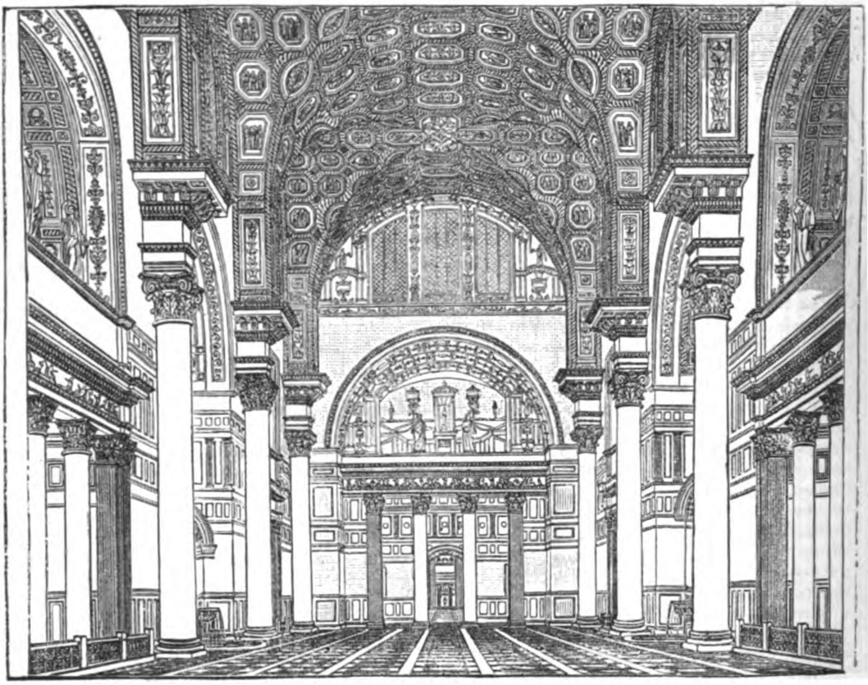
Although the custom of seeking the favour of the people by grants of free bathing might lead to the surmise that no fee was exacted from bathers in the imperial *thermae*, yet it is certain that we find in the literature descriptive of life at Rome constant references to the charge of a *quadrans*, and none to free bathing. Most, if not all, of the other regulations previously detailed as relating to the economy of the baths, apply equally to the *thermae*; but it is to these establishments especially that the dissolute conduct of the emperors, and other luxurious indulgences of the people in general, detailed in the compositions of the satirists and later writers, must be considered to refer.



Plan of the Thermae of Caracalla.

Although considerable remains of the Roman *thermae* are still visible, yet, from the very ruinous state in which they are found, we are far from being able to arrive at the same accurate knowledge of their component parts, and the usages to which they were applied, as has been done with respect to the *balneae*; or indeed to discover a satisfactory mode of reconciling their constructive details with the description which Vitruvius has left of the baths appertaining to a Greek *palaestra*, or to the description given by Lucian of the baths of Hippias. All, indeed, is doubt and guess-work; the learned men who have pretended to give an account of their contents differing in almost all the essential particulars from one another. And yet the great similarity in the ground-plan of the three which still remain—namely, those of Titus, Caracalla, and Diocletian—cannot fail to convince even a superficial observer that they were all constructed upon a similar plan. Not, however, to dismiss the subject without enabling our readers to form something like a general idea of these enormous edifices, which, for their extent and magnificence, have been likened to provinces—(*in modum provinciarum exstructae*, Amm. Marc. xvi. 6)—a ground-plan is given of the *thermae* of Caracalla, which are the best preserved amongst those remaining, and which were perhaps more splendid than all the rest, though those of Diocletian were more extensive. Those apartments of which the use is ascertained, even with the appearance of probability, are alone marked and explained. But for most of these explanations there cannot be claimed more than a bare probability. The dark parts represent the remains still visible; the open lines are restorations.

A, Portico fronting the street made by Caracalla when he constructed his *thermae*.—B and C, small chambers—D, D, and E, E, the porticoes. (Vitruv. v. 11.)—F, F, *Exedrae*, in which there were seats for the philosophers to hold their conversations. (Vitruv. *l. c.*; Cic. *de Orat.* iii. 5, 17.)—G, *Hypaethrae*, passages open to the air: "*Hypaethrae ambulationes* quas Graeci *περιδρόμιδας*, nostri xystos appellant." (Vitruv. *l. c.*)—H, H, Stadia in the palaestra—*quadrata sive oblonga* (Vitruv. *l. c.*), if they were not like I, I, which were possibly academies where public lectures were delivered.—J, J, and K, K, Rooms appropriated to the servants of the baths (*balneatores*). In the latter are staircases for ascending to the principal reservoir. The spaces between J and K, marked I, I, were probably like I, I, below, lecture rooms or libraries.—L, Space occupied by walks and shrubberies—*ambulationes inter platanones.* (Vitruv. *l. c.*)—M, The arena or stadium in which the youth performed their exercises, with seats for the spectators (Vitruv. *l. c.*), called the *theatridium.*—N, N, Reservoirs, with upper stories, sectional elevations of which are given in the two woodcuts on p. 283.—O, Aqueduct which supplied the baths.—P, The cistern or *piscina.* This external range of buildings occupies one mile in circuit.



Tepidarium of the Thermae of Caracalla, restored. (From Middleton.)

We now come to the arrangement of the interior, for which it is very difficult to assign satisfactory destinations. Q represents the principal entrances, of which there were eight.—R, the *natatio*, *piscina*, or cold-water bath, to which the direct entrance from the portico is by a vestibule on either side marked S, and which is surrounded by a set of chambers which served most probably as rooms for undressing (*apodyteria*), anointing (*unctuaria*), and stations for the *capsarii.* Those nearest to the peristyle were perhaps the *conisteria*, where the powder was kept which the wrestlers used in order to obtain a firmer grasp upon their adversaries:—

> "Ille cavis hausto spargit me pulvere palmis,
> Inque vicem fulvae tactu flavescit arenae."
> Ovid, *Met.* ix. 35.

(See also Salmas. *ad* Tertull. *Pall.* p. 217; and Mercurialis, *de Art. Gymn.* i. 8.) The inferior quality of the ornaments which these apartments have had, and the staircases in two of them, afford evidence that they were occupied by menials. T is considered to be the *tepidarium*, with four warm baths (U, U, U, U) taken out of its four angles, and two *labra* on its two flanks. There are steps for descending into the baths, in one of which traces of the conduit are still manifest. Thus it would appear that the centre part of this apartment served as a *tepidarium*, having a *balneum* or *calda lavatio* in four of its corners. The centre part, like that also of the preceding apartment, is supported by eight immense columns. This *tepidarium* was a splendid room, 170 feet long by 82 feet wide. It is restored in the above cut from existing indications. "It had a groined roof springing from immense columns of granite and porphyry, each surmounted by a short piece of entablature, which merely returns round the capital of the column in the debased fashion of the second and third centuries. The smaller columns on each side were set in front of the recesses containing the warm baths." (Middleton, p. 361.)

The apartments beyond this, which are too much dilapidated to be restored with any degree of certainty, contained of course the *laconicum* and sudatories, for which the round chamber W and its appurtenances seem to be adapted, and which are also contiguous to the reservoirs, Z, Z. (Vitruv. v. 11.)

ε, ε probably comprised the *ephebia*, or places where the youth were taught their exercises, with the appurtenances belonging to them, such as the *sphaeristerium* and *corycaeum*. The first of these takes its name from the game at ball, so much in favour with the Romans, at which Martial's friend was playing when the bell sounded to announce that the water was ready (Mart. xiv. 163). The latter is derived from κώρυκος, a sack (Hesych. *s. v.*), which was filled with bran and olive husks for the young, and sand for the more robust, and then suspended at a certain height, and swung backwards and forwards by the players. (Aulis, *de Gymn. Const.* p. 9; Antill. *ap.* Oribas. *Coll. Med.* 6.)

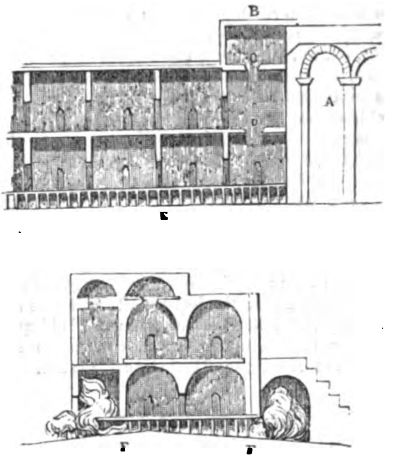
The chambers also on the other side, which are not marked, probably served for the exercises of the palaestra in bad weather. (Vitruv. v. 11.)

These baths contained an upper story, of which nothing remains beyond what is just sufficient to indicate the fact. They have been mentioned and eulogized by several of the Latin authors. (Spartian. *Caracall.* c. 9; Lamprid. *Heliogab.* c. 17, *Alex. Sever.* c. 25; Eutropius, viii. 11; Olymp. *apud* Phot. p. 114, ed. Aug. Vindel. 1601.) For a full account of the noble proportions and elaborate ornamentation of the several rooms, the reader is referred to Middleton, *l. c.*, 356–369.

It will be observed that there is no part of the bathing department separated from the rest which could be assigned for the use of the women exclusively. From this it must be inferred either that both sexes always bathed together promiscuously in the *thermae*, or that the women were excluded altogether from these establishments, and only admitted to the *balneae*.

It remains to explain the manner in which the immense body of water required for the supply of a set of baths in the *thermae* was heated, which has been performed very satisfactorily by Piranesi and Cameron, as may be seen by a reference to the two subjoined sections of the *castellum aquaeductus* and *piscina* belonging to the *thermae* of Caracalla.

A, Arches of the aqueduct which conveyed the water into the *piscina* B, from whence it flowed into the upper range of cells through the aperture at C, and thence again descended into the lower ones by the aperture at D, which were placed immediately over the hypocaust E; the praefurnion of which is seen in the transverse section, at F in the lower cut. There were thirty-two of these cells arranged in two rows over the hypocaust, sixteen on each side, and all communicating with each other; and over these a similar number similarly arranged, which communicated with those below by the aperture at D. The parting walls between these cells were likewise perforated with flues, which served to diffuse the heat all around the whole body of water. When the water was sufficiently warm, it was turned on to the baths through pipes conducted likewise through flues in order to prevent the loss of temperature during the passage, and the vacuum was supplied by tepid water from the range above, which was replenished from the piscina.



Piscina and Castellum of the Aquaeductus of the Thermae of Caracalla.

Of the *thermae* of Diocletian, built on the Quirinal hill, the largest edifice of the imperial period, which accommodated 3200 bathers, twice as many as those of Caracalla, commenced in A.D. 302 by Maximian in honour of his colleague Diocletian, and dedicated in 305 A.D., we have extensive remains, which, like those of the *thermae* of Titus, include the *cavea* of a theatre, while the *tepidarium* was made by Michel Angelo into the church of S. Maria degli Angeli, about 1565. "Even now this *tepidarium* forms one of the most imposing interiors in the world; it is about 300 feet long by 92 wide, vaulted in three bays with simple quadripartite groining, which springs from eight monolithic columns of Egyptian granite about 50 feet high and 5 feet in diameter" (Middleton, *op. cit.* 371). The vestibule of the church was the *laconicum* of the baths: it is a circular domed hall, which originally had a circular opening in the centre of the dome.

Remains of the *thermae* of Constantine, built only a few years after those of Diocletian, existed in the sixteenth century (see Palladio, plate xiv.), but have been mostly cleared away to obtain sites for Italian palaces.

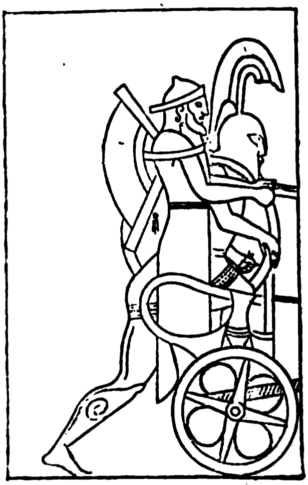
The most important works on the subject are —Baccius, *de thermis veterum* (Graevii *Thes.* xii. pp. 279–379); Ferrarius, *de balneis* (Polnei *Thes.* iii. 297–310); Montfaucon, *Antiq. expl.* iii. pp. 201–12; Palladio, *Le Terme dei Romani*, ed. Scamozzi; Cameron, *The Baths of the Romans*; Stieglitz, *Archaeologie der Baukunst*, iii. pp. 241–76; Hirt, *Geschichte der Baukunst*, iii. pp. 233-36; Canina, *L'architettura Romana*, i. ch. ix.; Bussemaker et Daremberg, *Œuvres d'Oribase*, ii. 865-75; Bechi in *Mus. Borbonico*, ii. 49–52; Gell, *Pompeiana*, chapters vi., vii.; Saglio, *Dict. des Antiquités*, i. 648–664; Guhl and Koner, *Das Leben der Griechen und Römer*, ed. 1876, especially pp. 491–503, 655–660; Overbeck, *Pompeii*, 174–190 for the old baths, 190–207 for the Stabian baths; Nissen, *Pompeianische Studien*, chaps. v., vi., vii.; Becker's *Gallus*, ed. Göll, iii. 104–57; Marquardt, *Privatleben der Römer*, i. 262–88, who gives in the notes to p. 269 references to descriptions of the most interesting remains of ancient baths now extant; J. H. Middleton, *Ancient Rome in* 1885, ch. xi., who gives the results of the latest excavations and valuable information as regards the materials used in the building and other architectural peculiarities of the great Roman *thermae*. [A. R.] [J. H. F.] [L. C. P.]

BAL'TEUS, in the plural *baltea* (*τελαμών*, *ἀορτήρ*), a belt, is sometimes used in poetry to denote a woman's girdle (Ovid, *Met.* ix. 189; Lucan, ii. 362; Mart. xiv. 207), but more properly in the following senses:—

1. A shoulder-belt, and most frequently the sword-belt. Among the Greeks, as the sword commonly hung beside the left hip, its belt was supported by the right shoulder, and passed obliquely over the breast, as is seen in the cameo here introduced from the Florentine Museum. We also read in Homer of broad belts (*Il.* v. 796) used to support the shield; for as Herodotus tells us (i. 171), until the Carians invented the *ὄχανον* or shield-holder, all who made use of shields managed them by means of leather belts, which they passed round the neck and the left shoulder. Thus the sword-belt and the shield-belt crossed over the breast. (*Il.* xiv. 404–6.) The shield-belt is occasionally represented on ancient vases, as in the figure in the next column of a charioteer from Gerhard, *Vasenbilder*, pl. ccviii. Belts were generally made of leather, and the belts of the Homeric heroes are ornamented with silver and gold (*Il.* xi. 31; xviii. 480, 597), which were sometimes wrought with elaborate devices (*Il.* xi. 38) or representations of scenes (*Od.* xi. 609–14). These may have been embossed on a plate of the metal, or embroidered on some fabric [Caelatura]. (Cf. Verg. *Aen.* x. 495–500.) Belts were also employed to support the quiver or the *γωρυτός* [Pharetra]. (Cf. Verg. *Aen.* v. 312–4; Nemes. *Cyneg.* 91.)

Balteus. (Florentine Museum.)

The Romans either attached their swords to the *cingulum*, or suspended them by a *balteus*, which sometimes passed from the right shoulder the left side (Caes. *B. G.* v. 44), but more usual from the left shoulder to the right side [Arm fig. p. 190], as may be regularly observed the military figures on the public monuments imperial times. This arrangement was no do convenient enough for the short Spanish swo but the long sword in use down to the end the Second Punic War must surely have b worn on the left side in order to be easily dra with the right hand. Figures on tombs, ho ever, usually wear the sword attached to *cingulum*. [Cingulum.] The Roman swo belts, like the Greek, were often richly or mented, even with precious metals, in the fo of *bullae* or more elaborate devices: thus we r (Tac. *Hist.* i. 57) of common soldiers hav belts adorned with silver. The belts of emperors were so magnificent that they w entrusted to a distinct officer—the *baltear* —who had charge of them in the impe palace. Hadrian was considered remarka unostentatious because he did not wear golden *balteus*; that of Gallienus was ador with jewels. (Treb. Poll. *Gallien.* 16; Spa *Hadr.* 10.)



Balteus. (From Gerhard's *Vasenbilder*, pl. ccviii.

The *balteus* was of course used for other th military purposes, for instance to support lyre, as may be seen in statues of Apo Citharoedus, or to carry amulets.

2. A belt or collar (*μασχαλιστήρ*, *προστ νίδιον*, *προστηθίδιον*), passing round a hor neck and breast, used partly as a protection partly as an ornament, especially for char horses. It was often adorned with the sa elaborateness and richness as the soldier's swo belt, especially with *phalerae* and *tintinnab* See illustrations under these articles and *Mu Bresciano*, i. pl. liii. (Xen. *Hippica*, xii.; P v. 16, 100.)

Claudian (*Ep.* xx.) uses *balteus* to expr a horse's girth: so *μασχαλιστήρ* (Herod. 215).

3. The belt on the celestial globe representi

, on which the signs of the
ed (Manilius, i. 679; iii. 334),

f the
aint-
)'

as in the accompanying
woodcut, from a painting
at Pompeii.

4. The *praecinctio* (διά-
ζωμα) in the theatre
[AMPHITHEATRUM,
THEATRUM]. (Calpurn.
vii. 47; Tertull. *Spect.*
3.)

5. In architecture of
the Ionic style, a band,
often covered with sculp-
tured ornament, which
encircles the *pulvinus* or
e capital, and thus relieves it
w. (Vitr. iii. 5, 7.) It was not
he Greek architects, but is found
regularly in
Roman buildings
of this style. The
accompanying
illustration is
from the temple
of Athene Polias.
A similar orna-
ment sometimes is
used to divide the
pulvinus of altars
[J. H. F.]

nic Capital.
ne Polias.)

Βαπταί), a society founded by
nour of Cotytto, the Thracian
from the purification connected
Eupolis satirized its licentious
edy, the *Baptae*. Cf. Juv. ii. 92:

> creta coluerunt orgia taeda
> m soliti Baptae lassare Cotytto."

Des associations religieuses chez
–60. [W. M. L.]

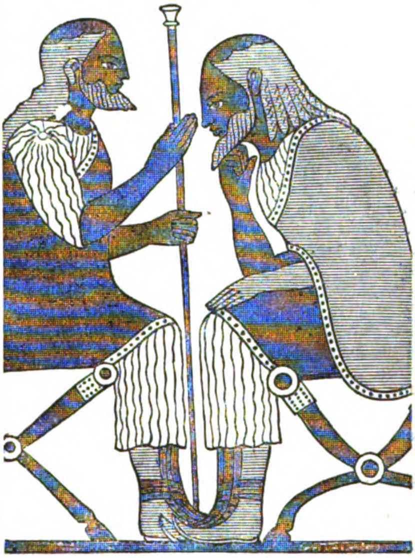
RIUM. [BALNEAE, p. 275.]

ON (βάραθρον, ὄρυγμα) was a
ns into which criminals, and the
executed criminals, were cast.
p. 439 E; Plut. *Themist.* 22;
20.) It was situated in the
(Bekker, *Anecd.* p. 219), pro-
suburb of Athens. (Hanriot,
la topographie des dèmes de
17.) It is mentioned as early as
, and continued to be employed
punishment in the time of the
xecutioner was called ὁ ἐπὶ τῷ
hol. *ad* Aristoph. *Plut.* 431;
.; Herod. vii. 133; Xen. *Hell.* i.
c. *Leocrat.* § 121; Dinarch.
It corresponded to the Spartan
AS.] [W. S.] [W. M. L.]

GREEK (πώγων, γένειον, ὑπήνη).
, properly "chin," is the earliest
ν is not found in Homer, and
e epithet of πρῶτον ὑπηνήτης, a
first beard. (*Il.* xxiv. 348; *Od.*
ξ is the moustache; πάππος the
er lip; χνόος or ἴουλος the first
is sometimes restricted to the
pper and lower lips, that is to
the πάππος combined; γένειον
per, the hair on the chin. (Cf.
20.) There is no special word
.

The beard was regarded by the Greeks, like other ancient nations, as a type of manhood, which it was a disgrace to be without; while in the Homeric times it had even that sanctity which it had among the Jews, a common form of entreaty being to touch the beard of the person addressed. (Hom. *Il.* viii. 371.) The different modes of wearing the beard are seen in the statues of gods, of which the head of the Olympian Zeus is the most striking. It was only shaven in sign of mourning, although in this case it was often not shaven, but left untrimmed; and a smooth face was sneered at as a sign of effeminacy. (Aristoph. *Thesm.* 218; Athen. xiii. p. 565 a.) The Spartans punished cowards (τρέσαντες) by shaving off part of their beards (Plut. *Ages.* 30), just as Hanun treated the ambassadors of David (2 Sam. x. 4). From the earliest times, however, it seems to have been customary to shave the moustache; and on the most ancient vases men are represented with the space round either lip clear, and with a pointed beard, as in the above figures from a painted tile in an Etruscan tomb, representing two grey-headed men in conversation.

Head of Olympian Zeus. (Visconti, *Mus. Pio Clem.*, vol. vi., tav. 1.)



Etruscans, with pointed beards. (Dennis, *Etruria*, i. p. 262.)

There was a curious custom at Sparta, which may have existed from very early times, that the Ephors on assuming office issued an edict to the citizens "to shave the moustache and obey the laws" (*κείρεσθαι τὸν μύστακα καὶ προσέχειν τοῖς νόμοις*, Plut. *Cleom.* 9); although the Spartans were in general derided for their carelessness in the treatment of their hair (Aristoph. *Vesp.* 476; *Lysist.* 1022). For to leave the beard and whiskers untrimmed was with the Greeks as much a sign of boorishness as to shave them entirely was a sign of effeminacy; and we hear of various styles of trimming them, one of which, the "wedge beard" (*σφηνοπώγων*), was used on the stage for masks of attendants and old men (*θεράποντες* and *πρεσβῦται ὑποδύστροποι*, Poll. iv. 137, 145).

In the time of Alexander the Great the custom of smooth shaving was introduced (Chrysippus *ap.* Athen. xiii. p. 565 a, *τὸ ξύρεσθαι τὸν πώγωνα κατ' Ἀλέξανδρον προῆκται, τῶν προτέρων οὐ χρωμένων αὐτῷ*), and spread from the Macedonians (whose kings are represented on coins, &c. with smooth faces) throughout the whole Greek world. Laws were passed against it without effect at Rhodes and Byzantium (Ath. *l. c.*); and even Aristotle, we are told, conformed to the new custom (Diog. Laert. v. 1; cf. the statue of Aristotle in the Palazzo Spada, Visconti, *Iconogr.* i. pl. 20), unlike the other philosophers, who retained the beard as a badge of their profession. A "man with a beard" (*πωγωνοτρόφος*) after the Macedonian period implies a philosopher (cf. Pers. *Sat.* iv. 1, *magister barbatus*, of Socrates), and we have many allusions to this custom of the later philosophers in such proverbs as "the beard does not make the sage" (*πωγωνοτροφία φιλόσοφον οὐ ποιεῖ*, Plut. *de Is. et Osir.* 3: cf. *ἐκ πώγωνος σοφός*, Dio Chrys. lxxii. 2). [W. M. L.]

II. ROMAN. The Romans in early times wore the beard uncut, as we learn from the insult offered by the Gaul to M. Papirius (Liv. v. 41), and from Cicero (*pro Cael.* 14; cf. Sen. *Nat. Q.* i. 17, 7; Hor. *Od.* ii. 15, 11; Tibull. ii. 1, 34; Ov. *Fast.* ii. 30; Verg. *Aen.* vi. 809); and, according to Varro (*de Re Rust.* ii. 11) and Pliny (vii. § 211), the Roman beards were not shaven till B.C. 300, when P. Ticinius Menas brought over a barber from Sicily; and Pliny adds, that the first Roman who was shaved (*rasus*) every day was Scipio Africanus. (Cf. Gell. iii. 4.) His custom, however, was soon followed, and shaving became a regular thing. The lower orders, then as now, were not always able to do the same, and hence the jeers of Martial (vii. 95, xii. 59). In the later times of the republic there were many *juvenes* who shaved the beard only partially, and trimmed it, so as to give it an ornamental form; to them the terms *bene barbati* (Cic. *Catil.* ii. 10) and *barbatuli* (Cic. *ad Att.* i. 14, 16; *pro Cael.* 14) are applied.

In the general way in Rome at this time, a long beard (*barba promissa*, Liv. xxvii. 34) was considered a mark of slovenliness and squalor. The censors, L. Veturius and P. Licinius, compelled M. Livius, who had been banished, on his restoration to the city, to be shaved, and to lay aside his dirty appearance (*tonderi et squalorem deponere*), and then, but not till then, to come into the senate, &c. (Liv. xxvii. 34.) The first time of shaving was regarded as the beginning of manhood, and the day on which this took place was celebrated as a festival. (Juv. *Sat.* iii. 186.) There was no particular time fixed for this to be done. Usually, however, it was when the young Roman assumed the toga virilis (Suet. *Calig.* 10). Augustus did it in his twenty-fourth year; Caligula in his twentieth. The hair cut off on such occasions was consecrated to some god. Thus Nero put his up in a gold box, set with pearls, and dedicated it to Jupiter Capitolinus. (Suet. *Ner.* 12.)

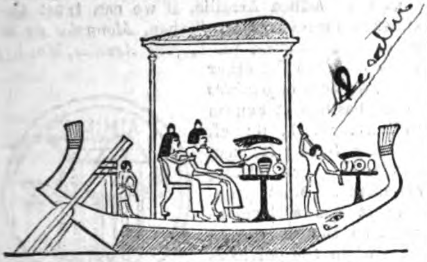
With the Emperor Hadrian the beard began to revive. (Dio Cass. lxviii. 15.) Plutarch says that the emperor wore it to hide some scars on his face. The practice afterwards became common, and till the time of Constantine the Great the emperors appear in busts and coins with beards; but Constantine and his successors to the end of the 6th century, with the exception of Julian, are represented as beardless. The contrast between the custom of the early emperors and those of Hadrian and his successors as to the beard is seen in the annexed coins. The Romans, unlike the Greeks, let their beards grow in time of mourning; so Augustus did (Suet. *Aug.* 23) for the death of Julius Caesar, and the time when he had it shaved off he made a season of festivity. (Dio Cass. xlviii. 34; cf. Cic. *in Verr.* ii. 12.) Other occasions of mourning on which the beard was allowed to grow were, appearance as a *reus*, condemnation, or some public calamity. (Liv. vi. 16, xxvii. 34; Mart. ii. 36, 3; Ulp. in Dig. 47, 10, 15, § 27; Suet. *Jul.* 67, *Oct.* 23; Caes. *B. G.* v. 24; Plut. *Cat. min.* 53, *Anton.* 18.) Tacitus (*Germ.* c. 3) says that the Chatti let their hair and beard grow, and would not have them cut till they had slain an enemy. For an account of barbers, see TONSOR. (Becker-Göll, *Gallus*, iii. p. 237, foll.) [J. H. F.] [W. S.]

Coin of Augustus. Coin of Hadrian.
(British Museum.)

BAR'BITOS. [LYRA.]

BARDOCUCULLUS. [CUCULLUS.]

BARIS (*βᾶρις*), a boat used on the Nile to transport merchandise, and also at funerals to convey the corpse across the river. It was, like the modern Nile boats, made of the *ἀκάνθη* (*Mimosa Nilotica*, modern Arab. *sont*); was flat-bottomed, and of such light draught that it could only sail up stream with a strong breeze, and had usually only one rudder. The *baris* was often of many thousand talents' burden. Herodotus describes (ii. 96) the manner of its construction and navigation, in which, as we learn from Egyptian paintings, both sails and oars were employed. (See Rawlinson's *Herodotus*, *l. c.* and ii. 41, 197; Diodor. i. 96.) The poets use the word to signify an Egyptian (Aesch. *Suppl.* 815, 858; Propert. iv. 11, 44) or generally an Oriental boat or ship. (Aesch. *Pers.* 555; Eur. *Iph. A.* 297.)



Baris. (From Rawlinson's *Herodotus*.)

In the Septuagint the word is used in the sense of a tower or palace. (Ps. xliv. 9; Dan. viii. 1.) [J. H. F.]

BAS'ANOS (**βάσανος**). [TORMENTUM.]

BASCAN'IA (**βασκανία**). [FASCINUM.]

BASCAUDA, a word borrowed, like our English *basket*, from the ancient British language (Welsh *basged*, Cornish *basced*), and mentioned by Martial, xiv. 99, as an acceptable *xenium*, imported from Britain, and by Juvenal, xii. 46, among a number of valuable articles of plate. The Scholiast on the latter passage explains *bascaudae* as "vasa ubi calices lavabantur vel cacabus;" but it seems better to take the word in Martial as a basket, whose neatness made it a suitable present, and in Juvenal also as a silver basket in imitation of the barbarian workmanship. [J. Y.] [J. H. F.]

BASILEIA (**βασίλεια**), a festival with games open to all Greeks, held at Lebadea in Boeotia, in honour of Zeus Basileus. Diodorus (xv. 53) tells us it was instituted at the command of an oracle of Trophonius after the battle of Leuctra, 371 B.C. (See Foucart, *Revue Archéol.* 1875, i. p. 110.) [W. M. L.]

BAS'ILEUS (**βασιλεύς**). [REX; ARCHON.]

BASIL'ICA (also *regia*, Stat. *Silv.* i. 1, 30; Suet. *Aug.* 31; in the Greek writers who speak of the Roman *basilicae*, στοὰ βασιλική or στοά), a building which served as a court of law and an exchange, or place of meeting for merchants and men of business. The two uses are so mixed up together that it is not always easy to say which was the principal. Thus the basilica at Fanum, of which Vitruvius (v. 1, 6–10) himself was the architect, was entirely devoted to business, and the courts were held in a small building attached to it—the temple of Augustus. A basilica then was an adjunct to the market-place, affording shelter and comparative freedom from interruption. Its special architectural peculiarities were division into nave and aisles, and clerestory lighting. Phylander (*Comment. in Vitruv.*) derives the term from βασιλεύς, in reference to early times, when the king was judge; but those who hold that the Roman basilica was of Athenian origin derive the word from the title of the ἄρχων βασιλεύς, whose court was called ἡ βασίλειος στοά, or ἡ τοῦ βασιλέως στοά. (Paus. i. 3, 1; Demosth. i. *Aristog.* p. 776, § 23.) The plan of this building is unknown to us, nor are we acquainted with that of the court of the Hellanodicae in the old *agora* of Elis. (Paus. vi. 24, 3.) The evidence then for tracing the Roman basilica from the Athenian στοὰ βασίλειος lies simply in the resemblance of the names, which is not complete; while the adjective *basilicus* was not unknown to the Latin tongue of the age when the first basilica was built at Rome. (Plaut. *Capt.* iv. 2, 31; *Trin.* iv. 3, 23.) M. Viollet le Duc (*Lectures on Architecture*, i. 147, Eng. trans.) thinks the word came from Asia, that this kind of building originated with the successors of Alexander, and that it was probably their *Divan*, the place where they administered justice. He sees (p. 154) as differences between the Greek basilicas (such as those at Thoricus and Paestum) and the Roman ones, (1) the Greek basilicas were not closed with side walls, the Romans were,—which is, however, a very disputed point (see below); (2) the Greek had not a place for the tribunal which appears in all Roman basilicas.

The first edifice of this description was not erected until B.C. 184 (Liv. xxxix. 44, 7); for it is expressly stated by the historian, that there were no basilicas at the time of the fire which destroyed so many buildings in the Forum, during the consulate of Marcellus and Laevinus, B.C. 210. (Liv. xxvi. 27, 3.) It was situated in the forum adjoining the Curia, and was denominated Basilica Porcia, in commemoration of its founder, M. Porcius Cato. This basilica was destroyed by the fire at Clodius' funeral, 52 B.C. (Ascon. *Arg. ad* Cic. *pro Mil.* § 8.) Besides this, there were twenty others, erected at different periods, within the city of Rome (Pitisc. *Lex. Ant.*, s. v. *Basilica*), of which the following are the most frequently alluded to by the ancient authors:—1. *Basilica Sempronia*, constructed by Titus Sempronius, B.C. 171 (Liv. xliv. 16); and supposed, by Donati and Nardini, to have been between the Vicus Tuscus and the Velabrum. 2. *Basilica Opimia*, which was above the Comitium, built 155 B.C. (Varro, *L. L.* v. 156; Cic. *Sest.* 67, 140.) 3. *Basilica Pauli Aemilii*, or *Basilica Aemilia*, called also *Regia Pauli* by Statius (*l. c.*). Cicero (*ad Att.* iv. 16, 14) mentions two basilicas of this name, of which one was built, and the other only restored, by Paulus Aemilius. The original basilica called *Aemilia et Fulvia* (Varro, *L. L.* vi. 4) had been built in 179 B.C. by the censors M. Fulvius and M. Aemilius Lepidus. It stood behind the bankers' offices on the north-east side of the Forum (Liv. xl. 51, 4). Both these edifices were in the Forum, and one was celebrated for its open peristyle of Phrygian columns. A representation of this one is given below from a coin of the Aemilia gens. (Dio Cass. xlix. 42; Plin. *H. N.* xxxvi. § 102; Appian, *B. C.* ii. 26; Plut. *Caes.* 29.) The position of these two basilicas has given rise to much controversy, a brief account of which is given in the *Dict. of Biog.* vol. ii. p. 766. 4. *Basilica Pompeii*, called also *regia* (Suet. *Aug.* 31), near the theatre of Pompey. 5. *Basilica Julia*, erected by Julius Caesar, in the Forum, and opposite to the Basilica Aemilia. (Suet. *Calig.* 37.) The *Basilica Julia* was begun and almost finished by Julius Caesar, afterwards completed by Augustus; shortly after, however, it was burnt down, was restored by Augustus on a larger scale, and then bore the title of his two sons, Caius and Lucius (*Mon. Ancyr.* iv. 12, and Mommsen, p. 85). "It was a large double *porticus* with two tiers of columns one over the other: open on three sides, and having a range of rooms two or three stories high on the south-west side. . . . The large central space appears to have been without a roof, as the space is too great to admit of one" (J. H. Middleton, *Ancient Rome in* 1885, pp. 171–2, where see particulars as to the materials it was built of). We learn from Quintilian (xii. 5, 6) that all four companies of the *centumviri* sometimes met at once in the Basilica Julia. 6. The *Basilica Flavia* is the best preserved example of that special form of classical basilica which is supposed to have been the model of the Christian churches. It is rectangular, ending in a semicircular apse. It has a nave and two narrow aisles formed by five Corinthian columns decorated with metal ornaments; over these columns an entablature and upper gallery. The gallery was approached by steps starting from the colonnade. The apse was screened off from the nave by *cancelli*, as was the chancel in the Christian churches. The emperor's judgment-seat was in the apse (Middleton, *op. cit.* p. 121). 7. *Basilica Ulpia*, or *Trajani*, in the forum of Trajan. 8. *Basilica Constantini*, also called the Basilica of Maxentius, as it was begun by him, erected by the Emperor Constantine, supposed to be the ruin now remaining on the Via Sacra, near the temple of Rome and Venus, and commonly called the Temple of Peace. Of all these magnificent edifices nothing now remains beyond the ground-plan of the *Basilica Julia*, and the ground-plan, with the bases and some portion of the columns and superstructure, of the others. The basilica at Pompeii is in better preservation; the external walls, ranges of columns, and tribunal of the judges being still tolerably perfect on the ground-floor.

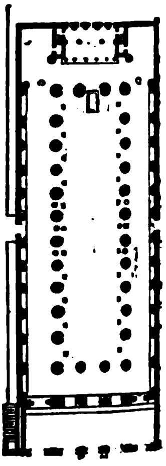
Basilica Ulpia. (From medal in British Museum.)

The forum, or, where there was more than one, the one which was in the most frequented and central part of the city, was always selected for the site of a basilica; and hence it is that the classic writers not unfrequently use the terms *forum* and *basilica* synonymously, as in the passage of Claudian (*de Sexto Cons. Honor.* 645): "Desuetaque cingit Regius auratis fora fascibus Ulpia lictor," where the forum is not meant, but the basilica which was in it, and which was surrounded by the lictors who stood *in* the forum. (Pitisc. *Lex. Ant.* l. c.; Nard. *Rom. Ant.* v. 9.)

Vitruvius (v. 1) directs that the most sheltered part of the forum should be selected for the site of a basilica, in order that during winter the business men may resort thither without suffering from the inclemency of the weather. It is hard to decide whether the basilicas were closed or not. For the latter view it is urged that we hear of people passing through a basilica (Plin. *Ep.* ii. 14, 8), that there is no trace of front walls whatsoever in the Basilica Ulpia, that the passage of Vitruvius quoted above points to an open building, and that the Basilica Aemilia, if we can trust the annexed representation (Cohen, *Monnaies de la République romaine*, pl. 1, *gens Aemilia*, No. 8), was open. On the other hand, we hear of *parietes* in the basilica at Fanum (Vitruv. vi. 1, 6; cf. Quint. x. 5, 18; Henzen, 6591), a very strong argument. Most probably it was a development on the early open form when the porticoes came to be bounded on the open side by a wall, the central space enclosed by the three porticoes being left open; and it thus formed a transition step between the open colonnade and the completely roofed-in building.

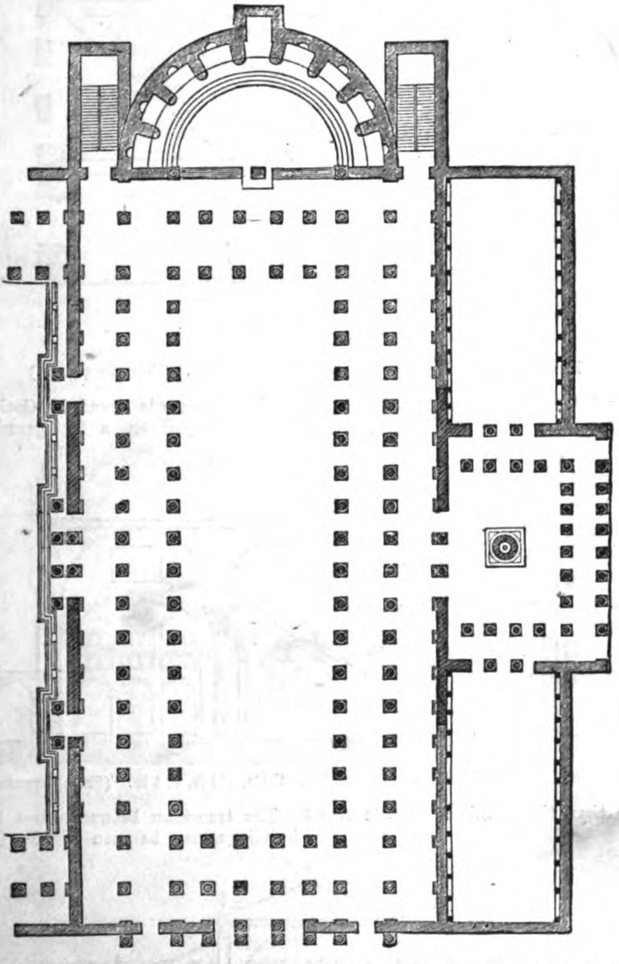
Basilica Aemilia. (From medal in British Museum.)

The ground-plan of all these buildings is rectangular, and their width not more than half nor less than one-third of the length (Vitruv. *l. c.*); but if the area on which the edifice was to be raised was not proportionally long, small chambers (*chalcidica*) were cut off from one of the ends (Vitruv. *l. c.*), which serve as offices for the judges or merchants. This area was divided into three parts, consisting of a central nave (*media porticus*) and two side aisles, each separated from the centre by a single row of columns—a mode of construction particularly adapted to buildings intended for the reception of a large concourse of people. At one end of the centre aisle was the tribunal of the judge, in form either rectangular or circular, and sometimes cut off from the length of the grand nave (as is seen in the annexed plan of the basilica at Pompeii, which also affords an example of the chambers of the judices, or chalcidica, above mentioned), or otherwise thrown out from the hinder wall of the building, like the tribune of some of the most ancient churches in Rome, and then called the hemicycle. But the Basilica Ulpia and that of Constantine deserve a special notice, as the former is the finest specimen of the basilica with wooden roof, and the latter of the vaulted class; besides, they are widely different as to their style of structure, and so are important in the development of Roman architecture.



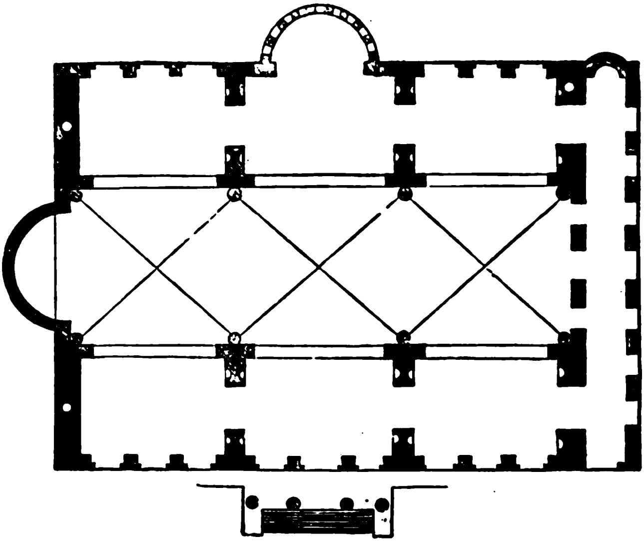
Plan of Basilica at Pompeii. Scale 100 ft. to 1 in. (From Fergusson.)

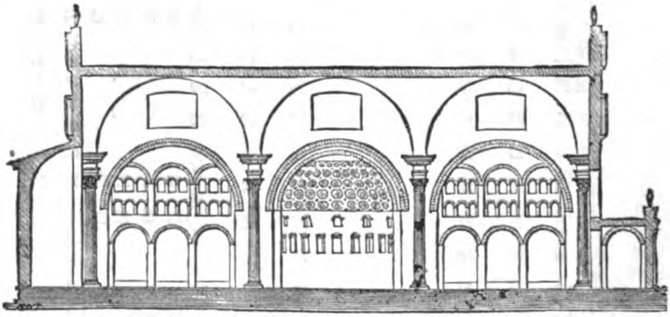
The *Basilica Ulpia* was a rectangle about 370 feet long by 180 broad. It has a nave 87 feet wide, and four aisles, each 23 feet 4 inches wide, divided by four rows of columns, each column being 35 feet high. Above the side aisles was a gallery, the roof of which was supported by an upper row of columns, and from these columns sprang the arches of the nave. This roof, 120 feet high, was of wood, and was richly adorned with gilt plates. At one end, not at both, was a semicircular apse, the back part raised and approached by steps: in the centre of this platform was the raised seat of the presiding magistrate, and on the steps were places for the judges or others engaged in the special business in hand (cf. Plin. *Ep.* vi. 33). On the north-west side of the basilica were two large libraries, one for Greek and the other for Latin MSS. It must be observed that in the fragment of the Capitoline plan on which a part of the ground-plan of this basilica is represented, the apse is marked LIBERTATIS. So we have seen in the basilica at Fanum a temple of Augustus was attached to the basilica, and was used as a court of justice. For further details see Middleton, *op. cit.* 270–271, and his plan, p. 272; also Viollet le Duc, *op. cit.* i. 154, who finds (p. 155) the key to such buildings in those Persian palaces, all of which exhibit in one of the sides of the courts, surrounded by porticoes, a hemicycle of large relative dimension covered by a vault in the form of a quarter sphere. For a ground-plan of the Basilica Ulpia see the preceding cut, taken from Fergusson (*Hist. of Architecture*, 1874, fig. 198).



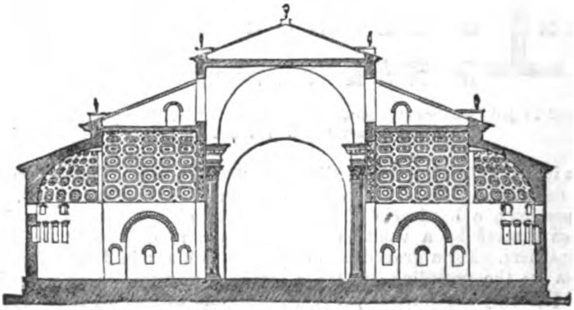
Plan of Trajan's Basilica at Rome. Scale, 100 ft. to 1 in. The part shaded darker is all that is uncovered. (From Fergusson.)

The *Basilica of Constantine* (or of Maxentius, for it was he who commenced it), commonly called the Temple of Peace, was 195 feet broad by 270 feet long. The centre aisle was 83 feet wide, and the height 120 feet. "In this building," says Mr. Fergusson (*op. cit.* i. 318–20), "no pillars were used, with the exception of eight great columns in front of the piers, employed merely as ornaments or as vaulting shafts were in Gothic cathedrals, to support in appearance, though not in construction, the springing of the vaults. The side aisles were roofed with three great arches, each 72 feet in span, and the centre by an immense intersecting vault in three compartments. The form will be understood from the annexed sections, one taken longitudinally, the other across the building. As will be seen from them all, the thrusts are collected to a point, and a buttress placed there to receive them; indeed almost all the peculiarities afterwards found in Gothic vaults are here employed on a far grander and more gigantic scale than the Gothic architects ever attempted."


Plan of Basilica of Maxentius. Scale, 100 ft. to 1 in. (From Fergusson.)


Longitudinal Section of Basilica of Maxentius. Scale, 100 ft. to 1 in. (From Fergusson.)

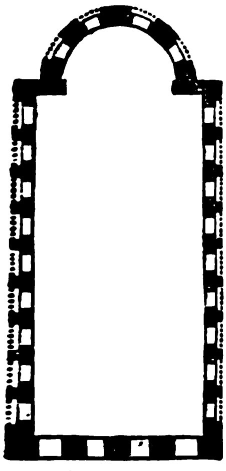
The transition between these two styles of buildings may be seen in the Praetorium at Mousmieh (De Vogüé, *Syrie Centrale*, Pl. 7), built about 165 A.D. The aisles are arched longitudinally, the nave arched transversely. The arches of the nave and aisles are coupled


Transverse Section of Basilica of Maxentius. Scale, 100 ft. to 1 in. (From Fergusson.)

and supported by Corinthian columns, four on each side. The basilica at Chaqqa (Pl. 16), which De Vogüé considers the most complete type of the ancient basilica, has the aisles arched longitudinally and transversely, the different thrusts meeting in a buttress, which is very strong. The basilica at Tafkha, which is practically similar to the foregoing, is a Christian building of the 5th cent. at latest, and in it we can trace, says De Vogüé (p. 57), the transition from the Christian basilica to the Christian church. Another good example of the transitional style is the basilica of Soueideh (Pl. 19).

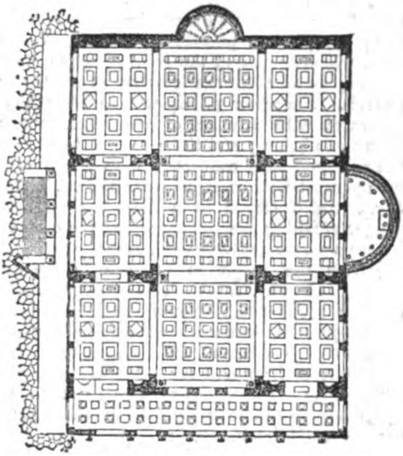
The next important basilica at Rome which was built after that of Constantine (or Maxentius) was Constantine's St. Peter's. But it was a Christian church; and for an account of this and subsequent basilican churches the reader is referred to Smith's *Dictionary of Christian Antiquities*, art. *Church.*

As to the provincial basilicas of the Romans, few remain, as most were converted into churches, and afterwards modified; but that of Trèves survives. As the annexed cut shows, it was a little more than twice as long as broad (85 feet broad). The walls were 100 feet high, with two rows of windows; but whether there was a gallery between them is not certain. The semicircular apse was 60 feet in diameter, and raised above the level of the rest of the floor of the building (Fergusson, *op. cit.* i. 321). The basilica at Pompeii is elaborately discussed by Overbeck (*Pompeii*, pp. 121–127). It was built about 93 B.C. It most probably had a gallery, and was almost certainly not roofed in the centre. It is highly noticeable that the place for the tribunal is rectangular, and not a semicircular apse. The basilica at Fanum, built and described by Vitruvius (v. 1, 6–10), is fully treated of, with beautiful illustrations, by M. Viollet le Duc (*op. cit.* i. 150 foll.); and the basilica of Otricoli is slightly touched on by Guhl and Koner (fig. 426, ed. 4, 1876), who give a plan of it from Hirt (*Geschichte der Baukunst*, Taf. 11, fig. 12).


Plan of the Basilica at Trèves. Scale, 100 ft. to 1 in. (From Fergusson.)

The coin of Lepidus, figured p. 288, gives indications of a sloping external roof. The more magnificent basilicas, at any rate, were decorated both in the interior and the exterior with statues and other works of art, and marbles and precious materials. (Gell. xiii. 24, 1; Plin. *H. N.* xxxv. § 13; Cic. *Att.* iv. 16, 14; Tac. *Ann.* iii. 72; Donaldson, *Archit. Numism.* 66, p. 152.)

Basilicas did not always agree with Vitruvius' ideal; his own structure at Fanum, which he describes (v. 1, 6–10), shows some variations from it. Again, the nave of the *Basilica Julia* was surrounded on all sides by a double arcaded corridor, and the arcades were supported by solid piers of masonry with pilasters; the basilicas of Praeneste and Aquinum show only a single nave. The basilica of Constantine presents great peculiarities, both in its extremely ponderous vaulted roof, of which a considerable portion is still standing, and in its general plan, which, as may be seen from the accompanying woodcut, consists of a nave and two aisles, all three being divided into three bays; besides, the apse at the head of the nave is a lateral one, which has been supposed, like the openings opposite to it, to date from the time when the basilica was applied to Christian uses.


Ground-plan of the Basilica of Constantine.

The name of *basilica* was in course of time applied to other public halls of all sorts, such as those attached to temples, theatres, or baths (Plin. *Ep.* x. 33, 3; Orelli, 3696; Henzen, 1626); also to halls of audience in palaces and villas, like that of which ruins exist on the Palatine and the three in the villa of the Gordiani on the *via Praenestina*, which were each 100 ft. long (Capit. *Gord.* 32, 3); and, lastly, to any large covered building, even to a riding school (*basilica equestris exercitatoria*: *Bulletin de l'Académie des Inscriptions*, 1869, p. 280). There are still existing some remains of the private basilica of Domitian which Plutarch (*Poplic.* 15) mentions as being so splendid; from these remains we can gather that it was a rectangular building with a semicircular apse at one of its extremities, very similar in shape to the basilica at Trèves, but of smaller dimensions.

The internal tribune was probably the original construction, when the basilica was simply used as a court of justice; but when those spacious halls were erected for the convenience of traders as well as loungers, then the semicircular and external tribune was adopted, in order that the noise and confusion in the basilica might not interrupt the proceedings of the magistrates. (Vitruv. *l. c.*) In the centre of this tribune was placed the curule chair of the praetor and seats for the judices, who sometimes amounted to the number of 180 (Plin. *Ep.* vi. 33, 3), and the advocates; and round the sides of the hemicycle, called the wings (*cornua*), were seats for persons of distinction, and for the parties engaged in the proceedings. It was in the wing of the tribune that Tiberius sat to overawe the judgment at the trial of Granius Marcellus. (Tacit. *Ann.* i. 75.) The two side aisles, as has been said, were separated from the centre one by a row of columns, behind each of which was placed a square pier or pilaster (*parastata*, Vitruv. *l. c.*), which supported the flooring of an upper portico, similar to the gallery of a modern church. The upper gallery was in like manner decorated with columns of smaller dimensions than those below; and these served to support the roof, and were connected with one another by a parapet-wall or balustrade (*pluteus*, Vitruv. *l. c.*), which served as a defence against the danger of falling over, and screened the crowd of loiterers above (*subbasilicani*, Plaut. *Capt.* iv. 2, 35) from the people of business in the area below. (Vitruv. *l. c.*) This gallery reached entirely round the inside of the building, and was frequented by women as well as men, the women on one side and the men on the other, who went to hear and see what was going on. (Plin. *l. c.*) The staircase which led to the upper portico can be recognised in the Flavian basilica (Middleton, *op. cit.* p. 121); it is similarly situated in the basilica of Constantine: but what is supposed to be the staircase in the Pompeian basilica is really not so (Overbeck, *op. cit.* 124). The whole area of these magnificent structures was covered in with three separate ceilings, of the kind called *testudinatum*, like a tortoise-shell; in technical language now denominated *coved*, an expression used to distinguish a ceiling which has the general appearance of a vault, the central part of which is, however, flat, while the margins incline by a cylindrical shell from each of the four sides of the central square to the side walls; in which form the ancients imagined a resemblance to the shell of a tortoise.

From the description which has been given, it will be evident how much these edifices were adapted in their general form and construction to the uses of a Christian church; to which purpose many of them were, in fact, converted in the time of Constantine. Hence the later writers of the Empire apply the term *basilica* to all churches built after the model just described; and such were the earliest edifices dedicated to Christian worship, which, with their original designation, continue to this day, being still called at Rome *basiliche*. It is generally supposed that the origin of the Christian church is the Roman basilica. But the earliest type of the Christian church was a courtyard with a house for prayer at the end. Such virtually are some of the earliest Christian basilicas, as San Clemente and Constantine's St. Peter's. In fact it is rather the Roman *house* than the Roman forensic basilica that is the original type of the church. See this view advocated in an interesting article by M. Salomon Reinach in the *Bulletin de Correspondance hellénique*, Avril, 1886, pp. 334–5, and compare also J. P. Richter, *Der Ursprung der abendländischen Kirchengebäude*, 1878, who appears to find the original of the meeting-places in the *oeci* of the private houses. In a highly-important work, *From Schola to Cathedral*, 1886, by Prof. Baldwin Brown, of the University of Edinburgh, it is urged that the early Christian church was a schola enlarged, not a basilica simplified. The true germ, he says (pp. 196–7, cf. p. 129), of the Christian church was an oblong interior terminated by an apse. The Pagan basilica had not essentially the apse (pp. 123 foll.), though it is found in the basilica of Maxentius, and, as we saw, in others also. Prof. Kraus of Freiburg (in the *Realencyklopädie der christlichen Alterthümer*) shows that the forensic basilica had no one determinate shape,—it had sometimes an apse and sometimes not; but the Christian basilica, keeping to the form of the crypt, had always an apse, and was always entered from the side opposite the apse. It has been by some supposed that the basilicas in private houses (cf. Vitruv. vi. 8, 2) which had a semicircular tribunal were the originals of the churches, but they cannot have been sufficiently numerous, as Professor Brown points out (p. 127), to have influenced the form of the churches. See too his discussion in Appendix, Note 1, "The Pagan Basilica and the Christian Church," directed against Dr. Konrad Lange, of Halle (*Haus und Halle*, 1885), who upholds the old theory of the acquisition of Pagan basilicas by the Christians in the age of Constantine.

A Christian basilica consisted of four principal parts:—1. Πρόναος, the vestibule of entrance. 2. Ναῦς, *navis*, and sometimes *gremium*, the nave or centre aisle, which was divided from the two side ones by a row of columns on each of its sides. Here the people assembled for the purposes of worship. 3. Ἄμβων (from ἀναβαίνειν, to ascend), *chorus* (the choir), and *suggestum*, a part of the lower extremity of the nave raised above the general level of the floor by a flight of steps. 4. Ἱερατεῖον, ἱερὸν βῆμα, *sanctuarium*, which answered to the tribune of the ancient basilica. In the centre of this sanctuary was placed the high altar, under a tabernacle or canopy, such as still remains in the basilica of St. John Lateran, at Rome, at which the priest officiated with his face turned towards the people. Around this altar, and in the wings of the sanctuarium, were seats for the assistant clergy, with an elevated chair for the bishop at the bottom of the circle in the centre. (See, besides the books cited in the text, *Theatr. Basil. Pisan.* cura Joseph. Marl. Canon. iii. p. 8; Ciamp. *Vet. Men.* i. ii. *et De Sacr. Ed.*; Stieglitz, *Archäol. d. Baukunst*, vol. iii. pp. 19, &c.; Hirt, *Lehre d. Gebäude*, pp. 180, &c.; Bunsen, *Die Basiliken des christlichen Roms*, Munich, 1844; Zestermann, *Antike und christl. Basiliken*, Leipzig, 1847; Weingärtner, *Ursprung und Entwickelung des christlichen Kirchengebäudes*, Leipzig, 1858; Guhl and Koner, *Das Leben der Griechen und Römer*, ed. 4, pp. 508–514, Berlin, 1876; H. Jordan, *Forma urbis Romae*, iv., Berlin, 1874.) [J. H. F.] [L. C. P.]

BASIL'ICA, the Greek code of *Roman law*. About A.D. 876, the Emperor Basil, the Macedonian, commenced this work, which was completed by his son Leo, the philosopher, who reigned from A.D. 886 to 911. Before the reign of Basil, there had been several Greek translations of the Pandects, the Code, and the Institutes; but there was no authorised Greek version of them. The numerous Constitutions of Justinian's successors, and the contradictory interpretations of the jurists, were a further reason for publishing a revised Greek text under the imperial authority. This great work was called Ἀνακάθαρσις τῶν παλαιῶν νόμων, τὸ ἑξηκοντάβιβλον, ὁ βασιλικὸς (νόμος) and τὰ βασιλικά. It was revised by the order of Constantine Porphyrogennitus, about A.D. 945. The Basilica comprised the Institutes, Pandects, Code, the Novellae, and the imperial Constitutions subsequent to the time of Justinian, in sixty books, which are subdivided into titles. For the Institutes the paraphrase of Theophilus was used; for the Digest the πλάτος of Stephanus, and the commentary of Cyrillus and of an anonymous author; for the Code the κατὰ πόδας of Thalelaeus and the work of Theodorus; and for the Novellae, except the 168, the Summae of Theodorus, Athanasius, and Philoxenus. The publication of this authorised body of law in the Greek language led to the gradual disuse of the original compilations of Justinian in the East. But the Roman law was thus more firmly established in Eastern Europe and Western Asia, where it has maintained itself among the Greek population to the present day.

The arrangement of the matter in the Basilica is as follows:—All the matter relating to a given subject is selected from the Corpus Juris; the extracts from the Pandect are placed first under each title, then the constitutions of the Code, and next in order the provisions contained in the Institutes and the Novellae, which confirm or complete the provisions of the Pandect. The Basilica does not include all that the Corpus Juris contains; but it preserves numerous fragments of the opinions of ancient jurists, and of imperial constitutions, which are not in the Corpus Juris.

The Basilica were published, with a Latin version, by Fabrot, Paris, 1647, seven vols. folio. Fabrot published only thirty-six books complete, and six others incomplete: the other books were made up from an extract from the Basilica and the Scholiasts. Four of the deficient books were afterwards found in MS., and published by Gerhard Meerman, with a translation by M. Otto Reitz, in the fifth volume of his *Thesaurus Juris Civilis et Canonici;* and they were also published separately in London, in 1765, folio, as a supplement to Fabrot's edition. The work, however, is still incomplete, not less than 17 out of the 60 books having been lost, and others mutilated. The best edition is that of C. W. E. Heimbach, Leipzig, 1833–51, 5 vols. 4to, with a *Supplementum editionis Basilicorum Heimbachianae* by C. E. Zachariä von Lingenthal, Leipzig, 1846.

(Heimbach, *de Basilicorum Origine, Fontibus, &c.*, Leipzig, 1825; A. F. Rudorff, *Röm. Rechtsgeschichte*, i. § 127, pp. 355–359.)

[W. S.] [W. W.]

BASILINDA (βασιλίνδα), a children's game, wherein one is appointed by lot king, and has his playmates as soldiers or servants to obey him (Poll. ix. 110; Hesych. *s. v.*). It was by an incident in connexion with this game that the parentage of Cyrus the Elder was discovered (Herod. i. 114; Justin. i. 5). By Suetonius (*Nero*, 35) it is called *ducatus et imperia ludere*. We have evidence that in the game of ball called ἀπόρραξις (*i.e.* trying how often one can keep knocking a ball up against a wall, or against the ground), he who kept it up most times was called βασιλεύς, and he could give what orders he pleased to the defeated player, who was called ὄνος (cf. Plat. *Theaet.* 146 A; Hor. *Epist.* i. 1, 59; Grasberger, *Erziehung und Unterricht*, i. 53–55, 92).

[L. C. P.]

Isis with Basilium. (Wilkinson, *Ancient Egyptians*, iii. p. 233.)

BASILIUM (βασίλειον, βασίλεια), a tall head-dress peculiar to kings of Egypt and to the Egyptian goddess Isis. (Diod. Sic. i. 47; Plut. *de Is. et Osir.* 19 (ii. 358); Schol. in Aristoph. *Plut.* 926; *C. Inscr. Lat.* ii. 3386; Orelli, 2510.)

[W. M. L.]

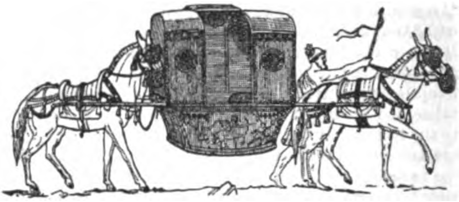
BAS'SARA, BAS'SARIS (βασσάρα, κασσάρα), meant originally a fox (Tzetz. *ad* Lycophr. 771; cf. βασσάριον in Herod. iv. 192). In the Egyptian hieroglyphics, the fox is called *wasar*, Coptic *basor* (Schwartz, *Das alte Aegypten*, 971); and Egyptian priests are found represented in what seem to be fox-skins, when officiating (Rosellini, vol. ii. plate lxiv.; Lepsius, *Denkmäler*, ii. 112, 128). Accordingly, the word probably came from Egypt, was carried by Phoenician

Bassara, dress of a Bacchante. (From a Greek vase in the British Museum.)

merchants to Cyrene (Hesych. *s. v.* *Βάσσαρις*), and hence to Lydia and Thrace (Tzetz. *ad* Lycophr. 771, 1343), where it appears as the dress of the Bacchanals. It is described as variegated, and reaching down to the feet (Bekk. *Anecd.* 222, 26; cf. Aesch. *Frag. Edon.*; Poll. ix. 59): but Lenormant supposes that the term *βασσάρα* was applied to the long robe as fastened in with a fox-skin, wound round the upper part of the body, and that the whole costume got its name from the fox-skin fastening. Bassareus was a name given to the Lydian Dionysus, but there is no genuine Hellenic example of a fox in connexion with Dionysus as it appears on Lydian coins. The name *βασσάρα* was also given to a kind of shoe (*Etym. Magn.* s. v.) worn by the Lydian Bassareus and made of fox-skin, as that of the Greek Dionysus was of fawn-skin. (See Lenormant in D. and S.; S. Reinisch in Pauly, and Schultz in Roscher's *Ausführl. Lexikon der griech. und röm. Mythologie*, s. v.) [L. C. P.]

BASTAGA'RII. The word *bastaga* (connected with *βαστάζειν*) in Low Latin was applied to the duty of transport of goods, belonging either to the state or to the emperor, from one part of the empire to another (Ducange, *s. v.*). The carriers were called bastagarii; they formed a corporation, and, like most functionaries of their time, they could not desert their special branch of duty (Cod. Theod. x. 20, 11). In an emergency in 368 A.D. they are assigned every tenth (or fifth, according to the Justinian Code, xi. 8, 4) draught animal to supply anew their stock of beasts of burden (Cod. Theod. x. 20, 4). From the Notitia Dignitatum (*Occ.* xi. 78–85) we learn that there were four transports a year from the East to Italy and back again (adopting Seeck's admirable addition *Italicianae*). The praepositi of such bastagae, who belonged to the class of cohortales (Cod. Theod. xii. 58, 3), had the duty of seeing to the loading and unloading of the transports (see Böcking *ad loc.* ii. 365 ff.). Of the transports in question, one praepositus superintended the unloading of the first from the East to Italy, and the loading of the fourth from Italy to the East; another the unloading of the second from the East to Italy, and the loading of the third from Italy to the East, and so on. For these praepositi were stationed in Italy, and so under the control of the Comes Sacrarum Largitionum of the West. We also hear (*Occ.* xii. 28, 29) of a bastaga rei privatae Orientalis inferioris (*i.e.* according to Böcking, ii. 391, that which came by the Mare Inferum), and bastaga privatarum Galliarum under the Comes rerum privatarum. (Besides Böcking and Seeck on the Notitia, see also L. Bouchard, *Étude sur l'administration des finances de l'Empire romain dans les derniers temps de son existence*, pp. 296–298, who, however, does not give sufficient evidence for his statements.) [L. C. P.]

BASTERNA, a kind of litter (*lectica*) in which women were carried in the time of the Roman emperors. It appears to have resembled the lectica [LECTICA] very closely; and the only difference apparently was, that the lectica was carried by slaves and the basterna by two mules, one before and one behind (Pallad. vii. 2, 3; *Anth. Lat.* iii. 183, where we learn that it was gilded; see also Joh. Chrys. *Hom. ad Ep. in Rom.* xi.; Lamprid. *Heliog.* 21), and that the sides might be left open or closed (cf. Amm. Marc. xiv. 6, 16). It was driven by a *basternarius* (Symm. *Ep.* vi. 15; Ginzrot, *Die Wägen d. Alt.* ii. p. 208). [W. S.]



Basterna, a Mule Palanquin. (Ginzrot, plate lxvi. fig. 1.)

BATIACA (Ritschl, Plaut. *Stich.* v. 3, 11, for MSS. *Batiola*; *βατιακή*, dim. *βατιάκιον*, Philem. *Cher.* 1), a drinking vessel of silver (Athen. xi. 480 a, cf. 484 c; Isid. *Gloss.* p. 5), brass or gold (Arist. *Mirab.* 49), of a costly nature (Plaut. *l. c.*). [J. H. F.]

BATILLUM (*batillum* or *vatillum*, Hor. *Sat.* i. 5, 36), a shovel with a short handle, made of iron (Plin. *H. N.* xxxiii. § 127, xxxiv. § 112), used for various purposes, such as collecting dung (Varr. *R. R.* iii. 6, § 3), and also as a fire-shovel, or chafing-dish, sometimes used to burn perfumes or incense. (Hor. *l. c.*; Treb. Poll. *Claud.* 14; Salmas. and Casaub. *ad loc.*; Apic. vii. 9.) [W. S.]

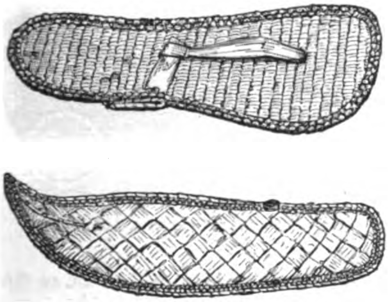
Batillum, bronze shovel found at Torre dell' Annunziata near Pompeii. (British Museum.)

BAU'CALIS (*βαύκαλις*, *βαυκάλη*, also *καύκαλις*), a large vessel for cooling wine in (*Anth. Pal.* xi. 244, 4), made at Alexandria (Athen. xi. 784 c), like the *ψυκτήρ*, except that it was probably larger, and supported, according to Hermann-Blümner (*Privatalt.* 234, note 6), on four wheels (*τετράκυκλος*, Athen. *l. c.*), if we are not to suppose with Krause (*Angeiologie*, 366) that the *κύκλοι* are raised rings which divided the vessel into four compartments. Philostorgius (i. 4) says it was made of earthenware (*ἄγκος ὀστράκινον*). It was perhaps sometimes made of glass; at least Athenaeus, in immediate connexion with his description, speaks of the elaborate glass-working at Alexandria, which imitated every kind of clay. Brass seems to have been an unusual material for the vessel to be made of (*Anth. Pal.* l. c.).

Βαυκάλιον appears to have been a smaller vessel of the kind. [L. C. P.]

BAU'CIDES (*βαυκίδες*), a kind of costly shoe of a saffron colour (Poll. vii. 99), worn exclusively by women. It was also called *βουκίδιον*. Kock on Aristophanes (*Frag.* 342) quotes Aspasius (on Aristot. *Eth.* 58 a) to the effect that it was an Ionian shoe worn especially by the Ionian women. It is mentioned also by Alexis (*Frag.* 98, 7, Kock). [L. C. P.]

BAX'EAE or BAXAE, sandals made of vegetable leaves, twigs, or fibres. According to Isidore (*Orig.* xix. 33), this kind of sandal was worn on the stage by comic, whilst the cothurnus was appropriate to tragic actors. When, therefore, one of the characters in Plautus (*Men.* ii. 3, 40) says, "Qui extergentur baxeae?" we may suppose him to point to the sandals on his feet. Philosophers also wore sandals of this description, at least in the time of Tertullian (*Pall.* 4) and Apuleius (*Met.* ii. 28, xi. 8; *Flor.* 9), and probably for the sake of simplicity and cheapness. Isidore adds, that baxeae were made of willow (*ex salice*), and that they were also called *calones*. From numerous specimens of them discovered in the catacombs, we perceive that the Egyptians made them of palm-leaves and papyrus. (Wilkinson, *Ancient Egyptians*, vol. ii. p. 336.) They are sometimes observable on the feet of Egyptian statues. According to Herodotus, sandals of papyrus (*ὑποδήματα βύβλινα*, ii. 37) were a part of the required and characteristic dress of the Egyptian priests. We may presume that he intended his words to include not only sandals made, strictly speaking, of papyrus, but those also in which the leaves of the date-palm were an ingredient, and of which Apuleius makes distinct mention ("pedes palmeis baxeis indutum," *Met.* ii. 8.) The accompanying woodcut shows two sandals exactly answering to this description, from the collection in the British Museum. The upper one was worn on the right foot. It has a loop on the right side for fastening the band which went across the instep. This band, together with the ligature connected with it, which was inserted between the great and the second toe, is made of the stem of the papyrus, undivided and unwrought. The lower figure shows a sandal in which the portions of the palm-leaf are interlaced with great neatness and regularity, the sewing and binding being effected by fibres of papyrus. The three holes may be observed for the passage of the band and ligature already mentioned. Tertullian speaks of gilded *baxae* (*Idol.* 8), and possibly of purple ones (*Pall.* 4; but the passage is corrupt). [J. Y.] [J. H. F.]


Baxeae or Sandals. (British Museum.)

BEBAIO'SEOS DIKE' (*βεβαιώσεως δίκη*), an action to compel the vendor to make a good title, was had recourse to in the following cases:—

1. To compel specific performance of the contract, when the vendor, after receiving the *ἀρραβὼν* or deposit, gets a more advantageous offer from another quarter, or otherwise repents of his bargain. (Harpocrat. *s. v.* *ἐνίοτε καὶ ἀρραβῶνος μόνου δοθέντος, εἶτα ἀμφισβητήσαντος τοῦ πεπρακότος, ἐλάγχανε τὴν τῆς βεβαιώσεως δίκην ὁ τὸν ἀρραβῶνα δοὺς τῷ λαβόντι.*)

2. When the right or possession of the purchaser was impugned or disturbed by a third person. A claimant under these circumstances, unless the present owner were inclined to fight the battle himself (*αὐτομαχεῖν*), was referred to the vendor as the proper defendant in the cause (*ἀνάγειν ἐπὶ τὸν πρατῆρα*, Poll. viii. 34). The latter was then bound to make good the title (*βεβαιοῦν*); or if he refused, the action in question was the legal remedy against him.

3. If the third party so claiming had established his right, and been by the decision of the dicasts put in legal possession of the property, whether movable or otherwise, the ejected purchaser was entitled to sue for reimbursement (*τὴν τιμὴν καὶ τὴν ζημίαν*, the actual price *plus* compensation for loss and inconvenience) from the vendor by this action (Pollux, viii. 6). The intricate case in the speech of Demosthenes against Pantaenetus has sometimes been referred to this head, but seems hardly to belong to it. The provision in Plato's Laws (xii. 954 A) probably represents the actual law of Athens: "He who sells for another who sells unlawfully, or is not able to make good the loss, shall himself be responsible; the agent and the principal shall be equally liable."

It has been conjectured that there was also a *βεβαιώσεως δίκη* when the purchaser of confiscated property (*δημιόπρατα*) was disturbed in his possession by a claimant; the defendant in that case being the Prytanis of the Poletae who had carried out the decree of sale (*Att. Process*, p. 574). But it was a well-known axiom in Athenian law that sales by the state gave an indefeasible (or, as we should say, a parliamentary) title (Demosth. *c.* *Timocr.* p. 717, § 54, with Wayte's note; Pollux, viii. 99; Hesych. *s. v.* *ἐν λευκώμασι*). The only evidence to the contrary is a doubtful reading (*πέπρακε* for *πέπραχε*) in Demosth. *c.* *Pantaen.* p. 972, § 19; and the notion of Meier and Schömann has not found favour among recent scholars (Müller, *ap.* Pauly; Caillemer, *ap.* D. and S.).

The *βεβαιώσεως δίκη*, like most civil actions, came before the tribunal of the Thesmothetae (K. F. Hermann, *Privatalterth.*, § 65, n. 15–18). [J. S. M.] [W. W.]

BEMA (*βῆμα*), the platform from which the orators spoke in the Athenian *ἐκκλησία*, is described under Ecclesia. [W. S.]

BENDIDEIA (*Βενδίδεια*), a festival celebrated in the port town of Peiraeeus in honour of Bendis, a Thracian divinity, whose worship seems to have been introduced into Attica about the time of Socrates, B.C. 429, for Plato (*de Re Publ.* init.) introduces Socrates giving an opinion on the Bendideia, and saying that it was then celebrated for the first time. It was celebrated on the 20th, or, according to others, on the 19th of Thargelion. (Schol. *ad* Plat. *Repub.* i. p. 354; Proclus, *ad* Plat. *Tim.* pp. 9–27.) The festival resembled, in its character, those celebrated in honour of Dionysus (Strab. x. p. 470), though Plato (*l. c.* p. 354) mentions only feasting; but the principal solemnities seem to have consisted in a procession held by the Thracians settled in Peiraeeus, and another held by the Peiraeans themselves, which, according to Plato (*de Re Publ.* init.), were held with great decorum and propriety, and a torch-race on horseback in the evening. The Athenians identified Bendis with their own Artemis (Hesych. *s. v.* Βένδις), but the temple of Bendis (Βενδίδειον) at Peiraeeus was near that of Artemis, whence it is clear that the two divinities were distinct. (Xenoph. *Hellen.* ii. 4, § 11; comp. Liv. xxxviii. 41; Ruhnken, *ad Tim. Gloss.* p. 62; Clinton, *F. H.* vol. ii. p. 402, 3rd edit.) [L. S.]

BENEFIC'IUM ABSTINENDI. [HERES.]

BENEFIC'IUM, BENEFICIA'RIUS. The word *beneficium* is of frequent occurrence in the Roman law, in the sense of some special privilege or favour granted by the praetor or the emperor to a class of persons on some special ground of equity: e. g. *beneficium abstinendi*, *beneficium divisionis ex epistola Hadriani*, *beneficium competentiae*, *beneficium aetatis*, *beneficium inventarii.* But the word was also used in other senses, and the meaning of the term in feudal law, where it is equivalent to feodum or fief (see below), is clearly derivable from the signification of the term among the Romans of the later republican and earlier imperial times. In the time of Cicero it was usual for a general, or a governor of a province, to report to the treasury the names of those under his command who had done good service to the state: those whose names were entered in such report were said *in beneficiis ad aerarium deferri* (Cic. *pro Arch.* c. 5, *ad Fam.* v. 20, and the note of Manutius). It was required by a Lex Julia that the names should be given in within thirty days after the accounts of the general or governor. *In beneficiis* in these passages may mean that the persons so reported were considered as persons who had deserved well of the state, and so the word *beneficium* may have reference to the services of the individuals; but as the object for which their services were reported was the benefit of the individuals, it seems that the term had reference to the gratuity in the form of money or presents given for such services. The honours and offices of the Roman state, in the republican period, were called the *beneficia* of the populus Romanus.

Beneficium also signified any promotion conferred on or grant made to soldiers, who were thence called *beneficiarii:* this term was a common one, as we see from inscriptions in Gruter (li. 4, cxxx. 5), in some of which the word *beneficiarius* is represented by the two letters B. F. In this sense we must understand the passage of Caesar (*de Bell. Civ.* ii. 18) when he speaks of the *magna beneficia* and the *magnae clientelae* of Pompeius in Citerior Spain. Beneficiarius is also used by Caesar (*de Bell. Civ.* i. 75) to express the person who had received a beneficium. It does not, however, appear from these passages, what the beneficium actually was. It might be any kind of honour, or special exemption from service (*de Bell. Civ.* iii. 88; Sueton. *Tib.* 12; Vegetius, *de Re Militari*, ii. 7).

Beneficiarius is opposed by Festus (*s. v.*) to *munifex*, in the sense of one who is released from military service, as opposed to one who is bound to do military service.

Grants of land and other things made by the Roman emperors were called *beneficia*, and were entered in a book called *Liber Beneficiorum* (Hyginus, *de Limitibus Constit.* p. 193, Goes.). The secretary or clerk who kept this book was called *a commentariis beneficiorum*, as appears from an inscription in Gruter (dlxxviii. 1).

It was the practice of the kings and leaders of the tribes which took possession of the western provinces of the Roman empire to grant lands to their nobles to be held generally for life on condition of special personal service. Lands so granted were called *beneficia.* From about the end of the 9th century, when *beneficia* became hereditary and subject to subinfeudation, they were also called *feoda* or feuds (*Feud.* lib. 2, tit. 1), the two words being used indifferently to denote the same condition of landed property. (Guizot, *Histoire de la Civilisation en France*, vol. iii. p. 247.) The beneficiarius is he who has a beneficium. Grants made for the purpose of endowing churches were called *beneficia:* hence the word benefice came to be applied to an ecclesiastical preferment. (Ducange, *Gloss.*) [G. L.] [E. A. W.]

BENNA, a carriage (Festus, *s. v.:* "Benna lingua Gallica genus vehiculi appellatur, unde vocantur combennones eadem benna sedentes." Cf. Cato, *R. R.* 23, 2). As a waggon of basket-work is still called *benna* in Italian, *benne* in South German, and *banne* in Belgium, it is conjectured that the vehicle from the column of Antoninus figured below is a *benna.* [J. H. F.]

Benna. (From the Column of Antoninus.)

BES. [As.]

BESA or **BESSA** (*βῆσα*, Eustath. on *Od.* i. 1405 b, 16; *βῆσσα*, Athen. xi. 784 b; *βησίον*), an Alexandrine vessel used both for drinking from and also for holding perfumes in, of the

Besa or Bessa, an Alexandrine vessel, having the image of the god Bes. (Birch's *Ancient Pottery.*)

shape of a flask, broad at the bottom and gradually getting narrower towards the top (Ath. *l. c.*); similar to the *ἀλάβαστρον* (Schol. on Aristoph. *Ach.* 1048, compared with 1050) or the *βομβύλιος*, which Suidas defines by *βησίον*. In *Anth. Pal.* Appendix 30, 3, Dindorf and Jacobs understand *βῆσαν* as the name of a dancer, but Ussing does not see any reason to refuse to take it as a goblet *propter salientem inde liquorem*. The vessel is Egyptian, so called from having the features of the god Bes modelled on it, and we may see the shape of it in Birch (*Ancient Pottery*, p. 29). (See also Ussing, *De nominibus vasorum Graecorum*, p. 62; Krause, *Angeiologie*, 379, 380, 407, 408.) [L. C. P.]

BESTIA'RII (*θηριομάχοι*), persons who fought with wild beasts in the games of the circus. They were either persons who fought for the sake of pay (*auctoramentum*), and who were allowed arms, or they were criminals, who were usually permitted to have no means of defence against the wild beasts. (Cic. *pro Sest.* 64; Sen. *de Benef.* ii. 19, *Ep.* 70. 17; Tertull. *Apol.* 9.) The former class, who were more correctly called *venatores*, and of whom there were great numbers in the latter days of the republic and under the empire, are always spoken of as distinct from and inferior to the gladiators, who fought with one another. (Cic. *in Vatin.* 17; *ad Qu. Fr.* ii. 6, § 5.) There were schools in Rome for their training (*scholae bestiarum* or *bestiariorum*, Tertull. *Apol.* 35). Such were called *ludi matutini*, from the fact that in the public games the combats with beasts always preceded the fights of the gladiators. (Cf. Friedländer, *Sittengesch.* vol. ii.^{3}, pp. 366 ff.) [W. S.] [A. S. W.]

BIAION DIKE' (*βιαίων δίκη*). This action might be brought in any case of brutal violence (Harpocrat.; cf. Plato, *Leg.* ix. p. 879 B, *βίαιον τὸ τῆς αἰκίας πᾶν γένος*); and we learn from Demosthenes (*c. Pantaen.* p. 976, § 33) that it came under the jurisdiction of the Forty. It was, however, in practice mainly restricted to two cases: the illegal and forcible seizure of property of any kind, but especially of slaves; and the rape, or abduction with a view to rape, of a free person of either sex. Under the former head came the irregular rescue of slaves from their masters. (Lys. *c. Pancleon.* § 12; EXAIRESEOS DIKÉ.) According to Plutarch (*Solon*, 23), the law prescribed that ravishers should pay a fine of 100 drachmas; but other accounts merely state generally that the convict was mulcted in a sum equal to twice that at which the damages were laid (*διπλῆν τὴν βλάβην ὀφείλειν*, Lys. *de Caede Eratosth.* § 32; Dem. *c. Mid.* p. 528, §§ 44, 45; Harpocrat.): the plaintiff in such case receiving one-half of the fine; and the state, as a party mediately injured, the other. To reconcile these accounts Meier (*Att. Proc.* p. 545) supposes the rape to have been estimated by law at 100 drachmas, and that the plaintiff fixed the damages in reference to other injuries simultaneous with, or consequent upon, the perpetration of the main offence. Demosthenes lays down the rule that all such acts of violence are not merely civil injuries, but crimes against society (*πάνθ' ὅσα τις βιαζόμενος πράττει, κοινὰ τἀδικήματα*, *c. Mid. l. c.*); and it seems clear that the *βιαίων δίκη*, like the kindred actions *αἰκίας* and *ὕβρεως*, might be taken up by a third party as a *γραφὴ* or public prosecution, provided that no private suit had been instituted. With respect to aggressions upon property, the action *βιαίων* is to be distinguished from *ἐξούλης*, in that the former implies the employment of actual violence, the latter merely such detention of property as amounted to violence in the contemplation of law (Meier, *Att. Proc.* p. 546), as for instance the nonpayment of damages, and the like, to the successful litigant after an award in his favour by a court of justice. (Dem. *c. Mid.* p. 540, § 8.) [J. S. M.] [W. W.]

BIB'ASIS (*βίβασις*). [SALTATIO.]

BIBLIOPO'LA. [LIBER.]

BIBLIOTHE'CA (*βιβλιοθήκη*). I. GREEK. The large libraries of the Assyrian and Egyptian monarchs were unknown to the Greeks till the time of the Ptolemies. We do indeed hear of a library formed by Peisistratus (Aul. Gell. vi. 17; Athen. i. p. 3), which Aulus Gellius calls "the first public library;" of another by Polycrates, the tyrant of Samos (Athen. i. p. 3); and of private collectors we hear of Nicocrates of Cyprus (Athen. i. p. 3), Euclid the Archon (Athen. i. p. 3), Euripides (Athen. i. p. 3), Euthydemus (Xen. *Memor.* iv. 2), and Aristotle (Strabo, xiii. 1; Athen. i. p. 3). (See ARISTOTLE in *Dict. of Biog.*) But it was the Macedonian rulers of Alexandria who first created a public library on a large scale. Ptolemy Philadelphus collected books from all parts of Greece and Asia, the larger number of which he deposited in the Mouseion (or Museum), a building in the Bruchium quarter of Alexandria, and the rest in the Serapeion. Zenodotus was the first librarian, after him Callimachus (who made a catalogue called the *Πίνακες*), then Eratosthenes, then Apollonius, then Aristophanes. The number of volumes in the two libraries seems to have been between 500,000 and 600,000 (Tzetzes, *Schol. in Aristoph.*; Aul. Gell. vi. 17; Sen. *de Tranq. An.* 9; Josephus, *Ant. Jud.* xii. 2). Books in foreign languages were brought to Alexandria and translated for the purpose of being put in the library, and the Septuagint version is said to have been made in this way. Galen tells us that the autograph original copies of Aeschylus, Sophocles, and Euripides were procured for the library.

This priceless collection suffered considerably in the siege of Alexandria by Julius Caesar, in the destruction of the Bruchium quarter by Aurelian 273 A.D., and by the edict of Theodosius for the destruction of the Serapeion 389 A.D., until it was finally destroyed by the Arabs, 640 A.D. (See Gibbon, c. 51.)

(On the Alexandrian Library, see Ritschl, *Die Alexandrinischen Bibliotheken*; *Opusc. Phil.* i.; Parthey, *Das Alexandrinische Museum*; Birt, *Das Antike Buchwesen*.)

A rival library to that at Alexandria was started by the kings of Pergamus, but was transported to Egypt by Antony, who made a present of its 200,000 volumes to Cleopatra (Plut. *Anton.* 58. On the library of Pergamus, see Wegener, *De Aula Attalica*). By the 2nd or 1st cent. B.C. there seem to have been libraries in most Greek towns. (Egger, *Callimaque et l'origine de la bibliographie*; cf. Polyb. xii. 27.) [W. M. L.]

II. ROMAN. The first public library in Rome was that founded by Asinius Pollio (Plin. *H. N.* vii. 30; Isid. *Orig.* vi. 5), and was in the atrium Libertatis on Mount Aventine. Julius Caesar had projected a grand Greek and Latin library, and had commissioned Varro to take measures for the establishment of it; but the scheme was prevented by his death. (Suet. *Jul.* 44.) The library of Pollio was followed by that of Augustus, in the temple of Apollo on the Mount Palatine (Suet. *Aug.* 29; Dio Cass. liii. 1), and another, Bibliothecae Octavianae (so called from Augustus's sister Octavia), forming part of the Porticus Octavia. (Dio Cass. xlix. 43; Plut. *Marcell.* 30.) There were also libraries on the Capitol (Suet. *Dom.* 20), in the temple of Peace founded by Vespasian (Gell. v. 21, xvi. 8), in the palace of Tiberius (Gell. xiii. 18), besides the Ulpian library (so called after its founder, Trajan), which was the most famous (Gell. xi. 17; Dio Cass. lxviii. 16). This library was attached by Diocletian, as an ornament, to his *thermae.* (Vopisc. *Prob.* 2.)

Private collections of books were made at Rome soon after the Second Punic War, sometimes from the spoils of Grecian or Eastern conquest. Thus Aemilius Paulus brought to Rome the library of Perseus, king of Macedonia; Sulla, that of Apellicon of Teos; Lucullus, the extensive one of the kings of Pontus, to which he gave the public free access. (Plut. *Aem. Paul.* 28; *Sulla*, 26; *Lucull.* 42; Isid. *Or.* vi. 5, 1.) The zeal of Cicero, Atticus, Varro, and others in increasing their libraries is well known. (Cic. *ad Att.* i. 7, 10, iv. 5; *ad Quint. Fr.* iii. 4; Gell. iii. 10.) Serenus Sammonicus possessed a library of 62,000 books. (Cap. *Gord.* 18.) Towards the end of the republic it became, in fact, the fashion to have a room elegantly furnished as a library, and reserved for that purpose. (Cp. Vitruv. vi. 7.) However ignorant or unstudious a person might be, it was fashionable to appear learned by having a library, though he might never even read the titles of the books. Seneca (*de Tranq. An.* 9) condemns the rage for mere book-collecting, and rallies those who were more pleased with the outside than the inside. Lucian wrote a separate piece to expose this common folly (*πρὸς ἀπαίδευτον καὶ πολλὰ βιβλία ὠνούμενον*).

We read of provincial libraries at Milan and Comum (Plin. *Ep.* i. 8, iv. 13; Orelli, *Inscr.* 1172), Tibur (Gell. ix. 14), and Patrae (Id. xviii. 9).

A library generally had an eastern aspect (Vitruv. vi. 7). In Herculaneum a library fully furnished was discovered. Round the walls it had cases containing the books in rolls [Liber]; a rectangular case occupied the centre of the room: these cases were numbered. It was a very small room,—so small that a person by stretching out his arms could touch both sides of it; yet it contained 1700 rolls. The cases were called either *armaria* [Armarium] (Plin. *Ep.* ii. 17; Vopisc. *Tacit.* 8), or *loculamenta* (Seneca, *de Tranq. An.* 9), or *foruli* (Juv. *Sat.* iii. 219), or *nidi* (Mart. i. 118, 15; 17, 5). Asinius Pollio had set the fashion in his public library of adorning the room with the portraits and busts of celebrated men, as well as statues of Minerva and the Muses. This example was soon followed in the private libraries of the rich. The *librarii a bibliotheca* or *bibliothecarii*, who had charge of the libraries, were usually slaves or freedmen. (Orell. 40, 41; Frontin. and M. Aurel. *Ep.* iv. 5; Isid. *Gloss.*; Juv. iii. 219; Plin. *Ep.* iii. 7, iv. 28; *H. N.* xxxv. 2; Cic. *ad Fam.* vii. 23; Suet. *Tib.* 70; Mart. ix. *Ep. ad Turan.*; Lipsius, *De Bibliothecis Syntagma*, in Opera, vol. iii.; Becker, *Gallus*, ed. Göll, ii. 418–24; Séraud, *Les Livres dans l'Antiquité*, ch. 10; Bernhardy, *Röm. Litter.* p. 65.) [A. A.] [J. H. F.]

BICLIN'IUM. [Triclinium.]

BICOS (*βῖκος*), an earthen vessel in common use among the Greeks. (Pollux, vi. 14, vii. 162, x. 73.) Hesychius (*s. v.*) defines it as a *στάμνος* with handles. It was used for holding wine (Herod. i. 194; Xen. *Anab.* i. 9, § 25), and salted meat and fish. (Athen. iii. p. 116 f.) [W. S.]

BIDENS. [Rastrum.]

BIDENTAL, an erection on a spot where lightning had fallen. The name is derived from the sacrifice of a young sheep (*bidens*) by the *haruspices* at the place. Sometimes, from the resemblance of the structure to the mouth of a well, it was called *puteal*, as in the case of the *puteal Libonis* or *Scribonianum* at the eastern end of the Forum Romanum (Hor. *Ep.* i. 19, 18; *Sat.* ii. 6, 35; Pers. iv. 49), and another in the Comitium (Cic. *de Div.* i. 17; Liv. i. 36, &c.). [Puteal.] When lightning had struck a spot, it was held necessary *condere fulgur*, either *publice* or *privatim*, according to the nature of the place. If a man had been killed by the lightning, it was not lawful to burn the corpse, but he was buried on the spot. (Plin. *N. H.* ii. § 145.) Everything which had been scorched or scattered by the lightning was solemnly collected by the pontiff (who was at a later date assisted by the *haruspices*) and piled up with a low muttered prayer. (Schol. on Juv. vi. 587: cf. Lucan. i. 607; Acron. on Hor. *A. P.* 471.) A *bidens* was offered, and a small enclosure, neither paved nor covered, was built around the heap, and was further surrounded by an exterior wall, bearing the legend *fulgur conditum.* Many inscriptions of this kind are still extant, and at Pompeii a bidental has been discovered, of which the outer protection is formed by eight Doric columns. (Mazois, *Ruines de Pompéi*, t. iv., pl. ii. iii.) It was not allowed to tread this *locus religiosus*, or even to look into it. (Schol. Pers. v. 27; Ammian. xxiii. 5.)

From Horace (*A. P.* 471) it appears to have been believed that a person who was guilty of profaning a bidental would be punished by the gods with frenzy. (Cf. Marquardt, *Röm. Staatsverw.* iii. 252–3.) [A. S. W.]

BIDIAEI (*βιδιαῖοι*), called in inscriptions *βίδεοι* or *βίδυοι*, were magistrates in Sparta whose business was to inspect the gymnastic exercises. Their house of meeting (*ἀρχεῖον*) was in the market-place. (Paus. iii. 11, § 2.) They were either five (Paus. *l. c.*) or six in number (*C. I. G.*, Nos. 1270, 1271, 1364), and had a president who is called in inscriptions *πρέσβυς βιδέων.* (*C. I. G.* i. p. 611.) Böckh conjectures that *βίδεοι* or *βίδυοι* is the Laconian form for *ἴδυοι* or *Fίδυοι*, and signifies witnesses and judges among the youth. (Comp. Müller, *Dorians*, iii. 7, § 8.) Valckenaer (*ad* Herod. vi. 57) supposed that the bidiaei were the same as the *νομοφύλακες*: but the inscriptions given by Boeckh show that the bidiaei and *νομοφύλακες* were two separate classes of officers. The annually elected heads of a priesthood of Helen and the Dioscuri at Sparta were also called *βιδιαῖοι* (Le Bas et Foucart, *Inscr. du Peloponnèse*, No. 163A): they may have been identical with the preceding. [W. S.] [W. W.]

BIGA or **BIGAE.** [Currus.]

BIGAMIA. [Matrimonium.]

BIGATI, sc. nummi, the Roman denarii which had a two-horsed chariot (biga) as type. (Plin. xxxiii. § 46 ; Festus, p. 98.) [As, p. 205.] [P. G.]

BIKOS. [Bicos.]

BILIX. [Tela.]

BIPALIUM. [Pala.]

BIPENNIS. [Securis.]

BIREMIS. [Navis.]

BIRRUS (*βίρρος*), or **BURRUS,** a cloak or cape furnished with a hood; a heavy, coarse garment for use in bad weather. (Burmann, *Anth. Lat.* ii. p. 407 ; Cod. Theod. xiv. 10, 1.) Its material was stiff (*birrum rigentem—fluentem lacernam*, Sulp. Sev. *Dial.* i. 14), with a long nap—usually wool, sometimes beaver (Claud. *Epigr.* 42). The word is used as a synonym of *lacerna* (Schol. *ad* Pers. i. 54), of *cucullus* (Schol. *ad* Juv. viii. 145), of *sagum* (Dioclet. *Edict.* xvi. 11, ed. Waddington ; Vopisc. *Gallien.* 6, *Carin.* 20, with note of Salmasius). Waddington (*l. c.*) prefers to regard it as a word of barbarous origin, rather than to suppose that it is connected with *πυρρός* (*Festus, s. v.*; Marquardt, *Privatleben*, p. 550), on account of the red colour of the wool. The spelling *byrrus* is rare in MSS. In Diocletian's Edict (*l. c.*) we read of *βίρροι* made not of coarse materials, but of the more costly Laodicean and Nervian wools. [W. S.] [J. H. F.]

BISELLIUM. [Sella.]

BISSEXTUM. [Calendarium.]

BLABES DIKE' (*βλάβης δίκη*). This action was available in all cases in which one person had sustained a loss by the conduct of another; and from the instances that are extant, it seems that whether the injury originated in a fault of omission or commission, or impaired the actual fortune of the plaintiff or his prospective advantage, the action would lie, and might be maintained, against the defendant. The two great classes into which *βλάβαι* may be divided are the *ἔνθεσμοι* and the *ἄθεσμοι*,—terms found in the grammarians only, not in classical writers. The first of these will include all causes arising from the non-fulfilment of a contract to which a penal bond was annexed, and those in which the law specified the penalty to be paid by the defendant upon conviction; the second, all injuries of property which the law did not specify *nominatim*, but generally directed to be punished by a fine equal to twice the estimated damage, if the offence was intentional; if otherwise, by a bare compensation. (Meier, *Att. Proc.* p. 186, &c., p. 475, &c. ; Dem. *c. Mid.* p. 528, § 43.) The declaration of the plaintiff seems always to have begun with the words *Ἔβλαψέ με*, then came the name of the defendant, and next a description of the injury, as *οὐκ ἀποδιδοὺς ἐμοὶ τὸ ἀργύριον* in Demosthenes (*pro Phorm.* p. 950, § 20; cf. *in Pantaen.* p. 973, § 22).

It is of course impossible to enumerate all the particular cases upon which this action would arise; but the following may be specified. Callippus brings an action *βλάβης* against the banker Pasion, for breach of contract in paying over the balance of a deceased depositor, Lycon, to one Cephisiades; Lycon having, as the plaintiff alleges, stipulated on making the deposit that it was to be paid to Callippus only. In a later action against the son of Pasion, Apollodorus, he claims as a creditor of Pasion's estate: the latter is a *δίκη ἀργυρίου*, not *βλάβης* (Demosth. *c. Callipp*, p. 1240, § 14). Hence Caillemer argues (9*me Étude*, pp. 30, 31), with good reason, that the *δίκη βλάβης* did not, as such, form a part of the law of debtor and creditor. On the other hand, Nausimachus and Xenopeithes, who had brought an action *ἐπιτροπῆς* against their guardian Aristaechmus, and had compromised it for three talents, re-open the question after his death, and bring a *δίκη βλάβης* against his sons (Demosth. *Or.* 38). This can only mean that a claim against the estate of Aristaechmus, too vague in its character for a *δίκη χρέους*, sheltered itself under the convenient generality of a *δίκη βλάβης*. Supposititious testimony given in the name of another, thereby rendering such person liable to an action *ψευδομαρτυριῶν*, was again a *βλάβη* at Attic law (Demosth. *c. Aphob.* iii. p. 849, §§ 15, 16). In the speech of Demosthenes *πρὸς Βοιωτὸν περὶ τοῦ ὀνόματος*, the plaintiff Mantitheus treats as a *βλάβη* the inconvenience caused by his half-brother, Boeotus, assuming his name. Again, the liability of an owner for the acts of his slave or his domestic animal came under this head; as in the old law of Solon quoted by Lysias *οἰκῆος καὶ δούλης βλάβην ὀφείλειν* (*c. Theomnest.* i. § 19 ; cf. Plato, *Leg.* xi. 936 C, D); and the speech of Lysias *περὶ τοῦ κυνὸς*, quoted by Harpocration (*s. v. καρκίνος*).

The proper court was determined by the subject of litigation. A *βλάβη* in the market, like the damage done by Philocleon to the cake-woman's basket (Aristoph. *Vesp.* 1407), would come before the Agoranomi; dangerous buildings, before the Astynomi; commercial and mining cases, as a rule, before the Thesmothetae; those arising out of the law of inheritance, before the Archon Eponymus. [J. S. M.] [W. W.]

BLATTA. [Purpura.]

BLAUTAE. [Calceus, p. 332 b.]

BOA'GOS (*βοαγός*). The boys (seven to eighteen years) at Sparta after their seventh year were taken by the state and trained for its service. They were divided into sections, called *βοῦαι*. The leader of such a section who was an *εἴρην* (*i. e.* between twenty and thirty years; those between eighteen and twenty were called *μελλείρενες*) was called *βουαγὸς* or *βουαγόρ* (Plut. *Lycurg.* 17; Xen. *Rep. Lac.* ii. 11). Hesychius (*s. v. βοαγόρ*) calls him a *παῖς*; but he uses *παῖς* in a broad sense, comprising all not fully developed men (*i.e.* under thirty years). As not being a fully developed man, the *βοαγὸς* was not recognised as a magistrate. But in the inscriptions which date from the times of the Roman empire the *βοαγοὶ* are full-grown men. This is to be explained by the fact that in those times it was merely a complimentary or honorary title given to distinguished men, and held with the ephoralty and other magistracies (*C. I. G.* 1241, col. 1; 1245, &c.), which of course would have been impossible in the old days when the ephors had plenty to do as such. Sometimes a man is *βουαγὸς* and holds no other magistracy (*C. I. G.* 1250). Cf. Boeckh, *C. I. G.*

i. p. 612; G. Gilbert, *Handbuch der griechischen Staatsalterthümer* (1881), i. 67–8. [L. C. P.]

BOEDROM'IA (*βοηδρόμια*), a festival celebrated at Athens on the seventh day of the month of Boëdromion, in honour of Apollo Boëdromios. (Müller, *Dor.* ii. 8, § 5.) The name Boëdromios, by which Apollo was called in Boeotia and other parts of Greece (Paus. ix. 17, § 1; Callimach. *Hymn. Apoll.* 69), seems to indicate that by this festival he was honoured as a martial god, who either by his actual presence or by his oracles afforded assistance in the dangers of war. The origin of the festival is, however, traced by different authors to different events in Grecian story. Plutarch (*Thes.* 27) says that Theseus, in his war against the Amazons, did not give battle till after he had offered a sacrifice to Phobos; and that, in commemoration of the successful battle which took place in the month of Boëdromion, the Athenians, down to his own time, continued to celebrate the festival of the Boëdromia. According to Suidas, the *Etymol. Magn.* and Euripides (*Ion.* 59), the festival derived its name and origin from the circumstance that when, in the reign of Erechtheus, the Athenians were attacked by Eumolpos, Xuthos or (according to Philochorus in Harpocration, *s. v.*) his son Ion came to their assistance, and procured them the victory. Respecting the particulars of this festival, nothing is known except that sacrifices were offered to Artemis. (Comp. Spanheim, *ad* Callim. *Hymn. in Apoll.* 69.) [L. S.]

BOEOTARCHES (*Βοιωτάρχης*, or *Βοιώταρχος*). It is proposed under this head to give a brief account of the Boeotian constitution as well as of the Boeotarchs.

The Boeotians in ancient times occupied Arne in Thessaly. (Thuc. i. 12.) Sixty years after the taking of Troy they were expelled by the Thessalians, and settled in the country then called Cadmeis, but afterwards Boeotia (the *ἀποδασμὸς* being introduced by Thucydides in order to reconcile the Homeric account, *Il.* ii. 494 foll., with the tradition as to the time of their migration into Boeotia). The leader of the Boeotians was king Opheltas (Plut. *Cim.* 1); a later king Xanthus fell in single combat with Melanthus (Harp. *s. v.* *Ἀπατούρια*). From Thuc. iii. 61 it would seem that these kings ruled the whole country from Thebes. Later on the country was divided into several states, containing each a principal city with its *ξυντελεῖς* (cf. Thuc. iv. 76, *Χαιρώνειαν—ἣ ἐς Ὀρχομενὸν—ξυντελεῖ*) or *ξύμμοροι* (cf. Thuc. iv. 93, *Θηβαῖοι καὶ οἱ ξύμμοροι αὐτοῖς*, i.e. "those who inhabited the same *μοῖρα* or division of Boeotia with the Thebans, as, *e.g.*, the Parasopii, Therapnenses, Peteonii: Strab. ix. 2, 24. 26," Arnold *ad* Thuc. *l. c.*) living around it. The number and names of these independent states are differently given by different writers on the subject; we know, however, for certain that they formed a confederacy called the Boeotian League, with Thebes at its head, and Freeman is of opinion that the political union grew out of an older Amphictyony (Pausan. ix. 34, 1). Common sanctuaries were the temple of the Itonian Athene near Coronea, where the Pamboeotia were celebrated, and the temple of Poseidon in Onchestus (Strab. ix. 2, 23. 33). Thucydides (iv. 93) mentions seven independent states: Thebes, Haliartus, Coronea, Copae, Thespiae, Tanagra, and Orchomenus; and we learn from inscriptions that, at one time or other, the following belonged to the same class: Anthedon, Lebadea, Hyettus, Acraephia, Chorsia (or Korsia, Demosth. *F. L.* § 141, etc.), Thisbe, Chaeronea. O. Müller (*Orchom.* p. 403) supposes there were originally fourteen free states. Probably the number differed at different times; some Boeotian towns seceded from the league, as Eleutherae (Pausan. i. 38, 8), Plataea (Herod. vi. 108, in B.C. 519, according to Clinton, whilst Grote, iv. 94 n., fixes the date after the expulsion of Hippias; it joined the league again a few years previous to B.C. 372), Orchomenus in B.C. 395 (Xen. *Hell.* iii. 5, 6), Oropus (Pausan. i. 34, 1; Xen. *Hellen.* vii. 4, 1; Demades, i. 9, and Hyp. *pro Eux.* c. 16; Diod. Sic. xiii. 56); or non-Boeotian towns joined the league, *e.g.* Larymna (Pausan. ix. 23, 7, *ἑκουσίως μετετάξαντο ἐς Βοιωτούς*), etc.; or we find Boeotian towns changing their status within the league, gaining independence: thus Acraephia belonged at one time to Thebes (Pausan. ix. 23, 5, *εἶναι ἐξ ἀρχῆς μοῖραν τῆς Θηβαΐδος*); as to Chaeronea cf. Thuc. iv. 76, and Pausan. ix. 3, 6; other towns were destroyed by Thebes, as Plataea, Orchomenus, Thespiae, Coronea. The dependent towns, or districts, were not immediately connected with the national confederacy, but with the neighbouring chief city, as Cynoscephalae was with Thebes (Boeckh on Pindar. ii. 2, p. 13). In fact, "they were obliged to furnish troops and money, to make up the contingent furnished by the state to which they belonged, to the general confederacy" (Arnold *ad* Thuc. iv. 76). Freeman, however, is of opinion that *ξυντελεῖν* implies a greater degree of freedom on the part of these dependent places than Arnold allows (cf. also Vischer, *Kl. Schr.* i. p. 341, 4). Freeman divides the history of the league into three periods: the first extends to the dissolution of the league at the peace of Antalcidas, B.C. 387; the second includes the short but brilliant period of Theban greatness down to the conquest of Thebes by Philip (B.C. 338) and its destruction by Alexander, B.C. 387–334 (the league was nominally revived: Diod. xv. 80, *κοινὴ σύνοδος τῶν Βοιωτῶν*: cf. 83, but was practically only another name for bondage to Thebes, Xen. *Hell.* vi. 1, 1, v. 4, 63); the third from the destruction of Thebes by Alexander and its restoration by Cassander, B.C. 316 (Thebes becoming again the head of the league: Liv. xxxi. 1, "Boeotiae caput," but with powers very inferior to those she formerly possessed), down to the final dissolution of the league by Quintus Marcius Philippus, B.C. 171. Mommsen (*Röm. Gesch.* i. p. 740) fixes the legal dissolution of the league in B.C. 146, and infers from Pausanias (vii. 16, 9, 10) that it was revived soon afterwards (*καὶ συνέδριά τε κατὰ ἔθνος ἀποδιδόασιν* [*οἱ Ῥωμαῖοι*] *ἑκάστοις τὰ ἀρχαῖα*, etc.). Certain it is that some kind of confederation lasted down to a late period of the Roman Empire: the Boeotians retained two votes in the Amphictyonic council after the reforms of Augustus (Aeschin. ii. § 116, and Pausan. ix. 8, 3); they sent Epaminondas of Acraephia as ambassador to the emperor Caligula *ὑπὲρ τοῦ ἔθνους Βοιωτῶν* (Keil, *Sylloge Inscr. Boeot.* p. 116; cf. *C. I. G.*, 1625, l. 30, *τὸ κοινὸν Παμβοιωτῶν συνέδριον*); and from an inscription of the reign of Marcus Aurelius (Henzen, *Ann.*

dell' Inst. di Corresp. Archeol., 1866, p. 139 foll.), we learn that a citizen of Chaeronea had been three times Boeotarch (*ὁ Βοιωτάρχης τὸ γ'*).

Each of the principal towns seems to have had its *βουλή* (Xen. *Hell.* v. 2. 29) and *δῆμος*. It is true, as Freeman points out, the passage in question merely speaks of a Theban *βουλή*, and that during the time (B.C. 382) when the confederation was in abeyance, yet he admits that Boeckh was justified by analogy in his supposition; he adds that he is "not clear about the existence of popular assemblies in the Boeotian cities during the first period" (yet there are traces of such: see Herod. v. 79, *ἀλίην ποιησάμενοι*: Xen. *Hell.* iii. 5. 8, *τότε ἅπασα ἡ πόλις ἀπεψηφίσατο μὴ συστρατεύειν αὐτοῖς*, sc. the Lacedaemonians). In his opinion, during nearly the whole of the first period, the government of each particular city was oligarchic, as the federal government was oligarchic; for the supreme power of the league was vested in the four senates (Thuc. v. 38, *αἵπερ ἅπαν τὸ κῦρος ἔχουσιν*), of the constitution of which we know nothing. Tittmann (p. 695), Kortüm (p. 86), and Freeman consider it most probable that they represented four districts; they must, however, have been assembled in one place, since Thucydides uses also *βουλή* for them all. In the second period, after democracy was introduced at Thebes, Thebes practically became sovereign (Isocr. xiv. 8. 35); there was no longer a Boeotian confederacy, but rather a Theban state, in which other cities were compelled to merge themselves against their will. In formal documents constitutional federal language was employed (*κοινὴ σύνοδος τῶν Βοιωτῶν*, Diod. xv. 80; xvi. 85), but in reality the Boeotian assembly simply sat to register Theban edicts in the name of the league (*τὸ πλῆθος* or *ὁ δῆμος*, Diod. xv. 72, 78, 79). In the third period (the date of the reconstitution of the league does not seem certain, but in B.C. 323 the Boeotians are spoken of as a political whole, Hyper. *Or. fun.* 6, 16), Orchomenus was for a time the head of the league (B.C. 294, Polyaen. iv. 7, 11), but Thebes was again "Boeotiae caput" in B.C. 197 (Liv. xxxi. 1): the supreme power was vested in a federal assembly, in which, as we may gather from an expression of Livy (*l. c.* c. 2), each of the confederate cities had a distinct vote (Freeman): *ὁ δῆμος* conferred *προξενία* (*πρόξενον εἶμεν Βοιωτῶν*, Larfeld, *Syll. Inscr. Boeot.* No. 316 = *C. I. G.* 1565, No. 317), elected *στρατηγοί* (Polyb. xx. 6), etc.

Each city had one or several archons (cf. the inscr. quoted above from the 1st century after Christ, and *C. I. G.* 1625, l. 41); their period of office was a year (*C. I. G.* 1569a, iii. 40, *ὁ ἐνιαυτὸς ὁ μετὰ Θύναρχον ἄρχοντα Ἐρχομενίυς*; Rangabé, *Antiq. Hellen.* 1005; hence the archon is called *ἐπώνυμος*). We know nothing of their power and duties. The Theban archon was chosen by lot, and kept a sacred spear of office always by him (Plut. *de gen. Socr.* 31; see Plut. *Arist.* 21, on the Plataean archon). The main powers of the state were in the hands of the polemarchs, the "maximi magistratus" of Corn. Nep. *Pelop.* ii. 2; they did not command forces, but they could imprison (Xen. *Hell.* v. 2, 30); they directed the levies of troops (*C. I. G.* 1573, etc.); they seem also to have been concerned with finances (*C. I. G.* 1569, 1570), and to have been entrusted with the carrying out of decrees of the senate and people (Keil, p. 132, *δεδογμένον εἶναι τοῖς τε συνέδροις καὶ τῷ δήμῳ, τοὺς πολεμάρχους τοὺς ἐπὶ Καφι[σοτίμου ?] ἄρχοντος [ἐπαινέσαι]*, etc.; Meier, *d. Privatschiedrichter*, etc., p. 49, l. 27, *ἀναγράψαι τ[ε τοὺς] ἀστογυολ?* where Lebas, *Voyage archéol. en Grèce*, No. 35, reads *ἀναγραψάντων δὲ τοὶ πολέμα[ρχοι]*). Their period of service was a year; their number was three (not six, as Boeckh thought; cf. E. Curtius in *Rhein. Mus.* 1843, p. 110), see *C. I. G.* 1573, etc.; only two are mentioned for Thebes by Xen. *Hell.* v. 2, 25. The *γραμματεὺς* to the polemarchs under the empire (*C. I. G.* 1573, *γραμματίδδοντος τῦς πολεμάρχυς*) was probably of higher rank than the one mentioned by Xen. *Hell.* v. 4, 2; Plut. *Pelop.* 7, *de gen. Socr.* 4. Of other magistrates we find mentioned *ἵππαρχοι* and *ἰλάρχαι* (*C. I. G.* 1575, 1588; Rang. 1313; *C. I. G.* 1588, 1576), commanding the cavalry; a *ναύαρχος* (Rang. *l. c.*); *κατόπται*, who assisted the polemarchs in financial matters and audited magistrates' accounts (*C. I. G.* 1569, 1570); *συνήγοροι* and *σούνδικοι* (Keil, p. 13); *ταμίαι*, with their president *ὁ ταμίας ὁ προάρχων* (*C. I. G.* 1570, *ὁ τ. ὁ π. προσθέτω τὸ ἐλλεῖπον καὶ ἀπολογισάσθω πρὸς κατόπτας*). The popular assembly at Thebes is called *ἁλία* by Herod. v. 79, *ἐκκλησία* by Demosth. *de Cor.* § 213, and Plut. *Pelop.* 12; see also Pausan. ix. 1. 5, *ἠπίσταντο* (the Plataeans) *τοὺς Θηβαίους ὡς πανδημεὶ καὶ ἅμα ἐπὶ πλεῖστον εἰώθεσαν βουλεύεσθαι, παρεφύλασσον τὰς ἐκκλησίας αὐτῶν*, etc. The murderers of Euphron (B.C. 367) were put upon their trial before the *βουλή* at Thebes (Xen. *Hell.* vii. 3, 5–12); *οἱ δικάζειν λαχόντες* are mentioned by Pausan. ix. 14. 7, in connexion with the trial of Epameinondas. Besides the archons of the separate states, there was an archon of the confederacy. This archon, the nominal chief of the league, was not necessarily a Theban, as Boeckh supposed: cf. Keil, p. 69, *ἄρχοντος Βοιωτοῖς Φιλοκώμω [Ἀντ]ι[γενε]ιίω Θε[ι]σπιε[ῖος]*, and Lolling (*Mittheil. d. d. Arch. Inst. in Athen*, iii. p. 87), *Εὐμείλω ἄρχοντος Ἐπικουδείω Κορωνέως*; he was re-eligible after his year's service, for in some inscriptions of Hyettus we find the same federal archon, but different polemarchs. His name was affixed to all alliances and compacts which concerned the whole confederacy (*C. I. G.* 1565, *τοῦ δεῖνα ἄρχοντος*: 1570, *ἄρχοντος ἐν κοινῷ Βοιωτῶν*, or, as above, with the addition of his father's name and that of the town of which he was a citizen), and also to the lists of conscripts of the individual states, the name of the federal archon preceding that of the local archon: thus *C. I. G.* 1573, *Κτεισίαο ἄρχοντος Βοιώτυς, Ἐρχομενίυς δὲ Καραΐχω*. The real power was in the hands of the Boeotarchs, as representatives of the several Boeotian cities; it is true, their determinations required the ratification of the four senates (Thuc. v. 38). They were the supreme military commanders, but we also find them discharging the functions of an executive in various matters. In fact, they are represented by Thucydides as forming an alliance with foreign states; as receiving ambassadors on their return home; as negotiating with envoys from other countries, and as acting as the representatives of the whole league, although, to their great surprise, the *βουλή* refused to sanction the measures they had resolved on (cf. also Aeschin.

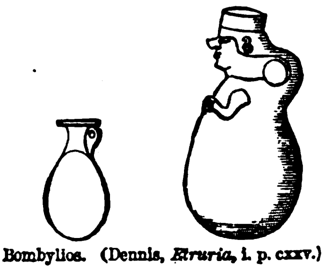
iii. 149, 151; Polyaen. iv. 7–11). Another instance in which the Boeotarchs appear as executive is their interference with Agesilaus on his embarking from Aulis for Asia (B.C. 396), when they prevented him from offering sacrifice as he wished (Plut. *Ages.* 6; Xen. *Hell.* iii. 4, 4). Still the principal duty of the Boeotarchs was of a military nature (hence they are sometimes called *στρατηγοί*, Plut. *Reg. et imp. Apophth.* p. 194 B; *Pelop.* 29, 31, &c.): thus they led into the field the troops of their respective states; and when at home they took whatever measures were requisite to forward the military operations of the league, or of their own state. For example, we read of one of the Theban Boeotarchs ordering the Thebans to come in arms to the ecclesia for the purpose of being ready to attack Plataea (Pausan. ix. 1. 6). The exact number of Boeotarchs is a disputed point; we know that the Thebans elected two (Thuc. ii. 2; iv. 91, etc.), and Boeckh explains the second Theban Boeotarch to have been the representative of some town formerly a member of the league, but afterwards merged in Thebes (on one occasion, *i.e.* after the return of the exiles with Pelopidas, B.C. 379, we read of there being three at Thebes, Plut. *Pelop.* 13); and it is generally supposed that each of the other cities elected one. Boeckh, however, whom Grote (ii. p. 296) follows, is of opinion that in the second period of the league the number of Boeotarchs was fixed, and that two or three of the smaller cities chose one Boeotarch in turn. Mention is made of eleven Boeotarchs in connexion with the battle of Delium (B.C. 424) by Thucydides (iv. 91, cf. Schol. on ii. 2; so Boeckh, Arnold, etc.; others make out thirteen; Von Wilamowitz-Möllendorff in *Hermes*, viii. p. 440, proposes to read *ἑπτά* for *ἕνδεκα*, since in chap. 93 seven independent states are mentioned). At the time of the battle of Leuctra (B.C. 371) we find seven Boeotarchs mentioned (Diod. Sic. xv. 52, 53; Pausan. ix. 13. 6, 7), and the same number in *C. I. G.* 1565, 1593, and in the inscr. quoted above (Lolling, etc.), if *ἀφεδριατεύοντες* is only another name for Boeotarchs (so Boeckh, *C. I. G.* p. 729 a; Schoemann, *Jus publ.* 408, n. 37; whilst C. W. Müller sees in them the members or committees of the four senates, and G. Gilbert, ii. p. 56, a commission specially appointed to procure the tripods in question). Correspondingly there were seven federal officers of the cavalry, as we learn from the account of the hipparch Pompidas (see Von Wilamowitz-Möllendorff, *l.c.* pp. 431–441. Thuc. iv. 72; Polyb. xx. 5, mention the hipparch *τῶν Βοιωτῶν*). No conclusion as to the number of Boeotarchs can be drawn from Liv. xlii. 43 ("ut duodecim, qui *privati* coetum et concilium habuissent"), or from Pausan. x. 20. 3, where we read of four, since on that particular expedition probably only that number were sent. The Boeotarchs, when engaged in military service, formed a council of war, the decisions of which were determined by a majority of votes (Thuc. iv. 91; Diod. Sic. xv. 53, 62; Pausan. ix. 13, 6, 7), and "it may be doubted whether the words *ἡγεμονίας οὔσης αὐτοῦ* in the passage of Thucydides imply that the supreme command was always vested in a Theban Boeotarch, or whether it was merely the turn of Pagondas to command that particular day" (Freeman). Their period of service was a year, beginning about the winter solstice (Plut. *Pelop.* 24, 25), and whoever continued in office longer than his time was punishable with death, both at Thebes and in other cities (Plut. *l. c.*; Pausan. ix. 14. 5; Corn. Nep. *Epam.* 7). Epameinondas, with Pelopidas and the other Boeotarchs, did so on their invasion of Laconia (B.C. 369), but their eminent services saved them; in fact, the judges did not even come to a vote respecting the former. At the expiration of the year a Boeotarch was eligible to office a second time, and Pelopidas was re-elected without interruption from B.C. 378 to his death (Diod. Sic. xv. 81). From the case of Epameinondas and Pelopidas, who were brought before Theban judges for transgression of the law which limited the time of office, we may conclude that each Boeotarch was responsible to his own state alone. From Polyb. xx. 6; xxiii. 2, Freeman (cf. Gilbert, p. 55, n. 3) concludes that in the third period there was a single general at the head of the league, as at the head of other leagues, by whose side the Boeotarchs continued, "their office now answering pretty well to that of the Achaean Demiourgoi or Ministers." Other officials of the league are mentioned in *C. I. G.* 1593: cf. Rangabé, 1217, a *γραμματεύς*, a *θεοπροπέων*, and a *μαντευόμενος*.

(Klütz, *de foedere Boeotico*, 1821; Kortüm, *Zur Gesch. hellen. Staatsverfassungen*, pp. 83–89, 1821; Tittmann, *Darstellung d. griech. Staatsverf.* p. 375 foll., and p. 693 foll., 1822; Boeckh, *C. I. G.* i. p. 726 foll.; Freeman, *Hist. of Federal Governm.* p. 154 foll.; C. W. Müller in Pauly's *Realencykl.* s. v.; C. Fr. Hermann, *Staatsalterth.* § 179 foll.; E. Preuss, *Quaest. Boeot.* 1879; E. Caillemer *ap.* Daremberg and Saglio; G. Gilbert, *Handb. d. griech. Staatsalt.* ii. pp. 45–93.) [R. W.] [H. H.]

BOIAE (*κλοιός*), a collar of wood or iron put on the neck of slaves or criminals as a punishment (Plaut. *As.* iii. 2, 5; *Capt.* iv. 2, 109; Prudent. *Praef. Psych.* 34; Jerome, *v. in Hierem.* 27; Isid. *Orig.* v. 27, 12). The Greek *κλοιός*, usually of wood, sometimes of iron (Babr. 99, 6), was: 1. A collar on the neck of a mischievous dog (Aristoph. *Vesp.* 897; Xen. *Hell.* ii. 4, 41). 2. A form of pillory (Xen. *Hell.* iii. 3, 11; Eur. *Cycl.* 235; Luc. *Tox.* 32). 3. An ornamental collar of gold (Eur. *Cycl.* 184). [J. H. F.]

BOMBYCINUM. [Sericum.]

BOMBYLIOS or **BOMBYLE** (*βομβυλιός* or *βομβυλή*, Hesych. *s. v.*; Schol. *ad* Apoll. Rhod. ii. 569), a narrow-necked vessel, so called, according to the grammarians, from the gurgling sound caused by the flow of the liquid from it, like the buzzing sound made by humble-bees (*βομβυλιοί*). (Bekker, *Anecd.* p. 220; Phavorin., Erotian., Suid. *s. v.*; Athen. xi. p. 784; cf. Besa.) [W. S.]



Bombylios. (Dennis, *Etruria*, i. p. cxxv.)

BOMONIKES (*βωμονίκης*). The Spartan youths, in remembrance of an old religious ceremony, used to be scourged at the altar of Artemis Orthia or Orthosia, a custom maintained even in the days of Pausanias (iii. 16, § 11). He who held out longest under the scourging was *βωμονίκης*. It was esteemed a great honour (*ἐν τοῖς μάλιστα ἐπιδοξός ἐστι*, Plut. *Inst. Lac.* 239, 32), and is mentioned as such in inscriptions (*C. I. G.* 1364). [L. C. P.]

BONA. The word *bona* is sometimes used to express the whole of a man's property (Paulus, *Recept. Sentent.* v. 6, 16; Dig. 37, tit. 1, s. 3; 50, tit. 16, s. 49); and in the phrases *bonorum emptio*, *cessio*, *possessio*, the word *bona* has this meaning. It expresses all that concerns a man's proprietary position, whether as owner, possessor, creditor or debtor. Thus the word *bona* is simply the property as an object; it does not express the nature of the relation between it and the person who has the ownership or enjoyment of it, any more than the words "all that I have," "all that I am worth," "all my property" in English show the legal relation of a man to that which he thus describes.

In some places the word *bona* is used to signify a man's assets, *i.e.* his property after the deduction of that which he owes. It is also used for separate portions of a man's property, as in the phrase *actio vi bonorum raptorum*.

The legal expression *in bonis*, as opposed to *dominium* or Quiritary ownership, means that property is held under a praetorian or equitable, and not under a civil or legal title. The distinction is explained in the following passage of Gaius (ii. 40):—"Among foreigners (*peregrini*) there is only one kind of ownership (*dominium*), so that a man is either the owner of a thing or he is not. And this was formerly the case among the Roman people; for a man was either owner *ex jure Quiritium*, or not owner at all. But afterwards the ownership was divided, so that now one man may be the owner of a thing according to strict law (*dominus ex jure Quiritium*), and at the same time another may be entitled to the beneficial ownership of it (*in bonis habere*). For instance, if I do not convey to you a *res mancipi*, either by the form of *mancipatio* or of *in jure cessio*, but simply deliver it to you, you acquire the praetorian title to the thing, but it will remain mine *ex jure Quiritium*, until possession gives you a civil title by usucapion. For when the usucapion is once complete, from that time it begins to be yours absolutely (*pleno jure*); that is, it is yours both *in bonis* and also yours *ex jure Quiritium*, just as if it had been mancipated to you, or transferred to you by *in jure cessio*."

From this passage it appears that the ownership of certain kinds of things, called *res mancipi* [MANCIPIUM], could only be transferred from one person to another with certain formalities. But if it was clearly the intention of the owner to transfer the ownership, and the necessary forms only were wanting, the purchaser was protected in the beneficial enjoyment of the thing by the praetor, though the transferor remained legally the owner until the usucapion was completed, notwithstanding he had parted with the thing. Only those who were capable of acquiring the legal ownership could thus become beneficial owners; any personal incapacity which prevented Quiritary ownership being acquired also stood in the way of bonitary ownership.

Quiritary ownership originally and properly signified that ownership of a thing which was recognised by the law; it did not express a compound but a simple notion, which was that of absolute ownership. But when it was once established that one man might have the Quiritary ownership, and another the sole right to the enjoyment of the same thing, the complete notion of Quiritary ownership became a notion compounded of the strict legal notion of ownership and that of the right to enjoy, as united in the same person. And as a man might have both the Quiritary ownership and the right to the enjoyment of a thing, so one might have the Quiritary ownership only, and another might have the enjoyment of it only. This bare ownership was sometimes expressed by the same terms (*ex jure Quiritium*) as that ownership which was complete, but sometimes it was appropriately called *nudum jus Quiritium*. (Gaius, iii. 100.)

The praetor protected the owner *in bonis* by allowing the plea that the thing in question had been sold and delivered (*exceptio rei venditae et traditae*), or the plea of fraud (*exceptio doli*), to be a good defence against an action (*vindicatio*) brought on the bare civil title. The owner *in bonis* had also the benefit of the *actio Publiciana*, which was a praetorian action *in rem* based on the feigned assumption that the plaintiff had acquired the thing claimed by usucapion. (Gaius, iv. 36.) The Quiritary owner might meet this action by the plea that he was civil owner (*exceptio dominii*); but if the plaintiff was owner *in bonis*, he could make such plea of Quiritary ownership ineffectual by putting in the counterplea of fraud (*replicatio doli*). Thus, although the praetor could not give Quiritary ownership, he fully protected a man in the beneficial ownership.

The historical origin of this double ownership is unknown; there is no trace of it in the writings of Cicero. It was instituted, as the account of Gaius shows, in order to avoid the necessity of complying with the conveyancing formalities required by the civil law. Theophilus (*in Paraph.* ad § 4, s. 1–5) thus describes this division of ownership: "Ἔστιν φυσικὴ δεσποτεία καὶ ἔννομος δεσποτεία, καὶ ἡ μὲν φυσικὴ λέγεται in bonis, καὶ ὁ δεσπότης βονιτάριος, ἡ δὲ ἔννομος λέγεται jure Quiritium, τουτέστιν ἐκ τοῦ δικαίου τῶν κουϊριτῶν, ὁ δὲ δεσπότης jure Quiritario." Hence have been derived the expressions *dominium Quiritarium* and *bonitarium*, which are commonly used. The rights of the bonitary owner were almost the same as those which belonged to a complete Quiritary owner, but in some respects they were more limited.

Thus the bonitary owner could not leave a legacy under the form *per vindicationem* (Gaius, ii. 196); he could not by manumission make a slave *civis Romanus*, but only *Latinus* (Gaius, i. 167), or by manumitting a female slave acquire the *tutela legitima* over her (Gaius, i. 167): but the bonitary owner alone had the *potestas* over a slave and the right of manumission. If the bonitary owner abandoned his right, the Quiritary ownership became complete. There were other ways in which a person might acquire a mere praetorian title besides the case of double ownership mentioned by Gaius in the passage cited. Thus the successor to an inheritance under the praetor's edict (*bonorum possessor*), and the purchaser of a debtor's estate (*bonorum emptor*) under the praetor's order (*addictio*), were not Quiritary, but only bonitary owners of property assigned to them. Gaius, iii. 80: "Neque bonorum possessorum neque bonorum emtorum res pleno jure fiunt, sed in bonis efficiuntur, ex jure Quiritium autem ita demum acquiruntur si usuceperunt."

Justinian (in c. un. *de nudo jure Quirit.* vii. 25) put an end to the distinction between Quiritary and bonitary ownership: "Antiquae subtilitatis ludibrium per hanc decisionem expellentes, nullam esse differentiam patimur inter dominos, apud quos vel nudum ex jure Quiritium nomen vel tantum in bonis reperitur." The formal conveyances by *mancipium* and *in jure cessio* had previously become obsolete. (Unterholzner, in *Rhein. Mus.* i. 129; Zimmern, in *Rhein. Mus.* 3, § 311; Mayer, in *der Zeitsch. für Gesch. Rechtsw.* viii. 1; Fabricius, *de dupl. ap. Rom. dom.*; Leist, *Bonorum Possessio*; Puchta, *Cursus der Inst.* ii. 235.) [G. L.] [E. A. W.]

BONA CADU'CA. *Caducum* literally signifies "that which falls;" thus *glans caduca*, according to Gaius (Dig. 50, tit. 16, s. 30), is the mast which falls from a tree.

Caducum, in its general sense, might be anything without an owner, or what the person entitled to neglected to take (Cic. *de Or.* iii. 31; *Phil.* x. 5); but the strict legal sense of *caducum* and *bona caduca* is that stated by Ulpian (*Fragm.* tit. xvii. *de caducis*), which is as follows:—

If a thing is left by will to a person, so that he might take it by the *jus civile*, but from some cause does not take it, that thing is called *caducum*, as if it had fallen from him; for instance, if a legacy was left to an unmarried person, or a *Latinus Junianus*, and the unmarried person did not within a hundred days obey the law (*i.e.* by marrying), or if within the same time the *Latinus* did not obtain the *Jus Quiritium*, or if a *heres ex parte* or a legatee died or became a *peregrinus* before the opening of the will, the thing was *caducum*.

Caducum, or lapse of a devise, implies that a valid devise has been made, which the devisee is unable or unwilling to take: thus *caduca* are opposed to devises which are void, *ea quae pro non scriptis habentur*.

Caducum further implies that the will of which the lapsed devise is a part has come into operation. Strictly speaking, a devise which failed in the testator's lifetime was not *caducum*; it was, however, treated like a *caducum*, and so said to be *in causa caduci*. (Cod. vi. 51, 2; cf. *Code Civil*, art. 1039.)

Either a share of an inheritance or a particular *legatum* might become *caducum*. The law alluded to in the passage of Ulpian cited above is the Lex Julia et Papia Poppaea. This law, which was passed in the time of Augustus (A.D. 9), had the double object of encouraging marriages and enriching the treasury—*aerarium* (Tac. *Ann.* iii. 25), and contained with reference to these two objects a great number of provisions. Martial (v. 75) alludes to a person who married in order to comply with the law.

The Lex Papia altered the law relating to the devolution of *caduca*. Under the previous law (*jus antiquum*) a portion of an inheritance which lapsed accrued to the entire inheritance, and so belonged to the *coheredes*; a *legatum* which lapsed accrued to *collegatarii* in certain cases, otherwise the *heres* was freed from the obligation of paying it.

By the Lex Papia, only parents or descendants of the testator to whom he had left his inheritance were allowed to retain their rights to *caduca* under the old law. If no claim was made by a parent or descendant of the testator, the right to *caduca* was given by the Lex Papia in the first place to such *heredes* or *legatarii* mentioned in the will as had children (*jus patrum*), *heredes* being preferred to *legatarii*, except that *collegatarii* with children had certain rights of priority over other devisees. In default of any such claimants, the right of claiming *caduca* was given to the *aerarium*. By a constitution of the Emperor Antoninus Caracalla, *caduca* were appropriated in all cases to the *fiscus*. (Ulpian, xvii. 2.) The Constitution of Caracalla probably abolished the *jus patrum*, but it did not take away the rights of parents and descendants of the testator under the old law.

He who took a *caducum* took it subject to the charges with which it was burthened (Ulpian, xvii. 3, "caduca cum suo onere fiunt"): thus an *hereditas caduca* was subject to the bequests of freedom of legacies, and of *fideicommissa* with which it was charged.

The law of *caducity* was no doubt unpopular; and we are told that many legal devices were employed by lawyers for the purpose of preventing its application. Testators were in the habit of making substitutions in order to provide against lapses (*ne fiant caduca*, Cod. vi. 51, 1). In the time of Constantine, both the *caelebs* or unmarried and the *orbus* or childless person (who was under a limited incapacity) obtained the full legal capacity of taking the inheritance (Cod. viii. 58). The effect of these and other changes in the law was greatly to diminish the importance of *caduca* as a source of imperial revenue. Justinian (Cod. vi. 51, *de caducis tollendis*) entirely abolished the *leges caducariae* and re-established the *jus antiquum*, though with some modifications. (Juv. *Sat.* ix. 88; Gaius, i. 150, ii. 207, iii. 144, 286; Ulp. *Frag.* tit. xvii., Cod. vi. 51; Rudorff, *Zeitsch. für Gesch. Rechtswissenschaft*, vi. 6; Francke, *Beiträge*; Baumeister, *Das Anwachsungsrecht*; Mayer, *Anwachsungsrecht*; Danz, *Lehrbuch*, ii. 71, 81; Puchta, *Inst.* iii. § 326.) As to the *Dos caduca*, see Dos. [G. L.] [E. A. W.]

BONA FIDES. This term frequently occurs in the Latin writers, and particularly in the Roman jurists. It implies such conduct as may be expected from men of fair dealing, and so is constantly opposed to *mala fides*, *fraus*, and *dolus malus*. It is necessary to explain some of the technical phrases in which the term *bona fides* occurs.

Actions containing a clause in their formula by which the *judex* was authorised to decide the case according to *bona fides* were called *bonae fidei judicia* or *actiones*. The addition to the formula of such words as "quantum aequius melius" or "ex fide bona" (Cic. *Top.* 17; *de Off.* iii. 15, 17) showed that the action belonged to this class. The effect of the addition was to give the *judex* the freest latitude in dealing with the case, and so to take equitable considerations into account (Gaius, iv. 62).

In actions arising from strictly unilateral obligations, in which the point at issue was narrowly defined, the powers of the *judex* were strictly limited. Such actions are called *actiones stricti juris*, and are contrasted with *actiones bonae fidei.* (Savigny, *System*, v. §§ 218–220, and *Beilage*, xiii.; Bethmann-Hollweg, ii. 275–286.)

Bonae fidei possessio is the possession of a person who has acquired a thing from another under a title which he believes to be a good one, or which he has no reason for supposing to be defective.

It was a necessary condition for acquiring a title to property by usucapion that the possession should have begun in good faith. (Gaius, ii. 43; *Inst.* ii. 6, pr.) In certain exceptional cases, however, mentioned by Gaius, title by usucapion was allowed, although this condition was absent (Gaius, ii. §§ 52, 60, 61); but these exceptions subsequently disappeared.

A thing which was *furtiva* or *vi possessa*, or the *res mancipi* of a female who was in the *tutela* of her *agnati*, unless it was conveyed under the *auctoritas* of her tutor, was not subject to usucapion, and therefore in these cases the presence or absence of *bona fides* was immaterial. (Gaius, ii. 45–50; Cic. *ad Att.* i. 5, *pro Flacc.* c. 34.)

The praetor allowed the *bonae fidei possessor* the benefit of the *actio Publiciana in rem.*

A *bonae fidei possessor* was not liable to the owner for *fructus* which were no longer in existence, or which had been alienated by him; whereas the *malae fidei possessor* was liable under all circumstances for *fructus*, which he had derived from the thing in his possession.
[G. L.] [E. A. W.]

BONA RAPTA. [Furtum.]

BONA VACAN'TIA were the property which a person left at his death without having disposed of it by will and without leaving any *heres ab intestato.* Such property was open to occupancy; and so long as the rules of civil law existed by themselves, such occupancy may not have been uncommon, but the *bonorum possessio* of the praetor, by opening the succession to classes of persons excluded at civil law, was a means of preventing such title by occupancy from arising. It does not appear that the state originally claimed the property of a person who died without *heredes.* The claim of the state to such property seems to have been first established by the Lex Julia caducaria (Gaius, ii. 150; Ulp. xxviii. 7). [Bona caduca.] The state—that is, in the earlier periods the *aerarium*, and afterwards the *fiscus*—did not take such property as *heres*, although succeeding *per universitatem.* Being, however, *loco heredis*, it was bound to pay *fideicommissa* charged on the estate by the deceased. The *fiscus* could not make good its claim as against a person who had possessed *bona vacantia* for four years (*praescriptio quadriennii*). Certain persons in a privileged position were allowed to claim *bona vacantia* before the *fiscus.* Thus, in the case of a soldier dying without *heredes*, the legion to which he belonged had priority. Various corporate bodies had a like preference in respect to *bona caduca* of a member of the corporation. (Cod. x. 10; Vangerow, *Pandekten*, ii. § 5[illegible]4.) [G. L.] [E. A. W.]

BONAM CO'PIAM JURA'RE, to take an oath to one's competence or solvency, is a phrase which occurs in a passage of Varro (*de Ling. Lat.* vii. 105) and also in the Lex Julia municipalis. The passage in Varro states that there was a provision of a certain law by which all those *qui bonam copiam jurarent* were released so as to be no longer *nexi.* Owing to the corrupt state of the text in this passage, it cannot be clearly ascertained what law is referred to. According to Bethmann-Hollweg (*Civil-Prozess*, § 113), the Lex Plaetoria is meant, which he supposes to have contained a temporary provision whereby those who were *nexi* at the time of its passing were released if they complied with the condition prescribed. Others think that the Lex Poetelia is the law in question (Liv. viii. 28; Cic. *de Rep.* ii. 33, 34).

In the Lex Julia municipalis or Tabula Heracliensis we find that anyone "queive . . . . in jure abjuraverit, bonamve copiam juravit juraverit," is included in the class of *infames.*

Thus, according to this law, a person *qui bonam copiam juravit* incurred to some extent the penalty of insolvency. This seems to show that such an oath was taken by a debtor when in default. It may have been allowed when a debtor was granted an extension of time for payment, or it may have reference to a composition with creditors. A debtor "qui bonam copiam juravit" would escape imprisonment; a benefit extended by the Lex Julia to all those who made *cessio bonorum.*

The phrase *bonam copiam ejurare* is used by Cicero (*ad Fam.* ix. 16; cf. Festus, *Epit. v. ejuratio*), and is usually interpreted to mean the taking of an oath by a debtor to the fact of his insolvency. Mommsen restores the text in the above passage of the Lex Julia and reads "queive in jure *bonam copiam abjuravit*," &c., thus identifying *bonam copiam abjurare* with *bonam copiam ejurare.* But perhaps *abjurare* in this passage simply means to perjure, and has no connexion with *bonam copiam.* It has been suggested that *ejurare* in the phrase *bonam copiam ejurare* is used in an intensive sense for *jurare* (cf. Cic. *de Or.* ii. 70, § 285; *Verr.* iii. 60, § 137; Nonius, p. 105, *ejurare = valde jurare*), so that *bonam copiam ejurare* is equivalent to *bonam copiam jurare.* (Huschke, *Nexum*; Dirksen, *Civilist. Abhandlung*, p. 107; Marezoll, *Frag. Tabul. Heracl.* 1816, iv. 142; Bethmann-Hollweg, *Civil-Prozess*, ii. § 113.) [E. A. W.]

BONO'RUM CES'SIO, CES'SIO BONO'RUM. As will be seen by reference to the article Bonam copiam jurare, the principle of relieving insolvent debtors, who fulfilled certain conditions, from liability to imprisonment, was recognised to some extent under the republic. Julius Caesar, when consul, B.C. 48, as a temporary measure of relief in time of distress, owing to the Civil war, discharged debtors who made over their property to their creditors from their debts. (Caes. *de Bell. Civ.* iii. 1; cf. Poste's Gaius, p. 347, 2nd ed.)

Cessio bonorum was introduced by a Lex Julia, probably one of the leges Juliae of Augustus. This law allowed an insolvent debtor to make a voluntary assignment of his property to his creditors. By making such assignment, the debtor obtained three advantages. — 1. He escaped imprisonment. 2. He did not become *infamis.* 3. In respect to property acquired subsequently to the assignment, he had the *beneficium competentiae* when sued by his old creditors: *i.e.* he could retain sufficient for his bare maintenance. He had not this right against creditors who had become so subsequent to the act of assignment. The property assigned by the debtor was sold by the process of *bonorum emptio* [BONORUM EMPTIO], the proceeds being distributed among the creditors. It is to be noticed that the assignment did not operate as a discharge, after acquired property being liable, subject to the limitation explained above. The benefit of the Lex Julia was extended by imperial constitutions to the provinces. There is no evidence to show that the benefit of the lex was limited to poor debtors, as has sometimes been supposed. (Bethmann-Hollweg, *Civil-Prozess*, ii. § 114; Gaius, iii. § 78; Rubr. *Cod. Th.* iv. 20; *Cod. Just.* vii. 71; Dig. 42, 3.) [E. A. W.]

BONO'RUM COLLA'TIO, COLLA'TIO BONO'RUM. By the rules of the civil law, emancipated children had no rights to the inheritance of their father, since they had become strangers to his family. But, in course of time, the praetor granted to emancipated children the privilege of equal succession with those who remained in the power of the father at the time of his death. This favour was granted to emancipated children only on condition that they should bring into one common stock, to be distributed with their father's estate, whatever property they had at the time of the father's death, and which would have been acquired for the father in case they had still remained in his power. This was called *collatio bonorum.* Thus emancipated children were not allowed to retain the advantage which their proprietary independence had given them over unemancipated children, and at the same time to share in the paternal succession. Property which would have been *peculium castrense* or *quasi-castrense* in the case of a *filius familias* was not subject to *collatio*, because it would not have belonged to the father if the child had remained under his power. (Dig. 37, tit. 6; Cod. vi. 20; Windscheid, *Pandekten*, iii. § 609.) [E. A. W.]

BONO'RUM EMP'TIO ET EMPTOR. The early form of execution for debt, termed *manus injectio*, was personal, not real; *i.e.* it was directed against a debtor's person, not against his property: if the creditors acquired the property of their debtor under this execution, they only acquired it as accessory to his person. [MANUS INJECTIO; NEXUM.] Subsequently a complete process of real execution was established through the instrumentality of the praetor, which is known as *bonorum emptio* or *bonorum venditio*, the institution of which may have been a consequence of the Lex Poetelia Papiria (B.C. 326). It is not to be supposed that the Lex Poetelia exempted the person of the debtor from arrest, and only made his property liable, as has been inferred by some writers from the words of Livy (viii. 28), "pecuniae creditae bona debitoris non corpus obnoxium esset," since we find the liability to personal arrest continuing as the ordinary form of execution. There was now, however, a direct execution against the property, and the debtor was no longer liable to be sold *trans Tiberim*, or to be put to death.

There is not sufficient evidence to show whether creditors were obliged to make an election between the personal execution of the civil law and the real execution of the praetorian, or whether both remedies could be used concurrently. It is thought that the praetor derived his conception of *bonorum emptio* from the procedure used by the treasury in seizing the property of proscribed persons, criminals, and public debtors, by which the property confiscated was sold and assigned by the state as an entirety, being commonly purchased by speculators called *sectores.* [SECTIO.] Similarly the *bonorum emptor* succeeded, under the order of the praetor, to the debtor's estate *per universitatem*, and this although the debtor suffered no *capitis deminutio.* Gaius, who gives an account of the Bonorum Emptio process (iii. 78–80, iv. 35), states that it *is said* to have been introduced by the Praetor P. Rutilius. It is uncertain who is the praetor referred to, but it is generally supposed that P. Rutilius Rufus, consul B.C. 105, is the person meant. Perhaps the praetor, in the first instance, put creditors into possession of their debtor's property, for the purpose of sale, when the debtor absconded or was absent, and so not amenable to the civil law execution, and that subsequently he made the remedy general. Gaius tells us (iii. 78) that, in the case of a living person, his property was liable to be sold if he concealed himself for the purpose of defrauding his creditors, and was not defended in his absence; or if he made a *bonorum cessio* according to the Julian law; or if he failed to satisfy a judgment debt within the prescribed period. In the case of a dead person, his property was sold when it was ascertained that there was neither *heres* nor *bonorum possessor*, nor any other legal successor.

There were different stages in the proceedings for conducting the execution.

First the praetor, on the application of the creditors, authorised them to take possession of the debtor's property, and to give notice (*proscriptio*) of its sale. This explains the expression in Livy (ii. 24), "ne quis militis, donec in castris esset, bona possideret aut venderet." The creditors were said "in possessionem rerum debitoris mitti:" sometimes a single debtor obtained possession. If the circumstances made it advisable, the praetor appointed a *curator bonorum* to administer the property. It was necessary that thirty days should elapse from the issuing of the first order in the case of a living person, and fifteen days in the case of a deceased person, before further proceedings could be taken. This period gave the debtor or other persons acting on his behalf the opportunity of putting a stop to the sale by satisfying the debt, or proving that the claim was not well founded. It also gave other creditors time for putting in their claims.

At the end of this period the second stage in the proceedings commenced. The creditors now, under a second order of the praetor, met in order to elect a *magister bonorum*, whose duty it was to carry out the sale in the interest of the creditors. (Cic. *ad Att.* i. 9, vi. 1; *pro Quint.* 15, § 50.) The debtor, upon this stage in the proceedings being reached, became *infamis.* The sale itself was the final stage in the proceedings. It took place after an interval of ten days from the meeting of creditors in the case of a living person, and of five days if the debtor was dead, the conditions of sale having been duly advertised. The property was sold by auction under the praetor's order to the highest bidder (*bonorum emptor*). The property was sold in one lot as an entirety (*universitas*). The purchaser obtained by the sale only a praetorian title: the property was his *in bonis*, until he acquired the Quiritarian ownership by usucapion. Consequently the actions which the purchaser could bring and which could be brought against him were praetorian actions (*actiones utiles*), not actions at law (*actiones directae*). In the last period of Roman law the property of a debtor was not sold as an entirety in the way we have described, but in separate lots. This latter form of execution was called *distractio bonorum*. Roman law provided means by which an impecunious debtor could avoid personal arrest. [BONAM COPIAM JURARE; BONORUM CESSIO.] (Gaius, iii. 77; iv. 35, 65, 111; Dig. 42, 4, 5; Huschke, *Nexum*, §§ 160, 181, 234; Keller, *Civil-Prozess*, §§ 83–85; Bethmann-Hollweg, *Civil-Prozess*, ii. 667–685; Dernburg, *Emptio bonorum*; Puchta, *Inst.* § 179.) [E. A. W.]

BONO'RUM POSSES'SIO is the technical term for the succession which the praetor gave to the inheritance of a deceased person. He who received the *bonorum possessio* did not thereby become *heres* or civil successor, for his title depended on the praetor's authority, and the praetor could not make a *heres*. Thus, when the *bonorum possessio* became established, there were two titles under which an inheritance might be claimed,—the one resting on civil law (*hereditas*), the other on the praetor's edict (*bonorum possessio*). The praetor gave *bonorum possessio* to those who had a civil title to the inheritance, and also to those who had no civil title. The reason why persons who could claim the inheritance at civil law sometimes chose to ask for the *bonorum possessio* was that they thereby acquired the benefit of the *interdictum quorum bonorum*, which was limited to cases of *bonorum possessio*. By giving *bonorum possessio* to persons who had no civil title to the inheritance, the praetor instituted a new system of succession which differed from that of the civil law. It is important to understand the relation in which the civil and praetorian titles stood to one another.

The grant of *bonorum possessio* did not necessarily imply that the *bonorum possessor* would be protected against one who had a valid civil title, for the *bonorum possessio* was given either *cum re* or *sine re*. It was given *cum re* when the person to whom it was given could not be deprived of the property by anyone claiming under a superior title. It was given *sine re* when another person could assert his claim to the inheritance by the *jus civile*, and so make the praetorian title ineffectual. As a rule, when the civil and praetorian titles were opposed to one another, the civil title was the stronger, *i.e.* the *bonorum possessio* was *sine re*; but in some cases the *bonorum possessor* was protected, i.e. *cum re*, against one who had a good civil title.

The praetor expressed in his edict the general rules which he followed in giving *bonorum possessio* (*bonorum possessio edictalis*), but *bonorum possessio* was sometimes granted to meet the circumstances of particular cases after a special inquiry (*causae cognitio*) had been held (*bonorum possessio decretalis*).

The *bonorum possessio* was promised by the edict, 1. *Contra tabulas*. 2. *Secundum tabulas*. 3. *Intestati*.

1. *Bonorum possessio contra tabulas*, i.e. in opposition to the will of the deceased, was instituted for the benefit of emancipated children. According to *jus civile*, an emancipated son had no claim to the inheritance of his father; but if he was omitted in his father's will, or not expressly exheredated, the praetor's edict gave him the *bonorum possessio* on condition that he would bring into hotchpot (*bonorum collatio*), with his brethren who continued in the parent's power, whatever property he had at the time of the parent's death. The effect of this *bonorum possessio* was to give *emancipati* the succession in the place of the *heredes* instituted in the will, but the will was not in other respects invalidated. The *sui heredes* who were instituted in the will were also allowed the *bonorum possessio*, and succeeded jointly with the *emancipati* who had been passed over. If a freedman made a will without leaving his patron as much as one-half of his property, the patron obtained the *bonorum possessio* of one-half, unless the freedman appointed his own children as his successors. It is to be noticed that this *bonorum possessio* is *cum re* against a person who had a valid civil title.

2. *Bonorum possessio secundum tabulas*. By this *bonorum possessio* the praetor gave effect to wills which were invalid at civil law. In order to obtain *bonorum possessio secundum tabulas*, it was necessary that the will should be sealed by seven witnesses, that the testator should have had *testamenti factio* at the time of his death, that the persons instituted in the will should be capable of succeeding at civil law, and that no claim should have been made against the will (*contra tabulas*). By this *bonorum possessio* the praetor gave effect to wills which had not been executed in the form requisite for making a civil will: thus he dispensed with the cumbrous form of mancipation. He also supported wills which had become invalid on some technical grounds. The *bonorum possessor secundum tabulas* had not a good title against the *heres* until the Emperor M. Aurelius protected him against the civil action by which the inheritance was claimed. (Gaius, ii. 119, 120.)

3. *Bonorum possessio intestati*. In the case of intestacy there were seven classes of persons who might claim the *bonorum possessio*, each in his order, upon there being no claim of a higher class. The three first classes or orders were: 1. *Unde liberi*. 2. *Unde legitimi*. 3. *Unde proximi cognati*.

1. *Bonorum possessio unde liberi*. The praetor admitted in this first order *sui heredes* and those who would have been *sui heredes* if they had not been emancipated. The *emancipati* were required to make *collatio bonorum*. An *emancipatus* admitted in this order was *bonorum possessor cum re*, as against a person who had the civil title: *e.g.*, A. dies intestate, leaving an emancipated son and a brother his nearest *agnati*; the brother is civil heir, but the emancipated son, as *bonorum possessor*, excludes him.

2. *Bonorum possessio unde legitimi.* All persons who had a civil title to the inheritance were admitted in this order. Thus, the praetor in granting the *bonorum possessio intestati* preferred those who had a civil title to those who had no civil title, except in the case of *emancipati.*

3. *Bonorum possessio unde proximi cognati.* Blood relations were admitted in this order according to proximity of relationship. If the nearest in degree did not claim, the next in proximity was entitled to succeed (*successio graduum*). Cognates further removed than the sixth degree of proximity could not claim, except in the case of *sobrino natus,* who was in the seventh degree.

The terms for the four remaining orders are: *Tum quem ex familia—Patronus patrona, liberi et parentes patroni patronaeve— Unde vir et uxor —Unde cognati manumissoris.*

These orders, with the exception of that *unde vir et uxor*, are exclusively concerned with the succession to the property of freedmen, or of persons manumitted from the state of *mancipium.*

The *bonorum possessio unde vir et uxor* gave reciprocal rights of succession to the husband and wife.

Bonorum possessores acquired possession of property belonging to the inheritance by means of the *interdictum quorum bonorum* (Dig. 43, 2; Cod. viii. 2). The praetor gave *bonorum possessores* the same actions, and allowed the same actions to be brought against them, as they would have been able to maintain or would have been subject to, if they had been *heredes.* Such actions were not *actiones directae,* because not founded on a civil title, but *actiones utiles.* A fictitious clause was inserted in the formulae of such actions by which the *judex* was directed to decide the case on the assumption that the *bonorum possessor* was *heres.* The *bonorum possessor* was said "ficto se herede agere" (Gaius, iv. 34). In the later period of Roman law the civil action by which the *heres* asserted his right to the inheritance was also given to *bonorum possessores* ("possessoria hereditatis petitio," Dig. 5, 5). The *bonorum possessor* only acquired a bonitary, not a civil title to the property which belonged to the inheritance, until by usucapion his property was converted into Quiritarian ownership.

In order to become *bonorum possessor* it was necessary that an application should be made to the magistrate ("agnitio, admissio, petitio bonorum possessionis"). Parents and children might make their claim within a year from the time of their being able to do so; others were only allowed a hundred days. On the failure of a party to make his claim, the right devolved on those next in succession.

The history of the origin and development of the praetorian succession cannot be clearly traced. It is probable that the praetor first gave *bonorum possessio* for the benefit of the civil heir ("juris civilis confirmandi gratia"); that he then used it for the purpose of supplementing the civil law ("juris civilis supplendi gratia"), in case there was no civil heir; and, lastly, in some cases gave it in opposition to the civil law ("juris civilis corrigendi gratia"). Justinian, by his 115th and 118th Novellae, established a uniform system of inheritance, and by so doing almost entirely abolished the *bonorum possessio.* (Gaius, iii. 25-38, iv. 34; Ulp. *Fragm.* tit. 28, 29; Dig. 37, 1-5; 38, 6; Fabricius, *Ursprung und Entwicklung der bonorum possessio,* &c., 1837; Vangerow, *Pandekten*, ii. §§ 398-400; Puchta, *Inst.* 316-320.) [E. A. W.]

BONO'RUM RAPTO'RUM ACTIO. [FURTUM.]

BONO'RUM SEC'TIO. [ACTIO.]

BOO'NAE (*βοῶναι*), persons in Athens who purchased oxen for the public sacrifices and feast. They are spoken of by Demosthenes (*c. Meid.* p. 570, § 171) in conjunction with the *ἱεροποιοὶ* and those who presided over the mysteries, and are ranked by Libanius (*Declam.* 8) with the *σιτῶναι*, generals, and ambassadors (cf. Harpocrat. *s. v.*). They were elected by the Ecclesia (Boeckh, *P. E.*, p. 216). We often find mention of them on inscriptions as paying into the treasury the money received for the hides of sacrificed animals (*δερματικόν.* See Rangabé, *Antiq. Hellén.* No. 842; *C. Inscr. Gr.* 157). [W. S.] [W. M. L.]

BOREASMI or **BOREASMUS** (*βορεασμοί* or *βορεασμός*), a festival celebrated by the Athenians in honour of Boreas (Hesych. *s. v.*), which, as Herodotus (vii. 189) seems to think, was instituted during the Persian war, when the Athenians, being commanded by an oracle to invoke their *γαμβρὸς ἐπίκουρος*, prayed to Boreas. The fleet of Xerxes was soon afterwards destroyed by a north wind, near Cape Sepias, and the grateful Athenians erected to his honour a temple on the banks of the Ilissus. But considering that Boreas was intimately connected with the early history of Attica, since he is said to have carried off and married Oreithyia, daughter of Erechtheus (Herod. *l. c.*; Paus. i. 19, § 6), and that he was familiar to them under the name of *brother-in-law*, we have reason to suppose that even previous to the Persian wars certain honours were paid to him, which were perhaps only revived and increased after the event recorded by Herodotus. The festival, however, does not seem ever to have had any great celebrity; for Plato (*Phaedr.* p. 229) represents Phaedrus as unacquainted even with the site of the temple of Boreas. Particulars of this festival are not known, except that it was celebrated with banquets.

Pausanias (viii. 36, § 4) mentions a festival celebrated with annual sacrifices at Megalopolis in honour of Boreas, who was thought to have been their deliverer from the Lacedaemonians. (Comp. Aelian, *V. H.* xii. 61.)

Aelian (*l. c.*) says that the Thurians also offered an annual sacrifice to Boreas, because he had destroyed the fleet with which Dionysius of Syracuse attacked them; and adds the curious remark, that a decree was made which bestowed upon him the right of citizenship, and assigned to him a house and a piece of land. This, however, is perhaps merely another way of expressing the fact, that the Thurians adopted the worship of Boreas, and dedicated to him a temple, with a piece of land. [L. S.]

BOU'KOLOI (*βούκολοι*), members of a religious college at Pergamum during the Roman empire, engaged in celebrating the mysteries of Dionysus *καθηγήμων.* There appear to have been colleges of a similar name throughout Ionia and Pontus (Lucian, *de Salt.* 79; cf. *C. I. G.* 2052). The chief was called ἀρχιβούκολος (cf. *C. I. L.* vi. 504, 510, *archibuculus dei Liberi*); and a memorial raised by a college to its chief is to be found in *Hermes*, vii. 39, with a commentary by G. Curtius. Certain members of the college appear therein to have been called σειλήνιοι, since the worship of Silenus was closely connected with that of Dionysus, and Silenus had a special grove in Pergamum (Paus. vi. 24, § 8). As might be expected, seeing that the ceremonial largely consisted of religious dancing (Lucian, *l. c.*), there appear among them a χορηγὸς and ὑμνοδιδάσκαλοι, the latter corresponding to the ὑμνῳδὸς we find in an inscription of the mysteries at Smyrna (*C. I. G.* 3160). See P. Foucart, *Les Associations religieuses chez les Grecs*, pp. 114-116. [L. C. P.]

BOULÉ (βουλή), a deliberative assembly or council. In the Heroic age, represented to us by the Homeric poems, the despotism of royalty is tempered by the βουλὴ or council of chiefs and the ἀγορὰ or general assembly of freemen. These two institutions, however, "are exhibited in the monuments of the legendary age as opportunities for advising the king, and media for promulgating his intentions to the people, rather than as restraints upon his authority" (Grote, i. 461, where see the Homeric βουλὴ further described, and cf. AGORA 1).

In the free republics of historic times the βουλὴ assumed more of an executive character; it was the name of an "administrative committee" (*Verwaltungsausschuss*, Westermann *ap.* Pauly; cf. Hermann, *Staatsalterth.* § 125). This was especially the case among the Ionic race; the Dorian states, like Sparta and Crete, preferred the terms γερουσία, γέροντες, retaining, as is well known, the kingship of the Heroic age in a modified form [GEROUSIA, COSMI]. In Athens, at least from the time of Solon, there were two councils, the AREIOPAGUS (*q. v.*) and that called by Grote the "probouleutic or preconsidering senate." It is of the latter council that the following article treats.

The first question that meets us is whether this body was first constituted by Solon or modified from one already existing. The direct authority of the ancients on points like this is of much less weight than their casual admissions; the orators in particular, and the grammarians who followed them, ascribed promiscuously to Solon all Athenian institutions whether earlier or later than his time, from the immemorial sanctity of the Areiopagus to the democratic changes of Cleisthenes or even of Pericles. As has been seen under AREIOPAGUS, the best authorities (Grote, Meier, Schömann) regard that council as the legitimate descendant of the Homeric βουλὴ or council of old men (γέροντες); and, however shorn of its power in later times, it always enjoyed honorary precedence as ἡ ἄνω βουλὴ over that we are now considering, ἡ κάτω βουλή. There are indications, however, of the existence of more than one council in pre-Solonian Athens. Herodotus (v. 71) tells us that in the time of Cylon (B.C. 620) Athens was under the direction of the presidents of the Naucraries (ναυκραρίαι), the number of which was forty-eight, twelve out of each of the four tribes. Moreover, we read of the case of the Alcmaeonidae being referred to an aristocratical tribunal of 300 persons, and that Isagoras, the leader of the aristocratic party at Athens, endeavoured to suppress the council, or βουλή, which Cleisthenes had raised to 500 in number, and to vest the government in the hands of 300 of his own party (Herod. v. 72; Plut. *Sol.* 12). The reappearance of the number 300, as Thirlwall remarks (*H. G.* ii. 41), can hardly have been a merely casual coincidence. It has been ingeniously conjectured by a recent writer that, under the government of the Eupatrids, there was a senate of 300 composed of 75 members from each of the four tribes, 25 from each of the phratries; and that Solon, wishing to give some political power to the unprivileged citizens, while retaining the preponderance of the aristocracy, added a fourth hundred of non-Eupatrid members, 25 from each tribe (Lange, *Die Epheten und der Areopag vor Solon*, 1874, p. 25 ff.). Hence, it is argued, the reactionists under Isagoras proposed to restore, in place of the Cleisthenean 500, not the Solonian 400, but the pre-Solonian 300. On the other hand, both Grote and Schömann tacitly assume that the second council originated with Solon. However this may be, it is admitted that Solon made the number of his βουλὴ 400, taking the members from the first three classes, 100 from each of the four tribes; and that its function with reference to the public assembly (ἐκκλησία) was also his work—to prepare matters for its discussion, to convoke and superintend its meetings, and to ensure the execution of its decrees (Grote, *H. G.* ii. 322; Schömann, *Antiq.* p. 331, E. T.). The question whether the βουλευταὶ or senators were from the first appointed by lot as in after-times, may be regarded as practically decided in the negative by the consensus of scholars from Bishop Thirlwall downwards (Grote, Schömann *l. c.* in correction of his former view in the *Assemblies*, Westermann *ap.* Pauly, Caillemer *ap.* D. and S.). As the moderate and conservative nature of Solon's reforms is better understood, it is acknowledged that the κύαμος or lot formed no part of any of his institutions; and Plutarch expressly states that he designed the second council, no less than the Areiopagus, as an "anchor of the state," using moreover the word ἐπιλεξάμενος to express the mode of appointment (*Sol.* 19). An election by open voting, where the influence of the Eupatrids would be felt, may be assumed as most in accordance with Solon's views. On the tribes being remodelled by Cleisthenes (B.C. 510), and raised to ten in number, the council also was increased to 500, fifty being taken from each of the ten tribes. It is to this period, and not to any earlier one, that the introduction of the lot must be referred; in the appointment of magistrates it is probable that this change dates from the more sweeping reforms of Pericles and Ephialtes. Cleisthenes, himself an Alcmaeonid by birth, was by no means an advanced democrat, and under his constitution the office of βουλευτής, though not technically an ἀρχὴ or magistracy, was confined to the three first Solonian classes; that of archon being further limited to the Pentacosiomedimni or first class. All these restrictions were swept away by the law of Aristides about 477, and every office became open to every citizen (Grote, iv. 32; Schömann, *Antiq.* p. 339; cf. ARCHON). The senators thus appointed were required to submit to a scrutiny or δοκιμασία, in which they gave evidence of being genuine citizens (γνήσιοι ἐξ ἀμφοῖν), of never having lost their civic rights by ἀτιμία, and also of being above 30 years of age. At the casting of lots two persons were selected for each post, the second as a reserve man in case the first should be rejected on the scrutiny: to draw the second lot was ἐπιλαχεῖν (Harpocrat.). After passing the δοκιμασία they took an oath of office (ὅρκος βουλευτικός), of which only a few phrases have been preserved. Among these are τὰ βέλτιστα βουλεύσειν τῷ δήμῳ τῷ Ἀθηναίων ([Demosth.] *c. Neaer.* p. 1346, § 4; cf. Lys. *Or.* 31 (Philon), § 1); and οὐδὲ δήσω Ἀθηναίων οὐδένα (Demosth. *c. Timocr.* p. 745, § 144, cf. § 147). They remained in office for a year, and sat probably every day except on some religious festivals, when they were "discharged from attendance" (ὄντων Κρονίων καὶ διὰ ταῦτ' ἀφειμένης τῆς βουλῆς, Demosth. *op. cit.* p. 708, § 26). A purely secular holiday seems to have been unknown. Boeckh, in estimating the probable cost of the senators' pay (μισθὸς βουλευτικὸς) to the state, assumes about 300 sittings in the year (*P. E.* p. 232). This payment was at the rate of a drachma for each day on which they sat. The date of its introduction has been disputed, but it may safely be referred to the same period as the payment of the popular assembly and the dicasts, *i.e.* the age of Pericles. During their sittings they wore a wreath of myrtle, which, as a religious emblem, would have to be laid aside when blood was to be shed (ἡ βουλὴ . . . περιελομένη τοὺς στεφάνους ἀπέκτεινε, Lycurg. *c. Leocr.* § 122). In the theatre, at festivals, and in the public assembly, they had a place of honour (προεδρία), and for their year of office they were exempt from military service (cf. ATELEIA). If a senator were accused of a crime, he might be suspended by his colleagues during the investigation. The ballot for his removal was called ἐκφυλλοφορία, because the voting in it was taken with leaves of olive instead of with voting tablets or pebbles. If acquitted on the trial, he was reinstated; if convicted, the expulsion was not only made absolute, but the senate was entitled, and in some cases expected, to inflict punishment on its own account in addition to that awarded by the dicastery (Harpocrat. *s. v.* ἐκφυλλοφορῆσαι: Aeschin. *Timarch.* §§ 111, 112; Schömann, *Assemblies*, p. 230, *Antiq.* p. 373). At the end of the year the whole body had to pass the examination called εὔθυναι, at once an audit of accounts and an inquiry into its general conduct in office: and if the result was satisfactory, the people decreed them a golden crown as the equivalent of a modern "vote of thanks;" the crown, which was of no great value, together with the decree, being then preserved in a shrine as a consecrated offering. The laws specified certain cases in which the crown was to be refused; for instance, if the senate had failed to insure the building of a certain number of new triremes. The speech of Demosthenes *against Androtion* is a γραφὴ παρανόμων for the alleged illegal bestowing of this compliment when it had not been earned; Aeschines (*Timarch.* l. c.) mentions an instance in which it was actually refused.

This senate of 500 was divided according to tribes into ten sections of fifty each, and these served in an order of succession, determined by lot at the beginning of the year. The members of the section whose turn it was to serve were called Prytanes (πρυτάνεις), *i.e.* chiefs or presidents, because they presided both in the senate and the assemblies; their period of office was called a Prytany (πρυτανεία), and lasted in ordinary years 35 or 36 days, in intercalated years 38 or 39. These years consisting of 354 or 384 days respectively [CALENDARIUM], the four extra days were given to the tribes which drew the last lots (Schömann, *Assemblies*, pp. xvi., xxxiv.). From among the Prytanes an Epistates was chosen, also by lot, every day to preside as a chairman in the senate and the assembly of the people; during his day of office he had in his custody the keys of the citadel, the public archives, and the state seal, and was thus for twenty-four hours the nominal head of the government.

The attendance of the fifty Prytanes at each meeting of the senate was compulsory, that of other senators voluntary; and it may well have been that young men who aspired to the career of statesmen, when drawn as βουλευταὶ (as happened to Demosthenes more than once in early life), took every opportunity of attending in order to familiarise themselves with public business. It was provided, however, that all the tribes should at least be represented at every meeting of the senate; and this was done by the institution of the Proedri (πρόεδροι), nine senators chosen by lot, one from each of the non-presiding tribes, at the commencement of each sitting, under the direction of the Epistates of the Prytanes. The office of the Proedri seems at first to have been purely ceremonial, in order to give an air of completeness to the working senate as chosen from all the ten tribes (cf. Grote, iii. 118). But the democratic jealousy of men in office, which at Athens showed itself in the multiplication of checks and counterchecks, at length discovered that the powers of a single tribe, prolonged for a period of five weeks or more, might be used (limited as those powers were) for the purposes of a clique; and the authority of the Prytanes and their Epistates was further restricted. From a date not earlier than the archonship of Eucleides (B.C. 403), but placed by Meier with great probability between the years 378 and 369, a second Epistates was chosen by lot from among the Proedri, and called ἐπιστάτης τῶν προέδρων, to whom the presidency both of the senate and the assembly was transferred, leaving to the former Epistates only the chairmanship of the Prytanes and the custody of the keys and seals, with an honorary precedence. At the same time the functions of the other Proedri seem to have been enlarged, so that they were in some way the "assessors" of their chief (Benseler, on Demosth. *c. Timocr.* p. 706, § 21),—his *bureau*, as Perrot calls them (*Essai*, p. 40). Some writers suppose that the nine Proedri were now first instituted; but it is altogether more probable that they were coeval with the division of the senate into Prytanies, and that their attendance had always been "necessary to constitute a valid meeting, and to ensure a constant representation of the collective people" (Grote, *l. c.*). Without pressing too for the comparison of the Roman constitutional forms, we may point to the thirty Curies which continued to be represented, if it were only by lictors, down to the latest times of the republic.

The true explanation of the functions of the Proedri and Epistatae is a comparatively recent discovery, which has only gradually won its way to general acceptance; and the traditional account, still to be found in works of great authority, must here be noticed. According to this, ten Proedri at a time were chosen from the Prytanes for seven days, and from among them the Epistates; so that there were two bodies of Proedri, each with its own Epistates, one of ten from the presiding tribe, another of nine from the non-presiding. This view may be read in most histories of Greece, as well as in the older works on antiquities, and was taught by Meier and Schömann in their earlier writings, and by K. F. Hermann in the early editions of his *Staatsalterthümer*. But in reality, besides being cumbrous to a degree of improbability, it has very slight authority in ancient writers, the principal being the Scholiast on Aeschines (*Ctes.* § 39) and the author of the Second Argument to Demosthenes *against Androtion* (not Libanius, but a later and inferior grammarian); and the three eminent scholars just named all lived to correct their published opinions. The first approach to a juster criticism was made by K. F. Hermann himself, in an anonymous pamphlet entitled *Epicrisis quaestionis de Proedris apud Athenienses*, Göttingen, 1843; he was followed by Westermann *ap.* Pauly, vi. *s. v.* Senatus, 1852, and by Meier, in a tract *de Epistatis Atheniensibus* prefixed to the summer programme of lectures at Halle, 1855. To these may be added, in proof of the unanimity with which the correction has been accepted by recent scholars, Schömann (*Antiq.* p. 377), Perrot (*Essai sur le Droit Public d'Athènes*, 1869), and Caillemer (*ap.* Daremberg and Saglio, *s. v.* Boulé). The clear and concise statement of Pollux (viii. 96) may be cited as very much to the point: *ὅταν οἱ πρυτάνεις τὸν δῆμον ἢ τὴν βουλὴν συνάγωσιν, οὗτος* (*i.e.* *ὁ ἐπιστάτης τῶν πρυτανέων*) *ἐξ ἑκάστης φυλῆς πρόεδρον ἕνα κληροῖ, μόνον τὴν πρυτανεύουσαν ἀφιείς.* Nor do Harpocration, Suidas, or any of the better grammarians know anything of a double set of Proedri, though some, including Pollux himself, recognise only one Epistates. In the confusion between the two officers, each bearing the name of Epistates, we have, as the present writer has pointed out elsewhere, the probable origin of the mistake: "It is easy to see that when the *ἐπιστάτης τῶν προέδρων* (Aeschin. *Ctes.* § 39) had become confused with the *ἐπιστάτης τῶν πρυτανέων* or Epistates properly so called, the result would be (1) the notion of 10 proedri as a subdivision of the 50 prytanes; (2) when it was discovered that the proedri must be distinct from the prytanes, as representing the other nine (non-presiding) tribes, the further notion that there were two distinct sets of proedri" (Note on Demosth. *c. Timocr.* p. 706, § 21).

Other officers of the senate were the secretaries (*γραμματεῖς*), of whom there were several. We find, in the first place, one who was appointed for each prytany by lot from among the Prytanes, and whose duty it was to prepare all the acts passed by the senate: this is the *γραμματεὺς ὁ κατὰ πρυτανείαν*, and the one whose name was prefixed to decrees in the formula *ὁ δεῖνα ἐγραμμάτευε* [Ecclesia]. A second secretary was elected by the senate itself on a show of hands, and apparently not for a single prytany only, but for the whole year: he is called in inscriptions *γραμματεὺς τῶν βουλευτῶν*, and by Pollux *ἕτερος ἐπὶ τοὺς νόμους ὑπὸ τῆς βουλῆς χειροτονούμενος*. Among his functions Schömann reckons the custody of the public archives (*Antiq.* p. 378); but Pollux expressly assigns them to the first secretary, and is followed by Boeckh (*P. E.* p. 186). The third secretary was elected by the people, and called *γραμματεὺς τῆς πόλεως* (Thucyd. vii. 10) or *τῆς βουλῆς καὶ τοῦ δήμου* (Inscrr.); his chief duty was to read out documents both in the senate and in the popular assembly. There were also under-secretaries (*ὑπογραμματεῖς*), concerning whom no trustworthy details have come down to us. Of more importance was the *ἀντιγραφεὺς τῆς βουλῆς*, one of the two controllers of accounts who were great public officers, and described under Antigrapheis (Pollux, viii. 98; Boeckh, *P. E.* p. 186; Schömann, *Antiq.* p. 378).

We now proceed to speak of the duties of the senate as a body. It is observed under Areiopagus that the chief object of Solon in remodelling the senate and the Areiopagus was to control the democratical powers of the state. For this purpose he ordained that the senate should discuss and vote upon all matters before they were submitted to the assembly, so that nothing could be laid before the people on which the senate had not come to a previous decision. This decision, or bill, was called *Probouleuma* (*προβούλευμα*); and if the assembly had been obliged either to acquiesce in any such proposition, or to gain the consent of the senate to their modification of it, the assembly and the senate would then have been almost equal powers in the state. But besides the option of adopting or rejecting a Probouleuma, the people possessed and exercised the power of coming to a decision completely different from the will of the senate. Every one possessing the right to speak (*ὁ βουλόμενος, οἷς ἔξεστι*) had also the right of proposing motions [Ecclesia]. The motion might be an amendment to the Probouleuma, involving an extension or modification of it, and not merely a simple negative. Legally, however, a motion could be made only about such matters as had previously been dealt with in the senate and had formed the subject of a Probouleuma. As regards other matters the motion could consist only in a demand to the senate to discuss these, and draw up a Probouleuma relative to them, which was then to be laid before the assembly. It is clear, however, that this restriction was sometimes dispensed with in practice, and that *ἀπροβούλευτα*, or matters not previously referred to the senate, were not unfrequently put to the vote; especially when, as in the case of a compliment to the senate itself, the obtaining of its consent must have been a mere form (Demosth. *c. Androt.* pp. 594–5, §§ 5, 6).

If a private person had anything to bring before the public, it was first necessary for the party to obtain, by written petition, the privilege of access to the senate (*πρόσοδον γράψασθαι*) and leave to propose his motion; and if the measure met with their approbation, he could then submit it to the assembly (Demosth. *c. Timocr.* p. 715, § 48; Isocr. *Areop.* §§ 16, 84). Proposals of this kind, which had the sanction of the senate, were also called *προβουλεύματα*, and frequently related to the conferring of some particular honour or privilege upon an individual. Thus the proposal of Ctesiphon for crowning Demosthenes is so styled, as also that of Aristocrates for conferring extraordinary privileges on Charidemus, an Athenian commander in Thrace. Any measure of this sort, which was thus approved of by the senate, was then submitted to the people, and by them simply adopted or rejected; and "it is in these and similar cases, that the statement of the grammarians is true, that no law or measure could be presented for ratification by the people without the previous approbation of the senate, by which it assumed the form of a decree passed by that body" (Schömann, *Assemblies*, p. 98).

When a Probouleuma came before the people it was read out by the *γραμματεὺς* (the third of those mentioned above), and the preliminary question was then put, whether the people agreed with it or desired to have the matter subjected to further discussion. The show of hands on this previous question was called *προχειροτονία* (Demosth. *c. Timocr.* p. 703, § 11). The subsequent stages of the discussion, and the forms in which the decrees (*ψηφίσματα*) of the people were drawn up at different times, are described under ECCLESIA. The *προβουλεύματα* could only be brought before the popular assembly by the same senate that had drawn them up; their validity expired with its year of office. Hence when the matters to which they related could not be suffered to drop, a fresh beginning before the next year's senate and a new *προβούλευμα* became requisite. Other resolutions (*ψηφίσματα*) of the senate which did not belong to the class of *προβουλεύματα*, but had reference to public business within the competence of its administrative powers, and mostly requiring to be carried out at once, in like manner became invalid at the end of the year, unless re-enacted by the incoming senate. (Demosth. *c. Aristocr.* p. 651, § 92; Schömann, *Antiq.* p. 375).

The political powers of the senate were strictly limited. In the more important matters, and especially in foreign affairs, it had the right of initiating a policy, but not of finally deciding on the course to be pursued. Since, however, the senators were convened by the Prytanes every day, except on festivals or *ἀφετοι ἡμέραι* (Pollux, viii. 95), it is obvious that they would be fit recipients of any intelligence affecting the interests of the state, and it is admitted that they had the right of proposing any measure to meet the emergency; for example, we find that Demosthenes gives them an account of the conduct of Aeschines and himself, when sent out as ambassadors to Philip, in consequence of which they propose a bill to the people (Demosth. *Fals. Leg.* p. 346, § 17 = 19). Again, when Philip seized on Elateia (B.C. 338), the senate was immediately called together by the Prytanes to determine what was best to be done (Demosth. *de Cor.* p. 284, § 169). But, besides possessing the initiatory power of which we have spoken, the senate was sometimes delegated by the people to determine absolutely about particular matters, without reference to the assembly. Thus we are told (Demosth. *Fals. Leg.* p. 389, § 154 = 170) that the people gave the senate power to decide about sending ambassadors to Philip; and Andocides (*de Myst.* § 15) informs us that the senate was invested with absolute authority (*ἦν γὰρ αὐτοκράτωρ*) to investigate the outrages committed upon the statues of Hermes, previously to the sailing of the Sicilian expedition.

But in some departments of state, especially the financial, naval, and military, the senate was entrusted with large administrative powers. The farming of the public revenues, the receipt of tenders for public works, the sale of confiscated properties and the like were carried out by the *πωληταὶ* [POLETAE] under the superintendence and subject to the ratification of the senate. The farmers of the taxes (*τελῶναι*), the lessees of the leasable revenues, *i.e.* public lands and especially mines (*οἱ μισθούμενοι*, Demosth. *c. Timocr.* §§ 40, 59), the tax-collectors (*ἐκλογεῖς, ἐκλέγοντες*), and the sureties which all these classes of persons were required to furnish (*οἱ ἐγγυώμενοι, οἱ τούτων ἐγγυηταί*, Demosth. *ll. cc.*) might all be imprisoned if their payments were in arrear, or even as a precaution if default was to be feared; and this discretionary power is assigned to the senate by Schömann (*Antiq.* pp. 372, 451) and Boeckh (*P. E.* pp. 338, 340), though some passages of Demosthenes rather imply that it was vested in the law-courts (*c. Timocr.* p. 700, § 2, and elsewhere). In the presence and under the control of the senate, the *ἀποδέκται* [APODECTAE] made their payments into the different treasuries; the treasurers of the Acropolis (*ταμίαι τῆς θεοῦ*) and of other temples received from their predecessors and delivered to their successors, according to an inventory, the money and valuables under their protection. "The senate arranged also the application of the public money, even in trifling matters, such as the salary of the poets; the superintendence of the cavalry paid by the state, and the examination of the infirm (*ἀδύνατοι*) supported by the state, are particularly mentioned among its duties; the public debts were also paid under its direction. From this enumeration we are justified in inferring that all questions of finance were confided to its supreme regulation" (Boeckh, *P. E.* p. 154). Another very important duty of the senators was to take care that a certain number of triremes was built every year (Demosth. *c. Androt.* §§ 8, 17, &c.). To meet special expenses connected with the dignity of the senate, as for instance the sacrifices offered on behalf of its deliberations, it had a special treasury under a treasurer chosen by the Prytanes from their own number. The *ταμίας τῶν τριηροποιῶν* is mentioned by Demosthenes (*op. cit.* § 17) as an officer for whom the senate was responsible; but the exact mode of his appointment is nowhere stated. In general the fleet and all matters relating to the maritime empire of Athens were under the special control of the senate. It was bound to see that there was no want of the necessary stores, and in time of war to lend its aid in rapidly fitting out the ships; while it stimulated the zeal of the trierarchs by the prospect of a reward, the trierarchic crown

(Schömann, *Antiq.* p. 375; Boeckh, *Seeurkunde*, pp. 59, 63; Dem. *de Cor. Trierarch. passim;* cf. EPIMELETAE, No. 5). The cavalry, again, which was kept embodied, and was exercised during peace as well as in war, was under its special supervision. It was bound to inspect these troops from time to time, and to provide for their pay, called *κατάστασις* (Boeckh, *P. E.* p. 250; Lys. *pro Mantith.* [*Or.* 16], §§ 6, 7; Harpocrat., Suid., Phot., *s. v.* *κατάστασις*). Finally, in raising levies of men for war, a process undertaken in each deme independently, the senators might be ordered by decree of the people to assist the demarchs in making out the *κατάλογοι* or lists for service (Demosth. *c. Polycl.* p. 1208, § 6).

The senate had also its judicial functions, the most important of which was to receive *εἰσαγγελίαι*, or informations of extraordinary crimes for which there was no special law provided [EISANGELIA]. The senate in such cases either decided themselves or referred the case to a dicastery, especially if they thought it required a higher penalty than it was competent for them to impose, viz. a fine of 500 drachmas (Dem. *c. Everg. et Mnes.*, p. 1152, § 43). It was also their duty to decide on the qualification of magistrates, and the character of members of their own body; the nine archons, in particular, being subjected to a double *δοκιμασία* and *εὔθυναι*, one from the senate and the other from the law-courts. In all these matters the senate, as the executive body, was itself responsible (*ὑπεύθυνος*) to the Demos or sovereign people.

The meetings of the senate were, as we learn from various passages of the Attic orators, open to strangers; thus Demosthenes (*de Fals. Leg.* p. 346, § 17=19) says that the senate-house was, on a particular occasion, full of strangers (*μεστὸν ἦν ἰδιωτῶν*): in Aeschines (*c. Ctes.* § 125) we read of a motion "that strangers do withdraw" (*μεταστησάμενος τοὺς ἰδιώτας*). To enforce these regulations they had at their disposal the services of the policemen, the so-called *Σκύθαι* or *τοξόται*, who were under the orders of the Prytanes [DEMOSII]. On some occasions private persons were invited by a special decree to come forward and give advice to the senate. The senate-house, situated in the Agora, was called *βουλευτήριον*, and contained two chapels (*ἱερὰ*), one of *Ζεὺς βουλαῖος*, another of *Ἀθηνᾶ βουλαία*, in which it was customary for the senators to offer up certain prayers before proceeding to business (Antiph. *de Choreut.* § 45). We read also of *Ἑστία βουλαία*, whose altar stood in the senate-house (Harpocrat. *s. v.* *βουλαία*), and *Ἄρτεμις βουλαία* (*C. I. G.* 112, 8; 113, 15) as among the gods thus invoked. A signal, probably a flag, was hoisted over the *βουλευτήριον* except on the few holidays; and when the sitting was about to begin, the members were summoned to enter by a herald: the flag was then struck (Andoc. *de Myst.* § 36). The right to receive the drachma for attendance, already mentioned, was checked by a ticket (*σύμβολον*), consisting of a small piece of stamped lead, such as was also used at the theatres, given to each senator on his entrance. Several varieties of these tickets are preserved in museums: the bouleutic are identified by the legend ΒΟΛΗ, *i.e.* *βουλή*, or ΒΦ, *i.e.* *βουλὴ τῶν πεντακοσίων*, and have been described in two recent monographs (Dumont, *de plumbeis apud Graecos tesseris*, 1870; Benndorff, *Beiträge zur Kenntniss des Attischen Theaters*, 1875, p. 62). It is tolerably certain that late comers, after the flag was struck, lost their drachma for the day: Schömann also thinks (*Antiq.* p. 378) that they forfeited their seat; but against this is the curious provision of the oath, quoted by Schömann himself, that they would keep the place assigned them by lot (*καθεδεῖσθαι ἐν τῷ γράμματι ᾧ ἂν λάχωσι*, Philochorus *ap.* Schol. Aristoph. *Plut.* 973; ascribed to the year B.C. 410, the archonship of Glaucippus).

The Prytanes also had a building to hold their meetings in, sometimes called the prytaneum (*πρυτανεῖον*), but more usually *θόλος*, the "Dome" or "Rotunda," from its shape. This must not be confounded with the more ancient prytaneum proper [PRYTANEION]. It was situated near the senate-house, so that the Prytanes could without inconvenience betake themselves from it to the full meetings of the senate. Before and after these meetings, however, they were present in the *θόλος* for the whole day, and also took their meals there, at a common table and at the public expense, with some other public officers, and with the privileged persons called *ἀείσιτοι* (Dem. *de F. L.* p. 419, § 249=279; p. 442, § 314=361). Thucydides tells us (ii. 15) that before the time of Theseus every Attic city had its *βουλευτήριον* and *πρυτανεῖον*: but this is only another way of saying that in pre-historic Attica there were other "cities" besides Athens; in his time the possession of a *βουλευτήριον* and a *πρυτανεῖον* had become essential to the Greek idea of a *πόλις*.

The number of tribes at Athens did not always remain at ten; an alteration took place in B.C. 306, when Demetrius Poliorcetes had liberated the city from the usurpation of Cassander. Two were then added, and called Demetrias and Antigonis, in honour of Demetrius and his father: later sycophancy changed the names to Ptolemais and Attalis, in compliment to kings of Egypt and Pergamus. The senate was now increased to 600 members, and the prytanies shortened accordingly; but when in the time of Hadrian a thirteenth tribe was added, the number of senators was again reduced to 500. The Athenians kept up the show of their former institutions down to the latest times of the Roman empire; cf. ARCHON. (Schömann, *Assemblies*, 1819, *passim; Antiq. Juris Publici Graecorum*, 1838, pp. 210–218; *Antiquities*, Eng. Tr., 1880 (vol. i.), pp. 371–379; Hermann, *Staatsalterth.*, §§ 125–127; Perrot, *Essai sur le Droit Public d'Athènes*, 1869, pp. 10–36; Westermann *ap.* Pauly, s. v. *Senatus;* Caillemer *ap.* D. and S.) [R. W.] [W. W.]

BOULEU'SEOS GRAPHÉ (*βουλεύσεως γραφή*), an impeachment for conspiracy. *Βουλεύσεως*, being in this case the abbreviated form of *ἐπιβουλεύσεως*, is the name of two widely different actions at Attic law. I. The first was the accusation of conspiracy against life, and might be instituted by the person thereby attacked, if competent to bring an action; if otherwise, by his or her legal patron (*κύριος*). In case of the plot having succeeded, the deceased might be represented in the prosecution by near kinsmen (*οἱ ἐντὸς ἀνεψιότητος*), or, if they were incompetent, by the *κύριος*, as above mentioned (*Att. Proc.* p. 164, with Lipsius' note in the new ed.). The criminality of the accused was independent of the result of the conspiracy (Harpocrat.), and the penalty, upon conviction, was the same as that incurred by the actual murderers (Antiph. *Tetral.* iii. 2, § 5; Andoc. *de Myst.* § 94). Capital punishment was, however, not inflicted unless death followed; in the case of attempted murder, the penalty for βούλευσις was the same as that for τραῦμα ἐκ προνοίας, outlawry and confiscation. (See references under TRAUMATOS EK PRONOIAS GRAPHÉ.) The presidency of the court upon a trial of this kind, as in most δίκαι φονικαί, belonged to the king archon (*Att. Proc.* p. 312); and the court itself was composed of the Ephetae, sitting in the Palladium, according to Isaeus and Aristotle, as cited by Harpocration, who, however, also mentions that the Areiopagus is stated by Deinarchus to have been the proper tribunal. Various attempts have been made in recent times to reconcile these statements. Schömann conjectures that, if death ensued, the Areiopagus was the proper authority; in other cases the Palladium (*Antiq.* i. 469 n., E. T.). Sauppe suggests, as the ground of distinction, the presence or absence of premeditation (*Orat. Att.* ii. 235). Whether βούλευσις could exist without πρόνοια is a rather subtle question of Athenian law, which is usually marked by the absence of such refinements. In the speech of Antiphon *On the Choreutes* the prosecution contend that there has been βούλευσις on the part of the defendant (§ 16), while they admit that there has been no πρόνοια (§ 19); but Prof. Jebb has rightly pointed out that this is not the technical βούλευσις (= ἐπιβούλευσις) of Harpocration's βουλεύσεως γραφή (Jebb, *Att. Or.* i.62 n.). There can be little doubt that Caillemer (in Daremberg and Saglio) has justly concluded with Isaeus and Aristotle that all cases of βούλευσις were tried before the Ephetae in the Palladium; and Harpocration, as he suggests, may have mistaken the meaning of Deinarchus. To this it may be added that the *locus classicus* on the jurisdiction of the Areiopagus in cases of homicide, Demosth. *c. Aristocr.* pp. 641–3, §§ 65–70, makes no mention of βούλευσις. The latest writer on the subject, Lipsius (on *Att. Process*, n. 534), does not appear to us to have shaken this conclusion.

II. The other action βουλεύσεως was available when a person found himself wrongfully inscribed as a state debtor, against the person who had so inscribed him (ὅταν ἐγγεγραμμένος ὡς ὀφείλων τῷ δημοσίῳ αὐτὸς δικάσηταί τινι ὡς οὐ δικαίως αὐτὸν ἐγγεγραφότι, Harpocrat.). It was thus closely akin to the ψευδεγγραφῆς γραφή. The two are not clearly distinguished by the grammarians: and Pollux even alleges (viii. 43) that the two γραφαί were applicable to the same offence. On this point the explanation of Boeckh is now generally accepted. Whoever falsely declared that another had been registered was liable to the action for false registration (ψευδεγγραφῆς γραφή, or, in Suidas, ψευδέγγραφος δίκη), whether the plaintiff owed nothing, or less than the sum stated in the register. If, on the other hand, a man who had been a state debtor had paid all that was due, but his name was not erased, or having been erased was re-entered, the action for conspiracy (βουλεύσεως) applied. In both cases, if the plaintiff was successful, his name was erased, and the defendant became indebted to the state for an equal sum (Boeckh, *P. E.* p. 390, quoting for the substitution of the defendant's name the Demosthenic *c. Aristog.* i. p. 792, § 73). The vague language of the grammarian (δικάσηταί τινι) leaves a further question, against what class of persons these two actions would lie. Meier suggests that a magistrate who had so offended would probably be proceeded against at the εὔθυναι or ἐπιχειροτονία, the two occasions on which the public conduct of magistrates was examined; so that generally the defendant in this action would be a private citizen who had directed such an insertion at his own peril (*Att. Process*, p. 339). The conclusion of Müller (in Pauly) and Caillemer (in D. and S.) is more in accordance with the usual practice of the Athenians: that these actions lay only against the public treasurer; that he was responsible for the entries he made on information from others; that if cast in a suit of this description, he would have to seek his remedy by δίκη βλάβης or ψευδομαρτυριῶν against those who had misled him. Another doubtful point is, whether the disfranchisement (ἀτιμία) of the plaintiff as a state debtor was in abeyance while this action was pending. In two passages of the speech just referred to, it is first stated as a fact (*c. Aristog.* i. p. 778, § 28), and then argued as a point of law (*ib.* pp. 791–2, §§ 71–73) that it was not. Boeckh suggests (note in *Att. Process*, p. 340) that there was probably ἄδεια for the complainant, as otherwise the law would sophistically shut a man's mouth while requiring him to prove his innocence. He may, however, if still ἄτιμος, have been allowed to plead his cause through an advocate (συνήγορος). Both γραφαί, βουλεύσεως and ψευδεγγραφῆς, were brought before the Thesmothetae.

[J. S. M.] [W. W.]

BOULEUTE'RION. [BOULÉ.]

BRACAE (ἀναξυρίδες, θύλακοι), trowsers, pantaloons. These, as well as various other articles of armour and of dress [ACINACES, ARCUS, ARMILLA], were common to all the nations which encircled the Greek and Roman population, extending from the Indian to the Atlantic ocean. Hence Aristagoras, king of Miletus, in his interview with Cleomenes, king of Sparta, described the attire of the barbarians in these terms: "They carry bows and a short spear, and go to battle in trowsers and with hats upon their heads." (Herod. v. 49.) Hence also the phrase *Bracati militis arcus*, signifying that those who wore trowsers were in general armed with the bow. (Propert. iii. 3, 17. Cf. Eur. *Cycl.* 182; Cic. *Fam.* ix. 15, 2, *in Pis.* 23, § 53; Verg. *Aen.* xi. 777; Ov. *Trist.* iv. 6, 47, v. 7, 49, 10, 34; Juv. viii. 254.) In particular, we are informed of the use of trowsers or pantaloons among the following nations:—The Medes and Persians; the Parthians; the Phrygians; the Sacae; the Sarmatae; the Dacians and Getae; the Teutones; the Belgae; the Britons; and the Gauls.

The Latin word *bracae* of Celtic origin is connected with the Scottish "breeks" and the English "breeches." Corresponding terms are used in all the Northern languages. Also the Cossack and Persian trowsers of the present day differ in no material respect from those which were anciently worn in the same countries. In ancient monuments we find the above-mentioned people constantly exhibited in trowsers, thus clearly distinguishing them from Greeks and Romans. An example is seen in the annexed group of

Bracae worn by Sarmatians. (Column of Trajan.)

Sarmatians, taken from the Column of Trajan, wearing the loose trowsers (*bracac laxae*) which the Greeks called *θύλακοι*, and another example is given of a Scythian under ARCUS, p. 170 b.

Bracae worn by Persian prince. (Mosaic found at Pompeii.)

The tighter form of *ἀναξυρίδες* is exemplified in the annexed figure of a Persian prince at the battle of Issus, from the mosaic at Pompeii.

The reason for this distinction is to be found in the necessities of climate. Thus Roman soldiers fighting in the north of Europe were obliged to assume this barbarian garment, and we see the Roman soldiers and officers engaged in the wars on the Danube represented on the Column of Trajan as wearing short *bracac*. In the cut given in the next column, they are supported by a sash round the waist. In the reliefs on Constantine's arch which date from that emperor's own times, we see the Roman soldiers wearing trowsers exactly like those of the Sarmatians figured above. At first however, on quitting these northern countries, the Romans gladly abandoned the *bracae*, and Caecina (A.D. 69) gave great offence on his march into Italy by wearing what was regarded as a *tegmen barbarum* (Tac. *Hist.* ii. 20). But in the second century they appear to have been worn at Rome, although the use of them in the city was forbidden by Honorius (A.D. 397; Cod. Theod. xiv. 10, 3; Lamprid. *Alex. Sever.* 40).

Trowsers were principally woollen; but Agathias states (*Hist.* ii. 5) that in Europe they were also made of linen and of leather; probably the Asiatics made them of cotton and of silk. Sometimes they were embroidered (*pictae*, Val. Fl. vi. 227) as in the figure of the Persian prince above, or striped (*virgatae*, Propert. iv. 11, 43) and ornamented with a woof of various colours (*ποικίλαι*, Xen. *Anab.* i. 5, § 8; Eur. *l. c.*). The Greeks seem never to have worn them. In the next century, however, they gradually came into use at Rome; but they would appear never to have been generally worn. It is recorded of Alexander Severus that he wore white *bracae*, and not crimson ones (*coccineae*), as had been the custom with preceding emperors.

Bracae worn by Roman soldier. (Trajan's Column.)

Mela (ii. 1) describes the Satarchae as *bracati totum corpus*, by which phrase he seems to indicate a single garment which served for a jacket to the body as well as trowsers for the legs. The Amazons are often represented as wearing such a dress (Winckelmann, *Mon. Ined.* 149).

Gallia bracata was a name given to what afterwards became *Gallia Narbonensis*, because the inhabitants wore *bracae* (Mel. ii. 59; Plin. *H. N.* iii. § 31); and *bracatus* as opposed to *togatus* often expresses the distinction between *Gallia transalpina* and the countries east of the Alps.

Bracarius, properly a breeches-maker (Lampr. *Alex. Sev.* 24) came to be used for a tailor in general (Diocl. *Edict.* vii. 42). [J. Y.] [J. H. F.]

BRACCHIA'LE (*περιβραχιόνιον*, *περικάρπιον*). The *βραχίων* was the upper arm from the elbow to the shoulder (Poll. ii. 138; Curtius, *Gr. Etym.* p. 292); so the *περιβραχιόνιον* (or *ὄκκαβος*, see Hesych. *s. v.*) was an armlet used on the upper arm, while *περικάρπιον* was used on the wrist as a bracelet. In later Greek we find *βραχιόλιον* (Theophanes, 225, 11), *βραχίολος*, and *βραχιόνιον* used for bracchiale, and Suidas explains *χλιδόνας* as *κοσμοὺς περὶ τοὺς βραχίονας, βραχιόλια.* But *bracchium* was strictly the lower arm from the wrist to the elbow, though more usually used for the whole arm from wrist to shoulder. Hence bracchiale (from which is derived *bracelet*), itself a species of ARMILLA, is used as a generic term for armlet, as is also *spatalium* (Plin. *H. N.* xiii. § 142; Tert. *de cult. fem.* ii. 13), comprising *spinter*, which was applied to an armlet worn on the left arm (Festus, *s. v.*), and *dextrale* or *dextrochirium* (Capit. *Maximin.* 6, 8) an armlet worn on the right arm (Marquardt, *Privatl.* 684). Where a distinction is drawn between bracchiale and dextrochirium, as in Arculfus (*ap.* Ducange, s. v. *Bracchiale*), the latter is a bracelet worn on the wrist, the former an armlet worn on the upper arm (*superbracchia*). The wearing of *bracchialia* was an un-Roman and pagan custom (Ambros. *Ep.* i. 10, 9). For the various shapes of armlets and bracelets (ὄφεις, ἐχῖνοι, &c.), see ARMILLA. They were fastened with a clasp (copula), which was sometimes set with jewels (Capit. *Maximin.* 27, 8). We find bracchialia of gold (Tert. *de cult. fem.* ii. 2) and silver (Plin. *H. N.* xxviii. §§ 82, 83). [L. C. P.]

BRASIDEIA (Βρασίδεια), a festival celebrated at Sparta in honour of their great general Brasidas, who, after his death, in B.C. 422, received the honours of a hero. (Paus. iii. 14, § 1; Aristot. *Eth. Nic.* v. 7.) It was held every year with orations and contests, in which none but Spartans were allowed to partake.

Brasideia were also celebrated at Amphipolis, which, though a colony of Athens, transferred the honour of κτίστης from Hagnon to Brasidas, who was buried there, and paid him heroic honours by an annual festival with sacrifices and contests. (Thucyd. v. 11.) [L. S.]

BRAT'TEA (not Bractea: see Lachmann on Lucr. iv. 727), a finely beaten-out plate of metal, especially gold (Lucr. *l. c.*; Verg. *Aen.* vi. 209). Thicker plates were called *laminae* (Isid. *Orig.* xvi. 8, 2). Martial (viii. 33, 11) also calls brattea, owing to its fineness, *sputum.* Such plates were fastened on objects as ornaments, and this was a proceeding as old as the Phoenicians (Curtius, *Hist. of Greece*, i. 143, 145, Eng. trans.), and is alluded to in Homer (περιχεύας, *Od.* iii. 384). The Latin term for fastening on these plates is *imbratteare* (Amm. Marc. xiv. 6, 8). It was still in practice in the time of Sidonius Apollinaris (*Ep.* viii. 8 *fin.*), where see Savaro's note. The gold-beater is *brattearius* or *bratteator* (Orelli, 4153; Firmic. viii. 16, iv. 15) or *tritor* (Henzen, 7281). The fastener is *inaurator* (Orelli, 4201); or if both functions were performed by the same man, *bratteator inaurator* (Orelli, 4067). In Cod. Just. x. 64, 1, *bratteatores* is explained by πεταλουργοί. Pliny (*H. N.* xxxiii. § 61) tells us that from an ounce of gold 750 plates, each four fingers square, could be beaten. The process of beating was called *bratteam exprimere* (Tert. *de Idol.* 8). The thicker plates were called *bratteae Praenestinae*, the finest *bratteae quaestoriae* (Plin. *l. c.*). These plates were used for adorning statues (Juv. xiii. 152; cf. Pers. ii. 55), sedan-chairs (Sidon. Apoll. *l. c.*), furniture (Mart. viii. 33, 5, 6), walls and ceilings (Senec. *Epist.* 115, § 9; cf. Marquardt, *Privatl.* 700, note 15), and garments (χρυσόπαστοι, Ath. xii. 535–6). On the latter were fastened gold ornaments representing animals (ζωωτὸς χιτών, Ath. v. 197 e), flowers, stars, &c. (Poll. x. 43; cf. Suet. *Nero*, 35). The Romans called such *vestes auratae* (Ov. *Met.* viii. 448) or *sigillatae* (Trebell. *Trig. Tyr.* 16, 1). Compare on the whole Vopiscus, *Aurelian*, 46, 1, and the long notes of Salmasius. *Bratteae* were also used when stamped or embossed as ornaments and amulets, and many such are found in tombs. (See Saglio in *Dict. des Antiquités*, s. v.; Mayor on Juv. xiii. 152.)

For *nummi bratteati*, see Eckhel, *Doctr. Nummorum*, i. p. 115. [L. C. P.]

BRAURO'NIA (βραυρώνια), a festival celebrated in honour of Artemis Brauronia, in the Attic town of Brauron (Herod. vi. 138), where, according to Pausanias (i. 23, § 9; 33, § 1; iii. 16, § 6; viii. 46, § 2), Orestes and Iphigeneia, on their return from Tauris, were supposed by the Athenians to have landed, and left the statue of the Taurian goddess. (See Müller, *Dor.* i. 9, §§ 5 and 6.) It was held every fifth year, under the superintendence of ten ἱεροποιοί (Pollux, viii. 9, 31); and the chief solemnity consisted in the circumstance that the Attic girls between the ages of five and ten years, dressed in crocus-coloured garments, went in solemn procession to the sanctuary (Suidas, *s. v.* Ἄρκτος; Schol. on Aristoph. *Lysistr.* 646), where they were consecrated to the goddess. During this act the ἱεροποιοὶ sacrificed a goat, and the girls performed a propitiatory rite in which they imitated bears. This rite may have arisen simply from the circumstance that the bear was sacred to Artemis, especially in Arcadia (Müller, *Dor.* ii. 9, § 3); but a tradition preserved in Suidas (*s. v.* Ἄρκτος) relates its origin as follows:—In the Attic town of Phanidae a bear was kept, which was so tame that it was allowed to go about quite freely, and received its food from and among men. One day a girl ventured to play with it, and, on treating the animal rather harshly, it turned round and tore her to pieces. Her brothers, enraged at this, went out and killed the bear. The Athenians now were visited by a plague; and when they consulted the oracle, the answer was given that they would get rid of the evil which had befallen them if they would compel some of their citizens to make their daughters propitiate Artemis by a rite called ἀρκτεύειν, for the crime committed against the animal sacred to the goddess. The command was more than obeyed; for the Athenians decreed that from thenceforth all women, before they could marry, should have taken part once in this festival, and have been consecrated to the goddess. Hence the girls themselves were called ἄρκτοι, the consecration ἀρκτεία, the act of consecrating ἀρκτεύειν, and to celebrate the festival ἀρκτεύεσθαι. (Hesych. and Harpocrat. *s. v.*; Schol. on Aristoph. *l. c.*) But as the girls when they celebrated this festival were nearly ten years old, the verb δεκατεύειν was sometimes used instead of ἀρκτεύειν. (Comp. C. F. Hermann, *Gottesd. Alterth.* § 62, note 9.)

There was also a quinquennial festival called Brauronia, which was celebrated by men and dissolute women, at Brauron, in honour of Dionysus. (Aristoph. *Pax*, 870, with the note of the Scholiast; and Suidas, *s. v.* Βραυρών.) Whether its celebration took place at the same time as that of Artemis Brauronia (as has been supposed by Müller, *Dor.* ii. 9, § 5, in a note, which has, however, been omitted in the English translation), must remain uncertain, although the very different characters of the two festivals incline us rather to believe that they were not celebrated at the same time. According to Hesychius, whose statement however is not supported by any ancient authority, the Iliad was recited at the Brauronian festival of Dionysus by rhapsodists. (Comp. Hemsterh. *ad Pollucem*, ix. 74; Welcker, *Der Epische Cyclus*, p. 391; A. Mommsen, *Heortologie*, p. 409 foll.) [L. S.]

BREVIA'RIUM ALARICIA'NUM or **BREVIA'RIUM.** Alaric, the second king of the Visigoths (A.D. 484–507), who reigned over part of Gaul and Spain, commissioned a body of jurists, no doubt Romans, to make a selection from Roman statute law and from the writings of Roman jurists which should form a code for the use of his Roman subjects. The code was completed in the twenty-second year of Alaric's reign (A.D. 506), and was then submitted to a council of bishops and nobles held at Aduris (Aire in Gascony), by which it was approved. The work was promulgated under the direction of Gojarich, the *comes palatii*, by the transmission of a certified copy of it to each *comes*. These copies were accompanied with a *commonitorium* or proclamation which explained the character of the work, and prohibited the use of any other law or legal form (*ut in foro tuo nulla alia lex neque juris formula proferri vel recipi praesumatur*).

The signature of Anianus, the *referendarius* of the king, was attached to each official copy for the purpose of giving it authenticity; a circumstance which has been so far misunderstood that Anianus has been considered by some critics as the compiler of the code, which has been called *Breviarium Aniani*. The name Breviarium Alaricianum or Breviarium does not appear before the 16th century, from which time it becomes common. The title given to the work in the *commonitorium* is *Codex de Theodosiani legibus atque sententiis juris vel diversis libris electus*. In some of the MSS. it is called Lex Theodosii, from the title of the first part of its contents; in others it is named, from its second part, *liber juris, liber legis doctorum, liber juridicus*. It is often described by the general title, Lex Romana. The following are the contents of the Breviarium, with their order in the code:—1. Codex Theodosianus, sixteen books. 2. Novellae of Theodosius II., Valentinian III., Marcian, Majorian, Severus. 3. The Institutes of Gaius, two books. 4. Pauli Receptae Sententiae, five books. 5. Codex Gregorianus, thirteen titles. 6. Codex Hermogenianus, two titles. 7. Papinianus, lib. i. Responsorum.

The code was thus composed of two kinds of materials,—imperial constitutions, which, both in the code itself and in the *commonitorium*, are called *leges*, and the writings of Roman jurists, which are called *jus*. Both the Codex Gregorianus and Hermogenianus being compilations, made without any legislative authority, are included under the head of *jus*. Except in the case of the Institutes of Gaius, the Breviarium is made up of extracts from the authorities enumerated above, and of an interpretation which explains the text and gives an account of amendments in the law relating to it. As a general rule the text of the passages selected was not altered. It is to be noticed that the compilers of the Breviarium made no use of the writings of some of the most eminent jurists. Thus there is no selection from the works of Ulpian, and only one short extract is taken from Papinian. The Institutes of Gaius are abridged or epitomised, and such alterations in the law as had taken place, or were considered necessary for the time, were introduced into the text. This part of the work, on account of its distinct character, has no interpretation attached to it. The epitome gives but a very imperfect account of the parts of Gaius which it was intended to be a summary of. Its value was much diminished by Niebuhr's discovery of the Institutes of Gaius at Verona in 1816.

The Breviarium contains several sources of Roman law which are otherwise almost entirely unknown, especially Paulus and the first five books of the Theodosian Code.

Numerous MSS. of the Breviarium are in existence. There are also MSS. of epitomes of the Breviarium, which were made in the Middle Ages. A complete edition of this code was published by Sichard in his *Codex Theodosianus*, Basileae, 1528. The entire code was not edited again till 1849, when the well-known standard edition by Haenel was published. (Puchta, *Cursus*, 1, § 137; Savigny, *Geschichte des Röm. Rechts im Mittelalter*, ii. c. 8; Rudorff, *Geschichte des Röm. Rechts*, 1, § 104; Danz, *Geschichte des Röm. Rechts*, 1, § 81; Huschke, *Jurisprudentiae Antejustinianae quae supersunt*; Julius Paulus.) [G. L.] [E. A. W.]

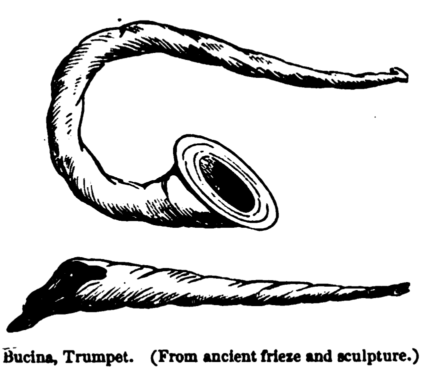
BRUTTIA'NI, slaves whose duty it was to wait on the Roman magistrates. They are said to have been originally taken from among the Bruttians, because this people continued from first to last faithful to Hannibal (P. Diac. *s. v. Bruttiani*; Gell. x. 3, § 19); and Strabo (v. extr.) says the same of the Lucanians and Picentes. But Niebuhr (*Hist. of Rome*, vol. iii. note 944) is disposed to think that these servants bore this name long before, since both Strabo (vi. 2, § 4) and Diodorus (xvi. 15) state that this word signified "revolted slaves" in the Lucanian language. (Mom. *Röm. Staatsr.* i. 260.) [W. S.] [W. W.]

BUC'CULA. [GALEA.]

BU'CINA (*βυκάνη*), a kind of horn-trumpet, originally made out of a shell, in which case it is often, especially in poetry, denoted by *concha*, Gk. *κόχλος* (Eur. *I. T.* 303; Theocr. xxii. 75; Mosch. ii. 120; Verg. *Aen.* vi. 171, x. 209; Ovid. *Metam.* i. 335), and was made not only from the *bucinum*, but from many other kinds of spiral shells. It is thus happily described by Ovid (*l. c.*):—

> "Cava bucina sumitur illi
> Tortilis, in latum quae turbine crescit ab imo,
> Bucina, quae medio concepit ubi aëra ponto,
> Litora voce replet sub utroque jacentia Phoebo."

The *bucina*, as seen in art, agrees closely with this description and also with the shape of the shell *bucinum*, and, like it, might almost be described from the above lines (in the language of conchologists) as spiral and gibbous. The two drawings in the annexed woodcut agree with this account. In the first, taken from a frieze (Burney's *History of Music*, vol. i. pl. 6), the *bucina* is curved for the convenience of the



Bucina, Trumpet. (From ancient frieze and sculpture.)

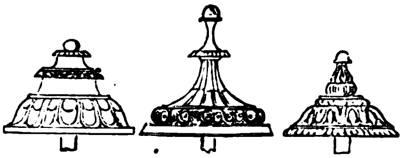
performer, with a very wide mouth, to diffuse and increase the sound. In the next, a copy of an ancient sculpture taken from Blanchini's work (*De Musicis Instrum. Veterum*, p. 15, pl. 2, 18), it still retains the original form of the shell.

Vegetius thus distinguishes the *bucina* and the *cornu*: "Bucina quae in semet aereo circulo flectitur; cornu quod ex uris agrestibus, argento nexum, temperatum arte spiritque canentis flatus emittit auditum." This distinction was not always observed (Verg. *Aen.* vii. 513 and 519), but the words may be taken as a definition of the later perfected musical instrument, carved from horn, or perhaps from wood or metal, to imitate a shell more or less closely. It is often given to Tritons (Macrob. i. 8) and wind-gods, and was employed by sailors, as in the accompanying woodcut from a terra-cotta lamp, representing a ship coming into port: the sailors are furling the sails, while the master announces their arrival by sounding a *bucina*. It was also used by ox-herds and swine-herds to gather their herds together (Varro, *R. R.* iii. 131; Colum. vi. 23, 3) and for many purposes in rural life (Theocr. ix. 27, xxii. 75; Prop. v. 10, 29; Verg. *Aen.* vii. 519; Cic. *Verr.* ii. 4, 96), especially to summon aid on a sudden alarm; to assemble the citizens to the *comitia* in early times (Prop. v. 1, 13; Curt. iii. 3, 8, although Varro, *L. L.* v. 91, says that the *cornu* or *lituus* was used for this purpose). In Greek art the *bucina* sometimes serves to distinguish barbarians from the Greeks, who are furnished with the σάλπιγξ (De Luynes, *Vases peints*, pl. 1; Gerhard, *Apul. Vasen*, pl. ii.). It was also employed in the Roman army, especially to mark the *vigiliae* or night-watches (Liv. vii. 35, xxvi. 15; Prop. v. 4, 63; Tac. *Ann.* xv. 30; Polyb. vi. 36, 5; Front. *Strat.* i. 5, 17), or to summon or give orders to the soldiers (Tac. *l. c.*; Veget. ii. 22, iii. 5; Polyb. xiv. 3). By the *bucina* was given to the soldiers the signal or class of signals peculiarly called *classicum* (Veget. ii. 22; Modest. 16). [CLASSICUM.] The performer on the *bucina* was called *bucinator*. [B. J.] [J. H. F.]

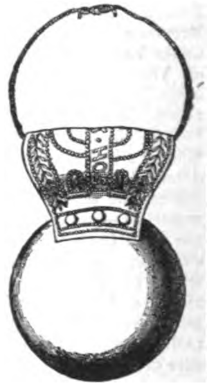

Bucina. (From a terra-cotta lamp.)

BULGA, a leathern bag or pouch, carried on the arm, and used as a purse (Lucil. and Varro *ap.* Non. p. 78; Festus, *s. v.*, who says that the word is Gallic). For a similar bag hung on the arm of a husbandman and containing seed (πήρα σπερμοφόρος, *Anth. P.* vi. 104), see *Mus. Borbonico*, xii. 47. [J. H. F.]

BULLA, a water bubble, and, from the resemblance in form, a boss, sometimes of ivory, but usually of metal, employed, like the ἧλοι of the Greeks, to adorn the sword-belt (*bullis asper balteus*, Sid. Apoll. *Carm.* 2), the military girdle (*aurea bullis cingula*, Verg. *Aen.* ix. 359), the sword (Hom. *Il.* xi. 29), the sceptre (*ib.* i. 246), a goblet (*ib.* xi. 633), a bronze chest (Niccolini, *Case di Pompei*, pl. xxxiii.), the panels of doors (Plaut. *As.* ii. 4, 20; Cic. *Verr.* ii. 4, 56, where we learn that the ivory doors of the temple of Athene at Syracuse were adorned with golden bosses). The magnificent bronze doors of the Pantheon at Rome are enriched with highly ornamental bosses, some of which are here shown. Petronius (*Sat.* 30) speaks of fortunate and unfortunate days being marked by such bosses.

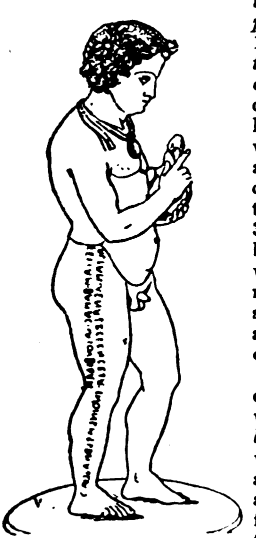

Bullae, or bosses on doors. (From the Pantheon.)

We most frequently read, however, of *bullae* as ornaments suspended from the neck, worn by children, and especially by the sons of the noble and wealthy. Hence the phrase *heres bullatus* in Juvenal (xiv. 4). These *bullae* were made of two concave plates of gold fastened together by a brace of the same material, so as to form a globe, within which an amulet was contained. Hence it is described as *bulla aurea.* (Macrob. *Sat.* i. 6, § 16; Plin. *H. N.* xxxiii. § 10; Fest. p. 36; Prop. v. 1, 131; Plaut. *Rud.* iv. 4, 126.)


Bulla. (From the Collection of Mr. Rogers; the gold cord added from a specimen in the British Museum.)

The use of the *bulla*, like that of the *praetexta*, was derived from the Etruscans, whence it is called by Juvenal (v. 164) *aurum Etruscum.* Both men and women are frequently represented in Etruscan art as wearing necklaces and bracelets formed of *bullae* (Micali, *Mon. di popoli ital.* pl. xliii. foll.), doubtless containing amulets [AMULETUM] and such *bullae* are preserved in museums. Plutarch (*Romul.* 25) says that they were first introduced into Rome by generals triumphing in imitation of Etruscan kings and Lucumones, while Pliny (*l. c.*) says that the custom of boys wearing them was originated by Tarquinius Priscus, who granted one to his son for slaying an enemy while still *praetextatus.* However, they were worn by the general at his triumph and by boys to avert evil influences (Macrob. *Sat.* i. 6, 9; Plin. xxxiii. § 84). [FASCINUM.] The *bulla* was originally worn only by the children of the patricians, but subsequently by all of free birth (Cic. *Verr.* i. 58, 152); while children of the libertini were only permitted to wear an ornament of the same kind made of leather (*nodus tantum et signum de paupere loro*, Juv. v. 165; *libertinis scortea*, Ascon. *ad Cic.* l. c.). [NODUS.] On coming of age it was laid aside, together with the *praetexta*, and was consecrated on this occasion to the Lares. (Pers. v. 31.) Examples of boys represented with the *bulla* are not unfrequent in statues, on tombs, and in other works of art.

The annexed woodcut represents a boy wearing a *bulla* (*bullatus*). The *bulla* was sometimes hung as an ornament and a charm on the forehead or round the neck of pet animals (Ovid. *Met.* x. 114). (Marquardt, *Röm. Alt.* vii. pp. 82, 182.) [J. Y.] [J. H. F.]



Boy wearing a Bulla. (Müller, *Denkmäler.*)

BURIS. [ARATRUM.]

BUSTUA'RII. [FUNUS.]

BUSTUM. [FUNUS.]

BUTY'RUM (*βούτυρον, βούτυρος*), butter, was only used by the Greeks and Romans as an unguent (Plin. *H. N.* xi. § 239) and a medicine (Id. xxviii. § 133; Galen, vi. p. 683 and xii. p. 274, Kuhn; Cels. iv. 15 and 18, v. 26; Marcell. *Empir.* ix. p. 81), while as a food they left it to the barbarians who had invented it. Thus Alexandrides (*ap.* Athen. iv. p. 131) speaks contemptuously of "butter-eating Thracians," and many writers note as something remarkable its use by Paeonians (Hecataeus, *ap.* Athen. iv. p. 447), Lusitanians (Strabo, iii. 3, 7), Aethiopians (Id. xvii. 2, 2), &c., showing by the curious phrase which they employ (*ἔλαιον ἀπὸ γάλακτος*), that the butter of the ancients was a liquid, as Pliny (*l. c.*) expressly tells us. [J. H. F.]

BUXUM (*πύξος*) properly means the wood of the box tree, but was given as a name to many things made of this wood. The tablets used for writing on, and covered with wax (*tabulae ceratae*), were usually made of this wood. Hence we read in Propertius (iii. 22, 8), "Vulgari buxo sordida cera fuit." These *tabellae* were sometimes called *cerata buxa*. In the same way the Greek *πυξίον, πυξίδιον*, formed from *πύξος*, "box-wood," came to be applied to any tablets, whether they were made of this wood or any other substance; in which sense the word occurs in the Septuagint (*τὰ πυξία τὰ λίθινα*, Exod. xxiv. 12; compare Is. xxx. 8; Hab. ii. 2). Tops were made of box-wood (*volubile buxum*, Verg. *Aen.* vii. 382; Pers. iii. 51); also all wind instruments, especially the flute (Ov. *Ex Pont.* i. 1, 45, *Met.* xii. 158, *Fast.* vi. 697; Verg. *Aen.* ix. 619); combs (whence Juv. xiv. 194, speaks of *caput intactum buxo*), and boxes (Luc. *Asin.* 14). [W. S.] [J. H. F.]

BYSSUS (*βύσσος*). It has been a subject of some dispute whether the byssus of the ancients was cotton or linen. Herodotus (ii. 86) says that the mummies were wrapped up in bandages of this material (*σινδόνος βυσσίνης τελαμῶσι*; cf. vii. 181), and an examination of mummy cloth with the microscope has shown it to be linen and not cotton cloth. Byssus in Herodotus therefore signified linen made from flax, and not cotton, which he calls *tree-wool* (*εἴριον* [Att. *ἔριον*] *ἀπὸ ξύλου*, iii. 47, 106, vii. 65). The robes of *byssus* mentioned by Aeschylus (*Sept. c. Theb.* 1039; *Pers.* 125) and Euripides (*Bacch.* 821) we may take to have been linen. In the same way linen is meant when we are told that the limbs of Osiris were wrapped in *byssina* (Diod. i. 85), that the image of Isis was covered with a black linen garment (Plut. *Is. et Osir.* 39), and that the great ship of Ptolemy Philopator had a sail of *byssus* (Athen. v. p. 206 c). But in some writers *byssus* is erroneously used to signify cotton (*τὴν δὲ βύσσον φύεσθαι δένδρον φασι*, Philostr. *Vit. Apoll.* 20), and Strabo even gives the name to silk, which he supposed to be a kind of cotton (*τὰ Σηρικά, ἔκ τινων φλοιῶν ξαινομένης βύσσου*, Strab. xv. p. 693). It seems in later writers to have signified a fine and costly texture, made generally of linen, but perhaps in some cases of very fine cotton. Simaetha in Theocr. ii. 73 goes sightseeing in a dress of *byssus* (*βύσσοιο καλὸν σύροισα χιτῶνα*); it is mentioned by Apuleius as a thin dress ("bysso tenui pertexta," *Met.* xi. c. 3); and it is spoken of in the Gospel of St. Luke (xvi. 19) as part of the dress of a rich man (cf. Rev. xviii. 12). Pliny (xix. § 21) speaks of it as a species of flax (*linum*), which served *mulierum maxime deliciis*, and was very expensive.

The word comes from the Hebrew *bûtz*, and the Greeks probably got it through the Phoenicians. Pausanias (vi. 26, § 4) distinguishes byssus from hemp (*καννάβις*) and flax (*λίνον*), and in another passage (v. 5, § 9) says that it was grown in Elis, being not inferior to that of the Hebrews in fineness, but not so yellow (*ξανθή*); and that the women in Patrae gained their livelihood by making headdresses (*κεκρύφαλοι*) and weaving cloth from it (vii. 21, § 7). Mr. Yates thinks that *λίνον* was the common flax, and that *βύσσος* was a finer variety, but the byssus in Elis may have been a species of cotton. (Yates, *Textrinum Antiq.*, p. 267.) [W. S.]

C, K.

CABEI'RIA (*καβείρια*), the mysteries of the Pelasgic (Herod. ii. 51) Cabeiri, were celebrated in the islands stretching from Euboea to the Hellespont, in the volcanic Lemnos (see the poet, probably Pindar, quoted in Hippol. *Ref. Haeres.* v. 7, p. 96), Imbros (Steph. Byz. *s. v.*), and most of all in Samothrace. We also find them on the adjacent coasts of Europe and Asia Minor (Strabo, x. p. 472), at Thebes and Andania in Greece (Preller, *Gr. Myth.* i. 707); and we even hear of their worship as being solemnised in an island near Britain (Strabo, iv. p. 198). Like the Eleusinia, an almost complete secrecy had been maintained as to the ceremonies and teaching of these mysteries. Yet we know the names of the gods; and from an examination of the various forms under which we find them, Lenormant has been able to discover what he calls a *Cabeiric group*. They are four in number, thus differing essentially from the Phoenician Kabirim, who, as their Semitic name shows, are also "great gods" (Preller, *Gr. Myth.* i. 696, note 1), but are eight in number, representing the planets and the universe formed from their union (Sanchoniathon, ed. Orelli, p. 38; Xenocr. *ap.* Clem. Alex. *Protr.* p. 58). The names of the Samothracian Cabeiri, as revealed by Mnaseas of Patara and Dionysodorus, two historians of the Alexandrine age, are Axieros (= Demeter), Axiokersa (= Persephone), Axiokersos (= Hades), Casmilos (= Hermes). See the Scholiast on Apoll. Rhod. i. 917. Sometimes the two goddesses blend in one, viz. Earth (Varro, *L. L.* v. 58; Orelli, *Inscr.* 1503); sometimes as Aphrodite and Venus (cf. the important triform statue in D. and S. i. 761); but to most of the Romans they represent Juno and Minerva (Varro, *ap.* Augustin. *de Civ. Dei*, vii. 18; Serv. on *Aen.* iii. 12). Axiokersos appears further as Zeus, Uranus, Jupiter, Apollo, Dionysus-Liber; and Casmilos as Mercurius or Eros (see the passages cited above). The group is a primal mother goddess, issue of whom are two divinities, a male and a female, from whom again springs a fourth, Casmilos, the orderer of the universe. For a full discussion of the varied evidence on which this grouping is made, the reader is referred to Lenormant in D. and S. i. 757 foll., and *Dict. of Gr. & Rom. Biogr. & Myth.*, s. v. *Cabeiri*. It is our business here to see what were the ceremonies and teaching of these mysteries.

Herodotus (*l. c.*) is the first historian who mentions them. Though known while Athens was flourishing (Aristoph. *Pax*, 277), yet it was not till Alexandrine times that they really became famous. During this period Samothrace was a sort of sacred island (Preller, *Gr. Myth.* i. 700); and it was so, too, under the Roman dominion, for the idea was prevalent that the Penates (Serv. on *Aen.* ii. 325, iii. 12, viii. 619) were identical with the gods of Samothrace. Legend told how that Dardanus, Eetion or Iasion, and Harmonia, wife of Cadmus, were children of Electra and Zeus; that Iasion was given the mysteries by Zeus, married Cybele, and begat Corybas; and after Iasion was received among the gods, Dardanus, Cybele, and Corybas brought the mysteries to Asia (Diod. v. 47–49). The legends vary in details, but almost all agree in making Dardanus and Iasion sons of Zeus and Electra, and connecting the Samothracian mysteries with them (Schol. on Apoll. Rhod. i. 917; Serv. on *Aen.* iii. 168). It is to be remarked in passing that, while the legends brought the mysteries from Samothrace to Asia, there can be hardly any doubt that the passage was the other way (cf. Strabo, x. p. 472); for the whole tenor of the worship is Asiatic. We have many inscriptions of Romans who were initiated (*C. I. L.* iii. 713–721), and we hear besides of other Romans of high position who were initiated, — Marcellus (Plut. *Marc.* 30), Voconius (Plut. *Lucull.* 13), and probably Cicero (*Nat. Deor.* i. 42, 119). Throughout the Roman period the Cabeiric mysteries were held in high estimation, second only to the Eleusinian (Aristid. *Panath.* 308, ed. Dindorf), and they were still in existence in the time of Libanius (*pro Aristoph.* 225 B, ed. Morell).

From the earliest times the Pelasgi are said to have sacrificed a tenth of their produce to the Cabeiri in order to be preserved from famine (Dion. Hal. i. 23). The chief priest was probably the *ἱεροφάντης* mentioned by Galen (vol. iii. 576, ed. Kühn); and the purifying priest *κόης* or *κοίης* (see Hesych. *s. v.* *κοίης*: cf. *κεῖα*). The *βασιλεὺς* of the inscriptions was the highest eponymous magistrate of Samothrace. As in all mysteries, the votary must be purified in body and mind before initiation: and thus we have some evidence of auricular confession (Plut. *Apophth. Lac.* pp. 217 D, 229 D). But, as far as we know, there was not any special preparatory intellectual training required. Women (Plut. *Alex.* 2) and children (Donat. on Ter. *Phorm.* i. 1, 15) appear to have been admitted as well as men. Of the religious ceremonies themselves we may say we know nothing. They consisted (and we readily believe it) of *δρώμενα καὶ λεγόμενα* (Galen, *l. c.*). We hear of dances by the *pii Samothraces* (Stat. *Achill.* ii. 159), and the priests who executed these dances were called Saoi (according to Lobeck's emendation of *suos* in Serv. on *Aen.* ii. 325: see *Aglaoph.* 1292) by a title belonging to Hermes of the Cabeiric group or his son (Nicand. *Ther.* 472, and Schol.). The Romans who traced their Penates to Samothrace referred their Salii to these Saoi (Serv. *l. c.*). There were two classes of votaries—the *μύσται* and the *μύσται εὐσεβεῖς*, *mystae pii*—the latter being apparently those initiated for the first time. In the Samothracian mysteries *sacra accipere* (*παραλαμβάνειν τὰ μυστήρια*), which is the regular phrase for primary initiation, seems to be applied to the higher grades. But the whole matter is quite obscure and unsettled. See Hirschfeld in Conze, *Untersuchungen auf Samothrake*, pp. 37–39.

The Scholiast on Apollonius Rhodius (*l. c.*) tells us that the initiated wore a purple band (*ταινία*) round their waist (this reminds us of the Brahminical thread); that Agamemnon quelled a mutiny of the Greeks by wearing one; and that Ulysses, who wore a fillet for the band (*τῷ κρηδέμνῳ ἀντὶ ταινίας*), was miraculously saved in shipwreck. Preservation in times of peril, and especially in perils on the sea (Schol. on Aristoph. *Pax*, 277; Diod. Sic. iv. 43), was the chief service that the Cabeiri were supposed to render to those who called on them by name, and none knew their names except the initiated (Serv. on *Aen.* iii. 12; Val. Fl. ii. 431: cf. Paus. ix. 25, 5–7; Diod. Sic. v. 47). It was the electric fires of the Cabeiri that, according to the legend, lighted on the heads of the Dioscuri during the Argonautic voyage. Diodorus further says, in the course of an important discussion on the Cabeiri (v. 47–49), that those who were initiated became more pious, more righteous, and in every respect better than they were before. On the basis of this Lenormant thinks it probable that the doctrine of rewards and punishments in a future life was inculcated, though with Lobeck (*Aglaoph.* 1288) we may well suppose that no more is necessarily implied than the impulse to virtue which is always united with religious emotion excited by impressive and gracious ceremonies (cf. Apoll. Rhod. i. 917: *δαέντες ἀρρήτους ἀγανῇσι τελεσφορίῃσι θέμιστας*).

The initiations at Samothrace took place at any time from May to September (see inscriptions), in this differing from the Eleusinian and more resembling the Orphic mysteries. There appears, however, to have been a specially great ceremony at the commencement of August which Voconius, when proceeding against Mithridates, attended (Plut. *Lucull.* 13).

From the manner in which Cicero speaks of the Samothracian mysteries (*Nat. Deor.* i. 42, 119) it is probable that he was initiated. He says of their ceremonies, "quibus explicatis ad rationemque revocatis, rerum magis natura cognoscitur quam deorum." And the Cabeiri themselves do appear to be symbols of the creation of the world. From the primeval mother emanate or differentiate themselves two elements, matter (earth) and force (especially fire, celestial and terrestrial). Indeed the name Cabeiri appears to mean "the Burners," from *καίειν* (see Welcker, *Die Aeschyl. Trilogie*, pp. 161, 211), and by the action of the former on the latter the ordered world is generated. The etymological identity of the Pelasgian with the Phoenician Cabeiri is doubted by Lenormant; the name of the latter is from a Semitic root which in Arabic appears as *kebir*, "great:" cf. Wad-el-Kebir = Guadalquivir, Tel-el-Kebir. Many hold that all the ceremonies of the Cabeiri, and those of the other mysteries, were pure inventions of the priests, nothing more than mere stories about gods. But here is not the place to discuss this, the great question of the mysteries —were they illusion or symbolism? The reader is referred to MYSTERIA.

For information on the Cabeiric mysteries, see Lobeck, *Aglaoph.* pp. 1202–1295; Schömann, *Griech. Alterth.* ii. 403–407; Preller, *Gr. Mythol.* i. 695–709; Welcker, *Gr. Götterlehre*, i. 328–333, iii. 173–189; and above all the article by Lenormant in Daremberg and Saglio, i. 757–774. [L. C. P.]

CAC'CABUS, less correctly CACABUS, a cooking-pot. The statement of Varro, *L. L.* v. 127, "vas ubi coquebant cibum, ab eo caccabum appellarunt," may be accepted in proof of the meaning of the word, however absurd as an etymology. The Greek forms *κακκάβη* and *κάκκαβος* both occur in the Comic Fragments, and the former is as old as Aristophanes (see Liddell and Scott's *Lexicon*, and compare Phrynichus, p. 427, Lobeck; p. 496, Rutherford).

The different processes of boiling and frying are not always clearly distinguished in the ancient kitchen (cf. SARTAGO; Mayor on Juv. x. 64; Mommsen-Marquardt, vii. 636). It seems certain, however, that the *caccabus* was used for boiling meat, vegetables, &c.; and that it was placed immediately upon the fire, or upon a trivet (*tripus*) standing over it. It is thus distinguished from the AENUM, which was suspended over the fire (Serv. on *Aen.* i. 213; Paul. *Dig.* 33, 7, 18, § 3); and from the AUTHEPSA, which was probably not used for cooking at all. The material varied. Athenaeus, in an enumeration of *σκεύη μαγειρικά*, mentions the *κακκάβη* as equivalent to the *χύτρα*, i.e. earthen cooking-pot or pipkin (iv. 169 c); and so usually in Latin (*fictilis*, Marquardt, *l. c.*; Colum. *R. R.* xii. 41). But *caccabi* were also sometimes of metal; *stanneus*, doubtless, as in modern times, of tinned iron or block tin, Colum. *R. R.* xii. 42, § 1; *aeneus*, ib. xii. 48, § 1; *argenteus*, Ulpian in *Dig.* 34, 2, 19, § 12. [W. W.]

KAKEGOR'IAS DIKE' (*κακηγορίας δίκη*) was an action for abusive language in the Attic courts. This action is likewise called *κακηγορίου δίκη* (Dem. *c. Mid.* p. 544, § 93), *λοιδορίας δίκη* (*διώκων λοιδορίας*, Aristoph. *Vesp.* 1207), and *κακολογίας δίκη*. This action could be brought against an individual who applied to another certain abusive epithets, such as *ἀνδροφόνος*, *πατραλοίας*, &c., which were included under the general name of *ἀπόρρητα*. [APORRHETA.] It was no justification that these words were spoken in anger. (Lys. *c. Theomn.* § 30.) The truth of the charge might be pleaded in justification (Dem. *c. Aristocr.* p. 635, § 50): but to taunt a citizen (*πολίτην ἢ πολιτίδα*) with *ἐργασία ἐν τῇ ἀγορᾷ*, or being a retail dealer, was to insult his or her poverty, and actionable in all cases (Dem. *c. Eubul.* p. 1308, §§ 30, 32). By a law of Solon it was also forbidden to speak evil of the dead; and if a person did so, he was liable to this action, which could be brought against him by the nearest relation of the deceased. (Dem. *c. Leptin.* p. 488, § 104; *c. Boeot.* p. 1022, § 49; Plut. *Sol.* c. 21.) If an individual abused any one who was engaged in any public office, the offender not only suffered the ordinary punishment, but incurred the loss of his rights as a citizen (*ἀτιμία*), since the state was considered to have been insulted. (Dem. *c. Mid.* p. 524, § 32.)

If the defendant was convicted, he had to pay a fine of 500 drachmas to the plaintiff. (Isocr. *c. Loch.* § 3; Lys. *c. Theomn.* § 12.) Plutarch, however, mentions that, according to one of Solon's laws, whoever spoke evil of a person in the temples, courts of justice, public offices, or in public festivals, had to pay five drachmas; but as Platner (*Process bei den Attikern*, vol. ii. p. 192) has observed, the law of Solon was probably changed, and the heavier fine of 500 drachmas substituted in the place of the smaller sum. Demosthenes, in his oration against Meidias (p. 543, § 89), speaks of a fine of 1000 drachmas; but this is probably to be explained by supposing that Demosthenes brought two actions *κακηγορίας*: one on his own account, and the other on account of the insults which Meidias had committed against his mother and sister. This action was probably brought before the thesmothetae (Dem. *c. Mid.* p. 544, § 93), to whom the related *ὕβρεως γραφὴ* belonged. The two speeches of Lysias against Theomnestus were spoken in an action of this kind. [W. S.] [W. W.]

KAKOLOG'IAS DIKE'. [KAKEGORIAS DIKÉ.]

KAKO'SIS (*κάκωσις*), in the language of the Attic law, does not signify every kind of ill-treatment, but

1. The ill-treatment of parents by their children (*κάκωσις γονέων*). 2. Of women by their husbands (*κάκωσις γυναικῶν*). 3. Of heiresses (*κάκωσις τῶν ἐπικλήρων*). 4. Of orphans and widows by their guardians or any other persons (*κάκωσις τῶν ὀρφανῶν καὶ χηρευουσῶν γυναικῶν*).

1. *Κάκωσις γονέων* was committed by those who struck or reviled their parents, or even were disobedient; by those who refused them the means of support when they were able to afford it, or did not bury them after their death and pay them proper honours. (Xen. *Mem.* ii. 2, § 13; Aristoph. *Av.* 757, 1356; Suidas, *s. v.* *Πελαργικὸς νόμος*.) The term *γονεῖς* included grandparents and great-grandparents if surviving (Isae. *Ciron.* § 32). It was no justification for children that their parents had treated them badly. If, however, they were illegitimate, or had not received a proper education from their parents, they could not be prosecuted for *κάκωσις*. (Meier, *Att. Process*, p. 288.)

2. *Κάκωσις γυναικῶν* was committed by husbands who were unfaithful to their wives or otherwise ill-treated them (Diog. Laërt. iv. 17; compare Plut. *Alcib.* 8), or denied their wives the marriage duties; for by a law of Solon the husband was bound to visit his wife three times every month, at least if she was an heiress. (Plut. *Sol.* 30; *Erotic.* 23.) In the comedy of Cratinus, called the "Wine Flask" (*Πυτίνη*), Comedy was represented as the wife of Cratinus, who brought an action against him because he neglected her and devoted all his attention to the wine-flask. (Schol. *ad* Aristoph. *Equit.* 399.)

3. *Κάκωσις τῶν ἐπικλήρων* was committed by the nearest relatives of poor heiresses, who neither married them themselves, nor gave them a dowry in order to marry them to persons of their own rank in life (Lex *ap.* Dem. *c. Macart.* p. 1076, § 75; Harpocr. *s. vv.* *ἐπίδικος*, *θῆτες*: Suid., Phot. *s. v.* *θητεύς*); or, if they married them themselves, did not perform the marriage duties. (Plut. *Sol.* 20; Télfy, *Corp. Jur. Att.* No. 1420.)

4. *Κάκωσις τῶν ὀρφανῶν καὶ χηρευουσῶν γυναικῶν* was committed by those who injured in any way either orphans or widows, both of whom were considered to be in an especial manner under the protection of the chief archon. (Dem. *c. Macart.* l. c.; *ὁ ἄρχων, ὅστις ἐπεμελεῖτο τῶν χηρῶν καὶ τῶν ὀρφανῶν*, Ulpian. *ad* Dem. *c. Timocr.*) The speech of Isaeus on the Inheritance of Hagnias is a defence against an *εἰσαγγελία κακώσεως* of this kind.

All these cases of *κάκωσις* belonged to the jurisdiction of the chief archon in the case of citizens, or to the polemarch in the case of metoeki. (Meier, *Att. Process*, p. 269; Perrot, *Essai sur le Droit Public*, p. 264.) If a person wronged in any way orphans, heiresses, or widows, the archon could inflict a fine upon them himself; or, if he considered the person deserving of greater punishment, could bring him before the heliaea. (Lex *ap.* Dem. *c. Macart.* l. c.) Any private individual could also accuse parties guilty of *κάκωσις* by means of laying an information (*εἰσαγγελία*) before the chief archon, though sometimes the accuser proceeded by means of a regular indictment (*γραφή*), with an *ἀνάκρισις* before the archon. (Dem. *c. Pantaen.* p. 980, § 46.) Those who accused persons guilty of *κάκωσις* incurred no danger, as was usually the case, if the defendant was acquitted, and they did not obtain the fifth part of the votes of the dicasts. (Harpocr. *s. v.* *Εἰσαγγελία*: Dem. *c. Pantaen.* l. c.; Isae. *Pyrrh.* §§ 46, 47.)

The punishment does not appear to have been fixed for the different cases of *κάκωσις*, but it was generally severe (*αἱ ἔσχαται τιμωρίαι*, Isae. *l. c.*, speaking of the case of *ἐπίκληροι*). Those found guilty of *κάκωσις γονέων* suffered atimia, but were allowed to retain their property (*οὗτοι ἄτιμοι ἦσαν τὰ σώματα, τὰ δὲ χρήματα εἶχον*, Andoc. *de Myst.* § 74; Aeschin. *c. Timarch.* § 28; Xen. *Mem.* l. c.). We reject without hesitation the statement of Meursius (*Them. Att.* i. 2), that if the *κάκωσις* consisted in beating their parents, the hands of the offenders might even be cut off. Mutilations of every kind were an abhorrence to the more civilized Greeks, especially the Athenians. [W. S.] [W. W.]

KAKOTECHNION DIKE' (*κακοτεχνιῶν δίκη*) corresponds in some degree with an action for subornation of perjury. It might be instituted against a party to a previous suit, whose witnesses had already been convicted of falsehood in an action *ψευδομαρτυριῶν*. (Dem. *c. Everg.* p. 1139, § 1; *c. Timoth.* p. 1201, § 56; Harpocrat., Suid., Phot., *s. v.*; Bekk. *Anecd.* p. 268, 24). It has also been surmised that this action lay against the party whose summoners (*κλητῆρες*) had been convicted in a *γραφὴ ψευδοκλητείας* (Meier, *Att. Process*, p. 385); and if Plato's authority with respect to the terms of Attic law can be considered conclusive, other cases of conspiracy and contrivance may have borne this title. (Plat. *Leg.* xi. p. 936 D.) With respect to the court into which these causes were brought, and the advantages obtained by the successful party, we have no information. (Meier, *Att. Proc.* pp. 45, 386.) [J. S. M.] [W. W.]

CADA'VER. [Funus.]

CADISCUS (*καδίσκος*). [Psephus.]

CADUCA'RIAE LEGES, CADU'CUM. [Bona Caduca.]

CADU'CEUS (*κηρύκειον*) was the staff or mace carried by Greek heralds and ambassadors in time of war. [Praeco.] (Pollux, viii. 138; Thuc. i. 53; Herod. ix. 100.) This name is also given to the staff with which Hermes or Mercury is usually represented. The caduceus was originally only an olive branch with garlands (*στέμματα*), which were afterwards formed into snakes. (Müller, *Archäol. der Kunst*, p. 504.) Later mythologists invented tales about these snakes. Hyginus (*Astron.* ii. 7)

Hermes bearing the Caduceus. (*Museo Borbonico*, vol. vi. pl. 2.)

tells us that Mercury once found two snakes fighting, and separated them with his wand; from which circumstance they were used as an emblem of peace. (Macrob. *Sat.* i. 19; Plin. *H. N.* xxix. § 54.)

From caduceus was formed the word *caduceator*, which signified a person sent to treat for peace (Liv. xxxii. 32; Nep. *Hannib.* 11; Amm. Marc. xx. 7; Gell. x. 27). The persons of the *caduceatores* were considered sacred (Cato, *ap.* Fest. *s. v.*; Cic. *de Orat.* i. 46, 202). The caduceus was not used by the Romans. They used instead *verbenae* and *sagmina*, which were carried by the Fetiales (Dig. 1, tit. 8, s. 8). [Fetiales.] [W. S.] [W. M. L.]

CADURCUM, a kind of linen, which took its name from the tribe which produced it, the Cadurci, who inhabited the district now called le Quercy in Guienne (Strabo, iv. p. 191; *nivei cadurci*, Juv. vii. 221). It was especially esteemed for bedding (Plin. *H. N.* xix. § 13; Juv. vi. 537), and also used for garments (Plin. *H. N.* xix. § 8), bandages (Sulpicia *ap. Schol.* Juv. *l. c.*), tents (Plin. *l. c.*; Juv. vii. 221, *Schol.*) [J. H. F.]

CADUS (*κάδος*), a large vessel usually of earthenware; indeed the Ionians used the word to denote any earthenware jar. (Clitarchus *ap.* Athen. xi. 473 b). It was most frequently used, like the *amphora*, to keep wine in (Archilochus *ap.* Athen. xi. 483 d) after it had been drawn from the *dolium*, and especially wine which was conveyed across the sea, such as Chian. (Herod. iii. 20; Athen. xi. 473 b; Hor. *Od.* iii. 19, 5; Verg. *Aen.* i. 195; Plin. *H. N.* xiv. §§ 96, 97, "vini Falerni amphoras, Chii cados distribuit," xxxvi. § 59.) Other kinds of produce stored in *cadi* were honey (Mart. i. 55, 10), oil (*id.* i. 43, 9; Plin. *H. N.* xv. § 33), figs (*ib.* 82), beans (*id.* xviii. § 307), and salt fish (*ib.* 308), and sometimes plants were grown in them (*id.* xxvii. § 14, xxv. § 160).

Its use connects it with the *amphora*, and in early Attic an *ἀμφορεὺς* was called *κάδος* (Pollux, x. 71; cf. Aristoph. *Av.* 1032, Schol.: *κάδους ἀμφορικούς*). It may be concluded then that it resembled the *amphora* in shape: its lower part, however, was ovoid, for in Aristoph. *Pax* 1258 (cf. Schol.) the helmets are to be turned into *κάδοι* by the addition of handles. Plato (*Rep.* x. 616 D) speaks of *οἱ κάδοι οἱ εἰς ἀλλήλους ἁρμόττοντες*: Pliny (*H. N.* xxvii. § 14), of the *turbines cadorum.* Again *κάδος* is used to denote the well bucket (*γαυλός, ὑπαντλεῖον*) in Aristoph. *Eccl.* 1002; Eurip. *Cycl.* 33, Schol.; Hesych. and Suid. *s. v.* *γαυλός*; Athen. iii. 125 a, xi. 590 f: we may therefore identify its shape, when thus used, with that of the *situla* in the accompanying woodcut from Bottari, *Scult. e Pitt. sagre di Roma*, pl. xxiii. (*ap.* D. and S.) But this shape is obviously not adapted to its ordinary use of a vessel for storing wine, for which purpose it was closed by a lid (Archilochus, *l. c.*) or by cork (Plin. *H. N.* xvi. § 34), and must have had a narrower mouth.

Cadus, well-bucket. (Bottari.)

Κάδος is used in Aristoph. *Av.* 1030, 1053, in place of the more usual *καδίσκος*, to denote the urn used in ballots [Psephus].

The word is used (Priscian, *de Pond. et Mens.* 84) as an equivalent of the Attic *amphora* or *μετρητής*, a measure containing twelve *χόες* or about nine gallons English. From this and its various uses we may conclude that it was a vessel of large dimensions; indeed, in a comic writer (*ap.* Athen. xi. 781 f) we read of *κάδοι* larger than a man. Hence it is only in passages of comic exaggeration that it is spoken of as a drinking vessel. (*Id.* x. 431 f; xi. 472, 473, 503, b, c).

Cadi were made not only of earthenware, but also of onyx (Plin. *H. N.* xxxvi. § 59), of ophites (*ib.* 158), and of gold (Athen. xi. 590 f). [J. H. F.]

CAELATU'RA (*τορευτική*). The words *τορευτική* and *caelatura*, derived respectively from *τορεὺς* and *caelum* (lit. "graver's tool"), seem, on the whole, to be synonymous in their import, and signify in a general sense the arts employed in the production of ornamental works in metal, whether in relief or in intaglio. These terms therefore include such processes as repoussé, chasing, engraving, and other operations employed by the ancient artist, whether in jewellers' and goldsmiths' work, or in the application of the non-precious metals (especially bronze) to the purposes of ornamenting different objects, such as armour, mirrors, &c. The terms are strictly and commonly confined to works in *metal*, though we occasionally find the expression *caelatura* used, by analogy, of work in stone and in other non-metallic substances. One important branch of metal-work, that of statuary, is not, however, comprehended under *τορευτική* and *caelatura* [Statuaria Ars], though it may be observed that many of the bronze statuettes which have come down to us from antiquity are really only the detached ornaments of different household utensils, such as mirrors and candelabra. (O. Müller, *Handbuch der Archäol.* (ed. Welcker), §§ 85, 120, 173, 311, 312; Saglio, art. *Caelatura*, note 2, in Daremberg and Saglio, *Dict. des Ant.*; Marquardt, *Römische Privatalterthümer* (Marquardt and Mommsen, 1882, vol. vii., p. 664).)

The ancient literary sources for the history of ornamental metal work are somewhat scanty. The chief passage recording the names of Toreutic artists is Pliny, *H. N.* xxxiii. §§ 154–157, in which reference is made to various toreuticians eminent especially for working in silver. This list includes names which appear to range in date from about B.C. 420 or 400 to the time of Nero; the most famous artist mentioned being Mentor, who lived not later than B.C. 356. Other artists of whom we possess some record in the authors belong to the age of Alexander the Great, to the period of the Diadochi, to the time of Pompey, and to the earlier days of the Roman empire. A complete list of the passages in the ancient writers which refer to toreutic artists will be ound in Overbeck's *Antiken Schriftquellen*, under e head "Toreutik" (pp. 417–425); compare o Brunn, *Gesch. der griech. Künstler*, ii. p. 397–412 ("Die Toreuten"). It is, however, from the metallic objects actually extant in the jewel rooms and bronze rooms of great museums that the history of the toreutic art can best be learnt, and the present article will therefore treat principally of some of the more important classes of these monuments, so far as this is possible within moderate limits.

The earliest specimens of ornamental metalwork discovered on Greek soil are those found by Dr. Schliemann at Hissarlik in the Troad, consisting of a large number of objects in gold, such as bracelets, ear-rings, and diadems. Among the specimens of which a detailed description will be found in Schliemann's *Ilios* (London, 1880) may be mentioned the following:—Nos. 873, 874, *bracelets*, consisting of a thick gold plate piped with wire, and adorned with spiral ornaments of gold wire soldered on the plate (cp. Nos. 690-693); No. 685, *diadem*, composed principally of hexagonal leaves of gold; Nos. 834, 835, *hairpins*; No. 834, consisting of a quadrangular plate ornamented with spirals of gold wires soldered on, like the bracelets just mentioned; gold *disks* (p. 500), of which No. 903 represents a flower of star form, in repoussé work (see also *Ilios*, p. 42, No. 14, and p. 453 ff.). The appellation "Treasure of Priam" given by the discoverer to a large class of these objects is misleading, inasmuch as the art described in the Homeric poems is quite certainly of a more advanced character. The Hissarlik metal work is, in fact, the product of a half-barbarous people, and its simple and unambitious character may be discerned in the preference for such ornamentation as the spiral (a form which is naturally suggested by the curling of gold wire), and in the infrequent representations of animal forms. An early though more advanced style is represented by the objects discovered by Schliemann at Mycenae (Schliemann's *Mycenae*, London, 1878: cf. Newton, *Essays on Art*, p. 246 ff.; Prof. P. Gardner, *Journal of Hellenic Studies*, i. p. 94 ff. (1880); Milchhoefer, *Die Anfänge der Kunst in Griechenland* (1883), pp. 5-38), which may be approximately assigned to a date not later than B.C. 1000. The Mycenaean objects are, on the whole, the work of rude local artists, scarcely touched as yet by Oriental influence: the specimens in gold, which are extremely numerous, consist principally of plaques in repoussé work, bowls, diadems, and sepulchral masks rudely imitating the human countenance. Round bosses and other circular patterns, and especially combinations of spirals, are the basis of most of the patterns, but floral forms and imitations of insects and of marine life are also employed. Among the most instructive objects may be mentioned the following: (1) a *mould of granite*, showing fourteen different types of ear-rings and other ornaments, all of which were probably cast in gold and silver (Schliemann's *Mycenae*, p. 108; cf. Nos. 162, 163). (2) Gold *diadems* found on the heads of corpses, especially the crown, No. 281 (2 ft. 1 in. long), which is covered with shield-like ornaments in repoussé, and has attached to it thirty-six leaves ornamented in a like manner. The diadems are generally piped with copper wire to give them greater solidity (cp. Nos. 282–284). (3) Lozenge-shaped *buttons* of wood plated with gold, ornamented with intaglio and repoussé work (cp. Nos. 377–386): among these, Nos. 414–420 represent stars, flowers or crosses, and No. 421 has a spiral ornamentation. (4) Perforated ornaments of gold with engravings in intaglio: Nos. 253–255 represent a man struggling with a lion, and two warriors contending with a lion. (5) Gold cylinder adorned with rock crystal (No. 451); a dragon of gold with scales of rock crystal (No. 452). (6) Scabbards of swords, representing a lion-hunt, winged monsters, fish and plants. The manes of the lions are of red gold; their bodies of a paler tint in the same metal. A distinction of colour is also observed between the sea and the fish swimming in it, and further variety is obtained by the use of enamel in the background. (See Koumanoudes in the ’Αθήναιον, 1880, p. 162, and 1881, p. 309; Köhler in *Mittheil. d. D. Inst. in Athen*, 1882, p. 241.) For a description of the archaic bronze and gold objects found at Spata in Attica, the reader must be referred to the *Bulletin de Corr. hell.* ii. p. 185, and reff. there.

The next important epoch in the history of our subject has been denominated the Graeco-Phoenician, an epoch when the rude genius of the Greeks set itself to learn in the comparatively advanced artistic school of the Phoenicians. This is the period of art described, though with some poetic embellishment, in the Homeric poems, in which compositions the higher works of metallic art are spoken of as coming from a foreign and especially a Phoenician source (cf. Brunn, *Die Kunst bei Homer*; Milchhoefer, *Die Anfänge d. Kunst in Griechenl.*, pp. 158–156: Riedenauer, *Handwerk in homer. Zeiten*; and especially Helbig, *Das Homerische Epos*, 1884). Thus it is from the king of Cyprus that Agamemnon receives the present of his cuirass (*Il.* xi. 19), and from Egypt that Menelaus brings back tripods and the basket of Helen (*Od.* iv. 126 ff.). The crater destined by Menelaus for Telemachus comes to him from the king of the Sidonians (*Od.* iv. 616; *Il.* xxiii. 741), and it is the Sidonians who made the silver crater given by Achilles as a prize at the Funeral Games. Even the elaborate Homeric description of the Shield of Achilles may be shown to have had a tangible basis in works of Phoenician art (see the restoration in A. S. Murray's *History of Greek Sculpture*, 1880, chap. iii.). This Phoenician art, as revealed to us by the archaeological discoveries of recent years, was not in itself original, but was formed by a curious blending of the art of the Egyptians and the Assyrians. It may best be studied in the numerous metal bowls that have been found in several localities, especially Cyprus and Italy, which were in early days in relations with the Phoenician traders (cp. Clermont-Ganneau, *L'Imagerie Phénicienne*, 1880; Cesnola, *Cyprus*, London, 1877; Calonna-Ceccaldi, *Monuments ant. de Chypre*, 1882; De Longpérier, *Musée Napoléon III.*, &c.). The epoch generally assigned for the execution of these bowls is the 7th or 8th century B.C., though the manufacture of them according to traditional patterns may have continued to a later period. In the artistic designs of these vessels it is especially important to note the arrangement of the subjects in concentric zones, and the frequent mingling of Assyrian and Egyptian elements. Thus, in the silver patera found at Amathus in Cyprus

(Calonna-Ceccaldi, *Rev. Archéol.*, 1876, i. p. 26; Cesnola, *Cyprus*, pl. xix.), the innermost zone of ornament is formed by winged sphinxes wearing the uraeus; in the next zone occurs another Egyptian object, the scarabaeus holding the solar disk, by the side of which we find two figures wearing an Assyrian costume, and having between them the familiar sacred tree of the Assyrian sculptures: the outer zone is filled with scenes of war, in which various costumes and arms may be distinguished. Again, in one zone of a remarkable bowl from Palestrina (Clermont-Ganneau, *L'Imag. Phénic.*, pl. i.) we have a succession of hunting scenes of thoroughly Assyrian style, while as the central ornament of the vessel there appear figures of a distinctly Egyptian type. Another feature characteristic of the art described by Homer is the application of metallic plaques to adorn the surfaces of various objects, such as the scabbards of swords and the wood of chariots (*ἐμπαιστικὴ τέχνη*, Athen. xii. p. 488 b; Eust. ad *Il.* xi. 773: cf. *Od.* viii. 404, xi. 610; Paus. i. 20, 1, iii. 18, 7, ix. 12, 4, &c.). Good extant specimens of plaques employed in this class of work may be found in the archaic bronze plates in the Glyptothek at Munich, which were found near Perugia, and probably served to ornament the wood of a chariot (H. Brunn, *Beschreib. der Glyptothek*, No. 32 f.; Micali, *Monum. di ant. pop. Ital.*, 1833, pl. xxviii., xxxi.): the British Museum also possesses from the same find the fragment of an archaic work in relief, formed of very thin plates of silver hammered out and joined together. The subject represents two men on horseback, riding side by side at full speed, and underneath the horses a third figure, prostrate. The figures are in high relief, and the details of the hair, the borders of the drapery, &c., are of thin plates of gold laid on the silver. (Millingen, *Anc. uned. Mon.* ii., pl. 14; Brit. Mus. *Guide to the Bronze Room.* For various specimens of early metal-work found at Olympia, see Furtwängler, *Die Bronzefunde aus Olympia*, Berlin, 1880.)

As specimens of *early jewellery* we may refer to the objects of gold (now in the Louvre and British Museum) found by Salzmann at Camirus in Rhodes, which may be regarded as products of Phoenician art in the 8th century B.C. (Salzmann, *Nécropole de Camiros; Rev. Archéol.* N. S. t. iv. 1861, p. 466 f.: cf. 1862, t. vi. p. 264, and t. vii. (1863).) As an example of these we may take the pale gold plaques which belonged to a necklace and which are embossed with the alternate designs of a Centaur of primitive type with Egyptian head-dress, seizing a hind, and a winged female figure, the goddess Artemis or Anaitis, holding a lion and a panther. Another plate is ornamented with a recumbent lion of Assyrian style: the mane is formed by massing together minute granules of gold, while the ears are marked out by lines formed of similar granules. On the same plaque is the head of an eagle, adorned, like the lion, with granulated designs. From the plaque itself are suspended pomegranates, chainlets, and heads of Egyptian style. Of early jewellery found in Greece Proper we may notice the gold studs or ear-rings found in 1860 at Megara (Lenormant, *Les premières Civilisations*, ii. p. 384): they are decorated in repoussé, with human heads of Egyptian character, facing. Another interesting specimen of archaic jewellery, stated to have been found at Athens and belonging probably to the first half of the 6th century B.C., is an ear-ring published in the *Journal of Hellenic Studies* (vol. ii. p. 324), on the oblong pendant of which is represented side by side a pair of female figures, beaten out in relief. The arms of both these figures are straightened closely to their sides, and their dress and attitude, though very archaic, present a resemblance to the Canephori of the Erechtheum. Various other archaic gold ornaments from Corinth, Athens, Camirus, Melos, Delos, Etruria, Lydia, &c., will be found described in the *Arch. Zeitung*, Jahrg. xlii. pp. 90-94, 99-114; and in *Bull. de Corr. hell.*, iii. p. 129 f. We may note in these a gradual development from simple geometric ornamentation to groups of men and animals, and mythological subjects.

Our knowledge of the jewellery of the fine period of Greek art is mainly derived from two great sources—the excavations in the tombs of Southern Russia and in those of Etruria. Of the Etruscan jewellery, the Louvre, the Vatican, and the British Museum possess numerous and choice examples. The objects from Southern Russia, which belong to a great extent to the 4th century B.C., are now in the Museum of the Hermitage, and may be studied in the elaborate *Comptes rendus de la Commission archéologique de St. Pétersbourg*, and in the *Antiquités du Bosphore Cimmérien.* The great European jewel-collections contain specimens, unrivalled in workmanship, of all the various objects of personal adornment—necklaces with pendants, ear-rings, bracelets, brooches, &c. The main effect in this jewellery is due to "the combination of small figures and flowers in repoussé work, with fine filigree, granulated patterns and vitreous inlays." Precious stones, such as garnets, are sometimes introduced, but in the best age the jeweller made comparatively little use of them. The ancient jeweller is distinguished by his delicate manipulation of the gold, his mastery of modelling, his extraordinary minuteness of work, and by the technical skill which produced the granulation (*i.e.* the soldering of extremely minute particles of gold on a leaf of gold), which is especially noticeable in the jewellery of Etruria. (Cp. Castellani, *Communication faite à l'Académie des Inscr. et Belles-Lettres*, 20 Décembre, 1860; *Dell' oreficeria italiana*, Roma, 1872; B. Bucher, *Geschichte der technischen Künste*, p. 139 ff.; Newton, *Essays on Art and Archaeology*, p. 373 ff.; Charles de Linas, *Les Origines de l'orfèvrerie cloisonnée* (1879).) The jewellery from Etruria, which in its earlier period betrays an Oriental influence, is in its later and finest stage so thoroughly Greek in character as to be a fair exponent of the capabilities of the Greek jewellers. For details as to the form, &c., of the various objects of personal ornament, the reader is referred to the separate articles in this Dictionary; but as furnishing a sample of the fertile invention and surpassing skill of the Greek workman, we may here refer to two classes of ear-rings of which the Hermitage has a rich collection, and of which there are good specimens in the Gold Ornament Room of the British Museum. The first class, which is the simpler and perhaps somewhat the earlier in date, consists of ear-rings formed of twisted wire and terminating at one end in the head of an animal, especially a lion. The second class consists of the specimens attached to the ear by a hook, which is covered by a round disk. The disk itself is generally adorned with some subject suitable for a medallion, such as a full face in relief, and beneath it are suspended one or more small figures. For these pendants Victories are often chosen, and an especial favourite is a tiny figure of Eros holding various objects, such as a scroll or a musical instrument. As exquisite specimens may be noticed a pair (*Compte rendu de la Comm. arch. St. Pétersb.*, 1870–71, pl. vi., figs. 11, 12; cf. *Compte rendu*, 1868, pl. i., figs. 1–3) composed of a rosette, from which hang three chains, the two outermost terminating in pendants: from the middle chain hangs a goose, inlaid about the feathers with granulated work. In the centre of the rosette is a garnet, from which radiate leaves in blue enamel, forming a star pattern. The minuteness of the work is especially noticeable in another ear-ring of this class (*Antiq. du Bosphore*, pl. xii. *a*, fig. 5 *a*), on which, below the disk, is a chariot with four horses, flanked by Victories. In the chariot are two figures, and below the group is an ornament from which are suspended vases and chains. (Cf. also *Gazette des Beaux-Arts*, 1863, pl. 162; *Bijoux du Musée Nap. III.*, No. 112.) The jewellery actually intended for ordinary wear must be distinguished from that made for sepulchral purposes and for use on some exceptional occasion. The fine ear-rings found in the Koul Oba (*Antiq. du Bosphore*, pl. xix.) and those from the Crimean tomb of the Priestess of Demeter (*Compte rendu*, St. Pétersb., 1865, pl. ii.) could never have been worn in the usual way, but must have been suspended from the head-dress on festal days. The latter consist of large medallions representing Thetis or a Nereid on a dolphin, carrying the armour of Achilles, and from them there hang pendants and chainlets. Most European museums—as the Louvre, Hermitage, Vatican, and British Museum—possess specimens of the remarkable class of jewellery made principally for the adornment of the corpse; namely, the gold crowns composed of extremely thin leaves of gold, imitating the foliage of different trees. (Cf. *Bijoux du Mus. Nap. III.*, p. 9 ff.; *Antiq. du Bosphore*, pl. iii.–v.; *Mus. Gregor.* i., pl. cxxvii. f.) A very fine specimen of jewellery not intended for wear is the votive gold crown found at Armento, and now at Munich. It is composed of branches of oak intertwined with garlands of flowers, while winged figures are placed amidst the foliage. (Arneth, *Monum. des Antik. Cabinets in Wien*, p. 41, pl. xiii.; Avellino, *Memorie dell' Academia Ercolanese*, i. 1872, p. 207 ff.; Gerhard, *Antike Bildwerke*, i. x.)

Another important branch of the toreutic art is constituted by the production of gold and silver vases, elaborately adorned—generally with reliefs in repoussé, or with ornaments separately made and soldered or riveted to the vessel [EMBLEMA, CRUSTA]. (Cf. Plin. *H. N.* xxxiii. § 139, &c.; Ovid, *Metam.* iii., v. 80; Juv. i. 76; Quintil. 11, 47.) With the increase of luxury under the successors of Alexander, this branch of art began to assume especial prominence (cf. Athenaeus, v. 29, 30; Plin. *H. N.* xxxiii. § 154, &c.); unfortunately the vases now extant do not enable us to judge very satisfactorily as to the merit of the Greek toreutae, inasmuch as they mostly belong to the Imperial age when artistic work of this class had either quite declined (Plin. *H. N.* xxxiii. § 157) or had been vitiated by the use of exaggerated relief and the employment of precious stones. (Cf. Marquardt and Mommsen, vol. vii. p. 686; Linas, *Orig. de l'orfév. cloisonnée*, 1877, t. i. c. iii. 3; Thédenat and Villefosse in *Gaz. Arch.* 1884 and 1885, "Les trésors de vaisselle d'argent trouvés en Gaule.") At the same period, vases by the great Greek masters were collected by the Romans (Plin. *H. N.* xxxiii. § 147; *ib.* 157; Juv. i. 76; Mart. viii. 6. 1, iv. 39, xiv. 93, &c.), and were doubtless copied with more or less fidelity by the Roman artists. (Cf. Plin. *H. N.* xxxiv. § 47; Michaelis, *Das Corsinische Silbergefäss*, p. 19.) Among the more important vessels in the precious metals now extant should be mentioned the following:—(1) The magnificent silver vase in the Hermitage Museum which was found in the tomb of a Scythian king at Nicopolis (*Compte rendu*, St. Pétersbourg, 1864, pl. i., ii., p. 11 ff.). It has the form of an amphora, and on its upper part are friezes of Scythians and animals, in high relief; leaves and flowers adorning the body of the vessel. The decoration is partly in repoussé, and partly consists in ornaments, like the lion-masks and the head of a winged horse, separately made and gilded and then soldered on. This vase has been assigned to the 4th century B.C. (2) Silver vase in the Antiquarium of Munich, ornamented externally with a circular frieze, in which are represented Trojan captives, in low relief. (Cf. Thiersch, *Abhandl. d. bair. Academie, Philol. Classe*, v. 1849, p. 111.) (3) The Corsini vase, on which see the Memoir by Michaelis, *Das Corsinische Silbergefäss*. (4) Specimens in the Berlin Museum from the silver Treasure found near Hildesheim in Hanover (Wieseler, *Der Hildesheimer Silberfund*, and reff. in *Gaz. Arch.* 1884, 266, 267), some of which go back to the time of Augustus or earlier. They have much executional merit, but present the Roman characteristics of exuberant ornament and exaggerated relief. (5) Specimens in the Bibliothèque Nationale from the Treasure discovered at Bernay in France: the vases are of varying merit and differ in date; one class being ornamented in very prominent repoussé, the other in lower relief with slight and delicate lines (Chabouillet, *Catal. gén. des Camées, etc., de la Bibliothèque Nationale* (1858), pp. 418–457; *Journal of Hellenic Studies*, vol. iii., p. 96 ff.; *Gaz. Arch.* 1884, 344). (6) The gold patera of Rennes, into which are inserted gold coins ranging from Hadrian to Geta. The bottom of the vase is adorned with a large medallion executed in repoussé, and bordered by a wreath of laurel leaves in low relief. (7) Silver vases found at Pompeii and now in the Museum at Naples (Quaranta, *Di quattordici vasi d' argento disotterrati in Pompei*). Silver goblet in the Museum at Naples, found at Herculaneum, on which is represented the Apotheosis of Homer (Millingen, *Anc. uned. Monum.* ii. pl. 13; Zahn, *Schönste Ornam. in Pompei*, iii. 28). This list may be concluded with a reference to the specimens in the celebrated silver treasure discovered at Rome in 1793, and now in the British

Museum. It consists of caskets, vases, trappings, and ornaments of silver, and was probably executed for the most part about the end of the 5th century A.D. The figures and ornaments on most of the objects are generally embossed and chased, and gilding is applied to the salient parts. The figures, as might be expected at so late a period, are coarsely executed and of clumsy proportions. (Visconti, *Opere Varie*, ed. Labus, Milan, 1827, i. p. 210; British Museum *Guide to the Blacas Collection*, 1867, pp. 24–27.)

To the examples of ornamental metal-work which have now been mentioned in this article, and which are principally in gold and silver, must be added certain specimens in bronze which are adorned (1) with engraved designs, (2) with figures in relief. A remarkable specimen of archaic Greek engraving is found on the bronze cuirass discovered in the bed of the Alpheios, and photographed in the *Bulletin de Corr. hell.*, 1883, p. 1, pll. i.–iii. Besides figures of animals, the design shows a group of six human figures. Engraved designs occur most frequently upon the circular metal disks used as mirrors by the ancients, the largest class of which comes from Etruria. Though on some of the Etruscan mirrors the drawings are of a masterly character, the greater number are executed loosely and without much regard to beauty of composition. (See Gerhard, *Etruskische Spiegel*, Berlin, 1841: cf. also the incised friezes of the Etruscan *Cistae*, Gerhard, *op. cit.* i. pp. 1–73; H. Brunn, *Annali d. Inst. Arch. Rom.* xxxiv. pp. 5-22, *ib.* xxxvi. pp. 356–76; Schöne, *ib.* xxxviii. p. 150 ff., and xl. pp. 413, 421; Brit. Mus. *Guide to the Bronze Room*, "Cistae.") Engravings on mirrors of purely Greek work are rare: amongst the most beautiful examples may be cited the mirror representing the Genius of the Cock Fights (Musée de Lyon), and the specimen with the hero Corinthus crowned by a female who personifies the Corinthian colony of Leucas. (Cf. A. Dumont, *Bulletin de Corresp. hellén.* i. (1877), pp. 108–115; *Monuments grecs de l'Assoc. des Études grecques*, 1873.)

The covers of the mirrors of box-like form —mostly found in Greece proper—offer favourable specimens of reliefs executed in bronze. Several of them belong to a good period of Greek art: their subjects, as a rule, are borrowed from the cycles of Aphrodite and of Dionysos. Fine examples of Greek repoussé work in bronze are also to be seen in the plaques with figures in relief which once served to ornament armour or other objects. Good specimens of these come from the finds at Dodona (Carapanos, *Dodone et ses ruines*, p. 33 ff.; cp. *ib.* p. 187 ff.), and among them may be especially mentioned the plaque in repoussé, which perhaps adorned a cuirass, representing the contest between Apollo and Heracles for the possession of the Delphic Tripod. This work has been assigned to the 4th century B.C.; the treatment of the figures being archaistic rather than genuinely archaic. (Carapanos,. pl. xvi.) Another remarkable plaque from Dodona which may be assigned to the same century adorned the cheek-piece of a helmet, and portrays in relief the combat of Pollux with Lynceus. (Carapanos, pl. xv.) Lastly, there must be mentioned the bronze plaques in the British Museum found near the river Siris, in Lucania. They formerly served as ornaments to mask the buckles of a cuirass, and consist of two groups in very high relief, the subject of each being a combat between a Greek warrior and an Amazon. They were probably executed by some artist of the school of Scopas, and are remarkable for their masterly composition and modelling as well as for the refined execution of their details. (See P. O. Brönsted, *The Bronzes of Siris*, published by the Dilettanti Society, 1836; cf. Brit. Mus. *Guide to the Bronze Room.*)

Authorities.—A comprehensive treatise on the ornamental metal work of the Greeks and Romans, based on a complete examination of the monumental and literary remains, is still a desideratum. At present, the details have to be gathered from a number of archaeological works, of which it would not be practicable to give an exhaustive list here; but references to the most important sources of information will be found in the text of this article. [W—K W—H.]

CAELIBA'TUS. [AES UXORIUM; LEX JULIA ET PAPIA POPPAEA.]

CAELUM. [CAELATURA.]

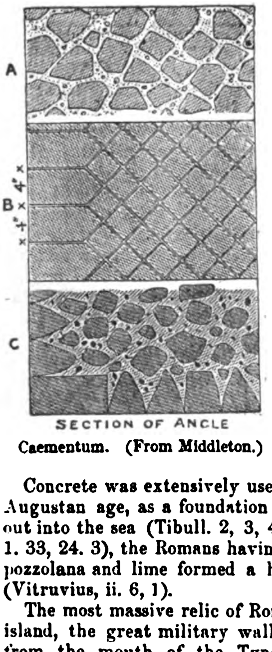
CAEMENTUM (more frequently in the plural, *Caementa;* Gk. λατύπη, σκύρος), rubble, or small undressed stones, used together with mortar to form the *caementiciae structurae* or concrete walls with which the remains of Roman buildings abound. Vitruvius, who tells us that this form of structure was not used by Greek architects, describes (ii. 8) two chief varieties,—the *opus reticulatum*, in general use in his day, the more handsome kind of work, but less durable, because it did not bind well together; and the ancient *opus incertum*, which was less sightly but more lasting, on account of the way in which the stones were bonded together. Schneider in his edition of Vitruvius, Rich, and others have taken this *opus incertum* to be the ancient Cyclopean masonry, which was formed by laying together large irregular masses of stone without mortar and filling up the interstices with small stone-chippings; but Vitruvius expressly says, "utraque (*i.e.* incertum et reticulatum) ex minutissimis sunt instruenda." A third method of wall-building which he mentions was a variation from the Greek ἔμπλεκτον, in which two parallel faces of dressed stone were erected, and the interval between them filled up with rubble. He also speaks of concrete walls lined with marble.

Mr. J. H. Middleton (*Ancient Rome in* 1885, pp. 28–33) has been led by an examination of the existing concrete structures of Rome to distinguish the following varieties:—

1. Unfaced concrete, generally used for foundations, but carried higher; for instance, in the substructures of Caligula's palace. The method of construction was to erect two lines of upright posts from ten to fifteen feet high, and to nail boards against them and pour the concrete in a liquid state into the bed thus constructed, and remove the framework when the concrete had set. The frame was then set on the top of the mass and the process repeated. The stones were usually of the size of a man's fist, and the mortar was composed of lime and the volcanic sand called pozzolana (*pulvis Puteolanus*, Vitruv. ii. 6). Its remarkable pro-

perties are the chief cause of the durability of Roman concrete.

2. Faced concrete walls, in which the core is always composed in the same way as the unfaced concrete; and we are thus led to the conclusion, which would not have been inferred from Vitruvius alone, that the *opus incertum* and *opus reticulatum* were only facings. (*a*) *Opus incertum*, in constructing which "irregularly shaped bits of tufa were cut smooth on one face, and roughly pointed behind; the whole face of the concrete wall was then studded with these stones, the points sticking into the wall, and the smooth surfaces appearing on the face. The pieces, square, triangular or polygonal, range from two to five inches across." This structure is found in Republican buildings, *e.g.* at the foot of the *Scala Caci*. (*b*) The *opus reticulatum* differs from the *incertum* in having the facing stones cut into squares and closely fitted together in a reticulate pattern. It is found in buildings erected from the reign of Augustus to that of Hadrian, as in the Mausoleum of Augustus, and (a later variety with brick-faced angles and bands of brick at intervals of two or three feet) in Hadrian's villa. (*c*) Concrete faced with burnt brick, the earliest dated examples of which are to be found in the *Rostra* and the Pantheon. This structure was largely used in many of the most substantial buildings of Rome, while solid walls of brick are not found. Vitruvius (ii. 8, 17) accounts for this by legal restrictions and a desire to economise space. (*d*) The so-called *opus mixtum*, a wall-facing of alternate courses of brick and small blocks of tufa, found in the circus of Maxentius (*circa* A.D. 310) and until the 6th century.



Caementum. (From Middleton.)

Concrete was extensively used at Baiae in the Augustan age, as a foundation for edifices built out into the sea (Tibull. 2, 3, 45; Hor. *Od.* iii. 1. 33, 24. 3), the Romans having discovered that pozzolana and lime formed a hydraulic cement (Vitruvius, ii. 6, 1).

The most massive relic of Roman times in this island, the great military wall which extended from the mouth of the Tyne to that of the Solway, is a structure of faced concrete, formed by erecting two faces of large stones and filling up the intervening space with alternate courses of rubble, one foot deep, and mortar, four inches deep. (*Archaeologia*, vol. xi. 1794, p. 64.)

Many of the great Roman achievements in building, especially in distant provinces, are to be attributed to this method of construction, which enabled them to raise, with comparatively unskilled hands and from materials which are accessible in most regions or easily imported, structures which were in a short time bonded together into solid homogeneous masses. [J. H. F.]

CAERI'TUM TAB'ULAE. [AERARII.]

CAESAR, a title of the Roman emperors, was originally a family name of the Julia gens; it was assumed by Octavianus as the adopted son of the great dictator, C. Julius Caesar, and was by him handed down to his adopted son Tiberius. It continued to be used by Caligula, Claudius, and Nero, as members either by adoption or female descent of Caesar's family; but though the family became extinct with Nero, succeeding emperors still retained the name as part of their titles, and it was the practice to prefix it to their own names, as, for instance, *Imperator Caesar Domitianus Augustus*. When Hadrian adopted Aelius Verus, he allowed the latter to take the title of Caesar (Spart. *Ael. Ver.* 1; Aur. Vict. *Caes.* 13, § 12); and from this time, though the title of *Augustus* continued to be confined to the reigning emperor, that of *Caesar* was also granted the second person in the state and the heir presumptive to the throne. (Eckhel, vol. viii. p. 367, &c.) [AUGUSTUS.] [W. S.]

CAESTUS (from *caedo*, not to be confounded with *cestus*, from Gr. κεστός), the thongs or bands of leather which were tied round the hands of boxers, in order to render their blows more powerful. These bands of leather were also frequently tied round the arm as high as the elbow, as is shown in the following statue of a boxer, the original of which is in the Louvre at Paris. (See Clarac, *Musée d. Sculpt. Ant. et Mod.* vol. iii. pl. 327, No. 2042.)

Statue of a Boxer with the Caestus. (From the Louvre.)

The caestus was used by boxers from the earliest times. The ordinary boxing-gloves were called in Greek ἱμάντες or ἱμάντες πυκτικοί. When Epeius and Euryalus in the *Iliad* (xxiii. 684) prepare themselves for boxing, they put on their hands thongs made of ox-hide (ἱμάντας ἐϋτμήτους βοὸς ἀγραύλοιο). (Cf. Theocr. xxii. 81; Apoll. Rhod. ii. 53.) But it should be recollected that the caestus in heroic times appears to have consisted merely of thongs of leather, and differed materially from the frightful weapons loaded with lead and iron which were used in later times. The different kinds of caestus were called by the Greeks in later times μειλίχαι, σπεῖραι βόειαι, σφαῖραι, and μύρμηκες: of which the μειλίχαι gave the softest blows, and the μύρμηκες the most severe. The μειλίχαι, which were the most ancient, are described by Pausanias (viii. 40, § 3) as made of raw ox-hide cut into thin pieces, and joined in an ancient manner; they were tied under the hollow or palm of the hand, leaving the fingers uncovered. The athletae in the palaestrae at Olympia used the *μειλίχαι* in practising for the public games (*ἱμάντων τῶν μαλακωτέρων*, Paus. vi. 23, § 3); but in the games themselves, they used those which gave the severest blows.

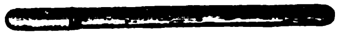
The caestus, used in later times in the public games, was, as has been already remarked, a most formidable weapon. It was frequently covered with knots and nails, and loaded with lead and iron; whence Virgil (*Aen.* v. 405), in speaking of it, says:

> "Ingentia septem
> Terga boum plumbo insuto ferroque rigebant."

(Cf. *Aen.* v. 69; *Georg.* iii. 20.) Statius (*Theb.* vi. 732) also speaks of *nigrantia plumbo tegmina cruda boum*. Such weapons, in the hands of a trained boxer, must have frequently occasioned death. The *σφαῖραι* were, as the name denotes, circular in form, supposed by some to be an iron ball, worn with padded covers (Liddell and Scott, *s. v.*); and fighting with them was called *σφαιρομαχία* (Pollux, iii. 150). Plato (*Leg.* viii. p. 830 B) recommends the use of them instead of the ordinary boxing-gloves (*ἱμάντες*), in order to train boxers for the coming conflicts. But the most formidable of all these weapons were the *μύρμηκες*, covered with metal studs or nails, and hence called the "limb-breakers" (*γυιοτόροι*). Lucillius, in an epigram (*Anth. Pal.* xi. 78, vol. ii. p. 344, ed. Jac.), speaks of a boxer whose head had been so battered by the *μύρμηκες* as to resemble a sieve. Figures with the caestus frequently occur in ancient monuments. They were of various forms, as appears from the following specimens, taken from ancient monuments, of which drawings are given by Fabretti (*de Column. Traj.* p. 261; see Krause, *Gymnastik und Agonistik der Hellenen*, p. 502 foll.). [W. S.]


Caestus. (Fabretti.)

CALAMISTRUM (pl. *calamistri*: *calamistra*, Varro *ap. Charis.* p. 61), a curling-iron, so called from its resemblance to a reed. Its use among the Greeks may be inferred from the representations of elaborately dressed hair in works of art. Among the Romans, it was in vogue as early as the days of Plautus (*Asin.* iii. 3, 37; *Curc.* iv. 4, 21), and became as common among them as it has been in modern times (Serv. on *Aen.* xii. 100). It was much employed by ladies and boys, and sometimes even by men, although for them the practice was considered effeminate (Cic. *pro Sest.* 8, 18; *post red. in sen.* 5, 12; *in Pis.* 11, 25). Hence the figurative use of the word to express an excess of literary ornament (Cic. *Or.* 23, 78; *Brut.* 75, § 262; Tac. *Dial.* 26). The calamistrum appears to resemble the modern curling-irons, and to have belonged therefore to the department of the *ornatrix*. Muratori (991, 2) gives the epitaph of a *liberta a calamistro*, while *ciniflo* (Hor. *Sat.* i. 2, 98; Tert. *ad Uxor.* ii. 8) or *cinerarius* (Varr. *L. L.* v. 129; Cat. 61, 138; Sen. *Dial.* ii. 14, 1; Acron *ad* Hor. *l. c.*; Tert. *l. c.*) was the title of the slave who heated the irons. [J. Y.] [J. H. F.]


Calamistrum, instrument for dressing hair, on a small relief from Amyclae, with other articles of toilet. (British Museum.)

CAL'AMUS, a reed. Under this head it seems desirable to group an account of the most important objects made of reeds of various kinds. The varieties of the reed are described by Theophrastus (*H. P.* iv. 11, 12) and Pliny (*H. N.* xvi. §§ 159-173), one of the most notable being the *calamus odoratus*, found in Syria and Arabia (Col. xii. 52; Plin. xii. § 104, xiii. § 9; Veget. iv. 13), and used in the manufacture of unguents. *Κάλαμος* denotes a larger sort of reed than *δόναξ*, and *harundo* than *canna*.

Reeds were extensively used for thatching and wall-building; for making mats, crates, and other articles of plaited work (Herod. v. 101, i. 179, ii. 96; Thuc. ii. 76); and for many purposes for which a light stick was needed, —*e.g.* a signal-post (*calamus*, Col. iii. 15), an Egyptian sign-post (Plin. *H. N.* vi. § 166), a rod to brush down cobwebs (*harundo*, Plaut. *Stich.* ii. 2, 23), the bridge of the lyre (*δόναξ*, Aristoph. *Ran.* 232), the cross-piece on which the lyre-strings are fastened (*κάλαμος ὑπολύριος*, Soph. *Fr.* 34). Reeds were also employed in the following uses:—

1. The Pan's pipes (*σῦριγξ*), formed of reeds of graduated length bound together by wax, as shown in the accompanying cut (*calamus*, Lucr. iv. 588, v. 1379–1415; Tib. ii. 5, 29–32; *canna*, Ov. *Met.* ii. 682, xi. 171; *harundo*, ib. i. 684, xi. 154; *κάλαμος*, Eur. *I. T.* 1125, *El.* 702; *δόναξ*, Aesch. *Pr.* 574).


Calamus, Pan's pipe, from terra-cotta relief with Judgment of Paris. (British Museum.)

2. A light flute, formed of a single reed (*harundo*, Ov. *Met.* vi. 384; *κάλαμος*, Pind. *Ol.* x. 100, *Nem.* v. 70; *δόναξ*, id. *Pyth.* xii. 44; Theocr. xx. 29). The reed-flute figured in the following woodcut was found in an Egyptian tomb and is in the British Museum.


Egyptian reed-flute. (British Museum.)

3. The shaft of an arrow, and in poetry an arrow made of a reed which was not hollow, but filled with pith (*κάλαμος ναστός, τοξικός* or *Κρητικός*, Theophr. *l. c.*; *calamus*, Hor. *Od.* i. 15, 17; Plin. *H. N.* xvi. § 161; *harundo*, Ov. *Met.* i. 471; Verg. *Aen.* iv. 73; *δόναξ*, Hom. *Il.* xi. 584).

4. A reed-pen (*calamus scriptorius* or *chartarius*, Cels. v. 28, 12; App. *Flor.* 9), which, like our quill-pens, was sharpened (*καλαμογλυφεῖν*, *Etym. M.* 485. 33, *calamum acuere, temperare*) with a knife (*scalprum librarium*, Tac.

Ann. v. 8; Suet. *Vitell.* 2) and had a cleft point (*calamus fissipes*, Aus. *Epist.* vii. 49). Pens thus made of knotted reeds are represented in the cut under ATRAMENTUM. The case in which they were kept was called καλαμίς, *theca calamaria* or *graphiaria*, or *theca cannarum* (Suet. *Claud.* 35; cp. Mart. xiv. 19, Hieron. *in Ezech.* ix. 2). The earliest mention of quill-pens appears to be in Isidore, *Orig.* vi. 14, 3. The best reeds for pen-making came from Egypt, Cnidus and the *lacus Anaiticus* (Plin. *H. N.* xvi. § 157; Mart. xiv. 38; Aus. *l. c.*, and iv. 77). *Harundo* is used in the same sense in Mart. i. 3, 10; Pers. iii. 11; κάλαμος in Poll. x. 61.

5. A fishing-rod (κάλαμος, Theocr. xxi. 43; Arist. *P. A.* iv. 12, 11; καλαμίς, *Anth. P.* x. 11; *calamus*, Ov. *Met.* iii. 587; *harundo*, Plaut. *Rud.* ii. 1, 5; Tib. ii. 6, 23).

6. The fowler's limed rod, which was sometimes composed of separate joints, so that it could be lengthened to suit the fowler's convenience. It was then called *harundo crescens* or *texta* (Mart. ix. 54, 3, xiv. 218; Sil. vii. 674–7; Petr. *Sat.* 109, 7; Bion, xii. (ii.) 5). In the same sense we have *calamus* (Prop. iii. 13, 46; Mart. xiii. 68; Sen. *Oct.* 411) and δόναξ (*Anth. P.* vii. 702).

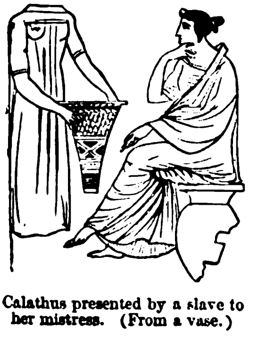
7. A light Egyptian boat made of reeds (*canna*, Juv. v. 89; Plin. *H. N.* vii. § 206).

8. A horizontal rod passed through the warp in weaving (*harundo*, Ov. *Met.* vi. 55). [TELA.]

9. *Harundo* is also the crown of reeds worn by river-gods (Verg. *Aen.* viii. 34, x. 205; Ov. *Met.* ix. 3). [J. H. F.]

CAL'ATHUS (κάλαθος, also τάλαρος), dim. *calathiscus* (καλαθίσκος). Calathus is a Greek word, though used by the Latin writers. The Latin word corresponding to it is *qualus* or *qualum* (Cat. *R. R.* 11, 5; 52, 1; Verg. *Georg.* ii. 241; Hor. *Carm.* iii. 12, 4), dim. *quasillus*, *quasillum* (Cic. *Phil.* iii. 4, 10; Tib. iv. 10, 3; Prop. iv. (v.) 7, 41; "calathos Graeci, nos dicimus quasillos," Fest. p. 47).

1. *Calathus* usually signified the basket in which women placed their work, and especially the materials for spinning. It was generally made of osiers or reeds (πλέκειν ταλάρους καὶ καλαθίσκους, Poll. vii. 173; *virgati calathisci*, Catull. lxiv. 320; *calathos e vimine nexos*, Ov. *Fast.* iv. 435; *rasiles calathi*, "scraped or smooth osiers," id. *Her.* ix. 76); but sometimes of more valuable materials. Homer (*Od.* iv. 125) speaks of a silver τάλαρος. The calathus was narrow at the bottom, gradually rising to a larger size at the top ("ab angustiis in latitudinem paulatim sese laxantis effigie calathi," Plin. *H. N.* xxi. § 23). As spinning was the chief occupation of women, the *calathus* is constantly mentioned in connexion with them (*Anth. Pal.* vi. 39, 147, *et al.*; Verg. *Aen.* vii. 805; Ov. *Met.* xii. 474, *Ars Am.* i. 693, ii. 219; Juv. ii. 54). Pollux (x. 125) speaks of both τάλαρος and κάλαθος as τῆς γυναικωνίτιδος σκεύη: and they frequently occur in paintings on vases, indicating that the scene represented takes place in the gynaeconitis, or women's apartments. In the above woodcut, taken from a painting on a vase (Millin, *Peintures de Vases Antiques*, vol. i. pl. 4), a slave, belonging to the class called *quasillariae*, is presenting her mistress with the calathus, in which the wool was kept.



Calathus presented by a slave to her mistress. (From a vase.)

For the same reason Penelope is constantly represented in ancient works of art with the calathus. (Cf. Blümner, *Gewerb. u. Künst bei Griech. u. Römer*, i. p. 118.)

Penelope, with the Calathus under her seat. (British Museum.)

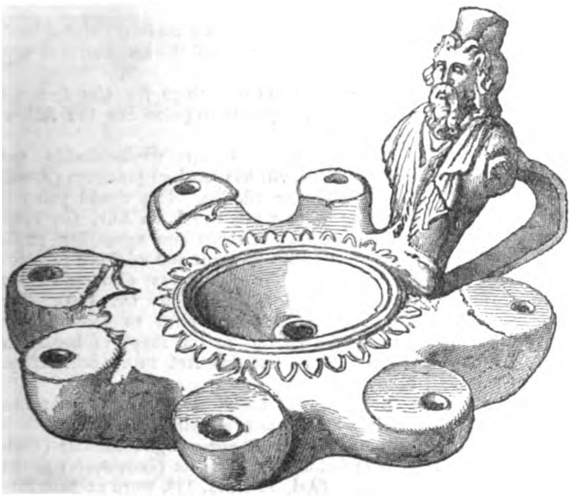
2. The *calathus* or *talarus* was also the name of a similar basket for carrying fruits, corn, flowers, &c. (*Il.* xviii. 568; Hes. *Sc.* 293; Aristot. *Rhet.* iii. 11, § 15; Mosch. ii. 34, 61; Verg. *Ecl.* ii. 46; Ov. *Ars Am.* ii. 264.) It was also used for holding cheeses, the whey running off through the wicker-work. (Hom. *Od.* ix. 247; Theocr. v. 90, viii. 70; Colum. vii. 8, 3; Ov. *Met.* xii. 436.)

3. The name was likewise given to vessels made in the form of a wicker basket for holding milk (Verg. *Georg.* iii. 400; Calp. Sic. ii. 77; Colum. x. 397), and to wine-cups of a similar shape (Verg. *Ecl.* v. 71; Mart. ix. 60, 15, xiv. 107).

4. The *calathus* was used as a religious emblem, and we accordingly find it figured on monuments in connexion with Athena or

Calathus on a chariot in the Eleusinian procession. (British Museum.)

Minerva, who taught women the art of weaving; of Demeter or Ceres, the goddess of harvests; of Tellus and other divinities, as an emblem of abundance. It was carried in honour of Demeter at the Eleusinian festival (Callim. *in Cer.* 1), and is so represented in a bronze medal of Trajan figured above. It was frequently placed on the heads of divinities, especially of Demeter, in ancient statues, and in this use is called *modius* or bushel by archaeologists. It was probably carried on the heads of women or young girls in processions, whence it gave rise to the capital supported by a female figure in place of a column. [CARYATIDES.] Figures of priestesses, from ancient monuments, wearing the calathus, are given by Saglio (*Dict.* s. v.) In particular the god Serapis in the time of the Roman empire is represented with a calathus on his head (*calathum capiti ejus infigunt*, Macrob. *Sat.* i. 20, §§ 13, 15; cf. i. 17, §§ 67, 68), and so appears in works of art, as in a Roman lamp figured by Birch (*Ancient Pottery*, p. 506). [W. S.]



Lamp with head of Serapis surmounted by the Calathus. (Birch.)

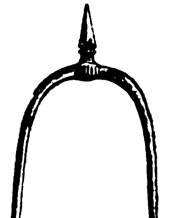
CALA'TOR (KALATOR, Orell. *Inscr.* 2431, 2432; καλήτωρ, Dion. Hal.), originally a slave employed as a caller or crier (Plaut. *Merc.* v. 2, 11; *Pseud.* iv. 2, 52; *Rud.* ii. 3, 5): the *nomenclator* or prompter of names to a candidate was a specimen of this class (Hor. *Epist.* i. 6, 50; *aliena memoria salutamus*, Plin. *H. N.* xxix. § 19; AMBITUS). The derivation from καλεῖν (Lat. *calare;* cf. *kalendae*) is given by Paulus Diaconus (p. 18, Müller); but he ridiculously adds that it was because they had to come when they were called. In this sense the word became obsolete; but it survived as the name of certain attendants on the members of the higher priesthoods, each of whom nominated a calator from among his own freedmen.

Besides the ARVALES (*q. v.*), we find in the four inscriptions preserved by Orellius, *Kalatores Pontificum et Flaminum*, 2431; *Kalatores Titialium Flavialium*, 2432 (here a boy dying at 15 has held the office); *Calator Epulonum Libertus*, 2433; *Dispensator Calatorum Augurum*, 2434, cf. Suet. *de Ill. Gramm.* c. 12: and Orellius remarks that all sacerdotia had their calatores. (Marini, *Atti de' Fratelli Arvali*, p. 210; Henzen, *Acta Fr. Arvalium*, pp. vii. viii. 160; Marquardt, vi. 219; Mommsen, *Staatsr.* i.^{2} 344.) [W. W.]

CALAU'TICA (in some MSS. *calantica* or *calvatica*), a female head-dress, described by Nonius, p. 537, as "tegmen muliebre, quod capiti innectitur." Cf. Cic. *Fragm. in Clod. et Cur.* 5: "quum calautica capiti accommodaretur," where it appears to be used in the same sense as *mitra.* So Serv. *ad Aen.* ix. 616, and Ulp. *Dig.* 34, 2, 25, § 10: "ornamentorum haec: vittae, mitrae, semimitrae, calautica." Gloss. Philox., however, explains it as εἶδος ζώνης.

Ausonius (*Perioch. Od.* v.) used *calautica* as a translation of κρήδεμνον. From this and other considerations Rich is led to identify the two words as signifying a head-dress with lappets hanging down to the shoulders on both sides, so that they might be drawn together to conceal the face (Hom. *Od.* i. 334; *Il.* xiv. 184; and Eustath. *ad loc.*); but its form is quite uncertain. [J. H. F.]

CALCAR (μύωψ, ἐγκεντρίς), a spur, an implement to which we find no reference in the Homeric writings, in which riding is so rarely mentioned, a goad (κέντρον) taking its place. Even in later Greek authors, it is often difficult to determine whether a goad or a spur is signified. But in Theophr. *Char.* xxi., where the μικροφιλότιμος, after taking part in a πομπή, walks about the market-place ἐν τοῖς μύωψι, we have a clear reference to spurs. Cf. *Anth. P.* v. 203; Diod. Sic. xvii. 20; Pollux, i. 210, x. 54, and perhaps Plat. *Apol.* 30 E, where, however, it is not clear whether μύωψ is a spur, or the fly from whose goading bite the spur was named. Similarly in works of art spurs are but seldom represented. A spur, however, is indicated on one foot of an Amazon on a vase of probably the 4th century (*Bulletin de l'Académie de Bruxelles*, xi. p. 76); and the left foot of the statue of an Amazon in the Vatican, which is held to be a copy from Pheidias, shows how the spur was fastened to the foot, although the spur itself has been broken off. Bronze spurs have also been found at Dodona (*Académie des Inscriptions*, June 1877).



Calcaria, Bronze Spurs. (British Museum.)

Among the Romans the name leaves us in no doubt about the use of this appliance ("calcaria dicta, quia in calce hominis ligantur ad stimulandos equos," Isid. *Orig.* xx. 16, 6), and we find the word used as early as Plautus (*As.* iii. 3, 118), and very frequently in later writers. Numerous examples of Roman spurs are in the museums. [J. Y.] [J. H. F.]

CAL'CEUS (**ὑπόδημα**), a boot, shoe, or other covering for the feet.

I. GREEK. The Greeks generally wore some sort of covering for the feet, though it was not quite unusual for even distinguished people to go barefooted. Thus it was a rare occurrence when Socrates wore boots (Plat. *Symp.* 174 A), and we hear also how men of means who lived a simple life, like the orator Lycurgus (*Vit. X. Or.* p. 842) and Phocion (Plut. *Phoc.* 4), went barefooted, as did also those who affected the austerity of certain philosophic schools (Aristoph. *Nub.* 103; Theocr. xiv. 6; Lucian, *Icarom.* 31). The lower orders, too, in a great measure wore no boots (cf. Lucian. *Catapl.* 20). It was part of the training of the Spartan youth to be always barefooted (Xen. *Rep. Lac.* 2, 3), and Agesilaus did not relinquish the practice even when old (Ael. *V. H.* vii. 13). Still, as a general rule, the Greeks wore shoes, and very particular they were about the fit. It was a mark of boorishness and so of ridicule to have too large boots (Theophr. *Char.* iv.; cf. **ἔνεον ἐν ταῖς ἐμβάσιν**, Aristoph. *Eq.* 321). Men's boots, especially those of rustics, had nails in them (Theophr. *l. c.*). The usual colour of Greek boots was either the natural colour of the leather or black, though sometimes we find red and white boots (see below). The black was produced by a substance called **μελαντηρία** (Lucian. *Catapl.* 15), which was the same as the *atramentum sutorium* (Cic. *ad Fam.* ix. 21, 3) of the Romans. They rubbed on this blacking (**περικωνεῖν**) with a sponge, not as we do with a brush (Aristoph. *Vesp.* 600). There is an interesting passage in the *Cyropaedia* (viii. 2, 5) which shows the division of labour in the making of shoes. One man makes them for men, another for women; and in making a single pair one cuts the layers for the soles, another fastens these together, another cuts out the uppers, and a fourth puts the pieces together.

As to the names of boots and shoes they are most numerous (Poll. vii. 84 *sqq.*); but except in a few cases we cannot fix with anything like definiteness what were the shapes corresponding to the names. That there were three main kinds of coverings for the feet—viz. what we call *sandals* (**πέδιλα, ὑποδήματα** in the special sense), *shoes* which partially covered the feet, and *boots* which wholly covered them—is quite certain. (The last two kinds were called **ὑποδήματα κοῖλα**.) All we can do here is to give illustrations of the kinds of boots found represented on Greek vases and statues; and state, as far as our authorities will allow us, the peculiarities of the different kinds of shoes not already treated of in the special articles BAUCIDES, CARBATINA, COTHURNUS, CREPIDA, EMBAS, ENDROMIS, SANDALIUM.

The illustrations are taken from Guhl and Koner (*Das Leben der Griechen und Römern*, fig. 223). Nos. 1 (statue of Elpis in Vatican), 2, and 3 (foot of Belvedere Apollo) show the different sorts of *sandals* and methods of fastening them from the simplest to the most complex kind Nos. 4, 5, and 7 (statue of Demosthenes) exhibit various kinds of *shoes* partially covering the foot, while No. 6 is a completely closed boot, and No. 8 is a specimen of the ENDROMIS or top-boot for hunters.

Greek Shoes and Boots. (From Guhl and Koner.)

Other names of coverings for the feet not treated of in separate articles are the following:—

1. **Ἀρβύλη**, of cheap workmanship and material (Poll. vii. 86), used on journeys (Aesch. *Ag.* 945; Theocr. vii. 26). This would point to its being a *boot* (cf. Schol. on Eur. *Or.* 140), though we find it sometimes appearing to be synonymous with **βλαύτια** and **σάνδαλα** (*Anthol. Planud.* 306–308). It was also worn by women as well as men (Eur. *Or.* 140). The term **ἀρβύλαι** is also applied to holes in the bottom of a chariot in the shape of boots, for the driver to put his feet into (Eur. *Hipp.* 1189).

2. **Βασιλίδες**, boots worn by the Archon Basileus at Athens (Poll. vii. 85).

3. **Βλαύται** or **βλαύτια**, light sandals (Poll. vii. 87) fastened by latchets (**ἀναγωγεῖς**) round the ankle (Ael. *V. H.* ix. 11), worn at banquets (Plat. *Symp.* 174 A; Hermipp. *ap.* Ath. xv. 668 a), and in the gymnasium (Ath. iii. 98 a).

4. **Διάβαθρον**, a kind of Greek slipper worn mostly by women (Eustath. ad *Od.* v. 9), but also sometimes by men (Naev. *ap.* Varr. *L. L.* vii. 53). Cf. Poll. vii. 90.

5. **Ἐμβάται** were top boots, mentioned as being lined with felt even by Hesiod (*Op.* 541). They were made of the same leather as *crepidae* [CREPIDA], and were worn by horsemen **ἅμα ὅπλον τε κνήμαις καὶ ποσὶν ὑποδήματα** (Xen. *Eq.* 12, 10), and are mentioned as being sometimes highly adorned (Ath. xii. 535 f). **Ἐμβάτης** was the strictly Greek name for the tragic buskin which the Romans called *cothurnus* [COTHURNUS]. It had a wooden rectangular sole, and would fit either foot. Pollux (vii. 91) appears to be in error when he says that the **ἐμβάτης** was the shoe of Comedy. (See the full discussion in A. Muller, *Die griechischen Bühnenalterthümer*, pp. 239, 240.)

6. **Εὐμᾶρις** was a Persian slipper (Eur. *Or.* 1370) of yellow colour (**κροκόβαπτος**, Aesch. *Pers.* 660), with thick soles (**βαθύπελμος**, *Anth. Pal.* vii. 413).

7. **Ἰφικρατίδες** (Alciphr. iii. 57), a military boot called after Iphicrates the general, like our Wellingtons or Bluchers. Other kinds of boots called after individuals were **Δεινιάδες, Ἀλκιβιάδες, Σμινδυρίδια, Μυννάκια** (Poll. vii. 89). We

hear that the **'Αλκιβιάδες** were *παρηλλαγμένα*, *i.e.* fitting either foot (Ath. xii. 534 c).

8. **Κονίποδες** or *κονιόποδες*, thin light *sandals* worn by old men (Aristoph. *Eccl.* 848), so called because the foot got covered with dust, says the *Etym. M.* (s. v.).

9. **Λακωνικαί** or *Λακωνικά*, a kind of men's shoes (Aristoph. *Thesm.* 142; *Eccl.* 74). They were different from the *ἐμβάδες* [EMBAS], and were used at banquets (Aristoph. *Vesp.* 1158). There appear to have been a finer and a commoner sort. It is to the former the Scholiast on Aristophanes (*Vesp.* 1158) refers when he says they were *ἀστειοτέραι* than the *ἐμβάδες*, and Photius when he characterises the Laconian shoe as *σεμνόν*. Critias (*ap.* Ath. xi. 483 b) tells us that the Laconian shoes were the best. They were generally *red* (Poll. vii. 88), and it was only as a sign of royalty that the tyrant Lysias of Tarsus wore *white λακωνικαί* (Ath. v. 215 c). This finer sort of Laconian shoes was probably the **'Αμυκλαΐδες** or **'Αμύκλαι** (Theocr. x. 35, and Schol.; Poll. vii. 88; Hesych. *s. v.*). These Laconian shoes appear to have been actually made in and imported from Laconia (Aristoph. *Vesp.* 1160), and not merely to have been so called because that style of shoe was first manufactured in Laconia, as Pollux (*l. c.*) says. But there was perhaps a commoner kind, viz. the **ἁπλαῖ**, mentioned by Demosthenes (*Con.* § 34) as affected by the austere Laconizers. These were a kind of Laconian shoe, so called either on account of its simplicity of manufacture, or because its sole had only a single layer of leather (*Etym. M.*, and Harpocr. *s. v.* ἁπλαῖ).

10. **Περιβαρίδες** or *περίβαρα*, women's shoes worn only by slaves and the lower orders. (Aristoph. *Lys.* 45; Poll. vii. 87, 92.)

11. **Περσικαί** or *περσικά*, cheap (*εὐτελῆ*, Hesych., Steph. Byz. *s. v.*) white (Poll. vii. 92) women's shoes (Aristoph. *Lys.* 229), worn principally by hetaerae (Poll. *l. c.*).

12. **Πηλοπατίδες**, as the name indicates, similar to the *ἀρβύλαι* and CARBATINA; cf. *πηλοπατίδες ἀρβύλαι* (Hippocr. *Art.* 828).

13. **Σικυώνια**, soft light women's shoes (Cic. *de Or.* i. 54, 231; Lucr. iv. 1125). They did not become famous till the latter end of the Roman republic, though we hear of them earlier (Machon in Ath. viii. 349 e). Other kinds of shoes called after the names of places were **'Αργεῖαι, 'Αμβρακίδες, Θετταλίδες, Ροδιακαί, Σκυθικαί** (Poll. vii. 88, 89; cf. Blümner, *Gewerbliche Thätigkeit*, pp. 76, 82, and Index *s. v.* *Schuhe*).

14. **Τυρρηνικά**, costly sandals with high rectangular wooden soles. The latchets were sometimes plated with gold (*ἐπίχρυσοι*). Phidias is said to have represented Athena as wearing this kind of shoe; and Pollux (vii. 93) declares that the *ποίκιλος μάσλης Λύδιον κάλον ἔργον* of Sappho (*Fr.* 19 (83)) refers to the Τυρρηνικά. (See further Hesych. and Phot. *s. v.* Τυρρηνικὰ σανδάλια.) The *Tyrrhena vincula* of Verg. *Aen.* viii. 458 Servius considers were *crepidae* [CREPIDA].

15. **Φαικάδες** or *φαικάσια*, elegant white Attic shoes (Appian, *Bell. Civ.* v. 11), similar to the *κονιπόδες* (Clem. Alex. *Paedag.* ii. 11), often adorned with gold (Petr. 67). As Marquardt (*Privatleben*, p. 576) tells us, they were worn in Athens and Alexandria by priests and gymnasiarchs (Plut. *Ant.* 33; Poll. vii. 90; App. and Clem. Alex. *ll. cc.*), also by philosophers (Senec. *Benef.* vii. 21), peasants (Hesych. *s. v.*), youths (Petr. 82), women (*ib.* 67), with the pallium (Senec. *Ep.* 113, 1); cf. Mayor on Juv. iii. 218.

Besides these, there is a multitude of other names of shoes which Pollux has collected (vii. 84–94); but as they are seldom more than mere names, they need not be touched on here. For Greek shoes generally see Hermann-Blümner, *Privatalterthümer*, pp. 180–183, 195–196: Guhl and Koner, *Das Leben der Griechen und Römern*, § 46, ed. 4; Becker-Göll, *Charikles*, iii. 267–286; Baumeister, *Denkmäler*, art. *Fussbekleidung*, pp. 574–5.

II. ROMAN. *Calceus* (**καλίκιος**, Polyb.; **κάλτιος**, *Ed. Diocl.*), connected etymologically with **λάξ**, *calx* (Curt., *Gr. Et.*, No. 534), is distinguished as a regular closed boot with a sole and upper from SOLEA, a mere sandal (Gell. xiii. 22, 5), and from CALIGA, which appears to be a boot of which the upper consisted of a series of thongs letting the foot appear; and, as being made of tanned hide (*aluta*), it differed from PERO, which was of untanned hide (Verg. *Aen.* vii. 690). In strictness, it is the special Roman city boot. It and the *toga* formed the two peculiarly national features of Roman costume (Polyb. xxx. 19, 2, Hultsch; Cic. *Phil.* ii. 30, 76; Tert. *de Pallio*, 5). But in a more extended sense its cognates *calceatus*, *calceamentum*, *calceamen*, are applied to all *boots* (i.e. consisting of a sole and upper), even to foreign ones: thus *calceare* is used of the *cothurnus* (Suet. *Aug.* 78) and the *soccus* (Plin. *H. N.*, xxxvi. § 41): but these terms are not applied to open shoes consisting of a single sole, like the *soleae* and *crepidae* (Gell. *l. c.*; Isid. *Orig.* xix. 34, 11). It is in the strict sense of the word that *calceus* is treated of here.

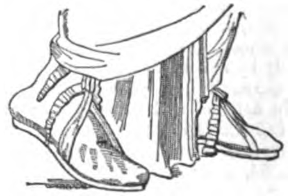
Etiquette prescribed that when a Roman went out in the city he should wear the *toga* and the *calcei*; but they were uncomfortable ("calcei... proprium togae tormentum ... Quem enim non expediat in algore et ardore rigere nudipedem quam in calceo vincipedem," says Tertullian *l. c.*), and gladly dispensed with when the Roman was rusticating (Mart. i. 49, 31). They were not worn in the house, and that Augustus did so is noticed as a peculiarity (Suet. *Aug.* 73, 78). Ladies, too, wore them (Varr. *L. L.* ix. 40; Ael. *Var. Hist.* vii. 11), but not slaves, who had, at least in the country, wooden shoes (*sculponeae*, Cato, *R. R.* 59). Women's *calcei* were naturally thinner than men's, and of very various colours (*hederacei*, *cerei*, Vopisc. *Aurelian*, 49), but generally white (Ov. *A. A.* iii. 271; Apul. *Met.* vii. 8 *init.*; Clem. Alex. *Paedag.* ii. 11, p. 240, ed. Potter). Clement advises women, when walking on the roads, to use rustic thick-soled boots (**καττύματα**) with nails. (For such boots, see Hermann-Blümner, *Privatalterth.* p. 182, n. 7.) High soles were sometimes worn, to give the wearer an appearance of being taller than he really was (Suet. *Aug.* 73).

Certain differences of rank were marked by different kinds of boots; indeed Zonaras (vii. 9) says that the plebeians during the Republic in no wise differed from the patricians (*εὐπατρίδαι*) except in their boots. And in the Edict of Diocletian we find the maximum prices of three different kinds of *calcei* fixed: viz. *calcei* *patricii* at 150 denarii, about three shillings and nine pence (this value depends on the very difficult question of the value of the Diocletian denarius. The view adopted is that of Hultsch, *Metrologie*, p. 333, note 3, who fixes it at 2¼ Pfennige; but Waddington, *Édit*, p. 2, fixes it at 6¼ centimes); *calcei senatorum* at 100 denarii (=2*s.* 6*d.*); *calcei equestres* at 70 denarii (=1*s.* 9*d.*). Besides these, there were probably the *calcei* of the ordinary Roman citizen. We must now consider each of these classes separately.

The *calceus patricius* was a red-coloured boot; hence also called *mulleus*, from the colour of the fish (*mullus*, Isid. *Orig.* xix. 34, 10). True, Festus (pp. 142–3, Müller) says it is derived from *mullare* (=to stitch); but, as Heuzey remarks (in Saglio's *Dict.* p. 818), the derivation from *mullus* suits better the adjectival ending in *-eus* and also the Roman practice of denominating differences in colour from common objects (cf. *cereus*, *hederaceus*). In this same passage Festus tells us that in ancient times this kind of boot was worn by the kings of Alba, and afterwards by the patricians; and he quotes Cato, *Orig.* vii.: "Qui magistratum curulem cepisset calceos mulleos †alutaciniatos [aluta laciniatos (Müller), vinctos (Mommsen), cinctos or consutos (Heuzey)], ceteri perones." But Festus is not quite accurate. Though called *calcei patricii*, they were not worn by all patricians nor by all patrician senators. It is only late writers, such as Zonaras (*l. c.*), Isidore (*l. c.*), and Scholiast on Juv. vii. 192, who say so; but this view has the support of Mommsen (*Staatsr.* i.^{2} 408). Nor were they worn by patricians only. Their use was really confined to curule magistrates, and that too only on great public occasions, in this respect like our orders, such as the Garter. They were part of the triumphal apparel; and so, on the occasion of the dedication by Marius of the temple erected to Honor and Virtus out of the Cimbrian spoils, he wore the triumphal robe and the *patricii calcei* (*C. I. L.* i. p. 291, and Mommsen *ad loc.*). Yet Marius was no patrician. It was made a reproach to Caesar, that after his triumph he entered the senate with such boots on (Dio Cass. xliii. 43). In the 2nd century A.D. the lucky Quintilian, who was neither curule magistrate nor patrician, got the right of wearing them (Juv. vii. 192); and also Vettius Crispinus, a mere child (Stat. *Silv.* v. 2, 28), and the son of Herodes Atticus (*C. I. G.* 6280 B, 23 *sqq.*), obtained the same privilege. They did so in virtue of the grant of *ornamenta* of one of the curule magistracies, which was a function of the senate, rather than in virtue of the *adlectio*, which was a privilege of the emperor (Willems, *Le Sénat*, &c. i. 126, note 3). For the grant of the *ornamenta* generally, see Mommsen, *Staatsr.* i. 450 *sqq.* The fact is, the *calcei patricii* were formerly the insignia of the kings of Alba, of the Roman kings, and later of the *patrician* (*i.e.* curule) magistracies; but when the curule magistracies were opened to the plebeians, the latter got the right of wearing the patrician insignia of these magistracies. (See Willems, *l. c.* i. 128 *sqq.*) This is why they are called *patricii*, not that any particular modification of this kind of boot was, after very early times, confined to the patricians, as is the view of Mommsen in more than one passage (*Staatsr.* i. 408, note 1; *Röm. Forsch.* i. 255, note 7; *C. I. L.* i. p. 291).

In the Flavian era and subsequently, there is no doubt that they are generally mentioned with a certain irony, as a sign of ostentation in upstarts; but that does not prove, as Heuzey thinks, that it was not expected of curule magistrates (and those who had the *ornamenta* of them) that they should wear this kind of boot on state and official occasions. Aurelian (Vopisc. *Aur.* 49) is said to have put a stop to their use; but they reappear in the Edict of Diocletian. It may be remarked that in old classical French, and in the provinces still, *mules* (from *mulleus*) is used for slippers or goloshes. In modern classical French it and its cognates in Italian and Spanish are used for the Pope's shoe on which there is a cross. See Littré *s. v.*

The boot was of tanned leather (*aluta*, Mart. ii. 29, 7; Lyd. *de Mag.* 32), with hooks (*malleoli*, Isid. *Orig.* xix. 34, 10) on the upper (*superiore parte*). These hooks Heuzey, and apparently Mommsen (*R. F.* i. 255, note 6), suppose to be the *lunula*; if so, they must have been on the ankle. But more probably they were on the instep, and the *lunula* was a mere ornament. To these hooks were fastened four (Isid. *Orig.* xix. 34, 4) black leather (Juv. vii. 192) straps (*corrigiae*, Cic. *de Div.* ii. 40, § 84; *lora patricia*, Senec. *Tranquill. Animae*, 11, 9), which were wrapped crosswise (Zon. vii. 9) round the calf of the leg, half-way up to the knee. But we do not find these hooks on any certain Roman *calceus*, though the arrangement of bands in the accompanying figure of a patrician youth from a statue in the Louvre seems to represent a hook (*ap.* D. and S. p. 817). More generally, two of the *corrigiae* were inserted at the juncture of the sole and the upper, very broad at the base, but getting narrower, and fastened on or a little above the instep, after being wrapped once round the leg. The other band was higher and wrapped several times round the leg. The knots in which these bands were fastened were in front; and the extremities of the bands hung down sometimes to near the ground. The boots resembled the *cothurni*, in having a high sole (Isid. *l. c.*; Acron on Hor. *Sat.* i. 6, 86), but we cannot suppose that the sole was as high as in the latter. On the outside of the ankle to one of the black bands was affixed an ivory ornament in the shape of a crescent (*ἐπισφύριον ἐλεφάντινον μηνοειδές*, Philostr. *Soph.* ii. 1, 18), called *lunula* or *luna* (Isid. and Juv. *ll. cc.*), and by Suidas (*s. v.* *χλαμύς*) the Roman *kappa*.



Calceus of a Patrician Youth. (From a statue in the Louvre.)

The popular explanation was that the original wearers were the hundred (C) senators chosen by Romulus; but it was probably of the nature of an amulet, like the *bulla* of children; for the Romans were superstitious with regard to their shoes (Cic. *de Div.* ii. 40, 84; Suet. *Aug.* 92. See Heuzey, p. 818; Marquardt, *Privatl.* 574). There is no certain representation of the *calceus patricius* containing the *lunula;* for the example given by Balduinus and reproduced by Rich (*s. v.* Luna), Heuzey says, is very late, and we do not know whence it is derived. Moreover it has the *lunula* on the instep and not on the ankle. But there are many which reproduce in essentials the shape and arrangement of the boot and the bands; and two specimens of these are given, which are taken from Baumeister's *Denkmäler*, p. 575.

Patrician Calcei. (From Baumeister.)

That the *calceus senatorius*, or boot of the ordinary senators, differed from that of the curule magistrates, may be considered certain, from Apuleius, *Flor.* i. 8. It seems, however, to have resembled the *calceus patricius* in every respect, except that it had not the *lunula* (" hac lunula nam adsuta calceis discernuntur patricii a noviciis," Schol. on Juv. vii. 192: cf. Marquardt, *Privatl.* 593; Mommsen, *Staatsr.* i. 408, note 1). It had certainly black bands (Hor. *Sat.* i. 6, 86); but it does not seem quite clear of what colour the boot itself was. Willems (*Le Sénat*, i. 124, note 2) and Göll (*Gallus*, iii. 234) think the shoe was black, on the not very strong support of Lyd. *de Mag.* i. 17 (who is talking of the CAMPAGUS), the Schol. on Juv. i. 111 (though *necdum* is probably relative to the time of the Scholiast himself), and the *à priori* argument that if the colour were not black, Horace (*l. c.*) would have mentioned it. Mommsen (*l. c.*) says that to assume that the shoe was black rests on a confusion of the shoe and the bands. The distinct statements of Cato and Martial (ii. 29, 7), he says, make for the colour being red. But in these two passages it is the *calceus patricius* which is spoken of. On the basis of the Schol. to Juv. vii. 192, quoted above, it may appear best to suppose that the *calceus senatorius* differed from the *calceus patricius* only in having the *luna*, and so was red in colour; but really no decisive answer can be given. This boot was worn when the senator appeared in public, especially at sittings of the senate; Milo, for example (Cic. *Mil.* 10, § 28), on returning from the senate, changes his boots. Lange (*Röm. Alt.* ii.^{3} 373) thinks this special senatorial boot dates from the 7th century A.U.C. Cato, as we saw above, says that in his time the senators wore *perones*.

The *calceus senatorius* was unquestionably different from that of other ranks. Cicero (*Phil.* xiii. 13, 28) speaks of a certain Asinius who " saw the senate-house open after the death of Caesar, got new boots (*mutavit calceos*), and forthwith became a senator." And the strict division which subsisted, both under the Republic and Empire, between the senatorial and equestrian rank and career, gives us reason to suppose that the *calceus equester* was a distinct kind of boot, especially as we find it mentioned in Diocletian's Edict. We have, however, in the Louvre the statue of a certain Canius, who was, it appears, the *procurator quattuor publicorum Africae*, which was an equestrian office (*ap.* D. and S., p. 816).

Calceus of a Procurator of Africa. (From a statue in the Louvre.)

If we can regard his boot as the *calceus equester*, it will be seen that it was a genuine boot, with no bands, and that it was composed of two pieces. We can say nothing about the colour.

Somewhat different were the boots of the ordinary citizens, which do not seem to have gone so high up over the ankles, and which had a piece of leather extending from the side of the boot by which it was fastened over the instep. This piece of leather was called *lingula* or *ligula* (Becker-Göll, *Gallus*, iii. 230), and is shown in the first illustration (see p. 332, No. 5). It was called *lingula* from its likeness to a projecting tongue (Fest. p. 116, Müll.; cf. Pollux, ii. 109), not from *ligare*, " to bind " (Charis. p. 104, Keil). To leave these untied was a mark of haste (*ligulas demittere*, Juv. v. 20). They were also used as handles (Schol. on Juv. *l. c.*). As we are specially told by Scribonius Largus (*Comp. Med.* 208) that these *lingulae* were blackened, we may perhaps conclude that the rest of the boot was of the colour of ordinary leather. For the *atramentum sutorium*, see Plin. *H. N.* xxxiv. § 32.

An explanation may now be offered of the difficult lines of Martial, ii. 29, 7:

> " Non hesterna sedet lunata lingula planta,
> Coccina non laesum pingit aluta pedem."

(The upstart who was yesterday a simple citizen, wearing the ordinary uncomfortable common kind of boots with a *lingula*, to-day has got the *ornamenta* of a curule magistracy, and wears the red *calcei patricii*, which are adorned with a *lunula* and which do not pinch his feet.)

In later times we read of great extravagance and vulgar ostentation in the matter of boots, silk-work being embroidered on them, and, after the manner of the Easterns, gold (Cassiod. *Var.* vi. 1) and jewels (Plin. *H. N.* ix. § 114) being let into them (Lampr. *Heliog.* 23; Marquardt, *Privatl.* 575).

For general information on the subject of *calceus*, see especially Heuzey in Daremberg and Saglio, *s. v.*; Becker-Göll, *Gallus*, iii. 230 *sqq.*; Willems, *Le Sénat de la République Romaine*, i. 123–132, 653–4; Marquardt, *Das Privatleben der Römer*, 570 ff.; Blümner in Baumeister's *Denkmäler des klassischen Altertums*, art. *Fussbekleidung*; Guhl and Koner, *Das Leben der Griechen u. Römer*, 649, ed. 5. [L. C. P.]

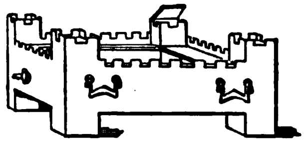
CALCULA'TOR (λογιστής) signifies a keeper of accounts in general, but was also used in the signification of a teacher of arithmetic (Isid. *Orig.* i. 3; Dig. 38, tit. 1, s. 7); whence Martial (x. 62, 4) classes him with the *notarius* or writing-master; but the teacher of arithmetic held a high position among teachers (cf. Cod. Just. 10, tit. 52, s. 4; Becker-Göll, *Gallus*, ii. p. 101; Marquardt, *Röm. Privatleben*, p. 95). The name was derived from *calculi*, which were commonly used in teaching arithmetic, and also in reckoning in general. [ABACUS.] Among the Greeks the λογιστὴς and γραμματιστὴς appear to have been usually the same person. [W. S.]

CAL'CULI. [ABACUS; DUODECIM SCRIPTA; LATRUNCULORUM LUDUS.]

CALDA, or CAL'IDA, sc. *aqua*, the warm drink of the Greeks and Romans, occurs as early as Plato (*Rep.* iv. 437 E, where it is simply θερμόν). It probably consisted of hot water flavoured with spices or aromatic herbs. Wine was constantly drunk with it, but it is almost certainly a mistake to suppose that the *calda* was a kind of negus in which the wine was already mixed. We find θερμὸν ὕδωρ as a drink in Athenaeus (ii. 45 d; iii. 123 a) and Lucian (*Asin.* p. 575); and the phrase *calidae gelidaeque minister* in Juvenal (v. 63) and several epigrams in Martial (i. 11; vi. 86; viii. 67, "Caldam poscis aquam, nondum mihi frigida venit") all point to the conclusion that the wine was served separately, while the guests had the choice of hot or cold water to mix with it according to their taste or the season. The passages just cited refer to the use of this drink in the better sort of private houses; besides this, it could always be procured at certain shops or taverns called *thermopolia* (Plaut. *Curc.* ii. 3, 13; *Rud.* ii. 6, 45; *Trin.* iv. 3, 6). The less sensible emperors, such as Caligula and Claudius, sometimes stopped the sale of hot drink (θερμὸν ὕδωρ) and hot viands on the occasion of a death in the imperial family; public mourning was to be marked by abstinence from such luxuries, and the breach of this regulation was punished with death (Dio Cass. lix. 11, lx. 6).

The water for this purpose was heated in the AENUM ("nec multum refert inter caccabos et aenum, quod supra focum pendet; hic aqua ad potandum calefit, in illis pulmentarium coquitur," Dig. 33, 7, 18, § 3), and kept hot in the AUTHEPSA, a vessel not unlike our tea urns, both in appearance and construction, and often of a very elegant form. (See the illustrations under AUTHEPSA; also Böttiger, *Sabina*, ii. 34; Becker-Göll, *Gallus*, ii. 364.) [W. S.] [W. W.]

CALDA'RIUM. 1. The hot or thermal chamber of Roman baths (Vitruv. v. 10; Sen. *Ep.* 86; Cels. i. 4; BALNEAE). Also the boiler in which the water for supplying the baths was heated (Vitruv. *l. c.*); see the illustration, BALNEAE, p. 279 *b*. These are the only usages of the word in classical Latin. 2. A portable cooking-stove. In this sense the word *caldarium* occurs only in late authors, though the thing itself is well known through numerous specimens found at Pompeii, and now in the Naples Museum. The classical term for it is probably *focus*. In Seneca's time, Roman epicurism brought these stoves into the dining-room (*cenatio*), that the dishes might be served to perfection ("tumultus coquorum est ipsos cum obsoniis focos transferentium . . . cenam culina prosequitur," Sen. *Ep.* 78, § 23).



Caldarium. (*Museo Borbonico*, xii. pl. 46.)

The caldarium here figured (*Mus. Borbon.* xii. pl. 46) has been described by Rich, who, however, with less probability, calls it an *authepsa*. The sides, which are hollow, contained water, and a small cock projects from one of them (seen in the engraving), by which it was drawn off; the four towers at the angles are provided with moveable lids; the centre received the lighted charcoal, and cooking vessels might be placed on it or suspended over it. Another contrivance already figured (see the second cut under AUTHEPSA) seems to combine the two purposes of supplying hot water and keeping dishes hot. It has the cylinder with a place in the centre for a charcoal fire, which is the characteristic of an *authepsa*; and it is also furnished with a shallow oblong tray, into which the hot-water from the cylinder was drawn by a cock, and on which dishes may have been placed.

These *caldaria* might be shaped like a milestone (as in a specimen figured *Mus. Borbon.* iv. pl. 59, also by Saglio) or in more eccentric designs ("dracones et miliaria et complures formas," Sen. *Nat. Quaest.* iii. 24, § 2). The same passage describes boiler-tubes, not unlike those of a modern steam-engine. These contrivances show great skill in the economy of fuel and the conveniences of life. Pollux (x. 66) gives a long list of vessels for heating water, but little by which we can identify the different shapes. [W. W.]

CALENDA'RIUM, or rather KALENDA'RIUM, is the account-book in which creditors entered the names of their debtors and the sums which they owed. As the interest on borrowed money was due on the *Calendae* of each month, the name of *Calendarium* was given to such a book. (Senec. *de Benef.* i. 2, § 3; vii. 10, § 3.) The word was subsequently used to indicate a register of the days, weeks, and months, thus corresponding to a modern almanac or calendar.

1. GREEK CALENDAR.—In the earliest times the division of the year into its various seasons

appears to have been very simple and rude. Homer speaks of three seasons—ἔαρ, θέρος, and χειμών—coupling with θέρος as a later summer ὀπώρα (*Od.* xi. 191, &c.); and the threefold division seems to have been the most usual as late as the time of Aristophanes [ASTRONOMIA]. Where greater precision was required, it was common to use as determining points the rising or setting of certain stars. Thus Hesiod (*Op. et Dies*, 381) describes the time of the rising of the Pleiades as the time for harvesting (ἄμητος), and that of their setting as the time for ploughing (ἄροτος); the time at which Arcturus rose in the morning twilight as the proper season for the vintage (*l. c.* 607), and other phenomena in nature, such as the arrival of birds of passage, the blossoming of certain plants, and the like, indicated the proper seasons for other agricultural occupations; but although they may have continued to be observed for centuries by simple rustics, they never acquired any importance in the scientific division of the year. [ASTRONOMIA.]

The moon being that heavenly body whose phases are most easily observed, formed the basis of the Greek calendar, and *all* the religious festivals were dependent on it. The Greek year was a lunar year of twelve months, but at the same time the course of the sun also was taken into consideration, and the combination of the two (Gemin. *Isag.* 6; comp. Censorin. *de Die Nat.* 18; Cic. *in Verr.* ii. 52, § 129) involved the Greeks in great difficulties, which rendered it almost impossible for them to place their chronology on a sure foundation. It seems that in the early times it was believed that twelve revolutions of the moon took place within one of the sun; a calculation which was tolerably correct, and with which people were satisfied. The time during which the moon revolved around her axis was calculated at an average or round number of 30 days, which period was called a month (Gemin. *l. c.*); but even as early as the time of Solon, it was well known that a lunar month did not contain 30 days, but only 29½. The error contained in this calculation could not long remain unobserved, and attempts were made to correct it. The principal one was that of creating a cycle of two years, called τριετηρίς, or *annus magnus*, and containing 25 months, one of the two years consisting of 12 and the other of 13 months. Boeckh (*Zur Gesch. des Mondcyclen*, p. 10, 63 ff.) regards the τριετηρίς as wholly fabulous; but his views have been refuted by Mommsen (*Röm. Chron.* p. 211 ff.). The months themselves, which in the time of Hesiod (*Op. et Dies*, 770) had been reckoned at 30 days, afterwards alternately contained 30 days (full months, πλήρεις) and 29 days (hollow months, κοῖλοι). According to this arrangement, one year of the cycle contained 354 and the other 384 days, and the two together were about 7½ days more than two tropical or solar years. (Gemin. 6; Censorin. 18.) When this mode of reckoning was introduced, is unknown; but Herodotus (ii. 4) mentions it as still in use in his own time, although he recognises the superior correctness of the Egyptian method of intercalation. (In i. 32 there is either great carelessness or some corruption of the text.) The 7½ days, in the course of 8 years, made up a month of 30 days, and such a month was accordingly omitted every eighth year. (Censorin. *l. c.*) But a more usual method of treating the ἐνναετηρίς, or the cycle of 8 years,* was the following. The calculation was that as the solar year is reckoned at 365¼ days, eight such years contain 2922 days, and eight lunar years 2832 days; that is, 90 days less than eight solar years. Now these 90 days were constituted as three months, and inserted as three intercalary months into three different years of the ἐνναετηρίς,—that is, into the third, fifth, and eighth. (Censorin., Gemin. *ll. cc.*) It should, however, be observed that Macrobius (*Sat.* i. 13, § 9) and Solinus (*Polyhist.* iii.) state that the three intercalary months were all added to the last year of the *ennaeteris*, which would accordingly have contained 444 days. But this is not very probable. The period of 8 solar years, further, contains 99 revolutions of the moon, which, with the addition of the three intercalary months, make 2923½ days; so that in every eight years there is 1½ day too many, and in fifty years the year would begin not with a new moon, but with a full moon. The *ennaeteris*, accordingly, again was incorrect. The time at which the cycle of the *ennaeteris* was introduced is uncertain, but the prominent place which an eight years' cycle has in many legends and ancient customs leads to the belief that it was very ancient. Its inaccuracy called forth a number of other improvements or attempts at establishing chronology on a sound basis, the most celebrated among which is that of Meton. The cycle of Meton consisted of 19 years, in 7 of which there was an intercalated month. The total number of months was therefore 235, amounting to 6940 days. The average year thus was one of 365$\frac{5}{19}$ days, *i.e.* about 30′ 9″ too much. Callippus about a century later, by combining four of Meton's cycles into one and omitting one day, brought the duration of the year to 365¼ days, the length afterwards adopted in the Julian Calendar. The slight error which still remained was finally removed about B.C. 126 by Hipparchus of Nicaea, who again combined four of the cycles of Callippus into a period of 304 years, deducting from this one more day, so bringing the total to 111035 days. By this means the greatest attainable accuracy was secured. But this calendar of Hipparchus was never introduced into practice. Meton's new year began probably on the 20th of June B.C. 432: but it has been shown by Boeckh (contrary to the view previously current) that it is erroneous to suppose that it was at this date formally adopted by the Athenian state: it is, indeed, extremely doubtful whether it was ever so adopted (cf. Unger, *Zeitrechnung der Griechen und Römer*, § 33). Very elaborate calculations have been made to determine the precise equivalence of the Athenian years to those of our own calendar, and many coincidences can now be determined by the aid of inscriptions, but scholars are still at variance on many details, and much has to be left to uncertain conjectures. It seems probable that an eight-year cycle was in use until B.C. 336, although somewhat

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* The cycle of eight years was called sometimes ἐννεαετηρίς (or more commonly ἐνναετηρίς), sometimes ὀκταετηρίς, according as the inclusive or the exclusive reckoning was adopted.

modified in B.C. 422: then a cycle of 19 years appears to have been in use, but not one identical with that of Meton. There is reason, however, to believe that the eight years' cycle was again adopted, for thus only can we explain the fact, that in the time of the early empire the Attic new year seems to have fallen one month too late. The Athenians were much later than some of the Oriental Greeks in adopting the Roman calendar, with its year based wholly upon the sun, and neglecting the phases of the moon. These circumstances render it almost impossible to reduce any given date in Greek history to the exact date of our calendar.

The Greeks, as early as the time of Homer, appear to have been perfectly familiar with the division of the year into the twelve lunar months mentioned above; but no intercalary month (μὴν ἐμβόλιμος) or day is mentioned. Independent of the division of a month into days, it was divided into periods according to the increase and decrease of the moon. Thus, the first day or new moon was called νουμηνία. (Hom. *Od.* x. 14, xii. 325, xx. 156, xxi. 258; Hes. *Op. et Dies*, 770.) The period from the νουμηνία until the moon was full was expressed by μηνὸς ἱσταμένου, and the latter part during which the moon decreased by μηνὸς φθίνοντος. (Hom. *Od.* xiv. 162.) The 30th day of a month, *i.e.* the day of the conjunction, was called τριακάς, or, according to a regulation of Solon (Plut. *Sol.* 25), ἕνη καὶ νέα, because one part of that day belonged to the expiring and the other to the beginning month. The day of the full moon, or the middle of the month, is sometimes called διχομηνία (*Inscr. Att.* i. 1): cf. Μήνα διχόμηνις (Pind. *Ol.* iii. 35).

The month in which the year began, as well as the names of the months, differed in the different countries of Greece, and in some parts even no names existed for the months, they being distinguished only numerically, as the first, second, third, fourth month, &c. In order, therefore, to acquire any satisfactory knowledge of the Greek calendar, the different states must be considered separately.

The Attic year began with the summer solstice, and each month was divided into three decads, from the 1st to the 10th, from the 10th to the 20th, and from the 20th to the 29th or 30th. The first day of a month, or the day after the conjunction, was νουμηνία: and as the first decad was designated as ἱσταμένου μηνός, the days were regularly counted as δευτέρα, τρίτη, τετάρτη, &c., μηνὸς ἱσταμένου. The days of the second decad were distinguished as ἐπὶ δέκα, or μεσοῦντος, and were counted to 20 regularly, as πρώτη, δευτέρα, τρίτη, τετάρτη, &c., ἐπὶ δέκα. The 20th itself was called εἰκάς, and the days from the 20th to the 30th were counted in two different ways, viz. either onwards, as πρώτη, δευτέρα, τρίτη, &c., ἐπὶ εἰκάδι, or backwards from the last day of the month with the addition of φθίνοντος, παυομένου, λήγοντος, or ἀπιόντος, as ἐννάτη, δεκάτη, &c., φθίνοντος, which, of course, are different dates in hollow and in full months. But this mode of counting backwards seems to have been more commonly used than the other. With regard to the hollow months, it must be observed that the Athenians, generally speaking, counted 29 days, but in the month of Boedromion they counted 30, leaving out the second, because on that day Athena and Poseidon were believed to have disputed about the possession of Attica. (Plut. *de Frat. Am.* p. 489; *Sympos.* ix. 7.) It is to be noticed also that the 21st day was called δεκάτη φθίνοντος, not, as some have supposed, ἐνάτη, and that there was no δευτέρα φθίνοντος in the hollow months. (Cp. Schol. on Hesiod, *Op. et Di.* 763.) So in the Rhodian inscription in Newton, *Ancient Greek Inscr.* 1883, No. 334, τριακὰς follows immediately upon τρίτη φθίνοντος in such cases, προτριακὰς being omitted. (This has been proved by K. F. Hermann against Ideler and Boeckh.) The following table shows the succession of the Attic months, the number of days they contained, and the corresponding months of our year:—

1.	Hecatombaeon (Ἑκατομβαιών)	contained	30	days, and	corresponds	nearly to our	July.
2.	Metageitnion (Μεταγειτνιών)	,,	29	,,	,,	,,	August.
3.	Boedromion (Βοηδρομιών)	,,	30	,,	,,	,,	September.
4.	Pyanepsion (Πυανεψιών)	,,	29	,,	,,	,,	October.
5.	Maimacterion (Μαιμακτηριών)	,,	30	,,	,,	,,	November.
6.	Poseideon (Ποσειδεών)	,,	29	,,	,,	,,	December.
7.	Gamelion (Γαμηλιών)	,,	30	,,	,,	,,	January.
8.	Anthesterion (Ἀνθεστηριών)	,,	29	,,	,,	,,	February.
9.	Elaphebolion (Ἐλαφηβολιών)	,,	30	,,	,,	,,	March.
10.	Munychion (Μουνυχιών)	,,	29	,,	,,	,,	April.
11.	Thargelion (Θαργηλιών)	,,	30	,,	,,	,,	May.
12.	Scirophorion (Σκιροφοριών)	,,	29	,,	,,	,,	June.

At the time when the Julian Calendar was adopted by the Athenians, probably about the time of the Emperor Hadrian, the lunar year appears to have been changed into the solar year; and it has further been conjectured, that the beginning of the year was transferred from the summer solstice to the autumnal equinox.

The following lists of months may also be given with some confidence, although there is uncertainty as to the exact place of some of them:—

Delphian.	Lacedaemonian.	Delian.	Boeotian.	Corresponding nearly to
1. Ἀπελλαῖος	10. Ἡράσιος	7. Ἑκατομβαιών	7. Ἀγριώνιος (?)	July.
2. Βουκάτιος	11. Καρνεῖος	8. Μεταγειτνιών	8. Ἱπποδρόμιος	August.
3. Βοαθόος		9. Βουφονιών	9. Πάναμος	September.
4. Ἡραῖος		10. Ἀπατουριών	10. Παμβοιώτιος	October.
5. Δαδαφόριος		11. Ἀρησιών	11. Δαμάτριος	November.
6. Ποιτρόπιος		12. Ποσειδεών	12. Ἀλαλκομένιος	December.
7. Ἀμάλιος		1. Ληναιών	1. Βουκάτιος	January.

Delphian.	Lacedaemonian.	Delion.	Boeotian.	Corresponding nearly to
8. Βύσιος		2. Ἱερός	2. Ἑρμαῖος	February.
9. Θεοξένιος	6. Ἀρτεμίσιος	3. Ταλαιών	3. Προστατήριος	March.
10. Ἐνδυσποιτρόπιος	7. Γεράστιος	4. Ἀρτεμισιών	4. Θιούιος (?)	April.
11. Ἡρακλεῖος	8. Ἑκατομβεύς	5. Ταργηλιών	5. Θειλούθιος (?)	May.
12. Ἰλαῖος	9. Φλιάσιος	6. Πάνημος	6. Ὁμολώιος (?)	June.

The intercalated month was probably in all cases a repetition of that which corresponds nearly to our December.

The names of the months at Cyzicus and in Sicily are probably as follows:—

Cyzicene.	Sicilian.	Answering nearly to
1. Boedromion (Βοηδρομιών)	1. Thesmophorius (Θεσμοφόριος)	October.
2. Cyanepsion (Κυανεψιών)	2. Dalius (Δάλιος)	November.
3. Apaturion (Ἀπατουριών)	3. Unknown.	December.
4. Poseideon (Ποσειδεών)	4. Agrianius (Ἀγριάνιος)	January.
5. Lenaeon (Ληναιών)	5. Unknown.	February.
6. Anthesterion (Ἀνθεστηριών)	6. Theudasius (Θευδάσιος)	March.
7. Artemision (Ἀρτεμισιών)	7. Artamitius (Ἀρταμίτιος)	April.
8. Calamaeon (Καλαμαιών)	8. Unknown.	May.
9. Panemus (Πάνημος)	9. Badromius (Βαδρόμιος)	June.
10. Taureon (Ταυρεών)	10. Hyacinthius (Ὑακίνθιος)	July.
11 and 12 are unknown.	11. Carneius (Καρνεῖος)	August.
	12. Panamus (Πάναμος)	September.

We further know the names of several isolated months of other Greek states; but as it is as yet impossible to determine what place they occupied in the calendar, and with which of our months they correspond, their enumeration here would be of little or no use. We shall therefore confine ourselves to giving some account of the Macedonian months, and of some of the Asiatic cities and islands, which are better known.

On the whole it appears that the Macedonian year agreed with that of the Greeks, and that accordingly it was a lunar year of twelve months, since we find that Macedonian months are described as coincident with those of the Athenians. (See a letter of King Philip in Demosth. *de Coron.* p. 280; Plut. *Camill.* 19, *Alex.* 3, 16.) All chronologers agree as to the order and succession of the Macedonian months; but we are altogether ignorant as to the name and place of the intercalary month, which must have existed in the Macedonian year as well as in that of the Greek states. The order is as follows:—1. Dius (Δῖος), 2. Apellaeus (Ἀπελλαῖος), 3. Audynaeus (Αὐδυναῖος), 4. Peritius (Περίτιος), 5. Dystrus (Δύστρος), 6. Xanthicus (Ξανθικός), 7. Artemisius (Ἀρτεμίσιος), 8. Daesius (Δαίσιος), 9. Panemus (Πάνημος), 10. Lous (Λῷος), 11. Gorpiaeus (Γορπιαῖος), 12. Hyperberetaeus (Ὑπερβερεταῖος). The difficulty is to identify the Macedonian months with those of the Athenians. From Plutarch (*Camill.* 19, comp. with *Alex.* 16) we learn that the Macedonian Daesius was identical with the Athenian Thargelion; but while, according to Philip, the Macedonian Lous was the same as the Athenian Boedromion, Plutarch (*Alex.* 3) identifies the Lous with the Attic Hecatombaeon. This discrepancy has given rise to various conjectures, some supposing that between the time of Philip and Plutarch a transposition of the names of the months had taken place, and others that Plutarch made a mistake in identifying the Lous with the Hecatombaeon. But the best solution is probably to suppose that by the time of Plutarch the beginning of the Attic year had come to be one month after its true date according to the Roman calendar. We know that the Macedonian year began with the month of Dius, commencing with the autumnal equinox. When Alexander conquered Asia, the Macedonian calendar was spread over many parts of Asia, though it underwent various modifications in the different countries in which it was adopted. When subsequently the Asiatics adopted the Julian Calendar, those modifications also exercised their influence and produced differences in the names of the months, although, generally speaking, the solar year of the Asiatics began with the autumnal equinox. During the time of the Roman emperors, the following calendars occur in the province of Asia:—

1. Caesarius (Καισάριος)	had 30	days, and	began on the	24th of September.
2. Tiberius (Τιβέριος)	31	„	„	24th of October.
3. Apaturius (Ἀπατούριος)	31	„	„	24th of November.
4. Posidaon (Ποσιδαών)	30	„	„	25th of December.
5. Lenaeus (Λήναιος)	29	„	„	24th of January.
6. Hierosebastus (Ἱεροσέβαστος)	30	„	„	22nd of February.
7. Artemisius (Ἀρτεμίσιος)	31	„	„	24th of March.
8. Evangelius (Εὐαγγέλιος)	30	„	„	24th of April.
9 Stratonicus (Στρατόνικος)	31	„	„	24th of May.
10. Hecatombaeus (Ἑκατόμβαιος)	31	„	„	24th of June.
11. Anteus (Ἄντεος)	31	„	„	25th of July.
12. Laodicius (Λαοδίκιος)	30	„	„	25th of August.

Among the Ephesians we find the following months :—

1—4.	Unknown.		
5.	Apatureon (Ἀπατουρεών)	nearly answers to our	November.
6.	Poseideon (Ποσειδεών)	„ „	December.
7.	Lenaeon (Ληναιών)	„ „	January.
8.	Unknown.		
9.	Artemision (Ἀρτεμισιών)	„ „	March.
10.	Calamaeon (Καλαμαιών)	„ „	April.
11, 12.	Unknown.		

At a later time the Ephesians adopted the same names as the Macedonians, and began their year with the month of Dius on the 24th of September.

The following is a list of the Bithynian months :—

1.	Heraeus (Ἡραῖος)	contained	31	days, and began on the	23rd of September.
2.	Hermaeus (Ἕρμαιος)	„	30	„	24th of October.
3.	Metrous (Μητρῷος)	„	31	„	23rd of November.
4.	Dionysius (Διονύσιος)	„	31	„	24th of December.
5.	Heracleius (Ἡράκλειος)	„	28	„	24th of January.
6.	Dius (Δῖος)	„	31	„	21st of February.
7.	Bendidaeus (Βενδιδαῖος)	„	30	„	24th of March.
8.	Strateius (Στράτειος)	„	31	„	23rd of April.
9.	Periepius (Περιέπιος)	„	30	„	24th of May.
10.	Areius (Ἄρειος)	„	31	„	23rd of June.
11.	Aphrodisius (Ἀφροδίσιος)	„	30	„	24th of July.
12.	Demetrius (Δημήτριος)	„	31	„	23rd of August.

The following system was adopted by the Cyprians :—

1.	Aphrodisius (Ἀφροδίσιος)	contained	31	days, and began on the	23rd of September.
2.	Apogonicus (Ἀπογονικός)	„	30	„	24th of October.
3.	Aenicus (Αἰνικός)	„	31	„	23rd of November.
4.	Julius (Ἰούλιος)	„	31	„	24th of December.
5.	Caesarius (Καισάριος)	„	28	„	24th of January.
6.	Sebastus (Σεβαστός)	„	30	„	21st of February.
7.	Autocratoricus (Αὐτοκρατορικός)	„	31	„	23rd of March.
8.	Demarchexusius (Δημαρχεξούσιος)	„	31	„	23rd of April.
9.	Plethypatus (Πληθύπατος)	„	30	„	24th of May.
10.	Archiereus (Ἀρχιερεύς)	„	31	„	23rd of June.
11.	Esthius (Ἕσθιος)	„	30	„	24th of July.
12.	Romaeus (Ῥωμαῖος)	„	31	„	23rd of August.

The system of the Cretans was the same as that used by most of the inhabitants of Asia Minor, viz.—

1.	Thesmophorion (Θεσμοφοριών)	contained	31	days, and began on the	23rd of September.
2.	Hermaeus (Ἑρμαῖος)	„	30	„	24th of October.
3.	Eiman (Εἴμαν)	„	31	„	23rd of November.
4.	Metarchius (Μετάρχιος)	„	31	„	24th of December.
5.	Agyius (Ἄγυιος)	„	28	„	24th of January.
6.	Dioscurus (Διόσκουρος)	„	31	„	21st of February.
7.	Theodosius (Θεοδόσιος)	„	30	„	23rd of March.
8.	Pontus (Πόντος)	„	31	„	23rd of April.
9.	Rhabinthius (Ῥαβίνθιος)	„	30	„	24th of May.
10.	Hyperberetus (Ὑπερβέρετος)	„	31	„	23rd of June.
11.	Necysius (Νεκύσιος)	„	30	„	24th of July.
12.	Basilius (Βασίλιος)	„	31	„	23rd of August.

It should be observed that several of the Eastern nations, for the purpose of preventing confusion in their calculations with other nations, dropped the names of their months, and merely counted the months, as the first, second, third, &c., month. For further information see Corsini, *Fast. Att.*, which however is very imperfect; Ideler, *Handbuch der Mathem. u. technischen Chronol.*, Berlin, 1826, vol. i. p. 227, &c.; Clinton, *Fast. Hellen.* vol. ii. Append. xix.; and more especially K. F. Hermann, *Ueber Griechische Monatskunde*, Göttingen, 1844, 4to; Th. Bergk, *Beiträge zur Griechischen Monatskunde*, Giessen, 1845, 8vo; A. Boeckh, *Ueber die vierjähriger Sonnenkreise der Alten*, Berl., 1863; Mommsen, *Chronologie*, Leipz., 1883. [L. S.] [A. S. W.]

2. Roman Calendar.—The early history of the Roman calendar is a question of great difficulty, and on some of the most important points involved the opinions of scholars are still widely divided, according as they are inclined to attach more or less weight to the statements of ancient authorities. In the following article an attempt is made to state both the traditional views and the criticisms to which they have been recently subjected, especially by Mommsen in his work on Roman Chronology.

I. Censorinus (*de die natali*, c. xx.) says: "Licinius Macer, and after him Fenestella, maintained that from the first there was at Rome a solar year (*annus vertens*) of twelve months; but we ought rather to follow Junius Gracchanus, Fulvius, Varro, and Suetonius, in the belief that the year consisted of ten months, as it was with the Albans, from whom the Romans were sprung. These ten months had

304 days, as follows: March 31, April 30, May 31, June 30, Quintilis 31, Sextilis and September 30, October 31, November and December 30; the four longer months being called full (*pleni*), the other six hollow (*cavi*)." This view is confirmed by Ovid (*Fast.* i. 27, 43; iii. 99, 119, 151), Gellius (*Noct. Att.* iii. 16), Macrobius (*Saturn.* i. 12), Solinus (*Polyh.* i.), and Servius (on *Georg.* i. 43). The existence of a year of ten months is established in the judgment of Niebuhr by the fact that ten months is a period frequently employed in legal provisions: *e.g.*, for the time of a widow's mourning, for the paying back of a dowry, for the credit allowed for goods not bought for ready money, for the calculation of interest, and apparently for truces. (*Hist. Rom.* i. 275 ff.) He further endeavours to support it by pointing out that 110 solar years correspond to 132 years of 304 days; but inasmuch as the supposed cycle of 110 is merely a figment of a later age, the view obtains no confirmation from this source. Mommsen regards the existence of the ten-month year as proved, not only by the excellent authorities which vouch for it, but still more convincingly by the indications of its legal use; but he regards it as adopted merely for business purposes, in order to avoid the inconvenience arising from the varying lengths of the ordinary years, produced by intercalation. He holds that it was in earlier times composed of ten calendar months, varying thus between 298 and 292 days, but that after the decemviral calendar reforms it was fixed as ten-twelfths of the average year of 365 days. On the other hand, Hartmann sees in it an evidence of the statement of Macrobius, that originally it was only the period between the beginning of spring, when the activities of life recommenced, and mid-winter when they ceased, which was divided into months, while what remained over of the sun's course was left undivided, and unmarked by Kalends, Nones, and Ides. The number of 304, which does not correspond to any number of lunar months, he regards as a late invention.

II. Mommsen holds that the earliest full Roman year was one which attempted to take account both of the moon and of the sun. That the moon was regarded as especially the "measurer" of time is proved by the common origin of most of the Indo-European names for month and moon in the root *ma*, "to measure." (Curtius, *Principles of Greek Etymology*, i. 415.) But the names of the Roman months show that at a very early time the months must have been grouped into a cycle, the length of which was determined by the course of the sun. Names like *Aprilis* (from *aperio*), *Maius* (the month of growth, akin to *maior*), and *Junius* (the month of increase, connected with *iuvo*), could not have been used, except at a time when their place was fixed as falling in the spring and early summer. Now the simplest way of reconciling approximately the lunar and the solar years is that which seems to have been adopted in the Greek *trieteris*. Taking the average length of a lunation at 29½ days, the months have to be made up of 29 and 30 days alternately. Now, a solar year answers pretty nearly to 12½ of such months: that is to say, a cycle can be framed by taking alternately 12 and 13 months of alternating length (the additional month in every alternate year being in the first instance of 30 days, in the next of 29, and so on), which shall not at first depart very widely from the actual phenomena. Thus:—

The first ordinary year $= 6 \times 30 + 6 \times 29 = 354$ days.
The first intercalated year $= 6 \times 30 + 6 \times 29 + 30 = 384$ „
The second ordinary year $= 6 \times 30 + 6 \times 29 = 354$ „
The second intercalated year $= 6 \times 30 + 6 \times 29 + 29 = 384$ „
The period of four years $= 1475$ „
The average of each year $= 368\frac{3}{4}$ „

The Romans, it is supposed, having learnt this cycle from the astronomers of Magna Graecia, kept to the total number of days, but re-arranged the months so as to harmonise with that love of odd numbers which marked the Pythagorean system, and produced the following cycle:—

First ordinary year $= 4 \times 31 + 7 \times 29 + 28 = 355$ days.
First intercalated year $= 4 \times 31 + 8 \times 29 + 27 = 383$ „
Second ordinary year $= 4 \times 31 + 7 \times 29 + 28 = 355$ „
Second intercalated year $= 4 \times 31 + 7 \times 29 + 28 + 27 = 382$ „

with the sum total and average as before. This theory represents as close an approximation as is possible to the traditional account, consistently with an intelligible explanation of the origin of the system. The date of the introduction of this cycle cannot be fixed with precision. It must have been long enough before the decemviral legislation to allow the effects of the accumulated error of 3¾ days in each year to have become so marked as to call imperatively for reform; but it cannot have been before a considerable Greek influence had been felt in matters of science.*

III. The year as we find it employed after the decemviral reforms is that which is commonly known as the year of Numa. Censorinus (c. xx.) says expressly that it consisted of 355 days, "although the moon appeared to make up 354 days in its course of 12 months." The one additional day, he says, was due either to carelessness, or (and this explanation he prefers) to

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* It may be noticed that while the Greek calendar did fairly well follow the phenomena of the moon, the introduction of uneven numbers in the Roman calendar made the divergence very marked; while the slight error in the total length of the year rapidly accumulated so as to produce an almost equally complete divergence from the solar seasons. Hence Mommsen is justified in saying that "even at a very early period the Roman calendar went on its own way, tolerably unconcerned about moon and sun."

Mommsen's view of this ante-decemviral cycle has been strongly contested, but it is supported by the elaborate calculations of Matzat.

the superstitious feeling in favour of an unequal number. The diminution in the length of the year was effected by cutting down the number of days assigned to February in an intercalated year to 23 or 24, and by intercalating a period of 27 days, or what comes to the same thing, of intercalating 22 or 23 days in the course of February. Thus the cycle now became—

$$\begin{array}{lll}
\text{First ordinary year} & = 4 \times 31 + 7 \times 29 + 28 & = \ 355 \text{ days.} \\
\text{First intercalated year} & = 4 \times 31 + 7 \times 29 + 23 + 27 & = \ 377 \ \text{,,} \\
\text{Second ordinary year} & = 4 \times 31 + 7 \times 29 + 28 & = \ 355 \ \text{,,} \\
\text{Second intercalated year} & = 4 \times 31 + 7 \times 29 + 24 + 27 & = \ 378 \ \text{,,} \\
 & \text{Total of four years} & = 1465 \ \text{,,} \\
 & \text{Average of a year} & = \ 366\tfrac{1}{4} \ \text{,,}
\end{array}$$

This is again in excess of the real year by one day; but the inaccuracy of the cycle is no justification for rejecting the positive testimony of good authorities like Censorinus, who must have quoted the statement of Varro about a calendar which he had used all his life. The notion of an intercalated day, based upon a statement by Macrobius, Mommsen rejects altogether, as a transference from the imperial times to those of the republic. Matzat, however (*Röm. Chron.* i. 47), defends it, and would regard the 23rd of February as the invariable day after which intercalation was made, and the intercalated month as varying between 28 and 27 days. There is no practical difference between these views (Matzat, i. 228–9).

It hardly admits of doubt that the origin of this reform in the calendar is to be sought in the Greek *octaeteris*. In this, as has been shown above, three months of 30 days each were intercalated in the course of eight years; and it cannot be by accident that the intercalation of 22 + 23 days every four years exactly corresponds to this. Of the date of the change we have no positive evidence: but Macrobius tells us (i. 13, 21), on the authority of Tuditanus and of Cassius, that "the decemvirs, who added two tables to the ten, brought a proposal before the people for intercalation." As so much of the decemviral legislation was based upon the Athenian jurisprudence, it is natural to suppose that the same reformers made an attempt to incorporate in their own calendar the period then current at Athens: and it may well have been the case that one of the additional tables was really a calendar, with directions for intercalation. Varro indeed (quoted by Macrobius, i. 13, 21) shows that there was intercalation in the consulship of Pinarius and Furius, B.C. 472, twenty years before their time; but this statement may naturally have referred to the earlier system. Dionysius (x. 59) intimates that the decemvirs brought the calendar into harmony with the phenomena of the moon's course again: and though this statement is erroneous as it stands, it points in the same direction as the other evidence. Ovid, too (*Fast.* ii. 47), states that before the decemvirs January was the first month of the year and February the last, so that the order was January, March, &c., December, February—a statement which, though rejected by Mommsen and many other scholars, seems strongly confirmed by the nature of the festivals held in these two months. In any case this points to an alteration made by the decemvirs in the treatment of February. We may therefore safely ascribe to the decemvirs a change in the calendar, which entirely deprived it of its connexion with the phases of the moon—a connexion which, however, had long ceased to be more than nominal.

It remains now to consider how it was possible that in this reform an average length should have been assigned to the year exceeding its true length by a whole day. It is impossible to suppose that this was mere error. The true length of the solar year was known to the Greeks at least as early as the introduction of the *octaeteris*. It is evident that the Greek advisers of the decemvirs must have had some reason for this inaccuracy. Mommsen's explanation, which is at least plausible, is as follows. They started from the assumption that the Roman calendar was essentially the same as that of Athens before the *octaeteris*, and must be set right in the same way, by reducing the average intercalation from 14¾ to 11¼ days, and that it was a matter of indifference how the previous intercalation was reduced in each four years by 4 × 3½ days. It would evidently have been the simplest thing to reconstruct the whole system, but the strongly conservative religious feelings of the Romans made this impossible. Hence they did not venture to attack either the ordinary year, or the alternation of intercalated and ordinary years, or the four-year period of intercalation, or the intercalated month of 27 days. The only course left was to shorten the month of February, which preceded the intercalated month. Now, if they had reduced this month to 22 and 21 days in the alternate years of intercalation, all would have been well, and the cycle would have been 1461 days, instead of 1475. Other considerations may have contributed to hinder them from doing this, but probably the main difficulty lay in the fact that the festival of Terminus fell on February 23. The obstinate god, who had refused to yield his shrine even when required for a temple to Jupiter Optimus Maximus (Liv. i. 55), would not have surrendered his ancient feast-day for all the mathematics in the world. That the intercalation was not always after the 23rd, which would have lessened the mischief by one-half, but in alternate years after the 24th, was probably due to the love for lucky odd numbers, which had already been the source of confusion.

The first attempt to reform the system of intercalation of which we have any indication was made by a *lex Acilia* of B.C. 191 (Censor. xx. 6). This law empowered the pontiffs to deal with intercalation at their discretion ("pontificibus datum negotium, eorumque arbitrio intercalandi ratio permissa"). But, as Censorinus informs us, this only made matters much worse, for "most of them, either from hatred or from favour, to cut short or to extend the tenure of office, or that a farmer of the public revenue might gain or lose by the length of the year, by intercalating more or less at their pleasure, deliberately made worse what had been entrusted to them to set right." This statement is supported by what Cicero says in *Legg.* ii. 12, 29. We find in fact that great irregularity prevails, and that the years known to us from Livy and the Fasti Triumphales to have been intercalated cannot be brought into any system.

Similar to this is the language employed by Macrobius (i. 4), Ammianus (xxvi. 1), Solinus (c. i.), Plutarch (*Caes.* c. 59); and their assertions are confirmed by the letters of Cicero, written during his proconsulate in Cilicia, the constant burthen of which is a request that the pontifices will not add to his year of government by intercalation.

In consequence of this licence, says Suetonius (*Caes.* 40), neither the festivals of the harvest coincided with the summer, nor those of the vintage with the autumn. But we cannot desire a better proof of the confusion than a comparison of three short passages in the third book of Caesar's *Bell. Civ.* (c. 6), "Pridie nonas Januarias navis solvit"—(c. 9), "jamque hiems adpropinquabat"—(c. 25) "multi jam menses transierant et hiems jam praecipitaverat."

Livy (i. 19, 6) asserts that Numa established a year to suit the revolutions of the moon (*ad cursus lunae*), which, because the moon does not complete thirty days in each month, and some days are lacking to the complete solar year (even if it did), he arranged by inserting intercalary months, so as to agree at the end of nineteen years (*vicesimo anno*) with the solar year. It seems to be generally admitted that this statement of Livy's is a mere invention of some late authority (perhaps one of the pontiffs) who was acquainted with the Metonic cycle, and who wished to ascribe the credit of it to the traditional founder of the Roman year, and the confusion into which the calendar afterwards fell, to the neglect of the original provision. Cicero (*de Leg.* ii. 12, 29) has probably the same tradition in his mind when he writes: "diligenter habenda ratio intercalandi est; quod institutum perite a Numa posteriorum pontificum neglegentia dissolutum est." But there is no reason to believe that this cycle was ever really the guide for intercalation at Rome. Macrobius (*Sat.* i. 13, 13) talks of a cycle of twenty-four years (*tertio quoque octennio*) by which the errors of the decemviral system had been removed; and some have wished to bring Livy's statement into harmony with this by inserting *quarto* after *vicesimo* (l. c.). But Mommsen has acutely seen that this, too, only represents a suggestion put forward by some reforming pontiff. He points out that, assuming that the years are to be of one of the three normal lengths—355, 377, or 378 days—there are two cycles by which these can be made to coincide with the number of days in the (Julian) solar year. Either

$$20 \times 365\tfrac{1}{4} = 7305 = 11 \times 355 + 2 \times 377 + 7 \times 378,$$

or

$$24 \times 365\tfrac{1}{4} = 8766 = 13 \times 355 + 7 \times 377 + 4 \times 378.$$

The former is the shortest possible cycle; and if it is adopted, one intercalated month of twenty-two days is omitted, and two of twenty-two days are lengthened into two of twenty-three days. In the latter, one intercalated month of twenty-three days is omitted, and a second of the same length is shortened by one day. Hence the longer cycle has a slight advantage in the way of simplicity.

It is extremely difficult, or rather quite impossible, to determine the actual dates, which correspond to the nominal dates of any events before the Julian reform of the calendar, especially after the irregularities introduced by the *lex Acilia.* The eclipse of the sun, mentioned by Ennius (*apud* Cic. *de Rep.* i. 16) as happening on June 5th in the year after the foundation of Rome 351, must have been that which took place on the Julian June 21st, B.C. 400: the eclipse of July 11th, in Varro's year 564 (Liv. xxxvii. 4), was that of the Julian March 14th, B.C. 190. But to deduce any other correspondences from these ascertained facts requires very elaborate and (in part) very untrustworthy calculations.

Year of Julius Caesar.—In the year 46 B.C. Caesar, now master of the Roman world, crowned his other great services to his country by employing his authority, as pontifex maximus, in the correction of this serious evil. For this purpose he availed himself of the services of Sosigenes, the peripatetic, and a *scriba* named M. Flavius,* though he himself too, we are told, was well acquainted with astronomy, and indeed was the author of a work of some merit upon the subject, which was still extant in the time of Pliny. The chief authorities upon the subject of the Julian reformation are Plutarch (*Caes.* c. 59), Dio Cassius (xliii. 26), Appian (*de Bell. Civ.* ii. ad extr.), Ovid (*Fasti*, iii. 155), Suetonius (*Caes.* c. 40), Pliny (*H. N.* xviii. § 211), Censorinus (c. xx.), Macrobius (*Sat.* i. 14), Ammianus Marcellinus (xxvi. 1), Solinus (i. 45). Of these Censorinus is the most precise: "The confusion was at last," says he, "carried so far that C. Caesar, the pontifex maximus, in his third consulate, with Lepidus for his colleague, inserted between November and December two intercalary months of 67 days, the month of February having already received an intercalation of 23 days, and thus made the whole year to consist of 445 days. At the same time he provided against a repetition of similar errors by casting aside the intercalary month, and adapting the year to the sun's course. Accordingly to the 355 days of the previously existing year he added ten days, which he so distributed between the seven months having 29 days, that January, Sextilis, and December received two each, the others but one; and these additional days he placed at the end of the several months, no doubt with the wish not to remove the various festivals from those positions in the several months which they had so long occupied. Hence in the present calendar, although there are seven months of 31 days, yet the four months, which from the first possessed that number, are still distinguishable by having their nones on the seventh, the remaining three having them on the fifth of the month. Lastly, in consideration of the quarter of a day, which he considered as completing the true year, he established the rule that, at the end of every four years, a single day should be intercalated, where the month had been hitherto inserted,

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* The existence of this M. Flavius, who is mentioned only by Macrobius (i. 14, 2), has been recently denied by Hartmann (*Röm. Kal.*, pp. 120–123), who believes that his name is due only to a confusion with Cn. Flavius.

that is, immediately after the Terminalia; which day is now called the *Bisextum*."

This year of 445 days is commonly called by chronologists the year of confusion; but by Macrobius, more fitly, the last year of confusion. The kalends of January, of the year 708 A.U.C., fell on the 13th of October, 47 B.C. of the Julian Calendar; the kalends of March, 708 A.U.C., on the 1st of January, 46 B.C.; and lastly, the kalends of January, 709 A.U.C., on the 1st of January, 45 B.C. Of the second of the two intercalary months inserted in this year after November, mention is made in Cicero's letters (*ad Fam.* vi. 14).

It was probably the original intention of Caesar to commence the year with the shortest day. The winter solstice at Rome, in the year 46 B.C., occurred on the 24th of December of the Julian Calendar. His motive for delaying the commencement for seven days longer, instead of taking the following day, was probably the desire to gratify the superstition of the Romans, by causing the first year of the reformed calendar to fall on the day of the new moon. Accordingly it is found that the mean new moon occurred at Rome on the 1st of January, 45 B.C., at 6h. 16′ P.M. In this way alone can be explained the phrase used by Macrobius: *Annum civilem Caesar, habitis ad lunam dimensionibus constitutum, edicto palam proposito publicavit.* This edict is also mentioned by Plutarch (*Caes.* 59), where he gives the anecdote of Cicero, who, on being told by some one that the constellation Lyra would rise the next morning, observed, "Yes, no doubt, in obedience to the edict."

The mode of denoting the days of the month will cause no difficulty, if it be recollected that the kalends always denote the first of the month, that the nones occur on the seventh of the four months March, May, Quinctilis or July, and October, and on the fifth of the other months; that the ides always fall eight days later than the nones; and lastly, that the intermediate days are in all cases reckoned backwards upon the Roman principle of counting both extremes.

For the month of January the notation will be as follows:—

1 Kal. Jan.
2 a. d. IV. Non. Jan.
3 a. d. III. Non. Jan.
4 Prid. Non. Jan.
5 Non. Jan.
6 a. d. VIII. Id. Jan.
7 a. d. VII. Id. Jan.
8 a. d. VI. Id. Jan.
9 a. d. V. Id. Jan.
10 a. d. IV. Id. Jan.
11 a. d. III. Id. Jan.
12 Prid. Id. Jan.
13 Id. Jan.
14 a. d. XIX. Kal. Feb.
15 a. d. XVIII. Kal. Feb.
16 a. d. XVII. Kal. Feb.
17 a. d. XVI. Kal. Feb.
18 a. d. XV. Kal. Feb.
19 a. d. XIV. Kal. Feb.
20 a. d. XIII. Kal. Feb.
21 a. d. XII. Kal. Feb.
22 a. d. XI. Kal. Feb.
23 a. d. X. Kal. Feb.
24 a. d. IX. Kal. Feb.
25 a. d. VIII. Kal. Feb.
26 a. d. VII. Kal. Feb.
27 a. d. VI. Kal. Feb.
28 a. d. V. Kal. Feb.
29 a. d. IV. Kal. Feb.
30 a. d. III. Kal. Feb.
31 Prid. Kal. Feb.

The letters *a. d.* are an abridgment of *ante diem*, and the full phrase for "on the second of January" would be *ante diem quartum nonas Januarias*. The word *ante* in this expression seems really to belong in sense to *nonas*, and to be the cause why *nonas* is an accusative. Hence occur such phrases as (Cic. *Phil.* iii. 8, 20) *in ante diem quartum Kal. Decembris distulit*, "he put it off to the fourth day before the kalends of December," (Caes. *Bell. Gall.* i. 6) *Is dies erat ante diem V. Kal. Apr.*, and (Caes. *Bell. Civ.* i. 11) *ante quem diem iturus sit*, for *quo die*. The same confusion exists in the phrase *post paucos dies*, which means "a few days after," and is equivalent to *paucis post diebus*. Whether the phrase *Kalendae Januarii* was ever used by the best writers is doubtful. The words are commonly abbreviated; and those passages where Aprilis, Decembris, &c. occur, are of no avail, as they are probably accusatives. The *ante* may be omitted, in which case the phrase will be *die quarto nonarum*. In the leap year (to use a modern phrase), the last days of February were called—

Feb. 23 = a. d. VII. Kal. Mart.
Feb. 24 = a. d. VI. Kal. Mart. posteriorem.
Feb. 25 = a. d. VI. Kal. Mart. priorem.
Feb. 26 = a. d. V. Kal. Mart.
Feb. 27 = a. d. IV. Kal. Mart.
Feb. 28 = a. d. III. Kal. Mart.
Feb. 29 = Prid. Kal. Mart.

In which the words *prior* and *posterior* are used in reference to the retrograde direction of the reckoning. Such at least is the opinion of Ideler, who refers to Celsus in the Digest (50, tit. 16, s. 98).

From the fact that the intercalated year has two days called *ante diem sextum*, the name of bissextile has been applied to it. The term *annus bissextilis*, however, does not occur in any writer prior to Beda, but in place of it the phrase *annus bisextus*.

It was the intention of Caesar that the bisextum should be inserted *peracto quadriennii circuitu*, as Censorinus says, or *quinto quoque incipiente anno*, to use the words of Macrobius. The phrase, however, which Caesar used seems to have been *quarto quoque anno*, which was interpreted by the priests to mean every third year. The consequence was, that in the year 8 B.C. the Emperor Augustus, finding that three more intercalations had been made than was the intention of the law, gave directions that for the next twelve years there should be no bissextile (Plin. *H. N.* xviii. § 211).

The services which Caesar and Augustus had conferred upon their country by the reformation of the year seems to have been the immediate causes of the compliments paid to them by the insertion of their names in the calendar. Julius was substituted for Quinctilis, the month in which Caesar was born, in the second Julian year, that is, the year of the dictator's death (Censorinus, c. xxii.); for the first Julian year was the first year of the *corrected* Julian Calendar, that is, 45 B.C. The name Augustus, in place of Sextilis, was introduced by the emperor himself, at the time when he rectified the error in the mode of intercalating (Suet. *Aug.* c. 31), *anno Augustano xx.* The first year of the Augustan era was 27 B.C., viz. that in which he first took the name of Augustus, *se vii. et M. Vipsanio Agrippa coss.* He was born in September; but gave the preference to the preceding month, for reasons stated in the senatus consultum, preserved by Macrobius (i. 12): "Whereas the Emperor Augustus Caesar, in the month of Sextilis, was first admitted to the consulate, and thrice entered the city in triumph, and in the same month the legions, from the Janiculum, placed themselves under his auspices, and in the same month Egypt was brought under the authority of the Roman people, and in the same month an end was brought to the civil wars; and whereas for these reasons the said month is, and has been, most fortunate to this empire, it is hereby decreed by the senate that the said month shall be called Augustus." "A plebiscitum, to the same effect, was passed on the motion of Sextus Pacuvius, tribune of the plebs."

Domitian gave to the month of September the name of Germanicus from his own surname, and to the month of October the name of Domitianus; but these names fell into disuse after the death of the tyrant.

Our days of the Month.	March, May, July, October, have 31 days.	January, August, December, have 31 days.	April, June, September, November, have 30 days.	February has 28 days, and in Leap Year 29.
1.	Kalendis.	Kalendis.	Kalendis.	Kalendis.
2	VI. ante Nonas.	IV. ante Nonas.	IV. ante Nonas.	IV. ante Nonas.
3.	V.	III.	III.	III.
4.	IV.	Pridie Nonas.	Pridie Nonas.	Pridie Nonas.
5.	III.	Nonis.	Nonis.	Nonis.
6.	Pridie Nonas.	VIII. ante Idus.	VIII. ante Idus.	VIII.
7.	Nonis.	VII.	VII.	VII.
8.	VIII. ante Idus.	VI.	VI.	VI.
9.	VII.	V.	V.	V.
10.	VI.	IV.	IV.	IV.
11.	V.	III.	III.	III.
12.	IV.	Pridie Idus.	Pridie Idus.	Pridie Idus.
13.	III.	Idibus.	Idibus.	Idibus.
14.	Pridie Idus.	XIX. Ante Kalendas (of the month following).	XVIII. Ante Kalendas (of the month following).	XVI. Ante Kalendas Martias.
15.	Idibus.	XVIII.	XVII.	XV.
16.	XVII. Ante Kalendas (of the month following).	XVII.	XVI.	XIV.
17.	XVI.	XVI.	XV.	XIII.
18.	XV.	XV.	XIV.	XII.
19.	XIV.	XIV.	XIII.	XI.
20.	XIII.	XIII.	XII.	X.
21.	XII.	XII.	XI.	IX.
22.	XI.	XI.	X.	VIII.
23.	X.	X.	IX.	VII.
24.	IX.	IX.	VIII.	VI.
25.	VIII.	VIII.	VII.	V.
26.	VII.	VII.	VI.	IV.
27.	VI.	VI.	V.	III.
28.	V.	V.	IV.	Pridie Kalendas Martias.
29.	IV.	IV	III.	
30.	III.	III.	Pridie Kalendas (of the month following).	
31.	Pridie Kalendas (of the month following).	Pridie Kalendas (of the month following).		

The Fasti of Caesar have not come down to us in any one table, in their entire form. Such fragments as exist may be seen in the *Corpus Inscriptionum Latinarum*, vol. i. (Berlin, 1863), edited with the most minute accuracy, and with very valuable notes, by Mommsen. They are nineteen in number, and by combining them the Fasti can be completely reconstructed. Three others have been discovered since, and published in the *Ephemeris Epigraphica*.

The official year before the Julian reforms, with its frequent and irregular intercalations, could not have at all met the practical requirements of an agricultural population; and there is reason to believe that the "farmers' year" was that which had been adopted with slight modifications from the Egyptian sages of Heliopolis by Eudoxus. This gave up altogether the attempt to take notice of the phases of the moon, and was a purely solar year. The cycle was made up of four years,—the first of 366, the others of 365 days,—thus corresponding exactly with the reformed Julian system. There was no division into months, but the subdivisions were marked by the entrance of the sun into the various signs of the zodiac, and by the tropics and equinoxes. Spring began when the sun was in Aquarius, summer when it was in Taurus, autumn when it was in Leo, and winter when it was in Scorpio. (Varro, *de R. R.* i. 28.) The new year began when the sun entered Leo and the dog-star rose.

The Gregorian Year.—The Julian Calendar supposes the mean tropical year to be 365 d. 6 h.; but this exceeds the real amount by 11′ 12″, the accumulation of which, year after year, caused at last considerable inconvenience. Accordingly, in the year 1582, Pope Gregory XIII., assisted by Aloysius, Lilius, Christoph. Clavius, Petrus Ciacconius, and others again reformed the calendar. The ten days by which the year had been unduly retarded were struck out by a regulation that the day after the fourth of October in that year should be called the fifteenth; and it was ordered that, whereas hitherto an intercalary day had been inserted every four years, for the future three such intercalations in the course of four hundred years should be omitted, viz. in those years which are divisible without remainder by 100, but not by 400. Thus, according to the Julian Calendar, the years 1600, 1700, 1800, 1900, and 2000 were to have been bissextile; but, by the regulation of Gregory, the years 1700, 1800, and 1900 were to receive no intercalation, while the years 1600 and 2000 were to be bissextile, as before. The bull which effected this change was issued Feb. 24, 1582. The fullest account of this correction is to be found in the work of Clavius, entitled *Romani Calendarii a Gregorio XIII. P. M. restituti Explicatio.* As the Gregorian Calendar has only 97 leap-years in a period of 400 years, the mean Gregorian year is (303 × 365 + 97 × 366) ÷ 400; that is, 365 d. 5 h. 49′ 12″, or only 24″ more than the mean tropical year. This difference in 60 years would amount to 24′, and in 60 times 60, or 3600 years, to 24 hours, or a day. Hence the French astronomer, Delambre, has proposed that the years 3600, 7200, 10,800, and all multiples of 3600 should not be leap years. The Gregorian Calendar was introduced in the greater part of Italy, as well as in Spain and Portugal, on the day named in the bull. In France, two months after, by an edict of Henry III., the 9th of December was followed by the 20th. The Catholic parts of Switzerland, Germany, and the Low Countries adopted the correction in 1583, Poland in 1586, Hungary in 1587. The Protestant parts of Europe resisted what they called a Papistical invention for more than a century. At last, in 1700, Protestant Germany, as well as Denmark and Holland, allowed reason to prevail over prejudice; and the Protestant cantons of Switzerland copied their example the following year.

In England the Gregorian Calendar was first adopted in 1752, and in Sweden in 1753. In Russia, and those countries which belong to the Greek Church, the Julian year, or *old style* as it is called, still prevails.

In this article free use has been made of Ideler's work *Lehrbuch der Chronologie* (2 vols. Berlin, 1826). Cf. also Mommsen, *Die Römische Chronologie*, Berlin, 1858; and Matzat, *Röm. Chronologie*, 2 vols., Berlin, 1883. For other information connected with the Roman measurement of time, see ASTRONOMIA; DIES; HOROLOGIUM; LUSTRUM; NUNDINAE; SAECULUM. [T. H. K.] [A. S. W.]

CAL'IDA. [CALDA.]

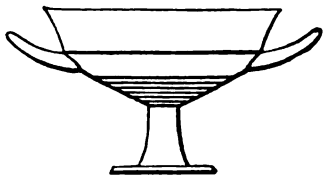
CALIDA'RIUM. [CALDARIUM.]

CALIENDRUM, a tall female head-dress, but whether a wig of false hair or an arrangement of draperies it is not easy to determine. The Cruquian scholiast on the *locus classicus* of Horace (*Sat.* i. 8, 48) gives both explanations, without attempting to decide between them ("peplum capitis aut crinis suppositicius seu capillamentum aut galericulus capitisve ornamentum"). But *galericulus* (or *-um*) may mean a wig (Suet. *Oth.* 12, with Casaubon's note); and the humour of the passage is decidedly in favour of this rendering: one of the two old women drops her false teeth in her flight, the other her false hair. A fragment of Varro quoted by the same scholiast suggests a stage peruke ("tantis cothurnis accipit Critona caliendrum"). Of the only other passages where the word occurs, Arnobius (v. 26, p. 209) mentions *caliandria* among female vanities; Tertullian, on the contrary (*de Pall.* 4), seems to imply a staid and sober covering which the immodest women of his time had discarded. [W. W.]

CA'LIGA, a strong and heavy shoe, or rather sandal, worn by the Roman soldiers. Although the use of this species of calceamentum extended to the centurions, it was not worn by the superior officers. Hence the common soldiers, including centurions, were distinguished by the name of *caligati* (Suet. *Aug.* 25, *Vitell.* 7; οἱ ἀπὸ κάλιγος, Dig. 27, 1, 10). Service in the ranks was also designated after this article of attire. Thus Marius was said to have risen to the consulship *a caliga*, i.e. from the ranks (Sen. *de Benef.* v. 16), and Ventidius *juventam inopem in caliga militari tolerasse* (Plin. *H. N.* vii. § 135). The Emperor Caligula received that cognomen when a boy, in consequence of wearing the caliga, which his father Germanicus put on his son in order to please the soldiers. (Tacit. *Ann.* i. 41; *manipularis habitus*, Suet. *Calig.* 9.) The triumphal monuments of Rome show most distinctly the difference between the caliga of the common soldier and the calceus worn by men of higher rank. When Cicero says of "Epicrates," *i.e.* Pompey, "mihi caligae ejus non placebant" (*ad Att.* ii. 3), a breach of the *convenances* is implied. The caliga exhibits a number of straps, through which the foot is partially seen, as in the figure of the Roman soldier from the Arch of Severus, engraved under ARMA; while the CALCEUS is an ordinary closed shoe. The sole of the caliga was thickly studded with hobnails (*clavi caligarii*, Plin. *H. N.* xxxiv. § 143; *caligares*, id. ix. § 69: cf. Juv. *Sat.* iii. 248, 322, xvi. 24; ἧλοι, Jos. *B. J.* vi. 1, 8).

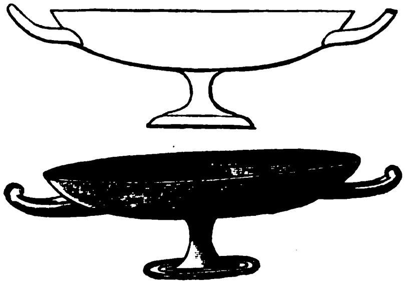
The *caliga speculatoria* (Suet. *Calig.* 52), made for the use of couriers [SPECULATOR], was probably much lighter than the ordinary shoe worn by the soldiers. [J. Y.] [W. W.]

CALIX (κύλιξ). Though not found in Homer or Hesiod, this was the most common kind of drinking cup among the Athenians (Ar. *Lys.* 841): cf. ἐπὶ τῇ κύλικι λέγειν (Plat. *Symp.* 214 B) and κυλικεῖα (Ath. 480 b), sideboards for exhibiting cups (we should say, "plate"). It was of earthenware and round, hence its name, according to Athenaeus (480 b), ἀπὸ τοῦ κυλίεσθαι τῷ τροχῷ. It had a broad top (Pherecr. *ap.* Ath. 481 b), as is evidenced from its comparison to a shield (Ath. 472 c) and to a woman's breast (Plin. *H. N.* xxxiii. § 81). It had feet (Soph. *Frag.* 541) and horizontal handles (Ath. 470 e). It is mainly in having vertical handles and in its greater size that CANTHARUS differed from *calix*. The *calices*, however, varied to some extent in size, just as our tumblers, and there is some slight evidence (Plat. *Lys.* 219 E)

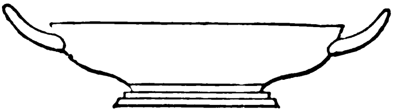


Early Calix. (Birch.)

that an average one held three cotylae (=1·3 pints). The archaic form of the calix is depicted by Birch (*Ancient Pottery*, p. 180); but the ordinary forms are here given from Birch and Dennis. Those of the early period are distinguished by their deeper bowl and taller stem. Those of a later period are of a more elegant shape, have a shallow bowl, and a stem not so high. Cups of this shape are generally painted inside as well as out. In banqueting scenes depicted upon vases, they are often represented as twirled round upon the finger. See the drawing given in SYMPOSIUM. In the latest period the bowl of the calix is without a stem, and has only a moulded base.



Later Calix. (Birch and Dennis.)



Latest Calix. (Birch.)

Athenaeus tells us that these cups were made at various places: Argos (480 d), Attica (480 c), Chios (480 e), Lacedaemon (484 f), Naucratis (480 e), Rhodes (497 f), Teos (481 a). In Martial we hear of Surrentine (xiv. 102) and Saguntine *calices* (xiv. 108). These places gave their names to different kinds of cups, all more or less agreeing with the general description above. The κύλιξ made at Naucratis, however, was very flat, like a *phiala*, as if made with the hand, with a broad bottom and four handles (ὦτα). (See Ath. 480 e.) Panofka (Plate iv., No. 34 *a*, *b*) professes to give a representation; but it agrees in nothing except in having four handles.

Thericlean Calix of early form, with black figures. (Birch.)

But cups were called after individuals as well as after places: *e.g.* the much-discussed Θηρίκλειοι, *sc.* κύλικες. The principal examination of these vessels is by Welcker in *Rhein. Museum*, vi. 404–420. But we must not suppose with him that they were called from the figures of animals which were on them, but rather with Ath. 470 f and Bentley (*Diss. on Phalaris*, ed. Dyce, i. p. 169 ff.), from their maker, Thericles of Corinth. But though their maker was a Corinthian, yet they were genuine Attic cups, properly of earthenware, though sometimes of other material: e.g. wood (*C. I. G.* 139, 8, 9), brass (Ath. 469 b), silver (Jos. *Ant.* xi. 1), gold (Ath. 199 b), sometimes only gilt (Ath. 478 a; cf. *C. I. G.* l. c.); also apparently of glass (θηρίκλειον· ποτήριον ὑέλινον, Photius, *s. v.*). Further they were made of terebinth (τέρμινθος), which was blacker than ebony, yet such that they could not be distinguished from earthenware (Theophrast. *Hist. Plant.* v. 4, 2; Plin. *H. N.* xvi. § 205). Other authors say that these cups were black and very bright (καθαρός), *e.g.* Eubulus in Ath. 471 d; and it is this black polish that Schwenck thinks (*Philologus*, xxiv. 3, 1866, pp. 552–554) is the distinctive feature of these vessels. The oldest Thericlean vessel we know of is that referred to in *C. I. G.* 139, 8, 9, which belongs to 425 B.C. A κύλιξ Θηρίκλειος had a broad top, and is compared to a shield (Aristoph. *ap.* Ath. 472 c). It was rather large, holding three or four cotylae, and sometimes even as much as seven. (Ath. 472 b, d, e.) The figure of one as given by Panofka (Plate iv., No. 34) is also represented by Krause (No. 26); but this does not agree with Eubulus *ap.* Ath. 471 d, who calls it ὀξυπύνδακα, *i.e.* with bottom coming to a point. The Schol. on Clem. Alex. *Paed.* ii. 3, who says it was round at the bottom, with the upper part like a funnel (χωνοειδές), so that it was easy to drink from, does not agree with the previously mentioned and more reliable statements. Possibly the figure given by Lau (*Die Griechischen Vasen*, Plate xix. fig. 4) may represent the kind, though it is very like a woman's breast (Plin. xxxiii. § 81). Birch (p. 381) gives as a specimen of a Thericlean cup, one with a deep bowl and a long stem. (See cut below.)

These Thericlean cups were heavy in weight and expensive, and in competition the Rhodians (Ath. 469 b) made a similar kind of cup of lighter material and sufficiently cheap for persons of humble means to acquire. These were called ἡδυποτίδες. Further we hear of Ἀντιγονίδες, which, according to the Schol. on Clem. Alex., were like the Θηρίκλειοι in some points, but they had not the spherical bottom, and ended in a narrow aperture. Also of Σελευκίδες, whose handles were not closed, but consisted of four rods. Each two of these rods were close together at their junction with the cup, but diverged widely at the other extremity (Ath. 488 e).

In Juvenal, v. 48, we read of *calices* called after a shoemaker of Beneventum, which had four nozzles. This was Vatinius (Mart. xiv. 96), who was afterwards a buffoon in the court of Nero (Tac. *Ann.* xv. 34), and the cups were called *Vatinii* (Mart. x. 3, 4).

For the cups used in the Christian Church, see Smith's *Dictionary of Christian Antiquities*, art. *Chalice*.

Of somewhat different meaning to that of κύλιξ are the cognates κυλίχνη, κυλιχνίς, κυλίχνιον, which were covered vessels, and used as soup-tureens (if we may so infer from Aristoph. *ap.* Pollux, x. 88), but more specially as pots for medicines (Galen, *Lex. Hippocr.*; Poll. vi. 98; Suidas, *s. v.* κυλίχνιον: cf. also Aristoph. *Eq.* 906; Ath. 480 d, where Ussing rightly reads κυλιχνίδα). *Calices* are also found mentioned as covered vessels for cooking (Plin. *H. N.* xxxv. 193), or serving up (Ovid. *Fast.* v. 509) food in. Varro (*L. L.* v. 127) derives it from *calidus*.

The chief works on the subject of Greek and Roman cups are Th. Panofka, *Recherches sur les véritables noms des Vases Grecs*, Paris, 1829; J. L. Ussing, *De nominibus vasorum Graecorum*, Copenhagen, 1844; J. H. Krause, *Angeiologie*, Halle, 1854; Birch, *History of Ancient Pottery*, London, 1873; Marquardt, *Röm. Alterth.* vii. p. 632 ff. [L. C. P.]

CALIX, a tube, regulating the supply of water, attached to the extremity of each pipe, where it entered the castellum of an aqueduct. (Frontin. *Aquaed.* 36.) It is explained under AQUAEDUCTUS, p. 156 a. [W. S.]

CALLIS, defined by Isidor. *Orig.* xv. 16, 20, as "iter pecudum inter montes angustum et tritum, a callo pecudum tritum:" cf. Serv. *ad* Verg. *Aen.* iv. 405. In the *lex Agraria* (*C. I. L.* 300), § 26, we find "quod quisque pecudes in calleis viasve publicas itineris causa induxerit," where Mommsen notes that *calleis* corresponds to what are now called *tratture*. Suetonius (*Jul.* 19) says that when Caesar and Bibulus were made consuls, "provinciae minimi negotii, id est, silvae callesque," were decreed to them, which can hardly mean, as Mommsen (*Hist.* iv. 203) takes it to be, "provinces in which the governor should find no other employment than the construction of roads and other such works of utility." In Tac. *Ann.* iv. 27, the MS. reads, "quaestor, cui provincia vetere ex mori calles evenerat," which is defended by Orelli, and taken to mean the charge of the mountain-pastures in the southern Apennines; but most scholars adopt the conjecture of Lipsius, *Cales*, regarding Cales, the oldest Latin colony in Campania, as the residence of the *quaestor classicus* in charge of South Italy. (Cf. Mommsen, *Staatsr.* ii. 536, note; and Nipperdey *ad loc.*) [R. W.] [A. S. W.]

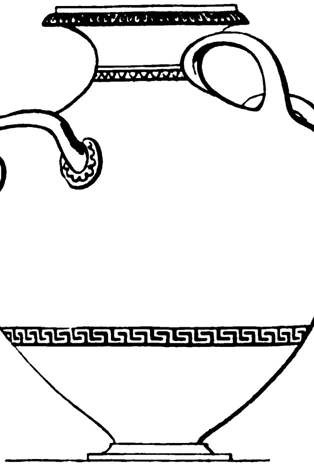
CALLISTEIA (καλλιστεῖα), contests for beauty, festivals celebrated in different parts of Greece. (Schol. *ad Il.* ix. 128; Suidas, *s. v.*; *Anth. Pal.* ix. 189; Athen. xiii. p. 609.) [L. S.]

CALLYNTE'RIA. [PLYNTERIA.]

CALO, a slave of the lower kind, usually but not always (cf. Hor. *Sat.* i. 2, 44, i. 6, 103; *Ep.* i. 14, 42; Cic. *de Nat. Deor.* iii. 5, 11) applied to a soldier's slave. The derivation given by Festus, *s. v.*, "calones militum servi dicti, qui ligneas clavas gerebant, quae Graece κᾶλα vocant," repeated by Servius *ad* Verg. *Aen.* vi. 1 and others, is manifestly false: the word is contracted from *caclo*, akin to *cacula*, used by Plautus (e.g. *Trin.* 721) in the same meaning and derived in the same way by Festus, with the absurd addition "ad tutelam dominorum." Accius, quoted by Fest. p. 146, has the line "calones famulique metellique caculaeque." Even under the Republic the number of slaves following a Roman army was large; under the Empire it sometimes exceeded the number of the soldiers. Each legion was followed by its own *calones*; and to prevent confusion, in case of an attack, they were organized and subjected to military discipline (Joseph. *B. J.* iii. 6; Veget. *R. M.* iii. 6).

The *calones*, though often mentioned with the *lixae* (q. v.), must be carefully distinguished from them. [W. S.] [A. S. W.]

CALPIS (κάλπις), a water-urn, a pitcher or ewer. It is another name for the *hydria* (ὑδρία), and Aristophanes (*Lysistr.* 327, 358) speaks of the *calpis* and *hydria* as identical. Writers on Greek vases make the *calpis* a later modification of the *hydria*, the body being rounder, the neck shorter, and the handles cylindrical. The *hydria* is more commonly found in Etruria, the *calpis* in Southern Italy. (Birch, *Ancient Pottery*, p. 364.) But this distinction between the *calpis* and *hydria* is conventional. The *calpis* occurs in the earliest times. It is mentioned both by Homer (*Od.* vii. 20; *Cer.* 107) and Pindar (*Ol.* vi. 68). Its chief use was for holding water, and was carried on the head by maidens, as we frequently find depicted on vases. It was also used for holding unguents (Polyb. xxxi. 3, 17), for drawing lots or collecting votes (*Anth. Pal.* vii. 384; Luc. *Hermot.* 40, 57), as a cinerary urn (*Anth. Pal.* xii. 74), and the name was also applied to a Panathenaic vase (Callim. *Frag.* 122). See Liddell and Scott, *s. v.* [HYDRIA.] [W. S.]



Calpis. (Birch.)

CAL'THULA. [Crocota.]

CALUM'NIA signifies generally the taking of legal proceedings, criminal or civil, against another person, when one has good reason for believing that the criminal charge or the civil action has no substantial foundation: "calumniosus est qui sciens prudensque per fraudem negotium alicui comparat" (Paulus, *Sent. Rec.* i. 5); and on the part of the defendant in a civil action it also means defending the suit without believing himself to be in the right. In all cases the intention to annoy the other party seems essential to the offence, for "calumnia in adfectu est, furti crimen" (Gaius, iv. 178).

From *calumnia* in criminal charges persons were deterred by the following provisions:—(1) The accuser had always to take the oath of *calumnia*, i.e. swear that he believed the charge to be well founded (*Fragm. Leg. Servil.* c. 8; Cic. *ad Fam.* viii. 8, 3). (2) A lex Remmia of unknown date established certain penalties for *calumniatores* (Cic. *pro Rosc. Am.* 19, 55); among them probably being that of having the letter K, the initial of *Kalumnia*, branded on the forehead (Cic. *ib.* 20, 57). The provisions of this statute seem to have been superseded by Trajan's enactment that a false accuser should be liable to the punishment which the accused would have suffered if condemned (Plin. *Paneg.* 35), and he was taken in law to have voluntarily subjected himself to this liability by signing the indictment (Dig. 48, 2, 7, pr.). If the charge had been one of treason, he could be tortured in order to discover the names of his instigators. (3) An accuser might not, as a rule, drop criminal proceedings after their commencement, so as to leave a charge hanging over the head of the accused without the consent of the latter (Dig. 48, 16, 18, 1, 2) and of the court (Paul. *Sent. Rec.* 5, 17, 1): he had to bind himself with sureties to push the charge to a verdict (Dig. 48, 2; 7, 1); and if he failed to do so, he not only forfeited the sum in which he had bound himself, but was also liable to punishment under the Senatusconsultum Turpillianum, passed in the time of Nero (Tac. *Ann.* xiv. 41; Dig. 48, 16; Cod. 9, 45).

There were some few crimes the accusation of which, even without ground, did not expose the accuser to be proceeded against as *calumniator*; but as a general rule, if he failed in his proof, the injured person might have an inquiry into his conduct and motives. If the person by whom this was conducted found that he had acted merely from error of judgment, he acquitted him in the form *non probasti*; if he convicted him of evil intention, he declared his sentence in the words *calumniatus es*, which sentence was followed by the legal punishment described above.

In the time of Gaius (and perhaps throughout the formulary procedure, B.C. 170 to A.D. 294, which he describes) a defendant in a civil action (1) could call on the plaintiff to take the *jusjurandum calumniae*, i.e. swear that he honestly believed his cause to be a good one (Gaius, iv. 176). (2) In default of this he might, if acquitted, bring the *calumniae judicium* (Cic. *pro Cluent.* 59, 163), by which he could recover a tenth of the value in dispute in the previous action, and one-fourth if the latter had been an interdict; but this remedy was unavailable unless it could be proved that the original plaintiff's motive had been merely to annoy the other party (Gaius, iv. 175). (3) After acquittal in some actions (*e.g.* the *actio injuriarum*, Gaius, iv. 177), the defendant could sue the plaintiff by *judicium contrarium* (the latter's *bona fides* in the earlier action here being immaterial: Gaius, iv. 178), and thereby recover sometimes a tenth, sometimes a fifth, of the sum at issue in the previous proceedings. (4) In all actions in which there was a *sponsio poenalis* (for which see below) in favour of the plaintiff, the defendant was entitled to a promise by *restipulatio* of an equivalent sum in case the action went in his favour.

If the *restipulationis poena* was required from the plaintiff, the defendant could not have the benefit of the *calumniae judicium* or of the *jusjurandum calumniae*; and the *judicium contrarium* was not applicable to such cases.

Similarly, in the formulary period, if the plaintiff was not sufficiently secured against unwarranted defence of the action by other provisions,—*e.g.* duplication of damages (*lis crescens*) in case of defeat (Gaius, iv. 171; Cic. *pro Flacco*, 21, 49); the *sponsio poenalis* in *condictio certi*, in the *actio de constituta pecunia*, and in interdicts tried *per sponsionem*; and the infliction of *infamia* on a defendant who was condemned (Gaius, iv. 182),—he could require the defendant to take the *jusjurandum calumniae*: "non calumniae causa ad inficias ire" (Gaius, iv. 172).

Under Justinian the *judicia calumniae* and *contrarium* and the penal *sponsio* and *restipulatio* had become obsolete. *Infamia* and duplication of damages were still incidental to some actions; the oath of *calumnia* was administered to both parties to an action and their advocates, and the losing side had to pay the other's costs (*Inst.* iv. 16, 1). [J. B. M.]

CAM'ARA (καμάρα), or **CAM'ERA**, properly signifies any arched or vaulted covering, and anything with such a covering: Herodotus, for instance, calls a covered carriage καμάρα (i. 199). [See the first illustration under Carpentum.] It is chiefly used in the two following senses:—

1. An arched roof which might be (*a*) a mere open trellis-work with creeping plants trained over it, like the covered walks called *berceaux* in French. Of this kind was probably the καμάρα under which Alexander slept during his last illness in a park (παράδεισος) near Babylon (Arrian, *Anab.* vii. 25, § 3); though Liddell and Scott explain it as a tester-bed. (*b*) An arched or vaulted ceiling formed by semicircular bands or beams of wood, over the intervals of which a coating of lath and plaster was spread, resembling in construction the hooped awnings in use among us. (Vitruv. vii. 3; Cic. *ad Q. Fr.* iii. 1, § 1; comp. Plin. *H. N.* xvi. § 156.) Under the emperors *camarae* were gilded (id. xxxiii. §§ 52, 57), or filled with plates of glass (id. xxxvi. § 189; cf. Stat. *Silv.* i. 5, 42; Marquardt, vii. 642). In one passage *camara* seems to be used as equivalent to *lacunar*, the sunken panel of a roof between the beams (Propert. iv. 2, 10 [= 1, 50]). (*c*) More rarely a barrel vault in solid stone-work, like that of the Tullianum at Rome. (Sall. *Cat.* 55, quoted under Carcer.)

2. Small boats used in early times by the

people who inhabited the shores of the Euxine and the Bosporus, and called *καμάραι* from their having a broad arched deck. They were made with both ends alike, so as to work in either direction without turning; and were put together without iron. They continued in use until the age of Tacitus, by whom their construction and uses are described. (Strab. xi. p. 495; Eustath. *ad Dionys. Perieg.* 700; Aul. Gell. x. 25; Tac. *Hist.* iii. 47.) For other uses of the word, see the Lexicons. [P. S.] [W. W.]

CAMILLI, CAMILLAE, boys and girls employed in the sacrifices of the Flamen Dialis, the Flaminica Dialis, and in general in religious rites and ceremonies. They were required to be perfect in form and sound in health, free born, and with both their parents alive; or, in other words, according to the expression of the Romans, *pueri seu puellae ingenui, felicissimi, patrimi matrimique.* The origin of these words gave rise to various opinions among the ancients. Dionysius supposed them to correspond to the *κάδμιλοι* among the Curetes and Corybantes; others connected them with Cadmilus or Casmilus, one of the Samothracian Cabeiri; but we know nothing certain on the matter. Respecting the employment of the Camillus at Roman marriages, see MATRIMONIUM. (Dionys. ii. 21, 22; Varr. *L. L.* vii. § 34; Macrob. *Sat.* iii. 8, § 7; Serv. *ad* Verg. *Aen.* xi. 543; Plut. *Num.* 7; Festus, s. vv. *Camillus, Cumera, Flaminius Camillus;* Hartung, *Die Religion der Römer*, i. p. 157, ii. p. 71; Marquardt, *Röm. Staatsverw.* iii. pp. 220, 316.) [W. S.]

CAMI'NUS. [DOMUS.]

CAMIS'IA, whence French *chemise*, a linen shirt worn next to the skin, is first mentioned in the fourth century by St. Jerome (*Ep.* 64, n. 11), from whom we learn that the word was used in the popular language, and that in his time the camisia was worn by soldiers ("solent militantes habere lineas, quas camisias vocant"). It is also mentioned by Isidorus (*Orig.* xix. 22), and by Paulus (Fest. s. v. *supparus*, p. 311, M.), who gives it as the equivalent of the older word *subucula.* [W. S.]

CAM'PAGUS, a kind of boot worn by the Roman emperors and military officers under the later empire. (Trebell. Poll. *Gallien.* 16, with the note of Salmasius; Capitol. *Max. Jun.* 2; Edict. Diocl. p. 24; Joh. Lydus, i. 17.) [W. S.]

Campagus, boot from marble statue of an emperor found at Carthage. (British Museum.)

CAMPANA. [TINTINNABULUM.]

CAMPESTRE (sc. *subligar*) was a kind of girdle or apron, which the Roman youths wore around their loins, when they exercised naked in the Campus Martius, whence the name (Augustin. *de Civ. Dei*, xiv. 17). The campestre was sometimes worn in warm weather in place of the tunic under the toga (*campestri sub toga cinctus*, Ascon. *ad* Cic. *pro Scauro*, p. 30, ed. Orell.; Hor. *Ep.* i. 11, 18; Vulcat. *Avid. Cass.* 4). [W. S.]

CAMPIDOCTO'RES, officers who taught soldiers their drill and exercises (Veget. i. 13, ii. 23, iii. 6, 8, 26; Lamprid. *Alex. Sev.* 53; Amm. xv. 3, § 10; Orelli, *Inscr.* 1790, 3495). In the times of the republic this duty was discharged by a centurion, or veteran soldier of merit and distinction. (Cf. Plin. *Pan.* 13.) [W. S.]

CAMUS. [CAPISTRUM.]

CAN'ABUS (*κάναβος* or *κάνναβος*) was a wooden stock or framework used by potters and sculptors round which the clay was laid (Poll. vii. 164). In small statues (*sigilla*) and vessels it was of the simplest description, and mostly of the form of a cross, *crux* or *stipes* (Tertull. *Apol.* 12; *ad Nat.* i. 12). Scaliger on Festus (*s. v. Stipatores*) compares it to the framework of a trophy. It is applied to very lean persons (Strattis *ap.* Pollux, x. 189; *Anth. P.* xi. 107), as we should say a "scarecrow." It is the same word as the Latin *cannaba*, "a booth," both signifying a construction like a scaffold or framework (Fick, *Vergl. Wörterb.* ii. 50). The word seems to have been also used for the outline figure which sculptors and painters used as a model (Suidas, *s. v.*). In this sense Aristotle (*Gen. An.* ii. 6, 18 = 743, 2 *a*) compares the appearance of the arteries and veins diverging from and converging to the heart to those who draw *κάναβοι* on the walls; they present, he says, the form of the whole body (*αἱ μὲν γὰρ φλέβες ὥσπερ ἐν τοῖς γραφομένοις κανάβοις τὸ τοῦ σώματος ἔχουσι σχῆμα παντός*, *H. A.* 3, 5, 3 = 515, 35 *a*). They are, as Blümner says (*Technol.* ii. 117), figures indicated by the sketch of the most essential muscles. [L. C. P.]

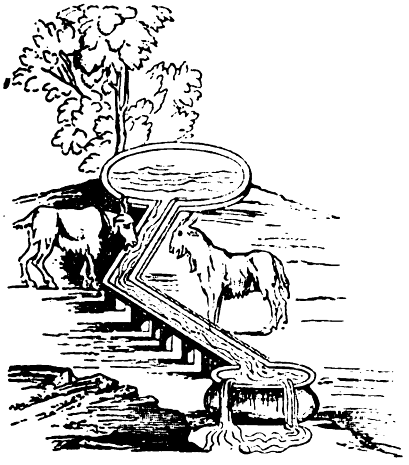
CANALICULUS, a small channel or canal (Vitr. x. 14; Col. viii. 15, 6), is also used in the following special senses:—to denote (1) the channel or barrel of a catapult (Vitr. x. 15); (2) a splint (Cels. viii. 2); (3) the grooves carved on the face of a triglyph between the three uprights (*femina, μηροί*), while those at each end where the outside *femina* sank to the level of the metope were called *semicanaliculi.* [CANALIS, COLUMNA.] [J. H. F.]

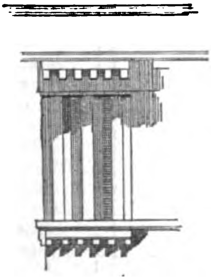
CANA'LIS (*σωλήν*), a channel or canal, is used, like its English derivatives, to signify a watercourse, whether open or closed, and next any other passage which resembles a watercourse.

1. The method of constructing conduits is described by Vitruvius (viii. 7), who distinguishes the *canalis*, which is lined with masonry (*structilis*), from the leaden *fistula* and the earthenware *tubulus* (cf. Suet. *Claud.* 20). A ruder kind of conduit, which was made of timber or earthenware to carry water from a spring or stream to cattle in a meadow, is figured in the illustration below, taken from the Vatican Virgil (Verg. *Georg.* iii. 330; Varro, *R. R.* iii. 5, 2). Again by *canalis* is denoted a feeding-trough, which was in the case of domestic birds placed inside their house, and fed from the outside by pipes (*ib.* iii. 7, 8; 11, 2).

Similarly *canalis* denotes the channel of a sewer, as, for instance, that in the Forum, which is at one spot exposed to view, and was a favourite station for loungers (Plaut. *Curc.* iv. 1, 15; Fest. s. v. *canalicolae*).

2. *Canalis* is also a trench or vein in a gold-mine (Plin. *H. N.* xxxiii. § 68), the barrel or channel for missiles (*σύριγξ*) in a catapult (Vitr. x. 13, 7), a reed-pipe (Calp. *Ecl.* iv. 76); in the medical writers, a splint (Cels. viii. 10, 65) or a canal of the human body (Id. iv. 1, 38); and finally, in architecture, the "channel" or flat surface running between the *abacus* and the *echinus* inside the volute, as in the accompanying cut from one of the triglyphs of the temple of Segesta in Sicily (Saglio, *Dict. s. v.*). [Columna.] [J. H. F.]

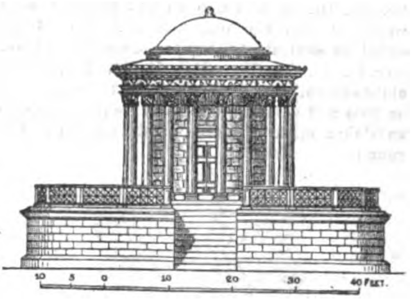

Canalis. (From the Vatican Virgil.)


Canalis in Architecture.

CAN'ATHRON (*κάναθρον* or *κάννα-θρον*) was a Laconian car made of wood, with an arched plaited covering,—*πλέγματα ἔχουσα*, as Hesych. says (hence the derivation probably from *κάννα*, "a reed"),—in which the Spartan ladies used to go to Amyclae for the celebration of the Hyacinthia. We may compare the Roman *pilentum*. The capital passage is Polycrates *ap.* Athenaeus, xv. 4, 139 f: *τῶν δὲ παρθένων αἱ μὲν ἐπὶ καννάθρων καμαρωτῶν ξυλίνων ἁρμάτων φέρονται πολυτελῶς κατεσκευασμένων.* The nature of the adornments was at times fantastic: *εἴδωλα γρυπῶν ἢ τραγελάφων* (Plut. *Ages.* 19; cf. Xen. *Ages.* 8, 7; Müller, *Dorians*, ii. 298). Eustath. on *Il.* xxiv. 190 is in error in stating that *κάνναθρον* and *πείρινς* are the same. The latter is a basket put into the chariot, and used for holding the necessaries for a journey, and also for a seat (Buchholz, *Hom. Real.* ii. 1, 228). [L. C. P.]

CANCELLA'RIUS. [Cancelli.]

CANCELLI (*κιγκλίδες, δρύφακτοι*), a screen or lattice of open work, placed before a window, a doorway, the tribunal of a judge, or any other place. At Athens, in the senate-house (*βουλευτήριον*) and law-courts, *δρύφακτοι* were the bar or fixed partition, *κιγκλίδες* the gates opening into it (*αἱ μὲν οὖν τῶν δικαστηρίων θύραι κιγκλίδες ἐκαλοῦντο, ἃς Ῥωμαῖοι καγκελλωτὰς λέγουσιν*, Poll. viii. 124). Balconies projecting from the fronts of houses were also called *δρύφακτοι*, Lat. *maeniana* (Heracl. Pont. fr. 10, with Müller's note, ii. 209; *τὰ τῶν οἰκοδομημάτων ἐξέχοντα ξύλα*, Schol. Aristoph. *Eq.* 672, *Vesp.* 385; this sense is not noticed in L. and S., ed. 7). The material was originally wood, as the name *δρύφακτος* shows (L. and S. *s. v.*); and such were also the *cancelli* put up at Rome for temporary purposes, as when funeral games were given in the Forum (*cancelli fori*, Cic. *pro Sest.* 58, § 124; cf. Ov. *Am.* iii. 2, 64). But they might also be in metal, as in the *cancelli* before the Temple of Vesta, rebuilt by Severus, conjecturally restored by Comm. Lanciani from existing remains, and figured here from Middleton (p. 184); or in marble, as those on the Rostra from a relief on the Arch of Constantine, figured under Rostra. In the Basilica Julia, low marble screens or *cancelli* shut in the otherwise open arches on the ground-floor; a great number of fragments of these screens are scattered about the Forum (*ib.* p. 172). For the *cancelli* of law-courts see further Cic. *in Verr.* iii. 59, § 135, with Long's note; and compare Varr. *R. R.* iii. 5; Dig. 30, 41, s. 10; 33, 7, s. 10.



Cancelli before the Temple of Vesta. (From Middleton.)

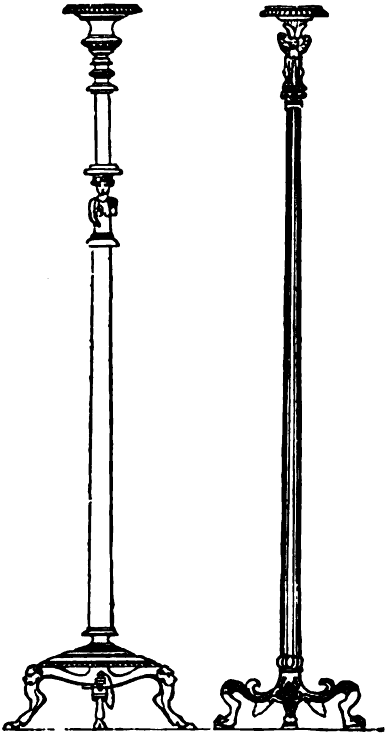
Hence was derived the word *Cancellarius*, which originally signified a porter, who stood at the latticed or grated door of the emperor's palace. The Emperor Carinus gave great dissatisfaction by promoting one of his Cancellarii to be Praefectus urbi (Vopisc. *Carin.* 16). The cancellarius also signified a legal scribe or secretary, who sat within the cancelli or lattice-work, by which the crowd was kept off from the tribunals of the judges (Cassiod. *Var.* xi. 6). The chief scribe or secretary was called Cancellarius *κατ' ἐξοχήν*, and was eventually invested with judicial power at Constantinople; but an account of his duties and the history of this office do not fall within the scope of the present work. From this word has come the modern Chancellor. [W. S.] [W. W.]

CANDE'LA, a candle, made either of wax (*cerea*) or tallow (*sebacea*), was used universally by the Romans before the invention of oil lamps (*lucernae*). (Varr. *L. L.* v. § 119; Serv. *ad* Verg. *Aen.* i. 727; Mart. xiv. 43; Athen. xv. p. 700.) They used for a wick the pith of a kind of rush called *scirpus* (Plin. *H. N.* xvi. § 178). They were used in funeral processions (Pers. iii. 103). In Livy (xl. 29) *fasces candelis involuti* appear to be packets wrapped up in a kind of wax cloth. In later times candelae were only used by the poorer classes; the houses of the more wealthy were always lighted by lucernae (Juv. *Sat.* iii. 287; cf. Plin. *H. N.* xxxiv. § 11. Becker-Göll, *Gallus*, ii. p. 390). [W. S.]

CANDELA'BRUM (λυχνεῖον, λυχνίον, λύχνιον, λυχνία) was originally a candlestick, but was afterwards used to support lamps (whence also called *lychnuchus*, λυχνοῦχος), in which signification it most commonly occurs. The candelabra of this kind were usually made to stand upon the ground, and were of a considerable height. The most common kind were made of wood (Cic. *ad Q. Fr.* iii. 7; Mart. xiv. 44; Petron. 95; Athen. xv. p. 700); but those which have been found in Herculaneum and Pompeii are mostly of bronze. Sometimes they were made of the more precious metals (silver, Dig. 34, tit. 2, s. 19, § 8) and adorned with jewels, as was the one which Antiochus intended to dedicate to Jupiter Capitolinus (Cic. *Verr.* iv. 28, 64, 65; cf. *ib.* ii. 74, 183, "candelabra aenea," and iv. 26, 60). In the temples of the gods and palaces there were frequently large candelabra made of marble, and fastened to the ground.

Marble Candelabrum in the Vatican. (Visconti, vol. iv., tav. 5.)

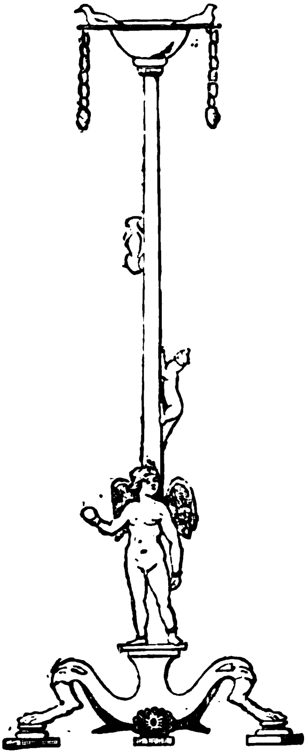
There is a great resemblance in the general plan and appearance of most of the candelabra which have been found. They usually consist of three parts:—(1) the foot (βάσις); (2) the shaft or stem (καυλός); (3) the plinth or tray (δισκός), large enough for a lamp to stand on, or with a socket to receive a wax candle. The foot usually consists of three lions' or griffins' feet, ornamented with leaves; and the shaft, which is either plain or fluted, generally ends in a kind of capital, on which the tray rests for supporting the lamp. Sometimes we find a figure between the capital and the tray, as is seen in the candelabrum on the right hand in the annexed woodcut, which is taken from the *Museo Borbonico* (iv. pl. 57), and represents a candelabrum found in Pompeii. The one on the left hand is also a representation of a candelabrum found in the same city (*Mus. Borb.* vi. pl. 61), and is made with a sliding shaft, by which the light might be raised or lowered at pleasure.



Pompeian Candelabra.

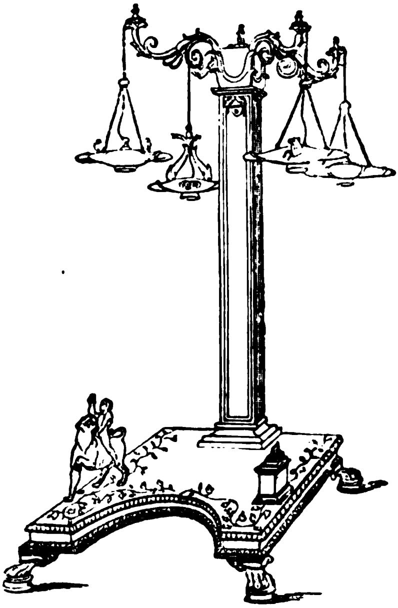
The best candelabra were made at Aegina and Tarentum (Plin. *H. N.* xxxiv. § 11). There were also Corinthian candelabra (Mart. xiv. 43). The Etruscan bronze candelabra were celebrated in antiquity, and are mentioned even in the time of Pericles by the Athenian poet Pherecrates (Athen. xv. p. 700 c).

There was another kind of candelabrum, entirely different from those which have been described, which did not stand upon the ground, but was placed upon the table. Such candelabra sometimes consist of a figure supporting a lamp (*Mus. Borb.* vii. pl. 15), or of a figure, by the side of which the shaft is placed with two branches, each of which terminates in a flat disc, upon which a lamp was placed. A candelabrum of the latter kind is given in the annexed drawing (*Mus. Borb.* iv. pl. 59). The stem is formed of a liliaceous plant; and at the base is a mass of bronze, on which a Silenus is seated, engaged in trying to pour wine from a skin which he holds in his left hand, into a cup in his right. Vitruvius (vii. 5, § 3) describes candelabra "aediculárum sustinentia figuras." Sometimes the candelabra consist of pillars, from the capitals of which several lamps hang down, or of trees, from whose branches lamps also are suspended. The following woodcut represents a very elegant candelabrum of this kind, found in Pompeii. (*Mus. Borb.* ii. pl. 13.)



Etruscan Candelabrum. (Dennis, *Etruria*, i. p. lxxv.)

Candelabrum from Pompeii.

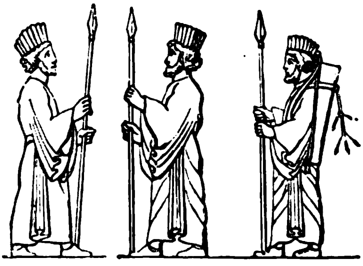


Candelabrum from Pompeii.

The original, including the stand, is three feet high. The pillar is not placed in the centre, but at one end of the plinth, which is the case in almost every candelabrum of this description yet found. The plinth is inlaid in imitation of a vine, the leaves of which are of silver, the stem and fruit of bright bronze. On one side is an altar with wood and fire upon it; and on the other a Bacchus riding on a tiger. The *candelabrarii*, or makers of candelabra, are mentioned in inscriptions (Orelli, *Inscr.* 4157). (Becker-Göll, *Gallus*, ii. p. 398 *seq.*) [W. S.]

CANDIDA'TUS. [AMBITUS.]

CANDYS (**κάνδυς**), a gown worn by the Medes and Persians over their trowsers and other garments (Xen. *Cyr.* i. 3, § 2; *Anab.* i. 5,



Candys, Persian dress.

§ 8; Diod. Sic. xvii. 77). It had wide sleeves, and was made of woollen cloth, which was either purple or of some other splendid colour. In the Persepolitan sculptures, nearly all the principal personages are clothed in it. The three shown above are taken from Sir R. K. Porter's Travels (vol. i. pl. 94). [J. Y.]

CANE'PHORUS (*κανηφόρος*) is "a basket-bearer." The *κάνειον* or *κανοῦν*, derived from *κάννα*, "a reed" (Ebeling, *Hom. Lex.* s. v.), was in the Homeric times a basket used for putting in bread (*Il.* ix. 217) or other edibles (*e.g.* onions, *Il.* xi. 630) for meals, or the sacred *οὐλαί* for sacrifice (*Od.* iii. 441). We find the remains of a feast also placed therein (*Od.* xx. 300). The epithets used are *καλὸς* or *χάλκεος* (*Il.* xi. 630) or *χρύσειος* (*Od.* x. 355). The latter is in the fairy palace of Circe; but the Schol. on Ar. *Lys.* 645, says the *κανηφόροι* carried flat dishes all of gold (*λοπάδας τινας ὁλοχρύσους*). These were perhaps the *κανᾶ*. Some few golden utensils were used in state sacrifice: cf. the *χερνίβια* in Andoc. *c. Alcib.* § 29, though the usual *κανᾶ πομπικά* were no doubt *χαλκᾶ* (Michaelis, *Parthenon*, p. 259). One of silver is referred to in *C. I. G.* 2855, 19, and one of earthenware in Dion. H. ii. 23 (Grimm). At Athens the *κανοῦν* was used in religious service only. A particular part of the ceremony seems to have been called *κανοῦν* or *κανᾶ*, when the basket was carried round the altar (Eur. *H. F.* 926), laid down (Ar. *Ach.* 244), and the *οὐλαί* taken therefrom. (Cf. *ἐξάρχου κανᾶ*, Eur. *I. A.* 435.) *Κάναστρον* signifies both a bowl (*τρύβλιον*) and also a dish made of cork (*φελλώδης τις πινακίσκος*, Poll. x. 85) or earthenware (Hom. *Epig.* xiv. 3). The Roman *canistrum* was used for just the same purposes as the Homeric *κανοῦν*, viz. for holding bread (Cic. *Att.* vi. 1, 13; Juv. v. 74), necessaries for sacrifice (Verg. *Aen.* viii. 180; Tibull. i. 10, 27), remains of a feast (Hor. *Sat.* ii. 6, 105). The epithets signify "flat:" e.g. *patulis* (Ov. *Met.* viii. 675), *lata* (Id. *Fast.* ii. 650).

Canephori. (British Museum.)

They were, then, flat baskets used, among other purposes, for carrying the requisites for religious ceremonies. At the Panathenaea they were carried by grown-up maidens of high birth, who were genuine native Athenians (Harpocr. *s. v.*). The annexed cut represents the two canephori approaching a candelabrum. Each of them elevates one arm to support the basket, while she slightly raises her tunic with the other. The sister of Harmodius was not allowed to carry the basket in a procession, as she was a Gephyrean (Thuc. vi. 56, compared with Herod. v. 57, 61). They were accompanied by the daughters of metics, carrying umbrellas and seats (Schol. Ar. *Av.* 1508, 1549; Aelian, *V. H.* vi. 1). Dressed in splendid and costly raiment and arrayed with golden ornaments (Ar. *Lys.* 1188 *sqq.*; Boeckh, *Pol. Ec.* i. 571, ii. 142), maintaining too a stately and dignified attitude, one hand holding the basket supported on the head, the other slightly raising the dress, they naturally formed a fine subject for artistic treatment; and so we have notice of special statues of *κανηφόροι* by Polycletus in bronze (Cic. *Verr.* iv. 5) and Scopas in marble (Plin. *H. N.* xxxvi. § 25). It is possible, as Saglio remarks (*Dict.* i. 877), that the *κανηφόροι* suggested the idea of the Caryatides of the Erechtheum, the basket being altered into the capital, a view taken also by Guhl and Koner (p. 191); but this opinion is combated by Dr. Julius (in Baumeister's *Denkmäler*, &c., *s. v.* Erechtheion), on the ground that the Caryatides support, not a basket but a Doric capital; and fig. 1202 in Saglio's *Dict.* affords strong reason why we are not to regard *all* Caryatides as having been suggested by the *κανηφόροι*.

Though mostly spoken of with reference to the Panathenaea, yet, as was natural, we find them in processions to other divinities, both at Athens (Harpocr. *s. v.*) and elsewhere: *e.g.* Zeus in Boeotia (Plut. ii. 771), Dionysus at Athens (Ar. *Ach.* 237 *sqq.*) and in India (Plut. ii. 1164), Artemis (Theocr. ii. 66), Hera (Hor. *Sat.* i. 3, 11), Isis at Delos (*C. I. G.* 2298). This inscription, as well as 3602, 3603, shows that at times public recognition was taken of *κανηφόροι* who fulfilled their duty in worthy fashion (*καλῶς καὶ ἀξίως*). [L. C. P.]

CANISTRUM. [CANEPHORUS.]

CANNA. [CALAMUS.]

CANON (*κανών*), derived probably from *κάννα*, "a reed," meant a straight rod; hence the following special applications.

1. In the Homeric shield (the *ancilia*, too, had them: see Dion. H. ii. 71, 387 R), bars to which the *τελαμὼν* or shoulder-belt was attached (Hesych. *s. v.*), generally of wood, but in Nestor's shield of gold (Hom. *Il.* viii. 192; Buchholz, *Hom. Real.* ii. 1, 363); or two parallel bars used as handles, through one of which the warrior placed his arm while he grasped the other. This was prior to the invention of regular handles (*ὄχανα*) by the Carians (Herod. i. 171; Ebeling, *s. v.*, where see Scholiasts). Others again suppose the *κανόνες* to be a framework of the shield, over which the leather was placed. But this would be superfluous in the golden shield of Nestor (Seiler, *Hom. W.*, s. v.).

2. In Hom. *Il.* xxiii. 761, by some supposed to be the shuttle to which the threads of the woof (*πηνίον*) were attached, and by which they were drawn through and out of the warp (*μίτος*). This was the ordinary view, and it is still held by Buchholz (*Hom. Real.* ii. 1, 186). But the Scholiast says, *κανών· ὁ κάλαμος περὶ ὃν εἰλεῖται ὁ μίτος ὁ ἱστουργικός*. Rightly; for with Blümner (*Technologie*, i. 130) and Marquardt (*Privatleben*, 506 ff.) we should consider the *κανὼν* to be the straight round rod to which the alternate threads of the warp were attached by means of strings, which strings had loops at either end, one loop fastening the string to the *κανών*, the other fastening it to the warp. Of course, in weaving there must be two *κανόνες*. This arrangement of strings and loops was called *μίτος* by the Greeks, *licia* by the Romans. The *κανὼν* was originally made of reed, and we find *arundo* in this sense in Ov. *Met.* vi. 55. Now, if we bear in mind that *πηνίον* is not the woof, but the spool or shuttle to which the

threads of the woof were attached, we shall find the Homeric simile quite explicable and apposite.

3. A carpenter's rule, very like our own, to judge from the representation of it we find on carpenters' tombs, which show that it was graduated. [See REGULA.] It differed from στάθμη, *amussis* (cf. Vitruv. vii. 3, 5), in that the latter was a flexible string, the former generally a rigid ruler (Arist. *Rhet.* i. 1, 5), though sometimes it was made of lead and could be bent, μολύβδινος κανών (Arist. *Eth. N.* v. 10, 7). The carpenter used to correct errors in the κανὼν by the aid of his eye and the στάθμη (Soph. *Frag.* 421). Both the στάθμη (Schol. on Hom. *Il.* xv. 410) and the κανὼν (*Anth. P.* vi. 205, 4; cf. Eur. *H. F.* 945) were rubbed over with some coloured substance, generally vermilion (μίλτος, *rubrica*). Κανὼν is also used as a ruler for drawing straight lines with pen and ink (*Anth. Pal.* vi. 63, 2; 64, 4).

4. In descriptions of machinery κανὼν is used just as indefinitely as we use "rod:" *e.g.* in the account of the organ made by Ctesibius, given in Heron's *Pneumatika*, we find κανὼν used at one time for a piston rod, next for the beam of a lever, again for the fulcrum upon which the lever works, and also the rods which connect the keys and the pipes or perhaps the rods of the stops. (See Chappell, *Hist. of Music*, i. 343, 376, and his elucidation of the puzzling passage κανόνας συμφραδμόνας αὐλῶν in the Emperor Julian's riddling epigram, *Anth. P.* ix. 365, 7.) Κανὼν is used just as indefinitely in the description of the military engines in Heron: e.g. *Belop.* 124, 125; and also *regula* in Lat. (Vitruv. x. 15, 17).

5. The beam (not tongue) of a balance (*Anth. Pal.* xi. 334: ἕστησ' ἀμφοτέρων τὸν τρόπον ἐκ κανόνος). It is generally called ζυγόν.

6. Horizontal curtain-poles, gilt and silvered, in the description given by Chares *ap.* Athen. 538 d, of the marriage tent which Alexander got made.

In the figurative sense κανὼν came to be used for anything which served as a model or rule: *e.g.* in *Athletics*, Pollux iii. 152 tells us that the *average* or normal jump (τὸ μέτρον τοῦ πηδήματος) was called κανών, or what was normal. In *Ethics*, for the rule of right, the Ethical Standard (Eur. *Hec.* 602: cf. Arist. *Eth. Nic.* ii. 3, 8, κανονίζομεν τὰς πράξεις ἡδονῇ καὶ λυπῇ), or the measure of attainment assigned or permitted to an individual. (St. Paul, 2 Cor. x. 13–16: cf. Hor. *Ep.* i. 7, 98, "Metiri se quemque suo modulo ac pede verum est.") In *Grammar*, for the rules of that science; see Theodorus of Alexandria, *ap.* Bekker, *Anecdota Graeca*, 975–1065, and esp. 1180: κανών ἐστι λόγος ἔντεχνος ἀπευθύνων ὁμοιότητα πρὸς τὸ καθόλου τὸ διεστραμμένον τῆς λέξεως, τουτέστι λόγος μετὰ τέχνης διὰ τῶν ὁμοίων ἐπ' εὐθείας ἄγων ἢ ἐλέγχων πρὸς τὰ πλείονα τὸ διεστραμμένον καὶ ἡμαρτημένον τῆς λέξεως· τὰ γὰρ πλείονα τῶν ἐλαττόνων κανόνες. Cf. *Etym. M.* p. 489, 29 (Gaisf.). Also cf. Auson. *Epigr.* 136 *fin.* As regards style in *Literature*, very few rules can be laid down. The opinion of the "wise man," the φρόνιμος, in style, as in each branch of art, is the only criterion of good and bad. In this respect Cicero calls Tiro (*Fam.* xvi. 17, 1) the κανὼν of his writings. Hence of first-class authors as the standard or model in various respects: *e.g.* Dion. H. vol. vi. 775 (Reiske), Ἡρόδοτός τε γὰρ τῆς Ἰάδος ἄριστος κανών, Θουκυδίδης δὲ τῆς Ἀτθίδος: 813, Thucydides is κανόνα τῆς ἱστορικῆς πραγματείας: cf. 1083. In reference to *Music*, Euclid has a treatise called κανόνος κατατομή: the 19th theorem of which, the main point at which he is arriving, is τὸν κανόνα καταγράψαι κατὰ τὸ καλούμενον ἀμετάβολον σύστημα. Here the κανὼν is the string which is regarded as the unit. Euclid takes for this the note external to the tetrachords, the προσλαμβανόμενος (on the meaning of this term see F. A. Gevaert, *Histoire, &c. de la Musique*, Gand, 1875, p. 90, note 2),—A natural. He determines the length of the strings requisite to produce the other notes of the Diatonic scale as fractions of this. Κανὼν was also applied to the table thence derived, which expressed the relations of the intervals of sounds. (See Saglio, *Dict.* s. v., and Lunn in Smith's *Dict. of Christian Antiquities*, s. v.) Ptolemy advised his pupils to discover the intervals by measurement, and recommended the κανὼν ἁρμονικός, consisting of a rule and movable bridges to be placed under the strings; and, the legends notwithstanding, in all probability Pythagoras obtained the measurement of the intervals in the same manner (Chappell, *Hist. of Music*, i. 8, 73, 74). Lastly, we may mention that the wind-chest of Ctesibius's hydraulic organ was called "the regulator of the music" (κανὼν μουσικός, Vitruv. x. 8). In *Philosophy*, that branch of Logic which dealt with the tests of truth was called by the Epicureans τὸ κανονικόν. (See Zeller, *Stoics*, &c. Eng. trans. pp. 400–1.) Epicurus wrote a book called περὶ κριτηρίου ἢ κανών (Diog. L. x. 27). In *Sculpture*, the rules of the proportions of the human figure were first definitely laid down by the sculptor Polycletus of Sicyon, who flourished 452–412. To exemplify these rules he made a statue of a Persian δορυφόρος (Cic. *Brut.* 296), which is now lost. Both the rules and the statue were called κανών (Galen, iv. pp. 354–5, Kühn). The rules, too, are lost to us: for the measurements and method given by Vitruvius, iii. 1, are in error. (See G. Schadow, *Polyclet.*, Eng. trans., London, 1883; and A. Blanc, *Grammaire des Arts du Dessin*, pp. 40–47, Paris, 1867.) The head is a bad unit of measurement; it does not vary with the growth of the body: the hand does so vary; accordingly it is the right unit to adopt, and it was adopted by Polycletus, theoretically (Galen, vol. v. 449, ed. Kühn) and practically (Plin. xxxiv. §§ 55, 56, compared with 65), as well as by the Egyptians (Blanc, *l. c.* 44–46). For elaborate accounts of the science of artistic proportion and its history, with numerous illustrations, see Schadow, *l. c.*; and J. Bonomi, *The Proportions of the Human Figure* (London, 1872).

Rules often take the form of tables or lists, and so we find κανὼν sometimes in this sense. But the older writers did not use it as such; and the Alexandrine grammarians no more used the word κανὼν for a *catalogue* of classic writers than they made any such catalogue. This idol of the tribe has been exhibited in its worthlessness by G. Steffen, *De Canone qui dicitur Aristophanis et Aristarchi* (Leipzig, 1876). But in *Astronomy* we have κανόνες πρόχειροι of Ptolemy (vol. vi. ed. Halma), "handy tables," giving the mean motions of each of the planets and the differences of their observed positions therefrom, so that their actual (*i.e.* from Ptolemy's point of view, geocentric) position could be discovered for any date, and conversely the date be found given their position. These were helps to chronologists. And specially in *Chronology* there was a table of kings (κανὼν βασιλικός) made out by Hipparchus and Ptolemy (vol. iii. ed. Halma, *init.*), with the length of their reigns in whole years. Ptolemy took the first year of Nabonassar, king of Babylon, as his era (ἐποχή, "stopping point") of the Babylonian kings, the accession of Cyrus the Great of the Persian kings, the accession of Philip Arrhidaeus of the Macedonian kings, and the battle of Actium of the Roman emperors as kings of Egypt. Such chronological tables were in vogue in Plutarch's time, but he will not give up the story of the meeting of Solon and Croesus for any so-called chronological tables (χρονικοῖς τισι λεγομένοις κανόσιν, *Sol.* 27) of Dion. H. (*Ant. Rom.* i. 74).

In the *fiscal* affairs of the later Roman empire *canon* was used for regular payments of tribute (*e.g.* Cod. Th. xi. 1, 30, 31 *et passim* throughout the title), especially for the corn supply to the capital (*canon P. R.*, Spart. *Sev.* 8; *canon frumenti urbis Romae* or *urbicarius*, Cod. Th. xiv. 15, 3); also for the ordinary annual income a state derived from its landed property (Cod. Th. xv. 1, 32, and Gothofred's note): opposed to extraordinary taxation, *tributum superindictum* (ib. vi. 26, 4; xi. 1, 36).

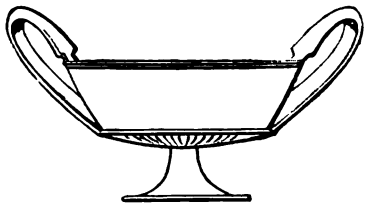
For the multitudinous applications of Canon and its derivatives in the Christian Church,—Canon of the Mass, Canon of Scripture, &c.—the reader is referred to Ducange, to Smith's *Dictionary of Christian Antiquities*, and to Addis and Arnold's *Catholic Dictionary*. [L. C. P.]

CANTABRUM, a standard used in the time of the Roman empire, of which the form is unknown, and carried in festive processions (Tertull. *Apol.* 16; Minuc. Felix, *Oct.* 29). [W. S.]

CAN'THARUS (κάνθαρος) is the name of a kind of boat—of what shape we do not know (Aristoph. *Pax*, 143, and *ap.* Ath. 473 d)—and also of a drinking vessel; called either from resemblance to an inverted beetle (κάνθαρος), as Ussing supposes (p. 135), or more probably from the name of the inventor (Pherecr. *ap.* Ath. 474 d; Poll. vi. 96). From the cup came the name of Cantharus, the follower of Dionysus, to whom it was sacred (Plin. xxxiii. § 150; Macrob. v. 21). Hence Dionysus is frequently represented on ancient vases holding a cantharus in his hand. It had feet (Ath. 488 f), handles (*cantharus ansa*, Verg. *Ecl.* vi. 17), which were what we may call vertical, stretching from the rim down to near the foot, the curve often extending far higher than the rim. These vertical handles are what mainly distinguish the *cantharus* from the CALIX, which latter had horizontal handles. It differed from CARCHESIUM in not having the centre narrower than the rim, and in being as a rule a much less splendid article. As regards depth, it varied considerably; but in size it was generally large (Eubul. *ap.* Ath. 474 c), also called ἁδρός (473 d, 474 a), but sometimes medium-sized (*modicis cantharis*, Hor. *Od.* i. 20, 2). It was usually made of earthenware (Ath. 473 f), but also of metal (Hor. *Ep.* i. 5, 23). We hear of them even of gold (Menand. *ap.* Ath. 474 c; cf. Plin. *H. N.* xxxiii. § 53), silver (Orelli, 6071), and gilt (6140). Like all the other kinds of drinking cups among the ancients, *canthari* were often highly adorned.

Dionysus, holding a cantharus. (Millin, *Peintures Antiques*, pl. 53.)

Subjoined are two representations of *canthari*, taken from Dennis (*Etruria*, i. p. cxvii.). The usual form is shown in the first cut; the second is a late variety, with the handles differently arranged.



Cantharus. (Dennis.)

Cantharus. (Dennis.)

In the Digest, 30, 41, 11 (reading *siphones*, Orelli, *Inscr.* 2504), it appears that the name *cantharus* was given to basins for catching water from fountains (Plin. *H. N.* xxxvi. § 184). A splendid one in the Museum at Naples is reproduced by Saglio (*Dict.* p. 894). One appears outside a Christian church in a mosaic in San Vitale at Ravenna (*Rev. Arch.* 1850).

For works bearing on Greek drinking vessels, see CALIX. [L. C. P.]

CAN'TICUM. The grammarian Diomedes (p. 491, Keil) says: "Latinae comoediae duobus tantum membris constant, diverbio et cantico;" and he adds, "in canticis una tantum debet esse persona, aut si duae fuerint, ita debent esse, ut ex occulto una audiat, nec colloquatur, sed secum, si opus fuerit, verba faciat." Hence it has been commonly supposed, on this authority, that the *cantica* were lyric monologues, sung to the music of the flute, while the *diverbia* were simply recited. But this hypothesis is at variance with another statement of the same grammarian, "in Latinis fabulis plura sunt cantica quae canuntur:" for lyrical monologues take a very subordinate place in most Roman comedies, and in some do not appear at all. Ritschl (*Rhein. Mus.* xxvi. 599–637 = Opusc. iii. 1–54) showed by a careful examination of the scenes to which the letters C (*canticum*) and DV (*diverbium*) are prefixed in certain MSS. of Plautus, that while the *diverbia* are always written in iambic senarians, we must distinguish between two kinds of *cantica:* (1) those which are written in lyric metres, *i.e.* anapests, cretics, and bacchiacs; and (2) those which are composed in trochaic or iambic septenarians. The latter, marked in some copies of Terence with the sign M.M.C. (= *modi mutati cantici*), were delivered melodramatically, with a musical accompaniment; the former were sung to a sort of recitative. Taking these two kinds together, the *cantica* usually form a larger part of the play than the *diverbia,* and they appear to have been the better adapted to the taste of the Roman public, for there are instances in which, where the Greek original is in iambics, the Latin adaptation is written in septenarians. There is no doubt that *cantica* of both kinds occurred also in tragedies: cf. Cic. *Tusc.* i. 44, 107, "cum tam bonos septenarios fundat ad tibiam." According to Livy (vii. 2), Livius Andronicus introduced the custom that the *cantica* should be sung by a young slave standing near the flute-player, while the actor accompanied his singing with the proper gesticulation. Whatever may be the historical value of this statement, it seems certain that in Livy's own time this was the practice; one which naturally led before long to the development of the pantomime. There are many indications that favourite *cantica,* like airs in modern operas, were sung separately at musical entertainments (Suet. *Jul.* 84; Tac. *Ann.* xiii. 15). [A. S. W.]

CAPIS, an earthen vessel used in sacrifices. Other forms are *capedo* (Cic. *Parad.* i. 2, 11), *capeduncula* (id. *N. D.* iii. 17, 43), and *capula* (Varr. *L. L.* v. 121, "capis et minores capulae a capiendo, quod ansatae ut prehendi possint, id est capi"). We thus see that it was fitted with a handle, but its shape is variously described. According to Varro (*ap.* Non. p. 547, 15), it was a small pitcher (*urceolus*); according to Festus (P. Diac. p. 48 M.), a cup (*poculum*). It is joined with the *lituus* among the sacred implements of the augurs (Liv. x. 7), and the two are often represented on coins and medals struck in honour of persons belonging to the more distinguished priesthoods. One of these coins is figured under AUGUR, another under URCEUS. Another shape occurs on coins given by Daremberg and Saglio; but in these the vessel is more probably the SIMPULUM, which was also used in sacrifices, and which is figured under SECESPITA and SIMPULUM. The presence of the *lituus* makes the pitcher shape the most probable. The conservatism of Roman religion required the retention of the primitive plainness of material as well as of the antique shape; in the time of Cicero (*ll. cc.*) costly vessels were only beginning to be used in sacrifices. Pliny dates a great increase in the luxury of *capides et pocula* from Pompey's third triumph, B.C. 61: and after this time the *capis* was no longer reserved for sacred purposes, but passed into ordinary use. (Plin. *H. N.* xxxvii. §§ 18, 20; cf. Petron. 52; Marquardt, *Privatl.* 684.)

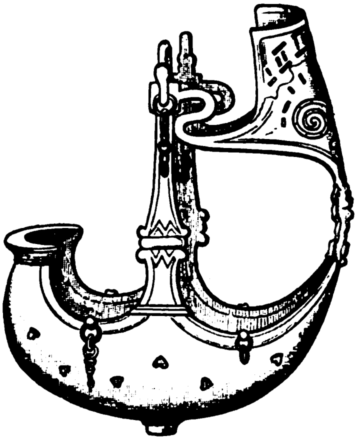
[W. W.]

CAPISTE'RIUM, an instrument employed for cleansing the ears of corn after they had been threshed out and winnowed. It was used differently from the sieve (*cribrum*) and the winnowing shovel (*pala, vannus*); and was probably a wooden trough (*alveus*), into which the corn was put and shaken up, so that the heavy grains subsided to the bottom (Rich). Saglio suggests that these heavy grains may have been selected for sowing. (Colum. i. 9, 11; Apul. *Met.* x. p. 193.) [W. W.]

CAPISTRUM (**φορβειά, κημός, φιμός**) is derived from *capio*, and means "a halter" for animals, just like our own in shape, made apparently of leather (Marquardt, *Privatalt.* 718). It was used especially in the manger (Xen. *Eq.* 5, 1; Calp. *Ecl.* i. 41): hence φορβειά, derived from φέρβω. It may be questioned if φορβειὰ was not originally of the nature of a nose-bag, like χειλωτὴρ (see Stephanus, *Thesaurus*), with the provender at the bottom of it. We also find *capistra* used for leading or guiding animals when quite tame (Ovid. *Met.* x. 125; *Heroid.* ii. 80; Mart. i. 104, 7); hence the satirical application to the married state in Juv. vi. 43. The term φορβειὰ was further applied to the band of leather which flute-players put over their mouths and about their heads, like a halter, to keep them from blowing too hard and so to enable them to get a softer tone and to hold out longer (Soph. *Fr.* 753; Arist. *Vesp.* 582). It is also called κημός (Phot.), στομὶς (Poll. x. 56): cf. ἐπιστομίζειν. Plut. ii. 713 D. The Latin *capistrum* is not used in this sense. Guhl and Koner say that in representations of theatrical players where the long double clarionet required a great effort of breath, in order to avoid any side-loss of breath, this mouth-band is frequently found; but never on the vase-pictures of female flute-players at banquets, nor ever where a single clarionet is played. The φορβειὰ sometimes had no second strap going *over* the head, but simply the one strap tied over the mouth and round the back of the head. On the next page is an illustration taken from Baumeister's *Denkmäler des klassischen Altertums* (art. Flöten).

This leads on to the meaning of "muzzle," which also belongs to *capistrum,* which was used to prevent animals eating or biting (Cato, *R. R.* 54; Plin. *H. N.* xviii. § 177); in Verg. *Georg.* iii. 399 the *capistra* for kids have iron spikes to prevent them sucking. In ecclesiastical Latin *camus* is used for a muzzle; but where that word occurs in Plautus (*Cas.* ii. 6, 37), it rather means a log put on the neck of a refractory slave. The Greeks called it κῆμος (Xen. *Eq.* 5, 3), or more generally φιμός, which may be regarded as put round (Lucian, *Vit. Auct.* 22) the neck (Ar. *Nub.* 592). Often φιμοῦν is found in the N. T. in the sense of "to put to silence:" *e.g.* Matt. xxii. 34. As might be expected, the *capistra* appear to have been generally soft, whether halters (Ov. *Met.* x. 125) or muzzles. These latter appear to have sometimes been of platted osiers (*fiscellae*, Plin. *H. N.* xviii. § 177), or of perforated leather (Saglio, *Dict.* i. 897). Sometimes they were of bronze. There are two such in the British Museum, one of which is figured above. Such muzzles, with short pipes (αὐλωτοὶ φιμοί, Aesch. *Fr.* 343) instead of mere perforations, were occasionally used on war-horses, so that their snorting should give a whistling sound (Aesch. *Theb.* 463), and we need not suppose with Eustath. (on *Il.* 1157, 39) and Hesych. that bells were attached to them.

Capistrum or mouth-band for flute-player. (Baumeister.)



Capistrum, bronze horse-muzzle. (British Museum.)

In the general sense of "holder" or "supporter" we find *capistrum* used as a band for fastening up vines (Colum. iv. 20, 3), and by Cato (*R. R.* 12) as a strap for the wine-press. [L. C. P.]

CAPITA AUT NAVIA, "head or tail," the name of a game at "pitch and toss," derived from the fact that the early *as* had on one side a double-faced Janus, on the other the prow of a ship. See cut of *as* on p. 202. (Macrob. *Sat.* i. 7, 22; Fest. *s. v.* Navia, p. 169 M.) [A. S. W.]

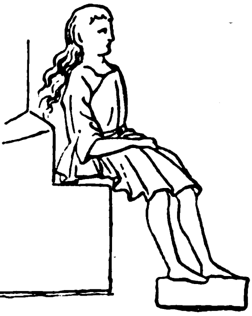
CAPITAL, a kerchief of woollen (Varr. *L. L.* v. 130) or linen cloth (P. Diac. p. 57 M.), worn round the head by Roman women in early times, and, after it had gone out of general use, retained as part of the costume of certain priestesses (Varr. *l. c.*). Among these may have been the Vestals; a coin engraved by Saglio shows a kerchiefed female head and the letters V. V., i.e. *Virgo Vestalis;* but not the Flaminica (Rich), whose coiffure was undoubtedly the TUTULUS. [W. W.]

CAPITA'LIS. [CAPUT.]

CAPI'TE CENSI. [CAPUT.]

CAP'ITIS DEMINU'TIO. [CAPUT.]

CAPIT'IUM, a portion of a woman's dress, said by Varro to be so called because it covers (*capit*) the breast (Varr. *L. L.* v. 131, and *de Vita P. R.* iv. *ap.* Nonium, p. 542, s. v. *capitia:* cf. Gell. xvi. 7, § 9; Dig. 34, 2, 24). The word itself might lead us to suppose that it was originally, like *capital*, a covering for the head; but there is express testimony that it was worn over the tunic (Laber. *ap.* Aul. Gell. *l. c.*) and covered the breast, not the head (Müller, *ad* Fest. p. 57). Rich, and after him Saglio, have identified it as a corset, not unlike those still worn by the present women of Italy, and have figured it from a sepulchral marble published by Gori (*Inscript. Antiq. Florent.* p. 344). [W. S.] [W. W.]



Capitium. (Gori.)

CAPITOLI'NI LUDI. [LUDI.]

CAPIT'ULUM. [COLUMNA.]

CAPSA (dim. CAPSULA, CAPSELLA) or **SCRINIUM,** the box for holding books and papers among the Romans (Cic. *Div. in Caecil.* 16, § 51; Cat. lxviii. 36; Hor. *Sat.* i. 4, 22; i. 10, 63). These boxes were usually made of beech-wood

(Plin. *H. N.* xvi. § 229), and were of a cylindrical form. Many representations of them exist: the following cut represents the Muse Clio with an open capsa by her side.

The Muse Clio with a Capsa. (*Pitture d'Ercolano*, vol. ii. pl. 2.)

The *scrinium* was a larger *capsa*, holding a considerable number of rolls, and hence jokingly assigned to voluminous authors (Hor. *Sat.* i. 1, 120; Mart. i. 2, 4). Boxes used for preserving other things besides books, for instance fruit, were also called *capsae* (Plin. *H. N.* xv. § 65; Mart. xi. 8; *capsella* in this sense, Dig. 33, 7, 12). *Scrinium*, on the other hand, is almost exclusively applied to cases for writings; yet we find *scrinium unguentorum* in Pliny (*H. N.* vii. § 108).

The circular toilet- or jewel-cases of the Romans, if in wood, were called *capsae*; if in metal, *cistae*. Some fine examples of the latter, both in silver and bronze, have been preserved, and are described under Cista: whether *capsa* and *cista* could be used interchangeably, as some think, seems doubtful, though we find *cista* for a book-box in Juvenal (iii. 206). In Petronius (c. 67) a lady wears a golden *capsella* suspended from her neck. The phrase in Seneca, *Noris complures juvenes ... totos de capsula* (*Ep.* 115, § 2), means "redolent of the pouncet-box."

The slaves who had the charge of these book-chests were called *capsarii*, and also *custodes scriniorum*; and the slaves who carried in a capsa behind their young masters the books, &c., of the sons of respectable Romans, when they went to school, were also called *capsarii* (Juv. x. 117). We accordingly find them mentioned together with the *paedagogi* (Suet. *Ner.* 36).

When the capsa contained books of importance, it was sealed or kept under lock and key (Mart. i. 66); whence Horace (*Ep.* i. 20, 3) says to his work, *Odisti claves, et grata sigilla pudico.* The fastening of a lock is shown in the engraving; other representations of the capsa exhibit locks and keys, and the straps by which it was carried. (Becker-Goll, *Gallus*, ii. p. 443; Böttiger, *Sabina*, i. 102 ff.) [W. S.] [W. W.]

CAPSA'RII, the name of three different classes of slaves:—1. Of those who took care of the clothes of persons while bathing in the public baths. [Balneae, p. 275 a.] In later times they were subject to the jurisdiction of the praefectus vigilum (Dig. 50, tit. 15, s. 3). 2. Of those who had the care of the capsae, in which books and letters were kept. [Capsa.] 3. Of those who carried the books, &c., of boys to school. [Capsa.] 4. A fourth kind of capsarii are mentioned, not as slaves, but as a class of soldiers enjoying certain privileges. In an inscription they are joined with *librarii*, and probably guarded the chests containing military papers and registers. (Dig. 50, 6, 7; Rénier, *Inscr. de l'Algérie*, 63; Saglio, *s. v.*) [W. S.] [W. W.]

CAP'SULA. [Capsa.]

CAP'ULUS (κώπη, λαβή). 1. The hilt of a sword, which was frequently much ornamented. (Verg. *Aen.* ii. 553; Ov. *Met.* vii. 442, &c.) [Gladius.] The handles of knives were also elaborately carved; and of the beautiful workmanship sometimes bestowed on them, a judgment may be formed from the three specimens here introduced. (Montfaucon, *Ant. Expliquée*, iii. 122, pl. 61.)

Capuli, ancient knife-handles.

2. The handle of a plough (Ov. *Pont.* i. 8, 57), of which the usual name was *stiva*. [Aratrum, p. 160 a.]

3. A bier or coffin. [Funus.] [W. S.]

CAPUT (from the sense of "head," literal or metaphorical, including under the latter the meaning of "source," "beginning") comes to signify: (1) A single person or thing as distinct from an aggregate (*Inst.* iii. 16, 6; Dig. 6, 1, 1, 3). Hence perhaps its use to express a "chapter" of a law (Dig. 9, 2, 2, pr.) and a territorial unit for the purpose of land taxation under the later empire (Cod. 10, 2). (2) A human being (Caes. *Bell. Gall.* iv. 15): *e.g.* as a subject of the poll-tax (Dig. 50, 4, 18, 8: cf. Livy, iii. 24, x. 47): and in this sense even slaves may be included, as in the phrase *noxalis actio caput sequitur* (*Inst.* iv. 8, 5). But there is a tendency to restrict the term to citizens of some substance: thus the lowest century of Servius Tullius comprised the *proletarii* and *capite censi*; of whom the latter, having little or no property, were barely rated as so many *head* of citizens (Gell.

xvi. 10; Cic. *de Rep.* ii. 22). (3) A human being regarded as capable of legal rights (=*persona*, Dig. 37, 11, 11, 2). (4) That capacity or those legal rights themselves.

The rights enjoyed in the aggregate by any free person under the protection of Roman law are denoted generally by the terms *caput* or *status*. The Romans themselves habitually regarded them as referable to three *momenta* or capacities—freedom, citizenship, and membership of a Roman *familia*. The free man, as such, whether *civis* or *peregrinus*, possessed some legal rights: the *civis* possessed more, even in the domain of private law; but there were many, especially rights of guardianship and inheritance, which he enjoyed only as belonging to a specific *familia*. Properly speaking, the slave, not being free, *nullum habet caput:* he has no *persona* (*Nov. Theod.* xvii. 2): he is ἀπρόσωπος (Theoph. iii. 17, pr.). But a free man always had a *caput*, and this he might lose: so that, according as the *caput* which he lost was that of freedom, citizenship or *familia*, he was said to suffer *capitis minutio* or *deminutio*, *maxima*, *media* or *minor*, or *minima* (Hor. *Carm.* iii. 5, 42; Auson. *Idyll.* xi. 65; Boethius *ad* Cic. *Top.* ii. 4). It is hardly necessary to add that loss of *civitas* involved loss of *familia*, and loss of *libertas* involved both.

Capitis deminutio maxima occurred when a free man, whether *ingenuus* or *libertinus*, became a slave (Gaius, i. 160; Ulp. *Reg.* xi. 11), as he might (1) by being taken captive by an enemy of the Roman state, though he might recover his civil rights by returning to his country. [Postliminium.] (2) By being sold as a slave by a person thereunto entitled: especially by the state for evading public burdens (*e.g.* by not entering his name in the census), or for attempting to escape military service (Cic. *pro Caec.* 34, § 99; Ulp. *Reg.* xi. 11). Similarly the creditors of an insolvent debtor might sell him *trans Tiberim*, into foreign slavery, under the execution procedure known as *Manus injectio* (Gell. xx. 1); and a *libertus* convicted of gross ingratitude towards his patron might on the latter's application be sold as a slave by the praetor (Dig. 25, 3, 6, 1), and later the patron might resume his rights over him as *dominus* (Cod. 6, 7, 2: cf. Sueton. *Claud.* 25; Tac. *Ann.* xiii. 26, 27). (3) If a free man over twenty years of age collusively allowed himself to be sold as a slave in order, after proving his freedom, to participate in the purchase-money, he forfeited his freedom (*Inst.* i. 3, 4; Dig. 40, 12, 23, pr.). (4) A free woman who cohabited with a slave, after notice given to her by the latter's owner, became a slave herself by a senatus consult of Claudius (Ulp. *Reg.* xi. 11: cf. Tac. *Ann.* xii. 23; Suet. *Vesp.* 11). (5) Condemnation on a criminal charge to hard labour in the mines made the convict a *servus poenae* (Paul. *Sent. rec.* iii. 6, 29).

Capitis deminutio media or *minor* occurred (1) when a *civis Romanus* accepted citizenship in another state (*e.g.* a *civitas peregrina* or *colonia Latina*), no *civis* of which could also be a full citizen of Rome; and also when a *libertus civis* returned to his own country with the intention of resuming citizenship there (Cic. *pro Balbo*, 11, 12; *pro Caec.* 33, 34; *de Orat.* i. 40;—Boeth. *ad Top.* ii. 4). (2) As a result of condemnation to loss of citizenship for crime. Originally this was effected by *aquae et ignis interdictio* (Livy, xxv. 4), but under the empire it took the form of *deportatio in insulam* or banishment (Cic. *pro Caec.* 33, 34; Dio Cass. lv. 20, lvi. 27; Gaius, i. 161).

Capitis deminutio minima is defined by Gaius (i. 162) as a *status commutatio:* according to Paulus (Dig. 4, 5, 11) it occurs "cum familia tantum mutatur;" or, as Ulpian says (*Reg.* 11, 13), when "civitate et libertate salva status duntaxat hominis mutatur." Thus it signifies the leaving by the *capite deminutus* of his agnatic family, and it took place (1) when a person *sui iuris* became *alieni iuris* by adrogation, legitimation, or by subjection to the *manus* of a husband; (2) when a person already *alieni iuris* entered a new family—as when a *filius familias* was sold *in mancipium* or given in adoption, or when a person adrogated or legitimated had children in his own *potestas;* (3) when a person *alieni iuris* became *sui iuris* by emancipation.

A different view as to *capitis deminutio minima* is maintained by Savigny (*System*, vol. ii.), who holds that its essence lies in a civil degradation analogous to that which ensued on the two higher kinds of *deminutio*, so that (according to him) the only instances of it are adrogation and subjection to *manus* and *mancipium*. But this is in conflict with a great weight of textual authority, and is strongly combated by many of Savigny's most eminent successors.

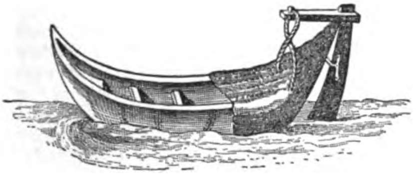
Legal proceedings which affected either *libertas* or *civitas* are said to be "capital:" "Capitalia (judicia) dicimus, quae ultimo supplicio adficiunt, vel aquae et ignis interdictione, vel deportatione, vel metallo: cetera, si qua infamiam irrogant cum damno pecuniario .... non capitalia" (*Inst.* iv. 18, 2). Elsewhere the term is rather confined to the punishment of death: *capite puniri, plecti, luere* (Cod. 48, 19, 11, 4, &c.). [J. B. M.]

CAPUT. [Fenus.]

CAPUT EX'TORUM. The Roman soothsayers (*haruspices*) pretended to a knowledge of coming events from the inspection of the entrails of victims slain for that purpose. The part to which they especially directed their attention was the liver, the convex upper portion of which seems to have been called the *caput extorum*. (Plin. *H. N.* xi. §§ 189, 190.) Any disease or deficiency in this organ was considered an unfavourable omen; whereas, if healthy and perfect, it was believed to indicate good fortune. The haruspices divided it into two parts,—one called *familiaris*, the other *hostilis:* from the former, they foretold the fate of friends; from the latter, that of enemies. Thus we read (Liv. viii. 9) that the head of the liver was mutilated by the knife of the operator on the "familiar" part (*caput jecinoris a familiari parte caesum*), which was always a bad sign. But the word "caput" here seems of doubtful application; for it may designate either the convex upper part of the liver, or one of the upper prominences of the various lobes which form its lower and irregularly concave part. It is, however, more obvious and natural to understand by it the upper part, which is formed of two prominences, called the great and small, or right and left lobes. If no caput was found, it was a bad sign (*nihil tristius accidere potuit*); if well defined or double, it was a lucky omen. (Cic. *de Div.*

ii. 12, 13, § 28 ff.; Liv. xxvii. 26, xxx. 2, xli. 14.) [R. W.]

CARABUS (*κάραβος*, *καράβιον* [Hesych.], Mod. Gr. *καράβι*, whence *caravel* and its cognates in other languages), a coracle or boat made of wicker-work and covered with raw hides. The word is late, not before Isidore (*Orig*. xix. 1, 26); but the thing is described by Caesar (*B. C.* i. 54) as employed by him in Spain, from having seen it in Britain. It was used by the Veneti on the Padus, as well as by the Britons (Lucan, *Phars.* iv. 131 ff.; and a gloss of Papias, quoted by Saglio, *s. v.*). The illustration, given both by Rich and Saglio, is taken from Scheffer, *de Mil. Nav. Veterum*, who describes it as from an ancient MS. of Vitruvius (Polenus, *Supplem. ad Graev. et Gronov.* v. p. 831). The lines down the sides show the seams where the different skins are sewn together. A similar form is seen on a sepulchral marble in Boldetti (*Cimiterj*, p. 366, cited by Rich). [W. W.]



Carabus or Coracle. (From a MS. of Vitruvius.)

CARACALLA was an outer garment used in Gaul, and not unlike the Roman lacerna. [LACERNA.] It was first introduced at Rome by the Emperor Aurelius Antoninus Bassianus, who compelled the plebeians who came to court to wear it, and thence obtained the surname of Caracalla. (Aurel. Vict. *Epit.* 21.) The caracalla, as worn in Gaul, was a close-fitting garment with long sleeves, and slit before and behind like a modern overcoat (Strab. iv. 4, § 3). In its original shape it reached only to the knee, but the emperor lengthened it so as to reach the ankle. It afterwards became common among the Romans, and garments of this kind were called *caracallae Antoninianae*, to distinguish them from the Gallic caracallae. (Aurel. Vict. *de Caes.* 21; Spartian. *Sev.* 21, *Anton. Car.* 9, with Salmasius' note.) In its longer form it came to be worn by the clergy, and is retained almost unaltered under the name of cassock (*sottana*, *soutane*). Like the lacerna, it was furnished with a cucullus or cowl for the protection of the head: hence Jerome, speaking of the Jewish ephod, calls it *palliolum mirae pulchritudinis in modum caracallarum sed absque cucullis.* (*Ep.* 64, *ad Fabiolam.*) [W. S.] [W. W.]

CAR'BASUS (*κάρπασος*), "cotton," from Sansk. *karpâsa*, was an Eastern product, originally called *ἔρια ἀπὸ ξύλου* (cf. German *Baumwolle*), "superior in beauty and quality to the wool of sheep" (Herod. iii. 106). Herodotus also mentions it in his account of the corslet Amasis of Egypt had given the Lacedaemonians (iii. 47). It was brought by the Phoenicians into Spain: and indeed Pliny (xix. 10) is of opinion that it was originally found near Tarraco. The Greeks first got a real knowledge of it from the expedition of Alexander (Strab. 693, 694; Plin. *H. N.* xii. § 38 ff.). It is described by Theophrastus (*H. P.* 4, 9 *init.*, ed. Budaeus a Stempel, and of his notes, pp. 425 ff.) and by Pliny in various passages. The Latin term Pliny uses (xii. § 39) is *gossypium*. The common kind, grown in India, had small leaves like a mulberry, buds like a dog-rose (xii. § 25), and fruit like apples (xix. § 14). The cotton plant among the Arabians and in the island of Tylos in the Persian Gulf had a gourd-like fruit about the size of quince apples, and was called *cyna* (xii. §§ 38, 39; cf. Theophr. *l. c.*). The finest cotton was got in Egypt; its fruit presented the appearance of *nux barbata*, and from the fine substance within the husk the yarn was spun. The Egyptian priests used to wear garments made of this cotton. The article is called *κάρπασος* in Schol. on Ar. *Lys.* 736, and is mentioned by Caecilius Statius (*ap.* Non. 548, 15) about 180 B.C. This seems to be the earliest time we hear of cotton at Rome: for we cannot suppose the Vestal in Prop. v. 3, 54, to have really worn a cotton garment. Carbasus was used at Rome not only for articles of dress, but also for tent curtains (Cic. *Verr.* v. 12, § 30), sails (Verg. *Aen.* iii. 357), awnings in the theatre (Lucr. vi. 109). There was no great distinction maintained in ordinary language between cotton and linen (Catull. 64, 227; Prop. v. 3, 64: cf. also Becker-Göll, *Charikles*, iii. 233; *Gallus*, iii. 289), and *σινδὼν* ("Indian muslin") is confused with linen stuffs (Auson. *Epp.* parecbas. 2, "puer eia surge et calceos et linteam da sindonem"). *'Οθόνη* is not the same as *κάρπασος* in that it does not apply to the same article, and is used of any fabric woven from byssus flax or cotton (Marq. *Privat.* 473). In Malta there were a great many manufactories of *ὀθόνια* (Diodor. v. 12) which were called *vestis melitensis* at Rome (Cic. *Verr.* ii. 72, § 176; 74, § 183). This may have been cotton brought by the Phoenician colonists (Mövers, ii. 2, 347; Blümner, *Gewerb. Thätigkeit*, p. 125), or, as Yates (*Textrinum*, p. 286) thinks, linen. Silius indeed (xiv. 250) speaks of *telâque superba lanigerâ Melite;* but, in the confusion of ideas that existed among the average Romans between linen and cotton, this does not prove much. Raw cotton was used as stuffing for pillows and bolsters (*τύλαι*) at Tralles, Antinoopolis, and Damascus: see *Ed. Diocl.* xviii. 46, ed. Wadd., p. 41, and a secondary meaning of *tula* in Sansk. is cotton. The Macedonians with Alexander had already (Strab. 693) used it as stuffing for pillows and padding for saddles (*ἀντὶ κναφάλλων καὶ τῆς σάγμασι σαγῆς*). On the subject of cotton among the ancients, see Marquardt, *Röm. Privatleben*, pp. 470–474. For the botany of cotton, see Royle, *Culture of Cotton in India*, pp. 136 *sqq.* [L. C. P.]

CARBA'TINA (*καρβατίνη*) probably in strictness means "made of dried skin," connected with *κάρφω*; but is generally applied to shoes worn by rustics, with sole and upper leather all in one—*ἀγροικικὸν ὑπόδημα μονόδερμον* (or *μονόπελμον*)—Hesych., cf. Phot. *s. v.*; Lucian, *Alex.* p. 246. It was, in fact, a piece of untanned ox-hide placed under the foot and tied up by several thongs, so as to cover the whole foot and part of the leg. The *crepidae carbatinae*, "coarse ox-hide shoes," of Catull. 98, 4, are of the same nature. Thus there was no manufacture in it at all; and so we find it resorted to in an emergency by the Ten Thousand (Xen.

An. iv. 5, 14). The same term was applied to the covering put on the feet of camels when they got sore from the march (Aristot. *Hist. An.* ii. 1, 27 = 499 *a*, 30); and also to a skin-covered structure used by besiegers (Philo in *Math. Vet.* 101).

[L. C. P.]

Carbatina, from bronze foot of a statue. (British Museum.)

CARCER (*δεσμωτήριων*), a prison.

1. GREEK. Imprisonment was seldom used among the Greeks as a legal punishment for offences. Among the Athenians, with whom we are chiefly concerned, it was practically unknown in the sense of confinement for a definite period after conviction. They had neither the appliances in the shape of walls and bars, nor were they willing to incur the expense; and they preferred either banishment or the death penalty. Capital punishment was inflicted without hesitation for comparatively trifling offences, but by more humane methods than those of modern Europe until quite recent times.

Imprisonment before trial, on the other hand, was common enough, though bail was freely accepted in cases other than capital; the terror of exile was in general thought sufficient to keep a man to his bail (Demosth. *c. Timocr.* p. 739, § 125; p. 741, § 131; ENGYE). The farmers of the taxes and lessees of other revenues (*τελῶναι, μισθούμενοι*), as well as their sureties (*οἱ ἐγγυώμενοι*), were liable to imprisonment if the duties were not paid by a specified time; and in cases where default was to be feared, they might even be imprisoned at the discretion of the senate or law-courts (Demosth. *l. c.* p. 713, §§ 40, 41; BOULÉ, p. 312 b). This, as Demosthenes insists throughout the speech in question, was the great safeguard to insure regularity of payment. Again, persons who had been mulcted in penalties might be confined till they paid them, not only in criminal cases (Lex *ap.* Demosth. *c. Mid.* p. 529, § 47), but in some civil actions for damages as well, especially when the *ἐπωβελία* had been incurred (Demosth. *c. Lacr.* p. 939, § 46; *c. Dionysod.* p. 1204, § 4; EPOBELIA). Certain of the *ἄτιμοι* also, if they exercised the rights of citizenship, were subject to the same consequences (Demosth. *c. Timocr.* p. 732, § 103). We read, moreover, of *δεσμὸς* as a public stigma put upon disgraceful offences, such as theft; but this was a *προστίμημα* or additional penalty, the infliction of which was at the option of the court; and the *δεσμὸς* itself was not so much an imprisonment as a public exposure in the *ποδοκάκκη* or stocks, for five days and nights—called also *ἐν ξύλῳ δεδέσθαι* (Demosth. *op. cit.*, p. 700, § 2; pp. 732–3, §§ 103, 105; p. 736, § 114). One more description of imprisonment remains to be noticed, that in the interval between condemnation and execution. In this last case, owing to the insecurity of the building, the prisoner was chained, and was under the special custody of the Eleven, who were also responsible for the execution itself.

There are, no doubt, several passages from which we might infer the existence at Athens of imprisonment as a punishment by itself: *e.g.* Plat. *Apol.* 37 C; *Laws*, ix. 864 E, 880 B, and especially x. 908. In this last passage Plato proposes to have three prisons: one of these was to be a *σωφρονιστήριον* or reformatory, and another a place of punishment for the incorrigible—a sort of penal settlement away from the city. But such vague allusions, as Westermann rightly insists (*ap.* Pauly, *s. v.* *δεσμωτήριον*), prove nothing against the persistent silence of the historians and orators. The speech of Andocides against Alcibiades, where we read (§ 4) *ἐξὸν κολάζειν χρήμασι καὶ δεσμῷ καὶ θανάτῳ*, is a mere rhetorical exercise; and the words of Lysias, *ἐν τῷ δεσμωτηρίῳ δεδεμένος ἀπέθανε* (*c. Agorat.* § 67) may easily refer to an untried prisoner. "Of imprisonment as a punishment by itself," Schömann argues, "we have no certain example;" and this remark in his text is supported by a good note (*Antiq.* i. 489, E. T.). The opposite and, as it seems to the present writer, less probable opinion has, however, been maintained by K. F. Hermann (*Staatsalterth.* § 139) and Caillemer (*ap.* Daremberg and Saglio).

The prison at Athens is frequently mentioned in the orators, both by its usual name *δεσμωτήριον* and the euphemistic equivalent *οἴκημα*. But the plural *δεσμωτήρια* does not seem to occur in any Attic writer, though there are passages (such as Demosth. *c. Androt.* p. 614, § 68; *c. Timocr.* p. 764, §§ 208, 209) where, if a plurality of prisons existed at Athens, we should almost certainly find them mentioned. This argument seems almost decisive in favour of the opinion of Ullrich (*Ueber die Elf-Männer*, p. 231 f.) and J. H. Lipsius (*Att. Process*, p. 73 n.), that there was only one. The authority of Hesychius and the *Etym. M.* is insufficient to prove, in the face of probability, that there was an Athenian prison called *Θησεῖον*: and there is no proof that the other names for prisons recorded by the grammarians are to be referred to Athens. Among these local names was *ἀναγκαῖον* or *ἀνάκαιον* in Boeotia, *κέραμος* in Cyprus, *κῶς* at Corinth; and among the Ionians *γοργύρη*, as at Samos (Herod. iii. 145; Pollux, ix. 45); *βάλλαικες* or *βαλαίκακες*, *βλέορον*, *ἴψον*, *σιρός*, all mentioned by Hesychius. The appearance of the Latin *carcer* in the Sicilian Greek *κάρκαρον*, and conversely of the Greek *λατομίαι* in the Latin *lautumiae*, is noticed by Mommsen as a proof of the early intercourse between the Romans and Sicily (*R. H.* i. 167, E. T.). Some of the above names may be slang or nicknames, such as are often applied to prisons in our own day: thus *γοργύρα* is explained to mean "a sewer;" *ἴψον* may be connected with *ἶπος*, "a mousetrap." The gate through which criminals were led to execution was called *χαρώνειον* or *θύρα χαρώνειος* (Poll. viii. 102, Suidas, and several times in the Paroemiographers); a grim joke which can hardly have arisen at Athens, where executions were private.

The Attic expression for imprisonment was *δεῖν*, a word which by no means implies the use of chains or fetters. The phrase in the oath of the *βουλευταὶ* or senators, *οὐδὲ δήσω Ἀθηναίων* *οὐδένα*, is explained by Demosthenes (*c. Timocr.* p. 746, § 147) as a security against arbitrary imprisonment by the executive government without trial. It was in fact the Habeas Corpus of the Athenian constitution. But he is careful to add (§ 151) that no such words occur in the oath of the Heliastae or dicasts; the law-courts had absolute power over men's lives, liberties, and fortunes. We have also the phrase *ἄδεσμος φυλακή* (as in Thucyd. iii. 34), like the *libera custodia* of the Romans, signifying that a person was under strict surveillance and guard, though not confined within the walls of a prison.

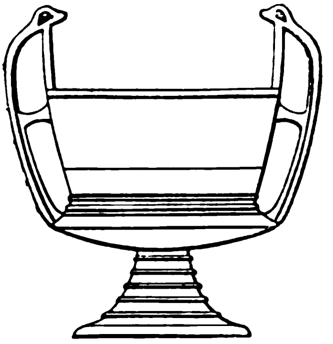
2. ROMAN. The oldest prison at Rome, traditionally the only one in early times (Juv. *Sat.* iii. 312), was called simply *Carcer*; and is still to be seen on the eastern slope of the Capitoline hill, to the right of the ascent from the Forum. The name Mamertinus, usually applied to the Carcer, is mediaeval and not classical. It consists of a larger oblong upper and a smaller underground circular dungeon; the latter is that called the Tullianum, a name which has often been incorrectly explained. As the original erection of the Carcer was attributed to Ancus Marcius (Liv. i. 33), it was conjectured by the etymologists that the name Tullianum must have been derived from Servius Tullius, "evidently a double mistake, as the lower chamber would certainly not have been added after the upper one." (Middleton, p. 80.) It is now agreed that it is from the *tullii* or springs for whose waters it formed a reservoir; that it was built in the first instance simply to protect the water supply of the Capitol, and was only in later times used as a part of the prison, when a captive, as in the well-known instance of Jugurtha, was doomed to be killed by cold and starvation (Festus and P. Diac. s. v. *Tullii*, pp. 352–3, Müller; Plut. *Mar.* 12; Burn, *Rome and the Campagna*, p. 81; Caillemer, *ap.* Daremberg and Saglio). Thus Livy speaks of the infamous Pleminius as "dejectus in Tullianum" (xxix. 22), which in another passage is expressed by the words "in inferiorem demissus carcerem, necatusque" (xxxiv. 44). It was here, too, that Lentulus and the other accomplices of Catiline were strangled by order of the Triumviri Capitales; and Sallust describes it as sunk twelve feet in the earth, strongly walled, and with a roof vaulted with stone arches ("insuper camera, lapideis fornicibus vincta," *Cat.* 55). In reality, as modern investigations have shown, the construction is so old that it points to a time when the arch was not used in Roman architecture; the roof being of stone slabs, each overlapping the one beneath it, an approximation to the true arch found also in the well-known treasury of Mycenae and other primitive buildings. The upper chamber is also of very early date, but later than the Tullianum; and it is not in its primitive condition. A projecting string-course on the outside records a restoration in the reign of Tiberius by the *Consules Suffecti* for the year 22 A.D.: C. VIBIUS C. F. RVFINVS. M. COCCEIV[S NERVA] COS. EX S. C. Another name for this part of the prison was *robur*, in old Latin *robus*, thus explained by Festus (p. 264 M.): "Robus in carcere dicitur is locus, quo praecipitatur maleficorum genus, quod ante arcis robusteis includebatur." The *robur* is spoken of as a place of execution in several passages. "In robore et tenebris exspirare," Liv. xxxviii. 59; "Robur et saxum (sc. Tarpeium) minitari," Tac. *Ann.* iv. 29. So also we read of "Catenas—et Italum robur," Hor. *Carm.* ii. 13, 18. The concluding words of Festus, "quod ante arcis robusteis includebatur," must of course be explained of the oaken planks or beams with which the dungeon was formerly lined (Rein *ap.* Pauly, s. v. *Tullianum*, Orell. *ad* Tac. *l. c.*); not as by Caillemer, of wooden cages in which dangerous criminals were confined.

This prison was obviously too small to contain any number of prisoners, and probably from the first was appropriated to those condemned to death. The earliest mention of another prison is in the days of the Decemvirate, B.C. 450. Appius Claudius is said to have built one for political purposes, to overawe the champions of plebeian liberties ("quod domicilium plebis Romanae vocare sit solitus," Liv. iii. 57). It was into this prison that he was himself thrown, and committed suicide while awaiting his trial. At a later period we find an additional prison called *Lautumiae* or stone-quarries in the immediate neighbourhood of the original Carcer; whether this was the prison of Appius, we do not know. It is not likely that there were ever any quarries on this spot, which was to the north-west of the Forum; but it may have been named after the Syracusan λατομίαι which were thus used (Mommsen, *ubi supra*). Varro (*L. L.* v. 151, Müll.) identified the Lautumiae with the Tullianum, and has been followed by some of the moderns; but they are distinguished by the best writers on Roman topography (Becker, *Röm. Alterth.* i. 262–268; Burn, p. 80). The Lautumiae were clearly of much greater extent; a conflagration in the region about the Forum, B.C. 210, extended to them, but not, it would seem, to the Carcer or the Capitol (Liv. xxvi. 27); in B.C. 198 they were again full of prisoners and hostages, and were specially guarded in a time of conspiracy (id. xxxii. 26); a few years later no less than forty-three leading Aetolians (*Aetolorum principes*, id. xxxvii. 3) were confined there.

With the growth of the city other prisons became necessary; but the words of Roman historians generally refer to these alone. Close to the Carcer, and between it and the Temple of Concord, were the Scalae Gemoniae, where the bodies of criminals were exposed after execution. The cases are mentioned of Caepio, the consul defeated by the Cimbri (Val. Max. vi. 9, § 13, but cf. iv. 7, § 3; Cic. *pro Balbo*, 11, § 28); Sejanus (Dio Cass. lviii. 5; Juv. *Sat.* x. 66); other victims of Tiberius (Suet. *Tib.* 61; cf. cc. 54, 75); Sabinus (Tac. *Hist.* iii. 74). Compare Burn, p. 81; Middleton, *Anc. Rome in* 1885, p. 78 ff. [R. W.] [W. W.]

CAR'CERES. [CIRCUS.]

CARCHE'SIUM (*καρχήσιον*), according to Callixenus (in Ath. 474 f), was a kind of cup, rather long (*ἐπιμήκεις*), narrower in the middle than at either extremity, and with handles (*ὦτα*) stretching from the top to the bottom. Asclepiades (in Ath. 488 f) mentions *carchesia* among those vessels which have feet. It was a peculiarly Greek cup (Macrob. *Sat.* v. 21 *init.*), and generally of a splendid nature. Legend tells how Jupiter gave one to Alcmena, and that very cup, we are informed (Ath. *l. c.*), used to be pointed out to travellers at Lacedaemon. At Babylon Diodorus (ii. 7) says there were two *carchesia* weighing 30 talents; and it is mentioned among the splendours of a royal court in Alciphr. *Ep.* ii. 3. We never hear of it as made of clay; but of metal or precious stone, *e.g.* gold (Ath. 198 c), and with embossed work (Val. Flacc. ii. 655), silver (Ath. 605 b), brass (Ovid, *Met.* vii. 246), sardonyx (*vid. infr.*). Dennis (*Etruria*, i. p. cxvii.), however, and Birch (*Hist. of Ancient Pottery*, p. 380) (cf. Krause, *Angeiologie*, Taf. iv. fig. 9 a), consider the vase made of early black ware of Chiusi, in the possession of Sig. Terrosi of Cetona, to be a carchesium; and Dennis also regards as a carchesium the vase with a lid and relieved decorations which is given in the second illustration of a vase from Chiusi. The lists of donations to the temples in *C. I. G.* 139, 140, 141, 150, show how very usual it was to dedicate silver *carchesia*. The passage quoted from Ovid is evidence that it was used for other substances (*e.g.* milk), though generally it was used for wine (*carchesia Bacchi*, Verg. *Georg.* iv. 380). They are mentioned by Athenaeus as being used in the cottabos (667 e). The derivation is uncertain. Athenaeus (475 b) considers it to come from the same root as *καρχάλεος*, and, if so, it means "rough" with embossed work (cf. Val. Flac. *l. c.*). Our last woodcut represents the splendid *carchesium* known as the "cup of the Ptolemies," which formerly belonged to the Abbey of St. Denys, and now is in the Bibliothèque Nationale at Paris. It is of Oriental sardonyx, with Bacchanalian subjects engraved thereon.

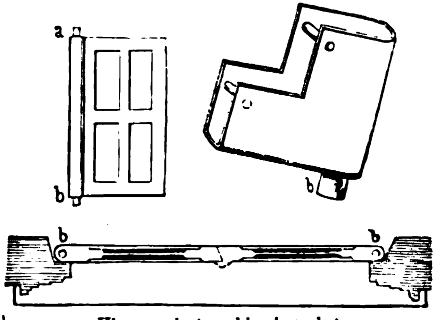

Carchesium. (Birch and Dennis.)


Carchesium. (Dennis.)

From its likeness to this kind of goblet the name *carchesium* was applied to (1) the "top" above the yards, which with the *θωράκιον* or "waist-cloth of the top" formed an elevated place for look-out or for signalling (cf. Catull. in Nonius, xv. 28, "Lucida cum fulgent summi carchesia mali") or for discharging weapons from in warfare (Ath. 208 e). (2) This top sometimes revolved, and into it was fastened a horizontal beam, which was used as a crane for loading and unloading the ship (Vitruv. x. 5). (3) A block of pulleys at the top, through which were run the ropes used for hoisting the sail (the Schol. on Pind. *Nem.* 5, 50; Non. xv. 28; Serv. on *Aen.* v. 77; the Schol. on Lucan v. 418). For full particulars, see Navis. [L. C. P.]


Carchesium. (Bibliothèque Nationale, Paris.)

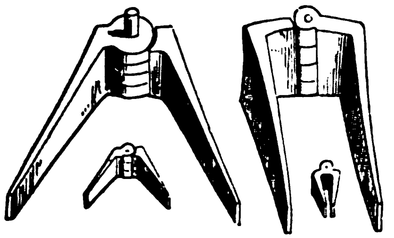
CARDO, a hinge. The older and simpler form of hinge was a pivot working in a socket; of this kind must have been the *θαιροὶ* of Homer (*Il.* xii. 459) and the *στροφεὺς* and *στρόφιγξ* of the later Greeks (Aristoph. *Thesm.* 487). The word *γίγγλυμος* is applied to the hinge-joints of the human body, and to joints in armour (see L. and S., *s. v.*); but there is no authority for the statement that it was used for door-hinges. In this construction the stile or axis of the door (Lat. *scapus cardinalis*, Vitruv. iv. 6, 4) was fitted with pivots at each end, turning in a socket excavated in the sill and lintel respectively. The notion that the pivots were called *στρόφιγγες*, the sockets *στροφεῖς* (Rich; L. and S., ed. 7), wants sufficient proof: thus Sextus Empiricus (*adv. Math.* x. 54) writes *ὁ κατὰ τοῦ ὁλμίσκου βεβηκὼς στροφεύς*, where *στροφεὺς* is clearly the pivot and *ὁλμίσκος* "the little mortar" = the socket.



Hinges: pivot working in socket.

The first of the annexed woodcuts illustrates this description of hinge. The upper figure to the left shows the general form of a door, as we find it with a pivot at top and bottom (*a*, *b*) in ancient remains of stone, marble, wood, and bronze. Theophrastus specifies the hard woods which were preferred for making the pivots (*Hist. Plant.* v. 5, 4 ff.); but they were more frequently of metal. The second top figure represents a bronze hinge in the Egyptian collection of the British Museum: its pivot (*b*) is exactly cylindrical. The lower figure shows the ground-plan of a pair of folding-doors. The pivots move in holes fitted to receive them, each of which is an angle behind the *antepagmentum* or door-jamb (*marmoreo aeratus stridens in limine cardo*, Verg. *Ciris*, 222). In Eurip. *Phoen.* 114 ἔμβολα χαλκόδετα have been explained as hinges, but are more probably bolts or bars.

The Romans (and perhaps the Greeks, though this is less certain) also used hinges exactly like those now in common use. Four Roman hinges of bronze, preserved in the British Museum, are here shown.



Hinges: modern type. (British Museum.)

The form of the door above delineated makes it manifest why the principal line laid down in surveying land was called "cardo" (Festus, *s. v. Decumanus*; Isid. *Orig.* xv. 14) [Agrimetatio]; and it further explains the application of the same term to the North Pole, the supposed pivot on which the heavens revolved. (Varr. *de R. R.* i. 2; Ovid, *Ex Ponto*, ii. 10, 45.) The lower extremity of the universe was conceived to turn upon another pivot, corresponding to that at the bottom of the door (Cic. *N. D.* ii. 41, § 105; Vitruv. vi. 1, ix. 1); and the conception of these two principal points in geography and astronomy led to the application of the same term to the East and West also. (Lucan. v. 71.) Hence our "four points of the compass" are called by ancient writers *quattuor cardines orbis terrarum*, and the four principal winds, N. S. E. and W., are the *cardinales venti*. (Serv. *ad Aen.* i. 85.) [J. Y.] [W. W.]

CARI'NA. [Navis.]

CARIS'TIA or Charistia, a Roman domestic feast, celebrated on viii. Kal. Mart. (Feb. 22). Following the Dies parentales (Feb. 13–21) and Feralia (Feb. 21), days sacred to the dead (Ov. *Fast.* ii. 533 ff.; Mommsen-Marquardt, vi. (iii.), 283 note 6, 298), this festival was a day of rejoicing and thanksgiving for the survivors. None but relations and members of the same family were invited, and the opportunity was taken to reconcile any quarrel or disagreement that might have arisen among them (Val. Max. ii. 1, § 8). The derivation is from χαρίζομαι, to grant a favour or pardon; but *caristia* is the approved spelling, and Ovid seems to have connected the word with *carus*. (Ov. *Fast.* ii. 617 ff.; Mart. ix. 54, 55; Tertull. *de Idolol.* 10; Orell. *Inscr.* 2417; *Kalend. Rust.*; Mommsen-Marquardt, vi. (iii.) 125; Paley on Ov. and Mart. *ll. cc.*) [R. W.] [W. W.]

CARMENTA'LIA, an old Roman festival celebrated in honour of the nymphs called Carmenta or Carmentis, for an account of whom see *Dict. of Biog.* s. v. *Camenae.* This festival was celebrated annually on the 11th and the 15th of January: the sacrifice was offered by the *flamen Carmentalis* (Cic. *Brut.* 14, 56) and the Pontifices, in the *fanum Carmentis*, near the Porta Carmentalis, at the south-west of the Capitol. One Carmentis was known as *Porrina* (Ov. *Fast.* i. 633) or *Prorsa* (Gell. xvi. 16) or *Antevorta* (Macrob. i. 7, 20), the other as *Postvorta* (Serv. on Verg. *Aen.* viii. 339). They were regarded as goddesses foretelling the fortunes of newly-born children; and hence the festival was chiefly observed by married women. Nothing in any way connected with death was allowed to be used in the worship, not even leather. The second day of the festival was given up especially to rites bearing upon childbirth. The explanation given by Livy (v. 25) of the addition of this day is manifestly due only to a false etymology. [A. S. W.]

CARNA'RIUM. 1. A larder (Plaut. *Curc.* ii. 3, 45; Plin. *H. N.* xix. § 57); used also for sheltering plants in the winter (Plin. *H. N.* xviii. § 227). 2. In the more modest dwellings a bar or beam, furnished with meat-hooks or pegs, hung against the wall and served the same purpose (Plaut. *Capt.* iv. 4, 6). A carnarium of this sort is figured under Caupona. A fork (*furca*) was used in taking down and replacing joints of meat (Petron. 135, 4; 136, 1). [W. W.]

CARNEIA (καρνεῖα), a great national festival, celebrated by the Spartans in honour of Apollo Carneios, which, according to Sosibius (*ap.* Athen. xiv. p. 635), was instituted Olymp. xxvi.; although Apollo, under the name of Carneios, was worshipped in various places of Peloponnesus, particularly at Amyclae, at a very early period, and even before the Dorian migration. (Müller, *Dor.* i. 3, § 8, and ii. 8, § 15.) Wachsmuth (*Hellen. Alterthumsk.* ii. p. 582, 2nd ed.), referring to the above passage of Athenaeus, thinks that the Carneia had long before been celebrated; and that when, in Olymp. xxvi., Terpander gained the victory, musical contests were only added to the martial solemnities of the festival. But the words of Athenaeus, who is the *only* authority to which Wachsmuth refers, do not allow of such an interpretation, for no distinction is there made between earlier and later solemnities of the festival, and Athenaeus simply says, the institution of the Carneia took place Olymp. xxvi. (Ἐγένετο δὲ ἡ θέσις τῶν Καρνείων κατὰ τὴν ἕκτην καὶ εἰκοστὴν Ὀλυμπιάδα, ὡς Σωσίβιός φησιν, ἐν τῷ περὶ χρόνων.) The festival began on the seventh day of the month of Karneios = Metageitnion of the Athenians, and lasted for nine days. (Athen. iv. p. 141; Eustath. *ad Il.* xxiv. *sub fin.*; Plut. *Symp.* viii. 1.) It was, as far as we know, a warlike festival, similar to the Attic Boëdromia, and was celebrated by all the Dorians. During the time of its celebration nine tents were pitched near the city, in each of which nine men lived in the manner of a military camp, obeying in everything the commands of a herald. Müller also supposes that a boat was carried round, and upon it a statue of the Carneian Apollo (Ἀπόλλων στεμματίας), both adorned with lustratory garlands, called δίκηλον στεμματιαῖον, in allusion to the passage of the Dorians from Naupactus into Peloponnesus. (*Dorians*, i. 3, § 8, note *s*.) The priest conducting the sacrifices at the Carneia was called Ἀγητής, whence the festival was sometimes designated by the name Ἀγητόρια or Ἀγητόρειον (Hesych. *s. v.* Ἀγητόρειον); and from each of the Spartan tribes five unmarried men (Καρνεᾶται) were chosen as his ministers, whose office lasted four years, during which period they were not allowed to marry. (Hesych. *s. v.* Καρνεᾶται.) Some of them bore the name of Σταφυλοδρόμοι. (Hesych. *s. v.*; compare Bekker, *Anecd.* p. 205.) Terpander was the first who gained the prize in the musical contests of the Carneia, and the musicians of his school were long distinguished competitors for the prize at this festival (Müller, *Dor.* iv. 6, § 3), and the last of this school who engaged in the contest was Perikleidas (Plut. *de Mus.* 6). When we read in Herodotus (vi. 106, vii. 206) and Thucydides (v. 54, and in other places) that the Spartans during the celebration of this festival were not allowed to take the field against an enemy, we must remember that this restriction was not peculiar to the Carneia, but common to all the great festivals of the Greeks: traces of it are found even in Homer (*Od.* xxi. 258, &c.).

Carneia were also celebrated at Cyrene (Callimach. *Hymn. in Apoll.* 72 *seq.*), in Thera (Callimach. *l. c.*; Pindar, *Pyth.* v. 99 *seq.*), in Gythion, Messene, Sicyon, and Sybaris (Paus. iii. 21, § 7, and 24, § 5; iv. 33, § 5; ii. 10, § 2; Theocr. v. 83; compare Müller's *Orchom.* p. 327; Welcker, *Griech. Götterlehre*, i. p. 469, &c.). [L. S.]

CARN'IFEX, the public executioner at Rome, who put slaves and foreigners to death (Plaut. *Bacch.* iv. 4, 37; *Capt.* v. 4, 22), but no citizens except in the case of those convicted of *perduellio*, and occasionally under the empire. It was also his business to administer the torture. He was usually a public slave, and his office was considered so disgraceful that he was not allowed to reside within the city (Cic. *pro Rab. Perd.* 5, 15), but he lived without the Porta Esquilina (Plaut. *Pseud.* i. 3, 98; cf. Ritschl, *Opusc.* ii. 382), near the place destined for the punishment of slaves (Plaut. *Cas.* ii. 6, 2; Tac. *Ann.* xv. 60; Hor. *Epod.* v. 99), called Sestertium or Sessorium under the emperors (Plut. *Galb.* 28).

It is thought by some writers, from a passage in Plautus (*Rud.* iii. 6, 19), that the carnifex was anciently keeper of the prison under the triumviri capitales; but there does not appear sufficient authority for this opinion. (Lipsius, *Excurs. ad Tacit. Ann.* ii. 32.) [W. S.] [A. S. W.]

CARPENTUM (κάρπεντον, Dio Cassius) was a two-wheeled carriage with an arched covering [CAMARA]. The use of it is mentioned in very early times at Rome, but only by privileged persons, at least within the walls. The *currus arcuatus* assigned by Numa to the Flamines (Liv. i. 21) is no doubt the same as the carpentum which was the travelling carriage of the elder Tarquin while still a private person (id. 34), and in which Tullia drove through the streets (id. 48). In its original form it must have been simply a covered cart, thus distinguished from the *plaustrum* or open cart.

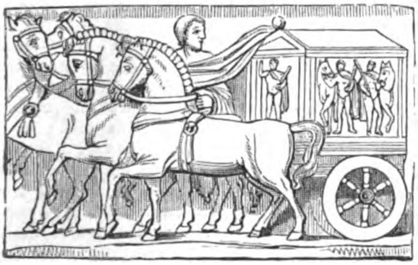
The use of carriages in the city was entirely forbidden during the whole of the republic and for the first two centuries of the empire (Marquardt, vii. 706; Friedländer, *Sitteng.* i.^{5} 60 ff.). The permission granted to L. Metellus, the Pontifex Maximus, who lost his sight B.C. 241, while rescuing the Palladium from the conflagration of the temple of Vesta, is mentioned by Pliny as absolutely unique ("tribuit ei populus Romanus, quod nulli alii ab condito aevo, ut, quotiens in senatum iret, curru veheretur ad curiam. Magnum et sublime, sed pro oculis datum," *H. N.* vii. § 141). It was, therefore, a considerable privilege when Roman ladies (*matronae*), as a reward for their patriotic generosity at the time of the fall of Veii, were allowed to drive in the pilentum (or four-wheeled carriage) at the games and public festivals, and in the carpentum on all occasions (*festo profestoque*, Liv. v. 25; cf. Isid. *Orig.* xx. 12). This privilege seems to have been abridged by the Lex Oppia of B.C. 215 [SUMPTUARIAE LEGES]; and though that law was repealed twenty years afterwards, the prohibition remained in full force. It applied to all Italian towns, and was no doubt occasioned by the narrowness of ancient streets; but it was often disregarded and had to be re-enacted from time to time. The Lex Julia Municipalis, B.C. 45, forbad the use even of carts and waggons within the walls and for a mile beyond them, except at night (*C. I. L.* i. 206). The privileges of the Vestals, *rex sacrorum*, and *flamines* are specially reserved under this law: and those employed in the construction or demolition of buildings by public contract are excepted under certain restrictions (*certeis hominibus, certeis de causeis*, ib.). In other towns the law was found less easy to enforce, as we see by repeated imperial edicts (Suet. *Claud.* 25; Spart. *Adr.* 22; Capitolin. *M. Ant. Phil.* 23). Even empresses like Messalina and Agrippina the mother of Nero only used the carpentum in the city by special vote of the senate (Dio Cass. lx. 22, 23; Tac. *Ann.* xii. 42). In the reign of Septimius Severus the use of state carriages was conceded to high officials, such as the *praefectus praetorio*, provincial governors and their legati. Alexander Severus extended the privilege to all senators. It was only in the fourth century that all restrictions on driving within the city were removed. In the country it had always been free.

The carpentum of later times was a luxurious and richly ornamented carriage, used for travelling purposes and also for state occasions (Juv. viii. 147; ix. 132). We read of silken curtains (or cushions?), *scrica carpenta*

Carpentum. (From a medal of Caligula.)

(Propert. v. 8, 23). It was commonly drawn by a pair of mules (*carpentum mulare*, Lamprid. *Heliog.* 4); more rarely by oxen or horses, and sometimes by four horses as a quadriga. The form of this carriage is seen on the preceding medal. When Caligula instituted games and other solemnities in honour of his deceased mother the elder Agrippina, her carpentum went in the procession (Suet. *Cal.* 15); and medals, still extant, commemorated the event. Agrippina's carriage, as represented above, shows painting or carving on the panels, and the head is supported by Caryatides at the four corners.

The carriage represented in the following cut is probably also a carpentum. It is from an alto-rilievo which once adorned a sarcophagus, and is now in the British Museum. Instead of the arched *camara* of the last example, it has a sloping roof of low pitch, and is drawn by four horses. Like the former, it is undoubtedly a funeral car. Mercury, in his character of ψυχοπομπὸs or conductor of souls, appears in the front, and Castor and Pollux with their horses on the side panel.



Carpentum. (From a relief in the British Museum.)

Carpenta, or covered carts, were much used by the Britons, the Gauls, the Cimbri, the Allobroges, and other northern nations (Florus, i. 18; iii. 2, 3, and 10). These, together with the carts of the more common form, including baggage-waggons, appear to have been comprehended under the term *carrus* or *carrum*, which is the Celtic name with a Latin termination. The Gauls and Helvetii took a great multitude of them on their military expeditions; and, when they were encamped, arranged them in close order, so as to form lines of circumvallation (Caes. *B. G.* i. 24, 26).
[J. Y.] [W. W.]

CARPOU DIKE' (καρποῦ δίκη), a civil action under the jurisdiction of the thesmothetae, might be instituted against a farmer for default in payment of rent (Meier, *Att. Proc.* p. 531). It was also adopted to enforce a judicial award when the unsuccessful litigant refused to surrender the land to his opponent (Hudtwalcker, p. 144; Meier, *Att. Proc.* p. 750), and might be used to determine the right to land (Harpocrat. *s. v.*, and 'οὐσίας δίκη), as the judgment would determine whether the plaintiff could claim rent of the defendant. [J. S. M.] [W. W.]

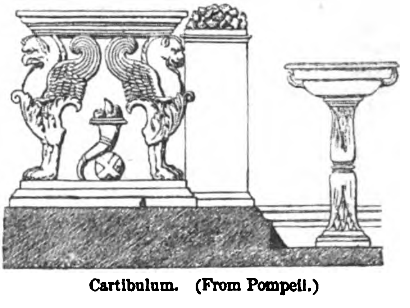
CARRA'GO, a kind of fortification, consisting of a great number of waggons placed round an army. It was employed by barbarous nations, as, for instance, the Scythians (Trebell. Poll. *Gallien.* 13), Gauls [CARPENTUM], and Goths (Amm. Marc. xxxi. 7, § 7). Compare Veget. iii. 10.

Carrago also signifies sometimes the baggage of an army. (Trebell. Poll. *Claud.* 8; Vopisc. *Aurelian.* 11.) [W. S.]

CARRU'CA, a carriage used in imperial times, and first mentioned by Pliny (*H.N.* xxxiii. § 140). Like the reda [REDA], it was a travelling carriage on four wheels, whence Martial in one place (iii. 47) uses the words as synonymous. Nero is said to have travelled with 500 (Lamprid. *Heliog.* 31) or even 1000 carrucae (Suet. *Ner.* 30). These carriages were sometimes used in Rome by persons of distinction, like the carpenta [CARPENTUM], in which case they appear to have been covered with plates of bronze, silver, and even gold, which were sometimes ornamented with embossed work (Plin. *l. c.*). Martial (iii. 72) speaks of an *aurea carruca* which cost the value of a farm; and Alexander Severus allowed senators at Rome to use carrucae and redae plated with silver (Lamprid. *Alex. Sev.* 43). These are the *carrucae argentatae*, the use of which within Rome spread in the course of the third century from the high officials, to whom they were at first limited, to private persons (Vopisc. *Aurelian.* 46; Amm. Marc. xiv. 6; Cod. Theod. xiv. 12, 1; Cod. Just. xi. 19). We have no representations of carriages in ancient works of art which can be safely said to be carrucae; but we have several representations of carriages ornamented with plates of metal. (See Inghirami, *Monum. Etrusch.* iii. 18, 23; Millingen, *Uned. Mon.* ii. 14.) Carrucae were also used for carrying women, and were then, as well perhaps as in other cases, drawn by mules (Dig. 34, tit. 2, s. 13: in s. 11 a *carruca dormitoria* is mentioned); whence Ulpian (Dig. 21, tit. 1, s. 38, § 8) speaks of *mulae carrucariae.* [W. S.] [W. W.]

CARRUS. [CARPENTUM.]

CARTIB'ULUM, a particular kind of table described by Varro (*L. L.* v. 125) as frequently seen in the atrium of Roman houses during his boyhood (about B.C. 100). Both the name and the thing were apparently becoming obsolete in his time. It was an oblong slab of marble supported on a single bracket or console (*una columella*); it stood near the impluvium, and bronze vessels were placed upon it. Such a table has been discovered in more than one house at Pompeii, with a fountain behind it shaped like a cippus or square pillar, and flowing into the impluvium. It has been ingeniously conjectured that this was a survival, in the more



Cartibulum. (From Pompeii.)

elaborate Roman house of later times, of the primitive arrangement of the atrium, as at once kitchen and living-room; the cippus, now turned into a fountain, being the ancient *focus* or domestic altar (Saglio, *s. v.*). The *aenea vasa* on the cartibulum will then be, not ornamental bronzes as some have thought, but ordinary cooking vessels [AENUM, CACCABUS]. The engraving represents a marble table of the kind, from the house of the Nereids at Pompeii (Rich); beneath it is a drain or sink, no doubt communicating with the impluvium. Another, figured by Saglio, corresponds less closely to Varro's description, having two brackets. [W. W.]

CARYA'TIDES is the name commonly given to female figures used in place of columns as the supports of an entablature. This was not the only or even the usual meaning of the word in ancient times. Thus the Caryatids made by Callimachus (Brunn, *Künstlergesch.* i. 251; Plin. *H. N.* xxxiv. § 92, "Saltantes Lacaenae"), by Praxiteles (Plin. *H. N.* xxxvi. § 23), and for the Pantheon by Diogenes (Plin. *H. N.* xxxvi. § 38; Overbeck, *Gesch. d. Gr. Pl.* ii. 380) were probably maidens executing the dance in honour of Artemis Caryatis, though by a misapprehension those of Callimachus have been by some identified with the figures supporting the portico of the Pandroseum at Athens (Rangabé, *Rev. Arch.* ii. 425), and those of Diogenes with similar figures now extant in Rome. The maidens of the Pandroseum are called simply *κόραι* in contemporary records (*C. I. G.* 160); the word Caryatis in this application is found, however, in Lynceus (*ap.* Athen. vi. 241 e), a writer of about 300 B.C., and in Vitruvius (i. 1). The traditional story refers their introduction to retaliation on the people of Caryae by the Greeks, at the same time as a portico was erected at Delphi, supported by figures of Persians. Others suggest that these Caryatides may be derived from maidens, perhaps Canephori, in the service of Artemis Caryatis.


Caryatid from the Pandroseum (Erechtheum) at Athens. (From Fergusson.)

It will be as well to include under this head also Atlantes and Telamones, the names given by the Greeks and Romans to male figures similarly applied in architecture ("bearers," from **τλάω*).

Several specimens of Caryatides and similar figures are still extant. The most important, and also probably the earliest, are the six maidens (one now in the British Museum) who support the portico of the Pandroseum (Erechtheum) at Athens (408 B.C.). At Cambridge there is part of a colossal Caryatid from Eleusis, probably dating from the time of Demetrius Phalereus (317–307 B.C.). In the temple of Zeus at Agrigentum, Giants, as Atlantes, take the place of square pilasters within the cella. This temple probably dates from the beginning of the 5th century. In the Braccio Nuovo of the Vatican and in the Palazzo Giustiniani at Rome are Caryatids found near the Pantheon; these are imitated from those of the Pandroseum. Others are preserved in the Villa Albani, in the Glyptothek at Munich, and elsewhere. Satyrs and Sileni, who had served as supports to entablatures, have been found near the scena of the theatre of Dionysus at Athens. At Pompeii was discovered a relief representing Caryatids; but the inscription on it, *τῇ Ἑλλάδι τὸ τρόπαιον ἐστάθη κατανικηθέντων τῶν Καρυατῶν*, is probably forged.

From these examples we may learn the characteristics of this class of architectural figures. They naturally fall into two divisions, of each of which we have representative specimens in the maidens of the Pandroseum and the Giants of Agrigentum respectively. The former are regarded as the willing performers of an honourable service, while the latter are vanquished enemies compelled to a laborious task; and therefore in the two cases we have very different treatment. The burden of the maidens of the Pandroseum is lightened by the omission of the frieze from the entablature, and what they support is only a portico. An explanation of their service is suggested by their assimilation to the Canephori, or basket-bearers, who held an honourable place in the Panathenaic procession. Too sudden a transition from the architrave to the human figure is avoided by the sloping sides of the basket-capital; the neck is strengthened by a careful arrangement of the hair. Their position is one of ease and firmness, and their weight rests in each case upon one leg: thus is gained an appearance of elasticity and also of reserve power. This supporting leg is also in each case that towards the outside of the building, and the apparent concentration of pressure thus produced gives additional stability to the general effect. Other means are taken to emphasise the similarity of the human figure to a column: thus the swelling of the body at the hips corresponds to an entasis, and the treatment of the drapery in regular parallel folds recalls flutings. In other respects, also, the drapery of these and other Caryatids calls for notice: we often find a broad mantle hanging down the back from two brooches on the shoulders, a garment used also by Canephori; in the Caryatid from Eleusis there are also fastened to the same two brooches straps which cross on the breast, with a Gorgoneion at their place of crossing. This whole scheme recurs on some Canephori in the Villa Albani. In the best examples of Caryatids the arms hang freely at the sides; but in some cases one hand supports the basket on their heads.

In the second class of such figures—the Giants of Agrigentum, for instance, figured under ATLANTES—the treatment is quite different. Here the weight borne is emphasised rather than lightened, and no drapery conceals the muscular strain. But a slight archaicism of execution, especially in the faces, prevents this strain from being too painful to the spectator. These Giants stand firmly on both feet, with their backs against the cella-wall, and raise both arms to bear part of the weight that rests on their heads. But such figures as these do not lend themselves to architectural treatment so easily as draped Caryatids. Hence their characteristics hardly require so much notice. [E. A. G.]

CASSIS. [Galea; Rete.]

CASTELLUM AQUAE. [Aquaeductus.]

CASTRA. I. Greek.—The naval camp of the Greeks in Homer, lying between Rhoeteum and Sigeum, was very large. It had numerous streets which crossed one another (*Il.* x. 66), an agora which was capable of holding all the fighting forces of the Greeks, and in this stood the altar to Zeus Panomphaeus (*Il.* viii. 249). The games in honour of Patroclus appear to have been held within the camp. It had a wall, probably of earth, with high two-leaved gates (*Il.* xii. 154), and at a short distance a dug ditch (*Il.* ix. 67). The ditch was protected at the top by many sharp stakes (*Il.* xii. 59). At intervals in the walls were wooden towers (*Il.* xii. 36) and battlements (*ἐπάλξεις*), which were probably stakes rammed into the wall, with pinnacles of different sorts (*κρόσσαι, στῆλαι προβλῆτες*, *Il.* xii. 258). It was guarded by watches (*φυλακαί*) at night (*Il.* ix. 66), who numbered 700 (*Il.* ix. 85). We hear of Ulysses and Diomedes going the rounds to see if the watch were awake (*Il.* x. 180). The habitations within the camp were not tents, but, if we may judge from that of Achilles, more solid wooden structures (*Il.* xxiv. 448 foll.). Of course we must remember that this was a permanent camp. On the whole matter, see Buchholz, *Die homerischen Realien*, ii. pt. i. 331–342.

The ancient Greeks of the historical period were neither methodical nor capable of enduring drudgery. Hence their camp-constructions were quite contemptible compared with those of the Romans. They always looked out for a position with natural defences (cf. Xen. *Resp. Lac.* 12), so that they avoided as far as possible the trouble of fortification, but at the expense of being unable to arrange themselves in any fixed order within their encampments; for these must have varied in position and size (Polyb. vi. [illegible]). Again, Polybius (xviii. 1, and cf. Liv. xxxiii. 5) contrasts, unfavourably to the Greeks, the many-branched and cumbrous stakes, the latter used for any fortification they had to take, with the well-trimmed stakes with few branches the Romans carried so easily. Xenophon (*l. c.*) tells us that the Spartans generally formed their camp in a circle, and placed senti-[illegible] over the arms of the camp to guard these, [illegible] from their enemies, but from their friends! [illegible]semen on an adjacent height used to observe [illegible] enemy. The Spartans frequently changed their camp. They used to drill each morning. After that the commander by a herald gave the order to sit down, which afforded a sort of review (*ἐξέτασις*) of the troops. After this followed the mid-day meal (*ἄριστον*) and change of guard; and then amusement (*διατριβαί*) or rest till evening exercise. Thereafter the herald gave the signal for the evening meal (*δεῖπνον*), [illegible] hymn was sung to the gods to whom the sacrifices had been favourable, and the soldiers retired to rest.

II. Roman.—It is well known that Roman armies never halted for a single night without forming a regular entrenchment, termed *castra*, capable of receiving within its limits the whole body of fighting men, their beasts of burden, and the baggage. So essential was this operation considered, that even when preparing for an immediate engagement, or when actually assailed by a hostile force, it was never omitted, but a portion of the soldiers were employed in constructing the necessary works, while the remainder were standing to their arms or resisting the enemy (Caes. *B. G.* viii. 15; Liv. xxvii. 12): and so completely was it recognised as a part of the ordinary duties of each march that *pervenire ad locum tertiis . . . quartis . . . decimis castris* (Liv. xxvii. 32) are the established phrases for expressing the number of days occupied in passing from one point to another. Whenever circumstances rendered it expedient for a force to occupy the same ground for any length of time, then the encampment was distinguished as *castra stativa.* (Liv. xxvii. 12: Caes. *B. G.* viii. 15; *B. C.* i. 42, iii. 30.) We also read of *castra navalia* for protecting ships hauled up on land (Liv. xxix. 35; Caes. *B. G.* v. 11).

When the protracted and distant wars in which the republic became engaged, as its sway was gradually extended first over the whole of Italy, and subsequently over Greece, Asia, and Africa, rendered it impossible for the legions to return home in winter, they usually retired, during the months when active military operations were suspended, into some city where they could be protected from the inclemency of the season, and where the comforts of the men could be readily secured; or they were dispersed up and down in detachments among friendly villeges (*in hiberna concedere; exercitum in hiberna dimittere; exercitum per civitates in hiberna dividere*). It is true that extraordinary emergencies, such as a protracted blockade, or the necessity of maintaining a constant watch upon the movements of a neighbouring and vigorous foe, might compel a commander to keep the field for a whole year or even longer; but to order an army, except in case of necessity, to winter under canvas (*hiemare sub pellibus; hiemem sub tentoriis exigere*) was long regarded as a severe punishment, inflicted only in consequence of grievous misconduct. (Frontin. *Strat.* iv. 1, § 24.) As the boundaries of the empire were gradually pushed forward into wild and barbarian lands, where there were no large towns and no tribes on whose faith reliance could be placed, such arrangements became impracticable; and armies, whether of invasion or occupation, were forced to remain constantly in camps. They usually, however, occupied different ground in summer and in winter, whence arose the distinction between *castra aestiva* and *castra hiberna*, both alike being *stativa*. Such posts were frequently, if situated advantageously, garrisoned permanently; and the peaceful natives who sought to enrich themselves by trading with their conquerors, settled for security in the immediate vicinity. (Caes. *B. G.* vi. 37.) This was one of the most important ways in which towns grew up. Merchants, both Roman and foreign, came and settled outside the fortifications of these camps (*ad canabas legionis consistere*, as the phrase was; see Wilmanns, 2409 foll.), the inhabitants of the adjoining country helped to swell the numbers, veterans both from the legion quartered and from other legions and companies settled there, and thus the *canabae* grew into a village, and from that often to towns and colonies of considerable size and importance. Lambaesis in Numidia is a most noticeable example (see *C. I. L.* viii. pp. 283–285). Mayence, Strasburg, and Vienna owe their existence to a similar origin, as do possibly also the towns in England with the termination *-chester*. See on the whole matter Mommsen, *Die römischen Lagerstädte*, in *Hermes*, vii. 299–326; and Mommsen-Marquardt, iv. 19–21.

But whether a camp was temporary or permanent, whether tenanted in summer or in winter, the main features of the work were always the same for the same epoch. In *hiberna*, huts of turf or stone would be substituted for the open tents of the *aestiva* (hence *aedificare hiberna*), and in *stativa* held for long periods the defences would present a more substantial and finished aspect, but the general outline and disposition of the parts were invariable: a camp was laid down, arranged and fortified according to a fixed and well-known plan, modified only by the numbers for whom it was required to provide accommodation, but altogether independent of the nature of the ground or of the fancy of the general, so that each battalion, each company, and each individual had a place assigned to which they could at once repair, without order, question, delay, or confusion. (Polyb. vi. 42, § 10.)

At what period the practice of throwing up elaborate field-works for the protection of an army engaged in active service was first commenced by the Romans, it is impossible to determine; but we may safely conclude that, like all other parts of their military tactics, it was matured by a slow and gradual process. Livy and Dionysius, indeed, would lead us to suppose that regular camps existed from the most remote epoch to which their annals extend; but the language of these historians is in general so loose upon all matters of antiquarian research, and they are so much in the habit of transferring to the earliest ages the usages of their own contemporaries, that no safe inference regarding points of this nature can be drawn from their words. Frontinus, on the other hand, declares that the idea of a fortified enclosure, calculated to contain a whole army, was first suggested to the Romans by the camp of Pyrrhus, which they captured near Beneventum (cf. Liv. xxxv. 14); but as the statements of this author have never been deemed to possess much weight, and as we are also told that Pyrrhus looked with admiration on the Roman camp (Plut. *Pyrrh.* 16), we cannot lay much stress on his testimony. It is evident, however, from the facts detailed in the article Exercitus, that a camp, such as the earliest of those of which we possess any detailed account, could not have assumed that shape until the tactics of the phalanx were superseded by the manipular divisions; and it may be held as certain that each of the great wars in which the Commonwealth was successively engaged for more than a century—with the Samnites, with Pyrrhus, with the Cisalpine Gauls, and with the Carthaginians—must have led to a series of improvements. The system was probably brought to perfection in the campaigns against Hannibal, and underwent no material alteration until the organic changes in the constitution of the army, which took place not long before the downfall of the constitution, during the civil broils, and under the earlier emperors, rendered a corresponding change in the internal economy of the camp unavoidable. Hence, although it would be at once vain and unprofitable to attempt an investigation of the various changes through which a Roman camp passed before it assumed what may be called its normal shape, it is evidently absolutely necessary for all who desire to obtain even a slight knowledge of the Roman art of war, to make themselves acquainted with this important feature in their system during the best days of the republic and the empire. And fortunately the records of antiquity enable us to supply such information with considerable minuteness. Polybius, the friend and companion of the younger Scipio, has transmitted to us a description of a Roman camp, such as he must have often seen with his own eyes; and the writer of a treatise which is generally entitled *Hygini gromatici liber de munitionibus castrorum*, who flourished probably under Septimius Severus, has left us a technical memoir on the art of castrametation as practised in his own day. To these some might feel inclined to add the remarks of Vegetius, who lived during the reign of Valentinian, but for reasons which are stated elsewhere [Exercitus] it will be more safe to neglect him altogether.

We shall proceed to describe these two camps in succession, it being understood that the leading statements with regard to the first are taken directly from Polybius (vi. 27–37 and 41), and those with regard to the second, from Hyginus, unless when the contrary is distinctly indicated. But while we endeavour to explain clearly all the parts of the camps themselves, we must refer to the article Exercitus for everything that concerns the different kinds of troops, their divisions, their discipline, and their officers.

It must be carefully borne in mind that the camps described in the following pages were the normal ones—*i.e.* the sum of all the arrangements which the Romans aimed at effecting; though we cannot doubt but that actually in each case some of these arrangements must have been incapable of being carried out, owing to one cause or another, such as increased numbers, position of the enemy, lie of the ground, &c.

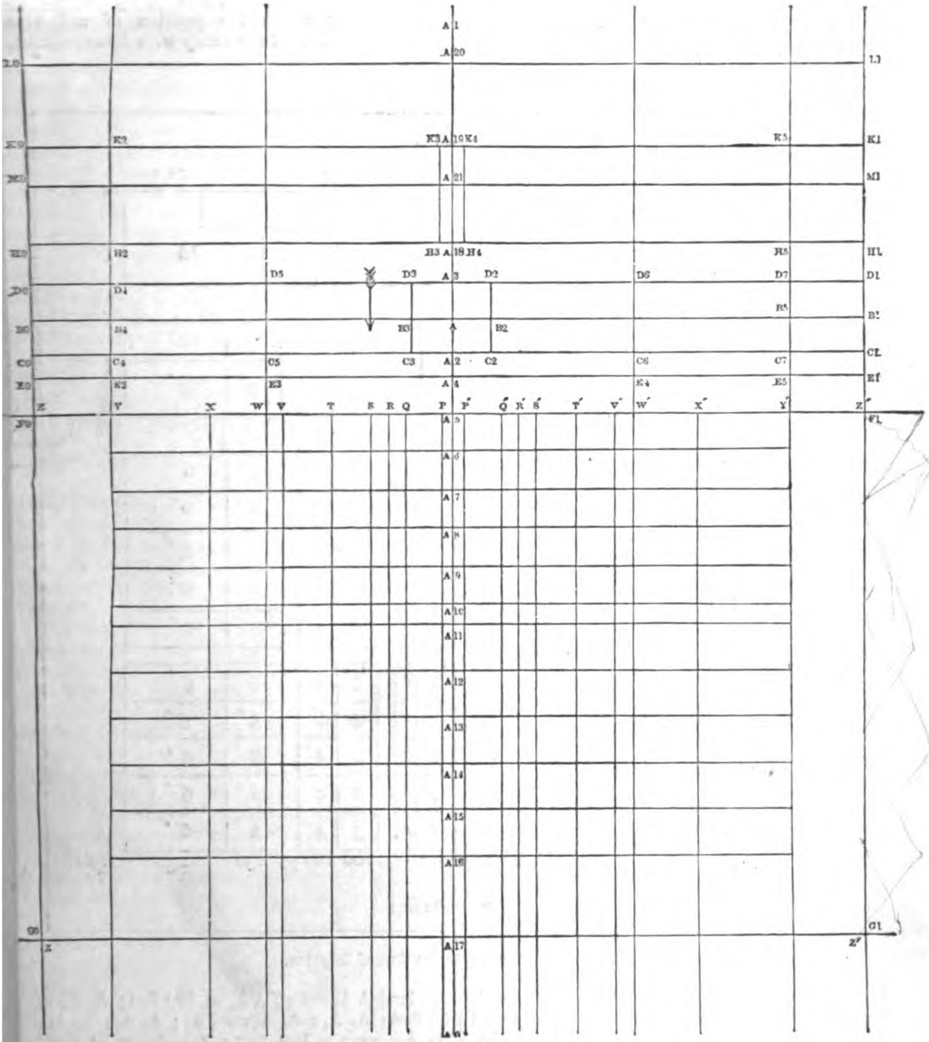
I. Camp of Polybius.

[Simple numbers in the following refer to the chapters and sections of the sixth book of Polybius.]

The camp described by Polybius is such as would be formed at the close of an ordinary day's march by a regular consular army consisting of two Roman legions with the full contingent of Socii. Each legion is calculated at 4,200 infantry and 300 cavalry; the Socii furnished an equal number of infantry and twice as many cavalry as a regular contingent. But there were besides four *cohortes extraordinariae* (containing each 400 men) and two *alae extraordinariae* (containing each 300 men), taken from the Socii, so that the whole force amounted to 18,400 foot and 2,400 horse (Mommsen-Marquardt, ii. 379, 380, 386). When the legion was increased to 5,000 infantry, there was no doubt a proportional increase in the numbers in a camp.

Choice of the Ground.—Although the general outline, the defences, and the internal economy of a camp were altogether independent of the nature of the ground, yet great importance was attached to the choice of a fitting situation which should admit of being readily laid out in the required form, which should afford no facilities for attack or annoyance, which should be convenient for procuring wood, water, and forage, and which the army might enter and quit without danger of surprise. Skill in the selection of such a spot (*capere locum castris*) was ever considered as a high quality in a general, and we find it recorded among the praises of the most renowned commanders that they were wont in person to perform this duty (*e.g.* Liv. ix. 17, xxxv. 14, 28; Tac. *Hist.* ii. 5, *Agric.* 20; comp. Quintil. *I. O.* xii. 3, § 5). Under ordinary circumstances, however, the task devolved upon one of the military tribunes, and a certain number of centurions appointed from time to time for the purpose. These having gone forward in advance of the army until they reached the place near which it was intended to halt, and having taken a general survey of the ground, selected a spot from whence a good view of the whole proposed area might be obtained, that spot being considerably within the limits of the contemplated enclosure

(Fig. 1.)



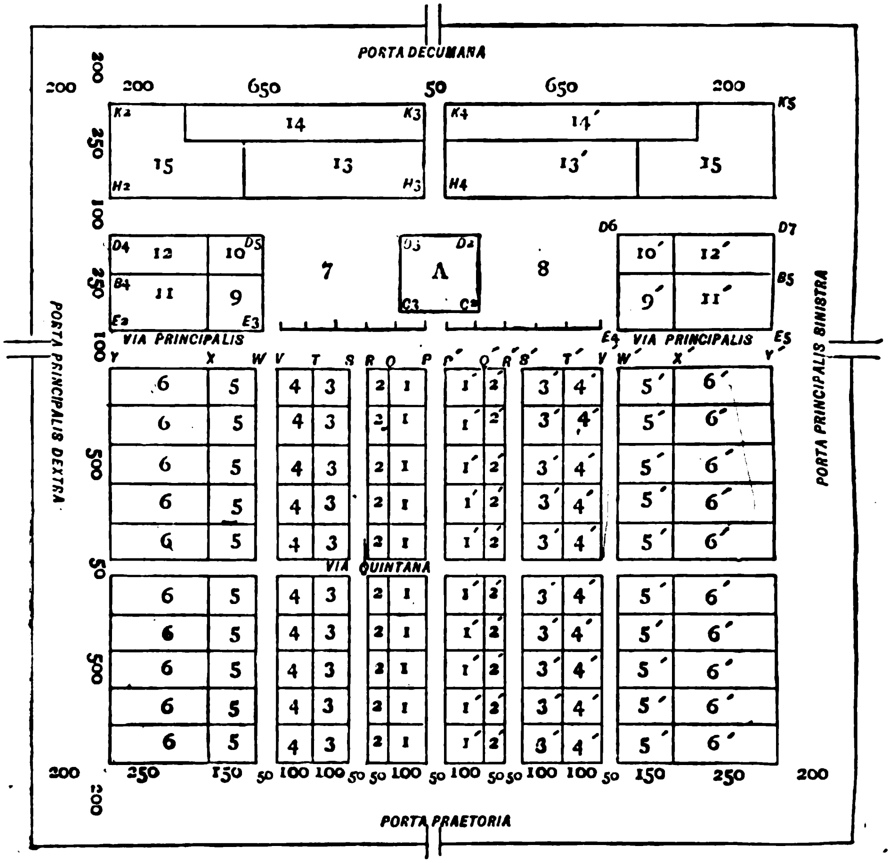
Construction of a Roman camp.

(41, §§ 1, 2). An essential point was, of course, to have water and fodder in close proximity to the camp (27, § 3).

Construction.—The spot answering these conditions and which we shall call A (fig. 1) was marked by a small white flag. The next object was to ascertain in what direction the front of the camp should face—this direction we indicate by the arrow in the subjoined figure. Upon the position of A and the direction of the arrow depended the disposition of all the other parts of the work; for these two preliminary points being decided, the business of measuring out the ground (*metari-castra*) commenced, and was executed, as we learn from various sources, with graduated rods (*decempedae*) by persons denominated *metatores* (Cic. *Phil.* xiv. 4, 10). The different steps of the process may be most briefly and distinctly set down in the ordinary language of a geometrical construction.

Through A draw a straight line A_0 A_1, parallel to the direction of the arrow, a straight line B_0 B_1 at right angles to A_0 A_1. These two straight lines, A_0 A_1 and B_0 B_1, served as the bases by which the position of all the different divisions of the camp were determined.

(Fig. 2.)



Plan of a Roman camp in the time of Polybius.

In the technical language of land measurement, which was derived from augural science and was used also in the foundation of colonies, these two lines were called respectively *decumanus maximus* and *cardo maximus*; or, to be perfectly accurate, the *cardo maximus* ran through the middle of the *via principalis*, at the very outer point of which the *groma* was fixed to regulate the lines. The camp, then, theoretically faced east (see Nissen, *Das Templum*, p. 11); but as a matter of fact usually faced the enemy (Veget. i. 23). Extension along A_0 A_1 was called length (μῆκος); along B_0 B_1 was depth (βάθος).

Along A A_0 set off A A_2 = 100 feet; A_2 A_4 = 50 feet; A_4 A_5; A_5 A_6; A_6 A_7; A_7 A_8; A_8 A_9; A_9 A_{10} each = 100 feet; A_{10} A_{11} = 50 feet; A_{11} A_{12}; A_{12} A_{13}; A_{13} A_{14}; A_{14} A_{15}; A_{15} A_{16} each = 100 feet; A_{16} A_{17} = 200 feet.

Along AA_1 set off AA_3; A_3 A_{18}, each = 100 feet; A_{18} A_{21} = 150 feet; A_{21} A_{19} = 100 feet; A_{19} A_{20} = 200 feet.

Through A_2; A_3; A_4; A_5; A_{17}; A_{18}; A_{19}; A_{20} draw C_0 C_1; D_0 D_1; E_0 E_1; F_0 F_1; G_0 G_1; H_0 H_1; K_0 K_1; L_0 L_1 straight lines parallel to B_0 B_1, and in like manner draw through A_6; A_7; .... A_{16} straight lines parallel to B_0 B_1, as marked in the figure.

On B_0 B_1 make A B_2; A B_3 each = 100 feet.

Through B_2 and B_3 draw straight lines parallel to A_0 A_1, cutting C_0 C_1 in C_2 and C_3, and cutting D_0 D_1 in D_2 and D_3; in this manner a square area C_2 C_3 D_3 D_2 is determined, each side of which = 200 feet.

Along A_5 F_0 set off A_5 P = 25 feet; P Q = 100 feet; Q R = 50 feet; R S = 50 feet; S T = 100 feet; T V = 100 feet; V W = 50 feet; W X = 150 feet; X Y = 250 feet; Y Z = 200 feet.

Along A_5 F_1 set off A_5 P′; P′ Q′; Q′ R′ .... Y′ Z′, equal respectively to A_5 P; P Q; Q R; .... Y Z.

Through Z Z′ draw straight lines parallel to A_0 A_1, cutting G_0 G_1 in z and z′, and cutting L_0 L_1 in L_0 and L_1. The square area O O′ z′ z thus determined was the camp.

Again, through P; Q; R....Y, and through P′; Q′; R′ .... Y′ draw straight lines parallel to A_0 A_1, cutting the parallels to B_0 B_1 in the points marked in the figure.

Finally, on H_0 H_1 lay off A_{18} H_3 and A_{18} H_4 each = 25 feet, and through H_3; H_4; draw straight lines parallel to A_0 A_1, cutting K_0 K_1 in K_3 K_4.

This construction being completed, we now proceed to explain the arrangement of the different parts referring to figure 2, in which the lines no longer necessary are obliterated, the spaces occupied by the troops or officers enclosed by dark lines, and the streets (*viae*) distinctly laid down. In practice the most important points were marked by white poles, some of which bore flags of various colours, so that the different battalions on reaching the ground could at once discover the place assigned to them (47, § 7).

The white flag A, which served as the starting point of the whole construction, marked the position of the consul's tent, or *praetorium*, so called because *praetor* was the ancient term for any one invested with supreme command. It had a roof like a temple (Joseph. *B. J.* iii. 5, 2). The square area C_2 D_3 was left open, extending, as we have seen, a hundred feet each way from the praetorium. That portion of the camp which lay in the direction of the arrow towards the space out in front (*πρὸς τὴν ἐκτὸς ἐπιφάνειαν*) from the line E_0 E_1 (fig. 1) was termed the front or fore-part of the camp (*τοῦ παντὸς σχήματος κατὰ πρόσωπον*, 27, §§ 3, 6).

The number of legions being two and the number of tribunes in each being six, their tents were arranged six and six at equal distances along the line E_0 E_1 (fig. 1), exactly opposite to and looking towards the legions to which they belonged. Hence, as will be seen from what follows, they did not extend beyond the points E_3 and E_4; but whether they were distributed at equal distances along the whole of the line E_3 E_4, or whether the space in front of the praetorium was left vacant, as in our figure, as seems most probable, may admit of doubt. The space of fifty feet included between the parallels C_0 C_1 and E_0 E_1 (fig. 1), immediately behind the tents of the tribunes, was appropriated to their horses, beasts of burden, and baggage (27, §§ 4, 5). The probability is, as we shall see below, that there was a space in front as represented in the figure.

The ten areas marked 1 were set apart for the cavalry of one legion, and the corresponding t[illegible] areas marked 1′ for the cavalry of the other legion (28, §§ 2, 3). These all faced towards the street P P′; and each area, containing a space of 10,000 square feet, was allotted to one turma or troop of 30 dragoons, with their horses and baggage. Such long rows were called *strigae* (*ῥῦμαι*); for this word cf. Festus, p. 315. When there were larger numbers in the camp than those we are considering, the depth, not the length, was increased (29, § 5; 30, § 3).

Back to back with the cavalry, and looking out upon the streets R S, R′ S′, the Triarii of the two legions were quartered in the areas 2 and 2′ (29, § 3). Each area contained 5000 square feet, and was allotted to a maniple of 60 men; hence, according to the calculation here followed, a dragoon and his horse were allowed as much space as 4 foot-soldiers.

In the areas marked 3 and 3′ facing the Triarii were quartered the Principes of the two legions; each of these areas contained 10,000 square feet, and was allotted to a maniple of two centuries, that is, 120 men (29, § 6).

In the areas marked 4 and 4′, back to back with the Principes, and looking out upon the streets V W, V′ W′, were quartered the Hastati of the two legions, the number of men being the same as in the Principes, and an equal space being assigned to them (29, § 8).

Facing the legionary Hastati, in the areas marked 5 and 5′, were the cavalry of the allies. The total number was 900 to each legion, but of these ⅓ or 300 were separated under the name of *extraordinarii*, and quartered in a different part of the camp (30, §§ 1, 3). Consequently, each of the spaces 5 and 5′ was calculated to accommodate 60 dragoons with their horses. We can hardly suppose that the dragoons of the allies had such comparatively roomy quarters as those of the Roman cavalry were. Allowing, then, the 60 allied dragoons half as much space again as the 30 Roman ones, we find each of these areas to contain 15,000 square feet.

Back to back with the cavalry of the allies, and looking towards the rampart which enclosed the camp, the infantry of the allies were quartered in the areas marked 6 and 6′ (30, § 4). The total number was 5000 for each legion; but of these 800 were separated as *extraordinarii*, and quartered in a different part of the camp. Hence there would remain 4,200 or 420 for each of the spaces 6 and 6′; and as we cannot allow the allied foot-soldiers less than the confined spaces of the legionaries, each space must have contained 25,000 square feet.

The open space immediately behind the tents and baggage of the tribunes, extending to the right and left of the space allotted to the general, was assigned on one side to the *quaestorium* and its appliances (*τῷ τε ταμιείῳ καὶ ταῖς ἅμα τούτῳ χορηγίαις*), and on the other to a forum (31, § 1). They are marked 7 and 8. This is the most probable arrangement, but we cannot be absolutely certain of it.

Still further to the right and left at an angle to the tents of the tribunes (*οἷον ἐπικάμπιον τάξ[illegible] ἔχοντες πρὸς τὰς σκηνάς*), looking respe[illegible]ely towards the quaestorium and the fo[illegible], were a body of cavalry, selected from the [illegible]ordinarii equites (*οἱ τῶν ἐπιλέκτων ἱππέων [illegible]λεκτοι*), and a body of cavalry serving as [illegible]unteers out of compliment to the general (*καὶ* *τινες τῶν ἐθελοντηδὸν στρατευομένων τῇ τῶν ὑπάτων χάριτι*, 31, §§ 2, 3), who were analogous perhaps to the *Evocati* of later times, or, as Masquelez thinks (*ap.* Saglio, *Dict.*, p. 948), were clients of the consul. Back to back with these, looking towards the rampart, in 11, 12, and 11′, 12′, were quartered the foot-soldiers belonging to the same classes as the cavalry just named (31, § 4). In the camp, then, as well as on the march, these troops were always near the person of the consul and of the quaestor, and served as a sort of body-guard to them. Their number is nowhere specified, and hence the exact space required for their accommodation cannot be determined.

In 13, 13′, looking towards the quaestorium, praetorium, and forum, were quartered the remainder of the *extraordinarii equites*. Allowing the picked cavalry mentioned previously to have been 2 double turmae of 60 men each, we have remaining 8 double turmae, *i.e.* 480 men. If we allow these as much room or a little less than the Roman *equites*, we may assume a surface of 150,000 square feet for them. Back to back with these, stretching a little beyond them on each side, and facing the ramparts in 14, 14′, were the remainder of the *extraordinarii pedites* (31, §§ 7, 8). Supposing these to be at the most 1500 in number, and allowing them as being picked troops a little more room than the ordinary foot-soldiers of the allies, let us assume for them a space of 130,000 square feet. The spaces marked 15, 15′ were assigned to foreign troops (*auxilia*), or to allies not included in the regular contingent who might chance to be present (*τοῖς ἀλλοφύλοις καὶ τοῖς ἐκ τοῦ καιροῦ προσγιγνομένοις συμμάχοις*, 31, § 9). If these troops were more numerous than usual, part of the quaestorium and the forum were made use of (32, §§ 4, 5).

The form of the camp was an exact square (*τετράγωνον ἰσόπλευρον*), the length of each side being 2150 Roman feet.

The clear space between the ramparts and the tents (*intervallum*) was 200 feet, and this was of the greatest service in facilitating the marching in and out of the soldiers without crowding or confusion. Here, also, cattle and other booty were kept and guarded; and the breadth was sufficient to prevent any ordinary missile or firebrand hurled into the camp from doing serious injury (31, § 12 ff.).

The principal street, stretching right across in front of the tents of the tribunes, was 100 feet wide and called *via principalis* (Liv. x. 33), so called because the chief officers, *principes* (Amm. Marc. xxii. 3, 2), had their quarters there. The main portion of this street, that in close proximity to the tents of the tribunes, was called *principia* (*ἀρχεῖα*, Plut. *Galb.* 12), though perhaps strictly the term should be applied to the officers' quarters themselves: thus Suet. *Otho*, 1, speaks of an execution *ante principia*. We often hear of the soldiers congregating *in principiis praetorioque* (*e.g.* Liv. vii. 12). The latter is that space immediately in front of the general's tent, between it and the line of the legionaries' tents, thus taking in a part of the *via principalis* (see Weissenborn on Liv. xxi. 53, § 6; xxvii. 25, § 5). It will be observed that the lengthened lines of the ten turmae and manipuli in each division is intersected at the termination of the first five by a road fifty feet wide, called the *Via Quintana* (30, § 6). The position of the remaining five *viae* in the fore-part of the camp, all of which intersect the Via Quintana at right angles, will be understood at once by inspecting the plan, the width of each being fifty feet.

When two consular armies encamped together within the same rampart, two ordinary camps were, it may be said, applied to each other at the ends nearest to their respective praetoria; the decuman gate, accordingly, in each camp disappearing. The two praetoria faced in opposite directions, and the legions of the two consuls stretched their lines in front of each praetorium, so that the figure of the camp was now no longer a square, but a rectangle, whose length was twice that of an ordinary camp, the breadth being the same. Here we must say a word on the great *crux* in Polyb. vi. 32, § 8: *ὅταν μὲν οὖν συμβαίνῃ τοὺς ὑπάτους ἀμφοτέρους ὁμοῦ στρατοπεδεύειν, οὕτως ἀεὶ χρῶνται ταῖς στρατοπεδείαις· ὅταν δὲ χωρὶς, τἄλλα μὲν ὡσαύτως, τὴν δ' ἀγορὰν καὶ τὸ ταμιεῖον καὶ τὸ στρατήγιον μέσον τιθέασι τῶν δυεῖν στρατοπέδων.* That *ὁμοῦ* and *χωρὶς στρατοπεδεύειν* mean camping within one enclosure under one general-in-chief (*castra conjungere*, Liv. iii. 8), and with two separate enclosures under two separate generals,—like Minucius and Fabius in Polyb. iii. 105, § 10, and 103, §§ 7, 8,—is certain. Equally certain is it that Polybius's whole previous description of the camp is at variance with the idea that in a camp of two legions the forum, quaestorium, and praetorium were *between* the two legions. Accordingly, Masquelez (*l. c.* p. 952) wishes to take *ὁμοῦ* as meaning "at the same time," and *χωρὶς* "at different times," "one after the other;" but does not make it plain how the praetorium would be in the middle of the two camps, seeing that the construction of the first camp was, by his hypothesis, according to the normal method, and so started from the praetorium in the normal position. Marquardt (in Mommsen-Marquardt, v. p. 404, note 1) transposes *χωρὶς* and *ὁμοῦ*, a drastic but wholesome remedy. We must note, too, that whereas Polybius nearly always uses *στρατόπεδον* for a legion (as in § 6 of this chapter), yet here the last words mean "between the two *camps*."

Although the words of Polybius are, as a whole, so full and clear that we can have little difficulty in forming a distinct conception of the camp which he describes and in delineating the different parts, it must not be concealed that he has altogether passed over many important points on which we should desire information, and that occasionally his language is not entirely free from ambiguity.

Under the head of omissions, we must note—

1. The absence of all definite information with regard to the manner in which the *velites* were disposed of. These, at the time when Polybius wrote, amounted to 1200, or, at the lowest computation, to 1000 for each legion; and taking the same number for the contingent of the Socii, we shall thus have a body of at least 4000 men to account for. Polybius says (vi. 35, § 5): *τὴν δ' ἐκτὸς ἐπιφάνειαν οἱ γροσφομάχοι πληροῦσι παρ' ὅλον καθ' ἡμέραν τὸν χάρακα παρακοιτοῦντες· αὕτη γὰρ ἐπιτέτακται τούτοις ἡ λειτουργία· ἐπί τε τῶν εἰσόδων ἀνὰ*

δέκα ποιοῦνται τούτων αὐτῶν τὰς προκοιτείας. What is τὴν ἐκτὸς ἐπιφάνειαν? It appears to be a vague expression, "the space out in front" (cf. 27, § 6). Further, πληροῦσι presupposes a limited space, the boundary of which is no doubt the wall of the rampart. We are thus led to believe that the *velites* occupied the whole line of the ramparts (compare Caes. *B. C.* i. 21, "perpetuis vigiliis stationibusque ut contingant inter se atque munitionem *expleant*;" so that there is no necessity to adopt Schweighäuser's emendation τηροῦσι), and especially that part of the ramparts in front which faced the enemy. What Polybius says (vi. 24, § 4) merely means that a certain number of velites were *attached to* each division of the legions, not that they *encamped* in juxtaposition with them. Space would not admit of their encamping together; and even if it did, then surely the velites and not the triarii would have been the fit persons to look after the horses of the equites (see below), as is pointed out by Masquelez (*l. c.* p. 953). Also, when Polybius says (vi. 33, § 8) that the velites οὐ λειτουργοῦσι, he refers to the smaller but less arduous camp duties, such as keeping clean the streets, mounting honorary guard at the officers' tents, &c. But further, Masquelez notices that for the whole line of the ramparts all round such a considerable number of velites as 4000 would be far more than was necessary. We can then suppose that a considerable proportion of them were used for the large outposts (*stationes*) outside the camp, which we so often hear of (see Weissenborn on Liv. xxi. 4, § 7). And we know that one of the punishments inflicted on the legionaries was to make the delinquents bivouac outside the camp (Liv. x. 4, § 4; Polyb. vi. 38, § 3), at the same time as degrading them to the velites (Frontin. *Strat.* iv. 1, 18; cf. Val. Max. ii. 7, 15). Thus we see, following Masquelez, that the velites served both inside the camp to man the wall and outside as pickets. This seems a better view than that of Marquardt (*l. c.* p. 396), who holds that the light-armed troops always bivouacked outside the camp; or that of Justus Lipsius, who thinks that they all occupied the intervallum. The velites ceased to form a portion of the legion about the time of Marius, so that later writers throw no light upon the question. It is remarkable also, that while Polybius passes them over completely in the internal arrangements of his camp, so also he takes no notice of them when describing the order of march.

2. No mention is made of the *legati.* Lipsius, in his plan of a Roman camp after Polybius, assigns to them a compartment next to the praetorium on the side opposite to that where the quaestorium stood; but this is merely a conjecture.

3. The *praefecti sociorum* likewise are passed over. Since they corresponded among the troops of the allies to the *tribuni* in the legions, it seems highly probable that their tents were ranged along a prolongation of the line on which the latter stood, and thus they also would be placed immediately opposite to and looking towards the soldiers under their immediate command.

4. The number of tents allowed to each maniple or century is nowhere stated, and consequently the number of men in each tent is unknown, nor are we very distinctly told how the centurions and other officers of the infantry and cavalry inferior to the tribunes were provided for; it is merely said that the ταξίαρχοι in each maniple took the first tents on each side, that is, probably, at each end of the row which held one maniple (30, § 5).

5. With regard to the fortifications of the camp it is stated that the digging of the ditch (ταφρεία) and the formation of the rampart (χαρακοποιΐα) upon two sides of the camp was assigned to the Socii, each division taking that side along which it was quartered; while the two remaining sides were in like manner completed by the legionaries, one by each legion. The work upon each side was portioned out among the maniples, the centurions acted as inspectors of the tasks performed by their respective companies, and the general superintendence was undertaken by two of the tribunes (34, §§ 1, 2). The nature and the dimensions of the defences are not, however, specified. These consisted of a ditch (*fossa*), the earth from which was thrown inwards, and formed, along with turf and stones, into a mound (*agger*), on the summit of which, on the outer edge, a strong palisade of wooden stakes (*sudes, valli*) was fixed forming the rampart (*Vallum* s. *Vallus*—χάραξ). [VALLUM.] We can scarcely doubt that the depth of the ditch, together with the height and breadth of the agger, were, under ordinary circumstances, fixed; but the measurements incidentally mentioned in isolated passages do not perfectly accord with each other. Among the works at Dyrrhachium (Caes. *B. C.* iii. 63) we read of a ditch 15 feet deep, and a vallum 10 feet high and 10 feet broad; in the war against the Bellovaci and other Gaulish tribes we find Caesar (*B. G.* viii. 9) fortifying his camp with a double ditch, 15 feet deep, with perpendicular sides (*directis lateribus*), and a vallum 12 feet high, on the top of which was a breast-work (*loricula*) and numerous towers, three stories high, connected with each other by bridges, the sides of these bridges next to the enemy being protected by a breast-work of fascines (*viminea loricula*). Both of these, however, as well as several others which we might quote, must be regarded as special cases. The practice of a later period is, as we shall see below, more clearly defined by Hyginus and others.

Neither the number nor the names of the openings in the vallum are given. We have, however, abundant evidence to prove that they were four:—(1) *Porta Principalis dextra*, and (2) *Porta Principalis sinistra*, at the two extremities of the street called *via principalis.* As the praetorium most probably faced in the same direction as the tents of the tribunes, the position of these gates is as represented in the plan. (3) *Porta Praetoria.* It is sometimes said that this gate was also called *Extraordinaria.* But this name, which seems to occur in Livy, xl. 27, § 3, rests on a conjecture of Gelenius. Most MSS. read *extraordinariis*, which has crept into the text from the same word a line before; and the Mayence MS. reads *praetoria*, which is no doubt right, and is adopted by Weissenborn (*ad loc.*), Nissen (*Das Templum*, 41), and Marquardt (*l. c.* 401, note 2). (4) *Porta Decumana*, which was also called *Quaestoria* (Liv. xxxiv. 47; xl. 27). (3) and (4) were at the extremities of the *decu-*

manus maximus. Great diversity of opinion attaches to the question as to whether these two gates were as marked in the plan, or just the reverse. There can be no doubt that the *porta decumana* was the one which was turned away from the enemy (Liv. x. 32), and the *porta praetoria* the one which faced them (Veget. i. 23; Festus, *s. v.*; Hyg. *de Munit. Castr.* 56). Now, according to those who hold that the names of the two gates on the plan should be just reversed, the gate was called *decumana* because it was near where the tenth maniples and the tenth turmae were quartered (cf. Hyg. *l. c.*, § 18); and compare *Quintana*, on which Festus has this gloss: "*Quintana* appellatur porta in castris post praetorium ubi rerum utensilium forum sit;" and from Quintana in the sense of market comes the modern *canteen* (cf. Suet. *Nero*, 26). Further, they say that their view agrees with Polybius, who says (27, § 3) that the direction in which the legionaries lay was that which looked towards the quarter whence forage and water could be most easily secured; and that would hardly be the side which faced the enemy. But their opponents hold that the *porta decumana* was called from the augural *decumanus maximus* (see Weissenborn on Livy, iii. 5, § 5); that the statements of Festus and Hyginus do not apply to the Polybian camp, but to a camp of the kind Hyginus himself has described (see below); that the other name of the gate, viz. *Quaestoria*, was given from its proximity to the quaestorium, though probably as to use Mommsen's words (*Staatsrecht*, ii.² 552), "the whole arrangement of the camp rests on the opposition of the two head-quarters of the general (*praetorium*) and the quaestor (*quaestorium*," the two chief gates were called after them; that Polybius distinctly calls "front" (**κατὰ πρόσωπον**) the part of the camp in which the legionaries lay, and towards which the tents of the officers faced (27, § 6; 29, § 7); and he calls the opposite part of the camp the "rear" (**τὴν ὄπισθε πλευράν**, 31, § 7; cf. 32, § 6). This seems to be the correct view of the position of the gates; and the undoubted difficulty in the words of Polybius (27, § 3), that the camp lay **παρὰ μίαν ἐπιφάνειαν καὶ πλευράν, ἥτις ἂν ἐπιτηδειοτάτη φανῇ πρός τε τὰς ὑδρείας καὶ προνομάς, παραβάλλεται τὰ Ῥωμαικὰ στρατόπεδα,** may be obviated by translating **παρὰ**, "alongside of,"—*i.e.* water and forage were on the sides of the camp not directly in front or rear.

We can scarcely doubt that the Portae must have been always defended by barriers of some kind; but when special precautions were required, they were closed by regular gates defended by towers (*portis fores altioresque turres imposuit*, Caes. *B. G.* viii. 9).

We now proceed to notice various particulars connected with the internal discipline of the camp.

The Camp Oath.—When an army encamped for the first time, the tribunes administered an oath to each individual quartered or employed within its limits, including slaves as well as freemen, to the effect that he would steal nothing out of the camp, but if he chanced to find any property that he would bring it to the tribunes (33, § 2). We must suppose that the solemn promise being once made, was considered as binding during the whole campaign, for it would have been impossible to have repeated a ceremony so tedious at the close of each march. (Marquardt, *l. c.*, p. 374, note 1.)

Distribution of Duty among the Officers.—In each legion the tribunes divided themselves into three sections of two each, and each section in turn undertook for two months the superintendence of all matters connected with the camp (34, § 3 ff.). It is most probable that one tribune in each section assumed the chief command upon alternate days, or perhaps during alternate months (Liv. xl. 41, § 8; Marquardt, *l. c.*, p. 353, notes 1 and 2); and hence Polybius generally speaks of one tribune only as acting, or of two when reference is made to both legions.

Officers' parade.—Every morning at daybreak the centurions and the equites presented themselves before the tents of the tribunes, and the tribunes in like manner, attended perhaps by the centurions and equites, presented themselves at the praetorium. The orders for the day were then issued by the consul to the tribunes, communicated by the tribunes to the centurions and equites, and through the centurions and equites reached the soldiers at the proper time (34, § 5).

Guards, Sentinels, &c.—Out of the twenty maniples of Principes and Hastati in each legion, two were appointed to take charge of the *via principalis*. The main part of the centre of this road, the *Principia*, was the place of general resort during the day. The tribunes heard complaints (Dig. 49, 16, 12, 2) and administered justice (Liv. xxviii. 24, § 10) in the *principia*; where punishments, too, were inflicted (Val. Max. ii. 7, 9; Suet. *Otho*, 1). There also was the altar right in front of the praetorium (Val. Max. i. 6, 4). At the left angle of the praetorium facing the *via principalis* (C_2 in the figure) was no doubt the *tribunal* (Weissenborn on Livy, viii. 32, § 2), and at the angle at the right (C_3 in the figure) was the *augurale* (Tac. *Ann.* ii. 13) or *auguratorium* (Orelli, 2286); cf. Hygin. § 11. The *via principalis* was accordingly an important place; so that great pains were taken that it should be kept perfectly clean and regularly watered—a labour which would fall very light when portioned out among four maniples (33, §§ 3, 4).

Of the remaining eighteen maniples of Principes and Hastati in each legion, three were assigned by lot to each of the six tribunes, and of these three maniples one in turn rendered each day certain services to the tribune to whom it was specially attached. It took charge of his tent and baggage, saw that the former was properly pitched upon ground duly levelled all round, and protected the latter from damage or plunder. It also furnished two guards (**φυλακεῖα**) of four men each, who kept watch, some in front of the tent and some behind, among the horses (35, §§ 5, 7). We may remark in passing, that four was the regular number for a Roman guard (**φυλακεῖον**): of these one always acted as sentinel, while the others enjoyed a certain degree of repose, ready, however, to start up at the first alarm. Compare the Acts of the Apostles, xii. 4, **παραδοὺς τέσσαρσι τετραδίοις στρατιωτῶν φυλάσσειν αὐτόν.**

The Triarii were exempted from those duties imposed upon the Principes and Hastati, but each maniple of the Triarii furnished daily a guard of four men to that turma of the Equites which was quartered immediately behind them, in order to watch the horses, and to take care that they did not sustain any injury from getting entangled with their halters and heel ropes, or break loose and cause confusion and mischief (33, §§ 10–12). How necessary this was may be seen from the panic caused by such an occurrence in the German war (Tac. *Ann.* i. 66).

One maniple was selected each day from the whole legionary force, to keep guard beside the tent of the general, that he might be secured alike from open danger and hidden treachery; this honourable task being devolved upon every maniple in rotation (33, § 12). Three sentinels were usually posted at the tents of the quaestor, and two at those of the legati; and by night sentinels kept watch at every maniple, being chosen out of the maniple which they guarded (35, §§ 2–4).

The Velites, as we have seen, besides furnishing men for the outlying pickets (*stationes*), also mounted guard by day and by night along the whole extent of the vallum; and to them also in bodies of ten were committed the charge of the gates (35, § 5).

Excubiae, *excubias agere*, *excubare* are the general terms used with reference to mounting guard, whether by night or by day, but usually by day (Isid. *Orig.* ix. 3, 42). The day watches were probably changed twice a day (Liv. xliv. 33). *Vigiliae*, *vigilias agere*, *vigilare* are restricted to night duty. *Excubiae* and *Vigiliae* frequently denote not only the service itself, but also the individuals who performed it. *Stationes* is used specially to denote the advanced posts thrown forward in front of the gates, *Custodes* or *Custodiae* the parties who watched the gates themselves, *Praesidia* the sentinels on the ramparts; but all these words are employed in many other significations also.

Going the Rounds (ἐφοδεία).—In order to ascertain the vigilance of the night sentinels (νυκτεριναὶ φυλακαί), an ingenious scheme was devised. Each guard (φυλακεῖον) consisted, as we have seen, of four men, and each of these in turn stood sentinel for one of the four watches into which the night was divided. The sentinels to whom it fell to go upon duty in the first watch, were conducted in the afternoon to the tent of the tribune by lieutenants of the maniples to which they belonged. Each of these men received from the tribune four small tokens (ξυλήφια), numbered from one to four, for the four watches, and bearing also marks indicating the legion, and maniple or century from which the guard was taken. The individual who received these tokens retained the one which answered to his own watch, and distributed the rest among his three comrades. The duty of going the rounds (*vigilias circuire s. circumire*; comp. Fest. s. v. *fraxare*) was committed to the Equites (cf. Liv. xxii. 1, § 8), and for this purpose each legion supplied daily four young men (νεανίσκοι), picked out before breakfast (πρὸ ἀρίστου) from each turma. The eight persons thus selected decided by lot in which watch they should make their rounds, two being assigned to each watch. They then repaired to the tribune, and each individual received a written order specifying the posts which he was to visit, every post being visited in each watch by one or other of the two to whom the watch belonged. They then repaired in a body to the first maniple of the Triarii, and there took up their quarters, because it was the duty of one of the centurions of that maniple to give notice of the commencement of each watch by a trumpet blast. At the appointed time each eques, accompanied by some friends, who acted as witnesses, visited all the posts named in his written order, and from each sentinel whom he found on the alert he received one of the tokens described above; but if the sentinel was asleep or absent, then the eques of the rounds called upon his companions to witness the fact, and departed. The same process was followed by all the others, and on the following morning the officers of the rounds repaired to the tent of the tribune and delivered up the tokens. If the number of these was found to be complete, then all was well; but if any one was wanting, then it could be at once ascertained to what guard and to what watch the missing token belonged. The centurion of the company was ordered to bring forward the men implicated, and they were confronted with the officer of the rounds. If the latter could prove by means of his witnesses, that he had actually visited the post in question, and found the sentinel asleep or absent, then the guilt of the sentinel could not be a matter of doubt; but if the officer failed to establish this, then the blame fell upon himself, and in either case the culprit was forthwith made over to a court-martial, and if convicted suffered the fearful punishment of ξυλοκοπία [FUSTUARIUM]; and accordingly the guards were hardly ever neglected (35, § 8—37, § 6). Sometimes we find centurions (Tac. *Hist.* ii. 29), tribunes (Liv. xxviii. 24, § 8), and even the general-in-chief (Sall. *Jug.* 45), represented as going the rounds; but under ordinary circumstances the duty was performed as we have described.

Watchword.—The watchword for the night was not communicated verbally, but by means of a small rectangular tablet of wood (πλατεῖον ἐπιγεγραμμένον—*tessera*—to be carefully distinguished from the ξυλήφιον of the last paragraph, though Polybius applies the same term to both), upon which it was written. One man was chosen out of each of those maniples and turmae which were quartered at that extremity of the lines most remote from the Principia. Each of these individuals (*tesserarius*) repaired towards sunset to the tent of the tribune, and received from him a *tessera*, on which the password and also a certain number or mark were inscribed. With this he returned to the maniple or turma to which he belonged, and, taking witnesses delivered it to the officer of the next adjoining maniple or turma, and he to the next until it had passed along the whole line, when it was returned by the person who received it last to the tribune. The regulation was that the whole of the tesserae should be restored before it was dark; and if any one was found wanting at the appointed time, the row to which it belonged could be at once discovered by means of the number or mark noticed above: an investigation took place at once into the cause of the delay, and punishment was inflicted upon the parties found to be in fault (34, §§ 7–12).

Not only mere passwords were circulated in this manner, but also, occasionally, general orders, as when we read in Livy, xxvii. 46, "Tessera per castra ab Livio consule data erat, ut tribunum tribunus, centurio centurionem, eques equitem, pedes peditem acciperet." It was accordingly sometimes called *tacitum signum* (Liv. xxxix. 30, § 4; cf. Sil. It. xv. 475).

Although the tesserarius received the tessera from the tribune, it proceeded in the first instance from the commander-in-chief, as we may perceive from the passage just quoted, and many others. Under the empire it was considered the peculiar function of the prince to give the watchword to his guards. (Tac. *Ann.* i. 7; comp. Suet. *Claud.* 42, *Ner.* 9.)

Breaking up a Camp.—On the first signal being given by the trumpet, the tents were all struck and the baggage packed (*vasa colligere*), the tents of the general and the tribunes being disposed of before the others were touched. At the second signal the baggage was placed upon the beasts of burden; at the third, the whole army began to move (40, §§ 1–3).

II. Camp of Hyginus.

Another account of a camp is that contained in the treatise *De munitionibus castrorum* (edited, with a commentary, by L. Lange, Göttingen, 1848, and later by Gemoll in the Teubner series). It bears the name of no author; but is usually attributed either as by Lange to the elder Hyginus, who was a land-surveyor under Trajan, or to a younger Hyginus, who lived at all events before Constantine the Great, as by Lachmann. The following are the arguments of Marquardt (in Mommsen-Marquardt, v. 579, 580) to prove that probably the author of the treatise wrote under Sept. Severus.

1. In the camp described there is no legionary cavalry. Now such certainly existed in Hadrian's time, but after that gradually disappeared, faint traces indeed being found up to 240 A.D. (*C. I. L.* iii. 5942).

2. Among the *nationes* mentioned in the camp (§ 29) are Palmyreni. Now under Caracalla (211–217) Palmyra was a *colonia iuris Italici* (Dig. 50, 15, 1, 5).

3. The mention of camels (§ 29) shows that probably the author had an Eastern expedition in his mind's eye.

4. The reading "domine Trajane," § 45, is a conjecture. The Arcerianus reads "domine frater" (for this phrase cf. *Anth. Pal.* ii. 293, ed. Jacobs).

Passing, then, from the time of Polybius over a space of about 350 years, we find ourselves amidst an order of things altogether new. The name *Legiones* still remains, but all the ancient divisions, with the exception of the *Centuriae*, have disappeared. The distribution of the soldiers into *Velites*, *Hastati*, *Principes*, and *Triarii* did not endure more than half a century after the era of Polybius; the organization by maniples was about the same period in a great measure superseded by the cohorts, and the cavalry were detached from the infantry and formed independent corps. In like manner the *Socii*, after the admission of the Italian states to the Roman franchise, ceased to form a separate class, and their place is now occupied by a motley crew of foreigners and barbarians serving in bands, designated by strange titles. We are reminded also that the republican form of government had given way to the dominion of a single individual by the appearance of a multitude of household troops and imperial body-guards, distinguished by various appellations, and invested with peculiar privileges. A complete Roman army did not now consist of *Romanae Legiones cum Sociis*, or of *Legiones cum Sociis et Auxiliis*, but of *Legiones cum Supplementis*, the term *Supplementa* including the whole of the various denominations alluded to above. In what follows, we shall attempt to delineate a summer camp (*castra aestivalia*), intended to contain three legions, with their supplements—a force which, in the time of Hyginus, corresponded to the regular consular army of the sixth and seventh centuries of the city. It is but right, however, to call attention to the fact, that we do not here tread upon ground so firm as when Polybius was our guide. The text of Hyginus presents many difficulties and many corruptions; and there are not a few passages in which we are thrown too much upon conjecture. This, however, be it understood, applies almost exclusively to the minute details, for the general outline of the whole is clear and well ascertained. The plan sketched below is taken entirely from Lange, and the proportions of the different parts are carefully preserved. Omitting in this case the geometrical construction, we proceed at once to explain the figure.

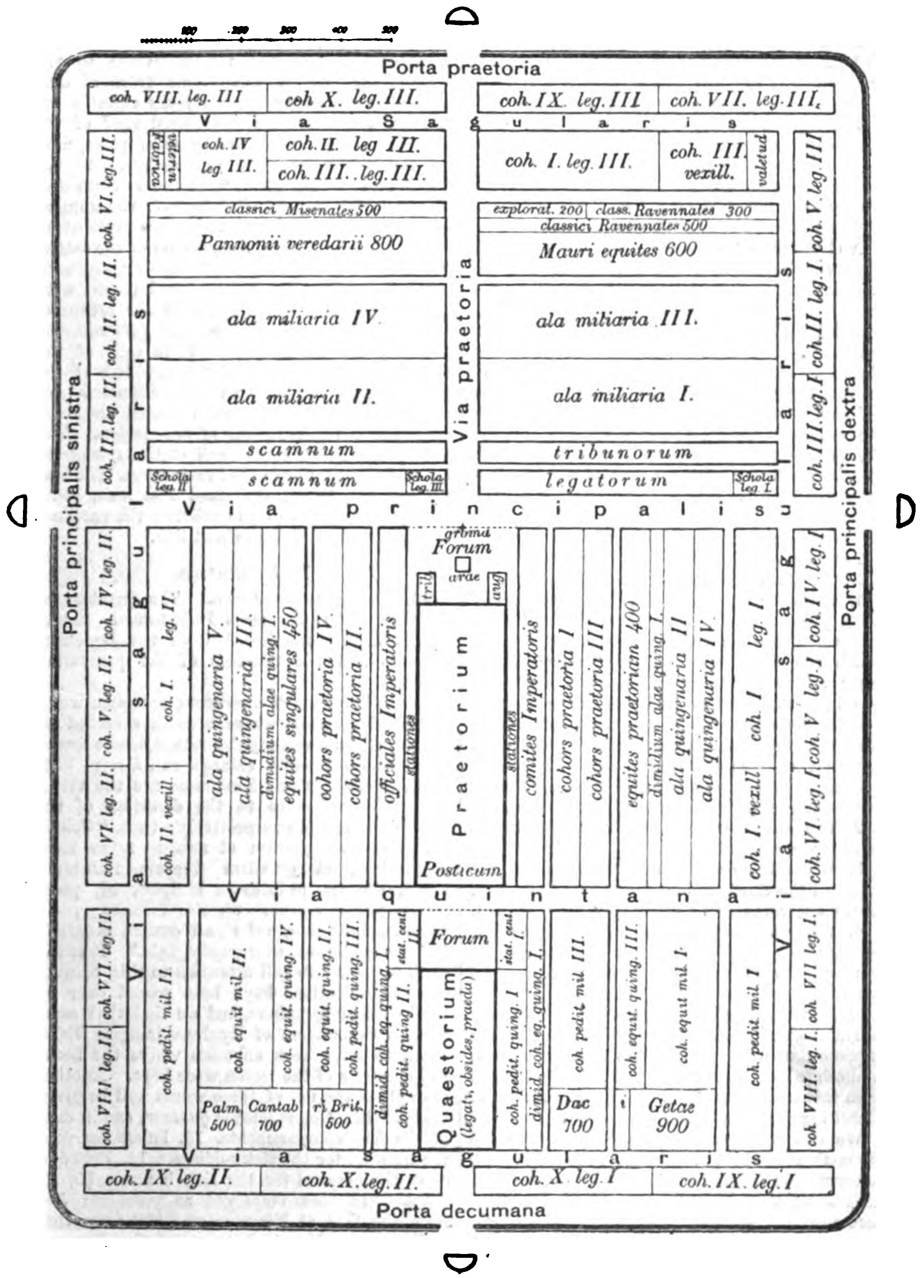
The point from which the whole of the measurements proceeded is marked with a small cross, and was called *Groma*, that being the name of an instrument employed by surveyors, analogous, in its uses at least, to the modern cross staff, plane table and level.

The general form of the inclosure was an oblong, the two longer sides being at equal distances from the Groma, rounded off at the angles (*angulos castrorum circinare oportet*), 2320 feet in length by 1620 feet in breadth, the general rule being that the length should exceed the breadth by one-third (*castra in quantum fieri potuerit tertiata esse debebunt*); when larger, it was called *Castra Classica*, because, says Hyginus, the ordinary *buccinum* or bugle could not be heard distinctly from one extremity to the other (Hyg. § 21).

The Groma stood in the middle of the principal street (*Via Principalis*), which was sixty feet wide, extending right across the camp, with the two *Portae Principales* at its extremities. The two remaining gates, which, like the former, retained their ancient names, were the *Porta Praetoria*, which was nearest to the enemy (*porta praetoria semper hostem spectare debet*), and the *Porta Decumana*, and these were placed in the centre of the two shorter sides of the oblong. If we may judge from the remains of the gates we find in the stations of the Roman Wall in the North of England, the gates were double ones, the leaves of which probably consisted of wood strengthened with iron plates. The portals seem to have been covered with arches of stone, and had guard-chambers on each side. (See, for example, Dr. Bruce's account of the west gate at Borcovicus (Housesteads) in *The Roman Wall*, p. 182.) Immediately behind the Groma, a rectangular space, 720 feet long by 180 broad, was set apart for the emperor or commander-in-chief, and, as in the consular camp, termed the *Praetorium*. Immediately behind the Praetorium—that is to say, at the extremity most distant from the Groma—a street called the *Via Quintana*, 40 feet wide, extended across the camp parallel to the Via Principalis (Hyg. § 17). When the camp exceeded the ordinary dimensions, then two additional gates were formed at the extremities of the Via Quintana, the breadth of which was in that case increased to 50 feet.

It will be seen at a glance that the camp was

(Fig. 3.)



Plan of a Roman camp in later times.

divided into three segments by the Via Principalis and the Via Quintana. Each of these segments had a name. The whole of the middle segment, lying to the right and the left of the Praetorium, formed the *Latera Praetorii* (§ 4). The segment included between the Via Principalis and that side of the camp in which the Porta Praetoria stood formed the *Praetentura* (§ 14). The segment included between the Via Quintana and that side of the camp in which the *Porta Decumana* stood formed the *Retentura* (§ 17).

The legiones being the most trustworthy of the troops in the provinces, were quartered by cohorts next to the rampart all round the camp, encircling completely with their lines the masses of foreigners, who, together with the imperial guards, formed the supplementa.

A clear space of 60 feet (*intervallum*) was left between the tents of the legionaries and the ramparts, and they were separated from the quarters of the other troops, whom they surrounded, by a street called the *Via Sagularis*, which ran completely round the camp, so that the whole of the legionaries, with the exception of the first cohort in each legion, and three ordinary cohorts for whom there is not room in the outer ring, were bounded on one side by the intervallum and on the other by the *Via Sagularis.* The remaining streets not particularly specified were comprehended under the general name *Viae Vicinariae* s. *Vicinales*, and their breadth was 20 feet (§ 37).

The defences of a camp might be fourfold:—
1. *Fossa.* 2. *Vallum.* 3. *Cervoli.* 4. *Arma.*

1. The *Fossa* might be of two kinds: *a.* The *Fossa fastigata*, with both sides sloping, so as to form a wedge; or, *b.* the *Fossa Punica*, of which the outer side was perpendicular, the inner side sloping, as in the fossa fastigata. The breadth in either case was to be at least 5 feet, the depth 3 feet. Outside of each gate a ditch was dug extending on both sides somewhat beyond the gate: this, on account of its shortness, was called *Titulus*, and in front of the titulus was a small semicircular redoubt (*clavicula*).

2. The *Vallum* was formed of earth and turf, or of stone, 6 feet in height, 8 feet broad.

3. When the nature of the ground did not admit of the construction of a sufficient vallum, then a chevaux de frise (*cervoli*) was substituted.

4. When neither a Vallum nor Cervoli could be employed, then the camp was surrounded by a ring of armed men four deep, numerous sentries were posted in each line, and the cavalry patrolled in turn in every direction.

The words of Hyginus would lead us to suppose that when no danger was apprehended, a ditch alone was considered sufficient; and even this was excavated merely for the sake of exercising the men (*causa disciplinae*).

We can now proceed to point out in what manner the three segments were occupied, referring to the numbers on the figure, it being understood that, as before, we shall not enter here into any discussions regarding the origin and character of the different battalions named, all information upon such matters being given in the article EXERCITUS.

A. *Praetorium et Latera Praetorii.*

1. *Praetorium.* 2. *Arae*, on which public sacrifice was offered. The position assigned to them is conjectural; but they were, at all events, in the immediate vicinity of this spot. 3. *Auguratorium*, in which the Imperator took the auspices—the altars were perhaps erected in front of this place; at least, such was the case sometimes. (See Tac. *Ann.* xv. 30, where the form *Augurale* is employed.) 4. *Tribunal*, the elevated platform from which addresses were delivered to the troops. Close to the praetorium was a guardhouse (*stationi dari oportet secundum praetorium pedes viginti*). 5. *Comites Imperatoris*, the personal staff of the Imperator, among whom the chief place, next to the Via Principalis, was assigned to the Praefectus Praetorio. 6. *Equites singulares Imperatoris et Equites Praetoriani:* the number of these was variable; but Hyginus gives as an average 450 of the former and 400 of the latter. 7. *Cohortes praetoriae quatuor. Primipilares. Evocati.. Officiales.* These picked troops were allowed twice as much space as the troops of the line (§§ 3, 5, 6). 8. *Alae quingenariae:* probably five in number. 9. In each of the spaces on the extreme right and left of the praetorium, bordering on the Via Sagularis (*per rigorem viae sagularis*), were placed the first cohort and the *vexillarii* of one legion. The first cohort and the *vexillarii* of the remaining legion will be found in the Praetentura. The first cohort of a legion contained 960 men, being twice as numerous as the others; the *vexillarii* of a legion amounted to about 500.

B. *Praetentura.*

10. *Scamnum Legatorum.* The quarters of the legati. 11. *Scamnum Tribunorum.* Immediately behind the legati were the legionary tribunes and the tribunes of the praetorian cohorts.

In the language of surveyors, *scamnum* was a rectangular figure, whose breadth exceeded its length, *striga* a rectangular figure, whose length exceeded its breadth (Marquardt, *l. c.* p. 394, n. 3). So, *Signa* and *Tabulinum* are the terms used with reference to the direction of the length and breadth respectively: thus, "Cohors prima causa signorum et aquilae intra viam sagulariam, et quoniam duplum numerum habet, duplam pedaturam accipiet, ut, puta, *signis pedes centum viginti, tabulino pedes trecentos sexaginta, vel signis centum octoginta tabulino pedes ducentos quadraginta.*" It is the more necessary to call attention to this, because these significations have been passed over by the best lexicographers, and we find that some modern expounders of Hyginus imagine *Tabulinum* to have been an office where the books 207 and accounts of the legion were kept. Another example of the use of these words will be given below. 12. *Alae milliariae quatuor*, one in each of the four compartments. 13. *Valetudinarium*, the hospital for the sick soldiers. 14. *Veterinarium*, the hospital for the sick horses. 15, 16. *Classici*, marines employed as pioneers: 500 from the fleet at Misenum and 800 from that at Ravenna. *Mauri equites sexcenti. Pannonii veredarii octingenti.* These two bodies of light cavalry were quartered near the classici, because, when the latter were sent in advance to clear the way, they were guarded by the former. 17. *Exploratores*, 200 in number. General Roy in his plan places them in these two small compartments, but it appears more probable from the words of Hyginus, that they were quartered all together on the side next to the first cohort of the third legion. 18. The first cohort of the third legion; 19, its *vexillarii*.

On the opposite side of the Via Praetoria, three legionary cohorts, for whom there was not sufficient space outside of the Via Sagularis.

In the Praetentura stood also the *Fabrica* or workshop of the carpenters and armourers, erected at a distance from the Valetudinarium, so that the noise might not disturb the patients.

Within the scamnum of the legati were the *Scholae* of the first cohorts, the places apparently where the superior officers of the legions assembled in order to receive the general orders of the day.

C. *Retentura.*

20. *Quaestorium.* This space corresponded in name only with the Quaestorium of the Polybian camp, for it was no longer assigned to a quaestor (*Quaestorium dicitur quod aliquando ibi quaestores pedaturam acceperint*). It was occupied partly by prisoners of rank, hostages, and plunder; and here perhaps the Praefectus Castrorum may have been quartered, unless we are to look for him among the *Comites Imperatoris*.

21. *Statorum centuriae duae*, who guarded the rear of the praetorium, and always kept close to the person of the Imperator. These, like the praetorians, had double space assigned to them.

22. *Cohortes equitatae milliariae duae. Cohortes equitatae quingenariae quatuor.*

23. *Cohortes peditatae milliariae tres. Cohortes peditatae quingenariae tres.*

24. *Nationes.* Barbarian troops. *Palmyreni quingenti. Gaetae nongenti. Daci septingenti. Britones quingenti. Cantabri septingenti.* Among these we find enumerated *Sumactares*, a word which no one has succeeded in explaining, but it is in all probability a corrupt form.

Camels with their riders (*cameli cum suis epibatis*) were frequently included among the constituents of an army, being used both in offensive operations and also in carrying plunder.

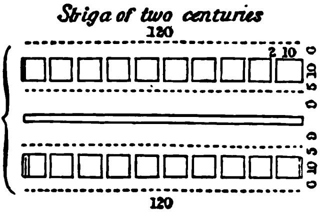
Three points strike us forcibly when we compare the camp of Hyginus with that of Polybius: first, the flimsy character of the fortifications, which must be attributed to the disinclination felt by the soldiers to perform regularly and steadily the same amount of labour which was cheerfully executed by soldiers of the republic; secondly, the desire everywhere visible to economise space, and compress everything within the narrowest possible limits; and, thirdly, the adoption of the duodecimal system of measurement in place of the decimal system, which is found in Polybius (Rudorff, *Feldmesser*, ii. 291). Although the numbers of an army, such as we have been considering above, cannot be determined with absolute precision, they must, on the lowest computation, have exceeded 40,000 men, and these were crowded together into less than one-half the space which they would have occupied according to the ancient system, the proportion of cavalry, moreover, being much larger in the imperial force. The camp of Polybius, calculated for less than 20,000, contains upwards of four millions of square feet, while the camp of Hyginus embraces little more than three millions and seven hundred thousand.

We may conclude with a few words upon a topic entirely passed over by Polybius, but on which Hyginus affords ample information in so far as the usages of his own day are concerned—the number and arrangement of the tents.

A double row of tents (*papiliones*) facing each other, with a space between for piling the arms of the soldiers and for receiving the beasts of burden and the baggage, was termed *Striga*; a single row, with a corresponding space in front, *Hemistrigium*. The normal breadth of a *Striga* was 60 feet, of a *Hemistrigium* 30 feet, made up as follows:—10 feet were allowed for the depth of each tent, 6 feet for a passage behind the tent, 5 feet for the arms piled in front of the tent, 9 feet for the *jumenta* and baggage; total 30 feet for the hemistrigium, which doubled for the striga gives 60, the space between the rows being 28 feet. The length of the striga or hemistrigium varied according to circumstances.

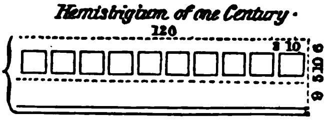
A full legionary century (*plena centuria*), when Hyginus wrote, consisted of 80 men, who occupied 10 papiliones. The length allowed for each papilio was 12 feet, 10 feet for the papilio itself, and 2 feet for lateral passages (*incrementum tensurae*), and thus the length of the line along which the papiliones of a century stretched was 10 × 12 = 120 feet. Out of this the centurion had a space allotted to him equal to that required for 2 tents, so that the privates of the century occupied 8 tents only; that is, they were quartered at the rate of 10 men to each tent. The men in each tent formed a *contubernium* (σύνταξις, Joseph. *B. J.* iii. 5, 3). But since 16 men or 4 guards (τετράδια) in each century were always out upon duty, there were never more than 8 men actually in a tent at the same time.

(Fig. 4.)



Since a striga 120 feet in length and 60 feet in breadth, containing 7200 square feet, was allotted to 2 centuries, and since an ordinary legionary cohort contained 6 centuries, it follows that the space required for each cohort (*pedatura cohortis*) of 480 men was 21,600 square feet.

(Fig. 5.)

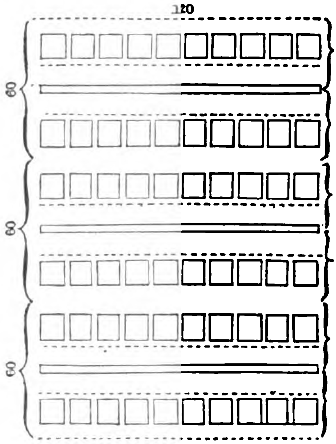


For the cavalry a hemistrigium was assigned to 40 men, *i.e.* two dragoons had as much space as five foot-soldiers. Accordingly an *ala quingenaria* would require 12½, and an *ala milliaria* 25, hemistrigia. A *cohors equestris quingenaria*, which contained 380 foot and 120 horse, would require as much space as 680 foot, *i.e.* nearly 7 hemistrigia, and a *cohors equestris milliaria* double that amount, *i.e.* 14 hemistrigia.

The troops were usually quartered in cohorts, and these might be variously disposed, it being always desirable that a whole century should always be ranged in an unbroken line.

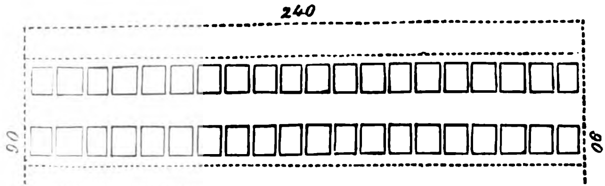
If the striga was equal to one century in length, then the cohort would occupy three strigae in breadth; that is, a space 120 feet long by 180 broad = 21,600 square feet. See fig. 6.

(Fig. 6.)



If the striga was equal in length to two centuries, then the cohort would occupy one whole striga and a hemistrigium; that is, a space 240 feet long by 90 feet broad = 21,600 square feet. See fig. 7.

(Fig. 7.)

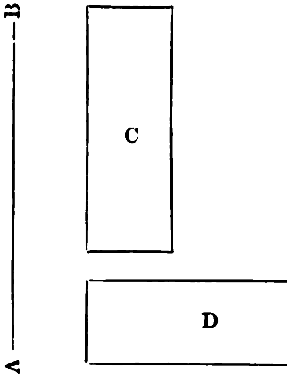


If the striga was equal in length to three centuries, then the cohort would occupy one striga only, or a space 360 feet long by 60 feet broad = 21,600 square feet. See fig. 8 (on next page).

It is to be observed that in the plan of the camp given above, the legionary cohorts on the longer sides are in strigae of 240 feet those on the shorter sides in strigae o in length.

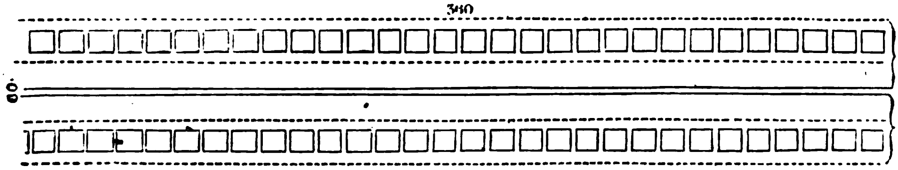
When the number of legions in an greater in proportion to the supplem in the array which we have reviewe order that they might still be ranged the Via Sagularis, the strigae prese breadth to the vallum instead of thei or, to use the technical phrase, the len in the former case had been assign *Signa* was now given to the *Tabulinu* *legiones plures acceperimus et supplem ciora ut necessarium sit cohortes cir crebrius ponere convertemus pedatur* FUERAT SIGNIS TABULINO DABIMUS).

If A B be the line of the vallum, C sent the position of the cohort in the D in the other.



Josephus, in his account of the Je takes special notice of the Roman enca and although he does not enter int details, his observations, with which conclude this article, form a useful s to Hyginus. It is evident from the artizans for whom workshops are from the towers with which the v strengthened, and from the precaution fire to everything left behind, that of the historian r to Castra Sta begins by remark iii. 5) that th when invading a country never engagement u have fortified a πρὶν ἅπτονται τειχίσαι στρ which, in for square (διαμετ παρεμβολὴ τε with four gate each side. He if the ground is it is levelled. T by which it is surrounded exhibits t ance of a wall furnished with equal distances, and in the space the towers is placed the artillery immediate service (τούς τε ὀξυβελεῖς, πέλτας, καὶ λιθοβόλα, καὶ πᾶν *ὄργανον τιθέασιν, ἅπαντα πρὸς τὰς βολὰς ἕτοιμα*). The camp is divided conveniently by streets; in the middle are the tents of the officers, and in the very centre of all the praetorium (*τὸ στρατήγιον*); there is also a forum (*ἀγορά τις ἀποδείκνυται*), and a place for artificers (*χειροτέχναις χωρίον*), of whom a great number follow the army with building tools, and seats for the tribunes and centurions (*θωκοί τε λοχαγοῖς καὶ ταξιάρχοις*), where they decide any disputes which may arise. When necessary (*εἰ δὲ ἐπείγοι*) a ditch is dug all round, four cubits deep and four cubits broad.

(Fig. 8.)



At day-dawn (*ὑπὸ δὲ τὴν ἕω*) all the soldiers repair to the tents of their respective centurions (*ἐπὶ τοὺς ἑκατοντάρχας*) and salute them: the centurions repair to the tribunes (*πρὸς τοὺς χιλιάρχους*), along with whom all the centurions (*ταξίαρχοι*) repair to the commander-in-chief, from whom they receive the watchword (*σημεῖον*) and the general orders of the day, to be conveyed by them to their respective divisions.

When a camp is broken up, at the first blast of the trumpet the soldiers strike the tents and pack up the utensils; at the second they load the mules and other beasts of burden, set fire to everything which could prove serviceable to an enemy, and stand like coursers ready to start forward on a race; the third gives the last warning that all things being now prepared every man must be in his place. Then the herald, standing at the right hand of the general, demands thrice if they are ready for war, to which they all respond with loud and repeated cheers that they are ready, and for the most part, being filled with martial ardour, anticipate the question, and raise their right hands on high with a shout. (*B. J.* iii. 5, §§ 1–4.)

Besides Polybius and Hyginus, the chief works on the subject are Mommsen-Marquardt, v. 390–408 (where all the important literature on the subject is collected) and 578–584; Masquelez in Daremberg and Saglio, *Dict. des Antiquités*, s. v. *Castra*; Nissen, *Das Templum*; Lange, L., *Historia mutationum rei militaris Romanorum.* [W. R.] [L. C. P.]

CASTRENSES, a name applied under the early empire to the *ministri* of the emperor, whose residence was often spoken of as *castra'* or *praetorium*, in reference to his position as commander-in-chief. The whole of his servants formed the *familia castrensis*, and were under the orders of a *procurator castrensis*, an officer mentioned in inscriptions between the times of Claudius and of Commodus: *e.g.* Wilmanns, *Exemp. Inscr. Lat.* No. 1243. [A. S. W.]

CATAGO'GIA (*καταγώγια*). [ANAGOGIA.]

CATAGR'APHA. [PICTURA.]

CATAL'OGUS (*κατάλογος*), the catalogue of those persons in Athens who were liable to regular military service. At Athens, those persons alone who possessed a certain amount of property were allowed to serve in the regular infantry, whilst the lower class, the thetes, had not this privilege. Thus the former are called *οἱ ἐκ καταλόγου στρατεύοντες*, and the latter *οἱ ἔξω τοῦ καταλόγου.* (Xen. *Hell.* ii. 3, § 20.) Those who were exempted by their age from military service are called by Demosthenes (*de Synt.* p. 167, § 4) *οἱ ὑπὲρ τὸν κατάλογον.* It appears to have been the duty of the generals (*στρατηγοί*) to make out the list of persons liable to service [ASTRATEIAS GRAPHÉ], in which duty they were probably assisted by the demarchi, and sometimes by the *βουλευταί.* (Dem. *c. Polycl.* p. 1208, § 6.) [W. S.]

CATALY'SEOS TOU DEMOU GRAPHE' (*καταλύσεως τοῦ δήμου γραφή*) was an action brought against those persons who had altered, or attempted to alter, the democratical form of government at Athens; and was closely connected with, and scarcely distinguishable from, the *προδοσίας γραφή* (*ἐπὶ προδοσίᾳ τῆς πολέως, ἢ ἐπὶ καταλύσει τοῦ δήμου συνιών*, Dem. *c. Timocr.* p. 745, § 144). The form of proceeding was the same in both cases; namely, by *εἰσαγγελία.* In the case of *καταλύσεως τοῦ δήμου*, the punishment was death; the property of the offender was confiscated to the state, and a tenth part dedicated to Athena. A person was also liable to this action who held any public office in the state after the democracy had been subverted (Psephisma of Demophantus *ap.* Andoc. *de Myst.* §§ 96–98). The orator Lycurgus argues reasonably enough that a conspiracy to subvert the constitution must be punished if it fails, for if it succeeds the criminal will be out of the reach of punishment (*c. Leocr.* §§ 124–126). But if his statement of the law may be relied on, too much scope is allowed for vague suspicion by the words *ἥν τις αἴσθηται μόνον μέλλοντας αὐτοὺς τούτων τι ποιεῖν*: and his argument in § 147, that Leocrates by his flight had become liable, among other penalties, to an action *καταλύσεως τοῦ δήμου*, is an instance of constructive treason pushed to its extremest limits. According to Andocides and Lycurgus, the decree of Demophantus provided not only that the offender might be slain with impunity, but that all Athenians should bind themselves by the most solemn oaths to do their part in killing him. [W. S.] [W. W.]

CATAPHRACTI (*κατάφρακτοι*), a kind of mail-clad cavalry found principally among the Eastern nations (Justin. xli. 2; Lampr. *Alex. Sev.* 56, 5) and the Sarmatians (Tac. *Hist.* i. 79). For the description of their armour, itself called *cataphractes* or *cataphracta*, the principal passage is Heliod. *Aeth.* ix. 15, of the Persians at the siege of Syene. Moderately thin pieces of brass or iron a span square were so fastened together to some soft substance on the inside that the lower end of each was above the upper end of the plate below it; and sideways the arrangement was similar. This effected a kind of scale-armour (*φολιδωτός*), and the authorities agree that it was singularly flexible (Amm. Marc. xvi. 10, 8; Suidas, *s. v.* *θώραξ*). The armour also had sleeves (*χειριδωτός*); in fact, the whole body was covered except that part of the thighs which grips the horse. The helmet was close-fitting, all down the neck, the eyes alone being exposed. The soldier had to be lifted on his horse. He was armed with a long spear, which was supported by a chain attached to the horse's neck, and at the end by a fastening attached to the horse's thigh, so as to get the full force of the horse's weight into the spear-thrust. No doubt, however, there were diversities in the exact nature of the armour in different times and places. In the picture of the cataphractus on Trajan's Column, the plates are fastened diamond-wise, and the rider has his whole face and neck uncovered. The horse, too, was all covered with armour, except just that part which was gripped by the legs of the rider; even the eyes were covered by discs pierced with a few small holes. When charging, the cataphractus appeared, we are told (Heliod. *l. c.*; Amm. *l. c.*), like a bronze statue in motion (*σιδηροῦς τις ἀνὴρ φαινόμενος ἢ καὶ σφυρήλατος ἀνδριὰς κινούμενος*).

Cataphractus. (From Column of Trajan.)

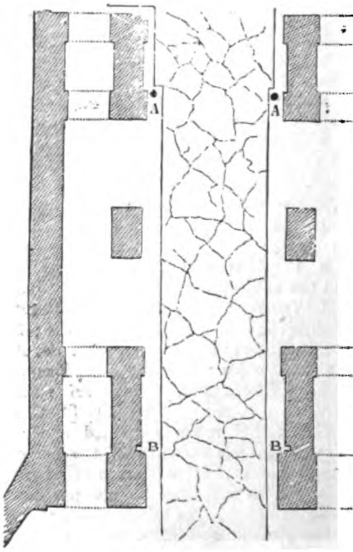
They were called *clibanarii* by the Persians (Lampr. *l.c.*; Amm. *l. c.*). John of Lydia (158, 25) has this note: **Κλιβανάριοι ὁλοσίδηροι· κηλίβανα γὰρ οἱ Ρωμαῖοι τὰ σιδηρᾶ καλύμματα καλοῦσιν ἀντὶ τοῦ κηλάμινα** (i.e. *clibanarius* is derived from *celo* through *celamen*, *celibanum*). He thus holds it to be a Roman word; but on the face of it absurdly. Salmasius considers it not to be a Persian word (in Lampr. *l. c.*), a view justly objected to by Favre in his new edition of Ducange. For it is probably either a Persian or Syrian word, just as *cruppellarii* (Tac. *Ann.* iii. 43), who were a mail-clad infantry among the Gauls, is probably a Celtic word. (See Furneaux *ad loc.*)

We first hear of such mail-clad cavalry in the army of the elder Cyrus (Xen. *Cyr.* viii. 8, 22); later we know that they were in the army of Antiochus Epiphanes (Polyb. xxxi. 3, 9; Liv. xxxv. 48, 3). In the Roman armies the first notice we have of them is on Trajan's Column. (See Fröhner, *La Colonne Trajane*, plates 55, 62, 91.) From the time of Antoninus Pius they
became frequent. (Orell. 804, 3383; *C. I.*
99; Not. Dig. Seeck's *Index*, pp. 316, 317,
Catafractarii and *Clibanarii.*) [L. C

CATAPIRA'TES (-er or -a; *κατα*
τηρίη, Herod. ii. 5, 28), a sounding lea
consisted of a small piece of unwrought
fastened to twisted cord. The lead was c
with grease, so that specimens of the k
bottom might attach to it. See Lucilius,
(p. 16, ed. L. Müller): "Hunc catapirate
eodem deferat unctum Plumbi pauxillum
linique mataxam." The unit of measur
in soundings was a fathom (*ὄργυια*): see
ii. 5; *Act. Apost.* xxvii. 28. "To soun
βολίζειν; and by *βολὶς* in the sense of a
ing-line the Schol. explains *μολύβδαινα*,
xxiv. 80. The fact that it was hung fro
prow (see picture in Guhl and Koner, p
will not justify the alteration of *catapirat*
best-attested MS. reading, in Lucilius to
proraten, which has no sufficient authority
L. Müller, *l. c.*) [L. C

CATAPULTA. [TORMENTUM.]

CATARACTA (*καταρράκτης*). 1. A
cullis, so called because it fell with great
and a loud noise. This contrivance for gu
against the surprise of a fortified town
use in Italy in very early times (Dion. Ha
67); and the Romans had no occasion to b
the thing itself, as they borrowed its na
classical Latin, from the Greeks. Vegeti
Re Mil. iv. 4) speaks of the cataracta
invention of great antiquity; and som
like it is found in very primitive buil
such as the lake-dwellings of the Pae



Plan of a gate at Pompeii.

(*καταπακτὴ* or perhaps *κατεπακτὴ πύλη*,
v. 16, with Stein's note). As early proba
the 4th century B.C. the simple portcull
been improved in order to obviate the
by the enemy of an obstruction in the
its groove (Aen. Tact. *Poliorc.* 39); the r
which it was raised or lowered were

ἀνασπαστήρια and χαλαστήρια (App. *B. C.* iv. 78). Vegetius (*l. c.*) says that it was hung outside the regular gate: and this statement is confirmed by a narrative in Livy (xxvii. 28) as well as by existing remains. In the above plan of the principal entrance to Pompeii, now called the Porta d'Ercolano, there are two sideways for foot-passengers, and a road between them, fourteen feet wide, for carriages. The gates were placed at A, A, turning on pivots [CARDO], as is proved by the holes in the pavement, which still remain. This end of the road was nearest to the town; in the opposite direction, the road led into the country. The portcullis was at B, B, and was made to slide in grooves cut in the walls. The sideways, secured with smaller gates, were roofed in, whereas the portion of the main road between the gates (A, A) and the portcullis (B, B) was open to the sky. When therefore an attack was made, the assailants were either excluded by the portcullis; or, if they forced their way into the barbican and attempted to break down the gates, the citizens, surrounding and attacking them from above, had the greatest possible facilities for impeding and destroying them. (Liv., App., Veget., *ll. cc.*)

2. A boarding bridge, something like the *corvus* of Duilius [CORVUS], so called because it descended like a portcullis (App. *B. C.* v. 82).

3. A sluice, or perhaps rather a weir with hatches or sluices in it for regulating the height of water in a running stream (Plin. *Ep.* x. 69; Rutil. Numat. *de Reditu suo*, i. 481, "Tum cataractarum claustris excluditur humor;" cf. Amm. Marc. xxiv. 1, 11; 3, 10; 6, 2: Heliod. *Aeth.* ix. 8). [J. Y.] [W. W.]

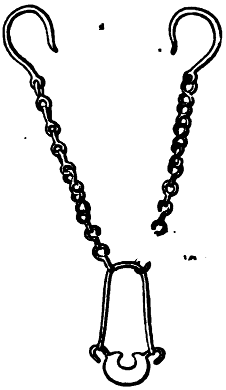
KATASKOPES GRAPHE' (*κατασκοπῆς γραφή*), an action brought against spies at Athens. If a spy was discovered, he was placed on the rack, in order to obtain information from him, and afterwards put to death. (Antiphanes, *ap.* Ath. ii. p. 66 d; Dem. *de Cor.* p. 272, § 137; Aeschin. *c. Ctesiph.* § 224; Plut. *Vit. dec. Orat.* p. 848 a.) It appears that foreigners only were liable to this action; since citizens who were guilty of this crime were accused of *προδοσία*. (Meier, *Att. Process*, p. 365.) [W. S.] [W. W.]

CATASTA. [SERVUS.]

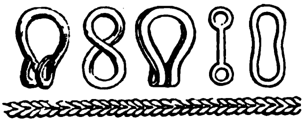
CATEIA, a missile used in war by the Germans, Gauls, and some of the Italian nations, ascribed also to Persians and other Orientals (Verg. *Aen.* vii. 741; Val. Flacc. vi. 83; Aul. Gell. x. 25), and supposed to resemble the *aclys* (Serv. *l. c.*; Isid. *Orig.* xviii. 7). Now the *aclis* or *aclys* is said by Servius to have been obsolete in his time, and therefore imperfectly known; but it is described (he adds) as a club a foot and a half long, studded with points, and furnished with a thong, so that it can be recovered by the thrower (ad *Aen.* vii. 730, where Virgil himself mentions the thong, *flagellum*). As far as the two can be distinguished, the *aclys* seems to have been more of a club, the *cateia* more of a spear. Papias (*s. v.*) makes it a Persian word: later writers consider it Celtic, which, as Conington observes (ad *Aen.* l. c.), would agree with Virgil's *Teutonico ritu*, the Celtae and Teutones being often confounded. The weapon was also called *teutona* from the name of the people (Isid. *l. c.*; Aelfric, *Gloss. Saxon.* ap. Lersch). The *francisca* or *francisque*, the peculiar weapon of the Franks, is described as a two-edged axe used as a missile and carried in the belt: a modification perhaps of the *aclys* rather than the *cateia*. Cf. Lersch. *Antiq. Verg.* (Bonn, 1843), § 40, *de cateia et aclyde.* [J. Y.] [W. W.]

CATELLA. [CATENA.]

CATE'NA, dim. CATELLA (ἅλυσις, dim. ἁλύσιον, ἁλυσίδιον), a chain. The true chain in which the metal links are joined together by soldering can be traced as far back as the 8th century B.C.; and beyond that, relics of the Bronze age show rings interlaced by very laborious processes without the aid of solder. This is seen especially in the bronze bits of primitive antiquity which have been discovered in Italy [FRENUM]. In the classical period the art of chain-making was quite as well understood as in modern times, and the variety of patterns was as great. The specimens of ancient chains which we have in bronze lamps, in scales [LIBRA], and in ornaments for the person, especially necklaces [MONILE], are equally elegant and ingenious. Besides a plain circle or oval, the separate link is often shaped like the figure 8, or as in the accompanying cut from a steelyard in the British Museum, a figure 8 with one of its loops turned at right angles to the other. We find also a bar with a circle at each end, and other forms, some of which are here shown. The links are also found so closely entwined that the chain resembles plaited wire or thread, like the gold chains now manufactured at Venice. This is represented in the lower figure of the woodcut.



Catena, chain. (British Museum.)



Catenae, chain links. (British Museum.)

The chains which were of superior value, either on account of the material or of the workmanship, are commonly called *catellae*, the diminutive expressing their fineness and delicacy, as well as the smallness of their size. These ornamental chains were sometimes given as rewards to the soldiers (Liv. xxxiv. 31), but they were commonly worn by women (Hor. *Ep.* i. 17, 55; Pollux, x. 167; Philippides, fragm. 32, Meineke), either on the neck (περὶ τὸν τράχηλον ἁλύσιον, Menand. fr. 252, Meineke), round the waist (Plin *H. N.* xxxiii. § 40), or over one shoulder, as in some of the pictures from Herculaneum and Pompeii. They were used to suspend pearls, or jewels set in gold, keys, lockets, and other trinkets (Petron. 67, quoted under CAPSA). [J. Y.] [W. W.]

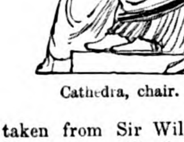
CATERVA'RII. [Gladiatores.]

KATHARMI. [Lustratio.]

CATHEDRA (**καθέδρα**), a seat; French, *chaire, chaise;* Eng. *chair:* but the term was more particularly applied to a seat with a back but no arms, whereas the *sella*, however splendid in its material or dignified in its associations, had neither. The back was usually curved or hollow, and low enough for the arm to rest upon it with ease, as in the annexed woodcut, taken from Sir William Hamilton's work on Greek vases. On the cathedra is seated a bride, who is being fanned by a female slave with a fan made of peacock's feathers: under her feet is a footstool.


Cathedra, chair. (From a Greek vase.)

There was also the cathedra longa, *chaise longue* or easy chair; and, more luxurious still, the cathedra supina or reclining chair. Then as now, they were often made of wicker-work: [*salices*] *supinarum in delicias cathedrarum aptissimae* (Plin. *H. N.* xvi. § 174). The cathedra was more used by women than by men (hence *femineae*, Mart. iii. 63, xii. 38; cf. Hor. *Sat.* i. 10, 91; Propert. v. 5, 37). It was a mark of effeminacy when a man was seen *strata* (cushioned) *positus longaque cathedra* (Juv. ix. 51). To sit on cathedrae at table was, however, less luxurious than the ordinary reclining posture, and was considered proper for boys [Arvales, p. 199 a; Cena]. The seat was not stuffed, but a cushion was commonly placed upon it; and a cover might also be thrown over the back.


Professorial chair. (Visconti.)

Another sort of cathedra was a sedan-chair, in which women were accustomed to be carried about, instead of in a lectica. The *nuda cathedra* of Juvenal (i. 65), in which the successful forger is carried *supinus*, is probably an uncurtained lectica; it is insolence rather than effeminacy which here provokes the rage of the satirist: cf. Cic. *Phil.* ii. 24, § 58, "aperta lectica mima portabatur."

The above illustration shows a p
chair (Juv. vii. 203; Mart. i. 77) fron
(*Icon. Grec.* i. pl. 35). (Compare
Sabina, vol. i. p. 35; Scheffer, *de*
ii. 4; Mommsen-Marquardt, vii. [*Pr*
p. 705.) [W. S.]

CATILLUS. [Catinus.]

CATI'NUS or **CATI'NUM**, dim.
or Catillum, a dish or platter on wh
were served up. Other names for sin
utensils will here be noticed; but it
admitted that the differences of shape,
or use are not always clearly indicat
the distinction, so essential to our n
tween dishes and plates does not seer
been observed (Hor. *Sat.* i. 3, 92); t
fact no Greek or Latin word for "a
the modern sense. Varro describes t
as deep enough to hold the gravy o
vegetables: *Vasa in mensa escaria, ubi*
jurulenti quid ponebant, a capiendo cati
narunt, nisi quod Siculi dicunt κάτινοι
ponebant (*L. L.* v. 120). They were
earthenware, and were kept in various
have the *catinus* too small for its conten
a want of style (Hor. *Ep.* ii. 4, 77).
toric turbot of Domitian required a dis
purpose (Juv. iv. 131 ff.); Vitellius h
step beyond this, and built a special f
bake a gigantic *patina* in (Plin. *H.*
§ 163). The *patina*, dim. *patella* (H
5, 2), was also commonly of earthenwa
bowl-shaped, and occurs frequently in
the sense of a dish (*Sat.* i. 3, 80; ii. 2,
43, 55, 72; *Ep.* i. 15, 34); but it wa
used for cooking, and then had a cov
Pseud. iii. 2, 51; Dig. 30, 7, 18, §
actor Aesopus had a *patina* worth
sesterces; the material is not describ
H. N. x. § 141). Paropsis (**παροψί**
Greek applied either to the dish or its
as is proved by Athenaeus (ix. p. 36
with abundant quotations from the Co
though Atticists tried to restrict th
the latter sense (παροψὶς τὸ ὄψον, o
ἀγγεῖον· τοῦτο δὲ τρύβλιον ἢ λεκάριον
Phryn. p. 176 Lobeck, p. 265 Ruther
Roman writers it is always the for
ginally a square or oblong side-dish for
(*quadrangulum et quadrilaterum vas,*
xx. 4, 10), it came to mean any dish
142; St. Matt. xxiii. 25, 26). There
an *apsis* or *absis*, either round or sem
like modern salad-plates (Dig. 34, 2,
and l. 32, § 1; Absis); and *gabatae*, sa
been of a deep shape (Isid. *Orig.* l. c. §
vii. 48, xi. 31). The Lanx varied in
seems to have been always of metal; h
lances were among the most costly
Roman extravagance (Plin. *H. N.* xxxi
We also find a *paropsis* in silver (Di
l. 19, § 9). The Greek **πίναξ**, a boar
wooden trencher, might be of other
e.g. silver (Philippid. fr. 9, Meineke);
dishes were thought vulgar by the G
least in those times (Ath. vi. p. 430 a).

The *catillus* was a saucer for pickles
condiments (Hor. *Sat.* ii. 4, 75; cf.
27, 5, *paropside rubra Allecem,* where a
of red pottery is small enough to serve
purpose). (Mommsen-Marquardt, vii.
leben], 705.) [W. S.] [

CAUPO. The nature of the business of a *caupo* is explained by Gaius (Dig. 4, 9, 5): "Caupo . . . mercedem accipit non pro custodia, sed ut viatores manere in caupona patiatur . . . et tamen custodiae nomine tenetur." Thus he lodged travellers in his house, and was answerable for the safe custody of their property while remaining there, his liability being of two distinct kinds.

1. He was answerable as on a quasi- or implied contract to take extreme care of such property: "nautae caupones stabularii quod cujusque salvum fore receperint nisi restituent in eos judicium dabo" (Dig. 4, 9, 1, pr.); he was responsible for *custodia*, and not merely for *culpa*, so that loss of or damage to such property not attributable to *damnum fatale* or *vis major* (Dig. *ib.* 3, 1) fell on his shoulders, though for unavoidable calamity—such as robbery, fire, or the like—he could not be called to account. The introduction of the praetorian action ("recepti nautarum cauponum," &c.) was due to the desire to exact a high responsibility where great confidence was placed (Dig. *ib.* 1, pr.): the civil actions on hire (*locati conducti*) or bailment (deposit) would often lie against the *caupo*, but the former was of no use unless there had been at least *culpa levis*, and the latter availed only in cases of *dolus* and *culpa lata*. But the obligation of *custodia* could be excluded by express agreement between the parties.

2. He was answerable as on a quasi-delict (as we should say, he was vicariously liable in tort) for theft of such property by his employés or slaves, or for all damage done to it by them while under his charge (*Inst.* iv. 5, 3; Dig. 47, 5; 44, 7, 5, 6), and he seems to have been similarly liable when the actual delinquent was merely another person staying in the house (Dig. 47, 5, 1, 6). The penalty in this case was double the value of the property stolen, or double the loss occasioned by damage (Dig. 47, 5, 1, 2); and here, too, the action was *in factum*, i.e. praetorian in origin (*Inst.* loc. cit.). [J. B. M.]

CAUPONA signified: 1. An inn, where travellers obtained food and lodging; in which sense it answered to the Greek words *πανδοκεῖον*, *καταγώγιον*, and *κατάλυσις*. 2. A shop, where wine and ready-dressed meat were sold; in Greek *καπηλεῖον*. The person who kept a caupona was called *caupo* or *copo*; a hostess is *copa*, rarely *caupona*.

1. *Greek Inns.* In the earliest ages of Greece, as in the East at all times and in newly settled colonies, there was no provision for the entertainment of travellers, and the duty of hospitality was universally acknowledged [HOSPITIUM]. The growth of traffic rendered inns necessary; and in later times they appear to have been very numerous. The great number of festivals which were celebrated in the different towns of Greece, besides the four great national games, to which persons flocked from all parts of the Hellenic world, must have required a considerable number of inns to accommodate strangers, not only in the places where the festivals were celebrated, but also on the roads leading to those places.

The accommodation provided was however far from luxurious; and the character both of the houses and of their landlords was very indifferent. Inns were regarded as little better than brothels: *πανδοκεῦσαι καὶ πορνοβοσκῆσαι* are joined together, Theophr. *Char.* 6; *καπηλεῖα καὶ πορνεῖα*, Poll. ix. 34; the orgies of Demetrius Poliorcetes in the Acropolis suggest to a comic poet that "he took it for an inn:"

> *ὁ τὴν ἀκρόπολιν πανδοκεῖον ὑπολαβὼν*
> *καὶ τὰς ἑταίρας εἰσαγαγὼν τῇ παρθένῳ*

(Philippid. *fr.* 25 M. *ap.* Plut. *Demetr.* 26). And besides the charges of fraud and adulteration to which they were liable in common with other *κάπηλοι* or retail dealers, the hosts were often accused of more serious crimes. Two stories told by Cicero, but taken from Greek life, both turn on murders committed by innkeepers for the sake of gain (*de Inv.* ii. 4, § 14; *de Div.* i. 27, § 57). The higher classes used these *πανδοκεῖα* as little as possible; yet in default of other accommodation the public ambassadors of Athens were sometimes constrained to lodge and even to transact diplomatic business in them (Aeschin. *de F. L.* § 97; Dem. *de F. L.* p. 390, § 158=175).

The word *καπηλεῖον* signified, as has been already remarked, a place where wine and ready-dressed provisions were sold. *Κάπηλος* signifies in general a retail trader, who sold goods in small quantities. (For the distinction between *κάπηλος* and *παλιγκάπηλος*, which are not synonymous, cf. Aristoph. *Plut.* 1156 with the scholia; pseudo-Dem. i. *Aristog.* p. 784, § 46; Dem. c. *Dionysod.* p. 1285, § 7; Büchsenschütz, *Besitz und Erwerb*, p. 455, n.). The term, however, is more particularly applied to a person, who sold ready-dressed provisions, and especially wine on draught (*ὁ κατὰ τὴν κοτύλην πωλῶν ὥσπερ οἱ νῦν λεγόμενοι κάπηλοι*, Schol. Aristoph. *l. c.*; Plat. *Gorg.* p. 518 B). When a retail dealer in other commodities is spoken of, the name of his trade is usually prefixed: thus we read of *προβατοκάπηλος* (Plut. *Pericl.* 24), *ὅπλων κάπηλος* (Aristoph. *Pax*, 1175), *ἀσπίδων κάπηλος* (*id.* 439), *βιβλιοκάπηλος*, &c. These *καπηλεῖα* were not resorted to as clubs (*λέσχαι, ἑταιρεῖαι*), or for purposes of good fellowship, but merely for sottish drinking; and hence were extremely disreputable. Isocrates tells us that in the "good old times" (*i.e.* the democracy of Solon and Cleisthenes) no respectable (*ἐπιεικὴς*) slave would have ventured to eat or drink in a *καπηλεῖον*: whereas in his own time young men of the greatest respectability (*ἐπιεικέστατοι*), driven by an absurd prejudice from the schools of philosophy and rhetoric, spent their whole time in these and similar establishments, in drinking, gambling, and debauchery (Isocr. *Areiop.* § 49; *Antid.* § 287). We are not surprised to read of the low estimation in which inn-keepers were held (Theophr. *Char.* l. c.; Plat. *Legg.* xi. pp. 918, 919). (Compare Becker-Göll, *Charikles*, ii. 1 foll.; Hermann-Blümner, *Privatalterth.* § 53, pp. 497–500.)

2. *Roman Inns.* A Roman wayside inn for the reception of travellers was called not only *caupona* but also *taberna*, *deversorium* and *taberna deversoria* (the last in Plaut. *Men.* ii. 3, 81; Varr. *R. R.* i. 2, 23). Along all the great roads of Italy there were inns, as we see from the description which Horace gives of his journey from Rome to Brundusium (1 *Sat.* v.). They were built as a speculation by neighbouring

proprietors (Varr. *l. c.*), and either let to a landlord or managed by slaves. They usually included a *stabulum* for horses and mules: hence in the Digest *caupones* and *stabularii* are more than once mentioned together (4, 9, l. 1, 5; *ib.* l. 5, pr.). Where the traffic was greatest, there might be several in the same place: to take the Appian way alone, we find the station Tres Tabernae (Cic. *ad Att.* ii. 12 and 13; *Act. Apost.* xxviii. 15); Forum Appii *differtum cauponibus* (Hor. *l. c.* 4); Tabernae Caediciae near Sinuessa (Fest. *Epit.* p. 45 M.); *Caudi cauponas* (Hor. *l. c.* 51). From Plautus downward, these hostelries occur repeatedly in Latin literature. Ambassadors were usually received at the public expense in decent lodgings [LEGATUS]; but the Rhodian embassy of B.C. 167 was driven to a *sordidum deversorium* (Liv. xlv. 22). Clodius, when wounded, was carried *in tabernam proximam in Bovillano* (Ascon. *Argum. ad* Cic. *pro Mil.*; in another passage it is *cauponula*). Cicero mentions a *copo de via Latina* suborned as a false witness (*pro Cluent.* 59, § 163), and the discreditable tippling of Antonius in a *cauponula* a few miles from Rome on the Via Flaminia (*Phil.* ii. 31, § 77). Cynthia drives past a *taberna* on her way to Lanuvium, and the remarks of the tavern-brawlers disgust the poet-lover (Propert. v. 8, 19). The sprightly Virgilian *Copa* shows us, in a very modern fashion, the competition between rival establishments and the advertiser's art in full operation. The accommodation at these places was generally of a poor kind, but extremely cheap. In Polybius' time in Cisalpine Gaul there were no items in the bill; the inclusive charge (inquired beforehand, it should be added) rarely exceeded half an as (Polyb. ii. 15). For the early imperial period we have the record of the well-known relief at Aesernia, representing a hostess reckoning with a parting guest. The dialogue between the two is given at length, and the charges are: bread and a pint of wine, 1 as; meat (*pulmentarium*), 2 asses; mule's provender, 2 asses; and another item, for which we refer the curious to the inscription itself. (This relief is figured in the *Bullettino Napolitano*, vi. 1, and thence in D. and S.; the inscription in Mommsen, *Inscr. Regn. Neap.* 5078=Orelli-Henzen, 7306).

At Rome there must have been many inns to accommodate strangers, but they are hardly ever spoken of. We, however, find frequent mention of houses where wine and ready-dressed provisions were sold, and which appear to have been numerous in all parts of the city. The houses where people were allowed to eat and drink were called almost indiscriminately *cauponae*, *popinae*, *thermopolia*, and *tabernae vinariae*. The speciality of the *thermopolia* is noticed under CALDA. These places were principally frequented by slaves and the lower classes (Cic. *pro Mil.* 24, § 65; Hor. 1 *Ep.* xiv. 21); and are qualified by such epithets as *nigra*, *fumosa* (Verg. *Copa* 3, cf. Hor. 1 *Sat.* v. 73), *immunda* (Hor. 2 *Sat.* iv. 62; Lucil. *fr.* 1, 19), *uncta* (probably "greasy," though it has also been taken in a good sense, Hor. 1 *Ep.* xiv. 21). Amongst other discomforts they were only furnished with stools to sit upon instead of couches, whence Martial (v. 70) calls them *sellariolas popinas*. This circumstance is illustrated by a painting found at Pompeii in a wine-sl senting a drinking-scene. There are sons sitting on stools round a tripod t

A wine-shop. (From a painting at Po

dress of two of the figures is remarka hoods, which resemble those of the ca by Italian sailors and fishermen at t day. They use cups made of horn glasses, and from their whole appe dently belong to the lower orders. A are different sorts of eatables hung of pegs.

From the moral point of view the R whether lodging-houses, or mere d were no better than the Greek. He *salax taberna*, Cat. 37, 1; *fornix* jo *uncta popina*, Hor. *l. c.*; and the lega Dig. 23, 2, 43, § 9. Nor are oth wanting. Behind the wine-shop a where the painting described above w the too celebrated *Lupanar*, the c which are now under lock and key in Museum. The Aesernian inscriptio mentioned tells the same tale. Wine-shops used for immoral purposes w *ganeae* (Cic. *in Pis.* 6, § 13; *ga* *Adelph.* iii. 3, 5); and are often classe *lustra* (Cic. *pro Sest.* 9, § 20; *Phi* § 24; Liv. xxvi. 2). Naturally, the sons who kept houses of public entert any kind were held in low estimation mon opinion as to their honesty is e the epithets *perfidus* and *malignus* wh gives to them (1 *Sat.* i. 29; v. 4).

Under the emperors many attempts to regulate the popinae, but appar little success. Tiberius forbad all c visions to be sold in these shops (Sue here' *popinae* are coupled with *gan* Claudius commanded them to be sh gether (Dio Cass. lx. 6; cf. Suet. C They appear, however, to have been s again, if they were ever closed; restricted them to the sale of cooked and prohibited meat (Suet. *Ner.* 16; lxii. 14); and an edict to the same also published by Vespasian (Dio Cass (Zell, *Die Wirthshäuser der Alten*, in *schriften*, Freiburg, 1826; Becker-Gö iii. pp. 27-45; Mommsen-Marqu [*Privatl.*], pp. 452-7.) [W. S.]

CAUSA LIBERA'LIS. [ASSERT

CAUSAE PROBA'TIO. [CIVIT

CAU'SIA, a broad-brimmed felt h was part of the national costume of donians and neighbouring nations (*e.g.* the Illyrians, Plaut. *Trin.* iv. 2, 10). The name is obviously derived from its keeping off the heat of the sun (*καῦσις, καύσων*); but, as the native poet Antipater of Thessalonica tells us, it was a protection against bad weather generally (*ἐν νιφετῷ*), and also served as a helmet (*ap.* Brunck, *Anal.* ii. 111). It was familiar to the Greeks of the Macedonian period (Menand. *fr.* 313, Meineke; Polyb. iv. 4, 5); and to the Romans as early as the time of Plautus (*Mil. Glor.* iv. 4, 42, where it is part of a sailor's dress; *Pers.* i. 3, 75; the mushroom-shaped hat of *Trin.* iv. 2, 9, must have been an exaggerated causia). A purple (ἁλουργής) causia was worn regularly by the Macedonian kings as part of the royal costume (Val. Max. v. 1, § 4); the diadem or white scarf was wrapped round it and the ends hung down behind. (See the second illustration.) Hence we read of the *καυσία* and *διάδημα* as worn together by Alexander the Great (Arr. *Anab.* vii. 22), and his imitator Caracalla (Herodian, iv. 8, § 5); and of the *καυσία διαδηματοφόρος* of the last of the Ptolemies (Plut. *Anton.* 54). These purple hats, of course without the diadem, were sometimes distributed as the highest military decoration (Plut. *Eum.* 8 *fin.*). The illustrations are taken from a fictile vase, and an early Macedonian coin of Alexander I. (about B.C. 500–460). [J. Y.] [W. W.]

Hermes wearing the Causia.
(From a fictile vase.)

Royal Causia, with diadem.
(From a Macedonian coin.)

CAUTIO has a variety of meanings, corresponding in the main with those of the verb from which it is formed, of which the following are the most prominent.

1. The giving of security for the future performance of a legal obligation. The value of such security varied with its form. First, it might be a merely personal undertaking by the party liable (*nuda cautio*, Dig. 5, 1, 2, 6; Cod. 6, 38, 3), which would be actionable in itself if clothed in the form of stipulation (*stipulatio cautionalis*, Dig. 46, 5, 1, pr.), though not if it were made simply by oath (*cautio juratoria*, *Inst.* iv. 11, 2; Cod. 12, 1, 17, pr.): in Justinian's time the oath of persons of high rank seems to have been regarded as equally good security with an actionable promise given by others less exalted (Cod. 12, 22, 8). Secondly, the promise, though actionable perhaps in itself, might be fortified by the promisor's giving the promisee a right of pledge or *hypotheca*, or by the subsidiary liability of sureties: in these cases, as, on the person primarily liable failing, recourse might be had to the pledge or sureties, the *cautio* was said to be *idonea*. And from the act by which the security was given, *cautio* came also to mean the protection which it afforded: "plus cautionis in re est (*i.e.* when a thing is pledged) quam in persona" (Dig. 50, 17, 25).

Roman Law made a very extensive use of *cautiones*, especially those fortified by sureties (*satisdatio*) for the protection of legal rights which otherwise might have been brought into jeopardy. Thus the defendant in an action was frequently required to give security *judicatum solvi*, that the judgment, if it went against him, should be satisfied (Gaius, iv. 91, 102), or "pro praede litis et vindiciarum," that the property, the title to which was in question, should be delivered up if found to belong to the plaintiff; and if the plaintiff appeared in any action by an attorney or procurator, the latter had to bind himself with sureties "ratam rem dominum habiturum," that his principal would be bound by his acts (Gaius, iv. 98). Of much the same kind are the *stipulationes judiciales de dolo* and *de persequendo servo*, &c., mentioned by Justinian in *Inst.* iii. 18, 1: unless they were entered into by the party from whom they were required, the judge might refuse to proceed with the action. Similarly the praetor and aedile often had occasion, in the discharge of their constitutional functions, to require persons to give security by means of a *cautio* (*Inst.* iii. 18, 2). The "praetorian stipulations" are there exemplified by those *damni infecti* and *legatorum.* By the first the owner of land or houses threatened with damage from the defective condition of adjoining premises could demand security from the owner of or other persons having interests in the latter, and in default was entitled to be put in possession (Cic. *Top.* 4, 22; Dig. 39, 2, 7, pr.): the second was employed when a legacy was given under a condition or from a specified future day, or was disputed; the legatee being entitled to security with sureties for its future payment, or in default to be put in possession (Dig. 36, 4, 5, pr.). And the obligation of a vendor under Roman law to indemnify the purchaser in case his title proved defective originated (according to Theophilus) in the aedile's requiring all vendors to enter into a *stipulatio dupli*, i.e. to promise the purchaser twice the purchase-money if the property were recovered from him by some one having a better title (Dig. 21, 2, 60). Other illustrations may be found in the following:—Guardians and curators were as a rule required to give security "rem pupilli salvam fore," that the property entrusted to them should not be squandered, misappropriated, or wrongly administered (Gaius, i. 199). Persons who had a usufruct (Dig. 7, 9) or right of *usus* over property had to bind themselves in the same way that it should be returned to the owner when their interest determined: analogous to this is the *cautio* in respect of quasi-usufruct referred to by Justinian in *Inst.* ii. 4, 2. In many cases a *heres* could not safely pay legacies unless the legatee gave security to refund, in case the will under which he claimed should turn out to be bad (Dig. 5, 3, 17). The *cautio Muciana* applied to the case of testamentary conditions, which consisted in not doing some act, which, if done, would deprive the *heres* of the *hereditas*, or the legatee of the legacy: the contingent right of the person who would take in the event of the condition being broken was secured in this manner.

The security was very commonly attested by a written instrument, which is itself called *cautio* or *chirographum* ("cautio chirographi mei," Cic. *ad Fam.* vii. 18), though the *chirographa* mentioned by Gaius (iii. 134) seem to be different: they were writings actually creating an obligation between *peregrini*, whereas the *chirographum* of a *civis* was merely evidence of a liability which arose on some other ground (Savigny, *Verm. Schriften*, i. p. 246). Hence—

2. The common use of *cautio* in the legal literature of the middle and later empire to denote a memorandum acknowledging an existing debt or liability (*cautio pollicitationis*, Dig. 4, 2, 9, 3; *depositionis*, Dig. 36, 3, 18, 1; *dotalis*, Dig. 31, 89, 5), especially acknowledgment of loans of money (Dig. 12, 1, 40, pr.; 44, 7, 29; Cod. 5, 14, 11; cf. *Inst.* iii. 21). And by a slight change of meaning it comes to signify in other passages the acknowledgment of payment or performance, *i.e.* a receipt (Dig. 22, 3, 15; Cod. 9, 1, 2; Cic. *Brut.* 5, 18).

3. Very rarely *cautio* is used as equivalent simply to "contract," agreement: "*privatorum cautione* legibus non esse refragandum" (Dig. 35, 2, 15, 1). [J. B. M.]

CAVAE'DIUM. [DOMUS.]

CA'VEA. [THEATRUM.]

CAVE'RE in legal language means (1) to take precautions on behalf of any one (Dig. 22, 3, 9). (2) To procure from another a promise which will support an action, especially a promise in the nature of a warranty ("ab emptore, venditore, [sibi] cavere; lege venditionis cautum est," Dig. 18, 7, 6, pr.; 39, 2, 44, 1). (3) To give security, whether personal (*personis*) or real (*rebus*), the latter denoting a pledge or hypotheca (Dig. 50, 16, 188, 1). (4) To acknowledge either a debt (especially by the contract of stipulation, Dig. 3, 3, 35, 2, or by a written memorandum, Dig. 16, 3, 26, 2) or payment of a debt (Dig. 46, 3, 5, 3). (5) To ordain, of a statute (Cic. *Legg.* ii. 24, 61; Dig. 4, 4, 2); of a senatus consult (Dig. 33, 2, 1); of the edict (Dig. 2, 6, 1); of a testament (Cic. *Legg.* ii. 21, 53). (6) Of a lawyer or jurisconsult, to give advice: "Sin autem quaereretur, quisnam jurisconsultus vere nominaretur, eum dicerem, qui legum et consuetudinis ejus, qua privati in civitate uterentur . . . ad cavendum peritus esset" (Cic. *de Orat.* i. 48, 212; *ad Fam.* iii. 1, vii. 6). [J. B. M.]

CE'ADAS (Κεάδας) or **CAE'ADAS** (Καιάδας) was a deep cavern or chasm, like the *Barathron* at Athens, into which the Spartans were accustomed to thrust persons condemned to death. (Thuc. i. 134; Strab. viii. p. 367; Paus. iv. 18, § 4; Suidas, *s. v.* Βάραθρον, Καιάδας, Κεάδας.) [W. S.]

CEDIT DIES. [LEGATUM.]

CEL'ERES, according to Livy (i. 15, 8), a body-guard of 300 chosen by Romulus to attend him in peace and war. Livy leaves it uncertain whether they were cavalry or infantry; according to some accounts (cf. Dionys. ii. 13, 16, 29), they were infantry, while according to others (id. ii. 64) they included both, or were only cavalry. The last view is that which has been usually taken, and it has been regarded as confirmed by the meaning of the name, derived ἀπὸ τῆς περὶ τὰς ὑπουργίας ὀξύτητος, as Plutarch says (*Rom.* 26). Some identify them with the *equites*: it is an objection to this view that the
third tribe, the Luceres, could not
added before the time of Tullus Hos
Schwegler, *Röm. Gesch.* i. 583); and
equites were only raised to 300 after th
of this tribe. Niebuhr's theory which
the *celeres* with the *patricii* is of all
least tenable; but it is impossible to
satisfactory explanation in the fragme
contradictory condition of our a
Perhaps it is best to reject altoget
definition of them as constituting a bo
and simply regard them as the cav
Mommsen.

It has been commonly supposed
celeres were under the command of
celerum, who stood in the same relati
king as the *magister equitum* did in a s
period to the dictator. But Mommse
78, note) has shown that the authorit
view is late and quite untrustworthy
the *tribuni celerum* were three in num
ing the same relation to the caval
three *tribuni militum* to the infant
de Mag. i. 14; Pompon. *de Orig. Ju*
50, tit. 2, s. 2, §§ 15, 19; Dionys. i
Becker, *Handbuch der Römisch. Alter*
part i., p. 338.) [W. S.] [

CELLA. 1. In its primary s
means a store-room ("Ubi quid cond
volebant, a celando cellam appellarun
L. L. v. 162), of which the following
principal descriptions:—*Cella penari*
aria, where all kinds of provisions (
stored, especially those of which a
laid in for a long time (Varro, *l. c.*
Sen. 16, 56; *Verr.* ii. 2, 5; Suet. *Au*
iv. 1; Dig. 32, 9, 3); *cella promptuar*
tuarium, or *promum*, the larder, where
other things required for immediate
tion were kept (Plaut. *Amph.* i. 1, 4;
11, 3; Tert. *Resurr.* 27, *Ux.* ii. 4 (
Apul. *Apol.* p. 309); *cella olearia*, the
of an olive-yard in which the oil was s
which, according to the treatises o
ought to be lighted from the south
oil might not be chilled in winter,
cella vinaria should have a northe
to avoid excessive heat and grea
of temperature (Cato, *R. R.* 13,
equipment of the *cella olearia* is
Varro, *R. R.* i. 13; Pallad. i. 20;
i. 6, xii. 50; Vitruv. i. 4, 2, vi. 6,
cella vinaria described in the above-cit
is the store-room of a vineyard, in whi
wine was kept in *dolia* or *cupae*, while
was put into *amphorae* and matur
apotheca. The *cella vinaria* was part
ground (Becker-Göll, *Gallus*, iii. pp.
The *cella vinaria* of a wine-merchant
covered in 1789 under the walls of
was raised a little above the lev
ground, and divided into three comp
the first ornamented with arabesqu
mosaic pavement, the second unpaved
taining a row of very large *dolia*
imbedded in sand, while the third w
row gallery, 6 ft. high and 18 ft. l
various earthenware vessels, also parti
in the sand and ranged in double row
each wall.

The slave to whom the charge of th
was intrusted was called *cellarius* (Pla

iv. 2, 115; Sen. *Ep.* 122; Orelli, *Inscr.* 5732, 6287), *a rationibus cellae* (Orelli, 2891), or *promus* (Colum. xii. 3, § 9; Hor. *Sat.* ii. 2, 16), and sometimes *promus condus* and *procurator peni* (Plaut. *Pseud.* ii. 2, 14), who had under him a *subpromus* (Plaut. *Mil. Glor.* 3, 2, 24). This answers to our butler and housekeeper.

Under· the empire all the provisions required for a Roman camp were preserved in a *cellarium* (Cod. Theod. 1, 10, 3; Marquardt, *Röm. Alterth.* v. p. 225).

2. Any number of small rooms clustered together like the cells of a honeycomb (Verg. *Georg.* iv. 164; *Aen.* i. 433), and the niches of a dovecote or poultry-house (Colum. viii. 8, 3) were also termed *cellae.* Hence the name was applied to the dormitories of slaves and menials (Cic. *Phil.* ii. 27, 67; Hor. *Sat.* i. 8, 8; Becker-Göll, *Gallus*, i. p. 276), to the bedrooms of an inn (Petr. *Sat.* 29; 77, 4), and to the vaults of a brothel (Petron. 8, 4; Juv. vi. 128). The price of each female was inscribed: hence *cella inscripta* means a brothel (Mart. xi. 45, 1). *Cella* was also used of a poor man's garret (Mart. vii. 20, 21; viii. 14, 5). Hence the phrase *pauperum cellae* denotes the small apartments of affected simplicity to which the rich Roman of the empire sometimes retired to take refuge from the ennui of luxury (Sen. *Ep.* 18, 7; 100, 6; *Cons. ad Helv.* 12: cf. Mart. iii. 48; Becker-Göll, *Gallus*, i. p. 115). *Cella ostiarii* (Vitruv. vi. 10; Petron. 29), or *janitoris* (Suet. *Vitell.* 16), is the porter's lodge.

3. In the baths the *cella caldaria, tepidaria*, and *frigidaria*, were those which contained respectively the warm, tepid, and cold bath. [Balneae.]

4. The interior of a temple—that is, the part included within the outside shell, *σηκός* (see the lower woodcut in Antae)—was also called *cella* (Vitruv. iii. 1; Cic. *Phil.* iii. 12, 30). [Templum.] [J. H. F.] [W. S.]

CELLA'RIUS. [Cella.]

CELOX (*κέλης, κελήτιον*), derived from *κέλλω, cello*, "to urge on," means a swift boat. The Greek word also means "a race-horse;" and some maintain (*e.g.* the Schol. on Thuc. i. 53, and Graser) that from this is derived the meaning "boat." This peculiar build of boat is said to have been invented by the Rhodians (Plin. *H. N.* vii. § 208). It was much used by pirates (Phot. 154, 10; Liv. xxxvii. 27); but was more especially employed as attendant on the fleet (Isid. *Orig.* xix. 1, 22), either for bringing news (Xen. *Hell.* i. 6, 26) or negotiating with the enemy (Thuc. i. 53; cf. Plaut. *Mil.* iv. 1, 39). Further, each state appears to have had such boats for various official purposes, just as we hear of *δημόσιαι ἄκατοι* at Athens (cf. Plaut. *Capt.* iv. 2, 93). Built for swiftness, they were necessarily narrow, and Appian (*B. C.* ii. 56 *fin.*) calls one *ὀξύ.* They had no decks, and only one bench of oars (Polyb. v. 62, 3: *τούτων κατάφρακτα μὲν εἴκοσι διαφέροντα ταῖς κατασκευαῖς ἐν οἷς οὐδὲν ἔλαττον ἦν τετρήρους, τὰ δὲ λοιπὰ τριήρεις καὶ δίκροτα καὶ κέλητες*). When Isidore (*l. c.*) says *celoces* were biremes or triremes, he means worked by two or three pairs of oars, not having two or three benches of rowers (Jal, *Glossaire Nautique*, art. *Celes*). Each oarsman probably pulled two oars, else we should not find the epithet *πεντέσκαλμος* (Ephipp. *fr.* 3, Mein.) applied to the *κέλης*; for then the oarage would be uneven: or else only one side of oars was counted. We also hear of *κελήτιον δίσκαλμον* (Synes. *Ep.* 167 A); and the Schol. on Thuc. iv. 9 tells us that a *κελήτιον* was a small vessel rowed by a single man. But we must suppose the piratical vessels to have been manned by a fairly large crew; still, perhaps, less than forty (Thuc. iv. 9). It was the build, then, not the size, which was the distinctive feature of the *κέλης*. In order to be independent of the weather, it appears to have been always rowed. (See Varro in Nonius, 527, ed. D. Gottofred: "Nautae remivagam movent celocem.") In many points of employment, it will be seen that these *κέλητες* resembled our gunboats.

A slightly different build of vessel, rather more round, like our brigantine, also used by pirates (Suidas, *s. v.*), was the *ἐπακτροκέλης* (Aeschin. *c. Timarch.* § 191), which (according to the *Etym. M.*) combined the properties of an *ἐπακτρὶς* or transport for carrying away the spoils, and of a *κέλης* for swiftness in pursuit and flight. (See generally Scheffer, *Militia Navalis*; Jal, *Glossaire Nautique*; and especially B. Graser, *De veterum re navali*, § 59.) [L. C. P.]

CENA, less correctly Coena (*δεῖπνον*), the principal meal of the Greeks and Romans, corresponding to our dinner rather than supper. As the meals are not always clearly distinguished, it will be convenient to give a brief account of all of them under the present head.

1. Greek. The materials for an account of the Greek meals, during the Classical period of Athens and Sparta, are almost confined to incidental allusions of Plato and the comic writers. Several ancient authors, termed *δειπνολόγοι*, are mentioned by Athenaeus; but, unfortunately, their writings only survive in the fragments quoted by him. His great work, the *Deipnosophistae*, is an inexhaustible treasury of this kind of knowledge, but ill-arranged, and with little attempt to distinguish the customs of different periods.

The poems of Homer contain a real picture of early manners, in every way worthy of the antiquarian's attention. As they stand apart from all other writings, it will be convenient to exhibit in one view the state of things which they describe. It is not to be expected that the Homeric meals should at all agree with the customs of a later period; indeed it would be mere waste of time to attempt adapting the one to the other. Athenaeus (i. p. 8), who has entered fully into the subject, remarks on the singular simplicity of the Homeric banquets, in which kings and private men all partake of the same food. It was common enough for royal personages to prepare their own meals (*Il.* ix. 206–218; compare Gen. xxvii. 31), and Ulysses (*Od.* xv. 322) declares himself no mean proficient in the culinary art:—

> *Πῦρ τ' εὖ νηῆσαι, διὰ δὲ ξύλα δανὰ κεάσσαι,*
> *Δαιτρεῦσαί τε καὶ ὀπτῆσαι καὶ οἰνοχοῆσαι.*

Three names of meals occur in the *Iliad* and *Odyssey* — *ἄριστον, δεῖπνον, δόρπον* or *δόρπος.* The word *ἄριστον* uniformly means the early (*ἅμ' ἠοῖ, Od.* xvi. 2) as *δόρπον* does the late meal; but *δεῖπνον*, though generally meaning the mid-day meal, is sometimes used where we should expect *ἄριστον* (*Od.* xv. 397, xix. 320) or even δόρπον (*Od.* xvii. 170). We should be careful, however, how we argue from the unsettled habits of a camp to the regular customs of ordinary life.

In the Homeric age it was usual to sit at table (καθέζονται δ' ἐν τεῖς συνδείπνοις οἱ ἥρωες, οὐ κατακέκλινται, Ath. i. p. 17 f); and this custom, we are told, was kept up in historical times by the Cretans (Heracl. *Pol.* c. 3, § 6, *ap.* Müll. *Fragm.* ii. 212; Pyrgion *ap.* Ath. iv. p. 143 e). Each guest had generally his own table (but see *Od.* i. 138; *Il.* xxiv. 625, ix. 216), and an equal share of food was placed before each (hence δαὶς ἐΐση), except when a specially distinguished guest was honoured by getting a larger portion (*Il.* vii. 321; *Od.* xiv. 437, xx. 280, 293). What strikes us as peculiar in the Homeric dinners is their religious character. They partake more or less of the nature of a sacrifice, beginning with an offering of part of the meat to the gods (*Od.* xiv. 446; *Il.* ix. 219), and both beginning and ending with a libation of wine (*Od.* iii. 40, xix. 447), while the terms for slaughtering animals for a meal (ἱερεύειν, θύειν) and for the slaughtered animals (ἱερήϊα) are borrowed from the language of religious ceremony.

The description of Eumaeus's dinner to Ulysses gives us a good picture of a dinner in the Homeric age in humble society (*Od.* xiv. 420 *sqq.*): "Therewithal he cleft logs with the pitiless axe, and the others brought in a well-fatted boar of five years old; and they set him by the hearth, nor did the swineherd forget the deathless gods, for he was of an understanding heart. But for a beginning of sacrifice, he cast bristles from the head of the white-tusked boar upon the fire, and prayed to all the gods that wise Odysseus might return to his own house. Then he stood erect, and smote the boar with a billet of oak which he had left in the cleaving, and the boar yielded up his life. Then they cut the throat and singed the carcase, and quickly cut it up, and the swineherd took a first portion from all the limbs, and laid the raw flesh on the rich fat. And some pieces he cast into the fire after sprinkling them with bruised barley-meal, and they cut the rest up small, and pierced it, and spitted and roasted it carefully, and drew it all off from the spits, and put the whole mess together on trenchers. Then the swineherd stood up to carve, for well he knew what was fair, and he cut up the whole, and divided it into seven portions. One, when he had prayed, he set aside for the nymphs and for Hermes, son of Maia, and the rest he distributed to each. And he gave Odysseus the portion of honour, the long back of the white-tusked boar . . . and made burnt offering of the hallowed parts to the everlasting gods, and poured the dark wine for a drink offering, and set the cup in the hands of Odysseus, the waster of cities, and sat down by his own mess. And Mesaulius bare them wheaten bread . . . So they stretched forth their hands upon the good cheer spread before them."

It does not much differ from the description of a dinner in a higher rank of society given by Achilles to Ulysses (*Il.* ix. 219 *sqq.*): "He cast down a great fleshing-block in the fire-light, and laid thereon a sheep's back and a fat goat's, and a great hog's chine rich with fat. And Automedon held them for him, while Achilles
Then he sliced well the meat, and pi
through with spits, and Menoitios' so
godlike hero, made the fire burn high.
when the fire was burned down and th
waned, he scattered the embers and
spits thereover, resting them on the sp
when he had sprinkled them with h
Then when he had roasted the meat an
tioned it in the platters, Patroklos too
and dealt it forth on the table in fair
and Achilles dealt the meat. And he
over against godlike Odysseus by the oth
and bade his comrade Patroklos do sac
the gods; so he cast the first fruits
fire. Then put they forth their hand
good cheer lying before them."

In the palace of Telemachus, before
a servant brings Athena, who is habi
stranger, the χέρνιψ, or lustral wate
golden pitcher, pouring it over a silver
(*Od.* i. 136). At the marriage feast of H
in the palace of Menelaus, music and
(μολπή τ' ὀρχηστύς τε· τὰ γάρ τ' ἀ
δαιτός, *Od.* i. 152) are introduced:
them a divine minstrel was singing to
and as he began the song two tumblers (
τῆρε) in the company whirled throu
midst" (*Od.* iv. *init.*).

Beef, mutton, swine's and goat's fle
the ordinary meats, generally eaten
though sometimes boiled (*Il.* xxi. 363
(see below, p. 394 *a*) and fowls wer
unknown (Eustath. *ad* Hom. *Od.* xi
Many sorts of wine are mentioned, not
Maronean and the Pramnian. Nestor h
eleven years old (*Od.* iii. 391).
quantity was poured into each guest's
make a libation with (ἐπαρξάμενοι δε
before the wine was regularly served
drinking. The guests drank to eac
(δειδίσκεσθαι. *Od.* iii. 40; *Il.* ix. 225
second libation to the gods closed th
(*Od.* iii. 332).

(For a fuller account of the meals
Homeric age, see Brosin, *De coenis home*

The Greeks of a later age usually pa
three meals, called ἀκράτισμα, ἄριστ
δεῖπνον. The last, which corresponds to th
of the Homeric poems, was the evening
dinner; the ἄριστον was the luncheon;
ἀκράτισμα, which answers to the ἄρι
Homer, was the early meal or breakfast.

The ἀκράτισμα was taken immediate
rising in the morning (ἐξ εὐνῆς, ἕωθεν, A
Aves, 1286). It usually consisted
dipped in unmixed wine (ἄκρατος), w
derived its name. (Plut. *Symp.* viii.
Schol. *ad* Theocr. i. 51; Athen. i. p. 11.

Next followed the ἄριστον or luncheo
time at which it was taken is uncertain,
we may conclude from many circumstan
it was about the middle of the day, and
meal answered to the Roman *prand*
Plutarch (*Symp.* viii. 6, § 5) asserts. T
of the πλήθουσα ἀγορά, at which pr
seem to have been bought for the ἄρισ
from nine o'clock till noon. In Arist
(*Vesp.* 605–612) Philocleon describes th
sure of returning home after attendi
courts, and partaking of a good ἄριστον.
usually a simple meal, but of course

according to the habits of individuals. Thus Ischomachus, in describing his mode of life to Socrates, who greatly approves of it, says, Ἀριστῶ ὅσα μήτε κενὸς μήτε ἄγαν πλήρης διημερεύειν (Xen. *Oecon.* xi. 18).

The principal meal, however, was the δεῖπνον. It was usually taken rather late in the day, frequently not before sunset (Lysias, *de Caed. Eratosth.* § 22). Aristophanes (*Eccl.* 652) says:

> Σοὶ δὲ μελήσει
> Ὅταν ᾖ δεκάπουν τὸ στοιχεῖον λιπαρὸν χωρεῖν ἐπὶ δεῖπνον·

that is, towards sunset.

The Athenians were a social people, and were very fond of dining in company (Plut. *Symp.* 7). Entertainments were usually given, both in the Heroic ages and later times, when sacrifices were offered to the gods, either on public or private occasions; and also on the anniversary of the birthdays of members of the family, or of illustrious persons, whether living or dead. Plutarch (*Symp.* viii. 1, § 1) speaks of an entertainment being given on the anniversary of the birthdays both of Socrates and Plato.

Dining clubs were very common, the members of which contributed each a certain sum of money, called συμβολή, or brought their own provisions with them. When the first plan was adopted, they were said ἀπὸ συμβολῶν δειπνεῖν, and one individual was generally entrusted with the money to procure the provisions and make all the necessary preparations. Thus we read in Terence (*Eunuch.* iii. 4)—

> "Heri aliquot adolescentuli coimus in Piraeo,
> In hunc diem ut de symbolis essemus. Chaeream ei rei
> Praefecimus: dati annuli: locus, tempus constitutum est."

When the second plan was adopted, they were said ἀπὸ σπυρίδος δειπνεῖν, because the provisions were brought in baskets (Athen. viii. p. 365). This kind of entertainment is spoken of by Xenophon (*Mem.* iii. 14, § 1). In Homer the word ἔρανος corresponds with the later ἀπὸ συμβολῶν δεῖπνον (e.g. *Od.* i. 226), while εἰλαπίνη, which is opposed to ἔρανος (*Od.* l. c.), denotes a public entertainment on a festival, or some such occasion (Athen. viii. p. 362 e; *Il.* xviii. 491; Eur. *Med.* 193, *Hel.* 1337).

The most usual kind of entertainments, however, were those in which a person invited his friends to his own house. It was expected that they should come dressed with more than ordinary care, and also have bathed shortly before; hence, when Socrates was going to an entertainment at Agathon's, we are told that he both washed and put on his shoes—things which he seldom did. (Plato, *Symp.* 174 A.) As soon as the guests arrived at the house of their host, their shoes or sandals were taken off by the slaves, and their feet washed (ὑπολύειν and ἀπονίζειν). In ancient works of art we frequently see a slave or other person represented in the act of taking off the shoes of the guests, of which an example is given, from a terra-cotta in the British Museum. After their feet had been washed, the guests reclined on the κλῖναι or couches. (Καὶ ἓ μὲν ἔφη ἀπονίζειν τὸν παῖδα, ἵνα κατακέοιτο, Plato, *Symp.* 175 A.)

Sitting at meals was, as has already been remarked, the practice of the Heroic age, but in the Classical period was confined to Crete (see p. 392 *a*). Women, however, when admitted to banquets on extraordinary occasions, such as a marriage (for they were generally excluded from table when guests were invited), took the sitting posture (Lucian, *Conv.* 13), and so did children (Xen. *Symp.* i. 8; Aristotle, *Polit.* vii. 17, p. 1336 b, 9). A very common representation on funeral monuments is the family meal, with the husband reclining, and the wife and children sitting at his side. Where women are represented as reclining at a meal, they are meant for Hetaerae (Becker-Göll, *Charikles*, ii. p. 302).

Slave taking off the shoes of a guest. (British Museum.)

It was usual for only two persons to recline on each couch. Thus Agathon says to Aristodemus, Σὺ δ', Ἀριστόδημε, παρ' Ἐρυξίμαχον κατακλίνου, and to Socrates, Δεῦρο, Σώκρατες, παρ' ἐμὲ κατάκεισο. (Plat. *Symp.* p. 175 A, C.) Also at a banquet given by Attaginus of Thebes to fifty Persians and fifty Greeks, we are told that one Persian and one Greek reclined on each couch. In ancient works of art we usually see the guests represented in this way; but sometimes there is a larger number on one long κλίνη: see the cut under the article SYMPOSIUM. The manner in which they reclined—the σχῆμα τῆς κατακλίσεως, as Plutarch (*Symp.* v. 6) calls it—will be understood by referring to the woodcut already mentioned, where the guests are represented reclining with their left arms on striped pillows (ὑπαγκώνια), and having their right free; whence Lucian (*Lexiph.* c. 6) speaks of ἐπ' ἀγκῶνος δειπνεῖν. (Compare Aristoph. *Vesp.* 1210.)

After the guests had placed themselves on the κλῖναι, the slaves brought in water to wash their hands (ὕδωρ κατὰ χειρὸς ἐδόθη); and then the dinner was served up, the expression for which was τὰς τραπέζας εἰσφέρειν, as in Aristoph. *Vesp.* 1216:—

> Ὕδωρ κατὰ χειρός· τὰς τραπέζας εἰσφέρειν·
> Δειπνοῦμεν· ἀπονενίμμεθ'· ἤδη σπένδομεν.

By τὰς τραπέζας εἰσφέρειν we are to understand not merely the dishes, but the tables themselves (Philoxen. *ap.* Athen. iv. p. 146 f). It appears that a table, with provisions upon it, was placed before each *κλίνη*: and thus we find in all ancient works of art which represent banquets or symposia, a small table or tripod placed before the *κλίνη*: and when there are more than two persons on the *κλίνη*, several of such tables. These tables are evidently small enough to be moved with ease.

In eating, the Greeks had no knives or forks, but made use of their fingers only, except in eating soups or other liquids, which they partook of by means of a spoon (**μύστρον**), or a piece of bread scooped out in the shape of a spoon (*μυστίλη*, Pollux, vi. 87, x. 89; Aristoph. *Eq.* 1164; Suidas, *s. v.* *μυστίλη*). After eating, they wiped their fingers on pieces of bread, called **ἀπομαγδαλιαί** (Pollux, vi. 93), which were then thrown to the dogs (Aristoph. *Eq.* 415). Napkins (**χειρόμακτρα**) were not used till the Roman period.

It appears that the arrangement of the dinner was entrusted to certain slaves (Plato, *Symp.* p. 175 B). The one who had the chief management of it was called **τραπεζοποιός** or **τραπεζοκόμος** (Athen. iv. p. 170 e; Pollux, iii. 41, vi. 13). The Greek word for a *menu* was *γραμματίδιον* (Athen. ii. p. 49 d).

It would exceed the limits of this work to give an account of the different dishes which were introduced at a Greek dinner, though their number is far below those which were usually partaken of at a Roman entertainment. The most common food among the Greeks was the **μάζα** (Dor. *μάδδα*), a kind of frumenty or soft cake, which was prepared in different ways, as appears by the various names which were given to it (Pollux, vi. 76). The *μάζα* is frequently mentioned by Aristophanes. The *φυστὴ μάζα*, of which Philocleon partakes on returning home from the courts (Aristoph. *Vesp.* 610), is said by the Scholiast to have been made of barley and wine. The *μάζα* continued to the latest times to be the common food of the lower classes. Wheaten or barley bread was the second most usual species of food; it was sometimes made at home, but more usually bought at the market of the *ἀρτοπῶλαι* or *ἀρτοπώλιδες*. The vegetables ordinarily eaten were mallows (**μαλάχη**), lettuces (**θρίδαξ**), cabbages (**ῥάφανοι**), beans (**κύαμοι**), lentils (**φακαῖ**), &c. Pork was the most favourite animal food, as was the case among the Romans; Plutarch (*Symp.* iv. 5, § 1) calls it **τὸ δικαιότατον κρέας**. Sausages also were very commonly eaten. It is a curious fact, which Plato (*de Rep.* iii. c. 13, p. 404) has remarked, that we never read in Homer of the heroes partaking of fish. In later times, however, fish was one of the most favourite foods of the Greeks, insomuch so that the name of **ὄψον** was applied to it **κατ' ἐξοχήν**. (Athen. vii. p. 276 e.) A minute account of the fishes which the Greeks were accustomed to eat is given at the end of the seventh book of Athenaeus, arranged in alphabetical order.

The ordinary meal for the family was cooked by the mistress of the house, or by the female slaves under her direction; but for special occasions professional cooks (**μάγειροι**) were hired, of whom there appear to have been a great number (Diog. Laërt. ii. 72). They are frequently mentioned in the fragments of the comic poets; and those who were acquainted with all the refinements of their art were in great demand
parts of Greece besides their own countr
Sicilian cooks, however, had the
reputation (Plato, *Rep.* iii. p. 404 D
Sicilian book on cookery by one Mith
mentioned in the *Gorgias* of Plato (p.
compare Maxim. Tyr. *Diss.* iv. 5); but t
celebrated work on the subject was the
λογία of Archestratus (Athen. iii. p. 104

A dinner given by an opulent Athenian
consisted of two courses, called resp
πρῶται τράπεζαι and **δεύτεραι τράπεζαι.**
(vi. 83) indeed speaks of three courses
was the number at a Roman dinner;
the same way we find other writers u
Roman empire speaking of three co
Greek dinners; but before the Roman
of Greece and the introduction of Roman
we only read of two courses. The firs
embraced the whole of what we cons
dinner,—namely, fish, poultry, meat, &
ματα); the second, which corresponded
dessert and the Roman *bellaria*, cons
different kinds of fruit, sweetmeats, con
&c. (*τρωγάλια*). The Roman first c
salads, vegetables, &c. was unknown
Greeks in the time of their independenc

When the first course was finished, t
were taken away (**αἴρειν, ἐκφέρειν, β**
τὰς τραπέζας), and water was given to th
for the purpose of washing their hands.
made of garlands of flowers were also th
to them as well as various kinds of
(Philyll. *ap.* Athen. ix. p. 408 e.) W
not drunk till the first course was finis
as soon as the guests had washed thei
unmixed wine was produced in a larg
called *μετάνιπτρον* or *μετανιπτρίς*, of wh
drank a little, after pouring out a small
as a libation. This libation was said to
to the "good spirit" (**ἀγαθοῦ δαίμονος**),
usually accompanied with the singing
paean and the playing of flutes. After
tion mixed wine was brought in, and wi
first cup the guests drank to **Ζεὺς Σωτὴ**
Symp. ii. 1; Plat. *Symp.* p. 176 A
Sic. iv. 3; Suidas, *s. v.* **Ἀγαθοῦ Δαίμονο**
the **σπονδαί**, the **δεῖπνον** closed; an
introduction of the dessert (**δεύτεραι τ**
the **πότος, συμπόσιον**, or **κῶμος** comm
which an account is given in the article
SIUM. (Becker-Göll, *Charikles*, ii. p
361.) [B. J.] [W.

2. ROMAN. The Roman meals wer
culum (**ἀκράτισμα**), *prandium* (**ἄριστον**),
and *cena* (**δεῖπνον**).

Jentaculum, also called *silatum* (Festus
because the wine used was sometimes p
with seselis or silis, was a slight morni
taken at different times by early and lat
Thus we find it taken by schoolboys at c
(Mart. xiv. 233); but generally the
used to take it about the third hour (G
p. 332, ed. Kuhn), certainly not later t
fourth (Mart. viii. 67, 9). The schoolb
a kind of pancake (*adipata*); but usu
meal consisted of bread seasoned wi
(Vopisc. *Tac.* 11) or with honey (Galen,
dipped in wine (Festus, *l. c.*); or of da
olives (Galen, vi. 412). Alexander Seve
to have milk, eggs, and mulsum (Lamp
Sev. 30). Bread and cheese (Apul. *Met.*

and even meat, appear to have been sometimes taken (Mart. xiii. 31); but to make *jentaculum* a heavy meal was not in accordance with simple manners.

If one gets up early and eats only a slight breakfast, hunger begins to assert itself about noon or a little later. And as with our own fathers this was the time for the principal meal of the day, viz. dinner, so with the primitive Romans this was the time for *cena* (Fest. 54: "cena apud antiquos dicebatur quod nunc est prandium; vesperna quam nunc cenam appellamus;" cf. p. 338). It was only in later times that *prandium* became customary (Isid. *Orig.* xx. 2, 14). We may fairly translate this word "luncheon." When city-life pushed the dinner-hour later and later, a mid-day meal became essential. It was taken about the sixth hour (*Anth. Pal.* x. 43, and Scholiast), not so early as the fifth (Mart. viii. 67, 9) or as late as the seventh; for C. Caninius Rebilus was nominated Consul suffectus at that hour on Dec. 31, 45 B.C.; and Cicero says (*Fam.* vii. 30, 1), "Ita Caninio consule scito neminem prandisse." But if one took no *jentaculum*, he must needs take *prandium* earlier, and this is the reason why we find Ausonius taking his *prandium* a little after the fourth hour (*Ephemeris* in *Corp. Poet. Lat.*, ed. Walker, p. 1070; ed. Weber, p. 1217). *Prandium* seems to have been properly the name of the soldier's morning meal (Isid. *Orig.* xx. 2, 11; cf. Liv. xxviii. 14, 7). For the ordinary citizen the meal varied from a piece of bread eaten in the hand (Senec. *Ep.* 83, 6) to an elaborate entertainment with hot and cold fish, fowl and meat, with vegetables and fruit (cf. Mayor on Plin. *Ep.* iii. 5, 11). The meats were rather savoury dishes than solids: *e.g.* they were kernels of pork (*glandulae, glandia*, "sweetbreads"? cf. Paley on Mart. vii. 20), ham, pig's-head, &c. (Plaut. *Men.* i. 3, 27; *Curc.* ii. 3, 44). Often, as at our luncheons, the meat of the previous day's dinner was served cold or warmed up (Plaut. *Pers.* i. 3, 25). Wine (Tac. *Ann.* xiv. 2; cf. Cic. *Phil.* ii. 41, 104), hot wine and water (Mart. viii. 67, 7), and mulsum (Cic. *Cluent.* 60, 166) were drunk at it. This latter passage refers to a large wedding breakfast which is called *prandium*.

Merenda was in ancient times an afternoon meal, given to workmen, also called *antecenia* (Isid. *Orig.* xx. 2, 12; 3, 3; Nonius, p. 59). "Merenda *ἄριστον δειλινόν δειλινή*" is a gloss in Steph. *Thes.*, ed. Lond., ix. 278. This gloss shows the real nature of the meal. If *prandium* was not taken at mid-day, *merenda* was a late *prandium* taken in the afternoon. Thus Calpurnius (*Ecl.* v. 60) says:—

> "Verum ubi declivi iam nona tepescere sole
> Incipiet *seraeque* videbitur hora *merendae*,
> Rursus pasce greges."

The principal meal of the day was *cena*, "dinner." The eighth hour in summer and the ninth in winter was sometimes the time for the bath (Plin. *Ep.* iii. 1, 8), and after that came dinner, but probably the bath was usually a little earlier. The ninth was considered the normal dinner hour (Cic. *Fam.* ix. 26; Mart. iv. 8, 6), though business must have often deferred it till after the tenth (Mart. ii. 7, 33; vii. 51, 11), and even later (Mart. iii. 36, 5). These were homely repasts: for the more fashionable banquets were, the earlier they began (see Palmer on Hor. *Sat.* ii. 8, 3). Banquets which began earlier than the ninth hour were called *tempestiva convivia* (for this phrase, see Marquardt, *Privatleben*, 291, note 3, and Reid on Cic. *Sen.* 14, 46) or *de die cenare* (Catull. 47, 5). The *cena* always lasted for what would seem to us a very long time. Even Pliny the Elder, who was so miserly of his time, used to spend three hours over his dinner (Plin. *Ep.* iii. 5, 13), Spurinna longer (*ib.* iii. 1, 9), and old Cato used to remain conversing over this meal till late at night (Cic. *Sen.* 14, 46). The business of the day was done and the time for enjoyment had arrived (*Anth. Pal.* x. 43); there was accordingly no necessity to break into the meal till bed-time, which was much earlier than with us, as the Romans got up at daybreak. Symposia of course lasted till midnight, and even morning (Hor. *Od.* iii. 21, 23, *et passim*). The ancient Romans, like the ancient Greeks, used to sit at dinner (Isid. *Orig.* xx. 11, 9), and Columella (xi. 1, 19) thinks the vilicus should not recline except on holidays; and Cato the Younger, in sign of mourning, always sat at meals after the battle of Pharsalia (Plut. *Cat. Min.* 56). However, in the times with which we are best acquainted, the Romans dined in the *atrium* (Serv. on *Aen.* i. 730), in the circle of the family, the men reclining, the wife sitting on the lectus (Val. Max. ii. 1, 21), the children beside the couches ("ad fulcra lectorum," Suet. *Claud.* 32), or on a lower couch (Suet. *Aug.* 64), and with a separate and more frugal table (Tac. *Ann.* xiii. 16); the subordinate persons (Plaut. *Capt.* iii. 1, 11; Suet. *Vit. Ter.* p. 292, ed. Roth) and slaves (Senec. *de const. Sap.* 15, 1) on benches (*subsellia*). It was customary for the wife and children to dine with the men, except apparently in times of mourning (Suet. *Cal.* 24); though of course there were gentlemen's dinner-parties (*e.g.* Hor. *Sat.* ii. 8).

On the other hand, we find cases of women reclining, where there was conceived to be nothing bold or indelicate in their posture. Thus, in the following cut, taken from Montfaucon (*Ant. Exp. Suppl.* iii. 66), which seems intended to represent a scene of perfect matrimonial felicity, the husband and wife recline on a sofa of rich materials. A three-legged table is spread with viands before them. Their two sons are in front of the sofa, one of them sitting, in the manner above described, on a low

A family Feast. (Montfaucon.)

stool, and playing with the dog. Several females and a boy are performing a piece of music for the entertainment of the married pair.

The very wealthy Romans built separate dining-rooms [TRICLINIUM], and to this article and that on LECTUS and PULVINUS the reader is referred for the arrangement of the couches and of the guests at table. For the tables, see MENSA.

A Feast. (Vatican Virgil MS.)

During the later republic and empire the number of guests at a private dinner-party was usually nine, sometimes less (Gell. xiii. 11, 2), but to have more was considered unseemly (Cic. *Pis.* 27, 67). Generally uninvited guests (*umbrae*) were brought by one of the invited guests to make up the nine (Hor. *Sat.* ii. 8, 22; *Epist.* i. 5, 28), or perhaps a client was asked, in order not to leave a place empty (Juv. v. 17). The guests used to dress for dinner; the dinner dress (*vestis cenatoria*, Mart. x. 87, 12, xiv. 135; *στολὴ δειπνῖτις*, Dio Cass. lxix. 18) being generally a light highly-ornamented coloured tunic (*prasina synthesis*, Mart. x. 29, 4; *χιτώνιον ἄνθινον*, Dio Cass. lxiii. 13). It cannot be supposed that the changing of one's *synthesis* during dinner was other than vulgar ostentation (Mart. v. 79, 2); but it was sometimes required by religious ceremonials [ARVALES]. Dress sandals (*soleae*) were generally worn in the house of the host, but were taken off (*demere soleas*) before reclining for the meal. They were taken charge of by the guest's own slave whom he brought with him: for each guest had his own footman (*a pedibus*) to wait on him at table (Plaut. *Truc.* ii. 4, 16; Petron. 58 and 62; Mart. xii. 88, 2; Senec. *de Benef.* iii. 26, 27). If the guest did not come in a litter but walked, he often came in boots (*calcei*, Plin. *Ep.* ix. 47, 3). The regular expression for rising from table was *soleas poscere* (Hor. *Sat.* ii. 8, 77).

The places were pointed out to the guests by the *nomenclator* (Ath. ii. p. 47 e); and when they had taken up their reclining position (*accumbere*, *discumbere*) at table, water was brought round and poured over the hands of each guest (Plaut. *Pers.* v. 1, 17), and the hands wiped in a towel or napkin [MANTELE, MAPPA] provided by the host, though sometimes brought by the guest, in order to carry away the presents that the host frequently gave [APOPHORETA]. Later *mantele* was used for a table-cloth (Isid. *Orig.* xix. 26, 6; cf. Fest. 133). It was not till towards the end of the 1st century A.D. that table-cloths began to be used. Martial appears to be the first to allude to them (ix. 59, 7; xii. 29, 11). There was plainly no table-cloth in the banquet of Nasidienus (Hor. *Sat.* ii. 8, 11). Sometimes apparently grace was said (Quintil. *Declam.* No. 301, p. 583, ed. Burmann: "adisti mensam ad quam cum venire coepimus invocamus deos"), and then the first of the three parts of the meal was proceeded with.

This was called *promulsis* or *gustatio*, *gustus*; also *frigida mensa* (*ψυχραὶ τράπεζαι*). The cold dishes of this part of the meal used in early times to occupy a place at the conclusion (Plut. *Quaest. Conviv.* viii. 9, 28; Mart. xiii. 14; Verg. *Moret.* 76). It consisted rarely of substantial meats (Macrob. *Sat.* ii. 9, 12), mostly of *hors d'œuvre* which whetted the appetite, and also served the purpose of the modern dinner-pill (Galen, vi. 333), *e.g.* shell-fish (Hor. *Sat.* ii. 4, 28), vegetables with savoury sauces (Mart. iii. 50, 4; x. 48, 7), olives (Hor. *Sat.* ii. 2, 46), mushrooms (Juv. v. 147), also eggs; from which came the expression *ab ovo ad mala* (Hor. *Sat.* i. 3, 6), to signify from the beginning to the end of the meal: cf. Cic. *Fam.* ix. 20, where the end of the meal is represented by roast veal (*assum vitulinum*). See further for the edibles which constituted the *gustus*, Apicius, 4, 5; Plin. *Ep.* i. 15; Macrob. *Sat.* l. c.; Celsus, ii. 29; Mart. x. 48, 7–12; v. 78, 3–5. The drink was *mulsum*, mead, a mixture of wine and honey; plain wine was too strong (Hor. *Sat.* ii. 4, 26). Hence the term *promulsis*, i.e. the mulsum taken before the chief portion of the meal. Compare Martial's (v. 78, 3) calling the *gustus προπίνειν*.

After this followed the *cena* proper, which in early times (Serv. on *Aen.* i. 641), and even later in simple families, was the whole dinner (Mart. x. 48, 3). It is from Lucullus that Athenaeus (vi. p. 274 e) dates the beginning of extravagance in dining. When this part of the meal consisted of several courses (*fercula*, *missus*)—we hear of six, Augustus never had more (Suet. *Aug.* 74), and seven (Juv. i. 94, and Mayor's note), but the usual number was three (Mart. xi. 31)—the separate courses were called *prima*, *altera*, *tertia cena* (Mart. *l. c.*), and appear to have followed in a regular order (Lucian, *de Merc. Cond.* 15). Each course was brought in on a tray (*repositorium*, Petron. 33), which was generally of wood, but sometimes of silver (Plin. *H. N.* xxxiii. § 146); and the arrangement of the viands on each dish and of the dishes on these trays was a branch of art (Juv. vii. 184; cf. Petron. 35 and 69), the artist being called *structor*. Indeed, the arranging of the whole dinner was such an important function that it required a special major-domo called *tricliniarcha* (Henzen, Index, p. 189; cf. Petron. 23), with his "decuries" of special *servi tricliniarii* (Henzen, 6367; cf. Plaut. *Pseud.* i. 2, 30). It was probably only at the imperial court that there were tasters (*praegustatores*, Tac. *Ann.* xii. 66). Between the *promulsis* and the *cena*, as well as after each course of the *cena*, the *repositorium* was carried away and brought back with the following course, the table having been previously wiped down (Hor. *Sat.* ii. 8, 11), and the bits that had fallen having been gathered up by the *analecta* (Mart. vii. 20, 17). Occasionally the carver (*carptor*, *diribitor*, *scissor*), whose function the *structor* sometimes fulfilled (Mart. x. 48, 15), carved the meat (Petron. 36 and 40) at the open side of the table, and it was carried round by slaves (Petron. 33 and 40; Mart. vii. 48; Ath. iii. p. 100 f). Carving, too, was a branch of art and had its learned professors (*docti Trypheri*, Juv. xi. 137; cf. v. 120). Sometimes the course was put on the table and the guests themselves took what they desired, and in the way they did so it was easy to see what guests had the manners of good society (Lucian, *de Merc. Cond.* 15). There appear to have been *menus* (*γραμματίδια*, Ath. ii. p. 49 d); and to point out the peculiarity of each dish was a part of the nomenclator's duty (Petron. 47; Plin. *H. N.* xxxii. § 63); so that we need not suppose that it was utter vulgarity when Nasidienus and his hanger-on Nomentanus did so (Hor. *Sat.* ii. 8, 43, &c.). Between each course the guests washed their hands (Lampr. *Heliog.* 25): for it must be remembered that the Romans used to eat with their fingers (Mart. v. 78, 6), except in the case of soup, eggs, and shell-fish, for which a COCHLEAR and a LIGULA were used.

The viands served up at luxurious dinner-parties are far too numerous to be described. Elaborate descriptions will be found in Hor. *Sat.* ii. 8; Macrob. *Saturn.* ii. 9, 12; Petron. 33 ff.; also in Becker-Göll, *Gallus*, chap. 8. They contained, as Philo says (*de Vita contempl.* 6 = ii. p. 479 M.), "all the products of land and sea, rivers and air." Copious accounts of the different kinds of foods and drinks are given in *Gallus*, iii. 331–367, 412–442; Marquardt, *Privatleben*, 398–448; Daremberg and Saglio, s. v. *Cibaria*. To admit of the gluttony required to consume such dinners, vomiting was resorted to, rules for which were laid down by physicians (Celsus, i. 3, p. 29, ed. Krause; Galen, vi. 391), an indirect proof of the prevalence of over-eating among the wealthy. But such extravagance must have been confined to the upper classes, and can give us no idea of ordinary family meals (cf. Marquardt, *Privatl.* 318). The bill of fare of a plain dinner is to be found in Martial (x. 48, 13 foll.). The main course consisted of kid, cutlets (*ofellae*), beans, early sprouts (*prototomi*), chicken and cold ham. A similarly frugal dinner is mentioned in Hor. *Sat.* ii. 2, 120–125; Juv. xi. 64–76. While eating, wine was usually drunk (Petron. 34), but in small quantities, for it was thought to blunt the taste (Hor. *Sat.* ii. 8, 38).

After the cena proper "was taken away, and the tables were removed, the offerings to the gods (the *mola salsa*, &c.) were thrown into the hearth; and when a slave announced that the gods were propitious, silence for a short time was observed in respect for the gods. The Greeks called this *θεῶν παρουσίαν*" (Serv. on *Aen.* i. 734). The gods were the Lares. If they were not in the dining-room, they used to be carried in and placed on the table (Petron. 60; cf. Hor. *Od.* iv. 5, 21), or a special table with a salt-cellar and some meat was placed before their shrine (Arnob. *adv. Gentes*, ii. 67).

Thereafter followed the dessert, *mensae secundae* (Hor. *Sat.* ii. 2, 122), also called *bellaria* (Gell. xiii. 11, 7), just as "second course" and "sweets" signify to us the same part of the meal. Other names were *impomenta*, Fest. 108; *ἐπιδειπνίς*, Mart. xi. 31, 7. It consisted of all sorts of pastry (for various kinds, see Becker-Göll, *Gallus*, iii. 363–367), fresh and dried fruits, apples, grapes, &c. (Mart. *ll. cc.*). The *mensae secundae* formed the transition to the COMISSATIO.

At distinguished dinner-parties the company used to be amused in various ways. These amusements were called ACROAMATA (see Reid on Cic. *Arch.* 9, 20). Respectable and cultivated hosts used to afford readings by their anagnostae (Mart. v. 78, 25; Mayor on Juv. xi. 180), often of their own works, and we can well believe that this was an insufferable nuisance (Mart. iii. 44, 15; 50, 4 foll.). It was no doubt a note of culture to ask for some charming poetry (Pers. i. 30). The practice of reading during meals is still kept up in Roman Catholic colleges. Music, too, used to be introduced, sometimes choral and orchestral performances (*symphonia*, Cic. *Verr.* iii. 44, 105; and Wilkins on Hor. *Ars Poet.* 374); with reference to which the sound sense of Martial (ix. 78, 6) declares that the best banquet is that where there is no musician. There used to be actors also (Plin. *Ep.* i. 15, 2), and story-tellers (*aretalogi*, Suet. *Aug.* 74). At "fast" entertainments there used to be all kinds of girls to play, sing, and dance (Liv. xxxix. 6; Hor. *Sat.* i. 2, 1; Mayor on Juv. xi. 162; Plin. *l. c.*), gymnasts (*petauristae*, Petron. 53), fools (*moriones*), "amusing vagabonds" (*scurrae*), &c.: cf. Plin. *Ep.* ix. 17, and Marquardt, *Privatleben*, 327–8. Formal speech-making was happily unknown. These amusements were produced during the *cena* and continued on into the COMISSATIO if such followed.

On Roman meals see especially Marquardt, *Privatleben der Römer*, 257–60, 289–321; Becker-Göll, *Gallus*, iii. 311–370; Daremberg and Saglio, s. v. *Coena*, in which works all the literature on the subject is collected. [L. C. P.]

CENA'CULUM. [DOMUS.]

CENATO'RIA VESTIS. [CENA, p. 396 *a*; SYNTHESIS.]

CENOTAPH'IUM (*κενοτάφιον*, *κενὸς τάφος*, in Virgil *tumulus inanis*), a cenotaph, *i.e.* an empty or honorary tomb. It was erected sometimes as a memorial of a person buried elsewhere (Verg. *Aen.* iii. 304), more often in cases where the body had not been found for burial at all (Xen. *Anab.* vi. 4, § 9; Verg. *Aen.* vi. 505; App. *Mithr.* 96. Compare Thucyd. ii. 34, § 3; Eurip. *Hel.* 1057–60.) [FUNUS.] Cenotaphia were considered as *religiosa*, and therefore *divini juris*, till a rescript of the emperors Ant. Pius and Verus pronounced them not to be so. (Heinecc. *Ant. Rom.* ii. 1.) [R. W.] [W. W.]

CENSI'TOR. [CENSOR, p. 403 *a*.]

CENSOR (*τιμητής*), the name of two magistrates of high rank in the Roman republic. Their office was called *Censura* (*τιμητεία* or *τιμητία*). The *Census*, which was a register of Roman citizens and of their property, was first established by Servius Tullius, the fifth king of Rome. After the expulsion of the kings it was taken by the consuls; and special magistrates were not appointed for the purpose of taking it till the year B.C. 443. Livy (iv. 8, 5) assigns as the reason of this alteration the appointment in the preceding year of *tribuni militum* with consular power in place of the consuls; as these tribunes might be plebeians, the patricians were unwilling that the right of taking the census and performing the formal sacrifice of purification should pass into their hands. This explanation is very doubtful, considering the comparative unimportance of the office at this time. It is more probable that it had been found to be inconvenient that the chief magistrates should be detained at home by duties necessarily discharged at Rome, when their presence might be required in the field, and this view is confirmed by the fact that no lustrum was held for at least sixteen years before the appointment of censors. The office was at first restricted to patricians, but was probably thrown open to plebeians by the Licinian laws of B.C. 367, and in B.C. 351 C. Marcius Rutilus was the first plebeian censor (Liv. vii. 22). Twelve years afterwards, B.C. 339, it was provided by one of the Publilian laws, that one of the censors must necessarily be a plebeian, and that both might be plebeians (Liv. viii. 12), but it was not till B.C. 280 that a plebeian censor performed the solemn purification of the people (*lustrum condidit*, Liv. *Epit.* 13). In B.C. 131 the two censors were for the first time plebeians.

There were always two censors, because the two consuls had previously taken the census together. If one of the censors died during the time of his office, another had at first to be chosen in his stead, as in the case of the consuls. This, however, happened only once, namely, in B.C. 393; because the capture of Rome by the Gauls in this lustrum excited religious fears against the practice (Liv. v. 31). From this time, if one of the censors died, his colleague resigned, and two new censors were chosen. (Liv. vi. 27, ix. 34, xxiv. 43, xxvii. 6.)

The censors were elected in the comitia centuriata held under the presidency of a consul. (Gell. xiii. 15; Liv. xl. 45.) It was necessary that both censors should be elected on the same day; and accordingly, if the voting for the second was not finished, the election of the first went for nothing, and new comitia had to be held. (Liv. ix. 34.) The comitia for the election of the censors were held under different auspices from those at the election of the consuls and praetors; and the censors were accordingly not regarded as their colleagues, although they likewise possessed the *maxima auspicia* (Gell. xiii. 15). The comitia were held by the consuls of the year very soon after they had entered upon their office (Liv. xxiv. 10, xxxix. 41); and the censors, as soon as they were elected and the censorial power had been granted to them by a *lex centuriata*, were fully installed in their office. (Cic. *de Leg. Agr.* ii. 11, 26; Liv. xl. 45.) As a general rule the only persons chosen for the office were those who had previously been consuls; but a few exceptions occur. At first there was no law to prevent a person being censor a second time; but the only person who was twice elected to the office was C. Marcius Rutilus in B.C. 265, who received in consequence the surname of Censorinus (Plut. *Coriol.* 1; Val. Max. iv. 1, § 3). A law was shortly afterwards passed enacting that no one should be chosen censor a second time (Mommsen
Staatsr. i.^{2} 502, note 2).

The censorship is distinguished from al
Roman magistracies by the fact that it w
conferred for a definite period. The
were appointed to discharge a special du
ut conderent lustrum; and although in
this duty was performed once in ever
years (*quinto quoque anno*), in practi
interval varied considerably, partly ow
accidental irregularities, and partly from
interpretation of the language employed,
made the interval one of five, not fou
(cf. Mommsen, *Staatsr.* ii. 331). The
during which the lustra were held w
greatest regularity is the half-century fo
the outbreak of the Second Punic War;
this time there are numerous irregularit
after it they occur occasionally. Accor
Livy (iv. 24; cf. ix. 33), the censors w
quired by a law of the dictator Mam. A
to resign office within eighteen months
appointment; but it is a probable conjec
Mommsen's that this limitation was int
from the first, and that they were
eighteen months from the time of their
for a duty which the consuls had been r
to complete within a year. The cens
held a very peculiar position with res
rank and dignity. No imperium was b
upon them, and accordingly they had no
(Zonar. vii. 19.) The *jus censurae* was
to them by a *lex centuriata*, and not,
curiae, and in official precedence they
below the consuls and praetors, and eve
the magister equitum. (Mommsen, *Röm.*
i. 543, note 3.) But notwithstanding t
censorship was regarded as, in some
the highest dignity in the state, wi
exception of the dictatorship; it was
ἀρχή, a *sanctus magistratus*, to whi
deepest reverence was due. (Plut. *Ca*
16, *Flamin.* 18, *Camill.* 2, 14, *Aemil. Pa*
Cic. *ad Fam.* iii. 10, 11.) The high r
dignity, which the censorship obtaine
owing to the various important duties gr
entrusted to it, and especially to its po
the *regimen morum*, or general control o
conduct and morals of the citizens;
exercise of which power they were re
solely by their own views of duty, and w
responsible to any other power in th
(Dionys. *Excerpt.* xx. 13, Kiessling;
24, xxix. 37; Val. Max. vii. 2, § 6.
censors possessed of course the sella
(Liv. xl. 45), and during their term
wore the *toga praetexta* (Zonar. vii. 19;
xiv. p. 660 c), but were honoured at
with the *toga purpurea* (cf. Polyb. vi.
Mommsen, *Staatsr.* i. 425, note 3). The
of a censor was always conducted wit
pomp and splendour, and hence a *funus ce*
was voted even to the emperors (Tac.
15; xiii. 2).

The censorship continued in existence
years, namely, from B.C. 443 to B.C.
during this period many lustra passed b
out any censor being chosen at all. Ac
to one statement, the office was abolis
Sulla (Schol. Gronov. *ad* Cic. *Div. in Ca*
p. 384, ed. Orelli), but the authority on
this statement rests is not of much weig

the fact itself is not probable (cf. Cic. *in Pis.* 5, 10); for although there was no census during the two lustra which elapsed from Sulla's dictatorship to the first consulship of Pompeius (B.C. 82–70), there is no reference to any law restoring it, and censors reappear in B.C. 70. Its power was limited by one of the laws of the tribune Clodius (B.C. 58), which prescribed certain regular forms of proceeding before the censors in expelling a person from the senate, and the concurrence of both censors in inflicting this degradation. (Dio Cass. xxxviii. 13; Cic. *pro Sest.* 25, 55, *de Prov. Cons.* 19, 46.) This law, however, was repealed in the third consulship of Pompey (B.C. 52), on the proposition of his colleague Caecilius Metellus Scipio (Dio Cass. xl. 57), but the censorship never recovered its former power and influence. During the civil wars which followed soon afterwards no censors were elected; and it was only after a long interval that they were again appointed, namely in B.C. 22, when Augustus caused L. Munatius Plancus and Paullus Aemilius Lepidus to fill the office. (Suet. *Aug.* 37, *Claud.* 16; Dio Cass. liv. 2.) This was the last time that such magistrates were appointed; the emperors in future discharged the duties of their office under the name of *Praefectura Morum.* Some of the emperors sometimes took the name of censor when they actually held a census of the Roman people, as was the case with Claudius, who appointed the elder Vitellius as his colleague (Suet. *Claud.* 16; Tac. *Ann.* xii. 4, *Hist.* i. 9), and with Vespasian, who likewise had a colleague in his son Titus. (Suet. *Vesp.* 8, *Tit.* 6.) Domitian assumed the title of *censor perpetuus* (Dio Cass. liii. 18), but this example was not imitated by succeeding emperors. In the reign of Decius we find the elder Valerian nominated to the censorship without a colleague (Trebell. Pollio, *Valer.* 1, 2); and towards the end of the fourth century it was proposed to revive the censorship (Symmach. *Ep.* iv. 29, v. 9), but this design was never carried into effect.

The duties of the censors may be divided into three classes, all of which were however closely connected with one another: I. *The Census*, or register of the citizens and of their property, in which were included the *lectio senatus*, and the *recognitio equitum;* II. *The Regimen Morum;* and III. *The administration of the finances of the state*, including also the superintendence of the public buildings and the erection of all new public works. The original business of the censorship was at first of a much more limited kind, and was restricted almost entirely to taking the census (Liv. iv. 8); but the possession of this power gradually brought with it fresh power and new duties, as is shown below. A general view of these duties is briefly expressed in the following passage of Cicero (*de Leg.* iii. 3, 7):—"Censores populi aevitates, suboles, familias pecuniasque censento: urbis templa, vias, aquas, aerari [so Mommsen: MSS. *aerarium*] vectigalia tuento: populique partes in tribus discribunto: exin pecunias, aevitates, ordines partiunto: equitum, peditumque prolem describunto: caelibes esse prohibento: mores populi regunto: probrum in senatu ne relinquunto."

I. THE CENSUS, the first and principal duty of the censors, for which the proper expression is *censum agere* (Liv. iii. 3, 22, iv. 8), was always held in the Campus Martius; like all public acts concerning the Roman people, viewed as an *exercitus:* and from the year B.C. 435 a special building called *Villa Publica*, which was erected for that purpose by the second pair of censors, C. Furius Pacilus and M. Geganius Macerinus (Liv. iv. 22; Varr. *R. R.* iii. 2), was used as the censor's office, the actual census, however, being conducted in the open air. But all other business of the censors, including the *recognitio equitum*, was transacted in the forum. An account of the formalities with which the census was opened is given in a fragment of the *Tabulae Censoriae*, preserved by Varro (*L. L.* vi. 86, 87, ed. Müller). After the auspicia had been taken, the citizens were summoned by a public crier (*praeco*) to appear before the censors. Each tribe was called up separately (Dionys. v. 75); and the names in each tribe were probably taken according to the lists previously made out on the basis of the latest *census* by the *curatores* of the tribes. Every paterfamilias had to appear in person before the censors, who were seated in their curule chairs; and those names were taken first which were considered to be of good omen, such as Valerius, Salvius, Statorius, &c. (Festus, s. v. *Lacus Lucrinus;* Schol. Bob. *ad* Cic. *pro Scaur.* p. 374, ed. Orelli.) The censors do not appear to have considered themselves responsible for determining whether a man claiming to be enrolled was really entitled to the franchise; hence the occurrence of a name on the censor's roll was evidence merely that the franchise had been claimed, not that there was any justification for the claim (Cic. *pro Arch.* 5, 11). The census was conducted *ad arbitrium censoris;* but the censors laid down certain rules (Liv. iv. 8, xxix. 15), sometimes called *leges censui censendo* (Liv. xliii. 14), in which mention was made of the different kinds of property subject to the census, and the way in which their value was to be estimated. According to these rules, each citizen had to give an account of himself, of his family, and of his property upon oath, *ex animi sententia.* (Dionys. iv. 15; Liv. xliii. 14.) First he had to give his full name (*praenomen*, *nomen*, and *cognomen*) and that of his father, or if he were a freedman that of his patron, and he was likewise obliged to state his age. He was then asked, *Tu, ex animi tui sententia, uxorem habes?* and if married he had to give the name of his wife, and likewise the number, names, and ages of his children, if any. (Gell. iv. 20; Cic. *de Orat.* ii. 64, 260; Tab. Heracl. 142 (68); Dig. 50, tit. 15, s. 3.) Single women who were *sui iuris* (*viduae*) and orphans (*orbi orbaeque*) were represented by their tutores; their names were entered in separate lists, and they were not included in the sum total of capita. (Comp. Liv. iii. 3, *Epit.* 59.) After a citizen had stated his name, age, family, &c., he then had to give an account of all his property, so far as it was subject to the census. In making this statement he was said *dedicare* or *deferre in censum*, or sometimes *censere* or *censeri*, as a deponent, "to value or estimate himself," or as a passive, "to be valued or estimated:" the censor, who received the statement, was also said *censere*, as well as *accipere censum.* (Comp. Cic. *pro Flacc.*

32, 79; Liv. xxxix. 15.) Only such things were liable to the census (*censui censendo*) as were property *ex jure Quiritium*. At first each citizen appears to have merely given the value of his whole property in general without entering into details (Dionys. iv. 15; Cic. *de Leg.* iii. 3, 7; Festus, s. v. *Censores*); but it soon became the practice to give a minute specification of each article, as well as the general value of the whole. (Comp. Cic. *pro Flacc.* 32, 79; Gell. vii. 11; Plut. *Cat. Maj.* 18.) Land formed the most important article in the census; but public land, the *possessio* of which only belonged to a citizen, was excluded as not being Quiritarian property. If we may judge from the practice of the imperial period, it was the custom to give a most minute specification of all such land as a citizen held *ex jure Quiritium*. He had to state the name and situation of the land, and to specify what portion of it was arable, what meadow, what vineyard, and what olive-ground; and to the land thus minutely described he had to affix his own valuation. (Dig. 50, tit. 15, s. 4.) Slaves and cattle formed the next most important item, as constituting along with the land the necessaries of agriculture, and being *res mancipi* (=*res censui censendo*, Cic. *pro Flacc.* 32, 79). The censors also possessed the right of calling for a return of such objects as had not usually been given in, such as clothing, jewels, and carriages. (Liv. xxxix. 44; Plut. *Cat. Maj.* 18.) They undoubtedly possessed the power of setting a higher valuation on the property than the citizens themselves had put. It is in fact expressly stated that on one occasion they made an extravagant surcharge on articles of luxury (Liv. xxxix. 44; Plut. *Cat. Maj.* 18); and even if they did not enter in their books the property of a person at a higher value than he returned it, they accomplished the same end by compelling him to pay down the tax upon the property at a higher rate than others. The tax (*tributum*) was usually one per thousand upon the property entered in the books of the censors; but on one occasion the censors, as a punishment, compelled a person to pay eight per thousand (*octuplicato censu*, Liv. iv. 24). The censors were aided by certain assessors (*in consilio vocati*) and *iuratores* (Liv. xxxix. 44; Plaut. *Trin.* 878, *Poen. prol.* 56), who administered the oath, *i.e.* asked the formal questions.

A person who voluntarily absented himself from the census, and thus became *incensus*, was subject to the severest punishment. Servius Tullius is said to have threatened the incensus with imprisonment and death (Liv. i. 44); and in the republican period he might be sold by the state as a slave (Cic. *pro Caecin.* 34, 99). In the later times of the republic a person who was absent from the census might be represented by another, and thus be registered by the censors (Varr. *L. L.* vi. 86). Whether the soldiers who were absent on service had to appoint a representative, may be questioned. In ancient times the sudden breaking out of a war prevented the census from being taken (Liv. vi. 31), because a large number of the citizens would necessarily be absent. It is supposed from a passage in Livy (xxix. 37), that in later times the censors sent commissioners into the provinces with full powers to take the census of the Roman soldiers there; but this seems
to have been only a special case. It
contrary, probable from the way
Cicero pleads the absence of Archias f
with the army under Lucullus, as a
reason for his not having been enrol
census (*pro Arch.* 5, 11), that servi
army was a valid excuse for absence
the Social War the *census* of the
taken in their own towns: and thi
seems to have continued after they
admitted to the franchise (Cic. *pro*
41).

After the censors had received the na
the citizens with the amount of their
they then had to make out the li
tribes, and also of the classes and
for by the legislation of Servius T
position of each citizen in the state
mined by the amount of his property.
CENTURIATA.] These lists formed
important part of the *Tabulae*
under which name were included
documents connected in any way
discharge of the censors' duties. (C
iii. 3, 7; Liv. xxiv. 18; Plut. *Cat.*
Cic. *de Leg. Agr.* i. 2.) These lists,
least as they were connected with th
of the state, were deposited in the
which was the temple of Saturn (
37); but the regular depository f
archives of the censors was in ear
the Atrium Libertatis, near the Vil
(Liv. xliii. 16, xlv. 15), and in later
temple of the Nymphs (Cic. *pro Mi*
which has recently been discovered
(*Ephem. Epigr.* i. 35).

Besides the arrangement of the ci
tribes, centuries, and classes, the c
also to make out the lists of the se
the ensuing lustrum, or till new ce
appointed; striking out the names
they considered unworthy, and mak
tions to the body from those who w
fied. This important part of their
explained under SENATUS. In the sa
they held a review of the *equites eq*
and added and removed names as th
proper. [EQUITES.]

After the lists had been completed,
ber of citizens was counted up, and
total announced; and accordingly we
in the account of a census, the numb
zens is likewise usually given. Th
such cases spoken of as *capita*, somet
the addition of the word *civium*, and
not; and hence to be registered in
was the same thing as *caput habere*.

II. REGIMEN MORUM. This was
important branch of the censors' duti
one which caused their office to be th
vered and the most dreaded in the Ro
It is not mentioned in connexion with
tution of the censorship (Liv. iv.
appears in the account of the second *l*
iv. 24). Its main purpose was to
how far each citizen fulfilled his dut
the state; but the limits of the inq
defined only by the discretion of th
In this manner the censors graduall
possessed of a complete superintend
the whole public and private life of
zen. They were constituted the conse

public and private virtue and morality; they were not simply to prevent crime or particular acts of immorality, but their great object was to maintain the old Roman character and habits, the *mos majorum*. The proper expression for this branch of their power was *regimen morum* (Cic. *de Leg.* iii. 3, 7; Liv. iv. 8, xxiv. 18, xl. 46, xli. 27, xlii. 3; Suet. *Aug.* 27), which was called in the times of the empire *cura* or *praefectura morum*. The punishment inflicted by the censors in the exercise of this branch of their duties was called *Nota* or *Notatio*, or *Animadversio Censoria*. In inflicting it they were guided only by their conscientious convictions of duty; they had to take an oath that they would act neither through partiality nor favour; and, in addition to this, they were bound in every case to state in their lists, opposite the name of the guilty citizen, the cause of the punishment inflicted on him,—*Subscriptio censoria*. (Liv. xxxix. 42; Cic. *pro Cluent.* 6, 42–48; Gell. iv. 20.) A citizen was usually required to appear before the censors in his own defence, when threatened with the *nota;* and in some cases a censor required the appearance of a prosecutor, before he would take any action (Cic. *pro Cluent.* 48, 133; cf. Val. Max. iv. 1, 10). In fact, a kind of trial was held, but one not fettered by the ordinary legal forms of procedure.

This part of the censors' office invested them with a peculiar kind of jurisdiction, which in many respects resembled the exercise of public opinion in modern times; for there are innumerable actions which, though acknowledged by every one to be prejudicial and immoral, still do not come within the reach of the positive laws of a country. Even in cases of real crimes, the positive laws frequently punish only the particular offence, while in public opinion the offender, even after he has undergone punishment, is still incapacitated for certain honours and distinctions which are granted only to persons of unblemished character. Hence the Roman censors might brand a man with their nota censoria in case he had been convicted of a crime in an ordinary court of justice, and had already suffered punishment for it. The consequence of such a nota was only *ignominia* and not *infamia* (Cic. *de Rep.* iv. 6, 6) [INFAMIA], and the censorial verdict was not a *judicium* or *res judicata* (Cic. *pro Cluent.* 42, 117), for its effects were not lasting, but might be removed by the following censors, or by a lex. A nota censoria was moreover not valid, unless both censors agreed. The ignominia was thus only a transitory capitis deminutio, which does not even appear to have deprived a magistrate of his office (Liv. xxiv. 18), and certainly did not disqualify persons labouring under it for obtaining a magistracy, for being appointed as judices by the praetor, or for serving in the Roman armies. Mam. Aemilius was thus, notwithstanding the animadversio censoria, made dictator. (Liv. iv. 31.)

A person might be branded with a censorial nota in a variety of cases, which it would be impossible to specify, as in a great many instances it depended upon the discretion of the censors and the view they took of a case; and sometimes even one set of censors would overlook an offence which was severely chastised by their successors. (Cic. *de Senect.* 12, 42.) But the offences which are recorded to have been punished by the censors are of a threefold nature.

1. Such as occurred in the private life of individuals, *e.g.* (*a*) The dissolution of matrimony or betrothment in an improper way, or for insufficient reasons. (Val. Max. ii. 9, § 2.) (*b*) The obligation of marrying was frequently impressed upon the citizens by the censors, and the refusal to fulfil it was punished with a fine [AES UXORIUM]. But celibacy in itself can hardly have been visited with a *nota;* for, however undesirable, it cannot have been regarded as a *probrum*. (*c*) Improper conduct towards one's wife or children, as well as harshness or too great indulgence towards children, and disobedience of the latter towards their parents. (Plut. *Cat. Maj.* 17; compare Cic. *de Rep.* iv. 6, 16; Dionys. xx. 3.) (*d*) Inordinate and luxurious mode of living, or an extravagant expenditure of money. A great many instances of this kind are recorded. (Liv. *Epit.* 14, xxxix. 44; Plut. *Cat. Maj.* 18; Gellius, iv. 8, xvii. 21, 39; Vell. ii. 10; Val. Max. ii. 9, § 4.) At a later times the leges sumptuariae were made to check the growing love of luxuries. (*e*) Neglect and carelessness in cultivating one's fields. (Gell. iv. 12; Plin. *H. N.* xviii. § 11.) (*f*) Cruelty towards slaves or clients. (Dionys. xx. 3.) (*g*) The carrying on of a disreputable trade or occupation (Dionys. *l. c.*), such as acting in theatres. (Liv. vii. 2.) (*h*) Legacy-hunting, defrauding orphans, &c.

2. Offences committed in public life, either in the capacity of a public officer or against magistrates. (*a*) If a magistrate acted in a manner not befitting his dignity as an officer, if he was accessible to bribes, or forged auspices. (Cic. *de Senect.* 12, 42; Liv. xxxix. 42; Val. Max. ii. 9, § 3; Plut. *Cat. Maj.* 17; Cic. *de Div.* i. 16, 29.) (*b*) Improper conduct towards a magistrate, or the attempt to limit his power or to abrogate a law which the censors thought necessary. (Liv. iv. 24; Cic. *de Orat.* ii. 64, 260; Val. Max. ii. 9, § 5; Gellius, iv. 20.) (*c*) Perjury. (Cic. *de Off.* i. 13; Liv. xxiv. 18; Gell. vii. 18.) (*d*) Neglect, disobedience, and cowardice of soldiers in the army. (Val. Max. ii. 9, § 7; Liv. xxiv. 18, xxvii. 11.) (*e*) The keeping of the equus publicus in bad condition. [EQUITES.]

3. A variety of actions or pursuits which were thought to be injurious to public morality might be forbidden by the censors by an edict (Gellius, xv. 11), and those who acted contrary to such edicts were branded with the nota and degraded. For an enumeration of the offences that might be punished by the censors with ignominia, see Mommsen, *Staatsr.* ii. 364–368.

The consequence of the censor's *nota* was the removal of the citizen thus censured from the tribe to which he belonged, and his degradation to the *aerarii*. The former act was the main one, and therefore in exact language is always mentioned first ("tribu movere et aerarium facere:" Liv. iv. 24, 7; xxiv. 43, 3; xliv. 16, 8; xlv. 15, 8), though sometimes the order is reversed. In the earlier times, when the tribes represented the freeholders [TRIBUS], this degradation brought with it the serious disadvantage that the degraded citizen paid taxes on the whole of his property, and not merely on his landed estate. But after the changes introduced by Appius Claudius, by which the *aerarii* were included in the *tribus urbanae*, and the distinction between *aerarii* and *tribules* thus ceased to exist, the phrase *tribu movere*, or what was now the same thing *in aerarios referre*, came to mean the removal from the country to the less respectable city tribes. In the case of a senator this degradation involved the loss of his place in the senate, which could however be recovered by subsequent election to a curule office. (Cic. *pro Cluent.* 42, 117.) In the case of an *eques*, it accompanied the *ademptio equi*. Women, as not included among the *tribules*, did not come at all under the control of the censors.

III. The Administration of the Finances of the State was another part of the censors' office. In the first place the *tributum*, or property-tax, had to be paid by each citizen according to the amount of his property registered in the census, and, accordingly, the regulation of this tax naturally fell under the jurisdiction of the censors. (Comp. Liv. xxxix. 44.) [Tributum.] They also had the superintendence of all the other revenues of the state, the *vectigalia*, such as the tithes paid for the public lands, the salt works, the mines, the customs, &c. [Vectigalia.] All these branches of the revenue the censors were accustomed to let out to the highest bidder for the space of a lustrum or five years. The act of letting was called *venditio* or *locatio* (cf. Fest. p. 376, *venditiones dicebantur olim censorum locationes*), and seems to have taken place in the month of March (Macrob. *Sat.* i. 12), in a public place in Rome (Cic. *de Leg. Agr.* i. 37; ii. 21, 55). The terms on which they were let, together with the rights and duties of the purchasers, were all specified in the *leges censoriae*, which the censors published in every case before the bidding commenced. (Cic. *ad Qu. Fr.* i. 1, § 12, *Verr.* iii. 7, 18, *de Nat. Deor.* iii. 19, 49; Varr. *de Re Rust.* ii. 1.) For further particulars see Publicani. The censors also possessed the right, though probably not without the concurrence of the senate, of imposing new vectigalia (Liv. xxix. 37, xl. 51), and even of selling the land belonging to the state (Liv. xxxii. 7). It would thus appear that it was the duty of the censors to bring forward a budget for a lustrum, and to take care that the income of the state was sufficient for its expenditure during that time. So far their duties resembled those of a modern minister of finance. The censors, however, did not receive the revenues of the state. All the public money was paid into the aerarium, which was entirely under the jurisdiction of the senate; and all disbursements were made by order of this body, which employed the quaestors as its officers. [Aerarium; Senatus.]

In one important department the censors were entrusted with the expenditure of the public money; though the actual payments were no doubt made by the quaestors. The censors had the general superintendence of all the public buildings and works (*opera publica*); and to meet the expenses connected with this part of their duties, the senate voted them a certain sum of money or certain revenues, to which they were restricted, but which they might at the same time employ according to their discretion. (Polyb. vi. 13; Liv.
xliv. 16.) They had to see that the
and all other public buildings were in
state of repair (*aedes sacras tueri* and *sa*
exigere, Liv. xxiv. 18, xxix. 37, xlii. 3
Madvig rightly emends *locare tuenda*
tuenda], xlv. 15), that no public plac
encroached upon by the occupation of
persons (Liv. xliii. 16), and that the aq
roads, drains, &c. were properly atte
[Aquaeductus; Viae; Cloaca.]
pairs of the public works and the ke
them in proper condition were let ou
censors by public auction to the lowest
just as the *vectigalia* were let out to the
bidder. These expenses were call
tributa,—a remarkable phrase, probably
to imply the complete discretion wh
senate desired to reserve to itself in c
or refusing the application of a magis
the usual grants; and hence we freque
vectigalia and *ultro tributa* contrasted
another. (Liv. xxxix. 44, xliii. 16;
Municip. l. 73: "publiceis vectigalibus
tributeis.") The persons who undert
contract were called *conductores*, *man*
demptores, *susceptores*, &c.; and the du
had to discharge were specified in t
Censoriae. The censors had also to sup
the expenses connected with the worsh
gods, even for instance the feeding of t
geese in the Capitol, the contract fo
was always the first given out. (Plut
Rom. 98; Plin. *H. N.* x. § 51; Cic. *pro*
20, 57.) Besides keeping existing publ
in a proper state of repair, the cen
constructed new ones, either for orna
utility, both in Rome and in other
Italy, such as temples, basilicae, theatr
coes, fora, walls of towns, aqueducts,
bridges, cloacae, roads, &c. These wo
either performed by them jointly,
divided between them the money wh
been granted to them by the senate.
51, xliv. 16.) They were let out to co
like the other works mentioned above; a
they were completed, the censors had t
the work was performed in accordance
contract: this was called *opus proba*
acceptum referre. (Cic. *Verr.* i. 57, 149
22, xlv. 15; Lex Puteol. in *C. I. L.* i. 16
there were no censors in office, their
duties lapsed to the consuls, who ofte
as giving out contracts for buildings, &

The aediles had likewise a superi
over the public buildings; and it is no
define with accuracy the respective
the censors and aediles: but it may be
in general that the superintendence
aediles had more of a police charact
that of the censors had reference to all
matters.

After the censors had performed thei
duties and taken the census, the *lu*
solemn purification of the people
When the censors entered upon their o
drew lots to see which of them should
this purification (*lustrum facere* or
Varr. *L. L.* vi. 86; Liv. xxix. 37,
xxxviii. 36, xlii. 10); but both cens
obliged of course to be present at the c
[Lustrum.]

In the Roman and Latin colonies and in the municipia there were censors, who likewise bore the name of *quinquennales*. They are spoken of under COLONIA.

A census was usually taken in the provinces, even under the republic (Cic. *Verr.* ii. 53, 131; 56, 139); but there seems to be no single instance of a general census under the empire, with the exception of that mentioned by St. Luke (ii. 2) in the time of Augustus: on which see Mommsen, *Staatsr.* ii. 412, and Meyer, *ad loc.* (Cf. Joseph. *Ant. Jud.* xvii. 13, § 5; xviii. 1, § 1; 2, § 1.) As a rule the census of the various provinces was taken quite independently, often called *censitores*, sometimes by persons of equestrian rank, charged with the census of particular communities or groups of communities, sometimes by imperial *legati pro praetore* appointed for whole provinces (Tac. *Ann.* ii. 6; vi. 41; xiv. 46), sometimes by officials of still higher rank for several provinces together. It was quite in accordance with the principles of imperial government that while the lists, upon which taxation and levies were based, should be kept with great accuracy, and regularly transmitted to Rome, no public or general statement should be made as to the results so obtained (cf. Mommsen, *Staatsr.* ii. 410–413). At Rome the census still continued to be taken under the empire, but the old ceremonies connected with it were no longer continued, and the ceremony of the lustration was not performed after the time of Vespasian. The two great jurists, Paulus and Ulpian, each wrote works on the census in the imperial period; and several extracts from these works are given in a chapter in the Digest (50, tit. 15), to which we must refer our readers for further details respecting the imperial census.

The word *census*, besides the meaning of "valuation" of a person's estate, has other significations, which must be briefly mentioned: 1. It signified the amount of a person's property, and hence we read of *census senatorius*, the estate of a senator; *census equestris*, the estate of an eques. 2. The lists of the censors. 3. The tax which depended upon the valuation in the census. The Lexicons will supply examples of these meanings.

(Becker, *Handbuch der römischen Alterthümer*, vol. ii. part ii. pp. 191–247, with additions and corrections by Mommsen, *Staatsrecht*, vol. ii. pp. 319–461. Compare Niebuhr, *History of Rome*, vol. ii. p. 397; Arnold, *History of Rome*, vol. i. p. 346, &c.; Göttling, *Römische Staatsverfassung*, p. 328, &c.; Gerlach, *Die römische Censur in ihrem Verhältnisse zur Verfassung*, Basel, 1842; Lange, *Röm. Alterthümer*, i. 667–690; Dureau de la Malle, *Économie Politique des Romains*, vol. i. p. 159, &c.) [W. S.] [A. S. W.]

CENSUA'LES. [CENSOR.]

CENSUS. 1. GREEK. The Greek term for a man's property as ascertained by the census, as well as for the act of ascertaining it, is *τίμημα*. The only Greek state concerning whose arrangement of the census we have any satisfactory information, is Athens; for what we know of the other states is only of a fragmentary nature, and does not enable us to form an accurate notion of their census. Previous to the time of Solon no census had been instituted at Athens, as a citizen's rights were always determined by birth; but, as Solon substituted property for birth, and made a citizen's rights and duties dependent upon his property, it became a matter of necessity to ascertain by a general census the amount of the property of the Athenian citizens. According to his census, all citizens were divided into four classes: 1. *Πεντακοσιομέδιμνοι*, or persons possessing landed property which yielded an annual income of at least 500 medimni of dry or liquid produce. 2. *Ἱππεῖς*, *i.e.* knights or persons able to keep a war-horse, wore those whose lands yielded an annual produce of at least 300 medimni, whence they are also called *τριακοσιομέδιμνοι*. 3. *Ζευγῖται*, *i.e.* persons able to keep a yoke of oxen (*ζεῦγος*), were those whose annual income consisted of at least 150 medimni. 4. The *Θῆτες* contained all the rest of the free population, whose income was below that of the Zeugitae. (Plut. *Sol.* 18, and the Lexicographers, *s. vv.*) These classes themselves were called *τιμήματα*: and the constitution of Athens, so long as it was based upon these classes, was a timocracy (*τιμοκρατία* or *ἀπὸ τιμημάτων πολιτεία*). The highest magistracy at Athens, or the archonship, was at first accessible only to persons of the first class, until Aristides threw all the state offices open to all classes indiscriminately. (Plut. *Arist.* 1, 22.) The maintenance of the republic mainly devolved upon the first three classes, the last being exempted from all taxes. Sometimes we indeed find mention of a *θητικὸν τέλος*, and the expression *θητικὸν τελεῖν*, to pay the tax of *θῆτες* (Lex *ap.* Dem. *c. Macart.* p. 1067, § 54; Bekker, *Anecd. Graec.* p. 261; *Etym. M.* s. v.); but this cannot be understood of a special tax which the fourth class had to pay, but must be explained in a more general sense, for *τέλος τελεῖν* means generally, to perform the duties arising out of persons being connected with one or other of the classes, and need not therefore refer to any special tax.

In regard to the duties which the above-mentioned census imposed upon the first three of the classes, we must distinguish certain personal obligations or liturgies (*λειτουργίαι*) which had to be performed by individuals according to the class to which they belonged [LEITURGIAE], and certain taxes and burdens which were regulated according to the classes; so that all citizens belonging to the same class had the same burdens imposed upon them. As the land in the legislation of Solon was regarded as the capital which yielded an annual income, he regulated his system of taxation by the value of the land which was treated as the taxable capital. There is a passage in Pollux (viii. 130, 132) in which he says that a pentacosiomedimnus expended one talent on the public account, a *ἱππεὺς* thirty minae, and a *ζευγίτης* ten minae. Now this seems to be impossible; for, as Solon (Plut. *Sol.* 23) reckoned the medimnus of dry produce at one drachma, we must suppose that a member of the first class was reckoned to have an annual income of 500 drachmae, or the twelfth part of a talent. But the difficulty may be solved in this manner. The valuation which Solon put upon the land of an Athenian citizen was in reality neither the real value of the property, nor the amount of the property tax, but only a certain portion of the real property which was treated as the taxable capital. Solon in his census ascertained a person's landed property from its net annual produce; and the number of medimni which it was supposed to produce were reckoned as so many drachmae. But the produce was probably not calculated higher than was done when the estate was let out to farm. The rent paid by a farmer was probably not much more than 8 per cent., as it was in the time of Isaeus (*Or.* 11 [*Hagn.*], § 42). Now, if we suppose that in the time of Solon it was $8\frac{1}{3}$ per cent., the net produce of an estate was exactly $\frac{1}{12}$ of the value of the property, and accordingly the value of the property of a person belonging to the first class was one talent; in the second, 3600 drachmae; and in the third, 1800 drachmae. Solon, in taxing the citizens, was wise enough to see that the same standard could not be applied to all the three classes; for the smaller a person's income is, the smaller ought to be the standard of taxation. Accordingly, a person belonging to the first class, being the wealthiest, had to pay a tax on his entire property, while only a portion of the property of the persons belonging to the two other classes was regarded as taxable capital; viz. persons of the second paid the tax only of $\frac{5}{6}$, and persons of the third class only of $\frac{5}{9}$ of their property. Lists of this taxable property (ἀπογραφαί) were kept at first by the naucrari, who also had to conduct the census (Hesych. *s. v.* ναύκλαρος), and afterwards by the demarchi (Harpocrat. *s. v.* δήμαρχοι). As property is a fluctuating thing, the census was repeated from time to time, but the periods differed in the various parts of Greece, for in some a census was held every year, and in others every two or four years. (Aristot. *Polit.* v. 8.) Every person had conscientiously to state the amount of his property; and if there was any doubt about his honesty, it seems that a counter-valuation (ἀντιτίμησις) might be made. Now, supposing that all the taxable capital of the Athenian citizens was found to be 3000 talents, and that the state wanted 60 talents, or $\frac{1}{50}$ part of it, each citizen had to pay away $\frac{1}{50}$ part of his taxable property: that is, a person of the first class paid 120 drachmae (the 50th part of 6000); a person of the second, 60 drachmae (the 50th part of 3000); and a person of the third class, 20 drachmae (the 50th part of 1000). It is, however, not improbable that persons belonging to the same class may have had to pay a different amount of taxes according as their property was equal to the minimum or above it; and Böckh, in his *Public Economy of Athens*, has made out a table, in which each class is subdivided into three sections.

This system of taxation according to classes, and based upon the possession of productive estates, underwent a considerable change in the time of the Peloponnesian war, though the division into classes itself continued to be observed for a considerable time after. As the wants of the republic increased, and as many citizens were possessed of large property without being landed proprietors, the original land-tax was changed into a property-tax. In this manner we must explain the proposal of Euripides, shortly before B.C. 393, to raise 500 talents by imposing a tax of one-fortieth part. (Aristoph. *Eccles.* 823, &c.) For the taxable capital, viz. 20,000 talents, far exceeds the amount of all the landed property in Attica.
This property tax, which was subst
the land tax, was called εἰσφορά,
which see EISPHORA. Compare LEI
and for the taxes paid by reside
METOECI. (Böckh, *Publ. Econ. of Athe*
&c., 2nd edition; comp. Schömann, *A*
E. T.)

2. ROMAN. [CENSOR.]

CENTE'SIMA, namely *pars*, or
dredth part, also called *vectigal rerum*
or *centesima rerum venalium*, was a
per cent. levied upon all goods
exposed for public sale, probably n
Rome and in Italy, but throughout t
This tax, as Tacitus (*Ann.* i. 78) says,
duced after the civil wars, and it
assigned to the *aerarium militare.*
reduced the tax to one-half per ce
tesima), after he had changed Cappad
province (A.D. 17), and had thereby
the revenue of the empire (Tac. *A*
but apparently raised it to one per
after the fall of Sejanus (Dio Cass.
Caligula in the beginning of his reig
the tax altogether for Italy, as is a
Suetonius (*Calig.* 16) and also by
Caligula of A.D. 39, on which we f
(i.e. *ducentesima remissa*), and by D
(lix. 9). Suetonius, in speaking of t
sion, calls the tax *ducentesima*, proba
ing the restoration by Tiberius to t
amount. It seems to have been soon
probably by Caligula, for we find
at a later date. (Dig. 50, 16, 7;
xii. 19, 4. Cf. Marquardt, *Röm.*
ii. 269.) [L. S.] [

CENTE'SIMAE USU'RAE. [F

CENTO (κέντρων, Schol. *ad* Aris
449; Suidas, *s.v.*), dim. CENTUNCUL
work, a covering or garment co
several pieces of cloth sewed togethe
slaves (Cat. *R. R.* 2, 3; 10, 5; Fest. p
also by soldiers when working in th
(Caes. *B. C.* iii. 44); used as a coverl
(Macrob. *Sat.* i. 6, § 10; Sen. *Ep.* 80
curtain hung up instead of a door (Ju
Petron. 7; cf. Mart. i. 35, 5); placed
pack-saddles of mules (Liv. vii. 14,
Vet. ii. 59, 2); also as a cap under t
of soldiers to prevent chafing of
(Amm. xix. 8, 8). Centones were
upon earthworks and similar fortific
protect them from fire, and to blunt t
weapons (Caes. *B. C.* ii. 9; Dig. 33, ti
§ 18). Workmen called *Centonarii*
ployed to make centones for this
(Cod. Theod. 14, tit. 8, s. 1; 16, tit.
§ 4). Makers of patchwork for clo
also called by the same name (*Vestia*
narius, Orelli, *Inscr.* 4296; Petron. 4

Cento was likewise the name given
made up from lines or parts of line
poets, like the *Cento Nuptialis* of
made up from Virgil.

CENTONA'RII. [CENTO.]

CENTUM'VIRI. The history of
of the Centumviri is obscure. It for
the two permanent courts or collegia
judges, instituted probably by Servi
(Niebuhr, i. 472), and exercising juri
least from the time of that king unti
the fall of the Western Empire.

collegium—that of the decemviri—was, according to Pomponius (Dig. i. 2, 2, 29; confirmed by Plin. *Ep.* v. 21, and Dio Cass. 54, 26), in some way combined with the centumviri in the presidential functions, though they had an exclusive jurisdiction in questions relating to freedom. The actual number of centumviri varied at different periods. Festus (s. v. *centumviralia judicia*) says that they were nominated by the praetor, three being taken from each of the thirty tribes: the ninety thus obtained would, with the presiding decemviri, make up the exact sum which the name denotes. When the number of tribes was increased in B.C. 241 to 35, there were 105 centumviri; but the old name was retained, according to Festus, "quo facilius nominarentur," and under the empire the number had risen to 180 (Plin. *Ep.* vi. 33). At this time it is improbable that they were any longer selected from the tribes, between whose number and their own there was no relation: from the passage of Dio Cassius referred to above, one might conjecture that they were taken by lot from the *decuriae judicum* instituted by Augustus, and from Ovid (*Trist.* ii. 96) that no one could escape the duty if drawn. It would seem that under the republic the court had no jurisdiction unless the whole number of members sat together, for it was only in the aggregate that they represented the people; but later (probably under Augustus) it was divided into four divisions or sub-courts, which sat and judged apart and independently of each other for the quicker despatch of business (Quintil. *Inst.* xiii. 5, 6), though some causes were heard by two divisions sitting together (*ib.* v. 2, 1), and others even by the whole united body (*ib.* vi. 33), which then (Plin. *Ep.* v. 21), as under the republic, was presided over by a praetor. The old custom was for the court to sit in the open forum, but in Quintilian's time (xii. 5, 6) the four divisions sat on raised seats (*tribunalia*) in the Basilica Julia.

The procedure before the centumviri was always that of the *legis actio* called *sacramentum.* Even when the *legis actiones* in the aggregate were swept away by the Lex Aebutia, *circ.* 240 B.C. (Voigt), the old process was expressly retained by that statute for *centumviralia judicia* (Gaius, iv. 31; Gell. xvi. 10); so that where an action was to be tried in this manner the solemn formalities of *sacramentum* (described by Gaius, iv. 16, 17) had first to be gone through *in jure*, before the praetor, who then remitted it for trial to the centumviri: but the latter were never instructed (like a *judex privatus*) by formula [ACTIO], probably because they could get all the information which a judge got from the formula from the praetor himself, who was their president.

It seems to be the better opinion that the jurisdiction of the centumviri was limited to civil causes: the assumption that they dealt also with criminal matters (for which the only substantial authority is Phaedrus, *Fab.* iii. 10) is rebutted by Dionys. iv. 25, and appears improbable from all our knowledge of the subject. The civil suits which fell under their cognisance specially were those known as Real actions (Cic. *de Orat.* i. 38, 173), while the decemviri were more particularly concerned with questions of status (*libertas, civitas, familia:* Cic. *pro Caec.* 33, 97; *pro Domo* 29, 78). The Real actions comprise all suits claiming property or *jura in re aliena*, such as a right of way, a usufruct, &c., and those relating to inheritances; the scope of the centumviral jurisdiction is denoted by the planting of the *hasta* (the symbol of Quiritarian ownership) in the ground where the court was sitting (Suet. *Octav.* 36; Quintil. *Inst.* v. 2, 1; Gaius, iv. 16), and by the use of the *festuca* in the sacramental procedure.

The constant tendency, however, was to narrow the jurisdiction of the centumviral court. The effect of the Lex Aebutia was to establish an alternative procedure in Real actions: they might in future be tried before the centumviri by *sacramentum*, or before a single judex (instructed by formula), either by *formula petitoria* or *per sponsionem* (Gaius, iv. 91); and all the evidence goes to show that either the praetor or the parties preferred trial by a single judex. At least, under the empire, actions relating to inheritances and *causae centumvirales* are almost considered synonymous expressions (Plin. *Ep.* v. 1, 7; Quintil. *Inst.* iii. 10, 3, vii. 2, 5; Paul. *Sent. rec.* iv. 16, 2; Hieron. *Ep. ad Dom.* 50), and it is not improbable that the Lex Julia de judiciis privatis of Augustus (Gaius, iv. 30) limited the centumviri to causes of this kind. The special sphere of their activity was the *Querela inofficiosi testamenti;* a remedy which had entirely originated in the practice of their court. Cicero (*de Orat.* i. 38, 56; *pro Caec.* 18, 53) and Quintilian (*Inst.* iv. 2, 5) speak of the subtle nature of many of the questions which came before the centumviri; and the younger Pliny, who practised in their court (*Ep.* ii. 18), makes frequent allusion to it in his letters (i. 5, v. 50, ix. 23): it is also referred to in Dig. 5, 2, 13; *ib.* 17, pr.; 34, 3, 30; and in Cod. 3, 31, 12, pr.; 6, 28, 4, pr.

Fuller information on the subject will be found in Bethmann-Hollweg, *Ueber die Competenz des Centumviralgerichts* (Savigny, *Zeitschrift*, v. 11); Tigerström, *de judicibus apud Romanos;* C. A. Schneider, *de Centumviralis judicii apud Romanos origine;* Zumpt, *Ueber Ursprung, Form, und Bedeutung des Centumviralgerichts;* C. Janssen, in *Monogr. über verschied. Theile der Rechtswissenschaft.* [J. B. M.]

CENTU'RIA. [AGRIMETATIO, p. 85 *a.*]

CENTU'RIA. [COMITIA; EXERCITUS.]

CENTURIA'TA COMI'TIA. [COMITIA.]

CENTU'RIO. [EXERCITUS.]

CENTUSSIS. [AS.]

CEPOTA'PHIUM (*κηποτάφιον*), a tomb in a garden, of which Virgil's tomb on the hill of Posilipo is a well-known example. For further details on the practice of burying in gardens, see FUNUS. There is a monograph by Van Goens, *de Cepotaphiis*, 1763. [W. W.]

CERA (*κηρός*), wax. For its employment by the athletae, see CEROMA; in painting, see PICTURA; as a writing material, see TABULAE and TESTAMENTUM. [W. S.]

CERCU'RUS (*κέρκουρος, κερκοῦρος*), a light, swift-sailing vessel, used both in war and in commerce, is first mentioned in the Persian wars (Herod. vii. 97). Its invention is attributed by Pliny (*H. N.* vii. § 208) to the Cypriotes, by others to the Corcyraeans (Suid. *s. v.*), while some modern writers derive its name from its resemblance to a fish of this name (Plin. *H. N.* xxxii. § 152). This kind of ship is mentioned by several writers. (Harpocrat., Hesych. *s. v.*; Diod. *Excerpt.* 506, 61; Lucil. *ap.* Non. 533, 27; Plaut. *Merc.* i. 1, 86; *Stich.* ii. 2, 44; Liv. xxxiii. 19.) [NAVIS.] [W. S.]

CERDO (κέρδων), a name applied to slaves or lower class of workmen (Juv. iv. 153, viii. 182; Pers. iv. 51), sometimes with the additional name of the trade, as *sutor cerdo*, a cobbler (Mart. iii. 59); *cerdo faber*, a smith (Spon, *Misc. Erud. Ant.* 221). [W. S.]

CEREVI'SIA. [CERVESIA.]

CERIA'LIA, CERIA'LES LUDI (the spelling *Cereales* is incorrect: Mommsen, *Staatsr.* ii. 451, note 2), festivals celebrated at Rome in honour of Ceres. In B.C. 493 the worship of Demeter (under the name of the old Italian goddess Ceres) was introduced at Rome by the direction of the keepers of the Sibylline books, and a temple was built in her honour (*aedes Cereris Liberi Liberaeque*, usually called *aedes Cereris*) near the Circus Maximus. The ritual was entirely Greek, the priestesses were Greeks, and the prayers offered were in Greek (Cic. *pro Balb.* 24, 55; *de Leg.* ii. 9, 21; 15, 37). In connexion with this worship, games were instituted under the direction of the plebeian aediles. The festival was properly a plebeian one, but the patricians were invited to take part in it (Gell. xviii. 2, 11). At first the games were held only on extraordinary occasions (Liv. x. 23; xxx. 39), but afterwards they were celebrated annually from the 12th to the 19th of April, the last day being called especially the *Cerialia.* This spring festival was intended to commemorate the return of Proserpine to earth; hence all who took part in it were dressed in white. No bloody sacrifice was permitted, except that of a sow (Ov. *Fast.* iv. 414); the offerings consisted of cakes, honey, and incense. It was celebrated with games in the circus, but with no scenic representations before the time of Augustus (Ritschl, *Parerga*, p. 287). On the last day there was in the country a procession round the fields (Verg. *Georg.* i. 345), in the town a procession to the circus (Ov. *Fast.* iv. 389; Varro, *de Re Rust.* i. 2, 11).

A second festival, the *sacrum anniversarium Cereris*, was held in August (Liv. xxii. 56), and was a thanksgiving feast, belonging to the *sacra publica* (Cic. *de Leg.* ii. 9, 21), but observed only by women, who were dressed in white, and brought the first-fruits to the goddess. They prepared themselves for it by fasting and separating themselves from their husbands for nine days. (Ov. *Met.* x. 431 ff.) (Marquardt, *Röm. Staatsv.* iii. pp. 346-350; Preller, *Röm. Myth.* pp. 432 ff.) [A. S. W.]

CE'RNERE HEREDITA'TEM. [HERES.]

CER'NUUS. [SALTATIO.]

CERO'MA (κήρωμα), "a wax composition," with different references:—

1. A *plaster*, with wax as the principal ingredient (Hippocr. 397, 48; 398, 54; 402, 27, ed. Foesius); or, like *cerion*, an *ulcer* exuding wax-like matter (Plin. Val. i. 25 *fin.*).

2. A mixture of oil, wax, and earth, with which athletes under the Roman empire rubbed themselves before wrestling (Mart. iv. 19, vii. 32; Plin. *H. N.* xxxv. § 168; Plut. ii. 638 D): *femineum ceroma* (Juv. vi. 246). To avoid this
dirty compound getting on the ha
(*galericulum*) was used (Mart. xiv. 5
Mayor on Juv. iii. 68 gives a copious
of passages showing the injurious eff
the sensible Romans considered as hav
from this insane practice, which wa
healthy, and indeed from the gymn
rally: cf. Marquardt, *Privat.* 115–6.
quote one: Plin. *H. N.* xxix. § 26, "Ill
imperii mores, illa quae sani patimu
ceromata ceu valitudinis causa ins
Lucian, *Anachars.* 29], balineae arden
persuasere in corporibus cibos coqu
non minus validus exiret." Pr
practice existed before: cf. Schol.
492, where κηρωματισταί are place
with ἀλεῖπται in explanation of
In *Diocl. Ed.* vii. 64, we find κηρωματ
enough among a number of intellectu
as a recognised trainer of boys, and a
for his services. (Cf. Hermann-Bl
350–51.)

3. The place where this ungnent
on (*elaeothesium*, Vitruv. v. 11); h
rally the wrestling ring: ἐν παλα
κηρώμασι (Plut. ii. 790 F, 190 E; S
Vit. xii. 3; Plin. *H. N.* xxxv. § 5;
Gentes, iii. 23, "curat Mercurius cer
considers the word to belong to
declension).

CERTA'MINA. [ATHLETAE.]

CERTI, INCERTI AC'TIO
used to denote two varieties of Rom
viz. those in which what is claime
terminate sum of money, thing or
those in which the claim is for somet
terminate, respectively.

Whether an actio is *certi* or *incer*
ascertained by looking at the *inte*
formula. In actions which were R
as well as in substance (*i. e.* those
formulam petitoriam, Gaius, iv. 92)
or right claimed was specified in
(Gaius, iv. 3), so that the action may
be *certi*, as Gaius (iv. 54) seems to
sidered it. But it is in person
especially those on contract, that the
is most strongly marked. Where th
contention was that a specific sum
or a specific object was due to hi
defendant, the *intentio* was *certa*, and
"si paret reum decem sestertios da
(condictio certi)," or "si paret r
vini &c. centum modios dare oportere
triticaria)." But where what he c
not of this determinate character, bu
asked that a sum of money due
damages should be ascertained by the
intentio was *incerta*, and was characte
words "quicquid [reum] dare facer
(Gaius, iv. 47, 136, 137). This was
condictio incerti and in the *bonae f*
The terms *certa* and *incerta* are also
Gaius (iv. 49–52) to another constitu
the formula, viz. the *condemnatio*,
certa when a specific sum of money wa
incerta when not. The first was the
where the claim was for an ascertain
money (Gaius, iv. 50). In all other
condemnatio would either be absolut
(or *infinita*, Gaius, iv. 51), as in a R
or *incerta cum taxatione*, e.g. "ju

duntaxat decem milia condemna:" here the judge might fix the damages below the sum named, but he could not exceed it without rendering himself liable to an action (Gaius, iv. 52). [J. B. M.]

CERU'CHI. [Navis.]

CERVE'SIA, CERVI'SIA, CEREVI'SIA (ζῦθος), ale or beer, a beverage scarcely ever drunk by the ancient Greeks and Romans, although it was very generally used by the surrounding nations, whose soil and climate were less favourable to the growth of vines ("in Gallia, aliisque provinciis," Plin. *H. N.* xxii. § 164; Theophrast. *de Caus. Plant.* vi. 11; Diod. Sic. iv. 2, v. 26; Strab. xvii. 2, 5; Tac. *Germ.* 23).

Herodotus's statement that the Egyptians drank "barley-wine" is supported by the inscriptions, in which it is called *hak*, *hank* or *hnk*, and by Strab. xvii. 1, 14, and Diod. i. 34, who describes it as a beverage almost as fragrant as wine and calls it ζῦθος: while Columella (x. 114) tells us that the *radix Assyria* and lupine entered into its composition, the former doubtless to give it fragrance, the latter to serve the same purpose as the modern hop. But the methods of its preparation varied (Strab. ii. 5). A similar drink was made by the Ethiopians from millet and barley (*ib.* xvii. 2, 2).

The beer or barley-wine of Crete was known as κόρμα or κοῦρμι (Diosc. ii. 110). A similar beverage passed under the name of βρῦτον in the North of Greece and Asia Minor, being made of barley by the Phrygians and Paeonians, of barley or of roots by the Thracians, while the Paeonians also made παραβίας or παραβίη from millet and fleabane (κόνυζα). Of the barley drink called πῖνον Aristotle tells us that those inebriated by it fall on the back and on no other part of the body (Athen. x. p. 447). We are told by Xenophon that the Armenians, instead of drinking their ale or beer out of cups, placed it before them in a large bowl (κρατήρ). This being full to the brim with the grains as well as the fermented liquor, the guests, when they pledged one another, drank together out of the same bowl by stooping down to it, although, when this token of friendship was not intended, they adopted the more refined method of sucking up the fluid through tubes of cane (Xen. *Anab.* v. 5, 26). Ζῦθος was the drink of Lusitania (Strabo, iii. 3, 7); in Spain it was known as *caelia* or *cerea* (Plin. *l. c.*; cf. Athen. i. 16 c), while *cervesia* was the name used in Gaul, where other drinks of the sort were common (Plin. *l. c.*; Jul. Afric. *Cest.* 25). Thus Posidonius, *ap.* Athen. iv. p. 152 c, says that while the richer classes in Gaul import wine from Italy and the district of Marseilles, the poor drink a beer made from wheat with or without the addition of honey, which is called κόρμα. This Gallic use of beer is illustrated by a curious circular bottle found in Gaul and preserved in the Musée Carnavalet at Paris: it bears the legend "ospita reple lagona Cervesa" (*Revue archéologique*, 1868, xviii. p. 226; cf. *Gazette archéologique*, iii. p. 176; Daremberg and Saglio, *s. v.*).

The beverage of the Germans was made from barley or wheat (Tac. *Germ.* 23). The beer of Illyria and Pannonia was called *sabaia* or *sabaium* (Hieron. *Isai.* v. 19; cf. Dio Cass. xlix. 36; Priscus, *Ecl. Hist. Goth.* p. 183 Nieb.); and at the court of Attila in Pannonia a beverage called, in the tongue of the country, μέδος (mead?), or one made from barley and called κάμον, was used (Müller, *Fragm. Hist. Gr.* iv. p. 83). The contempt felt by the Greeks and Romans for this barbarian drink is expressed in an epigram of the Emperor Julian (*Anth. Pal.* ix. 365):—Τίς; πόθεν εἷς Διόνυσε; μὰ γὰρ τὸν ἀληθέα Βάκχον οὔ σ' ἐπιγιγνώσκω· τὸν Διὸς οἶδα μόνον· κεῖνος νέκταρ ὄδωδε, σὺ δὲ τράγου, &c.

In the Edict of Diocletian (ii. 11, ed. Waddington) the maximum for *cervesia* and *camum* is fixed at 4 denarii the sextarius, for *zythum* at 2 denarii, while even *vinum rusticum* is fixed at 8 denarii. As an illustration of the low esteem in which it was held by the physicians, the following opinion of Dioscorides may serve:—(ζῦθος) διουρητικὸς καὶ νεφρῶν καὶ νευρῶν ἀπτικὸς, καὶ μάλιστα μηνίγγων κακωτικὸς, πνευματωτικός τε καὶ γεννητικὸς κακοχυμιῶν καὶ ἐλεφαντιάσεως ποιητικός. [J. Y.] [J. H. F.]

CERVI, so called from their resemblance to the horns of a stag (Varr. *L. L.* v. 117), were branches of trees interlaced with their points projecting, used in war as palisading or *chevaux-de-frise*, in front of or upon earthworks or fortifications (Caes. *B. G.* vii. 72; Liv. xliv. 11, 4; Serv. *ad* Verg. *Ecl.* ii. 29; Tib. iv. 1, 84), and sometimes, where there were no fortifications, stuck simply in the level ground (Sil. It. x. 413, 414). [W. S.]

CERVI'CAL (προσκεφάλαιον, ποτίκρανον) properly denotes a pillow or cushion to support the head or shoulder, on a bed or dining couch (Mart. xiv. 146; Suet. *Ner.* 6; Plin. *H. N.* xx. § 217, xxviii. § 47). The word is also used, like its Greek equivalents, in a less special sense to denote any cushion (Juv. vi. 353; Petron. 32, 1; 78, 5; Plato, *Rep.* i. p. 328 C; Theocr. xv. 2). [Pulvinus.] [J. H. F.]

CERYX (κῆρυξ). [Caduceus; Fetialis.]

CES'SIO BONO'RUM. [Bonorum Cessio.]

CES'SIO IN JURE. [In Jure Cessio.]

CESTICILLUS, a porter's knot, pad for carrying burdens, is known to us only through the gloss in Festus (*s. v.*). The Greek word is τύλη (Aristot. *ap.* Diog. Laërt. ix. 53, where it is said to have been invented by Protagoras), or σπεῖρα, from its being twisted into a circular shape (Apollod. ii. 5, 11, § 14). For an illustration, see Arculum. [W. W.]

CESTROSPHEN'DONE. [Funda.]

CESTRUM. [Pictura.]

CESTUS. [Caestus.]

CESTUS (κεστός). In Hom. *Il.* xiv. 214, an adj., applied to the girdle (ἱμάς) of Aphrodite, on which were embroidered all manner of enticements to love (Schol. *ap.* Ebeling). It means "perforated;" *i.e.*, with holes made by the needle—"embroidered," *acu pictus*—and is derived from the same root (viz. kas = *ferire*) as κεάζω (Fick, *Vergl. Wörterb.* i. 531), or κεντέω for κενστός (all ancient gramm., Pott, Ahrens). It is to be considered the same as the στρόφιον, ταινία, μίτρα, στηθοδεσμός, *fascia pectoralis*, *mammillare*, which is found on statues of Aphrodite worn next the skin ("ceston de Veneris sinu calentem," Mart. xiv. 206: cf. K. O. Müller, *Arch. der Kunst*, §§ 339. 3, 377. 5; and Baumeister, *Denkmäler*, &c. p. 366, fig. 393). It was accordingly made of some soft substance (Catull. 64, 65; Prop. v. 9, 48). In Mart. xiv. 66 *pellis* is probably what we should call kid. Its object was to support and sometimes compress too full bosoms, like the modern corset, but it was not used, like the latter, to pinch in the figure. The Greeks and Romans were strangers to this injurious practice (Baumeister, *l. c.*; Becker-Göll, *Charikles*, iii. 226; *Gallus*, iii. 251). Accordingly, every girl did not wear one. Winckelmann (*ap.* Müller, *l. c.*) and Saglio (*Dict.* i. 1176) consider that, owing to its splendour, the **κεστὸς** of Aphrodite was a belt worn *outside* the dress. Sometimes Aphrodite is represented as holding the **κεστὸς** in her hand (*Arch. Zeit.* 1866, 261; cf. Mart. vi. 13); sometimes Cupid wore it on his neck (Mart. xiv. 206). [L. C. P.]

CETRA or **CAETRA** (**καιτρέα, καίτρα**), a target, *i.e.* a small round shield, made from an animal's hide (Isid. *Orig.* xviii. 12; Curt. iii. 4; Varr. *ap.* Non. p. 82, 18), those of elephant's hide having the reputation of being impenetrable (Plin. *H. N.* xi. § 227). The *caetra* is compared by Livy (xxviii. 5, xxxi. 36) to the *pelta* of the Greeks and Macedonians; it was sometimes painted (*versicolor*, Sil. iii. 278), and troops advanced to battle clashing it against their weapons (*ib.* iii. 348, x. 231). It was properly a barbarian arm (see, however, Verg. *Aen.* vii. 732; Suet. *Calig.* 19), and was especially used by the Iberians (Caes. *B. C.* i. 39, 48; Luc. *Phars.* vii. 232; Diod. Sic. v. 33; Hesych.), the Mauritanians (Strabo, xvii. p. 828), and the Britons (Tac. *Agric.* 36). It is usually identified with the target of the Scottish Highlanders, and may be seen "covering the left arms" (Verg. *l. c.*) of the two accompanying figures, which are taken from a MS. of Prudentius, probably written in this country as early as the ninth century (*Cod. Cotton. Cleop.* C. 8). (Cf. Morelli, iii. n. 3; Cohen, *Monn. Cons. Caecilia.*) [PELTA.] [J. Y.] [J. H. F.]

Cetra. (From a MS. of Prudentius.)

CHALKEIA (**χαλκεῖα**), a very ancient festival celebrated at Athens, which was originally of an agrarian character; but afterwards it assumed a different type. At first it was solemnised in honour of Athena, surnamed Ergane, and by the whole people of Athens, whence it was called Ἀθήναια or Πάνδημος. (Suidas, *s. v.*; *Etym. M.*; Eustath. *ad Il.* ii. p. 284, 36.) At a later period, however, it was celebrated only by artisans, especially smiths, and in honour of Hephaestus, whence its name was changed into **Χαλκεῖα.** (Pollux, vii. 105.) It was kept

on the 30th day of the month of Pyaneps
day after the Apaturia. (Suidas, Har
Eustath. *l. c.*) Menander had written a
called **Χαλκεῖα,** a fragment of which is pr
in Athen. xi. p. 502. (Comp. Welck
Aeschyl. Trilog. p. 290; A. Mommsen, *Heo*
p. 311, 40.)

CHALCID'ICUM is defined by Fes
sort of building (*genus aedificii*, P. Dia
M.), so called from the city of Chalci
explained by Vitruvius and the Glos
Isidore as an annexe or appurtenanc
basilica. The mention in Vitruvius is
incidental: "Sin autem locus erit am
longitudine, chalcidica in extremis parti
stituantur, ut sunt in Julia Aquiliana
§ 4). The gloss in Isidore is extremely
but points to a cloister or portico outs
building, suitable for a promenade (*de*
torium), and either in front (*vestibulum*
the sides (*peribolum, peripterum*). Dio
(li. 22), describing the buildings ere
Augustus in 29 B.C., mentions **τό τε Ἀ**
καὶ τὸ Χαλκιδικὸν ὠνομασμένον καὶ τὸ
τήριον τὸ Ἰουλίειον, "the temple of
the so-called Chalcidicum and the Curia
This is according to the reading of Re
Bekker omits **καὶ** before **τὸ Χαλκιδικόν,**
τὸ Ἀθήναιον τὸ Χαλκιδικόν, "the te
Minerva called Chalcidica." The corre
the less probable, as elsewhere the te
Minerva Chalcidica is mentioned among
tian's buildings (*Catal. Viennensis* ap.
col. 243; Burn, p. 110). The *Monu*
Ancyranum agrees with the text of Dio
necting the *chalcidicum* with the *curia*
new senate-house of Augustus: "curia
Chalcidico, forum Augustum, basilicam
(*Mon. Ancyr.* tab. vi. line 34, Zumpt).
public buildings, then, besides basilicas
have a chalcidicum attached to them.

All doubt is removed by the buildin
fullonica at Pompeii, on the front of wh
name chalcidicum may still be read,
with the following inscription (Mommse
R. Neap. 2204):

EUMACHIA . L. F. SACERD. PUB.***
***** CHALCIDICAM . CRYPTAM . POR
*** SUA. PEQUNIA . FECIT . EADEMQ . DE

Other inscriptions are in Mommsen,
2423; Orelli, 1303, 3287, 3290, 3295.

The chalcidicum was an entrance-h
public building, designed for the sh
persons waiting to be admitted, or wh
transact their business under it; it was
or partially roofed, and might take t
either of a deep porch, or in some ca
cloistered court. Such a vestibule is
many Christian basilicas; the former typ
in St. John Lateran and Sta. Maria Mag
Rome, the latter in St. Ambrogio at Mil
foundations show that a chalcidicum of
once existed in front of the vast basilica
stantine at Rome (Burn, p. 167). The
of a basilica described by Procop
Aedif. Justin. i. 10) is twice design
the term **χαλκῆ.** This might sug
covering of bronze plates [cf. CHALC
and another possible derivation for the
but the received explanation is far mo
bable. "The name also occurs in co

with a building at Capua [of the year 99 B.C.; *C. I. L.* i. 659; Mommsen, *I. R. N.* 3561; Henzen, 6089]; and hence it has been conjectured by Urlichs that the name is derived from the fact that this kind of building was introduced into Italy by the Chalcidian colonists of Cumae in Campania. Urlichs further endeavours to show that the Chalcidicum of Augustus was an enclosed court with cloisters round it, standing on the left of the Curia Julia, nearly on the spot now occupied by the church of Sta. Martina." (Burn, p. 111.)

There is no reason to suppose that the word is used in any other sense than this. When Arnobius says (*adv. Gent.* iv. 33, p. 149), "scribuntur dii vestri in tricliniis caelestibus atque in *chalcidicis* aureis cenitare," it does not follow that chalcidicum could be used for a dining-room (*cenaculum*, *cenatio*). The distinction between *triclinia* and *chalcidica*, and the outdoor habits of southern countries at all times, justify the usual meaning (comp. *οἱ ἐννέα ἄρχοντες εἱστιῶντο ἐν τῇ στοᾷ*, Hyperid. *fr.* 165 ed. Turic. = 142 Blass). And when Ausonius in his *Periochae* translates Hom. *Od.* xxiii. 1,

Γρηῦς δ' εἰς ὑπερῷ' ἀνεβήσατο καγχαλόωσα,

by "*Chalcidicum* gressu nutrix superabat anili," we may regard this as an incorrect rendering of *ὑπερῷον*. (Rich, *s. v.*; Saglio, *s. v.*; Burn, *Rome and the Campagna*, pp. xli. 102, 110, 111, 129, 167.) [A. R.] [W. W.]

CHALCIOI'CIA (*χαλκιοίκια*), an annual festival, with sacrifices, celebrated at Sparta, in honour of Athena, surnamed *Χαλκίοικος*, i.e. the goddess of the brazen-house. (Paus. iii. 17, § 3, x. 5, § 5; and Goeller *ad* Thucyd. i. 128, &c.) Young men marched on the occasion in full armour to the temple of the goddess; and the ephors, though not entering the temple, but remaining within its sacred precincts, took part in the sacrifice. (Polyb. iv. 35, § 2.) [L. S.]

CHALCUS (*χαλκοῦς* or *χαλκίον*). We have spoken, under AES, of the use of bronze or copper for money, which began in most parts of the Greek world about B.C. 400. At Athens, the *chalcus*, or copper *par excellence*, is said by Pollux (ix. 65) to have been equivalent to the eighth of an obol: in some other places it was the sixth of an obol, and contained seven lepta.

The Scholiast to Aristophanes, *Ranae*, 720, says that copper coins (*χαλκία*) were first issued at Athens in the archonship of Callias, B.C. 406; and Aristophanes (*loc. cit.*) seems to be speaking of them. In the *Ecclesiazusae* (816) the same writer speaks of the demonetization of certain copper coins, and the reversion to a silver currency. It seems likely that the coins referred to in both these passages are the pieces still extant with the head of Athena on one side, and an owl with two bodies and one head on the other, which resemble the silver diobols of Athens. Coins of late period struck in Syria bear the inscription *χαλκοῦς*, which declares their value. *Δίχαλκα* and other multiples of the *chalcus* were also struck at Chios and other places. When, however, bronze coins do not bear inscriptions stating their value, the latter cannot with certainty be fixed. [P. G.]

CHA'RILA (*ἡ χαρίλα*), one of the three festivals celebrated at Delphi every ninth year, as a thanksgiving for having been delivered at one time from a famine. (Plut. *Quaest. Gr.* 55.) [L. S.]

CHARIS'TIA. [CARISTIA.]

CHARTA. [LIBER.]

CHEIRONOM'IA (*χειρονομία*). The movement of the hands was an important part of Greek and Roman dancing [SALTATIO], and had the name of *χειρονομία*. Herodotus, in the story of Hippoclides standing on his head before the guests of Clisthenes, uses the curious expression *τοῖσι σκέλεσι ἐχειρόνομησε* (vi. 129). It was also a feature of any pantomimic performance ("chironomon Ledam," Juv. vi. 63). [PANTOMIMUS.] The word is also used in the sense of *σκιαμαχία*, or sparring. (Plat. *Legg.* viii. p. 830 C; Paus. vi. 10, § 3.) [PUGILATUS.] [W. M. L.]

CHEIROTON'IA (*χειροτονία*). In the Athenian assemblies two modes of voting were practised, the one by ballot [PSEPHUS], the other by a show of hands (*χειροτονεῖν*). The latter was the usual mode of conducting business. Secret voting in general was only used when the personal interests of individuals were concerned; as when the question was the condemnation or acquittal of a person put on his trial, the remission of a punishment (especially of ATIMIA), or of a pecuniary fine payable to the state, the conferring of citizenship on strangers, or finally the banishment of a citizen by ostracism. Open voting was employed on questions of public policy, such as war or peace, in voting upon laws, and in some special kinds of trials on matters which concerned the people, as upon *προβολαὶ* and *εἰσαγγελία*. In the elections of magistrates (*ἀρχαιρεσίαι*), some were chosen by lot (*ἀρχὴ κληρωτή*); others, and these of course the more important, *e.g.* the *στρατηγοί*, by show of hands (*ἀρχὴ αἱρετὴ* or *χειροτονητή*). The grammarians attempt a distinction between *αἱρετὴ* and *χειροτονητή*, which however is rejected by modern scholars (*Arg.* ii. *ad* Dem. *Androt.* p. 588). But the undoubted distinction between *ψηφίζεσθαι* and *χειροτονεῖν* is not always observed: we find the word *ψηφίζεσθαι* used where the voting was really by show of hands (Lys. *c. Eratosth.* §§ 44, 75; Dem. *Olynth.* i. § 2).

The *χειροτονία* was taken first on the affirmative, then on the negative side of the question at issue: the number of hands was counted each time by the herald; and the president, upon the herald's report, declared whether the ayes or noes had the majority (*ἀναγορεύειν τὰς χειροτονίας*, Aeschin. *c. Ctes.* § 3).

It is important to understand clearly the compounds of this word. A vote condemning an accused person is *καταχειροτονία*: one acquitting him, *ἀποχειροτονία* (Dem. *c. Mid.* p. 518, § 6; p. 553, § 120; p. 583, § 214): *ἐπιχειροτονεῖν* is to confirm by a majority of votes (*Leges ap.* Dem. *de Cor.* pp. 235, § 9, 261, § 105): *ἐπιχειροτονία τῶν νόμων* was a revision of the laws, which took place at the beginning of the Attic year in the month of Hecatombaeon: *ἐπιχειροτονία τῶν ἀρχῶν* was a vote taken in the first assembly of each prytany on the conduct of the magistrates: in these cases, those who voted for the confirmation of the law, or the continuance in office of the magistrate, were said *ἐπιχειροτονεῖν*, those on the other side *ἀποχειροτονεῖν* (Dem. *c. Timocr.* p. 706, § 20; *c. Theocrin.* p. 1330, § 27; Harpocrat. and Suidas, *s. v.* Κυρία ἐκκλησία): *διαχειροτονία* is a vote for one of two alternatives (Dem. *c. Androt.* p. 596, § 9; *c. Timocr.* p. 707, § 25; *c. Neaer.* p. 1346, §§ 4, 5): ἀντιχειροτονεῖν to vote against a proposition: προχειροτονία is the show of hands on the previous question, *i.e.* whether the people desired further discussion or not (Dem. *c. Timocr.* p. 703, § 11). The compounds of ψηφίζεσθαι have similar meanings (Schömann, *Assemblies*, pp. 120, 125, 231, 251, 330; *Antiq.* i. p. 335, E. T.). [P. S.] [W. W.]

CHELE (χηλή), derived from χα-, "to gape" (Vaniček, 237). Thus it is used for cracks in the feet (Poll. iv. 198), for a cloven hoof (Eur. *Bacch.* 619), and thence for a hoof in general, even a solid one (Id. *Phoen.* 42). But usually χηλὴ signifies something hooked or forked: thus the claws of a crab (Plut. ii. 98 D), the talons of a bird (Soph. *Ant.* 1003), the claws of a wild beast (Eur. *Hec.* 90; Theocr. *Epigr.* vi. 4). We find it also applied to a kind of two-pronged hooked probing needle, used to pull out a polypus (Hipp. 471, 54). As regards military engines, χηλὴ was sometimes used for the notch of the arrow or other missile discharged from the catapult; also for the two "fingers" of the "hand" (*manucla*, Vitruv. x. 15), which in that engine grasped the back-drawn string. See Heron, *Belop.* 141: ἡ μὲν γὰρ τοῦ εὐθυτόνου (sc. τοξότις) στρογγύλη γίνεται ἐπείπερ εἰς τὴν τοῦ οἰστοῦ ἐμπίπτει χηλήν ("notch"). ταύτην δὲ ἡ κατάγουσα χεὶρ διπλῆ γίνεται, κεχηλωμένη ("bifurcated") πρὸς τὸ μεταξὺ τῶν χηλῶν δέξασθαι τὸ τοῦ βέλους πάχος. The figure shows a horizontal section of the "hand" of the engine and its two "fingers" (χηλαί), *a*, *a*, turning on an axis, *x*, *x*. The space between *b* must be at least as wide as the thickness of the missile. What really gripped the cord were vertical prongs running down from *a*, *a* (see a vertical section of *a* in fig. 2). For the whole explanation of military engines, from which this is taken, see Rüstow and Köchly, *Geschichte des Griechischen Kriegswesens*, Aarau, 1852, pp. 378–405. The reading χηλὴν in Vitruv. x. 17, 7, is wrong: it should be χελώνιον (see Rüstow and Köchly, *Griechische Kriegsschriftsteller*, Leipzig, 1853, i. 232).

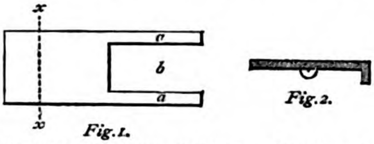


Fig. 1. *Fig. 2.*

Chele, notch of Catapult. (Rüstow and Köchly, p. 384.)

Further, χηλὴ is applied to a breakwater which curves out and presents the form of a claw (see Arnold on the χηλὴ at Potidaea in Thuc. i. 63), and to the spur of a mountain (Suidas, *s. v.* χηλὴ ὄρους).

In astronomy that part of the heavens next Virgo embraced by the arms of the Scorpion was called *Chelae* by early writers and by the poets (Verg. *Georg.* i. 33; Ov. *Met.* ii. 195), even after Geminus (80 B.C.) had separated that portion as a new sign, and called it Ζυγός (Libra). [L. C. P.]

CHELIDONIA (χελιδόνια), a custom observed in the island of Rhodes, in the month of Boëdromion, the time when the swallows returned. During that season boys,
χελιδονισταί, went from house to house
ing little gifts, ostensibly for the re
swallows (χελιδονίζειν), and singing
which is still extant. (Athen. viii.
compare Ilgen, *Opusc. Phil.* i. p. 16
Eustath. *ad Odyss.* xxi. *sub fin.*) It is
have been introduced by Cleobulus of Li
a period when the town was in great
The chelidonia, which have sometim
called a festival, seem to have been noth
a peculiar mode of begging, which on th
sion of the return of the swallows was ca
by boys in the manner stated above. Ma
logies may still be observed in various c
at the various seasons of the year.

CHELYS. [Lyra.]

CHEME (χήμη), derived from χ
gape;" hence it means "a yawn" (H
also the "cockle," from its gaping dou
(Arist. *H. A.* v. 15, 4). Lat. *cham*
varieties of cockles, see Pliny, *H. N.* xxxi
But its best known signification is th
small measure of capacity, about the s
cockle-shell (cf. κόγχη). Its exact
variously related.

1. In Galen's table of liquid measure
μικρά = μύστρον μικρόν = $\frac{1}{12}$ κοτύλη =
27·36 centilitres = 2·28 centilitres =
0·0176 Eng. pints = 0·04 Eng. pints.
table called that of Cleopatra's cosm
similar measure is called ἐλάττων κόγχη
equal to two cochlearia.

2. In this table of Cleopatra there i
cial section devoted to very small mea
capacity, arranged according to weight i
mas. One drachma of oil or wine (see
Metrologie der Griechen, &c. p. 110, n
presented the capacity of $\frac{1}{60}$ of an Attic
In this table the χήμη ἡ μεγάλη is a
for holding three drachmas ∴ $\frac{3}{60}$ Attic
= 1·368 centilitres = 0·024 Eng. pin
χήμη ἡ μικρά is $\frac{2}{3}$ of this = 0·016 Eng.

3. In the table of Dioscorides the χ
of the κύαθος (which is itself $\frac{1}{6}$ of a κο
1·14 centilitres = 0·02 Eng. pint. Th
is the Ptolemaic reckoning (*Metrologi*
It was = one cochlear.

The symbol for χήμη was χ. Evid
most of the above statements will b
in F. Hultsch, *Metrologici Scriptores*,
s. vv. χήμη and *chema*. [L.

CHENISCUS. [Navis.]

CHERNIBON or **CHEIRONI**
(χερνιβεῖον [in Hom. *Il.* xxiv. 304 it is χ
or χειρόνιπτρον), a basin used for hol
lustral water at a sacrifice; and gen
basin for washing the hands in. Lat. *ma*
Pollux (vi. 92) says the term χειρ
embraced both jug (πρόχους) and basin
cf. Serv. *ad Aen.* iii. 466, "lebes p
capitur, in quod aqua, dum manus ab
decidit." The water, whether sacri
not, was called χέρνιψ. In the state
ceremonies, this basin was of gold (A
Alcib. § 29). The λέβης in Hom. *Od.*
is of silver. For another example of
basin, see Hermann-Blümner, p. 168, not
private dinners, before the dishes were
in, servants handed round water for was
hand: ὕδωρ κατὰ χειρός (Ar. *Vesp.* 1216)
was called ἀπονίζειν (Plat. *Symp.* 175

the end of the meal, too, water was handed round for a similar purpose (Hermann-Blümner, p. 245). The view of Ar. Byz. *ap.* Athen. 408 f, that κατὰ χειρὸς refers to the washing before dinner, and ἀπονίψασθαι to that after dinner, is disproved, not only by the passages of Homer there cited, but also by the passages from Philyllius and Menander quoted by Athenaeus a few lines previously. The water was poured over the hands of the guests in both cases (Philox. *ap.* Athen. 409 e). We must remember that the Greeks and Romans used to eat with their fingers (Hermann-Blümner, p. 242, note 4; Marquardt, *Röm. Privatl.* 308, note 3). At these dinners the jug and basin were usually of silver, both in Greece, as we have seen, and at Rome (Dig. 34, 2, 19, 12). The shape was round; both shallow and deep ones are found represented, and sometimes they had highly ornamented covers: see the pictures in Saglio, *Dict.* i. 1101. [L. C. P.]

CHERNIPS (χέρνιψ). [CHERNIBON.]

CHEROSTAE. [HERES.]

CHILIARCHUS. [EXERCITUS.]

CHIRAMAX'IUM (χειράμαξα, χειραμάξιον), any wheeled carriage drawn by the hand. Its use may have varied between a "perambulator" for children and a "Bath chair" for invalids: the only classical passage (Petron. 28) leaves this point uncertain. [W. S.] [W. W.]

CHIRIDO'TA. [TUNICA.]

CHIRO'GRAPHUM, the Latin equivalent of the Greek word χειρόγραφον, means, in its original and widest sense, a document in the handwriting of a person interested in the truth of the facts contained in it: it is used in this general sense by Cicero without reference to legal transactions (cf. Cic. *ad Att.* ii. 20, 5; *Phil.* ii. 4, 8); it was, however, a means of securing evidence against a debtor (cf. Cic. *ad Fam.* vii. 18, "cautionem chirographi mei"), and so it came to signify specially a written acknowledgment of a debt. In Cicero's time the usual term for an instrument which contained an acknowledgment of a debt, was not *chirographum*, but *syngrapha* (συγγραφή) (Cic. *pro Rabir. Post.* 3; *de Har. Resp.* 13; *Phil.* ii. 37, 95; *ad Att.* v. 21, 11, vi. 1, 2). Syngraphae appear to have been common securities for debts in the provinces, and were of Greek origin. According to the statement of the Pseudo-Asconius (*ad* Cic. *in Verr.* ii. 1, 36), a syngrapha was a particular kind of chirographum; it differed from other chirographa in that a debt acknowledged in it was presumed to exist, whether there had been any real value received or not, whereas other chirographa were not binding unless they were acknowledgments of actual debts for money received. Hence, if Asconius is to be believed, the syngrapha was a written obligation, but the mere chirographum was not. Asconius points out as another characteristic of syngraphae, that they were executed by both parties, not simply by the debtor, and that they were taken charge of for both parties instead of creditors having the exclusive right to their custody.

The distinction made by Asconius between the legal effect of syngraphae and chirographa is shown by the superior authority of Gaius (iii. 134) not to be well founded. It is thought that Asconius—who, as Niebuhr has shown, cannot have written earlier than the fourth century—misunderstood the allusions of Cicero to syngraphae, and so attached an exceptional importance to them (Savigny, *Verm. Schr.*, vol. i. *de Litt. Obl.*). Gaius, in the passage above referred to, after describing the Roman literal contract, which was made by transcriptive entries in a family account book (*codex*), proceeds to say: "There appears to be another literal obligation created by chirographa and syngraphae, which were written acknowledgments of debts or promises to pay, unaccompanied by stipulation, a mode of contract proper to aliens." According to the ordinary interpretation of this passage, Gaius is here referring to particular forms of contract current among aliens. Gneist, however, supposes that Gaius is pointing to a general distinction between Roman and Greek law. In Roman law a written agreement was not actionable in itself, but only evidence of a stipulation having been entered into. In Greek law, on the other hand, informal written agreements were enforceable; so Gaius intends to say in this passage, that among aliens any written acknowledgment of a debt was actionable without a stipulation. This principle of Greek law, if it was one, was never adopted into Roman. In the legislation of Justinian the term *syngrapha* does not occur; and chirographum does not mean, as in the above passage of Gaius, a written contract, but is equivalent to cautio, an evidentiary document containing the terms of a stipulation or loan or a receipt on account of payment of a debt. The words *instrumentum* and *epistola* are used in a similar sense. But though a cautio or chirographum of a debt was not binding as a contract, its existence was presumptive evidence of a debt, if the debtor allowed it to remain in the creditor's hands for a certain period. Justinian in his Institutes (iii. 21) goes so far as to say, that after the prescribed period the debtor is bound by his writing; but the accuracy of this statement is much questioned. So again a chirographum of a stipulation was presumptive evidence of a stipulation having been entered into (*Inst.* iii. 19, § 12).

Precautions were taken for securing such documents as chirographa against falsification [CAUTIO; FALSUM]. The formal requisites, if any, for the validity of chirographa and syngraphae cannot be determined. According to Gneist, the word συγγραφή did not signify among the Greeks any particular form of written contract, since the words συνθήκη and συμβόλαιον are used as synonymous with it; it was usual, however, to seal obligations in writing and to entrust them to a third party. At a later time the word χειρόγραφον, especially in its Latin form, came to be used; but between syngraphae and chirographa, Gneist thinks, there was no essential difference, both being documents of an informal character, not requiring seals or the attestation of witnesses as essentials to their validity. It seems probable that at one time the syngrapha was a common act of creditor and debtor; but a chirographum might be the act of the debtor alone. If it could be supposed that a passage extracted by Heimbach from the MS. of a dictionary written in the 13th century rested on any early authority, there would be some analogy between the form of a syngrapha and an old English deed of indenture. The extract is as follows: —"Nota, quod chirographus et syngraphus saepe accipitur indifferenter. Differunt tamen proprietate, quod chirographus dicitur conscriptio manuum seu cautio, quae fit propria manu debitoris et committitur creditori; syngraphus dicitur conscriptio in duorum scilicet scripto. Antiquitus enim creditor et debitor insimul in ligno vel in charta scribebant et nomen debitoris et nomen creditoris et testes et summam pecuniae; et in medio hoc sibi syngraphum capitalibus locis et per medium dividebant. Postea si creditor plus exigeret, quam deberet, vel si debitor denegaret depositum, uterque afferebat partem, quam habebat, ut duae partes convenirent, et id propterea syngraphum dictum est. Syngraphus et dicitur nomen aliquod vel scriptura in re aliqua confirmanda scripta. Sic in cartis publicis omnino non usus tantum scribit, sed plures, ad confirmationem chartae." (Heimbach, *Creditum*, § 520.) (Gneist, *Die Formellen Verträge;* Heimbach, *Creditum*, § 498, &c.; Walter, *Gesch. des Röm. Rechts*, §§ 606-608; Puchta, *Inst.* iii. § 274; Danz, *Lehrbuch der Gesch. des Röm. Rechts*, § 60; Savigny, *Verm. Schriften*, vol. i. *de Litt. Obl.*) [E. A. W.]

CHIRONOM'IA, CHIRON'OMUS. [CHEIRONOMIA.]

CHIRU'RGIA (χειρουργία), surgery. The practice of surgery was at first considered by the ancients to be merely a part of a physician's duty; but, as in later times the two branches of the profession were to a great extent separated, it will perhaps be more convenient to treat of it under a separate head. Without touching upon the disputed questions, which is the *more ancient*, or which is the *more honourable* branch of the profession; or even trying to give such a definition of the word *chirurgia* as would be likely to satisfy both the physicians and surgeons of the present day; it will be sufficient to determine the sense in which the word was used by the *ancients:* and then to give an account of this division of the science and art of medicine, as practised among the Greeks and Romans, referring to the article MEDICINA for further particulars.

The word *chirurgia* is derived from χείρ, the hand, and ἔργον, a work, and is explained by Celsus (*de Med.* lib. vii. Praefat.) to mean that part of medicine *quae manu curat*, "which treats ailments by means of the hand;" in Diogenes Laërtius (iii. 85) it is said to cure διὰ τοῦ τέμνειν καὶ καίειν, "by cutting and burning;" nor (as far as the writer is aware) is it ever used by ancient authors in any other sense. Omitting the fabulous and mythological personages, Apollo, Aesculapius, Chiron, &c., the only certain traditions respecting the state of surgery before the establishment of the republics of Greece, and even until the time of the Peloponnesian war, are to be found in the Iliad and Odyssey. There it appears that surgery was almost entirely confined to the treatment of wounds; and the imaginary power of enchantment was joined with the use of topical applications. (*Il.* iii. 218; xi. 515, 828, 843, &c.) The Greeks received surgery, together with the other branches of medicine, from the Egyptians; and, from some observations made by the archaeologists who accompanied the French expedition to Egypt in
1798, it appears that there are documer
proving that in very remote times thi
ordinary people had reached a degree
ficiency of which few of the moderns h
conception. Upon the ceilings and wall
temples at Tentyra, Karnac, Luxor, &
rilievi are seen, representing limbs that h
cut off with instruments very similar
which are employed for amputations at the
day. The same instruments are again
in the hieroglyphics, and vestiges of ot
gical operations may be traced, whicl
convincing proofs of the skill of the
Egyptians in this branch of medical
(Larrey, quoted in Cooper's *Dict. of Prac*

The earliest remaining surgical writ
those in the Hippocratic Collection, whe
are ten treatises on this subject, o
however only one is considered unde
genuine. Hippocrates (B.C. 460-357 ?)
passed all his predecessors (and indeed
his successors) in the boldness and succe
operations; and though the scanty knov
anatomy possessed in those times prev
attaining any very great perfection,
should rather admire his genius, which
him to do so much, than blame him becau
his imperfect information, he could not
plish more. The scientific skill in reduc
tures and luxations displayed in his w
Fracturis, *De Articulis*, excites the ad
of Haller (*Biblioth. Chirurg.*); and he w
probably the inventor of the *ambe*, an
gical machine for dislocations of the s
which, though now fallen into disuse,
for a long time a great reputation. In
De Capitis Vulneribus he gives minute d
about the time and mode of using the t
and warns the operator against the pr
of his being deceived by the sutures
cranium, as he confesses happened to
(*De Morb. Vulgar.* lib. v. tom. iii. p.
Kühn.) Amputation, in the modern sen
word, is not described in the Hippocrati
tion; though mention is made of the re
a limb at the joint, after the flesh has b
pletely destroyed by gangrene. (*L*
tom. iii. p. 248.) The author of the
commonly attributed to Hippocrates, b
pupils not to perform the operation of lit
but to leave it to persons specially acc
to it (ἐργάτῃσι ἀνδράσι πρήξιος τῆσδ
which it would appear as if certain pers
fined themselves to particular operation

The names of several persons are p
who practised surgery as well as mec
the times immediately succeeding those
pocrates; but, with the exception of so
ments, inserted in the writings of
Oribasius, Aëtius, &c., all their writin
perished. Archagathus deserves to
tioned, as he is said to have been the firs
surgeon that settled at Rome, B.C. 219.
Hemina, in Pliny, *Hist. Nat.* xxix. § 12.)
at first very well received, the *jus Quiri*
conferred upon him, a shop was bought
at the public expense, and he recei
honourable title of *Vulnerarius;* which,
on account of his frequent use of the k
cautery, was soon changed by the Roma
were unused to such a mode of practi
that of *Carnifex*. Asclepiades, who live

beginning of the first century B.C., is said to have been the first person who proposed the operation of tracheotomy. (Cael. Aurel. *de Morb. Acut.* i. 14, § 111; iii. 4, § 39.) Ammonius of Alexandria, surnamed Λιθοτόμος, who is supposed to have lived rather later, is celebrated in the annals of surgery for having been the first to propose and to perform the operation of *lithotrity*, or breaking a calculus in the bladder, when found to be too large for safe extraction. Celsus has minutely described his mode of operating (*de Med.* vii. 26, § 3, p. 436), which in some respects resembles that of Civiale and Heurteloup, in the early part of the present century, and proves that, however much credit they may deserve for perfecting the operation and bringing it out of oblivion into public notice, the praise of having originally thought of it belongs to the ancients. "A hook or crotchet," says Celsus, "is fixed upon the stone in such a way as easily to hold it firm, even when shaken, so that it may not revolve backward; then an iron instrument is used, of moderate thickness, thin at the front end, but blunt, which, when applied to the stone and struck at the other end, cleaves it: great care must be taken that the instrument do not come into contact with the bladder itself, and that nothing fall upon it by the breaking of the stone." The next surgical writer after Hippocrates, whose works are still extant, is Celsus, who lived at the beginning of the first century A.D., and who has devoted the four last books of his work *de Medicina*, and especially the seventh and eighth, entirely to surgical matter. It appears plainly from reading Celsus, that since the time of Hippocrates surgery had made very great progress, and had, indeed, reached a high degree of perfection. We find in him the earliest mention of the use of the ligature for the arrest of haemorrhage from wounded blood-vessels (v. 26, § 21, p. 262); and the Celsian mode of amputation was continued down to comparatively modern times (vii. 33, p. 451). He is the first author who gives directions for the operation of lithotomy (*de Med.* vii. 26, § 2, p. 432), and the method described by him (called *the apparatus minor*, or *Celsus's method*) continued to be practised till the commencement of the sixteenth century. It was performed at Paris, Bordeaux, and other places in France, upon patients of all ages, even as late as the latter part of the seventeenth century; and a modern author (Allan *On Lithotomy*, p. 12) recommends it always to be preferred for boys under fourteen. (Cooper's *Dict. of Pract. Surg.*, art. "Lithotomy.") He describes (vii. 25, § 3, p. 428) the operation of *infibulatio*, which was so commonly performed by the ancients upon singers, &c., and is often alluded to in classical authors. (See Juv. *Sat.* vi. 73, 379; Seneca, in Lactant. *Divin. Instit.* i. 16; Mart. *Epigr.* vii. 82, 1, ix. 28, 12, xiv. 215, 1; Tertull. *de Corona Mil.* 11.) He also describes (vii. 25, § 1, p. 427) the operation alluded to by St. Paul (1 Cor. vii. 18), περιτετμημένος τις ἐκλήθη; μὴ ἐπισπάσθω. Compare Paulus Aegineta (*de Re Med.* vi. 53), who transcribes from Antyllus a second method of performing the operation.

The following description, given by Celsus, of the necessary qualifications of a surgeon, deserves to be quoted:—"A surgeon," says he (lib. vii. *Praefat.*), "ought to be young, or, at any rate, not very old; his hand should be firm and steady, and never shake; he should be able to use his left hand as readily as his right; his eyesight should be clear, and his mind not easily startled; he should be so far subject to pity as to make him desirous of the recovery of his patient, but not so far as to suffer himself to be moved by his cries; he should neither hurry the operation more than the case requires, nor cut less than is necessary, but do everything just as if the other's screams made no impression upon him."

Perhaps the only surgical remark worth quoting from Aretaeus, who lived in the first century A.D., is that he condemns the operation of tracheotomy, and thinks "that the heat of the inflammation becomes greater from the wound and contributes to the suffocation, and the patient coughs; and even if he escapes this danger, the lips of the wound do not unite, for both are cartilaginous and unable to grow together." (*De Morb. Acut. Cur.* i. 7, p. 227, ed. Kühn.)

Omitting Scribonius Largus, Moschion, and Soranus, the next author of importance is Caelius Aurelianus, who is supposed to have lived about the beginning of the second century A.D., and in whose works there is much surgical matter, but nothing that can be called original. He rejected as absurd the operation of tracheotomy (*de Morb. Chron.* iii. 4, § 39). He mentions a case of ascites that was cured by tapping (*ib.* iii. 8, § 128), and also a person who recovered after being shot through the lungs by an arrow (*ib.* ii. 12, § 144).

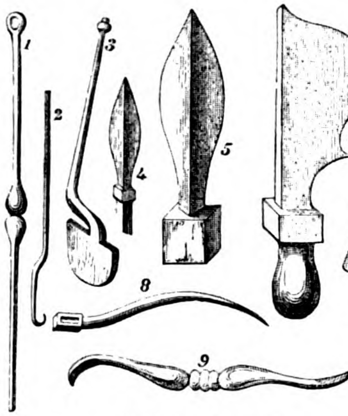
Galen, the most voluminous and at the same time the most valuable medical writer of antiquity, is less celebrated as a surgeon than as an anatomist and physician. He appears to have practised surgery at Pergamus, but, upon his removal to Rome (A.D. 165), he entirely confined himself to medicine, following, as he says himself (*de Meth. Med.* vi., *in fine*, tom. x. p. 455), the custom of the place. His writings prove, however, that he did not entirely abandon surgery. His Commentaries on the treatise of Hippocrates, *De Officina Medici*, and his treatise *De Fasciis*, show that he was well versed even in the minor details of the art. He appears also to have been a skilful operator, though no great surgical inventions are attributed to him.

Antyllus, who lived some time between Galen and Oribasius, is the earliest writer whose directions for performing tracheotomy are still extant, though the operation (as was stated above) was proposed by Asclepiades about three hundred years before. Only a few fragments of the writings of Antyllus remain, and among them the following passage is preserved by Paulus Aegineta (*de Re Med.* vi. 33):—"When we proceed to perform this operation, we must cut through some part of the windpipe, below the larynx, about the third or fourth ring; for to divide the whole would be dangerous. This place is commodious, because it is not covered with any flesh, and because it has no vessels situated near the divided part. Therefore, bending the head of the patient backward, so that the windpipe may come more forward to the view, we make a transverse section between two of the rings, so that in this case not the cartilage, but the membrane which unites the cartilages together, is divided. If the operator be a little timid, he may first stretch the skin with a hook and divide it; then, proceeding to the windpipe, and separating the vessels, if any are in the way, he may make the incision."*

Oribasius, physician to the Emperor Julian (A.D. 361), professes to be merely a compiler; and though there is in his great work, entitled Συναγωγαὶ Ἰατρικαί, *Collecta Medicinalia*, much surgical matter, there is nothing original. The same may be said of Aëtius and Alexander Trallianus, both of whom lived towards the end of the sixth century A.D. Paulus Aegineta has given up the fifth and sixth books of his work *De Re Medica* entirely to surgery, and has inserted much useful matter, derived in a great measure from his own observation and experience. Albucasis translated into Arabic great part of these two books as the basis of his work on Surgery. Paulus was particularly celebrated for his skill in midwifery and female diseases, and was called on that account, by the Arabians, *Al-Kawábeli*, "the Accoucheur" (Abulpharaj, *Hist. Dynast.*, p. 181, ed. Pococke). He lived probably towards the end of the seventh century A.D., and is the last of the ancient Greek and Latin medical writers whose surgical works remain. The names of several others are recorded, but they are not of sufficient eminence to require any notice here. For further information on the subject both of medicine and surgery, see **Medicina**; and for the legal qualifications, social rank, &c., both of physicians and surgeons, among the ancient Greeks and Romans, see **Medicus**.

The surgical instruments from which the accompanying engravings (Nos. 1 to 19) are made, were found by a physician of St. Petersburg, Dr. Savenko, in 1819, at Pompeii, in Via Consularis (*Strada Consulare*), in a house which is supposed to have belonged to a surgeon. They are now preserved in the museum at Portici. The engravings, with an account of them by Dr. Savenko, were originally published in the *Revue Médicale* for 1821, vol. iii. p. 427, &c. They were afterwards inserted in Froriep's *Notizen aus dem Gebiete der Natur- und Heilkunde*, for 1822, vol. ii. n. 26, p. 57, &c. The accompanying figures are copied from the German work, in which some of them appear to be badly drawn. Their authenticity was at first doubted by Kühn (*De Instrumentis Chirurg.*, *Veteribus cognitis, et nuper effossis*, Lips. 1823, 4to), who thought they were the same that had been described by Bayardi in his *Catal. Antiq. Monument. Herculani effos.*, Nap. 1754, fol., n. 236–294. When, however, his dissertation was afterwards republished (*Opusc. Academ. Med. et Philol.*, Lips. 1827, 8vo, vol. ii. p. 309), he acknowledged himself to be completely satisfied on this point, and has given in the tract referred to, a learned and ingenious description of the instruments and their supposed uses, from which the following account is chiefly abridged. It will, however, be seen at once, that the form of most of them is so simple, and their uses so obvious, that very little explanation is necessary. Altogether they give a very high idea of both the science
practice of surgery among the Romans.

1, 2. Two probes (*specillum*, μήλη) m
iron; the larger six inches long, the
four and a half. 3. A cautery (καυτήριοι
of iron, rather more than four inches lo
5. Two lancets (*scalpellum*, σμίλη), m
copper, the former two inches and a hal
the other three inches. It seems doubtful
they were used for blood-letting, or for



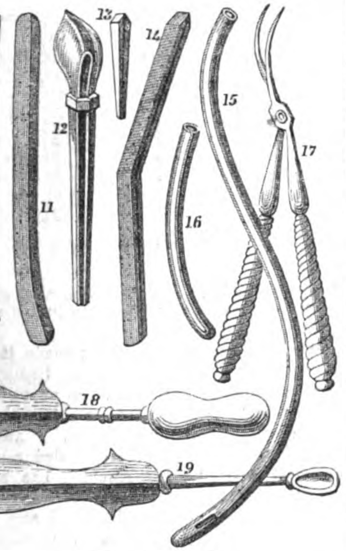
Surgical Instruments.

abscesses, &c. 6. A knife, apparently m
copper, the blade of which is two inche
half long, and in the broadest part one
breadth; the back is straight and thick,
edge much curved; the handle is so sho
Savenko thinks it must have been brok
is uncertain for what particular purpose
used: Kühn conjectures that (if it be a s
instrument at all) it may have been mad
such a curved edge, and such a straight
back, in order that it might be struck
a hammer, and so amputate fingers, to
7. Another knife, apparently made of
the blade of which is of a triangular sha
inches long, and in the broadest part eigh
in breadth; the back is straight and o
broad, and this breadth continues all the
the point, which, therefore, is not sha
guarded by a sort of button. Kühn thi
may have been used for enlarging wound
for which it would be particularly fitted
blunt point and broad back. 8. A needle,
three inches long, made of iron. 9. An el
(or instrument for raising depressed p
of the skull), made of iron, five inches lon
very much resembling those made use of
present day. 10–14. Different kinds of f
(*volsellae*). No. 10 has the two sides sep
from each other, and is five inches
No. 11 is also five inches long. No.
three inches and a half long. The sid
narrow at the point of union, and became b
by degrees towards the other end,
when closed, they would form a kind of arc
should be noticed that it is furnished w
movable ring, exactly like the tenaculum f
employed at the present day. No. 13 was
for pulling out hairs by the roots (τριχολ

---

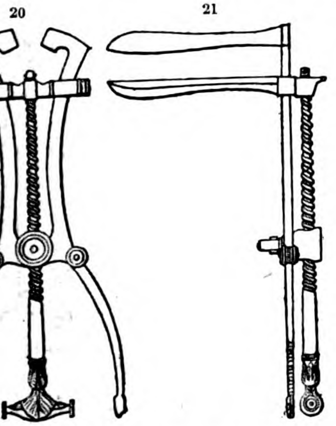
* This operation appears to have been very seldom, if ever, performed by the ancients upon a human being. Avenzoar (p. 15) tried it upon a goat, and found it might be done without much danger or difficulty; but he says he should not like to be the first person to try it upon a man.

is six inches long, and is bent in the It was probably used for extracting odies that had stuck in the oesophagus , or in the bottom of a wound. 15. A heter (*aenea fistula*), nine inches in The shape is remarkable from its hav-



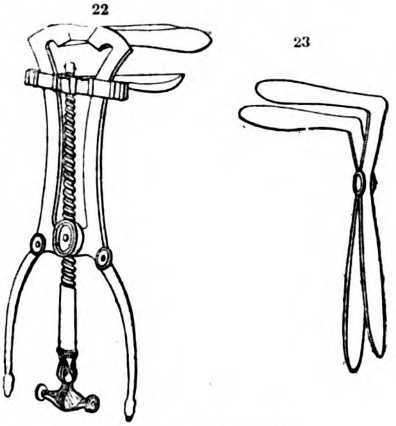
Surgical Instruments.

double curve like the letter S, which is that was re-invented in the last cen- the celebrated French surgeon, J. L. 16. Probably a female catheter, four n length. Celsus thus describes both



Surgical Instruments.

d female catheters (*de Med.* vii. 26, § 1, :—"The surgeon should have three male rs, of which the longest should be fifteen, t twelve, and the shortest nine inches in and he should have two female catheters, nine inches long, the other six. Both ould be a little curved, but especially the male: they should be perfectly smooth, and neither too thick nor too thin." 17. Supposed by Froriep to be an instrument for extracting teeth (ὀδοντάγρα, Pollux, iv. § 181); but Kühn, with much more probability, conjectures it to be an instrument used in amputating part of an enlarged uvula, and quotes Celsus (*de Med.* vii. 12, § 3, p. 404), who says that "no method of operating is more convenient than to take hold of the uvula with the forceps, and then to cut off below it as much as is necessary." 18, 19.



Surgical Instruments.

Probably two spatulae. Nos. 20–23 are perhaps the most interesting of all, as showing the means employed by the Romans in the exploration of some of the internal cavities of the body, for the discovery and treatment of disease. They are taken from Bened. Vulpes, *Illustraz. di tutti gli Strumenti Chirurgici*, &c., Napoli, 4to, 1847, Mem. 4, p. 39, &c., where there is a detailed and learned description of them. Nos. 20–22 are three different views of the same instrument, viz., a dilator vaginae with *three* branches (διόπτρα, Paul. Aegin. vi. 73). No. 23. A dilator ani (ἑδροδιαστολεύς, id. vi. 78, p. 324, l. 3, ed. Briau). [W. A. G.]

CHITON (χιτών). [TUNICA.]

CHITO'NIA (χιτώνια), a festival celebrated in the Attic village of Chitone in honour of Artemis, surnamed Chitona or Chitonia, from her wearing as huntress the loose tunic, or from the place in which she was worshipped. (Schol. *ad* Callimach. *Hymn. in Artem.* 78.) The Syracusans also celebrated a festival of the same name, and in honour of the same deity, which was distinguished by a peculiar kind of dance, and a playing on the flute. (Athen. xiv. p. 629; Steph. Byz. *s. v.* Χιτώνη.) [L. S.]

CHLAINA (χλαῖνα). [LAENA; PALLIUM.]

CHLAMYS (χλαμύς), a short mantle. This term, being Greek, denoted an article of the AMICTUS or outer raiment, which was in general characteristic of the Greeks, and of the Oriental races with which they were connected, although both in its form and in its application it approached very near to the LACERNA and PALUDAMENTUM of the Romans, and was itself to some extent adopted by the Romans under the emperors. It was for the most part woollen; and it differed from the ἱμάτιον, the usual amictus of the male sex, in these respects, that it was much smaller; also finer, thinner, more variegated in colour, and more susceptible of ornament. It moreover differed in being oblong instead of square, its length being generally about twice its breadth. (Plut. *Alex.* 26; Plin. *H. N.* v. § 62.)

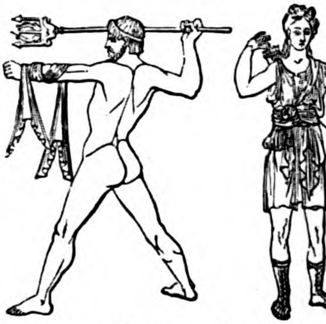
The chlamys came originally from Macedonia and Thessaly (Ammon. p. 146; Plin. *l. c.*; Poll. vii. 46, x. 124). It was the dress of hunters, of travellers, especially on horseback (Xen. *An.* vii. 4, § 4; Plaut. *Poen.* iii. 3, 6, 31), and of soldiers (Aelian, *V. H.* xiv. 10; Plaut. *Pseud.* ii. 4, 45; *Epid.* iii. 3, 55). It seems to have been part of the usual dress of a Spartan (Aristoph. *Lys.* 988; Juv. viii. 101), and was worn at Athens by the ephebi from about seventeen to twenty years of age. (Philemon, p. 367, ed. Meineke; *ephebica chlamyde*, Apuleius, *Met.* x. p. 253; Pollux, x. 164; **λαβεῖν τὸ χλαμύδιον**, Athen. vi. p. 240 c). In the frieze of the Parthenon representing the Panathenaic procession, several of the riders have the chlamys. It does not appear to have been much worn by children, although one was given with its brooch to Tiberius Caesar in his infancy (Suet. *Tib.* 6).

The chlamys as worn by youths, by soldiers, and by hunters, differed in colour and fineness, according to its destination, and the age and rank of the wearer. The **χλαμὺς ἐφηβικὴ** was probably yellow- or saffron-coloured; and the **χλαμὺς στρατιωτική**, scarlet. On the other hand, the hunter commonly went out in a mantle of a dull unconspicuous colour, as best adapted to escape the notice of wild animals (Poll. v. 18). The more ornamental mantles, being designed for females, were tastefully decorated with a border (*limbus*, Verg. *Aen.* iv. 137; *maeander*, v. 251); and those worn by Phoenicians, Trojans, Phrygians, and other Asiatics, were also embroidered, or interwoven with gold (Verg. *ll. cc.*, iii. 483–4, xi. 775; Ovid. *Met.* v. 51; Val. Flacc. vi. 228). Actors had their chlamys ornamented with gold (Poll. iv. 116).

The usual mode of wearing the mantle was to pass one of its shorter sides round the neck, and to fasten it by means of a brooch (**πόρπη**, *fibula*), either over the breast, in which case it hung down the back, reaching to the calves of the legs; or over the right shoulder, so as to cover the left arm, as is seen in the cut under CAUSIA, and in the well-known example of the Belvedere Apollo. In other instances, it was made to depend gracefully from the left shoulder, of which the bronze Apollo in the British Museum (see right-hand figure) presents an example; or it was thrown lightly behind the back, and passed over either one arm or shoulder, or over both (as in left-hand figure, taken from Hamilton's Vases, i. 2); or, lastly, it was laid upon the throat, carried behind the neck, and crossed so as to hang down the back, as in the figure of Achilles under BALTEUS, and sometimes its extremities were again brought forward over the arms or shoulders. In short, the remains of ancient art of every description show in how high a degree the mantle contributed, by its endless diversity of arrangement, to the display of the human form in its greatest beauty; and Ovid has told us how sensible the ephebi were of its advant
the account of the care bestowed upon t
of his attire by Mercury (*Met.* ii. 735
aptitude of the mantle to be turned i

Chlamys. (The figure on the left from a pai
vase; that on the right from the Brit. M

possible form around the body made i
even for defence. The hunter used to
chlamys about his left arm when pursu
animals, and preparing to fight wit
(Poll. v. 18; Xen. *Cyneg.* vi. 17). A
died fighting with his mantle rolled r
left hand instead of a shield. The
woodcut exhibits a figure of Poseido
with the trident in his right hand, and
a chlamys to protect the left. It is tak
a medal which was struck in commemo
a naval victory obtained by Demetriu
cetes, and was evidently designed to
his sense of Poseidon's succour in the
When Artemis goes to the chase, as she
require her mantle for purposes of def
draws it from behind over her should
twists it round her waist, so that the



Chlamys. (Poseidon from a coin, and Artemi
statue in the Vatican.)

her quiver passes across it, as shown
statues of this goddess in the Vati
woodcut).

It appears from the bas-reliefs on
vases that dancers took hold of one an
the chlamys, as the modern Greeks sti
their scarves or handkerchiefs, instead o
one another's hands.

Among the Romans the chlamys ca
into use under the emperors. Caligu
one enriched with gold (Suet. *Cali*

r Severus, when he was in the country expedition, wore one dyed with the *hlamyde coccinea*, Lamprid. *Al. Sev.* 40; xxvi. 28, 31). [J. Y.] [W. M. L.]

)EIA or CHLOIA (χλόεια or χλοιά), l celebrated at Athens in honour of Chloë, or simply Chloë, whose temple ar the Acropolis. (Hesych. *s. v.* Paus. i. 22, § 3; Athen. xiv. p. 618; *ed. Col.* 1600, with the Scholiast.) solemnised in spring, on the sixth gelion, when the blossoms began to ience the names χλόη and χλόεια), with ice of a goat and much mirth and re- (Eupolis, *apud* Schol. *ad* Soph. *Oed.* [L. S.]

NIX (χοῖνιξ, -ῐκος, in Attic feminine, nistic masculine). The Schol. on Ar. 6, where χοῖνιξ means some kind of or stocks for putting the legs in (cf. *Cor.* 270, § 129), says χοῖνιξ δὲ πᾶν · διὸ καὶ τὸ μέτρον χοῖνιξ καλεῖται. gly χοινίκη or χοινικίς, "the nave," and "the trepan," mentioned by Celsus, χοινικίδες, rings serving as stands, Dem. *t.* p. 616, § 72; *c. Timocr.* p. 756, But χοῖνιξ is best known as a dry of capacity. In Hom. *Od.* xix. 118, a corn is the ordinary wages for a day's t was the minimum daily allowance on man could adequately live (Herod. vii. was what slaves received (Thuc. iv. rnold *ad loc.*): cf. κενεὰν ἀπομάσσειν xv. 95), χοίνικα ἀπομάσσειν (Lucian,), also ἐπὶ χοίνικος καθῆσθαι, to think -day's bread (Plut. ii. 703 E). Hence thians, who had vast numbers of slaves, ed "choenix-measurers" by the Pythia *Pol. Ec.*, Eng. Trans., p. 91). The of the χοῖνιξ varied (see F. Hultsch, *ci Script.*, Index, *s. v.*).

Attic χοῖνιξ was = 2 sextarii = 4 = 1·094 litres = 1·922 Eng. pints: *Nub.* 645, where the ἡμίεκτον (= $\frac{1}{12}$ is called τετράμετρον, *i.e.* = 4 χοίνι- Hultsch, *Metrologie der Griechen*, &c. nd esp. note 4. The Pontic χοῖνιξ o have been the same = 2 sextarii.

Aeginetan measures are to the Attic = ·. the Aeginetan χοῖνιξ would be = 5½ ύλαι (*Metrol. der Griech.* 501) = 1·516 2·668 Eng. pints. This is also the measure (*ib.* 543).

he Ptolemaic measures (*i.e.* those used and Egypt) the μέδιμνος was = 1½ διμνοι; but there were 96 instead of κες in it ·˙. a Ptolemaic χοῖνιξ = ¾ νιξ = 0·8208 litres = 1·443 Eng. pints.

nbol for χοῖνιξ is $\overset{\nu}{\chi}$ or $\overset{o\iota}{\chi}$ (*Metrol. Script.*

[L. C. P.]

S (χόες). [DIONYSIA.]

AULES. [CHORUS; TIBICEN.]

E'GIA. [CHOREGUS.]

E'GUS (χορηγός). I. GREEK. The (χορηγία) was one of the ordinary ἐγκύκλιοι λειτουργίαι) at Athens, and in providing a properly-trained chorus f the festivals. It was a very heavy nvolving great trouble and expense; g the flourishing period of Greek free- was counterbalanced by the emulation which subsisted among the different choregi and the honour it brought them from their fellow-citizens.

Originally, there was a choregus elected by each tribe (Introd. to Dem. *Midias*, p. 510, line 8). The choregi used to be appointed eleven months before the festival. The ἐπιμεληταὶ of each tribe looked out for the fitting persons to fulfil the duty of choregi, and probably proposed them (προὐβάλλοντο οἱ χορηγοί, Dem. *Mid.* 519, § 13; cf. Arg. p. 510). Usually the most well-to-do were appointed choregi in turn, but sometimes public-spirited individuals voluntarily undertook the duty even when not in their turn: *e.g.* Demosthenes (*l. c.*). On the choregi being proposed, the archon used to allot them (χορὸν διδόναι) to as many as he thought deserving from among the poets who applied to him for a chorus (χορὸν αἰτεῖν). Then there was a drawing of lots among the choregi (Antiph. *de Chor.* § 11) as to who should get first choice of the διδασκάλων. The duty of the διδάσκαλος (who was sometimes the poet, and then he had a ὑποδιδάσκαλος, see Photius, *s. v.*) was with the help of musicians—generally flute-players, sometimes harpists—to teach (διδάσκειν, συγκροτεῖν) the choristers the words, songs, and dances. In an emergency we find a single individual taking the place of διδάσκαλος and αὐλητής, *e.g.* Telephanes (Dem. *Mid.* 520, § 17). The relative importance of the functions of the διδάσκαλος and the αὐλητὴς in course of time came to be reversed, the musical element becoming more and more important. The lot now decided who should have the first choice of flute-players (Dem. *Mid.* 519, § 13), and the flute-player came to be mentioned in the διδασκαλίαι (see below).

The next duty of the choregus was to collect the chorus. The members of the chorus had to be citizens. At the Lenaea metics were allowed to act as choristers and even as choregi (Schol. on Aristoph. *Plut.* 953). But at all other festivals only citizens could serve under penalty of 1000 drachmae for each foreign chorister (Plut. *Phoc.* 30). The collecting (συλλέγειν) of the chorus was effected by means of officers of the tribe called χορολέκται. This was hard in the case of boys, as parents did not like to let their children incur the moral risks of the theatre; and that these were not insignificant is evident from the law of Solon forbidding any one younger than forty years to form a chorus of boys (Aeschin. *Tim.* 33, § 12). Fines and confiscations of goods, accordingly, had often to be employed (Antiphon, *de Chor.* § 11). Meanwhile the choregus had to provide a place for training the chorus (διδασκαλεῖον, χορηγεῖον, Poll. iv. 106), which was often in his own house (Antiphon, *l. c.*), but in some demes we find public buildings for the purpose (cf. Hesych. Μελετέων οἶκος).

In the flourishing times of Athens the greatest emulation existed among the rival choregi: some spent their whole patrimony in the service (Dem. *Mid.* 534, § 61). And indeed no wonder: for it must have been a proud moment when the choregus, leading his own chorus (cf. Athen. 633 a) and in splendid array, was crowned victor before his assembled fellow-countrymen (Dem. *Mid.* 532, § 55). The prize was a bronze tripod, which became the property of the tribe (Dem. *Mid.* 516, § 5). Accordingly, owing to the emulation, the very strictest observance of the laws relating to the festivals was required. Among these laws there was one that, if a stranger was brought in as a chorister, a rival choregus might take him by the hand and lead him out (Andoc. *in Alcib.* § 20; cf. Dem. *Mid.* 534, § 60), but not interrupt him while performing. In the heat of competition, too, there were frequent violations of law, and special enactments for the laying of plaints with regard to misdeeds at the festivals (Dem. *Mid.* 517, § 8; 562, § 147). The crime of assault of a choregus during the festival appears to have been ὕβρις, though Demosthenes all through his speech against Midias tries to make out that, inasmuch as the festival was a religious ceremony, the offence he as choregus had sustained should be considered ἀσέβεια (Arg. p. 510; cf. 532, § 55).

No one was liable for the choregia nor for any of the regular services unless he had a property of at least three talents (Isaeus, *de Pyrrh. hered.* § 80; Dem. *Aphob.* i. 833, § 64): for the expenses that fell upon the choregus were great. The state certainly defrayed part of them (Introd. to *Mid.* p. 510), and the lessee of the theatre who received the entrance money must have supplied a considerable sum towards the outlay (Boeckh, *Staatshaushaltung der Athener*, i. 540, ed. 1886). But still much remained for the choregus; principally the expenses which attached to the chorus directly. For he had not merely to train the chorus or have it trained, but he had also to feed (Introd. to *Mid.* l. c.) them during the time of training, and right good cheer used to be provided (Plut. *de glor. Athen.* c. 6). At Corcyra we find the members given an equivalent in money, σιτηρέσια (*C. I. G.* 1845, line 23). The choregi used at times to give drugs to the choristers to improve their voice; and this proved fatal in one case (see the whole speech of Antiphon, *de Choreuta*). They had to provide the dresses (Aristot. *Eth. Nic.* iv. 2, 20; Athen. 103 f), which were often most expensive—*e.g.* Demosthenes once (*Mid.* 520, § 16) had golden crowns for his chorus and a gold-embroidered robe for himself—and also at times the accessories of the play; *e.g.* in Aristoph. *Pax*, 1023, the animal for sacrifice. Besides, too, they appear to have had to pay the choristers (Xen. *Resp. Ath.* i. 13). An additional chorus (παραχορήγημα) had sometimes to be provided. Each choregus provided the chorus for a whole tetralogy; but whether the actual choristers were the same in all four plays is uncertain (see Hermann-Müller, *Bühnenalterthümer*, p. 333). The choregus had not to pay the actors (Boeckh, *op. cit.* p. 542). Interesting statistics as to the expenses of the different kinds of choruses are to be found in Lysias, Ἀπολογία δωροδοκίας, § 2 fol.—a passage which should be read with the sober criticism of Boeckh, pp. 542–5. The speaker spent on a tragic chorus 30 minae; on a chorus of men at the Thargelia, 2000 drachmas; on a Pyrrhic chorus of Ephebi at the Panathenaea, 800 drachmas; on a chorus of men at the Dionysia and on the dedication of the tripod, 5000 drachmas; on a cyclic chorus at the lesser Panathenaea, 300 drachmas; on a chorus of boys, 15 minae; on a comic chorus with dedication of the dress, 16 minae; on a chorus of youthful pyrrhicists,

7 minae. Thus we see that
cost much less than a tragic
ordinary chorus of men cost les
of flute-players (Dem. *Mid.* 56
dedication of the tripod, too, see
siderably increased the expendi
seen by comparing 30 minae (=
with 5000. The reason was tha
(τρίπους χορηγικός) was gener
Dionysus, either on the top
Baumeister, *Denkmäler*, fig. 42
of a round, open, temple-like st
example of such a structure i
Monument of Lysicrates and
monument. From the inscripti
the architraves of these temple
were mainly compiled (Wordsw
Attica, p. 153). A whole street
shrines to hold dedicated tri
called Τρίποδες, was on the
Acropolis (Paus. i. 20, 1), and
promenade in the time of Demet
(Athen. 542). For a full accou
of Tripods, see Baumeister, *Den*
pp. 188–9.

The expense, accordingly, of
great. So when the state beca
private individuals became una
burden, and the decline of pub
ticeable in the Demosthenic a
unwilling. Thus the *Aeolosicon*
and the *Odysseus* of Cratinus ha
nor parabases, but this latter fo
(see Platonius in the Tauchnit
vol. i. pp. 7, 8); and neither
The first step to remedy this sta
the συγχορηγορία: *i.e.* two trib
viduals uniting to supply a ch
place first in the archonship of
(Schol. on Ar. *Ran.* 404).
mentary evidence of the joint
have is the inscription found o
the Winds at Athens (Köhler in
See also Antiphon, *de Chor.* § 11
time of Demetrius of Phalerum
the state undertook the choregi
year an ἀγωνοθέτης to produce
for the different festivals, an
expense.

The inscriptions on the mon
In the fifth cent. B.C. the name o
first, that of the choregus sec
trainer third: e.g. *C. I. G.* 21
παίδων (sc. χορῷ), Εὐρυμένης Μελ
Νικόστρατος ἐδίδασκε (cf. Plut.
In the fourth cent. the choregus
first, the tribe is frequently o
flute-player occasionally mention
trainer (see Köhler, *l. c.*). Of
the state we have the following
ὁ δῆμος ἐχορήγει, Πυθάρατος
Ἀγωνοθέτης Θρασυκλῆς Θρασύ
Ἱπποθωντὶς παίδων ἐνίκα Θέων
Πρόνομος Θηβαῖος ἐδίδασκεν.
Athenian trainers. For other
scriptions of the choregia, see
theilungen des arch. Instit. in At

The choregia was not confine
is found at Siphnos (Isocrat.
(*C. I. G.* 2363), Aegina (Herod.
(Antiphon, *de caede Herod.* 77)
Aristid. 1). At Lasos in Caria (

a voluntary choregus sometimes under-
whole expense; but more usually each
id a subscription of 200 drachmas and
ic 100 towards the expenses of the
This does not seem to have been for-
ax, but a subscription fixed by custom
ced by public opinion.

choregia generally, see Boeckh, *Die*
shaltung der Athener, i. 539–548, ed.
Krebs in Saglio's *Dict. des Antiquités*,
nard Arnold in Baumeister's *Denkmäler*,
mann-Müller, *Die griechischen Bühnen-*
er, esp. § 22.

IAN. The *choragus* among the Romans
ers. i. 3, 79; *Trin.* iv. 2, 16) was a
costumes and properties (cf. Festus,
ragium instrumentumum; scaenic and
pt. Prol. 61); and to him the aediles
ive a contract for supplying the neces-
ssories for a play. In Plaut. *Curc.* iv. 1,
gus delivers a sort of parabasis. Under
ire the *Procurator summi choragii*, ap-
probably by Domitian, was a regular
minister, with a great many sub-
, and had charge of the whole supply
tion, machinery, and costume necessary
erformance of the various shows as well
mphitheatre as in the theatre. A sub-
f this office was the *ratio ornamentorum*,
d special reference to the "get up" of
rs. Under Gordian we find the name
ished. Apuleius (*Apol.* i. 13) had
f the *choragium thymelicum*; but the
ry called *logista thymelae* now took
of the *proc. summi choragii.* In the
ntury, at Rome the *praef. urbis*, in the
praef. praet., and in Africa the *pro-*
oked after the games. In the fifth
at Rome, Milan, and Carthage, we find
by *tribuni voluptatum.* On the whole
especially Hirschfeld, *Verwaltungsge-*
i. 182–186. [L. C. P.]

ROB'ATES (χωροβάτης), an instru-
determining the slope of an aqueduct
evels of the country through which it
ass. From the description given of it
vius, it appears to have differed but
htly from a common carpenter's level,
nsists of a straight rule supporting a per-
ar piece, against which hangs a plumb-
e chorobates had two perpendiculars
nb-lines, one at each end, instead of a
e in the middle. (Vitruv. viii. 5, 1;
h. *s. v.* χωροβατεῖν.) [P. S.]

RUS. 1. GREEK. The word χορὸς in
gnifies both a place for dancing (Hom.
260; cf. εὐρύχορος and καλλίχορος) and
ction of dancers, but is more especially
to the latter. In early times we find
festivals and weddings (Hes. *Scut.* 282)
d with bands of dancers (Hom. *Il.*
7). There is a detailed picture of
en and maidens dancing on the shield of
(*Il.* xviii. 590 ff.). Another kind of
nentioned in the Iliad is the paean the
ang as they marched to the ships after
h of Hector (*Il.* xxii. 391). It is to be
l that in early times the song and the
ere assigned to different persons.

is especially in the service of the gods,
of all in that of Apollo and Dionysus (cf.
d. p. 530, § 51), that bands of dancers appear prominently. In religious ceremonies, poetry, music, and dancing were all united; and the strong impulse of the Greeks to give expression to their feelings led to the dance being, as all artistic dancing ought to be, of a more or less imitative nature. "It is the imitation of words by gestures (σχήμασιν) which has developed the whole art of dancing," says Plato (*Legg.* vii. 816 A; cf. Athen. i. 15). There were dances of the Curetes in Crete in honour of Zeus (Hes. *Fragm.* 91, ed. Didot), and in very early times dances in the worship of Apollo at Delos (Hom. *Hymn. Apoll. Del.* 249), but dance and song were first fully developed by the Apolline religion of Delphi, which was the guiding spirit and good genius of Dorian life. And the chorus was very suitable to the Doric character, according to which everything was public and collective, and which so strenuously demanded subordination of the one to the whole. But the choruses of the Dorians, performed to the music of the cithara, were most of them stately and measured, partaking much of the nature of gymnastic and military exercises (cf. Athen. xiv. 628) [GYMNOPAEDIA, PYRRHICA]; though the hyporchema, introduced into Sparta from Crete by Thaletas, was a spirited song and dance, performed to the music of the flute as well as of the cithara. [HYPORCHEMA.] The Doric chorus was quadrangular, and analogies are found between it and the divisions of infantry (Müller, *Dor.* iii. 12, 10). There were choruses of boys, men, and old men at the different Spartan festivals (Plut. *Lycurg.* 21); and the matrons and maidens danced likewise (*ib.* 14); choruses of youths and maidens combined being called ὅρμοι (Lucian. *de Salt.* § 12). We must not fail, however, to remember, as Grote (chap. 29) warns us, that the term "dance" is to be taken in a wide sense for "every variety of rhythmical accentuated conspiring movements or gesticulations or postures of the body, from the slowest to the quickest." For Sparta the Doric choral style was fixed by Alcman, and remained unaltered during three centuries. Further it is to be noticed that as the chorus was much developed at the same time in Argos, Sicyon, and other parts of Peloponnesus, the Doric dialect came to be regarded as the artistic dialect for choral song (cf. Curtius, *Hist. of Greece*, ii. 83, Eng. trans.), and was used by all choral writers, whether Aeolian or Ionian, being retained in the language of the chorus even in Attic tragedy.

But in the Apolline religion beside Apollo stood Dionysus, the god of the peasantry, to whom the dithyramb was sung by the votary "when all-ablaze in soul with wine's thunder" (οἴνῳ συγκεραυνωθεὶς φρένας), as Archilochus says (*Fragm.* 72, ed. Bergk). Originally the dithyramb was the spontaneous song, telling the tale of Dionysus and his fortunes, which the chorus, which represented itself as Satyrs and others of his faithful attendants, guided by its leader (ἔξαρχος), sang to the music of the flute, as it danced the while round the altar of the god. [DITHYRAMBUS.] The Satyrs were half goats (τράγοι), their song was the "goat-song" (τραγῳδία); and they were originally the sole performers in what afterwards became the elaborate tragedy. But there was another sort of chorus belonging to the old phallus cult which, under the guidance of its leader, sang phallic songs and danced in revel through the roads, with faces smeared with wine-lees, in the worship of Dionysus, "the jolly god," the friend of love and wine. This was the wild song of the revel (κωμῳδία), and the origin of Greek comedy. Thus the chorus was the foundation of the two main kinds of Greek drama (Aristot. *Poet.* iv. 14). But as the word "chorus" in connexion with the ancient Greeks most naturally suggests the chorus in the developed forms of the drama, it is to the antiquities of the chorus in this sense that we must confine the present article, referring the reader for information on the dithyramb to the special article on the subject; as to the manner in which the original chorus developed into the drama, to the articles COMOEDIA and TRAGOEDIA; and for the various kinds of figures (σχήματα) and special technical details of dancing, to the article SALTATIO.

It is practically to the chorus of the Attic dramatists that we have to confine our remarks; and they may be conveniently arranged under the following heads:—

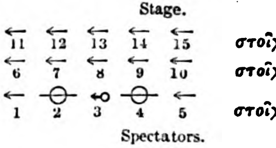
1. *Number of Choreutae.*—The circular dithyrambic chorus, as systematised by Arion for public exhibition in the city, consisted of 50 members (Simonides, 147 (203), ed. Bergk). The early tragic chorus consisted of 12, and is said to have been raised by Sophocles to 15 (Suidas, Σοφοκλῆς). It has been supposed accordingly that the dithyrambic chorus of 50 was first arranged in a quadrangular form, which required only 48, and afterwards was divided into four choruses, one for each of the dramas of a tetralogy. Pollux (iv. 110) declares that up to the production of the *Eumenides* the tragic chorus consisted of 50, but that the people were so frightened at so many horrible figures that thereafter the number of the chorus was lessened. But this is a mere story, invented to account for the change of numbers. Again it was from the country dithyramb, not from the city dithyramb as organised by Arion, that the drama arose: this latter is to be regarded as the elder sister rather than as the parent of the Attic drama; and in the country dithyrambic chorus we have no evidence how many choreutae took part. At any rate, in the chorus of Attic tragedy there were originally 12 and afterwards 15; and where 14 are mentioned (*e. g.* in Tzetzes, *Prol. ad Lycophr.* 254, Müller), the coryphaeus is omitted. Whether the same choreutae took part in all four plays of a tetralogy or not, is a disputed point, and there does not appear to be sufficient evidence forthcoming to decide it (see A. Müller, *Die griechische Bühnenalterthümer*, p. 333). There were certainly 12 choreutae in the *Persae* and *Septem* (A. Müller, *op. cit.* 202, note 3), and most probably in the *Ajax* (Muff, *Die chorische Technik des Sophokles*, pp. 53, 79); but it remains an undecided question whether there were only 12 in the *Agamemnon* and *Eumenides*, as is the view of Wecklein (*Neue Jahrbücher für Philologie*, Suppl. xiii. p. 217), who holds that Aeschylus had a chorus of 12 in *all* his plays, or 15, as is attested by the Scholiasts on *Eumen.* 586 and on *Equites* 589, and is maintained by R. Arnoldt (*Der Chor im Agamemnon*, 65 ff.).

The *Satyric* chorus appears to have consisted of the same number as the tragic chorus. The
very scanty evidence on the matter p
(Tzetzes, *l. c.*; R. Arnoldt, *Die chorisc*
des Euripides, 308 ff.).

But the chorus of *comedy* consist
(Schol. on *Aves*, 297). Only half a tr
was given to the comic poet, and
choreutae had to appear in the thre
of each Agon (O. Müller, *Eumenides*,

2. *Movements and divisions of the*
The dramatic chorus, unlike the c
quadrangular (τετράγωνον σχῆμα, Tz
one of the features which it borrowe
Dorians (Athen. v. 181 c). As Poll
(iv. 108, 109), the entry of the c
called πάροδος, its final departure
ἄφοδος, its temporary departure μ
and its return after such departure
(Examples of the latter due to chan
in the *Eumenides*, 307; *Ajax*, 866; a
872.) The tragic chorus was arrang
of 3 and στοῖχοι of 4 or 5; the co
in ζυγὰ of 4 and στοῖχοι of 6. T
ment was said to be κατὰ ζυγὰ or κατ
according to the depth (Poll. iv. 1
chorus usually entered the orche
στοίχους, by the door at the right o
tators. It rarely made its entrance
e.g. on the stage, as in the *Eumen*
185), and in the *Lysistrata* by half
(Schol. on v. 321); or hovering ove
the *Prometheus* (128–283). Other e
A. Müller, *op. cit.* pp. 125–127.

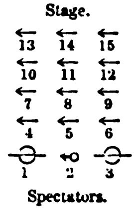
The arrangement of a chorus of
entrance may be represented thus:—



The members of the row (στοῖχο
spectators, viz. 1, 2, 3, 4, 5, were
στεροστάται (a term retained ever
chorus on very rare occasions, as c
the country, entered by the door on
πρωτοστάται. Here were the best-l
most skilled choristers (Schol. in
535, 18 *sqq.*), the middle place
Photius, *s. v.* τρίτος ἀριστεροῦ), or
chorus of 12, being occupied by th
the chorus, κορυφαῖος; and before
him were the παράστααι, subordinat
divisions of the chorus. The leader
also the arranger of the chorus, bor
ἡγεμὼν τοῦ χοροῦ, χοροστάτης,
χοροποιός, and in early times h
χοραγός. (That all these titles wer
the leader is shown with great weal
by Sommerbrodt, *Scaenica*, pp. 12
members of the third row were c
στάται or δεξιόστοιχοι or τριτοστάτ
161; iv. 106); and those of the
which contained the most inferior
were called λαυροστάται, as formin
alley (λαύρα) between the first and
What the ὑποκόλπιον τοῦ χοροῦ w
s. v.), whether the whole of the
(Muff, *op. cit.* p. 5, note 3) or only
members of it, viz. 7, 8, 9 (Sommerbr

p. 8), remains disputed. The ψιλεῖς ("exposed"), or, as they are occasionally called, κρασπεδῖται ("fringe men")—which were the same (Hesych. *s. v.* ψιλεύει)—were the two extreme ζυγά: viz. 1, 6, 11, and 5, 10, 15.

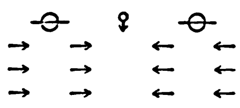
The entry of the chorus by ζυγὰ was very rare. R. Arnoldt (*Die Chorpartieen bei Aristophanes*, pp. 35, 186) considers that it was the case in the *Acharnians* and *Ranae*. Subjoined is a representation of an entry κατὰ ζυγὰ of a chorus of 15.



Here 2 is the κορυφαῖος: 1 and 3, the παράσταται: 1, 2, 3, the ἀριστεροστάται: 13, 14, 15, the δεξιοστάται: the three intervening ζυγά, the λαυροστάται. Rows 1 to 13 and 3 to 15, the ψιλεῖς or κρασπεδῖται. Either row 2 to 14, or Nos. 5, 8, 11, formed the ὑποκόλπιον τοῦ χοροῦ.

The chorus sometimes did not enter in order at all, but severally (καθ' ἕνα or σποράδην); cf. Poll. iv. 109. An obvious example is the *Oedipus Coloneus*, v. 117 foll. (Muff, *op. cit.* 272.)

When the chorus arrived in the orchestra and had to enter into a dialogue with the actors, they made an evolution, so that the ἀριστεροστάται stood facing the stage. When the stage was not occupied by actors, and specially in the parabasis (see below), the chorus turned round, or perhaps made a regular evolution round (Schol. on *Pax*, 733) and faced the audience (*Proleg. de Comoedia* vii. in *Schol. in Aristoph.* p. xvii., ed. Dübner). They appear to have mounted the stage occasionally, as in the *Oedipus Coloneus*, 856 (Muff, *op. cit.* 291); probably in the *Helena* (1627–1642), the *Aves* (353–400), &c., if we are not merely to suppose that the chorus stood sufficiently close to the actors to be able to touch them. The chorus sometimes divided into two ἡμιχόρια, each denoted in MSS. by HMIX., which stood opposite one another (χοροὶ ἀντιστοιχοῦντες ἀλλήλοις, Xen. *Anab.* v. 4, 12). This was very frequent in the strophe and antistrophe of the parabasis. In the chorus of 15 each division was led by a παραστάτης, while the κορυφαῖος superintended the whole; in the chorus of 12, the κορυφαῖος led one division and the παραστάτης the other. Subjoined is a representation of a chorus of 15 divided in two in the most usual way:—



though no doubt many of the other possible orderly arrangements were often employed. Notwithstanding the statement of Pollux (iv. 107), there seems to have been a difference between ἡμιχόρια and διχόρια or ἀντιχόρια. The latter is that permanent division of age or sex or rank which is found, for example, in the *Lysistrata* and the *Aves*, where the chorus consists of a male and female group (A. Müller, *op. cit.* p. 219). The Scholiast on the *Equites*, 589, says that in such cases the more distinguished group, *e.g.* here the male division, consisted of 13, and the less distinguished of 11; but this is very questionable. There is no certain example of such διχόρια in the extant tragedies, though it has been assumed in the *Supplices* of Aeschylus and Euripides (R. Arnoldt, *Die chorische Technik des Euripides*, pp. 72 ff.). But the chorus at times used further to divide into στοῖχοι and ζυγά, and even into individual choristers. A remarkable example of this latter is in the *Agamemnon* during the murder scene; and it has been suggested that in this and similar cases all the choristers speak each his own distich *together*, and not one after another (Mahaffy, *History of Greek Literature*, i. 267). When a chorister had to take the part of an actor, such was called παρασκήνιον, says Pollux (iv. 109), who however omits the really essential point that, as the name indicates, his part must be spoken, not *on* the stage but from the *side scenes* (παρασκήνια). A παρασκήνιον was an example of what is called παραχορήγημα—that is, anything outside what the choregus was strictly bound to supply, but it is especially applied to an additional chorus, as, for example, that of the θεράποντες in the *Hippolytus* (cf. Sommerbrodt, *Scaenica*, 173–4).

3. *The songs of the Chorus.*—As the chorus entered the orchestra, it, or as some say the coryphaeus alone, usually sang the πάροδος, a term like our "march," applied also to a species of music. Aristotle (*Poet.* 12) defines it as πρώτη λέξις ὅλη τοῦ χοροῦ. It was very frequently in anapaests. The στάσιμα were the regular choral odes which were sung after the chorus had taken up its position on the θυμέλη, and had duly arranged itself. These στάσιμα served to divide the play into acts. They generally consisted of one or more στροφαί, that portion which was sung as the chorus moved from left to right, ἀντιστροφαί as it moved from right to left, while the conclusion of the ode was sung standing and called ἐπῳδός (Schol. on Eur. *Hec.* 647). This of course can only refer to the στάσιμα which was sung by the whole chorus, and not by two half-choruses. That the strophae and antistrophae of all the stasima of Sophocles were sung by half-choruses, while the whole chorus sang the ἐπῳδός, is the view of Muff (*op. cit.* p. 24 *et passim*) and Christ (*Metrik*, 652). The introduction of the strophe, antistrophe, and epode into the original monostrophic chorus is attributed to Stesichorus, though it must be remembered that Alcman had a chorus of fourteen strophes, of which the last seven were in a different metre to the first seven (Grote, ch. 29). The ἐξόδιοι νόμοι or μέλη ἐξόδια (not ἔξοδος, which is the term for the whole of the last act: see Aristot. *Poet.* 12, and Muff, p. 45) were sung by the chorus, or the coryphaeus, as the chorus moved off the stage to the left of the spectators: like the πάροδος, it was usually in anapaests. A dirge between the chorus and the actors, as in the *Choëphoroe* (306 ff.) and the

Electra of Sophocles (121 ff.), was called **κομμός** (Aristot. *l. c.*). The dialogue which the MSS. by the heading **XOP.** seem to intimate was held between the actor and the chorus was either sustained on the part of the former by the coryphaeus, or, as seems very probable, the choral parts in **κομμοὶ** are to be assigned to individual choristers. (See the full discussion in Muff, *op. cit.* pp. 41, 42.) It is generally said that the dialogue of the coryphaeus with the actor was called **καταλογή**, while the **παρακαταλογὴ** was what was delivered by the individual choristers in opposition to **μέλος** or song of the whole chorus (see B. Arnold, p. 388). But it is more correct to assume that the **καταλογὴ** were the iambic trimeters which were *declaimed* by the actors, and the **παρακαταλογὴ** the trochaic verses which they sang in a kind of recitative with musical accompaniment (see Muff, *op. cit.* 46; Zielinski, *Die Gliederung der altattischen Komödie*, 313).

The *parabasis* is the distinctive feature of the chorus of the old comedy. In it the chorus, making an evolution and facing the audience, addressed them with remarks on personal matters or on topics of the day (cf. Schol. on *Eq.* 508; *Pax*, 733). It consisted of several parts, all of which can be seen in the *Aves*:—(1) The **κομμάτιον** (675–683), a short lyrical piece, sung while the chorus was making the evolution to face the audience. (2) The **παράβασις** proper or **ἀνάπαιστοι** (684–735), the address of the coryphaeus to the audience, generally in anapaestic tetrameters catalectic (in the *Nubes* in Eupolidean metre). The concluding portion of this was called the **μακρὸν** or **πνῖγος** (probably 722–735), as it had to be recited in one breath (Hephaest. p. 135; Poll. iv. 112). (3) **στροφὴ** or **ᾠδή** (736–751), a short lyrical hymn. (4) **ἐπίρρημα** (752–767), trochaic tetrameters catalectic, sung in recitative to a musical accompaniment by the coryphaeus. It is a sort of addition to the parabasis proper, and is an address to the people, giving advice, &c. (5) **ἀντιστροφὴ** or **ἀντῳδή** (768–782), corresponding to the **στροφή**. (6) **ἀντεπίρρημα** (784–799), corresponding to the **ἐπίρρημα**. In many MSS. of Aristophanes the **στροφὴ** and **ἀντιστροφὴ** are assigned each to a semi-chorus; but Müller (*op. cit.* 219, note 3) does not think much weight is to be attached thereto. Sometimes the separate parts of the parabasis are in different portions of the play, as in the *Pax*.

4. *The dances of the Chorus.*—As derived from the dithyramb, of course the chorus danced. The term **ὀρχήστρα**, and the old name **ὀρχησταὶ** given to poets, proves this further (Athen. i. 22). But it must be remembered that the term "dance" is to be regarded as equivalent to any "rhythmical movement." There were three kinds of dances: a special one for each of the different kinds of drama—the grave and stately **ἐμμέλεια** for tragedy, the frolicsome **σίκιννις** for the Satyric drama, and the licentious **κόρδαξ** for comedy (Lucian. *de Salt.* 26; Bekker, *Anecd.* p. 101, 16). Aristophanes (see *Nubes*, 540) does not appear to have used the **κόρδαξ**. In some cases—as, for example, in the **στάσιμα**—the dance was generally quite a secondary feature; but there can be no doubt that the chorus danced (*i.e.* moved rhythmically) while singing the **στάσιμα**. It is stated in so

many words (Aristoph. *Thesm.* 953);
term **στάσιμα** means what is sung,
the chorus remains stationary (Schol.
Phoen. 202), but what is sung after
taken up their position in rank and
longer settling themselves (Hermann, *E*
metr. § 665). That the contents of man
point to the accompaniment of danc
(*op. cit.* 33, 34) considers very likely,
example the celebrated chorus in the
Coloneus, 608 ff. Sometimes the coryph
while the chorus danced. Those entr
exits which were not regular marches
accompanied with the dance; and ther
to have been a certain amount of r
movement in the **κομμοί** (A. Müller
p. 222). The dance took a much mo
nent position, and a more lively move
adopted, in the **ὑπορχήματα**, and in th
they are distinctly contrasted with the
(Schol. on Soph. *Trach.* 216). Other
of **ὑπορχήματα** in *Ajax*, 693; *Oed.*
It appears that the coryphaeus used t
first few steps of the dance (**ἐνεδίδου τ**
τὰ τῆς ὀρχήσεως σχήματα πρῶτος,
vii. 72). To help the evolutions and
the chorus lines (**γραμμαί**) were draw
thymele to guide them (Hesych. *s. v.*
just as in the ballet at present.
Peloponnesian war the art of dancing
Carcinus had introduced a kind of v
ballet which consisted of pirouettes
twirlings of the legs, and this style o
became popular (cf. Aristoph. *Vesp.* a
Curtius, *History of Greece*, iv. 104).
steps and figures of dancing, referenc
made to Chr. Kirchhoff, *Die orchest*
rythmie der Griechen, and to th
SALTATIO.

5. *The musical accompaniment of the*
Originally the accompaniment was pl
kind of stringed instrument called **κ**
(Athen. xiv. 636; see Muff, *op. cit.* 4
wards by one flute-player (seldom by
one), playing on a double flute (A. Müll
p. 210, note 2). The flute was chos
instrument, since it best harmonised
human voice (Aristot. *Prob.* xix. 43).
in splendid garments and wearing a c
flute-player marched before the choru
entrances and their exits. During the
ance he remained on the thymele or on
of the altar (A. Müller, p. 136, note 1
times there was also the accompani
stringed instrument (Sext. Emp. 751,
both the flute-player and the **κιθαριστ**
in the great picture of the Satyric ch
the vase of Ruvo, given by Wieseler
gebaüde und Denkmäler des Bühnenw
vi.), and elaborately discussed by hi
Satyrspiel; it is also reproduced in Ba
Denkmäler, fig. 422. The **διαύλιον** a
have been a symphony by the flute-p
voices not joining in (Hesych. *s. v.*; cf.
Ran. 1264). When the chorus were
dance, the flute-player gave the signa
τὸ ἐνδόσιμον) by pressing with his
instrument called **κρούπεζα**, which
sort of a wooden rattle (**κρόταλον**): cf.
87; Hesych. *s. v.* **κρούπεζα**. The flu
paniment of the **σίκιννις** was called **σικ**
(Athen. xiv. 618 c).

The personnel of the Chorus.—They were
men, citizens, of free birth (Dem. *Mid.*
56), and generally young. Only at the
were metics allowed to serve in the
(Schol. on *Plutus*, 953). Originally the
tae served voluntarily (Aristot. *Poet.* 5),
en in later times pressure had to be put
em by the choregus or chorolectes to
them serve (Antiphon. *de Chor.* § 11).
were supported by the choregus during
ne of training (Argum. *ad* Antiph. *de*
and after the performance he gave them
ptuous meal (cf. Aristoph. *Ach.* 1155).
were also paid by the choregus (Xen.
Ath. i. 13), but we do not know the
t. The state granted the choreutae the
ge of exemption from military service
Mid. 519, § 15). As there was danger of
s often taking place between the choruses
al choregi, special ἐπιμεληταὶ were ap-
l by the state to keep order among the
ers (Suidas, *s. v.* ἐπιμεληταί), though
erbrodt (*Scaenica*, note 3) thinks their
on was to see that the choristers did not
to confusion in making their evolutions.

to the characters the chorus represented:
the actors were mostly heroes, the chorus
nted members of the people, and these
most various kinds,—old and young, men
omen, Greeks and foreigners, even Ocean
s in the *Prometheus*, and inspired
ntes in the *Bacchae*. The chorus of the
drama always represented Satyrs; and
edy we have all kinds of fantastic forms,
s clouds, frogs, birds, &c.

The dress of the Chorus.—They regularly
masks [PERSONA], in order to appear in
style to the actors (Theophr. *Char.* 6;
v. 142). The garments used in tragedy
short chiton and the himation, though
lly special choruses were dressed in
ter: thus the Eumenides wore black gar-
and black felt Arcadian hats (Ἀρκαδικοὶ
see Suidas, *s. v.* Φαιός); and the Bacchae
Bacchic costume. They also appear to
worn a tight-fitting garment (σωμάτιον)
certain amount of padding (προστερνίδιον,
τρίδιον), and the term σωμάτιον is some-
applied to this padding (A. Müller, *op. cit.*
). Sophocles (*Vit. Soph.* 128, 30) is said
e introduced κρηπῖδες, which had very
oles. But as they are said to have been
by actors as well as by the chorus, we
be sure that the statement is very
e, as we know that the actors generally
cothurni. Perhaps, as Wieseler (*op. cit.*
thinks, the subordinate actors used to
hem. Further, the chorus had all sorts
essories where necessary, such as staves,
torches, thyrsi, &c., which they used to
de before beginning the dance (Schol. on
29).

Satyrs' dress was merely an apron (περί-
of goat-skin round the loins, to which
tached the tail and the phallus, the latter
of red leather; they had besides often a
skin round their shoulders. They ap-
to be naked, but really they wore a flesh-
ed tight-fitting garment. On their feet
ad very thin shoes, though in the pictures
ppear to have had bare feet (cf. Wieseler,
. vi. 3). On the vase-painting of Ruvo
we find one chorister with a short sleeveless tunic, and the χλανὶς ἀνθινή, which is mentioned as a peculiarly Satyric dress (Poll. iv. 118).

We have no clear evidence of the costume of the older comedy. It appears to have consisted of the σωμάτιον, χιτών, and ἱμάτιον, the latter being laid aside before dancing (*Thesm.* 655). The ἱμάτια of the chorus in the *Nubes* were elaborately adorned (Schol. on *Nub.* 289). Of course the chorus wore the erect phallus, but this ceased to be worn in the new comedy (A. Müller, p. 257). On their feet they had sandals (σανδαλίσκοι): cf. Aristoph. *Ran.* 404.

8. *Gradual disappearance of the Chorus.*—The practice of introducing into tragedies choral odes which had no special relevancy to the play, as was especially done by Agathon, was a sign of the growing feeling that the chorus was not an essential part of the drama. However, we find mention of a tragic chorus in the Demosthenic age (*Mid.* 533, § 58), and of a Satyric chorus in the time of Sositheus, 284 B.C. (*Anth. Pal.* vii. 707, 3). But from Delphic inscriptions of 260 B.C. quoted by Wescher and Foucart (*Inscript. de Delphes*, Nos. 3–6), in which no choreutae appear, these scholars have supposed that the chorus of tragedy had disappeared by that date. The absence of the choral songs and of the chorus as a participator in the action is the external mark which, in a considerable measure, distinguishes the middle and new comedy from the old. The discontinuance of the comic choregia is attributed to a decree of Cinesias (Schol. on *Ranae*, 153). There were no choregi when Aristophanes produced the *Aeolosicon* (389 B.C.), and the *Plutus* (2nd edition). But we must not suppose that the discontinuance of the chorus was sudden, for the chorus sometimes appears even in the middle and new comedy (Boeckh, *Staatshaushaltung*, i.^{3} 545–6; Meineke, i. 441).

The literature on the subject of the chorus is very extensive. The most important works are: B. Arnold, art. *Chor* in Baumeister's *Denkmäler des klassischen Altertüms*, pp. 383–391; Sommerbrodt, *Scaenica;* Muff, *Die chorische Technik des Sophokles;* R. Arnoldt, *Die chorische Technik des Euripides;* F. Castets in Daremberg and Saglio, art. *Chorus;* A. Müller, *Die griechischen Bühnenalterthümer*. In the two last works full reference is made to the numerous works on the subject.

2. ROMAN.—The chorus among the Romans belonged especially to the *crepidatae*, i.e. the tragedies modelled on and derived from the Greek ones; but it also appears in the national tragedy of the Romans, the *praetextatae* (see O. Ribbeck, *Die römische Tragödie im Zeitalter der Republik*, 607, 631 ff.). Even though Diomedes (491, 29, Keil) declares that the Roman comedy had no chorus, yet this is only true generally, for there is an undoubted chorus of fishermen in the *Rudens* of Plautus. It was probably the whole company of actors (*caterva*), not a chorus, which said the "Plaudite" with which comedies end (cf. Cic. *Sest.* 55, 118). There appear to have been choruses in the pantomimus and in the pyrrhica of the empire (Friedländer, *Darstellungen*, ii.^{3} 434, 443). There was no fixed number of choreutae (Diomedes, *l. c.*). As that part of the theatre which was the Greek orchestra was given up to the spectators at Rome, the chorus had to occupy the stage (Vitruv. v. 6, 2).

The Roman chorus took more part in the action of the drama than did the Greek chorus (O. Jahn, in *Hermes*, ii. 227; cf. Hor. *Ars Poet.* 193). It was led by a *magister chori*, who had his place in the middle of the chorus, and so was called *mesochorus* (Plin. *Epist.* ii. 14, 6). The musical accompaniment was played by a choraules on a double flute (Diom. *l. c.*). Between the acts the chorus (probably in tragedy) and the tibicen (in comedy) used to sing or play (Donatus, *Arg. ad Andriam*); and Horace (*Ars Poet.* 194) especially urges that the subject of the songs should be pertinent to the action of the drama. The chorus was composed of men who were professionals (*artifices*), and who were for the most part slaves (Ribbeck, *op. cit.* 639, 657). As the chorus of the Romans sometimes represented women (*e.g.* in Ennius's *Medea*; cf. Cic. *Fam.* vii. 6), they must have worn masks. They were probably dressed after the manner of the Greeks, and the dresses appear to have been very splendid, as was the whole production of plays at the end of the republic and during imperial times; *e.g.* purple chlamydes were wanted for a chorus of soldiers, as is told in a well-known story (Hor. *Epist.* i. 6, 40).

Besides B. Arnold (*op. cit.*), O. Ribbeck (*op. cit.*), see Gaston Boissier in Daremberg and Saglio, and Friedländer in Mommsen-Marquardt, vi. 523. [L. C. P.]

CHOUS (χοεύς, χοῦς), a Greek liquid measure containing 12 κοτύλαι or 5·76 English pints. It was equal to the Roman congius of six sextarii. At first the name seems to have meant simply a pitcher or flagon (from χέω); hence the χόες or "pitcher feast" on the second day of the Anthesteria [DIONYSIA]. According to the grammarian Crates of Mallus (περὶ Ἀττικῆς διαλέκτου, *ap.* Ath. xi. 495 a, b), the χοῦς had originally a similar form to the Panathenaic amphorae, and was also called πελίκη: but afterwards took the shape of the οἰνοχόη or ὄλπη. This use of the word throws light on some statements which might otherwise surprise us. At an ἔρανος or contributory feast each guest brought his provisions in a κίστη, his wine in a χοῦς (Aristoph. *Acharn.* 1086): in the comic poet Eubulus a man orders a χοῦς of mixed wine from a καπηλεῖον, and a κάνθαρος to drink it out of (*Fragm.* 80–82, Meineke); on the day of the χόες a prize was given to the person who first emptied his χοῦς: and Milo of Croton is said to have drunk off three χόες of wine at one draught. In these cases it is not the large measure here described, but a jug or pitcher that is to be thought of. The distinction drawn by Suidas, alone among the grammarians, between a χοῦς of four κοτύλαι and a χοεὺς of twelve, has not found much favour: on the forms of the word, see L. and S. (Pollux, x. 73; Wurm, *de Pond.* &c., pp. 127, 136, 141, 198; Hussey, *Ancient Weights*, pp. 211–213; Hultsch, *Metrologie*, pp. 80, 82, 87.) [P. S.] [W. W.]

CHREOUS DIKÉ (χρέους δίκη), a simple action for debt, belongs to the class of cases arising upon an alleged breach of contract, like the actions ἀργυρίου, ἀφορμῆς, συμβολαίων, or συνθηκῶν. It must have been the usual mode of proceeding open to creditors (Caillemer, 9*me Étude*, p. 31); but there is little information as to the precise distinction between it and kindred suits. In all these cases, small debts under
ten drachmas were recoverable b
nerant magistrates, δικασταὶ
afterwards called the Forty (οἱ τ
above that amount, they came bef
of the thesmothetae. If the ca
classed among the ἔμμηνοι δίκαι, a
when the debt arose upon a merc
tion, the thesmothetae would stili
tion in it, though one of the part
were an alien, otherwise it seems t
a person was the defendant, it was
the court of the polemarch. (Mei
p. 55.) If the cause were treat
ἐμπορική, as above mentioned,
would forfeit a sixth part of the s
upon failing to obtain the votes
the dicasts (Suid. *s. v.* ἐπωβελία)
not informed whether this regulat
cable, under similar circumstances
cutions for debt. We have examp
δίκη in a speech of Lysias again
the disciple of Socrates (Lys.
Teubner, B. ed. Oxon.): and in
against Timotheus, included amon
of Demosthenes. [J. S. M

CHRONOLOG'IA (χρονολογί
ence by which time is measured ac
courses of the stars, and more esp
sun and moon; but in the more lir
which we have to treat of chronol
a part of history, and teaches us t
historical event to the date to whic
The reduction of any given date in
the corresponding year, month, o
modern computation of time, is
matter of great difficulty, and ofte
impossibility; for nearly all the na
quity began their year at a differe
used solar and others lunar year
again a combination of the two
moreover, had different eras, that
time from which subsequent and p
are counted; and in addition to th
a great many changes and fluctu
and the same nation; and the hist
works have come down to us ar
very precise in marking the time
events belong, so that we must
to all manner of combinations, o
conjectures.

For the manner in which the
Romans calculated their years an
refer to the article CALENDARIUM,
here confine ourselves to an acc
manner in which those nations c
stated the events of their history.
reckoned their years generally acco
magistrates, in the early times acc
years of the reign of their kings, a
according to their annual magi
Athens the year was called by the
of the nine archons, who from this
was called ἄρχων ἐπώνυμος or th
excellence; and at Sparta the year
after one of the five ephors, who fo
was likewise termed ἐπώνυμος. (
Xenoph. *Anab.* ii. 3, § 10; Polyb.
iii. 11, § 2.) But the years of
archons and the Spartan ephors, co
the civil year in those states, did
with each other, for the ephors
their office in the Attic month of

he archons originally entered upon theirs
eginning of Gamelion, and ever since the
C. 490, at the beginning of Hecatombaeon.
os time was counted according to the
f the high priestess of Hera, who held
ce for life (ἡρεσίς: Thucyd. ii. 2; Suid.
ρεσίδες); and the inhabitants of Elis
y reckoned according to the Olympic
which were celebrated every fifth year
the first full moon which followed after
mmer solstice. In this manner every
tate or city calculated time according to
peculiar or local era, and there was no
ch was used by *all* the Greeks in common
ordinary purposes of life. Historians,
e, down to the middle of the third cen-
C., frequently made use of the average
ined by men, in order to fix the time in
er intelligible to all Greeks. Herodotus
) calculates that three generations of men
ivalent to a century (*saeculum* is some-
used in Latin, but not *aetas*). Timaeus,
urished about B.C. 260, was the first
n who counted the years by Olympiads,
f which contained four years. The
ng of the Olympiads is universally fixed
year 3938 of the Julian period (a cycle
ed by Joseph Scaliger, which commences
4), or in B.C. 776. If we want to reduce
en Olympiad to years before Christ, *e.g.*
we take the number of the Olympiads
elapsed,—that is, 86,—multiply it by
educt the number obtained from 776, so
e first year of the 87th Ol. will be the
s the year 432 B.C. If the number of
ads amounts to more than 776 years,—
if the Olympiad falls after the birth of
—the process is the same as before; but
e sum obtained by multiplying the Olym-
y 4, we must deduct the number 776,
at remains is the number of the years
Christ. This calculation according to
ads, however, does not seem to have been
plied to the ordinary business of life, but
been confined to literature, and more
ly to history. Some writers also adopted
jan era, the fall of Troy being placed by
henes and those who adopted this era, in
r B.C. 1184. After the time of Alexander
at, several other eras were introduced in
gdoms that arose out of his empire. The
s the Philippic era, sometimes also called
of Alexander or the era of Edessa; it
on the 12th of November B.C. 324, the
the accession of Philip Arrhidaeus. The
was the era of the Seleucidae, beginning
1st of October B.C. 312, the date of the
of Seleucus Nicator at Gaza, and of his
uest of Babylonia. This era was used
tensively in the East. The Chaldaean
ered from it only by six months, begin-
the spring of B.C. 311. Lastly, the eras
och, of which there were three, but the
st commonly used began in November B.C.
Europe none was so generally adopted,
in literature, as the era of the Olym-
and as the Olympic games were celebrated
nes, we have 293 Olympic cycles, that is,
ears, 776 of which fall before and 396
hrist. But when the Greeks adopted
anity, they probably ceased to reckon by
ads, and adopted the Julian year. The
practice of dating from the birth of Christ was introduced by Dionysius Exiguus in A.D. 532. (Corsini, *Fasti Attici*, Florence, 1744–56, 4 vols. 4to; Ideler, *Handbuch der mathem. und technisch. Chronol.* Berlin, 1825, 2 vols. 8vo; Clinton, *Fasti Hellenici*, Oxford, 1830–1834, 3 vols. 4to.)

The Romans in the earliest times counted their years by their highest magistrates, and from the time of the republic according to their consuls, whose names were registered in the Fasti. This era, which may be termed the *aera consularis*, however did not begin at all times at the same point; for in the earliest times of the republic the consuls entered upon their office on the calendae of Sextilis, at the time of the decemvirate on the ides of May, afterwards on the ides of December, and at a still later time on the ides of March, until in B.C. 153 the consuls began regularly to enter upon their office on the 1st of January. This constant shifting was undoubtedly one of the causes that produced the confusion in the consular era, of which Livy (ii. 18, 21, &c.) complains. Great confusion also arose from the incompleteness or the deliberate falsification of the records, and the interruption caused by *interregna*, so that it is quite impossible to draw up satisfactory *Fasti Consulares.* (Cf. *C. I. L.* i. 403–551, with Mommsen's important commentary.) Varro, Cicero, Tacitus, and even Gaius, date events by the number of years which had elapsed since the expulsion of the kings. The earliest use of a fixed point from which to date is in the dedication of the Temple of Concord by Cn. Flavius, "cciii. annis post Capitolinam dedicatam" (Plin. xxxiii. § 19). The consular era was the one commonly used by the Romans for all practical purposes, the date of an event being marked by the names of the consuls, in whose year of office it had happened. But along with this era there existed another, which as it was never introduced into the affairs of common life, and was used only by the historians, may be termed the historical era. We have no instance of the use of this era at Rome before the time of Augustus; but in the case of other Italian towns a similar practice was employed much earlier (Plin. iii. § 114.) It reckoned the years from the foundation of the city (*ab urbe condita*); but the year of the foundation of the city was a question of uncertainty among the Romans themselves, although all agreed in the day of the month, *i.e.* April 21st, the Parilia (Dionys. i. 88). M. Terentius Varro and Atticus placed it in the third year of the 6th Olympiad, that is, B.C. 753. (Plut. *Rom.* 12; Vell. Pat. i. 8; Censorin. *de Die Nat.* 17.) This era was adopted by Velleius Paterculus, Pliny, Tacitus, A. Gellius, Dio Cassius, Eutropius, and others. Next to the Varronian era, the most celebrated was that of M. Porcius Cato, who placed the foundation of Rome in the first year of the 7th Olympiad, or in the spring of B.C. 751. (Dionys. i. 74; Syncell. *Chronog.* p. 194 a.) The date fixed upon in the *aera Capitolina* (so called from the Fasti Capitolini), by Polybius (Dionys. *l. c.*; Cic. *de Rep.* ii. 10), Diodorus, and Cornelius Nepos, was one year later; Q. Fabius Pictor placed the foundation in the first year of the 8th Olympiad, *i.e.* 747 B.C. (Dionys. *l. c.*), and Cincius Alimentus even placed it about the fourth year of the 12th Olympiad, *i.e.* B.C. 729. Ennius, on the other hand, placed the building of Rome about 700 years before his own time; that is, at least 100 years earlier than most other writers (Varro, *de Re Rust.* iii. 1); and Timaeus went so far as to regard the foundation of Rome contemporaneous with that of Carthage, placing it 38 years before the first Olympiad. But no reliance can be placed on any of these statements; as however it is necessary to have one point to start from, the Varronian era has been adopted by modern writers. [L. S.] [A. S. W.]

CHRYSELEPHANTI'NA, sc. *agalmata.* This term, though resting on no better authority than that of the Scholiast on Aristophanes (*Eq.* 1169), is now customarily used to denote those gold and ivory statues which were the highest attainments of Greek plastic art.

The use of these costly materials seems to have been originally a development of the early art of wood-carving. The first artists who produced chryselephantine statues were pupils of Dipoenus and Scyllis, the Cretan "Daedalids." Though we hear of no such works by these masters themselves, they used ivory in conjunction with ebony (Paus. ii. 22, 5); by gilding the wood, a quite common proceeding, the transition would be made. The appropriateness of the two materials would then suggest the restriction of the ivory to nude parts, of gold to drapery, &c., a core of wood still underlying the whole. Such probably were the works of Dorycleidas, Theokles, Dontas, and other artists of the earlier portion of the 6th century B.C. We do not hear of many chryselephantine works of importance during the late archaic or transitional period; but some of the "Xoana" mentioned by authors may belong to this class, the name being constantly applied even to later specimens. But the construction of colossal figures, such as the Olympian Zeus and Athene Parthenos of Phidias, or the Argive Hera of Polycletus, can have had little in common with mere wood-carving. For these, of course, a most elaborate internal framework was necessary; attempts have been made to restore by conjecture these figures and the processes by which they were constructed, as by M. Quatremère de Quincy in *Le Jupiter Olympien.* In the latter portion of the 5th century B.C. the pupils of Pheidias found many states able and willing to grant the enormous expenditure necessary for the erection of a chryselephantine colossal figure; but in later times opportunities for such enterprises could but rarely occur. Kings, however, came to arrogate to themselves a distinction formerly appropriated to the gods: thus the portrait-statues by Leochares in the Philippeum at Olympia were of gold and ivory. So late as the time of Herodes Atticus these materials seem to have been still in request for the most magnificent statues. [E. A. G.]

CHRYSEN'DETA were metal dishes (*lances*) used by the Romans for serving up food at table. Martial mentions them several times (ii. 43; ii. 53; vi. 94; xi. 30; xiv. 97) as in use by the wealthy, and specially notices mullet as being served upon them. The derivation of the word, and the epithet *flava* applied to them by Martial (ii. 43, *flava tegunt chrysendeta mulli*), render it probable that these dishes were made of silver, and were adorned (probably on the rim) with ornaments in relief, wrought in gold and attached by means of soldering or riveting.

Such ornaments (as explained under Em
were called *emblemata* and *crustae* [cf.
TURA]. In the *Origines* of Isidore of
(xx. 4, § 8) *chrysendeta* are defined sin
gilded vessels (*vasa deaurata*), but the
originally have been something more th
or they would not have acquired the
name of "gold-inlaid" (*chrysendeta*,
δετα). There is no good reason for ac
the view of some commentators on Mart
chrysendeta were vessels inlaid with
stones. [W——K W—

CHRYSOASPIDES. [ARGYRASPID

CHRYSOUS (χρυσοῦς). [AURUM.]

CHTHON'IA (χθόνια), a festival cel
at Hermione in honour of Demeter, su
Chthonia (Eurip. *Herc. Fur.* 608). A des
of it is given by Pausanias (ii. 35, § 4, &
it is also mentioned by Aelian (*H. A.*
The Lacedaemonians adopted the wor
Demeter Chthonia from the Hermionea
of whose kinsmen had settled in Messeni
iii. 14, § 5); hence we may infer that th
brated either the same festival as that
Hermioneans, or one similar to it. [

CHYTRA (χύτρα, χύτρος), a pot, ge
of earthenware, for cooking. The *chyt*
an indispensable utensil, even in the
houses, and allusions to it are innume
Aristophanes (*Ach.* 1175; *Equit.* 745,
Eccl. 845, 1092; *Ran.* 505; *Vesp.* 82
Pac. 802). Besides being placed u
fire, in order to boil water or cook
the *chytra* was used sometimes to ca
just as is now done by the modern inh
of Greece, Italy, and Sicily (Xen. *Helle*
§ 4; Aristoph. *Lys.* 297); and anoth
remarkable use of these vessels of eart
among the Greeks was to put infants in
to be exposed (Aristoph. *Ran.* 1188).
the exposure of children was called ἐγχ
(Hesych. *s. v.*), and the miserable wom

Chytra resting on a Chytropus. (Vase in
British Museum.)

d it ἐγχυτρίστρίαι (Suidas, *s. v.*). The
us (χυτρόπους) was the stand on which
ytra was often placed to be heated
p. et D., 748), as seen in the painting
se in the British Museum (see woodcut)
nting Medea boiling an old ram, with a
persuade the daughters of Pelias to put
death (Ovid, *Met.* vii. 318–321; Hygin.
). The pot has a round bottom, and is
ed by a tripod, under which is a fire.
m, restored to youth, is in the act of
out of the pot. It was sometimes called
ν (Poll. x. 24, 99). [W. M. L.]

'TROPUS. [CHYTRA.]

O'RIUM (κιβώριον) properly is the shell
Egyptian bean plant (*colocasia*), the bean
being called κύαμος. These shells, and
the leaves too (Plin. *H. N.* xxi. § 87),
made into drinking cups (Nic. *ap.* Ath.
and were no doubt of the same shape as
ginal shell, broad at the top and becoming
towards the bottom (Didym. *ap.* Ath.
e). From their shape they appear very
to that kind of cup called φοσκύφιον, if
adopt the acute emendation of Ussing
minibus vasorum Graecorum, p. 133) in
s (*l. c.*). They were smooth and large
d. ii. 7, 22), and often were wrought in
manner (Ath. xi. 477 e). No certain
n of one can be given. For the meaning
ium in ecclesiastical Latin, see *Dict. of*
Antiq., art. ALTAR. [L. C. P.]

ARIS. [TIARA.]

C'IUM (δέρρις), a hair-cloth. The
l of which the Greeks and Romans
universally made this kind of cloth, was
r of goats. The Asiatics made it of
hair. Goats were bred for this purpose
greatest abundance, and with the longest
Cilicia; and from this country the
ame of such cloth was derived. Lycia,
, Spain, and Libya also produced the
rticle. The cloth obtained by spinning
ving goat's-hair was nearly black, and
d for the coarse habits which sailors and
en wore, as it was the least subject to be
ed by being wet; also for horse-cloths,
acks, and bags to hold workmen's tools
a vasa), and for the purpose of covering
engines and the walls and towns of
cities, so as to deaden the force of the
d to preserve the woodwork from being
fire. (Aristot. *H. A.* viii. 28; Aelian,
; Varr. *R. R.* ii. 11; Verg. *Georg.* iii.
iv. xxxviii. 7, 10; Plin. *H. N.* viii. § 203;
Ora Mar. 218–221; Veget. *Ars Vet.* i.
adj., *vela*, Dig. 33, 7, 12, § 17; *udones*,
iv. 140.) [J. Y.] [W. S.]

LIBA (κιλλίβας, *cillibantium*). 1. In
a trestle or stand for anything, especially
hield (Aristoph. *Ach.* 1122 et Schol.;
s. v.). 2. In Rome, a dining table, at
uare (Varro, *L. L.* v. 118), then round.
"cillibae mensae rotundae.") [W. M. L.]

CTUS GABI'NUS. [TOGA.]

ERA'RIUS. [CALAMISTRUM.]

ERES. [FUNUS.]

GULUM (ζώνη, ζώνιον, ζωστήρ, *cinctura*,
Passing over the *cestus* [CESTUS] and
m or *fascia pectoralis*, also called ἀναδεσ-
στηθοδεσμός [STROPHIUM], which was a
orn by women inside the tunic to support the breast, and recollecting that ταινία and μίτρα [MITRA] are generic terms for ribbons or bands worn round the body, whether over or under the tunic or round the head (in Latin, *taenia* is apparently used only for the latter), we find the following meanings assigned to *cingulum* and the Greek and Latin words given above:—

1. A girdle worn by women over the tunic, just under the breast (Verg. *Aen.* i. 492).

2. A girdle worn both by men (Petr. 21, 2) and women (Varr. *L. L.* v. 114) just above the hips, also called *zona* (Ov. *Fast.* ii. 320; Mart. xiv. 151). The distinction said by Moeris (*Att.* p. 124) to subsist between ζώνη and ζώνιον—that the former is used only of men's girdles, the latter of women's—is disproved by Aesch. *Suppl.* 457; Plat. *Alc.* i. 123 B; Herod. i. 51; Eur. *Hec.* 762. The tunic was generally tucked up and made to hang in a fold (κόλπος) over the girdle (ἀναζώννυσθαι, συζώννυσθαι, *succingere*). This was especially done when any rapid motion was required; hence ζώννυσθαι, "to gird up one's loins" for battle (*Il.* xi. 15) or for labour (Hes. *Op.* 343), and compare εὔζωνος ἀνήρ, used for a fairly quick walker (Thuc. ii. 97), as is also *alte praecinctus* by Horace (*Sat.* i. 5, 6). Similarly *succinctus* (Juv. iv. 24) and *praecinctus* (Hor. *Sat.* ii. 8, 70) are used of "trim" attendants at table. Conversely, when one was in deshabille at home, he was *discinctus* (Hor. *Sat.* ii. 1, 73), a term also applied to any "loose" character (Hor. *Epod.* 1, 34; cf. Suet. *Caes.* 45). The long tunics of the Ionian women (Müller, *Arch.* 339, § 7) hung in deep folds over the girdle; hence they and other women were called βαθύκολποι or βαθύζωνοι by Homer (*Il.* xviii. 339; ix. 594). These girdles were often simple cords, and the ends had tassels affixed; but often, too, they were very splendid. An elegant golden girdle found in Ithaca has as clasp a knot of metal ornamented with garnets; from each side are suspended Silenus' heads holding each three strings, from which hang pomegranates (see fig. 1475 in Saglio's *Dict. des Antiq.* i. p. 1174). Often, too, these girdles had kinds of braces which crossed on the breast and stretched over the shoulders, as in the annexed woodcut representing Creon, taken by Saglio from an ancient vase.


Cingulum.
(From an ancient vase.)

3. The bride's girdle (ζώνη παρθενίη, Hom. *Od.* xi. 245). Among the Romans it was knotted in what was called the knot of Hercules (an amulet against *fascinatio*, Marquardt, *Privatleben*, 43, note 3; also against wounds, Plin. *H. N.* xxviii. § 63). This girdle was made of sheep's wool, and was loosed by the bridegroom on the marriage bed (Festus, s. v. *Cingulo*). It was also called *incingulum* (Non. 47, 27).

4. A soldier's belt (ζωστήρ). The term

ζωστὴρ is very rarely applied to a woman's belt (Paus. i. 31, § 1); it is nearly always applied to a man's, and only now and then to the belt of one who was not a soldier (Hom. *Od.* xiv. 72; Theocr. vii. 18). It is generally used for the military belt. In Homer it is a belt which fitted close (*Il.* iv. 134), covering the stomach (*Il.* v. 539) and lapping partly over the lower part of the cuirass (**ὅθι διπλόος ἤντετο θώρηξ**, *Il.* iv. 133). The clasps (**ὀχῆες**) were sometimes of gold, and appear to have fastened behind (*Il.* xx. 413–415). It was usually made of leather, but was often highly adorned, sometimes with silver plates (*Il.* xi. 236), sometimes with purple dye (*Il.* vi. 219); hence the epithets **δαιδάλεος** and **παναίολος** (*Il.* iv. 135, 186). This is quite different from the *ζῶμα* or apron-like piece of armour stretching from the navel, where the *θώρηξ* ended, to the knees, and which was regarded as a part of the *θώρηξ*, so much so that in one passage the latter term is applied to it (*Il.* iv. 135). It was very probably made of leather, and it shone brightly (**φαεινός**, *Od.* xiv. 482). Helbig, however (*Das homerische Epos*, p. 202), after Aristarchus, supposes that *ζῶμα* is strictly the lower projecting rim of the archaic *θώρηξ*, and then put sometimes for the *θώρηξ* itself (*Il.* iv. 187, compared with 136). He thinks the *ζῶμα* of the *Odyssey* was a kind of light girdle, something like the *μίτρη*, worn on special occasions which required great rapidity of movement, instead of the *θώρηξ*. The term *ζῶμα* is also applied to the waistcloth or drawers (*subligaculum*) worn by athletes (*Il.* xxiii. 683), though **διάζωμα** is the more usual word in this sense. Again, the *ζωστὴρ* differed from the *μίτρα* [MITRA], which in the Homeric armour was a thin pliant (cf. perhaps *αἰολομίτρης*, *Il.* v. 707) band of bronze (*Il.* iv. 187), lined probably on the inside with wool, which was immediately next the chiton under the *ζῶμα* (cf. Buchholz, *Die homerischen Realien*, ii. 1, 372–3, and Helbig, *l. c.* p. 200).

Cingulum is the proper term in Latin for a soldier's belt, which went round the waist. Therein it differed from the *balteus*, which nearly always went over the left shoulder and under the right arm, and to which the sword was attached. It is highly noticeable that the sword generally hangs on the right side, though such is not the invariable rule (Joseph. *B. J.*, iii. 5, 5). It is to the *balteus* that we are to refer *cingi* in the sense of "being a soldier" (*e.g.* Dig. 5, 4, 3), and *discingi* when used as a mark of degradation (*e.g.* Liv. xxvii. 13, 9; Val. Max. ii. 7, 9; Suet. *Oct.* 24; Herodian, ii. 13, 8, **ἀποζῶσαι**). All military duties were performed *accinctus*, i.e. with the sword on (Tac. *Ann.* xi. 18; Veget. iii. 8). It is very rarely that we find the *cingulum* supporting the sword, and that only as a rule in the case of horsemen (see figs. 1490 and 1491 in Saglio, *op. cit.*). *Cingulum* is, however, sometimes found as a generic term, embracing both the *balteus* and the *cingulum* proper (Trebell. *Salonin. Gallien.* 2); and, as such, the *cingulum* became the insignia for all military officials: and when in the later empire the civil offices too were considered as species of military service, it was regarded as a mark of their rank also (Cod. Just. xii. 8, 2, pr.; 33 (34), 5). Hence *cingulum habere*, "to have high official position" (Cod. Just. xii.
3): cf. *ζώνης τυχεῖν*, *Anth. Pal.* xi. 238
gulo exui" (Cod. Just. vii. 38, 2); "in offic
rum privatarum cingulum militiae sibi s
(Cod. Theod. vi. 30, 18); "cingulum de
(Cod. Just. xii. 52 (53), 3); *ζώνην ἀ*
(Lyd. *de Mag.* iii. 4; cf. Glossarium
Theod. s. v. *Cingulum*). Accordingly
not surprised to find that all the higher
had to wear the *cingulum* in appearin
the emperor (Johann. Chrys. *Homilia*
26). The right of wearing the
belonged only to the classes of officia
were above the *honorarii*; these are spe
Cod. Just. xii. 8, 2, pr. The belt was
made of leather; that of the Praefect
torio described by Lydus (*de Magistr.* i
purple leather. The fastening of this
further described as consisting of
crescent with a golden prong (*περονί*
latter fitted into the other end of
which had gold plates on it, and wh
fashioned into the shape of a grape
The method of fastening the *cingulu*
was that of our ordinary strap-buckles.
sentations of Roman soldiers of the
(*e.g.* fig. 1488 in Saglio, *op. cit.*) often
cross-straps which we have already
going over the shoulders, and also th
like piece of armour (*ζῶμα*). Hangi
from the centre of the belt were strips of leather, studded with flat plates of metal or buttons (see the cut taken from I. Müller's *Handb. d. klass. Alterth. Wissen.* iv. Taf. ii. fig. *g*).

From the extremities of the thongs hung ornaments, examples of which are given by Saglio, figs. 1498–1500, and which are as various as the pendants on our watch-chains. On certain statues of Imperial times there appears a narrow girdle wound round that species of cuirass which ended in a *ζῶμα*. This girdle is always knotted in a kind of bow-knot, with the ends tucked in
(*op. cit.* i. p. 1181) thinks it a mark of
The statue believed to be that of
the diptych of Monza shows us the
longer strapped round the shoulder, but
obliquely from its fastening on the rig
the *cingulum*, and supporting the swor
left side, in a manner not unlike the way
swords are worn at present.

Roman soldier
gulum. (Fr
ler's *Handbu*

5. *Zona* is often used in the sens
purse" (Hor. *Epist.* ii. 2, 40; Liv. x
4; Gracchus *ap.* Gell. xv. 12). It was
an inner girdle fastening the tunic, and
regulation *cingulum*. The practice of
money in the belt is not alluded to in
Greek; but *ζώνη* is used in that sen
Matthew x. 9. (Cf. Wilkins on Horace

6. *Cingula* is used for a girth (*μασχ*
(Calp. *Ecl.* vi. 41; Ov. *Rem. Am.*

se it is always feminine (Isid. *Orig.* xx.
).

ingulus is used for ζώνη in the sense of a the earth (Cic. *Rep.* vi. 20, 21). In se it is masculine. [L. C. P.]

IFLO. [CALAMISTRUM.]

PUS. 1. Originally the trunk of a tree s branches lopped off, left standing in the as a stump or sunk in it: in a wooden ation described by Caesar (*B. G.* vii. 73) pi are further sharpened to a point and s *chevaux de frise*.

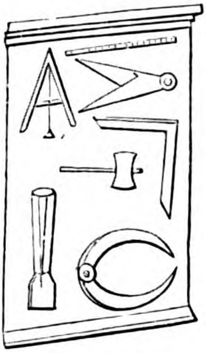
rom the similarity of form, a low column ne, sometimes round, more often rect-r. Stone cippi were set up by the Agri-es to mark the divisions of lands, and ntioned in the gromatic writers (Hygin. *de Controv.* p. 127, Lachmann; Sic. Flacc. *de Agr.* p. 138 ff.; *Lib. Coloniar.* i. pp. 211, 21, 222; cf. AGRIMENSORES, p. 83 *b*). ost frequent use of the cippus, however, a sepulchral monument. Such cippi are the commonest finds of the excavator, t be seen in the local museums of most cities, as for instance at Bath. Several ecimens are in the Townley collection at itish Museum, one of which is given in st of the following woodcuts. The in- on is to the memory of Viria Primitiva, L. Virius Helius, who died at the age of n years, one month, and twenty-four days. cond example is from a cippus preserved Vatican Museum. As features common two, and therefore probably characteristic se monuments in general, we may notice toons of fruit and flowers suspended from heads at the corners, and the sphinxes ; between the latter we see in the one e the head of Pan, in the other a Nereid upon a sea-monster. The letters D. M. in st cut are explained by the DIS MANIBUS form the sole inscription on the second. eral cippi we find the letters S. T. T. L., , *sit tibi terra levis* (cf. Pers. *Sat.* i. 37). These two uses of the cippus, as a boundary and a tombstone, were often combined; it was usual to inscribe on it the extent of the burying ground both along the road (*in fronte*) and in depth (*in agrum*), and likewise the words *hoc monumentum heredes non sequitur*; in order that it might not pass over to the heredes and be sold by them at any time. (Hor. *Sat.* i. 8, 12, 13; Orelli, *Inscr.* Nos. 4379, &c.) [W. S.] [W. W.]

Cippus. (British Museum.)

Cippus. (In the Vatican.)

CIRCENSES LUDI. [CIRCUS.]

CIR'CINUS (διαβήτης: καρκίνος, Sext. Emp. *M.* x. 54; *Anth. P.* vi. 295), a compass. The compass used by statuaries, architects, masons, and carpenters, is often represented on the tombs of such artificers, together with the other instruments of their profession or trade. The annexed woodcut is copied from a tomb found at Rome. (Gruter, *Corp. Inscript.* t. i. part ii. p. 644.) It exhibits two kinds of compasses: viz. the common kind used for drawing circles and measuring distances, and one with curved legs, probably intended to measure the thickness of columns, cylindrical pieces of wood, or similar objects. The common kind is described by the Scholiast on Aristophanes (*Nub.* 178), who compares its form to that of the letter Λ. [See cut under NORMA.] The compass was accounted an ancient invention, being attributed to Perdix, the nephew of Daedalus, who through envy threw him over the precipice of the Athenian acropolis (Ov. *Met.* viii. 241), or to Daedalus himself (Diod. Sic. iv. 76), but it must be observed that circles in early works of art are obviously traced without its aid. It is doubtful whether the



Circini, compasses. (Gruter.)

τόρνος (Theogn. 805; Herod. iv. 36; Plat. *Phileb.* 56 B; Eur. *Bacch.* 1066; Hesych.) was a pair of compasses or a more primitive device for drawing a circle, consisting of a pin at the end of a string. [J. Y.] [J. H. F.]

CIRCITO'RES, CIRCUITO'RES ("vigilias circuire"). [CASTRA, p. 337 *a.*]

CIRCUMLI'TIO. [PICTURA.]

CIRCUMLU'VIO. [ALLUVIO.]

CIRCUS, a building used by the Romans for chariot races and other amusements, the general form of which was derived from the *ἱππόδρομος* of the Greeks: see HIPPODROMUS. Its name is derived from the circuit made by the racing chariots. (Varr. *L. L.* v. 153.)

The *Circus Maximus* in Rome was for long the only building of the kind, and appears to have been the model from which all later *circi* were copied; its perfectly developed architectural form was a very slow growth, the beginning of which dates back from quite pre-historic times. Vitruvius does not mention the circus in his treatise on Roman Architecture. According to the legend, Romulus held the *Consualia* or games in honour of the Latin deity Consus, an equestrian Neptune, in the *vallis Murcia*,[*] a long narrow depression between the Palatine and Aventine hills. It was during the celebration of these games that the rape of the Sabine women is said to have taken place. (Verg. *Aen.* viii. 635, and Servius' note; Val. Max. ii. 4, § 3.) Even during the Imperial period an altar to Consus existed in the centre of this valley: it is mentioned by Tacitus (*Ann.* xii. 24) as one of the points which marked the line of the sacred *pomoerium* round the walls of the primitive *Roma Quadrata*. The long level bottom and sloping sides of the Vallis Murcia made it a naturally convenient place for races to be held and seen by a crowd of spectators, who probably stood or sat on the grassy slopes of the two hills long before any architectural structure was erected.

Wooden seats (*fori*) for the people are said to have been first constructed by Tarquinius Priscus (Liv. i. 35; cf. i. 56; Fest. p. 84; Dionys. iii. 68), and these were frequently burnt and rebuilt in the same material: restorations in 327 B.C. and 174 B.C. are mentioned by Livy (viii. 20, and xli. 27). In the time of Julius Caesar some of the seats were for the first time constructed of stone, but even then and many years later the upper tiers and galleries were still of wood: very serious accidents are recorded to have happened under many of the emperors, owing to the failure of the wooden seats when crowded with people. No less than 1000 people are said to have been killed in this way during the reign of Antoninus Pius. (See Roncalli, *Chron. Vet.* vol. ii. col. 244.) Dionysius (iii. 68), who describes the Circus Maximus as it was after Julius Caesar's improvements, says that it then held 150,000 people. A destructive fire in 31 B.C. was followed by important restorations (Dio Cass. l. 10); and Augustus added a magnificent marble *pulvinar* or imperial box, and placed in the
spina the Egyptian obelisk which
the Piazza del Popolo (Suet. *Aug.*
H. N. (xxxvi. § 71). In A.D. 36
destroyed the upper tiers of s
Aventine side, and a great part of t
then restored and enlarged by C
rebuilt in white marble the *ca*
were then of tufa, and replaced th
metae by new ones of gilt bronz
vi. 45; Suet. *Claud.* 21). After th
the circus contained seats, partly o
partly of wood, for 250,000 spec
ing that it had been much enlar
rebuilding of Julius (Plin. *H. N.*
In the reign of Domitian the marb
carried still higher, and thencefort
of fire was much diminished: thoug
leries (*maeniana*; the form *maenia*
appear to have existed at the top
for many years later. Great additio
was given to the Circus Maximus
is recorded on the reverse of some
brasses; and from his time the b
have been among the most magnific
of the Roman world. The whole
tiers of seats, the *carceres*, the empe
and the central *spina* were then
white marble, decorated with gold
studded with jewel-like glass mosai
with long lines of columns made of ri
Oriental marbles, and rows of lar
marble and gilt bronze, together
metal screens and richly sculpture
officials of rank (Plin. *Paneg.* 51).
accommodation was added by Cons
Constantius set on the *spina* a se
which his father had transported
polis. (Aur. Vic. *Caes.* 40; Amm
4.) This now stands in the
Lateran. After this final enlargem
held, according to the *Notitia*, th
credible number of 385,000 peop
MS. of the *Notitia* gives 485,000 a
of possible spectators in the circ
bably includes the crowds of peopl
circus on the upper slopes of the t
would have a distinct though dis
the whole *arena*. It is impossibl
with absolute accuracy what the
Circus Maximus was when complet
however, have been less than 2000
more than 600 feet wide, measu
Even in the time of Julius Ca
three stadia (about 1860 English fe
by one (620 feet) in width, and hal
the depth of its *cavea* (Plin. *H. N.*
cf. Juv. xi. 192–201).

Existing remains of the Circus
In spite of its enormous size ver
remains of the great circus, but th
of recent years have brought to lig
interesting portions of the substr
these, with the help of some draw
the 16th century, when a conside
of the circus was still very compl
to form a fairly accurate notion of
general construction. Additional
by the well-preserved remains of
Maxentius. (See below, p. 436.)
different in ground-plan, yet in the
of the seats and in its external faça

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[*] According to Varro (*L. L.* v. 154) and Pliny (*H. N.* xv. § 121), its name was derived from an altar to the *Dea Murcia* (Venus), so named from the myrtle plants which grew there. Different derivations are given by other writers.

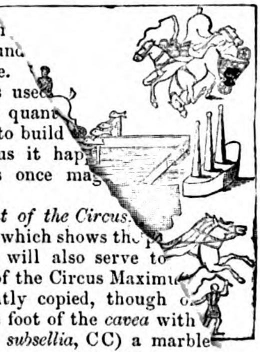
s once very closely resembled the n his
Step-like seats (*gradus*) of white gave
iers one above another along the pire,
of the *cavea*, which formed two ally
lines meeting in a semicircle a by
at near the *Porta Capena*—and ent
other end (in the Forum Boarium hs.
eres or starting chambers surmounte a
istrates' *pulvinar*. These rows of se
vided into blocks (*cunei*) by passages
ys (*praecinctiones*), and each block ha
n staircases and means of exit and
e (*vomitoria*) quite independently of the
nei. These marble seats were supported
ng vaults made of concrete, resting on
rmed of large blocks of *tufa* or *peperino*.
ndersides of the vaults were richly
d with delicate stucco reliefs, painted
; and the stonework of the piers was
with fine hard stucco made of powdered
and ornamented with painting. From
erior of the circus nothing but marble
bronze was visible; the stone and stucco
nly used for the structures under the
Externally the façade at the ends of
cus consisted of two tiers of marble
with engaged columns between them and
story unpierced by arches: each tier
its own entablature—a design similar
of the Colosseum, except that the latter
ee orders of open arches. The circus
more magnificent in appearance, as the
m arcades are of travertine stone,
he whole façade of the circus was of

Part of this exterior façade is fortu-
shown in the great oil painting in the
at Mantua, representing a bird's-eye
Rome as it was in the 15th century; it
ished in facsimile by De Rossi in his
e work *Piante di Roma anteriori al*
Secolo, Rome, 1879. An interesting
of the 16th century shows a large
(now destroyed) of the concrete vaults
upported the long line of the *cavea* seats.
Perac, *Vestigj di Roma*, Rome, 1575.)
tions made a few years ago under the
of S. Anastasia, at the foot of the S.W.
of the Palatine, have exposed a long
of chambers, which formed part of the
e substructures of the circus. The
rs were used for *lupanaria* (Juv. iii. 65),
reshment stalls (Dionys. vii. 72), and
urposes. These open on to a road, paved
lex blocks, which appears to have run
foot of the Palatine along the whole N.E.
the circus, and led from the Forum
n to the Porta Capena. This sub-
re appears to be of the 1st century B.C.,
bably is part of the work carried out by
Caesar.

r buildings of early date, some even of
can times, face on to the other side of
d, and show that an extensive group of
res once covered the slopes between the
and the upper part of the Palatine, form-
it were a continuation of the circus up
es of the hill. (See Middleton, *Ancient*
n 1885, p. 287, and fig. 10 at p. 83.)

he seats of the *cavea* to a great extent
the natural slopes of the ground, it is
that the façade with its triple tier of
could not have run all along the length

white chalk or lime (*alba linea*), and hence sometimes called *creta* (Senec. *Ep.* 108) or *calx* (Cic. *de Am.* 27) (K). A similar white line for the finish was drawn across the *arena* opposite the judges' box (*tribunal judicum*, D), at a point unequally distant from the two *metae*. Thus Cicero (*Senec.* 23) uses the metaphor "quasi decurso spatio ad carceres a calce revocari," and Horace (*Ep.* i. 16, 79) speaks of "mors ultima linea rerum" (see also Cassiod. *Var. Ep.* iii. 51). The starting line was drawn opposite the *metae* which were nearest to the *carceres*. It is
difficult to understand how the white line for
he finish could remain unobliterated by the
sh and trampling of the horses and chariots
their seven laps. There is however no reason
think that a chalked rope was used, as has
suggested.
sma se lines are both shown distinctly on a
rema mosaic of the 3rd or 4th century which
still e nd at Lyons (see Artaud, *Mosaïque*
Cosmedi *Lyon*, 1806). Another fine mosaic
arches of rcelona gives a very detailed view of
the time of .



in brick-facec
for the gas-wo
spina. were found
is now visible.
the circus was use
marble: great quan
various popes to build
Peter, and thus it hap
exists of this once ma
structure.

Arrangement of the Circus.
the next page, which shows th
of Maxentius, will also serve to
arrangement of the Circus Maximu
it was evidently copied, though o
scale. At the foot of the *cavea* with
seats (*gradus*, *subsellia*, CC) a marble
(*podium*) was constructed, which ran al
long sides and curved end, *i.e.* was co-ex
with the *gradus* or *subsellia*. On this p line
stood a row of marble thrones for the use o
more dignified officials of Rome, both sec s,
and religious. These resembled the ma
thrones in the great Dionysiac theatre
Athens, and, like them, were inscribed with th
title of the official who occupied each. Possibly
some of the thrones used in the circus were
actually brought with other spoils from Greece
Several marble thrones of pure Hellenic work
still exist in the churches of Rome, where they were used for episcopal *cathedrae*. The finest of these is in the apse of S. Pietro in Vincoli. At the front edge of the *podium* was a screen of bronze *cancelli*, richly decorated and gilt.

According to Livy (i. 56), the Roman senate from a very early period possessed the privilege of having special seats in the circus, but according to Suetonius (*Claud.* 21) it was not till the reign of Augustus that any reserved seats existed. (Cf. Suet. *Aug.* 44; *Ner.* 11). In any case Augustus arranged for a new and complete classification of the spectators: he reserved the *podium* for the senate and others of high rank (Juv. ii. 147), and allotted special seats for soldiers, married plebeians, boys and their tutors (*paedagogi puerorum*), women and other classes (cf. the *Mon. Ancyranum*, ed. Mommsen, 1883, p. 53). Till this classification *τόρνος* (Theogn. 805; Herod. iv. 36; Plat. *Phileb.* 56 B; Eur. *Bacch.* 1066; Hesych.) was a pair of compasses or a more primitive device for drawing a circle, consisting of a pin at the end of a string. [J. Y.] [J. H. F.]

CIRCITO'RES, CIRCUITO'RES ("vigilias circuire"). [CASTRA, p. 337 *a*.]

CIRCUMLI'TIO. [PICTURA.]

CIRCUMLU'VIO. [ALLUVIO.]

CIRCUS, a building used by the Romans for chariot races and other amusements, the general form of which was derived from the *ἱππόδρομος* of the Greeks: see HIPPODROMUS. Its name is derived from the circuit made by the racing chariots. (Varr. *L. L.* v. 153.)

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were copied; its perfectly developed architectı
form was a very slow growth, the beginnir
which dates back from quite pre-historic
Vitruvius does not mention the circu re of the
treatise on Roman Architecture. Acc
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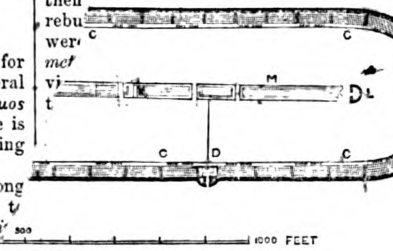
games in honour of the Latin deit or.
equestrian Neptune, in the *vall*
long narrow depression betwe
and Aventine hills. It was du each *gradus* was
tion of these games that the high—that these
women is said to have taken use: see Ovid, *Ars*
viii. 635, and Servius' n
§ 3.) Even during the interesting inscriptions
to Consus existed in t ent times, which throw
it is mentioned by T y in which the seats were
of the points whi circi and amphitheatres of
sacred *pomoerium* was divided into bands called
mitive *Roma Q* e horizontal passages, *ambulacra*
and sloping *es:* there were probably three of
it a naturall is or *maeniana* in the Circus
held and s ithout counting the gallery at the
probably s lowest of these divisions was called
two hills *n primum*, and the highest was called
was ere *:* each of these bands of seats was also
Wo by flights of steps into *cun i*, which
to ha numbered: each line of seats (*gradus*) in
Prisc *cuneus* was also numbered; and as there
Dion no divisions to separate one place from the
bur t, e *gradus* was measured, and allotment
made to various classes of a fixed number
eet measured from one end. Thus, for
ıple, the space allotted to a *collegium* of
ıts might be described as follows: "In the
naenianum, in the 12th *cuneus*, nine feet of
us 4 and 5." A passage in Ovid (*Am.* iii.
) seems to allude to some system of marking
on the *gradus* to distinguish the space
ved for each person—"cogit nos linea
i," but no allusion to this method occurs in
nscriptions of the *Fratres Arvales*.

addition to the *cavea* proper and its
m, various state boxes were constructed
ırble, with columns and arches to support
ntablature and roof of each. One series
ese (*cubicula* or *suggestus*) was over the
es, and appears to have been occupied by
giver of the games (*editor spectaculorum*)
his friends. Another elevated box (the

or impe l (*Ars Am.* i. 96). Cushions (
spina t used, especially by ladies, on th
the Pi seats, and footstools (*scabella*
H. N.
destro
Avent
then
rebu
wer
met
vi
t



Circus of Maxentius.

H H. Entrances between the carceres anc gradus.
I I. Towers.
K. Alba linea, starting line.
L L. Metae.
M M. Spinae.
N. (See p. 434 *a*.)

tribunal judicum, D) was placed at
for the umpires, who decided which char
crossed the line chalked on the *arena*
of them: the phrase "ad cretam praesi
occurs in the celebrated inscription of
which was found among the ruins of the
of the *Fratres Arvales*, a little way out
Porta Portuensis, Rome (see Henzen,
Arv. p. 37).

A separate *pulvinar* or state box (E)
imperial family, of great size and magn
was erected on the Palatine side of the
Maximus (Suet. *Claud.* 4). An interesti
of the 3rd century A.D., found at
represents the presiding magistrate or
the games seated in his box over the
he holds in his hand a bag of money, whi
about to give to the winning chariote
has driven up and is saluting him fron
(see *Ann. Inst.* 1863, tav. D, and 1870, t
and cf. *ib.* for 1839, tav. iv.). A similar
represented on several of the ivory
diptychs of the 4th and 5th centuries (s
Thesaur. vet. dipt., Florence, 1759). T
of these is the celebrated leaf of a 4th
diptych in the Museo Quiriniano at
On this the presiding Consul sits in
vinar: in the *arena* below four q
are racing round the *spina*, which, li
on the Lyons mosaic, is a long tank o
The way in which the reins were loope
the body of the driver (*auriga*) is
shown: each holds in his hand what s
be a combination of whip and goad: they
fasciae round their legs and bodies. The
legs are also closely bound round with
A glass bowl of the 4th century found a
has a very minute representation of
engraved in relief: the *spina* is shown w
usual ornaments, and each of the *metae* s
a lofty pedestal with a door opening int
Fröhner, *La Verrerie antique*, Paris, 187

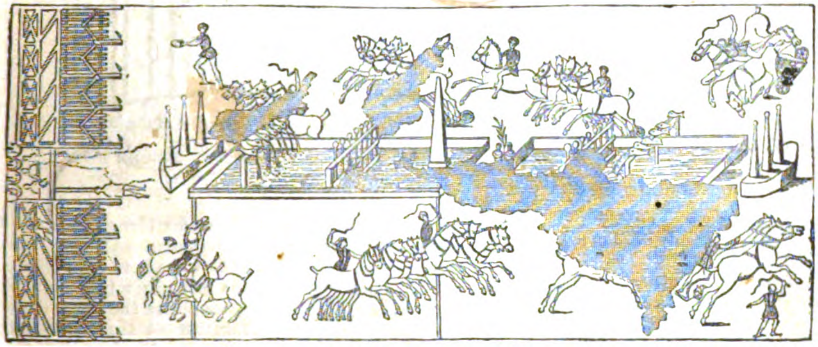
On the ivories the Consul, or other p
of the games, is usually represented

I. L. vi. part i. p. 506; Orelli, 3065; Henzen,
ratr. Arval., Berlin, 1874; Hubner, *Iscrizioni sui*
and Lanciani, *Iscriz. d. Anfit. Flav.*, Rome, 1884.
e inscriptions the form maenianus occurs

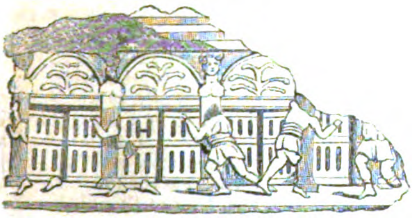
and rich *pallium*. In some cases he holds in his hand the *mappa* or napkin with which he gave the signal for the start. Under the later empire, pro-consuls and governors of provinces usually celebrated the commencement of their office by providing circus games, and hence the frequent occurrence of these subjects on consular diptychs. The starting end of the circus was formed by a row of small vaulted chambers (*carceres*, A A), each large enough to hold one chariot and its horses. At the time of its greatest splendour there appear to have been 12 *carceres* in the Circus Maximus (Cassiod. *Var. Ep.* iii. 51), but a smaller number was more usual. Each *carcer* had two doors—one behind, by which the chariot entered, and one in front opening into the *arena*. This latter doorway was closed by folding doors, with open grilles (*cancelli*) in the panels; these were thrown open at the start by slaves, two to each doorway, who flung them open simultaneously at the given signal.

In early times the race apparently began from the *carceres*, but afterwards the actual start took place from a line marked on the *arena* in white chalk or lime (*alba linea*), and hence sometimes called *creta* (Senec. *Ep.* 108) or *calx* (Cic. *de Am.* 27) (K). A similar white line for the finish was drawn across the *arena* opposite the judges' box (*tribunal judicum*, D), at a point unequally distant from the two *metae*. Thus Cicero (*Senec.* 23) uses the metaphor "quasi decurso spatio ad carceres a calce revocari," and Horace (*Ep.* i. 16, 79) speaks of "mors ultima linea rerum" (see also Cassiod. *Var. Ep.* iii. 51). The starting line was drawn opposite the *metae* which were nearest to the *carceres*. It is difficult to understand how the white line for the finish could remain unobliterated by the rush and trampling of the horses and chariots in their seven laps. There is however no reason to think that a chalked rope was used, as has been suggested.

These lines are both shown distinctly on a large mosaic of the 3rd or 4th century which was found at Lyons (see Artaud, *Mosaïque découv. à Lyon*, 1806). Another fine mosaic found at Barcelona gives a very detailed view of a circus race of quadrigae: the *spina* is low and wide, and is covered with statues, shrines, altars, and columns, as well as having the dolphins and eggs. Each horse has its name written by it. (See *Ann. Inst.* 1863, tav. D.)


Circus. (From the mosaic at Lyons.)

The accompanying figures, fragments of ancient reliefs, show some of the *carceres* of a circus. One of these (in the Museum at Velletri) represents the slaves pulling the folding-doors open with ropes (ὕσπληγξ, Dionys. iii. 68). The ropes are not shown in the cut, though they are distinctly visible in the relief itself: these slaves are probably the *tentores*, one of the classes forming the *familia quadrigaria*. It must have been very difficult to be sure that these slaves would act with perfect uniformity of movement; and this was probably the reason why the later method of starting from a line marked on the *arena* was introduced.


Doors of Carceres opened by slaves. (Relief at Velletri.)

The other cut shows a similar set of *carceres*, but without the slaves. The doors necessarily opened outwards: it is a blunder in the perspective that makes them open inwards in the second of these reliefs. In both cases pilasters with terminal figures or *Hermae* separate the doorways. The existing remains of the *carceres* in the circus at Bovillae, near Rome, have engaged columns instead of *Hermae*.


Doors of Carceres. (British Museum.)

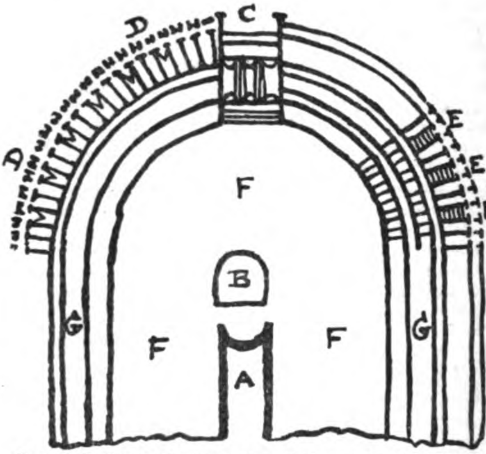
Each *carcer* received no light except what came in through the open grille of the doors: hence they are called *cryptae* (Sidon. *Carm.* xxiii. 319) and *claustra* (Stat. *Theb.* vi. 399; Hor. *Ep.* i. 14, 9): their narrow openings are called *fauces* (Cassiod. *Var. Ep.* iii. 51). The lofty state boxes above the *carceres* with their colonnades and arches towered to an imposing height, and the whole structure was known as the *oppidum*, from its resemblance to the gate and towers of a city (Varr. *L. L.* v. 153).

A first brass of Caracalla shows the external façade of the *oppidum*, and a sort of bird's-eye view beyond of the interior of the circus, with its *spina*, central obelisk, and *aediculae*, and statues in quadrigae set at the top of the wall surrounding the *cavea*. It will be seen from the typical plan given above that the *carceres* (A A) are slightly curved on plan, and are constructed on a segmental line, the centre of which is struck from a point midway (N) between the line of the *spina* and the side of the *cavea*. This plan was adopted in order that the chariots in all the *carceres* might have as nearly as possible a portion of equal advantage at the start. The

Games of the Circus on Roman lamp. (British Museum; from Birch, *Ancient Pottery*, p. 516.)

special *carcer* occupied by each chariot was fixed on by drawing lots.

The *spina* (back-bone, Cassiod. *Va*
51) was a long low wall or ra
form of marble (M M), set in the mi
arena to separate the going and retur
of the racers. The line of the *sp*
parallel to that of the *cavea*, but



Part of the Circus Maximus shown on fragments of the Marble
Plan of Rome.
A. Spina. B. Meta. C. Editor's pulvinar. D. External arcad
E. Stairs. F. Arena. G. Seats.

inclined so as to leave a wider space
that near the semicircular end.
of this seems to have
the chariots might
space where they we
together at the sta
other points where s
have begun to tail of

Various mosaics
show the *spina* (M
with a series of s
ornamental structur
obelisks, small *ae*
shrines, columns s
by statues, altars, tr
fountains. In additi
were two sets of se
eggs (*ova*) at each
spina—each set mou
small *aedicula*, to wh
was given by a ladde
27). One of these
removed after each
culum) was run (Var
i. 2, 11, and Cassiod
iii. 51), there bei
seven laps to each ra
According to Livy
these *ova* were first
spina by the censors
but Dio Cassius (xl
tributes their intro
Agrippa, in the reign
tus. He is, however
confusing them wi
series of ornaments—
phins, which were set on a similar *ae*
served a similar purpose (Juv. vi. 59

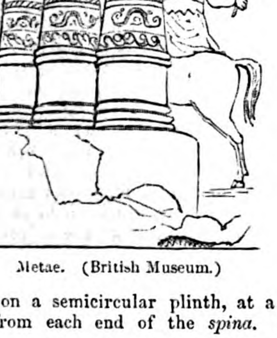
nust have been too heavy to take were probably merely moved in to indicate the number of laps. In cut on the preceding page, from a gem, the *spina*, with the *metae*, nd other ornaments, and the four (the usual number, see p. 438 *a*) in represented. A very similar repre- f the circus is given in a gem found m (Chesters in Northumberland) in is engraved in Hodgkin's *Letters of* s, p. 231. The second cut on the pre- e, from a Roman lamp, exhibits four and the *spina*, with the *ova*, the e *metae*, the *carceres* from which the chariots have started, and the seats of the spectators.

In some ancient representations, as in the Lyons mosaic, the dolphins form fountains—water spouting from the mouth of each fish. This shows that they could not have been wholly removed. The eggs had some sacred allusion to the Dioscuri, and the dolphins to Neptune (or Consus),—deities who were the patrons of horses and racing (Tert. *de Spect.* 8). The Lyons mosaic, which no doubt represents the local circus, has what appears to have been a common form of *spina*, consisting of a long tank of water instead of the marble *podium*: statues and other ornaments stand on pedestals in the water. Two

ace in the Circus, showing the Spina, with the Dolphins, Obelisk, and Ova. (Ancient relief.)

in the *Sala della Biga* in the Vatican fs which represent a chariot race of the Circus Maximus, and show *spina* and its ornaments, among which s of Apollo Helios, Cybele, Victory, a nd an obelisk, as well as the eggs and The *metae* are shown at each end: a ief is given in the above cut.*

tae (L L), the goals, were three tall jects (Ov. *Met.* x. 106; Hor. *Carm.* i.



Metae. (British Museum.)

on a semicircular plinth, at a short rom each end of the *spina*. From the time of Claudius, they were of gilt bronze decorated with bands in relief, as is shown in the annexed cut from a relief in the British Museum. These formed the turning-points for the chariots. The *primae metae* are not, as might be expected, the ones nearest to the start, but those near the semicircular end of the circus, round which the chariots made their *first* turn. Tertullian (*de Spect.* v. 8) mentions that the ancient altar of Consus in the Circus Maximus was *ad primas metas*; it appears to have been in the *spina*, and was only exposed to view during the progress of the games.

Remains of the *spina*, stripped of all its rich marble decorations, exist in the Circus of Maxentius (Nibby, *Circo detto di Caracalla*, Rome, 1825), at Vienne in France (*Bull. Inst.* 1861, p. 143), and in the circus of Carthage (Falbe, *L'emplacement de Carthage*, p. 40).

The *arena* or sandy floor of the circus, like that of the Colosseum, was on some occasions strewn with glittering particles of mica, red lead, or perfumes, by the ostentatious extravagance of some of the emperors (Suet. *Cal.* 18; Plin. *H. N.* xxxiii. § 90, xxxvi. § 162). That part of the *arena* which formed the course for the chariots was known as the *spatium* (Juv. vi. 582: cf. Verg. *Georg.* i. 513, iii. 203; Cic. *Sen.* 23, 83). The space near the *carceres* was known as the *circus primus*, while that on each side of the *spina* was the *circus interior* (Varr. *L. L.* v. 154).

45.3

Before the construction of amphitheatres in Rome, the Circus Maximus was used for gladiatorial fights with wild beasts and other scenes of butchery. The Ancyraean inscription records that Augustus had no less than 3500 wild beasts slaughtered in the circus, forum, and amphitheatre, in twenty-six exhibitions.

In order to keep the beasts from reaching the

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a fine medallion of Gordianus III. (Grueber, *al.* 1874, xli. 4.)

spectators on the *cavea*, Julius Caesar constructed a canal (*euripus*) ten feet wide and ten feet deep all round the *arena*: this was supplied by a stream which still runs through the site of the circus, near the modern Via de' Cerchi (Suet. *Caes.* 39). After the erection of the amphitheatre of Statilius Taurus in the reign of Augustus, the Circus Maximus appears to have been no longer used for fights with beasts, and the *euripus* was therefore filled up by Nero (Plin. *H. N.* viii. § 21). 7 It was, however, again introduced in later times (Lamprid. *Heliog.* 23).

Entrances to the Circus.—The principal doorway was at B (see plan) in the middle of the *carceres*: the procession (*pompa*) before the games entered through this door, which was therefore called the *Porta Pompae*. At the opposite end of the circus (F) was the *Porta Triumphalis*, through which the winning chariots left the *arena*. This door in the curved end of the Circus Maximus, together with the *primae metae* and part of the *spina*, are shown on fragments of the marble plan of Rome (Jordan, *For. Urb. Rom.* Pl. viii.). The position of the *Porta Libitinensis*, through which the bodies of the dead were carried out, is uncertain (Lamprid. *Comm.* 16).

The other Circi of Rome.—Little or no remains now exist above ground of the other great circi of Rome. Next in importance to the Circus Maximus was the *Circus Flaminius*, which gave its name to the *Campus Flaminius*, an important and architecturally very splendid portion of the *Campus Martius*. This circus was founded by and called after the Censor C. Flaminius Nepos, who was killed at Lake Trasimenus in 217 B.C. Extensive remains of its *cavea* and *spina* were found in the 16th century on the site of the Palazzo Mattei. The tower now called *Citrangole* marks the position of the *metae* at one end of the *spina*: and hence it was formerly known as the *Torre metangole*. In early mediaeval times the long open *arena* of the *Circus Flaminius* was used as a rope-walk; and hence the neighbouring church is called *S. Catarina dei funari*. Descriptions of what was found in the 16th century are given by the contemporary antiquaries Fulvio and Ligorio: these are quoted by Nibby in his edition of Nardini's *Roma Antica*, 1819, vol. iii. p. 21.

The *Circus of Caligula and Nero* stood in the *Horti Agrippinae*, at the foot of the Vatican hill (Suet. *Claud.* 21; Plin. *H. N.* xxxvi. § 74). Its *carceres* were towards the hill: part of its site is now occupied by the great sacristy of St. Peter's. The enormous obelisk which now stands in the Piazza of St. Peter's once stood on the *spina*, and remained *in situ* till it was removed to its present position by the architect Fontana in the reign of Sixtus V. This is the only obelisk in Rome that has never been thrown down. An interesting and well-illustrated account of its removal is given by Fontana, *Trasportazione dell' Obelisco Vaticano*, Rome, 1590. No traces of this circus are now visible.

The *Circus of Hadrian* lay to the north-west of his mausoleum, in the *Campus Vaticanus*. No remains are now visible, but part of its substructures were excavated in 1743 (see *Atti della Pontif. Accad.* for 1839).

The extensive remains round the Pia
(Agonale) in the Campus Martius
been mistaken for those of a circus
really belong to the stadium which
by Domitian (Suet. *Dom.* 5) and
Alexander Severus, under the na
Stadium Alexandrinum (*Hist. Aug.*
24).

The *Circus of Maxentius*[*] on the
two miles from the walls of Rome, is
well preserved to show its orig
though it is completely stripped of
seats, columns, and other rich
Till 1825 it was thought to be a
by Caracalla, but three inscriptions
then found showed that it was
A.D. 311 to the memory of Romulus,
A.D. 309, by his father Maxentius.
this circus is shown above (p. 432):
part of the external wall is still st
the raking concrete vaults which su
seats have mostly fallen in. The w
concrete faced with "opus mixtum
with alternate courses of brick and s
of tufa. A number of large am
imbedded in the concrete of the vault
part of the walls, in order to diminish
The lofty wall of the *oppidum* is v
and the concrete core of the *spina* e
its whole length, together with the
of the *metae* at each end. The ob
once stood in the centre of the *spin*
the Piazza Navona. An early chroni
by Roncalli (*Chron. Vet.* vol. ii.
records the building of this circus by
It is described as being *ad catacumba*
catacombs of S. Sebastian, S. Cal
others which are near its site.

The *Circus of Sallust*, called after t
Sallust, is supposed to have existed i
between the Quirinal and Pincian hil
which was occupied by the house a
of Sallust (*Horti Sallustiani*), which,
the historian's de[illegible], became an im
dence. The *Porticus*, a thousand ya
which Aurelian is said to have been i
of riding, and which is mentioned
the estate of Sallust (Vopisc. *Aureli*
possibly part of this circus. The ob
now stands at the top of the Trinit
steps was found at this place, and
have stood on the *spina*. The templ
Erycina stood in these gardens, and
38) states that it was once proposed
games in honour of Apollo by this
fact which seems to add to the prob
circus having existed on this site.
however, of this evidence, the exist
circus of Sallust is by no mea
Both the Circus Maximus and
Flaminius were liable to be floo
inundations of the Tiber; and
places had to be used for circus ga
in honour of Mars, usually held in
Flaminius, were during floods ce
the Campus Martialis on the Caelian
existing archway of Dolabella a
A.D. 10, was probably one of the ga
enclosure.

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[*] See Nibby, *Circo detto di Caracalla,*
and Canina, *Rom. Ant.* i. tav. 137.

cus Games.—The games in the circus
nses) opened with a grand procession
hich gathered on the Capitoline hill,
n the Clivus Capitolinus into the
ng the Sacra Via, then branched off
Vicus Tuscus, and so through the
into the Forum Boarium, where was
e into the circus at the *Porta Pompae.*
sed once round the *spina*, pausing to
ces and to salute the imperial *pul-*
e gorgeous procession which opens a
l-fight in Spain bears much resem-
he Roman *pompa circensis:* it winds
rena, and then pauses to salute the
fficial, who gives the signal to begin
g a key to the chief *espada.* The
was headed by the presiding magis-
some cases by the emperor himself,
or *quadriga*, wearing the dress and
a triumphant general: probably a
om the time when the *ludi circenses*
brated in honour of victorious
A gold wreath was held over his head
(Liv. [illegible]; Juv. x. 35–46; and
. 72). Next came a crowd of noble
foot and on horseback: then the
d horsemen who were to take part in
accompanied by musicians. Next in
e priests, grouped in their various
arers of holy water, incense and sacri-
lements, and statues of deities in
ensae) drawn by horses, mules, or
or else borne in litters (*fercula*) on
lders, and attended by noble Roman
onys. vii. 72). Statues in litters and
rawn by four elephants are shown in
sarcophagus relief figured in *Ann.*
tav. [illegible] The games mainly consisted
races; the cars (*currus*) being drawn
numbers of horses, from two up to
lled *bigae, trigae, quadrigae, sejuges,*
s, and so on according to the number
o each car. In early times *bigae* and
vere mostly used, but under the later
nderful skill was displayed by some of
in managing a large number of horses.
oth horses were under a yoke (*jugum*),
called *equi jugales:* in chariots with
re horses, only the two in the middle
d; those at the sides were merely
y traces (*funes*), and were therefore
funales.
riots were light strctures of wood
h bronze, high in front and open
The *Sala della Biga* in the Vatican is
from an ancient (restored) marble
ssibly a votive offering for victory in
[Currus.]
—The drivers (*aurigae* or *agitatores*)
lly slaves or men of low class. They
ort tunic laced round the body with
hongs (*fasciae*): other thongs bound
s. The cut in the next column shows
of an *auriga*, no doubt some distin-
inner; it is now in the Vatican by
e *biga:* the arms and legs have been
s well as the head. That shown in
loes not belong to it. The *aurigae*
w close-fitting cap—not a bronze
hough belonging to a despised class, the
aurigae in the degraded times of the
re much honoured and fêted, and their society was sought after by the dissolute Roman youth. Very great skill, courage, and coolness were required to guide a chariot successfully round the sharp turns of the *metae*, among a jostling crowd of other horses and chariots, especially as each driver tried to upset his rivals. Constant accidents must have happened: almost every ancient representation of a circus race shows one or more chariots overturned: and this was specially dangerous, as the *auriga* drove with the reins looped round his waist. That he might have a chance of cutting himself free in case of accident, he wore a curved knife (*falx*) stuck in his waist-bands: this is shown in the Vatican statue here given. No doubt one of the chief attractions of the circus to the brutal Romans must have been the sight of the crushed limbs of the unfortunate drivers among the struggling hoofs of his fallen horses, or under the wheels of a luckier rival. In spite of these dangers some drivers lived to win an enormous number of victories. The monument of the *auriga* Diocles * (*circ.* A.D. 150) records that he defeated Scorpus, the winner of 2048 races; Pomp. Musclosus, the winner of 3,559; and Pomp. Epaphroditus, who had won 1467 times. Diocles himself, when he retired from his profession at the age of 42, had won 3000 races of *bigae*, and 1462 with more than two horses. The victorious *auriga* received a prize of money; or in some cases, if a slave, he won his freedom. The prize was sometimes called the *brabeum* or *bravium* (βραβεῖον, Prud. *Peristeph.* v. 538; cf. St. Paul, 1 Cor. ix. 24); and the giver of the prize was known as the *brabeuta* (Suet. *Nero*, 53). The winners of important races, on which there was heavy betting, sometimes received enormous sums of money from patrons who had backed them (Juv. vii. 113, 243; Suet. *Claud.* 21; Capitol. *Ver.* 6). Martial (x. 74, 5) mentions one named Scorpus, who, in the reign of Domitian, won no less than fifty purses of gold in one hour's racing. M. Renan in November 1878 read before the Société des Inscriptions in Paris a paper on an interesting inscription found in Rome, which recorded that a Moorish *auriga* named Crescens had during ten years (A.D. 115–124) won 1,556,346 sesterces with four horses called *Circus, Acceptus, Delicatus,* and *Cotynus.* Under the empire wealthy Roman citizens were not ashamed to act the part of *aurigae*, especially after Caligula and Nero had set the example.

Statue of Auriga, driver.
(In the Vatican.)

Racehorses.—The horses used for racing

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* See Gruter, *Inscr.* 337; and Friedländer, *Sittengesch. Roms*, 2. Anhang, iii. p. 492.

purposes were mostly bred in Spain, Sicily, Mauritania, Northern Greece, and, in late times, in Cappadocia. No expense or trouble was spared in their training, and the Romans were careful not to spoil the horse (in the way the modern English racer is ruined) by using it too soon. As a rule the Roman racer was not broken in till the age of three, nor allowed to run in a race till five. Consequently some of the horses won a surprising number of victories. A horse which had won 100 races was called *centenarius:* in the inscription of Diocles a horse called Tuscus is mentioned as the winner of 429 races: a horse belonging to Diocles himself was a *ducenarius.* Like the modern Romans, the ancients seem to have disfigured their horses by branding on the flank the initial or badge of the owner: this is shown on several mosaic pavements. Entire horses were used, and apparently but few mares were trained for races. Almost all the names of racehorses which exist in mosaic pictures or in inscriptions are those of males (see Friedländer, *De nominibus equorum circensium*, Königsberg, 1875).

The public training-stables of Rome consisted of six or more groups of buildings in *Regio IX.* in the *Campus Martius*, and near the *Circus Flaminius* (see Jordan, *Topogr. der Stadt Rom*, ii. 554). In 1878, in the village of Oued-Atmenia in Algeria, some elaborate mosaic pavements were found in the Villa of Pompeianus, Proconsul of Africa under Honorius, who appears to have been a great breeder of Moorish horses for the circus. Perspective views of the training-stables are represented on these mosaics, and other pictures show the racers in their stalls, carefully clothed from head to foot. The name of each horse is placed by it, e.g. *Altus*, *Pullentianus*, *Delicatus*, *Polydoxus*, &c., and an *auriga* named *Cresconius* is also depicted. Large coloured drawings of these by M. Martin were exhibited in Paris in 1878, and afterwards published by the Soc. Archéol. de Constantine, 1879. The training-stables seem to have been centres of intrigue and villany of all kinds; bribes were given, and horses were "hocussed." Caligula, who spent much of his time in the stables of his favourite *faction*, is said to have poisoned the cleverest drivers of his rivals' horses (see Dio Cass. lix. 5 and 14).

Large sums of money were lost and won on the races (*sponsio*, "betting," Juv. xi. 202, with Mayor's note; Mart. *Ep.* xi. 1, 15). Race-cards (*libelli*) were sold with lists of the horses and names of the drivers: and these were also given in the advertisements of the games which were painted in large letters on conspicuous walls: examples of these have been found at Pompeii. In addition to the chariots and their drivers, men on horseback appear to have galloped with the racers, exciting them with shouts: after the race these *jubilatores*, as they were called, seem to have called out the name of the winner. They are shown on the great mosaic from Lyons and elsewhere (see also the cut representing the metae, p. 435): in some cases these attendants were on foot (*cursores*).

In early times only four chariots ran in each race (*missus*), one for each colour (see below): in later times eight or even ten chariots started together. The starting signal was given by the presiding magistrate, who waved a *mappa*

(Liv. viii. 40, 2, xlv. 1, 6; Mart. x
Suet. *Ner.* 22; Quint i. 5, § 57);
Juvenal (xi. 193) calls the circu
spectacula mappae. Seven laps o
(*curricula*) of the *spina* appear to
the usual length of each *missus* (
quoted by Aul. Gell. iii. 10). On on
Domitian reduced the number of la
in order to get 100 *missus* into one
early times very few races were run
even in the time of Julius Caesar th
usually exceed ten or twelve. Ca
creased the number to twenty, or, on
occasions, twenty-four; but in late
long succession of races were run
the whole day from sunrise to sunset.

Intervals between sets of races wer
by exhibitions of rope-dancing, tum
feats of horsemanship, very like
modern circus. [DESULTOR.]

In addition to these races and
young Romans sometimes held re
assaults of arms (*armaturae*) in t
Maximus: these were sometimes on
turae pedestres), and sometimes on
(*equestres*). One variety of this was
Ludus Trojae (Tac. *Ann.* xi. 11; Sue
and *Nero*, 7). Various other enter
such as feasts, were sometimes giv
circus (Stat. *Silv.* i. 6, 28); or
flung among a crowd in the *arena*
occasion Probus planted and stocked
forest with wild animals and birds in
Maximus, and finally let in the people
carry off what they could (Vopiscus

The *Factiones* were companies or or
of contractors who provided horses, d
all other requisites for the games.
system was not developed till the t
empire; under the republic a few
knightly rank provided all the requi
giver of the entertainment (*editor spec*
only found the money, the whole bus
managed by the *factiones.* Each
distinguished by a colour, which wa
the *aurigae* and other performers i
At first there were only two *fac*
tinguished by the colours red and wh
and *albata;* next blue (*veneta*)
probably in the time of August
fourth, green (*prasina*), came in
(Juv. xi. 196, and Tertull. *de*
Lastly, Domitian added purple a
purpureus et auratus pannus (Suet
Under the later empire each *facti*
of a sort of *collegium*, carefully org
ranked in classes of every kind, s
methodical and bureaucratic Roman
in. At the head of each was a *factio*
and under him were employés,
artisans of every sort required for
management of the *ludi.* The n
classes of a *familia quadrigaria* (a di
factio) are given in an ancient
published by Gruter, 336–339.
consists of 25 *decuriones*,—that is, a
people, who are classified as follow
agitatores, and *quadrigarii*, drivers of
chariots; *conditores* and *succonditor*
and helpers; *sellarii*, saddlers; *sutor*
sarcinatores, tailors; *margaritarii*,
broiderers; *medici*, surgeons; *ma*

perhaps trainers and instructors;
messengers; *vilici*, farm servants to
dder; *tentores*, probably the men who
ne ropes to open the doors of the
sparsores, water-men: these probably
the dry *arena* to prevent clouds of dust
ng, and also brought water to refresh
and horses.

valry between the different colours of
ns and the heavy betting on the races
to scenes of riot and bloodshed. Even
faction fights frequently took place
the declining period of the empire, but
ot till after the transference of the
apital to Constantinople that these
ces reached their highest pitch. In
century the great circus at Constanti-
s frequently the scene of the most
laughter, and on one occasion in the
ustinian the tumult was not suppressed
30,000 of the rioters had been killed
on, *Decline and Fall*, cap. xl.). A great
is circus is still well preserved, though
of all its rich marble linings and

various festivals that were celebrated
games, see the separate articles on the
, FLORALIA, CONSUALIA, EQUIRIA,
e LUDI.

rther information the reader should
ertullian, *de Spectaculis;* Panvinius,
Circensibus, Venice, 1600; Bulengerus,
Romano, printed by Graevius, *Thesaur.*
n. ix. Lyons, 1694; Bianconi, *De-*
dei Cerchi, Rome, 1789; Bianchini,
x. iconographia, Rome, 1828; Canina,
tica, vol. i., Rome, 1830; Nibby, *Circo*
Caracalla, Rome, 1825; Magnin,
du Théâtre, Paris, 1838; Hodgkin,
of Cassiodorus, London, 1886; and
n the *Ann. Inst. Arch. Rom.* for 1839,
1870. [J. H. M.] [W. S.]

US. [COMA.]

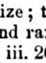
JM, a gig, *i.e.* a light open carriage
wheels, adapted to carry two persons
om place to place. Its form is sculp-
the monumental column at Igel, near
ee woodcut). It had a box or case,
probably under the seat (Festus, s. v. *Ploxinum*). The cisia were quickly drawn by horses or mules ("cisi volantis," Verg. *Catal.* viii. 3; Cic. *Phil.* ii. 31, § 77); usually a pair; but a single horse occurs in the illustration here given, and on a sculptured sarcophagus at Pesaro, the
Pisaurum; and three are mentioned
ius (*Epist.* viii. 6). Cicero mentions
f a messenger who travelled fifty-six
ten hours in such vehicles, which were
hire at the stations along the great
proof that the ancients considered six
niles per hour as an extraordinary
is, however, was at night (Cic. *pro Rosc.*
19).


(From monu-
Igel, near
eves.)

nductors of these hired gigs were called
d were subject to penalties for careless
ous driving (Dig. 19, 2, 13). In some
find them stationed on a kind of "cab rank," or at least giving their name to a locality, as at Pompeii (Orelli-Henzen, *Inscr.* 5163) and Cales (*ib.* 6983). But in Orelli 4163, *cisiarius* is, apparently, a builder of cisia; and in another inscription (*C. I. L.* 1129) the *cisiarii Praenestini* are a *collegium* of freedmen, divided into *magistri* and *ministri*, but otherwise unknown. (Marquardt, *Privatl.*, 706, 712.) [J. Y.] [W. W.]

CISSYB'IUM (κισσύβιον) was a large wooden rustic cup with one handle (Philemon and Neoptolemus *ap.* Ath. 476 f, 477 a), sometimes found mentioned as highly adorned with carvings, and having two handles (Theocr. i. 27). It is mentioned in Homer as belonging to the Cyclops (*Od.* ix. 346) and to Eumaeus (xiv. 78 = xvi. 52). In shape it was rather deep, like the *scyphus* (*Od.* xiv. 78, compared with 112; Eur. *Cycl.* 390, *Androm.* fr. 33; Clitarch. *ap.* Ath. 477 a), which was the cup of rustics (Asclep. *ap.* Ath. 477 d). It somewhat resembled the modern tea-cup (Birch, p. 451). The word is derived from κισσός, and means most probably "made of ivy-wood," as is the opinion of the Schol. on Theocr. i. 27, of Eumolp. *ap.* Ath. 477 a, of Athenaeus himself (477 d), of Serenus Sammonicus ("mollibus ex hederae tornentur pocula lignis," xxiii. 3), and most of the moderns (see Seiler, *Wörterbuch des Homeros*, s. v.); but Poll. vi. 97 and Liddell and Scott (*s. v.*), followed by Paley on Eur. *Alc.* 756, consider the name came from the ivy wreaths sometimes found carved round the cup (Theocr. *l. c.*), and compare *corymbatus*, *hederatus*, &c., applied to vessels in this latter sense in Trebell. *Claud.* 17. Birch (p. 378) leaves the question undecided. But would the rustic Eumaeus and the savage Cyclops have had cups with ornamental carving? Panofka gives a specimen (*Recherches*, &c. v. 76), which is approved by Ussing (p. 127). [L. C. P.]

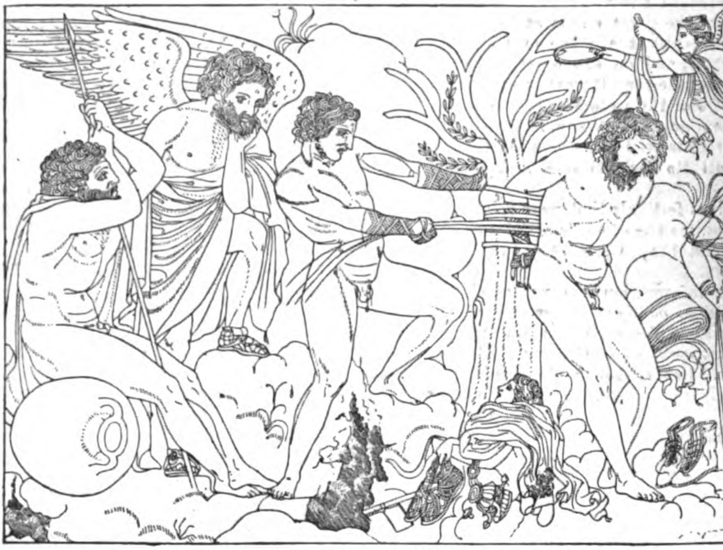
CISTA, CISTELLA (κίστη, κιστίς) was probably at first a wicker basket used for holding fruits and vegetables and for country purposes in general (Plin. *H. N.* xv. § 60; xvi. § 209). These baskets were sometimes square (Colum. xii. 54), but more usually cylindrical. Afterwards cista came to mean a box or casket used for a variety of purposes, but mostly of a small size; thus distinguished from the *arca* or chest, and rarely in the sense of *capsa*, a book-box (Juv. iii. 206). A money-box might be so called (Cic. *Verr.* iii. 85, § 197; Hor. 1 *Ep.* xvii. 54); in the former passage it is the private treasure of Verres himself, opposed to the *fiscus* of the province. In the Roman comitia the cista was the ballot-box into which the voters cast their *tabellae* (Plin. *H. N.* xxxiii. § 31; Auctor *ad Herenn.* i. 12, § 21; Pseudo-Ascon. in Cic. *Div. in Caecil.* 7, p. 108, ed. Orelli). The form and material of the voters' cista, evidently of wicker or similar work, is represented in the annexed cut from a coin of the Cassia gens. In this sense the cista has often been confounded with the *sitella*, but the latter was the urn from which the names of the tribes or centuries were drawn out by lot. (Manutius, *de Comitiis Romanis*, c. 15, p. 527, ed. Graev.; E. Wunder, *Dissertatio de discrimine verborum* cistae *et* sitellae, in his *Variae Lectiones*, p. clviii.)


Cista, voting-basket.
(From coin of Cassia Gens.)

Another class of cistae, well known from vase-paintings and from a number of specimens in metal actually preserved, are the toilet- or jewel-cases of Italian ladies. These are mentioned especially in connexion with the children's trinkets, by which recognition is so often brought about in the ancient comedies (Plaut. *Cistell.* iv. 1, 3, and *passim; Rud.* ii. 3, 60; Terent. *Eun.* iv. 6, 15). In vase-paintings such cistae are often accompanied by other requisites for the toilet, mirrors, scent-bottles, &c., and thus leave no doubt as to the use for which they were intended. The material indicated is usually basket-work, as in the following specimen from Gerhard's *Etruskische Spiegel* (pl. xiv. 4).


Cista, toilet-bas

These vases have been founc Magna Graecia, more rarely in C or in Etruria. The metal cistae, on the other hand, come almost exclusively from Praeneste, where they were produced on a large scale. The most beautiful of these and the first to be discovered (about the year 1 celebrated Ficoroni cista, now


Scene from the Ficoroni Cista.

Kircheriano at Rome. Of late years the results of excavation have been unusually fruitful: in 1866 Schoene described 70 Praenestine cistae preserved entire, besides fragments; in 1882 M. Fernique reports the number as reaching 100 (*ap.* D. and S.). Most of these are in bronze; one of silver is in the Capitoline Museum or Palace of the *Conservatori.* They are mostly covered with ornamental designs engraved upon the surface of the metal (*graffiti*); but in the few that have been found elsewhere than at Praeneste (*e.g.* at Bologna and Vulci) repoussé work occurs. The Praenestine workmanship is somewhat rough: the bronze plate was first engraved, then hammered into an oval or cylindrical shape, and finally the feet and rings or handles were put on without much regard to the pattern underneath them. They were, it is clear, turned out cheaply as manufactured articles, not finished artistic products. The Ficoroni cista is of quite exceptional beauty, and a real work of art; it has been made the subject of several monographs, the most important of which is that of Otto Jahn (*Die Ficoronische Cista*, 4to, Leipzig, 1852). It is the only cista with an inscription, NOVIOS PLAUTIOS MED ROMAI FECID; which shows that, though found at Praeneste, it was not made there. Among its c chief place is occupied by a series the Argonautic legend; one of th of Amycus king of the Bebryces after Jahn; another, the building is figured in Daremberg and Saglio.

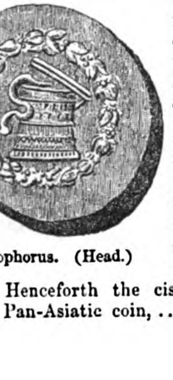
At one time these cistae were referred to the class called *cista mystica* (see below): this name originated with Visconti, but is now universally rejected as unsuitable (Marquardt, p. 657). Many articles of the toilet have been discovered in them, such as mirrors, sponges, hair-pins [ACUS], and scent-bottles [ALABASTRUM], sufficiently indicating their use in common life. They have been found mostly in the burial-ground at Praeneste, enclosed in stone coffins or cinerary urns.

CISTA MYSTICA. The name of cistae was also given to the small boxes which were carried in procession in the Greek festivals c Dionysus. These boxes, which wer ı the public processions, contained sacred connected with the worship of these Ovid, *A. Am.* ii. 609; Catull. lxiv. 259; i. 7, 48, "et *levis* occultis conscia cista where, as in the class of cistae above d, wicker-work is sufficiently indicated ıaterial). The mysterious secret is half l by numerous pictures, and by the coins

Cista. (British Museum.)

ISTOPHORUS; on these the cista is repre- s half open, with a serpent creeping out of e shape was sometimes oblong, more fre- cylindrical. A statue of Silenus sitting large drum-shaped cista, and holding a g in his hand, is figured by Darem- d Saglio. (Compare Marquardt, *Privatl.*, ff.; and for a fuller discussion of the es in which the cista played its part, Fr. ant in D. and S. i. pp. 1205–1208; IA; MYSTERIA.) [W. S.] [W. W.]

TOPH'ORUS (*κιστοφόρος*) was a term to certain silver coins issued in Western inor, in consequence of the type with they were impressed, a Dionysiac *cista* hich a serpent glides. The other side of the coin bears the name or monogram of the city of issue. "According to Dr. Imhoof (*Die Münzen der Dynastie von Pergamon*, p. 33), this coin originated in Ephesus shortly before B.C. 200, and its use rapidly extended throughout the dominions of Attalus I. of Perga- Henceforth the cistophorus became a Pan-Asiatic coin, ... and was issued in vast quantities from numerous Asiatic mints" (Head, *Historia Numorum*, p. 461). (Cf. Liv. xxxvii. 46, 58, 59, xxxix. 7; Cic. *ad Att.* ii. 6, 2, ii. 16, 4, xi. 1, 2; *pro Dom.* 20, 52.) Mommsen assigns a somewhat later date (reign of Eumenes II., B.C. 189–159), and therefore disbelieves the statement of Livy (*l. c.*), that after the defeat of Antiochus III. in B.C. 190, large numbers of *cistophori* were brought to Rome by the conquerors. They continued to be the currency of the Roman province of Asia even under the Antonines, and many bear the heads of early Roman emperors.



phorus. (Head.)

The coins or staters weigh up to 196 grains; the question of their value in exchange has been confused from the fact that the ancient writers sometimes consider them as tetradrachms and sometimes as didrachms. According to Festus (p. 359), the cistophoric stater was regarded as equivalent to three Roman denarii, which, however, it outweighed by about fifteen grains: other authorities give a still lower valuation. The cistophoric drachm, or quarter of the stater, is said by Festus to have been equal to the Rhodian drachm, and it is likely that the whole coinage was introduced by the Pergamene kings to succeed that of Rhodes at a time when the decay of Rhodes had set in. (Mommsen, *R. M.*, pp. 48, 703; *Numismatic Chronicle*, 1883, p. 196.) [P. G.]

CITH'ARA, CITHARISTA. [LYRA.]

CIVI'LE JUS. [JUS CIVILE.]

CIVI'LIS ACTIO. [ACTIO.]

CIVIS. [CIVITAS.]

CI'VITAS (*πολιτεία*), citizenship. **1. GREEK.** In the third book of the Politics, Aristotle commences his inquiry into the nature of states with the question, "What constitutes a citizen?" (*πολίτης*). He defines a citizen to be one who is a partner in the legislative and judicial power (1, 4, *μετέχειν κρίσεως καὶ ἀρχῆς*: and 8ᵇ. *ἐξουσία κοινωνεῖν ἀρχῆς βουλευτικῆς καὶ κριτικῆς*). No definition will equally apply to all the different states of Greece, or to any single state at different times; the above seems to comprehend more or less properly all those whom the common use of language entitled to the name.

In the Heroic ages the kings were the commanders in war, offered up certain sacrifices (*ὅσαι μὴ ἱερατικαί*) to the gods, and administered justice (Arist. *Pol.* iii. 9, 7 S. = 14, 12 B.); their authority was however limited by the nobles, to whom sometimes the title of *βασιλῆες* was given (*Od.* i. 394; vi. 54; viii. 41, 390) as well as to the monarch himself. Without their advice and assent no important matter was undertaken, and they shared also in the administration of justice, but to what extent cannot be defined. Gladstone (*Stud. on Hom.* iii. p. 57) thinks that the nobles acted judicially only by an actual or virtual delegation from the king. The freemen assembled only to listen (Arist. Schol. *Il.* ix. 17) and hear the intentions of the king and the nobles announced; Gladstone (p. 126 ff.), however, is of opinion that the function of the people was not so confined: the people was in part a judicial body, and took a real part in the conduct of public affairs.

In Attica the power of the chief king was especially limited by the circumstance that the people was divided into several independent communities, each under its own head (in Plut.

Thes. 32, these heads are called βασιλεῖς). Theseus is said to have united them into a single state and to have made Athens the seat of government and of the administration of justice in all important cases (Thuc. ii. 15), and to have forced the Eupatridae of the different communities to settle at Athens (Plut. *Thes.* 32; cf. Plat. *Critias*, p. 110 C, and *Etym. M.* s. v. Εὐπατρίδαι = Bekk. *Anecd.* 257, 7 ff. In Solon Fragm. 4, 5 ff., ἀστοί = Εὐπατρίδαι). Plutarch (*Thes.* 25) ascribes to Theseus the distribution of the population of Attica into εὐπατρίδαι, γεωμόροι (Poll. viii. 111; γεωργοί, Arist. in Schol. Plat. *Axioch.* p. 371 D: cf. fragm. of lexicon in *Bull. de Corresp. hell.* i. p. 152; ἄποικοι in Arist. fragm. 'Αθην. πολιτ., Berl. Papyrus, 163), and δημιουργοί (ἐπιγεώμοροι τὸ τεχνικὸν ἔθνος, *Etym. M.* l. c.; Dion. Halic. ii. 8 distinguishes εὐπατρίδαι and ἄγροικοι). There is a wide difference of opinion as to the relation existing between these three classes and the four Ionic tribes,—Αἰγικορεῖς, 'Αργαδεῖς, "Οπλητες and Γελέοντες,—each tribe comprising three phratries and each phratry containing thirty γένη. [Tribus.] Some, like Grote (iii. 72), see in the Eupatridae "the wealthy and powerful men, belonging to the most distinguished families in all the various gentes," and consider this triple distinction to be disparate and unconnected with the four tribes; others (Hermann, *Griech. Staatsalt.* § 97, 12) identify the Eupatridae with the Geleontes and Hopletes, and the Geomori and Demiurgi with the Aegicoreis and Argadeis respectively; and a third class (Philippi, *Beitr. z. e. Gesch. d. att. Bürgerrechts*, p. 208, n. 56) hold that the tribes originally comprised the Eupatridae only, and that it was Solon who first gave the mass of the people a place in the system of tribes and phratries. In the earliest times the guidance of public affairs in conjunction with the king, the administration of justice, and the priestly functions belonged exclusively to the Eupatridae (Plut. *Thes.* 25; the three ἐξηγηταὶ were always of this class, *C. I. G.* i. No. 765); out of their number the four φυλοβασιλεῖς were taken (Poll. viii. 111; hence it follows that others than nobles must have belonged to the tribes; cf. also Draco's law in Dem. *c. Macart.*, p. 1069, § 57, and *C. I. A.* i. No. 61, ἀριστίνδην), and by their side the other two classes were of little political importance, and the Demiurgi perhaps of less even than the Geomoroi (cf. Athen. xxiii. p. 660 d). The ascendency of the Eupatridae continued after the establishment of the archonship through its various changes down to Solon, who introduced a new principle of classification, the timocratic principle, by distributing all the citizens of the tribes (which he did not abolish, Phot. *s. v.* ναυκραρία), without any reference to their γένη and phratries, into four classes (Harpocr. *s. v.* ἱππάς: Plut. *Sol.* 18), according to the amount of produce from their lands (this was changed after the time of the Pisistratids: cf. Thuc. iv. 54, 5, 'Αθηναίους εἰκοστὴν μόνον πρασσόμενοι τῶν γιγνομένων: Beloch, *Herm.* 1885, p. 245).

It is true that of these four classes only the first three were eligible for public offices (Arist. *Pol.* ii. 9, 4 S. = 12, 6 B), and only the first for the archonship. (Plut. *Arist.* 1; Landwehr, *Philologus*, Suppl. v. p. 118 ff., whom Busolt, *Griech.*
Gesch. i. p. 531, n. 1, follows, ex
sage to refer to the Eupatridae.
census class; yet see the question
κρισις of the archons, εἰ τὸ τίμη
Poll. viii. 85, which was afterw
εἰ τὰ τέλη τελεῖ, Lex. Rhet. C
and Cratinus in Athen. xi. p
even the lowest possessed cer
rights and were exempted from
as hoplites (Harpocr. *s. v.* θῆ
cording to Grote (iii. 121) and
were invested with the right
annual archons out of the first
archons and the magistrates
their year of office, were made fo
able to the public assembly sitti
upon their past conduct." In
the institution of Heliastic co
the time of Pericles; Schoen
ascribes it to Solon, and as we thi
so far at least as the first begi
cerned: the ἡλιαία is mentioned
law (*Lys.* x. 16); and as far as
goes, magistrates, etc. rendere
always before a court, not befo
assembly. (See on the whole
Proc., ed. Lipsius, p. 28 ff.) By
a way was opened to every
ceeded in becoming a landed
set himself on an equality in p
the nobles (Solon is said to have
the acquisition of land, Arist.
7, 6 B., yet see Dem. *c. Aristocr.*
and, on the other hand, the man
if he became poor, ceased to
privileged class. The γένη lo
importance, but continued to exi

The Berlin Papyrus 163—w
(*Rh. M.* 1881, p. 87 ff.) reco
fragments of Aristotle's 'Αθηνα
gives us fresh information res
chonship. There we learn that
Damasias had been ἄρχων for
was driven from office, and tha
arrangement was come to accor
four Eupatridae, three ἄποικοι
miurgi should be chosen. Th
Damasias is variously fixed by
(*Herm.* 1880, p. 366 ff.; 1881,
him between Eryxias, the last
archonship for ten years, and
eponymous of the nine annual a
title of the archon, whether appo
for ten years, was βασιλεύς. Berg
with the archon for 639–8 (Di
cf. Gilbert, *Handb. d. gr. Staat.*
yet if at that time the ἄποικοι
had been admitted to the arch
form of Solon would have been
measure, since by it only the
class were eligible. Hence Du
Alterth. vol. vi. p. 125, n. 2)
passage to mean that the ἄποικο
had the right of electing three
respectively from amongst the
this can scarcely be the meaning
ἐγέ[νετο δὲ μετ'] αὐτὸ[ν διὰ]
ἄρχοντας * ἑλέσθαι...τέτταρ]ας
τρεῖς δὲ ἀποίκων δύο [δὲ καὶ δημ
Abh. d. Berl. Akad. 1885). Th
archon Damasias, a contemporary
tween 590 and 580, probably 58

wehr, p. 195 ff., and Busolt, p. 543)
him with the Damasias of the papyrus.
s reform, members of the first property
ne were eligible to the archonship;
npromise settled the proportion of
who were to be elected from the Eu-
ἄποικοι, and Demiurgi respectively,
ver to be of the first property class
g to Busolt, p. 544, this arrangement
good for the year after Damasias),
Aristeides' reform the disqualification
other property classes was removed
ist. 22).

enes abolished the old tribes for civil
(according to Philippi, p. 172, they
to exist as religious bodies), and intro-
local distribution according to demes
dred, Herod. v. 69; cf. Diels, pp. 25,
he foundation of his new ten tribes.
deme became the elementary political
and a man was described by his own
owed first by the name of his father
by that of the deme to which he
e.g. **Δημοσθένης Δημοσθένους Παια-**
leisthenes likewise reformed the phra-
increased their number to 360, each
γένη becoming the centre of a new
(Buermann, *Jahrb. f. class. Phil.* Suppl.
7. Philippi, *ibid.* 1879, pp. 418, 419,
pe, *De Phratriis Attic.* p. 7, agree with
the fact of an increase, but do not
s number of phratries.)

the citizens we have to distinguish
he naturalised or new citizens (**δημο-
ποιητοί, ποιήσει** or **δωρεᾷ πολῖται**) and
itizens (**φύσει** or **γένει πολῖται**, Dem.
i. p. 1125, § 78). To speak of the
lass first: according to Solon's law
l. 24), citizenship could only be con-
pon two classes of foreigners — **τοῖς
ἀειφυγίᾳ τὴν ἑαυτῶν ἢ πανεστίοις
μετοικιζομένοις ἐπὶ τέχνῃ**; according
w quoted in [Dem.] *c. Neaer.* p. 1375,
n those who had rendered the state
services (**δι' ἀνδραγαθίαν**),* such as
lus (*C. I. A.* i. n°. 59) or Perdiccas, king
onia, Menon the Pharsalian (Dem. *c.*
pp. 686, 687, §§ 199, 200), etc. In her
ne Athens was chary of bestowing this
ut in the days of Isocrates (viii. 50)
osthenes (*c. Aristocr.* p. 687, § 200)
ven so frequently as to lower its value.
ng of Thrace, received this honour, and
ython and Heracleides, who murdered
. *c. Aristocr.* p. 659, § 119). Aristonicus
was made an Athenian citizen because of his skill in ball playing (Athen. i. 34, p. 19 a). Cleisthenes, for political reasons, conferred citizenship on foreigners settled in Attica, and on manumitted slaves who had acquired the position of metoeci. (Bernays, *d. heracl. Briefe*, p. 155, thus explains **πολλοὺς γὰρ ἐφυλέτευσε ξένους καὶ δούλους μετοίκους**, Arist. *Pol.* iii. 1, 10 S.=2, 3 B.) The Plataeans were admitted to citizenship after the destruction of their town in the fifth year of the Peloponnesian war, the Athenians not forgetting that their whole force had spontaneously joined them at Marathon. When Aristophanes says that the slaves who had fought at Arginusae (Schol. Arist. *Ran.* 706; Andoc. ii. 23) became Plataeans, this must be taken to mean that they were granted land in the territory of Scione which had been handed over to the Plataeans (Thuc. v. 32; Isocr. iv. 109. Kirchhoff, *Abh. d. Berl. Akad.* 1873, pp. 9, 10.) After the defeat at Chaeroneia, Hypereides made, amongst others, the following proposal **τοὺς μετοίκους πολίτας ποιήσασθαι** (fr. 33, Blass), probably only on condition of their taking their part in the defence of the country.

Citizenship was conferred by the popular assembly in the following way: in the first assembly the people bestowed the gift, but it did not become valid (**κύριος**), unless it was confirmed by a majority in the ensuing assembly, at which at least 6000 must be present and vote (secret voting by ballot). As the second voting is not mentioned in the oldest inscription bearing on the question (soon after Eucleides, *ο* and *ε* being still used for *ου* and *ει*),* Szanto (*Rh. M.* 1885, p. 507 n.) concludes that it was not introduced before the beginning of the 4th century. The decree in *C. I. A.* i. 59 (Hicks, *Manual of Gr. Hist. Inscr.* p. 105 ff.) does not help us in this question, for, as Kirchhoff (*Ber. d. Berl. Akad.*, 1861, p. 605) shows, it is merely a former decree confirmed. It had been proposed to grant civic rights to Thrasybulus and Apollodorus (Lys. xiii. 71): a **γραφὴ παρανόμων** was brought against this proposal, and the court decided for Thrasybulus, but against Apollodorus. Even after the second vote, it was open to every Athenian who considered the candidate undeserving of the honour, to bring a **γραφὴ παρανόμων**: and instances of reversal following upon this are given by [Dem.] *c. Neaer.* p. 1375, § 91; [Plut.] *Vitt.* x. *Oratt.* p. 835; Aesch. iii. 195. Fraenkel, *Att. Geschworenengerichte*, p. 35, and Hartel, *Stud. ü. att. Staatsrecht*, p. 271, say that in every case a **δοκιμασία** before a heliastic court was required, whether a **γραφὴ παρανόμων** was brought or not. They refer to [Dem.] *c. Neaer.* p. 1381, § 105; yet that was a special occasion, when, owing to the great number of candidates and to the peculiar nature of the case, special measures were needed (*Att. Proc.* p. 255), and Buermann (*Jahrb. f. class. Philol.* Suppl. x., p. 347 ff.) has shown that a **δοκιμασία** did not become a regular institution until Olymp. 115. Up to that time the formula was (with slight variations): **εἶναι τὸν δεῖνα Ἀθηναῖον αὐτὸν καὶ**

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parta, see below; for Megara, cf. Plut. *de*
, 285; Dem. *c. Aristocr.* p. 690, § 212. Other
es admitted foreigners to citizenship, usually
l for services rendered to the state, as Miletus
σίαν: Dittenberger, *Sylloge Inscr. Gr.* 314),
μπολεμήσαντες τὸμ πόλεμον καὶ τὰμ πόλιν
αντες, 316), Ephesus (ὅσοι (ἂν) ἀναλάβωσιν
c. 253, 44); in Ephesus and Teos, there were
s of such new citizens (ἀναγράψαι δὲ αὐτῶι
ίαν εἰς τὸ ἱερὸν τῆς Ἀρτέμιδος, οὗ καὶ αἱ
τεῖαι ἀναγεγραμμέναι εἰσίν, 134: on the Arte-
Newton and Hicks, *Greek Inscr. of the Brit.*
°. 448 foll.; τὸν δὲ ἐπιμήνιον τῶν ταμιῶν
πως ἀναγραφῆι τὸ ὄνομα αὐτοῦ πατρόθεν ἐν τῆι
ῆι καὶ οἱ ἄλλοι πρόξενοι καὶ εὐεργέται καὶ
αφημένοι εἰσὶν ἀναγεγραμμένοι, 165, ll. 29,
bert, *Handb. d. griech. Staatsalterth.* ii.
).

* Ἐφημ. ἀρχαιολ. 1883, pp. 37, 38: Ἵππαρχον (and some others) Ἀθ[ηναίος ἔν]αι ἀνδραγαθ[ίας ἕνεκα] τῆς ἐς Ἀθηνα[ίος καὶ φυ]λὴν καὶ δῆμο[ν καὶ φρατ]ρίαν ἑλέσθα[ι ἧν περ ἂν] βόλωνται κα[ὶ ἀναγράψ]αι αὐτὸς ἐστ[ήληι λιθί]νηι τὸγ γραμ[ματέα τῆς] βολῆς, etc.

ἐκγόνους (2) καὶ εἶναι αὐτῷ γράψασθαι φυλῆς καὶ δήμου καὶ φρατρίας ἧς ἂν βούληται κατὰ τὸν νόμον (3) τοὺς δὲ πρυτάνεις τοὺς τὴν εἰσιοῦσαν πρυτανείαν πρυτανεύοντας δοῦναι περὶ αὐτοῦ τὴν ψῆφον τῷ δήμῳ εἰς τὴν πρώτην ἐκκλησίαν—from Olymp. 115 to Olymp. 124 we find in some instances added (4) τοὺς δὲ θεσμοθέτας εἰσαγαγεῖν αὐτῷ τὴν δοκιμασίαν τῆς δωρεᾶς εἰς τὸ δικαστήριον ὅταν πρῶτον οἷόν τ' ᾖ, and soon after the Chremonidean war it ran: δεδόσθαι δὲ αὐτῷ καὶ πολιτείαν κατὰ τὸν νόμον (2) τοὺς δὲ θεσμοθέτας, ὅταν πληρῶσιν δικαστήριον εἰς ἕνα καὶ πεντακοσίους δικαστάς, εἰσαγαγεῖν αὐτῷ τὴν δοκιμασίαν τῆς πολιτογραφίας (3) καὶ εἶναι αὐτῷ δοκιμασθέντι γράψασθαι φυλῆς καὶ δήμου καὶ φρατρίας ἧς ἂν βούληται. Since we find in all such decrees εἶναι or γράψασθαι φυλῆς καὶ δήμου καὶ φρατρίας ἧς (or ὧν) ἂν βούληται, it is clearly proved against the generally received opinion (Philippi, p. 107 ff.) that the δημοποίητοι were enrolled in the phratries as well. Buermann (*Jahrb. f. class. Phil.* Suppl. ix. p. 597 ff.) points also to other reasons leading to the same conclusion. We learn from [Dem.] *c. Neaer.* p. 1376, § 92; p. 1381, § 106, that the law expressly declares μὴ ἐξεῖναι αὐτοῖς (i.e. ὅσους ἂν ποιήσηται ὁ δῆμος πολίτας) τῶν ἐννέα ἀρχόντων γενέσθαι μηδὲ ἱερωσύνης μηδεμιᾶς μετασχεῖν, but that to their descendants μετέδωκεν ὁ δῆμος ἁπάντων, ἐὰν ὦσιν ἐξ ἀστῆς γυναικὸς καὶ ἐγγυητῆς κατὰ τὸν νόμον. Since on the occasion of the ἀρχόντων ἀνάκρισις the candidate was asked if he had a share in the worship of Apollo πατρῷος and Zeus ἑρκεῖος (Aristotle in *Lex. Rhet. Cantabr.* p. 670, 17; Poll. viii. 85; according to Sauppe, *de phratr. Att.* p. 7 ff. Ζεὺς φράτριος and Ἀθηναίη φρατρία since Cleisthenes' reform), *i.e.* in the worship of the phratries, it follows that the children of a new citizen and of an ἀστή and ἐγγυητή must necessarily belong to a phratry. The sons of a new citizen, born before citizenship was conferred on him, were excluded from the archonship for the same reason as their father: thus Gilbert (i. p. 178) explains Poll. viii. 85, εἰ Ἀθηναῖοί εἰσιν ἑκατέρωθεν ἐκ τριγονίας; whilst Meier (*de bon. damn.* p. 235) supposes that this statement of Pollux and the above of [Demosthenes] refer to different periods. With this exception, the δημοποίητοι enjoyed the same privileges with the citizens by birth. In some decrees the choice of phratries is qualified by additions such as πλὴν ὧν οἱ νόμοι ἀπαγορεύουσιν, etc., perhaps to prevent too many new citizens being in the same phratry, to the disadvantage of the old citizens: in other Greek states they were distributed by lot (Philippi, p. 113, n. 92; *Greek Inscr. of the Brit. Mus.* ii. nº. 237; cf. [Dem.] *c. Neaer.* p. 1380, § 104). The phratries in Cleisthenes' reform occupied therefore a different position from the one usually assigned to them. (Meier, *de Gentil.* p. 15: "curiae suos quaeque mores sequebantur neque plebis sed suis scitis regebantur.")

Aristotle (*Pol.* iii. 1, 9 S. = 2, 1 B.) gives, as a practical definition of a citizen, ὁ ἐξ ἀμφοτέρων πολιτῶν καὶ μὴ θατέρου μόνον, οἷον πατρὸς ἢ μητρός.* The latter class (viz. children of an Athenian father), some maintai
earlier times civic rights, unti
Pericles (μόνους Ἀθηναίους εἶνα
Ἀθηναίων γεγονότας, Plut. *Per*
deprived of them: about 50
excluded, 14,040 remaining in th
citizenship. On the ground th
having retrospective effect woul
harsh, Westermann (*Verh. d.*
Wiss. 1849, p. 200 ff.) assigns
legislation; and Meier (*de bon.*
holds that Pericles simply propo
on the lines of it. (Plutarch cal
Pericles, but cf. Isaeus, 12 argu
Eubul. p. 1298 argum.) Schenk
1883, p. 52 ff.) believes that P
passed a new law; to Solon's la
ἀγχιστείαν (Arist. *Av.* 1661), he
added by Cleisthenes εἶναι δὲ αὐ
provide for the children of those
whom he had conferred citizensh
Athenian mothers (by which
classes of νόθοι likewise profited)
when there was no longer occasi
ceptional legislation, passed th
τύχῃ τις ἐξ ἀμφοῖν ὑπάρχων ἀ
μετεῖναι τῆς πολιτείας (Ael. *Va*
cf. Suid. *s. v.* δημοποίητος). D
d. Sitz. d. Berl. Akad. 1883,
the other hand, argues from th
tion of Aristophon and Nicomene
law as is ascribed to Solon aga
can have existed, and looks up
Pericles against νόθοι as a mere i
rhetors: this fictitious law wa
account given by Philochorus (
Schol. Arist. *Vesp.* 715) of what
the king of Egypt (Amyrtae
metichus) sent grain to Athen
At that time measures were tak
νόθοι, but against those who cla
the grain without being citizens b
γραφοι, to the number of 476
therefore does not represent the
citizens that remained after the
purged, but the number of tho
the grain; such a total would
compared with the 30,000 ment
dotus (v. 97; viii. 65), and the
hoplites and 1200 cavalry for
(Thuc. ii. 13, 31, but see Boeckh,
on Herodotus's statement; accor
Ueb. d. Bevölkerungsdichtigkeit
total armed citizen force, includi
and above the ordinary military
20th to the 50th year—amoun
19,100 only). In B.C. 403 A
posed a law ὃς ἂν μὴ ἐξ ἀστῆ
εἶναι: it was carried with the
Nicomenes τοὺς δὲ πρὸ Εὐκλείδο
ἀφεῖσθαι (Caryst. fr. 11 b, Mülle
577 c—Schol. Aesch. i. 39); cf.
and Dem. *in Eubul.* p. 1307, §
θάτερα ἀστὸς ἦν—i.e. *a patr*
Schömann, *Antiq. jur. publ. Gr*
and Philippi, p. 63 ff.; *ab alt*
according to Platner, *Beitr.* p.
p. 325), and Van den Es, *de jur.*
This law was still observed in t

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* For Oreos, cf. Dem. *in Aristocr.* p. 691, § 213; for Byzantium, cf. [Arist.] *Oecon.* ii. 2, 3 (Did.), ὄντος δὲ νόμου αὐτοῖς μὴ εἶναι πολίτην ὃς ἂν μὴ ἐξ αὐτῶν ἀμφοτέρων ᾖ; for Cos, cf. Cauer, *Delectus*
(Gilbert, ii. p. 297).

ies (*in Eubul.* p. 1299, § 2; the diapse-
f 346–5 was proposed by Demophilus,
. i. 86, and Schol. i. 77).

the citizenship of the parents (some-
ne right of intermarriage, ἐπιγαμία, was
, *e.g.* to the Euboeans and Plataeans,
xiv. 3; Isocr. xiv. 51 *) was not enough to
ivic rights to their offspring, according
ppi, p. 79 ff., and Buermann, p. 635 ff.
, they say, required also certain for-
: the betrothal, ἐγγύησις, of the bride
κύριος and the γαμηλία; and in the case
sses the ἐπιδικασία on the part of the
Children born by an Athenian woman
s living with the father in a connexion
gnised by law were deprived of all the
f kinship (ἀγχιστεία, Isaeus, vi. 47, etc.)
all political rights. Yet Caillemer
re de l'Association pour encour. des
Gr. 1878, p. 184 ff.), whom Lipsius
(*Att. Proc.* p. 533, n. 143), has ably
d the older view, that citizenship de-
to the children of citizens on both sides,
thout the legal form of marriage; that
ildren, without being admitted to the
s, belonged to a deme, and consequently
d civic rights (Dem. *in Boeot. de nom.*
§ 25; p. 1001, § 23; p. 1002, § 28), and
a formal act of recognition of parentage
αι παῖδας, Dem. p. 1003, §§ 29, 30;
1, 124) they could be made to share all
nts of those born in wedlock. Without
of recognition such children could only
ne νόθεια (Harpocr. *s. v.*).

egistration of a child in the official regis-
he phratry (τὸ φρατερικὸν γραμματεῖον,
Leoch. p. 1092, § 41, or τὸ κοινὸν γρ.
rii. 16, 17; Harpocr. etc.;—εἰσάγειν εἰς
άτερας, Isaeus, vi. 21, viii. 19; Dem. *in*
e nom. p. 995, § 4; *in Macart.* p. 1054,
in Eubul. p. 1315, § 54;—ἐγγράφειν
φράτερας, Dem. p. 995, § 4; Isaeus, vii.
the third day of the Apaturian fes-
ουρεῶτις), formed a recognition of legi-
of birth: now the child possessed all
nts of kinship (Suid. s. v. φράτορες: τὸ
εσθαι εἰς τοὺς φράτορας σύμβολον εἶχον
γενείας). An adopted son (ποιητὸς, θετὸς
as probably registered on the same day
month of Thargelion in Isaeus, vii. 15,
some special reason). This registration
nected with certain rites, which were,
, not the same in all the phratries:
or a goat (Poll. iii. 52) of a certain
Schol. Arist. *Ran.* 810) was sacrificed and
ted (μερίδες, Dem. *in Macart.* p. 1078,
larpocr. μεῖον), together with a certain
of wine among the phrateres; † and in
ratries and γένη the father had to declare
th that the child was ἐξ ἀστῆς καὶ
ς γυναικός (*Att. Proc.* p. 543, n. 166).‡
I. A. ii. No. 841 b, and Isaeus, vii.
nto (*Rh. M.* 1885, p. 515 ff.) concludes that the γεννῆται and φράτερες had a common register, which was kept either by the phratry or by the γένος, *e.g.* in Andoc. i. 125, the phratry being, however, responsible. Gilbert (*Jahrb. f. cl. Phil.* 1887, p. 23 ff.) on the other hand sees in the οἶκος Δεκελειῶν that portion of the phratry Δημοτιωνίδαι (whose φράτριον was at Oeon) which was settled at Deceleia; on account of frequent false entries in the φρατερικόν on their part, special measures were devised. Busolt (Müller's *Handb. d. cl. Altert.-Wiss.* iv. p. 145) suggests that the second vote in the year succeeding the entry was a general custom from 396–5 onwards; in his opinion κούρειον meant the sacrifice for boys, and μεῖον that for girls. It would seem that there was a second eisegesis to the phrateres, when the grown-up youth was received amongst the ἔφηβοι by the solemn act of cutting off his hair (Plut. *Thes.* 5; Theophr. *Char.* 21) and sacrifice: this was probably called κούρειον, for from *C. I. A.* ii. No. 841 b, it is evident that μεῖον and κούρειον cannot be two names for the same sacrifice; cf. Poll. viii. 107, καὶ εἰς ἡλικίαν προελθόντων ἐν τῇ καλουμένῃ κουρεώτιδι ἡμέρα ὑπὲρ μὲν τῶν ἀρρένων τὸ κούρειον ἔθυον. This was merely a religious ceremony, a survival of the ancient Aryan usage (cf. Leist, *Graeco-ital. Rechtsgesch.* p. 67); the civil act took place before the demotae. In the beginning of the calendar year, in the course of which the youth reached his eighteenth year, he was entered in the ληξιαρχικὸν γραμματεῖον (called κοινὸν γρ. Dem. *in Eubul.* p. 1317, § 60; cf. Bekk. *Anecd.* p. 272, 27 ff.); adopted sons were enrolled later on in the year, probably in the month of Munychion, at the time of the ἀρχαιρεσίαι (*C. I. A.* ii. No. 416; Dem. *in Leoch.* p. 1092, § 39; and Isaeus, vii. 27, 28: cf. Lipsius, *Jahrb. f. class. Phil.* 1878, p. 299 ff.); Philippi (*Rh. M.* 1879, p. 610) refers the ἀρχαιρεσίαι to the elections of the magistrates of the deme (not of the state), fixes them early in the year, and thus places the enrolment of adopted sons at the same time with that of the others. On this occasion the demotae instituted a kind of δοκιμασία: they inquired whether the candidates had attained the necessary age, then with regard to the latter class whether they were of civic descent, and whether those of the former had been legally adopted. A δημοποίητος had to prove his rights by a reference to the popular decree which conferred citizenship on him (κατὰ ψήφισμα πολίτης, Dem. *in Nicostr.* p. 1252, § 18). Hence we find δοκιμασθῆναι used instead of ἐγγραφῆναι εἰς τοὺς δημότας or εἰς τὸ ληξιαρχικὸν γρ. (Dem. *in Eubul.* p. 1318, §§ 61, 62). A special δοκιμασία ὀρφανῶν is mentioned in [Xenoph.] *de Repub. Athen.* 3, 4: Kirchhoff, *Ueb. d. Schrift v. Staate d. Ath.* p. 23, connects this passage with Aristoph. *Vesp.* 576. Orphans, it would seem, were specially examined before a δικαστήριον as to their bodily and mental fitness to administer their property (cf. *Lex. Seguer.* p. 235, 13). Wilamowitz-Möllendorff, *Philol. Unters.* i. p. 26, thinks that only the orphans of those who had been killed in war had to undergo this δοκιμασία, before they received the πανοπλία (Aesch. iii. 154). An Athenian duly enrolled was of age (αὐτοκράτωρ, Xen. *Memor.* ii. 1, 21); he could enter upon his patrimony, if an orphan or the son of an ἐπίκληρος (Hyper. fr. 194 Bl.; hence

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lso the treaty between Hierapytna and Priansus
2556), between Olus and Latus (*C. I. Gr.* 2554),
e of the Messenians (Dittenberger, 181). (Gil-
. 379.)

he Gortyn Code, x. 38 foll.; *Rh. M.* Supplem.
37, 55.

ome inscriptions of Calymna (*Inscr. of the*
s. ii. n°. 315–320) the mother made this declara-
ath (ἐξ ὁρκάτου μητρός or ἐξορκάτου ματρός).

the name *ληξιαρχικόν*: cf. Harpocr. *s. v.*) and might marry (Dem. *in Boeot. de dote*, p. 1009, § 4); he now became responsible to the laws (Aeschin. i. 18) and could bring actions (Lys. x. 31; Dem. *in Onet.* i. p. 865, § 6), and had to take his share in the public burdens (Dem. *de Cor.* p. 312, § 257; orphans were *ἀτελεῖς* the first year, Lys. xxxii. 24). It would seem that enrolment in the *φρατερικὸν γραμματεῖον* did not *ipso jure* lead to enrolment in the *ληξιαρχικὸν γρ.*, as Voemel (*Zeitschr. f. A. W.* 1846, p. 122) supposes, especially not in the case of adopted sons: cf. the case of Thrasyllus in Isaeus, vii.; and from Dem. *in Boeot. de nom.* p. 996, § 5, we learn that a person could be entered under different names in the two registers (Schaefer, *Dem. u. s. Zeit*, iii. 2, p. 26 ff.).

At the same time the names of the *ἔφηβοι* were (before the days of Aristotle) entered *εἰς λελευκωμένα γραμματεῖα*, together with the name of the archon of the year and also of the previous year, thus forming a list of all the *στρατεύσιμοι* of each year (Harpocr. *s. v. στρατεία ἐν τοῖς ἐπωνύμοις*): this list was different from the *κατάλογος* of those actually called out to serve on a particular occasion (Arist. *Eq.* 1369; *Pac.* 1179; *Lys.* xv. 5, xvi. 13: cf. Lange, *Leipz. Stud.* i. p. 164 ff.).

Whether the young citizens were at the same time entered into the *πίναξ ἐκκλησιαστικὸς* (Dem. *in Leoch.* p. 1091, § 35) and allowed to attend the popular assembly, or had to wait until they were twenty years old, is not quite clear. From instances like that of Glaucon (*οὐδέπω εἴκοσιν ἔτη γεγονώς*, Xen. *Mem.* iii. 6, 1) and Plat. *Alc.* p. 123 D, it would seem that the law did not prevent it (Schaefer, p. 36). At any rate for one year (Dittenberger, *de ephebis Att.* p. 12), if not for both (Schaefer, p. 33), they had to serve as *περίπολοι* in the country.

At the age of thirty an Athenian could become *βουλευτής* (Xen. *Mem.* i. 2, 35) and *ἡλιαστής* (Poll. viii. 122); at the age of fifty, *ἐφέτης* (Bekk. *Anecd.* 188, 30; Phot. *s. v. ἐφέται* 2) or *διαιτητής* (Bekk. *Anecd.* 186, 1; according to Poll. viii. 126, only at the age of sixty). *Ἐπιτιμία* denotes the undiminished possession of civic rights [ATIMIA]. Special privileges were *ἀτέλεια, προεδρία, σίτησις ἐν Πρυτανείῳ* [PRYTANEIUM]. (Gilbert, i. p. 188 ff.)

If we would picture to ourselves the true notion which the Greeks embodied in the word *πόλις*, we must lay aside all modern ideas respecting the nature and object of a state. With us practically, if not in theory, the object of a state hardly embraces more than the protection of life and property. The Greeks, on the other hand, had the most vivid conception of the state as a whole, every part of which was to co-operate to some great end to which all other duties were considered as subordinate. Thus the aim of democracy was said to be liberty; wealth, of oligarchy; and education, of aristocracy. In all governments the endeavour was to draw the social union as close as possible, and it seems to have been with this view that Aristotle laid down a principle which answered well enough to the accidental circumstances of the Greek states, that a *πόλις* must be of a certain size (*Pol.* iv. 4, 6 S.=vii. 4, 9 B.; *Nic. Eth.* ix. 10, *Οὐ γὰρ ἐκ δέκα μυριάδων πόλις ἔτι ἐστίν*).

This unity of purpose was nowher
carried out as in the government
and in the other Dorian governments.

The population of the Spartan stat
of three different classes: the D
citizens, the dependent Perioeci, and
or helots. There seem to have been
in the country acquired either by
(cf. Heracl. Pont.; Müller, *Fr. Hist*
210, 2, 2) or by capture in war (S
Gr. Alterth. i. p. 201, but see Büch
Besitz u. Erwerb, p. 172, n. 2).
speaking, the helots cannot be sai
had any political rights; yet bein
the soil (*δοῦλοι τοῦ κοινοῦ*, Paus. i
they were not absolutely under the
their masters (Poll. iii. 83, *μεταξὺ δὲ*
καὶ δούλων οἱ Λακεδαιμονίων εἵλωτες)
never sold out of the country, even b
itself. They cultivated the fields
Spartan lords, but were bound to
only a legally fixed portion of the pro
Lyc. 8; Athen. xiv. p. 657 d); t
could not be raised by the owners of
that the helots could acquire a certa
of private property. When Cleo
offered manumission to every helot
pay down five minae, 6000 could rais
In war-time the helots were employe
bearers to the hoplites, as light-ar
(Herod. ix. 28), and during the Pel
war they served as marines (Xen.
12), and sometimes even as hoplites
80; vii. 19, etc.). In the war w
those helots were invited to come fo
were willing to serve as hoplites, the
emancipation being held out to
reward (Xen. *Hell.* vi. 5, 28); in
they served among the heavy-armed,
have been usual to give them the
Out of the class of helots, emanci
reward for military and other service
to the state, (according to Arnold,
34, out of the children of such e
helots,) there grew up a separate
νεοδαμώδεις (Poll. iii. 83; not menti
the time of the Peloponnesian wa
number increased fast: in 400 a
Neodamodes served under Thimbro
and Agesilaus undertook to carry
against Persia with thirty Sparti
Neodamodes, and 6,000 allies. Prob
place of residence was assigned them;
helots of Brasidas it was speciall
οἰκεῖν ὅπου ἂν βούλωνται (Thuc. v. 3
their position in the state nothing
be said; only so much is certain, tha
not admitted to the rights of Spart
ship, as the name might suggest.

The *μόθακες* or *μόθωνες* were hel
(generally the sons of Spartans by he
who had together with the Spart
gone through the prescribed course o
and discipline. Some (Hermann, *Gr*
i. 25, says all, but cf. Xen. *Hell*
Grote, ii. p. 417, calls them "citiz
certain taint of inferiority") of the
full civic rights, probably after h
adopted, such as Callicratidas, Lys
lippus (Schoemann, *Opusc.* i. p. 127).
peculiar case of emancipation in
Messenian war, see PARTHENIAE.

ıme of Εἵλωτες is derived by some from
e of the town of Ἕλος, whose inhabi-
re said to have risen against the Dorians
stablished in power and to have been
by Sparta to this state of degradation
inhabitants of Ἕλος are called Ἕλειοι
ται or Ἑλεῖται); by others from ἙΛ,
"prisoners," or from ἕλος (= δώλον
id.), "low-land" (E. Curtius, *Pelop.* ii.
lains thus the name of the town of
herefore "the dwellers in the low-land
nks of the river Eurotas" (Gilbert, i.
2). Müller (*Dorians*, ii. 31) considers
boriginal race subdued by the Achaeans,
mediately passed over as slaves to the
querors;" Schoemann (*Gr. Alterth.* i.
issents from this.

εριοικοι* were politically dependent on
ans; without having any share in the
ration of the state, without even being
to the public assemblies of the people,
to obey the commands of the state and
rm certain services, both with their
nd their properties. They had to pay
xes and dues (Strab. viii. p. 365; Plat.
3 A, ὁ βασιλικὸς φόρος), and in war-
serve as light-armed troops and as
thus, in the battle of Plataeae, by
of 5,000 Spartiatae there fought 5,000
as hoplites (Herod. ix. 28), and on one
a Perioecos was in command of the fleet
iii. 22, cf. 6). They possessed most
civic rights in the communities
ολλαί, Herod. vii. 234; cf. Strab. viii.
. *fin.*) to which they belonged, but
seems to have always exercised a
ng supervision. It would appear that
oeci were distributed into twenty dis-
each presided over by a harmost
nn, *Antiq. Jur. P. Gr.* p. 113, 5;
lterth. i. p. 205: Μένανδρος ἁρμοστὴρ
d in an inscr. from Cythera, see *Mitth.*
h. arch. Inst. in Athen, 5, 231, 239; and
Κυθηροδίκης sent annually, cf. Thuc. iv.
although Isocrates' account (xii. 177
e position of the Perioeci is probably
ted, he may be supposed to state a fact
e says, ἔξεστι τοῖς ἐφόροις ἀκρίτους
αι τοσούτους ὁπόσους ἂν βουληθῶσιν
te, ii. p. 369). Some enjoyed special
s with regard to military service, as *e.g.*
ae, who formed a special corps of light
which was used exclusively for outpost
amp, etc. (Xen. *de Rep. Lac.* 12, 3, and
l. l. p. 235), and in battle their place
he left wing (Thuc. v. 67). In time of
Perioeci pursued agriculture (according
ii. p. 371, they employed helots) and
the exclusive privilege of engaging in
e and trades, which were forbidden the
by law (Plut. *Lyc.* 4); and "that their
was not confined to the mere drudgery
ıfactures is shown by the schools of
nonian embossers and brass-founders, to
hartas, etc. belonged" (Müller, *Dorians*,
.

ling class of citizens derived their name of Σπαρτιᾶται from the capital, whilst the name Λακεδαιμόνιοι is common to them with the Perioeci. Full civic rights did not depend upon birth alone; only those were full citizens (ὅμοιοι) who had fulfilled all the exigencies of the Lycurgean discipline (Xen. *de Rep. Laced.* 10, 7), and continued to contribute and to belong to the συσσίτια (Arist. *Pol.* ii. 6, 21 S.=9, 31 B.; formerly called ἀνδρεῖα, as in Crete, then φιδίτια, 7, 3 S.=10, 5 B.). Those who neglected these two duties were probably excluded from the full civic rights; *i.e.* they were not eligible to honours or public offices, but enjoyed only personal rights: these are probably the ὑπομείονες mentioned by Xenophon (*Hell.* iii. 3, 6). In legal rights all ὅμοιοι were equal, but within them, as Schoemann has it (*Griech. Alterth.* i. p. 217) there were two distinct classes: the minority of rich, influential, cultured citizens, who to a certain extent claimed a kind of superior nobility (the καλοὶ κἀγαθοὶ of Aristotle, from whom the twenty-eight members of the gerousia were taken: *Polit.* ii. 6, 15 S.=9, 22 B.), and a majority of poor and uncultured members, who, though equal to the former in the eye of the law, were in reality in an inferior position, and might be described in opposition to them as the δῆμος, or mass of the citizens (Schoemann, *Opusc.* i. p. 138 ff.). Susemihl (notes 322^b and 1264) doubts the existence of a superior nobility among the Spartans, from whom alone the γέροντες were elected, οἱ καλοὶ κἀγαθοὶ being simply the fittest, and the office being "a reward of virtue" (cf. Dem. *in Lept.* p. 489, § 107). If this be so, Aristotle cannot refer to their mode of election when he says: οἱ δὲ γέροντες τοῖς γέρουσιν, οὓς καλοῦσιν οἱ Κρῆτες βουλήν, ἴσοι (*Polit.* ii. 7, 3 S.=10, 6 B.); for the members of the Cretan βουλὴ were elected from those who had been κόσμοι, and the κόσμοι were chosen ἐκ τινῶν γενῶν. The Ἀπέλλα (Hesych. ἀπελλάζειν· ἐκκλησιάζειν Λάκωνες, etc.; Plut. *Lyc.* 6, etc.), which all Spartans of thirty years and upwards were privileged to attend, elected the Gerontes from the καλοὶ κἀγαθοὶ (those above sixty were eligible; on the mode of election, Plut. *Lyc.* 26) and the Ephors ἐξ ἁπάντων; decided (βοῇ καὶ οὐ ψήφῳ, Thuc. i. 87) upon a disputed succession to the throne (Herod. vi. 65, 66; Xen. *Hell.* iii. 3, 1), concerning peace and war (Thuc. i. 67; Xen. *Hell.* iii. 2, 23, iv. 6, 3, etc., ii. 2, 20, etc.), treaties with foreign states (Thuc. v. 77), legislative measures, etc. The right of bringing motions before the assembly, and taking part in the debates, seems to have belonged only to the kings, Gerontes, and in later times to the Ephors (see, however, the story in Aesch. i. 180, 181; and Xen. *Hell.* vi. 4, 2). The people sat, as in most Greek states (Thuc. i. 87, 3; Vischer, *Rhein. Mus.* 1873, p. 380). A μικρὰ ἐκκλησία is only once mentioned by Xen. *Hell.* iii. 3, 8. Lachmann (*d. spart. Staatsverf.* 216) sees in it a meeting of the kings, Ephors, and Gerontes; Schoemann (*Gr. Staatsalt.* i. p. 235) an assembly of the ὅμοιοι who happened to be in town, perhaps only of the more aged. (Cf. Dittenberger, *Syll. Inscr. Gr.* n°. 255, l. 41 (Gythion), ἔδοξε τῷ δάμῳ ἐν ταῖς μεγάλαις ἀπέλλαις, etc., and footnote.)

Admission into this citizen class was so rare an occurrence that Herodotus (ix. 35)

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ei existed also at Argos; the Argives admitted
em to citizenship (Arist. *Polit.* viii. 3, 8 S.=
and note No. 1518 S.). For the ὑπήκοοι in
COSMI.

declares the naturalisation of two Eleans at the time of the second Persian war to be the only known instance of the kind; but from Plato (*Legg.* i. p. 629 A) we learn that Tyrtaeus was admitted to the citizenship, and according to Plutarch (*Dion*, 17) Dion was also made a Spartan citizen (cf. also Arist. *Polit.* ii. 6, 12 S. =9, 17 B.). Occasionally those were made citizens who had been sent to Sparta as children to share in the prescribed discipline (the *τρόφιμοι* of Xen. *Hell.* v. 3, 9; cf. Haase *ad* Xen. *de Rep. Lac.* p. 187). The number of Spartans was in historic times continually on the decrease: whilst it amounted to 8,000 in the times of the Persian wars (Herod. vii. 234), it had dwindled down in the days of Aristotle to below 1,000 (*Polit.* ii. 6, 11=9, 16 B.; cf. Plut. *Ag.* 5). In earlier times the Spartans admitted into their ranks a considerable number of non-Dorians, and a greater exclusiveness showed itself probably only after their power was consolidated. Some even think that the third Dorian tribe, **Πάμφυλοι**, was so called from the foreign elements admitted into it, a view from which Busolt (*Gr. Gesch.* i. p. 108) dissents. No distinction of privileges existed between these three tribes—**Ὑλλεῖς, Δυμᾶνες** and **Πάμφυλοι**—that are found "wherever there were Dorians" (O. Müller, *Dor.* ii. p. 76 ff. Herod. iv. 179 uses probably *φυλὴ* in a loose sense when he speaks of the Aegidae as a *φυλὴ μεγάλη ἐν Σπάρτῃ*. For the *Ὑρνάθιοι* in Argos, see an inscription of the third century B.C., published in *Bull. de Corresp. Hell.* 1885, p. 350). These three tribes were divided into twenty-seven phratries (Demetrius of Scepsis in Athen. iv. p. 141 e, f). Besides this, there was a local division of the Spartans into five *φυλαί*: **Πιτάνη, Μεσόα, Λίμναι, Κονόουρα**, and **Δύμη**, with *ὠβαί* as subdivisions (cf. the rhetra in Plut. *Lyc.* 6, *φυλὰς φυλάξαντα καὶ ὠβὰς ὠβάξαντα*, etc.). [RHETRA.] This division into *ὠβαὶ* was extended at a later period to communities of the Perioeci (*ὠβὰ τῶν Ἀμυκλαιέων*, *Mitt. d. arch. Inst.* iii. p. 165). [H. H.]

2. ROMAN. Civitas means (1) "state," in the sense of an independent political society, or the whole body of cives or members of such a society: civitates are defined by Cicero (*Somn. Scip.* 3) as "concilium coetusque hominum *jure* sociati:" cf. Dig. 1, 1, 9; *ib.* 11; 1, 2, 2, 4. (2) *κατ' ἐξοχήν*, the Roman state (e.g. *in civitate*, as distinct from *apud hostes, esse, decedere*, Dig. 28, 6, 28). (3) A *town* within a state, whether regarded as having a corporate existence (Dig. 50, 16, 15; *ib.* 17, pr.; 30, 122, pr. &c.), or merely from the geographical point of view (e.g. *theatra, loca sacra in civitate*, Dig. 1, 8, 6, 1: *in agro vel civitate rem soli possidere*, Dig. 2, 8, 15, 1). (4) The condition or status of a Roman citizen: his rights and duties, as distinguished from those of persons who are not Roman citizens; as in the common phrases *civitatem dare, civitate donare, civitatem usurpare.* In this article it is proposed briefly to examine what these rights and duties are; how they are shared in greater or less extent by different classes of persons who are members of the Roman state; how they are acquired, and how they are lost.

Under the republic, citizens of Rome seem to be divisible into "cives *optimo jure*" and "cives *non optimo jure*." The first, whether patricians

or plebeians, enjoyed the fu
which were either public or
are those known as *suffragiu*
right of voting in the com
comitia tributa), whether
debates, and the capacity to
consulship, and other Roman
private rights of civitas are
two heads of *commercium* a
mercium expressing capacity
dispositions, and under the
civil law, whether conveyan
mentary matters, or litigati
denotes capacity to enter i
marriage, and thus to acq
over its issue. The *cives non*
to one of these classes: (1)
Roman citizen and their ch
24); later (as will be seen),
jus optimum in many cases,
republic it was not so. Th
honores and from the comitia
were privileged to vote in
riata. (2) Municipes, pers
city other than and at lea
pendent of Rome, upon which
had been bestowed. Wheth
independence, or whether it
as a portion of the Roma
civitas universa in civitatem
Paul. Diacon. ex Festo), the
share in the *jus publicum.*
says that until B.C. 188 the
and Arpinates had the civitas
gium; and at an earlier
Anagnia received the "ci
latione" (Liv. ix. 43). See C
citizens originally *optimo j*
of suffragium had been infl
ment. This resulted from IN
action of the censors, wh
"civem tribu movere et ae
offences which seemed not
to entail complete loss of ci
They were not permitted to
of military service, but in re
rights they stood on the sam
optimo jure.

This distinction of cives i
those without the *optimum*
explain the opposition which
between the jus Quiritiu
Romana (especially in Pliny:
105, 106; cf. Ulpian, *Reg*
Latinus obtains Roman citi
usually said to get the jus
peregrinus, the term commo
The first expresses the differe
Romanus and other members
Latini were such members;
peregrinus, no inference can be
the individual is a subject of

In the time of the classic
subjects of the Roman stat
cives, Latini, or *peregrini* (
19, 4; 20, 8; 11, 6); and sim
a slave might by manumissio
of any one of these classes,
nitas would be a very restri
sort of freedom. *Civis*, acco
he who possesses the complet
citizen, public as well as priv

of the rights of civitas: but he could
a marriage which the law recognised
n purposes; he had rights of property
by praetorian remedies; he could
the contracts of the *jus gentium* (in-
the "gentile" forms of stipulation,
. 93), and could even execute a will
e law would sanction if testamentary
ns were in use in his own state. The
of *Latinus* was intermediate: he had
ium, and consequently he could not
patria potestas over his children or
Roman familia, nor as between his
was the tie of agnation recognised,—
e cognates only; nor had he any of the
ghts of civitas. But the *commercium*
e were a Latinus Junianus, of which
elonged to him in its fullest extent.

ing to Savigny, the notion of civis and
d its origin in the union of the patri-
plebeians as one estate. The *peregrini-*
e sense above stated, originated in the
of a state by the Romans, when the
l state did not obtain the civitas; and
ctures that the notion of *peregrinitas*
ed originally to all citizens of foreign
ich had a *foedus* with Rome.

, then, historically viewed, was in brief
:—Originally the Romans divided all
to *cives* and *peregrini*: apart from public
he former had *conubium* and *commer-*
e *peregrini* had neither. But it does
that the *peregrinus* was entirely desti-
ights. He had no legal capacity ac-
o the *jus civile*, and it is by the *jus civile*
as is determined; but he had a capacity
ing rights under the *jus gentium* as
d in the praetor's edict, and these rights
n tribunals, being under the praetor's
gradually recognised and protected.
following would be *peregrini*: (1)
e time of Caracalla, the inhabitants of
the Roman provinces; (2) the citizens
states who were in friendly relation
e,—in the language of modern law,
nis;" (3) Romans who had lost the
capitis deminutio minor [CAPUT]; (4)
who were *dediticiorum numero* (Ulpian,
14; Gaius, i. 13).

n these two classes of *Latini* and *pere-*
ird (*Latini*) is interposed in the course
y. Latinitas denotes originally the
ition of members of the Latin confedera-
ess their city had been raised to the
a municipium), and of the numerous
atinae: such persons had none of the
hts of civitas, nor had they the *conu-*
the *commercium* was theirs. By the
ia and Plautia Papiria, following upon
War (B.C. 90), the Roman citizenship
ded to all Italy, properly so called, and
allia Cispadana. But Latinitas did not
disappear. The practice had perhaps
een instituted by conferring Latinitas or
on allied or subject towns whom Rome
o honour or propitiate; at any rate,
natives of Latium and members of the
onies had become cives under the two
mentioned, it was common to make a
this semi-citizenship (which conveyed
mmercium) to towns in the provinces.
thus has no longer any ethnic or geographical signification; it means simply a particular legal capacity. After the Lex Junia Norbana (A.D. 19) had provided that slaves manumitted in certain informal ways, or manumitted so as not to become cives, should have Latinitas, they were called Latini Juniani, but the statute expressly withdrew from them the element of the *commercium*, which would have enabled them to make, witness, or take under a will (Gaius, i. 22–24). [LATINITAS.]

The commonest way in which civitas was acquired was birth. Children born of a *legitimum matrimonium* (*i.e.* lawful wedlock between two cives, or between a *civis Romanus* and a *Latina* or *peregrina* upon whom *conubium* had been specially conferred: Ulpian, *Reg.* v. 3, 4) were born cives. If there was not *conubium* between husband and wife, but the latter was a civis, the issue were cives unless the husband was a *peregrinus*: "non interveniente conubio [liberi] matris condicioni accedunt, excepto eo qui ex peregrino et cive Romana nascitur; nam is peregrinus nascitur, quoniam lex Minicia ex alterutro peregrino natum deterioris parentis condicionem sequi jubet" (Ulpian, *Reg.* v. 8, 9); the general rule, where there was not *conubium*, being "partus sequitur ventrem." Slaves would become cives by being manumitted in one of the statutory modes (*vindicta*, *censu*, *testamento*), unless the case was one in which the Lex Aelia Sentia restricted the *libertus* to a lower status (Gaius, i. 13, 18, 21, 27). A *Latinus* could rise to the status of civitas in a variety of ways: by filling a magistracy in his own colonia Latina (Gaius, i. 95); by marrying a *civis* or *Latina* before seven witnesses and begetting a child who lived a year, and proving these facts before a magistrate (Gaius, i. 66); by marrying a *peregrina*, believing her to be a *civis*, and proving his mistake ("erroris causae probatio," Gaius, i. 67); for other modes see the succeeding paragraphs of Gaius (*ib.* 35; Ulpian, *Reg.* iii. 1–6; Cod. 9, 24, 1, 4).

Upon *peregrini* and *Latini* (except *liberti dediticii*, Gaius, i. 26) civitas could always of course be conferred by statute: for examples, see Liv. vi. 4, xxxiv. 42; Cic. *pro Balb.* 13. Cicero (*ib.* 8, 21) remarks that many of the people of Heracleia and Neapolis made some opposition to accepting the terms offered by the Lex Julia (B.C. 90), and would have preferred their former relation to Rome as *civitates foederatae* to the Roman civitas. That statute gave the civitas not only to the natives of the Italian towns, but also to natives of towns out of Italy who had become citizens of Italian towns before it was enacted. Thus, L. Manlius (Cic. *ad Fam.* xiii. 30), a native of Catina in Sicily, obtained the Roman civitas by virtue of having been enrolled as a citizen of Neapolis (*erat enim in id municipium adscriptus*) before that date. The Lex Plautia Papiria, passed a year later, contained a provision that persons who had been enrolled as citizens of the *foederatae civitates*, and who had a domicile in Italy at that moment, should have the Roman civitas if they gave in their names to the praetor within sixty days ("apud praetorem essent professi," Cic. *pro Archia*, 4, 7). Archias claimed the benefit of this statute as having been enrolled a citizen of Heraclea, and having in the other respects satisfied its conditions. But the relation between the Leges Julia and Plautia

Papiria is differently represented by Dr. Merivale (*Fall of the Roman Republic*, chap. iii.), who thinks that the former gave the civitas only to Umbria, Etruria, and the southern extremities of the Italian peninsula, while the latter extended it to all the other Italian allies and Gallia Cispadana.

Under the empire, when the political rights of the citizen had ceased to have any value, and the personal will of the emperor had practically become the sole legislative organ, he was privileged (*inter alia*) to bestow the civitas on whomsoever he pleased, except *dediticii liberti*: though as the gift of it to a Latinus Junianus would prejudice the patron, the interests of the latter were guarded by an edict of Trajan (Gaius, iii. 72). The extent to which the earlier emperors exercised this power was dwarfed by the edict of Caracalla (A.D. 211–217), which conferred the civitas on all *Latini* and *peregrini* then living under the sway of Rome (Dig. 1, 5, 17), though these classes were at once in some measure replenished by manumission of slaves, the Leges Aelia Sentia and Junia Norbana not having been abrogated. Under the later emperors, the progressive absorption of the *jus civile* in the *jus gentium*, or the substitution of the latter in all departments of private law for the former, tended more and more to minimise the importance of the distinction between *cives* and *non cives*. Justinian speaks of *dediticia libertas* (practically the only form of *peregrinitas* in his empire) as extinct before his time (Cod. 7, 5), and the Latina libertas (of which he says few examples were to be found: *Inst.* i. 5, 3) he extinguished with the repeal of the Lex Junia Norbana (Cod. 7, 6), so that in the 6th century the last trace of the distinctions between freemen in respect of civitas had disappeared, and all subjects were either cives or slaves.

(Savigny, *Zeitschrift*, &c. vol. v. "Ueber die Entstehung, &c. der Latinität;" vol. ix., "Der römische Volksschluss der Tafel von Heraklea;" vol. xi., "Nachträge zu früheren Arbeiten: *System des heutigen römischen Rechts*," vol. ii. p. 27, &c.; Puchta, *Institutionen*, §§ 62–65, 216–218.) [J. B. M.]

CLABULA'RIS or **CLAVULA'RIS**. The *cursus clabularis* in the Theodosian Code (vi. xxix. 2, § 4, and 5, § 1; and viii. v. 23) and in Ammianus Marcellinus (xx. 4) denotes the system of military transport by means of carriages and vehicles. Johannes Lydus derives the word from *clavus* (κλαβουλάριος ὀχηματικὸς· κλάβον γὰρ τὸν οἴακα καλοῦσι, *de Mensibus*, i. 9). If we may trust the text of Cod. Theod. vi. 29, 2, § 2 ("ne quis . . . rhedam usurpet, cui birotum vel veredum postulare vel clabulare permissum est"), *clabulare* is the name of a wagon, the word here also being used in connexion with the transport service. Hence it has been derived from *clavulae* in the sense of rails. [J. H. F.]

CLANDESTI'NA POSSES'SIO. [INTERDICTUM.]

CLARIGA'TIO. [FETIALES.]

CLASSES. [COMITIA.]

CLASSIA'RII. [EXERCITUS.]

CLAS'SICUM. [CORNU.]

CLATHRI. [DOMUS.]

CLAUSTRUM. [JANUA.]

CLAVA (ῥόπαλον, κορύνη), a club. The shape of the club is seen in works of art relating to Hercules, who is usually represented club (Soph. *Trach.* 512; Aristoph. E Prop. iv. (v.) 9, 39; Ov. *Met.* xv. 114; 117; Suet. *Ner.* 53), and therefore called (Ov. *Met.* xv. 22, 284; *Fast.* i. 544). H expression "Herculi clavam subtrahere impossible undertaking (Macrob. *Sat.* v. The club was sometimes carried, instea walking-stick, by certain philosophers a of affectation (Sid. Ap. *Ep.* iv. 11, ix. 9 xv. 197). In Homeric times, the club sl iron, or made of bronze, was used as a fighting (σιδηρείῃ κορύνῃ, *Il.* ix. 141; παγχάλεον, *Od.* xi. 375); and in the Xerxes the Assyrians carried woode knotted with iron (ῥόπαλα ξύλων τετ σιδήρῳ, Herod. vii. 63). Peisistratus body-guard of club-bearers (κορυνηφόροι invidious in a free state than δορυφόροι, armed with spears (Herod. i. 59; Diog. 66; Plut. *Sol.* 30). Though the club was not usual in the Greek army, it w occasionally; and we thus read of A hoplites carrying clubs (ῥόπαλα ἔχοντε *Hell.* vii. 5, § 20). Both Daremberg an and Rich give a figure of Mars, from an Roman fresco-painting of the Villa where the god carries a mace studd spikes. In the Column of Trajan t appears as the weapon of some barbarians.

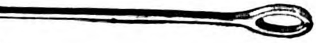
Hercules wrestling with Nemean lion: the by his side. (From a Roman lamp.)

Among the Romans the recruits were to fight with a club instead of a sword, a dummy or stake (*palus*) set in the (Cic. *Sen.* 16, 58; Veg. *Mil.* 1, 11; cf. 247).

CLAVA'RIUM. [CLAVUS.]

CLAVIS (κλείς, dim. κλειδίον), a Homer the κλεὶς is not a key in the meaning of the word, but rather a hook a leathern thong) which passed through *from the outside*, and caught the bolts so as to shoot them home or draw the as required (*Od.* xxi. 6, 46–50). passages of Homer the word signifies bolt (*Od.* i. 442; xxi. 241; L. & S. s. course of time locks and keys were much like those of modern times. Lo used in Egypt at an early period, originally of wood, probably like those in Egypt, which are opened by a

h several fixed pins, answering to a
mber that fall down into the movable
to which the key is introduced, when
n or open the lock (Wilkinson, *Ancient*
, i. p. 353). At a later time we find
in Egypt, consisting of a long straight
th three or more projecting teeth, like
gured below The earliest mention of



Iron Egyptian Key. (Wilkinson.)

our own, which could be taken out of
is in the Book of Judges (Judg. iii. 23,
inson, *l. c.*).

y found
issarlik.
mann,
nd its
, p. 333,
)

ann found keys of copper and bronze
ains of the cities in the Troad. The
accompanying cut represents a
copper key, found close by the
so-called Treasury of Priam in
the ruins at Hissarlik. "It is
four inches long, the head of
which (about two inches long
and broad) greatly resembles a
large safe-key of a bank."

The cut on the next column
represents a curious bronze key,
with a ring for suspension, found
in the ruins of Novum Ilium.
"It has the shape of the so-called
quadrangular images of Hermes,
with an altar-like base forming
one piece with the body, to
which a quadrangular projec-
ed on the back, with a hole correspond-
he lock-bolt." (Schliemann, *Ilios*,
21, ed. 1880.)

H. N. vii. § 198) ascribes the invention
Theodorus of Samos; and the ancient
peak of Carian (Avien. *Orat. Phen.*
especially of Laconian keys, because
made by the Lacedaemonians. (Aris-
esmoph. 423; Plaut. *Most.* ii. 1, 57;
ad Od. p. 1603, 51; Suid. *s. v.* Λακωνι-
ες: Müller, *Dorians*, ii. p. 25, Engl.
We learn from Aristophanes (*l. c.*)
Laconian key had three teeth (τρεῖς
), probably like the Egyptian key
ove. Keys are mentioned by Aeschy-
. 827) and Euripides (*Med.* 661); and
his speech on the murder of Era-
speaks of the wife shutting the door
g the key with her (τὴν κλεῖν ἐφέλ-
), so that the husband was shut up in
er (ἀπεκλείσθην ἐν τῷ δωματίῳ, c. 5).
ase the door must have been locked
outside.

Roman keys have been found, much
wn, the larger ones usually of iron,
naller of bronze; but there were also
e of wood and gold in use in later
ugustin. *de Doctr. Christ.* iv. 11 (26).)
ese there was the βαλανάγρα, a key or
ch was passed through a hole in the
and raised the βάλανοι or bolts of the
the Egyptian locks described above.
i. 155; Polyb. vii. 16, § 5.) It must
a lock of this kind which the robber

in Apuleius (*Met.* iv. 10) opens, by passing his hand through the hole, *qua clavi immittendae foramen patebat.* Mr. Cuming observes that Roman keys, both of bronze and iron, have been found, "which were never intended to turn, the stems being square, and the webs, consisting of from one to five or six teeth, rising from a bar bent at an acute angle to the stem; which teeth would serve the purpose of elevating pegs, as in the Egyptian locks."

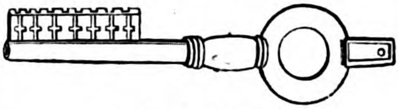
The street door was usually fastened inside by bolts (*pessuli*) and a bar (*sera*), but it also had a key which the *janitor* of the house kept. (Apul. *Met.* ix. 20; cf. iv. 18.) The cut given below represents a key found at Pompeii, and now in the Museum of Naples, the size of which indicates that it was used as a door-key. The tongue with an eye in it, which projects from the extremity of the handle, served to suspend it from the wrist of the *janitor*. The rooms of the house were also opened inside with keys; and hence in both cases we read *subdita clavi pessulos reduco* (Apul. *Met.* i. 14), *clavi pessulis subjecta repandit fores* (*ibid.* ix. 20), where *pessuli* mean the bolts of the lock. The doors often had locks both inside and outside. This is evident from Plaut. *Most.* ii. 1, 57, where a Laconian key is mentioned for locking the door from the outside, compared with verse 78—

> "Clavim cedo atque abi intro
> atque obclude ostium,
> Et ego hinc [*i.e.* foris] obcludam."

(Cf. Achill. Tat. ii. 19.)

Bronze Key found at Novum Ilium. (Schliemann.)

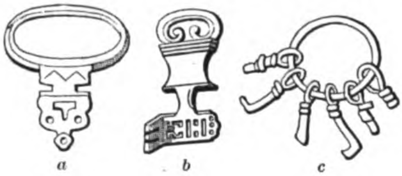
When a Roman woman first entered her husband's house, the keys of the store-rooms were handed to her. Hence the form of divorce, in the Twelve Tables, was that the husband took away the keys (*claves ademit, exegit*, Cic. *Phil.* ii. 28, 69); and the wife, when she separated from the husband, sent him back the keys (*claves remisit*, Ambros. *Ep.* 65). But the keys of the wine-cellar were not entrusted to the wife, and Fabius Pictor related a story of a married woman having been starved to death by her relatives because she picked the lock of the closet in which the keys of the wine-cellar were kept (Plin. *H. N.* xiv. § 89). The key of the



Door-key found at Pompeii.

street door was, as we have already seen, kept by the *janitor*, and the keys of the other departments of the house by slaves to whom such departments belonged (Sen. *de Ir.* ii. 25). To this Martial (v. 35) alludes.

There were false or skeleton keys, called by the Romans *adulterinae* or *adulterae*, used by robbers for entering a house (Sall. *B. J.* 12; cf. Ov. *A. A.* iii. 643). Besides locks fixed permanently on doors, the Romans also had padlocks to be removed at pleasure. Mr. Cuming (see below) gives a specimen of such a padlock, with the corresponding key. Small keys were at times attached to rings to be worn on the hand. [ANULUS, p. 131 *a*.] In the annexed cut from Guhl and Koner, figure *a* represents a ring-key, *b* a lock with wards, for which a key of a complicated form must have been necessary, and *c* a ring with several small keys attached, which probably served to open jewel-cases or other small cases.



Keys and Lock. (Guhl and Koner.)

The gates of a city were locked by keys (Liv. xxvii. 24, 8; Juv. xv. 158).

The epithet **κλειδοῦχος** or *claviger*, "key-bearer," is given to several of the gods as having charge or custody of a place. Thus it is an epithet of Janus, as the god of doors (Ov. *Fast.* i. 228; cf. Macrob. *Sat.* i. 9). Hecate, the goddess, who held the keys of Hades, is constantly thus represented in ancient works of art.

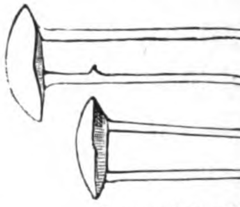
Hecate, holding a key. (Causei, *Museum Romanum*, vol. i. tav. 21.)

On the *clavis trochi*, see TROCHUS.

(On ancient keys, see Cuming, *History of Keys* in *Journal of the British Archaeol. Association*,
vol. xii. p. 117 foll.; W
p. 335; Marquardt, *Privatl*
Becker-Göll, *Charikles*, ii.
p. 327.)

CLAVUS (*ἧλος, γόμφος*
ἧλος is not a nail to fix or
projecting head used as an
xi. 29, 633; Athen. xi. p.
quently it has the sense of a
and is identical with the
Pyth. iv. 125; Plat. *Phaedr*
9, 12). Blümner (see belo
γόμφος originally signifie
usually made of wood and
ing, and that it only su
synonymous with *ἧλος* and
Gall. 24, 25; Pollux, i. 84).
(*Sep.* 542) *γόμφος* signifies
(xiii. 7, § 9) speaks of iron
of *γόμφοι*.

In early times, before sol
nails were used to join
metal. In the treasury of
the stones, of which the d
are perforated by regular se
which doubtless held togeth
with which the interior w
Two of these bronze nails ar
annexed cut · they are of two



Bronze nails from M

Hence we read in the poets
(Hom. *Od.* vii. 84–87; H
Schliemann, *Mycenae*, p. 44).

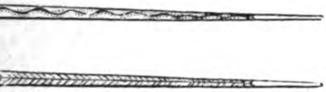
Many ancient nails of
shapes are found in our muse
might be expected, generally
ll. cc.; Cat. *R. R.* 18, 9; Pla
Caes. *B. G.* iii. 13; Vitruv
H. N. xxviii. § 63, xxxiv. §
bronze (Theophr. *Char.* 5;
§ 51), of hard wood, especial
Cyneg. 9, 12; Cat. *R. R.* 1
xvi. § 206; Plut. *Mar.* 25),
cuprinus," Pallad. Ian. 15,
silver (Plut. *Alex.* 40). In
second city at Hissarlik
some very large copper nail

Copper nail found at Hissarlik,
(Schliemann, *Troja*, p. 9

heads, which had been cast
nail.

The *clavi muscarii* of Vitru
were probably small nails like

fastening beams were called *clavi*
(Cic. *Verr.* v. 21, 53; Hor. *Carm.* i.
Arnob. ii. 13), or *tabulares* (Petron. 75).
oes of soldiers were studded with nails,
led *clavi caligarii* or *caligares* (see re-
under CALIGA, p. 346). The men re-
donative, called *clavarium* (Tac. *Hist.*
ostensibly for supplying them with
ils, though the donative was probably
an was necessary for this purpose.
s a similar donative under the name of
n (Suet. *Vesp.* 8).
eads of nails were of various shapes and
ome were highly ornamented, like the
ails on the doors of the Pantheon at
hich were called *bullae*, and some of
e figured under BULLA, p. 318. The
cut, representing a Roman nail, is
rnamented: two of its faces are given,
pattern varies on each of the four.



ated Roman nail. (Caylus, *Recueil d'Antiq.* vol. v. pl. 96.)

namented head of this nail shows that
ever intended to be driven by the
it may have been used for the hair in
er shown in the cut under ACUS.
ins to speak of the symbolical use of
s, or nail. *Clavum figere* was a pro-
xpression, signifying what was unalter-
l by Fate ("ut hoc beneficium, *quemad-
icitur*, clavo trabali diceret," Cic. *Verr.*
3; "quod semel destinavi clavo tra-
um est," Petron. 75). Hence the god-

dess Necessitas, armed with a nail. (Causei, *Museum Romanum*, vol. i. tav. 28.)

cessitas is armed with a nail (Hor.
35, 17, 18; iii. 24, 5, 6), wherewith to
ecrees of Fate, and is so represented in
art.

In like manner, in an Etruscan mirror found at Perugia, the winged goddess Athrpa or Atropus is represented as about to drive a nail with a hammer, to indicate the predetermined death of Meleager and Atalanta.

The Etruscan goddess Athrpa or Atropus armed with a nail. (Vermiglioli, *Inscriz. Perug.* vol. i. p. 49.)

At Volsinii, in Etruria, a nail was driven every year in the temple of Nortia, the Fortune of Etruscan mythology, in order to keep a reckoning of the years (Cincius, *ap.* Liv. vii. 3). This custom was introduced into Rome from Etruria, probably by the Tarquins, when they founded the temple of Jupiter Optimus Maximus. An ancient law enacted that a nail should be driven each year by the chief magistrate on the Ides of September into the side of the cella of Jupiter on the Capitol. As the Romans thus kept a reckoning of their years, when letters were yet scarcely in use, this nail was called *Clavus Annalis.* (Liv. *l. c.*; Fest. p. 56, M.; cf. Cic. *Att.* v. 15.) This practice fell into disuse, but was afterwards revived, not for the purpose of marking the year, but from a superstitious feeling that any great calamity, such as a pestilence, would be averted, if this ceremony was performed by the supreme magistrate. Hence we read of a dictator being appointed, more than once, for the sole purpose of driving in the nail (*clavi figendi causa*, Liv. *l. c.* vii. 3, viii. 18, ix. 28). Several superstitions were connected with fixing a nail. Thus Pliny (*H. N.* xxviii. § 63) recommends, as a remedy against epilepsy, driving a nail into the spot where the head of the patient was struck when he fell for the first time. (Blümner, *Gewerbe u. Künste bei Griech. u. Römern*, ii. pp. 230, 307; Daremberg and Saglio, s. v. *Clavus;* Dennis, *Etruria*, ii. p. 25.) [W. S.]

CLAVUS ANNA'LIS. [CLAVUS.]

CLAVUS GUBERNA'CULI. [NAVIS.]

CLAVUS LATUS, CLAVUS ANGUSTUS. It was a common usage with many nations of antiquity to adorn a garment by means of stripes of a different colour, woven in or sewn on the stuff. As instances we may quote the purple stripe down the middle of the robes worn by the priests of the Sun, instituted by Heliogabalus (Herodian, v. 5, 9); the broad white stripe down the breast of the purple garment of the Persian leader in the Pompeian mosaic of the battle of Issus; the regulations of the mysteries at Andania, which prescribe that the σημεῖα on the women's garments are to be not more than half a finger's breadth (Sauppe, *Abhandl. der kgl. Gesellsch.*, Göttingen, 1860); and among the Romans the female ornament of the *patagium*. But the Romans made a more characteristic use of these adornments by employing them as badges of office or rank (*ornamenta*), as in the case of the *trabea*, the *toga praetexta*, and the *clavi*.

It will be convenient to determine the use of both the *latus clavus* and the *angustus clavus* before discussing their form.

Usage.—The *latus clavus* was, according to tradition, introduced by Tullus Hostilius from the Etruscans (Plin. *H. N.* ix. § 136). It was the distinctive badge of the senatorian order (Hor. *Sat.* i. 6, 28; Ov. *Trist.* iv. 10, 35), and hence it is used to signify the senatorial dignity (Suet. *Tib.* 35; *Vesp.* 2, 4). In distinction to the *angustus clavus* it is called *purpura maior* (Juv. *Sat.* i. 106), and the garment it decorated *tunica potens* (Stat. *Silv.* v. 2, 29). Pliny speaks of this distinctive use as late (*H. N.* xxxiii. § 29); yet its assumption by a *praeco*, the father of L. Aelius Stilo Praeconinus (whose official dress may have included the *angustus clavus*), was, as he admits, remarkable, as also was its use by Horace's praetor of Fundi (*Sat.* i. 5, 36). But there were relaxations of the restriction: thus Augustus wore the *tunica lati clavi* before he assumed the *toga virilis*, and it was afterwards his custom to permit the sons of senators to wear it and attend the discussions of the senate, in order to train them in public affairs. If they were entering on a military career, he also made them military tribunes and prefects. These youths were called *laticlavii* (Suet. *Aug.* 38, 94, *Dom.* 10; Hor. *Sat.* i. 6, 25; Dio Cass. lix. 9, 5: on the contrary, *tribunus angusticlavius*, Suet. *Otho*, 10). Statius speaks of a youth assuming the *latus clavus* together with the *toga praetexta* (*Silv.* v. 2, 29; cf. iv. 8, 59–62). The right of wearing the *latus clavus* was also granted by the emperor as a favour to the sons of knights, as a preliminary step to their entering the senate; if they relinquished or were disappointed in their hopes, they assumed the *angustus clavus* ("clavi mensura coacta est," Ov. *Trist.* v. 10, 29–36; Suet. *Vesp.* 2), but might again assume the *latus clavus*, like Priscus in Horace (*Sat.* ii. 7, 10), who "vixit inaequalis, clavum ut mutaret in horas." In the later empire the *equites* appear to have encroached on the rights of the senate in this respect, and Alexander Severus was only able to insist that knights should be distinguished from senators by the quality of the purple employed (Lamprid. *Alex. Sev.* 27). The senate laid aside the *latus clavus* at times of mourning (Liv. ix. 7) and assumed the *angustus clavus* (Dio Cass. xxxviii. 14; xl. 46).

The *angustus clavus* was a badge of the equestrian order (Vell. Paterc. ii. 88, 2), but less distinctively so than the golden ring (*e.g.* Liv. ix. 7: "lati clavi, anuli aurei positi." Cf. Plin.
H. N. xxxiii. § 29); for, as we shall
extant works of art, it was also wor
lanistae, and others not of equestri
part of their ceremonial dress.

Form.—It is agreed by antiquari
clavi were purple stripes woven i
(Quint. viii. 5, 28; Plin. *H. N.* viii.
p. 56, 9) or sewn on it (Dig. 34,
19, § 5); that they were employ
ment the tunic, and no other ga
the *angustus clavus* consisted of
vertical stripes falling from ea
down the front, and, as appears f
also down the back. But ther
great discussion concerning the
latus clavus, some contending tha
single stripe running down the c
bosom of the tunica, some that the
stripes, only differing from the *an*
in breadth, and, like it, running do
(as Marquardt maintains). The la
now generally held, although it is i
conclude the discussion by appea
representation of a senator displayi
mentum, as it was not the custon
sculptors to indicate a distinction of
conventional system of lines.

It must be observed that *latus cla*
clavus are often abbreviated exp
tunica lati or *angusti clavi*. Thus J
is said to have worn "lato clavo ad
briato" (Suet. *Jul.* 45). That t
clavus consisted of two stripes is
Quintilian, xi. 3, 138: "Cui lati c
erit, ita cingatur, ut tunicae priori
genua paulum, posterioribus ad me
usque perveniant . . . ut *purpurae*
dant, levis cura est." Though we
to a representation of an *eques*
garb, we find it frequently shown
paintings of persons of inferior ran
ceremonial dress, especially *camill*
attendants on religious rites, and of
a wall-painting at Pompeii belon
worship of the goddess Epona, the
and a man leading mules wear t
clavus. The latter may be a mulete
adorned for a festival of the goddess,

Angustus Clavus. (Niccolini, *Case e M*
Pompeii. III. Anfiteatro, tav.

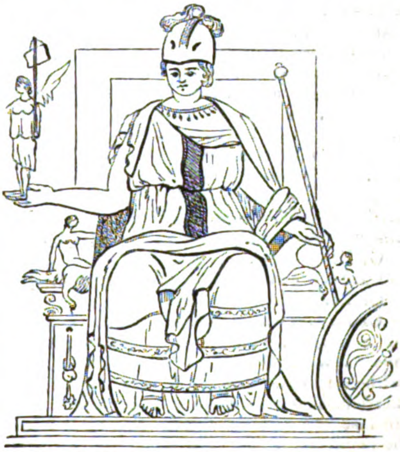
of higher rank performing some
worship. (*Annali dell' Inst. Arch.*

ustration given above is from a painting wall of the amphitheatre at Pompeii, ting the commencement of a combat two gladiators, and shows all the ts wearing this ceremonial dress. It is rly interesting, because the *clavi* are seen ck of the tunic of one of the attendants ft. (Cf. Nissen, *Pompeianische Studien*, r other instances.) The *angustus clavus* ommonly represented on the figures of tings in the Catacombs. The female the left hand, from Buonarotti (*Osser- sopra alcuni Frammenti di Vasi antichi*, tav. xxix. fig. 1), represents the Moneta. The one on the right hand, emetery on the Via Salara Nova, repre- riscilla, an early martyr. The next selected from three of a similar kind, ting Shadrach, Meshach, and Abednego, tomb of Pope Callistus on the Via

s Clavus. (From figures in the Catacombs.)

ngustus clavus probably survives in the the dalmatic, which was recognised as iastical garb in the earlier part of the entury (*Vita Sylvestri I.*, p. 266, Comhough down to A.D. 640 the *clavi* are represented as black, according to (*Vestiarium Christianum*, p. lv.). (See *Christian Ant.* s. vv. Clavus, Dalmatic.) writers maintain that the drawing on the page, representing Rome personified, n a robe called cyclas [CYCLAS], shows *clavus* falling in a broad purple stripe e breast. It is taken from a picture of the 2nd or 3rd century, belonging to the Barberini family. On the contrary, M. Heuzey finds in the paintings of the Catacombs and in the miniatures of the Vatican Virgil attempts to indicate the rank of the wearer by the breadth or narrowness of the *clavi*, which in all cases are similarly arranged, and hence argues that the *latus clavus* differed from the *angustus* only in breadth. But in the wall-paintings of the Catacombs the attempt to draw this distinction appears in some cases to lead to contradictory results in the same picture, and it seems preferable to base this view on the strong support afforded by ancient texts.

Clavus on the Dalmatic. (Mosaic in the church of St. Vitalis in Ravenna.)



Supposed *latus clavus*. (From a painting of Rome personified.)

It is true that the singular (*latus clavus*) is generally used, but this is also true of the *angustus clavus*, which confessedly consisted of two stripes; while the employment of the plural, *latis clavis*, is striking in a passage of Varro, which also insists on the resemblance of the two garments, by using as an illustration of an analogy a tunic, in which of the two pieces (front and back) one has the *lati*, the other the *angusti*, *clavi*. ("Non, si quis tunicam in usu ita [E. Schulze, *inusitate*] consuit, ut altera plagula sit angustis clavis, altera latis, utraque pars in suo genere caret analogia," *L. L.* ix. 79. Cf. for the use of the plural, Festus, p. 209 a, 23: "tunica autem palmata a latitudine clavorum dicebatur, quae nunc a genere picturae appellatur.") Again, Augustus, among other affectations of simplicity, "usus est . . . clavo nec lato nec angusto" (Suet. *Aug.* 73), which is quite intelligible if the two ornaments differed only in breadth, but inexplicable on the other hypothesis: while Herodian (v. 5, 9) speaks of the stripe down the centre of the tunic worn by the priests of the Sun, instituted by Heliogabalus, as a Phoenician custom (*ἀνεζωσμένοι οἱ μὲν χιτῶνας ποδήρεις καὶ χειριδωτοὺς νόμῳ Φοινίκων, ἐν μέσῳ φέροντες μίαν πορφύραν*).*

As the tunic was composed of a front piece and a back piece sewn together, the passage quoted above from Varro goes to show that the *lati clavi* were worn down the back, as well as down the front. In support of this may be cited Varro, *Sat. Menipp.* 313, Bücheler: "quorum vitreae togae ostentant tunicae clavos," which refers to togas made of such diaphanous material that the *clavi* could be seen through them at the back. With the same intent of displaying this mark of distinction, the wearer of the *tunica laticlavia* is to gird himself so that it may fall low ("paulum cinctis summissior," Quint. xi. 3, 139). Pliny observes that in his time it was becoming a fashion to weave the *tunica lati clavi* of a stuff resembling *gausapa* (*H. N.* viii. § 193). The false derivation quoted from Festus above for *palmata* as applied to *tunica* may possibly indicate that the breadth of the *latus clavus* was about a palm.

The equivalents used in the Greek writers are: — *clavus*, *σημεῖον*: *tunica laticlavia*, *ἡ πλατύσημος*: *tunica angusticlavia*, *ἡ στενόσημος*: *tunica asema* (Lampr. *Alex. Sev.* 33, 4), *ἡ ἄσημος*: *tunica clavata*, *ἡ σημειωτός*.

The chief authorities for the subject are Ferrarius, *de Re Vestiaria* (Patavii, 1654); Rubenius, *de Re Vestiaria Veterum, Praecipue de Lato Clavo Libri Duo* (Antwerp, 1665); Ferrarius, *Analecta de Re Vestiaria* (Patavii, 1690); Marquardt, *Röm. Privatleben* (1886), pp. 544 ff.; *Historia Equitum Rom.* pp. 77, 80; E. Schulze in *Rhein. Mus.*, 1875, pp. 120 ff. [A. R.] [J. H. F.]

CLEPSYDRA. [HOROLOGIUM.]

CLERU'CHI (*κληροῦχοι*). [COLONIA.]

CLERUS (*κλῆρος*). [HERES.]

CLETE'RES or **CLE'TORES** (*κλητῆρες* or *κλήτορες*), summoners. The Athenian summoners were not official persons, but merely witnesses to the prosecutor that he had served the defendant with a notice of the action brought against him, and the day upon which it would be requisite for him to appear before the proper magistrate, in order that the first examination of the case might commence. (Harpocrat.) In Aristophanes (*Nub.* 1246; *Vesp.* 1408) we read of one summoner only being employed, but two are generally mentioned by the orators as the usual number. (Dem. *c. Nicostr.* p. 1251, § 14; *de Coron.* 244, § 55; *c. Boeot.* ii. p.
The names of the summoners were
the declaration or bill of the pro
were, of course, essential to the v
proceedings founded upon it. Wh
hitherto stated applies in general
whether *δίκαι* or *γραφαί*: but in
commenced with an information
magistrates, and an arrest of the ac
sequence (as in the case of an *ἔνδε*
γελία), there would be no occasion fo
nor, of course, witnesses to its ser
εὔθυναι and *δοκιμασίαι* also, when
regular times, no summons was i
persons whose character might be
accusation were necessarily present
to be so; but if the prosecutor had
day pass, and proposed to hold a
at any other time during the year
defendant was liable to be called t
his conduct in office (*ὑπεύθυνος*), t
summoners was as requisite as in a
Of the *δοκιμασίαι* that of the orat
no fixed time; but the first step
was not the usual legal summons (
but an announcement from the pro
accused in the assembly of the peo
Att. Process, pp. 212, 576.) In
persons subscribing themselves fa
moners, they exposed themselves
(*ψευδοκλητείας*) at the suit o
aggrieved.

CLIBANA'RII. [CATAPHRAC

CLIENS contains the same li
ment as *cluere* (*κλύειν*), "to hear
cf. the affinity in German of *Gehors*
angehörig, *Höriger*, with *hören*, "t

For the origin of clientes and
must go back to the period of R
anterior to the incorporation of th
state. The populus, which alone c
state, consisted of the patres famil
a compact aggregate by the tie o
and tribe; but, besides these, ther
other free persons dwelling on Ro
(mostly refugees from neighbouri
foreigners who resorted thither fo
trade) who possessed no civil rig
As these increased in number, it
sirable to bring them in some way i
with the state organisation; and th
by allowing them to attach themsel
to a civis, who was called their *pa*
became members of his gens (bu
without any right of voting in
thereby acquiring the gentile n
curring the obligation of military
rights of the patronus were mod
of the pater over his filius familias
committed an offence against hi
duellio (Dionys. ii. 10), and the on
protected him against a too hars
the patron's authority was that
("patronus si clienti fraudem fecer
XII. Tables in Serv. *ad* Verg. *Ae*
Festus, s. v. *Sacer*). It is apparen
in this original form that Dionysi
(*Antiq. Rom.* ii. 9) when he
Romulus gave to the *εὐπατρίδαι* th
gion, the honores (*ἄρχειν*) the adm
justice and all executive authorit
τικοί (whom in the preceding chap

---

* Johannes Lydus, it is true, says that the *πατέρες* or *πατρίκιοι* wore *χλαμύδες* . . . *πορφύρᾳ κατὰ μέσον διάσημοι· λατικλαβίας αὐτὰς ὠνόμαζον*: but the use of the imperfect shows that he is speaking of an extinct custom, and his account of Roman dress shows much confusion: thus he calls the *tunica* a *χλαμύς*. (*De Mag.* i. 17; and compare *ib.* 32.)

e πλήβειοι) had none of these privileges,
e also poor: husbandry and the necessary
life were their occupation. Romulus
rusted the δημοτικοὶ to the safe keeping
ατρίκιοι (who are the εὐπατρίδαι), and
ed each of them to choose his patron.
se remarks may be read in the light of
conjecture (*Handbuch der römischen*
imer, ii. p. 125) that the *clientela* was an
ian institution, which existed among the
stock from which the Roman populus
When Tatius and his Sabines settled
e, their clients came there with them
. ii. 46); and Attius Clausus brought to
large body of clients (*ib.* v. 40; Liv.

tie of patron and client survived the
ration of the plebs in the state, though
s it now implied a less absolute depen-
Liv. v. 32; vi. 18); it was created by
applicatio and by the manumission of
(*clientem libertum*, Liv. xliii. 16), to
the latter of which relations the term
s was in later times so much specialised,
status of cliens was (at least in some
ereditary. The plebeians also apparently
ow have clientes no less than members
ld populus or patricians. (Hugo, *Lehr-*
l. i. p. 458.) When the Roman dominion
l itself to the provinces, the meaning of
rd *clientela* became wider. Provincial
nd civitates, and even those which were
but independent, took to placing them-
nder the *hospitium* or *clientela* of some
ished citizen (Dionys. ii. 11; Cic. *in Pi-*
pro Balbo, 8; Suet. *Octav.* 17; Serv. *ad*
20), who in this respect might be com-
o colonial agents, or persons among us
employed to look after the interests of
ny in the mother country, except that
the Romans such services were never
rated directly. (Cic. *Div. in Caecil.* 20,
. xl. 44; Tac. *Dial.* 36.)

e end of the republic and under the
empire a person might be cliens of a
s in at least three senses: (1) much in
e of our "client" in relation to a legal
protector, or advocate (Ovid, *Art. Am.*
Hor. *Sat.* i. 1, 10; *Ep.* i. 5, 31; ii. 1,
(2) through having attached himself
er a Roman citizen or a foreigner sojourn-
ome) to a distinguished or powerful civis
is relation, see Becker's *Gallus*, sc. 1,
s 4); (3) as libertus or freedman. In
s the relation was expressed by the word
(Cic. *ad Att.* xiv. 12), which also denoted
ole body of a man's clients (Tac. *Ann.*
).

doubtful whether the account of *clientela*
by Dionysius (*Antiq. Rom.* ii. 10, and
re) can be regarded as in all respects
or is it always clear to what period of
history it is intended to refer. As has
ready remarked, there was in the earliest
close analogy between the relation of
and client, and that of pater and filius
; the patron was the client's guardian
tector, as he was the guardian and pro-
of his own children: "*patrem* primum,
patronum proximum nomen habere . . .
lientes sine summa infamia deseri possunt"
v. 13). Ihering (*Geist des römischen* *Rechts*, i. p. 237) conjectures that the principal end of the relation was to enable the patron to bring suits on the client's behalf (attorneys in the conduct of actions being at that time practically unknown: "cum olim in usu fuisset alterius nomine agere non posse," *Inst.* iv. 10, pr.); and that if the client committed a wrong, the patron had (as in the case of slaves and children in power) the option of paying damages or surrendering the wrongdoer in a noxal action to the person injured. The latter assumption further necessitates the view that, like the filius familias, the client had originally in law no independent proprietary capacity: in fact, Ihering supposes that the terms *precarium* and *peculium* (of both of which the later jurists say, "magis facti sunt quam juris") both originated in *clientela;* the one in the patron's habit of allowing the client the use and occupation of a plot of land which he could resume at will (compare the English villeinage and copyhold tenure), the other in the small acquisitions of cattle (*pecus, peculium*) and other means of husbandry which the client made for himself, and which in law belonged to the patron. If this ingenious conjecture is correct, much that Dionysius tells us can be true only of the *clientes* of a later period: for instance, that the cliens must contribute to the marriage portion of his patron's daughter, to his ransom, or that of his children, if taken captive; must pay the costs and damages of suits which the patron lost in his interest, and bear a part of the patron's expenses incurred in the discharge of public duties, or in filling honourable places in the state. Dionysius adds that neither party could accuse or bear testimony against the other. But it seems certain that the relation, as at first established, was hereditary: it was the glory of illustrious families to have many clients, and to add to the number transmitted to them by their ancestors.

The attainment by the plebs of a civil and political status seems, by sweeping away the old tradition that the populus alone could enjoy rights under the aegis of Roman law, to have raised the status of *clientela.* It would not be inconsistent with Dionysius's statements to believe that from that time onward the clients were often, if not always, *cives non optimo jure* [Civitas], though there is little or no evidence, except perhaps the passage of Livy referred to below, in support of such a theory, nor is there much proof that the *clientela* in which *liberti* stood was hereditary, like that of the old clientes proper, except Suet. *Claud.* 24.

It is stated by Niebuhr that, if a client died without heirs, his patron succeeded him, and that the analogous rule in respect of *liberti cives* was derived from the original right of the *patronus* to inherit the client's property under the primitive system. Mommsen (*Abhandlung über das römische Gastrecht und die römische Clientel, römische Forschungen*, vol. i. pp. 319 *sq.*) is of opinion that the general rules of intestate succession (the property going in the first instance to *sui heredes*, in the second to the *agnates*, and in the last resort to the *gentiles*) were applied to clientes from the outset: but this is irreconcilable with Ihering's hypothesis as to the proprietary relations of patron and client, and requires us to suppose that the client had *conubium*, which in the earlier period seems incredible. Ihering himself thinks that the devolution of the cliens' property, such as it was, was at first regulated by agreement made at the time when the tie between him and his patron was created. Livy tells us (ii. 56) that the *clientes* had votes in the comitia centuriata, which implies *commercium*, so that on ordinary principles of law they could dispose of their property by will. But we can hardly believe this to be true except of the *clientes* who existed after the incorporation of the plebs in the state: and then (as has been already remarked) it is possible that they were regarded as belonging to the first group of *cives non optimo jure* (see CIVITAS), *i.e.* manumitted slaves and their children, who had *commercium* and *conubium*, and could vote in the comitia centuriata.

The whole subject of the rights and duties of *clientes* at different periods of history is in fact one of great obscurity, which it is almost impossible to remove, owing to the difficulty of fixing the precise time of which our authorities (*e.g.* Dionysius, Gellius, and Livy) are speaking when they touch upon the topic. Fuller information may be obtained from Becker, *Handbuch der römischen Alterthümer*, vol. ii.; Walter, *Geschichte des römischen Rechts*, §§ 13, 114, 247, 358; Ihering, *Geist des römischen Rechts*, vol. i. pp. 236–245; and the essay of Mommsen already referred to. [J. B. M.]

CLIENTE'LA. [CLIENS.]

CLIMA (κλίμα), literally a *slope* or *inclination*, was used in the mathematical geography of the Greeks[*] with reference to the inclination of various parts of the earth's surface to the plane of the equator. Before the globular figure of the earth was known, it was supposed that there was a general slope of its surface from south to north, and this was called κλίμα. But as the science of mathematical geography advanced, the word was applied to different belts of the earth's surface, which were determined by the different lengths of the longest day at their lines of demarcation. This division into climates was applied only to the northern hemisphere, as the geographers had no practical knowledge of the earth south of the equator.

Hipparchus (about B.C. 160) seems to have been the first who made use of this division; his system is explained at length by Strabo (ii. p. 132). Assuming the circumference of a great circle of the earth to be 252,000 stadia, Hipparchus divided this into 360 degrees, of 700 stadia to each; and then, beginning at the parallel of Meroë, and proceeding northwards, he undertook to describe the astronomical phenomena observed at each degree of latitude, or every 700 stadia: among these phenomena he observed that the length of the longest day at Meroë was 13 hours, and at Syene 13½. The observations of later astronomers and geographers — such as Geminus, Strabo, Pliny, and Ptolemy—are described in the works cited below. Ukert, in a table, shows the climates as given by Ptolemy (*Geogr.* i. 23). There are nineteen climates, the beginning and
middle of which are marked by lin
parallels, of which the first marks the
and the thirty-third the Arctic circ
term κλίμα was afterwards applie
average temperature of each of thes
and hence our modern use of the word.
l. c.; Dion. Hal. i. 9; Plut. *Mar.* 11, *A*
5, *Moral.* p. 891; Polyb. vii. 6, § 1,
Athen. xii. p. 523 e; Gemin. *Elem. A*
Plin. *H. N.* ii. §§ 73–77; Agather
Cellar. *Geog.* i. 6; Ukert, *Geog.* vol.
pp. 182, &c.)

CLIP'EUS, also CLIPEUM (ἀσπίς, σ
large shield used by the Greeks and the
which was originally of circular sha
said to have been first used by Pr
Acrisius of Argos (Paus. ii. 25, § 6), a
fore is called *clipeus Argolicus* (Verg.
637; cf. Pollux, i. 149). According
accounts, however, it was derived
Egyptians (Herod. iv. 180; Plat. *Tim.*

One of the earliest extant represen
Greek shields is to be found in the
on a sword-blade found at Mycenae,
ing a combat between men and lions

Early Greek shield. (Helbig.)

Homerische Epos, p. 232). It will be
some of the men carry shields rese
scutum, others shields which recall th
the Boeotian shield, and that each fo
about three quarters of the person, and
supported by a strap passing round the
But the Homeric poems, which are p
later date, are by no means in compl
ment with this representation.

The heroes of the Iliad carry a shiel
round (iii. 347; v. 453), and large
cover the whole man (ἀμφιβρότη,
ποδηνεκής, xv. 646; τερμιόεσσα, xvi.
shield of Ajax is like a tower, vii.
Tyrtaeus, xi. 23, Bergk). It is con
sewing together circular pieces of unt
hide (*Il.* iv. 447; v. 452; vii. 238;
varying in number (four in xv. 479;
vii. 245). These are strengthened
sides by plates of bronze, the outer
plates being of smaller diameter, so th
edge of the shield both hide and
thinnest (xx. 275).

Sarpedon's shield is forged of plates
to which ox-hides are attached on the
golden rods or bolts (ῥάβδοι) running
the circle (xii. 294–8). Ten circles
run round Agamemnon's shield (xi. 32).
shield is composed entirely of meta
plates—two of bronze, two of tin, and
one of gold (xx. 270). The structure
together by a metal rim (ἄντυξ),
Achilles' shield is triple (xviii. 479).
centre of the shield is a metal boss (
Agamemnon's shield is studded with
bosses of tin and a central one of cyanu

---

[*] The corresponding Latin word is *inclinatio* (Vitruv. i. 1), also *declinatio*, *devergentia* (comp. Aul. Gell. xiv. 1; Colum. iii. 19). *Clima* was only used at a late period.

g the appliances for wielding the e have no clear indication: the two entioned in xiii. 407 and viii. 193 may unning across the hollow part of the d serving as handles. When not in shield is suspended by the **τελαμών**], which passes round the breast, the ging at the back (xiv. 404; cf. Herod. The practice of decorating the shield enced: for to pass over the wonders of hield, in which we probably have the he poet's imagination working on some n of Assyrian or Egyptian art which seen, Agamemnon's shield bears a head with figures of Terror and Fear, perhaps less as an ornament than to foe (*Il.* xi. 36).

σήϊα πτεροέντα, which in v. 453 and are contrasted with the **ἀσπίδες** are explained by the Scholiasts as diminutive **ἀσπίδες.** The epithet nay refer to some apron, such as is low.

from the Iliad to the representations of later times, we observe no shields e those of heroic times, protect the he warrior's body: they usually cover the neck to the knees. Besides the

lar Argive shield. (Aegina Marbles.)

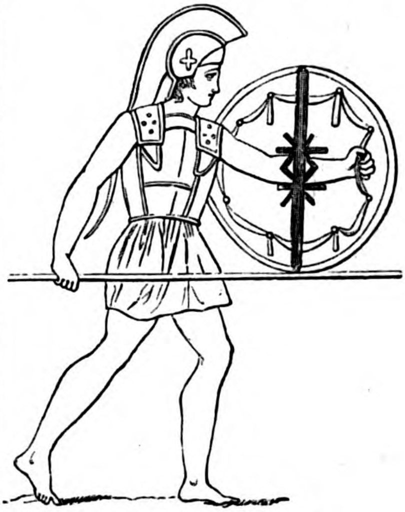
r Argive shield, we frequently find d an oval shield with a strong rim ures in the middle of each side **τα,** Eur. *Phoen.* 1386), through which the enemy. This is known as the hield, being commonly found on the e Boeotian cities (Gerhard, *Auserlesene* r, pl. cxcv.).

ield was now formed entirely of **γχαλκος**). An apron, apparently of thick stuff, was sometimes attached rotect in some measure the warrior's cially when he did not wear greaves. rnamented with patterns or figures. rnished with this appliance is given on olumn, and another under Tuba.

plest arrangement for holding the shield consisted of two metal handles, one to pass the arm through, the other to grasp with the hand; but we very frequently observe the arrangement shown below (from one of the terra-cotta vases published by Tischbein, iv. tab. 20), which may be explained thus:—

Shield furnished with an apron. (Gerhard, pl. clxv.)

A band of metal, wood, or leather, was placed across the inside from rim to rim, like the diameter of a circle, to which were affixed a number of small iron bars, crossing each other somewhat in the form of the letter X, which met the arm below the inner bend of the elbow joint, and served to steady the orb. This apparatus, which is said to have been invented by the Carians (Herod. i. 171), was termed **ὄχανον** or **ὀχάνη**. Around the inner edge ran a leather thong (**πόρπαξ**), fixed by nails at certain distances, so that it formed a succession of loops all round, which the soldier grasped with his hand (**ἐμβαλὼν πόρπακι γενναίαν χέρα,** Eur. *Hel.* 1396; **πολυρράφῳ πόρπακι,** Soph. *Aj.* 576). But it is somewhat difficult to distinguish these terms, for Plutarch tells us that when Cleomenes III. introduced among the Spartans



Greek shield. (Greek vase.)

the σάρισα, which employed both hands, in place of the spear, he also made them carry the shield by the ὀχάνη instead of the πόρπαξ (*Cleom.* 11), while others (*e.g.* the Scholiast on Aristoph. *Eq.* 849) treat them as convertible terms.

At the close of a war it was customary for the Greeks to suspend their shields in the temples, when the πόρπακες were taken off, in order to render them unserviceable in case of any sudden or popular outbreak; which custom accounts for the alarm of Demos (Aristoph. *l. c.*), when he saw them hanging up with their handles on. Sometimes shields were kept in a case (σάγμα, Aristoph. *Ach.* 574; Eur. *Andr.* 617). In Gerhard (*op. cit.* pl. cclxix.) we see a σάγμα, made of some stuff, being removed from a shield.

The ἀσπὶς was the characteristic defensive weapon (ὅπλον) of the heavy-armed infantry (ὁπλῖται) during the historical times of Greece, and is opposed to the lighter πέλτη and γέρρον: hence we find the word ἀσπὶς used to signify a body of ὁπλῖται (Xen. *Anab.* i. 7, § 10). It was only exceptionally used by cavalry (Xen. *Hell.* ii. 4, 24, iv. 4, 10; Aelian. *Tact.* ii. 12; Arrian. *Tact.* iv. 15). It was distinctively a Greek shield. Thus none of the Eastern peoples who served under Xerxes (Herod. vii. 61 ff.) were armed with it.

The Roman *clipeus* is seen in the accompanying illustration from Trajan's Column. According to Livy (i. 43), when the census was instituted by Servius Tullius, the first class only used the *clipeus*, and the second were armed with the *scutum* [SCUTUM]; but after the Roman soldier received pay, the *clipeus* was discontinued altogether for the Sabine *scutum.* (Liv. viii. 8; cf. ix. 19; Plut. *Rom.* 21; Diod. *Eclog.* xxiii. 3, who asserts that the original form of the Roman shield was square, and that it was subsequently changed for that of the Tyrrhenians, which was round.)

Clipeus, Roman shield. (Trajan's Column.)

The emblazoning of shields with devices (σήματα, σημεῖα) was said to be derived from the Carians (Herod. i. 171). The bearings on the shields of the heroes before Thebes, as described by Aeschylus in the *Seven against Thebes* and Euripides in the *Phoenissae*, exhibit the development of devices in post-Homeric times. Some shields, like Agamemnon's, bear subjects designed to strike terror (*Theb.* 488, 534: to that of Tydeus bronze bells are attached with this object, *ib.* 381); others show also the warrior's pride or boastful spirit (*ib.* 427, 461). Other subjects are purely mythological (*ib.* 382), or indicate the owner's ancestry (*ib.* 507), while
Amphiaraus is too proud of his rea
bear any device at all (*ib.* 587; Eu
1111). The σήματα already serve to d
the warriors to those at a distance
This custom of emblazoning shields is
by the following beautiful gem

Victory inscribing on a shield. (Ancie

antique, in which the figure of Vic
presented inscribing upon a *clipeus* t
merits of some deceased hero.

From the historians we find tha
individual sometimes attracted atten
unusual device (Alcibiades' was an
νοφόρος, Plut. *Alcib.* 16), cities m
some common symbol for their shi
might be easily recognisable by th
thus the Lacedaemonians used Λ, the
Σ, the Thebans Hercules' club,—a
which the enemy sometimes took a
advantage (Xen. *Hell.* iv. 4, 10, vii.
iv. 28, 5).

Each Roman soldier also had his
and a mark indicating his cohort ins
his shield, in order that he might
his own when the order was give
arms (Veget. ii. 17); and sometimes
the commander under whom he fo
Bell. Alex. 58).

The practice of emblazoning sh
tested by the extant shields and
tions of shields, and is well exhib
works illustrative of painted v
cuts under ARMA and LORICA.) The
vary from the simplest arrangeme
and curves to the richest engra
inside as well as the outside of the s
de l'Inst. Arch. 1869, pl. vi.).
accompanying famous statues of
were often masterpieces of engra
Pheidias engraved on the outside o
of his colossal Athene at Athens,
bat of the Athenians and the Amaz
the inside the war of the gods and
(Plut. *Pericl.* 31; Paus. i. 17, § 2;
xxxvi. § 18).

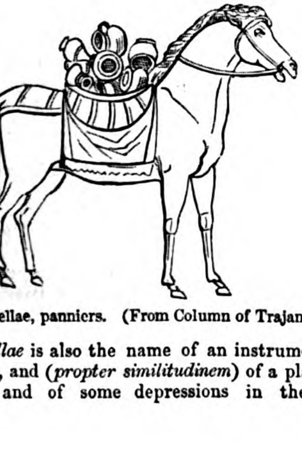
A victorious army sometimes ded
own shields (Paus. x. 19, § 4; cf.

3), or an engraved shield of gold (*ib.* v.
4; Herod. i. 92; Aeschin. *Ctes.* 116),
fering in a temple. In the latter case
e a shield which is expressly made as
of art, and not for warfare, as Pausanias
concerning those set up in the gym-
at Olympia (vi. 23, § 7). These prac-
ansferred to Rome (*e.g.* Liv. xxv. 39),
e to the *clipei* or *clipeatae imagines*, the
of which is sketched by Pliny (*H. N.*
2–14), who tells us that Appius Claudius
495 B.C.) originated the custom, by
ng in the temple of Bellona *clipei* bearing
s of his ancestors, and that his example
owed by M. Aemilius, who thus adorned
house as well as the *basilica Aemilia*, as
sented on the coin of the *gens Aemilia.*
under BASILICA, p. 288 *b*.) Under the
this became a customary act of adulation
emperor (Tac. *Ann.* ii. 83; Capitolin.
. 5; Treb. Poll. *Claud.* 3); and the
ureus of Caligula was annually carried
apitol, in a procession composed of the
of priests, the senate, and noble youths
idens singing his praises. (Suet. *Calig.*
ee *Bronzi d'Ercolano*, t. i.; Visconti,
Rom. t. xii.; Eckhel, *Doct. Num.* vi.
1.)

ly, shields of various shapes in metal or
were suspended from the roofs of
, or in the *atrium* of private houses,
he *impluvium*, for purely decorative pur-
Many such shields were found at Pompeii
rculaneum, and are preserved in the
of Naples. They are usually engraved
sides, and most commonly with mytho-
especially Bacchanalian, subjects. (M.
in *Revue Archéologique*, 1881.)

us is also the name of a contrivance for
ing the temperature of the vapour bath
AE, p. 277 *b*]. [A. R.] [J. H. F.]

TELLAE (**κανθήλια**), a pair of panniers,
erefore only used in the plural number.
at. i. 5, 47; Plaut. *Most.* iii. 2, 91.) In
ey were commonly used with mules or
ut in other countries they were also
to horses, of which an instance is given
annexed woodcut from the Column of
and Plautus (*ib.* 94) figuratively de-
a man upon whose shoulders a load of
d, either moral or physical, is charged,
clitellarius.



ellae, panniers. (From Column of Trajan.)

llae is also the name of an instrument of
, and (*propter similitudinem*) of a place in
and of some depressions in the Via
Flaminia (Festus, *s. v.*). **Κανθήλια** is also used for a large basket in which grapes were carried at vintages (Artem. iv. 6; *Geop.* vi. 11, Hesych.), and for the curved wooden framework sometimes erected in the stern of a man-of-war to carry an awning, which was used as a state-cabin for the **στρατηγὸς** or trierarch (Hesych.; Pollux, i. 89). [A. R.] [J. H. F.]

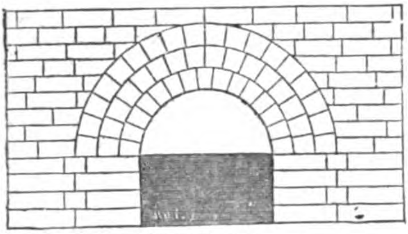
CLOA'CA (ὑπόνομος), a drain. The removal of the sewage of cities by an extensive system of drains is as old as the Assyrian civilisation, for we find it carried out at Nineveh with great completeness, the brick vaulting assuming all the known forms of the arch, while the pavement is formed of flagstones. (Layard, *Nineveh and Babylon*, p. 54; Place, *Ninive et l'Assyrie*, p. 269.)

As a specimen of the drainage of a Greek city, we may quote that of Athens, the remains of which are described by E. Ziller (*Mittheil. des deutsch. Inst. in Athen*, 1877, pp. 117–119), who has traced it from the Kolokotroni street (though he thinks that it may have started nearer the old wall on the east side of the city) to the church of Kapnikarea, and thence in a north-westerly direction on the west side of Hermes street to the Dipylon. Air-shafts, about 6 metres in depth, at various points permit an investigation of the construction, in which at some places dressed Piraeus stone, at others brick, is used. Outside the Dipylon the drain enters a reservoir, from the sides of which small square or cylindrical canals lined with brick carried the contents towards the plain and the olive woods, thus apparently pointing to an ancient system of applying the refuse of a city to fertilise sewage farms. One of these canals appears to show traces of a contrivance for regulating the amount of sewage supplied, which leads Ziller to the conjecture that the sewage supply was let out to the farmers.

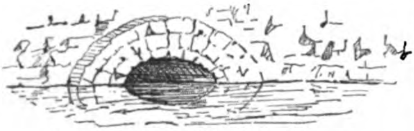
The admiration with which the *cloacae* of Rome were regarded by antiquity may be judged from the passage of Dionysius of Halicarnassus (iii. 67), in which he classes them with the aqueducts and the roads as the most magnificent works in Rome, and the best proof of the greatness of the empire. (Cf. Plin. *H. N.* xxxvi. §§ 104–8; and Cassiodorus, *Var.* iii. 30, "videas illic fluvios quasi montibus concavis clausos.") Remains of a system of *cloacae* have been found in so many of the Roman cities of North Italy and France that they may indeed be considered a mark of Roman civilisation, as characteristic as the *aquaeductus* and the *via.*

The chief of the ancient drains still existing in Rome is the famous *Cloaca Maxima*, which starts in the valley of the Subura at the foot of the Carinae, crosses the Forum under the S. end of the Basilica Julia, where it is exposed to view, thence under the Vicus Tuscus and the Velabrum, and after being again visible near the arch of Janus Quadrifrons, as is shown in the accompanying illustration, it enters the Tiber near the Temple of Hercules in the Forum Boarium, by an arch of *lapis Gabinus* or peperino, formed of three rings of voussoirs. We give an illustration showing this arch, surrounded by the more weathered tufa of the *Pulchrum Littus* or ancient quay wall. Its original dimensions were 12 ft. 4 in. in height and 10 ft. 8 in. in width, but one-third of its height is now choked up by mud.

This triple peperino arch extends for about 40 ft. from the mouth; but in the rest of its course the drain is vaulted with a single arch of tufa voussoirs 2 ft. 2 in. deep, with occasional bands of travertine. The masonry of the peperino arch especially is fine and of ancient character.



Cloaca Maxima.



Present condition of the Cloaca Maxima.

This drain was no doubt constructed to carry off not only the sewage, but also the surface water from the surrounding slopes, which made the low ground traversed by the drain a swamp. Hence the early construction of this great work, which is attributed to Tarquinius Priscus by Dion. Hal. and Pliny (*ll. cc.*), while Livy divides the honour between Tarquinius Priscus and Tarquinius Superbus (i. 38, 56). Mommsen, however, thinks that while the scheme of drainage was instituted under the kings, this vaulted cloaca must belong to the republican period, erroneously stating that the vault is throughout of travertine, a stone characteristic of post-regal times, and holding that the arch was unknown even to the Greeks until the end of the fifth century before Christ (*Hist. of Rome*, i. 117, 490, Eng. trans.; Seneca, *Ep.* 90, § 32). But in support of the earlier date, which is now generally assigned to the Cloaca Maxima, we may quote Etruscan instances, which are probably at least as early: for instance, the mouth of an ancient *cloaca* discovered at Graviscae by Dennis (*Cities of Etruria*, i. 433), consisting of an arch of 14 ft. span formed of voussoirs of uncemented tufa 5 ft. deep, and opening in a quay wall about 20 feet high.

Another *cloaca* running from the corner of the Via Paganica and the Piazza Mattei, under the Ghetto, enters the Tiber opposite to the Insula Tiberina. It is constructed of large uncemented blocks of peperino: this and other indications would assign it to the regal period. Like the Cloaca Maxima, it is still in use, having been connected with the drain *dell' Olmo* in 1600 (Narducci, *Boll. dell' Inst.* 1881, p. 209). These drains of the regal period probably follow the old lines of the streets, as they ran before the destruction of Rome by the Gauls.

In the quay wall not far from the mouth of the Cloaca Maxima may be seen two smaller arched openings, one of which is now dry; the other discharges the waters of the Aqua Crabra. These may be terminations of the *cloac* Aventine, which were not construc the year 184 B.C., when M. Porcius L. Valerius Flaccus constructed ne and repaired the existing ones. To t sion possibly may be referred the sta the contemporary C. Acilius, quoted Hal. (*l. c.*), that the mere repai drains cost 1000 talents. M. Agripp his aedileship in 36 B.C., showed great z supervision of the *cloacae*, traversing a boat and cleansing them at his ow (Plin. *l. c.*; Dio Cass. xlix. 43), and c a *cloaca* to drain the Campus Marti was connected with the Thermae of Ag the Aqua Virgo. This was discover Urban VIII., and is at present in use name of the *Chiavica della Rotonda*.

The discoveries made at various ti that the network of smaller drains cating with these main *cloacae* sti though in great part choked up. largely used in their construction; they are covered in with a barrel va times by two tiles leaning against e sometimes by a single flagstone, but cases we find the primitive arrang projecting courses of stone which was above in the drains of Athens.

The expense of cleansing and repai *cloacae* was, of course, very great, an frayed partly by the treasury, and pa assessment called *cloacarium*. (Dig. § 3; 30, 1, 39, § 5; Marquardt, *Röm* ii. p. 146.) Under the republic, the a tion of the sewers was entrusted to t and aediles; but under the empire, officers were appointed for that purp *carum curatores*, mention of whom is inscriptions (*ap.* Grut. p. cxcvii. 5, 2–5; p. cclii. 1, 2). Under the em demned criminals were employed in the *cloacae*. (Plin. *Ep.* x. 44 (41).) appointed an official to repair the striking instance of the esteem in whic barians held Roman civilisation (Cassio

On the legal obligations relatin *cloacae* at Rome, see Schmidt, *Inte cloacis*, in *Zeitschrift f. gesch. Rechtsw* pp. 51 *seq.* For further details Roman *cloacae*, see Burn, *Rome and pagna;* and Middleton, *Rome in* 1885.

Some traces of the drainage of Pom discovered by Mazois (*Ruines de Pom* ii. 36, 99). The extensive remains of t *cloacae* of Nicomedia are described and others, *Exploration Arch. de Bithynie*, i. 2; and by Texier, *Descript Mineure*, i. p. 24. [A. R.] [

CLOACA'RIUM. [Cloaca.]

KLOPES DIKÉ or **GRAPHÉ** (κλ or γραφή). The action for theft at Ath be either private or public, and in th case either before a diaetetes or a court, that of the thesmothetae (*Att. Proce* with Lipsius' note 101). The vario of procedure are enumerated by Der (*c. Androt.* p. 601, §§ 26, 27). The saf for a diffident prosecutor was the priva before an arbitrator (δικάζου κλο διαιτητὴν καὶ οὐ κινδυνεύσεις): he m proceed by way of γραφή, and, when t detected in the act, by ἀπαγωγὴ s. To these, however, a penalty of nas was attached in case he failed to th of the votes. In some cases, a had been robbed was permitted by aw to enter the house in which he is property to be concealed, and search for it (φωρᾶν, Aristoph. *Nub.* *Legg.* xii. p. 954 A). We are not w this right of search was enforced, probably on the oath of the plaintiff; above passages show, the searcher closely watched, and had to divest ll clothing in which anything could about his person (γυμνὸς ἢ χιτωνάζωστος, Plat. *l. c.*).

ds the penalties of theft, the old drew a distinction, which prevailed times, between trifling and serious sed partly on the amount stolen, but on a principle not unknown to slation, that crime for which there acilities must be repressed by severer s. (Cf. Arist. *Probl.* xxix. 14, 17.) Amounts under 10 drachmas l as "bagatelles" (Teuffel *ap.* Pauly, ράκοντα), and the Forty (? other as well) could decide them sumbably by a fine (ἐπιβολή): above as, they had to call in diaetetae ONTA, HOI]. Next came "ordinary" was limited to cases of stealing in e to an amount not exceeding 50 nd from a place not specially proaw. The criminal upon conviction to restore twofold if the property red; if it were not, twofold *plus* a for damages, called ἐπαίτια: the inflict an additional penalty (προστίμημα), and the offender be put in (ποδοκάκκη) five days and as many *ap.* Dem. *c. Timocr.* p. 733, § 105). ent in the text of this "law" that, fic thing stolen were not recovered, enalty was exacted, is inconsistent guage of the orator himself in § 114, en sufficiently disproved: see Wayte H. Lipsius, n. 748 on *Att. Process,*

aggravated" cases of stealing in the roperty of greater amount than 50 or above 10 drachmas from the public baths (λωποδυσία) or from r by night anything whatever (and he owner was permitted to wound ill the depredator in his flight), the sly directed an ἀπαγωγὴ to the , upon conviction, the death of the m. *c. Timocr.* pp. 735–6, §§ 113, 114). to some, the λωποδύτης might be nished for the smallest thefts, but the most probable explanation: the rns on the punctuation of the passage § 114, where see Wayte's note.) If were adopted, it is probable that the was fixed by the court; but both in d in that of conviction in a δίκη, the ment (ἀτιμία) of the criminal would ry incident of conviction.

ve three passages of Demosthenes er materials for explaining the law an the late grammarians: but it is to be observed that the inserted document of *Timocr.* § 105 is inferior in authority to the words of Demosthenes himself in the other two. There were separate actions τοιχωρυχίας, τυμβωρυχίας, βαλαντιοτομίας, λωποδυσίας, κλοπῆς δημοσίων or ἱερῶν χρημάτων: against the κλοπὴ δημοσίων the εἰσαγγελία, φάσις, and ἀπογραφὴ were specially directed. (*Att. Process,* p. 356 ff. with Lipsius' notes; Thalheim, *Rechtsalterth.* § 7 in Hermann-Blümner, = *Privatalt.* § 62, Hermann). [J. S. M.] [W. W.]

COA VESTIS, also **COA** (n. pl.), the Coan cloth or garments, mentioned by various authors, but most frequently by the Latin poets of the Augustan age (Tibull. ii. 3, 53, ii. 4, 29; Propert. i. 2, 2, ii. 1, v. (iv.) 2, 23; Hor. *Carm.* iv. 13, 13, *Sat.* i. 2, 101; Ovid. *Ars Am.* ii. 298; Sen. *de Ben.* vii. 9). From their expressions we learn that it had a great degree of transparency, that it was remarkably fine, that it was chiefly worn by women of loose reputation, and that it was sometimes dyed purple (Hor. *Carm.* l. c.; Prop. ii. 1, 6) and enriched with stripes of gold. It has been supposed to have been made of silk, because in Cos silk was spun and woven at an early period, so as to obtain a high celebrity (Arist. *Hist. Anim.* v. 19). (Becker-Göll, *Gallus*, iii. p. 285.) [J. Y.] [W. S.]

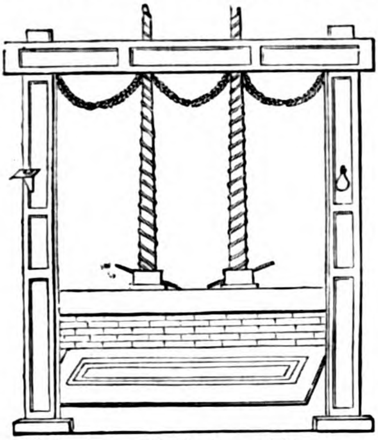
Coa Vestis. (*Mus. Borbon.* viii. 5.)

COACTOR. This name was applied to collectors of various sorts, *e.g.* to the servants of the publicani or farmers of the taxes, who collected the revenues for them (Cic. *pro Rab. Post.* 11, § 30); also to those who collected the money from the purchasers of things sold at a public auction (Id. *pro Cluent.* 64, § 180). The father of Horace was a *coactor*, but there are no means for determining to which class he belonged. (Hor. *Sat.* i. 6, 86; Suet. *Vit. Hor.*) [R. W.] [A. S. W.]

COCHLIS (κοχλίς) is an adjective used with *columna* by P. Victor (*Reg. Urb. Rom.* viii. and ix.) to denote such columns as the Trajan and Antonine [COLUMNA], probably on account of the spiral staircase (κοχλίας: COCLEA, No. 4) within the column, rather than the spiral bas-relief on the outside, as he carefully gives the number of steps in each staircase. [P. S.] [J. H. F.]

CO'CLEA or **COCH'LEA** (κοχλίας), which properly means a snail, was also used to signify other things of a spiral form.

1. A screw. The woodcut annexed represents a clothes-press, from a painting on the wall of



Clothes-press worked by two upright screws. (*Mus. Borbon.* iv. 50.)

the *fullonica* at Pompeii, which is worked by two upright screws (*cocleae*), precisely in the same manner as our own linen presses.

A screw of the same description was also used in oil and wine presses. (Vitruv. vi. 9, 3; Palladius, iv. 10, § 10, ii. 19, § 1.) The thread of the screw, for which the Latin language has no appropriate term, is called **περικόχλιον** in Greek. (Schneid. *Ecl. Phys.* i. 469.)

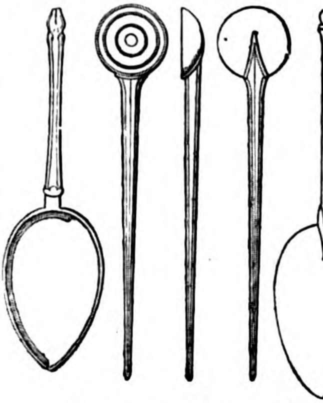
2. A spiral pump for raising water, invented by Archimedes (Diod. Sic. i. 34, v. 37; Strab. xvii. pp. 807, 819; Athen. v. p. 208 f), from whom it has ever since been called the Archimedean screw. It is described at length by Vitruvius (x. 11). It consists of a pipe coiled like a screw round a long cylinder, which is placed obliquely with one end in water, and made to revolve on its axis. The water then gradually rises through the spirals of the pipe. It was much used in Egypt for irrigation, as it will only raise water to a moderate height.

3. Varro refers in the following terms to a *coclea* used in the circus:—In giving directions for the construction of an aviary, he says (*R. R.* iii. 5, 3), "ostium habere humile et angustum et potissimum eius generis quod cocleam appellant, ut solet esse in cavea, in qua tauri pugnare solent." Various conjectures have been given as to the meaning of this passag
contorniate medal figured here from
lection in the British Museum pr
most probable explanation. It shows
pursued by a bear and taking refuge
sort of turnstile, consisting of four
revolving round an upright post
(Cf. Gori, *Thes. diptych.* i. pll. vii. and
Cassiod. *Var.* v. 42, where he speaks o
vellous way in which the *bestiarii* es
patenti area cancellosis se postibus oc
Thus what Varro recommends is probal
stile fitted into a low doorway.

Coclea, or turnstile. (Medal, British Museum.)

4. **Κοχλίας**, a spiral staircase (Str
795). [Cochlis.] [A. R.]

COC'LEAR (*cocleare*, *coclearium*,
κοχλιάριον, or better **λίστριον** [Ph
Pollux, vi. 87, x. 89], **κοχλιώρυχον**)
of spoon, the bowl of which was usu
while the handle was narrow and poin
ligula, on the contrary, more nearly
our spoons.) The pointed end was
drawing snails (*cocleae*) out of their
eating them, whence it derived its
the broader part for eating eggs, &c
(xiv. 121) mentions both these us
coclear,—"Sum cochleis habilis nec
utilis ovis." (Compare Plin. *H. N.*
Petron. 33.) In the accompanying i
we give *coclearia* found at Pompeii (
bon. x. pl. xlvi.; *Antiq. du Bosphore*
pl. xxx. 5; Schmidt, *Antiq. d'Avenches*,



Coclearia, spoons. (Museo Borboni

Coclear was also the name given
measure like our spoonful. According
nius Fannius, it was $\frac{1}{24}$ of the cyat
Isid. *Orig.* xvi. 26, 3.) [W. S.]

CODEX, dim. **CODICILLUS** (
form was caudex: Cato, *ap.* Front.
M. Anton. i. 2). The word originally
the trunk or stem of a tree (Verg. *Ge*
Ov. *Met.* xii. 432; Colum. xii. 19,
H. N. xvi. § 121), and was hence
designate anything composed of pieces

1. A log of wood, attached as a puni
the feet of slaves, which they drag
them, and on which they also sat
(Plaut. *Poen.* v. 3, 39; Prop. iv. (
Juv. ii. 57.)

2. Boats on the Tiber, which may
have been like the Indian canoes, or

of several roughly hewn planks nailed
in a rude and simple manner, were
ves *caudicariae*, or *codicariae*, or *caudiceae*.
. 46 M.; Varr., Sall. *ap*. Non. p. 535,
. *Brev. Vit.* 13, 4.) The surname of
given to Appius Claudius must be traced
ignification. (Sen. *l. c.*) In later times
e was given to ships employed in trans-
the corn from Ostia to Rome; and
ors engaged in this traffic, called *cau-*
r *codicarii*, formed a corporation. (Cod.
14, 4, 9; 14, 15, 1; Orelli, *Inscr.* 1084,
072; Marquardt, *Röm. Staatsverw.* ii. p.

e name of *codex* was given to wooden
ound together and lined with a coat of
the purpose of writing upon them; and
t a later age, parchment or paper or
aterials were substituted for wood, and
ether in the shape of a book, the name
was often used as synonymous with *liber*
(Varr., Sen. *l. c.*; Cic. *Verr.* i. 46, § 119).
he name more particularly given to an
book or ledger, *codex accepti et expensi.*
lowing article.) (Dig. 32, 1, 52; Suet.
1.) In the time of Cicero we find it also
to the tablet on which a bill was written;
e tribune, Cornelius, when one of his
es forbade his bill to be read by the
or scribe, read it himself (*legit codicem*
Cic. *in Vat.* 2, § 5; Ascon. Ped. *in Argum.*
el. p. 58, ed. Orelli). At a still later
during the time of the emperors, the
as used to express any collection of laws
itutions of the emperors, whether made
ate individuals or by public authority.
following articles.
diminutive *codicillus*, or rather *codicilli*,
d much in the same way as codex. It
ly signified tablets of the kind described
and was subsequently employed to in-
ny small book or document, made either
ment or paper. (Cic. *Phil.* viii. 10, § 28;
. vi. 18.) Respecting its meaning in
on with a person's testament, see TESTA-
. Under the empire we find in inscrip-
rsons designated as *a codicillis* or *adjutor a*
, who were probably freedmen in the im-
ouse, having the management of property
hed by will (*codicilli*) to the emperor.
Inscr. 2902, 2903.) [W. S.]

EX ACCEPTI ET EXPENSI.
oman citizen kept at least two account
(1) The *Adversaria*, a kind of waste-
day-book, in which he entered day by
cording as they occurred, the several
ions in which he took part. It is
ly noticed that the entries in the adver-
ere carelessly (*negligenter*) jotted down
) in no regular order (Cic. *pro Rosc.*
7—a most important passage) [ADVER-
yet it is most likely that the transac-
f each day were kept separate. They
cordingly to be called *ephemerides* in
. 23, 20. Such would be practically the
ay of entering these memoranda at the
jotting them down, and would certainly
convenient when posting the entries
codex.
he *Codex Accepti et Expensi* (Cic. *pro*
om. 1, 2; *Verr.* ii. 76, 186)—also called
codices (Cic. *pro Rosc. Com.* l. c.), *domes-*
tica ratio (Ascon. *in Verr.* ii. 1, 23, 60)—into which the entries of the adversaria were carefully posted each month. It undoubtedly consisted of a series of double pages (Plin. *H. N.* ii. § 22)—one debit (*acceptum*), the other credit (*expensum*); hence the book is sometimes called *codices*. The entries were made in a certain *ordo*, which is much insisted on as being of the essence of the codex, as opposed to the adversaria (Cic. *pro Rosc. Com.* 2, 6, 7; *Verr.* iii. 75, 175). Now this *ordo* was no doubt chronological, the date by year and day being given (Dig. 2, 13, 1, 2); but if it was only this, as is Schüler's view (*Die Litterarum obligatio*, p. 16), it could be regarded as little else than a fair copy of the adversaria. So we must suppose that the codex was somewhat like the Journal of modern book-keepers (except indeed that it had two pages, the line corresponding to each entry on the opposite page being left blank: see Pagenstecher, *de Litt. obligatione*, &c. p. 18), in which there are certain heads of accounts (*rationes*, Cic. *Verr.* ii. 77, 188), partly accounts with individuals and partly accounts of separate departments of business. For example, that there was a profit and loss account may be inferred from the common expressions such as *apponere lucro; lucri, damni facere*=*lucri, damni nomine facere* (cf. Cic. *Verr.* iii. 45, 107; Ascon. *in Verr.* ii. 1, 23, 60): that Atticus kept a separate head for presents may be inferred from Cic. *Att.* ii. 4, 1. So we may suppose that a paterfamilias would have one separate account (say) for each of his wards, another for his farming operations, another for household expenses, another for money invested, and so on. The arranging under such separate heads appears to have been called *digerere* (Cic. *pro Rosc. Com.* 3, 9). In the codex these accounts were then probably kept separate, the individual entries (*nomina*, Cic. *l. c.*) under each account being arranged for the month in chronological order. For the creditor to book a transaction with a person in the codex was called *nomen facere* (hence the term came to mean "to lend money," Senec. *Benef.* i. 1, 2), and constituted the ground of a literal contract [LITTERARUM OBLIGATIO]. As the accounts were usually personal, the general term for an entry was *nomen;* a term afterwards transferred, as we saw, to nominal accounts. It was expected that the greatest care would be observed in posting the codex, no erasures or corrections allowed to appear (Cic. *Verr.* ii. 76, 187 ff.; i. 36, 92), and sufficient details of each transaction given to afford knowledge of particulars and preclude any mistakes in case another person had occasion to consult the book (Cic. 2 *Verr.* i. 14, 36). If an entry had to be made subsequently to the posting of the codex (*e.g.* in the case of disputed claims legally settled only after long delay), a note had to be appended, A.F.P.R. (=*ante factum post relatum*): cf. Cic. *de Orat.* ii. 69, 280. *Extraordinariae pecuniae* were sums entered out of their proper order; that is, which were not entered under one of the usual heads of accounts in the codex, either entirely omitted or entered as "extraordinariae," like the "sundries" of careless housekeepers. (Cic. *pro Rosc. Com.* 1, 4; *Verr.* ii. 1, 39, 100, 102.) The term came to have the additional connotation of money used for or acquired by dishonourable means (*e.g.* bribery);

for either the books would not balance, or, if they did by an entry of "extraordinariae," it was only dishonourable transactions which would require to be veiled under this vague title. (Schol. on Cic. *Verr.* l. c.) Cicero (*l. c.*) speaks of such entries as severely reprehensible. The result was that with properly kept accounts the whole state of a man's income must be apparent, and no surplus or deficiency in any department fail to come under his notice (Cic. *Clu.* 30, 82).

There is specific evidence of entry on the debit side (*acceptum ferre* or *referre*, *acceptilatio*) of money paid back by debtors (Plin. *Epist.* ii. 4), interest received (Dig. 3, 5, 38), legacies received (Dig. 32, 29, 2), the rent of leased land or buildings (Dig. 33, 1, 91, 3–6), price of goods sold (Cic. *Verr.* iv. 6, 12), presents received (*ib.* i. 39, 100, 102), loans received (Liv. xxvi. 36, 11): and on the credit side (*expensum ferre*, *referre*, *expensilatio*), price of goods bought (Cic. *Verr.* i. 23, 61), presents given (Cic. *Att.* ii. 4, 1), capital lent out (Liv. vi. 20, 6), and doubtless repayment of loans and interest thereon; in fact, all money paid out (Ascon. *ad Verr.* i. 39, 102).

It must not be supposed that it was only actual cash transactions which were entered in the codex. No doubt all entries were in terms of cash: but the actual cash payments and receipts ("Dr. to Cash" and "Cash Dr. to so and so") of our modern book-keeping were called *Arcaria nomina* (Gaius, iii. 131, 132). These stand in opposition to *Transcriptitia nomina*, a term to be explained in connexion with the *Litterarum Obligatio*. It is frequently insisted on that the codex exhibits the *whole* state of a man's affairs (Cic. *Clu.* 30, 82; *Font.* 1, 3), and we cannot suppose that all his transactions would be ready-money ones.

The codex was sufficient for the ordinary householder; but of course those who had extensive business transactions—such as the state, municipalities, companies, bankers—had to keep ledgers (*rationes*, *libri rationum*), each personal or nominal account being called *ratio*. Private individuals too, who had large property, had often to keep separate books for different heads of their business; *e.g.* the *calendaria*, which were accounts of investments made and dividends received.

For other points, such as the relation of *Transcriptitia nomina* to the codex, and the importance of the latter in establishing a literal obligation, see LITTERARUM OBLIGATIO and the literature cited under that head; but more especially for the codex, H. Schüler, *Die Litterarum obligatio*, 1842, pp. 6–32; E. Pagenstecher, *De Litterarum obligatione et de rationibus tam domesticis quam argentariorum*, 1851, pp. 13–26; and, above all, W. Rein, *Das Privatrecht der Römer*, 1858, pp. 677–681. [L. C. P.]

CODEX GREGORIA'NUS, a collection of imperial Roman constitutions or enactments made by one Gregorianus, of whom nothing else is known; its date is not earlier than A.D. 295, as it contained an *exemplum edicti Diocletiani et Maximiani* of that year (*Coll. leg. Mos. et Rom.* vi. 4). It comprised enactments of the emperors between Septimius Severus (A.D. 195) and Diocletian and Maximian (A.D. 285–305), and possibly even some as far back as Hadrian (A.D. 117–138). It was divided into Books, at
least thirty in number (*Fragm. Vat*
272, 285–8), and the Books into
Rubrics, the topics being arranged
order of the perpetual Edict of Sal
anus. [

CODEX HERMOGENIA'NUS (
though without good reason, regard
collection with the preceding), a com
imperial constitutions made by a
obscure Hermogenianus: possibly he
Hermogenian who wrote the "libri epi
from which there are excerpts in the
the name belonged to several high st
in the second half of the fourth centur
Hist. Jur. § 369). The oldest enactm
we know it to have contained is a c
of Diocletian of A.D. 290 or 291, als
in the Codex Gregorianus, and it cons
entirely of the legislation of that en
Maximian. In the "consultatio ve
consulti," cap. 9, seven constitutions
and Valentinian II., probably of the
and 365 A.D., are said to have been c
it; but many critics consider this an
place the date of the compilation m
(Wenck, *Corpus Juris Antejustin.* p. 6
these enactments may have been ins
later edition; others see no reason f
the Codex was compiled much ea
Theodosius II., who mentions it in
i. 1, 5. We do not hear of its bei
into Books, but only into Titles and R
seems to have been intended as
appendix to the Codex Gregorianus
of them was made by imperial autho
were the work of private indivi
apparently soon came to be regarded a
in courts of justice. (Böcking, *Ins*
Puchta, *Institutionen*, § 135; Zimmern,
des römischen Privatrechts; Wenck, *C*
Antejustinianei; Hugo, *Lehrbuch der*
des römischen Rechts.) [

CODEX JUSTINIANE'US. T
by which the Emperor Justinian was
codify the enactments of himself a
emperors were the scarcity of copies
of Theodosius, and the consequent
between the law there laid down
actually applied in the courts:
etenim, qui antea lites agebant, li
leges fuerant positae, tamen ex p
praeferebant, *vel propter inopiam libr*
comparare eis impossibile erat, v
inscientiam, et *voluntate judicum n*
legitima auctoritate lites dirimebantu
17, 2, 17). Accordingly, in February
he appointed a commission of codifica
persons, among them being Theop
fessor at law at Constantinople, and
who played so important a part in
tive work of the next few years,
perhaps suggested to his master
scheme of legal reform. Their i
were to compile a single code out
Gregorianus, Hermogenianus, and The
and the imperial constitutions issue
enactment of the last, whether by
himself or his predecessors: they were
to omit all that was unnecessary or s
(*e.g.* preambles), to reconcile such ena
were inconsistent with one another,
convenience required, to combine se

o make any alterations in individual
ns which they should deem necessary.
ate laws, whether technically *edicta*,
or *decreta*, were to be arranged in
cal order under generic titles; and
ar as was possible, identified by date
me of the prince to whom it owed its
. The work was completed in April,
and was published under the name
tinianeus, with force of law from the
at month. The older codices and con-
were at the same time deprived of all
nd it was even forbidden to appeal to
cited in the writings of the jurists if
been incorporated, even in a modified
e new Code.

interval of four years and a half
his date and the completion of the
(November, A.D. 533), Justinian had
arge number of new constitutions of
cluding the "quinquaginta decisiones"
eliminary to the execution of the Digest.
d to him to necessitate a revision of
Accordingly in the next year he
a new commission, consisting of
(as president), Dorotheus, professor
s, and three others, for this purpose.
few months (Nov. A.D. 534) the
de and the constitutions issued after
ent were deprived of all authority
rawn from circulation, their place
en by the "Codex repetitae praelec-
Code which has come down to us.
Justinian's own constitutions were
ed, as well as many others which the
e had not contained: some which had
e latter were now omitted, and there
erous alterations and interpolations,
sparing no pains to make the revision
e as possible. The "Codex repetitae
is" consists of twelve Books, each of
divided into Titles and Rubrics: the
stitutions are arranged under their
les in the order of time and with the
the emperors by whom they were
ly made, and their dates.

ctments in this Code do not go further
those of Hadrian, and those of his
successors are few in number. The
nt corresponds tolerably closely with
e Digest, the seven parts into which
books of the latter are distributed
to Code Books i.–ix.: but the matter
t three Books of the Code is hardly
in the Digest. Some of the constitu-
ch were in the original Code, and
referred to in the Institutes, are
the "Codex repetitae praelectionis,"
i. 20, 27, iv. 6, 24; others which have
n the course of time have been restored
das, Cujacius, and Contius from the
ion of them. (Böcking, *Institutionen;*
Institutionen, §§ 139, 140; Hugo,
ler Digesten und des Constitutionscodex,
der Geschichte des römischen Rechts;
. § 448.) [J. B. M.]

X THEODOSIA'NUS. In A.D. 429,
s II., Emperor of the Eastern Empire,
ital was Constantinople, communicated
te his resolution to form a compilation
neral constitutions issued from the
onstantine (A.D. 306–337) to his own day, after the model of the Codices Gregorianus and Hermogenianus; and he appointed a commission of a lawyer and eight state officials to execute the scheme. Nothing, however, was done for six years. In A.D. 435 a new commission was appointed of sixteen *illustres* and *spectabiles*, presided over, like the earlier one, by Antiochus, and the imperial instructions were repeated; the commissioners were authorised to alter and revise the separate constitutions, to separate into two or more portions those which related to different topics, and to omit what was superfluous or unessential. The result of their labours, known as the Theodosian Code, was published in February, A.D. 438, with statutory force from January 1 in the following year, as the only authority for the *jus principale* from the reign of Constantine to that date.

The constitutions are arranged in chronological order under Titles and Rubrics, in sixteen Books. The first five, which contain most of the enactments relating to Private law, are in form modelled on the Commentaries on the Edict. The sixth to the eighth books consist principally of administrative and constitutional ordinances; the ninth is Criminal law; the tenth and eleventh relate to the financial system, and in part to procedure; the twelfth to the fifteenth, to the constitution and administration of towns and other corporations; and the sixteenth contains the constitutions which deal with the Church and the ecclesiastical system in general.

Our knowledge of this code is derived partly from incomplete MSS., partly from the Code of Justinian (in which, however, the enactments of the earlier emperors are considerably altered and mutilated), and partly from an epitome of its contents in the BREVIARIUM, in which however whole titles are sometimes omitted altogether. The valuable edition of J. Gothofredus (6 vols. fol., Lugd. 1665, re-edited by Ritter, Lips. 1736–1745) contained the Code in its complete form, except the first five books, for which it was necessary to use the epitome just referred to. This is also the case with the edition of this code contained in the *Jus Civile Antejustinianeum* of Berlin, 1815. But the discovery of a MS. of the Breviarium at Milan in 1820 by Clossius, and of a palimpsest of the Theodosian Code at Turin by Peyron, has contributed largely both to the critical knowledge of the other parts of this Code, and has added numerous genuine constitutions to the first five books, especially Book I. Haenel's discoveries have added also to our knowledge of the later books, and his edition of the Theodosian Code (1842–1844) is the latest and the best. The epitome of Books 1–5 in the Breviarium is very scanty: 262 laws or fragments of laws were omitted, which the labours of Clossius and Peyron reduced to 200. More recent discoveries by Carlo Bandi have added to the 6th, 8th, 9th, 10th, and 16th Books.

One important result of Theodosius' compilation was to secure to a large extent identity of law in the two empires. The Code was forwarded to Valentinian III., Theodosius' son-in-law and Emperor of the West, who presented it to the Roman senate and published it as law in his dominions. Precautions were also taken against subsequent divergence: the two governments agreed that constitutions which either might have occasion to make should be communicated by the one to the other, and, subject to revision by mutual consent, be published by both legislatures: in default of this procedure they should have no universal validity. In contradistinction to the Code, such single enactments were called *novellae leges* or novels; a number of them were issued in A.D. 448 by Theodosius, and confirmed by Valentinian III. for the West in the following year. The joint style of enactment was actually followed till A.D. 455, and there are several collections of Novels which belong to this period. From the last-mentioned date the tie between the two empires was greatly weakened, though Anthemius (A.D. 467–472) published in the West an enactment issued in the East by Leo; formally, however, the connexion was maintained, so that the new constitutions still bore the names of both emperors, though the place of their issue or the province of the magistrate to whom they were addressed enables one to infer to which of the two empires they more properly belong. The Novels anterior to the time of Justinian are collected in six books in the *Jus Civile Antejustinianeum*, Berlin, 1815; and in Haenel's more recent edition already referred to. Apart from all comparison between them, it is obvious that the Code of Justinian must have been largely indebted to that of Theodosius, than which it can have had no other authority for the period between A.D. 306 and A.D. 438. The Theodosian Code was also to a large extent the basis of the edict of Theodoric, king of the Ostrogoths, and of the Burgundian Lex Romana, usually termed "Papian;" the epitome of it in the Breviarium or Code of Alaric II. (A.D. 484–507) has been already referred to. [J. B. M.]

CODICA'RII. [CODEX.]

CODICILLUS. [CODEX.]

CODON (*κώδων*), a bell. [TINTINNABULUM.]

COE'MPTIO. [MATRIMONIUM.]

COENA. [CENA.]

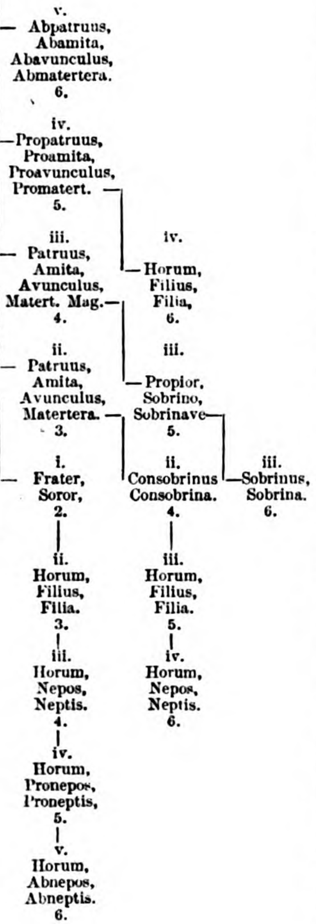
COGNA'TI. "Cognationis substantia bifariam apud Romanos intelligitur. Nam quaedam cognationes *jure civili*, quaedam *naturali* connectuntur: nonnunquam *utroque jure concurrente*, et naturali, et civili, copulatur cognatio. Et quidem *naturalis cognatio* per se sine civili cognatione intelligitur, quae *per feminam* descendit, *quae vulgo liberos peperit. Civilis* autem per se, quae etiam *legitima* dicitur, sine jure naturali cognatio consistit *per adoptionem. Utroque jure* consistit cognatio, *cum justis nuptiis contractis copulatur*" (Dig. 38, 10, 1, 4, 2). In other words, the Romans have two distinct conceptions of kinship—the relationship of the *jus civile* (*agnatio, cognatio civilis* or *legitima*), and the relationship of the *jus gentium* or *naturale* (*cognatio naturalis* or *cognatio κατ' ἐξοχήν*). Agnates are defined in Gaius, i. 156, and Just. Inst. i. 15, 1 (cf. Gaius, iii. 10; Inst. iii. 2, 1), as those who are "per virilis sexus personas cognatione juncti." But this definition must be extended so as to include all adoptive relations, *e.g.* brothers and uncles, who properly cannot be called *cognati* at all if cognates are persons related merely by the tie of blood, and women who by passing *in manum mariti* came to be *filiae loco* to their husbands, and so agnates to their own children and their husbands'

agnates in general. Conversely, it
narrowed so as to exclude cognates
though *per virilis sexus personas jun*
capitis deminutio minima [CAPUT]
agnatic family (whence Ulpian says,
"ejusdem familiae"). Agnates, in
persons related to one another throu
whether the relationship be natural,
or quasi-adoptive as produced by *m*
between whom no barrier has been
by *capitis deminutio;* and agnation
between two or more persons which i
the *potestas* or *manus* to which all
would be subject if the head of the fa
still alive (Sir H. Maine, *Ancient Law*, p
Thus, if A has in his *potestas* three
and D, and two grandchildren (Y and
and emancipates B and then dies, C, D
are agnates of one another and of a
agnates; but they are no agnates of
emancipation has undergone *capitis*
and therefore (agnatically) has no re
the world.

Cognatio naturalis, on the other
cognatio simply, is what we call relati
blood. It is independent of *patria pot*
(in spite of the maxim "civilis ratio
jura corrumpere non potest," Gaius
it was destroyed, or at least its ju
quences were, by *capitis deminutio m*
media (Inst. i. 16, 6). All those p
cognati of one another who are sprung
and the same person, whether male
("cognati . . . . quasi ex uno nati,"
1, 1), and the relationship may be eit
(as between ascendants and descen
collateral (as between brothers an
uncles and nephews, cousins, &c.).
were of the same blood by both p
brothers and sisters of the whole
properly termed *germani: consang*
those born of different mothers by
father; *uterini*, those born of the sam
by different fathers. Illegitimacy was
cognation. The paternity of childre
concubinatus [CONCUBINA] was to so
recognised by law (Inst. i. 10, 13),
born of a less permanent connexi
quaesiti), though deemed in law to
father, were regarded as the mother's
and were *cognati* of her as well as of o
(Inst. iii. 4, 3; *ib.* 5, 4). Justinian
nised cognation between the free desc
a slave-woman (Inst. iii. 6, 10). An
unreal cognation was inferred from rea
not based on blood: *e.g.* an adopt
might claim succession under the ed
cognates if he had omitted to asser
law right as an agnate. But if
agnatio, which arose from adoption,
solved by *capitis deminutio* (*e.g.* throu
cipation), there remained no *cognatio*
agnatus by birth still was *cognatus* a
cipation for "civilis ratio naturalia
rumpere non potest," *cit. supr.*

The degrees of cognation (and of
also, Inst. iii. 6, 8) were reckoned by
each generation as one degree of rem
the person to whom kinship is bein
Thus parents and children are cogna
first degree of one another: brother
grandparents and grandchildren, in t

The annexed table shows all the to the sixth, to none beyond which attach any legal rights: thus, no



yond those in the sixth degree could ucceed a person who died intestate, hildren of a *sobrinus* or *sobrina*, who, seen, were in the sixth degree them- . iii. 5, 5). The degree of relation- given person in this stemma to the hom kinship is being traced (*is cave*, icated by the figures attached to the several words: the Roman numerals denote the degree of *cognatio* in the canon law, and the Arabic numerals the degrees in the Roman or civil law. The latter mode of reckoning is adopted in England in ascertaining the persons who are entitled as next of kin to the personalty of an intestate. In the canon law, the number which expresses the collateral degree is always the greater of the two numbers (when they are different) which express the distance of the two parties from the common ancestor; but in the civil law the degree of relationship is ascertained by counting from either of the two persons to the other through the common ancestor. If it be asked what is the significance of *agnatio* and *cognatio* respectively in the Roman system, the answer is that under the older law the latter conferred no rights whatever; it only imposed liabilities, especially in relation to marriage. A man could not lawfully marry either a lineal cognate or marry in the collateral line (*e.g.* a sister, niece, or aunt); but he and they had absolutely no rights in relation to one another as *cognati*. For instance, if a father emancipated his child of tender years, he became his guardian; but *not* because he was his father (for the agnatic tie had been broken), but on the analogy of master and slave, because he had conferred on him the boon of independence. On the other hand, the agnates enjoyed valuable rights both of guardianship and of inheritance upon intestacy. But the whole history of Roman law is the history of the gradual substitution of cognation for agnation as a title to rights, especially in the department of inheritance [BONORUM POSSESSIO], and in Justinian's final reform of the law of Intestate Succession by Novel 118 the last trace of agnation as conferring any privileges is extinguished. Perhaps the most striking of the earlier admissions of cognatic relationship by the civil law is the *querela inofficiosi testamenti*. [J. B. M.]

COG'NITOR. [ACTIO.]

COGNO'MEN. [NOMEN.]

COHE'RES. [HERES.]

COHORS. [EXERCITUS.]

COLA'CRETAE (*κωλακρέται* or *κωλαγρέται*: the latter is the more correct form, now restored to Aristophanes by Dindorf on the authority of the Ravenna manuscript), the name of very ancient magistrates at Athens. They derived their singular name, "collectors of hams," from the circumstance that they received the hams from the animals sacrificed on certain occasions, not as a perquisite for themselves, but in aid of the meals in the Prytaneium, for which they had to provide (*ἐκ τοῦ ἀγείρειν τὰς κωλᾶς*: with these *κωλαῖ* cf. the Homeric *μηροί*, so often mentioned as the prime parts). This name is in itself a proof of their antiquity. The Colacretae were traced back to the times of the kings, when they had the control of financial matters; and in later times acted as the treasurers of the Naucrariae, out of whose funds they paid the expenses of the sacred embassies (*θεωρίαι*) sent to Delphi or elsewhere, and those of the public tables in the Prytaneium. The legislation of Solon left them untouched; but Cleisthenes deprived them of the charge of the finances, which he transferred to the APODECTAE, now first appointed. When, however, the practice of paying the dicasts was introduced by Pericles, this payment was assigned to the Colacretae; and we again find them an important magistracy in the time of Aristophanes (*Vesp.* 695, 724; *Av.* 1541: the scholia on these passages are the most important sources of our information). (*Etym. M.*, Phot., Hesych., Suid., Tim.; Ruhnken on Timaeus, *s. v.*; Boeckh, *P. E.* p. 173 ff. tr. Lewis ² = i.³ 213 ed. Fränkel, 1886; Schömann, *Antiq.* i. 327, E. T.) In his second edition Boeckh pointed out that there is no documentary evidence for the existence of the Colacretae after B.C. 403 (the archonship of Eucleides), but that this does not prove that they had ceased to exist. On this point compare Fränkel, note 302. [W. S.] [W. W.]

COLI'PHIUM. [ATHLETAE, p. 238 *a*.]

COLLA'RE (Priscian, p. 590 P., gives the form *collarium*, **δέραιον**, **κλοιός**), a band or chain attached to the neck (*collum*), a collar. Dogs with collars are frequently seen in ancient monuments, and a mosaic at Pompeii represents a watch-dog with his collar and chain attached (Reich, *s. v.*). Varro says that farm dogs should have collars with pointed nails (*cum clavulis capitatis*) attached to them, to protect them against the attacks of wolves and other beasts (*R. R.* ii. 9, § 15). Xenophon recommends that the collars (**δέραια**) of hunting dogs should be soft and wide so as not to rub the hair (*Cyneg.* 6, 1). Large wooden collars (**κλοιοί**) were sometimes put on mischievous dogs (Aristoph. *Vesp.* 897, with Schol.; Xen. *Hell.* ii. 4, § 41). Plates of bronze have been found, pierced with a hole to be suspended to the collar, containing the names of owners of dogs. (Daremberg and Saglio, *s. v.*)

Iron or bronze collars were placed round the necks of slaves who had attempted to run away. (Lucil. *ap.* Non. p. 36, 26; Plaut. *Capt.* ii. 2, 107.) Sometimes a plate was attached to the collar, containing the name and address of the master, and offering a reward for the runaway slave. (D. and S., *s. v.*) [W. S.]

COLLA'TIO BONORUM. [BONORUM COLLATIO.]

COLLECT'ARII. [ARGENTARII, p. 181 *b*.]

COLLEGATA'RIUS. [LEGATUM.]

COLLE'GIUM. A collegium is an association of at least three persons (Dig. 50, 16, 85) for some permanent and lawful purpose, recognised by the state as possessing the attributes of a corporation (Liv. x. 13, 22; Tac. *Ann.* iii. 31). The persons who for the time being were members of the collegium were called *collegae* or *sodales* (Dig. 47, 22, 4), the Greek equivalents being **ἑταῖροι** and **ἑταιρεία** (Gaius, *ib.*).

Collegia are, in fact, a subdivision of the class of artificial or "juristic" persons called *universitates personarum*. For the attributes of these in general, reference should be made to the article on UNIVERSITAS. The chief characteristics of a corporation are the perpetuity of its existence independently of the lives of the natural persons who for the time being belong to it, and its recognition, apart from them, as a subject of rights and duties. Thus, a collegium could possess common property and a common chest or *arca*, and have its suits conducted for it by a syndicus or actor (Dig. 3, 4, 1, 1): debts owed to it were not owed to its members, nor were its own debts theirs (Dig. *ib.* 7, 1); its property was liable to be sold for such debts,
but if it was insufficient the credito
as in an ordinary partnership, re
separate property of the individu
It was governed by its own regul
the members could settle at their
vided they were not contrary to
which Gaius (Dig. 47, 22, 4)
derives from the legislation of Sol
of the majority of members pres
(Dig. 50, 17, 160, 1). The collegi
sisted, though all the original m
changed (Dig. 3, 4, 7, 2); and
number was reduced to one, U
opinion (notwithstanding Dig. 50
ferred to above) that, at least for t
litigation, the corporation still ex
all the members died, there was n
its existence terminated.

We meet with a great variety of
in Roman history. The augurs
were incorporated (Caesar, *Bell. C*
xxxi. 9), as were the priests of ma
of the different temples (Sueton. *C*
32, 38, 6; Ulp. *Reg.* 22, 6). Mag
ing the same office usually formed
("magistratus municipales cum
tratum administrent etiam unius
sustinent," Dig. 50, 1, 25). The
the praetors is spoken of in Cic. *de*
that of the tribuni plebis in Cic.
41; Sueton. *Caes.* 23; Liv. xlii.
ing to the definition of a collegiun
being only two in number, were no
though each was called *collega* in
other, and their union in office
collegium.) The decuriones of to
the municipal offices and upon who
municipal burdens fell, also form
tion (see the references to Orelli's
in Walter, *Geschichte des römi*
§ 298); and some collegia consis
curiae in a civitas which had sep
(Dig. 3, 4, 3; *ib.* 7, 1); of legio
military units (Dig. 28, 3, 6, 7;
and even of associations of gove
(Dig. 37, 1, 3, 4). Other collegia
for the advancement of finance, t
industry (Liv. ii. 27; Tac. *Ann.*
those of the *publicani*, who farm
revenues, and who are so frequen
in Cicero and other classical write
aurifodinae, and *argentifodinae*, ass
purpose of mining (Dig. 3, 4, 1, p
pr.); *fabrorum*, *pistorum*, &c., whic
resembled our city companies an
finally the *collegia sodalicia*, associa
for less definite purposes, someti
sometimes political, and sometim
(Cic. *pro Planc.* 15, 36; Plin.
§ 116; Dig. 47, 22, 1).

The law or custom as to the
these collegia and their acquisitio
porate character is not quite clea
early instances of their establishm
legal authority (Liv. v. 50, 52
the republic it would seem that a sp
sation or act of the state for the
corporation was not necessary.
large number and variety of the
from the known anxiety of the Ro
and keep alive in every way the c
spirit, it is probable that there w

w or custom to the effect that, if certain s were fulfilled (especially one requiring ssociation must exist for certain specific , any number of persons exceeding two rm themselves into a collegium. "ne- tas neque collegium neque hujusmodi assim omnibus haberi conceditur, nam s et senatusconsultis et principalibus onibus ea res coercetur" (Dig. 3, 4, About B.C. 64, owing to the use which e of them for secret association and inst the state and its parties, all col- ept a few whose utility was recognised, solved by a senatusconsult: Cic. *in* 9 (cf. Asconius, *ib.*); *pro Sest.* 15, 25; . xxxviii. 13. Under the empire, it em (from Dig. 47, 22, 3, 1) that a uthority from the senate or emperor ired to give any such association a character.

a, like universitates in general, were *personae*, and consequently under the could neither be instituted heirs (Ulp. 5) nor take legacies under a will (Ulp.): the first, because *aditio* of an in- was an *actus legitimus*, which could rformed by an agent, and it is only agents that corporations can act at all. icipal corporations were allowed to be heirs to their own liberti by one nsultum, and another permitted certain ls (*i.e.* the collegia of their priests) to ted by any one (Ulp. *Reg.* 22, 5, 6). stinian public, charitable, and eccle- orporations (including churches) could s be instituted; others only by special from the emperor (Cod. 6, 24, 8, 12). ia were enabled to take legacies by a nsultum passed under Marcus Aurelius 5, 21). But no restrictions were im- the acquisition of property by corpora- other ways (Dig. 41, 2, 1, 22). Inde- tates could always receive gifts by will . iv. 43); and in the same way the ate accepted the inheritance of Attalus, Pergamus, a gift which came to them oreigner: it was considered by the wyers to be accepted under the jus (Dig. 3, 4, 47, 22; Savigny, *System*, ii. pp. 235, &c.; Mommsen, *de Collegiis ciis;* Puchta, *Institutionen*, §§ 191, [J. B. M.]

I'CIAE or **COLLI'QUIAE.** 1. Gut- with concave tiles (*tegulae colliciares*) ng away water from the roof (Vitruv. t. *R. R.* 14, 4; Fest. p. 114, M.).

ns in the fields for draining the water ditches (Colum. ii. 8, § 3; Plin. *H. N.* 9). [W. S.]

YBISTES (κολλυβιστής). [Colly-

YBUS (κόλλυβος, less correctly , Poll. ix. 72), the smallest copper Athens, the fourth of the Chalcus. *Pax*, 1200; Eupol. *ap. Schol. ad* Aris- . 1176; Callim. *ap.* Poll. *l. c.*). *Collybus* have been a common name for small ince it signified generally "changing " the rate of exchange," and κολλυβισ- money-changer." (Cic. *Verr.* iii. 78, *Att.* xii. 6; Poll. iii. 84, vii. 170; . xxi. 12; Argentarii, p. 179 *b*; Hussey, *Ancient Weights and Money*, p. 115; Hultsch, *Metrologie*, p. 166.) [W. S.]

COLLY'RIUM (κολλύριον, diminutive of κολλύρα, a roll; hence): 1. In medical language, a tent, pessary or suppositary, made of medicinal substances and inserted into the orifices of the body, such as the nostrils or the anus or into an ulcer. Thus Celsus (v. 28): "collyrium fieri debet altera parte tenuius, altera parte plenius; idque ea parte qua tenuius est antecedente, demitti oportet in fistulam." (Cf. Scrib. Largus, *Comp. Med.* 142; Colum. vi. 30; Cael. Aurel. *Acut.* ii. 12; Hipp. 609, 44.)

2. A liquid eye-salve (Hor. *Sat.* i. 5, 30; Cels. vii. 7, 4; Veget. iii. 16, 248, 18, 2; Arr. Epict. ii. 21, 20, iii. 21, 21). Many instructions for the composition of these medicaments may be found in Marcell. *Empir.* viii. [J. H. F.]

COLO'BIUM. [Tunica.]

COLONA'TUS, COLO'NI. Colonus originally denoted the free lessee of land under a contract of *locatio conductio*, whence it acquired the derivative signification of an agricultural class under the empire, analogous to villeins in England, of which we first definitely hear about the time of Constantine, A.D. 321. These coloni (also called *rustici*, *inquilini*, *agricolae*) were settled on the estates of the larger landowners, a portion of which each of them cultivated as tenant at a fixed rent (*annua functio*), paid usually in kind (Cod. 11, 47, 5; *ib.* 20, 2), the amount of which was settled by custom and tradition: this the landlord could not raise, and the only case, apart from crime, in which the colonus could bring an action against him was where he attempted to do so. Occasionally, however, the rent was fixed by agreement. They were inseparably attached to the soil (*glebae adscripti*) which they tilled (Cod. 11, 47, 11, 7; 11, 51, 1); they could not leave it of their own accord (Cod. 11, 47, 21), nor could the lord or patronus eject them or sell them away from it; but he could alienate them with the land (Cod. 11, 47, 2), and transfer superabundant coloni from one to another of his own estates. Thus in many respects they were like slaves, and it is said in the Code (11, 51), "licet conditione videantur ingenui, servi tamen terrae ipsius, cui nati sunt, existimentur." The analogy, indeed, may be carried further. The colonus is said (Cod. 11, 47, 21) to be in the *potestas* of his dominus; the latter had the right of inflicting corporal chastisement on him (Cod. *ib.* 24): if he ran away, he could pursue him in the same way as a *servus fugitivus* (Cod. Theod. 5, 9, 1, 2); and if he sold him away from the estate, he could recover him by a vindicatio or real action (Cod. 11, 47, 7). That the colonus could as a rule bring no action against the patronus (Cod. 11, 49, 2) has been observed already. In the eye of the law, however, the coloni were free (Cod. 11, 51); they could contract a marriage which the law recognised (Cod. 11, 47, 24), and could acquire property, which was called their *peculium* (Cod. Theod. 5, 10, 1); but if this were land, they could not alienate it (Cod. Theod. 5, 11, 1); and it is probable that they could not alienate even personal property without the consent of the patronus. It seems, too, not unlikely that they could make a will, in default of which their property went to their next of kin: for if a bishop, presbyter, deacon,

&c., died intestate and without kin, his property went to the church or religious house to which he belonged, except such as he had as a colonus, which went to his patronus, who with respect to his ownership of the land is called *dominus possessionis* (Cod. Theod. 5, 3).

Upon every colonus a poll-tax was levied (whence they are sometimes called *censiti, tributarii*): this was paid immediately by the dominus, who was left to recover the amount from the colonus himself (Cod. Theod. 11, 1; Cod. 14, 26). The burden of recruiting the army was also thrown on the great landowners, who regularly enrolled their coloni for this purpose (Vegetius, i. 7), the rule against their being separated from the soil being to this extent suspended; a colonus by becoming a soldier was released absolutely from the quasi-servile condition (*Nov. Valent.* 6).

The status of colonatus originated most frequently in birth. When both the parents were coloni, the children were coloni as well (and here they were specifically called *originarii*). If the parents had different domini, it was finally settled that they should divide the children between them; and if there was an odd one, it should go to the dominus of the mother.

If the mother were a slave or a colona, the rule *partus sequitur ventrem* was followed [CIVITAS]; but if the father was a colonus and the mother free, the children (except for a brief suspension of the rule by Justinian) became coloni as well. By *Nov.* 22, 17, Justinian declared the marriage of a colonus and a free woman void. The status could also originate in Prescription, a free man who lived for thirty years under a dominus as colonus becoming colonus in fact, though he retained his property free from the ordinary restrictions (Cod. 18, 23; 11, 47, 1); and similarly a dominus who possessed for thirty years a man who belonged to another, could defend himself against the claim of the latter by *Praescriptio longi temporis.* Again, a free man could voluntarily become a colonus by agreement, provided it were judicially ratified, or his name were registered in the poll-tax inventory of the estate (Cod. 11, 47, 22, pr.), and he married a colona (*Nov. Valentin. III.* c. 30). Sometimes, again, persons were reduced to this condition as a punishment: *e.g.* able-bodied beggars would be adjudged coloni to any dominus who informed against them (Cod. 11, 25, 1); and finally a dominus could convert a slave into a colonus at pleasure by enrolling him in the poll-tax inventory of the estate (Cod. 11, 47, 7).

As to the modes in which a man could cease to be a colonus, it has been already observed that he could not cast off this condition at pleasure, the reason being that the institution was founded in the interests of agriculture and as a convenient resource for taxation. Before Justinian a colonus could become absolutely free by living thirty years, a colona by living twenty years in another condition—in other words, complete freedom could be acquired by prescription; but this rule was repealed by Justinian (Cod. 11, 47, 23), who enabled the dominus to assert his right after any lapse of time. Nor could the dominus release his coloni, as he could his slaves, at his own discretion: in fact, in the time of Justinian the only modes in which escape from colonatus
was possible seem to have been enr
the army under the lord's sanction (s
a direct act of the state, and attain
bishopric (Cod. 1, 3, 11, 16, 37).

As to the historical origin of col
has been observed above that our fir
information on the subject comme
Constantine. There are, however, tw
in the Digest (30, 112, pr., Marcia
50, 15, 4, Ulpian) which, notwit
Savigny's attempt to understand
ordinary lessees or farmers, seem
indicate that colonatus existed for
before that emperor. The most
accepted view of the mode in which it
is that which ascribes it to the sett
Germans and other barbarians by t
emperors on waste lands within the
the empire. The condition of thes
settlers being once established, it is
that poor Roman citizens were a
assume it, partly being induced to
the advantage of getting land, and pa
compulsion, though how this compul
be exercised is not clear. A const
Theodosius II. (Cod. Theod. 5, 4, 3, e
contains some valuable informatio
settlement or colonisation of the
and declares them to belong to the
denoted by the term *colonatus.* It
to reconcile this view of the origin of
with the passages of Ulpian and
referred to, by supposing that the
tendency in the third century for f
to become attached by law to the soil,
their condition was the model of t
barbarians who were settled in t
empire; the latter, however, acquiri
dependent status than the former,
treated more like slaves: till even
condition of the barbarian coloni beca
all. (A. W. Zumpt, *Ueber die Ents*
Colonats, 1843; Huschke, *Ueber den*
Kaiserzeit, 1847; Savigny, *Vermischte*
ii. p. 54 *sq.*, translated in the *P*
Museum, vol. ii.)

Puchta, however (*Institutionen*, vo
§ 214) is of opinion that colonatus or
the common distinction between slav
domestic service in the house (*famil*
and those employed in agricultu
(*familia rustica*). The latter, accordi
enjoyed a larger degree of actual fr
in many ways were better off than t
they and their children came more
to be regarded by sensible landown
cessions of the soil, inseparable from
under the pressure of necessity. T
condition very closely resembled that
coloni possessed in law; and Puchta
that the transition from personal t
servitude, with the payment of ren
other incidents of the status descri
was effected by and in the interes
domini themselves, who procured an
enabling them to manumit their sla
condition of their being inseparably a
the land which they cultivated. [

COLO'NIA. I. GREEK.—The Gree
according to Wachsmuth (*Hell. Alte*
100), may be divided into three classes
settlements founded by whole races, s

nian, and Dorian colonisation of the the Aegean Sea and of the coast of ; (2) city-colonies founded by cities, prise the trading factories which became cities; (3) cleruchies. With e are little concerned, for they are rations of races than foundations of hey did not start as a small section ger unity at home, but were rather great inner movement of the Greek ly times. Besides, it is not to them houghts turn when we speak of the ies. We think rather of the second t is of these that we shall especially But a full historical account of all e colonies would be beyond the scope ent article; for this the reader is Hermann, *Staatsalterthümer*, §§ 73– all be able here only to tell generally the different kinds of colonies, the of their foundation, the principles d according to which they were their internal relations and develop- the position in which they stood to -country.

different kinds of Colonies.—"A ys Sir G. C. Lewis (*On the Govern- pendencies*, p. 170), "properly denotes persons belonging [mainly] to one l political community, who, having that country and community [hence rm a new and separate society, inde- dependent, in some district which is nearly uninhabited, or from which the ancient inhabitants." There are ls:—(1) *Colonies of Conquest*, such as various colonies in the East. There hat are distinctly of this class in times. A subdivision of this class *y Colonies*, such as were to a great colonies planted by Pericles in Thrace ruchies. (2) *Agricultural Colonies*, alone a nation springs up. The Magna Graecia and Sicily are the les; the vast wealth of the latter agricultural produce, the home of Proserpina, is known to all. One of this class is the *Pastoral Colony*, eeks in the interior of the Cyre- i. 27; Grote, iii. 449, new ed. 1869), ch in the Cape Colony. Another is the *Plantation Colony*, of which example in Greek history, viz. that the cultivation of whose silphium e of the modern sugar plantations, fact that the labour was performed laves (Roscher, *Kolonien, Kolonial- Auswanderung*, p. 26, ed. 3). (3) *Colonies.* Nearly all colonies, says *p. cit.* p. 16), begin as commercial hatever may be the character they assume. They start from factories, generally in countries where there great natural difficulties to contend great restrictions on trade, like Nau- ypt or the modern colonies in China. account of the interesting colony of see *Quarterly Review*, Jan. 1887,) In such colonies the colonists and to the natives in the position of are bound closely together in well- corporations, for mutual protection. Such factories, a little more fully developed, become commercial colonies. Examples are the Phoenician colonies in Spain (the America of the ancients), and the Greek colonies on the Pontus, with their large trade in hides, flax, corn, wood, slaves, and fish (Curtius, *Hist. of Greece*, i. 415, Eng. trans.). The Pontic colonies deserve especial notice. The great era of colonisation inaugurated especially by Miletus and Chalcis, during the eighth century B.C., was systematically carried on as a state concern by each city. Miletus and Chalcis had the two great requirements for the foundation of commercial colonies, viz. naval supremacy and a vast amount of capital. Particular commercial routes and grooves of navigation came to be formed: thus merchants for the Pontus always started from Miletus, and for Massilia from Phocaea, as Curtius (p. 411) points out, from whom we can best derive a knowledge of the way in which a commercial colony arose: "At first temporary fairs on the coast were held; then places on the opposite shore were purchased by treaty from the inhabitants; fixed market-places with store-houses were erected, and agents of the mercantile houses established in them, who superintended the landing and sale of the goods. ...Some of these stations were subsequently relinquished. Others, the situation of which proved favourable on account of mercantile advantages, or the excellence of climate or water, were kept up and enlarged: finally, a depôt of wares grew into an independent trading-place, a Hellenic community, and an antitype of the mother-city." The colonising of the Pontus by Miletus was a most thoroughgoing work. Not only did the colonies trade with their immediate neighbours, especially with the Scythians, who showed a great adaptability to Greek culture, but several of the colonies—such as Olbia, Tanais, and Dioscurias—were the starting-points of caravan routes towards Central Russia, Siberia, and India (Curtius, *op. cit.* i. 421). And colonies themselves are readily induced to found new colonies. Sinope, itself a colony of Miletus, was the starting-point of much of the colonisation of the south coast of the Pontus, and by the middle of the eighth century she had founded Trapezus. As might be expected, the commercial colonies, to which class by far the greatest number of the Greek colonies belonged, were all founded on or near the sea: hence the remark of Cicero (*Rep.* ii. 4, 9) that they were like a Grecian border, woven on to the lands of the barbarians ("barbarorum agris quasi attexta quaedam videtur ora esse Graeciae").

2. *Causes of Colonisation among the Greeks.*—Passing over cases in which a whole state leaves its home before a conqueror,—as when the inhabitants of Teos, conquered by Harpagus, sailed away and founded Abdera (Herod. i. 168); or when, in consequence of civil dissensions, one party emigrates in anger (for such really found new states, and have no link whatever with their mother-city),—we may yet fairly ascribe the name of colony to those settlements founded in consequence of *internal dissensions*, in which the state superintended the sending out of the colony, and the colonists parted in a measure as friends from the metropolis. (An instance is the founding of Tarentum by the Partheniі, directed by Sparta; Grote, iii. 384.) Such

would come under Servius's definition (*ad Aen.* i. 12) of a colony which requires that it should be sent out *ex consensu publico.* A very fruitful cause of colonisation was *over-population,* and the consequent poverty and unevenness of wealth which arise in such a community. Then the wealthy and the upper classes urged the poor to emigrate, and the latter generally were willing enough to do so, impelled by hope of better fortunes and love of adventure. A more extensive cause was a desire to push *commerce,* especially in the case of rich communities, as we have already shown. We cannot say that any of the Greek colonies were founded, like the New England colonies, by high-souled men flying before religious persecution. Sometimes *religion* seems to have had an influence in colonisation, as when the god used to order that a tenth of the inhabitants should leave the country and found a colony, as in the case of Rhegium: this was, however, due to over-population and bad seasons (Strabo, vi. 1, 6, *init.*). A good summary of the causes of colonisation is to be found in Seneca, *Cons. ad Helviam,* 7, 4. Roscher (*op. cit.* p. 43) says that the main causes refer to the four great elements of human life,—family (over-population), property (commerce), state (political dissensions), and church (religious motives).

3. *Procedure in founding a Colony.*—Of course this can only apply to a colony regularly sent out by the order and approval of the state; otherwise the foundation depended more or less on accidents, and could not follow any fixed method. Even when a colony went forth despatched with the good wishes of the mother-city, we know but imperfectly the exact method followed. The colonists sent to Brea (*C. I. A.,* i. 30) are of the nature of cleruchi, and will be treated of later on. The leader (οἰκιστής) appears to have been appointed, and then to have been himself compelled to find out where the colony was to be led to. For this he applied to the Delphic priests; and the great assistance which these priests rendered to the Greeks in prudent advice as to the sites for their colonies was "the greatest and most permanent service rendered by the Delphic oracle" (Curtius, *History,* ii. 39). Delphi, the centre-point of the Apolline worship, was frequented by Greeks from all parts of the world, and by conversation with these the priests acquired a very considerable amount of geographical knowledge, and, sensible men that they were, used it to direct the colonists who asked their advice. Few failed to do so (Cic. *de Div.* i. 1, 3), and hence the number of colonies which considered Apollo Archegetes as their founder, and the grateful veneration for Delphi which was felt by the more prosperous colonies (Curtius, *op. cit.* ii. 38). Herodotus (v. 42) notices it as an extraordinary proceeding on the part of Dorieus that he led the Spartans on a colony, and yet "did not consult the oracle at Delphi as to the land he should go to colonise nor do anything which was customary." Participation in the colony was generally left to free choice; but sometimes the colonists were appointed by the state: thus the inhabitants of Thera, when proposing to colonise the island of Platea off Libya, picked out by lot one in every two adult brothers in a family (Herod. iv. 153), and gene-
rally, as we shall see, men from va
joined in each colonising expeditio
invitation of foreign participants is
in the colonies of the Periclean and
age (Diod. xii. 10; Thuc. iii. 92).
grants, prior to departure, took fi
sacred hearth of the city which sent
to light therewith the hearth in
home (*Etym. M.* s. v. πρυτανεῖα: c
146). Arrived at their destinatio
was often erected to Apollo (Thuc.
sometimes unopposed, sometimes afte
with the natives, they built their to
did not already exist) and the land
We cannot say for certain what the
division was; it probably varied
colonies: but as the colonists were
men of the same rank, it is most lik
lots were generally equal, except
the case of the οἰκιστής, who as le
whole expedition no doubt receive
privileges and grants while alive,
tainly received divine honours, such
and games, after death (Herod. i.
Thuc. v. 11; Diod. xi. 66; Paus. iii
the memory of who the oekist ha
lost by lapse of time, some god (mo
Archegetes, or Hercules) or some
Iolaus, Paus. v. 17, 5) was consid
founder, and divine honours paid to
When additional settlers were sent
already established (ἔποικοι), we ma
Thucydides (i. 27, ἐπὶ τῇ ἴσῃ καὶ
they generally had inferior rights
sions to the original colonists (ἄποικο
often by the cause of distress in
country—or was it an aristocratic
order to be a safeguard to the origin
who were likely to become in no lo
higher classes of the colony? (D
Primitive Property, p. 150, Eng. tr
made laws to prevent the alienation
as, for example, at Locri (Aristot. *Po*

4. *Relations between a Metropolis a*
—When a colony separated from its
in anger, there was no relationsh
them. But even when they parte
the relation was not a political one
ment and dependency, but one of
between parent and child (ὅσης
τιμῆς τυγχάνειν οἱ πατέρες παρὰ τ
τοσαύτης οἱ κτίσαντες τὰς πόλεις
ἀποίκων, Dionys. Hal. iii. 7; cf. Pla
754), though as a matter of fact qu
used to arise between the two; an
mann remarks (*Gr. Alt.* ii. 92), what
colonies with the mother-country
weaker than what separated them.
colonies owed to the mother-co
nothing of the nature of political
but respect (τιμᾷ τὴν μητρόπολιν, T
and dutiful reverence (τὰ εἰκότα θα
This dutiful reverence was not req
side the sphere of religious worship
example, the colonists generally had
the metropolis to officiate as high pri
sacrifices (Thuc. i. 25, and Scholias
was observed in a few minor way
giving the names of places in the o
to those of the new—*e.g.* the river
Achaea and Sybaris, the Megarian
Byzantium (Müller, *Dor.* i. 121); also

is and Arethusa were most widespread
ius, *op. cit.* i. 437). In fact, as Curtius
i. 462: "The Greeks united, in a far
r degree than any other nation, an insatia-
esire of penetrating into distant regions
he most faithful love of home. Wherever
went they took their home with them."
itizens, according to the Greek idea, were
ity (Herod. viii. 61; Thuc. vii. 77). But
le the sphere of religion there appear to
been few ties. In case the colony proposed
nd another, according to an old custom it
a leader from the mother-city (Thuc. i.
But they do not as a rule appear to have
ed even the coinage of their mother-city
rmant, *ap.* D. and S. i. 1302); and it is
exceptional when we find any political
iority exercised over the colony. The dis-
s were generally too great, the interests
aried, and the autonomy of each community
a principle too deeply rooted in every
mind to admit of voluntary dependence.
policy, too, of commercial colonies must
sarily be of a jealous nature. Corinth
tried to found a colonial dominion by
s of her navy: but this led to colonial
as between her and Corcyra, and a disrup-
of the bonds of filial attachment (Curt. *op.*
469). The Corinthians also used to send
eir colony Potidaea annual magistrates,
l *ἐπιδημιουργοί*, though we may suppose
these had not much power, else they would
ave allowed the Potidaeans to make a
with Athens, the enemy of Corinth (Thuc.
). The tribute which Cotyora, Cerasus,
Trapezus paid to Sinope was of the nature
nt: for the land they held had been wrested
the barbarians by the inhabitants of Sinope,
o of right belonged strictly to them (Xen.
. v. 5, 7, 10). Except under special cir-
tances and conventions, the citizens of a
y were not citizens of the mother-city,
h it was not a Greek principle, as it was
nan one, that no one could be citizens of
ommunities at once. True, the Corinthians
the citizenship of Epidamnus to whosoever
go on the colony they were projecting
c. i. 27); therefore we might suppose that
tiori the Corinthians had the citizenship:
he Epidamnians were in great straits, and
put themselves entirely into the hands of
Corinthians. The assertion of Timaeus,
the Epizephyrian Locrians and the Locrians
eece had reciprocally rights of citizenship,
g many other assertions of that untrust-
hy historian, is controverted by Polybius in
etailed criticism of Timaeus's account of
Locrians (Polyb. xii. 5–12). Under stress
ternal dissensions or any other grievous
se (cf. Thuc. v. 106), the colonists often
ed for aid to the states which founded
—"as ill-used children to their parents"
. *Vat. Exc.* x. p. 39),—as the Syracusans
o the Corinthians in the time of Timoleon
. *Timol.* 23); but generally the colonists
sufficiently prosperous not to require any
ance. Conversely it was considered dis-
eful for a colony not to aid its parent state
the latter was subject to unjust attacks
c. *l. c.*), much more was it impious to bear
against her (Herod. iii. 19; viii. 22): dis-
s between colony and metropolis it was considered should be settled by arbitration; at least such are the offers of the Corcyreans to the Corinthians (Thuc. i. 28). Yet we not rarely find instances of colonies becoming violently opposed to their parent states. Notable examples are Corcyra to Corinth, and Amphipolis to Athens (Thuc. v. 11). Frequently the colonies, being more enterprising and so acquiring greater prosperity, came to despise their old-world parent state, the more so as the colonies were as a rule far more democratic than their founders, and in their pride of wealth lost all reverence for sentiment and antiquity: thus Sybaris proceeded to set up Olympic games of her own (Athen. xii. 522 a). This leads us to consider next—

5. *The political career of Colonies.*—In this connexion we must begin with a quotation from Plato (*Legg.* iv. 708), where he shows "how colonists, like a swarm of bees, if entirely of one community, similar in race, language, laws, and religion, will be intolerant of any laws and customs at all different from those of the old home, even though the injustice of these laws and customs has been the cause of their enforced expatriation; whereas a mixed population is quite ready to listen to new laws, though it may take years before the founder who is also the legislator may be able to make the different elements of the colony pull well together." Now it is to be carefully borne in mind that the population forming the Greek colonies were nearly always of different cities and races. Ionians, it is true, who had the gift of accommodating themselves to every locality, generally appear in the front; Chalcis and Miletus, as we saw, were the heads of Greek colonisation: but they only formed the centre body of a population which contained a blending of "Achaean heroism and Dorian energy and perseverance"; "they were ports which conducted emigration in certain directions." It would be folly to suppose that Miletus of herself could found eighty colonies in a few generations (Curtius, *op. cit.* i. 463, 470). The colonists then were generally of a mixed race of Hellenes; and when they had founded their colony, they mixed the race still further by intercourse and intermarrying with the natives. This is especially noticed by Grote in the case of Italy and Sicily (iii. 377), Gaul (*ib.* 397), Cyrene (*ib.* 455), and Olbia (xii. 298). In countries like Lower Italy and Sicily, which had been colonised by Phoenicians, who had also transported thither vast numbers of people of kin with the Greeks, and where there had thus grown up by successive layers a population related to the Greeks, there eventually was developed, when the great colonising of the Corinthians and the Rhodians was effected, a new vigorous *homogeneous* Greek nationality, just as in bygone times in the old country from the Pelasgian tribes arose the Hellenic nation (Curtius, *op. cit.* i. 468).

In connexion with the Greeks of Italy and Sicily, it is worthy of notice that those settled around the Tarentine gulf had Amphictyonic institutions, and a common point of religious assemblage in the festivals of the Lacinian Hera, presided over by the Crotoniates (Ath. xii. 541). Doubtless union of religious worship and union in common danger united other complexes of neighbouring towns in similar Amphictyonies:

e.g. the altar of Apollo Archegetes at Naxos appears to have united the Sicilians (Thuc. vi. 3; cf. Grote, iii. 359). And the course of development in the more prosperous colonies ran much faster than in the mother-country. We look to America now to solve many of the political and social problems which are beginning to be sorely felt; and the evidence to be derived from the Greek colonies does not prove our expectation to be unnatural. A population like that of the Greek colonies, originally mixed, mixed still further by intercourse with the natives, not tied down by any feeling of reverence for or submission to the laws and customs of priests and nobles, with wealth ever increasing, vigorous, independent, could not tolerate an aristocratic system of government; it had to yield to the timocratic: the aristocracy of birth and worth gave place to the oligarchy of wealth. This important step on the road to democracy brought with it one great advantage, viz. codification and publication of the laws. In the seventh century, besides Draco, we find Zaleucus publishing laws for the Epizephyrian Locrians, and Charondas for Catana, and doubtless for other cities also of Italy and Sicily (Aristot. *Pol.* ii. 9, 5; cf. Plat *Rep.* x. 599 E). Every one had before him the prospect of success in the race for wealth: the struggle came to be between the rich and the poor, as always in commercial communities. The aristocracy of Miletus had vanished by the middle of the seventh century; and amidst that city's great wealth, which was as ever accompanied by its shadow, great poverty, there had appeared opposite to one another the two main classes of today, the Capitalists and the Labourers (**πλουτὶς καὶ χειρομάχα**, Plut. *Quaest. Graec.* § 32=ii. 298, ed. Reiske). Where the rich, who are the few, gained the upper hand, we find oligarchies; as at Rhegium (Heracl. Pont. 25), Croton (Iamblich. *Pythag.* § 45), Locri (Polyb. xii. 16), Agrigentum (Diog. Laert. viii. 66), the power was in the hands of a Thousand (**οἱ χίλιοι**). Where the poor had the upper hand, the result was democracy. We hear of demagogues at Sybaris long before those at Athens (Diod. xii. 9). Close on demagogues follow tyrants: the President, as at Miletus (Aristot. *Pol.* viii. 5, § 8), becomes the tyrant. The line is hard to draw: Telys of Sybaris is to Diodorus (*l. c.*) a demagogue, to Herodotus (v. 44) a tyrant. "The great majority of ancient tyrants," says Aristotle (*l. c.* § 6), "had been demagogues."

In the colonies then, just as now the dollar is almighty, so "money, money was the man," as Pindar (*Isthm.* 2, 11), quoting "the Argive man" Aristodemus, reminded Xenocrates of Agrigentum. And there was plenty of it: hence more beautiful cities and a more brilliant and heightened life than in the mother-country. Without going so far as Roscher (*op. cit.* p. 69), in asserting that in every branch of higher art and science Hellas proper was indebted for her first stimulus to her colonies, yet much of early Greek philosophy came from the higher minds of Magna Graecia and Sicily,—Xenophanes, Pythagoras, Empedocles, Parmenides; and owing to the rationalistic character of colonial life generally, which mocks at everything ideal, we are not surprised to find that comedy and travesty owed their origin principally to the
same region. Poverty had all along bee
sister of Hellas (Herod. vii. 102); but th
of Sybaris is proverbial, Sicilian cook
famous for delicacy throughout the Gre
(Plat. *Rep.* iii. 404 D), the poorest
Cyrene wore rings worth 10 minae (A
xii. 30), and the Agrigentines built as
were to live for ever, and dined as if t
anxious to make the most of the last
existence (Ael. *V. H.* xii. 31; cf. Rosche
pp. 52, 53).

6. *The Athenian Colonies.*—These bel
later period than the greater mass of
Greek colonies, and differ in the intent
which they were founded. They were
the nature of cleruchies; but diff
cleruchies in the strict sense in that t
not planted on Hellenic land from w
inhabitants had been expelled, but wer
ments effected on the territory of
tribes. They were, however, similar
cleruchies in the *whole* arrangement
planting being directed by the state.
remaining part of a charter (*C. I. A*
Hicks, *Greek Historical Inscriptions*,
directing the foundation of one of these
that of Brea (cf. Plut. *Pericl.* 11) in
which was pre-eminently the country
such colonies were founded, owing to
wealth in wood and metals. Such a
was called **ἀποικία** (Harpocr. *s. v.*).
charter referred to a certain Demo
appointed as leader of the colony (*οἰκισ*
rider to the charter confined particip
the colony to the Zeugitae and Thete
shows one of the main purposes of the c
policy of Pericles, viz. to free the cit
idle and so turbulent mob (Plut. *l. c.*).
provisions as regards the religious dut
observed by the colonists towards the
city were further stated, such as sendi
for sacrifice at the Panathenaea: an
strict proviso was enacted that this cha
to be final, so that the colonists sho
fixity of tenure, and not be liable to
possessed by any vote of the easily-mov
cracy at home. Orders were given to
to depart within thirty days. The st
plied arms and money for the colonists
to Dem. *de Chers.*). When the colonists
the lands were distributed to the col
γεωνόμοι, which had been previously di
γεωμέτραι (Bekker, *Anecd.* 32, 14). T
of such a colony received all the honou
the oekist of the colonies of earlier day
ceived (cf. Hagnon at Amphipolis, Thuc
The great national Hellenic colony fo
Thurii under the superintendence of A
443 B.C., was established with the
method and completeness. There were
Athenians among the colonists. It
nected with Athens by but a very sle
and was not mentioned as one of her
Thucydides' enumeration (ii. 9). A full
is given in Grote (v. 277) and Curtius (
The colony of Amphipolis, founded ab
same time, 437 B.C., was also of a ver
population. It differed from Thurii, as
founded partly because it was a co
centre for getting ship timber from, and
working the gold and silver mines in th
bourhood; but principally it served

as being close to the bridge over the
(Thuc. iv. 102). Hence it always re-
regular Athenian dependency. This
ansition to

Athenian Cleruchies.—"All colonies in
ion to the mother-city," says Roscher
. 44), "may be divided into **ἀποικίαι**
ουχίαι," — *i.e.* are independent or
But the ancients did not observe
ction. Strabo calls all colonies with-
ion **ἀποικίαι**. Thucydides (ii. 27, 70;
lls **ἔποικοι** those whom Diodorus and
in relating the same events, call
. However, Herodotus (v. 77; vi.
ies the term **κληροῦχοι** to those who
ed on the land of the hippobatae at
Thucydides uses it (iii. 50) with refer-
e Lesbian colonists, and Aristophanes
) shows that it was a term frequently
scher (p. 45) lays it down as a law
ystem of **ἀποικίαι** gives place to that
χίαι, according as a state advances to a
ge of development.

ain *characteristics* of the Athenian
were that they consisted solely of
, were settled on Hellenic land, and
ndent. There were doubtless cleru-
out by other states, *e.g.* the Lerii from
Boeckh, *Staatshaushaltung der Athener*,
. 3); but it is of the Athenian cleru-
we alone have any detailed infor-

ects were "to relieve the city of the
troublesome mob, to alleviate the
f the poorer classes, to inspire fear
llies, and keep watch that they should
any hostile steps against Athens"
ricl. 11). An additional reason was
to secure a supply of corn, as in the
e colony to Hadria, which colony also
protect the surrounding seas from
See the decree relative to Hadria in
Seewesen, p. 463. The sending out of
formed one of the recognised portions
mocratic programme (Aristoph. *Nub.*
their military aspect they corre-
o the Roman colonies. The Greek
ten call the Roman colonists **κληροῦχοι**
viii. 14; Plut. *Flam.* 2), and con-
icero (*de Nat. Deor.* i. 26, 72) calls
nian cleruchs sent to Samos "land-
" (*agripetae*). The first cleruchs
e sent to occupy the land of the
e at Chalcis, about 510 B.C., "the
enic town against which the right of
eror was enforced with harsh severity"
ii. 484). Gilbert (*Staatsalterthümer*,
e 4) gives a list of the cleruchs sent
en 460 and 427; and, even where the
are given, they amount to 9,450, and
not reckon the cleruchs sent to
mbros, or Aegina.

ocedure adopted in sending out a
was doubtless similar to that of state-
olonies, viz. by ordinary bill brought
nate before the people, which defined
pal conditions on which the cleruchy
ed. The poorer classes of all the ten
p. 336 of an important *Mémoire sur*
s Athéniennes au v^{me} *et* iv^{me} *siècles*,
Foucart, among the *Mémoires présentés*
savants à l'Académie des Inscriptions,

vol. ix. pp. 328–411) were invited to send in their names, and the lot decided who were to get the lands, which were doubtless measured out prior to the departure of the colonists. They were led by an **ἀποικιστὴς** or **στρατηγός** (Arg. to Dem. *de Chers.*), and to be such a leader was esteemed a great honour (Paus. i. 27, 5). All the prayers and sacrifices for the success of the cleruchy were made on behalf of the state and at state expense, whereas in the **ἀποικίαι** the consulting of the oracle and all religious duties were left to the initiative of the colonists and their leader (Foucart, p. 340).

As to the *relations of the cleruchs to Athens*: (1) they remained Athenian citizens, as may be seen from inscriptions from the fifth century B.C.,—*e.g.* from Melos, **Ἐπόνφης Ἀθηναῖος Πανδιονίδος φυλῆς Κυθήρριος** (*Bull. de Corr. hell.* i. 44),—down to Roman times. The Lemnian and Imbrian cleruchs were Athenian citizens (Dem. *Phil.* i. § 34). In a list of killed we have **Λημνίων ἐγ Μυρίνης**, names with the Athenian tribes they belonged to added to them (*C. I. A.* i. 443). The official titles for the cleruchs were such as **ὁ δῆμος ὁ ἐν Ἡφαιστίᾳ** (Hyperid. *pro Lycophr.* § 13; cf. *C. I. A.* ii. 284), **Ἀθηναίων οἱ ἐν Ποτιδαίᾳ κατοικοῦντες** (Dem. *de Halon.* § 10), **οἱ ἐν Μυρίνει πολῖται** (*C. I. A.* ii. 593). (2) There seems no definite proof that the state retained the supreme ownership of the lands; for in the inscription of 377 B.C. (*C. I. A.* ii. 17, l. 29, 37) which Foucart refers to, and which speaks of private and *public* possessions in the land of the allies, the *public* possessions refer to mines and other such state property. (3) That the cleruchs paid tribute, though maintained by Boeckh (*op. cit.* i. 508), has been completely disproved by Kirchhoff (*Ueber die Tributpflichtigkeit der attischen Kleruchen* in the *Abhandl. der Berliner Akad. d. Wissensch.* 1873, pp. 1–35). He divides the Athenian cleruchies into, on the one hand, those settled on lands entirely conquered, from which the inhabitants were driven out, and those acquired by capitulation; and, on the other, those acquired in an amicable manner. In the former of these (*e.g.* Histiaea, Aegina, Potidaea, Scione, Torone) he proves that the lists which set down the amount of tribute to be paid do not refer to the time when the cleruchies held the land, but to a preceding time: for example, Hestiaea pays a tribute according to two lists; but these lists belong to 454 B.C., not to 446, as Boeckh says; and the Hestiaeans never appear on the lists after 446, the time cleruchs were sent to occupy their lands. As regards the second class of cleruchies (*e.g.* the Chersonesitae, Andros, Naxos, &c.), the sudden lowerings of the tribute appear inexplicable, unless we suppose it to be a compensation for the cession of their lands to Athenian cleruchs: for example, Andros (p. 27) had its tribute lowered between 427 and 425 from 12 to 6 talents, Imbros (p. 30) from 2 to 1 talent between 444 and 442; cf. Naxos (p. 29), Lemnos (p. 34). (4) There is no evidence as to whether or not the cleruchi could alienate their lands: but their military functions render such a supposition unlikely. For a similar reason, as a general rule the cleruchi had to reside on their land. That the cleruchi of Lesbos were allowed to let the lands to the original owners for a rent and reside themselves at Athens (Thuc. iii. 50) is highly exceptional.

(5) The cleruchi certainly paid taxes for their property to their own cleruchic community (Aristot. *Oec.* ii. 6). For such property as some few may have retained in Attica, it is most likely that they had to pay *εἰσφοραὶ* when such were required; but from *munera personalia*, such as the various liturgies, they were of course exempt, as being absent from Athens on state service (Harpocr. *s. v.* *κληροῦχοι*: cf. Dem. *de Symm.* § 16). (6) As we have seen from the list of killed, the cleruchi served in the Athenian army on certain occasions (cf. Herod. viii. 46; Thuc. vii. 57); and, even when in their cleruchy, they had to obey strictly whatever orders for military service arrived from Athens (Herod. vi. 100; [Dem.] *Epist. Phil.* § 16). Beside the cleruchi, there was generally a cavalry force, commanded in the case of Lemnos by an *ἵππαρχος* (Dem. *Phil.* i. § 27), which was supported by the cleruchi, and that as it seems sometimes grudgingly (Hyperid. *pro Lycophr.* § 13). (7) There appear to have been civil magistrates, too, occasionally sent by Athens to the cleruchies. Such are the *ἄρχοντες* at Lesbos (Antiphon. *de Caed. Herodis*, § 47), which are no doubt the same as the *ἐπίσκοποι* (Boeckh, *op. cit.* i.^{3} 480; cf. Aristoph. *Av.* 1050). In later times we find *ἐπιμεληταὶ* sent from Athens, as *e.g.* to Delos (*C. I. G.* 2286), Haliartos and Paros (Boeckh, *op. cit.* i.^{3} 507, and notes). (8) As regards jurisdiction, as far as we can judge from the very fragmentary inscription in reference to the cleruchi of Hestiaea (*C. I. A.* i. 28, 29), some cases had to be tried within thirty days (*δίκαι ἔμμηνοι*) before the Nautodicae at Athens; others before judges chosen by lot out of the cleruchi themselves. The really important cases were tried at Athens: *e.g.* the murder of Herodes. (9) Touching religion, a certain portion, generally a tenth of cleruchic lands, was set apart for the gods (Thuc. iii. 50). The cleruchi appear to have worshipped Athenian gods generally, though sometimes the native gods also (Gilbert, *op. cit.* i. 422). Each cleruchy sent an ox to be sacrificed at the Panathenaea (Schol. on Aristoph. *Nub.* 386; cf. *C. I. A.* i. 31). The Athenians also associated the cleruchies in their sacrifices. (See an inscription of the second century in Foucart, p. 384.)

But the cleruchi possessed a *certain independence.* They had the right of coining money, though only copper: *e.g.* the coins of Hephaestia and Myrina in Lemnos reproduce Attic emblems (Pallas and the owl), after the Athenian cleruchi had gone there in 387, while the coins prior to this have the attributes of Hermes and the Dioscuri (Foucart, p. 372). Towards the natives, who often, as in the case of Imbros and Lemnos, were reduced to the state of metics (Foucart, p. 393), the Attic cleruchi appear to have formed a strictly closed body, neither intermarrying (such indeed was not allowed by Attic law, Dem. *Neaer.* § 17) nor having more intercourse than was absolutely necessary. The *constitution* of the cleruchic state was a miniature Athens, and Foucart (p. 373 ff.) has shown how their political procedure, and even the very names of their officers, changed with the changes at Athens.

Thus we find senate and people at Lemnos (*C. I. A.* ii. 592) and Imbros (Conze, *Reise auf den Inseln des Thrakischen Meeres*, p. 88),
and a prytaneum at Hephae
(*C. I. A.* l. c.). Ordinary pol
consisted of preliminary dis
senate. and afterwards debate
e.g. at Salamis (*C. I. A.* ii. 470
l. 79; 594, l. 22). We have
cleruchi already mentioned, t
late date (*C. I. A.* ii. 591–595;
The date is given by archons bo
chy and of Athens (*C. I. A.* i
Roman era the *στρατηγὸς ἐπὶ το*
the place of the archon: so in
A *γραμματεὺς τοῦ δήμου* first a
in 308 B.C. A similar *γραμμα*
two contemporary inscriptions
Imbros (*ib.* 592; Conze, *op. cit.*
third century an *ἀγωνοθέτης* is
that name: at the same time
Hephaestia (*C. I. A.* ii. 592). F
cleruchic magistracies, see Gilbe
note 3.

The system of cleruchies, no
itself, but prosecuted by the
cracy with exceedingly great
with no consistency and com
Romans did their colonial syste
hated feature of the Athenian
(v. 299, note 2) indeed does n
was looked on as a grievance,
tioned as such in Xenophon's *R*
any of the anti-Athenian oration
and that the outcry raised agai
time of the second confederacy
islands fearing the return o
cleruchi, who, after the Pelopo
been driven away and depriv
perty, which had reverted to
prietors (cf. Xen. *Mem.* ii. 8, 1
Isocrates (*Paneg.* § 107) felt
defend the system, and did so
it maintained peace and peop
lands. But the cities had been
the Athenians; they made a sol
it peace. So when Athens stro
her allied confederacy a second
she distinctly agreed to disconti
and the convention (*C. I. A.* ii
declares that no land is to be h
an Athenian citizen within the
allies. Yet in 366 B.C., on
Samos, she renewed the syste
which Demades (Athen. iii. 99
city's drain" (*τῆς πόλεως ἀπώρυ*
became exiles from their count
5), and it is with reference to t
Samos and the gradual absorpt
by the Athenian settlers that C
the proverb *Ἀττικὸς πάροικος*
who, called in to help you, fina
your possessions. There was n
feeling, not only on the part of
of others who had been disposse
cleruchs. There is an intere
(Hicks, *op. cit.* No. 135) in wh
the intrigues of the Samian exil
donian court, and how Alexan
give back "Samos to the Sami
ever, did not do so; but it
Perdiccas, according to the c
followed the defeat of the A
Lamian War, 322 B.C.

The principal authorities on t

Raoul-Rochette, *Histoire critique de*
ssement des Colonies grecques, Paris, 1815;
ermann, *Lehrbuch der griech. Staatsalter-*
§§ 73–90, ed. 1884; Schömann, *Griech.*
lterthümer, ii. 86–95; W. Roscher, *Kolo-*
olonialpolitik und Auswanderung, esp. 1–
1885; Grote, *History*, ch. xxii.-xxvii.;
, *History*, i. 407–468, Eng. trans.; G.
Handbuch der griech. Staatsalterthümer,
-403; E. Caillemer in Daremberg and
art. *Colonia.* On the cleruchies, see
ly the articles of Kirchhoff and Foucart
to; Boeckh, *Staatshaushaltung der*
, i.^{3} 499–509; and G. Gilbert, *op. cit.* i.
7. [L. C. P.]

ROMAN. — The word *colonia* contains
me element as the verb *colere*, "to
e," and as the word *colonus*, which
y originally signified "a tiller of the
The English word colony, which is
from the Latin, perhaps expresses the
contained in this word more nearly than
rally the case in such adopted terms.

nd of colonisation seems to have existed
t the oldest Italian nations, who, on
occasions [VER SACRUM], sent out their
nous male population, with arms in their
(ἱερὰ νεότης), to seek for a new home.
. *Antiq. Rom.* i. 16.) But these were
tly new bands of adventurers, and such
rather resembled the old Greek colonies
ose by which Rome extended her dominion
name.

ies were established by the Romans as
as the annals or traditions of the city
and the practice was continued during
ublic and under the empire. They were
d to keep in check a conquered people,
to repress hostile incursions, as in the
the colony of Narnia (Liv. x. 10), which
nded to check the Umbri; and Minturnae
nuessa (x. 21), Cremona and Placentia
46), which were founded for similar pur-
Cicero (*de Leg. Agr.* ii. 27, 73) calls the
ian colonies the "propugnacula imperii;"
another passage (*pro Font.* 1, 13) he calls
Martius (Narbonne), which was in the
ia Gallia, "Colonia nostrorum civium,
populi Romani et propugnaculum." An-
bject was to increase the power of Rome
reasing the population. (Liv. xxvii. 9.)
nes the immediate object of a colony was
off a number of turbulent and discon-
persons. Colonies were also established
purpose of providing for veteran soldiers,
ice which is first mentioned in B.C. 201
xi. 4), and continued under the emperors:
oloniae were called *militares* (Vell. Pat.

remarked by Strabo (p. 216, ed. Casaub.),
speaking of the Roman colonies in the
of Italy, that the ancient names of the
were retained, and that though the people
ime were all Roman, they were called by
nes of the previous occupiers of the soil.
ct is in accordance with the character
old Roman colonies, which were in the
of garrisons planted in conquered towns,
colonists had a portion of the conquered
ry (usually a third part: Dionys. ii. 35,
; Liv. x. 1) assigned to them. The inha-
retained the rest of their lands, and
lived together with the new settlers, who alone composed the proper colony. (Dionys. ii. 53.) The conquered people must at first have been quite a distinct class from, and inferior to, the colonists. They were probably regarded as *cives sine suffragio.* The definition of a colonia by Gellius (xvi. 13) will appear, from what has been said, to be sufficiently exact: "Ex civitate quasi propagatae—populi Romani quasi effigies parvae simulacraque."

No colonia was established without a lex, generally a plebiscitum, based upon a senatusconsultum; in some cases the last alone is mentioned (Liv. xxxvii. 47, 57), but it is probable that the confirmation by the people was always requisite (Madvig, *Verf. u. Verw.* ii. 29). This fact shows that a Roman colony was never a mere body of adventurers, but had a regular organisation by the parent state. According to an ancient definition quoted by Niebuhr (Serv. *ad* Verg. *Aen.* i. 12), a colony is a body of citizens, or socii, sent out to possess a commonwealth, with the approbation of their own state, or by a public act of that people to whom they belong; and it is added, those are colonies which are founded by public act, not by any secession. Many of the later laws which relate to the establishment of coloniae are leges agrariae, or laws for the division and assignment of public lands.

When a law was passed for founding a colony, persons were elected by the people to superintend its formation (*coloniam deducere*). These persons varied in number, but three was a common number (*triumviri ad colonos deducendos*, Liv. xxxvii. 46, vi. 21). We also read of duumviri, quinqueviri, vigintiviri for the same purpose. The law fixed the quantity of land that was to be distributed, and how much was to be assigned to each person. When the colony was not an inviting one, it was difficult to fill up the number of volunteers (Liv. x. 21); but as a colony was often founded as a military measure for the defence of the state, the requisite garrison might be raised by levy, or by lot (Dionys. vii. 13; Plut. *Coriol.* 13); and colonists were not allowed to withdraw from the colony at pleasure. The number of heads of families was usually in the early times, and sometimes afterwards, 300 (Dionys. ii. 35, 53; Liv. viii. 21, xxxii. 29, xxxiv. 45), but there is no reason to accept the conjecture which connects this number with the traditional 300 gentes at Rome. At a later period the number was often much larger: thus 2000 were sent to Satricum (Liv. vi. 16), to Mutina, and to Parma (Liv. xxxix. 55); 2500 to Cales (Liv. viii. 16) and to Luceria (Liv. ix. 26); 3000 *in Volscos* (Liv. v. 24); 4000 to Interamna (Liv. ix. 28) and elsewhere; and 6000 to Alba (Liv. x. 1) and to Placentia (Ascon. *ad* Cic. *in Pis.* p. 121).

Roman citizens who were willing to go out as members of a colony gave in their names at Rome (*nomina dederunt*, Liv. i. 11, an expression which is also used of soldiers enrolling, and which plainly indicates the military nature of the proceeding). Cicero (*pro Dom.* 30, 78) says that Roman citizens who chose to become members of a Latin colony must go voluntarily (*auctores facti*), for this was a *capitis deminutio;* and in another passage (*pro Caecin.* 33, 98) he alleges the fact of Roman citizens going out in

Latin colonies as a proof that loss of civitas must be a voluntary act.

The colonia proceeded to its place of destination in the form of an army (*sub vexillo*), which is indicated on the coins of some coloniae. An urbs, if one did not already exist, was a necessary part of a new colony, and its limits were marked out by a plough, which is also indicated on ancient coins. The colonia had also a territory, which, whether marked out by the plough or not (Cic. *Phil.* ii. 40, 102), was at least marked out by metes and bounds. Thus the urbs and territory of the colonia respectively corresponded to the urbs Roma and its territory. Religious ceremonies always accompanied the foundation of the colony, and the anniversary was afterwards observed. (Plut. *C. Gracchus*, 11; Serv. *ad* Verg. *Aen.* v. 755; Cic. *ad Attic.* iv. 14, *pro Sest.* 63, 131). It is stated that a colony could not be sent out to the same place to which a colony had already been sent in due form (*auspicato deducta*). This merely means that so long as the colony maintained its existence, there could be no new colony in the same place,—a doctrine that would hardly need proof, for a new colony implied a new assignment of lands; but new settlers (*novi adscripti*) might be sent to occupy colonial lands not already assigned. (Liv. vi. 30; Cic. *Phil.* ii. 40, 102.) Indeed it was not unusual for a colony to receive a *supplementum*, as in the case of Venusia (Liv. xxxi. 49), and in other cases (Tac. *Ann.* xiv. 27); and a colony might be re-established, if it seemed necessary, from any cause: under the emperors such re-establishment was sometimes entirely arbitrary, and done to gratify personal vanity, or from some similar motive. (Cf. Madvig, *Opusc.* i. 285.)

The commissioners appointed to conduct the colony had apparently a profitable office, and the establishment of a new settlement gave employment to numerous functionaries, among whom Cicero (*de Leg. Agr.* ii. 13, 32) enumerates apparitores, scribae, librarii, praecones, architecti. The foundation of a colony might then, in many cases, not only be a mere party measure, carried for the purpose of gaining popularity, but it would give those in power an opportunity of providing places for many of their friends.

The first division of the colonies was into (1) *coloniae civium Romanorum* and (2) *coloniae Latinae.*

To the former class belonged all colonies, where the colonising immigrants consisted exclusively of Roman citizens. Although there is no express testimony to this effect, it hardly admits of doubt that these retained the *civitas cum suffragio et iure bonorum* (Marquardt, *Handbuch*, iv. 36). Similarly Madvig (*Opusc.* i. 232–244) has made it very probable that the conquered prior inhabitants had the *civitas sine suffragio.* This seems to follow from the fact that they are frequently spoken of as *cives;* and that they had no other magistrates or laws than those of the colony. Thus only can we understand the gradual blending of the new comers and the old inhabitants, which appears to have been effected *de facto* long before the Lex Julia. Madvig and Mommsen have drawn up lists of thirty-two of such colonies, the date of the foundation of these lying between B.C. 338 and B.C. 100. This list excludes Ostia, which is
said to have been founded under Ancus
and Labici (B.C. 418), which is a
instance. It is confessedly incomp
according to Asconius (*in Pis.* p. 3), t
have been several more, the names of
not known to us.

The latter class included three
colonies, of somewhat different or
founded in three different periods. Fi
are ascribed to the time of the old Lati
which subsisted in the regal period
Seven others date from the renewe
established by Sp. Cassius, and incl
the Hernici. After the close of the
the Latins (B.C. 338) and the Herni
306), when the supremacy had pass
into the hands of Rome, the Romans
planted in conquered territory outside
colonies consisting partly of Roma
partly of Latins; of these twenty-s
been enumerated by Madvig and Mon
Latin colony was planted by Roma
and after a *plebiscitum*, like a colony
citizens, but differed essentially from
in its legal position. It formed an i
community, under the rule of no Ron
trate, and not bound to accept the R
except so far as it thought fit
The citizens lost the Roman fran
became *peregrini*, serving not in the l
in *cohortes* and *alae*, like other allies.
the older allied states they formed
Latinum, and enjoyed *commercium* an
also *conubium* with Rome. This la
colonies were founded almost invaria
interior of the Italian peninsula,
colonies *civium Romanorum* founded
same period were as a rule upon the
The position of the Latin colonies
have become worse in course of tin
distinction between the inhabitants of
those who possessed the full franchi
become more marked. A passage in
Caec. 35, 102) speaks of a particular
tion as that of "the twelve colon
phrase has been much discussed,
scholars are now of the opinion tha
interpretation was given first by
(*Gesch. d. Röm. Münzw.* p. 317). H
that the twelve Latin colonies founde
268, the first of which was Ariminum
that limited franchise, which was
extended to Transpadane Gaul, to som
Sicily, and under the empire to va
vinces. We do not know the deta
later or lesser Latin franchise; but
three points well established. It did
the right of coinage, except in some
where the coinage of copper was per
did not admit of *conubium*, although
commercium; and, thirdly, the acquisi
full Roman franchise was made mo
than had been the case.

Besides these coloniae, there wer
Italici juris, as some writers term
which in fact were not colonies. Sig
most subsequent writers, have cons
jus Italicum as a personal right, like
and Latinitas; but Savigny has sho
quite a different thing. The jus Ita
granted to favoured provincial cities
grant to the community, not to the i

. This right consisted in quiritarian
f the soil (commercium), and its
capacity of mancipatio, usucapion,
tio, together with freedom from
so in a municipal constitution, after
f the Italian towns, with duumviri,
es, aediles, and a jurisdictio. Many
wns which possessed the jus Itali-
their coins the figure of a standing
the hand raised, which was the

PHILIPP.
). 244–249.

AEL. MVNICIP. CO.
Coela or Coelos (Plin. iv. § 47) in the Thracian Chersonesus.

bol of municipal liberty. (*Obeundus*
. *Sat.* i. 6, 120.) Pliny (iii. §§ 18,
tioned several towns that had the
; and Lugdunum (Lyon), Vienna
Colonia Agrippinensis (Cologne) had
. It follows from the nature of this
t towns which had the Latinitas or
which was a personal privilege,
have the jus Italicum; but the
had the jus Italicum could hardly
than those which had the Civitas
and we cannot conceive that it was
a town of Peregrini.
al system of Rome, which originated
iest ages, was well adapted to
nd extend her power: "By the
empire was consolidated, the decay
checked, the unity of the nation and
age diffused." (Machiavelli, quoted
) The countries, which the Romans
ithin the limits of Italy, were
nations that cultivated the soil and
To destroy such a population was
nor politic; but it was a wise
e part of their lands, and to plant
Roman citizens, and also Latinae
ong the conquered people. The
me over her colonies was derived,
has well remarked, "from the su-
the parent state, to which the
Rome, like sons in a Roman family,
hey had grown to maturity, con-
erably subject." In fact, the notion
potestas will be found to lie at the
f the institutions of Rome.
iples of the system of colonisation
established in the early ages of
he colonies had a more purely mili-
ter,—that is, were composed of
he latter part of the republic, and
arlier emperors. The first colony
beyond the limits of Italy was
ell. ii. 15); Narbo Martius was the
usus (Nîmes) was made a colony by
an event which is commemorated by
che, *Lexicon Rei Numariae*), and an
ption at Nîmes.
on to the evidence from written
e numerous colonies established by

the Romans in Italy, and subsequently in all parts of the empire, we have the testimony of medals and inscriptions, in which COL., the

Coin of Nemausus.

abbreviation of colonia, indicates this fact, or, as in the case of Sinope, the Greek inscription ΚΟΛΩΝΕΙΑ. Septimius Severus made Tyre a colonia Veteranorum (Rasche, *Lexicon Rei Numariae*, s. v. *Tyrus*).

Colonies were sometimes established under the late republic and the empire with circumstances of great oppression, and lands were assigned to the veterans without regard to existing rights.

Under the emperors, all legislative authority being then virtually in them, the foundation of a colony was an act of imperial grace, and often merely a title of honour conferred on some favoured spot. Thus M. Aurelius raised to the rank of colonia the small town (vicus) of Halale, at the foot of Taurus, where his wife Faustina died. (Jul. Capitol. *M. Ant. Philos.* c. 26.) The old military colonies were composed of whole legions, with their tribunes and centurions, who, being united by mutual affection, composed a political body (*respublica*); but it was a complaint in the time of Nero, that soldiers who were strangers to one another, without any head, without any bond of union, were suddenly brought together on one spot, "numerus magis quam colonia" (Tacit. *Ann.* xiv. 27). And on the occasion of the mutiny of the legions in Pannonia, upon the accession of Tiberius, it was one ground of complaint, that the soldiers, after serving thirty or forty years, were separated, and dispersed in remote parts; where they received, under the name of a grant of lands (*per nomen agrorum*), swampy tracts and barren mountains. (Tac. *Ann.* i. 17.)

It remains briefly to state what was the internal constitution of a colonia. On this subject great light has been thrown by the discovery in 1851 of the municipal laws of Salpensa and Malaca in Hispania Baetica. (Cf. *C. I. L.* ii. 1963, 1964; Bruns, *Fontes Iuris Romani*, 120–131; Mommsen, *Die Stadtrechte d. lat. Gem. Sal. u. Mal.* 1855.) The genuineness of these valuable records was for a time disputed, but is now accepted universally. They date from about A.D. 81, and therefore describe the municipal constitution under the early empire; but it is not, as a rule, difficult to draw conclusions from this as to its character at an earlier date.

In the later times of the republic, the Roman state consisted of two distinct organised parts, Italy and the Provinces. "Italy consisted of a great number of republics (in the Roman sense of the term), whose citizens, after the Italian war, became members of the sovereign people. The communities of these citizens were subjects of the Roman people, yet the internal administration of the communities belonged to themselves. This free municipal constitution was the fundamental characteristic of Italy; and the same remark will apply to both principal classes of such constitutions, municipia and coloniae. That distinction which made a place into a praefectura is mentioned afterwards; and fora, conciliabula, castella, are merely smaller communities, with an incomplete organisation." (Savigny. Cf. Marquardt, *Staatsverw.* i.^{2} 2-21.) As in Rome, so in the colonies, the popular assembly had originally the sovereign power; they chose the magistrates, and could even make laws. (Cic. *de Leg.* iii. 16, 36.) It was a natural conjecture of Savigny's that, when the popular assemblies became a mere form in Rome, and the elections were transferred by Tiberius to the senate, the same thing happened in the colonies, and that the senates then acquired whatever power had once belonged to the community. But there is abundant epigraphic evidence to show that this was by no means the case. The division of the citizens (*populus*) into *curiae*, and the electoral activity of these when assembled in their *comitia*, long continued. On the walls of Pompeii we find frequent appeals of candidates, or in favour of candidates, to the popular body; and not only does the Lex Malacitana prescribe the details of the popular election, but we actually have mention of a *nominatio populi suffragiis* in Africa as late as A.D. 326. In practice, however, the election soon became little more than a formality; for office in these country towns was often regarded as a burden quite as much as an honour. In the laws dating from the time of Domitian, the presiding magistrate is empowered to nominate candidates, in case a sufficient number do not offer themselves, a right which doubtless existed in much earlier times; and if no more were nominated than were required to fill the vacancies, the confirmation by the popular vote was a mere form. (Mommsen, *Stadtrechte*, pp. 421-427.)

The town-council or senate consisted, like the Roman senate, of a fixed number of members, holding office for life, selected by magistrates corresponding to the censors at Rome, in the first instance from those who had been elected by the people as magistrates. The number was fixed by the law constituting the colony (Lex Jul. Munic. 85), and was usually 100, though we find instances of both smaller and larger bodies. The senate was called *senatus*, *ordo decurionum*, or *curia;* or in imitation of the Roman terms, *patres et conscripti*, *decuriones conscriptique;* the members of it *decuriones*, or at a later time (very rarely in inscriptions) *curiales*. An inscription from Canusium (Mommsen, *I. R. N.* 635) shows us very clearly the composition of a municipal senate. We find the names arranged under the following heads:—(1) *patroni clarissimi viri*, thirty-one in number; these had held office at Rome, and were Roman senators, and were apparently honorary members of the local senate: (2) *patroni equites Romani*, eight in number, and similarly honorary members: (3) *quinquennalicii*, local ex-censors, seven in number (including two of the previous class): (4) *allecti inter quinq.*, four men to whom a higher rank had been conceded by a special vote: (5) *duoviralicii*, twenty-nine in number, ex-
of the place: (6) *aedilicii*, ninet
aediles: (7) *quaestoricii*, nine past
(8) *pedani*, thirty-two in number, wh
no office, but had been admitted into
by the *quinquennales:* (9) *praetextat*
five in number, sons of senators, wh
were placed on the roll, as a mark
although apparently, like the cor
class at Rome, they attended the meeti
senate only as listeners.

The functions of the senate were
same as those of the senate at Rome.
as the deliberative body, and passed
which it was the duty of the magi
execute; but the ordinary executive f
government lay with the latter. Th
Malaca and Salpensa mention eight c
come within the competence of the s
most important of these are the cont
municipal property, and the hearing
against fines imposed by the magistr
wards the close of the second cent
Christ the position and character of
cipal bodies underwent gradual and ve
tant changes, as a result of the
centralisation of the imperial admi
Popular election died out: those posse
requisite property were appointed, oft
their will, *decuriones*, and from these
trates were selected. Ultimately the
came to be regarded as a class of m
and were charged with various func
finally the position became hereditary
curiales constituted a kind of official a

In many of the earlier *municipia*
magistrates continued to retain the tit
they had held before the towns came
power of Rome. Thus there was a
Aricia, Lanuvium, Nomentum, Tuscul
the Latin colony of Sutrium; and tw
in many of the Italian colonies, b
Romanorum and *Latinae*, as also in th
in Gaul and Spain. There were also
two *aediles*, probably instituted soon
creation of the curule aedileship at
on the model of it. But as a rule t
magistrates consisted of four officials
judicial business (*iure dicundo*), two ch
supervision of buildings, roads, &c.
potestate). These either constituted
leges, *duoviri iure dicundo* and *duoviri*
else one college with two divisions,
iure dicundo and *quattuorviri aediles.*
dence of inscriptions (collected by
I. R. N., Index, s. v. *duoviri*) fully bea
conjecture of Manutius (on Cic. *pro*
that the former arrangement was tha
colonies, the latter that in *municipia*.
even a few towns in which these m
along with the two *aerarii* (quaestors
two *auctores fanorum* were combin
collège of *octoviri*.

The *duoviri* or *quattuorviri iure dic*
the highest officials and alone bore
magistratus. Their year of office was d
their names, as by those of the consuls
They had the supreme judicial authori
Roman colonies not the power of presi
manumission, emancipation and adopti
gestive indication of the extent to w
Latin colonies and municipia retained

of the Roman community (Momm-
te, p. 436). They presided over
e popular assembly, and over the
ould appoint a substitute (*prae-*
se of absence. They wore the
d were attended by two lictors
fasces (without the axe), which,
ably differed in form from those
n magistrates, for they are also
or *bacilli*. (Cic. *de Leg. Agr.* ii.
tt. xi. 6, 2.) But these distinctions
only within the limits of their own
The *duoviri* or *quattuorviri aedi-*
s were the *collegae minores* of the
trates. Their functions are suffi-
ted by their names.

ennales after the date of the Lex
0 discharged the duties which had
been previously fulfilled by two
sors. The history of this impor-
s discussed adequately for the first
en in the *Annali* for 1858, pp. 1 ff.
l revenues were derived partly
nded property of the community
so forests, fisheries, and mines),
generally farmed by contractors,
nvested capital, which was usually
ecial purposes, and partly from a
s imposed in case of need upon all
Every fifth year magistrates were
e full title was *duoviri* (*quattuor-*
potestate quinquennales, and who,
shown, for this year replaced the
viri, and gave their name to the
special duties included the revision
orial and citizens' lists, and the
the finance of the community for
years. With increasing centralisa-
ctions of the *quinquennales* were
most entirely to an imperial com-
led *curator*, but it is a mistake, as
hown, to identify the two offices.
irst named in a rescript of Nerva
3, § 4), and for some time this
rs as directly appointed by the
ally not from the citizens of the
Afterwards he was chosen by the
t of their own body. The *quin-*
tinued to be elected, but all control
ms to have been taken out of their

wns we find *quaestores*, who had
f the details of finance, like the
Rome. In other cases the town-
committed to a third aedile, as at
c. *ad Att.* xv. 15, 1). *Praefecti*
ed to discharge the functions of
te, unable for any reason to fulfil
It was not uncommon under the
e emperor himself, or some member
to accept the position of one of the
community, in order to do honour
is case a *praefectus* was of course
discharge the duties of the office.
ve must carefully distinguish the
from Rome to the *praefecturae*.

n of the terms *colonia*, *municipium*,
ra has been much discussed, and
eement has not yet been arrived at,
nsequence of the looseness with
ancient authorities use the words,
ecause their precise force seems to have differed at different periods. The word *municipium* was usually derived by ancient writers from *munus capere*, in the sense of "to undertake a duty" (Gellius, xvi. 13, 6); but the explanation now justly preferred is that of Rudorff, who interprets it as coming from the same words, in the sense of "to receive a gift." The term is then originally an abstract word denoting a relation of hospitality, and it came to be applied, as a concrete name, for towns which had entered into this relation with Rome. Festus thus defines it: "municipium id genus hominum dicitur, qui cum Romam venissent, neque cives Romani essent, participes tamen omnium rerum ad munus fungendum una cum Romanis civibus praeterquam de suffragio ferendo aut magistratu cupiendo . . . alio modo cum id genus hominum definitur, quorum civitas universa in civitatem Romanam venit." These two classes have the common feature that their inhabitants are *cives Romani sine suffragio*: but the former constitute distinct communities ("ut semper rempublicam separatim a populo Romano haberent," Fest.); the latter have no municipal authorities of their own, but are governed from Rome. Capua is an instructive example of the distinction: for in B.C. 338 it was placed in the former class; in B.C. 211, after its revolt, it was reduced to the latter. Now, as these towns by degrees attained the complete Roman franchise, they ceased to constitute *civitates*, and came under the jurisdiction of the *praetor urbanus*. As he could not discharge his duties in person, he nominated deputies (*praefecti iure dicundo*) to administer Roman law in the various municipia. It has been usually held that this was not the case with all colonies and municipia, but only with a certain number of them, to which the name *praefecturae* was specially given. But Festus (p. 233) distinctly includes the three separate classes (municipia of both kinds and colonies) under the head of *praefecturae*; and this is supported by the fact that we find even under the empire municipia and colonies passing for a time and for special reasons into the category of *praefecturae*, i.e. governed by deputies sent from Rome, and not by their own elected magistrates. This induces Marquardt (*Handbuch*, iv. p. 43) and Mommsen to hold that all colonies and municipia were originally *praefecturae*. On the other hand, as of the twenty-two examples quoted by Festus, eighteen were *municipia sine suffragio*, and only four *coloniae civium Romanorum*, it is quite possible that Festus has included the last on the strength of some authority referring to their position before they were made colonies; *e.g.* Puteoli we know to have been governed by *duoviri* in B.C. 105. Hence Willems holds with Madvig that the *praefecturae* were always *municipia sine suffragio*. In any case, as soon as a community received the full franchise, it gained therewith the right of electing its own magistrates, and ceased to be a *praefectura*. But even after the Lex Julia of B.C. 90, which raised all communities in Italy to the rank of *municipia* or *coloniae civium Romanorum*, there were certain communities which, for reasons unknown to us, still were governed by *praefecti* sent from Rome. At some time in the first century B.C. the *praefecti* sent to Campania were changed into *ivviri iure dicundo*, elected

by the *comitia tributa;* but the others were still nominated by the praetor.

Of the earlier authorities we may mention Sigonius, *de Jure Antiquo*, &c.; Niebuhr, *Roman History;* Savigny, *Ueber das Jus Italicum, Zeitschr.* vol. v.; *Tabulae Heracleenses*, ed. Mazocchi, Neap. 1754; Savigny, *Der Römische Volksschluss der Tafel von Heraclea*, and Rudorff, *Ueber die Lex Manilia de Colonius, Zeitschr.* vol. ix.; Rudorff, *Das Ackergesetz von Sp. Thorius*, and Puchta, *Ueber den Inhalt der Lex Rubria de Gallia Cisalpina, Zeitschr.* vol. x.; Beaufort, *Rep. Rom.* v. pp. 278–308. But these are to a large extent rendered obsolete by the researches of Madvig, *Opuscula, De Jure et Condicione Coloniarum Populi Romani*, Hauniae, 1834; C. G. Zumpt, *Ueber den Unterschied der Benennungen, Municipium, Colonia, Praefectura*, Berlin, 1840; Mommsen, *Die Stadtrechte von Malaca und Salpensa*, Leipzig, 1855; *Geschichte d. Röm. Münzwesens*, Berlin, 1860; A. W. Zumpt, *Comment. Epigraphica*, vol. i.; E. Kuhn, *Die städtische u. bürgerl. Verf. des R. Reichs*, vol. i., Leipzig, 1864; Marquardt, *Handbuch*, vol. iv., Leipzig, 1873. The great collections of inscriptions are here of especial value. [G. L.] [A. S. W.]

COLO'RES. The Greeks and Romans had a very extensive acquaintance with colours as pigments. Book vii. of Vitruvius and several chapters of books xxxiii. xxxiv. and xxxv. of Pliny's Natural History contain much interesting matter upon their nature and composition; and these works, together with what is contained in book v. of Dioscorides, and some remarks in Theophrastus (*de Lapidibus*), constitute the chief part of our information upon the subject of ancient pigments. From these sources, through the experiments and observations of Sir Humphry Davy (*Phil. Trans. of the Royal Society*, 1815) on some remains of ancient colours and paintings in the Golden House of Nero (wrongly called the Baths of Titus), and in other ruins of antiquity, we are enabled to collect a tolerably satisfactory account of the colouring materials employed by the Greek and Roman painters. Recent discoveries at Tiryns and other very early Greek sites have brought to light examples of painting of extreme antiquity, in which nevertheless pigments of fine quality and considerable variety of tint are used.

Brilliant blues and greens occur made of "smalto" or powdered glass, and a large number of ochre earths supply various soft harmonious tints of red and yellow.

It should be observed that both Greek and Roman writers use colour-names in a very different way from that now employed; and thus most classical names for colours are now quite untranslatable. Homer's "wine-like sea" (οἶνοψ) and Horace's "purpureus olor" (*Carm.* iv. 1, 10) refer, not so much to what we call colour, as to the chromatic strength of the various surfaces, and their more or less strong powers of reflecting light, either in motion or when at rest.

Thus, too, we have no word like Virgil's "flavus," which can be applied both to a lady's hair and to the foliage of an olive. In a similar way a meaning unlike ours is attached to Greek technical terms in painting: by *τόνος* they meant, not tone, but the gradations of light and shade; and by ἁρμογή the relations

of colours. (See Pliny, *H. N.* xx
and Ruskin, *Mod. Painters*, part iv. c

The painting of the Greeks is ver
considered to have been inferior to t
ture: this partially arises from ver
information, and a very erroneous noti
ing the resources of the Greek
colouring. The error originated
with Pliny himself, who, it should
bered, was neither a scientific archae
a practical artist. He says (xxxv. §
tuor coloribus solis immortalia illa o
ex albis Melino, ex silaceis Attico
Sinopide Pontica, ex nigris atramen
Echion, Melanthius, Nicomachus, cla
tores;" and (xxxv. § 92), "Legent
rint omnia ea quatuor coloribus fa
mistake, as Sir H. Davy has supposec
arisen from an imperfect recollectio
sage in Cicero (*Brut.* 18, 70), whic
directly contradicts the statement
"In pictura Zeuxim et Polygnotum
them, et eorum, qui non sunt us
quattuor coloribus, formas et lineam
mus: at in Echione, Nicomacho,
Apelle jam perfecta sunt omnia."
extols the design and drawing of
Zeuxis, and Timanthes, and those wh
four colours; and observes in contra
that in Echion, Nicomachus, Prot
Apelles, all things were perfect.
mark of Pliny, that Apelles, Echion,
and Nicomachus used but four colou
both black and white to the exclu
blue, is evidently an error, indepen
contradiction to Cicero; and the
drawn by some from it and the remar
that the early Greek painters were
with but four pigments, is equal
foundation. Pliny himself speaks of
colours, besides the four in question,
used by the earliest painters; the
(xxxv. § 16) and *cinnabaris* or vermi
he calls also minium (xxxiii. § 115)
tions also (xxxv. § 38) the Eretrian
by Nicomachus, and the *elephantinum*
black, used by Apelles (xxxv. § 42),
dicting himself when he asserted t
and Nicomachus used but four col
above tradition, and the *simplex col*
tilian (*Orat. Instit.* xii. 10), are our
rities for defining any limits to the *us*
by the early Greeks, as applied to pa
we have no authority whatever fo
that they were limited in any rema
in their *acquaintance* with them.
painters of the earliest period ha
abundant resources in this departmen
those of the later, is quite consistent
discoveries, and does not require dem
but to suppose that they were confi
pigments is quite a gratuitous supp
is opposed to both reason and evidenc

Sir H. Davy also analysed the col
so-called "Aldobrandini marriage" (
Vatican library), all the reds and
which he discovered to be ochres; th
greens, to be oxides of copper; the
carbonaceous; the browns, mixture
and black, and some containing oxi
ganese; the whites were all car
lime.

The reds discovered in an earthen vase containg a variety of colours, were red oxide of lead *minium*) and two iron ochres of different tints, —a dull red, and a purplish red nearly of the same int as prussiate of copper; they were all mixed vith chalk or carbonate of lime. The yellows vere pure ochres with carbonate of lime, and chre mixed with minium and carbonate of lime. 'he blues were oxides of copper with carbonate f lime. Sir H. Davy discovered a frit made by neans of soda and coloured with oxide of copper, pproaching ultramarine in tint, which he supposed to be the frit of Alexandria; its composiion, he says, was perfect—"that of embodying he colour in a composition resembling stone, so s to prevent the escape of elastic matter from t, or the decomposing action of the elements: his is a species of artificial lapis-lazuli, the colouring matter of which is naturally inherent n a hard siliceous stone." The process of naking this vitreous pigment or "smalto" is lescribed below.

Of greens there were many shades, all, however, either carbonate or oxide of copper, mixed vith carbonate of lime. The browns consisted f ochres calcined, and oxides of iron and of nanganese, and compounds of ochres and blacks. Sir H. Davy could not ascertain whether the ake which he discovered was of animal or of egetable origin; if of animal, he supposed that t was very probably the Tyrian or marine purple. He discovered also a colour which he upposed to be black wood, or hydrated binoxide f manganese; also a black colour composed of chalk, mixed with the ink of the *Sepia officinalis* r cuttle-fish.

The following list, compiled from the different sources of our information concerning the pigments known to the ancients, will serve to convey an idea of the great resources of the Greek and Roman painters in this department of their art; and which, in the opinion of Sir H. Davy, were fully equal to the resources of the great Italian painters in the sixteenth century:—

RED. The ancient reds were very numerous. **Κιννάβαρι**, *cinnabaris*, cinnabar; **μίλτος**, vermilion, bisulphuret of mercury, called also by Pliny and Vitruvius *minium*.

The **κιννάβαρι Ἰνδικόν**, *cinnabaris Indica*, mentioned by Pliny and Dioscorides, was what is usually called dragon's-blood, the resin obtained from various species of the calamus palm.

Μίλτος seems to have had various significations; it was used for *cinnabaris*, *minium*, red lead, and *rubrica*, red ochre. There were various kinds of *rubricae*,—the Cappadocian, the Egyptian, the Spanish, and the Lemnian; all were, however, red iron oxides, of which the best were the Lemnian, from the isle of Lemnos, and the Cappadocian, called by the Romans *rubrica Sinopica*, by the Greeks **Σινωπίς**, from Sinope in Paphlagonia, whence it was first brought. There was also an African rubrica called *cicerculum*.

Minium, red oxide of lead, red lead, was called by the Romans *cerussa usta*, and, according to Vitruvius, *sandaraca*; by the Greeks, **μίλτος**, and, according to Dioscorides (v. 122), **σανδαράκη**. Pliny tells us that it was discovered through the accidental calcination of some *cerussa* (white lead) by a fire in the Peiraeeus, and was first used as a pigment by Nicias of Athens, about 330 B.C.

The Roman sandaraca seems to have had various significations, and it is evidently used differently by the Greek and Roman writers. Pliny speaks of different shades of sandaraca, the pale or massicot (yellow oxide of lead), and a mixture of the pale with minium; it apparently also signified realgar or the red sulphuret of arsenic: there was also a compound colour of equal parts of sandaraca and rubrica calcined, called sandyx, **σάνδυξ**. Sir H. Davy supposed this colour to approach our crimson in tint; in painting it was frequently glazed with purple, to give it additional lustre.

Pliny speaks of a dark ochre from the isle of Syros, which he calls Syricum; but he says also that it was made by mixing sandyx with *rubrica Sinopica*.

The fine sealing-wax-like red on the Roman Samian pottery is formed of an oxide of iron, mixed with an alkaline silicate, so as to make a sort of red enamel.

The reds used by fresco-painters were mainly varieties of ochre-earths, coloured by different oxides of iron. Native iron, in the form of haematite, was largely used by painters on fresh stucco. The very brilliant vermilion, a sulphide of mercury, was used less frequently. It occurs on some of the pottery from Magna Graecia, of the fourth century B.C., and also in some of wax encaustic paintings of Pompeii.

One of the most beautiful pigments known to the ancients was made from the *kermes* of the Arabs, or *Coccus ilicis*, a small beetle resembling cochineal, which lives on the ilex oaks of Arcadia and various parts of Asia Minor. This insect, when infused in boiling water, gives a magnificent rich red dye, and was largely used in the fine Persian carpets of the fourteenth to the sixteenth centuries. It is more splendid in colour and more durable than cochineal.

Some stuffs, found in 1886 in tombs at Ekhmîn in Middle Egypt, have woven patterns in coloured wools on a white linen warp. In some of these, which date from the third century A.D., the fine *kermes* red is still as brilliant as ever.

Like the *murex*, and other colours of animal or vegetable origin, this *kermes*, though in the first instance specially a dyer's pigment, seems also to have been made available for the painter. This was done by using it as a stain for a white earth, thus forming a solid pigment of sufficient body to be used on stucco or panel.

YELLOW. Yellow ochre, hydrated peroxide of iron, the *sil* of the Romans, the **ὤχρα** of the Greeks, formed the base of many other yellows mixed with various colours and carbonate of lime. Ochre was procured from different parts; the Attic was considered the best; it was first used in painting, according to Pliny, by Polygnotus and Micon, at Athens, about 460 B.C., but in reality ochre pigments were used many centuries earlier.

Ἀρσενικόν, *auripigmentum*, orpiment (yellow sulphuret of arsenic), found especially in the silver mines of Syria, was also an important yellow; but it has not been discovered in any of the ancient paintings. The sandaraca has been already mentioned.

Saffron, and plants such as the *Reseda luteola*, were largely used to produce yellow dyes for textiles; and the same pigments were mixed with white earths for the use of painters.

GREEN. *Chrysocolla*, χρυσόκολλα, which appears to have been green carbonate of copper or malachite (green verditer), was the green most approved of by the ancients; its depth of tint depended upon the quantity of white carbonate of lime mixed with it.

Pliny mentions various kinds of verdigris (diacetate of copper), *aerugo*, ἰός, ἰὸς χαλκοῦ, *cypria aerugo*, and *aeruca*, and a particular preparation of verdigris called *scolecia*. Sir H. Davy supposes the ancients to have used also acetate of copper as a pigment. Besides the above were several green earths, all cupreous oxides: *Theodotion* (Θεοδότιον), so called from being found upon the estate of Theodotus, near Smyrna; *Appianum;* and the *creta viridis*, common green earth of Verona.

The finest green pigment was a variety of "smalto," simply a glass coloured with some salt of copper, and then minutely powdered. This very brilliant colour could resist the action of fresh lime, and so was available for the fresco-painter.

It should be noted that the word *chrysocolla* is used in classical writings with many different meanings. Its original meaning, and the one which gave its name, was borax, used as a flux for soldering by the ancient gold-workers.

Another meaning seems to be the glittering scales of mica, which are found in large quantities among the *débris* of disintegrated granitic rocks. This appears to be the meaning of the word when Pliny, *H. N.* xxxiii. 90, speaks of Nero strewing the arena of the Circus Maximus with *chrysocolla*.

Carbonate of copper, either natural or artificial, was largely used by the ancient dyers; as, for examples, in the Ekhmîn textiles mentioned above. To receive this dye the stuff had previously to be prepared by an alum "mordant," the use of which for this and other colours was understood by the dyers of Egypt at a very early period, as is recorded by Pliny.

BLUE, *caeruleum*, κύανος. The principal blue pigment used by the Greek and Roman painters in early times seems to have been a true "smalto" or enamel colour, made of powdered blue glass, which had been coloured by some salt of copper.

Examples of this exist in the tombs of ancient Egypt, and on the paintings of Tiryns; and lumps of the smalto pigment have been found at Ephesus and at Pompeii.

One method of preparing this colour is described by Vitruvius (vii. 11): copper filings and a proportion of alkali are to be mixed with finely ground sand (*silica*), and the frit thus composed mixed with water into a paste, formed into balls, dried, and then fused in an ordinary glass furnace. The blue vitreous mass thus produced was then broken up and finely ground.

A lump of this "smalto" from Pompeii, when analysed by Sir Humphry Davy, was found to consist of *carbonate of soda*, 15 parts; *silica*, 20; and *copper*, 3.

A natural blue carbonate of copper (*verditer*) was also much used. Various tints were produced by mixing it with different proportions of carbonate of lime or white earth. This was
imported from Scythia, Alexandria
A variety called *coelon* was made a
a man named Vestorius, who ha
process in Egypt. Another prepa
by washing out the particles of
was known as *lomentum:* an infer
this was called *tritum*.

The finest and most costly blu
marine (*sapphirus*, κύανος), made
lazuli. The stone was first calcin
the blue particles separated by
use was probably very limited,
rarity of fine blue lapis-lazuli.

Cobalt blue was used specially
glass, and for glazes on pottery,
the small mummy-figures from E
for this purpose was got from
mines, where it occurs in com
other substances. As a metal, c
known till modern times.

Indigo, *indicum*, was chiefly us
textiles. It is the juice of t
tinctoria, a plant which does
Europe. The indigo was largely i
manufactured state from Egypt
East, probably from India.

There is no trace of blue in t
itself, and a piece of stuff after fi
of the vat is a pale yellow colour,
becomes blue on exposure to the
the oxidization which takes place
Repeated dippings are required
blue is gained, and when carefu
colour is very permanent. E
Egyptian tombs, dating many c
still exist as fresh in tint as if
The indigo was adapted to the
poses in the usual way, by using i
stain chalk or white earth.

PURPLE. The ancients had also
of purple,—*purpurissum*, *ostrum*,
various compound colours. The
of these was the *purpurissum*, prepa
the *creta argentaria* with the purp
the murex (πορφύρα).

The magnificent *murex* dye, f
Phoenicians of Tyre and Sidon
brated, was made from several
spiral univalves, the chief of w
Murex trunculus.

An interesting discovery of th
manufactory for *murex* purple ne
discovered by M. Gaillardot
vol. xxvi., No. 15, p. 237). An imm
of shells were found, all broken
way, evidently by a sharp-pointe
extract the fish. See also S
Purpurfarberei . . . in Alterthum,"
schungen aus dem Gebiete des Alter
1842, p. 96; and Lacaze-Duthier
sur la Pourpre," in the *Compte*
l'Acad. des Sciences, Paris, 1860,
very different colours were mad
murex, one a blue-purple and
crimson-purple.

The use of manganese as a bro
for vitreous purposes was known t
glass-workers of many countries.
on the glazed pottery of Egypt.

Hysginum, ὕσγινον (ὕσγη, woad
to Vitruvius, is a colour between
purple.

oman *ostrum* was a compound of red
blue oxide of copper.

ius mentions a purple which was ob-
cooling the *ochra usta* with wine

radix, madder-root, gave a very beau-
le-red, specially used for dyeing.

, *ochra usta*, burnt ochre. The
ere ochres calcined, oxides of iron and of
e, and compounds of ochres and blacks.

, *atramentum*, *μέλαν*. The ancient
re mostly carbonaceous. The best for
oses of painting were *elephantinum*,
νον, ivory-black; and *tryginum*, *τρύ-*
ne-black, made of burnt vine twigs.
er was used by Apelles, the latter by
ıs and Micon.

ramentum Indicum, mentioned by Pliny
uvius, was probably the so-called
ink" of China, made of finely-divided
The blacks from sepia and the black
e been already mentioned.

ck used by dyers, *Atramentum sutorium*,
have been identical with *chalcantum*,
e of copper dye, which was obtained in
ntities from the copper mines of Spain.
was liable to destroy the fibre of
and in ancient examples from Egypt
here the threads which had been dyed
e usually rotted away. The same
s also produced by the black dyes
some salt of iron mixed with tannin
n gall-nuts or oak-bark—what we now
iting ink.

agnificent black enamel, used for the
f Greek vases of the best period, ap-
om analysis, to be a true vitreous
endered black by the magnetic oxide

. The ordinary Greek white was
μηλία, less correctly *μηλιάς*, an earth
isle of Melos, a sort of "pipe-clay." For
nting the best was the African *parae-*
αραιτόνιον, a hydrated silicate of mag-
called from the well-known place in
a, where it was found; it also was
in large quantities from Crete and the
.

eta annularia appears to have been an
s earth from Eretria, so called because
into the composition of the glass
used for imitation gems in rings.

ate of lead or white lead, *cerussa*,
does not appear to have been used by
ainters, probably because it is very
blacken, if exposed to any but very

pure *cerussa* is found in a native state
places, but the best was made arti-
y placing sheets of lead in jars with a
egar at the bottom. The surface of the
wly becomes converted into carbonate
e of lead under the influence of the
our of the vinegar, and can then be
f, ground and purified by repeated
The vapour of vinegar was used in
way to produce blue pigment from
metallic copper, which rapidly acquire
of verdigris.

other earthy whites were used by the
d the mural painter; as, for example,
psum, and common lime. These mineral

whites were also very largely used in combination with other colours to produce tints of different degrees of strength. In many cases the painter used a pure colour for his deepest shadows, and got gradation of half tones by mixing with the pure pigment various proportions of lime or chalk-white, the pure white being finally used to touch in the high lights. This method is common among the paintings of Rome and Pompeii.

A fine mixture of chalk or pipe-clay together with powdered *silica* was used by the Attic potters to produce the beautiful creamy white of the fourth-century polychromatic *lecythi*, probably the *atticum* of Pliny, xxxv. § 50. Some of the Athenian terra-cotta statuettes are coated with a similar mixture, to which some alkaline flux has been added, so that a vitreous, white enamelled surface was produced by the heat of the kiln. This remarkable fabrique, though a different composition was used, resembles in effect the white enamel of the Della Robbias of Florence in the fifteenth century.

Another frequent use of earth-whites, to form a vehicle or body for vegetable pigments, has been more than once mentioned above.

Pliny divides the colours into *colores floridi* and *colores austeri* (xxxv. § 30). The colores floridi were those which, in his time, were supplied by the employer to the painter, on account of their expense, and to secure their being genuine; they were minium, Armenium, cinnabaris, chrysocolla, Indicum, and purpurissum: the rest were the austeri.

Both Pliny (xxxv. § 30) and Vitruvius (vii. 7) divide the colours into natural and artificial. The natural are those obtained immediately from the earth, which, according to Pliny, are Sinopis, rubrica, paraetonium, melinum, Eretria, and auripigmentum: to these Vitruvius adds ochra, sandaraca, minium (*vermilion*), and chrysocolla, being of metallic origin. The others are called artificial, on account of requiring some particular preparation to render them fit for use.

For the modes of using colours and the various *media* employed, see PICTURA.

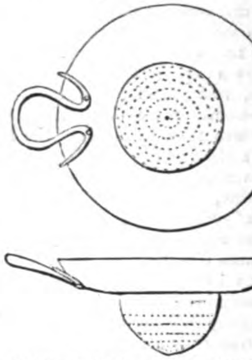
(*Bibliography*.—Sir Humphry Davy, "Colours used by the Ancients," in the *Transactions of the Royal Society*, 1815; Montabert, *Traité complet de Peinture*, Paris, 1829–55; Geoffroy, "Des Couleurs dans l'Antiquité," printed in the *Mém. de Soc. d'Anthropologie*, ii. 2, 1879; Blümner, *Technologie der Gewerbe und Künste bei Griechen und Römer*, i. Berlin, 1875; Hittorf, *L'Architecture polychrome des Grecs*, Paris, 1851; Jahn, *Die Malerei der Alten*, Berlin, 1836; Wiegmann, *Die Malerei der Alten*, Hannover, 1836; Helbig, *Wandgemälde der Städte campaniens*, Berlin, 1875, and the introduction by Otto Donner; Penrose, *Principles of Athenian Architecture*, London, 1858; Palmeri, *Ricerche sopra 12 Colori trovati a Pompei*, Naples, 1877.) [R. N. W.] [J. H. M.]

COLOSSUS (*κολοσσός*). For the origin of this word, cf. Curtius, *Greek Etym*. i. 176. It rarely occurs in the Attic writers. (Blomf. *Gloss. ad* Aesch. *Agam*. 406.) It is used both by the Greeks and Romans to signify a statue larger than life (Hesych. *s. v.*; Aesch. *Agam*. 406; Schol. *ad* Juv. *Sat*. viii. 230), and thence a person of extraordinary stature and beauty is termed *colosseros* (Suet. *Calig*. 35); and the architectural ornaments in the upper members of lofty buildings, which require to be of large dimensions in consequence of their remoteness, are termed *colossicotera* (κολοσσικώτερα, Vitruv. iii. 3; compare *Id.* x. 4). Statues of this kind, simply colossal, but not enormously large, were too common amongst the Greeks to excite observation merely from their size, and are, therefore, rarely referred to as such; the word being more frequently applied to designate those figures of gigantic dimensions (*moles statuarum, turribus pares*, Plin. *H. N.* xxxiv. § 39) which were first executed in Egypt, and afterwards in Greece and Italy.

Among the colossal statues of Greece the most celebrated, according to Pliny, was the bronze colossus at Rhodes by Chares of Lindus, a pupil of Lysippus. (See *Dict. of Gr. and Rom. Biog.*, art. *Chares.*) In this one island there were more than 100 colossi. Pliny mentions another Greek colossus of Apollo, the work of Calamis (Strabo, vii. p. 319), which cost 500 talents, and was thirty cubits high, in the city of Apollonia, whence it was transferred to the Capitol by M. Lucullus; and also those of Jupiter and Hercules, at Tarentum, by Lysippus. (*Dict. of Gr. and Rom. Biog.*, art. *Lysippus.*) To the list of Pliny must be added the more important colossal statues of Pheidias, the most beautiful of which were his chryselephantine statues of Zeus, at Olympia (more than 40 feet high, seated), and of Athena, in the Parthenon at Athens; the largest (more than 70 feet high, including the base) was his bronze statue commonly called Athena Promachus, on the Acropolis.

Amongst the works of this description made expressly by or for the Romans, those most frequently alluded to are the following:—1. A statue of Jupiter upon the Capitol, made by order of Sp. Carvilius, from the armour of the Samnites, which was so large that it could be seen from the Alban mount (Plin. *l. c.*). 2. A bronze statue of Apollo at the Palatine library (Plin. *l. c.*), to which the bronze head now preserved in the Capitol probably belonged. 3. A bronze statue of Augustus, in the Forum, which bore his name. (Mart. *Ep.* viii. 44, 7.) 4. The colossus of Nero, which was executed by Zenodorus, and which is quoted by Pliny as a proof that the taste for bronze statues was lost, for this was adorned with gold and silver. Its height was 110 or 120 feet. (Plin. *l. c.*; Suet. *Nero*, 31.) It was originally placed in the vestibule of the Domus Aurea (Mart. *Spect.* ii. 1, *Ep.* i. 71, 7; Dio Cass. lxvi. 15), but was afterwards removed by Vespasian to the Via Sacra, and Hadrian again moved it to a position to the north of the Coliseum, where the basement upon which it stood is still to be seen; from it the contiguous amphitheatre is supposed to have gained the name of "Colosseum." Vespasian had converted it into a statue of the sun. (Hieronym. *in Hab.* c. 3; Suet. *Vesp.* 18; Plin. *l. c.*: compare Lamprid. *Commod.* 17; Dio Cass. lxxii. 15.) Twenty-four elephants were employed by Hadrian to remove it, when he was about to build the temple of Venus at Rome. (Spart. *Hadr.* 19.) 5. An equestrian statue of Domitian, of bronze gilt, which was placed in the centre of the Forum. (Sat. *Silv.* i. 1, 1; Mart. *Ep.* i. 70, 6.) [A. R.] [A. S. W.]

COLUM (ἠθμός, ἠθάνιον), a s
colander, was used for straining
olive-oil, drugs, perfumes, and oth
Thus we find it employed in the
olive-oil to receive the juice of the
pressed out by the prelum. Such
made of hair, broom, or rushes (Ver
242, *Ecl.* x. 71; Colum. *R. R.* ix. 15,



Colum, strainer. (*Museo Borbo*

38). The cola employed for suc
purposes as straining wine were som
of linen (Mart. xiv. 104), but freque
metal, such as bronze or silver.
ap. Athen. p. 470 d.) Such straine
represented in Greek vase-paintings;
examples of elegant silver strainer
workmanship, found in the Crimea,
in the *Antiquités du Bosphore Cimméri*

Various specimens of cola have bee
Pompeii. The preceding woodcut
plan and profile of one which is of s
Borb. vol. viii. 14, figs. 4, 5).

The Romans filled the strainer
snow (*cola nivaria*) in order to cool
the wine at the same time that it
(Mart. xiv. 103) [NIX]. Severa
vases have been discovered, in whic
consists of a strainer, so that the liq
fied as it is poured out. (Micali,
inediti, pl. xxx. 2, xxxvii. 8.)

Ausonius (*Ep.* iv. 57) uses the
to denote the *nassa* or weel for
[NASSA]. [J. Y.]

COLUMBAR, a kind of pillory
the head passed through a hole, lik
in a pigeon-house, whence the nam
Rud. iii. 6, 49.)

COLUMBA'RIUM (περιστερεών,
τροφεῖον), a dove-cote, or pigeon-h
account of pigeons with their *col*
given under AGRICULTURA, pp. 79, 8

The word is also used to denote th
objects, which derive their name
resemblance to a dovecote:—

1. A sepulchral chamber. [FUNUS

2. In a machine used to raise wat
purpose of irrigation, as described by
(x. 9), the vents through which the
conveyed into the receiving trough w
columbaria. This will be understood b
to the woodcut at p. 129. [ANTL
difference between that representatio
machine now under consideration c

ng points:—The wheel of the latter
ne (*tympanum*), instead of radiated
was worked as a treadmill, by men
upon platforms projecting from the
stead of being turned by a stream.
e intervals of each platform a series
r channels (*columbaria*) were formed
s of the tympanum, through which
taken up by a number of scoops
he outer margin of the wheel, like
the cut referred to, was conducted
den trough below (*labrum ligneum*
Vitruv. *l. c.*).

cavities which receive the extreme
beams upon which a roof is supported
ubilia), and which are represented by
n the Doric order, were termed *co-*
y the Roman architects; that is,
remained empty, and until filled up
l of the beam. The corresponding
was ὀπαί (from ὀπή, *a hole*), and
pace between two such cavities—that
omplete building, between two tri-
s called μετόπη, a metope. (Vitruv.
quez, *Dell' Ordine Dorico*, vii. 37.)

ıbaria (τρυπήματα), the oar-ports,
n the side of a vessel through which
vere passed. (Isid. *Orig.* xix. 2, 3;
69 M.) [Navis.] [A. R.] [J. H. F.]

IEN (later *culmen*) is used in archi-
her generally for the roof of a build-
ticularly for a beam in the highest
slope of a roof. By this description
eems to mean either the *collar-beam*,
-post, but more probably the latter,
es *columna* from *columen* (Vitruv.
iv. 7, § 5). [P. S.]

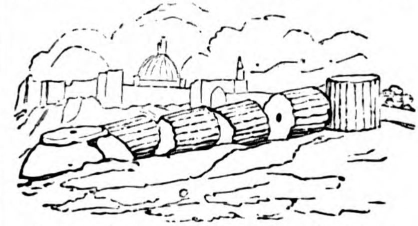
NA (κιών, dim. κιονίς, κιονίον, κιο-
λος, dim. στυλίς, στυλίσκος), a pillar

e term "column" is comprised a
forms, bearing indeed a superficial
to each other, but in origin and
idely differing. Thus, the isolated
g a votive, terminal, or commemora-
corresponds to the earlier monolith
ee. A few of the more interesting
nt types of this class will be briefly
later on. Again, the structural
ording as it appears in the interior
eric hall (*Od.* vi. 307; viii. 66, &c.),
ior of a peripteral temple, or in the
t called "hypaethral," also occurring
n atrium, has in each case a distinct
significance. Merely to confront
series of achievements in stone, be-
the main to the most finished and
es, with the rude wooden cabins that
d or still exist in some parts of
no longer considered a satisfactory
of the origin of Greek columnar
e. It is now admitted that a form
been brought through centuries of
t to such variety and perfection on
nd Euphrates was scarcely likely to
nvented again by such an eminently
race as the Greeks. Hence evidence
sional occurrence of wooden columns
ing on the general question: the pil-
in the market-place at Elis (Paus. vi.
he trunks of vines in the temple of
tapontum (Plin. *H. N.* xiv. § 9), may have been relics of an older mode of construction, but can prove nothing. The verandahed huts of Xanthos described by Fellowes (*Journal*, p. 234) undoubtedly throw light upon the Lycian rock-hewn tombs and temples, which clearly exhibit a wooden type. But this is a local style; moreover, these monuments being monolithic, the change of material does not require structural accommodation.

The theory of direct imitation of wooden structures had been pushed to its logical conclusion by Vitruvius, according to whom the triglyphs cover the ends of the beams supporting the cornice, and the mutules are the representatives of the ends of rafters; but the rather lame attempt of the Roman architect to explain the details of the Doric order only accentuates more strongly the material difficulties. A like failure has hitherto attended nearly all essays to find a meaning for the symbolic and decorative elements apparent or suggested in the several orders. The story of Callimachus (Vitr. iv. 1, 9) is chronologically inconsistent; the anthropomorphic speculation (iv. 1) requires the absence of the Doric flutings; and Vitruvius' fantastic explanations are only paralleled by some of the modern theories.

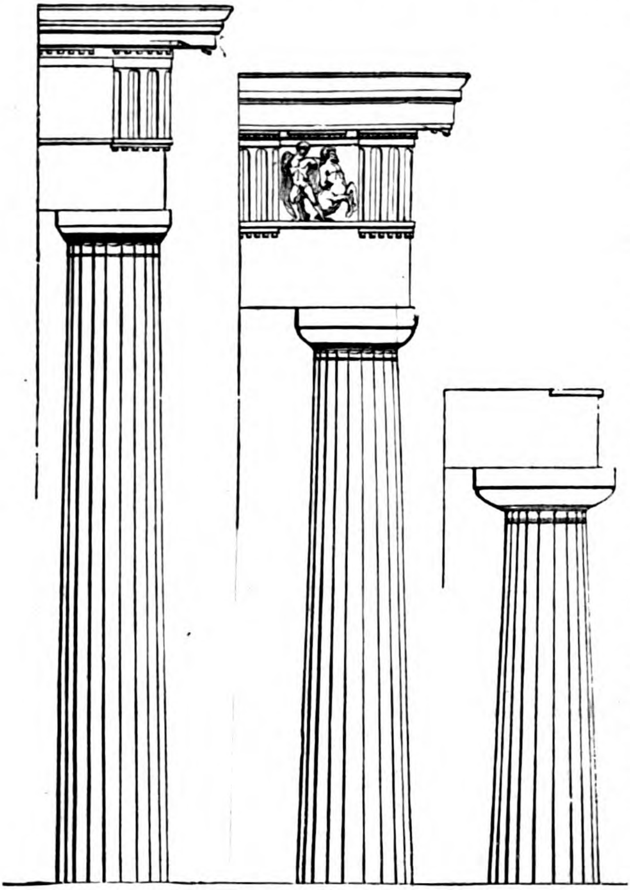
Recently, however, the materials and the methods for the elucidation of the history of the Greek orders have been enlarged and improved. Fragments of temples dating from before the Persian wars, the evidence of coins and vases, and a cautious comparison of Egyptian and Assyrian styles, are all helping to throw light on this difficult subject. Thus a glimpse, however slight, has been obtained of the importation into Hellas of the elements of two orders, the Doric and the Ionic. Through the Phoenicians and the races of Asia Minor, the resources and motives of Egyptian and Assyrian art were made familiar to the Greek mind. Perhaps even a precise moment may be seized for that imposing creation the Doric temple; and we may suppose, with M. Chipiez, that the idea was first inspired in those Greeks who, serving under Psammetichus, had beheld the wonderful temples on the Nile. This would not only account for the new departure, in the use of stone, but also for that most remarkable parallel to Egyptian art, the principle of polychromy.

For a full account of the positive results hitherto attained, and for a criticism of the older Vitruvian views, the student must be referred to the literature cited below. In M Chipiez's work, the historical side is most ably illustrated, and in H. Adamy's treatise aesthetic considerations receive ample appreciation.



Fallen Column. (Swinburne's *Tour in the Two Sicilies*, ii. p. 301.)

(Beulé, *Hist. de l'Art grec avant Périclès;* Id., *Fouilles et Découvertes résumées et discutées en vue de l'Histoire de l'Art;* Chabat, *Fragments d'Arch.;* Chandler, *Ionian Antiquities;* Batissier, *Art Monument.;* Chipiez, *Hist. crit. des Orig. et de la Format. des Ordres grecs;* Adamy, *Architektonik auf hist. und aesthet. Grundlage;* Donaldson, *Architectura Numismatica;* the works of Schliemann and Cesnola, and reports of excavations at Olympia. Also Prisse d'Avennes on *Egyptian Architecture;* Perrot and Chipiez, *History of Ancient Art;* and in particular Milchhoefer, *Die Anfänge der Kunst in Griechenland.*)



Temple at Delos. **Parthenon at Athens.** **Temple at Corinth.**

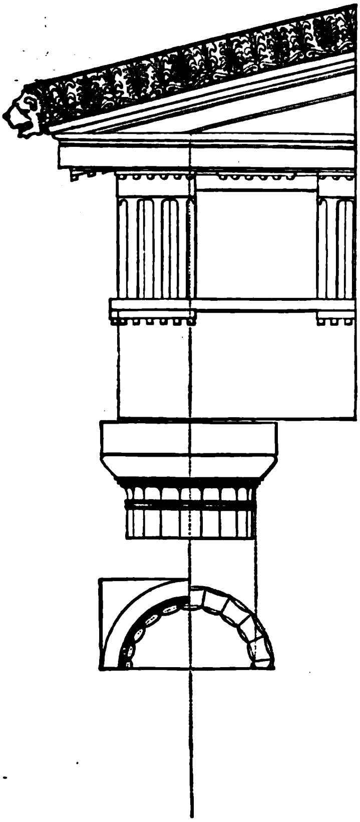
Doric Columns. (Fergusson.)

I. GREEK.—Before proceeding to the detailed description of the several orders, a few words may be devoted to more general matters. The members of an order from below upwards are: the foundation (**κρηπίδωμα**) of one or more steps (*κρηπῖδες*); the column (**στῦλος**), consisting of shaft (*σῶμα*, *scapus*) and capital (**ἐπίκρανον, κιόκρανον**); and the entablature, consisting of architrave (*ἐπιστύλιον* [EPISTYLIUM]), frieze (**ζωοφόρος** [ZOPHORUS]), and cornice (**γεῖσον**, *corona*). For the gable-end or pediment (**ἀετός**), see FASTI-
GIUM; for the door-posts (**παραστ**
ANTAE. From the constitutive chara
column in an order immediately follo
portance in determining the propo
disposition of the other members. T
unit (**ἐμβάτης**, *modulus*) for this pu
the inferior diameter of the column,
Doric order the breadth of a triglyph
diameter). Each order, then, has
(**κανών**) of proportion as well as of fo
except when the disposition of the
indefinite [PORTICUS], intercolumniati
στύλιον) are
by reference t
dulus [TEMPL

1. The *Dor*
characterised
sence of a
shafts of th
spring immedi
the floor (*σ*
podium)—the
and rapid dim
the shaft, an
plicity of th
which consists
square *abacus*
ported by a
ovolo (**ἐχῖνος**
which are fro
five steps or
(*ἱμάντες*, *annu*
these the sh
times retreats
and in most
narrow neck
λιον), travers
flutes, is cu
grooves or fille
in early exam
rinth), one in
thenon).

This portio
one piece with
tal (see eng
fallen column,
and did not sh
diminution, bu
nels served as
for the fluting
σις) of the low
The shaft sw
the base to a
third and th
nishes; this
(**ἔντασις** [ENT
exaggerated
ancient specim
Assos, while it
absent in others, as at Corinth. Th
flutes (*διάξυσμα*, *striae*), commonly
to twenty in number, although tw
twenty-eight, and thirty-two are kn
separated by a sharp edge; their
circular, semi-elliptical, or eccentric.
earliest examples of the order, the col
very short in proportion to their great
ness. Thus, in the temple at Corinth, t
of the columns is only $7\frac{2}{3}$ modules
meters), and in the great temple at
only $8\frac{1}{2}$; but greater lightness was a
given to the order, so that in the P

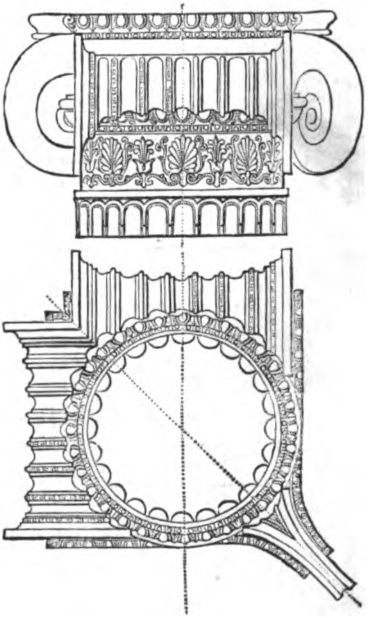
which represents the canonical proportion, the height of the columns is 11 modules. Originally the echinus moulding was full and impending (Corinth and Assos); its outline, usually parabolic or circular, became later almost flat (hyperbolic), as in the Propylaea and Parthenon. The architrave, impending the columns half as much as the abacus the shaft, is flat and plain, except at Assos, where it bears a bas-relief of bulls fighting. It is marked off by a narrow band (*taenia*) from the frieze. The latter is ornamented by equally-spaced surfaces (*τρίγλυφοι*), one over each column and each intercolumniation, with the exception of those at the extremities, whose axes do not coincide with those of the angular columns. The triglyphs are so called from the channels, two whole and two half, of triangular or curved section, which appear upon them, leaving three flat strips (*μηροί*). They are bound above and below by narrow bands: the upper of these is continuous, although here deeper, with the fascia of the frieze; from the under-surface of the lower band (*regula*) depend six cylindrical or conical drops (*guttae*). The square intervals of frieze (*μετόπαι*) are supposed to have been originally left open (Eurip. *Iph. Taur.* 113), and are so represented on vases. In extant examples they are occupied with flat plates often sculptured in high relief. The cornice consists of a flat larmier (*γεισιπόδισμα, corona*) and a group of mouldings (*κυμάτιον, ἀκρογείσιον*), comprising a square fillet and ogee. The corona is continuous and greatly projecting, with its lower surface sloped. Attached to a narrow sunk face, forming the soffit of the cornice, is a series of inclined plates (*mutuli*), one over each triglyph and metope; from their under-surfaces depend eighteen cylindrical guttae in three rows. The cymatium, so called from the form of its characteristic moulding (*κῦμα*), carries lion-heads. For the arrangement of the roof, see Fastigium; and for further details, Acroterium, Antefixa, Stelae.



Doric Order. Temple of Apollo Epicurius, Phigaleia. (Mauch, pl. 11.)

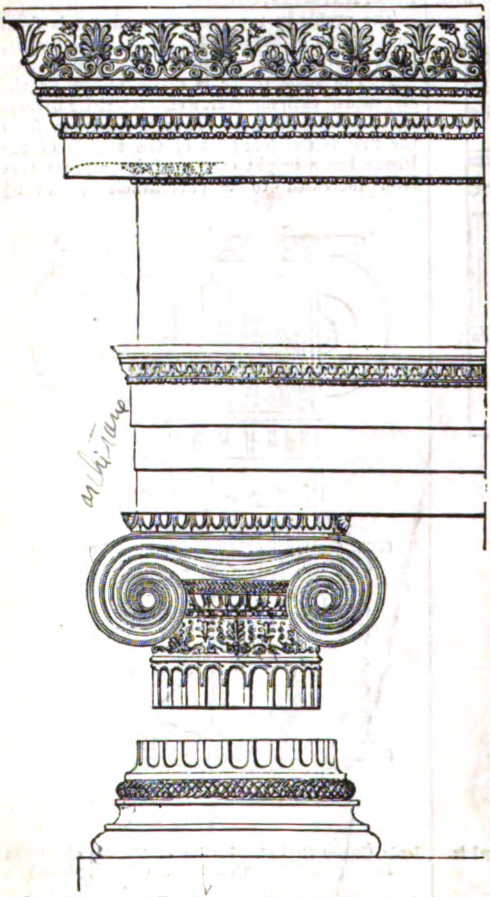
The profile in the preceding column is from the temple of Apollo Epicurius at Phigaleia, built by Ictinus, the architect of the Parthenon.

2. The *Ionic Order* is distinguished by the elegance of each member, a characteristic betraying Asiatic influence. Thus, the column from the first is slender: that of the temple of the Ilissus has a height of 8 modules, a proportion later increased to 9 (Erechtheium) and 9½ (Athena Polias, Priene). The shaft rests upon a circular base (*σπεῖρα*), towards which it gradually curves. [Spira; Atticurges.] Its surface is occupied with alternate flutes (24) and fillets. The capital consists of an astragal, an echinus with egg and tongue pattern, and, sometimes a *torus* intervening, the *canalis*, from which proceed the spirals of two lateral volutes (*ἕλικες*), whence the name for the whole *σπειροκέφαλον*. The upper and lower lines of the canalis may be either convex or horizontal. The volutes have a central disc (*oculus*), and are flat in front and behind, presenting a surface of double curvature at the sides, where they are



Ionic Corner Capital. Portico of Temple of Athena Polias (Erechtheium), Athens. (Mauch, pl. 34.)

bound together with astragals [Baltei] in the directrices. When the order had to be carried round a corner, the plane of the outer volute was sometimes given an inclination of 45° to the surfaces (see figure in preceding page). Below the astragal of the capital there is often a hypotrachelium, sometimes, as in the Erechtheium, adorned with palm-leaves (ἀνθέμιον), separated from the shaft by an astragal. Upon a narrow ornamental rectangular abacus rests the architrave of three faces, slightly overlapping. There is a small cornice between architrave and frieze; the latter sometimes exhibits bas-reliefs, and all three members are more or less ornamented with mouldings. Modillions (πρόμοχθοι) and dentils sometimes appear under the upper part of the cornice.



Ionic Column and Entablature. Portico of Temple of Athena Polias (Erechtheium), Athens. (Fergusson.)

The finest specimens of the order in its most simple form are those in the temple of the Ilissus, and that of Athena Polias at Priene. The engraving shows the portico of the temple of Athena Polias (Erechtheium) at Athens, which, while displaying a greater profusion of ornament, is equally pure in its outlines.

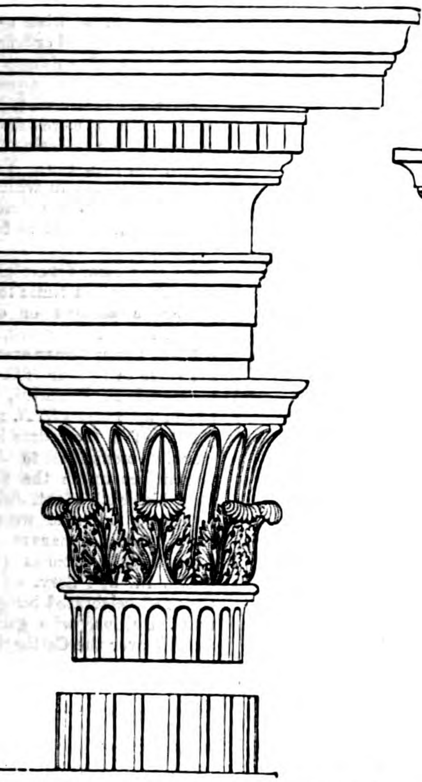
3. The *Corinthian Order* is more slender than the Ionic, but the chief difference is the
greater richness of the capita
basket (κάλαθος) spring two
leaves, surmounted by four vol
the spaces between the volut
by flowers, leaves, and oppose
helices. In the earlier examp
is frequently but one row o
and in the Horologium of
rhestes, vulgarly called “ T
Winds,” the volutes are wa
consisting only of an astragal,
leaves, and a row of tong
In all the examples except t
the abacus, instead of being s

Corinthian Order. Monument
(Mauch, pl

at the edges, and the middle
namented with a flower. Th
leaves, tendrils, and volutes
metal-work applied to a ce
it is known that the capital w
of bronze, or even gold and i
A very early capital was
of the temple of Apollo at Pl
typical specimen of this or

ment of Lysicrates at Athens (335 B.C.). cut on preceding page.) The next example m the Horologium of Andronicus Cyrrhestes, n of above. (See cut below.)

e Olympieium or temple of Zeus Olympius thens, commenced by Peisistratus and ed by Hadrian, after many suspensions and ruptions, is, strictly speaking, a Roman and Grecian example; except that, being exe- at Athens, there is a degree of taste and splayed in its execution which we do not a any strictly Roman example. (Fergusson.) hough the combination of Greek orders in lane follows no rule, when superposed the



ian Order. Horologium of Andronicus Cyrrhestes, Athens. (Fergusson.)

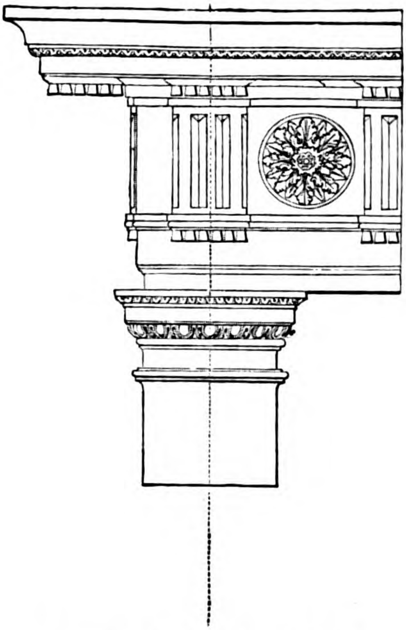
order is used in each tier, and the columns ted by an architrave have their axes on. (This arrangement is to be seen in mple of Poseidon at Paestum.)

frequently recurring want of symmetry dispositions of the Greek temple can here e noted. For details on this and other s, such as the inclination of columns and ntal surfaces, variations from canonical and surface colouring and the employ- f coloured tiles, reference must be made authorities below (see also ENTASIS).

he TUSCAN ORDER, although at one time evailing style at Rome, has left such meagre s, that we are obliged to fall back upon scription of Vitruvius (iv. 7). With this, er, the fragments of columns discovered and the bas-reliefs on Etruscan tombs do not quite agree. The order seems to have been an undeveloped or simplified Doric. (Dennis, *Cities and Cemeteries of Etruria;* Carlo Promis, *Le Antichità di Alba Fucense*, pl. iii.; Canina, *Etruria maritima*, pl. cx.; Abeken, *Mittelitalien.*)

III. ROMAN.—The *Roman* imitations of the Greek orders are chiefly notable for their inferiority in proportion and vulgarity in detail, and for their perverse misapprehension of the more characteristic features in the originals.

1. In the *Doric Order* the shaft is often smooth (Coliseum) and always slender, and it is in later work provided with a base. The proportions of the capital are disregarded, and the effect of the abacus is destroyed by a fillet. Mutules are sometimes absent from the cornice, and dentils appear instead. (The figure in the text represents the details of an example at Albano, near Rome.)

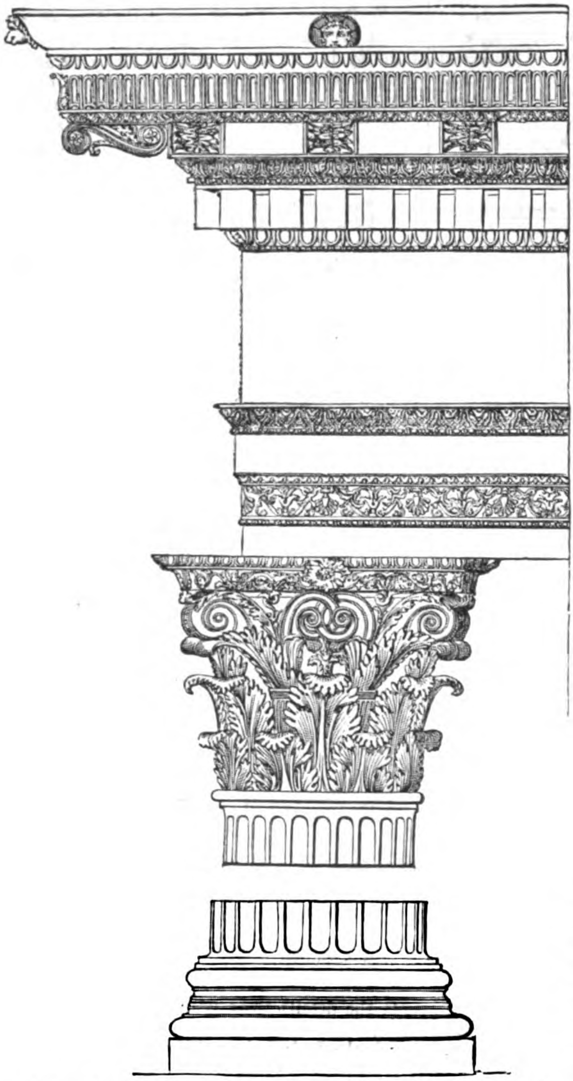


Roman Doric Order. Albano, near Rome. (Mauch, pl. 19.)

2. In the *Ionic Order*, a square plinth was added to the base, and frequently all the capitals were given corner volutes.

3. The *Corinthian Order.* "The fate of this order," says Fergusson, "was different from that of the other two. The Doric and Ionic orders had reached their acme of perfection in the hands of the Greek artists, and seem to have become incapable of further improvement. The Corinthian, on the contrary, was a recent conception; and although nothing can surpass the elegance and grace with which the Greeks adorned it, the new capital never acquired with them that fulness and strength requisite to render it an appropriate architectural ornament.

These were added to it by the Romans, or rather perhaps by Grecian artists acting under their direction, who thus, as shown in the cut below, produced an order which for richness, combined with proportion and architectural fitness, has hardly been surpassed."



Roman Corinthian Order. Temple of Jupiter Stator. (Fergusson.)

This order sometimes shows a plinth, and a base, composed of two tori, including two scotiae, separated by a double astragal.

4. The *Roman* or *Composite Order* is a mongrel of the Corinthian and Ionic; the general character being Corinthian, except that the upper part of the capital has Ionic volutes. Both capital and entablature are overloaded with ornaments. The cut on the next page is from the triumphal arch of Titus, which is considered the best example.

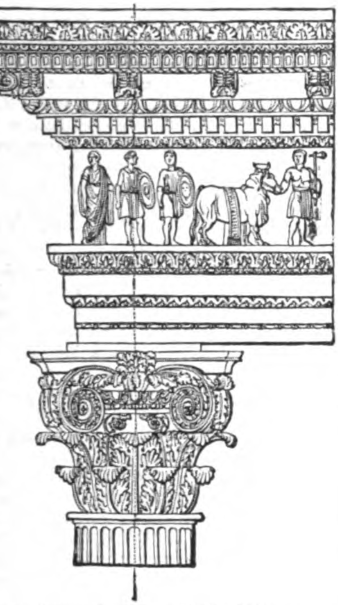
Structural incongruities, such as an order of columns standing free from the architrave, which is otherwise supported, and *complete* ordonnances (Doric, Ionic, and Corinthian), superimposed one on another, the upper members thus losing all significance, are of common occurrence. In the Coliseum, the three orders are further surmounted by a wall decorated with pilasters of the Composite order. (See the elevation, AMPHITHEATRUM, p. 109 *b*.)

It now remains to mention some other uses of the column or pillar, in addition to that in an architectural ordonnance. Long rows of columns were used to support aqueducts (Crates, *ap.* Athen. vi. 94); and single pillars were fixed in harbours for mooring ships (Hom. *Od.* xxii. 466). Various other structures in which the column appears are described under HOROLOGIUM and MILLIARIUM.

Single columns were erected from the earliest times to commemorate persons or events (Leon. Tarent. in Brunck, *Anal.* i. 239). Early Roman examples are those in honour of C. Maenius and P. Minucius, mentioned by Pliny (*H. N.* xxxiv. § 21); of a later date is the marble monolith to Julius Caesar, set up in the Forum after his death (Suet. *Jul.* 85). *Columnae rostratae* were employed by the Romans to record their naval victories (Verg. *Georg.* iii. 29; Serv. *ad loc.*), the most celebrated being that to C. Duilius, who gained a victory over the Carthaginians in B.C. 260, a copy of which is now in the museum of the Capitol. (See cut on the next page.)

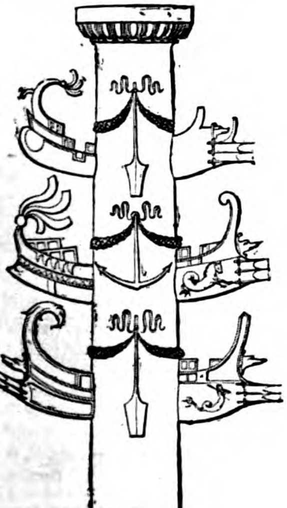
More important, as well on account of their imposing size as of their value to the archaeologist, are the lofty and elaborate columns erected in imperial times. The finest of these monuments is that which was voted by the senate in honour of Trajan, and executed by Apollodorus in 104 A.D. The column itself is apparently of the Tuscan order, and is composed of huge drums of white marble, pierced within so as to form a spiral staircase, to which there is an entrance in the pedestal. A bas-relief of the chief episodes in the Dacian campaigns winds round the shaft. Including the bronze statue of the emperor, the total height was not less than 130 feet. (Piranesi, *Col. Traj.*; Fröhner, *La Col. Tr.* (photolithographic reprod. of castings); Percier, *La C. T. restaur. exécut. en* 1788; Chipiez, *Columna* in Daremberg and Saglio.)

bove mode of construction, which re-
ne name of *columna cochlis*, was likewise
in the Antonine column erected to the
of Marcus Aurelius, illustrating his



oman Composite Order. Arch of Titus. (Mauch, pl. 77.)

s over the Marcomanni. (Bartoli et
Col. cochl. M. Aur. Ant. Aug. dicata, &c.,
d 1704.)



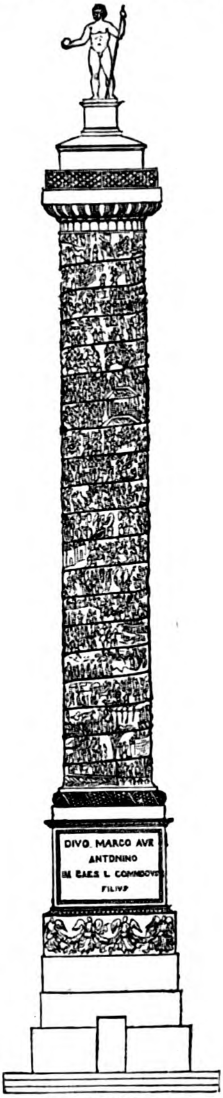
Columna rostrata of C. Duilius.

hird and very inferior specimen of this
monument is the Theodosian column, the

base of which still exists at Constantinople. (G. Bellino, *Col. Theodos.* 1702; Séroux d'Agincourt, *Hist. de l'Art*, pl. xi. 1823.)

Authorities.—Principles of Greek architecture:—Vitruvius, *De Arch.*, ed. Rose u. Müller-Strübing; *Index*, Nohl.; Penrose, *An Investig. of the Principles of Athenian Archit.*; Bötticher,

Column of Trajan.



Antonine Column.

Tektonik der Hellenen; Durm, *Constructive Détail der gr. Baukunst;* Fabricius, *De Arch. Graeca;* Lohde, *Die Architektonik der Hell.*; Mauch, *Die Architekt. Ordn. der Gr., Römer, u. neueren Meister;* Id., *Neue system. Darstell. d. arch. Ordn. der Gr., R., u. neueren Baum.*; Id., *Vergl. Darstell. Gr. Bau-Ordn.* (Kupfertaf.); Reber, *Gesch. der Bauk. im Alterthum.* The Greek canon:—Aurès, *Études des dimensions du gr. Temple de Paestum*, &c.; Id., *Nouvelle théorie* *du Module;* Choisy, *Études sur l'Archit. grecque.* On optical accommodations, curvature, &c., see Entasis. Polychromy:—Hittorf, *Restit. du Temple d'Empédocle à Sélinounte, ou l'Arch. polychrôme chez les Grecs* (Atlas); Kugler, *Ueber Polychromie;* Rosz, *Bemalte Att. Marmorstelen;* Bormann u. Siebold, *Ueber Verwendung von Terrakotten am Geison und Dache Gr. Bauwerke.* Special works:—Penrose (above), Michaelis, Fergusson—the *Parthenon;* Leake, *Topogr. of Athens;* Stuart and Revett, *Antiq. of Athens and Attica;* Blouet, *Expéd. scient. de Morée;* Stackelberg, *Der Apollotemple zu Bassae;* F. Lenormant, *Rech. arch. à Eleusis;* Hittorf et Zanth, *Archit. ant. de la Sicile;* Texier, *Descr. de l'Asie Mineure;* Rayet et Thomas, *Milet et le golfe Lathmique;* Perrot et Guillaume, *Explor. de la Galatie;* Pacho, *Voy. dans la Cyrén.;* Labrouste, *Les Temples de Paestum;* and works by Wood, Newton, Ramsay, and others. [J. M.]

COLUMNA'RIUM, a tax imposed in the time of Julius Caesar upon the pillars that supported a house. (Cic. *ad Att.* xiii. 6.) It was probably imposed by the lex sumtuaria of Julius Caesar, and was intended to check the passion for the building of palaces, which then prevailed at Rome. The *Ostiarium* was a similar tax. [Ostiarium.] The *columnarium* levied by Metellus Scipio in Syria, in B.C. 49–48, was a tax of a similar kind, but had nothing to do with the tax to which Cicero alludes in the passage quoted above. This columnarium was simply an illegal means of extorting money from the provincials. (Caes. *B. C.* iii. 32.) [W. S.]

COLUS, a distaff. [Fusus.]

COMA (**κόμη**). I. Greek.—The word **κομᾶν** in Greek signifies "to wear long hair," and the constant epithet of the Achaeans in Homer is **καρηκομόωντες**, *i.e.* with the hair all over the head being allowed to grow. They are thus distinguished from the Abantes (*Il.* ii. 542), who only allowed their back hair to grow long (**ὄπιθεν κομόωντες**), and the Thracians, who were called **ἀκρόκομοι** (*Il.* iv. 533), because they wound their hair into a knot on the top of their heads. The gods, too, are represented as having splendid hair: Zeus has "ambrosial locks;" Apollo is "unshorn" (**ἀκερσεκόμης**); and the goddesses and distinguished ladies have "beautiful plaits" (**καλλιπλόκαμοι, εὐπλόκαμοι**). By contrast, the vulgar Thersites is represented as almost bald (*Il.* ii. 219). The old scholiasts supposed, probably rightly, that **κέρᾳ ἀγλαὲ** in *Il.* xi. 385 referred to a horn-shaped lock of hair, and Helbig (*Das homerische Epos*, p. 166) gives a representation of what he considers this to be. As to the colour of the hair in early times, we hear of yellow hair (**ξανθαὶ τρίχες**) belonging to several of the characters in Homer: Menelaus (*Il.* iii. 284), Odysseus (*Od.* xiii. 399), Demeter (*Il.* v. 501), Agamede (*Il.* xi. 740); cf. Hes. *Theog.* 947. Unfortunately we have no certain illustration of the way the hair was dressed in Homeric times, and without illustrations we can seldom be very positive as to what descriptions exactly signify; though conversely a little later we must not lay too much stress on archaic statues, as the sculptors, having little command over the material, were forced to observe a greater homogeneity of treatment than was probably observed in the actual arrange
hair by the men of their day.

Turning, then, with this proviso,
statues, we find in them the hai
arrangements as stiff and symmet
quite similar to, that of the
Assyrian statues. The winged Ar
has an artificial arrangement of s
the forehead, and stiff symme
hanging down the back and should
Dict. des Antiq. i. fig. 1800). S
the front curls and the back r
Apollo of Orchomenus; and in t
Tenea there are a series of perpe
on the brow similar one to anot
hair hanging down the back, div
zontal lines into a series of homoge
These horizontal lines doubtless
threads or thin metal spirals (of
silver) which were fastened in this
the hair. A bas-relief of a disco
Saglio (fig. 1799) exhibits a sin
ment, except that the back-hair
into a circular roll. It is some a
this sort which is described by Ho
52), where he tells that Euphorbu
θ' οἳ χρυσῷ τε καὶ ἀργύρῳ ἐσφήκωντ
(*Das Hom. Epos*, p. 167 ff.) has
this wasp-like fastening was effec
(**σύριγγες**) of gold or silver. W
find in the archaic statues the fro
wise arranged than in some artifici
fashion (very frequently with thre
or **παρωτίδες** beside the ears) of a
of curls or ringlets (**σπεῖραι**),
gradually passing, as time went
pendicular or horizontally arran
fastening up of the back hair on
the head by means of a band or
trations tending to exemplify this
the following drawings, one rep
head of Apollo from an early Gr
and the other the head of Hermes
hair, in the Etruscan style, and a
beard, from an altar in the m
Capitol at Rome. In none of th

Apollo. (British Museum.)

Herme
I

band wanting. A very common
is that figured in the cut on th
an ephebus of the fifth century, ta
from Gerhard's *Berliner Trinkscha*

Owing to its frequency, this ar
been supposed by some archaeologi
(*Nuove Mem. dell' Inst.* p. 408 f
fashion of wearing the hair noted

ned by the Athenians till a short
wrote (χρυσῶν τεττίγων ἐνέρσει
κρωβύλον ἀναδούμενοι
τῶν ἐν τῇ κεφαλῇ τρι-
χῶν). The κρωβύλος
was a large tuft or
bunch of hair, also call-
ed κόρυμβος. It is
generally supposed that
it was on the top of
the crown, as in the
Belvedere Apollo or the
Venus of the Capitol,
or as in the accom-
panying figure of Arte-
tish Museum: others, as we have
s, suppose that it was on the back

the fifth
erhard.)

lere. Artemis. (British Museum.)
th figures with κρωβύλος.

and the τέττιξ was a pin for
Helbig (*l. c.*) thinks the fashion
as that of Euphorbus noticed
at the τέττιγες are the metal
compressed the collected hair,
esembled the sunk-in bodies of
Many such spirals have been
s, just at the head of the corpse;
uite decided whether these were
of ear-ring. Birt (*Rhein. Mus.*
.) supposes the τέττιγες to be a
(*fibula*, περόνη), but such is not
shopper. Schreiber (*Mitth. der*
. *Instit.* viii. 246) supposes the
o be the hair drawn back from the
g behind, while in front the hair
a tuft, and the τέττιγες fasten
. This, indeed, agrees somewhat
ment of Athenaeus (xii. p. 512 c),
says they were used περὶ τὸ

aic period, as both sexes wore their
difference between the arrangement
men and women was not marked;
Persian wars the men begin to
air; and, sculpture getting a
y over its materials, the symmetry
ous arrangements give place to the
ature. We find heads on which
epresented falling into natural
curls or ringlets: for example,
f Praxiteles. (See also the an-
Hermes.) Rich luxurious hair
ural folds, such as is seen in the
s (see annexed cut), was the ideal
reeks of this time conceived (O.
Müller, *Arch. der Kunst.* § 330, 4). Though the men of this age all wore shortened hair, yet they not unfrequently represented ever-youthful gods with long flowing hair fastened up like a woman's: a well-known example is the Apollo Sauroctonos.

Hermes. (Vatican.)

Zeus. (Vatican.)

Children still wore their hair long, the front hair being tied up in a knot (σκόλλυς) on the crown (O. Müller, *op. cit.* § 330, 1), or arranged in a long plait or plaits stretching from the forehead across the middle of the crown to the back of the head. (See Saglio, figs. 1809, 1810.) The former is supposed to be the σκορπίος alluded to by the Scholiast on Thucydides (i. 6) as the tuft peculiar to children. The hair cut off when the boy became an ephebus was called σκόλλυς by Athen. (xi. p. 494 f) and μαλλὸς by Hesychius. It was cut off on the third day of the Apaturia (κουρεῶτις ἡμέρα) [APATURIA], the ceremony being preceded by a libation to Hercules called οἰνιστήρια, and the hair being dedicated sometimes to Apollo (for Theseus went to Delphi or Delos to perform this ceremony, Plut. *Thes.* 5; cf. Ath. xiii. p. 605 a; Theophr. *Charact.* 21), but generally to some river-god (cf. *Il.* xxiii. 146, and Eustath. *ad loc.*; Aesch. *Choëph.* 6; Paus. i. 37, 2; vii. 17, 4; viii. 41, 3). Besides the ephebi, athletes wore their hair cut very short (Lucian, *Dial. Meretr.* 5, 3, and the statue of Palaestra in Philostr. *Imag.* p. 433), as did also certain Cynic and Stoic philosophers (Juv. ii. 15; Pers. iii. 54; and Jahn *ad loc.*). A ψιλὴ κεφαλὴ is also recommended to the Christians (Clem. Alex. *Paed.* iii. 11). But it must be carefully remembered that by full-grown Greek men of the Classical period, especially the Ionians, the hair was worn moderately long, and much attention seems to have been bestowed upon it, especially by dandies (Aristoph. *Eq.* 579; *Nub.* 14, &c.). Agathon (*ap.* Ath. xii. p. 528 d) says that long hair was a sign of luxury (κόμας . . . μάρτυρας τρυφῆς).

Different from this was the custom of the Lacedaemonians, among whom the boys wore their hair short (Plut. *Lycurg.* 16) and the men long, considering their hair "the cheapest of ornaments" (Plut. *Apophthegm. Lac.* 230, 15), and tradition marking it as one of the institutions of Lycurgus (Plut. *Lys.* 1: cf. Herod. vii. 208, 209; Plut. *Nic.* 19; Aristoph. *Av.* 1281; Aristot. *Rhet.* i. 9, 26, who considers the wearing of long hair a class-distinction of the Spartans), though doubtless it was an old Dorian custom (Becker-Göll, *Charikles*, iii. p. 288). There are, however, some assertions seemingly at variance with this opinion. Thus Alcibiades (Plut. *Alc.* 23; *de Adult.* 7) is said to have cut his hair close, in order to be like a Spartan; and again they are said to have worn short hair till they defeated the Argives in 550 B.C. at Thyrea (Herod. i. 82); but this latter is controverted by Plutarch (*Lys.* 1), and the former may be some mistake of Plutarch's from the fashions of his own day. The Euboeans wore their hair long at the back (ὀπισθοκόμαι, Poll. ii. 28), like the Abantes in Homer; and the Macedonians wore long hair and beard till after the battle of Arbela, when Alexander made them cut both short, so as not to allow themselves to be seized thereby in hand-to-hand conflict (Plut. *Thes.* 5).

Pollux (ii. 29) has preserved to us a number of terms signifying different kinds of tonsures, which we can fix with some degree of definiteness. Thus, the "garden" cut (**κῆπος**) was the hair cut short on the crown, but raised all round with a crisping iron (Schol. Eur. *Tro.* 1165); the reverse, the "bowl" cut (**σκάφιον**), was the hair cut short all round the head (hence called **περιτρόχαλα**), with a centre tuft probably left intact (Schol. Ar. *Av.* 806; Hesych. *ad* Phot. *s. v.*; cf. Herod. iii. 8). The latter attached only to slaves and the lower orders (Schol. Ar. *Av.* 856), and it is to be remembered that a mark of class-distinction between slave and free was established by their hair (**τὴν ἀνδραποδώδη τρίχα**, Plat. *Alcib.* 120 B). The Ἑκτόρειος was apparently the hair in front, above the forehead, puffed out, and the back hair flowing about the neck (Poll. ii. 30); and the **Θησηΐς**, the hair cut close in the front (Plut. *Thes.* 5); while what we should call a fringe appears to have been called **προκόττα**, and was said to be a peculiarity of the Dorians (Poll. ii. 29). **Μαλλός**, a lock of wool, was used for short round fleecy hair, resembling wool (μαλλοὶ πλοκάμων, Eur. *Bacch.* 113), such as is seen in some of the early Greek sculptures, particularly in the heads of Hercules.

Hercules. (British Museum.)

As to the way Greek women wore their hair, we frequently find in vase-paintings the front hair crisped in a kind of fringe, and the rest fastened back by a band in one long cue, itself tied at the extremity, often in a lump of some size. There nearly always appears to have been some band behind. Sometimes long ringlets hang down the neck underneath the band, as in the statue of Peace at Munich; sometimes the hair is all drawn back in a mass at the back of the neck, as in the Venus of Milo and the Venus de Medici. A not uncommon arrangement for young girls was to have the hair drawn up and fastened in a large bunch on the top of the head; an example is the Victory given by Stackelberg (*Gräber der Hellenen*, plate 60; cf. pl. 29 and 15). It would be endless to describe all the different forms in which women wore their hair which appear on statues. Saglio (i. p. 1361), Blümner (in Baumeister's *Denkmä*
and Guhl and Koner (fig. 222, p.
give a great number of illustrations
that they were as various as may b
drawing-rooms to-day. As time
arrangements of the hair came to
more artificial and crisped with
tongs, till the climax is reached i
ful structures which appear in
Especial notice is to be taken
Berenice, wife of Ptolemy Soter
grecque, pl. 52, 6 and 7), which e
number of delicately arranged
hanging over the forehead all do
and on to the shoulders. Th
noticeable as common to the
dresses is that they all tended
forehead, and we know that such
a mark of beauty (see O. Müller,
§ 329, 3).

Fashion of hair of Greek girls. (R
Niobe; left, from a bas-relief a

For the barbers and their i
TONSOR; and for the various
UNGUENTUM. But a word must
false hair and dyeing. The
hair, whether wig (πηνίκη, φεν
ἔντριχον, κεφαλὴ περίθετος) o
μιον), a custom which undoubte
Greeks from the East (Wilkinso
Customs of the Ancient Egyptian
Cyrop. i. 3, 2), is chiefly ment
and effeminate men (Aristoph.
V. H. i. 26; Lucian, *Dial. M*
As to dyeing, the colour most af
(ξανθή): see Plut. *Amat.* 25; L
Poll. ii. 30; Ath. xii. p. 542.
something strange that the
(Ael. *V. H.* xiii. 1) and Lais (A
was naturally of this colour.
ages, it was considered as a mar
for women to wear yellow ha
Clem. Alex. *Paed.* iii. 2); thou
too choosing this colour, *e.g.* De
(Ath. xii. p. 542). Dyeing was f
to in order to conceal grey
vii. 20).

When Andromache hears
Hector (*Il.* xxii. 469), in her d
fall from her head her ἄμπυξ,
fastened from the front of the
back of the head near the ne
κεκρύφαλος or coif (though
homer. Realien, ii. 2, 269, takes
the *tutulus*; see below); her
a thick puffed-out band at the
fastening in the mass of hair e
and her **κρήδεμνον**, a cloak o

ging down on both the cheeks (hence ρήδεμνα), or, according to Buchholz, καλύπτρη. The κρήδεμνον could be ill entirely over the face (*Il.* xiv. lbig, *op. cit.* pp. 157 ff.). It appears similar to the Latin *calantica;* see to other fastenings used for the ear of the στεφάνη, a metal plate the front part of the head, and und in representations of goddesses 97). The σφενδόνη (Poll. v. 96) or ed band". was perhaps similar,

no) with σφενδόνη. (British Museum.)

middle, where it stood on the fore- pering away towards the extremi- ισθοσφενδόνη (Aristoph. *Thesm.* Fr. k) was a similar band for the back στλεγγὶς was, according to Pollux a gilt band," and indeed most hair- somehow ornamented with gold or . 96). Those dedicated by Nicias in 24, line 10, had raised work in wood ν ξύλῳ), and were probably like combs aatshaushaltung, ii.³ 289, 290). The s for ornamental combs were ξάνια oll. v. 96).

ric term for any hair-coverings other r hats was κεκρύφαλος. They ap-

ead-dresses. (From ancient vases.)

figure on the top wears a κεκρύφαλος iculum). Of the two bottom figures, the eft hand wears a μίτρα, and the one on the κος.

ve been made of silk (Salmas. *ad* 92), byssus (Paus. vii. 24, 7), and wool (Poll. vii. 66). Yet κεκρύφαλος was strictly applied to a net, like that in No. 1 of the accompanying cut. The σάκκοι were pouches of thicker stuff, not of net-work, which covered either the whole or part of the head, and were usually coloured (examples in Nos. 2 and 3). Bladders (πομφόλυγες, Aristoph. *Thesm.* Fr. 320, ed. Kock) appear to have been used for this purpose (Moeris, *Att.* 222; cf. Martial, vii. 33, 19). The μίτραι were originally bands which gradually became broader and broader (see No. 4), till they developed into a kind of cap with lappets hanging down over the ears and cheeks, not dissimilar to the κρήδεμνα. They were of bright colours, a non-Grecian article of apparel, and were especially (at least in later times) worn by prostitutes (Serv. *ad Aen.* iv. 216; Mayor on Juv. iii. 66).

It has been customary among most peoples to cut off some of the hair as a sign of mourning for the dead. For Grecian examples, see Hom. *Od.* iv. 198; *Il.* xxiii. 135; Eur. *Hel.* 1087; *Iph. Aul.* 1438; Lysias, *Epitaph.* § 60; Athen. xv. p. 675 a. According to Plutarch, indeed (*Quaest. Rom.* 14 = ii. 267, ed. Reiske), it was a custom among the Greeks for the women to shave off their hair in sign of mourning, while the men let the hair grow, each sex reversing its usual practice (cf. Artemid. *Oneir.* i. 19, who says that the men whose custom it was to wear long hair were philosophers, prophets, priests, kings, rulers, and actors); but these statements no doubt refer solely to Imperial times (Hermann-Blümner, *Privatalt.* p. 370, note 1). In an interesting section of his *Ceremonial Institutions* (§ 361) Mr. Herbert Spencer, with great wealth of illustration from tribes and nations in all parts of the world, shows how cutting off the hair, like most other mutilations, is a sequence of trophy-taking, and, whether used as a class-distinction or in religious ceremonial (especially in ceremonies to the dead), it betokened the subjection of the shorn man either to his fellow-man or to the gods. We still observe the practice of cutting the hair in order to mark our convicts.

II. ROMAN.—1. *Men's hair.* The Romans in early days used to wear long hair (Liv. v. 41, 9; Cic. *Cael.* 14, 33), and they often speak of their *incompti avi* (Ov. *Fast.* ii. 30): cf. also Hor. *Od.* ii. 15, 11; Juv. v. 30, and Mayor on Juv. xvi. 31. The coin representing Quirinus, struck under Augustus, represented him as having long ringlets hanging down his back (cf. Verg. *Aen.* vi. 810). In 300 B.C. we are told that Titinius Mena introduced barbers into Rome from Sicily (Varro, *R. R.* ii. 11, 10; Plin. *H. N.* vii. § 211). Whether this was the case or not may be disputed; certain it is that we have the story of Attus Navius pointing to the knowledge of the razor in most remote times: perhaps it was the scissors (*forfex*), which was introduced about 300 (Marquardt, *Privatleben*, 581). At any rate, it was from about that time that it became the custom to wear the hair cut short, and it was only in times of misfortune (*e.g.* when M. Livius was disgraced: Liv. xxvii. 34, 5), or from exceptional circumstances, as in foreign countries in order to appear more imposing to the inhabitants (*e.g.* Scipio in Africa, Liv. xxviii. 35, 6), that a Roman allowed his hair to grow. The men wore their hair cut quite short, and let it lie without making any division, either quite flat or curled (*crispus*) or waving (*capillo leniter inflexo*), according as nature willed it, using no artificial dressing whatsoever further than combing it on feast days (cf. Hor. *Od.* i. 15, 14). On statues we generally find the hair brushed forward on the head, so that the forehead was narrowed, a narrow forehead being considered by the Romans, as by the Greeks, a mark of beauty (Hor. *Epist.* i. 7, 26; *Carm.* i. 33, 5; Mart. iv. 42, 9). This is seen in the fine coin of Antonius annexed.

Coin of Antony.

The hair hanging over the forehead like a fringe was called *capronae* (Lucil. *ap.* Non. p. 22; Apul. *Flor.* iii. p. 342; Fest. p. 48, M.), while the locks which hung on each side down the temples were called *antiae* (Apul. *l. c.*; Fest. p. 17, M.). Both the *capronae* and *antiae* are seen in the annexed figure of Cupid from the British Museum.

Cupid. (Brit. Museum.)

To be sure, dandies paid elaborate attention to their hair, wearing artificially arranged curls and fringes crisped with the curling-tongs and soaked with unguents, but are spoken of with contempt for so doing (Cic. *Cat.* ii. 10, 22; *Sest.* 8, 18; *Rosc. Am.* 46, 135; *Pis.* 11, 25). The ordinary simple way of wearing the hair continued under the early empire, the statues of Augustus and his immediate family exhibiting it (Visconti, plates 18 ff.). Nero indeed (*ib.* pl. 30, 3) and Otho (31, 6) appear to have arranged their hair in tiers of curls (*comam in gradus formatam*, Suet. *Nero*, 51); but they were notorious fops, and fops always spent much time and trouble on the arranging of their hair, "preferring disorder in the state than in their curls" (Senec. *de brev. Vitae*, 12, 3, a vigorous declamation on the extravagance in this direction).

Bust of M. Vipsanius Agrippa.

We find true Romans, like Trajan (Visconti, pl. 36, 4 and 5), wearing their hair combed quite plainly, forward from the crown towards the forehead. Some of the Antonines, especially
Verus, appear with high
hair, as indeed do several statues of M. Aurelius (*ib.* pl. 41) and his son Commodus; but in the reign of M. Aurelius it became the custom to wear the hair cut quite short (ἐν χρῷ), like the austere philosophers; and as we see from coins and statues, *e.g.* Alex. Severus (*ib.* pl. 52, 1 and 2) and Trebonianus Gallus (pl. 57, 1 and 2), this practice continued, except in the case of Elagabalus and Gallienus (pl.
the time of Diocletian,
a little longer, but combe
the crown without divi
round the forehead. Se

Bust of Alexander Severus.

broken disc in Saglio (fi
of Constantine the Great
1 and 2). A fine medal
fig. 1853) shows us the
but yet not of any extrem
of short curls on the f
covered with similar cu
there appears to have
attention paid to the ado
the barbers were people o
as may be seen from the s
barber in Amm. Marc.
Misopogon of the emperor

Boys appear ordinarily
cut short, and combed fo
like the men. See the
Visconti (pl. 19, 6 and
Annius Verus (*ib.* 42),
Philip (*ib.* 55). Sidoniu
was cut round the foreh
But young boys empl
religion (the *Camilli*) are
wearing long hair (*e.g*
Trajan); and favourite b
wait at table are espe
(Mart. xii. 70, 9; Lucian

capillati, cincinnatuli. Seneca (*Ep.*
n says that the arrangement of their
one of the modes of classification of

ase of men, dyeing the hair black
3) and blonde (Trebell. *Gallien.* 21,
ttested (cf. Mart. iv. 36, &c.). Wigs
a, galeri) are also mentioned (Suet.
ro, 26; *Otho*, 12), and remains of
been found in the Catacombs (Mar-
vatleben, p. 586).
n's hair.—Binding the hair back in
ot with fillets (*vittae*), occasionally
in front, appears to have been the
rangement followed by maidens (Ov.
319; iii. 170), and such is seen on
senting Diana, Victory, &c., struck
republic, the knot being sometimes
of the crown, sometimes lower down

ne niece of Augustus. (Capitol. Mus., Rome.)
na, wife of Claudius. 3. Sabiua, wife of
4. Plautilla, wife of Caracalla. (The last
the British Museum.)

k of the head or on the neck; some-
vever, on the middle of the crown.
ial arrangements, curls, ringlets, &c.,
dered meretricious (Plaut. *Truc.* ii. 2,
marriage the dressing of their hair
d (Tert. *de Virg. Vel.* 12). It was
wedding ceremonies for the bride-
divide the hair of the bride with the
hasta (Ov. *Fast.* ii. 560; Festus, *s. v.*)
ivisions (*sex crines:* see Festus, s. v.
nus), and these were fastened up with
(Val. Max. v. 2, 1) kind of vitta
Aen. vii. 403) on the crown of the
Plaut. *Mil.* iii. 1, 196; Prop. v. 11, 33;
The matrons also in ancient times wore a high mass of hair on the crown, which was called *tutulus*, and Varro (*L. L.* vii. 44) likens it to a boundary stone (*meta*); but it ceased to be worn in comparatively early times, though we do not know when (for *ornatrix a tutulis* in Wilmann's *Ex. Inscr.* 203 has been proved by Henzen to be not genuine), and the *vittae* came to be the special mark of the matron (Ov. *A. A.* i. 31; *Pont.* iii. 3, 51), the *tutulus* being retained only by the Flaminica (Festus, s. v. *tutulus*).

In the early empire Ovid (*A. A.* iii. 149) says that there were as many ways of ladies dressing their hair as there were bees in Hybla. But though they varied, as in our own days, according to what was considered becoming by the individual (and Ovid gives numerous precepts on that point), yet there were no very elaborately constructed arrangements. We find the hair divided in the middle by a plait stretching from the forehead across the crown to the back of the neck; sometimes instead of the plait a tuft of hair on the front of the forehead (the *tenuis frons* being in all cases aimed at), but the hair was let wave in natural folds along the temples and head. For different varieties see Livia (in Visconti, pl. 19, 1); Agrippina (pl. 24*, 1 and 2). However, as time went on, the way in which the hair was arranged became more and more artificial, with curls and ringlets in front and plaits behind, till the most wonderful structures came to be erected towards the latter end of the first century and the beginning of the second. (See cuts opposite.) The next cut, representing Julia, daughter of Titus, gives an example of them, as well as the annexed coin of Marciana, the sister of Trajan, and also the cut above (No. 3) representing Sabina, wife of Hadrian. These drawings show what Juvenal and Martial allude to in several passages (Mart. ii. 66; Juv. vi. 492, 502; Stat. *Silv.* i. 2, 114). We can understand how severe the duty must have been on the unhappy tire-women. The whole diadem-like arrangement appears to have been called *orbis*, and the single ringlet *annulus*. The hair, too, was frequently adorned with jewels (Plin. *H. N.* ix. § 117; cf. Clem. Alex. *Paed.* ii. 2 and 11). St. Paul (1 Tim. ii. 9) and St. Peter (1 Pet. iii. 3) felt bound to warn Christian women against such "braiding of the hair." During the whole of the second century there continued the most artificial arrangements of ladies' hair, but we find crisped curls in front giving way to plaits; but these latter were no less employed to build up tower-like structures on the front part of the head. Such structures, however, which must have been excessively uncomfortable, gradually (see the bust of Faustina in Saglio, fig. 1864) went out of fashion (see Lucilla in Visconti, pl. 43); and in

Julia, daughter of Titus

Coin of Marciana.

the third century waving hair (*e.g.* Crispina, pl. 45; Julia Domna, pl. 48; Plautilla, pl. 49, No. 4 above) appears to have been sought after, —though very likely the high arrangements of the preceding century continued to be worn, especially in the provinces (Tert. *de Cult. Fem.* ii. 7; and later St. Jerome, *de Virg. serv. Ep.* 8) —till we arrive at such elegant simplicity as may be seen in the bust of Soaemis (pl. 51) or Mammaea (pl. 52, 5), though the hair of the latter appears to have been fastened behind with a mass of what looks like false plaits. From the time of Alexander Severus onward the arrangement adopted was to draw the back hair up and fasten it on the crown. This was sometimes done simply, as in the accompanying cut of Helena, or it was drawn up over a chignon; sometimes it was plaited, and then fastened up, either simply as in the coin of Herennia (Saglio, fig. 1869) or wound round in circles rising one above the other on the top of the head (*ib.*, fig. 1873)—like a tower, says Prudentius (*Psych.* 183). The figure of Galla Placidia in the diptych of Monza (*ib.*, fig. 1874) shows two massive plaits of hair on the top of the head, one slightly higher and behind the other. It is noticeable that statues of the third and later centuries have often movable hair, so that it could be altered to suit the taste of each period; see Visconti, vol. iii. 181, 192.

Coin of Helena.
(British Museum.)

Women, of course, as well as men dyed their hair both black (Plin. *H. N.* xxvi. § 164) and especially auburn, often to cover grey hairs (Ov. *A. A.* iii. 163). The practice is as old as Cato's time (cf. Serv. *ad Aen.* iv. 698: "in Catone legitur de matronarum crinibus: flavo cinere unctitabant ut rutilae essent"). In later times it was effected by a kind of pomade called *spuma Batava* or *caustica* (Mart. viii. 33, 20; xiv. 26). It is noticed by Marquardt (*Privatl.* p. 764) that Galen (xv. 185, ed. Kuhn) declares that ξανθός, yellow or golden hair, is sometimes incorrectly used for πυρρός, red.

False hair was used by ladies in the time of the early empire (Ov. *A. A.* iii. 165), and later (Mart. v. 68, xii. 23); also wigs, generally yellow (*galeri*, Juv. vi. 120; *corymbia*, Petr. 110; *capillamenta*, Tert. *de Cult. Fem.* ii. 7), and chignons (*caliendra*, Hor. *Sat.* i. 8, 48). We find the hair for these was imported, especially from Germany (Mart. v. 68), and even from India (*capilli Indici*, Dig. 39, 4, 16, 7).

The hair was fastened up with hair-pins (*acus crinales*, Apul. *Met.* viii. 13; *acus comatoria*, Petron. 21) [Acus], and combs (*pectines*), which we find made of boxwood (Juv. xiv. 194), ivory (Claud. *de Nupt. Honor. et Mar.* 102), and tortoiseshell (Ov. *A. A.* iii. 147). The hair was also at times fastened with bands (*diademata*) of gold set with jewels (Isid. *Orig.* xix. 31; cf. Ov. *Am.* iii. 13, 25; Lampr. *Hel.* 23), like the Greek στεφάνη. As to nets, the women used to wear *reticula* (Nonius, p. 542), sometimes made of gold threads (Juv. ii. 96; Petr. 67). The *mitra* (Juv. iii. 66) has been explained above; while the *calautica* or *calantica* or *calvatica* (Cic. *in Clod. et Cur.* ed. Orelli, v. 2, p. 336) was a cap with lappets covering the ears
and with two strings for tying und
Ausonius (*Perioch. Odyss.* v.) uses it
the κρήδεμνον of Homer, and it is us
synonymous with *mitra* by Serv. *ad*
Nonius (p. 537) says it was wor
only.

The chief works on the subject of
the ancients are Salmasius, *Epistol*
virorum et mulierum coma, 164
Plotina, 1858; Becker-Göll, *Charikl*
Gallus, iii. 237 ff., 269 ff.; Herma
Privatalterthümer, 204 ff.; Guhl
Leben der Griechen und Römern (e
623 ff.; Marquardt, *Privatleben*
579-588; Blümner in Baumeister'
art. *Haartracht* and *Kopfbedeckung*;
homerische Epos, pp. 157–170; bu
the article in Saglio, *Dict. des*
Coma. All descriptions must,
supplemented by carefully looking
illustrated works as the volum
belonging to Visconti's *Iconographi*
Iconographie romaine.

COMES denotes originally a fell
hence it is applied to the members
of a magistrate or high official
provinces (cf. Cic. *Verr.* ii. 10, 2
Fr. i. 1, 3, 11; Suet. *Jul.* 42, "n
toris filius nisi contubernalis aut
tratus peregre proficisceretur");
the emperors the term is used espec
accompanying the emperor or me
family (cf. Hor. *Ep.* i. 8, 2; Momm
mes, iv. 120 ff.; Suet. *Aug.* 16,
Calig. 45, &c.). From this it w
transition to apply the term to
generally, even when not on a jou
later Latin we find it used of the h
various state-offices. About the
stantine it became a regular honor
cluding various grades, answering
ordinis primi, *secundi*, *tertii*. The p
officers, especially the provincial,
time and place; some presided ove
department, with a limited auth
should term them, *commissioners*;
invested with all the powers of the
consuls and praetors.

The names of the following off
themselves:—Comes Orientis (of
seem to have been two, one the su
other), comes Aegypti, comes Brit
Africae, comes rei militaris, com
comes stabuli, comes domesticoru
comes clibanarius, comes linte
vestiarii (master of the robes).
emperor had as many *comites* as he h
thus, comes consistorii, the emp
councillor; comes largitionum pri
officer who managed the empe
revenue, as the comes largitionum
the public exchequer. The latter
in a great measure the functions
and quaestor. The four comites co
to whom the government granted
privilege of trading in silk with bar
under his control. An account, ho
duties and functions of the comites
empire does not fall within the
present work. (Cf. *Notitia Dignitat*
ing; Wilmanns, *Exempla Inscript.*
p. 555.) [B. J.]

SA'TIO (derived from κῶμος, ac- Varr. *de Ling. Lat.* vii. 89, but ly from κωμάζειν, *comissari:* Roby, 189, ii. 3), the name of a drinking en- t, which took place after the CENA, , however, it must be distinguished. etrius says to his guests, after they n his own house, "Quin comissatum imus?" (Liv. xl. 7, 5); and when comes to Trimalchio's house after cena elsewhere, it is said that "Co- ntravit" (Petron. 65). It appears en the custom to partake of some e comissatio (Suet. *Vitell.* 13), but y as a kind of relish to the wine.

issatio was frequently prolonged to a at night (Suet. *Tit.* 7); whence the *sari* means "to revel" (Hor. *Carm.* and the substantive *comissator* a ' or "debauchee." Hence Cicero 16) calls the supporters of Catiline's *comissatores conjurationis.* (Becker- s, i. p. 203.) [W. S.] [A. S. W.]

IA, assemblies of the people at Rome, rpose of transacting business. They distinguished, on the one hand, from (=*conventio*), which was a meeting to listen to an address from a magis- incapable of passing any resolution, he *concilium*, the general term for a hence applied to meetings of sections le, especially the *concilium plebis*, or s in foreign nations, either of the le or of delegates. According to the onception in the time of the kings, ltimately rested with the assembly of s; it was only so far as it delegated he king and vowed obedience to him upreme authority of the people was nd according to the spirit of the n, every innovation in practice or he existing law required the assent of . Every proposal (*rogatio*) had to re the people by the king himself: no owed to discuss it, but those to whom ermission; and the people then gave their assent. The assembly was (*comitia calata*) regularly twice in n March 24th and May 24th, and as es as seemed good to the king. They curies [CURIAE], and apparently the be given to the king was decided by the majority of the curies.

t step towards the reform of this constitution was that which is asso- the name of Servius Tullius. The ircumstances of this change are veiled kness which covers the whole legen- y of the kings. But it is clear from implied that it was brought about the community had outgrown its its, and when its territory included at which had belonged to the neigh- ate of Alba. The primary purpose of e was to incorporate all owners of Roman territory in the ranks of the hat military service should not fall, as solely upon the citizens. Hence all f the state were classed according to rty which they possessed, and this on was made the basis of the military on of the state. But by degrees the assembly of the citizens so classified, representing, as it did, the fighting force of the state, acquired important powers, and in fact came to be regarded for many purposes as *the* representative assembly of the citizens. It has been conjectured with much probability, but it can hardly be said to be demonstrated (Mommsen, *Hist.* i. 264), that this important change was brought about at the time of the expulsion of the kings.

The plebeians were now admitted to a share in the popular assembly, but with such restrictions that the power lay entirely in the hands of the wealthier citizens (see below). The financial distress of the poorer classes necessitated further reforms: and in B.C. 495 tribunes of the commons were first created.

It was probably at this time that the division of the Roman territory into four tribes (introduced by the Servian constitution) was replaced by the creation of twenty tribes—four belonging to the city, sixteen to the country districts; but the assembly over which the tribunes presided still met in curies, in which the voting was by heads—a circumstance which gave great power to the wealthier families, inasmuch as all their clients had a right of voting. By the Publilian law of B.C. 471 a most important change was introduced. One more tribe, the Crustuminian—deriving its name from the place where first the *plebs* by secession won the right to an independent organisation—was added, in order to preclude the possibility of an equality of votes; and henceforward the assemblies of the commons were held, not by curies, but by tribes. But the basis of the tribes was the possession of land, whether in small or large amount; none voted but freeholders, and thus the clients were excluded, and the assembly of the tribes became an assembly of the independent middle classes, where there was a property qualification, but where the large landholder had no more weight in voting than his poorer neighbour. (Cf. Mommsen, *Hist.* i. 282 = *Röm. Gesch.*^{6} i. 278.)

We thus find in existence within the first half century of the Roman republic three distinct assemblies of the people, which now call for separate consideration in greater detail.

I. COMITIA CURIATA (ἐκκλησία φρατρική or φρατριακή). Under the kings, as we have seen, this was the only assembly of the people. It was always presided over by the king in person: the statement in Dionysius (iv. 71), apparently confirmed by Livy (i. 59), that the *tribunus celerum* had this right in the absence of the king, rests upon a complete misapprehension of the nature of this office. Under the republic the presiding magistrate was always a consul, praetor, or dictator (Liv. ix. 38; Cic. *de Leg. Agr.* 2, 11, 27). The citizens were summoned by a lictor (Gell. xv. 27; Dionys. ii. 7). The votes were given by curies, each citizen having one vote, and the majority of individual votes determining the vote of the curia (Gell. *l. c.*; Liv. i. 43; Dionys. ii. 14, iv. 20, 84, v. 6). We have no means of knowing what was done in the case of an equality of votes, a result not impossible with an even number of curies. The votes of the curies were all taken at the same time; but it was decided by lot in what order the votes should be announced: that first reported was called the *principium* (Liv. ix. 38). The meetings of the curies were always held in the comitium.

The functions of the comitia were limited, as has been already noticed, to giving or refusing assent to any proposal laid before them by the presiding magistrate. In theory the power of the king was as unlimited over all citizens as that of the father over all members of his family. But in practice he was bound to keep within the limits prescribed by custom, and every change in the law had to receive the previous sanction of the assembled citizens. The most important duty of the citizens was to vow allegiance to the head of the state. Normally it was the privilege of a king to nominate the successor, who was to make the solemn contract in his turn with the people. But in the case of a king dying without having done so, the supreme power (*imperium*) and right of invoking the divine protection (*auspicia*) of the state reverted to the general body of the citizens. They assembled unsummoned and named an *interrex*, a temporary holder of these rights, who could lawfully convene them, for the election of a second interrex. It was the duty of the latter then to nominate a king, who might challenge the allegiance of the citizens. Doubtless he would take means, by consulting the senate or even the assembled curies, to ascertain who would be generally acceptable; but legally nothing was necessary but a nomination by the actual holder of the supreme power. When the citizens had assented on their part to the formal compact (*lex curiata de imperio*) which bound them to allegiance to the king thus nominated, he was formally installed as the absolute head of the state. Livy's account (i. 17) of the election of Numa is misleading, as suggesting that as a main feature which was but a subordinate and unessential portion of the election, viz. the nomination by the senate. When once the reins of government had been transferred to the new king, the assembly of the people had nothing further to do with the administration. An appeal to this body from the judgment of the king was allowed as a matter of grace, but not of right. It was the custom to consult the assembly in the case of aggressive war, and in the extension of the franchise to those who were not citizens; for both of these involved a change in the circumstances of the original contract. (Liv. i. 32; Gell. xvi. 4; Dionys. viii. 91, ix. 69.) Hence a *lex curiata* was necessary for all acts of adoption (Gell. v. 19; Tac. *Hist.* i. 15), and for admission into the curies, whether of foreigners or of plebeians. Similarly the sanction of the people was required for all transfers of property, which were to take place after the death of the owner; that is, for all wills.

After the recognition of the *comitia centuriata* as the representative assembly of the people, whether this took place immediately upon their institution, as is commonly supposed, or in connexion with the expulsion of the kings, as seems more probable, the power of passing laws, of electing magistrates, and of declaring war was transferred to them. But the comitia of the curies continued to meet for various purposes, mainly formal.

In the first place, the compact by which the citizens bound themselves to obey the commands

of an elected magistrate was
the form of a *lex curiata*
this was passed, no magistrat
his office, or be regarded as
its privileges (*magistratus op*
jure). In the latter days o
became a mere form. The
sented by thirty lictors (Ci
12, 31), who met in the
augurs (Cic. *ad Att.* iv. 18;
give the necessary vote; a
attracted so little attention,
be formed for prevailing up
declare that they had been p
ing of a *lex curiata*, though
curies had been held (Cic.
Quint. Fratr. iii. 2).

Secondly, the comitia of t
to meet for business in whi
were passive rather than acti
they were known as *comitia*
when summoned (*calata*) in
as is often asserted, under th
three pontiffs (*pro collegio*
xv. 27) on the Capitol in
Calabra, an official buildin
pontiffs (Varro, *de Ling.*
Diac. p. 49, M.). They met
making of wills, for whic
earlier times meetings were
in the year (Gaius, ii. §
custom after fell into disuse
(2) to witness the *detestatio*
renunciation of the *sacra* of
which was made in cases of
tion; (3) to inaugurate the
sacrorum; and (4) to hear f
the calends of each month
nones and ides would fall, an
other days, whether *fasti* or
feriae, &c. (Liv. ix. 46; Mac
Serv. *ad Aen.* viii. 654; V
vi. 27). It is possible,
language of Gellius (xv. 27),
the *comitia calata* consiste
rather than the curies.

II. COMITIA CENTURIAT
κλησία). In the legislation
Tullius, the whole body of
divided into six property
centuriae (λόχοι) or votes
assemblies in which the peo
were called comitia centur
this means the poor citizens
bear their share in milita
unable to exercise any g
public affairs, for the wea
first; and if they agreed am
formed a majority before
would be called upon to vot
people was conceived as an
according to the more an
Dionys. iv. 18; Fabius Pic
and was therefore divided i
cavalry (*equites*) and infant
it is not by any means nece
the people assembled in a
was divided into five class
has it, into six classes, for h
body of people, whose prope
to the census of the fifth cl
class to which a citizen b

the *tributum*, or war tax, he had to pay, as well as the kind of service he had to perform in the army and the armour in which he had to serve. But for the purpose of voting in the comitia, each class was subdivided into a number of centuries (*centuriae:* probably because each was conceived to contain 100 men, though the centuries may have greatly differed in the number of men they contained), one-half of which consisted of the *seniores*, and the other of the *juniores*. Each century, further, was counted as one vote, so that a class had as many votes as it contained centuries. In like manner, the equites were divided into a number of centuries or votes. The two principal authorities on these subdivisions are Livy (i. 43) and Dionysius (iv. 16–21, vii. 59), and the annexed table will show the census as well as the number of centuries or votes assigned to each class, and the order in which they voted.

According to Livy.	*According to Dionysius.*
I. Classis. Census: 100,000 asses. 40 centuriae seniorum. 40 centuriae juniorum. 2 centuriae fabrum.	I. Classis. Census: 100 minae (= 100,000 asses). 40 centuriae seniorum. 40 centuriae juniorum.
II. Classis. Census: 75,000 asses. 10 centuriae seniorum. 10 centuriae juniorum.	II. Classis. Census: 75 minae. 10 centuriae seniorum. 10 centuriae juniorum. 2 centuriae fabrum (one voting with the seniores and the other with the juniores).
III. Classis. Census: 50,000 asses. 10 centuriae seniorum. 10 centuriae juniorum.	III. Classis. Census: 50 minae. 10 centuriae seniorum. 10 centuriae juniorum.
IV. Classis. Census: 25,000 asses. 10 centuriae seniorum. 10 centuriae juniorum.	IV. Classis. Census: 25 minae. 10 centuriae seniorum. 10 centuriae juniorum. 2 centuriae cornicinum and tubicinum (one voting with the seniores, and the other with the juniores).
V. Classis. Census: 11,000 asses. 15 centuriae seniorum. 15 centuriae juniorum. 3 centuriae accensorum, cornicinum, tubicinum. 1 centuria capite censorum.	V. Classis. Census: 12½ minae. 15 centuriae seniorum. 15 centuriae juniorum.
	VI. Classis. Census: below 12½ minae. 1 centuria capite censorum.

According to both Dionysius and Livy, the equites voted in eighteen centuries before the seniores of the first class; and hence there were, according to Livy, altogether 194, and, according to Dionysius, 193 centuries or votes. Livy's even number of 194 centuries would have rendered it impossible to obtain an absolute majority in the comitia; and it has been assumed, that he made a mistake in the three centuriae accensorum, cornicinum, tubicinum, which he adds to the fifth class. The account given by Cicero (*de Rep.* ii. 22, 39) agrees with that of Dionysius, except that he assigns seventy centuries to the first class. According to him, the centuries of the knights (18) and of the first class (70), with one of *fabri tignarii*, if eight of the other centuries voted with them, made up a clear majority (97) of the whole. Cf. Madvig, *Verf.* i. p. 114 (note). The other discrepancies between Livy and Dionysius are not of great importance. They consist in the places assigned to the two centuriae fabrum, the two of the cornicines and tubicines, and in the census of the fifth class. With regard to the last point, Dionysius is at any rate more consistent in his gradation, and in so far deserves to be preferred to Livy.

In this manner all Roman citizens, whether patricians or plebeians, who had property to a certain amount, were privileged to take part and vote in the centuriata comitia, and none were excluded except slaves, peregrini, women and the aerarii. The juniores were all men from the age of seventeen to that of forty-six; and the seniores, all men from the age of forty-six upwards. The order of voting was arranged in such a manner, that if the eighteen centuries of the equites and the eighty centuries of the first class were agreed upon a measure, the question was decided at once, there being no need for calling upon the other classes to vote. Hence, although all Roman citizens appeared in these comitia on a footing of equality, yet by far the greater power was thrown into the hands of the wealthy.

All the business which had before belonged to the comitia curiata, in the early days of the republic had been transferred to the comitia centuriata; that is, they had the right of electing the higher magistrates, of making laws and of deciding upon war, and afterwards also of concluding peace with foreign nations. (Cic. *de Leg.* iii. 3, 10; *de Div.* ii. 35, 74).

(a.) *The election of magistrates.* After the presiding magistrate had consulted with the senate about the candidates who had offered themselves, he put them to the vote. The magistrates that were elected by the centuries are the consuls (whence the assembly is called *comitia consularia*, Liv. i. 60, x. 11), the praetors (hence *comitia praetoria*, Liv. vii. 1, x. 22), the military tribunes with consular power (Liv. v. 52), the censors (Liv. vii. 22, xl. 45), and the decemvirs (Liv. iii. 33, 35). There are also instances of proconsuls being elected by the centuries, but this happened only in extraordinary cases (Liv. xxxiii. 30; xxxiv. 13).

(b.) *Legislation.* The legislative power of the centuries at first consisted in their passing or rejecting a measure which was brought before them by the presiding magistrate in the form of a senatus consultum, so that the assembly had no right of originating any legislative measure, but voted only upon such as were brought before them as resolutions of the senate. (Dionys. v. 27; viii. 22, 43; x. 26. This is not explicitly stated by any Latin writer.) When a proposal was passed by the centuries, it became law (*lex*). The first law passed by the centuries of which we have any record was the Lex Valeria de provocatione (Cic. *de Rep.* ii. 31, 53), and the laws of the Twelve Tables were sanctioned by the centuries (Liv. iii. 34).

(c.) *The decision upon war*, on ground of a senatus consultum, likewise belonged to the centuries, and is often mentioned. This was from the constitutional point of view an act of legislation (Liv. iv. 30). Peace, however, was concluded by a mere senatus consultum, and without any co-operation of the people, in the early part of the republic, and perhaps down to the peace of Caudium. (Cf. Rubino, *Ueber Röm. Staatsverf.* pp. 259–289.)

(d.) *The highest judicial power.* The comitia centuriata were in the first place the highest court of appeal (Dio Cass. xxxix. 27, &c.; comp. APPELLATIO), and, in the second, they had to try all offences committed against the state: hence all cases of *perduellio* and *majestas*, and no case involving the life of a Roman citizen, could be decided by any other court. (Cic. *pro Sest.* 30, 65; 34, 73: *de Rep.* ii. 36, 61: *de Leg.* iii. 4, 11: Polyb. vi. 4, 14.) This last right was revived or introduced by the Valerian law (Plut. *Publ.* 11), and Spurius Cassius was condemned by the comitia of the centuries. There is no reason for believing that the laws of the Twelve Tables increased the power of the centuries in this respect.

All the powers which we have here mentioned as possessed by the centuries had to receive the *patrum auctoritas* before they became valid and binding. But, in the course of time, the assembly shook off this control, which became merely a formality, and, in the end, the *patres* were obliged to give their sanction beforehand to whatever the centuries might determine. This was effected by the Publilian law, in B.C. 337 (Liv. viii. 12). As thus the centuries gradually became powerful enough to dispense with the sanction of the *patres*, so they also acquired the right of discussing and deciding upon matters which were not brought before them in the form of a senatus consultum; that is, they acquired the power of originating measures. In reference to the election of magistrates, the comitia originally were not allowed to elect any other except those who were proposed by the president, who himself was entirely guided by the resolution of the senate; but in the course of time, the people asserted their right so far as to oblige the president to propose any candidate that might offer himself, without the previous sanction of the senate. This change, according to Zonaras (vii. 344), took place in B.C. 482. In legislative measures a senatus consultum was indispensable, and this senatus consultum was brought before the people by the consul or the senator who had originated the measure, after it had p
hibited in public for seventeen
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Bell. Civ. i. 59; Cic. *pro Sest.*
15, 34.) Whether the comitia
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de L. L. vi. 29; Fest. s.
Macrob. *Sat.* i. 16); but on *d*
dies festi, *feriati*; comp. DIES
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H. N. xviii. § 13; Paul. Diac. p
287 the Hortensian law ordai
dinae should be regarded as
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pro Mil. 9, 24; *ad Fam.* viii. 4;

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was sometimes *in luco Peteli*
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the Campus Martius (Cic. *ad Q.*
iv. 84, vii. 59), which contai
the voters, a tribunal for the
villa publica for the augurs
Perd. 4, 11; Gellius, xiv. 7
Lat. vi. 87.) The president
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Fam. x. 12.) An interrex an
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(Liv. viii. 23, xxv. 2; Cic. *de*
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people were called together,
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bly (*inlicium*, Varro, *de L. L.*

88). At the same time when this invitation was proclaimed *circum muros* or *de muris*, a horn was blown, which being the more audible signal, is mentioned by some writers alone, and without the inlicium (Gellius, xv. 27; Varro, *de L. L.* v. 91). When upon this signal the people assembled—in the earlier days armed, as for a march—there followed the second call by the accensus, or the call *ad contionem* or *conventionem;* that is, to a regular assembly, and the crowd then separated, grouping themselves according to their classes and ages (Varro, *de L. L.* vi. 88). Hereupon the consul appeared, ordering the people to come *ad comitia centuriata;* and led the whole *exercitus*—for in these comitia the Roman people are always conceived as an exercitus—out of the city, to the Campus Martius (Varro, *l. c.;* Liv. xxxix. 15). It was customary from the earliest times for an armed force to occupy the Janiculum, when the people were assembled in the Campus Martius, for the purpose of protecting the city against any sudden attack of the neighbouring people; and on the Janiculum a red flag (*vexillum*) was hoisted, during the whole time that the assembly lasted. This custom continued to be observed even at the time when Rome had no longer anything to fear from the neighbouring tribes (Liv. *l. c.*; Gell. xv. 27; Macrob. *Sat.* i. 16, 15; Dio Cass. xxxvii. 27, &c.; Serv. *ad Aen.* viii. 1). When the people were regularly assembled, the business was commenced with a solemn sacrifice, and a prayer of the president, who then took his seat on his tribunal (Dionys. vii. 59, x. 32; Liv. xxxi. 7, xxxix. 15; Cic. *pro Muren.* 1; Liv. xxvi. 2). The president then opened the business by laying before the people the subject for the decision upon which they had been convened, beginning with the formula *quod bonum, felix, faustum fortunatumque sit* (Cic. *de Div.* i. 45, 102), and concluding his exposition with the words *velitis, jubeatis Quirites*, e.g. *bellum indici*, or *ut M. Tullio aqua igni interdictum sit*, or whatever the subject might be. This formula was the standing one in all comitia, and the whole exposition of the president was called *rogatio* (Liv. iv. 5, vi. 40, xxi. 17, xxii. 10, xxx. 43; Cic. *de Fin.* ii. 16, 54; *in Pison.* 29, 72; *pro Dom.* 17, 45; Gell. v. 19). When the comitia were assembled for the purpose of an election, the presiding magistrate had to read out the names of the candidates, of which a list had been published at least a *trinundinum* previously, and might exercise his influence by recommending the one whom he thought most fit for the office in question (Liv. x. 22, xxii. 35). He was, however, not obliged to announce the names of all the candidates that offered themselves; as, for example, if a candidate had not attained the legitimate age, or when he sued for one office without having been invested with those through which he had to pass previously, or if there was any other legal obstacle; nay, the president might declare, that if a person, to whom he had any such objection, should yet be elected, he would not recognise his election as valid (Liv. iii. 21, xxiv. 7; Val. Max. iii. 8, § 3; Velleius, ii. 92). If the assembly had been convened for the purpose of passing a legislative measure, the president usually recommended the proposal, or he might grant to others, if they desired it, permission to speak about the measure, either in its favour or against it (*contionem dare*, Liv. iii. 71, xxxi. 6, &c., xlii. 34; Appian, *B. C.* i. 11; Dio Cass. xxxviii. 4; Quintil. ii. 4, § 3). In this case, however, it was customary for private persons to speak before any magistrate. When the comitia acted as a court of justice, the president stated the crime, proposed the punishment to be inflicted upon the offender, and then allowed others to speak either in defence of the accused or against him. Sometimes, however, although the consul presided, the tribunes acted as prosecutors (cf. Bouché Leclercq, *Institutions Romaines*, p. 121).

When the subject brought before the assembly was sufficiently discussed, the president called upon the people to prepare for voting by the words *ite in suffragium, bene juvantibus dis* (Liv. xxxi. 7). If the number of citizens present at the assembly was thought too small, the decision might be deferred till another day, but this was rarely done, and a question was usually put to the vote, if each century was but represented by a few citizens (Liv. vii. 18; Cic. *pro Sest.* 51, 109; *de Leg. Agr.* ii. 9; Plut. *Tib. Gracch.* 16; Dio Cass. xxxix. 30). The leges tabellariae ordained that the votes should be given in writing [LEGES TABELLARIAE]. But previous to the leges tabellariae, the rogatores, who subsequently collected the written votes, stood at the entrance of the saepta, and asked every citizen for his vote, which was taken down, and used to determine the vote of each century (Dionys. vii. 64). In legislative assemblies, the voter, probably from the earliest times, signified his disapproval by the word *antiquo*, and his approval by *uti rogas* (Liv. vi. 38, x. 8, xxx. 43, xxxi. 8, xxxiii. 25; Cic. *de Leg.* ii. 10, 24). The two tablets which were given to each person for the purpose of voting on legislative measures were marked the one with VR, and the other with A (*uti rogas* and *antiquo:* Cic. *ad Att.* i. 14). At elections, the name of the successful candidate was mentioned to the rogator, who had to mark the favourable votes by dots which he made by the side of the name: hence *puncta ferre*, to be successful (Liv. x. 13, 22; xxix. 22; Hor. *Ep.* ii. 2, 99). The custom of voting at elections by tablets with the name of the candidates written on them, was introduced in B.C. 139, by the Lex Gabinia tabellaria (Cic. *de Leg.* iii. 16, 35); two years later L. Cassius introduced the same custom, in cases of the comitia acting as a court of justice (Cic. *Brut.* 27, 106), and afterwards it was established also in legislative assemblies, and in cases where the comitia tried persons for perduellio [LEGES TABELLARIAE]. At elections, the citizens obtained blank tablets, that they might write upon them the name of the candidate for whom they voted (Cic. *Phil.* xi. 8, 19; Plut. *C. Gracch.* 5, *Cat. Min.* 46; Plin. *Epist.* iv. 25). In judicial assemblies, every citizen received two tablets marked A (*absolvo*) and C (*condemno*), and, according to Pseudo-Ascon. p. 108, a third tablet containing the letters N. L. (*non liquet*); but this last statement is probably transferred by mistake from the practice in the law-courts. There were in the Campus Martius saepta or enclosures, originally marked off only by ropes, but afterwards formed by palisades, *tabulata* (Cic. *pro Mil.* 15, 41; Ovid, *Fast.* i. 53; Serv. on Verg. *Ecl.* i. 34; Liv. xxvi. 22), and later on by marble walls (Cic. *ad Att.* iv. 16), into which one class of citizens was admitted after another for the purpose of voting. The first that entered were the eighteen centuries of the equites; then followed the first class, and so on. It very rarely happened that the lowest class was called upon to vote, as there was no necessity for it, unless the first class did not agree with the equites (Dionys. iv. 20, vii. 59, viii. 82, x. 17; Liv. i. 43). In this case, however, the *contio* was kept quite distinct from the comitia (Cic. *pro Flacc.* 7, 15), and was held not in the *ovile*, but in some neighbouring place, *e.g.* the *circus Flaminius*, before the final summons of the consul (*exercitum educere*, Liv. xxxix. 15). On entering the saepta, the citizens received their tablets (Cic. *ad Att.* i. 14; *de Leg.* iii. 17; *in Pis.* 15, 36; *pro Planc.* 6, 14); and when they had consulted within the enclosures, they passed out of them again by a *pons* or *ponticulus*, at which they threw their vote into a chest (*cista*) which was watched by *rogatores*. Hereupon the *diribitores* classified and counted the votes, and reported the result to the presiding magistrate. That there was a separate body of *custodes*, who again checked them off by points marked on a tablet, is a very doubtful inference from Cic. *in Pis.* 15, 36—"vos rogatores, vos diribitores, vos custodes tabellarum." The order in which the centuries voted was determined in the Servian constitution, in the manner described above; but after the union of the centuries and tribes, the order was determined by lot; and this was a matter of no slight importance, since it frequently happened that the vote of the first determined the manner in which subsequent ones voted. The voting, of course, was continued, until the majority was ascertained. In the case of elections, the successful candidate was proclaimed twice,—first, by the praeco, and then by the president, with a prayer that the choice might have the blessing of the gods (Cic. *pro Mur.* 1, 1), and without this renuntiatio the election was not valid. After all the business was done, the president dismissed the assembly with the word *discedite*.

Cases are frequently mentioned in which the proceedings of the assembly were disturbed, so that it was necessary to defer the business till another day. This occurred—(1) when it was discovered that the auspices had been unfavourable, or when the gods manifested their displeasure by rain, thunder, or lightning; (2) when a tribune interceded (Liv. xlv. 21; Dionys. vi. 89; Cic. *in Vat.* 2, 5); (3) when the sun set before the business was over, for it was a principle that the auspices were valid only for one day from sunrise to sunset (Varro, *de L. L.* vii. 51; Dio Cass. xxxix. 65; Liv. x. 22, xli. 17; Dionys. ix. 41); (4) when a *morbus comitialis* occurred, *i.e.* when one of the assembled citizens was seized with an epileptic fit (Dio Cass. xlvi. 33; Gellius, xix. 2; Macrob. *Sat.* ii. 8); (5) when the vexillum was taken away from the Janiculum, this being a signal which all citizens had to obey (Liv. xxxix. 15; Dio Cass. xxxvii. 27; Macrob. *Sat.* i. 16); (6) when any tumult or insurrection broke out in the city, as happened now and then during the latter period of the republic (Cic. *pro Sest.* 36, 78). In all these cases, the assembly had to continue its business on some other day, sometimes on the next. The only exception
seems to have been in the case of t
the censors, for if both could not
the same day, it was necessary
election afresh; and if one had bee
election was not valid (Liv. ix. 34)

The organisation of the comitia
constituted by the Servian legisl
went during the time of the re
material change, as to the date,
nature of which we are unfortun
to conjecture. The only positi
upon the subject are contained in
one in Livy and one in Dionysiu
been made the subject of the most
pretations. Livy (i. 43) says:
oportet hunc ordinem, qui nunc est
quinque et triginta tribus du
numero centuriis juniorum sen
institutam ab Servio Tullio sum
venire." Dionys. iv. 21, after
Servian constitution, goes on to sa
καθ' ἡμᾶς κεκίνηται χρόνοις, καὶ
εἰς τὸ δημοτικώτερον, ἀνάγκαις
ἰσχυραῖς, οὐ τῶν λόχων καταλυθέ
κλήσεως αὐτῶν οὐκέτι τὴν ἀρχ
φυλαττούσης, ὡς ἔγνων ταῖς ἀρχα
πολλάκις παρών. The fact of su
also implied in the phrase of Cice
in his description of the Servian
Rep. ii. 22, 40), and in the use of t
in connexion with assemblies of
(Cic. *pro Planc.* 20, 49. &c.). T
change may be assigned with so
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v. 18 (B.C. 396) there is little
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the phrase *omnes tribus bellum j*
questionably an inaccurate expres
by his own language in x. 22. T
for the Servian classification ha
removed by the introduction of
paying soldiers in B.C. 408, but
follows that the institution was
soon as it ceased to be theoretic
Livy assumes the existence of th
third decade (xxiv. 7–9, xxvi. 22),
the democratic party able to car
dates in the *comitia centuriata.*
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C. Flaminius in his censorship (
would have been mentioned am
popular acts (Liv. *Ep.* xx.; P
hence it is most natural to a
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Quirina in the censorship of C.
and M. Fabius Buteo in B.C. 2
nature of the change, it is cle
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division into *seniores* and *juni*
The five classes also continued to
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the tribes to the centuries was gi
Pantagathus (died 1567; quote
Liv. i. 43). His view has been
but with some modifications i

cepted by the best modern authorities (*e.g.* Marquardt, Lange, and Mommsen), and has been confirmed by epigraphic evidence. According to this theory, each of the 35 tribes contained 5 centuries of *seniores* and 5 of *juniores*, so that the total number was 350. Whether the equites were included in the centuries of the first class, or formed 35 distinct centuries of their own, or continued to be divided into 18 centuries, which, along with the 4 centuries *fabrum*, &c., and the century *capite censorum*, would make the total 350 + 18 + 4 + 1 (the view defended by Lange, ii. 477 ff.), it is perhaps impossible to determine. It appears from many inscriptions (cf. Mommsen, *Röm. Tribus*, p. 76 f.) that the half-tribes consisting of the *centuriae seniorum* and the *centuriae juniorum* respectively were usually considered as distinct bodies, so that we find *tribus Esquilina seniorum* or *tribus Palatina corporis junioris*, and the like. This appears to be what Livy means in the ambiguous words *duplicato earum numero* in the passage quoted above. Madvig, however (*Röm. Verf.* i. 119), still holds to the view of Niebuhr, that this must mean that the number of centuries was twice that of the tribes, and therefore assumes that the *seniores* and *juniores* of each tribe formed one century, so that the total number was 70. He confesses that it is not possible to explain how this hypothesis can be reconciled with the continued existence of the classes, which is an unquestioned fact (Cic. *Phil.* ii. 33, 82; *pro Flacc.* 7, 15; *de Leg.* iii. 3, 7, &c.: cf. Sall. *Jug.* 86; Gell. xvi. 10; Lex Agr. *C. I. L.* i. 200, v. 37), and it is quite needless to interpret the words of Livy in such a way as to create this difficulty. It is true that the term *centuria praerogativa* (Cic. *pro Planc.* 20, 49; Liv. xxvi. 22) is used always in the singular, except where there is a reference to several elections (Fest. p. 249), of the reformed comitia, as against the *centuriae praerogativae* of the equites under the earlier constitution, and that this now bears the name of the half-tribe to which it belonged: e.g. *Aniensis juniorum* (Liv. xxiv. 7), *Veturia juniorum* (Liv. xxvi. 22), *Galeria juniorum* (Liv. xxvii. 6). But it is natural to suppose that it was only the centuries of the first class in the several tribes, which drew lots for the right of voting first, and that hence the addition of the tribe-name was quite enough to distinguish them. There is no reason to suppose from the accidental circumstance that the three prerogative centuries, whose names happen to have been preserved, were all *juniores*, that these enjoyed any right of previous voting: the very fact of the addition of the term *juniorum* points in the opposite direction.

III. COMITIA TRIBUTA. The researches of Mommsen have established satisfactorily, against the views previously current and supported by Niebuhr and his followers, that the Servian tribes were a division of the land and not of the people of Rome. Hence the fact, for which there is abundant evidence (Liv. iv. 24, xxix. 37, cf. v. 30, 32; Cic. *Phil.* ix. 7, 15), that the patricians were included in the tribes, and that several of the tribes bore the names of patrician families. But as citizens possessed of no freeholds were not included in a division based upon landed property, there could be no *comitia* of the tribes in the earliest times, for it was essential to the character of *comitia* that all citizens should have a right of taking part in them. It was only after the action of the censors Appius Claudius (B.C. 312) and Q. Fabius (B.C. 304) had admitted the landless citizens into the four city-tribes, that *comitia tributa* could be held in accordance with the principles of Roman public law. The earliest extant instances of resolutions passed in the patricio-plebeian assembly of the tribes dates from the year B.C. 443; but these are at first limited to the election of quaestors under the presidency of a consul. In B.C. 367 the same procedure was adopted in the case of the curule aediles, and it was extended subsequently to the election of minor ordinary or extraordinary officials, the earliest instance of which is the election of a part of the military tribunes in B.C. 362 (cf. Cic. *de Leg. Agr.* ii. 7, 17). There is no clear case of a law passed in the *comitia tributa* before B.C. 332 (Liv. viii. 17), when the praetor L. Papirius brought before the tribes a proposal to confer the franchise on the people of Acerra. But it is probable that this procedure had been adopted immediately after the introduction of the praetorship; for the praetor had no power to summon the centuries except for criminal proceedings. The *comitia tributa* were known as *comitia leviora* (Cic. *pro Planc.* 3, 7); the auspices taken before they were held were *auspicia minora*; the magistrates elected by them were *magistratus minores*. They were presided over by patrician magistrates who had the *jus cum populo in comitiis tributis agendi*, i.e. the consuls, the praetors, and (for judicial business only) the curule aediles (Liv. x. 23, xxxv. 41: cf. Cic. *in Verr.* i. 12, 36; Gell. xiii. 15). This view appears to be inconsistent with the statements of Livy (iii. 55, 67) and Dionysius (xi. 45), that in B.C. 449 the Lex Valeria Horatia ordained *ut quod tributim plebs jussisset, populum teneret*, and of Livy that in B.C. 339 the dictator Q. Publilius proposed a law *ut plebiscita omnes Quirites tenerent*. But it is highly probable that our authorities have here simply transferred to resolutions of the *plebs* what really applied only to resolutions passed by the tribes under the presidency of the patrician magistrates (cf. Mommsen, *Röm. Forsch.* i. 164–5). The correct legal phrase would have been *quod tributim populus jussit*. If we accept this view, the two laws are brought into a natural connexion, the former with the election of quaestors, the latter with the extended powers given to the praetor by another Publilian law. The same theory accounts for a statement in Zonaras (vii. 19) that in B.C. 449 the right of taking the auspices was granted to the tribunes. This is evidently incorrect as it stands; but it may well be a perversion of the fact that from that date forwards laws could be passed *auspicato* in the assembly of the tribes, under the presidency of a magistrate who had the right of the auspices.

The *comitia tributa*, presided over by a consul or an extraordinary magistrate replacing him (Liv. x. 21; xxii. 33; xxxiv. 35), or by a praetor, elected the quaestors (Tac. *Ann.* xi. 22), the curule aediles (Liv. vi. 42, ix. 46; Gell. vi. 9), the regular and extraordinary lesser magistrates (Gell. xiii. 15; Cic. *de Leg. Agr.* ii. 7, 17), and of the tribunes of the soldiers after B.C. 362

six, after B.C. 311 sixteen (Liv. vii. 5; ix. 30), and at a later date twenty-four (Liv. xxvii. 36). These elections, like those of the *comitia centuriata*, required to receive the *patrum auctoritas*, which however, after the Lex Maenia, passed some time in the third century B.C. (Cic. *Brut.* 14, 55), was given beforehand *in incertum comitiorum eventum* (Liv. i. 17).

At the election of the *pontifex maximus*, according to Livy (xxv. 5), a pontifex presided; but if the evidence of Cicero's letters to Brutus (i. 5) may be trusted, a consul presided in his time. The college of pontiffs was first completed by co-optation, and then seventeen tribes chosen by lot (a minority of the whole number) voted for the election of one of these as the pontifex maximus (Cic. *de Leg. Agr.* ii. 7, 18; Liv. *l. c.* xxxix. 46, xl. 42; Suet. *Jul.* 13). After the Lex Domitia de Sacerdotiis (B.C. 104) the members of the three great and politically important colleges of *pontifices*, *augures*, and *x.* (*xv.*) *viri sacris faciundis* were elected in the following manner. The candidates, usually three in number, were nominated, each by not more than two of the college (Cic. *Phil.* ii. 2, 4; *Brut.* 1, 1); the election was made by the people in seventeen tribes (*comitia sacerdotum*) chosen by lot, and the elected candidate co-opted into the college, as previously.

The Lex Domitia was repealed by Sulla in B.C. 83, but its provisions were re-enacted by the Lex Atia of B.C. 63. The purpose of this curious method of election was to take the real selection out of the hands of the college, without formally resorting to election by the whole people.

For the legislative and judicial functions of the *comitia tributa*, see below.

We must keep entirely distinct from the *comitia tributa* the assemblies of the tribes under the presidency of the plebeian magistrates, *i.e.* the tribunes and the plebeian aediles, who had the *jus cum plebe agendi* (Fest. p. 293; Cic. *de Leg.* ii. 12, 31). The technical name for these was *concilium plebis;* and the term *comitia tributa*, so commonly applied to them by modern writers, is quite destitute of authority. But it will be convenient to treat of them under the present head, inasmuch as they constituted one, and in course of time one of the most important, of the assemblies of the people at Rome.

The distinguishing feature of the *concilium plebis* was that, as it was summoned and presided over by magistrates who had no right of summoning patricians (Gell. xv. 27), it could not be regarded as an assembly of the whole people, and any resolutions which it passed were not strictly speaking *leges*, but only *plebi scita*, although we find the term *lex plebive scitum* sometimes employed, and ultimately even *lex*. (Cp. Mommsen, *Röm. Forsch.* i. 195.) The two requisites which were necessary for *leges*—(1) that they should be proposed under favourable auspices, and (2) that they should receive the *auctoritas patrum*—were both absent in the case of the *concilia plebis*. From the legal point of view the assemblies of the plebs were nothing more than the meetings of any other recognised corporation under the presidency of its elected head, passing resolutions which were binding upon all its members. But doubtless there was from the first a desire to shape these *concilia* as much as possible upon the model of
as is shown by the adoption of t
calendar as regards the lawful days
The first separate meeting of the
held on the Mons Sacer in B.C. 494,
have been held under the military
centuriate comitia; but the earl
meetings after the institution of t
were doubtless organised by curie
plains the statement, which accor
theories of Niebuhr and his school
inexplicable, that the tribunes of t
were elected in the comitia curia
Cornel. in Ascon. p. 76; Dionys. vi.
cf. Liv. ii. 56). In B.C. 471 the pl
on the proposal of Volero Publilius,
elections of tribunes, and doubtless
other resolutions also, according to
ii. 56, 60; Dionys. ix. 41, 43). Th
of this lay in the fact that thus
clients of the patricians were exclu
share in the elections, which hencefo
the hands of the plebeian freeholder
lilian law thus created the indepen
sation of the middle-class plebeian
the *turba forensis*), which was destine
next hundred years to win them
rights with the patricians.

The regulations of the *concilium*
resembled those of the comitia curia
contrasted with those of the comitia
The vote of each tribe was determ
majority of the votes of the citizen
to it; and although the votes were
taneously, they were reported in an
mined by lot, the same name (*princ*
given to the *curia* and to the trib
was first announced. As no mee
centuries could be legally held
pomoerium, so no meeting of the cu
tribes was, as a rule, held without
Comitium was the regular place of
both, the Capitol being also allow
cases. But while we have no i
meeting of the curies outside the
there are some cases of meetings o
not merely on the Aventine, but
Prata Flaminia (Liv. iii. 54), and
presided over by the tribunes were
days of the republic usually held in
Martius (Cic. *ad Att.* i. 1, 1; *pro*
&c.). It is a common but erroneou
the Comitium was regarded as espec
for the curies, the Forum genera
tribes, though doubtless the Com
must have been too small for the
the tribes. The *concilia plebis* were
auspicato: this is shown by the po
ments of Livy (vi. 41, 5) and Diony
x. 4), which we have no reason to
referring simply to the earliest tim
same time, although it was not neces
for the approval of the gods, any i
their disapproval could not be over
in Vat. 7, 17); a storm would break
ing of the commons as much as a me
people. We must explain in this w
plebeian magistrates who resigned as
(Liv. x. 47; xxx. 39), and of *plebisci*
as invalid (Cic. *pro Cornel.* in Asc
Anyone, but especially a magistrate,
a lightning-flash, was bound to repo

president of the assembly, who, acting on his own judgment or on that of the augurs, might declare the meeting at an end; and after the laws of Aelius and Fufius (about B.C. 150) he was required to do so. Hence after this date we find *obnuntiatio* commonly employed as a means of obstruction (Cic. *Or. cum sen. gr. eg.* 5, 11; *in Vat.* 8, 20; *Phil.* v. 3, 7). The days specially reserved for the *concilia plebis* were the *nundinae* [NUNDINAE], which the Lex Hortensia seems to have made non-comitial for this purpose (Macrob. i. 16, 29–34). The commons were summoned by *praecones;* after the usual prayers, the presiding magistrate read the *rogatio* (preceded, if he thought fit, by a *contio*), and then the tribes were summoned to vote (Liv. iii. 71; vi. 37; x. 9, &c.). The functions of the *concilia plebis* may be arranged under three heads.

1. *Elections.* — After the Lex Publilia of Volero (B.C. 471) the tribunes of the commons and the plebeian aediles were elected (as noticed above) by the commons organised as tribes (Liv. ii. 56; Dionys. ix. 49).

2. *Legislation.*—Resolutions adopted by the *concilia plebis* were in theory binding only upon the commons (Liv. iii. 55; Gell. xv. 27; Gaius, i. 3). But if they received the sanction of the senate, they were valid for all citizens. We have no definite information as to when this principle was formally recognised, but Mommsen's view seems the most probable, that a *lex centuriata*, earlier than the *plebiscitum Terentilium* (B.C. 462), first formally sanctioned it. It is certain that the necessity for the sanction of the senate was removed by the Lex Hortensia in B.C. 287, and that from this time forward the *concilia plebis* formed the principal legislative organ of the Roman people (Plin. xvi. 15, 10; Gell. xv. 27; Gaius, i. 3). Here the tribunes proposed *rogationes*, to which, when passed, the term *lex* was commonly, though not strictly applied. These *leges* must be carefully distinguished from the *leges praetoriae* which were passed by the *comitia tributa* under the presidency of the praetors (see above), and from the *leges consulares*, which, especially in the later times of the republic, were frequently carried in the same body under the presidency of a consul.

3. *Judicial.*—The *concilium plebis* attempted to assert its right to pronounce a capital sentence in the case of Coriolanus (B.C. 491) (Dionys. vii. 69), on the ground of a violation of the *leges sacratae;* and in the next half-century there are several similar instances (Liv. ii. 52, 54, 61; iii. 12, 31); but the decemviral legislation expressly enacted *de capite civis nisi per maximum comitiatum ne ferunto* (Cic. *de Leg.* iii. 4, 11, 19, 44; *de Rep.* ii. 36), a provision which was not obsolete in the time of Cicero (*pro Sest.* 34, 73). Henceforward the assemblies of the plebeians could inflict no punishment more severe than a fine (*inrogare multam*); the amount imposed at the discretion of the magistrate was strictly limited by the Lex Aternia Tarpeia of B.C. 454: hence, in all graver cases, it was necessary to obtain the sanction of the tribes assembled either in the *comitia tributa* or in the *concilium plebis.* In political cases the tribunes generally presided; in questions of police, the aediles.

Sulla, according to some, abolished the *comitia tributa* altogether, or, according to others, deprived them of the right of electing the sacerdotes, and of all their legislative and judicial powers. (Cic. *in Verr.* i. 13, 15; *de Legg.* iii. 9; Liv. *Epit.* 89; Appian, *de Bell. Civ.* i. 59, 98; comp. TRIBUNUS.) But the constitution, such as it had existed before Sulla, was restored soon after his death by Pompeius and others, with the exception of the jurisdiction, which was for ever taken from the people by the legislation of Sulla. The people suffered another loss in the dictatorship of Caesar, who decided upon peace and war himself in connexion with the senate. (Dio Cass. xlii. 20.) He had also the whole of the legislation in his hands, through his influence with the magistrates and the tribunes. The people thus retained nothing but the election of magistrates; but even this power was much limited, as Caesar had the right to appoint half of the magistrates himself, with the exception of the consuls (Suet. *Caes.* 41; Cic. *Phil.* vii. 6; Dio Cass. xliii. 51), and, in addition to this, he recommended to the people those candidates whom he wished to be elected: and who would have opposed his wish? (Dio Cass. xliii. 47; Appian, *Bell. Civ.* ii. 18.) After the death of Caesar the comitia continued to be held, but were always more or less the obedient instruments in the hands of the rulers, whose unlimited powers were even recognised and sanctioned by them. (Appian, *Bell. Civ.* iv. 7; Dio Cass. xlvi. 55, xlvii. 2.) Under Augustus the comitia still sanctioned new laws and elected magistrates, but their whole proceedings were a mere farce, for they could not venture to elect any other persons than those recommended by the emperor. (Suet. *Aug.* 40, &c.; Dio Cass. liii. 2, 21, lv. 34, lvi. 40.) Tiberius deprived the people even of this shadow of their former power, and conferred the power of election upon the senate. (Tac. *Ann.* i. 15, 81, ii. 36, 51; Vell. Pat. ii. 126.) When the elections were made by the senate, the result was announced to the people assembled as comitia centuriata or tributa. (Dio Cass. lviii. 20.) Legislation was taken away from the comitia entirely, and was completely in the hands of the senate and the emperor. Caligula placed the comitia again upon the same footing on which they had been in the time of Augustus (Dio Cass. lix. 9; Suet. *Cal.* 16); but this regulation was soon abandoned, and everything was left as it had been arranged by Tiberius. (Dio Cass. lix. 20.) From this time the comitia may be said to have ceased to exist, as all the sovereign power formerly possessed by the people was conferred upon the emperor by the Lex Regia. [LEX REGIA.] The people only assembled in the Campus Martius for the purpose of receiving information as to who had been elected or appointed as its magistrates, until at last even this announcement (*renuntiatio*) appears to have ceased.

In addition to the works on Roman history in general, the reader may consult Unterholzner, *De Mutata Centuriatorum Comit. a Servio Tullio Rege Institutorum Ratione*, Breslau, 1835; G. C. Th. Francke, *De Tribuum, de Curiarum atque Centuriarum Ratione*, Schleswig, 1824; Huschke, *Die Verfassung des Servius Tullius*, 1838; Hüllmann, *Römische Grundverfassung;* Rubino, *Untersuchungen über die röm. Verfassung*, 1839:

Zumpt, *Ueber die Abstimmung des röm. Volkes in Centuriatcomitien.*

[The views previously held as to the *comitia curiata* and *comitia tributa* have been largely modified by the researches of Mommsen, *Römische Forschungen*, vol. i. The most complete statement of the theories commonly accepted previous to these researches will be found with full references to ancient and modern authorities in Becker and Marquardt's *Römische Alterthümer*, vol. ii. part 1, pp. 353–394, and part 3, pp. 1–196. Cf. Lange, *Röm. Alterthümer*,[3] [i. 341–355, 391–491; ii. 418–682.] [L. S.] [A. S. W.]

COMITIA'LIS DIES. [DIES.]

COMIT'IUM. [FORUM.]

COMMENTARIUS, COMMENTARII (ὑπομνήματα), properly notes or note-books. Hence the word acquires a variety of meanings, of which the most important are the following:—

1. *C. domestici*, or family memorials, the records of events interesting to the members of particular families. Possibly these are the *veteres* or *antiqui c.*, to which Cicero refers in *Brut.* 15, 60; 18, 72: they may have contained, but they were not limited to, the funeral panegyrics to which Cicero (*Brut.* 16, 62) and Livy (viii. 40) ascribe much of the falsification of early Roman history.

2. The "memoirs" drawn up by public men as to events in which they had taken part. Thus Cicero wrote a *commentarius* in Greek on his consulship (*ad Att.* i. 19, 10; ii. 1, 1), and Caesar *commentarii* on his Gallic and Civil Wars.

3. "Memoranda" were kept by different departments of the public service, the officials in charge of them being known as *a commentariis.* These are frequently mentioned in inscriptions.

4. In towns a register was kept of the official acts of the municipal authorities. We have interesting extracts from the *commentarii* of Caere in an inscription in the Museum at Naples (Wilmanns, 2083).

5. The unofficial record of recent events at Rome, sent by Caelius to Cicero in Cilicia, is called by him *c. rerum urbanarum* (Cic. *ad Fam.* viii. 2, 2).

6. The record of the daily occurrences at court was kept in *c. diurni* (Suet. *Aug.* 64), a kind of private diary, which must be distinguished from the formal *acta*, and also from

7. *C. principis*—the register of his official decisions (Plin. *Ep.* x. 106), and of accusations brought before him (Tac. *Ann.* xiii. 43; Suet. *Calig.* 15). In Suet. *Dom.* 20, "praeter commentarios et acta Ti. Caesaris nihil lectitabat," it is probable that *c.* refers to private memoirs written by that emperor (Mommsen, *Röm. Staatsr.* ii.[2] 869, note 1).

8. Tacitus once (*Ann.* xv. 74) speaks of *c. senatus*, by which he can hardly mean anything but the *acta senatus* (q. v.).

9. The *commentarii* of the pontiffs, the augurs, and the *xvviri* are often mentioned. These were records of their decrees, and are to be distinguished on the one hand from their *acta* or minutes of their meetings, and on the other from the books (*libri*) which contained the ritual, and the *annales maximi* or chronicle of public events. (Cf. Cic. *de Domo*, 53, 136; *de Div.* ii. 18, 42; *Brut.* 14, 55; Plin. *H. N.* xviii. § 14.)

10. Varro cites more than once
magistratuum, of the nature of whic
practically nothing (Madvig, *Verf.*
i. 324).

COMMER'CIUM. [CIVITAS.]

COMMISSO'RIA LEX is a ter
in the law of pledge and in the law
the former it meant the agreeme
pledgor and pledgee that the prope
should be vested absolutely in the l
the debt which it secured was pun
charged by the day fixed for payn
agreements, though apparently con
three forms of pledge—Fiducia,
Hypotheca—were declared unlawful
Constantine (Cod. Theod. 3, 2; Cod.
the principle of foreclosure was allo
extent, though under stringent lim
Justinian: see PIGNUS.

In the law of sale lex commissori
agreement between vendor and pu
the former shall be at liberty to
contract if the latter does not
obligations under it in due manne
proper time (Dig. 18, 3, 1). This
same thing as a conditional sale;
latter, if the property were dam
stroyed, the loss would fall on
whereas in our case, if the proper
damaged, or destroyed, the loss
purchaser. If the vendor intend
advantage of the lex commissoria,
communicate his intention to the o
as the latter had made default; an
tance or demand of performance (*e.*
purchase-money) after the day agre
an implied waiver of his right to a
of it. Upon communicating his i
was entitled to recover the *res ven*
keep the *arra* or earnest given by th
and probably also any of the pur
which had been paid, though in t
purchaser might retain any fruits w
taken from the *res vendita* since the
the contract (Dig. 18, 3, 4, 1; *ib.* 6
The lex commissoria also commonl
that, if the vendor had to sell the pr
the first purchaser should make up a
between the price which he had p
self, and the less sum obtained by
sale.

COMMISSUM. One sense of
that of "forfeited," which is deriv
sense of the verb *committere*, "to
effect to," "to make operative." S
edictum is to occasion an edict t
force (Dig. 37, 4, 8, § 11; 14, 10,
committere poenam or *mulctam* is to
liable to a penalty (Cic. *pro Cluent.*
stipulatio committitur means that a s
become operative by the occurren
dition precedent or otherwise. Hen
forfeited by the coming into effect o
was said to be *commissum*, as whe
missoria was attached to a mortga
Thus Cicero (*ad Fam.* xiii. 56)
hypothecated thing becoming *commi*
becoming the absolute property of
for default of payment. *Commissa*
an inheritance forfeited as a penalt
i. 10, § 27).

Commissum is specially applied

such as merchandise confiscated because revenue duty had not been paid on it, or a proper return of it made to the *publicani*. A thing thus forfeited (*vectigalium nomine*) ceased to be the property of the owner and belonged to the *fiscus*. Things, the exportation of which was prohibited, such as arms and ships, might likewise be subject to forfeiture (*in causam commissi cadere*). In early times the *publicani* had the remedy of distraint on account of unpaid taxes (Gaius, iv. 28). The principle of forfeiture may have been made applicable to such cases by a *lex censoria*.

Commissum is used by mediaeval writers to signify property forfeited, as *e.g.* to the lord of whom a *fief* was held, and *commissio* is found in a corresponding sense. (Dig. 39, 4; Paul. *Sent. Recept.* v. 1; *Fragm. de jure fisci.*) [E. A. W.]

COMMIX'TIO. [CONFUSIO.]

COMMODA'TUM is one of the Roman obligations contracted *re*, by delivery. It is the gratuitous loan of a *res non fungibilis*, the loan of *res fungibiles* being called MUTUUM: in the latter not the very thing lent has to be returned, but an equivalent in quantity and quality (*e.g.* money, corn, wine, oil); in the former the borrower ("commodatarius, is qui rem commodatam accepit") has to restore to the lender (*commodator*) the very thing lent. As the Romans say, it has to be returned *in specie*, not *in genere*: whence Isidorus says (*Orig.* v. 25), "inter commodatum et mutuo datum nonnihil distat: commodamus amico pro tempore . . . . *hanc ipsam rem, quam dedimus, recepturi.*" (Cf. Agroecius, *de Orthographia*, pp. 2274, Putsch.) In *mutuum*, again, the property in the thing lent passed to the borrower (whence the name, "quia ita tibi a me datum est, ex *meo tuum* fiat," Gaius, iii. 90); but in *commodatum* the borrower acquired only detention or *naturalis possessio* (Dig. 13, 6, 8 and 9). If a thing were lent for a "consideration" instead of gratuitously, the contract was of a different nature; it was not *commodatum*, but *locatio conductio*, which was consensual, not real.

The duties of the borrower, which were enforced by *actio commodati directa*, an action which could be formulated either in *jus* or in *factum* (Gaius, iv. 47), were to return the *res commodata* (and its fruits borne while lent) at the time agreed upon, or, if there had been none, when the purpose for which it had been borrowed was satisfied; to take care of it in the fashion of a *bonus paterfamilias* (*i.e.* he was answerable for *culpa levis in abstracto;* see CULPA); and to use it only for the purpose for which it had been borrowed: to use it for any other, if the borrower thought this would not have been allowed by the lender, was theft in law (Gaius, iii. 195). If a thing was lent to two or more persons together, each was severally liable to pay the whole damages (*in solidum*) occasioned by breach of any of these duties. The obligations of the commodator (enforced by *actio commodati contraria*) were mostly only *ex post facto;* to let the borrower use the thing for the time or for the purpose agreed on (Dig. 13, 6, 17, 3), and to indemnify him for all unusual but necessary costs incurred in connexion with the object lent, and also for all damages occasioned by his own negligence (though here he was answerable only for *culpa lata*): *e.g.* if he knowingly lent rotten timber for shoring up a house, which fell in consequence, he must pay damages. The borrower's rights against the commodator could also be enforced by *retentio* or lien. (Gaius, iii. 196, 197, 206, iv. 47; Paul. *Sent. rec.* ii. 4; Dig. 13, 6; 44, 7, 1, 3 and 4; Cod. iv. 23.) [J. B. M.]

COMMU'NI DIVIDUNDO AC'TIO is one of the so-called *judicia divisoria*, or partition actions (the others being those known as *familiae erciscundae* and *finium regundorum*): they are said by Justinian (*Inst.* iv. 6, 20), "mixtam causam obtinere, tam in rem quam in personam," to be partly real, partly personal. The explanation of this lies in the structure of their formula [ACTIO], which contained two intentiones: one framed *in rem*, and followed by an adjudicatio or clause empowering the judge to award the property in severalty to the joint owners (Gaius, iv. 41); the other framed *in personam*, and followed by a condemnatio, by which the judge was enabled to charge any one of the joint owners who got more than his fair share of the *res communis* with a money payment in favour of the rest. These clauses were repeated in the formula for each of the joint owners, whence Ulpian calls these actions *mixtae* in another sense, because each of them is plaintiff in his turn, just as Gaius (iv. 160) calls some of the interdicts *judicia duplicia*. Under Justinian they are in reality *in personam* (Dig. 10, 1, 1), though distinguished from other personal actions in this, that by them disputed ownership could also be determined (Savigny, *System*, v. p. 36): the obligation upon which they are brought arising either *ex contractu* (as where the joint owners are *socii*, partners) or *quasi ex contractu* (*communio incidens*), as in the case of co-legatees and co-donees (*Inst.* iii. 27, 3).

The object of the *actio communi dividundo* was to compel a judicial partition of jointly-owned property at the suit of one or some of the joint owners only; and therefore it could not be instituted until the ratio in which it belonged to them respectively was ascertained, this being sometimes the object of a previous suit (*vindicatio partis:* Dig. 10, 2, 1, 1; cf. Gaius, iv. 54). It was maintainable whether the parties were technically owners (domini), or merely *bonâ-fide* possessors entitled to the *actio Publiciana in rem;* but where their joint title was a universal succession, civil or praetorian, this action would not lie, the proper remedy being the *actio familiae erciscundae*. The judge might take account of any damage done to the *res communis*, or any outlay upon it, or any profit received from it by any one of the joint owners in excess of the rest (*Inst.* iv. 17, 4 and 5); and though bound by any agreement which they might have entered into as to the partition (Dig. 10, 3, 3 and 21), he was otherwise free to act at his own discretion, *ex aequo et bono*, doing the best he could for them. Thus, if the *res communis* were exactly divisible, the matter was easily settled; but if it were not so, he would divide it so far as was possible, compensating those who got less than their due share with a money payment (*Inst.* iv. 17, 4 and 5), a usufruct, or other servitude (Dig. 17, 2, 6, 10; *ib.* 7, 1). If it could not be divided at all without depriving it of all value ("veluti homo forte aut mulus erit," *Inst.*

loc. cit), he might adjudge it to one and direct him to compensate the rest with a money payment, or put it up to auction, either publicly or among the joint owners alone, and divide the purchase-money. (Dig. 10, 3; Cod. 3, 37, 3; Cic. *ad Fam.* vii. 12.) [J. B. M.]

COMOE'DIA (κωμῳδία). 1. GREEK.—The early stages of the history of comedy are involved in great indistinctness, as they never formed the subject of much inquiry even when information was extant. This was the case even among the Athenians, and to a still larger extent among the Dorians. The ancient Greeks seldom showed much aptitude for antiquarian research, and for a long time comedy was scarcely thought deserving of attention; "for it was not," says Aristotle (*Poët.* 5), "seriously cultivated from the beginning. And it was only quite recently that the archon gave a chorus of comedians; before that they were 'volunteers' (ἐθελονταί). It was only when comedy had attained something like form that comic poets are mentioned. Who fixed its masks or prologues or number of actors or the like, is not known." Aristotle does not give a formal definition of comedy; though in one passage (*Poët.* 5 *init.*) he seems to define it as μίμησις τοῦ γελοίου: but perhaps we should suppose with Mahaffy (*Hist. of Greek Lit.* i. 466) that the formal definition is lost, and that it ran parallel to his definition of tragedy, describing comedy as a purification of certain affections of our nature by laughter and ridicule.

That comedy took its rise at the vintage festivals of Dionysus is certain. It originated, as Aristotle says (*Poët.* 4), with those who led off the phallic songs (ἀπὸ τῶν ἐξαρχόντων τὰ φαλλικά) of the band of revellers (κῶμος), who at the vintage festivals of Dionysus gave expression to the feelings of exuberant joy and merriment which were regarded as appropriate to the occasion, by parading about, partly on foot, partly in wagons, with the symbol of the productive powers of nature, singing a wild, jovial song in honour of Dionysus and his companions. These songs were commonly interspersed with, or followed by petulant, extemporal (αὐτοσχεδιαστική, Arist. *Poët.* 4) witticisms with which the revellers assailed the bystanders (see the description of the phallophori at Sicyon in Athen. xiv. p. 622), just as the chorus in the *Frogs* of Aristophanes, after their song to Iacchus, begin ridiculing Archedemus (417, &c.). This origin of comedy is indicated by the name κωμῳδία, which undoubtedly means "the song of the κῶμος." This appears both from the testimony of Aristotle that it arose out of the phallic songs and from Demosthenes (*c. Mid.* p. 517), where we find mentioned together ὁ κῶμος καὶ οἱ κωμῳδοί. (Comp. Müller, *Hist. of Gr. Lit.* vol. ii. p. 4, *Dor.* iv. 7, § 1; Bode, *Gesch. der Hellen. Dichtk.* vol. iii. part 2, p. 4, &c.; Kanngiesser, *Die alte komische Bühne zu Athen*, p. 32; Schömann, *Gr. Alt.* ii.^{3} 491.) Other derivations of the name were, however, given even in antiquity. The Megarians, conceiving it to be connected with the word κώμη, and to mean "village-song," appealed to the name as an evidence of the superiority of their claim to be considered as the originators of comedy over that of the Athenians (Arist. *Poët.* 3). This derivation was also adopted by several of the old grammarians (see Tzetzes, in Cramer's *Anecd. Gr.* vol. iii. pp. 335, 337; Anonym. περὶ κωμῳδίας in Meineke, *Hist. Crit. Comic. Graec.* pp. 535, 538, 558, where a very absurd account of the origin of comedy is given, but the important point that personal censure is of the essence of comedy is indicated: cf. Bekk. *Anecd. Gr.* 747, 10, κωμῳδία ἐστιν ἡ ἐν μέσῳ λάου κατηγορία ἤγουν δημοσίευσις), and has the sanction of Bentley, W. Schneider, Bernhardy (*Grundriss d. Griech. Lit.* vol. ii. pt. 2, p. 450), and Mahaffy (*Hist. of Greek Lit.* i. 398).

Passing by the Homeric *Margites*, in which Aristotle sees the origin of comedy (*Poët.* 4), and which certainly does draw a character from a ridiculous point of view, we find that it was among the Dorians that comedy first assumed anything of a regular shape. The Megarians, both in the mother country and in Sicily, claimed to be considered as its originators (Arist. *Poët.* 3); and so far as the comedy of Athens is concerned, the claim of the former appears well founded. They were always noted for their coarse humour (Aristoph. *Vesp.* 57, with the Schol.; *Anthol. Pal.* xi. 440; Suidas, *s. v.* γέλως: Bode, vol. iii. pt. 2, p. 27); and their democratical constitution, which was established at an early period, favoured the development of comedy in the proper sense of the word. In the aristocratical states the mimetic impulse, as connected with the laughable or absurd, was obliged to content itself with a less unrestrained mode of manifestation. The Lacedaemonians, who had a great fondness for mimetic and orchestic amusements, had their δεικηλικταί, whose exhibitions appear to have been burlesques of characters of common life. The favourite personages were the fruit-stealer and the foreign quack, for the representation of which they had a peculiar mimetic dance. (Athen. xiv. p. 621; Plut. *Ages.* 21, p. 607 D; Schol. *ad* Apollon. i. 746; Müller, *Dor.* iv. 6, § 9; Bernhardy, *l. c.* p. 454.) Among the forerunners of comedy must be mentioned the Phallophori and Ithyphalli at Sicyon, who, Athenaeus says (xiv. p. 621 e), are the same as the δεικηλικταί. It was here, where at an early period the dithyramb also was dramatised, that the κῶμος first assumed a more dramatic form, and Dionysus was even said to have invented comedy at Sicyon (*Anthol. Pal.* xi. 32). The Phallophori had no masks, but covered their faces with chaplets of wild thyme, acanthus, ivy, and violets, and threw skins round them. After singing a hymn to Dionysus, they flouted and jeered at any one of the bystanders whom they selected. The Ithyphalli wore masks representing drunken persons, and were equipped in other respects in a manner which, if not very decent, was appropriate to the part they had to sustain. (Athen. *l. c.*) It was the iambic improvisations of the exarchi of such choruses which gave rise to the later comedy. Antheas of Lindus is spoken of as a poet who composed pieces for such comuses of phallus-bearers, which were called comedies (Athen. x. p. 445). Such pieces have been styled lyrical comedies by many scholars (as Böckh, *Corp. Inscript.* No. 1584, note; and Müller, *Hist. of the Lit. of Greece*, vol. ii. p. 6), to distinguish them from the comedy proper. Lobeck and Hermann, however, stoutly deny that there was any such thing as lyrical tragedy or comedy distinct from dramatical tragedy and comedy and yet not the same with dithyrambs or phallic songs, and affirm that the tragedies and comedies which we hear of before the rise of the regular drama were only a species of dithyramb and phallic song. (Hermann, *de Tragoedia Comoediaque Lyrica*, in *Opusc.* vol. vii. p. 211, &c.; cf. A. Müller, *Griech. Bühnenalterthümer*, p. 388.) The dispute is more about names than about things; and there seems no great objection to applying the term *lyrical tragedy* or *comedy* to pieces intended to be performed by choruses, without any actors distinct from the chorus, and having a more dramatic cast than other purely lyrical songs. This, apparently, was the point to which comedy attained among the Megarians before Susarion introduced it into Attica. It arose out of the union of the iambic lampoon with the phallic songs of the comus, just as tragedy arose out of the union of rhapsodical recitations with the dithyramb.

Among the Athenians the first attempts at comedy, according to the almost unanimous accounts of antiquity, were made at Icaria by Susarion, a native of Tripodiscus in Megara. (Schol. *ad* Dionys. Thrac. in Meineke, i. p. 559; Aspasius, *ad* Aristot. *Eth. Nic.* iv. 2, 20, fol. 53, B.) Icaria was the oldest seat of the worship of Dionysus in Attica (Athen. ii. p. 40), and comus processions must undoubtedly have been known there long before the time of Susarion. Iambistic raillery was also an amusement already known in the festivals of Bacchus and Demeter on the bridge between Athens and Eleusis (Müller, *Hist. of Lit. of Gr.* vol. i. p. 178; Hesychius, *s. v.* Γεφυρισταί: Suidas, *s. v.* γεφυρίζων: Schol. Arist. *Acharn.* 708). From the jests and banterings directed by the Bacchic comus, as it paraded about, against the bystanders, or any others whom they selected, arose the proverb τὰ ἐξ ἁμάξης (Schol. Arist. *Nub.* 296; Suidas, *s. v.*; Ulpianus *ad* Demosth. *de Cor.* p. 268, ed. Reiske; Bode, *l. c.* p. 22; Photius, *Lex.*, s. v. τὰ ἐκ τῶν ἁμαξῶν: cf. πομπεία, meaning "abuse"). This scoffing, which was considered part of the festival, continued customary not only at the rural Dionysia, but on the second day of the Anthesteria [DIONYSIA]. It was in the third year of the 50th Olympiad (B.C. 578) that Susarion introduced at Icaria comedy in that stage of development to which it had attained among the Megarians (Marm. Par. ep. 54, 55, in Böckh's *Corpus Inscript.* vol. ii. p. 301). It is not, however, easy to decide in what his improvements consisted. Of course there were no actors besides the chorus or comus; whatever there was of drama must have been performed by the latter. The introduction of an actor separate from the chorus was an improvement not yet made in the drama. According to one grammarian, Susarion was the first to give to the iambistic performances of the comus a regular metrical form (Schol. *ad* Dionys. Thrac. *ap.* Bekker, *Anecd. Gr.* p. 748; Meineke, *l. c.* p. 559). He no doubt substituted for the more ancient improvisations of the chorus and its leader premeditated compositions, though still of the same general kind; for, as Aristotle says (*Poët.* c. 5), Crates was the first who ἦρξεν ἀφέμενος τῆς ἰαμβικῆς ἰδέας καθόλου ποιεῖν λόγους ἢ μύθους. According to Schömann (*Gr. Alt.* ii.^{3} 491), the regularity introduced into the Icarian choruses consisted of a definite number of persons uniting to form a chorus and arranging some general plan of performance, leaving a considerable amount of details to improvisation. Such choruses became frequent, and, as was to be expected, there would seem also to have been some kind of poetical contest, for we learn that the prize for the successful poet was a basket of figs and a jar of wine (Marm. Par. *l. c.*; Bentley, *Dissert. on the Ep. of Phal.* vol. i. p. 259, ed. Dyce). It was also the practice of those who took part in the comus to smear their faces with wine-lees, either to prevent their features from being recognised, or to give themselves a more grotesque appearance. Hence comedy came to be called τρυγῳδία or lee-song. Others connected the name with the circumstance of a jar of new wine (τρύξ) being the prize for the successful poet, or of the exhibition being held at the time of the vintage (τρύγη). (Athen. ii. p. 40; Anon. *ap.* Meineke, *l. c.* p. 535; *Acharn.* 851, 603, *Vesp.* 650, 1537; Schol. *ad* Arist. *Acharn.* 397, 498; Schol. *ad* Plat. *de Rep.* iii. p. 928, ed. Bait. et Orell.; Bentley, *Dissert. on the Ep. of Phal.* vol. i. p. 351, &c. ed. Dyce; Bode, *l. c.* p. 22.) An important gloss in the Sangallensis MS. edited by Usener (*Rhein. Mus.* xxviii. 418) says of these early comedies: *In fabulas primi eam contulerunt non* [om. MS.] *magnas ita ut non excederent in singulis versus trecenos* [*tricenos* MS.]. Leo in *Rhein. Mus.* xxxiii. 140, note 2, thinks that *Magnes* is concealed under *magnas*. It is to be remarked, however, that Wilamowitz in *Hermes*, ix. 319 *sqq.*, considers that the so-called Megarian comedy in Attica was not derived from Megara at all, but was a species of comedy invented by the Athenians, in which they satirised the vulgarity and stupidity of the Megarians, laying the scene at Megara just as the Romans did that of the *Atellanae* at Atella. He urges that the fragments we have purporting to be those of the ancient Attic comedians up to Cratinus (*i.e.* Chionides, Magnes, &c.) are not genuine, as may be perceived both from the style, which is more that of the age of Eupolis than that even of Cratinus, and also from the fact that Aristotle knew merely the names of these authors, but not their plays. Be that, however, as it may, there can be but little question that what are called Susarion's pieces were merely intended for the amusement of the hour, and were not committed to writing: a laugh was the sole object sought. (Bentley, *l. c.* p. 250, &c.; Anonym. *de Com.* ap. Meineke, *l. c.* p. 540; Bode, *l. c.*) They doubtless partook of that petulant, coarse, and unrestrained personality for which the Megarian comedy was noted. But for entertainments of such a character the Athenians were not yet prepared. They required the freedom of a democracy. Accordingly, comedy was discouraged, and for eighty years after the time of Susarion we hear nothing of it in Attica.

It was, however, in Sicily that comedy was earliest brought to something like perfection. The Greeks in the Sicilian colonies always exhibited a lively temperament, and the gift of working up any occurrence into a spirited, fluent dialogue. (Cic. *Verr.* iv. 43, 95; Quintil.

vi. 3, § 41.) This faculty finding its stimulus in the excitement produced by the political contests, which were so frequent in the different cities, and the opportunity for its exercise in the numerous agrarian festivals connected with the worship of Demeter and Bacchus, it was natural that comedy should early take its rise among them. Yet before the time of the Persian wars we only hear of iambic compositions, and of a single poet, Aristoxenus of Selinus, "who first introduced the ancient fashion of reciting iambics," according to Epicharmus, and who ridiculed the soothsayers (Hephaestion, p. 49, ed. Gaisf.). The performers were called **αὐτοκάβδαλοι**, i.e. improvisatores (Athen. xiv. p. 622; *Etym. Magn. s. v.* **αὐτοκάβδ.**; Hesych. *s. v.*; Aristot. *Rhet.* iii. 7, § 1; Bode, *l. c.* p. 7, &c.), and subsequently **ἴαμβοι.** There is no evidence that they belonged exclusively to Sicily. The Italians called them **φλύακες**: the Thebans, **ἐθελονταί**: and some people apparently **σοφισταί** (Athen. xiv. p. 621 e). Their entertainments being of a choral character were, doubtless, accompanied by music and dancing. Athenaeus (xiv. p. 629) mentions a dance called the **ἰαμβική**, which was quieter than the **πυρριχή**; but as he ranks it with the **Μολοσσικὴ ἐμμέλεια**, the **σίκιννις Περσικὴ**, and the **κόρδαξ**, it was probably a generic term, like our "fling." Afterwards, the comic element was developed partly into travesties of religious legends, partly into delineations of character and manners, in the comedy of Epicharmus, Phormis, and Dinolochus; and in the mimes of Sophron and Xenarchus. Epicharmus is very commonly called the inventor of comedy by the grammarians and others (Theocr. *Epig.* 17; Suidas, *s. v.* **Ἐπίχαρμος**; Solinus, 5, 13); this, however, is true only of that more artistical shape which he gave to it. (Bernhardy, *l. c.* p. 460.) "He was the first who recovered the *disjecta membra* of comedy, and effected many improvements" (**οὗτος πρῶτος τὴν κωμῳδίαν διερριμμένην ἀνεκτήσατο πολλὰ προσφιλοτεχνήσας**, Anonym. *de Com.* ap. Meineke, i. 535). His comedy was that of character and travesty. Democopus built a theatre for him at Syracuse, and the entire management of the stage was reduced to system there long before it was at Athens. His plays had not very much plot, but clever dialogue and single comic scenes were elaborately worked out, in which the myths were travestied or philosophical notions aired and parodied. His sound practical wisdom was shown in the number of wise sayings collected from his writings (O. Müller, *op. cit.* 57, note). He wrote three kinds of plays: (1) travesties of the myths, e.g. *the Marriage of Hebe*, in which the gluttony of Heracles is represented. (2) Character comedies, *e.g.* **Ἐλπὶς ἢ πλοῦτος, Ἀγρωστῖνος, Θεᾶροι.** (3) Dialectical arguments, *e.g.* **Γᾶ καὶ θάλασσα.** He is said to have first introduced the drunkard, though this is also attributed to Crates (O. Müller, p. 57), and to have invented the character of the *parasite* (in the **Ἐλπίς**): see Athen. vi. p. 236. He wrote in trochaic tetrameters and anapaests, and in the Doric dialect. His plays exhibit a close connexion, both with the Satyric drama and with such plays as the *Helena*, in which the heroes are somewhat vulgarized. Indeed, Epicharmus had probably much to say to the degradation of such characters as the Odysseus of the *Philoctetes* (Mahaffy, *op. cit.* i. 406; cf. *Hermathena*, i. 262 ff.). T

the plays by Phormis (e.g. *Admeti*
Perseus) and Dinolochus (*Althea*, *I*
phus) show that they were on r
subjects, and were travesties of
The difference thought to subsist be
farces and the Satyric drama, is
former the gods and heroes were
ridiculed; whereas in the Satyric
nobler characters (*e.g.* Odysseus in
retain their dignity (Mahaffy, p.
Müller, however (*op. cit.* ii. 3,
"Satyric poetry places by the lofty
heroes, not human perverseness, bu
of real humanity, whereas comedy i
about the deterioration of civilised
Sophron flourished about 450 B.C.
were written in rhythmical prose
broader Doric dialect, *patois* being ofte
They were coarse in tone, but full
and of humour. We have no evide
being performed in public. Their
their nature: e.g. *The Tunny Fi*
ποιφύξεις (cf. **ἔρωτα πνεῖν**), **Ὡλιεὺς**
τὸν ἀγροιώταν. Theocritus is said
rowed his **Φαρμακευτρίαι** and **Ἀδωνι**
the **Ἀκεστρίαι** and **Ἰσθμιάζουσαι**
(Mahaffy, pp. 406–408).

In Attica, the first comic poet of
ance whom we hear of after Susari
des, who is said to have brought
B.C. 488 (Suidas, *s. v.* **Χιωνίδη**
Euxenides, and Myllus, "who heard
were probably contemporaries of
was followed by Magnes and Ecpha
compositions, however, seem to hav
but the reproduction of the old
of Susarion, differing no doubt
the introduction of an actor or ac
from the chorus, in imitation of
ments that had been made in tragedy
pp. 29–36.) That branch of the
which was called the Old Comedy be
with Cratinus, who was to comed
what Aeschylus was to tragedy.
de Com. ap. Meineke, 536.) Ano
says that, according to the prove
κεφαλῇ τίθησι. τὰς βλασφημίας κα
τανόντων, but that he was carele
to his plots. Under the vigorou
administration of Pericles comed
scope, and rapidly reached its per
tinus is said to have been the fir
duced three actors in a comedy.
Com. ap. Meineke, p. 540.) But Cr
of as the first who began **καθόλου**
ἢ μύθους (Arist. *Poët.* 5), *i.e.* raised
being a mere lampooning of individ
it a character of universality, in w
drawn from reality or stories of h
tion received a free, poetic treatmen
ters introduced being rather gener
particular individuals. (See Ar
tinction between **τὰ καθ' ἕκαστον** a
Poët. 9.) In what is known of
traces appear of anything of a pers
cal kind. He was the first who in
his works the character of a d
(Anonym. *de Com.* ap. Meineke, p.
Crates was a younger contemporar
and at first an actor in his piece
perhaps his earlier plays, the comedi

were an improvement upon those of Crates, as they united with the universality of the latter the pungent personal satire and earnest political purpose which characterised the Old Comedy. Crates and his imitator Pherecrates seem in the character of their pieces to have had more affinity with the Middle than with the Old Comedy. The latter has been described as the comedy of caricature, and such indeed it was, but it was also a great deal more. As it appeared in the hands of its great masters Cratinus, Hermippus, Eupolis, and especially Aristophanes, its main characteristic was that it was throughout *political.* Everything that bore upon the political or social interests of the Athenians furnished materials for it. It assailed everything that threatened liberty, religion, and the old established principles of social morality and taste, or tended to detract from the true nobleness of the Greek character. It performed the functions of a public censorship, and the utmost freedom was allowed the comic poets. (Isocr. *de Pace*, § 14; Cic. *de Rep.* iv. 8; Hor. *Sat.* i. 4, 1; Dion. Chrys. ii. 4, Reiske.) But it must be remembered that they attacked as party-men, not as perfectly disinterested lovers of what was right; just like the attacks of party newspapers of the present day. (Mahaffy, p. 436.) Though merely personal satire, having no higher object than the sport of the moment, was by no means excluded, yet commonly it is on political or general grounds that individuals are brought forward and satirised. A groundwork of reality usually lay at the base of the most imaginative forms which its wild licence adopted. All kinds of fantastic impersonations and mythological beings were mixed up with those of real life. With such unbounded stores of materials for the subject and form of comedies, complicated plots were of course unnecessary, and were not adopted. Though the Old Comedy could only subsist under a democracy, it deserves to be remarked that its poets were usually opposed to that democracy and its leaders. Some of the bitterest assailants even of Pericles were to be found among the comic poets, *e.g.* Teleclides and Hermippus.

But what is generally known as the Old Comedy at Athens—that is, the *political* Old Comedy—was in reality only one of the forms of comedy, which has been brought into excessive prominence for us owing to the fact that the principal plays of Aristophanes which have come down to us have this political reference. But it is a mistake to suppose that politics was the sole subject treated of by Aristophanes and his contemporaries; they handled also the various other subjects of comedy which we find in preceding and succeeding ages. Thus, besides Crates and Pherecrates, whom we have seen to be virtually writers of the New Comedy, the latter attacking innovations in music in the *Chiron*, painting the delights of the golden age in the *Agrios*, and censuring the extravagances of the better classes in the *'Αγαθοὶ ἢ ἀργύρου ἀφανισμός*, we find mythical subjects treated of by Cratinus in the *Nemesis* (*e.g.* the birth of Helen) and *Busiris*, and literary criticism in the *Seriphii* and *Archilochi*, in the latter of which Homer and Hesiod are introduced. Literature is also treated of in the *Musae* and *Tragoedi* of Phrynichus, and in the *Frogs* and *Amphiaraus* of Aristophanes. The guessing of riddles (*γρῖφοι*), a note of the New Comedy, is found in the *Cleobulinae* of Cratinus; Teleclides represents the golden age in the *Amphictyones*, as did Eupolis in the *Χρύσουν γένος*; Hermippus wrote the *Birth of Athena* (and we know *γοναὶ* were a favourite subject of the so-called Middle Comedy). Even in the *Plutus* of Aristophanes it is no longer on a political or literary subject, but on the unevenness and unjust division of wealth; it has all its characters general ones; and the slave, as in the later comedy, plays a principal part. But, above all, we actually hear of a play of Aristophanes, the *Cocalus*, which in its love-intrigue and recognition presents two of the most prominent features of the New Comedy plots.

Mahaffy (*op. cit.* i. p. 435) notices that the old comic writers could not be so prolific as the tragedians, because they had to invent their plots; but, as depending on the passing events of the day, were compelled to faster writing than the tragedians. In many points he notices analogies between the days of the Old Comedy and the Shakesperean era, such as that the authors often began as actors (Aristoph. *Eq.* 541)—thus Crates and Pherecrates, we are told, were actors (Anonym. *de Com.* ap. Meineke, i. 536); they had to work very fast, and brought out altered editions of their own plays to supply the place of new ones—thus we hear of two editions of the *Nubes* (Arg. v. to *Nub.*); they often collaborated, *e.g.* Eupolis is said to have helped Aristophanes in the *Equites* (Schol. ad *Eq.* 1291); and they brought out plays under other people's names, *e.g.* Aristophanes brought out the *Nubes* under the names of Philonides and Callistratus (Schol. on *Nub.* 531). In the year B.C. 440, a law was passed *τοῦ μὴ κωμῳδεῖν* (Schol. Arist. *Acharn.* 67), which remained in force for three years, when it was repealed. Some (*e.g.* Clinton, *F. H. s. a.*) understand the law to have been a prohibition of comedy altogether; others (Meineke, *l. c.* p. 40; Bernhardy, p. 943) a prohibition against bringing forward individuals in their proper historical personality and under their own name, in order to ridicule them (*μὴ κωμῳδεῖν ὀνομαστί*). To the same period probably belongs the law that no Areopagite should write comedies. (Plut. *de Glor. Ath.* p. 348 c.) About B.C. 415, apparently at the instigation of Alcibiades, the law of 440, or at all events a law *μὴ κωμῳδεῖν ὀνομαστί*, was again passed on the motion of one Syracosius (Schol. Arist. *Ares*, 1297). But the law only remained in force for a short time (Meineke, p. 41). The nature of the political events in the ensuing period would of itself act as a check upon the licence of the comic poets. A man named Antimachus got a law like that of Syracosius passed, but the date of it is not known (Schol. Arist. *Acharn.* 1149). With the overthrow of the democracy in 411, comedy would of course be silenced; but on the restoration of the democracy, comedy again revived. It was doubtless again restrained by the Thirty Tyrants. During the latter part of the Peloponnesian war also it became a matter of difficulty to get choregi; and hindrances were sometimes thrown in the way of the comic poets by those who had been attacked by them: *e.g.* the dithyrambic poet Cinesias, who had been attacked by the comic poets, introduced a law whereby the public expenditure on the comic drama was so much curtailed, that it had to renounce the chorus altogether. On this account, Strattis wrote a play against him called *Cinesias*, in which he styled him **χοροκτόνος** (Kock, *fr.* 15; Schol. *Ran.* 404; cf. Schol. *Ran.* 153). Agyrrhius, though when is not known, got the pay of the poets lessened. (Schol. Arist. *Eccl.* 102.) Yet even in the ruin of Athens the old Attic comedy was not quite dead. Cleophon was attacked by Aristophanes and Plato in 405 B.C. The old Attic comedy lasted from Ol. 80 to Ol. 94 (B.C. 458–404). From Cratinus to Theopompus there were forty-one poets, fourteen of whom preceded Aristophanes. The number of pieces attributed to them amounted altogether to 365. (Anon. *de Com.* ap. Meineke, p. 535; Bode, *l. c.* p. 108.) An excellent and compendious account of these poets is given by Bernhardy. (*Grundriss der Griech. Lit.* vol. ii. pp. 515–525.) A more extended account will be found in Meineke (*Hist. Crit. Comic. Graec.* forming vol. i. of his *Fragm. Com. Graec.*), and in Bode (*Gesch. der Hellen. Dichtk.* vol. iii. pt. ii. p. 108, &c. &c.). The reader is also referred to the articles Crates, Cratinus, Pherecrates, Hermippus, Eupolis, and Aristophanes in the *Dictionary of Greek and Roman Biography and Mythology*. (Comp. Rötscher, *Aristophanes und sein Zeitalter;* and Schlegel's *Lectures on Dramatic Art and Literature.*) The later pieces of Aristophanes belong to the Middle rather than to the Old Comedy. The old Megaric comedy, which was improved by Maeson by the introduction of standing characters (he is said to have invented the masks for the servant and the cook; and hence the kind of jokes made by these characters were called **μαισωνικά**: cf. Ath. xiv. p. 659 a), continued for some time to subsist by the side of the more artistically developed Attic comedy, as did the ancient Iambistic entertainments both in Syracuse and in the Dorian states of Greece (Arist. *Poët.* 4; Bode, *l. c.* p. 28), and the *Oscum ludicrum* at Rome.

It was not usual for comic poets to bring forward more than one or two comedies at a time; and there was a regulation according to which a poet could not bring forward comedies before he was of a certain age, which is variously stated at thirty or forty years. (Aristoph. *Nub.* 530, with the Schol. Ald.) But this is all a fiction (see A. Müller, *op. cit.* p. 351, note). To decide on the merits of the comedies exhibited, five judges were appointed, which was half the number of those who adjudged the prize for tragedy. (Schol. *ad* Arist. *Av.* 445; Hesych. *s. v.* **πέντε κριταί**.) For details concerning the appointment of judges and the course of procedure in the production of plays, see THEATRUM; and for the chorus of comedy, see CHORUS and SALTATIO.

As the old Attic comedy was the offspring of the political and social vigour and freedom of the age during which it flourished, it naturally declined and ceased with the decline and overthrow of the freedom and vigour which were necessary for its development. It was replaced by a comedy of a somewhat different style, which was known as the Middle Comedy, the age of which lasted from the end of the Peloponnesian war to the overthrow of liberty by Philip of Macedon (Ol. 94–110). During this period, the Athenian state had the form but none of the spirit of its earlier democratical constitution, and the energy and public spirit of earlier
years had departed. The comedy of
accordingly found its materials in
classes of people instead of individua
cising the systems and merits of p
and literary men, especially the Pla
Pythagoreans (see the *Epicrates* of
in parodies of the compositions of
earlier poets, and travesties of mytho
jects. It formed a transition from
the New Comedy, and approximated
in the greater attention to the con
plots, which seem frequently to
founded on amorous intrigues (Bode,
in the absence of that wild grotesqu
marked the Old Comedy. The exce
are mainly those of expression; th
inventive genius in the characte
ἔχουσι τὰς ἀρετάς, ὥστε σπάνιο
εἶναι χαρακτῆρα παρ' αὐτοῖς, A
Meineke, 537). Aristotle notices (
8, 6) that in the Old Comedy the
at coarse language (**αἰσχρολογία**),
later comedy at innuendo (**ὑπόνοι**
gards its external form, the plays of
Comedy, generally speaking, had n
basis nor chorus; and such was t
the *Odysseis* of Cratinus, the *Ae*
Plutus of Aristophanes, and very
dramas of the Old Comedy. The
is indeed found at the end of the
Plutus, but the gap was doubtless f
musical interlude. (Platonius, *de*
ap. Meineke, p. 532.) The absence
was occasioned, partly by the ch
spirit of comedy itself, partly by th
difficulty of finding persons capab
taking the duties of choregus. As
in comedy itself was gradual, so
likely that the alterations in form w
about by degrees. At first showing
proper musical and orchestic trainin
was at last dropped altogether.
fragments of pieces of the Middle C
have reached us are of a lyrical kin
the presence of a chorus. The
school of comedy seem to have bee
narily prolific. Athenaeus (viii. p.
that he had read above 800 dra
Middle Comedy. Only a few fragm
extant. Meineke (*Hist. Crit. Com.*
gives a list of thirty-nine poets of
Comedy. The most celebrated wer
and Alexis. (Bode, *l. c.* p. 393,
hardy, pp. 592–603.) Anaxandrid
have invented that kind of play
in later comedy, in which (as in
of Terence) a girl is seduced an
married to the hero (Suidas, *s. v.* **'A**
though we have found such a
Cocalus of Aristophanes. Alexis or
brought on the Attic stage the pa
that name; the character, howe
vented by Epicharmus. Mahaffy (i.
that the vast number of plays
comedy, the few victories recorde
been won by their authors, and the
their works had, show that they w
be *read* rather than acted, and tha
the place of our novels and magazin

The New Comedy was a further
of the last-mentioned kind. It
a certain measure to the modern

manners or character. The subjects were virtually meat, drink, and love—but in moderation: hence the detailed accounts of cookery and feasting, and the prominence of cooks, parasites, and courtesans. But we also find mythological parody in the New Comedy, especially by Diphilus, ridicule of the poets, aye, and even vigorous political attacks (cf. Meineke, vol. i. pp. 436–439, 471). Dropping for the most part personal allusions, caricature, ridicule, and parody, which in a more general form than in the Old Comedy had maintained their ground in the Middle Comedy, the poets of the New Comedy made it their business to reproduce in a generalised form a picture of the every-day life of those by whom they were surrounded. Hence the grammarian Aristophanes asked: ὦ Μένανδρε καὶ βίε, πότερος ἄρ' ὑμῶν πότερον ἀπεμιμήσατο (Meineke, *praef. Men.* p. 33). The New Comedy might be described in the words of Cicero (*de Rep.* iv. 11), as "imitationem vitae, speculum consuetudinis, imaginem veritatis." The frequent introduction of sententious maxims was a point of resemblance with the later tragic poets. There was no rhetoric in the writers of the New Comedy: they aimed at saying everything plainly and neatly. There were various standing characters which found a place in most plays, such as we find in the plays of Plautus and Terence, the *leno perjurus*, *amator fervidus*, *servulus callidus*, *amica illudens*, *sodalis opitulator*, *miles proeliator*, *parasitus edax*, *parentes tenaces*, *meretrices procaces* (Apul. *Flor.* 16; Ovid, *Amor.* i. 15, 17). In the New Comedy there was no chorus, and the dramas were commonly introduced by prologues, spoken by allegorical personages, such as Ἔλεγχος, Φόβος, Ἀήρ. The New Comedy flourished from about B.C. 340 to B.C. 260. The poets of the New Comedy amounted to 64 in number. The most distinguished was Menander. Next to him in merit came Philemon, Diphilus, Philippides, Posidippus, and Apollodorus of Carystus. (Bernhardy, p. 603 ff., &c.; Meineke, *l. c.* p. 435, &c.)

This division into Old, Middle, and New Comedy is the traditional one, and on that account it has been retained here. But the prevailing opinion now held on the point is that the division is faulty in making the Middle Comedy a special class. Kock, in his edition of the Fragments of the Attic Comedians, divides his subject into the Old and the New Comedy, and assigns (vol. ii. p. 11) the following reasons for rejecting the Middle. (1) The latter is not recognised till the age of Hadrian: for Aristotle (*Eth. N.* iv. 8, 6), the Alexandrine critics, Quintilian (x. 1, 65–72), Velleius (i. 16, 3), Plutarch (*Symp.* vii. 712 a), even the anonymous writer *de Comoedia* ap. Meineke, i. 539, only recognise the Old and the New Comedy. (In the latter τὸ δὲ μέσον is an obvious insertion, as the next sentence shows: cf. Fielitz, *de Atticorum comoedia bipartita*, 1866.) (2) The Old Comedy had been originally divided (*e.g.* by Diomedes, 488–9, Keil; and Tzetzes, *de divers. Poet.* 81, 29) into two classes, that before and that after Cratinus. But the grammarians of Hadrian's time thought, as the New Comedy was so vastly more extensive both in time and writings than the Old, that it was the New Comedy which should be divided. (3) And again, there is no really decided distinction between the so-called Middle and New Comedy as there is between the Old and the later comedy, in the fact that the parabasis and the choral odes are wanting in the latter. (4) It can be shown that in point of subjects the line cannot be drawn: all subjects which are considered notes of the Middle and New Comedy are exhibited in writings of the Old, and what is considered as belonging peculiarly to the Old (viz. political attack) is found occasionally in the New.

As to the *occasions on which comedies were produced:* (1) the original festival at which dramas were exhibited was the *Lesser Dionysia*, or the Διονύσια τὰ κατ' ἄγρους, held from the 8th to 12th of Poseideon (Nov.–Dec.). This was held principally in the Piraeus, but also in the country parts of Attica, *e.g.* Collytus (Aeschin. *Tim.* § 157), Aixone, Eleusis, Thoricus (Schömann, *Gr. Alt.* ii.^{3} 492). After the establishment of the Lenaea and the Greater Dionysia, the plays produced at the Lesser Dionysia were in all likelihood ones which had been previously performed. They were produced without a chorus. (2) At the *Lenaea* (8–12 Gamelion = Dec.–Jan.), which was probably established by Pisistratus, tragedies were originally acted, but after the establishment of the Greater Dionysia it became the festival at which comedies especially were performed. The *Acharnenses*, *Equites*, *Vespae*, and *Ranae* were all produced at it, and comedies continued to be acted at the Lenaea down to the second century (*C. I. A.* ii. 977, fr. i. *m–n*). Tragedies began to be acted again at this festival in 464 B.C. (Bergk, *Rhein. Mus.* xxxiv. 302). It is not known for how many days the contest at the Lenaea lasted — in the third century probably two days, as that would suffice for two tragic trilogies (cf. *C. I. A.* ii. 972) and the preceding comic agon (A. Müller, *op. cit.* 327). Only new pieces were produced in early times. Strangers were not allowed to be present at the dramatic performances of the Lenaea (Ar. *Ach.* 504). The administration was in the hands of the Archon Basileus (Poll. viii. 90). (3) At the *Greater Dionysia* or Διονύσια τὰ ἐν ἄστει (8–14 Elaphebolion = Feb.–Mar.) established after the Persian Wars, both comedies and tragedies were acted, but the latter were certainly the principal feature (Law of Evagoras in Dem. *Mid.* 517, § 10; Schol. on *Ran.* 406). It is disputed whether dramatic performances were held on three of the days, viz. 11, 12, 13, as Sauppe, A. Mommsen, and A. Müller hold; on two (Schneider); or on six (Geppert). See A. Müller, *op. cit.* 320, note 2. That comedies were acted is quite certain, as may be proved from the famous inscription, *C. I. A.* ii. 971, frag. *a*: Ξενοκλείδης ἐχορήγει Μάγνης ἐδίδασκεν Τραγῳδῶν Περικλῆς Χολαργεὺς ἐχορήγει Αἴσχυλος ἐδίδασκεν (467 B.C.), where the mention of tragedies points to the Greater Dionysia: cf. also Arg. v. to *Nubes* (424 B.C.), Arg. i. to *Pax* (422), Arg. i. to *Aves* (415 B.C.), Schol. to *Ran.* 404, *C. I. A.* ii. 977, frag. *d–h*, which extend over the whole of the Old and New Comedy. For Roman times see Lucian, *Piscat.* 14. In the comic agon there were mostly three competitors (Arg. v. *Nubes;* Arg. i. *Pax;* Arg. i. *Aves*). In the fourth century and afterwards the number was increased to *five* (Arg. iv. to *Plutus* (389 B.C.); cf *C. I. A.* ii. 972 (354 B.C.), 975 (second century), for the number could be increased as the chorus had disappeared. The administration was in the hands of the ἄρχων ἐπώνυμος (Poll. viii. 89). There were no comedies performed at the Anthesteria (11–13 Anthesterion=Jan.–Feb.): for the law of the orator Lycurgus, τὸν περὶ τῶν κωμῳδῶν ἀγῶνα τοῖς Χύτροις ἐπιτελεῖν ἐφάμιλλον ἐν τῷ θεάτρῳ (Plut. *Vit. X. Or.* vii. 1, 10 =ii. 841 e), refers to the agon of comic *actors*, not to the performance of comedies. At all the festivals at which there were dramatic contests the comedies came on before the tragedies (Law of Evagoras, *ap.* Dem. *Mid.* 517, § 10; *C. I. A.* ii. 971). Some refer to *Aves*, 785, 789, to prove that tragedies were played in the morning and comedies in the evening; but perhaps ἐφ' ἡμᾶς only means "to us in the theatre," for tragedy and comedy formed one single and connected entertainment (Wecklein, *Philolog.* xxxi. 457).

After the age of the great tragedians it became customary to act one of their dramas at each tragic agon. Such is noted in the didascaliae as παλαιά (opp. to καινή). In the comic agon of 354 four *new* comedies are mentioned (*C. I. A.* ii. 972, l. 16); in 352 there is a tragedy of Euripides (*ib.* 973): but not till the second century (*C. I. A.* ii. 975, col. 3) do we find produced a comedy by an old master (Menander, Posidippus or Philemon, but of course not Aristophanes, whose works would have little point if acted in a different age to that of the individuals they satirised). We may thus perhaps infer that the custom of producing a play by an old master was later in the department of comedy than in that of tragedy.

The question has been often raised whether women were allowed to be present at comedies, as they certainly were at tragedies (Plat. *Gorg.* 502 D; *Legg.* ii. 658 C, vii. 817 C). The literature on both sides of the question is collected by A. Müller, *op. cit.* pp. 289, 290. The answer to be given is that they were allowed as far as the law was concerned. That they were present is expressly stated for the Old Comedy in *Pax*, 964 foll.; for the New Comedy in Alciphr. ii. 3, 10; and for Roman times by certain seats in the Dionysiac theatre being marked as belonging to priestesses (*C. I. A.* iii. 313, 315, &c.). Further, tragedy and comedy formed a single connected entertainment, so that permission to attend at tragedies would naturally imply permission to attend at comedies (Wecklein, *l. c.*). Yet though all women were allowed to be present, as far as the law was concerned, yet we may well conceive that many especially of the young women of respectability did not attend. That *all* women did not attend may in a measure be inferred from *Aves*, 793–796. Boys were certainly present (*Nub.* 537, 765; *Pax*, 56; Eupolis, frag. 244, ed. Kock; cf. Aristot. *Pol.* iv. 17, 9, τοὺς δὲ νεωτέρους οὔτε ἰάμβων οὔτε κωμῳδίας θεατὰς θετέον, πρὶν ἢ τὴν ἡλικίαν λάβωσιν ἐν ᾗ κατακλίσεως ("seat at table") ὑπάρξει κοινωνεῖν ἤδη, where it is no doubt intended to censure a prevailing custom. For details as to the public at dramatic performances, see THEATRUM.

The *costume* worn in the *Old Comedy* can in a great measure be ascertained as well from indications in the plays as from pictures found on vases of Southern Italy representing scenes from the φλύακες or comedies of that country, which were in many ways similar to the comedy at
Athens (O. Müller, *Arch.* § 390,
doubtedly one represents the first
Ranae. When we remember th
started from phallic songs (Aristot.
are not surprised to find the phallus
prominent feature of comic costum
made of leather, red at the top (
Schol.), and was sometimes hung ro
(Suidas, *s. v.* φαλλοί). The σωμάτιο
of tights, generally drawn over pad
chest and stomach (προστερνίδιον, πρ
and so often confused with the latte
op. cit. 230). This σωμάτιον appe
been nearly always worn, and o
pictures it gives the figures the a
being naked. We find it at one tim
pierced in it like eyes; at another
dery or horizontal stripes. Some
not fit the skin tightly, but fal
Rarely we find the actor wearing a
trousers. The σωμάτιον was made
leather, sometimes of woven stuff
the rest of the dress of the body i
and ἐμβλήματα, the former consist
either with two sleeves (ἀμφιμάσχα
s. v.; Schol. *Eq.* 882), worn only by
else the ἐξωμίς [EXOMIS], which wa
the ἑτερομάσχαλος (Phot. *s. v.*), w
right arm and shoulder bare, and
slaves and the working classes; t
wore a διφθέρα or leather jerkin
which appears to have been similar
(*Av.* 933; Poll. vii. 70). The χιτ
mentioned by Aristophanes; but
find certain kinds of it, the ἡμιδιπλ
318), the κροκωτίδιον (*ib.* 332), and
(*ib.* 879) worn by women [CROC
principal ἔμβλημα for men was the
Ach. 1183); a poorer kind was the
915 and Schol.) and the τριβώνιον
The χλαῖνα was a comfortable cloa
(*Vesp.* 738, 1132; Poll. x. 123); a
was a sheepskin blanket, also use
cloak (Schol. on *Vesp.* 738). Wom
the ἱμάτιον (*Thesm.* 250), a spe
which was the ἔγκυκλον (*ib.* 261
which appears to have been of
Compare generally the instructi
Thesm. 253 ff., where the parts of
dress are put on in this order
κροκωτός, στρόφιον ("girdle"), ἔγ
to what was worn on the head, the
of κυνῆ (*Nub.* 269), and all sorts
pear in pictures: *e.g.* the πέτασος
Crowns, too, were worn on cert
(*Pax*, 1044, &c.). We find women
(κεκρύφαλοι), snoods (μίτραι), and
περίθετοι, *Thesm.* 257-8). In pic
appear for the most part naked, th
no doubt due to the carelessness
We hear of ἐμβάδες (*Eq.* 872), Λακ
1157) worn by men, and Περσικαὶ
worn by women [CALCEUS]. T
which was a woman's shoe (*Eccl.* 3
was probably similar to the latt
this ordinary dress, the *dramatis*
their special attributes: *e.g.* Di
personating Heracles had the clu
skin (*Ran.* 44), and so Zeus appear
with the thunderbolt. Of cour
characters appeared in grotesqu
e.g. Pseud-artabas in the *Acharnens*

the *Aves*. For the dress of the chorus, see Chorus.

The *costume* worn in the *New Comedy* is still more the dress of ordinary life than that of the Old Comedy, being much less of the nature of caricature. The *σωμάτιον* is often found, but without the excessive padding of the Old Comedy. With men the *χιτὼν* is generally found long on freemen of all ages, the parasite, and some slaves: with soldiers and the majority of slaves it is short. The *ιμάτιον* was worn by men of all ranks, the lower part of it being thrown over the left shoulder. The *χλαμὺς* was worn by soldiers (Plaut. *Pseud*. iv. 7, 40). The mysterious *κοσύμβη* (Suid., Hesych. *s. v.*) appears to have been a sort of shawl wound round the body or thrown over the shoulders; and the *ἐγκόμβωμα* (Poll. iv. 119) or *ἐπίρρημα* a white pallium worn by slaves, so fastened that it no doubt left both hands free. The legs were generally covered with tights, seldom loose trousers. The *διπλῆ* of cooks (Poll. iv. 119) was an apron. A covering for the head is rarely found in representations. The soldier has a round flat hat (Baumeister, *Denkmäler*, fig. 910). As covering for the feet the actors wore the Embas, or else shoes which left the toes bare: stockings also are sometimes found (A. Müller, *op. cit*. 264, note 2; cf. Becker-Göll, *Charikles*, iii. 284). Women wore the *χιτὼν* reaching to the feet, which was often called *συμμετρία* (Poll. vii. 54), and as an over-covering the *ἱμάτιον*. Heiresses used to wear *ἱμάτια* with fringes (Poll. iv. 120). On their feet women wore either socci or sandals with thongs. As to the additional accessories of certain characters, we are told that old men carried a curved walking stick (*καμπύλη*, Poll. iv. 119); rustics (*ib.*) a straight staff (*λαγωβόλον*), wallet (*πήρα*), and leathern tunic (*διφθέρα*); procurers a straight stick called *ἄρεσκος* (*ib.* 120); the parasite a strigil (*στλεγγίς*) and an oil-pot (*λήκυθος*, *ib.*; cf. Plaut. *Stich*. i. 3, 75); and the soldier a sword (Plaut. *Mil*. i. 1, 5).

The different *colours* of the dress of the different stock-characters are much insisted on both by Pollux and Donatus (*de Comoedia et Tragoedia*). Thus old men wore white, younger men (*νεώτεροι*) red or dark purple (*φοινικὶς ἢ μελαμπόρφυρον ἱμάτιον*, Poll. iv. 119), youths (*νεανίσκοι*) purple (*ib.*), though Donatus (11, 21) says it was party-coloured (*discolor*). Parasites had black or grey (*φαιός*) cloaks (cf. *οἱ μελάνες ἡμεῖς*, Ath. vi. p. 237 b; Cic. *Caec*. 10, 27). The soldier has a *chlamys purpurea* (Donatus, 11, 24), slaves and artisans white *ἱμάτια* (Artemid. *Oneir*. ii. 3). Old women wore apple-green (*μηλίνη*) or dark blue (*ἀερίνη*) dresses, except priestesses, who wore white. Young women had white dresses. Procuresses had a purple band round their heads (Poll. iv. 119). There was a law at Athens that hetaerae should wear bright-coloured costume (*ἄνθινα φορεῖν*, Suidas, *s. v.*), and pictures show them with red and yellow chitons and white and yellow himatia. The soubrette (*ἅβρα περίκουρος*) wore a white chiton, and the hetaera's servant (*παράψηστον θεραπαινίδιον*) a saffron-coloured chiton (Poll. iv. 154). For the masks of comedy, see Persona. The most important work on the costume of the drama is Wieseler, *Theatergebäude und Denkmäler des Bühnenwesens* (1851), the main results of which are collected and criticised in the light of more recent researches by A. Müller, *Die griechischen Bühnenalterthümer* (1886), who is chiefly followed in the above sketch.

Besides the works cited in the text, the reader is referred to the article *Lustspiel* in Baumeister's *Denkmäler des klassischen Altertums*, and that on *Comoedia* in Daremberg and Saglio, *Dict. des Antiquités*. [C. P. M.] [L. C. P.]

2. Roman.—The account which is given by Livy (vii. 2) of the introduction of comedy at Rome is to the following effect. In the year B.C. 363, on the occasion of a severe pestilence, among other ceremonies for averting the anger of the deities, scenic entertainments were introduced from Etruria, where it would seem they were a familiar amusement. Tuscan players (*ludiones*), who were fetched from Etruria, exhibited a sort of pantomimic dance to the music of a flute, without any song accompanying their dance, and without regular dramatic gesticulation. The amusement became popular, and was imitated by the young Romans, who improved upon the original entertainment by uniting with it extemporaneous mutual raillery, composed in a rude irregular measure—a species of diversion which had been long known among the Romans at their agrarian festivals under the name of *Fescennina* [Fescennina]. They regulated their dances so as to express the sense of the words. This amusement became popular, and those who had an aptitude for this sort of representation set themselves to improve its form, supplanting the old Fescennine verses by compositions called *saturae*, which were written in a more regular measure (*impletae modis*) and set to the music of the flute (*descripto jam ad tibicinem cantu*), and delivered with appropriate gestures. Those who took part in these exhibitions were called *histriones*, *ister* being the Etruscan word which answered to the Latin *ludio* [Histrio]. After some years Livius introduced dramas with a regular plot, in which he acted himself. When acting had thus developed from mere amusement to a recognised profession, the young citizens, leaving the representation of plays to actors, began to bandy jests thrown into verse, which afterwards got the name of *exodia*, and were introduced into the Atellan plays. In this account Livy seems unquestionably mistaken in describing the *saturae* as due to the imitation of Etruscan actors: there is no reason to doubt that they were, as Virgil (*Georg*. ii. 385) and Horace (*Epist*. ii. 1, 139 ff.) represent them, connected in the earliest times with the rustic festivals in honour of the deities presiding over agriculture. But under the influence of the foreign *histriones* they doubtless took a more formal shape. Nor can he be right in suggesting a connexion between the Atellan farces and the *satura* with the drama thence developed. The drama arose from the combination of the text of the *saturae* with the music and dancing of the *histriones*. (Cf. Mommsen, *Hist*. iii. 455, note.)

Livius Andronicus, a native of Magna Graecia, in B.C. 240 introduced both tragedies and comedies, which were merely adaptations of Greek dramas. His popularity increasing, a building on the Aventine hill was assigned to him for his use, which served partly as a theatre, partly as a residence for a troop of players, for whom Livius wrote his pieces. Livius, as was common at that time, was himself an actor in his own pieces. His Latin adaptations of Greek plays, though they had no chorus, were interspersed with *cantica*, which were more lyrical in their metrical form, and more impassioned in their tone than the ordinary dialogue. In the musical recitation of these Livius seems to have been very successful, and was frequently encored. The exertion being too much for his voice, he introduced in these *cantica* the practice of placing a slave beside the flute-player to recite or chant the words, while he himself went through the appropriate gesticulation. This became the usual practice from that time, so that in the cautica the histriones did nothing but gesticulate, the only parts where they used their voice being the *diverbia*. For the distinction between the *cantica* and the *diverbia*, see CANTICA.

The first imitator of the dramatic works of Livius Andronicus was Cn. Naevius, a native of Campania. He composed both tragedies and comedies, which were either translations or imitations of those of Greek writers. In comedy his models seem to have been the writers of the Old Comedy. (*Dict. Biogr.*, art. *Naevius.*) The most distinguished successors of Naevius were Plautus (*ib.*, art. *Plautus*) and Terence (*ib.*, art. *Terentius*), whose materials were drawn chiefly from Menander, Diphilus, Philemon, and Apollodorus. The comedy of the Romans was throughout but an imitation of that of the Greeks, and chiefly of the New Comedy. Where the characters were ostensibly Greek, and the scene laid in Athens or some other Greek town, the comedies were termed *palliatae*. All the comedies of Terence and Plautus belong to this class. When the story and characters were Roman, the plays were called *togatae*, because the costume was the toga. These *fabulae togatae* represented the life of the lower classes in Rome, and were coarser in tone than the *palliatae*. One kind of these, called *trabeatae*, representing the knights, was of late introduction and little importance. (Diomed, iii. p. 489, K.) In the *comoediae palliatae*, the costume of the ordinary actors was the Greek pallium. There was a species of burlesque travesty of tragic subjects, named from the poet who introduced that style *Rhinthonica*. The mimes are sometimes classed with the Latin comedies. (Hermann, *de Fabula togata:* Opusc. vol. v. p. 254, &c.) Respecting them, the reader is referred to the article MIMUS. The mimes differed from the comedies in little more than the predominance of the mimic representation over the dialogue, which was only interspersed in various parts of the representation.

Latin comedies had no chorus, any more than the dramas of the New Comedy, of which they were for the most part imitations. Like them, too, they were introduced by a prologue, which answered some of the purposes of the parabasis of the Old Comedy, bespeaking the good will of the spectators, and defending the poet against his rivals and enemies. It also communicated so much information as was necessary to understand the story of the play. The prologue was commonly spoken by one of the players (who did not appear in the first act), or by the manager of the troop. Occasionally the speaker of it assumed a separate mask and costume for the occasion (Plaut
126; Terent. *Hecyr.* prol. ii. 1).
the prologue is spoken by one of
personae (Plaut. *Amph.; Mil. Glor*
by some supernatural or personif
the Lar familiaris in the *Aulular*
Arcturus in the *Rudens*, Auxilium
laria, Luxuria and Inopia in th
(Baden, *von dem Prologe im Rö*
Jahn's *Archiv*, i. 3, p. 441, &c.
com. Roman. Fabulis, p. 89, &c.;
logis Plautinis.) Pliny (*H. N.*
says that Servius Tullius first
Compitalia in honour of the L
memoration of the miraculous ci
his own birth; for he was said
the son of a Lar familiaris. R
use of masks, see the article P
characters introduced were much
in the New Comedy, and their cos
very different. Donatus gives
account of it: "comicis senibus c
inducitur, quod is antiquissimus
ratur, adolescentibus discolor attri
comici amictu exiguo conteguntu
antiquae gratia, vel quo expedi
Parasiti cum intortis palliis ve
vestitus candidus, aerumnoso ob
pureus diviti, pauperi phoeniceus
chlamys purpurea, puellae habit
inducitur, leno pallio varii coloris
trici ob avaritiam luteum datur."

A word remains to be said on
fabulae. These were of very ear
Latins having been accustomed, p
the foundation of Rome, to impro
jests in masks which represented ce
characters. It has been commonly
the strength of our Greek authoriti
v. p. 356 a), that the name of *ludi*
crum Oscum points to their origin
and it has even been asserted th
performed at Rome in the Oscan la
statement, which is quite incred
when we consider how unintelligi
must have been to actors and a
is now universally rejected. Mo
(*Hist.* iii. 455) is far preferable, t
farce with its fixed characters
jests needed a permanent scener
fixed at the ruined town of Atell
to give offence to any existing com
need not attempt to find any ot
with the Oscan nation. Nor did
part of dramatic literature: the t
written, or at any rate not pu
parently it was only in the genera
Cicero that the Atellan farces wer
professional actors (cf. Cic. *ad*
who continued to play them und
(Tac. *Ann.* iv. 14) as after-piece
more serious dramas. Among
characters were Pappus or C
Maccus, and Dossennus (Momms
Dial. p. 118). The first is an old
very stupid; the second, a fat-fac
glutton; the third, a filthy, amo
fourth, a cunning sharper. The e
who composed complete texts fo
were L. Pomponius of Bononia
(about 100–80 B.C.). From the ext
the language seems to have bee

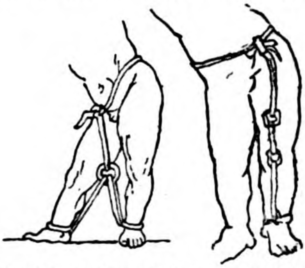
l the jokes mostly obscene (Teuffel, § 125). (C. E. Schober, *Ueber die* Lips. 1825; Weyer, *Ueber d. Atell.*, 1826; Munk, *de Fabulis Atellanis*, 840; Mommsen, *Hist.*; Bähr, *Gesch. itteratur;* Teuffel, *Roman Literature*, [C. P. M.] [A. S. W.]

NSA'TIO is defined by Modestinus 2, 1) as "debiti et crediti inter se :" it corresponds to the English set- terclaim. The full application of this as only of slow development in Roman is says (iv. 64) that bankers in suing rs were compelled to make allowance hey themselves owed the latter, and action only for the balance (Plautus, 5, 56; *Captiv.* i. 2, 89), and that the *onorum emptores* (Bonorum Emptor) ned by the same rule (*deductio*). In *judicia* (such as the actions on most the judge was bound, as acting under ssion *ex fide bona*, to take account of sing *ex eadem causa*, from the same (Gaius, iv. 61); and though Jus- (*Inst.* iv. 6, 30) that set-off was l in *stricti juris* actions (*i.e.* actions in n formal contract and *mutuum*) till a M. Aurelius, and then only on the f the defendant's getting an *exceptio* d in the formula, it would seem that en done before in some actions of this ecial favour (Dig. 16, 2, 4 and 5), and mperor's enactment only made the general rule. Apparently, too, from nward, claims arising *ex dispari causa* t off in actions of either kind by the t of the same *exceptio doli.* This between compensatio effected *officio* that resulting from the use of the *li*, seems to have lasted on in the procedure which superseded that of a about the end of the 3rd century of til Justinian abolished it (Cod. 4, 31, 1). In his time, set-off of any kind, rising *ex eadem* or *ex dispari causa*, dvanced with effect at any stage of ip to judgment, though it is uncertain the enactment last referred to, he ed compensatio in Real actions. It ial, however, that the claims set off another should relate to *par materia* ' veluti pecunia cum pecunia com- triticum cum tritico, vinum cum is, iv. 66; cf. Cod. 4, 31, 4). But it ertain how far it was required that should be clearly proved or prov- ps from Cod. 4, 31, 14, 1, we should the proof and assessment of the m must not be so intricate as to reverse the *rôles* of the parties, were, to turn the defendant into a

person appeared as plaintiff on behalf (*e.g.* a tutor for his pupillus), the d not advance in compensatio a debt from the agent on his own account; s when called upon to discharge an n lieu of the principal debtor, might ts due from the plaintiff, either to or to themselves. (Cf. Dig. 16, 2; ; Paul. *Sent. rec.* ii. 5, 3; Bethmann- *Zur Lehre von der Compensation*, Rhein. Mus. i. 257; Brinz, *Die Lehre von der Compensation*, 1849; Dernburg, *Die Compensation*, 1868; Savigny, *System*, v. p. 467 *sq.*) [J. B. M.]

COMPERENDINA'TIO. [Judex.]

COMPES (**πέδη**), a fetter or shackle for the ankles. These were sometimes so constructed as to deprive the prisoner almost or entirely of the power of walking (Aesch. *Prom.* 6), the shackles being attached by means of a chain to a wall or post, or joined together by a small plate of metal. A variety in more common use left the fettered person free to work, but impeded his flight, as is seen in the following illustrations, the first of a Cupid from a gem, the second from a statue in the Villa Borghese (Claud. *Eutrop.* ii. prol. 3). Such fetters, the effect of which was simply to interfere with the free action of the legs, were especially worn by the slaves who cultivated so large a portion of the soil of Italy (Cato, *R. R.* 57; Colum. i. 6; Plin. *H. N.* xviii. § 21; Ov. *ex Pont.* i. 6, 31; Juv. xi. 80; cf. Athen. p. 272 e), as well as those to whom heavier tasks, such as quarrying, were assigned by way of punishment (Plaut. *Capt.* iii. 5, 76; v. 1, 24). Sometimes the fetters were worn round the calf (Plaut. *Pseud.* iv. 7, 80). Statues of Saturn were fitted with compedes, which were taken off in the month of December (Stat. *Silv.* i. 6, 4). **Πέδαι** were also used for hobbling horses (Hom. *Il.* xiii. 36).


Compes. (From ancient gem and statue.)

Compes sometimes denotes the ornamental anklet worn by women (Plin. *H. N.* xxxiii. § 152; Petron. *Sat.* 67). [Periscelis.] [J. H. F.]

COMPETI'TOR. [Ambitus.]

COM'PITA. [Compitalia.]

COMPITA'LIA, also called **LUDI COMPITALI'CII**, a festival celebrated once a year in honour of the two Lares compitales, to whom sacrifices were offered at the places where two or more ways met (*compita*, Varro, *de Ling. Lat.* vi. 25, ed. Müller; Festus, *s. v.*). Dionysius (iv. 14) similarly ascribes its origin to Servius Tullius, and describes the festival as it was celebrated in his time. He relates that the sacrifices consisted of honey-cakes (**πέλανοι**), which were presented by the inhabitants of each house, and that the persons who assisted as ministering servants at the festival were not freemen, but slaves, because the Lares took pleasure in the service of slaves: he further adds that the Compitalia were celebrated a few days after the Saturnalia with great splendour, and that the slaves on this occasion had full liberty given them to do what they pleased. We are told by Macrobius (*Saturn.* i. 7, 34) that the celebration of the Compitalia was restored by Tarquinius

Superbus, who sacrificed boys to Mania, the mother of the Lares; but this practice was changed after the expulsion of the Tarquins, and the heads of garlic and poppies offered instead of human heads.

The persons who presided over the festival were the *Magistri vicorum* (Liv. xxxiv. 7, 2; Madvig, *Em. Liv.* p. 497), who were on that occasion allowed to wear the praetexta (Ascon. *ad* Cic. *in Pis.* p. 7, ed. Orelli). They were aided by *collegia ex servitiorum faece constituta* (Asconius, *l. c.*). Public games were added at some time during the republican period to this festival, but they were suppressed by command of the senate in B.C. 64; and it was one of the charges brought forward by Cicero against L. Piso that he allowed them to be celebrated by Clodius in his consulship, B.C. 58 (Cic. *in Pis.* 4, 8; Ascon. *l. c.*). But that the festival itself still continued to be observed, though the games were abolished, is evident from Cicero (*ad Att.* iii. 3). When Julius Caesar dissolved most of the *collegia* (Mommsen, *Hist.* iv. 503), the Compitalia necessarily fell into disuse. Augustus restored the festival on an entirely new basis, not reviving the *collegia*, but assigning the charge of it to a newly constituted set of *magistri vicorum.* These were four in number, for each of the 265 *vici* included in his new division of the city. The first set entered upon office on Aug. 1, B.C. 7. To the two Lares compitales was now added the *genius Augusti* (Ovid, *Fast.* v. 145; Hor. *Carm.* iv. 5, 39, *Laribus tuum miscet numen*), and the festival was observed twice in the year, on May 1 and Aug. 1. At an earlier time the Compitalia belonged to the *feriae conceptivae;* that is, festivals which were celebrated on days appointed annually by the magistrates or priests. The day on which this festival was celebrated appears to have been always in the winter. Dionysius relates (iv. 14), as we have already said, that it was celebrated a few days after the Saturnalia, and Cicero (*in Pison.* iv.) that it fell on the Kalends of January; but in one of his letters to Atticus (vii. 7) he speaks of it as falling on the fourth before the nones of January. The exact words with which the festival was announced are preserved by Macrobius (*Saturn.* i. 4, 27) and Aulus Gellius (x. 24). [A. S. W.]

COMPLU'VIUM. [DOMUS.]

COMPROMISSUM. [JUDEX; RECEPTA ACTIO.]

COMUS (κῶμος). [CHORUS; COMOEDIA.]

CONCHA (κόγχη, κόγχος), a mussel- or cockle-shell, was the name of a vessel made in the form of such a shell. These vessels were used for various purposes, and were of different sizes. Thus they were used as salt-cellars (*concha salis puri*, Hor. *Sat.* i. 3, 14), for holding perfumes and unguents (Hor. *Carm.* ii. 7, 23; Juv. vi. 304, 419, with Schol. *ad* 419), oil (Cat. *R. R.* 13, 3; Colum. xii. 52, § 8), colours for painters (Dig. 33, tit. 7, § 17), &c. Vessels of a similar shape, but of a larger size, were used for washing, and for other purposes (Paul. *Sent.* iii. 6, 56 and 83; *conchas, in quibus pedes lavant*, Schol. *ad* Juv. iii. 277, x. 64). We find vessels in the shape of shells depicted in works of art. Two examples are given by Daremberg and Saglio (s. v. *Concha*). *Concha* or *conchula* (*concula*) was also the name of a liquid measure, of which there were two sizes. The smaller
was half the *cyathus* (=·0412 of
lish); the larger, which was the
oxybaphum, was three times the for
of a pint). (Hussey, pp. 207, 209; W
Hultsch, *Metrol.* p. 91.)

CONCILIA'BULUM. [COLON

CONCILIA'RII. [ASSESSOR.]

CONCIL'IUM, an assembly in g
times used in a loose way to d
comitia of the centuries (Liv. ii.
contio (Liv. ii. 7, 28, v. 43; Gell. xv
Becker, *Handb. der Röm. Alterth.*
p. 359, note 693). For the *con*
see COMITIA, p. 510. The word als
assemblies or meetings of confeder
nations, at which either their depu
any of the citizens who had time
tion, met, and thus formed a repr
sembly. (Liv. i. 50.) We find fr
of this, not only among the Ita
e.g. the Aequi (Liv. iii. 2), Samnite
12), Etruscans (iv. 23, 25, 61; v
Hernicans (ix. 42), and Latins (vi.
viii. 3); but also in the Greek state
e.g. the Achaeans (Liv. xxxvi. 3
(xxxi. 29, xxxviii. 34), Boeotian
Macedonians (xlv. 18; cp. Gell. ii.
Romans conquered the neighbour
Italy, it was a regular part of th
break up the union of the vanquish
forbidding the existence of such
viii. 14, 10, "ceteris Latinis popu
commercia que et concilia inter se
cf. ix. 43, 24). After the defeat
four *concilia* were established fo
(Liv. xlv. 29). But Augustus
allowed the *concilia* to continue wh
previously been held, but institut
in other provinces, and this repres
racter was recognised. In theory
associations formed for the worsh
perial house. The president was t
or *sacerdos provinciae*, an official ele
by the deputies (*legati*) from the mo
towns. This dignitary was usuall
most eminent and wealthy of the
and had the immediate direction of
of the temple and its festivals; at
he had a certain power of cont
the priests of the province. Aft
cilium had taken part in the r
tival, it met again for the conduct
Its first duty was to pass the acc
expenditure connected with the
temple to Augustus, and to provide
tenance of the worship for the c
but then it was entitled to criticise
of the governor, and either vote th
or lay a complaint before the
Inscription of Torigny edited by
which was frequently followed by h
(Plin. *Ep.* vii. 6). In this manner
was exercised over the governor, a
some approach to the creation of
tive body. As the worship of t
fell out of use with the growth of
the *concilium provinciae* replaced b
old *conventus* (cf. Willems, *Dict. Rom*
and became a representative assen
diocese. (Cf. Marquardt, *Röm. S*
503–516, and his important essay i
Epigr. 1872, pp. 200–214; Momms

of the Roman Empire, i. 35, 94, 300; ii. 238, &c.) [L. S.] [A. S. W.]

CON'CIO. [Contio.]

CONCLA'VE, a separate room in a house, or a series of rooms, which might be locked with the same key ("conclavia . . . quae una clave clauduntur," Fest. p. 38, 9 M.; Ter. *Heaut.* v. 1, 29; Cic. *Rosc. Am.* 23, 64, *de Orat.* ii. 86, 353; Hor. *Sat.* ii. 6, 113; Vitruv. vi. 3, 8.) [W. S.]

CONCUBI'NA (*παλλακή, παλλακίς*).

I. Greek. The *παλλακή* occupied at Athens a kind of middle rank between the wife (cf. Lys. i. 31) and the *ἑταίρα*. The distinction between the *ἑταίρα, παλλακή*, and legal wife, is accurately described in [Dem.] *c. Neaer.* § 122, p. 1386, *τὰς μὲν γὰρ ἑταίρας ἡδονῆς ἕνεκ' ἔχομεν, τὰς δὲ παλλακὰς τῆς καθ' ἡμέραν θεραπείας τοῦ σώματος, τὰς δὲ γυναῖκας τοῦ παιδοποιεῖσθαι γνησίως καὶ τῶν ἔνδον φύλακα πιστὴν ἔχειν.* Thus Antiphon (i. § 17 ff.) speaks of the *παλλακή* of Philoneos as following him to the sacrifice, and also waiting upon him and his guest at table. If her person were violated by force, the same penalty was exigible from the ravisher as if the offence had been committed upon an Attic matron; and a man surprised by the quasi-husband in the act of criminal intercourse with his *παλλακή* might be slain by him on the spot, as in the parallel case (Dem. *in Aristocr.* § 55, p. 637, *ἢ ἐπὶ δάμαρτι . . . ἢ ἐπὶ παλλακῇ ἣν ἂν ἐπ' ἐλευθέροις παισὶν ἔχῃ*, and Lys. i. 31; cf. also the decree said to have been passed during the time of the Peloponnesian War, *γαμεῖν μὲν ἀστὴν μίαν, παιδοποιεῖσθαι δὲ καὶ ἐξ ἑτέρας*, Diog. Laert. ii. 26. See Athen. xiii. 556 a, and Gell. *Noct. Attic.* xv. 20). The concubine of Philoneos was a slave woman (after his death she undergoes servile punishment, Antiph. i. 20); but from Isaeus (iii. 39) we learn that also Athenian women, probably of the poorer families, became sometimes concubines, and that their *κύριος* stipulated a sum of money to be paid to the woman in case her quasi-husband died or dismissed her. From this it would appear that a kind of *concubinatus* was recognised by law, and scarcely proscribed by public opinion (Philoneos is called *ἀνὴρ καλός τε κἀγαθός*, Antiph. i. 14: see, however, Isae. vi. 18; Dem. *c. Boeot. de Dot.* § 5, p. 1009, etc.); but Buermann (*Supplem. Jahrb. f. cl. Phil.* 1878, p. 569 ff.) goes too far in thinking that such a *παλλακή* was duly betrothed by her *κύριος* (the *δάμαρ*, in addition to being betrothed, was introduced to the phrateres of her husband [Gamelia]), and that the children of a *παλλακή* of civic birth were *γνήσιοι*. He draws these conclusions from the case of Mantias and Plangon (Dem. *in Boeot. de nom.* and *de dot.*), the case of Euctemon and the sister of Democrates (Isae. vi. 22 ff.), and the reports of Socrates' bigamy. Mantias was compelled by Plangon's oath (that he was the father of her children, *de nom.* § 4, p. 995: cf. Arist. *Rhetor.* ii. 23, 11, p. 1398 B) to introduce forthwith her two sons into his phratry. On this occasion he had to swear that the children were *ἐξ ἀστῆς καὶ ἐγγυητῆς γυναικός*: hence, B. concludes, Plangon must have been betrothed to him. Lipsius (*Att. Proc.* p. 543, n. 166; see also Gilbert in *Jahrb. f. cl. Phil.* 1887, p. 24), however, shows that this oath was not necessary in all the phratries; and Philippi (*Jahrb. f. cl. Phil.* 1879, p. 417) points out that the distinction between *ἐγγυᾶσθαι* and *γαμεῖν*, as indicated by B., is not borne out by the use made of these words by the orators (cf. Isae. vi. 24, *ἐγάμει*, in what B. considers an instance of *concubinatus; ἐπέγημε*, Andoc. i. 128, 124; and especially Isae. iii. 39, where *ἐπὶ παλλακίᾳ διδόναι* is contrasted with *ἐγγυᾶν*). The connexion of Mantias and Plangon was probably of a different nature; it would seem that Mantias married her (her son Boeotus claimed the name of the paternal grandfather as being the eldest grandchild, *de nom.* § 27, p. 1002), but divorced her (hence her sons returned with her to the *φυλὴ Ἱπποθωντίς*, *de nom.* § 23, p. 1001), before marrying the daughter of Polyaratus (*de dot.* § 6, p. 1009), without, however, breaking off intercourse with her (*de dot.* § 27, p. 1016). If one of the characteristics of the legitimate *concubinatus* had been, as B. says, that no dowry was brought, and if Plangon had been a *παλλακή*, Mantitheus would no doubt have met Boeotus' claim to his mother's dowry in a different way from what he does (*de dot.* § 20 foll., p. 1014). As regards Euctemon, he too, as Luzac suggests (*Lect. Attic.* p. 59 ff.; cf. Schoemann, *ad* Isae. p. 334), divorced his wife (for a time, § 40) and threatened to marry the sister of Democrates (§§ 22, 25). Luzac likewise exposes the fallacy of the view entertained by several writers of the Peripatetic school, that Socrates had two wives at once;* and Zeller (*Socr. and the Socr. Schools*, transl. by Reichel, p. 57 n.) accounts thus for the origin of the story: "We gather from the remains of the treatise *περὶ εὐγενείας*, that this dialogue was concerned with the question, whether nobility belonged to those whose parents were virtuous. Now none were more celebrated for their spotless virtue and their voluntary poverty than Aristeides and Socrates. Accordingly the writer brought the two into connexion. Socrates was made to marry a daughter of Aristeides; and since Xanthippe was known to be his wife, Myrto was made to be his second wife and the mother of his younger children. Others, however, remembered that Xanthippe survived her husband. They thought it unlikely that Socrates should be the son-in-law of a man dead before he was born, and they tried to surmount these difficulties in various ways. As regards the first difficulty, either it was maintained that Myrto was his second wife and that the younger children were hers, in which case it was necessary to place her side by side with Xanthippe, as Hieronymus actually did, and invented a decree of the people to make it probable; or to avoid romance, this supposition was given up, and Myrto was made to be his first wife, who then can have borne him no children, since Lamprocles, his eldest son, according to Xenophon, was a child of Xanthippe. The second difficulty might be got over either by making Myrto a grand-daughter of Aristeides, or by making her father to be Aristeides the Just. The former is the usual one; the latter is the

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* The Spartan king Anaxandridas had two wives: cf. Herod. v. 39 foll. (*γυναῖκας ἔχων δύο διξὰς ἱστίας οἴκεε, ποιέων οὐδαμῶς Σπαρτιητικά*) and Pausan. iii. 3, 9; see also Aelian, *V. H.* 13, 10, *ἐν μιᾷ ἡμέρᾳ δύο γυναῖκας ἠγάγετο Διονύσιος.*

view of Athenaeus." Buermann interprets *ἐλεύθερος* in the law (Dem. *in Aristocr.* § 55, p. 637) to mean *γνήσιος*. This is scarcely correct when we consider [Dem.] *c. Neaer.* § 118, p. 1385; the speaker meets what might be urged in defence: "They cannot say that Neaera is a woman of civic birth, for it is in evidence that she is a *ἑταίρα*, and has been the slave of Nicarete; perhaps they will pretend that she is not his *γυνή*, but that he keeps her as a *παλλακή*. This cannot be; for her sons, who have been introduced by Stephanus to his phrateres, and her daughter, who has been given in marriage to an Athenian citizen, clearly prove that Stephanus lived with her as his wife." Hence it follows that the children of a concubine were not admitted to the phratry of the father; they were not *γνήσιοι*, for "wives are kept *τοῦ παιδοποιεῖσθαι γνησίως ἕνεκα*" (§ 122, p. 1386; cf. Luc. *Tim.* 17, *ἐπ' ἀρότῳ παίδων γνησίων*), but they were *ἐλεύθεροι*, *i.e.* possessed civic rights, and by an act of legitimation (*ποιεῖσθαι*, Andoc. i. 124; Dem. *in Boeot. de nom.* § 29, p. 1003) the father could procure for them all the rights and privileges of children born in wedlock. If the mother was not an Athenian, the father might not adopt this course (*Att. Proc.* p. 529 ff.). [J. S. M.] [H. H.]

II. Roman. According to an old definition, an unmarried woman who cohabited with a man was originally called *pellex* (Paul. Diac. p. 222; Gell. iv. 3), but afterwards by the more decent appellation of *concubina* (Dig. 50, 16, 144). *Concubinatus* is cohabitation other than marriage (*i.e.* without *affectio maritalis*) between free persons who are already unmarried, or between an unmarried free man and an *ancilla*. In the older times this was viewed as an offence deserving punishment (Livy, x. 31, xxv. 2); but when the possibility of a lasting affection between persons who had not *connubium* came to be recognised, the cohabitation of an unmarried man with his *liberta* or *ancilla* (Plautus, *Epid.* iii. 4, 29, 30; *Poen.* prol. 102) was regarded without censure. In Cicero's time (*de Orat.* i. 40, § 183) the name of *concubina* would have applied to a woman who cohabited with a man who had not divorced his wife; but this was not considered lawful concubinage in after-times. The Lex Julia de adulteriis of Augustus imposed severe penalties on *adulterium*, *incestus* (Gaius, i. 64; *Inst.* i. 10, 12), and *stuprum* (which is defined, *Inst.* iv. 18, 4, as "cum quis sine vi vel virginem vel viduam honeste viventem stupraverit:" cf. Dig. 25, 7, 1, 1; 48, 5, 12, 13); but by the Lex Julia and Papia Poppaea *concubinatus* was legalised ("per leges nomen assumpsit," Dig. 25, 3, 1) and exempted from the penal provisions of the earlier statute (Dig. 25, 7, 3, 1), though an *honesta femina* who wished to become a *concubina* was not dispensed from them unless she made an express declaration of her intention or testatio (Dig. ib. 3, pr.). But a man who already had an *uxor* could not have a *concubina* at the same time (Paul *Sent. rec.* ii. 20; Dig. 50, 16, 144), nor apparently could a man have more than one *concubina* at a time; and widowers who already had children, and did not wish to contract another legal marriage, took a *concubina*, as we see in the case of Vespasian (Suet. *Vesp.* 3), Antoninus Pius, and M. Aurelius.

Concubinatus differed from lawful
three especial respects: (1) In th
the parties, there being no *affect*
"Concubina ab uxore *solo dilectu*
Paul. *Sent. rec.* ii. 20. (2) In the
tation to the woman if *honesta*: "
refert, uxori an concubinae quis lege
nisi dignitate, nihil interest," Ul
32, 49, 4. Yet there is an inscriptio
(p. 337) to the memory of Paullianu
Prima, "concubina ejus et heres,"
to show that the term *concubina*
that a woman need be ashamed of
legal effects: it was not a marriag
fore the rules as to *dos*, *donatio pro*
donatio inter virum et uxorem, had no
nor were the children in *patria pot*
their paternity was recognised: t
legitimated, and under the em
entitled to maintenance, even from
mate children after the father's de
12, 6); also they had some rights
on the father's dying intestate.
between a patron and his *liberta* w
by special rules (Dig. 25, 7, 1, pr.
1; 48, 5, 13, pr.); and others we
Justinian relating to that betwee
and his *ancilla*, e.g. as to the childr
free and legitimate (Cod. 7, 15, 3;

Heineccius (*Syntag. Ap.* i. 39) de
ingenua could be a *concubina*, and
those only could be *concubinae* who
uxores; but that this is wrong
Aurelian's prohibition (Vopisc.
ingenuae becoming *concubinae*, wh
was a dead letter. By later empe
natus was discouraged, but it wa
generally unlawful till the 9th ce
Philosophus.

Cohabitation between two slave
contubernium, a name also applied to
a slave and a free person (Paul. ii.
paternity of the children was recog
a *justa causa manumissionis* under t
Sentia.

CONDEMNA'TIO. [Actio; J

CONDIC'TIO [Actio.]

CONDITO'RIUM. [Funus.]

CONDUC'TIO. [Locatio.]

CONDY (*κόνδυ*), an Asiatic dri
sometimes used by the Greeks, mad
gold. According to some authoriti
Persian (Athen. xi. p. 478 a), a
others of Cappadocian origin (Pol
(Cf. Hesych. *ποτήριον βαρβαρικόν*.)
quoted by Athenaeus (xi. p. 477 f),
golden condy holding ten cotylae.
(xliv. 2) the Hebrew word, which
σκύφος by Aquila, *φιάλη* by Sym
scyphus in the Vulgate, is translat
Alexandrine version *κόνδυ*, and the
is used in Is. li. 17 and 22. (Sch
Animadv. ad Athen. vol. vi. p. 147.)

CONFARREA'TIO. [Matrim

CONFES'SIO. The ordinary
civil action was summarily interru
defendant, while the case was before
(*in jure*), made an acknowledgment (
the plaintiff's claim instead of d
(*infitiari*). From an early time a
thus made was considered to have
effect as judgment (*confessus pro ju*

the defendant, by condemning himself, dispensed with the necessity of a trial (*judicium*), and gave the plaintiff a right to execution. This rule is frequently asserted and referred to in our sources.

It was, as we are informed by Gellius (*Noct. Att.* xx. 1), a provision of the law of the XII. Tables that those who confessed money debts (*aeris confessi*) and also judgment debtors (*judicati*) should be liable to personal execution by *manus injectio* (cf. Muirhead, *Hist. Intr. to the Law of Rome*, 203–205). When a claim was of uncertain value and the defendant confessed to it, or was adjudged liable, execution could not follow at once, because an ascertained money debt (*certa pecunia*) was necessary for execution. Hence under the *legis actio* procedure such a confession or judgment was supplemented by a judicial proceeding for the assessment of damages (*litis aestimatio*).

The principle of the formulary procedure, which required that a condemnation should be pecuniary in all cases, made it difficult to give the same effect to the confession of an uncertain claim as to condemnation. So the principle that confession is equivalent to judgment seems at first only to have been applicable in this procedure, in case of the acknowledgment of a money debt. If a defendant admitted a claim of uncertain value, pressure was put upon him to make him further acknowledge a liquidated debt (Dig. 42, 2, pr. 1). But in course of time full effect was given to *confessio* in all cases by means of a *formula arbitraria*, which was called in some cases *actio confessoria* (Dig. 9, 2, 23, § 11). This change, which may have begun as a practice of procedure, was fully recognised by an *oratio divi Marci* (Dig. 42, 1, 56; 2, 6, § 2). In the *actiones quae infitiando crescunt*, such as the Aquilian action and the action on account of a *legatum per damnationem*, a defendant who did not confess was condemned to pay double damages if he lost the action. The formula for the assessment of damages may have been first introduced in respect to these actions. A *confessio* had to be made before the praetor in the presence of the plaintiff; impossibility or mistake made confession nugatory. The silence of the defendant was treated as equivalent to admission ("in jure nihil respondere," *Lex Rubria*, c. 21, 22). *Confessio* when made at a trial in a civil case before a judex (*in judicio*) or out of court did not do away with the necessity of judgment, but was only evidence against the defendant. Some writers maintain that confession in criminal cases had also, under certain circumstances, the same effect as *confessio in jure* in an action; but the better opinion seems to be that confession of a crime at whatever stage in a trial it occurred was only evidence of guilt, though such as would in most cases be conclusive. (Cic. *in Verr.* iii. 56, § 130; Sall. *Cat.* 52; Suet. *Aug.* 33.)

The main object of the inquisitorial criminal procedure which grew up under the empire was to discover either by means of torture, by interrogatories or otherwise, whether the defendant could be induced to confess the charge made against him. (*Lex Rubria*, c. 21, 22; Paul. v. 5 a, §§ 2–5; Dig. 42, 2; Cod. Just. vii. 59; Savigny, *System*, vii. §§ 303, &c.; Keller, *Civilprocess*, § 63; Bethmann-Hollweg, *Civilprocess*, § 105; G. Demelius, *Die Confessio in röm. Civilprocess;* Geib, *De Confessionis effectu*, and *Röm. Crim. Proc.* pp. 137, 328, 612.) [E. A. W.]

CONFESSO'RIA ACTIO is the remedy of a person who has a right of SERVITUS (*e.g.* a right of way or a usufruct), in the exercise or enjoyment of which he is hindered: the action is Real (Dig. 8, 5, 2, pr.), and is a *vindicatio* of the servitude, lying against any one who infringes his right, whether it be the owner of the property over which that right extends, or a third person (Dig. 7, 6, 5, 1). Its object is to establish the existence of the servitude, removal of any obstacles placed in the way of its enjoyment, damages for actual hindrance (Dig. 8, 5, 4, 2, &c.), and a *cautio de non amplius turbando*, security against further disturbance by the defendant (Dig. 7, 6, 5, 6). By means of a fiction (after the analogy of the *actio Publiciana*) the *actio confessoria* could be brought in respect of all servitudes created in the plaintiff's favour by the bonâ-fide possessor of property, and in respect of *praedial* servitudes by the bonâ-fide possessor of the *praedium dominans;* in its *utilis* form it could be employed for the establishment of praedial servitudes by the *emphyteuta*, *superficiarius*, and pledgee, no less than by the *dominus* (Dig. 8, 1, 16).

If a person claimed a servitude over property of another, the latter could take the first step, and bring a *negatoria in rem actio*, asserting the freedom of the property from the alleged right, the objects of which (*mutatis mutandis*) were much the same as those of the *actio confessoria.* (Dig. 7, 6; 8, 5; Gaius, iv. 3; *Inst.* iv. 6, 2; Vangerow, *Pandekten*, §§ 353, 354.) [J. B. M.]

CONFISCA'TIO. [PUBLICATIO; PROSCRIPTIO.]

CONFU'SIO. Under this head it will be convenient to group a number of the "naturales rerum singularum adquisitiones," or titles to property based on the *jus gentium* or *naturale*, which the Roman lawyers (e.g. *Inst.* ii. 1, 21 *sq.*; Dig. 41, 1, 7) usually treat in connexion with one another.

Confusio is the mixing together of things of the same kind, so that they become inseparable: *e.g.* by pouring together liquids (for instance, wines, *Inst.* ii. 1, 27); mixing grain (Dig. 6, 1, 5, pr.); fusing metals together (Dig. ib. 4), or combining them in the forge (*ferruminatio*, Dig. ib. 23, 5). If the things had belonged to different owners, and the mixing had been accidental or made by mutual consent, they became joint owners by the new title of *confusio*. *Commixtio* is a non-classical term derived from *commiscere*, which occurs less frequently than *confundere* in the juristic texts: by the jurists themselves the two are not clearly distinguished (Dig. 41, 1, 7, 8; 6, 1, 3, 2 and 5), but *commixtio* is used by the moderns chiefly to denote the mixture of solid things, such as grain. Where the mixture was accidental and the two portions were separable, each of the owners retained his former property, and might separate it from the mass; but where it was made by consent, and in all cases where separation was impossible, they became joint owners by a new title; and the same held good if the mixing was done in good faith by one only without the other's consent. It is a case of *commixtio*, when a man's money is paid without his knowledge or consent, and then becomes so mixed with other money of the payee that it cannot be recognised and distinguished: otherwise it remained the property of the person to whom it originally belonged (Dig. 46, 3, 78).

Confusio is also used in an altogether different sense to express the union in one and the same person of a right and its corresponding duty, and the consequent extinction of both (merger): *e.g.* when a creditor becomes his debtor's heir or *vice versâ*: "confusione perinde extinguitur obligatio ac solutione" (Dig. 34, 3, 21, 1): but if the creditor becomes heir to his debtor's surety, or *vice versâ*, the accessory obligation of suretyship is extinguished, but not the principal debt (Dig. 46, 3, 43). So too in the case of servitudes and other *jura in re aliena*; if the person who has the right becomes *dominus* of the property over which it exists, the right is extinguished: "si fructuarius proprietatem assecutus fuerit, desinit usus fructus ad eum pertinere propter confusionem" (Dig. 7, 9, 4; cf. *Inst.* ii. 4, 3). For praedial servitudes extinguished in this manner, see Dig. 8, 6, 1; 8, 2, 30, pr.

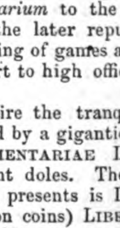
Specificatio is a non-classical term employed to denote the making of a new "species" or substance out of another man's material: *e.g.* wine out of his grapes, oil out of his olives, a ship or bench out of his timber (Gaius, ii. 29; *Inst.* ii. 1, 25). By the law as settled by Justinian the *nova species* belonged to him who made it, provided it could not be restored to its pristine character, and that he was acting on his own behalf (*suo nomine*) and (it would seem from Dig. 10, 4, 12, 3) in good faith; though of course he was bound to pay for the materials. If it could be restored to its original character, the ownership was not changed, though the *specificator*, if he had acted in good faith, had a right to retain the thing till he was paid the value of his labour. If the materials out of which the *nova species* was made belonged partly to the maker, partly to another person, the new product belonged (subject to the same conditions) to the former; but if it was made by consent of the owners of the diverse materials, or accidentally (as mead by the chance mixing of wine and honey), it belonged to them jointly (*Inst.* ii. 1, 27. Cf. Seneca, *Ep.* 65; Pliny, *H. N.* xxxiv. § 5 ff.; Ovid, *Met.* ii. 5; Martial, viii. 51, 7).

Where two things belonging to different persons became united or combined in the way of principal and accessory so as not to be separable without injury to one or both, the owner of the principal thing became owner of the accessory (*accessio*). Instances of this are the building by one man with his own bricks or timber on another man's land, for "superficies solo cedit" (Gaius, ii. 73; *Inst.* ii. 1, 29); the planting of shrubs and sowing of seed, when they have once taken root, in another's soil (Gaius, ii. 74, 75; *Inst.* ii. 1, 31, 32); the weaving by a man into his coat of another's purple (*Inst.* ii. 1, 26); writing on another man's paper or parchment (Gaius, ii. 77; *Inst.* ii. 1, 33): though by an anomalous rule if one man painted a picture on another's canvas the canvas and picture both belonged to the painter (Gaius, ii. 78; *Inst.* ii. 1, 34), and similarly, if a piece of land were torn away by a stream from one man's land and became attached to that of another, it became the property of the latter so soon as
complete (*Inst.* ii. 1, 21): but th
case from *alluvio*, which is descri
ceding paragraph of the Institute
cases, however, the losing party
compensation unless there had bee
his part. (Vangerow, *Pandekten*
331; Puchta, *Institutionen*, § 242

CONGIA'RIUM (sc. *vas*, fr
vessel containing that liquid m
in Dig. 33, 8, 13).

In the early times of the Rom
congius was the usual measure
which was, on certain occasio
among the people; and thus
Quintilian says, became a name
well as for the measure (*congi*
liberalitatis atque mensurae, vi.
does not follow that all the ci
heads of families received a *congi*
earliest mention of a distributi
B.C. 213, when two Cornelii, Sc
called Africanus and Cethegus,
ship gave a certain number
numeral has dropped out) to the
each street (Liv. xxv. 2, with
Lucullus on his return from his
distributed more than 100,000
the people (Plin. *H. N.* xiv. §
congiarium was also applied, less
presents of corn or other provisi
speaks of king Ancus Marcius gi
of salt as a *congiarium* to the
xxxi. § 89). In the later rep
giaria, like the giving of games
the regular passport to high offi
xxxvii. 57).

Under the empire the tranq
capital was ensured by a giganti
door relief (FRUMENTARIAE
mented by frequent doles. Th
for these imperial presents is
times (especially on coins) LIB
tributions to the soldiers were c
to the people *congiaria* (Suet.
and 54, *Ner.* 7; Tac. *Ann.* xi
Plin. *Paneg.* 25; Hist. Aug. *Ha*
Al. Sev. 26, *Aurelian.* 48); but
former also are called *congiaria*
Curt. vi. 2). The sums thus s
mous. Hadrian's *congiarium*
per head on his proclamation as
that amount on his arrival in Ro
gave 725 *denarii* to each citizen
note *l. c.*). Marquardt has compu
congiaria at an average of £90,000 a year from Julius Caesar to Claudius, £300,000 a year from Nero to Sept. Severus; it must have been, however, a periodical emptying of the treasury rather than a continuous drain.



Congiarium.
British

Congiarium was moreover used to
designate presents or pensions g
rank to their friends, clients,

Cicero, *Fam.* viii. 1; Suet. *Jul.* 27,
nd often in Seneca, e.g. *de Brev. Vit.* 8,
ua congiaria homines clarissimi acci-
. *Cons. ad Marc.* 22, § 4, where the
a political victim is Seianus' *congia-*
client). Fabius Maximus called the
hich Augustus made to his friends, on
their smallness, *heminaria* instead of
ecause a *hemina* was only the twelfth
congius (Quintil. *l. c.*). (Marquardt,
ii. 132–136.) [P. S.] [W. W.]

US, a Roman liquid measure con-
sextarii (*Carm. de Pond.* 72), or the
of the amphora. It was equal to the
he Greeks, 3·283 litres (Hultsch), or
pints.

a congius in existence, known as the
gius, but now at Dresden, bearing an
which states that it was made in the
., according to the standard measure
tol, and that it contained, by weight,
. (*Imp. Caes. Vespas.* vi. *T. Caes.*
. *Cos. Mensurae exactae in Capitolio,*
also Festus, s. v. *Publica Pondera.*)
s is one of the means by which the
s been made to fix the weight of the
nd. [Libra.] That liquids varied
eight, and that the weight of rain-
the most uniform, was known as
ioscorides (*fr.* 9, p. 766; *fr.* 14,
Kühn; cf. *Carm. de Pond.* 98 ff.). The
actness of distilled water and the
caused by temperature were of course
o the ancients.

resden
n.)

Cato tells us that he was wont to give to each of his slaves a congius of wine at the Saturnalia and Compitalia (*de R. R.* 57). Pliny relates, among other examples of hard drinking, that Novellius Torquatus of Mediolanum obtained a cognomen (*tricongius*, a nine-bottle man) by drinking three congii of wine at one sitting (*H. N.* xiv. § 144).

(On this, as on other weights and measures, the chief authority is Hultsch, *Metrologie*, pp. 90, 99, ed. i. = 114, 125, ed. ii. For the *Carmen de*
see Weber, *Corp. Poet.* p. 1371,
Hultsch, *Script. Metrol.* p. 88 ff.; for
on its authorship, Teuffel, *Röm. Lit.*
[P. S.] [W. W.]

U'BIUM. [Matrimonium.]

E'UM (κωνωπεῖον), a gnat or mos-
in, *i.e.* a covering made to be ex-
er beds and couches to keep away
other flying insects, so called from
nat.

rtains were especially used in Egypt
of the mosquitoes which infest the
Orig. xix. 5, 5); hence they are
y Horace (*Epod.* ix. 16) and by Pro-
11, 45) with contempt, as signs of
eminacy. They were used by Roman
arly as Varro's day (*R. R.* ii. 10).
them is still common in Italy, Greece,
countries surrounding the Mediter-
e Scholiast on Juvenal vi. 80 describes
ing a thread network woven in very fine meshes ("linum tenuissimis maculis nanctum"), and tells us that at Rome they were called *cubiculare;* while in Juvenal (*l. c.*), on the contrary, *conopeum* seems to be used in the sense of bed. *Conopeum* is the origin of the English word *canopy.* (Judith x. 21, xiii. 9, xvi. 19; Varr. *R. R.* ii. 10, § 8.) [J. Y.] [J. H. F.]

CONQUISITO'RES, persons employed to go about the country and impress soldiers when there was a difficulty in completing a levy. (Liv. xxi. 11, 113; xxi. 21, 13; xxiii. 32, 19; Cic. *pro Mil.* 25, 67; *ad Att.* vii. 21, 1; Hirt. *B. Alex.* 2; cf. Plaut. *Merc.* iii. 4, 80.) Sometimes commissioners were appointed by a decree of the senate for the purpose of making a *conquisitio.* (Liv. xxv. 5, 9.) [R. W.] [W. S.]

CONSANGUI'NEI. [Cognati.]

CONSCRIPTI. [Senatus.]

CONSECRA'TIO. [Apotheosis; Inauguratio.]

CONSENSUS. [Obligationes.]

CONSILIA'RII. [Consilium.]

CONSI'LIUM, a select assembly of official persons who *sat* together (root *sed*); thus distinguished from *concilium*, a public meeting of unofficial persons *called* together (*calare*). The principle of Roman law, especially in early times, was to entrust large powers to individuals rather than to majorities; in other words, trial by a judge was the rule, trial by jury the exception. This principle was mitigated in practice by requiring the person responsible for the decision, whether in public or private matters, to call in the aid of impartial and intelligent advisers (*consiliarii*). Family councils were in use among the Romans, as they still are in Latin countries, and the patria potestas was exercised subject to their control. According to tradition, Sp. Cassius, the agrarian reformer, was put to death by his father, *adhibito propinquorum et amicorum consilio* (Val. Max. v. 8, § 2). L. Gellius Publicola, the venerable friend of Cicero (*Brut.* 47, § 174), having to try his son on a charge nearly affecting himself, called in almost the whole senate as his consilium, and in consequence of their opinion declared him innocent (Val. Max. v. 9, § 1). The imperium of the kings and chief magistrates, in itself primarily an extension of the patria potestas, was subject to a like restraint. The tyranny of Superbus was shown in his trying capital charges *sine consiliis* (Liv. i. 49, § 4). The senate was the natural consilium of the kings and afterwards of the consuls. Cicero as consul could not think of acting in a time of public danger without his *consilium publicum*, the senate (*in Cat.* iii. 3, § 7). The senate-house burnt at the funeral of Clodius is "templum consilii publici" (*pro Mil.* 33, § 90). There are, however, examples of consuls choosing for themselves a consilium for a particular question (Ascon. *in Or. in Tog. Cand.* p. 89; Mommsen, *Staatsr.* i.^{2} p. 297 n.). Other magistrates, as for instance the aediles (Juv. iii. 161), likewise summoned a consilium at their own discretion.

2. *Consilium of Provincial Governors.* In Rome itself the right of appeal (*provocatio*) enabled the consuls and praetors to act in many cases without a consilium: in the provinces the consilium was almost the only check on the arbitrary power of the governor, and the omission to call it in, as we see from the Verrine orations, of itself afforded a strong presumption of mis-

government. It was consequently expected that every important decision of a proconsul or propraetor should be "de consilii sententia" (Cic. *de Leg. Agr.* ii. 19, § 51). [For this formula the abbreviation D. C. S. was used, Cic. *Verr.* v. 21, § 53; the rarer phrase, *ex cons. sent.*, occurs Liv. xlv. 29.] The conduct of Verres on the occasion of one of his most iniquitous judgments throws a clear light on the authority and position of the consilium of a provincial governor (Cic. *Verr.* ii. 29, § 71). In order to get rid of M. Petilius, the leading member of it, whose integrity he feared, he tells him to go and attend to his function of *judex* in a *res privata.* Petilius, who wanted his friends to act as his own consilium in this arbitration, declined to act while Verres required their services on his *consilium publicum.* Verres "kindly and liberally" says he will not detain any who wish to go and act with Petilius; they all go; and he is left with his *cohors* or "personal staff" (cf. Hor. *Sat.* i. 7, 23). He then, in spite of the protests of the defendant's counsel, pronounces a hasty decision against him, and rushes from the judgment seat in fear lest Petilius and the other members of his regular consilium should return in time to stop the iniquity. We see that the *consilium publicum*, headed by a man like Petilius, of equestrian rank, could neither be intimidated nor ignored, even by a hardened oppressor like Verres; that it could only be got out of the way by a stratagem; but that, in its absence, Verres could turn his *cohors* (which Cicero calls *nequissima*) into a consilium for the nonce, and colourably declare that he had acted on the best advice he could get. We see, further, that the office of a consilium extended to a *judicium privatum:* a *judex* in a *res privata* was often assisted by the advice of his friends, though he gave the judgment himself. Long calls this a "quasi consilium" (*ad* Cic. *l. c.*).

This consilium must be carefully distinguished from the *tres arbitri* and the *recuperatores* so often mentioned in private suits [JUDEX]; and from the *assessores* or professional experts [ASSESSOR]. To these the powers of the magistrate were delegated, and the decision of the majority was binding: the consilium, on the other hand, was designed as a safeguard against error and partiality on the part of the magistrate, but his decision was his own. As Mommsen puts it, the principle of the consilium and the principle of decision by a majority were mutually exclusive both in theory and practice (*l. c.* p. 295). This distinction is the more necessary, as the body of the judices is also sometimes loosely called consilium (*Div. in Caecil.* 4, § 13; *Act.* i. *in Verr.* 6, § 17).

The consilium of a provincial governor was formed partly from the principal persons in his suite, partly from the leading Roman citizens on the spot; and it is probable that all the latter of equestrian rank had a right to sit, and that no one was admitted who was not rated to the first class in the census (Mommsen, *l. c.* p. 303). The relation of a governor to his consilium was bound, according to Cicero, to be a friendly and confidential one; he vehemently denounces one Decianus, who had turned against Flaccus after having stood in this relation to him (*pro Flacc.* 32, § 78; 33, § 81). Here, however, Cicero is almost certainly defending a bad case; it may
be doubted whether he would have
indignant at similar conduct on the
consilium of Verres.

3. *Councils of War.* These ar
mentioned as matters of course,
being stated of what officers the
posed. Some discretion was no d
to the general. The legati and
tribunes as the highest legionary
of course present (Polyb. i. 49;
and a varying number of centurio
muspilus probably always, as Polyb
this privilege in his great descri
Roman army (vi. 24, **ὁ πρῶτος**
συνεδρίου κοινωνεῖ); the centurio
ordinum usually (Caes. *B. G.* v.
occasion, probably exceptional, th
omnium ordinum (*ib.* i. 40). This,
not so much a council of war as a
the officers for giving way to panic
needless to say that Rome would
quered the world if her generals
trolled by their councils. When
was practically complete, and the
the now dominant senate was to k
for their own order, we find ge
field controlled by senatorian *lega*
pp. 298, 301). With the commen
civil wars this state of things ca
revolutionary leaders naturally br
restraint.

4. *Under the Empire.* The judi
the emperors is discussed under
a name which, however, was not
the time of Diocletian. For the gr
in the emperor's right of interfer
regular course of justice, see also

There was, besides, an administ
the composition of which varied.
first organising his empire (B.C.
committee of the senate consisti
suls, one magistrate of each deno
fifteen unofficial senators chosen
six months (Suet. *Aug.* 35; Dio,
the end of his life we find his ad
colleague, his two grown-up gran
ing and designate consuls, and tw
also apparently chosen by lot,
name of the entire senate within
account of the emperor's age a
(Dio, lvi. 28; cf. lv. 27; Jos. *An*
Mommsen, *Staatsr.* ii.^{2} 865).
Tiberius included, besides his *ami*
ares, twenty *principes civitatis;*
further notes the curious fact t
than two or three of these escap
at his hands (Suet. *Tib.* 55).
councils in the succeeding imper
less regular (Dio, lx. 4; Suet. *Ner*
Tit. 7; Plin. *Ep:* 31, *Paneg.* 88
For changes under Hadrian, Alexa
&c., see CONSISTORIUM. (Momms
293–305; ii.^{2} 865–867, 948–952;
seil des Empereurs d'Auguste à Di
1884; Humbert, *ap.* D. and S. s.
Consilium Principis, Consistorium.)

CONSISTO'RIUM. Augustu
cessors, following an ancient prac
magistrates, consulted their fr
lowers (*amici, familiares, comites*)
judicial decisions in cases of imp
consilium principis or judicial cou

not at first a standing body of
was constituted for each particular
. This, however, had ceased to be
the time of Hadrian, for we are
t this emperor, when he was sitting
capacity, included in his *consilium*
personal followers, but also certain
ad been approved of by the senate
adr. cc. 8, 18). From this time
of members of the imperial council
ugusti) seems to have been regarded
nt one. The council was composed
of the greatest eminence; both
the highest rank and members of
Equites sat in it. The imperial
especially the *praefecti praetorio*
ly members of it. The council was
to lawyers, though on account of
of its business it was especially
t it should contain the most eminent
as not usual to summon the whole
cillors to meet, but certain coun-
selected on each occasion as they
d. Alexander Severus is said to
the habit of summoning at least
ts and fifty other members. The
cipis was not a general council for
and is not to be confused with the
ncil we find certain emperors con-
functions were generally confined
iness. The emperor not only took
pecting his judgments, but also in
onnected with legal administration.
tly consultative in character, the
being bound in any way by its
e council as a rule only sat at
h it might be held wherever the
The term *auditorium principis* is
alent to *consilium*. Such, according
(*Staatsrecht*, ii. 948), was the
e *consilium* previous to the changes
constitution by Diocletian and his
The usual name for the *consilium*
been newly organised by these
rs is *consistorium principis*, a term
appears in inscriptions of the
e fourth century (Orelli, 3184,
ommsen, *Staatsrecht*, ii. 949, n. 2),
erhaps originally meant the place
ial palace where the *consilium* was
ordinary members of the re-con-
, which is known as the *consistorium*
re called *comites consistoriani*: they
into the two classes of (1) *illustres*,
s. The *illustres* consisted of four
of the palace: viz. the *quaestor*
the *magister officiorum*, the *comes*
itionum, and the *comes rei privatae.*
spectabiles was a larger one: its
generally named simply *comites*
Besides these two classes of ordi-
tive members of the consistorium
iti), there was a class of extra-
bers, called *vacantes.* There was
of purely honorary members (*hono-*
praefectus praetorio and the *prae-*
attended when business relating to
ents was in question; other officials
mmoned as extraordinary members.
s of the consistorium seem to have
han those of the earlier *consilium*,
ed as a council for advising the

emperor not only in matters relating to legal administration, but in other matters of state. According to Haubold, the *consistorium principis* was the administrative council of the state, and should be distinguished from the *auditorium principis*—the emperor's supreme court of justice; but Bethmann-Hollweg has shown that this view is erroneous, more especially because we find the word *consistorium* used for the council in its judicial as well as in its administrative aspect. Thus, in *Nov.* 23, cc. 2, 3, the terms *consistorium* and *auditorium* are used interchangeably. For this and other reasons it would seem that the consistorium was not exclusively a state council, as Haubold supposes, but also a supreme court of justice—a body analogous to the Privy Council in this country, as it was once constituted. (Mommsen, *Staatsr.* ii.^{2} p. 948; Bethmann-Hollweg, *Civilprocess*, iii. 17, 94; Haubold, *De Consistorio Principum;* Rein, *ap.* Pauly *s. v.*) [CONSILIUM; AUDITORIUM.] [E. A. W.]

CONSTITU'TA PECU'NIA. [PECUNIA.]

CONSTITUTIO'NES are the enactments of the Roman emperors, in the exercise of their legislative authority, which (Gaius, i. 5) "legis vicem obtinent," have statutory force, "cum ipse imperator per legem imperium accipiat:" so, too, Justinian says (*Inst.* i. 2, 6) that they are binding because "populus ei et in eum omne imperium suum et potestatem concessit." They comprise the following varieties:—

i. *Orationes*, by which, in the earlier imperial period, the emperor submitted a "bill" to the senate (*Inst.* ii. 17, 7; Dig. 2, 12, 1, 1, &c.); they were regarded as law apart from the senatusconsulta by which, in theory, they received the character of "acts," and are often cited as such in preference to the latter.

ii. *Edicta* or *edictales constitutiones*, general rules of law made by the emperor, at any rate at first, after the analogy of the edicts of the republican magistrates (for examples, see Gaius, i. 55, 93; iii. 172; *Inst.* ii. 6, 14).

iii. *Mandata*, by which the emperor delegated his authority to other magistrates, such as *legati, praesides*, and *praefecti;* in the main they were merely administrative regulations, but may be regarded as laws proper so far as they contained general instructions as to the exercise of the delegated authority (Dig. 1, 16, 6, 3; 1, 18, 3 and 19, &c.).

iv. *Decreta* and *rescripta*, issued by the emperor in his capacity as praetor, judge, or supreme jurisconsult: up to the time of Constantine they were by far the commonest kind of constitutio. *Decreta* were determinations of suits by the emperor either as sitting in a court of first instance or on appeal (Sueton. *Octav.* 33): *rescripta* (Tac. *Ann.* vi. 9) were provisional decisions on the *legal* point at issue (as to which he had been consulted by a magistrate or a private individual, Pliny, *Ep.* x. 2), the facts being left to be inquired into, and a final judgment given, by another magistrate or judex. Technically *rescripta* were of two kinds, *epistolae* and *subscriptiones* or *adnotationes*. The first are independent replies on consultation (Dig. 1, 4, 1, 1; *Inst.* iii. 20, 4); many issued by Hadrian, Severus, and Caracalla being extant in the Digest. The second are brief opinions on cases

n cases
M 2

submitted to the emperor by petition, and written at the foot of the latter; this form being most commonly employed in answering private persons (Dig. 1, 4, 1, 1; Cod. 1, 23, 6, &c.). There has been much difference of opinion as to whether *decreta* and *rescripta* had (as precedents) the force of general law, which is denied them by Savigny (*System*, i. pp. 125–141), but the evidence seems strong the other way: *e.g.* Ulpian says (Dig. 1, 4, 1, pr.), "quodcunque imperator vel per epistolam constituit vel cognoscens decrevit legem esse constat;" cf. Cod. 1, 14, 12. In the Eastern empire a peculiar kind of rescripts acquired the name of "pragmatic sanctions:" they were drawn up in a peculiar and solemn form, and were more highly taxed than others. Zeno restricted their use to petitions preferred by corporations.

In framing constitutions of any kind the emperor was assisted by a council called *consistorium* (Cod. 1, 14, 8), of which the praefects of the city and praetorian guard and the most celebrated jurists were members, and which gradually assumed the character of a council of state. [CONSISTORIUM.] It was regularly consulted by the emperor in the exercise of his supreme appellate jurisdiction, and the chamber in which such consultations were held was, as early as M. Aurelius, called *auditorium principis*. Many of the imperial constitutions are preserved in their original form in the extant codes [CODEX THEODOSIANUS, &c.]. [J. B. M.]

CONSUA'LIA, a festival celebrated at Rome in honour of the god Consus, the protector of horses, identified by Livy (i. 9) and the Greeks (Dionys. Hal. ii. 31, and Plutarch, *Quaest. Rom.* 45) with Neptunus Equester, *i.e.* Poseidon Hippios, but to be regarded rather as a god connected with the earth and agriculture (Preller, *Röm. Myth.* p. 420). His altar, at the lower end of the Circus Maximus (Tac. *Ann.* xii. 24; Tertull. *de Spectac.* 5 and 8), was covered as a rule with earth, which was cleared away only on the three yearly festivals in his honour. On the nones of July the Pontifices sacrificed at this altar: on the 21st of August the Flamen Quirinalis and the Vestal Virgins offered the sacrifices, while the Pontifices presided at chariot and horse races in the circus. This day was observed as a holiday for all horses and mules, which had rest from work and were adorned with garlands (Dionys. i. 33; Paul. p. 148); it was probably intended to mark the end of harvest. A similar festival on the 15th of December seems to have marked the close of seed-time (cf. Mommsen, *C. I. L.* i. p. 400). It was during the festival in August that, according to the legend, the Sabine maidens were carried off by the young Romans (Varro, *L. L.* vi. 20; Liv. i. 9; Verg. *Aen.* viii. 636: cf. Schwegler, *Röm. Gesch.* i. 471 ff.). [A. S. W.]

CONSUL (ὕπατος), the highest republican magistrate at Rome. The derivation of the name is still quite uncertain. It was derived by the Romans from *consulere:* "qui recte consulat, consul cluat" (Varro, *L. L.* v. § 80: cf. Cic. *de Leg.* iii. 3, 8; *de Orat.* ii. 39, 165), and Corssen (*Ausspr.* ii. 71) admits this, connecting *consulere* itself with the root *sal* in *salire:* others, while finding in *consul* the same root, deny the connexion with *consulere.* Some, again, prefer the root *sed* (*sel*), "sit," or *sal*, "dwell." (Cf. Nettleship in *Journ*
logy, iv. 272 ff.)

There was a tradition that king
regulating the constitution of the s
to abolish the kingly power, and s
it the annual magistracy of the co
whatever we may think of the t
person who devised it must have
sight into the nature of the Ron
its institutions; and the fact that
tion of royalty it was institut
seems, at any rate, to show that
thought of before. Thus much i
that the consulship was not a Lati
for in Latium the kingly power
by the dictatorship, a magistracy
the same power as that of a king,
lasted only for a time.

The consulship which was est
republican magistracy at Rome,
after the abolition of royalty, sho
lican character in the circumst
power was divided between tw
(*imperium duplex*), and that it w
year's duration (*annuum*). This
on the whole, observed througho
lican period; and the only except
sometimes a dictator was appoint
two consuls, and that in a few i
one of the consuls had died, the o
in office alone, either because the
tion of the year was too short, or
scruples (Dionys. v. 57; Dio Cass
otherwise the rule was, that if
consuls died in the year of his
cated before its expiration, the oth
to convene the comitia for the pu
ing a successor (*subrogare* or *suff*
It is only during the disturban
century of the republic, that,
death, Carbo maintained himself
for nearly a whole year (Appian,
Vell. Pat. ii. 24; Liv. *Epit.* lxxx
Pompeius was appointed sole cons
avoid the necessity of a dictato
Cic. *pro Mil.* p. 37; Liv. *Epit.*
Bell. Civ. ii. 23, 25.) Even
months, had a colleague elected.
sion during the Civil Wars Cinn
without any election at all, cont
the power of the consulship for
(Liv. *Epit.* lxxx.)

Under the early emperors the
the duration of the consulship
most arbitrary manner. (Mom
ii. 79–81.)

In the earliest times, the tit
magistrates was not only *cons*
praetores (Madvig, *Verf.* i. 368);
them as the commanders of the
republic. Traces of this title o
legal and priestly documents (Li
p. 161), and also in the names
consul's tent) and *porta praetori*
camp. (Paul. Diac. p. 123;
ad Cic. *in Verr.* i. 14.) It a
have been the title used in the
(Plin. *H. N.* xviii. § 12). After t
of the office of *praetor urban*
were known as *praetores maxi*
ὕπατοι), the praetors strictly as *p*
though the last epithet was com

and they were known to the Greeks simply as *στρατηγοί*. Sometimes the consuls are designated by the title *judices*, especially as presiding over the centuriate assemblies. (Varro, *de L. L.* vi. 88; Liv. iii. 55.) After B.C. 449 (Zonar. vii. 19), the name consules was the established title until the final overthrow of the Roman empire. Upon the establishment of the republic, after the banishment of Tarquin, all the powers which had belonged to the king were transferred to the consuls, except that which had constituted the king high priest of the state; for this was kept distinct and transferred to a priestly dignitary, called the *rex sacrorum*, or *rex sacrificulus*.

As regards the election of the consuls, it invariably took place in the comitia centuriata, under the presidency of a consul or a dictator; and, in their absence, by an interrex. The consuls thus elected at the beginning of a year were styled *consules ordinarii*, to distinguish them from the *suffecti*, or such as were elected in the place of those who had died or abdicated, though the privileges and powers of the latter were in no way inferior to those of the former. (Liv. xxiv. 7, &c.; comp. xli. 18.) At the time when the consulship was superseded by the institution of the *tribuni militares consulari potestate*, the latter, of course, presided at elections, as the consuls did before and after, and must in general be regarded as the representatives of the consuls in every respect. It was, however, a rule that the magistrate presiding at an election should not be elected himself, though a few exceptions to this rule are recorded. (Liv. iii. 35, vii. 24, xxiv. 9, xxvii. 6.) The day of the election, which was made known by an edict three nundines beforehand (Liv. iii. 35, iv. 6, xlii. 28), naturally depended upon the day on which the magistrates entered upon their office. The latter, however, was not the same at all times, but was often changed. In general it was observed as a rule, that the magistrates should enter upon their office on the kalendae or idus, unless particular circumstances rendered it impossible; but the months themselves varied at different times, and there are no less than eight or nine dates at which the consuls are known to have entered upon their functions, and in many of these cases we know the reasons for which the change was made. The real cause appears to have been that the consuls, like other magistrates, were elected for a whole year; and if before the close of that year the magistracy became vacant either by death or abdication, their successors, of course, undertook their office on an irregular day, which then remained the *dies solennis*, until another event of a similar kind rendered another change necessary. The first consuls entered upon their office on the ides of September, the day on which in later years the praetor maximus drove the annual nail in the temple of the Capitol; or, according to others (cf. Hartmann, *Röm. Kal.* p. 228), traditionally on the kalends of March, but really on the kalends of October. (Dionys. v. 1; Liv. vii. 3.) The first change seems to have been brought about by the secession of the plebs, B.C. 493, when the consuls entered upon office on the kalends of September. (Dionys. vi. 49.) In B.C. 479, the day was thrown a whole month backward; for of the consuls of the preceding year one had fallen in battle, and the other abdicated two months before the end of his year: hence the new consuls entered on the kalends of Sextilis. (Dionys. ix. 13; Liv. iii. 6.) This day remained until B.C. 451, when the consuls abdicated to make room for the decemvirs, who entered upon their office on the ides of May. The same day remained for the two following years (Dionys. x. 56; Zonar. vii. 18; *Fast. Cap.*); but the third year of the decemvirate not having been completed, another day must have become the dies solennis. We have no information what day it was, until in B.C. 443 we find that it was the ides of December. (Dionys. xi. 63.) This change had been occasioned by the tribuni militares who had been elected the year before, and had been compelled to abdicate in the third month of office, to make room for consuls. (Liv. iv. 7; Dionys. xi. 62.) Henceforth the ides of December remained for many years the dies solennis. (Liv. iv. 37.) In B.C. 401, the military tribunes, in consequence of the defeat at Veii, abdicated, and their successors entered upon their office on the kalends of October. (Liv. v. 9.) In B.C. 391, the consuls entered upon their office on the kalends of Quintilis. (Liv. v. 32; comp. 31, vii. 25, viii. 20.) From this time no further change is mentioned, though several events are recorded which must have been accompanied by an alteration of the dies solennis, until in B.C. 223 we learn that the consuls entered upon their office on the ides of March, which custom remained unaltered for many years (Liv. xxii. 1, xxiii. 30, xxvi. 1, 26, xliv. 19), until in B.C. 154 it was decreed that in future the magistrates should enter upon their office on the 1st of January, a regulation which began to be observed the year after, and remained in force down to the end of the republic. (Liv. *Epit.* xlvii.; *Fast. Praenest. Kal. Jan.*; cf. Mommsen, *Chron.* pp. 81–98.)

The day on which the consuls entered on their office determined the day of the election, though there was no fixed rule, and in the earliest times the elections probably took place very shortly before the close of the official year, and the same was occasionally the case during the latter period of the republic. (Liv. xxxviii. 42, xlii. 28, xliii. 11.) But when the 1st of January was fixed upon as the day for entering upon the office, the consular comitia were usually held in July or even earlier, at least before the kalends of Sextilis. (Cic. *ad Att.* i. 16; *ad Fam.* viii. 4.) But even during that period the day of election depended in a great measure upon the discretion of the senate and consuls, who often delayed it. (Cic. *ad Att.* ii. 20, iv. 16; *pro Leg. Man.* 1.)

Down to the year B.C. 366, the consulship was accessible to none but patricians, but in that year L. Sextius was the first plebeian consul in consequence of the law of C. Licinius. (Liv. vi. 42; vii. 1.) The patricians, however, notwithstanding the law, repeatedly contrived to keep the plebeians out (Liv. vii. 17, 18, 19, 22, 24, 28), until in B.C. 342 the legislation of Publilius Philo secured the firm establishment of the plebeian consulship; and it is even said that at that time a plebiscitum was passed, enacting that both consuls might be plebeians. (Liv. vii. 42.) Attempts on the part of the patricians to exclude the plebeians occur as late as the year

B.C. 297 (Liv. x. 15; Cic. *Brut.* 14, 55); but they did not succeed, and it remained a principle of the Roman constitution that both consuls should not be patricians (Liv. xxvii. 34; xxxix. 42). The candidates usually were divided into two sets, the one desirous to obtain the patrician, and the other to obtain the plebeian place in the consulship (*in unum locum petebant*, Liv. xxxv. 10). In B.C. 215, the augurs indeed successfully opposed the election of two plebeians (Liv. xxiii. 31); but not long after, in B.C. 172, the fact of both consuls being plebeians actually occurred (*Fast. Capitol.*), and after this it was often repeated, the ancient distinction between patricians and plebeians falling completely into oblivion.

The consulship was throughout the republic regarded as the highest office and the greatest honour that could be conferred upon a man (Cic. *pro Planc.* 25, 60; Paul. Diac. p. 136; Dionys. iv. 76), for the dictatorship, though it had a *majus imperium*, was not a regular magistracy; and the censorship, though conferred only upon consulars, was yet far inferior to the consulship in power and influence. It was not till the end of the republic, and especially after the victories of Caesar, that the consulship lost its former dignity; for in order to honour his friends, he caused them to be elected, sometimes for a few months, and sometimes even for a few hours. (Cic. *ad Fam.* vii. 30; Sueton. *Caes.* 76, 80, *Nero*, 15; Dio Cass. xliii. 46; Macrob. *Sat.* ii. 3.)

The power of the consuls was at first equal to that of the kings into whose place they stepped, with the exception of the priestly power of the rex sacrorum, which was detached from it. Even after the Valerian laws and the institution of the tribuneship, the consuls who alone were invested with the executive retained the most extensive powers in all departments of the government. But in the gradual development of the constitution, some important functions were detached from the consulship and assigned to new magistrates. This was the case first with the censorship in B.C. 443,—an office which at first was confined to holding the census and registering the citizens according to their different classes, but afterwards acquired very extensive powers. [CENSOR.] The second function that was in this manner taken from the consuls was their judicial power, which was transferred in B.C. 366 to a distinct magistracy under the title of the praetorship [PRAETOR]; and henceforth the consuls appeared as judges only in extraordinary cases of a criminal nature, when they were called upon by a senatus consultum. (Cic. *Brut.* 34, 128; Liv. viii. 18, xxxix. 17 ff., xli. 9.) But, notwithstanding these curtailings, the consulship still continued to be regarded as the representative of regal power. (Polyb. vi. 11; Cic. *de Leg.* iii. 3, 8.)

In regard to the nature of the power of the consuls, we must in the outset divide it into two parts, inasmuch as they were the highest civil authority, and at the same time the supreme commanders of the armies. So long as they were in the city of Rome, they were at the head of the government and the administration, and all the other magistrates, with the exception of the tribunes of the people, were subordinate to them. They convened the senate, and

as presidents conducted the busin
to carry into effect the decrees
and sometimes on urgent eme
might even act on their own aut
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which foreign affairs were broug
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in their hands before they we
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introduced into the senate, and
ried on the negotiations between
foreign states. They also convene
of the people and presided in it;
ducted the elections, put legislati
the vote, and had to carry the
people into effect. (Polyb. vi.
SENATUS.) The whole of the inte
of the republic was, in fact, und
intendence; and in order to give
executive power, they had the rig
ing and arresting offenders (*vocatio*
but not in their own houses (Cic.
pro Dom. 41, 109), and a ge
inflicting punishment, limited onl
of appeal from their judgment
which might be exercised even
magistrates.

The outward signs of their po
same time the means by which
it, were twelve lictors with the
whom the consul never appeared
xxv. 17, xxvii. 27; Val. Max. i.
Liv. vi. 34, xxxix. 12), and who p
a line one behind another. (Liv.
Max. ii. 2, § 4.) In the city, ho
did not appear in the fasces; a re
is said to have been introduced by
licola (Dionys. v. 2, 19, 75; x. 59
intimately connected with the r
from a consul's sentence, when
apply to the decemvirs nor ori
dictator. Now as the provocat
place only within a thousand p
city, it must be supposed that th
appear in the fasces within the
opinion which is not contradicte
that the consuls on returning fro
with the axes in their fasces
Martius, at the very gates of R
had the imperium militare, whi
when they had entered the city.

But the powers of the consuls
extensive in their capacity of sup
ders of the armies, and where
without the precincts of the c
invested with the full imperiu
levying of an army was decreed
the consuls conducted the levy,
had the appointment of all th
officers—a right which subsequen
with the people; and the soldier
their oath of allegiance to the
also determined the contingent
by the allies; and in the provin
them they had the unlimited adm
only of all military affairs, but
else, even over life and death, exc
conclusion of peace and treaties.
12, 5; compare EXERCITUS.) Th
indeed, under the control of the
regard to the expenses for war,
not appear to have been bound do

granted by that body, but to have availed themselves of the public money as circumstances required; the quaestors, however, kept a strict account of the expenditure (Polyb. vi. 12, 13, 15; Liv. xliv. 16). The quaestors also kept the keys of the treasury (even of the *aerarium sanctius:* cf. Mommsen, *Staatsr.* ii. 117), and their co-operation was therefore necessary for any expenditure (Polyb. xxiii. 14). The control thus exercised became a real one when the quaestors were no longer nominated by the consuls, but were elected by the people. In the early times, the consuls had the power to dispose of the booty in any way they pleased; sometimes they distributed the whole or a part of it among the soldiers, and sometimes they sold it, and deposited the produce in the public treasury, which in later times became the usual practice. The first limitation of the military command of the consuls was in B.C. 227, when Sicily was erected into a province, committed to a special governor (*praetor*), and thus removed from the consular jurisdiction. But a more important change was that introduced by Sulla, who extended to the whole of Italy the legal privileges of the city of Rome. From this time forward the consuls ceased to hold military command during their year of office, and passed at the expiration of it into the ranks of the generals in office in the provinces by virtue of a special resolution of the senate (Mommsen, *Staatsr*. ii. 90).

Abuse of the consular power was prevented, first of all, by each of the consuls being dependent on his colleague, who was invested with equal rights; for, if we except the provinces abroad where each was permitted to act with unlimited power, the two consuls could do nothing unless both were unanimous (Dionys. x. 17; Appian, *Bell. Civ.* ii. 11), and against the sentence of one consul an appeal might be brought before his colleague; nay, one consul might of his own accord put his veto on the proceedings of the other. (Liv. ii. 18, 27, iii. 34; Dionys. v. 9; Cic. *de Leg.* iii. 4.) But in order to avoid every unnecessary dispute or rivalry, arrangements had been made from the first, that the real functions of the office should be performed only by one of them every alternate month (Dionys. ix. 43); and the one who was in the actual exercise of the consular power for the month was preceded by the twelve lictors, whence he is commonly described by the words *penes quem fasces erant* (Liv. viii. 12, ix. 8). In the early times, his colleague was then not accompanied by the lictors at all, but he was preceded by an accensus. (Cic. *de Rep.* ii. 31, 55; Liv. ii. 1, iii. 33; comp. Dionys. v. 2, x. 24.) In later times, the consul, even when he did not perform the functions of the office, was also accompanied by twelve lictors (Suet. *Caes.* 20), but these followed him: when this custom arose is uncertain, and we only know that, in the time of Polybius, the dictator, as representing both consuls, had twenty-four lictors. It has been maintained that the consul who for the month being performed the functions of the office, was designated as the *consul major;* but Festus (p. 161) leaves it doubtful whether the term applied to the one who had the fasces, or to the one who had been elected first; and there seems to be good reason for believing that the word *major* really had reference only to the age of the consul, so that the elder of the two was called consul major. (Liv. xxxvii. 47; Cic. *de Rep.* ii. 31, 55; Val. Max. iv. 1, § 1; Plut. *Publ.* 12; Dionys. vi. 57.) Owing to the respect paid to the elder, he presided at the meeting of the senate which was held immediately after the election. (Liv. ix. 8; Gellius, ii. 15.) The exercise of the consular power was also checked by the knowledge that after the expiration of their office they might be called to account for the manner in which they had conducted themselves in their official capacity. Many cases are on record, in which after their abdication they were accused and condemned not only for illegal or unconstitutional acts, but also for misfortunes in war which were ascribed either to their carelessness or want of ability. (Liv. ii. 41, 52, 54, 61; iii. 31; xxii. 40, 49; xxvii. 2, 3; xxvii. 34; Cic. *de Nat. Deor.* ii. 3, 8; Val. Max. viii. 1, § 4.) The ever-increasing arrogance and power of the tribunes did not stop here, and we not unfrequently find that consuls, even during the time of their office, were not only threatened with punishment and imprisonment, but were actually subjected to them. (Liv. iv. 26, v. 9, xlii. 21; *Epit.* xlviii., lv.; Cic. *de Leg.* iii. 9, 20; *in Vat.* 9, 21; Val. Max. ix. 5, § 2; Dio Cass. xxxvii. 50, xxxviii. 6, xxxix. 39.) Sometimes the people themselves opposed the consuls in the exercise of their power. (Liv. ii. 55, 59.) Lastly, the consuls were dependent upon the senate. [SENATUS.] There occurred, however, times when the power of the consuls thus limited by republican institutions was thought inadequate to save the republic from perils into which she was thrown by circumstances; and on such occasions a senatus consultum *viderent* or *darent operam consules, ne quid respublica detrimenti caperet,* conferred upon them full dictatorial power, not restrained either by the senate, the people, or the tribunes. In the early times, such senatus consulta are rarely mentioned, as it was customary to appoint a dictator on such emergencies; but when the dictatorship had fallen into disuse, the senate by the above-mentioned formula invested the consuls, for the time, with dictatorial power. [DICTATOR.] On this senatus consultum ultimum, see Heitland's App. A to Cic. *pro C. Rabirio.*

On entering upon their office, the consuls, and afterwards the praetors also, agreed among one another as to the business which each had to look after, so that every one had his distinct sphere of action, which was termed his *provincia.* The ordinary way in which the provinces were assigned to each was by lot (*sortiri provincias*), unless the colleagues agreed among themselves, without any such means of decision (*comparare inter se provincias,* Liv. xxiv. 10, xxx. 1, xxxii. 8; Cic. *ad Fam.* i. 9). The decision by lot was resorted to for no other reason than because the two consuls had equal rights, and not, as some believe, because it was thereby intended to leave the decision to the gods. If it was thought that one of the consuls was eminently qualified for a particular province, either on account of his experience or personal character, it frequently happened that a commission was given to him *extra sortem* or *extra ordinem,* i.e. by the senate and without any drawing of lots. (Liv. iii. 2, viii. 16, xxxvii. 1;

Cic. *ad Att.* i. 19; comp. Liv. xxxv. 20, xli. 8.) In the earliest times, it seems to have been the custom for only one of the consuls to march out at the head of the army, and for the other to remain at Rome for the protection of the city, and to carry on the administration of civil affairs, unless, indeed, wars were carried on in two different quarters which rendered it necessary for both consuls to take the field. (Dionys. vi. 24, 91; comp. Liv. iii. 4, 22, vii. 38.) Nay, we find that even when Rome had to contend with one formidable enemy, the two consuls marched out together (Liv. ii. 44, iii. 8, 66, viii. 6, &c.); but the forces were equally divided between them, in such a manner that each had as a rule the command of two legions, and had the supreme command on every alternate day (Polyb. iii. 107, 110, vi. 26; Liv. iv. 46, xxii. 27, 41, xxviii. 9; comp. iii. 70).

When the Roman dominion extended beyond the natural boundaries of Italy, the two consuls were not enough to undertake the administration of the provinces, and praetors were appointed to undertake the command in some, while the more important ones were reserved for the consuls. Hence a distinction was made between *provinciae consulares* and *praetoriae*. (Liv. xli. 8.) [PROVINCIA.] It lay with the senate to determine into which provinces consuls were to be sent, and into which praetors, and this was done either before the magistrates actually entered upon their office (Liv. xxi. 17), or after it, and on the proposal of the consuls (Liv. xxv. 1, xxvi. 28, xxvii. 7, &c.). Upon this, the magistrates either agreed among themselves as to which province each was to undertake, or they drew lots; first, of course, the consuls, and after them the praetors. One of the laws of C. Gracchus (*de provinciis ordinandis*; Cic. *de Prov. Cons.* 2, 3; Sall. *Jug.* 27), however, introduced the regulation, that every year the senate, previous to the consular elections, should determine upon the two consular provinces, in order to avoid partiality, it being yet unknown who were to be the consuls. It had been customary from the earliest times for the consuls to enter their province in the year of their consulship; but in the latter period of the republic, the ordinary practice of the consuls was to remain at Rome during the year of their office, and to go into their province in the year following as pro-consuls, until at length in B.C. 53, a senatus consultum, and the year after a law of Pompeius, enacted that a consul or praetor should not go into any province till five years after the expiration of their office. (Dio Cass. xl. 46, 56.) When a consul was once in his province, his imperium was limited to it; and to exercise the same in any other province was, at all times, considered illegal. (Liv. x. 37, xxix. 19, xxxi. 48, xliii. 1.) In some few cases, a breach of this rule was pardoned after a brilliant success. (Liv. xxvii. 43, xxix. 7.) On the other hand, a consul was not allowed to quit his province before he had accomplished the purpose for which he had been sent into it, or before the arrival of his successor, unless, indeed, he obtained the special permission of the senate. (Liv. xxxvii. 47.) Other functions also were sometimes divided between the consuls by lot, if they could not agree: for example, which of them was to preside at the consular elections or those of the censors (Liv. xxiv. 10, xxxv. 6, 20, xxxix. 32, xli. 6), which of them wa
a temple (Liv. ii. 8, 27), or nomina
(Liv. iv. 26). So long as the consul
the census, they undoubtedly dre
conderet lustrum; and even when th
on a common expedition, they se
determined by lot in what directio
exert his activity. (Liv. xli. 18.)

The entering of a consul upon h
connected with great solemnities:
break each consulted the auspices
which in the early times was u
matter of great importance, thoug
period, we know it to have been
mality. (Dionys. ii. 4, 6.) It mu
be observed, that whatever the n
auspices were, the entering upon t
never either rendered impossible
thereby, whence we must supp
object merely was to obtain fav
from the gods, and as it were to pl
protection of the gods the office o
magistrate entered. After the a
consulted, the consul returned hom
toga praetexta (Liv. xxi. 63; Ov. *e*
25, *Fast.* i. 81), and received the s
friends and the senators. (Dio
Ov. *ex Pont.* iv. 4, 27, &c.) Ac
these and a host of curious sp
consul, clad in his official robes, pro
temple of Jupiter in the Capitol, w
sacrifice of white bulls was offered
It seems that in this procession the
as an emblem of his office, was c
the consul. (Ov. *l. c.* iv. 4, 29
Liv. xxi. 63; Cic. *de Leg. Agr.*
After this, a meeting of the senat
at which the elder of the two cons
report concerning the republic, be
matters referring to religion, and
on to other affairs (*referre ad sena*
divinis et humanis, Liv. vi. 1, ix.
Cic. *ad Quir. post Red.* 5, 11). On
among the religious things which
had to attend to, was the fixing
Latinae, and it was not till they h
the solemn sacrifice on the Alba
they could go into their province
63, xxii. 1, xxv. 12, xlii. 10.) The
upon which the consuls had to
senate had reference to the distri
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with that of dictator, or he arbit
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was elected at first for five years,

and at length for life. (Sueton. *Jul.* 76, 80; Dio Cass. xlii. 20, xliii. 1, 46, 49; Appian, *de Bell. Civ.* ii. 106.) In the reign of Augustus the consular power was a mere shadow of what it had been before, and the consuls who were elected did not retain their office for a full year, but had usually to abdicate after a few months. (Dio Cass. xlviii. 35, xliii. 46; Lucan, v. 399.) The emperors themselves usually took the consulship at the beginning of the year, and laid it down in a month or two. (Dio Cass. liii. 32; Tac. *Hist.* i. 77.) Nero received from the senate *continui consulatus* (Tac. *Ann.* xiii. 41), and Vitellius arranged the elections for ten years in advance, with himself as *perpetuus consul* (Suet. *Vitell.* 11). Vespasian was consul eight times in ten years, Domitian seventeen times in all. The usual time for the tenure of the office came to be either four or two months (Dio Cass. xliii. 46). In A.D. 69 there were fifteen consuls. (Cf. Mommsen in *Ephem. Epigr.* 1872, p. 189.) In the reign of Commodus there were no less than twenty-five consuls in one year. (Lamprid. *Commod.* 6; Dio Cass. lxxii. 12.) In the republican time, the year had received its name from the consuls, and in all public documents their names were entered to mark the year; but from the time that there were more than two in one year, only those that entered upon their office at the beginning of the year were regarded as *consules ordinarii*, and gave their names to the year, though the suffecti were likewise entered in the Fasti. (Sueton. *Domit.* 2, *Galb.* 6, *Vitell.* 2; Senec. *de Ira*, iii. 31; Plin. *Paneg.* 38; Lamprid. *Al. Sev.* 28.) The consules ordinarii ranked higher than those who were elected afterwards. The election from the time of Tiberius was in the hands of the senate, who, of course, elected only those that were recommended by the emperor; those who were elected were then announced (*renuntiare*) to the people assembled in what were called comitia. (Dio Cass. lviii. 20; Plin. *Paneg.* 77; Tac. *Ann.* iv. 68.) In the last centuries of the empire, it was customary to create honorary consuls (*consules honorarii*), who were chosen by the senate and sanctioned by the emperor (Cassiod. i. 10; Justin. *Nov.* lxx. 80, c. 1), and consules suffecti were then scarcely heard of at all, for Constantine restored the old custom of appointing only two consuls, one for Constantinople, and the other for Rome, who were to act as supreme judges (under the emperor) for a whole year, and besides these two there were no others except honorary consuls and consulares. Although the dignity of these honorary consuls as well as of the consules ordinarii and suffecti was merely nominal, still it was regarded as the highest in the empire, and was sought after by noble and wealthy persons with the greatest eagerness, notwithstanding the great expenses connected with the office (Dio, lx. 27) on account of the public entertainments which a newly appointed consul had to give to his friends and the people. (Fronto, *Ep.* ii. 1; Lydus, *de Magistr.* ii. 8; Liban. *Orat.* 8; Symmach. ii. 64, iv. 8, x. 44; Sidon. Apollin. *Epist.* ii. 3; Cassiod. ii. 2, vi. 1; Procop. *de Bell. Pers.* i. 25.) Julius Caesar (Suet. *Jul.* 76) and Augustus (Dio Cass. xlvi. 41) conferred the *ornamenta consularia* without the actual office; and this practice became so common afterwards, that the title *consulares* was used for this class, which held rank as the most distinguished class of senators, and their honour ultimately became hereditary. After Diocletian, however, they ranked below the *viri illustres* and the *viri spectabiles*. The last consul of Rome was Decimus Theodorus Paulinus, A.D. 534, and at Constantinople Flavius Basilius Junior, in A.D. 541. After that time, the emperors of the East took the title of consul for themselves, until in the end it fell quite into oblivion.

Under the empire the consuls were regarded as the official representatives of the senate, and were even allowed by some emperors a formal precedence (Suet. *Tib.* 31). Their official functions were as follows:—1. They presided in the senate, though, of course, never without the sanction of the emperor; 2. They administered justice, partly *extra ordinem* (Tac. *Ann.* iv. 19, xiii. 4; Gell. xiii. 24) [SENATUS], and partly in ordinary cases, such as manumissions or the appointment of guardians (Dig. 1, 10, 1; Ammian. Marcell. xxii. 7; Cassiod. vi. 1; Sueton. *Claud.* 23); 3. The letting of the public revenues, a duty which had formerly been performed by the censors (Ov. *ex Pont.* iv. 5, 19), although the consuls had always possessed the right of acting as the representatives of the censors, when there were none in office at the time; 4. The conducting of the games in the Circus and of public solemnities in honour of the emperors, for which they had to defray the expenses out of their own means. (Sueton. *Nero*, 4; Juv. xi. 193, &c.; Cassiod. *l. c.*, and iii. 39, v. 42, vi. 10.) Some emperors indeed granted the money necessary for such purposes, and endeavoured to check the growing extravagance of the consuls, but these regulations were all of a transitory nature. (Lamprid. *Al. Sever.* 43; Vopisc. *Aurel.* 12; Justin. *Nov.* 105.)

Compare besides the various works on Roman history, K. D. Hüllmann, *Röm. Grundverfassung*, p. 125, &c.; K. W. Göttling, *Gesch. der Röm. Staatsverf.* p. 269, &c.; above all, Mommsen, *Staatsrecht*, ii. 70–124; and Becker, *Handbuch der Röm. Alterth.* vol. ii. part ii. pp. 87–126, and part iii. pp. 235 ff. [L. S.] [A. S. W.]

CONSULA'RIS, throughout the time of the Roman republic, signifies a person who has been invested with the consulship; but under the empire it became a mere title for the higher class of officers, who thereby obtained permission to have the insignia of a consul, without ever having actually been consuls. Hence the title was almost equivalent to that of an "honorary consul" (*consul honorarius;* Cod. Theod. vi. tit. 19, s. 1; vi. tit. 2, s. 2). The title was given especially to generals, as formerly persons after their consulship had usually undertaken the command of an army in the provinces, and in many instances they were the same as the legati principis or the magistri militum. (Veget. ii. 9; Dig. 3, tit. 2, s. 2.) It was further a common custom, established even by the first emperors, to give to governors of imperial provinces the title of consularis, irrespective of their ever having been consuls. (Suet. *Aug.* 33, *Tib.* 33, *Domit.* 6; Tac. *Agric.* 8, 14, 40.) Consularis thus gradually became the established title for those entrusted with the administration of imperial provinces. During the 2nd century A.D. the title *consularis* always denotes a governor who had actually held the office of consul, or had received the rank from the emperor *per codicillos;* but by the 4th century it had become a mere title of a particular class of provincial governors. The Emperor Hadrian divided Italy into four regions, and over each he placed an officer who likewise bore the title of consularis, and was entrusted with the administration of justice in his district, whence he is frequently called *Juridicus* (Spartian. *Hadr.* 22, with the note of Salmas.). At Constantinople the title was given to the superintendents of the aqueducts (*consulares aquarum*), who had to see that all public and private places were properly supplied with water, and who seem to have been analogous to the curatores aquarum of Rome. They are frequently mentioned in inscriptions, and also in the Codex of Justinian and Theodosius. (Cf. Marquardt, *Röm. Staatsverwaltung*, i. 408-9.) [L. S.] [A. S. W.]

CON'TIO, often erroneously spelt CONCIO, is a contraction for *conventio;* that is, a meeting, or a *conventus*. In a loose mode of speaking it denotes any popular assembly, even among non-Romans (Liv. xxiv. 22; Cic. *pro Flacc.* 7, § 15), and any speech or harangue addressed to such an assembly; hence the common phrase *contionem habere* means indifferently "to hold a meeting" and "to make a speech." Written speeches are sometimes called *contiones* (Cic. *in Vat.* 1, § 3; *ad Att.* xiv. 20). In the technical sense, however, a contio was an assembly of the Roman people convened regularly (*per praeconem*) by a magistrate or a *sacerdos publicus* (Fest. p. 66 M.). A general in the field by virtue of his imperium could summon his troops as often as he pleased to hear what he had to say to them (*in contionem vocare; contionem habere*, Liv. xxvii. 13); and what he said before the assembled army was *pro contione* (Sall. *Jug.* 8). But when L. Paullus after his triumph (with which his imperium came to an end) wished to make an explanatory statement, he had to obtain leave from a magistrate, who was said *contionem dare* (Liv. xlv. 40 *extr.;* cf. Cic. *ad Att.* iv. 2). A contio thus lawfully convened was the usual mode of initiating public discussion, *e.g.* of measures which were to be brought before the comitia, and of working upon the people either to support or oppose the measure. Contiones were also summoned for other purposes, *e.g.* of persuading the people to take part in a war (Dionys. vi. 28) or of bringing complaints against a party in the republic or an individual (id. ix. 25; Liv. xxxix. 15; Plut. *C. Gracch.* 3). But no question of any kind could be decided by a contio, and this constitutes the difference between contiones and comitia (Gell. *N. A.* xiii. 16 [in old edd. 15, §§ 8–10]; Cic. *pro Sest.* 50, § 106; 54, § 115). Contrasting Roman and Greek methods, Cicero says that the former went to the poll and voted deliberately, *summota contione;* while the Athenians in the days of their glory were governed by the hasty decisions of the assembly, *contionis temeritate* (*pro Flacc.* l. c.).

Meetings of this kind naturally were of very frequent occurrence at Rome. The earliest that is mentioned is one held immediately after the death of Romulus by Julius Proculus in the Campus Martius (Liv. i. 16; Plut. *Rom.* 27); the first after the expulsion of the kings was
held by Brutus (Liv. ii. 2 ; Dionys.
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permission to speak, for no private
allowed to speak without this per
the people had nothing to do bu
(Dionys. v. 11; Liv. iii. 71, xlii. 3
Att. iv. 2.) The place where su
were held does not seem to have be
we find them in the Forum, the
Campus Martius, and even the Circu
(Cic. *pro Sest.* 14, § 33). [L. S.

CONTORNIA'TI. This Italian w
and English *contorniates*) has been
ployed by numismatists to denote
class of circular metallic objects bea
devices and legends, which were iss
not for circulation as currency,
Roman empire. The ancient appella
objects is not known: their moder
been derived from the circle (in Ital
which marks both of their sides
They are to be distinguished not on
current coins of Rome, but also fr
tallic specimens commonly design
"medallions," which were destined
different purpose, and which a
finished workmanship. The meta
contorniates are composed is cop
certain amount of alloy: in size, th
rule, somewhat larger than the "
coins (*sestertii*) of the early empi
are of a much thinner fabric and a
ised by the circular depression alre
to. The greater number of them
both sides a device in relief, which
obtained not by striking from a di
case of the medallions), but by
casting from a mould.

The first issue of the contorniat
all of Western origin, was assigned
the time of Constantine (A.D. 30
this date has been practically acc
most recent authorities on the sub
M. François Lenormant and M. Ch
(*La Monnaie dans l'Ant.*, t. i. p. 51
contorn. in *Revue Num.*, t. xiii., N
their fabrication, according to Sal
under Anthemius (A.D. 464–472).

The types or devices of the
though offering considerable varie
considered—perhaps almost withou
to have reference to the public gan
tacles in the Circus, the Odeum,
and the Amphitheatre, which fo
period when the contorniates we
prominent a feature in the life of

city (cf. L. Friedlaender, *Sittengeschichte Röms*, pt. ii., p. 263 ff.). The type on one side of the piece is as a rule a head or bust; on the other, a subject: as the latter side is the more important, it may conveniently be considered as the obverse. The obverse types are either of a mythological, heroic, or historic character, or have reference to scenes in the Circus and other places of public amusement. In the opinion of M. Robert, even the mythological and heroic types relate to the public spectacles; the gods and heroes represented being merely human actors who assumed divine and heroic parts in the theatrical representations. (C. Robert, *Les Méd. contorn.* p. 6 f.: a different opinion has been maintained by Sabatier and Eckhel; cf. Lenormant, *La Monnaie*, t. i. p. 56 f.) The types of this class are derived chiefly from the adventures of Ulysses, Hercules, Theseus, Achilles, &c.: Apollo Citharoedus, the Sun-god in his chariot, Hecate, Endymion, Hero and Leander, and other personages also occur. Types of a quasi-historical character are less numerous: amongst them are the Foundation of Rome and the Rape of the Sabines. A certain number of subjects are copied from the Roman coin-types of an earlier period, such as the *carpentum* of Agrippina and the *decursio* type. But the types of the most frequent occurrence are those which relate to the games of the Circus. Sometimes the chariot-race and the Circus itself is portrayed, but more frequently we find a single chariot and its *auriga*. Representations of victorious charioteers, standing without horses or chariots, as well as of winning horses, are also very common. The men are generally represented with palms in their hands, and the horses' heads are bedecked with the same emblems of victory. Besides the sports in the Circus, the beast-hunts (*venationes*) of the Amphitheatre are introduced, though less frequently. The athletic contests of the Stadium are still rarer, though the contorniates sometimes represent foot-races and other exercises of strength and skill. In another remarkable series of scenes are depicted musicians engaged in playing an organ, and persons assembled probably to take part in competitions in singing and recitation. As reverse types of the contorniates, we find the heads and busts of various personages:—(1) Emperors, &c., among whom are J. Caesar, Augustus, Caligula, Nero, Galba, Vespasian, Trajan, Ant. Pius, Marcus Aurelius, Verus, Commodus, Caracalla, and one or two of the earlier empresses. Nero and Trajan are frequently selected, probably on account of their being regarded as patrons of the Circus. No emperors between Caracalla and Constantine are selected; the last represented is Anthemius: (2) the head of Alexander the Great; (3) busts of philosophers, writers, &c., such as Pythagoras, Apollonius of Tyana, Homer, Horace, Virgil, Sallust; (4) heads of Roma and Serapis; (5) an *auriga*. In addition to the types, various accessory devices appear in the field of either side of the contorniates. They are sometimes cast in relief (like the type itself), but more frequently are produced by engraving or by inlaying in silver. The following are among the principal devices which occur:—Palms, wreaths, leaves of heart-shaped form, cups, helmets, horses, chariots, spears, swords, bows, lions, panthers, bears, &c., and a symbol variously represented thus, , , , or .

The legends which appear upon the contorniates are nearly always descriptive of the types. Thus obverse types relating to Aeneas, Hypsipyle and Archemoros, the Rape of the Sabine women are accompanied by the words ΑΕΝΕΑS, ΥΨΙΠΥΛΗ, SABINAE: the names of charioteers and even of horses are often given, and sometimes the particular "faction" of the "blues," "greens," "reds," and "whites" is indicated in the exergue, *e.g.* IN PRASINO, IN VENETO. As reverse legends we find the names of emperors surrounding their effigies: Alexander the Great is named "Macedonicus," and the names of the philosophers and writers are also given.

The precise destination and significance of the contorniates is a difficult problem, which has given rise to much controversy, and we have not even any information as to whether these pieces were fabricated and issued by authority, or merely by private enterprise. We may, however, safely set aside the explanation that the contorniates were tickets of admission to the Circus; nor, again, do they seem of sufficient importance to induce us to adopt the view of M. Longpérier, that they were given as prizes to the victors in the games. (*Rev. Num.*, N. S., 1865, t. x. p. 414.) The theory suggested by Cavedoni and De Rossi (*Bull. d'Archéol. chrétienne*, 1869, p. 60), which has been ingeniously worked out by M. Lenormant (*La Monnaie*, t. i. p. 56 f.), that the contorniates were employed by the competitors in the games and by their supporters as talismans or amulets, is far more worthy of consideration. That effigies like those of Alexander, Apollonius, Virgil, and others would be regarded at that epoch as being of wonder-working efficacy, is extremely probable; and contorniate legends, such as "Margarita vincas," "Petroni placeas" (ejaculations for the good success of a competitor), would also seem to indicate the talismanic character of these pieces. This theory, however, does not sufficiently take into account the numerous accessory devices which appear upon the contorniates, and especially the symbol , &c., which occurs with extreme frequency upon specimens of every variety of type. Of this symbol and its varieties numerous interpretations have been offered. (Longpérier, *Rev. Num.* 2ᵉ série, t. x., pp. 415, 416; Cannegieter, *Miscell. Observ. Crit.*, p. 133; *Miscell. Nov.*, 1740, p. 7; Bruzza, *Ann. dell' Inst. di Corrisp. Arch.*, 1877, p. 58; Friedlaender, *Zeitschrift f. Numismatik*, vol. vi., p. 268; Archangeli, *Gli Studj in Italia*, 1879, p. 42; Robert, *Les Médaill. cont.* p. 29 ff.) Several writers have seen in it a monogram composed of the letters Ε Ρ or Ρ Ε, and Ρ has been supposed to stand for the word "palma." It has, however, been well shown by M. Robert, that the only constant element in the varieties of this symbol is the letter P, which he translates "praemia," or "prizes in money": the horizontal strokes, which vary in number, indicate, according to his suggestion, the actual sum of money won by the victor in the Hippic and other contests. If we adopt this interpretation, we may suggest as a probable, though not absolutely certain explanation of the purpose of the contorniates, a theory which is substantially that of M. Robert. (Cf. *Les Méd. contorn.* p. 23 foll.) The contorniates, after being cast with designs in relief, were distributed to the competitors, and perhaps to their friends, before the games, &c., took place. During the contests they were doubtless considered to confer good luck upon their possessors, and to bring confusion upon the adversary. After the games and other competitions were decided, the contorniates held by the winners were stamped (generally by means of engraving) with various additional devices, indicative of the special prizes awarded to victors, and thus became a sort of metallic certificate of their owner's achievements. We know from other sources the nature of many of the prizes distributed, especially to the *aurigae:* they consisted not only of such simple recompenses as palms and wreaths, but also of more substantial rewards, such as golden helmets and very large sums of money. (Cf. Wilmanns, *Exempl. Inscript.*, Nos. 2600, 2601.) It is the non-pecuniary prizes which are indicated by some, at any rate, of the accessory devices of the contorniates (palms, wreaths, helmets, &c.), while the prizes in money, often referred to in Inscriptions as "praemia," are alluded to in the P̲, &c.

[*Authorities:*—P. Charles Robert, *Étude sur les Médaillons contorniates*, Bruxelles, 1882 (reprinted from the *Revue belge de Numismatique* for 1882); *Catalogue des Médaillons contorniates réunis* par P. Charles Robert, Paris, 1879 (extrait de *l'Annuaire de la Soc. franç. de Numismatique*, 1878); Robert in *Revue Numismatique*, t. xiii. N. S.; F. Lenormant, *La Monnaie dans l'Antiquité*, i. pp. 49–61; Cohen, *Description hist. des Monnaies frapp. sous l'Empire romain*, 1862, vol. vi. pp. 547–590 (a new edition is in progress); Sabatier, *Description générale des Médaillons contorniates*, 1860 (with numerous engravings); Cavedoni, *Osservazioni* in *Bullet. archeol. ital.* 1862, pp. 33–38 and 49–56; cf. P. Bortolotti, *Notizie intorno alla vita ed alle opere di M. C. Cavedoni*, Modena, 1866, pp. 557–580; Eckhel, *Doctrina numor. vet.*, vol. viii. pp. 277–314; Lenormant, in Saglio, *Dict. des Ant.*, s. v. 'Contorniati': see also other articles cited in the text. [W——K W——H.]

CONTRACTUS. [Obligationes.]

CONTROVER'SIA. [Judex.]

CONTUBERNA'LES (σύσκηνοι). This word, in its original meaning, signified men who served in the same army and lived in the same tent. It is derived from *taberna* (afterwards *tabernaculum*), which, according to Festus, was the original name for a military tent, as it was made of boards (*tabulae*). Each tent was occupied by ten soldiers (*contubernales*), with a subordinate officer at their head, who was called *decanus*, and in later times *caput contubernii*. (Veget. *de Re Mil.* ii. 8, 13; compare Cic. *pro Ligar.* 7, 21; Hirt. *Bell. Alex.* 16; Drakenborch on Liv. v. 2.) [Castra, p. 381 *b*.]

Young Romans of illustrious families used to accompany a distinguished general on his expeditions, or to his province, for the purpose of gaining under his superintendence a practical training in the art of war, or in the administration of public affairs, and were, like soldiers
living in the same tent, called his *co*
(Cic. *pro Cael.* 30, 73, *pro Planc.* 11
Jul. 42; Tacit. *Agr.* 5; Frontin. *St*
11; Plutarch, *Pomp.* 3.)

In a still wider sense, the name *c*
was applied to persons connected by
mate friendship and living under th
(Cic. *ad Fam.* ix. 2; Plin. *Epist.* i
hence when a free man and a sl
slaves, who were not allowed to cont
marriage, lived together as husba
they were called *contubernales;* an
nexion, as well as their place of resi
bernium. (Colum. xii. 1, 3, i. 8;
57, 6; Tac. *Hist.* i. 43, iii. 74; Dig.
Cicero (*ad Att.* xiii. 28) calls Caesa
bernalis of Quirinus, thereby alludin
that Caesar had allowed his own s
erected in the temple of Quirinus (c
xii. 45, and Suet. *Jul.* 76). [L. S.]

CONTUBER'NIUM. [Cont
Concubina.]

CONTUS (κοντός, from κεντέω
pierce) was, as Nonius (p. 555 m.,
presses it, *hasta longior et robusta*, w
iron at the one end. (Verg. *Aen.*
was used for various purposes, bu
punt-pole by sailors, who, in sha
thrust it into the ground, and th
the boat. (Hom. *Od.* ix. 287; Verg
302. Cf. κοντωτὰ πλοῖα in Diod.
It also served as a means to soun
of the water. (Festus, s. v. *Percon*
ed. Müller; Nonius, p. 44 m.; Don
Hec. i. 2, 2.) At a later period
Romans became acquainted with the
or pikes of some of the northern
the word *contus* was applied to
weapon (Verg. *Aen.* ix. 510; Tac.
iii. 27; Lamprid. *Commod.* 13);
pikes peculiar to the Sarmatians
designated by this name. (Tac.
Ann. vi. 35; Stat. *Achill.* ii. 416;
vi. 162.)

CONVENI'RE IN MANUM.
Monium.]

CONVENTIO'NES. [Obligat

CONVENTUS (σύνοδος, συνου
γωγή) is properly a name which ma
any assembly of men who meet
purpose. (Paul. Diac. p. 41, ed. M
when the Romans had reduced fore
into the form of provinces, the wo
was used also in a more definite me
meetings of the provincials in c
appointed by the praetor or proc
purpose of administering justice.
ii. 20, 48; 30, 74; iv. 29, 67; C
xv. 4; Hor. *Sat.* i. 7, 22; Caes.
21; Hirt. *Bell. Afr.* 97.) In order
the administration of justice, a
divided into a number of districts
each of which was likewise calle
forum, or *jurisdictio.* (Cic. *in Verr*
v. 11, 28: Plin. *Ep.* x. 5; *H. N.*
§ 117, v. § 105.) In Hispania Tarrac
were seven such *conventus*, in Bae
Lusitania three, in Illyria three, in
time of Pompeius eight, in Asia
(Marquardt, *Röm. Staatsverw.* i. 36
citizens living in a province were li
the jurisdiction of the proconsul, and

all that had to settle any business at a conventus had to make their appearance there. The towns which had the Jus Italicum had magistrates of their own with a jurisdictio, from whom there was no doubt an appeal to the proconsul. At certain times of the year, fixed by the proconsul, the people assembled in the chief town of the district. To hold a conventus was expressed by *conventus agere*, *peragere*, *forum agere*, *ἀγοραίους* (sc. *ἡμέρας*) *ἄγειν*, &c. (Caes. *Bell. Gall.* i. 54, v. 1, viii. 46; Act. Apost. xix. 38.) At such a conventus litigant parties applied to the proconsul, who selected a number of judges from the conventus, generally from among the Romans residing in the province, to try their causes. (Cic. *in Verr.* ii. 13, 32.) It was made a charge against Verres that he selected the *judices* from among his own suite. The proconsul himself presided at the trials, and pronounced the sentence according to the views of the judges, who were his assessors (*consiliarii*). [Consilium.] As the proconsul had to carry on all official proceedings in the Latin language (Val. Max. ii. 2, 2), he was always attended by an interpreter. (Cic. *in Verr.* iii. 37, 84; *ad Fam.* xiii. 54.) These *conventus* appear to have been generally held after the proconsul had settled the military affairs of the province; at least when Caesar was proconsul of Gaul he made it a regular practice to hold the conventus after his armies had retired to their winter-quarters. In the time of the emperors certain towns in each province were appointed as the seats of standing courts, so that the *conventus* were superseded. (Cod. Just. i. tit. 40, s. 6.) The term conventus is lastly applied to certain bodies of Roman citizens living in a province, forming a sort of corporation, and representing the Roman people in their district or town; and it was from among these that proconsuls generally took their assistants. Such corporations are repeatedly mentioned, as, for example, at Syracuse (Cic. *in Verr.* ii. 13, 32; 29, 72; iii. 13, iv. 25, 31, v. 36, &c.), Capua (Caes. *de Bell. Civ.* i. 14; Cic. *p. Sest.* 4), Salona (Caes. *de Bell. Civ.* iii. 9), Puteoli (Cic. *in Vat.* 5), and Corduba (Caes. *de Bell. Civ.* ii. 19; comp. Provincia). [L. S.] [A. S. W.]

CONVI'VIUM. [Symposium.]

COOPTA'RE. [Collegium.]

COPA, COPO. [Caupona.]

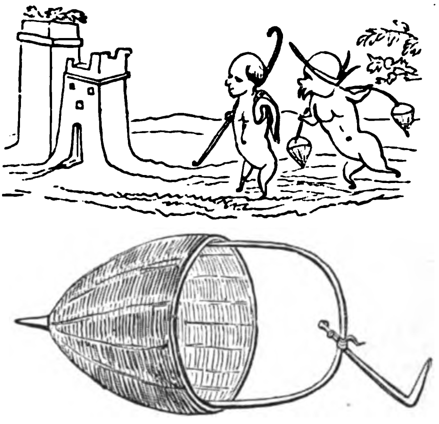
CO'PHINUS (*κόφινος*, Engl. *coffin*, *coffer*), a large kind of wicker basket, made of osier branches. (Moer. *Att.* and Hesych. *s. v.* Ἄρριχος.) From Aristophanes (*Av.* 1310) it would seem that it was used by the Greeks as a basket or cage for birds. The Romans used it for agricultural purposes, and Columella (xi. 3, § 51), in describing a method of procuring early cucumbers, says that they should be sown in well-manured soil, kept in a cophinus, so that in this case we have to consider it as a kind of portable hot-bed. Juvenal (*Sat.* iii. 14, and vi. 542), when speaking of the Jews, describes their whole furniture as consisting in *cophinus et faenum* (a truss of hay). Κόφινος is a more general term, while *σπυρίς* (*sporta*) is more properly a basket for food. Cf. Meyer on St. Matt. xvi. 10. [Corbis.] [L. S.] [A. S. W.]

COPIS (*κοπίς*), a curved sword, like a falx, and therefore a kind of scimitar (Xen. *Eq.* xii. 11: "copidas vocabant gladios leviter curvatos, falcibus similes," Curt. viii. 14, § 29). It was used by the Thessalians (Eur. *Elect.* 837) and by the eastern nations (Xen. *Cyr.* ii. 1, § 9, vi. 2, § 10; Curt. *l. c.*).

Copis was also the name of a knife used in cutting the flesh of animals in sacrifices and the kitchen (Poll. x. 104; Athen. iv. p. 169 b; Plut. *Lyc.* 2). It is used as an adjective with *μάχαιρα* by Euripides (*Cycl.* 241). [W. S.]

COQUUS. [Cena, p. 394.]

CORBIS, *dim.* **COR'BULA, CORBIC'ULA,** a basket of very peculiar form and common use among the Romans, both for agricultural and other purposes. It was made of osiers twisted together, and was of a conical or pyramidal shape. (Varr. *L. L.* v. 139; Isidor. *Orig.* xx. 9; Cic. *pro Sest.* 38, 82; Ov. *Met.* xiv. 644; Plaut. *Aul.* ii. 7, 4; Suet. *Ner.* 19; Colum. vi. 3, 5; xi. 2, 99). A basket answering precisely to this description, both in form and material, is still to be seen in everyday use among the Campanian peasantry, which is called in the language of the country "la corbella," a representation of which is introduced in the lower portion of the annexed woodcut. The hook attached to it by a string is for the purpose of suspending it to a branch of the tree into which the man climbs to pick his oranges, lemons, olives, or figs. The upper portion of the woodcut (*Antichità di Ercolano*, tom. iii. tav. 29) represents a Roman farm, in which a farming man, in the shape of a dwarfish satyr, is seen with a pole (*ἄσιλλα*) across his shoulder, to each end of which is suspended a basket resembling in every respect the Campanian *corbella*; all which coincidences of name, form, and description leave no doubt as to the identity of the term with the object represented. Like the *calathus*, which it resembles in shape, it is sometimes employed as a distinguishing emblem of Ceres (Clarac, *Mus. de Sculpt.* pl. 214, n. 33). [A. R.] [J. H. F.]



Corbis. (The upper cut from a drawing at Herculaneum; the latter a basket used by Campanian peasantry.)

CORBI'TAE, merchantmen of the larger class, so called because they hung out a *corbis* at the mast-head for a sign. (Festus; Nonius, *s. v.*) They were also termed *onerariae;* and hence Plautus, in order to designate the voracious appetites of some women, says, "Corbitam cibi comesse possunt" (*Cas.* iv. 1, 20). They were noted for their heavy build and sluggish sailing

(Lucil. *ap.* Non. s. v. *Corbitae;* Plaut. *Poen.* iii. 1, 4), and carried passengers as well as merchandise, answering to the large "felucca" of the present day. Cicero proposed to take a passage in one of these vessels, which he opposes to the smarter class of packets (*actuariola, ad Att.* xvi. 6). The name survives in the modern corvette. [A. R.] [J. H. F.]

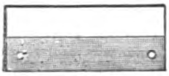
CORDAX. [Chorus.]

CORIA'RIUS (*βυρσεύς, βυρσοδέψης, σκυτοδέψης, δερματομαλάκτης*), a tanner. Most of the names for hides or skins in Greek—*δορά, δέρμα, διφθέρα, βύρσα, σκῦτος*—are used sometimes to signify the untanned hide, but more usually the tanned one. The Romans used *corium subigere* or *perficere* for tanning, and *depsere* for tawing (see below); but it must be remembered that *corium* as well as *scortum* and *aluta* all signify prepared leather, in opposition to unprepared hide. In Wilmann's *Ex. Inscr.* 2738, 21, *corium perfectum* and *pilosum* are contrasted.

Tanners at present divide the undressed material into *hides* and *skins. Hides* are skins of oxen, horses, and larger animals; while *skins* (in the technical sense) are thinner skins: *e.g.* those of calf, sheep, goats, &c. The term *tergora* was applied to *hides* by the Romans, the tanned leather being called *corium;* and *skins* were called *pelles.* Curriers (*pelliones*) first appear among the Romans; and though their work seems to be alluded to in an obscure passage of Plautus (*Men.* ii. 3, 45), still we may be said to know nothing of the details of their manufacture as distinct from tanning. To this latter, then, we now turn.

"Leather is made," says Mr. James Paton in the *Encyclopaedia Britannica,* "by three processes or with three classes of substances. Thus we have (1) *tanned* leather, in which the hides and skins are combined with tannin or tannic acid; (2) *tawed* leather, in which skins are prepared with mineral salts, especially alum; (3) *shamoyed* leather, consisting of skins, especially those of sheep, goat, deer and antelope, combined with oils or fatty substances." All these kinds of leather existed in ancient times.

The main endeavour of *tanning* is to try and unite as closely as possible the gelatinous part of the hide with the tanning principle of astringent vegetables, so as to produce leather which is smooth, flexible, and insoluble in boiling water. The preliminary processes preparing the hide for the reception of the tanning substance are, however, of no small importance. After the horns are taken off and the hide washed, the remaining flesh on one side has to be removed. This is effected by a knife, like that in the accompanying cut of a tanner's knife found in Pompeii: the shaded part is the wooden handle. This knife also removes the cuticle, which is rendered friable and easily removable by means of lime-water, though the ancients appear to have used for this purpose mulberry leaves dipped in urine (Plin. *H. N.* xxiii. § 140), or the seeds of the *ἄμπελος λευκή* or bryony (Dioscor. iv. 184). Next the hairy side must be depilated quite clean. This is done by stretching the hide on a bench or horse (*θρᾶνος*), which process was called *θρανεύω* (Arist. *Eq.* 369, and Scholiast),



Tanner's knife.
(From Pompeii.)

and using a kind of scraping kni
given in the subjoined cut of a knif

Tanner's knife. (From Pompe

in the tannery at Pompeii. The
tremities fitted into wooden handl
at present use an exactly similar-s
Sometimes it appears that for the d
hide was stretched on the ground a
into its four corners, to prevent it
in the sun (cf. *διαπατταλευθήσει*
Eq. 371, and Schol.).

So far for preliminaries which
hide to receive the tanning substa
latter were for the most part wh
to-day, viz. the bark of certain trees
Aegin. iii. 42), fir, alder (Theophr
9 (10), 1; 14, 3), pomegranate (
xxiii. § 107), but especially the lea
which was hence called *frutex coria*
§ 91; cf. Dioscor. i. 147); also gall
galla, Plin. *H. N.* xvi. § 26), roots
of the wild vine (*labrusca,* ib. xi
Egyptian acacia (*Mimosa Nilotica*
called *spina* by Pliny, xxiv. § 109)
known plant called *notia* (*ib.* xxiv.
principally use oak-bark; but the m
tanning substance we have is the
tract of a species of acacia called
catechu or terra-japonica, one pou
will tan as much leather as sev
pounds of oak-bark. Into an ooze
of these vegetable ingredients the
soaked, a process now called "colo
doubtless, as in modern times, they w
at certain intervals from pits o
stronger ooze; and later to the "l
where they are laid flat in hea
vegetable substance powdered very
between each skin; till after some
of pits, and lying in each a few mon
taken out, hung on poles, and sm
a steel pin. In the tannery at Po
second room, there are as many as

From all these processes, on
liable to putrefaction, tanneries hav
a foul smell; and this foul smell
necessary that they should be lo
cities (Artemid. *Oneir.* i. 51)—*e.g.*
a place called *Λεπρός* (Schol. on
724), and at Rome across the Tibe
203; Mart. vi. 93, 1).

The practice of *tawing*—viz. appl
salts to thin and light skins of s
kids, goats, &c.—was undoubtedly
ancients, and the product was calle
the *alumen* (Plin. *H. N.* xxxv. § 190
Gloss. Labb.) applied. Salt was als
used (Arist. *Nub.* 1237; cf. Cato, *R*
The product was naturally of a
(Ov. *A. A.* iii. 271)—and indeed "w
is to-day the technical term for
goods—but sometimes coloured b
vii. 35, 1) or scarlet (*ib.* ii. 29, 8).
passage shows the softness of *alut*
26, 9). It was made into purses (J
plasters (Ov. *A. A.* iii. 202), and b
was used for sails (Caes. *B. G.* iii. 1

The oldest known form of preparing leather is *shamoying*, i.e. combining skins and hides with oils. It is alluded to in a simile of Homer's (*Il.* xvii. 387 ff.) and also in Cato (*R. R.* 135, 3). The chief point aimed at is to open the pores so as to admit the oil. This is done by repeated washings. Then the skins are staked out and taken to the stocks, where, after being rubbed with oil, they are hammered for about two hours to force the oil into the substance of the skin. That to this part of the process *ἡ βύρσα σοῦ θρανεύσεται* of Arist. *Eq.* 369 refers is the opinion of one of the Scholiasts: *καὶ γὰρ τὰς βύρσας ξύλοις τύπτειν εἰώθασιν ἵνα ἁπαλαὶ ὦσι· ἔνιοι δὲ ἵνα διαλάβοιεν εὐχερῶς τοῦ φαρμάκου.*

The preparation of parchment by *membranarii* (Ed. Diocl. vii. 38), *διφθεροποιοί*, did not differ essentially from that employed at present.

The substances used for colouring leather were for the most part lotus-tree (Plin. *H. N.* xvi. § 124), madder (*ἐρευθέδανον*, Herod. iv. 189; *rubia*, Plin. *H. N.* xix. § 47), scarlet (*coccum*; cf. Mart. ii. 29, 8), and for boots especially *atramentum sutorium*, or oil of vitriol (Plin. *H. N.* xxxiii. § 123); though of course there were boots of many different colours (*calcei mullei et cerei et albi et hederacii*, Vopisc. *Aurel.* 49). Parchment, we know, was often coloured yellow or purple on the side not used (cf. Pers. iii. 10; Isid. *Orig.* vi. 11, 4).

We have seen shamoying was known to Homer. In Homer, too, an untanned ox-skin (*ἀδέψητος βοέη*, *Od.* xx. 2 and 142) is used by Ulysses, but only when disguised as a beggar and for a bed covering to lie upon. In Homeric times, however, tanning appears to have been done in the household; just as among the early Germans there does not seem to have been a regular class of tanners (Riedenauer, *Handwerk und Handwerker in den homerischen Zeiten*, p. 139). But among the Romans tanners (*σκυτοδέψαι*) formed a guild distinct from shoe-makers (*σκυτοτόμοι*) in Numa's time (Plut. *Num.* 17). Yet in Greece, even in historical times, shoemaking does not appear to have been separated entirely from tanning (cf. Theophr. *Char.* 16, *ἐκδοῦναι τῷ σκυτοδέψῃ ἐπιρράψαι*; also Suidas, *βυρσοδέψης· σκυτοτόμος, ὁ τὰς βύρσας θεραπεύων*). At Rome under the later emperors, when the different classes of artisans crystallized into close guilds, we find a guild of wholesale tanners who sold boot-leather. (Orelli, 4074, *corpus corariorum magnariorum* † *salaiariorum*; perhaps *salariorum*, "the guild of wholesale tawers," for, as we have seen, salt was used as well as alum for tawing.)

Greece and Italy were rich in cattle; but for all that there was a most extensive import trade of hides to Greece, especially from the Black Sea (Strab. xi. p. 493) and from Cyrene (Hermippus Frag. 63, 4, ed. Kock); and to Rome from Sicily (Cic. *Verr.* ii. 2, 6), Asia Minor (*ib.* i. 38, 9), Germany (Tac. *Ann.* iv. 72), Britain (Strab. iv. p. 200). It is in the highest degree remarkable that Homer does not mention the skins of sheep or swine as used for leather, only those of oxen, goats, and weasels (cf. *κτιδέη κυνέη*, *Il.* x. 335; see Riedenauer, *op. cit.* note 238). In the Edict of Diocletian (chap. viii.) we find that tanning was applied to the skins of oxen, goats, sheep, kids, hyaenas, gazelles, stags, wolves, martens, beavers, bears, seals, leopards, lions. As material for wearing, leather was principally used for boots: for though in early times, both in Greece and Rome, it was used extensively for clothes by all ranks (Varr. *R. R.* ii. 11, § 11; Prop. v. 1, 12), in later times skins were only worn by rustics, mostly by rustic slaves, and were called *διφθέραι*, *σίττυβαι*, *σίσυρναι*, *ἀρνακίδες*, *βαῖται*, *σπολάδες*, *mastrucae* (Aristoph. *Nub.* 72 and Schol.; *Vesp.* 444; Poll. vii. 70; Quintil. i. 5, § 8).

(For tanners among the ancients, see Blümner, *Technol. u. Term. der Gewerbe und Künste*, i. pp. 254–267; Daremberg and Saglio, s. v. *Coriarius*; Marquardt, *Privatleben der Römer*, p. 570.) [L. C. P.]

CORNICʹINES. [Cornu.]

CORNICULAʹRIUS, the wearer of a Corniculum; hence in Roman armies an adjutant or aide-de-camp attached to the higher military commanders. In early times there was perhaps only one to each legion, under the orders of the *tribunus militum* whose turn it was to command (Frontin. *Strateg.* iii. 14, 1; Val. Max. vi. 1, 11). From the time of Marius and under the empire the legatus of each legion had one cornicularius, the tribune in command another: hence two cornicularii are usually mentioned in inscriptions (*C. I. L.* ii. 4122), though sometimes a single one occurs (*C. I. L.* 1681). Provincial governors had likewise their cornicularii,—two apiece, it would seem, as we find *officium cornicularіorum* in the plural (*C. I. L.* iii. 3543); and if the governor were of consular rank, his subordinate was *cornicularius consularis* (*ib.* 1106; cf. 3543). Other officers found with cornicularii attached to them are the *praefectus praetorio* (*C. I. L.* 3846; Orelli, 3157, 3488), perhaps the *praefectus urbi*, the tribunes of the praetorian (*C. I. L.* ii. 2610, iii. 2887) and urban cohorts (Orelli, 3462; Mommsen, *Inscr. R. Neap.* 1459), the *praefectus vigilum* (Orelli, 3456; Henzen, 6753, 7170), the *praefectus annonae* (Orelli, 3489), &c. (See fuller references to inscriptions in Marquardt, *Staatsverw.* ii. 528–9.) [W. W.]

CORNICʹULUM, a little horn, was a Roman military decoration attached to the helmet. There seems no reason to think that the word was ever applied to the ornamental part of the helmet itself (Pottier, *ap.* D. and S.): this would be *crista*, and no example of such a sense is adduced. The corniculum was distinguished not merely by its shape, but by not forming an integral part of the helmet: it was simply fastened on. It was used either as (*a*) a military reward for bravery: thus Papirius Cursor gives cornicula and silver *armillae* to all the cavalry (Liv. x. 44); Orbilius, Horace's schoolmaster, serves first as a legionary, then on obtaining this decoration is promoted to the cavalry (*corniculo, mox equo meruit*, Suet. *de Ill. Gramm.* 9). It was also used (*b*) as a badge of office, and as such was worn by the Cornicularii. 2. A small funnel of horn: Colum. vii. 5, 15 and 20. [W. W.]

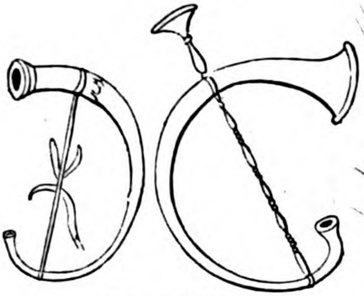
CORNU denotes various objects made of horn, especially a wind instrument, anciently made of horn, but afterwards of brass. (Varr. *L. L.* v. 117.) According to Athenaeus (iv. p. 184 a), it was an invention of the Etruscans. Like the *tuba*, it differed from the *tibia* in being a larger and more powerful instrument, and from the *tuba* itself, in being curved nearly in the shape of a C, with a cross-piece to steady the instrument for the convenience of the performer. In Greek it is called *στρογγύλη σάλπιγξ*. It had no stopples or plugs to adjust the scale to any particular mode (Burney's *Hist. of Music*, vol. i. p. 518); the entire series of notes was produced without keys or holes, by the modification of the breath and the lips at the mouthpiece (Veget. iii. 5). Probably, from the description given of it in the poets, it was, like our own horn, an octave lower than the trumpet. The *classicum*, which originally meant a signal, rather than the musical instrument which gave the signal, was usually sounded with the *cornu*.

> "Sonuit reflexo
> Classicum cornu, lituusque adunco
> Stridulos cantus elisit aere." (Sen. *Oed.* 752.)

From which lines we learn the distinction between the *cornu* and *lituus*, as from Ovid (*Met.* i. 98) we learn that between the *tuba* and *cornu*—

> "Non tuba directi, non aeris cornua flexi."

The following woodcut, taken from Bartholini (*De Tibiis*, p. 403), illustrates the above account.



Cornua. (Bartholini.)

The resemblance of the *cornu* and the *bucina* may be inferred from Vegetius' somewhat confused statements: (1) That the *cornu* was the horn of the urus bound together by silver, while the *bucina* was a circular brass instrument (iii. 5); (2) that the *cornicines* employed a curved brass instrument, the *bucinatores* a *bucina* (ii. 7); (3) that the *bucinatores* sounded the *classicum* on a *cornu* (ii. 22). The *cornu* was also used in Bacchic festivals (Catull. lxiv. 263; Pers. i. 99), at funerals (Hor. *Sat.* i. 6, 44; Petr. *Sat.* 78), and at the games in the amphitheatre (Juv. iii. 34, x. 214). (Niccolini, *Case di Pompei*, i., *Anfiteatro*, pl. iii.)

The *Cornicines* and the *Liticines*, the soldiers who blew the *cornu* and the *lituus*, in the Roman army (Liv. ii. 64, 10) are included under the general name of the *Aeneatores*. [AENEATORES.] The *Cornicines* and *Liticines* formed a collegium. In the cut in the next column, M. Julius Victor, a member of the Collegium, holds a lituus in his right hand, and touches with his left a *cornu* on the ground. See engraving under TUBA.

Cornu also signifies the end of the sailyards [NAVIS], a part of the helmet in which the crest was fixed [GALEA], the end of the stick on which books were rolled [LIBER], a
bow [ARCUS], a part of the lyre [LYRA]

Altar of Julius Victor. (Bartoli, *Pict. An*

dressed in the German fashion [COM
of an army [EXERCITUS]. [B. J.] [

CORNU CO'PIAE, or as one wo
NUCO'PIAE, later CORNUCOPIA (An
xxii. 9, § 1; xxv. 2, § 3), the horn o
ness and abundance, used as the
plenty. (Plaut. *Pseud.* ii. 3, 5; Gell.
Hor. *Carm.* 1, 17, 13–16; *Carm. Saec.*
12, 29; Ov. *Met.* ix. 88.) In mythol
are two different tales explaining th
this horn. One traces it to the horn
Amaltheia, which suckled Zeus. The
broken off and filled with fruits and fl
was afterwards placed by Zeus toge
the goat among the stars. (For refer
Dict. of Biogr., art. AMALTHEIA.)
legend relates that it was the horn of the river-god Achelous, which was wrenched off by Hercules, and which became forthwith a horn of plenty (*Dict. of Biogr.*, art. ACHELOUS). Later mythologists combined the two tales, and tried to explain how the horn of Amaltheia became the horn of Achelous (Apollod. ii. 7, § 5). The origin of this symbol may perhaps be traced in the use of the horns of oxen or goats as drinking-cups; hence the *ῥυτόν*, or drinking-horn, which is frequently confounded with the horn of abundance. (Athen. xi. pp. 468 d, 497 c.)

Fortuna holding
(Bronze in th
Museum.)

The cornucopia constantly appears
of art, especially of the Roman perio

symbol of abundance. It is associated with various divinities, as in the preceding statue of the goddess Fortuna. It appears on the Greek coins of the Ptolemies, kings of Egypt. The accompanying specimen is a coin of Arsinoë, daughter of Ptolemy I., the reverse of which contains a double cornucopia filled with various fruits. (Cf. Athen. xi. p. 497 c.) On the coins of the Roman emperors the cornucopia occurs still more frequently. (Böttiger. *Amalthea;* Daremberg and Saglio, *s. v.;* Roscher, *Lexik. d. Gr. u. Röm. Myth.* p. 927.) [W. S.]

Coin of Arsinoë, with cornucopia.

COROLLA. [Corona.]

CORO'NA (*στέφανος*), a crown; that is, a circular ornament of metal, leaves, or flowers, worn by the ancients round the head or neck, and used as a festive as well as funeral decoration, and as a reward of talent, military or naval prowess, and civil worth. It includes the synonyms, for which it is often used absolutely, *στεφάνη*, *στέφος*, *στεφάνωμα*, *corolla*, *sertum*, a garland or wreath.

The use of crowns on public and private occasions was so general in antiquity, that there was a special literature on the subject, of which we have remains in Theophrastus (*Hist. Pl.* vi. 6), Athenaeus (lib. xv.), Pliny (*H. N.* xxi. §§ 1-70, xxii. §§ 4-13), and Pollux (vi. 106-7). At Rome Claudius Saturninus wrote a book *De Coronis* (Tertull. *de Cor. Mil.* 7, 10, 12). We shall first briefly describe the materials of which crowns were made, and then mention the principal public and private occasions when they were used.

I. Materials of Crowns.—Crowns originally consisted of wool or the foliage of trees, especially myrtle-twigs or ivy, with which flowers of various kinds were subsequently interwoven. The makers and sellers of these garlands or crowns formed a distinct trade, and were called in Greece *στεφανηπλόκοι* or *στεφανοποιοί* (Theophr. *Hist. Pl.* vi. 1; Plut. *Quaest. Conv.* iii. 1, 2), and in Rome *coronarii* (Plin. xxi. §§ 54, 177; Fronto, *ad M. Caes.* 2, 1). In ancient works of art we find frequent representations of the making of crowns and garlands, as in the preceding drawing from a picture at Pompeii. The flowers used for making crowns and garlands were named *στεφανώματα* (Theophr. *l. c.*; Athen. xv. p. 672, a, f; Hesych.) and *coronamenta* (Cat. *R. R.* 8; Plin. xxi. § 53, xxii. § 53). The foliage and flowers were sometimes fastened together by the inner bark of the linden-tree, whence such garlands were called by the Romans *coronae sutiles*. (Plin. xvi. § 65, xxi. § 11; Ov. *Fast.* v. 335, 337; Mart. v. 65, 4, ix. 90, 6; ix. 93, 5.) Such crowns were also called *nexae* and *sertae* (Mart. xiii. 51; Lucan. x. 164). At Athens the place in the market where crowns were sold was called *αἱ μυρρίναι* (Aristoph. *Thesm.* 448, cf. 457), because the myrtle was the most common material for making them. Many of the flower-girls were celebrated in antiquity, especially Glycera of Sicyon, the mistress of Pausias (Plin. xxi. § 4; xxxv. § 125). At Rome the temple of the Lares at the head of the Sacra Via was a place much frequented for the sale of flower-garlands. (Ov. *Fast.* vi. 783; Becker-Göll, *Gallus*, iii. p. 453.) Among the Romans crowns were frequently made of the leaves of plants (without an intermixture of flowers), especially the ivy (*hedera*, Hor. *Carm.* iv. 11, 4; Plin. xvi. §§ 147, 155; xxi. §§ 52, 55), the myrtle (*myrtus*, Cat. *R. R.* 8, 2; Hor. *Carm.* i. 4, 9; ii. 7, 25; Ov. *Fast.* iv. 869), and parsley (*apium*, Hor. *Carm.* i. 36, 16; ii. 7, 24; iv. 11, 3). Pliny says (xxi. § 14), "paucissima nostri genera coronamentorum intra hortensia novere, ac paene violas rosasque tantum." Of the various flowers used for crowns the violet was a favourite at Athens, whence *ἰοστέφανος*, "violet-crowned," is an epithet of Athens (Pind. *Fragm.* 46; Aristoph. *Eq.* 1323; *Ach.* 637). The hyacinth and the lily were also used for crowns (Theocr. x. 28; Hor. *Carm.* i. 36, 16; Ov. *Am.* ii. 5, 37). But the most popular flower for crowns both in Greece and Rome was the rose, called the king of flowers (Achill. Tat. ii. 1), and the rose of the Loves (*τὸ ῥόδον τὸ τῶν Ἐρώτων*, Anacr. 5), whence Demos in Aristophanes (*Eq.* 966) is said to have been crowned with roses. They were especially used for convivial crowns (Hor. *Carm.* i. 36, 15; i. 38, 3; ii. 3, 14; ii. 11, 14; iii. 15, 15; iii. 29, 3; Ov. *Fast.* iv. 870). Garlands of roses were in so much request in Rome that they were used in winter (Sen. *Ep.* 122, 8). With this object they were grown under glass (Mart. iv. 22, 5; xiii. 127), and were imported from Egypt (Mart. vi. 80). As luxury increased the leaves of the *nardus* or spikenard, brought from India, were used for crowns, with which roses were also intertwined (Plin. xxi. § 11; Lucan. x. 164; Mart. xiii. 51).

Coronarii, or makers of garlands. (Museo Borbonico.)

Garlands were also made of dried flowers, especially of amaranth, which, when moistened, retained the appearance of fresh flowers, and were called *hibernae coronae* (Plin. xxi. § 47). The same name was given to crowns made of artificial flowers (Plin. xxi. § 5). Sometimes they were made of a thin layer of metal, covered with gold or silver, and called by the Romans *corollae* or *corollaria inaurata* or *inargentata* (Plin. xxi. § 5; cf. Varr. *L. L.* v.

178; Blümner, *Techn. u. Term. d. Gewerbe u. Künste*, i. p. 304 *seq*.). But crowns of pure gold were frequent among the Greeks as honorary distinctions. (See below.) Crowns of silver were less common, but are mentioned by Pliny (*H. N.* xxi. § 6). Crowns of gold have been found in tombs in Etruria and the Crimea, of which the following specimen found in a tomb at Armento in Southern Italy, and now preserved in the museum at Munich, is one of the most remarkable. It is composed of branches of oak, intertwined with garlands of flowers, while a statue is placed at the top, and winged figures amidst the foliage. It bears an inscription beneath the top figure. (Gerhard, *Antike Bildwerke*, i. x.) [CAELATURA, p. 326 *a*.]

Golden Crown. (Museum at Munich.)

The *Corona Etrusca* was made of pure gold in the form of leaves, sometimes set with gems, and terminating in ribbons (*lemnisci*) of the same metal. It was held by a slave over the head of a general when he entered Rome in triumph (Plin. xxxiii. § 11; xxi. § 6; Juv. x. 41; Tertull. *de Cor. Mil.* 13). Crowns adorned with such pendent ribbons were called *Coronae lemniscatae* (Serv. *ad* Verg. *Aen.* v. 269, vi. 772). The lemnisci (λημνίσκοι) were first made of wool, adorned with ribbons (from λῆνος, wool, Fest. p. 155, M.), afterwards of linden-bast, and subsequently of gold. Crowns so adorned were the highest rewards of victors (Serv. *l. c.*; Plin. xvi. § 65), whence Cicero speaks of *palma lemniscata*, where *palma* means a victory or the highest reward (*Rosc. Am.* 35, 100; cf. Aus. *Ep.* xx. 5). Such crowns were also given as a distinction to guests at banquets, and on other occasions (Plaut. *Pseud.* v. 1, 23; Liv. xxxiii. 33, 2; Suet. *Ner.* 25).

Other epithets applied to crowns require a few words of explanation.

Coronae longae (Cic. *de Leg.* ii. 24, 60) resembled what we call festoons, and were employed to decorate the doors of houses, temples, amphitheatres, &c. (Ov. *Fast.* iv. 738). Hence we read in Juvenal (vi. 51) *necte coronam postibus*, in Ovid (*Met.* iv. 759) *sertaque dependent tectis*, and in Lucan (ii. 354) *festa cor* *pendent limine serta*.

Corona pactilis (Plin. xxi. § 11), pro same as the *corona plectilis* of Plautus 1, 37), *corona torta* (Propert. iii. 20 *torta quercu*, "a twisted oak-crown *Georg.* i. 349), *plexa* (Lucr. v. 1399 lxiv. 283), and as the στέφανοι πλ κυλιστὸς στέφανος of the Greeks. It of flowers, shrubs, grass, ivy, woo flexible material twined or twisted and therefore opposed to the *cor* described above (see p. 545 *b*).

Corona tonsa was made of leaves on cut, as for instance of the olive (Ver 556; *tonsae olivae*, *Georg.* iii. 21; Ser

In ancient paintings females are represented with crowns of flowers.

Females with Crowns. (Pict. Antiq. i ***Rom.*** **tav. 8.)**

II. CROWNS AS REWARDS.—Jud Homer's silence, crowns do not appe been adopted amongst the Greeks of ages as rewards of merit, or as fest tions; for they are not mentioned a luxuries of the delicate Phaeacians, suitors. But crowns are mentio Homeric Hymns (vi. 42, xxxii. 6) and (*Theog.* 576, though this passage is spurious by many critics). The Tr transferring the customs of their o the heroic age, frequently represent wearing crowns. At what time the crowns first came into use is uncerta writers attribute their introduction a rewards to the athletic games in were bestowed as prizes upon the vi in opposition to this view is the ex mony of Pausanias (x. 7, § 3), that in Pythiad the Amphictyons enacted reward in the contests should be simp or chaplet instead of the material p had been formerly given. It is mo that crowns were of religious origin and were for this reason given to th the public games as the highest In the Olympic games the prize was wild olive (κότινος, Paus. v. 7, § Pythian a crown of laurel (δάφνη, § 4), in the Nemean a crown of parsle cf. Pind. *Nem.* vi. 71), and in the crown of pine-leaves (πίτυς), though other materials were at different p given at the Isthmian games (Plut. *S*

For details see the articles on these games, and Hermann, *Privatalterth.* § 50. Poets also were crowned both among the Greeks and Romans, and are so represented in works of art.

Homer crowned and enthroned. (Bartoli, *Admiranda*, tav. 81.)

Crowns as rewards for public services are first mentioned in the time of the Persian wars. The Lacedaemonians gave to Eurybiades an olive crown as the prize of valour, and also to Themistocles a crown of the same material as the prize of wisdom and dexterity, when he had failed to obtain the prize at Athens (Herod. viii. 124). The Athenians also refused the crown as a prize to Miltiades and Aristides (Plut. *Cim.* 8; Aeschin. *c. Ctesiph.* § 45). They first granted it to Pericles (Val. Max. ii. 6, § 5); and next to Thrasybulus and the exiles who had seized Phyle, on their return to Athens (Aeschin. *c. Ctesiph.* § 50; Corn. Nep. *Thrasyb.* 4). The inhabitants of Scione crowned Brasidas with a golden crown as the liberator of Hellas (Thuc. iv. 120). Soon after the Peloponnesian war the Athenians substituted for the olive garland a crown of gold, and granted it for every trifling feat, whether civil, naval, or military. But, though such crowns were lavished without much discrimination as far as regards the character of the receiving parties, they were still subjected to certain legal restrictions in respect of the time, place, and mode in which they were conferred. They could only be presented in the public assemblies, and with the consent, that is by the suffrage, of the people, or by the senators in their council, or by the tribes to their own members, or by the δημόται to members of their own δῆμος. According to the statement of Aeschines, the people could not lawfully present crowns in any place except in their assembly, nor the senators except in the senate-house; nor, according to the same authority, in the theatre, which is, however, denied by Demosthenes; nor at the public games, and if any crier there proclaimed the crowns he was subject to ἀτιμία. Neither could any person holding an office receive a crown whilst he was ὑπεύθυνος, that is, before he had passed his accounts. But crowns were sometimes presented by foreign cities to particular citizens, which were termed *στέφανοι ξενικοί*, *coronae hospitales.* This, however, could not be done until the ambassadors from those cities had obtained permission from the people, and the party for whom the honour was intended had undergone a public investigation, in which the whole course of his life was submitted to a strict inquiry. Crowns were also given by one state to another. Demosthenes tells us that the inhabitants of Byzantium decreed a crown to the Athenian people in token of their gratitude, and also that the Chersonesites for a similar reason bestowed upon the senate and people of Athens a crown of gold of sixty talents. (See Aeschin. *c. Ctesiph.* and Dem. *de Coron.* passim.)

Among the Romans, in particular, honorary crowns of various kinds were among the *dona militaria*, which generals bestowed upon the soldiers, and with which soldiers honoured their generals. A full account of them is given by A. Gellius (v. 6), who, as well as Festus, derived his information from Varro. (Cf. Marquardt, *Röm. Staatsverw.* ii. p. 556.)

1. *Corona obsidionalis* or *graminea.* Among the honorary crowns bestowed by the Romans for military achievements, the most difficult of attainment, and the one which conferred the highest honour, was the *corona obsidionalis*, presented by a beleaguered army after its liberation to the general who broke up the siege. It was made of grass, or weeds and wild flowers (Plin. xxii. § 14), thence called *corona graminea* (Plin. xxii. § 7), and *graminea obsidionalis* (Liv. vii. 37), gathered from the spot on which the beleaguered army had been enclosed (Plin. *l. c.*; Gell. v. 6, ii. 11; Fest. pp. 97, 190, M.); in allusion to a custom of the early ages, in which the vanquished party in a contest of strength or agility plucked a handful of grass from the meadow where the struggle took place, and gave it to his opponent as a token of victory. (Gell. *l. c.*; Plin. xxii. § 8; Fest. *l. c.*; Serv. *ad* Verg. *Aen.* viii. 128.) A list of the few Romans who gained this honour is given by Pliny (xxii. §§ 9–13), who tells us that though it was properly given by the army, yet Q. Fabius Maximus received it from the senate and people, and Augustus from the senate.

2. *Corona civica*, the second in honour and importance (Plin. xvi. §§ 7–14), was presented to the soldier who had preserved the life of a

Roman citizen in battle (Gell. v. 6; Fest. p. 42, M.), and therefore accompanied with the inscription *Ob civem servatum* (Sen. *Clem.* i. 26, 5). It was originally made of the *ilex*, afterwards of the *aesculus*, and finally of the *quercus* (Plin. *l. c.*), three different sorts of oak, the reason for which choice is explained by Plutarch (*Quaest. Rom.* 92). As the possession of this crown was so high an honour, its attainment was restricted by very severe regulations (Plin. *l. c.*), so that the following conditions must have been satisfied before a claim was allowed:—To have preserved the life of a Roman citizen in battle, slain his opponent, and maintained the ground on which the action took place. The testimony of a third party was not admissible; the person rescued must himself proclaim the fact, which increased the difficulty of attainment, as the Roman soldier was commonly unwilling to acknowledge his obligation to the prowess of a comrade, and to show him that deference which he would be compelled to pay to his preserver if the claim were established. (Cic. *pro Planc.* 30, 72.) Originally, therefore, the *corona civica* was presented by the rescued soldier (Gell. *l. c.*; Polyb. vi. 39), after the claim had been thoroughly investigated by the tribune who compelled a reluctant party to come forward and give his evidence (Polyb. *l. c.*); but under the empire, when the prince was the fountain from whence all honours emanated, the civic crown was no longer received from the hands of the person whose preservation it rewarded, but from the prince himself, or his delegate. (Tac. *Ann.* iii. 21, xii. 31, xv. 12.)

The preservation of the life of an ally, even though he were a king, would not confer a sufficient title for the civic crown. When once obtained, it might always be worn. The soldier who had acquired it had a place reserved next to the senate at all the public spectacles; and they, as well as the rest of the company, rose up upon his entrance. He was freed from all public burthens, as were also his father and his paternal grandfather; and the person who owed his life to him was bound, ever after, to cherish his preserver as a parent, and afford him all such offices as were due from a son to his father. (Polyb., Cic., Plin., Aul. Gell. *ll. cc.*)

A few of the principal persons who gained this reward are enumerated in the following passages:— Plin. vii. §§ 101–6, xvi. §§ 11–14; Liv. vi. 20, x. 46. L. Gellius Publicola proposed to confer it upon Cicero for having detected and crushed the conspiracy of Catiline (Gell. v. 6); and among the honours bestowed upon Augustus by the senate, it was decreed that a civic crown should be suspended from the top of his house (Dio Cass. liii. 16; *Mon. Ancyr.* 6, 14; Val. Max. ii. 8 *fin.*; Ovid. *Fast.* i. 614, iv. 953, *Trist.* iii. 1, 6; cf. Sen. *Clem.* i. 26, 5; Suet.

Corona civica, on coins of Augustus (left hand) and of Galba (right hand). (British Museum.)

Calig. 19, *Claud.* 17, *Tib.* 26); hence a
oak leaves, flanked by two branches
with the inscription *ob civis servato*
quently seen on the reverse of the
medals, as also on those of Galba,
Vespasian, Trajan, &c., showing that
wise assumed to themselves a similar

3. *Corona navalis* or *rostrata*, al
classica by Vell. Pat. ii. 81, a gold
given to the sailor who first boarded a
ship (Fest. p. 163, M.; Gell. *l. c.*). Vi
viii. 684) unites two of the terms in
"tempora *navali* fulgent *rostrata* cor
cording to other authorities, it was gr
rarely, and only to a commander who
the enemy's fleet, or gained any very
tory at sea. Thus it was conferred u
by Pompeius in the war against the p
upon Agrippa by Augustus on his c
Sex. Pompeius in B.C. 36. (Vell. Pat.
Epit. 129; Dio Cass. xlix. 14; Ov. *A. A.* iii. 392; Sen. *de Ben.* iii. 32; Plin. vii. § 115, xvi. § 7; Suet. *Claud.* 17; Orelli, *Insc.* 3454.) It occurs on the coins of Agrippa, the crowns being decorated with the beaks of ships, like the *rostra* in the forum (Plin. xvi. § 7; Eckhel, vi. p. 164).

Corona rostra
of Agrippa
Museum.)

The Athenians like-
wise bestowed golden crowns for nav
upon the trierarch who got his tr
equipped, or the captain who had h
the best order. (Dem. *de Cor. Trierar*
§ 1, ed. Schaefer.)

4. *Corona muralis.* The first man
the wall of a besieged city was prese
commander with a mural crown, m
and decorated with turrets (*quasi*
decorata, Gell. *l. c.*); and being one of the highest orders of military decorations, was not awarded to a claimant until after a strict investigation. (Polyb. vi. 39; Liv. xxvi. 48; Sil. It. xv. 257; Suet. *Aug.* 25; Orelli, *Inscr.* 3569, &c.) Cybele is always represented with this crown upon her head (Lucr. ii. 607–10; Ov. *Fast.* iv. 219); as shown in the woodcut
on p. 553. Agrippa is represented
wearing a combination of the naval
crowns.

Corona
rostrat
on
Agripp
Museu

5. *Corona castrensis* or *vallaris.*
soldier who surmounted the *vallum*,
an entrance into the enemy's camp,
manner, presented with a golden c
corona castrensis or *vallaris* (Gell.
p. 57, M.; Val. Max. i. 8, § 6;
Suet. *Aug.* 25; Plin. xxxiii. § 38;
trensis, Orelli, 3048; *vallaris*, Orelli,
which was ornamented with the pali
used in forming an entrenchment.

6. *Corona triumphalis* was worn
head of the commander during his tr

Corona laurea, on a coin of Augustus. (British Museum.)

was first made of laurel and bay leaves, and afterwards of gold. (Gell. *l. c.*; Fest. p. 367, M.; Liv. x. 7; Cic. *in Pis.* 24, 58; Dionys. ii. 34; Zonar. vii. 21; Ov. *Pont.* ii. 2, 92; Plin. xv. § 127 *seq.*; Juv. x. 41; Suet. *Tib.* 17, *Ner.* 13.) Those who had received the laurel crown had the right of wearing it at the public games (Dio Cass. xlvi. 40, xlviii. 16). It was conferred upon Julius Caesar and Augustus, and appears on the coins of subsequent emperors as a mark of sovereignty, and was therefore not worn by any one but the reigning emperor (Eckhel, vi. p. 361). The triumphal Etruscan crown, made of gold and often enriched with jewels, was held over the head of the general during his triumph, by a public officer. (See above, p. 546 *a.*) This crown, as well as the former one, was presented to the victorious general by his army. [TRIUMPHUS.]

Crowns, likewise of gold and of great value, were sent as presents from the provinces to the commander, as soon as a triumph had been decreed to him, and were carried before him in his triumphal procession (Fest. p. 367, M.; Plut. *Aemil. Paul.* 34; Liv. xxxvii. 58). In the early ages of the republic, these were gratuitous presents, but subsequently they were exacted as a tribute under the name of *aurum coronarium*, to which none were entitled but those to whom a triumph had been decreed. [AURUM CORONARIUM.] The custom of presenting golden crowns from the provinces to victorious generals was likewise in use among the Greeks, for they were profusely lavished upon Alexander after his conquest of Dareius (Athen. xii. p. 539 a); and the Romans probably borrowed the custom from the Greeks.

7. *Corona ovalis* was another crown of less estimation, appropriated solely to commanders who merely deserved an ovation [OVATIO], on which account it was made of myrtle, the shrub sacred to Venus, "Quod non *Martius*, sed quasi *Veneris* quidam triumphus foret." (Gell. *l. c.*; Fest. p. 195, M.; Plut. *Marcell.* 22; cf. Plin. xv. §§ 125–6; Dionys. v. 47.)

8. *Corona oleagina* was likewise an honorary wreath, made of the olive leaf, and conferred upon the soldiers as well as their commanders. According to Gellius (*l. c.*), it was given to any person or persons through whose instrumentality a triumph had been obtained, but when they were not personally present in the action. It was conferred both by Augustus and the senate upon the soldiery on several occasions. (Dio Cass. xlvi. 40.)

III. RELIGIOUS CROWNS.—Crowns in general probably owed their origin to religious rites. Certain trees were from the most ancient times regarded as sacred, and it is probable that those who presented offerings to the gods carried in their hands branches of such trees, which in course of time were woven into garlands and worn upon the head. However this may be, the use of the sacrificial crown, though later than the Homeric poems, was established at least as early as the times of Sappho, who says that "the gods turn away from those who are uncrowned" (Athen. xv. p. 674 e). Certain trees were sacred to certain divinities, as the ivy to Dionysus or Bacchus, who is constantly represented with the *corona pampinea* (Hor. *Carm.* iii. 25, 20; iv. 8, 33), the oak to Zeus, the laurel to Apollo, the myrtle to Aphroditê or Venus, the olive to Athena or Minerva, &c. Garlands of leaves and flowers were worn by the worshippers, the priests and priestesses, and the victims offered in sacrifice. In like manner persons who went to consult an oracle wore crowns, which they laid aside when they returned. Crowns imparted a sanctity to the persons, and secured them inviolability. Thus they were worn by the archons at Athens (Dem. *Mid.* § 33), their office being called *στεφανηφόρος* (Aeschin. *Tim.* § 19), and by orators when addressing the assembly (Aristoph. *Thesm.* 380). For further details, see Hermann, *Griech. Antiq.* vol. i. §§ 124, 129; vol. ii. §§ 24, 35.

Among the Romans crowns were, in like manner, worn by priests and the victim, as well as the bystanders, when officiating at the sacrifice. It does not appear to have been confined to any one material, but was sometimes made of olive (Stat. *Theb.* iii. 466), sometimes of gold (Prudent. *Peristeph.* x. 1011; Tertull. *de Idol.* 18), and sometimes of the ears of corn, then termed *corona spicea*, which kind was the most ancient one amongst the Romans (Plin. xviii. § 6; Tac. *Ann.* xi. 4), and was consecrated to Ceres (Hor. *Carm. Sec.* 30; Tibull. ii. 1, 4, i. 1, 15), before whose temples it was customarily suspended (Tibull. i. 1, 16). In particular the *insigne* of the Fratres Arvales was the *corona spicea* and *infulae albae*, or white woollen fillets (Gell. vii. (vi.) 7, § 8; Plin. *l. c.*; Marquardt, *Röm. Staatsverw.* iii. p. 429). [INFULA.] The *corona spicea* was likewise regarded as an emblem of peace (Tibull. i. 10, 67), in which character it appears in the subjoined coin, which commemorates the conclusion of the civil war between Antony and D. Albinus Brutus.

Corona spicea, on coin of D. Albinus Brutus.

Corona spicea, on the head of Antonia. (British Museum.)

The *corona spicea* also appears in coins on the heads of some of the females of the imperial family, as Livia, Antonia, and Agrippina (Eckhel, vi. p. 257).

Among religious crowns may be mentioned the *corona radiata*, which was a mark of divinity. It had been originally given only to gods and deified heroes,—thus Virgil (*Aen.* xii. 162) represents the hero Latinus:

> "Cui tempora circum
> Aurati bis sex radii fulgentia cingunt,
> Solis avi specimen,"—

and it was first assumed by some of the successors of Alexander the Great, who claimed divine honours. Thus we find it on the coins of the Ptolemies, kings of Egypt.

Corona radiata, on a coin of Ptolemaeus V., king of Egypt. (British Museum.)

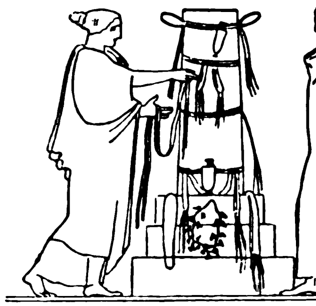
Among the Romans divine honours were decreed to Julius Caesar and Augustus, who claimed a divine descent (*corona radiata*, Suet. *Aug.* 94); but the first emperor who assumed the *corona radiata* in his lifetime was Nero, upon whose coins it appears. We find, however, Augustus thus represented on coins struck after his death, as in the accompanying coin of Caligula. The example of Nero was not followed by the subsequent emperors till Caracalla, who is represented on coins with the *corona radiata*, and it appears frequently on those of succeeding emperors. (Eckhel, vi. p. 269 ff.)

Corona radiata, on head of Augustus. (Coin of Caligula in British Museum.)

Corona radiata, on a coin of the Emperor Decius. (British Museum.)

IV. Funeral Crowns. — The practice of crowning the dead with chaplets of leaves and flowers was doubtless of religious origin. Clemens of Alexandria (*Paedag.* ii. p. 181) explains it by the crown being a symbol of freedom and deliverance from every annoyance. In any case it was regarded as a mark of honour (Eurip. *Troad.* 1143; Aristoph. *Eccl.* 538; *Lysistr.* 602–4; Cic. *pro Flacc.* 31, 75; Alciphr. i. 36; Tert. *de Cor.* 10). Thus Euripides (*Phoen.* 1632) represents Creon forbidding the crowning of the corpse of Polynices under the penalty of death. All kinds of flowers and leaves were used for this purpose (*στεφανώσαντες τοῖς ὡραίοις ἄνθεσι*, Lucian. *de Luct.* 11), but parsley (*σέλινον*) was most commonly employed among the Greeks (Plut. *Timol.* 26; Suid. *s. v.*). Although the corpse was probably crowned with only one garland, the relations and friends sent, as with us, numerous garlands to the funeral, with which they crowned both the bier and the tomb. The *taeniae* (*ταινίαι*), bands, ribbons, or fillets of leaves and flowers, not necessarily for crowning, were also sent to funerals (*τὰς ταινίας, ἃς τοῖς νεκροῖς ἔπεμπον οἱ φίλοι*, Schol. *ad* Aristoph. *Lysistr.* 603). Caecilius (*ap.* Fest. *s. v.*) speaks of a "tomb, full of *taeniae*, as usual;" and on ancient vases funeral stelae are often represented hung with chaplets or bound with taeniae. (Dennis, *Etrur.* i. p. 395; Stephani, *Compte Rendu* for 1874, p. 114.) Such chaplets or fillets were frequently deposited on tombs, not only at the time of the funeral, but also at subsequent periods. The Greeks entwined with garlands the cinerary urn of

their friends (Plut. *Demetr.* 53); Phi
urn was so covered with chaplets as



A funeral stele, with crowns and taeniae. (

be visible (Plut. *Philop.* 21), an
crowned the urn of Marcellus (Plut.

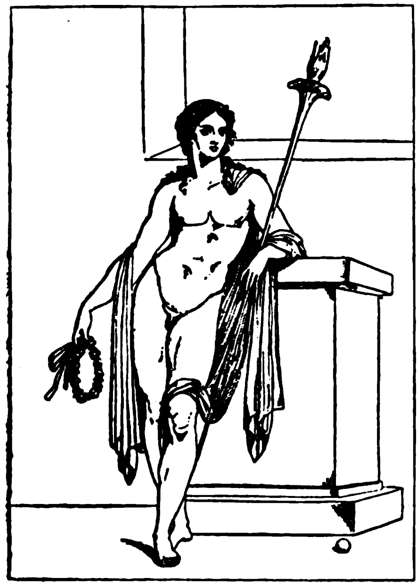
The crowning of the dead was not
among the Romans as among the G
a law of the Twelve Tables enacted th
who had obtained an honorary crown
time might have it placed upon
funeral procession. (Cic. *de Leg.*
Plin. xxi. § 7.) Garlands of flower
placed upon the bier and the funeral
xxi. § 10; Dionys. xi. 39). Pliny
says that crowns were used in honou
chres and the manes. (Cf. Ov. *Trist*
Tibull. ii. 4, 48.)

We have seen that funeral cr
usually of leaves and flowers, but gol
in the shape of leaves and flowers
been found in tombs. (See above,
(Becker-Göll, *Charikles*, i. p. 260, i
159; *Gallus*, iii. p. 491.)

V. Crowns as Signs of Rejo
Coronae conviviales. The name of
only applied to convivial garlands
period, as the word was originally r
religious crowns, and those given
(Plin. xxi. § 3). Among the G
Romans, the guests wore crowns at
quets, but they were not put on ti
course was finished, and the *symposiu*
satio began (Athen. xv. pp. 685, 669;
iii. 1, 1; Val. Max. ii. 6, 1). Gues
with flowers are frequently depic
drinking scenes on ancient vases. T
was borrowed by the Romans from
and was already usual in the second
but it was considered a mark of l
when anyone was seen in public, e
tally, crowned with flowers, he w
punished. (Plin. xxi. § 8.) At fi
fillets were only used, tied round t
prevent intoxication, but afterwards
leaves and flowers, especially the
the rose (Plin. *ib.* § 3). The Gree
lieved that crowns of flowers likewis
the effects of wine. (Athen. xv. pp
Plut. *Symp.* iii. 1.) On the vario
flowers, especially roses, used for
crowns, and the luxury attending
above, p. 545. The rose was used as s
with, or to indicate, the *comissat*
Cicero says (*de Fin.* ii. 20, 65) *in r*
and Martial (x. 19, 20), *cum regnat*

madent capilli, also (iii. 68, 5) *deposito post vina rosasque pudore*. Unguents or perfumes were introduced with the flowers (Sen. *de Ir.* ii. 33, 4; Athen. xv. p. 669; Mart. x. 19, 20), and sometimes, as a special honour, crowns were dedicated with *lemnisci* or pendent ribbons, like the triumphal crowns already mentioned (p. 546). (Plaut. *Pseud.* v. 1, 21; Capitol. *Ver.* 5.) In ancient times each guest brought his own crown (Ov. *Fast.* i. 403), but subsequently the crowns were provided by the host. The guests not only wore crowns upon their heads, but also garlands round their necks, called *ὑποθυμίδες* (Athen. xv. p. 674), so that they might enjoy the scent. Thus Verres is represented as wearing one garland on his head, and another round his neck (Cic. *Verr.* v. 11, 27). The garlands round the neck, as well as on the head, are mentioned in other passages (Hor. *Sat.* ii. 3, 256; Catull. vii. 51; Ov. *Fast.* ii. 739). Among the extravagances in the house of Trimalchio we are told that the legs, feet, and ankles of the guests were bound with flowers (Petron. 70). (On convivial crowns, see Becker-Göll, *Gallus*, iii. p. 493 *seq.*)

Guests crowned in a Symposium. (From a painting on a vase.)



The god Hymenaeus with a nuptial crown. (Baumeister.)

2. *Corona nuptialis*. Both the bride and bridegroom among the Greeks and Romans wore crowns (Schol. *ad* Aristoph. *Pac.* 869; cf. *Aves*, 159), and are often so represented on ancient vases. Those who were present at the marriage also wore crowns; and the doors of the bridegroom as well as the bridal bed were also decorated with garlands (*στέφος γαμήλιον*, Bion, *Id.* i. 88; Lucian. *Dial. Meretr.* ii. 3; Plut. *Amat.* 10, *Pomp.* 55; Catull. lxiv. 294; Juv. vi. 51, 227; Lucan. ii. 358; Stat. *Silv.* i. 2, 231; Apul. *Met.* iv. c. 26.) Among the Romans the *verbena* and other plants, of which the bridal crown was composed, were plucked by the bride herself. (Fest. p. 63, M.; cf. Catull. lxi. 7.)

3. *Corona natalicia*, the chaplet suspended over the door of the vestibule of the house in which a child was born (Juv. ix. 85). At Athens, when the infant was male, the chaplet was made of olive; when female, of wool (Hesych. *s. v.* *στέφανος*). (Paschalius, *de Coronis*, Paris, 1610; Garcke, *de Horatii Corollis*, Altenburg, 1860; the works of Becker-Göll, Hermann, Blümner, Marquardt, referred to above; Daremberg and Saglio, *s. v.*) [W. S.]

CORO'NIS (*κορωνίς*), the cornice of an entablature, is properly a Greek word signifying anything curved (Schol. *ad* Aristoph. *Plut.* 253; Hesych. *s. v.*). It is also used by Latin writers, but the genuine Latin word for a *cornice* is *corona* or *coronix*. (Vitruv. v. 2, 3.) [P. S.]

CORPORA'TI, CORPORA'TIO. [COLLEGIUM.]

CORPUS. [COLLEGIUM.]

CORPUS JURIS CIVI'LIS is the term which, since the end of the 16th century, has been used to denote Justinian's three great compilations—the Institutes, the Digest or Pandects, and the Code (together with the Novels), which form one compact body of law, and were considered as such by the glossators, or law school of Bologna, at the beginning of the 12th century, who divided it into five volumina. The Digest was distributed into the three first volumes under the respective names of "Digestum vetus," "Infortiatum," and "Digestum novum;" the fourth volume contained the first nine books of the "Codex repetitae praelectionis;" in the fifth were the Institutes, the "liber authenticorum" (Novels), and the three last books of the Code. This division into five volumes is found in the oldest editions of the Corpus Juris Civilis, but its portions are now usually arranged in the order Institutes, Digest, Code, Novels. The name "Corpus Juris Civilis" seems to have originated with Dionysius Gothofredus, who prefixed it to his edition of the Justinianean compilations towards the end of the 16th century: it is especially used in contradistinction to the "Corpus Juris Canonici" or Canon Law.

Most editions of the Corpus also contain thirteen edicts of Justinian, five constitutions of Justin the younger, and several of the younger Tiberius, and a series of constitutions of Justinian, Justin, and Tiberius; 113 Novels of Leo, a constitution of Zeno, and a number of constitutions of different emperors under the name of **Βασιλικαὶ διατάξεις**; the Canones sanctorum et venerandorum Apostolorum, Libri Feudorum, a constitution of the Emperor Frederick II., two of the Emperor Henry VII. called *extravagantes*, and a Liber de pace Constantiae. Sometimes there is also to be found an attempt to reconstruct the Twelve Tables, the Praetorian Edict, and other celebrated monuments of the older law.

The Roman Law, as received in Europe, consists only of the Corpus juris, *i.e.* the three compilations of Justinian, and the Novels by which he supplemented them; and it is only received within the limits and in the form which was given to it in the famous school of Bologna. Accordingly, all the ante-Justinianean law is now excluded from all practical application, as are the Greek texts in the Digest, for which the translations received at Bologna are substituted, and also the few unimportant restorations in the Digest, and the more important restorations in the Code. Of the three collections of Novels that only is received which is called Authenticum, and in the abbreviated form which was given to it at Bologna, called the Vulgata.

But, on the other hand, there are received the additions made to the Code in Bologna by the reception of the Authentica of the Emperors Frederick I. and Frederick II., and the still more numerous Authentica of Irnerius. The application of the matter comprised within these limits of the Corpus juris has not been determined by the school of Bologna, but by the operation of other principles, such as the customary law of different European countries, and the development of law. Various titles of the Corpus juris have little or no application in modern times; for instance, that part of the Code in particular which relates to constitutional forms and administration (Savigny, *System*, vol. i. p. 66).

Some editions of the Corpus juris are published with the *glossae* of the great Bolognese lawyers, and some without: the latest edition with them is that of J. Fehdius, Lugd. 1627, six vols. fol. Of the editions without the *glossae* the most important are those of Russardus, Lugd. 1560–61. fol., several times reprinted; Contius, Lugd. 1571 and 1581, 15 vols., 12mo; Lud. Charondae, 1575, fol.; Dionysii Gothofredi, Lugd. 1583, 4to. The best modern edition of the Corpus Juris Civilis is by Mommsen and Krueger, Berlin, 1877. [G. L.] [J. B. M.]

CO'RREUS. [OBLIGATIONES.]

CORRI'GIA. 1. A shoe-string or boot-lace (Cic. *de Div.* ii. 40; Varr. *ap.* Non. p. 448, 26), which was sometimes made of dog's skin (Plin. *H. N.* xxx. § 35). [See an illustration under CREPIDA.] 2. In the Edict of Diocletian, p. 26, it is used for a whip-lash or a horse's rein. [J. H. F.]

CORTI'NA. 1. In its primary sense, a large circular vessel for containing liquids, and used in cooking (Plin. *H. N.* xxxvi. § 191), or preparing *defrutum* (Colum. i. 6, 19), dyeing wool or preparing dye (Plin. *H. N.* xxxv. §§ 43 and 150),
and receiving oil when it first flow
the press. (Cat. *de Re Rust.* 66.)
illustration given under FULLO shows it
fullers. In Plautus, *Poen.* v. 5, 12 ("
tinam ludis per circum ferunt"), it is s
to denote a vessel in which water was
round the circus during the games for
of the horses, drivers, or attendants, v
possibly represented in the cut on p. 43
hands of two of the children thrown d
the horses. 2. The table or hollow sl
ported by a tripod, upon which the pri
Delphi sat to deliver her responses; ar
the word is used for the oracle itself.
Aen. vi. 347.) The Romans made t
marble or bronze after the pattern of
phian tripod, which they used as we
sideboards, for the purpose of displayi
plate at an entertainment, or the valuab
tained in their temples, as is still
Catholic countries upon the altars. Th
termed *cortinae Delphicae*, or *Delphicae*
(Plin. *H. N.* xxxiv. § 8; Schol. *ad* Hor.
116; Mart. xii. 66, 7; Suet. *Aug.* 52.) [
3. From the conical form of the vesse
contains the first notion of the word,
also to signify the vaulted part of a
over the stage ("*magni* cortina *theatr*
295), such as is in the Odeium of Peri
shape of which we are expressly told w
to imitate the tent of Xerxes (Paus. i.
Plut. *Pericl.* 13); and thence metap
for anything which bore the appearan
dome, as the vault of heaven (Ennius,
de Ling. Lat. vii. 48, ed. Müller); or of
as a group of listeners surrounding ar
of attraction. (Tac. *Dial.* 19.) Finall
Vulgate (Exod. xxvi.) *cortina* is used in
of a curtain. [A. R.] [J

CORVUS, a sort of crane, used by C
against the Carthaginian fleet in the batt
off Mylae, in Sicily (B.C. 260). The Ro
are told, being unused to the sea, saw t
only chance of victory was by bringing a
to resemble one on land. For this purp
invented a machine, of which Polybiu
has left a minute, although not very
cuous description. In the fore par
ship a round pole was fixed perpend
twenty-four feet in height and about ni
in diameter; at the top of this was
upon which a ladder was set, thirty
in length and four in breadth. Th
was guarded by cross-beams, fastened
upright pole by a ring of wood, whic
with the pivot above. Along the
rope was passed, one end of which t
of the *corvus* by means of a ring. Th
itself was a strong piece of iron, with a
the end, which was raised or lowered
ing in or letting out the rope. When an
ship drew near, the machine was tur
wards, by means of the pivot, in the di
the assailant. Another part of the
which Polybius has not clearly descr
breastwork, let down (as it would see
the ladder, and serving as a bridge, on
board the enemy's vessel. (Compare
iv. 2, 4.) By means of these cranes
thaginian ships were either broken o
locked with the Roman, and Duilius
complete victory.

The word *corvus* is also applied to various kinds of grappling-hooks, such as the *corvus demolitor*, mentioned by Vitruvius (x. 19) for pulling down walls, or the terrible engine spoken of by Tacitus (*Hist.* iv. 30), which being fixed on the walls of a fortified place, and suddenly let down, carried off one of the besieging party, and then by a turn of the machine put him down within the walls. The word is used by Celsus (vii. 19) for a scalpel. It is hardly necessary to remark that all these meanings have their origin in the supposed resemblance of the various instruments to the beak of a raven. [B. J.] [J. H. F.]

CORYBANTES (*κορύβαντες*). The history and explanation of the deities bearing this name, in the early mythology of Greece, cannot be given in this place, as it would lead us to enter into historical and mythological questions beyond the limits of this Dictionary. The Corybantes, of whom we have to speak here, were the ministers or priests of Rhea or Cybele, the great mother of the gods, who was worshipped in Phrygia. (See *Dict. of Biogr. and Mythol.*, art. Rhea.) In their solemn festivals they displayed the most extravagant fury in their dances in armour, as well as in the accompanying music of flutes, cymbals and drums. (Eurip. *Bacch.* 125; Hor. *Carm.* i. 16, 8; Ov. *Fast.* iv. 210; Juv. v. 25; Mart. i. 71, 10.) Hence *κορυβαντισμὸς* was the name given to a disease in which persons felt as if some great noise was rattling in their ears. (Plat. *Crit.* p. 54 D; Hermann, *Gottesdienstl. Alterth.* § 3, 8.) They were subsequently confounded with the Curetes, who are said to have brought up Zeus in Crete, and concealed him from his father Cronos. (Strab. x. p. 470; Lucr. ii. 630; Verg. *Georg.* iv. 151, *Aen.* iii. 131; Ov. *Met.* iv. 282, *Fast.* iv. 210.) In the festival of the Corybantica (*κορυβαντικά*) celebrated at Cnosus in Crete, the person to be initiated was seated on a throne, and those who initiated him formed a circle and danced around him. This part of the solemnity was called *θρόνωσις* or *θρονισμός*. (Strab. *l. c.*; Plat. *Euthydem.* p. 277 D; Dion Chrysost. *Orat.* xii. p. 387; Proclus, *Theol. Plat.* vi. 13.) The Corybantes were associated with the mysterious divinities called Cabeiri. (*Dict. of Biogr. & Myth.*, art. Cabeiri.) [W. S.]

Corybantes and Cybele, with infant Zeus. (Museo Capitolino.)

CO'RYCUS (*κώρυκος*), a large leathern sack, filled with flour, fig-grains, or sand, hung up in the gymnasium, for the athletes to swing to and fro by striking it, whence the exercise is called *κωρυκομαχία* or *κωρυκοβολία* (Hesych. *s. v.*; Pollux, x. 172; Philostr. *de Gymnast.* 57; Antyll. *ap.* Oribas. vi. 33; and the other authorities in Krause, *Gymnastik*, p. 314). The game is alluded to by Plautus (*Rud.* iii. 4, 16), "ego et follem pugilatorium faciam, et pendentem incursabo pugnis." The *corycus* is represented in works of art, as in the annexed cut from the celebrated Ficoroni cista. From this game came the proverbial expression, *πρὸς κώρυκον γυμνάζεσθαι* (Diog. vii. 54), of labour in vain. Cicero (*Phil.* xiii. 12, 26) uses the word figuratively in reference to the exercise of the voice. [W. S.]

Corycus. (From Ficoroni cista.)

COSME'TAE (*κοσμηταί*), a class of slaves among the Romans, whose duty it was to dress and adorn ladies (Juv. *Sat.* vi. 476). Some writers on antiquities, and among them Böttiger in his *Sabina* (i. 22), have supposed that the cosmetae were female slaves, but the passage of Juvenal is alone sufficient to refute this opinion · for it was not customary for female slaves to take off their tunics when a punishment was to be inflicted upon them. There was, indeed, a class of female slaves who were employed for the same purposes as the cosmetae; but they were called *cosmetriae*, a name which Naevius chose as the title for one of his comedies. This interpretation of the word is in accordance with its Greek usage, for Xenophon (*Cyr.* viii. 8, 20) explains *κοσμηταὶ* as "those who anoint and paint" the Persian nobles, "and perform the rest of their toilet." (See Heindorf, *ad* Hor. *Sat.* i. 2, 98.) [L. S.] [J. H. F.]

COSME'TES (*κοσμητής*), an officer in the Athenian Gymnasia in the time of the Romans. [Gymnasium.] [W. S.]

COSMI (*κόσμοι*), the chief magistrates of Crete. It is proposed under this head to give a brief account of the Cretan constitution.

Different opinions are held by scholars as to the time when Crete, where the Phoenicians had settlements, was first colonised by the Greeks. O. Müller (*Dorians*, i. p. 36 ff.) believes in Andron's account (Strab. x. p. 475, *fin.*; Steph. Byz. *s. v.* *Δώριον*; Diod. v. 80), according to which Dorians came to Crete, before the time of Minos, from Hestiaeotis, at that time called Doris, together with some Achaeans and Pelasgi who had remained in Thessaly, and looks upon

Cnosus (**Κνωσός** on coins and inscriptions; in MSS. mostly **Κνωσσός**) as the first Greek settlement in the island. This view is opposed by Hoeck (*Kreta*, ii. p. 15 ff.) and Grote (*Hist. of Gr.* ii. p. 311, n. 3). Duncker (*Hist. of Gr.* i. p. 321 f.) likewise considers Cnosus to have been the first settlement of the Greeks; but according to him, Dorians from Argos, under their leader Althaemenes, succeeded in reducing Karath (in Greek legend the abode of Minos), which now received the name of Cnosus (Strab. p. 479, 653; Conon, *Narr.* 47). At least a century later (p. 421 ff.) Achaeans, with Pollis as their leader, landed on the island, built Lyctus (Gortyn, according to Conon, *Narr.* 36; Plato, *Legg.* iv. p. 708 A, says, Gortyn was founded **ἐξ Ἄργους**), and subjugated many other cities (Plut. *de Mulier. Virt.* p. 247 d.; *Quaest. Gr.* p. 296 b.). Hoeck (ii. p. 445 ff.) adduces strong reasons against the opinion that Cnosus was the oldest Greek settlement in Crete, and it is now more generally believed that Argives and Lacedaemonians settled in the island subsequent to the return of the Heracleidae (Diod. v. 80), and that Lyctus (**Λύκτος** in MSS., **Λύττος** on coins and inscriptions), a colony of the Lacedaemonians (Arist. *Pol.* ii. 7, 1 S.=10, 2 B.), was the oldest Greek town there (Polyb. iv. 54). This question as to the time of the earliest settlement is closely connected with that of the relation existing between the Cretan and Spartan constitutions. The social and political institutions of Crete appeared to be so similar to the Spartan, that it was a disputed point amongst the ancients whether the Spartan constitution had its origin in Crete, or whether the Cretan constitution was transferred from Laconia thither. Ephorus argues at length that the Spartan institutions originally existed in Crete, but were perfected in Sparta; and Aristotle agrees in the general view that the Cretan institutions were older than the Spartan. Hoeck (iii. 8 ff.), however, shows that this is an untenable position (cf. Trieber, *Forschungen z. spart. Verfassungsgesch.* p. 95 ff.). In O. Müller's opinion, "at a very remote period the principles of the Doric constitution were systematised and established in Crete, so that they afterwards became the model and standard for other states of that race;" he considers Minos of Cnosus to have been a Dorian, and takes the name of Minos to indicate "a period in which the Doric invaders united a part of the island into one state, and by extending their power over the Cyclades and many maritime districts obtained, according to the expression of Herodotus, Thucydides and Aristotle, the dominion of the sea" (*Dor.* i. p. 36; cf. Curtius, *Griech. Gesch.* i.^{4} p. 157). According to Duncker, on the other hand, the tradition of the Greeks had personified and expressed in the form of Minos the dominion of the Phoenicians in the Aegean Sea, in his laws the well-ordered life of the cities of Crete which the Phoenicians had occupied (Karath = **Καίρατος**, the old name of Cnosus; Ethanath = **Ἰτανός**, Lebana=**Λεβήν**, Arvad = **Ἄραδος**, etc.). He holds (p. 371) that the Spartan laws were asserted to have come from Crete (Arist. *l. c.*; [Plat.] *Minos*, p. 318 C), "because it was supposed that the laws of the Cretan cities came from Minos, and that Minos received them from Zeus (*Odyss.* xix. 178). If Sparta's laws came from Crete, they came from Zeus." I
opinion, the similarity of institutio
and Sparta is due to their resting
foundations, viz. an armed immigr
long period of war; and Schoema
Alterth. i. p. 297) expresses a li
"This similarity may be explain
intentional imitation, by the co
nationality, which under like cond
produce like institutions." This
especially the fact that colonists f
transplanted Spartan institutions to
accounts for this similarity (cf. Bu
Gesch. i. pp. 128, 191), limited as i
vi. 45, speaking of his own time
it altogether); and this view a
the statement of Ephorus (Strab. p
the political system of Lyctus, Gorty
smaller towns maintained itself mo
than that of Cnosus, the ancient
Minos. Gilbert (*Handb.* ii. p. 216 f.,
names of forty-three independent t
were also dependent cities; cf. St
479); and Strabo (p. 476) names Cno
and Cydonia as the most powerful a
"When Cnosus and Gortyn acted
they held sway over all the other t
they quarrelled, the whole island
into two parties." Discord seems t
the normal condition in Crete; only
necessary to keep off an invader, we
united (**Συγκρητισμός**, Plut. *de*
p. 490 b.; *Etym. M.* s. v. **συγκρητί**
Polyb. xxix. 4). Individual tow
different times bound to one anothe
treaties (**φιλία καὶ συμμαχία καὶ**
cf. *C. I. G.* No. 2554, l. 186 and l.
del.^{2} No. 119; *C. I. G.* No. 2555=
C. No. 117, etc.

In an inscription belonging (a
Boeckh) to the end of the 3rd
(*C. I. G.* No. 2556, treaty between
and Priansium), the **κοινοδίκιον**,
supreme court, in which matters
between different cities were settled,
as suspended (it was again in exis
184, Polyb. xxiii. 15), and arran
made in this treaty as to the man
disputes which had arisen (since the
between the inhabitants of the tw
question should be settled, vi
δικαστήριον (probably of a third cit
the two cities had agreed, and wh
sided over by the Cosmi of the two c
iii. p. 88, identifies the **διεξαγωγ**
ἡγεμονία δικαστηρίου of Attic la
future such disputes were to be re
arbitrator (**πρόδικος**), from whose
appeal might be made to a court (
consisting of inhabitants of a th
which both cities should agree; or,
Boeckh, to a joint court of the tw
inhabitants of a third city added ("
optime dicebatur numerus iudicum
the same with the **κοινὸν δικαστή**
before which Cosmus or private in
to be accused who endeavoured t
treaty.

Our information as regards the co
the Cretan cities (in all essential poi
for Polyb. vi. 46 speaks of **ἡ Κρητικ**
—which is derived from Ephorus a

between whose accounts there is great resemblance, and from later writers, as Dosiades, Sosicrates, who wrote Κρητικά, etc.—has been considerably increased by the discovery of the Gortyn Code (probably B.C. 450–350), of which H. J. Roby (*Law Quarterly Rev.*, April 1886) has published a translation, with notes, giving also an account of other translations and commentaries. (We shall refer especially to Joh. and Theod. Baunack (B.); Comparetti in *Mus. Ital. di Antich. Class.* i. (C.); Jac. Simon (S.); and E. Zitelmann in *Rh. M.* Suppl. vol. 40 (Z.).)

The population of the island was divided into three classes: slaves, ὑπήκοοι, and freemen. The slaves were of three kinds: (*a*) slaves of the state (ἡ κοινὴ δουλεία), called by a collective term μνοία, or μνῷται; these cultivated the land which the state had reserved to itself as domain land, whilst (*b*) the ἀφαμιῶται or κλαρῶται cultivated the estates of individuals (ἡ ἰδία δουλεία: Sosicrates in Athen. vi. 263 f.); these are the Ϝοικέες of the Gortyn Code, "householders," who had their own goods, whose marriages were recognised, and who, in default of kin, succeeded to the inheritance of their lord (Z., p. 63 f., p. 144; yet this explanation of ὁ κλᾶρος has been called in question by S. p. 85 ff., and Schaube, *Herm.* 1886, p. 222, in whose opinion ὁ κλᾶρος is the estate itself, and τὰ κρέματα went with the κλᾶρος, of which the state had to dispose). These two classes of slaves were probably the ancient inhabitants of the island conquered in war (μνῷται οἱ ἐγγενεῖς οἰκέται, Athen. vi. p. 267 c.; ἀφαμιῶται οἱ κατ' ἀγρόν, ἐγχώριοι μὲν ὄντες, δουλωθέντες δὲ κατὰ πόλεμον, p. 263 e.), and are thus distinguished from (*c*) the purchased slaves (οἱ κατὰ πόλιν οἰκέται χρυσώνητοι; perhaps ἡ ἐνδοθιδία δώλα in Gortyn Code, ii. 11). The treatment of slaves in Crete was not harsh; for "the Cretans gave them the same institutions as their own, but forbade them gymnastic exercises and the possession of arms" (Arist. *Pol.* ii. 2, 12 S.=5, 19 B.: cf. Hybrias in Athen. xv. p. 695 e.); when therefore Eustathius (*Il.* i. 321, p. 110, 9; and Dionys. Perieg. 5, 533) says that the Cretans obtained armed attendants (θεράποντες) from among their slaves, the third class (*c*) must probably be understood.

Aristotle says, "The Helots are the husbandmen of the Lacedaemonians, and the Perioeci of the Cretans" (*Pol.* ii. 7, 3 S.=10, 5 B. In iv. 9, 1^b S.=vii. 10, 1 B. he distinguishes τὸ μάχιμον and τὸ γεωργοῦν); but from this the conclusion should not be drawn (which Grote, ii. p. 365 n., draws), that there was not in Crete also another class of subject population corresponding more closely to the περίοικοι of Laconia, the name of which Sosicrates has preserved. This writer clearly distinguishes from the μνῷται and ἀφαμιῶται a third class, to whom he applies a term clearly intended to recall the Laconian institution of Perioeci: τοὺς δὲ περιοίκους (οἱ Κρῆτες καλοῦσι) ὑπηκόους (Athen. vi. p. 263 f.), whilst other writers identify the Helots with the κλαρῶται, *e.g.* Photius, *s. v.* Καλλικύριοι· . . . ὅμοιοι τοῖς παρὰ Λακεδαιμονίοις εἵλωσι καὶ παρὰ Θεσσαλοῖς πενέσταις καὶ παρὰ Κρησὶ κλαρώταις: cf. Bekk. *Anecd.* i. p. 292, 7. Aristotle, who does not mention the Lacedaemonian περίοικοι at all, must be supposed to understand by περίοικοι in Crete the ἀφαμιῶται (or κλαρῶται), who may fitly be called so as dwellers in the open country (cf. Hesych. ἀφαμιῶται· οἰκέται ἀγροῖκοι, πάροικοι); and among them the laws of Minos, he says, were still in force (cf. Plat. *Min.* 16, p. 321 B.). To the ὑπήκοοι Hoeck (iii. p. 24 ff.) refers Aristotle's remark about "the tribute which is paid by the περίοικοι" (*Pol.* ii. 7, S.=46, 10, 8 B.), and he connects with this Dosiades' statement in Athen. iv. p. 143 b: τῶν δούλων ἕκαστος Αἰγιναῖον φέρει στατῆρα κατὰ κεφαλήν, δοῦλοι being used in his opinion as a general term for those who were not free citizens; he bases this view mainly on the assumption that the μνῷται and ἀφαμιῶται had no property of their own. Since, however, we learn from the Gortyn Code, iv. 42, that with regard to the latter the contrary was the case, it seems advisable to accept O. Müller's view (ii. p. 53), according to which δοῦλοι meant the ἀφαμιῶται. These ὑπήκοοι were probably the inhabitants of non-Dorian cities, which were dependent on one or other of the autonomous Dorian cities. Z. identifies with them the ἀπέταιροι of the Gortyn Code; in his opinion the ἑταιρεῖαι were originally subdivisions of the φυλαί, and corresponded to the Attic phratries, inasmuch as the adopter had to give to his own ἑταιρεία a victim and a pitcher of wine (Gortyn Code, x. 38), and only at a later period they became "common messes" (Dosiades in Athen. iv. p. 143 b, διῄρηνται δ' οἱ πολῖται πάντες καθ' ἑταιρίας, καλοῦσι δὲ ταύτας ἀνδρεῖα). C. explains ἀφέταιροι to mean those who, as a kind of punishment, were excluded from the common mess (Poll. iii. 58 puts ἀφέταιροι together with ἀπολῖται and ἀπαθηναῖοι); Roby suggests, "they are perhaps freedmen or other unprivileged persons;" and Wachsmuth (*Nachr. d. kgl. Ges. d. W. in Göttingen*, 1885, p. 202 foll.) sees in it a name for ξένοι. So much is certain, that the ἀφέταιροι occupied a position between the freemen and the slaves, as is indicated by the scale of fines for certain offences.

The freemen, the ruling class, were probably divided into the three Dorian φυλαί: the Gortyn Code mentions φυλαί (vii. 51; viii. 6, 11, etc.), but without giving their names, yet Ὑλλεῖς (cf. Hesych. *s. v.* Ὕλεες), Δυμᾶνες, and Πάμφυλοι occur in inscriptions which will be quoted below in connexion with the κόσμοι. Whilst the Gortyn Code speaks of πολιαταί simply (x. 35; xi. 14), without any mention of privileged classes among them, we learn from Aristotle that there were such; for the κόσμοι were not chosen ἐξ ἁπάντων, but ἐκ τινῶν γενῶν (*Polit.* ii. 7, 5^b S.=10, 10 B.). The office of κόσμοι (κοσμίοντες, Gort. Code, i. 51; Cauer,^{2} No. 121; κόσμιοι, *C. I. G.* No. 3047; κόρμοι, *Bull. de Corr. Hell.* ix. No. 13 (1886, p. 19), and l. 2 ἐκόρμιον, but l. 5 κόσμοι)—ten in number (Strab. x. p. 484, ἄρχοντας δὲ δέκα αἱροῦνται)—is identified by Aristotle and Ephorus in Strab. x. p. 482 (cf. Cic. *de Rep.* ii. 33) with that of the ephors of Laconia; yet the resemblance is but slight. In the first place, at Sparta the kingly rule lasted on; and the kings being ἀΐδιοι στρατηγοί (Arist. *Pol.* ii. 6, 22 S.=9, 33 B.), the ephors never acquired the military command; whilst in Crete the kingly power, if it ever existed, had long since been abolished (only Herodotus, iv. 154, mentions

a *βασιλεὺς* Etearchus at Axus, yet it is impossible to draw any inference from this; he may have been a sacerdotal functionary, such as we find under the title of king in many places, or Herodotus may have used the term inaccurately for the Protokosmos), and command in war was so much the prime function of the *κόσμοι* that Hesychius explains *κόσμος· στρατηγὸς κεκοσμημένος*. In the second place, the number and the mode of election is different; the five ephors being chosen out of all the Spartans. With respect to the domestic government of the state, the *κόσμοι* appear to have exercised a joint authority with the members of the *βουλή*, as they are said to have consulted with them on the most important matters (Strab. x. p. 484); besides this, they had the administration of justice, for, as Aristotle says (*Pol.* ii. 7, 7 S. = 10, 14 B.), "the suspension of their office (*ἀκοσμία*) was a device to which the nobles often had recourse when they would not submit to justice." In the Gort. Code (v. 5) the phrase occurs, *ὄκ' ὁ αἰθαλεὺσταρτὸς* (*sic*) *ἐκόσμιον οἱ σὺν Κύλλοι*, *i.e.* when Cyllus was *κόσμος ἐπώνυμος* (in late inscriptions called *πρωτόκοσμος*). Hesychius explains *σταρτοί· αἱ τάξεις τοῦ πλήθους*; probably the old *γένη*, from whom according to Aristotle the *κόσμοι* were elected, were divided into a number of *τάξεις*, who in turn held the government, and out of the *τάξις* or *σταρτός* a board of ten were chosen as an executive. Two other inscriptions date by the rule of the *Αἰθαλεῖς*: Cauer,² No. 121 (Drerus), *ἐπὶ τῶν Αἰθαλέων κοσμιόντων τῶν σὺγ Κυίᾳ καὶ Κεφάλῳ*, etc., and Haussoullier, *Bull. de Corr. Hell.* ix. (1886), No. 11, p. 15, *ἐπὶ τῶν Αἰθαλέων κοσμιόντων, Τύχωνος τῶ Πειθία*, etc.; other inscriptions, which C. quotes, are headed *ἐπὶ τῶν Ἐχανορέων κοσμιόντων, [ἐπὶ τῶν . . .]σχέων κοσμιόντων* (Latus or Camara), *ἐπὶ τῶν Παμφύλων κ.* (Messeleri), *ἐπὶ τῶν Ὑλλέων κ.* (Latus or Camara), *ἐπὶ τῶν Δυμάνων κ.* (Hierapytna). The relation of the *σταρτοί* to the *φυλαί* is not clear. Haussoullier (*l. c.* p. 18) publishes an inscription from Gortyn, in which the names of six *κόσμοι* are given, and the one after the protokosmus is *ὁ ἱερεργός*. From the Gort. Code, i. 52, Z. concludes that a *κόσμος* could only be proceeded against after having resigned his office, this resignation being, however, not spoken of as a certainty, but as an eventuality, "if he resign;" but B. (p. 123), quoting Cauer,² No. 121, c. 18 (*τὸγ κόσμον...ἐμβαλεῖν ἐς τὰν βωλάν, αἴ κα ἀποστᾶντι, τοῦ μηνὸς τοῦ* K. *ἢ τοῦ* 'A.· *ἁ δὲ βωλὰ πραξάντων ἕκαστον τὸν κοσμίοντα στατῆρας πεντακοσίους*, etc.), explains the phrase correctly as referring to time, "when he resigns." The Cosmi probably held office only for a year (Polyb. vi. 46; cf. also the phrases *οἱ ἀεὶ κοσμίοντες, οἱ τόκα κοσμίοντες* in inscriptions, especially in Cauer,² No. 119 = *C. I. G.* No. 2556, v. 66, *οἱ ἐπιστάμενοι κατ' ἐνιαυτὸν κόσμοι*); they cannot have held office for life, for "the *γέροντες* were elected out of those who had been Cosmi" (Arist.; Strab., p. 484, *οἱ τῆς τῶν κόσμων ἀρχῆς ἠξιωμένοι καὶ τἄλλα δόκιμοι κρινόμενοι*). This council of the Elders, called *βουλὴ* by Aristotle (*βωλὰ* inscr.), is compared by him to the Spartan Gerousia; we are not informed what was their number (Rangabé, *Antiq. Hell.* ii. p. 1032, supposes that, all ex-Cosmi finding their way into the *βουλή*, their number was not fixed) and what was the
appointment, but we are told that
their office for life, that they were
responsibility, and that they g
according to their own judgment, di
written law. In some inscriptions (
2562, 23) a *πρείγιστος* (*i.e. πρέσβ*
is mentioned. From the inscrip
No. 121) quoted above we learn th
exercised a kind of authority ov
(cf. in the treaty between Lycto
Bull. de Corr. ix. (1886), No. 10
αἰ δὲ μὴ ναωσαίεν τὰν ἀγέλαν ἀπο
κόσμος ἑκατὸν στατῆρας; Bueche
1886, p. 311, explains *ναοῦν* "caus
in the temple," as causative to *να*
Code, i. 39; cf. also Cauer,² No.
and that the *βουλή* in their turn, i
enforce the payment of the fine fro
had to pay a fine themselves to th
(Bursian, Rangabé; *ἐφεῦται = ἐφ*
Cauer) *τῶν ἀνθρωπίνων*, probably
of the treasury (Rang. ii. p. 103
(Strab. x. p. 481) mentions by the
γερόντων ἀρχή also that *τῶν ἱππ*
duties, etc. we know nothing (Hoe
Caillemer (*Dict. des Antiq.* s. v.
them a distinct class of the pop
find also mention of *ὁ δικαστὰς*
(Gort. Code, i. 12, etc.); Haussoul
p. 15) publishes an inscription—n
from Drerus, "because the *κόσμο*
from the *Αἰθαλεῖς*"; cf. Gort. God
which we learn that the inhabi
Cretan city had asked for *δικασ*
other towns, one from Cnosus a
Lyctus, to settle their disputes, etc
acts alone in the event of the re
adoption (Gort. Code, xi. 16); he an
are the proper authority, befor
husband who seeks a divorce has to
he imputes to his wife, the fourth
trial (Gort. Code, xi. 53); and the
have to give evidence as to the fac
judgment having been really give
ix. 32). The functions of the *μνα*
tically the same as those of the
Arist. *Pol.* vii. 5, 4ᶜ S. = vi. 8, 7
officer registers all private contrac
all preliminary proceedings;" he
charge of religious matters (as i
p. 584), and must likewise be disti
the *κόσμων μνάμων* and the *μν*
(*Bull. de Corr.* ix. (1886), p. 19), i
(*Schol.* Arist. *Nub.* 623). *'Ορπαν*
mentioned in Gort. Code, xii. 21, 2
ordinary magistracy, who would
control over heiresses previously
men.* An inscription belonging
3rd century speaks of *πρείγιστοι*
"elders for the preservation of
whom Boeckh compares to the Spa
ἐπὶ τὰ ἔθη and *σύνδικοι ἐπὶ τοὺς ν*

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* Cf. Dittenberger, i. No. 344, l. 29 (Ep
καὶ ἐπίτροπον ὑπὲρ ὀρφανοῦ καὶ τοὺς συ
ἂν παραλαμβάνωσιν (see Thalheim, Her
tiq. ii. 2, p. 140 n.); Xenophon. *de Redit*
ὀρφανοφύλακες (cf. Schol. to Soph. *Aiax*,
ἡ τὰ τῶν ὀρφανῶν κρίνουσα ἀρχή, and Pl
sius, *Att. Proc.* p. 554 n., denies that
such at Athens; perhaps there was su
just at that time, *i.e.* 355 B.C.

ii. p. 407^b). All classes of freemen shared in the assembly (ἀγορά, Gort. Code, x. 34, xi. 12; Bekk. *Anecd.* i. p. 210, 9), but it could only ratify the decrees of the elders and the Cosmi (Arist. *Pol.* ii. 7, 4 S.=10, 7 B.: cf. Plat. *Legg.* i. p. 634); according to the Gortyn Code, adoption and renunciation of adoption took place before the popular assembly (in Sparta *βασιλέων ἐναντίον*, Herod. vi. 57, 3).

About the middle of the 3rd century B.C. the aristocratic character of the constitution had given way to democratic institutions (cf. Cauer,^{2} No. 181, 66 ff.: *τὰν καθεστακυῖαν δαμοκρατίαν παρὰ Ἱεραπυτνίοις*). Polybius (vi. 46) speaks of the annual election of the ἀρχαί, which, Gilbert (p. 227, n. 2) suggests, referred also to the *βουλή*, and points to this as a democratic feature in the constitution. As we learn from inscriptions, the power of the freemen in assembly (*ἁ πόλις = ὁ δᾶμος, ἐκκλησία*, *C. I. G.* 2556, 33 ff.=Cauer,^{2} No. 119, etc.) was supreme, and the name of the Cosmi is given in the heading of decrees merely to fix the year; only in case of treaties with foreign states do the Cosmi act as a kind of executive, conducting the business of their city with the foreign ambassadors. The *βουλή* continued to exist, but its constitution had necessarily undergone changes and its power must have been curtailed (Hoeck, iii. p. 75 foll.).

Public education began in Crete with the completion of the seventeenth year (in Sparta as early as the completion of the seventh). Up to that time boys were left in their parents' houses, and were called *σκότιοι* (Schol. Eurip. *Alc.* 989, and Aristoph. Byz. p. 431, in Miller, *Mélanges de la Litt. Gr.*), or *ἀπάγελοι* (Hesych. *s. v.*), from the circumstance of their not yet belonging to the *ἀγέλαι* or divisions; they were, however, taken to the common mess by their fathers (Strab. x. p. 483). With their eighteenth year they entered the *ἀγέλαι*: they were not, as in Sparta, assigned by the Paedonomus to this or that *ἀγέλη*, but banded themselves together, of their own choice, under one of the most prominent of the young men, whose father was usually the leader of the *ἀγέλη* (Heracl. Pont. iii. and Schneidewin's note on p. 57, *ὃν* (sc. the leader) *καλοῦσιν ἀγελάτην*). From that time the youths were called *ἀγελάστοι* (Hesychius, *ἀγελάστους· τοὺς ἐφήβους*, which Cohn, *de Arist. Byz.* p. 300, alters to *ἀγελάτας*, and Baunack, *Studien*, i. 1, p. 40, to *ἀγελάσταυς*; *ἀγελάοι*, Cauer,^{2} No. 121, l. 10) or *δρομεῖς* (Gort. Code), from being admitted to the gymnasia (Suid.: *δρόμοις· τοῖς γυμνασίοις, κατὰ Κρῆτας*: cf. the Spartan *σφαιρεῖς*, Pausan. iii. 14, 6; *C. I. G.* 1386, 1432). They probably remained ten years in the *ἀγέλαι* (Hesych. *s. v. δεκάδρομοι*); and it is usually supposed, on the authority of Ephorus (Strab. x. p. 482), that they were compelled by law to marry on their release from the *ἀγέλαι*; yet Gilbert (ii. p. 224, n. 1) doubts that *ἀγέλη* is used in this passage in its technical sense, and points to Gort. Code, vii. 40 ff., from which we learn that a relative, if a *δρομεύς*, lost his right to marry an heiress if he did not do so "within two months:" hence he concludes that the Cretan youth was allowed to marry, when he was admitted to the *δρόμοι*: that the wives, however, remained under the roof of their fathers or brothers for some time longer (see Gort. Code, ii. 20 ff., viii. 20 ff.), "until they were fit to manage their own households" (Strab. p. 482 c.). Girls were deemed marriageable at twelve years of age (Gort. Code, xii. 31 ff.). In Gort. Code, vii. 35, there occurs the term *ἀπόδρομος*, by which some definite age must be meant (Wachsmuth, p. 201, "the sixteenth year;" Gilbert, p. 222, "the seventeenth year"); for we find there three distinctions of age recognised: *ἄνωρος—ἀπόδρομος ἠβίων—δρομεύς*. It is very probable that those who had been united in an Agela as youths remained united as men in the *ἑταιρεῖαι*, which messed together (*ἀνδρεῖα*, Athen. iv. p. 143 b, and Strab.). According to Aristotle (*Pol.* ii. 7, 4^b S.=10, 7 B.: cf. 6, 21 S. =9, 31 B.), these common meals were better managed in Crete than in Lacedaemon, being provided at the public cost. Dosiades (Athen. iv. p. 143) gives a full description of the Syssitia of Lyctus, and his account as to the manner of raising the funds differs somewhat from that given by Aristotle. Some further details are to be found in Heracl. Pont. iii.: *e.g.* that four portions were given to the *ἄρχων*, that strangers were served first, that the Cretans continued to sit at meals, whilst the Spartans departed from the ancient custom and reclined at table (cf. O. Müller, ii. p. 290 m, and p. 291 n). [R. W.] [H. H.]

COTHURNUS (*κόθορνος*). The word *cothurnus* is chiefly associated with tragedy, and among the Romans was the name given to the tragic boot. But it is to be carefully borne in mind that among the Greeks the tragic boot was not so called. The Greek term used was occasionally *ὀκρίβας* (Philostr. *Apoll.* vi. 11; *Vit. Soph.* i. 9, 1), but more usually *ἐμβάτης* (Lucian, *Jup. Trag.* 41; *Hist. conscrib.* 22; *Necyom.* 16). A distinction is said to subsist between *ἐμβάτης*, the tragic boot, and *ἐμβάς*, the comic one (Ammon. p. 49; Thom. Mag. p. 300); and again the distinction is said to be that *ἐμβὰς* is the tragic boot and *ἐμβάτης* the comic one (Poll. iv. 115). But the latter distinction certainly cannot be sustained, for *ἐμβάδες* is often used for the comic boot (*e.g.* Arist. *Eq.* 321) and *ἐμβάτης* for the tragic one (Lucian, *Salt.* 27); and even the former is very questionable, for in Bekk. *Anecd.* 746 *ἐμβάδων* is used of the tragic buskin (cf. Sommerbrodt, *Scaenica*, p. 106, note). Among the Greeks the *κόθορνος* was a kind of closed *boot* (in distinction to *sandals*) worn by women, which could fit either foot (hence the nickname of *Κόθορνος* given to Theramenes, Xen. *Hell.* ii. 3, 31, and the proverb *εὐμεταβολώτερος κοθόρνου*), and had rectangular soles (*Etym. M.* 524, 40). In Herodotus (vi. 126) it was the kind of boot put on by Alcmaeon when he was allowed to take as much gold as he could carry out of the treasury of Croesus; and was also the kind of boot which Croesus advised Cyrus to compel the Lydians to wear, in order to make them effeminate (Herod. i. 155). The cothurnus is called by Ovid "Lydian" (*Am.* iii. 1, 14), and in this connexion it is to be remembered that *τυρρηνικὰ* were rectangular wooden shoes [CALCEUS]. In Aristophanes, too, the *κόθορνος* is a woman's boot (*Lys.* 657; *Eccl.* 346, cf. 319; and especially *Ran.* 47), apparently of such a nature that the foot could be easily slipped into it (*Eccl.* 346). The generic name for such a boot seems to have been *ἐμβάτης* or *ἐμβάς* (*ἀπὸ τοῦ ἐμβαίνειν τοὺς πόδας*, *Etym. M.* 333, 54); and this word *ἐμβάτης* is specially applied by the Greeks to a top-boot reaching up to the calf of the leg and worn by hunters (Xen. *Eq.* 12, 10; cf. Poll. v. 18). The term *κόθορνος* in Greek is not used in this sense; but *cothurnus* in Latin is often applied to the hunter's boot (Verg. *Ecl.* vii. 32; *Aen.* i. 341, and Servius *ad loc.*), the species coming to be used for the genus, both agreeing in the quality of being easily slipped on. The correct Greek term for the hunting boot is ENDROMIS.

In Roman times *cothurnus* also takes the place of *ἐμβάτης* as applied to the tragic boot (*e.g.* Ovid. *Am.* ii. 18, 15; Tert. *Spect.* 23). It was a closed boot, but its special characteristic was the great height of its soles (Ov. *Am.* iii. 1, 63; Senec. *Ep.* 76, 31), and accordingly the term is applied to the very high-soled boot of a small woman (Juv. vi. 506). The actors were perched up on painted (Ov. *Am.* ii. 18, 14; Wieseler, *Denkm. des Bühnenwesen*, plates 7 and 8) wooden (Schol. *ad* Lucian, *Saturn.* 19) blocks, which we can well believe were heavy (Lucian, *Anach.* 23), which were, as may be seen from the accompanying cut, probably six or seven inches high, and from which he had to "get down" (*καταβάς*) at the end of the performance. The object was to give the principal characters a grandiose and superhuman stature. The less important actors had lower-soled boots, and we find pictures of actors with soles of different heights to their buskins (Saglio, fig. 2032; cf. Cic. *Fin.* iii. 14, 46). The statue of Melpomene on the sarcophagus of the Muses in the Louvre (Saglio, fig. 2028) wears two cothurni of different heights. The cothurnus being such a salient point of tragic costume, it came to be used for "tragedy," or "tragic style" generally (*e.g.* Hor. *A. P.* 80; *Od.* ii. 1, 12). In the Satyric drama the heroic characters most probably wore the high-soled boot, as Wieseler (*Satyrspiel*, p. 80) supposes, though A. Müller (*Die griech. Bühn.* p. 242) thinks they adopted the hunter's boot. From analogy with the huntsman's boot, we might infer that the tragic boot came considerably up the leg; but we cannot verify this from pictures, and it is at variance with a statement of Lucian's (*Gall.* 26) that when an actor with *ἐμβάδες* on fell the *naked* legs were exposed. The boots most probably did not come above the ankle. The uppers appear to have been made of leather; the huntsman's *ἐμβάτης* undoubtedly was (Xen. *Eq.* 12, 10), and the woman's *κόθορνος* in Aristoph. *Lys.* 658 is *ἀψηκτός*, which leads us to suppose that they were usually of leather. Cothurni do not appear on some pictures of actors found at Pompeii; so that we may infer that they were not always used. For other theories based on their absence, see A. Müller, *op. cit.* 240.

Cothurnus. (Daremberg and Saglio.)

The chief works on the subjec
Göll, *Charikles*, iii. 280 ff.; Somm
nica, pp. 192–197; A. Muller, *Di*
Bühnenalterthümer, pp. 238-241;
Daremberg and Saglio's *Dict. des*
Cothurnus.

COTTABOS (*κότταβος*, Ion.
game much in use at Athenian s
cially in the fifth and fourth centu
name and the sport were alike, o
tell us, of Sicilian origin. Brie
the object of the game was to
quantity of wine at a mark. Its
larity is attested by the number
it in literature, by the number of
it underwent, and, not least, by
the vocabulary connected with it.
be noticed first.

The word *κότταβος* itself is ap
(*a*) to the game, (*b*) to the wine
the sound it produced. It is fur
by adjectives describing the diffe
the game: *κότταβος ἀγκυλητός*,
ὀξυβάφων. Derivatives of it are
the vessel into which the wine wa
called *λαταγεῖον*, *χαλκεῖον*, *λεκ*
κοττάβιον, the prize for success
which consisted of cakes or sweet
βίζω, *ἀποκοτταβίζω*, *κοτταβισμό*
κοτταβικός, *κοττάβις*, referring t
the game.

The other word of main impor
(with its derivatives, *λαταγή*, *λα*
γεῖν), which signifies both the wi
the sound produced by it.

Two main forms of the game a
able in the written accounts, apa
variations; namely, that played
out special apparatus. The latte
shortly described first. It was
δι' ὀξυβάφων, for which nothing
ordinary accessories of a drinki
required. In this, a *κρατὴρ* or
filled with water, was set in the
it a number of empty saucers floa
ject here was to sink the saucers b
λάταξ into them, and he who san
number received the *κοττάβιον* (*v.*

The *κότταβος κατακτός*, on th
required a special apparatus, w
often described by Greek writers
their accounts date from a per
game had become obsolete, we
implicit confidence in them. Al
scribing a *ῥάβδος*, or bronze rod
brum; and, in connexion with i
or bronze saucer, like those be
balance; and a *μάνης*, or small br
a slave). If, however, we go furt
we find grave divergences. Some
wine as first hitting the *μάνης* an
into the *πλάστιγξ*, while other
order; and the most elaborate a
in Lucian. *Lexiph.* 3) describes an
exactly resembling a pair of scale
πλάστιγγες, and under each of
standing immersed in a bowl
object in this case being to throw
the *πλάστιγξ* with such force
descend and hit the head of the
descent of the *πλάστιγξ* would ex
κατακτός.

Evidence, however, of a more exact and trustworthy character than the written accounts is not wanting. Vase-paintings representing one form of the game with the *πλάστιγξ* exist in considerable numbers; and some have been figured by Heydemann and O. Jahn (*v. infra*). In these we see simply an object like a candelabrum (the *ῥάβδος*), with a small saucer (the *πλάστιγξ*) balanced on the top of it, which the player is endeavouring to dislodge by throwing the *λάταξ* into it: sometimes the saucer is being replaced in position after a successful throw, by an attendant (generally a woman). The safest guide, however, to the solution of the problem has been afforded of late years by the discovery of an actual *κότταβος* apparatus in an Etruscan tomb in the Frontone, Perugia. This has been described and figured by W. Helbig (*Mittheil. des Kaiserl. Deutsch. Archäol. Inst.*, *Römisches Abth.* Band 1, 1886, pp. 222–3 and 234–42, pl. xii.^{a} xii.^{b}). The whole apparatus (now in the museum at Perugia) is of bronze. It resembles a candelabrum on a base. At a third of its height, the stem is surrounded by a basin. In a socket at the top is fitted a small bronze figure with one arm and leg raised. It stands on a small base and is easily movable, so as to be replaced on occasion by a *πλάστιγξ*, such as the vase-paintings show us. The stem of this instrument could, it seems, be raised or lowered at will.

In another specimen at Perugia, lately identified by Helbig as a *κότταβος*, the basin is gone: the *μάνης* in this is represented as holding up a vessel, and on his upraised arm a *πλάστιγξ* might be balanced. At least one more *μάνης* and several *πλάστιγγες* are known to exist in different collections. It will be seen that this form of *κότταβος* has nothing equivalent to the movable *ζυγὸς* described by several writers. The *μάνης* represents a slave being beaten, or shrinking from a blow, and its attitude is alluded to in a fragment of Eubulus *ap.* Athen. xv. p. 666 (*v.* Helbig, *l. c.*).

Two more points remain to be noticed with regard to the game. First, the action of throwing the wine was called *ἀγκύλη* (whence the epithet *ἀγκυλητός*, used by Aesch. *ap.* Ath. *l. c.*), and the acquiring of suppleness (*ὑγρότης*) in the turn of the wrist was a point of prime importance amongst players. Secondly, as is well known, the *κότταβος* was used as a method of love-augury. The name of the beloved object was pronounced or thought of by each player as he threw the wine, and the success or failure of the suit was augured according as the sound of the *λάταξ* upon the *πλάστιγξ* was sharp and clear, or dull and confused. Whether this originally formed part of the game seems a doubtful point.

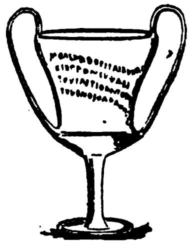
Literature and ancient authorities.—Athenaeus, *Deipnos.* xv. p. 666, &c., has a discussion on the subject, illustrated copiously by tragic and comic fragments, which form nearly all our *contemporary* evidence. Many later writers describe the game, but, as has been said, apparently without personal knowledge of it. They are: (1) Jul. Pollux, *Onom.* vi. 109; (2) Schol. in Ar. *Pac.* 1172; (3) Schol. in Luc. *Lexiph.* 3 (rather copious); (4, 5) Suidas and *Etym. Magn.* s. v.; (6) Nonnus, *Dionys.* xxxiii. 74–98, describes an impossible *κότταβος* played by Eros and Hymen, where a statue of Hebe is the *μάνης*.

Modern authorities.—Besides the older literature (see Becker-Göll, *Charikles*, ii. p. 366), the best modern discussions are to be found in (1) *Philologus*, xxvi. (1867), pp. 204–240, by O. Jahn; (2) the *Annali*, 1868, pp. 217–31, and plates; (3) the *Mittheilungen*, as referred to above. [M. R. J.]

CO'TYLA or **Co'tula** (*κοτύλη*, *κότυλος*, dim. *κοτυλίσκη*, *κοτυλίσκος*, *κοτυλίσκιον*), a kind of cup, the exact shape of which is not easy to determine. That it was of no great size is evident from the earliest use of the word in Homer (*πύρνον καὶ κοτύλην*, "a bite and a sup," of the smallest doles of food and drink, *Od.* xv. 312, xvii. 12; cf. *Il.* xxii. 494). Athenaeus, who has separate chapters on the *κότυλος* (xi. 478 b) and *κοτύλη* (*ib.* d), brings together a farrago of quotations which point to no definite conclusion. From one grammarian, Simaristus, he quotes *λεπτὸν ποτήριον*, "a small cup," as a description of *κοτύλη*: from another, Apollodorus, *ποτηρίου τι γένος ὑψηλὸν καὶ ἔγκοιλον*. Of course *ὑψηλὸν* need not imply any great height; it means "of a high and narrow shape," running to height rather than width. The other adjective, *ἔγκοιλον*, must mean "with hollow or concave sides;" even Athenaeus would hardly describe a cup as simply hollow. These two epithets, we shall see further on, are not without significance. Athenaeus' other statements are more contradictory: *κότυλοι* are at first "one-handled," then they "sometimes have handles;" *κοτυλίσκοι* are little hollows in a large dish called *κέρνος* (cf. Liddell and Scott, *s. v.*); then a *κοτύλη* has no handle at all, therein differing from a *κύλιξ*: finally both the *κότυλος* and *κοτύλη* are like a deep bath-tub (*λουτηρίῳ βαθεῖ*).

After this it is not surprising that modern authorities differ. Two of the best, Panofka and Gerhard, are at issue which of two closely resembling vessels is a scyphus and which a cotyla (Guhl and Koner, ed. 5, p. 194; the figures p. 190, Nos. 4 and 7). Fortunately two inscribed examples help us to a decision. One of these, found at Corfu, has been figured by Birch (*Anc. Pott.* ed. 2, p. 375), and is inscribed HEMIKOTTΛION, i.e. *ἡμικοτύλιον*: the other, found at Thespiae and now in the Louvre, calls itself *κότυλος* and is here given after Pottier (*ap.* D. and S.). The cup in question is about six inches in height, and its shape answers to the description quoted from Apollodorus, *ὑψηλὸν καὶ ἔγκοιλον*: it bears some resemblance to a Cantharus, but is of smaller size. These two inscribed specimens favour the conclusion that the *ἡμικοτύλιον* had one handle, the *κότυλος* or *κοτύλη* two; as had previously been conjectured (Panofka, iii. 51, iv. 50; Gerhard, *Ultime Ricerche*, 28; Birch, *l. c.*). The *κοτυλίσκος*, it is probable,

A half Cotyla. (Birch.)



Cotyla. (From the Louvre.)

might be with or without handles (Gerhard, *Berlins Ant. Bildw.* i. 368, No. 46).

Cotyla (in this sense *κοτύλη* only, not *κότυλος*) was also a measure of capacity among the Romans and Greeks: in Latin it was more commonly called *hemina;* in Greek sometimes *ἡμῖνα* or *ἡμίμνα*. It was the half of the sextarius or *ξέστης*, and contained 6 cyathi, 0·274 of a litre, or nearly half a pint English (Hultsch, *Metrol.* 80 ff. 92). Sometimes, though rarely, it is a dry measure (*κοτύλην ὕδατος καὶ δύο κοτύλας σίτου*, Thucyd. vii. 87; Hultsch, p. 83).

This measure was used by physicians with a graduated scale marked on it, like our own chemical measures, for accurately dispensing given weights of fluids, especially oil; and in this sense was also called *τρύβλιον* (Hippocr. 531, 51; Galen, *infra*). A vessel of horn, of a cubic or cylindrical shape, of the capacity of a cotyla, was divided into twelve equal parts by lines cut on its side. The whole vessel was called *litra*, and each of the parts an ounce (*uncia*). This measure held nine ounces (by weight) of oil, so that the ratio of the weight of the oil to the number of ounces it occupied in the measure would be 9 : 12 or 3 : 4. (Galen, *de Compos. Medicam. per Genera*, iii. 3; i. 16, 17; iv. 14; v. 3, 6; vi. 6, 8.) [P. S.] [W. W.]

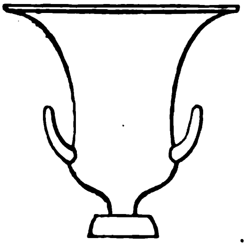
COTY'TTIA or COTTYTES (*κοτύττια, κόττυτες*), a festival which was originally celebrated by the Edonians of Thrace, in honour of a goddess called Cotys or Cotytto. (Strab. x. p. 470; Eupolis, *apud* Hesych. *s. v.;* Suidas.) It was held at night, and, according to Strabo, resembled the festivals of the Cabeiri and the Phrygian Cybele. But the worship of Cotys, together with the festival of the Cotyttia, was adopted by several Greek states, chiefly those which were induced by their commercial interest to maintain friendly relations with Thrace. Among these Corinth is expressly mentioned by Suidas, and Strabo (x. p. 471) seems to suggest that the worship of Cotys was adopted by the Athenians, who, as he observes, were as hospitable to foreign gods as they were to foreigners in general. (Compare Juven. *Sat.* ii. 92.) The priests of the goddess were formerly supposed to have borne the name of *baptae;* but Buttmann has shown that this opinion is utterly groundless. Her festivals were notorious among the ancients for the dissolute manner and the debaucheries with which they were celebrated. (Suidas, *s. v.* Κότυς: Hor. *Epod.* xvii. 56; Theocrit. vi. 40.) Another festival of the same name was celebrated in Sicily (Plut. *Proverb.*), where boughs hung with cakes and fruit were carried about, which any person had a right to pluck off if he chose; but we have no mention that this festival was polluted with any of the licentious practices which disgraced those of Thrace and Greece, unless we refer the allusion made by Theocritus to the Cotyttia, to the Sicilian festival. (Compare Buttmann's essay, *Ueber die Kotyttia und die Baptae*, in his *Mythologus*, vol. ii. p. 159; Lobeck, *Aglaoph.* pp. 627, 1007, &c.) [L. S.]

COVINA'RII. [COVINUS.]

COVI'NUS or COVINNUS (Celtic, *kowain*), a kind of car, the spokes of which were armed with long sickles, and which was used as a scythe-chariot chiefly by the ancient Belgians and Britons. (Mel. iii. 6; Lucan. i. 426; Sil. xvii. 422.) The Romans designated, by the name of covinus, a kind of travelling carriage, which seems to have been covered on all sides with the exception of the front. It had no seat for a driver, but was conducted by the traveller himself, who sat inside. (Mart. xii. 24.) There must have been a great similarity between the Belgian scythe-chariot and the Roman travelling carriage, as the name of the one was transferred to the other, and we may justly conclude that the Belgian car was likewise covered on all sides, except the front, and that it was occupied by one man, the covinarius only, who was, by the structure of his car, sufficiently protected. The *covinarii* (the word occurs only in Tacitus) seem to have constituted a regular and distinct part of a British army. (Tacit. *Agr.* 35, 36; Böttcher's *Lexicon Tacit.* s. v.; Göll-Becker, *Gallus*, iii. p. 18; Marquardt, *Privatleben*, p. 713; compare the article ESSEDUM.) [L. S.]

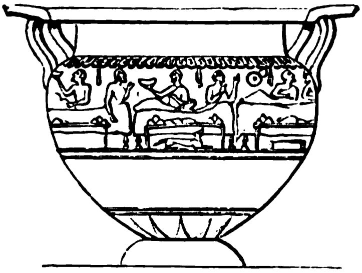
CRATER (*κρατήρ*) was the large bowl used at feasts for mixing the wine for the whole company. There can be little doubt that it is as old as communal life, with its common ceremonies and common feasts; so that we are not surprised to find it among the oldest people and in the most remote age of each nation. From Assyria (Perrot and Chipiez, ii. 410), Cyprus (the crater of Amathus), Persia (Ath. 514), we hear of colossal specimens which were used generally in religious rites, and which bear evidence that even at the time of their own construction the crater had already had a long history. But specially, among the Greeks, we find the *κρατήρ* in Hesiod (*Op.* 744) and Homer, made of silver (*Od.* ix. 203) and with a gold rim (*Od.* iv. 616), and sometimes of gold (*Il.* xxiii. 219). The prize Achilles offered for the foot-race was a silver crater, elaborately wrought, holding six measures, nor was any in the whole world able to surpass it in beauty, cunningly wrought as it was by Sidonians (*Il.* xxiii. 740). During the Homeric feasts the *κρατήρ* used to stand at the far end of the men's hall, at the left-hand side near the *ὀρσοθύρη* (*Od.* xxii. 332 *sqq.*; and Buchholz, *Hom. Real.* ii. 2, 164). The manner of its use at festivals will be found treated of under CENA.

In historical times we find it belonging to every class, rich (*e.g.* Alexis, 119, Kock; Juv. xii. 44) and poor (Ar. *Eccl.* 677; Mart. xii. 32, 12); and used also in religious cult, where it is generally mentioned in connexion with *σπονδαί* (Aesch. *Cho.* 291; Dem. *Lept.* 505, § 158), thus referring to the drinking which followed the libation. So, too, in general festivals we hear of the gods ordering *κρατῆρες* to be set up in the streets (Dem. *Mid.* 531, § 53; *Macart.* 1072, § 66); and the crater was used at funerals (Verg. *Aen.* vi. 225) and in the mysteries (*κρατηρίζων*, Dem. *de Cor.* 313, § 259). And so we find craters were a most common kind of dedication in the temples (e.g. *C. I. G.* 8; Orelli, 1541), and they are often mentioned as such by Herodotus: for example, the six golden ones dedicated by Gyges, each weighing 5 talents (i. 14); the gold one weighing 8½ talents 12 minae, and the silver one holding 600 *μετρηταὶ* which Croesus dedicated at Delphi (i. 51). The monstrous crater carried in the procession of Ptolemy Philadelphus (Ath. 199 b) held the same quantity, and was elaborately adorned with figures about the handles and base, and round the middle ran a band of gold with precious stones (cf. λιθοκόλλητον in Eratosth. *ap.* Ath. 495 a). Other highly-adorned craters are mentioned in Herod. i. 70, iv. 152; cf. also Ov. *Met.* xiii. 681 *sqq.* These great public vessels used to be employed for mixing wine in on the occasion of festivals, *e.g.* the Theophania at Delphi (Herod. i. 51), and of important state ceremonials, *e.g.* contracting peace and alliance with another state (iv. 152). In Virgil (*Aen.* ix. 346) we read of a man hiding behind a crater. These examples show the enormous size, the costly material, and the elaborate ornamentation of some of these vessels; but craters were of all sizes, from these gigantic public ones down to domestic ones holding a few pints. And as the latter were often humble in size, so too they were often humble in material. We find them of wood (the πρόαρον is a κρατὴρ ξύλινος, Ath. 495 a), horn (Mart. xii. 32, 12), clay (Ov. *Met.* viii. 669). Craters were used chiefly for wine, but also for other libations (Soph. *O. C.* 472; Verg. *Aen.* v. 68). We hear of special kinds with distinct names from places, *e.g.* Lesbian (Herod. iv. 61), Argive (Herod. iv. 152), Laconian (Ath. 198 d); and from individuals, *e.g.* Thericlean (Alexis, 119, Kock). For the latter see Calix. But archaeologists agree that we have not sufficient evidence to identify these different species with the different kinds of craters which have come down to us. The most ordinary shapes of the crater are the following. It will be seen that they had a neck of varying size, a broad body, and a base; also two handles, which were sometimes high up and vertical, and adorned with flutings, sometimes horizontal and nearer the base.



Crater. (Dennis, *Etruria*, i. p. cxi.)

Etruscan Crater. (Dennis, *Etruria*, i. p. cxii.)



Crater. (Dennis, *Etruria*, i. p. cxii.)

These are the principal kinds; but perhaps we may class under the head of κρατὴρ those large round-bottomed vessels which approached in form to the δῖνος, and which were of the shape of the old mixers of more simple times. The word crater [Cantharus] is also used of basins for catching the water discharged by fountains (Plin. *Ep.* v. 6, 23, and probably *H. N.* xxxv. § 156). It does not appear to have been ever applied to a drinking vessel; but we find κρατηρίσκος in this latter sense (Ath. 478 c).

The crater often had a support which was called ὑποκρατήριον, ὑποκρατηρίδιον, or ἐπίστατον. These are frequently mentioned in dedications; see Boeckh in *C. I. G.* 8, p. 20. In Herod. i. 25 it is of iron; and in iv. 152 three brasen kneeling Colossi, seven cubits high. A Latin inscription of 169 A.D. (Orelli, 1541) mentions a "crateram argyrocorinthiam cum basi sua et hypobasi marmorea;" and another (Henzen, 5801) tells of a crater "cum basi bicipite." Subjoined are two woodcuts to illustrate the ὑποκρατηρίδιον.

Late Crater, Orvieto. (Dennis, *Etruria*, i. p. cxi.)

Further, the word κρατὴρ is applied to chasms in the ground (Soph. *O. C.* 1593, and

Jebb *ad loc.*): *e.g.* the geysers of the Palici at Syracuse (Macrob. *Sat.* v. 19). Compare the dark mountain lake called the Devil's Punchbowl at Killarney. The name of Crater was also given to the Sinus Cumanus or Bay of Naples (Cic. *Att.* ii. 8, 2); compare Cothon at Carthage. Crater, too, was a constellation (Ov. *Fast.* ii. 226).

Late Crater, Perugia. (Dennis, *Etruria*, i. p. cxli.)

Besides the works mentioned under Calix, see Pottier in Daremberg and Saglio. [L. C. P.]

CRATES (*ταρσός, γέρρον*), a hurdle, used by the ancients in many different ways, especially, as among ourselves, for agricultural purposes. Thus *textae crates* are the wattled hurdles of which sheep-folds are made (Hor. *Epod.* ii. 45); *vimineae crates* are bush-harrows, like those now in use (Verg. *Georg.* i. 95, 104; Plin. *H. N.* xviii. §§ 180, 186; Agricultura, p. 63 *a*). The name was also applied to any wooden frame composed of bars with interstices,—our *crate*, *grate;* and the interstices might be filled up with mats of straw, rushes or fern (Colum. xii. 15). The following special senses may be noticed:—

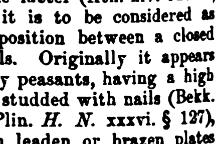
1. *Crates* were used by the country people upon which to dry figs, grapes, &c. in the rays of the sun, or to screen growing fruit from the weather (Colum. xii. 16; Cat. *R. R.* 48); or for spreading manure (Cat. *R. R.* 10; Varr. *R. R.* i. 22). 2. A rack for provisions, like that figured under Caupona; cf. Carnarium (Juv. xi. 82). 3. Among military terms we find *crates* used in forming the roadway of Caesar's bridge over the Rhine (Caes. *B. G.* iv. 17); for parapets or breastworks (*pinnae loricaeque ex cratibus*, ib. v. 40); as fascines for crossing ditches (*ib.* vii. 79, 81, 86; *B. C.* iii. 46 and 80; Tac. *Ann.* i. 68, where Orellius observes, after Walther, that the ditches were not filled up, as by modern fascines, but bridged over); as mantlets or wooden screens for sheltering the advance of troops under cover (Amm. Marc. xxi. 12). From the *plutei*, which were employed in the same way, they differed only in being without the covering of raw hides: *plutei* and *crates* are again coupled, Liv. x. 38. 4. By the besieged they were used joined together so as to form what Vegetius calls a *metella*, and filled with stones: these were then poised between two of the battlements; and, as the storming-party approached upon the ladders, overturned on their heads (Veget. *Mil.* iv. 6). 5. In poetry, the wicker-work of shields is so called (Verg. *Aen.* vii. 633; Sil. Ital. v. 522; *cratem trilicem*, Val. Flacc. iii. 199).

A capital punishment was called by this name, whence the phrase *sub crate necari.* The criminal was either thrown into a pond or well, and drowned under a hurdle (Liv. i. 51; Tacit. *Germ.* 12); or crushed by the weight of stones heaped upon it (Liv. iv. 50; Plaut. *Poen.* v. 2, 65). Cf. Humbert, *ap.* D. & S. [B. J.] [W. W.]

CRATI'CULA, the diminutive of *crates*, seems always to mean a gridiron (Mart. xiv. 221). In Petronius (*Sat.* 31 and 70) it is of silver, and brought to table by the slaves; an anticipation of the modern "silver grill." In Cato (*R. R.* 13, § 1), the true reading is probably *lucernas craticulas*, "wicker lanterns." Several ancient gridirons, found at Pompeii, are now in the Naples Museum. [W. W.]

CRATI'CULUM (*κρατευταί*, *Il.* ix. 214; *κρατευτήριον*, Poll. vi. 89; *κρατευτήρια*, id. x. 97), andirons or "dogs," rests on each side of the fire on which a spit turns. On the derivation, see Leaf *ad Il.* l. c. Festus derives the Latin word from the Greek; a not very probable etymology (Fest. p. 53, M.). [W. W.]

CRE'PIDA (*κρηπὶς*), also called *crepidula* (Plaut. *Pers.* iv. 2, 3), was a kind of shoe of the nature of sandals (Gell. xiii. 21, 5); but as it was different from the latter (Ath. xiv. 621 b; Hor. *Sat.* i. 3, 127), it is to be considered as occupying a middle position between a closed boot and plain sandals. Originally it appears to have been worn by peasants, having a high and strong sole, often studded with nails (Bekk. *Anecd.* 273, 18; cf. Plin. *H. N.* xxxvi. § 127), sometimes fitted with leaden or brazen plates called *Χῖαι κρηπῖδες* (Hippoc. *ap.* Galen, xviii. A. p. 678, ed. Kuhn; Tert. *de Pall.* 4; Ael. *V. H.* xii. 32), and we are told that Hagnon, one of the followers of Alexander, had gold or silver nails in his *crepidae* (Ath. xii. 539 c; Ael. *V. H.* ix. 3; Plut. *Alex.* 40). It sometimes had a low upper (cf. the story in Parthen. *Erot.* 8), with eyes (*ansae*) through which straps (*obstragula*, *ἱμάντες*), which were at times adorned with jewels (Plin. *H. N.* ix. § 114) or dyed with purple (Heliod. *Aethiop.* iii. 3), were passed, fastening it over the instep: often it was closed at the back (this is probably the *ὀπισθοκρηπὶς* of Poll. vii. 91): but generally the upper consisted of a series of large loops (also called *ansae*), through which the fastening thong or thongs were passed. This kind of open network covering the instep explains the epithet *πολυσχιδές* (Lucian, *Rhet. Praecept.* 15). Examples of *crepidae* are given among the Greek shoes under Calceus, 3 and 4, and in the accompanying cut of the



Crepida. (Foot of Hermes.)

foot of the Hermes of Praxiteles. There appear to have been a definite number of *ansae* in special kinds of *crepidae* (see the story which led to the proverb *ne sutor supra crepidam judicaret* in Plin. *H. N.* xxxv. § 85). In some vase-paintings of ephebi the bands fastening the *crepidae* reach half-way up the calf (see Saglio, fig. 2057). The *crepida* would fit either foot (Isid. *Orig.* xix. 34, 3). They were of course made of leather (Xen. *Eq.* 12, 10). Lamps made in the form of *crepidae* or *caligae*, with nails in the soles, have been found, and illustrations of them are given in Saglio (fig. 2059) and Baumeister (fig. 619).

The κρηπὶς was the national Greek shoe (Plut. *Aemil.* 34; Pers. i. 127; Suet. *Dom.* 4); hence at Rome a tragedy in Greek costume was called *fabula crepidata.* It is especially mentioned as a Macedonian military boot (Theocr. xv. 6), while the Roman military boot with nails was called CALIGA. We find the *crepida* frequently worn with the *pallium* (Liv. xxix. 19, 12; Suet. *Tib.* 13), and with the *chlamys* and *causia* (Cic. *Rab. Post.* 10, 27; Plut. *Ant.* 54; Herodian, iv. 8, 2): in all these passages it is spoken of in pointed contrast to Roman costume.

As κρηπὶς sometimes (Ath. xii. 522; Lucian, *l. c.*) appears as a soft shoe worn by women, we cannot suppose that this kind resembled the heavy κρηπὶς of peasants or soldiers otherwise than in shape. We are also told that Sophocles (*Vit. Soph.* p. 128, 30; ed. West.) introduced white κρηπῖδες for the *choreutae* and for actors who performed (Wieseler, *Satyrspiel*, p. 82) subordinate female parts or the parts of effeminate men. More probably, however, these κρηπῖδες were of the nature of the high-soled peasants' shoes mentioned above.

The word κρηπὶς was also used in the sense of a kind of pancake or cake made of dough with fruit inside it (Ath. xiv. 645; Poll. vi. 77; Hesych. *s. v.*).

(Hermann-Blümner, *Privatalterthümer*, p. 182; Marquardt, *Privatleben der Römer*, p. 577; Becker-Göll, *Charikles*, iii. 274–277; and Pottier, in D. & S.) [L. C. P.]

CREPITA'CULUM. [SISTRUM.]

CRETIO HEREDITA'TIS. [HERES.]

CRIMEN is a term which has two ordinary meanings: a punishable offence (e.g. *crimen admittere, confiteri; crimen alicui objicere*), and the accusation brought against the person by whom it was committed (e.g. *crimen alicui intendere, in crimen subscribere, suspecti crimen*).

In the first of these senses crimina were, in the oldest period of Roman history, regarded as wrongs against religion and the gods (Vegoia, *Röm. Feldmesser*, i. 350; Liv. i. 26; Dionys. iii. 22; Tac. *Ann.* xii. 8), and their punishment as an expiation offered to Heaven (Serv. *ad* Verg. *Aen.* i. 632; Festus, s. v. *Sacrata;* Liv. ii. 8, iii. 55; Dionys. viii. 79, x. 42). In the Twelve Tables this implication of penal law with religion and religious sanctions has become less prominent, and we find a distinction between offences which are punished by a solemn legislative act of the state (though few only with death, Cic. *de Republ.* iv. 10), and offences atoned for by a mulct paid to the injured person in satisfaction of his resentment, as to the amount of which the parties might come to terms (Festus, s. v. *talio*). From this distinction arose another, of more scientific value, between *delicta privata* and *crimina publica* (Dig. 21, 1, 17, 18), which is adhered to with tolerable consistency in the writings of the jurists and the later law. *Delicta privata*, or *delicta* simply, are civil offences, or what we call "torts;" *crimina publica* are what we call crimes, offences against the state or community, the subject of prosecution before a criminal tribunal. But occasionally a delict is spoken of as a crimen (*e.g.* "extra furti crimen videri," Gaius, iii. 197; Inst. iv. 1, 7), and in other passages (*e.g.* Dig. 48, 19, 1) a person who commits a crime is said *delinquere.*

The peculiarity of the Roman delicts seems to be that, independently of the obligation to indemnify the plaintiff for any loss or detriment which the wrongful act has occasioned him, they invariably entail on the defendant also a liability to pay a pecuniary penalty to the injured person: if his purse is stolen, he can recover in the civil courts not only the value of it with its contents, but also a penalty equivalent, under different circumstances, to twice or four times the sum awarded to him as pure compensation. In the Institutes of Gaius and Justinian delicts are discussed as one of the modes in which "obligations" originate: they comprise theft (*furtum*), robbery (*bona vi rapta*), damage to property (*damnum injuria datum*), and intentional wrongs to the person or reputation of a free man (*injuria*): Gaius, iii. 182–225; Inst. iv. tits. 1–4. Besides delicts, there are certain quasi-delicts which are treated in Inst. iv. tit. 5, and which resemble delicts proper in subjecting the defendant to a liability to pay a pecuniary penalty to the plaintiff: apparently they are *quasi*-delicts, and not delicts, partly because they did not fall within the letter of the statutes or edicts by which delicts were created or regulated, partly because the liability is vicarious, a man being penalised for wrongs done not by himself, but by his servants, slaves, filii familias, &c. Under the empire the general rule was that any one who could bring a penal action on a delict (other than *damnum injuria datum*) might, if he preferred it, prosecute the delinquent before a criminal tribunal, forfeiting thereby however his right to recover the private *poena* (Dig. 47, 1, 3; 47, 2, 56, 1); and Ulpian says (in Dig. 47, 2, 92) that in his time theft was most usually made the subject of criminal proceedings.

The notion of crime and rules of criminal procedure were of very slow development at Rome. At first, if a man committed a wrong so heinous that it seemed improper to leave it to individuals to pursue by a civil remedy, or one (*e.g.* treason) which there was no remedy for at all in the civil courts, he was solemnly tried by the people under legislative forms, analogous to the English bill of attainder. Towards the end of the republic, however, there is a series of great statutes relating to the chief classes of crimes, and establishing a permanent court (*quaestiones perpetuae*) for the trial of each, and prescribing both procedure and punishment. The earliest of these is the Lex Calpurnia de repetundis, B.C. 149: among them are the statutes of Sulla (leges Corneliae) as to forgery and murder, of Pompey on parricidium, and of Julius and Augustus Caesar as to treason, adultery, peculatus, &c. (Inst. iv. tit. 18). Crimes not falling under these statutes were still tried by a legislative act of the whole people, or by a special quaestio or commission appointed for the particular case ("extra ordinem quaerere," Cic. *de Fin.* ii. 16, § 54; *pro Milone*, 6, § 14).

Under the empire the *quaestiones perpetuae* were gradually superseded by special magistrates, but the criminal statutes by which they were established remained in full force: only prosecutions brought under them were termed *judicia publica* (Dig. 48, 1, 1). Other offences which had been constituted crimes in the course of history (by imperial rescripts or the writings of the jurists: Dig. 47, 19, 1, 2, pr.; 47, 1, 3) were still said to be pursued *extra ordinem* (e.g. *injuria* and *furtum*, Dig. 47, 2, 92; Inst. iv. 4, 10), and were called *extraordinaria crimina* (Dig. 47, 11) and sometimes *privata crimina* (Dig. 48, 19, 1, 3; 47, 11, 3, &c.). Whether the crimen was prosecuted by a *publicum judicium* or *extra ordinem*, the penalties varied considerably, though the judge's discretion seems to have been larger in the latter case (Dig. 47, 18, 1, 1, 2; 47, 20, 3, 2, &c.): among them were loss of life, of freedom, of civitas, infamia, imprisonment, and pecuniary fines. Condemnation in a *publicum judicium* always entailed *infamia;* but this was not the case in *crimina extraordinaria*, unless the wrongful act would have been punished thus had it been pursued by a civil action (Dig. 48, 1, 7). Crimes punished by death, loss of libertas, aquae et ignis interdictio, and deportatio were called *capitalia* (Inst. iv. 18, 2). [CAPUT.]

The subject of delict and crime is treated at length and well by Walter, *Geschichte des röm. Rechts*, book v. §§ 788–861: for an interesting discussion of the subject from the historical side, see chap. x. in Sir Henry Maine's *Ancient Law*. Cf. W. Rein, *Das Criminalrecht der Römer*, Leipzig, 1844. [J. B. M.]

CRINIS. [COMA.]

CRISTA. [GALEA.]

CRITAE (*κριταί*), *i.e.* judges, a name applied by the Greeks to any person who did not judge of a thing as a *δικαστής*, according to positive law, but according to his own personal sense of justice and equity. (Herod. iii. 160; Demosth. *Olynth.* i. *fin. c. Mid.* p. 520, § 17.) But at Athens a number of *κριταὶ* were chosen by ballot from a number of selected candidates at every celebration of the Dionysia, and were called *οἱ κριταὶ κατ' ἐξοχήν*. Their office was to judge of the merit of the different choruses and dramatic poems, and to award the prizes to the victors. (Isocr. *Trapez.* § 33, with Coraes' note.) Their number is stated by Suidas (*s. v.* *Ἐν πέντε κριτῶν γούνασι*) to have been five for comedies, and G. Hermann has supposed, with great probability, that there were on the whole ten *κριταί*, five for comedy and the same number for tragedy, one being taken from every tribe. The expression in Aristophanes (*Av.* 421), *νικᾶν πᾶσι τοῖς κριταῖς*, signifies to gain the victory by the unanimous consent of the five judges. For the complete literature of this subject, see K. F. Hermann, § 149, n. 13. [L. S.]

CRO'BYLUS. [COMA.]

CROCO'TA, dim. CROCOTULA (sc. *vestis; κροκωτόν*, sc. *ἱμάτιον*, or *κροκωτός*, sc. *χιτών*), a light and showy garment, so named from its saffron colour. The derivation from *crocus* is undoubted (Verg. *Aen.* ix. 614: "picta croco e fulgenti murice vestis"), and the notion [illegible] Salmasius and others that it was from [illegible] the woof or weft, or *κροκὺς*, the nap o[illegible] justly exploded. It is variously described as an under-garment (*χιτών*) or an upper one (*ἱμάτιον*): and Pottier (in D. & S.) has seen in this an indication that its real place was between the two. This is confirmed by the description of a statue of Bacchus as wearing a long-sleeved purple *χιτών*, a crocota of some gauzy texture (*κροκωτὸν διαφανῆ*) over it, and finally a mantle or *ἱμάτιον* of embroidered purple and gold (Callix. *ap.* Ath. v. 198 c). The crocota was probably sleeveless, showing the sleeves of the tunic underneath. It was worn mostly by women, especially those of light character (Aristoph. *Lys.* 44; *Thesm.* 138, 253, 945; *Eccl.* 879; Pollux, iv. 18, 117); and its use by men was a mark of effeminacy (Cratin. fr. 37, Meineke; Araros, fr. 4, M.), and hence appropriate to Bacchus (Aristoph. *Ran.* 46). In the Latin writers it is characteristic of the priests of Cybele (Verg. *l. c.*; Apul. *Met.* viii. p. 172), but was adopted by the Roman ladies (Plaut., and Naevius *ap.* Non. pp. 538, 549), and even by foppish men ([Cic.] *de Har. Resp.* 21, § 44). Yellow was a favourite colour both with Greek and Roman ladies; as we still see in the pictures discovered at Herculaneum and Pompeii. Hence in a skit at the endless names for feminine apparel we find *calthula*, "of a marigold colour," joined with *crocotula* (Plaut. *Epid.* ii. 2, 49; the whole passage is curious, though, according to some critics, interpolated). (Cf. Becker-Göll, *Charikles*, iii. pp. 223, 252.) [L. S.] [W. W.]

CRO'NIA (*κρόνια*), a festival celebrated at Athens in honour of Cronos, whose worship was said to have been introduced into Attica by Cecrops. He had a temple in common with Rhea. (Paus. i. 18, § 7; comp. vi. 20, § 1.) The festival was held on the twelfth of the month of Hecatombaeon (Demosth. *c. Timocr.* p. 708, § 26; Plut. *Thes.* 12; *Etym. M.* s. v.), which at an early period of the history of Attica, bore the name of *μὴν Κρονίων*. (Athen. xiii. p. 581; comp. A. Mommsen, *Heortologie*, p. 108, &c.)

The Rhodians also celebrated a festival in honour of Cronos — perhaps the Phoenician Moloch—to whom human sacrifices, generally consisting of criminals, were offered. The festival was held on the sixteenth of Metageitnion. (Porphyr. *de Abstinent.* ii. 54.)

Greek writers, when speaking of the Roman Saturnalia, apply to them the name *Κρόνια*, which in the early times seem to have really resembled them in their excessive merriment. (See Athen. xiv. p. 639; Appian, *Samn.* 10, § 5; Buttmann, *Mythol.* vol. ii. p. 52, &c.) [L. S.]

CRO'TALUM (*κρόταλον*, *κρέμβαλον*), a kind of castanet, rattle, or clapper used by dancers, but distinct from the CYMBALUM and the SISTRUM, with which it has sometimes been confused. All three were used by the Egyptians, and specimens of all have been found on the monuments or in the tombs (Woods, on Herod. ii. 60; Wilkinson, *Anc. Egypt.* ii. 318). The simplest form was probably a couple of shells or potsherds pierced with holes and strung together (*λεπάδας δὲ πετρῶν ἀποκόπτοντες κρεμβαλιάζουσι*, Hermipp. *fragm.* 29 Meineke; *κογχύλια καὶ ὄστρακα*, Didymus *ap.* Ath. xiv. 636 d, quoted also by the Scholiast on Aristoph. *Ran.* 1305 [1340]; *testarum crepitus*, Juv. xi. 170; *σκεῦός τι ἐξ ὀστράκου*, Eustath. *ad Il.* xi. 160). Some writers explain *ὄστρακα* as though the crotalum were actually moulded in earthenware; but this seems less likely. Brass and wood are also mentioned as materials (*κρόταλα χαλκοῦ*, Eurip. *Cycl.* 204, cf. Mart. xi. 16; *cava buxa*, Propert. v. 8, 42; Eustath. *l. c.*); and a split reed or cane (*ὁ σχιζόμενος κάλαμος*, Schol. Aristoph. *Nub.* 260; Suidas). Altogether the crotalum cannot have differed much from the castanets now so often heard as an accompaniment to certain kinds of vocal music. It was used by the Egyptians in the worship of Pasht or Artemis (Herod. ii. 60), by the Greeks in that of Cybele ([Hom.] *Hymn.* xiv. 3; Pind. *fragm.* 48 = 79 Bergk⁴; Apul. *Met.* viii. p. 170) and Dionysus (Eurip. *Hel.* 1308; *Cycl.* l. c.).


Crotala. (Borghese Vase now in the Louvre.)

Women who danced to the crotalum were called *crotalistriae* (Propert. v. 8, 39; cf. Macrob. *Sat.* iii. 14, § 7). Such was the Virgilian *Copa* (v. 2), "Crispum sub crotalo docta movere latus." The above cut exhibits both the style of dancing and the mode of holding the crotala.

The *κρέμβαλα* (Ath. xiv. 636 c; cf. [Hom.] *Hymn. Apoll. Pyth.* 162) are no doubt to be reckoned with the crotalum rather than with the cymbalum (Liddell and Scott, *s. v.*; Fernique, in D. and S.). There is no evidence that *κροῦμα* or *κροῦσμα*, "the sound produced by striking," was also the name of an instrument; and the *Baetica crusmata* of the Spaniard Martial (vi. 71) are almost certainly the clatter of Spanish castanets, not a particular kind of castanet. [W.W.]

CRUMENA (*βαλλάντιον* or *βαλάντιον*), a purse. It was a leathern bag slung round the neck (Plaut. *Asin.* iii. 3, 67; *Truc.* iii. 1, 7); and usually hung down behind, which exposed it to the attacks of the "cut-purse" (*βαλλαντιοτόμος*, *sector zonarius*, Plaut. *Trin.* iv. 2, 20). Hence we find a master walking behind the slave who carries his purse, that he may keep an eye upon it (Id. *Pseud.* i. 2, 37). Crumenae were of different shapes. A bronze lamp engraved in Rich and in D. and S. shows a flat bag not unlike a postman's, closed with a flap: we also find mention of *συσπαστὰ βαλλάντια*, round pouches with strings to draw (Plat. *Symp.* 190 E; Ath. xi. p. 783 f; cf. ARYBALLOS). [W. W.]

CRUSTA. [CAELATURA; EMBLEMA.]

CRUX (*σταυρός, σκόλοψ*), an instrument of capital punishment, used at a very early period in the East. The sacred associations of the Cross are discussed at length in the *Dict. of the Bible* and *Dict. of Christian Antiquities*; and we shall here attempt only to sketch the history of the punishment through the classical period. In most accounts, even of recent writers, distinctions of time and place are not sufficiently noticed.

The words *σταυρόω* and *σκολοπίζω* (more usually *ἀνασταυρόω, ἀνασκολοπίζω*) are applied to modes of execution which were certainly common among the Persians; and it is probable that impalement as well as actual crucifixion was thus denoted. It has been doubted whether the later or Roman method of crucifixion was practised by the Persians: *σταυρὸς* is of course originally a pole or stake, Lat. *palus* (root *στα*, "to stand;" cf. *σταύρωμα*, "a palisade"); but the case of Artayctes (Herod. ix. 120) seems to prove that nailing to a tree or plank was not unknown to them. It was the usual punishment of rebels,—at least of those who headed revolt. Darius in the Behistun inscription boasts that he had "crucified" the leader of every rebellion that he had put down, giving their names (Rawlinson's *Herodotus*, vol. ii. Appendix); and it was inflicted on Inaros, the champion of Egyptian liberty (Thucyd. i. 110). For the sake of ignominy, the bodies of those who had been otherwise executed were sometimes exposed on a cross after death, not always from humanity: Oroetes, after putting Polycrates to death in some horrible way which Herodotus refuses to describe, crucified the corpse (Herod. iii. 125). The account of the death of Histiaeus also suggests the probability that he was not crucified while alive (*τὸ μὲν αὐτοῦ σῶμα αὐτοῦ ταύτῃ ἀνεσταύρωσαν, τὴν δὲ κεφαλὴν ταριχεύσαντες ἀπήνεικαν πρὸς βασιλέα*, Herod. vi. 30). We find Xerxes thus treating the body of Leonidas, no doubt as a rebel (Herod. vii. 238); and at a later period Ptolemy Philopator does the same to Cleomenes after his suicide (Plut. *Cleom.* 38). According to a strange story in Pliny, Tarquinius Priscus adopted this form of posthumous disgrace to check the frequency of suicide among the citizens, driven to despair by the forced labour with which his gigantic building operations were carried on (*H. N.* xxxvi. § 107).

Among ancient nations, the Carthaginians were conspicuous for their cruelty, and crucifixion was horribly frequent among them: it was probably through their example that it was subsequently introduced into Sicily and Italy. It was the usual punishment of rebels, and, as is well known, was commonly inflicted on unsuccessful generals (Polyb. i. 11, 24, 79, &c.). There was a story that a father once crucified his son on a frivolous pretext, and himself afterwards underwent the same punishment as a rebel (Justin, xviii. 7). In the war with their mercenaries and African subjects which followed immediately upon the conclusion of the First Punic War, the atrocities on both sides, ghastly enough in the narrative of the matter-of-fact Polybius (i. 65–88), have been sensationally exaggerated in Flaubert's novel of *Salammbô*.

The Greeks were honourably distinguished in the ancient world for their aversion to torture and mutilation in every shape; indeed, it is only in quite recent times that Christian Europe has attained the same standard of refinement. In some ways they could be cruel enough, and the frequency of capital punishments showed a singular disregard of human life. The rage of faction led to massacres like that of Corcyra, on which Thucydides moralises in a well-known passage (iii. 81 ff.). Prisoners of war were put to death in cold blood; the Plataeans by the Spartans (Thucyd. iii. 68), the Athenian prisoners after Aegospotami to the number of 3000 (Plut. *Alcib.* 37; *Lysand.* 13). The Athenians ordered a massacre of all the adult males in Mitylene, probably as many as 6000 (Thucyd. iii. 36). On this Grote remarks: "The Athenians, on the whole the most humane people in Greece (though humanity, according to our ideas, cannot be predicated of any Greeks), became sensible that they had sanctioned a cruel and frightful decree" (ch. 50, iv. 359). Yet after they had repented, and the order countermanding the atrocity had arrived barely in time, they deliberately put to death more than 1000 Mitylenaeans who had already been brought prisoners to Athens (Thucyd. iii. 50). Not many years afterwards they massacred the Melians, who were not even rebels, but had merely refused to become their subjects (Thucyd. vi. 116). With all this, the Greeks habitually abstained from aggravating their executions, whether of criminals or prisoners of war, by insult and torture; and they especially abhorred outrages on women and children. This side of the Greek character is well brought out in Mahaffy's *Social Life in Greece;* see especially pp. 238, 262 ff., ed. 3. It was so from the earliest historical times. In B.C. 713 the cruelty of Hippomenes to his daughter and her lover brought about a revolution at Athens. [ARCHON, p. 165 *b*.] The tyrants of the seventh and sixth centuries are not charged with any atrocities like those of the Visconti and other mediaeval despots in Italy; even the bull of Phalaris is now explained as an instrument of Phoenician Moloch-worship. A few isolated acts of vengeance are recorded of this period, only however in the outlying parts of the Grecian world, and therefore probably due to the contagion of barbarian example. Thus Aristodemus, the tyrant of Cumae, contemporary with Tarquinius Superbus, is said to have given way to every excess of lust and cruelty (Dion. Hal. vii. 9), and on the overthrow of his government to have been tortured to death with all his family (*ib.* 11). This narrative has been doubted by Niebuhr (*R. H.* i. 554, iii. 178 n), but is probably in the main historical (cf. Grote, ch. 22, ii. 520). The cruelties of Pheretime were perpetrated at Cyrene, and remind us of the Carthaginians; and they were thought to have been justly expiated when she died of a loathsome disease (Herod. iv. 202, 205). During the struggles at Miletus between the wealthy citizens and the commonalty, the latter (who were called Γέργιθες) when victorious collected the children of the rich into threshing-floors, and had them trampled to death by oxen; the rich, having in turn got the upper hand, burnt in pitch (κατεπίττωσαν: cf. the *tunica molesta* of Juvenal, viii. 235; Mart. x. 25) all whom they got into their power, along with their children (Heracl. Pont. *ap.* Ath. xii. 524 a). This story belongs probably to the "two generations" of civil strife at Miletus recorded by Herodotus (Stein, on Herod. v. 28, who understands by πλούσιοι the Greek immigrants in general, and by δῆμος or Γέργιθες the subject Carian population). No such horrors are mentioned in Greece Proper, where even helots and serfs ranked as Hellenes. Peisistratus and his sons governed according to the laws of Solon; and even the proceedings which arose out of the murder of Hipparchus fall short of the cruelties inflicted on regicides in quite recent times. Thucydides tells us that Aristogeiton was "not gently handled" (οὐ ῥᾳδίως διετέθη, vi. 57); his good taste in suppressing the details of torture recalls that of Herodotus already referred to; but the accounts in general suggest only torture to extract evidence, not barbarous modes of execution (cf. Justin, ii. 9; Pausan. i. 23, §§ 1, 2). There is, in fact, no evidence that crucifixion, impalement, or burning alive were regarded as Greek punishments, at least where, as in Hellas itself, there was no contact with less civilised races. It was the same with mutilations of all kinds, such as the blinding prescribed by the laws of Locri in Italy (Dem. c. *Timocr.* p. 744, § 140), or the cutting off of hands and feet as practised by the Persians (Xen. *Anab.* i. 9, § 13). The cruelties alluded to in Aesch. *Eum.* 186–190, including impalement (ὑπὸ ῥάχιν παγέντες), are those not of Greeks, but of barbarians, and the distinction is pointedly drawn. The Greeks distinguished between reverence for the human body, for which they had a passionate admiration as shown in their athletic exercises and their works of art, and reverence for human life, which they held cheap enough. This feeling continued unimpaired as long as Greece retained her freedom. The case of Artayctes is quite exceptional; it is the punishment by a barbarian method of a barbarian who had outraged the religious feelings of the Greeks in a way that seemed to demand special expiation (Herod. ix. 120; cf. Mahaffy, p. 264). Even a Dionysius, we may well believe, would not have crucified Greek prisoners of war but for the contagion of Carthaginian example (Diod. xiv. 53). It may be positively asserted that Plato in the two well-known passages (ἀνασταυρωθῇ ἢ καταπιττωθῇ, *Gorg.* 473 C; ἀνασχινδυλευθήσεται, *Rep.* ii. 362 A) is not alluding to possible incidents of Greek, much less Athenian, executions. And when Demosthenes declares that Meidias deserved "almost to have been crucified" (μόνον οὐ προσηλῶσθαι, c. *Mid.* p. 549, § 105), he means no more than an Englishman does when he says, "Hanging is too good for him." The painless hemlock was all that Meidias had to fear, if capitally condemned. Grote—who, as has been seen, does not spare the Athenians for their swiftness to shed blood—has a good note (ch. 58, v. 175) on their freedom from other sorts of cruelty, and their unwillingness to put citizens to the torture even in times of public panic, when the temptation to do so was greatest.

In the Macedonian period Greece no longer retained this happy immunity: as a mere province in a larger Hellenism, it was influenced by lower and less humane races. Alexander himself is not free from the stain of cruelty, as is shown by his treatment of real or supposed conspiracies against his person in the cases of Philotas and Hermolaus: he is said to have either hanged or crucified 2000 Tyrians [ἐκρέμασε in Diod. xvii. 46 may bear either meaning: Grote, a severe judge where Alexander is concerned, does not press the harsher sense (viii. 364), though Q. Curtius (iv. 4) has *crucibus suffixi*; Thirlwall (vi. 202) doubts the whole story, which is not related by Arrian]; he certainly crucified Musicanus, the Indian rajah who had rebelled after being reinstated in his dominions (Arrian, vi. 17; cf. Diod. xvii. 102). His successors improved upon his example: a year after his death Perdiccas and Eumenes crucified the aged Ariarathes of Cappadocia after other tortures (*αἰκισάμενος ἀνεσταύρωσε*, Diod. xviii. 16); Lysimachus threatened to crucify the Cyrenaic philosopher Theodorus, though an ambassador, but did not carry out his threat (Cic. *Tusc.* i. 43, § 102; Sen. *de Tranq. An.* 14, § 3). Nicocreon of Cyprus, contemporary with Alexander, actually pounded the philosopher Anaxarchus to death in a mortar (Cic. *Tusc.* ii. 22, § 52; *Nat. Deor.* iii. 33, § 82). A similar story is told of an older philosopher, Zeno the Eleatic, and a tyrant of his native city (Cic. *l. c.*; Diog. Laert. ix. 26); but the accounts are contradictory (cf. *Dict. Biogr.* s. v. Zeno of Elea). Nabis, the tyrant of Sparta, used as an engine of torture a figure studded with nails resembling the *Eiserne Jungfrau* of some German cities (Polyb. xiii. 7). It is not necessary to pursue the records of this period any further. For the earlier and better time, the assertion of Westermann is abundantly justified, that crucifixion and other cruel punishments were "abhorrent to Greek manners" (*geben keinen Maasstab griechischer Sitte*, *ap.* Pauly, s. v. *Supplicium*). Saglio (s. v. *Crux*) goes too far in admitting crucifixion even as the punishment of slaves: not a single instance can be produced. This aversion of the Greeks to degrading punishments was not understood by grammarians who lived under the law of the later Roman empire, nor by scholars like Lipsius (*de Cruce*, published 1592), in whose time even worse horrors were perpetrated.

The Romans were naturally a hard-hearted people, and Livy shows considerable audacity in saying that the dismembering of Mettius Fuffetius was the only example in their history of a disregard of the laws of humanity; adding that they might boast that no nation had employed milder punishments (i. 28). From the language of Cicero (*pro Rab. Perd.* 4, § 13) it has been inferred that crucifixion was in use in the regal period. But the words of the old law point rather to simple hanging ("*infelici arbori* reste *suspendito*," Liv. i. 26), though the cross was no doubt called *arbor infelix* in later times. Cicero, who is arguing against the revival of the obsolete law of *perduellio*, and the capital punishment of citizens in any shape, is speaking rhetorically throughout: he quotes the formula without the word *reste*, a misleading and doubtless intentional omission, and talks vaguely of the cross (§§ 10, 11, 16) and of the detested Tarquin (§ 13). No historical conclusions can be drawn from a speech so obviously designed to confuse the questions at issue. It is highly probable that the Romans derived this punishment from the Carthaginians: at least no mention of it appears to occur before the Second Punic War. First we find Hannibal crucifying a guide who had misled him (Liv. xxii. 13); then the Romans practise it on slaves and deserters (Liv. xxii. 33; xxx. 43, § 13; xxxiii. 36). This last passage describes a revolt among the slaves in Etruria, B.C. 196: the ringleaders are scourged and crucified, the rest given up to their masters to be dealt with at discretion. The enormous increase in the numbers of slaves under the later republic heightened the dread of a rising among them; and the Roman system became more and more one of undisguised terrorism. Two desperate rebellions broke out in Sicily, and were only put down by regular armies; the first in B.C. 134–3, the second lasting four years, 102–99. After the pacification by the praetor M'. Aquillius in B.C. 99, a regulation was made, and strictly enforced by successive governors of the island, that no slave should be allowed to carry a weapon. A few years later, the praetor L. Domitius received a boar of remarkable size as a present; he inquired who had killed it, and, finding that it was a slave employed as a shepherd, he summoned the man before him and asked him how he had contrived to destroy it. The shepherd, who expected a reward, replied that he had killed it with a boar-spear (*venabulo*); upon which Domitius at once ordered him to be crucified. Cicero tells this story with only faint disapproval, while he dwells complacently on the fact that there were no more revolts of the slaves in Sicily (Cic. *in Verr.* v. 3, 4, §§ 7, 8). In the famous passage of the same speech (61, § 158 ff.) on the crucifixion of Gavius by Verres, it is the wrong done to a Roman citizen, rather than cruelty to a human being, that points Cicero's indignation: when he describes the atrocious treatment of the slave Strato by the infamous Sassia, he shows more sense of the detestableness of cruelty as such (*pro Cluent.* 63, § 177; 66, § 187). When the servile war of Spartacus was at last put down by Pompey, the prisoners, to the number of 6000, were crucified all along the Appian Way, between Capua and Rome (App. *B. C.* i. 120). The power of masters over their slaves was at this period, and for some time later, absolute: even the good-natured Horace treats as a joke the possibility of their being crucified for slight offences (*Sat.* i. 3, 80 ff.). The first measure passed in their favour was the LEX PETRONIA (*q. v.*): Hadrian forbade them to be executed without the sentence of a magistrate; Antoninus Pius ordered that the murder of a slave by his master should be punished as homicide [SERVUS]. Besides slaves, the provincials were liable to crucifixion for the greater crimes, such as murder, piracy (Suet. *Jul.* 4), brigandage, and especially for revolts and conspiracies. The obstinacy of the Jews was particularly exasperating to the Romans, and their repeated rebellions were followed by the wholesale infliction of this punishment: thus Varus (the same who perished in Germany) crucified 2000 at once (Jos. *Ant.* xvii. 10, § 10); Gessius Florus several hundreds, including Roman citizens of Jewish birth (Id. *B. J.* ii. 14, § 9); Titus so many that "room was wanting for the crosses and crosses for the bodies" (Id. *ib.* vi. 28); and Hadrian, after the final revolt, 500 a day for some time. Under the empire the right of the *civis Romanus* was no longer respected: the first instance, probably, of the crucifixion of a citizen in Rome itself is that, under Galba, of a guardian who poisoned his ward (Suet. *Galb.* 9). Afterwards the odious distinction between the *honestiores* and *humiliores* was introduced, and this and other tortures were freely inflicted upon the latter, especially for *majestas* or crimes against the state or the person of the emperor (Paul. *Sent.* v. 23, 1; Dig. 48, 19, tit. *de poenis*). It may, however, be pointed out that the English law of high treason until lately recognised a similar distinction between peers and the commonalty.

The mode of punishment is too well known to need much description. Scourging, as with Roman capital punishments in general, usually preceded it (Liv. xxii. 13, xxxiii. 36; Cic. *in Verr.* v. 62, § 161 ff.). Three kinds of crosses were in common use: the *crux commissa*, or T shape; the *crux immissa*, with a projection at the top to which was affixed the *titulus*, setting forth the crime of the sufferer (this was the most common); and the *crux decussata*, in the shape of an X (St. Andrew's cross). The word *crux* is also applied to the single stake used in impalement: the latter process is alluded to by Seneca in two passages, but, as he is speaking of death by torture in general, it may be doubted in the absence of direct evidence whether this was a Roman custom (*Cons. ad Marciam*, 20, § 3, where crucifixion with the head downward is mentioned; *Ep.* 14, § 5). The upright post is called *stipes*, the transverse beam *patibulum*; and it was this, rather than the entire instrument, which the criminal carried to the place of execution (Plut. *de Sera Num. Vind.* p. 554 B; Artemid. *Oneirocr.* ii. 61; Plautus, *Mostell.* i. 1, 53, and *ap.* Non. s. v. *patibulum*). It was impossible that the whole weight of the body should rest upon the nails; hence there was a piece of wood projecting from the *stipes* on which the sufferer sat, or rather rode (*κέρας ἐφ' ᾧ ἐποχοῦνται οἱ σταυρούμενοι*, Just. Mart. *Dial. c. Tryph.* 91; *sedilis excessus*, Tertull. *adv. Nat.* i. 12; cf. Iren. *adv. Haer.* i. 12). The expression *acuta si sedeam cruce*, in the famous lines of Maecenas *ap.* Sen. *Ep.* 101, probably refers to this support, and not, as Lipsius thought, to impalement (see Archd. Farrar in *Dict. of the Bible*, s. v. *Cross*). When it was wanting, the body was probably sustained by ropes: the combination of ropes with nails is mentioned by Pliny (*fragmentum clavi a cruce* and *spartum e cruce* as charms, *H. N.* xxviii. § 46) and Hilary ("colligantium funium vincula et adactorum clavorum vulnera," *de Trin.* 10). The martyrologies contain accounts of sufferers bound to the cross without the use of nails, and left to die of hunger and exhaustion; when it is added that in some instances they survived nine days, we must be allowed to disbelieve. Tying to the cross is also mentioned as an Egyptian custom by Xenophon Ephesius (iv. 2), but his romance, apart from its late date, is of no historical authority; and there does not appear to be any sufficient evidence for the practice in classical times. The criminal was stripped of his clothes,—the cloth round the loins, as to which the Christian tradition is constant, seems to have been exceptional,—and usually hoisted on to the cross after it had been set up. Sometimes he was stretched upon it on the ground, and then lifted with it; but the former method was the commoner, and hence the phrases *cruci suffigere*, *in crucem agere* or *tollere*, occur oftener than *cruci affigere*. The well-known breaking of the legs to hasten death is alluded to by Plautus (*Poen.* iv. 2, 64) and Cicero (*Phil.* xiii. 12, § 27). The dead body was generally left hanging on the cross, to be devoured by birds and beasts: the feet were but little raised above the ground (not as in most pictures), and it was not out of the reach of the latter (Hor. *Ep.* i. 16, 48; Juv. xiv. 77; Artemid. *Oneirocr.* ii. 53). Sepulture was therefore forbidden, and a soldier set to watch the corpse (Petron. 111, 112). The place for these executions was always outside the walls of cities: at Rome it was the Campus Esquilinus, to the east of the city, part of which was afterwards occupied by the gardens of Maecenas. The Sessorium and the Sestertium, sometimes mentioned in this connexion, were probably two distinct spots in the Campus Esquilinus: the former on the Lateran Hill near the basilica of Sta. Croce in Gerusalemme, where there are some remains of a building traditionally called Sessorium (Schol. Cruq. on Hor. *Epod.* 5, 100, and *Sat.* ii. 8, 8; Orell. *ad loc.*; Burn, *Rome and the Campagna*, pp. 218, 226); the latter at some place distant 2½ miles (whence the name Sestertium) from the Esquiline gate in the Servian wall, not from the later circuit of the city (Tac. *Ann.* xv. 60, with Orellius' note; Plut. *Galb.* 28, where Sintenis quite needlessly reads *Σεσσώριον* for *Σηστέρτιον*, from a conjecture of W. A. Becker; Burn, *l. c.* p. 219).

With the establishment of Christianity the associations connected with the Cross led to its abolition, not from humanity, as other cruel punishments were retained: Constantine at the beginning of his reign had sanctioned it in the case of slaves and freedmen (decree of the year 314, cited *Cod. Theod.* i. 1 in a *lex majestatis*); but later he abolished it (Sozom. *H. E.* i. 8; *Cod. Theod.* ix. 5 and 18; Gibbon, ch. 20, iii. p. 11, ed. Smith). [W. W.]

CRYPTA (*κρύπτη* parox., Ath. v. p. 205 a; *διῶρυξ κρυπτή*, Strab.; Ital. *grotta*), any long narrow vault, either dark or dimly lighted. It might be on the level of the ground, or sunk wholly or partially below it: the word did not necessarily imply, like "crypt" or "grotto," anything subterranean.

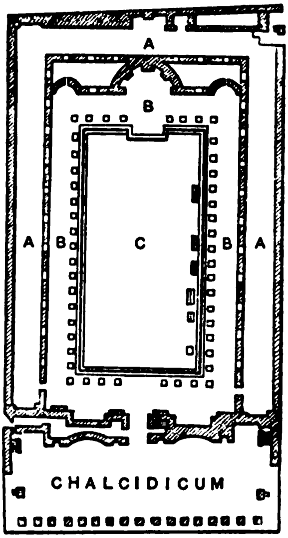
It is used in the following specific senses:—

1. A tunnel, in the excavation of which, especially for draining purposes, the ancients had attained no mean skill [EMISSARIUM]. They were also used to shorten communications; and the neighbourhood of Naples contains no less than three well-preserved antique tunnels of this description, all probably dating from the time of Augustus. The best known of these is the grotto of Posilipo, called by the Romans *Crypta Neapolitana*, forming the direct communication between Naples and Pozzuoli. This is not quite half a mile in length, at present from twenty-five to thirty feet wide, and nowhere less than twenty feet high, in some places much higher. It has, however, been more than once enlarged in modern times: it was not made practicable for carriages until the fifteenth century, and only attained its present dimensions in the middle of the 18th century. It is not mentioned by Strabo, and may perhaps not have existed in his time; but in the next generation Seneca (*Ep.* 57) describes its darkness and dust

in terms suitable to a coal mine. It was then doubtless a mere narrow passage. A second tunnel is pierced through the same ridge, but much nearer the sea, and close to the promontory now called *Punta di Coroglio.* It is about 500 feet longer than the Posilipo tunnel, and, though it has been cleared out in recent times, probably retains its original dimensions in width and height. This is easily identified as the tunnel described by Strabo (v. p. 246), passable for carriages in opposite directions and with lateral openings for ventilation (*θυρίδες*) in the side of the mountain, and its present name of *Grotta di Sejano* is evidently a mistake. The third tunnel is that known as the *Grotta della Pace*, between Cumae and the Lake Avernus, nearly of the same length as the last mentioned, *i.e.* a little over half a mile, traversed by carriages, and lighted at intervals by vertical shafts. According to Strabo (v. p. 245) it was excavated by Cocceius (probably M. Cocceius Nerva, Cos. B.C. 36), in connexion with Agrippa's artificial harbour on the Lucrine Lake.

2. A dark, vaulted passage in any building, *e.g.* under the *cavea* of an amphitheatre for the use of the spectators (see section of the Coliseum, p. 112); at the back of the *scena* of a theatre for the convenience of the performers, like the Crypta Balbi mentioned in the Regionary Catalogue (*Reg.* ix.) in connexion with the theatre of Balbus (Suet. *Aug.* 29; Dio Cass. liv. 25: cf. Burn, p. 313; Middleton, p. 299); or below the stage (*proscenium*), as in the theatre of Tauromenium (Taormina). A similar *crypta*, in the larger theatre at Pompeii, is recorded in several inscriptions (Saglio, i. 1576 a). Several such passages exist in the Palace of the Caesars on the Palatine; two of them are marked 19 and 31 on the latest plan (Middleton, *Anc. Rome*, p. 82); others are not yet cleared out (*ib.* p. 104). It was in one of these passages (probably the long straight one marked 31 on the plan) that Caligula was murdered ("in crypta, per quam transeundum erat," Suet. *Cal.* 58; *ἐν στενωπῷ τινί*, Dio Cass. lix. 29; cf. Joseph. *Ant.* xix. 1, § 14). This passage is almost wholly underground, and lighted by openings in the vaulted roof (Middleton, p. 114). Such places readily lent themselves to any secret worship, especially of a licentious character (Petron. *Sat.* xvi. 3; xvii. 8; cf. id. *fragm.* xiii.). By a slight extension of meaning, the branch of the Cloaca Maxima which drains the Subura is called *crypta* Suburae (Juv. v. 106).

3. A covered corridor above ground, dimly lighted for the sake of coolness in summer, such as was very commonly attached to the side of an open colonnade (*porticus*) both in public and private buildings. Thus Hadrian among his military reforms demolished *porticus* and *cryptas* with other appliances of luxury in the Castra Praetoria (Spart. *Hadr.* 10). The more definite term *cryptoporticus* was, it is probable, correctly applied only to this species of *crypta*, not to those above described. Thus in Pliny's charming account of his Laurentine villa (*Ep.* ii. 17) the *xystus* or open portico and the *cryptoporticus* are repeatedly contrasted (cf. ix. 36, § 3). The latter has windows on both sides, but high up, and not too many of them, and is sheltered both from wind and sun. In the description of his Tuscan villa (*Ep.* v. 6) the significant expression occurs, "cryptoporticus subterraneae similis," *i.e.* it is not really underground, but can be darkened as though it were. One of these *cryptoporticus* has two tiers of windows; when recovering from an attack of *lippitudo*, he shuts the lower ones to spare his eyes (*ib.* vii. 21). Sometimes they were lighted on one side only, as in the suburban villa of L. Arrius Diomedes at Pompeii, where there is a well-preserved *cryptoporticus* on one side of the court, and, on the other, the foundations both of the open and closed portico can be traced. In the interior of farm buildings such *cryptae* were used for the storing of grain and other produce (Vitruv. vi. 5, § 2; cf. Varro, *R. R.* i. 57).



Cryptoporticus.

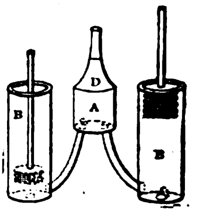
The above ground-plan of the public building presented by the priestess Eumachia to the town of Pompeii will serve to illustrate both *cryptoporticus* and *chalcidicum;* for the inscription upon it, see Chalcidicum. The *crypta* or covered passage AAA is lighted by numerous small windows opening into the *porticus* BBB, which in its turn surrounds the courtyard C.

4. *Crypta* seems to have been used in Christian times for a catacomb or subterranean cemetery: see *Dict. of Chr. Ant.* s. v. (Rich, *s. v.*; Burn, *Rome and the Campagna*, p. 313; Middleton, *Anc. Rome in* 1885, pp. 104, 114, 299.) [A. R.] [W. W.]

CRYPTEIA (*κρυπτεία*, called also *κρυπτία* or *κρυπτή*) was a system of secret police adopted by the Spartans in order to maintain their control over the Helots; perhaps, as Grote thinks, over the Perioeci also. As to the main features of this system there is no doubt. We learn that a number of active young Spartans were despatched every year by the Ephors, immediately upon their entry into office, to the different parts of the country. They were to post themselves as secretly as possible in convenient places from which to explore the neighbourhood and to make observations. If they found anything suspicious, they were either to report it or to suppress it themselves on the spot (Schömann, *Antiq.* i. 195, E. T.). The institution served not merely to break up organisation and to check the possibility of an outbreak among their oppressed subjects, but as a useful military training in habits of endurance suited to a dominant race. On the latter ground it is proposed by Plato for his ideal Cretan colony in the *Laws*, and his way of expressing himself shows that he is referring to a Spartan custom really existing (i. 633 B; vi. 763 B; cf. Grote, ii. 144, n.). The *crypteia* may thus be considered as to a certain extent a species of armed police force, and the young men who were ordered to undertake it appear also to have formed a special corps in the army; at least we read of a commander of the *crypteia* in the battle of Sellasia (Plut. *Cleom.* 28). To these undoubted facts later authors added some curious statements, which have been much criticised in recent times. According to Plutarch, who quotes Aristotle as his authority, the Ephors every year declared war formally against the Helots, in order that they might be killed without scruple; and they further, not every year as sometimes stated, but at intervals (*διὰ χρόνου*), sent young Spartans armed with daggers to assassinate such of the Helots as were thought formidable (Plut. *Lycurg.* 28). The language of Plutarch is somewhat loose. In one sentence he states that the young men went out into the roads by night and slew all whom they caught (*τοὺς ἁλισκομένους*), implying that the Helots lived under a sort of "curfew" law, which confined them to their houses at night to prevent conspiracies; in the next sentence that they often ranged over the fields (? in the daytime) and despatched the strongest and bravest of them. The latter phrase, however, agrees with the account of Heraclides Ponticus, that they killed *ὅσους ἂν ἐπιτήδειον ᾖ* (*Fragm.* ii. 4 *ap.* C. Müller, ii. 210). Otfried Müller, whose criticism habitually tends to soften the harsher features of the Spartan institutions, combats the notion that the Helots were annually hunted down and destroyed (*Dorians*, iii. 3, § 4); and Schömann calls it "an exaggeration which is really too absurd to deserve serious confutation" (*Antiq.* l. c.). Grote, no friend to Sparta, rejects the annual or periodical massacre of the Helots, and the formal declaration of war against them, which, he justly observes, "would provoke the reaction of despair rather than enforce tranquillity"; and even suggests a doubt as to the fact of Aristotle's having really made the statement ascribed to him by Plutarch, on the ground that he does not mention the subject in his *Politics*, where he speaks at some length both of the Spartan constitution and of the Helots. Grote admits, however, that the government would not be restrained by any scruples of justice or humanity. It is a well-known fact that, on at least one occasion, 2000 of the bravest of the Helots were massacred with the sanction of the Ephors, the manner of their death remaining an untold mystery (B.C. 424, Thucyd. iv. 80). And such an order would naturally be carried out with the aid of the *crypteia* or secret commission. (Müller, *Dorians*, iii. 3, § 4; Thirlwall, *Hist. Gr.* i. 311; Grote, *Hist. Gr.* ch. vi., ii. 142 ff.; Schömann, *Antiq.* i. 195, E. T.) [W. W.]

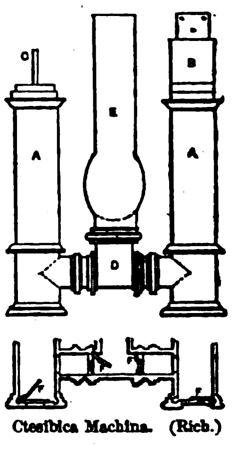
CRYPTOPO'RTICUS. [CRYPTA.]

CTESI'BICA MA'CHINA, a hydraulic engine named after its inventor, Ctesibius of Alexandria, *qui et vim spiritus naturalis pneumaticasque res invenit* (Vitruv. ix. 9 (8), § 2). In the language of modern hydraulics it is a double-actioned forcing pump. Vitruvius in his description (x. 10 (7)), speaks of it as designed to raise water, while Ctesibius' pupil Hero (*Pneumat.* p. 180) describes, under the name of *σίφων*, a machine identical in principle, but of improved construction, and says that it was used as a fire-engine (*εἰς τοὺς ἐμπρησμούς*). Indeed the same principle is employed in our modern fire-engines. The remains of such a *σίφων* were discovered at Castrum Novum, near Cività Vecchia, in 1795 (Schneider on Vitruv. *l. c.*), having probably served to supply the public baths with water.



Ctesibica Machina. (Rich.)

The following cut illustrates the construction of Ctesibius' invention as described by Vitruvius. Two cylinders (*modioli*) B B are connected by pipes with a receiver (*catinus*) A, which is closed by a cowl (*paenula*) D. In each cylinder a piston (*embolus masculus*) C is worked by means of its rod (*regula*): in the bottom of each cylinder, and at the opening of each pipe into the receiver, is a movable lid or valve (*assis*), which only opens upwards. The bottoms of the cylinders are inserted into a reservoir, or connected with it by pipes. When one of the pistons is raised, a vacuum is produced in the cylinder, and the atmospheric pressure forces a stream of water past the raised valve into the cylinder. When this stream ceases, the valve falls; and if the piston is forced down, the water is driven out of the cylinder into the pipe, and past the valve into the receiver, and retained there by the closing of the valve. If the two pistons are worked alternately, so that one descends as the other rises, a continuous stream of water is forced out of the top of the *paenula*.



Ctesibica Machina. (Rich.)

If we turn to the accompanying illustrations from the pump found at Castrum Novum and to Hero's description, we find the cylinders (*πυξίδες*) A A, with their valves (*ἀσσάρια*) F F, the pistons (*ἐμβολεῖς*), as B, the piston-rods (*κανόνια*), as C, identical with those described above; but in place of the pipes a horizontal tube D with valves F F is used, and in place of the *catinus* a vertical tube (*σωλὴν ὄρθιος*) E. It is clear, however, that these improvements in construction do not affect the principle of the machine or the mode of its working. (Plin. *Ep.*

x. 42, 2; Isid. *Or.* xx. 6, 9; Dig. 33, 7, 12, § 18.) [J. H. F.]

CUBICULA'RII were slaves who had the care of the sleeping and dwelling rooms. Faithful slaves were always selected for this office, as they had, to a certain extent, the care of their master's person. When Julius Caesar was taken by the pirates, he dismissed all his other slaves and attendants, only retaining with him a physician and two cubicularii. (Suet. *Jul.* 4.) It was the duty of the cubicularii to introduce visitors to their master (Cic. *ad Att.* vi. 2, § 5; *in Verr.* iii. 4); for which purpose they appear to have usually remained in an ante-room (Suet. *Tib.* 21, *Dom.* 16). They were commonly divided into watches (*stationes*) for day and night, and also into decuries (Orelli, 4663, 6312; Wilmanns, 178, 179, 314, 406; Suet. *Dom.* 17). Under the later emperors, the cubicularii belonging to the palace were called *praepositi sacro cubiculo*, and were persons of high rank. (Cod. 42, tit. 5.) [A. S. W.]

CUBI'CULUM usually means a sleeping and dwelling room in a Roman house [Domus], but also applied to the pavilion or box in which the Roman emperors were accustomed to witness the public games. (Suet. *Ner.* 12; Plin. *Paneg.* 51.) It appears to have been so called, because the emperors were accustomed to recline in the cubicula, instead of sitting, as was anciently the practice, in a sella curulis. (Ernesti, *ad Suet. l. c.*) [A. S. W.]

CU'BITUS (πῆχυς), a measure of length used by the Greeks, Romans, and other nations, was originally the length of the human arm from the elbow to the wrist, or to the tip of the middle finger; the latter was its signification among the Greeks and Romans. It was equal to a foot and a half; and therefore the Roman cubit was a little less, and the Greek cubit a little more, than a foot and a half English; the respective lengths of the foot being, in millimetres, Greek 308·3, English 304·7, Roman 295·7. The Greek cubit was millimetres 462·4, the Roman 443·6. The cubit was divided by the Greeks into 2 spans (σπιθαμαί), 6 handbreadths (παλαισταί), and 24 finger-breadths (δάκτυλοι), and by the Romans into 1½ feet, 6 breadths (*palmi*), and 24 thumb-breadths (*pollices*). (Hultsch, *Metrol.* pp. 29, 62, and Tables.) Respecting the Persian and other cubits, *ib.* p. 41 ff. [P. S.] [W. W.]

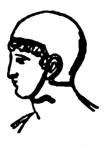
CUBUS (κύβος), a die, cube [Tessera]. A cubic foot of water was the *amphora* or *quadrantal*, the principal liquid measure. [Mensura; Quadrantal.] [P. S.]

CUCULLUS, a cowl, was intended to be used in the open air, and to be drawn over the head to protect it from the injuries of the weather, instead of a hat or cap. It was worn by travellers, shepherds, husbandmen, and hunters (Colum. i. 8; Cato, *R. R.* 2; Juv. iii. 170; Hor. *Sat.* ii. 5, 94), and even by legionaries on service in cold climates, as is seen on Trajan's Column, and also in city life even by persons of distinction who wished to go abroad without being recognised (Juv. vi. 330, viii. 145; Cic. *Phil.* ii. 31; Mart. xi. 98, 10; Lamprid. *Elagab.* 32, *cucullio mulionicus*). The cowl was sometimes a separate garment (Mart. xiv. 132), as is seen in the figures under Caupona, p. 388, representing a tavern scene. Sometimes it formed part of the *lacerna* or *paenula* or other cloak, which was then said to be *cucullatus* (Isid. *Orig.* xix. 24, 17). This is shown in the figure annexed from a relief representing a traveller leaving his inn (*Bullet. Napol.* 1848, 1; cf. Pallad. i. 43, 4). In either case the hood might be worn over the head, or thrown back on the shoulder. The monastic use of the cowl is enjoined in the Rule of S. Benedict, lv., and may have arisen from a desire to escape observation, or according to S. Jerome (*Ep.* xxii.) because the *cucullus* was much worn by children, to whose level the monks wished to humble themselves. The use of the cowl, and also of the cape [Birrus], which served the same purpose, was allowed to slaves by a law in the Codex Theodosianus. (Vossius, *Etym. Ling. Lat.* s. v. *Birrus*.) Cowls were imported into Italy from Saintonge in France (*Santonico cucullo*, Juv. viii. 145; Schol. *in loc.*), and from the country of the Bardaei in Illyria. (Jul. Cap. *Pertinax*, 8.) Those from the latter locality were probably of a peculiar fashion, which gave origin to the term *Bardocucullus*. *Liburnici cuculli* are mentioned by Martial (xiv. 139). The *cucullio* is either simply another form of the word *cucullus* or denotes a very similar garment (cf. *Dict. of Christ. Antiq.*, art. Cuculla). [J. Y.] [J. H. F.]


Cucullus. (Figure from Aesernia.)

CUDO or **CUDON**, a helmet of very simple form, fitting close like a skull-cap, made of leather or the skins of wild animals (Sil. Ital. viii. 493, xvi. 59). It is probably to be identified with the Homeric καταῖτυξ or helmet of Diomedes (*Il.* x. 258), described as ἄφαλον, "without knobs or projections" (Leaf), and ἄλοφον, "without plume or horse-hair crest:" known also from Greek representations of that hero, from one of which in bronze the annexed example is taken.

The cudo differed from the *galerus* (Verg. *Aen.* vii. 688) in being of less rough and shaggy fur: it probably answered to the λιτὸν περικεφάλαιον of the Roman *velites* (Polyb. vi. 22). In the sculptures on the Column of Trajan, some of the Roman soldiers are represented with the skin of a wild beast drawn over the head, in such a manner that the face appears between the upper and lower jaws of the animal, while the rest of the skin falls down behind over the back and shoulders, as described by Virgil (*Aen.* vii. 666). This, however, was an extra defence (Polyb. *l. c.*), and must not be taken for the cudo, which was the cap itself; that is, a particular kind of *galea* [Galea]. In the illustration the cudo is seen fastened with a strap under the chin; this is the ὀχεὺς of Homer (*Il.* iii. 372). (Rich, *s. v.*; and for the Homeric helmet, Leaf in *Journ. Hellen. Soc.* iv. 493 ff.) [A. R.] [W. W.]


Cudo. (Rich.)

CU'LCITA. [Lectus.]

CULI'NA. [Domus.]

CU'LLEUS, or **CU'LEUS**, a sack used in the punishment of parricides. [LEX CORNELIA DE SICARIIS.] [W. S.]

CU'LLEUS, or **CU'LEUS**, a Roman measure, which was used for estimating the produce of vineyards. It was the largest liquid measure used by the Romans, containing 20 *amphorae*, or 160 *congii*, that is, almost 119 gallons. (*Carm. de Pond. et Mens.* 86, 87; Plin. *H. N.* xiv. § 52; Cat. *R. R.* 148; Varr. *R. R.* i. 2, § 7; Colum. iii. 3; Hultsch, *Metrol.* p. 90.) [P. S.] [W. S.]

CULPA in the most general sense denotes any wrongful act or omission (*e.g.* Cod. 9, 4, 2; Dig. 49, 16, 14, 1) which is imputable ("quae enim in eo culpa sit, quum suae mentis non sit?" Dig. 9, 2, 30, 3; "si omnia quae oportuit observavit, caret culpa," Dig. ib. 31). Taken thus generally, it includes what the Romans term *dolus malus*, but properly the latter is distinguished from culpa when this term is used accurately; *dolus malus* being an intentional and deliberate violation, whether by act or omission, of another's rights (Dig. 4, 3, 1, 2), and culpa an unintentional violation, consisting apparently always in the omission or neglect of some legal duty. It is true that *damnum* under the Lex Aquilia (of which below) is often the consequence of some act (*e.g.* Inst. iv. 3, 4–8); but the act usually derives its culpose character rather from the omission of some duty than from the positive act which is done: the latter, in itself, does not entail legal liability, but because it is done wilfully, heedlessly, or rashly.

Deliberate breach of legal duty always entailed legal liability, whether the right infringed was a right of property, of contract, or one of the so-called "primordial" rights: "illud nulla pactione effici potest, ne dolus praestetur" (Dig. 2, 14, 27, 3); and no act would amount in law to a delict [CRIMEN] unless *dolus* were present, except in the single case of *damnum* or damage to property. Here, if culpa or negligence were once established, the amount of the defendant's liability did not depend on its degree: "in lege Aquilia etiam levissima culpa venit" (Dig. 9, 2, 44, pr.): hence the expression of the civilians, *culpa Aquiliana.*

It is, however, in the legal relations arising from contract and quasi-contract that the doctrines of *culpa* and *diligentia* are of greatest prominence. If a breach of his duty by a party to such a relation arose from a carelessness so excessive that no ordinary man would have been guilty of it, he was said to have shown *lata culpa*, and for this he was legally held as answerable as if the breach had been deliberate: "lata culpa est nimia negligentia, id est, non intelligere quod omnes intelligunt" (Dig. 50, 16, 213, 2). For passages assimilating and even identifying its legal treatment with that of *dolus*, see Dig. 11, 6, 1, 1; 17, 1, 29, pr.; 47, 4, 1, 2; 50, 16, 223, pr.; ib. 226.

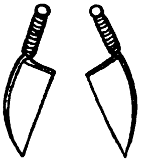
Where, however, a man's carelessness was not of this extreme degree, the question whether he could be made to pay for it was determined by reference to two distinct criteria of diligence.

As a general rule he was required to show what the Roman terms *exacta diligentia*—that of a careful, accurate, sound paterfamilias or man of business; and where this was so he was answerable for all culpa, provided it would have been avoided by one who showed that degree of care and prudence. Modern writers call this *culpa levis in abstracto;* and this higher degree of diligence was required to be shown by vendors and purchasers (Dig. 18, 6, 3), hirers and letters (Dig. 19, 2, 57; Cod. 4, 6, 28), borrowers (*commodatarii*, Inst. iii. 14, 2), depositors, pledgees (Inst. iii. 14, 4), and agents (Cod. iv. 35, 13; Inst. iii. 27, 1).

In other relations the law was satisfied if a man was as careful as he was habitually in affairs in which he himself would be the person primarily injured by carelessness—"talis diligentia qualem in suis rebus adhibere solet;" here modern writers say he is answerable only for *culpa levis in concreto*. This standard of *diligentia* only was required from guardians and curators; *socii* (partners) *inter se;* co-heirs and co-legatees; lenders (*commodatores*), and husbands in their administration of the *dos* brought them by their wives (Dig. 23, 3, 17). Perhaps the safest general rule as to the degree of *diligentia* required in contractual and quasi-contractual relations is to say that the defendant is usually required to show *exacta diligentia*, but the burden of proving his culpa is on the plaintiff: in some cases, however, the defendant is excused if *he* can prove that he has shown such as he usually displays in the conduct of his own affairs. The broad principle seems to be that when a contract is for the interest of both parties, although their interests are adverse rather than identical, each is responsible for the least negligence (Dig. 30, 108, 12), though perplexing exceptions (such as agency and partnership) make this a difficult rule to practically rely upon. (The best treatises on this subject are the following:—Von Löhr, *Theorie der Culpa*, Giessen, 1805, and *Beiträge zu der Theorie der Culpa*, Giessen and Darmstadt, 1808; Hasse, *Die Culpa des römischen Rechts*, 2nd edition by Bethmann-Hollweg, 1838; and in particular Mommsen, *Beiträge zur Lehre von der Culpa*, in his *Obligationenrecht*, vol. iii. pp. 345 ff.) [J. B. M.]

CULTER (dim. *cultellus*, Engl. *coulter;* in Southern Germany, *das Kolter;* French, *couteau;* Greek, *μάχαιρα*, *κοπὶς*, or *σφαγὶς*), a knife with only one edge, which formed a straight line. The blade was pointed and its back curved. It was used for a variety of purposes; but chiefly for killing animals either in the slaughter-house, or in hunting, or at the altars of the gods. (Liv. iii. 48; Scrib. Largus, *Comp. Med.* 13; Suet. *Aug.* 9; Plaut. *Rud.* i. 2, 45; Verg. *Georg.* iii. 492; Ovid. *Fast.* i. 321.) Hence the expressions—*bovem ad cultrum emere*, "to buy an ox for the purpose of slaughtering it" (Varro, *de Re Rust.* ii. 5); *me sub cultro linquit*, "he leaves me in a state like that of a victim dragged to the altar" (Hor. *Sat.* i. 9, 74); *se ad cultrum locare*, "to become a bestiarius" (Seneca, *Ep.* 87). From some of the passages above referred to, it would appear that the culter was carried in a kind of sheath. The priest who conducted a sacrifice never killed the victim himself; but one of his ministri, appointed for that purpose, who was called either by the general name *minister*, or the more specific *popa* or *cultrarius*. (Suet. *Calig.* 32.) A tomb-stone of a *cultrarius* is still extant, and upon it two *cultri* are represented

(Gruter, *Inscript.* vol. ii. p. 640, No. 11), which are copied in the annexed woodcut.



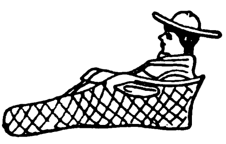
Cultri. (From tombstone of a Cultrarius.)

The name *culter* was also applied to razors (Cic. *de Off.* ii. 7, 25; Plin. *H. N.* vii. § 211; Petron. *Sat.* 108) and kitchen knives (Varro, *ap.* Non. iii. 32). That in these cases the culter was different from those above represented, and most probably smaller, is certain; since, whenever it was used for shaving or domestic purposes, it was always distinguished from the common culter by some epithet, as *culter tonsorius*, *culter coquinaris.* Fruit knives were also called *cultri;* but they were of a smaller kind (*cultelli*), and made of bone or ivory (Colum. xii. 14, 45; Plin. *H. N.* xiii. § 106; Scribon. c. 83). Columella, who gives (iv. 25) a very minute description of a *falx vinitoria*, a knife for pruning vines, says that the part of the blade nearest to the handle was called *culter* on account of its similarity to an ordinary culter, the edge of that part forming a straight line. This culter, according to him, was used when a branch was to be cut off which required a hard pressure of the hand on the knife. The name *culter*, which was also applied to the sharp and pointed iron of the plough (Plin. *H. N.* xviii. § 171), is still extant in English, in the form *coulter*, to designate the same thing. [ARATRUM.]

The expression *in cultrum* or *in cultro collocatus* (Vitruv. x. 10, 14) signifies placed in a perpendicular position. [L. S.]

CULTRA'RIUS. [CULTER.]

CUNAE, CUNA'BULA (*λίκνον, σκάφη*), a cradle. It has been thought that cradles were little used by the Greeks, at least in early times; since Plato in a passage on the putting of infants to sleep mentions only singing the lullaby and rocking in the arms (*ἐν ταῖς ἀγκάλαις σείειν*, *Legg.* vii. 790 D). But various substitutes are mentioned. Hercules according to tradition was cradled in his father's shield (Theocr. xxiv. 4); Dionysus in a winnowing-fan (*λίκνον, vannus*), which accordingly was borne in his processions (see the illustration under VANNUS); other deities in the same manner (Hom. *Hymn. Merc.* 21, &c.; Callim. *in Jov.* 48, with the Scholia). The ark or cradle in which children were exposed is *σκάφη*, Aristoph. *Lys.* 138, with the Scholia; Soph. *fr.* 574; Aristot. *Poet.* 16, § 3; Plut. *Rom.* 3 [= *alveus*, Liv. i. 4]: but it is only in quite late authors that we find *σκάφην διασείειν*, "to rock a cradle," Ael. *H. A.* xi. 14. In the Roman period cradles were regularly used (Plaut. *Truc.* v. 13 and elsewhere; Cic. *de Div.* i. 36, § 79) and were made to rock. We find a female slave called *cunaria*, apparently distinct from the *nutrix* (Grut. *Inscr.* 311, 7); or a male slave, who perhaps in time became the child's *paedagogus* (*cunarum motor*, Mart. xi. 39, 1; cf. Tac. *Dial.* 29 *init.*). The illustration, from a sculptured stone found in Burgundy, and figured by Daremberg and Saglio, shows a boat-shaped cradle with the child curiously strapped in. [W. W.]



Cradle. (From the Museum at Beaune.)

CU'NEUS. [EXERCITUS; THEATRUM.]

CUNI'CULUS (*ὑπόνομος, ὑπόρυγμα*), a mine or subterranean passage, was so called from its resemblance to the burrowing of a rabbit. Thus Martial (xiii. 60) says:

> "Gaudet in effossis habitare cuniculus antris;
> Monstravit tacitas hostibus ille vias."

The word is applied to natural passages underground, like the *katavóthra* into which some rivers disappear (Plin. *H. N.* iii. § 117; v. § 55; vi. § 128); to sulphur mines (*ib.* xxxv. § 174); to the flues of furnaces (*ib.* ix. § 133) [BALNEAE, p. 278 *a*]; to sewers (*ib.* ii. § 197); to the underground channels of aqueducts, thus distinguished from the *specus* of the exposed portions (*ib.* xxxvi. § 121). But it is most commonly used as a military technical term, denoting either the "mines" of besiegers or the "counter-mines" of defenders. The use of the former was mainly, if not exclusively, to sap the foundations of a wall and make a breach for the assailants: "cuniculo suffossa moenia," Q. Curt. vii. 6. The stories of towns entered by mines, such as Fidenae (Liv. iv. 22), Veii (id. v. 19), Chalcedon (Polyaen. vii. 11, § 5), and an Indian town in Alexander's expedition (Q. Curt. ix. 8) are now rejected as unhistorical. The want of evidence for these cases is pointed out by Niebuhr (*R. H.* ii. 483, n. 1063; *e.g.* the capture of Chalcedon by Darius is not mentioned by Herodotus). The earliest military writer, Aeneas Tacticus, gives full details as to the art of mining, including that of countermines; and most of the later writers have copied or abridged his account. Among the curious particulars given by him are the introduction of wasps, bees, and smoke into the mine, and the sounding for mines by laying the ear to the ground with a bronze shield between (*Poliorc.* 37). Another remarkable stratagem in counter-mining is described by Livy (xxxviii. 7) at the siege of Ambracia by the Romans; the Ambraciots introduced into the besiegers' mine a "stink-pot" of burning feathers. For other examples of mines and countermines, cf. Thucyd. ii. 76; Caes. *B. G.* iii. 21, vii. 22, viii. 43.

The "cunicular" drainage of Latium and Southern Etruria belongs rather to the prehistoric antiquities of Italy than to classical times: it dates, probably, from the period of Etruscan supremacy in these regions, and the Romans had utterly lost sight of it. The subject is interesting from the economical point of view, and has recently been investigated by Italians desirous of restoring to the Campagna its ancient fertility. (See Daremberg and Saglio, *s. v.*) [R. W.] [W. W.]

CUPA, a wooden cask, butt or barrel, used like the largest earthen vessel, the *dolium*, to receive the fresh must from the wine-press (*torcular*) and to contain it during the process of fermentation. The cupa was always of wood; the *dolium*, like the *amphora*, always of earthenware. Hence of the derivatives, Fr. *cuve*, *cuvier*, Eng. *cooper*, follow the original meaning; while in It. *coppa*, Fr. *coupe*, Eng. *cup*, it is modified. The inferior wines were drawn for drinking from the cupa, without being bottled in *amphorae;*

whence *vinum de cupa* (Cic. *in Pis.* 27, § 67; Varr. *ap.* Non. ii. 113; Dig. 18, 6, 1, § 4) is equivalent to our expression "from the wood." [A caution may be necessary against the rendering of the passage in Cicero by some editors, as if *cupa* were for *copa*, "a hostess;" though Charisius (p. 47 P. = 63, 11 K.) has *quamvis Vergilius librum suum* cupam *inscripserit.*] Cicero says also *de dolio haurire* for drinking new wine (*Brut.* 83, § 288; cf. Guhl and Koner, ed. 5, p. 594). The phrase in Horace (*Sat.* ii. 2, 123) may be dismissed with the remark that all good editions give with the MSS. *culpa potare magistra:* Bentley's long note is, as often with him, ingenious but not convincing.

The cupae, like our own casks, were made with staves (*tabulae*, Pallad. i. 38, § 1) and hoops (*circuli*, Petron. *Sat.* 60, § 3; Plin. *H. N.* xiv. § 132). The close resemblance is shown in the annexed illustration.

Cupae. (From Trajan's Column.)

The hoops might be of rushes or osiers, perhaps also of iron: Varro objects to rush hoops on *cupae vinariae*, as not strong enough to stand the fermentation (*ap.* Non. *l. c.*). For the staves, the pitch-pine was preferred (Plin. *H. N.* xvi. § 42); it is not stated that wooden casks received a coating of pitch, as the *dolia* and *amphorae* undoubtedly did (*H. N.* xiv. § 134; Guhl and Koner, *l. c.*). They were used for a variety of purposes, as in modern times: for preserving and transporting fruits and corn (Dig. 33, 7, 8 and 12), forming rafts and pontoons (Lucan. iv. 420; Capitol. *Maximin.* 22; cf. Vopisc. *Aurelian.* 48); containing combustibles in war (Caes. *B. G.* viii. 42; *B. C.* ii. 11); and even for a sarcophagus (Grut. *Inscr.* p. 845).

II. Part of an olive-press (Cat. *R. R.* 21); in this sense probably derived from κώπη, a handle. [TRAPETUM.] [P. S.] [W. W.]

CURA, CURATE'LA, CURA'TIO. [CURATOR.]

CURA'TOR. Curators were persons appointed either by law or by the magistrate to look after the property of certain classes of people, and to prevent its being squandered, because they were unfit or unable to properly take charge of it themselves. Those classes are mainly four: minors or *adolescentes* (*i.e.* persons who were *sui juris* and between the age of puberty—12 or 14 (Gaius, i. 196; Inst. i. 22, pr.)—and 25 years); lunatics; interdicted prodigals; and a miscellaneous class, the *cura* of which was considerably later in origin.

The *cura* of minors is to be attributed to the fact that when a young person who was *sui juris* reached puberty, and escaped from the supervision of his guardian [TUTELA], he was regarded as having attained his full stature, intellectual no less than physical: he might marry and become a paterfamilias; he was liable to military service, entitled to vote in the comitia, and competent to hold public office; and he had the complete management of his own affairs. But it soon was felt to be a matter of necessity to give him some legal protection against designing and unscrupulous persons, for it became clear that his indiscretion and ignorance of business would frequently lead to his being overreached; and this was done, without interfering with the principle that full legal capacity was attained with puberty, by the Lex Plaetoria, passed certainly before 183 B.C., for it is mentioned by Plautus (*Pseud.* i. 3, 69; *Rud.* v. 3, 26), who died in that year. This statute (which appears to have first established the distinction between minority and full age) protected minors by subjecting any one who fraudulently overreached them to a *judicium publicum* or prosecution (Cic. *de Nat. Deor.* iii. 30, § 74; *de Off.* iii. 15, § 61), entailing a pecuniary fine and infamia on conviction (Lex Julia Municip. 38); and after the introduction of *exceptiones* by the praetor, a minor who was fraudulently induced to enter into a contract could protect himself against action brought thereon by pleading the exceptio legis Plaetoriae. It being unlikely that in the face of this stringent procedure any one would have any dealings with minors whatever, the statute (Capitol. *Marc.* 10) apparently went on to provide that minors who wished to contract or deal with other persons, especially in the way of stipulation (Priscian, viii. 4, xviii. 9; Plautus, *Rud.* l. c.) and loan (Plaut. *Pseud.* l. c.), should be compellable to receive a curator on their application, by whose assent to the transaction the penal consequences of the lex should be avoided.

The principle of the Lex Plaetoria was carried still further by the praetor, who by means of *in integrum restitutio* protected minors generally against indiscretion causing them proprietary loss (*laesio*); he would set aside transactions into which they had entered, not only on the ground of fraud, but on a consideration of all the circumstances of the case, provided application were made to him within a year after the attainment of majority. The superiority of this form of redress explains the scanty references to the Lex Plaetoria to be found in the writings of the jurists. (Dig. 4, 4; Cod. 2, 22; Savigny, *System*, §§ 322–324; Vangerow, *Pandekten*, §§ 183, 184.)

The Emperor Marcus Aurelius (Capitol. *Marc.* 10; Gaius, *Epit.* 1, 8) seems to have extended the scope of the cura of minores by providing that a minor might, on application to the proper magistrate, obtain a permanent curator to look generally after his property, and aid him with advice. The principle was that he could not be compelled to have a general curator unless he pleased ("inviti adolescentes curatores non accipiunt," Inst. i. 23, 2), except where he was involved in litigation (Inst. *loc. cit.*; a judgment against an undefended minor being void, Dig. 42, 1, 45, 6); when a person who owed him money wished to discharge his debt and obtain a release (Dig. 4, 4, 7, 2); and possibly where he had disregarded the advice given to him by his guardian, on reaching puberty, to get one appointed for him. But apparently most minors were induced by the convenience of the system to have general curators to assist and advise them (Dig. *loc. cit.*; Ulpian, *Reg.* 12, 4; Dio Cass. 52, 20).

The curators of minors were always appointed by the magistrate: a testamentary appointment in itself was void, though the magistrate would usually confirm it by nominating the same person (Inst. i. 23, 1: cf. Dio Cassius, xliv. 35); and, according to rule, the minor had to apply for a curator himself: *δέον ἄλλον αὐτῷ μὴ αἰτεῖν, ἀλλὰ αὐτὸν ἑαυτῷ* (Ulpian in Dig. 26, 6, 2, 5). The munus was a public one, and could not be declined except on specific grounds, carefully enumerated in the authorities (Inst. i. tit. 25); many curators had to give security [CAUTIO], *rem salvam fore*, that they would diligently look after the interests entrusted to them; and if suspected of malversation or negligence, they could be removed by the magistrate, and in cases of fraud were liable to the *suspecti crimen*, a quasi-criminal prosecution (Inst. i. tit. 26).

A minor was fully competent to perform legal acts, such as the conveyance of property or making of contracts; but whether such legal acts had their full usual effect or not depended on whether they were sanctioned by the curator. Both alienations and contracts were *primâ facie* binding on him; but against both, if they were seriously prejudicial, or the curator's consensus has not been given, he could get himself *in integrum restitutus* by the magistrate (Cod. 2, 22, 3); and if the curator had not assented to a contract, he could not be compelled to disburse anything from the minor's property in discharge of it, or to pay costs or damages of actions brought in respect thereof by the other party. From this it will be gathered that the curator had the control and administration of his ward's property exactly as a guardian had (Dig. 23, 2, 20; 46, 3, 14, 7). But a series of imperial enactments (Cod. 5, 71, 16; 5, 37, 22) placed him and the guardian alike under very stringent regulations in respect of alienation of the ward's property, which as a general rule was not allowed without permission from a magistrate. If a minor wished to give himself in adrogation [ADOPTIO], the curator's consent was necessary.

The cura of *furiosi* (lunatics and idiots) and interdicted prodigals or spendthrifts originated with the Twelve Tables, which placed *furiosi* under the cura of their nearest agnates, or, if there were no agnates, of their gentiles, on the analogy of the rules of Intestate Succession (Cic. *de Invent.* ii. 50, § 148; Varro, *de Re Rust.* i. 2; Auctor *ad Herenn.* 1, 13; Ulpian, *Reg.* xii. 1, 2). Similarly the near relations of a *prodigus* might petition the magistrate for his interdiction from the management of his own affairs, and his subjection to the cura of his nearest agnates (Ulpian, *loc. cit.*; Cic. *de Senect.* 7, 22; Paul. *Sent. rec.* iii. 4, 7; Val. Max. iii. 5, 2), though only if his property had come to him by the intestacy of his own father (Ulpian, *Reg.* xii. 3). In default of these *legitimi curatores*, one would be appointed for such persons by the magistrate (Inst. i. 23, 3; Cod. 5, 70, 7, 6; Dig. 27, 10, 13), and in historical times the cura of *prodigi* was no longer confined to the single case of which Ulpian speaks.

In the time of Justinian other classes of persons were able to get a general curator by application to the magistrate, especially those suffering from weak health, impaired mental faculties, or bodily infirmity, *e.g.* the deaf and dumb (Inst. i. 23, 4). Similarly it would sometimes happen that an *impubes* would have a curator as well as a guardian: *e.g.* if there was litigation between himself and the latter (Inst. i. 21, 3), or if the latter was unfit or temporarily unable to discharge his duties (*ib.* 23, 5). In all these cases, the curator's activity would vary with the capacity of the ward. Lunatics and idiots were in law incapable of legal action, so that here the curator had to do everything; but with other persons he might leave the management of their property very much in their own hands, though this apparently did not diminish the responsibility which he had undertaken, especially if he had given the security *rem salvam fore*.

It will appear from what has been said that, whatever similarity there may have been between a guardian and a curator, an essential distinction lies in this, that the latter was especially intended to look after the ward's proprietary interests, whereas the former was *personae, non rei datus*.

The word *cura* has also other legal applications: (1) *cura bonorum*, as in the case of the goods of an insolvent debtor, which are secured for the benefit of his creditors; (2) *cura bonorum et ventris*, in the case of a woman being pregnant at the death of her husband; (3) *cura hereditatis*, where there is a dispute as to who is the *heres* of a person, and his supposed child is under puberty; (4) *cura hereditatis jacentis*, the charge of an inheritance of which the apparent heir has not yet declared his acceptance; (5) *cura bonorum absentis*, in the case of property of an absent person who had appointed no manager of it.

(Savigny, *Von dem Schutz der Minderjährigen im römischen Recht*, vermischte Schriften, ii. 321–395; Puchta, *Institutionen*, § 299; Walter, *Geschichte des röm. Rechts*, §§ 556–558; Vangerow, *Pandekten*, §§ 291–294.) [J. B. M.]

CURATO'RES were public officers of various kinds under the Roman empire, several of whom were first established by Augustus. (Suet. *Aug.* 37.) The most important of them were as follow:—

1. CURATORES ALVEI ET RIPARUM ET CLOACARUM, who had the charge of the navigation of the Tiber. The duties of their office may be gathered from Ulpian (Dig. 43, tit. 15). It was reckoned very honourable, the office being always held by consulars, and the persons who filled it received afterwards the title of comites. (Cf. *C. I. L.* i. p. 180; Wilmanns, *Inscr. Lat.* No. 846, 849, 850, &c.)

2. CURATORES ANNONAE, who purchased corn and oil for the state, and sold it again at a small price among the poorer citizens. They were also called *curatores emendi frumenti et olei*, and *σιτῶναι* and *ἐλαιῶναι*. (Dig. 50, tit. 5, s. 18, § 5.) Their office belonged to the *personalia munera*; that is, it did not require any expenditure of a person's private property: but the curatores received from the state a sufficient

sum of money to purchase the required amount. (Dig. 50, tit. 8, s. 9, § 5.) The title appears on incriptions either as *curator frumenti comparandi in annonam urbis* (Wilmanns, 1252), or once as *frumenti curator ex s. c.*, which appears to have been a special case (*ib.* 1113). A more common title is *praefecti frumenti dandi* (q. v.); but cp. Frontin. *de Aquaed.* 101, *curatores frumenti.*

3. Curatores Aquarum. [Aquaeductus.]

4. Curatores Kalendarii, who had the care in municipal towns of the *kalendaria;* that is, the books which contained the names of the persons to whom public money, which was not wanted for the ordinary expenses of the town, was lent on interest. The office belonged to the *personalia munera.* (Dig. 50, tit. 4, s. 18, § 2; tit. 8, s. 9, § 7; Heinecc. *Antiq. Rom.* iii. 15, § 4.) These officers are mentioned in inscriptions found in municipal towns, *e.g.* at Praeneste (Wilmanns, 1798, 1799), Corfinium (*ib.* 2062), Arretium (*ib.* 2093), &c.

5. Curatores Ludorum, who had the care of the public games as special commissioners (Mommsen, *Röm. Staatsr.* ii.^{2} 910). Marquardt thinks that the *curatores munerum* were ordinary, and not specially appointed officials (*Röm. Staatsverw.* iii. 467). Persons of rank appear to have been usually appointed to this office. (Tac. *Ann.* xi. 35, xiii. 22; Suet. *Cal.* 27.) In inscriptions, they are usually called *curatores muneris gladiatorii*, &c.

6. Curatores Operum Publicorum, who had the care of all public buildings, such as the theatres, baths, aqueducts, &c., and agreed with the contractors for all necessary repairs to them. Their duties under the republic were discharged by the aediles and censors. [Censores.] They are frequently mentioned in inscriptions. (Wilmanns, 636, 1163, 1181, 1188, 1224, &c.)

7. Curatores Regionum, who had the care of the fourteen districts into which Rome was divided, and whose duty it was to prevent all disorder and extortion in their respective districts. This office was first instituted by Augustus. (Suet. *Aug.* 30.) There were usually two officers of this kind for each district: Alexander Severus, however, appears to have appointed only one for each; but these were persons of consular rank, who were to have jurisdiction in conjunction with the praefectus urbi. (Lamprid. *Alex. Sev.* 33.) We are told that M. Aurelius, among other regulations, gave special directions that the curatores regionum should either punish, or bring before the praefectus urbi for punishment, all persons who exacted from the inhabitants more than the legal taxes. (Jul. Capitol. *M. Ant. Phil.* 11. Cf. Wilmanns, 1222, 1715.)

8. Curatores Reipublicae (with the name of the community added), also called Logistae, who administered the landed property of municipia. [Colonia, p. 483 a.] (Dig. 50, tit. 8, s. 9, § 2; 2, tit. 14, s. 37.) These were appointed by the emperors: cf. *C. I. L.* v. 4368, "curat. reip. Bergam. dat. ab imp. Traiano. curat. reip. Comens. dat. ab imp. Hadriano." Ulpian wrote a separate work, *De Officio Curatoris Reipublicae.*

9. Curatores tabularum publicarum, three magistrates appointed by Tiberius in A.D. 16, to assist in keeping the public records. (Cf. Mommsen, *Röm. Staatsr.* ii.^{2} 545.)

10. Curatores Viarum. [Viae.]

[W. S.] [A. S. W.]

CU'RIA signifies both a division of the Roman people and the place of assembly for such a division. Various etymologies of the word have been proposed. Varro (*de Ling. Lat.* v. 32) derives it from *curare*, a view defended by Mommsen (*Hist.* i. 72). Lange (*Röm. Alt.* i. p. 79), who regards *Quirites* as derived from *curia*, a theory which others again invert, wavers between this view and Corssen's earlier suggestion, that is, for *covisia*, "a dwelling together," from the root *vas*, "to dwell." But seeing that the original meaning seems to have been "house," it is better to trace it to the root *sku*, "shelter," as Corssen now does.

Each of the three ancient Romulian tribes, the Ramnes, Tities, and Luceres, was subdivided into 10 curiae, so that the whole body of the populus was divided into 30 curiae. (Liv. i. 13; Dionys. ii. 7, 23; Plut. *Rom.* 19.) It has commonly been asserted that the plebeians had no connexion whatever with the curiae, and that the clients of the patricians were members of the curiae only in a passive sense. (Fest. p. 285, ed. Müller; comp. Patricii, Gens.) But Mommsen has adduced strong reasons for denying the purely patrician character of the *curiae* (*Röm. Forsch.* i. 140–150), and accepting the view of Dionysius (iv. 12, 20) that plebeians were admitted. He points out first that, as is generally admitted, the *curiae* in their sacral character included plebeians as well as patricians. The Fornacalia was a festival celebrated by curies, but Ovid's account of it (*Fast.* ii. 511 ff.) is quite inconsistent with the notion that it was a patrician festival. Besides, in B.C. 209 we find a plebeian elected as Curio Maximus, and, according to all analogy, plebeians must have been admitted to the curies long before one of them could be found holding the highest post of dignity. Secondly, there is absolutely no proof of the purely patrician character of the *comitia curiata*, but much evidence to the contrary. Cicero's words (*de Leg. Agr.* ii. 11, 27, "curiatis comitiis quae vos non initis") refer merely to the formal meetings of lictors [cf. Comitia], which no citizens, patrician or plebeian, attended. Plebeians are represented as existing and voting side by side with patricians before the institution of any other than the *comitia curiata.* The extinction of the functions of the curies is nowhere mentioned as a result of the decay of the patriciate. By comparing Cic. *pro Planc.* 3, 8, and *de Domo* 14, 38, it is plain that the *populi comitia* of the former answers to the *comitia centuriata et curiata* of the second. The election of a magistrate and the conferring of the imperium are represented by Cicero (*de Leg. Agr.* ii. 11, 26, "maiores de singulis magistratibus bis vos sententiam ferre voluerunt") as two acts of the same body; but the former took place in the centuries, the latter in the curies. The thirty lictors who represented the curies, and therefore must have had the right of voting there, were plebeians. There is no reason whatever to believe that the right of making wills and adoptions before the curies was limited to patricians, and we have one positive instance of a plebeian adopting before the curies in the case of Clodius. Hence the common theory of the purely patrician character of the curies must be abandoned. There is no historical evidence to show when the plebeians became members of them (Mommsen, *Forsch.* i. 149), but it is a reasonable conjecture that they were admitted at the time of the expulsion of the kings, when the *comitia curiata* lost their political power by the development of the *comitia centuriata* (Mommsen, *Hist.* i. 264). All the members of the different gentes belonging to one curia were called, in respect of one another, *curiales*. Each curia as a corporation had its peculiar sacra (Fest. pp. 174, 245; Paul. Diac. p. 49, ed. Müller), and, besides the gods of the state, they worshipped other divinities and with peculiar rites and ceremonies. For such religious purposes each curia had its own place of worship, called curia, which at first may have contained nothing but an altar, afterwards a sacellum, and finally a building in which the curiales assembled for the purpose of discussing political, financial, religious, and other matters. (Paul. Diac. pp. 62, 64; Dionys. ii. 50.) The religious affairs of each curia were taken care of by a priest, *curio*, who was assisted by another called Flamen curialis. (Paul. Diac. pp. 49, 64; Varro, *de L. L.* v. 83, vi. 46; Dionys. ii. 21; comp. CURIO.) The thirty curiae had their own distinct names, which are said to have been derived from the names of the Sabine women who had been carried off by the Romans, though it is evident that some derived their names from certain districts or from ancient eponymous heroes. Few of these names only are known, such as curia Titia, Faucia, Calabra, Foriensis, Rapta, Veliensis, Tifata. (Paul. Diac. pp. 49, 366; Fest. p. 174; Liv. i. 13; Dionys. ii. 47; Cic. *de Re Publ.* ii. 8, 14.) O. Gilbert has lately (*Gesch. und Topogr. der Stadt Rom in Alterthum*, 2 vols. 1883, 1885) advocated with much ingenuity and learning a theory that the *curiae* were based originally upon the gradual occupation of the seven hills of the *Septimentium* by tribes of different origin, and their ultimate federation. The details of this view involve too many moot points to be discussed here with advantage.

Curia is also used to designate the place in which the senate held its meetings. [See following article.] From this there gradually arose the custom of calling the senate itself curia in the coloniae and municipia, but never the senate of Rome. [DECURIO.] The official residence of the Salii, which was dedicated to Mars, was likewise styled curia. (Cic. *de Div.* i. 17; Dionys. xiv. 5; Plut. *Camill.* 32; comp. Becker, *Handb. der Röm. Alterth.* vol. ii. part i. p. 31, &c.; Lange, *Röm. Alterth.* i. 244–250; Mommsen, *Röm. Forsch.* i. 140–150.) [L. S.] [A. S. W.]

CU'RIA (βουλευτήριον, γερουσία), the building in which the highest council of the state held its meetings. Scarcely anything is known of the form or dimensions of such structures. Vitruvius (v. 2) gives a curious rule for ascertaining the proportions between the height and the length and breadth: this does not, however, agree with the probable plan and elevation of the Curia of Diocletian at Rome. The same author enjoins the use of a cornice half-way up the wall to throw down the sound. The occurrence of columns down each side of the hall is attested by Pausanias (viii. 32; x. 5) at Phocis; a like arrangement has been noticed at Pompeii.

The history and site of the Senate-house at Rome have been much discussed. Built by Tullus Hostilius (Varr. *L. L.* v. 155–6), the Curia Hostilia was burnt at the funeral of Clodius (B.C. 52). Successive restorations by a son of Sulla and by Augustus are recorded in the names C. Cornelia and C. Julia. Under Domitian the C. Julia was again rebuilt. A still later building, ascribed to Diocletian, has been identified with the present church of S. Adriano on the N.E. of the Forum. It is of brick, ornamented with stucco and marble. (Franz v. Reber, *Die Lage d. C. Hostilia u. d. C. Julia*; H. Jordan, *Topogr. d. Stadt Rom*, 1 Bd., 2 Abth. p. 250 ff.; J. H. Middleton, *Anc. Rome in* 1885; Lanciani, *L'aula e gli Uffici del Senato Romano*; Du Perac, *Vestigj di Roma*, 1575.) [J. M.]

CURIA'LES. [CURIA; DECURIONES.]

CURIA'TA COMI'TIA. [COMITIA.]

CU'RIO, the person who stood at the head of a curia, and had to manage its affairs, especially those of a religious nature (Dionys. ii. 7, 65; Varro, *de L. L.* v. 15, 32, vi. 6): in their administration he was assisted by another priest, called Flamen curialis. (Paul. Diac. p. 64; Dionys. ii. 21, 64.) As there were thirty curiae, the number of curiones was likewise thirty, and they formed a college of priests, which was headed by one of them bearing the title of *curio maximus* (Paul. Diac. p. 126; Liv. xxvii. 8). In later times he was elected by the people, but originally probably by co-optation. [L. S.] [A. S. W.]

CU'RIUS (κύριος). [KYRIOS.]

CURRUS (ἅρμα), a chariot, a car. These terms are especially applied to the two-wheeled cars used in battle and in racing. They differed from the *carpentum* in being open overhead, and from the *cisium* in being closed in front. The plural ἅρματα is generally used to signify the chariot and all its appurtenances—pole, yoke, reins, &c.—excluding the horse (Buchholz, *Die homerischen Realien*, ii. 1, 219, comparing τόξον and τόξα). The words ἅρμα (*Il.* xxiv. 440), ἅρματα (*Od.* iii. 492), and δίφρος (*ib.* 481) are also employed for the light cars used on journeys. They frequently had, bound on to the body, a basket, πείρινς (*Od.* xv. 131), which must have been capacious to hold the presents Telemachus got from Menelaus (*Od.* xv. 102–105). Doubtless Telemachus and Pisistratus sat on this πείρινς, as it was unlikely that they would stand for a whole two days' journey (*Od.* iii. 487, 497; and Buchholz, *op. cit.* p. 228). The most essential parts in the construction of the *currus* were:—

1. The *antyx* (ἄντυξ) or rim. Either on three sides of the chariot or only in front there was a curved (hence ἄγκυλον, κάμπυλον ἅρμα, *Il.* v. 231, vi. 39) barrier (ἐπιδιφριάς, *Il.* x. 475; περίφραγμα, Poll. i. 142), sometimes of light wood, sometimes of leather or metal (cf. for the latter *Il.* xxiii. 503; and Helbig, *Das homerische Epos*, pp. 95, 103). It was generally a sort of trellis-work made by interlacing strips of the material used; hence probably δίφρος εὐπλεκής or εὐπλεκτός (*Il.* xxiii. 436, 335). In different chariots this barrier was of different heights: sometimes it did not come up to the knee, sometimes it rose to near the waist, but in the Greek war-chariot it was seldom, if ever, higher. Warriors in a chariot are mentioned as being wounded in the stomach (*Il.* xiii. 398). Round the top of this barrier was the

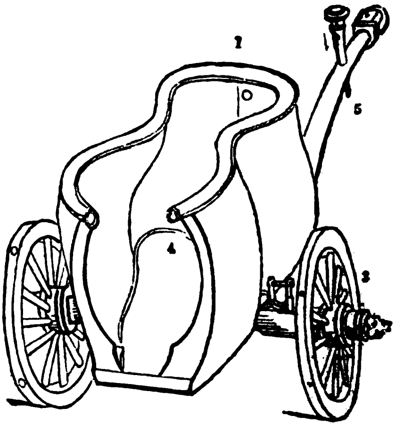
curved rim (ἄντυξ), which was generally raised above the trellis-work barrier by bars. A variety of technical names belonging to these bars are to be found in Poll. i. 143. The two ἄντυγες of Hera's chariot (δοιαὶ δὲ περίδρομοι ἄντυγές εἰσι, *Il.* v. 728) are to be explained either with Grashof (*Ueber das Fuhrwerk bei Homer und Hesiod*, p. 28) of a double rim, one rising above the other, or with Helbig (*op. cit.* p. 105) of a rim at both sides of the chariot. The former perhaps suits the sense of περι- ("all round," in opposition to ἀμφι-, "on both sides") better than the latter. The ἄντυξ often served to fasten the reins to (*Il.* v. 262). As the ἄντυξ was curved, a pliant wood was required for it; and Homer (*Il.* xxi. 37) mentions the wild fig-tree as so used. The term ἄντυξ is sometimes applied to the whole chariot (Soph. *El.* 746).

2. The *axle*, usually made of oak (φήγινος ἄξων, Hom. *Il.* v. 838, imitated by Virgil, *faginus axis*, *Georg.* iii. 172), and sometimes also of ilex, ash, or elm (Plin. *H. N.* xvi. § 229). It was of iron or brass in the chariots of the gods (*Il.* v. 723; xiii. 30). The extremities were called ἀκραξόνια (Poll. i. 145) or χνοαί (Hesych. *s. v.*), and sometimes ended in the head of an animal (Guhl and Koner, *Das Leben der Griechen und Römern*, p. 306, ed. 4). The iron plates on the axle round which the wheels revolved were called εὐραί (Poll. i. 145). The axle was about seven feet long (Guhl and Koner, p. 304).

3. The *wheels* (κυκλά, τροχοί, *rotae*) revolved upon the axle, as in modern carriages. They consisted of (*a*) *spokes* (κνῆμαι, *radii*), usually four in number, but in the chariot of Hera there were eight (ὀκτάκνημα, *Il.* v. 723). With tips of iron (ἀετοί, Poll. i. 145) at each end on the outer side, they were fixed in (*b*) a *felloe* (ἴτύς), consisting of four or more arcs, ἁψῖδες (Hesiod, *Op.* 426; σῶτρα, Poll. i. 144), which of course had to be of flexible wood (*Il.* iv. 482–486; xxi. 37), heat being used to assist in producing the curvature (Theocr. xxv. 247–251), bound on the outside by (*c*) an iron *tire* (ἐπίσσωτρον, *Il.* xxiii. 519; ἐπίσσωτρα, *Il.* v. 725; *canthus*, Pers. v. 71). In Hera's chariot the tire was of bronze and the felloe gold (*Il.* v. 725). On the inner side they were fixed in (*d*) the *nave* (πλήμνη, *Il.* v. 726; χνοή, Aesch. *Theb.* 153; *modiolus*, Plin. *H. N.* ix. § 8). There are several technical terms for the different parts of the nave (Poll. i. 145). The external ring of iron into which the spokes fitted was called θώραξ or πλημνόδετον. The internal ring round the hole through which the axle passed was γάρνον or δέστρον. What was probably a flat ring prevented the wheels slipping off, and was called παραξόνιον, ἐπίβολος, ἔμβολος: it was itself kept in its place by the linchpin (ἐμβολοδέτης). The wheels (Buchholz, *op. cit.* p. 224) were not more than thirty inches in diameter: this appears to rest on Hesiod, *Op.* 426, where Proclus and Tzetzes take ἅμαξα as the *wheel*.

4. The *body* of the chariot, δίφρος, also called ὑπερτερία by Poll. i. 144, though in Homer that word appears to mean the upper part shaped like a cart. (See Ameis on *Od.* vi. 70, who refutes Göbel's view that it is a covering to keep off sun and rain.) All efforts were made to lessen the weight of the chariot, and we have evidence that they were very light. They drive over heaps of arms and corpses (*Il.* xi. 534), and even across ditches (*Il.* viii. 179); and Diomede thinks of carrying a chariot on his shoulders (*Il.* x. 505). It consisted of some kind of interlaced straps of leather (ἱμάντωσις, τόνος, Poll. i. 142). In Hera's chariot they were of gold and silver cords (*Il.* v. 727). Doubtless this was bound around to a narrow frame of some rigid substance, wood or iron; and it is to this perhaps that the epithets πρωτοπαγής, κολλητός, which are applied to the δίφρος (*Il.* v. 193; xix. 395), refer. Possibly this framework at the back of the chariot, which was always cut straight, is what Pollux (i. 144) means by πτέρνα (τὸ δὲ πρὸ τοῦ τόνου οὗ πρῶτον ἐπιβαίνουσιν οἱ ἀναβαίνοντες, πτέρνα); though Guhl and Koner (p. 305) say it is the boards which were placed over the straps and on which the charioteers stood. If we allow a foot on each side of the axle for the wheels, the breadth of the δίφρος would be about five feet.

5. The *pole* (ῥυμός, *temo*), made of wood and polished (*Il.* xxiv. 271). From representations of chariots, we find the pole sometimes as it were a continuation of the flooring of the δίφρος, sometimes fastened into the axle, sometimes above it. It is found fastened by two forked stays (στήριγμα, ὑποστάτης, *furca*, Plut. *Cor.* 24). These were either projecting from the axle, or, as is more probable, at the inner end of the pole (Marquardt, *Privatl. der Römer*, p. 182). The pole was sometimes straight for some distance from its point of fastening, and curved rapidly upwards at its extremity (πρώτη πέζα, ἀκρορρύμιον), or else was in its whole length quite straight and inclined at an angle: in any case the top of the pole was on a level with the necks of the horses. The extremity of the pole at times ended in the head of a bird, a ram, or the like. Towards the extremity of the pole the yoke was fastened about a pin (ἕστωρ) fixed in the pole. There was frequently a fastening running from the top of the pole to the ἄντυξ, in order to divide the traction-force on two points. For details as to the yoke and its fastening, see JUGUM; and for the reins, see FRENUM.



Currus. (Vatican.)

All the parts now enumerated are seen in an ancient chariot preserved in the Vatican, a representation of which is given in the preceding woodcut.

Carriages with two or even three poles were used by the Lydians (Aesch. *Pers.* 47). The Greeks and Romans, on the other hand, appear never to have used more than one pole and one yoke, and the currus thus constructed was commonly drawn by two horses, which were attached to it by their necks, and therefore called *δίζυγες ἵπποι* (Hom. *Il.* v. 195, x. 473), *συνωρίς* (Xen. *Hell.* i. 2, § 1), *gemini jugales* (Verg. *Aen.* vii. 280), *equi bijuges* (*Georg.* iii. 91). We occasionally find in Homer that only one horse was used (*Il.* ii. 390; xxii. 22; xxiii. 517), and it must have been fastened by traces; but a pair of horses is much the most frequent. They drew the car by means of the yoke and its collars (*λέπαδνα*); for they were not, Helbig thinks (*op. cit.* 106), fastened to the chariot by traces. Thus in the Iliad, when the pole breaks (vi. 38 ff., xvi. 360), the horses simply run on with the yoke and front part of the broken pole, and the car is left behind; again, when the yoke breaks and the horses run to different sides, they do not, Helbig says, upset the chariot, as they would do if they had been fastened by traces (*Il.* xxiii. 392 ff.). In this latter passage, however, it seems most probable that the shock which could throw Eumelus out with such violence must have upset the light chariot. Besides the yoke horses, there was sometimes a *παρήορος* (*Il.* xvi. 471), *σειραῖος* (Soph. *El.* 722), *σειραφόρος* (Aesch. *Ag.* 842), *funalis equus* (Stat. *Theb.* vi. 462), *funarius* (Isid. *Orig.* xviii. 33), which was fastened by a trace affixed to the *ἄντυξ* (Guhl and Koner, *op. cit.* p. 305), if we may judge from vase-pictures and as the word *σειραφόρος* would lead us to infer. But the main work of traction was done by the yoke horses (cf. Aesch. *Ag.* 1679). Helbig (*op. cit.* p. 91) thinks that they were fastened to the yoke or to one of the yoke-horses; yet he holds (p. 106, note 6) that traces were used in the case of a team of four horses. At any rate the fastenings of the *παρήορος* were called *παρηορίαι* (*Il.* xvi. 152). These outriggers had often riders like our postilions (cf. Suet. *Tib.* 6, and Saglio, *Dict.* fig. 2223). A team of four horses is mentioned three times in Homer (*Il.* viii. 185, xi. 699; *Od.* xiii. 81), but the passages are not by any means sufficient to prove a general use of four horses, and they seem to refer to the Olympic games (see Buchholz, *op. cit.* i. 2, 177–8). In the above cut we also observe traces passing between the two *ἄντυγες*, and proceeding from the front of the chariot on each side of the middle horse. These probably assisted in attaching the third, or extra horse.

Currus, with three horses. (Ginzrot, i. p. 342.)

The Latin name for a chariot and pair was *bigae* (Verg. *Aen.* ii. 272, v. 721; Plin. *H. N.* vii. § 202, *et alibi*); in later Latin also *biga* (Tac. *Hist.* i. 86; Plin. xxxix. § 89; Stat. *Silv.* i. 2, 45, *et alibi*). When a third horse was added, it was called *triga* (Dig. 21, 1, 38, § 14) or *trigae* (Isidor. *Orig.* xviii. 36); and by the same analogy a chariot and four was called *quadrigae* (Verg. *Georg.* i. 512, *Aen.* vi. 535; Cic. *Div.* ii. 70, 144, *et alibi*), in later Latin *quadriga* (Gell. xix. 8, 17; Suet. *Vit.* 17, *et alibi*); in Greek, *τετραορία* or *τέθριππος*. Four horses were the largest number usually employed, but we also read of a chariot drawn by six horses, called *sejugis* (Orelli, *Inscr.* 2593, 6179), but more usually in the plural *sejuges* (Liv. xxxviii. 35, 4; Plin. *H. N.* xxxiv. § 19; Apul. *Flor.* p. 356, No. 16), also *sejugae* (Isid. *Orig.* xviii. 36), like bigae and quadrigae; of a chariot drawn by eight horses (*octojugis*, Orell. *Inscr.* 6179); and of one drawn by ten horses (*decemjugis*, Orell. *l. c.*), which was the number driven by Nero in the Olympic games (Suet. *Ner.* 24). In all cases the horses were driven abreast.

As the works of ancient art, especially fictile vases, abound in representations of quadrigae, numerous instances may be observed, in which the two middle horses (*ὁ μέσος δεξιὸς καὶ ὁ μέσος ἀριστερός*, Schol. *in* Aristoph. *Nub.* 122) are yoked together as in the bigae; and, as the two lateral ones (*ὁ δεξιόσειρος, ὁ ἀριστερὸς σειραῖος*, *dexterior*, *sinisterior funalis equus*, Suet. *Tib.* 6; and cf. Jebb on Soph. *El.* 721) have collars (*λέπαδνα*) equally with the yoke-horses, we may presume that from the top of these proceeded the ropes which were tied to the rim of the car, and by which the trace-horses assisted to draw it. The first figure in the following woodcut is the chariot of Aurora, as painted on a vase found at Canosa. (Gerhard, *Ueber Lichtgottheiten*, pl. iii. fig. 1.) The reins of the two middle horses pass through rings at the extremities of the yoke. All the particulars which have been mentioned are still more distinctly seen in the second figure, taken from a terra-cotta at Vienna. (Ginzrot, vol. ii. pp. 107, 108.) It represents a chariot overthrown in passing the goal at the circus. The charioteer having fallen backwards, the pole and yoke are thrown upwards into the air; the two trace-horses have fallen on their knees, and the two yoke-horses are prancing on their hind legs.

If we may rely on the evidence of numerous works of art, the currus was sometimes drawn by four horses without either yoke or pole; for we see two of them diverging to the right hand and two to the left, as in the cameo in the royal collection of Berlin, which exhibits Apollo surrounded by the signs of the zodiac. If the ancients really drove the quadrigae thus harnessed, we can only suppose the charioteer to have checked its speed by pulling up the horses, and leaning with his whole body backwards, so as to make the bottom of the car at its hindermost border scrape the ground, an act and an attitude which seem not unfrequently to be intended in antique representations.

The currus, like the cisium, was adapted to carry two persons, and on this account was called in Greek *δίφρος*. One of the two was of course the driver. He was called ἡνίοχος, because he held the reins, and his companion παραιβάτης, from going by his side or near him. Though in all respects superior, the παραιβάτης was often obliged to place himself *behind* the ἡνίοχος. He is so represented in the bigae at p. 129, and in the Iliad (xix. 397) Achilles himself stands behind his charioteer, Automedon. On the other hand, a personage of the highest rank may drive his own carriage, and then an inferior may be his παραιβάτης, as when Nestor conveys Machaon (πὰρ δὲ Μαχάων βαῖνε, *Il.* xi. 512, 517), and Hera, holding the reins and whip, conveys Athena, who is in full armour (v. 720–775). In such cases a kindness, or even a compliment, was conferred by the driver upon him whom he conveyed, as when Dionysius, tyrant of Sicily, "himself holding the reins, made Plato his παραιβάτης." (Aelian, *V. H.* iv. 18.)

Currus with four horses. (See p. 579 *b*.)

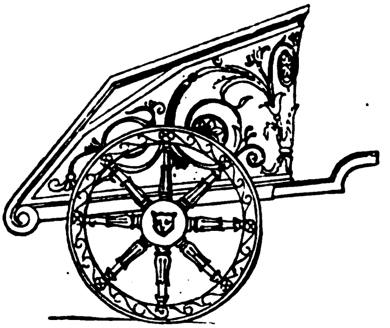
Chariots were frequently employed on the field of battle not only by the Asiatic nations, but also by the Greeks in the heroic age. The ἀριστῆες, *i.e.* the nobility, or men of rank, who wore complete suits of armour, all took their chariots with them, and in an engagement placed themselves in front. In the Homeric battles we find that the horseman, who for the purpose of using his weapons, and in consequence of the weight of his armour, is under the necessity of taking the place of παραιβάτης (see above the woodcut of the triga), often assails or challenges a distant foe from the chariot; but that, when he encounters his adversary in close combat, they both dismount, "springing from their chariots to the ground," and leaving them to the care of the ἡνίοχοι. (*Il.* iii. 29, xiii. 537, xvii. 480–483, 500–502; Hes. *Scut. Herc.* 370–372.) As soon as the hero had finished the trial of his strength with his opponent, he returned to his chariot, one of the chief uses of which was to rescue him from danger.

Chariot in Grecian public games. (Coin of Hieron II. of Syracuse. British Museum.)

In later times the chariots were chiefly employed in the public games. The usual form of those used in the Grecian public games appears on the coins of victors, as in the annexed coin of Hieron II. of Syracuse. Those used in the Roman games of the Circus are figured under CIRCUS. Their form was the same, except that they were more elegantly decorated. They had no ἄντυγες, but were raised in front. They had low wheels, quite at the back, and there was no space to stand in behind the wheels. (See cut p. 434.) Chariots were not much used by the Romans. The ancient Italians never fought from chariots. When such appear, they are either in representations of Greek events or are triumphal cars (Saglio, *Dict.* p. 1641). In a Roman triumph the general ascended to the Capitol in a chariot adorned with ivory (*currus eburnos*, Ov. *Trist.* iv. 2, 63) or gold (*aureos*, Hor. *Epod.* ix. 22), which was cylindrical, with sides very much higher than the Greek chariots. An example may be seen in the cuts under TRIUMPHUS, which in a measure exemplify what Zonaras says (vii. 21): τὸ δὲ ἅρμα ἐς πύργον περιφεροῦς τρόπον ἐξείργαστο. The utmost skill of the painter and the sculptor was employed to enhance its beauty and splendour. More particularly the extremities of the axle, of the pole, and of the yoke, were highly wrought in the form of animals' heads. Wreaths of laurel were sometimes hung round it (*currum laurigerum*, Claudian, *de Laud. Stil.* iii. 20, *Tert. Cons. Honor.* 130), and were also fixed to the heads of the four snow-white horses. (Mart. vii. 8, 8.) The car was elevated so that he who triumphed might be the most conspicuous person in the procession, and for the same reason he was obliged to stand erect (*in curru stantis eburno*, Ovid, *Pont.* iii. 4, 35). The triumphal car had in general no pole, the horses being led by men who were stationed at their heads.

Chariots executed in terra-cotta (*quadrigae fictiles*, Plin. *H. N.* xxviii. § 16), in bronze, or in marble, an example of which last is shown in the following woodcut from an ancient chariot in the Vatican, were among the most beautiful ornaments of temples and other public edifices. No pains were spared in their decoration; and Pliny informs us (e.g. *H. N.* xxxiv. § 86) that some of the most eminent artists were employed upon them. In numerous instances they were designed to perpetuate the fame of those who had conquered in the chariot-race (Paus. vi. 10, 6). As the emblem of victory, the quadriga was sometimes adopted by the Romans to grace the triumphal arch by being placed on its summit; and even in the private houses of great families, chariots were displayed as the indications of rank, or the memorials of conquest and of triumph. (Juv. viii. 3.)

The chief works on the subject of the chariot are: Grashof, *Ueber das Fuhrwerk bei Homer und Hesiod;* Buchholz, *Die homerischen Realien*, ii. 1, 217–232; Guhl and Koner, *Das Leben der Griechen und Römern*, pp. 304-308; Helbig, *Das homerische Epos*, pp. 88–110; Saglio in *Dict. des Antiq.* i. 1633–1643. The last two works give numerous illustrations. [J. Y.] [L. C. P.]


Currus. (Vatican.)

CURRUS ARCUA'TUS, mentioned by Livy (i. 21–4), is the same as the carpentum. [CARPENTUM.] [W. S.]

CURSO'RES. 1. Slaves, whose duty it was to run before the carriage of their masters, for the same purpose as our outriders. They are not mentioned under the republic, and appear to have first come into fashion in the middle of the first century of the Christian aera. The slaves employed for this purpose appear to have frequently been Numidians. (Senec. *Ep.* 37, 9, 123, 7; Mart. iii. 47, xii. 24; Suet. *Ner.* 30, *Tit.* 9; Petron. 28; Dig. 32, 1, 99, § 5; Becker-Göll, *Gallus*, ii. p. 159.)

2. Messengers or couriers (Nep. *Milt.* 4, 3; Plin. *H. N.* ii. § 181, Plin. *Ep.* vii. 12; Suet. *Nero*, 49; Mart. iii. 100; Tac. *Agric.* 43). [CURSUS PUBLICUS.]

3. Runners in the foot-race [CURSUS], or competitors in a chariot-race ("ut cupidi cursor frenat frena retentat equi" (Ov. *Pont.* iii. 9, 26). [W. S.]

CURSUS (*δρόμος, τρόχος*). Foot-racing, being one of the most natural, was also one of the most primitive of athletic sports. We often read of it in the Homeric poems (e.g. *Il.* xxiii. 759 ff.). In historic times, at the national festivals of Greece, several species of it had come into vogue. We may distinguish four sorts: (*a*) the *στάδιον* (or simply *δρόμος*), (*b*) the *δίαυλος*, (*c*) the *ἐφίππιος* or *ἵππιος δρόμος*, (*d*) the *δολιχὸς δρόμος* (or *δόλιχος*, proparox). A strange feature in these races was that they were (according to Lucian, *Anachars.* 27) run not on hard and firm ground, but over a deeply-sanded surface.

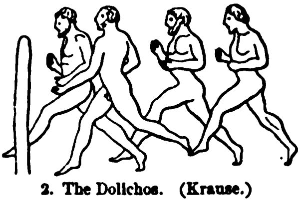
(*a.*) The *στάδιον* (see fig. 1) was a race in which the runners (*σταδιοδρόμοι*) traversed the arena in a direct line (whence it was called *εὐθύς, ἄκαμπτος*), from one extremity to the other. This distance, as measured by the Olympic stade, which became the general standard, was about 600 feet. The *στάδιον* corresponds to our "sprint," in which the runner does the whole race at his highest speed. Describing its origin, Philostratus (who lived in the 3rd century A.D.) says: "When the Eleans had slain the customary victims, and the pieces of flesh were laid upon the altar on which as yet no fire had been kindled, the runners (*οἱ δρομεῖς*) were posted at the space of a stade from the altar, just in front of which stood the priest, torch in hand, and acting as umpire. Towards him they ran, and the runner who came in first received the torch, lit the sacred fire, and was hailed as Olympionikês." (Philostr. *Gymn.* 5.) From the same writer we learn that the Olympic games up to the date of their thirteenth celebration consisted only of this contest.


1. The Stadion. (Krause.)

(*b.*) The *δίαυλος*, or double course (properly = double pipe), required that the runners (*διαυλοδρόμοι*) should, after traversing the arena as in the *στάδιον*, turn round a post (*καμπτήρ*) and run back to their starting-point. Hence it was called *δρόμος κάμπτειος* (from *καμπή* = *flexus*). Explaining the origin of this race, Philostratus says: "When the Eleans had sacrificed, and it became the duty of the deputies from the rest of Greece to perform this ceremony, that the latter might lose no time in approaching, the runners ran a stade from the altar in their direction as if to summon the Hellenic nation, and then, without stopping, ran back to the place they had started from, as if to announce that Hellas was about to come with joy to discharge the holy rite." He tells us also that the *δίαυλος* did not form part of the games until the 14th Olympiad.

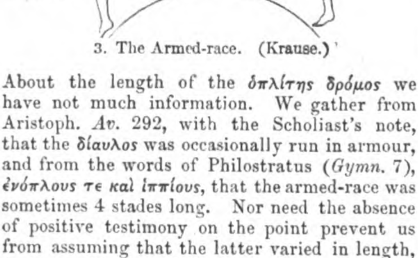
(*c.*) The *ἐφίππιος* or *ἵππιος* (as it is termed Eurip. *Elect.* 825) did not, as might seem from its name, signify a horse-race, but a race of sufficient length to try the power of a horse (see Hermann-Blümner, *Privatalt.* p. 346). It was a test therefore of endurance as well as speed, being four stades in length; that is, twice as long as the *δίαυλος*.

(*d.*) The true test of staying power, however, was the *δόλιχος* or long race (*vid.* fig. 2), added to the Olympic games (according to Philostratus, *Gymn.* 12) in Olymp. 15. The length of this race has been variously described as 7, 12, 20, or 24 stades. We may suppose that it


2. The Dolichos. (Krause.)

differed on different occasions. Boeckh conjectured that 7 stades was the normal length, and that, when we read of its being 24, we must suppose the δόλιχος ἵππιος to be intended. To a modern 24 stades does not appear excessively long for a race of this kind, and Plato (*Legg.* viii. p. 833, a passage in which the proposer of regulations for an ideal state seems to keep close to the limits of the actual: notice, for example, the words καθάπερ νῦν) would have his δολιχοδρόμοι, though wearing heavy armour, run 60 to 100 stades over most difficult ground. Being ignorant of important details, such as the time in which the race was run, we cannot form a decided opinion on questions as to its length.

In the more ancient times runners, like other athletes, contended at the games wearing a girdle (διάζωμα, *subligaculum*) around the waist (see Thuc. i. 6; Plat. *Rep.* p. 452 D). In historic times, however, they competed either quite naked, or more or less fully armed. As to the origin of the armed-race (ὁπλίτης δρόμος), Philostratus mentions several traditions, the most probable being that which he himself adopts as true; viz. that, since with the termination of the games the truce also terminated, prudence suggested that the competitors should wear armour in the final race. The fact of the armed-race having been generally, though not always, the last event in the games, in some measure confirms this theory of Philostratus, whose words are: παριέναι [τὸν ὁπλίτην δρόμον] ἐς τοὺς ἀγῶνας πολέμου ἀρχῆς ἕνεκα, δηλούσης τῆς ἀσπίδος ὅτι πέπαυται ἐκεχειρία, δεῖ δὲ ὅπλων. The institution of this race goes back into the mythical times, being attributed to Tydeus, and the rest of the famous seven. It was practised first at the Nemean games, and long afterwards introduced at Olympia. In it the runners bore either helmet, shield, and greaves, or helmet and shield only (as in fig. 3).



3. The Armed-race. (Krause.)

About the length of the ὁπλίτης δρόμος we have not much information. We gather from Aristoph. *Av.* 292, with the Scholiast's note, that the δίαυλος was occasionally run in armour, and from the words of Philostratus (*Gymn.* 7), ἐνόπλους τε καὶ ἱππίους, that the armed-race was sometimes 4 stades long. Nor need the absence of positive testimony on the point prevent us from assuming that the latter varied in length, just as did the other races above described. Plato, as we saw, would have his ὁπλιτοδρόμοι run 60 to 100 stades—an extravagant proposal, if it were not customary in his time to run the δόλιχος in armour.

Competition in foot-racing was open to runners of all ages, whether boys (παῖδες), striplings (ἀγένειοι), or grown men (ἄνδρες). See, for this division of ages, the passage in the *de Legg.* already referred to. Only those who belonged to the same class, as regards age (ἡλικιῶται), were permitted to compete with one another; seniors, of course, not being allowed to enter against their juniors. In Sparta even maidens competed. That boys contended even in the armed-race appears from an extant vase, representing two boys running with shields, which bear the letters ΑΘΕ, indicating in all probability the occasion of the Panathenaic festival (Grasberger, *Die leibl. Erzieh. bei den Griechen und Römern*, p. 318).

The competitors being too numerous to contend all together, were entered in successive groups (τάξεις); those who should form each group, as well as the order in which the groups should run, being determined by lot (συνταχθῆναι ὑπὸ τοῦ κλήρου). When all the τάξεις in turn had run, the victors in each were formed into one group, which ran a final heat for the prize.

If we compare figs. 1 and 2, representing men competing in the στάδιον and δόλιχος respectively, we notice that in the former case the runners wave their hands violently backwards and forwards, whereas, in the latter, they have their elbows closely pressed against their sides. This is in keeping with modern practice; but yet there are grounds for doubting whether the Greeks entertained the views inculcated by modern trainers as to the proper method of managing the hands while running. Photius has the note: παρατεῖναι τὰς χεῖρας· τὸ ἐν τῷ τρέχειν γιγνόμενον: and it is significant that in Homer (*Il.* xxiii. 772) Athenê, in answer to the prayer of Odysseus, rendered his hands as well as his lower limbs nimble (γυῖα δ' ἔθηκεν ἐλαφρά, πόδας, καὶ χεῖρας ὕπερθεν). But perhaps the words of Photius, as well as those of Homer, refer only to sprint racing. Another variation from the practice of modern runners is referred to by Cicero (*Tusc.* ii. 23, § 56), where he speaks of them as shouting: "Nisi forte ut se intendat ad firmitatem, ut in stadio cursores exclamant quam maxime possunt." But this too was, perhaps, confined to the stadium.

It is doubtless owing to their want of instruments for accurately measuring small portions of time that the Greeks have left us scarcely any means of computing the speed which foot-racers attained in the various kinds of running.

For some special forms of the foot-race, see LAMPADEDROMIA and STAPHYLODROMIA.

We have very meagre information regarding foot-racing as practised by the Romans. According to Dionysius of Halicarnassus (vii. 71, 73), it formed part of the Ludi Magni from the time of their institution. He, too, tells us that the runners wore the *subligaculum* round their loins. In the Capitoline games (according to Dio Cassius, lxvii. 8) young women, after the Spartan fashion, took part in the competition. Beyond these scanty notices and vague references to running for healthful exercise in the Campus Martius, very little has been handed down to us. This running in the Campus was not always competitive: that it was sometimes so, however, is plain from Martial, iv. 19 ("sive levem cursu vincere quaeris Athan").

For chariot-racing, see under CIRCUS and

HIPPODROMUS. (Cf. Krause, *Gymnastik u. Agonistik der Hellenen*.) [J. I. B.]

CURSUS PUBLICUS. *Origin of Cursus Publicus.*—The Persian empire under Darius, son of Hystaspes, affords the earliest instance of a national postal service. Mention is indeed made (*Liberat. Brev.* 23) of a class called *Symmaci* as existing in the most ancient times among the Egyptians for the conveyance of letters by land, but we have no grounds for thinking that a postal system was established in Egypt as a branch of the administration. In the Persian dominions, however, as we learn from Herodotus (iii. 28; vi. 105; viii. 98), horsemen stationed at intervals and relieving one another conveyed the imperial will in all directions from Susa, Ecbatana, or Babylon. The service was called ἀγγαρήϊον, and the couriers, ἄγγαροι. Messages of lesser urgency were carried by ἡμεροδρόμοι. In Greece there are no evidences of any such service, at least upon a similar scale, for the *hemerodromi* mentioned by Corn. Nepos (*Milt.* iv. 3) can scarcely have been a permanent institution. This was probably due to the geographical smallness of Greece, still more however to the utter absence of political unity among the Greeks, and the want of facilities for land traffic, in contrast with the easy communications by sea. But the vast extent of the Roman dominions, and the centralisation of imperial functions in a single hand, again constituted the conditions of a postal service, which accordingly arose and became a most important instrument of state administration. The practical wisdom of the Romans had from the beginning of their conquests taught them to make roads throughout the territories which they subdued, whence resulted a system of highways connecting the remotest parts of the empire with Rome. These not only facilitated the marching of troops, but served the general purposes of transport and the conveyance of intelligence, forming, as they did, the material *condicio sine qua non* of the future *cursus publicus*. Within the last century of the republic, also, certain practices had already been established, by which the development of the postal service was largely conditioned. We proceed to give some account of these.

Under the republic, after the conquest of Italy, government officials despatched from Rome on public business were empowered to impose arbitrary requisitions on the subject Italians (*dediticii*) to supply them with necessaries for travelling. Among the Italian allies such functionaries usually obtained food, lodging, and means of transport from their guest-friends or from the principal personages in the friendly states which they visited. But when the Roman dominions included extra-Italian provinces, the fine distinction made in Italy between subjects and allies (*socii*) was in the provinces neglected, and the provincial allies were as summarily requisitioned by a *legatus* as were the provincial subjects. Senators or citizens employed on a public mission abroad received from the senate a mandate (*diploma*) requiring subjects and allies alike to supply them with means of transport and other necessaries at all the successive stages of their journey. This in the natural course of things led to grave hardships, and complaints frequently arose. Restrictive enactments became necessary, and we read that Cato the Elder, when praetor in Sardinia, diminished or removed the expenses entailed upon the people of that island by the entertainment of the praetors officiating among them (Liv. xxxii. 27). It is questionable, however, whether Cato issued a formal edict, or whether his good example alone operated towards the relief of the sufferers. In the Lex Antonia de Termessensibus (B.C. *circ.* 71) mention is made of a Lex Porcia, which would seem to have regulated the liabilities of the provincials in such matters. But we have no definite information about this law; its date and its provisions are alike uncertain, and it may, as Humbert says, have related only to the people of the particular city of Termessus. Among the various embassies which thus became grounds of hardship to the provincials there was one which deserves especial notice. This was called *libera legatio*, being a sort of mission from which all state employment was absent, granted as a favour sometimes to distinguished men, lasting for several years, and carrying with it all the previously mentioned liabilities on the part of the provincials. The *libera legatio*, owing to the indefiniteness of the privileges it conveyed, became a fearful cause of oppression. A law was carried in B.C. 63 by Cicero (Cic. *de Legg.* iii. 8, 18) restricting abuses of the *libera legatio*, and limiting its duration to one year, but the reform thus effected was short-lived, for Julius Caesar (Cic. *ad Att.* xv. 11) again extended the term of a *libera legatio* to a possible five years.

During the last period of the republic the senate had frequent occasions for communicating in despatches with their generals, or provincial governors, as well as with allied kings and states. For the conveyance of such despatches the authorities employed freedmen, slaves, or a certain class of couriers called *stratores* (*sternere* = to saddle). A class of messengers also existed called *tabellarii*. For pressing messages a general usually employed mounted men detached from his own staff. The *publicani*, as specially interested in transmitting and receiving intelligence to and from Rome, had a special class of *tabellarii*, whose services, however, were often borrowed by the magistrates, or by the *negotiatores*, speculators in corn or money, who were in constant relations with the provincial governors and with the *publicani*. The ships of the allies also were employed for the use of magistrates engaged abroad on public business. Thus for the purposes of transport and the conveyance of intelligence the dealings of the home government with the provincials were regulated mainly by the principle that the incidental labour and expenses should be borne as far as possible by the latter, while the interests to be served were those of the government alone.

It only remained for the Principate to organise and develop the system which had been established under the republican *régime*. The immense advantages of such an organisation as a portion of the imperial administration were sufficiently obvious. Augustus accordingly appointed mounted couriers (*stratores* or *speculatores*) to be employed along the principal roads (Suet. *Aug.* 49). This implies the institution of stations (*mutationes*), at which they should relieve one another. But as this arrangement provided only for the conveyance of intelligence, it required to be supplemented by a transport system for the conveyance of money or other valuables of considerable weight. The necessity of constructing postal stations ensued. The stations were called *mansiones*, which, being intended for lodgings, as their name indicates, were furnished not only with a supply for the immediate wants of man and beast, but also with the accommodation suitable for travellers. The *mansiones* were not so numerous along a road as the *mutationes*, or changing-stages. In accordance with republican precedent the expenses of the transport and postal system generally continued to fall upon the communities through whose territories the lines of stations lay. They accordingly had to provide conductors, guards, drivers, together with beasts of burden and rolling-stock, on receipt of the emperor's order (*diploma*), or that of the head of the postal system (a functionary designated in Trajan's time as *ab vehiculis*), who was generally a freedman of the emperor. Such warrants for the use of the post were issued occasionally by the consul, by the praefect of the praetorians, or by the governor of a province, but in all cases only with the emperor's special authority. While the document entitling to the use of the *cursus*, by virtue of being stamped with the emperor's seal, was called *diploma* (and other names which will hereafter be referred to), the right of issuing postal warrants was, at least until a late period, called *evectio*. The expenses, moreover, of constructing stations and stocking them with necessaries, had to be borne by the neighbouring communities. Along the line of one day's journey there were six or eight sets of stables, each of which had to maintain a total of forty beasts, including horses, mules, asses, &c. The communities also were bound to furnish and maintain the teams, and to keep the stables in repair; they had further to secure the services of muleteers (*muliones*), muledoctors (*mulomedici*), wheelwrights (*carpentarii*), grooms (*hippocomi*), and conductors or guards (*vehicularii*). From these heavy burdens Nerva relieved the people of Italy, and to commemorate his act a medal was struck bearing the inscription *vehiculatione Italiae remissa* (where *vehiculatio* = *cursus publicus*). Trajan, however, re-authorized (Plin. *Ep.* x. 121) the issue of postal-warrants in Italy, but restricted them to cases in which he had been personally consulted. We read (Spart. *Hadr.* 7) that Hadrian "statum cursum fiscalem instituit, ne magistratus hoc onere gravarentur." According to Hirschfeld, in his note to these words, *cursus fiscalis* is in Spartianus equivalent to *cursus vehicularius*, and the emphasis lies upon the word *statum*. According to his view, therefore, the meaning of the whole sentence is that Hadrian made the postal service throughout the empire a department of the state administration, and appointed fixed stations, superintended by government officials, in order to relieve the *municipal* magistrates of all responsibility for them. Despite, however, these and other efforts in this direction, it was not until the time of Septimius Severus (Spart. *Sever.* 14) that the expenses of the post generally were made chargeable to the imperial treasury. But even when this had been done, the subjects still continued to suffer, nor did any subsequent legislation materially alleviate the burden with which the *cursus* pressed upon them. Differences of opinion exist as to the exact nature of the reforms or changes attributed respectively to Nerva, Trajan, and the others above mentioned. Humbert says we must at least suppose, as Hudemann does, that Nerva entirely remitted, though only to Italy, the expenses of the service, so that the salaries of officials engaged in it, as well as the material cost, became alike chargeable to the treasury; that Trajan contented himself with merely checking the abuse of *evectio*, while Hadrian, besides extending the organisation of the post through the whole empire, must apparently have imposed the charges of it upon the *fiscus*; that Antoninus Pius again, like Trajan, making a step backward, confined the contemplated reform to a mere restriction of expenses and of the right of issuing post-warrants; that Septimius Severus completely re-organised the *vehicularium munus*, and imposed the charges of it, in Italy and the rest of the empire alike, upon the *fiscus* alone; but that the last and radical reform was incapable of maintaining itself, owing to the burdens it entailed upon the treasury. Diocletian, Constantine, and their successors, all strove to perfect the organisation of the post, and to define exactly what the liabilities of the cities in regard to it should be, together with determining the question who should have the *evectio*, or right of granting postal permits, and under what circumstances they might be justly granted.

In the later times of the Roman empire the post became an ever increasing burden to the cities, and, as it injured them, in the same degree it prepared the way for its own ruin. Nevertheless a treaty ratified between Rome and Persia in A.D. 565 (Menander, *Prot.* p. 360, ed. Bonn) assured to the natives of the frontier provinces of the two empires the uses of the postal service to and fro between them.

Organisation of Cursus Publicus.—This portion of our subject we shall divide into an account of the *agents* and of the *instruments*—vehicles and live stock—employed in the service. Little information as to the agents of the *cursus* can be procured from the writers of the early empire. Our chief authority respecting them is found in the inscriptions, which have been turned to good account by Hirschfeld, Mommsen, Hudemann, and others. The emperor retained in his own hands the supreme direction of the post. Its importance led Augustus to place it in the hands of his own freedmen. We find a freedman of the Flavii as responsible agent for the carriage-service (*tabularius a vehiculis*), and under Trajan two freedmen, father and son, entitled respectively *ab vehiculis* and *a commentariis vehiculorum*, the former probably, according to Hirschfeld, a head of the service, the latter a secretary, whose office was to minute the proceedings of the department. When Hadrian re-organised the post, the direction of the principal branch of it was entrusted to a knight called *praefectus vehiculorum*, who managed the service along the great Flaminian way towards the north. This functionary is sometimes called *praefectus vehiculorum a copiis Augusti per viam Flaminiam* (*C. I. L.* vi. 1598), as entrusted with the duty of providing victuals, &c., for the army along this military road. Afterwards, probably under Septimius Severus, other prefects, almost always of equestrian rank, were appointed to the charge of the important routes. These prefects were placed under the surveillance of superiors called (Stat. *Sil.* iv. 9, 16–19) *curatores viarum.* They were divided into classes according to their salary, e.g. *ducenarii* (*i.e.* those receiving a salary of 200 sestertia), *centenarii*, *sexagenarii.* It is noticeable that there was a special prefect in charge of the Via Flaminia (*vid.* Hirschfeld, *Untersuch.* p. 103), independent of the chief prefect, whose office was in Rome. As regards the officers of the department, we find at Rome in the 2nd and 3rd centuries agents and secretaries (*tabellarii*, or *a commentariis vehiculorum*); while in the provinces the magistrates of the various cities, assisted by agents of their own, had the duty of making arrangements for the *cursus.*

Warrants for the use of the post (*diplomata*) were issued either by the emperor himself, or under order from him by a special officer. Under the early empire the right of issuing (*evectio*) such warrants was granted only very sparingly to provincial governors, who were responsible for their use of it to the consuls. They were also responsible to the prefect of the praetorians, at first during the emperor's absence, but afterwards more generally. The *diploma* was drafted in the imperial cabinet by a freedman of the emperor, and there it received the emperor's own seal and signature. This freedman was in the 2nd century named *a diplomatibus.* In the 3rd century he was attached to a branch of the *scrinium a memoria.* The emperor himself employed as messengers a special set of *tabellarii*, who therefore had a preferential right to the use of the post, and were known as *tabellarii diplomarii.* They were controlled by a *praepositus tabellariorum*, and were divided into companies, each under the orders of a freedman of the emperor, as *optio* or *praepositus.* The companies were severally attached to the most important departments of the government. From the 2nd century onwards the prefect of the praetorians had and long retained control over the issue of postal warrants, only, however, as acting in the emperor's name. This officer, too, issued instructions to the provincial *judices* as to the ways and means of providing for the *cursus*, as to the regulation of *diplomata*, the persons who should travel by the *cursus*, and the correction of abuses connected with the post. The praetorian prefect also issued *diplomata* to governors of provinces, to his own surveyors (called *officiales*, *frumentarii*, *stationarii*, *agentes in rebus*). He too, or in default of him his deputy, or his agents, sent out inspectors to report on the condition of the postal system. He exercised penal jurisdiction over offences committed in the management of the service. He and his agents, however, were themselves often guilty of grave offences, which was probably the reason why the *magister officiorum* at an early time obtained the *evectio*, or right of issuing *diplomata*, as well as of sending out inspectors-general (*curiosi*) from among the employés of his own bureau. From the year 353 not only were the agents of the praetorian prefect and his deputy (formerly called *frumentarii* or *stationarii*, but later *curagendarii*, *agentes in rebus*) deprived of the right of laying informations without proofs, and imprisoning arbitrarily those whom they incriminated, but further, in 357, Constantius forbade the prefect and his deputies to appoint inspectors of the post. This right was accordingly transferred to the *magister officiorum*, and reserved to him. Henceforward the *magister officiorum* selected postal inspectors from among the heads of the society or *schola* of *agentes in rebus* employed under him. Such inspectors were entitled *curiosi cursus publici*, and were appointed annually in the order of seniority. They were also selected from the *magisteriani.* The supreme control of the post remained nominally, however, in the hands of the praetorian prefect until the year 395 (J. Lydus, *de Mag.* ii. 10, 26; iii. 23, 40), when, after the fall of the prefect Rufinus, the management of the service was formally committed to the *magister officiorum.* The latter then acquired the function of countersigning all postal warrants issued by the praetorian prefect. The *curiosi* received a commission (*v.* Cod. Theod. i. 9, 1) signed by the emperor. Though purely civil officers, they were distinguished by military badges, *e.g.* the *chlamys*, and the *balteum* or *cingulum militare.* Inspectors on their mission (Cod. Theod. vi. 29, 4) had the right of obtaining for their use two *veredi*, but not, as before the reign of Constantine, *redae* or other vehicles.

The overseers of the stages (*mutationes*) or lodging-places (*mansiones*) were generally called *mancipes*, but often, also, *procuratores cursus publici*, or *praepositi*, their function being called *mancipatus cursus publici*, or *cura mancipatus.* They each in their respective localities presided over the post (*cursui praeesse*), and over the group of employés engaged at their station (*familiae praeesse*). The *familia* comprised artificers (*artifices*), such as *carpentarii*, &c. They, as well as their *praepositus*, received a salary from the treasury, paid in kind (*annona*), together with clothing and lodging. They were not allowed to demand from travellers any recompense for their services. The *muliones* and *hippocomi* were generally slaves. Seneca (*de morte Claudii*) mentions conductors called *perpetuarii*, so called because they followed with a traveller to his destination to see that the postilions, who might, if unwatched, try to break away, should bring back (*reducere*) the horses in safety to the stations whence they had started. The mass of inferior servants employed at a station were referred to as *apparitores mancipatus*, *opifices*, or *munifices.* After Diocletian *mancipes* were appointed, at first by the emperor, later by the governor of the province. Frequent changes were made in this matter by the emperors, who were impressed with the desirableness of choosing capable and honest men as *mancipes*, on whom the effectiveness of the system so largely depended. As to their degrees of rank—for there were several—nothing certain can be made out. They usually held office for five years, on the expiration of which they were rewarded for faithful service with the title of *perfectissimus* or *perfectissimatus.* They also received more substantial rewards, as, for example, exemption from certain municipal burdens.

The official couriers entitled to avail themselves of the imperial post (*veredarii*) were originally the *tabellarii diplomatici*; the emperor's equerries (*stratores*); the officers of the guard, whose duty it was to obtain and convey intelligence (*speculatores*); the force called *frumentarii*, abolished after Diocletian, and replaced by the *sagones* or *saxones*, or by knights called *singulares equites*, taken from the legionary cavalry; and, under Constantine, by the *agentes in rebus*, whom Greek writers called *φρουμεντάριοι*, doubtless as having succeeded to the functions of the *frumentarii*. These privileged travellers were all known as *veredarii*, from the name of the horses used by them, *veredi*. The name *veredarii*, however, was also improperly applied to travellers holding a *diploma*, who were more correctly designated as *commeantes* or *diplomarii*. A person who used the vehicles of the post could take with him a *socius* (Cod. Theod. viii. 5, 4, h. tit.) to look after his baggage or other valuables. Moreover, guards (*custodes* or *prosecutores*) to the number of two or three were attached to each vehicle. The service was superintended at each station by the *manceps*, in regard to certain routes by the *praefecti vehiculorum*, in the provinces or regions by the *praepositi regionibus* or *regionarii*, and in regard to the *dioeceses* by the *curiosi*. The *parochi*, who had been in republican times charged to supply Roman magistrates when travelling with victuals, forage, mattresses, and lodgings, were perhaps still employed in the case of soldiers, who had the right of demanding quarters (*metatum*) in virtue of a document called *tractoriae* (sc. *litterae*), furnished under exceptional circumstances. The *curia* or ward in which they found themselves was bound to provide travellers thus privileged with lodgings, wood, oil, and salt, all which are included under the general term *salgămum* = sustenance.

So much for the *agents* of the service. We next proceed to describe in detail the *instruments*. The road system formed the basis of the *cursus publicus*, but the post was not established on all the public roads, but only on such as led to the most important cities or ports. In the case of the latter the *cursus* was extended over sea by the *naves publicae*, which the naval boards (*navicularii*) placed at the service of imperial messages or transports. As regards this naval post we have scarcely any information, and must accordingly deal here with the land post. As has been already stated, Augustus first had stations built for the service of the post as to despatches and transports. These, as has been explained, were called by the general name of *stationes*, under which came two classes, viz. *mutationes* (changing-stages) and *mansiones* (lodging-stages), which must be carefully distinguished. The *mansiones* lay along the postal routes at distances of an average day's journey apart. In the *mansiones* changes were effected of the postilions, the vehicles, the draught-animals, &c., whereas in the *mutationes* changes of the teams alone took place. In populous districts the *mutationes* were generally in or about five Roman miles asunder, and in poorly inhabited regions the interval rose to eight or nine Roman miles. Between two *mansiones* were often as many as six or eight *mutationes*. Long journeys were estimated by the number of *mansiones* they included, particular distances being referred to as *prima mansio*, &c., just as Xenophon reckoned by *σταθμοί* (or rather *σταθμά*). The *mutationes* were more numerous, and therefore nearer to each other in older than in later times. *Mansiones* were established as far as possible in places of note, as cities, towns, and, in default of these, in villages. They were furnished with all that might be necessary for travellers. If we consider the comparative importance of these two classes of *stationes*, we may conclude that the *mansiones* were erected first, the *mutationes* having been subsequently added to relieve the long intervals between the former. The *mansiones* must have been of considerable size, for each had attached to it coach-horses, and therefore stables, granaries (*horrea*) for fodder (*capitum*) as well as victuals for travellers (*species annonariae* or *cellarienses*). The *mutationes*, on the other hand, sometimes had only sheds with stalls for the post-horses. Every *mansio* had at least forty horses, or more, in its *stabula*, and also beasts of other kinds. A fully equipped *mansio* was called *mansio instructa* or *parata*. To arrive at a *mansio* was termed *mansionem applicare*. The emperors established public palaces (*palatia* or *praetoria*) for their own sole use at first (Vopisc. *Aurelian*, 35; Cod. Theod. vii. 10, 1 and 2), though in later times they were granted for the use of provincial governors while engaged in their tour (*transitus*) of a province. The *mutationes*—differing, as has been said, from the *mansiones* in their greater frequency and smaller dimensions—contained about twenty horses, with asses and other beasts; their regulations were in general similar to those of the *mansiones*. Like the latter, they had connected with them *hippocomi*, *horrea*, &c., and were each managed by a *manceps*. Inns (*tabernae* or *stabula*) were often erected beside them to accommodate travellers of inferior condition. The innkeeper (*stabularius*) had usually a signboard over the entrance to his hostel; such signboards sometimes bore the painting of an elephant, sometimes of a cock, &c. Hadrian and other emperors caused the erection of a superior class of *tabernae* at certain points along routes, where *mansiones* were subsequently constructed.

The postal service included the *cursus velox* or *celer*, as one of its two great divisions, the other division being the *cursus clabularis*. The expression *cursus vehicularis* need not be opposed to *cursus velox*, for the two branches of the service are sometimes conjointly alluded to under the title *cursus vehicularis* or *res vehicularia*, although the latter, as its name implies, was at first used to designate that branch in which vehicles were employed. The animals employed in the postal service generally were of different kinds. They are generally described as *animalia publica*. This name included horses, mules, asses, oxen, camels, which are also summed up sometimes as *jumenta publica*. The horses of a *mansio* were called *equi publici* or *cursuales*, and by Greek writers *δημόσιοι ἵπποι*. They were not allowed to be used in the service of private individuals. Horses requisitioned outside the *mansiones* at the expense of the local exchequer were not classed as *animalia publica*. They were generally employed for routes running transversely to the great lines of road, because, the posts being established regularly only on the latter, the transverse or lateral routes had, when occasion for postal service along them arose, to depend upon extraordinary requisitions. To meet these irregular requirements some cities established stables of horses called *agminales equi*, which were liable to be employed in the ordinary *cursus*, as well as for the use of the emperor and his escort. The *agminales equi* were, according to Humbert and Hudemann, distinct from the *paraveredi*, though some writers have confounded them. The *agminales equi* had frequently to convey the baggage of troops on the march (whence the name *agminales*). There were also *agminales muli*. The *veredi*, used in the *cursus velox*, were generally procured from Spain. They were mounted by *veredarii*, or public couriers, who carried their despatches in saddle-bags placed behind them (*averta*). Each *veredarius*, if his baggage was too heavy for a single horse, was entitled to use a second horse, called *parhippus* or *avertarius*. This second horse was mounted by a postilion from the station, wearing a *sagum*, who was charged to bring both horses back to the point of departure. The horses were furnished with a cloth (*stragula vestis*), or with a pad (*ephippium*). The saddle (*sella equestris*) was in use under Theodosian, but its weight was restricted, and it had to be provided, if used, by the *veredarius* himself. There was a regulation (Cod. Theod. viii. 5, 35, 40; Cod. Just. xii. 50, 51, 8) limiting the number of horses allowed to leave a *mansio* in one day. Precautions were also taken to save the horses from being spoiled by being yoked to over-weighted vehicles, and from being taken beyond the nearest changing-stage (*superducere*). Against such abuses it was the duty of the *mancipes* or *stationarius* to provide and to see that none of the animals were driven off the highway or stolen.

The *cursus celer* employed not only *veredi* or riding-horses, but also vehicles of several sorts, *redae*, *carpenta*, *birotae*, and *carri*. The *reda* was originally two-wheeled, but subsequently had four wheels. That used for the post was called *reda fiscalis* or *consualis*. To it were yoked horses varying in number from two to ten, according to circumstances. *Redae* were sometimes large enough to contain several travellers with their luggage. Hudemann supposes that they were uncovered in summer, but roofed over in winter. This vehicle, owing to its capacity (cf. "dum tota domus reda componitur una," Juv. iii. 10), was very much used. The *carpentum*, like the *reda*, had at first two, and afterwards four, wheels. Like the *carpentum*, too, it was, at least at one time, suited for large and heavy burdens; though at a later period a species of *carpentum* came into fashion, which was of light material, elegantly shaped, and which became a favourite with high functionaries, such as provincial governors. The *carrus* was lighter than the former two, but heavier than the *birota*. Like the preceding vehicles, it also had at first two wheels, but later four. The *birota* was, as its name shows, a two-wheeled carriage. It was drawn by two horses or three mules, and generally used by those who had but little luggage, and were desirous of a rapid journey. The *cisium* was a species of *birota*. Besides the above, which were ordinarily used in the *cursus celer*, elegant four-wheeled carriages, called *carrucae*, were sometimes employed by the emperors. The *carruca* was generally drawn by four mules.

We now turn from the *cursus velox* to the *cursus clabularis*, or heavy transport service. This was chiefly intended for the conveyance of such commodities as food and baggage, especially that of soldiers. The large vehicles (*clabulae*) employed in this branch of the *cursus* could not, unless by special favour, be used by any persons save diseased or discharged soldiers returning home, or by stragglers rejoining the main body. The *clabulae* had four wheels, were uncovered, built very strongly, and drawn by mules or oxen, seldom by horses. Their maximum burden was fifteen hundred Roman pounds. This gives us a means of comparing them with the *redae* used in the *cursus celer*, whose maximum burden was one thousand pounds. The name *clabula* is said to be = *clavula*, a diminutive of *clava*, being applied to the whole vehicle on account of the wooden rails which protected its sides. *Clabulae* drawn by two oxen at first, but later all other *clabulae*, were also called *angariae*, a name derived from the Graeco-Persian ἄγγαρος, whence the verb *angariare* = ἀγγαρεύειν, denoting the obligation imposed on the provincials to support this branch of the service, but extended to signify the obligation to provide for the *cursus* in general. This verb is used even of ships pressed into the postal service. *Angarialis copia* or *angaria* was used to express the right of employing the *clabularis cursus*.

No one was allowed the use in one day of more than two *angariae*. We have already stated that private persons could only employ them by special favour. Still, a traveller who possessed the *copia angarialis* had the right of taking with him a *socius* (Cod. Theod. viii. 5, 4, *de Cursu Pub.*) to insure his safety. The words *cursus angarialis* were often applied to the *cursus clabularis* (or *tardus*) as opposed to the *cursus velox* (or *celer*).

Parangariae were cars employed on extraordinary occasions for the *cursus clabularis* along the transverse routes (*vid. supra*). These were, therefore, to the *cursus clabularis* what the *paraveredi* were to the *cursus velox*. They were used mostly for carrying men, forage, arms, &c., for the army. Like the *paraveredi*, the *parangariae* became a cause of gross abuses. The persons on whom the expenses of this service fell looked upon it not only as a *munus extraordinarium*, but further as *sordidum*. It was, however, a service provision for which was rigorously exacted from the magistrates of the different townships through which the cross roads extended.

Up to this point, as the reader will probably observe, nothing definite has been stated of the manner in which the working expenses of the post were borne. We have seen by turns the expenses falling upon the *fiscus*, and again upon the provincials or other subjects. The fact is that this question of the apportioning of expenses causes the modern inquirer some difficulties which admit of no dogmatic solution, and we cannot expect to do more than present that explanation of them which on the whole seems most probably right. Notwithstanding the reforms of Hadrian and Septimius Severus, certain expenses appear to have always rested upon the provincials, owing to the emptiness of the exchequer during the later periods of the empire. Such were those of constructing, repairing, and maintaining the *stationes*. Service, too, along the lateral routes, by *parangariae*, or *paraveredi*, continued, always and as a matter of course, a burden upon the communities. Thus the *decuriones* of each town were always responsible for the supply of agents and instruments requisite for the post, and charged the expenses thereby incurred to the account of the *possessores*, or owners of real property, in their respective districts. The question then arises, in what sense the *cursus* can have been really *fiscalis*, as it was denominated. Humbert's explanation (which we follow) is this: the precise relation established or intended by Septimius Severus between the *fiscus* and the *cursus publicus* no doubt failed to maintain itself in later times. But the *fiscus* (as the public treasury was now called) had for one of its principal resources the *tributum ex censu*, a great portion of which was exacted in kind. This was so, even in Italy, after the reign of Diocletian. Hence the service of the post diverting to itself, as it did, from the *fiscus* a portion of the *tributum*, might be correctly described as *fiscalis*. The commodities which supplied the needs of the *cursus* would otherwise have found their way to the *fiscus*. For example, the grain which would have been conveyed to Rome was detained in the *horrea* of the *stationes;* so that to all intents the postal service was a drain upon, and therefore supported by, the imperial treasury, as far as material expenses went. We now turn to the consideration of the agents employed in the *cursus*. The enactment of Septimius Severus involving not only material outlay, but also the payment of a vast number of officials, was too onerous to the *fiscus* to admit of its being permanent in the form which that emperor designed. Further, the difficulty of discovering capable and honest men to fill subordinate though important positions (e.g. *mancipes*) in the postal service of far off provinces was too great for the home administration, so that the selection and appointment of such officials unavoidably devolved upon the local authorities abroad. Accordingly it continued from the first, with scarcely an interval, to rest with the *decuriones* and the municipal magistrates generally. It was one of the so-called voluntary services expected or demanded of them, of extreme urgency indeed, but one for which the state was never able to render an adequate recompense. In respect of the personal service, as well as of the materials, required for the *cursus*, the same principle of administration is throughout all periods observable; namely, that the subjects of the empire should conform unhesitatingly to imperial demands. Among the duties thus devolved upon the *decuriones* were the following: to provide the attendants needed for the safe conveyance of commodities due by the provincials in payment of the *tributum ex censu*, a duty which was termed *prosecutio* or *portatorium onus;* to see that the *stationes* were kept in good order and repair (*vehicularis sollicitudo*, or *publici cursus exhibitio*, or *angariarum praebitio*); and also to arrange for the suitable entertainment of public envoys. While the personal service needful for this was yielded by the *decuriones*, the pecuniary charges were borne by the *possessores* of each community, even though they might not be citizens (*municipes*) or inhabitants (*incolae*) of the place. The *possessores* had to supply (Dig. *de mun. L.* 4) *agminales equi vel mulae, et angariae atque veredi.* On the whole it appears that, while the regulations of Septimius Severus were not formally abrogated, they continued to be from the outset little more than a dead letter, at least in the remoter parts of the empire, never having afforded the subjects substantial relief from the burdens entailed by the *cursus publicus*.

As to *evectio*, or the right of issuing postal permits (*diplomata*), something has been already said. The tendency was to restrict it to as few persons as possible. Each of the provincial governors under Trajan (Plin. *Ep.* x. 31, 59, 60) could issue arbitrarily a limited number of permits, but only to persons who used the post in the public service, and each governor was responsible to the emperor for the manner in which he had exercised this right. Such permits became null and void after a preappointed date, or by the death of the emperor whose seal and signature they bore (cf. Tac. *Hist.* ii. 54 and 65). Under Diocletian the vicars of *dioeceses*, the *magistri militum*, the *duces* and *comites rei militaris*, possessed the *evectio*. Under Constantine, however, it was reserved to the prefect of the praetorians and the *magister officiorum ;* the latter, as has been said, having ultimately, in the year 395, succeeded to the supreme control of *diplomata*.

Although in principle the holder of *evectio* was bound to exercise it only in the interests of the state, still as these interests were not easily or precisely definable, numerous cases occurred in which the principle was violated. Emperors often gave *diplomata* to those in whose mission they took a merely personal interest, and similar laxity in the exercise of *evectio* by subordinate officials was naturally to be expected.

The warrant itself (for military *diplomata*, *vide* article DIPLOMA), in early times called *diploma*, but afterwards by other names, consisted of folded parchment, and, as above mentioned, bore the emperor's seal and signature. According to Suetonius (*Aug.* 49), the *diplomata* of Augustus bore the impression of a sphinx. Hence the word *sigillum* is sometimes used for *diploma*. Postal warrants were sometimes called *synthemata*. The words *literae evectionis*, or simply *literae*, sometimes signified a permit for travelling by the *cursus celer*. After the reign of Constantine *evectio* came to be used improperly as equivalent to *diploma*, or *literae evectionis*. *Tractoriae* (sc. *literae*), or even *literae* alone, meant that species of *diploma* which entitled its bearer not only to use the *cursus publicus*, but also to be supplied with victuals and forage at the expense of the *mansiones*. The word *combina* signified the parchment form folded and prepared for being filled up as a postal warrant, but later on was used to mean *diploma*.

The emperor from time to time formulated ordinances (*constitutiones*) regulating the postal service. These he addressed to the praefect of the praetorians, to the *magister officiorum*, to the vicars of *dioeceses*, to provincial governors, &c., with orders to make them publicly known. All the officers of the post, so far as they exercised authority over it, were the emperor's delegates; the series of subordinated authorities, extending from him downwards, closed with the *mancipes*, or *praepositi*. The subordinate officials were responsible to their superiors, and all without exception to the emperor.

We may fitly close this article by quoting the remark with which Hirschfeld prefaces his account of *die Reichspost:* "The imperial Roman post presents, in every respect, a contrast to the postal system of our times: introduced by Augustus exclusively for political objects, despite all the particular reforms which followed, it always maintained this one-sided character; it never was, like the modern post, a source of benefit, but always a painful burden, to the subjects of the empire." (For fuller information respecting Roman posting, see the excellent article by Humbert, in Daremberg and Saglio, which has been mainly followed here; also Hirschfeld, *Untersuchungen auf dem Gebiete der röm. Verwaltungsgeschichte*, i. 98 ff.; and Hudemann, *Geschichte des römischen Postwesens während der Kaiserzeit.* [J. I. B.]

CURU'LIS SELLA. [Sella Curulis.]

CUSTO'DES. [Comitia, p. 508 *a*.]

CUSTO'DES, CUSTO'DIAE. [Castra, p. 377 *a*.]

CUSTO'DIA signifies a watching, guard or care of anything; hence it comes to mean (1) custody, confinement or restraint of a person; (2) persons set as a guard or watch; (3) the place where a guard is kept; (4) a prison or place where a person is guarded; (5) persons in confinement or subject to any restraint.

The *jus prensionis* or right of taking a person into custody belonged to all superior magistrates, as being a necessary means of maintaining their supreme executive authority, but the exercise of this right was checked under the republic by the appellatio and by custom. In respect to persons accused of a crime, it was the ordinary rule, that they were not to be committed to prison while waiting their trial, if they could find bail (*vades*, *sponsores*, *fidejussores*) for their appearance (Liv. iii. 13; Gell. vii. 19). But for open and flagrant crimes the *triumviri capitales* imprisoned offenders at once (Liv. xxix. 19, xxxix. 17; Val. Max. vi. 1, 10; Cic. *in Cat.* ii. 12; Suet. *Ner.* 26). So, too, those who confessed crimes were imprisoned before trial (Cic. *ad Att.* ii. 24; Dig. 48, 3, 5). In cases of crimes committed against the state, persons of rank were put under surveillance in their own houses or in the house of a magistrate, a form of restraint termed *libera custodia* (Liv. xxiv. 45; Sall. *Cat.* 47; Tac. *Ann.* vi. 3; Dio Cass. lviii. 3). A prisoner committed to the custody of a guard of soldiers was said to be subject to *militaris custodia* (Dig. 48, 3, 1). Only provincials and slaves could be lawfully put in chains when under arrest.

After the establishment of the empire, the security afforded by the appellatio against arbitrary imprisonment was taken away. Administrative officers of government, such as the *irenarchae*, abused their powers by keeping persons in prison for bailable offences. Hence it was provided by a rescript of the Emperor Antoninus Pius that a person should not be thrown into chains who was prepared to find sureties for his appearance, unless it was clear that he had committed some very grave crime (Dig. 48, 3, 3). The Emperor Constantine expressly provided that accused persons should in all cases be tried at once, and that those imprisoned should not be subject to various specified kinds of cruelty (Cod. 9, 4, 1). Other emperors passed laws with a similar object.

Custodia rei is a technical term for the charge which a person undertakes of a thing intrusted to him by another, on account of which he is liable for any loss due to his dolus or culpa [Culpa]. (Dig. 48, 3; Cod. ix. 3, 4; Walter, *Gesch. des röm. Rechts*, 3rd ed., Nos. 848, 856, 857; C. T. Zumpt, *Ueber die persönliche Freiheit des röm. Bürgers;* Madvig, *Verf. und Verw.* ii. p. 208; Lange, *Röm. Alterth.* ii. p. 208; G. Humbert in D. and S.) [E. A. W.]

CUSTOS URBIS. [Praefectus Urbi.]

CY'ATHUS (*κύαθος*), derived like *κύλιξ* from the root *κυ-*, which means "hollow" (Curt. *Gr. Et.* No. 79), and it is found applied to the hollow of the hand (see Liddell and Scott, *s. v.*). It was a small cup, used for transferring liquids from a larger to a smaller vessel. It had a high handle, to prevent the hand touching the liquid when the cup was dipped in the larger vessel. (See the accompanying specimen.) We hear of them as made of silver (Ath. 424 b) and brass (Poll. x. 122). Another form of the word seems to be *κυαθίς*, which Ath. 480 b calls *κοτυλῶδες ἀγγεῖον*.

Cyathus. (Dennis, *Etruria*, ii. p. 471.)

That the *κύαθος* was also used as a vessel for drinking from seems to be the opinion of competent archaeologists, *e.g.* Stephani and Jahn. (See Becker-Göll, *Charikles*, iii. 91; *Gallus*, iii. 403.) For the difficulties connected with *κυαθίζεσθαι* and drinking according to cyathi, the reader is referred to Symposium.

Cyathus. (Dennis, *Etruria*, i. p. cxx.)

It is maintained by some (*e.g.* by Ussing) that *κύαθος* should be applied to the ladle with a long perpendicular handle, as in the cut below, called *simpulum* or *trulla* in Latin.

The term is also applied to an exact measure of capacity. It varies with the *κοτύλη*, of which it is always one-sixth, while it is one-twelfth of the *sextarius*. According to most of the tables, it is ·0456 of a litre (=$\frac{2}{25}$ of a pint); but in the table headed *περὶ μέτρων καὶ σταθμῶν ἱππιατρικῶν* it is ·0547 of a litre. The Greek symbol is Κυ; the Latin TI, Κυ, Κγ. (See Hultsch, *Metrologici Scriptores*, i. 237, and Index; also *Griech. u. Röm. Metrologie*, 104 *sqq.*, 637–9, and Table x.)

The Greek word is further applied to a cupping-glass for bruises about the eyes (Ar. *Lys.* 444); and brass cups were originally used for this purpose. (See the Schol. on Ar. *Pax*, 572.) But the Latin *cyathus* is not so used, the Latin term being *cucurbita*, from its gourd-like shape (cf. *σικύα*). [L. C. P.]

Cyathus. (*Museo Borbonico*, vol. iv., pl. 12.)

CYBAEA, a merchant-ship or transport, mentioned only in Cicero's Orations against Verres (iv. 8, § 17). It is properly an adjective, as Cicero speaks of *navis cybaea maxima*, and describes it as most beautiful and richly adorned, like a trireme (v. 17, § 44). The word perhaps comes from the Greek *κύπη*, a kind of ship mentioned by Hesychius. (Zumpt, *ad* Cic. *Verr.* iv. 8, § 17.) [W. S.]

CYCLAS (*κυκλάς*), a luxurious robe, of a circular form, worn by Roman women, to the bottom of which a border was affixed, inlaid with gold. (Serv. *ad* Verg. *Aen.* i. 286; Prop. iv. (v.) 7, 40.) It was made of some thin material, perhaps muslin (*tenui in cyclade*, Juv. vi. 259). Alexander Severus, in his other attempts to restrain the luxury of his age, enacted that women should possess only one cyclas each, and that it should not be adorned with more than six unciae of gold (Lampr. *Alex. Sever.* 41). It continued to be a dress of ceremony in the fifth century (Sidon. Apoll. *Ep.* i. 5). It was not used exclusively by women. It is related, among other instances of Caligula's effeminacy, that he sometimes went into public in a garment of this description (*cycladatus*, Suet. *Cal.* 52); and Saturninus, when he determined to accept the empire, put on the cyclas of his wife as a kind of imperial garment (Vopisc. *Saturn.* 9). The statue of Rome, figured under CLAVUS LATUS (see p. 455), probably wears a robe of this kind, with the *clavus latus* down the centre, and an ornamented border at the bottom. (Daremberg and Saglio, *s. v.*) [W. S.]

CYCLOPEIA. [ARCHITECTURA.]

CYLINDRUS (*κύλινδρος*). 1. A roller, used in agriculture for levelling and consolidating the ground. (Cat. *R. R.* i. 129; Colum. xi. 3, § 34; Verg. *Georg.* i. 178; Plin. *H. N.* xix. § 158; Vitr. x. 6.) 2. A precious stone cut or ground in a cylindrical form (Juv. ii. 61; Plin. *H. N.* xxxvii. §§ 78, 113; Dig. 34, 2, 32, § 9), frequently mentioned in inscriptions (quoted by Marquardt, *Privatl. d. Römer*, p. 682). 3. A roll of a book. (Diog. Laërt. x. 26.) [W. S.]

CYLIX (*κύλιξ*). [CALIX.]

CYMA (*κῦμα*), in architecture, an *ogee*, a wave-shaped moulding, consisting of two curves, the one concave and the other convex. There were two forms, the *cyma recta*, which was concave above and convex below, thus, Ʒ, and the *cyma reversa*, which was convex above and concave below, thus, Ƹ. The diminutive *cymatium* or *cumatium* (*κυμάτιον*) is the more common name. The original form of the *cymatium* was, however, a simple hollow (the *cavetto*), thus ℷ. This was called the *cymatium Doricum*, and the other the *cymatium Lesbicum*. (Aesch. *Fr.* 70, ed. Dindorf; Böckh, *Corp. Inscr.* vol. i. p. 284; Vitruv. iii. 5, § 7, iv. 1, § 7, iv. 3, §§ 6, 8, iv. 6, § 2, v. 3, 5; Phot. 565, 18; *Etym. M.* p. 749, 38; Gruter, *Inscr.* p. ccvii.; Müller, *Archäol. d. Kunst*, § 274; Mauch, *Gr. und Röm. Bauord.* pp. 6, 7: for examples, see the profiles on pp. 492–3.) [P. S.] [J. M.]

CYMA'TIUM (*κῦμα, κυμάτιον*), in arch. (1) the volute of an Ionic capital (Vitr. iii. 5, 7; iv. 1, 7); (2) a moulding, either the *cavetto* (cy. doricum), or the *cyma recta* or *reversa* (cy. lesbium, *κ. Λέσβιον*). Vitruvius mentions the cymatium of a lintel (iv. 6, 2), of the epistyle (iii. 5, 10), and of the cornice (iii. 5, 11). The Greek term occurs: *κῦμα Λέσβιον*, Aesch. *Thalamopoei*, fr. 224 Dind., 76 Herm.; *κυμάτιον*, *C. I. G.* 160, 37; *LXX. Ex.* 25; cumatium, *Corp. Inscr. Lat.* 1. 577. [J. M.]

CYMBA (*κύμβη*), literally a hollow, was a small boat, probably made originally from the hollow of a tree, used on rivers and lakes, &c., especially by fishermen. Pliny ascribes its invention to the Phoenicians. (Plin. *H. N.* vii. 208; Afran. *in Non.* p. 535, 31; Verg. *Georg.* iv. 195; Cic. *de Off.* iii. 14, 59; *cymba adunca*, Ov. *Met.* i. 293; *concava*, *Am.* iii. 6, 4; *Fast.* vi. 777.) The poets give the name of *cymba* to Charon's boat. (Verg. *Aen.* vi. 303; *Georg.* iv. 506; Hor. *Carm.* ii. 3, 28; Prop. iii. (iv.) 18, 24.) The diminutive *cymbula* is used of a small boat attached to larger vessels. (Plin. *Ep.* viii. 20, § 7.) [W. S.]

Cymba, Charon's boat, with Hermes, conducting a soul. (From a Roman lamp.)

CY'MBALUM (*κύμβαλον*), a musical instrument consisting of two half globes, which were held one in each hand by the performer and played by being struck against each other. Like *κύμβη*, *κυμβίον*, *κύμβος*, the word is derived from the root *κυ-*, expressive of anything hollow. Several kinds of cymbals are found on ancient monuments, and not a few are preserved in museums, as at Naples, Berlin, St. Petersburg, Athens, and several places in France. They closely resemble those now used in military bands (Guhl and Koner, ed. 5, p. 274). There are, however, different degrees of convexity, varying between a hemisphere and a nearly flat disc. Some are altogether without handles, and were grasped by the fingers on the outside; others have a hole through which a cord or strap was passed, convenient for slinging them when not in use as well as for holding them when played; others, again, have a ring (see the cut opposite), or a solid knob by way of handle; for a pair furnished with regular handles, see the illustration at the end.


Cymbalum. (Rich.)

Many names for different kinds of cymbals are recorded by the grammarians and lexicographers, but their descriptions are so vague that little can be done in the way of identification; and the important distinction between cymbals and castanets is often obscured. Thus κρέμβαλα and κρούματα (or κρούσματα) will be found treated under CROTALUM. The κρούπεζαι or κρουπέζια, Lat. *scabella* or *scabilla*, can hardly be called cymbals: they were wooden shoes, used to beat time with the foot while other instruments were being played, and perhaps had rattles or bells attached to them to make a jingling, like the TYMPANUM or tambourine (Cic. *pro Cael.* 27, § 65, with Long's note; cf. Liddell and Scott, *s. v.*). The πλαταγή was simply a child's rattle, as is clearly shown by a passage of Aristotle (*Pol.* viii. 6, § 2); its diminutive is πλαταγώνιον (Pollux, Hesych., Suid.). There remain ὀξύβαφα and κοτύλαι, both probably small cup-shaped cymbals. The ὀξύβαφα were so named from their resemblance to the small cups used as vinegar cruets (see the second cut under ACETABULUM); and Suidas tells us (*s. v.*) that the two halves were made of different materials for the sake of variety of sound. The epithet χαλκόδετοι, applied to the κοτύλαι, seems to indicate that the latter also were not wholly of bronze (Aesch. *fragm.* 55).

The cymbal was a very ancient instrument, and unquestionably came from the East, where among other nations it was familiar to the Jews (see *Dict. of Bible*, s. v.). It is represented in a Phoenician bronze from Cyprus, now in the Cesnola collection at New York (D. and S. i. 1697 a). We find sacred trees depicted with cymbals hung on them as votive offerings, so as to be blown about by the wind (Guhl and Koner, p. 5, fig. 1). Among the Greeks and Romans they were especially used in orgiastic rites of Eastern origin, like those of Cybele (Pind. *fragm.* 48 = 79 Bergk^4; Lucret. ii. 618; Catull. lxiii. 29; Verg. *Georg.* iv. 64; Propert. iv. 7, 61; Ov. *Fast.* iv. 213) and Dionysus (Aesch. *fragm. cit.*; Liv. xxxix 8 *fin.*, 10), as well as in the Eleusinian mysteries of Demeter and Cora (Pind. *Isthm.* vi. 3; Clem. Alex. *Protrept.* 2, § 15, p. 14; Schol. Aristoph. *Acharn.* 708). It will be noticed how constantly, in these passages, the cymbal and the tympanum are coupled together. Art monuments tell the same tale as literature, both as to the joint use of the two instruments and the deities in whose worship they occur. A cymbal figured in Daremberg and Saglio (i. 1697 b) is a votive offering to Cora.

As with the *crotalum*, the performers represented on works of art are mostly females. The following figure of a *cymbalistria* is taken from a bas-relief in the Vatican. [B. J.] [W. W.]


Cymbala. (From a Bas-relief in the Vatican.)

CYMBIUM (κυμβίον, κύμβος, κύμβη) was a kind of small cup, according to Didymus and Nicander (*ap.* Ath. 481 e), not round but long (ἐπίμηκες, which does not mean "high" *procera*, as Macrobius, *Sat.* v. 21, translates it), and narrow (στενόν), without handles (χωρὶς ὤτων). Dorotheus (*ap.* Ath. 481 d) says it belonged to the class of cups which were deep (βαθέων), high (ὀρθῶν), without base or handles. Thus there were two very different shapes of cymbia, agreeing in not having handles; and this diversity of shape may be paralleled by that of the bowls of our wine-glasses, but of course the cymbia had not bases like the latter. They appear to have been constantly employed for drinking unmixed wine from (ἄκρατος, Philemon, 84; Anaxandrides, 3, ed. Kock), and fulfilled the functions of a cyathus in ladling out the wine from the crater into the cups; see Eratosthenes (*ap.* Ath. 482 b), who says that the κυμβίον was a κυαθῶδες ἀγγεῖον. They were much used (Ath. 481–2), but only among the wealthy (Dem. *Mid.* p. 558, § 133; 565, § 158). Though generally employed for wine, yet we find them in Virgil (*Aen.* iii. 65) holding milk. They were made of various valuable materials: chrysoprase (Plin. *H. N.* xxxii. § 113), silver with embossed work (Verg. *Aen.* v. 267), and the embossed work was sometimes of gold (Alexis, 95, ed. Kock; Dig. 34, 2, 31, 1), Saguntine clay (Mart. viii. 6, 2). The meaning is derived from κύμβη, "a boat" (Soph. *Fragm.* 129): see Didymus *ap.* Ath. 481 f, Fest. 51. 10, and compare ἄκατος

Cymbium. (Panofka.)

and *τριήρης*, and such usages as our "butter-boat," &c. For the converse we have *γαυλὸς* and *σκάφη*, and "vessel" applied to a ship. The above specimen from Panofka (*Recherches*, &c. v. 75) may possibly be an example of the first kind (cf. Birch, p. 379). The inscription is *πρόπινε μὴ κατθῇς*, "Drink; do not lay me down." [L. C. P.]

KYRBEIS (*κύρβεις*). [Axones.]

KY'RIOS (*κύριος*), lord or guardian. The early law of all countries takes notice of families only: in other words, it only takes notice of persons exercising Patria Potestas. Ancient law, therefore, subordinates a woman to her blood-relations; though relieved from her parent's authority by his death, she continues subject through life to her nearest male relations as guardians (Maine, *Ancient Law*, p. 152 ff.). During marriage, of course, her husband was her *κύριος*: but when this relation was terminated by death or divorce, she acquired no more freedom than before, but returned to the guardianship of her own family. The term *κύριος* is applied to males only during minority: the *κύριος* of such was first, of course, the father, secondly the guardian appointed by his will, thirdly the nearest male relative. In cases of adoption, the natural father remained no longer the *κύριος* of the adoptee (Dem. *c. Macart.* p. 1054, § 15).

The laws relating to the wardship of orphan children are treated of under Epitropos: we are here concerned with those more especially termed *κύριοι* in Attic law, whose business it was to protect the interests of women, whether spinsters or widows, or persons separated from their husbands. If a citizen died intestate, leaving an orphan daughter, the son or the father of the deceased was bound to supply her with a sufficient dowry, and give her in marriage; likewise to take care, both for his own sake and that of his ward, that the husband made a proper settlement in return for what his bride brought him in the way of dower. In the event of the death of the husband or a divorce, it became the duty of the *κύριος* who had betrothed her, to receive her back and recover the dowry, or at all events alimony, from the husband or his representatives. (Dem. *c. Neaer.* p. 1362, § 52.) If an orphan daughter had neither grandfather, brother, nor uncle, the next of kin, who in that case became her *κύριος*, had also the option of marrying her himself, and taking her fortune with her, whether it were great or small (Bunsen, *de Jure Hered. Ath.* p. 46). If the fortune was small, and he was unwilling to marry her, he was obliged to make up its deficiencies, according to a regulation of Solon, in proportion to his own means (Lex *ap.* Dem. *c. Macart.* p. 1067, § 54); if it was large, he sometimes put away his own wife in order to marry her (Dem. *c. Onet.* i. *Arg.*, and p. 867, § 11; *c. Eubul.* p. 1311, § 41). He could even take her away from a husband to whom she had been lawfully married in her father's lifetime (Isae. *Pyrrh.* § 64) [Epicleros]. On the laws for the protection of women, whether as orphans, wives, or widows, see Kakosis.

All women could only appear in a court of law, like married women and minors among ourselves, through their "next friend," — in other words, their *κύριος*: hence the qualifications of a *κύριος* were the male sex, years of discretion, freedom, and when citizens a sufficient share of the franchise (*ἐπιτιμία*) to enable them to appear in the law-courts as plaintiffs or defendants on behalf of their several charges. If the *κύριος* were a resident alien, the deficiency of franchise would be supplied by his Athenian patron (*προστάτης*). (*Att. Process*, p. 455, with Lipsius' notes; Thalheim, *Rechtsalterth.*, § 2, pp. 8, 12, and § 10, p. 69 n. = Hermann, *Privatalt.*, §§ 57, 65.) [J. S. M.] [W. W.]

CYZICE'NUS NUMMUS. [Electrum.]

CYZICE'NUS OECUS. [Domus, p. 671 *b*.]

D.

DACTYLIOTHE'CA (*δακτυλιοθήκη*), a case or box where rings were kept (Mart. xi. 59). Such a ring-case has been recognised in a round ivory box found at Pompeii (*Mus. Borb.* ix. pl. xiv. 8): from the centre of the lid projects a vertical stick, on which the rings might be slid when the wearer took them off at his toilet (cf. Mart. xiv. 123). The same purpose may have been served by a bronze stand which was found at Talese. It consists of a rod resting on three feet. Down the rod may be slid a ring furnished with catches to hold it steady, to one of which is attached a vertical oval ring broken at the top so as to admit of rings or other articles of jewellery being slid on it. (*Ann. dell' Inst. Rom.* 1842, p. 82.) The name was also applied to a cabinet or collection of jewels. We learn from Pliny (*H. N.* xxxvii. § 11), that Scaurus, the stepson of Sulla, was the first person at Rome who had a collection of this kind, and that his was the only one till Pompey brought to Rome the collection of Mithridates, which he placed in the Capitol. (Cf. Murat. *Inscr.* 907, 3.) The question is discussed in Dig. 32, 1, 52, §§ 8, 53, whether a legatee to whom a *dactyliotheca* was devised was to receive also the testator's ring, and the converse. [W. S.] [J. H. F.]

DA'CTYLUS (*δάκτυλος*), a Greek measure, answering to the Roman *digitus*, each signifying a *finger-breadth*, and being the sixteenth part of a foot. [Pes.] (See the Tables.) [P. S.]

DADU'CHUS. [Eleusinia.]

DAE'DALA, DAEDALEIA (*δαίδαλα, δαιδάλεια*), a term applied to the earliest iconic representations of the gods roughly hewn out of wood (*ἄγαλμα ξύλου*, Paus. ix. 3, 2; *δαίδαλον* = later *ξόανον*, ib.). From a very early period stones (*ἀργὸς λίθος, βαίτυλος*) and trees received divine honours. (Lucian, *Pseudom.* 30; C. Bötticher, *d. Baumcultus d. Hellenen*; Overbeck, *d. Cultusobj. b. d. Gr.*). Thus Artemis Soteira at Boiae was a myrtle (Paus. iii. 22, 12); the Paphian Aphrodite a conical stone. The effigy of the god, down to the latest times, was placed in a tree (in a cedar at Orchomenos, id. viii. 13, 2; Cybele on coins of Myra, Collign. p. 10). The immediate predecessor, however, of the *δαίδαλον* was a squared beam or flat board, which, like the pillar, was probably draped and decorated (cf. Callim. of Hera at Samos: *οὔπω Σμιλικὸν* *ἔργον ἐΰξοον, ἀλλ' ἐπὶ τεθμῷ | δηναιῷ γλυφάνων ἄξοος ἦσθα σανίς*, Euseb. *Praep. Ev.* iii. 8; draped stone on coin of Juliopolis (Gordium), Collignon, p. 13). Carved in shallow relief, with human form, the plank became a *δαίδαλον*; or later, with head, hands, and feet of marble adjusted, the wood hidden by the drapery, an acrolith (Paus. iii. 16, 1). The uncouth character of the most archaic type was shown in the omission or mere indication of all detail (Tzetzes, *Chil.* i. 538: *ἄχειρας, ἄποδας, ἀομμάτους*), and the stiff upright attitude. The more realistic and varied conception of the later *ξόανον* is ascribed to Daedalos (Paus. ii. 4, 5; ix. 3, 2). He separated the legs, raised the arms, and opened the eyes. Ancient writers, however, are hardly consistent in their judgments of his reputed works. Pausanias recognised high merit (*τι ἔνθεον*) in a rude art; a Heracles was so lifelike that the god himself threw a stone at it in the night (Hesych. *s. v.* *πλῆξαι*); yet his Delian Aphrodite, with arms, ended in a square block like a hermes (Paus. ix. 40, 2); and in Plato's time (*Hipp. maj.* p. 282 A) Daedalos would appear ridiculous. The author of the *χορὸς* of Ariadne [*Il.* xviii. 590; according to Paus. ix. 40, 3, a *marble* relief (a material not used before 20th Ol.)], of the Cretan Labyrinth, &c., a contemporary of Minos and Theseus, who was rather a mechanician and architect than sculptor, is separated by centuries from the beginning of Greek art (7th or 8th cent.). But Attic legend gradually evolved a quasi-historical Daedalus, patron of turners and sculptors (Daedalids), with whose name an important reform in art was conveniently associated.

Recorded *ξόανα*: a sitting Hera in pear-wood (Paus. xvii. 5); a Britomartis at Olus, Crete (id. ix. 40, 2), &c.; attributed to Daedalus, *ξ. γυμνὸν* of Herakles, Corinth (id. ii. 4, 5); a Heracles, on the frontier of Messenia and Arcadia (id. viii. 35, 2); *ξ. τὸ ἀρχαῖον*, Thebes (id. ix. 11, 9), &c. Cf. Brunn, *Gesch. gr. Künstl.* pp. 14, 15.

Archaeological evidence: archaic marble Artemis, showing wood technique, Delos (*Bullet. Corr. hell.* t. iii. pl. 1); archaic agalma of Here, frieze at Phigaleia (Overbeck, *Kunstmyth.* ii. 2, 21; and see under each god, *ib.*).

Archaic or archaistic terra-cottas and marble idols from graves (*ib.* p. 25, &c.; Gerhard, *Akad. Abh.* pl. lxi.; *Daedal. Idolen*; Heuzey, *Les Fig. ant. de terre cuite*, &c.).

Coins: see above (also Blümner, *Technol. u. Termin. d. Gew. u. Künsten*, vol. ii. pp. 2, 177, 181; Overbeck, *Gesch. d. gr. Plastik*,^{3} ch. 2; id. *Schriftquellen*; Collignon, *Myth. Fig. de la Grèce*). [J. M.]

DAE'DALA (*δαίδαλα*), a festival, celebrated in Boeotia in honour of Hera, surnamed **Νυμφευομένη** or **Τελεία** (Paus. ix. 2, § 5). Its origin and mode of celebration are thus described by Pausanias (ix. 3, § 1, &c.):—Hera was once angry with Zeus, and withdrew herself to Euboea. Zeus not being able to persuade her to return, went to Cithaeron, who then governed Plataeae, and was said to be unequalled in wisdom. He advised Zeus to get a wooden statue, to dress and place it upon a chariot, and to say that it was Plataea, the daughter of Asopus, whom he was going to marry. Zeus followed the advice of Cithaeron, and no sooner had Hera heard of her husband's projected marriage than she returned. But when, on approaching the chariot and dragging off the coverings, she saw the wooden statue, she was amused with the device, and became reconciled to Zeus. In remembrance of this reconciliation the Plataeans solemnised the festival of the daedala, which owes its name to **Δαίδαλα**, the name by which rough-hewn statues were designated. (See preceding article.) Pausanias was told that the festival was held every seventh year, but he believes that it took place at shorter intervals, though he was unable to discover the exact time.

This festival was observed by the Plataeans alone, and was called the *lesser Daedala* (*Δαίδαλα μικρά*); it was celebrated in the following manner:—In the neighbourhood of Alalcomene was the greatest oak-forest of Boeotia, and in it a number of oak trunks. Into this forest the Plataeans went, and exposed pieces of cooked meat to the ravens, attentively watching upon which tree any of the birds, after taking a piece of the meat, would settle; and the trees on which any of the ravens settled, were cut down and worked into daedala.

The *great Daedala* (*Δαίδαλα μεγάλα*), in the celebration of which the Plataeans were joined by the other Boeotians, took place every sixtieth year; because at one time, when the Plataeans were absent from their country, the festival had not been celebrated for a period of sixty years. At each of the lesser Daedala fourteen statues were made in the manner described above, and distributed by lot among the towns of Plataeae, Coroneia, Thespiae, Tanagra, Chaeroneia, Orchomenos, Lebadeia, and Thebes; the smaller towns took one statue in common. The Boeotians assembled on the banks of the Asopus; here a statue of Hera was adorned and raised on a chariot, and a young bride led the procession. The Boeotians then decided by lot in what order they were to form the procession, and drove their chariots away from the river and up mount Cithaeron, on the summit of which an altar was erected of square pieces of wood, fitted together like stones. This altar was covered with a quantity of dry wood; and the towns, persons of rank, and other wealthy individuals offered each a heifer to Hera and a bull to Zeus, with plenty of wine and incense, and at the same time placed the daedala upon the altar. For those who did not possess sufficient means, it was customary to offer small sheep, but all their offerings were burnt in the same manner as those of the wealthier persons. The fire consumed both offerings and altar, and the immense flame thus kindled was seen far and wide.

The account of the origin of the daedala given by Pausanias agrees in the main points with the story related by Plutarch (*apud* Euseb. *de Praeparat. Evang.* iii. p. 83, and *Fragm.* p. 759, &c. ed. Wyttenb.), who wrote a work on the Plataean daedala: the only difference is that Plutarch represents Zeus as receiving his advice to deceive Hera from Alalcomenes; and that he calls the wooden statue by which the goddess was to be deceived Daedala, instead of Plataea. Plutarch also adds some remarks respecting the meaning of the festival, and thinks that the dispute between Zeus and Hera had reference to the physical revolutions to which

Boeotia, at a very remote period, had been subject, and their reconciliation to the restoration of order in the elements. (See Creuzer, *Symbol. und Mythol.* ii. p. 280, and Müller's *Orchom.* p. 216, &c. 2nd edit.) [L. S.]

DALMA'TICA, or **Delmatica** (δαλματική, δελματική), a tunic furnished with long sleeves, full and flowing, introduced from Dalmatia (Isid. *Or.* xix. 22). The name does not occur till the close of the 2nd century of the empire. This use of sleeves extending to the wrists was considered effeminate during the republic [Tunica], and even under the empire attracted attention in the instance of Heliogabalus ("dalmaticatus in publico post cenam saepe visus est, Gurgitem Fabium et Scipionem se appellans, quod cum ea veste esset, cum qua Fabius et Cornelius a parentibus ad corrigendos mores adulescentes in publicum essent producti," Lamprid. *Heliog.* 26). In this use of the dalmatic Heliogabalus was following the example of Commodus (Lamprid. *Comm.* 8; Capitol. *Pertinax*, 8, "chiridotas Dalmatarum." The *singiliones Dalmatarum* in Treb. Poll. *Claud.* 17 may denote the same garment). From Diocletian's edict of A.D. 301 fixing the maximum (16–17), we learn that the dalmatic was then worn both by men and by women; that it was made both with and without purple stripes [Clavus latus, angustus]; sometimes it was woven with triple thread (τρίμιτος), sometimes of wool retaining the nap, sometimes of silk, sometimes of linen of various qualities and from various countries. In this edict and some other passages (Epiphan. *Haer.* i. 15, and later ecclesiastical writers), it appears to be identified with the colobion, which, however, was a sleeveless tunic (Serv. *ad* Verg. ix. 616; Sozomen, iii. 14), the dalmatic, on the contrary, having long sleeves. But, according to Waddington, the edict is here fixing the prices, not of the garments, but of the pieces of stuff from which they were made, and the same stuffs would naturally be used in making dalmatics and colobia.

For representations and a precise description of the garment we must turn to Christian sources. An illustration from a mosaic in the church of St. Vitalis at Ravenna has been given under Clavus (p. 455 *b*); and for a fuller account of the dalmatic as a church vestment, see Marriott (*Vestiarium Christianum*, p. lix) and *Dict. of Christ. Ant.* s. v. [J. H. F.]

DAMARETEION (Δαμαρέτειον νόμισμα), a Syracusan coin, concerning which there has been much dispute. According to Diodorus (xi. 26), after Gelon's victory over the Carthaginians at Himera, in B.C. 480, he granted them a peace at the intercession of his wife Damarete: the Carthaginians in gratitude gave her a gold wreath weighing 100 talents. In consequence, proceeds Diodorus, she struck the coin called from her Δαμαρέτειον, containing 10 Attic drachms or 50 Sicilian litrae. Other writers vary the account by making the coin the proceeds of the melting down of ornaments by Damarete and her ladies. Following the ambiguous statements of Pollux (ix. 85) and Hesychius (*s. v.*), Boeckh and other metrologists have supposed the Damareteia to be gold coins of the value of 10 Attic drachms of silver; but they are now universally recognised in the Archaic Syracusan coins of silver, of the weight of 10 Attic drachms or 50 litrae [see Litra]; that is to say, weighing about 675 grains English, of which several specimens are still extant. (See Head, *Coinage of Syracuse*, p. 8, pl. i. 10.) These pieces must from their style be long to about B.C. 480, whereas none of the gold coins of Syracuse can be given to an earlier time than B.C. 412; and their unusual size and beauty seem to indicate some special occasion of mintage. [P. G.]


Damareteion of Syracuse.

DAMIURGI. [Demiurgi.]

DAMNUM signifies loss or injury of any kind, but in its particular sense it means loss or injury which a person has sustained in his property (*damnum datum, factum*).

Damnum in this particular sense may include loss of gain which a person is prevented from realising (*lucrum cessans*) as well as loss of actually acquired property (*damnum emergens*). The causes of *damnum* are either chance, accident (*casus*), or acts or omissions of reasonable human beings, for which they are held to be responsible.

As a rule no liability arises out of loss or injury to property caused by accident (*casum nemo praestat*). A person is not liable for *damnum* which he causes to another by the just exercise of a right which belongs to him (Dig. 39, 2, 26; 47, 9, 3, § 7): such *damnum* is *sine injuria.*

Dolus malus or *culpa*, i.e. wilful or negligent misconduct on the part of the person committing *damnum*, is, as a rule, necessary in order to constitute liability; but in exceptional cases a person may be liable although neither *dolus malus* nor *culpa* can be imputed to him.

A wrongful act by which *damnum* is caused may be either an independent delict, or the breach of some special duty to which a person has become subject as a breach of contract.

The liability to make good a loss which another has suffered is *praestare damnum.*

A person liable for damages is, as a rule, bound to put the injured party in the same position as he would have been in if the act by which the damage was done had not been committed. He may also be subject to a penalty. (Dig. 9, tit. 2; Windscheid, *Pandekten*, §§ 257, 258; Mommsen, *Zur Lehre vom Interesse*; Poste, *Gaius*, § 212.) [G. L.] [E. A. W.]

DAMNUM INFECTUM is damage not done, but apprehended, on account of the dangerous condition of neighbouring property.

If proceedings were not taken before damage had been done, the injured party had no action for damages subsequently; if, *e.g.*, a ruinous house (*aedes ruinosae*) fell and damaged a neighbour before a *cautio* had been demanded, all the right that the damaged person had was to retain the materials that had fallen on his land. (Dig. 39, 2, 6. 7, § 2. 8.) Gaius states that a party who apprehended damage might have recourse to a *legis actio* in order to protect himself, but that the *stipulatio damni infecti* provided by the praetor in his edict for such cases was always sought as being the more convenient remedy. (Gaius, iv. 31.)

The praetor required a person whose land or building was likely by its dangerous state (*vitio aedium, loci, operis, arborum;* Dig. 39, 2, 24, pr. 2) to cause damage to another, to give the latter security (*cautio*) against such damage. No security was, however, required if danger from land simply arose from its natural character.

Every person who was in possession or detention of the property threatened, either as owner or in any other right, could claim this *cautio*, but it is doubtful whether a *bonae fidei* possessor was entitled to it (Dig. 39, 2, 11. 13, § 9. 18).

The complainant had to swear to his *bona fides* by taking the *jusjurandum calumniae*. The owner of the dangerous property, its *bonae fidei* possessor, and anyone who had a right in the property (*jus in re*) might be required to give this *cautio*, which for the owner and *bonae fidei* possessor consisted in a mere personal promise, but in other cases had to be undertaken by sureties also.

The complainant had no direct means of compelling the defendant to give security, but in the event of refusal he was empowered by the praetor to make entry on the property which threatened the damage, for the purpose of forcing the defendant into submission: if this produced no result, the defendant was ejected, and his right to the property was transferred by the praetor to the complainant. The defendant who had entered into a *cautio* was not liable under it to a greater amount than the value of the land or building which had caused the damage; if he surrendered the mischievous thing, he escaped all further liability. (Dig. 39, 2; Hesse, *Die Cautio damni infecti;* Vangerow, *Pandekten*, iii. § 678; Windscheid, *Pandekten*, § 458, &c.; Huschke, *Gaius*, §§ 203–242.) [E. A. W.]

DAMNUM INJU'RIA DATUM was a delict committed by a person who damaged a physical object belonging to another by a positive act, either intended by him or due to his negligence ("dolo aut culpa," Gaius, iii. 211), whereby the right of another was violated. The term *injuria* is sometimes used in this connexion to signify an act which is an infringement of a right of another, and sometimes for an act done intentionally or by reason of negligence (Gaius, iii. 211). The expressions used in early times to denote this delict were *noxia nocita, noxiam nocere, nocere;* but these included also outrage to a man's person (*membrum rumpere, os frangere*) as well as damage to property. There were provisions in the Twelve Tables directed against particular kinds of damage to property (cf. Grueber, pp. 185–196; Voigt, *Die XII. Tafeln*, ii. §§ 131–134). Thus a man who caused certain objects of property to be burnt ("urere aedes acervumve frumenti juxta tugurium positum") was liable to the *actio de aedibus incensis* (Tab. vii. 14, according to Voigt's arrangement; Dig. 2, 14, 7, § 13); the owner of farm animals (*pecora*) which damaged a crop was liable to the *actio de pastu pecoris* (Tab. vii. 10: "Si impavit in laetam segetem alterius, noxiam sarcito"); a person who cut the trees of another was liable to the *actio de arboribus succisis* (Tab. vii. 12). It is probable that the Twelve Tables gave an action on account of killing a slave, *actio de servo occelso* or *occiso*, as they certainly punished a person for the less grave offence of injuring a slave ("os servi frangere"): the same action may also have been given on account of the killing of a quadruped. Two passages of Festus (s. v. *rupitias—sarcito:* C. Sell, *Die actio de rupitiis sarciendis*) seem to suggest that the Twelve Tables recognised a more general form of action than any of the above, which may have been called *actio de rupitiis sarciendis* or *de rupitiis*; this action would have been applicable in case any property was damaged by an act of breaking ("rumpere rem"), but not where property was damaged by any other kind of act; the wide sense which Festus gives to *rupitias* ("rupitias (in) XII. significat damnum dederit") being evidently derived from the interpretation subsequently given by the jurists to the word *rumpere* in the Lex Aquilia. It has been questioned on philological grounds whether the word *rupitias* can have been used in the Twelve Tables (Mommsen, *Rhein. Mus. für Phil.*, Neue Folge, xv. 464; Voigt, *XII. Taf.* i. 121). The expression *noxiam sarcire* originally meant to repair damage done by the defendants making over to the plaintiff something exactly similar to that which was damaged. This principle of reprisals (*talio*) was used in early times in respect to damage to property as well as to personal injuries, until the principle of pecuniary damages came to be substituted for it.

The law of the Twelve Tables respecting damage to property had in the time of the Roman classical jurists only an antiquarian interest, since the existing law on the subject depended on a later enactment, which was called the Lex Aquilia. According to Ulpian (Dig. 9, 2, 1, pr.), the Lex Aquilia repealed all preexisting laws respecting *damnum injuria*, whether contained in the Twelve Tables or in any other source. This statement is not strictly accurate, for we know that some of the actions given by the Twelve Tables—viz. the *actio de incensis aedibus, de pastu pecoris*, and *de arboribus succisis*—were in use subsequent to the enactment of the Lex Aquilia; but the importance of these actions was much diminished by that law, and at the time when Ulpian wrote they were practically obsolete.

The Lex Aquilia was a plebiscitum called after Aquilius the tribune, who proposed it. The author of the law and its date are uncertain. According to Byzantine writers (Theophilus, *Par. Inst. Justinian.* 4, 3, 15; Anon. *ad Bas.* 60, 3, 1), it was passed at the time of one of the secessions of the plebs, by which the third secession 467 A.U.C. must be meant (cf. Grueber, pp. 183–185; Pernice, pp. 15–20). The Lex Aquilia, in accordance with the character of early law, did not give a general action on account of damage of property, but extended only to certain acts and objects of damage. The first chapter of the Lex Aquilia provides that, if a man has unlawfully (*injuria*) killed a slave of another or a quadruped of his cattle, he shall be bound to pay to the owner whatever within the previous year was their highest value. Thus, if the value of the slave or animal had been greater some time during the year previous to the injury than it was at the time of the injury, the owner recovered something beyond compensation for his loss. By the second chapter an adstipulator, who defrauded a principal stipulator by releasing the promissor, was made liable to the principal stipulator in damages. This part of the enactment, which is not very closely connected with the preceding and subsequent parts, was obsolete in the time of Justinian, the practice of joining accessory stipulatores having ceased to serve any legal purpose. Hence its contents are not described in his legislation; and until the MS. of Gaius was discovered, in which they are noticed, there was much speculation as to their nature. The third chapter provides that if anyone unlawfully damages the property of another by burning, crushing, or breaking ("quod usserit, fregerit, ruperit"), if the case does not come under the first chapter ("praeter hominem et pecudem occisos"), he shall be liable for the value of the property within the last thirty days. The value of the property within the last thirty days was interpreted as meaning the highest value, although the word *plurimi* was not inserted in this part of the statute. The jurists enlarged the scope of the statute by a bold interpretation of *rumpere*, which they held to be equivalent to *corrumpere*, and so to include any act causing damage.

But it was necessary that the *damnum* should be a direct consequence of the act of the delinquent ("damnum corpore datum"), in order for it to be treated as a killing under the first chapter or an injury under the third. Thus to kill a person by a direct act ("occidere"), as by striking him, and to give occasion for his death ("causam mortis praestare"), as by putting a cup of poison in his way so that he himself takes it, are distinguished, there being no liability under the statute itself in the latter case. Further, in order to maintain an action by the statute, the *damnum* must not only have been *corpore*, but also *corpori datum;* that is, there must have been injury or destruction of a thing. Depriving the owner of an object of property without damaging it was not sufficient. The lex only gave an action to the owner of the property damaged ("Legis autem actio ero competit, id est domino"), not to a person who had any other interest in a thing, and who suffered loss by damage to it. Hence it did not allow a bonae fidei possessor, a fructuarius, usuarius, or a mortgagee creditor, to maintain an action under it. In all the above cases, in which the lex did not apply, the edict of the praetor supplied an analogous remedy, as also in the case of an injury done to a freeman. The praetorian actions thus given are called *actiones utiles* or *in factum* [ACTIO]. Various attempts have been made by German jurists to reconstruct the formula of the Aquilian action. (Lenel, *Das Edictum perpetuum*, p. 1571.) The Aquilian action was regarded as penal, and so could not be brought against the heirs of the delinquent. (Inst. iv. 3; Dig. 9, 2; Cod. iii. 35; Grueber, *The Roman Law of Damage to Property*, being a commentary on Tit. of Dig. *Ad Legem Aquilium;* A. Pernice, *Zur Lehre von den Sachbescheidigungen nach Röm. Recht.*) [E. A. W.]

DAMO'SIA (*δαμοσία*, sc. *σκηνή*), the tent of the Spartan kings in the field, "head-quarters," like the Latin *praetorium;* usually in the phrase *οἱ περὶ τὴν δαμοσίαν*, the "staff" or personal suite (Xen. *Hell.* iv. 5, § 8, vi. 4, § 14; *Rep. Lac.* 13, § 7). This must be distinguished from the *σύσκηνοι* or tent-comrades, who, however, were included in it, and from the Thirty who formed the king's body-guard in action.

The *σύσκηνοι*, according to Xenophon (*Rep. Lac.* 13, § 1), were the six polemarchs, and three *ὅμοιοι* or Spartans of full civic rank: to these he adds, in a later passage of the same work (15, § 5), the two *Πύθιοι* [PYTHII] nominated by the king, who may have been included in the nine previously mentioned. The three *ὅμοιοι* were charged with the royal commissariat, in order that the king and polemarchs might give their whole attention to military matters. The *κρεοδαίτης*, or royal carver (Plut. *Lysand.* 23, *Ages.* 8), was probably one of these (Gilbert; Caillemer). We must not think of an officer of state like the *Erztruchsess* of the German imperial court: the Spartan kings, who at home shared in the ordinary public tables (*φιδίτια* or *φιλίτια*), in the field lived on terms of simple comradeship with their *σύσκηνοι*, and one of the party would naturally be appointed to carve. Besides these, the damosia comprised the heads (*οἱ τοῦ στρατοῦ ἄρχοντες*, Xen. *Rep. Lac.* 13, § 7) of the diviners, army surgeons, and flute-players; not, as sometimes stated, the whole of those bodies. The surgeon-in-chief would of course be the king's medical attendant, and the chief *μάντις* and *αὐλητὴς* would take his orders in person. There is a difficulty about the *ἐθελούσιοι* mentioned by Xenophon in this passage: the Spartan organisation left little scope for "volunteers," and it cannot be thought that anyone who chose could thrust himself upon the king in this capacity: we may suppose with Caillemer that they were chosen by him at his pleasure. That the two ephors who attended the king on military expeditions, the *λαφυροπῶλαι* and others mentioned as a matter of inference by Müller, also formed part of the damosia, is nowhere expressly stated: but he rightly insists that the Thirty about the king's person must have been a different body; they were always Spartans, which cannot be said of the *μάντεις*, *ἰατροί*, and *αὐληταί*. Megistias, the prophet at Thermopylae, was an Acarnanian (Herod. vii. 221). At the moment of action some of the dispositions, rather obscurely hinted at by Xenophon (*l. c.*), were under the orders of the senior member of the damosia: this, it must be assumed, applied to the *σύσκηνοι* only, not to the inferior members. (Müller, *Dorians*, iii. 12, § 5; Gilbert, *Staatsalterth.* i. 80; Caillemer, *ap.* D. and S.) [W. S.] [W. W.]

DANACES (*δανάκης*, which spelling is probably more correct than Danace). Some people, according to Pollux (ix. 82), held this to be a Persian coin. The word seems to be derived from the Persian *dânaka*, which means a portion, more especially the fourth or sixth part. It was probably the sixth of the Persian siglos or shekel of 86 grains, a denomination not to be found in the regular Persian coinage, but which does exist among the coins issued in Cilicia by Persian satraps. It would in this case be somewhat heavier than the Attic obol, 14·6 grains against 11·; and this is just the value assigned to it by Hesychius (*s. v.*). This writer also says that the coin was placed in the mouth of corpses as the fee of Charon (cf. Lucian, *de Luctu*, c. 10; *Mort. Dial.* i. 3, xi. 4, xxii. 1); and in modern excavations small coins have sometimes been found in that place. (Stackelberg, *Gräber der Hellenen*, p. 42; Becker-Göll, *Charikles*, iii. p. 119.) [P. G.]

Danaces of Tarsus. (British Museum.)

DANEISMA (**δάνεισμα**). [FENUS.]

DAPHNEPHO'RIA (**δαφνηφορία**), a festival celebrated every ninth year at Thebes in honour of Apollo, surnamed Ismenius or Galaxius. Its name was derived from the laurel branches (**δάφναι**) which were carried by those who took part in its celebration. A full account of the festival is given by Proclus (*Chrestomath.* p. 11). At one time all the Aeolians of Arne and the adjacent districts, at the command of an oracle, laid siege to Thebes, which was at the same time attacked by the Pelasgians, and ravaged the neighbouring country. But when the day came on which both parties had to celebrate a festival of Apollo, a truce was concluded, and on the day of the festival they went with laurel-boughs to the temple of the god. But Polematas, the general of the Boeotians, had a vision in which he saw a young man who presented to him a complete suit of armour, and who made him vow to institute a festival, to be celebrated every ninth year, in honour of Apollo, at which the Thebans, with laurel-boughs in their hands, were to go to his temple. When, on the third day after this vision, both parties again were engaged in close combat, Polematas gained the victory. He now fulfilled his promise, and walked himself to the temple of Apollo in the manner prescribed by the being he had seen in his vision. And ever since that time, continues Proclus, this custom has been strictly observed. Respecting the mode of celebration, he adds:—At the daphnephoria they adorn a piece of olive-wood with garlands of laurel and various flowers; on the top of it a brazen globe is placed, from which smaller ones are suspended; purple garlands, smaller than those at the top, are attached to the middle part of the wood, and the lowest part is covered with a crocus-coloured envelope. By the globe on the top they indicate the sun, which is identical with Apollo; the globe immediately below the first represents the moon; and the smaller suspending globes are symbols of the stars. The number of garlands being 365, indicates the course of the year. At the head of the procession walked a youth, whose father and mother must be living. Such a youth was, according to Pausanias (ix. 10, § 4), chosen priest of Apollo every year, and called **δαφνηφόρος**: he was always of a handsome figure and strong, and taken from the most distinguished families of Thebes. Immediately before this youthful priest walked his nearest kinsman, who bore the adorned piece of olive-wood, which was called **κωπώ**. The priest followed, bearing in his hand a laurel-branch, with dishevelled and floating hair, wearing a golden crown on his head, a magnificent robe which reached down to his feet (**ποδήρης**), and a kind of shoes called **Ἰφικράτιδες**, from the general Iphicrates, who had first introduced them. Behind the priest there followed a choir of maidens with boughs in their hands and singing hymns. In this manner the procession went to the temple of Apollo Ismenius or Galaxius. It would seem from Pausanias that all the boys of the town wore laurel garlands on this occasion, and that it was customary for the sons of wealthy parents to dedicate to the god brazen tripods, a considerable number of which were seen in the temple by Pausanias himself. Among them was one which was said to have been dedicated by Amphitryon, at the time when Heracles was daphnephorus. This last circumstance shows that the daphnephoria, whatever changes may have been subsequently introduced, was a very ancient festival.

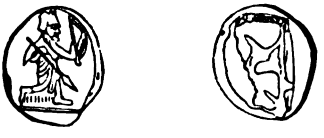
There was a great similarity between this festival and a solemn rite observed by the Delphians, who sent every ninth year a sacred boy to Tempe. This boy went on the sacred road (Plut. *Quaest. Gr.* 12), and returned home as laurel-bearer (**δαφνηφόρος**) amidst the joyful songs of choruses of maidens. This solemnity was observed in commemoration of the purification of Apollo at the altar in Tempe, whither he had fled after killing the Python, and was held in the month of Thargelion (probably on the seventh day). It is a very probable conjecture of Müller (*Dor.* ii. 8, § 4) that the Boeotian daphnephoria took place in the same month and on the same day on which the Delphian boy broke the purifying laurel-boughs in Tempe.

The Athenians seem likewise to have celebrated a festival of the same nature, but the only mention we have of it is in Proclus (*ap. Photium*, p. 987), who says that the Athenians honoured the seventh day as sacred to Apollo, that they carried laurel-boughs and adorned the basket (**κάνεον**: see CANEPHOROS) with garlands, and sang hymns to the god. Respecting the astronomical character of the daphnephoria, see Müller, *Orchom.* p. 215, 2nd edit.; and Creuzer, *Symbol. und Mythol.* ii. p. 160; A. Mommsen, *Heortologie*, p. 271 ff. [L. S.]

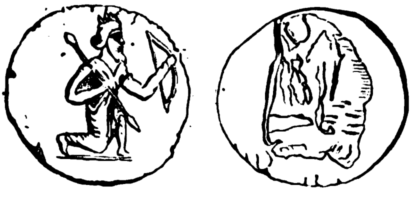
DARDANA'RII, forestallers, who purchased corn to sell at a high price, were severely punished in imperial times (Dig. 47, 11, 6; 48, 19, 37). (Plin. *H. N.* xxx. § 9; Apul. *Apol.* p. 331; Colum. x. 358; Turneb. *Adversar.* ix. 17.) [W. S.]

DARI'CUS or daric stater (**στατὴρ δαρεικός**). This was the name of the gold coin which constituted for centuries, until the time of Alexander the Great, the main part of the coinage of Asia under Persian dominion. Gold darics are to be found in all great museums: their type is on the obverse a crowned archer kneeling, on the reverse a mere rude incuse; their weight is about 130 grains [PONDERA], and their intrinsic value about twenty-two shillings of our money. In allusion to their type they were sometimes called *τόξοται*; whence the saying of Agesilaus (Plut. *Ages.* 15) that he had been driven from Asia by 30,000 archers, when his recall was the result of Persian bribery at Athens and Thebes.

The Greeks (*Etym. Mag.* s. v.; Harpocrat. *s. v.*) connected the word *δαρεικὸς* with the name of Darius Hystaspis, to whom they attributed the first issue of these coins. This derivation, however, is certainly erroneous. Not only is there small likeness in sound between the name of the coin and that of the king in their Persian forms, but we learn from the Book of Ezra (ii. 69, viii. 27) that darics were in circulation in Palestine in the time of Cyrus; and M. Bertin has found the word *dariku* on a tablet of the reign of Nabonidus, which is still earlier (*Trans. Soc. Bibl. Arch.* 1883–4, p. 87: cf. Head, *Historia Numorum*, p. 698). Of course in the cases just cited, though we have a complete proof of the great antiquity of the word *daric*, we cannot be sure whether a fixed weight of gold or a coin is intended. The probability is that the nations of the Euphrates valley did not coin money until they had conquered Lydia and Ionia in the time of Cyrus. Darius, Herodotus tells us, issued gold coin of great fineness (Herod. iv. 166); and this may have caused the Greeks to suppose that he issued the earliest Persian coins. The abundance of the darics in circulation in Asia Minor in the days of Xerxes is shown by the well-known story of Pythius the Lydian (Herod. vii. 28), who possessed four millions of them.



Gold Daric. (British Museum. Actual size.)



Silver Daric. (British Museum. Actual size.)

Beside the gold darics there circulated silver coins of the same shape and bearing the same device of the archer: these were commonly known as the *σίγλος* or shekel, but were sometimes termed silver darics (Plut. *Cimon*, 10). Their weight is about 86 grains; thus, the value of gold in relation to silver being in Asia about thirteen to one [see ARGENTUM], twenty sigli were equivalent to a gold daric. In some parts of Asia, as in Ionia, Cilicia, and Phoenicia, Greek cities and Persian satraps were allowed to issue silver money as they pleased, of any standard and any types which suited them, the mintage of gold only being reserved for the supreme government. As a corroboration of these statements may be cited Herodotus's story, that Aryandes satrap of Egypt incurred the displeasure of Darius by issuing silver coin of greater purity than his own; for it seems that Darius, though excited to jealousy, could not punish Aryandes for this, but had to find another charge against him.

It appears that in the time of Xenophon a daric was a month's pay of a Greek mercenary in Asia (*Anab.* i. 3, § 21).

With the conquest of Persia by Alexander the Great the issue of darics ceased, and their place was taken by the regal gold coins of Alexander, which were a few grains heavier. In the far East, however, there were minted for a time at the Greek cities coins of the same type as the darics, but of double weight, and sometimes bearing Greek letters in the field. These double-darics are not mentioned by extant ancient authors. [P. G.]

Double Gold Daric. (British Museum. Actual size.)

DATA'TIM LU'DERE, DATOR. [PILA.]

DATE'TAE (*δατηταί*), distributors or liquidators, were employed in the winding up of a partnership concern. If the period for which the partnership was to last had not been settled by the articles of association, and any one or more of the partners wished to retire, a division of the capital, fixed and floating, became necessary. This might be effected amicably, without the intervention of the law, even if any of those interested were minors. The guardian might act as he deemed best for his ward, subject of course to a *δίκη ἐπιτροπῆς* on the latter's attaining his majority. But if the parties could not agree, those who insisted on the winding-up might bring an action by *πρόσκλησις* or summons for the appointment of liquidators (*ἐδικάζοντο, οἱ βουλόμενοι τοῖς μὴ βουλομένοις προσκαλούμενοι εἰς δατητῶν αἵρεσιν*, Harpocrat. *s. v. δατεῖσθαι*). The award of these Datetae seems to have been binding on all parties: and Meier conjectures that, unless special circumstances required the appointment of "experts" possessed of technical knowledge, the Datetae were chosen by lot from the public Diaetetae. The similarity of the two names has led, it appears, to their being confounded in some passages of the grammarians. There is also reason to think that Datetae might be appointed in other cases not involving partnership: for instance, in disputes about the division of an inheritance. (Meier, *Att. Process*, p. 377 ff.; Caillemer, 10*me Étude, le Contrat de Société à Athènes*, p. 5.) [W. W.]

DEALBATO'RES, workmen mentioned in the Codex of Justinian (x. 64, 1; cf. *C. I. L.* iv. 222), appear to have been simply whitewashers, and not, as some have supposed, workmen employed to cover walls with a coating of white cement or stucco. *Dealbare* is covering the walls with lime-wash (*calce ex aqua liquida dealbentur*, Vitruv. vii. 4, 3). Cicero speaks of *columnae dealbatae* (*Verr.* i. 55, 145), and Palladius (i. 24, 1) of *dealbati parietes*. See also Cic.

Fam. vii. 29; Suet. *Galb.* 9. (Blümner, *Technol. u. Terminol.* ii. p. 147; iii. p. 180.) [W. S.]

DE'BITOR. [OBLIGATIONES.]

DECADA'RCHIA or **DECA'RCHIA** (*δεκαδαρχία, δεκαρχία*), a council or government of Ten. 1. In Thessaly, established by Philip on his conquest of that country and overthrow of its tyrants in B.C. 352, after a defeat in the previous year (Dem. *Phil.* ii. p. 71, § 22, *τὴν καθεστῶσαν νῦν δεκαδαρχίαν*: the date fixed by Grote, ch. 87, viii. 48). The *τετραρχίαι* of *Phil.* iii. p. 117, § 26, are only in apparent contradiction to this: they refer to four districts only (which however have been differently identified) and not to the whole country (Westermann in Pauly; Hermann, *Staatsalterth.* § 178, 18). 2. Introduced by Lysander at the close of the Peloponnesian war, and established in many Greek cities by the Lacedaemonians, who entrusted to it the whole government of the state under the direction of a Spartan harmost. It always consisted of the leading members of the aristocratical party. (Xen. *Hell.* vi. 3, § 8; Isocr. *Panath.* § 68; Plut. *Lys.* 5 and 13; Grote, ch. 72 *passim.*) The form *δεκαδαρχία* is used by Demosthenes of the Thessalian institution, *δεκαρχία* by Xenophon and Isocrates of the Lacedaemonian. [W. S.] [W. W.]

DECADU'CHI (*δεκαδοῦχοι*), the members of a council of Ten, who succeeded the Thirty in the supreme power at Athens, B.C. 403 (Harpocrat. *s. v.*). They were chosen from the ten tribes, one from each (Xen. *Hell.* ii. 4, §§ 23, 24); two of the Thirty, if not more, were among them, and, like the Thirty, they relied on Spartan assistance against Thrasybulus and the exiles. They remained masters of Athens till the party of Thrasybulus obtained possession of the city and the democracy was restored; and, like the Thirty, were excepted from the amnesty, but allowed to retire into banishment (Lys. *c. Eratosth.* § 54 ff.; Grote, ch. 65, v. 590). [W. S.] [W. W.]

DECA'NUS (Fr. *doyen*, Eng. dean), the head of ten men. The word does not seem to occur before the time of Constantine, and then, except in its ecclesiastical use, only in the Eastern empire. It perhaps took the place of the classical *decurio* at a time when the latter word had acquired its special meaning in the colonies and municipia. We may distinguish three senses.

1. A petty officer commanding a *contubernium* of ten men (Modestus, § 9; Veget. *de Re Mil.* ii. 8 and 13). The latter says that in his time (the end of the 4th century) the name *caput contubernii* had superseded decanus.

2. Officials at the court of Constantinople, but of no higher than menial rank (Cod. Theod. vi. 12; "principis famulationibus adhaerentes," Cod. Just. xii. 27, 2). St. Chrysostom instances the *ὕπαρχος* (= praefectus praetorio) and *δεκανὸς* as at opposite ends of the social scale (*Hom.* xiii. *in Ep. ad Hebr.*) Like other *officiales*, they were under the orders of the MAGISTER OFFICIORUM.

3. The members of a guild or confraternity at Constantinople, charged with the burial of the dead (Cod. Just. i. 2, 4 and 9; Just. *Novell.* xliii. praef.). The institution appears to be a distinctly Christian one, and to have organised what had been previously a matter of casual charity, the decent burial of the poor. These decani are probably identical with the *κοπιᾶται*, so called from their pious labours. (Cf. *Dict Chr. Ant.* s. vv. Copiatae, Decanus.) (Daremberg and Saglio, *s. v.*; Ducange, *s. v.*) [W. W.]

DECAPRO'TI (*δεκάπρωτοι*). In the Greek-speaking cities of the Roman empire a committee of ten, or more rarely of twenty (*εἰκοσάπρωτοι*, *icosaproti*), was chosen from among the decuriones or provincial senators, and charged with the collection of the taxes, for which they were made responsible. These *decaproti* are to be distinguished from the DECEM PRIMI in Rome and the Italian municipia, who were honorary representatives of their curia, but not magistrates. The *decaproti* were, on the contrary, officials charged with very burdensome duties, of which the following extracts from the Digest will give a sufficient idea. The *decemprimatus* is a *munus patrimonii* or "burden upon property" (Dig. 50, 4, 1, § 1); and as such might be imposed upon persons below the age of twenty-five, who were exempt from the *corporale ministerium* or "personal service" (Dig. 50, 4, 3, § 10). They were responsible not merely for the collection of the *tributum*, but for arrears owing by deceased persons (*nam decaproti et icosaproti tributa exigentes et corporale ministerium gerunt, et pro muneribus defunctorum fiscalia onera resarciunt*, Dig. 50, 4, 18, § 26). They were chosen by their fellow-decuriones for a limited term; if annually, as Waddington (on *Inscr.* 1106) and Humbert think, they must have been capable of re-election (*δεκαπρωτεύσας ἔτη ι*' at Thyatira, *C. I. G.* 3490). These officers occur in the island of Amorgos (*C. I. G.* 2264), at Cius in Bithynia (*ib.* 3732), Patara in Lycia (*ib.* 4289), Iotapa in Cilicia (*ib.* 4413, 4415), and in various cities of proconsular Asia (*ib.* Nos. 3201, 3418, 3496, 3498). (Marquardt, *Staatsverw.* i.^{2} 213 f.; Humbert in D. and S., *s. v.*) Compare DECURIONES. [W. W.]

DECASMUS (*δεκασμός*), bribery: strictly meaning a systematic bribery by division into sets of ten (Bekk. *Anecd.* p. 236, 5). There were two actions for bribery at Athens: one, called *δεκασμοῦ γραφή*, lay against the person who gave the bribe; and the other, called *δώρων* or *δωροδοκίας γραφή*, against the person who received it. (Pollux, viii. 42.) These actions applied to the bribery of citizens in the public assemblies of the people (*συνδεκάζειν τὴν ἐκκλησίαν*, Aesch. *c. Timarch.* § 86), of the Heliaea or any of the courts of justice, of the *βουλή*, and of the public advocates (*συνήγοροι*, Lex *ap.* Dem. *c. Steph.* ii. p. 1137, § 26). Demosthenes (*F. L.* p. 343, § 7), indeed, says that orators were forbidden by the law, not merely to abstain from receiving gifts for the injury of the state, but even to receive any present at all.

Actions for bribery were under the jurisdiction of the thesmothetae (Dem. *c. Steph.* l. c.). The punishment on conviction was death (Isocr. *de Pace*, § 50; Aeschin. *c. Tim.* § 87), or payment of ten times the value of the gift received (Dinarch. *c. Demosth.* § 60; *c. Aristog.* § 17). An additional punishment (*προστίμημα*) might be inflicted by the court; as in the case of Demosthenes, who was not only fined 50 talents, but thrown into prison (Plut. *Demosth.* 26; *Vit. X. Oratt.* p. 841 c; Boeckh, *P. E.* p. 384). In this instance the amount of the penalty seems to have been fivefold, not tenfold, the amount of the bribe. Atimia followed as a matter of course on conviction, and was not left, like other punishments, to the discretion of the court (Dem. c. *Mid.* p. 551, § 113; Aeschin. c. *Ctes.* § 232). On the analogy of the Roman *decuriae*, and the phrase Λύκου δεκὰς applied to bribery in Harpocration, compare Sandys on Dem. c. *Steph.* l. c.; Meier, *Att. Process*, p. 150. [W. S.] [W. W.]

DECASTY'LOS. [TEMPLUM.]

DE'CATE (δεκάτη). [DECUMAE.]

DECEMJUGIS, sc. CURRUS. [CURRUS, p. 579 *b*.]

DECE'MPEDA, a pole ten feet long, used by the agrimensores in measuring land. (Cic. *pro Mil.* 27, § 74; *Phil.* xiv. 4, § 10; Hor. *Carm.* ii. 15, 14.) Thus we find that the agrimensores were sometimes called *decempedatores* (Cic. *Phil.* xiii. 18, § 37). The decempeda was in fact the standard land-measure. [ACTUS; AGRIMENSORES.] [W. S.]

DECEM PRIMI. 1. The Ten First of the Roman Senate were originally the heads of the decuries into which the senate of one hundred was divided. They took the office of interrex by turns, and are mentioned in that capacity at the first interregnum, on the death of Romulus (Liv. i. 17; cf. Dionys. ii. 57). When subsequently the representatives of the Tities and Luceres were admitted into the senate, the Ramnes with their decem primi retained for some time their precedence over the other two tribes, and gave their votes first (Plut. *Num.* 3; Dionys. ii. 58, iii. 1). The first in rank among them was the *princeps senatus*, who was appointed by the king, and was at the same time *custos urbis* (Dionys. ii. 12; J. Lydus, *de Mens.* i. 19). In the early republican period the decem primi seem to have been the consulars of the greater houses in order of seniority, then those of the lesser houses. The Ten First, who as ambassadors from the patricians concluded the treaty with the plebs on Mons Sacer, were all consulars (Niebuhr, *Rom. Hist.* i. 305, 340, ii. 115 f., E. T.). Soon after the commencement of the republic they lost the exclusive privilege of the interregnum [INTERREX].

When the censors acquired the power of nominating the senators from among qualified persons, the decem primi were simply the first ten named by them: this choice was usually exercised according to merit, and a man who was generally acknowledged as the first Roman of his time was tolerably certain to become *princeps senatus*, and to retain the dignity for life. Valerius Corvus, the two Fabii Maximi, Rullianus and Cunctator, L. Aemilius Paullus, and the two Africani, all seem to have enjoyed this honour. The censors were often partial and passionate in the exercise of their almost irresponsible authority; but even the memorable quarrel between Livius Salinator and Claudius Nero did not prevent their giving the first place in the senate to Fabius Cunctator (Liv. xxix. 37, § 1).

2. In municipal senates we constantly find a committee, generally of ten, sometimes of a greater or less number, chosen (apparently by the decurions themselves) out of the larger body. In Italy this institution can be traced very far back: we find it in Latium as early as the great Latin war of 340 B.C. (Liv. viii. 3, § 8); in the disaffected Latin colonies at the time of the second Punic war (id. xxix. 15, § 5); at Ameria in Cicero's time (*pro Rosc. Am.* 9, § 25); Antonius, quartered in Campania, "evocavit litteris e municipiis decemprimos et IIII. viros" (*ad Att.* x. 13 *init.*). Beyond Italy we find decem primi at Centuripae (*in Verr.* ii. 67, § 162), quinque primi at Agyrium (*ib.* iii. 28, § 68), quindecim primi at Massilia (Caes. *B. C.* i. 35).

3. Wherever there was an *ordo*, Roman organisation seems to have involved the appointment of ten, or sometimes six, primi. Below the senatorian rank we find them among *apparitores*, *lictores*, and *praecones* (Mommsen, *Staatsr.* i.^{2} 328, 340, 348); in priestly colleges (*C. I. L.* vi. 2010; cf. the *seviri* under AUGUSTALES, p. 258 *b*); and among the domestici or body-guards of the later empire (Cod. Theod. vi. 24). The notion of so late a writer as J. Lydus (*de Magistr.* i. 46), that legionary officers were anciently so called, can hardly be accepted in default of better evidence. (Marquardt, *Staatsverw.* i.^{2} 213 f.; Humbert, in D. and S.) [W. W.]

DECEMRE'MIS. [NAVIS.]

DECE'MVIRI, the Ten Men, the name of various magistrates and functionaries at Rome.

1. DECEMVIRI CONSULARI IMPERIO LEGIBUS SCRIBENDIS were ten persons who were appointed to draw up a code of laws, and to whom the whole government of the state was entrusted. As early as B.C. 462, a law was proposed by C. Terentilius Arsa, that five commissioners should be appointed for drawing up a body of laws; but this was violently opposed by the patricians (Liv. iii. 9); and it was not till after a struggle of nine years that the patricians consented to send three persons to Greece, to collect such information respecting the laws and constitutions of the Greek states as might be useful to the Romans (Liv. iii. 31). They were absent a year; and on their return, after considerable dispute between the patricians and plebeians, ten commissioners were appointed with the title of "decemviri legibus scribendis," to whom the revision of the laws was committed. No other magistrates were appointed for the year: even the tribuneship was abandoned. It is clear that the legislative commissioners were to have supreme power; and the view of Mommsen (*Hist.* i. 290) is very probable, that the purpose of the whole scheme was to substitute henceforward for tribunician intercession a limitation of the consular powers by written law. There is reason to doubt Livy's statement that plebeians were admitted to be ineligible: but in fact all of the ten were patricians.

The decemviri entered upon their office at the beginning of B.C. 451. They consisted of App. Claudius and T. Genucius Augurinus, the consuls elect, as Niebuhr conjectures, of the praefectus urbi, and of the two *quaestores parricidii*, and of five others chosen by the centuries. They discharged the duties of their office with diligence, and dispensed justice with impartiality. Each administered the government day by day in succession as during an interregnum; and the fasces were only carried before the one who presided for the day. (Liv. iii. 33.) They drew up a body of laws, distributed into ten sections; which, after being approved of by the senate and the comitia centuriata, were engraven on tables of metal, and set up in the forum on the rostra in front of the senate-house.

On the expiration of their year of office, all parties were so well satisfied with the manner in which they had discharged their duties, that it was resolved to continue the same form of government for another year; more especially as some of the decemvirs said that their work was not finished. Ten new decemvirs were accordingly elected, of whom Appius Claudius alone belonged to the former body (Liv. iii. 35; Dionys. x. 53); and of his nine new colleagues, at least three, and probably five, were plebeians. (Mommsen, *Forsch.* i. 95: Dionys. x. 58 regards only three as plebeians; Livy, iv. 3, 17, carelessly speaks of all as patricians.) These magistrates framed several new laws, which were approved of by the centuries, and engraven on two additional tables. But, according to the traditional account, they used their power in a most tyrannical manner. Each was attended by twelve lictors, who carried not the rods only, but the axe, the emblem of sovereignty. They committed all kinds of outrages upon the persons and property of the plebeians and their families. When their year of office expired, they refused to resign or appoint successors. This conduct was not strictly illegal, but unquestionably it was against the spirit of the constitution, which prescribed an annual tenure of office; and they were regarded not as private citizens usurping powers, but as magistrates misusing their authority (Mommsen, *Staatsr.* ii.^{2} 696). It is a probable conjecture that the unconstitutional action was connived at, as an indirect means of suppressing the tribuneship; but there is much also to be said for Mommsen's view, that Appius was endeavouring by the help of a portion of the plebs to secure despotic power. At length, the unjust decision of App. Claudius, in the case of Virginia, which led her father to kill her with his own hands to save her from prostitution, occasioned an insurrection of the people. The decemvirs were in consequence obliged to resign their office, B.C. 449; after which the usual magistracies were reestablished. (Niebuhr, *Hist. of Rome*, vol. ii. pp. 309–356; Arnold, *Hist. of Rome*, vol. i. pp. 250–313; Becker, *Römisch. Alterthüm.* vol. ii. part ii. pp. 126–136; Mommsen, *Hist.* i. 289 ff.; Herzog, *Röm. Staatsverf.* i. 177 ff.; Schwegler, *Röm. Gesch.* iii. 1 ff.)

The ten tables of the former, and the two tables of the latter decemvirs, together form the laws of the Twelve Tables, of which an account is given in a separate article. [LEX DUODECIM TAB.]

2. DECEMVIRI LITIBUS OR STLITIBUS JUDICANDIS were magistrates forming a court of justice, which took cognizance of civil cases. Pomponius (*de Orig. Jur.* Dig. 1, tit. 2, s. 2, § 29) says that they were instituted in the year B.C. 292, the time when the *triumviri capitales* were first appointed. This statement Mommsen (*Staatsr.* ii.^{2} 592) decidedly rejects. Livy (iii. 55) mentions *iudices decemviri* as a plebeian magistracy very soon after the legislation of the Twelve Tables; and while Niebuhr (*Hist. of Rome*, vol. ii. p. 324, &c.) refers these decemvirs to the decemviral magistrates, who had shortly before been abolished, and thus abides by the account of Pomponius, Göttling (*Gesch. der Röm. Staatsv.* p. 241, &c.) believes that the decemvirs of Livy are the *decemviri litibus judicandis*, and this view is accepted by Mommsen. He shows however that the office cannot have been limited to plebeians, for we find it held by Cn. Scipio, the praetor of B.C. 140, by C. Julius Caesar, the father of the dictator, and by another patrician. This office does not appear to have been regarded as a magistracy before the middle of the seventh century of the city. After this time the decemvirs appear to have been elected in the *comitia tributa*. Their function was to decide in private suits (Cic. *de Leg.* iii. 3, 6), and especially in *causae liberales*, suits affecting personal freedom, a fact which makes it probable that they were instituted after the downfall of the decemvirs. In the time of Cicero the office still existed, and the proceedings in it took place in the ancient form of the sacramentum. (Cic. *pro Caecin.* 38, 97; *pro Dom.* 29, 78.) Augustus transferred to these decemvirs the presidency in the courts of the centumviri. (Suet. *Aug.* 36; Dio Cass. liv. 26.)

3. DECEMVIRI SACRIS FACIUNDIS, sometimes called simply DECEMVIRI SACRORUM, were the members of an ecclesiastical collegium, and were elected for life. Their chief duty was to take care of the Sibylline books, and to inspect them on all important occasions, by command of the senate. (Liv. vii. 27, xxi. 62, xxxi. 12.) Virgil (*Aen.* vi. 73) alludes to them in his address to the Sibyl—"Lectos sacrabo viros."

Under the kings the care of the Sibylline books was committed to two men (*duumviri*) of high rank (Dionys. iv. 62), one of whom, called Atilius or Tullius, was punished by Tarquinius, for being unfaithful to his trust, by being sewn up in a sack and cast into the sea. (Dionys. *l. c.*; Val. Max. i. 1, § 13.) On the expulsion of the kings, the care of these books was entrusted to the noblest of the patricians, who were exempted from all military and civil duties. Their number was increased in the year 367 B.C. to ten, of whom five were chosen from the patricians and five from the plebeians. (Liv. vi. 37, 42.) Subsequently their number was still further increased to fifteen (*quindecemviri*); but at what time is uncertain. As, however, there were decemviri in B.C. 114 (Val. Max. viii. 15, 12), in B.C. 98 (Obsequens, 47), and in B.C. 82, when the Capitol was burnt (Dionys. *l. c.*), and we read of quindecemviri in the time of Cicero (*ad Fam.* viii. 4), it appears probable that their number was increased from ten to fifteen by Sulla, especially as we know that he increased the numbers of several of the other ecclesiastical corporations. Julius Caesar added one more to their number (Dio Cass. xlii. 51); but this precedent was not followed, as the collegium appears to have consisted afterwards of only fifteen.

It was also the duty of the decemviri and quinqueviri to celebrate the games of Apollo (Liv. x. 8), and the secular games (Tac. *Ann.* xi. 11; Hor. *Carm. Saec.* 70). They were, in fact, considered priests of Apollo, whence each of them had in his house a bronze tripod dedicated to that deity. (Serv. *ad* Verg. *Aen.* iii. 332.)

So long as there were ten members of the college there were two *magistri*, one a patrician, one a plebeian; when the number was increased to fifteen, the *magistri* were five in number. (Mommsen, *Res Gestae divi Aug.* p. 64: cf. Tac. *Ann.* vi. 12; Marquardt, *Röm. Alt.* vi. 364 ff.)

4. Decemviri Agris Dividundis were sometimes appointed for distributing the public land among the citizens. (Liv. xxxi. 4; xlii. 4.)

5. Decemviri were occasionally appointed in the earlier days of the republic as commissioners to settle terms of peace. (Mommsen, *Röm. St.* ii.^{2} 624, 665, 672.) [W. S.] [A. S. W.]

DECENNA'LIA or **DECE'NNIA**, a festival celebrated with games every ten years by the Roman emperors. This festival owed its origin to the fact that Augustus refused the supreme power when offered to him for his life, and would only consent to accept it for ten years; and when these expired, for another period of ten years, and so on to the end of his life. The memory of this comedy, as Gibbon has happily called it, was preserved to the last ages of the empire by the festival of the *Decennalia*, which was solemnised by subsequent emperors every tenth year of their reign, although they had received the imperium for life, and not for the limited period of ten years. (Dio Cass. liii. 16, liv. 12, lviii. 24, lxxvi. 1; Trebell. Poll. *Salonin.* 3, *Gallien.* 7. Cf. Eichstaedt, *Opusc. Acad.* 208 ff.) [W. S.] [A. S. W.]

DECIMA'TIO was the selection, by lot, of every tenth man for capital punishment, when any number of soldiers in the Roman army had been guilty of certain military offences; usually cowardice, loss of standards in action, or mutiny. This punishment is not often mentioned in the early times of the republic; but the case of the consul App. Claudius and his mutinous army, B.C. 471, is recorded both by Livy (ii. 59) and Dionysius (ix. 50); the latter speaks of it as customary (πάτριος) for the offences named. Polybius notices it as usual when troops had given way to panic; the remainder were punished by having rations of barley instead of wheat served out to them, and by being made to lodge outside the camp (vi. 38). When however Crassus employed decimation in the servile war of Spartacus, he is described as having revived an ancient punishment which had long fallen into disuse (Plut. *Crass.* 10; cf. App. *B. C.* i. 118). In the civil wars it once more became common (Dio Cass. xli. 35, xlviii. 42, xlix. 27, 38; Suet. *Aug.* 24: cf. Cic. *pro Cluent.* 46, § 128; Frontin. *Strat.* iv. 1, § 37), and was retained under the empire (Suet. *Galb.* 12; Tac. *Hist.* i. 37). Sometimes only the twentieth man was punished (*vicesimatio*), or the hundredth (*centesimatio*). (Capitol. *Macrin.* 12; Frontin. *l. c.* § 35. Cf. Marquardt, *Staatsverw.* ii. 553.) [W. S.] [W. W.]

DECIMATRUS. [Quinquatrus.]

DECLAMA'TIO, a term which came into use first in Cicero's time (*Brut.* 90, 310: "commentabar declamitans, sic enim nunc loquuntur") for the rhetorical exercises, employed in the training of orators. These were of two kinds: (*a*) *suasoriae;* (*b*) *controversiae*. The former were based upon some historical or legendary theme, and the pupil was required to treat some problem arising thence, as, for instance, whether Sulla should have resigned his dictatorship (Juv. i. 16), or Cato have committed suicide (Pers. iii. 45). These were regarded as suitable for beginners, as not requiring any wide or minute knowledge of law (Tac. *Dial.* 35). The latter dealt with legal questions, and took the form of the discussion of an imaginary case, such as might arise in the courts. Marcus Seneca, the father of the philosopher, has left seven examples of *suasoriae*, thirty-five of *controversiae*, as well as ten books of *excerpta controversiarum*, which contain many interesting specimens of the kind of questions thus treated. The practice at first had a real value, and Cicero represents himself as continuing it for a great part of his life (*Tusc.* i. 4, 7), although in his later years he preferred philosophical topics. But with the decline of free speech, the exercise sank into a mere occasion for display (Quint. ii. 7, 1). The themes were hackneyed or extravagant, the language affected and full of strained antithesis and epigram (Quintil. viii. 3, 76; 5, 14, &c.); and what should have been a preparation for real life became an end in itself. The rage for declamation was at its height during the first century of the empire. Quintilian's sober sense did much to check it; and though the practice did not wholly die out of the schools, it seems to have been confined within more reasonable limits. (Cf. Bernhardy, *Röm. Lit.* § 53; and Mayor's notes on Juv. i. 16, vii. 150–170. Some representations from works of art of boys declaiming before their teachers are given in Daremberg and Saglio, vol. ii. pp. 34, 35.) [A. S. W.]

DECOCTOR, a bankrupt (Plin. *H. N.* xxxiii. § 133), was used in popular language to signify any spendthrift. The Romans were a frugal people, and spendthrifts were not only condemned by public opinion (Catull. xli. 4; Cic. *Cat.* ii. 3, 5; Sen. *Ep.* 36, 5; *de Ben.* iv. 26, 3), but punished by the censors with the *nota censoria*, which carried with it certain legal disabilities. [Censor, p. 401 *b*.] By the Lex Roscia (B.C. 67) a certain place in the theatre was assigned to spendthrifts (Cic. *Phil.* ii. 18, 44; Juv. iii. 153). According to Spartianus, Hadrian ordered that spendthrifts should be flogged ignominiously (*catomidiari*) in the amphitheatre and turned out (Spart. *Hadrian.* 18). The Roman law against persons who would not pay borrowed money was very severe, and is explained under Nexum. Its severity was mitigated by the Bonorum Cessio. By a constitution of the emperors Valentinian, Theodosius, and Arcadius, any decurio who had dissipated the funds of the city (*decoctor pecuniae publicae*) was to be scourged (*plumbatarum ictibus*, Cod. Just. x. 31, 40; Humbert in Daremberg and Saglio, *s. v.*). [W. S.]

DECRE'TUM seems to mean that which is determined in a particular case after examination or consideration. It is thus applied to a resolution of the senate.

A *decretum* of the senate would seem to differ from a *senatusconsultum*, in that it was limited to the special occasion and circumstances instead of being of general application. But this distinction in the use of the two words, as applied to an act of the senate, is not consistently observed.

Cicero (*ad Fam.* xiii. 56) opposes *edictum* to *decretum*, between which there is in this passage apparently the same analogy as between a *consultum* and *decretum* of the senate.

Decretum is the technical term for the decision and order which a magistrate gives in a particular case after an inquiry into its circumstances (*causae cognitio*). A *judex* is said *condemnare* not *decernere;* the latter word being appropriate in judicial proceedings to a magistrate who has *jurisdictio.* A *decretum,* as one of the kinds of imperial constitutions, was a judicial decision in a case before the emperor in his capacity of supreme magistrate; cases were brought into the imperial court (*consistorium principis*) by *supplicationes* or *provocationes* of suitors.

The interpretations of law laid down by the emperor in his *decreta* were, as a rule, binding on all courts in subsequent cases (*tuis decretis, imperator, exempla publice valitura in perpetuum sanciuntur.... Tu, ubi quid in singulos decernis, ibi universos exemplo adstringis.... Quare si hoc decretum tibi proconsulis placuerit, formam dederis omnibus omnium provinciarum magistratibus, quid in ejusmodi causis decernant,* Fronto *ad M. Caesarem,* i. 6). Thus the emperor by his *decreta* could make new laws. (Dig. 1, 4, 1, § 1.) Paulus wrote a work in six books on *decreta,* under the title "Imperiales Sententiae in cognitionibus prolatae." (Savigny, *Syst.* 1, §§ 23, 24; Puchta, *Inst.* 110–112; Mommsen, *Staatsrecht,* ii. pp. 867–873.) [E. A. W.]

DE'CUMAE (δεκάτη), tithes or tenths.

I. Greek. The Greek writers use the word δεκάτη somewhat loosely, applying it indiscriminately to a tithe of agricultural products and to any tax of 10 per cent. on incomes or commodities. In the heroic age the τεμένη or domain lands by which royalty was supported must unquestionably have paid rents in kind, but whether a fixed or a proportionate quantity of produce is not recorded. The statement that the kings also exacted a tithe (of their subjects' lands is meant, for the amount of rent was of course much higher on their own) is accepted with some qualification by Schömann (*Antiq.* i. 33, E. T.); but it rests only on a pretended letter of Pisistratus to Solon (*ap.* Diog. Laert. i. 53), which, as Grote with his strong common sense had already remarked, "ought not to be considered as proving anything" (ch. 30, iii. 92 n.). Under the Spartan constitution the subject classes paid a fixed amount of corn and other produce, calculated on an average crop, the Helots to their masters, the Perioeci to the state (Müller, *Dor.* iii. 3, § 1); so that all the risks of bad seasons fell upon the cultivators. Tithes were, however, exacted from very early times in the despotically governed East, by Persian satraps as by Turkish pashas at the present day; and in the age of the tyrants were doubtless not unusual in Greece. Cypselus vowed to dedicate the whole property of the Corinthians to Zeus if he made himself master of the city; in order to fulfil his vow without ruining them, he compelled them to make a return (ἀπογράψασθαι), and took a tithe annually for ten years ([Aristot.] *Oecon.* ii. 2). A tithe of corn at Cranon in Thessaly, of unknown date, is mentioned by Polyaenus (ii. 34). The particular instance of a tithe on the produce of the land (τῶν γιγνομένων) imposed by Pisistratus and reduced to an εἰκοστὴ by his sons is accepted by Boeckh and his recent editor Fränkel (*P. E.* p. 327 = *Sthh.*³ i. 398), as well as by historians, Grote only excepted. But, setting aside the spurious letter of Pisistratus already referred to, this statement appears to be a strained inference from the language of Thucydides (vi. 54). The latter says nothing about a δεκάτη: but the words he applies to the Pisistratids, εἰκοστὴν μόνον πρασσόμενοι τῶν γιγνομένων, have been almost uniformly explained (as by Arnold and Classen) of a halving of the tithe levied by Pisistratus himself. The tradition was, however, that the sons were more luxurious, and consequently more oppressive to the people, than their father (Grote, *l. c.*); and all probability is in favour of Caillemer's conjecture that Pisistratus had limited his exactions to the same amount. The word μόνον will then imply, not "as compared with their father," but "as compared with tyrants in general."

Republican feeling was, however, both at Athens and elsewhere, strongly against this form of taxation as applied to the lands of fully enfranchised citizens (Boeckh, *l. c.*, and his general remarks at the beginning of Book iii.; Fränkel, n. 558). Thus Demosthenes declared that the Athenians had not won their glorious renown by "tithing themselves" (*c. Androt.* p. 617, § 77); where δεκατεύοντες may contain an allusion to the doubling of the εἰκοστὴ by Androtion's exactions, but is undoubtedly used for excessive taxation in general (cf. *Class. Rev.* i. 150). Two other descriptions of tithe, among free Greeks, remain to be considered.

1. *Tithes due to temples.*—These were sometimes strictly voluntary offerings; thus the ἀπαρχαὶ or "first-fruits" might amount to a tithe, like the δεκατηφόροι ἀπαρχαὶ of Callimachus (*Hymn. in Del.* 278) paid to the Delian Apollo by the Cyclades, and even by more distant countries. Again, a proprietor might charge his land in perpetuity with the payment of tithe to a specified temple, and by so doing he imparted to the whole estate a quasi sacred character, like that of church lands in modern times. This, as Caillemer has well pointed out, might be done from prudential motives, in order to place it under the shelter of religious sanctions in times of war and insecurity. The best known instance of this kind is that of Xenophon, who built a temple of Artemis on his estate at Scillus near Olympia, established a festival, and endowed it with the tithe of all produce, including game. He not only kept up the sacrifices during his lifetime (δεκατεύων . . . θυσίας ἐποίει), but by an inscription on a stele he bound all future occupiers of the estate to do the same "on pain of the displeasure of the goddess;" the whole transaction having been carried out under the advice of the Delphic oracle. The only sanction, it is clear, was the religious sentiment (Xen. *Anab.* v. 3, §§ 9–13). An inscription found in Ithaca is identical with that given in the *Anabasis,* and shows that some reader of Xenophon in later times had followed his example in building a temple and endowing it with tithes.

But such tithes were not always voluntary, or binding on the conscience only; they were sometimes imposed as a badge of conquest. Thus at the time of the Persian war the confederate Greeks made a vow, by which all those who had joined the enemy without compulsion were condemned to pay tithes to the god of

Delphi (Herod. vii. 132); and as the Thebans were the greatest offenders, the proverb arose ἐλπὶς ἦν δεκατευθῆναι τὰς Θήβας (Xen. *Hell.* vi. 3, § 20; 5, § 35). At Athens, the δεκάται τῆς θεοῦ (Dem. *c. Timocr.* p. 738, § 120) comprised a tithe of the spoils of war (*ib.* p. 741, § 129; Lys. *c. Polystrat.* § 24); of certain fines, *e.g.* those imposed for the extirpation of olive-trees (Lex *ap.* Dem. *c. Macart.* p. 1074, § 71); and either of all or a large proportion of confiscated property, notably in cases of treason or κατάλυσις τοῦ δήμου (Lex *ap.* Andoc. *de Myst.* § 96; Xen. *Hell.* i. 7, § 10, the six generals after Arginusae; *ib.* § 20, the famous psephisma of Cannonus [cf. Grote, ch. 64, v. 524 n.]; *Vit. X. Oratt.* p. 834 a, the decree against Antiphon and Archeptolemus). Boeckh, to whom these details are due, adds that "the state of Athens owned the tithes of public demesnes, and let them in farm" (*P. E.* p. 328 = *Sthh.*^{3} i. 399): this statement, though passed without remark by his recent learned editor, we must venture to think erroneous. There is apparently a confusion between "rent" and "tithe." In the earlier chapter on the rents of the state (book iii. ch. 2) he seems to imagine, as intermediate between private property which admittedly paid no tithe, and public property which of course paid a rent to the state, certain properties which paid a tithe by way of quit-rent, "probably because they had been originally public property" (*P. E.* p. 304 = *Sthh.*^{3} i. 373). That the state should have granted away its rights on such terms seems to us contrary to the simplicity of Attic land law, which knows no "emphyteutic" or "copyhold" tenures. When we come to examine the evidence on which Boeckh relies, we find that it is limited to a single inscription (*C. I. G.* 76 = *C. I. A.* 32). This is one of those discussed in his Appendix: the words on which the question turns, καὶ τὰ ἐκ τῆς δεκάτης, ἐπειδὰν πραθῇ, he explains as "the proceeds of the tithe when *it* is sold (to the tax-farmers)." The δεκάτη on the navigation of the Hellespont and Bosporus (*Erpressungszoll von Byzanz*) cannot, he justly argues, be intended: hence he is led to assume the existence of a tithe of which we have no further account (*Sthh.*^{3} ii. 44). It appears to us that the correct rendering of the above words is "the proceeds of the tithe, when *they* are sold," and that the reference is to the tithe of confiscated property, sold by the Poletae [DEMIOPRATA].

2. *Transit dues.*—A δεκάτη or tenth of a different kind was the arbitrary exaction imposed by the Athenians on the cargoes of all ships sailing into or out of the Pontus. This is justly called by Boeckh "a mere extortion" (*P. E.* 323 = *Sthh.*^{3} i. 396); it was an incident of their maritime supremacy, with which it rose and fell. History first mentions it in B.C. 410 (Xen. *Hell.* i. 1, § 22); Caillemer infers from two inscriptions (*C. I. A.* i. 32 and 40) that it may have already existed in the early years of the Peloponnesian War: but these inscriptions most likely refer, as we have just seen, to another kind of δεκάτη. After Aegospotami this tax naturally came to an end; with the revived naval empire it was re-established by Thrasybulus about 390 (Xen. *op. cit.* iv. 8, §§ 27, 31); probably again lost by the peace of Antalcidas in 387; in the time of Demosthenes we find it again flourishing whenever Athenian commanders were strong enough to enforce it (*c. Lept.* p. 475, § 60; *c. Aristocr.* p. 679, § 177; *c. Phorm.* p. 917, § 34). A long time afterwards, B.C. 224, the Byzantines revived this claim, and so became involved in war with the Rhodians (Polyb. iv. 38 ff.). The tax was now called διαγώγιον (Polyb. iv. 52, § 5) or παραγώγιον (*ib.* 47, § 3); to compel passing ships to pay it is παραγωγιάζειν (*ib.* 44, § 4 [here Polybius mentions the Athenian practice under Alcibiades], 46, § 6). It may be observed that Xenophon speaks only of dues exacted from ships which came out of the Pontus, Polybius of those going to the Pontus; Boeckh rightly combines the two accounts, and concludes that the toll was levied in both directions.

These taxes, like many others, were farmed out by the Athenians: the contractors were called δεκατῶναι (Anaxil. *ap.* Poll. ix. 29); the δεκατηλόγοι were probably collectors under them, as Demosthenes applies this name to the *employés* of Charidemus at Sestos (*c. Aristocr.* l. c.); the title δεκατευταὶ seems to have included both (Harpocrat., *Etym. M.*, s. v.). These are to be distinguished from the πεντηκοστολόγοι and ἐλλιμενισταὶ of more legitimate import duties, though Schömann (*Antiq.* i. 450, E. T.) classes them together. The special custom-house for these tithes was δεκατευτήριον (Xen. *Hell.* i. 1, § 22): Fränkel rightly insists that there were no such places in Attica, where "tithes are scarcely mentioned" (n. 558). (Most of the above materials are in Boeckh; but in critical treatment Caillemer (*ap.* D. and S., s. v. *Dekaté*) is decidedly superior. The latter does not notice the titheable lands in Attica, inferred by Boeckh from the single inscription; and, it may be presumed, does not believe that they existed.)

II. ROMAN. The nature of the Roman state or domain land (*ager publicus*) has been fully explained under AGRARIAE LEGES (pp. 50, 51). We may here briefly repeat that these lands were the confiscated territory of conquered enemies; that they were dealt with in four different ways, either sold by the quaestor (*agri quaestorii*), granted in full (quiritarian) ownership to Roman citizens (*agri dati adsignati*), given back to their former proprietors (*agri redditi*), or lastly, retained in the ownership of the state as national property, but let to individuals in occupation (*possessio*), i.e. subject to a right of re-entry. On the three former classes of land no rent was imposed: the last paid (or were supposed to pay) a rent called *vectigal*, and hence were known as *agri vectigales*. The facts that the *ager publicus* passed almost wholly into the hands of the patricians, and that the possessory owners, in spite of agrarian laws and Licinian rogations, practically succeeded in ousting the state from its proprietary rights, belong to the civil history of Rome, and need not be treated here: the legal aspects of these questions will be found under LEX LICINIA, SEMPRONIA, and THORIA.

What was the amount of the vectigal? Many modern writers, following Niebuhr (*Hist. Rom.* ii. 138), say that it was a tenth, and consequently apply the name decumae to the (often withheld) rents of the *ager publicus* in Italy. But in fixing this amount Niebuhr seems to have been guided by the analogy of Eastern countries, especially of the Hebrews. His only direct authority is a passage of Appian (*Bell. Civ.* i. 7), already quoted at length under AGRARIAE LEGES (p. 52 *b*); and even this refers, not to the conquered lands in general, but to those which were uncultivated when taken over. Speaking of the same period, Plutarch calls the *vectigal* ἀποφορὰν οὐ πολλήν (*Tib. Gracch.* 8). Livy, in his many references to the early struggles for the enforcement of this rent, never once applies the term *decumae* to it: he only uses the word in the two senses which we shall notice further on. The same may be confidently asserted of the classical writers in general. There can be no doubt that the amount is really unknown; and Marquardt, while treating of the *ager publicus* and the *vectigal*, very judiciously passes this point over in silence (*Staatsverw.* ii. 147–156). Further questions respecting this source of revenue will be treated under its proper title, VECTIGAL: see also SCRIPTURA.

In the provinces the case was different. The Romans took over the tithes they found already existing in conquered countries; and we find the system at once applied to the earliest constituted provinces, Sicily, Sardinia (including Corsica), and the Hispaniae. In three successive years (B.C. 191–189), a double tithe (*alterae decumae*) was required from Sicily and Sardinia, and ordered to be sent to the seat of war in the East (Liv. xxxvi. 2; xxxvii. 2, 50). The second tenth was however paid for (*frumentum emptum:* see below). On the other hand, Spain as a less fertile country, after a period of oppression by its Roman governors, was let off with a *vicesima* and otherwise eased of its burdens (B.C. 171, Liv. xliii. 2). Towards the end of the republic the system was so far modified, that we find the decumae *eo nomine* existing only in two provinces, Sicily and proconsular Asia. In these it took the place of the STIPENDIUM (Marquardt, *Staatsverw.* ii. 181 ff.).

It was the legal doctrine that the *dominium* or ownership of all provincial land was in the Roman people, or, in the language of imperial times, in the Roman people or the Caesar (Gaius, *Inst.* ii. 7; cf. Long's Cicero, vol. i. [*Verrines*], p. 273; Marquardt, *Staatsverw.* ii. 177). On this was based the system of taxation concisely described by Cicero in his great speech *de Frumento* (*in Verr.* iii. 6, § 12), and elucidated by Savigny (*Verm. Schriften*, ii. 97, *ap.* Long *l. c.*). "All the provinces except Sicily," says Cicero, "pay either a fixed land-tax (*aut impositum est vectigal certum quod stipendiarium dicitur, ut Hispanis et plerisque Poenorum, quasi victoriae praemium ac poena belli*); or variable duties, that is tenths or other quotas of produce, which last are let at Rome by the censors" (*aut censoria locatio est, ut Asiae, lege Sempronia:* in other words, the decumae of Asia, on which see below). "Sicily, on the other hand, has the following constitution: two *civitates foederatae* and five others *sine foedere immunes ac liberae* are tax-free; a few which have come under the Roman dominion by conquest, lost the ownership of their land, but received it back on condition of paying certain dues, which are let (that is, they have the same terms as other provinces); all the rest of the land is subject to the payment of decumae, yet so that the law of Hiero is observed." These decumae were of wheat and barley, wine, oil, and *fruges minutae*, i.e. vegetables, among which beans are especially mentioned (Marquardt); they were paid in kind, and, like modern English tithes, were a burden on the land only, not on the person (*in Verr.* iii. 86, § 199). The law of Hiero (*lex Hieronica*) is explained a little further on (6, § 14); the tithes of each city were to be let separately, at Syracuse and nowhere else, and the citizens were to have the option of bidding for them so as to keep their affairs in their own hands; they were let according to the estimates (*professiones*, 49, § 102) by the people themselves of the cultivated area of each territory. This law was dear to the Sicilians as inherited from a popular king (§ 15): it was fair both to the *decumani*, as the farmers of the tithe were called, and to the *aratores* who paid it (8, § 20). Just before the praetorship of Verres, *i.e.* in B.C. 74, an attempt had been made to transfer the lettings to Rome; but it had been successfully resisted, and no one except Verres had violated the *lex Hieronica*. Whatever corn was wanted in addition, was paid for by the state: this was, in the first place, the *frumentum in cellam* or *frumentum aestimatum*, for the support of the praetor and his officials (*cohors*), and for which money was granted him by way of "table allowance" (81, § 188 ff.); next, a second decuma if required by the senate or Roman people, of which we have seen examples (*frumentum emptum*, 70, § 163 ff.); lastly, if still further requisitions were made by the government, *frumentum imperatum*, for which a higher price was paid than for the *emptum*. From this last burden no cities were exempt (*ibid.*). All these had been perverted by Verres into engines of extortion. A single example will suffice; he began with an edict *quantum decumanus edidisset aratorem sibi dare oportere, ut tantum orator decumano dare cogeretur* (10, § 25). These *decumani* were the most important, in this province at least, of the *publicani* or farmers of the revenue; they had been in league with Verres in his acts of oppression, and had secretly agreed to destroy all compromising records (*in Verr.* ii. 71, § 173). The temptation on both sides must be admitted to have been great, in the case of rulers less profligate than Verres. It was easier for the governor to share the illicit gains of the *publicani* than to resist them effectually at the risk of incurring their vengeance on laying down his office; and the state, under the senatorial *régime*, was powerless against the two combined. The imperial system was the only possible way to avert the ruin of the provinces.

The agrarian law of C. Gracchus, B.C. 123, the first legal provision for selling corn to the poor of Rome under cost price, had looked to the province of Asia as a main source of supply; and from that time till the year of Pharsalia (B.C. 48) that province paid decumae, with the difference however that the lettings were by the censors at Rome, not, as in Sicily, on the spot. Hence the phrase in Cicero already quoted, "censoria locatio est, ut Asiae, lege Sempronia" (*in Verr.* iii. 6, § 12). The tithes of each city were let separately, and natives ("Asiani," *ad Att.* i. 17, § 9) might be bidders as well as Romans: Greek *decumani* met Cicero at Ephesus (*ad Att.* v. 13, § 1): Falcidius, perhaps a former tribunus militum and legatus (*pro Lege Manil.* 19, § 58), bought the *fructus* of Tralles for 900,000 sesterces, and was thought to have corruptly obtained a cheap bargain (*pro Flacc.* 37, § 91). It is an argument with Cicero for the "imperium Pompeii" against the pirates, B.C. 66, that Asia, naturally the richest of the provinces, had become unable to pay its decumae and other dues (*pro Leg. Manil.* 6, §§ 14, 15). The exactions, after peace was restored, continued intolerable, and Cicero admits that the Roman taxation (*scriptura*, *decumae*, *portorium*) was hated like death (*pro Flacc.* 8, § 19; B.C. 59). At last Caesar, after his victory, "got rid of the *publicani* and changed the decumae into a *stipendium*" (*τοὺς γοῦν τελώνας πικρότατά σφισι χρωμένους ἀπαλλάξας, ἐς φόρου συντέλειαν τὸ συμβαῖνον ἐκ τῶν τελῶν κατεστήσατο*, Dio Cass. xlii. 6). A little later, probably when the conquest of Egypt had opened up another great corn country, the decumae in Sicily were likewise abolished: Pliny (*H. N.* iii. § 91) calls most of the Sicilians *stipendiarii* (Marquardt, *Staatsverw.* ii. 185; Humbert, *ap.* D. and S., s. v. *Decumae*).

At Rome, as in Greece, we find from a very early period tithes of the spoil dedicated to the gods after important victories. Camillus vowed a tenth of the spoil of Veii to the Pythian Apollo (Liv. v. 21, 23, 25). In later times ambitious men dedicated a tenth to Hercules, and spent the money in feasting the people as a means of acquiring popularity: Sulla did this after his triumph, Crassus after his consulship (Plut. *Sull.* 35; *Crass.* 2). Hence *Herculanea pars*, Hercules' share, is used as equivalent to a tenth part by Plautus (*Truc.* ii. 7, 11; cf. *Bacch.* iv. 4, 14; *Stich.* i. 3, 80). Cn. Aufidius Orestes carried his consulship in B.C. 71 by treating the people to luncheons (*prandia*) in the streets *decumae nomine*, on pretence of its being a tithe-offering (Cic. *de Off.* ii. 17, § 58, with Holden's note). The decuma of Hercules is often mentioned in inscriptions of the republican period, but in none later than Augustus (*C. I. L.* 1113, 1175, 1290, with Mommsen's remarks i. 149 ff.; *Inscr. Regn. Neap.* 3578, 5756; Varro, *L. L.* vi. 54; Macrob. *Sat.* iii. 6, § 11; Marquardt, *Staatsverw.* iii. 362). [W. W.]

DECUMA'NA PORTA. [Castra, p. 372 ff.]

DECUMA'NI. [Decumae.]

DECUNCIS, another name for the dextans or ten unciae, a division of the as. [As.] [W. S.]

DECU'RIA, from *decem*, ten, and consequently a company of ten persons (Colum. i. 9, § 7; Gell. xviii. 7).

1. A division of the curiae. Each of the three ancient Roman tribes—the Ramnes, Tities, and Luceres—was divided into ten curiae, and each curia into ten decuriae, so that there were 300 decuriae, which, according to Niebuhr, were equivalent to the gentes, but this is doubtful (Dionys. ii. 7; Plut. *Rom.* 20; Cic. *de Rep.* ii. 8). [Gens.] The constitution of the curiae is discussed under Curia.

2. A corresponding division of the senate. The original hundred members of the senate were divided into ten decuriae, the heads of each decuria forming the Decem Primi in the senate (Liv. i. 17; cf. Ov. *Fast.* iii. 127). [Senatus.] In like manner in the municipal towns the senate, usually called curia, was divided into decuriae. [Decuriones.]

3. In the same way for military purposes each of the three Roman tribes was represented by 100 equites, called centuriae. The three centuriae were divided into ten turmae, each consisting of thirty men; every turma contained ten Ramnes, ten Tities, and ten Luceres, and each of these decuriae was commanded by a decurio (Liv. i. 13; Varr. *L. L.* v. 91; Fest. p. 71, M.; Serv. *ad* Verg. *Aen.* v. 560). [Equites.]

4. The Judices were divided into three decuriae, to which Augustus added a fourth, and Caligula a fifth decuria (Plin. *H. N.* xxxiii. § 30 foll.; Suet. *Aug.* 22; *Calig.* 16). For details, see Judex.

5. Collegia or corporations were divided into decuriae. Thus we read of decuriae of scribae, lictors, viatores, &c. (Suet. *Claud.* 1; Cic. *Verr.* iii. 79, 184; Liv. xl. 29; Tac. *Ann.* xiii. 27; Schol. *ad* Juv. v. 3; Orelli, *Inscr.* 2204, 2252, 2456, 2676, 3217, &c.). The members of these decuriae were called decuriales (Cod. Theod. xiv. 1, 3; Orelli, *Inscr.* 874, 976, 2456, &c.).

6. The tribes were divided into decuriae by electioneering agents for bribery and corruption (Cic. *Planc.* 18, 45; 19, 47; *Phil.* vii. 6, 18). [W. S.]

DECURIA'LIS. [Decuria, No. 5.]

DECU'RIO, the head or representative of a decuria.

1, 2. The head of the decuriae into which the curiae and the senate were divided. [Decuria, 1, 2.]

3. The head or commander of the decuriae of the Equites. [Decuria, 3.] But decurio was in later times the name of an officer of a division of cavalry, though such division might contain any number of men (Veget. *Mil.* ii. 14: cf. Tac. *Ann.* xiii. 40; *Hist.* ii. 29).

4. The head or representative of a decuria in corporations. [Decuria, No. 5.] In like manner we find a *decurio cubiculariorum* (Suet. *Dom.* 17), a *decurio palatii* (Amm. Marc. xx. 4, § 20; Cod. Just. xii. 16), a *decurio ostiariorum* (Spon, *Misc. Erud. Ant.* vi. p. 214), a *decurio Germanorum* (Orelli, *Inscr.* 2923), and there was even a decurio of slaves in the imperial household (Orelli, 2785).

5. But the most important decuriones were those in the municipal towns, who are the subject of the following article. [W. S.]

DECURIO'NES, CURIA'LES. In the constitution of the Italian towns (*municipia*, *coloniae*, *praefecturae*), as regulated by the Lex Julia Municipalis, B.C. 45, each municipality was governed by an assembly of the *populus*, which elected magistrates and made laws, and also by a senate, which was an administrative body. Subsequently, by a change corresponding to that which took place in Rome, the power of the popular assembly was transferred to the senate, which thus became the supreme municipal body for legislative and administrative purposes.

The municipal senate is sometimes called *senatus*, but the terms commonly used to denote it are *ordo decurionum* or simply *ordo*, and in later times *curia*. *Decuriones* or *curiales* signify members of the senate, these words being used indifferently in the same sense.

As opposed to the *decuriones*, which formed a kind of patrician class in each town, other citizens were called *plebeii*.

The word *municipes* usually comprehends all citizens, but it is used in the Theodosian code so as to include only the *decuriones* or citizens of the governing class.

The number of *decuriones* of which a municipal senate consisted was fixed by the constitution (*lex municipii*) of each municipality: it was frequently a hundred, the *centumviri* of inscriptions (Orelli, Nos. 108, 3448, 3706, 3737, 3738; cf. Cic. *de Leg. agr.* ii. 35, 96), but varied according to the size and custom of communities. The office (*honor*) of *decurio* was obligatory on all citizens called on to undertake it. *Decuriones* held office for life. Places in a *curia* which became vacant by death or incapacity of members were filled up periodically, probably every five years. Persons were made *decuriones* either by right of descent or by free election; sons succeeded in the place of their fathers; any qualified citizen might be chosen to fill the place of a *decurio* who left no son.

The *ordo* or *curia* co-opted new members, when its number was not complete. (Dig. 50, 2, l. 6, § 5; Fronto, *Epist. ad amic.* ii. 10; Cod. Theod. xii. 1, l. 66: cf. J. Gothofred, *Paratit. ad Cod. Theod.* xii. 1; Niebuhr, *ad Frontonem*, p. 218.) It is, however, maintained by some writers that, from and after the passing of the Lex Julia, *decuriones* were appointed by the higher magistrates, who drew up the *album decurionum*, and who are styled in some places *quinquennales*. (Tab. Heracl. *Quicunque in municipiis, coloniis, praefecturis, foris, conciliabulis civium Romanorum iiviri, iiiiviri erunt,—ne quis eorum quem in eo municipio, colonia, praefectura—in senatum, decuriones, conscriptosve legito neve sublegito neve cooptato neve recitandos curato nisi in demortui damnative locum.* Fabretti, *Inscr. C.* 9, p. 598. Marquardt, *Röm. Staatsverw.* i. p. 502.) To be eligible as *decurio*, a person was required to be of a certain age; the limit was thirty (Tab. Heracl. 23), till reduced by Augustus to twenty-five for the municipal senate as well as for the Roman.

A property qualification, the amount of which depended on the constitution of each town, was attached to the acquisition of membership in a *curia*, but membership was not vacated by loss of property. We learn from Pliny (*Ep.* i. 19) that at Comum a person who had less than 100,000 sesterces could not become a *decurio*. Criminals, bankrupts, persons of infamous character, and persons who followed certain employments, as *praecones, designatores, libitinarii*, were incapable of holding this office (Tab. Heracl. 23 (25); cf. Dig. 50, 2, 12). Freedmen were likewise incapable, but sometimes on account of extraordinary services they were given the *ornamenta decurionalia* by decree of the *curia* as an honorary distinction (Orelli, No. 3942).

The names of *decuriones* were inscribed on an album or register in a regular order, which was based partly on rank and partly on seniority. The album of Canusium, which was discovered in the last century and is now in the principal museum at Naples (Fabretti, *Inscr. C.* 9, p. 598; Orelli, No. 3721), shows the plan on which such an album was arranged.

The album contains the names of honorary and of actual members of the *curia*, the honorary members having precedence. The honorary members are styled *patroni*, and are of two classes, consisting (1) of *decuriones*, free from active service on account of their holding high office in the state; (2) of persons to whom honorary membership was given as a distinction (Cod. Theod. viii. 5, 46). Among actual *decuriones*, those who had served as magistrates had the first rank, each ranking according to the importance of the office he had held; lastly come the actual *decuriones* who had not served any office: these rank according to seniority of service in the *curia* (Savigny, *Gesch. d. R. R.* i. § 24).

Sometimes, though not in the album of Canusium, among actual members the first ten (*decem primi* or *principes*; cf. Liv. xxix. 15), or the first six, seven, or fifteen, are distinguished from the rest: in the Theodosian Code such *decuriones* are termed *primati, primarii*. As they were subject to greater responsibility than other *decuriones*, so they were superior in rank (Cod. Theod. xvi. 2, 39; xvi. 5, 52, 54).

The first of the *principales, primus principalis*, had precedence as president of the *curia*.

Decuriones were in close connexion with the civic magistracy, since all magistrates were elected by them, and no one who was not a *decurio* could be elected magistrate (Dig. 50, 2, 7, § 2).

In the early municipal constitution magisterial offices were not thus confined to *decuriones*, but open to citizens generally, magistrates being *ex-officio* members of the senate (Tab. Heracl.; Grüter, *Inscript.* p. 408, n. 1). Magistrates on retiring from office nominated their successors for election in the *curia*. A nominating magistrate was responsible for the good conduct of his nominee.

The position of *decurio* declined under the despotic administration of the empire, so that from having been one which was sought as a distinction it came to be regarded as a most oppressive burden. This change was mainly caused by the heavy public charges which were thrown upon *decuriones*; not only were their legal liabilities increased, but claims were enforced against them which had no foundation in law. Thus *decuriones* were legally obliged to make good any deficiency in the imperial taxes of their district, if the deficiency was due to their misconduct as tax collectors; but by a practice which was declared by many imperial constitutions to be illegal, they were forced to make good unpaid taxes, even when they were not in default.

The financial and other liabilities of *decuriones* were so onerous that persons tried to escape from them by every means in their power, as by becoming soldiers or even serfs. The difficulty of getting persons to fill the office and the degraded state into which it had fallen are illustrated by the fact that culprits were condemned to serve it by way of punishment: such punishment was, however, declared to be illegal. Even Jews and heretics were admitted to the *decurionatus*; but Justinian provided that persons belonging to these classes should not be entitled to the dignity of the office, though they were to remain subject to its liabilities. The

Theodosian Code contains numerous provisions directed against those who tried to evade their duty of service in the *curia*. As an encouragement to induce people to fulfil their duty of service, privileges were attached to membership of the *curia*. Thus illegitimate children were legitimated by being made *curiales*.

According to a law of Constantine, *decuriones* could not go out of their own districts without leave.

The first mention we find of persons being compelled to become *decuriones* is in a letter of Pliny (*Ep.* x. 113). The municipal institution of the *curia* was not confined to Italy, but extended throughout the Roman empire: the statute law of the Theodosian Code respecting *decuriones* applied to municipalities everywhere. (Savigny, *Geschichte des Röm. Rechts im Mittelalter*, i. cap. 2; J. Gothofred, *Paratit. ad Cod. Th.* xii. 1; Roth, *de re municipali Romanorum*; Hegel, *Geschichte der Stadteverfassung von Italien*; Zumpt, *Commentat. epigraph.* pp. 73–158, 170, 475; Marquardt, *Röm. Staatsverw.* i. p. 501 ff.) [E. A. W.]

DECU'RSIO, DECURSUS, DECURRERE. 1. These words were used to signify the manœuvres of the Roman army, by which the soldiers were taught to make long marches in a given time, under arms and without quitting their ranks. They are frequently mentioned by Livy (xxiii. 35, 6; xxiv. 48, 11; xxvi. 51, 4; xlii. 52, 4). These manœuvres sometimes consisted of a sham fight between two divisions of the army. ("Mos erat ... exercitum *decurrere* et divisas bifariam duas acies concurrere ad simulacrum pugnae," Liv. xl. 6, 5.) With the standing armies under the empire these manœuvres assumed a more regular form, and were constantly practised. Augustus and subsequently Hadrian ordered that the infantry and cavalry were to march out three times a month ten miles from the camp and ten miles back fully armed and equipped. This is called by Vegetius *campicursio* (Veget. i. 27; iii. 4), and by Suetonius *campestris decursio* (Suet. *Galb.* 6: cf. *Ner.* 7; Tac. *Ann.* ii. 55). Maximinus ordered that these manœuvres should take place every five days (Capitol. *Maxim. duo*, 6). (Cf. Marquardt, *Röm. Staatsverw.* ii. p. 548.)

2. The same words were used to signify the military honours paid by soldiers at the funeral of distinguished generals or emperors. Such a *decursio* is first mentioned in connexion with the funeral of Sempronius Gracchus, killed in the second Punic war (Liv. xxv. 17, 4, 5). The soldiers marched three times round the funeral pyre (Verg. *Aen.* xi. 188; Tac. *Ann.* ii. 7; Suet. *Claud.* 1; Lucan. viii. 735; Herodian. iv. 2, 19). On the base of the Antonine Column this *decursio* is represented.

Decursio on coin of Nero. (British Museum.)

3. The *decursio*, which occurs on the coins of Nero, probably refers to the military manœuvres or sham fights in the circus. The preceding cut represents a horseman with a spear, and another carrying a standard. These games date from the time of the republic, and were continued under the empire. (Liv. xliv. 9, 3; Eckhel, vi. pp. 271, 503; Becq de Fouquières, *Les Jeux des Anciens*, p. 256; Saglio, *Dict.* s. v.) [W. S.]

DECUSSIS, ten asses, as a Roman coin a ten as piece, struck after the reduction of the weight of the as, but rarely found. [As.] The name occurs in the Lex Aternia Tarpeia, B.C. 454. (Varr. *L. L.* v. 170; Fest. p. 257, 20, M.; Stat. *Silv.* iv. 9, 9; Marquardt, *Röm. Staatsverw.* ii. p. 11.) [W. S.]

DEDICA'TIO. [Apotheosis; Inauguratio.]

DEDITI'CII are the lowest of the three classes of freedmen (*pessima libertas eorum est qui dediticiorum numero sunt*, Gaius, i. 26).

The Lex Aelia Sentia (A.D. 4) provided that, if a slave was put in bonds by his master as a punishment, or branded, or put to the torture on a criminal charge and convicted, or delivered to fight with men or beasts, or committed to a gladiatorial school (*ludus*) or a public prison, and was subsequently manumitted by the same or by another owner, he should acquire by manumission the status of a *peregrinus dediticius*. The *peregrini dediticii* were people who, in former times, having taken up arms and fought against the people of Rome, had surrendered themselves.

Gaius, from whom this account of the origin of *dediticii* is taken (*Inst.* i. 12–16), also informs us of the incapacities to which this class of freedmen was subject. *Dediticii* could never under any circumstances acquire Roman citizenship (cf. Suet. *Aug.* 40). They were not allowed to reside in Rome or within the hundredth milestone from it (cf. Liv. viii. 14, § 6): if they disobeyed this prohibition, they forfeited their liberty and their goods, and were made incapable of subsequent manumission. They did not participate in any of the rights of citizenship, but only had the status of *peregrini*. This class of persons, who were neither slaves nor *cives* nor *Latini*, had died out long before the time of Justinian; it was, however, formally abolished by that emperor (Cod. vii. 5, *de dediticia libertate tollenda*; cf. *Inst.* i. 5, § 3).

The civil condition of *dediticii*, as is stated above, was formed by analogy to the condition of a conquered people, who did not individually lose their freedom, but acquired no rights of citizenship. The form of *deditio* occurs in Livy (i. 38). In the case of the Volsci Livy inclines to the opinion that the four thousand who were sold were slaves, and not *dediti*. (Gaius, i. 12–16, 25 and 27; Ulpian, xx. 14; Paul. iv. 12, 3–8; Theophilus, i. 5, 3.) [G. L.] [E. A. W.]

DEDI'TIO. [Dediticii.]

DE DOLO MALO ACTIO. [Culpa.]

DEDU'CTIO, DEDUCTOR. Some technical senses of *deducere* and its derivatives may here be noticed. The verb means mostly (i.) to conduct or escort in a complimentary or ceremonious manner, or (ii.) to lead a person away, withdraw (*e.g.* a garrison), or "show the way out." In the former sense we get (1) "deductio sponsae in domum mariti" (Dig. 23, 2, 5); (2) the *deductio* of a candidate by his friends, hence called *deductores* (Q. Cic. *de Pet. Cons.* 9; Plin. *Ep.* iv. 17; AMBITUS); (3) the solemn founding of a colony [COLONIA, p. 479 *b*]. From the latter come the law-terms *deducere*, "to eject from land," *deductio*, "ejectment," with a view to try the question of ownership. The act is thus explained by Savigny (*Verm. Schriften*, i. 299, *ap.* Long, *Cicero*, ii. 148): "It was part of the form of many disputes about property in land, that both parties should meet on the land on some day on which they agreed, and that the one should put the other out,—that is, should eject him with the appearance of force; and so the whole transaction was named a conventional violence, *ex conventu vim fieri*" (Cic. *pro Caecin.* 8, § 22). This was called *deductio quae moribus fit*, as distinguished from *deductio vi solida* (Gell. xx. 10, § 10), when real force was used: "constituere quo die in rem praesentem veniretur, ut de fundo Caecina moribus deduceretur" (Cic. *ib.* 7, § 20). Gellius (*l. c.*) calls it "vis civilis et festucaria," *i.e.* controlled by the praetor's rod (*festuca*). It did not matter which of the two parties was formally ejected by the other; the ground for an action at law would be equally gained (Cic. *pro Tull.* § 20). This took the place of an earlier formula, *ex jure manum consertum* [supine] *vocare.* [ACTIO, p. 15 *a*; VINDICATIO.] [W. W.]

DEFENSOR CIVITA'TIS. The oppression of the lower orders of the people by the more powerful, which was prevalent throughout the Roman empire in the fourth century, owing to the general weakness and corruption of local government, led to the institution of a new municipal officer, called *defensor civitatis, plebis, loci*, in Greek ἔκδικος, whose function it was to defend the rights of the inhabitants of a civitas; the regio or district of a civitas including all the vici within a certain radius as well as the principal town.

An edict of the Emperor Valentinian I. issued in 364 A.D. to Probus, praefectus praetorio, first established this office, but only for the province of Illyricum. By this edict the governor of the province was directed to choose a trustworthy person, not being a curialis, qualified by high official rank or by practice as an advocate, for each city of the dioceses subject to him, in order that the plebs of all Illyricum might be protected by means of public guardians (*patroni*) from injuries at the hands of the powerful (Cod. Theod. i. 29, 1).

In the next year, 365 A.D., Valentinian extended the office of defensor to all parts of his empire, including Italy, but with some changes in its constitution. Each civitas acquired the right of choosing a defensor from its most eminent and independent citizens, who were bound to serve the office in a prescribed order. Curiales or decuriones, the class from which magistrates were taken, could not hold this office.

The election of a defensor was made by the whole civitas, and not, as in the case of magistrates, by the curia alone, the choice of the township had to be confirmed by the emperor or his deputy, the praefectus praetorio At first a defensor held office for five years, but the term was reduced by Justinian to two years. The protection of the inhabitants of his district from oppression of all kinds, and especially from that of the imperial governor and local authorities, was always considered to be the main object of a defensor civitatis ("ut imprimis parentis vicem plebi exhibeas," Cod. Just. i. 55, 5). Moreover it was his business to prevent the taxes being made too burdensome. For the purpose of prosecuting oppressors, he had free access to the court of the governor, and, if necessary, he could bring his complaints against the governor or other officials before the emperor or ministers of the imperial government. The defensor acted as judge in civil cases of minor importance; his jurisdiction was first limited by Justinian to fifty solidi, and afterwards extended by that emperor to three hundred solidi. He had the right of appointing guardians and of registering many formal proceedings: as, *e.g.*, the declaration of gifts above a certain amount (*donatio*) and the making of wills. Justinian gave him an exceptor or clerk and executive officials (*officiales*).

Not being a magistrate, he had originally no power of inflicting any punishment ("nullas infligant multas, nullas exerceant quaestiones," Cod. Theod. i. 29, 7), but subsequently a petty jurisdiction was conferred on him. In course of time, as new duties were attached to the office, the position of a defensor came to resemble that of a magistrate; in rank, however, he had precedence of magistrates.

The institution of defensor civitatis failed to effect the object for which it was established and fell into contempt. The Emperor Majorian in 458 A.D., and the Emperor Justinian in 535 A.D., tried to revive its importance by legislation, but unsuccessfully. (Cod. Theod. i. 29 (11); Cod. Justin. i. 55; Nov. Majoriani, 3; Nov. Just. 15; Bethmann-Hollweg, *Römische Civilprocess*, iii. 107; Savigny, *Geschichte des röm. Rechts*, i. 23; Schmid, *de Civit. defensore*; Desjardins, *de Civit. defensore.*) [E. A. W.]

DE'FRUTUM. [VINUM.]

DEICELISTAE (δεικελισταί). [COMOEDIA.]

DEIGMA (δεῖγμα), a particular place in the Peiraeus, as well as in the harbours of other states, where merchants exposed samples of their goods for sale. (Harpocrat., Hesych. *s. v.*; Pollux, ix. 34; Aristoph. *Eq.* 979; Dem. *c. Lacr.* p. 932, § 29; *c. Polycl.* p. 1214, § 24; Theophr. *Char.* 23.) The samples themselves were also called *deigmata.* (Plut. *Demosth.* 23; Boeckh, *P. E.* p. 58.) [W. S.]

DEJECTI EFFUSIVE ACTIO. If any person threw or poured anything from the room of a house upon a place commonly frequented by people, and thereby caused damage, the praetor's edict gave the injured party an action against the occupier of the house or part of the house from which the thing had been thrown or poured. There was the same liability on account of a thing which had been suspended from a building, and which by its fall injured people, as for a thing which had been actually thrown.

The action is said to be given against the occupier on account of the public interest in the security of traffic (Dig. 9, 3, 1, § 1). It was not necessary to show, in order to maintain the action, that the occupier was personally to blame: hence as the existence of either *dolus* or *culpa* is implied in the nature of a delict, the liability in question is not classified by Justinian in his Institutes under *obligationes ex delicto*, but under *obligationes quasi ex delicto*. A defendant who had been condemned in this action on account of the wrongful act of another had a claim to recover his damages from the wrongdoer (*regressus*). If several persons inhabited a house and any injury was caused by something thrown or poured from it, the injured party could recover from any one of them the entire damages. The action was to some extent modified by the particular character of the injury done. If a free man (*homo liber*) was killed or wounded, the action was *actio popularis*, i.e. it could be maintained by anyone. If the man was killed, a penalty of fifty aurei was recoverable; if only wounded, the amount of damages was left to the discretion of the *judex*. When the action was brought by the injured party himself, the expenses of a medical attendant, loss of time, and loss of a man's earnings during the time of his cure, or loss of future earnings by reason of his having been rendered incapable of making such earnings, were taken into account in the assessment of damages. The action was limited to the period of a year (*annus utilis*), unless it was brought by the injured party himself.

In case of injury of any other kind than that done to a free man, the plaintiff recovered double the amount of the damage which he had suffered; but in this case the action could only be brought by the injured party or by his heir.

As many of the houses in Rome were lofty, and inhabited to the top by the poor, and probably as there were very imperfect means for carrying off rubbish and other accumulations, it was necessary to provide against accidents which might happen by such things being thrown through the window (Cic. *Agr.* ii. 35, § 96; Hor. *Ep.* i. 1, 91; Juv. iii. 268, x. 17). (*Inst.* iv. 5, §§ 1, 2; Dig. 9, 3; Glück, *Pand.* x. 392; Wys, *Haftung für fremde Culpa*, p. 66.) [G. L.] [E. A. W.]

DEJECTUM EFFUSUM. [DEJECTI EFFUSIVE ACTIO.]

DEILIAS GRAPHE' (δειλίας γραφή). [ASTRATEIAS GRAPHÉ.]

DEIPNON (δεῖπνον). [CENA.]

DELA'TIO NO'MINIS. In Roman criminal procedure the first step was to apply to the praetor to allow the accusation to be made (*postulare*), the next formally to arraign the defendant (*nomen deferre*). Some writers (*e.g.* Rein in Pauly, *s. v.*) have not marked this distinction with sufficient clearness. The two steps of the process are sometimes separated by an appreciable interval; while Dolabella was prosecuting Ap. Claudius, his wife Fabia left him *inter postulationem et nominis delationem* (Caelius to Cicero, *ad Fam.* viii. 6),—a divorce which cleared the way for Dolabella's marriage with Tullia. Elsewhere we find *delationem nominis postulare* (Cic. *Div. in Caecil.* 20, § 64). The judge might himself take the initiative and declare his readiness to receive a *nominis delatio;* this, however, is mentioned among the oppressive proceedings of Verres (Cic. *in Verr.* ii. 38, § 94; iv. 19, § 40).

The postulatio and nominis delatio occur most frequently in prosecutions of magistrates and provincial governors for misconduct in office [REPETUNDAE]; especially under the Lex Servilia, passed by the tribune Glaucia (B.C. 106 or 105) in spite of the opposition of the senate, which greatly improved the chances of redress. The fragments of this law are collected by Orellius, and have been separately edited by Klenze. (Cf. Rein, *ap.* Pauly; Long, *Excursus on Repetundae* in his Cicero, i. 38–41; *Lex Servil.* ed. Klenze, pp. 5, 33 ff. For the use of the phrase in charges of murder, Cic. *pro Rosc. Am.* 3, § 8; *pro Cluent.* 8, § 23; *pro Cael.* 23, § 56: in other cases, *in Verr.* ii. 28, § 68; *ad Q. Fr.* ii. 4.) [W. W.]

DELATO'RES. This term was originally applied to those who gave notice to the officials of the treasury of moneys that had become due to the treasury. (The verb *deferre* is in classical Latin always joined with *nomen* when used in this sense; it is only later that it takes an accusative of the person charged.) It subsequently received a wider application. A *delator* was not identical with our "informer;" the term covered two classes, one consisting of those who themselves acted as prosecutors, the other of those who simply gave information. The legislature of Augustus gave the first stimulus to the habit of delation, by granting pecuniary rewards to those who secured the conviction of offenders against his laws relating to marriage (Tac. *Ann.* iii. 28). The Lex Julia de maiestate, by rewarding the successful prosecutor with a fourth part of the estate of the condemned (Tac. *Ann.* iv. 20), gave a fatal encouragement to this class; and although Tiberius appears to have endeavoured at first to check the practice (*ib.* i. 73), it became during his reign a veritable scourge; and as his suspicious temper developed, he actually encouraged them (*ib.* iv. 30, "delatores, genus hominum publico exitio refertum et ne poenis quidem satis coercitum, per praemia eliciebantur"). Caligula at the beginning of his reign *negavit se delatoribus aures habere* (Suet. *Calig.* 15), and Nero reduced the rewards of those who prosecuted offenders against the Papian law to the legal fourth part (Suet. *Nero*, 10). Titus severely punished them (Suet. *Tit.* 8); Domitian at first followed his example (Suet. *Dom.* 9), but soon proved ready to use them as the tools of his tyrannous greed. They were again banished by Trajan (Plin. *Paneg.* 34), and denounced by a rescript of Constantine (Cod. x. 11, 5). But the need of this constant repression proves what a standing evil this class must have been to the state. (Cf. Mayor's notes on Juvenal, i. 33–36, iv. 48, x. 70; Rein, *Criminalrecht*, 817–820; Geib, *Röm. Criminalprocess*, 350–2.) [A. S. W.]

DELECTUS. [EXERCITUS.]

DE'LIA (δήλια), the name of festivals and games celebrated at the great panegyris in the island of Delos, the centre of an amphictyony, to which the Cyclades and the neighbouring Ionians on the coasts belonged. (Hom. *Hymn. in Apoll.* 147, &c.) This amphictyony seems originally to have been instituted simply for the purpose of religious worship in the common sanctuary of Apollo, the θεὸς πατρῷος of the Ionians, who was believed to have been born at Delos. The Delia, as appears from the Hymn on Apollo (compare Thuc. iii. 104; Pollux, ix.

61), had existed from very early times, and were celebrated every fifth year (Pollux, viii. 104), and as Boeckh supposes, with great probability, on the sixth and seventh days of Thargelion, the birthdays of Apollo and Artemis. The members of the amphictyony assembled on these occasions (ἐθεώρουν) in Delos, in long garments, with their wives and children, to worship the god with gymnastic and musical contests, choruses, and dances. That the Athenians took part in these solemnities at a very early period, is evident from the Deliastae (afterwards called θεωροί) mentioned in the laws of Solon (Athen. vi. p. 234); the sacred vessel (θεωρίς), moreover, which they sent to Delos every year, was said to be the same which Theseus had sent after his return from Crete. (See the commentators on Plato, *Crito*, p. 43 C.) The Delians, during the celebration of these solemnities, performed the office of cooks for those who visited their island, whence they were called Ἐλεοδύται (Athen. iv. p. 173).

In the course of time the celebration of this ancient panegyris in Delos had ceased, and it was not revived until Ol. 88, 3, when the Athenians, after having purified the island in the winter of that year, restored the ancient solemnities, and added horse-races which had never before taken place at the Delia. (Thuc. *l. c.*) After this restoration, Athens being at the head of the Ionian confederacy took the most prominent part in the celebration of the Delia; and though the islanders, in common with Athens, provided the choruses and victims, the leader (ἀρχιθέωρος), who conducted the whole solemnity, was an Athenian (Plut. *Nic.* 3; Wolf, *Introd. ad* Demosth. *Lept.* p. xc.), and the Athenians had the superintendence of the common sanctuary. [AMPHICTYONES.]

From these solemnities, belonging to the great Delian panegyris, we must distinguish the *lesser Delia*, which were celebrated every year, probably on the 6th of Thargelion. The Athenians on this occasion sent the sacred vessel (θεωρίς), which the priest of Apollo adorned with laurel branches, to Delos. The embassy was called θεωρία, and those who sailed to the island, θεωροί: and before they set sail a solemn sacrifice was offered in the Delion, at Marathon, in order to obtain a happy voyage. (Müller, *Dor.* ii. 2, § 14.) During the absence of the vessel, which on one occasion lasted thirty days (Plat. *Phaed.*, p. 58 B; Xen. *Mem.* iv. 8, § 2), the city of Athens was purified, and no criminal was allowed to be executed. The lesser Delia were said to have been instituted by Theseus, though in some legends they are mentioned at a much earlier period, and Plutarch (*Thes.* 23) relates that the ancient vessel used by the founder himself, though often repaired, was preserved and used by the Athenians down to the time of Demetrius Phalereus. (Boeckh, *P. E.* p. 214, &c. 2nd edit.; Thirlwall, *Hist. of Greece*, vol. iii. p. 217; A. Mommsen, *Heortol.* pp. 84 and 402 ff.) [L. S.]

DELICTUM. [CRIMEN.]

DE'LPHICAE MENSAE. [ABACUS, p. 1 *b*.]

DELPHI'NI or DELPHI'NES, dolphins, seven in number, placed on the meta of the circus. [CIRCUS, pp. 434, 435.] [W. S.]

DELPHI'NIA (δελφίνια), a festival of the same expiatory character as the Apollonia, which was celebrated in various towns of Greece, in honour of Apollo, surnamed Delphinius, who was considered by the Ionians as their θεὸς πατρῷος. The name of the god, as well as that of his festival, must be derived from the belief of the ancients that in the beginning of the month of Munychion (probably identical with the Aeginetan Delphinius) Apollo came through the defile of Parnassus to Delphi, and began the battle with Delphyne. As he thus assumed the character of a wrathful god, it was thought necessary to appease him, and the Delphinia accordingly were celebrated at Athens, as well as at other places where his worship had been adopted, on the 6th of Munychion. At Athens seven boys and girls carried olive-branches, bound with white wool (called the ἱκετηρία), into the Delphinium. (Plut. *Thes.* 18; A. Mommsen, *Heortol.* p. 398 ff.)

The Delphinia of Aegina are mentioned by the Scholiast on Pindar (*Pyth.* viii. 88); and from his remark on another passage (*Olymp.* vii. 151), it is clear that they were celebrated with contests. (Compare Diog. Laërt. *Vit. Thal.* c. 7; Müller, *Dor.* ii. 8, § 4.) Concerning the celebration of the Delphinia in other places, nothing is known; but we have reason to suppose that the rites observed at Athens and in Aegina were common to all festivals of the same name. See Müller, *Aeginet.* p. 152. [L. S.]

DELPHIS (δελφίς), a mass of lead armed with bronze or iron, perhaps in the shape of a dolphin, used for sinking an enemy's ship. (Aristoph. *Eq.* 759; Thuc. vii. 41; Schol. *ad loc.*; Hesych. *s. v.*) In action, the delphis was hauled up from the deck to the point of a yard-arm, which was swung round by braces till over the hostile deck; the machine was then instantly let fall, after which it was again drawn up and deposited on board. The νῆες δελφινοφόροι were probably only of the transport class (ὁλκάδες), as swift (ταχεῖαι) triremes would have been impeded by the great weight. (B. Graser, *de Veter. Re Navali*, pp. 82, 83: cf. *fistucae*, Vitr. iii. 3, and x. 3; *machinationes*, Caes. *B. G.* iv. 17.) [J. M.]

DELUBRUM. [TEMPLUM.]

DEMARCHI (δήμαρχοι), the presidents of the demes (δῆμοι) in Attica, are said to have been first appointed by Cleisthenes when he abolished the ναύκραροι. [NAUCRARIA.] They were probably elected by vote and not by lot (Schömann, *Antiq.* i. 368, E. T.; cf. *C. I. A.* ii. 578). Their duties were various and important. Thus they convened meetings of the demotae, and took the votes upon all questions under consideration; they had the custody of the ληξιαρχικὸν γραμματεῖον, or book in which the members of the deme were enrolled (Dem. *c. Eubul.*, p. 1317, § 60; Schol. Aristoph. *Nub.* 37); and they made and kept a register of the landed estates (χωρία) in their districts, whether belonging to individuals or the corporate property of the deme (Schol. *l. c.*; Boeckh, *P. E.* p. 512 = *Sthh.*^{3} i. 596 f.). The existence of this register has been recently doubted by Lipsius (on *Att. Process*, p. 305, n. 308; p. 310, n. 317) and Fränkel (on Boeckh *l. c.*, notes 818, 819); see, however, in support of Boeckh's view, Gilbert (*Staatsalterth.* i. 195), and especially Thalheim's rejoinder to Lipsius (*Rechtsalterth.* p. 49 n.). Whether we are to read *χωρίων* or *χρεῶν* in the Scholiast matters less than Boeckh thought, as there is sufficient evidence that both "lands" and "debts" came within the purview of the demarchs. They undoubtedly collected rents and other monies, both sacred and profane, on behalf of the deme (Boeckh, *P. E.* p. 305 = *Sthh.*^{3} i. 374 f.); rents of temple lands (*μισθώσεις τεμενῶν*, Dem. *c. Eubul.* p. 1318, § 63); the *ἐγκτητικὸν* or tax paid by the holders of land in a deme other than their own (*C. I. A.* ii. 589; ENCTESIS); and in their financial capacity were assisted by two *ταμίαι* (*C. I. A.* ii. 570, 579, 585), or sometimes by one *ταμίας* only, as at Eleusis (*C. I. A.* ii. 574). In this capacity they had the power of distraint [ENECHYRA], to which allusion is made by Aristophanes (*Nub.* 37) and in several passages of the grammarians (Harpocrat., *Etym. M.*, s. v.; *Lex. Rhet.* p. 242; *Lex. Seguer.* p. 199, 4). That the sphere of their activity extended beyond their own deme, and that they were employed for various debts and dues claimed by the state, as Boeckh, though with some hesitation, is inclined to think (*P. E.* p. 157 = *Sthh.*^{3} i. 192), is at least not proved. The one inscription, "a perhaps obscure example," as Boeckh admits (*ἐκπραττόντων δὲ οἱ δήμαρ*[χοι], *C. I. G.* 80 = *C. I. A.* i. 79), more probably refers, like those already cited, to their power of exaction within their own deme; and the words of the decree against Antiphon (*τῷ δὲ δημάρχῳ ἀποφῆναί τε οἰκίαν, κ.τ.λ.* [Plut.] *Vitt. X. Oratt.* p. 834 A, a mutilated passage) point rather to a single locality.

In the duties which have been enumerated they supplanted the *naucrari* (*ναύκραροι*) of the old constitution; and they added others to them. As local police magistrates they could impose a fine (*ἐπιβολὴν ἐπιβάλλειν*) for disobedience to a decree of the demotae, *e.g.* for entering the Thesmophorion without leave of the priestess (*C. I. A.* ii. 573 b); they were required to bury, or cause to be buried, any dead bodies found in their district, indemnifying themselves by levying double the expense on the relations of the deceased, if their order to bury were disobeyed: for neglect of this duty they were liable to a fine of 1000 drachmas (Lex *ap.* Dem. *c. Macart.* p. 1069, § 58). They distributed the theoric fund [THEORICA] among their demotae (Dem. *c. Leochar.* p. 1091, § 37; *C. I. A.* ii. 163; Plaut. *Aulul.* i. 2, 29; Fränkel, n. 410); and conducted those honoured with *προεδρία* to their places in the theatre (*C. I. A.* ii. 589). The case of their assisting to prepare the *κατάλογος* or list for military service seems to have been exceptional: on an emergency the *βουλευταὶ* and *δήμαρχοι* were ordered by a psephisma to furnish lists of those able to serve (Dem. *c. Polycl.* p. 1208, § 6). (Pollux, viii. 118; Hermann, *Staatsalterth.* § 111; Schömann, *Assemblies*, p. 376 ff.; Thalheim, *Rechtsalterth.* pp. 49, 115; and especially Gilbert, *Staatsalterth.* p. 194 f., who gives the fullest references to inscriptions.)

Δήμαρχοι was also the name given by Greek writers to the Roman tribunes of the plebs (Dionys. vi. 89; Plut. *Cor.* 7, &c.).

[R. W.] [W. W.]

DEMENS. [CURATOR.]

DEMENSUM. [SERVUS.]

DEME'NTIA. [CURATOR.]

DEME'TRIA (*δημητρία*), an annual festival which the Athenians, in 307 B.C., instituted in honour of Demetrius Poliorcetes, who, together with his father Antigonus, were consecrated under the title of "saviour gods." It was celebrated every year in the month of Munychion, the name of which, as well as that of the day on which the festival was held, was changed into Demetrion and Demetrias. A priest ministered at their altars, and conducted the solemn procession, and the sacrifices and games with which the festival was celebrated. (Diod. Sic. xx. 46; Plut. *Demetr.* 10, 46.) To honour the new god still more, the Athenians at the same time changed the name of the festival of the Dionysia into that of Demetria, as the young prince was fond of hearing himself compared to Dionysus. The Demetria mentioned by Athenaeus (xii. p. 536) are probably the Dionysia. Respecting the other extravagant flatteries which the Athenians heaped upon Demetrius and Antigonus, see Athen. vi. p. 252; Herm. *Staatsalterth.* § 175, n. 6, 7, and 8; Thirlwall, *Hist. of Greece*, vol. vii. p. 331; Grote, *Hist. of Greece*, xii. p. 506 ff. [L. S.]

DEMINU'TIO CA'PITIS. [CAPUT.]

DEMIOPRA'TA (*δημιόπρατα*) were property confiscated at Athens and sold by public auction. The confiscation of property was one of the most common sources of revenue in many Greek states; and Aristophanes (*Vesp.* 659, *Eq.* 103, with the Scholia) mentions the *δημιόπρατα* as a separate branch of the public revenue at Athens. A chapter of Boeckh's *Public Economy* is devoted to this subject (book iii. ch. 14; cf. also ii. 8, p. 197, E. T. = *Staatshh.*^{3} i. 251). These sales were under the direction of the POLETAE (*q. v.*), who presented their reports to the people in the first assembly of each prytany (Pollux, viii. 95); they also set up lists of *δημιόπρατα* (probably after the sale) upon tablets of stone in the Acropolis, at Eleusis (where many forfeitures accrued to the temple of Demeter and Cora under the law of *ἀσέβεια*), and elsewhere. Several fragments of such lists are preserved in inscriptions; one of the most important, throwing light on the prices realised by the Poletae, is discussed in Boeckh-Fränkel (ii. 129 ff.). The danger of confiscation was constantly impending over public debtors, such as the farmers of the revenue and their sureties, and those in arrear with taxes (*ὑπερήμεροι*): and it was aggravated by the encouragement given to informers, especially when, as in the time of the Social War, the treasury was labouring under chronic deficits (cf. Boeckh, *P. E.* p. 435 = *Staatshh.*^{3} i. 511). For examples of the harshness with which the law of distraint might be carried out, and the suffering thereby caused to individuals, see Dem. *c. Androt.* p. 610, § 56 ff.; *c. Timocr.* p. 762, § 197; and the speech against Neaera, p. 1347, § 6 ff. Not only the contents of a house might be taken under an execution, but the very doors were sometimes wrenched off (Lys. *de Bon. Aristoph.* § 31; Dem. *c. Timocr.* l. c.). On *δημιόπρατα* in general, see Boeckh-Fränkel, Index, s. v. *Güter*; Meier, *de Bonis Damnatorum*, p. 160 ff. [W. S.] [W. W.]

DEMIURGI (*δημιουργοί*). 1. In the heroic age *δημιουργοὶ* are not merely "skilled artisans," but "artists," including the highest forms of professional skill in every department then practised; not only carpenters, but soothsayers, surgeons, and bards (Hom. *Od.* xvii. 383), as well as heralds (*ib.* xix. 135). Cf. Schömann, *Antiq.* i. 42 f., E. T.

2. The name of one of the inferior classes in early Attica. [Geomori.]

3. Magistrates, described by some grammarians as peculiar to Dorian states; but perhaps on no authority, except the form *δαμιουργοί*. Müller (*Dorians*, vol. ii. p. 145) observes, on the contrary, that "they were not uncommon in the Peloponnesus, but they do not occur often in the Dorian states." They existed among the Eleians and Mantineians, with whom they seem to have been the chief executive magistracy (Thuc. v. 47, § 10). A distinction may here be noted; at Mantineia it is *οἱ δημιουργοὶ καὶ ἡ βουλή*, at Elis *οἱ δ. καὶ οἱ τὰ τέλη ἔχοντες καὶ οἱ ἑξακόσιοι*. This constitution belongs to a period of moderate reform, after the fall of the Eleian oligarchy and before the rise of unmixed democracy (Schömann, *Antiq.* i. 172, E. T.). We also read of demiurgi in the Achaean league, who probably ranked next to the strategi. [Achaicum Foedus, p. 9 *b*.] Officers named *Epidemiurgi*, or upper demiurgi, were sent by the Corinthians to manage the government of their colony at Potidaea. (Thuc. i. 56.) [R. W.] [W. W.]

DE'MIUS (*ὁ δήμιος*), the public executioner at Athens, a slave, who was the servant of The Eleven. For references, see Demosii, Hendeka, Hoi, and Tormentum. [W. S.]

DEMOCRA'TIA (*δημοκρατία*), that form of constitution in which the sovereign political power is in the hands of the demus, or commonalty. In the article Aristocratia the reader will find noticed the rise and nature of the distinction between the politically privileged class of nobles and the commonalty, a class personally free, though without any constitutionally recognised political power. It was this commonalty which was properly termed the demus (*δῆμος*). The natural and inevitable effect of the progress of society being to diminish, and finally do away with, those distinctions between the two classes on which the original difference in point of political power was founded, when the demus, by their increasing numbers, wealth, and intelligence, had raised themselves to a level, or nearly so, in real power and importance with the originally privileged class, now degenerated into an oligarchy, a struggle was sure to ensue, in which the demus, unless overborne by extraneous influences, was certain to gain the mastery. The sovereign power of the demus being thus established, the government was termed a democracy. There might, however, be two modifications of the victory of the commonalty. If the struggle between the classes had been protracted and fierce, the oligarchs were commonly expelled. This was frequently the case in the smaller states. If the victory of the commonalty was achieved more by the force of moral power than by intestine warfare and force of arms, through the gradual concessions of "the few," the result (as at Athens) was simply the entire obliteration of the original distinctions. This form of the constitution was still, in the most literal sense of the term, a democracy, for as wealth and birth no longer formed the title to political power, though the wealthy and noble still remained citizens of the commonwealth, the supreme power was to all intents and purposes in the hands of the class formerly constituting the demus, by virtue of their being the more numerous. (Aristot. *Pol.* iv. 4, p. 1290 b, 17.) When the two classes were thus equalised, the term demus itself was frequently used to denote the entire body of free citizens—"the many," in contrast with "the few."

It is obvious that, consistently with the maintenance of the fundamental principle of the supreme power being in the hands of the demus, various modifications of the constitution in detail might exist, and different views might be held as to what was the perfect type of a democracy, and what was an imperfect or a diseased form of it. Aristotle (*Pol.* iv. 4) points out that a democracy cannot be defined by the mere consideration of numbers: it is rather, when every free citizen is a member of the sovereign body (*δῆμος μέν ἐστιν ὅταν οἱ ἐλεύθεροι κύριοι ὦσιν*, p. 1290 b, 1). This definition he expresses in a more accurate form thus: *ἔστι δημοκρατία μὲν ὅταν οἱ ἐλεύθεροι καὶ ἄποροι πλείους ὄντες κύριοι τῆς ἀρχῆς ὦσιν* (*ib.* 17). It would still be a democracy if a certain amount of property were requisite for filling the public offices, provided the amount were not large. A *Politeia* itself is one species of democracy (*Pol.* iv. 3, p. 1290, 18), democracy, in the full sense of the word, being a sort of *παρέκβασις* of it. But for a perfect and pure democracy it was necessary that no free citizen should be debarred on account of his inferiority in rank or wealth from aspiring to any office, or exercising any political function, and that each citizen should be allowed to follow that mode of life which he chose. (Arist. *Pol.* iv. 4, p. 1292, 1; vi. 1, p. 1317 b, 12.) In a passage of Herodotus (iii. 80), where we probably have the ideas of the writer himself, the characteristics of a democracy are specified to be—1. equality of legal rights (*ἰσονομίη*); 2. the appointment of magistrates by lot; 3. the accountability of all magistrates and officers; 4. the reference of all public matters to the decision of the community at large. Aristotle also (*Rhet.* i. 8, § 4) says: *ἔστι δὲ δημοκρατία μὲν πολιτεία ἐν ᾗ κλήρῳ διανέμονται τὰς ἀρχὰς, ὀλιγαρχία δὲ ἐν ᾗ οἱ ἀπὸ τιμημάτων*. In another passage (*Pol.* vi. 1, 1317 b, 18), after mentioning the essential principles on which a democracy is based, he goes on to say: "The following points are characteristic of a democracy: that all magistrates should be chosen out of the whole body of citizens; that all should rule each, and each in turn rule all; that either all magistracies, or those not requiring experience and professional knowledge, should be assigned by lot; that there should be no property qualification, or but a very small one, for filling any magistracy; that the same man should not fill the same office twice, or should fill offices but few times, and but few offices, except in the case of military commands; that all, or as many as possible of the magistracies, should be of brief duration; that all citizens should be qualified to serve as dicasts; that the supreme power in everything should reside in the public assembly, and that no magistrate should be entrusted with irresponsible power except in very small matters. (Comp. Plat. *Rep.* viii. pp. 558, 562, 563; *Legg.* iii. p. 690, C; vi. p. 757, E.) Aristotle (*Pol.* iv. 3, 4, 5; vi. 1, 2) describes the various modifications which a democracy may assume. It is somewhat curious that neither in practice nor in theory did the representative system attract any attention among the Greeks.

That diseased form of a democracy, in which from the practice of giving pay to the poorer citizens for their attendance in the public assembly, and from other causes, the predominant party in the state came to be in fact the lowest class of the citizens (a state of things in which the democracy in many respects resembled a tyranny: see Arist. *Pol.* iv. 4, p. 1292, 18), was by later writers (Polyb. vi. 4, 57; Plut. *de Monarch.* c. 3) termed an *Ochlocracy* (ὀχλοκρατία—the dominion of the mob); but the term is not found in Aristotle. (Wachsmuth, *Hellenische Alterthumsk.* c. 7, 8; K. F. Hermann, *Staatsalterth.* §§ 52, 66–72; Thirlwall, *History of Greece*, vol. i. c. 10; Schömann, *Antiq.* i. 335–347, E. T.; Thalheim, *Rechtsalterth.* pp. 32–38.) [C. P. M.] [W. W.]

DEMONSTRA'TIO. [ACTIO.]

DEMOPOIE'TOS (δημοποίητος). [CIVITAS (Greek), pp. 443 *a*–444 *a*.]

DEMO'SII (δημόσιοι), public slaves at Athens, bought by the state. The most numerous class were the τοξόται or Σκύθαι, a force of police (under officers called τόξαρχοι) also called Σπευσίνιοι, from the first organiser of the service. (Poll. viii. 131–2, δημοσίου ὑπηρέται, ib.; Schol. Arist. *Ach.* 54, δημόσιοι ὑπ., φύλακες τ. ἄστεος; Phot. *s. v.* τοξόται.) Their duty was to preserve order in the assembly, courts, public places, and public works. They were at first encamped in tents in the agora, and afterwards removed to the Areopagus. Certain of them were in personal attendance on officials, *e.g.* the Prytaneis (Arist. *Ach.* 54; *Thesm.* 940, 1002 ff.), Probuli (Arist. *Lysistr.* 441 ff.)—especially police-officers: Astynomi, Agoranomi (v. Plat. *Prot.* p. 319 C; Xen. *Mem.* iii. 6, § 1). The corps dated from the year of Salamis, when 300 were bought; they were later increased to 1200. (Andoc. *de Pac.* 5, 7; Aesch. *de fals. Leg.* § 173 f.; Boeckh, *P. E.* 206 ff. = *Sthh.*^{3} i. 262 ff.)

Executioners, torturers, &c., whether police or not, were also slaves (Poll. viii. 71; Harp., *Etym. M.*, δημόκοινος; Bekk. *Anecd.* 236, 8; Thalheim, *Rechtsalterth.*, p. 124; Büchsenschütz, *Bes. u. Erw.* p. 104 ff.). Demosii were also employed in the treasury, in subordinate places in the assembly and courts, as checking-clerks (ἀντιγραφεῖς); their amenability to torture making them especially serviceable for such duties. The state undertook their training. (Schol. *ad* Dem. 2, 19; as φυλακὴ τῶν χρημάτων, Dem. *de Chers.* p. 101, § 47; ἀντιγραφεῖς, Bekk. *Anecd.* 197, 24 ff.; *C. I. A.* ii. 403.)

In the mint were slave workmen (Andoc. in Schol. to Arist. *Vesp.* 1007, *fr.* 6, Blass), as also in the mines. Exceptionally, as at Arginusae, demosii rowed in the galleys. As to legal position of public slaves, see *Att. Process*, p. 559 = 751, Lips.; Becker-Göll, *Charikles*, iii. 36. (Boeckh, *op. cit.*; Gilbert, *Staatsalterth.* i. 166–7, 219, &c.; id. *Beitr. z. inn. Gesch. Ath.* p. 367.) [J. M.]

DEMUS (δῆμος: on the etymology see Liddell and Scott, ed. 7), a country district, Lat. *pagus*. In contrasting "town" (πόλις) and "country" (περιοικίς), the Dorians called the divisions of the latter κῶμαι, the Athenians δῆμοι (Aristot. *Poet.* 3, § 6). Hence in the earlier Greek poets we find δῆμος applied to the outlying country population who tilled the lands of the inhabitants of the πόλις (Hom. *Il.* iii. 50; *Od.* vi. 3, viii. 555, xi. 14, xiv. 43; Hes. *Op.* 527).

The Demes (δῆμοι), as the subdivisions of Attica were called, had existed from a remote period, though in smaller numbers than they subsequently attained. As in the rest of Greece, many of them had been originally independent cities, each with its own πρυτανεῖον and βουλή: but the revolution ascribed to Theseus had consolidated the whole of Attica under one government, all the local magistracies and councils being made to centre in the prytaneum and senate of Athens. Henceforward Athens was the one city in the land; the demes became constituent portions of Athenian territory (Thuc. ii. 15). "Of the general fact there is no reason to doubt, though the operative cause assigned by the historian, the power and sagacity of Theseus, belongs to legend and not to history." (Grote, pt. ii. ch. 10, vol. ii. p. 277). Traces of this former independence survived to later times: Eleusis, alone among Attic demes, was allowed to retain the title of πόλις, and to coin its own money (Strab. ix. p. 395; cf. Gilbert, *Staatsalterth.* i. 193; a coin of Eleusis in *Dict. Geogr.* s. v.). A standing feud between the demes of Pallene and Hagnus* dated from the mythical wars, and they refused each other the right of intermarriage (ἐπιγαμία) and the friendly greeting (Ἀκούετε λεῴ) of the herald (Plut. *Thes.* 13). The ἐγκτητικὸν moreover, or tax on the occupation of land or houses in a different deme from that to which men belonged by birth, shows a curious survival of the ancient exclusive spirit of citizenship at a time when all were, in common, citizens of Athens alone. It is from the time of Cleisthenes that the historic importance of the demes commences. His legislation abolished the four old Ionic tribes for all but ceremonial purposes [PHYLOBASILEIS], while the gentes and phratries which composed them continued to exist as family and religious associations, but without political privilege. The new political organisation consisted of ten tribes, and of demes, stated to have now amounted to one hundred. The ten new tribes were not, strictly speaking, territorial divisions of the country. The older writers, who regarded them in this light, found a difficulty in the fact that demes of the same tribe were situated at opposite extremities of Attica (Thirlwall, *Hist. Gr.* ii. 74 and App. i. to same volume). In reality the already existing demes, probably with their numbers increased by subdivision, became the political units or "primitive constituent element of the commonwealth" (Grote); and the tribes were mere groups of demes arbitrarily arranged, and in no case all adjacent to

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* Or Agnus; the breathing is doubtful. Inscriptions, so useful in determining the true spelling of demotic names (*e.g.* Κολλυτεύς, not Κολυττεὺς as in some MSS.), do not help us here.

each other. The priority of the demes to the tribes is implied in the account of Herodotus, that Cleisthenes "distributed" the demes among the tribes by tens (*δέκα δὲ καὶ τοὺς δήμους κατένειμε ἐς τὰς φυλάς*, Herod. v. 69: on this, the right explanation of *δέκα* in this passage, cf. Stein *ad loc.*; Schömann, *Antiq.* i. 365 n., E. T.; Grote, ch. 31, iii. 115 n.). The distinction drawn by Dionysius (iv. 14) between the earlier Roman tribes and those of Servius, calling the former genealogical (*φυλαὶ γενικαί*) and the latter local (*τοπικαί*), applies also to the old-Ionic and the Cleisthenean tribes at Athens; but the ten Attic tribes were only so far local as being formed out of an aggregate of demes or parishes, not as themselves identified with a particular part of the country. The motives of this change are expressed by Aristotle as "the more complete fusion of all interests and the breaking up of old ties or associations" (*ὅπως ἂν ὅτι μάλιστα ἀναμιχθῶσι πάντες ἀλλήλοις, αἱ δὲ συνήθειαι διαζευχθῶσιν αἱ πρότερον*, *Pol.* vii. [vi.] 4, § 19). The local quarrels of the *πάραλοι*, *διάκριοι*, and *πεδιαῖοι*, so rife during the preceding century, now came to an end; the local predominance of the city, and the formation of a city interest distinct from that of the country, was obviated; which could hardly have failed to arise had the city by itself constituted either one deme or one tribe. Cleisthenes distributed the city (or found it already distributed, but this is less likely) into several demes, and these demes among several tribes; while Peiraeus and Phalerum, each constituting a separate deme, were also assigned to different tribes. On the object of this part of the Cleisthenean legislation see further in Grote (*l. c.* pp. 112–114).

The demes thus constituted bore some resemblance to an English parish, a still closer one to the German *Gemeinden* (especially in Switzerland), and the French *Communes*, having, like the latter, municipal organisation. (See these points further worked out in Haussoullier, *Vie Munic. en Attique*, pp. 207–210.) In extent, likewise, they must have varied within much the same limits as parishes in England: Attica with its 720 square miles being about equal in area to one of the smaller English counties, and the number of demes or parishes, which in both cases gradually increased, being about the same in each. The number of demes before the time of Cleisthenes is not known; but if those with patronymic names (*Βουτάδαι*, *Σκαμβωνίδαι*, *Χολλεῖδαι*, &c.) were all founded by him, it may have been under seventy, as these last amount to upwards of thirty in our lists. Schömann in his *Antiquities* (i. 365, E. T.) adheres to the opinion expressed in his earlier works, that Cleisthenes raised the number to exactly 100; and so Gilbert (*Staatsalterth.* i. 192). K. F. Hermann, while agreeing that this is what Herodotus meant to say, doubts whether the fact were really so (*Staatsalterth.* § 111). About B.C. 200 Polemon *ὁ περιηγητής* (*ap.* Strabo, ix. p. 396) reckoned 174; and some have thought that this had always been the number, and that Cleisthenes left many of them in a subject condition, to be enfranchised in later times (Niebuhr, *Hist. Rom.* ii. 308, E. T.). It is now universally admitted that this number was reached by a process of subdivision, which indeed did not stop here: 182 names of demes, or eight more than the supposed limit, have now been recovered (Gilbert, p. 193 n.); and Szanto thinks that they may have ultimately amounted to 190 (*Untersuch.* p. 34: Haussoullier demurs, but gives no reasons, p. 182). Several points connected with the legislation of Cleisthenes are confessedly obscure; but it seems certain that he introduced a uniform system (much as the French did, when at the Revolution they substituted departments for the old provinces), and that his hundred demes covered the whole soil of Attica, including the capital. If we bear in mind the ancient contrast between *πόλις* and *δῆμος*, it will seem much more probable that the city demes were now first constituted than that they existed previously, a point which Grote leaves undetermined. There is reason to think that these demes, with the Peiraeus and Phalerum, amounted to just ten, one being assigned to each tribe (compare *Dict. Geogr.* i. 325 a, with Grote, iii. 114 n.); an arrangement which must have tended to equalise the number of citizens in each tribe. There was every reason why the tribes, which contributed equal numbers to the senate and the dicasteries, and perhaps to other offices as well [ARCHON, p. 167 *a*], should be as nearly equal as possible; no reason why they should always have contained the same number of demes, or why the demes themselves should be of equal extent. The growth and movement of the population in the course of time accounts, quite naturally, for the increase in the number of the demes and the re-arrangement of their boundaries. We know that, in fact, the demes varied greatly in size: Acharnae was much the largest, supplying no less than 3000 hoplites in the time of the Peloponnesian war (*οἱ Ἀχαρνῆς μέγα μέρος ὄντες τῆς πόλεως*, Thuc. ii. 20); Halimus, the deme of Thucydides and of Euxitheus, the plaintiff in the speech against Eubulides, one of the smallest (Dem. *c. Eubul.* p. 1316, § 57; Haussoullier, p. 182). The names of the demes were derived either from natural features (*e.g.* *Ποταμὸς καθύπερθεν* and *ὑπένερθεν*), from neighbouring places (*e.g.* *Οἶον Δεκελεικόν*, *Οἶον Κεραμεικόν*), from plants which grew there (*e.g.* *Μαραθών*, *Ῥαμνοῦς*, *Μυρρινοῦς*, *Μυρρινοῦττα*), from trades carried on in them (*e.g.* *Κεραμεῖς*), or from inhabitants (*e.g.* *Ἑκάλη* and the patronymics in *-δαι* generally: *ἢ ἀπὸ τῶν τόπων, ἢ ἀπὸ τῶν παρακειμένων αὐτοῖς, ἢ ἀπὸ τῶν ἐν αὐτοῖς φυτῶν, ἢ ἀπὸ τῶν ἐν αὐτοῖς χειροτεχνῶν, ἢ ἀπὸ τῶν οἰκησάντων ἀνδρῶν καὶ γυναικῶν*, *Etym. M.* s. v. *Ἑλεεῖς*: cf. Schol. Aristoph. *Plut.* 586). Like the ten tribes, the first hundred demes all had eponymous heroes, known collectively as the *ἑκατὸν ἥρωες* (Herodian, *περὶ μονηροῦς λέξεως*, 17, 8; Schömann, *Antiq.* i. 367, E. T.); a fact which lends some plausibility to Leake's conjecture, *οἰκισάντων* for *οἰκησάντων* in the passage from the *Etym. M.* The demes with gentile or patronymic names are ascribed, as we have seen, either wholly or in part to Cleisthenes; and Schömann has pointed out that they were situated mainly in that part of the country which has been assigned to the old-Ionic tribe of the *Γελέοντες*, and where accordingly the greatest number of noble families and the most important of them lived (*l. c.* p. 366 n.). The Butadae were one of the noblest and most exclusive of these families;

and when their name became that of a deme, the distinction of the original stock was maintained by their calling themselves Eteobutadae or "genuine Butadae." Thus Lycurgus the orator was *τὸν δῆμον Βουτάδης, γένους τοῦ τῶν Ἐτεοβουταδῶν* (Plut. *Vitt. X. Oratt.* p. 841 B). If Philaïdae were really the *deme* and not the *gens* of Pisistratus (Plut. *Sol.* 10), we have an example of a patronymically named deme in the old times. But this is most likely an oversight of Plutarch's; indeed it is doubtful whether, in those days, Athenians were usually described by the name of their deme at all; and in all probability the deme Philaïdae was carved by Cleisthenes out of the territory of Brauron, one of the ancient cities of Attica, though Schömann (*l. c.*) thinks that the reverse was the case.

The municipal organisation of the demes was very complete, both from the civil and the religious point of view. They formed independent corporations, and had each their several magistrates, landed and other property, with a common treasury. They had likewise their respective assemblies convened by the demarch, in which was transacted the public business of the deme, such as the leasing of its estates, the annual elections of officers, the revision of the registers or lists of *Demotae* (*δημόται*), and the admission of new members [DEMARCHI]. Other magistrates, besides the demarch, were *ταμίαι* or treasurers, *ἀντιγραφεῖς*, controllers or checking clerks, and *ὁρισταί*, whose office was religious as well as civil: they not only settled boundaries, mostly of sacred places, but saw that the rules of exclusion were enforced (*e.g.* in the Thesmophorion at Peiraeus, *C. I. A.* ii. 573 b). Each deme appears to have kept what was called a *πίναξ ἐκκλησιαστικός*, or list of those demotae who were entitled to vote in the general assemblies of the whole people (Dem. *c. Leochar.* p. 1091, § 35). In financial matters they supplanted the old naucraries (*ναυκραρίαι*) of the four tribes, each deme being required to furnish to the state a certain quota of money and contingent of troops, whenever necessary. Each had, moreover, its peculiar temples and religious worship (*δημοτικὰ ἱερά*, Pausan. i. 31; Pollux, viii. 108), with priests chosen annually by the demotae (Dem. *c. Eubul.* p. 1313, § 46): and priests as well as magistrates had to submit to a *δοκιμασία*, in the same way as the public officers of the state. At Aexone we find for the religious establishment of this one deme four *ἱεροποιοὶ εἰς τὸ τῆς Ἥβης ἱερὸν* chosen by lot, two *σωφρονισταὶ* and a *κῆρυξ*, in this instance apparently to preserve order in a night-festival (*παννυχίς*), a *ἱερεὺς τῶν Ἡρακλειδῶν*, a *ἱέρεια τῆς Ἥβης καὶ τῆς Ἀλκμήνης*, and an *ἄρχων* attached to the service of the two goddesses (*C. I. A.* ii. 581). In Halimus a priest of Heracles, a favourite form of demotic worship in Attica, is chosen by lot from among the *εὐγενέστατοι* (Dem. *c. Eubul.* p. 1313, § 46; 1318, § 62). In Athmonon we have a decree in honour of six *μεράρχαι*, who had shown liberality in providing sacrifices (apparently as a local *λειτουργία*) for the festival of the Amarysia (*C. I. A.* ii. 580). The scamping of public works was prevented by *ἐπιτιμηταί*, as in the theatre at Peiraeus (*C. I. A.* ii. 573; cf. Boeckh, *Sthh.*³ i. 260). Further details on the *ἱερὰ δημοτικὰ* will be found in the elaborate work of Haussoullier, pp. 136–173. The *δικασταὶ κατὰ δήμους* belonged to the public, not the demotic organisation [TETTARACONTA, HOI].

Cleisthenes, like Solon before him, admitted many foreigners to the franchise, who according to his system were necessarily enrolled among the demes. The right explanation of the much-canvassed phrase in Aristotle (*πολλοὺς ἐφυλέτευσε ξένους καὶ δούλους μετοίκους*, *Pol.* iii. 2 = p. 1275 b, 37) is that he made citizens both of free-born foreigners (*ξένοι*) and slaves who by emancipation had already become *μέτοικοι* (Grote, ch. 31, iii. 110 n.; Gilbert, *Staatsalterth.* i. 144). Since a son was registered in the deme of his natural or adoptive father, non-residence must soon have become common; but this would not cause any inconvenience, as the meetings of each deme were not held within its limits, but at Athens (Dem. *c. Eubul.* p. 1302, § 10). The only difference it made was the payment of the *ἐγκτητικὸν* to the demotic treasury, which however was sometimes remitted by decree [ENCTESIS]. Those who in later times acquired the citizenship by vote of the Athenian people (the *δημοποίητοι*) were usually allowed to select at pleasure the deme, tribe, and phratry in which they would be enrolled; see the inscriptions quoted under CIVITAS, pp. 443 *b*, 444 *a*.

Two of the most important functions of the general assemblies of the demes were the admission of new members and the revision of the names of members already admitted. The register of enrolment was called *κοινὸν γραμματεῖον* (Dem. *c. Eubul.* p. 1317, § 60; Bekk. *Anecd.* 272, 27), or more usually *ληξιαρχικὸν γραμματεῖον* (Isae. *Or.* 7 [Apollod.], § 27; Dem. *c. Leoch.* p. 1094, § 35), because any person whose name was inscribed on it could enter upon an inheritance and enjoy a patrimony (*διὰ τὸ τῶν λήξεων ἄρχειν· λήξεις δ' εἰσὶν οἵ τε κλῆροι καὶ αἱ οὐσίαι*, Harpocrat. *s. v.*; Gilbert, *Staatsalterth.* i. 187); *λαγχάνειν κλῆρον* being thus equivalent to the Roman phrase *adire hereditatem*. These registers were kept by the demarchs, who, with the approbation of the members of the deme assembled in general meeting, inserted or erased names according to circumstances. Thus, when a youth was proposed for enrolment, it was competent for any demote to object to his admission on the ground of illegitimacy, or non-citizenship by the side of either parent. The demotae decided on the validity of these objections under the sanction of an oath, and the question was determined by a majority of votes (Dem. *c. Eubul.* p. 1318, § 61). The same process was observed when a citizen changed his deme in consequence of adoption (Isae. *Or.* 7 [Apollod.], §§ 28, 29). Sometimes however a demarch was bribed to place, or assist in placing, on the register of a deme, persons who had no claim to citizenship (Dem. *c. Leoch.* p. 1091, § 37). To remedy this admission of spurious citizens (*παρέγγραπτοι*) the *διαψήφισις* was instituted [DIAPSEPHISIS]. Lastly, as inscriptions abundantly show, crowns and other honorary distinctions could be awarded by the demes in the same way as by the tribes. (Grote, ch. 10, ii. 272 ff.; ch. 31, iii. 108 ff.; K. F. Hermann, *Staatsalterth.* § 111, &c.; Schömann, *Antiq.* i. 336, 366 f., E. T.; Gilbert, *Staatsalterth.* i. 142 ff., 192 ff.; Szanto, *Untersuchungen über das Attische Bürgerrecht*, Vienna, 1881;

Haussoullier, *La Vie Municipale en Attique*, &c., Paris, 1884: and for the geography of the demes, Leake, *Demi of Attica*, ed. 2, 1841; Ross, *Die Demen von Attica*, Halle, 1846; *Dict. Geogr.* i. 325–336.) [R. W.] [W. W.]

DENA'RIUS, translated by "penny" in the A. V. of the Bible, was the principal silver coin among the Romans, and was so called because it was originally equal to ten asses; but on the reduction of the weight of the as, it was made equal to sixteen asses, except in military pay, in which it was still reckoned as equal to ten asses. The denarius was first coined five years before the first Punic war, B.C. 269. An account of the introduction and the subsequent reductions of the denarius is given under As, p. 205, where its value and subdivisions are fully discussed, and the authorities given. It is sufficient to state here that its normal weight during the last two centuries of the republic was 60 grains, and its value about 8½*d.* Its chief subdivisions in silver coins was the *quinarius* or half denarius, and the *sestertius* or quarter denarius [SESTERTIUS].

Denarii. (British Museum. Actual size.)

For other divisions and for the types found upon the coins, see As. [P. G.]

DENDRO'PHORI, a collegium or corporation of carpenters, frequently mentioned in inscriptions in imperial times. They formed originally a religious corporation, carrying the sacred tree in the worship of the Magna Mater (*collegium dendrophorum Matris magnae*), and were under the Quindecimviri. (See inscriptions quoted by Marquardt, *Röm. Staatsverw.* iii. pp. 356, 380.) Some modern critics have supposed that there were two collegia of Dendrophori, one religious, and the other of artificers; but it is more probable that they were in later times a college of carpenters under the protection and in the service of the Magna Mater. In an ordinance issued by Constantine in 315 they are mentioned along with the centonarii and fabri (Cod. Theod. xiv. 8). They were suppressed by Honorius and Theodosius in 415 as a heathen collegium (Cod. Theod. xvi. 10, 20, § 2), after which time their name does not appear. (Bossieu, *Inscr. de Lyon*, p. 412; Marquardt, *Privatl. d. Römer.* p. 698.) [W. S.]

DENICA'LES FE'RIAE. [FERIAE.]

DENS or DENTALE. [ARATRUM.]

DENTIFRI'CIUM (*ὀδοντότριμμα, ὀδοντόσμηγμα*), dentifrice or tooth-powder, appears to have been skilfully prepared and generally used among the Romans. A variety of substances, such as the bones, hoofs, and horns of certain animals, crabs, egg-shells, and the shells of the oyster and the murex, constituted the basis of the preparation. Having been previously burnt, and sometimes mixed with honey, they were reduced to a fine powder. Though fancy and superstition often directed the choice of these ingredients, the addition of astringents, such as myrrh, or of nitre and of hartshorn ground in a raw state, indicates science which was the result of experience, the intention being not only to clean the teeth and to render them white, but also to fix them when loose, to strengthen the gums, and to assuage toothache. (Plin. *H. N.* xxviii. § 178–9, xxxi. § 117, xxxii. § 65, 79; Scrib. Larg. *Comp.* 59.) Pounded pumice was a more dubious article, though Pliny (xxxvi. § 156) says, "Utilissima fiunt ex his dentifricia." [J. Y.] [J. H. F.]

DEPAS (*δέπας*), a cup with two handles, frequently mentioned by Homer, seems to have been a generic term, like *ποτήριον* (Asclepiades, *ap.* Athen. xi. 24, p. 783 a, who says it is the same as the *ἄλεισον*). It was used in libations, and was usually of gold (*Il.* xxiii. 196, xxiv. 285, &c.), but later of earthenware (*Anth. Pal.* iv. 333). The term is applied to the golden bowl or boat in which the sun floated back from west to east during the night (Stesich. *fr.* 8 Bergk; Aesch. *fr.* 66 Dind.; and other quotations *ap.* Ath. xi. 469 e, f). As a specific term it was probably applied to cups of a bowl-like shape, and is therefore identified by Panofka and Dennis with the form given in the annexed cut.

Depas. (Dennis, *Etruria.*)

Depas is frequently used in Homer with the epithet *ἀμφικύπελλον* (*Il.* i. 584, vi. 220), which has given rise to much discussion. It was, however, probably a double-cup, with a bottom halfway up, like a dice-box. That this was the form of the cup is inferred from a passage of Aristotle (*Hist. An.* ix. 40), where he describes the cells of bees as having two openings divided by a floor, like the *ἀμφικύπελλα* (Buttmann's *Lexilogus*, s. v.). Cups of this kind have been found in the cemeteries of Bologna, but the Homeric cups had two handles, while these have none (Dennis, *Etruria*, ii. p. 515).

Mr. Dennis points out that the golden cups which Schliemann found at Hissarlik and Mycenae, and which are figured in his works, are probably instances of the simple depas, but not of the *ἀμφικύπελλον*, if the previous explanation of the form of the latter is correct (Dennis, *Etruria*, i. p. cxix.; Schliemann, *Troy*, p. 326, *Mycenae*, pp. 231, 234). [W. S.]

DEPENSI ACTIO. [INTERCESSIO.]

DEPONTA'NI SENES, a name given to men sixty years of age, hence called *sexagenarii*, because they were freed from the obligation of voting in the comitia; that is, of passing over the bridges (*pontes*) which led into the saepta, where the voting took place. [Comitia, p. 508 *a*.] This is the most probable explanation of the word; and it is doubtful whether men of sixty years of age were absolutely deprived of the franchise, though this was the case if we accept literally the statement that they were thrust back from voting, "de ponte dejiciebantur" (Fest. pp. 75, 334, M.). Some ancient writers supposed that the name *depontani* had reference to a barbarous custom of antiquity, that men of sixty years of age were thrown down from the *pons sublicius* into the Tiber, but this interpretation was repudiated by Varro and Verrius. (Fest. *ll. cc.*; Varr. *ap.* Non. p. 523; Cic. *Rosc. Am.* 35, 100; Ov. *Fast.* v. 623; Macrob. i. 5; Plut. *Quaest. Rom.* 32.) [W. S.]

DEPORTA'TIO. [Exsilium.]

DEPO'SITI ACTIO. [Depositum.]

DEPO'SITUM is a real contract which consists in one man entrusting a movable thing to another to keep until it is demanded back, and without any reward for the trouble of keeping it. The party who makes the *depositum* is called *deponens* or *depositor*, and he who receives the thing is called *depositarius*. The main object of *depositum* is to benefit the *deponens*, and not the *depositarius*. Accordingly the *depositarius* has, as a rule, no right to make use of the thing deposited, the contract by which one person lends a thing to another for his gratuitous use being *commodatum*, and not *depositum*. The *deponens* is benefited by the *depositum* without being obliged to give anything in return. If money is promised to a person for taking care of a thing, the contract is *locatio conductio*, and not *depositum*. If anything else except money is promised, the contract is one of the *innominati contractus*. The act of deposit may be purely voluntary; or it may be from necessity, as in the case of fire, shipwreck, or other casualty. The *depositarius* is bound on demand to restore the thing deposited to the *deponens*, or to the person to whom the *deponens* has ordered it to be restored. If he cannot restore it, or cannot restore it uninjured, he is liable, should such loss or injury be due to his wilful misconduct (*dolus*) or to gross negligence (*culpa lata*), which is equivalent to wilful misconduct; but he is not liable on account of ordinary negligence (*culpa levis*), except under special circumstances, as that he has agreed to undertake such liability, or has benefited in some way by the contract. The reason why he is not bound as a rule to take any special care of the thing is, that he has derived no benefit from the contract. With the thing itself he must restore all appurtenances and any *fructus* which the thing has produced. The remedy by which the *deponens* could enforce these obligations is the *actio depositi directa*. The *actio* is in *duplum*, if the deposit was made from necessity: if the *depositarius* lost the action, he suffered *infamia* as a consequence. The *depositarius* on his side is entitled to be secured against all damage which he may suffer from the deposit through any *dolus* or *culpa* on the part of the *deponens*, and to all costs and expenses incurred by his charge: his remedy against the *deponens* is by an *actio depositi contraria*.

Roman law recognised an irregular kind of deposit, which consists in depositing fungible things, such as money, with another person, on the understanding that an equal quantity of things of the same kind shall be restored, and not the identical things deposited, as in an ordinary deposit. In this case the *depositarius* has the use of the things deposited, the property in them passing to him: consequently he is subject to all risk of loss. This transaction is distinguished from a loan (*mutuum*) by the fact that it is entered into in the interest of the person who makes over the things, and not in that of the person who receives them.

A deposit of a *res litigiosa* with some indifferent person, until an action relating to such *res* has been decided, is called sequestration.

(Dig. 16, 3; Cod. iv. 34, *Mos. et Rom. Legum Coll.* x.; Cic. *de Off.* i. 10; Juv. xiii. 60; Asher, *Zeitsch. f. Civ. und Pr. R.* xxii. 8; Arndts in Haimerl's *Vierteljahrschrift*, xvii. 8; Windscheid, *Pandekten*, § 374, &c.) [E. A. W.]

DERMA'TIKON (δερματικόν, sc. ἀργύριον), the hide-money; that is, the money paid into the treasury at Athens from the sale of the hides of victims slain at the festivals. (Boeckh, *P. E.* p. 333 = *Sthh.* i.^{3} p. 405; App. viii., vol. ii. p. 100–102; *C. I. A.* ii. 741 A.) [W. S.]

DESERTOR is defined by Modestinus to be one "qui per prolixum tempus vagatus, reducitur," and differs from an *emansor*, "qui diu vagatus ad castra egreditur" (Dig. 49, tit. 16, s. 3). Those who deserted in time of peace were punished by reduction to the ranks (*gradus dejectio*, Val. Max. ii. 7, § 4), corporal chastisement, fines, or ignominious dismissal from the service (*missio ignominiosa*, [Caes.] *B. Afr.* 54). Those who left the standards in time of war were usually punished with death (Dionys. xi. 43; Liv. *Epit.* lvi.; Tac. *Ann.* xiii. 36; Lamprid. *Al. Sev.* 51). The *transfugae*, or deserters to the enemy, when taken, were sometimes deprived of their hands or feet (Liv. xxvi. 12; Val. Max. ii. 7, § 11), but generally were put to death. In imperial times they were exposed to wild beasts (Val. Max. *l. c.* §§ 13, 14; Dig. *l. c.* § 10). (Marquardt, *Staatsverw.* ii. 553.) [W. S.] [W. W.]

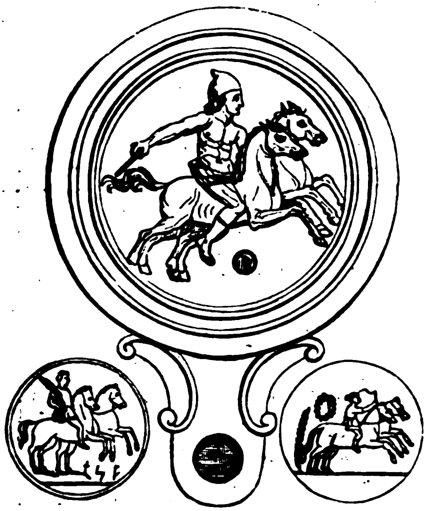
DESIGNA'TOR. [Funus.]

DESMOTE'RION (δεσμωτήριον). [Carcer.]

DESPOSIONAUTAE (δεσποσιοναῦται). [Helotae; Libertus.]

DESULTOR (ἀποβάτης, μεταβάτης), literally "one who leaps off," was applied to a person who rode several horses or chariots, leaping from one to the other. As early as the Homeric times, we find the description of a man who keeps four horses abreast at full gallop, and leaps from one to another, amidst a crowd of admiring spectators. (*Il.* xv. 679–684; Propert. v. 2, 35; Agostini, *Gemme*, 193.) In the games of the Roman circus this sport was also very popular. The Roman desultor generally rode only two horses at the same time, sitting on them without a saddle, and vaulting upon either of them at his pleasure. (Isid. *Orig.* xviii. 39.) He wore a hat or cap made of felt. The taste for these exercises was carried to so great an extent, that young men of the highest rank not only drove bigae and quadrigae in the circus, but exhibited these feats of horsemanship. (Suet. *Jul.* 39: cf. Varr. *R. R.* ii. 7; Valer. Flacc. vi. 161; Liv. xliv. 9.) Among other nations this species of equestrian dexterity was applied to the purposes of war. Livy mentions a troop of horse in the Numidian army, in which each soldier was supplied with a couple of horses, and, in the heat of battle and when clad in armour, would leap with the greatest ease and celerity from that which was wearied or disabled upon the back of the horse which was still sound and fresh (xxiii. 29). The Scythians, Armenians, and some of the Indians were skilled in the same art.

The annexed woodcut shows three figures of desultores, one from a bronze lamp, published by Bartoli (*Antiche Lucerne Sepolcrali*, i. 24), the others from coins. In all these the rider wears a pileus, or cap of felt (Hygin. *Fab.* 81), and his horse is without a saddle; but these examples prove that he had the use both of the whip and the rein. On the coins we also observe the wreath and palm-branch as ensigns of victory. [J. Y.] [J. H. F.]



Desultores. (From an ancient lamp and coins.)

DETESTA'TIO SACRO'RUM. [GENS.]

DEVERSO'RIUM. [CAUPONA.]

DEUNX, eleven ounces, eleven-twelfths of the as [AS], not represented by a coin, or eleven-twelfths of anything. (Varr. *L. L.* v. 172; Cic. *Caecin.* 6, 17.) [W. S.]

DEXTANS, ten ounces, ten-twelfths of the as [AS], not represented by a coin, or ten-twelfths of anything. (Varr. *L. L.* v. 172; Suet. *Ner.* 32.) [W. S.]

DEXTRA'LE (Cyprian. *Hab. Virg.* med.), and DEXTROCHERIUM (from *dexter* and χείρ, the hand, Capitol. *Maxim.* 6, *Maxim. Jun.* 1; *gemmata dextrocheria*, Schol. *ad* Juv. ix. 50), late Latin words, signifying a bracelet. For illustrations, see ARMILLA. [W. S.]

DIABATE'RIA (διαβατήρια), a sacrifice offered to Zeus and Athena by the Spartan kings on passing the frontier of Laconia in command of an army (Xen. *Rep. Lac.* 13, § 2 ff.). If the victims were unfavourable, they disbanded the army and returned home (Thuc. v. 54, 55, 116; cf. Xen. *Hell.* iii. 4, § 3; iv. 7, § 2; v. 3, § 14, 4, §§ 37, 47). We also find διαβατήρια offered by a Roman general in passing a swollen river (Plut. *Lucull.* 24). [W. S.] [W. W.]

DIABATHRON (διάβαθρον). [CALCEUS, p. 332 *b*, No. 4.]

DIADE'MA (διάδημα), a white band or fillet used to encircle the head. (Val. Max. vi. 2, § 7.) This ornament was of Oriental origin, and is frequently represented on the heads of Eastern monarchs. Hence the Greeks transferred it to their divinities. Its invention is ascribed by Pliny (*H. N.* vii. § 191) to "Liber pater"; and accordingly on coins and other works of art Dionysus is represented with a diadema or band on his head, as is shown in the accompanying coin of the city of Naxos in Sicily. (See also the figure of Dionysus on p. 356.) In the same way we find on the coins of Bruttii the heads of Apollo and Hercules wearing the diadema (Eckhel, i. p. 166); and Pliny (*H. N.* xxxiv. § 79) speaks of a statue of Apollo as crowned with a diadema (*diadematus*).

Diadema on head of Dionysus. (Coin of Naxos in Sicily. British Museum.)

The diadema was worn by the Assyrian kings. In the earliest monuments only one band passed round the head-dress of the monarch, but at a later period two or more were introduced, as in the accompanying figure (Layard, *Nineveh*, ii. p. 320). In the same way a blue band variegated with white spots encircled the tiara or cidaris of the Persian kings. (Xen. *Cyr.* viii. 3, § 13; Plut. *de Frat. Am.* c. 18; Lucian, *Pisc.* 15; "cidarim Persae vocabant regium capitis insigne: hoc caerulea fascia albo distincta circumibat," Curt. iii. 3, § 19; vi. 20, § 4: see drawing under TIARA.) It was adopted by Alexander after the conquest of Darius (Justin, xii. 3; Lucian, *Dial. Mort.* 12, 3), and became the recognised symbol of royalty. It appears constantly on the coins of the successors of Alexander in Syria and Egypt (see annexed cuts), and consisted of a broad white band encircling the head, with bands hanging down behind. Its white colour is frequently mentioned by ancient writers (ταινία λευκὴ περὶ τῷ μετώπῳ, Lucian, *Navig.* 39; Appian, *B. C.* ii. 108; "candida fascia," Suet. *Caes.* 79; "albentibus spumis in modum diadematis," Tac. *Ann.* vi. 37; "vitta albente," Sil. Ital. xvi. 241). The

Diadema on head-dress of the Assyrian king. (Kouyunjik.)

Diadema on heads of Seleucus II., king of Syria (left-hand figure), and of Ptolemaeus II., king of Egypt (right-hand figure). (Coins in British Museum.)

example of the Diadochi was followed by other Grecian kings, for though Agathocles did not adopt it (Diod. xxiv 5), it was worn by subsequent kings of Syracuse. Thus it appears on the coins of Hieron II., though Eckhel thinks that they were struck after his death, because it would appear from Livy (xxiv. 5), that it was first adopted by his grandson Hieronymus. (Eckhel, i. p. 253.)


Diadema on head of Hieron II. (Coin in British Museum.)

The diadema, as a symbol of royalty (*regni insigne*, Cic. *Phil.* iii. 5, 12), was hateful to the Romans, and was therefore refused by Julius Caesar, when M. Antonius offered him a laurel crown encircled by a diadem (**Διάδημα στεφάνῳ δάφνης περιπεπλεγμένον**, Plut. *Caes.* 61, *Anton.* 12; Cic. *Phil.* ii. 34, 85; Suet. *Caes.* 79). A diadem had been previously placed upon his statue, but was removed by order of the tribunes (Suet. *l. c.*; Dio Cass. xliv. 9; Appian, *B. C.* ii. 108). This diadem, like that of the Grecian kings, is expressly said to have been a white band (Suet., Appian, *ll. cc.*). It is indicative of the feeling of the Romans against the name of king and the emblem of kingly power, that succeeding emperors, though they exercised despotic power and assumed the *corona radiata* as a mark of divinity [Corona, p. 550 *a*], are never represented with the diadem on their coins till the time of Constantine. The mad Caligula thought of assuming the diadem, and turning the *principatus* into a *regnum*, but gave up the idea (Suet. *Cal.* 22. Aurel. Vict. *Epit.* 3 says that Caligula actually assumed the diadem). Elagabalus also wished to use a jewelled diadem (Lamprid. *Elagab.* 23). Aurelius Victor says (*Epit.* 35) that Aurelianus was the first emperor who wore a diadem, but this is not confirmed by coins. It first appears, as we have already said, on the coins of Constantine, sometimes in a plain form, and sometimes adorned with precious stones. (Cf. Aurel. Vict. 41 of Constantine, "caput exornans perpetuo diademate.") In the *Chronicon Alexandrinum* it is said that Constantinus was the first who wore the diadem adorned with pearls (Eckhel, vi. p. 80), and Claudian speaks (*de Nupt. Honor.* 167) of the diadem inwoven with heavy pearls gathered in the Erythrean sea. The diadem was regularly worn by the emperors succeeding Constantine. Thus Julian had a magnificent diadem adorned with precious stones ("ambitioso diademate utebatur lapidum fulgore distincto," Amm. Marc. xxi. 1, § 4). The diadem was continually increased in richness, size, and splendour, till this bandage was at length converted into the crown which has been for many centuries the badge of sovereignty in modern Europe (Eckhel, vi. p. 18; viii. pp. 79, 363, 502).

Before the diadem was worn by the Roman emperors as a symbol of sovereignty, it was used as a head-dress by Roman women. Thus Isidore (*Orig.* xix. 31) defines the diadema as "ornamentum capitis matronarum ex auro contextum." (Becker-Göll, *Gallus*, iii. p. 279; Marquardt, *Privatl.*, p. 681.) [W. S.]

DIADICA'SIA (**διαδικασία**), in its most extended sense, is almost a synonym of **δίκη**, but always includes the notion of a *dispute between* rival claimants, not an action by one *against* another. In purely political questions, we find the word applied to arguments which of two parties were to get the credit or bear the blame of what had happened (Aeschin. *Ctes.* § 146; Dem. *de Chers.* p. 103, § 57). The phrase **ἐν τοῖς φίλοις διαδικάσασθαι** is applied to a settlement out of court (Dem. *c. Onet.* i. p. 864, § 2). Technically, diadicasia denotes the proceedings in a contest for preference between two or more rival parties, either as to the possession of property or as to exemption from personal or pecuniary liabilities. To the former class (rights or privileges) belong cases of disputed inheritance (Dem. *c. Leochar.* p. 1082, § 7); of contests for priesthoods or temple property, several of which are recorded by the grammarians; the claims of private creditors upon a confiscated estate (Bekk. *Anecd.* p. 236); and the contests between informers claiming rewards offered for the discovery of crimes (Andoc. *de Myst.* § 28). The latter class (burdens) includes cases like the Antidosis; questions as to who should undertake a trierarchy or a choregia (Xen. *Rep. Ath.* 3, §§ 4, 5; Dem. *c. Aphob.* ii. p. 841, § 17), or as to who was to be held responsible for debts due to the state (Dem. *c. Timocr.* p. 704, § 13; *c. Everg. et Mnes.* p. 1147, §§ 26–32). The essential distinction between diadicasia and the ordinary **δίκαι** is, that all the claimants are similarly situated with respect to the subject of dispute, and no longer classified as plaintiffs and defendants. As far as forms are concerned, we are not told that these suits differed from others. (Meier, *Att. Process*, ed. Lipsius, p. 367 ff.; Platner, *Klagen und Process*, ii. 309 ff.; Caillemer, *Droit de Succession*, p. 161 ff.; Thalheim, *Rechsalterth.* § 11 = § 66 Hermann.) [J. S. M.] [W. W.]

DIA'DOSEIS (**διαδόσεις**). [Dianomae.]

DIAETA. [Domus, p. 672 *b*.]

DIAETETAE (**διαιτηταί**), arbitrators, umpires. The Diaetetae mentioned by the Athenian orators were of two kinds: the one public and appointed by lot (**κληρωτοί**), the other private and chosen (**αἱρετοί**) by the parties who referred to them the decision of a disputed point, instead of trying it before a court of justice; the judgments of both, according to Aristotle, being founded on equity rather than law (**ὁ γὰρ διαιτητὴς τὸ ἐπιεικὲς ὁρᾷ, ὁ δὲ δικαστὴς τὸν νόμον**, *Rhet.* i. 13, § 19).

The institution of the public Diaetetae is placed by some modern writers in the time of the orator Lysias; but they were in all probability of far higher antiquity. So natural a mode of settling disputes, it is well argued by Schömann and Perrot, could hardly fail to have been adopted in the most primitive times. In the period for which we have more particular information, a certain number of citizens, somewhat advanced in years—the minimum age being fifty (Suidas, *s. v.* **διαιτηταί**), or, as Schömann inclines to believe, sixty (Pollux, viii. 126; Hesychius)—were appointed to serve as Diaetetae in such cases as might arise. With respect to their numbers there is some difficulty. The scholiast Ulpian states it at 440, *i.e.* 44 from each tribe (**ἦσαν δὲ τέσσαρες καὶ τεσσαράκοντα** καθ' ἑκάστην φυλήν, ad Dem. *Mid.* p. 542, § 86). This number appears unnecessarily large; the orators often mention only one arbitrator in each case; and an easy correction of Ulpian's words was suggested—ἦσαν δὲ τεσσαράκοντα, τέσσαρες καθ' ἑκάστην φυλήν—making the total number 40. Of late years, however, an inscription has been discovered of about B.C. 325, naming the Diaetetae who actually served in that year, and had been rewarded with a garland for their conduct in office (first published in Ross, *Demen von Attika*, p. 22; also in Rangabé's collection, No. 1163). The numbers mentioned from the different tribes vary between 16 in the Cecropis and 3 in the Pandionis, in all 104 names. If, as is probably to be assumed, an equal number was chosen from each tribe, there must have been at least 160 of them. The fact that not all the Diaetetae of the year are commemorated in the inscription is easily explicable; those who were most in request would be summoned oftenest, some perhaps not at all (Schömann, *Antiq.* i. 472, E. T.; Perrot, *Essai*, p. 292).

The inference, alike from the scholiast and the inscription, that each tribe had its own Diaetetae, is further supported by Demosthenes (*c. Everg.* p. 1142, § 12) and Lysias (*c. Pancl.* § 2). There is, however, no ground for the conjecture that they were chosen by the members of each tribe for itself; or again, for a longer period than a year. Like the dicasts, with whom they had much in common, and other ἀρχαὶ κληρωταί, they must have been elected annually in the Ecclesia. A passage in Isaeus (δύο ἔτη τοῦ διαιτητοῦ τὴν δίαιταν ἔχοντος, *pro Euphil.* § 11, ed. Scheibe: printed as *fr.* 1 in older editions) has been thought to indicate a longer tenure; we must suppose that it was sometimes necessary or convenient to re-elect an arbitrator for the decision of a particular case. The Diaetetae unquestionably, no less than the Heliastae, gave their verdicts on oath. We read sometimes of their taking oaths previous to giving judgment in the particular cases which came before them (Isae. *Dicaeog.* § 32; Dem. *c. Callipp.* p. 1244, § 30): and from this it has been inferred that no general oath was exacted from them before they entered upon their duties. But Hudtwalcker, Schömann, and Perrot all maintain that they took an oath of office; it may have been a simpler and less solemn version of the Heliastic oath given in Demosthenes (*c. Timocr.* pp. 746-7, §§ 149-151).

The Diaetetae of the different tribes appear to have sat in different places,—as temples, halls, and courts of justice, if not wanted for other purposes. Those of the Oeneid and Erechtheid tribes met in the heliaea (Dem. *c. Everg.* p. 1142, § 12); we read of others holding a court in the Delphinium (*c. Boeot.* ii. p. 1011, § 11; Isae. *pro Euphil.* § 9), and also in the στοὰ ποικίλη (*c. Steph.* i. p. 1106, § 17). Again, we are told of slaves being examined by the Diaetetae sitting for that purpose, under the appellation of βασανισταί [TORMENTUM], in the Hephaisteion (Isocr. *Trapez.* § 15). Moreover, we are told of private arbitrators meeting in the temple of Athena on the Acropolis; and, if the amended reading of Pollux (viii. 126) is correct, we are informed by him, in general terms, that the arbitrators formerly held their courts in the temples (Διῄτων ἐν ἱεροῖς πάλαι). Harpocration also (*s. v.*) contrasts the dicasts with the arbitrators, observing that the former had regularly appointed courts of justice (ἀποδεδειγμένα).

Another point of difference was the mode of payment, inasmuch as the dicasts received a fee for each day's attendance at the public expense (the τριώβολον), whereas the only remuneration of the Diaetetae was a drachma deposited by the plaintiff on lodgment of his plaint, and one by the defendant on lodgment of his answer (ἀντωμοσία): the same sum was paid at every ὑπωμοσία or application for postponement by the party applying. This fee was called παράστασις, and is the same as the δραχμὴ τοῦ λιπομαρτυρίου mentioned by Demosthenes (*c. Timoth.* p. 1190, § 19). The defendant in this case had failed to give evidence as he ought to have done, and therefore the plaintiff commenced proceedings against him for this neglect, before the arbitrators in the principal suit, the first step of which was the payment of the παράστασις.

The public arbitrators were probably not ὑπεύθυνοι in the technical sense of having to give an account of their office before the Logistae [EUTHYNE]; but they were responsible in another way. Every one who had, or fancied he had, a cause of complaint against them for their decisions, might proceed against them by εἰσαγγελία, or information laid before the senate. For this purpose, says Ulpian, whose statement is confirmed by Demosthenes (*c. Mid.* p. 542, § 86) in the case of Straton, the public Diaetetae were towards the close of their year of office, and during the latter days of the month Thargelion, required to present themselves in some fixed place, probably near the senate-house, that they might be ready to answer any charge brought against them, of which they received a previous notice. The punishment, in case of condemnation, was *atimia*, or the loss of civic rights. According to Harpocration (*s. v.*), the εἰσαγγελία against the arbitrators was brought before the dicasts or judges of the regular courts; but this probably happened only on appeal, or in cases of great importance, inasmuch as the βουλὴ could not inflict a greater penalty than a fine of 500 drachmas with *atimia*.

As to the extent of the jurisdiction of the Diaetetae, Pollux (viii. 126) states, that in former times no suit was brought into a court before it had been investigated by the Diaetetae (πάλαι οὐδεμία δίκη πρὶν ἐπὶ διαιτητὰς ἐλθεῖν εἰσήγετο). There can be but little doubt that the word πάλαι here refers to a time which was ancient with reference to the age of the Athenian orators, and therefore that this previous investigation was no longer requisite in the days of Demosthenes and his contemporaries. Still we find the Diaetetae mentioned by them in very many cases of civil actions, and it is not unlikely that the magistrates, whose duty it was to bring actions into court (εἰσάγειν), encouraged the process before the arbitrators, as a means of saving the state the payment which would otherwise have been due to the dicasts. Hudtwalcker is accordingly of opinion that the Diaetetae were competent to act in all cases of civil actions for restitution or compensation, but not of penal or criminal indictments (γραφαί), and, moreover, that it rested with the complainant whether his cause was brought before them in the first instance, or sent at once to a higher court of judicature. (Dem. c. *Androt*. p. 601, § 26.)

But besides hearing cases of this sort the Diaetetae sat as commissioners of inquiry on matters of fact which could not be conveniently examined in a court of justice (Dem. *c. Steph.* p. 1106, § 17), just as what is called an "issue" is sometimes directed by our own Court of Chancery to an inferior court, for the purpose of trying a question of fact, to be determined by a jury. Either party in a suit could demand or challenge (προκαλεῖσθαι) an inquiry of this sort before an arbitrator, the challenge being called πρόκλησις: a term which was also applied to the "articles of agreement" by which the extent and object of the inqniry were defined. (Dem. c. *Neaer*. p. 1387, § 124.) Many instances of these προκλήσεις are found in the orators; one of the most frequent is the demand or offer to examine by torture a slave supposed to be cognisant of a matter in dispute, the damage which might result to the owner of the slave being guaranteed by the party who demanded the examination. (Harpocr. *s. v.* πρόκλησις.) See also Demosthenes (*c. Onet.* i. p. 874, § 37), who observes that the testimony of a slave, elicited by torture, was thought of more value by the Athenians than the evidence of freemen. Another instance, somewhat similar to the last, was the πρόκλησις εἰς μαρτυρίαν (Pollux, viii. 62), where a party proposed to his opponent that the decision of a disputed point should be determined by the evidence of a third party. (Antiphon, *de Choreut.* § 23.) Sometimes also we read of a πρόκλησις, by which a party was challenged to allow the examination of documents; as wills (Dem. c. *Stcph.* p. 1104, § 8), deeds, bankers' books, &c. (*c. Timoth.* p. 1197, § 43). It is manifest that the forms and objects of a πρόκλησις would vary according to the matter in dispute, and the evidence which was producible; we shall, therefore, content ourselves with adding that the term was also used when a party challenged his adversary to make his allegation under the sanction of an oath, or offered to make his own statements under the same obligation. (Dem. *c. Apat.* p. 896, § 14; *c. Con.* p. 1269, § 19.) The presumption or prepossession which might arise from a voluntary oath in the last case might be met by a similar πρόκλησις, tendered by the opposite party, to which the original challenger appears to have had the option of consenting or not as he might think proper. (Dem. *c. Timoth.* p. 1203, § 65; compare Arist. *Rhet.* i. 15, § 29.) In all cases where any of these investigations or depositions were made before the Diaetetae, we may conclude with Hudtwalcker (p. 48), that they might be called as witnesses in subsequent stages of the action, either to state the evidence they had taken, or to produce the documents they had examined, and which were deposited by them in an echinus. [APPELLATIO (Greek).]

The proceedings in the trials before the public arbitrators were of two kinds: 1st, When two parties agreed by a regular contract to refer a matter in dispute to a judge or judges *selected* from them. 2ndly, When a cause was brought before a public arbitrator, without any such previous compromise, and in the regular course of law. The chief difference seems to have been that, in case of a reference by contract between two parties, the award was final, and no appeal could be brought before another court, though the unsuccessful party might, in some instances, move for a new trial (τὴν μὴ οὖσαν ἀντιλαχεῖν, Dem. *c. Mid.* p. 542, § 86). Except in this point, of non-appeal, an arbitrator who was selected from the public Diaetetae by litigant parties seems to have been subject to the same liabilities, and to have stood in the same relation to those parties as an arbitrator appointed by lot: the course of proceeding also appears to have been the same before both (Dem. *c. Mid.* p. 541), an account of which is given below. There are strong reasons in support of Hudtwalcker's opinion, that whenever a suitor wished to bring an action before one or more of the public Diaetetae, he applied to one of the many officers called εἰσαγωγεῖς (Dem. c. *Lacrit.* p. 940, § 47; *c. Pantaen.* p. 976, § 33; Pollux, viii. 93), whose duty it was to bring the cause (εἰσάγειν) into a proper court. By some such officer, at any rate, a requisite number of arbitrators was allotted to the complainant; the statement of Harpocration that they were always taken from the same tribe as the defendant is rejected by Schömann as incapable of proof. Pollux (viii. 126) informs us that if a Diaetetes refused to hear a cause, he might be punished with *atimia*: but it appears that under extraordinary circumstances, and after hearing the case, a Diaetetes sometimes refused to decide himself, and referred the parties to a court of justice (Dem. *c. Phorm.* p. 913, § 21).

The process before the public Diaetetae was conducted in the following manner. After complaint made, and payment of the παράστασις, the plaintiff supported his averment by an oath, to the effect that his accusation was true, which the defendant met by a like oath as to the matter of his defence. When the oath (ἀντωμοσία) had been thus taken by the parties, the arbitrators entered upon the inquiry, heard witnesses, examined documents, and held as many conferences (σύνοδοι) with the parties as might be necessary for the settlement of the question. (See authorities, Hudtwalcker, p. 80.) The day of pronouncing judgment (ἡ ἀπόφασις τῆς δίκης, Dem. *c. Everg.* p. 1153, § 45) was probably fixed by law, if we may judge from the name (ἡ κυρία scil. ἡμέρα) by which it is called in the orators; it might, however, with consent of both parties, be postponed. The verdict given was countersigned by the proper authorities, perhaps by the εἰσαγωγεῖς, and thereby acquired its validity. The archons mentioned by Demosthenes (*c. Mid.* p. 542, § 85) as having signed a judgment were probably thesmothetae, as the action was a δίκη κακηγορίας, which is moreover called an ἀτίμητος δέκα μνῶν δίκη, *i.e.* an action where the plaintiff was not required to assess the damages (*aestimare litem*), the penalty, in case of a verdict for him, being determined by law: this alone is sufficient to prove that the Diaetetae sometimes decided in cases where the plaintiff sued for damages, as distinguished from those in which he sought restitution of rights or property; nor, indeed, does there seem any reason for supposing that their jurisdiction was not extended to the ἀγῶνες τιμητοί, or actions where the plaintiff was required to assess or lay his damages, provided the assessment did not exceed some fixed amount. In support of this opinion we may adduce the authority of Pollux (viii. 127), who expressly states that the plaintiff might assess his damages before the arbitrators, when the law did not do so for him.

If the defendant were not present on the proper day to make his last defence, judgment went against him by default (*ἐρήμην ὦφλε*), the arbitrator being obliged to wait till the evening (*ὀψὲ ἡμέρας*, Dem. *c. Mid.* p. 541, § 84; *c. Timoth.* p. 1190, § 19). Sometimes, however, the time of pronouncing sentence was deferred in consequence of a deposition (*ὑπωμοσία*, Pollux, viii. 60; Harpocr. *s. v.*) alleging a satisfactory cause for postponement, such as sickness, absence from town, military service, or other reasons. To substantiate these, the applicant, when possible, appeared personally; but if a party was prevented from appearing on the day of trial, by any unexpected event, the *ὑπωμοσία* might be made on oath by authorised friends. (Dem. *c. Olymp.* p. 1174, § 25; Pollux, viii. 56.) The *ὑπωμοσία* might be met by a counter-statement (*ἀνθυπωμοσία*) from the opposite party affirming his belief that the reasons alleged were fictitious or colourable. In connexion with this point, we may observe that, according to Pollux (viii. 60), the motion for a new trial could only be sustained in cases where the applicant had made a *ὑπωμοσία*, and demurred either personally or by proxy against the passing of judgment on the regular day. Moreover, it was incumbent on the party who wished for a new trial to move for it within ten days after judgment had been pronounced, and even then he was obliged to take a kind of *ὑπωμοσία*, to the effect that his absence on the proper day was involuntary. (Pollux, viii. 60.) In default of compliance with these conditions, the previous sentence was confirmed. (Dem. *c. Mid.* p. 542, § 86.) We are told also by Photius (*Lex.* s. v. *μὴ οὖσα δίκη*), that it was competent for plaintiff as well as defendant to move for a new trial on the grounds we have mentioned. When it was granted, the former verdict was set aside (*ἡ ἐρήμη ἐλύετο*), and the parties went again before an arbitrator, probably through the instrumentality of the *εἰσαγωγεῖς*, to whom application had been made in the first instance. The process itself is called *ἀντίληξις* in Greek, and does not seem to have been confined to trials before the Diaetetae: the corresponding term in Roman law is *restauratio eremodicii.*

This, however, was not the only means of setting aside a judgment, inasmuch as it might also be effected by an *ἔφεσις*, or appeal to the higher courts [Appellatio (Greek)], and, if false evidence had been tendered, by a *δίκη κακοτεχνιῶν* (Harpocr. *s. v.*; Dem. *c. Timoth.* p. 1201, § 56).

It remains to speak of the strictly private arbitrators, chosen by mutual agreement between contending parties, and therefore generally distinguished by the title *αἱρετοί*, of whom it must be understood that they were not selected from the *διαιτηταί* of the tribes. The powers with which they were invested, were, as we might suppose, not always the same; sometimes they were merely *διαλλακταί*, or chosen to effect a compromise or reconciliation: thus Isaeus (*Dicaeog.* § 32) speaks of arbitrators offering either to bring about a reconciliation if they could, without taking an oath, or to make an award (*ἀποφαίνεσθαι*) upon oath. Sometimes, on the other hand, they were purely referees, and then their powers depended upon the terms of the agreement of reference; if these powers were limited, the arbitration was a *δίαιτα ἐπὶ ῥητοῖς* (Isaeus, *l. c.*; Isocr. *Trapez.* § 19; *c. Callim.* §§ 10, 14). The agreement was not merely a verbal contract (*stipulatio*), but drawn up in writing (*ἐπιτροπὴ κατὰ συνθήκας*, Dem. *c. Phorm.* p. 912, § 18), and signed by the parties; it fixed the number of referees (generally three), determined how many unanimous votes were necessary for a valid decision, and probably reserved or prohibited, as the case might be, a right of appeal to other authorities. (Isocr. *c. Callim.* § 19; Dem. *c. Apat.* p. 897, § 15.)

If there were no limitations, these Diaetetae were then, so to speak, arbitrators proper, according to the definition of Festus (p. 15, ed. Müller):—"Arbiter dicitur judex, quod totius rei habeat arbitrium et potestatem." Moreover, no appeal could be brought against their judgment (Dem. *c. Mid.* p. 545, § 94); though we read of an instance of a party having persuaded his opponent to leave a matter to the arbitration of three persons; and afterwards, when he found they were likely to decide against himself, going before one of the public arbitrators. (Dem. *c. Aphob.* p. 862, §§ 58, 59.) We should, however, suppose that in this case there was no written *συνθήκη*. The award was frequently given under the sanction of an oath, and had the same force as the judgment which proceeded from a court of law, so that it might be followed by a *δίκη ἐξούλης*. (Dem. *c. Callipp.* p. 1240, § 16.) We may add, that these private Diaetetae are spoken of as sitting *ἐν τῷ ἱερῷ*, *ἐν τῷ Ἡφαιστείῳ*, and that in some cases it was customary to give notice of their appointment to the proper archon or magistrate (*ἀποφέρειν πρὸς τὴν ἀρχήν*), who, as Hudtwalcker suggests, may have acted as an *εἰσαγωγεὺς* in the case. (Dem. *c. Callipp.* p. 1244, § 30; *c. Mid.* p. 542, § 86.)

(The exhaustive treatise of Hudtwalcker, *Ueber die Diäteten*, 1812, is still the chief authority; corrected by Meier, *Die Privatschiedsrichter und die öffentlichen Diäteten Athens*, 1846; Westermann, *Berichten d. Sächs. Gesellschaft d. Wissensch.* 1848, p. 433 ff.; Perrot, *Essai sur le Droit Public d'Athènes*, 1869, pp. 284–309; Schömann, *Antiq.* i. pp. 471–473, E. T., 1880; Thalheim, *Rechtsalterth.* pp. 98, 99, 1884.) [R. W.] [W. W.]

DIAETE'TICA (*διαιτητική*), one of the principal branches into which the ancients divided the art and science of medicine [Medicina]. The word is derived from *δίαιτα*, which meant much the same as our word diet. It is defined by Celsus (*de Medic.* Praef. lib. i.) to signify that part of medicine *quae victu medetur*, "which cures diseases by means of regimen and diet"; and a similar explanation is given by Plato (*ap.* Diog. Laert. iii. 1, § 85). Taken strictly in this sense, it would correspond very nearly with the modern *dietetics*, and this is the meaning which it always bears in the earlier medical writers. In some of the later authors it seems to comprehend Celsus's second grand division, *Pharmaceutica*, and is used by Scribonius Largus (*de Comp. Med.* § 200) simply in opposition to *chirurgia*, so as to answer directly to the province of our *physician.*

In later times the comic poet Nicomachus (*fr.* 1, 30 M. *ap.* Ath. vii. p. 291 c) introduces a cook who, among his other qualifications, implies that he is a physician; but no attention seems to have been paid to eating as a branch of medicine before the date of Hippocrates. Homer represents Machaon, who had been wounded in the shoulder by an arrow (*Il.* xi. 507) and forced to quit the field, as taking a draught composed of wine, goat's-milk cheese, and flour (*ib.* 638), which probably no surgeon in later times would have prescribed in such a case. (See Plat. *de Rep.* iii. pp. 405, 406; Max. Tyr. *Diss.* 29; Athen. i. p. 10.) Hippocrates seems to claim for himself the credit of being the first person who had studied this subject, and says that "the ancients had written nothing on it worth mentioning" (*de Rat. Vict. in Morb. Acut.* § 1, vol. ii. p. 26, ed. Kühn). Among the works forming the Hippocratic collection, there are four that bear upon this subject, of which, however, only one (viz. that just quoted) is considered to be undoubtedly genuine. It would be out of place here to attempt anything like a complete account of the opinions of the ancients on this point; those who wish for more detailed information must be referred to the different works on medical antiquities, while in this article only such particulars are mentioned as may be supposed to have some interest for the classical reader.

In the works of Hippocrates and his successors almost all the articles of food used by the ancients are mentioned, and their real or supposed properties discussed, sometimes quite as fancifully as by Burton in his *Anatomy of Melancholy*. In some respects they appear to have been much less delicate than the moderns, as we find the flesh of the fox, the dog, the horse, and the ass spoken of as common articles of food (Pseudo-Hippocr. *de Vict. Rat.* ii. § 46, vol. i. pp. 679, 680). Beef and mutton were of course eaten, but the meat most generally esteemed was pork (see Oribas. *Coll. Med.* i. p. 585, Daremberg). A morbid taste for human flesh appears to have been secretly indulged in the time of Xenocrates (1st cent. A.D.); so that the hateful practice was forbidden by an imperial edict (*τῆς Ῥωμαϊκῆς βασιλείας ἀπηγορευκυίας ἀνθρώπους ἐσθίειν*, Galen, *de Simpl. Med. Temper. ac Facult.* xx. 1, tom. xii. p. 248). And this decree serves to illustrate the "strange and revolting anecdote," as Milman calls it (*Lat. Chr.* book ii. ch. 1, vol. i. p. 129), of the wild cry that, in a time of scarcity amounting to famine, assailed the ears of the Emperor Attalus, "Fix the tariff for human flesh" (*pone pretium carni humanae*, Zosim. vi. 11).

With regard to the strength or quality of the wine drunk by the ancients, we may arrive at something like certainty from the fact that Coelius Aurelianus mentions it as something extraordinary that Asclepiades at Rome in the 1st century B.C. sometimes ordered his patients to double and treble the quantity of wine, till at last they drank half wine and half water (*de Morb. Chron.* ii. 7, p. 386). From this it appears that wine was commonly diluted with five or six times its quantity of water. Hippocrates also in particular cases (*Aphor.* vii. 56, tom. iii. p. 763) recommends wine to be mixed with an equal quantity of water, and Galen approves of the proportion (*Comment. in Hippocr. Aph.* tom. xviii. A, p. 169). According to Hippocrates, the proportions in which wine and water should be mixed together vary according to the season of the year; for instance, in summer the wine should be most diluted, in winter the least so. In one place (Ps. Hippocr. *de Vict. Rat.* lib. iii. *in fin.*) the patient after great fatigue is recommended *μεθυσθῆναι ἅπαξ ἢ δίς*, in which passage it has been doubted whether actual *intoxication* is meant, or only the "drinking freely and to cheerfulness," in which sense the same word is used by St. John (ii. 10) and the LXX. (Gen. xliii. 34; Cant. v. 1; and perhaps Gen. ix. 21).

Exercise of various kinds, and bathing, are also much insisted on by the writers on diet and regimen; but for further particulars on these subjects the articles BALNEAE and GYMNASIUM must be consulted. It may, however, be added that the bath could not have been very common, at least in private families, in the time of Hippocrates, as he says that "there are few houses in which the necessary conveniences are to be found" (*de Rat. Vict. in Morb. Acut.* § 18, tom. ii. p. 62; cf. Galen's *Comm.*, t. xv. p. 706).

Another very favourite practice with the ancients, both as a preventive of sickness and as a remedy, was the taking of an emetic from time to time. In one of the treatises of the Hippocratic collection the unknown author recommends it two or three times a month (*de Vict. Rat.* iii. 68, tom. i. p. 710). Celsus considers it more beneficial in the winter than in the summer (*de Medic.* i. 3, p. 28), and says that those who take an emetic twice a month had better do so on two successive days than once a fortnight (*ib.* p. 29). In the 1st century B.C. this practice was so commonly abused that Asclepiades rejected the use of emetics altogether. "Offensus," says Celsus (*ib.* p. 27), "eorum consuetudine qui quotidie ejiciendo vorandi facultatem moliuntur." (See also Plin. *H. N.* xxvi. § 17.) It was the custom among the Romans to take an emetic immediately before their meals, in order to prepare themselves to eat more plentifully; and again soon after, so as to avoid any injury from repletion. Cicero, in his account of the day that Caesar spent with him at his house in the country (*ad Att.* xiii. 52), says, "Accubuit, *ἐμετικὴν* agebat (*he was meditating an emetic*), itaque et edit et bibit ἀδεῶς et jucunde;" and this has by some persons been considered a sort of compliment paid by Caesar to his host, as it intimated a resolution to pass the day cheerfully, and to eat and drink freely. He is represented as having done the same thing when he was entertained by king Deiotarus (Cic. *pro Deiot.* 7, § 21). The glutton Vitellius is said to have preserved his own life by constant emetics, while he destroyed all his companions who did not use the same precaution (Suet. *Vitell.* 13); so that one of them, who was prevented by illness from dining with him for a few days, said, "I should certainly have been dead if I had not fallen sick" (Dio Cass. lxv. 2). It might truly be said, in the strong language of Seneca, "Vomunt, ut edant; edunt, ut vomant" (*Cons. ad Helv.* 9, § 10: cf. *de Provid.* 3, § 11; *Ep.* 95, § 21). By some, the practice was thought so effectual for strengthening the constitution, that it was the constant regimen of all the athletae, or professed wrestlers, trained for the public shows, in order to make them more robust. Celsus, however (*l. c.* p. 28), warns his readers against the too frequent use of emetics without necessity and merely for luxury and gluttony, and says that no one who has any regard for his health, and wishes to live to old age, ought to make it a daily practice. [W. A. G.]

DIAGO'GION (*διαγώγιον*). [DECUMAE, p. 604 *b*.]

DIAGRAPHEIS (*διαγραφεῖς*). [EISPHORA.]

DIA'LIS FLAMEN. [FLAMEN.]

DIAMARTY'RIA (*διαμαρτυρία*). [ANAKRISIS.]

DIAMASTIGO'SIS (*διαμαστίγωσις*) was a solemnity performed at Sparta at the festival of Artemis Orthia, whose temple was called Limnaeon, from its situation in a marshy part of the town. (Paus. iii. 16, § 6.) The solemnity was this:—Spartan youths (*ἔφηβοι*) were scourged on the occasion at the altar of Artemis, by persons appointed for the purpose, until their blood gushed forth and covered the altar. The scourging itself was preceded by a preparation, by which those who intended to undergo the diamastigosis tried to harden themselves against its pains. Pausanias describes the origin of the worship of Artemis Orthia, and of the diamastigosis, in the following manner:—A wooden statue of Artemis, which Orestes had brought from Tauris, was found in a bush by Astrabacus and Alopecus, the sons of Irbus. The two men were immediately struck mad at the sight of it. The Limnaeans and the inhabitants of other neighbouring places then offered sacrifices to the goddess; but a quarrel ensued among them, in which several individuals were killed at the altar of Artemis, who now demanded atonement for the pollution of her sanctuary. From henceforth human victims were selected by lot and offered to Artemis, until Lycurgus introduced the scourging of young men at her altar as a substitute for human sacrifices.

The diamastigosis, according to this account, was a substitute for human sacrifice, and Lycurgus made it also serve his purposes of education, in so far as he made it a part of the system of hardening the Spartan youths against bodily sufferings. (Plut. *Lyc.* 18, *Instit. Laced.* p. 254; Cic. *Tusc.* v. 27, § 77.) According to another far less probable account, the diamastigosis originated in a circumstance, recorded by Plutarch (*Aristid.* 17), which happened before the battle of Plataeae.

The worship of Artemis Orthia was unquestionably very ancient, and the diamastigosis only a step from barbarism towards civilisation. Many anecdotes are related of the courage and intrepidity with which young Spartans bore the lashes of the scourge; some even died without uttering a murmur at their sufferings, for to die under the strokes was considered as honourable a death as that on the field of battle. (Cf. Müller's *Dor.* ii. 9, § 6, note k, and iv. 5, § 8, note c; Manso, *Sparta*, i. 2, p. 183.) [L. S.]

DIA'NOMAE (*διανομαί*) or **DIA'DOSEIS** (*διαδόσεις*, Dem. *c. Leoch.* p. 1091, § 37) were public doles to the Athenian people, resembling the Roman CONGIARIUM. To these belong the free distributions of corn (Aristoph. *Vesp.* 715 ff.), the cleruchiae [COLONIA, p. 477], the revenues from the mines, and the theoric fund (Dem. *l. c.*; THEORICON). (Cf. Boeckh, *P. E.* p. 216 = *Sthh.*^{3} i. 274.) [W. S.] [W. W.]

DIAPSE'PHISIS (*διαψήφισις*), a political institution at Athens, the object of which was to prevent aliens, or such as were the offspring of an unlawful marriage, from assuming the rights of citizens. As usurpations of this kind were not uncommon at Athens (Plut. *Pericl.* 37; Harpocr. *s. v.* *ποταμός*), various measures had been adopted against them (*γραφαὶ ξενίας* and *δωροξενίας*); but as none of them had the desired effect, a new method, the *διαψήφισις*, was devised, according to which the trial on spurious citizens was to be held by the demotae within whose deme intruders (*παρέγγραπτοι*, Aeschin. *F. L.* §§ 76, 177; Philochorus *ap.* Schol. Aristoph. *Vesp.* 716) were suspected to exist; for if each deme separately was kept clear of intruders, the whole body of citizens would naturally feel the benefit. Every deme therefore obtained the right or duty at certain times to revise its lexiarchic registers, and to ascertain whether any had entered their names who had no claims to the rights of citizens. The assembly of the demotae, in which these investigations took place, was held under the presidency of the demarch, or some senator belonging to the deme (Harpocr. *s. v.* *δήμαρχος*); for in the case brought forward in the oration of Demosthenes against Eubulides, we do not find that he was demarch, but it is merely stated that he was a member of the *βουλή*. When the demotae were assembled, an oath was administered to them, in which they promised to judge impartially, without favour towards, or enmity against, those persons on whom they might have to pass sentence. The president then read the names of the demotae from the register, asking the opinion of the assembly (*διαψηφίζεσθαι*) respecting each individual, whether they thought him a true and legitimate citizen or not. Any one then had the right to say what he thought or knew of the person in question; and when any one was impeached, a regular trial took place. (Dem. *c. Eubul.* p. 1301, § 9; Aeschin. *l. c.*) Pollux (viii. 18) says that the demotae on this occasion gave their votes with leaves and not with pebbles as was usual, but Demosthenes simply calls them *ψῆφοι*. If a person was found guilty of having usurped the rights of a citizen (*ἀποψηφίζεσθαι*), his name was struck from the lexiarchic register, and he himself was degraded to the rank of an alien. But if he did not acquiesce in the verdict, but appealed to the great courts of justice, at Athens, a heavier punishment awaited him, if he was found guilty there also; for he was then sold as a slave, and his property was confiscated by the state. (*Arg. ad* Demosth. *c. Eubul.*; Dion. Hal. *de Isaeo*, c. 16, and the fragment of the speech *pro Euphileto* there preserved.)

If by any accident the lexiarchic registers had been lost or destroyed, a careful scrutiny of the same nature as that described above, and likewise called *διαψήφισις*, took place, in order to prevent any spurious citizen from having his name entered in the new registers. (Dem. *l. c.* p. 1306, § 26.)

The oldest known *διαψήφισις* occurs in B.C. 445 (Plut. *Pericl.* 37; Schol. Aristoph. *Vesp.* l. c.).

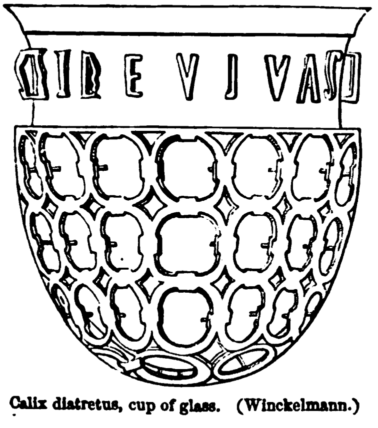
The chief sources of information are the speeches of Demosthenes and Isaeüs already referred to (compare Hermann, *Staatsalterth.* § 123; Schömann, *Assemblies*, p. 380 ff.). [L. S.] [W. W.]

DIA'RIUM. [Servus.]

DIA'SIA (διάσια), a great festival celebrated at Athens, without the walls of the city (ἔξω τῆς πόλεως), in honour of Zeus, surnamed Μειλίχιος (Thuc. i. 126). It was the greatest of the Athenian festivals of Zeus, before the time of Solon, and was of a propitiatory character. The whole people took part in it, and the wealthier citizens offered victims (ἱερεῖα), while the poorer classes burnt such incense as their country furnished (θύματα ἐπιχώρια), which the scholiast on Thucydides erroneously explains as cakes in the shape of animals. (Compare Xen. *Anab.* vii. 8, § 4; Lucian, *Tim.* 7; Aristoph. *Nub.* 402, &c.) The diasia took place on the 23rd of the month of Anthesterion (Schol. *ad* Aristoph. *l. c.*) with feasting and rejoicings, and was, like most other festivals, accompanied by a fair. (Aristoph. *Nub.* 841.) It was this festival at which Cylon was enjoined by an oracle to take possession of the acropolis of Athens; but he mistook the oracle, and made the attempt during the celebration of the Olympian games. (Compare Pollux, i. 26; Suidas, *s. v.*) The etymology of διάσια given by most of the ancient grammarians (from Διὸς and ἄση) is false; the name is a mere derivative from Διός, as Ἀπολλώνια from Ἀπόλλων. See A. Mommsen, *Heortologie*, p. 19 ff. [L. S.]

DIASTY'LUS. [Templum.]

DIATRE'TA, sc. *vasa*, mentioned only by Martial (xii. 70, 9) and Ulpian (*calices diatreti*, Dig. 9, 2, 27, § 29), were probably glass cups in the shape of an egg, which could not therefore be put down, but must be emptied at a draught. Seven such cups are still in existence. (See Marquardt, below.) The makers of such cups were called *diatretarii* (Cod. Theod. xiii. 4, 2; Cod. Just. x. 66 (64), 1). These cups are contained within a network, also of glass, to which they are attached by a series of short and very fine glass props, placed at equal distances from each other. The one figured here is described in the notes to Winckelmann (i. 2, § 21). Round the rim is an inscription, BIBE VIVAS MULTOS ANNOS; the letters being connected with the cup in the same manner as the network. The letters are green, the network is blue, and the cup itself resembles opal. Neither the letters nor the network have been soldered to the cup, but the whole has been cut out of a solid mass, after the manner of a cameo, the marks of the wheel being still visible on the little props. These cups were of great value, as we may perceive from the penalties imposed, in case of their being broken in the manufacture (Dig. *l. c.*). A passage of Pliny relating to certain glass cups may refer to these *diatreta* (*H. N.* xxxvi. § 195, where the word *petrotos* is evidently corrupt). (Marquardt, *Privatl. d. Römer*, p. 733; Becker-Göll, *Gallus*, ii. p. 384; Blümner, *Technol., &c.*, iv. p. 400.) [W. S.]



Calix diatretus, cup of glass. (Winckelmann.)

DIAULOS (δίαυλος). [Cursus, p. 581 *b.*]

DIAZO'MA (διάζωμα). [Subligaculum.]

DICASTE'RION (δικαστήριον) indicates both the aggregate judges that sat in court, and the place itself in which they held their sittings. For an account of the former, the reader is referred to the article Dicastes: with respect to the latter, our information is very imperfect. In the earlier ages there were five celebrated places at Athens set apart for the sittings of the judges, who had cognizance of the graver causes in which the loss of human life was avenged or expiated, viz. the Areiopagites and the Ephetae. These places were on the Areiopagus [Areiopagus]; in the Palladium, a sacred place in the south-eastern part of the city; in the Delphinium, a place sacred to the Delphian Apollo in the same district; in the Prytaneum, the ancient sacred hearth of the State, to the north-east of the Acropolis; and finally at Phreatto or Phreattys, in the Peiraeus, at the inlet of Zea. (Schömann, *Antiq.* i. 465, E. T.; and the great passage in Dem. *c. Aristocr.* pp. 641–646.) The antiquity of these four last is sufficiently vouched for by the archaic character of the division of the causes that were appropriated to each: in the first we are told that accidental deaths were discussed; in the second, homicides confessed, but justified; in the third there were quasi-trials of inanimate things, which, by falling and the like, had occasioned a loss of human life [Apsychos Diké]; in the fourth, homicides who had returned from exile, and committed a fresh manslaughter, were appointed to be tried. With respect to these ancient institutions, of which little more than the name remained when the historical age commenced, it will be sufficient to observe that, in accordance with the ancient Greek feeling respecting homicide, viz. that it involved ceremonial pollution in all cases, irrespective of the degree of criminality, the presiding judge was invariably the king archon, the Athenian rex sacrorum; and that the places in which the trials were held were open to the sky, to avoid the contamination which the judges might incur by being under the same roof with a murderer. (Antiph. *de Caed. Her.* § 11; Phonou Diké.) The places, however, remained after the office of the judges who originally sat there was abolished; and they appear from Demosthenes (*c. Neaer.* p. 1348, § 9) to have been occasionally used by the ordinary Heliastic judges when trying a cause of the kind to which they were originally appropriated. The Heliaea properly so called, and probably the majority of the Heliastic courts, were situated in the Agora; others in various parts of the city. The statement that there were not more than ten of these is probably erroneous, according to Schömann (*op. cit.* p. 476), and due to a confusion between the ten sections of dicasts and the localities where they held their sittings, the name *δικαστήριον* being common to both. Besides the Heliaea, the first in numbers and importance, the following are named: the Parabyston (*παράβυστον*), in which the *ἕνδεκα* presided, and which is said to have received its name from its position in a remote quarter of the city (cf. Dem. *c. Timocr.* p. 715, § 47); the Dicasterion of Metiochus or Metichus, and that of Calleas (*τὸ Κάλλειον*), probably named after their builders; the Green Court (*Βατραχιοῦν*) and the Red Court (*Φοινικιοῦν*), the Middle Court (*Μέσον*), the Greater Court (*Μεῖζον*), the New Court (*Καινόν*), the Triangular Court (*Τρίγωνον*), and the Dicasterion at the holy place of Lycus (*ἐπὶ Λύκῳ*), probably near the Lyceum without the city. Dicasteries near the walls, and in the street of the Hermoglyphi, are mentioned with no further indication of their name. The Odeum, too, a building erected by Pericles and properly destined for musical performances, was used for the sittings of Heliastic courts ([Dem.] *c. Neaer.* p. 1362, § 152); and so probably were other places of which no mention is found. (Schömann, *l. c.*) The dicasts sat upon wooden benches, which were covered with rugs or matting (*ψιαθία*), and there were elevations or tribunes (*βήματα*), upon which the antagonist advocates stood during their address to the court. The space occupied by the persons engaged in the trial was protected by a railing (*δρύφακτοι*) from the intrusion of the bystanders; but in causes which bore upon the violation of the mysteries, a further space of fifty feet all round was enclosed by a rope, and the security of this barrier guaranteed by the presence of the public slaves. (Meier, *Att. Proc.* pp. 11, 41 ff.) [J. S. M.] [W. W.]

DICASTES (*δικαστής*), in its broadest acceptation a judge, more particularly denotes the Athenian functionary of the democratic period, commonly rendered "juryman." Except, however, in the circumstance that they were sworn "well and truly" to discharge the duties intrusted to them, there was little resemblance between an Attic dicasterion and an English jury. As distinguished from the district judges (*οἱ κατὰ δήμους δικασταί*, better known by their later name of *οἱ τετταράκοντα*), and from the Nautodicae or judges in commercial cases, the Dicastae are frequently styled Heliastae, and their courts the Heliastic courts. The name comes from *ἡλιαία*, a word which, like *ἀγορά*, denotes both the assembly and the place in which it was held; and the court of the Heliaea, as the most strongly manned and the first in dignity, being taken as a representative of the rest, both names were used indiscriminately. Their jurisdiction extended to matters of every kind without exception. In private causes it is highly probable that they acted originally as judges of the second instance, *i.e.* of appeal; but in public matters they acted as the primary and sole judicial authority. The Heliastae were instituted by Solon; but what was their original number, and how they were nominated at first, we do not know. At the time when democracy was fully developed, when the causes even of the subject allies were brought before the Athenian courts, there were 6000 dicasts or heliasts, 600 for each tribe, chosen by lot. Previously the number cannot have been very small; and divisions of the whole body into sections, such as we find afterwards, may without hesitation be assumed to have existed in the earlier times also. The ballot (*κληροῦν, ἐπικληροῦν τὰ δικαστήρια*, Dem. *c. Everg.* p. 1144, § 17; *c. Pantaen.* p. 978, § 39; sometimes also *πληροῦν*, after the analogy of "manning" a ship, *c. Timocr.* p. 729, § 92) was conducted annually by the nine archons: according to some authorities their secretary (*γραμματεύς*) made the tenth [ARCHON, p. 167 *a*]. The lots were drawn, and the persons chosen were sworn, in the earlier ages at a place called Ardettos, without the city, on the banks of the Ilissus; but in after-times at some other spot, of which we are not informed (Harpocrat. *s. v.* *Ἀρδηττός*, quoting Theophrastus). The formula of the Heliastic oath, preserved in Demosthenes (*c. Timocr.* p. 746, §§ 149–151), passed until lately as genuine, and was accepted as such by Schömann in his early writings (*Att. Process*, &c.) as well as by other recent scholars. The first hint that, like most of the documents embodied in the Demosthenic speeches, it was the patchwork of a late grammarian, seems to have been given by Schömann in his *Antiquities* (1855): and the point was completely proved in a special dissertation by Westermann in 1859. Some possibly genuine clauses are mingled with inconsistencies and improbabilities, and on the whole it seems beyond the reach of criticism to sift the old from the new (Perrot, *Essai sur le Droit Public d'Athènes*, p. 240). The whole number of 6000 was divided into ten sections of 500 each, so that 1000 remained over, in order, when necessary, to serve for the filling of vacancies in the sections. These sections, as well as the places of meeting, were called Dicasteria, and in each section members of all the tribes were mingled together. Each Heliast received, as a certificate of his appointment, a bronze tablet (*πινάκιον, σύμβολον*) with his name and the number or letter of the section to which he belonged (from A to K). Three of these *σύμβολα* have been found, inscribed as follows: — B. ΑΝΤΙΧΑΡΜΟΣ ΛΑΜΠ[ΤΡΕΥΣ], Δ. ΔΙΟΔΩΡΟΣ ΦΡΕΑ[ΡΡΙΟΣ], E. ΔΕΙΝΙΑΣ ΑΛΑΙΕΥΣ: and bear besides representations of owls and Gorgon heads, and other devices symbolic of the Athenian people (Boeckh, *C. I. G.* Nos. 207–209; and the monographs mentioned under BOULÉ, p. 313 *b*). As often as courts were to be held the Heliastae assembled in the Agora, and the courts in which each section had to sit for the day were there assigned by the Thesmothetae by lot. But it did not happen always, or in every suit, that whole sections sat; on the contrary, sometimes cases were tried only by parts of a section, sometimes by several sections combined, according to the importance of the issues. Provision, however, was made that the number should be always an uneven one, in order to avoid an equality of the votes; and if we find the number of 200 or 2000 dicasts mentioned, we are to assume that the round numbers only are given instead of 201 or 2001. For examples of the actual figures, we have in Demosthenes a court of 1001 dicasts taken from two sections (*δικαστηρίοιν δυοῖν εἰς ἕνα καὶ χιλίους ἐψηφισμένων*, *c. Timocr.* p. 702, § 9); and one of 1501 from three sections in *Lex Seguer.* s. v. *ἡλιαία* (Bekker's *Anecd.* p. 262, where *ἐκ τριῶν φυλῶν* is an incorrect expression for *ἐκ τριῶν δικαστηρίων*). The usual number in the Heliaea appears to have been 501: the case mentioned by Andocides (*de Myst.* § 17) of the whole 6000 dicasts sitting at once in a *γραφὴ παρανόμων* is accepted without question by Schömann (*Antiq.* i. 474, n.), doubted by Perrot (*Essai*, p. 246). Andocides is habitually loose in his statements; and if the Athenian constitution had provided for such a monster dicastery in the most important cases, it is likely that some mention of it would occur elsewhere in the orators and grammarians.

For the trial of certain classes of cases Heliastae of a peculiar qualification were required: as, for instance, in the case of profaners of the mysteries, when the initiated only were allowed to judge; and in that of military offenders, who were left to the justice of those only whose comrades they were, or should have been at the time when the offence was alleged to have been committed. After this ballot on the day of the trial each member of the section received a staff with the colour and number of the court in which he had to sit: this might serve both as a ticket to procure admittance, and also to distinguish him from any loiterer who might endeavour clandestinely to obtain a seat after business had begun. That the dicasts were not sworn afresh before every case seems certain; the oath originally taken at the annual election sufficed. The legal age of the Heliastae was at least thirty, and of course the full franchise (*ἐπιτιμία*) was another condition of eligibility. No perquisite was ever more jealously guarded. For an atimos to attempt to earn the dicast's fee was a capital offence; and a case is mentioned in which this law was actually carried out. (Dem. *c. Mid.* p. 573, § 182.) It would appear that they were only balloted for from among those who voluntarily offered themselves: we have no information on this point, but after the custom of payment was introduced there would be no lack of candidates. We might rather expect that the lot would be modified by some system of rotation with a view of giving every one an equal number of turns; but of this also there is no trace.

This payment (*μισθὸς δικαστικός*, more usually *τὸ δικαστικόν*) is said to have been first instituted by Pericles. It is generally supposed from Aristophanes (*Nub.* 863), who makes Strepsiades say that with the first obolus he ever received as a dicast he bought a toy for his son, that it was at first only one obolus. According to the Scholiast (on *Ran.* 140) the pay was subsequently augmented to two oboli, but this seems to be merely an erroneous inference from the passage of his author. There is no sufficient proof that the pay of the dicasts was ever two oboli, but it increased rapidly under the influence of the demagogues (Aristot. *ap.* Schol. Aristoph. *Vesp.* 682; Schol. *Ran.* 140; Pollux, viii. 113; Hesych. *s. v. δικαστικόν*: Suid. *s. v. ἡλιασταί*). Three oboli or the *triobolon* (*τριώβολον*) occurs as early as B.C. 425 in the comedies of Aristophanes, and is afterwards mentioned frequently (Aristoph. *Eq.* 51, 255; *Vesp.* 300, 663, 684). The payment was made at the end of the day's work by the COLACRETAE (*q.v.*), in exchange for the staff (*βακτηρία*) and ticket (*σύμβολον*) with which, as we have seen, each dicast was already provided on entering the court. (Schol. *ad* Aristoph. *Plut.* 277; Suid. *s. v. βακτηρία*: *Etym. M.* s. v. *σύμβολον*: Pollux, viii. 16.) No doubt the staves only were given up, to be redistributed on another trial; the bronze *σύμβολα* merely shown, and retained by the dicast, as they were inscribed with his name and had to serve him throughout the year: unless we are to suppose that two different kinds of *σύμβολα* were used. Demosthenes certainly speaks of the *βακτηρία* and *σύμβολον* as delivered together to the dicast (*de Cor.* p. 298, § 210). Those who had come too late had no claim to the *triobolon* (cf. BOULÉ, p. 313 *b*). The annual amount of these fees is reckoned by Aristophanes (*Vesp.* 663, with the Schol.) at 150 talents, implying 300 days' pay for every dicast (6000 at half a drachma would require exactly half a talent a day): the sum is a high one, but it refers to a period when the total revenue of the state was as much as 2000 talents. (Boeckh, *P. E.* p. 227; *Att. Process*, p. 125 ff. = 145 ff. Lips.; Schömann, *Antiq.* i. 474 ff., E. T.; Perrot, *Essai sur le Droit Public d'Athènes*, ch. iii. §§ 4–9.) [J. S. M.] [W. W.]

DICASTICON (*δικαστικόν*). [DICASTES.]

DIKE' (*δίκη*) signifies generally any proceedings at law by one party directly or mediately against others. (Harpocrat. *s. v.*; Pollux, viii. 40, 41.) The object of all such actions is to protect the body politic, or one or more of its individual members, from injury and aggression; a distinction which has in most countries suggested the division of all causes into two great classes, the public and the private, and assigned to each its peculiar form and treatment. At Athens the first of these was implied by the terms public *δίκαι* or *ἀγῶνες*, or still more peculiarly by *γραφαί*: causes of the other class were termed private *δίκαι* or *ἀγῶνες*, or simply *δίκαι* in its limited sense (*ἐκαλοῦντο αἱ γραφαὶ καὶ δίκαι, οὐ μέντοι καὶ αἱ δίκαι γραφαί*, Pollux, viii. 41). There is a still further subdivision of *γραφαὶ* into *δημοσίαι* and *ἴδιαι*, of which the former is somewhat analogous to impeachments for offences directly against the state; the latter, to criminal prosecutions, in which the state appears as a party mediately injured in the violence or other wrong done to individual citizens. Once more, there was a distinction of *δίκαι πρός τινα* and *κατὰ τινός*, which may be defined with Meier (*Att. Process*, p. 167) as for the non-fulfilment of obligations *ex contractu* and *ex delicto* respectively: or more simply non-criminal (*πρός*) and criminal (*κατά*). (Cf. Cucheval, *Étude sur les Tribunaux Athéniens.* p. 13.) It will be observed that cases frequently arise, which, with reference to the wrong complained of, may with equal propriety be brought before a court in the form of the *γραφὴ* last mentioned, or in that of an ordinary *δίκη*, and under these circumstances the laws of Athens gave the prosecutor an ample choice of methods to vindicate his rights by private or public proceedings (Dem. *c. Androt.* p. 601, § 25), much in the same way as a plaintiff in modern times may, for the same offence, prefer an indictment for assault, or bring his civil action for trespass on the person. It will be necessary to mention some of the principal distinctions in the treatment of causes of the two great classes above mentioned, before proceeding to discuss the forms and treatment of the private lawsuit.

In a δίκη, only the person whose rights were alleged to be affected, or the legal protector (κύριος) of such person, if a minor or otherwise incapable of appearing *suo jure*, was permitted to institute an action as plaintiff; in public causes, with the exception of some few in which the person injured or his family were peculiarly bound and interested to act, any free citizen, and sometimes, when the state was directly attacked, almost any alien, was empowered to do so. In all private causes, except those of ἐξούλης, βιαίων, and ἐξαιρέσεως, the penalty or other subject of contention was exclusively recovered by the plaintiff, while in most others the state alone, or jointly with the prosecutor, profited by the pecuniary punishment of the offender. The court fees, called *prytaneia*, were paid in private but not in public causes, and a public prosecutor that compromised the action with the defendant was in most cases punished by a fine of a thousand drachmas and a modified disfranchisement, while there was no legal impediment at any period of a private lawsuit to the reconciliation of the litigant parties. (Meier, *Att. Process*, p. 163.)

The proceedings in the δίκη were commenced by a summons to the defendant (πρόσκλησις) to appear on a certain day before the proper magistrate (εἰσαγωγεύς), and there answer the charges preferred against him. (Arist. *Nub.* 1221; *Av.* 1046.) This summons was often served by the plaintiff in person, accompanied by one or two witnesses [CLETERES], whose names were endorsed upon the declaration (λῆξις or ἔγκλημα). If there were an insufficient service of the summons, the lawsuit was styled ἀπρόσκλητος, and dismissed by the magistrate. (Hesych.) From the circumstance of the same officer that conducted the anakrisis being also necessarily present at the trial, and as there were besides *dies nefasti* (ἀποφράδες) and festivals, during which none, or only some special causes could be commenced, the power of the plaintiff in selecting his time was, of course, in some degree limited; and of several causes, we know that the time for their institution was particularised by law. (Aristoph. *Nub.* 1190.) There were also occasions upon which a personal arrest of the party proceeded against took the place of, or at all events was simultaneous with, the service of the summons; as, for instance, when the plaintiff doubted whether such party would not leave the country to avoid answering the action; and accordingly we find that in such cases (Dem. *c. Zenoth.* p. 890, § 29, *c. Aristog.* i. p. 788, § 60) an Athenian plaintiff might compel a foreigner to accompany him to the polemarch's office, and there produce bail for his appearance, or, failing to do so, submit to remain in custody till the trial. The word κατεγγυᾶν is peculiarly used of this proceeding. Between the service of the summons and appearance of the parties before the magistrate, it is very probable that the law prescribed the intervention of a period of five days. (Meier, *Att. Process*, p. 580.) If both parties appeared, the proceedings commenced by the plaintiff putting in his declaration, and at the same time depositing his share of the court fees (πρυτανεῖα), the non-payment of which was a fatal objection to the further progress of a cause. (Matthiae, *de Jud. Ath.* p. 261.) These were very trifling in amount. If the subject of litigation was rated at less than 100 drachmae, nothing was paid; if at more than 100 drachmae and less than 1000 drachmae, 3 drachmae was a sufficient deposit, and so on in proportion. If the defendant neglected or refused to make his payment, it is natural to conclude that he underwent the penalties consequent upon non-appearance; in all cases the successful party was reimbursed his prytaneia by the other. (Meier, *Att. Process*, p. 613.) The παρακαταβολή was another deposit in some cases, but paid by the plaintiff only. This was not in the nature nor of the usual amount of the court fees, but a kind of penalty, as it was forfeited by the suitor in case he failed in establishing his cause. In a suit against the treasury it was fixed at a fifth; in that of a claim to the property of a deceased person by an alleged heir or devisee, at a tenth of the value sought to be recovered. (Matth. *de Jud. Ath.* p. 260.) If the action was not intended to be brought before an Heliastic court, but merely submitted to the arbitration of a diaetetes [DIAETETES], a course which was competent to the plaintiff to adopt in all private actions (Hudtwalcker, *de Diaetet.* p. 35), the drachma paid in the place of a deposit above mentioned bore the name of παράστασις. The deposits being made, it became the duty of the magistrate, if no manifest objection appeared on the face of the declaration, to cause it to be written out on a tablet, and exposed for the inspection of the public on the wall or other place that served as the cause list of his court. (Meier, *Att. Process*, p. 605.)

The magistrate then appointed a day for the further proceedings of the anakrisis [ANAKRISIS], which was done by drawing lots for the priority in case there was a plurality of causes instituted at the same time; and to this proceeding the phrase λαγχάνειν δίκην, which generally denotes to bring an action, is to be primarily attributed. If the plaintiff failed to appear at the anakrisis, the suit, of course, fell to the ground; if the defendant made default, judgment passed against him. (Meier, *Att. Process*, p. 623.) Both parties, however, received an official summons before their non-appearance was made the ground of either result. An affidavit might at this, as well as at other periods of the action, be made in behalf of a person unable to attend upon the given day, and this would, if allowed, have the effect of postponing further proceedings (ὑπωμοσία); it might, however, be combated by a counter-affidavit to the effect, that the alleged reason was unfounded or otherwise insufficient (ἀνθυπωμοσία); and a question would arise upon this point, the decision of which, when adverse to the defendant, would render him liable to the penalty of contumacy. (Dem. *c. Olymp.* p. 1174, § 25.) The plaintiff was in this case said ἐρήμην ἑλεῖν: the defendant, ἐρήμην ὀφλεῖν, δίκην being the word omitted in both phrases. If the cause were primarily brought before an umpire (διαιτητής), the anakrisis was conducted by him; in cases of appeal it was dispensed with as unnecessary. The anakrisis began with the affidavit of the plaintiff (προωμοσία), then followed the answer of the defendant (ἀντωμοσία or ἀντιγραφή [ANTIGRAPHÉ]), then the parties produced their respective witnesses, and reduced their evidence to writing, and put in originals, or authenticated copies, of all the records, deeds, and contracts that might be useful in establishing their case, as well as memoranda of offers and requisitions then made by either side (προκλήσεις). The whole of the documents were then, if the cause took a straightforward course (εὐθυδικία), enclosed on the last day of the anakrisis in a casket (ἐχῖνος), which was sealed and entrusted to the custody of the presiding magistrate, till it was produced and opened at the trial. During the interval no alteration in its contents was permitted, and accordingly evidence that had been discovered after the anakrisis was not producible at the trial. (Dem. *c. Boeot.* i. p. 999, § 18.) In some causes, the trial before the dicasts was by law appointed to come on within a given time; in such as were not provided for by such regulations, we may suppose that it would principally depend upon the leisure of the magistrate. The parties, however, might defer the day (κυρία) by mutual consent. (Dem. *c. Phaen.* p. 1042, § 12.) Upon the court being assembled, the magistrate called on the cause (Platner, *Process und Klagen*, i. 182), and the plaintiff opened his case. At the commencement of the speech, the proper officer (ὁ ἐφ' ὕδωρ) filled the clepsydra with water. As long as the water flowed from this vessel, the orator was permitted to speak; if, however, evidence was to be read by the officer of the court, or a law recited, the water was stopped till the speaker recommenced. The quantity of water, or, in other words, the length of the speeches, was not by any means the same in all causes: in the speech against Macartatus, and elsewhere, one amphora only was deemed sufficient; eleven are mentioned in the impeachment of Aeschines for misconduct in his embassy. In some few cases, as those of κάκωσις, according to Harpocration, no limit was prescribed. The speeches were sometimes interrupted by the cry κατάβα—"go down;" in effect, "cease speaking"—from the dicasts, which placed the advocate in a serious dilemma; for if after this he still persisted in his address, he could hardly fail to offend those who bade him stop; if he obeyed the order, it might be found, after the votes had been taken, that it had emanated from a minority of the dicasts. (Aristoph. *Vesp.* 980.) After the speeches of the advocates, which were in general two on each side, and the incidental reading of the documentary and other evidence, the dicasts proceeded to give their judgment by ballot. [PSEPHOS.]

When the principal point at issue was decided in favour of the plaintiff, there followed, in the case of a δίκη τιμητή, a further discussion as to the amount of damages, or penalty, which the defendant should pay. [TIMEMA.] If the penalty was already prescribed by law, the suit was described as ἀτίμητος, not requiring assessment (Dem. *c. Mid.* p. 543, § 90; *c. Aphob.* i. p. 834, § 67). The method of voting upon this question seems to have varied, in that the dicasts used a small tablet instead of a ballot-ball, upon which those that approved of the heavier penalty drew a long line, the others a short one. (Aristoph. *Vesp.* 167.) Upon judgment being given in a private suit, the Athenian law left its execution very much in the hands of the successful party, who was empowered to seize the movables of his antagonist as a pledge for the payment of the money, or institute an action of ejectment (ἐξούλης) against the refractory debtor. The judgment of a court of dicasts was in general decisive (δίκη αὐτοτελής); but upon certain occasions, as, for instance, when a gross case of perjury or conspiracy could be proved by the unsuccessful party to have operated to his disadvantage, the cause, upon the conviction of such conspirators or witnesses, might be commenced *de novo*. [APPELLATIO (Greek).] In addition to which, the party against whom judgment has passed by default had the power to revive the cause, upon proving that his non-appearance in court was inevitable (τὴν ἐρήμην ἀντιλαχεῖν, Platner, *Process und Klagen*, i. 396): this, however, was to be exercised within two months after the original judgment. If the parties were willing to refer the matter to an umpire (διαιτητής), it was in the power of the magistrate to transfer the proceedings as they stood to that officer; and in the same way, if the diaetetes considered the matter in hand too high for him, he might refer it to the εἰσαγωγεύς, to be brought by him before an Heliastic court. The whole of the proceedings before the diaetetes were analogous to those before the dicasts, and bore equally the name of δίκη: but it seems that the phrase ἀντιλαχεῖν τὴν μὴ οὖσαν is peculiarly applied to the revival of a cause before the umpire in which judgment had passed by default. [J. S. M.] [W. W.]

DICHALCON (δίχαλκον), a double chalcus [CHALCUS], a small copper Greek coin, equal to one-fourth of an obolus. (Pollux, ix. 65; *Anth. Pal.* xi. 165; Vitruv. iii. 1; cf. Plin. *H. N.* xxi. § 185.) [W. S.]

DI'CROTUM. [NAVIS.]

DICTA'TOR, an extraordinary magistrate at Rome. The origin of the name is obscure, the derivation given by Cicero (*de Rep.* i. 40, 63), "dictator ab eo appellatur quia dicitur" (cf. Varr. *L. L.* vi. 61), being impossible, though historically significant; while the derivation from *dictare*, which is evidently etymologically correct, is hard to connect with the historical use of the term. It is probable that the word was originally used with a somewhat indefinite sense, especially as we find it applied to a very different office in some of the towns of Latium, as, for instance, at Alba, Lanuvium, Cora, Tusculum, and Nomentum (Cic. *pro Mil.* 10, 27). At Rome this magistrate was originally called *magister populi* and not *dictator*, and in the sacred books he was always designated by the former name down to the latest times. (Cic. *de Rep.* i. 40, 63; *de Leg.* iii. 3, 9; *de Fin.* iii. 22, 75; Varr. *L. L.* v. 82; Festus, s. v. *optima lex*, p. 198, ed. Müller.)

On the establishment of the Roman republic the government of the state was entrusted to *two* consuls, that the citizens might be the better protected against the tyrannical exercise of the supreme power. But it was soon felt that circumstances might arise in which it was of importance for the safety of the state that the government should be vested in the hands of a single person, who should possess for a season absolute power, and from whose decision there should be no appeal to any other body. Thus it came to pass that in B.C. 501, nine years after the expulsion of the Tarquins, the dictatorship (*dictatura*) was instituted. The name of the first dictator and the immediate reason of his appointment were differently stated by the annalists. The oldest authorities mention T. Larcius, one of the consuls of the year, as the first dictator, but others ascribed this honour to M’. Valerius. (Liv. ii. 18.) Mommsen holds that the dictatorship of the latter was the first, but that it was omitted under the false belief that no one who had not been consul would be created dictator. Livy states (*l. c.*) that a formidable war with the Latins led to the appointment; and he also found mentioned in the annals that the consuls of this year were suspected of belonging to the party of the Tarquins; but in the latter case T. Larcius could not have been one of the consuls. Dionysius relates at length (v. 63–70) that the plebs, who were oppressed by the weight of their debts, took advantage of the danger of the republic to obtain some mitigation of their sufferings, and refused to serve in the army, and that thereupon recourse was had to a dictator to bring them to their duty. But as Livy makes no mention of any internal disturbances in this year, and does not speak of any commotions on account of debts till four years subsequently, we may conclude that Dionysius has in this case, as he has in many others, deserted the annalists in order to give what appeared to him a more satisfactory reason. It is true that the patricians frequently availed themselves of the dictatorship as a means of oppressing the plebs; but it is certainly unnecessary to seek the first institution of the office in any other cause than the simple one mentioned by Livy; namely, the great danger with which the state was threatened. Modern scholars have stated other reasons for the establishment of the dictatorship, which are so purely conjectural and possess such little inherent probability, that they do not require any refutation. Thus Niebuhr infers (*Hist. of Rome*, vol. i. p. 564) from the Roman dictator being appointed only for six months, that he was at the head both of Rome and of the Latin league, and that a Latin dictator possessed the supreme power for the other six months of the year; but this supposition, independent of other considerations, is contradicted by the fact, that in the year in which the dictator was first appointed, Rome and the Latins were preparing for war with one another. Mommsen, on the other hand, maintains that the inconsistent accounts as to the origin of the dictatorship indicate that it must have been from the first an integral part of the republican constitution, and that the dictator was regarded as *collega maior* of the consuls. Most recent scholars dispute this view (Herzog, i. 128; Willems, *Droit Romain*, p. 267, &c.), which is only an inference, and is not supported by any ancient authority.

By the original law respecting the appointment of a dictator (*lex dè dictatore creando*), no one was eligible for this office unless he had previously been consul (Liv. ii. 18). Madvig's notion that *consulares legere* means "the ex-consuls elected" (*Verf.* i. 487) has found little support. We find, however, a few instances in which this law was not observed, and Mommsen rejects altogether Livy's vague account of the proposal of this law. (See, *e.g.* Liv. iv. 26, 48; vii. 24.) When a dictator was considered necessary, the senate passed a senatusconsultum that one of the consuls should nominate (*dicere*) a dictator; but this decree was not formally necessary, hence Plutarch (*Marc.* 24) is right in saying that the dictator is not elected by the people nor by the senate. We find, indeed, an instance (Liv. iv. 57) in which the decree of the senate enjoining the appointment of a dictator was vetoed by the tribunes, and hence lost all legal force; but the appointment was made. In almost all cases, however, we find mention of a previous decree of the senate (see, *e.g.*, Liv. ii. 30; iv. 17, 21, 23, 26, 57; vi. 2; vii. 21; viii. 17; ix. 29; x. 11; xxii. 57). Niebuhr indeed supposes (*Hist. of Rome*, vol. i. p. 567) that the dictator was originally created by the curiae, like the kings, but this theory needs no refutation (cf. Mommsen, *Röm. Staatsr.* ii.^{2} 141; Madvig, *Verf.* i. 487, note).

The nomination or proclamation of the dictator by the consul was necessary in all cases. It was always made by the consul, probably without any witnesses, between midnight and morning, and with the observance of the auspices (*surgens* or *oriens nocte silentio*[*] *dictatorem dicebat*, Liv. viii. 23, ix. 38, xxiii. 22; Dionys. x. 11). The technical word for this nomination or proclamation was *dicere* (seldom *creare* or *facere*). So essential was the nomination of the consuls, that we find the senate on one occasion having recourse to the tribunes of the people to compel the consuls to nominate a dictator, when they had refused to do so (Liv. iv. 26). After the battle at the lake Trasimenus, all communication with the surviving consul was cut off. A difficulty thus arose, but unfortunately the text of Livy (xxii. 8) is corrupt, and it is not possible to determine exactly how it was met. The best MS. reads *nec dictatorem populo creare poterat*. This has been commonly altered into *populus*, but Weissenborn reads *praetor*, and Madvig *populo non consulto senatus*. Mommsen (*C. I. L.* i. p. 288) rejects the whole clause, and maintains that a praetor was competent to create a dictator. The reading in the next clause, *prodictatorem*, is due solely to an erroneous conjecture. (Cf. Herzog, i. 725.) It seems not improbable that a resolution of the senate empowered a praetor to take the votes of the people as to the selection of the dictator. Livy (xxii. 31) seems to regard Fabius as acting only *pro dictatore*. In the same spirit it became a question, whether the tribuni militum with consular power could nominate a dictator, and they did not venture to do so till the augurs had been consulted and declared it allowable (Liv. iv. 21), after which they frequently exercised this power. The nomination of Sulla by an interrex and of Caesar by a praetor was held to be contrary to all precedent and altogether illegal. (Comp. Cic. *ad Att.* ix. 15.) The senate seems

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[*] Respecting the meaning of *silentium* in relation to the auspices, see AUGUR, p. 247 *b*.

to have usually mentioned in their decree the name of the person whom the consul was to nominate (Liv. iv. 17, 21, 23, 46; vi. 2; vii. 12; viii. 17; ix. 29; x. 11; xxii. 57); but that the consul was not absolutely bound to nominate the person whom the senate had named is evident from the cases in which the consuls appointed persons in opposition to the wishes of the senate (Liv. viii. 12, *Epit.* 19; Suet. *Tib.* 2). It is doubtful what rule was adopted, or whether any existed, for the purpose of determining which of the two consuls should nominate the dictator. In one case we read that the nomination was made by the consul who had the fasces (Liv. viii. 12), in another that it was decided by lot (iv. 26), and in a third that it was matter of agreement among themselves (iv. 21). In later times the senate usually entrusted the office to the consul who was nearest at hand. The nomination took place at Rome, as a general rule; and if the consuls were absent, one of them was recalled to the city, whenever it was practicable (Liv. vii. 19; xxiii. 22); but if this could not be done, a senatusconsultum authorising the appointment was sent to the consul, who thereupon made the nomination in the camp (Liv. vii. 21; viii. 23; ix. 38; xxv. 2; xxvii. 5). Nevertheless, the rule was maintained that the nomination could not take place outside of the *Ager Romanus*, though the meaning of this expression was extended so as to include the whole of *Italia*. Thus we find the senate in the second Punic war opposing the nomination of a dictator in Sicily, because it was outside of the ager Romanus (*extra agrum Romanum—eum autem Italia terminari*, Liv. xxvii. 5).

Originally the dictator was of course a patrician. The first plebeian dictator was C. Marcius Rutilus, nominated in B.C. 356 by the plebeian consul M. Popillius Laenas. (Liv. viii. 17.) The eligibility of a plebeian to this office seems to have been regarded as a necessary inference from the Licinian law, which threw open the consulship.

The reasons which led to the appointment of a dictator required that there should be only one at a time. The only exception to this rule occurred in B.C. 217, when a resolution of the people created Minucius a colleague with equal powers to Fabius Cunctator, who was at the time holding the dictatorship (Liv. xxii. 25). Polybius expressly calls Minucius a dictator, and he is described as such in an inscription (*C. I. L.* i. p. 556). In B.C. 216 after the battle of Cannae, M. Fabius Buteo was nominated dictator for the purpose of filling up the vacancies in the senate, although M. Junius Pera was discharging the regular duties of the dictator. Livy asserts that Fabius resigned on the day of his nomination on the ground that there could not be two dictators at the same time. (Liv. xxiii. 22, 23; Plut. *Fab.* 9.) He discharged, however, the duty of filling up the senate, for which he was appointed; and Mommsen regards the words put into his mo[illegible]y as invented by the annalists, as a protest against the unconstitutional procedure of the previous year. The dictators that were appointed for carrying on the business of the state were said to be nominated *rei gerundae causa*, or sometimes *seditionis sedandae causa*; and upon them, as well as upon the other magistrates, the imperium was conferred by a *Lex Curiata*. (Liv. ix. 38, 39; Dionys. v. 70.) Dictators were also frequently appointed for some special purpose, and frequently one of small importance, of whom further mention will be made below. At present we confine our remarks to the duties and powers of the *dictator rei gerundae causa*.

The dictatorship was limited to six months (Cic. *de Leg.* iii. 3; Liv. iii. 29, ix. 34, xxiii. 23; Dionys. v. 70, x. 25; Dio Cass. xxxvi. 17, xlii. 21; Zonar. vii. 13), and no instances occur in which a person held this office for a longer time, for the dictatorships of Sulla and Caesar are of course not to be taken into account. On the contrary, though a dictator was appointed for six months, he often resigned his office long previously, immediately after he had despatched the business for which he had been appointed. (Liv. iii. 29, iv. 46, vi. 29.) His powers also ceased with the expiration of the term of office of the consul who had appointed him (Mommsen, *Röm. Staatsr.* ii.^{3} 152). As soon as the dictator was nominated, a kind of suspension took place with respect to the consuls and all the other magistrates, with the exception of the tribuni plebis. It is frequently stated that the duties and functions of all the ordinary magistrates entirely ceased, and some writers have even gone so far as to say that the consuls abdicated (Polyb. iii. 87; Cic. *de Leg.* iii. 3; Dionys. v. 70, 72); but this is not a correct way of stating the facts of the case. The regular magistrates continued to discharge the duties of their various offices under the dictator, but they were no longer independent officers, but were subject to the higher imperium of the dictator, and obliged to obey his orders in everything. We often find the dictator and the consuls at the head of separate armies at the same time, and carrying on war independent of one another (Liv. ii. 30, viii. 29); we see that the soldiers levied by the dictator took the oath of allegiance to the consul (Liv. ii. 32), and that the consuls could hold the consular comitia during a dictatorship (Liv. xxiii. 23). All this shows that the consuls did not resign their functions, although they were subject to the imperium of the dictator; and accordingly, as soon as the dictator abdicated, they again entered forthwith into the full possession of the consular power. (Dionys. v. 70; Liv. iv. 27.)

The superiority of the dictator's power to that of the consuls consisted chiefly in the three following points—greater independence of the senate, more extensive power of punishment without any appeal (*provocatio*) from their sentence to the people, and irresponsibility. To these three points must of course be added that he was not fettered by a colleague. We may naturally suppose that the dictator would usually act in unison with the senate; but it is expressly stated that in many cases where the consuls required the co-operation of the senate, the dictator could act on his own responsibility. (Polyb. iii. 87.) For how long a time the dictatorship was a *magistratus sine provocatione*, is uncertain. That there was originally no appeal from the sentence of the dictator is certain, and accordingly the lictors bore the axes in the fasces before them even in the city, as a symbol of their absolute power over the lives of the citizens, although by the Valerian law the axes had disappeared from the fasces of the consuls.

(Liv. ii. 18, 29, iii. 20; Zonar. vii. 13; Dionys. v. 70, 75; Pompon. *de Orig. Jur.* § 18.) That an appeal afterwards lay from their sentence to the people, is expressly stated by Festus (s. v. *optima lex*), and it has been supposed that this privilege was granted by the Lex Valeria Horatia, passed after the abolition of the decemvirate in B.C. 449, which enacted "ne quis *ullum* magistratum sine provocatione crearet." (Liv. iii. 15.) But eleven years afterwards the dictatorship is spoken of as a *magistratus sine provocatione*; and the only instance in Livy (viii. 33, 34) in which the dictator is threatened with provocatio, certainly does not prove that this was a legal right; for L. Papirius, who was then (B.C. 325) dictator, treated the provocatio as an infringement of the rights of his office. We may therefore suppose that the Lex Valeria Horatia only applied to the regular magistracies, and that the dictatorship was regarded as exempt from it. It is more probable that the right of appeal (within the city) was granted by the third Valerian law *de provocatione* (B.C. 300), which Livy describes as *diligentius sancta* (x. 10). It is true that these words cannot in themselves denote any extension of the right of appeal, but it is not unnatural to suppose that an extension to the only case hitherto excluded accompanied the provision of more effective securities. In connexion with the *provocatio* there arises another question respecting the relation of the dictatorship to the tribunes of the plebs. We know that the tribunes continued in office during a dictatorship; but we are expressly informed that they had no control over a dictator, and could not hamper his proceedings by their *intercessio* or *auxilium* (Zonaras, vii. 15). The few instances which appear to prove the contrary are to be explained in a different manner, as Becker has shown (cf. Mommsen, *Röm. Staatsr.* ii.^{2} 157). That the tribunes continued in office as independent magistrates during a dictatorship, while all the other magistrates became simply the officers of the dictator, may perhaps be explained by the fact, that the *lex de dictatore creando* was passed before the institution of the tribuneship of the plebs, and consequently made no mention of it; and that as a dictator was appointed in virtue of a senatusconsultum, the senate had no power over the tribunes of the plebs, though they could suspend the other magistrates.

It has been already stated that the dictator was irresponsible; that is, he was not liable after his abdication to be called to account for any of his official acts. This is expressly stated by ancient writers (Zonar. vii. 13; Dionys. v. 70, vii. 56; Plut. *Fab.* 3; Appian, *B. C.* ii. 23), and, even if it had not been stated, it would follow from the very nature of the dictatorship. We find moreover no instance recorded in which a dictator after his resignation was made answerable for the misuse of his power, with the exception of Camillus, whose case however was a very peculiar one. (Compare Becker, *Römisch. Alterth.* vol. ii. part ii. p. 172.)

In was in consequence of the great and irresponsible power possessed by the dictatorship, that we find it frequently compared with the regal dignity, from which, though in theory quite different, it practically only differed in being held for a limited time. (Cic. *de Rep.* ii. 32; Zonar. vii. 13; Dionys. v. 70, 73; Appian, *B. C.* i. 99; Tac. *Ann.* i. 1.) There were, however, a few limits to the power of the dictator. 1. The most important was that the period of his office was only six months. 2. He had not power over the treasury, but could only make use of the money which was granted him by the senate. (Zonar. vii. 13.) 3. He was not allowed to leave Italy, since he might in that case easily become dangerous to the republic (Dio Cass. xxxvi. 17); though the case of Atilius Calatinus in the first Punic war forms an exception to this rule. (Liv. *Epit.* 19.) 4. He was not allowed to ride on horseback at Rome, without previously obtaining the permission of the people (Liv. xxiii. 14; Zonar. vii. 13); a regulation apparently capricious, but perhaps adopted that he might not bear too great a resemblance to the kings, who were accustomed to ride. Mommsen finds in this curious limitation an indication of his special function as commander of the infantry (*magister populi*).

The insignia of the dictator were nearly the same as those of the kings in earlier times, and of the consuls subsequently. Instead however of having only twelve lictors, as was the case with the consuls, he was preceded by twenty-four bearing the axes as well as the fasces. The *sella curulis* and *toga praetexta* also belonged to the dictator. (Polyb. iii. 87; Dionys. x. 24; Plut. *Fab.* 4; Appian, *B. C.* i. 100; Dio Cass. liv. 1.)

The preceding account of the dictatorship applies more particularly to the *dictator rei gerundae causa;* but dictators were also frequently appointed, especially when the consuls were absent from the city, to perform certain acts which could not be done by any inferior magistrate. These dictators had little more than the name; and as they were only appointed to discharge a particular duty, they had to resign immediately that duty was performed, and they were not entitled to exercise the power of their office in reference to any other matter than the one for which they were nominated. The occasions on which such dictators were appointed, were principally:—1. For the purpose of holding the comitia for the elections (*comitiorum habendorum causa*), first in B.C. 351 (Liv. vii. 22) and frequently afterwards. 2. For fixing the *clavus annalis* in the temple of Jupiter (*clavi figendi causa*) in times of pestilence or civil discord, because the law said that this ceremony was to be performed by the *praetor maximus*, and after the institution of the dictatorship the latter was regarded as the highest magistracy in the state (Liv. vii. 3). 3. For appointing holidays (*feriarum constituendarum causa*) on the appearance of prodigies (Liv. vii. 28), and for officiating at the public games (*ludorum faciendorum causa*), the presidency of which belonged to the consuls or praetors (viii. 40, ix. 34). 4. For holding trials (*quaestionibus exercendis*, ix. 36), though Mommsen doubts whether this was not an appointment *rei gerundae causa*, as it is described in the Capitoline *Fasti*. 5. And on one occasion, for filling up vacancies in the senate (*legendo senatui*, xxiii. 22).

Along with the dictator there was always a *magister equitum*, the nomination of whom was left to the choice of the dictator, unless the senatusconsultum specified, as was sometimes the case, the name of the person who was to be appointed (Liv. viii. 17; xxii. 57). The magister equitum had, like the dictator, to receive the imperium by a lex curiata (Liv. ix. 38). The dictator could not be without a magister equitum, and, consequently, if the latter died during the six months of the dictatorship, another had to be nominated in his stead. The magister equitum was subject to the imperium of the dictator, but in the absence of his superior he became his representative, and exercised the same powers as the dictator. In B.C. 217, shortly before legal dictators ceased to be appointed, we find an instance of a magister equitum being invested with an imperium equal to that of the dictator, so that there were then virtually two dictators, but this is expressly mentioned as an anomaly, which had never occurred before (Polyb. iii. 103, 106). The rank which the magister equitum held among the other Roman magistrates is doubtful. Niebuhr asserts (vol. ii. p. 390), "No one ever supposed that his office was a curule one;" and if he is right in supposing that the consular tribunate was not a curule office, his view is supported by the contention of a dictator in Livy, that the imperium of the magister equitum was not superior to that of a consular tribune (vi. 39). Cicero on the contrary places the magister equitum on a par with the praetor (*de Leg.* iii. 3, 9), and Mommsen holds that he probably had the curule chair, and certainly the *praetexta* and six lictors. After the establishment of the praetorship, it seems to have been considered necessary that the person who was to be nominated magister equitum should previously have been praetor, just as the dictator, according to the old law, had to be chosen from the consulars (Dio Cass. xlii. 21). Accordingly, we find at a later time that the magister equitum had the insignia of a praetor (Dio Cass. xlii. 27). The magister equitum was originally, as his name imports, the commander of the cavalry, while the dictator was at the head of the legions, the infantry (Liv. iii. 27), and the relation between them was in this respect similar to that which subsisted between the king and the tribunus celerum.

Dictators were only appointed so long as the Romans had to carry on wars in Italy. A solitary instance occurs in the first Punic war of the nomination of a dictator for the purpose of carrying on war out of Italy (Liv. *Epit.* 19); but this was never repeated, because, as has been already remarked, it was feared that so great a power might become dangerous at a distance from Rome. But after the battle of Trasimene in B.C. 217, when Rome itself was threatened by Hannibal, recourse was again had to a dictator, and Q. Fabius Maximus was appointed to the office. In the next year, B.C. 216, after the battle of Cannae, M. Junius Pera was also nominated dictator, but this was the last instance of the appointment of a *dictator rei gerundae causa.* From that time dictators were frequently appointed for holding the elections down to B.C. 202, but from that year the dictatorship disappears altogether. After a lapse of 120 years, Sulla caused himself to be appointed dictator in B.C. 82, *reipublicae constituendae causa* (Vell. Pat. ii. 28); but, as Niebuhr remarks, "the title was a mere name, without any ground for such a use in the ancient constitution." Neither the magistrate (*interrex*) who nominated him, nor the time for which he was appointed, nor the extent and exercise of his power, was in accordance with the ancient laws and precedents; and the same was the case with the dictatorship of Caesar. Soon after Caesar's death the dictatorship was abolished for ever by a lex proposed by the consul Antonius (Cic. *Phil.* i. 1; Liv. *Epit.* 116; Dio Cass. xliv. 51). The title indeed was offered to Augustus, but he resolutely refused it in consequence of the odium attached to it from the tyranny of Sulla when dictator (Suet. *Aug.* 52).

Sometimes a substitute was invented for the dictatorship, whenever the circumstances of the republic required the adoption of extraordinary measures, by the senate investing the consuls with dictatorial power. This was done by the formula, *Videant* or *dent operam consules, ne quid respublica detrimenti capiat.* We find instances of this in the earliest time of the republic (Liv. iii. 4, vi. 19), as well as later; as, for instance, in the case of Cicero (Sall. *Cat.* 29; Plut. *Cic.* 14). Sometimes this power was granted to other magistrates in addition to the consuls (Caes. *B. C.* i. 5; Cic. *Rabir. perd.* 7). (Becker, *Röm. Alterth.* ii. part ii. 150 foll., supplemented from recent authorities, especially Mommsen, *Röm. Staatsr.* ii. 133–172.) [W. S.] [A. S. W.]

DICTY'NNIA (*δικτύννια*), a festival with sacrifices, celebrated at Kydonia in Crete, in honour of Artemis, surnamed **Δίκτυννα** or **Δικτύνναια**, from **δίκτυον**, a hunter's net. (Diod. Sic. v. 76; compare Strabo, x. p. 479; Paus. ii. 30, § 3.) Particulars respecting its celebration are not known. Artemis **Δίκτυννα** was also worshipped at Sparta (Paus. iii. 12, § 7), and at Ambrysos in Phocis. (Paus. x. 36, § 3; compare the Schol. *ad* Aristoph. *Ran.* 1284, *Vesp.* 357; and Meursius, *Creta*, c. 3.) [L. S.]

DIDRACHMON (*δίδραχμον*). [DRACHMA.]

DIENGYESIS (*διεγγύησις*). [ENGYE.]

DIES (of the same root as *δῖος* and *deus*, Curtius, *Gr. Etym.* No. 269). The name *dies* was applied, like our word day, to the time during which, according to the notions of the ancients, the sun performed his course round the earth; and this time they called the civil day (*dies civilis*, in Greek *νυχθήμερον*, because it included both night and day. See Censorin. *de Die Nat.* 23; Plin. *H. N.* ii. § 188; Macrob. *Sat.* i. 3). The natural day (*dies naturalis*), or the time from the rising to the setting of the sun, was likewise designated by the name *dies*. The civil day began with the Athenians at the setting of the sun, and with the Romans (as with the Egyptians and Hipparchus) at midnight; with the Babylonians at the rising of the sun, and with the Umbrians at mid-day. (Macrob. *l. c.*; Gellius, iii. 2.) We have here only to consider the natural day; and as its subdivisions were different at different times, and not always the same among the Greeks as among the Romans, we shall endeavour to give a brief account of the various parts into which it was divided by the Greeks at the different periods of their history, and then proceed to consider its divisions among the Romans, to which will be subjoined a short list of remarkable days.

At the time of the Homeric poems, the natural day was divided into three parts (*Il.* xxi. 111). The first, called *ἠώς*, began with sunrise, and comprehended the whole space of time during which light seemed to be increasing, *i.e.* till mid-day. (*Il.* viii. 66, ix. 84; *Od.* ix. 56.) Some ancient grammarians have supposed that in some instances Homer used the word ἠὼς for the whole day, but Nitzsch (*Anmerkungen zur Odyssee*, i. 125) has shown the incorrectness of this opinion. The second part was called μέσον ἦμαρ or mid-day, during which the sun was thought to stand still. (Hermias, *ad* Plat. *Phaedr.* p. 342.) The third part bore the name of δείλη or δείελον ἦμαρ (*Od.* xvii. 606; compare Buttman's *Lexilog.* ii. n. 95), which derived its name from the increased warmth of the atmosphere. The last part of the δείλη was sometimes designated by the words ποτὶ ἕσπερα or βουλυτός (*Od.* xvii. 191; *Il.* xvi. 779). Besides these three great divisions, no others seem to have been known at the time when the Homeric poems were composed. (Cf. Buchholz, *Hom. Realien*, i. 39–42.) The chief information respecting the divisions of the day in the period after Homer, and more especially the divisions made by the Athenians, is to be derived from Pollux (*Onom.* i. 68). The first and last of the divisions made at the time of Homer were afterwards subdivided into two parts. The earlier part of the morning was termed πρωΐ or πρὼ τῆς ἡμέρας: the later, *i.e.* from 9 or 10 till noon, πληθούσης τῆς ἀγορᾶς, or περὶ πλήθουσαν ἀγορὰν (Herod. iv. 181; Xen. *Memorab.* i. 1, § 10, *Hellen.* i. 1, § 30; Dion Chrysost. *Orat.* lxvii.). The μέσον ἦμαρ of Homer was afterwards expressed by μεσημβρία, μέσον ἡμέρας, or μέση ἡμέρα, and comprehended, as before, the middle of the day, when the sun seemed neither to rise nor to decline. The two parts of the afternoon were called δείλη πρωΐη or πρωΐα, and δείλη ὀψίη or ὀψία (Herod. vii. 167, viii. 6; Thuc. iii. 74, viii. 26; Xen. *Anab.* i. 8, 8; compare Libanius, *Epist.* 1084). This division continued to be observed down to the latest period of Grecian history, though another more accurate division, and more adapted to the purposes of common life, was introduced at an early period; for Anaximander, or according to others, his disciple Anaximenes, is said to have made the Greeks acquainted with the use of the Babylonian chronometer or sun-dial (called πόλος or ὡρολόγιον, sometimes with the epithet σκιοθηρικὸν or ἡλιαμάνδρον), by means of which the natural day was divided into twelve equal spaces of time. (Herod. ii. 109; Diog. Laërt. ii. 1, 3; Plin. *H. N.* ii. § 187; Suidas, *s. v.* Ἀναξίμανδρος.) These spaces were, of course, longer or shorter according to the various seasons of the year. The name hours (ὧραι), however, did not come into general use till a very late period, and the difference between natural and equinoctial hours was first observed by the Alexandrine astronomers.

During the early ages of the history of Rome, when artificial means of dividing time were yet unknown, the natural phenomena of increasing light and darkness formed with the Romans, as with the Greeks, the standard of division, as we see from the vague expressions in Censorinus (*de Die Nat.* 24). Pliny states (*H. N.* vii. § 212) that in the Twelve Tables only the rising and the setting of the sun were mentioned as the two parts into which the day was then divided, but from Censorinus (*l. c.*) and Gellius (xvii. 2) we learn that mid-day (*meridies*) was also mentioned. Varro (*L. L.* vi. 4, 5) and Isidore (*Orig.* v. 30 and 31) likewise distinguished three parts of the day, viz. *mane*, *meridies*, and *suprema*, scil. *tempestas*, after which no assembly could be held in the forum (cf. *XII. Tabb.* in Censor. 24: "Solis occasus suprema tempestas esto"). The Lex Plaetoria prescribed that a herald should proclaim the *suprema* in the comitium, that the people might know that their meeting was to be adjourned (Varr. *L. L.* vi. 5). But the division of the day most generally observed by the Romans, was that into *tempus antemeridianum* and *pomeridianum*, the *meridies* itself being only considered as a point at which the one ended and the other commenced. As it was of importance that this moment should be known, an officer [ACCENSUS] of the consuls was directed to proclaim the time of mid-day, when from the Curia he saw the sun standing between the Rostra and the Graecostasis. The division of the day into twelve equal spaces, which, here as in Greece, were shorter in winter than in summer,* was adopted at the time when artificial means of measuring time were introduced among the Romans from Greece. This was about the year B.C. 293, when L. Papirius Cursor, before the war with Pyrrhus, brought to Rome an instrument called solarium horologium, or simply solarium. (Plaut. *ap. Gellium*, iii. 3, § 5; Plin. *H. N.* vii. § 212). In B.C. 263 M. Valerius Messala brought one which he had taken at the capture of Catina; and although this was incorrect, having been constructed for a place 4° further south than Rome, it was in use for 99 years, before the error was discovered. In B.C. 164 the censor Q. Marcius Philippus had a more exact sun-dial constructed; but the time was still unknown in cloudy weather (Plin. *l. c.*). Scipio Nasica, therefore, erected in B.C. 159 a public clepsydra, which indicated the hours of the night as well as of the day (Censorin. c. 23). Before the erection of a clepsydra it was customary for one of the subordinate officers of the praetor to proclaim the third, sixth, and ninth hours; which shows that the day was, like the night, divided into four parts, each consisting of three hours. In daily life numerous terms were in use to denote the different parts of the day, mostly of a general and somewhat vague character. (Cf. Varr. *L. L.* vi. 4–7; Servius on *Aen.* ii. 268, iii. 587; Isidor. *Or.* v. 31, 32.) See Dissen's treatise, *De Partibus Noctis et Diei ex Divisionibus Veterum*, in his *Kleine Lateinische und Deutsche Schriften*, pp. 130, 150. Compare the article HOROLOGIUM.

All the days of the year were, according to different points of view, divided by the Romans into different classes. For the purpose of the administration of justice, and holding assemblies of the people, all the days were divided into *dies fasti*, *dies nefasti*, and *dies* partly *fasti*, partly *nefasti*.

I. *Dies fasti* in the wider sense were days on which legal and political business could be lawfully transacted. They were divided into—

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* The day at Rome varies from 8 hrs. 54 min. on Dec. 23, to 15 hrs. 6 min. on June 25: hence the hour varied between 45 min. and 1 hr. 15 min. (Ideler, *Chron.* ii. 13.)

1. *Dies fasti* in the narrower sense, marked with F in the calendars. On these legal business could be conducted (Ov. *Fast.* i. 48, "fastus erit per quem lege licebit agi;" Varr. *L. L.* vi. 29, "dies fasti per quos praetoribus omnia verba sine piaculo licet fari"). The word is derived by the ancients from *fari;* but although the root is undoubtedly the same, the more immediate connexion is with *fas.*

2. *Dies comitiales,* days on which meetings of the people could legally be held, and on which, if there was no meeting convened, courts could be opened. (Macrob. *Sat.* i. 16, 14, quoting Varro: "Comitiales sunt, quibus cum populo agi licet, et fastis quidem lege agi potest, cum populo non potest, comitialibus utrumque potest.") These days are marked C in the calendars. The *nundinae* belonged to this class, so far as the plebeians were concerned, from the first; but in early times they were *nefasti* for the patricians, a distinction removed in B.C. 287 by the Lex Hortensia (cf. Becker-Marquardt, ii. 3, 61). Mommsen doubts this view.

II. *Dies nefasti* were days on which no legal or political business could be done. Varro (*L. L.* vi. 30) says: "Contrarii horum (fastorum) vocantur dies nefasti, per quos dies nefas fari praetorem 'do, dico, addico,' itaque non potest agi, necesse enim aliquo eorum uti verbo, cum lege quid peragitur." These are again divided into two quite distinct classes:—

1. *Dies nefasti* or *feriati,* on which no business could be done because the day was sacred to some festival (a *dies festus*). These are marked NP in the calendars. This sign was commonly interpreted *nefastus parte* or *nefastus principio,* and was explained to mean that the day was one during the earlier part of which no business could be done. But Mommsen (*Chronol.* p. 220; *C. I. L.* i. p. 366) showed that this view was quite untenable. It is sufficiently disproved by the fact that thus there would be no difference between NP and EN, and that the former sign is prefixed to all holidays in the calendar except the *Feralia,* while it is quite impossible to believe that there was no whole holiday observed at Rome. The sign Mommsen explains to be, like M' when used as an abbreviation for Manius, a modification of the archaic M with five strokes (ꟿ); but there is little to support this view. Huschke interprets it as for *Nefastus Purus.*

2. *Dies religiosi* or *vitiosi,* sometimes called *atri,* marked in the calendars by R. These were unlucky days, which had been declared to be such by a decree of the senate in consequence of some disaster which had taken place upon them. All the *dies postriduani* were included under this head; *i.e.* the days after the calends, the nones and the ides, because these were believed to have been specially unfortunate (Ov. *Fast.* i. 59, 60, "Omen ab eventu est: illis nam Roma diebus damna sub averso tristia Marte tulit"). On these days it was not only unlawful to transact any legal or political business, but it was also unlucky to begin any affair of importance. (Cf. Gellius, iv. 9, 5: "Religiosi dies dicuntur tristi omine infames impeditique, in quibus et res divinas facere et rem quampiam novam exordiri temperandum est.")

III. Days partly *fasti* and partly not, including:—

1. *Dies intercisi,* marked in the calendars by EN, for *endotercisi* (*endo* being an archaic form of *in,* as in *endoperator*). On these days a victim was sacrificed in the morning, and the *exta* offered in the evening. Between the sacrifice and the offering the day was *fastus;* before the former and after the latter it was *nefastus.* (Varr. *L. L.* vi. 31; Ov. *Fast.* i. 49; Macrob. *Sat.* i. 16, 2, 3.)

2. *Dies fissi,* three in number. To two of these, March 24th and May 24th, are prefixed the letters Q. R. C. F., *i.e.* "quando rex (sacrorum) comitiavit, fas." These were probably the days on which the *rex* presided in the *comitia calata* for the purpose of the *testamenti factio* (Mommsen, *Röm. Staatsr.* ii.^{2} 37). These days were even in ancient times confused with the *Regifugium,* i.e. February 24th, and the letters were wrongly interpreted *quando rex comitio fugit.* To the third, June 15th, is prefixed Q. ST. D. F., i.e. *quando stercus delatum fas:* on this day the temple of Vesta was solemnly cleansed by the Vestals, and the filth carried away or thrown into the Tiber (Ov. *Fast.* vi. 707), no other business being permitted on this day.

Mommsen (*C. I. L.* i. p. 373) calculates that the year contained 45 *dies fasti,* 194 *dies comitiales,* 48 *dies nefasti* or *feriati,* 57 *dies religiosi,* 8 *dies intercisi,* and 3 *dies fissi.*

Another division of the days of the year was of a purely religious character, with which naturally the former division to a certain extent coincided, in a city so dominated by religious scruples as Rome:—

(1) *Dies festi,* on which the gods were honoured by (a) *sacrificia,* (b) *epulae,* (c) *ludi,* (d) *feriae.* The *feriae* were of three kinds: 1, *stativae,* the date of which was fixed; 2, *conceptivae,* the date of which was determined each year by the proper officials; 3, *imperativae,* special holidays, proclaimed by authority, such as *supplicationes.*

(2) *Dies profesti,* ordinary working-days.

(3) *Dies intercisi,* of a mixed character.

Macrobius (i. 16), in describing the division of the *dies profesti,* adds to the *d. fasti* and *d. comitiales, comperendini,* "quibus vadimonium licet dicere;" *stati,* "qui iudicii causa cum peregrino instituuntur;" and *proeliares,* "quibus fas est res repetere vel hostem lacessere." These were of little practical importance, and do not appear with any distinguishing mark in the calendars.

For the NUNDINAE, cf. *s. v.* (See Marquardt, *Röm. Alterth.* vi. pp. 270–287.) [A. S. W.]

DIFFARREA'TIO. [DIVORTIUM.]

DIGESTA. [PANDECTAE.]

DIGITA'LIA. [MANICA.]

DI'GITUS. [PES.]

DIIPO'LIA or **DIPO'LIA** (Διιπόλια, Διπόλια or Διπόλεια), an annual festival celebrated at Athens in honour of Zeus, the protector of the city (Πολιεύς), to whom a bull was sacrificed, whence the festival was also called Buphonia (Aristoph. *Pax,* 420; *Av.* 984–5, with the Scholia). It took place on the 14th of Skirophorion, and cannot therefore, as some have believed, be the same as the Diasia, which was held in Anthesterion. It is possible that the θυσία τῷ Διὶ σωτῆρι, mentioned in an inscription (*C. I. G.* 151), may refer to the Dipolia (Comp. Antiph. *Tetral.* i. 4, § 8; Pausan. i. 24,

§ 4, 28, § 11; Ael. *V. H.* viii. 3; Porph. *de Abst.* ii. 29; Creuzer, *Symbolik*, i. 172, iv. 122 ff.; Hermann, *Gottesd. Alterth.* § 61, n. 16, 17; A. Mommsen, *Heortol.* p. 453 ff.) [L. S.]

DI'MACHAE (διμάχαι), Macedonian horse-soldiers who also fought on foot when occasion required. Their armour was heavier than that of the ordinary horse-soldiers, and lighter than that of the regular heavy-armed foot. A servant accompanied each soldier in order to take care of his horse when he alighted to fight on foot. This species of troops is said to have been first introduced by Alexander the Great (Pollux, i. 132; Curt. v. 13, 8). They appear also among the Celtiberians (Diod. v. 33). [W. S.] [W. W.]

DIMACHAERI. [Gladiatores.]

DIMENSUM. [Servus.]

DIMINU'TIO CA'PITIS. [Caput.]

DIOBE'LIA. [Diobolon.]

DIO'BOLON (Διώβολον), a small coin of two obols [Drachma], which was given to each Athenian citizen during the festivals to pay for his seat in the theatre, whence the gift was called διωβελία. (Xen. *Hell.* i. 7, § 2; Aristot. *Pol.* ii. 7, § 19.) In Plautus the adjective *diobolaris* signifies anything very cheap or mean (*scorta*, Plaut. *Poen.* i. 2, 61; Varr. *L. L.* vii. 64; Fest. p. 74, 6, M.; *anus*, Plaut. *Pseud.* ii. 2, 64, but in this passage others read *doliaris*). [W. S.]

DIOCLEIA (διόκλεια), a festival celebrated in the beginning of spring, by the Megarians, in honour of an ancient Athenian hero, Diocles, around whose grave young men assembled on the occasion, and amused themselves with gymnastic and other contests. We read that he who gave the sweetest kiss obtained the prize, consisting of a garland of flowers. (Theocrit. *Idyll.* xii. 27, &c.) The Scholiast on Theocritus (*l. c.*) relates the origin of this festival as follows:—Diocles, an Athenian exile, fled to Megara, where he found a youth with whom he fell in love. In some battle, while protecting the object of his love with his shield, he was slain. The Megarians honoured the gallant lover with a tomb, raised him to the rank of a hero, and, in commemoration of his faithful attachment, instituted the festival of the Diocleia. See Böckh, *ad* Pind. *Olymp.* vii. 157, p. 176, and the Scholiast *ad* Aristoph. *Acharn.* 730, where a Megarian swears by Diocles, from which we may infer that he was held in great honour by the Megarians. (Compare Welcker's *Sappho*, p. 39, and *ad Theogn.* p. 79.) [L. S.]

DIOMOSIA (διωμοσία). [Anakrisis.]

DIONY'SIA (Διονύσια). Dionysus as well as Apollo had a share at Delphi as one of the chief Hellenic gods. "Dionysus was the god of the peasantry, the bestower of the fullest festive enjoyment in the free conditions of a life led according to Nature" (Curtius, *Hist. of Greece*, ii. 78). Hence we are not surprised to meet his festivals everywhere. Thebes is said to have been his birthplace (Paus. ix. 12, 3), whence his worship spread to Corinth and Sicyon (*ib.* ii. 2, 7); to Euboea, where he was educated; and Naxos, where he was united with Ariadne. In Athens his worship is said to have been introduced by Amphictyon (Ath. ii. 38); that is, that it belonged to the Ionic Amphictyony. For other legends connected with the introduction of Dionysiac worship into Attica, see Suidas, Μελαναιγίδα Διόνυσον, Ἀπατούρια: Hesych., *s. v.* Ἐλευθερος: Steph. Byz. Σημαχίδαι: Paus. i. 2, 5; 38, 8: Schol. on *Ach.* 243; and especially Ribbeck, *Anfänge und Entwickelung des Dionysuskultes in Attika.* No less old in Attica was the worship of the Icarian Dionysus (*Dict. Mythology*, s. v. *Icarius*). In historic times we find Dionysia held at Delos, Tenos, Syrus, Ceos, Amorgos, Paros, Astypalaea (Hermann, *Gottesd. Alterth.* 65, 11); at Miletus, Teos, Smyrna (*ib.* 66, 9), and at Corcyra in the west (*ib.* 68, 1): cf. Preller, *Griech. Myth.* i.^{3} 557 *sqq.*

But there had been another form of the worship of Dionysus, quite un-Hellenic, and a scandal in their eyes (*ψόγος ἐς Ἕλληνας μέγας*, Eur. *Bacch.* 778), which was wildly orgiastic. In very early times, it originated in Thrace and Macedonia, whence it spread into Asia Minor, where it united with the Oriental mysteries of Cybele, and then reacted on the Hellenic ceremonies. The mystic forms of the Bacchic worship for the most part go back to Orpheus. These, which are known as the *trieteric* festivals of Dionysus, *i.e.* occurring every other year (τριετηρίδες, Eur. *Bacch.* 133; Verg. *Aen.* iv. 302), first gained ground, in Greece proper, in Boeotia, coming perhaps across the sea by the islands; for, as Preller has shown (in Pauly, ii. 1065), such orgiastic rites are found in a vast number of the islands. And, like a fire, they soon spread all through Greece. There were revels in Parnassus (Soph. *Ant.* 1126), in Phocis (Paus. vi. 26, 1), Messenia, Arcadia, even Sparta (Ael. *V. H.* iii. 42): see Preller, *l. c.* 1066. The festivals were held on mountains, with blazing torches (Eur. *Bacch.* 133, 146), in dark winter nights (Ov. *Fast.* i. 394). The votaries were in large part women, and were known by many names,—Maenads, Thyiads, Clodones, Mimallones, Bassarides, &c. They were clothed in fawn skins [Nebris], carried thyrsi [Thyrsus], and in their ecstasies used to hunt wild animals, tear them in pieces, and sometimes eat them raw. In very early times, human sacrifice seems to have been offered to Dionysus Zagreus (Paus. ix. 8, 2), and Themistocles before the battle of Salamis sacrificed three young Persian prisoners to Dionysus Omestes (Plut. *Them.* 13). The splendours of trieteric Bacchic revelry *in excelsis* are brilliantly depicted in the choruses and messengers' speeches of the *Bacchae;* cf. also Preller in Pauly, ii. 1064–1067.

But the genuine Hellenic worship of Dionysus was of a more cheerful and less frantic nature. It was simple, if somewhat coarse, enjoyment. When the vintage was over and the must had fermented, Dionysus, the god of the grape, was honoured by the country folk with the best they could offer, with sacrifices of oxen and goats, those enemies of the god who used to eat his vines: and, in their hearty and natural revelry, they used to march about in procession, and dance and sing, and dress themselves up in odd costumes. Many writers, such as Preller, K. O. Müller, &c., tell us how the worshipper was filled with an intense desire "to fight, to conquer, and to suffer in common with the god." Such ideas did certainly arise in connexion with the cult of Dionysus; but most probably they were later additions, coming from the mysteries and partly belonging to the trieteric votaries of Dionysus as Zagreus. Of the Attic Dionysia we have most knowledge. These, which we now proceed to describe, though mainly Hellenic and natural wine-feasts, had suffered somewhat from the influence of the Thracian and Asiatic mysteries, and exhibit a strange compound of what is ridiculous and grotesque with what is solemn and serious. The country Dionysia alone remained free from the influence of the mystic Bacchic rites (August Mommsen, *Heortologie*, p. 77). But regular trieteric revels are not found in Attica (Schömann, *Alterth.* ii.^{3} 503).

The Attic festivals are generally allowed to be four in number,—the country Dionysia, the Lenaea, the Anthesteria, and the Great Dionysia; for O. Gilbert's view (*Die Festzeiten der attischen Dionysien*, 1872), that the first three are parts of the same festival, is demolished by Schömann (*op. cit.* ii.^{3} 597–599).

I. *The Lesser* or *Country Dionysia* (*τὰ μικρὰ* or *τὰ κατ' ἀγρούς*) were very ancient *wine*-feasts, celebrated in the various demes throughout Attica, from about the 8th to 11th of Poseideon (=about Dec. 19–22), under the presidency of the demarchs. As A. Mommsen (*op. cit.* 324 ff.) points out, we must not suppose with Kannegiesser, Boeckh, and Preller, that they were *vintage*-feasts: for (*a*) Poseideon is too late for the vintage, which was usually about the equinox, sometimes extending to the beginning of November, but not later (Plin. *H. N.* xviii. § 319); (*b*) the Lesser Dionysia are called *θεοίνια* (Harpocr. *s. v.*), *i.e.* festivals of *θέοινος*: cf. Aesch. *Fragm.* 397, *πάτερ θέοινε μαινάδων ζευκτήριε*, which Tzetzes (*ad* Lycophr. 1247) explains as *θεὸς οἴνου εὑρέτης*, and which may be explained as the god himself turning into wine (cf. *οὗτος θεοῖσι σπένδεται θεὸς γεγώς*, Eur. *Bacch.* 284); (*c*) intoxication is one of the marks of the Dionysiac festival, and must cannot intoxicate, it needs fermentation. The country Dionysia, then, was a *wine*-feast, and we find it celebrated with dramatic performances in Collytus, Piraeus, Salamis, Eleusis, Aixone, Phlya, Myrrhinus, &c. (see A. Müller, *Griech. Bühnenalt.* 317, 318). We have an excellent picture of the coarse sort of thing it was in the *Acharnians*, 240 ff. There is a procession: the daughter of Dicaeopolis marches in front as *κανηφόρος*, and the slave Xanthias carries behind an erect phallus, to which Dicaeopolis sings a rollicking song, &c.

II. The *Lenaea* (*Λήναια* or *τὰ ἐν Λίμναις*, Hesych., Suid.; or *Διονύσια ἐπὶ Ληναίῳ*, *C. I. G.* 157, 11) was a town-festival. Preller (*op. cit.* ii. 1060) supposes that the Lenaea and the country Dionysia were originally one feast, but were separated after the temple of the Lenaeon in Limnae got included within the city; the Lenaea was then put off a month later, to allow the country folk to celebrate their festival in their separate districts, and afterwards to bring their wine to the city and enjoy the festivity there also. Mommsen, however (*op. cit.* 338), holds that Limnae was included in the city long before Athens knew anything about Dionysia. He thinks (p. 46; cf. 73) that the Lenaea was originally a trieteric festival, held in the intercalary month as a sort of makeshift, not to let the month be entirely without a feast. A difficulty still attaches to the name *Λήναια*, which certainly points to a *vintage*-feast: but *Λῆναι* are Bacchae, votaries intoxicated by the god; accordingly the word is not derived from *ληνὸς* in the sense of "a wine-press," but in that of "a vat"; for the produce of the wine-press is not, as we have seen, intoxicating at that stage. The festival was certainly celebrated during historical times in Gamelion (Bekk. *Anecd.* 235, 6; Schol. on Hes. *Op.* 506), but there is great uncertainty as to the exact days. After a full discussion, Mommsen decides (*op. cit.* pp. 332–337) for 8th to 11th (=about Jan. 28–31), though Boeckh (*C. I. G.* 523, 21) considers the *κιττώσεις Διονύσου* of the 19th refer to the Lenaea. Another name for the festival or part of it was probably Ambrosia [AMBROSIA], though this matter is not quite decided. At the Lenaea there was a great feasting and a procession (Law of Evagoras, *ap.* Dem. *Mid.* 517, § 10), during which there was plenty of jesting *ἐξ ἁμαξῶν* (Schol. on Aristoph. *Eq.* 547), though this jesting appears to have been a feature introduced into the Lenaea from the Anthesteria (Phot. p. 565, 14). It was a cheerier and less pompous festival than the great city Dionysia, for strangers did not take part in it (Aristoph. *Ach.* 504). Dithyrambs were sung on the first day, and the victor got an ivy crown (Mommsen, *op. cit.* p. 342).

III. About the date of the *Anthesteria*, there can be no doubt. It consisted of three days, called the *Πιθοίγια*, the *Χόες*, and the *Χύτροι*. The *Πιθοίγια* was held on the 11th of Anthesterion (=about March 2nd): see Plut. *Symp.* iii. 7, 1; viii. 10, 3; the *Χόες* on the 12th, and the *Χύτροι* on the 13th (Harpocr. 184, 24, and 186, 9). The whole festival is sometimes called by one of its days, viz. the chief one, the *Χόες* (Preller, *op. cit.* ii. 1062: cf. Phot. 269; Thuc. ii. 15, 5; and Mommsen, p. 348). (1) The *Pithoigia* was the preliminary opening of the wine-casks, and general preparation for the Choes. "Among our paternal customs," says the Scholiast on Hes. *Op.* 370, "is a festival called Pithoigia, during which it is not lawful to debar either slave or hired labourer from the enjoyment of the wine; but when we (*i.e.* the masters) have sacrificed, we must give all a share of the good gifts of Dionysus." Indeed, during all the days of the Anthesteria, the rustic slaves had leisure, and a verse tells of the somewhat brusque reminder to them that the feast is over: *θύραζε, Κᾶρες· οὐκέτ' Ἀνθεστήρια* (Zenob. *Cent.* iv. 33). The schoolboys appear to have got holidays during the Anthesteria (Theophr. *Char.* 30 (17)); and some days prior to this Christmas of the Athenians, there was a regular fair at Athens, bringing a conflux of foreign traders (cf. Aristoph. *Ach.* 719 ff.; and Mommsen, p. 352). The fastening of a rope round the temple in Limnae doubtless took place on the afternoon of the Pithoigia (*περισχοινίσαι*, Poll. viii. 141), though Alciphron seems to refer it to the *Χύτροι*, to which festival it probably at first and in essence belonged, but afterwards it was effected before the first event of the Choes. During the afternoon the procession assembled, those taking part in it, especially the children, who were allowed to join from three years old upwards (for did not Eurysaces, son of Ajax, take part in the festival in times long past? Philostr. *Heroic.* 314, 11), gaily adorned with crowns and flowers. At six o'clock the next day, (2) the *Choes* began. The procession started, no doubt with torches, the common people following in waggons. It originally represented the entry of the Wine-god as the Liberator (Ἐλευθερεύς), from without the city into the little temple of the Ceramicus (Paus. i. 29, 2),—though Preller (*Gr. Myth.* i.³ 556) attributes this procession to the Greater Dionysia, considering Mommsen's reference of it to the Anthesteria "certainly erroneous,"—and his incorporation into the city, by union with the noblest woman of the land, the wife of the king. The marriage does not appear in the Orphic theology; but there were many mystic accretions. All this part of the ceremony was symbolical. It was a marriage procession, and the votaries of the god — the Horae, Nymphae, Bacchae—led him along with curious pipings and moanings, and songs which tell the deeds of Orpheus and the stories of the gods (Philostr. *Vit. Apoll.* p. 158, Kayser). Anon he is joined by the Basilinna, accompanied by fourteen venerable priestesses (γεραιραί or γεραραί), and she is solemnly betrothed to the god in secret. Within the temple in Limnae, which is opened on this day only in the year, she administers by the Sacred Herald to the priestesses a vow, which declares the most spotless purity of life, and exact scrupulousness in attending to the festivals of the Theoinia and the Iobakcheia (*i.e.* Greater Mysteries), and which the priestesses swear to, laying their hands on their baskets; afterwards she offers a mystic sacrifice, wherein she prays for all blessings for the state, and then remains for the night in the cella of the temple (see Dem. *c. Neaer.* pp. 1370–1, §§ 74–78; and Mommsen, *op. cit.* pp. 358–360). Preller (in Pauly, ii. 1062) compares this sacrifice to the Roman *Augurium Salutis* (Cic. *de Div.* i. 47, 105), and the mystic marriage with Dionysus to that of the Doge of Venice to the Adriatic. The next morning was given to rest, and in the early afternoon the drinking began. The state had given money to the poor to buy wine and provisions (Plut. *Reip. ger. praec.* 25; Boeckh, *Sthh.*³ i. 280). All salaries had been paid, even those of the poor Sophists (Ath. x. p. 437). Guests are invited, the hosts supplying all the accessories, such as tables, crowns, cushions, &c., while the guests brought their own κίσται containing food, and χόες of wine (Aristoph. *Ach.* 1085 ff.). The place of festivity was perhaps the neighbourhood of the theatre in the Lenaean region (Mommsen, p. 363). At the proclamation of the herald, contests in drinking took place, and whoever drank up his χοῦς of wine first got a prize (Aristoph. *Ach.* 999 ff. From this on to the end of the play, the scene is laid during the Χόες). The amusement of the Ascoliasmos (ἀσκωλιάζοντας πίνειν) is remarked by Alciphron (iii. 51, 3) to be un-Attic. Strangers took part in the festival, of whom there were great numbers in Athens, owing to the fair and the mysteries at Agrae, which occurred shortly after. The festival was administered by the Archon Basileus, as it had been by king Pandion originally (Schol. on *Ach.* 961). But, besides all the revelry, there is a note of solemnity. If a libation is poured out to the Jolly God, there is another to Hermes Chthonius (Schol. *Ach.* 1076). Photius (269, 21) tells us that the Choes was a μιαρὰ ἡμέρα, on which the souls of the dead used to walk on earth (cf. the *mundus patens* of the Romans, Marquardt, *Staatsverw.* iii. 352). Eustathius (ad *Il.* xxiv. 526) says that the Pithoigia also was ἀποφράς. The mythical origin of this drinking on an unlucky day was the device of king Pandion, whereby Orestes, still pursued by the Erinnyes, might yet take part in the festivity (see Schol. on *Ach.* 961). The pursuing Erinnyes are like the shades which walked this day on earth (Voigt in Roscher's *Lexikon der Myth.* i. 1072). On into the evening and night the revelry continues: but there is a touch of seriousness in the last act of the festival. The drinker winds his garland round his χοῦς, brings it to the priestess at Limnae, and, pouring out the remnants of the wine as a libation, offers the crown to the god, and in so doing makes his libation and offering to the dead (Ath. x. p. 437; cf. Aristoph. *Fragm.* 480 Meineke = 488 Kock; Plut. *Aristid.* 21; Mommsen, p. 365).

(3) We are now at the *Chytri* (Χύτροι), a feast to the dead, where everything is solemn and serious. The administration was probably in the hands of the king archon. The feast got its name because food, mostly vegetables, were brought in pots (χύτραι), as sacrifices to the Shades and to Hermes Chthonius (Schol. on *Ran.* 218); the story was that the offering was first made by the survivors to the shades of those who perished in Deucalion's flood. There is no question but that it was celebrated on the 13th of Anthesterion (Harpocr. 186, 9); and if Didymus (*ap.* Schol. on *Ach.* 1076) says that the Chytri and the Choes were celebrated on one day, the explanation is that the revelry of the Choes extended into the night of the 13th (Mommsen, 346). The first ceremony was bringing water (*Etym. M.* p. 744, ὑδροφόρια· ἑορτὴ Ἀθήνησι πένθιμος ἐπὶ τοῖς ἐν τῷ κατακλυσμῷ ἀπολομένοις); then into a pit, about a cubit deep, outside the Lenaean district but in the neighbourhood, into which legend said the waters of the Flood passed away, there was poured ground corn and honey kneaded together (Paus. i. 18, 7). Then fourteen altars were erected (Ἵδρυσιν, Alciphr. ii. 3, 11, and Meineke *ad loc.*), on which the Γεραιραί offered pots of πανσπερμία after women solemnly carrying them thither on their heads (*Etym. M.* 227; Schol. on *Plutus*, 1197, 1198; *Ach.* 1076; *Ran.* 218). None of the offerings were eaten. There were no doubt cyclic choruses at the Chytri (Aristoph. *Ran.* 212 ff.); but the χυτρινοὶ ἀγῶνες were certainly contests of actors, not dramas [Comoedia, p. 520].

On the whole the Anthesteria was in essence a feast of drinking, when the year's wine was brought into the city; Mommsen (p. 370) thinks it may have been originally celebrated to Kronos and Zeus Kronion, but certainly in historical times to Dionysus Eleuthereus. It mainly represented the introduction of the Dionysiac cult into Athens and its incorporation with the Athenian religion, and was grafted on to a festival of the dead. But all the ceremonies cannot be understood without bringing in the Orphic theology, which tells how Zeus made his son Dionysus king of all things for a day (see Lobeck, *Aglaoph.* 552), and the subsequent death of Dionysus (as the Chytri of mourning follow the Choes of joy) at the hands of the giants, who cut him into fourteen pieces (hence fourteen altars), and so on. For details, see Mommsen, pp. 371–373.

IV. *The Greater or City Dionysia* (τὰ μέγαλα or τὰ ἐν ἄστει) were probably celebrated from the 9th to 13th of Elaphebolion (= about March 28–April 2). Mommsen (pp. 58-60) thinks that these Dionysia must have been introduced either in the time of the Pisistratidae, or in that of Cimon and Pericles, probably the latter. They took the place of an earlier lyrical festival to Apollo. The 8th was the ASCLEPIEIA and the προάγων (Aeschin. *Ctesiph*. 63, § 67). At this the poets, choregi, actors, and chorus appeared before the public in festal attire, but not in theatrical costume (Schol. to Aeschin. *l. c.*), and formally announced the dramas which were going to be enacted, and solicited the kind attention and favour of the audience (hence Ulpian on Dem. *Androt*. 611, § 59, προάγωνές εἰσι λόγοι οἱ προευτρεπίζοντες ἡμῖν τῶν δικαστῶν τὴν ἀκοήν): cf. A. Müller, *Gr. Bühnenalterthümer*, pp. 363–366. On the 9th there was the procession (πομπή) and the carouse (κῶμος); on the 10th the lyrical contest of boys and men. (We should probably insert καὶ οἱ ἄνδρες in the law of Evagoras, Dem. *Mid*. 517, § 10: see Bergk in *Rhein. Mus.* xxxiv. p. 31.) From the 11th to the 13th were dramatic performances, and on the beginning of the 14th the Pandia. This is Mommsen's (pp. 387–391) arrangement as opposed to K. F. Hermann's (*Gottesdienstl. Alterth.* § 59, 5, 6), who puts the 15th as the last day of the Dionysia. Mommsen bases his order mainly on the fact that the Peace of Nicias was ratified on the 14th (Thuc. iv. 118), which can hardly have been a feast-day; also the 14th was the full moon, and the Pandia was probably a full-moon feast; festivals moreover seldom passed beyond the full moon: and besides Calidorus in Plautus (*Pseud.* i. 3, 87), on the day before the Dionysia, in asking Ballio to wait six days, virtually asks him to wait till the festival was over. The Dionysia were great holidays. During them prisoners were released on parole (Ulpian on Dem. *Androt*. 614, § 68), and no one was allowed to seize the goods of a debtor (Law *ap.* Dem. *Mid*. 518, § 10). Even Plato thought it allowable to get drunk during the festivals of the god of wine (*Legg.* vi. 775 C). As to the ceremonial, early on the 9th (*i.e.* at nightfall) the image of Dionysus by Alcamenes (Paus. i. 20, 3) was taken from its "hearth and home" (ἐσχάρα) in the Lenaeon, and brought into the theatre, by the Ephebi (according to an inscription in Mommsen, p. 392), who gave a bull for sacrifice in the temple after the πομπή. The image was set up in the orchestra (Dio Chrys. xxxi. p. 386, Dindorf). The priest of Dionysus had doubtless important functions in the setting up of it. Later on, when day had come, there was the πομπή, which was of a much more dignified and orderly nature than that of the Anthesteria or Lenaea. It was partly on foot, partly on carts, but apparently there were no waggons. (Mommsen, p. 396.) In the agora a cyclic chorus danced round the altar to the twelve gods (Xen. *Hipp.* 3, 2). The goal of the procession was the Lenaeon. Strangers took part in the festival, of whom there were considerable numbers in Athens, as the allies used to come and pay their tribute in Elaphebolion (Boeckh, *Staatshaushaltung*, i.^{3} 218; Schol. on *Ach.* 504). The State gave victims (*C. I. G.* 157), and sometimes other bodies did so likewise: *e.g.* the Ephebi, as we have seen. On the morning of the 10th the lyrical contests for choruses of boys and men began [CHOREGUS]. We have a splendid dithyramb of Pindar's composed for the Dionysia (*Fragm.* 75, ed. Bergk). A κῶμος by the victorious competitors followed. It is in relation to this part of the feast that Dionysus was honoured as μελπόμενος (Paus. i. 2, 5; 31, 6). From the 11th to 13th dramas were exhibited, a tragic trilogy in the morning and a comedy in the afternoon. The administration of the feast was in the hands of the Archon Eponymus, assisted by ἐπιμεληταί (Poll. viii. 89; cf. Dem. *Mid.* 519, § 15). For a full account of the dramatic performances held on the different festivals to Dionysus, see COMOEDIA, TRAGOEDIA, THEATRUM; and for minor festivals connected with Dionysus, see BRAURONIA, OSCHOPHORIA.

On the whole subject of the Dionysia, see Boeckh, *Vom Unterschiede der Lenäen, Anthesterien, und ländlichen Dionysien*, in the *Abhandlungen der Akad. der Wiss. zu Berlin*, 1816–1817; C. F. Hermann, *Gottesd. Alterthümer*, §§ 57–59; Preller in Pauly, ii. 1056–1067, and his *Griech. Mythologie*, i.^{3} 544–593; August Mommsen, *Heortologie der Athener*, pp. 323–373, 387–398; Schömann, *Alterth.* ii.^{3} 487–504; Voigt in Roscher's *Ausführliches Lexikon der Griechischen und Römischen Mythologie*, i. 1069–1075. Many illustrations depicting Bacchic worship are to be found in Mr. Sandys' edition of the *Bacchae*.

For the worship of Dionysus in Italy, see BACCHANALIA and LIBERALIA. [L. C. P.]

DIOSCU'RIA (διοσκούρια or διοσκούρεια, *C. I. G.* 1444), festivals celebrated in various parts of Greece in honour of the Dioscuri, the heroes Castor and Polydeuces (Pollux). The Spartan Dioscuria, mentioned by Pausanias (iv. 27, § 1; compare with iii. 16, § 3) and Spanheim (*ad* Callim. *Hymn. in Pall.* 24), were celebrated with sacrifices, rejoicings, and drinking. At Cyrene the Dioscuri were likewise honoured with a great festival. (Schol. *ad* Pind. *Pyth.* v. 629.) The Athenian festival of the Dioscuri has been described under ANAKEIA, where they were worshipped under the name of Ἄνακτες. Their worship was very generally adopted in Greece, especially in the Doric and Achaean states (Paus. x. 33, 3; 38, 3), as we conclude from the great number of temples dedicated to them; but scarcely anything is known respecting the manner in which their festivals were celebrated.

The festival of the Dioscuri was celebrated at Rome with great splendour on the Ides of Quinctilis, the 15th of July, the day on which they were believed to have assisted the Romans against the Latins in the battle of the Lake Regillus. On this occasion the Equites, who regarded the Dioscuri as their patrons, went in a magnificent procession, crowned with olive chaplets and wearing their state dress, the trabea, from the temple of Mars outside the city, through the main streets, across the forum, and by the ancient temple of the Dioscuri (Dionys. vi. 13; Liv. ix. 46). [EQUITES.] [L. S.]

DIO'TA (δίωτος), a vessel with two ears (ὦτα) or handles, is generally used as synonymous with amphora, though it may signify any two-handled vessel. (Plat. *Hipp. Maj.* p. 288 D; Athen. xi. p. 473 c; Hor. *Carm.* i. 9, 8.) Annexed is the figure of a diota of the earliest style; for its ordinary shape, see Amphora. [W. S.]

Diota of the earliest style. (Birch.)

DIPHROS (δίφρος). [Currus; Sella.]

DI'PHTHERA (διφθέρα), a cloak made of skins, characteristic of workmen and countrymen. (Aristoph. *Nub.* 72, and Schol. *Vesp.* 444; Plato, *Crit.* p. 53; Lucian, *Tim.* c. 12.) On σκυτίναι ἐσθῆτες in general, see Pollux (vii. 70), who mentions a variety with a head-gear (ἐπίκρανον) like the *cucullus* (q. v.). (Becker-Göll, *Charikles*, iii. p. 261 ff.) [W S.] [J. M.]

DIPLAX (δίπλαξ). [Pallium.]

DI'PLOIS (διπλοΐς). [Pallium.]

DIPLO'MA. This word—which, like δίπτυχα, signified two tablets fastened together, as far as mere outward form is concerned—is fully treated of under Diptycha: so here we have to set forth the various kinds of diplomata as regards their tenor They all agreed in being some kind of a governmental grant. The Greeks sometimes called them γράμματα βασιλικά, and they were analogous to our letters-patent or passports (Salmasius *ad* Suet. *Aug.* 50). During the civil war Caesar gave diplomata to such as he allowed to enter the city (Cic. *Fam.* vi. 12, 3) or to leave Italy (ib. *Att.* x. 17, 4). To some of those who were condemned for adultery with Julia, Augustus is said to have given diplomata to ensure their safety (Senec. *de Clem.* i. 10, 4). But the word is generally applied either to permissions to use the public post, or to the grants of citizenship and rights of marriage to certain veterans.

1. After the establishment of the post by Augustus, *diploma* was the regular term for the permission granted by the emperor or provincial governor to an individual to use the post (*C. I. G.* 4956, 25; Plin. *Ep.* x. 45 (54), 64 (14), 120, 121). In the early empire the Praefectus Praetorio seems to have usurped the right of issuing diplomata when there was no emperor (Plut. *Galb.* 8); but illegally, for in such a case the chief administration rested with the consuls (Herodian, ii. 12, 4; yet cf. Mommsen, *Staatsr.* ii.^{2} 1064, note 7). In the Constantinian and subsequent ages (see Godefroi, *Paratitlon* to Cod. Theod. viii. 5) the Emperor, the Praefectus Praetorio, and the Magister Officiorum issued permissions to use the post (Lyd. *de Magistr.* ii. 10, 26), but most of the other magistrates could only use it themselves, and that on state service, though certain officials were given the disposal of a limited number of permits each year: *e.g.* the Magister Militum per Orientem had twenty-five (Böcking, *Not. Dig.* i. p. xiv.). Another common name for these grants was *evectiones.* (For the strange terms *combinae* and *tractoriae*, see Salmasius on Capitol. *Pert.* 1.) They only lasted for a certain time (Plin. *ll. cc.*), and were very sparingly given, the greatest strictness being observed in requiring those who used the post to have them (Dig. 48, 10, 27, 2; Capitol. *Pert.* 1). On these diplomata the name (Plut. *Otho*, 3; Suet. *Otho*, 7; Tac. *Hist.* ii. 65) and seal (Suet. *Aug.* 50; Plut. *Galb.* 8) of the emperor were essential. After the further extension and development of the postal system under Hadrian, there were regular clerks, who were freedmen, for furnishing the various kinds of diplomata. These clerks were called *a diplomatibus* (Orelli, 2795), and perhaps formed a department of the *scrinium a memoria* (Henzen, 6328). The imperial *tabellarii* appear to have been called *diplomarii* (Mommsen, *I. R. N.* 6903). For further details see Cursus Publicus; Friedländer, ii. 14 ff.; and O. Hirschfeld, *Verwaltungsgeschichte*, i. 103–105; and for the later ages, Cod. Theod. viii. 5 and Godefroi's notes.

2. The Military Diplomata were documents granting rights of citizenship and regular marriage to soldiers who had served out their time; hence are frequently called *Privilegia Veteranorum de civitate et connubio.* Up to the date of the publication of the fifth volume of the *Ephemeris Epigraphica*, 1884, there are 80 extant, a complete index of 77 being given by Mommsen in that number (pp. 101 ff.). Previously in *C. I. L.* iii. p. 843 ff., he had given a full text and treatise on the diplomata then discovered. Five of these diplomata (21, 23, 30, 75, 76) are in the British Museum, one (21, of Trajan's time) being in good preservation. The earliest dates from the reign of Claudius, 52 A.D. (Dipl. 1); the latest from that of Diocletian, 301 A.D. (Dipl. 58). In republican times grants of citizenship were made by the people; in imperial times by the emperor (cf. Plin. *Ep.* x. 5, 6, 7; Suet. *Nero*, 12). The diplomata given to soldiers were always, like laws, cut in brass and posted up (cf. Cic. *Fam.* xiii. 36; *Phil.* ii. 36, 92) somewhere, before Domitian's time generally in the Capitol near the temple of Fides, subsequently *in muro post templum divi Augusti ad Minervam.* But if they were like laws, it was like "leges *datae*," not "*rogatae*" (see Mommsen, *ad Leges Salp. et Malac.* p. 392 ff.), and so Gaius (i. 57) rightly classes them among the *principum constitutiones.* They rest on the right granted to imperatores in the later ages of the republic, by such laws as the Lex Gellia et Cornelia (72 B.C.), a law which enacted that those who got citizenship from Cn. Pompeius with the advice of his council should be valid citizens (Cic. *Balb.* 8, 19; 14, 32: cf. Reid's introduction, p. 11); a right possessed long previously by certain *Triumviri coloniis deducendis* (*ib.* 21, 48, and Reid's note). The diplomata we are considering are *copies* of the law, and bear special reference to one individual and certain

of his relations, whose names are inserted at the end after the long preamble of the law, a space being evidently left in some diplomata (*e.g.* 6, 7, 10) for the name, which was subsequently added, perhaps in the presence of the witnesses, a reference being sometimes made to the actual place in the law where the individual in question will be found alluded to (*e.g.* in Dipl. 6 we find "Tabula I. pagina v. loco xxxxvi."). They bear the names of seven witnesses, who, after comparison of the copy and the law, affixed their seals; a practice arising from the sealing of wills, and afterwards extended to all legal documents. The names of the witnesses are nearly always in the genitive, signifying that it is their seal. These witnesses were mostly in early times friends and compatriots of the *beneficiarius*, called in by him; from Vespasian's time they were Roman citizens of the lower classes, who were perhaps called in by the brass-cutter and most likely made a business of such attestations. Hence the same name frequently occurs: *e.g.* Ti. Julius Felix (Dipl. 34, 35, 39, 41, 46): the name of Pullius occurs at least twenty-one times in these inscriptions; and they were, Mommsen supposes, freedmen of the Pullii, who for some generations seem to have had an extensive metal-working factory.

It is noticeable that among the legions the only ones to which diplomata are given are I., II. Adjutrices. These were formed for the fleet by Galba and Vespasian. Several are assigned to the praetorian and urban cohorts; but far the most to the auxiliary alae and cohorts, and to the *classici*. As to the date which is always added to the diplomata, Mommsen notices that in the third century the only dates found are "a. d. v. Kal. Jan." and "a. d. vii. Id. Jan."; the latter being the day of Augustus's establishment of the empire (*C. I. L.* i. p. 383): yet cf. Dipl. 72 (*Eph. Epigr.* iv. p. 508), which bears date "a. d. iii. Id. Aug."

As to the form in which the diplomata were couched, it is best to give a specimen of one. We take No. 16 of the year 93 A.D., now preserved at Florence (*C. I. L.* iii. p. 859).

"Imp(erator) Caesar, divi Vespasiani f. Domitianus Augustus Germanicus pontifex maximus tribunic(ia) potestat(e) xii imp(erator) xxii co(n)s(ul) xvi censor perpetuus, p(ater) p(atriae).

"Peditibus et equitibus qui militant in cohorte iii Alpinorum et in viii voluntariorum civium Romanorum, qui peregrinae condicionis probati erant, et sunt in Delmatia sub Q. Pomponio Rufo, qui quina et vicena stipendia aut plura meruerunt, item dimisso honesta missione emeritis stipendiis

"Quorum nomina subscripta sunt, ipsis liberis posterisque eorum civitatem dedit et connubium cum uxoribus quas tunc habuissent cum est civitas iis data, aut, si qui caelibes essent cum iis quas postea duxissent dumtaxat singuli singulas

"A. d. iii. Id. Julias M. Lollio Paullino Valerio Asiatico Saturnino, C. Antio Julio Quadrato co(n)s(ulibus)

"Cohort(is) iii, Alpinorum cui praeest C. Vibius Maximus, pediti, Veneto Diti f., Davers(o), et Madenae Plarentis filiae uxori eius Deramist(ae) et Gaio f. eius

"Descriptum et recognitum ex tabula aenea quae fixa est Romae in muro post templum divi Aug(usti) ad Minervam."

The names of the seven witnesses are added: A. Volumni Expectati, Q. Orfi Cupiti, &c. [As to the difficult question of the marriage of soldiers, some remarks will be found under EXERCITUS.]

The tablets were, as we said, of brass. They are generally oblong, about 6 × 4¾ inches. They have for the most part four holes, which are indicated in the accompanying figures of the four sides. The tablets were fastened together by two brass rings passed through holes 1 and 2. Accordingly, if you have the outside of *tabella prior* facing you, the fastenings are on the right side of the tablets. Also a thread (of brass in the case of the diplomata) was fastened three times through the holes 3 and 4, in accordance with the usual usage in official documents. "Amplissimus ordo decrevit," says Paulus (*Sent. Rec.* v. 25, 6), "eas tabulas quae publici vel privati contractus scripturam continent, adhibitis testibus ita signari, ut in summa marginis ad mediam partem perforatae triplici lino constringantur atque impositae

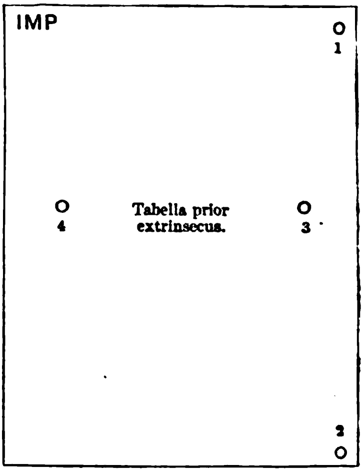


Fig. 1.

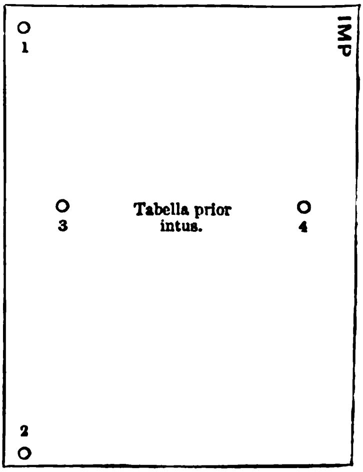


Fig. 2.

supra linum cerae signa imprimantur." (Cf. Suet. *Nero*, 17; Gaius, ii. 181; Just. *Inst.* ii. 16, 3.) But after the time of Antoninus Pius the holes 1 and 2 nearly always (*e.g.* Dipl. 51) do not appear, the only fastening being through 3 and 4 (*e.g.* Dipl. 51).

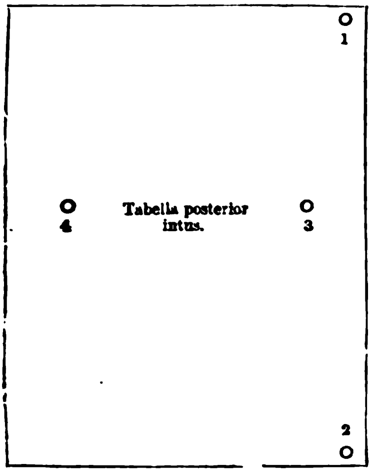


Fig. 3.

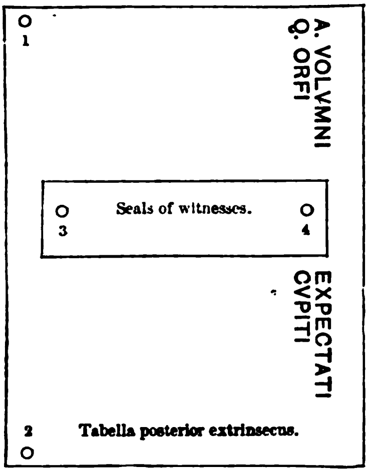


Fig. 4.

Originally an official document was written only on the inside tablets, the names of the witnesses alone being outside. But later the instrument was written on the outside as well: and such is the case with all our diplomata. The contents are written on the outside of *tabella prior* (Fig. 1), the lines running along the shorter side of the oblong. On the inside of *tabella prior* and *posterior* (Figs. 2 and 3), the diploma is again found in full in larger letters, the lines running along the longer side of the oblong and passing on from one tablet to the other. The writing here was after Trajan's time somewhat careless, with many abbreviations; also the locality where the diploma was fixed was omitted or inadequately specified. The inner side of *tabella posterior* was not used at all in the diplomata of the third century. Fig. 4 shows the outside of *tabella posterior* which contained the names of the witnesses. These names were cut at the same time as the rest of the document; and the witnesses gave their attestation by affixing their seals in the vacant space in the middle of the tablet, after comparison of the law and the copy. See Mommsen in *C. I. L.* iii. p. 902 ff.; *Ephemeris Epigraphica*, ii. 452–466; iv. 181–187, 495–515; v. 92–104, 610–617, 652–656. [L. C. P.]

DIPO'LIA. [DIIPOLIA.]

DI'PTEROS (δίπτερος). [TEMPLUM.]

DI'PTYCHA (δίπτυχα, from πτύσσω, "to fold"), two writing tablets (*tabulae* or *tabellae*,

Diptycha Consularia of Clementinus, A.D. 513. (Labarte.)

also called *pugillares*), fastened together at the back by means of wires, which answered the purposes of hinges, so that they opened and shut. The insides of such tablets were covered with wax for the purposes of writing, and with a raised margin round each to prevent the wax of one tablet rubbing against the wax of the other. The outside was made of different materials, such as wood, ivory, or parchment. [For authorities, see TABULAE.] Similar tablets were used by the Greeks. Herodotus (vii. 239) speaks of a *δέλτιον δίπτυχον*, made of wood and covered with wax; and even in Homer (*Il.* vi. 169) we read of a *πίναξ πτυκτός*.

The *Diptycha Consularia*, frequently mentioned in the later times of the empire, were made of ivory, and were presented by the consuls to the emperor and their friends on the day on which they entered upon their office. Other magistrates, such as the quaestors, also distributed diptycha on the same occasion (Symmach. *Ep.* ii. 81), but from the time of Theodosius this privilege was confined to the *Consules ordinarii*. (Claudian, *de Cons. Stilich.* iii. 346, Symmach. *Ep.* v. 56, vii. 76, ix. 119; Cod. Theod. xv. 8, 1.) These diptycha contained the portraits and names of the consuls, with other representations in bas-relief. Several of these diptycha are still extant—61 in all, according to Marquardt; the oldest bearing the date of 406 A.D., and the latest of 541. The specimen on the preceding page, figured by Labarte, represents one tablet, the other being nearly the same. On it Clementinus, consul A.D. 513, is represented seated on a curule chair, between the figures of Rome and Constantinople, holding the map of the Circus, and giving with it the sign for the beginning of the games. Above him are his signet, name, and title, surmounted by a cross and portraits of the Emperor Anastasius and the Empress Ariadne. Under him are two boys, emptying bags of presents; namely, coins, diptychs, and palm-branches. (There are several works on the Consular Diptychs, a list of which is given in Becker-Göll, *Gallus*, ii. p. 462; Marquardt, *Privatl. d. Römer*, p. 546.) [W. S.]

DIRECTA ACTIO. [ACTIO.]

DIRIBITO'RES are said by most modern writers to have been the persons who gave to the citizens the *tabella* with which they voted in the comitia; but Wunder has most distinctly proved, in the preface to his *Codex Erfurtensis* (pp. cxxvi.–clviii.), that it was the office of the *diribitores* to divide the votes when taken out of the *cistae*, so as to determine which had the majority He remarks that the etymology of *diribere* would lead us to assign to it the meaning of "separation" or "division," as it is compounded of *dis* and *habere* in the same manner as *dirimere* is of *dis* and *emere*; the *h* disappears as in *praebere* and *debere*, which come respectively from *prae* and *habere*, and *de* and *habere*. In several passages *diribitio suffragiorum* immediately precedes the *renuntiatio*, and hence the word cannot have any other signification than that given by Wunder. (Cic. *pro Planc.* 20, 49; *ad Qu. Fratr.* iii. 4, § 1; Varr. *de Re Rust.* iii. 2, § 1, iii. 5, § 18; *Lex Malac.* § 55, l. 12.)

When Cicero says (*in Pison.* 15, 36), "vos rogatores, vos diribitores, vos custodes tabellarum," we may presume that he mentions these officers in the order in which they discharged their duties in the *comitia*. It was the office of the *rogatores* to collect the *tabellae* which each century gave, as they used, before the ballot was introduced, to ask (*rogare*) each century for its votes, and report them to the magistrate who presided over the comitia. The *diribitores*, as has been already remarked, divided the votes when taken in the *cistae* to the *villa publica*, and there sorted them; the *custodes*, among whom were the agents of the candidates, checked them off by points marked on a tablet. [Compare CISTA; SITULA.] [W. S.]

DISCUS (*δίσκος*), a circular plate of stone (*λιθίνοις δίσκοις*, Pind. *Isthm.* i. 34), or metal ("splendida pondera disci," Mart. xiv. 164), made for throwing to a distance as an exercise of strength and dexterity. This gymnastic feat, like the *αἰγανέα*, formed later part of the Pentathlon, scenes from which were sometimes engraved on the discus.

The earliest form was a stone (*λίθος, λᾶς*), as employed among the mythic Phaeacians, and even down to the latest period (*v. sup.*); such a mass of granite is preserved in the Bibl. Nat. at Paris (Ménard, *Vie Priv. des Anc.* tom. iv. p. 26). In Homer, the heroes contend for a lump of iron (*σόλος αὐτοχόωνος*), perforated in the centre for the passage of a thong which served as a handle (Eratosth., ed. Bernhardy, p. 251), to be given to him who should throw it farthest. (*Il.* xxiii. 826–46, and ii. 774; *Od.* viii. 129, 186–8, xvii. 168.) In historical times the discus was of bronze and *lenticular*, 10 to 12 in. in diameter; in the Lyceum was one like a small smooth shield, with neither handle nor strap (Lucian, *Anach.* c. 27). The discus of Iphitos in the temple of Zeus at Olympia (Paus. v. 20) bore the truce (*ἐκεχειρία*) announced by the Eleians at the games spirally engraved upon it.

Of the game itself (*δισκοβολία*), a complete idea may be formed from the notices of the ancients and the remains of ancient art. The player, standing upon a slight elevation (*βαλβίς*), raised the discus to the level of his right shoulder (*κατωμαδίοιο*, *Il.* xxiii. 431), and then with a swing of the arm and a following motion of the body hurled it with all his force. (*Od.* viii. 186–200; and cf. Stat. *Theb.* vi. 703, "Vasto contorquet turbine et ipse prosequitur;" *τὰ δίσκουρα*, as a measure of length, *Il.* xxiii. 431, 523). An early example of the *δισκοβόλος* in art was the figure of Eurybotus on the chest of Cypselus. But the most celebrated representation in

Discobolus. (Osterley, *Denkm. der alt. Kunst*, vol. i. No. 139.)

antiquity is that by the sculptor Myron, whose powerful portrayal of the initial attitude of the thrower has been the theme of critics from Quintilian downwards (see Quint. *Inst. Or.* ii. 13, § 10; also Lucian, *Philops.* c. 18; Philostr. *Imag.* i. 24; Welcker, *ad loc.*). Eight copies of this statue are extant, one of which is in the British Museum.

Discus came to mean any plate-shaped object, so perhaps that of silver in the Delphic temple (Philostr. *Vit. Apoll. Tyan.* iii. 9, 57); a dish for serving food (Athen. iv. p. 128 c; Krause, *Angeiol.* p. 418 ff.). (J. H. Krause, *Gymn. u. Agon. d. Hell.*; Ersch and Grüber, *Gymn.* p. 350 ff.; Baumeister, *Denkm.* s. v.; Blümner, *Gesch. d. Kunstgew.* s. v.) [J. M.]

DISPENSA'TOR, a steward in the urbana familia, who had the charge of the accounts and made the payments. (Cic. *Att.* xi. 1; Cic. *ap.* Non. p. 193; Fest. p. 72, M.; Juv. i. 91, vii. 219; Mart. v. 42; Macrob. *Sat.* ii. 4, 31; Suet. *Aug.* 67, *Galb.* 12, *Vesp.* 22.) The dispensator was usually, perhaps always, a slave; though under the empire, Orelli maintains, he was sometimes ingenuus (Orelli, *Inscr.* 4002). If there was a procurator in the house, the dispensator was under him, and acted simply as cashier. Thus we read in Petronius (30) that the procurator *rationes accipiebat*, while the dispensator paid out the golden money in the atrium. If there was a dispensator on the country estate, he was nearly the same as the villicus (Dig. 50, 16, 166). The imperial procuratores discharged important duties not only at the court, but in Rome and the provinces (cf. Plin. *H. N.* vii. § 129). How valuable was the appointment may be seen from the fact that Otho extorted a million of sesterces from a slave whom he had recommended to Galba for the office of dispensator (Suet. *Oth.* 5). A slave of Claudius, who was dispensator in Nearer Spain, had a silver dish 500 pounds in weight, and many of his companions had similar dishes, but of less weight (Plin. xxxiii. § 145; Tertull. *de Pall.* 5). In a columbarium on the Appian way is an inscription respecting an imperial dispensator in Gallia Lugdunensis, erected by sixteen of his slaves (*vicarii*), who had accompanied him to Rome, where he died (Orelli-Henzen, *Inscr.* 6651). (Becker-Göll, *Gallus*, ii. p. 136; Friedländer, *Sittengesch. Roms*, i. p. 97; Marquardt, *Privatl. d. Römer*, p. 152.) [W. S.]

DITHYRAMBUS. [CHORUS.]

DIVERSO'RIUM. [CAUPONA.]

DIVIDI'CULUM. (AQUAEDUCTUS, p. 154 *b*.)

DIVINA'TIO is, according to Cicero (*de Divinat.* i. 1, 1), a presentiment and a knowledge of future things; or, according to Chrysippus (Cic. *de Divinat.* ii. 63, 130), a power in man which foresees and explains those signs which the gods throw in his way, and the diviner must therefore know the disposition of the gods towards men, the import of their signs, and the means whereby the indications given by these signs are to be dealt with. According to this latter definition, the meaning of the Latin word *divinatio* is narrower than that of the Greek μαντική, inasmuch as the latter signifies any means by which the decrees of the gods can be discovered, the natural as well as the artificial; that is to say, the seers and the oracles, where the will of the gods is revealed by inspiration, as well as the *divinatio* in the sense of Chrysippus. In the one, man is the passive medium through which the deity reveals the future; while, in the other, man discovers it by his own skill or experience, without any pretension to inspiration. As, however, the seer or *vates* was also frequently called *divinus*, we shall treat, under this head, of seers as well as of other kinds of *divinatio*. The subject of oracles is discussed in a separate article. [ORACULUM.]

The belief that the decrees of the divine will were occasionally revealed by the deity himself, or could be discovered by certain individuals, is one which the classical nations of antiquity had, in common with many other nations, before the attainment of a certain degree of intellectual cultivation. In early ages such a belief was natural, and perhaps founded on the feeling of a very close connexion between man, God, and nature. But in the course of time, when men became more acquainted with the laws of nature, this belief was abandoned, at least by the more enlightened minds, while the multitudes still continued to adhere to it; and the governments, seeing the advantages to be derived from it, not only countenanced, but encouraged and supported it.

The seers or μάντεις, who, under the direct influence of the gods, chiefly that of Apollo, announced the future, seem originally to have been connected with certain places where oracles were given; but in subsequent times they formed a distinct class of persons, independent of any locality; one of them is Calchas in the Homeric poems. Apollo, the god of prophecy, was generally the source from which the seers, as well as other diviners, derived their knowledge. In many families of seers the inspired knowledge of the future was considered to be hereditary, and to be transmitted from father to son. To these families belonged the Iamids (Paus. iii. 11, § 5, &c.; Boeckh, *ad* Pind. *Ol.* vi. p. 152), who from Olympia spread over a considerable part of Greece; the Branchidae, near Miletus (Conon, 33); the Eumolpids, at Athens and Eleusis; the Clytiads (Paus. vi. 17, § 4), the Telliads (Herod. viii. 27; Paus. x. 1, § 4, &c.; Herod. ix. 37), the Acarnanian seers, and others. Some of these families retained their celebrity till a very late period of Grecian history. The *manteis* made their revelations either when requested to do so on important emergencies, or they made them spontaneously whenever they thought it necessary, either to prevent some calamity or to stimulate their countrymen to something beneficial. The civil government of Athens not only tolerated, but protected and honoured them; and Cicero (*de Divinat.* i. 43, 95) says, that the *manteis* were present in all the public assemblies of the Athenians. (Compare Aristoph. *Pax*, 1025, with the Schol.; *Nub.* 325, &c. and the Schol.; Lycurg. *c. Leocrat.* p. 196.) Along with the seers we may also mention the Bacides and the Sibyllae. Both existed from a very remote time, and were distinct from the *manteis* so far as they pretended to derive their knowledge of the future from sacred books (χρησμοί) which they consulted, and which were in some places, as at Athens and Rome, kept by the government or some especial officers, in the acropolis and in the most revered sanctuary. Bacis was, according to

Pausanias (x. 12, § 6; compare with iv. 27, § 2), in Boeotia a general name for a man inspired by nymphs. The Scholiast on Aristophanes (*Pax*, 1009) and Aelian (*V. H.* xii. 35) mention three original Bacides,—one of Eleon in Boeotia, a second of Athens, and a third of Caphys in Arcadia. (Compare Aristoph. *Equit.* 123, 998; *Aves*, 963; Clem. Alex. *Strom.* i. 398.) From these three Bacides all others were said to be descended, and to have derived their name. Antichares (Herod. v. 43), Musaeus (Herod. vii. 6), Euclous of Cyprus (Paus. x. 12, § 6), and Lycus, son of Pandion (Paus. *l. c.*), probably belonged to the Bacides. The Sibyllae were prophetic women, probably of Asiatic origin, whose peculiar custom seems to have been to wander with their sacred books from place to place. (Liv. i. 7.) Aelian (*V. H.* xii. 35) states that, according to some authors, there were four Sibyllae,—the Erythraean, the Samian, the Egyptian, and the Sardinian; but that others added six more, among whom there was one called the Cumaean, and another called the Jewish Sibylla. Compare Suidas (*s. v.* Σίβυλλαι), and Pausanias (x. 12), who has devoted a whole chapter to the Sibyllae, in which, however, he does not clearly distinguish between the Sibyllae properly so called, and other women who travelled about and made the prophetic art their profession, and who seem to have been very numerous in all parts of the ancient world. (Clem. Alex. *Strom.* i. 319.) The Sibylla whose books gained so great an importance at Rome, was, according to Varro (*ap.* Lactant. i. 6), the Erythraean: the books which she was said to have sold to one of the Tarquins were carefully concealed from the public, and only accessible to the duumvirs. The early existence of the Sibyllae is not as certain as that of the Bacides; but in some legends of a late date, they occur even in the period previous to the Trojan war, and it is not improbable that at an early period every town in Greece had its prophecies by some Bacis or Sibylla. (Paus. *l. c.*) They seem to have retained their celebrity down to the time of Antiochus and Demetrius. (See Niebuhr, *Hist. of Rome*, i. p. 503, &c.)

Besides these more respectable prophets and prophetesses, there were numbers of diviners of an inferior order (χρησμολόγοι), who made it their business to explain all sorts of signs, and to tell fortunes. They were, however, more particularly popular with the lower orders, who are everywhere most ready to believe what is most marvellous and least entitled to belief. This class of diviners, however, does not seem to have existed until a comparatively late period (Thuc. ii. 21; Aristoph. *Aves*, 897; *Pax*, 986, 1034, &c.), and to have been looked upon, even by the Greeks themselves, as nuisances to the public.

The second or artistic kind of divination consisted in the interpretation of signs and phenomena. For this kind of divination no divine inspiration was thought necessary, but merely experience and a certain knowledge acquired by routine; and although in some cases priests were appointed for the purpose of observing and explaining signs [AUGUR; HARUSPEX], yet on any sudden emergency, especially in private affairs, any one who met with something extraordinary might act as his own interpreter. The principal signs by which the gods were thought to declare their will, were things connected with the offering of sacrifices, the flight and voice of birds, all kinds of natural phenomena, ordinary as well as extraordinary, and dreams.

The interpretation of signs of the first class (ἱερομαντεία or ἱεροσκοπία, *haruspicium* or *ars haruspicina*), was, according to Aeschylus (*Prometh.* 492, &c.), the invention of Prometheus. It seems to have been most cultivated by the Etruscans, among whom it was raised into a complete science, and from whom it passed to the Romans. Sacrifices were either offered for the special purpose of consulting the gods, or in the ordinary way; but in both cases the signs were observed, and, when they were propitious, the sacrifice was said καλλιερεῖν. The principal points that were generally observed were: 1. The manner in which the victim approached to the altar, whether uttering a sound or not; the former was considered a favourable omen in the sacrifice at the Panionium. (Strab. viii. p. 384, compare Paus. iv. 32, § 3.) 2. The nature of the intestines with respect to their colour and smoothness (Aeschyl. *Prometh.* 493, &c.; Eurip. *Elect.* 833); the liver and bile were of particular importance. [CAPUT EXTORUM.] 3. The nature of the flame which consumed the sacrifice (see Valckenaer, *ad* Eurip. *Phoe*[illegible]61); hence the words πυρομαντεία, ἐμπυρ[illegible]τα, φλογωπὰ σήματα. That the smoke r[illegible]om the altar, the libation, and various other [illegible]gs offered to the gods, were likewise conside[illegible]d as a means through which the will of the gods might be learned, is clear from the names καπνομαντεία, λιβανομαντεία, κριθομαντεία, and others. Especial care was also taken during a sacrifice, that no inauspicious or frivolous words were uttered by any of the bystanders: hence the admonitions of the priests, εὐφημεῖτε and εὐφημία, or σιγᾶτε, σιωπᾶτε, *favete linguis*, and others; for improper expressions were not only thought to pollute and profane the sacred act, but to be unlucky omens (δυσφημία, κληδόνες, φῆμαι, φωναὶ or ὀμφαί, Pind. *Ol.* vi. 112; Hom. *Il.* ii. 41).

The art of interpreting signs of the second class was called οἰωνιστική, *augurium* or *auspicium*. It was, like the former, common to Greeks and Romans, but was never developed into so complete a system by the former as by the latter; nor did it ever attain the same degree of importance in Greece as it did at Rome. [AUGUR.] The Greeks, when observing the flight of birds, turned their face towards the north, and then a bird appearing to the right (east), especially an eagle, a heron, or a falcon, was a favourable sign (Hom. *Il.* xiv. 274, xxiv. 310, *Od.* xv. 524); while birds appearing to the left (west) were considered as unlucky signs. (Hom. *Il.* xii. 201, 230; Festus, s. v. *Sinistrae Aves.*) Sometimes the mere appearance of a bird was thought sufficient: thus the Athenians always considered the appearance of an owl as a lucky sign; hence the proverb, γλαὺξ ἵπταται, "the owl is out," *i.e.* we have good luck. Other animals appearing unexpectedly, especially to travellers on their road (ἐνόδια σύμβολα), were also thought ominous; and at Athens it was considered a very unlucky omen, when a weasel appeared during the assembly of the people.

(Aristoph. *Eccles.* 793.) Superstitions of this kind are still met with in several European countries. Various other means were used to ascertain the will of the gods, such as the *σιδηρομαντεία*, or divination by placing straws on red-hot iron; the *μολυβδομαντεία*, by observing the figures which melted lead formed; the *βοτανομαντεία*, or divination by writing one's own name on herbs and leaves, which were then exposed to the wind, &c.

Of greater importance than the appearance of animals, at least to the Greeks, were the phenomena in the heavens, particularly during any public transaction. They were not only observed and interpreted by private individuals in their own affairs, but by the public magistrates. The Spartan ephors, as we learn from Plutarch (*Agesil.* 11), made regular observations in the heavens every ninth year during the night; and the family of the Pythaistae, of Athens, made similar observations every year before the theoris set sail for Delos. (Müller, *Dorians*, ii. 2, § 14.) Among the unlucky phenomena in the heavens (*διοσημεῖα*, *signa*, or *portenta*) were thunder and lightning (Aristoph. *Eccles.* 793; Eustath. *ad* Hom. *Od.* xx. 104), an eclipse of the sun or moon (Thucyd. vii. 50), earthquakes (Xen. *Hellen.* iv. 7, § 4), rain of blood, stones, milk, &c. (Hom. *Il.* xi. 53, &c.; Cic. *de Divinat.* i. 43). Any of these signs was sufficient at Athens, as [illegible] at Rome, to break up the assembly of [illegible]ople. (Schömann, *de Comit. Ath.* p. 14[illegible] transl.) In common life, things apparently of no importance, when occurring at a critical moment, were thought by the ancients to be signs sent by the gods, from which conclusions might be drawn respecting the future. Among these common occurrences we may mention sneezing (Hom. *Od.* xvii. 561, with the note of Eustath.; Xen. *Anab.* iii. 2, § 9; Plut. *Themist.* 13; Ovid, *Heroid.* 19, 151; Propert. ii. 2, 33), twinkling of the eyes (Theocrit. iii. 37; Plaut. *Pseud.* i. 2, 105; compare Wüstemann, *ad* Theocrit. *l. c.*), tingling of the ears, and numberless other things which we cannot here enumerate. Some of them have retained their significance with the superstitious multitude down to the present day.

The art of interpreting dreams (*ὀνειροπολία*), which had probably been introduced into Europe from Asia, where it is still a universal practice, seems in the Homeric age to have been held in high esteem; for dreams were said to be sent by Zeus. (Hom. *Il.* i. 63, ii. *init.*; *Od.* iv. 841, xix. 457.) In subsequent times, that class of diviners who occupied themselves with the interpretation of dreams, seems to have been very numerous and popular; but they never enjoyed any protection from the state, and were only resorted to by private individuals. Some persons are said to have gained their livelihood by this profession. (Plut. *Aristid.* 27.) Respecting the oracles which were obtained by passing a night and dreaming in a temple, see ORACULUM.

For further information concerning the art of divination in general, see Cicero's work *de Divinatione*. The *μαντική* of the Greeks is treated of at some length by Wachsmuth (*Hellen. Alterth.* ii. 2, p. 259, &c., vol. ii. p. 585, 2nd edit.). Compare Thirlwall's *Hist. of Greece*, i. p. 206, &c.

The word *divinatio* was used in a particular manner by the Romans as a law-term, which requires some explanation. If in any case two or more accusers came forward against one and the same individual, it was, as the phrase ran, *decided by divinatio* who should be the chief or real accuser, whom the others then joined as subscriptores; *i.e.* by putting their names to the charge brought against the offender. This transaction, by which one of several accusers was selected to conduct the accusation, was called *divinatio*, as the question here was not about facts, but about something which was to be done, and which could not be found out by witnesses or written documents; so that the judices had, as it were, to divine the course which they had to take. (Ascon. *in Argum. ad* Cic. *Divinat. in Caec.* p. 99, ed. Orelli.) Hence the oration of Cicero in which he tries to show that he, and not Q. Caecilius Niger, ought to conduct the accusation against Verres, is called *Divinatio in Caecilium*. Cf. cc. 15 and 20 of the oration, and Gellius, ii. 4. [L. S.] [A. S. W.]

DIVI'SOR. [AMBITUS.]

DIVO'RTIUM, divorce. 1. GREEK. The term for this act was *ἀπόλειψις* or *ἀπόπεμψις*, the former denoting the act of a wife leaving her husband, and the latter that of a husband dismissing his wife (Dem. *c. Onet.* i. p. 865, § 4; *c. Neaer.* p. 1362, § 52, 1365, § 59). The only Greek states respecting whose laws of divorce we have any knowledge are Athens and Sparta. In both states the law permitted either husband or wife to call for and effect a divorce, though it was much easier for a husband to get rid of his wife than for a wife to escape from her husband. At Sparta, it seems, a man might dismiss his wife if she bore him no issue; the recorded instances, however, are those of kings, and private inclination was sacrificed to state policy (Herod. v. 39, vi. 61). The law at Athens allowed a man to divorce his wife without ceremony, simply by his act of sending her out of his house (*ἐκπέμπειν*, *ἀποπέμπειν*), upon which she returned to the guardianship of her nearest male relation (Dem. *c. Onet.* i. p. 868, § 8; cf. KYRIOS). The husband was then bound to return the dowry which she had brought him, or to pay her interest at the rate of nine obols per mina per month (*ἐπ' ἐννέα ὀβολοῖς* = 18 per cent. per annum, Dem. *c. Aph.* i. p. 818, § 17, *c. Neaer.* p. 1362, § 52); and in addition to this to provide alimony (*σῖτος*). It became the duty of the *κύριος* to enforce these claims, if necessary, by a *προικὸς δίκη* or a *σίτου δίκη* (*c. Neaer.* l. c.; Isae. *Or.* 3 [*Pyrrh.*], §§ 9, 78). A husband thus dismissing his wife usually did so, as might be expected, in the presence of witnesses (Lys. *c. Alcib.* i. § 28). What became of the children in such a case is not mentioned, but it is probable that they remained with the father. Besides the various motives which naturally incline men to seek a new connexion or break off the old, the Athenian law created artificial grounds of divorce. The heiress (*ἐπίκληρος*) became the property of the next-of-kin. He, or she, or both of them might be married at the time when the inheritance devolved upon her. In such a case the man was tempted to put away his wife; the wife might be obliged to leave her husband (Isae. *l. c.* § 64; Dem. *c. Eubul.* p. 1311, § 41). Much less repulsive was the rule that proved adultery on the part of the wife compelled her husband to divorce her, or himself incur the penalty of atimia (Lex *ap.* Dem. c. *Neaer.* p. 1374, § 87). When, on the other hand, a wife wished to leave her husband, if both parties agreed upon a divorce, no further proceedings were required: mutual consent was sufficient to dissolve a marriage. If the husband objected, she was obliged to appear in person before the archon, and state in writing the grounds of her application ([Andoc.] c. *Alcib.* § 14; Plut. *Alcib.* 12). She had to conduct her case quite alone, for as she was in her husband's power until judgment was given, no one had a right to come forward as her advocate. It has been maintained that she could be represented by her *κύριος*, but the notorious case of Alcibiades and his ill-used wife Hipparete, in the passages just cited, leaves little doubt that she could not (Lipsius on *Att. Process*, p. 512 n. = 414): the expression in Demosthenes (*c. Onet.* i. p. 868, § 17, *τὴν ἀπόλειψιν οὗτοι πρὸς τὸν ἄρχοντ' ἀπεγράψαντο*, cf. 871, § 26) probably refers to the register (*ἀπογραφή*) of all divorces, whether made by consent or otherwise, which was kept by the archon. The action thus brought by a woman was called *ἀπολείψεως δίκη*. Her right to a separation would depend on the treatment she had received [KAKOSIS]; but of the nature of the archon's jurisdiction we know but little. The husband's loss of freedom (*i.e.* by becoming a prisoner of war and being sold into slavery) is mentioned as affording an absolute claim to a divorce (Thalheim, *Rechtsalterth.* p. 67 n.).

Charondas, in his legislation at Thurii, had permitted divorce, but his law was subsequently modified by the addition that, if divorced persons should wish to marry again, they should not be allowed to marry a person younger than the one from whom he (or she) had been separated (Diod. xii. 18).

(*Att. Process*, pp. 413–415 = 510–513 Lipsius; C. R. Kennedy, *Select Priv. Or. of Dem.* p. 269 f.; Schömann, *Antiq.* i. 517, E. T.; Hermann-Blümner, *Privatalterth.* pp. 252, 262; Thalheim, *Rechtsalterth.* p. 67.) [L. S.] [W. W.]

2. ROMAN. The word *divortium* signified generally a separation; and, in a special sense, a divorce or dissolution of marriage. Several authorities (Gell. iv. 3, Dionys. ii. 25; Val. Max. ii. 1–4) state that divorce was unknown at Rome in early times, and that the first instance of divorce occurred in B.C. 233, when Sp. Carvilius Ruga put away his wife on the ground of barrenness. It is said that the act of Carvilius was generally disapproved of (Val. Max. ii. 1–4). Savigny has discussed the details of this story with his usual acuteness (*Verm. Schriften*, v. 1–4). It is probable that divorce on account of the misconduct of the wife was in use from a very early period; but the case of Carvilius Ruga may have been the beginning of the lax system of divorce which prevailed towards the end of the free republic and under the empire.

The marriage by which the husband acquired *manus* over his wife, as well as the later free marriage, was dissoluble; but the marriage of a *flamen*, which was solemnised by *confarreatio*, could never under any circumstances be severed (Plut. *Romul.* 22; Gell. x. 15).

A corresponding form to that by which a marriage had been created was used for dissolving it: thus a marriage entered into by *confarreatio* was put an end to by a similar ceremony, called *diffarreatio* (Festus, s. v. *diffarr.*); if a wife had passed into the *manus* of her husband by *coemptio*, she could only be released by a *remancipatio*, which, according to Gaius, the husband could be compelled to execute (Gaius, i. 137). These formal restrictions on the right of divorce disappeared under the free form of marriage, which did not bring the wife *in manum viri*. The theory on which Roman marriage was based admits the utmost facility of divorce: the consent and conjugal affection of the parties were regarded as the essential part of a marriage, and this *affectio maritalis* was necessary for the continuance as well as for the creation of a marriage. Accordingly either party might declare his or her consent to dissolve the connexion. No judicial decree and no interference of any public authority was necessary to dissolve the marriage. A divorce which was brought about by one party renouncing the marriage and not by mutual consent was called a *repudium*. It was customary for one who renounced a marriage to send a distinct notice or declaration of intention to the other party, and it was doubted in the time of Cicero whether the simple fact of either party marrying again without any such notice having been given was sufficient to constitute a divorce (Cic. *Orat.* i. 40). The ceremony of breaking the *nuptiales tabulae* (Tacit. *Ann.* xi. 30), or of taking the keys of the house from the woman and turning her out of doors, were probably considered to be acts of themselves significant enough; but the general practice was apparently to deliver a written notice, and perhaps to assign a reason, though in the case of Paula Valeria mentioned by Cicero no reason was assigned. By the Lex Julia de adulteriis it was required that a *repudium* should be executed in the presence of seven witnesses, Roman citizens of the age of puberty (Dig. 24, 2, 9; Sueton. *Octav.* 34). This prevented an adulteress from setting up the pretence of a *repudium* as an excuse for her conduct.

Not only the wife herself, but also her father, if she was under his power, might dissolve the marriage. This right of a paterfamilias was made practically ineffectual by a decree of the Emperor Marcus. Towards the latter part of the republic and under the empire, divorces became very common. Cn. Pompeius divorced his wife Mucia for alleged adultery, and his conduct was approved (Cic. *ad Att.* i. 12, 18); and Cicero speaks (*ad Fam.* viii. 7) of Paula Valeria as being ready to serve her husband on his return from his province with notice of divorce (cf. Juv. vi. 224, and Martial, vi. 7). Cicero himself divorced his wife Terentia after living with her thirty years, and married a young woman whom he also divorced (Plut. *Cic.* 41). Cato the younger divorced his wife Marcia, that his friend Hortensius might marry her and have children by her; for this is the true meaning of the story (Plut. *Cat. Min.* 25). By the Lex Papia Poppaea a freedwoman who had married her patron was prevented from divorcing herself (Dig. 24, 2, 11) so as to be capable of marrying anyone else

From an early time penalties were imposed on those who divorced without good cause, and also on those who by their conduct made a divorce necessary.

A man was punished by *nota censoria*, a woman by loss of *dos*. There was the *retentio dotis propter mores* when the divorce was caused by the fault of the wife, and also the *retentio propter liberos* which was the right of the husband to deduct an additional amount of *dos* in case there were children of the marriage. The free right of divorce was not taken away by the early Christian emperors, but its exercise except on grounds defined by statute was severely punished. Justinian went further than his predecessors in limiting the legal grounds of divorce. He even punished divorce by mutual consent unless the object of the parties was to live a life of chastity. (Dig. 34, 2; Cod. Theod. iii. 16; Cod. v. 17; Wächter, *Ueber Ehescheidungen bei den Römern.*) [G. L.] [E. A. W.]

DO'KANA (**τὰ δόκανα**, from **δοκός**, a beam) was an ancient symbolical representation of the Dioscuri (Castor and Polydeuces), at Sparta. It consisted of two upright beams with others laid across them transversely. (Plut. *de Amor. Fratr.* 1, p. 36.) This rude symbol of fraternal unity evidently points to a very remote age, in which scarcely any attempts in sculpture can have been made. At a later time, when works of art were introduced into all the spheres of ordinary life, this rude and ancient object of worship, like many others of its kind, was not superseded by a more appropriate symbol. The Dioscuri were worshipped as gods of war, and we know that their images accompanied the Spartan kings whenever they took the field against an enemy. But when in the year 504 B.C. the two kings, during their invasion of Attica, failed in their undertaking on account of their secret enmity towards each other, it was decreed at Sparta, that in future only one king should command the army, and in consequence should only be accompanied by one of the images of the Dioscuri. (Herod. v. 75.) It is not improbable that these images, accompanying the kings into the field, were the ancient *δόκανα*, which were now disjointed, so that one-half of the symbol remained at Sparta, while the other was taken into the field by one of the kings. Suidas and the *Etymologicum Magnum* (s. v.) state that *δόκανα* was the name of the graves of the Dioscuri at Sparta, and derived from the verb *δέχομαι*. (Müller, *Dorians*, i. 5, § 12, note m, ii. 10, § 8; Zoega, *De Obeliscis*, p. 228.) [L. S.]

DOKIMA'SIA (*δοκιμασία*), the public proof or testing of qualifications at Athens, was of several kinds:—I. Of each citizen on attaining legal majority. The Athenian first entered upon the full enjoyment of the rights of citizenship after the completion of his thirtieth year, before which age he was eligible neither for public office, nor to the council, nor to serve as a juryman. But the right of attendance at the general assemblies and of participation in the voting, nay, even of speaking in them, was at least not expressly forbidden him from his twentieth year onward; although discreet and sensible young men kept away of their own accord. Full age, as regarded private legal relations, began properly at the completion of the eighteenth year [EPHEBUS]. Before young men were declared to be of full age, however, they were subjected to an examination called *δοκιμασία*, which partly had reference to their bodily maturity, in order to ascertain whether they were capable of the military services imposed on them at this age; partly, in the cases of orphans and the sons of heiresses, to their capability of managing their property for themselves. Finally, a proof might be demanded in the course of it of the genuineness of their descent as citizens. The examination with regard to the first and third point was undertaken in an assembly of the Demotae or inhabitants of their district, and as it seems by the older men, and especially those who were Heliastae. (Aristoph. *Vesp.* 578.) That relating to the second point might be instituted before the Phratria. The phrase *ἐπὶ δίετες ἡβῆσαι*, indicating both the military age and civil majority (Aeschin. *c. Ctes.* § 122; Lex *ap.* Demosth. ii. *c. Steph.* p. 1135, § 20), is now explained, after Schömann, of the completion of the eighteenth year, in accordance with the precise language of the writer in Bekk. *Anecd.* p. 255, 15: *τὸ ἐπὶ δίετες ἡβῆσαι· τὸ γενέσθαι ἐτῶν ὀκτωκαίδεκα· ἵνα ἥβη ᾖ τὸ ἑκκαίδεκα ἐτῶν γενέσθαι* (Schömann, *Assemblies*, p. 69 ff.; *Antiq.* i. 359, E. T.; Hermann, *Privatalterth.* § 56, n. 11; Blümner, *Privatalterth.* p. 322; A. Schaefer, *Demosthenes und seine Zeit*, iii. pt. 2, p. 35; Sandys on Dem. *c. Steph.* l. c.). The older scholars, following Harpocration and Pollux (viii. 105), made *ἥβη* the eighteenth, coming of age the twentieth year. In cases of immaturity of body and mind the dokimasia might, it seems, be postponed within certain limits: Schömann supposes that "among the Athenians no one particular period was appointed for being enrolled, provided that it was not done before the attainment of the eighteenth, nor after the completion of the twentieth year."

II. Of magistrates and public officers. When any citizen of Athens was either appointed by lot, or chosen by suffrage (*κληρωτὸς καὶ αἱρετός*), to hold a public office, he was obliged, before entering on its duties, to submit to a dokimasia, or scrutiny into his previous life and conduct, in which any person could object to him as unfit. This was the case with the archons, the senators, the strategi, and other magistrates. The examination, or anakrisis, for the archonship was conducted by the senators, or in the courts of the heliaea. The term for rejection was *ἀποδοκιμάζειν* (Lys. *c. Agorat.* § 10, *c. Evand.* §§ 6, 14; [Dem.] *c. Aristog.* i. p. 779, § 30, p. 790, § 67).

III. Of orators. Though not holding any office, orators are opposed to *ἰδιῶται* as *πολιτευόμενοι* or public characters ([Dem.] *Phil.* iv. p. 150, § 70; Aeschin. *c. Tim.* § 7). As such, they were liable to the denouncement of an inquiry (*ἐπαγγελία δοκιμασίας*) against those who spoke in the assembly while leading profligate lives, or after having committed flagitious crimes. This denouncement might be made in public by any one *πρὸς δοκιμασίαν τοῦ βίου*, *i.e.* to compel the party complained of to appear before a court of justice and give an account of his life and conduct. If found guilty, he was punished with atimia and excluded from the assemblies (Aeschin. *c. Timarch.* §§ 2, 28, 32, 81; Dem. *c. Androt.* p. 602, § 29). [EPANGELIA.]

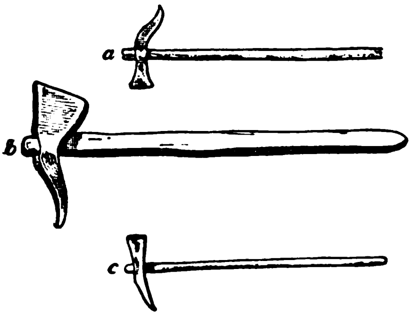
IV. Of the cavalry (*ἱππέων*), a muster before the *βουλὴ* or senate (Xenoph. *Oec.* 9, § 15; *Hipparch.*

3, § 9). The neglect of it involved expulsion from the service and atimia (Lys. c. *Alcib.* i. § 8, ii. § 5; *pro Mantith.* § 13).

V. Of invalids (Adynatoi). [R. W.] [W. W.]

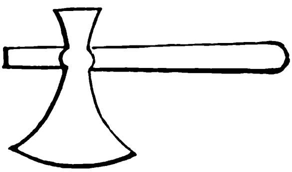
DODRANS, nine ounces, nine-twelfths or three-fourths of the as [As], or three-fourths of anything. Hence the phrase *heres ex dodrante*, the heir to three-fourths of an estate. (Cic. *Att.* i. 14; Nep. *Attic.* 5; Mart. viii. 9; Suet. *Caes.* 83.) [W. S.]

DOLABRA, dim. Dolabella, a tool consisting of a long handle and a double head, which terminated on one side in a sharp blade, the edge of which ran parallel to the handle (while the blade of the *ascia* was at right angles to the handle), and on the other side in a pick, which was usually curved (*falx*, Prop. iv. 2, 59). In this form it was used for hewing wood (Curt. viii. 4, § 11), for pruning, where the pruning-hook was not strong enough (Colum. *de Arb.* 10, 2), for making stockades (Juv. viii. 248; Veget. *de Re Mil.* ii. 25), and for breaking down ramparts and walls (Liv. ix. 37, xxi. 11; Tac. *Hist.* iii. 20 and 27; Curt. ix. 5, § 19). It was consequently a tool familiar to the Roman soldier, as may be seen in the accompanying illustration (Fig. *b*), from Trajan's Column.



Dolabra. (Blümner.)

For the purpose, however, of excavating or breaking up the earth (Pallad. ii. 1 and 3, iii. 21), a *dolabra* with a straighter pick appears to have been used, as is shown in Fig. *a*, from a relief on a tomb. Of a similar form is Fig. *c*, which represents the dolabra used by masons (Isid. *Orig.* xix. 19, 11). The hatchet used at sacrifices ("scena ab aliis, a quibusdam sacena appellatur dolabra pontificalis," Festus, p. 318, M.) and by butchers (Dig. 33, 7, 18) was also called a *dolabra*, and is figured here. The *dolabella* is to be used, according to Columella, iv. 24, for breaking up the earth round the vines and for pruning. (Blümner, *Tech. u. Term.*, &c., vol. ii. p. 206.) [J. Y.] [J. H. F.]



Dolabra. (From funeral monument.)

DO'LICHOS (δόλιχος). [Cursus.]

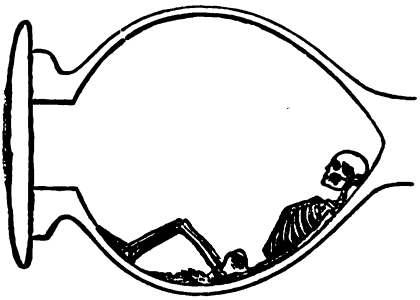
DO'LIUM (πίθος), a large earthenware jar (πίθος κεράμινος, Herod. iii. 96) into which, or into the wooden *cupae*, new wine was put to let it ferment. [Cupa.] Such jars were frequently of great size, shaped like enormous caldrons, with globular bodies and wide gaping mouths. They were formed of the best clay, and, as they could not be turned on the wheel, were difficult of construction (*Geopon.* vi. 3), so that the making of them passed into a proverb for a troublesome undertaking (Zenob. *Cent.* iii. 65, Leutsch). They were lined with a coating of pitch, while they were hot from the furnace, and were usually sunk (*demersa*, *depressa*, or *defossa*) one-half or two-thirds in the cellar. Wine which would not keep long was drunk from the dolium or *cupa*; that which improved by keeping was transferred from them to the amphorae. [Amphora.] (*Geopon.* l. c.; Cat. *R. R.* 23; Varr. *R. R.* 1, 13; Colum. xii. 18; Non. *s. v.*; Dig. 33, 6, 3, § 1; Senec. *Ep.* 36, 3.) Besides holding wine, dolia were used for keeping other things, such as oil (Cat. *R. R.* 10, 4), corn (Dig. 50, 16, 206), &c. Many of these earthenware dolia were large enough to hold a man. Diogenes took up his abode in such a πίθος or dolium (Diog. Laërt. vi. 23; Juv. xiv. 308 ff.; Sen. *Ep.* 90, 14), and in some ancient works of art he is represented stretching his body out of a πίθος, in his celebrated interview with Alexander. In the Peloponnesian war, when the country people took refuge in Athens, they are described, with some comic exaggeration, as living in such earthenware vessels (Aristoph. *Eq.* 792). The dolium into which the Danaids emptied their vessels was of a similar size (Hor. *Carm.* iii. 11, 27; cf. Lucian, *Hermot.* 61). Palladius (x. 11) speaks of dolia containing two hundred congii; and the *sesquicullaria dolia* of Columella (xii. 18, extr.) contained 1½ culleus—that is, 30 amphorae. Many of these large cullei have been found in Italy and other countries, having stamped on them the number of amphorae they contained; namely, 20, 30, and 36 amphorae. Some have leaden hoops round them. They were made of white or red clay, or of the two colours combined. On account of their great size these dolia, which were fixed in the cellar, were not allowed to be removed, and were sold along with the house (Dig. 33, 6, 3, § 1; 33, 7, 8). The *seriae* were similar vessels, and appear to

Pithos or Dolium of Diogenes.
(From fragment of lamp in British Museum. Birch.)

have been a smaller kind of dolia. The two are frequently mentioned together (Colum. xii. 18, and 50, § 14; Ter. *Heaut.* iii. 1, 51; Liv. xxiv. 18). The makers of the dolia were called *doliarii*, but the term *opus doliare* was applied to all kinds of coarse ware, such as the tiles of houses.

Dolia curta were urinals placed in the narrow streets between the houses for the convenience of those who passed by. (Lucret. iv. 1026; *dum eunt, nulla est in angiporto amphora quam non impleant*, Macrob. iii. 16, § 15; cf. *urinae vectigal*, Suet. *Vesp.* 23.)

Dolia were also used for holding corpses in graves. In the Crimea, near Sebastopol, sixteen πίθοι were discovered, 4 feet 4 inches high, and 2 feet 2 inches in diameter.



Dolium, containing body. (Birch.)

(Hermann-Blümner, *Griech. Privatalt.* pp. 162, 232; Becker-Göll, *Galius*, iii. p. 418; Marquardt, *Privatl. d. Röm.*, p. 626; Blümner, *Techn. u. Term.*, &c., ii. p. 41; Birch, *Anc. Pottery*, pp. 134, 531.) [Fictile, p. 843 *b*.] [W. S.]

DOLO (δόλων). 1. A weapon consisting of a long staff with a short iron point (Verg. *Aen.* vii. 664, and Varro, *ap.* Serv. *ib.*, "ingens contus cum ferro brevissimo;" Sil. iii. 250). 2. A secret poniard or dagger inserted in a walking-stick (Plut. *Tib. Gracch.* 10; Hesych. *s. v.*; Suet. *Claud.* 13, *Domit.* 17; Isid. *Or.* xviii. 9, 4) or a whip (Dig. 9. 2, 52). 3. A small top-sail [Navis]. [W. S.] [J. H. F.]

DOLUS MALUS. [Culpa.]

DOME'STICI. [Praetoriani.]

DOMICI'LIUM. This word signifies a man's permanent home. The following is the well-known definition of *domicilium* given in the *Corpus Juris* (Cod. x. 40, 7):—"In eo loco singulos habere domicilium non ambigitur, ubi quis larem rerumque ac fortunarum suarum summam constituit, unde rursus non sit discessurus, si nihil avocet, unde cum profectus est peregrinari videtur, quo si rediit peregrinari jam destitit." In a passage of the Digest a man's home is thus defined (Dig. 50, 16, 203): "Sed de ea re constitutum esse (respondit) eam domum unicuique nostrum debere existimari, ubi quisque sedes et tabulas haberet suarumque rerum constitutionem fecisset." A man acquired *domicilium* by making a place his residence and intending to remain in it permanently (*animus manendi*). *Domicilium* was lost by abandonment. The question of the existence of domicile was treated as one of fact to be determined by the circumstances of each case.

Thus it is determined (Dig. 50, 1, 27, § 1) that a person must be considered to have his *domicilium* in a *municipium* if he buys and sells there, attends the public spectacles, keeps the festival days there, and in fine enjoys all the advantages of the *municipium* and none of the *colonia*, where he is merely for the purpose of cultivation (*ubi colendi ruris causa versatur*). The terms *incolam esse* and *domicilium habere* are equivalent (Dig. 50, 1, 5; cf. Cod. 10, 39, 7: "Cives quidem origo, manumissio, allectio, vel adoptio, incolas vero domicilium facit").

The word *domicilium* was used in a fixed sense in the Lex Plautia Papiria, which was enacted B.C. 89: "Si qui foederatis civitatibus adscripti fuissent, si tum cum lex ferebatur in Italia domicilium habuissent et si sexaginta diebus apud praetorem essent professi" (Cic. *pro Arch.* c. 4). Cicero in the same passage indirectly describes *domicilium* in a way which partly agrees with the definition of the Code above cited: "At domicilium Romae non habuit: is qui tot annis ante civitatem datam sedem omnium rerum ac fortunarum suarum Romae collocavit."

It might be necessary for many purposes to determine where a man had his permanent abode. An *incola* was bound to obey the magistrates of the place where he was an *incola*, and also the magistrates of the place where he was a *civis*; he was not only subject to the municipal jurisdiction in both municipalities, but he was bound to perform all public functions (*publica munera*). A plaintiff was bound to bring his action in the forum of the defendant (*actor sequitur forum rei*), but the plaintiff had the choice of suing the defendant either at the place of his domicile (*forum domicilii*) or at the place of which the defendant was a citizen (*forum originis*). A man's legal relations were governed by the law of the place in which he was a citizen (*lex originis*), and not by that of the place of domicile; but if he was not a citizen of any *municipium*, he was subject to the *lex domicilii*. In the *praescriptio longi temporis decem vel viginti annorum*, it was enacted by Justinian, that the ten years' prescription should apply, if both parties had their *domicilium* in the same *provincia*; otherwise the prescription of twenty years was required.

The conception of domicile has far more important consequences in modern systems of law than in ancient; it is the foundation of a branch of what is sometimes called private International law, but more correctly the conflict of laws. (Savigny, *System*, viii. §§ 353, 354.) [G. L.] [E. A. W.]

DOMI'NIUM. *Dominium* or *rerum dominium* signifies ownership of property, and *dominus* is the owner *Proprietas* is frequently used as an equivalent to *dominium*; and when ownership is distinguished from *usus fructus*, the word *proprietas* is preferred to *dominium* as an expression for ownership. The term *dominium* or *dominium legitimum* is, strictly speaking, confined to ownership *ex jure Quiritium*, i.e. to civil ownership, and does not include ownership *in bonis*, i.e. praetorian ownership.

Ownership is not defined by Roman legal writers, but the general notion implied in the term is clear. It is a right which, subject to certain legal limitations, entitles a person to exercise full control over a corporeal thing to the exclusion of all other persons. Ownership cannot, however, be defined by enumerating all the powers which may be incidental to it, as the *jus utendi*, *fruendi*, *possidendi*, *disponendi*, since ownership may exist notwithstanding that one or more of these powers is detached from it. A thing may be considered to belong to a person whose powers over it are very much curtailed; hence arises the difficulty of defining ownership. The limitations to which ownership in Roman law is subject are either general or special. The former are imposed for the purpose of enforcing the precept *sic utere tuo ut alienum non laedas:* they prevent owners from so using their powers as to injure adjoining owners or the public generally. Special limitations on ownership arise by persons acquiring rights over property owned by someone else. For instance, the owner may be bound to allow to another person a certain use or enjoyment of the thing of which he is *dominus*, or to abstain from doing certain acts on or to his property and for the benefit of some other person. The only rights of this kind recognised by Roman law are *servitus*, *emphyteusis*, *superficies*, *pignus:* such rights are called *jure in re aliena;* they are protected, like *dominium*, by actions *in rem:* their nature is more fully explained under the head of SERVITUS. Ownership is in its nature single and entire; consequently the same thing cannot belong to several separate owners, but several persons may be joint *domini* or owners of one thing.

The subject of ownership comprehends the determination of the things which may be the objects of ownership: the power which a man may have over such objects, both as to duration of time and extent of enjoyment; the modes in which ownership may be acquired and lost; the persons who are capable of acquiring, transferring, or losing ownership. It is proposed to give some account of each of these branches of the general subject.

1. Of the things which may be the objects of ownership. *Res* is the general term for anything which is the object of a right, whether it has an actual physical existence or only an existence in thought. In this wide sense *res* are divided into *corporales* and *incorporales*. *Res corporales* are defined to be those "quae tangi possunt," *i.e.* physical objects; *incorporales* are those "quae tangi non possunt, sed in jure consistunt" — as *hereditas*, *ususfructus*, *obligationes*.

The objects of *dominium* are *res corporales*. *Res corporales* are divided into *immobiles*, or *solum et res soli*, and *mobiles*.

The ground (*solum*), and that which is attached to the ground, as buildings and other fixtures, trees, and standing crops, are *res immobiles*. *Res mobiles* are things which can be moved about from place to place or which move themselves (*res se moventes*). The distinction between land and movables is far less important in Roman law than in legal systems like our own, which have been influenced by feudalism.

Another division of *res* is that between *res quae usu consumuntur*, as food, and *res quae usu non consumuntur*, or things capable of being used again and again.

The class of *res quae pondere, numero, mensura constant*, consists of such things as wine, oil, corn, money, which are of such a nature that any of the same number, weight, and measure may be considered the same thing. The term *res fungibiles* has come to be used to denote this class of exchangeable things.

Things may be divided into simple, as an animal, a stone, and compound, *i.e.* things made up of distinct parts, as a carriage, a ship.

A number of individual things, not mechanically connected, may for legal purposes be regarded as one thing: a flock of sheep is an example of such a *universitas rerum distantium* (Dig. 41, 3, 30; 6, 1, 23, § 5).

Some things are appurtenant to others; that is, as subordinate things, they go with that which forms the principal thing (Dig. 18, 1, 49). For instance, a conveyance of a house or a ship includes by implication all its appurtenances.

Fructus are the products of a thing, as the crops of a field. *Fructus* sometimes includes profits of a thing which are not produced by it, *e.g.* minerals taken from the land.

Fructus is also used to signify profits derived from the legal use to which a thing is put, as interest from a loan (*quod non natura pervenit sed jure percipitur*, Dig. 6, tit. 1, l. 62, § pr.).

Res communes omnium, quarum usus communis est are objects of common use, which cannot be exclusively appropriated: such are the air, the sea, the seashore, running water (*Inst.* ii. 1, §§ 1–5).

Things capable in themselves of being objects of ownership might become legally incapable of belonging to anyone on account of their appropriation to some religious or quasi-religious purpose. Things which have this character are called *res divini juris:* there are three classes of such *res*, viz. *res sacrae*, *religiosae*, and *sanctae* (Gaius, ii. 2–11).

Res publicae, *res universitatis*, are things which belong to the state or to a public body; such *res* are *commercio exemptae*, i.e. they cannot be acquired by individual owners as long as they retain their public character.

Res privatae or *res singulorum* are things which are objects of individual ownership. Not even citizens could have *dominium*, i.e. Quiritarian ownership in provincial land; nor had bonitary ownership any application to land out of Italy.

The *dominium* of *provinciale solum* was considered to belong to the Roman people or to the emperor (Gaius, ii. 7). Nevertheless, individuals might enjoy rights in such land analogous to those of a *dominus*. The division of land into *ager publicus* and *privatus* is noticed as existing in the provinces (Cic. *Verr.* iii. 6); individuals could only hold *ager publicus* as lessees of the state. The terms *possessio* and *possessor* were used for the tenancy and tenant of *ager publicus*.

2. As to the powers which a man may have over objects of ownership.

An owner has, subject to general and special limitations, a right to the possession and enjoyment of his property. It is necessary to distinguish the owner's right to possess (*jus possidendi*) from the right of possession (*jus possessionis*). The right to possess belongs to the owner as such, the right of possession is attached to possession as such, *i.e.* it is inherent in anyone who has actual control of a thing. and the intention of exercising such control as owner, whether he has a title to the ownership or not. [POSSESSIO.]

The *dominus* of a thing could assert his right to the possession of it by the action called *rei vindicatio.* He could not bring this action unless he was out of possession; and in order to succeed he must prove his ownership. If the owner's rights were attached while he was in possession, he could maintain the *actio negatoria* or *negativa in rem* against the aggressor. An owner who was disturbed in his possession could also protect himself by means of the possessory interdicts. The *rei vindicatio* could only be maintained by the *dominus ex jure Quiritium*, and not by the owner *in bonis* [BONA], for the praetor could not give a civil action to one who had merely a praetorian title. An action, however, was framed, which in the hands of the bonitary owner had the same effect as the *rei vindicatio:* it was called *actio Publiciana in rem*, and was based on the fiction that the civil ownership had been already acquired by usucapion. A bonitary owner might by this action recover the thing even from the Quiritary owner, and so his position was superior to that of a *bonae fidei possessor.*

In respect to duration of interest and freedom of alienation the powers of a *dominus* were as a rule unlimited.

3. Of the modes in which ownership may be acquired and lost.

A title to property may be acquired from some one previously entitled to it, in which case it is called a succession, or a person may become owner independently of anyone else.

A succession may be either universal (*successio per universitatem*) or singular (*res singulas acquirere*). A universal succession is the succession of one person to the entire property of another: the several rights and duties of which the property is composed do not, as in singular succession, pass to the successor in a separate piecemeal manner, but are transferred with the *universitas* or entirety. A person may succeed *per universitatem* to a living person, as in the case where a person arrogates another, and so becomes entitled to all the arrogated person's property (Gaius, iii. 21); or to a deceased person, as in the succession of a *heres* to the entire estate of another.

The different modes of universal succession are explained under other heads [ADOPTIO; BONORUM EMPTIO; HERES; SUCCESSIO; UNIVERSITAS].

The following remarks apply to the acquisition of single rights of ownership, whether by way of succession or independently.

Acquisitiones were either *civiles*, i.e. distinctively Roman in form, or *naturales* (*ex jure gentium*), which were not accompanied by any particular formality.

One of the earliest civil titles of acquisition was that by which individuals acquired from the state a title to booty taken from the enemy (Gell. vii. 4; cf. Mommsen, *R. Staatsr.* ii. (ed. 2), p. 538).

From an early period of Roman history the two civil forms of conveyance called *in jure cessio* and *mancipatio* were in use. *In jure cessio* was a collusive assurance executed in the presence of the magistrate: any kind of property might be transferred in this way, but the conveyance by *mancipatio* was preferred when it was applicable, because it did not require the presence of a magistrate.

Mancipatio was a conveyance *per aes et libram*, carried out by the parties in the presence of a *libripens* and five witnesses, who were originally regarded as representing the five classes into which the Roman people was divided: like all early conveyances, it is extremely formal in its character.

Mancipation was used for conveying a certain class of *res*, called *res mancipi*. *Res mancipi* are *praedia in Italico solo*, i.e. land in Italy, *jura praediorum rusticorum* or rural servitudes, slaves, and four-footed animals, as oxen, horses, &c., *quae collo dorsove domantur* (Ulpian, xix. 1; Gaius, ii. 15–17). All other things are *res nec mancipi.*

The civil ownership of *res mancipi* could only be conveyed by *in jure cessio* or *mancipatio*, whereas *res nec mancipi* passed from one owner to another by *traditio* or delivery.

Usucapion is a civil title by which a person who has possessed a thing for a prescribed time and under particular conditions becomes owner of it [USUCAPIO].

Adjudicatio is the assignment of property to a person by the award of a *judex:* such awards were made in partition and boundary suits (*tria judicia divisoria.* See ACTIO, p. 17 *b*).

Lex is a title by which property devolves on a person by operation of a rule of law without any act of the party acquiring: a person on whom a lapsed legacy (*caducum*) devolves acquires under this title.

Traditio is a conveyance of property according to the *jus gentium;* it consists in the alienor delivering a thing to the alienee with the intention of making the latter owner of it. There must be a *justa causa* for the delivery, *i.e.* some ground suitable for transferring ownership, as *emptio*, *venditio* or *donatio.* The other natural modes of acquiring are explained under particular heads [OCCUPATIO; ACCESSIO; ALLUVIO; SPECIFICATIO; CONFUSIO].

Praetorian ownership was acquired by *traditio* of a *res mancipi*, by acquiring the property of an inheritance under the praetorian title of *bonorum possessio*, and by purchase of an insolvent debtor's property (*bonorum emptio*). Subsequent to the time of the classical jurists some important changes were made in the law as to the modes of acquiring ownership. The forms of *in jure cessio* and *mancipatio* became obsolete, and the civil ownership of all *res* was transferred by *traditio.* Justinian abolished the distinctions between *res mancipi* and *nec mancipi*, and between bonitary and Quiritary ownership. He also altered the law of usucapion, making a uniform law on the subject applicable to *solum provinciale* and *Italicum.*

Ownership is lost either with or without the consent of the owner. With the consent, when he transferred it to another, which was the general mode of acquiring and losing property; without the consent, when the thing perished, when it became the property of another by accession, specification, or usucapion, when it was judicially declared to be the property of another, or forfeited after having been pledged. It is also lost by *maxima capitis deminutio.* The *media capitis deminutio* only effected an incapacity for Quiritarian ownership; but if it was a consequence of a capital crime, the property of the person convicted was forfeited to the state.

4. As to the persons who are capable of acquiring or losing ownership.

Juristic persons (*universitates personarum*) as well as natural persons might be owners. Only persons who had the *jus commercii* could acquire Quiritary or bonitary ownership. Persons in the power of another, whether free persons or slaves, could not acquire for themselves, but what they acquired belonged to the person in whose power they were. In course of time, however, the acquisitions of *filiusfamilias* were protected from the interference of *paterfamilias*, except such acquisitions as were derived from the *paterfamilias* himself (*peculium*). If a slave was a man's *in bonis*, everything that the slave acquired belonged to the owner *in bonis*, and not to him who had the bare Quiritarian ownership [BONA]. The usufructuary of a slave only acquired the ownership of that which the slave acquired *ex operis suis*.

Pupilli could acquire property, but could not alienate without the *auctoritas* of their tutor. Property of some persons could not become the property of another by usucapion, *e.g.* the property of *pupilli* could not be acquired by usucapion; a fact which Cicero was surprised that his friend Atticus did not know (*ad Att.* i. 5). (*Inst.* ii. tit. i. 6–9; Dig. 41, 1; Ulp. *Fragm.* tit. xix.; Gesterding, *Ausführliche Darstellung der Lehre von Eigenthum;* K. Sell, *Römische Lehre der dinglichen Rechte;* Windscheid, *Pandekten*, § 167, &c.; Puchta, *Inst.* § 231, &c.) [G. L.] [E. A. W.]

DO'MINUS means master, owner [DOMINIUM]. The word was applied as a title of respect to a superior in rank or station. Thus the head of a family was sometimes called *dominus* by the free members of his family as well as by his slaves (Suet. *Aug.* 53; Dig. 24, 1, 57). The title of *dominus* came to be ascribed to the emperor. The history of this use of the word, which corresponds with changes in the character of the emperor, is briefly as follows:—Augustus refused to be called *dominus* (*domini appellationem ut maledictum et opprobrium semper exhorruit*, Suet. *Aug.* 53; Ov. *Fast.* ii. 142), as did also Tiberius (Tac. *Ann.* ii. 87; Suet. *Tib.* 27).

Caligula was the first emperor who allowed himself to be called by the title (Victor. *Caes.* 3). Domitian claimed the titles of *Deus et Dominus* (Dio Cass. lxii. 13; Martial, v. 8). Trajan only wished to be called *princeps* (Plin. *Paneg.* §§ 2, 63, 88). Pliny in his letters always addresses Trajan as *dominus*, but in doing so he does not intend to make use of an official title. *Dominus* first appears on imperial monuments in the reign of Severus. Aurelian first adopted the title *Deus et Dominus* on his coins. Diocletian allowed himself to be publicly addressed as *dominus* (Vict. *Caes.* 39). From the fourth century the emperors freely ascribe the title to themselves. (Mommsen, *Staatsrecht*, ii. 737, &c.) [E. A. W.]

DOMUS (*οἰκία, οἴκησις, οἰκητήριον*, a dwelling-house; *οἶκος*, generally a room; in Homer and the Tragedians, *δόμος*, but more usually in the plural as a dwelling-house), a house.

I. PRE-HISTORIC. One special form of hut appears to have been commonly used by many different races of men at an early stage of their development. This was a small circular structure made of branches of trees stuck into the ground in a circle, and then bent inwards till their ends met and were tied together at the top. This rude framework was then filled in by wattled work woven in and out, and the whole was daubed over with tempered mud or clay. The hut of Achilles, thatched with rushes (*Il.* xxiv. 450), was probably a dwelling of this sort, and similar huts are said to have been used in Lydia, Sardis, and other places in Western Asia Minor (Herod. v. 101): it seems probable that a reminiscence of this form of building exists in the stone domical structures of Mycenae, Orchomenos, and other early sites in Greece.

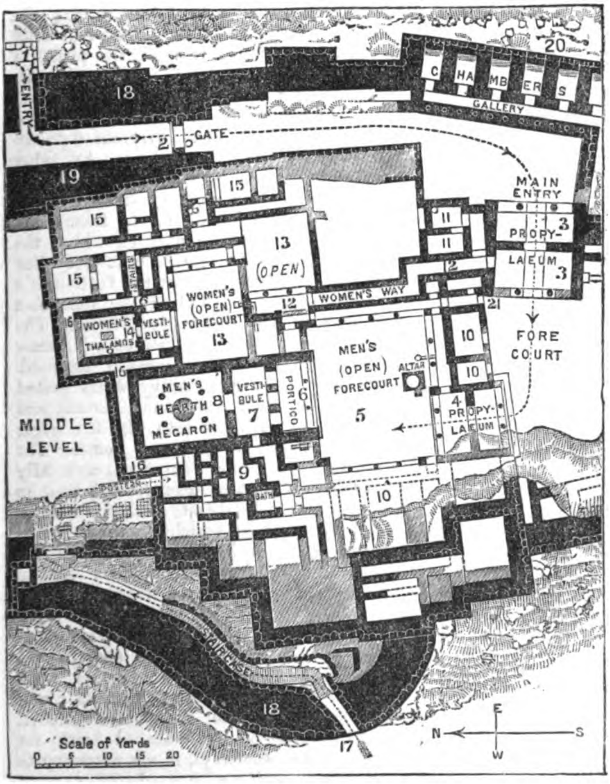
Even in historic times a survival of this ancient circular form of house existed in the form of the Prytaneum in Athens and elsewhere, and also in the Athenian *Tholus*, which was built in the newer part of Athens as an adjunct, in a more convenient position for the use of the Prytanes. The Tholus was a round building with a domical roof, and must have had some resemblance to the Roman Temple of Vesta, to which the same name was frequently applied. The original Temple of Vesta was a round hut formed with wattle-work of osiers (Ov. *Fast.* vi. 261 *seq.*; Fest. p. 250, M.). Mr. James Frazer, in a valuable article (*Journ. of Philol.* vol. xiv.), derives the form both of the Greek Tholus and the Roman Temple of Vesta, in both of which a perpetual fire was kept burning, from the pre-historic round hut of the village chief, under whose charge was the ever-burning fire, which was kept lighted for the general convenience—a very important thing at a time when a fresh fire could only be obtained by the laborious process of friction.

Even during the imperial period in Rome one or more wattled huts were preserved in memory of the primitive dwellings of its founders. One of these, which stood at the western angle of the Palatine hill, was known as the *Casa Romuli* (Dionys. i. 79; Plut. *Rom.* 20); it was twice burnt and repaired during the reign of Augustus (Dio Cass. xlviii. 43, and liv. 29. See also Ov. *Fast.* iii. 183; Val. Max. iv. 4, 11; Liv. v. 53). The Tugurium Faustuli is probably another name for the same thing. Another hut, also called after Romulus, appears to have been preserved on the Capitoline hill (Vitruv. ii. 1; Senec. *Contr.* i. 6; Macrob. *Saturn.* i. 15).

A careful representation of this early form of house, as used by the pre-historic Latin race, exists in the small sepulchral "house-urns," which are found in considerable numbers in the early cemeteries of Central Italy and elsewhere. In these the construction is less simple, the roof being evidently formed of separate branches, laid so as to form projecting eaves. These curious pieces of archaic pottery have small movable doors fixed with a wooden peg. (See Virchow, *Die italienischen und deutschen Haus-Urnen*, Berlin, 1884.)

During the many centuries which elapsed before the commencement of the historic period of Greece, a state of society existed very different from that with which Greek literature has made us familiar. Instead of the large cities with their flourishing trade and carefully constructed systems of political, religious, and social organisation, a number of small, highly-fortified towns or villages were ruled in an autocratic way by some chieftain of semi-oriental habits, who lived in a style of much luxury and splendour, surrounded by a group of followers, very much like those of a mediaeval feudal lord. At this early period wealth and splendour, which in historic times were devoted to the more public uses of the agora, the council chamber, and the temples of the gods, were lavished on the palace of the chief. It is this period which is celebrated in the Homeric poems; which, there is every reason to believe, give us a faithful, if highly coloured, picture of the magnificence which adorned the dwellings of wealthy chiefs, such as Alcinous and, in a lesser degree, Ulysses. The recent discoveries made by Dr. Schliemann and Dr. Dörpfeld, within the massive walls of Tiryns (the Τίρυνς τειχιόεσσα of Homer), have for the first time shown us that the stately and richly decorated palaces of the Odyssey were not wholly the offspring of a poet's fancy.

Plan of the Palace of Tiryns.—Some doubt has been thrown on the remote antiquity of these remains; but new discoveries of a similar pre-historic building at Mycenae have put an end to any doubt as to the antiquity of the Tirynthian palace. On the whole the evidence of the general planning of the building, its methods of construction, and the style of its ornament give overwhelming proofs that the house is one which belongs to a far-off pre-historic period of Greek architecture, prior in all probability to the Dorian invasion of the Peloponnesus. The house itself occupies more than a third of the Tirynthian Acropolis, the massive stones of which excited the wonder of Herodotus, Diodorus, and Pausanias, and led to their being associated with the fables of Heracles and Perseus, and the mysterious Cyclops, who were supposed to have been their builders. The accompanying plan shows the arrangement of the house, which is evidently carefully designed to suit its special purpose.



Plan of the Palace at Tiryns.

1. Main entrance.
2. Inner gate.
3. First propylaeum.
4. Second propylaeum.
5. Open court.
6. Portico of hall.
7. Vestibule of hall.
8. Megaron.
9. Men's rooms.
10. Thalami.
11. Guard rooms.
12. Passage to women's part.
13. Open courts.
14. Thalamus or women's hall.
15. Thalami.
16. Passage to postern.
17. Narrow postern.
18. Projecting bastion.
19. Defences at the entrance.

On entering through the main gateway of the Acropolis, the approach (as shown by the dotted line on the plan) leads through a narrow passage, strongly defended on both sides by massive walls, to a second doorway. A continuation of the passage leads to the outer porch of the palace—a propylaeum, decorated on both sides by two columns *in antis*, very similar in design to the 5th-century propylaeum built by Ictinus at Eleusis. On passing this an outer court is reached; and then a second propylaeum, smaller but of similar design to the first, leads into the main courtyard of the palace. Rooms for guards are placed at the sides of both these propylaea. The main court (αὐλή), round which the apartments of the men are grouped, was surrounded on three sides by a colonnade (αἴθουσα), forming a cloister. Near the propylaeum stands a stone altar with a rock-cut hollow beneath it, into which the ashes would fall. This was probably an altar to Zeus ἑρκεῖος, which is frequently mentioned in the Odyssey (*e.g.* xxii. 335) as being placed in the courtyard of a house. Opposite the propylaeum is the great hall (μέγαρον, *Od.* xvi. 341, xvii. 604), with an open portico of two columns, and an inner porch (πρόδομος), into which three doors open from the portico, and one into the hall. The roof of the hall was supported on four columns, which probably carried a partly open lantern to give light, and also to form an escape for the smoke of the fire below, the circular stone hearth (ἐσχάρα) of which is placed midway between the pillars. On the west side of the hall are a number of small rooms for the use of the men; among them is a small bathroom, about 12 feet by 10 feet, the construction of which is very remarkable for its ingenuity and the extreme care which has been taken in the workmanship.

The whole floor is formed of one great slab of stone, smoothed accurately so as to fall to one point, where the water made its exit through a stone pipe, and so into the main drain. The walls were lined with wooden boards, each of which had its lower end fastened to the stone floor by two wooden pegs or dowels. The edge of stone on which these boards rested is raised about an inch above the general level of the floor, so that water splashed by the bathers might not soak in under the wooden wall-lining. The bath itself, which was made of clay decorated with a red spiral pattern, much resembled in shape and size the fire-clay baths now made in large quantities at Stourbridge.

The eastern half of the house seems to have been intended for the use of the women, and probably the married members of the chief's family. This portion, like the other, contains two open courts, and a hall with a single vestibule—all on a rather smaller scale. In this hall the hearth is square, and, the span being less, the roof was not supported by pillars. On the east of the hall and court are two ranges of rooms, more in number and larger than those on the men's side of the house. There appear to have been three means of access to the women's part: one by a long passage (λαύρη) leading from a side door in the outer propylaeum, another from the north-east corner of the men's court, while a third way led by a long passage round the back of the two halls to a rock-cut stairway, at the foot of which was a small postern door in the outer fortification wall. In case of a siege this little postern would be blocked up with stones, but in times of peace the women of the household probably used this path to fetch water from some spring in the plain below. When blockaded by an enemy, the garrison appear to have depended on their stores of rain-water, large cisterns for which were formed in the thickness of the outer wall. The surface water was collected and carried to the cisterns in clay pipes and stone drains.

In addition to the rooms on the ground-floor, the walls of which still exist to a height of from two to three feet, there was also an upper story (ὑπερώϊον), which probably extended over all the rooms except the two halls. Traces of a staircase in two flights still exist on the east side of the women's hall.

Construction of the Palace of Tiryns.—The walls, about three feet thick, are built of roughly-dressed limestone bedded in clay up to a height of about two feet above the floor level: the rest of the wall was of sun-dried brick, and the whole was covered inside and out with three coats of hard stucco, made of lime mixed with sand, gravel, and broken pottery, forming a coating nearly as hard as stone, which must have completely protected the unburnt bricks from the effects of weather.

The floors, both of the roofed parts and of the open courts, were made of a thick layer of good lime concrete. In the rooms the pavement was worked to a smooth surface, on which simple patterns of squares or spirals were incised, and then painted blue and red. Pliny (*H. N.* xxxvi. § 184; see below, p. 664*a*) speaks of painted floors having been used by the Greeks before mosaic came into use: those at Tiryns are the first examples of this kind of paving that have been found.

The concrete paving of the open-air courts is laid so as to fall towards open stone gullies, through which the rain-water escaped into the drains: its upper surface is formed of a sort of rough mosaic made of pebbles; these are set more closely together in places where there was most traffic.

The various doorways have massive stone sills or thresholds (λάϊνος οὐδός), mostly provided with two large drill-holes, in which the bronze pivots of the doors revolved, showing that in most cases folding doors were used. Some of these bronze pivots were found during the excavations: they are of very neat and solid workmanship, and much resemble the pivots of the great Balawat gates of Shalmaneser II. (859–824 B.C.), which are now in the British Museum. It is probable that the construction of the doors themselves in the Tirynthian palace resembled that of the Balawat doors. A number of thick wooden planks were placed side by side, and held in their place by strong bronze bands, which were nailed on to them, and lapped round the circular post on which the door swung: each end of this post was shod with a pivot, which revolved at the bottom in a hole drilled in the sill, and at the top in a similar hole in the lintel (ὑπερθύριον). The neatly-fitted planks are spoken of by Homer (*Od.* ii. 344) as σανίδες πυκινῶς ἀραρυῖαι. This method of hanging heavy doors lasted throughout the Greek and Roman periods, and was used, as can still be seen, for the great doors in Aurelian's wall round Rome. The wide bronze bands which were constructionally necessary for this sort of door formed also in some cases a rich and elaborate method of decoration, as they could be enriched with repoussé reliefs and gilt. A beautiful little earthenware box (*pyxis*) of the 4th century B.C. in the British Museum shows that doors of similar construction were used by the Greeks of later times. The painting on it represents a toilet scene in a lady's room, and in the background is a double door covered with wide bands, attached by rows of rivets along each edge, exactly like the Balawat doors. Owing to the use of soft unbaked brick for the jambs of the doorways, it was necessary to line the whole opening with woodwork, so as to protect the angles from injury. In some cases there seems to have been a stone lining, but even then the woodwork was not omitted. Grooves cut in the stone upright of some of the door-jambs (σταθμός) show with what extreme care and neatness the wood lining was fitted into its place. It is interesting to note that this system of using wooden door-linings survived till later times, and was used in cases where it would seem needless. Even the beautifully-finished white marble doorways in the Parthenon and Propylaea at Athens had their reveals concealed by wooden casings.

The roof of the men's hall was supported by four intermediate columns (*κίονες*), which, like all the columns at Tiryns, were made of wood, resting on a carefully-levelled block of stone. The construction of the roof, of which nothing but charred fragments and ashes remains, may be guessed from an early rock-tomb in Phrygia discovered by Prof. Ramsay (see *Journ. of Hellenic Studies*, iii. p. 19). In this a copy of a wooden roof is carved in the rock: it is a simple low-pitched roof, having a principal rafter with tie-beam and king-post. These principal rafters are, according to some commentators, the *μεσόδμαι* of Homer (*Od.* xix. 37); * the small rafters or ceiling joists being the *δοκοί* (*Od.* xxii. 176), and the ceiling itself the *μέλαθρον* (*Od.* viii. 279): the whole roof is called the *ὀροφή* (*Od.* xxii. 298). A similar arrangement of hall with central hearth and pillar-supported roof was discovered by Dr. Schliemann at Hissarlik, and in both cases there was an open porch with wooden columns.

Part of a wooden column found at Khorsabad shows us what was probably a common method of decoration: the whole was sheathed with plates of bronze, beaten so as to represent the scales on a palm-tree; the metal was then thickly gilt. This system of ornament is probably a survival of an earlier time when a real palm-tree, with all its outer scales still attached, was used as a support. In some of the rooms at Tiryns, part of the wall surface was decorated in a very magnificent way. The wall was first lined with wooden planks, and on these plates of bronze were nailed, *repoussé* with reliefs and gilt. Examples of these bronze linings on doors or walls, dating from the 6th century B.C., have been found at Olympia. The designs of these plates retain a very strongly-marked Oriental influence. Nothing could exceed the splendour of effect produced by these wall-linings of what would seem to be gleaming gold, broken into half-tones and high lights by their delicate reliefs. Homer's description of the bronze walls of the palace of Alcinous (*Od.* vii. 84) may have a foundation of reality; and even such apparently fabulous details as the golden doors and silver posts and lintels probably refer to a real custom of sheathing woodwork with gilt or silvered bronze.

Another of Homer's phrases, hitherto of somewhat doubtful meaning, has been rendered intelligible by a discovery at Tiryns. This is the *θριγκὸς κυάνοιο* (*Od.* vii. 87) which ornamented the walls of the hall of Alcinous. In the porch of the Megaron at Tiryns Dr. Dörpfeld discovered a frieze of alabaster, about 22 inches deep, which was carved with delicate patterns of rosettes and spirals, very early in character, and studded at intervals with jewel-like rows of bits of deep blue glass or paste, extremely magnificent in effect. The pieces of alabaster which form this magnificent frieze are fitted together with extreme neatness, the joints being concealed by rebates. Other similar fragments of friezes set with sham jewels have been found at Mycenae, Orchomenos, and Menidi.

All the wall surfaces at Tiryns which were not lined with bronze or with bands of alabaster and marble, seem to have been ornamented with paintings on stucco, executed in simple earth colours with much decorative effect. These paintings were of several different styles: some had simple patterns of chequers and spirals which were evidently copied from the designs on woven stuffs; others were human figures or beasts with great spreading wings of purely Oriental style, treated in a very effective way by painting the feathers in alternate colours—red, yellow, and white. One very spirited painting represents a man on the back of a bull galloping at full speed. The exterior of the building seems to have been decorated with similar paintings on the stucco, which protected the unbaked clay of the upper part of the walls from the effects of weather.

The Homeric Palace of Ulysses.—It is interesting to compare the palace of Tiryns with that of Ulysses as depicted in the Odyssey. Among the many descriptions of the latter, one of the clearest is that given by Prof. Gardner in the *Journal of Hellenic Studies* (vol. iii. p. 264 *seq.*), of which we subjoin an abstract, together with his ground-plan of the palace. But it is necessary to remember at the outset, as Prof. Gardner observes in the *Quarterly Review* (January 1886, p. 121), that there is this difference between the abode of Ulysses and the palace of Tiryns, that the former is rude and rustic, while the latter is more like "the glorious abode of Alcinous in Phaeacian fairy-land, or the splendid house of Menelaus, which glittered like the sun and moon as one drew near to it."

The Homeric house, observes Prof. Gardner, consisted of three parts: *αὐλή*, the fore-court; *δῶμα* or *μέγαρον*, the hall of the men; and *θάλαμος*, called in later times *γυναικωνῖτις*, the apartments of the women (*οἵ οἱ ἐποίησαν θάλαμον καὶ δῶμα καὶ αὐλήν*, *Il.* vi. 316). The house was entered by massive folding doors (*θύραι δικλίδες*, *Od.* xvii. 267), and on either side were stone seats (*ἕδραι*, cf. *Od.* iii. 406, xvi. 344). The doors led into the *αὐλή*, or open court-yard, which was used as a kind of farm-yard. On either side and behind were chambers (*θάλαμοι*) used for various purposes, such as grinding the corn (*Od.* xx. 105), sometimes for sleeping in (*Od.* xix. 48; *Il.* ix. 473). In one corner of the court was the *θόλος* (*Od.* xxii. 442, 459), a circular building, no trace of which is found in the palace at Tiryns. (See above, p. 654.) In the midst of the court was the altar of Zeus *ἑρκεῖος* (*Od.* xxii. 335), which, as we have already seen, existed at Tiryns. In the court were two colonnades or porticoes, each called *αἴθουσα*, one on either side right and left of the court-yard (*αἴθουσα αὐλῆς*), and the other opposite the entrance to the court-yard, and along the front of the *δῶμα* or *μέγαρον*. The latter is often considered as part of the *πρόδομος*, so that *αἴθουσα* and *πρόδομος* are often used as synonymous terms. [For references see AITHOUSA.] Crossing the *Aithousa*, the visitor passed into the *μέγαρον* or *δῶμα*, where the

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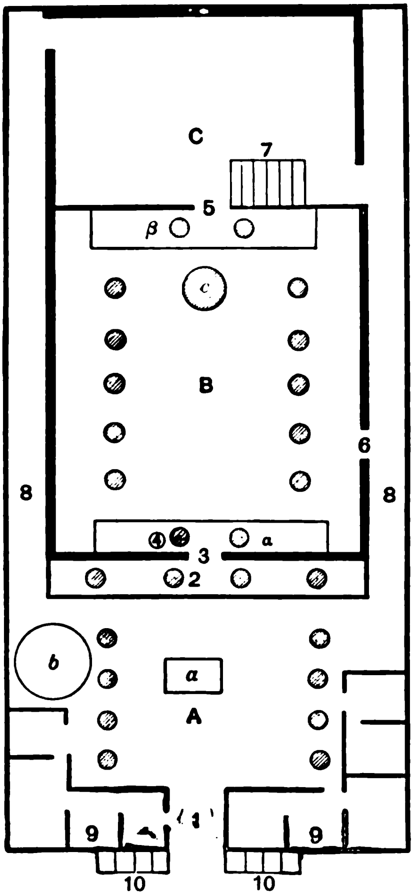
* The meaning of *μεσόδμαι* is very doubtful, and has been variously explained by ancient and modern critics. According to the etymology, they were something built between, *i.e.* perhaps the spaces between the pillars. For the authorities see Gardner, *Journal of Hellenic Studies*, iii. p. 272; Hermann-Blümner, p. 146.

chiefs lived. At either end of the *megaron* was a door, one leading into the court-yard through the *aithousa*, and the other into the women's apartments, the θάλαμος, properly so called.



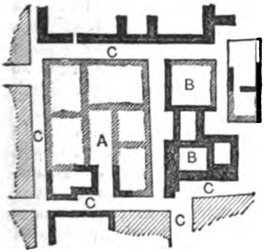
Palace of Ulysses. Ground-plan (Gardner).

A. αὐλή, fore-court.
a. Altar of Ζεὺς ἑρκεῖος.
b. θόλος.
B. δῶμα or μέγαρον, men's hall.
c. ἐσχάρα.
C. θάλαμος, women's hall.
1. θύραι δικλίδες.
2. αἴθουσα, πρόδομος.
3. θύρα.
4. δουροδόκη.
α. μέλινος οὐδός.
β. λάϊνος οὐδός.
5. θύρα.
6. ὀρσοθύρη.
7. κλίμαξ.
8. λαύρη.
9, 9. θάλαμοι.
10, 10. ἕδραι.

In front of either door was a threshold (οὐδός), probably raised. The threshold in front of the door into the *megaron* was made of ash-wood (μέλινος οὐδός, *Od.* xvii. 339), and the threshold in front of the door into the women's apartments was of stone, λάϊνος οὐδός (*Od.* xx. 258), a distinction which is most important, as Prof. Gardner points out, for understanding the combat between Ulysses and the suitors. By the ashen threshold was the δουροδόκη or spear stand, close to one of the pillars (*Od.* i. 128). The *megaron* was of great size. In the palace of Ulysses the three hundred suitors of Penelope feasted in it. Its height was that of the house itself, and its roof was supported by lofty pillars (κίονες, *Od.* xix. 38). In the upper part of the *megaron* was the ἐσχάρα, or hearth, where the food was cooked (*Od.* xx. 123), and the smoke escaped through a hole in the roof, as in the old Roman *atrium*. Such a hole, called καπνοδόκη, by Herodotus, is mentioned in an early Macedonian house, where the sun shone through it (Herod. viii. 137). Besides the two principal doors of the *megaron* already mentioned, there was a third, or postern-door, called ὀρσοθύρη (*Od.* xxii. 126, 132, 333), the position of which has given rise to much dispute. It should, however, probably be placed, for the reasons given by Gardner and Jebb, on the side of the *megaron*, as shown in the plan (Plan, 6), leading into the λαύρη (*Od.* xxii. 128, 137) or narrow passage, which gave access to the women's apartments from the outer court-yard, thus avoiding the necessity of passing through the *megaron* (Plan, 8).

The women's rooms, or θάλαμος, properly so called, also called μέγαρα γυναικῶν (*Od.* xxii. 151), were immediately behind the *megaron* on the ground-floor, directly communicating with the latter by a door. This is clear from the whole narrative in the Odyssey of the combat between Ulysses and the suitors. The passages proving this have been critically examined by Prof. Jebb in the essay quoted below. (Cf. *Od.* xvii. 506, xx. 389, &c.; see also iv. 718.) Here the women sat engaged in weaving and domestic occupations. Here was the nuptial chamber, with the marriage bed made by Ulysses with his own hands (*Od.* xxiii. 192, 295). The ordinary sleeping and other rooms of the women were in the upper story (ὑπερῷον), which was reached by a ladder, κλίμαξ (*Od.* xxi. 5; cf. *Od.* ii. 358, iv. 760; *Il.* ii. 514, xvi. 184; Eustath. *ad Od.* i. 328, p. 1420, 53). Hence we find Penelope, after sleeping with Ulysses in the nuptial chamber, ascending with her handmaids into the upper chamber (*Od.* xxiii. 364). It is therefore a mistake on the part of some modern writers to describe the women's rooms as situated only in the upper story. In the women's rooms was the armoury (θάλαμος ὅπλων, cf. *Od.* xxii. 140, 151–156), and the treasury at the further extremity (θάλαμος ἔσχατος), with a high roof (*Od.* xxi. 8). In the women's part of the house there was also an open court, in which grew an olive-tree in the palace of Ulysses (*Od.* xxiii. 190). There was a similar court in the palace of Priam, where fifty chambers were built for his fifty sons and their wives (*Il.* vi. 242). For other details of the Homeric house, the reader is referred to the works cited below. (Prof. Gardner, *Journ. of Hellenic Studies*, iii. p. 264 *seq.*; Jebb, *ibid.* vii. p. 170 *seq.*; Dörpfeld, in Schliemann's *Tiryns*, London, 1866, and a review of this work by Gardner in the *Quarterly Review* for January 1886; Winckler, *Die Wohnhäuser der Hellenen*, Berlin, 1868; Protodikos, *De Aedibus Homericis*, Leipzig, 1877; Rumpf, *De Aedibus Homericis*, Giessen, 1884, 1857. Valuable accounts of the architecture and other arts of the Homeric period are given by Helbig, *Das homerische Epos*, 1876; and by Buchholz, *Die homerischen Realien*, Leipzig, 1883–5.)

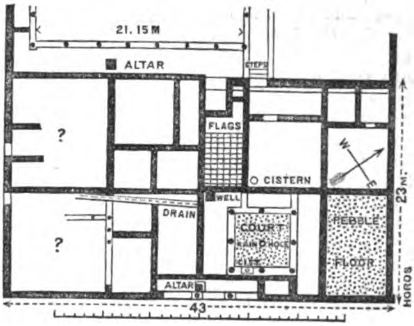
II. THE LATER GREEK HOUSE.—The discoveries of recent years have shown that bricks made of unbaked clay were very extensively used by the Greeks down to quite late times. This point is well brought out by Dr. Dörpfeld (vol. ix. of the *Mittheil. d. deutsch. archäol. Inst. in Athen*), who shows that even important structures, such as the Heraion at Olympia and the walls round Athens which were destroyed by Sulla, were mainly formed of sun-dried bricks. The same perishable material was commonly used for the private houses of the Greeks, and this is one reason why examples of Hellenic domestic architecture are so very rare. Burnt bricks were first introduced by the Romans (Blümner, *Technol. u. Terminol.*, &c. ii. p. 11). Till quite recently very few remains of Greek houses were known to exist. In the Ionian Antiquities there is figured a Greek house at Delos, of which a ground-plan is given by Guhl and Koner (p. 106, 5th ed.). The excavations, however, made in the Greek city of Naukratis in the Egyptian Delta during 1884–86 by Messrs. Petrie and Ernest Gardner have brought to light remains of a large number of Greek streets and houses, all built of sun-dried brick coated with painted stucco. The accompanying figure shows part of Mr. Petrie's discoveries:—A is a single house forming a complete *insula*, as the Romans would call it: it consists of six rooms, with what was probably a small central open court. B B appear to be shops. C C are narrow streets. In this Greek city the streets seem all to be very narrow, and the *insulae* are mostly very small; in many cases, like the figured example, consisting of one house only. Though but very scanty remains were found of the unbaked brick walls, yet in a few places patches of painted stucco on the exterior were found *in situ*. Though walls of this sort would last very well as long as they were roofed over and protected by their coating of hard stucco, yet when once they had fallen into a ruined state the process of decay would be rapid and complete, even in Egypt, and of course much more so in a more rainy climate.



Plan of a Greek house at Naukratis in Egypt.

The other most important examples of Greek domestic architecture which have yet been discovered are some houses in the Peiraeus, the foundations of which were exposed in 1884 during the laying out of a new street by the municipality. (See Dr. Dörpfeld in *Mittheil. d. deutsch. archäol. Inst. in Athen*, vol. ix., No. 3, 1884.) The figure shows a reduction made from Dr. Dörpfeld's plan.

On the S.E. and S.W. sides the block faces on to streets: it appears to be a double house, though this is not quite certain, owing to the impossibility of ascertaining the positions of all the doors. On the N.W. side remains were found of a large open peristyle, apparently derived from the αὐλή of the earlier Hellenic plan: under the covered porticus of this cloister an altar was found, probably dedicated to Zeus Herkeios.



Plan of a Greek house discovered in Peiraeus.

On the S.E. side the house was entered through a long shallow porch, with two columns, in which stood another altar, probably that of Apollo Agyieus. This porch led into a small open court, surrounded on three sides by a covered walk (στοὰ or *porticus*). The pavement of this was laid so as to drain into an open gully, through which the rain-water escaped into a drain. In one corner of the court was a well, and on the other side a stone cistern for storing water; a second cistern stood in the room adjoining the open court on the N.W. Some remains of paving were found, as is indicated on the plan. In one room it consists of stone flags; in another of a sort of rude mosaic, formed of pebbles set in concrete, as in the open courts of the palace at Tiryns. On the S.W. side are some rooms which were entered directly from the street: these may have been shops or public offices. Traces of a staircase leading to an upper floor were found at one end of the room with the flagging pavement. This block measures, without counting the large peristyle, about 140 feet by 75 feet. The clear open space of the peristyle was about 68 feet wide; its other dimension was not discovered. It is possible that this block may have been all part of the same house; one portion being the *andronitis* or men's part, and the rest the *gynaeconitis* or women's part.

During the most flourishing period of Greece the private houses appear to have been small and simple in design: splendour of materials and ornament were reserved for the temples of the gods and the public buildings, such as the Agora and the great στοαί, which in Athens especially contributed so largely to the architectural magnificence of the city. The front of the house towards the street was not large, as the apartments extended rather in the direction of its depth than of its width. In towns the houses were often built side by side, with party walls between (ὁμότοιχοι οἰκίαι, Thuc. ii. 3; Isaeus, *de Philoctem. hered.* § 39; Plut. *de Genio Socr* 33 Plaut. *Mil. Glor.* ii. 2). The exterior wall was plain, and often covered with plaster or stucco (Plut. *Comp. Arist. et Cat.* 4). Sometimes, as in Tanagra, the exterior was adorned with what was probably terra-cotta (Dicaearch. p. 245, Fuhr.). Plutarch says that

Phocion's house was ornamented with plates of bronze (Plut. *Phoc.* 18). Unbaked clay, as we have already shown, was used for the walls, with probably a good deal of timber in the upper story (Xen. *Mem.* iii. 1, § 7): thus it was easy for the Plataeans to break through the party walls of their houses, so as to communicate with each other (Thuc. *l. c.*). For the same reason the burglar was called *τοιχωρύχος*, because he found it easier to obtain an entrance into houses by breaking through the soft walls than by the door or windows (Plat. *Legg.* p. 831 E; Plut. *Dem.* 11).

Foreigners were specially struck by the mean appearance of the private houses of Athens in the time of Pericles, as strongly contrasting with the splendour of the public buildings (Thuc. ii. 14, 65). "A stranger," says Dicaearchus (p. 8), "might doubt upon a sudden view whether this were really the city of Athens," so mean were the houses and crooked and narrow the streets. It was not till the time of Demosthenes that good houses began to be built in Athens (Dem. *c. Aristocr.* p. 689, § 207 ff.; *Olynth.* iii. p. 35, § 25 ff.). Meidias built a house in Eleusis larger than any in that place (*c. Mid.* p. 565, 24; Boeckh, *Publ. Econ.* p. 65, Engl. Tr.; *Staatshaush.* i.^{2} p. 83). But after the time of Alexander the Great the decay of public spirit and the growth of private luxury led to the erection of larger and more richly decorated houses throughout the Greek cities, and especially in the chief colonies of Magna Graecia and Sicily. In cities such as Tarentum and Syracuse the costly magnificence of the private houses far surpassed those of the mother country.

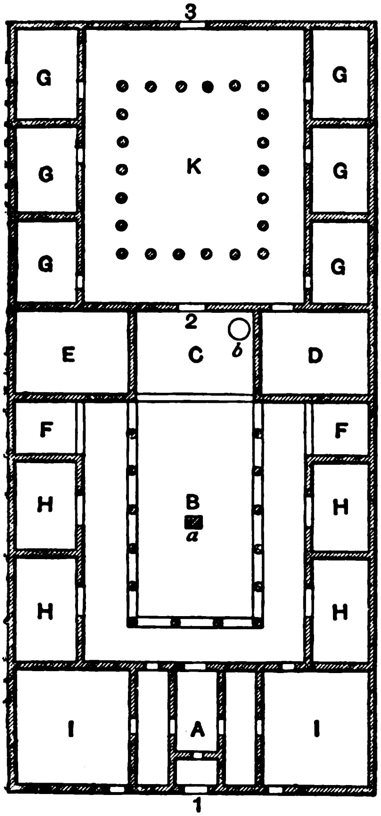
The views of Socrates as to the arrangement of a good house are given by Xenophon (*Mem.* iii. 8, §§ 9, 10). It should (he says) be cool in summer and warm in winter, with convenient accommodation for the family and their possessions. The chief rooms should be lofty, and should face the south so as to get the full rays of the sun in winter, while for the sake of shade, when the sun was high up in summer, the house was to be shaded by projecting eaves; the rooms on the north, for the sake of shelter, were to be lower. Paintings and any sort of elaborate decorations destroyed, Socrates thought, more pleasure than they gave.

In all cases the country houses must have been much finer buildings than those in the old cities, where streets were narrow and sites often very cramped (Isocr. *Areop.* § 20). Thucydides (ii. 14) speaks of the preference of the Athenians for houses in the country.

The plan and whole arrangement of town and country houses would naturally be absolutely different, and it is unreasonable to suppose that one fixed type of house was used by the Greeks. Existing remains show us that the Roman houses had as many varieties of plan as we have now, and yet many archaeologists have written as if there was one stereotyped plan of house used in classical times. The somewhat pedantic language of Vitruvius (vi. 7, 10) on the subject has tended to support the belief in the existence of one fixed type of Greek house, but at his date, in the reign of Augustus, archaeology was practically an unknown science, and it may reasonably be suggested that the so-called Greek plan of Vitruvius does not represent the domestic architecture of the bygone days when the Greeks were an independent race, but rather Vitruvius' private notion, as a practising architect, of a house to be built for some wealthy Roman in the revived pseudo-Hellenic style which began to be popular in the reigns of the early emperors of Rome.

That the domestic architecture of the Roman empire was to a great extent derived from that of the far more artistic Greeks is shown in many ways, and especially by the fact that nearly all the names used in Rome for the different parts of a house were not Latin, but Greek (see p. 667 *b*): yet it should be remembered that the luxurious and ostentatious habits of imperial Rome had little in common with the austere simplicity of private life in Greece during its period of glory, and that therefore it is almost certain that a plan and arrangement of house would be required in Rome very different from that used in Athens during the age of Pericles, or even much later. Nevertheless, with this important reservation, many of Vitruvius' statements may be of great use in illustrating difficult passages in older Greek writers, which treat of some details in the Hellenic house, especially when the description is compared with some of the existing Roman dwellings, which are evidently designed to some extent after a real or supposed Greek model.

Greek houses had three principal features in common. First, there were one or two open courts, surrounded by the various rooms. Secondly, in a Greek family the women lived in private apartments allotted to their respective use. Hence the house was always divided into two distinct portions,—the *Andronitis* (*ἀνδρωνῖτις*), or men's apartments; and the *Gynaeconitis* (*γυναικωνῖτις*), or women's apartments. Thirdly, the *Gynaeconitis* was, as a general rule, in larger houses behind the *Andronitis*, and on the same floor as the latter. Much difficulty has been occasioned in the arrangement of a Greek house by the statement of Vitruvius (vi. 7, (10)) that the principal entrance led at once into the *Gynaeconitis*, and that the *Andronitis* therefore was behind the women's rooms, or rather, if we construe his words strictly, by their side. ("Conjunguntur autem his [i.e. the *Gynaeconitis*] domus ampliores [i.e. the *Andronitis*].") But such an arrangement is alike inconsistent with the careful state of seclusion in which the Greek women were kept, and also with the positive statements of the writers of the period. It is very likely that Vitruvius misunderstood to some extent the descriptions given by his Greek authorities, and has assigned to the *Gynaeconitis* the arrangement of the *Andronitis*. In any case, as we have stated above, his account cannot be accepted as a correct representation of a Greek house in the period from the Peloponnesian war to the time of Alexander the Great. The general plan was much the same as that of the Homeric house. This is clearly brought out by Prof. Gardner in the essay already quoted. He shows that the Peristyle of the *Andronitis* is the successor of the Homeric *Aule*; the *Andron*, or eating-room, of the Homeric *Megaron*; and the peristyle of the *Gynaeconitis* of the Homeric *Thalamos*. "As the Greeks grew in culture and took to living in cities, the *Aule* would naturally become civilised, and the rooms round it part of the house, while the feeding-room of the men would lose its enormous proportions, and become a dining-room instead of a feasting hall." That this was the case is shown by the position of the altars of the deities, which were least likely to be changed in an ancient house. Thus the altar of Zeus *ἑρκεῖος* was situated alike in the Homeric *Aule* (see p. 657 *b*) and the historical court of the *Andronitis* (see p. 662 *a*), and the sacred hearth or altar of *Hestia* occupied the same position in the Homeric *Megaron* (p. 658 *b*) and the historical *Andron* (p. 662 *b*).



Plan of a Greek house. (Guhl and Koner.)

A. Entrance-hall.
B. Peristyle of the Andronitis.
  a. Altar of Zeus *ἑρκεῖος*.
C. Andron, or dining-hall.
  b. *ἑστία*.
K. Peristyle of the Gynaeconitis.
H. Rooms of the Andronitis.
F. Perhaps sanctuaries of the *θεοὶ κτήσιοι* and *θεοὶ πατρῷοι*.
D. Thalamos.
E. Amphithalamos.
G. Rooms of the Gynaeconitis, for working in wool and other purposes.
I. Rooms of the Andronitis, and in some houses perhaps shops opening to the street.
1. Πρόδομος, and further back, street-door, *αὔλειος θύρα*.
2. Door between the men and women's rooms, *μέσαυλος* or *μέταυλος θύρα*.
3. Garden-door, *κηπαία θύρα*.

The above plan of the ground-floor of a Greek house of the larger size, with two courts or peristyles, is taken, with slight alterations, from Guhl and Koner. It is of course conjectural, but it will serve for the *probable* arrangements (for further we cannot go) of the Greek house at the period we are speaking of. Other plans, differing very much from this, have been given by several modern writers; but this appears on the whole the most consistent with the ancient authorities. In smaller houses the Gynaeconitis was much more limited, having no open court, and in some cases, as we shall presently see, was restricted to the upper story.

1. *Fore-court.*—That there was, in some cases, no open space between the street and the house-door, like the Roman *vestibulum*, is plain from the law of Hippias, which laid a tax on house-doors opening outwards, because they encroached upon the street. (Aristot. *Oecon.* ii. 6, p. 1347, 5.) The *πρόθυρον*, which is sometimes mentioned (Herod. vi. 35), may be the space indicated in the cut before the passage A. We learn, however, from the same law of Hippias, that houses sometimes had projections encroaching upon the street (*προφράγματα* or *δρύφακτοι*, Aristot. *l. c.*; Heracl. Pont. *Polit.* 1). In front of the house was generally an altar of Apollo Agyieus, or a rude obelisk emblematical of the god. Sometimes there was a laurel-tree in the same position, and sometimes a terminal bust of the god Hermes or Hecate. (Thuc. vi. 27; Aristoph. *Thesm.* 489 *seq.*, *Vesp.* 804.)

2. *Entrance.*—A few steps (*ἀναβαθμοί*) led up to the house-door, which generally bore some inscription, for the sake of a good omen, or as a charm, such as Εἴσοδος Κράτητι Ἀγαθῷ Δαίμονι (Plut. *Frag. Vit. Crat.* p. 874). There was also frequently inscribed *μηδὲν εἰσίτω κακόν*, an inscription which has been found also at Pompeii and even in Kurdistan (Diog. Laërt. vi. 39, 50; *C. I. Gr.* No. 4673). The form and fastenings of the door are described under JANUA and CLAVIS. This door, as we have seen, sometimes opened outwards; but the opposite was the general rule, as is proved by the expressions used for opening, *ἐνδοῦναι*, and shutting it, *ἐπισπάσασθαι* and *ἐφελκύσασθαι*. (Plut. *Pelop.* 11; *Dion* 57.) Immediately behind the door was the sanctuary of Ἑρμῆς *στροφαῖος* (Aristoph. *Plut.* 1153).

The house-door was called *αὔλειος*, *αὐλεία*, *αὔλιος*, or *αὐλία θύρα* (Pind. *Nem.* i. 19; Menandros *ap.* Stob. *Serm.* xxxiv. 11; Harpocr. *s. v.*; Eustath. *ad Iliad.* xxii. 66, p. 1257, 17), because it led to the *αὐλή*. It gave admittance to a narrow passage called *θυρωρεῖον* by Vitruvius, and *πυλών*, *θυρών* by Pollux (i. 77), on one side of which, in a large house, according to Vitruvius, were the stables, on the other the porter's lodge. The duty of the porter (*θυρωρός*, *πυλωρός*) was to admit visitors, and to prevent anything improper from being carried into or out of the house. (Aristot. *Oecon.* i. 6, p. 1345 a.) It was also his duty to sweep the house (Pollux, x. 28). Plato (*Protag.* p. 314 D) gives a lively picture of an officious porter. The porter was attended by a dog. (Apollod. *apud* Athen. i. p. 3; Theocr. xv. 43; Aristoph.

Thesm. 416, *Equit.* 1025.) Hence the phrase **εὐλαβεῖσθαι τὴν κύνα** (Aristoph. *Lysistr.* 1215), corresponding to the Latin *Cave canem.*

At the further end of the passage Vitruvius places another door (*θυρωρεῖον* . . . locus inter duas januas), which, however, is not mentioned by other writers. Plutarch (*de Gen. Socr.* 18) mentions the house-door as being visible from the peristyle.

3. *Peristyle of the Andronitis* (Plan, B).—From the *θυρωρεῖον* we pass into the peristyle (*περιστύλιον*) of the *Andronitis.* This was the most important part of the house, corresponding to the Homeric *αὐλή*, by which name it is frequently called (Plat. *Protag.* p. 311 A, *Rep.* p. 328 C; Pollux, i. 77), though used for very different purposes. It was a court open to the sky in the centre (*ὕπαιθρον*), and surrounded on all four sides * by colonnades (*στοαί*), whence the name Peristyle. The one nearest the entrance was called *πρόστῳον* (Plat. *Protag.* p. 314 E), and the same name was also given to the colonnade *opposite* the entrance (*ἐν τῷ κατ' ἀντικρὺ προστῴῳ*, *ib.* p. 315 C). The word is also used by later writers as equivalent to *περιστύλιον* (Pollux, i. 77). These colonnades were used for exercise, and were sometimes of considerable extent, as in the house of wealthy Callias, and meals were occasionally taken in them (Plat. *l. c.*, *Symp.* p. 212; Plut. *de Gen. Socr.* 32; Dem. *in Euerg.* § 55; Pollux, i. 78). Here, as in the Homeric *aule*, was the altar of Zeus *ἑρκεῖος*, where sacrifices were offered (Harpocr. *s. v.*; Eustath. *ad Od.* xxii. 335; Plat. *Rep.* i. 328 C). The colonnades were arranged for the purpose of obtaining as much sun in winter, and as much shade and air in summer, as possible. (Xen. *Oecon.* ix. 4; *Mem.* iii. 8, § 9; Aristot. *Oecon.* i. 6.)

Round the peristyle were arranged the chambers used by the men called by the general name of *οἶκοι*, *οἰκήματα*, and *ἀνδρῶνες*, though the latter more specifically indicated a dining-room. (See below.) There were banqueting-rooms large enough to contain several sets of couches (*τρίκλινοι*, *ἑπτάκλινοι*, *τριακοντάκλινοι*), and at the same time to allow abundant room for attendants, musicians, and performers of games; parlours or sitting-rooms (*ἐξέδραι*), sleeping-rooms (*κοιτῶνες*, *οἰκήματα*), guest-chambers (*ξενῶνες*), picture-galleries and libraries, and sometimes store-rooms. The store-rooms were generally in the women's part of the house (see p. 663 *b*); but in the house of Callias a store-room (*ταμιεῖον*) in the *Andronitis* was fitted up as a guest's room (Plat. *Protag.* p. 315 D). In the arrangement of these apartments attention was paid to their aspect. (Vitruv. *l. c.*; Lys. *de caede Eratosth.* § 24, *in Eratosth.* § 10; Aristoph. *Eccles.* 8, 14; Pollux, i. 79, vii. 28, x. 32). The disposition of these rooms (Plan, H) is quite uncertain. F in plan, corresponding to the *alae* in a Roman house, may, according to Guhl and Koner, be the sanctuaries of the *θεοὶ κτήσιοι* and *πατρῷοι* (Lobeck, *Agl.* p. 1239; cf. Lycurg. *adv. Leocr.* § 25; Petersen, *Der geheime Gottesdienst bei d. Griechen*, Hamb. 1848), when these gods had sanctuaries in later times.

4. *Andron, or dining-hall* (Plan, C).—The *ἀνδρὼν* was situated in the centre of the house between the two courts opposite the entrance to the court of the *Andronitis.* It corresponds to the *μέγαρον* of Homer, but greatly reduced in size, as the court of the *Andronitis* contained the principal rooms for the men. Here stood the *ἑστία*, or sacred hearth, which is placed by Aeschylus in the centre of the house (*μεσόμφαλος ἑστία*, *Agam.* 1056); but in historical times it only stood as a symbol of domestic worship, the hearth being removed to a special kitchen (*ὀπτάνιον*). In later times it took the form of a round altar sacred to the goddess *Hestia*, the Roman *Vesta*, and was a sanctuary for suppliants. Thus it was the *Hestia* in the house of the Molossian king Admetus at which Themistocles took refuge (Thuc. i. 136; Plut. *Them.* 34), and it is mentioned as a place of refuge by Lysias in a small Greek house (*ἐπὶ τὴν ἑστίαν καταφυγών*, *de caede Eratosth.* § 27). The *Andron* is said by Xenophon to be the place where dinner was taken (*ἐπὶ τῷ ἀνδρῶνι ἔνθα τὸ δεῖπνον ἦν*, *Symp.* i. 13; cf. Aristoph. *Eccles.* 676), and Thales is represented by Plutarch as going through the porch to the banquet in the *Andron* (*εἰς τὸν ἀνδρῶνα διὰ τῆς στοᾶς*, *VII. Sap. Conv.* 3). In a Greek inscription a large dining-hall is called *ἀνδρεῖον* (*C. I. Gr.* 2554), and Pollux (i. 79) defines it generally as a place where men assemble (*ἀνδρὼν ἵνα συνίασιν οἱ ἄνδρες*). It is sometimes used as equivalent to *Andronitis*, and it is not always easy to distinguish its specific and more general meaning (cf. Herod. i. 34; Aeschyl. *Agam.* 243, *Choëph.* 712). The place occupied by the *Andron* is called by Vitruvius (*l. c.*) *προστὰς* or *παραστάς*, probably the same as the *παστὰς* of other writers, though he is clearly in error in placing it in the *Gynaeconitis*, as we have already seen. He says that on the side of the peristyle facing the south (*i.e.* opposite the entrance door) are two antae [ANTAE], at a considerable distance apart, which carry beams, and that the recess behind them is equal to one-third less than their distance from each other, and that this recess or room is called *προστὰς* or *παραστάς*. It is expressly identified by later writers with the *Andron*, and the word *παστὰς* is absurdly derived from feeding (*ἀπὸ τοῦ πάσασθαι*, Pollux, vi. 7; Schol. *ad* Apoll. Rhod. i. 789; *Etym. M.* p. 655, 46). It would seem that the word *παστὰς* or *προστὰς* did not originally signify a chamber, but simply a colonnade on the side of the peristyle opposite the entrance (Xen. *Mem.* iii. 8, 9; Herod. ii. 169), and was thus the same as the *πρόστῳον* mentioned by Plato in the passage already quoted (*Protag.* l. c.; see above, 3). We may therefore reasonably conjecture that the name was afterwards transferred from the colonnade to the dining-room lying immediately behind it; that is, to the *Andron.*

5. *Peristyle of the Gynaeconitis* (Plan, K).—The peristyle of the *Andronitis* was connected with that of the *Gynaeconitis* by a door called *μέταυλος*, *μέσαυλος*, or *μεσαύλιος*, which was in the middle of the portico of the peristyle of the *Andronitis*, or more specifically of the Andron.

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* In Guhl's plan (p. 661) only three sides of colonnades are given, but from the passage of Plato there must have been a colonnade opposite the one at the entrance.

(See Plan, 2.) Vitruvius applies the name *μέσαυλος* to a passage between the two peristyles, in which was the *μέσαυλος θύρα*; but such a passage is not mentioned by other writers, and was probably suggested to Vitruvius by the position of the Roman *Fauces*. (See below, p. 671 *a*.) By means of this door all communication between the *Andronitis* and the *Gynaeconitis* could be shut off. Its uses are mentioned by Xenophon, who calls it *θύρα βαλανωτός* (*Oecon*. ix. 5; cf. Plut. *Arat*. 26). Its name *μέσαυλος* is evidently derived from *μέσος*, and means the door *between* the two *αὐλαὶ* or peristyles. (Suidas, *s. v.* *Μεσαύλιον*: Ael. Dion. *apud* Eustath. *ad Iliad*. xi. 547, p. 862, 17; Schol. *in* Apoll. Rhod. iii. 335.) The other name, *μέταυλος*, is taken by some writers as merely the Attic form of *μέσαυλος*. (Moer. *Att*. p. 264.) But Becker derives *μέταυλος* from *μετά*, as being the door *behind* or *beyond* the *αὐλή*, with respect to the *αὔλειος θύρα*. (Lys. *de caede Eratosth*. § 17; Plut. *Symp*. vii. 1; Ael. Dion. *apud Eustath*. l. c.)

This door gave admittance to the peristyle of the *Gynaeconitis*, which, like that of the *Andronitis*, was surrounded by colonnades. It was, as we have already said, situated in larger houses immediately behind the *Andronitis*. (Lys. *c. Simon*. § 6; Dem. *c. Euerg*. p. 1155, § 53; Xen. *Oecon*. ix. 5.) In like manner Sophocles, doubtless representing the practice of his own time, describes both sets of rooms as on the same floor (*Oed. Tyr*. 1241–1262). But in smaller houses, where there was no space for a separate court for women, the *Gynaeconitis* was in the upper story. Such was the case in the small house (*οἰκίδιον*) spoken of by Lysias (*de caede Eratosth*. § 19). There was the same arrangement in other houses (Aristoph. *Eccles*. 961, *Thesm*. 482; Babr. *Fab*. 116); and considering the small value of many houses at Athens (see below, p. 664 *b*), we may conclude that the women's rooms were often in the upper story. On the right and left of this *παστάς* (see above), according to Vitruvius, were two bed-chambers, the *θάλαμος* and *ἀμφιθάλαμος* (Plan, D, E), of which the former was the bed-chamber of the master and mistress of the house, and where also seem to have been kept the vases and other valuable articles of ornament. (Xen. *Oecon*. ix. 3.) The *Thalamus*, called by Sophocles *νυμφικὰ λέχη* (*Oed. Tyr*. 1242), is constantly described as the bridal chamber (Pind. *Pyth*. ii. 60; Soph. *Trach*. 913; Eur. *Hipp*. 940; Theocr. ii. 136), and was rebuilt or re-adorned on occasion of a marriage (*ἔθος ἦν τοῖς γήμασι θάλαμον οἰκοδομεῖσθαι*, Schol. *ad* Hom. *Il*. ii. 701; *νεόγραπτος θάλαμος*, Theocr. xviii. 3; cf. Theocr. xxvii. 36; Apoll. Rhod. iii. 36; Hesych. *s. v.* *θαλάμοιο νέοιο*). This chamber is frequently called *δωμάτιον* (Lys. *de caede Eratosth*. § 24; Aristoph. *Eccl*. 8; Theophr. *Char*. 13; Plat. *Rep*. iii. p. 390 C), and sometimes *παστὰς* or *παστός* (Theocr. xxiv. 46; *Anth. P*. ix. 245; Heliod. *Aethiop*. x. 16; Lucian, *Dial. Mort*. xxiii. 3; *Anth. P*. v. 52, vii. 711). In the *Thalamus* were placed the *θεοὶ γαμήλιοι*. The *Amphithalamus* is supposed by some to be the bed-chamber for the grown-up daughters of the family (cf. Achill. Tat. ii. 9). Beyond these rooms (for this seems to be what Vitruvius means by *in his locis introrsus*) were large apartments (*ἱστῶνες*) used for working in wool (*occi magni, in quibus matres familiarum cum lanificis habent sessionem*, Vitruv.). Round the peristyle were the eating-rooms, bed-chambers, store-rooms (*ταμιεῖα*, cf. Aristoph. *Lysistr*. 495), and other apartments in common use (*triclinia quotidiana, cubicula, et cellae familiaricae*). (Plan, G.)

Besides the *αὔλειος θύρα* and the *μέσαυλος θύρα*, there was a third door (*κηπαία θύρα*) leading to the garden. (Pollux, i. 76; Dem. *in Euerg*. p. 1155, § 53; Lys. *in Eratosth*. § 16.)

Some other matters connected with a Greek house require notice.

1. *Upper stories.*—When there was an upper story (*ὑπερῷον, διῆρες*), it seldom extended over the whole space occupied by the lower story. The principal use of the upper story was for the sleeping apartments, both of the family and of the slaves. (Cf. Dem. *in Euérg*. p. 1156, § 56, where the words *ἐν τῷ πύργῳ* seem to imply a building several stories high.) Houses rarely had more than two stories; but in later times we find in the larger towns mention of houses with three stories (as in Cyzicus, Aristid. *Or*. xvi. p. 390, Dind.; *τριστέγη*, Artemidor. iv. 46; so also in Troas, Acts xx. 8, 9). The access to the upper floor seems to have been sometimes by stairs (*ἀναβαθμοί*) on the outside of the house, leading up from the street, as was the case at Rome (see p. 665 *b*). (Aristot. *Oec*. ii. 5, p. 1347, 5; cf. Liv. xxxix. 14.) The upper story was sometimes let, or used for lodging guests. (Antiph. *de Venef*. § 14.) But in some large houses there were rooms set apart for the reception of guests (*ξενῶνες*) on the ground-floor. (Vitruv. *l. c.*; Pollux, iv. 125; Eurip. *Alcest*. 564.) In cases of emergency store-rooms were fitted up for the accommodation of guests. (Plat. *Protag*. p. 315 D; see p. 662 *a*.)

Portions of the upper story sometimes projected beyond the walls of the lower part, forming balconies or verandahs (*προβολαί, γεισιποδίσματα*, Pollux, i. 81), like the Roman *maeniana* (see cut, p. 666 *a*).

2. *Roofs.*—The roofs were generally flat, and it was customary to walk about upon them, as on the Solaria at Rome (see p. 672 *b*); (Lys. *adv. Simon*. § 11; Aristoph. *Lysistr*. 389; Plaut. *Mil*. ii. 2, 3;) or to pass from one house to another (Dem. *c. Androt*. p. 609, § 53). But high-pitched roofs were also used, covered with tiles (*κέραμος*, Galen, xviii. 1, p. 518, K.; Pollux, i. 81).

3. *Doors.*—For particulars, see JANUA and CLAVIS. In the interior of the house the place of doors was sometimes supplied by curtains (*παραπετάσματα, παρακαλύμματα*), which also hung between the pillars of the *Peristyle* (Aristoph. *Vesp*. 1215). They were either plain, or dyed, or embroidered. (Pollux, x. 32; Theophrast. 5.)

4. *Windows.*—The principal openings for the admission of light and air were in the uncovered *Peristyle* and perhaps in the roofed part of the peristyle; but it is incorrect to suppose that the houses had no windows (*θυρίδες*), or at least none overlooking the street. They appear to have been chiefly in the upper story; and in ancient works of art women are represented looking out of them. (Aristoph. *Thesm*. 797, *Eccles*. 961; Plut. *de Curios*. 13, *Dion* 56. Also called *φωταγωγοί*, Lucian. *Conv*. 20.)

5. *Privies.* — They were called ἀπόπατοι (Aristoph. *Acharn.* 81; Pollux, x. 44), ἄφοδοι (Aristoph. *Eccles.* 1059), κοπρῶνες (*Pax*, 99, *Thesm.* 485; Dem. c. *Arist y.* p. 785). Their position is nowhere expressly indicated, but they were probably, as in Roman houses (see below, p. 672 *a*), in proximity to the kitchen (Hermann-Blümner, p. 154).

6. *Heating.*—Artificial warmth was procured by little portable stoves (ἐσχάρια, ἐσχαρίδες), or chafing dishes (ἀνθράκια). (Plut. *Apophth.* i. p. 717; Aristoph. *Vesp.* 811; Pollux, vi. 89, x. 101.) [FOCUS.] It is supposed that the chimney was altogether unknown, and that the smoke escaped through an opening in the roof; but it is not easy to understand how this could be the case when there was an upper story. The καπνοδόκη mentioned by Herodotus (viii. 137) was not really a chimney, but only an opening in the roof (see above, p. 658 *b*). But the κάπνη in Aristophanes (*Vesp.* 143) seems to have been really a chimney, as it is described by the Scholiast on the passage as pipe-shaped (σωληνοειδής). In any case the chimney seems to have been only used in the kitchen (ὀπτάνιον, Alexis *ap.* Athen. ix. p. 386 b).

7. *Decoration.*—The decorations of the interior were very plain at the period to which our description refers. The floors were mere plaster. At a late period coloured stones were used. (Plin. *H. N.* xxxvi. § 184.) Mosaics are first mentioned as introduced under the kings of Pergamus.

The walls, up to the fourth century B.C., seem to have been only whitewashed. The first instance of painting them is that of Alcibiades (Andoc. *in Alcib.* § 17, Dem. *c. Mid.* § 147; Plut. *Alcib.* 16). This innovation met with considerable opposition (Xen. *Mem.* iii. 8, § 10; *Oecon.* ix. 2). Plato mentions the painting of the walls of houses as a mark of a τρυφῶσα πόλις (*Repub.* ii. p. 373 A). These allusions prove that the practice was not uncommon in the time of Plato and Xenophon. We have also mention of painted ceilings at the same period (Plat. *Repub.* vii. p. 529 B, cf. κατὰ τοίχου γράφειν, Lucian, *Hist. Conscr.* 29). At a later period this mode of decoration became general.

8. *Letting and price of houses.*—There was a great deal of speculation in the building and letting of houses at Athens (Xen. *Oecon.* iii. 1). A distinction was made at Athens between the *οἰκία*, which was a dwelling-house for a single family, and the *συνοικία*, which was adapted to hold several families—like the Roman *insula*. The distinction is thus expressed by Aeschines (*c. Timarch.* § 124): ὅπου μὲν γὰρ πολλοὶ μισθωσάμενοι μίαν οἴκησιν διελόμενοι ἔχουσι, συνοικίαν καλοῦμεν, ὅπου δ' εἷς ἐνοικεῖ, οἰκίαν. The lodging-houses were let mostly to foreigners who came to Athens on business, and especially to the μέτοικοι, whom the law did not allow to acquire real property, and who therefore could not purchase houses of their own (Dem. *pro Phorm.* p. 946, § 6). As they, with their families, formed a population of about 45,000, the number of συνοικίαι must have been considerable. Pasion, the banker, had a lodging-house valued at 100 minas (Dem. *c. Steph.* i. p. 1110, § 28). Xenophon recommended that the μέτοικοι should be encouraged to invest their money in houses, and that leave should be granted to the most respectable to build and become house proprietors (οἰκοδομησαμένοις ἐγκεκτῆσθαι, *de Vectig.* ii. 6). The ἰσοτελεῖς laboured under no such disability; for Lysias and his brother Polemarchus, who belonged to that class, were the owners of three houses. The value of houses must have varied according to the size, the build, the situation, and other circumstances. Those in the city were more valuable than those in the Peiraeus or the country, *caeteris paribus*. Two counting-houses are mentioned by Isaeus (*de Hagn. her.* § 42) as yielding a return of rather more than 8½ per cent. interest on the purchase-money. But this probably was much below the average. The summer season was the most profitable for the letting of houses, when merchants and other visitors flocked to Athens. The rent was commonly paid by the month. Lodging-houses were frequently taken on speculation by persons called ναύκληροι or σταθμοῦχοι (Ammon., Harpocrat., Phot., Hesych. *s. v.*), who made a profit by underletting them, and sometimes for not very reputable purposes (Isaeus, *de Philoct. her.* § 19). Boeckh has given an account from the ancient writers of the prices of houses at Athens, which seem to have been very small. They varied from 3 minas to 120 minas, according to their size, situation, and condition, from 30 to 50 minas being an ordinary price. (Boeckh, *Publ. Econ. of Athens*, pp. 65, 141; *Staatshaush.* i.^{3} p. 84.)

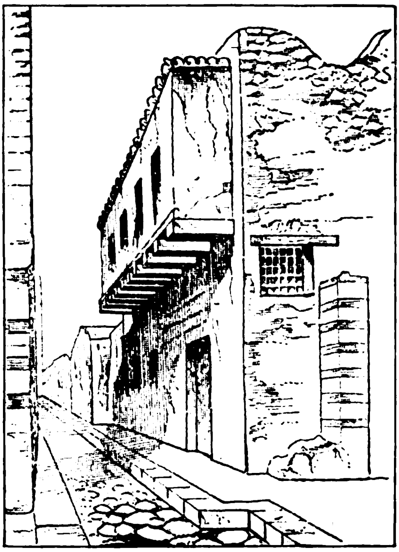
(The commentators on Vitruvius, *l. c.*; Schneider, *Epim. ad* Xen. *Mem.*; Hirt, *Die Lehre der Gebäude*, pp. 287–289; Stieglitz, *Archäol. d. Baukunst*, vol. ii. pt. 2, pp. 150–159; Krause, *Deinokrates*, p. 488 *seq.*; Winckler, *Die Wohnhäuser der Hellenen*, Berlin, 1868; Becker-Göll, *Charikles*, ii. p. 105 *seq.*; Hermann-Blümner, *Griech. Privatalt.* p. 143 *seq.*, Guhl and Koner, *Leben d. Griech. u. Röm.* p. 95 *seq.*, 5th ed.)

III. ROMAN.—The earliest dwellings of the Latins on the Palatine hill were probably mere huts of mud-daubed osiers, like the hut of Romulus, which was preserved as a sacred relic for many centuries. (See above, p. 654 *b*.) After the burning of Rome by the Gauls, the city was rebuilt in haste, with very narrow streets and on no regular plan (Liv. v. 55). Even the houses of the richest citizens were small and of inexpensive materials, such as unburnt brick, or the soft brown tufa which could be quarried in nearly all the hills of Rome. No examples of fired bricks are known in Roman buildings till the time of Julius Caesar; and the remarks of Vitruvius seem to refer wholly to crude or sun-dried bricks, of which no examples in Rome have survived to modern times. Down to the beginning of the last century of the republic, Romans of rank continued to live in small houses. In B.C. 125 the censors censured Lepidus, the augur, because he paid 6000 sesterces (about £50) for his house-rent (Vell. Pat. ii. 10); and Sulla, afterwards the dictator, when a young man, paid only 3000 sesterces for his rooms on the ground-floor, while a freedman in the upper part of the same house paid only 2000 sesterces (Plut. *Sull.* c. 1).

The earliest regulation we find respecting houses is a law of the XII. Tables, that each building should be separated from another by a space of 2½ feet, called *ambitus* (Fest. pp. 5, 11, M.; Varr. *L. L.* v. 22; Isidor. xv. 16, 12). But this enactment was disregarded, and was again enforced by Nero, when he rebuilt the city (Tac. *Ann.* xv. 43; see below, p. 666 *b*). As the city increased in population, the houses were raised in height. "The immense size and population of Rome," says Vitruvius (ii. 8, 17), "make it necessary to have a vast number of habitations; and as the area is not sufficient to contain them all on the ground-floor, the nature of the case compels us to raise them in the air." The buildings thus referred to are the *Insulae*, which must be carefully distinguished from the *Domus*. The *insula*, in which the lower and middle classes lived, was a building of several stories, let out in floors or separate rooms to different families or persons. The *domus* or *aedes privatae* (Suet. *Ner.* 44), on the contrary, was a separate house, in later times a palace, usually with only one story above the ground-floor, the abode of the rich and great, and inhabited for the most part by a single family; though, as in the case of the palazzi in modern Rome, parts of them, especially at the back or top of the *domus*, were sometimes let out (Plaut. *Trin.* i. 2, 157; Liv. xxxix. 14, 2; Suet. *Ner.* 44, *Vitell.* 7). In the general description of a Roman house our remarks apply only to the *domus*, properly so called, as the *insula* was built on an entirely different plan. But we must say a few words on the *insula*.

The *insula* is defined by Festus (p. 111, M.) to be a building not joined by common walls with neighbouring houses, and surrounded by a street, so that it stood like an island surrounded by rivers or the sea. It was thus, as has been said, very much like one of the large hotels in modern cities, with one or more courts, and bounded on all sides by streets, like the Louvre hotel at Paris. The ground-floor was usually let out in shops (*tabernae*), and the upper stories in flats or separate rooms, as in continental cities in the present day. Such an *insula*, containing various tenements and shops, is the house of Pansa at Pompeii, described below (see p. 681 *b*). The number of *insulae* at Rome naturally exceeded that of the *domus*; and accordingly we find in the "Notitia," which was compiled between A.D. 334 and 357, that there were at Rome 44,171 *insulae* and 1782 *domus* (Marquardt, *Staatsverw.* ii. p. 120). To the same effect Suetonius, in describing the fire at Rome under Nero, speaks of the "immense number" of *insulae* that were burnt, in addition to the palaces (*domus*) of the nobles (Suet. *Ner.* 38). Other writers, in like manner, distinguish between the *insulae* and *domus* (Sen. *de Benef.* vi. 5, 5; Tac. *Ann.* xv. 43; Suet. *Ner.* 16; Cic. *de Off.* iii. 16, 65). Becker and some other writers erroneously suppose that a single floor or a separate room in such a house was also called *insula*, but the proper name for such a separate lodging was *cenaculum* (Becker-Göll, *Gallus*, ii. p. 221). The *insulae* are first mentioned in B.C. 456 in connexion with the Lex Icilia *de Aventino publicando*, from which it appears that each occupier had a story in absolute ownership, and could alienate and transmit it, as is customary in modern Rome and other continental cities (Dionys. x. 32; Niebuhr, *Hist. of Rome*, ii. p. 301, Engl. Tr.). But it was apparently more usual for an *insula* to have been built on speculation, and let by the proprietor to different occupants (Plut. *Crass.* 2; Mart. iv. 37). Hence the stories or separate rooms were called *cenacula meritoria* (Suet. *Vit.* 7; Juv. iii. 234; Dig. 7, 1, 13, § 8) or *conducta* (Dig. 19, 2, 30; cf. "mutat cenacula," Hor. *Ep.* i. 1, 91). Cicero had some shops, which he let (Cic. *ad Att.* xiv. 9; "merces insularum," *ib.* xv. 17). The rent (*pensio*, Juv. ix. 63) at Rome was considerable, even for a miserable garret (Juv. iii. 166, 225; cf. Mart. iii. 30, 3). Poor persons in the time of Julius Caesar appear to have paid 2000 sesterces (£17 or £18) as the usual rent (Suet. *Caes.* 38). Caelius was said to have paid 30,000 sesterces (about £266) for the rent of a third floor in the *insula* of P. Clodius, though Cicero says the real rent was only one-third of this sum (Cic. *Cael.* 7, 17). Hence it was a profitable speculation to build or hire a whole *insula*, and to sublet the *cenacula* to different tenants (Dig. 19, 2, 30). The *insularii* were not the occupants of the *insulae*, but those who had charge of the *insulae* and collected the rents. They were also called *procuratores insularum* (Dig. 1, 15, 4; 7, 8, 16; Petron. 95, 96; Becker-Göll, *Gallus*, i. p. 17). The *insula* appears to have been named after the person to whom it belonged. Thus we find in inscriptions the *insula Arriana Polliana*, the *insula Sertoriana*, &c. (Orelli, *Inscr.* 4324, 4331).

The upper stories and the separate rooms of the *insula* were, as we have already said, called *cenacula*. This word properly signifies rooms to dine in; but after it became the fashion to dine in the upper part of the house, all the rooms above the ground-floor were called *cenacula* (Varr. *L. L.* v. 162). Hence Festus says (p. 54, M.), "cenacula dicuntur, ad quae scalis ascenditur." Jupiter humorously describes his abode, "in superiore qui habito cenaculo" (Plaut. *Amph.* iii. 1, 3); Ennius speaks of "cenacula maxima coeli" (*ap.* Tertull. *adv. Valent.* 7); and Prudentius (*c. Symm.* i. 580) of "celsa cenacula." There were different flights of stairs connecting the upper stories with the lower part of the house, as we find to be the case in houses at Pompeii. Sometimes the stairs had no connexion with the lower part of the house, but ascended at once from the street. (Liv. xxxix. 14, 2; xxi. 62, 3; "si cenaculum ex publico aditum habeat," Dig. 43, 17, 3, § 7). As the different stories could not all be lighted from openings in the roof, as in the *domus*, they had windows looking out into the street (Liv. i. 41, xxiv. 21; Prop. v. (iv.) 7, 15, *seq.*; Juv. vi. 31). (On *windows*, see p. 686 *a*.) They also had sometimes balconies, supported by brackets, projecting into the street, from which an occupant could shake hands with his next door or opposite neighbour (Mart. i. 86). These balconies were called *maeniana*, and the same name was also given to the stories which projected over those below, as we see in some old houses in England. (Fest. p. 134, 22, M.; Isidor. xv. 3, 11; Vitruv. v. 1, 2; Val. Max. ix. 12, 7; Cic. *Acad.* iv. 22, 70; Dig. 50, 16, 242.) Projecting stories were forbidden in A.D. 368 to be erected in Rome (Amm. Marc. xxvii. 9, 8) on account of the narrowness of the streets and were again forbidden by the emperors Honorius and Theodosius, unless there was an open space in some cases of ten, in others of fifteen feet, clear of any adjacent building (Cod. Just. 8, 10, 11; Becker-Göll, *Gallus*, ii. p. 287). Such a projecting story is seen in some of the Pompeian houses.



Maenianum or projecting story. (Overbeck, *Pomp.* p. 249.)

We find mention of a house three stories high in B.C. 218 (Liv. xxi. 62, 3); and Martial (i. 117, 7) considered the third story, where he lived, as very high. If we were to estimate the height of the Roman houses by the way in which they are spoken of by the ancient writers, we should probably assign to them too many stories; for the houses, as Friedländer observes, probably appeared higher than they really were in consequence of the narrowness of the streets. We have no express mention of any houses more than four stories high. In Juvenal's description of Rome (iii. 199 *seq.*) the dwellings of the poor are in the fourth story, under the roofs, where the doves lay their eggs. In the same satire he describes (iii. 269) the danger to which the passing traveller was exposed from the potsherds thrown from the lofty house-tops ("tectis sublimibus"). So frequently were persons injured in this way that the praetor gave them a right of action against the occupier. [DEJECTI EFFUSIVE ACTIO.] But from various circumstances we may infer that some of the houses at Rome had a larger number of stories than are expressly mentioned. Thus, as we shall presently see, Augustus limited the height of houses to 70 feet, which implies that they had been built still higher, and Cicero describes the houses as hoisted up and suspended in the air ("Romam cenaculis sublatam atque suspensam," *Leg. Agr.* ii. 35, 96). In like manner Tertullian (*adv. Valent.* c. 7) compares the Gnostic idea of several stages in heaven to an insula called *Felicula*, which seems to have been celebrated for its numerous stories. (On the height of Roman houses, see Friedländer, *Sittengesch. Roms*, i. p. 5 *seq.*)

The houses let for hire were in Rome, as in London at the present day, badly built by speculators. The upper stories were of wood (*tabulata, contignationes*), and frequently fell down, while their material made them more liable to fires, which were very frequent in Rome. Many of the houses were propped up, and old cracks simply plastered over (Juv. iii. 193 *seq.*). Catullus speaks ironically of the advantages of a beggar, who had nothing to fear from the fire or fall of houses ("non incendia, non graves ruinas," Catull. xxiii. 9); Strabo mentions both dangers (v. p. 235); and the fear of them drove timid persons out of Rome ("incendia, lapsus," Juv. i. 7; cf. Sen. *Ep.* 91, § 13; "tanta altitudo aedificiorum est, ut neque adversus ignem praesidium nec ex ruinis ullum ullam in partem effugium sit," *de Controv.* ii. 9; Plin. *H. N.* xxxvi. § 110). The returns from house property in Rome were large, but people feared to invest in it on account of fires (Gell. xv. 1). The inundations of the Tiber also caused the fall of houses (Tac. *Ann.* i. 76; Suet. *Aug.* 30). (For further details, see Friedländer, i. p. 26 *seq.*)

To guard against these dangers, in the reign of Augustus the height of new houses in streets was limited to seventy feet, by a "Metropolitan Building Act," as it would now be called (Strab. v. p. 235). Augustus recommended a work on this subject by Rutilius, entitled "De Modo Aedificiorum" (Suet. *Aug.* 89). Vitruvius (ii. 8, 17) gives some of the provisions of this Act, *e.g.* that houses, if several stories high, were to be built *pilis lapideis, structuris testaceis, parietibus caementitiis*; that is, on stone piers, with walls of concrete and burnt brick,—not of sun-dried clay, as had been the usual custom. It was not, however, till the reign of Nero that a complete reform was effected in the arrangement and construction of the houses and streets of Rome. Nero had a new and elaborate Building Act drawn up, which required fire-proof materials, such as *peperino*, a hard volcanic stone, to be used for the external walls of houses. He also enacted that each building should have separate walls, and a space (*ambitus*) left open all round it. As a means of escape and assistance in the case of fire, he also caused arcades or colonnades to be built at his own expense in front of the *insulae*. (See p. 672 *b.*) It is not improbable that Nero, as Tacitus and Suetonius seem to think, wilfully caused the great fire which destroyed so much of Rome, in order that his new Act might come into immediate effect, and also that he might lay out the streets on wider and straighter lines (Tac. *Ann.* xv. 43; Suet. *Ner.* 38). In Trajan's reign the limit of height for street houses was fixed at sixty feet (Aur. Victor, *Epit.* 13). The emperors Antoninus and Verus again made an ordinance about the space to be left round the *insulae* (Dig. 8, 2, 14).

We now turn to the history and construction of the *domus*, or mansion of the great and wealthy. It was not till the last century of the republic, when wealth had been acquired by conquests in the East, that houses of any splendour began to be built; but it then became the fashion, not only to build houses of an immense size, but to adorn them with marble columns, paintings, statues, and costly works of art. They covered a large space, most of the rooms being on the ground-floor. The spacious *atria* and *peristylia*, being open to the sky, did not permit an upper story, which, if it existed, must have been confined to the sides of the building, and could not have been very high, as otherwise it would have darkened the *atria* and *peristylia*. These splendid mansions were erected for the most part on the hills, and along the slopes of the Palatine, on the side near the Forum, which was the favourite quarter for the Roman nobles. In later times the various palaces of the emperors swallowed up almost the whole of this favourite site, especially the palace of Caligula, which was built over the place where Cicero, Clodius, Crassus, and other famous men once resided.

The house of the orator L. Crassus on the Palatine, built about 92 B.C., was the first which had marble columns,—namely, the six (or four) columns of the atrium, 12 feet in height, which were of Hymettian marble. For this Crassus was severely blamed; and the stern republican M. Brutus nicknamed him the "Palatine Venus" (Plin. *H. N.* xxxvi. § 7, xvii. §§ 2-6; Val. Max. ix. 1, § 4). This house was valued at 6,000,000 sesterces, about £62,000 (Val. Max. *l. c.*); but Pliny says (xvii. § 2) that it yielded in magnificence to the house of Q. Catulus on the same hill, and was much inferior to that of C. Aquilius on the Viminal. The house of Catulus had a fine colonnade (*porticus*), adorned with the spoils of the Cimbric war. It was near the house of Cicero, as a portion of the colonnade was destroyed when Clodius razed the house of Cicero (Val. Max. vi. 3, § 1; Cic. *pro Dom.* 43, 114; *ad Att.* iv. 2, 4, iv. 3, 2; *ad Q. Fr.* iii. 1, 4, § 14).

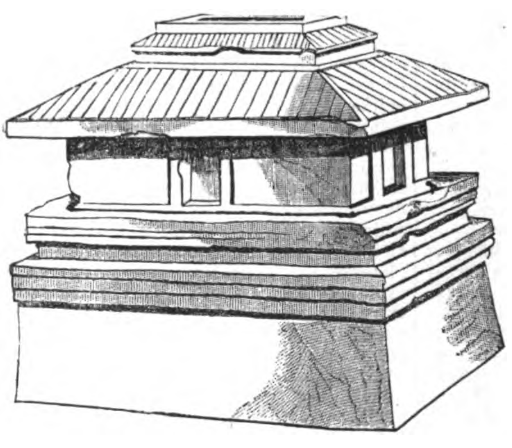
In 78 B.C. M. Lepidus, for the first time in Rome, used the rich Numidian marble (mod. *giallo antico*) not only for columns, but even for the thresholds of his doors (Plin. *H. N.* xxxvi. § 48); but the fashion of building magnificent houses increased so rapidly that the house of Lepidus, which, in his consulship, was the first in Rome, was thirty-five years later eclipsed by a hundred others (Plin. xxxvi. § 109). Lucullus was especially celebrated for the magnificence of his houses (Cic. *de Off.* i. 39, 140). The Romans were exceedingly partial to marble for the decoration of their houses. Pliny (*H. N.* xxxvi. § 48), quoting Cornelius Nepos, says that marble slabs were first used for wall-linings by a knight named Mamurra, one of Caesar's prefects in Gaul: in whose house were columns of Carystian (*cipollino*) and Luna marble. A further advance in costly magnificence was made by the aedile M. Aemilius Scaurus in the middle of the first century B.C. He purchased the above-named house of L. Crassus and greatly enlarged it. He introduced, as the supports of his atrium, columns of the black "Lucullean" marble no less than 38 feet in height, the weight of which was so great that he had to provide security for an indemnity in case of injury that might be done to the main sewers, while these immense blocks of marble were being brought along the streets (Plin. *H. N.* xxxvi. § 5 *seq.*). This house was sold to Clodius for nearly 15 million sesterces, about £132,000; a price, says Pliny, worthy of the madness of kings (Ascon. *in Mil.* p. 33, Or.; Plin. *H. N.* xxxvi. § 115). This is the highest price recorded in the time of the republic for a house. The consul Messalla bought the house of Autronius for 3,400,000 sesterces, about £29,000, and Cicero the house of Crassus (not L. Crassus, the orator) for 3,500,000 sesterces, about £30,000 (Cic. *ad Att.* i. 13, 6, with Tyrrell's note; *ad Fam.* v. 6). Cicero's house was on the lower slope of the Palatine towards the *Regia*, the official residence of Julius Caesar as Pontifex Maximus, whom Cicero calls his neighbour (*ad Fam.* v. 6; *ad Att.* xiii. 45). It was originally built by M. Livius Drusus, from whom it passed to Crassus, of whom Cicero bought it. It was destroyed by Clodius during Cicero's exile, but was rebuilt at the public expense on his return (Vell. Pat. ii. 14; Cic. *pro Dom.* 37). These houses will serve as samples of the value of the mansions of the nobles during the republic. Sallust speaks of them like cities in size (*Cat.* 12), and Seneca describes them in the same terms under the empire (*Ep.* 90, 43), when the imperial palaces, of which we shall speak further on, became still more magnificent. Many of them, like the houses of Sallust and Maecenas, described below, were surrounded by gardens. The rich noble, we are told, was not content unless he had a *rus in urbe* (Mart. xii. 57, 21; cf. viii. 68, 2), and the extensive pleasure-grounds are alluded to in other passages (cf. Mart. xii. 50; Sen. *Ep.* 114, 9). The *atria* and *peristylia*, with the baths and other public rooms described by Vitruvius, were magnificent, but the sleeping and other private rooms were small and inconvenient, so that Martial, after describing one of these mansions, adds (xii. 50, 7):

"Atria longa patent. Sed nec cenantibus usquam,
Nec somno locus est. Quam bene non habitas!"

In describing the *domus* properly so called, our chief authority is Vitruvius, whose descriptions of the various parts are elucidated by the existing remains of houses at Pompeii. There can be no doubt that the latter are constructed upon the model of the houses at Rome; and not, as some have supposed, borrowed from the Greeks. The municipal towns imitated in their buildings those of Rome, as Friedländer has pointed out (*Sittengesch. Roms*, iii. p. 114). The plan and arrangement of the Pompeian houses not only correspond in general with the description of Vitruvius, but we find in them the *atrium*, the *alae*, the *tablinum*, and the *fauces*, which are all characteristic of a Roman house, and have no counterpart in a Greek house. Moreover, the Pompeian houses resemble those in the Capitoline plan of Rome, made in the reign of Septimius Severus (see the plan below, p. 676 *a*), and the house of Livia on the Palatine (see below, p. 674) (Marquardt, *Privatl.* p. 211). Still, it should be observed that the Romans themselves derived all the later and ornamental additions to their houses from the Greeks, as the names themselves show, their *peristylia*, *triclinia*, *oeci*, *exedrae*, *diaetae*, *pinacothecae*, *bibliothecae*, &c. Moreover, in the disposition and arrangement of the rooms, it should be remembered that Vitruvius in his description of a Roman house, as of a Greek house, is giving his own private views on the subject, and not simply describing the existing methods of arrangement. His chapters on this subject are chiefly useful to the modern student for the long list of names which he gives to the various parts of the house, and his indications of the special uses of each part. Still the chief rooms in the house of a wealthy Roman appear to have been arranged in the same manner, while the others varied according to the taste and circumstances of the owner.

According to Vitruvius, the principal parts of a Roman house were—1. *Vestibulum*, 2. *Ostium*, 3. *Atrium*, 4. *Alae*, 5. *Tablinum*, 6. *Fauces*, 7. *Peristylium*. The parts of a house which were considered of less importance, and of which the arrangement differed in different houses, were — 1. *Cubicula*, 2. *Triclinia*, 3. *Oeci*, 4. *Exedrae*, 5. *Pinacotheca*, 6. *Bibliotheca*, 7. *Balineum*, 8. *Culina*, 9. *Cenacula*, 10. *Lararium* or *Sacrarium*, 11. *Diaetae*, 12. *Solaria*. We shall speak of each in order.

But before doing so, it must be observed that the old Roman house contained only one room, the *atrium*, to which all other rooms were subsequently added, and that this was probably the name of the old Roman house. Thus we find that there was in Rome a considerable number of old buildings of simple construction bearing the name of *atrium*, such as the *atrium Vestae*, in which the Vestals lived, the *atrium sutorium*, the *atrium Libertatis*, the *atria Tiberina*, *atria Licinia*, *atria auctionaria*, and others (Marquardt, *Röm. Staatsverw.* iii. p. 155). The *atrium* was probably derived from the Etruscans, though we need not accept the etymology of Varro (*L. L.* v. 161), that it came from the Etruscan town of Atria or Adria. Some ancient writers, indeed, derive it from the Latin word *ater* (Serv. *ad* Verg. *Aen.* i. 726; Isidor. *Or.* xv. 3, 4), an etymology accepted by many modern writers, and among others by Marquardt; but the Etruscan origin is the more probable. Its earliest form is represented in Etruscan cinerary urns, of which an example is given below, where we see the opening in the roof, and the entrance door leading direct into the *atrium*. This opening was intended to give light to the building, and as a vent for the smoke, but as the *atrium* became enlarged, it took the form of the *compluvium* or *impluvium* mentioned below. The roof was supported by four beams, crossing each other at right angles, and sloping towards the roof in the centre. This kind of roof, only found in later times in small houses, retained in memory of its origin the name of *Tuscan* (Vitruv. vi. 3). The development of the *atrium* is explained further on. We now follow the description of Vitruvius.



Cinerary urn, in the form of an Etruscan house, from Chiusi, the ancient Clusium. (Dennis, *Etruria*, ii. p. 315.)

1. VESTIBULUM. There has been much dispute respecting the exact signification of this word, which has arisen from the different meanings attached to it at different periods of history and in different kinds of houses. In the palaces of the nobles the *vestibulum* was a vacant space before the house, forming a courtyard or entrance-court, surrounded on three sides by the house, and open on the fourth to the street. The two wings ran out beyond the façade of the building, and the door was in the third side opposite the street. In some houses the projecting sides were occupied by shops opening into the street. In the *vestibulum* the clients assembled, till the door was opened, to pay their respects (*salutatio*) to the master of the house, so that they might not be left standing either in the street or within the house (Gell. xvi. 5, §§ 3, 8, "vestibulum, quod est ante domum," Varr. *L. L.* vii. 81; Macrob. vi. 8, § 15; Sen. *ad Marc.* 10, 1; Quintil. xi. 2, § 20; Cic. *Caec.* 12, 35; Mil. 27, 75). Hence the "vestibula regalia alta," or "magnifica vestibula," as Vitruvius calls them, were only required by the nobility on account of the *salutatio*; and the ordinary citizens ("qui communi fortuna sunt") had no occasion for a *vestibulum* (Vitruv. vi. 8, §§ 1, 2). Accordingly, in the smaller houses in Rome and the municipal towns, there was either no *vestibulum*, so that the door opened straight upon the street, as in the Capitoline plan of Rome (see cut, p. 676 *a*), or the *vestibulum* was simply indicated by the door standing back a few feet from the street, as in many of the houses at Pompeii. (See plans of house of the Tragic Poet, p. 681 *a*, and house of Pansa, p. 681 *b*.) Sometimes there were steps from the street leading up to the *vestibulum* (Sen. *Ep.* 84). In the houses of the nobility the *vestibulum* was adorned with statues, arms, and other trophies (Plin. *H. N.* xxxv. § 7; Liv. x. 7, xxii. 57; Cic. *Phil.* ii. 28, 68; Verg. *Aen.* ii. 504; Tibull. i. 1, 54; Ov. *Trist.* iii. 1, 33; Suet. *Tib.* 26, *Ner.* 38), sometimes with quadrigae (Juv. vii. 125; Sil. Ital. vi. 434); and in the *vestibulum* before the Golden House of Nero there was the colossal figure of the emperor, 120 feet in height (Suet. *Ner.* 31). [COLOSSUS.] It was for the most part uncovered (Plaut. *Most.* iii. 2, 132), but sometimes had a porticus or colonnade (Suet. *Ner.* 16; Tac. *Ann.* xv. 43), and was adorned with trees or shrubs (Verg. *Georg.* iv 20). But as the influence of the nobility declined in the first century of the Christian era, and the clients gradually disappeared, there was no longer any occasion for a *vestibulum* in the houses of the nobles; and hence the exact meaning of the word became a matter of dispute among anti-

quarians in the time of the Antonines (Gell. xvi. 5, §§ 2, 8). Moreover, as the master of the house no longer lived in the *atrium*, but in the *peristylium* and the adjoining rooms, the *atrium* became the place of waiting for visitors, and is thus sometimes apparently used as synonymous with *vestibulum* (Liv. v. 41, § 2; Ov. *Fast.* vi. 297; Suet. *Aug.* 100).

Public buildings also had *vestibula*, as the curia or senate-house (Liv. i. 48, ii. 48), and various temples (Liv. *Ep.* 86; Val. Max. i. 8, §§ 2, 11; Tac. *Hist.* i. 86: cf. Marquardt, *Privatl.* p. 219; Becker-Göll, *Gallus*, ii. p. 239).

2. OSTIUM. The *ostium* was the entrance to the house (Vitruv. *ap.* Serv. *ad* Verg. *Aen.* vi. 43; Isidor. xv. 7), and is constantly used as synonymous with *janua* and *fores*, the door. But *ostium* properly signified the small vacant space before the *janua*, whence Plautus (*Pers.* v. 1, 6) says *ante ostium et januam.* Here stood the *antae*, two posts or pillars flanking the doorway (Isidor. *l. c.*; Fest. p. 16, M.). [ANTAE.] On the threshold the word *Salve* was frequently wrought in mosaic, as we see in the Pompeian houses; and over the threshold there sometimes hung a cage containing a magpie (*pica*) or a parrot (*psittacus*), taught to greet those who entered (Petron. 28; "pica salutatrix," Mart. vii. 87, 6, xiv. 76; Pers. *prol.* 8). Over the door a few words of good omen were sometimes written, such as "nihil intret mali" (Orelli-Henz. *Inscr.* 7287), or "deprecatio incendiorum" (Plin. *H. N.* xxviii. § 20; Fest. p. 18, M.; Orelli, 1384). Sometimes the house was indicated by a sign over the door, as in mediaeval times. Thus we are told that Augustus was born "ad Capita Bubula" (Suet. *Aug.* 5), and Domitian "ad Malum Punicum" (Suet. *Dom.* 1). The street-door itself is fully described under JANUA.

Whether the street-door opened into a hall, or direct into the *atrium*, has been a subject of much dispute. Vitruvius mentions no entrance-hall in a Roman house, and he seems to speak of the Greek entrance-hall (θυρωρεῖον) placed between two doors as a peculiarity of a Greek house (Vitruv. vi. 10). But there are reasons for believing there must have been an entrance-hall in the palaces of the nobility, as behind the door there was a small room (*cella*) for the house-porter (*ostiarius* or *janitor*), and it is difficult to suppose that this was in the *atrium* (Ov. *Am.* i. 6, 1; Suet. *de Rhet.* 3, *Vitell.* 16; Colum. i. *praef.* 10; Petron. 28), especially as a dog was kept by his side, chained to the wall, with a written warning *Cave Canem* (Suet. *Vitell.* 16; Plaut. *Most.* iii. 2, 169; Sen. *de Ir.* iii. 37). Sometimes a dog was painted on the wall (Petron. 29), or wrought in mosaic on the pavement, as we find in the house of the Tragic poet at Pompeii. At the end of the hall, which seems to have been called *ostium*, there was no inner door, as Becker describes, but the entrance to the *atrium* was closed by a curtain (*velum*), which was drawn aside by the usher when he admitted strangers to an interview (Lamprid. *Alex. Sev.* 5; *Heliog.* 14; Sen. *Ep.* 20; Plin. *Ep.* ii. 17). The entrance-hall was small, so that a person in the *atrium* could look through it at persons walking in the street (Suet. *Cal.* 41). The smallness of the hall explains, as Göll says, the passages cited by Marquardt to prove that the street-door led directly into the *atrium* (Marquardt, *Privatl.* p. 222; Becker-Göll, *Gallus*, ii. p. 238).

3. ATRIUM. The first point to be determined in connexion with the *atrium*, upon which the whole disposition of a Roman house depends, is, whether the *atrium* and the *cavum aedium* (or *cavaedium*, as Pliny, *Ep.* ii. 17, 5, writes it) denote two separate courts or one and the same. Some modern writers, notably Becker in his *Gallus*, whom Burn has followed, maintain that they were distinct courts, and accordingly place three courts in a Roman house,—first the *atrium*, then the *cavum aedium* in the centre, and lastly the *peristylium* in the rear. But this view cannot be maintained; it is rejected by the best modern authorities; it is in direct opposition to the statements of Varro (*L. L.* v. 161) and Vitruvius (vi. 3 and 8), who call sometimes the chief room of the house *atrium* and sometimes *cavum aedium;* and it is contradicted by the fact, that no houses in Pompeii have yet been discovered containing more than two courts,—namely, the *atrium* and *peristylium.* We may therefore conclude that the *atrium* and the *cavum aedium* denote the same room, the only difference perhaps being that *cavum aedium* indicated originally the open part, and *atrium* the entire area; but in general the two words are used as synonymous. The *atrium* or *cavum aedium* was a large room or court roofed over, with the exception of an opening in the centre, called *compluvium*, towards which the roof sloped so as to throw the rain-water into a cistern in the floor, termed *impluvium* (Varr. *l. c.*; Fest. p. 108, M.; Liv. xliii. 13, 6; Plaut. *Amph.* v. 1, 56). The water from the *impluvium* flowed into a well (*puteus*) under ground; for before the construction of the aqueducts the Romans were dependent upon wells for their supply of water. The word *impluvium*, however, is sometimes employed in a wider sense to denote the whole uncovered space in the *atrium*, and therefore the opening in the top as well as the cistern at the bottom. (Cic. *Act. in Verr.* i. 23, 61, with the note of Pseudo-Ascon. p. 177, Or.; Serv. *ad* Verg. *Aen.* ii. 512; "per impluvium introspectant," Plaut. *Mil.* ii. 2, 3, ii. 3, 16; Ter. *Eun.* iii. 5, 40). *Compluvium* in like manner is sometimes used in the same wide signification as equivalent to *impluvium* (Suet. *Aug.* 92; Varr. *L. L.* v. 125). The *compluvium* was sometimes covered with hangings, as a protection against the sun (Ov. *Met.* x. 595; Plin. *H. N.* xix. §§ 24, 25; Dig. 33, 7, 12, § 20). The breadth of the *impluvium*, according to Vitruvius, was not less than a quarter nor greater than a third of the breadth of the *atrium;* its length was in the same proportion according to the length of the *atrium.*

Vitruvius (vi. 3) distinguishes five kinds of *atria* or *cava aedium*, which were called by the following names:—

(1.) *Tuscanicum.* In this the roof was supported by four beams, crossing each other at right angles, the included space forming the *compluvium.* This kind of *atrium* was the most ancient of all, as it is more simple than the others, and is not adapted for a very large building.

(2.) *Tetrastylum.* This was of the same form as the preceding, except that the main beams of the roof were supported by pillars, placed at the four angles of the *impluvium*. Such an arrangement would be necessary in a large *atrium*, as the roof could not otherwise be well supported.

(3.) *Corinthium* was on the same principle as the tetrastyle, only that there were a greater number of pillars around the *impluvium*, on which the beams of the roof rested.

(4.) *Displuviatum* had its roof sloping the contrary way to the *compluvium*, so that the water fell outside the house instead of being carried into the *impluvium*, and was carried off by gutters.

(5.) *Testudinatum* was constructed in the same way as the *displuviatum*, but it was roofed all over and had no *compluvium*. We are not informed, however, how light was admitted into an *atrium* of this kind. This form went out of use: we have no instances of it in the Pompeian houses.

The *atrium*, as we have already seen, was originally the only room of the house, serving as sitting-room, bed-room, and kitchen, which it probably continued to do among the lower classes even in later times (Serv. *ad* Verg. *Aen.* i. 726, ix. 648; Varr. *ap.* Non. p. 83, s. v. *cortes*). Here was the *focus*, or hearth, which served not only for cooking, but from its sacred character was used also for the receptacle of the Lares or Penates, which were sometimes kept in little cupboards near the hearth. ("Juxta focum Dii Penates positi fuerunt," Schol. *ad* Hor. *Epod.* ii. 43; Plaut. *Aul.* ii. 18, 15; Tibull. i. 10, 20; Juv. viii. 110; Petron. 29.) The Lar or tutelary god of the house stood close to the entrance behind the door leading into the *atrium* (Ov. *Fast.* i. 136 *seq.*); and we find him so placed in some of the Pompeian houses. Near the sacred flame the members of the family took the common meal (Serv. *ll. cc.*), and the same custom continued in the country even in the time of Augustus (Hor. *Sat.* ii. 6, 65 *seq.*). In the *atrium* the master of the house kept his *arca* or money-chest (Serv. *ll. cc.*), which was fastened to the floor. [ARCA.] Here stood the nuptial bed (*lectus genialis*, Fest. p. 94, M.) against the back wall, opposite the entrance to the *atrium*, whence it was also called *lectus adversus* (Prop. iv. (v.) 11, 85; Gell. xvi. 9; Ascon. *in Mil.* p. 43, Orelli). Here sat the mistress of the house, spinning and weaving with her maids (Liv. i. 57, 9; Ascon. *l. c.*; Arnob. ii. 67). Here all visits were paid, and the patron received his clients (Hor. *Ep.* i. 5, 31; "more patrio sedens in solio consulentibus responderem," Cic. *Leg.* i. 3, 10). Here the corpse was placed before it was carried out to burial. [FUNUS.] Here, in the *alae* (see below), were placed the waxen *imagines* of the ancestors of the house. [IMAGINES.]

But as wealth increased, and numerous clients came to wait upon their patron, new rooms were built, and the *atrium* ceased to be the only room for the family. A kitchen (*culina*; see p. 671 *b*) was made for cooking, the Lares were placed in a special *lararium* (see p. 672 *b*); the meals were taken in the upper story, hence called *cenaculum* (Varr. *L. L.* v. 162; see p. 665 *b*); the master and mistress slept in a separate *cubiculum*. As the *atrium* now became the reception room, it was fitted up among the wealthy with much splendour and magnificence for the reception of their clients. The opening in the roof was enlarged for the admission of more light, and was supported by pillars frequently made of costly marble (see p. 667 *a*). Between the pillars and along the walls statues and other works of art were placed (Cic. *Verr.* i. 23, 61; Apul. *Met.* ii. 4). In the middle of the *impluvium* was a marble fountain, with jets of water, frequently adorned with reliefs, of which many beautiful specimens have been found at Pompeii. Near the fountain, where the hearth formerly stood, was a marble table, called *cartibulum* (Varr. *L. L.* v. 125). [CARTIBULUM.] The *atrium*, however, still continued, as in ancient times, to be the chief room of the house, and it was not only the room for the reception of guests, but its primitive character was preserved by its retaining the symbolical nuptial couch (Hor. *Ep.* i. 1, 87), the *imagines* of the ancestors, and the instruments for weaving and spinning. The ancient writers frequently contrast the simplicity of the ancient with the splendour of the modern *atrium*.

> "Cur invidendis postibus et novo
> Sublime ritu moliar atrium?"

(Hor. *Carm.* iii. 1, 45; cf. "caret invidenda sobrius aula," Hor *Carm.* ii. 10, 7; Verg. *Georg.* ii. 461 *seq.*; Plin. *H. N.* xxxv. § 6; "atrium ex more veterum," Plin. *Ep.* v. 6, § 15.) The magnificence of the *atria* under the empire is constantly alluded to by the poets and other writers ("atria marmore tecta," Ov. *Met.* xiv. 260; "purpureis effulta columnis atria," Claud. *in Ruf.* ii. 135; "laqueata," Auson. *Id.* x. 49; "atria ampla, alta, longa," Vitruv. vi. 5, 2; Mart. xii. 50; Verg. *Aen.* i. 725).

The rooms which opened out of the *atrium* were lighted only through the *compluvium*, as there were no windows, as a general rule, upon the ground-floor.

4. ALAE, wings, were two small quadrangular apartments or recesses on the left and right sides of the *atrium* (Vitruv. vi. 4), but at its further end, and open to the *atrium*, as we see in the Pompeian houses. Here the *imagines* were kept in the houses of the nobles. But as the *alae* were really a part of the *atrium*, the *imagines* were frequently described as standing in the *atrium*. (Juv. viii. 19 *seq.*; Plin. *H. N.* xxxv. § 6; Ov. *Fast.* i. 591, *Am.* i. 8, 65; Mart. ii. 90, 6, v. 20, 5–7; Marquardt, *Privatl.* p. 235.)

5. TABLINUM was in all probability a recess or room at the further end of the *atrium* opposite the door leading into the hall, and was regarded as part of the *atrium*. It contained the family records and archives. (Vitruv. vi. 4 and 8; Fest. p. 356; Plin. *H. N.* xxxv. § 7.) It appears from the houses of Pompeii to have been separated not by a door, but simply by a curtain or *velum*, while it had a door at the back leading into the *peristylium*. Marquardt supposes that the *tablinum* was originally an alcove made of wood (whence its name) built at the back of the *atrium*, in which meals were taken during the summer, and was afterwards joined to the *atrium* by breaking through the walls of the latter (Varr. *ap.* Non. p. 83, s. v. *cortes*).

With the *tablinum*, the Roman house appears to have originally ceased; the sleeping rooms being arranged on the upper floor. But when the *atrium* and its surrounding rooms were used for the reception of clients and other public visitors, it became necessary to increase the size of the house; and the following rooms were accordingly added:—

6. FAUCES was a passage by the side of the *tablinum*, which passed from the *atrium* to the *peristylium* or open court, as we see in the Pompeian houses. We must not suppose, as Rich does, that the plural indicates two passages (Vitruv. vi. 4).

7. PERISTYLIUM was in its general form like the *atrium*, but it was one-third greater in breadth, measured transversely, than in length (Vitruv. vi. 4); but we do not find these proportions preserved in the Pompeian houses. It was a court open to the sky in the middle; the open part, which was surrounded by columns, had a fountain in the centre, and was planted with flowers, shrubs, and trees forming a *viridarium*. The *atrium* and *peristylium* were the two important parts of a Roman house; the former, during the last century of the republic and under the empire, being the public reception room, and the latter the inner or private court-yard, which gave access to the private rooms, such as the *oeci* or saloons, the *triclinia* or dining-rooms, the baths, and the other rooms described below. The *peristylium* having never been used, like the *atrium*, as a place in which the family lived, the opening to the sky was much larger than the *compluvium* in the *atrium*, and the columns which surrounded it more numerous. Thus, in the house of the Faun at Pompeii, there were forty-four Doric columns in the *peristylium*. It was ornamented in much the same way as the *atrium;* and consequently it is sometimes difficult to determine whether the description of this ornamentation applies to the *atrium* or the *peristylium*. But the large marble fountain, with the steps leading down to it, on which the waters splashed (Sen. *Ep.* 86, 6; "in peristylio saliente aqua," Suet. *Aug.* 82), and the numerous shrubs and trees, of which the ancient writers frequently speak, belong properly to the *peristylium*. Hence we may safely assign to the *peristylium* the descriptions of Horace (*Ep.* i. 10, 22): "nempe inter varias nutritur silva columnas," and (*Carm.* iii. 10, 5) "nemus inter pulchra satum tecta," and of Tibullus (iii. 3, 15), "et nemora in domibus sacros imitantia lucos." (Cf. Juv. iv. 7; Plin. *H. N.* xvii. § 4; Sen. *Controv.* v. 5.) Between the columns of the *peristylium* statues were placed ("in silva sub divo," Cic. *Verr.* i. 19, 51), and vases filled with flowers (Dig. 33, 7, 26).

The arrangement of the rooms leading out of the *peristylium*, which are next to be noticed, varied, as has been remarked, according to the taste and circumstances of the owner. It is therefore impossible to assign to them any regular place in the house.

1. CUBICULA, bed-chambers, appear to have been usually small. There were separate *cubicula* for the day and night (*cubicula diurna et nocturna*, Plin. *Ep.* i. 3); the latter were also called *dormitoria*, and were mostly on the upper floor. (*Id.* v. 6, 21; Plin. *H. N.* xxx. § 52; Sidon. Apoll. *Ep.* ii. 2.) Vitruvius (vi. 7) recommends that they should face the east for the benefit of the rising sun. They sometimes had a small ante-room, which was called by the Greek name of προκοιτών, in which the *cubicularius* or valet probably slept. (Plin. *Ep.* ii. 17, 23.) In some of the Pompeian houses we find a recess in which the bed was placed. This recess was called *zotheca* or *zothecula*, and was used by Pliny in his villa in the day-time as well as the night (Plin. *Ep.* ii. 17, 21, v. 6, 38; Sidon. Apoll. *Ep.* viii. 16, ix. 11). Statues also were placed in this recess, as we learn from inscriptions (Orelli, 1368, 2006).

2. TRICLINIA, dining-rooms, are treated of in a separate article. [TRICLINIUM.]

3. OECI, from the Greek *οἶκος*, were spacious halls or saloons borrowed from the Greeks, and were frequently used as *triclinia*. (Cf. Plin. *H. N.* xxxvi. § 184.) They were to have the same proportions as *triclinia*, but were to be more spacious on account of having columns, which *triclinia* had not. (Vitruv. vi. 5.) Vitruvius mentions four kinds of *oeci:*—

(i.) The *Tetrastyle*, which needs no further description. Four columns supported the roof.

(ii.) The *Corinthian*, which possessed only one row of columns, supporting the architrave (*epistylium*), cornice (*corona*), and a vaulted roof.

(iii.) The *Egyptian*, which was more splendid and more like a basilica than a Corinthian *triclinium*. In the Egyptian *oecus*, the pillars supported a gallery with paved floor, which formed a walk round the apartment; and upon these pillars others were placed, a fourth part less in height than the lower, which surrounded the roof. Between the upper columns windows were inserted.

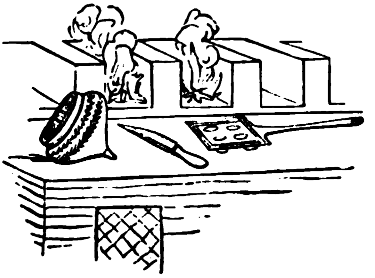
(iv.) The *Cyzicene* (Κυζικηνοί) appears in the time of Vitruvius to have been seldom used in Italy. These *oeci* were meant for summer use looking to the north, and, if possible, facing gardens, to which they opened by folding-doors. Pliny had *oeci* of this kind in his villa.

4. EXEDRAE, which appear to have been in form much the same as the *oeci*, for Vitruvius (vi. 5) speaks of the *exedrae* in connexion with *oeci quadrati*, were rooms for conversation and the other purposes of society. (Cic. *de Nat. Deor.* i. 6, 15; *de Orat.* iii. 5, 17.) They served the same purposes as the *exedrae* in the Thermae and Gymnasia, which were semicircular rooms with seats for philosophers and others to converse in. (Vitruv. v. 11, vii. 9; BALNEAE, p. 282 *a.*)

5, 6, 7. PINACOTHECA, BIBLIOTHECA, and BALINEUM [see BALNEAE], are treated of in separate articles.

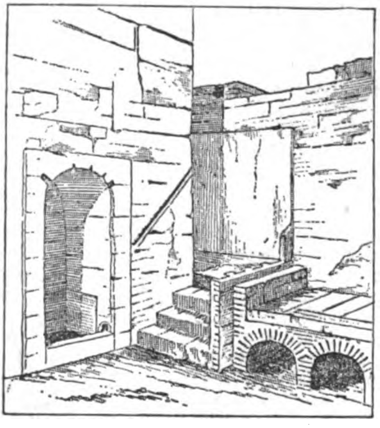
8. CULINA, the kitchen. The food was originally cooked in the *atrium*, as has been already stated (see p. 670 *a*); but the progress of refinement afterwards led to the use of another part of the house for this purpose. In the kitchen of Pansa's house, of which a drawing is given on the next page, a stove for stews and similar preparations was found, very much like the charcoal stoves used in the present day. (See woodcut.) Before it lie a knife, a strainer, and a kind of frying-pan with four spherical cavities, as if it were meant to cook eggs.

In this kitchen, as well as in many others at Pompeii, there are paintings of the Lares and Penates, to whom the hearth in the *atrium* was sacred, and under whose care the kitchen was also placed. (Serv. *ad* Verg. *Aen.* ii. 469; Arnob. ii. 67.) In the country the meals were taken in the kitchen, as they were in ancient times in the *atrium* (Colum. i. 6; Varr. *R. R.* i. 13). The kitchen was in the back part of the house, and in connexion with it was the *pistrinum* or bake-house, where bread was baked at home (Varr. *ap.* Non. p. 55, 18; Lucil. *ap.* Non. p. 217, 20); but after B.C. 171 there were public bake-houses in Rome (Plin. *H. N.* xviii. § 107). [PISTOR.] In the houses of the wealthy, as may be supposed, the kitchens were often of great size (Sen. *Ep.* 114, cf. 64). In Pompeii have been found sinks of kitchens, called *confluvia* (Varr. *ap.* Non. p. 544, 20) or *coquinae fusoria* (Pallad. *R. R.* i. 37).



Culina or kitchen, in Pansa's house.

In close and inconvenient proximity to the kitchen was the *latrina* (contraction of *lavatrina*, Varr. *L. L.* v. 118), or privy, in order that a common drain might carry off the contents of both to the *cloaca* or public sewer (Varr. *l. c.*; Colum. x. 85; cf. Plaut. *Curc.* iv. 4, 24; Suet. *Tib.* 58; Apul. *Met.* i. c. 17, p. 15; on the *Spongia* mentioned by Sen. *Ep.* 70, 20, cf. Mart. xii. 48, 7). In many of the Pompeian houses we find the *latrina* contiguous to the kitchen, as is shown in the annexed cut from the house of Sallust. On the right are two small arches, which are the kitchen stove. On the left is an arched recess, which is the *latrina*, originally closed by a wooden door, of which the marks of the hinges may still be seen; and at the bottom is the mouth of the pipe supplying the place with water.



Culina and Latrina in the house of Sallust. (Gell, *Pompeiana*, p. 107.)

9. CENACULA, or rooms in the upper stories, have been already explained (see p. 665).

10. LARARIUM or SACRARIUM. The Lares or Penates were originally placed near the hearth of the house in the *atrium* (see p. 670 *a*); but when the latter became only a reception room, they were removed to a special chapel, called *Lararium* (Lamprid. *Alex. Sev.* 29, 31; Vopisc. *Florian.* 4; Capitol. *Anton. Phil.* 3) or *Sacrarium* (Cic. *ad Fam.* xiii. 2; Cic. *Verr* iv. 2, 4), in which statues of other divinities were also placed. Such a chapel is found in the *peristylium* of many of the Pompeian houses.

11. DIAETA does not denote any particular kind of room, but is a word borrowed from the Greek (δίαιτα) to signify a room used for any of the purposes of life. (Plin. *Ep.* ii. 17, 12; vii. 5, 1; Stat. *Silv.* ii. 2, 83.) Each *diaeta* was sometimes called by a name, as the one belonging to Claudius (Suet. *Claud.* 10). Thus it denotes also a bed-chamber (Plin. *Ep.* vi. 16, 14), a dining-room (Sidon. Apoll. *Ep.* ii. 2), a summer-house or a room in a garden (Plin. *Ep.* ii. 17, 20; Dig. 7, 1, 66, § 1; Orelli, *Inscr.* 4373, &c.). It is also the collective name of a set of chambers. Thus Pliny speaks (v. 6, 31) of two *diaetae*, in one of which were four bed-chambers, and in another three.

12. SOLARIUM, literally a place for basking in the sun, denotes a terrace on the flat roof of a house, frequently used by the Romans, as is still the case in Italy and the East. (Isidor. xv. 3, 12; Dig. 8, 2, 17; Plaut. *Mil. Glor.* ii. 3, 69, ii. 4, 25; Suet. *Claud.* 10; Macrob. ii. 4, 14.) In the time of the emperors, these *solaria* on the tops of houses were turned into gardens, which contained even fruit-trees and fish-ponds (Sen. *Ep.* 122; *Contr. Exc.* v. 5). Somewhat similar were the *solaria* built by Nero on the colonnades in front of the *insulae* and *domus* (Suet. *Ner.* 16; Tac. *Ann.* xv. 43). Sometimes the *solaria* were covered by a roof ("tectum solarium," Orelli, *Inscr* 2417).

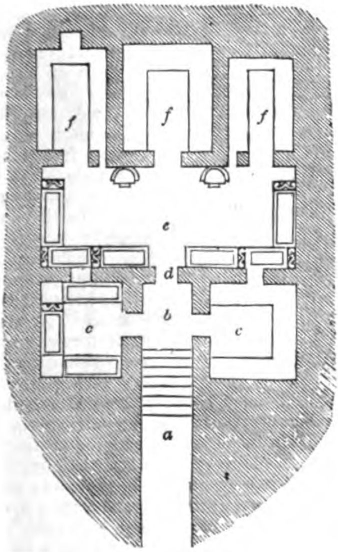
Some other parts of a Roman house require a brief mention.

1. CELLAE SERVORUM, FAMILIARES or FAMILIARICAE, the small bed-rooms of the slaves, were usually situated in the upper story, as in the house of Pansa at Pompeii, or in the back of the house, with the exception of the *cella* of the house-porter, which was naturally close to the front door (see p. 669 *a*). (Colum. i. 6; Cic. *Phil.* ii. 27, 67; Hor. *Sat.* i. 8, 8; Vitruv. vi. 7; Plin. *Ep.* ii. 17, 9).

2. CELLA also denoted the store-room, of which there were several, bearing various names, according to their contents. Of these an account is given under CELLA No. 1, where the *cella vinaria* is likewise described.

3. CELLARS underground and vaulted are rarely mentioned ("hypogea concamerationesque," Vitruv. vi. (8) 11; "constructum sub terris aedificium," Isidor. xvi. 3), though several have been found at Pompeii.

Etruscan Houses.—Though no Etruscan houses are extant, we obtain a good idea of their form and general disposition from their tombs, as there can be no doubt that their cemeteries were often intentional representations of their cities, and the separate tombs of their houses. The arrangement of the latter throws light upon that of the Roman house, the original form of which was borrowed from the Etruscans. (See above, p. 668 *a.*) Thus in the cemetery of *Cervetri*, the ancient Agylla or Caere, the tombs have a large central chamber, representing the *atrium*, with others of smaller size opening out of it, lighted by windows in the wall of the rock, as they could of course have no opening or *compluvium* in the roof. The ceilings of all the chambers have the usual beams and rafters hewn in the rock. The smaller rooms round the *atrium* were *triclinia*, for each has a bench of rock round three of its sides, on which the dead had been deposited, reclining as at a banquet. (Dennis, *Etruria*, i. p. 238.) The following plan of one of these tombs shows a clear resemblance to an ancient house.



Plan of a tomb at Cervetri. (Dennis, *Etruria*, i. 256.)

a. **Rock-hewn steps leading down to the tomb.**
b. **Entrance-hall.**
cc. **Small chambers, the *cellae* of the *janitor* or *ostiarius*.**
d. **Doorway to the tomb.**
e. **Principal chamber or *atrium*.**
fff. **Inner chambers or *triclinia*.**

We find a similar arrangement in the tombs at Chiusi, the ancient Clusium, where the passage leads into the principal chamber or *atrium*, out of which open several smaller chambers or *triclinia* (Dennis, *Etruria*, vol. ii. p. 350).

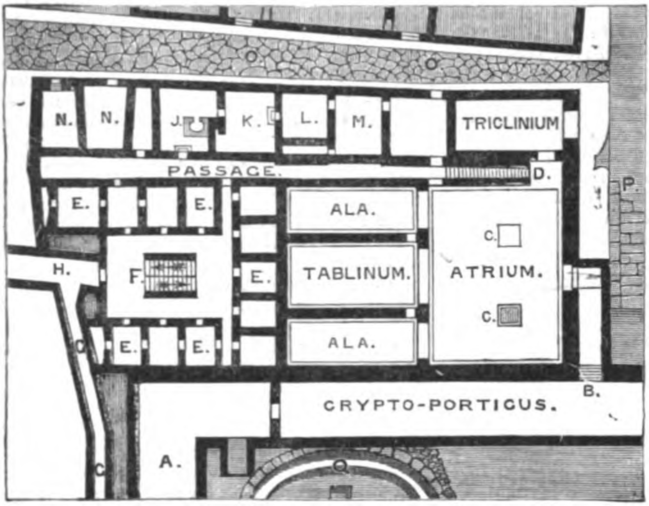
Existing remains of Roman houses.—The oldest remains of a house in Rome are those of the Regia, which, according to Dio Cassius (xliii. 42), was the residence of the Pontifex Maximus, and was on the site of the house occupied by Numa. The Regia stood at the S.E. limits of the Forum, close by the Temple of Vesta, adjoining the House of the Vestal Virgins (Dio Cass. xliv. 17; Gell. iv. 6; Cic. *ad Att.* x. 3). The existing remains are of several dates: the oldest walls are of the softest tufa, and belong probably to a structure many centuries earlier than the Christian era; next comes a part built of hard blocks of peperino (*lapis Albanus*). A later part of the house is built of concrete faced with burnt bricks, and has columns of the hard travertine thickly coated with stucco, and painted in brilliant tints of blue and red. This is probably part of the rebuilding carried out by Domitius Calvinus after his victories in Spain, *c.* 35 B.C. Another portion of the same or an adjoining building was built of solid blocks of white marble. This also may be part of Calvinus's work. There are many reasons for believing that the Consular Fasti (now in the Capitoline Museum) were engraved on the solid marble walls of one of these rooms in the Regia (see *Bull. Inst. Arch. Rom.* 1886, p. 99). This interesting building exists only in a very fragmentary state, and its complete plan cannot be made out. The rooms are small, and the *atrium* also appears to have been of very limited extent. The mosaic pavements and painted decorations belong to the alterations made in the time of Augustus.

One of the best preserved houses in Rome is also of special interest from its early date. This is the small dwelling usually known as "the House of Livia" or "of Germanicus," which is built in a hollow in the N.W. part of the Palatine hill. That it is probably not later in date than the time of Augustus is shown by the construction of its walls, which are formed of concrete faced with very neat *opus reticulatum* of tufa, no brick being used. The figure on the next page shows its plan, which, owing to the irregularity of the site, is at two different levels: the small rooms grouped round the staircase F being at a much higher level than the larger rooms by the *atrium*; the stairs D lead from the *atrium* up to the higher floor behind. The main entrance is at B, approached down a short flight of steps. C C are pedestals for a statue and an altar: E E are bedrooms; G is a narrow *crypto-porticus*, which branches out of H, another dark passage, forming hidden communications with different buildings on this part of the Palatine. A is a third vaulted passage which leads to Caligula's palace: this is possibly the path by which Caligula's murderers escaped when they hid themselves in the house of Germanicus (Joseph. *Ant. Jud.* xix. 1, 2; Suet. *Calig.* 58).

The paintings in the principal rooms of this house are among the finest examples of Roman wall decoration that still exist (see Renier, *Les Peintures du Palatin*). The most remarkable (in the *tablinum*) is a scene of the liberation of Io by Hermes, who approaches stealthily to kill Argus, who is watching her. In composition, colour, and in delicacy of touch, this is a work of much beauty. As the names of the figures were painted under each in Greek, it appears probable that it is the work of a Greek artist: only one name (ЄPMHC) is now legible. On the same wall is a street scene, with lofty houses several stories high, and fanciful balconies and porticoes. In the *triclinium* are some very clever paintings of bowls of fruit, in which grapes and apples are seen through the transparent glass of which the bowls are made.

The floors are formed of marble mosaic in simple geometrical patterns, very neatly fitted together, with much smaller *tesserae* than were used under the later empire.

On the upper floor a long passage, approached by the staircase D, divides the house into two parts. J K L M seem to be small bath-rooms. N N are shops with no communication with the house, facing a public street, O O. At P are remains of a very ancient tufa building. Q is a *piscina*, which seems partly to have supplied the house with water. A number of inscribed lead pipes were found, but these were of later date than the house itself: water was laid on to the upper as well as to the ground floors.



Plan of the so-called House of Livia.

A. **Passage.**
B. **Stairs.**
CC. **Pedestals for statues.**
D. **Stairs.**
E E. **Bed-rooms.**
F. **Stairs.**
G. **Crypto-Porticus.**
H. **Crypto-Porticus.**
J K L M. **Bath-rooms.**
N N. **Shops.**
O O. **Street.**
P. **Early Building.**
Q. **Piscina.**

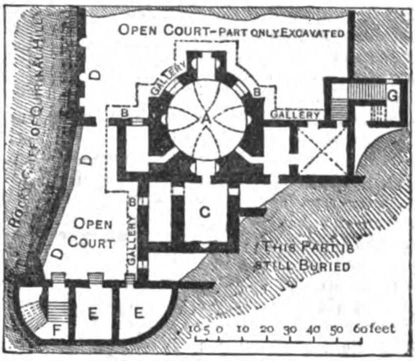
As seems to have been usually the case in Roman houses till the reign of Augustus, the only method of heating was by charcoal braziers (*foculi*). In the *tablinum* a small recess is provided for the *foculus* or *caminus*. The use of hypocausts for private houses was a later introduction, and the very complete system of heating rooms, which provided not only for hot air under the hypocaust floors, but also wall-linings of flue-tiles all over the internal wall-surface of a room, did not come into general use till about the end of the second century A.D. In the third century especially the rapidly-growing effeminacy of the Romans led them to provide in the most elaborate manner for the heating of their houses; and the contrast is very great between the shut-in, highly-heated apartments of the later empire, as compared with the half open-air life and scanty warming of the earlier houses. In the above figured plan the *tablinum* and its *alae* are open on one side to the only partially roofed *atrium;* an arrangement fitted only for a hardy race, such as the Romans once were. The later houses, with their glazed and curtained windows, hollow floors, and walls radiating heat from their whole surface, must have had an atmosphere very like that of a modern hot-house. For details of the construction of hypocausts and the arrangement of flue-lined walls, the reader is referred to the article Balneae, p. 278 *b*.

Owing to the fact that no Roman house now exists with walls perfect up to the roof, it had for long been a matter of doubt how the hot air and smoke from the hypocausts escaped after passing through the flue-tiles which lined the walls. An explanation of this has now been furnished by an extremely interesting mosaic picture found in 1878 at Oued-Atmenia in Algeria. (See Proceedings of the *Soc. Archéol. de Constantine*, vol. for 1878.) This most valuable picture is a perspective view of a very large country mansion, built by a wealthy Roman named Pompeianus, who was Proconsul of Africa under Honorius. The mosaic itself formed part of the pavement of the house which it represents. The building is one of immense extent, and varies from four to six stories in height. The ground-floor has only a few plain rectangular windows, fitted with strong iron gratings. In the upper stories the windows, partly arched and partly square-headed, are placed at frequent intervals. The long line of the main block is broken by two lofty tower-like structures. The central and most important part of the house has a low-pitched roof covered with red tiles, from the ridge of which, at four different points, chimney stacks project, just as they would in a modern house. What appears to be a conical smoke-cowl is set over each chimney. This unique mosaic gives a clear notion of the external appearance of one of the large mansions of the later empire, such as could never be gained from an examination of any of the very imperfect existing remains of Roman dwellings, numerous though they are, from which little more than the plan of the ground-floor can usually be gathered. And here it may be remarked that most writers on the subject of Roman houses appear to have ignored the fact that it was usually, if not invariably, the custom to build with an upper story, and hence it is obviously a mistake in examining the existing remains of any house to expect to find the whole accommodation of the dwelling provided on the ground-floor. It appears probable that in nearly all cases the best bedrooms were placed upstairs, where there was ample space for rooms of a good size, and yet it is usual to describe small cell-like rooms on the ground-floor as being the chief sleeping apartments of the family, in spite of their obvious drawbacks from damp and want of light. In Italy especially ground-floor bedrooms are far from being healthy.

In 1874 remains of a very interesting house of the time of Augustus were found on the Esquiline hill, not far from the Basilica of S. Maria Maggiore: from its position on the line of the Servian wall and *agger*, it has been called "the House of Maecenas," who lived in that quarter, where he converted the public burial-ground into a large park (Hor. *Sat.* i. 8, 14; "horti Maecenatiani," Suet. *Tib.* 15). This palace of Maecenas from its lofty position on the Esquiline is called by Horace (*Epod.* 9, 3) "alta domus," and is probably alluded to in another passage ("molem propinquam nubibus arduis," Hor. *Carm.* iii. 29, 10); and on account of its healthy situation Augustus slept there when he was ill (Suet. *Aug.* 72). Tiberius took up his residence there. These gardens were of great extent, and were united by Nero with his palace on the Palatine hill (Tac. *Ann.* xv. 39; Suet. *Ner.* 31), and it was from one of the towers of Maecenas, which commanded an extensive view, that he surveyed the conflagration of Rome (Suet. *Ner.* 38; cf. Burn, *Rome*, 227). One fine room of this house, still well preserved, is of especial interest; this appears to have been a sort of greenhouse for plants and flowers: it is a large vaulted chamber, with a semicircular apse at one end; all round the walls are tiers of high steps once lined with marble, intended to form stands for rows of flower-pots; arranged exactly as in a modern conservatory. Prof. Mohr (*Bull. Inst. Arch.* vol. for 1875) has pointed out that the cultivation of shrubs and flowers in this way was largely practised by the Romans. On each side of the hall are six recesses, decorated with paintings of garden scenes, with fountains among the flowers, treated in a skilfully deceptive way, so as to look as if each recess were a window opening on to a real garden. The light was admitted only through openings in the barrel vault of the hall, on which were paintings of similar floral subjects; a remarkable example of the theatrical scene-painter's style of decoration which was popular among the Romans.

The *House of Sallust*, the historian, was one of the finest houses in Rome. It had, like the house of Maecenas, extensive gardens, whence the residence was frequently called the *Horti Sallustiani.* It was built by Sallust with the riches obtained in his government of Numidia (Pseud.-Cic. *Respons. in Sall.* 17, § 19); and after the death of his heir, Sallustius Crispus, in the reign of Tiberius, it appears to have passed into the hands of the emperor, as it is subsequently mentioned as an imperial palace, and the residence of several of the emperors. So large were the gardens, that the Emperor Aurelian, who preferred living there to the Palatine, erected in them a colonnade, 1000 paces long, in which he took horse exercise. Part of this house still exists in the narrow valley between the Pincian and Quirinal hills, near the *Porta Collina* in the Servian wall. (Tac. *Ann.* xiii. 47; *Hist.* iii. 82; Plin. *H. N.* vii. § 75; Dio Cass. lxvi. 10; Vopisc. *Aurel.* 49; Procop. *Bell. Vand.* i. 2.)

The position of this house is peculiar: part of it stands on the lower ground at the foot of a cliff of the Quirinal, and part on the top of the cliff; so that the floor of the third story of the lower part was level with the ground-floor of the rest. The figure shows the plan of the existing remains, which will be soon destroyed by the filling up of the valley, where the building stands, to make new boulevards: a most serious loss. The circular part A is a lofty domed hall: B B is a balcony-like gallery, supported on corbels, which runs round the outside of the main building, at a height of about forty feet above the ground: C is a fine vaulted room, with two stories over it: D D is a retaining wall, built against the scarped face of the cliff to keep the crumbling tufa rock from decay: E E are rooms in four or five stories, some with concrete and others with wooden floors: F are winding marble-lined stairs, with mosaic landings, which led to the top of the house and the rooms on the higher level of the hill. This part is still about seventy feet high. G is another marble-lined staircase. A great part of the house is still unexcavated. The date of the existing portion is of the first century A.D., and is evidently part of additions made by the early emperors. In the sixteenth century an immense quantity of valuable marbles, including magnificent columns of Oriental alabaster and Numidian *giallo antico*, were found in the ruins of Sallust's house, and used to decorate several of the churches of Rome.

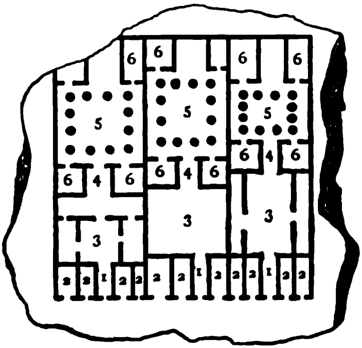


House of Sallust in Rome.

Many inscribed lead waterpipes have been found there at different times: some have the name of the estate, the reigning emperor, the plumber, and the capacity of the pipe, *e.g.* XIII. ORTORVM SALLVSTIANOR. IMP. SEV. ALEXANDRI AVG. NAEVIVS MANES FECIT. A topographical indication on a Roman lead pipe is very rare.

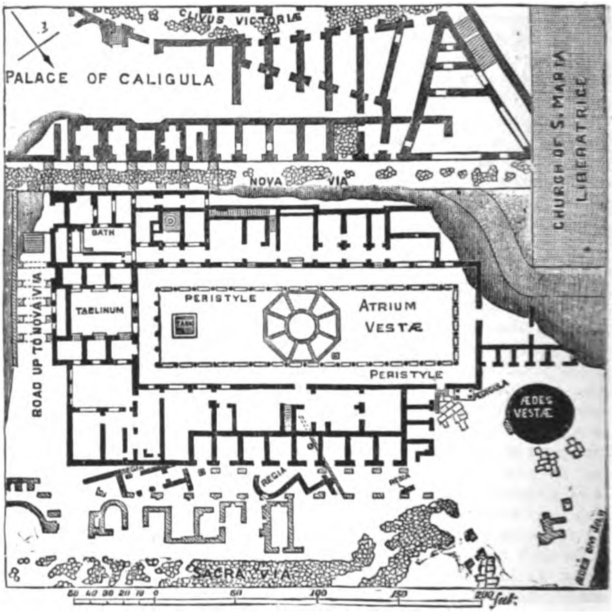
Some very splendidly decorated houses have recently, during the formation of the new Tiber embankment, been discovered and then destroyed, along the line of the Farnesina gardens, by the right bank of the river. These were very richly ornamented with paintings, and especially with stucco reliefs of extraordinary beauty, evidently dating from the middle or early part of the first century A.D. Many of these were almost of pure Greek style, free from any of the usual Roman coarseness of detail or clumsiness of form. The reliefs were executed rapidly by the artist in the quick-setting wet stucco, which he applied in lumps to the previously prepared flat surface, and then, before the stucco had time to harden, he modelled the figures into shape with his fingers and thumb, assisted by a few simple wooden modelling tools. The decision and rapid skill shown in this manipulation are very remarkable; and an amount of life and vigour appears in these hastily executed reliefs, which could hardly have been equalled by the slow process of chiselling a hard substance. Many of the scenes represented are Dionysiac, fauns playing on the double pipes, nymphs dancing with timbrels and other musical instruments, and sportive genii bearing the *thyrsus* or bunches of grapes. Some figures of winged Victories are marvels of delicate beauty, lightly poised on large wings, with drapery flowing behind them in graceful curving folds. The modelling of the nude limbs of the fauns is perfect for its skilful suggestion of the play of muscles under a supple skin, and is quite free from the anatomical exaggerations of the late Attic School of Sculpture, which the Romans seem specially to have admired.

The Tiber banks opposite the Campus Martius formed a favourite site for the houses of wealthy Romans: some of these are shown on fragments of the Capitoline marble plan of Rome; most of them have stairs leading down to the water's edge. The accompanying figure



Fragment of Capitoline Plan, showing plans of Roman houses.

shows another fragment of this celebrated plan, which was made in the reign of Severus to decorate the end wall of the Templum Sacrae Urbis by the Forum. This shows us a common type of street house in Rome, such as belonged to men of moderate means. On this fragment are engraved the plans of three houses in a row, almost identical in arrangement. (1) is the entrance passage, with two shops (2) on each side: (3) is a small Tuscan *atrium*, as Vitruvius calls it, being without columns: (4) is the passage leading into (5) the *peristylium*, round which are four small rooms (6), one at each corner.



Atrium Vestae.

Some interesting examples of houses not owned by private persons, but used by corporate bodies, have been found during the last few years. The chief of these is the Atrium Vestae or House of the Six Vestal Virgins, which was exposed to view in 1883–4.

The plan above, reproduced from Middleton's *Ancient Rome in* 1885 (p. 187), shows the position of the house, near the circular Temple of Vesta, and close to the northern angle of the Palatine, where the immense substructures of Caligula's palace still exist. The rooms are arranged round a long open *peristylium* or cloister; not unlike the plan of a mediaeval monastery. At one end is the *tablinum*, with three small chambers on each side; probably each of the six vestals had one of these. On the N.E. side of the *tablinum* is a large hall, with recesses for statues, and on the other side is a bath-room, and near it a kitchen, a baker's oven with a corn-mill, and other domestic offices. On both the long sides of the *peristylium* is a number of very handsome rooms, decorated in a very costly and elaborate manner: in all cases there was at least one upper story. On the verge of the N.E. side of the house is a row of shops: at this place the remains of the *Regia* are indicated on the plan. In the centre of the *peristylium* was what seems to have been a series of flower-beds, in the shape of a circle within an octagon: traces of the low brick kerbs which separated these beds are still easily distinguishable. On the S.W. side a great part of the upper story still exists. here, as in the previously mentioned houses of Livia and Sallust, the building is set against the side of a slope, so that in one part an upper story has its floor level with the higher ground. In this case a considerable part of the lower slopes of the Palatine has been cut away to make a site for the Vestals' house, probably at the time of its enlargement under Hadrian, to whose period most of the existing structure belongs. The upper rooms consist chiefly of bedrooms and small bath-rooms, mostly with marble wall-linings and mosaic floors. Part of this upper story was rebuilt in the reign of Severus, after a destructive fire in the time of Commodus in 191 A.D.; and these later rooms have a very luxurious system of warming, both with hypocausts and wall-linings of flue-tiles. The stairs which led to a still higher floor still partly exist, so the whole amount of accommodation must have been very large, as befitted the dignified state of a Vestal's life. The internal decorations were very magnificent; in some of the rooms both walls and floors were covered with the rich coloured marbles from Africa and Greece. In one of the six small rooms by the *tablinum* a very curious precaution has been taken to keep the floor dry. Halves of large *amphorae* are set close together all over the area of the room: over them concrete was laid, and finally the marble paving-slabs were bedded in cement on the concrete. The hollows formed by the half amphorae would prevent the damp from rising. In some cases the rooms had moulded skirtings and cornices made of very hard and brilliant marbles, such as *rosso antico*, the cost of which must have been enormous. In some rooms niches for statues and other parts of the wall-surface were encrusted with gorgeous jewel-like glass mosaics, and ceilings and vaults were richly decorated with painting of the most glowing tints. As might be expected, the dwelling of this wealthy and highly honoured corporation of Vestals far exceeded in splendour even the richest houses at Pompeii. See the separate works on the *Atrium Vestae* published by Comm. Lanciani, Rome, 1884, and by Prof. Jordan, Berlin, 1885.

A corporate dwelling of a very different class is the Barrack (*excubitoria*) of the Seventh Cohort of the Roman *Vigiles*, discovered in 1867 near the Church of S. Crisogono in Trastevere. This is a handsome house of the second century A.D.; with a large mosaic-paved *atrium* or cloister, round which are arranged rooms in two or three stories. The decorations are partly of moulded terra-cotta, painted with brilliant colours, and partly of the usual marble linings in very thin slabs. The barracks of other cohorts of these *Vigiles*, who combined the offices of policemen, firemen, and lamplighters, have been found in many other quarters of Rome, but none so well preserved as the residence of the Seventh Cohort. (See Visconti, *Coorte VII. de' Vigili*, Rome, 1867, and *Bull. Comm. Arch. Mun. Rom.* for 1873.)

Another corporate or, as it might be called, "monastic" establishment was recently excavated a short distance outside the *Porta Portuensis* of Rome: this was the residence of the *Collegium* of the *Fratres Arvales*, one of the most dignified of the priestly *Collegia* of Rome; but its remains were too scanty for the whole plan to be distinguishable.

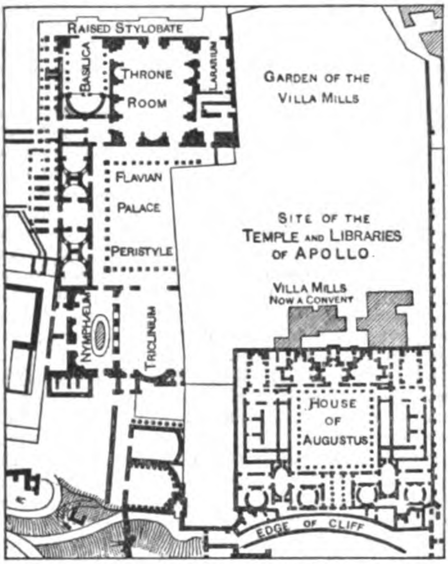
Within the last few years a number of streets and houses have been discovered at the mouth of the Tiber, at Ostia: these in plan much resembled the Pompeian houses, but were much more richly decorated with costly foreign marbles, most of which would pass Ostia on their way to Rome, where they were unladen on a long wharf called the *Marmoratum*.

Of the imperial palaces of Rome, which at last covered the whole site of the primitive Roma Quadrata, the earliest was the house of Augustus (*Domus Augustana*), which was built on the S.W. edge of the Palatine, overlooking the Circus Maximus. He at first occupied, on the Palatine, the house of Hortensius, a dwelling conspicuous neither for size nor splendour; and when it was struck by lightning, he consecrated the spot to a temple of Apollo, and bought some neighbouring buildings, where he built a house for himself. (Vell. Pat. ii. 81; Dio Cass. xlix. 15; Suet. *Aug.* 29, 72.)

The house of Tiberius (*Domus Tiberiana*) on the Palatine is mentioned as distinct from that of Augustus, though it adjoined it, the palace of Augustus being more conspicuous towards the forum, while that of Tiberius formed the back front. Its situation is indicated by the descriptions of the ancient writers, that Otho descended through the back of the palace of Tiberius into the Velabrum (Tac. *Hist.* i. 27; Suet. *Oth.* 6; Plut. *Galb.* 24), and that Vitellius surveyed from it the conflagration of the Capitol (Suet. *Vitell.* 6). During the reign of Augustus Tiberius lived first in the house of Pompey in the Carinae, and afterwards in that of Maecenas on the Esquiline (Suet. *Tib.* 15); but when he became emperor, he probably resided in this house on the Palatine till he withdrew to Capreae. In later times this palace was the residence of Antoninus Pius and Marcus Aurelius, and a library was established there (Capitol. *Ant. Pius*, 10, *Ant. Phil.* 6, *Ver.* 2; Gell. xiii. 19; Vopisc. *Prob.* 2). The palaces of Augustus and Tiberius were destroyed in the fire of Nero; but they were rebuilt, as they are mentioned as separate buildings in the *Notitia*; and Josephus tells us that the different parts of the complex of buildings forming the imperial palace were named after their respective founders (*Ant.* xix. 1, § 15).

The palace of Augustus was excavated in 1775, and drawings made of it by Guattani, who published them in his *Monumenti Antichi di Roma*, 1785; the whole was soon covered in again, and no part is now visible. That part of the woodcut on the next page, which represents the palace of Augustus, is taken from Guattani's plan.

This palace, which was of very modest size, had a number of small rooms in two stories grouped round one peristyle: its comparative simplicity must have formed a striking contrast to the stately splendour of the public halls, libraries, and temples in the adjoining *Area Apollinis*, all built by Augustus, and adorned by him with countless works of art of every kind. (Prop. iii. 29; for other authorities, see *Dict. Gr. & Rom. Geogr.* ii. p. 805.) Nevertheless, though the palace of Augustus was small, yet it appears to have been designed with great taste, and decorated with considerable richness in its mixture of white and coloured marbles. That it was a very carefully designed architectural composition is shown even by the bare plan, with its series of domed and vaulted halls,



Palace of Augustus and the Flavian Emperors.

and small apse-like recesses arranged with some complication and much ingenuity.

The *Flavian Palace*, which is shown on the same woodcut, was built by Domitian, adjoining the Area of Apollo and the Palace of Augustus on the N.W. side. (Plut. *Popl.* 15; Mart. viii. 36; Stat. *Silv.* iii. 4, 47, iv. 2.) Extensive remains of this building still exist, and are among the most conspicuous of the imperial palaces on the Palatine. It was a very different building from that of Augustus; being not so much a place of residence as a magnificent series of state apartments intended for public use. Hence Nerva had the words *Aedes publicae* inscribed on it. (Plin. *Panegyr.* 47.) At one end is a very splendid throne-room, with a *lararium* or imperial chapel on one side, and a *basilica* for judicial business on the other. At the other end of the peristyle is the *triclinium* for state banquets; and beyond it a series of stately halls, which may possibly be libraries (*bibliothecae*), and an *Academia* for recitations and other literary purposes. A sort of *Nymphaeum*, or room containing a fountain, with flowers, plants, and statues of nymphs and river-gods, was placed at one side of the *triclinium*, if not on both, so that the murmur and coolness of the water and the scent of the flowers might refresh the wine-heated guests. The whole of this magnificent palace was adorned with the greatest richness, both of design and materials, with floors, wall-linings, and columns of Oriental marbles, alabaster, and red and green porphyry. Even the rows of colossal statues, which decorated the throne-room, were made of the very refractory basalts and porphyry from the quarries of Egypt, at a cost of an almost incredible amount of labour: remains of these were found early in the last century. The position of the Flavian palace is remarkable: it is built on an immense artificial platform which bridges over a deep valley or depression in the summit of the Palatine.

Remains of a lofty building of republican date still exist deep below the floor-level of the so-called libraries; and a small house of early imperial date, richly decorated with marbles and paintings, can still be seen buried under the great peristyle. In many parts of the palace traces are distinctly visible of restorations made by Severus after the great fire in the reign of Commodus (191 A.D.), which devastated a large portion of the imperial palaces: the cracked and partly calcined marbles which suffered in the fire were broken up, and used to make concrete for the new walls of Severus; and thus, in many places, the somewhat curious sight is to be seen of concrete made of the most costly Oriental marbles and porphyries. (Dio Cass. lxxii. 24; Herodian. i. 14; Spartian. *Sept. Sev.* 19, 24.) Spartianus (*l. c.*) says that Septimius Severus made the *Septizonium* an *atrium* to the palace, so that it should be the first object to strike the eyes of those coming from Africa, his native country. Considerable remains of this *Septizonium* existed till near the end of the 16th century, when Pope Sixtus V. caused the pillars to be carried off to the Vatican. They are represented in the drawing in the *Dict. of Greek and Roman Geogr.* ii. p. 806, but the true nature of the building remains doubtful.

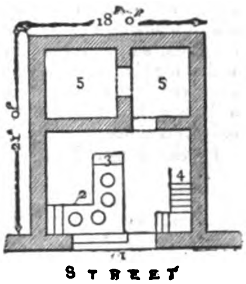
The enormous palace of Caligula (see cut, p. 676) occupied the northern corner of the Palatine hill, and the adjoining slopes as far as the Forum, covering the ground once occupied by the houses of Clodius, Cicero, and other wealthy Romans (Dio Cass. lix. 28; Suet. *Cal.* 22; Plin. *H. N.* xxxvi. § 111). The equally large palace of Severus occupied the opposite end of the Palatine. They are both remarkable for the gigantic substructures on which they stand, constructed so as to form at the foot of the hill a basement for state rooms on a level with the highest part of the ground, or, in other words, at both places the Palatine itself was enlarged by the construction of an artificial hill of massive concrete walls and vaults. On one side Severus used the very stately palace of Hadrian as a sort of platform on which to extend his new palace at the higher level; and so we see the rough concrete walls of Severus' substructure cutting through and rendering useless the richly ornamented halls of Hadrian. The enormous height of the palace of Severus must have made it one of the most imposing of all the buildings of Rome: its southern part, which stood at the foot of the Palatine hill, not only equalled the hill in height, but towered high above its summit. In costliness of material, though not in delicacy of design, this palace more than equalled the buildings of the earlier emperors, with the exception of that which Nero built. Some additions and improvements were made to the palace of Septimius Severus by Heliogabalus and Alexander Severus. (Lamprid. *Hel.* 3, 8, 24; *Alex. Sev.* 24, 25.)

The *Golden House* (*Domus Aurea*) of Nero, which covered part of the Palatine and Esquiline hills and the great valley between them, must have been a building of the most marvellous splendour and extent. It was nearly a mile in length, and included large gardens and parks for wild animals, all surrounded by a triple *porticus* or colonnade of marble. The interior was decorated in the most lavish way, with gold, ivory, and jewels. (Tac. *Ann.* xv. 42 ; Suet. *Ner.* 31 ; Mart. *Spect.* 2.) Some rooms, according to Suetonius, were entirely plated with gold, and studded with precious stones and pearls. The supper-rooms were vaulted with ivory panels (*lacunaria*), from openings in which flowers and perfumes were scattered on the guests. An enormous number of works of art of every class collected from Greek cities were brought to adorn the palace, and others were made by Nero's orders, such as the bronze colossal statue of himself, 120 feet high, the work of the Greek sculptor Zenodorus, and a painted portrait on canvas of the same ridiculous size. [COLOSSUS.] The destruction of the Golden House and the restoration of most of its site to public uses were among the most popular acts of the Flavian emperors. Both the *Colosseum* and the great *Thermae* of Titus stand on part of the site of Nero's palace, of which a small portion was used, after being stripped of its rich marble linings, to form the substructures of part of the *Thermae* of Titus. This is almost the only part which now exists: remains of a large peristyle, and the lofty rooms round it, are still fairly well preserved: the vaults are richly decorated with stucco reliefs and paintings, which are rapidly perishing. It was the discovery of these elaborate ornaments early in the sixteenth century which gave so great an impulse to the growing love for classical methods of decoration. Raphael and his pupils with great skill copied the stucco-work, and painted arabesques in the Vatican palace, in the Villa Madama, and in a large number of other buildings. Owing to these magnificent rooms having been used as the substructures of the baths of Titus, most writers on the subject have described the paintings as being part of the work of Titus: *e.g.* Mirri and Carletti, *Terme di Tito*, Rome, 1776, and De Romanis, *Terme di Tito*, Rome, 1822. Both these valuable illustrated works, which give much that is now lost, really deal with the *Golden House*, not with the *Thermae*. Though the walls of these two structures are mixed in a somewhat complicated way, it is very easy to distinguish one from the other. Titus's walls are of plain brick-faced concrete, without any stucco covering, while Nero's are in all cases either coated with painted stucco, or with the cement backing of the missing marble lining. Even where the stucco has in some places fallen off Nero's walls, clear evidence as to its former existence is given by the marble plugs with which the wall-surface was studded to form a key for the plastering.

Pompeian Houses.—Though of course less magnificent than the palaces of Rome, the houses of Pompeii, from their exceptionally perfect state of preservation, are of special value as examples of Roman domestic architecture, and have the advantage of being in most cases of known date. Few are older than the Christian era, and none of course are later than 79 A.D., when the city was overwhelmed by the eruption of Vesuvius. The existing remains show us, as a rule, only the ground-floor of each house; and it should be remembered that a number of the best rooms—especially, there is reason to believe, the bedrooms and the women's apartments—were on the upper floors. The presence of stairs in apparently all the houses proves that one-storied buildings were practically unknown in Pompeii: the few fragments of the upper story which have been found standing show that, in some cases at least, the upper part of the house was partly constructed of wood, and was arranged so as to project beyond the line of the lower story, very like the half-timbered houses of England or France in the fifteenth and sixteenth centuries. (See cut, p. 666 *a*.)

In one respect the Pompeian arrangement resembled that of mediaeval and modern Italy: that is, the street front on the ground-floor, even of large and handsome houses, was usually occupied by a row of shops. In some cases these shops have no doorway or passage communicating with the main house, and were probably rented by the owner to independent tradesmen ; in others the shops could be entered from the house, and in these cases we may suppose that the shops were managed by the slaves or clients of the house-owner, who perhaps in this way made a profit out of the produce of his country estate.

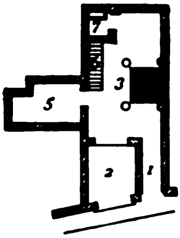
The accompanying plan shows a small shop, to which is joined the residence of its owner, forming a small block independent of the adjoining larger house. (1) An open archway, in which a wooden shop-front was fitted ; the threshold of this opening is rebated to receive the wooden partition, part of which was hinged so as to form a narrow door: the upper part would be closed at night by flap-shutters hinged at the top, an arrangement very like that of a modern Oriental bazaar. This method of constructing shop-fronts was very common, not only in Pompeii, but in Rome and elsewhere. The presence of a shop appears always to be indicated by this long grooved sill, with marks of the hinged door on one side. A large number of examples still exist in Rome. The L-shaped counter (2) is formed of concrete and brick stuccoed: in it are inserted a row of *amphorae*, apparently for the reception of hot food or drink of some kind. At one end is a charcoal stove (3); 5, 5 are the dining-room and store-room of the shopkeeper; 4 is the staircase leading to the sleeping apartments. The whole forms a complete house of the smallest type.



House with Shop.

In the next cut (p. 680 *a*) a similar shop has more extensive private accommodation connected with it. It has a separate passage from the street into the private part, which leads into a very small *atrium*, supported on four columns, two engaged in the wall; out of the *atrium* open a closet-like kitchen and a small dining-room. A very narrow staircase leads to the upper floor.

A third variety was evidently the property of a richer tradesman: in this case the front door is in the middle of the façade; the passage from the street has a small kitchen and other offices on one side and the shop on the other, forming a wider frontage. Behind is a *Tuscan atrium*, occupying the whole width of the house, and behind it are two private rooms, probably dining-room and parlour. The stairs are placed in an angle of the *atrium*.

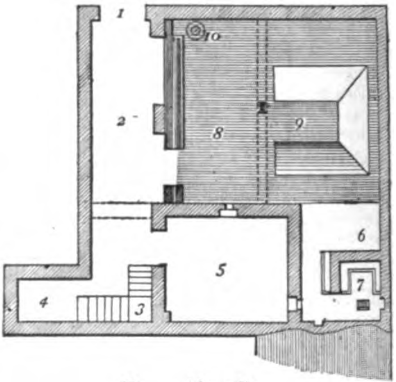


House with Shop. (See p. 679.)

1. Ostium. 2. Taberna. 3. Atrium. 4. Impluvium. 5. Cubiculum or Triclinium. 6. Scalae. 7. Culina.

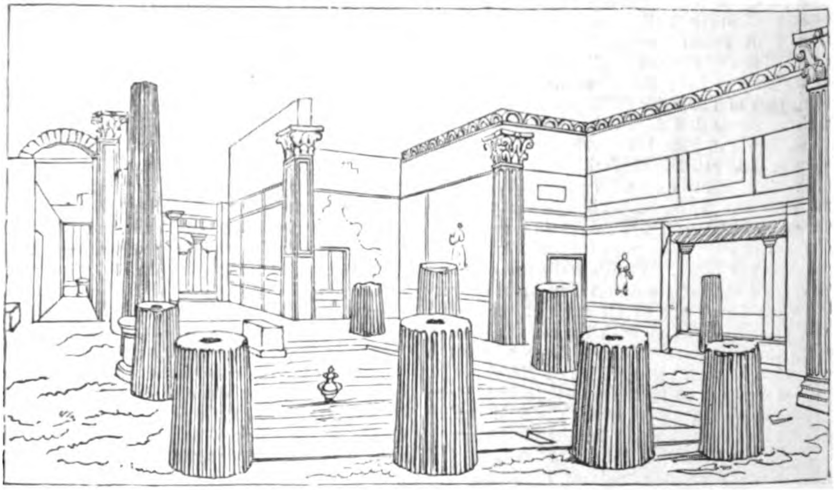
Next we come to a class of small houses with no shop attached: in one of these (see cut opposite) the whole width of the house, a space of 38 feet, is occupied by the dining-room and entrance-hall, from which it is separated by two wide open archways. Part of the dining-room was without a roof, forming a sort of *atrium*; the pavement of this open part has a long gutter to catch the rain-water, which was stored in an underground cistern, and drawn out through a well-mouth (*puteal*) at one end. The *triclinium*, or triple bench for the diners, still exists under the covered portion of the room: it is made of rubble stonework covered with stucco. Behind the dining-room are a small kitchen and a *lararium*, with an altar in front of a recess in which a goddess holding a cornucopia is painted. Next comes a small room, probably a *cella* for a slave, and by the side of it the staircase to the bedrooms above.

In the larger houses the *atrium* is a very important feature, on which the chief architectural beauty of the building depends. It is usually supported by Corinthian columns formed of concrete and brick, coated with brilliant painted stucco: marble, except in thin slabs for pavements or wall-linings, is rare in Pompeii: and even in the best houses display is made at the least possible cost,—a striking contrast to the lavish expenditure on the rich houses of Rome or even of Ostia. Shams of every kind were specially popular at Pompeii. The central paved space under the open part (*impluvium*) of the *atrium* is usually of marble, either in thin slabs or in mosaic; a fountain is a very common ornament, and flower-pots seem often to have been ranged round it.



House without Shop.

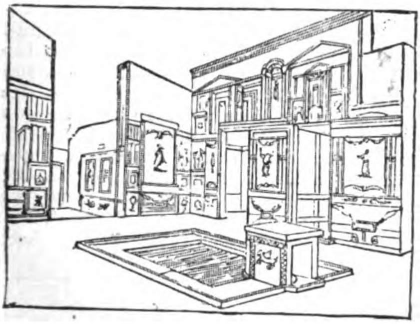
1. Door. 2. Entrance-hall. 3. Scalae. 4. Cella for slave. 5. Winter Triclinium. 6. Culina. 7. Lararium. 8. Atrium or open court. 9. Triclinium. 10. Puteal.



Atrium of the House of the Quaestor.

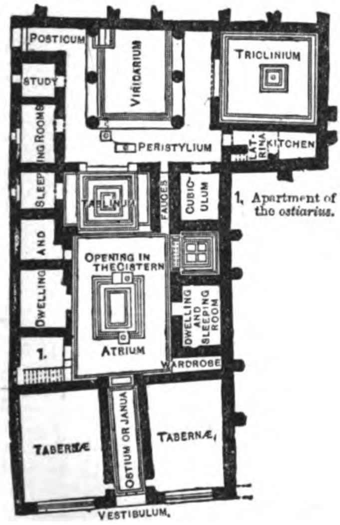
The two woodcuts annexed represent two *atria* of houses at Pompeii. The first is the *atrium* of what is usually called "the House of the Quaestor." The view is taken near the entrance-hall facing the *tablinum*, through which the columns of the peristyle and the garden are seen. This *atrium*, which is a specimen of what Vitruvius calls the Corinthian, is surrounded by various rooms, and is beautifully painted with arabesque designs upon red and yellow grounds.

The next woodcut represents the *atrium* of what is usually called "the House of Ceres." In the centre is the *impluvium*; and as there are no pillars around the *impluvium*, this *atrium* must belong to the kind called by Vitruvius "the Tuscan."



Atrium of the House of Ceres.

The three following plans are good typical examples of the best class of houses in Pompeii. The first is popularly known as "the House of the Tragic Poet."

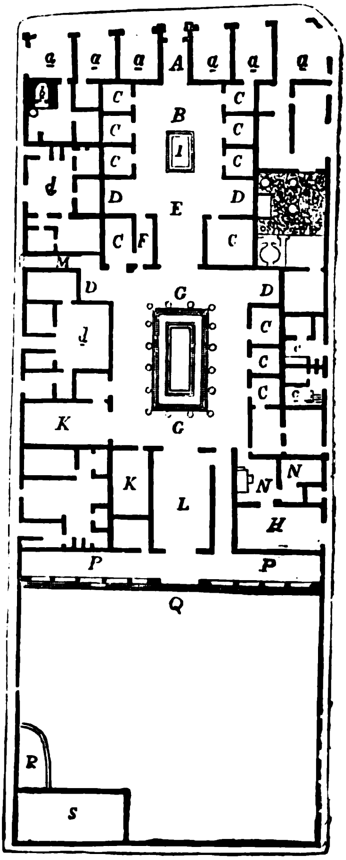


1. Apartment of the *ostiarius*.

House of the Tragic Poet.

Like most of the other houses at Pompeii, it had no *vestibulum* according to the meaning which we have attached to the word (see above, p. 668 *b*). The *ostium* or entrance-hall, which is six feet wide, is nearly thirty long,—a length occasioned by the shops on each side. Near the street door there is a figure of a large fierce dog worked in mosaic on the pavement, and beneath it is written *Cave Canem*. The two large rooms on each side of the vestibule appear from the large openings in front of them to have been shops; they communicate with the entrance-hall, and were therefore probably occupied by the master of the house. The *atrium* is about twenty-eight feet in length and twenty in breadth; its *impluvium* is near the centre of the room, and its floor is paved with white *tesserae*, spotted with black. On the left-hand corner of the *atrium* is a small room (marked 1 in plan), perhaps the *cella* of the *ostiarius*, with a staircase leading to the upper rooms. On each side of the *atrium* are chambers for the use of the family, or intended for the reception of guests, who were entitled to claim hospitality. When a house did not possess a *hospitium*, or rooms expressly for the reception of guests, they appear to have been lodged in rooms attached to the *atrium*. [HOSPITIUM.] At the further end of the *atrium* is the *tablinum*, with the *fauces* or passage at the side, leading into the *peristylium*, with Doric columns and garden (*viridarium*). The large room on the right of the peristyle is the *triclinium*; beside it is the kitchen, with a *latrina*.

The second cut contains the ground-plan of an *insula* surrounded by shops, which belonged to the owner and were let out by him. The house itself, which is usually called "the House of Pansa," evidently belonged to one of the principal men of Pompeii. Including the garden, which is a third of the whole length, it is about 300 feet long and 100 wide.

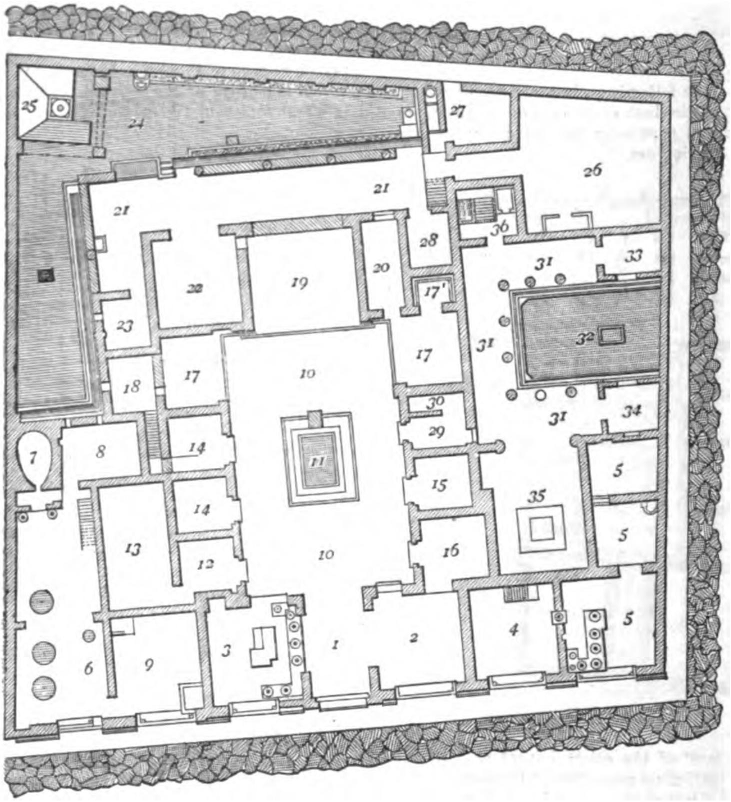


Ground-plan of an Insula, known as the House of Pansa.

A. *Ostium*, or entrance-hall, paved with mosaic. B. Tuscan *atrium*. I. *Impluvium*. C. Chambers on each side of the *atrium*, probably for the reception of guests. D. *Ala.* E. *Tablinum*, which is open to the *peristylium*, so that the whole length of the house could be seen at once; but as there is a passage (*fauces*), F, beside it, the *tablinum* might probably be closed at the pleasure of the owner. C. Chambers by the *fauces* and *tablinum*, of which the use is uncertain. G. *Peristylium*. D. Recesses in the *peristylium*. C. *Cubicula* by the side of the *peristylium*. K. *Triclinium*. L. *Oecus*, and by its side there is a passage leading from the *peristylium* to the garden. M. Back door (*posticum ostium*) to the street. N. *Culina*. H. Servants' hall, with a back door to the street. P. Portico of two stories, which proves that the house had an upper floor. The site of the staircase, however, is unknown, though it is thought there is some indication of one in the passage, M. Q. The garden. R. Reservoir for supplying a tank, S.

The preceding rooms belonged exclusively to Pansa's house; but there were a good many apartments besides in the *insula*, which were not in his occupation. *a*. Six shops let out to tenants. Those on the right and left hand corners were bakers' shops, which contained mills, ovens, &c., at *b*. The one on the right appears to have been a large establishment, as it contains many rooms. *c*. Two houses of a very mean class, having formerly an upper story. On the other side are two houses much larger, *d*.

Mr. Fergusson observes "that architectural effect has been carefully studied in the design



Plan of the House of Sallust.

A. Public Rooms.—1. Entrance. 2. Hall. 16. Probably the *cella* of the *ostiarius*, communicating with the hall and the *atrium*. 3. Shop communicating with the house. 4. Shop. 5. Shop with two rooms backwards, also marked 5, 5. Between 4 and 5 in the party-wall is a cistern common to both. 6. Bakehouse; the sites of three mills being indicated by round figures. There are remains of stairs leading to an upper story. 7. Oven. 8, 9. Rooms connected with the bakehouse. 10. *Tuscan atrium*. 11. *Impluvium*. 12. Antechamber, leading to 13. Probably a *triclinium* for winter use. 14, 15. *Cubicula* for guests (see House of Pansa, p. 681). 17, 17. *Alae*. 18. Small room leading out of the left-hand ala. 19. *Tablinum*. 20. *Fauces* leading into 21. *Porticus* or colonnade, occupying the usual site of the *peristylium*. 22. Summer *Triclinium*. 23. A small room. 24. Garden, to which there is an ascent by three steps from the *porticus* or colonnade. 25. *Triclinium*, or summer-house, covered by a trellis. 26. Kitchen and *Latrina*. 27. Back entrance. 28. Room opening from the *porticus*.

B. Private Rooms.—29. Entrance to the private apartments. 30. *Cella* of the *ostiarius* to the private apartments. 31. *Peristylium*, supported by Corinthian columns, with 32. *Impluvium* in the centre. 33, 34. Small rooms opening from the *peristylium*. 35. *Triclinium*. 36. Open space containing stove, with staircase to rooms above.

of Pansa's house, a vista nearly 300 feet in length being obtained from the outer door to the garden wall, varied by a pleasing play of light and shade, and displaying a gradually increasing degree of spaciousness and architectural richness as we advance. All these points must have been productive of the most pleasing effect when complete, and of more beauty than has been attained in almost any modern building of like dimensions" (*Hist. of Arch.* i. p. 370).

The third plan is that of one of the most elaborately decorated houses, usually (though without any real reason) called "the House of Sallust," which is remarkable for its very complete separation into two parts; one of which is carefully cut off from the more public rooms, and is supposed by many writers to be a *venereum*, or women's division of the house. But the division of a house into men's and women's apartments is quite foreign to the Romans; and though the Pompeians may have borrowed in this instance the Greek arrangement, yet it is better to conclude with Overbeck, that these were really the apartments devoted to the private use of the family. From the irregular nature of the ground, situated between two streets, as seen in the plan opposite, the private rooms could not be placed beyond the *atrium* and around the *peristylium*, which is here wanting, the usual position of the *peristylium* being occupied by the *porticus* and garden. (See plan, Nos. 21, 24.)

A row of shops occupies the main street fronts in the usual way: between two of these a wide passage leads into a large and handsome *Tuscan atrium*, round which the rooms of the more public part of the house are ranged: behind is a small garden, in one corner of which is a miniature summer-house, with three marble seats, and a fountain by it. The side of the house which fronts on to this little garden has an open loggia or *porticus* built along it. The private apartments are approached from the main *atrium* by a narrow door guarded by a small porter's cell. This, the only means of access, leads into a *Corinthian peristylium*, with a very small room cut out of each angle, and one larger apartment at one side. The bedrooms seem all to have been upstairs, and the fact that the same complete division of the two parts was kept up in the upper story is shown by the existence of a separate staircase in each portion of the house. A picture on the wall of the *peristylium* opposite the entrance, representing the fate of Actaeon when he surprised Diana, may have been intended as a warning to unauthorized visitors, supposing these apartments to be a *venereum*.

These are fairly typical examples of the arrangement of Pompeian houses, though there is an immense number of variations. In the main these first-century examples of Roman dwellings have a great deal in common with the house which Vitruvius describes, and show that his example as an architect was very largely followed for some years. In later times, however, the Roman houses were designed on a very different plan, less uniform in type, and with rooms much less open to the air.

Roman houses in Britain and Gaul.—A very large number of important Roman houses has been discovered in England and France, but most of these have been country villas, not town houses like those at Pompeii. At Silchester, however, one of the chief Roman towns in Britain, some remains of street houses have been exposed, of various dates from the first to the third century, showing a succession of alterations and rebuildings. In its original form one of these houses was very similar to some of the Pompeian dwellings: see *Archaeologia*, xlvi. p. 332. But in most cases the existing remains in England, being those of country houses and of later date than the buildings of Pompeii, have no resemblance to them in plan.

More ample space, and a much colder and wetter climate, led the Romans to adopt here a very different system of house-building from that which suited them in their earlier and hardier days in a mild climate like that of Italy. Thus we find that the later Romano-British or Gaulish houses had no group of rooms with wide arches opening on to a roofless *atrium*, but instead of this the rooms are commonly ranged in a long straggling line, with a passage along one side. In many cases a *peristylium* is used, but the rooms only open on to it by small carefully closed doors or well-glazed windows. The large villas at Lydney, Woodchester, Chedworth, and many other places have an extensive cloister or *peristylium*, round all four sides of which the rooms are arranged very like the plan of a mediaeval monastery: in none of these is there any *atrium*. In other cases, as at Cromhall in Gloucestershire, the rooms are ranged in L form, with one long passage running the whole length of the building: in other cases the rooms are all set in one line I, and have a similar passage from end to end. This seemingly inconvenient system of house-plan was largely used in England down to quite recent times; as, for example, in Hampton Court Palace. The villa at Witcomb in Gloucestershire was a very large and handsome building, arranged in the form of an H, with an octagonal hall projecting from the centre of the middle block.

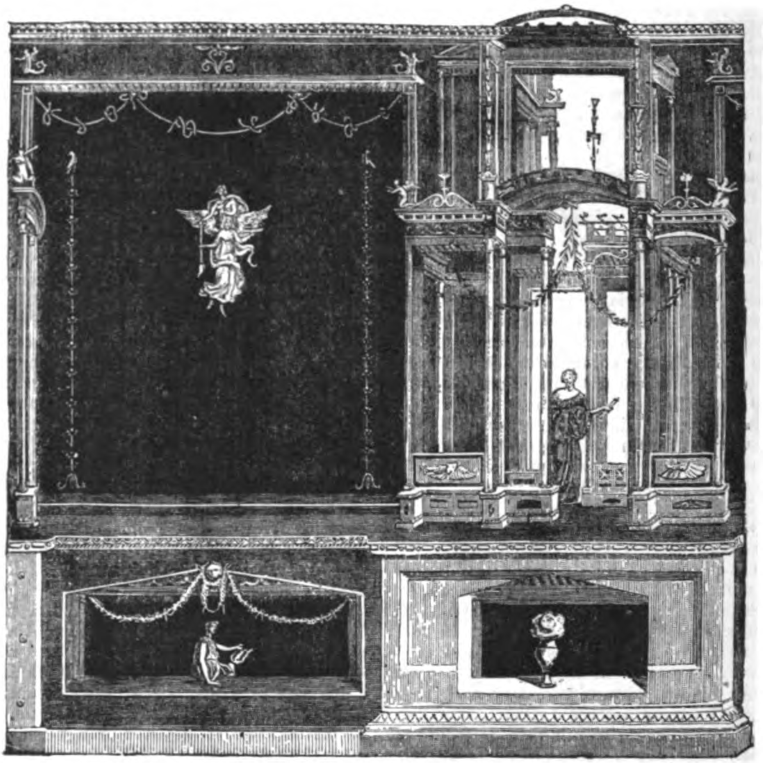
One peculiarity of the British houses is the extreme frequency of rooms with semicircular apses at one end, especially in cases where there is a hypocaust floor. The warming of Romano-British houses was very completely provided for; a very large proportion of the rooms have hypocausts, and many also have wall-linings of flue-tiles. Moreover the use of glazed windows seems to have been universal in Roman Britain; fragments of windows are nearly always found during excavations in the site of a house. Glass of several kinds occurs: rough-cast plate, ground plate, and crown glass are all common. Even in Pompeii remains of glass windows have been found, though they were apparently much less common there. (See below, *Windows*, p. 686 *a*.)

Construction of Roman houses.

1. *Walls.*—The wall of a house was called *paries* in contradistinction to *murus*, the wall of a city. The manner in which the walls were built varied according to the date and the locality. In Italy, during the Republican period in Rome, Pompeii, and other places, some easily-worked stone, such as tufa or peperino (*lapis Albanus*), was used, in large squared blocks (*opus quadratum*) for the best houses, unburnt brick

being the usual material for ordinary dwellings. In the time of Augustus concrete began to be the chief building material, faced at first with small squares of stone, about four inches by four inches on the face (*opus reticulatum*); then triangular kiln-baked bricks came into use, first employed together with the *opus reticulatum*, and then alone. In all cases, however, in Central and Southern Italy the main bulk of the wall was of concrete, and the brick only formed a thin facing. In other countries, however, where a fine natural cement like the pozzolana (*pulvis puteolanus*) of Italy was not to be found, a different method of construction was used. In Gaul and Britain houses were mostly built of rubble stonework, thickly bedded in hard mortar, with "lacing courses" of large square tiles (*tegulae bipedales*) built in at intervals of three or four feet; a method of building which still survives in some flint districts, like parts of Sussex.

The inner walls of the rooms were originally simply whitewashed (*dealbati*) [DEALBATORES], and subsequently covered with a white cement or stucco (*opus albarium*), the workers of which were called *tectores albarii*, or *albarii* simply. (Vitruv. v. 10, 3, vi. 10, 3; Pallad. i. 14; Plin. *H. N.* xxxv. § 194, xxxvi. § 183; Cod. Theod. xiii. 4, 2; Orelli, *Inscr.* 4142.) The plain surface of the walls was broken by quadrangular panels, called *abaci* (Plin. *H. N.* xxxiii. § 159; xxxv. §§ 3, 32; Vitruv. vii. 3, 10). [ABACUS.] In the second century B.C., the practice was introduced from Greece of painting these panels with an endless variety of figures, landscapes, buildings, gardens, &c., of which we have numerous examples in the existing remains of houses in Rome and Pompeii. So general was the practice that even the smallest houses in Pompeii have paintings on their walls, of which a general idea may be formed from the annexed cut. The way in which these paintings were executed is described under PICTURA.



Wall-painting at Pompeii. (Fergusson.)

In addition to painting, other methods of decoration were used: in Rome especially the chief way of ornamenting the rooms of the best houses was by lining the walls with slabs of sawn marble, moulded into a skirting below and a cornice above. Mamurra, one of Caesar's prefects in Gaul, was the first, as we have already said (p. 667 *a*), who lined the walls of his rooms with marble slabs (Plin. *H. N.* xxxvi. § 48). Great magnificence of effect was produced by the skilful admixture of marbles of different rich colours, the moulded part being usually of a deeper tint than the flat surfaces. In the most careful work these marble linings were fastened to the walls by bronze clamps, but more often the slabs were simply attached by a thick bedding of cement behind them. (Sen. *Ep.* 86, § 4; Dig. 19, 1, 17. § 3; Isidor. xix. 13.)

Another very rich method of decoration was the application of stucco reliefs enriched with gold and colours. The discovery of fine examples of these in a house near the Tiber has been mentioned above.

A third system, applied also to vaults, was to encrust the walls with mosaics, chiefly made of glass *tesserae* of the most brilliant jewel-like colours. [MUSIVUM OPUS.]

The *crypto-porticus*, which leads from the Palace of Caligula to the Flavian Palace (see above, p. 673 *b*), had the lower part of its walls lined with Oriental marbles, the upper part and vault was covered with sparkling glass mosaics, and the branch passage which leads to the supposed house of Livia was covered with very beautiful and delicately modelled stucco reliefs, gilt and coloured. The splendour of the state rooms may perhaps be guessed from the costly decorations of this long and half-subterranean passage. On the whole, splendour of effect, rather than refinement of design, was the chief characteristic of Roman house-decoration, and after the first century A.D. beauty of design and delicacy of workmanship were less valued than costly richness of material.

2. *Roofs.*—The roofs (*tecta*) of Roman houses were in the oldest times covered with straw, of which a memorial was preserved in the *casa Romuli* even in imperial times (Vitruv. ii. 1; and see p. 645 *b*). Next came the use of shingles for the roofing of houses, which continued down to the time of the war with Pyrrhus (Plin. *H. N.* xvi. § 36). Subsequently clay tiles, called *tegulae* and *imbrices*, superseded the shingles (Plaut. *Mil. Glor.* ii. 6, 24; *Most.* i. 2, 28; Isidor. xix. 10, 15; Plin. *H. N.* xxxv. § 152: see below). The construction of the roofs of the *atria* has already been explained (p. 669 *a*). The roofs of houses were sometimes flat (see *solarium*, p. 672 *b*), but they were also gabled (*pectenata*) like modern houses. These were of two kinds, the *tecta pectenata*, sloping two ways, and the *tecta testudinata*, sloping four ways (Fest. p. 213, M.) Both kinds of roofs were *displuviata*, that is, sloping towards the street, and the houses had around them, according to a law of the XII. Tables, an *ambitus*, or vacant space of 2½ feet, to receive the rain water running off the roofs (see p. 665 *a*). The projecting eaves of roofs were called *suggrundae* (Varr. *R. R.* iii. 3, 5; Vitruv. x. 21; Dig. 9, 3, 5, § 6). The gabled roofs rose to a point called *fastigium* (Cic. *ad Qu. Fr.* iii. 1, 4, § 14), though this word was strictly applied to the triangular pediment, which was only allowed in the temples of the gods and other public buildings. [FASTIGIUM.]

The roofs were usually of simple construction, with principal-rafters framed with tie-beam and king post. The roof-covering was often very carefully fitted so as to exclude wet. The *tegulae*, with a flange on each side, were nailed with bronze or large iron nails, and the joints were covered by specially moulded joint-tiles (*imbrices*), the ends of which at the eaves were hidden by ornamental terra-cotta *antefixa*, which formed a sort of cresting all along the eaves. The eaves-course of tiles was often worked into the form of the *cymatium* or top wave-moulding of the cornice, and all along it pierced lions' heads were moulded to form escapes for the rain-water. In other cases less ornamental roofs were covered with doubly-curved pantiles, exactly like those still used in Rome and some parts of England. For the most magnificent buildings, such as some of the imperial palaces, the roofs were covered with tiles made of white marble, or even with bronze tiles plated with gold. For further details, see TEGULA.

In places where brick-earth was scarce or bad, and laminated stone plentiful, as in Oxfordshire and Gloucestershire, the Romans roofed their buildings with roughly-dressed tiles made of such stone as the so-called "Stonesfield slate." Traces of Roman workings of the quarries of this stone at Kineton Thorns in Gloucestershire have been recently found, and extensive remains of the long barracks where the quarrymen were housed, forming a sort of quadrangle about 300 feet square. These "slates" were dressed in a lozenge form, and fixed by one large iron nail at the top corner, which of course was hidden by the lap of the next row of slates above. Clay tiles of many other forms were used; and local materials were nearly always utilized for roofing, as for all other purposes, by the practical and ingenious Roman builders.

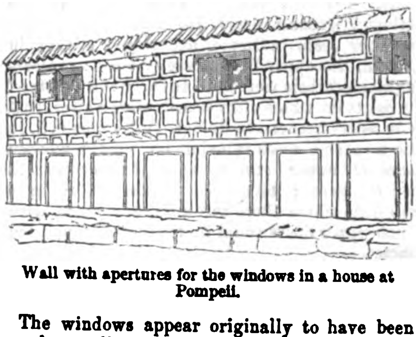
3. *Floors.*—The floor (*solum*) of a room was seldom boarded ("strata solo tabulata," Stat. *Silv.* i. 5, 57), except in the upper stories. The floor on the ground-floor was usually of stone, and, in the case of common houses, consisted of small pieces of stone, brick, tiles, &c. (*ruderatio*, *opus ruderatum*), beaten down (*pavita*) with a rammer (*fistuca*), whence the word *pavimentum* became the general name for a floor (Plin. *H. N.* xxxvi. § 185 *seq.*; Vitruv. vii. 1). Sometimes the floors were paved with thin slabs of richly-coloured marbles, brought from Northern Africa, Arabia, or Greece (Fest. p. 242, M.; Tibull. iii. 3, 16; Sen. *Ep.* 86, 6; Pallad. i. 9), and still more frequently with mosaics (*opus musivum*). For a fuller account of the different kinds of floors, see PAVIMENTUM and MUSIVUM OPUS.

In Rome and other parts of Italy, owing to the wonderful strength of the *pozzolana*, the upper floors of houses were very frequently made of concrete cast in one great slab on temporary boarding, fixed at the required level. This set into one compact mass, like a piece of solid stone. Examples in Rome are to be seen where the upper floor had a span of twenty feet, and simply consisted of one slab of concrete about fourteen inches thick. On this, mosaic and other paving was laid, as on the ground-floors. For the peculiar construction of the hollow *hypocaust* floors, see BALNEAE, p. 278. In other cases in Rome, and nearly always in Britain, the upper floors were of wood: projecting stone corbels were built to carry the "plates" for joists on which floor boards were nailed, just as in many modern buildings. Vitruvius (vii. 1) also mentions mosaics being laid on the wooden doors of upper stories, as is the custom in modern Rome; but this appears not to have been done where there was a strong cement with which upper floors could be made of unsupported concrete.

4. *Ceilings.*—Ceilings were very commonly semicircular or "barrel" vaults (*camarae*), decorated with stucco reliefs, mosaics, or painting [CAMARA]. The *extrados* of the vault was filled in level with concrete to form the floor above. Wooden ceilings and flat concrete ceilings were decorated in the same way. One common method of ceiling decoration, applied both to brick and concrete or to wooden ceilings, was to divide

the whole area into a number of deeply-sunk panels, like pits or lakes (*lacus*, *lacunae*), whence they were called *lacunaria* or *laquearia* (Vitruv. vii. 2; Cic. *Tusc.* v. 21, 62; Hor. *Carm.* ii. 18, 2). These were richly ornamented, either by stucco reliefs gilt and coloured, or, in the case of wooden ceilings, by inlaid work of ivory, ebony, or other precious materials, as well as by paintings. In a few cases the "coffers" were covered with enriched bronze plates, thickly gilt. (Plin. *H. N.* xxxiii. § 57, xxxv. § 124; Hor. *Carm.* l. c.; Verg. *Aen.* i. 726; Sen. *Ep.* 90, 42.) The artists who executed this work were called *laquearii* (Cod. Theod. xiii. 4, 2). The design of these coffered ceilings was derived from the marble ceilings of the peristyles of Greek temples, such as the Parthenon.

5. *Windows.*—The Roman houses had few windows (*fenestrae*). The *atrium* and *peristylium* were lighted, as we have seen, from above, and the smaller rooms leading out of them generally derived their light from them, and not from windows looking into the street. The rooms only on the upper stories (*cenacula*) seem to have been usually lighted by windows, and looked out upon the street, as well as the inner courts. Hence they are frequently mentioned by the ancient writers (Liv. i. 41, xxiv. 21; Hor. *Carm.* i. 25; Prop. iv. (v.), 7, 16; Juv. iii. 270; Mart. i. 86, xi. 19; Plin. *H. N.* xix. § 59). In Pompeii, in like manner, the ground-floor rooms were mostly lighted from the inner courts, so that few lower windows opened on the street. There is an exception to this in "the House of the Tragic Poet," which has six windows on the ground-floor. Even in this case, however, the windows are not near the ground as in a modern house, but are six feet six inches above the foot-pavement, which is raised one foot seven inches above the centre of the street. The windows are small, being hardly three feet by two; and at the side there is a wooden frame, in which the window or shutter might be moved backwards or forwards. The lower part of the wall is occupied by a row of red panels four feet and a half high. The following woodcut represents part of the wall, with the apertures for windows above it, as it appears from the street. The tiling upon the wall is modern, and is only placed there to preserve it from the weather.



Wall with apertures for the windows in a house at Pompeii.

The windows appear originally to have been merely small openings in the wall, closed by means of shutters, which frequently had two leaves (*bifores fenestrae*, Ov. *Pont.* iii. 3, 5), whence Ovid (*Amor.* i. 5, 3) says,

> "Pars adaperta fuit, pars altera clausa fenestrae."

They are for this reason said to be joined (*junctae fenestrae*), when they are shut. (Hor. *Carm.* i. 25.) Windows were also sometimes covered by a kind of lattice or trellis work (*clathri*), and sometimes by network, to prevent serpents and other noxious reptiles from getting in (Plaut. *Mil. Glor.* ii. 4, 25; Varr. *R. R.* iii. 7). The *transennae* were a kind of lattice-work of the same kind (Cic. *de Or.* i. 35, 162).

There has been much discussion whether glass windows were known to the ancients; but in the excavations at Pompeii many fragments of flat glass have been discovered, and in the *tepidarium* of the public baths a bronze lattice was found with some of the panes still inserted in the frame. (Gell, *Pompeiana*, i. p. 99.) [VITRUM.] Besides glass, other transparent substances were also used, such as talc, the *lapis specularis* of Pliny (*H. N.* xxxvi. § 163), and windows made of it were called *specularia* (Sen. *Ep.* 90, 25; Plin. *H. N.* xix. § 64, *Ep.* ii. 17; Mart. viii. 14; Juv. iv. 21), though some modern writers think that *specularia* also denoted glass windows. The best pieces of this transparent highly laminated substance came from Spain and Cappadocia, but it was also brought from North Africa, Cyprus, and Sicily. Pliny mentions pieces as large as five feet long (Plin. *H. N.* xxxvi. § 160 *seq.*). From an expression in Philo (*Leg. ad Caium*, § 45) it appears that the palace of Caligula had glass windows; and glass windows are expressly mentioned by Lactantius (*de Opif. dei*, 8).

6. *Doors.*—The subject of doors, with their locks and keys, is discussed under JANUA and CLAVIS. It is only necessary to mention here that many of the rooms in Roman houses had no doors, but only curtains, *vela*, *aulaea*, *centones* (Sen. *Ep.* 80; Plin. *Ep.* ii. 17; Petron. 7; Lamprid. *Alex. Sev.* 4, *Heliog.* 14). Hence among the slaves in the imperial household we find mention of *velarii* (Orelli, *Inscr.* 2967). Sometimes, when there were doors, curtains were also drawn across them (Suet. *Claud.* 10; Tac. *Ann.* xiii. 5; Sidon. Apoll. *Ep.* iv. 24; Mart. xi. 45). [VELUM.]

7. *The heating of Houses.*—The rooms were heated in winter in different ways. The *cubicula*, *triclinia*, and other rooms, which were intended for winter use, were built in that part of the house upon which the sun shone most; and in the mild climate of Italy this frequently enabled them to dispense with any artificial mode of warming the rooms. Rooms exposed to the sun in this way were sometimes called *heliocamini*. (Plin. *Ep.* ii. 17, 20; Dig. 8, 2, 17.) The rooms were sometimes heated by hot air, which was introduced by means of pipes from a furnace below (Plin. *Ep.* ii. 17, v. 6, 24; Sen. *Ep.* 90), but more frequently in earlier times by portable furnaces or braziers (*foculi*), in which charcoal was burnt. (See woodcut, p. 276 *b*, and under FOCUS.) The *caminus*, however, was a fixed stove, in which wood appears to have been usually burnt. (Suet. *Vitell.* 8; Hor. *Sat.* i. 5, 81; *Ep.* i. 11, 19; Cic. *ad Fam.* vii. 10; Sid. Apoll. *Ep.* ii. 2.) It has been a subject of much dispute among modern writers, whether the Romans had chimneys for carrying off the smoke, except in the baths and kitchens. From many passages in ancient writers, it certainly appears that rooms usually had no chim-

neys, but that the smoke escaped through the windows, doors, and openings in the roof (Vitruv. vii. 3, 4; vii. 4, 4); but chimneys do not appear to have been entirely unknown to the ancients, as some have been found in the ruins of ancient buildings, and it is impossible to believe that, among a luxurious people like the Romans in imperial times, they were unacquainted with the use of chimneys. The passage of Horace ("lacrimoso non sine fumo," *Sat.* i. 5, 80), which has been quoted in proof that there were no chimneys, proves nothing, as damp wood would cause smoke, even if there had been chimneys. On the heating of houses, see also above, p. 674 *a*.

8. *The water supply* of a good Roman house was very complete; in towns the main usually ran under the pavement in the middle of the street, and from it "rising mains" branched off to the houses right and left, and often were carried to the upper stories, where a cistern supplied the fountain-jets (*salientes*) and other purposes below. For further details on the water-supply, see AQUAEDUCTUS, p. 155 *b*.

(Becker-Göll, *Gallus*, ii. p. 213 ff.; Marquardt, *Privatl.* p. 208 ff.; Guhl and Koner, p. 462 ff., 5th ed.; Hirt, *Gesch. d. Baukunst*, iii. p. 267 ff.; Fergusson, *Hist. of Arch.* i. p. 363 ff.; Burn, *Rome*, p. lxvii. ff.; Friedländer, *Sittengesch.* i. p. i. ff., p. 26 ff.; Ménard, *La vie privée des Anciens*, Paris, 1880–3; Zumpt, *Ueber die bauliche Einrichtung des Röm. Wohnhauses*, Berlin, 1844; Krause, *Deinokrates*, Jena, 1863. Although a large number of well illustrated works on Pompeii have been recently published, they have by no means superseded the earlier ones, which describe a great deal that is now lost: this is specially the case with Sir William Gell's valuable *Pompeiana*, London, 1824; and second part, London, 1832. The objects discovered are well illustrated by Pistolesi, *Real Museo Borbonico*, 1824–67. Dyer's *Ruins of Pompeii*, London, 1867, is a convenient handbook. Niccolini and others, *Le Case di Pompeii*, Naples, 1854–84, is a valuable work, which gives the more recent discoveries. A very splendidly illustrated work is the *Recueil des Peintures, &c. de Pompéi*, Paris, 1870–77. See also Zahn, *Die schönsten Ornamente aus Pompeji*, Berlin, 1827–59; Mazois et Gau, *Les Ruines de Pompéi*, Paris, 1824–38; Ternite, *Wandgemälde aus Pompeji*, Berlin, n.d.; Presuhn, *Les décorations de Pompéi*, Leipzig, 1878; Mau's edition of Overbeck's *Pompeji*, Leipzig, 1884; and Nissen, *Pompejanische Studien*, Leipzig, 1877. Middleton, *Ancient Rome in* 1885, gives some account of existing houses in Rome. Information about the Roman houses of Britain is mostly scattered through the publications of various societies, such as *Archaeologia*, the *Archaeological Journal*, the *Journal of the Archaeological Association*, and the Proceedings of a large number of local societies. See also a well-illustrated work by Thomas Morgan, *Romano-British Mosaic Pavements*, London, 1886. Wright's *The Celt, the Roman, and the Saxon*, London, 1875, has much information in a small space, and there are many separate monographs on single houses.) [J. H. M.] [W. S.]

DONARIA (ἀναθήματα or ἀνακείμενα) are names by which the ancients designated presents made to the gods, either by individuals or communities. Sometimes they are also called *dona* or δῶρα. The belief that the gods were pleased with costly presents was as natural to the ancients as the belief that they could be influenced in their conduct towards men by the offering of sacrifices; and, indeed, both sprang from the same feeling. Presents were mostly given as tokens of gratitude for some favour which a god had bestowed on man; but in many cases they were intended to induce the deity to grant some special favour. At Athens, every one of the six thesmothetae, or, according to Plato (*Phaedr.* p. 235 D), all the nine archons, on entering upon their office, had to take an oath, that if they violated any of the laws, they would dedicate in the temple of Delphi a golden statue of the size of the man who dedicated it (ἀνδριάντα χρυσοῦν ἰσομέτρητον, see Plut. *Sol.* 25; Pollux, viii. 85; Suidas, *s. v.* Χρυσῆ Εἰκών: Heraclid. Pont. c. 1). In this last case the anathema was a kind of punishment, in which the statue was regarded as a substitute for the person forfeited to the gods. Almost all presents of this kind were dedicated in temples, to which in some places an especial building was added, in which these treasures were preserved. Such buildings were called θησαυροί (treasuries); and in the most frequented temples of Greece many states had their separate treasuries. (Boeckh, *P. E.* p. 441 ff.) The act of dedication was called ἀνατιθέναι, *donare*, *dedicare*, or *sacrare*.

The custom of making donations to the gods is found among the ancients from the earliest times of which we have any record down to the introduction of Christianity; and even after that period it was, with some modifications, observed by the Christians during the Middle Ages. In the heroic ages of Grecian history the anathemata were of a simple description, and consisted of chaplets and garlands of flowers. A very common donation to the gods seems to have been that of locks of hair (κόμης ἀπαρχαί), which youths and maidens, especially young brides, cut off from their heads and consecrated to some deity. (Hom. *Il.* xxiii. 141; Aeschyl. *Choeph.* 6; Eurip. *Orest.* 96 and 1427, *Bacch.* 493, *Helen.* 1093; Plut. *Thes.* 5; Paus. i. 37, § 2.) This custom in some places lasted till a very late period: the maidens of Delos dedicated their hair before their wedding to Hecaerge (Paus. i. 43, § 4), and those of Megara to Iphinoe. Pausanias (ii. 11, § 6) saw the statue of Hygieia at Titane covered all over with locks of hair which had been dedicated by women. Costly garments (πέπλοι) are likewise mentioned among the earliest presents made to the gods, especially to Athena and Hera. (Hom. *Il.* vi. 293, 303.) At Athens the sacred πέπλος of Athena, in which the great adventures of ancient heroes were worked, was woven by maidens every fifth year, at the festival of the great Panathenaea. [ARRHEPHORIA.] (Compare Aristoph. *Av.* 792; Pollux, vii. 50; Wesseling, *ad* Diod. Sic. ii. p. 440.) A similar peplus was woven every five years at Olympia, by sixteen women, and dedicated to Hera. (Paus. v. 16, § 2.)

At the time when the fine arts flourished in Greece the anathemata were generally works of art of exquisite workmanship, such as high tripods bearing vases, craters, cups, candelabras, pictures, statues, and various other things. The materials of which they were made differed according to circumstances; some were of bronze, others of silver or gold (Athen. vi. p. 231, &c.), and their number is to us almost inconceivable (Demosth. *Olynth.* iii. p. 35). The treasures of the temples of Delphi and Olympia, in particular, surpass all conception. Even Pausanias, at a period when numberless works of art must have perished in the various ravages and plunders to which Greece had been exposed, saw and described an astonishing number of anathemata. Many works of art are still extant, bearing evidence by their inscriptions that they were dedicated to the gods as tokens of gratitude. Every one knows of the magnificent presents which Croesus made to the god of Delphi. (Herod. i. 50, &c.) It was an almost invariable custom, after the happy issue of a war, to dedicate the tenth part of the spoil (*ἀκροθίνιον*, *ἀκρόλειον*, or *πρωτόλειον*) to the gods, generally in the form of some work of art. (Herod. viii. 82, 121; Thucyd. i. 132; Paus. iii. 18, § 5; Athen. vi. p. 231, &c.) Sometimes magnificent specimens of armour, such as a fine sword, helmet, or shield, were set apart as anathemata for the gods. (Aristoph. *Equit.* 792, and Schol.) The Athenians always dedicated to Athena the tenth part of the spoil and of confiscated goods; and to all the other gods collectively, the fiftieth part. (Demosth. *c. Timocr.* p. 738, &c.) After a seafight, a ship, placed upon some eminence, was sometimes dedicated to Neptune. (Thucyd. ii. 84; Herod. viii. 121.) It is not improbable that trophies which were always erected on the field of battle, as well as the statues of the victors in Olympia and other places, were originally intended as tokens of gratitude to the god who was supposed to be the cause of the success which the victorious party had gained. We also find that on some occasions the tenth part of the profit of some commercial undertaking was dedicated to a god in the shape of a work of art. Respecting the large and beautiful craters dedicated to the temples, see the article CRATER.

Individuals who had escaped from some danger were no less anxious to show their gratitude to the gods by anathemata than communities. The instances which occur most frequently are those of persons who had recovered from an illness, especially by spending one or more nights in a temple of Asclepius (*incubatio*). The most celebrated temples of this divinity were those of Epidaurus, Cos, Tricca, and, at a later period, that of Rome. (Plin. *H. N.* xxix. § 4; compare F. A. Wolf, *Vermischte Schriften und Aufsätze*, p. 411, &c.) Cures were also effected in the grotto of Pluto and Proserpina, in the neighbourhood of Nisa. (Strab. ix. p. 437, xiv. p. 649.) In all cases in which a cure was effected presents were made to the temple, and little tablets (*tabulae votivae*) were suspended on its walls, containing an account of the danger from which the patient had escaped, and of the manner in which he had been restored to health. Some tablets of this kind, with their inscriptions, are still extant. (Wolf, *l. c.* p. 424, &c.) From some relics of ancient art we must infer that in some cases, when a particular part of the body was attacked by disease, the person, after his recovery, dedicated an imitation of that part in gold or silver to the god to whom he owed his recovery. Persons who had escaped from shipwreck usually dedicated to Neptune the dress which they wore at the time of their danger (Hor. *Carm.* i. 5, 13; Verg. *Aen.* xii. 768); but if they had escaped naked, they dedicated some locks of their hair. (Lucian, *de Merc. Cond.* c. 1, vol. i. p. 652, ed. Reiz.) Shipwrecked persons also suspended votive tablets in the temple of Neptune, on which their accident was described or painted. Individuals who gave up the profession or occupation, by which they had gained their livelihood, frequently dedicated in a temple the instruments which they had used, as a grateful acknowledgment of the favour of the gods. The soldier thus dedicated his arms, the fisherman his net, the shepherd his flute, the poet his lyre, cithara, or harp, &c.

It would be impossible to attempt to enumerate all the occasions on which individuals, as well as communities, showed their gratefulness towards the gods by anathemata. Descriptions of the most remarkable presents in the various temples of Greece may be read in the works of Herodotus, Strabo, Pausanias, Athenaeus, and others.

The custom of making presents to the gods was common to Greeks and Romans, but among the latter the donaria were neither as numerous nor as magnificent as in Greece; and it was more frequent among the Romans to show their gratitude towards a god, by building him a temple, by public prayers and thanksgivings (*supplicatio*), or by celebrating festive games in honour of him, than to adorn his sanctuary with beautiful and costly works of art. Hence the word *donaria* was used by the Romans to designate a temple or an altar, as well as statues and other things dedicated in a temple. (Verg. *Georg.* iii. 533; Ovid, *Fast.* iii. 335.) The occasions on which the Romans made donaria to their gods are, on the whole, the same as those we have described among the Greeks, as will be seen from a comparison of the following passages:—Liv. x. 36, xxix. 36, xxxii. 30, xl. 40, 37; Suet. *Claud.* 25; Tacit. *Ann.* iii. 71; Plaut. *Amphitr.* iii. 2, 65; *Curcul.* i. 1, 61, ii. 2, 10; Aurel. Vict. *Caes.* 35; Gellius, ii. 10; Lucan. ix. 515; Cic. *de Nat. Deor.* iii. 37; Tibull. ii. 5, 29; Hor. *Epist.* i. 1, 4; Stat. *Silv.* iv. 92. [L. S.]

DONA'TIO or gift is an agreement between two persons, by which one gives without remuneration and without being under any legal obligation (*nullo jure cogente*), and the other accepts something that has a pecuniary value.

It is properly called an agreement, because it is not sufficient that there be a person to give; there must also be a person who consents to accept the gift. It is essential to the notion of gift that the giver gives in order that the property of the receiver may be increased by the gift: there must be the *animus donandi*. Further *donatio* in its strictly technical sense implies that the increase made by the gift to the property of the donee is caused by an equivalent diminution in the property of the donor. The object of gift may be anything which increases the property of the donee, as transfer of ownership or possession to him, entitling him to sue as creditor, releasing him from a debt. A gift of the whole of a person's property is not a case of universal succession; and consequently the several parts of the donor's property must be separately conveyed to the donee: hence, also, the donee does not incur any obligation to the creditors of the donor on account of the debts of the latter. The donor himself can, however, compel the donee to satisfy his debts from the property which the donee has received; for a *donatio* is regarded as comprising no more than the property after the debts are deducted. A gift of property made by an insolvent debtor was invalid as against his creditors.

According to Roman law, as it was in the time of the classical jurists, a mere agreement to give or *pactum donationis* was not legally valid; it was necessary either that the agreement should be in the form of a stipulation or carried out at once by delivery to the donee: but under the legislation of Justinian the donee could sue the donor on a mere *pactum donationis.* (Cod. viii. 34, 35, § 5; *Inst.* ii. 7, 2.) The Lex Cincia de donis ac muneribus—a plebiscitum proposed by the tribune M. Cincius Alimentus, B.C. 204—placed restrictions on the amount which might be given by way of *donatio;* what the prescribed limit was is uncertain. (Savigny, *Verm. Schr.* i. 12; Huschke, *Gaius*, § 3.)

The limitations of the *lex* as to the amount which might be given did not apply if the gift was conveyed to the donee by *in jure cessio* or *mancipatio*, and if the donee acquired interdict possession of the property so conveyed. Certain classes of persons (*exceptae personae*) were excepted from the operation of the law. The Lex Cincia is a *lex imperfecta;* i.e., gifts made in violation of it were not void, nor were the parties who made such a gift subject to any penalty; but no action could be successfully maintained for enforcing a gift contrary to the law, since it could be met by the *exceptio legis Cinciae.* In the later period of Roman law the forms of *in jure cessio* and *mancipatio* became obsolete: hence a new form called *insinuatio* was used for perfecting gifts, which consisted in a declaration of gift made before a public functionary. Justinian only required *insinuatio* for gifts above 500 solidi in amount. If the formality of *insinuatio* was not observed, the gift was invalid as to all the amount that exceeded 500 solidi. Certain near relations of a man might after his death impugn the validity of a *donatio inofficiosa*, which he had made, by the *querela inofficiosae donationis*, and the donor could revoke his gift if the donee was guilty of such gross ingratitude towards him as was defined by statute. (*Inst.* ii. 7; Dig. 39, 5; Cod. viii. 54; Paulus, v. 11; *Fragm. Vat.* 260–316; Savigny, *System*, iv. §§ 142–176; Schilling, *Institutionen*, iii. 741–797.) [G. L.] [E. A. W.]

DONATIO INTER VIRUM ET UXOREM. It was a rule of Roman law, which had its origin in custom, that neither husband nor wife could during marriage make a gift of anything to one another. The object of this rule is said to be the preservation of the marriage relation in its purity, as an agreement subsisting by affection and not one which should be maintained in a discreditable manner by means of gifts from one party to the other. Thus one married person was prevented from taking advantage of the weakness of the other. The wife required this protection as well as the husband, because, when there was no *conventio in manum*, the wife retained all rights of property not surrendered on her marriage [DOS], and she might during the marriage acquire separate property. Only a *donatio* by which the donor's property is lessened is within the prohibition. A *donatio* is not invalid under this law unless made between persons actually married, so as to take effect during the continuance of the marriage: thus a valid gift might be made between a man and a woman before or after marriage, or even during marriage, if it was not to take effect till after the marriage. In accordance with the above rule contracts and conveyances between husband and wife had no effect; thus stipulations were not binding: *mancipatio, in jure cessio,* and *traditio* conveyed no ownership; property which had been made over could be recovered by action. The rule could not be defeated in an indirect manner by means of a transaction between one of the parties to a marriage and a third person (*per interpositam personam*), as by an agreement of the husband with his wife's creditor, to be substituted as debtor in her place. The question whether one of the parties to a marriage, who has obtained possession from a third person of property belonging to the other, can acquire a title to it by usucapion, is determined by the following rules:—

A party to a marriage, who knows at the time of obtaining possession of property that the other party to the marriage is owner of it, cannot acquire because *bona fides* at the commencement of possession is essential to usucapion; but if such party has no knowledge of the ownership of the other, a title by usucapion is possible. If, however, before the time of possession is complete, both parties become aware that the ownership belongs to one of them, usucapion is prevented, since an acquisition under these circumstances would arise from a *donatio inter virum et uxorem.* If, before the ownership is acquired by usucapion, either the husband alone or the wife alone discovered that it was the property of the other, this would not destroy the right to acquire the property by usucapion, because in this case there would be no agreement and consequently no *donatio.* (Dig. 24, 1, 44.) The general rule as to donations between husband and wife is subject to some exceptions. Thus gifts of a trivial kind, as birthday presents, were allowed; if a house belonging to one of the parties to a marriage were destroyed by fire, it might be rebuilt at the expense of the other; a woman might make gifts to her husband to qualify him for certain honours and other distinctions (Dig. 24, 1, 40, § 42); but the most important relaxation in the law as to these donations was that in the time of Septimius Severus they were declared valid if the donor died first without having revoked his gift. (Dig. 24, 1; Cod. v. 16; Glück, xxv. p. 422, &c.; Savigny, *System*, iv. §§ 162–164.) [G. L.] [E. A. W.]

DONATIO MORTIS CAUSA. A *donatio mortis causa* has been defined to be "a gift which a man makes with reference to the event of his death, and so makes that the right of the donee either commences with the death of the donor, or is in some suspense until the death." (Cf. Festus, *s. v.*: "mortis causa donatio cujus mors fuit causa.") It resembles, in some respects, a *donatio* proper or gift; in others, it resembles a legacy. It was necessary that the *donatio* should be accepted by the donee, and consequently there must be a conveyance by *traditio* or delivery, or at least a contract by an offer which is assented to; whereas a *legatum* only requires a unilateral act of a testator. A *donatio mortis causa* differed from a testamentary bequest in that it was regarded as a disposition of property made in the donor's lifetime, and not a charge on his inheritance (Dig. 39, 6, 28, "praesens praesenti dat;" Theoph. *ad* Inst. ii. 7, 1, ἀπὸ ζῶντος εἰς ζῶντα γίνεται). On the other hand, it was not intended to have the effect of depriving the donor of his right to his property in his lifetime, but only to act in the event of his death to the detriment of his heir (Inst. ii. 7, 1: "Et in summa, mortis causa donatio est, cum magis se quis velit habere quam eum, cui donatur, magisque eum, cui donat, quam heredem suum"). As the gift was not complete until the death of the donor, and as it had the benefit of a particular person for its object, it became void in the event of the donor surviving the donee. The donor always had it in his power to revoke his gift, unless he had expressly agreed not to do so. There were, according to Julianus (Dig. 39, 6, 2), three kinds of *donatio mortis causa*:—1. When a man under no apprehension of present danger, but moved solely by a general consideration of mortality, makes a gift to another. 2. When a man, being in immediate danger, makes a gift to another in such manner that the thing immediately becomes the property of the donee. 3. When a man, moved by the consideration of danger, gives a thing in such manner that it shall become the property of the donee only in case the giver dies. It is to be noticed that the gift was equally subject to revocation, whether the property passed immediately to the donee, or was only to do so on the death of the donor. When a gift was made on account of some imminent danger, it was *ipso jure* revoked by the donor's escape from the danger. In course of time most of the rules relating to legacies were made applicable to donations. No person could make or take under a *donatio mortis causa* who was not capable of making or acquiring a testamentary bequest. Property subject to such a gift was liable for the debts of a deceased person as if it were part of his inheritance. The heir could deduct his Falcidian fourth from it. A *donatio mortis causa* could not be used as a means of defeating the claims of those who could not have been disinherited by the deceased. In these and other respects we find donations assimilated to legacies in the legislation of Justinian. Still, they differed in some respects from legacies: for instance, such a donation could take effect, though there was no person to take the inheritance; and if it did not exceed five hundred solidi, it could be made in an informal way, though otherwise the forms of a codicil were required. It could only be constituted by agreement. The English law of *donationes mortis causa* is first stated by Bracton (ii. c. 26) in the very words of the Digest (39, 6, 2, &c.); and the present law is expounded by Lord Hardwicke (Ward *v.* Turner, 2 Ves. 431); but what he there states to be the English law is not exactly the law as stated by Bracton. Tradition or delivery is considered one essential of such a gift, and the death of the donor in the life of the donee is another essential. The gift is not an absolute gift, but a gift made in contemplation of death, and it is revocable. It does not prevail against the creditors of the deceased, and by statute it has been made subject to legacy duty. (Dig. 39, 6; Cod. viii. 57; Inst. Just. ii. 7, § 1; W. Müller, *Ueber die Natur der Schenkung auf Todesfall* (1827); Hasse, *Rhein. Mus.* ii. 300, iii. 1 (1828); V. Schröter, *Zeitschr. für Civilrecht und Process*, ii. 4 (1829); Wiederhold, *ib.* xv. 4 (1841); Savigny, *System*, iv. §§ 170–174; Vangerow, *Pandekten*, ii. §§ 561–563; Windscheid, *Pandekten*, ii. § 369, iii. §§ 675, 676.) [G. L.] [E. A. W.]

DONA'TIO PROPTER NU'PTIAS. Subsequent to the time of the classical jurists under the early Christian emperors, it became customary for a man, when about to marry, to make a *donatio* to his future wife as an equivalent to the *dos* which was brought into settlement on her part. On account of the correspondence between this kind of *donatio* and *dos*, it is called in Greek ἀντίφερνα, and in Latin *contrados*, *antidos*. The meaning of the term *donatio propter nuptias* is explained in the Institutes of Justinian. It was originally called *donatio ante nuptias* because, as there could be no *donatio* between husband and wife, it was necessary that the *donatio* should be ante-nuptial; but when, by an enactment of Justin I., it became legal to increase the *donatio* after marriage, and by a further enactment of Justinian even to constitute it after marriage, the old term was no longer suitable, and so *donatio propter nuptias* was substituted for it by Justinian. The object of the *donatio propter nuptias* seems to have been to secure a provision for the wife. If a *dos* had been given by the wife, or on behalf of the wife, and the husband by the terms of the settlement was entitled to it, or to a part of it in the case of the wife's death, it was usual for the husband, or some one on the part of the husband, to secure something to the wife in the event of her surviving him. The father of the husband was under the same obligation to make a *donatio ante* or *propter nuptias* as the father of the wife to provide a *dos*. (Cod. v. 11, 7.)

By a constitution of the Emperor Leo it was absolutely required that the amount secured in this way to the wife should be equal to the amount of *dos* the husband might be entitled to. (Cod. v. 14, 9, 10.) According to the legislation of Justinian, the *donatio* and the *dos* must be equivalent: if the *dos* was increased during marriage, a similar increase of the *donatio* was also necessary. (Nov. 97, c. 1, 2.) The husband had, during the marriage, the legal and actual control of the property given as *donatio*, but such part of it as consisted in things immovable he could not alienate or pledge even with the consent of the wife, unless she ratified her previous consent after two years from the time of giving it, and the husband had other property to satisfy her claim. The wife was given by law a hypothec over the husband's entire property as security for the *donatio*. If the husband became impoverished during the marriage, the wife was entitled to the profits of the *donatio* for her support; and the property was not liable to the demands of his creditors.

If the marriage was dissolved by the death of the wife or by divorce not caused by the husband's fault, the *donatio* became the absolute property of the husband, unless some person who made the *donatio* was entitled to the reversion of it by the agreement. If the husband died, the wife had a usufruct in the entire *donatio:* she was also entitled to share with her children in the ownership of it. (Nov. 127, c. 3.)

The special provisions, such as the necessity of *insinuatio*, which applied to the ordinary *donatio*, were dispensed with in this case. The opinions of modern jurists are much divided as to the notion, purpose, and law of the *donatio propter nuptias*. (Cod. v. 3; Cod. Theod. iii. 5; *Inst.* ii. 7, 3; Glück, xxv. pp. 274–329.) [E. A. W.]

DONATI'VUM. [CONGIARIUM.]

DORMITO'RIUM. [DOMUS, p. 671.]

DORODO'KIAS GRAPHÉ (*δωροδοκίας γραφή*). [DECASMUS.]

DORON (*δῶρον*), a palm or hand-breadth. [PES.]

DORON GRAPHÉ (*δώρων γραφή*). [DECASMUS.]

DOROXE'NIAS GRAPHÉ (*δωροξενίας γραφή*). [XENIAS GRAPHÉ.]

DO'RPIA (*δόρπια*). [APATURIA.]

DORPON (*δόρπον*). [CENA, p. 391 *a.*]

DORU (*δόρυ*). [HASTA.]

DORY'PHORI. [MERCENARII.]

DOS (*προίξ, φερνή*), dowry. I. GREEK. In proof of the barbaric simplicity of ancient Greek custom, Aristotle instances the facts that they went armed and bought their wives (*Pol.* ii. 8, § 19 = p. 1268 b, 39). The presents made to the bride's father, or, to speak plainly, the price paid for her, was called *ἕδνα* or *ἔεδνα*: according to the generally accepted etymology of Curtius, who refers it to the root *ἁδ* (*σFαδ*) found in *ἁνδάνω, ἡδύς, suavis*, this would mean literally a *douceur* or "sweetener." This was, no doubt, originally a compensation for the loss of the daughter as a domestic servant; and the English law still recognises, in cases of seduction, an action by the father for "loss of service." As Grote has pointed out, the customs of the early Jews were in this respect completely Homeric (Gen. xxxiv. 12; Ex. xxii. 16, &c.); but among the ancient Germans they were modified; the husband gave presents, not to his wife's father, but to herself (Tac. *Germ.* 18). Grote further shows, in an excellent note, the exact correspondence between the old Greek *ἕδνα* and the *mundium* of the Lombard and Alemannic laws; a term found also in the laws of England under Ethelbert, of Denmark, and of Sweden (pt. i., ch. 20, i. 475 n.). This custom of the heroic times is illustrated by many passages in Homer: the bridegroom gives *ἀπερείσια ἕδνα* (*Il.* xvi. 178; *Od.* xix. 529); *μυρία ἕδνα* (*Il.* xvi. 190, xxii. 472; *Od.* xi. 282). The amount is reckoned in oxen and other cattle (*Il.* xi. 243), whence *παρθένοι ἀλφεσίβοιαι* of girls whose attractions command a high price in the matrimonial market (*Il.* xviii. 593; *H. Ven.* 119). On the other hand, to grant a daughter without *ἕδνα* was a high compliment to the intended son-in-law; Agamemnon offers it to Achilles (*Il.* ix. 141 ff.), Alcinous to Ulysses (*Od.* vii. 311 ff.). Sometimes the *ἕδνα* appear to come from the bride's family (*Od.* i. 277; repeated ii. 196); these must be either really a marriage portion, the Homeric *δῶρα*, later *φερνή* (Nitzsch, *ad loc.*; L. and S. *s. v.*; Schömann, *Antiq.* i. 49, E. T.), or more probably "the *ἕδνα* were applied by the bride's friends, wholly or in part, to furnish her outfit and provide the wedding feast; and thus they were, so far at least, indirectly returned to the bridegroom's side" (Merry and Riddell, *ad loc.*). In two other passages, however, referred to by the same editors and by Schömann (*l. c.*), *ἕδνα* may very well bear the usual sense: *ὡς κ' αὐτὸς ἐεδνώσαιτο θύγατρα* (*Od.* ii. 53) may mean simply "that he may give his daughter in marriage" (in exchange for *ἕδνα*); and *ἐεδνωταὶ κακοὶ* (*Il.* xiii. 382) may be "drivers of hard bargains" (cf. *συνώμεθα*, "agree," in the preceding line), not "niggardly in giving back the *ἕδνα*."

We must hold with Aristotle that in the heroic age the purchase of wives was a reality, not, as Schömann thinks, a mere ceremonial survival. It does not follow that it was not usual for the family to give a woman a portion when she married; especially in the richer, *i.e.* mostly the royal and noble, classes. Andromache and Penelope are spoken of as *ἄλοχοι πολύδωροι* (*Il.* vi. 394; *Od.* xxiv. 294), or wives who brought many gifts to their husbands; other relatives and friends no doubt contributing presents in addition to the bride's portion from her father. These are called by the general name of *δῶρα* or gifts: there is no sufficient proof that the dowry so bestowed was also described by the same name of *ἕδνα*, as Schömann maintains; and the terms *φερνή* and *προίξ* are undoubtedly post-Homeric. The *μείλια* offered by Agamemnon to Achilles are not specially "wedding presents," as often incorrectly explained (Hesych. *s. v.* *ἕδνα*, and many moderns); but, as the etymology implies, "soothing gifts," designed to propitiate the wrathful hero. If, on the death of the husband, the widow was not permitted by the heirs to remain in the house, the money she brought with her had to be refunded (*Od.* ii. 132). On the other hand, it is reasonable to suppose that proved adultery on the part of the wife involved the return of the *ἕδνα* or purchase-money to her husband, though curiously enough the only authority for this is the mythical case of Hephaestos and Aphrodite (*Od.* viii. 318). As was observed in ancient times, there is no direct mention of divorce in the Homeric poems.

At some time which cannot be determined, but which was undoubtedly earlier than the age of Solon, the dower in the modern sense arose, and the bride was portioned by her father or guardian (*κύριος*). In its origin this custom must have implied a return of the price paid; and conversely, during the period of transition from one system to the other, the father would doubtless regulate his demands with the view of indemnifying himself for the dowry to be expected when the marriage came off. Hence in lyric and tragic poetry we find *ἕδνα* used in the latter sense (Pind. *Ol.* ix. 16; Eurip. *Androm.* 2, 153, 942). When Euripides (*Med.* 236) makes Medea complain, among the disadvantages of her sex, that they had to purchase husbands with great sums of money (*χρημάτων ὑπερβολῇ*), the Scholiast points out the anachronism; the poet is transferring to the heroic age the practice of his own time.

The Doric term for a portion was δωτίνη, and Müller (*Dor.* iii. 10) observes that we know for certain that daughters in Sparta had originally no dower, but were married with a gift of clothes only; afterwards they were at least provided with money and other personal property (Plut. *Lysand.* 30). But in the time of Aristotle (*Pol.* ii. 9, § 15 = p. 1270, 23), so great were the dowers given and so large the number of ἐπίκληροι, or female representatives of families (οἶκοι), that nearly two-fifths of the whole territory of Sparta had come into the possession of females. At Athens the terms φερνή and προίξ were probably (according to K. F. Hermann and his editor Blümner) at first distinguished; φερνή being the outfit or *trousseau* and the wedding presents which the bride brought to her husband; προίξ the sum in money or realty which her father "settled" upon her (to use the modern expression), of which the husband had the usufruct, but for which, as we shall see, he had to give security. In aftertimes the words φερνή and προίξ were used indiscriminately; the Roman *dos* is usually rendered in Greek by φερνή, whence *parapherna*, *paraphernalia* [Dos, Roman]. The statement in Plutarch (*Sol.* 20) that the Athenian legislator did not allow a woman, unless she were an ἐπίκληρος, to have any φερνή or dower except a few clothes and articles of furniture, must therefore be understood in the earlier sense of φερνή, not as excluding any settlement of money upon her; though Plutarch no doubt took it in the later sense, and attributed to Athenian institutions a more Spartan simplicity than really belonged to them. In the orators we find that the dowers of women formed a considerable part of the taxable capital of the state (Boeckh, *P. E.* p. 514 = *Sthh.*^{3} i. 598); even with poor people they varied from ten to a hundred and twenty minae, and Isaeus says that no decent man would give his legitimate daughter less than a tenth of his property (*Or.* 3 [*Pyrrh.*], § 51). Hipparete, as the daughter of Hipponicus the richest man in Athens, brought Alcibiades ten talents on her marriage, with the promise of ten more on the birth of a child. Yet, according to Demosthenes, even five talents were more than was usually given even by wealthy men (*c. Steph.* i. p. 1112, § 35; p. 1124, § 74). Dowries of five or ten talents in Lucian (*Dial. Meretr.* 7, p. 298, Reitz) and the comic poets must be ascribed, as Boeckh puts it, to the liberal donations of comedy. The daughters of Aristides received from the state, as a portion, only thirty minae each (Plut. *Arist.* 27; Aeschin. *c. Ctes.* § 258). We may observe, too, that a dowry was thought necessary to mark the distinction between a wife and a παλλακή: hence, persons who took portionless girls appear to have given their guardians a ὁμολογία προικός (Isae. *l. c.* § 35), or acknowledgment in writing by which the receipt of a portion was admitted, in proof of the legitimacy of the marriage. Compare the proverb νύμφη δ' ἄπροικος οὐκ ἔχει παρρησίαν (Menand. *Monost.* 371, Meineke). On gifts to παλλακαί themselves, see CONCUBINA (Greek). Moreover, poor heiresses (τῶν ἐπικλήρων ὅσαι θητικὸν τελοῦσιν) were either married or portioned by their next of kin, according to a law which fixed the amount of portion to be given at five minae by a Pentacosiomedimnus, three by a Horseman, and one and a half by a Zeugites (Dem. *c. Macart.* p. 1068, § 54: cf. Ter. *Phorm.* ii. 1, 75, ii. 2, 62; EPICLEROS).

Some interesting light is afforded by inscriptions as to the practice in other less-known states. A long inscription of the Macedonian period recently discovered in Myconos gives a sort of marriage register of the island (Ἀθήναιον ii. 235 ff. (1873); *Hermes*, viii. 191 ff.; *Bull. de Corr. hellén.* vi. 590). In one case we find that out of a dowry of 1300 drachmas 200 are to be in clothes (l. 4–7); in another, 300 εἰς ἐσθῆτα (*sic*) out of 700 (l. 17); in a third, 1000 drachmas equally divided between outfit and money; the highest figure given is 3500 and two female slaves (l. 32). Another, from Tenos, is in the British Museum (printed in *C. I. G.* 2338). Land and houses form part of a dowry in *C. I. G.* (add.) 2347 c; Ross, *Inscr. Ined.* p. 126; cf. Dittenberger in *Hermes*, xvi. [illegible] (1881). At Massilia in Strabo's time (iv. p. 181) no higher dowry was allowed than 100 *aurei* in money, 5 in clothes and 5 in gold trinkets (Hermann-Blümner, *Privatalterth.* p. 262 ff.; Fränkel on Boeckh, n. 187).

The security exacted from the husband consisted generally of a piece of real property (ἔγγειος οὐσία), and was called ἀποτίμημα, the usual word for a mortgage (cf. L. and S. s. v. ἀποτιμᾶν, ἀποτίμημα). Demosthenes, proceeding to levy execution on the house and lands of Aphobus, finds them mortgaged to Onetor, whose sister Aphobus had married and divorced, and who now, as her κύριος, holds them as security for her dowry: the young orator's case is, that mortgage and divorce are both fictitious, and that Aphobus and Onetor are really in collusion to keep him out of his estate (*c. Onet.* i. *passim*). The dowry would have to be accounted for in other cases besides those noticed under DIVORTIUM. Thus, if a husband died, and the wife left the family (ἀπέλιπε τὸν οἶκον), she might claim her portion even though children had been born (Dem. *c. Boeot. de Dot.* p. 1013, § 6); and in the event of the wife dying without issue, her portion reverted to her κύριοι (Isae. *Or.* 8 [*Ciron.*], § 8; *Or.* 3 [*Pyrrh.*], § 36). After the death of the wife, her portion belonged to her children, if she had left any; and if they were minors, the interest was set apart for their education and maintenance (Dem. *op. cit.* p. [illegible], § 50; p. 1026, § 59). When the husband died before the wife, and she remained in the family (μενούσης ἐν τῷ οἴκῳ), the law appears to have given her portion to her sons, if of age; subject, however, to an allowance for her support (Id. *c. Phaenipp.* p. 1047, § 27). The actions for dowry and alimony (προικὸς καὶ σίτου), discussed elsewhere as they affected the husband [DIVORTIUM], lay also against the heirs (οἱ τὸν κλῆρον ἔχοντες) who wrongfully withheld her rights from the widow; and such actions would be brought by her guardians (Isae. *Or.* 3 [*Pyrrh.*], § 78; Hudtwalcker, *Ueber die Diäteten*, n. 84). We may add that a δίκη προικὸς was one of the ἔμμηνοι δίκαι or suits that might be tried every month (Pollux, viii. 63, 101). Compare Schömann, *Antiq.* i. 516, E. T., and especially *Att. Process*, pp. 416–427 (= 513–527 Lips.). [R. W.] [W. W.]

II. ROMAN. *Dos* (*res uxoria*) is everything brought to the husband, or to the husband's father (if the husband was in his father's power), on the part of the wife, as her contribution towards supporting the expenses of the marriage state (*onera matrimonii*).

The whole property of a married woman might be made *dos*, or only a part of it: that which was not made *dos* continued to be her own separate property, and was termed *parapherna;* over this the husband had no control.

The *dos* belonged during the marriage solely to the husband, although the wife had an interest in it. It might consist of property of any kind, *i.e.* of anything by which the substance of the husband could be increased; so rights *in personam* as well as rights *in rem* might belong to the dotal estate. The husband did not succeed to *dos* by way of universal succession, and consequently the transfer of *dos* had no effect on the relations of the wife to her creditors. It is a disputed point whether there could be *dos* properly so called, under the early system of marriage, by which the husband acquired *manus* over the wife; but the institution of *dos* in a distinct legal form belongs to the later marriage, in which the wife is capable of holding separate property.

It was the duty of the wife to provide her husband with *dos*, but this duty was only a natural one, *i.e.* she could not be legally compelled to fulfil it. A woman herself had a legal claim against certain persons, that they should provide her with a *dos*, viz. against her father and other paternal ascendants, and under exceptional circumstances against her mother.

Dos was divided into two kinds, *dos profectitia* and *adventicia*, a division which had reference to the source from which the *dos* was derived, and to the demand for its restitution after the purposes were satisfied for which it was given. That *dos* is *profectitia* which was given by the father or other paternal ascendant of the wife, whether she was in the power of such ascendant or not. All other *dos* is *adventicia*. The *dos recepticia* was a species of *dos adventicia*, and was given by some one other than a paternal ascendant, on condition that it should be restored to him on the death of the wife.

Dos is created (*constituta*) when the agreement to give it is entered into: the actual performance of the dotal agreement may take place immediately on the agreement being made (*dotis datio*), or after an interval.

Dotis dictio was an old form by which certain persons bound themselves to be answerable for *dos* (Ulp. vi. 1); it became obsolete.

The ordinary mode of promising *dos* was by means of a stipulation (*dotis promissio*), but from the time of the Emperor Theodosius II. an informal promise of *dos* was legally binding, even though it were a mere *pollicitatio* or promise without an acceptance. (Cod. Theod. iii. 13, 4; Cod. iii. 11, 6.)

The husband was owner of the *dos*, and so had a right to the sole management of it, and to the *fructus* derived from it; but his power of alienation was to some extent limited. He could dispose freely of such parts of the *dos* as consisted of things movable; but the Lex Julia (de adulteriis) prevented him from alienating dotal land (*fundus dotalis, dotalia praedia*, Cic. *ad Att.* xv. 20; *dotales agri*, Hor. *Ep.* i. 6-21) without the wife's consent, or mortgaging it even with her consent (Gaius, ii. 63; *Inst.* ii. 8, pr.). The legislation of Justinian prevented alienation with the wife's consent, and it declared the law on the subject applicable to provincial land. A further legal protection of *fundus dotalis* consisted in the fact that it was incapable of being acquired by usucapion.

Dos is put an end to by the termination of the marriage for which it was created: whereupon the question arises as to the devolution of the property. If the marriage was dissolved by the death of the wife, her father or other paternal ascendant was entitled, before Justinian's change in the law, to recover the *dos profectitia*, unless it had been agreed in such case that the *dos* should belong to the husband; but if there were children of the marriage, the husband might deduct a portion on account of each child. (Ulp. *Frag.* vi. 4; *Frag. Vat.* 108.) The *dos adventicia*, in case of the wife's death, became the absolute property of the husband, unless the person who gave it had stipulated that it should be returned to him (*dos recepticia*), but Justinian also changed the law on this point. According to his legislation the wife was as a rule entitled both to *dos profectitia* and *adventicia* in case the marriage was dissolved by the death of the husband; and if the marriage terminated by her own death, her claim to the *dos* devolved on her *heredes*. A paterfamilias who had endowed a filiafamilias was, however, allowed to recover what he had given, and the claim of the wife to the *dos* might be excluded by the express terms of the dotal agreement (Cod. v. 13, 1). In case of divorce the wife forfeited her claim to *dos* if the divorce was due to her misconduct; otherwise her rights were the same as when the marriage was terminated by death.

The *dos* could not as a rule be claimed during the marriage; but if the husband were insolvent or if he wasted the *dos*, it could be recovered by the wife. The husband could not restore the *dos* of his own accord during the marriage, since the wife was incapable of giving him a good discharge; but there were some exceptions to this rule, *e.g.* the *dos* might be given up for the purpose of paying the wife's debts, or in order to maintain or ransom from captivity near kinsfolk. The husband was bound to restore immovable things belonging to the *dos*, immediately on the dissolution of the marriage; movable and incorporeal things within a year. (Cod. v. 13, 1, § 7.)

What should be returned as *dos* depended on the fact of what was given as *dos*. If the things given were ready money (*dos numerata*, Cic. *pro Caecina*, c. 4), or other things of an exchangeable kind, the husband was bound to restore the like sum or quantity. If they were not of an exchangeable kind, he was bound to restore the same specific things. If the things cannot be restored, or cannot be restored uninjured, he must make good all loss or deterioration which has happened on account of his wilful acts or on account of such negligence as he is not in the habit of showing in his own affairs. The husband was entitled to be reimbursed for all necessary expenses (*impensae necessariae*): as, for instance, for necessary repairs of houses incurred by him in respect of the dotal property, and also for outlays which had improved the value of the property (*impensae utiles*). If things, whether immovable or movable, were valued when they were given to the husband, this was a species of sale, and the husband was looked on as holding the price of the things, and not the things themselves, as *dos* (*dos aestimata*).

The husband, or his heirs if he were dead, were liable to an *actio ex stipulatu de dote reddenda*, which was an action *stricti juris*, if there was an express agreement to restore, and by an *actio rei uxoriae* or *dotis*, which was an action *bonae fidei*, if there was no agreement. Justinian made the *actio ex stipulatu* applicable in all cases, and did away with the *actio rei uxoriae;* at the same time he converted the *actio ex stipulatu* when brought on account of *dos* into a *bonae fidei actio*.

The wife might by agreement have a special security for *dos*, and in case of necessity she might compel the husband to give such security (Dig. 24, 3, 22, § 8), otherwise, previous to Justinian's change in the law, she was unsecured except in respect of *fundus dotalis;* but she had some privileges over her husband's other unsecured creditors. Justinian provided that on the dissolution of the marriage the ownership of dotal property should pass to the wife, with all the legal remedies for securing such parts of the *dos* as still existed; that all the husband's property should be under an implied pledge (*tacita hypotheca*) as a security for the *dos;* and that the wife, but she alone, should have a priority of claim on such property over all other creditors to whom the same might be pledged (Cod. v. 12, 30; Nov. 91, 1).

The allusions to *dos* and its restitution are numerous in Roman classical literature. The name by which the Greek writers designate the Roman *dos* is φερνή. (Ulp. *Frag.* vi. *De Dotibus; Frag. Jur. Rom. Vatic.* 94–122; Dig. 23, 3; Cod. v. 12; Hasse, *Das Güterrecht*, &c. 1824; Tigerström, *Das römische Dotalrecht*, 1831, 1832; Bechmann, *Das römische Dotalrecht*, 1863; Czyhlarz, *Das römische Dotalrecht*, 1870.) [G. L.] [E. A. W.]

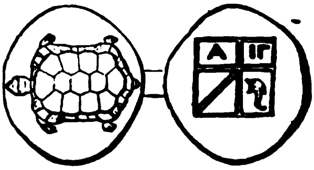
DOSSUA'RIUS or **DORSUA'RIUS**, any animal carrying burthens on its back (Varr. *R. R.* ii. 6 and 10). It carried its load either by means of panniers [CLITELLAE] or the pack-saddles (*sagma*), whence we read of *equus sagmarius* (Lamprid. *Heliog.* 4; Vopisc. *Aur.* 7). Hence came the German *Saum*-pferd and the English *sumpter*-horse. The annexed cut, representing a mule and a camel, carrying burthens, accompanied by two conductors, is taken from the Theodosian Column at Constantinople. [W. S.]

Dossuarii. (From Theodosian Column.)

DOULOS (δοῦλος). [SERVUS.]

DRACHMA (δραχμή), the name of a weight and of a denomination of coin among the Greeks. As weight and as coin it was the hundredth part of the mina, and was divided into six lesser units called ὀβολοί. [See PONDERA, *ad init.*] The ancients (*Etym. Mag.* s. v. ὀβελίσκος: Pollux, ix. 77) connected the word with δράσσομαι, "I grasp," and δράγμα, "a handful," and supposed that a drachm was originally the value in silver of a handful of six ὀβολοί, or wedge-shaped pieces of metal, which circulated as money. It is, however, very doubtful if this derivation is not a mere fancy: it is far more probable that δραχμή, like δαρεικός, is connected with the Persian word *darag*, "a part," since the weight of the drachm seems to be derived by division of the mina, rather than the weight of the mina to be produced by multiplication of the drachm.

The ordinary denominations of Greek coins were: for gold, the didrachm (double drachm), drachm, hemi-drachm, and smaller divisions; for silver, the same, with the addition of the tetradrachm, and occasionally of the decadrachm. The weight of the drachm varied according to the standard to which it belonged [see tables under PONDERA]; the heaviest drachm was the Aeginetan of 96 grains, worth in silver rather more than a shilling of our money: it was called at Athens παχεῖα δραχμή (Pollux, ix. 76). The Athenian drachm weighed but 67·5 grains, and the Corinthian only 45 grains, value about sixpence. The sign for drachm in Attic inscriptions is ⊢. As the Romans reckoned in sesterces, so the Greeks generally reckoned by drachmae; and when a sum is mentioned in the Attic writers, without any specification of the unit, drachmae are usually meant. [P. G.]



Aeginetan Drachm. (British Museum. Actual size.)

Attic Drachm: late. (British Museum. Actual size.)

DRACO. [CALDARIUM; SIGNA MILITARIA.]

DUCENA'RII, the name of various officers and magistrates, in the imperial period, of whom the principal were as follows:—

1. The imperial procuratores, who received a salary of 200 sestertia. Dio Cassius (liii. 15) says that the procuratores first received a salary in the time of Augustus, and that they derived their title from the amount of their salary. We thus read of centenarii, &c., as well as of ducenarii. (See Capitolin. *Pertin.* 2; Orelli, *Inscript.* No. 946.) Claudius granted to the procuratores ducenarii the consular ornaments (Suet. *Claud.* 24).

2. A class or decuria of judices, first established by Augustus. They were so called because their property, as valued in the census, only amounted to 200 sestertia, and they tried causes of small importance. (Suet. *Aug.* 32.)

3. Officers who commanded two centuries, and who held the same rank as the primi hastati in the ancient legion. (Veget. ii. 8; Orelli, *Inscrip.* No. 3444.)

4. The imperial household troops, who were under the authority of the *magister officiorum.* They are frequently mentioned among the *agentes in rebus,* or ushers. (Cod. 1, tit. 31; 12, tit. 20.)

In the third century A.D. and later the title is often applied in inscriptions to *protectores Augusti* and to many officials of equestrian rank, as *praefecti legionum, praefecti vehiculorum, imperatori a consiliis.* In these cases it appears to denote the rank as well as the salary of the official, and is seldom used without the addition of another title. (Th. Mommsen in *Ephem. Epigraphica,* v. 121–7.) The office of a ducenarius is *ducenaria* or *ducena* (Cod. Th. i. 9, 1; xii. 1, 5). [W. S.] [J. H. F.]

DUCENTE'SIMA. [CENTESIMA.]

DUELLA. [UNCIA.]

DULCIA'RII. [PISTOR.]

DUO'DECIM SCRIPTA (*κύβοι, διαγραμμισμὸς* [Pollux, ix. 99], in late Greek *τάβλα*), a game of mixed chance and skill, which must have been substantially the same as our backgammon. The following points of identity may be regarded as established. The game was played on a board of 12 double lines, with 15 white and 15 black men; the throws were counted as we count them; "blots" (*ἄζυγες*) might be captured; the pieces (whether they started from home or not) had to be brought home; and the winner was he who first cleared off his men. On the other hand, there were three dice instead of two [TESSERA]; and it is impossible to say where the men started, or how blots taken up re-entered. In the initial position the pieces may have stood in three rows of five or five rows of three; and either in the player's own table with a view to the double journey, or in the opponent's table with a view to the journey home. With the three dice the pieces would soon be scattered, and thus a less artificial arrangement than our own may be thought probable. The phrase *ὀπισθιδίη ὁδὸς* in Agathias may seem to favour the notion that they were played out and home. The board was *ἄβαξ,* ABACUS, more generally *tabula,* or from its raised rim *alveus, alveolus;* the men *ψῆφοι, calculi;* the situation at any point of the game, *θέσις* (Agathias); to move, *τιθέναι, dare;* to retract a move, *ἀνατιθέναι, reducere.* In a fragment of Cicero (*ap.* Non. p. 170, s. v. *Scripta*) we find: "Itaque tibi concedo, quod in duodecim scriptis solemus, ut calculum reducas, si te alicuius dati poenitet." This privilege is more likely to have been of the nature of odds granted by a superior player, than a regular rule of the game.

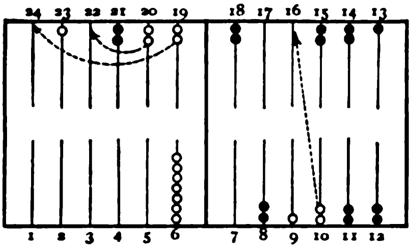
The classical Greek writers mostly use *κύβοι, κυβεύειν,* of games into which skill entered as well as of mere dicing; though Philemon marks the distinction (*μεθύειν, διαγραμμίζειν, κυβεύειν, fr.* 216 M.). That *κυβεία* was a game of skill as well as chance is clear from Plato (*Rep.* x. 604 C, *Phaedr.* 274 D, and *ap.* Plut. *de Tranq. An.* p. 467 A), and from a story told by Plutarch (*Artax.* 17); cf. Ter. *Adelph.* iv. 7, 21. Ovid alludes to the Duodecim Scripta (*A. Am.* iii. 363–4) among games which lovers are to play together; others are *latrunculi* (357–8), "spillikins" (361–2), and "go-bang" (365–6, this last couplet has often been misunderstood as though it referred to the placing of the backgammon-men). The lover is, of course, to lose on purpose to his mistress ("Tu male iactato, tu male iacta dato," *ib.* ii. 204), either by unlucky throws (perhaps he is to cheat in her favour, cf. 206) or by making bad moves. Martial includes among his modest wants *tabulamque calculosque* (ii. 48). The celebrated jurisconsult P. Mucius Scaevola was famed for his skill at Duodecim Scripta (Cic. *de Or.* i. 50, § 217; Val. Max. viii. 8, § 2; Quintil. *Inst.* xi. 2, § 38). Quintilian further tells the story that Scaevola, after losing a game, recalled the whole of the throws and the way each had been played; pointing out the move where he had made a mistake, and verifying his own recollections by those of his opponent. This is cited as an example of memory and logical sequence (*ordo*).

None of the above passages shed much light on the details of the game. Our knowledge of them is mostly gained from an epigram of Agathias (*Anth. Pal.* ix. 482; also in Brunck, *Anal.* iii. 60) on a case of special ill-luck which befel the Emperor Zeno (A.D. 474–491). This epigram has been discussed by many scholars (*e.g.* Salmasius in a long and learned note to the *Historia Augusta,* ii. pp. 736–761, ed. var. 1671; T. Hyde, the historian of chess; De Pauw, in a special dissertation; Jacobs, in his notes to the *Anthology*), but until lately was never rendered intelligible. The problem has been solved independently by M. Becq de Fouquières in his *Jeux des Anciens,* and Dr. H. Jackson in the *Journal of Philology:* on the few points where they differed, Dr. Jackson has since given in his adherence to M. Becq de Fouquières' conclusions. We reproduce this epigram with a few comments from the sources just named:

Εἰς τάβλαν Ζήνωνος τοῦ βασιλέως.

οὐτιδανοὶ μερόπων, εἰ καὶ μέγα ῥέξομεν ἔργον,
  οὔτινος εἰς μνήμην δηρὸν ἐπερχόμεθα·
οἱ δ' ἀγαθοί, κῆν μηδέν, ἀναπνεύσωσι δὲ μοῦνον,
  ὡς Λίβυς εἶπεν ἀνήρ, τοῦτ' ἀδάμαντι μένει.
δήποτε γὰρ Ζήνωνα πολισσοῦχον βασιλῆα,
  παίγνιον ἀφράστων ἐκτελέοντα κύβων,
τοίη ποικιλότευκτος ἕλεν θέσις, εὖτ' ἀπὸ λευκοῦ,
  τοῦ καὶ ὀπισθιδίην εἰς ὁδὸν ἐρχομένου,
ἑπτὰ μὲν ἕκτος ἔχεν, μίαν εἴνατος· αὐτὰρ ὁ σοῦμμος
  δισσὰς ἀμφιέπων ἶσος ἔην δεκάτῳ·
ὅς τε πέλει μετὰ σοῦμμον ἔχεν δύο, μουνάδα δ' ἄλλην
  ψῆφον τὴν πυμάτην ἀμφιέπεσκε δίβος.
ἀλλὰ μέλας δισσὰς μὲν ἐν ὀγδοάτῳ λίπε χώρῳ
  καὶ τόσσας ἑτέρας ἐς θέσιν ἑνδεκάτην·
ἀμφὶ δυωδέκατον δὲ διέπρεπον εἴκελοι ἄλλαι,
  καὶ τρισκαιδεκάτῳ ψῆφος ἔκειτο μία·
δίζυγες Ἀντίγονον διεκόσμεον· ἀλλὰ καὶ αὐτῷ
  ἶσος ἔμιμνε τύπος πεντεκαιδεκάτῳ,
ὀκτωκαιδεκάτῳ πανομοίιος· εἰσέτι δ' ἄλλας
  εἶχεν διχθαδίας τέτρατος ἐκ πυμάτου.
αὐτὰρ ἄναξ λευκοῖο λαχὼν σημήϊα πεσσοῦ
  καὶ τὴν ἐσσομένην οὐ νοέων παγίδα,
τριχθαδίας ἀδόκητα βαλὼν ψηφῖδας ἀπ' ἠθμοῦ
  πύργου δουρατέου κλίμακι κευθομένῃ

δοιὰ καὶ ἓξ καὶ πέντε κατήγαγεν· αὐτίκα δ' ὀκτὼ 25
ἄζυγας εἶχεν ὅλας πρόσθε μεριζομένας.
τάβλην φεύγετε πάντες, ἐπεὶ καὶ κοίρανος αὐτὸς
κείνης τὰς ἀλόγους οὐκ ὑπάλυξε τύχας.



The diagram (from Becq de Fouquières, p. 375) shows the "complicated position" (l. 7) before the emperor makes his throw. Zeno plays the white men, and moves from 1 towards 24. The situation of the numbered points presents no difficulty: thus, White has 7 pieces at 6, 1 at 9, 2 at 10; Black 1 at 13, and 2 each at 8, 11, 12, 15, 18 and 21 (*τέτρατος ἐκ πυμάτου*). The named points *σοῦμμος* (*summus*), *δίβος* (apparently *divus*, in spite of the difference of quantity; so Salmas. p. 753 b), and *'Αντίγονος* (doubtless a Greek king chosen to balance the Roman emperor) have been ingeniously worked out in accordance with the conditions of the problem. It was natural to assign the *σοῦμμος* to one of the corner places 1, 12, 13, or 24; but it is now proved to have been at 19, the limit of the highest throw (three sixes) starting from 1. Hence two white men are placed on 19 and two more on 20, "the point next to the *σοῦμμος*" (l. 11). Similar calculations prove that the Antigonus, where the two remaining black men are situated, was at 14, and the *δίβος*, occupied by a solitary white man, at 23. In this position the emperor threw 2, 6, and 5; whereupon it appeared that he could not avoid leaving 8 *ἄζυγες* or "blots," an extraordinary piece of bad luck. It must be assumed that, if there was any way of playing all the numbers thrown, the player (contrary to the modern rule of backgammon) was bound to adopt it; and Zeno had consequently, as shown on the diagram, to play from 10 to 16, from 19 to 24, and from 20 to 22. Becq de Fouquières imagines that at this point his game was at once lost in some unexplained way: it is only necessary to assume that it was practically ruined by the 8 blots, 5 of which lie just in Black's course and can hardly fail to be hit by him, whatever he throws next. The special hardship of the emperor's case is that, out of 56 possible combinations of the dice, he threw the only one which raised the number of his blots from 2 to 8: this suffices to point the epigrammatist's warning, *τάβλην φεύγετε πάντες*: the master of the world is as much exposed to the caprices of fortune as any other gamester.

The Latin forms of the technical terms *τάβλα*, *σοῦμμος*, &c. in the above epigram, and the absence of any direct mention of the "twelve lines" in Greek authors, point to the conclusion that this precise form of the game was Roman rather than Greek. The twelve lines were doubtless an extension of the original five, so often mentioned in connexion with games of this class [LATRUNCULI; TABULA LUSORIA]; and may have been suggested by the die with its six faces and points from one to six (Becq de Fouquières, pp. 362, 367). It will be seen that the word *τάβλα* applies to the game itself, not merely to the board on which it is played: this may be paralleled from Old English, where "tables" is a synonym for draughts or, more probably, backgammon; and from Old German, in which *Zabel* is used for a game in glossaries of the 11th and 12th centuries, and chess is called *Schachzabel* in some early printed books (Van der Linde, *Gesch. des Schachspiels*, vol. i. App. pp. 126, 134 ff.). For *τάβλα*, *ταβλίζειν* we find in late Byzantine Greek *ταῦλα*, *ταυλίζειν*: long before those times *αβ* and *αυ* were undistinguishable, both being pronounced as *av*.

More than a hundred ancient boards, serving for six different games, had been found in Rome alone down to 1877 (Marquardt, *Privatl.* 838); but only a single example shows the twelve lines. This is of marble, bears a Christian inscription, and is of very rude workmanship and illiterate spelling. It has been engraved by Salmasius (*l. c.* p. 751), Gruter (*Mon. Chr.* p. 1091), Becq de Fouquières (p. 364), and in a simplified form, omitting the inscription, by Rich (*s. v. Abacus*). This is to all intents and purposes a backgammon board, exhibiting the four half tables of six lines each. Mention is made of boards and men of costly materials, or of peculiar construction. In Petronius (c. 33) Trimalchio plays on a board of terebinth-wood, with dice of crystal, and with gold and silver denarii for black and white men. Pliny (*H. N.* xxxvii. § 13) has an absurdly rhetorical account of the splendours of an *alveus lusorius*, in gold and jewels, borne in Pompey's third triumph B.C. 61; in the centre of it was a golden moon of thirty pounds' weight. Becq de Fouquières (pp. 382–3) here amuses himself with the "solar myth," Suidas (*s. v. τάβλα*) having recorded a theory that the twelve lines represent the signs of the zodiac, &c. He has already given a common-sense explanation (see above), and, no doubt, is not to be taken seriously here. The Emperor Claudius had his carriage fitted with a board which would not upset, in order to play when travelling (*ita essedo alveoque adaptatis, ne lusus confunderetur*, Suet. *Claud.* 33). The *tabula lusoria* described by Martial was also specially adapted for two different games, probably on opposite sides:

> "Hic mihi bis seno numeratur tessera puncto:
> Calculus hic gemino discolor hoste perit" (xiv. 17).

The first line refers to the Duodecim Scripta; the second, modelled on a couplet of Ovid (*Trist.* ii. 477–8), to the game of draughts (*latrunculi*), in which the player left with but one man is bound to lose to his opponent who has two. (Becq de Fouquières, *Jeux des Anciens*, ed. 2, 1873, pp. 357–383; H. Jackson, in *Journ. of Philol.* vii. 236–243; Marquardt, *Privatl.* 834–838.) [W. W.]

DUO'DECIM TABULA'RUM LEX. [LEX.]

DUO VIRI, "the two men," a name applied to various magistrates and commissioners at Rome, and in the *coloniae* and *municipii*. The form *duumvir*, "one of the two men," is used in the singular (Liv. ii. 42, 5, &c.): it is doubtful whether *duumviri* should ever be used in the plural. Some editors print it so, but in the MSS. and inscriptions we generally find only *iiviri;* in *C. I. L.* i. 1196 we have *duo viri*, and also *duo vir* (cp. *C. I. L.* vi. 3732); but there seems to be no epigraphic authority for *duumviri.* That Cicero knew only *tres viri*, not *triumviri*, is shown by *Ep. Fam.* viii. 13, 2. (Cf. Zumpt's *Grammar*, § 124.) The most important of these "commissions of two" were the following:—

1. Duo viri Iuri Dicundo, the highest magistrates in the municipal towns. [Colonia, p. 482 *b*.]

2. Duo viri Sacrorum, to whom was at first entrusted the charge of the Sibylline Books (cf. Liv. iii. 10, 7; v. 13, 6: Mommsen, *Hist.* i. 240). The commission was afterwards made to consist of ten (Liv. vi. 37, 12; 42, 2), and afterwards, probably by Sulla, of fifteen. [Decemviri.]

3. Duo viri Navales, an extraordinary commission appointed for the purpose of equipping or repairing a fleet. Originally a *praefectus* had been nominated for this purpose by the consuls, but in B.C. 311 the appointment was transferred to the people; and as the name was no longer suitable, the title of *duo viri* took its place (Mommsen, *Röm. Staatsr.* ii. 565). The election was made as occasion arose, and the tenure of office was not limited to one year. There is no instance of its occurrence on record later than that of B.C. 180–178 (Liv. xli. 1).

4. Duo viri aedi dedicandae, elected by the people for the purpose of dedicating a temple. The duty was always performed by one of the two only, and the election of a second seems to have been due only to the desire of the Romans to have two colleagues in each magistracy (Liv. vii. 28; xxii. 33; xxxv. 41). The *duo viri aedi locandae*, who gave out the contract for the erection of a temple at the public cost and on public ground, were not necessarily the same as those who dedicated it (cf. Liv. xxii. 33 with xxiii. 21, 7), although they frequently were.

5. Duo viri Viis extra Urbem purgandis were officers under the aediles, first mentioned in the Lex Julia Municipalis (l. 50; cf. *C. I. L.* i. p. 119), and possibly therefore instituted by Caesar. They were abolished by Augustus, when the *curatores viarum* were instituted (Dio, liv. 26).

6. Duo viri Perduellionis. [Perduellio.]

7. Duo viri Quinquennales, the censors in the municipia. [Colonia, p. 483 *a*.] [A. S. W.]

DUPLA'RII or **DUPLICA'RII** were soldiers who received on account of their good conduct double allowance (*duplicia cibaria*), and perhaps in some cases double pay likewise. (Varr. *L. L.* v. 90; Liv. ii. 59, xxiv. 47; Orelli, *Inscrip.* No. 3535.) The forms occurring are *duplicarius* (Or. 3533, 4994), *dupliciarius* (*ib.* 3534), *duplaris* (Veget. ii. 7), *duplarius* (Or. 3531, 3535, &c.). The title appears so often in inscriptions together with that of Augustalis, that Henzen holds that the *duplarii* were a division of the Augustales (*Bull. dell' Inst. Rom.* 1848, 57); but Sellitto points out that in some inscriptions words intervening between the two titles betoken a distinction between them, e.g. *Aug(ustali) gratis creato Dupliciario.* (*Bull. Arch. Napol.* 1857, p. 24.) [W. S.] [J. H. F.]

DUPLICA'TIO. [Actio.]

DUPO'NDIUS or **DUPO'NDIUM**, a coin of two asses, struck after the reduction of the weight of the as. [As.] It was in use under the empire, when it was the weight of half an ounce. (Varr. *L. L.* v. 169, ix. 81; Cic. *Quint.* 16, 53; Plin. *H. N.* xxxiii. § 42; Gaius, i. 122; Schol. *ad* Pers. ii. 59; Marquardt, *Röm. Staatsverw.* ii. pp. 8, 11.) As the Romans applied the uncial division of the as to the foot, *dupondium* also signified two feet (Colum. iii. 15, § 2). [W. S.]

DUSSIS. [As.]

DUUMVIR. [Duo Viri.]

DUX. [Provincia.]

E.

EBUR. [Elephas.]

ECCLE'SIA (*ἐκκλησία*), the general assembly of the citizens at Athens, in which they met for the direct exercise of their sovereign power. Whether certain periodical meetings of the people, regularly recurring at appointed times, were ordained by the legislation of Solon, is unknown. It is however probable that the only assemblies thus fixed in early times were for the election of magistrates (*ἀρχαιρεσίαι*) and the confirmation (*ἐπιχειροτονία*) whether of magistrates or of laws; while questions of public policy were discussed at meetings summoned for the purpose. In the times about which we have fuller information there was at first a regular assembly in each prytany, and therefore ten in the year; these were called *κύριαι ἐκκλησίαι.* By degrees the number of these rose to four in each prytany, which, as being *νόμιμοι ἐκκλησίαι*, were probably held on days fixed beforehand, though we are not in a position to discover with any certainty which days these were in the individual prytanies. The name *κυρία ἐκκλησία*, however, remained for a long time confined to the first regular assembly in each prytany, until later on it was transferred to the three others as well (Schömann, *Antiq.* i. 379 f., E. T.). Some discrepancies in the accounts are probably to be explained as referring to different times. Thus Aristotle expressly states that there were four regular assemblies in each *prytany*, only one of which was called *κυρία* (*ap.* Harpocrat. *s. v. κυρία ἐκκλησία*: and so Pollux, viii. 95, 96); while several grammarians declare, not less explicitly, that there were three in each *month*, all called *κύριαι* (Photius, *s. v. κυρία ἐκκλησία*: Schol. Aristoph. *Ach.* 19; Ulpian on Dem. *c. Timocr.* p. 706, § 20). These last-named authorities no doubt had in view the times after B.C. 306, when the number of tribes was raised from ten to twelve, and a prytany and a month became the same thing (Boulé, p. 313 *b;* Schömann, *Assemblies*, p. 44); and the extension of the name *κυρία* to all the ordinary assemblies is probably to be referred to the same period ("not many years after Aristotle's time," Schömann, *op. cit.* p. xxxii.). These assemblies would thus be held on an average about once in ten days, whether under the earlier or later system; but the scholiast Ulpian (*ad* Dem. *Timocr.* l. c.), in fixing them to the eleventh, twentieth, and thirtieth of each month, goes decidedly too far, as Schömann has proved (*Assemblies*, pp. 47–49; cf. Perrot, *Essai*, p. 37). Extraordinary meetings were specially convened upon any sudden emergency, and were called *σύγκλητοι* or *κατάκλητοι ἐκκλησίαι* (*κατακλησίαι*, Poll. viii. 116, Hesych.), because messengers had to be sent round to give notice to the country people; *κατακαλεῖν* being a technical word for summoning non-residents or out-voters. Besides these messengers (*συνεκάλουν τινὲς περιιόντες*, Schol. Dem. *F. L.* p. 100 a) we find a trumpeter (*σαλπικτής*, Dem. *de Cor.* p. 284, § 169) summoning to a *σύγκλητος ἐκκλησία*, doubtless the city voters only.

The place in which the assemblies were originally held was the Old Agora (*ἀρχαία ἀγορά*, Apollod. *ap.* Harpocrat. *s. v.* Πάνδημος Ἀφροδίτη). This is identified by C. Wachsmuth (*Stadt Athen*, i. 484 ff.) and Gilbert (i. 270) as the spot afterwards occupied by the Odeum of Herodes Atticus, a smaller site than the Agora of later times, lying to the east of it and more under the shelter of the Acropolis. Afterwards they were transferred to the Pnyx, which throughout the great period of Athens in the fifth and fourth centuries B.C. was certainly the usual place of meeting (Thucyd. viii. 97; Aristoph. *Ach.* 20; *Eq.* 42, *Δῆμος πυκνίτης*: *ib.* 750–1; *Vesp.* 31; *Eccles.* 283; Dem. *de Cor.* p. 244, § 55, p. 285, § 169). For more than a century past the site of the Pnyx has been placed on the escarped eastern portion of a low hill to the west of the Areiopagus (*Dict. Geogr.* i. 282, 283, with plan of the hill and view of the Bema; Wordsworth, *Athens and Attica*, ch. x.): but quite recently the traditional view has been called in question, chiefly on the evidence of inscriptions, and the latest authorities declare that no exact determination is at present possible (E. Curtius, *Att. Studien*, i. 23–46; C. Wachsmuth, *Stadt Athen*, i. 368 ff.; Schömann, *Antiq.* i. 380, E. T.; Gilbert, *l. c.*). It was at any rate not far from the Agora (Aristoph. *Ach.* 21), on a height (*ἀναβαίνειν εἰς τὴν ἐκκλησίαν*, [Dem.] *c. Aristog.* i. p. 772, § 9; 775, § 20; *πᾶς ὁ δῆμος ἄνω καθῆτο*, Dem. *de Cor.* p. 285, § 169; cf. Aristoph. *Eq.* 149) commanding an extensive view of the Acropolis, city, and port (*προπύλαια ταῦτα, ὁ Παρθενών, στοαί, νεώσοικοι*, Dem. *c. Androt.* p. 617, § 76, copied by the author of the speech *περὶ Συντάξεων*, p. 174, § 28). The Bema, whether rightly identified or not, was a stone platform with an ascent of steps, cut out of the solid rock, whence it is sometimes called *ὁ λίθος* (Aristoph. *Pax*, 680, *ὅστις κρατεῖ νῦν τοῦ λίθου τοῦ ʼν τῇ Πυκνί*): and the name Pnyx was explained by the ancients *παρὰ τὴν τῶν λίθων πυκνότητα*, which, as Schömann remarks, they would certainly not have done had not the substructions which make the place level led them to the derivation (cf. L. and S. *s. v.* Πνύξ). After the great theatre of Dionysus was built the assemblies began to be held in it; and this was the rule for the first meeting after the Dionysia and some other festivals (Dem. *c. Mid.* p. 517, § 9; Aeschin. *F. L.* § 61). For the discussion of naval matters they also met in the Peiraeus, or in the Dionysiac theatre at Munychia (Dem. *F. L.* p. 359, § 60=67; Lys. *c. Agorat.* § 55; Thucyd. viii. 93). They were held in the Agora, *i.e.* the larger Agora of later times, in cases of ostracism and, as Curtius and Gilbert think, all *νόμοι ἐπ' ἀνδρί*, i.e. *privilegia* or laws affecting an individual, such as *ἄδεια*, voting citizenship to foreigners or restoring it to *ἄτιμοι*: all these requiring the votes of 6000 citizens given by ballot (cf. ADEIA; ATIMIA, p. 243 *b*; CIVITAS, p. 443 *b*; and for the phrase *νόμος ἐπ' ἀνδρί*, for which Demosthenes has also *κατ' ἀνδρός*, Dem. *c. Timocr.* p. 719, § 59). In the Macedonian period the theatre superseded the Pnyx, which was retained only for the elections (*ἀρχαιρεσίαι*. Hesych. *s. v.* Πνύξ: Poll. viii. 132, 133): in late inscriptions we find traces of alternate meetings in the city and the Peiraeus (*C. I. A.* ii. 401, 417, 459, 466).

The right of convening the people generally vested in the Prytanes [BOULÉ]; but in cases of sudden emergency, and especially during wars, the strategi also had the power of calling extraordinary meetings; that is to say, they had the power of directing the prytanes to do so. That the consent of the senate also was required, rests only on "inserted documents" of little authority (Dem. *de Cor.* p. 238, § 37; p. 250, § 75). The four ordinary meetings of every prytany were always convened by the prytanes, who not only gave a previous notice (*προγράφειν τὴν ἐκκλησίαν*) of the day of assembly, and published a programme of the subjects to be discussed, but also, as it appears, sent a crier round to collect the citizens (*συνάγειν τὸν δῆμον*, Pollux, viii. 95; Harpocrat. *s. v.* Κυρία Ἐκκλησία: the *πρόγραμμα*, [Dem.] *c. Aristog.* i. p. 772, § 9). The mode of summons to the *σύγκλητος ἐκκλησία* has been already noticed in explaining its name. The case of Pericles on the first invasion of Attica by Archidamus is peculiar: Thucydides says, *ἐκκλησίαν οὐκ ἐποίει αὐτῶν οὐδὲ ξύλλογον οὐδένα* (ii. 22), *i.e.* he convened no assembly in his capacity of strategus (cf. ii. 59). But to effect his object of stifling discussion he must further have stopped the ordinary assemblies; and it is conjectured that a majority of the strategi, which Pericles doubtless commanded, could restrain the action of the prytanes (Schömann, *Assemblies*, p. 62; Grote, ch. 48, iv. 258). No other instance of the kind is on record; and it may have been merely a piece of unconstitutional dictation on Pericles' part. On the actual day of assembly a flag was probably hoisted as a signal, and struck when business began, as in the case of the senate (BOULÉ, p. 313 *a*; Suid. *s. v.* *σημεῖον*). Six magistrates called *ληξίαρχοι*, with thirty assistants, checked the attendance at the assembly: the words of Pollux, *τοὺς μὴ ἐκκλησιάζοντας ἐζημίουν καὶ τοὺς ἐκκλησιάζοντας ἐξήταζον* (viii. 104), are explained by Schömann (p. 381) and Gilbert (p. 272) to mean that they punished by a fine those who tried to get the pay and shirk the work, while they excluded unqualified persons. The Athenians were apt to linger too long over their marketing in the Agora, and the following measures were resorted to in the time of Aristophanes (*Ach.* 22, *τὸ σχοίνιον φεύγουσι τὸ μεμιλτωμένον*: cf. *Eccles.* 378). While some of the Lexiarchi stood at the entrance of the place of assembly with lists in their hands (the so-called *ἐκκλησιαστικοὶ πίνακες* or *ληξιαρχικὸν γραμματεῖον*, whence probably the name), others directed the police (*Σκύθαι* or *τοξόται*, cf. Demosii) to surround the Agora with a rope coloured with red chalk, so that only the road leading to the Pnyx remained open, and into this road they drove the citizens. As a further inducement to attend to business the *τοξόται* were sometimes ordered to shut up the market-stalls (*πρατήρια*, Phot. *s. v. σχοίνιον μεμιλτωμένον*). Those who were "tarred" with the rope counted as late comers, and no doubt forfeited their *σύμβολον*, even if they actually remained in the assembly; hence there was a rush to avoid it. On the view favoured by Gilbert, that the sum paid away each day was limited, the use of the coloured rope becomes unmeaning. Any person who, having been let through and having received the *σύμβολον*, tried to break away, was doubtless liable to a fine several times the amount of the day's pay. This passage of Aristophanes clearly implies that, as already stated, the Pnyx must have been close to the Agora. The Lexiarchi did not themselves draw up the *ληξιαρχικὸν γραμματεῖον*, as stated in L. and S. (ed. 7); this was the duty of the demarchs (Demus, p. 616 *b*). The place of assembly was further enclosed with hurdles (*γέρρα*) until the termination of the business to which it was thought advisable not to admit strangers (Dem. *c. Neaer.* p. 1375, § 90). The burning of these *γέρρα* as a fire-beacon rests on a false reading (*ἐνεπίμπρασαν*, Dem. *de Cor.* p. 284, § 169); the Agora being in a hollow, the act would have been both useless and dangerous; and *ἀνεπετάννυσαν* is the most probable correction (*Class. Rev.* ii. 95 b). Here the use of the *γέρρα* seems to have been to exclude the people from the Agora and drive them to the Pnyx. Even when not admitted within the precincts, we (sometimes at least) find foreigners listening and expressing their sentiments (*ἀνεβόησεν ὁ δῆμος καὶ ὅσοι ξένοι περιέστασαν τὴν ἐκκλησίαν*, Aeschin. *c. Ctes.* § 224).

A quite sufficient inducement to attend the assembly, with the poorer classes, was the *μισθὸς ἐκκλησιαστικὸς* or pay which they received for it (Boeckh, *P. E.* p. 228 ff. = *Sthh.*^{3} i. 290 ff.). The originator of this practice was one Callistratus, whom Boeckh proposes to identify with the son of Empedus, who perished in Sicily B.C. 413. It probably dated from the successful early years of the Peloponnesian war, and Pericles, to whom the *δικαστικὸν* is ascribed, had most likely nothing to do with this latest fruit of democracy. Gilbert (p. 273) places it "some years before the archonship of Eucleides" (B.C. 403); but the "some years" can hardly have been fewer than ten or twelve, considering the turn which the war had then taken. The payment itself, at first an obolus, was afterwards raised to three by a popular favourite, Agyrrhius of Collytus (Harpocrat. *s. v.* *Ἀγύρριος*: cf. Dem. *c. Timocr.* p. 742, § 134). The increase took place but a short time before the *Ecclesiazusae* of Aristophanes (see *vv.* 300 ff.), the representation of which is fixed, within a year either way, at 392 B.C. The money was paid by the Thesmothetae (*Eccles.* 290) at the close of the proceedings, and in exchange for a *σύμβολον* or ticket given to those who arrived in time; the latter may have been of more perishable materials than the dicastic or bouleutic *σύμβολα*, which were of metal, and had to last a year [Boulé, p. 313 *a*; Dicastes, p. 627 *b*). This payment, however, was not made to the richer classes, who attended the assemblies gratis, and are therefore called *οἰκόσιτοι ἐκκλησιασταὶ* by Antiphanes (*fr.* 200 Meineke *ap.* Ath. vi. 247 f). The same word *οἰκόσιτος* is applied generally to a person who receives no pay for his services.

The right of attending and voting was enjoyed by all citizens of full age (generally supposed to be twenty, certainly not less than eighteen: Xen. *Mem.* iii. 6, § 1; Dokimasia) and not labouring under any atimia or loss of civil rights. They were either (1) natural-born (*φύσει καὶ γένει*) citizens, born in lawful wedlock of parents both Athenians (*ἐξ ἀστῆς καὶ ἐγγυητῆς* is the formula, *c. Neaer.* p. 1365, § 60; 1376, § 92; 1381, § 106: for the question of *νοθεία*, cf. Civitas, p. 444 *b*); or (2) *δημοποίητοι*, presented with the freedom of the state, and enrolled in a deme, phratry, and tribe. The latter, however, were not qualified to hold the office of archon or any priesthood until the second generation (*ib.* 1376, § 92; 1380, § 104). Men above sixty may have been excused (*ἀφειμένοι*, Aristot. *Pol.* iii. 1 = p. 1275, 15), but were certainly not excluded. The orator Aristophon of Azenia, who lived 100 years all but a month (Schol. *ad* Aeschin. *c. Timarch.* § 64), was in the thick of the political fight, impeaching and impeached, till long past eighty (Dem. *c. Timocr.* p. 703, § 11; Aeschin. *c. Ctes.* § 194; A. Schaefer, *Demosth. u. seine Zeit*, i. 162).

The commencement of the proceedings was marked by a lustration or purification of the place where the assembly was held. Sucking-pigs (*χοιρίδια*) were sacrificed and carried round, and the limits thus marked were called *κάθαρμα*, "the purified space" (Aristoph. *Ach.* 44). These victims were called *περίστια*, probably from *περὶ τὴν ἑστίαν*: they were preceded by a religious functionary called *περιστίαρχος* (id. *Eccles.* 128), and their blood was sprinkled about the place. We are not required to believe, with the Scholiast on the former passage, that it was sprinkled on the seats as well. Then followed an offering of incense, and a solemn prayer, repeated by a herald at the dictation of an under-secretary (*ὑπογραμματεύς*), and including a curse (*ἀρά*) on the enemies of the state, especially on evil counsellors or those who were bribed to deceive the people (Dem. *F. L.* p. 363, § 70 = 79; cf. *de Cor.* p. 319, § 282; *c. Aristocr.* p. 653, § 97; Aeschin. *c. Timarch.* § 23; a comic parody of the prayer Aristoph. *Thesm.* 331 ff.). To these ceremonies was added, in later times, an announcement by the prytanes that the sacrifices had been duly offered, that the omens were favourable, and that there was no sign of the displeasure of the gods (Theophr. *Char.* 21; *C. I. A.* ii. 417, 459). Business then began; and the first matter taken in hand was said to be *πρῶτον μετὰ τὰ ἱερά* (Decret. *ap.* Dem. *c. Timocr.* p. 706, § 21). So of persons to whom audience was given, *πρώτοις μετὰ τὰ ἱερά* (*C. I. A.* i. 36; ii. 52 c; 164). The presiding officer was, in the earlier times, the Epistates of the Prytanes, afterwards the Epistates of the nine Proedri; but the function called *χρηματίζειν*, "bring a matter forward" (including therefore the order of the different agenda), is expressly attributed to the proedri and perhaps also to the prytanes (Dem. *c. Mid.* p. 517, § 9 [cf. the "law" in § 8]; Aeschin. *c. Timarch.* l. c.). For the Prytanes, the Proedri, and the Epistatae, see BOULÉ, p. 310 *b; for the progress* of a bill through the senate, until it reached the people in the form of a Probouleuma, pp. 311 *b*, 312 *a*. The date of the innovation by which the Second Epistates was appointed, the powers of the prytanes (*i.e.* of a single tribe) curtailed and those of the proedri (representing the other tribes) enlarged, was placed by Meier between 378 and 369 B.C. (p. 310 *b*). The latest evidence from inscriptions tends to throw it back to the beginning of the period named: the archonship of Nausinicus, B.C. 378–7, already memorable for other important reforms, was not improbably the actual year of this constitutional change (Gilbert, *Staatsalterth.* i. 257 n.). Under this new system the choosing by lot of the proedri, and of the epistates from among them, was also a part of the preliminary business of each sitting.

There was a law of Solon, *μηδὲν ἐὰν ἀπροβούλευτον εἰς ἐκκλησίαν εἰσφέρεσθαι* (Plut. *Sol.* 12): as regards other matters, the motion could consist only in a demand to the senate to draw up a probouleuma and then refer it to the assembly. Hence the first step in the discussion was the reading of the probouleuma by a herald. It might so happen that the senate had come to no conclusion of its own, but had merely referred the question to the people; and in these cases an explanatory statement might also be made by the prytanes (Dem. *de Cor.* p. 285, § 170). The reading of the probouleuma was immediately followed by the *προχειροτονία*, a show of hands on the previous question, whether the sovereign people desired the proposed measure to be further discussed, or were prepared to accept it at once (BOULÉ, p. 312 *a*).

The privilege of addressing the assembly was not confined to any class or age among those who had the right to be present; all, without any distinction, were invited to do so by the proclamation (*τίς ἀγορεύειν βούλεται;*) which was made by the herald as soon as the *προχειροτονία* had shown that there was to be a debate. According to a law of Solon those persons who were above fifty years of age were called upon to speak first (Aeschin. *c. Ctes.* §§ 2, 4; *c. Timarch.* § 23); but in more democratic times this regulation had become obsolete (Dem. *de Cor.* p. 285, § 170; Aristoph. *Ach.* 45, *Thesm.* 379, *Eccles.* 130). The person "in possession of the House" mounted the bema and put on a wreath of myrtle, as a sign that he was for the moment a representative of the people, like the bouleutae and the archons (Aristoph. *Eccles.* 131, 148). The law of Solon likewise required all speakers to keep to the "question," to discuss one thing at a time, to refrain from abuse and scurrility. Aeschines twice refers to this as the law *περὶ τῆς τῶν ῥητόρων εὐκοσμίας* (*c. Ctes.* § 2; *c. Timarch.* § 34); and what purports to be the text of it is given in § 35 of the latter speech; but he complains (*c. Ctes.* § 4) that nothing could check the *ἀκοσμία* of the orators of his time, and in the companion passage alludes to a recent law of increased stringency on this subject, which had been impeached by Timarchus and others in the interests of order. The behaviour of the people does not appear to have been any better than that of the orators, if we may trust the opening speech of the *Acharnians*. The duty of maintaining order devolved on the prytanes (Aeschines adds the proedri, see below), assisted by the *τοξόται* or policemen (Aristoph. *Eq.* 665); in later times by the members of a tribe chosen by lot for this purpose; later still, in the Macedonian period, by the *ἔφηβοι*.

Each of these last two regulations suggests a few further remarks. The selection of a tribe to assist in keeping order is fixed to a date just before the speech against Timarchus, B.C. 345; it was in consequence of a "free fight" in which Timarchus himself had been particularly conspicuous (*προσέθεσθε καινὸν νόμον μετὰ τὸ καλὸν παγκράτιον, ὃ οὗτος ἐπαγκρατίασεν ἐν τῇ ἐκκλησίᾳ*, § 33). The new law was *καθ' ἑκάστην ἐκκλησίαν ἀποκληροῦν φυλὴν ἐπὶ τὸ βῆμα, ἥ τις προεδρεύσει*: impeached by Timarchus as *μὴ ἐπιτήδειον*, § 35; but though not reversed, it failed of its object; *τῆς δὲ τῶν ῥητόρων ἀκοσμίας οὐκέτι κρατεῖν δύνανται οὔθ' οἱ νόμοι οὔθ' οἱ πρυτάνεις οὔθ' οἱ πρόεδροι οὔθ' ἡ προεδρεύουσα φυλή, τὸ δέκατον μέρος τῆς πόλεως* (*c. Ctes.* § 4, fifteen years later). A. Schaefer thought that the tribe thus designated was a tribe of the senate, *i.e.* fifty other senators to assist the prytanes (*Demosth.* ii. 291); but the phrase *τὸ δέκατον μέρος τῆς πόλεως*, and in the Timarchus (*l. c.*) *καθῆσθαι κελεύει τοὺς φυλέτας* (not *βουλευτάς*), makes it tolerably clear that a tribe of the Ecclesia is intended. The correctness of the word *προεδρεύειν* in the two passages of Aeschines has been justly doubted (Gilbert, p. 273 n.); the Ephebi, when they lent their aid, are said *παρεδρεύειν* (*C. I. A.* ii. 466) or *προσεδρεύειν* (*ib.* 470). Either of these words would be more appropriate: for *προσεδρεύειν*, "to be in regular attendance," cf. Dem. *de Cor.* p. 313, § 258, a well-known passage; and there is a further objection not hitherto pointed out. It seems to us very improbable that, at a time when the relative positions of the prytanes and the proedri had lately been altered in favour of the latter by the institution of the Second Epistates, a tribe discharging such humble functions should have been called by the dignified name *ἡ προεδρεύουσα*: whereas if *προσεδρεύουσα* was the word, it was sure to be altered by the copyists. The employment of the *ἔφηβοι* for the same purpose is proved by the inscriptions already referred to, but belongs to a later period. The ephebi, youths between eighteen and twenty, were now perhaps for the first time formally admitted to the assembly, and thus initiated into public business while charged with police duties; and their presence in earlier times, mentioned as exceptional, may really have been intrusive or on sufferance only. Among the "humours" of these turbulent meetings we find the bawling down of obnoxious speakers—against which some, however, were proof (Aeschin. *c. Timarch.* § 33); in extreme cases, they might be dragged down from the bema by authority (Aristoph. *Eq.* 665); on the other hand, the storming of the presidential chair itself is hinted at (Lex *ap.* Aeschin. *l. c.* § 35).

After the speakers had concluded, any one was at liberty to propose a decree (*ψήφισμα*);

though usually the same speaker who had carried the probouleuma through the senate moved the psephisma before the people (expressed by ὁ δεῖνα εἶπε). There was, however, no restriction on the moving of amendments or riders; they might be drawn up in the assembly itself with the aid of the secretary (γραμματεύς); and were introduced with the formula ὁ δεῖνα εἶπε· τὰ μὲν ἄλλα καθάπερ τῇ βουλῇ, or καθάπερ ὁ δεῖνα, followed by the words of the amendment (cf. Plat. *Gorg.* 451 B, with Thompson's note; *C. I. A.* i. 38, &c.). As between the original motion and any amendment the order of proceeding does not appear; probably there was a discretionary power in the presiding officers. Before, however, the question could be put, it had to be submitted to the proper authority to determine whether it contained anything unconstitutional. This authority was, in early times, the Areiopagus, which thus exercised a very real check upon the progress of democracy; after Pericles, the νομοφύλακες till the time of the Thirty; from the archonship of Eucleides onward, the Areiopagus again, but with its powers greatly curtailed [AREIOPAGUS, pp. 177 *b*, 178 *a*]. If there appeared to be no legal obstacle, the psephisma was next read to the people in order to allow a vote to be taken. Even at this stage the Epistates had the legal right of stopping the voting on his own unsupported authority, a right which, however, might be overborne by threats and clamours (Aeschin. *de F. L.* § 84). But he was of course responsible for his use of this privilege, and might be proceeded against by ἔνδειξις, or even the more summary ἀπαγωγή (Plat. *Apol.* 32 B). There was one case, on the other hand, in which he was absolutely forbidden to put the question to the vote under penalty of atimia: this was when a debtor asked for the remission of a public debt (Lex *ap.* Dem. *c. Timocr.* p. 716, § 50). Any duly qualified citizen might also object to the question being put, by engaging on oath to bring the motion, as illegal, under the cognisance of a court of law, by means of the so-called γραφὴ παρανόμων. Such a declaration, when made, necessitated a postponement of the voting; and, like every other oath involving postponement, was called ὑπωμοσία. The like declaration might, however, still be made if the vote on the matter had already been taken, and the people had approved it. It had then the effect of suspending the operation of the decree until the court had given its decision. Finally, the mover himself might withdraw his motion before it was put to the vote, if he had in any way become convinced of its unsuitability during the debate (Plut. *Arist.* 3). The form in which the votes were taken was in general χειροτονία, or show of hands [CHEIROTONIA]; the ballot (κρύβδην ψηφίζεσθαι) was only used where the personal interests of individuals were concerned, *i.e.* in cases ἐπ' ἀνδρί, mentioned above as occasions on which the assembly met in the Agora instead of the Pnyx. With respect to the actual mode of voting by ballot in the ecclesia we have no certain information; but it was probably the same as in the courts of law, by means of black and white pebbles put into urns called καδίσκοι (Schol. *ad* Aristoph. *Vesp.* 981; PSEPHOS). To "put the question," it should be added, is nearly always ἐπιψηφίζειν, even when the χειροτονία and not the ψῆφος is the mode of voting; but ἐπιχειροτονεῖν occurs, though rarely, in this sense (Dem. *c. Timocr.* p. 712, § 39; 727, § 84). In one passage we find the chairman called simply πρόεδρος, instead of his proper title ἐπιστάτης τῶν προέδρων (τίς ὁ ταῦτα ἐπιψηφίσας πρόεδρος, Aeschin. *c. Ctes.* § 75).

The determination or decree of the people was called a Psephisma (ψήφισμα), and only remained in force a year, like the resolution of the senate which bore the same name; to become a νόμος, it had to pass the ordeal of the νομοθέται [NOMOTHETAE]. The form for drawing up the Psephisma varied in different ages; but, apart from unessential differences, two constant normal types may be distinguished. The more ancient dates from the time when the Epistates of the Prytanes (then the sole Epistates) put the question to the people; the latter belongs to the period when this function had passed to the Epistates of the Proedri. An example of the earlier form is as follows: Ἔδοξεν τῇ βουλῇ καὶ τῷ δήμῳ, Κεκροπὶς ἐπρυτάνευε, Μνησίθεος ἐγραμμάτευε, Εὐπείθης ἐπεστάτει, Καλλίας εἶπεν: then follows the resolution, in the infinitive dependent on εἶπεν: ἀποδοῦναι τοῖς θεοῖς τὰ χρήματα τὰ ὀφειλόμενα (*C. I. A.* i. 32 = Boeckh, *Sthh.*^{3} ii. 42 ff.). Another, dating from the Peloponnesian war, is *C. I. A.* i. 40 = Boeckh, *Sthh.*^{3} ii. 499. Sometimes the date is given more precisely: ἐπὶ τοῦ δεῖνα ἄρχοντος καὶ ἐπὶ τῆς βουλῆς ᾗ πρῶτος ὁ δεῖνα ἐγραμμάτευε (on this secretary κατὰ πρυτανείαν, cf. BOULÉ, p. 311 *b*). The later form is this: ἐπὶ Νικοδώρου ἄρχοντος, ἐπὶ τῆς Κεκροπίδος ἕκτης πρυτανείας, Γαμηλιῶνος ἐνδεκάτῃ, ἕκτῃ καὶ εἰκοστῇ τῆς πρυτανείας, ἐκκλησία· τῶν προέδρων ἐπεψήφισεν Ἀριστοκράτης Ἀριστοδήμου Οἰναῖος καὶ συμπρόεδροι, Θρασυκλῆς Ναυσιστράτου Θριάσιος εἶπεν (Schömann, *Antiq.* i. 386, E. T.).

We now come to the dismissal of the assembly, the order for which was given by the prytanes through a herald (οἱ γὰρ πρυτάνεις λύουσι τὴν ἐκκλησίαν, Aristoph. *Ach.* 173). Meetings usually began early in the morning (*ib.* 20), and were not continued after sunset; if the business were then unfinished, there was an adjournment to the next day. But an assembly was broken up by a so-called διοσημία or sign from heaven, such as thunder, lightning, rain, storm, eclipse of the sun, or earthquake (Aristoph. *Ach.* 170–1; *Nub.* 579 ff.; Thucyd. v. 45 *extr.*; Suid. *s. v.* διοσημία). Of course it was only in comedy that public business could be interrupted at the caprice of any individual who chose to say that he had felt a drop of rain: in Greece, as at Rome, these signs had their authorised interpreters, who at Athens were the EXEGETAE (*q. v.*).

The four ordinary assemblies of every prytany had each their specially appropriated subjects for discussion, or "order of the day." In the first assembly, the κυρία ἐκκλησία properly so called, the ἐπιχειροτονία τῶν ἀρχῶν or confirmation of all government officials was held; *i.e.* an inquiry into their conduct, according to the result of which they were either confirmed in office or deposed. On the same occasion the εἰσαγγελίαι or extraordinary informations for offences against the state were laid before the people, as well as matters relating to the corn supply (περὶ σίτου) and the defence of the country (περὶ φυλακῆς τῆς χώρας, *Lex. Rhet.* s. v. κυρία ἐκκλησία); the lists of confiscated property, and of the claims to succession that had been announced before the courts, were also read out: the former, that the people might see how their balance stood with regard to this branch of the revenue [DEMIOPRATA]; the latter, that state claims might not be overlooked. The second assembly was appointed for the hearing of those who came before the people as suppliants for some favour, such as the rehabilitation of ἄτιμοι, the repayment of monies due from the state ("petitions of right" in English law), or the remission of sentences; or in general, for the class of cases involving ἄδεια, or exemption from legal penalties [ADEIA]. The third was devoted to foreign affairs, and in it ambassadors and heralds were received: we need not make a difficulty over the κυρία ἐκκλησία of the *Acharnians* (*v.* 19), and the reception of the Persian ambassadors (*v.* 61). In the fourth, the people decided περὶ ἱερῶν καὶ δημοσίων, on public matters whether religious or secular. These determinations rest mostly upon the authority of Pollux (viii. 95, 96); but when these "standing orders" had been disposed of, other business no doubt might be taken, if previously entered on the programme. (Schömann, p. 385; Gilbert, p. 282 f.)

In judicial matters the people acted only in exceptional cases, chiefly those discussed under EISANGELIA, EPANGELIA, and PROBOLÉ. Closely akin to the εἰσαγγελία, or information by a person who thereupon became himself the prosecutor of the accused, yet distinct from it, was the μήνυσις, an information by any one either disqualified (as a foreigner, a slave, or an accessory) or disinclined to make a regular impeachment. In both cases the people either itself undertook the inquiry in such a manner that the prosecution and the defence were carried on in the ecclesia, and this body pronounced the final judgment, or (more usually) the assembly, after having satisfied itself by a preliminary inquiry that there was at least a case for a jury, referred it to a court of law. The people might then specify according to what laws it should be decided, and what punishment should be awarded if a conviction ensued; and might appoint συνήγοροι, a sort of "advocates holding a government brief," to watch the case on their behalf. Such complaints and indictments were in the first instance brought regularly before the senate, and came before the people only when the case was too serious for the former to deal with; a fine of 500 drachmas being the maximum penalty that the senate was empowered to inflict. Among the judicial acts of the people, we may also reckon the special commissions of inquiry which were sometimes issued; for instance, the periodical overhauling of the finances by the appointment of ζητηταί [ZETETAE]. Inquiries into conspiracies or secret crimes might be thus relegated to the Areiopagus or the senate, and the guilty parties, when discovered, indicted before the people: on some occasions, as in that of the mutilation of the Hermae, the senate received full powers to try and sentence the offenders (ἦν γὰρ αὐτοκράτωρ, Andoc. *de Myst.* § 15). The proceedings of a revolutionary mob, like that which condemned Phocion, lie outside the ordinary methods of the Athenian constitution.

As regards the elections of magistrates (ἀρχαιρεσίαι), from the time that the majority of posts were filled by lot, only a few took place in the popular assembly. These were, naturally, for the offices in which personal or property qualifications were required; such as the Strategi, the chief financial minister (ταμίας ὁ ἐπὶ τῇ διοικήσει) and his contoller (ἀντιγραφεύς), and others who had the handling of large sums of public money. The election was invariably conducted by show of hands (χειροτονία), and not by voting tablets or by ballot. Ἀρχαὶ κληρωταὶ might be filled up only a day or two before the end of the outgoing year (Lys. *c. Evand.* § 6); but the assemblies for the choice of ἀρχαὶ χειροτονηταὶ must have been held earlier, and they are placed, with great probability, in the first ecclesia of the ninth prytany (Schömann, p. 390 n.). The presidency of these assemblies is stated to have belonged, in the case of the election of generals, to the archons; in other elections it was probably held by the prytanes or proedri; but little is really known as to the details. Besides those who declared themselves candidates, persons might be nominated for office without their own consent; but in this case might refuse it on taking the oath called EXOMOSIA. Ambassadors, who of course were appointed for their fitness, were (though not technically an ἀρχή) elected in the same way when occasion arose: Demosthenes, when first chosen to go on the embassy to Philip, renounced by ἐξωμοσία (Dem. *F. L.* p. 378, § 122 = 133).

The legislative powers of the people in assembly, so far as they were defined by the laws of Solon still in force in the time of Demosthenes, were very limited. The procedure by which new laws (in the strict sense) were made, is described under NOMOTHETAE; but the practice in later times differed widely from the theory. As democracy developed, the sovereign people became less and less inclined to bind itself strictly to these regulations. The abuse crept in of bringing forward legislative motions in the assembly no less than any other kind of proposals at any time that was found convenient, and without the regular practice of causing a jury of nomothetae, chosen from those who had taken the heliastic oath, to pass a decision upon them. Accordingly, there arose a vast mass of new laws of all kinds, in correspondence with the interest of the popular leaders (ῥήτορες) of the period. As early as 406 B.C., at the trial of the six generals, the appeal of the friends of the accused for strict legal procedure was met by the cry that "it was monstrous that the people should not be allowed to do as it pleased" (Xen. *Hell.* i. 7, § 12). Demosthenes complains that the orators were passing new laws almost every month in their own interest (*c. Timocr.* p. 744, § 142). The author of the speech *against Neaera* uses almost the same words as Xenophon in describing the "omnipotence" of the people (p. 1375, § 88). And Aristotle, the shrewd foreign observer, in a passage on the corruptions of democracy, without naming the Athenians mentions "government by ψηφίσματα" as a characteristic of the final stage (*Pol.* iv.

4 = p. 1292, 5). It is superfluous to attempt to define the matters of which the Ecclesia took cognisance: it was king and parliament in one, sitting upon its *lit de justice* and registering its own decrees. While clinging tenaciously to these sovereign rights, it was, however, aware of its own fallibility, ready to repent of its hasty impulses, and to punish those by whom it had been led astray; and as has been remarked under AREIOPAGUS, the only real restraint upon its actions during the last century of free Athens was the PARANOMON GRAPHÉ.

(Authorities under BOULÉ; Schömann, *Antiq.* i. 379–400, E. T.; Gilbert, *Staatsalterth.* i. 268–295; Perrot, *Essai sur le Droit Public d'Athènes*, pp. 37 ff., 220 ff.) [R. W.] [W. W.]

ECCLE'TI (ἔκκλητοι) was the name of an assembly at Sparta (only in Xen. *Hell.* ii. 4, § 38; v. 2, § 33; vi. 3, § 3). The same writer mentions, once only, a "Small Ecclesia" (ἡ μικρὰ καλουμένη ἐκκλησία, *Hell.* iii. 3, § 8). That the constitution of these bodies should be involved in much doubt is not surprising, considering how little is known of the popular assembly, whose very name is uncertain. It is usual to call it ἁλία, which was elsewhere the name for assemblies of the governing class in the Dorian states, but is only applied to that of the Spartans in a single passage of Herodotus (vii. 134). The Attic writers do not trouble themselves to give the technical term (ξύλλογον σφῶν αὐτῶν ποιήσαντες τὸν εἰωθότα, Thucyd. i. 67; but in ch. 87 and in Xen. *Hell.* v. 2, § 11, it is ἐκκλησία, as at Athens). There is reason to think that the native name was ἀπέλλα. In the so-called ῥήτρα of Lycurgus (Plut. *Lyc.* 6) we find ὥρας ἐξ ὥρας ἀπελλάζειν μεταξὺ Βαβύκας τε καὶ Κνακιῶνος: this is explained to mean that the assembly was to be held every month at the time of full moon (so the Schol. on Thucyd. i. 67), between two points on the course of the Eurotas which marked the northern and southern limits of the capital. We have, besides, the glosses in Hesychius: Ἀπελλάζειν· ἐκκλησιάζειν· Λάκωνες. Ἀπέλλαι· σηκοί, ἐκκλησίαι, ἀρχαιρεσίαι: and μεγάλαι ἀπέλλαι in two late inscriptions found at Gythium (Le Bas, *Voyage Archéologique*, inscrr. 242, 243). Schömann remarks that ἀπέλλα, like ἁλία, is probably connected with ἀολλής (root *Fείλω*); the *F* being hardened into π. But Gilbert is hitherto the only writer who has gone so far as to put "The Apella" at the head of a chapter on this branch of the Spartan constitution.

The Small Ecclesia is mentioned only on the occasion of the conspiracy of Cinadon: the ephors, in the alarm of the discovery, "did not even summon the so-called μικρὰ ἐκκλησία, but only such stray members of the Gerusia as could be collected" (τῶν γερόντων ἄλλος ἄλλοθι). Gilbert holds that it was composed of the kings, ephors, and senators (cf. Grote, ch. 73, vi. 407): but ἐκκλησία is hardly the word for a body of official persons only; the distinction between βουλή, *consilium*, and ἐκκλησία, *concilium*, runs all through Greek life. We prefer to regard it, with Schömann, as an assembly either of the ὅμοιοι then present in Sparta, or possibly of only some portion of them, as, *e. g.* those most advanced in years. It must clearly have represented the exclusive and conservative elements in the Spartan constitution, not the ὑπομείονες or inferior citizens, in whose interest Cinadon was conspiring.

The ἔκκλητοι themselves are involved in no less obscurity; we may notice the following opinions. 1. That they were identical with the ἐκκλησία, ἁλία or ἀπέλλα (Müller, *Dorians*, iii. 5, § 10; and so Gilbert, who thinks that the word in Xenophon has no technical meaning at all). This seems to us by far the most probable. 2. That they were identical with the Small Ecclesia in the sense here adopted, *i.e.* an assembly of the ὅμοιοι only (L. Schmitz, in the former editions of this work). This also is not without plausibility: neither body is mentioned until the period after the Peloponnesian war, when the distinction between the citizens *optimo jure* and the other enfranchised classes had widened into a breach (cf. Thirlwall, iv. 372 ff.). 3. That they were exactly the converse of what the last theory makes them, *i.e.* Spartans *not* belonging to the ὅμοιοι, and only entitled to attend the assembly when "specially invited." Schömann advances this view somewhat doubtfully, adding that the word "may also be explained in a different way" (apparently no. 1). But in all the three passages where the name ἔκκλητοι occurs the circumstances are such that it is very unlikely that the ὅμοιοι would have been passed over and their inferiors consulted; and we must reject this explanation. 4. The rendering in Liddell and Scott's Lexicon, "a committee of citizens chosen to report on certain questions," is quite compatible with Gilbert's view that the word is not really used in a technical sense. (Schömann, *Antiq.* i. 234–236, E. T.; Gilbert, *Staatsalterth.* i. 53–56.) [W. W.]

E'CDICUS (ἔκδικος), the name of an officer in many of the towns of Asia Minor under the Roman dominion. The word is translated in the ancient glossaries by *cognitor*, "agent" or "attorney." The ecdicus was the agent of a city in its foreign business and its relations with the central government, and especially in prosecuting its claims against debtors. In Cicero's time the office seems to have been occasional, and something like that of an ambassador; but Cicero says that if ecdici are sent from Mylasa to Rome instead of legati, more business will be done (*ad Fam.* xiii. 56). Under the empire the office was placed on a permanent footing (Plin. *Ep.* x. 111). An inscription at Cibyra is in honour of a man who had gone four times as ambassador to Rome at his own expense, and brought many important public suits to a successful issue (ἐγδικήσαντα δημοσίας ὑποθέσεις πολλὰς καὶ μεγάλας, Waddington, No. 1212). The DEFENSOR CIVITATIS of the later empire was also called ἔκδικος in Greek. (Marquardt, *Staatsverw.* i. 214.) [W. S.] [W. W.]

E'CDOSIS. [FENUS.]

EKECHEI'RIA (ἐκεχειρία). [HIEROMENIA.]

ECHI'NUS (ἐχῖνος), the hedgehog or sea-urchin, the name of things having a similar shape. 1. A pot or pitcher (Hesych. *s. v.*; Pollux, vi. 91; Hor. *Sat.* i. 6, 117, ii. 8, 52).

2. The casket, probably of a cylindrical shape, in which documents were sealed up between the ἀνάκρισις and the trial [DIKÉ, p. 630 *a*].

3. In Doric architecture, the ovolo or convex part of the capital immediately beneath the abacus (Vitruv. iv. 3 and 7). See illustrations, pp. 3 *a*, 490. [W. W.]

E'CLOGEIS (*ἐκλογεῖς*), Athenian collectors of taxes, were of two kinds. 1. Ordinary, who collected the *εἰσφορὰ* under the *ἡγεμόνες τῶν συμμοριῶν* (Westermann, *ap.* Pauly, *s. v.* *ἐκλογεῖς*, Harpocrat., Suid.): called also *ἐκλέγοντες*, Dem. *c. Timocr.* p. 713, § 40; 745, § 144. This was an *ἀρχὴ κληρωτή*, for which no property qualification was required (Dem. *c. Androt.* p. 608, § 48) [EISPHORA]. 2. Extraordinary, appointed when the tribute (*φόρος*) of the allies fell into arrears, to supplement the action of the Hellenotamiae, its regular administrators: these were chosen (*ᾑρέθησαν*) from the richer classes only, as an *ἀρχὴ χειροτονητή* (Antiph. *fr.* 52, Blass; Lys. *fr.* 5 Bekk.=9 Scheibe [both these in Harpocration]; Bekk. *Anecd.* 245, 33; *C. I. A.* i. 38). This inscription dates from B.C. 446, and is thought to allude to their first appointment; before that year only slight traces of the enforcement of arrears occur. The Athenian power on land had just been curtailed by the loss of Boeotia (447); and they made up for it by a harsher exercise of their maritime empire. (Boeckh, *P. E.* p. 156=*Sthh.*^{3} i. 190; U. Köhler, *Urkunden und Untersuchungen zur Geschichte des delisch-attischen Bundes*, pp. 132–3; Gilbert, *Staatsalterth.* i. 398.) [W. W.]

ECMARTY'RIA (*ἐκμαρτυρία*) signifies the deposition of a witness, who, by reason of absence abroad, or illness (*ὑπερορίου καὶ ἀδυνάτου*, Lex *ap.* Dem. *c. Steph.* i. p. 1131, § 9), was unable to attend in court. His statement was taken down in writing, in the presence of persons expressly appointed to receive it, and afterwards, upon their swearing to its identity, was read as evidence in the cause. They were said *μαρτυρεῖν τὴν ἐκμαρτυρίαν*: the absent witness, *ἐκμαρτυρεῖν*: the party who procured the evidence, *ἐκμαρτυρίαν ποιεῖσθαι*. It was considered as the testimony of the deponent himself, not that of the certifying witnesses, and therefore did not come within the description of hearsay evidence, which (except the declaration of a deceased person) was not admissible at Athens [AKOÈN MARTYREIN, p. 94]. The deponent (like any other witness) was liable to an action for false testimony if the contents of the deposition were untrue, unless he could show that it was incorrectly taken down or forged, in which case the certifying witnesses would be liable. Therefore (Isaeus tells us) it was usual to select persons of good character to receive such evidence, and to have as many of them as possible. An *ἐκμαρτυρία* was allowed to a witness about to start on a journey, if he could not conveniently wait (Isae. *Or.* 3 [*Pyrrhus*], § 20). The form of *ἐκμαρτυρία*, or what purports to be such, occurs Dem. *c. Lacrit.* p. 929, § 20; 934, § 34. (Isae. *Or.* 3 [*Pyrrhus*], §§ 20–27; Dem. *c. Steph.* i. pp. 1130, 1131, §§ 7, 8; Aeschin. *de F. L.* § 19; Harpocrat. *s. v.*; *Att. Process*, p. 670=879 Lips.) [C. R. K.] [W. W.]

E'CPHORA. [FUNUS.]

ECPHYLLOPHO'RIA. [BOULÉ, p. 310 *a*.]

E'CTYPUS (*ἔκτυπος*), properly an adjective, "formed in a mould" (*τύπος*, *forma*), or "wrought in high relief," thus distinguished from *ἀνάγλυφος*, "in low relief" [ANAGLYPHA]. Hence (1) the subst. *ectypum*, a cast in plaster or terra-cotta, which presents the objects in relief (Plin. *H. N.* xxxv. § 152). The accompanying examples are from a terra-cotta and mould in the British Museum. (2) *Ectypa gemma* (Senec. *de Benef.* iii. 26) or *scalptura* (Plin. *H. N.* xxxvii. § 173), an engraved stone cut in relief, now called a *cameo* (Rich, *s. v.*; Guhl and Koner, ed. 5, p. 233). [W. W.]

Ectypum. (British Museum.)

ECU'LEUS, less correctly EQUULEUS, an instrument of torture commonly used at Rome in extracting evidence from slaves. It was a wooden horse, as the name implies, on which the sufferer was mounted and then stretched or racked with weights or pulleys (*eculeo longior factus*, Sen. *Ep.* 67, § 3, almost the only phrase that tells us anything of its nature). Rich (*s. v.*) thinks that the infliction consisted in being seated on a sharp point, as in impalement; a form of cruelty not unknown in recent times, of which he gives a specimen. Very little is really known about this and all other engines of torture among the Greeks and Romans. It is well remarked by Rich that "their artists never depicted scenes calculated to awaken painful emotions"; and it may be added that their writers allude to this dark side of life only in the most general terms; a striking contrast to the realistic descriptions and ghastly illustrations of many modern works. Cicero says that slaves accused of murder might expect the eculeus at the trial, the *crux* on conviction (*pro Mil.* 21, § 57; 22, § 60). Seneca mentions as the usual modes of torture, *fidiculae*, *talaria* (sc. *flagella*, the *μάστιγες ἀστραγαλωταὶ* of the Greeks), *eculeus* and *ignis* (*de Ira*, iii. 19, § 1). (Marquardt, *Privatleben*, 180. Compare FIDICULA, FLAGELLUM; the legal aspect under TORMENTUM.) [W. W.]

E'DERE ACTIO'NEM. [ACTIO.]

EDICTUM. The *jus edicendi*, or power of issuing edicts—public and authoritative notices on matters which fell within their jurisdiction, or formed part of their official business—belonged to all the higher magistrates at Rome. The censors published edicts relative to a coming census (Liv. xxxix. 44; cf. Plin. *H. N.* xiv. § 95, xxxvi. § 4): the consuls thus summoned the senate and the comitia. Cicero (*in Verr.* ii. 41) mentions an edict of the tribunes connected with their right of "intercession;" and the edicts of the aediles, which are alluded to by Plautus (*Capt.* iv. 2, v. 43) and Cicero (*de Off.* iii. 17), had an important influence on the law of sale. Gaius tells us (i. 6) that the aedilician jurisdiction was exercised in provinces of the Roman people by quaestors, but that there were no such quaestors in the provinces of the emperor. Such magisterial edicts, so long as they remained in force, were reckoned an integral part of the law of Rome, among the sources of which they are enumerated (*e.g.* Cic. *Top.* 5; Gaius, i. 2): they are said (Dig. 44, 7, 2) to constitute the *jus honorarium* as distinct from the *jus civile*, because their authors were invested with the *honores* or higher magistracies. But the edicts of which we hear most are those of the praetors ("amplissimum jus est in edictis duorum praetorum," Gaius, i. 6): hence *jus praetorium* and *jus honorarium* are sometimes used as equivalent and interchangeable expressions.

The term *edictum* signifies generally any public notice made by a competent authority (Cic. *in Pison.* 8; Liv. ii. 30, xxviii. 25, xxxi. 6; Tac. *Ann.* i. 7; Gell. xiii. 15; Dig. 1, 16, 4, 3; 49, 16, 4, 13), and in particular, under the republic, rules promulgated by a magistrate by writing them *in albo* and placing them, like the *leges* (Dion. Hal. iii. 36), in a conspicuous place, "unde de plano recte legi potest:" hence the edicts of the magistrates are described by Justinian (*Inst.* i. 2, 3) after Ulpian (Dig. 1, 1, 5, pr.) as part of the *jus scriptum* of Rome. It became usual for the praetor, at the commencement of his year of office, to proclaim by an edict the principles which, apart from the established rules of the *jus civile*, he intended to observe in the administration of justice; and eventually this usage developed into a constitutional obligation. Such edict was called *edictum perpetuum*, because the practice was constant and unbroken, and was contrasted with *edicta repentina* (Cic. *in Verr.* iii. 14), isolated orders which the praetor made during, and not at the commencement of, his year of office, and generally, though not always, relating to some specific case. Not unfrequently, however, a praetor acted contrary to his *edictum perpetuum* (*e.g.* Verres, Cic. *in Verr.* i. 46), or varied the rules therein stated by subsequent *edicta repentina:* but this was made illegal by a Lex Cornelia, B.C. 67 (Asconius *ad* Cic. *pro Cornelio;* Dio Cass. xxxvi. 23).

Technically speaking, no *edictum perpetuum* had validity for a longer period than its author's tenure of the praetorship, for it was upheld only by his *imperium:* hence Cicero (*in Verr.* ii. 1, 42) calls the edict *annua lex.* But it became the rule, at least as early as the time of Cicero (*de Invent.* ii. 22), for each successive praetor to adopt, in substance, the edict of his predecessor, with such additions, abrogations, and changes as he deemed expedient (Cic. *in Verr.* ii. 1, 44), such part as he adopted being called *edictum tralaticium.* In this way the edict gradually grew into a considerable and permanent body of law, the excellence of which was guaranteed by the ease with which obnoxious innovations made by one praetor could be repealed by his next successor. Edicts, formulae, and actions which were of special importance, though remaining part of the permanent edict, were commonly named after their original authors: *e.g.* Edictum Carbonianum; formula Rutiliana, Aquiliana; judicium Cascellianum; interdictum Salvianum; actio Publiciana, Pauliana, Serviana, &c.

Originally there had been but one praetor; but in 247 B.C. a second one, called *praetor peregrinus*, to distinguish him from the *praetor urbanus*, was established for the administration of justice at Rome between aliens or between aliens and Roman citizens. When the state extended her territories beyond the limits of Italy, new praetors were created to act as governors of the new provinces for short terms of years: in the time of Julius Caesar they numbered altogether sixteen. All of these praetors issued annual edicts, and those of the praetors urbanus and peregrinus at any rate were handed on from year to year, and thus were in point of fact permanent and constantly growing bodies of law. The edict of the praetor peregrinus is commonly represented as consisting of rules which he found were practically acknowledged as binding by all the Italian peoples with whom Rome had any dealings, whence the Romans are supposed to have first got the conception of a *jus gentium:* but other writers hold that even at this time the Roman law consisted of two portions—one purely indigenous and peculiar to the race, the other common to the other Italian tribes, and that the latter part was applied by the praetor peregrinus in adjudicating on suits in which at least one party was an alien. The edicts issued by the praetors who governed provinces, and who under the empire got the name of *praesides*, were termed *edicta provincialia:* some parts of them appear to have been handed on from governor to governor (Cic. *ad Fam.* iii. 8; *ad Att.* v. 21), others to have been taken from the *edictum urbanum* (Cic. *in Verr.* ii. 1, 46; 3, 65): in cases not otherwise provided for Cicero proclaimed, when a provincial governor, that he would follow the perpetual edict of Rome (*ad Att.* vi. 1).

It is, however, the urban edict which is of the greatest importance and interest, because it was binding on Roman citizens *inter se*, and therefore alone formed part of the Roman law in the strictest sense of the term. Many of the most considerable rules and legal doctrines which it established had been developed before the time of Cicero (*in Verr.* i. 44): for instance, the doctrine of *bonorum possessio* or praetorian inheritance; the system of bankruptcy execution, known as *venditio* or *emptio bonorum:* and the theory of possession as distinct from ownership (*dominium*) protected by special praetorian remedies of its own [INTERDICTUM]. Indeed, in Cicero's time (*de Legg.* i. 5; ii. 23) the edict was regularly read in the course of legal study, and the jurists who were his contemporaries had begun to comment on it in lieu of the Twelve Tables and other early statutes of the republican period. Under the early empire it continued to receive, year by year, fresh development from the hands of successive praetors, though owing to the practical curtailment of their authority by the imperial power their activity in this direction seems to have diminished; the necessary additions and alterations in the law being made rather by direct legislation, and changes being effected in the edict principally in order to accommodate the system of procedure to the new rights and duties which that legislation created. It may easily be believed that, when neither comitia nor senate ventured to enact a statute unless it was initiated by the emperor personally or with his assent, a magistrate would have hesitated to repeal, alter, or extend the law with the boldness and independence which had been usual under the free republic.

The year 131 A.D. was a notable one in the history of the *jus praetorium*. The Emperor Hadrian then issued, through Salvius Julianus, praetor designate (Eutrop. viii. 17), a revised edition of the *edictum urbanum*, combining with it the edict of the aedile (Theoph. i. 2, 7: "Const. omnem reipub." § 4), and probably also that of the praetor peregrinus and parts of the *edicta provincialia*. This, which was arranged according to subjects in Titles, was called the "edictum perpetuum" *par excellence*, and was published with the force of law for the whole empire, so that the *jus honorarium* from this time onward had statutory validity, instead of depending on an annual re-enactment. Henceforward, too, though the magistrates in constitutional theory retained their *jus edicendi*, the old practice, according to which each praetor issued an *edictum perpetuum* at the commencement of his year of office, was abandoned. The jurists after Hadrian regard the edict of their own time as something permanent and unalterable except by the action of the emperor: and Hadrian himself evidently directed that any defect which might subsequently be discovered in the law should be supplied by imperial legislation (Justinian in Const. "tanta" de confirm. Digest. § 18). This codification of the edicts seems to have been in some way connected with another reform of Hadrian's, by which he divided the whole of Italy into Rome, with its immediately surrounding territory, and four other districts: Rome and its suburbs remained under the authority of the old magistrates, and among them of the praetor, while the other districts were placed under the administration of a new class of officials, called at first *consulares*, and after M. Aurelius (A.D. 161–180) *juridici*.

The scope of the edict is described by the jurist Papinian as "adjuvandi vel supplendi vel corrigendi juris civilis gratia propter utilitatem publicam" (Dig. 1, 1, 7); its purpose was ancillary to that of the civil law, the voids in which it supplied, and in some cases mitigated its hardships even by the enforcement of a contrary rule. An example of its auxiliary operation may be seen in the cases in which it sanctioned a *lex imperfecta* (*e.g.* by the *exceptio legis Cinciae*), and in the great use made by civil-law heirs of the interdict *Quorum bonorum*, a remedy designed in origin for praetorian successors only. Of its supplementary character no better illustration can be cited than many of the classes of *bonorum possessio*, especially that given to cognates, who under the civil law had no right of intestate inheritance whatever: and in *in integrum restitutio* it is found correcting and even subverting the operation of the *jus civile*.

The precise mode in which the praetor worked through the edict is deserving of notice. Technically speaking, he had no legislative authority: but from the enactment of the Lex Aebutia (of unknown date; see LEX) he had the complete control of the courts and of the system of procedure, and this enabled him to practically alter and extend the substantive law almost as absolutely as any legislator. "If so and so happens," he proclaimed, "*judicium dabo*": and by giving an action he practically gave a substantive legal right which before had not existed. In other cases he assisted a defendant by new forms of defence (*exceptiones*), awarded possession of property under an equitable title, and protected it with interdicts, and cancelled legal rights and duties by restoring parties *in statum quo;* and in fact, by allowing or disallowing actions or other forms of legal process, he was enabled to introduce a large number of new and important legal principles. The characteristic features of the law which he thus created were its liberality and common sense. It has none of the peculiarities of the *jus civile*—formality, exclusiveness, rigidity; the vast majority of its rules are what we should call rules of equity, fitted by their very equitableness and simplicity to endure through all time. It is in fact based on the *jus gentium*, or rather on the natural sense of right, the *naturalis aequitas*, in which the Romans recognised that law's internal and generative principle, and which gave the edict such an honourable prominence among the sources of their positive law.

The juristic commentaries on the edict have been already referred to. The first of them was by Aulus Ofilius, a contemporary of Cicero. Labeo, the founder of the Proculian school of jurists, composed four books on the *edictum urbanum;* and another work of his, in thirty books, on the edict of the praetor peregrinus, is cited by Ulpian in Dig. 4, 3, 9. Gaius wrote commentaries on the edicts of both praetors and of the aedile, and there were numerous treatises on the same subject by other eminent lawyers (*e.g.* Ulpian and Paulus), besides other juristic writings not expressly on the edict, but which followed its arrangement: *e.g.* the epitome of Hermogenianus (Dig. 1, 5, 2). The result of this continuous annotation was that the commentaries obtained more authority than the edict itself, and became the basis of instruction for law students, especially those of Ulpian and Paulus. Some few fragments of the older edicts are found in the Roman writers, but it is chiefly from the works of the great jurists, as preserved in the Digest, that we know anything of the *edictum perpetuum* of Salvius Julianus, and in these the actual words of the praetor are frequently preserved. The arrangement of this great edict was to a considerable extent the basis of that of Justinian's Digest, and it was followed still more closely in the Code.

The *edicta* or *edictales constitutiones* of the emperors are mentioned under CONSTITUTIO.

(The most complete collections of the fragments of the edicts are those of Wieling, *Fragmenta Edicti Perpetui*, Franek. 1733, and of Rudorff: the latest treatise on the subject is by Lenel, *Das Edictum perpetuum*, Leipzig, 1883. Cf. also Walter, *Gesch. des röm. Rechts*, §§ 236, 312, 429, 440; Savigny, *Gesch. des röm. Rechts im Mittelalter*, ch. i. *System*, i. p. 109 ff.; Puchta, *Institutionen*, 8th ed., vol. i. pp. 184–201, 314–322; Böcking, *Institutionen*, § 16.) [J. B. M.]

EDICTUM THEODORI'CI. This is the first collection of law that was made after the downfall of the Roman power in Italy. It was promulgated by Theodoric, king of the Ostrogoths, *probably* on his visit to Rome in A.D. 500, though some authorities fix the date after 506. (Hodgkin, *Italy and her Invaders*, iii. pp. 306, 342.) It consists of 154 chapters (besides a prologue and epilogue), parts of which may be traced to the Code and Novellae of Theodosius II., to the Codices Gregorianus and Hermogenianus, and to the *Sententiae* of Paulus; and though it was doubtless drawn up by Roman writers, the original sources are more disfigured and altered than in any other compilation. Though the Ostrogothic kingdom was in point of fact quite independent of the Eastern Roman Empire, in constitutional theory it was considered part of it, the king representing the Caesar, and his army being reckoned a portion of the emperor's forces; consequently the Roman law was still held binding in Italy, for the barbarian invaders no less than for the old inhabitants. Hence the Edict of Theodoric, so far as it went, was intended as law for both nationalities: but where it had made no change in the Gothic rules, the latter were still applied to the barbarians, while the Roman law was to prevail for the Romans in those cases to which the Edictum was not applicable. Athalaric, Theodoric's grandson, who was a minor, completed his grandfather's edict by a new one: but after Narses had again united Italy to the empire of Justinian, the latter's legislation was established in Italy (A.D. 554), and the Edict of Theodoric had no longer any authority.

(This edict was first printed in the edition of Cassiodorus by Nivellius, Paris, 1579, and there is an edition by G. F. Rhon, Halle, 1816. Cf. also Von Glöden, *Das römische Recht im ostgothischen Reich*, 1843; Hänel, *Lex Rom. Visig.* 1847; Savigny, *Gesch. des röm. Rechts im Mittelalter*, ii., chap. 11; Böcking, *Institutionen*, p. 89; Puchta, *Institutionen*, 8th ed., i. pp. 386, 387. Hodgkin, *Italy and her Invaders*, iii. p. 342, gives the prologue and epilogue and an analysis of the contents of the Edict.) [J. B. M.]

EEDNA. [DOS.]

EFFRACTOR (*τοιχωρύχος*: *effractarius*, Senec. *Ep.* 68, § 4), a burglar.

As the name *τοιχωρύχος* implies, the Greek burglar sought to effect an entrance through the wall of a house rather than through the doors or windows [DOMUS, p. 660 *a*]. In Attic law he reckoned among the *κακοῦργοι* whose crimes were capital (Dem. *c. Lacrit.* p. 940, § 47; Antiph. *de Caed. Herod.* § 9; Plat. *Rep.* i. 344 B, ix. 575 B); the summary processes called *ἀπαγωγή* and *ἐφήγησις* were available against him; he is often coupled with the *λωποδύτης* (*e.g.* Aristoph. *Plut.* 165; Diphil. *fr.* 32, 14 M.), both offences being hedged in with special penalties because they were so easy to commit. The midnight terrors of a rich miser behind his flimsy walls are amusingly depicted by Lucian (*Gall.* p. 748, Reitz.). (*Att. Process*, ed. Lipsius, p. 86, n. 130, and p. 456; Thalheim, *Rechtsalterth.* p. 40; cf. KLOPES DIKÉ.)

The Romans did not shrink from capital punishments, at least under the Empire; and we may be surprised to find that the crime of *effractio* was not visited with death, as among the Greeks, and till quite lately in England. Their houses were better built than those of the Greeks, and thus they did not legislate under the influence of panic. The penalty was hard labour for life (*opus perpetuum*), and, for burglary by night, in the mines (*poena metalli*). The trial was before the Praefectus Vigilum (Sidon. Apoll. *Ep.* ix. 7; Dig. 1, 15, 1; 47, 17, 16, 5; 47, 18; 48, 19; Rein, *Criminalrecht*, p. 319, and *ap.* Pauly, *s. v.*). [W. W.]

EICO'STE (*εἰκοστή*), a custom duty of one-twentieth (five per cent.) upon all commodities exported or imported by sea in the states of the allies subject to Athens. This tax was first imposed Ol. 91, 4, B.C. 413–2, in the place of the direct tribute (*φόρος*) which had up to this time been paid by the subject allies; and the change was made with the hope of raising a greater revenue (Thucyd. vii. 28). The date 415, given by Boeckh in his first edition from which Lewis' translation is taken, was subsequently corrected by him; it was after the occupation of Decelea in the spring of 413. This tax, like so many others, was farmed, and the farmers of it were called *εἰκοστολόγοι*. It must have been more difficult to collect than the *φόρος*, and this at a time when the hold of Athens over the payers was much enfeebled; and there is good reason to think with Grote (ch. 61 *init.*, v. 312) that the change was never fully carried out. It is certain that some states continued to pay *φόρος* after 413 (Xen. *Hell.* i. 3, § 9; *C. I. A.* iv. 51). The text of Thucydides contains the unusual expression *τὴν εἰκοστὴν ἐποίησαν*, for which Badham conjectures *ἐπέθεσαν*, and Classen with more probability *ἐπέταξαν*: and Müller-Strübing regards the passage as an interpolation (*Thukyd. Forschungen*, p. 30 ff., quoted by Gilbert and Fränkel). The *εἰκοστή*, however, does not rest upon the evidence of Thucydides alone (Bekk. *Anecd.* 185, 21: *δεκάτη καὶ εἰκοστή· οἱ Ἀθηναῖοι ἐκ τῶν νησιωτῶν ταῦτα ἐλάμβανον*); and the probable conclusion is that the new arrangement took effect in some of the subject states and not in others. The *εἰκοστολόγος* at Aegina mentioned by Aristophanes (*Ran.* 363) was, in Boeckh's later view, the collector of some special tax and not of the *εἰκοστή* in lieu of *φόρος* (*Sthh.*^{3} i. 396, ii. 351): Fränkel further points out, in confirmation of this, that the island had been occupied by Athenian *cleruchi* from the beginning of the war, and could not therefore have paid *φόρος* at all. With the fall of Athens both forms of taxation of course came to an end; but both were afterwards revived, the *φόρος* under the less invidious name of *σύνταξις* [SYNTAXIS]. Within a few years of the battle of Cnidus Athenian commanders were again levying the *δεκάτη* on the Hellespont (Xen. *Hell.* iv. 8, § 27; Diod. xiii. 64), and, as we know from inscriptions very recently discovered, the *εἰκοστή* among their subject allies (*e.g.* Clazomenae, *Mittheilungen d. archäol. Institutes*, vii. 174 ff.; Thasos, *ib.* 313 ff.). On an *εἰκοστή* attributed to the sons of Pisistratus, see DECUMAE, p. 603 *a*. (Boeckh, *P. E.* pp. 325, 401 = *Sthh.*^{3} i. 395 ff., 475; Fränkel, n. 537; Gilbert, *Staatsalterth.* i. 332.) [W. S.] [W. W.]

EIREN (*εἴρην*, *ἴρην*), the third class of Spartan youth with regard to age; the series being: *παῖδες* (aged 7–18), *μελλίρανες* (18–20), *ἴρανες* (20–30). The last were distinguished again as *πρωτίρανες* or *σφαιρεῖς*, according as they were near the lower or upper limit. (Plut.

Lyc. 17; πρωτ.=οἱ περὶ εἴκοσι ἔτη παρὰ λάκωσι, Phot., Hesych. ed. Schmidt, *s. v.*; σφ.=οἱ ἐκ τῶν ἐφήβων εἰς ἄνδρας ἀρχόμενοι συντελεῖν, Paus. iii. 14, 6, and *C. I. G.* 1386, 1432, &c.) The boys and youths forming a βοῦα or ἴλα chose as their leader (βουαγόρ) the wisest and bravest of the ἴρανες (Plut. *ib.*; Xen. *Rep. Lac.* ii. 11). These leaders excepted, the ἴρανες partook with their elders of the common meal (ἀνδρεῖα). The ἰρένες mentioned as buried in a separate tomb at Plataea (Herod. iv. 85) must have been the officers of all ranks, not young men: Amompharetus, who was one of them, was in command of a λόχος (Stein *ad loc.*). (Müller, *Dorians*, ii. 315; Gilbert, *Staatsalterth.* i. pp. 68, 71; on the form of the word, see Kuhn's *Zeitschr.* viii. 53; *Philol.* x. 431; Curt. *Stud.* iv. 1, 116.) [W. S.] [J. M.]

EIRESIO'NE (εἰρεσιώνη). [Pyanepsia.]

EISAGO'GEIS (εἰσαγωγεῖς), as an Attic law-term, denotes two classes of persons. 1. In a wider sense the name was given to the ordinary magistrates when application was made to them for the purpose of bringing a cause (εἰσάγειν) into the proper court [Diaetetae; Diké]. The cause itself was tried according to its nature before arbitrators or dicasts respectively; but all the preliminary proceedings, such as receiving the accusation, getting up the case (*instruction* in the French sense), bringing into court the ἐχῖνος with the evidence taken at the ἀνάκρισις, and presiding at the actual trial, all included in the so-called ἡγεμονία δικαστηρίου, were conducted by the magistrate regularly assigned to that class of cases. Various public officers, the strategi, the logistae, &c., had the ἡγεμονία δικαστηρίου in cases specially relating to their own department: in general it belonged to one or another of the archons, or in some cases to the Eleven [Hendeka, Hoi]. Of all these magistrates the thesmothetae seem to have had the widest jurisdiction; yet there were cases which they could not take up (περὶ ὧν οὐκ εἰσὶν εἰσαγωγεῖς), and a charge brought in the wrong court might be met by an ἀντίληξις or παραγραφή (Dem. *c. Pantaen.* p. 976, §§ 33, 34; *Att. Process*, p. 30 = 45 Lips.). 2. Οἱ εἰσαγωγεῖς was also the name of particular magistrates, probably ten in number, chosen by lot to try (εἰσάγειν, see above) some sorts of ἔμμηνοι δίκαι: the δίκαι προικός, ἐρανικαὶ and ἐμπορικαὶ are specially mentioned (Pollux, viii. 93 and 101). In the words οὗτοι δὲ τὰς δίκας εἰσήγαγον πρὸς τοὺς διαιτητάς (c. 93) they are confused with the εἰσαγωγεῖς in the more general sense; as also in a gloss of Hesychius: εἰσαγωγή· ἀρχὴ Ἀθήνησιν τῶν τὰ ἐγκλήματα εἰσαγόντων. While no better evidence than this was forthcoming, it was possible, with Meier in the first edition of *Att. Process*, to doubt the existence of these special εἰσαγωγεῖς (not noticed in L. and S., ed. 7); but it is now proved by inscriptions (*C. I. A.* i. 37, 38). The former of these inscriptions is a decree of the senate, by which the εἰσαγωγεῖς are entrusted with the conduct of actions to enforce the payment of the tribute by the allies (B.C. 425–4, Stratocles archon): in the latter, ἐπιμεληταὶ are associated with them for the same purpose. [Emmenoi Dikai.] The name εἰσαγωγεῖς must have been somewhat widely diffused, as it appears at Ephesus in Roman times; see an inscription of the year 83 B.C., published by Wood, *Discoveries at Ephesus*, 1877, App. viii. 1. (Gilbert, *Staatsalterth.* i. 358; Lipsius, *Att. Process*,^{2} p. 94; Thalheim, *Rechtsalterth.* pp. 97, 137.) [W. S.] [W. W.]

EISANGE'LIA (εἰσαγγελία) signifies, in its primary and most general sense, a denunciation of any kind (Schömann, *Assemblies*, p. 181), as in Lys. *c. Agorat.* 50, 56, etc. The word εἰσαγγέλλειν first occurs in the psephisma about the ἀπαρχαί (soon after the year 446), published by Foucart, *Bull. de Corresp. hellén.* 1880, p. 225 ff., and Sauppe, *Attica et Eleusinia.* In the language of the Attic courts, however, it has been peculiarly applied to three classes of causes (Harpocr. *s. v.* εἰσαγγελία), which we shall discuss one after another. Of the first of these (ἐπὶ δημοσίοις ἀδικήμασι μεγίστοις καὶ ἀναβολὴν μὴ ἐπιδεχομένοις), two definitions are given in the *Lex. Rhet. Cantabr.* p. 667, 12 ff., side by side, ascribed to Caecilius and Theophrastus (cf. *Journ. of Philol.* vi. p. 2) respectively, which in Pollux, viii. 51, and Harpocr. *s. v.*, are somewhat mixed up. According to Caecilius, it was directed κατὰ καινῶν καὶ ἀγράφων ἀδικημάτων: according to Theophrastus, against certain specified crimes, practically the same which Hypereides (*pro Eux.* 22) quotes from the νόμος εἰσαγγελτικός. These two definitions refer in Fränkel's opinion (*Att. Geschworenger.* p. 77) to two periods, viz. that of Caecilius to the time before Eucleides and that of Theophrastus to the time following, so that under this archonship the crimes were specified by law which could be proceeded against by eisangelia, and the form of procedure was regulated; but when in the trial of Antiphon etc., he points out (p. 86) as an essential deviation from the later procedure the fact that the senate referred the case at once to a court, without first submitting it to the popular assembly, he must have overlooked [Dem.] *c. Euerg.* p. 1152, § 43, and *c. Frumentar.*, the case against the corn-dealers in Lys. *Or.* xxii.

Hypereides quotes three classes of crimes as specified in the νόμος εἰσαγγελτικός, without giving always the exact wording of the section of the law: 1st, ἐάν τις τὸν δῆμον τὸν Ἀθηναίων καταλύῃ ἢ συνίῃ ποι ἐπὶ καταλύσει τοῦ δήμου ἢ ἑταιρικὸν συναγάγῃ (cf. Isocr. *de Big.* 6; Dinarch. *c. Dem.* 94). 2nd, ἢ ἐάν τις πόλιν τινὰ προδῷ ἢ ναῦς ἢ πεζὴν ἢ ναυτικὴν στρατιάν (cf. Hyper. *pro Eux.* 18; Schol. Aeschin. *c. Tim.* 56). To this add from Theophr. and Pollux: ἢ ἐάν τις εἰς τοὺς πολεμίους ἄνευ τοῦ πεμφθῆναι παρὰ τοῦ δήμου ἀφικνῆται ἢ μετοικῇ παρ' αὐτοῖς ἢ στρατεύηται μετ' αὐτῶν ἢ δῶρα λαμβάνῃ παρ' αὐτῶν (cf. Ps. Plut. *Vitt. X. Orat.* p. 833 E; Lyc. *c. Leocr.* § 59; Hyp. *pro Lyc.* fr. 2 (p. 23 Bl.), ἢ νεωρίων προδοσίαν ἢ ἀρχείων ἐμπυρισμὸν ἢ κατάληψιν ἄκρας (εἰσαγγέλλειν χρή, Meier) and Alciphr. i. 32). 3rd, ἢ ῥήτωρ ὢν μὴ λέγῃ τὰ ἄριστα τῷ δήμῳ τῷ Ἀθηναίων χρήματα λαμβάνων. To this add from Hyp. *pro Eux.* c. 39, καὶ δωρεὰς παρὰ τῶν τἀναντία πραττόντων τῷ δήμῳ τῷ Ἀθηναίων (cf. 18). Lipsius concludes from the wording of Hypereides (23, τὰ μὲν ἄνω τοῦ νόμου—τὸ δὲ τελευταῖον τοῦ νόμου), that none of the sections of the law was altogether omitted by him, although each may not be given in its complete form, whilst others are of opinion that Hypereides only quoted the law as far as the passage applying to the case in hand. Certain it is that other crimes besides those given above could be proceeded against by eisangelia, not only by taking terms like *κατάλυσις* etc. loosely, as when the adulterer Lycophron was proceeded against by an *εἰσαγγελία καταλύσεως*,—bitterly does Hypereides complain of the gross abuse made of eisangelia in this way (*pro Eux.* 19)—but we learn from an inscription (from the year 324–3, Boeckh, *Seeurkunden*, p. 540) that eisangelia could be resorted to *ἐάν τις ἀδικῇ περὶ τὰ ἐν τοῖς νεωρίοις* (this section of the law is applied by a decree of the senate to a particular case; see also [Dem.] *c. Euerg.* p. 1151, § 41); and from Dem. *c. Phorm.* p. 922, § 50, and Lys. *c. Frumentar.*, it is very probable that it was also directed against offences committed against the commercial laws (cf. the eisangelia against Pytheas, *περὶ τῶν κατὰ τὸ ἐμπόριον*, Dinarch. vi.); besides, the law which speaks of eisangelia as applying to *ἐάν τις τὸν δῆμον ὑποσχόμενος ἐξαπατήσῃ* (Dem. *de fals. Leg.* p. 374, § 103, and *c. Timoth.* p. 1204, § 67) is mentioned as *ἀρχαῖος νόμος* (Dem. *c. Lept.* p. 498, § 135); or may this clause, as well as the one directing eisangelia against sycophants (Isocr. *Antid.* § 314; *Lex. Rh. C.* s. v.), be taken as belonging to the third section of the *νόμος* as above quoted? See also Antiph. *de Choreut.* § 35 (*κλοπῆς δημοσίων χρημάτων*); Lys. *c. Nicom.*; Aeschin. *c. Ctes.* § 3; Dem. *de Reb. in Chers.* p. 96, § 28; and *C. I. A.* ii. 65.

Eisangeliae could be laid before the senate or the popular assembly. In the former case the accuser laid his information in writing (also called *εἰσαγγελία*, Lyc. *c. Leocr.* 34, 137; Hyp. *pro Lyc.* 3, 4; *pro Eux.* 39 ff.; cf. Plut. *Alcib.* 22) before the prytanes, who reported to the senate on the case (Lys. c. *Frum.* 2, *ἐπειδὴ οἱ πρυτάνεις ἀπέδοσαν εἰς τὴν βούλην περὶ αὐτῶν*). No summons was issued to the person accused (Lycophron was abroad when information was laid against him, Hyp. *pro Lyc.* 3). The senate had a discretionary power to accept or reject (Lys. *c. Nicom.* 22); if they accepted the information, the accused was arrested if necessary (but see Hyp. *pro Eux.* 19, *ἦν σπάνιον ἰδεῖν ἀπ' εἰσαγγελίας τινὰ κρινόμενον ὑπακούσαντα εἰς τὸ δικαστήριον*, and *Journ. of Philol.* iv. p. 108), and in case of a charge of high treason not released, even if he offered to find sureties (in the oath of the senators was the phrase: *οὐδὲ δήσω Ἀθηναίων οὐδένα, ὃς ἂν ἐγγυητὰς τρεῖς καθιστῇ τὸ αὐτὸ τέλος τελοῦντας, πλὴν ἐάν τις ἐπὶ προδοσίᾳ τῆς πόλεως ἢ ἐπὶ καταλύσει τοῦ δήμου συνιὼν ἁλῷ*, Dem. *c. Timocr.* p. 745, § 144; cf. Schol. Aristoph. *Eccl.* 1089, *κατεχόμενον ἐκατέρωθεν ἀπολογεῖσθαι τὸν κατ' εἰσαγγελίαν κρινόμενον*).

The next step is described in [Dem.] *c. Euerg.* p. 1151, § 41, as *τοὺς πρυτάνεις προγράφειν τὴν κρίσιν ἐπὶ δύο ἡμέρας*: i.e. on the first day, after both parties had been heard, the senate gave their verdict by secret ballot, whether the defendant was guilty or not; and, if he was found guilty, the senate voted on a second day by show of hands (*διαχειροτονεῖν*) on the question whether they should sentence him to a fine of 500 drachmas which it was competent for them to impose, or hand him over to a court. In the latter case the secretary of the prytanes had to deliver the sentence (*ἡ κατάγνωσις*) of the senate to the thesmothetae, who possessed the *ἡγεμονία τοῦ δικαστηρίου* on such occasions (Pollux, viii. 87; Ps. Plut. p. 833 E), and had to bring the case for trial as soon as possible: if that was not done within thirty days after the arrest, it fell to the Eleven to bring the case before the court, according to the *νόμος* in Dem. *c. Timocr.* p. 720, § 63. The number of dicasts was 1000 (*κατὰ Σόλωνα*, Poll. viii. 53), and later on 1500 (*κατὰ τὸν Φαληρέα*: cf. *Lex. Rhet. Cant.* s. v. *εἰσαγγελία*); in the trial of Pistias, 2,500 (Dinarch. *c. Dem.* § 52). Schömann (*Assemblies*, p. 203) concluded from the fact of there being no mention of a *praejudicium* in the decree regarding the trial of Antiphon etc., that when the alleged offence was of such a nature as obviously to be beyond the competency of the senate, a decree was drawn up immediately. Lipsius, on the other hand, suggests that the senate was authorised by the popular assembly to direct this trial, as in *C. I. A.* i. 59, l. 39 ff. In some instances belonging to the time before Eucleides, the senate referred eisangeliae to the popular assembly (Xen. *Hell.* i. 7, 3; Isocr. *de Big.* 6). Eisangeliae might also be laid directly before the people at the first assembly of every prytany, which was called *κυρία* (Pollux, viii. 95, etc.), but not, as he says (viii. 87), through the thesmothetae (cf. Boeckh, *Kl. Schriften*, v. p. 163); and after the accuser and the defendant had spoken, the people voted on the question whether the information should be accepted or rejected. If it was accepted, the senate was commissioned to make a *προβούλευμα* for the trial (Xen. *Hell.* i. 7, 7, *τὴν βουλὴν προβουλεύσασαν εἰσενεγκεῖν. ὅτῳ τρόπῳ οἱ ἄνδρες κρίνοιντο*: *C. I. A.* ii. 65); the popular assembly could either sit in judgment on the case itself (as happened frequently in the time before Eucleides, and only in isolated instances after that year), or refer it to a Heliastic court (as in the case of Lycophron, *Hyp.* 3; cf. Dem. *c. Phorm.* p. 922, § 50, and Aristoph. *Vesp.* 590 ff., *ἔτι δ' ἡ βουλὴ χὠ δῆμος ὅταν κρῖναι μέγα πρᾶγμ' ἀπορήσῃ, ἐψήφισται τοὺς ἀδικοῦντας τοῖσι δικασταῖς παραδοῦναι*). If the popular assembly undertook the trial itself, the proceedings were probably the same as those described by Xenophon (*Hell.* i. 7, 9) on the occasion of the trial of the generals: a psephisma prescribed the form of the trial and the penalty upon conviction (*θανάτῳ ζημιῶσαι καὶ τοῖς ἕνδεκα παραδοῦναι καὶ τὰ χρήματα δημοσιεῦσαι, τὸ δ' ἐπιδέκατον τῆς θεοῦ εἶναι*). On that particular occasion the people gave their verdict by ballot, two urns being assigned to each tribe for that purpose; but from the use of *καταχειροτονεῖν* in other passages (*e.g.* Lys. *c. Philocr.* 2; Dem. *de fals. Leg.* p. 350, § 31, etc.) it seems probable that this was not invariably the rule. What happened when the popular assembly decided to refer the trial to a Heliastic court, may be learnt from the cases of Archeptolemus, Onomacles, and Antiphon. The senate authorised by the people passed a decree which directed that the accused should be arrested, that the thesmothetae should summon them on the day following the issue of the decree, and bring the cases into court on the day fixed in the summons; that the generals, assisted by such *συνήγοροι*, not more than ten in number, as they might choose from the senate, and by any other person that might wish to join them, should prosecute them for treason, and that the court should deal with those found guilty *κατὰ τὸν νόμον ὃς κεῖται περὶ τῶν προδόντων*. Ps. Plut. p. 834 A quotes also the judgment of the court. Since Onomacles is not included in it, nor mentioned by Lys. c. *Eratosth.* 67 (the author of the life (2) of Thucydides deserves no credit in the face of such evidence), he was probably acquitted; if he had fled, as Grote (vii. p. 326) suggests, he would have been condemned to death, etc., along with the others (cf. Dion. Halic. *de Dinarch.* 3, *τῶν δὲ εἰσαγγελθέντων τοὺς μὲν οὐχ ὑπομείναντας τὴν κρίσιν ἀνεθανάτωσαν τῇ ψήφῳ*). No direction as to penalty was needed, when that was fixed by law (probably from the middle of the 4th century: see the trial of Cephisodotus in 359 B.C., *πέντε ταλάντοις δ' ἐζημιώσατε, τρεῖς δὲ μόναι ψῆφοι διήνεγκαν τὸ μὴ θανάτου τιμῆσαι*, Dem. c. *Aristocr.* p. 676, § 167; Schol. Aeschin. c. *Ctes.* 51, 52), viz. death and refusal of burial in Attic territory (*Journ. of Philol.* iv. p. 105, and viii. 1 ff.): nor are *συνήγοροι* as representatives of the people before the court ever mentioned in the 4th century; for those in the speeches of Hypereides are clearly selected by the accusers themselves (*pro Lyc.* 15, and *pro Eux.* 46). As to the penalty in the event of the accuser not obtaining the votes of as many as a fifth of the dicasts, the grammarians disagree: Harpocration speaks of a fine of 1000 drachmas, and adds, *τὸ δὲ παλαιὸν καὶ οὗτοι μειζόνως ἐκολάζοντο*: the *Lex. Cant.* (p. 677, 12) has simply *οἱ δικασταὶ τιμῶσιν*; Pollux quotes Hypereides to show that the accuser was *ἀκίνδυνος*, and adds Theophrastus' statement (*περὶ νόμων*, fr. 8; *Journ. of Philol.* vi. p. 2 and 14 ff.) that a fine of 1000 drachmas was imposed. The facts of the case are that the accuser was at one time *ἀκίνδυνος* (Hyp. *pro Lyc.* 7 and 10), but that this impunity was discontinued (probably *διὰ τοὺς ῥᾳδίως εἰσαγγέλλοντας*, Pollux, *l. l.*); and the prominent mention by Demosthenes (*de Cor.* p. 310, § 250) of the fact of his accusers (in the period following the disaster of Chaeroneia) having not received *τὸ μέρος τῶν ψήφων, i.e. τὸ πέμπτον μέρος*, clearly shows that it had become a matter of importance to obtain the fifth part, that otherwise the accusers subjected themselves to a penalty, viz. 1000 drachmas; cf. Lycurg. c. *Leocr.* 3 (*Att. Process*, ed. Lipsius, pp. 312–329).

Of the two other classes of causes which equally bore the name of eisangelia, the former consists of cases of alleged *κάκωσις*, *i.e.* wrong done to orphans (Isae. *Hagn.* 15), heiresses (Isae. *Pyrrh.* 46; Dem. c. *Pantaen.* p. 980, 46, and fr. 5=Poll. viii. 53), and widows *ὅσαι μένουσιν ἐν τοῖς οἴκοις τῶν ἀνδρῶν τῶν τεθνηκότων φάσκουσαι κυεῖν*, Lex *ap.* [Dem.] c. *Macart.* p. 1076, § 75: not to parents, as Schömann (*Assemblies*, 181) supposed, Harpocration's definition *ἐπὶ ταῖς κακώσεσιν* being too wide (cf. *Att. Proc.* ed. Lipsius, p. 358, n. 443). Upon such occasions the informer (any Athenian citizen might undertake the accusation, Harpocr. *s. v.* *κακώσεως*) laid his indictment before the archon, if the aggrieved persons were of a free Attic family; or before the polemarch, if they were resident aliens. The peculiarities of this kind of cause were, that the informer and the defendant were not limited as to time in their speeches before the court (*ἄνευ ὕδατος*), and that the informer incurred no penalty whatever upon failing to obtain a verdict (*οὔτε γὰρ ἐπιτίμιον ταῖς πρὸς τὸν ἄρχοντα εἰσαγγελίαις ἔπεστιν, οὐδ' ἐὰν μηδεμίαν τῶν ψήφων οἱ εἰσαγγείλαντες μεταλάβωσιν, οὔτε πρυτανεῖα οὔτε παράστασις οὐδεμία τίθεται τῶν εἰσαγγελιῶν ἀλλὰ τοῖς μὲν διώκουσιν ἀκινδύνως εἰσαγγέλλειν ἔξεστι, τῷ βουλομένῳ*, Isae. *de Pyrrh. her.* § 47: cf. Dem. c. *Pantaen.* p. 980, § 46; *Att. Proc.* p. 332 f.). With respect to the accused it is obvious that the cause must have been *τιμητός*, *i.e.* that the court would have the power of fixing the amount of penalty upon conviction; *ἔσχαται τιμωρίαι*, Isae. *de Pyrrh. her.* § 47, *ἐκινδύνευεν ἂν περὶ τοῦ σώματος* (*i.e. περὶ τῆς ἐπιτιμίας*, Meier, *de Bon. Damn.* p. 143, n. 468) *καὶ τῆς οὐσίας ἁπάσης*, 62, cf. *de Hagn. her.* 35, and Dem. c. *Pantaen.* p. 981, § 49. (*Att. Process*, p. 359, n. 449; Schömann on Isaeus, *de Pyrrh. her.* p. 62.)

The third kind of eisangelia was available against *διαιτηταί*. Our information on this subject is very limited: Harp. *εἰ γάρ τις ὑπὸ διαιτητοῦ ἀδικηθείη, ἐξῆν τοῦτον εἰσαγγέλλειν πρὸς τοὺς δικαστὰς καὶ ἁλοὺς ἠτιμοῦτο* (cf. Schol. Plat. *Legg.* xi. p. 926 D; Bekk. *Anecd.* 235; and Pollux, viii. 126, *καὶ ἀτιμία ἀφώριστο τῷ μὴ δικαίως* (Meier, *d. Privatschiedrichter*, etc., p. 15, *διαιτήσαντι*) and Dem. c. *Mid.* p. 542, § 86 ff.). In Hudtwalcker's opinion (*ü. d. Diäteten*, p. 24 ff.) the *διαιτηταὶ* had to meet annually in the last month but one, probably in the market-place in front of the senate-house, to be at hand in case a person wished to complain of a verdict given by any one of them (a kind of *εὔθυναι*, but see *Att. Process*, p. 260, n. 159); such a complaint was called eisangelia. To this class belonged the complaint of Midias, which was laid before the senate (*πρυτανεύοντα* H. explains president of the senate). Against this interpretation Lipsius urges that the words *τὴν τελευταίαν ἡμέραν τῶν διαιτητῶν* and *ἐκβάλλει* point to Straton as still in office. The correct explanation of the passage is given by Bergk (*Zeitschrift. f. Alterth.* 1849, p. 273 ff.); he shows that the *διαιτηταὶ* were a properly constituted body under the presidency of prytanes, and had the power of expelling a member for misconduct (as the senate of 500 and the Areiopagus possessed over their respective members). This happened in Straton's case: Midias laid an information against him before the *διαιτηταὶ* at their last meeting (B. alters rather needlessly in Harp. *πρὸς τοὺς διαιτητὰς* to *πρὸς τοὺς δικαστὰς*, and interprets *ἡμέραν εἰς ἥν*, etc. "meeting"), which was not numerously attended, without having informed Straton of his intention, and induced the chairman (of the *διαιτηταί*), in the absence of Straton, to have the case decided by the vote of those present; the result was that Straton was expelled (*ἐκβάλλει*) and became *ἄτιμος*, and this verdict was confirmed by the dicasts on appeal (p. 543, § 91). (Fränkel, p. 73 n.; *Att. Process*, ed. Lipsius, pp. 333 and 1013.) [H. H.]

EISITE'RIA (*εἰσιτήρια*), sc. *ἱερά*, sacrifices offered upon entrance into office; according to Suidas (*s. v.*) upon the first day of the new year, which accordingly was kept as a holiday. Besides the higher magistrates, the senate offered *εἰσιτήρια* through one of its members chosen for the purpose (Dem. c. *Mid.* p. 552, § 114): the scholiast Ulpian on this passage appears to have confounded the more solemn sacrifice on entering office with the daily prayer and sacrifice at the beginning of each sitting [BOULÉ, p. 313 *a*]. When an embassy set out, at least on the most important occasions, the senate and principal magistrates offered εἰσιτήρια for its success, and dined together (Dem. *F. L.* p. 400, § 190 = 210). The latter passage, which has been quoted in favour of the identity of the εἰσιτήρια and the daily prayers, is in reality decisive against it: it is quite certain that the senate did not dine every day at a common table, though the prytanes did. This argument appears to us conclusive in favour of Schömann's view. The ἐξιτήρια on going out of office (Hesych.) are less well attested. (Schömann, *Assemblies*, p. 306; *Antiq.* i. 379, 409, E. T.) [W. W.]

EI'SPHORA (εἰσφορά), literally a contribution or tribute, was an extraordinary tax on property raised at Athens in war-time only, paid both by citizens and metoeci, and voted by the people on each occasion when it was required. The grammarians do not always clearly distinguish between the Eisphora and the liturgies (λειτουργίαι), and Ulpian on Demosthenes (*Olynth.* ii. p. 33 ε) entirely confounds them. The Eisphora was not a liturgy, though the προεισφορά (see below) was one. The property of orphans during minority was exempt from the liturgies, but not from the Eisphora; and a trierarch, choregus, or any one otherwise discharging a liturgy had to pay the Eisphora as well. It is not certain when this property-tax was introduced, but it seems that it was at least unfrequent in early times when personal service was the rule, whereas with the increasing employment of mercenaries (ξένοι) the necessity for it became continually greater. In the last years of Athenian independence it was the constant complaint of Demosthenes that the citizens would neither fight their own battles nor pay others to fight for them.

The first Eisphora of which we have any information was imposed in B.C. 428. The words of Thucydides (ἐσενεγκόντες τότε πρῶτον ἐσφορὰν διακόσια τάλαντα, iii. 19) have led to the inference that this was the first of all (Boeckh, *P. E.* p. 470 = *Sthh.*^{3} i. 556); but two other explanations have been offered, (1) that this was the first on which so large a sum as 200 talents was voted (rejected by Boeckh, perhaps too summarily); (2) that it was simply the first in the Peloponnesian War (Kirchhoff's view, see Fränkel on Boeckh, n. 780; preferred also by Gilbert, p. 346). Schömann leaves the point undecided (*Antiq.* i. 457, E. T.); but the language of Antiphon (*Tetral.* i. b, § 12) and Aristophanes (*Eq.* 924 ff.) seems to indicate that in the early years of the Peloponnesian War it was no new invention (compare Thucyd. i. 141, § 4; Tittmann, *Darstellung d. Griech. Staatsverfassungen*, p. 41, n. 31, quoted in the English version of Boeckh, p. 471). However this may be, the Athenians, even under the stress of a desperate war, had an instinctive aversion to direct taxes; and at this period no Eisphora could be moved without a preliminary vote of ἄδεια to the proposer (*C. I. A.* i. 32; Gilbert, *l. c.*). The psephisma which decreed the tax also named the amount to be raised: 200 talents, Thucyd. iii. 19; 60 talents, Dem. *Olynth.* iii. p. 29, § 4; 500 talents, a comic exaggeration in Aristoph. *Eccles.* 824, gravely pronounced impossible by Dem. *de Symmor.* p. 185, § 27. Before the institution of the symmoriae, which acted as intermediaries, the people collected the Eisphora directly through their own agents, with confiscation as the penalty for default. At the head of the collection were the generals, who had under their orders the ἐκλογεῖς and other subordinate tax-gatherers; it is evidently as a strategus that Cleon has the power of punishing his enemies by high rating (Aristoph. *Eq.* l. c.); just as later the same officers made out the lists of the symmoriae, and selected the richer men for the προεισφορά (Dem. *c. Boeot.* i. p. 997, § 8; Wolf, *Proleg. in Lept.* p. xciv. = 49 tr. Beatson; Boeckh, *P. E.* p. 472 = *Sthh.*^{3} i. 557). For the rate of this taxation in proportion to the taxable capital, the statement most to be relied on is that of Demosthenes in a passage already cited (*Olynth.* iii. p. 29, § 4). Taking 6000 talents as the amount of taxable capital (τίμημα), he speaks of a hundredth or, if the people were willing to make sacrifices, a fiftieth as a possible rate, a twelfth as a preposterous amount which no one would venture to propose. Figures resting only on comedy, such as the five-hundredth part (πεντακοσιοστή, Aristoph. *Eccles.* 1007), must be received with more caution than Boeckh has shown in admitting this species of evidence. We have, however, proof that quite small sums might be raised by Eisphora; 10 talents annually from 347 to 323 B.C. for the building of the arsenal (*C. I. A.* ii. 270). The tax of a fortieth, proposed by one Euripides, who may have been a son or nephew of the great dramatist, about B.C. 394 (Aristoph. *Eccles.* 824), may be accepted as historical; but the notion that it was "calculated to produce" 500 talents, implying a taxable capital of 20,000 talents, is justly styled by Grote "a comic exaggeration of that which foolish people at first fancied" (ch. 75, vi. 525 n.). This common-sense remark is quoted approvingly against Boeckh by his editor Fränkel (n. 803). A tax of a twentieth has been inferred from Dem. *c. Androt.* p. 617, § 77, where δεκατεύοντες is balanced by διπλᾶς πράττοντες τὰς εἰσφοράς: but δεκατεύειν, as already observed under DECUMAE, is a phrase for high taxation in general, and we should judge from the language of Demosthenes just quoted that an εἰκοστή was more than the Athenians would bear.

There can be no doubt that until the archonship of Nausinicus the standard according to which the Eisphora was levied was based upon the four Solonian classes, the continued existence of which can be traced by inscriptions to within a few years of that date (B.C. 387–6, *C. I. A.* ii. 14). We must assume that this census, which under the law of Solon had reference to landed or real property only, had been extended with the growth of Athenian commerce and empire to include moveable or personal property as well. The threat of Cleon implies that moveables were taxed (Aristoph. *Eq.* 924); slaves were included in the ἀπογραφή or return (Isocr. *Trapez.* § 49); corporate property was taxed as well as individual (*C. I. G.* 93, 103; *C. I. A.* ii. 600).

In the archonship of Nausinicus, B.C. 378–7, a new census was instituted, in which the people, for the purposes of the property-tax, were divided into a number of symmoriae (*συμμορίαι*), or groups similar to those which were some years afterwards (B.C. 364–3) made for the trierarchy (Philoch. *ap.* Harpocrat. *s. v.* *συμμορία*). The question of these symmoriae has lately been cleared of some of the difficulties which surrounded it in consequence of the confused statements of the scholiast Ulpian (*l. c.*). The property-tax was certainly paid by all (Dem. *Olynth.* i. p. 15, § 20; ii. *extr.*); not even the descendants of Harmodius and Aristogeiton were exempt (*c. Mid.* p. 462, § 18); and the 1200 whom Ulpian absurdly supposed to have been the sole payers of it are now proved to have formed the quite different trierarchic symmoriae, and to have had nothing to do with the Eisphora at all (Lipsius, *Jahrb. für class. Philol.* 1878, p. 289 ff.; Gilbert, p. 349 n.; Fränkel, n. 834; SYMMORIAE). The number of the trierarchic symmoriae was twenty (Dem. *de Symm.* p. 182, § 17); that of the others uncertain, perhaps even variable; and it is by far the most probable conclusion that all the citizens were enrolled in them, though Boeckh leaves the point open (*P. E.* p. 527 ff. = *Sthh.*³ i. 614 ff.). The 300 richest men formed the first class of contributors; the richest individual in each symmoria was called *ἡγεμὼν συμμορίας*, an office which at first must have been purely honorary, since it could be filled by a minor, and involved no extra burdens. Demosthenes (aet. 7) probably lost his father in the year of Nausinicus, and the ten years of his minority during which he contributed through his guardians a first-class Eisphora and was a *ἡγεμὼν συμμορίας* were seemingly the ten first years of the new system (Dem. *c. Aphob.* i. p. 815, § 7; ii. p. 836, § 4). Through this period, as has been already mentioned, the state prosecuted its claims against the individual taxpayer, whether rich or poor. About the year 362–1 the *προεισφορὰ* was introduced: the 300 richest men (or those named as such by the strategi) were now called upon to advance the money required from their symmoria to the state, which thus reaped the benefit of dealing only with capitalists, of prompt payment and no arrears secured in the case of other taxes by the system of farming. The *προεισφέροντες*, as they were called, had to recover from the poorer contributors in the courts of law as best they might: the hardships in which they were now involved are described in the speech *against Polycles* (p. 1209, § 9). The *προεισφορὰ* counted as a liturgy; and as no man was compelled to serve two liturgies at the same time, it could not lawfully be imposed on those who were already trierarchs. The speaker complains that, having landed property *en évidence* (*φανερὰ οὐσία*) in three demes, he had been put on the list for each; he did not stand upon his rights as a trierarch, but accepted the burden and made the required advances; on his return from foreign service he found that all the solvent properties (*τὰ εὔπορα*) had been pounced upon by others in his absence, and he was left to recover what he could from those which were "not worth powder and shot" (*τὰ ἄπορα*). The *προεισφορὰ* marks a period when an empty exchequer had increased the tendency of the democracy to prey upon the rich; according to Boeckh, the revenue suffered the greatest falling off in the 105th and 106th Olympiads, B.C. 360–353 (*P. E.* p. 435 = *Sthh.*³ i. 511). It seems to have succeeded in its object of avoiding arrears; in B.C. 355 Demosthenes reckons the outstanding claims of the whole period since Nausinicus at only 14 talents out of 300, a small amount when the extreme slipperiness of the Athenian tax-payer is considered. The explanation of the phrase *τὰς εἰσφορὰς τὰς ἀπὸ Ναυσινίκου* (Dem. *c. Androt.* p. 606, § 44) adopted by the present writer is now confirmed by Fränkel in an elaborate note as the only admissible rendering: but the sum of 300 talents for all the Eisphorae of 23 years is too small, and the word *τριακόσια* is justly suspected (n. 821; cf. *Class. Rev.* i. 78, 150). The resident aliens, whether *μέτοικοι* or *ἰσοτελεῖς*, as they were liable to other liturgies, were doubtless also included in the *προεισφορά* (Boeckh, *P. E.* p. 538 f. = *Sthh.*³ i. 624 f.); and they were grouped in symmoriae of their own apart from the citizens (*αἵ τε τῶν μετοίκων λειτουργίαι καὶ αἱ πολιτικαί*, Dem. *c. Lept.* p. 462, § 18; *μετοικικῆς συμμορίας ταμίας*, Hyperid. *ap.* Poll. viii. 144). For the collection of the Eisphora, besides the ECLOGEIS (*q. v.*), other officers called *διαγραφεῖς* and *ἐπιγραφεῖς* are mentioned, but the duties of each are nowhere clearly defined (Boeckh, *P. E.* p. 533 = *Sthh.*³ i. 619). The list or register of each symmoria, analogous to our rate-books, was called *διάγραμμα* (Dem. *de Symm.* p. 183, § 21), and the *διαγραφεῖς* were probably the keepers of it; the *ἐπιγραφεῖς* seem to have had similar duties among the resident aliens, by whom they were chosen (Isocr. *Trapez.* § 41; Harpocrat. *s. v.*).

The relation of the *τίμημα* to the total wealth of the Athenian people, and the incidence of the Eisphora regarded as an income-tax, have been made out by Boeckh with great probability. In the Solonian classes the principle of graduation was already recognised, though only to a slight extent; thus the first class, the Pentacosiomedimni, were entered on the register with their whole productive landed property, the Knights with five-sixths, the Zeugitae with five-ninths, while the Thetes were altogether exempt (Boeckh, *P. E.* p. 505 = *Sthh.*³ i. 588). In the succeeding period, while personal property was brought into the schedule for taxation, the custom must have arisen of allowing a comparatively small proportion of the whole to rank as *τίμημα* or "taxable capital"; it cannot be thought that the state of things which we find under the law of B.C. 378, when the *τίμημα* of the largest properties was only one-fifth (Dem. *c. Aphob.* i. p. 815, § 7), was the result of a sudden change; or that the taxable capital can have stood in 393 B.C. at 20,000 talents, and fifteen years later have been reduced to 5750 talents. The latter figure rests upon the precise testimony of Polybius (ii. 62, § 7), Demosthenes giving in round numbers 6000 at the same date (*de Symm.* p. 183, § 19); the former is based, as has been seen, upon the facile arithmetic of comedy. To Boeckh, however, is due the discovery of the true sense of *τίμημα*, the "taxable capital," as distinguished either from the yearly revenue or the whole property: for recent criticism see Thumser, *de Civ. Athen. Muneribus*,

p. 32 ff.; Gilbert, pp. 347-8; Fränkel, n. 823. The details, it is admitted, rest partly upon conjecture; that the highest class were rated upon a fifth of their property is the only fact definitely stated (Dem. *c. Aphob.* l. c.); that there were three other classes taxed in a diminishing ratio is the natural conclusion from what we know of the earlier arrangement under Solon. The following table gives Boeckh's latest scheme of the valuation in the archonship of Nausinicus (*Sthh.*^{3} i. 603), differing slightly from his earlier view (*P. E.* p. 519):—

First Class, from twelve talents upwards.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
500 tal.		100 tal.	5 tal.
100 „	20	20 „	1 „
50 „	per	10 „	30 min.
15 „	cent.	3 „	9 „
12 „		2 tal. 24 min.	720 dr.

Second Class, from six talents and upwards, but under twelve.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
11 tal.		1 tal. 45 min. 60 dr.	528 dr.
10 „	16	1 „ 36 „	480 „
8 „	per	1 „ 16 „ 80 „	384 „
7 „	cent.	1 „ 7 „ 20 „	336 „
6 „		57 „ 60 „	288 „

Third Class, from two talents upwards, but under six.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
5 tal.		36 min.	180 dr.
4 „	12	28 „ 80 dr.	144 „
3 „	per	21 „ 60 „	108 „
2½ „	cent.	18 „	90 „
2 „		14 „ 40 „	72 „

Fourth Class, from twenty-five minas upwards, but under two talents.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
1½ tal.		7 min. 20 dr.	36 dr.
1 „	8	4 „ 80 „	24 „
45 min.	per	3 „ 60 „	18 „
30 „	cent.	2 „ 40 „	12 „
25 „		2 „	10 „

Every one had to pay his tax in the deme or demes where his landed property lay (Dem. *c. Polycl.* p. 1209, § 9). It is expressly stated that *κτήματα*, not *σώματα*, were responsible for the Eisphora, *i.e.* a man could be sold up but not imprisoned or punished in person (Dem. *c. Androt.* p. 609, § 54; *c. Timocr.* p. 752, § 166). The practice, however, was not quite on a level with the theory: even citizens were sometimes dragged to prison who had not the means of paying unjust demands; and the metoeci might be oppressed with still greater impunity (*c. Androt.* pp. 609, 610, §§ 54, 56). This, however, was not under the ordinary law, but under an extraordinary commission to inquire into arrears to which Androtion had got himself appointed. Among his acts of oppression is mentioned his disputing the status of citizens in order to make them *τὸ ἕκτον μέρος εἰσφέρειν μετὰ τῶν μετοίκων* (p. 612, § 61); and this is the only passage bearing on the amount of Eisphora paid by the metoeci. Boeckh thinks that they paid uniformly, whatever their means, on a second-class rating of 16 or 16⅔ per cent.: this may have been the minimum rate for the poorer aliens, but it is not likely that any who possessed a first-class property were let off more cheaply than citizens of equal fortune (cf. Gilbert, *Staatsalterth.* i. 172). Another explanation of *τὸ ἕκτον μέρος* seems possible: the metoeci may have paid the same quotas as the citizens, with a *προσκατάβλημα* or additional charge of one-sixth. As they could not hold landed property, the facilities for concealment must have been much greater in their case. After the institution of the *προεισφορὰ* the friction in collecting this particular tax was no doubt greatly diminished. The state had direct dealings only with the 300 selected rich men; and, as we have seen, did not trouble itself with the question how they were to recover from the poorer contributors; but any one who thought himself unjustly included in this class might claim an antidosis with any one who was left out of it [ANTIDOSIS]. Boeckh's language on this subject (bk. iv. ch. 16 *init.*) seems to us rather unguarded, as though any tax-payer might dispute his rating in this way; the speech *against Phaenippus* mentions only the case of the 300 (see the Argument, and especially p. 1046, § 25, *τοὺς λειτουργοῦντας καὶ ἐν τοῖς τριακοσίοις ὄντας ἀναπαύειν*: again *ἄγειν εἰς τοὺς προεισφέροντας*).

The Eisphora was not much like a modern income-tax, though Schömann calls it "a tax on property, or more properly on income" (*Antiq.* i. 455, E. T.). It was much more like the "benevolences" and "fifteenths" levied by English kings in former times, an extraordinary contribution demanded at irregular intervals; and moreover it was based on the capital itself, not on the varying produce of capital. It was not at all oppressive in amount, though the Athenian people required so much persuasion to induce them to vote it. Demosthenes during his minority, out of a first-class fortune of fifteen talents and a *τίμημα* of three, in ten years only paid eighteen minas (*c. Aphob.* i. p. 825, § 37), the tenth part of his taxable capital, or the fiftieth part of his property (about £72 out of £3600). The income must have been at least 10 per cent. of the full capital, or £360 a year (Boeckh, *P. E.* p. 522 = *Sthh.*^{3} i. 607).

The greater part of Boeckh's fourth book (chaps. i.-x., xvi.) is devoted to the Eisphora. Cf. Hermann, *Staatsalterth.* § 162; Schömann, *Antiq.* i. 455-457, E. T.; Gilbert, *Staatsalterth.* i. 345-350. [L. S.] [W. W.]

EKECHEI'RIA (*ἐκεχειρία*). [HIEROMENIA.]

ELAEOTHE'SIUM. [BALNEAE, p. 272.]

ELAPHEBO'LIA (*ἐλαφηβόλια*), the greatest festival in the town of Hyampolis, in Phocis, which was celebrated in honour of Artemis, in commemoration, it is said, of a victory which its inhabitants had gained over the Thessalians, who had ravaged the country and reduced the Phocians in the neighbourhood of the town nearly to the last extremity. (Plut. *de Mul. Virt.* p. 244 B, *Quaest. Symp.* p. 660 D; Paus. x. 35, § 4.) The only particular which we know of its celebration is, that a peculiar kind of cake (*ἔλαφος*) was made on the occasion. (Athen. xv. p. 646 e.) These cakes were, as their name indicates, probably made in the shape of a stag or deer, and offered to the goddess. The festival of the elaphebolia was also celebrated in many other parts of Greece, but no particulars are known. (*Etym. M.*, s. v. Ἐλαφηβολιών.) [L. S.]

ELAPHEBO'LION. [Calendarium.]

ELECTRUM, *ἤλεκτρος* or *ἤλεκτρον*. Lepsius has maintained (*Ueber die Metalle in den Aegypt. Inschriften*, Appendix) that the early Greek usage was to employ the masculine form when the mixture of gold and silver was intended; the neuter form when the mineral which we call amber was meant. It is likely that the Greeks were acquainted in very early times with the use of amber, trade in this mineral having taken place in pre-historic days between North and South Europe. They must also have been early acquainted with the compounded metal, since gold alike in Asia and Europe is commonly found mixed with silver. Which of the two substances therefore was first called electrum is a matter quite open to dispute. We will speak of them in turn.

(1) Amber. Beads of amber were found in the royal tombs at Mycenae; and chemical analysis (Schliemann, *Tiryns*, p. 370) has proved that this amber came from the Baltic, and not from elsewhere. Similar beads have also been found in the very early Greek (?) tombs at Ialysus in Rhodes. At a later period amber is mentioned in the Odyssey (xv. 460; xviii. 295) as a material of necklaces, which are said to be held together *ἠλέκτροισι*, by beads of amber. In one of these passages the necklace is spoken of as an import from Phoenicia. It is also stated (iv. 73) that the walls of the palace of Menelaus were adorned with amber, as well as gold, silver, and ivory. The author of the Shield of Herakles, ascribed to Hesiod, speaks of that shield (141) as adorned with electrum, in which case, however, the metal may be meant. In South Italy amber was in the archaic period used as a material for statuettes and reliefs; many specimens of this kind of work are in the British Museum. But the amber used in Italy seems to differ in many respects from that of the Baltic, and is more like the amber still found in small quantities in Sicily.

Many writers have maintained that there was a regularly used trade-route across Europe from the banks of the Baltic to the shores of the Euxine or Adriatic, by which amber was brought to the south in exchange for other wares, and that this route was used without intermission from prehistoric days onwards. But the only facts on which this view is based are the occasional discovery in Central Europe of the coins and art-products of Greece and Etruria, and the above-mentioned presence of pieces of amber in early Greek tombs. These facts are, as Furtwängler remarks (*Goldfund von Vettersfelde*, p. 49) not conclusive. It is more probable that the amber of early Greece was imported by the Phoenicians who sailed round the coast to the north of Europe, especially in view of the fact that after the Homeric age amber disappears from Greek tombs, and does not again figure until Roman times, when a regular trade with the Baltic coast had sprung up.

(2) Mixed gold and silver. The earliest certain mention of this mixed metal as electrum (rather *ἤλεκτρος*) is in Sophocles' *Antigone*, 1037, where the substance is said to come from Sardes: for Sardes by the Pactolus was noted in antiquity as the place whence came the river-gold, mixed when found with a considerable percentage of silver. Herodotus, however, speaking of this same Sardian metal in connexion with the donaria of Croesus to Delphi (i. 50), calls it white gold, *λευκὸς χρυσός*. Pliny remarks (*H. N.* xxxiii. § 80) that gold is invariably found mixed with silver (which is true), and that when the proportion of silver reaches a fifth, the metal is called electrum. He adds that electrum was made by art as well as found.

This white gold or electrum is used on the sword-blades found at Mycenae for purposes of inlaying. In later times it was used, as being a harder material than gold, for objects in which hardness was desirable. By far the most important use to which it was put was as a material for coins.

In the 7th century B.C., or possibly late in the 8th, the kings of Lydia began to issue stamped money of electrum, using probably the metal in its natural state, and the maritime cities of the Asiatic coast and of Euboea adopted the idea. Information as to the standards of weight used in these issues is given under Pondera. For some time, until silver was first minted at Aegina, all the coinage of the world consisted of stamped pellets of electrum, though no doubt unstamped bars of gold and silver circulated with them. It is observed by Mr. Head (*Numismatic Chronicle*, 1875, p. 254), in his excellent account of early electrum coins, which is mainly based on the researches of Brandis (*Münz-Mass- und Gewichtswesen*), that the mixed metal had two advantages over pure gold in circulation: (1) it was more durable; (2) the proportionate value of gold to silver being 13⅓ to 1 (Herodotus says 13), and electrum being of three-fourths the value of gold, each coin of electrum would pass as the equivalent of ten silver bars of equal weight. It is considered that this proportion is shown to have actually held by the fact that everywhere electrum was minted on the standards of weight in use for silver, and not on the (different) standards in use for gold, which seems to show that the proportionate values of electrum and silver were very simple. It must, however, be cited as an objection to the views of Brandis and Head. that in the cases in which the proportion of gold to silver in electrum coins has been determined by chemical analysis or specific gravity, a far less proportion of gold than three to one has been discovered, a proportion indeed sometimes less than one to one, so that it is difficult to see how electrum can have been considered as of three-fourths of the value of gold. On this subject further investigations are necessary.


Early electrum Stater, probably struck at Miletus before B.C. 623. (British Museum.)

It is believed that Croesus first introduced in Asia, in place of the coinage of electrum, money of gold and of silver. The conquering Persian kings adopted the Lydian currency and imitated it, and coins of electrum went rapidly out of use. But at a somewhat later time, about B.C. 500, electrum was again issued by a few cities, more especially Cyzicus, Phocaea, and Lampsacus.

Electrum Stater of Cyzicus. (British Museum.)

The staters and hectae (sixths) of those cities were current in the Euxine, Asia Minor, and Greece. They are mentioned in Attic inscriptions from B.C. 434 onwards. Cyrus the younger paid his Greek mercenaries a Cyzicene stater a month (Xenoph. *Anab.* vii. 3, 10), and Demosthenes states in his speech against Phormio (B.C. 333) that in Pontus Cyzicene staters passed as equivalent to 28 Attic drachms of silver. [See STATER.]

We possess the text of a curious commercial treaty concluded between Phocaea and Mytilene, for the issue in common by the two states of hectae or sixths of electrum. For the details, see Newton in *Trans. Roy. Soc. Lit.* viii. p. 549. Each of the cities was in turn for the space of a year to mint these coins, which were to be in both a legal tender, and provisions were made for punishing any person who debased the currency below the normal standard. But the paleness of these hectae, which still exist in large numbers, proves that they did not contain a high proportion of gold. In the fourth century, electrum coins were largely used at Carthage, and in the time of Timoleon at Syracuse. [P. G.]

ELENCHUS (ἔλεγχος). [INAURIS.]

E'LEPHAS (*ἐλέφας, ebur; elephantus*, poet., Verg. *Georg.* iii. 26; *Aen.* iii. 464, vi. 896). African ivory was known to the ancients, through Phoenician trade, long before the elephant (from Libya in the time of Pheidias: *Hermipp. fr.* 61 M.; Pausan. i. 12, 4). Accordingly, early writers—Homer, Hesiod, Pindar—speak of the material only. Herodotus, indeed, was aware of its origin (iv. 191; Plin. *H. N.* viii. § 7), but the Greeks generally only became acquainted with the animal from the Macedonian expeditions into Asia, the Romans with the arrival of Pyrrhus in Italy. Both words *ἐλέφας*, *ebur*, probably contain the Egyptian *âb* (ivory, elephant). (O. Schrader, *Linguist. histor. Forsch. zur Handelsgesch.* i. 71.)

The use of ivory in the manufacture of small objects of use or ornament, and for purposes of decoration, is earliest in Egypt and Assyria. There have been found, for instance, castanets, stick-handles, hilts and hefts, combs, flutes, sceptres, caskets, statuettes, made of the tusk, and many different articles of furniture inlaid with it. In Homer, besides its employment when carved in mass, it is referred to in connexion with walls, doors, harness, &c., and was then probably attached in plates by nails to a metal or wooden ground. The chest of Kypselos, which was of cedar embellished with ivory reliefs, was probably an example of the latter method; so also perhaps the bedstead of Hippodameia (Paus. v. 17, 2; v. 20, 1). In later times, true *inlaying* was resorted to, and almost every kind of furniture, as beds, sofas, thrones, carriages even, enriched with the precious material. It is probable that at the time of the Empire the use of ivory in the arts was much more extensive than at the present day, and the supply abundant.

Among objects not enumerated above may be mentioned masks and writing-tablets. The latter (δέλτοι, *libri elephantini*), with two, three, or more leaves (*diptycha*, *triptycha*, *pentaptycha*, &c.), were either entirely, or had their covers only, of ivory. Those extant are chiefly of later Roman age. They are of two classes, *consularia* and *ecclesiastica*, distinguished by the subjects of the carvings on their covers, the former being figures of consuls at the *pompa circensis*, *missiones*, &c., while the latter are of a biblical nature (Müller, *Arch. d. Kunst*, § 312, n. 3). They were presented to officers and dignitaries to commemorate their appointment. [DIPTYCHA.]

For further information, see H. Blümner, *Kunstgew. im Alterth.* i. 113, &c., ii. 64; id. *Technol. u. Terminol. d. Gewerbe*, &c. ii. 361–375, where there is a full bibliography. Compare CHRYSELEPHANTINA. [J. M.]

ELEUSI'NIA ('Ελευσίνια). This title was chiefly applied to a festival held by the Athenians in autumn, in honour of Demeter, Persephone, and Iacchus, consisting of sacrifices, processions, and certain mystical ceremonies. It was one of the most important festivals of Greece, dated from the earliest times, and continued to maintain its high position long after living Greece was no more, and everything else in that country had either perished or become mean and contemptible (cf. Aristides, *Or. Eleusinia*, vol. i. p. 259, ed. Jebb).

1. *The Origin of the Eleusinia.*—The mythical origin is contained in the Homeric hymn to Demeter, which tells how Persephone, while gathering flowers, was, with the connivance of Zeus, carried off by the god of the lower world, Hades or Polydegmon (the great receiver); and how her mother Demeter, daughter of Rhea, searching distractedly for her child, is advised by Hecate to consult Helios, who sees all things; and how Helios in pity tells her that Zeus has granted to Hades to carry off her daughter to be his wife. Forthwith Demeter changes herself into an old woman; and as she wanders forth disconsolate through the world, she comes to Eleusis, and sits down on the cheerless stone by a well. Anon the daughters of Celeus, the king of Eleusis, come to the well to draw water. They bring her to their home, where Metanira, wife of Celeus, gives her the latest born child, Demophoon, to nurse. But Demeter is still bowed down with grief: she sits dignified but silent in her room, till the jests and raillery of Iambe, the servant-maid, at last make her smile. She consents to take food and drink, but will have no wine, only a mixture (κυκεών) of water with barley-meal and mint. Days go on, and the child Demophoon thrives beyond what mortal child was wont, for a goddess was his nurse: she used to anoint him daily with ambrosia, and place him in the fire by night. But a little more time and the child would have been immortal, when one night Metanira saw the nurse

place him in the fire and cried aloud with terror. Then did the anger of Demeter burn forth. Of a sudden the aged nurse transformed herself into the goddess, told who she was, what she had intended to do, and how that the little faith of the mother had robbed the child of immortality, and finally bade the people of Eleusis be told to erect a temple for her on the hill above the fountain, when she herself would prescribe the services they must perform in order to gain her favour. They did so, and Demeter dwelt there, shunning all association with the other gods who had been parties to the carrying off of her daughter. For a year Demeter dwelt there—an awful and desperate year. Nothing grew. The human race would have perished, had not Zeus agreed that Persephone should return. Right joyfully did Persephone obey the summons of Hermes: but Hades persuaded her to eat a pomegranate seed before she left, and that prevented her staying away from him for a whole year. So Persephone returns, and great is the joy of mother and daughter, in which the faithful Hecate sympathises. Rhea is then sent down by Zeus to her daughter, and effects the reconciliation. The corn comes up in abundance in the Rarian plain, and Demeter returns to Olympus to dwell with the gods: but before she goes she prescribes to Celeus, and to his sons Triptolemus, Diocles, and Eumolpus, the solemnities and divine services that were in future time to be paid her: and so the famous Eleusinian mysteries were a direct appointment of the great goddess Demeter herself.

This was the story of the origin of the mysteries: but how the mysteries came to be mysteries of the Athenians depends on another story, which concerns the union of Eleusis with Athens. Erechtheus warred with the Eleusinians (Paus. i. 38, 3; Lobeck, *Aglaoph.* 206 ff.), who are helped by one Eumolpus, a Thracian, son of Poseidon (Apoll. iii. 14, 4), and founder of the mysteries (Lucian, *Demon*, 34). The difficulties connected with the exact birthplace and genealogical position of Eumolpus (see Lobeck, *op. cit.* 212; Roscher, *Lexikon der Mythol.* s.v. *Eumolpus*)—even Pausanias (i. 38, 7) is perplexed with Eleusinian genealogies—we may pass over, remembering that he is, according to this legend, a foreigner (Plut. *de Exsilio*, p. 607, 10). The many beautiful stories which are connected with Erechtheus and his family we may also forget for the present, and proceed at once to the result, which was, that Eleusis was conquered, and to the Athenians fell the political headship, but to the family of Eumolpus and the daughters of the Eleusinian king Celeus was assigned the high-priesthood (*ἱεροφαντία*) of the Eleusinian worship. The other family which held a priesthood in the mysteries, the Kerykes, were said to have been descended from Keryx, the son of Eumolpus; though the family itself considered its ancestors to have been Hermes and Aglauros, daughter of Erechtheus, and so genuine Athenians (Paus. i. 38, 3).

So ran the legends of Eleusis, "grouping together, in the same scene and story, the goddess and the heroic fathers of the town; legends which did not take their start from realities of the past, but from realities of the present, combined with retrospective feeling and fancy, which filled up the blank of the aforetime in a manner at once plausible and impressive" (Grote, i. 42). But yet something perhaps of the realities of the past may be learned from them. We can clearly see that it is in connexion with the lower world that the goddesses are honoured. They are Chthonian divinities (Preller, *Griech. Myth.* i. 643), who presided over the production of the fruits of the earth; and it is reasonable to suppose that this most primitive kind of worship was a relic of the Pelasgian past, which continued on into historical times, in the form of mystical and secret worship (cf. Hermann, *Gottesd. Alterth.* § 32; K. O. Müller in Ersch and Grüber, s.v. *Eleusinia*). The religions of previous inhabitants sometimes continued in this form: *e.g.* the Thesmophoria in the Peloponnesus, after its conquest by the Dorians (Herod. ii. 171). The worship, too, was confined to certain families, which we shall see took an important part in the ceremonies during historical times, when the festival had become a state one. Curtius (*Hist. of Greece*, i. 304) indeed holds the view that the worship of the Great Goddesses was brought into Attica and domesticated there by a number of illustrious Messenian families who had fled from the Dorian invaders,—a view Schömann (*Griech. Alt.* ii. 381) approves of, but suggests a more remote origin by pointing out that the Homeric hymn (*v.* 123) seems to hint at Crete being the original home of the mysteries; and that a worship of Demeter, similar to that of Eleusis except that it was not secret, was held at Cnosus is stated by Diodorus (v. 77). Phrygian and Lydian influences may be seen in the appearance of Rhea and Hecate in the hymn, but the influence of Thrace and Crete (where Bacchus was a great god)—unless we are to suppose, with K. O. Müller, that Demophoon of the hymn is to be taken as a representative of Iacchus—had not yet been felt, though it appears in the second legend. That influence came with the elaborate Orphic theology and mythology [ORPHICA], about the 7th and 6th centuries B.C. One of their tales related (Lobeck, *op. cit.* 547 ff.) that Zagreus was son of Zeus and his own daughter Persephone, a noble child, destined to be Zeus's successor. Hera, in jealousy, urged the Titans to destroy him. They cut him up and boiled him in a caldron, all except his heart, which Athena picked up and carried to Zeus, who, after striking down the Titans, gave the heart to Semele, and Zagreus was born again from her under the name of Dionysus, or Iacchus, as he is called in the Eleusinian worship. This tale is a good specimen of the Orphic mythology; according to which the clear and definite Hellenic gods disappear into vague kinds of half-allegorical or symbolical forms, the divinities blend into one another according to stories which are of a coarse and extravagant as well as tragical and terror-striking nature, but which, from the very first, were in all probability intended for the initiates, and meant to be taken as symbolical representations of cosmogony, rather than as actual dogmatic facts (cf. Euseb. *Praepar. Evang.* iii. 1). Along with the Orphic theology came also the Orphic life (Plat. *Leg.* vi. 782), and the need it inculcated of religious purifications and various kinds of asceticism, *e.g.* abstinence from animal food (Herod. ii. 81; Eur. *Hipp.* 967; *Cretes, fragm.* 20). Lenormant (*Contemporary Review*, xxxvii. 859) thinks that

Orphism, though introduced in a measure at this time, did not get any permanent hold on the Eleusinian worship till 380 B.C., when the family of the Lycomidae, who were specially devoted to Orphic rites, obtained the office of daduchus (see below, § 5), his reason being that there is no allusion to Zagreus in Aristophanes or the other Attic writers, while he appears quite established by the time of Callimachus. And then, again, there was the influence of Egypt, which became fully open to the Greeks about 660 B.C. This influence was most marked. Dionysus and Demeter became identified with Osiris and Isis (Herod. ii. 42, 59, 144); and with this adoption of the Egyptian divinities came the peculiarities of the Egyptian priesthood, with their minute and scrupulous ceremonies, separate mode of life, elaboration of "sacred tales" (*ἱεροὶ λόγοι*), and the secrecy and silence they required. This secrecy is a cardinal feature of the Eastern religions and the Eastern hierarchies; and it was doubtless owing to Eastern influences, superadded to the national privacy of separate family cults, that this secret and mystic character came to be attached so especially to the worship of Demeter at Eleusis, the more so as we find many striking Oriental characteristics in other mystic worships in Greece, such as that of the Cabeiri in Samothrace. [CABEIRIA.] This influx of new and peculiar religious rites is a marked feature in the history of Greek thought in the 6th century B.C., producing as it did not only oracles such as those of Bakis and the Sibyls, purificatory and tranquillising rites such as those of Epimenides, but also the great Pythagorean philosophy and the mystic brotherhood who held it.

It is just at this point that we are to fix the adoption of the Eleusinian mysteries by the Athenians, consequent on the incorporation of Eleusis into the Athenian state. Grote (iii. 71) has proved that this incorporation took place much later than is generally supposed, as it occurred only a short time before Solon (cf. Herod. i. 30, about Tellus the Athenian), and the list of Athenian-Eleusinian priests does not reach higher (A. Mommsen, *Heortologie der Athener*, 63). The fact is, this introduction of the Eleusinian worship, with its foreign teaching concerning the death and re-birth of Iacchus, was brought about by Epimenides, who was called in from Crete to assuage the religious terrors of the Athenians after the murder of Cylon, and the feeling of guilt which took hold of the state in consequence of that crime of the Alcmaeonidae. That was a time which in an eminent degree called for the introduction of new forms of religious service; and to this earnest and holy priest the Athenians were indebted for the development of the gracious worship of Apollo (Curtius, *Hist.* i. 323), and for the introduction of the Eleusinian worship of Demeter and Iacchus, with the religious hope and consolation they brought to the afflicted; and in gratitude a statue of Epimenides was set up before the temple of the goddess in Agrae (Mommsen, *op. cit.* 52 ff., 62 ff.).

2. *Eleusinia elsewhere than in Attica.*—Not to mention the wide-spread worship of Demeter, Persephone, and Dionysus throughout Asia Minor, evinced by such ceremonies as were held at the Carian Nysa (Strabo, xiv. p. 649), the Pherrephattia at Cyzicus (Plut. *Lucull.* 10; Appian, *Bell. Mithr.* 75), and the Dionysiac symbols which so constantly occur on Asiatic coins; nor the Eleusis on Lake Mareotis in Egypt, where there were initiations which were ἀρχὴ τοῦ Κανωβισμοῦ (Strabo, xvii. p. 800), accompanied indeed with much debauchery; nor the worship of these goddesses in Sicily, both at Gela, where Telines used their sacred symbols with such effect as to restore his political faction and to get himself established as their high-priest (Herod. vii. 153; Grote, v. 62), and elsewhere (Diod. v. 77)—we find special evidence that the Eleusinian Demeter was worshipped in Boeotia, at Plataea where she had a temple (Herod. ix. 62, 65, 101), at Celeae near Phlius (Paus. ii. 14, 1), and in many places in Arcadia, Pheneus (*ib.* viii. 15, 1), Thelpusa (25, 2, 3), Basilis (29. 5), Megalopolis (31, 7). The mysteries at Pheneus are interesting not only for the writings on the stone (*πέτρωμα*) read each year to the mystae, but also from its clearly being a worship of the dead, as may be seen from the ceremony of the priest striking the ground with rods and calling on those that are beneath the earth (*τοὺς ὑποχθονίους*, Paus. *l. c.*). For further, see Mr. Andrew Lang (*Nineteenth Century*, April 1887, p. 565). In Messenia there were ancient solemn mysteries to these goddesses and to the Great Gods—*i.e.* the Cabeiri—at Andania in Messenia, which were put down by the Spartans after the Second Messenian War, but restored to their old splendour by Epaminondas (Paus. iv. 1, 5; 2, 6;—Curtius, *Hist.* iv. 433). At this place was found a most important inscription of 91 B.C. relating to the mysteries (see Sauppe, *Die Mysterieninschrift von Andania*). But even this worship was inferior in solemnity and importance to the Attic Eleusinia (Paus. iv. 33, 5), which may be considered to have consisted of two parts, viz. the Lesser Mysteries at Agrae and the Greater Mysteries at Eleusis.

3. *The Mysteries at Agrae* (*τὰ ἐν Ἄγραις*).—These were held in the spring at Agrae, a place on the Ilissus, S.E. of the Acropolis. There is no doubt they were held in Anthesterion, when there were the first signs of returning vegetation just after field-work began (*C. I. G.* 103, l. 20). The exact date cannot be fixed, but Mommsen's suggestion is most probable (*op. cit.* 374), that the chief day was the 20th, the same day of the month as the Greater Mysteries were held on in Boedromion—to which the Lesser Mysteries had many points of similarity, even in matters connected with the calendar, *e.g.* the same length of the mystery truce (*C. I. G.* 71). Mommsen supposes that the 19th was a day of preparation, and the 20th and 21st the special mystery days. These Lesser Mysteries were considered as a prelude to the Greater (Schol. Aristoph. *Plut.* 845, *ἔστι τὰ μικρὰ ὥσπερ προκάθαρσις καὶ προάγνευσις τῶν μεγάλων*), being on a much smaller scale, but initiation in the Lesser was generally required before the candidate could present himself for initiation into the Greater (Plat. *Gorg.* 497 C; Plut. *Dem.* 26). At Eleusis there were temples to Artemis Propylaea, to Triptolemus and to Poseidon, as well as to Demeter; similarly at Agrae there was a temple to Demeter, and altars to Artemis and Poseidon, and a statue of Triptolemus (Mommsen, p. 377). The mysteries at Agrae

consisted probably to a large extent of purifications, for which the water of the Ilissus was much used (Polyaen. v. 17). They were held more especially in honour of Persephone, called Pherrephatta here, than of Demeter (Schol. on Aristoph. *Plut.* 845, yet cf. Bekk. *Anecd.* 326). It appears that the carrying off of Persephone was the most important representation in these mysteries. Again we hear that at Agrae the fate of Dionysus was pourtrayed (*μίμημα τῶν περὶ τὸν Διόνυσον*, Steph. Byz. *s. v.* Ἄγραι). The death of Dionysus-Zagreus took place on the 13th of Anthesterion, the day on which the festival of the Chytrae was held [DIONYSIA]: so perhaps on the ninth day after, the 21st (for funeral rites on the ninth day after death, the *ἔνατα*, see Aeschin. *Ctesiph.* § 225), the funeral ceremony may have been held and his violent death related in a drama (Mommsen, p. 378). A great many, especially strangers, were initiated into these mysteries who did not proceed to initiation into the regular Eleusinia: the legend, too, said it was for the purpose of initiating Heracles, who was a stranger and according to the primitive regulations could not be initiated into the Eleusinia, that these Lesser Mysteries were established (Schol. on Aristoph. *Plut.* 845, 1013). A representation of the initiation of Heracles on a vase found at Panticapaeum is given in Baumeister's *Denkmäler*, p. 475. For the appearance of Aphrodite, cf. Themist. *Or.* xx. p. 288, Dind. There is a very similar one on a Pourtalès vase in the British Museum, which Baumeister also alludes to (cf. Wieseler, ii. 112).

4. *The Course of the Festival at Eleusis.*—Two days are fixed by definite evidence; viz. the 16th Boedromion for the Ἅλαδε *μύσται* (Polyaen. iii. 11, 11; *de Glor. Ath.* 349 *fin.*), and the 20th for the Iacchus day (Plut. *Cam.* 19, *Phoc.* 28). The fixing of other days depends on conjecture, but can be determined with a considerable degree of certainty. A month before the middle of Boedromion, *i.e.* the middle of Metagitnion, the *σπονδοφόροι* (see below) used to announce the mystery truce to the neighbouring states (*C. I. G.* 71; Aeschin. *Fals. Leg.* § 133), so as to give the strangers time to make all arrangements necessary for a visit to Athens. During the latter portion of this month the votary who intended to be initiated used to betake himself to some private man who had gone through all the grades of initiation, was examined by him as to his freedom from sin, received instruction as to what purifications and offerings were necessary to gain the favour of the goddesses, and submit the actual offerings for his inspection and approval. This instructor was the *μυσταγωγός* (see below). He notified to the hierophant the fitness of the applicant and introduced him, this proceeding being apparently called *σύστασις*. A not uncommon form of purification was the *Διὸς κώδιον* (Suidas, *s. v.*), which the daduchus used to cover the sinner's feet with (see Lenormant, *Contemp. Rev.* xxxviii. 137). Sincere devotees appear to have fasted for nine days (cf. [Hom.] *Hymn. Dem.* 47), from the 13th to the 21st, *i.e.* ate nothing during the day, taking whatever food they did take between sunset and sunrise, like the Mahomedans during Ramadan (cf. Ov. *Fast.* iv. 535; Preller in Pauly, iii. 99); and votaries generally appear to have abstained from domestic birds, fish, pomegranates, apples, and beans (Porphyr. *Abst.* iv. 16). Ramsay (*Encycl. Britannica*, s. v. *Mysteries*) notices the effect of the long fasts as tending to enfeeble the body, already weak enough after the heat of summer, and as a consequence the predisposition of the votaries to religious enthusiasm; but perhaps he exaggerates too much these fasts. On the 15th of Boedromion the formal assemblage (*ἀγυρμός*, Hesych. *s. v.*) took place of those citizens and strangers who intended to take part in the mysteries—though this assemblage does not appear to have been absolutely essential, at least in late times (*C. I. G.* 523). At the beginning of the 16th, in the evening (the day is reckoned from sunset to sunset), Chabrias's distribution of wine to the people in honour of his victory at Naxos used to take place (Plut. *Phoc.* 6); and the next morning began the first formal act of the festival, viz. the *πρόρρησις* or Ἅλαδε *μύσται*. These are to be identified in point of time, else Philostratus (*Vit. Apoll.* iv. 18) in an important passage would omit the striking ceremony of Ἅλαδε *μύσται*. The passage is this: *τὰ δὲ* Ἐπιδαύρια *μετὰ πρόρρησίν τε καὶ ἱερεῖα δεῦρο μυεῖν* Ἀθηναίοις *πάτριον ἐπὶ θυσίᾳ δευτέρᾳ* ("as a secondary sacrifice"), *τουτὶ δ' ἐνόμισαν* Ἀσκληπιοῦ *ἕνεκα, ὅτι δὴ ἐμύησαν αὐτὸν ἥκοντα* Ἐπιδαυρόθεν *ὀψὲ μυστηρίων*. A proclamation was made by the Archon Basileus (Poll. viii. 90) and by the Hierophant and Daduchus in the Stoa Poecile (Schol. Aristoph. *Ran.* 369), for the departure of all strangers and all murderers: and then the order for purification given, "Ye mystae to the sea." The "sea" was sometimes the Piraeus (Plut. *Phoc.* 28), though probably only in time of Attica being occupied by enemies; but generally the Ῥειτοί, two salt streams on the Sacred Road, one dedicated to Demeter, the other to Cora, which contained fish that the priests alone were allowed to eat (Paus. i. 38, 1; Hesych. *s. v.*; cf. *Etym. M.* s. v.: *ἱερὰ ὁδός· ἡ εἰς* Ἐλευσῖνα *ἄγουσα ἣν ἀπίασιν οἱ μύσται ἅλαδε*). The next day, the 17th, sacrifices (*ἱερεῖα*) were offered for the safety of the state (Rangabé, *Inscr.* 795) by the Archon Basileus and the *ἐπιμεληταί* (see § 6) in the Eleusinium at Athens ([Lys.] *in Andoc.* § 4; Mommsen, p. 249); and at all these sacrifices the *θεωροί* of foreign states seem to have taken part (Eur. *Suppl.* 173). The night of the 18th may have been spent by the very devout in sleeping (Mommsen, p. 253) in the temple of Aesculapius, S.W. of the Acropolis, or in the Iaccheum (Boeckh on *C. I. G.* 481), also called the temple of Demeter. It was just where the road from Piraeus entered Athens (Paus. i. 2, 4). The early morning of that day till about 9 A.M. was devoted to ordinary business, as we find decrees issued bearing that date (Mommsen, pp. 95, 225, 226). After this hour the Epidauria was celebrated in the temple of Demeter or Iacchus and in the temple of Aesculapius. It was, as we have seen, a supplementary sacrifice for those who came late, and legend said it was instituted for the sake of Aesculapius, who himself came late for the mysteries. Doubtless, however, the thought really lay in this, that Aesculapius was supposed by his wondrous skill to have raised again Iacchus from the dead, and the festival probably was incorporated in the Eleusinia when the worship of Epidaurus got connected with that of Athens (Herod. v. 82). Meanwhile there were

being brought from Eleusis certain religious objects,—playthings, it was said, of the child Iacchus,—bone (*ἀστράγαλος*), top (*στρόβιλος*), ball (*σφαῖρα*), apples (*μῆλα*), tambourine (*ῥόμβος*), looking-glass (*ἔσοπτρον*), woolly fleece (*πόκος*), fan (*λίκνον*), and such like, as we learn from Clement of Alexandria (*Protrept.* p. 15, ed. Potter; cf. Lobeck, *Aglaoph.* 701, 702). Phalli were perhaps also carried among these mystical objects (Lyd. *de Mensibus*, iv. 38, p. 82); but we must remember that the statue of Iacchus, as we shall see, which was carried in procession to Eleusis on the 19th, was not kept at Eleusis during the year, but at Athens, having been brought back some day shortly after the conclusion of the mysteries; for there was no Iaccheum at Eleusis (Mommsen, p. 253). The Athenian Ephebi met this convoy at the temple of Echo (evidence from inscriptions in Mommsen, p. 252), which was probably the same as the *ἱερὰ συκῆ*, where the story ran that Phytalus met the wandering Demeter (Brunck, *Anal.* iii. p. 187, No. 183; Athen. 74 d: Philostr. *Vit. Soph.* ii. 20 *fin.*), and the bridge over the Cephissus, and was so called from the cymbals (*ἠχεῖα*) used in the Eleusinian ceremony (Schol. Theocr. ii. 36), and conveyed them to Athens by nightfall. This is Mommsen's view as to the date: but Lenormant (*Contemp. Rev.* xxxviii. p. 138) thinks this convoy took place on the 16th; for the convocation of the Ephebi is on the 14th, according to the inscription given by Mommsen (p. 227), and it is highly probable that it should have been thus arranged so that additional splendour might be given to the procession by the mystae who went to the 'Ρειτοί joining it on their return home. In the early morning of the 19th, there were occasionally decrees passed (Mommsen, p. 225). In the forenoon (Plut. *Alcib.* 34; cf. Herod. viii. 65) the Iacchus procession started from the Eleusinium and proceeded to the Iaccheum, where they got the statue of Iacchus; perhaps then definitely organised the procession in the building assigned for that purpose (Paus. i. 2, 4); and then passing through the Ceramicus (Schol. Aristoph. *Ran.* 399) left Athens by the Sacred Gate (Plut. *Sull.* 14), priests and people crowned with myrtle and ivy, the rich ladies till the time of the orator Lycurgus (Plut. *Vit. X. Orat.* 842–4) riding in carriages (Schol. Aristoph. *Plut.* 1014). The statue of Iacchus was probably that of a fair child crowned with myrtle and holding a torch, hence called *φωσφόρος ἀστὴρ* in Aristophanes (*Ran.* 342). There were many ceremonies to be performed as the procession passed along the Sacred Way to Eleusis—ceremonies which had to be given up during the Peloponnesian War, while Attica was invaded by the Peloponnesians (Plut. *Alcib.* 34). One section of the procession repaired to the Cephissus and took baths therein, another to the bath by Anemocritus's statue near the tomb of Scirus the soothsayer, who came from Dodona to Eleusis to assist the Eleusinians in the war against Erechtheus and was slain. The Phytalidae sacrificed to Phytalus in Laciadae, where lay a temple to the Mourning (Ἀχέα) Demeter, and to Cora, with whose worship that of Athena and Poseidon was joined (Paus. i. 37, 2). Here according to Preller (*Diss. de via sacra*, p. 125, ed. Köhler) lay the *sacra gentilitia* of the Gephyraei (cf. Herod. v. 61) at the sacred fig-tree (cf. Lenormant, *Voie Sacrée Éleusinienne*, pp. 245, 254 ff.). At the palace of Crocon, the Croconidae perhaps bound small bands of saffron thread round the right wrist and right foot of each mystes (cf. Phot. *s. v.* *κροκοῦν*), which was considered as a protection from the evil eye. The other priestly families had probably particular ceremonies to perform at particular places. For a further account of the Sacred Way, see Fr. Lenormant, *op. cit.* Occasionally during the procession the majority of those who took part in it indulged in flouts and gibes at one another, a proceeding called *γεφυρισμός*, the origin of which title is unknown, but is generally associated with the bridge over the Cephissus (Strabo, ix. 400). It was similar to the *τὰ ἐξ ἁμαξῶν* of the Dionysia, or the *στήνια* of the Thesmophoria. We must remember, however, that Lenormant (*Voie Sacrée*, p. 282; *Contemp. Rev.* xxxviii. 141) supposes this *γεφυρισμὸς* to have occurred during the procession, as it *returned to* Athens after the ceremonial at Eleusis was finished. Chants in honour of Iacchus (*e.g.* Aristoph. *Ran.* 325 ff.) were sung constantly during the procession, which swelled louder as when, near midnight, Iacchus arrived at Eleusis amid the blaze of torches (Soph. *Oed. Col.* 1045). That the procession did not arrive till late at night is plain from the splendid chorus in the *Ion* (1076 ff.), which sings of the torches of the 20th and of the moon and stars dancing in heaven at the sight. The journey from Athens to Eleusis is really only four hours long; but the various ceremonies performed during the course of the procession extended it to three or four times its normal length. On the next morning certain sacrifices were performed (Rangabé, 813, 4), consisting probably in part of swine, to Demeter (Schol. to Aristoph. *Pax*, 374). An inscription in Mommsen, p. 257, orders sacrifices to be made by the *ἱεροποιοί* to Hermes Enagonius, the Graces, Artemis, and certain heroes, Telesidromus and Triptolemus. We do not know what these sacrifices were at Eleusis: at Andania they were (Inscr. l. 70), besides others, a sheep to Proserpina and a sow to Demeter. (For the offering of swine to the Earth Goddess, which offering was of a magical import, and how it was believed that to mix the flesh of swine with the seed-corn added to its fertility, see the Scholion on Lucian, *Dial. Meretr.* ii., quoted by Mr. Andrew Lang, "Demeter and the Pig," in the *Nineteenth Century*, April 1887, p. 562, and his references to analogous practices among the Khonds and Pawnees.) In later times the Ephebi made supplementary sacrifices of oxen. The bulls were brought unbound to the altar, and the Ephebi struggled with them to hold them as they were being sacrificed: compare the rites to Demeter Chthonia at Hermione (Paus. ii. 35, 5); hence perhaps the origin of the bull-fights alluded to by Artemidorus (*Oneirocr.* i. 8) as occurring at the Eleusinia.

The 22nd and 23rd were the *μυστηριώτιδες ἡμέραι* (Rang. 813, 9), and the ceremonies celebrated thereon were *παννυχίδες*. During the evening of the 22nd was probably what was called *λαμπάδων ἡμέρα* (cf. Fulg. i. 10), which consisted in a symbolical search after Cora with torches (Lactant. *Inst.* i. 21: cf. Stat. *Silv.* iv. 8, 50; Juv. xv. 149), performed principally by and for the less highly initiated, who conducted the search crowned with myrtle, wearing a fawn-skin, and holding a wand, the mystagogues of the several initiates taking part in the search—the whole proceeding being perhaps an interlude in the story of Demeter and Cora, which appears to have been represented in the temple on this night. After this came with much ceremonial the partaking of the *κυκεών*, a mixture of mint, barley-meal, and water. This was a cardinal feature in the ceremony, being, if we may so say, a participation in the Eleusinian sacrament. It was in remembrance of Demeter being refreshed after her long wandering and fruitless search. Thereafter followed what was called the *παράδοσις τῶν ἱερῶν* (Suidas, *s. v.*): certain relics and amulets were given to the votary to touch or kiss or even taste (Maury, *Rel. des Grecs*, ii. p. 335), the votary repeating, as the priest tendered him the objects with a regular question ("quae rogati in sacrorum acceptionibus respondeant," Arnob. *Adv. Gentes*, v. 26), this formula (*σύνθημα*), as given by Clement of Alexandria (*Protrept.* p. 18): *ἐνήστευσα, ἔπιον τὸν κυκεῶνα, ἔλαβον ἐκ κίστης ἐγγευσάμενος, ἀπεθέμην εἰς κάλαθον καὶ ἐκ καλάθου εἰς κίστην.* It appears that some kind of memento of this ceremony was given by the priest to the votaries, which a sincere believer used to keep in a linen cloth (Apul. *Apol.* p. 140). The actual *ἱερὰ* themselves were kept in a chest (*τελέτης ἐγκύμονα μυστίδα κίστην*, Nonnus, *Dionys.* ix. 127) bound with purple ribands, and consisted among others of sesame cakes of particular shapes, pomegranates, salt, ferules, ivy, poppy-seeds, quinces, &c. (Clem. Alex. *Protrept.* p. 19): the uninitiated were not allowed to see these "even from the housetop" (Callim. *Hymn to Ceres*, 4): cf. Grote, v. 63, and Lenormant on the *Cista Mystica* in D. and S. Not very different appear to have been the ceremonies of the 23rd. There were many wand-bearers but few bacchants, as the superintendents of the mysteries used to say (Plat. *Phaed.* 69 C), and it was for these latter, the more highly initiated mystae of at least a year's standing, generally called *ἐπόπται*, that the ceremonies of the 23rd were held, and they were the highest and greatest (see below, § 7). Here, too, was probably a *παράδοσις τῶν ἱερῶν*, the sacramental words used in receiving which being *ἐκ τυμπάνου ἔφαγον, ἐκ κυμβάλου ἔπιον, ἐκερνοφόρησα, ὑπὸ τὸν παστὸν ὑπέδυον.* All this undoubtedly points to the Phrygian worship of Sabazius (cf. Jul. Firm. Maternus, *De error. profan. relig.* 18, ed. Halm), which was introduced by the Orphics into the Eleusinian mysteries. On the afternoon of the 23rd was held that portion of the feast which was called *πλημοχόαι* (Ath. x. p. 496) or *πλημοχόη* (Poll. x. 74), a sacrifice to the dead. The *πλημοχόη* was a broad-bottomed earthen jar, and two such were used in the ceremony, one filled with wine and the other with water, the contents of the one thrown to the east and of the other to the west, while mystic words (*ὕε κύε*) were spoken. This sacrifice formed a fitting conclusion to the mysteries in the special sense, the *μυστηριώτιδες ἡμέραι*: for that is the way we are to understand Athenaeus (*l. c.*), not that it was the end of the whole festival. It was like the *ζημία* of the Thesmophoria: and it ended with a *χαίρετε* to the dead, which conclusion was called *προχαιρητήρια* (Harpocr. 161, 9; cf. Mommsen, p. 230). It must be noticed, however, that Lenormant (*Contemp. Rev.* xxxviii. 149) supposes the *πλημοχόη* to have taken place just outside the Dipylon gate of Athens, on the return of the procession from Eleusis; and that this is proved from the mystic words *ὕε κύε ὑπερκύε* found engraved on the kerbstone of a well near that spot. The next morning, 24th, occurred perhaps the *βαλλητύς* (Athen. 406; Hesych. *s. v.*), also called *τύπται* (Hesych. *s. v.*), a sort of sham fight, enjoined, it seems, in the Homeric hymn (*v.* 267 ff.). There was a similar contest, called *λιθοβολία*, at the festival of Damia and Auxesia at Troezen (cf. Paus. ii. 32, 2). Lenormant in D. and S., s. v. *Balletys*, sees a connexion with the herb *balis*, symbol of resurrection and immortality (*Etym. M.* s. v.; Plin. *H. N.* xxv. § 14). On this same morning and afternoon were the *ἀγῶνες σταδιακοί*, alluded to in Rangabé, 813. They were called Eleusinia or Demetria, and the prize was some barley grown on the Rarian plain (Schol. on Pind. *Ol.* ix. 150, 166). Euripides was crowned at these Eleusinian games (Gell. xv. 20, 3). There is no reason to suppose that these games were not annual (see Hermann, *Gottesd. Alterth.* § 55, 39); for the Eleusinian *πεντετηρὶς* referred to by Pollux, viii. 107, is a different and second-rate festival, as may be seen from its being mentioned last in the list (Mommsen, p. 243). In early times these games probably lasted two days; but in later times on the 25th the theatrical representations of the *Διονύσου τεχνῖται* were held, and we have some inscriptions referring to the sacrifices offered by this guild (*ib.* 266–7). As time went on, the 26th and 27th appear to have been devoted to such theatrical exhibitions (Rangabé, 813, 6), held perhaps for the purpose of keeping the visitors in the country. According to a decree in Mommsen, p. 232, dated 28th, the people were assembled at Eleusis and had not yet returned to Athens: but in the time of Andocides (*de Myst.* § 111) the 26th was the day after the mysteries (Mommsen, p. 231); and that there were some business days in Boedromion free after the mysteries is proved by Demosthenes (*Ol.* iii. § 5). The people do not appear to have returned to Athens in a regular procession, though Lenormant, as we have seen, thinks they did, and that the *γεφυρισμὸς* and the *πλημοχόη* were incidents in that return journey. The mystery-truce lasted till the middle of Pyanepsion (*C. I. G.* 71).

5. *The Priests and Priestesses.*—(*a.*) The most important priest was the *Hierophant* (*Ἱεροφάντης*). In lists of the Eleusinian priests he is put first (Dio Chrys. xxxi. p. 386, ed. Dind.; *C. I. G.* 184, 190). He was nominated for life (Paus. ii. 14, 1) from the Eleusinian family of the Eumolpidae, and was generally an elderly man and bound to a life of strict chastity. There was only one hierophant at a time, and his name was never mentioned (Lucian, *Lexiph.* 10), though in late inscriptions we find the Roman gentile name but not the praenomen or the cognomen given (*C. I. G.* 187). His principal duty was, clothed in an Oriental style with a long robe (*στολή*) and a turban (*στρόφιον*), as his name indicates, to show and explain the sacred symbols and figures—perhaps in a kind of chant or recitative, as he was required to have a good voice (cf.

Plut. *Alcib.* 22; Epictet. iii. 21, § 16; *C. I. G.* 401). (*b.*) The *Daduchus* (δᾳδοῦχος) or torch-bearer was inferior to the Hierophant, and of the same rank with the Keryx (*C. I. G.* 185, compared with 188). Originally he was descended from the Eleusinian Triptolemus (Xen. *Hell.* vi. 3, 6); but about 380 B.C. this family died out, and the Lycomidae, the family to which Themistocles belonged, which celebrated a local worship of Demeter at Phlyae full of Orphic doctrines and ceremonies, succeeded to the daduchia (see Boeckh on *C. I. G.* i. p. 441 f.). We have seen above, p. 717 *a*, how important Lenormant thinks the introduction of this family into the Eleusinian priesthood was, in that it brought with it into the Eleusinian ceremonies in a large measure the Orphic rites it was accustomed to practise. It is uncertain whether the name of the daduchus was sacred (Lucian, *l. c.*) or not (*C. I. G.* 403, 423). His head-dress was Oriental, as we may infer from a Persian soldier mistaking a daduchus for a king (Plut. *Arist.* 5). His main duty was to hold the torch at the sacrifices, as his name indicates; but he shared with the hierophant several functions, reciting portions of the ritual (Paus. ix. 31, 6, compared with Philostr. *Vit. Soph.* ii. 20), taking part in certain purifications (Suid. *s. v.* Διὸς κῴδιον), in the πρόρρησις (Schol. Aristoph. *Ran.* 369), and even in the exhibition of the mysteries (Suid. *s. v.* δᾳδουχεῖ). For these two priests, the Hierophant and the Daduchus, who had to be men of tried sanctity (νόμος τὸν μέλλοντα δᾳδουχεῖν δοκιμάζεσθαι, quoted by Mayor on Juv. xv. 140), there was a regular consecration on their entering office. It was the τέλος τῆς ἐποπτείας, and was called ἀνάδεσις καὶ στεμμάτων ἐπίθεσις, because the sign of it consisted in placing on the head of the new priest the diadem of purple and the wreath of myrtle which they wore permanently (Lenormant, *Contemp. Rev.* xxxviii. 414). (*c.*) The *Keryx* or *Hierokeryx* (κῆρυξ, ἱεροκῆρυξ). According to Eleusinian tradition, the Kerykes traced their origin back to Keryx, a younger son of Eumolpus; but they themselves considered their ancestors to be Hermes and one of the daughters of Cecrops, Aglauros according to Pausanias (i. 38, 3), Pandrosos according to Pollux (viii. 103). Mommsen (p. 234) supposes they were an Athenian family which ousted or absorbed an Eleusinian family, perhaps the Eudanemi (Hesych. *s. v.*). His duties were chiefly to proclaim silence at the sacrifices (Poll. iv. 91). (*d.*) The *Epibomios* (ὁ ἐπὶ βωμῷ). In early times he was certainly a priest (τὸν ἐπὶ τῷ βωμῷ ἱερέα, *C. I. G.* 71 a, 39); he is generally mentioned in connexion with the other three priests, but not always (*e.g.* Plut. *Alc.* 22; Epictet. iii. 21, 13; *C. I. G.* 188, 190, 191). No family laid especial claim to this priesthood. His name, as well as that of the Keryx, was probably not sacred. The four Eleusinian priests were among those who were maintained in the prytaneum—were ἀείσιτοι, as they were called (*C. I. G.* 183 ff.). (*e.*) The Hierophantis (ἱερόφαντις). There was originally only one at a time; she belonged to Demeter (*C. I. G.* 434, 2), and her name was sacred: but a new one was added when Hadrian's wife Sabina was deified as the younger Demeter (*ib.* 435, 1073). Perhaps at this time or afterwards the priestesses came to be multiplied; see the Schol. on Soph. *Oed. Col.* 683, καὶ τὸν ἱεροφάντην δὲ καὶ τὰς ἱεροφάντιδας καὶ τὸν δᾳδοῦχον καὶ τὰς ἄλλας ἱερείας μυρρίνης ἔχειν στέφανον. They lived a life of perfect chastity during their tenure of office, though they might have been married previously (Mommsen, p. 237). It is uncertain to what family the original hierophantis of Demeter belonged; that of the younger belonged to a branch of the Lycomidae (*ib.*). The duties of the hierophantis corresponded to those of the hierophant. Pollux (i. 14) appears to call these priestesses προφάντιδες, and perhaps they were also called μέλισσαι (Hesych. *s. v.*). (*f.*) *Female torch-bearer*, δᾳδουχήσασα (*C. I. G.* 1535; cf. Lucian, *Cataplus*, 22). (*g.*) *Priestess* (ἱέρεια). She was not hieronymous, but eponymous (cf. *C. I. G.* 386, ἐπὶ ἱερείας Φλαουΐας Λαοδαμίας). These priestesses belonged to the family of the Phillidae (Suid. and Phot. *s. v.*). Her duties corresponded in all probability with those of the Epibomios. (*h.*) The *Spondophori* (σπονδοφόροι) were sent out to the adjoining country a month before the ceremony to announce the truce for the mysteries (Aeschin. *Fals. Leg.* § 133). They belonged to the families of the Eudanemi and Kerykes (Hesych. *s. v.* Εὐδάνεμος). Mommsen (p. 244) thinks that a Eudanemos went from Eleusis and a Keryx from Athens at the same time. (*i.*) *Minor offices:* (1.) φαιδρύντης τοῖν θεοῖν (Inscr. *ap.* Mommsen, p. 227), perhaps belonging to the Eleusinium of the city. (2.) ὑδρανός, whom Hesych. describes as ἁγνίστης τῶν Ἐλευσινίων. He probably superintended the ἅλαδε μύσται. (3.) ἰακχαγωγὸς and κουροτρόφος, female nurses attending on the child Iacchus (Poll. i. 35; *C. I. G.* 481, 9). (4.) Perhaps the same may be said of the δαειρῖτις; but it is very uncertain. We know that Proserpina was originally called Daeira in the Eleusinian worship. (5.) ἱεραύλης (*ib.* 184, c. 18) was probably the head of the ὑμνῳδοὶ and ὑμνητρίδες (Poll. i. 35), a sort of choir. (6.) Who the παναγεῖς and the πυρφόροι were beyond what can be inferred from their names cannot be determined. Lenormant (p. 867) says the παναγεῖς were intermediate between the ministers and the initiates. Though not strictly a priest, yet as exercising an important function in the mysteries, (*j*) the *mystagogi* (μυσταγωγοί) may be mentioned here. They had to be men who had passed through all the grades of initiation. They were probably under the cognisance of the state, in a manner licensed (Sauppe, *Mysterieninschrift*, p. 37). Prior to presenting himself for initiation, each votary had to place himself under the guidance of one of these mystagogues, and got instruction from him as to the various purifications and ceremonies he was to perform. It was only by the unconscientiousness of mystagogues that unworthy applicants ever got admission to the mysteries. After due examination, if the mystagogue was satisfied, he presented the applicant or returned his name to the Archon Basileus or his assistants. This was called σύστασις (Lenormant, *Cont. Rev.* xxxviii. p. 135). If a mystagogue could not say what purificatory sacrifices were required for a special candidate, recourse was had to (*k*) an *Exegetes* (ἐξηγήτης), who appears to have been elected by the people from the Eumolpidae or Kerykes (cf. *C. I. G.* 392) and whose business it was to decide such difficult cases and generally to give *responsa* on Eleusinian ecclesiastical law. There were many books of the mysteries (cf. Lenormant, *Cont. Rev.* xxxvii. 871) which were intended to have been strictly kept from the uninitiated and which appear to have contained not only what ritual was to be performed in various cases—such perhaps was the Eumolpidarum *πάτρια* which Cicero asks Atticus (i. 9, 2) for—but also perhaps the allegorical and symbolical interpretations of some of the myths: cf. Galen, viii. 181, ed. Kuhn; Lobeck, *Aglaoph.* 194.

The priests of the mysteries, especially the Eumolpidae, appear to have had a special ecclesiastical court (*ἱερὰ γερουσία, C. I. G.* 392, 399) for trying offences of impiety (a very vague and elastic term) in connexion with the festival, which court they conducted according to unwritten laws of immemorial antiquity (Lys. *in Andoc.* § 10). To prosecute before this court was called *δικάζεσθαι πρὸς Εὐμολπίδας*. Their punishments, according to Caillemer (D. and S., s. v. *Asebeia*), were strictly religious, exclusion from the mysteries, deprivation of title of initiate, and such like. The curse and excommunication were most solemn; priests and priestesses, turning to the west, uttered the words of imprecation and shook their garments ([Lys.] *in Andoc.* § 51). It may be that this court was the only tribunal for cases of what we may call heterodoxy, impiety consisting in the performance of rites contrary to the traditional one and to that held by the priests; while other kinds of procedure, superadded to the religious investigation and condemnation, were adopted in accordance with ordinary criminal law (such as *ἀπαγωγή, ἀσεβείαι γραφή, ἔνδειξις, προβολή, εἰσαγγελία*: see Wayte's note on Dem. *Androt.* p. 601, § 27) in cases of impiety, which consisted in disorder and vulgar profanity. These charges were brought before the Senate of Five Hundred sitting in the Eleusinium of the city on the day after the mysteries (Andoc. *de Myst.* § 111). The penalty was death (Thuc. vi. 61 *fin.*) or banishment (Andoc. § 15), with confiscation of goods (*C. I. A.* i. 277), for profanation of the mysteries. The accuser, if he did not get the fifth part of the votes, suffered a kind of *ἀτιμία* (Andoc. § 33), *i.e.* was deprived of the right to enter the temples and fined the usual 1000 drachmas (Caillemer, *l. c.*). Many shrank from themselves bringing the accusation, and used to inform the Archon Basileus of the profanation they had observed, and if he thought it serious he made the accusation officially. This information laid before the archon was called *φράζειν πρὸς τὸν βασιλέα* (Dem. *Androt.* l. c.).

A vase representation from a hydria of Cumae of the Eleusinian goddesses and their priests is given by Baumeister, *Denkmäler*, p. 474, with full explanations. The pictures are instructive as regards the dress of the priests.

6. *The Civil Functionaries connected with the Festival.*—The chief civil superintendence of the festival was entrusted to the Archon Basileus, who was assisted by four *ἐπιμεληταί*, elected by the people, two from the people generally and one each from the families of the Eumolpidae and Kerykes (Aristot. *ap.* Harpocr. p. 118). The Archon generally appears to have appointed an assistant (*πάρεδρος*), who was probably as a rule his relation—at least for the Dionysia in one case the Archon appointed his father-in-law ([Dem.] *c. Neaer.* p. 1372, § 81). The duties of the Archon and his assistant were to sacrifice and pray for the prosperity of the people, both at Athens and Eleusis, and to have general police supervision over the whole solemnity (Lys. *c. Andoc.* § 4). The *ἐπιμεληταὶ* had also such duties as looking after the sacrifices, testing the offerings of the votaries, classifying and marshalling the different grades of initiates, managing certain monies, &c., if we may infer from the similar duties attaching to the officials of this name at Andania. As to the finances of the festival generally, according to *C. I. G.* 71 a, 29, *ἱεροποιοὶ* had the administration of them. Midias was elected one of these. They were three in number (Dem. *Mid.* p. 522, § 115), though *Etym. M.* (s. v.) says they were ten.

7. *The Initiates.*—Originally only Athenians were admitted: legend said that Hercules and the Dioscuri (Plut. *Thes.* 33) had to be adopted prior to initiation; but later (cf. Herod. viii. 65) all Greek-speaking people who were not murderers were admissible to be initiated (Isocr. *Panegyr.* § 42). Barbarians were excluded: so Anacharsis had to be naturalised (Lucian, *Scyth.* 8); but it was not at all necessary to be an Athenian citizen, as the Emperor Julian (*Or.* vii. 238) implies. This Lobeck (*Aglaoph.* 17–20) proves elaborately. Women (Aristid. *Eleus.* vol. i. p. 257, Jebb), and even perhaps slaves (Theophilus, *Fr.* i., vol. ii. p. 473, Kock), were admissible. Children were admitted to the first grade only; but among the children brought to Eleusis one was picked out for special initiation, and "to appease the divinity by a more exact performance" of the ceremonies required (Porphyr. *Abst.* iv. 5). That boy or girl (for boys, see *C. I. G.* 393, 400; for girls, 443–445, 448) was said *μυηθῆναι ἀφ' ἑστίας*, and was called *ὁ* (or *ἡ*) *ἀφ' ἑστίας*. He or she had to be an Athenian of high birth (Bekk. *Anecd.* 204), perhaps of the special family of the Lycomidae, Eumolpidae, or the like; and was probably initiated standing on the steps of the altar, while the rest stood afar off. (Cf. Themist. xiii. p. 165, *ἀλλ' ἐχρῆν ὡς ἔοικε τὸν μυσταγωγόν μοι γενέσθαι τῆς ἐρωτικῆς τελετῆς οὐ πόρρωθεν τῶν παιδικῶν οὐδὲ ὀθνεῖον ἀλλ' ἐγγύθεν καὶ ἀφ' ἑστίας.*) The parents of the child had to make extensive offerings and pay a large fee. For more concerning initiation *ἀφ' ἑστίας*, see Boeckh on *C. I. G.* 393. Originally admission was free for all initiates; but by virtue of a law passed by the orator Aristogiton, each initiate had to pay a fee to the public treasury (Lenormant, *Contemp. Rev.* xxxviii. p. 123).

The ordinary proceeding was for the initiate to receive his first introduction as a child and afterwards the higher grades as a man—*παῖς μύστης καὶ ἐπόπτης ἀνήρ*, as Himerius says (*Or.* xxii. 1; cf. *C. I. G.* i. p. 445). This falls in admirably with what Tertullian says (*contra Valentin.* 1): "Idcirco et aditum prius cruciant, diutius initiant antequam consignant, cum epoptas *ante quinquennium* instituunt,"—a statement not contradicted by the fact that the *shortest possible* interval between the two grades of initiation is stated at one year (Plut. *Demetr.*

26; cf. Schol. on Aristoph. *Ran.* 745). The whole cycle of the mysteries was a *trieteris*, and could be gone through in two years: even the Homeric hymn extends the whole legend beyond a year, and when the Orphic theology blended Iacchus-Zagreus into the story, the regular course of two years came to be adopted. There is a high probability, as we shall see (§ 8), that the first-year votaries at Eleusis were shown a drama representing the usual story of Demeter and Cora, while the second-year votaries were shown the whole legend of Zagreus: and as to the whole course of the actual mysteries, there is a possibility that the following arrangement was that adopted, though it must be remembered that it is little more than conjecture, and given for what it is worth.

(1.) First Spring at Agrae—the votaries mourn for Cora ravished by Hades.

(2.) First Autumn at Eleusis—mourning with Demeter for the loss of her daughter, and exhibition of the ordinary legend.

(3.) Second Spring at Agrae—the murder of Zagreus and his heart being given to Cora (who here seems to take the place of Semele), and conception of Iacchus.

(4.) Second Autumn at Eleusis—rebirth of Iacchus, who is carried in procession to Demeter at Eleusis, and there the votaries sympathise in the joy of the earth-goddess, who once more has about her her child and grandchild.

That there were different grades of initiates hardly needs proof: the *μύσται* were those who had received any degree of initiation, the *ἐπόπται* or *ἔφοροι* the second-year votaries. Suidas (*s. v.* *ἐπόπται*) says so explicitly—cf. Harpocr. *s. v.* *ἐπωπτευκότων*, and Plut. *Demetr.* 26; not to mention such passages as Plut. *de Iside et Osiride*, c. 78, where the different grades of proficiency in philosophy are compared to those of the initiates into the mysteries. There were mystic ceremonies for both these classes of initiates, one on each of the two days, 22nd and 23rd. While anyone introduced by a mystagogue could get admission to the ceremonies of the first year, the *μύησις*, the *ἐπόπτεια* or *ἐποψία* could only be seen by those who got a ticket from the *δᾳδοῦχος*. A ticket of that kind has been discovered marked ΔΑΔ and ΕΠΟΨ, with the symbols of an ear of corn and a poppy (see Lenormant, xxxviii. 145). What those ceremonies were is the most important and interesting point in our subject; but the seal of silence which was laid on the votaries has not been broken. This secrecy was most strenuously enjoined and most rigorously enforced, as we have seen. The prosecution of Alcibiades for holding a travesty of the mysteries in his own house, and Andocides's speech on the subject, are well known. Aeschylus is said to have divulged the mysteries in styling Artemis a daughter of Demeter (Herod. ii. 156; Paus. viii. 37, 6), and in other matters (Arist. *Nic. Eth.* iii. 1, 17; and Lobeck's discussion, *Aglaoph.* pp. 77 ff.), and to have only barely escaped death. Diagoras of Melos (Diod. xiii. 6; [Lys.] *in Andoc.* § 17) was banished from Athens and a price set on his head for having divulged the mysteries. It was the prevailing belief of antiquity that he who was guilty of divulging the mysteries was thought sure to bring down divine vengeance on himself and those associated with him (Hor. *Carm.* iii. 2, 26). We are accordingly left to conjectures more or less probable as to what the chief mystic ceremonies were.

8. *The Mystic Ceremonies in the Temple.*—They were performed in the temple of the two goddesses at Eleusis, a building reckoned one of the greatest masterpieces of the Periclean age. Ictinus superintended the whole. Coroebus built the lower story, with four rows of columns which divided the interior space. On his death Metagenes took up the work and added an upper story, and Xenocles built a cupola roof with an opening (*ὄπαιον*) in the middle for the light (Plut. *Pericl.* 13; Vitruv. vii. Pref. §§ 16, 17). The dimensions of the whole building were 223 feet by 179, the measurement of the cella being 175 feet by 179. The temple had no pillars in the façade till the architect Philon, in the time of Demetrius of Phalerum, built a pronaos with twelve pillars (Vitruv. *l. c.*). The temple stood inside a large enclosure, which was approached by a propylaea, there being yet another propylaea leading to the temple. Inside this enclosure Lenormant has fixed the position of the *ἀγέλαστος πέτρα*, where Demeter was said to have rested in her wanderings, as the rock where the great statue of Demeter Achea, now at Cambridge, stood, *i.e.* on the axis of the first propylaea close to a well, which he also identifies as Callichorum. (See his elaborate description, *Contemp. Rev.* xxxviii. 125 ff.; and Baumeister's *Denkmäler*, art. *Eleusis*, with the plan he gives. For fuller details, compare the *Πρακτικὰ τῆς Ἀρχαιολογικῆς ἑταιρίας* for 1883, and M. Blavette in *Bulletin de Correspondance hellénique*, viii. (1884), pp. 254 ff.) The temple of Ictinus, though built on the site of an older and smaller one, must be distinguished from the most ancient temple which stood more to the north, occupying a platform which overlooked the well Callichorum and the *ἀγέλαστος πέτρα*, exactly on the spot where the Homeric hymn (v. 273) orders it to be built. The great temple of Ictinus was called by the ancients *μυστικὸς σηκός* (Strabo, ix. 395), and the inner portion *τελεστήριον* or *ἀνάκτορον* or *μέγαρον* (cf. Lobeck, *Aglaoph.* 59).

The ceremony was doubtless dramatic. "Deo and Cora," says Clement of Alexandria (*Protrept.* p. 12), "have become a mystic drama. Eleusis illustrates by the light of the torches of the daduchus the carrying off of Cora, the wandering journeys and grief of Deo" (cf. Minuc. Felix, *Octav.* c. 21), a view to which the terms *ἱεροφάντης* and *ἐπόπτης* also lead us, and which is consistent with the whole tenor of the ancient Greek religion, which was materialist and naturalist in its doctrines, and used for its inculcation visible symbols, but did not rise through the hearts and the consciences of its votaries to a conception of the Divinity whom eye hath not seen nor ear heard. "Above these two conditions," says Preller (*Gr. Myth.* i. 653), "Nature as object and the sensible as its formal expression, the religions of the ancients have never arisen." The ceremony, then, was dramatic. Aelius Aristides (*Eleus.* i. 256) asks, "Where else do the recitals of the narratives chant forth greater marvels, or does the ceremonial (*τὰ δρώμενα*) involve a greater affrightment (*ἔκπληξιν*), or does the spectacle match more fully what the ear hears?" The drama consisted of *δρώμενα* and *λεγόμενα*, the former being much the more important, for the ancient religious worship addressed itself, as Grote points out (v. 63), more to the eye than to the ear. There were hymns and chants (Paus. ix. 27, 2: the name Eumolpus pointing to such, *C. I. G.* 401, and the hierophant, as we saw, was required to have a good voice), speeches and exhortations (*ῥήσεις, παραγγέλματα*), recitals of myths (*μύθων φῆμαι*. Aristid. *l. c.*), wailings for the loss of Persephone (Proclus on Plat. *Politic.* p. 384). There were kinds of dancing or rhythmical movements by those performing the ceremony (Lucian, *de Salt.* 15), clashing of cymbals (Schol. on Theocr. ii. 36; Vell. i. 4, 1), sudden changes from light to darkness (*σκότους τε καὶ φωτὸς ἐναλλὰξ γενομένων*, Dio Chrys. xii. 387), "toilsome wanderings and dangerous passages through the gloom, but the end is not yet, and then before the end all kinds of terror, shivering and quaking, sweating and amazement, when suddenly a wondrous light flashes forth to the worshipper, and pure regions and meadows receive him: there are chants, voices, and dances, solemn words and holy images; and amongst these the votary now perfected is freed at last and is released, he wanders to and fro with a crown on his head, joining in the worship and in the company of pure and holy men; and he sees the uninitiated and unpurified crowd of the living in the thick mire and mist, trampling one another down, and huddled together, abiding ever in evils through fear of death and disbelief in the good things yonder" (Themist. in Stob. *Serm.* cxx. 26). For somewhat similar descriptions of the mingled terror and comfort in the spectacle, see Dio Chrys. xii. 202; Plut. *Frag. de Anim.* vi. 2, p. 270; *de Facie lunae*, c. 28; *de Profect. Virt.* p. 81; Proclus on Plut. *Alc.* p. 142. Lucian (*Catapl.* 22) represents a man having entered Hades and got into the dark asking his companion if what was represented at Eleusis was not like this. Claudian's description (*de Rapt. Proserp.* init.) is sufficiently terrible; and amidst that rhetoric Lenormant (*Contemp. Rev.* xxxviii. 421) fancies he can infer that the votaries, waiting anxiously outside the building, saw the glimmer of the lighted interior through the *ὀπαῖον* ("et claram dispergere culmina lucem," v. 8); then was heard the noise of the preparations for the play, the doors were thrown open, and the daduchus appeared with torches in his hands, and the statue of Demeter was seen in gorgeous vestments and brilliantly lit up. It is more probable that the whole performance took place inside the temple. But that figures of the gods were introduced is certain—*εὐδαίμονα φάσματα*, as Plato (*Phaedr.* p. 250 C) calls them, which flitted noiselessly (*ἀψοφητί*, Themist. *Or.* xvi. 224, ed. Dind.) across the stage; but the images were incomplete, not simple but overcharged with strange attributes, they were ever in motion and represented in a dim and murky light—they were neither *ὁλόκληρα, ἁπλᾶ, ἀτρεμῆ*, nor *ἐν αὐγῇ καθαρᾷ*, like the Platonic Ideas—as we may infer with Lenormant (p. 417) from Plato (*l. c.*). Galen, too (see Lobeck, p. 64), says the representations were *αμυδρά*. At Andania, too (*Inscr.* l. 24), provision is made for *ὅσα δεῖ διασκευάζεσθαι εἰς θεῶν διάθεσιν*. To be more precise, the mystic drama of Demeter and Cora was unfolded to the mystae, the first-year initiates; but the epoptae were shown a representation of what Clement calls "the mysteries of the dragon," which is the story of Zeus uniting himself with Persephone (called Brimo: cf. *Philosophumena*, viii. p. 115, ed. Miller) in the form of a serpent, and the whole tale of Iacchus-Zagreus was probably told (Clem. Alex. *Protrept.* pp. 13–15; Tatian, *Or. ad Graecos*, 13 (9 ed. Migne); and Lenormant, p. 426). There was shown to the epoptae a representation, symbolical probably of creation, in which we hear (Euseb. *Praep. Evang.* iii. 12) that the hierophant used to assume the part of the Creator, the daduchus that of the sun, the altar-priest that of the moon, and the hierokeryx that of Hermes. Again, "the last, the most solemn, and the most wonderful act of the *ἐποψία*" was shown, the ear of corn cut in perfect stillness: the blade of corn symbolised, we are told, the great and perfect ray of light issuing from the Inexpressible One (*ὁ παρὰ τοῦ ἀχαρακτηρίστου φωστὴρ τέλειος μέγας*, *Philosophumena*, p. 115), whatever that means, or rather perhaps it was the symbol of life, the cutting down being death. Lenormant (p. 428) points to the Barone vase, which on one side has Zeus striking down the Titans, signifying death, and on the other side the ear of corn springing up and offerings being brought to it, which signifies life. In describing these vase-paintings he points out that it was allowable to represent the scenes from the mystic ceremonies, for they had no meaning without the explanatory words, which were only known to the initiated. The general form under which the initiations are represented on the vases is that of a marriage of the votary with Eudaimonia in the other world—in one of which the votary, a youth cut off by death in his prime, is represented as deserting Ὑγίεια, Health, and passing to the arms of Εὐδαιμονία, Bliss (Lenormant, pp. 431–433).

This picture may lead us to what is to be said in conclusion on the moral and religious import of the mysteries. If we choose to regard them in a cold unimpassioned un-religious way, we can say that they were a somewhat melodramatic performance, splendid no doubt, full of what Lobeck (p. 107) calls fireworks (*pyrotechnia*), but a mere theatrical display. That there were connexions between the mysteries and the theatre (the hierophants are said to have borrowed costume from the dramas of Aeschylus, Athen. i. p. 22, if the reverse is not rather the case) need not surprise us; and that modern archaeologists profess to find in the temple of Eleusis evidences of machinery by which the spectacle was worked (Preller in Pauly, iii. 89; Lenormant, p. 415) is only natural; for there undoubtedly was a spectacle, a religious spectacle. But that man is not to be envied who thinks to evince his superior wisdom by laughing at and depreciating the ceremonies, as Lobeck does throughout his learned work, or talking of them as "the great and illustrious humbug of ancient history," as De Quincey does (*On Secret Societies*, vi. 255). Anything moral or religious may be made ridiculous if one chooses to regard it from the lower plane of the intellect alone, and does not take into account the subjective condition of the moral worker or the religious worshipper. The universal voice of the great names of pagan antiquity, from the Homeric hymn down to the writers of the late Roman Empire, attest to the wonderfully soothing effect the mysteries had on the religious emotions, and what glad hopes they inspired of good fortune in the world to come ([Hom.] *Hymn. Dem.* 483 ff.; Pind. *Fragm.* 137, Bergk; Soph. *Fragm.* 719, Dind.; Isocr. *Panegyr.* § 28; Cic. *Leg.* ii. 14, 36; Crinagoras in Jacobs' *Anthol.* ii. p. 332, No. 42; Paus. v. 10, 1, x. 31, 11); and "as a consequence of this clearer light, this higher faith, the votaries became better men and better citizens" (Mahaffy, *Rambles and Studies in Greece*, p. 184). "Neque solum," says Cicero *l. c.*, "cum laetitia vivendi rationem accepimus, sed etiam cum spe meliore moriendi." For the object aimed at was rather, as Aristotle pointed out (*ap.* Synesius, *Orat.* p. 48), not that the initiate should be taught anything, that would appeal merely to his intellect (cf. Plut. *de Defect. Orac.* 23 *fin.*), but should be moved and have his higher impulses stirred (*οὐ μαθεῖν τι δεῖν ἀλλὰ παθεῖν καὶ διατεθῆναι*). "The light of the sun is bright for the initiated alone," sing the chorus of mystae in the *Ranae* (454). Not but that there were many scenes and symbols of a somewhat coarse nature, *φαλλαγωγίαι, ἱεροὶ γάμοι*, such as those represented by the hierophant and hierophantis, which pourtrayed perhaps the unions of Zeus and Demeter, Zeus and Persephone, and which entered into the higher worship (cf. *ὑπὸ τὸν παστὸν ὑπέδυον*), but which are probably grossly exaggerated by the Christian writers (cf. Hermann, *Gottesd. Alterth.* § 55, 28; Lobeck, 196 ff.; Lenormant, p. 427), who did not take into consideration their symbolical meaning (cf. Lenormant, *Voie Sacrée*, p. 89). The truths, however, which these and other symbolical performances contained was known only to the Hierophant, and explained by him to those whom he thought fit to hear them; cf. Theodoretus (*Therap.* p. 49, Gaisf.): *τὸν ἱεροφαντικὸν λόγον οὐχ ἅπαντες ἴσασιν· ἀλλ' ὁ μὲν πολὺς ὅμιλος τὰ δρώμενα θεωρεῖ, οἱ δέ γε προσαγορευόμενοι ἱερεῖς τὸν τῶν ὀργίων ἐπιτελοῦσι θεσμόν, ὁ δὲ ἱεροφάντης μόνος οἶδε τῶν γιγνομένων τὸν λόγον καὶ οἷς ἂν δοκιμάσῃ μηνύει.* Even the *ἐπόπται* only knew part of the mystic secrets, *γνῶναί τι τῶν ἀπορρήτων* (Sopatros, *Distinct. Quaest.* p. 121, quoted by Lenormant, p. 414). The multitude of worshippers took it all on faith, but, as Mr. Mahaffy (*op. cit.* p. 184) finely remarks, "even the coarsest features were hallowed and ennobled by the spirit of the celebrants, whose reverence blinded their eyes while it lifted up their hearts."

The Eleusinian mysteries lasted for more than five centuries after Greece became a Roman province. As late as the time of the Emperor Julian they still enjoyed a considerable portion of their primeval sanctity (Gibbon, iii. p. 132, ed. Smith), and were held in the highest esteem by the Neo-Platonic philosophers. The edict of Valentinian and Valens against secret worships did not extend to the Eleusinia, the praefect of Achaea, Pretextatus, having represented that the life of the Greeks would be barren and comfortless without the mysteries (*ib.* iii. p. 249). The hierophant who initiated Maximus and Eunapius in the 4th century was the last Eumolpid. Subsequently Mithraic worship got blended with the Eleusinian; but the mysteries did not finally perish till the destruction of Eleusis by Alaric in his invasion of Greece, A.D. 396 (Gibbon, *l. c.* with Dr. Smith's note; Lenormant, *Contemp. Rev.* xxxvii. 862).

For further discussion on the mysteries, see MYSTERIA. The principal books to consult on the Eleusinia are: St. Croix, *Récherches sur les Mystères;* Creuzer, *Symbolik*, iv. 33 ff.; Lobeck, *Aglaophamus*, especially pp. 3–228; K. O. Müller, *Kleine Schriften*, ii. 242–311 (a reprint of his article *Eleusinia* in Ersch and Grüber); Petersen in Ersch and Grüber, xxviii. 219 ff., especially 252–269, in the second volume of the article *Griechenland;* Guigniaut, *Mémoires sur les Mystères de Ceres et de Proserpine* in the *Mémoires de l'Académie des Inscr.* xxi.; Preller in Pauly, art. *Eleusinia*, and *Griechische Mythologie*, i. 643–653; Hermann, *Gottesdienstliche Alterthümer*, §§ 35, 55; Maury, *Religions de la Grèce*, ii. pp. 297–381; Schömann, *Griechische Alterthümer*, ii. 380–402; August Mommsen, *Heortologie der Athener*, 62–75, 222–269; Baumeister, *Denkmäler*, s. vv. *Eleusinia* and *Eleusis;* Lenormant, *Monographie de la Voie Sacrée Éleusinienne*, 1864, and *The Eleusinian Mysteries* in the *Contemporary Review*, xxxvii. and xxxviii. May, July, and September 1880; Ramsay in the *Encyclopaedia Britannica*, s. v. *Mysteries*. [L. C. P.]

ELEUTHE'RIA (*ἐλευθέρια*), the feast of liberty, a festival which the Greeks, after the battle of Plataea (479 B.C.), instituted in honour of Zeus Eleutherios (the deliverer). It was intended not merely to be a token of their gratitude to the god to whom they believed themselves to be indebted for their victory over the barbarians, but also as a bond of union among themselves; for, in an assembly of all the Greeks, Aristides carried a decree that delegates (*πρόβουλοι καὶ θεωροί*) from all the Greek states should assemble every year at Plataea for the celebration of the Eleutheria. The town itself was at the same time declared sacred and inviolable, as long as its citizens offered the annual sacrifices which were then instituted on behalf of Greece. Every fifth year these solemnities were celebrated with contests (*ἀγὼν τῶν Ἐλευθερίων*) in which the victors were rewarded with chaplets (*ἀγὼν γυμνικὸς στεφανίτης*, Strab. ix. p. 412). The annual solemnity at Plataea, which continued to be observed down to the time of Plutarch (*Arist.* 19 and 21; Paus. ix. 2, § 6), was as follows:—On the sixteenth of the month of Maimacterion, a procession, led by a trumpeter, who blew the signal for battle, marched at daybreak through the middle of the town. It was followed by waggons loaded with myrtle boughs and chaplets, by a black bull, and by free youths who carried the vessels containing the libations for the dead. No slave was permitted to minister on this occasion. At the end of this procession followed the archon of Plataea, who was not allowed at any other time during his office to touch a weapon, or to wear any other but white garments, now wearing a purple tunic, and with a sword in his hand, and also bearing an urn, kept for this solemnity in the public archives (*γραμματοφυλά-*

κιον). When the procession came to the place where the Greeks, who had fallen at Plataea, were buried, the archon first washed and anointed the tombstones, and then led the bull to a pyre and sacrificed it, praying to Zeus and Hermes Chthonios, and inviting the brave men who had fallen in the defence of their country to take part in the banquet prepared for them. This account of Plutarch (*Arist.* 19 and 21) agrees with that of Thucydides (iii. 58). The latter, however, expressly states that dresses formed a part of the offerings, which were probably consumed on the pyre with the victim. This part of the ceremony seems to have no longer existed in the days of Plutarch, who does not mention it; and if so, the Plataeans had probably been compelled by poverty to drop it. (See Thirlwall's *Hist. of Greece*, ii. p. 353, &c.; Boeckh, *Expl. Pind.* p. 208, and *ad Corp. Inscript.* i. p. 904.)

Eleutheria was also the name of a festival celebrated in Samos, in honour of Eros. (Athen. xiii. p. 562 a.) [L. S.]

ELLIME'NION (*ἐλλιμένιον*), a harbour-duty collected at the Peiraeus, the nature of which is not exactly determined. Some have identified it with the PENTECOSTÉ or 2 per cent. duty on imports; against this, however, is the mention of *ἐλλιμενισταί* (Dem. *c. Phorm.* p. 917, § 34; Bekk. *Anecd.* 251, 30), as if distinct from the better known *πεντηκοστολόγοι*. Boeckh's conjecture is very generally received, that it may have been the same as the *ἑκατοστὴ* mentioned by Xenophon (*Rep. Ath.* 1, § 17) as levied on foreign ships entering the Peiraeus; a duty paid for the use of the harbour, whether goods were unladen or not. But in an enumeration of the revenues by Aristophanes we find *λιμένας* (*Vesp.* 659), seemingly different from the *ἑκατοστὰς* of *v.* 658. A line of Eupolis, *ἐλλιμένιον δοῦναι πρὶν εἰσβῆναί σε δεῖ* (*fr.* 42 M.), looks as though it were a tax on passengers, not on goods (Boeckh, *P. E.* p. 322 = *Sthh.*^{3} i. 393; Gilbert, *Staatsalterth.* i. 332; Sandys on Dem. *c. Phorm.* p. 909, § 7). [W. W.]

ELLO'TIA or HELLOTIA (*ἐλλώτια* or *ἑλλώτια*), a festival with a torch race celebrated at Corinth in honour of Athena as a goddess of fire. (Schol. *Pind. Ol.* xiii. 56; Athen. xv. p. 678 a, b; *Etym. M.* s. v. Ἑλλωτίς.)

A festival of the same name was celebrated in Crete, in honour of Europa. The word *ἑλλωτίς*, from which the festival derived its name, was, according to Seleucus (*ap.* Athen. *l. c.*), a myrtle garland twenty cubits in circumference, which was carried about in the procession at the festival of the Ellotia. (Compare Hesych. and *Etym. M.* s. v. Ἑλλώτια.) [L. S.]

ELLY'CHNIUM. [LUCERNA.]

EMANCIPA'TIO was an act by which the *potestas* of a paterfamilias over a person in his power was voluntarily dissolved by him, and it was so called because it was effected in the guise of a sale with all the ancient solemnities of the *aes et libra* (*mancipatio*). One of the rights of a paterfamilias under the archaic law of Rome was that of making money out of his children by selling them, and originally he might sell the same child as often as he pleased, and as opportunity occurred through the rights of the last purchaser being extinguished; but soon this came to be thought inhuman, and the Twelve Tables enacted that if a father sold his son three times, the latter should be free from his *potestas* ("si pater filium ter venumdabit, filius a patre liber esto," Gaius, i. 132; cf. Dion. Halic. *Antiq.* iv. 27). This rule was laid hold of as providing a means of voluntarily releasing children from *patria potestas*, which before seems not to have been possible; for the *pater* was never able to barely abdicate his rights (Dion. Halic. ii. 26, § 6; Cod. viii. 47, 6), and a person in *potestas* could not be made free by an ordinary manumission, like a slave, because the *potestas* itself was not a right of property, but in the nature of *imperium*. The process of emancipating a son, which is fully described by Gaius (i. 132), was as follows. The *pater* sold him by *mancipatio* to a third person, who then, in accordance with an agreement to that effect, express or implied, manumitted him by *vindicta* (Lactantius, *Div. Inst.* iv. 3, 17). This simply restored him to the *patria potestas*, owing to the rule of the Twelve Tables. The operation was repeated, with the same result. By being mancipated a third time, however, the son was released from *potestas*, but he did not become free, being *in mancipio* (quasi-slave) to the purchaser; but the latter had usually bound himself by agreement (*fiducia*) to remancipate him to the *pater*, which being done the father simply manumitted him by *vindicta* (being no longer his paterfamilias), whereby the son became free, and the father his quasi-patron and also his *tutor legitimus* if the child was *impubes* (Gaius, *Epit.* i. 6, 3). If the final act of manumission was performed by the purchaser, and not by the father, these rights and functions devolved on the former. For the emancipation of a daughter or any other descendant, only one sale was required, the Twelve Tables having spoken of these only in the case of a *filius* (Ulpian, *Reg.* 10, 1).

The legal effects of emancipation were two. Firstly, the emancipated person became *sui* instead of *alieni juris*; thereby, if a male, he acquired capacity to exercise himself *patria potestas*, and in any case became able to bring actions in his own name, make a will, and own property. As a general rule he was entitled to retain his *peculium* absolutely, unless expressly denied him (*Fragm. Vat.* 255, 261), and the *peculium* known as *adventicium* became his originally in any case: Constantine, however, enacted that the *pater* should have the right of retaining a third of it, for which Justinian substituted a usufruct or life interest in a half, "quasi pro praemio emancipationis" (Cod. 6, 61, 6, 3). Secondly, he underwent *capitis deminutio* (*minima*), the agnatic tie between him and his family being broken; so that neither had he any claim, by the civil law, to succeed those who belonged to it if they died intestate, nor had they any title to inherit from him. In fact, by the old *jus civile*, the only point in which an emancipated child was held to have any connexion with his old family was that, if the final act of manumission had been performed by the paterfamilias and not by the person to whom he had been mancipated, the *pater* became *quasi* patron (and possibly tutor), and succeeded the child if the latter died intestate leaving no *sui heredes*. When, however, the law of intestacy came to be modified by the praetorian *bonorum possessio* introduced through the Edict, emancipated children and those who were in the *pater's* power at his death (*sui heredes*) were placed on the same footing, under the title of *liberi*, in respect of succession to the father's property on his dying intestate; and by enactments of Anastasius and Justinian, an *emancipatus* acquired a similar right of succeeding in his due place to other non-agnatic relatives, among whom might be even brothers, sisters, uncles and aunts. A further recognition (of far earlier origin) of the actual relationship existing between father and child, even after emancipation, is to be found in the rules as to *testamentum inofficiosum* (*Inst.* ii. 18: see Testamentum).

The Emperor Anastasius (A.D. 491–518) introduced a new and alternative mode of emancipation by imperial rescript, in reply to a petition from the paterfamilias, which was chiefly employed where the father and child resided in different places, so that the old form *per aes et libram* was inapplicable (Cod. 8, 49, 5). Justinian, having abolished the old distinction between *res mancipi* and *nec mancipi*, and with it mancipation, the form of conveyance appropriate to the former, introduced a new mode of emancipation in lieu of the old one, viz. a declaration made by the *pater* before a magistrate, of which a record was preserved in the official *acta* of the court (Cod. 8, 49, 5, 6; *Inst.* i. 12, 6); but the child's consent was necessary (unless he was under seven years of age, or had come into *potestas* by adrogation, Cod. 8, 48, 9; *Inst.* i. 11, 3), a rule which was as least as old as Paulus (*Sent. rec.* ii. 25, 5). The *pater* might not bargain for any services to be rendered by the child in consideration of the emancipation (Dig. 37, 12, 4; 37, 15, 10): but he might emancipate grandchildren, retaining their father in his power, or *vice versâ* (*Inst.* i. 12, 7). As a general rule a child in power, whatever his age, could not compel the *pater* to emancipate him against his will (Dig. 1, 7, 31); the only exceptions being where he had been adrogated while *impubes* and found the adrogation prejudicial to him (Dig. 1, 7, 32), and where property had been left to and accepted by the *pater* on the express condition of emancipating him. (Dig. 1, 7; Cod. 8, 49; Gaius, i. 132 *sq.*; Ulpian, *Reg.* x. 1; Paulus, *Sent. rec.* ii. 25, 2 *sq.*) [J. B. M.]

EMANSOR. [Desertor.]

EMBAS (*ἐμβάς*). This is sometimes used as a generic term for a closed boot, so called because one's foot "got into" (*ἐμβαίνειν*) it, and it was not merely fastened to the foot like a sandal. Thus, when Herodotus (i. 195) says that the Persian *ὑποδήματα* were similar to Boeotian *ἐμβάδες*, the latter term is as general as the former. Again, in Lucian (*Rhet. Praec.* § 15, *ἡ ἐμβὰς Σικυωνία*) the word *ἐμβὰς* is quite general; the Latins used *Sicyonia* without any substantive to describe this kind of boot (Lucr. iv. 1125). But at Athens *ἐμβὰς* had a special signification; it was a cheap sort of boot first manufactured in Thrace, and in kind (*ἰδέαν*) like low *κόθορνοι* (Poll. vii. 85). (The latter, as we have seen [Cothurnus], were closed-in boots with rectangular soles, often wooden.) These *ἐμβάδες* were worn by men (Suidas, *s. v.* *ἐμβάς*; Aristoph. *Eccl.* 47, 314, 633, 848, &c.) and by the poorer classes (cf. Aristoph. *Vesp.* 1157): thus, in Isaeus (*de Dicaeog. her.* § 11) a man who has impoverished another reproaches him with wearing *ἐμβάδες καὶ τριβώνια.* The contradictory distinctions already alluded to [Cothurnus] which have been drawn between *ἐμβάδες* and *ἐμβάται*, as applied to the stage boot, are for the most part reconciled by Reimar on Dio Cass. lxiii. 8, who shows that *ἐμβάται* is *universally* applied to the tragic boot, while *ἐμβάδες* is *properly* applied to the boot of comedy; but as it is also sometimes used for boots in general, it can be applied to the tragic buskin, as it is by Lucian (*Gall.* § 26; cf. *Pseudol.* § 19). [L. C. P.]

EMBATEIA (*ἐμβατεία*). In Attic law this word (like the corresponding English one, *entry*) was used to denote a formal taking possession of real property. Thus, when a son entered upon the land left him by his father, he was said *ἐμβατεύειν*, or *βαδίζειν εἰς τὰ πατρῷα, πορεύεσθαι εἰς τὰ κτήματα* (Dem. *c. Leoch.* p. 1090, § 32), and thereupon he became *seised* or possessed of his inheritance. This right of taking formal possession by entry was confined to sons and other male descendants (Isae. *Pyrrh.* § 59; *Ciron.* § 34), and to sons adopted during the testator's lifetime ([Dem.] *c. Leoch.* p. 1086, § 19); hence *οἱ εἰσποίητοι* in Isae. *Pyrrh.* § 61 (*τὰς ἐπιδικασίας οἱ εἰσποίητοι πάντες ποιοῦνται*) must be taken to mean "adopted by will" (cf. § 60). (Schömann on Isae. *Astyph.* § 3.) If anyone prevented him from taking possession [Exagoge], he might maintain an action of ejectment, *ἐξούλης δίκη* [Exoules Dike]; if an heir under age or an *ἐπίκληρος* was ejected from the estate, the law gave a criminal prosecution against the offender, called *κακώσεως εἰσαγγελία* (Isae. *Pyrrh.* §§ 46, 62, etc.). *'Εμβατεύειν* is also used of creditors who took possession of mortgaged property when the time of payment had expired (Dem. *c. Apat.* p. 894, § 6, *ὀφείλων ἐπὶ τῇ νηὶ τῇ ἑαυτοῦ . . . οἱ χρῆσται ἐνεβάτευον εἰς τὴν ναῦν*: cf. Bekk. *Anecd.* 249, and Dittenberger, *S. I. G.* 344, 75 ff.), and of plaintiffs who, having been awarded heavy damages, proceeded to satisfy themselves by seizure of the defendants' property, or who had been awarded a certain piece of land or a house: cf. Dem. *c. Onet.* i., the *ἐξαγωγὴ* in p. 864, § 4, *ὑβριστικῶς ὑπ' αὐτοῦ πάνυ ἐξεβλήθην*, presupposes *ἐμβατεία*: [Dem.] *c. Euerg.* p. 1155, § 52 ff.; Suid. and *Etym. M.*: *οἱ δίκην νικήσαντες, ὥστε λαβεῖν χωρίον ἢ οἰκίαν, ἔπειτα ἐμβατεύειν κωλυόμενοι*, etc. (*Att. Process*, ed. Lipsius, pp. 603, 606, 696, 966 f.)

῞Εμβασις (on the part of a buyer) means the formal entering upon ownership of real property. (Le Bas et Waddington, *Voyages*, etc. iii. 1, 415; inscr. of Mylasa, *ἔσονται κατὰ ταὐτὰ ἐμβεβατευμένοι κυρίως κατὰ τήνδε τὴν ἔμβασιν· ἐνεβίβασεν δὲ αὐτοὺς ἐναντίον μαρτύρων*, etc.: cf. *Bull. de Corr. hell.* v. (1881), p. 112.) [C. R. K.] [H. H.]

E'MBATES. [Calceus; Cothurnus; Embas.]

EMBLE'MA (*ἔμβλημα*), **EMBLE'MATA.** 1. *Emblemata* were metal ornaments, such as masks, busts, medallions, figures of men and animals, wrought in relief and artificially attached (*illigare, includere, injicere, infigere, in-*

serere) by soldering or rivetting to the interior or exterior of metal bowls, vases, cups, &c. (Cic. *in Verr.* iv. 22, "Pocula cum emblematis;" *ib.* iv. 17, "Scaphia cum emblematis;" Juv. i. 76, "Argentum vetus et stantem extra pocula caprum," called by the scholiast "emblematicum opus;" Plin. *H. N.* xxxiii. § 55, "Ulixes et Diomedes erant in phialae emblemate Palladium subripientes," &c.) Such ornaments were sometimes made of gold and silver (Dig. 34, 2, 19, §§ 4, 6; Dig. 34, 2, 32, § 1; Senec. *Ep.* v. 3, "Non habemus argentum in quod solidi auri caelatura descenderit"), and had an artistic and pecuniary value even when detached from the objects to which they belonged. Thus, the plunderer Verres took especial care to wrench off *emblemata* from vases and cups. (Cic. *in Verr.* iv. 22, "Apposuit patellam, in qua sigilla erant egregia. Iste ... sigillis avulsis reliquum argentum sine ulla avaritia reddidit;" *ib.* iv. 24, "Tantam multitudinem collegerat emblematum.") *Emblemata* must be distinguished from metal ornaments in relief (such as those produced in repoussé), which formed an integral part of the vase itself: the essence of the *emblema* was that it could be detached, if necessary, from the vase which it ornamented. Many of the metal masks, figures, dishes, &c. in our museums are doubtless *emblemata* which have been broken off from vases (*e.g.* in *Ant. di Ercol.*, v. 267; *Annali*, 1839, p. 78; *Monum. d. Inst.*, iii. pl. 4; Arneth, *Gold- und Silberornamente*, pl. v. 5; cp. Saglio, *Dict. des Ant.*, s. v. "Caelatura," note 235).

Crustae were metal vase-ornaments similar to *emblemata* (*e.g.* Dig. 34, 2, 32, 1: "Cymbia argentea crustis aureis illigata," &c.). In some authors a distinction is made between the two terms (Cic. *in Verr.* iv. 23, "Iis crustae aut emblemata detrahebantur;" cf. Saglio, *Dict. des Ant.*, p. 801, note 229). Some modern writers have thought that the distinction lay in *emblemata* being ornaments in high relief, and *crustae* ornaments in low relief. So far as the natural signification of the words can help us, *emblemata* (ἔμβλημα, ἐμβάλλω) would mean ornaments *inserted* in a vase or bowl (as a gem is in its setting), while *crustae* (cf. Forcellini, *Lexicon*, s. v. "Crusta") would be thin leaves or plates of metal applied to the surface of a vase. Practically, however, the terms *emblemata* and *crustae* seem to have been generally used as synonymous (Saglio, *Dict. des Ant.*, s. v. "Caelatura," § vii.). The *crustae* were made by artisans called *crustarii*. (Plin. *H. N.* xxxiii. § 55, "habuit et Teucer crustarius famam;" Festus, *s. v.*, "Crustariae tabernae a vasis potoriis crustatio dictae.")

2. The word *emblema* is also used to signify *inlaid work* (Varro, *R. R.* iii. 2, 4; Lucil. *ap.* Cic. *de Or.* iii. 43, 44; Cic. *Brut.* 79). This usage is, however, rare; and as a general rule when the words *emblema, emblemata* occur in the ancient authors and in modern archaeological treatises, the metal ornaments described in § 1 are intended.

[References to other authorities not cited above may be found in Saglio, *Dict. des Ant.* art. "Caelatura," § vii., and in Mommsen-Marquardt, vol. vii. [*Privatl.*] p. 663. Compare also CAELATURA in this dictionary.] [W——K W——H.]

E'MBOLUM. [NAVIS.]

EME'RITI. [EXERCITUS.]

EMISSA'RIUM (ὑπόνομος), an artificial channel by which an outlet is formed to carry off any stagnant body of water. (Plin. *H. N.* xxxiii. § 75; Cic. *ad Fam.* xvi. 18.) Such channels may be either open or underground; but the most remarkable works of the kind are of the latter description, as they carry off the waters of lakes surrounded by hills. The skill of the ancients in tunnelling has been already noticed under CRYPTA; but long before the art was applied to road-making, drainage-works on an immense scale were employed to regulate the overflow of land-locked waters and to prevent inundations. Thus in Greece, in the early times of the Minyae of Orchomenus, we find the natural channels (katavóthra, as they are now called) which carry off the waters of the Boeotian Cephisus through Lake Copais to the sea, supplemented by two artificial emissaria or tunnels (Müller, *Orchomenos*², 49 ff.). These are described, with a map of the surrounding country, in *Dict. Geogr.* i. 411: the longer of the two, connecting the lake with the lower course of the Cephisus, is nearly four miles in length according to Forchhammer (other accounts make it considerably less, cf. Grote, pt. i. ch. 6, i. 114) and with about twenty perpendicular shafts sunk into it, some of which are from 100 to 150 feet in depth. The second tunnel, much shorter, unites the lakes Copais and Hylica, running under the Acraephian plain at no great depth, and is likewise provided with shafts. Both tunnels and shafts are now choked up, but can still be traced. The natural katavóthra being insufficient to carry off the waters of the Cephisus, much of what was once fertile alluvial land is now turned to a swamp, and awaits the efforts of modern enterprise. An abortive attempt to clear out these tunnels was made by an engineer named Crates under the orders of Alexander the Great (Strabo, ix. p. 407): it is announced (1888) that the reclamation of Lake Copais is now to be again attempted.

Herodotus describes with marked interest the tunnel of Eupalinus at Samos, by which a supply of fresh water was introduced into the city; and gives it the first place among the "three greatest works of the Greeks," the others being the mole in the harbour of Samos and the Heraeon or temple of Hera (iii. 60). These works unquestionably date from the tyranny of Polycrates, the most flourishing period of Samos, which ended about B.C. 522; they are mentioned by Herodotus in connexion with his reign, and Aristotle likewise refers to περὶ Σάμον ἔργα Πολυκράτεια (*Pol.* v. 11 = p. 1313 b, 24). The mole still exists, intact or at least restored; the Heraeon is represented by a single column. This tunnel (ὄρυγμα ἀμφίστομον, Herod. *l. c.*) had disappeared for centuries, and good observers like Tournefort and Ross sought for it in vain. Within the last few years it has been re-discovered by the Greek clergy on the spot, and to a great extent cleared out at the expense of the principality; an account of the excavations by G. Dennis appeared in the *Academy* of Nov. 4, 1882, a much fuller one by E. Fabricius in the *Mittheilungen d. deutsch. archäol. Inst.* ix. 165-191 (1884). The length of the tunnel, given by Herodotus at seven stadia, probably does not exceed 1000 metres or scarcely more than five stadia; it is much choked by stalactites, and is not yet practicable throughout, but has been explored for the length of 100 metres from the northern, 500 from the southern extremity. The height and width are correctly estimated by Herodotus at eight feet each; seven would be nearer the mark, though near the ends it is wider. A deep and narrow channel (ἄλλο ὄρυγμα) runs along it, three feet wide according to Herodotus (really a little less), and thirty feet in depth: this applies only to the southern end nearest the town, which was probably all that the historian saw of it; elsewhere the depth is not so great. Along this the water was conveyed; not however in the channel itself, but in earthenware pipes, large numbers of which have been found in it; unless we are to suppose that these are of later date. For the greater part of its course the tunnel is hewn out of a hard limestone rock, on which the marks of the chisel are still visible; towards the extremities the strata are softer, and a lining of masonry was required. Niches occur at intervals, in some of which lamps were found; and it is ventilated by about twenty shafts. An interesting circumstance, as bearing upon the engineering skill of Eupalinus, is that the tunnel was certainly pierced from both ends. The two galleries did not, however, meet with the precision attained in modern times; the floor of the upper one missed the roof of the lower by the space of about a metre, and a cavern some twelve feet high had to be excavated, marking the point of junction. The slope is easy and suitable for an aqueduct, but the deep channel is probably an after-thought in consequence of the right gradient not having been attained at once. This remarkable work must have continued in use for many centuries, as traces of Roman and even, it is said, of Byzantine constructions are found within it: full details on these and other points will be found in the essay of Fabricius. On the other hand, there is a second aqueduct, dating from Roman times, which follows the outer circuit of the mountain; this would seem to show that the work of Eupalinus was at one period abandoned.*

A little later, probably, in date than the Samian aqueduct (about 480) were the subterraneous channels constructed by Phaeax at Agrigentum in Sicily, to drain the city; they were well worth seeing, says Diodorus (xi. 25), for their magnitude, although in general but little noticed. They are still called the *Condotti di Feace*, and adjoin the well-marked site of the huge reservoir (*κολυμβήθρα*, *piscina*; not here, we think, a "swimming-bath"; it was full of fish and swans) mentioned in the same passage by Diodorus, with which they were doubtless connected: they are not yet excavated, but from their massiveness are probably in a good state of preservation.

In Italy the Etruscans were the first great masters in the art of tunnelling, and the Romans learnt it from them. They had an ample field for their operations, as Central Italy abounds with intractable rivers, and crater-lakes with no natural outlet. The Cloaca Maxima itself is quite as much an emissary as a sewer, draining the Forum and Velabrum which previously were swamps; the period to which it belongs, that of the last kings, marks the culminating point of Etruscan civilisation at Rome. (On the disputed question respecting the date, see CLOACA.) The celebrated emissary of the Alban Lake is still in working order; it is probably of Etruscan origin, and older than the Veientine war with which tradition connects it. The length is about 6,000 feet; for further details see *Dict. Geogr.* s. v. *Albanus Lacus*. The neighbouring volcanic lake of Nemi is drained in a similar manner; and remains exist to show that the system was likewise applied to Trasimenus, a lake of quite different geological formation, broad and shallow.

Emissarium of lake Fucino.

The greatest Roman work of this description is the emissary of lake Fucino, rendered further interesting by the mention of it in ancient authors and the complete drainage of the lake in recent years. The *vitrea Fucinus unda* of Virgil (*Aen.* vii. 759) is now altogether a thing of the past. Julius Caesar is said to have first conceived the idea of this stupendous undertaking (Suet. *Jul.* 44), which was carried into effect by the Emperor Claudius (Tac. *Ann.* xii. 57). The length of the emissary, which lies nearly in a direct line from the lake to the river Liris (Garigliano), is 15,600 English feet, or three miles all but 80 yards. The number of workmen employed was 30,000, and the time occupied in the work eleven years. (Suet. *Claud.* 20; compare Plin. *H. N.* xxxvi. § 124.) For more than a mile the tunnel is carried under a mountain, of which the highest part is 1000 feet above the level of the lake, and through a stratum of rocky formation (carnelian), so hard that every inch required to be worked by the chisel. The remaining portion runs through a softer soil, not much below the level of the

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* Some of Fabricius' statements have been corrected from notes kindly communicated by Mr. J. Theodore Bent, who visited Samos in 1886.

earth, and is vaulted with brick. Perpendicular shafts (*putei*) are sunk at various distances into the tunnel; and a number of lateral openings or adits (*cuniculi*), some of which separate themselves into two branches, one above the other, are likewise directed into it, the lowest at an elevation of five feet from the bottom. Through these the materials excavated were carried out. The immediate mouth of the tunnel was at some distance from the margin of the lake, which space was occupied by two ample reservoirs, intended to break the rush of water before it entered the emissary, connected by a narrow passage, in which were placed the sluices. The upper end of the tunnel itself consists of a splendid archway of the Doric order, nineteen feet high and nine wide, formed out of large blocks of stone, resembling in construction the works of the Claudian aqueduct. The mouth through which the waters discharged themselves into the Liris was more simple, and is represented in the preceding woodcut. The river lies in a ravine between the arch and foreground, at a depth of 60 feet below, and consequently cannot be seen in the cut. The small aperture above the embouchure is one of the *cuniculi* above mentioned. It appears that the actual drainage was relinquished soon after the death of Claudius, either from the perversity of Nero, as the words of Pliny (*l. c.*) seem to imply, or by neglect; for it was re-opened by Hadrian. (Spart. *Hadr.* 22.) For further information see Hirt, who gives a series of plans and sections of the works connected with the Lacus Fucinus (*Gebäude d. Griech. u. Röm.* pp. 371–375, pl. xxxi. figs. 14–21). The modern work of Prince Torlonia (1862–75) is an extension and enlargement of the tunnel of Claudius. [A. R.] [W. W.]

EMMELEIA. [CHORUS, p. 422 *a.*]

EMME'NOI DIKAI (ἔμμηνοι δίκαι), suits in the Athenian courts, which were not allowed to be pending above a month. The first mention of this regulation is made in *C. I. A.* i. No. 38: any attempt made by citizens of the tributary states to evade the decree respecting the tribute (of the year 425–4) is to be brought before the ἐπιμεληταί, ο[ἱ δὲ ἐπιμεληταὶ ἐσαγό]ντων ἔμμηνα ἐς τὸ δ[ικαστήριον], etc. It was confined to those matters which required a speedy decision; and of these the most important were disputes respecting commerce (ἐμπορικαὶ δίκαι, Pollux, viii. 63, 101; Harpocrat and Suid. *s. v.* Ἔμμηνοι Δίκαι), which were heard during the six winter months from Boëdromion to Munychion, so that the merchants might quickly obtain their rights and sail away (Dem. *c. Apat.* p. 900, § 23; cf. Lys. *de Pecun. publ.* § 5); by which we are not to understand, as some have done, that a suit could be protracted through this whole time, but it was necessary that it should be decided within a month. (Boeckh, *P. E.* p. 50 = *Sthh.*^{3} i. 64 f.)

All causes relating to mines (μεταλλικαὶ δίκαι) were also ἔμμηνοι δίκαι (Dem. *c. Pantaen.* p. 966, § 2); the object, as Boeckh remarks (*P. E.* p. 667 = *Kl. Schriften*, v. p. 54), being no doubt that the mine proprietor might not be detained too long from his business. The same was the case with causes relating to ἔρανοι (Pollux, viii. 101; Harpocrat. and Suid. *l. c.*) [ERANI]; and Pollux (*l. c.*) includes in the list suits respecting dowry, which are omitted by Harpocration and Suidas. K. F. Hermann adds the γραφὴ ὕβρεως (*Symb. ad doctrinam juris Att. de injuriarum act.* p. 21). Pollux' statement (viii. 101) as to the existence of distinct magistrates called εἰσαγωγεῖς οἱ τὰς ἐμμήνους δίκας εἰσάγοντες (cf. 93) ἦσαν δὲ προικός, ἐρανικαί, ἐμπορικαί, is confirmed by *C. I. A.* i. No. 37, where they are twice mentioned (see Köhler, *Urkunden u. Untersuchungen z. Gesch. d. delisch-att. Bundes*, p. 68); at a later period they were replaced by the thesmothetae (so with regard to the μεταλλικαὶ δίκαι, Pollux, viii. 88). When the suits relating to trade were made ἔμμηνοι, which happened probably not till after the date of Xenophon's treatise on the Revenue (3, 3; [Dem.] *de Halonn.* p. 79, § 12), the ἡγεμονία was transferred from the ναυτοδίκαι to the thesmothetae (Dem. *c. Apatur.* p. 892, § 1). (*Att. Process*, ed. Lipsius, pp. 94, 97, 525, 907.) [W. S.] [H. H.]

EMPHRU'RI (ἔμφρουροι), from φρουρά, the name given to the Spartan citizens and Perioeci during the period in which they were liable to military service. (Xen. *Rep. Lac.* 5, § 7.) This period lasted to the fortieth year from manhood (ἀφ' ἥβης), that is to say, to the sixtieth year from birth; and during this time a man could not go out of the country without permission from the authorities. (Isocr. *Busir.* § 18, where μάχιμος, according to Müller, *Dor.* iii. 12, § 1, is evidently put for ἔμφρουρος.)

The only exemption was for the father of three sons, who became ἄφρουρος (Aristot. *Pol.* ii. 9 = p. 1270 b, 3; Aelian, *V. H.* vi. 6). For the rule of superannuation at sixty, cf. Xen. *Hell.* v. 4, § 13; Plut. *Ages.* 24. The word φρουρά, as Schömann observes, is characteristic of Spartan modes of thought; all Laconia was a camp, the Spartiatae a garrison (Schömann, *Antiq.* i. 279, E. T.; Gilbert, *Staatsalterth.* i. 77). [W. S.] [W. W.]

EMPHYTEUSIS (ἐμφύτευσις, lit. "an implanting") is a perpetual and "real" right in (agricultural) land which belongs to another person, entitling the *emphyteuta* to cultivate it practically as though it were its own, on condition of paying a fixed rent (*pensio*, *canon*) to the *dominus* or owner: the nearest analogy to it to be found in England is supplied by those lands which are let at what is called a "fee-farm" rent ("feodifirma," *Magna Carta*, c. 37).

The origin of emphyteusis is traceable to the *agri vectigales*, first distinctly mentioned about the time of Hadrian; large tracts of grazing land in Italy, belonging to the state, religious corporations (*e.g.* the Vestal Virgins), or the smaller civitates and municipia, but held and enjoyed by private persons subject to the payment of a perpetual rent (*vectigal*), or let out upon very long leases. The rights of such occupiers, at first purely contractual, acquired a "real" character, analogous to that of genuine ownership, from the praetor, who protected their possession (Dig. 2, 8, 15, 1) by interdicts and by a *utilis actio in rem* (*actio vectigalis*, Dig. 39, 2, 15, 26), availing even against the lessor when non-payment of rent was not alleged (Dig. 6, 3, 1, 2). An addition had thus been made to the *jura in re aliena* of Roman law: the right was alienable both *inter vivos* and by will, and descended to the tenant's heirs on his intestacy, though apparently it had not yet acquired a specific name, and the rules relating to it were as yet somewhat unsettled. Gaius says (iii. 145) that in his day it was a question whether the tenant's interest did not so closely resemble *dominium* as to make the transaction a sale rather than a contract of hiring and letting, but the better opinion was in the negative. After the third century the practice of letting agricultural lands of all kinds on these terms was very largely adopted, especially in the Eastern Empire, by private persons no less than by the emperor and corporations of all kinds: in the imperial enactments after Constantine the terminology is changed, lands so let being termed *praedia emphyteuticaria*, and the rent called *pensio* or *canon* more often than *vectigal*. The precise nature of these perpetual leases and of the *emphyteuta's* right was determined by the Emperor Zeno (*Inst.* iii. 24, 3), who enacted that the transaction should be governed by the rules neither of sale nor of hire, but be a special contract by itself: and his settlement of the law passed with little or no alteration into the Corpus Juris of Justinian.

The *emphyteuta* is opposed to the *dominus*, or owner, of the land over which his right extends; that is to say, his interest is merely a *jus in re aliena:* he has, however, possession, though whether a "representative" possession of the land itself (as Savigny holds) or merely a *juris quasi-possessio*, the notion of possession being analogically extended from a thing to a mere right (as Arndts and other civilians maintain), is uncertain; but whatever the quality of the possession, it is protected by the ordinary possessory interdicts. He may, moreover, do almost anything with the land that a judicious owner would do, unless there are special restrictive covenants. He may cultivate it in what way he pleases, turning pasture into meadow or plough lands at his discretion (herein being clearly distinguishable from the usufructuary), provided he does not permanently depreciate it: otherwise he is liable to eviction by legal process. Its fruits are his so soon as they are separated from the soil (Dig. 22, 1, 25, 1); his rights are heritable, and alienable both *inter vivos* and by will. If he proposed to transfer his interest, he had (under penalty of eviction) to give notice to the *dominus*, who had during two months a right of pre-emption at the price agreed on: and even if he did not avail himself of this right, the person of the proposed alienee had to be approved by him in writing, though he could refuse such approval only on reasonable grounds; and he was entitled to a commission of 2 per cent. on the purchase-money in consideration of his acceptance of a new tenant: the latter succeeded to all his predecessor's liabilities in respect of the land. The *emphyteuta* also had the right of letting the land on lease to a third person, and he could pledge or mortgage it and create servitudes which bound it so long as his own interest endured: finally, in the form of *utiles actiones* he enjoyed all the remedies of a full *dominus*. His duties were to keep the land in good tenantable condition, though being under no obligation to increase its value he had apparently no claim to compensation for unexhausted improvements; to pay all taxes assessed upon it (*Nov.* 7, 3, 2; 120, 8) and his rent with regularity. So long as this was in arrear he could not enforce his rights over the land against either the *dominus* or his representatives (*e.g.* his mortgagee, Dig. 13, 7, 16, 2); and if it was in arrear three years (or two if the *dominus* was a spiritual person), the owner could evict him by legal process.

Emphyteusis might arise from contract, legacy, judicial decree, and possibly prescription. If the land belonged to the church or a spiritual person, the contract must be in writing, which was also necessary in all cases where the parties desired in any way to vary the ordinary legal rules as to this species of interest in land (Cod. 4, 66, 1; *Nov.* 120, 6, 2): but it does not seem that the contract ever required *traditio* or livery for the perfect constitution of the right. The right of the *emphyteuta* might be extinguished in the same ways as any other *jus in re aliena* (e.g. destruction of the land, *confusio*, &c.); besides these, renunciation or surrender, forfeiture, and prescription seem to have been common. Renunciation had no effect unless accepted by the *dominus:* the chief cases of forfeiture have been noticed above under the head of eviction. (Dig. 6, 3; 39, 4; Cod. 4, 66; A. Vuy, *de originibus et natura juris emphyteutici Romanorum*, 1838; Gesterding, *Eigenthum*, p. 378 ff.; Von Buchholtz, *Jurist. Abhandl.* No. 25, "Über die Unterschiede zwischen der Emphyteusis und Superficies;" Arndts, *Zur Lehre von der Emphyteuse;* Giess, *Zeitschr.* iii. pp. 245 ff., 367 ff.; Holtzendorff, *Rechtslexicon*, s. v. "Emphyteusis.") [J. B. M.]

EMPLECTON (*ἔμπλεκτον*). [MURUS.]

EMPO'RIKAI DIKAI. [EMMENOI DIKAI.]

EMPO'RIUM (*τὸ ἐμπόριον*), a place for wholesale trade in commodities carried by sea. The name is sometimes applied to a seaport town, but it properly signifies only a particular place in such a town. Thus Amphitryo says (Plaut. *Amph.* iv. 1, 4) that he looked for a person.

> "*Apud emporium*, atque in macello, in palaestra atque in foro,
> In medicinis, in tonstrinis, apud omnis aedis sacras."

(Compare Liv. xxxv. 10, xli. 27.) The word is derived from *ἔμπορος*, which signifies in Homer a person who sails as a passenger in a ship belonging to another person (*Od.* ii. 319, xxiv. 300); but in later writers it signifies the merchant who carries on commerce with foreign countries, and differs from *κάπηλος*, the retail dealer, who purchases his goods from the *ἔμπορος* and retails them in the market-place. (Plat. *Rep.* ii. p. 371 D; *Protag.* p. 313 C).

At Athens, it is said (*Lex. Seg.* p. 208) that there were two kinds of emporia, one for foreigners and the other for natives (*ξενικὸν* and *ἀστικόν*); but this appears doubtful. (Boeckh, *P. E.* p. 313 = *Sthh.*^{3} i. 382.) The emporium at Athens was under the inspection of certain officers, who were elected annually (*ἐπιμεληταὶ τοῦ ἐμπορίου*). [EPIMELETAE.] (Hermann-Blümner, *Privatalterth.* p. 425.) [W. S.] [W. W.]

EMPTI ET VE'NDITI A'CTIO. The seller has an *actio venditi*, and the buyer an *actio empti*, to recover damages for breach of the duties imposed by the contract of sale upon the other party. Both are *actiones directae*, and belong to the class of remedies known as *bonae fidei judicia.* (Gaius, iv. 62; *Inst.* iv. 6, 28.) [J. B. M.]

E'MPTIO VENDI'TIO. The contract of

buying and selling is one of those in which the Romans said the obligation was imposed *consensu*, because no form (as in verbal and literal contract) or delivery on one side (as in real contract) was required to give it binding force (Gaius, iii. 135; *Inst.* iii. 22, pr.): as soon as the parties were agreed on the thing to be sold by the one, and the price to be paid by the other, they were bound, and neither could withdraw without paying damages (Gaius, iii. 139). Writing was unnecessary unless it was a term in the contract that its provisions should be expressed in a note or memorandum (*Inst.* iii. 23, pr.; Dig. 44, 7, 2). The vendor was under no obligation to deliver the *res vendita* until he had been paid the price, unless he chose to give credit (*Inst.* ii. 1, 41); and until it was delivered no property in it passed to the purchaser: but it was at the latter's risk from the moment the contract was concluded, so that if, even before delivery, it was lost, stolen, or accidentally destroyed, the loss fell on the purchaser, unless he could show that the vendor had failed in his legal duty of *diligentia* [CULPA] in the charge of it. As a set-off to this the vendor was bound to deliver with the thing itself all its fruits, accessions, increase, &c. from the date of the contract. If the purchase-money was not paid, it carried interest (Dig. 19, 1, 13, 20). As regards the fairness or adequacy of the price, the general rule was, in the absence of fraud, not to interfere with the freedom of contract (Dig. 19, 2, 22, 3); but by two rescripts of Diocletian (Cod. 4, 44, 4 and 8), if a thing were sold for less than half its real value (which was called *laesio enormis*) the vendor might rescind the sale unless the purchaser would pay as much in addition as would make the price a fair one. The vendor was not bound to make the purchaser owner of the thing sold: in other words, the *contract* of sale would be good even though the thing did not belong to the vendor: he was bound, however, to give free and undisturbed possession; and if the property was recovered from the purchaser by process of law by a third person who proved a better title, the vendor was bound to indemnify him [EVICTIO] (Dig. 21, 2). Every sale contained an implied warranty of quality, and the vendor was answerable for substantial defects which were unknown to the purchaser at the date of the contract (except through his own carelessness). Where the vendor had expressly warranted the quality of the thing, or had deliberately concealed defects, he could be sued by *actio empti* at any time within thirty years of the making of the contract: but the *implied* warranty was enforceable only by two special actions of aedilician origin (Dig. 21, 1) [EDICTUM]; *i.e.* by the *actio redhibitoria* (which lay only within six months) the purchaser could rescind the sale and recover his purchase-money with interest: by the *actio aestimatoria seu quanti minoris* (lying within twelve months) he could, without rescinding, recover a part of his purchase-money proportionate to the defects discovered. Horace in his Satires (ii. 3, 286; cf. *Ep.* ii. 2 *ad init.*) alludes to the precautions to be taken by the buyer and seller of a slave. (Gaius, iii. 139–141; *Epit.* ii. 9, 14; Paul. *Sent. rec.* ii. 17; *fragm. Vat.* 1–40; *Inst.* iii. 23; Dig. 18, 1; 19, 1; Cod. 4, 38 and 49; Vangerow, *Lehrbuch der Pandekten*, §§ 604, 611, 632 *sq.*; Bechmann, *Der Kauf nach gemeinem Recht*, vol. i., 1876; Muirhead, *Roman Law*, pp. 279–286.) [J. B. M.]

ENCAU'STICA. [PICTURA.]

ENCLE'MA (*ἔγκλημα*). [DIKÉ.]

ENCOMBO'MA (*ἐγκόμβωμα*), an upper garment tied round the body in a knot (*κόμβος*), and worn like a bib or apron to keep the tunic clean. The regular dress of slaves in comedy was the *ἐξωμὶς* with an *ἐγκόμβωμα* over it (Pollux, iv. 119; Alb. Müller, *Bühnenalterth.* p. 262: cf. Longus, *Past.* ii. 33; Varr. *ap.* Non. p. 542). According to Müller, it was probably a slave's pallium stitched to the chiton behind, so as to leave both hands free and the movements of the body unimpeded. [W. W.]

ENCTE'SIS (*ἔγκτησις*, Doric *ἔμπασις*, Boeot. *ἔππασις*, Boeckh, *C. I. G.* i. p. 725 b), the right of possessing landed property and houses (*ἔγκτησις γῆς καὶ οἰκίας*) in a foreign country, which was frequently granted by one Greek state to another (Dem. *de Cor.* p. 265, § 91; *C. I. G.* ii. No. 2352; Xen. *Hell.* v. 2, 19) or to separate individuals of another state.* In Boeckh's opinion (*P. E.* p. 140 = *Sthh.*^{3} i. 177) *ἰσοτελεία* and probably also *προξενία* included this right. Meier (*de prox.* p. 21) dissents from this, and Schubert (*de prox. Att.* p. 40 ff.) quotes inscriptions from which we learn that *ἔγκτησις* was granted in addition to *προξενία* (*C. I. A.* ii. Nos. 41, 131, 186), whilst in other cases (No. 139) *ἔγκτησις* alone is conferred. This privilege meant the right of possessing either a house, or a house and land (*C. I. A.* ii. Nos. 42, 70, 121, etc.—i. No. 59; ii. No. 41, etc.); in *C. I. A.* ii. No. 380 the right of possessing land to the amount of two talents is granted, and in Nos. 121 and 222 the time is specified *ἕως ἂν κατέλθωσιν*). The privilege was not hereditary, since in some decrees it is specially stated *αὐτῷ καὶ ἐκγόνοις* (*C. I. A.* ii. 186, etc.). *Ἐγκτήματα* were such possessions in a foreign country, and are opposed (by [Dem.] *de Halonn.* p. 87, § 42) to *κτήματα*, possessions in one's own country. (Valcken. *ad* Herod. v. 23.) Since, except in special instances, only citizens enjoyed the right of possessing land and houses at Athens, it was not safe for aliens to advance money on such property (Dem. *pro Phorm.* p. 946, § 6; Xen. *de Vect.* 2, 6). In the psephisma which formed the basis of the second confederacy the Athenians gave up their *ἐγκτήματα* in the territories of the allies, and renounced the right of acquiring such henceforward (Diod. xv. 29, 7; *C. I. A.* ii. No. 17); those who disregarded this arrangement were to be proceeded against by *φάσις πρὸς τοὺς συνέδρους τῶν συμμάχων*. The term *ἐγκτήματα* was also applied to the landed property or houses which an Athenian possessed in a different *δῆμος* from that to which he belonged by birth, and with respect to such property he was called *ἐγκεκτημένος*: whence we find De-

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* Rangabé, *Antiq. hellén.* ii. No. 678 (Oropus), No. 696 (Megara, *γᾶς καὶ οἰκίας ἐπαρχά*), No. 705 (Thespiae, *γᾶς καὶ Ϝυκίας ἔμπασις*), No. 705*b* (Orchomenus, *γᾶς κὴ Ϝυκίας ἔππασις*), No. 739 (Ambrysa), No. 741 (Lamia, *γᾶς καὶ οἰκίας ἔγκτησις καὶ ἐπινομία*); cf. Boeckh, *C. I. Gr.*, No. 1793 (Arcanania, *γᾶς καὶ οἰκίας ἔγκτησις*), No. 2556 and 2558 (Crete, *γᾶς καὶ οἰκίας ἔνκτησιν*), No. 2267 (Delos), Nos. 1334 and 1335 (Lacedaemon), No. 1771 (Thessaly), No. 2056 (Thrace, *ἐγγείων ἔγκτησις*), etc.

mosthenes (*c. Polycl.* p. 1208, § 8) speaking of *οἱ δημόται καὶ οἱ ἐγκεκτημένοι.* For the right of holding property in a *δῆμος* to which he did not belong, he (as well as a foreigner who enjoyed the privilege of *ἔγκτησις*) had to pay such *δῆμος* a tax, which is mentioned in inscriptions under the name of *ἐγκτητικόν.* The remission of this tax is mentioned in inscriptions (*C. I. A.* ii. Nos. 589, 582, 574); it was sometimes accompanied by other privileges, as *προεδρία* and a limited share in the sacrifices of the deme as in the case of Callidamas (*C. I. A.* ii. No. 589; Boeckh, i. p. 408 a; O. Müller, *de demis Att.* p. 20 ff.; *Att. Process*, ed. Lipsius, p. 671 ff.). It is a special case of *ἔγκτησις* when land is granted to foreigners for the erection of a sanctuary (see *C. I. A.* ii. No. 168 *sub fin.*: *δεδόχθαι τῷ δήμῳ, δοῦναι τοῖς ἐμπόροις τῶν Κιτιέων ἔνκτησιν χωρίου ἐν ᾧ ἱδρύσονται τὸ ἱερὸν τῆς Ἀφροδίτης καθάπερ καὶ οἱ Αἰγύπτιοι τὸ τῆς Ἴσιδος ἱερὸν ἵδρυνται*). [H. H.]

ENDEIXIS (*ἔνδειξις*). Endeixis, apagoge, and ephegesis have a great deal in common, both as regards the cases to which they were applicable and the mode of procedure and punishment, so that they are frequently mentioned side by side (Andoc. *de Myst.* § 91; Dem. *c. Lept.* p. 504, § 156; *c. Timocr.* p. 745, § 146; [Dem.] *c. Theocr.* p. 1325, § 11); and sometimes the same case is now called *ἀπαγωγή*, now *ἔνδειξις.* Thus Antiphon's Or. *de caed. Herod.* is the speech of defence in an *ἀπαγωγὴ φόνου* (§ 9, 85), yet in § 9 we find *ἐνδεδειγμένος.* This, however, should not have misled Jebb (*Att. Orat.* i. p. 57) into saying that "*ἔνδειξις* and *ἀπαγωγὴ* do not denote two different processes, but two parts of the same process. Endeixis was the laying of information against a person not yet apprehended; apagoge was the act of apprehending him." Nor can Lysias's Or. *c. Agor.* be quoted as an instance in which apagoge followed endeixis. Dionysius proceeded against Agoratus by apagoge, and the title which the grammarians give to the speech *κατ' Ἀγοράτου ἐνδείξεως* is wrong (Blass, *d. Att. Bereds.* i. p. 552). The similarity of procedure shows itself in this, that there was no *πρόσκλησις*; and that when the magistrate accepted the charge (called *ἀπαγωγή*, Lys. *c. Agor.* § 85, or *ἔνδειξις*, [Dem.] *c. Theocr.* p. 1322, § 1, respectively), the defendant was kept in prison, unless he could find three sureties (Dem. *c. Timocr.* p. 746, § 146; *c. Nicostr.* p. 1251, § 14; Dinarch. *c. Aristog.* § 9; see, however, Andoc. *de Myst.* § 2, *οὔτ' ἐγγυητὰς καταστήσας, οὔθ' ὑπὸ δεσμῶν ἀναγκασθεὶς*). From Antiph. *de caed. Herod.* § 13 we learn that the defendant in that case, probably because of his not being a citizen, was imprisoned, although he offered to find the three sureties required by law, and that in the majority of cases capital punishment awaited him on conviction.

Apagoge (*ἀπαγωγή*) was a summary process in which the prosecutor led the culprit caught *flagrante delicto* (*ἐπ' αὐτοφώρῳ*, Isae. *Dicaeog.* § 28; Dem. *c. Steph.* i. p. 1126, § 81; Xen. *Mem.* i. 2, 62, *φανερός*: cf. Photius, *s. v.* *ἕνδεκα*) either directly into prison, if the charge belonged to the jurisdiction of the Eleven, who had first to decide whether a *primá facie* case had been made out by the informant (*ἀπαγωγῆς ἄξια ποιεῖ· ἀρχὴ τῶν ἕνδεκα*, Hyperid. *pro Eux.* col. 22; *ἀπάγειν τοῖς ἕνδεκα*, Dem. *c. Timocr.* p. 736, § 113; *εἰς τὸ δεσμωτήριον*, *c. Aristocr.* p. 647, § 80, etc.; *ἀποδέχεσθαι, παραδέχεσθαι* is said of the Eleven, Lys. *c. Theomn.* i. § 10, *c. Agor.* § 86), or before the proper authority, who sent the culprit to prison. It was not in every case when a culprit was caught in the act that apagoge was allowed; and in those cases where it was allowed, the culprit might be apprehended not only when literally caught in the act, but also when his guilt was notorious, *ἐπ' αὐτοφώρῳ* being formally essential for establishing the charge, but meaning practically no more than *ὁμολογουμένως* or *φανερῶς* (Rauchenstein, *Philol.* v. p. 514; cf. Lys. *c. Agor.* § 86 f.). Thus when Ariston had recovered after a protracted illness from the assault committed upon him by Conon and his companions, his friends said that Conon was liable *τῇ τῶν λωποδυτῶν ἀπαγωγῇ* (they had stripped Ariston of his cloak and carried it off, Dem. *c. Con.* p. 1259, § 8; p. 1260, § 10). In spite of the lapse of time, an apagoge was still possible, Ariston being able to establish the guilt of Conon clearly by eye-witnesses, etc. Sandys and Paley (*ad loc.*) say, "The plaintiff's friends meant that Conon might have been captured *flagrante delicto*, and carried off to prison as a *λωποδύτης*;" but bearing in mind the case of Agoratus, it seems not to have been a question of what "might have been," but what "might be still." It is true that in Antiphon's Or. *de caed. Herod.* the absence of *ἐπ' αὐτοφώρῳ* in the charge is not pointed out as a flaw by the defendant; but this does not show, as Sorof suggests (*Jahrb. f. cl. Phil.* 1883, p. 110), that *ἐπ' αὐτοφώρῳ* was not at that time insisted upon and only became essential after Eucleides: the defendant protests against the prosecution by *ἀπαγωγὴ* altogether, on the ground that a murderer does not come under the meaning of the term *κακοῦργος* as defined by the law. The proceeding by apagoge was most frequently adopted against those whom the law designated as *κακοῦργοι* (*ὁ τῶν κακούργων νόμος*, Antiph. *de caed. Herod.* § 9, with two additions, cf. Athen. vi. p. 226 a, and *C. I. A.* ii. No. 476, l. 56), such as thieves (Antiph. *de caed. Herod.* § 9), clothes-stealers (*λωποδύται*, Lys. *c. Theomn.* i. § 10; *c. Agor.* § 68), burglars (*τοιχωρύχοι*, Dem. *c. Lacr.* p. 940, § 47), kidnappers (*ἀνδραποδισταί*, Isocr. *de Permut.* § 90), cutpurses (*βαλαντιοτόμοι*, Xen. *Mem.* i. 2, 62), and persons who contravened the market-regulations (Athen. vi. p. 226 a, and *C. I. A.* ii. 476, l. 56 f.). The term was extended to similar classes of criminals, such as murderers and adulterers (Aeschin. *c. Tim.* § 90), temple-robbers (*argum.* [Dem.] *c. Aristog.* i. p. 767; Xen. *Mem.* l. c., but see Antiph. *de caed. Herod.* § 10), sorcerers (Plat. *Men.* p. 80 B and schol.), pirates (Luc. *Navig.* c. 14). The same proceeding was extended also to those charged with impiety (Dem. *c. Androt.* p. 601, § 27), ill-usage of orphans (Aeschin. *c. Tim.* § 158, cf. 40), and against metoecs who had not paid the *μετοίκιον* (in that case the *πωληταὶ* had jurisdiction, [Dem.] *c. Aristog.* i. p. 788, § 58). As regards the *ἀπαγωγὴ τῶν κλεπτῶν*, it could be adopted only in the aggravated cases of stealing by night, or stealing in day-time property of greater amount than 50 drachmas, or from a gymnasium or the ports or public baths anything worth 10 drachmas (Dem. *c.*

Timocr. p. 735, § 113 f.; Theophr. *Char.* ed. Jebb, p. 230).

From a different point of view the law (Dem. c. *Aristocr.* p. 646, § 80) directs arrest against a murderer *περιιόντα ἐν τοῖς ἱεροῖς καὶ κατὰ τὴν ἀγοράν*, viz. because of his exercising the rights and privileges of an *ἐπίτιμος*, although disfranchised (Plat. *Legg.* ix. p. 871 A: cf. the law in Dem. c. *Timocr.* p. 733, § 105; c. *Lept.* p. 504, § 156; and c. *Theocr.* p. 1324, § 10); the same applies to the arrest of exiles who ventured to return home without having procured a revocation of their sentence (Dem. c. *Aristocr.* p. 629, § 28; p. 630, § 31; Dinarch. c. *Demosth.* § 44; cf. Lycurg. c. *Leocr.* § 121). Pollux (viii. 49) states, that *ἔνδειξις* was adopted *περὶ τῶν οὐ παρόντων*, *ἀπαγωγὴ* however, *ὅταν τις ὃν ἔστιν ἐνδείξασθαι μὴ παρόντα, τοῦτον παρόντα ἐπ' αὐτοφώρῳ λαβὼν ἀπαγάγῃ*, *i.e.* an *ἄτιμος* who exercised the rights of an *ἐπίτιμος* could be arrested only whilst actually exercising such rights; when that moment had passed, he could only be proceeded against by *ἔνδειξις*. Meuss (*de ἀπαγ. act. ap. Athen.*) limits *ἀπαγωγὴ* to the classes of criminals specified in the *νόμος κακούργων* with its additions, and to the *ἄτιμοι* (to which class he reckons the *ἀσεβεῖς*); in all other cases *ἀπάγειν* is, in his opinion, not used in its technical sense to denote a distinct process, but means simply "to throw into prison," as when exiles returned without their sentence having been revoked, or when the culprits were not Athenians (the murderers Euxitheus and Agoratus; metoecs who had not paid the *μετοίκιον*, see Plat. *Men.* p. 80 B, and Aeschin. c. *Tim.* § 69, 158, *ξένοι*); but surely in the case of Euxitheus and Agoratus *ἀπαγωγὴ* means a distinct process.

Generally the Eleven presided; in a trial for *κάκωσις ὀρφανῶν*, the archon; for *ἀσέβεια*, the basileus; when exiles returned without permission, the thesmothetae (Dem. c *Aristocr.* p. 630, § 31). The punishment was generally fixed by law; so in a case of *ἀπαγωγὴ κακούργων* the Eleven, if the accused confessed, could put him to death at once; the same penalty was inflicted on those who returned from exile without permission (Dem. c. *Aristocr.* p. 630, § 31; Lyc. c. *Leocr.* § 121) and on those *ἄτιμοι* who held office (Dem. c. *Lept.* p. 504, § 156), and on murderers who visited places from which they were excluded (Dem. c. *Aristocr.* p. 647, § 80). Metoecs who had not paid the *μετοίκιον*, were sold as slaves ([Dem.] c. *Aristog.* i. p. 787, §§ 57, 58; Harp. *s. v. μετοίκιον*; Pollux, viii. 99; [Plut.] *Vitt. X. Oratt.* p. 842 B).

A person who did not feel himself strong enough to effect an *ἀπαγωγὴ* had recourse to *ἐφήγησις*, *i.e.* he applied to the magistrate and conducted him and his officers to the spot where the capture was to be effected (Dem. c. *Androt.* p. 601, § 26; Pollux, viii. 50). Ephegesis was also resorted to instead of apagoge, when the culprit was hiding in a house (for no private person was allowed to enter a house *ἄνευ ψηφίσματος*, Dem. *de Cor.* p. 271, § 132; c. *Androt.* p. 609, § 52 = c. *Timocr.* p. 751, § 164; see, however, Lys. c. *Eratosth.* § 30, and Xen. *Hellen.* ii. 4, 14). The grammarians particularly mention that it was adopted against persons who harboured those who had returned from exile without permission (*Etym. M.* 403, 23, etc.).

Instead of taking the law into his own hands, as in the *ἀπαγωγή*, the prosecutor might simply put the law in motion by applying to the proper authority, who, upon receiving the charge in writing (*ἔνδειξις*), was bound to arrest or hold to bail the person criminated. This proceeding was instituted against such persons as were alleged to have visited places or exercised rights while labouring under a peculiar disqualification (Harp. *s. v.*). The Attic lawgiver did not define all the cases when endeixis could be adopted; he starts from one particular case, *e.g.* against state debtors (Dem. c. *Androt.* p. 603, § 33; c. *Nicostr.* p. 1251, § 14), and adds analogous instances: hence we find such phrases as *καθάπερ ἐάν τις ἄρχῃ ὀφείλων τῷ δημοσίῳ* (Dem. c. *Timocr.* p. 707, § 22). Thus the proceeding by endeixis was allowable against any one who petitioned for relief from a fine or a judgment-debt, because, being a state-debtor, he was not allowed to appear in the popular assembly (Dem. c. *Timocr.* p. 716, § 50; see also c. *Lept.* p. 504, § 156); in the same way Pyrrhus was prosecuted by endeixis for acting as dicast (Dem. c. *Mid.* p. 573, § 182), and Aristogiton and Theocrines for commencing actions (Dem. *Or.* xxv. and lviii.), before they had paid their debts to the state. Cephisius laid an *ἔνδειξις ἀσεβείας* against Andocides for attending the Mysteries and entering the Eleusinian temple, thereby violating the decree of Isotimides by which he was excluded from all temples (Andoc. *de Myst.* § 111). As regards exiles, the law in Dem. c. *Aristocr.* p. 636, § 51, has: a person shall not be liable to any legal proceedings for homicide who informs against exiles (*ἀνδραφόνους* in § 52; cf. [Lys.] c. *Andoc.* § 15), *ἐάν τις κατίῃ ὅποι μὴ ἔξεστιν*; probably endeixis could be adopted also against those who harboured such (Dem. c. *Polycl.* p. 1222, § 50, *ἐν τοῖς αὐτοῖς ἐνέχεσθαι τὸν ὑποδεχόμενον τοὺς φεύγοντας*). The endeixis, with which Socrates was threatened for refusing as *ἐπιστάτης* to take the votes of the people in the assembly, must be looked upon as quite an unusual proceeding (Plat. *Apol. Socr.* 32 B). In some instances, *φάσις* would have been the more usual form of proceeding, as against persons who sold state property (Schol. Aristoph. *Vesp.* 1103); who furnished supplies to the enemy in war-time (Aristoph. *Eq.* 278; Andoc. *de Red.* § 14); who offended against the laws of export and import (*C. I. A.* ii. No. 546). Sometimes *ἐνδεικνύναι* seems to be used in a general sense, as in Isocr. c. *Callim.* § 22, against ambassadors for *παραπρεσβεία*.

Endeixis was generally laid before the Thesmothetae (Dem. c. *Timocr.* p. 707, § 22), and in some cases probably before the Eleven (*Lex. Seguer.* 250, 11; Schol. Aristoph. *Vesp.* 1102); the endeixis against Andocides was, from the nature of the charge, laid before the basileus, who reported it to the prytanes, and they commissioned him to summon Cephisius and Andocides before the senate (Andoc. *de Myst.* § 111; cf. the passage inserted in the oath of the members of the Boulé after the amnesty of 403: *οὐ δέξομαι ἔνδειξιν οὐδὲ ἀπαγωγὴν ἕνεκα τῶν πρότερον γεγενημένων πλὴν τῶν φευγόντων*, Andoc. *de Myst.* § 91).

As to the result of condemnation in a prosecution of this kind, the law ordained that he who held an office whilst a debtor to the state should be put to death (Dem. c. *Lept.* p. 504, § 156), while it was left to the court to impose the penalty, in case such a person spoke in the popular assembly or acted as dicast (Dem. c. *Mid.* p. 573, § 182; [Dem.] c. *Aristog.* i. p. 797, § 92). The murderer who returned home clandestinely was put to death ([Lys.] c. *Andoc.* § 15; see also § 55 and Andoc. *de Myst.* § 146). The accuser, if he did not receive the fifth part of the votes, had to pay a thousand drachmas and became ἄτιμος (Andoc. *de Myst.* § 33; cf. Dem. c. *Aristocr.* p. 647, § 80; [Andoc.] c. *Alcib.* § 18). (*Att. Process*, ed. Lipsius, pp. 85–88, 138, 270–294, 779.) [J. S. M.] [H. H.]

ENDROMIS (ἐνδρομίς). **1.** A kind of top-boot worn by Cretan huntsmen and by Artemis (Nonn. *Dionys.* v. 237: cf. Schol. on Callimach. *Del.* 238, *Dian.* 16; Poll. vii. 93; *Anthol. Planud.* 253); "they would also," says Pollux (iii. 155), "suit athletes, and this is the name they give the boots of runners." From people "running in" them (cf. *οὐδὲ ταχείας ἐνδρομίδας*, Call. *Del.* 238), they got their name, and similarly we find the adjective *ἐνδρομίδες* applied to shields in a Delphic Inscription *ap.* Curtius, 40. Rich says they left the toes exposed, on the basis of the illustrations in *Mus. Borb.* viii. pl. 23 and 25, and he considers this exposure of the toes the chief difference between the *ἐνδρομίς* and the *κόθορνος*. But this does not appear at all certain: for the boot of the Cretan huntsmen described by Galen (xviii. 1, 682, ed. Kuhn), which is doubtless the *ἐνδρομίς*, is constructed, he says, for the rough and uneven nature of that country; and surely exposure of the toes can be no advantage under such circumstances; and further the boot fits, Galen says, all the articulations of the foot (*τῆς κατὰ φύσιν διαρθρώσεως ὅλης*). The *ἐνδρομίδες* reached a considerable way above the ankle, and the top of the leg of the boot turned over and hung down in a flap, as may be seen from the annexed cut of an *ἐνδρομίς* taken from *Museo Borbonico*, x. pl. 20. They were generally open down the front, with eyes on each side leather, for running the fastenings through, like our laced boots. However, there is a vase-painting given by Millin (*Peint. des Vases*, ii. pl. 69) which shows, from the way the man on the right is drawing on his boot, that the apparent lacing was sometimes mere ornament. (See cut in next column.) The Romans translated the *ἐνδρομίς* of Artemis by *cothurnus* (Verg. *Ecl.* vii. 32; *Aen.* i. 337). (For further information, see Spanheim on Call. *Dian.* 16.)

Endromis. (From a Pompeian painting.)

2. In Roman times *endromis* was used for a thick woollen rug (Tert. *Pall.* 4, "endromidis solocem aliqua multicia synthesi extrusit"), sometimes in the palaestra thrown over the body after violent exercise (Juv. vi. 246), but also used by the humbler classes as a protection against cold and rain (Mart. iv. 19, xiv. 126; cf. Juv. iii. 102). We hear that such rugs came from the woollen manufactories of the Sequani in Gaul (Mart. iv. 19, 1) and from Tyre (Juv. vi. 246). [L. C. P.]

Endromis. (From a vase-painting.)

ENECHYRA (ἐνέχυρα) meant properly goods, usually movables, handed over to a creditor as security, *e.g.* bronze ([Dem.] c. *Timoth.* p. 1190, § 21), cups and a golden crown (Dem. c. *Nicostr.* p. 1249, § 9), slaves (c. *Aphob.* i. p. 820, § 24), a horse (Lys. *Obtrect. adv. Fam.* § 10, etc.: it was forbidden to pledge weapons and agricultural implements, Aristoph. *Plut.* 450, and Diod. i. 79; likewise *ἐπὶ σώματι δανείζειν*, Plut. *Sol.* 15); whilst *ὑποθήκη* meant usually real property (also ships, [Dem.] c. *Lacrit.* p. 933, § 32; Dem. c. *Dionys.* p. 1283, § 3: or slaves, c. *Pantaen.* p. 967, § 4) mortgaged to the creditor. If the money advanced was not paid back by the time specified, the security passed into the possession of the creditor (Dem. c. *Aphob.* ii. p. 841, § 18). (Boeckh, *Sthh.*^{3} i. p. 161 ff.; *Att. Process*, ed. Lipsius, pp. 689–696.)

In private suits at Athens, whether tried by a court of law or before an arbitrator (Dem. c. *Callipp.* p. 1240, § 15 f.), whenever judgment was given against a defendant, a certain period was at the same time fixed (*ἡ προθεσμία*: the plaintiff could agree to a prolongation, [Dem.] c. *Euerg. et Mnesib.* p. 1154, § 49 f.), before the expiration of which it was incumbent upon him to comply with the verdict. In default of doing so, he became *ὑπερήμερος* or over the day, as it was called, and the plaintiff was privileged to take steps against him for non-compliance. Several ways were open to the plaintiff. He could seize upon the goods and chattels of the defendant as a security or compensation (*ἐνεχυρασία, ἐνεχυράζειν, ἐνέχυρα λαμβάνειν* or *φέρειν, ἅπτεσθαι τῶν χρημάτων*). This "taking in execution" was probably left to the party who had gained the suit, and it is doubtful whether he had the assistance of a public officer (like the sheriff). On one occasion, indeed, we read of a *ὑπηρέτης παρὰ τῆς ἀρχῆς* (i.e. *ἀποστολεῖς*, [Dem.] c. *Euerg.* p. 1149, § 33, p. 1150, § 37), being taken to assist in, or perhaps to be a witness of, a seizure; but that was in a case where public interests were concerned ([Dem.] c. *Euerg.* p. 1149, § 35; see Hudtwalcker, *Diaet.* p. 132);

from Schol. Aristoph. *Nub.* 37 (cf. Harp. *s. v.* δήμαρχος, etc.), however, it would appear that usually, though not necessarily, the demarch accompanied the plaintiff when levying execution to the defendant's house (cf. Bekker, *Anecd.* 242, 16; see B. W. Leist, *Graeco-Ital. Rechtsgesch.* p. 493). [Dem.] *c. Euerg.* p. 1155, §§ 52 ff., gives an amusing account of what Englishmen would consider a case of "assault and trespass," committed by some plaintiffs in a defendant's house: the amount of damages which had been awarded (ἡ καταδίκη) was lying in the bank; of this Theophemus had been informed, but instead of going there he seized fifty sheep, together with the shepherd and a boy; then, assisted by the defendants (who had no right to touch anything), he broke into the farm, tried to seize the slaves, who managed to escape, entered the dwelling-house, carried off all the furniture in spite of the remonstrance of the plaintiff's wife (λεγούσης ὅτι αὐτῆς εἴη ἐν τῇ προικὶ τετιμημένα), and ill-treated the old nurse to get from her a cup which she was concealing about her person. It seems probable, though we are not aware of its being expressly so stated, that goods thus seized, if not redeemed, were publicly sold or valued (*C. I. A.* ii. No. 814 a), and that the party from whom they were taken could sue his opponent for any surplus which might remain after all legal demands were satisfied. If the damages awarded to the plaintiff were heavy, so that they could not be covered by goods taken in execution, he might proceed to satisfy himself by seizure of the defendant's land. This was what occurred in the case of Demosthenes; having recovered a judgment of ten talents against Aphobus, he made entry upon a farm. Onetor, claiming it as mortgagee, turned him off and thereby subjected himself to an action of ejectment (*Att. Process*, ed. Lipsius, pp. 962–966).

The right of taking property in pledge is stipulated in some inscriptions for breach of contract (*C. I. A.* ii. Nos. 565, 11; 600, 36, ἐνεχυράζειν πρὸ δίκης: *C. I. G.* No. 2448 = Cauer, *Del. Inscr. Gr.*^{2} No. 148 E, l. 20, ἐνεχύραστος: Thalheim, *Rechtsalterth.* p. 116, n. 1). No seizure of this sort could take place during several of the religious festivals of the Athenians, such as the Dionysia, the Lenaea, the Thargelia, etc. (Dem. *c. Mid.* p. 517, § 10; *Att. Process*, ed. Lipsius, p. 338, n. 393). [R. W.] [H. H.]

E'NGYE (ἐγγύη), bail or sureties, were in very frequent requisition, both in the private and public affairs of the Athenians. Private agreements, as, for instance, to abide by the decision of arbitrators (Dem. *c. Apatur.* p. 897, § 15), or that the evidence resulting from the application of torture to a slave should be conclusive (Dem. *c. Pantaen.* p. 978, § 40; see also [Dem.] *c. Neaer.* p. 1367, § 65 f.), were corroborated by the parties reciprocally giving each other such sureties; and the same took place generally in all money-lending or mercantile transactions (Dem. *c. Apat.* p. 894, § 7, p. 895, § 10); and was invariably necessary when persons undertook to farm tolls, taxes, or other public property (Dem. *c. Timocr.* p. 713, § 40; p. 745, § 144; Boeckh, *Sthh.*^{3} i. p. 187), or undertook public works (*C. I. A.* i. No. 324; *fr.* a, l. 48; *fr.* c, ii. l. 19). Xenophon (*de Vect.* 4, 20) suggests that sureties should also be required from those who hired the public slaves whose purchase he proposed.

In judicial matters bail or sureties were provided upon two occasions: first, when it was requisite that it should be guaranteed that the accused should be forthcoming at the trial; and secondly, when security was demanded for the satisfaction of the award of the court. In the first case, bail was very generally required when the accused was other than an Athenian citizen, whether the action were public or private; the alternative was prison (Dem. *c. Zenoth.* p. 890, § 29). Pasion the banker dragged a subject of Satyrus, king of Bosporus, before the polemarch, and compelled him to find sureties for six talents (Isocr. *Trapez.* § 12); although the defendant in Antiph. *de caed. Herod.* § 17 offered the three sureties required by law (ἐγγυητὰς τρεῖς καθιστάναι κατὰ τὸν νόμον), he was imprisoned. Athenians, on the other hand, could not be arrested or forced to find sureties except when proceeded against by way of apagoge, endeixis (yet see Andoc. *de Myst.* § 2, where Andocides, against whom Cephisius had laid an ἔνδειξις ἀσεβείας, insists on the fact of his having remained to stand his trial οὔτ' ἐγγυητὰς καταστήσας οὔθ' ὑπὸ δεσμῶν ἀναγκασθεὶς as a proof of good conscience), ephegesis, and eisangelia, the senators being bound by their oath not to put in prison any Athenian who offers three sureties of the same class (τὸ αὐτὸ τέλος τελοῦντες), unless where a man was charged with προδοσία τῆς πόλεως or κατάλυσις τοῦ δήμου, or where a farmer of taxes or a surety or a collector committed default (Dem. *c. Timocr.* p. 745, § 144; Andoc. *de Myst.* § 93; [Andoc.] *c. Alcib.* § 3; cf. Dem. *c. Timocr.* p. 720, § 63 *lex*, and Schol. Aristoph. *Eccl.* 1089). Instances of bail accepted by the senate we find recorded in Andoc. *de Myst.* §§ 17, 44; Lys. *c. Agor.* §§ 23, 27; cf. Xen. *Hell.* i. 7, 7; from § 35 we learn that sureties were demanded in a Probole, which from the peculiar circumstances of the case must be looked upon as an extraordinary measure. Being at large was considered essential for preparing the defence (Dem. *c. Timocr.* p. 745, § 145); even the murderer was at large and could leave the country after the first day's trial, and it is doubtful whether an exception was made in the case of one who had murdered a parent (Pollux, viii. 117; Schöm. *Antiq.* 292, n. 8), for the existence of such a special law may with good reason be called into question (Diog. L. i. 59; Cic. *pro Rosc. Am.* 23, 70); only a person convicted in a γραφὴ ξενίας, who proceeded against the witnesses by a δίκη ψευδομαρτυριῶν, was compelled to remain in prison until the determination of his suit (Dem. *c. Timocr.* p. 741, § 131). Surety of the other kind was demanded at the beginning of a suit upon two occasions only: first, when a citizen asserted the freedom of a person detained in slavery by another (Lys. *c. Pancl.* § 9 ff.); and secondly, when a litigant, who had suffered judgment to go by default, had recommenced his action within the given time (μὴ οὖσα δίκη); see Pollux, viii. 60. After the judgment, security of this kind was required in all mercantile and some other private causes (Dem. *c. Onet.* i. p. 873; Isae. *Dicaeog.* § 18); Timocrates proposed a law (Dem. *c. Timocr.* p. 712, §§ 39, 40; cf. also Plat. *Apol. Socr.*

p. 38 B) that a debtor of the state, who had been sentenced to imprisonment (*προστιμᾶσθαι*, *i.e.* in addition to making good the debt), should be allowed (either himself or others on his behalf) to put in such bail for the debt as the people should approve, to be security for payment of the sum which he was adjudged to pay within the ninth prytany (cf. Wayte on Dem. *c. Timocr.* p. 704, § 15), this law to apply to all except the farmer of taxes, etc. and their sureties (cf. Boeckh, *Sthh.*^{3} i. p. 409 f.). As to the number of sureties, three were required of the same census in the oath of the senators (cf. Antiph. *de caed. Herod.* § 17); Socrates speaks of four (Plat. *Apol.* p. 38 B); Lysias (*c. Agor.* § 23) has **Νικίας καὶ Νικομένης καὶ ἄλλοι τινές** (cf. Plat. *Legg.* xii. p. 953 E). If the principal in a contract made default, the surety was bound to make it good, or, if he refused to do so, might be attacked by an *ἐγγύης δίκη*, if such action were brought within a twelvemonth after the obligation was undertaken (Dem. *c. Apat.* p. 901, § 27). So in Isae. *Dicaeog.*: Dicaeogenes had stipulated that he was to keep his original one-third of the estate and leave his adversaries the other two-thirds (*ἀναμφισβήτητα*, § 18, i.e. *ἀνέπαφα*, argum.). Leochares and Mnesiptolemus became his sureties for the performance of the engagement. When Dicaeogenes sold these two-thirds to other persons, Leochares was sued by an *ἐγγύης δίκη* to discharge his liability as surety. Such a charge could be brought against the surety without any attempt being first made to recover from the principal in the contract; hence the proverb *ἐγγύα, πάρα δ' ἄτα*, Plat. *Charm.* p. 165 A; cf. Epicharmus in Clem. Alex. *Strom.* vi. p. 626.

As to the punishment of the bail, in case a person accused in a public action failed to appear to take his trial, our information is very scanty. Andoc. (*de Myst.* § 44) says, *τοὺς ἐγγυητὰς τοῖς αὐτοῖς ἐνέχεσθαι ἐν οἷσπερ οὓς ἐγγυήσαντο*: but Caillemer (*Études s. l. antiquit. jurid. d'Ath.*, No. 6) doubts if this held good in case of capital punishment; however, the sureties of Agoratus made preparations to escape from Athens together with him. From a passage in Xenophon (*Hell.* i. 7, 39) it appears that the law allowed the bail to secure the person of the accused by private confinement.

The technical term for becoming surety is *ἐγγυᾶσθαί τινα, ἀναδέχεσθαι ἐγγύην*, or simply *ἀναδέχεσθαι* (hence *ἀνάδοχος* from the 3rd century = *ἐγγυητής, ἔγγυος*); *ἐξεγγυᾶσθαι* (also *διεγγυᾶσθαι*) means to free one by giving bail; and *ἐξεγγυηθῆναι* is said of a person thus set free: *κατεγγυᾶν* means to require bail of an accused person, and *κατεγγυᾶσθαι* to give bail. (*Att. Process*, ed. Lipsius, pp. 703–710.) [J. S. M.] [H. H.]

ENGYE'SIS (*ἐγγύησις*). [MATRIMONIUM.]

E'NNATA (*ἔννατα*). [FUNUS.]

ENOI'KIOU DIKE (*ἐνοικίου δίκη*). According to Hudtwalcker (*Ueber d. öffentl. u. Privat-Schiedsrichter*, p. 141 f.), this was an action brought to recover the rents withheld from the owner during the period of his being kept out of possession. If the property recovered were not a house, but land (in the more confined sense of the word), the action for the rents and profits was called *καρποῦ δίκη*. If the defendant, after a judgment in one of these actions, still refused to give satisfaction, an *οὐσίας δίκη* might be commenced against him, with the result that the defendant obtained a right to indemnify himself out of the whole property of the defendant, and as the ultimate remedy an *ἐξούλης δίκη*, the consequence of which to the defendant, if he failed, was that, besides his liability to the plaintiff, he was condemned to pay to the treasury a sum equal to the damages or to the value of the property recovered in the first action (*προστιμᾶν*, Dem. *c. Mid.* p. 528, § 44). Schömann points out that the *δίκαι ἐνοικίου* and *καρποῦ* could be instituted, not only when an estate had been adjudged, but also when the title to an estate was tried: see especially Lys. *fr.* 72 S. He also explains how a plaintiff came to resort to an *οὐσίας δίκη*, when he might take immediate steps to execution by means of entry and ejectment, by suggesting that the plaintiff was thus given the choice between a milder and a more stringent remedy, or that at one time real property could not in the first instance be taken in execution. In Lipsius' opinion these actions could only be brought to try the title to an estate. Thus the case in [Dem.] *c. Olymp.* p. 1179, § 45, was not an *actio locati* (Hudtwalcker, p. 143, n.), not an action for the rent of the house, but for the house itself, as the parallel action (*δίκη ἀργυρίου*) shows, *ἀργύριον* being the principal, not the interest (Thalheim, *Rechtsalterth.* p. 84, n. 2).[*] Thalheim (*l. c.* p. 114, n.), following Heffter (*Athen. Gerichtsverf.* p. 266, n.), explains the *οὐσίας δίκη* to be an action for ownership, but the only instance which might be quoted for this meaning of *οὐσία* (Harpocr. *s. v. διαμαρτυρία*) is corrupt, and Photius gives a different definition of the action (*ὡς δέον ἀπολαμβάνειν ἐξ ὅλης τῆς οὐσίας ἃ κατεδικάσαντο*). (Meier and Schömann, *Att. Process*, ed. Lipsius, p. 967 ff.) [H. H.]

ENOMO'TIA (*ἐνωμοτία*). [EXERCITUS.]

ENSIS. [GLADIUS.]

E'NTASIS (*ἔντασις*, *adjectio*, Vitruv. ed. M.-Strübing, 75, 7) in a column is a swelling ("adjectio quae adjicitur in mediis columnis," Vitruv. *l. c.*) from the lower end to a certain point, after which a diminution takes place to the hypotrachelium which forms part of the capital. Overlooked by Stuart and Revett, its discovery was due to Allason (1814), and confirmed by the measurements of Cockerell and Haller (W. Jenkins, *Supplem. vol.* to Stuart). In the Parthenon, the lower diameter of the column being 1·9 metre, the entasis is $\frac{1}{120}$ (or ·016 m.), the diminution $\frac{2}{9}$ (or ·425 m.) of this dimension. In some ancient columns, as at Assos, entasis is very exaggerated; while in others, as at Corinth, it is absent. Vitruvius (iii. 2, iv. 3) would make the width of the fillets of the flutings ("crassitudines striarum") equal to the *adjectio* in the middle of the column; such a deviation is imperceptible. As to the profile, Penrose has shown that in the Parthenon and Propylaea it is an hyperbola,

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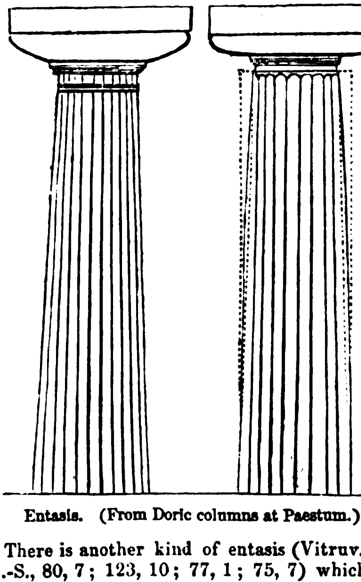
[*] It is, however, very probable that *ἐνοικίου δίκη* was originally intended to recover house-rent, and *καρποῦ δίκη* to recover the rent from land; the latter might also be instituted to recover profits, after the plaintiff had succeeded in an action for ownership (Suid., Phot. *s.v.*), and according to Hesychius (*s.v.*) was also directed against damage to crops (*τῷ βλάψαντι καρπόν*).

with 1 (Attic) foot for principal axis and 30 feet from centre to focus. Several theories have been advanced to account for the entasis of the column. Winckelmann's principle of *Unbezeichnung*, derived from the lines of the human body, has been adopted by some. Adamy (p. 159 *seq.*) holds that it expresses the sense of a living *organic* form due to the plastic tendency of Hellenism, and adduces, in confirmation, the freedom shown in small differences of form and proportion (not to be accounted for by carelessness) visible throughout the Parthenon, as, for example, the want of correspondence of the drops to the triglyphs, the inequality in height of the columns. The most generally accepted view (Gwilt, *Dict. of Arch.* x. 46), that entasis is a *correction* of an optical illusion produced by an extended line, is even accepted by Penrose, who thinks it removes the "attenuated appearance" or concavity of columns with straight sides (*Investig.* p. 39). The exaggeration at Assos, however, seems to indicate that the convexity was intended to be seen, and that apparent straightness was not aimed at. Originally imitated from nature, the effect was afterwards reduced and controlled by the necessities of art.

Examples of the absence and presence of entasis are represented in the woodcut: from the great temple at Paestum (to left), from a later building in the same city (to right).



Entasis. (From Doric columns at Paestum.)

There is another kind of entasis (Vitruv., ed. M.-S., 80, 7; 123, 10; 77, 1; 75, 7) which, as affecting horizontal lines, has been called *horizontal curvature* or *entasis*. Vitruvius says that the capitals were not on a level ("non ad libellam sed ad aequalem modulum conlocatis"), and seems to imply that both stylobate and superior members were curved ("ut quae adjectio in stylobatis facta fuerit, in superioribus membris respondeat"). Further on (*ib.* 123, 10) he refers to the method by which this adjustment was effected ("per scamillos impares"); and, again (*ib.* 77, 1), "stylobatam ita oportet exaequari uti habeat *per medium* adiectionem per scamillos impares." The reason assigned is that a level line looks hollow (*ib.*): "si enim ad libellam dirigetur, alveolatus oculo videbitur." Unfortunately the figure ("in extremo libro forma et demonstratio erit descripta," *ib.* 77, 1) is not extant, and therefore the meaning of Vitruvius remains somewhat obscure. The archaeological evidence of this species of *adjectio* is hardly more explicit. Horizontal entasis was first noticed in the Parthenon, by Pennethorne (1837) and Hoffer (1838), and subsequently investigated with extraordinary care by Penrose (v. *opp. cit.* inf.). He gives (*2nd Letter*) drawings showing the curvature in the pavement (3 ins. in centre of East front) and entablature of the Parthenon, which, he argues, was actual, from the care bestowed on the steps, the accurate levelling instruments employed (*teste* Vitruv.), and the exact levelling of the sub-basement belonging to the older temple. The joints of the steps are normals to the curve, so that the stylobate *forms an arch*. The entablature is not quite so much or so perfectly curved as the steps, so that the angle-columns are higher than the rest—in fact, the line is more polygonal, to fit which the abaci are cut into a nail-headed figure. There is no curve in the ground-line of the Propylaea, but it exists in the upper members. The inclined lines of the pediment of the Theseium are slightly convex. As to the criticism of Penrose's view, it may be stated that Lohde and Thiersch accept it, while Adamy rejects horizontal curvature, arguing from aesthetic requirements and its absence at Aegina and Corinth. Ziller extended the theory to individual stones, and even to the vertical joints! Blümner (*op. cit.* p. 8) holds the question still moot—other buildings must be examined; moreover, departures from horizontality, only detected micrometrically, can scarcely have been intended to correct optical defects. Finally, the whole matter has been excellently summed up by Reber (*op. cit.* pp. 265–270), with the same result.

(F. C. Penrose, *Two Letters from F. C. P. … on certain Anomalies in the Constr. of the Parthenon*, 1848; id. *Investig.*, &c.; H. Blümner in Virchow and Holtzendorff's *Samml.*; Bötticher, *Bericht üb. d. Untersuch. a. d. Akrop.*; id. *Tektonik*; Reber, *Gesch. d. Baukunst im Alterthum*; Thiersch, *Optische Täuschungen*; Ziller, *Ueber d. urspr. Existenz d. Curvaturen d. Parth.*, in Erbkam's *Zeitschr.*, 1865; G. Oehmichen, *Griech. Tempelbau n. Vitruv*, &c.) [A. R.] [J. M.]

EO'RA. [Aeora.]

EPANGE'LIA (ἐπαγγελία). If a citizen of Athens had incurred ἀτιμία, the privilege of taking part or speaking in the public assembly was forfeited [Atimia]. But as it sometimes might happen that a person, though not formally declared ἄτιμος, had committed such crimes as would, on accusation, draw upon him this punishment, it was of course desirable that such individuals, like real ἄτιμοι, should be excluded from the exercise of the rights of citizens. Whenever, therefore, such a person ventured to speak in the assembly, any Athenian citizen had the right to come forward in the assembly itself, and demand of him to establish his right to speak by a trial or examination of his conduct (Aeschin. c. *Tim.* § 32, δοκιμασίαν ἐπαγγειλάτω Ἀθηναίων ὁ βουλόμενος οἷς ἔξεστιν: §§ 64, 81, ἐπαγγελίαν ἐπαγγέλλειν): but it is not probable that the impeached individual was thereby compelled to desist from speaking until his case was decided. The accuser had to lay his charge in writing (Aeschin. *c. Tim.* §§ 119, 154; Dem. *c. Androt.* p. 600, § 23) before the thesmothetae, who brought such cases to trial in the courts of law (Aeschin. *ib.* § 45, etc.); and if the defendant was convicted, a formal declaration of ἀτιμία followed (Dem. *de Fals. Leg.* p. 432, § 284; p. 423, § 257; Aeschin. *ib.* 134, etc.).

Some writers have confounded the ἐπαγγελία with δοκιμασία, and considered the two words as synonyms; but from the above it is evident that the δοκιμασία is the actual trial, while the ἐπαγγελία is only the threat to subject a man to the δοκιμασία (Schömann, *Assemblies*, p. 241, n. 36). Harpocration and Suidas do not sufficiently distinguish between ἐπαγγελία and ἔνδειξις: the latter is an accusation against persons who, though they had been declared ἄτιμοι, or had become ἄτιμοι *ipso jure*, nevertheless ventured to assume the rights of citizens in the public assembly; whereas ἐπαγγελία applied only to those who had not yet been convicted of the crime laid to their charge, which would draw upon them ἀτιμία as punishment: *e.g.* if a man convicted of κάκωσις γονέων, and therefore *ipso jure* ἄτιμος, took part or spoke in the popular assembly, he was proceeded against by way of ἔνδειξις: whilst he who had committed a crime which laid him open to a γραφὴ κακώσεως γονέων, but for which he was not yet convicted, had to be proceeded against by way of ἐπαγγελία δοκιμασίας. Aeschines (*c. Tim.* § 28 ff.) mentions four classes of crimes which justified "denunciation:" κάκωσις γονέων, ἀστρατεία or throwing away the shield, ἑταίρησις, and wasting one's patrimony; Pollux (viii. 45) omits the 2nd class, but adds ἢ ἄλλως κακῶς βεβιωκότες, whilst some of the grammarians confine it to those guilty of ἑταίρησις. (*Att. Process*, ed. Lipsius, pp. 248–253.) Wachsmuth (*Hell. Alterth.* ii. p. 294) seems to be inclined to consider the ῥητορικὴ γραφὴ as connected or identical with the ἐπαγγελία. [L. S.] [H. H.]

EPA'RITI (ἐπάριτοι), the name of a corps of picked troops in Arcadia, which was formed to preserve the independence of the Arcadian towns, when they became united as one state after the defeat of the Spartans at Leuctra. They were 5,000 in number, and were paid by the state. (In Xen. *Hell.* vii. 4, §§ 22, 33, 36; vii. 5, § 3, the name occurs without explanation, but it was probably of Arcadian origin. In Diod. xv. 62, 67 they are οἱ καλούμενοι ἐπίλεκτοι ὄντες πεντακισχίλιοι. Cf. Hesych. *s. v.* ἐπαρόητοι: Thirlwall, v. 90; Grote, ch. 78, vii. 203; Gilbert, *Staatsalterth.* ii. 134, 352.) [W. S.] [W. W.]

EPAU'LIA (ἐπαύλια). [MATRIMONIUM.]

EPEUNACTI or **-AE** (ἐπεύνακτοι, ἐπευνακταί), a class of citizens at Sparta who are said to have been the offspring of slaves and the widows of Spartan citizens. Theopompus tells us (*ap.* Ath. vi. p. 271 c) that in the Messenian war, in consequence of the great losses which the Spartans sustained, they married the widows of those who were slain to helots, and that these helots were admitted to the citizenship under the name of ἐπεύνακτοι. Diodorus (viii. *fr.* 21) also calls the partisans of Phalanthus ἐπευνακταί [PARTHENIAE]. (Thirlwall, i. 353; Grote, ch. 22, ii. 544; Müller, *Dor.* iii. 3, § 5; Gilbert, *Staatsalterth.* i. 18.) [W. S.] [W. W.]

EPHEBE'UM. [GYMNASIUM.]

EPHE'BUS (ἔφηβος), the name applied to Athenian youths between the ages of eighteen and twenty. The word ἥβη, as Blümner points out, is used in two senses, physical ἥβη or puberty at the age of sixteen, and legal or civil ἥβη two years later (Hermann-Blümner, *Privatalterth.* p. 322). The phrase ἐπὶ διετὲς ἡβῆσαι was consequently applied to the age of eighteen, at which the young Athenian attained his majority as regarded private legal relations. (For the margin allowed in cases of bodily immaturity, the nature of the examination (δοκιμασία), and the full discussion of the words ἐπὶ διετὲς ἡβῆσαι, see DOKIMASIA.) He was now entered on the ληξιαρχικὸν γραμματεῖον or register of his deme (Lycurg. *c. Leocr.* § 76): the notion of Pollux (viii. 105) and Harpocration that this was not done till the completion of the twentieth year is sufficiently accounted for by their not knowing the true meaning of ἐπὶ διετὲς ἡβῆσαι, and is now universally rejected. He was likewise admitted, at least on sufferance, to the Ecclesia, where in later times the ἔφηβοι were charged with police duties [ECCLESIA, p. 700 *b*]. The marriage of a youth of eighteen is mentioned as being nothing unusual (Dem. *c. Boeot. de Dot.* p. 1011, § 12); and in the well-known instance of Demosthenes himself, we see the orator at that age claiming his patrimony, bringing an action against his guardians and pleading his own cause: at this time he calls himself an ἔφηβος (*c. Onet.* i. p. 868, § 15).

Military training, likewise, began with the ἐφηβεία, which may be considered as a kind of apprenticeship in arms. The δοκιμασία seems to have taken place at the time of the elections (ἀρχαιρεσίαι, Isae. *Or.* 7 [*Apollod.*], § 28; Dem. *c. Leoch.* p. 1092, § 39), *i.e.* in the early part of the ninth prytany [ECCLESIA, p. 702 *b*]. After this the ephebi were solemnly introduced before the people assembled in the theatre, and received publicly a shield and a lance (Aristot. *ap.* Harpocrat. *s. v.* δοκιμασία); while those whose fathers had fallen in the defence of their country, and who had consequently been brought up at the public expense, received a complete suit of armour (Aeschin. *Ctes.* § 154; Plat. *Menex.* 249 A). Thus equipped, they were led to the temple of Aglauros, and there took an oath by which they pledged themselves never to disgrace their arms or to desert their comrades; to fight to the last in defence of their country, its altars and hearths; to leave their country not in a worse but in a better state than they found it; to obey the magistrates and the laws; to resist all attempts to subvert the institutions of Attica, and finally to respect the religion of their forefathers. This oath is alluded to, Dem. *F. L.* p. 438, § 303 = 346; partly quoted, Lycurg. *l. c.*; more fully, but with slight variations, Stob. *Flor.* xliii. 48, Poll. viii. 105. A curious touch of aggressive patriotism, omitted by these authors, is preserved in Plut. *Alcib.* 15 and Cic. *de Rep.* iii. 9: "that they would regard every country as Attic soil where wheat and barley, vines and olives could grow." Modern criticism, however, doubts the genuineness of this oath so far as it rests only upon the testimony of grammarians (Cobet, *Nov. Lect.* p. 223; Schömann, *Antiq.* i. 359, E. T.; Gilbert, *Staatsalterth.* i. 296, n.).

As commonly stated, the ephebi served as **περίπολοι**, *i.e.* on patrol (Xen. *de Vect.* 4, § 47; Aristoph. *Av.* 1177) and garrison duty (Eupolis, *fr.* 357 M.), in Attica, during the whole two years of their **ἐφηβεία** (Plat. *Legg.* vi. 760 C; Aeschin. *F. L.* § 167; Pollux, viii. 106; Photius, *s. v.* **περίπολος**). Another view is that the first year was spent in military exercises, and only the second in the capacity of **περίπολοι**: a passage of Aristotle (*ap.* Harpocrat. *s. v.* **περίπολος**) refers the appearance in the theatre and the presentation of arms to the second year, after an examination in tactics (Dittenberger, *de Epheb. Att.* p. 12; Gilbert, *l. c.*). The two years of **περιπολία**, however, are supported by a greater weight, both of ancient authorities and modern critics (Schömann, p. 360; Philippi, in *N. Rhein. Mus.* xxxiv. 613). The military training of the ephebi was under the direction of the strategi, one of whom seems to have been specially charged with it (Dinarch. *c. Philocl.* § 15); other instructors were of course employed. The duty of superintending their morals and manners was entrusted to a board of **σωφρονισταί**, whom we find likewise in the gymnasium, and who were themselves controlled and perhaps chosen by the Areiopagus (Phot., *Etym. M.*, s. v.; Bekk. *Anecd.* 301, 7; [Plat.] *Axioch.* 367 A). At the age of twenty they ceased to be ephebi, were under no special restraint, and were liable to foreign service.

The distinguishing costume of the ephebi was the **χλαμύς**, their head-dress the **πέτασος** (**ἐγγραφῆναι καὶ λαβεῖν τὸ χλαμύδιον = εἰς ἐφήβους γίγνεσθαι**, Antidot. *ap.* Ath. vi. 240 b; Pollux, x. 163, 164; Hermann-Blümner, *Privatalterth.* p. 180).

(Besides Schömann, Gilbert, and Hermann-Blümner, the following monographs may be consulted: W. Dittenberger, *de Ephebis Atticis*, Götting. 1863; A. Dumont, *Essai sur l'Ephébie Attique*, Paris, 1876; Portelette, *L'Ephébie en Grèce*, in *L'Instruction Publique* for Dec. 1878; Grasberger, *Erziehung und Unterricht*, iii. 1 ff. Compare also A. Schaefer, *Dem. u. seine Zeit*, iii. pt. 2, 19 ff.) [L. S.] [W. W.]

EPHEGE'SIS. [ENDEIXIS.]

EPHE'MERIS (**ἐφημερίς**). [COMMENTARIUS.]

EPHE'SIA (**ἐφέσια**), a great panegyris of the Ionians at Ephesus, the ancient capital of the Ionians in Asia. It was held every year, and had, like all panegyreis, a twofold character, that of a bond of political union among the Greeks of the Ionian race, and that of a common worship of the Ephesian Artemis. Thucydides compares it (iii. 104) to the ancient panegyris of Delos [DELIA], where a great number of the Ionians assembled with their wives and children. Respecting the particulars of its celebration, we only know that it took place at night and was accompanied with much mirth and feasting, and that mystical sacrifices were offered to the Ephesian goddess. (Thucyd. *l. c.*; Dionys. Hal. *Antiq. Rom.* iv. 25, who closely follows Thucydides; Strabo, xiv. p. 640.) That games and contests formed likewise a chief part of the solemnities is clear from Hesychius (*s. v.*), who calls the Ephesia an **ἀγὼν ἐπιφανής**. The drunken revelry described in the love-tale of Achilles Tatius (books vi.–viii.) is not mentioned by these authors. (Compare Paus. iv. 31, § 6; vii. 2, § 4; Müller, *Dor.* ii. 9, § 8; Boeckh, *Corp. Inscript.* ii. n. 2909.)

From the manner in which Thucydides and Strabo speak of the Ephesia, it seems that it was only a panegyris of a part of the Ionians, perhaps of those who lived in Ephesus itself and its vicinity. Thucydides seems to indicate this by comparing it with the Delian panegyris, which consisted only of the Ionians of the islands near Delos; and Strabo, who calls the great national panegyris of all the Ionians in the Panionium the **κοινὴ πανήγυρις τῶν Ἰώνων** (p. 639), applies to the Ephesia the name **πανήγυρις** (p. 640). It may, however, have existed since the time when Ephesus was the head of the Ionian colonies in Asia. [L. S.] [W. W.]

EPHE'SIAE LI'TTERAE (**Ἐφέσια γράμματα**) were mystic words engraved on the crown, the girdle, and the feet of the Ephesian Artemis (Eustath. *ad* Hom. *Od.* p. 1864). When pronounced, they were regarded as a charm (Menand. *ap.* Suid. *s. v.* **ἀλεξιφάρμακα** = *fr.* 360 M.); written copies, apparently on strips of parchment like the Jewish phylacteries, were worn as amulets (**ἐν σκυταρίοις ῥαπτοῖσι φέρων Ἐφέσια γράμματα καλά**, Anaxilas *ap.* Ath. xii. 548 c = *fr.* 15 M.). They cured diseases, charmed away evil spirits, and gave victory in contests of various kinds (Eustath. *ad* Hom. *Od.* xix. 247; Phot., *Etym. M.*, Hesych., *s. v.*). They are among the **περίεργα** or "curious arts" of Acts xix. 19, where see the commentators, and cf. Conybeare and Howson, *St. Paul*, ii. 13 (original edition). The charms and amulets of Alexander of Tralles, a physician of the sixth century, seem to have been a survival of the **Ἐφέσια γράμματα**, though he was almost certainly a Christian, and employs Hebrew as well as Greek mystical expressions; see specimens in *Dict. Biogr.* i. 127 a. (Becker-Göll, *Charikles*, i. 291; Hermann, *Gottesd. Alterth.* § 42, n.17.) [W. W.]

E'PHESIS (**ἔφεσις**). [APPELLATIO (Greek).]

EPHESTRIS (**ἐφεστρίς**). [AMICTUS.]

E'PHETAE (**ἐφέται**), the name of certain judges at Athens, invested with jurisdiction in cases of homicide. They were fifty-one in number (hence sometimes called simply **οἱ πεντήκοντα καὶ εἷς**, Lex *ap.* Dem. *c. Macart.* p. 1069, § 57), selected from noble families (**ἀριστίνδην αἱρεθέντες**), and more than fifty years of age (Pollux, viii. 125).

Their early history and the origin of their name are involved in much obscurity. The latter is usually derived from **ἐφίημι**, either (1) in the sense "judges of appeal" (**ἔφεσις**), now generally rejected; or (2) as letting slip the avenger of blood upon his victim (**οἱ ἐφιᾶσι τῷ ἀνδροφόνῳ τὸν ἀνδρηλάτην**: O. Müller, *Diss. on Eumenid.* § 65); or (3) as "directors" of the trial (Schömann, *Antiq.* i. 553, E. T.; Lipsius, *Att. Process*, p. 18). This last is the simplest, and decidedly preferable; cf. **ἐφετμή**, "command." Two other conjectures may be noticed: (*a*) from root **ἑδ**, "to sit" (Forchhammer in *Philol.* xxxvi. 465 ff.); the improbability of this is pointed out by Schömann, *l. c.*, and Gilbert, p. 121 n.: (*b*) from **ἔται**, *cives optimo jure*, as if **οἱ ἐπὶ τοῖς ἔταις ὄντες** (Lange, *Die Epheten u. d. Areopag*, p. 13 f.). This is approved by Gilbert; but Lipsius (*l. c.* p. 19 n.) very justly doubts the Attic usage of ἔτης in this sense; and besides, why should judges of homicide be in any special sense ἐπὶ τοῖς ἔταις? The institution of the Ephetae is ascribed to Draco (Poll. *l. c.*); and this view was upheld until quite lately, as by Grote (pt. ii. ch. 10, ii. 286) and Schömann in his latest work (*Antiq.* i. 324, E. T.). According to Schömann, the appointment of a tribunal distinct from the Areiopagus, for the trial of cases of bloodshed, was a concession to the popular discontent; but as the new judges were still chosen from the Eupatrids only, the discontent was not allayed. The best recent criticism (Lange, Philippi, Gilbert) regards the Ephetae, no less than the Areiopagus, as among the primitive institutions of Attica; and Lange suggests that the nine archons and the fifty-one Ephetae may together have formed an aristocratic state-council of sixty members, divisible by four, the number of the old-Ionic tribes; and that this may have been, in fact, the pre-Solonian Areiopagus, charged, among its other duties, with trials for murder. This is highly ingenious, and is the only attempt yet made to explain the number of fifty-one Ephetae. The early existence of a senate or council at Athens, analogous to the Gerusia at Sparta and possessing jurisdiction in cases of homicide, had been already inferred (Müller, *l. c.*; Thirlwall, ii. 41). But there is still a difficulty. It seems to be admitted that Draco enlarged the powers of the Ephetae, and made them, whether pre-existing or not, the sole tribunal in cases of homicide: on the other hand, that legislator is not regarded as the author of sweeping constitutional changes; and if he separated the Ephetae from the Areiopagus, he must have denuded the latter body of more than five-sixths of its members, unless he also re-organised the Areiopagus to an extent which is nowhere attested. We may agree with Plutarch (*Sol.* 19) that both Areiopagus and Ephetae existed before Solon, and probably also before Draco; but the reconstruction of the early constitution of Athens is so purely conjectural, that we must content ourselves with the cautious statement of Grote (*l. c.*), "Whether the Ephetae and the Areiopagites were the same persons, wholly or partially, our information is not sufficient to discover." The number fifty-one may perhaps be accounted for by the preference for odd numbers, in order to prevent an equality of votes, shown in later times by the juries of 201, 501, &c. dicasts [DICASTES, p. 628 *a*]. For a fuller discussion of these questions we refer to Gilbert, *Staatsalterth.* i. 120 ff.; Lange, *Die Epheten und der Areopag vor Solon;* Philippi, *Der Areopag und die Epheten.*

The thirty years between Draco and Solon (about B.C. 624–594) mark the limits of the plenary authority of the Ephetae. To this period must be referred the statement of Pollux (*l. c.*) that they sat in the five courts in which bloodshed was tried, *i.e.* in the Areiopagus and the four courts named below. The φονικοὶ νόμοι, indeed, of Draco were retained by Solon, and still subsisted in the time of Demosthenes (*c. Aristocr.* p. 636, § 51; *c. Everg. et Mnes.* p. 1161, § 71); but the φονικαὶ δίκαι, including trials for crimes allied to murder, such as malicious wounding, arson, and poisoning (Dem. *c. Aristocr.* p. 628, § 24; the "law" in § 22 is compiled from the orator's own words), were restored by Solon's legislation to the Areiopagus, now at all events a distinct body from the Ephetae. Henceforward they sat in four courts only, and these of minor importance,—that by the Palladium (τὸ ἐπὶ Παλλαδίῳ), by the Delphinium (τὸ ἐπὶ Δελφινίῳ), by the Prytaneum (τὸ ἐπὶ Πρυτανείῳ), and the court at Phreatto or Zea (τὸ ἐν Φρεαττοῖ). For the curious regulations of these courts, see DICASTERION, p. 626 *b*; PHONOU DIKÉ, near the beginning. Such ceremonial distinctions can only date from a very early period, and themselves furnish an almost conclusive proof of the high antiquity of the Ephetae. The four courts, it has been seen, dealt with bloodshed mainly from the religious point of view, and not as a crime against society. When, as in the lesser cases of homicide, the punishment was not death or perpetual banishment (ἀειφυγία), the perpetrator had still to undergo a temporary exile (the so-called ἀπενιαυτισμός, not necessarily for one year only; EXSILIUM). Such ceremonial matters as the atonement for blood, the purification of the shedder of it, and his reconciliation (αἰδεῖσθαι) with the relatives of the slain, came under the sacred law of Athens, the knowledge of which was confined to the old nobility, even after they had lost their political power [EUPATRIDAE; EXEGETAE]. The Ephetae accordingly retained the right of decision in actions for manslaughter, in which a temporary flight was followed by expiation, and also in cases of justifiable homicide, whether from the similarity of the latter (as regards the guilt of the perpetrator) to acts of accidental homicide, or as requiring a like expiation. The actual laws of Athens are here closely followed by Plato (*Legg.* ix. 864 E–867 E; cf. 874 E).

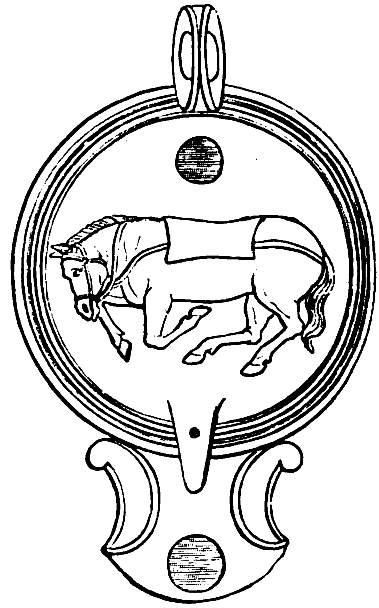
A further case is recorded by Demosthenes (*c. Aristocr.* p. 632, § 38); the banished manslayer, as long as he kept outside the country, was entitled to the same protection as any other Athenian, and any one who slew him out of revenge committed an offence against the sacred law. Here the Ephetae are said διαγιγνώσκειν, to determine the question whether the sacred law had been violated or not; it does not follow that they conducted the actual trial. Again, in the amnesty carried on the motion of Patrocleides, after the government of the Four Hundred had been put down, those are excepted who had been condemned by the Areiopagus, the Ephetae, the Prytaneum, the Delphinium or the king archon (*ap.* Andoc. *de Myst.* § 78). For acts of wilful murder, on the other hand, the punishment was death or ἀειφυγία, and therefore no expiation (κάθαρσις) was connected with the administration of justice in such cases; so that there could be no objection to its being tried by the Areiopagus, or by a heliastic court, though its members did not of necessity belong to the old aristocracy.

A trial for murder in the Palladium is recorded as having come off before an ordinary jury of 700 (*i.e.* 701) dicasts (Isocr. *c. Callim.* §§ 52, 54). We need not infer (with Gilbert, p. 360 n.) that the Ephetae had lost the right to sit in that court; when not wanted by them it was doubtless utilised for other purposes [DICASTERION, p. 627 *a*]. The comparatively unimportant and antiquated duties of the Ephetae in democratic times sufficiently explain the statement in Pollux (*l. c.*) that their court gradually lost all respect, and became at last an object of ridicule. This holds good for the 4th century at least, probably earlier; and the attempt of Forchhammer to explain it away, reading *κατηγελάσθη* for *κατεγελάσθη*, is not deserving of serious consideration (Gilbert, *l. c.*). (Cf. *Att. Process*, ed. Lipsius, pp. 11–13, 17–22.) [R. W.] [W. W.]

EPHI'PPIUM (*ἐφίππιον*, *-ειον στρῶμα*, *strata*, perhaps *ἀστράβη*), a saddle-cloth or pad. The saddle with a "tree" was unknown till the 4th century, although the pack-saddle (figs. in Ginzrot, *Gesch. d. Fahrw.*) seems to be of much earlier occurrence. (Cf. Ed. Diocl. x. 3, "parammas mulares cum flagello;" xi. 4, 5, 6, "sagma burdonis, s. asini, s. camelli.") Among Greeks and Romans alike there were two methods of riding, bare-backed and with a saddle-cloth; or, in the language of Xenophon, *ἐπὶ·ψιλοῦ*, *ἐπὶ τοῦ ἐφιππίου*. But neither the Greek writer nor any other ancient author hints at a true saddle (*de Re Equ.* vii. 5; *Hipparch.* viii. 4: cf. Varro, *R. R.* ii. 7; Caes. *B. G.* iv. 2; Hor. *Epist.* i. 14, 43). The meaning of *ἀστράβη* is difficult to determine: in Demosthenes (*in Mid.* p. 558, § 133; cf. Lys. *pro Inval.* § 11) it probably signifies a *mule* (so Harpocr. *s. v.*, Hellad. in Phot., Suid., &c.), whence *ἀστραβηλάτης*; although the Schol., with a corrupt reading, explains it as *εἶδος καθέδρας*. Becker-Göll (i. p. 200) thinks there was a kind of saddle (*ἀστράβη*) which, like the *φορεῖον*, was used by women and invalids. Another meaning of the word was a piece of wood fastened to the saddle-cloth, grasped in mounting (*τὸ ἐπὶ τῶν ἐφίππων ξύλον, ὃ κρατοῦσιν οἱ καθεζόμενοι*, Suid. *s. v.*), or a step to support the feet (Isidor., "astraba, tabella in qua pedes requiescunt;" and vase from Daphne, in British Museum, representing a person riding sideways on a dromedary with feet resting on a board).

In the absence of stirrups (later *staffae*, *stapides*, &c.), which are not mentioned till the Emperor Maurice (602 A.D.), there were several ways of mounting, as jumping with or without the aid of a lance-shaft, with the assistance of others (*ἀναβολεῖς*), or from steps (*ἀνάβαθρα*). The last were set up, according to Plutarch, along the main roads by C. Gracchus. Or, the horse was taught to kneel at the word of command, as in the illustration below from a lamp found at Herculaneum (cf. Strab. iii. p. 163; Sil. Ital. x. 465).

In the more ancient art the horse is represented ridden bare-backed; so in numerous vase-paintings, bas-reliefs, and equestrian statues. Later, saddle-cloths, often double or with pads beneath, and fastened with one to three girths, appear with increasing frequency (cf. sarcophagus from Clazomenae, in British Museum). The most elaborate trappings of this kind are seen on Scythian antiquities of the 4th century B.C.: Amazon, as usual, astride on a skin fastened by girths, *Compte Rendu de la Comm. Imp. Arch. St. Pétersb.*, 1862, pl. iv. 4; *ib.* 1864, pl. iii. 1, on Nikopolis vase, pad-saddle, double bordered housings; *ib.* 1866, pl. iv. 1, ditto; *ib.* 1868, pl. ii. 4, star-spangled cloth; *ib.* 1874, p. 184, housings with scales square or fish-like; *ib.* 1872, Scythians (oblong cloths), Getae (none), Sarmatians (none), Parthians (chabraques), Panticapaeans (round, with hanging ornaments). The pad and pendent cloths are seen in the annexed coin of Labienus.



Ephippium, saddle. (From an ancient lamp.)

Ephippium, saddle. (Coin of Labienus.)

The use of trappings was originally regarded as effeminate by the Romans (Varro in Cato, *de Lib. educ.*; cf. Caes. *l. c.*), but they were used in pomps. Their development may be seen by a comparison of the examples appearing on the columns of Trajan, Antonine, and Theodosius (*v.* reff. under COLUMNA), the arch of Constantine, &c. On the first and second, and in the equestrian statue of M. Aurelius, are to be seen cloths alone, and pads filling up the hollow of the horse's back with and without cloths. It is only on the Theodosian Column (*e.g.* the figures of Theodosius and Gratian) that the true saddle, with bow behind and before, appears for the first time. The innovation is still more apparent from the fact that the saddle is placed *over* the most elaborate triple housings of the old type, ornamented with metal scales, bells, and borders. (Cf. Scythian examples above; and, on same column, the scale-housings of the Scythian leader. For Persian origin of saddle: *sella*, *s. equestris*, cf. Veget. 4, Veterin. 6, Sidonius 3, Ep. 3.) Moreover, a new word (*sella*) seems to emphasize the new fashion. ("Lx libras sella cum frenis, xxxv vero averta non transeat," Cod. 12, 51, 12; Cod. Theod. 8. 5, 47; "s. equitatoria," Jornandes; "sedile," Nazarius; of doubtful meaning, "scordiscus militaris," ed. Diocl. x. 2; "sc. malacum," *C. I. L.* viii. 4508; cf.

Zonaras' account of Constans dragging his brother's body *out of* his saddle, A.D. 340: "sella deturbavit.")

The above view, although agreeable to older opinion (*e.g.* Pancirolus, *Rer. Memorab.* ii. tit. 16), was opposed by Ginzrot (*Gesch. d. Fahrw.* vol. ii. c. 26). But the evidence he cites from Egyptian and Oriental usage is irrelevant, and his pictures from Herculaneum and criticism of classical authors misleading.

In the *Compte Rendu* (1863, v. 3) is a representation of Dionysos reclining and Ariadne seated *sideways* (as with women generally, with the exception of Amazons) on a sofa with turned legs, placed on the back of a mule. [J. M.]

E'PHORI (Ἔφοροι). Magistrates called *Ephori* or "overseers" were an ancient Lacedaemonian institution; we find them also in some Lacedaemonian colonies, as in Thera, colonised in early times (*C. I. G.* No. 2448 = Cauer, *Del. Inscr. Gr.*^{2} No. 148: A ἐπὶ ἐφόρων τῶν σὺν Φοιβοτέλει, D ἐπὶ ἐφόρων τῶν σὺν Ἱμέρτῳ: see also Boeckh, *Kleine Schriften*, vi. p. 42), and in the Theraean colony Cyrene (Heracl. Pont. *Polit.* 4 = Müller, *Fragm. Hist. Gr.* ii. p. 212), in Heracleia (*C. I. G.* 5774, 5775 = Cauer, 40, 41), and, by inference, in its metropolis Tarentum: see also Polyb. iv. 4, 2; 31, 2, for Messene. This shows that the ephoralty had early become a firmly-established magistracy in Sparta, whence it passed into the colonies, but scarcely proves, as O. Müller (*Dorians*, ii. p. 116 f.) supposes, that it was a peculiarly ancient Dorian institution. The ephoralty at Sparta is classed by Herodotus (i. 65) among the institutions of Lycurgus (cf. Xen. *de Rep. Lac.* 8, 3; [Plat.] *Epist.* 8, p. 354 B; Diog. Laert. i. 68. Plut. *Agesil.* 5, ascribes it to the Λακωνικὸς νομοθέτης, etc.). Aristotle (*Polit.* viii. 9, 1 S. = v. 11, 1 Bk.; cf. Plut. *Lyc.* 7; Plat. *Legg.* iii. p. 692 A; Cic. *de Rep.* ii. 59, *de Legg.* iii. 16) refers the institution of the ephoralty to king Theopompus, who is said to have founded this office with a view to limiting the authority of the king, and to have justified the innovation by remarking that "he handed down the royal power to his descendants more durable, because he had diminished it;" and the Alexandrine chronographi date its institution from 757–6 B.C., probably because the official lists of ephors began with that year (Busolt, *Griech. Gesch.* i. p. 146, n. 6). These two accounts are not necessarily inconsistent with one another; the ephors may have existed before king Theopompus, but it was in his reign that the lists of ephors were first begun, and probably at the same time some change in their position was effected. It is certain that the ephoralty was not founded with a view of limiting the power of the kings: as late as the second Messenian war the management of the state was entirely in the hands of the kings and the γέροντες (Tyrtaeus, fr. 4 Bergk), and it was many generations after the great Messenian war, as king Cleomenes III. states (Plut. *Cleomen.* 10), that the ephor Asteropus raised and expanded the power of the ephors (τὸν πρῶτον ἐπισφοδρύναντα τὴν ἀρχὴν καὶ ἀνατεινάμενον), whilst according to Diog. Laert. i. 68 Chilon brought about this change. Their number, five, appears to have been always the same (Xen. *Ages.* i. 36; Roehl, *Inscr. gr. antiq. praeter Atticas in Att. Rep.* No. 91, ἐβασίλευον Ἆγις, Παυσάνιας. ἔφοροι ἦσαν Θυιωνίδας, Ἀριστογενίδας, Ἀρχίστας, Σολόγας, Φεδίλας. Timaeus, *Lex. Platon.* s. v., speaks of five μείζους and five ἐλάττους ἔφοροι: and the *Etym. M.* = Bekk. *Anecd.* 257, 28, gives nine as their number). Originally, as Cleomenes is represented as saying, the ephors were appointed by the kings (τοὺς βασιλεῖς ... αἱρεῖσθαί τινας ἐκ τῶν φίλων, cf. Plut. *Apophth. Lacon.* p. 217 C); at a later period they were elected from the people (ἐκ τοῦ δήμου παντός, Arist. *Polit.* ii. 6 (9 Bk.), 14, cf. ii. 3 (6 Bk.), 10; vi. 7, 5 = iv. 9 b Bk.) without any qualification of age or property, and without undergoing any scrutiny (οἱ τυχόντες), so that the δῆμος enjoyed through them a participation in the highest magistracy of the state. The mode of election Aristotle calls very childish (*Polit.* ii. 6 (9 Bk.), 16), and Plato (*Legg.* iii. p. 692 A) describes their office as ἐγγὺς τῆς κληρωτῆς δυνάμεως: cf. also the expression in Plut. *Agis*, 8, διαπραξάμενος ὁ Ἆγις ἔφορον γενέσθαι τὸν Λύσανδρον. They entered upon office at the autumnal equinox (Thuc. v. 19, 36), the beginning of the Lacedaemonian year, and the first in rank (προεστὼς τῶν ἐφόρων, Plut. *Lyc.* 30) gave his name to the year, which was called after him in all civil transactions (Thucyd. ii. 2, v. 25; Röhl, 83, 84, 86, 88, 91). They held their meetings in a public building called ἀρχεῖον, in which they also ate together (Pausan. iii. 11, 2; Plut. *Cleom.* 8, *Agis* 16; ἐφορεῖον, Xen. *Ages.* 1, 36): majority of votes decided (Xen. *Hellen.* ii. 3, 34). On the expiration of their term of office they had to render an account, probably to their successors (Arist. *Rhet.* iii. 18, § 6; Plut. *Agis*, 12).

From want of information scholars have had recourse to various hypotheses as to the original functions and power of the ephors. Thus O. Müller (*Dorians*, ii. p. 119 ff.) supposes that their original duty was the superintendence over sales and over the market (cf. Curtius, *Griech. Gesch.*^{5} i. p. 187); A. Schäfer (*de Ephor. Laced.* p. 7) and Oncken (*Staatslehre d. Arist.* i. p. 276) see in them the rulers (*spartanische Landvögte*) of the five towns of the perioeci after the deposition of the local kings; and Grote (ii. p. 351) a board of specially popular origin in contradistinction to the kings and the senate, etc. Cleomenes III. is represented as saying that the ephors were originally nominated by the kings to act for them in a judicial capacity (πρὸς τὸ κρίνειν) during their absence from Sparta in the first Messenian war (Plut. *Cleom.* 10; cf. *Apophth. Lacon. Anaxilas*, p. 217 C), probably one for each of the five divisions of the town of Sparta, viz. the πόλις itself and the four κῶμαι around it (*Philol. Mus.* ii. p. 50 f.). We learn from Herodotus (viii. 57) that the judicial authority of the kings was limited to certain special cases, adoptions, etc.; and Aristotle (*Polit.* iii. 1, 7) distinctly says that the ephors decided in civil suits (τὰς τῶν συμβολαίων δικάζει τῶν ἐφόρων ἄλλος ἄλλας) and generally in actions of great importance (κρισέων μεγάλων εἰσὶ κύριοι, ii. 6 (9 Bk.), 16). However, it is very unlikely that civil jurisdiction was the starting-point of their power. The very name ἔφοροι points to their having had originally a controlling authority; the edict which they issued on entering upon their office, ordering the citizens to clip their moustaches and to obey the laws (Aristotle in Plut. *Cleom.* 9; Plut. *de Ser. Num. Vind.* p. 550 B; yet see Becker-Göll, *Charikles*, iii. p. 296), is evidently of early date, as is also the custom of openly declaring war on the Helots (Aristotle in Plut. *Lyc.* 28). Such censorial power in the simpler conditions of society carried with it the right of inflicting punishment: owing to this, and especially to the discord of the kings, the ephors encroached upon the royal authority and gained ultimately complete control over the kings. Towards the end of the 6th century the kings, as long as they acted in unity, had exclusively the active management and direction of foreign affairs, subject however to trial and punishment by the ephors in case of misbehaviour (Herod. vi. 82). Thus Cleomenes I. transacted business with foreign ambassadors: with Maeandrius of Samos (Herod. iii. 148), with the Scythian ambassadors (Herod. vi. 84), with Aristagoras of Miletus (Herod. v. 49–51, 97); the ephors were only called upon to act as magistrates of police in sending Maeandrius out of the country (Herod. iii. 148). "The kings could levy war against any state they chose, and no Spartan could impede them on pain of committing sacrilege" (Herod. vi. 56; cf. v. 14, 48 f.). The meaning of this passage cannot be that the kings had only the right of determining the general course and character of each campaign, the right of declaring war resting exclusively with the popular assembly, as has been asserted. The assembly undoubtedly possessed this privilege (Herod. v. 63, 91, etc.), but so did the kings. Cleomenes obeyed the summons of Isagoras and went to Athens with a small force (Herod. v. 70); and when driven back, he invaded Attica again with an army which he had drawn together from all parts of the Peloponnese, "without informing anyone of his object" (74); and Demaratus would certainly not have ventured to leave Cleomenes with a portion of the army, thereby forcing Cleomenes to return also, if the popular assembly had declared war (Herod. vi. 64). But as soon as there was a rupture between the kings, the ephors acquired, by a law, as Dum (*Entstehung u. Entwickl. d. spart. Ephorats*, p. 62) supposes, supreme power in the state. To this points Lysander's remark (Plut. *Agis*, 12), that the power of the ephors was only grounded on the dissensions of the kings, the ephors adding their suffrage to whichever they judged to have given the better advice. Hence, the ephors, acting on behalf of the state (ὑπὲρ τῆς πόλεως), received from the kings every month an oath by which the latter bound themselves to rule according to the laws; and in return for this, the state engaged, through the ephors, to maintain unshaken the authority of the kings, if they adhered to their oath (Xen. *de Republ. Lac.* 15, 7). These laws no doubt insisted on agreement between the kings; since, however, discord was the rule (Herod. vi. 52; cf. Xen. *Hellen.* v. 3, 20), the ephors encroached more and more on the royal authority, until finally the kings came entirely under their control. Dum (p. 107) distinguishes roughly three periods in the development of the power of the ephoralty,—the first extending to the death of Cleomenes I. (*c.* 488 B.C.), when the ephors had power only in time of dissensions between the kings; the second to *c.* 362 B.C., during which their power became more firmly established, they taking to themselves by degrees the prerogatives of the kings; and the third to the abolition of their office by Cleomenes III., *c.* 226 B.C., the period of unlimited rule on the part of the ephors, when they had raised themselves to a position above the council and the popular assembly.

What Plutarch (*Agesil.* 4) says of the time of Agesilaus holds good of this second period, viz. that the ephors and the gerontes enjoyed the greatest power (τῶν ἐφόρων ἦν τότε καὶ τῶν γερόντων τὸ μέγιστον ἐν τῇ πολιτείᾳ κράτος). The ephors acquired the right, originally vested in the kings (cf. Herod. vi. 57), of convening and presiding over the council (Herod. v. 40), and thereby gained a share in the privilege of initiating laws (Plut. *Agis*, 11), since the council had to discuss and vote on all proposed laws, before they were submitted to the popular assembly; until, in the third period, they usurped the exclusive right of initiating laws (Plut. *Lys.* 17; *Agis*, 5; King Agis III. had his proposals for a new division of land and the cancelling of debts submitted to the council by the ephor Lysander: Plut. *Agis*, 8). All capital crimes belonged to the jurisdiction of the council (Arist. *Polit.* iii. 1, 7; cf. vi. 7, 5 = iv. 9b Bk., κύριοι θανάτου καὶ φυγῆς); as presidents the ephors acquired a share in this privilege likewise,—for such cases were laid before them in the first instance,—and they had the power of throwing the accused into prison, even if he were a king (*e.g.* Pausanias, Thuc. i. 131; cf. Plut. *Agis*, 19). The authority of the ephors was further increased by their putting themselves in connexion with the popular assembly, convening its meetings (Plut. *Agis*, 9), and laying measures before it (Thuc. i. 85): the presiding ephor put the question to the assembly (Thuc. i. 87). Acting as representatives of the public assembly—being, in fact, the executive of the state—they transacted business with foreign ambassadors (Herod. ix. 8; Xen. *Hellen.* iii. 1, 1; v. 2, 11), or, if they thought fit, forbade them to enter the Lacedaemonian territory (Xen. *Hellen.* ii. 2, 13); they sent ambassadors abroad (Thuc. vi. 88; Xen. *Hellen.* iii. 2, 23), conducted negotiations with foreign states (Thuc. v. 36), and the first ephor subscribed treaties of peace or alliance (Thuc. v. 19, 24). It is true the names of the kings stood first and continued to do so, until their dignity was finally abolished, but it was a prerogative devoid of all significance. The ephors kept their seats when the kings passed (Xen. *de Republ. Lac.* 15, 6); nay, Agesilaus is said to have shown them his respect by rising (Plut. *Agesil.* 4). The kings continued also to discharge priestly functions for the state (Herod. vi. 56, 57; Xen. *Hellen.* iii. 3, 4), and to consult the oracles either in person (Xen. *Hellen.* iii. 3; iv. 7, etc.) or through special messengers [PYTHII]; but the ephors encroached upon this prerogative too. They consulted the dream-oracle of Pasiphae (Plut. *Agis*, 9; *Cleomen.* 7); and once in eight years they chose a clear and moonless night to observe the heavens, and, if a shooting star was observed falling in a certain direction, it was believed to be a sign that the gods were displeased with the kings, who were accordingly suspended from their functions until an oracle allowed of their restoration (Plut. *Agis*, 11). The kings never lost the prerogative of leading the Spartan army (Xen. *de Republ. Lac.* 15, 2; Arist. *Polit.* iii. 9 (14 Bk.), 2); but they were deprived of the power of declaring war, the popular assembly claiming this as their exclusive right, and declaring war even against the advice of the king (Thuc. i. 80): the ephors, as representatives of the popular assembly, called out the troops (Xen. *Hellen.* iii. 2, 23; 5, 6, etc.) and fixed the strength of the army (Xen. *de Republ. Lac.* 11, 2)—unless the popular assembly had settled that point (Xen. *Hellen.* v. 2, 20)—and the time of starting (Xen. *Hellen.* v. 4, 47); and in the third period the ephors seem to have taken the initiative (Plut. *Cleom.* 6; *Agis*, 13, 14. The account in Plut. *Lys.* 28, *παρώξυνε τοὺς ἐφόρους καὶ συνέπεισε πεμφθῆναι φρουράν*, is contradicted by Xen. *Hellen.* iii. 5, 5, 6), and to have decided which king should lead the army (Plut. *Agis*, 4). In the exercise of their general controlling power—and the vague nature of this office facilitated greatly encroachments and usurpations—they had the right to institute scrutinies (*εὔθυναι*) into the conduct of all the magistrates, which, as Aristotle (*Polit.* ii. 6 (9 Bk.), 18) observes, was a very great gift to the ephoralty. Nor were they obliged to wait till a magistrate had completed his term of office, since, even before its termination, they might exercise the privilege of deposition (Xen. *de Republ. Lac.* 8, 4). Even the kings themselves could be brought before their tribunal, though they were not obliged to answer a summons to appear there, till it had been repeated three times (Plut. *Cleomen.* 10). In extreme cases the ephors were also competent to lay an accusation against the kings as well as the other magistrates, and bring them to a capital trial before the council (Xen. *Hellen.* v. 4, 24; Plut. *Lys.* 19), or they could fine them, as *e.g.* king Agesilaus (Plut. *Agesil.* 5); in the third period they condemned men to death without trial, *e.g.* Agis III. (Plut. *Agis*, 19, 20: cf. Plut. *Apophth.* p. 216 D; and as regards the perioeci, Isocr. *Panath.* § 181) and Thectamenes (Plut. *Apophth.* p. 221 F). Their censorial authority seems to have been unlimited. Two ephors accompanied the king when he took the field (*δρῶντες δὲ ὅτι ποιεῖ ἕκαστος πάντας σωφρονίζουσιν*, Xen. *de Republ. Lac.* 13, 5; Herod. ix. 76; Xen. *Hellen.* ii. 4, 36). The ephors sent instructions to the commanders abroad, and were in direct communication with them (Thuc. viii. 11; Xen. *Hellen.* iii. 1, 1, 7; 2, 6, 12; *σκυτάλαι*, Plut. *Lys.* 12; Thuc. i. 131; Schol. Aristoph. *Av.* 1283, etc.). The booty was no longer divided amongst the victors (Herod. ix. 81), the king receiving a fixed share, but sent to Sparta to the ephors (Plut. *Lys.* 16), who had charge of the treasury (Plut. *Agis*, 16). They inspected the youths every tenth day to see whether they led a healthy life (Aelian, *V. H.* xiv. 7; Athen. xii. p. 550 c ff.), and superintended the choric performances (Xen. *Hellen.* vi. 4, 16) and the gymnastic games (Xen. *de Republ. Lac.* 8, 4). It was the ephors who chastised disobedient boys brought before them by the paedonomus (Xen. *de Republ. Lac.* 4, 6); who punished the suitor of Lysander's daughter, who, on finding that Lysander had left no money, had deserted her (Aelian, *V. H.* vi. 4); who cut two of the nine strings from the instruments of musicians (Plut. *Agis*, 10; *Instit. Lacon.* p. 238 C); who brought a charge against king Leonidas for having married a foreign woman (Plut. *Agis*, 11; Plat. *Alcib.* i. p. 121 C), etc.

The ephoralty was abolished by Cleomenes; but although re-established soon afterwards, it did not recover its former authority, the first *πατρονόμος* being henceforth the *ἐπώνυμος* of the state (*C. I. G.* i. p. 605 ff.). According to Koenig (*τὰ τέλη* et *οἱ ἐν τέλει*, p. 12) by *τὰ τέλη* (Thuc. iv. 15, 1), or *τὰ τέλη τῶν Λακεδαιμονίων* (Thuc. i. 58, etc.), or *τὰ οἴκοι τέλη* (Xen. *Hellen.* iii. 2, 6, etc.), the ephors were meant, whilst *οἱ ἐν τέλει* had a wider sense. [R. W.] [H. H.]

EPI'BATAE (*ἐπιβάται*), soldiers or marines appointed to defend the vessels in the Athenian navy, were entirely distinct from the rowers, and also from the land soldiers, such as hoplitae, peltasts, and cavalry. (Xen. *Hell.* i. 2, § 7, v. 1, § 11; Harpocrat. and Hesych. *s. v.*) It appears that the ordinary number of epibatae on board a trireme was ten. Dr. Arnold (*ad* Thuc. iii. 95) remarks that by comparing Thuc. iii. 95 with cc. 91, 94, we find 300 epibatae as the complement of thirty ships, and also by comparing ii. 92 with c. 102, we find 400 as the complement of forty ships; and the same proportion results from a comparison of iv. 76 with c. 101. In Thucydides vi. 42, we find 700 epibatae for a fleet of 100 ships, sixty of which were equipped in the ordinary way and forty had troops on board. In consequence of the number of heavy-armed men *ἐκ τοῦ καταλόγου* on the expedition, the Athenians appear to have reduced the number of regular epibatae from ten to seven. The number of forty epibatae to a ship mentioned by Herodotus (vi. 15), Dr. Arnold justly remarks (*l. c.*), "belongs to the earlier state of Greek naval tactics, when victory depended more on the number and prowess of the soldiers on board than on the manœuvres of the seamen (Thuc. i. 49); and it was in this very point that the Athenians improved the system, by decreasing the number of *ἐπιβάται*, and relying on the more skilful management of their vessels."

The epibatae were usually taken from the Thetes, or fourth class of Athenian citizens (Thuc. vi. 42); but on one occasion, in a season of extraordinary danger, the citizens of the higher classes (*ἐκ καταλόγου*) were compelled to serve as epibatae. (Thuc. viii. 24.)

The term is sometimes also applied by the Roman writers to the marines (Hirt. *de Bell. Alex.* 11, *de Bell. Afric.* 63); but they are more usually called *classiarii milites*. The latter term, however, is also applied to the rowers or sailors as well as the marines ("classiariorum remigio vehi," Tac. *Ann.* xiv. 4).

(Compare Boeckh, *P. E.* p. 279 = *Sthh.*^{3} i. 349; Gilbert, *Staatsalterth.* i. 310.) [W. S.]

EPIBLE'MA (*ἐπίβλημα*). [AMICTUS.]

EPI'BOLE (*ἐπιβολή*), a fine imposed by a magistrate, or other official person or body (the Areiopagus, Aeschin. *F. L.* § 93; the senate of Five Hundred, Pollux, viii. 51; Boeckh, *Seeurk.* xiv. b, p. 64), for a misdemeanour; cf. *Lex. Rhet. Cantabr* p. 669, 14, *ἔξεστι τοῖς ἄρχουσιν* (Aeschin. *c. Ctes.* § 27) *ἀργυρίῳ ζημιοῦν τοὺς ἁμαρτάνοντας*. The various magistrates at Athens had (each in his own department) a summary penal jurisdiction: *i.e.* for certain offences they might inflict a pecuniary mulct or fine, not exceeding a fixed amount; if the offender deserved further punishment, it was their duty to bring him before a judicial tribunal, the magistrate proposing the penalty.

Thus, in case of injury done to orphans and heiresses, etc. ([Dem.] *c. Macart.* p. 1076, § 75), or of misconduct at the great Dionysia (Dem. *c. Mid.* p. 572, § 179), the archon might fine the parties; Archedemus (probably as one of the Hellenotamiae) inflicted a fine on Erasinides (Xen. *Hell.* i. 7, 2); the generals could fine a phylarch for disobedience ([Lys.] *c. Alcib.* ii. § 5); Nicomachus incurred a fine for not discharging his task within the prescribed term (Lys. *c. Nicom.* § 3); the same power belonged to the *τειχοποιοί* (Aeschin. *c. Ctes.* § 27): cf. [Lys.] *pro Polystr.* § 14; Dem. *c. Nicostr.* p. 1251, § 14, etc. There was need of such power being given to magistrates at Athens (Xen. *Mem.* iii. 5, 16). If the person fined would not submit to it, the magistrate had to lay the case before a court (Lys. *pro Milit.* § 11; [Lys.] *c. Andoc.* § 21); that was always required when a demarch imposed a fine (*C. I. A.* ii. No. 573 b). The amount of the fine (*τὸ τέλος*) which the individual magistrate might inflict, we do not know; the senate of Five Hundred was competent to fine to the extent of 500 drachmas. ([Dem.] *c. Euerg.* p. 1151, § 43; Pollux, viii. 51; EISANGELIA): the priests, the *πρόεδροι* of the public assembly, to the amount of 50 drachmas. (*C. I. A.* ii. No. 841, l. 15; *Lex* in Aeschin. *c. Tim.* § 35; cf. Plat. *Legg.* p. 764, B, C.)

The magistrate who imposed the fine (*ἐπιβολὴν ἐπέβαλε*) had not the charge of levying it, but was obliged to make a return thereof to the treasury officers (*ἐπιγράφειν εἰς τοὺς πράκτορας*, or *ἐγγράφειν τοῖς πράκτορσιν*, or *ἐγγράφειν τῷ δημοσίῳ*), whereupon, like all other penalties and amerciaments, it became (as we should say) a debt of record, to be demanded or recovered by the collectors (Aeschin. *c. Tim.* l. c.).

If the fine was not paid within the prescribed time (*ἡ μὲν ἔκτισις ἦν ἐπὶ τῆς ἐνάτης πρυτανείας*, Andoc. *de Myst.* § 73), a return of it was made to the *ταμίαι* of the goddess (Lys. *pro Milit.* § 6). At their own risk the *ταμίαι* could rescind a fine imposed (Lys. *pro Milit.* § 7; Pollux, viii. 97). (Siegfried, *de multa quae ἐπιβολὴ dicitur*; *Att. Process*, ed. Lipsius, pp. 49, 50, 54, 757–8, 1016–19.)

These *epibolae* are to be distinguished from the penalties awarded by a jury or court of law (*τιμήματα*) upon a formal prosecution, and from the fine of a thousand drachmas, which the accuser in a public action incurred when he dropped his accusation or failed to obtain a fifth part of the votes (cf. SYCOPHANTES), or when a citizen refused to obey the summons to appear as a witness in court without being able to take the *ἐξωμοσία*: in all these cases the magistrates had no discretionary power. [C. R. K.] [H. H.]

EPICHEIROTO'NIA. [CHEIROTONIA.]

EPI'CHYSIS (*ἐπίχυσις*), a wine-jug with a narrow neck and small lip and with a handle (Menand. *fr.* 490 M.); usually of metal, *i.e.* silver among the luxurious, bronze where simplicity was studied (cf. Aristoph. *fr.* 12; Phylarch. *ap.* Ath. iv. 142 d, of Cleomenes king of Sparta). Among the Romans it took the place of the earlier *guttus*, a narrow-necked cruet without a handle (Varr. *L. L.* v. 124; Plaut. *Rud.* v. 2, 32); and glass became the favourite material. It was not unlike a modern claret-jug: the illustration to COTYLA, the figure of the Nereid under PERISCELIS, and the coin under URCEUS, will give a sufficient idea of its shape, which moreover could be considerably varied. See also Guhl and Koner, p. 190, fig. 200, Nos. 26–31. (Rich, *s. v.*; Guhl and Koner^3, p. 193 f.) [W. W.]

EPICLE'RUS (*ἐπίκληρος*, *ἐπικληρῖτις* in Solon and Isaeus: cf. Harpocr. *s. v.* *ἐπίδικος*, and Pollux, iii. 33; *ἔγκληρος*, Eur. *Iph. T.* 682; *Hippol.* 1011), the name given to the daughter or daughters (*γνήσιαι*, Isae. *Pyrrh.* § 67, etc.) of an Athenian citizen who had no son (*γνήσιος*: cf. Arist. *Av.* 1649 f.) to inherit his estate, or whose sons had died without leaving male issue (Thalheim, *Rechtsalterth.* p. 8, n. 2). When there was but one daughter, she was called *ἐπίκληρος ἐπὶ παντὶ τῷ οἴκῳ* (Isae. *Aristarch.* § 4); if there were more, they inherited equally, like our co-parceners (Isae. *Philoct.* § 47; *Ciron.* § 40 f.). The *ἐπίκληρος* was never, in our sense, an heiress; she was, strictly speaking, a person who went with the estate ("qui est à côté de l'héritage," Fustel de Coulanges, *La Cité Antique*, p. 82, n. 4). The heir was either the person to whom her father had devised the property on condition of marrying her, or her son or sons. It was deemed an object of importance at Athens to preserve the *οἶκος*. This was effected, where a man had no child, by adoption (*εἰσποίησις*); if he had no sons or grandsons, but a daughter, he might bequeath his property to any person, but the devisee was obliged to marry her (Isae. *Pyrrh.* § 68; [Dem.] *c. Macart.* p. 1067, § 51): on the other hand, if he died intestate, her nearest relative in order of *ἀγχιστεία* might claim her in marriage, and the inheritance was transmitted through her to a grandson, who was, when of full age, adopted into the maternal grandfather's family (Isae. *Pyrrh.* § 73; [Dem.] *c. Macart.* p. 1053, § 12). Such an epiclerus might be claimed in marriage by her father's brothers, or in default of such by their sons or by the sons of her father's sisters (Isae. *Aristarch.* § 5; *Pyrrh.* § 72), or by her father's uncles (Isae. *Pyrrh.* §§ 63, 74; see also Plat. *Legg.* xi. 924 E–925 A). If the daughter was poor (*θῆσσα*), the nearest of kin was bound by law (Isae. *Cleon.* § 39; *Lex* in [Dem.] *c. Macart.* p. 1067, § 54; Aristoph. Byz. in Miller's *Mélanges*, p. 432, *ἀναγκάζει δὲ τοὺς συγγενεῖς ὁ Σόλωνος νόμος πέντε μνᾶς*, etc.) either to marry her himself or to portion her, the law fixing a sliding scale for the different classes of the census: *e.g.* 500 drachmas, if he be of the highest class, etc. It is true, Harpocration (*s. v.* *ἐπίδικος, θῆτες*) mentions five minas as the fixed amount to be given in any case, but he probably does so because that sum happened to occur in the speech from which he quoted, and this passage does not in any way serve to show that the above law is spurious, as Caillemer (*Le Droit de Succession Légitime*, p. 58) supposes. According to Aristophanes Byz., *l. c.*, the sum was at a later period raised from five to ten minas. If there were several in the same degree of consanguinity, each of them had to contribute their share (*πρὸς μέρος*). The passage of the law referring to the case when there were several *θῆσσαι*, is difficult of explanation. K. Fr. Hermann (*Zeitschr. f. Alterthumsw.* 1840, p. 23) reading *μὴ ἐπάναγκες εἶναι πλέον ἢ μίαν ἐκδοῦναι τῷ γ' ἑνί* instead of *τῷ γένει*, and removing as a gloss to τῷ γένει the words ἀλλὰ τὸν ἐγγύτατα ...ἔχειν, suggests that in case of their being several θῆσσαι and only one next of kin, it was incumbent upon him to portion only one of them. Perhaps the state came to the help of the others (Plut. *Arist.* 27). Caillemer, on the other hand, retaining the reading of the MSS., explains the passage to mean that the family (γένος) had to portion not more than one of them, and that the nearest relations had either to marry or to portion the rest. Upon the nearest relative making his claim (λῆξις, ἐπιδικασία) before the archon (ἐπικλήρων καὶ ὀρφανῶν κύριος, Lys. *de Evandr. Prob.* § 12; *Lex* in [Dem.] *c. Macart.* p. 1076, § 75, etc.) in case of metoecs before the polemarch ([Dem.] *c. Steph.* ii. p. 1135, § 22), public notice was given of the claim: it was written on the σανίς, and read out in the following assembly (Pollux, viii. 95), and at a later day, fixed either by law or arrangement, the herald put the question εἴ τις ἀμφισβητεῖν ἢ παρακαταβάλλειν βούλεται ([Dem.] *c. Macart.* p. 1051, § 5, cf. HERES, iv.). If no one appeared to dispute the claim, the archon (or polemarch) adjudged the heiress to him (ἐπεδίκασεν αὐτῷ τὴν ἐπίκληρον); if other claimants appeared (ἀμφισβητεῖν τῆς ἐπικλήρου), the archon instituted an anakrisis, and a court was held for the decision of the right (διαδικασία τῆς ἐπικλήρου), which was determined according to the Athenian law of consanguinity. We are not informed what happened when several in the same degree of consanguinity claimed an heiress; was she adjudged to the eldest or were the claims decided by lot? (Platner, *Proc. u. Klagen*, ii. p. 255; cf. Aristoph. *Vesp.* 586, and Andoc. *de Myst.* § 117 f., ἐπεδικασάμεθα ἄμφω κατὰ τὴν πρὸς ἡμᾶς ὁμολογίαν.) Even when a woman was already married, her husband was obliged to give her up to a man with a better title; and men sometimes put away their former wives in order to marry heiresses (Isae. *Pyrrh.* § 64; Dem. *c. Eubul.* p. 1311, § 41, *c. Onet.* i. p. 866, § 7). In Isae. *Aristarch.* § 19 the speaker's father was deterred from taking proceedings by the fear of losing his wife, whom the next of kin threatened to claim at law, if he claimed the estate. And even after the decision of the court had been given in favour of one claimant, any other person who could show a better title might bring an action against the husband and claim the heiress ([Dem.] *c. Macart.* p. 1054, § 16). The limit of time for making such a claim we do not know; Caillemer suggests that an heiress could not be claimed after having given birth to a son (*l. c.* p. 42 f.). The estate never passed into the possession of the husband of the heiress (Isae. *Ciron.* § 31; *Aristarch.* § 12, etc.); their son when of full age (ἐπὶ διετὲς ἡβήσας) was adopted into his maternal grandfather's family (Isae. *Pyrrh.* § 73; [Dem.] *c. Macart.* p. 1053, § 12), and took possession of the estate. He then became his mother's legal protector (κύριος), and was bound to find her maintenance (σῖτος). If there were more sons, they shared the property equally ([Dem.] *c. Steph.* ii. p. 1135, § 20; Hyperid. *fr.* 194 Bl.). An heiress was under the special protection of the archon [(Dem. *c. Macart.* p. 1076, § 75), and the law gave anyone the right to bring a criminal prosecution called κακώσεως εἰσαγγελία in certain cases, viz. if an adopted son refused to marry her (Isae. *Pyrrh.* § 45 f.) or in case she was poor, if the next of kin did not marry her himself or portion her, or if she was injured or neglected by her husband (Plut. *Sol.* 20), or if she was injured by strangers ejecting her from her estate (Dem. *c. Pantaen.* p. 979, § 45). (*Att. Process*, ed. Lipsius, pp. 357 f., 575–577, 614–617; Maine, *Early Law and Custom*, p. 104 f.)

The Gortyn Code gives detailed directions as to heiresses (πατρῳῶχοι). It defines (viii. 40) "one shall be heiress, if there be no father or brother from the same father," but the father's estate passed into her possession and remained with her to her death, and had not to be given up, as at Athens, to her son or sons when of full age; her father's surviving brothers in order of age, or in default of such their sons, might claim her in marriage, but by handing over to the nearest applicant a portion of her estate, she might set herself free and marry whomsoever of the tribe she pleased. If the heiress and the rightful claimant (ὁ ἐπιβάλλων) were too young to marry, the heiress was to have her father's house and he half the income of all the property (vii. 29–35); but he lost his share, if when both were grown up (ἡβίων, ἡβίουσα) he refused to marry her. A girl was marriageable at twelve years of age (xii. 31 f.). When the claimant reached a further age and was admitted to the public athletic exercises (δρόμοι), then, if he still refused to marry her, the kinsmen of the heiress were to bring an action and the judge was to order him to marry her within two months; and if he did not do so, he forfeited his claims altogether, and the next of kin succeeded to them (vii. 40–50). If, on the other hand, the heiress refused to wait till the claimant was grown up, or refused to marry him at all, she retained the house and its contents and half of the other property, but was bound to marry some one of the tribe, whom she chose; but if no one was willing, then some one else. The other half of her property went to the rightful claimant (vii. 52–viii. 5). If a married woman became heiress (*e.g.* by the death of her brother), it would seem that her marriage was regarded as dissolved; if children had been born, it rested with her either to re-marry, as it were, her husband, or on surrendering to him half the property to marry anyone else of the tribe; in any case where there were children, the relations had no right to claim the heiress. On the other hand, if no children had been born, the nearest relative might claim her in marriage (viii. 20–30), and she could only release herself from this claim by yielding to him half the property. In case her husband died, the nearest of kin could claim her only if there were no children. There is no mention in this code of an institution corresponding to the enforced portioning of a θῆσσα on the part of her next of kin, as Solon's and Charondas' laws enjoined (Diod. Sic. xii. 18).

The information we possess as to heiresses in Sparta (πατροῦχοι, Herod. vi. 57; Pollux, iii. 33; Timaeus, *s. v.*: Cobet reads παμοῦχοι, *Mnemosyn.* xii. p. 157; or ἐπιπαματίδες, Suid.; ἐμπάμονες, αὐτοπάμονες, Hesych.) is very scanty and contradictory. Besides Herodotus' remark, that it was one of the privileges of the kings to decide to whom among the various claimants for marriage with the heiress the best legal title belonged, we have Aristotle's statement (*Polit.* ii. 6 (9 Bk.), 10, 11 S.): "Although the legislator rightly holds up to shame the sale or purchase of an inheritance, he allows anybody who likes to give and bequeath it. Yet both practices lead to the same result, and nearly two-fifths of the whole country are held by women; and this is owing to the number of heiresses and to the large dowries which are customary. It would surely have been better to have given no dowries at all; or if any, but small or moderate ones. [Here Susemihl supposes a *lacuna:* moreover, it would have been necessary for him to define who was entitled and obliged to marry the heiress.] As the law now stands, a man may bestow his heiress on anyone whom he pleases; and if he die intestate, the privilege of giving her away descends to his heir" (Jowett). We read also in Plut. *Agis*, 5, of a certain ephor Epitadeus (in the first decades of the 4th century, Duncker, *Monatsb. d. Berl. Akad.* 1881, p. 150), who on account of some quarrel with his son proposed a law, that any person should have liberty to give away his house and lot during his lifetime, and also to leave it as he chose by will. O. Müller (*Dorians*, ii. p. 206) suggests that Aristotle confounds the state of things as it existed in his time (in consequence of Epitadeus' law) with the ancient legislation of Lycurgus; Göttling (on Arist. *l. c.*), to free Aristotle from this charge, supposes that the subject of *ἐποίησεν οὐ καλὸν* is not Lycurgus (as Susemihl supplies from § 8), but in general "the lawgiver," and that under this term Aristotle comprises the later innovators of the constitution; Schulin (*d. griech. Testam. vergl. m. d. röm.* p. 39 f.) tries to reconcile the two statements by saying, that Lycurgus' legislation gave the father a limited testamentary power, *e.g.* if he had a son, the *κλῆρος* went with him, and that the law of Epitadeus removed this restriction; Grote (ii. p. 411, n. f.) and Susemihl (n. 299) uphold Aristotle's authority and discredit Plutarch's story. Jannet (*Les Institutions Sociales et le Droit Civil à Sparte*, pp. 90 f., 134 f.) thinks that originally the father had to choose a husband for the heiress from amongst the *ἀγχιστεῖς*; if he died without having done so, the heiress was claimed as of right by the next of kin, and it was one of the privileges of the kings to decide which of various claimants had the best title (Herod. viii. 57. Leonidas compelled Agiatis, the widow of Agis, to marry his son Cleomenes, though at that time too young for a wife, because he was unwilling that anyone else should have her, being heiress to her father Gylippus's great estate: Plut. *Cleom.* 1). Thus uncles marry their nieces (Leonidas married Gorgo, his brother's only child, Herod. v. 48; vii. 205, 239), nephews marry their aunts (Archidamus the grandson of Leotychides married Lampito, his grandfather's only child by a second wife, Herod. vi. 71). It was one of the provisions of Epitadeus's law, that a father might bestow his heiress on anyone whom he pleased. O. Müller concludes from Heracl. Pont. 2 that the Spartan lot of land was indivisible in respect of inheritance: this necessarily required that there should be only one heir, probably always the eldest son, and that the daughters should marry without receiving any dowry; in case there was no son, but only daughters, probably the eldest of these became heiress, and was given in marriage to some person who had no lot of his own, such as the descendant of a younger brother, those nearest of kin having the first claim. This assertion that the Spartan lot of land was indivisible in respect of inheritance is based on a wrong reading in Heracl. Pont. *τῆς ἀρχαίας μοίρας ἀνανέμεσθαι οὐδὲν ἔξεστι*: Schneidewin has restored from MSS. the passage to *πωλεῖν δὲ γῆν Λακεδαιμονίοις αἰσχρὸν νενόμισται τῆς δὲ ἀρχαίας μοίρας οὐδὲ ἔξεστιν*, and shown that the passage relates to sale of land and not to division.

Aristotle speaks of *ἐπίκληροι* in Mitylene and Phocis (*Polit.* viii. 3, 3 S. = v. 4 B). In a Theraean inscr. (*C. I. G.* No. 2448, C. 30 f. = Cauer² 148) the *ἐπίκλαροι* are mentioned as having privileges over other married daughters. In Heracl. Pont. *Polit.* 32 Schneidewin accepts the conjecture *ἐπίκληρος* for the MS. reading *ἐπικλέως* or *ἐπὶ κλέος*, without giving any explanation of this peculiar case. In an inscr. of the 5th century (Achaian according to Fick, Bezzenberger's *Beitr.* v. p. 324; Laconian according to Kirchhoff, *Monatsb. d. Berl. Akad.* 1879. p. 51 f., and Roehl, *I. G. A.* No. 68) it is directed that the legitimate daughters could take from the temple, which served as a bank, their father's property after the legitimate sons had died. With the Lycians the daughters alone could inherit (*τάς τε κληρονομίας ταῖς θυγατράσι λείπουσιν οὐ τοῖς υἱοῖς*, Nicol. Damasc. in Müller, *Fragm. Hist. Gr.* iii. 461; cf. *C. I. G.* No. 4244). See also Nymph. Heracl. in Müller, *l. c.*, p. 15; Herod. i. 173. [H. H.]

EPIDAU'RIA. [ELEUSINIA.]

EPIDEIPNIS. [CENA, p. 397 *b*.]

EPIDEMIURGI. [DEMIURGI.]

EPIDICA'SIA (*ἐπιδικασία*). [HERES.]

EPI'DICUS. [EPICLERUS.]

EPI'DOSEIS (*ἐπιδόσεις*) were voluntary contributions, either in money, arms, or ships, which were made by the Athenian citizens in order to meet the extraordinary demands of the state. When the expenses of the state were greater than its revenue, it was usual for the prytanes to summon an assembly of the people, and after explaining the necessities of the state, to call upon the citizens to contribute according to their means. Those who were willing to contribute then rose and mentioned what they would give; while those who were unwilling to give anything, remained silent or retired privately from the assembly. (Plut. *Alcib.* 10, *Phoc.* 9; Dem. *c. Mid.* p. 567, § 162; Theophrast. *Char.* 22; Athen. iv. p. 168 f.) The names of those who had promised to contribute, together with the amount of their contributions, were written on tablets, which were placed before the statues of the Eponymi, where they remained till the amount was paid. (Isae. *Or.* 5 [*Dicaeog.*], §§ 37, 38.)

These *epidoseis*, or voluntary contributions, were frequently very large. Sometimes the more wealthy citizens voluntarily undertook a trierarchy, or the expenses of equipping a trireme. (Dem. *c. Mid.* p. 566, § 161.) We read that Pasion furnished 1000 shields, together with five triremes, which he equipped at his own expense. (Dem. *c. Steph.* i. p. 1127, § 85.)

Chrysippus presented a talent to the state, when Alexander moved against Thebes (Dem. *c. Phorm.* p. 918, § 38); Aristophanes, the son of Nicophemus, gave 30,000 drachmas for an expedition against Cyprus (Lysias, *pro Aristoph. bonis*, § 43); Charidemus and Diotimus, two commanders, made a free gift of 800 shields (Dem. *de Cor.* p. 265, § 115). The liberality of Demosthenes himself was especially noteworthy: besides other liturgies, he gave on different occasions three triremes, and also at one time eight talents, to which he afterwards added three more for the building of the walls, one talent after the battle of Chaeroneia, and another for the purchase of corn. These acts of munificence were recorded in the decree by which a crown was voted to him. When in Macedonia on the embassy, he also spent large sums in ransoming Athenian prisoners (Dem. *F. L.* p. 394, §§ 169–70=186–7; Aeschin. *F. L.* § 100). (Boeckh, *P. E.* pp. 586–7=*Sthh.*^{3} i. 686; Schömann, *Assemblies*, p. 292.) [W. S.] [W. W.]

EPIGA'MIA (*ἐπιγαμία*). [CIVITAS (Greek).]

EPI'GRAPHEIS (*ἐπιγραφεῖς*). [EISPHORA.]

EPIMELE'TAE (*ἐπιμεληταί*), curators, the name of various officials at Athens, charged with the care of different public objects. Besides those previously known from the orators and grammarians, several new titles of *ἐπιμεληταί* have been recovered from inscriptions; some, however, are only vaguely mentioned. The most important appear to be the following:—

1. *Ἐπιμελητὴς τῆς κοινῆς προσόδου*, more usually called *ταμίας*, or *ὁ ἐπὶ τῇ διοικήσει*, the chief finance minister or "Chancellor of the Exchequer" [TAMIAS].

2. *Ἐπιμεληταὶ τῶν μοριῶν ἐλαιῶν*, persons chosen from among the Areiopagites to take care of the sacred olive-trees (Boeckh, *P. E.* p. 305 = *Sthh.*^{3} i. 374). The name *ἐπιμεληταὶ* does not occur in the speech of Lysias *περὶ τοῦ σηκοῦ*: in § 25 they are called *γνώμονες* or *ἐπιγνώμονες* (cf. L. and S. *s. v.*); in §§ 7, 29 the entire Areiopagus seems charged with this function. Cf. Gilbert, *Staatsalterth.* i. 266.

3. *Ἐπιμεληταὶ τοῦ ἐμπορίου* were the overseers of the EMPORIUM, and a sort of harbour-masters in the Peiraeus. They were ten in number, and were elected yearly by lot (Harpocrat. *s. v.*; Dinarch. *c. Aristog.* § 10). They had jurisdiction in all breaches of the commercial laws, among which the singular Athenian corn-laws are specially mentioned. It was part of their duty to compel the merchants to bring into the city two-thirds of all corn which had come by sea into the Attic emporium (Aristot. *ap.* Harpocr. *s. v.*); and to enforce the rule which forbade shipment of corn to any other port than Athens (Lex *ap.* Dem. *c. Lacr.* p. 941, § 15; *c. Theocr.* p. 1324, §§ 8, 9). In late inscriptions we find an *ἐπιμελητὴς ἐπὶ τὸν λιμένα* (*C. I. A.* ii. 475) and an *ἐπιμελητὴς ἐπὶ τὸν Πειραιᾶ* (*ib.* ii. 476, iii. 458); probably identical with one another, but different from the *ἐπιμεληταὶ τοῦ ἐμπορίου*. (Boeckh, *P. E.* pp. 48, 81 = *Sthh.*^{3} i. 62, 104; Schömann, *Antiq.* i. 416, E. T.; Gilbert, p. 158; Lipsius, *Att. Process*, p. 98.)

4. *Ἐπιμεληταὶ τῶν μυστηρίων* were, in conjunction with the king archon, the managers of the Eleusinian mysteries. They were elected by open vote, and were four in number; two chosen from the general body of citizens, one from the Eumolpidae, and one from the Kerykes. (Harpocrat., Suid., *s. v.*; Pollux, viii. 90; Bekk. *Anecd.* 219, 15; 279, 20; Dem. *c. Mid.* p. 570, § 171.) Decrees in honour of *ἐπιμ. τῶν μυστ.*, *C. I. A.* ii. 315, 376; the *Κήρυκες* at the mysteries, *C. I. A.* ii. 597 (Gilbert, p. 241).

5. *Ἐπιμεληταὶ τῆς πομπῆς τῷ Διονύσῳ* assisted the first archon (eponymus) in the management of the Greater Dionysia. They were chosen by *χειροτονία* (Dem. *c. Mid.* p. 519, § 15), and were ten in number, one apparently from each tribe (Inscr. in *Ἀθήναιον*, vii. 480); twenty-four in a late inscription, dating from the time when the number of tribes had been raised to twelve (*Ephem. Archaeol.* No. 180; Gilbert, p. 240, n. 6; Schömann, *Antiq.* i. 413, E. T.).

6. *Ἐπιμεληταὶ τῶν νεωρίων*, the inspectors of the dockyards, formed a regular *ἀρχή*, and were not an extraordinary commission, as appears from the speech *c. Everg. et Mnes.* (p. 1145, § 22), Aeschines (*c. Ctes.* § 25), and the inscriptions published by Boeckh (*Urkunden über das Seewesen*), in which they are sometimes called *οἱ ἄρχοντες ἐν τοῖς νεωρίοις*, and their office designated an *ἀρχή*. (No. xvi. b. 104, &c.; No. x. c. 125; No. xiv. c. 122, 138.) We learn from the same inscriptions that their office was yearly, and that they were ten in number. It also appears that they were elected by lot from those persons who possessed a knowledge of shipping.

The principal duty of the inspectors of the dockyards was to take care of the ships, and all the rigging, tools, &c. (*σκεύη*) belonging to them. They also had to see that the ships were seaworthy; and for this purpose they employed a surveyor (*δοκιμαστής*), who was well skilled in such matters. (Boeckh, *ibid.* No. ii. 56.) They had at one time the charge of various kinds of military *σκεύη*, which did not necessarily belong to ships, such as engines of war (No. xi. m), which were afterwards, however, entrusted to the generals by a decree of the senate and people. (No. xvi. a. 195.) They had to make out a list of all those persons who owed anything to the docks ([Dem.] *c. Everg. et Mnes.* p. 1145, §§ 20–22), and also to get in what was due. (Id. *c. Androt.* p. 612, § 63.) We also find that they sold the rigging, &c., of the ships and purchased new, under the direction of the senate, but not on their own responsibility. (No. xiv. b. 190, &c., compared with Nos. xiv. xvi. u.) They had *ἡγεμονία δικαστηρίου* in conjunction with the *ἀποστολεῖς* in all matters connected with their own department. ([Dem.] *c. Everg. et Mnes.* p. 1147, § 26.) To assist them in discharging their duties they had a secretary (*γραμματεύς*, No. xvi. b. 165), and a public servant (*δημόσιος ἐν τοῖς νεωρίοις*, No. xvi. b. 135). For a further account of these inspectors, see Boeckh, *Urkunden*, &c., pp. 48–64.

7. *Ἐπιμεληταὶ τῶν φυλῶν*, the inspectors of the *φυλαί* or tribes, managed the financial affairs of the tribes, and were themselves responsible to the tribesmen: there were at least two for each *φυλή* ([Dem.] *c. Theocrin.* p. 1326, § 15; Inscrr. in *Ἀθήναιον*, v. 339–40; in *C. I. A.* ii. 554, 557–9, 564–5; Gilbert, p. 191 f.).

8. *Ἐπιμεληταὶ τῶν συμμοριῶν*, or *οἱ ἐν ταῖς συμμορίαις*, assisted the *ἡγεμόνες* of the trierarchic symmoriae, and were probably twenty in

number ([Dem.] c. *Everg. et Mnes.* p. 1145, §§ 21, 22; 1146, § 24; Gilbert, p. 352, n. 4).

The *ἐπιμεληταὶ τῶν κακούργων* of Antiphon (*de Caed. Her.* § 17) are usually explained as a loose phrase for the Eleven [HENDECA, HOI]; Gilbert thinks, however (p. 404), that special *ἐπιμεληταὶ* presided over the trials of subject allies, to which this case belonged. Four annual *ἐπιμεληταὶ τῶν δικαστηρίων* are mentioned in quite late inscriptions of Roman times (*C. I. A.* iii. 1017, 1018; Gilbert, p. 162); an *ἐπιμ. τῆς πόλεως* (*C. I. A.* iii. 68, 556, 721); an *ἐπιμ. Λυκείου* (*ib.* 89); an *ἐπιμ. πρυτανείου* (*ib.* 90; Gilbert, p. 158; cf. pp. 27, 244). [W. S.] [W. W.]

EPIRRE'DIUM. [REDA.]

EPISCEPSIS. [MARTYRIA.]

EPI'SCOPI (*ἐπίσκοποι*), inspectors or commissioners, who were sometimes sent by the Athenians to interfere in the affairs of subject states. Harpocration compares them to the Lacedaemonian harmosts, and says that they were also called *φύλακες*: but the harmosts were military commandants, and there can be little doubt that this grammarian has confused *ἐπίσκοποι* with *φρούραρχοι*, the commanders of Athenian garrisons. Both a *φρούραρχος* and *ἐπίσκοποι* are mentioned as sent to Erythrae, with full details of their powers of interference (*C. I. A.* i. 9, 10). The episcopi exercised civil authority, and perhaps judged on the spot small causes where Athenians were concerned (as, *e.g.* in places to which cleruchi had been sent), not of sufficient importance to be referred to the Athenian tribunals: the episcopus in Aristophanes carries two ballot-boxes (*κάδω*, vv. 1032, 1053). From the same source we learn that these episcopi received a salary at the cost of the state to which they were sent, and, what is more strange, that they were appointed by lot. Any Athenian, it seems, was good enough for such a post. (Aristoph. *Av.* 1022 ff., with Schol.; Harpocrat., Suid., *s. v.*; Bekk. *Anecd.* 254, 15; Boeckh, *P. E.* pp. 156, 238 = *Sthh.*^{3} i. 190, 304; Schömann, *Antiq. Jur. Publ.* p. 432, 18, and *Antiq.* i. 436, E. T.; Gilbert, *Staatsalterth.* i. 400 f., 427.) [W. S.] [W. W.]

EPI'STATES (*ἐπιστάτης*), which means a person placed over anything, was the name of two distinct classes of functionaries in the Athenian state; namely, of the chairmen of the Prytanes and Proedri (for whom see BOULÉ, pp. 310 *b*, 311 *a*); and also of the directors of public works (*ἐπιστάται τῶν δημοσίων ἔργων*). These directors had different names, as *τειχοποιοί*, the repairers of the walls; *τριηροποιοί*, the builders of the triremes: *ταφροποιοί*, the repairers of the trenches, &c.; all of whom were elected by the tribes, one from each; but the most distinguished of these were the *τειχοποιοί* (Aeschin. c. *Ctes.* §§ 14, 27, 29, 31). Other public buildings, such as temples, belonged to the department of the chief finance minister (*ὁ ἐπὶ τῇ διοικήσει*); and it was in this capacity that Pericles, and subsequently Lycurgus, undertook so many works of architecture. Sometimes two, three, or five *ἐπιστάται* were specially commissioned to superintend a particular work. Thus the inscription relating to the building of the Erechtheium (temple of Athena Polias), dating from B.C. 409–8 and now in the British Museum, mentions two *ἐπιστάται*, an architect named Philocles and a *γραμματεὺς* or secretary (*C. I. G.* 160 = *C. I. A.* i. 322; cf. *Dict. Geogr.* i. 276 a; Boeckh, *P. E.* p. 203 = *Sthh.*^{3} i. 257). Other inscriptions discussed by Boeckh contain portions of the accounts of similar *ἐπιστάται* of public buildings, one of them the Propylaea; in each case a *γραμματεὺς* is mentioned, and there appears to have been always an expert, like Philocles, to advise professionally (*C. I. A.* i. 314, 315 b; 300 to 302 a; 299; Boeckh, *Sthh.*^{3} ii. 300–310).

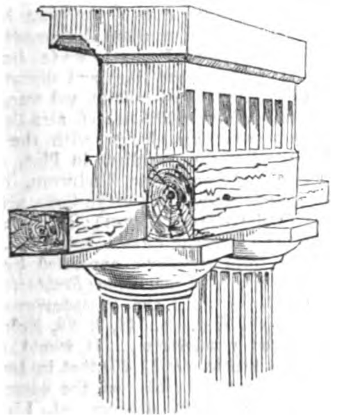
Among the *ἐπιστάται τῶν δημοσίων ἔργων* were reckoned also the road-surveyors (*ὁδοποιοί*, Aeschin. *c. Ctes.* § 25), and those charged with the water supply (*ἐπιστάται τῶν ὑδάτων*, Plut. *Themist.* 31). The directors received the money which was necessary for all these works from the public treasury (*ἐκ τῆς διοικήσεως*, Aeschin. *c. Ctes.* § 31). (Schömann, *Antiq. Jur. Publ.* p. 247, and *Antiq.* pp. 415, 427, E. T.; Gilbert, *Staatsalterth.* i. 249 f.) [W. S.] [W. W.]

EPI'STOLA. [CONSTITUTIO.]

EPI'STOLEUS (*ἐπιστολεύς*) was the officer second in rank in the Spartan fleet, and succeeded to the command if anything happened to the *ναύαρχος*, or admiral (Pollux, i. 96; Xen. *Hell.* i. 1, § 23, iv. 8, § 11, v. 1, §§ 5, 6; once *ἐπιστολιάφορος*, vi. 2, § 25). When the Chians and other allies of Sparta on the Asiatic coast sent to request that Lysander might be reappointed to the command in the Aegaean, he was sent with the title of *ἐπιστολεύς*, because the laws of Sparta did not permit the same person to hold the office of *ναύαρχος* twice (Xen. *Hell.* ii. 1, § 7; Plut. *Lysand.* 7). (Cf. Schömann, *Antiq.* i. 248, 287, E. T.; Gilbert, *Staatsalterth.* i. 64; NAVARCHUS.) [W. S.] [W. W.]

EPISTO'MIUM (*ἐπιστόμιον*). [FISTULA.]

EPISTY'LIUM (*ἐπιστύλιον*) is properly, as the name implies, the architrave, or lower member of an entablature, consisting of one or several beams (in Parthenon, three), resting upon the capitals. Its function is to bind the columns of the peripteron into a whole, and to distribute the weight of the superstructure (Plut. *Pericl.* 13; Paus. *pass.*; Varr. *R. R.* iii. 2; Festus, *s. v.* For epistylium applied where there are only half-columns: Choisy, *Études épigr. sur l'Archit. grecque*; cf. COLUMNA). The component blocks were fastened together and to the capitals by iron clamps; in the Parthenon, further, at the corners (Adamy, *Architekt.* iii. 126; figs. 37, 38). Rules for the height of the epistylium are given by Vitruvius (iii. 3, s. 5, ed. Schn.). In the best examples of the Doric order the front of the architrave was a plain flat surface without carving, but sometimes ornamented with metal shields affixed above each column, as in the Parthenon, where there are also inscriptions between the shields (v. Lucas' model). In the Ionic order, where the epistylium scarcely differs from the frieze, it was cut up into two or usually three slightly overlapping surfaces (*fasciae*), and finished off above with astragal, cymatium, and, in Asia, lysis; in Attica, a simple abacus (Adamy, pp. 253, 275; see woodcuts under COLUMNA, p. 492). In Asia, the underside of the epistylium exhibits a hollow containing a cymatium (Adamy, fig. 117A); in Attica perhaps the same was *painted*. In the Ionic style, the frieze might be wanting, and the *γεῖσον* rest directly on the epistylium (so in the south prostasis of the Pandrosos Cella, and the temple of Athene at Priene, according to Bötticher). In the Corinthian style the arrangement was similar to that in the Ionic, only the triple division was marked by pearl-beading or a cymatium. Originally the architrave was the main beam, laid along the top of the columns to support the roof. When stone was used, a natural limit was set to the length of the blocks, and consequently the distance of the columns, by the impossibility of obtaining pieces of stone or marble beyond a certain size. In the temple of Artemis at Ephesus the blocks were so large that it was a wonder how they could have been raised to their places; Pliny describes the process (*H. N.* xxxvi. § 96). When an intercolumniation was of the kind called "araeostyle," that is, when the columns were more than three diameters apart, the epistylium was necessarily made of wood instead of stone (Vitruv. iii. 2, s. 3, § 5, ed. Schn.); a construction exemplified by the restoration in the annexed woodcut (*Pompeii*, vol. i. p. 143) of the Doric portico, which surrounds three sides of the forum at Pompeii. The holes seen at the back of the frieze received the beams which supported an upper gallery. Epistylium was sometimes used for the whole of the entablature. [J. M.]



Epistylium. (Doric portico at Pompeii.)

EPITA'PHIUM. [FUNUS.]

EPITHALA'MIUM. [MATRIMONIUM.]

EPITI'MIA. [ATIMIA.]

EPITRIERARCHE'MATOS DIKÉ. [TRIERARCHIA.]

EPI'TROPES GRAPHÉ. [EPITROPUS.]

EPI'TROPUS (ἐπίτροπος), which signifies literally a person to whom anything is given in charge (Dem. *c. Aphob.* i. p. 819, § 19; Herod. iii. 63; Xenoph. *Cyrop.* iv. 2, 35, etc.), occurs, however, much more frequently in the sense of a guardian of orphan children. Of such guardians there were at Athens two kinds: (i.) Those appointed in the will of the deceased father (καταλείπειν), usually, but not necessarily, near relatives. The father of Alcibiades and Cleinias appointed Pericles and his brother Ariphron (Plat. *Alcib.* i. p. 104 B; Plut. *Alcib.* 1, προσήκοντες κατὰ γένος); the father of Demosthenes three, two relatives and Therippides (γένει μὲν οὐδὲν προσήκοντι, Dem. *c. Aphob.* i. p. 814, § 4: cf. ii. p. 840, § 15 f.); Plato (Diog. Laert. iii. 43) appointed seven ἐπίτροποι, *i.e.* executors according to Schulin, *d. Griech. Testam.* p. 29 (in Theophrastus' will they are called ἐπιμεληταί, Diog. Laert. v. 56); cf. also Plat. *Legg.* xi. p. 924 A. (ii.) In the absence of directions by will, the next of kin (*tutores legitimi* *), the archon deciding who were best entitled to the office (Pollux, viii. 89, ἐπιτρόπων καταστάσεις) and authorising them to act as guardians (*Argum.* Isae. *Arist.*, κατὰ νόμον ἐπίτροπος τῶν τοῦ ἀδελφοῦ γενόμενος; Lys. *de Aristoph. bon.* § 9, παιδάρια τρία ἠναγκασμένοι τρέφειν—the brother of age, Lys. *c. Theomn.* i. 5; the uncle, Isae. *Cleonym.* § 9, etc.); or, if there were no relatives or none fit to undertake the office, such persons as the archon selected from the whole body of Athenian citizens. The passages quoted above clearly show that Diogenes Laert. (i. 56) is wrong in ascribing to Solon a law μὴ ἐπιτροπεύειν εἰς ὃν ἡ οὐσία ἔρχεται. We have no information as to the number of guardians required; Plato fixes the number at five (*Legg.* xi. p. 924 B). It may be taken for granted that none but citizens, of age and ἐπίτιμοι, could act as guardians; when Pasion appointed a metoec Phormion one of the guardians of his son (Dem. *pro Phorm.* p. 946, § 8), this was probably done because of his ability to carry on the business.

The law ascribed to Solon by Diogenes Laert. has been compared with the law of Charondas (Diod. Sic. xii. 15), which ordained that the nearest kinsmen of the father should manage the property of orphans, but that the orphans should be brought up with the mother's relatives; cf. Gortyn Code, viii. 50 f. At Athens, however, the duties of the guardian comprehended the personal care — the maintenance (τροφή, Lys. *c. Diog.* §§ 9, 20), education (παιδεία, Dem. *c. Aphob.* i. p. 828, § 46; Plat. *Alcib.* i. p. 122 A), and protection of the ward (Aeschin. *c. Tim.* § 16), the assertion of his rights,—and the safe custody and profitable disposition of his inheritance during his minority, besides making a proper provision for the widow if she remained in the house of her late husband. In accordance with these, the guardian was bound to appear in court in all actions in behalf of or against his ward (Dem. *c. Aphob.* i. p. 821, § 26), to perform annually the funeral rites to the deceased parent on behalf of the ward (Isae. *Cleom.* § 10), to give in an account of the taxable capital (τίμημα) when an εἰσφορὰ (the only impost to which orphans were liable) was levied, and make the proportionate payment in the minor's name (Dem. *c. Aphob.* i. p. 815, § 7). With reference to the administration of the ward's estate, a testamentary guardian was bound to execute the trusts of the will (Dem. *c. Steph.* i. p. 1112, § 37; see also Plato's direc-

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* We find *tutores legitimi* in Sparta (Paus. iii. 5, 7, 'A. δὲ ἐπετρόπευεν αὐτοὺς γένους ἐγγύτατα ὤν), in Syracuse (Plat. *Epist.* vii. p. 345 D, ὄντος μὲν ἀδελφιδοῦ αὐτοῦ, κατὰ νόμους δ' ἐπιτροπεύοντος). For Ephesus two classes of guardians are mentioned, ἢ ὑπὸ πατρὸς καταλελειμμένοι ἢ ὑπὸ δήμου ᾑρημένοι (Dittenberger, *S. I. G.* No. 344, l. 56). A woman as ἐπίτροπος in Erythrae (*ibid.* No. 370, l. 122). The guardian of a Spartan king under age was called πρόδικος (Xen. *Hellen.* iv. 2, 9; Plut. *Lyc.* 3); he was usually the next of kin, *e.g.* Pausanias was guardian of Pleistarchus ἀνεψιὸς ὤν (Thuc. i. 132); cf. Herod. ix. 10.

tions with regard to a certain piece of land, *μὴ ἐξέστω τοῦτο μηδενὶ μήτε ἀποδόσθαι μήτε ἀλλάξασθαι*, etc.). If the deceased had left no will or no specific directions as to its management, two courses were open to the guardian to pursue, viz. either to let it out to farm to the highest bidder (*μισθοῦν τὸν οἶκον*; Ammonius, *s. v.* *οἶκος μὲν λέγεται ἡ πᾶσα οἰκία*), or to keep it in his own hands and employ it as he best could for the benefit of the minor (*διοικεῖν*, Dem. *c. Naus. et Xen.* p. 987, § 8). In the former case he had to make an application to the archon (Isae. *Philoct.* § 36), who thereupon let the inheritance (the whole or in parts) to the highest bidder in presence of a court of justice; the farmer or farmers had to hypothecate real property to guarantee the fulfilment of the contract [HORI], and had to pay an annual percentage (sometimes more than 12 per cent. per annum, Dem. *c. Aphob.* i. p. 831, § 58 f.; cf. *Att. Process*, ed. Lipsius, p. 362 f.). The guardian might himself farm his ward's estates (Schömann on Isae. *Philoct.* § 36). In the latter case he might lay out the money in buying land (Lys. *c. Diogit.* § 23; Dem. *c. Naus. et Xen.* p. 986, § 7), or might lend it out on good security, and here it is said to have been ordained by law that money belonging to a minor should be vested in mortgages, but in no other security (so Boeckh, *Sthh.*^{3} i. p. 170, explains Lys. *fr.* 260 = Suid. *s. v.* *ἔγγειον*: Van den Es, *de Jur. famil.* p. 176, doubts that there was such a law). It seems probable that a constant control of the guardian's proceedings was exercised by the archon (Dem. *c. Onet.* i. p. 865, § 6).

If the guardian violated his duties, by neglecting the maintenance of his ward, by ill-treatment of his person, or by mismanaging his property, he was liable to a criminal prosecution which any Athenian might bring against him during the term of the ward's pupilage, viz. an eisangelia *κακώσεως* (Isae. *Hagn.* § 6), or to a phasis *μισθώσεως οἴκου* (Dem. *c. Naus. et Xen.* p. 991, § 23), if he had not let the estate (but Harpocration, *s. v.* *φάσις*, can scarcely be right in saying that the guardian was liable to phasis *εἰ ἐλάττονος ἢ κατὰ τὴν ἀξίαν μεμίσθωτο*, considering that it was the archon who let the estate; Pollux's (viii. 47) definition is too general, *τοὺς περὶ τοὺς ὀρφανοὺς ἐξαμαρτάνοντας*). Both were *τιμητοί*, and one consequence of conviction was the removal of the guardian (Isae. *Hagn.* § 31). The guardianship expired when the ward attained his eighteenth year; and if the estate had been leased out, the farmer paid in the market-place the capital he had received and the interest (Isae. *Menecl.* § 21; Dem. *c. Aphob.* i. p. 832, § 58); if, however, the inheritance had been managed by the guardian, it was from him that the heir received his property and the account of his disbursements during the minority (Dem. *pro Phorm.* p. 950, § 20). In case the accounts were unsatisfactory, and a compromise could not be effected (Frohberger on Lys. *c. Diogit.* § 2), the heir might institute a *δίκη ἐπιτροπῆς* against his late guardian; this action was *τιμητός* (Dem. *c. Aphob.* i. p. 834, § 67, etc.), and the plaintiff was liable to epobelia upon failing to obtain the votes of a fifth of the dicasts;—or in case the guardian had died, he might bring a *δίκη βλάβης* against the guardian's representatives (Dem. *c. Naus. et Xen.*). The right to sue a guardian for breach of duty was barred by the lapse of five years (Dem. *c. Naus. et Xen.* p. 989, § 17: cf. Plat. *Legg.* xi. p. 928 C). Meier infers from the case of Demosthenes that, where there were several guardians, they incurred a several and not a joint liability. No legal recompense was allowed to guardians for the performance of their duty; but it seems to have been common for testators to give legacies to the guardians, and Meier suggests that the general dishonesty of the Athenian character rendered it necessary thus to bribe guardians to be honest. A particularly flagrant case of violation of trust is that in Lysias, *c. Diogit.* Diogiton, who was both grandfather and uncle of his wards (for he had given his daughter in marriage to his brother), defrauded them of the whole of their inheritance, which, it is contended, amounted to more than fifteen talents.

It is a disputed question whether there was at Athens, besides the archon, a special magistracy to watch over the interests of orphans; Xenophon (*de Vectig.* 2, 7) mentions *ὀρφανοφύλακες* (cf. Photius, *s. v.*), and Demosthenes (*c. Onet.* i. p. 865, § 6) speaks of meetings and discussions held on the subject of his affairs, *καὶ παρὰ τῷ ἄρχοντι καὶ παρὰ τοῖς ἄλλοις*: cf. also the fifteen oldest *νομοφύλακες* charged with the permanent control of the guardians in Plat. *Legg.* xi. p. 924 C. According to Zitelmann, Roby, etc., the *ὀρπανοδικασταί* in Gortyn Code, xii. 21-25, were public officers [COSMI]; according to Comparetti and Merriam (*Amer. Journ. of Arch.* ii. 1), they were guardians appointed by the father before his death. Thalheim (*Rechtsalterth.* p. 140 n.) looks upon the *συνορφανισταί* in Dittenberger (*S. I. G.* No. 344, l. 28, Ephesus, c. 84 B.C.) as a magistracy. It would seem from Heracl. Pontic. (*Polit.* 40) that in Iasus a special magistracy watched over the education of the orphans. (*Att. Process*, ed. Lipsius, p. 549 f.; Schulthess, *Vormundschaft n. Att. Recht.*) [J. S. M.] [H. H.]

EPOBE'LIA (*ἐπωβελία*), as its etymology implies, at the rate of one obolus for a drachma, or one in six ([Dem.] *c. Everg. et Mnes.* p. 1158, § 64, cf. Harp. *s. v.*; Pollux, viii. 39, 48); on the assessment (*τίμημα*: hence called *προστίμημα*. Harp. *s. v.*, and *Lex. Rh. Cant.* *πρόστιμον*) was payable to his successful opponent by the litigant who failed to obtain the votes of one-fifth of the dicasts in a case of *φάσις* (Pollux, viii. 48) and in *δίκαι χρηματικαί* (Bekk. *Anecd.* 255, etc.; Schol. Plat. *Legg.* xi. p. 921 D; cf. Boeckh. *Sthh.*^{3} i. p. 165 f.). As regards *φάσις*, we learn from Theophrastus *π. νόμων*, *fr.* 8 (*Journ. of Phil.* vi. p. 2), that here, as in public accusations in general (but see EISANGELIA and SYCOPHANTES), a fine of 1000 drachmas ([Dem.] *c. Theocr.* p. 1323, § 6) and partial *ἀτιμία* were inflicted: hence Boeckh (*Sthh.*^{3} i. p. 423) suggests that probably the two fines together were inflicted on the unsuccessful plaintiff; whilst Meier is of opinion, that when the *φάσις* was of a purely public nature, the plaintiff had to pay 1000 drachmas; when, however, a private person was injured, and laid a *φάσις* to satisfy his private interests, he became liable to the epobelia. Lipsius (*Att. Process*, p. 301 ff.; cf. Fränkel, Boeckh's *Sthh.*^{3} ii. App. p. 81) thinks that Pollux confounded these two ways of punishment for frivolous prosecutions. The term *δίκαι χρηματικαὶ* is vague; we know from other sources that the plaintiff was liable to this penalty in mercantile causes (Dem. *c. Dionysod.* p. 1284, § 4, etc.; *Att. Process*, p. 637), in charges arising from non-fulfilment of contract (Aeschin. *c. Tim.* § 163) and in causes against guardians (Dem. *c. Aphob.* i. p. 834, § 67). Pollux (viii. 39) says that the litigant who did not get one-fifth of the votes (*ὁ αἱρεθεὶς*), whether plaintiff or defendant, was liable to this penalty, but in the instances given this was the case only when the defeated suitor was the plaintiff: cf. Harp. *s. v. ὅπερ ἐδίδοσαν οἱ διώκοντες τοῖς φεύγουσιν, εἰ μὴ ἕλοιεν*, and Schol. Aeschin. *c. Timarch.* § 163, *οἱ γραψάμενοί τινας καὶ μὴ ἑλόντες.* Of others, however, viz. cross suits (*ἀντιγραφαί*, Pollux, viii. 58), and those in which a preliminary question as to the admissibility of the original cause of action was raised (*παραγραφαί*, Isocr. *c. Callim.* § 3, *ὁπότερος δ' ἂν ἡττηθῇ, τὴν ἐπωβελίαν ὀφείλειν*: cf. 12 and Schol. Aeschin. *c. Tim.* § 163, *ὃ προσώφειλεν ὁ ἁλούς: ἐνομοθέτησε δὲ τοῦτο ὁ Ἀρχῖνος*, etc.; Dem. *c. Steph.* i. p. 1103, § 6), Pollux's statement holds good. As the object of the regulation was to inflict a penalty upon the litigious and recompense their victims, the fine was paid to the successful suitor. (Boeckh, *Sthh.*^{3} i. 430–439.) Fränkel (*l. c.* p. 83) holds that the plaintiff, if defeated, in any case paid the epobelia, whether he gained as many as one-fifth of votes or not (he prefers Libanius, ed. by Förster, in *Hermes*, ix. p. 53, to Pollux), and that the defendant had to pay it only in a *παραγραφὴ* or *ἀντιγραφὴ*, if he got less than one-fifth of the votes. (*Att. Process*, pp. 947–951.) [J. S. M.] [H. H.]

EPO'MIS. [TUNICA.]

EPO'NIA (*ἐπώνια*). [TELOS.]

EPO'NYMUS (*ἐπώνυμος*), having or giving a name, was the surname of the first of the nine archons at Athens, because his name, like that of the consuls at Rome, was used in public records to mark the year [ARCHON]. The expression *ἐπώνυμοι τῶν ἡλικιῶν*, whose number is stated by Suidas, the *Etymologicum Magn.*, and other grammarians, to have been forty, likewise applies to the chief archons of Athens. Every Athenian had to serve in the army from his 20th to his 60th year, *i.e.* during the archonship of forty archons. Now, as an army generally consisted of men from the age of 20 to that of 60, the forty archons under whom they had been enlisted were called *ἐπώνυμοι τῶν ἡλικιῶν*, in order to distinguish them from the *ἐπώνυμοι τῶν φυλῶν.* (Compare Demosth. *ap.* Harpoc. *s. v.* Ἐπώνυμοι, and Bekker, *Anecdota*, p. 245.) At Sparta the first of the five ephors gave his name to the year, and was therefore called *ἔφορος ἐπώνυμος* (Paus. iii. 11, § 2).

It was a very prevalent tendency among the ancients in general to refer the origin of their institutions to some ancient or fabulous hero (*ἀρχηγέτης*, Orac. *ap.* Dem. *c. Macart.* p. 1072, § 66), from whom, in most cases, the institution was also believed to have derived its name, so that the hero became its *ἀρχηγέτης ἐπώνυμος.* Thus each of the Attic demi had its own eponymus or patron. In later times new institutions were often named after ancient heroes, on account of some fabulous or legendary connexion which was thought to exist between them and the new institutions, and the heroes thus became, as it were, their patrons or tutelary deities. A striking instance of this custom are the names of the ten Attic tribes instituted by Cleisthenes, all of which were named after some national hero ([Demosth.] *Epitaph.* p. 1397, &c.; Paus. i. 5). These ten heroes who were at Athens, generally called *the ἐπώνυμοι*, or *ἐπώνυμοι τῶν φυλῶν*, were honoured with statues, which stood in the Kerameikos, near the Tholos (Paus. i. 5, § 1; Suidas and *Etym. M.* s. v. Ἐπώνυμοι). If an Athenian citizen wished to make proposals for a new law, he exhibited them for public inspection in front of one of these statues of the *ἐπώνυμοι*, whence the expressions *ἐκθεῖναι πρόσθεν τῶν ἐπωνύμων*, or *πρὸς τοὺς ἐπωνύμους.* (Aeschin. *c. Ctes.* § 39; Wolf, *Proleg. ad* Demosth. *Leptin.* p. 133. Comp. Schömann, *Antiq.* i. pp. 320, 367, 369, 370, 412, 454, E. T.) [L. S.]

EPOPTAE. [ELEUSINIA, p. 720 *a.*]

EPULO'NES, who were originally three in number (*Tresviri Epulones*), were first created in B.C. 196, to attend to the Epulum Jovis (Valer. Max. ii. 1, § 2; Liv. xxxi. 4; Gell. xii. 8) and the banquets given in honour of the other gods; a duty which had originally belonged to the Pontifices. (Liv. xxxiii. 42; Cic. *de Orat.* iii. 19, 73; *de Harusp. Respons.* 10, 21; Festus, s. v. *Epolonos.*) Their number was afterwards increased to seven (Gell. i. 12; Lucan, i. 602), and they were called *Septemviri Epulones.* We often find *Septemvir Epulonum* as an honorary title in inscriptions (Wilmanns, *Inscript.* 937, 1112, 1115, 1121, 1148, 1150, 1153, 1160, 1186, 1210, 1212). Once *viiviri Epulonum* occurs (*Cal. Praen.* Jan. 17). Julius Caesar added three more (Dio Cass. xliii. 51), but the title of the college seems always to have been Septemviri.

The Epulones formed a collegium, and were one of the four great religious corporations at Rome; the other three were those of the Pontifices, Augures, and Quindecemviri. But, unlike the others, this was from the first open to plebeians. (Dio Cass. liii. 1, lviii. 12; Plin. *Ep.* x. 3; Marquardt, *Röm. Staatsverwaltung*, iii. 333.) [W. S.] [A. S. W.]

E'PULUM JOVIS. [EPULONES.]

EQUI'RRIA or ECURRIA, a festival at which there were horse-races, said to have been instituted by Romulus in honour of Mars, in the Campus Martius. (Festus, *s. v.*; Varro, *L. L.* vi. 13, Müller.) There were two festivals of this name; of which one was celebrated *a. d. iii. Cal. Mart.*, and the other *prid. Id. Mart.* (Ovid, *Fast.* ii. 859, iii. 519.) At a later date this festival was called *Mamuralia*, and a sacrifice was offered to Mamurius (*Calend. Philocali*). If the Campus Martius was overflowed by the Tiber, the races took place on a part of the Mons Caelius, which was called from that circumstance the Martialis Campus. (Paul. Diac. pp. 81, 131, M.) [W. S.] [A. S. W.]

E'QUITES. The traditional account of the origin of the Roman *equites* is as follows:— Livy (i. 13) relates that Romulus raised three centuries of horsemen, called *Ramnenses*, *Titienses*, and *Luceres.* Dionysius (ii. 13) asserts that these were elected, like the senators, by the curies, each of the thirty curies choosing ten men. He also says that the three centuries were divided for military purposes into ten *turmae*, each consisting of 30 men, viz. 10 Ramnes, 10 Tities, and 10 Luceres, the group of ten being commanded by its own *decurio*. This account is hardly consistent with Livy's; nor is Livy's view in harmony with his own remark elsewhere (x. 6), borne out by the language of Cicero (*Rep.* ii. 8, 14) and Varro (*L. L.* v. 55, 81, 89, 91), which speaks of the Ramnes, Titienses, and Luceres as tribes into which the whole nation was divided. Dionysius further says that these horsemen were called *Celeres*, and formed the body-guard of the king: Livy (i. 15) appears to regard the Celeres as a distinct body. Next Livy states that ten *turmae* of Albans were added by Tullus Hostilius (i. 30); the number would thus reach 600. Then he tells us that Tarquinius Priscus did not make any other change in the centuries of horse, but doubled the number, making the three centuries to consist of 1800 men. He is thus inconsistent with himself, and appears to have drawn from some different authority here. Some editors have wished to read, without any authority, MCC for MDCCC, but the alteration is quite unwarranted, the carelessness being characteristic of Livy. Besides, it is clear that there was some authority for this number of 1800, for it is restored to the text of Cicero (*de Rep.* ii. 20, 36) by a certain emendation of C. T. Zumpt's, adopted by all recent critical editors. It is plain that this authority transferred to the time of Tarquinius Priscus the number of the equites, as it existed afterwards under the constitution of Servius Tullius. Mommsen holds it to be certain that there were originally 3 (*H. R.* i. 78), then 6 (i. 88), and after the Servian reform 18 (i. 97) equestrian centuries. Next Livy states (i. 43) that Servius Tullius "equitum ex primoribus civitatis duodecim scripsit centurias," and had also the six other centuries (three having been instituted by Romulus) under the same names by which they had been inaugurated. These last six were undoubtedly patrician originally, but there is no evidence that they remained so (Mommsen, *Röm. Forsch.* i. 135): they were called *sex suffragia*, and consisted of *primi secundique* Ramnes, Titienses, and Luceres. Along with the added twelve, they formed the eighteen centuries of *equites equo publico*, who long continued to be an important body at Rome. It has commonly been supposed that the centuries were of double strength, as is implied in Livy's narrative, but Mommsen has shown that there is no reason to accept this, and that the number of horses supplied by the community was always limited to 1800 (*Hist.* ii. 319).

Both Livy and Cicero agree in stating that each of the equites received a horse from the state (*equus publicus*), or money to purchase one (or rather a pair, one being needed for the attendant; cf. Festus, s. v. *Pararium*), as well as a sum of money for its annual support; and that the expense of its support was defrayed by the orphans and unmarried females; "since," says Niebuhr (*Hist. of Rome*, vol. i. p. 461), "in a military state it could not be esteemed unjust, that the women and the children were to contribute largely for those who fought in behalf of them and of the commonwealth." According to Gaius (iv. 27) the purchase-money for a knight's horse was called *aes equestre*, and its annual forage *aes hordearium*. [AES HORDEARIUM.] The former amounted, according to Livy (i. 43), to 10,000 asses, and the latter to 2,000: but these sums are so large as to be almost incredible, especially when we take into account that 126 years afterwards a sheep was only reckoned at 10, and an ox at 100 asses in the tables of penalties (Gell. xi. 1). The correctness of these numbers has accordingly been questioned by some modern writers, while others have attempted to account for the largeness of the sum. Boeckh (*Metrolog. Untersuch.* c. 29) supposes that the sums of money in the Servian census are not given in asses of a pound weight, but in the reduced asses of the first Punic war, when they were struck of the same weight as the sextans; that is, two ounces, or one-sixth of the original weight. [As.] Zumpt considers that 1000 asses of the old weight were given for the purchase of the horse, and 200 annually for its keep; and that the original sum has been retained in a passage of Varro ("equum publicum mille assariorum," *L. L.* viii. 71). But the view of Mommsen is the most probable, that like the assessments of the Servian constitution generally, the original estimate was made in land, and that it was transformed into a money assessment only at a later time, when the value of landed property had enormously increased (*Hist.* i. 95).

All the equites, of whom we have been speaking, received a horse from the state, and were included in the 18 equestrian centuries of the Servian constitution; but in course of time, we read of another class of equites in Roman history, who did not receive a horse from the state, and were not included in the 18 centuries. This latter class is first mentioned by Livy (v. 7) in his account of the siege of Veii, B.C. 403. He says that during the siege, when the Romans had at one time suffered great disasters, all those citizens who had an equestrian fortune, and no horse allotted to them ("quibus census equester erat, equi publici non erant"), volunteered to serve with their own horses; and he adds, that from this time equites first began to serve with their own horses ("tum primum equis merere equites coeperunt"). The state paid them ("certus numerus aeris est assignatus") as a kind of compensation for serving with their own horses. The foot-soldiers had received pay a few years before (Liv. iv. 59); and two years afterwards, B.C. 401, the pay of the equites was made threefold that of the infantry (Liv. v. 12; see Niebuhr, vol. ii. p. 439). But whether this class of cavalry serving *equis suis* was a permanent institution at Rome, and they formed the ordinary legionary cavalry, or whether on the other hand it was only resorted to under exceptional circumstances, is a question which has long been a matter of keen controversy. Marquardt, who in a special treatise (*Historiae equitum Romanorum libri iv.*, Berlin, 1840) defended the former view, has more recently abandoned it, and holds (*Röm. Staatsv.* ii.^{3} 323) that there is no evidence of a permanent body of cavalry receiving pay from the state, except the 18 centuries. "This does not exclude the possibility that at a later time men of equestrian position served voluntarily with horses of their own, but they never formed a distinct corps." The only strong argument in favour of such a body is that 1800 horse—300 for each legion—would hardly meet all the requirements of military service. But it must not be forgotten that the bulk of the cavalry serving in a Roman army was always furnished by the allies. Our authorities are too incomplete to allow us to come to a very positive conclusion; but at least there is no evidence to upset Marquardt's latest results (cf. Belot, *Histoire des Chevaliers Romains*, 2 vols. Paris, 1866–1873). Mommsen's most recent discussion of the question (*Röm. Staatsr.* iii. 476 ff.) brings him to the opinion that, as a considerable proportion of the *equites equo publico* served as officers, and as at an early date the custom sprang up that an eques retained his horse, after he had ceased to be qualified for active service, vacancies in the ranks of the normal cavalry squadrons were filled up by allowing those who could afford it to serve with their own horses, instead of on foot.

The Roman knights who received horses from the state are frequently called *equites equo publico* (Cic. *Phil.* vi. 5), and sometimes *Flexumines* (or more probably *Flexuntes:* so Detlefsen and Servius on Verg. *Aen.* ix. 606) or *Trossuli* (Plin. *H. N.* xxxiii. § 35; Festus, *s. v.*).

As vacancies occurred in the 18 centuries, the descendants of those who were originally enrolled succeeded to their places, whether plebeians or patricians, provided they had not dissipated their property; for Niebuhr goes too far when he asserts that all vacancies were filled up according to birth, independent of any property qualification. But in course of time, as population and wealth increased, the number of persons who possessed an equestrian fortune also increased greatly; and as the number of equites in the 18 centuries was limited, those persons whose ancestors had not been enrolled in the centuries could not receive horses from the state. It is probable, therefore, that they were allowed the privilege of serving with their own horses amongst the cavalry, instead of the infantry, if they were called upon for active military service.

The inspection of the equites who received horses from the state belonged to the censors, who had the power of depriving an eques of his horse, and reducing him to the condition of an aerarian (Liv. xxiv. 43), and also of giving the vacant horse to the most distinguished of the equites who had previously served at their own expense (Liv. xxxix. 19, 4). For these purposes they made during their censorship a public inspection, in the forum, of all the knights who possessed public horses (*equitatum recognoscunt*, Liv. xxxix. 44; *equitum centurias recognoscunt*, Valer. Max. ii. 9, § 6). The tribes were taken in order, and each knight was summoned by name. Every one, as his name was called, walked past the censors, leading his horse. This ceremony is represented on the reverse of many Roman coins struck by the censors. A specimen is annexed.

If the censors had no fault to find either with the character of the knight or the equipments of his horse, they ordered him to pass on (*traduc equum*, Valer. Max. iv. 1, § 10); but if on the contrary they considered him unworthy of his rank, they struck him out of the list of knights, and deprived him of his horse (Liv. xxxix. 44) or ordered him to sell it (Liv. xxix. 37; Valer. Max. ii. 9, § 6), with the intention no doubt that the person thus degraded should refund to the state the money which had been advanced to him for its purchase (Niebuhr, *Hist. of Rome*, vol. i. p. 433). If he appeared to have neglected his horse, he might be fined (Gell. iv. 12, 2; Festus, p. 108) or deprived of his allowance. At the same review, those equites who had served the regular time, and wished to be discharged, were accustomed to give an account to the censors of the campaigns in which they had served, and were then dismissed with honour or disgrace, as they might have deserved (Plut. *Pomp.* 22).


Inspection of Equites by the Censors. (Roman coin.)

This review of the equites by the censors must not be confounded with the *Equitum Transvectio*, which was a solemn procession of the body every year on the Ides of Quintilis (July). The procession started from the temple of Mars outside the city, and passed through the city over the forum, and by the temple of the Dioscuri. On this occasion the equites were always crowned with olive chaplets, and wore their state dress, the trabea, with all the honourable distinctions which they had gained in battle (Dionys. vi. 13). According to Livy (ix. 46), this annual procession was first established by the censors Q. Fabius and P. Decius, B.C. 304; but, according to Dionysius (*l. c.*), it was instituted after the defeat of the Latins near the lake Regillus, of which an account was brought to Rome by the Dioscuri.

It may be asked, how long did the knight retain his public horse, and a vote in the equestrian century to which he belonged? On this subject we have no positive information; but as those equites, who served with their own horses, were only obliged to serve for ten years (*stipendia*, *στρατείας*) under the age of forty-six (Polyb. vi. 19, § 2), we may presume that the same rule extended to those who served with the public horses, provided they *wished* to give up the service. For it is certain that in the earlier times of the Republic a knight might retain his horse as long as he pleased, even after he had entered the senate, provided he continued able to discharge the duties of a knight. Thus the two censors, M. Livius Salinator and C. Claudius Nero, in B.C. 204, were also equites (Liv. xxix. 37), and L. Scipio Asiaticus, who was deprived of his horse by the censors in B.C. 185 (Liv. xxxix. 44), had himself been censor in B.C. 191. This is also proved by a fragment in the fourth book (c. 2, 2) of Cicero's *De Republica*, in which he says, "equitatus, in quo suffragia sunt etiam senatus;" by which he evidently means, that most of the senators were enabled to vote at the Comitia Centuriata in consequence of their belonging to the equestrian centuries. On the other hand, a man might be deprived of his horse without disgrace, if he were no longer physically fitted for active service (Gell. vi. 32). A passage in Liv. xxvi. 36, 6, proves that it was quite usual for anyone who had held a curule office to have a horse from the state. During the later times of the Republic the knights were obliged to give up their horses on entering the senate, and consequently ceased to belong to the equestrian centuries. This regulation is alluded to in the fragment of Cicero already referred to, in which Scipio says that many persons were anxious that a plebiscitum should be passed, ordaining that the public horses should be restored to the state, which decree was in all probability passed afterwards; "since," as Niebuhr observes (vol. i. p. 433, note 1016), "when Cicero makes Scipio speak of any measure as intended, we are to suppose that it had actually taken place, but, according to the information possessed by Cicero, was later than the date he assigns to Scipio's discourse." This seems to have been the rule after the time of C. Gracchus, as a result of his policy of making the equites a power in the state to counterbalance the senate (cp. Madvig, *Opusc.* i. 74 ff.). That the greater number of the *equites equo publico*, after the exclusion of senators from the equestrian centuries, were young men, is proved by a passage in the work of Q. Cicero, *de Petitione Consulatus* (8, 33), the genuineness of which Prof. Tyrrell has well established (cf. Hor. *A. P.* 341).

The equestrian centuries, of which we have hitherto been treating, were only regarded as a division of the army; they did not form a distinct class or ordo in the constitution. The community, in a political point of view, was only divided into patricians and plebeians; and the equestrian centuries were composed of both. But in the year B.C. 123, a new class, called the Ordo Equester, was formed in the state by the Lex Sempronia, which was introduced by C. Gracchus. By this law all the judices had to be chosen from those citizens who possessed an equestrian fortune (Plut. *C. Gracch.* 5; Appian, *de Bell. Civ.* i. 22; Tac. *Ann.* xii. 60). We know very little respecting the provisions of this law; but it appears from the Lex Servilia repetundarum, passed eighteen years afterwards, that every person who was to be chosen judex was required to be above thirty and under sixty years of age, to have either an *equus publicus* or to be qualified by his fortune to possess one, and *not* to be a senator. Mommsen however holds that the judices were always *equites equo publico*, possibly including also those who had surrendered the horse (iii. 530). The number of judices who were required yearly was chosen from this class by the praetor urbanus (Klenze, *Lex Servilia* [more properly *Acilia*], Berl. 1825: cf. Mommsen in *C. I. L.* i. 54–57; Bruns, *Fontes*,^{5} p. 53 ff.).

As the name of *equites* had been loosely extended from those who possessed the public horses to those who served with their own horses, it now came to be applied to all those persons who were qualified by their fortune to act as judices, in which sense the word is usually used by Cicero. Pliny (*H. N.* xxxiii. § 30) indeed says that those persons who possessed the equestrian fortune, but did not serve as equites, were only *judices*, and that the name of *equites* was always confined to the possessors of the *equi publici*. This may have been the correct use of the term; but custom soon gave the name of *equites* to the judices chosen in accordance with the Lex Sempronia. After the date of Sulla's changes in the constitution, the censorship practically fell into abeyance, and the census was only once taken (B.C. 50) between this time and that of Augustus. Hence there can have been during this period no *equites equo publico* in the proper sense of the term. We are left to conjecture as to the means by which the ranks of the equites were filled. Under Augustus the sons of senators took their places of right among the equites. Although we find this custom in existence, we are not informed that it was introduced by Augustus. Hence it is a probable conjecture of Mommsen's, that Sulla introduced with regard to the equites a self-acting regulation like that which he established for the senate.

The reforms of Sulla entirely deprived the equestrian order of the right of being chosen as judices, but in B.C. 70 the Lex Aurelia ordained that the judices should be chosen from the senators, equites, and tribuni aerarii. It seems pretty clear that the last group must have always possessed the equestrian census, and so have been equites in the wider sense. Hence Velleius (ii. 32) speaks of this law as dividing the *judicia* between the senate and the equites; and Livy (*Ep.* 97) even of its restoring them to the equites [JUDICES]. The statement that Caesar (Suet. *Jul.* 41) limited the judicia to the two classes of senators and equites is probably to be understood as implying that he made the second as well as the third decuria consist of *equites equo publico*; for we find that the three decuries continued to exist after this change. The influence of the order, says Pliny, was still maintained by the publicani (Plin. *H. N.* xxxiii. § 34), or farmers of the public taxes. We find that the publicani were almost always called equites, not because any particular rank was necessary in order to obtain from the state the farming of the taxes, but because the state naturally would not let them to any one who did not possess a considerable fortune. Thus the publicani are frequently spoken of by Cicero as identical with the equestrian order (*ad Att.* ii. 1, § 8). [PUBLICANI.] The consulship of Cicero, and the active part which the knights then took in suppressing the conspiracy of Catiline, tended still further to increase the power and influence of the equestrian order; and "from that time," says Pliny (*l. c.*), "it became a third body (*corpus*) in the state, and to the title of *Senatus Populusque Romanus*, there began to be added *Et Equester Ordo*." (Cf., however, Madvig, *Röm. Verf.* i. 156, note.)

In B.C. 63 a distinction was conferred upon them which tended to separate them still further from the plebs. By the Lex Roscia Othonis, passed in that year, the first fourteen rows of seats in the theatre behind the orchestra were given to the equites (Liv. *Epit.* 99); which, according to Cicero (*pro Mur.* 19, 40) and Velleius Paterculus (ii. 32), was only a restoration of an earlier privilege which may have dated from the time of Gracchus. No importance is to be attached to the statement of Livy (i. 35), who says that special seats were set apart in the Circus Maximus for the senators and equites. They also possessed the right of wearing the Clavus Angustus [CLAVUS]; and subsequently obtained the privilege of wearing a gold ring, which was originally confined to the *equites equo publico*, and probably only granted to these after the time of Gracchus. But the military organisation of the equites was still kept up; and whenever they took part as a body in public functions, as for instance in funerals (cf. Mommsen, ii. 522), they were formed into *turmae* (Tac. *Hist.* ii. 83).

The number of equites increased greatly under the early emperors, and all persons were admitted into the order, provided they possessed the requisite property, without any inquiry into their character or into the free birth of their father and grandfather, which had always been required by the censors under the Republic. Property became now the only qualification; and the order in consequence gradually began to lose all the consideration which it had acquired during the later times of the Republic.

It is commonly asserted that Augustus formed a select class of equites, consisting of those equites who possessed the property of a senator, and the old requirement of free birth up to the grandfather; that he permitted this class to wear the *latus clavus* (Ovid. *Trist.* iv. 10, 35); and also allowed the tribunes of the plebs to be chosen from them, as well as the senators, and gave them the option at the termination of their office to remain in the senate or return to the equestrian order (Suet. *Aug.* 40; Dio Cass. liv. 30). But it is not accurate to speak of these wearers of the *latus clavus* as *equites*, still less to find a technical name for them in the *equites illustres* of Tacitus (Tac. *Ann.* xi. 4, with the note of Lipsius; cf. Mommsen, iii. 562–3). Like the other epithets, *splendidi*, *primores*, *insignes*, and the like, this is merely a descriptive term; and in fact none of the *eq. illustres* of Tac. *Ann.* xi. 4 can have worn the *latus clavus*. A formal division of the equites into classes was made first by Marcus Aurelius and Verus (cf. Madvig, *Röm. Verf.* i. 171).

In the ninth year of the reign of Tiberius an attempt was made to improve the order by requiring the old qualifications of free birth up to the grandfather, and by strictly forbidding anyone to wear the gold ring unless he possessed this qualification. This regulation, however, was of little avail, as the emperors frequently admitted freedmen into the equestrian order (Plin. *H. N.* xxxiii. § 34). When private persons were no longer appointed judices, the necessity for a distinct class in the community, like the equestrian order, ceased entirely; and the gold ring came at length to be worn by all free citizens. Even slaves, after their manumission, were allowed to wear it by special permission from the emperor, which appears to have been usually granted provided the patronus consented (Dig. 40, 10, 3). [ANNULUS.]

Having thus traced the history of the equestrian order to its final extinction as a distinct class in the community, we must now return to the *equites equo publico*, who formed the eighteen equestrian centuries. This class still existed during the latter years of the Republic, but after the reforms of Marius it had entirely ceased to serve as horse-soldiers in the army. The cavalry of the Roman legions no longer consisted, as in the time of Polybius, of Roman equites, but their place was supplied by the cavalry of the allied states. It is evident that Caesar in his Gallic wars possessed no Roman cavalry (Caes. *Bell. Gall.* i. 15). When he went to an interview with Ariovistus, and was obliged to take cavalry with him, we are told that he did not dare to trust his safety to the Gallic cavalry, and therefore mounted his legionary soldiers upon their horses (Id. i. 42). The Roman equites are, however, frequently mentioned in the Gallic and civil wars, but never as common soldiers; they were officers attached to the staff of the general, or commanded the cavalry of the allies, or sometimes the legions (Id. vii. 70; *Bell. Civ.* i. 77, iii. 71, &c.).

When Augustus took upon himself, in B.C. 29, the praefectura morum, he frequently reviewed the troops of equites, and restored, according to Suetonius (*Aug.* 38), the long-neglected custom of the solemn procession (*transvectio*); by which we are probably to understand that Augustus connected the review of the knights (*probatio*) with the annual procession (*transvectio*) of the 15th of July. Dionysius (vi. 13) tells us that as many as 5,000 equites sometimes took part in this procession. From this time these equites formed an honourable corps, from which all the higher officers in the army (Suet. *Aug.* 38, *Claud.* 25) and certain of the chief magistrates in the state were chosen. Admission into this body was equivalent to an introduction into public life, and was therefore esteemed a great privilege; it was granted by the emperor at pleasure through an office (*a censibus*), which was a branch of the department for petitions (*a libellis*) under a high official (Mommsen, iii. 490); and we find it recorded in inscriptions that such a person was *equo publico honoratus*, *exornatus*, &c. by the emperor (Orelli, *Inscrip.* Nos. 3457, 313, 1229). This rank was tenable for life. If a young man was not admitted into this body, he was excluded from all civil offices of any importance, except in municipal towns; and also from all rank in the army (*militia* as opposed to *stipendium*), with the exception of centurion.

All those equites who were not employed in actual service were obliged to reside at Rome (Dio Cass. lix. 9), where they were allowed to fill the lower magistracies, which entitled a person to admission into the senate. They were divided into six turmae, each of which was commanded by an officer, who is frequently mentioned in inscriptions as *Sevir equitum Rom. turmae* I. II., &c., or commonly *Sevir turmae* or *Sevir turmarum equitum Romanorum*. From the time that the equites bestowed the title of *principes juventutis* upon Gaius and Lucius Caesar, the grandsons of Augustus (Tac. *Ann.* i. 3; Monum. Ancyr.), it became the custom to confer this title, as well as that of Sevir, upon the probable successor to the throne, when he first entered into public life and was presented with an equus publicus (Capitol. *M. Anton. Phil.* 6; Lamprid. *Commod.* 1).

It appears to have been the policy of Augustus to divide the administrative functions between the senators and the equites. The government of Egypt was always reserved to the latter, and senators were not allowed to enter it without the emperor's express permission. The smaller provinces to the north of Italy were similarly often placed under equestrian governors: the commanders of the fleets were drawn from the same body; and so were many of the prefects newly instituted by Augustus. Many posts in the general administration were usually filled by knights, *e.g.* the receiverships of customs, and the business of the imperial chancery. Those who held these were required, as a rule, to have completed their time of service as officers in the army.

The practice of filling such offices in the state from the equites appears to have continued as long as Rome was the centre of the government and the residence of the emperor. They are mentioned in the time of Severus (Gruter, *Inscrip.* p. 1001, 5; Papinian, in Dig. 29, 1, 43), and of Caracalla (Gruter, p. 379, 7); and perhaps later. After the time of Diocletian, the equites became only a city guard, under the command of the Praefectus Vigilum; but they still retained, in the time of Valentinianus and Valens, A.D. 364, the second rank in the city, and were not subject to corporal punishment. (Cod. Theodos. 6, 36.) Respecting the *Magister Equitum*, see DICTATOR.

(Zumpt, *Ueber die römischen Ritter und den Ritterstand in Rom*, Berlin, 1840; Marquardt, *Historiae Equitum Romanorum libri iv.*, Berlin, 1840; Madvig, *Opuscula*, vol. i. p. 72, &c.; Becker, *Handbuch der römischen Alterthümer*, vol. ii. part i. p. 235, &c.; Marquardt, *Röm. Staatsverf.* v. 337 ff. and 426 ff., and especially Mommsen, *Röm. Staatsr.* iii. 476–569; Madvig, *Röm. Verf.* i. 155–181.) [W. S.] [A. S. W.]

EQUULEUS. [ECULEUS.]

EQUUS OCTOBER. [PALILIA.]

E'RANI (*ἔρανοι*) was the name given to clubs or societies established for convivial purposes, the members dining together at stated periods, probably once a month. Every member (*ἐρανιστὴς* in Inscr.; *πληρωτὴς ἐράνου*, Dem. *c. Mid.* p. 547, § 101, p. 574, § 184 f.; [Dem.] *c. Aristog.* i. p. 776, § 21; *Etym. M.* s. v. *ἐρανιστής*; Harpocr. *s. v. ἐρανίζοντες*) was bound to pay his monthly subscription (also called *ἔρανος*,* or *φορά, εἰσφορά, σύνοδος*, Koehler in *Mittheil. d. d. Arch. Inst.* 1884, p. 293, n.), which in the society of the Ἡροισταὶ amounted to three drachmas (*C. I. A.* ii. No. 630). Such societies usually united in the common worship of some deity, such as Sarapis (*C. I. A.* ii. No. 617 = Brit. Mus. Inscr. i. 21), for whom they appointed special sacrificial officers (*ἱεροποιοί*, *C. I. A.* ii. Nos. 615, 616, 617). From this point of view they were called *θίασοι* (Athen. viii. p. 362 e), and Aristotle (*Nicom. Ethic.* viii. 9, 5, p. 1160 a) groups *θιασωταὶ* and *ἐρανισταὶ* together as *κοινωνίαι* formed *δι' ἡδονὴν, θυσίας ἕνεκα καὶ συνουσίας*, as opposed to *κοινωνίαι αἳ τοῦ συμφέροντος ἐφίενται*: cf. also Photius, p. 82, *θιάσου, ὥσπερ ἐστὶν ἡ ἀπὸ τοῦ πίνειν συναγωγή*, and Pollux, vi. 8, *τοὺς δὲ συνιόντας συμπότας, ὁμοσίτους συσσίτους, συνουσιαστάς, θιασώτας ἢ θιασίτας, εἰλαπιναστάς, ἐρανιστάς.* Foucart can therefore be scarcely right in distinguishing between *éranes civils* and *éranes religieux* (*Des Assoc. Relig. chez les Grecs*, p. 3). Such clubs had their own common funds (*ὅρος χωρίου πεπραμένου ἐρανισταῖς τοῖς μετὰ Καλλιτέλους*, *C. I. A.* ii. No. 1110; cf. Nos. 1119, 1111, and Rangabé, *Antiq. hellén.* No. 885) and their own laws: *e.g.* the *νόμος ἐρανιστῶν* (*C. I. A.* iii. No. 23), prescribing the dokimasia of new members and the expulsion of disturbing elements; cf. also the Solonian law (Dig. 47, 22, 4) ordaining that any agreement between members should be binding, provided it did not contravene the laws of the state. The *κοινὸν* of such a club might vote and bestow the honour of a crown, and an *ἔπαινος* on deserving members, etc.* The dokimasia was conducted by the *προστάτης*, the *ἀρχιερανιστής*, the secretary, the treasurers, and the *σύνδικοι*. These officials, probably with the exception of the *προστάτης*, were annually chosen by lot (*κληρωτοὶ κατὰ ἔτος*, *C. I. A.* iii. No. 23); yet from Harpocr. *s. v. πληρωτής*, it would appear that the *ἀρχιερανισταὶ* or *ἐρανάρχαι* were at one time elected (Salmasius reads, *τοῖς ἤτοι λαχοῦσιν ἢ ᾑρημένοις*: in an inscr. publ. in the *Revue archéol.* x. 1864, p. 400, a *ταμίας* is called *αἱρεθείς*). Other functionaries were *ἐπιμεληταὶ* (*C. I. A.* ii. No. 616), a *προερανίστρια* (*C. I. A.* ii. No. 617), etc.; it is probably a mere chance that only in connexion with the treasurer is there mention of an oath on entering office (*Revue archéol.* xi. 1865, p. 500). Hesychius' explanation of *πληρωτής*, viz. *ἐράνου συναγωγός*, has led some scholars to suppose that the *ἐρανάρχης* had to advance the necessary sums, if members made default (*ἐκλείπειν τὴν φοράν*). Such clubs numbered among their members women (an *ἔρανος* consisting entirely of women, Keil, *Zur Syll. Inscr. Boeot.* p. 624), foreigners, even slaves.

Ἔρανος is also used in the sense of a contribution made by friends (*ἑταῖροι καὶ φίλοι σοὶ καὶ συνήθεις*, Philem. *fr.* 213 in Kock, *Comic. Att. Fragm.* ii. 1) to assist a person in difficulties, *e.g.* when that person had to pay a heavy fine, or to ransom himself from captivity, etc. As a rule, the person in distress applied to his friends in person for assistance (*συλλέγειν ἔρανον*, Antiph. *Tetral.* i. *β*, § 9; [Dem.] *c. Neaer.* p. 1355, § 31; *c. Nicostr.* p. 1249, § 11 —*συλλέγεσθαι ἔρανον*, Lys. *c. Aeschin.* fr. 1; Dem. *c. Mid.* p. 547, § 101—*ἐρανίζειν τινά*, Dem. *Epist.* iii. p. 1484, § 38); occasionally, however, a friend might undertake the collecting (Aeschin. *de Fals. Leg.* § 41, *συνιστάναι τὸν ἔρανον*), who probably fixed the amount to be paid by each (Corn. Nep. *Epam.* 3). From Diog. Laert. vi. 63, it would seem that sometimes the *ἐρανάρχης* undertook the task of collection for a member of his club; cf. also the inscription from Amorgus, *τοῦ ἐράνου ὃν συνέλεξεν Ἀρισταγόρας* (the *ἀρχέρανος*), Ἀρχαιολ. Ἐφημ. N. S. No. 77. An *ἔρανος πεντακοσιόδραχμος*, *i.e.* one to which each had to contribute 500 drachmas, is mentioned in Dittenberger, *S. I. G.* No. 433, l. 4; whilst the *ἔρανος εἰκοσίμνως* in Lys. *c. Autocr.* fr. 49 (= Pollux, ix. 57) and the *ἔ. τετταρακονταμναῖος* in Dittenberger, No. 462, l. 12, represent the total amount collected. The

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* Ἔρανος meant originally a meal to which each contributed his share, a picnic (*Odyss.* i. 224; cf. Hesiod. *O. et D.* 722), called later on *δεῖπνον ἀπὸ σπυρίδος* (Athen. viii. p. 365 a; cf. Aristoph. *Acharn.* 1137), when every guest brought his own dish (Xenoph. *Mem.* iii. 14), or *δεῖπνον ἀπὸ συμβολῶν*, when one catered for the rest, and was afterwards repaid by contributions (Aristoph. *Acharn.* 1210, and Schol.; Alexis *fr.* 15 and Athen. iii. p. 117 e in Kock, *Comic. Att. Fragm.* ii. 1; Terent. *Eun.* iii. 4, etc.; cf. Becker-Göll, *Charikles*, ii. p. 296 f.).

* In Rhodes, at least at the time when the inscription was engraved which Newton publishes in *Journ. of Hell. Stud.* ii. p. 357 f., these societies were not the absolute masters of their internal administration; for the decree of the *κοινὸν* of the Euthalidae requires the confirmation of senate and popular assembly.

friends who paid their share are said *ἐρανίζειν τινί* (Dem. *c. Boeot.* i. p. 999, § 18), *εἰσφέρειν ἔρανον*, etc. The relief was looked upon as a friendly loan, repayable by the borrower, probably by instalments (Lys. *c. Aeschin.* fr. 1), when in better circumstances (Theophr. *Char.* 17): it was neither a present (yet see Dem. *de Cor.* p. 329, § 312; [Dem.] *c. Nicostr.* p. 1249, § 9; Theophr. *Char.* 15), nor a loan (*χρέως*), but something between the two (*ἐξ ἐράνου ὄφλημα*, Isae. *Hagn.* § 43: cf. Dem. *c. Aphob.* i. p. 821, § 25; Lyc. *c. Leocr.* § 22). Security for an *ἔρανος* is mentioned in the inscription from Amorgus (quoted above), and in Wescher et Foucart, *Inscr. de Delphes*, No. 139. Some scholars are of opinion that there were actual associations for the purpose of mutual relief, resembling in some degree our friendly or benefit societies; yet this view is shown to be wrong by Van Holst, *de Eran. vet. Graec.* p. 73 ff. (Cf. Caillemer, *Le Contrat de Société à Athènes*, p. 24 ff.; Thalheim, *Rechtsalterth.* p. 65, n. 2.)

For the recovery of such loans when the person assisted was in a position to pay them back, but unwilling to do so, for the decision of disputes amongst the *ἐρανισταί*—*e.g.*, about the payment of each member's share, or the use made of the contributions by the president, etc.—there were special *ἐρανικαὶ δίκαι* [EMMENOI DIKAI]. Plato (*Legg.* xi. p. 915 E) disapproved of lawsuits in such matters, and would not allow them in his republic.

The various purposes for which clubs were formed we learn from the law which Gaius ascribes to Solon, *ἐὰν δὲ δῆμος ἢ φράτορες ἢ ἱερῶν ὀργίων θύται* (Mommsen; *ἢ ναῦται*, MS.) *ἢ σύσσιτοι ἢ ὁμόταφοι ἢ θιασῶται ἢ ἐπὶ λείαν οἰχόμενοι ἢ εἰς ἐμπορίαν, ὅτι ἂν τούτων διαθῶνται πρὸς ἀλλήλους, κύριον εἶναι ἐὰν μὴ ἀπαγορεύσῃ δημόσια γράμματα* (Dig. 47, 22, 4). By *σύσσιτοι* (or *ὁμόσιτοι*, Pollux, vi. 7) probably members of a dinner club are meant; men who either possessed no establishment of their own, bachelors and widowers, or those who preferred taking their meals in male society rather than at home with their wives, combined to form such clubs. According to Plat. *Lach.* p. 179 B, Lysimachus, the son of Aristides, and Milesias, the son of Thucydides, were members of a club of the kind (Schömann, *Griech. Alterth.* i. p. 363).—The *ὁμόταφοι* can scarcely be the *γεννῆται*, who as such had a claim to the *πατρῷα μνήματα* (*ὧν ὅσοιπέρ εἰσι τοῦ γένους κοινωνοῦσιν*, Dem. *c. Eubul.* p. 1307, § 28; cf. [Dem.] *c. Macart.* p. 1077, § 79; Plut. *Cim.* 4; Ps. Plut. *Vitt. X. Oratt.* p. 838 B), for the *γεννῆται* are distinguished from *οἷς ἠρία* (Harpocr. *s. v.* = *τάφοι*) *ταὐτά* in Dem. *c. Eubul.* p. 1319, § 67. Sometimes the *ἔρανος* looked after the burial of its members, *e.g.* Koumanoudes, *Ἐπιγραφαὶ ἐπιτύμβιοι*, No. 2362, *Ἀρτεμίδωρος Σελευκεύς· ἐρανισταί*: cf. also *C. I. A.* ii. No. 621. According to a Rhodian inscription (*Bull. de Corresp. hellén.* 1880, p. 139 ff.) a piece of land was given to the *ἐρανισταὶ* as a present *εἰς ταφία*, which J. Martha explains to mean that the revenue from this piece of land was to be used in defraying the burial expenses of members, whilst in E. L. Hicks' opinion (*Brit. Mus. Inscr.* ii. 360) the land was granted as a burial-ground to certain eranists.—*Οἱ ἐπὶ λείαν οἰχόμενοι* are men banded together for the purpose of privateering, to exercise in time of war the right of reprisal, which corresponds somewhat to the modern letters of marque (Schömann, *Antiq. jur. publ. Gr.* p. 368 n.).—Trading companies are frequently mentioned in inscriptions, *e.g.* *C. I. G.* No. 124 = *C. I. A.* ii. No. 475, *ναύκληροι καὶ ἔμποροι οἱ φέροντες τὴν σύνοδον τοῦ Διὸς τοῦ ξενίου* in the Piraeus; *C. I. G.* No. 2271, l. 35, *τὸ κοινὸν τῶν Τυρίων Ἡρακλεϊστῶν ἐμπόρων καὶ ναυκλήρων*; *Journ. of Hell. Stud.* viii. p. 415, a guild of Thasian merchants had taken Hermes *κερδέμπορος* for their patron-god; they styled themselves accordingly *κερδέμποροι*, and their president was called *ἀρχικερδέμπορος*, etc. Cf. Harpocr. *s. v. κοινωνικῶν· καὶ περὶ τῶν ἑκούσιον κοινωνίαν συνθεμένων ἐμπορίας ἢ τινος ἄλλου*, such as trading companies (Lys. *c. Frument.* §§ 9, 17, 21; Dem. *c. Dionys.* p. 1285, § 7 ff.), mining companies (*οἱ κοινωνοῦντες μετάλλου*, Dem. *c. Pantaen.* p. 977, § 38; Hyperid. *pro Eux.* col. 44; Xen. *de Redit.* 4, 30 f.), farmers of taxes (Andoc. *de Myst.* § 133; Lyc. *c. Leocr.* §§ 19, 58; Plut. *Alcib.* 5), or lessees of the theatre in Piraeus (*C. I. A.* ii. No. 573), etc.—For the constitution, etc., of the various *σύνοδοι τῶν περὶ τὸν Διόνυσον τεχνιτῶν* in Athens (*C. I. A.* ii. No. 551), Thebes (*C. I. G.* No. 1600), Argos (*C. I. G.* No. 3068 C; *C. I. A.* ii. No. 552 b), Teos (*C. I. G.* No. 3067), and Cyprus (*C. I. G.* Nos. 2619, 2620), etc., see A. Müller, *Bühnenalterth.* p. 392 ff. The general name for all such associations was *ἑταιρεῖαι* ("sodales sunt qui ejusdem collegii sunt quam Graeci *ἑταιρείαν* vocant," Gaius, *l. c.*), but in its special sense *ἑταιρεῖαι* meant political clubs. These were not like the preceding societies, recognised and authorised by the state, but were at best only tolerated. Such clubs played an important part in Athenian politics. Themistocles owed much of his power to such a club (Plut. *Alcib.* 2); Thucydides, the son of Milesias, united the aristocrats into an association in opposition to Pericles, until he was ostracised and the *ἑταιρεία* in consequence broken up (Plut. *Pericl.* 11, 14). Yet it was only after the death of Pericles that these clubs became established "conspiracies for the management of trials and elections" (*ξυνωμοσίαι ἐπὶ δίκαις καὶ ἀρχαῖς*, Thucyd. viii. 54; cf. iii. 82-85; Plat. *Theaet.* p. 173 D, *σπουδαὶ ἑταιριῶν ἐπ' ἀρχάς*, and [Andoc.] *c. Alcib.* § 4), which were not very scrupulous in their choice of means, and did not disdain the employment of such measures as false testimony and corruption (Dem. *c. Mid.* p. 560, § 139; *c. Zenoth.* p. 885, § 10; *c. Pantaen.* p. 978, § 39). They were secretly conducted (Plat. *Rep.* ii. p. 365 D), and used to put down the democracy (*ξυνωμότας δὲ ἔλεγον τοὺς ἐπὶ καταλύσει τοῦ δήμου συνερχομένους*, Schol. Aristoph. *Vesp.* 342), and on that account forbidden. (Cf. the first section of the *νόμος εἰσαγγελτικὸς* in Hyperid. *pro Eux.* col. 22, and the *Lex* in [Dem.] *c. Steph.* p. 1137, § 26.) The mutilation of the Hermae was proposed at a convivial meeting of the club to which Andocides belonged (Andoc. *de Myst.* § 61 ff.); the Athenians ascribed the offence to conspirators who wanted to effect a revolution and to overthrow the democracy (Thucyd. vi. 27; Andoc. *de Myst.* § 36). The charge against Alcibiades ran: *συνάγει τὴν ἑταιρίαν ἐπὶ νεωτέροις πράγμασιν*, etc. (Isocr. *de Big.* § 6; cf. Thucyd. vi. 61; Diod. Sicul. xiii. 5). In the days of the Roman empire friendly societies, under the name of ἔρανοι, were frequent among the Greek cities, but were looked upon with suspicion by the emperors as leading to political combinations (Plin. *Epist.* x. 93. 94). [C. R. K.] [H. H.]

ERGA'STULUM was a private prison attached to most Roman farms, called *carcer rusticus* by Juvenal (xiv. 24), where the inferior class of slaves were kept during the night in chains. It appears to have been usually under ground, and according to Columella (i. 6, 3) ought to be lighted by narrow windows, which should be too high from the ground to be touched by the hand. The slaves confined in an ergastulum were usually employed to cultivate the fields in chains. (Plin. *H. N.* xviii. § 21; Flor. iii. 20, 6.) Slaves who had displeased their masters were punished by imprisonment in the ergastulum; and in the same place all slaves who could not be depended upon or were barbarous in their habits were regularly kept. A trustworthy slave had the care of the ergastulum, and was therefore called *ergastularius.* (Colum. i. 8, 7; Ammian. xiv. 11.) According to Plutarch (*Tib. Gracch.* 8), these prisons arose in consequence of the conquest of Italy by the Romans, and the great number of barbarous slaves who were employed to cultivate the conquered lands. In the time of Hadrian and Antoninus, many enactments were made to ameliorate the condition of slaves; and among other measures, Hadrian attempted to abolish the ergastula, but they were never entirely suppressed. They are mentioned by Apuleius, *de Mag.* c. xlvii., where fifteen is given as the minimum number of imprisoned slaves, which constituted an ergastulum. Sometimes the word is used for the body of slaves confined in such a barracoon. (Spart. *Hadrian,* 18, compared with Gaius, i. 53.) For further information on the subject, see Brissonius, *Antiq. Select.* ii. 9; Lipsius, *Elect.* ii. 15, Opera, vol. i. p. 317, &c.; Mayor's notes on Juvenal, viii. 180, xiv. 24. [W. S.] [A. S. W.]

ERI'CIUS, a hedgehog, *i.e.* a military engine full of sharp spikes, which was placed by the gate of the camp to prevent the approach of the enemy. (Caes. *B. C.* iii. 67; Sallust, *ap.* Non. p. 554 M.; Lipsius, *Poliorcet.* v. 4.) [W. S.] [A. S. W.]

EROANTHEIA (ἠροάνθεια) is called a brilliant festival of women, celebrated in Peloponnesus in the spring season (Phot. *Lex.* p. 95; Hesych. *s. v.*). [L. S.]

EROGA'TIO. [AQUAEDUCTUS.]

ERO'TIA or **EROTI'DIA** (ἐρώτια or ἐρωτίδια), the most solemn of all the festivals celebrated in the Boeotian town of Thespiae. It took place every fifth year, and in honour of Eros, the principal divinity of the Thespians. Respecting the particulars nothing is known, except that it was solemnised with contests in music and gymnastics. (Plut. *Amat.* 1; Paus. ix. 31, § 3; Athen. xiii. p. 561.) At this festival married couples made up any quarrels they might have. The worship of Eros seems to have been established at Thespiae from the earliest times; and the ancient symbolic representation of the god, a rude stone (ἀργὸς λίθος), continued to be looked upon with particular reverence even when sculpture had attained the highest degree of perfection among the Greeks, and when Thespiae possessed the world-renowned statue of Eros. (Paus. ix. 27, § 1; compare Schol. *ad* Pind. *Olymp.* vii. 154; Ritschl, in the *Rhein. Mus.* vol. ii. p. 106.) [L. S.]

ERRHEPHO'RIA or **ERSEPHO'RIA** (ἐρρηφόρια or ἐρσηφόρια). [ARRHEPHORIA.]

E'SCHARA (ἐσχάρα). [FOCUS.]

ESSEDA'RII. [ESSEDUM.]

E'SSEDUM, rarely E'SSEDA -AE (Sen. *Ep.* 56, § 4), said to be a Celtic word (Jornand. *de Reb. Get.* c. 2; cf. Ginzrot, i. 377), the name of a chariot used, especially in war, by the Britons, Gauls, and Belgae, perhaps also by the Germans, (Verg. *Georg.* iii. 204; Serv. *ad loc.*; Pers. vi. 47).

According to the account given by Caesar (*Bell. Gall.* iv. 33), and confirmed by Diodorus Siculus (v. 21, 29), the method of using the essedum in the ancient British army was very similar to the practice of the Greeks in the heroic ages, as described by Homer and in the article CURRUS. The principal difference seems to have been that the essedum was stronger and more solid than the δίφρος, that it was open before instead of behind; hence the driver was able to run along the pole (*de temone Britanno excidet,* Juv. iv. 125), and then to retreat with the greatest speed into the body of the car, which he drove with extraordinary swiftness and skill. From the extremity of the pole he threw his missiles, especially the *cateia* (Val. Flacc. *Argon.* vi. 83). It appears also that these cars were purposely made as noisy as possible, probably by the creaking and clanging of the wheels (*strepitu rotarum,* Caes. *l. c.*; compare Tac. *Agric.* 35; *Esseda multisonora,* Claud. *Epigr.* iv.); and that this was done in order to strike dismay into the enemy. The drivers of these chariots were called in Latin *Essedarii* (Caes. *B. G.* iv. 24; Cic. *ad Fam.* vii. 6); there were about 4,000 of them in the army of Cassibelaunus (Caes. *B. G.* v. 19). Tacitus (*Agric.* 12) observes that the driver of the car ranked above his fighting companion, which was the reverse of the Greek usage.

The essedum was adopted for purposes of convenience and luxury among the Romans (Propert. ii. 1, 76; Cic. *ad Att.* vi. 1; Ov. *Am.* ii. 16, 49). Cicero (*Phil.* ii. 24, § 58) mentions the use of it by Antonius as a piece of effeminacy disgraceful to a tribune of the people: in the time of Seneca it seems to have become common; for he reckons "esseda deaurata" among things "quae matronarum usibus necessaria sint" (*fr.* 48, Haase). We find emperors and generals using it as a travelling carriage (Suet. *Calig.* 51; *Galb.* 6). As used by the Romans, the essedum had no seat for the driver: the traveller drove himself (Ov. *l. c.*), and always, it would seem, with a pair of horses, whereas with the cisium the number varied. The essedum, like the cisium, appears to have been kept for hire at the post-houses or stations (*Salonem quinto essedo videbis,* Mart. x. 104). [MANSIO.] The essedum must have been similar to the COVINUS, except that the latter had a cover. (Marquardt, *Privatl.* 712 f.) The *essedarii* of inscriptions are explained by Marquardt (*Privatl.* 706) as the builders, not the drivers of esseda: but other *essedarii* at Rome seem to have been popular favourites in connexion with the gladiatorial shows, and these perhaps were captive Britons compelled to fight in the arena (Suet. *Calig.* 35; *Claud.* 21). [J. Y.] [W. W.]

EUCLEIA (*εὔκλεια*), a festival celebrated at Corinth in honour of Artemis. It is mentioned only by Xenophon (*Hell.* iv. 4, § 2), but no particulars are known about it. [L. S.]

EVI'CTIO. *Evincere* means generally to deprive a person of a thing or right, of which he is in the enjoyment, by legal process (Dig. 5, 2, 21, 2; 5, 3, 17, 55); but far the commonest case of *evictio* is that of the contract of sale [Emptio Venditio]. The vendor not being bound to make the purchaser owner of the thing sold (Dig. 19, 1, 11, 2), things were often bought and sold which did not belong to the vendor; and as the latter could give no better title than he had himself (Dig. 40, 1, 20, pr.), the purchaser was liable to be deprived of the *res vendita* ("evicted") by the lawful owner. Originally there seems to have been no obligation on the vendor to compensate on such "eviction," except in sales by mancipation, when the vendor was bound to return double the price to the purchaser, in such an event (Paul *Sent. rec.* 2, 17, 3): but in ordinary sales it seems to have become usual for the purchaser to stipulate from the vendor for a penal sum of twice the amount of the purchase-money (*stipulatio duplae*) if deprived of the property by any one with a better title. Eventually it became a general rule of law, that if the purchaser was "evicted" by legal process, the vendor must indemnify him (*evictionem praestare*, Dig. 21, 2, 1). But it was necessary that the purchaser should neglect no proper means of defence, when an attempt was made to evict him; and it was his duty to give the vendor notice of the adverse claim (*litem denunciare*) and to pray his aid in defence of the action. (Dig. 21, 2, *de evictionibus et duplae stipulatione*; K. O. Müller, *Die Lehre von der Eviction*, Part 1, Halle, 1851; Bekker, *Zur Lehre von der Evictionsleistung*, *Jahrbuch der Gemein. Rechts*, vi. pp. 229–336; Windscheid, *Pandektenlehrbuch*, §§ 391, 392; Brinz, *Lehrbuch*, vol. ii. § 281; cf. Holtzendorff's *Rechtslexicon*, s. v. "Entwahrung.") [J. B. M.]

EUMO'LPIDAE (*Εὐμολπίδαι*), the most distinguished and venerable among the priestly families in Attica, believed to be the descendants of the Thracian bard Eumolpus, the introducer of the Eleusinian mysteries into Attica (Diod. Sic. i. 29; Apollod. iii. 15, § 4; Lycurg. *c. Leocr.* § 98; Eleusinia, p. 716 *a*). The *ἱεροφάντης* was always a member of the family of the Eumolpidae, as Eumolpus himself was believed to have been the first hierophant. (Hesych. *s. v.* *Εὐμολπίδαι*: Tac. *Hist.* iv. 83; Arnob. v. 25; Clemens Alex. *Protrept.* p. 16, &c.) For the duties and official dress of the hierophant, see Eleusinia 5, p. 720 *b*.

The hierophant was attended by four *ἐπιμεληταὶ τῶν μυστηρίων*, one of whom likewise belonged to the family of the Eumolpidae. [Epimeletae, No. 4.] Other members of their family do not seem to have had any particular functions at the Eleusinia, though, together with the second great priestly family of the Kerykes, they were hereditary guardians of the mysteries. The latter family were variously described as descended from a younger son of Eumolpus, or from Hermes and Aglauros. The Eumolpidae and Kerykes had on certain occasions to offer up prayers for the welfare of the state; for these duties, and for the sacred treasures entrusted to their care, they were individually and collectively responsible (Aeschin. *c. Ctes.* § 18).

The Eumolpidae (perhaps also the Kerykes, as Caillemer conjectures) had also certain judicial powers in cases of *ἀσέβεια*, but only, it would seem, where the mysteries were concerned. Two modes of prosecution for impiety are coupled together, *δικάζεσθαι πρὸς Εὐμολπίδας* and *φράζειν πρὸς τὸν βασιλέα*: the two processes must have been practically identical, the king archon acting as *εἰσαγωγεὺς* or *ἡγεμὼν δικαστηρίου*, and the Eumolpidae furnishing a jury (Dem. *c. Androt.* p. 601, § 27, with Wayte's note). The law according to which they pronounced their sentence, and of which they had the exclusive possession, was not written, but handed down by tradition; and the Eumolpidae alone had the right to interpret it (*ἐξηγεῖσθαι*), or where the law was silent, to act according to their own discretion ([Lys.] *c. Andoc.* § 10; Exegetae). We agree, however, with Caillemer, that the action of the Eumolpidae must have been confined to "spiritual censures," such as exclusion from the mysteries, or reduction of a *μύστης* to the ranks of the uninitiated. In democratic Athens none but purely ceremonial functions were left to the old aristocracy. [Eupatridae; Ephetae.] When, therefore, we read that it was death for an *ἄτιμος* to enter the sacred precinct of Eleusis (Andoc. *de Myst.* § 33), or for anyone to put the suppliant bough (*ἱκετηρία*, *ib.* § 110) in the wrong place or at the wrong time, we may be quite sure that the Eumolpidae, if they declared the "sacred law" on the subject, had no voice in the capital sentence. In some cases, when a person was convicted of gross violation of the public institutions of his country, the people, besides sending the offender into exile, added a clause in their verdict that a curse should be pronounced upon him by the Eumolpidae (Plut. *Alcib.* 22; Corn. Nep. *Alcib.* 4, 5). But the Eumolpidae could pronounce such a curse only at the command of the people, and might afterwards be compelled by the people to revoke it and purify the person whom they had cursed before (Plut. *Alcib.* 33; Corn. Nep. *Alcib.* 6, 5). Cf. Caillemer, *ap.* D. and S., *s. v.* Asebeias Graphé. [L. S.] [W. W.]

EVOCA'TI were soldiers in the Roman army who had served out their time and obtained their discharge (*missio*), but had voluntarily enlisted again at the personal invitation of the consul or other commander (Dio Cass. xlv. 12). Dionysius mentions a cohort of evocati as serving under Siccius in B.C. 455 (x. 43); and these were doubtless the same as the *veterani milites voluntate sequentes*, whom Livy more than once mentions. Flamininus in B.C. 198 took 3,000 evocati with him to Macedonia (Plut. *Flam.* 3); and Polybius (vi. 31, 2) speaks of them as usually present in a Roman camp. They became still more frequent after the reforms of Marius, when service in the army became more of a profession, adopted by choice. The evocati were doubtless released, like the vexillarii, from the common military duties of fortifying the camp, making roads, &c. (Tac. *Ann.* i. 36), and held a higher rank in the army than the common legionary soldiers. They are sometimes spoken of in conjunction with the equites Romani (Caes. *Bell. Gall.* vii. 65), being in this case, like them, supplied with horses, and sometimes classed with the centurions (Caes. *Bell. Civ.* i. 17), receiving, like them, double the usual pay. They appear to have been frequently promoted to the rank of centurions. Thus Pompey induced a great many of the veterans, who had served under him in former years, to join his standard at the breaking out of the civil war, by the promise of rewards and the command of centuries (*ordinum*, Caes. *Bell. Civ.* i. 3). These he had distributed throughout the army (*ib.* iii. 88). We read of two thousand serving under Pompeius at Pharsalia, and of their belonging to certain cohorts in the army. Cicero (*ad Fam.* iii. 6, 5) speaks of a *Praefectus evocatorum.* (See Cic. *ad Fam.* xv. 4, § 3; Caes. *Bell. Civ.* iii. 91; Suet. *Aug.* 56; Lipsius, *De Milit. Rom.* i. 8; Marquardt, *Röm. Staatsverwaltung*, v. 375.)

The name of evocati was also given to a select body of young men of the equestrian order, who were appointed by Galba to guard his bedchamber. (Suet. *Galb.* 10.) This body is supposed by some writers to have existed under the succeeding emperors, and to have been the same as those who are called *evocati Augusti.* But the body-guard of Galba seems only to have been a body raised for the occasion; and the *evocati Augusti* were a standing force, with the rank and distinction of centurions. For further details, see EXERCITUS, p. 792. (Hyginus, *de Mun. C.* 6; Orelli, *Inscrip.* Nos. 3495, 3580, 153.) [W. S.] [A. S. W.]

EUPA'TRIDAE (*εὐπατρίδαι*), the well-born, is the name by which from very early times the aristocracy of Attica was known. At the dawn of history, as in the prehistoric age for which the Homeric poems are our evidence, we find everywhere in Greece a privileged class, standing between the kings and the people, and, on the decline of monarchy, succeeding to the power which had formerly belonged to the kings. It is not necessary, therefore, to discuss their origin. In the earliest state of society we find them gathered in cities, and owning the lands which were cultivated for them by their dependents (cf. DEMUS, 1st paragraph). The memory of this fact was preserved to the latest times (*Εὐπατρίδαι οἱ αὐτὸ τὸ ἄστυ οἰκοῦντες*, *Etym. M.* p. 395, 50); and the neighbourhood of the city formed the district of the *Γελέοντες*, the noblest of the four old-Ionic tribes [GELEONTES]. The Attic Eupatrids included not only the so-called autochthonous nobility, but also those noble gentes which had immigrated: the two branches of the Neleidae, the Codridae, descendants of the last king, and the Alcmaeonidae, had come originally from Messenia (Schömann, *Antiq.* i. 316, 321, E. T.; *Opusc. Acad.* p. 235). This phenomenon repeats itself among the Roman patricians. *e.g.* the Claudii.

In the division of the inhabitants of Attica into three classes, traditionally ascribed to Theseus, the Eupatrids were the first; like other aristocracies ancient and modern, they were entrenched behind a strong rampart of privilege; they were in the exclusive possession of all the civil and religious offices of the state, were the exponents of the law and the authorised interpreters (*ἐξηγηταί*) of things human and divine (Plut. *Thes.* 25; Pollux, viii. 111). The close correspondence of all this with the early institutions of Rome is noticed by Dionysius, who however reckons only two divisions of the Athenians, *εὐπατρίδαι* and *ἄγροικοι*, corresponding to his idea of the patricians and clients (Dion. Hal. ii. 8). The exact relation of the three Theseian classes to the four old-Ionic tribes is still a matter of dispute, some scholars contending that the tribes and phratries were divisions of the Eupatrids alone (Philippi, *Beiträge zu einer Gesch. d. Att. Bürgerrechts*, p. 276 ff.). The better opinion, that the *γεώμοροι* (called also *γεωργοί*) and the *δημιουργοὶ* were also distributed among the tribes, rests on the precise testimony of Aristotle (*ap.* Schol. Plat. *Axioch.*, also in C. Müller, *Fragm. Hist.* ii. 106), supported by various passages in the grammarians; and is defended by Gilbert on very cogent grounds. The *φυλοβασιλεῖς* were necessarily Eupatrids (Pollux, viii. 111), a fact which would not have been mentioned if all members of the phylae had been such. And as regards the phratries, the reconciliation (*αἰδεῖσθαι*) of cases of unintentional homicide was to be effected, in the absence of near relations of the deceased, by ten phrateres chosen from the Eupatrids by the Ephetae (Law [*θεσμὸς*] of Draco, *ap.* Dem. *c. Macart.* p. 1069, § 57). This law is an exception to the usual character of "inserted documents" in the Orators, as its genuineness is proved by *C. I. A.* i. 61; and it clearly implies that there were other phrateres who were not Eupatrids (Gilbert, *Staatsalterth.* i. 112).

The entire history of Athens down to the time of Pericles is the history of the gradual curtailment of the privileges of the Eupatrids. The ordinances of Draco were a concession to popular discontent, and exhibited in writing for the first time the laws which the governing class had hitherto interpreted as they pleased (Grote, pt. ii. ch. 10, ii. 283). The would-be despot Cylon, and the more successful Peisistratus, themselves both Eupatrids, illustrate the tendency then prevailing in Greece to overthrow oligarchy by accepting tyranny. The legislation of Solon made landed property, not birth, the qualification for political power. For an account of further changes see ARCHON, p. 166; AREIOPAGUS, p. 177; and for the legislation of Cleisthenes, DEMUS, pp. 614, 615. But as Solon, like all ancient legislators, refrained from touching religion, certain priestly offices and ceremonial functions, involving no political authority, remained with the Eupatrids down to a very late period of Grecian history. (Schömann, *Antiq. Jur. Publ.* pp. 77 ff., 167 ff.; EPHETAE; EUMOLPIDAE; EXEGETAE.) [L. S.] [W. W.]

EURI'PUS. [AMPHITHEATRUM, p. 113 *a.*]

EUSTYLOS. [TEMPLUM.]

EUTHY'NE and EUTHY'NI (*εὔθυνα*, plur. *εὔθυναι*: later *εὐθύνη*, plur. *εὐθῦναι*: Boeckh, *P. E.* 190 n. = *Sthh.*³ i. p. 241; *C. I. A.* ii. No. 578; cf. Wayte, Dem. *c. Timocr.* p. 717, § 54; *εὔθυνοι*). All public officers at Athens (as Aeschin. *c. Ctes.* § 18, has it, *οὐδεὶς ἀνυπεύθυνος τῶν καὶ ὁπωσοῦν πρὸς τὰ κοινὰ προσεληλυθότων*), both ordinary and extraordinary, *κληρωτοὶ* and *χειροτονητοί* (generals, Lys. *pro Milit.* § 11; ambassadors, Dem. *de Fals. Leg.* p. 367, § 82, p. 406, § 211; *ἀγορανόμοι*, *ἀστυνόμοι*, *δικασταὶ κατὰ δήμους*, Dem. *c. Timocr.* p. 735, § 112; trierarchs, priests and priestesses, etc., Aeschin. *l. c.*); the *ἀγωνοθέται* (*Ἐφημ.* 1862, No. 220; *C. I. A.* ii.

No. 314), even the senate of the Five Hundred and the members of the Areiopagus (Dem. *c. Androt.* p. 605, § 38, and Aeschin. *l. c.* and Schol.: the latter in their administrative capacity) were accountable for their conduct and the manner in which they discharged their official duties. The judges in the popular courts and the diaetetae (cf. EISANGELIA, 3) seem to have been the only authorities who were not responsible. This account, which officers had to give after the time of their office was over, was called εὔθυνα, or mostly in pl. εὔθυναι: and the officers subject to it, ὑπεύθυνοι. The annual ordinary public officers had to render it within thirty days after the expiration of their offices (Harp. *s. v.* λογισταί: Pollux, viii. 45), *i.e.* in the month of Hecatombaeon (the κοσμηταὶ in the month of Boedromion); the treasurer of the revenue, who held his office for four years, in the month of Pyanepsion and Maimacterion of the third year of each Olympiad (Boeckh, *Sthh.*³ ii. p. 111: but see Fränkel, *App.* p. 45, n. 272); and generals might be called back by a decree of the people before the expiration of their office to give an account (Lys. *c. Ergocl.* § 5 f.). Until this duty was fulfilled, the whole property of the ex-officer was in bondage to the state (ἐνεχυράζει τὰς οὐσίας ὁ νομοθέτης τὰς τῶν ὑπευθύνων, etc.; Aeschin. *c. Ctes.* § 21): he was not allowed to travel beyond the frontiers of Attica, to consecrate any part of his property as a gift to the gods, to make his will, or to pass from one family to another by adoption; no public honours or rewards, and no new office could be given to him (Aeschin. *l. c.*; Dem. *c. Timocr.* p. 747, § 150 f.: cf. Plut. *Quaest. gr.* 2, about the βασιλεῖς of Cumae). If within the stated period an officer through whose hands public money had passed, did not send in his account, an action called ἀλογίου δίκη was brought against him (Pollux, viii. 54; *Lex. Rhet. Cant.* s. v.; *Att. Process*, ed. Lipsius, p. 461); in some instances, however, the εὔθυναι were delayed long beyond the specified time (Dem. *de Fals. Leg.* p. 374, § 103: cf. p. 406, § 211; Lys. *pro Milit.* § 11, *de Affect. Tyran.* § 30; Aeschin. *c. Tim.* § 106).

Aristotle (*Pol.* vii. 5, 10 S. = vi. 8 Bk.), in speaking of the ἀρχὴ ληψομένη λογισμὸν καὶ προσευθύνουσα, says, some call them εὔθυνοι, some λογισταί, some ἐξετασταί, some συνήγοροι.* As far as Athens is concerned, we may leave out the ἐξετασταί, because the officers who bore that name had quite different functions (Boeckh, *Sthh.*³ i. p. 363 c). In the time before Eucleides thirty λογισταὶ are mentioned (*C. I. A.* i. No. 32; cf. 226, 228); their relation to the ten λογισταὶ of a later period is not clear. Meier doubts that there was any connexion between them; whilst Boeckh (*Sthh.*³ i. p. 241) supposes that their number was reduced from thirty to ten. As regards the λογισταὶ and εὔθυνοι, G. Hermann (*ü. Boeckhs Behandlung d. gr. Inschr.* p. 220 ff.) took these to be two names for the same class of officials, relying on the statement of Photius, that λογισταὶ were formerly called εὔθυνοι; but Boeckh (*op. cit.* i.³ p. 239 f.) shows conclusively that these two classes of officials existed side by side both before and after Eucleides; besides, Harpocration, *s. v.* λογισταί, distinctly avers that Aristotle pointed out the difference between them.

The grammarians, on the authority of Aristotle, state that the λογισταί, εὔθυνοι, and συνήγοροι were each ten in number, chosen by lot, and that the πάρεδροι of the εὔθυνοι were likewise chosen by lot (*Lex. Seguer.* 276, 17; Photius, 31, 20; Schol. Aristoph. *Vesp.* 691). The *Lex. Cant.* p. 672, 20 has λογιστὰς αἱροῦνται δέκα (ᾑρημένοι, Schol. Aeschin. *c. Tim.* § 1); this Boeckh and Schoell (p. 25, n. 2) consider an inaccurate expression, whilst Meier (*ad l. c.*) and Schömann (*Ant.* i. 407, E. T.) suppose that a change in the mode of their appointment (from cheirotony to choosing by lot) was effected. The πάρεδροι were probably nominated by the εὔθυνοι themselves (thus Boeckh). The functions of these three classes of officers cannot be stated with absolute certainty. All the ὑπεύθυνοι, with the exception of the generals and probably of their subordinate military functionaries, had to send in their accounts (λόγος) to the λογισταί (Aeschin. *c. Ctes.* § 20, ἐγγράφειν λόγον πρὸς τοὺς λογιστὰς καὶ εὐθύνας διδόναι: § 15, λογ. καὶ εὐθ. ἐγγράφειν πρὸς τὸν γραμματέα (of the Senate, Gilbert, *Staatsalt.* i. p. 216, n.) καὶ τοὺς λογιστάς: § 22, λόγον ἀποφέρειν πρὸς τοὺς λογιστάς: cf. *C. I. A.* i. No. 32; ii. Nos. 444, 446), and those who had not had anything to do with the public money had to hand in a written declaration to that effect (Aeschin. *l. c.* § 22). The λογισταί, assisted by the συνήγοροι, examined these accounts within the period of thirty days (*Lex. Cant. l. c.* παρ' οἷς διαλογίζονται πᾶσαι αἱ ἀρχαὶ τά τε λήμματα καὶ τὰς γεγενημένας δαπάνας· καὶ ἄλλους δέκα συνηγόρους, οἵτινες συνανακρίνουσι τούτοις: cf. *C. I. A.* ii. No. 578, the oath of the λογιστὴς of the deme of Myrrhinus, λογιεῖσθαι ἃ ἄν μοι δοκῇ ἀνηλωκέναι: they held their meetings in the λογιστήρια, Andoc. *de Myst.* § 78; Harp.). At this ἀνάκρισις the εὔθυνοι, who seem to have exercised a kind of general financial control and to have been assigned with their πάρεδροι to the several departments (Boeckh, *Securk.* p. 466, and Schol. Plat. *Legg.* xii. p. 945 B), might bring charges against the ὑπεύθυνος (see the oath of the εὔθυνος, *C. I. A.* ii. No. 578, καὶ ἐάν μοι δοκῇ ἀδικεῖν, κατευθυνῶ αὐτοῦ καὶ τιμήσω [ἐπιτίμιον, Schöll] οὗ ἄν μοι δοκῇ ἄξιον εἶναι τὸ ἀδίκημα), and probably private individuals likewise had a chance of doing so (Aeschin. *l. c.* § 23, ἐχρῆν σε . . . ἐᾶσαι τὸν τῶν λογιστῶν κήρυκα κηρῦξαι τὸ πάτριον καὶ ἔννομον κήρυγμα τοῦτο· τίς βούλεται κατηγορεῖν: cf. Dem. *de Fals. Leg.* p. 341, § 2, γραφὴ περὶ τῶν εὐθυνῶν, Andoc. *de Myst.* § 78). We know something about the nature of such charges: Antiphon (*de Choreut.* § 43) argues that the basileus had acted within his rights, since Philocrates had not brought a charge against him on the occasion of the εὔθυναι: again, the generals are said ([Lys.] *pro Milit.* § 11) to have evaded the εὔθυναι, fearing they would be called to account for a fine illegally inflicted; cf. also Lys. *c. Theomn.* i. § 16. On such occasions the sycophantae plied their trade

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* Λογισταὶ in Eretria (Rangabé, No. 689), in Ephesus, in Gambreium (Dittenberger, *Syll.* Nos. 253, 29; 470, 35), in Delos (*Bull.* vi. p. 25, l. 202), in Tenos, in Issa (*C. I. G.* Nos. 202–206; 1834); ἐξετασταὶ in Erythrae, in Smyrna, in Halicarnassus (Dittenberger, Nos. 370, 25; 171, 54 f.; 371, 33 f.); Ἀπόλογοι in Thasos (Cauer,² *Del.* No. 527; *Journ. of Hell. Stud.* viii. p. 410), in Agrigentum (*C. I. G.* No. 2161). (Gilbert, *Staatsalt.* ii. p. 336, n. 1.)

(Aristoph. *Eq.* 259 ff., 824; [Dem.] *c. Aristog.* i. p. 781, § 37). Even when the accounts were found correct and no accuser appeared, the *λογισταὶ* could not discharge the *ὑπεύθυνος* (*ἐπισημαίνεσθαι τὰς εὐθύνας*, Dem. *de Cor.* p. 310, § 250); this could only be done by a court of 501 judges presided over by the *λογισταί* (Dem. *de Fals. Leg.* p. 406, § 211; *de Cor.* p. 266, § 117; Aeschin. *l. c.* § 19 ff.; *C. I. A.* ii. Nos. 469, l. 61, 470, l. 71; *Lex. Cant.* l. c.), or by the thesmothetae in case of *εὔθυναι* of generals. In case of irregularities being discovered at the *ἀνάκρισις* by the *λογισταὶ* and *συνήγοροι*, it devolved upon the latter to bring the charge before the court (see the oath of the *συνήγορος* in *C. I. A.* ii. No. 578); and if the *εὔθυνος* or a private person had brought a charge, they acted as accusers before the court. Such a cause (*γραφὴ περὶ τῶν εὐθυνῶν*) was *τιμητός* (Suid. *s. v.*), and *κλοπὴ δημοσίων χρημάτων* (Aeschin. *c. Ctes.* § 10; Dem. *c. Timocr.* p. 735, § 112), *δώρων* (Dem. *de Fals. Leg.* p. 429, § 273), and with ambassadors *παραπρεσβεία* were principally the offences charged against officers (*εὐθύνας ὀφλεῖν* is the technical term for being convicted).

In like manner the officers of the demes, the *δήμαρχος*, the *ἱεροποιοί*, the *ταμίαι* (*C. I. A.* ii. Nos. 578, 581, 571) had to give an account after their time of office was over. In the deme of Myrrhinus the demarchus had to render his account before the *εὔθυνος* of the deme who had to award the penalty, the *λογιστὴς* who had to examine the accounts, and ten elected *συνήγοροι*, who, after having been sworn in by the new demarchus (*ὁ νέος*, Köhler), decided the case by secret voting; it was possible to appeal from this decision to a meeting of the demotae; and if the sentence of the *συνήγοροι* was upheld, the fine was increased by one-half. (R. Schöll, *de Synegoris Atticis Comm.*; *Att. Process*, ed. Lipsius, pp. 112–117, 257–269.) [L. S.] [H. H.]

EXAGIA or **HEXAGIA.** [PONDERA.]

EXAGO'GE, ejectment to try the right of property. [EXOULES DIKÉ.]

EXAGO'GES GRAPHE' (*ἐξαγωγῆς γραφή*) might be instituted, it is said, against one who, acting as *κύριος* of an Athenian woman, married her to a foreigner in a foreign land (*Att. Process*, ed. Lipsius, p. 443 f.). Our information concerning this suit is very scanty. Timocrates is charged with having sold his sister to a Corcyrean, an offence deserving capital punishment (Dem. *c. Tim.* p. 763, § 202); he meets the charge by saying that he married her to a foreigner and did not sell her (*τὴν μὲν ἀδελφὴν ἐπ' ἐξαγωγῇ φησὶ μὲν ἐκδοῦναι, πέπρακε δὲ τῷ ἔργῳ*). From this Thonissen (*Droit Pénal*, p. 345 n.) concludes that giving in marriage to a foreigner in due form was not actionable. The action against Aristogiton ([Dem.] *c. Aristog.* i. p. 787, § 55) is very complicated (Lipsius, *Leipz. Stud.* vi. p. 323 f.); he is charged by his own brother with having sold their half-sister to be taken into a foreign country, *ἐπ' ἐξαγωγῇ ἀπέδοτο* (cf. Pollux, iii. 125) *ὥς φησι τὸ ἔγκλημα τῆς δίκης*, etc. The charge is the same, viz. *πρᾶσις ἐπ' ἐξαγωγῇ* (§ 58), and the punishment is the same, viz. death (§ 80), as in Timocrates' case, but the speaker calls as witness the arbitrator in the action (§ 58), and only private actions could be laid before arbitrators; moreover the term *ἔγκλημα* is employed (§§ 58, 80), which is used of private actions only (*Att. Process*, ed. Lipsius, p. 791), yet it is scarcely possible that such an offence could have been the subject of a private action. Dareste (*Plaidoyers polit. de Dem.* ii. pp. 344–346) suggests that it was a private action brought by the brother in order to obtain his half of the price realised by the sale, but the wording of the charge (§ 58) makes this supposition untenable. Lipsius (*Att. Process*, p. 275, n. 209; cf. p. 791, n. 105) does not consider *ἐπ' ἐξαγωγῇ πιπράσκειν* a technical term, and thinks that such an offence had to be proceeded against by a *γραφὴ ἀνδραποδισμοῦ*: cf. the definition of *ἀνδραποδιστής*, given by the Scholiast on Aristoph. *Plut.* 521, *οὐ μόνον ὁ τοὺς ἐλευθέρους δι' ἀπάτης ἀπάγων εἰς δουλείαν* (*Etym. M.* 102, 7), etc.; such offenders were put to death (Xen. *Mem.* i. 2, 62 f.). A third instance of this action is supplied by Ps. Plut. *Vitt. X. Oratt.* p. 834 E. Andocides sent a relative of his as a present (Tzetz. *Hist. Chil.* vi. 373, *πυρῶν πωλεῖ τῷ βασιλεῖ*) to the king of Cyprus, *λάθρα τῶν οἰκείων ἐξαγαγών*, but stole her again when he was to be brought before a court (*μέλλων ἐπὶ τούτοις εἰς δικαστήριον εἰσάγεσθαι*). [C. R. K.] [H. H.]

EXAIRE'SEOS DIKE' (*ἐξαιρέσεως* or *ἀφαιρέσεως δίκη*) was an action brought to recover damages for the attempt to deprive the plaintiff of his slave; not where the defendant claimed a property in the slave, but where he asserted him to be a freeman, or, as in Aeschin. *c. Tim.* § 62, a public slave. As the condition of slavery at Athens incapacitated a man from taking any legal step in his own person, if a reputed slave wished to recover his rights as a freeman, he could only do it by the assistance of one who was himself a freeman,* and who was said *ἐξαιρεῖσθαι* or *ἀφαιρεῖσθαι αὐτὸν εἰς ἐλευθερίαν* (Lys. *c. Pancl.* § 10; *ὡς ἐλεύθερον ὄντα*, Isocr. *Trapez.* § 14) *in libertatem vindicare.* If the *ἀφαιρούμενος*, in resisting the capture of the reputed slave on the part of him who claimed to be the slave's master (*ἄγειν*, [Dem.] *c. Neaer.* p. 1358, § 40; Isae. *pro Eumath.* fr. 15, or *ἄγειν εἰς δουλείαν*, Aeschin. *l. c.*, Isae. *l. c.* fr. 16), used actual violence, he was subject to a *δίκη βιαίων*: if, on the other hand, he meant to contest the master's right, the proper course was to go before the polemarch (*Att. Process*, ed. Lipsius, p. 56), and the master held the slave to bail (*κατεγγυᾶν πρὸς τῷ πολεμάρχῳ*, [Dem.] *l. c.*; *πρὸς τὸν πολέμαρχον*, Isocr. *l. c.*), and the *ἀφαιρούμενος* becomes bail (*διεγγυᾶται*, Pasion for seven talents, Isocr. *l.c.*; Stephanus and two others in [Dem.] *l. c.*: cf. Plat. *Legg.* xi. p. 914 E, *ὁ δ' ἀφαιρούμενος ἐγγυητὰς τρεῖς καταστήσας*, etc.). It was the duty of the polemarch to set the man at liberty *pendente lite.*† At the trial before *οἱ τετταράκοντα* which followed, the reputed owner had to prove his right to the slave, and, if successful, obtained such compensation as the jury chose to award, this being a *τιμητὸς*

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* The same in the Gortyn Code (l. 14, 15), but ἄγων (εἰς δουλείαν) πρὸ δίκας was forbidden (l. 2).

† From Lys. c. *Pancl.* 9 it would seem that the ἄγων had to set at liberty the slave he claimed, if surety was given that next day some one would reclaim him as a free man.

ἀγών (*Att. Process*, ed. Lipsius, p. 221), and the defendant had to pay to the treasury a sum equal to the damages ([Dem.] *c. Theocr.* p. 1328, § 20); hence it is strange that such actions might be settled out of court, as in the case of Pittalacus, the public slave whom Hegesander laid hold of, asserting that he was his slave (Aeschin. *c. Tim.* § 63; cf. [Dem.] *c. Neaer.* p. 1360, § 45 ff.). The jury would probably take into consideration, in estimating the damages, whether the slave was to be returned to the owner (cf. Lys. *c. Pancl.* 12) or not.

In a speech of Isocrates (*Trapez.* § 13 f. and 49) the defendant, a banker, from whom it is sought to recover a deposit, is charged with having asserted the freedom of his own slave, in order to prevent his being examined by torture respecting the sum of money deposited in his hands. This is remarkable, because the speaker and Menexenus never claimed the slave as their own; the case seems to prove that not only the person who asserted that the slave was his, but also the person who had an interest in the matter that a slave should be recognised as such, was entitled to the ἀγωγὴ εἰς δουλείαν. (*Att. Process*, ed. Lipsius, pp. 657–665.) [C. R. K.] [H. H.]

EXA'MEN. [LIBRA.]

EXAUCTORA'TIO. [EXERCITUS.]

EXAUGURA'TIO is the act of taking away from a place or thing the sacred character which it had received by inauguratio, consecratio, or dedicatio. That such an act was performed by the augurs, and never without consulting the pleasure of the gods by augurium, is implied in the name itself. (Liv. i. 55, cf. v. 54, 69; Dionys. Hal. *Antiq. Rom.* iii. p. 162; Cato *ap.* Festus, s. v. *Nequitum.*) Temples, chapels, and other consecrated places, as well as priests, were considered as belonging to the gods. No consecrated place whatever could be applied for any profane purpose, or dedicated to any other divinity than that to which it originally belonged, without being previously exaugurated; and priests could not give up their sacred functions, nor could a vestal virgin, after the expiration of her thirty years of service, enter into matrimony, without first undergoing the process of exauguratio. (Gellius, vi. (vii.) 7, 4; Jul. Capitol. *M. Antom. Philos.* c. 4.) [L. S.] [A. S. W.]

EXCE'PTIO. [ACTIO.]

EXCU'BIAE. [CASTRA, p. 377 *a*.]

EXCUBITO'RES, which properly means watchmen or sentinels of any kind (Caes. *Bell. Gall.* vii. 69), was the name more particularly given to the soldiers of the cohort who guarded the palace of the Roman emperor (Suet. *Ner.* 8, *Oth.* 6). Their commanding officer was called *tribunus excubitor* (Suet. *Claud.* 42; *Ner.* 9). When the emperor went to an entertainment at the house of another person, the excubitores appear to have accompanied him, and to have kept guard as in his own palace (Suet. *Oth.* 4). [W. S.]

E'XEDRA or EXHEDRA (ἐξέδρα) is properly a recessed seat built out from a portico and opening into it (Marquardt, *Privatl.* 242 n.); usually of a semicircular shape, hence called *absis* in a glossary *ap.* Mai *Auctar. Class.* iii. 459; and probably identical with the *hemicyclium* of Cic. *de Am.* 1, § 2 [HEMICYCLIUM]. Hence it came to mean, among the Greeks, a hall or colonnade furnished with recessed seats, where people met to enjoy conversation; such as the rooms which opened on to the peristyle of the *andronitis* [DOMUS, p. 662 *a*] (Vitruvius says *gynaeconitis*, but this is a mistake, *ib.* 660 *b*); or in the gymnasia and schools of philosophers. Vitruvius reckons exedrae with *peristylia* as open buildings, where colours would fade in the strong sunlight (vii. 9, § 2), but they must have included also covered halls, cool and shady (Lucian, *Anachars.* 16, p. 895 R; Becker-Göll, *Charikles*, ii. 233). Late writers (*e.g.* Pollux, vii. 123) sometimes identify the ἐξέδρα with the παστάς, a room on the side of the peristyle facing the entrance [DOMUS, p. 662 *b*]; but this applies only to Roman times and manners (Hermann-Blümner, *Privatalterth.* p. 150 n.). The use of the word in Eurip. *Orest.* 1449 is peculiar; the slaves are driven, some to the house, some to the stables, others to the ἐξέδραι, *i.e.* apparently to "out-houses:" the gloss ἀπόπατοι, however supported by similar words (ἀφεδρών, θᾶκος), would be a comic touch quite out of keeping.

In early Greece the λέσχη was simply a lounge or place of gossip, not a building at all; in later times the word denoted a larger and more public place of resort than the ἐξέδρα [LESCHE].

Among the Romans the word had a wider meaning, answering to both the Greek terms, ἐξέδρα and λέσχη. Thus it is not only used to signify a chamber for ordinary resort and conversation in a private house, or in the public baths and gymnasia open to the sun and air (Vitruv. v. 11, vii. 9; Cic. *Orat.* iii. 5, § 17, *de Nat. Deor.* i. 6, § 15; Varro, *R. R.* iii. 5, § 8; Ulpian, *Dig.* 9, 3, 5, § 2), but the word is even applied to the hall attached to the theatre of Pompey, which was used as a place of meeting by the senate (Plut. *Brut.* 14, 17). The diminutive *exedrium* also occurs (Cic. *ad Fam.* vii. 23). [P. S.] [W. W.]

EXEGE'TES (ἐξηγητής), an expounder, interpreter, is used both in an ordinary and an official sense. A local guide or *cicerone* is so styled (Strab. xvii. p. 806; Paus. i. 41, § 2); Aeschines, ridiculing Demosthenes for his conduct on the Embassy, calls him the ἐξηγητὴς of the absurd stories with which he regaled his colleagues (Aeschin. *F. L.* § 40). More usually, however, the word was applied to any interpreter of laws, whether sacred or secular, but especially the former (*Etym. M.*, s. v.); thus the whole order of Eupatrids were in the old times νόμων διδάσκαλοι, ὁσίων καὶ ἱερῶν ἐξηγηταί (Plut. *Thes.* 25). Among the Eupatrids, again, the Eumolpidae (*q. v.*) were ἐξηγηταὶ of a special class of sacred laws, those, namely, relating to the Eleusinian mysteries; these laws were unwritten, and of immemorial antiquity ([Lys.] *c. Andoc.* § 10). But with regard to the written and civil laws of Athens in democratic times, the notion of several grammarians that there was a class of ἐξηγηταὶ or expounders of them, answering to the Roman jurisconsults, is untenable, and indeed no longer held; the silence of the orators is sufficient proof that no such persons existed (Ruhnken, on Timaeus, *Lex. Plat.* s. v.). Respecting the ἐξηγητὴς of the laws of Lycurgus at Sparta, who in all probability never existed, see Müller, *Dor.* iii. 11, 2. In Athenian courts, both the dicasts and the presiding judges acted without the guidance of trained lawyers, and required the laws which they administered to be intelligible to plain men. At the same time, the conservatism of ancient religion involved a frequent appeal to experts in purely ceremonial matters. Thus, the guilt of a homicide and the punishment of it were to be determined by the law-courts; but if the homicide were proved accidental or justifiable, the ceremonial expiation, the reconciliation with the relatives of the deceased, and the disposal of the corpse remained as the province of *ἐξηγηταί*: and various other points connected with funerals were referred to them ([Dem.] *c. Everg. et Mnes.* p. 1160, § 68; Isae. *Or.* 8 [*Ciron.*], § 39: in these two passages the persons interested in the burial consult *ἐξηγηταὶ* as to "the right thing to be done"; they are cases of conscience, as is also the somewhat different case in Plat. *Euthyphr.* 4 D). Hence Plato in his ideal laws introduces *ἐξηγηταὶ* of funerals, whom Cicero quoting the passage calls *religionum interpretes* (Plat. *Legg.* xii. 958 D; Cic. *de Legg.* ii. 27, § 67). Elsewhere Plato declares that the laws about all divine things shall be brought from Delphi, and administered by *ἐξηγηταί* (*Legg.* vi. 759 C), who are to be men of venerable age and high character, appointed for life after a strict *δοκιμασία* (*ib.* E): he further entrusts them with the regulation of marriage rites (vi. 775 A). How far these provisions coincided with the real law of Athens we are not in a position to say.

In an official sense, the Exegetae were a board of three persons, to whom application might be made in matters relating to sacred law; they were all to be Eupatrids, and one of them necessarily a member of the family of the Eumolpidae. The mode of their appointment is not known; and the question whether they took cognisance of all appeals from private persons like those mentioned above, or only of public matters, is open to some doubt. They attended in the assembly of the people, and interpreted the *διοσημίαι* or signs from heaven [Ecclesia, p. 701 *b*]; they had thus the power of stopping the business in hand, corresponding to the *obnuntiatio* of the Roman augurs. But we may be sure that the democratic Athenians would not allow an absolute or irresponsible veto to these or any other officials; their action, like that of an Epistates who refused to put the question to the vote, was no doubt liable to impeachment: in practice it is probable that only a smart shower or other unmistakeable phenomenon was allowed to break up the meeting; so that their duty would be purely a formal one. The gloss of Timaeus, identical with the second of the two in Suidas, runs as follows: *Ἐξηγηταὶ τρεῖς γίνονται Πυθόχρηστοι, οἷς μέλει καθαίρειν τοὺς ἄγει τινὶ ἐνισχηθέντας· καὶ οἱ ἐξηγούμενοι τὰ πάτρια.* These grammarians certainly understood the phrase *τὰ πάτρια* in too wide a sense: we may further doubt, with Schömann, whether the Delphic oracle was really consulted. (Pollux, viii. 124 and 188; Suid., *Etym. M.*, *Lex. Rhet.* s. v.; Ruhnken on Timaeus; O. Müller on Aesch. *Eumen.* p. 162 ff.; Schömann, *Antiq.* i. 429, E. T.; Gilbert, *Staatsalterth.* i. 360.) [L. S.] [W. W.]

EXERCITO'RIA A'CTIO was one of those praetorian actions (called by the civilians *actiones adjectitiae qualitatis*) by which principals were made directly suable by third persons who contracted with their agents. This one applied particularly to the case of contracts made by the captain of a vessel as agent, express or implied, of its owner or charterer (*Inst.* iv. 7, 2), its name being derived from *exercitor*, the person "ad quem cottidianus navis quaestus pertinet" (*Inst.* loc. cit.; cf. Dig. 14, 1, 1, 15), whether he actually owned the vessel, or had merely hired or chartered it for a time, definite or indefinite. By this action the *exercitor* could be sued upon all contracts made by the captain (*magister*) in connexion with the vessel or its voyage, *e.g.* repairs ("si quid cum eo ejus rei gratia, cui praepositus erit, contractum fuerit," *Inst.* loc. cit; cf. Dig. 14, 1, 1, 7), because it was as his agent that the *magister* made them; but the other party to the transaction—*e.g.* the shipbuilder who executed the repairs—might always sue the *magister* if he preferred it, the remedy in this case of course being the ordinary action on the contract (e.g. *locati*). It was immaterial whether the *magister* was a slave or *filius familias* of the *exercitor*, or an "extranea persona" (*i.e.* free agent), Gaius, iv. 71, *Inst.* loc. cit.: but his contracts would not bind his principal, so that the *actio exercitoria* would not lie, if he exceeded his commission: if, for instance, being appointed to use the ship for one purpose, he used it for another. If there were several *magistri*, without any partition of their duties (*non divisis officiis*), a contract with one was a contract with all: and if there were several *exercitores*, who appointed a *magister* either out of their own number or not, they were severally answerable *in solidum* for the contracts which he made under his commission: the other contracting party might select which of them he pleased as his defendant in the *actio exercitoria*. [J. B. M.]

EXE'RCITUS (*στρατός*), army. I. Greek. The earliest notices which we possess of the military art among the Greeks are those contained in the Homeric poems. The unsettled state of society in the first ages of Greece led to the early and general cultivation of the art of arms, which were habitually worn for defence, even when aggressive warfare was not intended (Thuc. i. 6). But the Homeric poems contain an exhibition of combined military operations in their earliest stage. Warlike undertakings before the time described in them can have been little else than predatory inroads (*βοηλασίαι*, *Il.* xi. 672). A collection of warriors exhibiting less of organisation and discipline than we see depicted in the Grecian troops before Troy, would hardly deserve the name of an army. The organisation which we see there, such as it was, arose, not from any studied, formative system, but naturally out of the imperfect constitution of society in that age. Every freeman in those times was of course a soldier; but when all the members of a family were not needed to go upon an expedition under the command of their chieftain or king, those who were to go seem to have been selected by lot (*Il.* xxiv. 400). As the confederated states, which are represented as taking part in the Trojan war, are united by scarcely any other bond than their participation in a common object, the different bodies of troops, led by their respective chieftains, are far from being united by a common discipline under the command-in-chief of Agamemnon. A common epithet for allies is "called from afar" (τηλεκλειτοί, *Il.* v. 491, vi. 111). Each body obeys its own leader, and follows him to the conflict, or remains inactive, according as he chooses to mingle in the fight or not. Authority and obedience are regulated much more by the nature of the circumstances, or by the relative personal distinction of the chieftains, than by any law of military discipline. Gifts (δῶρα) were given to them at the end of service; and such may be considered as the beginning of pay being given to soldiers (*Il.* xvii. 225). Agamemnon sometimes urges the chieftains to engage, not by commands, but by taunts (*Il.* iv. 338 ff., 368 ff.). Accordingly, nothing like the tactics or strategy of a regularly disciplined army is to be traced in the Homeric descriptions of battles. Each chieftain with his body of troops acts for himself, without reference to the movements of the rest, except as these furnish occasion for a vigorous attack, or, when hard pressed, call for assistance from the common feeling of brotherhood in arms. The wide interval which in the Homeric age separated the noble or chieftain from the common freeman, appears in as marked a manner in military as in civil affairs. The former is distinguished by that superior skill and prowess in the use of his arms, which would naturally result from the constant practice of warlike exercises, for which his station gave him the leisure and the means. A single hero is able to put to flight a whole troop of common soldiers. The account of a battle consists almost entirely of descriptions of the single combats of the chiefs on both sides; and the fortune of the day, when not overruled by the intervention of the gods, is decided by the individual valour of these heroes. While the mass of the common soldiers were on foot, the chiefs rode in chariots [CURRUS], which usually contained two, one to drive (ἡνίοχος) and one to fight (παραιβάτης). In these they advanced against the antagonists whom they singled out for encounter, sometimes hurling their spears from their chariots, but more commonly alighting, as they drew near, and fighting on foot, making use of the chariot for pursuit or flight. The Greeks did not, like the ancient Britons and several nations of the East, use the chariot itself as an instrument of warfare. Cavalry was unknown at that time to the Greeks, and horsemanship but very rarely practised; the ἱππῆες of Homer are the chieftains who ride in chariots. These chiefs are drawn up in the front of the battle array (*Il.* iv. 297, 505, πρόμαχοι, προμάχεσθαι); and frequently the foot-soldiers seem to have done nothing but watch the single combats of their leaders, forming in two opposite, parallel lines, between which the more important single combats are fought. How they got the chariots out of the way when the foot-soldiers came to close quarters (as in *Il.* iv. 427 ff.) is not described.

Though so little account is usually made of the common soldiers (πρυλέες, *Il.* xi. 49, xii. 77), Homer occasionally lays considerable stress on their orderly and compact array; the Atreidae are honourably distinguished by the epithet κοσμήτορε λαῶν (*Il.* i. 15). Nestor and Menestheus were also skilled in marshalling an army (*Il.* ii. 553, iv. 293 ff.). The troops were naturally drawn up in separate bodies according to their different nations. It would appear to be rather a restoration of the old arrangement than a new classification, when Nestor (*Il.* ii. 362) recommends Agamemnon to draw the troops up by tribes and phratries. Arranged in these natural divisions, the foot-soldiers were drawn up in densely compacted bodies (πυκιναὶ φάλαγγες)—shield close to shield, helmet to helmet, man to man (*Il.* xiii. 130, xvi. 212 ff.). In these masses, though not usually commencing the attack, they frequently offer a powerful resistance, even to distinguished heroes (as Hector, *Il.* xiii. 145 ff., comp. xvii. 267, 354 ff., xiii. 339), the dense array of their spears forming a barrier not easily broken through. The signal for advance or retreat was not given by instruments of any kind, but by the voice of the leader. A loud voice was consequently an important matter, and the epithet βοὴν ἀγαθὸς is common. The soldiers advanced and engaged in battle with loud shouting (ἀλαλητός, *Il.* iv. 436, xiv. 393). The trumpet, however, was not absolutely unknown (*Il.* xviii. 219). Respecting the armour, offensive and defensive, see ARMA. No engines for besieging are found. There were in the army, besides the hoplites, light-armed troops, archers and slingers (*Il.* xiii. 767).

Under the king or chieftain who commands his separate contingent we commonly find subordinate chiefs, who command smaller divisions. It is difficult to say whether it is altogether accidental or not, that these are frequently five in number. Thus the Myrmidons of Achilles are divided into five στίχες, each of 500 men. Five chiefs command the Boeotians; and the whole Trojan army is formed in five divisions, each under three leaders. (*Il.* iv. 295 ff., xvi. 171–197, ii. 494, 495, xii. 87–104.) The term φάλαγξ is applied either to the whole army (as *Il.* vi. 6), or to these smaller divisions and subdivisions, which are also called στίχες and πύργοι (*Il.* xi. 90, iv. 333).

When an enemy was slain, it was the universal practice to stop and strip off his arms, which were carefully preserved by the victor as trophies. The division of the booty generally was arranged by the leader of the troop, for whom a portion was set aside as an honorary present (γέρας, *Il.* i. 118, 368, 392). The recovery of the dead bodies of the slain was in the Homeric age, as in all later times, a point of the greatest importance, and frequently either led to a fierce contest (*Il.* xvi. 756 ff.), or was effected by the payment of a heavy ransom (*Il.* xxiv. 502). (Köpke, *Kriegswesen der Griechen in heroischen Zeitalter;* Wachsmuth, *Hellen. Alterthumsk.* vol. ii. § 110; Grote, *History of Greece*, vol. ii. p. 106; Buchholz, *Die Homerischen Realien*, ii. 1, 303–331.)

After the heroic age considerable impulse was given to the cultivation of the military art by the conquests of the Thessalians (the first Grecian people, apparently, that employed cavalry, to the use of which their conquests were probably in great part owing) and Dorians, among the latter of whom the art of warfare was earliest reduced to system. The distinction of heavy and light armed foot-soldiers of course took its rise with the beginnings of military service, the poorer class being unable to provide themselves with the more efficient, but more costly weapons of those who were better off than themselves. Political considerations tended to make the distinction more marked and systematic. The system of military castes was indeed unknown among the Greeks, though something answering the same purpose existed in the earliest times, when the nobles and their more immediate dependents and retainers, having greater leisure for the cultivation of skill in the use of arms and greater means for procuring them, were separated in that respect by a wide interval from the lower class; while conversely, military superiority was the most direct means of securing political supremacy. Hence, as soon as the distinction between the nobles (the privileged class) and the commonalty (demus) was established, it became the object of the former to prevent the latter from placing themselves on a par with them in military strength, and so the use of the full armour of the heavy-armed infantry was reserved by the former for themselves; and when, in times of distress, it was found necessary to entrust the demus with full armour, the result was not uncommonly a revolution (as was in some degree the case at Mytilene, Thuc. iii. 27). But in the democracies this distinction as regards the kinds of service depended merely upon the greater or less ability of the citizens to procure arms. In the Greek commonwealths all those who enjoyed the privileges of citizens or freemen were held bound to serve as soldiers when called upon, and were provided with arms and trained in military exercises as a matter of course. The modern system of standing armies was foreign to Greek habits, and would have been dangerous to the liberties of the different commonwealths, though something of the kind may be seen in the body-guards, usually of mercenary troops, kept by tyrants. The mercenaries in the pay of Alexander of Pherae formed a considerable army. Practically too, from the continuity of the warlike operations in which they were engaged, the armies of Philip and Alexander of Macedon, and their successors, became standing armies. The thousand λογάδες at Argos (Thuc. v. 67; Diod. xii. 75), the sacred band at Thebes (Plut. *Pelop.* 18), and the Arcadian ἐπάριτοι (EPARITI) were not considerable enough to be called armies. The employment of mercenary troops might have led to the use of standing armies, had it not been that the use of them characterised the decline of the Grecian states, so that the circumstances which led to their employment also rendered it impossible to provide the resources for their maintenance, except when they were immediately needed. Still, as in the case of the Scythian bowmen at Athens, individual corps of mercenaries might be regularly maintained. Slaves were but rarely trusted with arms; and when it was the case, they were usually manumitted. The Greek armies accordingly were national armies, resembling rather the militia than the regular armies of modern times. Their smallness in comparison with modern armies must be noticed. The largest Greek armies we know of as having operated in Hellas proper were, at Plataea, 38,700 hoplites and 69,500 ψιλοί (Herod. ix. 28 ff.); in the first invasion of Attica by the Lacedaemonians, 70,000 (Plut. *Per.* 33); in the invasion of Laconia by Epaminondas, 70,000 (Plut. *de Glor. Ath.* 2). At Mantineia, in 362 B.C., 33,000 Thebans fought against 23,000 Lacedaemonians, according to Diodorus (xv. 84).

In all the states of Greece, in the earliest as in later times, the general type of their military organisation was the *phalanx*, a body of troops in close array with a long spear as their principal weapon. It was among the Dorians, and especially among the Spartans, that this type was most rigidly adhered to. See Tyrtaeus *passim*, who insists on the especial duties of fighting ἐν προμάχοισι, and each keeping his place in the phalanx. The strength of their military array consisted in the heavy-armed infantry (ὁπλῖται). They attached comparatively small importance to their cavalry, which was always inferior (Xen. *Hell.* vi. 4, § 10). Indeed, the Thessalians and Boeotians were the only Greek people who distinguished themselves much for their cavalry; scarcely any other states had territories adapted for the evolutions of cavalry. The Spartan army, as described by Xenophon, was probably in all its main features the same that it was in the time of Lycurgus. The institutions of that lawgiver converted the body of Spartan citizens into a kind of military brotherhood, whose almost sole occupation was the practice of warlike and athletic exercises. The whole life of a Spartan was little else than either the preparation for or the practice of war. The result was, that in the strictness of their discipline, the precision and facility with which they performed their military evolutions, and the skill and power with which they used their weapons, the Spartans were unrivalled among the Greeks, so that they seemed like real masters of the art of war (τεχνίτας τῶν πολεμικῶν), while in comparison with them other Greeks appeared mere tyros (αὐτοσχεδιαστὰς τῶν στρατιωτικῶν, Xen. *Rep. Laced.* xiii. § 5; ἄκροι τεχνῖται καὶ σοφισταὶ τῶν πολεμικῶν, Plut. *Pelop.* 23). The heavy-armed infantry of the Spartan armies was composed partly of genuine Spartan citizens, partly of Perioeci (*e.g.* Thucyd. iv. 8; comp. Grote, *Hist. of Greece*, vol. ii. p. 458). In later times, as the number of Spartan citizens decreased, the Perioeci constituted the larger portion, a fact which renders nugatory all attempts to connect the numbers of the divisions of the army with the political divisions of the Spartan citizens. The proclamation of the levy was called φρουρὰν φαίνειν (Xen. *Hell.* iii. 5, 6; iv. 2, 9, &c.); but if the service was abroad, it was called στρατιὰν ποιεῖν (*ib.* v. 2, 20): cf. A. Bauer in Müller's *Handbuch*, iv. 247. Every Spartan citizen was liable to military service (ἔμφρουρος) from the age of twenty to the age of sixty years. In later times the father of three sons was exempt (Arist. *Pol.* ii. 9, 13). Those beyond that age were, however, sometimes employed in the less arduous kinds of service—as at Mantineia, where they had charge of the baggage (Thuc. v. 72). On the occasion of any military expedition, the kings at first, and afterwards the ephors, made proclamation what class, according to age, were to go on the expedition (τὰ ἔτη εἰς ἃ δεῖ στρατεύεσθαι, Xen. *Rep. Lac.* xi. § 2): as, for example, all citizens between twenty and thirty, or between twenty and thirty-five, &c. (τὰ δέκα ἀφ' ἥβης, τὰ πεντεκαίδεκα ἀφ' ἥβης, &c.). On one occasion (B.C. 418), on a sudden emergency, when probably there was not time to collect the Perioeci, all the citizens of the military age were called forth (Thuc. v. 64).

The political and military divisions of the Spartans were mixed up together in some way which it is not easy to unravel. The whole life of a Spartan was passed in the discipline of a kind of camp. The citizens messed together in companies, and slept in a sort of barracks. It appears from Xenophon (*Rep. Lac.* xi. 4 ff.) that the whole body of citizens of military age was divided into six divisions called μόραι (πολιτικαὶ μόραι he terms them: we are not to read ὁπλιτικῶν: cf. Xen. *Hell.* v. 3, 25), under the command or superintendence of a polemarch, each mora being subdivided into two λόχοι (commanded by λοχαγοί), each λόχος into two πεντηκοστύες (headed by πεντηκοστῆρες), each πεντηκοστὺς into two ἐνωμοτίαι (headed by enomotarchs). Xenophon indeed speaks of four λόχοι, but compare Xen. *Hell.* vii. 4, 20, τῶν δώδεκα λόχων: 5, 20; and E. Müller, *Jahrb. für Phil.* lxxv. 99. The ἐνωμοτίαι were so called from the men composing them being bound together by a common oath (τάξις τις διὰ σφαγίων ἐνώμοτος, Hesych. *s. v.*). It was composed of men of the same age, as is implied in the fact that the members of the enomoty were trained to act together, and that men under thirty or thirty-five years were often detached in a battle to pursue the light troops of the enemy (Xen. *Hell.* iv. 5, 15, 16; Grote, ii. 459). It is to be further noticed that fathers, brothers, and sons appear in different μόραι (Xen. *Hell.* iv. 5, 10); and inhabitants of the same locality did not serve together, for we find the Amycleans scattered through the whole army (*ib.* § 11). These were not merely divisions of troops engaged in actual military expeditions. The whole body of citizens at all times formed an army, whether they were congregated at head-quarters in Sparta, or a portion of them were detached on foreign service. Herodotus (i. 65) speaks of enomoties, triacades (which are not mentioned elsewhere), and syssitia as military divisions, and we learn that the polemarchs presided over the public tables (Plut. *Lyc.* 12). But these were not military divisions, but civil societies framed in Sparta to increase the feeling of comradeship so useful in war (Plat. *Legg.* i. 625 E). It was a principal feature of Spartan discipline that among the youths the elder should teach the younger, and so the well-known relation of the εἰσπνήλας and ἀΐτας was established. (For details, see Gilbert, *Staatsalterthümer*, i. 70.) When a portion of the citizens was sent out on foreign service, the army that they formed was arranged in divisions corresponding to, and bearing the same names as, the divisions of the entire military force of Sparta, *i.e.* of the entire body of citizens of military age. As has already been remarked, an army sent on foreign service consisted of citizens between certain ages, determined according to the number of soldiers wanted. So that, as it would seem, every enomotia of the general body sent out a certain proportion of its numbers for the expedition in question, who (with some Perioeci) formed an enomotia of the army so sent; and the detachment of those enomotiae which formed a mora of the whole body of citizens, formed (apparently) a mora of the army on service. All the accounts that we have of Spartan military operations indicate that the Perioeci who served as heavy-armed soldiers, formed integral members of the different divisions to which they were attached; so that an enomotia, pentecostys, &c., in the field, would contain a number of soldiers who did not belong to the corresponding larger divisions of the whole body of citizens of military age (Thuc. iv. 8, 38; Xen. *Hell.* vi. 4, 15–17, vii. 4, 27). However, Gilbert (*op. cit.* i. 74 ff.) thinks that up to 425 B.C. the Perioeci served apart, and he refers for the time of the Persian Wars to Herod. ix. 10, 11, 28. Thirlwall (*Hist. of Greece*, vol. i. app. ii.) talks of thirty families being *represented in the army* by thirty soldiers; an idea totally at variance with all the accounts that we have. Supposing a family to consist of a father and three sons, if the latter were above twenty, and the father not above sixty years of age, all would be soldiers, liable to be called out for active service at any time; and according to the limits of the age proclaimed by the ephors, one, two, three, or all of them might be called out at once. The strength of a mora on actual service, of course, varied according to circumstances. To judge by the name pentecostys, the normal number of a mora would have been 400; but 500, 600, and 900 are mentioned as the number of men in a mora on different occasions (Plut. *Pelop.* 17; Xen. *Hell.* iv. 5, 12; Schol. *ad* Thuc. v. 66; Diod. xv. 32, &c.; Müller, *Dorians*, iii. 12, § 2, note t). That these variations arose from variations in the number of Spartan citizens (Haase in Ersch and Gruber's *Encyclopädie*, art. *Phalanx*), is an assumption which leaves out of sight the proportion of citizens called out, and the number of Perioeci in the army. (Of the 292 heavy-armed soldiers who surrendered at Sphacteria, 120 were Spartans, Thuc. iv. 38. At the battle of Plataeae, one-half of the heavy-armed soldiers of the Lacedaemonians were Spartans.) When in the field, each mora of infantry was attended by a mora of cavalry (Xen. *Rep. Lac.* xi. 4), consisting at the most of 100 men, and commanded by an hipparmost (ἱππαρμοστής, Xen. *Hell.* iv. 4, § 10; 5, § 12). Plutarch (*Lyc.* 23) mentions squadrons (οὐλαμοί) of fifty, which may possibly be the same divisions. It is not easy, however, to see in what manner the cavalry could have been thus apportioned, or how each mora of cavalry could have "belonged to a mora of infantry without being in close connexion with it" (as Müller says). The cavalry seems merely to have been employed to protect the flanks, and but little regard was paid to it. The feeblest and least ambitious served in the cavalry (Xen. *Hell.* vi. 4, 10). The Spartans generally used mercenary cavalry (Thuc. ii. 9; Xen. *Hipp.* ix. 4). The corps of 300 ἱππεῖς (Herod. viii. 124) formed a sort of body-guard for the king, and consisted of the flower of the young soldiers. Though called horsemen, they fought on foot (Strabo, p. 482). Their commanders were called ἱππαγρέται (Xen. *Rep. Lac.* iv. 3; Hesych. *s. v.*).

Thucydides in his account of the battle of Mantineia (v. 68) describes the Lacedaemonian army as divided into seven lochi, each containing four pentecostyes, and each pentecostys four enomotiae, with thirty-two men in each; so that the lochus here is a body of 512 men, and is commanded by a polemarch. It is clear, therefore, that the lochus of Thucydides, in this instance, answers to the mora of Xenophon. It would be absurd to suppose such a large number to be the ordinary lochus or tactical unit; the largest such tactical lochus known is the Sacred Lochus at Thebes, which consisted of 300. As on this occasion the pentecostys contained four instead of two enomotiae, and as four pentecostyes were thrown together into one division, Thucydides may have been led to call this division a lochus, as being next above the pentecostys, though it was, in fact, a mora commanded by a polemarch (Thirlwall, *l. c.* p. 445; comp. Arnold on Thuc. v. 68). Aristotle appears to use the terms lochus and mora indiscriminately (Λακώνων πολιτ. Fr. 5 and 6; Photius *s. v.* λόχοι). The suggestion of Arnold (*l. c.*) that one of the seven lochi spoken of consisted of the Brasidean soldiers and Neodamodes, who would not be taken account of in the ordinary divisions of the Spartan forces, is not unlikely, and would explain the discrepancy between the number of lochi (or morae) here, and the ordinary number of six morae; but even independently of it, no difficulty need be felt with respect to that particular point, as the whole arrangement of the troops on that occasion was a departure from the ordinary divisions. The Neodamodes were not usually incorporated in the morae (Xen. *Hellen.* iv. 3, § 15). The mora was used for the arrangement in the camp (Xen. *Rep. Lac.* xii. 5), and formed the highest unit for the levy, but tactically it had no importance (Bauer, *op. cit.* 249, note).

It seems a probable opinion that the number of morae in the Spartan military force had reference to the districts into which Laconia was divided. These, including Sparta and the districts immediately around it, were six in number. Perhaps, as Thirlwall suggests, the division of the army may have been founded on the fiction that one mora was assigned for the protection of each district. The same writer also suggests a very probable explanation of the λόχος Πιτανάτης which Herodotus (ix. 53) speaks of, and of which Thucydides (i. 20), though doubtless erroneously, denies the existence. Thirlwall suggests that as each mora consisted of four lochi, the four lochi of the mora belonging to the district of Sparta may have been distributed on the same principle among the four κῶμαι—Limnae, Cynosura, Mesoa, and Pitana—of which Sparta was composed.* Gilbert (*op. cit.* i. 74) supposes that the λόχος was composed of the inhabitants of Pitana, but that its official title was not derived from that district.

A Spartan army, divided as above described, was drawn up in the dense array of the phalanx, the depth of which depended upon circumstances. An ἐνωμοτία sometimes made but a single file (reading εἰς ἕνα), sometimes was drawn up in three or six files (στίχοι, Xen. *Rep. Lac.* xi. 4; or λόχοι, as they are called by Polybius). At the battle of Mantineia the phalanx was eight deep, so that each enomotia made four files (Thuc. v. 68; comp. Xen. *Hell.* iii. 2, § 16, vi. 2, § 21). At the battle of Leuctra it was twelve deep (Xen. *Hell.* vi. 4. § 12). The enomotarch stood at the head of his file (πρωτοστάτης), or at the head of the right-hand file, if the enomotia was broken up into more than one. The last man was called οὐραγός. The divisions of the rows of twelve men each were πεμπάδες (Xen. *Hell.* vii. 3, 6; cf. *Cyr.* ii. 1, 22). It was a matter of great importance that he, like the enomotarch, should be a man of strength and skill, as in certain evolutions he would have to lead the movements (Xen. *Mem.* iii. 1, 8, *Cyr.* vii. 5, 5; cf. iii. 4, 41; Hom. *Il.* iv. 297). The commander-in-chief, who was usually the king (after the affair of Demaratus and Cleomenes it was the practice not to send out both kings together, Herod. v. 75; but comp. vi. 73), had his station sometimes in the centre (as at Mantineia, Thuc. v. 72), but more commonly (as at Leuctra) on the right wing. The deployments by which the arrangements of the phalanx were altered took place under the direction of the enomotarch. When the troops were drawn up in a line in the ordinary battle array, they were said to be ἐπὶ φάλαγγος. Supposing an enomotia to consist of twenty-five men, including its leader, and to be drawn up eight deep, the front line of the army would consist of 288. In an ordinary march the army advanced ἐπὶ κέρως (or κατὰ κέρας, Xen. *Hell.* vii. 4, § 23), the first enomotia of the right wing filing off. and the rest in succession following it; so that if the enomotia was drawn up in three or two files, the whole army would march in three or two files. The most usual arrangement was in two files, εἰς δύο (Xen. *Hell.* vii. 4, § 23, iii. 1, § 22; Polyaen. ii. 1, § 10). According as there were one or two or four columns, the march was called μονοφαλαγγία, διφαλαγγία, τετραφαλαγγία, of which there are the most various species given in the tactical writers (Asclep. 11; Ael. *Tact.* 37). If an army in marching order had to form in phalanx, the movement began with the hindmost enomotia of the column, which placed itself on the left of (παρ' ἀσπίδας) and on a line with (εἰς μέτωπον) the enomotia before it. These two then performed the same evolution with respect to the last but two, and so on, till all were in a line with the first enomotia, which now, with the commander-in-chief at its head, occupied the extremity of the right wing. This evolution was called παραγωγή (Xen. *Rep. Lac.* xi. § 6), a name also given to the reverse movement, when a phalanx had to fall into marching order, and to subordinate movements of the same kind for changing the depth of the phalanx. In the latter the evolutions were conducted on much

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* Müller (*Dorians*, book iii. c. 3, § 7) talks of a πόλις distinct from these κῶμαι. But the latter were certainly not mere suburbs, but component parts of Sparta itself (comp. Paus. iii. 16, § 9). Haase (*l. c.*) speaks of five divisions of the city besides Pitana, so that the six morae or lochi in the sense of Thucydides corresponded to these six divisions. For this arrangement, there seems no authority, except the statement of the scholiast on Aristoph. (*Lys.* 453), that there were six lochi at Sparta, five of which he names, one of the names being corrected conjecturally by Müller to Μεσοάτης. But there seems here little more than a confused version of the division into six morae.

the same principle. Thus, if the depth of the phalanx was to be diminished by half, the hinder portion of each enomotia marched forwards and placed itself on the left of the half in front of it. Similarly, if the depth had to be increased, the left-hand portion of each enomotia faced about towards the *right*, took up its station in the rear, and then, facing to the left again, assumed its proper position. (Xen. *Rep. Lac.* xi. § 8.) The facing to the right was always the usage, because if the evolution were performed in the face of an enemy, the shielded side could be presented towards him. Wheeling to the right was called ἐπὶ δόρυ: wheeling to the left ἐπ' ἀσπίδα. With the cavalry the former was also called ἐπὶ δόρυ, the latter ἐφ' ἡνίαν. Modifications of this evolution, conducted on the same principle, were employed if the depth had to be increased or diminished in any other proportion. It is very likely that at those points of the files where in such evolutions they would have to separate, there were placed men suitable for taking their station in the front rank, where it was always an object to get the best men. These would answer to the δεκάδαρχοι and πεμπάδαρχοι of Xenophon. (*Cyrop.* ii. 1, 23; comp. *Hipparch.* ii. § 6, iv. § 9.) If an enemy appeared in the rear, it was not enough that the soldiers should face about towards the enemy. The Spartan tactics required that the stoutest soldier should be opposed to the enemy. This was accomplished by the manoeuvre termed ἐξελιγμός. Of this there were three varieties:—1. *The Macedonian.* In this the leader of each file kept his place, only turning towards the enemy; the man behind him (ἐπιστάτης) retreating and again taking up his station behind him, and so on. In this way the army retreated from the enemy by a distance equal to its depth. 2. *The Laconian* (the one usually adopted by the Macedonian phalanx of Philip and Alexander). This was the reverse of the preceding, the rear man remaining stationary and the others advancing successively one before the other. In this way of course the army advanced against the enemy by a distance equal to its depth. 3. *The Cretan.* In this the leader and rearman, the second and last but two, and so on, changed places, so that the whole army remained at the same distance from the enemy. This species was also called χορεῖος (Haase *ad* Xen. *Rep. Lac.* xi. § 9; Müller, iii. 12, § 8; Aelianus, *Tact.* 26, 27, 33). These evolutions would of course leave the general on the left wing. If it was deemed expedient that he should be upon the right, it was not enough that he should simply remove from the left to the right, the whole army had to reverse its position, so that what was the left wing should become the right. This was effected by an exeligmus, termed (at least by the later tacticians) ἐξελιγμὸς κατὰ ζυγά, as contrasted with the ἐξελιγμὸς κατὰ στίχους. Further evolutions were the different kinds of wheelings (ἐπιστροφαί). The quarter wheel was called ἀναστροφή, the half περισπασμός, the three quarters ἐκπερισπασμός, in which one quarter wheel more brought them back to their original position, ἐπικατάστασις. The pivot was the πρωτοστάτης (Hermann-Droysen, i. 42). If the army changed its front by wheeling round through a half circle, round one corner as a pivot, the movement seems to have been expressed by περιπτύσσειν or ἀναπτύσσειν (Xen. *Anab.* i. 10, 9; cf. Hermann-Droysen, i. 47, note 2). One more evolution remains to be noticed. Suppose an enemy appeared on the right, while the army was marching in column, two abreast. The different *lochi* wheeled round through a quadrant of a circle, round their leader, as on a pivot, so that the army presented twenty-four columns to the enemy, consisting of two files each, and separated by a considerable interval from each other. The depth of the whole body was then lessened, and these intervals filled up by the ordinary paragoge, and by the different lochi siding up nearer to each other in case the intervals still remained too great. If it was necessary for the general to take his station on the right, this would be effected, as in other cases, by an ἐξελιγμός (cf. Grote, ii. 457). Similar manoeuvres took place if the enemy appeared on the left, though, as this was the shielded side of the soldiers, and the danger was consequently less, it was frequently thought sufficient to keep the enemy in check by means of the cavalry and light troops. (Xen. *Rep. Lac.* xi. § 10.) Bauer (*op. cit.* 257), however, represents this manoeuvre as being effected according to a different order. He supposes (1) the ordinary παραγωγὴ εἰς μέτωπον παρ' ἀσπίδας to form a phalanx; then (2) a wheel round through a quadrant of a circle to the right or left, according to the quarter from which the enemy appeared. One point that a general had to be on his guard against was the tendency of an army, when advancing ἐπὶ φάλαγγος, to sheer off towards the right, each man pressing closer to his right-hand neighbour in order to protect his unshielded side, so that the right wing frequently got beyond the left wing of the enemy. (See especially the account of the battle of Mantineia, Thucyd. v. 71.) A slight consideration will show that the analogy traced between the evolutions of an army and those of a chorus is by no means fanciful. One kind of ἐξελιγμὸς was, we have seen, called χορεῖος. The importance attached to the war dances among the Spartans as a means of military training was consequently very great. [CHORUS.]

When an army was led to attack a height, it was usually drawn up in what were termed λόχοι ὄρθιοι, a term which merely implies that the lochi had greater depth than breadth (παράμηκες μὲν λέγεται πᾶν τάγμα ὃ ἂν τὸ μῆκος ἔχῃ πλεῖον τοῦ βάθους, ὄρθιον δὲ ὃ ἂν τὸ βάθος τοῦ μήκους, Aelian. *Tact.* c. 29). The breadth of the lochi would, of course, vary according to circumstances. They were drawn up with considerable intervals between them. In this way the army presented a considerable front to the enemy, and was less liable to be thrown into confusion than if drawn up in close phalanx, while at the same time the intervals between the lochi were not left so great that the enemy could safely press in between them. (Xen. *Anab.* iv. 2, § 11; 8, §§ 10–19; v. 4, § 22; *Cyrop.* iii. 2, § 6; *Anab.* iv. 3, § 17; Polyaen. *Strat.* v. 16, § 1.) There is no ground for affirming that a λόχος ὄρθιος was drawn up in two files, or even one, as Sturz (*Lex. Xen.*) and Grote (viii. 403) say. Such an arrangement would be perfectly useless for attack. This system of arrangements, which in breaking up the rigid phalanx formed some approximation to the Roman manipular tactics, was not, however, employed except in the particular case mentioned. This was an innovation due to the genius of Xenophon, and it was frequently employed in later Greek tactics.

In special circumstances, such as those of the retreating Greeks in the *Anabasis*, the arrangement in a hollow square was adopted (cf. the *τετράγωνος τάξις* in Thuc. iv. 125), and in the retreat from Syracuse (Thuc. vii. 78); the troops being so placed that by simply facing about they presented a front for battle on whichever side it was necessary. But if the enemy were following, it proved a very bad arrangement (Xen. *Anab.* iii. 4, 19). The term *πλαίσιον* was generally applied to an army so arranged, whether square or oblong. Afterwards the term *πλαίσιον* was restricted to the square, the oblong being called *πλίνθιον*.

Though at first sight the arrangement and manoeuvres of a Lacedaemonian army seem exceedingly complex, they were in reality quite the reverse, owing to the carefully graduated system of subordination which prevailed (*σχεδὸν γάρ τοι πᾶν τὸ στρατόπεδον τῶν Λακεδαιμονίων ἄρχοντες ἀρχόντων εἰσί*, Thuc. v. 66). The commands of the general were issued in the first place to the polemarchs, by these to the lochagi, by these again to the pentecosteres, by the latter to the enomotarchs, and by these last to their respective divisions. From the orderly manner in which this was done, commands were transmitted with great rapidity: every soldier, in fact, regulating the movements of the man behind him, every two being connected together as *πρωτοστάτης* and *ἐπιστάτης*.

In later times the king was usually accompanied by two ephors, as controllers and advisers (Xen. *Rep. Lac.* xiii. 5). These, with the polemarchs, the four Pythii, three peers (*ὅμοιοι*), who had to provide for the necessities of the king in war,—among whom was the *κρεοδαίτης*, who was an important person, the post being held by Lysander (Plut. *Lys.* 23),—the *λαφυροπῶλαι*, and some other officers, such as the *ταμίαι*, treasurers, and the *Ἑλλανοδίκαι*, judges of disputes (Xen. *Rep. Lac.* xiii. 11), constituted the *οἱ περὶ δαμοσίαν* of the king [DAMOSIA]. The polemarchs also had some sort of suite or staff with them, called *συμφορεῖς* (Plut. *Pelop.* 17; Xen. *Hell.* vi. 4, § 14), just as the king had the 300 so-called *ἱππεῖς*. The polemarchs took the place of the king in cases of emergency. With the exception of the enomotarchs, the superior officers and those immediately about them are not to be reckoned with the division which they led. They stood distinct, forming what was called the *ἄγημα* (Xen. *Rep. Lac.* xi. 9).

The Spartan and Perioecan hoplites were accompanied in the field by helots, partly in the capacity of attendants, partly to serve as light-armed troops. The number attached to an army was probably not uniform. At Plataeae each Spartan was accompanied by seven helots; but that was probably an extraordinary case. One helot in particular of those attached to each Spartan was called his *θεράπων*, and performed the functions of an armourer or shieldbearer (Eustath. *ad* Dionys. *Per.* 533). Xenophon (*Hell.* iv. 5, § 14; 8, § 39) calls them *ὑπασπισταί* (cf. Herod. v. 111; Müller, *Dor.* iii. 3, § 2), or *δορυφόροι* (Xen. *Hell.* iv. 5, § 8). In extraordinary cases, helots served as hoplites, and in that case it was usual to give them their liberty (Thucyd. vii. 19, iv. 80, v. 34). Distinct corps were sometimes composed entirely of these Neodamodes. A separate troop in the Lacedaemonian army was formed by the Sciritae (*Σκιρῖται*), originally, no doubt, inhabitants of the district Sciritis. In battle, they occupied the extreme left of the line. On a march, they formed the vanguard, and were usually employed on the most dangerous kinds of service. (Thuc. v. 67, with Arnold's note; Xen. *Cyrop.* iv. 2, § 1.) Similarly the Tegeans laid claim to a position on the right wing (Herod. ix. 26 ff.).

Light-armed troops (*ψιλοί*) are mentioned in the fourth year of the Peloponnesian War (Thuc. iii. 1), and in 424 B.C. a corps of bowmen was established by the Spartans (Thuc. iv. 55). Brasidas used great numbers of such light-armed troops (*ib.* 111, 123, 125); and they appear later in the armies of Agesilaus (Xen. *Hell.* iii. 4, 23) and Archidamus (vii. 4, 22). The peltasts from Orchomenus which Xenophon mentions (*Hell.* vi. 5, 15) were certainly mercenaries; so that we may infer that to a large degree the Spartans used mercenaries and allies for light-armed.

Though the tyrants (*e.g.* Pisistratus, Herod. i. 61) and some Peloponnesian states (*e.g.* Corinth) had previously a large mercenary force (Thuc. i. 60), the first appearance of a *μισθοφόρος ὄχλος ξενικὸς* of the Spartans was in Acarnania in 426 B.C. (Thuc. iii. 109). Brasidas used mercenaries frequently (Thuc. iv. 80; v. 6); also Lysander (Xen. *Hell.* ii. 4, 30), Thibron (who wanted 300 mercenaries from Athens, *ib.* iii. 1, 4), and Agesilaus (*ib.* vi. 5, 15). The expedition of Cyrus gave a great impulse to the development of a mercenary army. In fact, about the time of Agesilaus they were so numerous that Xenophon says the citizens were only used for garrison duty, while mercenaries were employed for war (*ib.* iv. 4, 14); and further (vii. 1, 23) that Arcadian mercenaries (they were the great people for supplying this kind of force: cf. Thuc. vii. 57; Hesych. *s. v.* *Ἀρκάδος μιμούμενος*) were always used for an invasion of Attica. The Carians, too, appear frequently as mercenaries. The Spartans generally contented themselves with sending out thirty of their own body to take the chief posts of command in the army (cf. Bauer, *op. cit.* p. 261). The State used to look for a general of known ability, and it was *he* who used to agree with the soldiers, it was to *him* that the latter used to look for pay and provisions, and so practically they became his soldiers—they were no longer Spartans or Arcadians or Achaeans, but Brasideans or Cyreans. In later times there was a regular market of mercenaries at Taenarum (Diod. xvii. 108). The pay was generally about a drachma a day (Thuc. vii. 27), to the *λοχαγὸς* twice as much, and to the *στρατηγὸς* four times as much (cf. Xen. *Anab.* iv. 6, 1; and Gilbert, *op. cit.* ii. 354). The divisions of the mercenary force were not those of the *φρουρά*. The divisions were much smaller, the *τάξις* being the highest unit for both cavalry and infantry. The *τάξις* of cavalry was commanded by the hipparch, and that of the infantry by the taxiarch. The *τάξις* fell into λόχοι, commanded by λοχαγοί, with substitutes ὑπολοχαγοί (Xen. *Hell.* iv. i, 26; v. 2, 13). This breaking up of the phalanx into smaller tactical units which were capable of being used independently is the chief military feature of the mercenary forces.

When the φρουρὰ was declared, the Spartans generally required, beside the native citizen force, a definite proportion of allies, καὶ τῶν συμμάχων τὸ μέρος (Xen. *Hell.* iv. 6, 3), which was very frequently two-thirds of the available force (Thuc. ii. 10). The number of allies compared with that of the Spartans was very great: in one case the proportion was 10,000 to 1500 (Thuc. i. 107). Later, when the system of mercenaries was fully in vogue, the allied forces could be commuted for a money payment. A hoplite was considered equal to two light-armed, and a horse-soldier to four hoplites—commutation for a hoplite being three Aeginetan oboli (Xen. *Hcll.* v. 2, 21; Diod. xv. 31). The forces of the allies, besides their own commanders (ἀπὸ τῶν πόλεων στρατηγοί, Thuc. ii. 10; Xen. *Rep. Lac.* xiii. 4), had also assigned to them special commanders, who were Spartans. These commanders were called ξεναγοί (Thuc. ii. 75; Xen. *Hell.* iii. 5, 7); and they were sometimes used in times of peace as governors in the allied states (*ib.* v. 2, 7).

The arms of the phalanx consisted of the long spear and a short sword (ξυήλη). The chief part of the defensive armour was the large brazen shield,—generally marked with the letter Λ, signifying Λακεδαιμονίων (Eupolis, *fr.* 359, Kock; Photius, *s. v.* λάμβδα), just as the Sicyonians had Σ on their shields (Xen. *Hell.* iv. 4, 10),—which covered the body from the shoulder to the knee (Tyrtaeus, fr. ii. 23), suspended, as in ancient times, by a thong round the neck, and managed by a simple handle or ring (πόρπαξ). The improved Carian handle (ὀχάνη) was not introduced till the time of Cleomenes III. Besides this, they had the ordinary armour of the hoplite [ARMA]. The helmets were made of felt and called πῖλοι (Thuc. iv. 34, and Arnold's note: though Poppo takes these to be cuirasses). The heavy-armed soldiers wore a scarlet uniform (Xen. *Rep. Lac.* xi. § 3; *Ages.* ii. 7). A day's march in the *Anabasis* was about 15 miles. Droysen (*op. cit.* p. 83) has collected a variety of statistics of the time taken to effect certain marches in Greek history; but we cannot be sure of the distance, owing to our ignorance for the most part of the courses of the Greek roads between the places. In marching through a friendly country a market was usually granted to the soldiers by the inhabitants (Thuc. vi. 44, viii. 95; Xen. *Hell.* iii. 4, 11): in an enemy's country they took what they wanted, getting vegetables and fuel are frequently mentioned, λαχανισμὸς καὶ φρυγανισμός (Thuc. iii. 111, vii. 4), or else made formal requisitions, προνομαί (Xen. *An.* v. 2, 24). In transmarine expeditions the Greek armies often took provisions with them (Thuc. vi. 22, 44): though we hear of ἔμποροι and an ἀγοραῖος ὄχλος following the army (Thuc. *l. c.*; Xen. *Hell.* i. 6, 37; vi. 2, 23), so that no doubt a large part of the provisions were purchased; so, too, we may be certain that the ἐξαμήνου σῖτος mentioned in Xen. *Hell.* iii. 4, 2, and the τροφὴ in Thuc. vi. 93, 94, were money. The baggage and camp-followers came *after* the line of march, except in the rare occasions of night-marches, when they, as being the slowest, went in front (Xen. *An.* vii. 3, 37; *Cyr.* v. 3, 37). We saw that the citizen-soldiers had each a servant, but the mercenaries did not keep such. Besides these servants, there was a large mass of *impedimenta*, such as the traders, booty, cattle, soldiers' mistresses, &c. (Xen. *An.* iii. 5, 9; iv. 1, 14), which Xenophon tells us were a serious shackle on the army (*ib.* iii. 2, 27). Among the Spartans the baggage was all looked after by the ἄρχοντες τῶν σκευοφόρων (Xen. *Hell.* iii. 4, 22; *Rep. Lac.* xiii. 4). The Spartan encampments were circular. Only the heavy-armed were stationed within it, the cavalry being placed to look out, and the helots being kept as much as possible outside. As another precaution against the latter, every soldier was obliged always to carry his spear about with him (Xen. *Rep. Lac.* xii. 4). Though strict discipline was, of course, kept up in the camp, it was less rigorous than in the city itself (Plut. *Lyc.* 22; comp. Herod. vii. 208). Preparatory to a battle the Spartan soldier dressed his hair and crowned himself as others would do for a feast. The Spartans at Corinth, when but a stadium from the enemy, offered the customary sacrifice to Artemis Agrotera (Xen. *Hell.* iv. 2, 20). The signal for attack in ancient times was given by priests of Ares (πυρφόροι), who threw lighted torches into the interval between the two armies (Schol. *ad* Eurip. *Phocn.* 1186). Afterwards it was given not by the trumpet, but by the music of flutes, and sometimes also of the lyre and cithara, to which the men sang the battle song (παιὰν ἐμβατήριος), such as Tyrtaeus wrote (Paus. iii. 17, § 5; Plut. *l. c.*), or raised a wild shout (ἀλαλά, ἐλελεῦ). The object of the music was not so much to inspirit the men as simply to regulate the march of the phalanx (Thuc. v. 70). This rhythmical regularity of movement was a point to which the Spartans attached great importance. The Greeks had not standards like the Roman *signa*. The σημεῖα which we hear of being raised and lowered (Thuc. i. 63) were signals rather than standards. Signals were given by fire-beacons also (φρυκτοί, Thuc. iii. 22, and Arnold's note). Trumpets were little used except to sound the attack (τὸ πολεμικόν) or retreat (τὸ ἀνακλητικόν). (Cf. Hermann-Droysen, i. 54.) To prevent the ranks being broken the soldiers were forbidden to stop in order to strip a slain enemy while the fight lasted, or to pursue a routed enemy. The younger hoplites or the cavalry or light-armed troops were despatched for this purpose (Xen. *Hell.* iv. 4, § 16; v. 14, § 16). All the booty collected had to be handed over to the laphyropolae and ephors, by whom it was sold. The loss in battle was always much greater on the side of the vanquished than on that of the victors: for the wounded of the former could not be carried away, the beaten side not having any start as they have in modern battles; and so either were killed by the victors or bled to death. As average instances may be taken the battles of Delium and Corinth: the defeated party at each of these lost 1 in 7 men, the victors at the former 1 in 26 and at the latter 1 in 23. The loss of the Spartans at Leuctra (1 in 2) was the greatest we know of in an important battle. (Cf. Hermann-Droysen, i. 101.)

The rigid inflexibility of the Spartan tactics rendered them indisposed to the attack of fortified places (Thuc. i. 102). At the battle of Plataeae, they even assigned to the Athenians the task of storming the palisade formed by the *γέρρα* of the Persians (Herod. ix. 70).

In Athens, the military system was in its leading principles the same as among the Spartans, though differing in detail, and carried out with less exactness; inasmuch as, when Athens became powerful, greater attention was paid to the navy. Of the times before Solon, we have but little information. We learn that there were twelve phratriae, and in each of these four naucrariae, each of which was bound to furnish two horsemen and one ship (Photius, Suidas, *s. v.* *ναυκραρία*: Poll. viii. 108). Of the four classes into which the citizens were arranged by the constitution of Solon, the citizens of the first and second served as cavalry, or as commanders of the infantry (still it need not be assumed that the *ἱππεῖς* never served as heavy-armed infantry), those of the third class (*ζευγῖται*) formed the heavy-armed infantry. The Thetes served either as light-armed troops on land, or on board the ships. The same general principles remained when the constitution was remodelled by Cleisthenes. All citizens qualified to serve either as horsemen, or in the ranks of the heavy-armed infantry, were enrolled in a list [Catalogus]. The case of Thetes serving as heavy-armed soldiers is spoken of as an exception to the general rule; and even when it was the case, they were not enrolled in the catalogus (Thucyd. vi. 43). Every citizen was liable to service from his eighteenth to his sixtieth year. On reaching their eighteenth year, the young citizens were formally enrolled (*εἰς τὸ ληξιαρχικὸν γραμματεῖον*), and received a shield and spear in a public assembly of the people, binding themselves by oath to perform rightly the duties of a citizen and a soldier (Aristot. *ap.* Harpocr. p. 241). The actual words of the oath are given in Poll. viii. 105, 106 (cf. Hermann-Droysen, *op. cit.* i. 57). During the first two years, they were only liable to service in Attica itself, chiefly as garrison soldiers in the different fortresses in the country. During this period, they were called *περίπολοι*, and their commander *περιπόλαρχος*. (Harpocr. *s. v.* *περίπολος*: Pollux, viii. 105; Lycurg. *Leocr.* § 76; Thuc. viii. 92.) [Ephebus.] The levies were made under the direction of the generals [Strategi]. The soldiers were selected either according to age, as among the Spartans (Aristot. *ap.* Harpocr. *s. v.* *στρατεία* and Phot. *s. v.* *στρατία*: *ὅταν ἡλικίαν ἐκπέμπωσι, προσγράφουσι ἀπὸ τίνος ἄρχοντος ἐπωνύμου μέχρι τίνος δεῖ στρατεύεσθαι*; the archons being, of course, those in whose year of office they had entered the military service), the expeditions being then called *ἔξοδοι ἐν τοῖς ἐπωνύμοις*: or else according to a certain rotation (Aeschin. *Fals. Leg.* p. 330, § 168, *τὰς ἐκ διαδοχῆς ἐξόδους*). Another kind of levy was that called *ἐν τοῖς μέρεσι*. It appears to have followed the former; each being used alternately (*ἐκ διαδοχῆς*, Aeschin. *Fals. Leg.* § 168). This expression *ἐν τοῖς μέρεσι* is variously interpreted. Some (*e.g.* Droysen, Gilbert, &c.) consider that the levy *ἐν τοῖς ἐπωνύμοις* called out *all* those of the specified years, while that *ἐν τοῖς μέρεσι* only called out a *portion* of these in some specified order of rotation (cf. Dem. *Ol.* ii. 31, *πάντας ἐξιέναι κατὰ μέρος ἕως ἂν ἅπαντες στρατεύσησθε*). Others again (Bauer, Rustow and Köchly) suppose that *ἐν τοῖς μέρεσι* refers, not to the levy by years but by tribes or portions of tribes. (There is a full discussion on the subject by Lange, *Leipziger Studien*, i. 160; cf. Gilbert, *op. cit.* i. 302.) Both these kinds of levies were, however, only partial ones: when the levy was universal, it was said to be *πανδημεί*. The levying-place was generally the Lyceum (Schol. on Aristoph. *Pax*, 356), though occasionally in other places (Andoc. *de Myst.* § 45). Each soldier was expected to be provided with provisions for three days (Aristoph. *Ach.* 197). The services of those below or above the ordinary military age, were only called for on emergencies, or for guarding the walls. (Cf. Thuc. i. 105, ii. 13.) Members of the senate during the period of their office, farmers of the revenue, choreutae at the Dionysia during the festival; in later times, traders by sea also, were exempted from military service (Lycurg. *Leocr.* § 34; Demosth. *c. Neaer.* p. 1353, § 27; *c. Mid.* p. 516, § 15; Aristoph. *Eccles.* 1027, with the Schol.). Any one bound to serve who attempted to avoid doing so, could be accused on a *γραφὴ ἀστρατείας*. This, with the *γραφὴ λιποταξίου* and the *γραφὴ δειλίας*, were the chief indictments to which the soldier was liable [Astrateias Graphé]. The resident aliens commonly served as heavy-armed soldiers, especially for the purpose of garrisoning the city, but only in case of an universal levy (*πανδημεί*). They were prohibited from serving as cavalry (Xen. *de Vect.* ii. § 5; *Hipparch.* ix. § 6). Slaves were only employed as soldiers in cases of great necessity, as at Marathon (according to Paus. i. 32, § 3) and Arginusae (Xen. *Hell.* i. 6, § 17). The levy of the cleruchs and allies appears to have been made *ἐκ καταλόγου* (Thuc. vi. 26), and recruiting was conducted by Athenian officers when the order was given (*στρατιὰν ἐπαγγέλλειν ἐς τοὺς συμμάχους*, Thuc. vii. 17). The Athenians often used the allies solely for their own special wars (cf. Bauer, *op. cit.* p. 290; Grote, v. 199); though when we hear of Lemnians and Imbrians and other peoples who had large numbers of cleruchs serving, such are generally to be understood as referring to the cleruchs.

The dress and armour of the hoplites consisted of a white jerkin (*χλανίς*) which reached down to the hips. Over this was the *θώραξ* [Lorica]; and over this again they wore a cloak which in the case of officers was purple (Aristoph. *Pax*, 1175). Of course in battle they took this off. On their legs were greaves [Ocreae], and on their head a plumed helmet [Galea]. Their arms were a round or oval shield [Clipeus], short sword [Gladius], and lance [Hasta]. These arms the soldier appears to have provided himself, but the orphans of those who fell in battle, on arriving at man's estate, received a *πανοπλία* from the state (Aeschin. *Ctes.* § 154).

Of the details of the Athenian military organisation, we have no distinct accounts as we have of those of Sparta. There was less exactness than among the Spartans. Especially the

Athenians were not so particular that the same individuals should always hold the same positions in the phalanx or its subdivisions (Xen. *Rep. Lac.* xi. 6; Thuc. v. 66); and more frequent exemption from service was allowed than among the Spartans (cf. Bauer, *op. cit.* p. 270). The heavy-armed troops, as was the universal practice in Greece, nearly always fought in phalanx order, very rarely in a square (Thuc. vi. 67). They were arranged in bodies in a manner dependent on the political divisions of the citizens. The soldiers of each tribe formed a separate body in the army, also called a tribe, and these bodies stood in some preconcerted order (Herod. vi. 111; Plut. *Arist.* 5; Xen. *Hell.* iv. 2, § 19, with Schneider's notes). Each *φυλή* appears to have formed a *τάξις* (Lys. *Agorat.* § 82, cf. § 79), and the members of each deme probably stood together (Isaeus, *de Pyrrhi hered.* § 42; Lys. *Polystr.* § 23). A further subdivision was that into *λόχοι* under *λοχαγοί* (Xen. *Hell.* i. 2, 3; *Mem.* iii. 4, 1; Isocr. xv. 117). The strength of the *λόχος*, however, cannot be determined; and it must be remembered that *λόχος* is the most ordinary term for the largest tactical unit, which varied, though it was generally about 100 men (Bauer, *op. cit.* p. 248). The *συσσίτια* or *συσκήνια* (Lys. *Agorat.* § 79; Isaeus, *Nicostr.* § 18) are voluntary unions of friends, and we cannot infer from them that the members belonged to the same deme or even to the same branch of the service. Before Potidaea the hoplite Socrates of Alopece was a *σύσσιτος* of the knight Alcibiades of Scambonidae (Plat. *Symp.* 219 E). Every hoplite was accompanied by an attendant (*ὑπηρέτης*, Thuc. iii. 17), like the Helots among the Spartans, to take charge of his baggage, and carry his shield on a march. Each horseman also had a servant, called *ἱπποκόμος*, to attend to his horse (Xen. *Hell.* ii. 4, 6).

It would appear that in 490 B.C. there was no cavalry (Herod. vi. 112). In the time of Cimon it was 300, soon after 600 (Andoc. *de Pace*, § 5; Schol. on Aristoph. *Eq.* 627), and at the beginning of the Peloponnesian war 1200, of whom 200 were hired Scythian bowmen (Thuc. ii. 13; Aristoph. *Eq.* 225). The number 1000 remained down to the time of Demosthenes (Xen. *Hipp.* ix. 3; Dem. *de Symm.* p. 181, § 13). It is probable that the organisation of cavalry was due to the experience the Athenians obtained in the Persian wars with regard to that service. The cavalry was commanded by two Hipparchs, part of whose duty it was to see that the number was kept up to the 1000 (Xen. *Hipp.* i. 2). The *ἱπποτροφία* was made one of the liturgies of the rich (Xen. *Oec.* ii. 6; Lycurg. *Leocr.* § 139), the performance of which could be enforced by law (Xen. *Hipp.* i. 9). It could only attach to the rich, for an ordinary horse cost as much as three minae (Isaeus, *de Dicaeog. hered.* § 43), and a war-horse would cost a great deal more. Of course those only were required to serve who were physically capable of doing so efficiently; but such were required to serve as long as they were able (Xen. *Hipp.* i. 2): so we find the corps divided into *νέοι* and *πρεσβύτεροι* (*ib.* i. 17; ii. 3). It belonged to the duties of the hipparch to train the horsemen (Xen. *Mem.* iii. 3, 5), especially in being able to leap up on horseback (Xen. *Hipp.* i. 17)—for they had no saddles or stirrups—in throwing the javelin (*ib.* i. 6, 21), and in kinds of sham fights (*ἀνθιππασία*), in which each hipparch commanded five tribes (i. 20, iii. 11; Aristot. *fr.* 56 M.); for the cavalry were divided by tribes (Xen. *Hell.* ii. 4, 31), each governed by a phylarch (Xen. *Hipp.* i. 8). The hipparch appears to have had to examine the horses (Xen. *Mem.* iii. 3, 4), which must have been very necessary when one remembers the various requirements of a war-horse as given by Xenophon (*de re Equestri*, iii. 7, viii. 1). The hipparch and the phylarch were elected by the people (Aristoph. *Av.* 798). At the beginning of the year the *βουλή* held a review of the knights. They went through exercises (*ἀκοντισμός*, *ἀνθιππασία*, &c.) which are described at length by Xenophon (*Hipp.* iii.); and if this examination (*δοκιμασία*) proved satisfactory and the horses seemed suitable (i. 13), a fee for equipment (*κατάστασις*) was paid to each horseman (Suid. *s. v.*). Besides this, pay (*μισθός*) was given to the cavalry to the amount of 40 talents a year, *i.e.* 240 drachmas for each horseman (cf. Dem. *Phil.* i. § 28, p. 48 R.; Boeckh, *Staatshaushaltung*, i.^{3} 317 ff., 340 ff.). A knight regularly appointed could not serve as a hoplite; and if he did not pass the examination and yet attempted to serve, he was disgraced (Lys. *Alc.* ii. 7; i. 8, 9). The arms of the cavalry were two spears of cornel-wood (Xen. *de re Eq.* xii. 12, 13) and a small sword like a cleaver. Full account of the armour is to be found in Xen. *de re Eq.* xii. 1 ff. The cavalry appear to have been an imposing corps, and so were much used in processions (Aristoph. *Ran.* 652; Dem. *Phil.* i. p. 47, § 26; Xen. *Hipp.* iii. 2). Besides the light-armed soldiers drawn from the ranks of the poorer citizens, there was at Athens a regiment of Thracian slaves, armed with bows. The number of these increased from 300, who were purchased after the battle of Salamis, to 1000 or 1200 (Aeschin. *Fals. Leg.* §§ 173, 174; Boeckh, *Staatshaushaltung*, book ii. c. 11). They, however, were generally employed as a sort of police or city guard. Besides these, however, the Athenians had a troop of bowmen of their own citizens, amounting, at the beginning of the Peloponnesian war, to 1600 (Thuc. ii. 13). They were commanded by *τόξαρχοι* (*C. I. A.* i. 79). The two classes of *ἀστικοὶ* and *ξενικοὶ τοξόται* are mentioned in *C. I. A.* i. 433. Besides the 1000 knights, there were at the beginning of the Peloponnesian war 200 *ἱπποτοξόται*, mostly taken from the Scythians (Thuc. ii. 13, compared with Aristoph. *Eq.* 225). It was considered degrading for a citizen to serve in this corps (Lys. *Alc.* ii. 6). They used to ride before the hipparchs (Xen. *Mem.* iii. 3, 1). There is an elaborate account of the military forces of Athens in Boeckh (*op. cit.* i.^{3} 321–339).

For the command of the army, there were chosen every year ten generals [STRATEGI] and ten taxiarchs [TAXIARCHI]. Respecting the military functions of the *ἄρχων πολέμαρχος*, see the article ARCHON. The number of strategi sent with an army was not uniform. Three was a common number. Sometimes one was invested with the supreme command; at other times, they either took the command in turn (as at Marathon), or conducted their operations by common consent (as in the Sicilian expedition).

The practice of paying the troops when upon service was introduced by Pericles (Ulpian. *ad* Demosth. *περὶ συντάξ.* p. 50 a). The pay consisted partly of wages (*μισθός*), partly of provisions, or, more commonly, provision-money (*σιτηρέσιον*). The ordinary *μισθὸς* of a hoplite was two obols a day. The *σιτηρέσιον* amounted to two obols more (Dem. *Phil.* i. § 28, p. 48). Hence the life of a soldier was called, proverbially, *τετρωβόλου βίος* (Eustath. *ad Od.* p. 1405; *ad Il.* p. 951). Higher pay, however, was sometimes given, as at the siege of Potidaea the soldiers received two drachmas apiece, one for themselves, the other for their attendants. This, doubtless, included the provision-money (Thuc. iii. 17). Officers received twice as much; horsemen, three times; generals, four times as much (comp. Xen. *Anab.* vii. 6, § 1; 3, § 9).

As regards the military strength of the Athenians, we find 10,000 heavy-armed soldiers at Marathon (Justin. ii. 9); 8,000 heavy-armed, and as many light-armed, at Plataeae (Herod. ix. 29); and at the beginning of the Peloponnesian war there were 13,000 heavy-armed ready for foreign service, and 16,000 consisting of those beyond the limits of the ordinary military age and of the metoeci, for garrison service (Thuc. ii. 13).

It was the natural result of the national character of the Athenians and their democratical constitution, that military discipline was much less stringent among them than among the Spartans (*χαλεπαὶ γὰρ αἱ ὑμέτεραι φύσεις ἄρξαι*, Thuc. vii. 14), and after defeat especially it was often found extremely difficult to maintain it. The generals had some power of punishing military offences on the spot, such as treasonable correspondence with the enemy (Lys. *Agorat*, § 67); but the punishment for insubordination was trifling (Lys. *Sim.* § 43). For the greater number of offences, the trial only took place after the return of the army home before the generals (Lys. *Alc.* i. 21), or the taxiarchs as their substitutes (Dem. *in Booet. de nom.* § 17), and a jury of persons who had served in the army (Lys. *Alc.* i. 15); the punishments were various kinds of *ἀτιμία* (Andoc. *de Myst.* § 74). Various rewards also were held out for those who especially distinguished themselves for their courage or conduct, in the shape of chaplets, statues, &c. (cf. Aeschin. *Fals. Leg.* § 169). In connexion with these, the *λόγος ἐπιτάφιος*, spoken over those who had fallen in war, and the *τάφος δημόσιος*, must not be omitted. Respecting the provision made for those who were disabled in war, see the article ADYNATI.

The Peltastae (*πελτασταί*), so called from the shield which they bore [PELTA], were a kind of troops of which we hear very little before the end of the Peloponnesian war. The first time we have any mention of them is in Thuc. iv. 111, where they are spoken of as being in the army of Brasidas. With the more frequent employment of mercenary troops a greater degree of attention was bestowed upon the peltastae; and the Athenian general Iphicrates introduced some important improvements in the mode of arming them, combining as far as possible the peculiar advantages of heavy- (*ὁπλῖται*) and light-armed (*ψιλοί*) troops. Thus distant as well as close combat was possible for them (Schol. on Eur. *Rhes.* 311; cf. Plut. *Legg.* vii. 813 E). The great advantage of this light infantry is well sketched by Xenophon (*Hell.* ii. 4, 12). Iphicrates substituted a linen corslet for the coat of mail worn by the hoplites, and lessened the shield, while he doubled the length of the spear and sword. He even took the pains to introduce for them an improved sort of shoe, called after him Ἰφικρατίδες (Pollux, vii. 89). This equipment was commonly adopted by mercenary troops, and proved very effective. The almost total destruction of a mora of Lacedaemonian heavy-armed troops by a body of peltastae under the command of Iphicrates was an exploit that became very famous (Xen. *Hell.* iv. 5, § 11). The peltast style of arming was general among the Achaeans until Philopoemen again introduced heavy armour (Plut. *Philop.* 9) with the Macedonian phalanx.

When the use of mercenary troops became general, Athenian citizens seldom served except as volunteers, and then in but small numbers. Thus we find 10,000 mercenaries sent to Olynthus with only 400 Athenians (Demosth. *Fals. Leg.* p. 425, § 263). With 15,000 mercenaries sent against Philip to Chaeroneia, there were 2,000 citizens (Demosth. *de Cor.* p. 306, § 237). It became not uncommon also for those bound to serve in the cavalry to commute their services for those of horsemen hired in their stead, and the duties of the *ἱπποτροφία* were ill executed. The employment of mercenaries also led in other respects to considerable alterations in the military system of Greece. War came to be studied as an art, and Greek generals, rising above the old simple rules of warfare, became tacticians. The old method of arranging the troops, a method still retained by Agesilaus at the battle of Coronea, was to draw up the opposing armies in two parallel lines of greater or less depth, according to the strength of the forces, the engagement commencing usually very nearly at the same moment in all parts of the line. The tactics employed by Epaminondas were a further development of the Boeotian practice of deepening one point in the attacking line. Thus, while the Greek army was generally drawn up eight deep, at Delium the right Boeotian wing was twenty-five deep (Thuc. iv. 93). Epaminondas at Leuctra not only deepened the left wing to fifty, placing the Sacred Band in front; but he further (and this was a distinct innovation) moved it forward obliquely, *λοξὴ φάλαγξ* (Xen. *Hell.* vi. 4, 12; Diod. xv. 55; Plut. *Pelop.* 23), so as to attack with this tremendous force the centre, and not as usual the wings, of the enemy.

Thessaly under Jason of Pherae had a vast army: 8,000 cavalry and 20,000 hoplites, a large force of peltasts, and 6,000 mercenaries (Xen. *Hell.* vi. 1, 5). This Jason has the distinction of having invented an arrangement of cavalry in the shape of a rhomboid (Asclep. vii. 2; Ael. xvi. 3), but a still greater one in having been the first to take measures for tending soldiers when sick (Xen. *Hell.* vi. 1, 6). The tyrants in Sicily had very large armies, though probably the actual numbers are exaggerations of their conquerors. Gelon is said to have had 10,000 mercenaries; and Dionysius I. an army of 120,000 foot and 12,000 horse, together with every kind of improvement in engines, arms, &c. He paid great attention to cavalry, and had mercenaries from all quarters, Iberians and Gauls (Diod. xv. 70). For a full account of this great military organiser, see Diod. xiv. 42, 43; Grote, x. 240; Hermann-Droysen, *op. cit.* 76; Bauer, *op. cit.* §§ 53, 54. The chief features in the Sicilians were their great enterprise and their readiness to adopt all improvements as well in arms as in tactics: thus, for example, Dion divided his army into λόχοι ὄρθιοι in accordance with the important improvement made by Xenophon (Plut. *Dion*, 45).

Under Philip and the subsequent Macedonian kings, the army was much more systematically attended to, and we have much fuller accounts of it than we have of the armies of free Hellas. Till Philip's time the Macedonians had a very indifferent army. Archelaus indeed did something to improve it; but the exact nature of his improvements we cannot be very certain about (Thuc. ii. 100). Philip was the first to organise the foot-soldiers in a phalanx, and to develop still further the resources of the Macedonian cavalry, which had always been excellent. In times past it was the cavalry who used to protect the country, while the inhabitants fled into the fortified towns (Thuc. *l. c.*); but it is very rarely that we read of foot-soldiers, such as the hoplites of the Lyncestae and the infantry which Perdiccas supplied to Brasidas (Thuc. iv. 124, 83).

During his stay at Thebes, Philip learned the tactics of Epaminondas, though the Macedonians must have learned already much of the Greek method of warfare of that day from the troops of the Athenians and Spartans which were certainly carrying on war in Chalcidice, and from the number of Greek mercenaries which were now everywhere abroad. With special knowledge derived from these sources, and with a population accustomed to monarchical rule, whom he could call out for service and use according to his own judgment for as long as he pleased (cf. Dem. *de Cor.* 305, § 235), Philip organised the Macedonian army. The cavalry were the principal element; they were called his Companions or ἕταιροι, a term applied in Macedonia to persons of distinction (Plut. *Pelop.* 27). Those summoned for service in the infantry were called Foot-Companions (πεζέταιροι), a term which shows that they were a kind of subsequent appendage to the cavalry. These two terms, ἕταιροι and πεζέταιροι, appear to have been originally applied to a picked body-guard (Dem. *Ol.* ii. p. 23, § 17), and gradually to have been extended to the cavalry and infantry generally (cf. Grote, xi. 386). The ἕταιροι, 800 in number (Theopomp. *fr.* 249), were mostly Macedonians, but there were some Greeks and Thessalians amongst them. It has been supposed that there were six ἶλαι of Companions and six τάξεις of Foot-Companions, one raised from each of the six recruiting districts of Macedonia (Grote, *l. c.*). But though the divisions of the cavalry and infantry were called ἶλαι and τάξεις respectively, and there were recruiting districts (cf. the analogous division of Thessaly into four recruiting districts after its conquest, Dem. *Phil.* iii. p. 117, § 26), we cannot be quite certain that there were only six (see Hermann-Droysen, *op. cit.* 108). Thirteen ἶλαι are mentioned in Plut. *Alex.* 16, in such a way as to imply that there were more. A picked body of the cavalry was called the ἄγημα or βασιλικὴ ἶλη. Further divisions of the τάξεις were λόχοι and perhaps σκηναί, the latter consisting of ten men (Anaximenes *ap.* Harpocr. *s. v.* πεζέταιροι: Arrian. *Anab.* iv. 21, 10). If Anaximenes in this passage refers the establishment of the πεζέταιροι *eo nomine* to Alexander, this does not refer, as is thought, to Alexander son of Amyntas, but is probably only due to the practice of ascribing all innovations to and beginning all things from the great Alexander, though Abel (*Makedonien vor König Philipp*, p. 131, note 1) supposes him to refer to the enrolment of Persians in the army by Alexander the Great. The infantry was arranged in a phalanx (Diod. xvi. 3). Their armour consisted of a helmet, metal-plated leather jerkin, greaves, and small circular shield, about two feet in diameter (Asclep. *Tact.* 5), fastened on the arm, not grasped by the hand: for both hands had to be used to hold the sarisa [SARISA], twelve cubits long (Theophr. *Hist. Pl.* iii. 12, 2). They had also a short sword used for thrusting; and accordingly the long sword of the Roman horsemen caused the greater terror (Liv. xxxi. 34, 4). Over the armour they wore a cloak except in battle (Polyaen. iv. 3, 3). Their arrangement was that of a serried mass, a feature due to the influence of Epaminondas; for it was doubtless with a view of facing his method of warfare that Philip first organised the phalanx. Like the Greek hoplites, the phalanx was arranged in ζυγὰ and στίχοι (cf. p. 770 *b*). The armour of the cavalry did not at all differ from the armour of the ordinary heavy-armed horsemen in the Grecian armies. The lance was the ξυστόν, made of cornel-wood (Arr. *An.* i. 15, 5). The riders had no stirrups or saddles (cf. Hermann-Droysen, *op. cit.* 109). A very large portion besides of Philip's army consisted of light-armed troops and mercenaries (Dem. *Phil.* iii. 123, § 49). Philip was most particular about drill (Polyaen. iv. 2, 10); he made the soldiers carry their own provisions, thus getting rid of a great number of waggons; and he allowed no more than one servant for each horse-soldier and one for each ten foot-soldiers to carry such articles as the hand-mills, &c. (Frontin. iv. 1, 6). He supplied the arms to the soldiers (Diod. xvi. 3; Liv. xlii. 52), arranged the different corps and appointed all their commanders himself (cf. Arr. *An.* iii. 5, 5). His especial body-guard were called σωματοφύλακες, and were composed of his closest friends (Diod. xvi. 93; cf. Arr. *An.* vi. 28, 4). A further body closely connected with the king were the Royal Pages (βασιλικοὶ παῖδες), sons of the most distinguished Macedonians, who received a military training at the court. On the cavalry Philip bestowed great care: with the united Thessalians he had 3,000 in his war against the Phocians (Diod. xvi. 35). He took the greatest care in improving the breed of horses (Justin. ix. 2, 16). Even the foot-soldiers were trained to fight on horseback (cf. Arr. *An.* iv. 23, 2); and a peculiar wedge-shaped arrangement of cavalry (ἐμβολοειδὴς τάξις) is attributed to Philip (Arr. *Tact.* xvi. 6). For the Macedonian ἐξελιγμός, see p. 771 *a*. Philip, too, made the greatest improvement in military engines [TORMENTA], such as catapults and besieging-towers: from the sieges of Perinthus and Byzantium a new era dates in the art of besieging towns (Athen. *de Mech.* p. 10; Grote, xi. 262); though we must remember that Dionysius of Syracuse had considerable artillery before Philip's time (Diod. xiv. 42, 48, 50).

One of the chief introductions of Alexander was that of the *ὑπασπισταί*. They held an intermediate position between the heavy-armed Foot-Companions and the quite light-armed. They carried a round shield, a short thrusting-lance, and were clad with a chiton [CHITON], and wore on their head a causia [CAUSIA]. Some time during the campaigns of Alexander, probably after the battle of Arbela, the *ὑπασπισταὶ* were divided into chiliarchies (cf. Arr. *An.* iii. 29, 7), according to Persian custom (cf. Xen. *Cyr.* iv. 1, 4; Diod. xviii. 48). Alexander also divided the cavalry, no longer into *ἶλαι* in the first instance, but into *ἱππαρχίαι* (at first eight, later four, in addition to the *ἄγημα*), which were then divided each probably into two *ἶλαι* and several *ἑκατοστύες* (Arr. *An.* vi. 27, 6): a previous alteration tending towards this arrangement being the dividing of the *ἴλη* into two *λόχοι*, this latter title not having been applied to a division of cavalry previously (Arr. *An.* iii. 16, 3). Prior to the appointment of these *ἱππαρχίαι*, the *chief* commander of the cavalry was called *ἱππάρχης* (*ib.* iii. 27, 4). Besides the heavy cavalry, Alexander also introduced a lighter kind of cavalry, called Sarisophori, used, as Grote (xi. 389) says, like Cossacks for advanced posts or scouring the country. Their sarisa was shorter than that of the phalangites, but much longer than the *ξυστὸν* of the Companions. The Paeonian cavalry were something similar. We hear of a body of reconnoitring *πρόδρομοι* (*i.e.* Paeonians) and Sarisophori in the march to the Granicus (Arr. *An.* i. 12, 7). The Greeks seem to have used but little such reconnoitring parties. The phalanx of Alexander was much less rigid than is usually supposed: according to circumstances, it could be divided into various independently acting corps. We find the infantry sometimes running to the attack (Arr. *An.* i. 26, 3): and a glance at the plan of the battle of Arbela in either Rustow and Köchly's *Griechisches Kriegswesen*, or in Bauer, *op. cit.* Taf. xi., will show the phalanx broken up. However, the normal condition of the phalanx was in close array (*πύκνωσις κατ' ἐπιστάτην καὶ παραστάτην*, Pol. xviii. 30). The breaking-up into separate divisions is mentioned as an exception; it appears to have been often done to allow the chariots of the enemy to rush through (Arr. *An.* i. 1, 8; iii. 13, 6). The phalanx was usually eight deep, though at the Granicus Alexander made it sixteen (Arr. *An.* i. 13, 1). The front of the individual *λόχοι* was greater than the depth, because *λόχοι ὄρθιοι* are early mentioned as quite unusual (*ib.* iv. 25, 2). When standing in close array, each phalangite stood three feet from the soldier at his side and two feet from the soldier behind him. Given the sarisa to be even eighteen feet long, and six of these to be used in grasping and balancing it (Polyb. xviii. 12), the sarisa of the fifth rank would project two feet beyond the first rank. [It is very questionable, however, whether Polybius is in error in this passage in using the word *πήχεις* instead of *πόδας* all through, as Rüstow and Köchly (*op. cit.* 239), followed by Droysen (*op. cit.* 173), think. Hultsch, in his edition of Polybius, adheres to *πήχεις*, and see Grote, chap. xcii. Appendix, and xi. 384. That the longest sarisa was eighteen feet in Alexander's time, and was lengthened afterwards to twenty-one feet, twenty-four feet being the ideal length aimed at, seems the most satisfactory way to explain the various passages.] The other ranks held the sarisa slanting upwards to ward off missiles, but took no other part in the fight except so far as their pressure urged the front ranks forward. On the march the phalangites carried their sarisas on their shoulders; and bringing them down into position for action was called *καταβάλλειν τὰς σαρίσας* (Pol. xviii. 24, 9; Weiss. on Liv. xxxiii. 8, 13). The first man of each file (*στίχος*) was the *λοχαγός*, a soldier of tried bravery and great strength. This method of fighting in phalanx, which was characteristic of the Hellenistic empires down to the end of their existences, is severely criticised by Polybius in various passages, chiefly on the score of its incapability of manoeuvring easily—a disadvantage attaching more to the phalanx of the successors of Alexander than to that of Alexander himself. The phalanx, we are told, required even ground (Pol. xviii. 31; Liv. xxxi. 39, 10), was powerless against an attack from flank or rear (Pol. xviii. 26, 4; Liv. xliv. 41, 6), and in attempting to wheel round was generally thrown into confusion (Liv. xxxii. 18. 16). All this is no doubt true; and the truth was all the more apparent when the phalanx had to face the Roman manipular tactics (Pol. xviii. 29, 30): besides, the phalanx of the successors of Alexander was used generally in the offensive. But we must remember that the phalanx was quite invincible as long as it remained together, and its attack in front irresistible (Pol. *l. c.*), and that it was not subject to any inconveniences greater than those experienced by the ordinary Greek hoplite army (cf. Grote, xi. 385). The strength of the phalanx, according to the tacticians, was 16,384 men—16 men to one Lochus, 16 Lochi to one Syntagma, 2 Syntagmata to one Pentacosiarchy, 2 Pentacosiarchies to 1 Chiliarchy, 16 Chiliarchies to the phalanx (cf. Grote, xi. 386). But this is merely theoretical. The actual numbers of the phalanx varied. It was 10,000 at Sellasia, 16,000 at Cynoscephalae, and 20,000 at Pydna (Droysen, pp. 158, 172). The phalanx of Antiochus at Magnesia consisted of 16,000 men, and was formed in 10 divisions (*μέρη*) of 1600 men each, arranged 50 broad and 32 deep (App. *Syr.* 32; Liv. xxxvii. 40, 1).

We cannot be very certain about the strength of Alexander's army at different times; but even at the outset the Macedonians were distinctly in the minority—12,000 out of 30,000 infantry, 1500 out of 4,500 cavalry (see Grote, xi. 397). The Grecian allied forces stood under Macedonian commanders: the infantry is rarely mentioned, but we hear of the cavalry of the Thessalians and an *ἴλη* from Orchomenus in Boeotia. It is noticeable that mercenary cavalry appear in Egypt (Arr. *An.* iii. 5, 1). We do not hear much of the light-armed troops in Alexander's army. The Agrianes, a people from

Northern Macedonia, were valuable archers. There were, of course, slingers and javelin-throwers, later all kinds of native Asiatic troops, amongst them *ἱππακοντίσται* and *ἱπποτοξόται* (Arr. *An.* iii. 24, 1; iv. 24, 1). The introduction of these native troops after the conquest of the Persian empire led to changes in the army. The phalanx was now made 16 deep; the first three ranks being Macedonians, armed in Macedonian fashion with the sarisa, as was also the last, but the twelve intermediate ranks were Persians, armed with bows and javelins (Arr. *An.* vii. 23, 3; cf. Grote, xii. 73). This phalanx, says Bauer (*op. cit.* 315), is the first example of the union of differently-armed troops, light and heavy, into one tactical body. Droysen (*Gesch. Alex.* ii.^{2} 232) thinks it was intended to be used against the Italians. The Macedonian cavalry was posted on the wings, and was generally used to bear the chief part in the battle after it had been opened by the light troops, the heavy infantry being seldom required in Alexander's battles. Alexander himself usually headed the cavalry on the right wing. It was arranged in *ἶλαι*, separated by intervals (Arr. *An.* v. 15, 2), which advanced to the attack one a little in advance of the other, so that on a plan the different *ἶλαι* would look like a flight of steps. (This is probably the meaning of *ἐξελιγμὸς τῶν ἵππων* in Arr. *An.* iii. 15, 2.) It was quite exceptional if the cavalry were placed in a solid mass (*ib.* v. 17, 4). The extreme wings were generally formed by the Agrianes and other bowmen: next to the cavalry on the right wing, adjoining the heavy infantry, were the Hypaspistae (see Bauer, *op. cit.* p. 316). At Arbela Alexander made use of a considerable reserve (Arr. *An.* iii. 12, 1). The excellence of his cavalry brought about an important alteration in the conclusion of battles; for he used to pursue the beaten enemy (cf. Arr. *An.* iii. 15, 5), a practice not at all usual in Grecian warfare. Another feature in which the excellently-drilled Macedonian army differed from the Grecian was in being able to form in battle array a long distance from the enemy (7 miles at Arbela, Arr. *An.* iii. 9, 3). The use of field artillery is a striking feature of Alexander's tactics. He used it specially to protect the army in crossing a river (Arr. *An.* i. 6, 8), but also in other cases (Arr. *An.* iv. 29, 7). Heavy artillery was of course used in sieges. All the engines were administered by *μηχανοποιοί* (Arr. *An.* ii. 26, 2). Alexander did not use elephants; though he appears to have intended to do so, as he had 200 brought from India (Arr. *An.* vi. 2, 2). There was a very large mass of camp-followers in the army of Alexander, women and children being in it (Arr. *An.* vi. 25, 5), besides the number of soldiers' servants, merchants, and drivers of the waggons, which carried the tents, engines, and other baggage. The Macedonians do not appear to have fortified their camp; but each division of troops had definite positions in the encampment. We hear of Thracians used as pioneers (Arr. *An.* i. 26, 1). We know little about the way the commissariat was administered: and as regards pay, all we know is that the phalangite, who held a position midway between the common soldier and those who were said to get double pay (*διμοιρῖται*), got 10 staters a month (Arr. *An.* vii. 23, 3).

The wars of the Hellenistic period show in many respects a continuation of the later system of Alexander. The armies become much larger, and as a necessary consequence the material much worse, and a still larger proportion than before were mercenaries. Demetrius is said to have had an army of 110,000 men taken from every kind of class and nation (Plut. *Dem.* 43). In Hermann-Droysen (*op. cit.* p. 133 ff.) there are extensive statistics of the strength of the armies of this period. But many of the features of the army of Alexander continue. The large introduction of native troops beside a few Macedonians, the use of cavalry for the first attack, the position of the cavalry and light-armed on the wings, and the phalanx of heavy infantry in the centre, the carrying on of campaigns during the whole year and the extensive use and improvement of artillery, are features we still find exhibited. Also special corps retain their names, such as the *παῖδες βασιλικοί* (Pol. v. 82; Liv. xlv. 6, 7), *σωματοφύλακες* (Diodor. xix. 12), *ἄγημα* (Pol. v. 25), *ἴλη βασιλική* (Pol. v. 84), *ἕταιροι* for the cavalry (Pol. v. 53). But, on the other hand, there are differences. The phalanx comes to be used in the attack, no longer in the defence, and it becomes far more rigid and immovable than it was with Alexander. The sarisa was lengthened to 21 feet. Philopoemen (Pol. xi. 11, § 6) alone appears to have broken up the phalanx into smaller divisions. Pyrrhus (Pol. xviii. 28) placed Italians and phalangites alternately (*ἐναλλάξ*), but apparently without the whole mass being appreciably less serried. This rigid kind of phalanx remained the cardinal feature of the Hellenistic armies of the time: the best soldiers for it were considered to be the Macedonians and Achaeans (Pol. iv. 8); on the wings were generally placed special forces (*ἐπιτάγματα*) to prevent flank attacks (Pol. v. 53). The various Grecian states who aspired to any distinction in war had to adopt it—Aetolians (Liv. xxxviii. 7), Achaeans and Megalopolitans (Pol. ii. 65; Plut. *Philop.* 8), Spartans (Plut. *Cleom.* 11). The smallest division of the Hellenistic phalanx was the *σημαία*, which often appears in Egyptian papyri for bodies of fourteen men (Bauer, *op. cit.* p. 320). The *σπεῖρα*, which is the general term Polybius gives to the Roman cohort, was a larger division. There were no standards. Livy (xxxiii. 7, 2) wrongly applies to the Macedonians Roman customs. The purple cloth (*φοινικίς*) raised on a sarisa in Pol. ii. 66, § 11, was only for a signal. Alexander had after the Indian expedition assigned to certain veterans of the Foot-Companions the privilege of carrying silver shields, and these veterans were called *ἀργυράσπιδες* (Justin. xii. 7, 5) [ARGYRASPIDES]. These are mentioned subsequently in the wars of Eumenes and Antigonus (Diod. xviii. 58), and in the Syrian kingdom (Pol. v. 79, 4). We also hear of phalangites who carried white shields (*λευκάσπιδες*, Plut. *Cleom.* 23) and brazen shields (*χαλκάσπιδες*, Pol. ii. 66). This looks like the introduction of a kind of uniform (cf. the *στρατιωτικαὶ χλαμύδες* and *φοινικοῖ ὑποδύται* in Plut. *Philop.* 11: cf. Plut. *Aemil.* 18; Pol. xxxi. 3). The breastplate of the phalangites appears to have been of great weight and power of resistance (Plut. *Demetr.* 21). The term *ὑπασπισταὶ* appears to be now used no longer for the troops midway between the heavy and light style of armour, but for the body-guard (Diod. xviii. 45; Pol. v. 27; Liv. xlii. 51), as indeed it was occasionally in Alexander's time (Arr. *An.* iii. 8, 3). The 300 with Eumenes were the remains of Alexander's corps (Diod. xix. 28). We also hear of a special body-guard called *Nicatores* (Liv. xliii. 19, § 11; Hesych. *s. v.* *Νικατῆρες*).

In the Hellenistic armies the light-armed and cavalry stood on the wings. Peltasts are found in the Greek armies, and the Greek mercenaries were mostly armed in this style. They are regularly distinguished from the archers, slingers, javelin-throwers, &c. (Pol. viii. 15, § 6). They were divided into *σπεῖραι* and *σημαῖαι* (Pol. v. 4). These only very rarely acted in serried ranks: they generally fought in a scattered manner in small detachments (Liv. xxxv. 29). The best archers were Cretans, who were excellent too at ambushes, raids, and such like irregular warfare (Pol. iv. 8, 68), or Agrianes (Pol. ii. 65, 79): the best slingers were Achaeans (Pol. iv. 61); yet it is noticeable that in the armies of the Achaean league no Achaean slingers appear (Hermann-Droysen, 170, note 3). The cavalry was largely supplied by the Thessalians (Liv. xxxiii. 4; Pol. xviii. 22). It was armed with the heavy breastplate and thrusting-pike (*ξυστόν*), and carried a wooden shield covered with brass (Pol. vi. 25). The Thessalian cavalry was unconquerable when fighting in line and phalanx, but difficult to be used for single combat out of line; the case being just the reverse with the Aetolian cavalry (Pol. iv. 8, xviii. 22). The Aetolian cavalry was divided into *οὐλαμοί* (which was the smallest division, Pol. xviii. 19), *ἶλαι*, and *ἱππαρχίαι*. Cavalry was usually posted eight deep, with intervals between the individual *ἶλαι* (Pol. xii. 18). The statement that in the battle of Gabiene the two *ἶλαι* were posted fifty deep (Diod. xix. 27) is hardly to be believed; rather they were fifty strong (Rustow and Köchly, *op. cit.* 370, note 16). Special kinds of cavalry also used were: (1) the *Median* cavalry, with long lances (*λογχοφόροι*, Diod. xix. 39), probably like the Sarisophori of Alexander; (2) *Tarentini*, light-armed cavalry, using javelins and each having two horses (Pol. iv. 77, xi. 12, xvi. 18; Ael. *Tact.* 45; Liv. xxxv. 28: cf. Pollux, i. 131, *ἅμιπποι*), such being originally mercenaries from Tarentum; (3) *Cataphracti* (Pol. xxxi. 3; Liv. xxxvii. 40) [CATAPHRACTI]. We occasionally hear of *ἱπποτοξόται* (Diod. xx. 113) and scythed chariots (Plut. *Demetr.* 28; Liv. xxxvii. 40). But the most special feature of the Hellenistic armies, especially that of the Seleucids, is the use of elephants. Alexander had no doubt intended to use them, but never did. Seleucus got no fewer than 500 from Sandracottus (Strab. p. 724). The elephants were generally placed before the line in the centre, though sometimes on the flanks, *ἐν ἐπικαμπίῳ* (Diod. xix. 27–29), *i.e.* at an angle with the main line, stretching forward or backward according as they were to be used for attack or defence. Sometimes we find them in a square (Diod. xix. 39). Between the elephants were numerous light-armed, and both used generally to open the battle. Pyrrhus, however, was accustomed to keep them for the final effort—they were the *ultima ratio regis*. The elephants were mostly Indian ones, and were driven by men called Indians (Diod. xix. 84; Liv. xxxviii. 14), except in Egypt, where the African elephant was used (Pol. v. 79, 82). The latter was much inferior to the Indian elephant (*ib.* 84). In the wooden tower (*θωράκιον*) on each beast there were, besides the driver, three or four combatants armed with sarisas or bows (Pol. v. 84; Liv. xxxvii. 40; Strab. p. 709). Sometimes there were coats of mail put on the animals (Liv. *l. c.*), and on their backs were purple trappings (Plut. *Eum.* 14), in front plumes and frontlets (Liv. *l. c.*). There were special commanders for the corps of elephants (Plut. *Eum.* 16; App. *Syr.* 33). One elephant generally used to lead the way (*προηγούμενος*, Diod. xix. 42). When the elephants violently assailed the enemy with tusks and trunk, they were very formidable (Pol. v. 84); but if they did not strike terror at once into their opponents, their influence was frustrated with comparative ease: simple devices, like chains or boards with nails, sufficed to stop their advance (Diod. xviii. 71; xix. 83).

The miscellaneous character of the Hellenistic armies can be very well seen by an examination of the lists of the armies of Eumenes and Antigonus at the battle of Paraetakene (317 B.C.) and of Demetrius at Gaza in 312 B.C. (Diod. xix. 27–29 and 82). Mercenaries were very cheap (Diod. xx. 113). Antigonus promises each Celt no more than a *χρυσοῦς Μακεδονικός*, *i.e.* a stater (Polyaen. iv. 4, 17). The frequent use of Celts is very noticeable (Pol. ii. 65, v. 53): their characteristic is carrying the great oblong shield (*θυρεός*), which is so often portrayed by the Pergamene artists. Owing to the long marches, considerable care was bestowed on the commissariat, as is evidenced by the preparations of Antigonus in his Egyptian expeditions (Diod. xix. 58; xx. 73): for it is to be noticed that military *operations*, ambuscades, forced marches, surprises, and such *κλοπαὶ τοῦ πολέμου*, are more frequent in this period than previously, and these required waiting for opportunities (cf. Rustow and Köchly, *op. cit.* 358 ff.). There was a still larger and more indiscriminate camp-following than in Alexander's time, wives and children of the soldiers being found there in great numbers (Diod. xix. 43; Plut. *Aemil.* 16). The army, says Diodorus (xx. 41), was actually like a colony. Owing to its size, different divisions had sometimes to take up winter-quarters six days' journey from one another (Diod. xix. 37). Great arsenals and military centres were established in the different kingdoms, *e.g.* at Alexandria and Apamea (Strab. p. 752), where the soldiers were drilled during the winter (Pol. v. 66, cf. 63). Field-artillery was occasionally used (Pol. xi. 11, 12). For the camp, which was protected by a rampart and a ditch (Diod. xix. 39), but by a very indifferent palisade (Pol. vi. 42, xviii. 18), see CASTRA. The generals and distinguished officers in close attendance on the monarch wore purple mantles (Pol. xi. 18); hence are called *purpurati* by Livy (xxxi. 35). The bestowing of a purple mantle and a causia was considered a mark of distinction (Plut. *Eum.* 8). The officers sometimes fought with sarisas, and had, like the phalangites, small shields (Diod. xviii. 34), but usually they fought with a *ξυστὸν* on horseback. In Macedonia there were not nearly so many mercenaries as in the other Hellenistic armies; moreover, the armies in that kingdom used generally to be disbanded in winter (Pol. ii. 54, § 14; iv. 67, § 3). In Egypt the Ptolemies enrolled a great number of native Egyptians (Pol. v. 65); but apparently only in consequence of a revolution by the Egyptians (Mahaffy, *Greek Life and Thought*, p. 486): as reserves they had the colonists (*κάτοικοι*) settled in the military colonies (*κατοικίαι*) throughout the country. These colonists were of the most varied nationalities—Greeks, Macedonians, Thracians, Celts, Jews, Cretans. They and their sons (*ἐπίγονοι*) were divided into *σημαῖαι*, and in time of war could be called out for service as infantry or cavalry, but in time of peace they might engage in any business like ordinary civilians. (For full details on these *κάτοικοι* in Egypt, see Lumbroso, *L'économie politique de l'Égypte*, p. 224 ff.; and Hermann-Droysen, *op. cit.* 163.) In Greece at this period, with the exception of the efforts of Philopoemen in the Achaean league and Cleomenes at Sparta, military affairs were in a deplorable state of inefficiency. Mere raids seem to have been most that were attempted; we come across such phrases now as *τὸ λάφυρον ἐπικηρύττειν*.

(The chief work on the Grecian military systems is that of Rustow and Köchly, *Geschichte des griechischen Kriegswesens*, 1852. This is the main foundation of all subsequent treatises, the best of which are *Die griechischen Kriegsalterthümer* by Adolf Bauer, in Iwan Müller's *Handbuch der klassischen Alterthumswissenschaft*, 1887, iv. 226-231, where the vast bibliography on the subject is to be found; and H. Droysen's edition of *Die griechischen Kriegsalterthümer*, in vol. ii. of K. F. Hermann's *Lehrbuch der griechischen Antiquitäten*, 1888. Much information is also to be got from Gilbert, *Handbuch der griechischen Staatsalterthümer*, 1881, and H. Droysen, *Untersuchungen über Alexander des Grossens Heerwesen und Kriegführung*, 1885.

II. ROMAN (down to Septimius Severus). The most generally adopted periods in the development of the army during the Republic is into the *citizen army* of the first six centuries, and what is called the *mercenary army* of the last century dating from Marius. The latter formed a transition to the *standing army* of the Empire. Adopting this division, we shall say something about the legionary and auxiliary force of each period.

I. *From Romulus to Marius: the Citizen Army.*

1. *The early Kings.*—Under the early kings the *legion* or "gathering" (from *legere*, Varro, *L. L.* v. 87)—called in Greek generally *στρατόπεδον*, often *τάγμα, τέλος, στράτευμα* (Dio Cass. xxxviii. 47), *τεῖχος* (*ib.* lxxix. 7)—appears to have consisted of three "thousands" (*milites*) commanded by three *tribuni militum* and three hundred horse (*celeres*) commanded by three *tribuni celerum*. Tradition says (Varro, *L. L.* v. 89, 91) that the Ramnes, Tities, and Luceres each contributed a third to the legion of Romulus, though the Luceres were not in existence at that time. The *tribuni* were so called because they presided over a third part of the whole force (Serv. on *Aen.* v. 560). Besides these regular troops, the old terms *velites* and *arquites* point to a subsidiary force of light-armed, especially archers (Mommsen, *R. H.* i. 79, Eng. trans.). The patricians were the heavy-armed and their clients the light-armed. The method of fighting, if we may judge from the early stories of Livy (*e.g.* i. 10, ii. 6), appears to have been single combats of horsemen in Homeric style. Each warrior, we are told (Festus, s. v. *paribus equis*, p. 121 M.), brought two horses into battle. Instances of single combat appear long after the Republic was established: *e.g.* Cossus (Liv. iv. 19), Q. Fabius (v. 36), Corvinus (vii. 26), Asellus (xxiii. 46, 12), Scipio Aemilianus (Val. Max. iii. 2, 6), but it was no longer more than an exceptional incident of the battle. Still for a long period the cavalry formed among the Romans a highly important department of the army, used either to charge the enemy at the outset and throw them into disorder, which was completed by the advance of the infantry (Liv. i. 30, 9; iv. 47, 2), or to act as a reserve in order to charge at the critical moment (Liv. iii. 62, 8; ix. 39, 8). A still greater superiority in cavalry lasted among the other Italians till much more recent periods. In the Second Punic War it was the most important part of the Capuan army (Liv. xxiii. 46, 11), and the Romans during the flourishing period of the Republic always got the main portion of their cavalry from the Italian allies.

2. *Servius Tullius.*—During the monarchy of Servius Tullius we must suppose the increased army due to the increased population. Under him we find four legions, two of *juniores* from 17 to 46 years (Mommsen, *Staatsrecht*, i.² 487) and two of *seniores* from 47 to 60, with 1800 cavalry. Later the calling out of the *seniores* only took place in great emergencies (Liv. x. 21, 4; cf. vi. 6, 14). The infantry now became the chief department of the army, and was arranged in a phalanx like the Doric one, except that the soldiers had missile weapons borrowed from the Etruscans or Samnites (Sall. *Cat.* 51, 38), especially the *hasta*, called in Sabellian language *quiris* (hence *Quirites*). It is probable too that the Romans also got from the Etruscans the *clipeus*, and from the Samnites the *scutum*, though Mommsen (*R. H.* i. 456, note) in the face of tradition (Diod. *Vat. Fr.* 54; Verg. *Aen.* vii. 665; Festus, s. v. *Samnites*, p. 327 M.), thinks the *clipeus* and *scutum* derived from the Greeks. The men were taken from those who had a stake in the country, the ASSIDUI or LOCUPLETES, who were formed into five classes, paid tribute, and served at their own expense (Festus, s. v. *assiduus*, p. 9 M.); while the *proletarii*, who were outside the classes, were only called out in cases of emergency, and were equipped by the state (Gell. xvi. 10, 11). The phalanx consisted of six rows of 500 men each and 1200 light-armed. Scholars interpret the accounts of the phalanx as given by Livy (i. 43) and Dionysius (iv. 16, 17) differently. Marquardt (*Staatsverwaltung*, ii.² 326) supposes the first two ranks only to have been of the first class and to have had the full armour, viz. helmet [CASSIS, GALEA], breastplate [LORICA], round iron shield [CLIPEUS], greaves [OCREAE]; the third and fourth ranks to have been of the second class, and to have had an inferior suit of armour, viz. breastplate, greaves, oblong leather shield [SCUTUM]; and the fifth and sixth ranks to have been of the third class, and to have had only breastplate and *scutum*. Mommsen, on the other hand (*Röm. Tribus*,

p. 138; *R. H.* i. 99), holds that the first four ranks were taken from the first class, and had the full armour; the fifth from the second class, with the inferior armour; and the sixth from the third class, wearing the third class kind of armour. The fourth and fifth classes, who either formed the rear of the phalanx or more likely fought alongside it, contributed the light-armed or *rorarii*, so called because they opened the battle with a "shower" of missiles ("Tractum quod ante maximas pluvias caelum rorare incipiat," Non. 552, 31), and then retired behind the phalanx (cf. Lucil. x., "Pone paludatus stabat rorarius velox"). But Dionysius says the fourth class formed the seventh row of the phalanx, and carried a *scutum*, sword, and spear; and in this he is followed by Huschke (*Serv. Tull.* 425), while Livy declares that they had "nihil praeter hastam et verutum," *i.e.* fought sometimes in the phalanx with the *hasta*, sometimes as light-armed with the *verutum*. The fifth class, according to Dionysius, was outside the phalanx, but had spears (*veruta*, *σαύνια*) and slings; Livy says they had only slings and stones. The *ferentarii*, who fought with missiles ("quae ferrentur non quae tenerentur"), were the same as the *rorarii* (Varro, *ap.* Non. 520, 12 M.; Festus, p. 369 M.). It is to be carefully remembered that there were twenty centuries of the first class; five of the second, third, and fourth; and seven of the fifth class in each legion. Besides, there were two centuries of artisans (*fabri*, *aerarii et tignarii*) to look after the engines, two of trumpeters (*cornicines*, *liticines*), and one of *accensi velati* (unarmed supernumeraries), who were most likely brought to fill up the places of those who fell (Festus, p. 369), and it is barely possible that they may have acted as a sort of pioneers to clear the roads in advance: for in imperial times a body with this name was a college (Orelli, 2182; *C. I. L.* vi. 1607), and had something to say to road-making (Orelli, 111; and Mommsen in *Annali dell' Instituto*, 1849, pp. 209 ff.). *Adscriptitii* (from the point of view of the levy) or *accensi* (from the point of view of the census) when used alone appear to be generic terms, embracing all those not in the phalanx (Festus, s. v. *adscriptitii*, p. 14 M.), though Livy (viii. 8, 8) and Plautus (*ap.* Varro, *L. L.* vii. 58: "Ubi rorarii estis? En sunt. Ubi accensi? Ecce") distinguish them. Lange (*Röm. Alt.* i.^{3} 535) supposes that the *rorarii* were the fifth class, and the *accensi* the *proletarii*. Subjoined is a table taken from Mommsen (*Die römischen Tribus*, p. 141), which shows the theoretic arrangement, and how the numbers were derived from the four local tribes. We say "theoretic" because, for example, one can hardly suppose that the *seniores* can have been as numerous as the *juniores*. There cannot be a shadow of doubt but that the arrangement was previously a military one (Lange, *R. A.* i.^{3} 456, 464, 522, &c.); for if it were not so, why should a man of sixty years of age be excluded from the centuries (Mommsen, *R. H.* i. 100)?

Order of Voting.	Legio I. Junior.					Legio II. Juniorum.	Legio I. Seniorum.	Legio II. Seniorum.	Order of Battle.	
	Centuria I.									
	Suburbana.	Palatina.	Esquilina.	Collina.	Total of Century.					
Classis I.	25	25	25	25	100×5	100×5	100×5	100×5	First rank	
	25	25	25	25	100×5	100×5	100×5	100×5	Second „	The Phalanx.
	25	25	25	25	100×5	100×5	100×5	100×5	Third „	
	25	25	25	25	100×5	100×5	100×5	100×5	Fourth „	
II. Centuriae fabrum.										
Classis II.	25	25	25	25	100×5	100×5	100×5	100×5	Fifth „	
Classis III.	25	25	25	25	100×5	100×5	100×5	100×5	Sixth „	
Classis IV.	25	25	25	25	100×5	100×5	100×5	100×5	Rorarii.	
II. Centuriae litic. cornic.										
Classis V.	25	25	25	25	100×7	100×7	100×7	100×7		
I. Cent. accens. velat.									Accensi.	
Total of Legion.					100×42	100×42	100×42	100×42		

The cavalry was increased by twelve new centuries by Servius Tullius; and though they still were personally the principal classes in the army, yet in a military point of view they lost their pre-eminence, being now placed on the wings of the phalanx, and in a social point of view they lost their exclusively patrician character. The knights are now the richest of the citizens (Cic. *Rep.* ii. 22, 39), those whose property surpassed that required for the first class, and there was perhaps a fixed sum necessary to enable one to become a knight, as we hear of a *census equester* in 403 B.C. (Liv. v. 7, 5). They no longer had two horses for themselves, but one for themselves and the other for their attendant; and for procuring and keeping these horses they got from the treasury an *aes equestre* and *aes hordearium*, the latter a sum defrayed by a tax on widows and orphans (Marquardt, *op. cit.* ii.^{2} 172). At a triumph they got a threefold share of the booty (Liv. xlv. 43, 7), when planted in a colony a share of land larger than the others (Liv. xxxv. 40, 5; xxxvii. 57, 8), and threefold pay when pay was introduced (Polyb. vi. 39, 12). The number of active knights who received the *aes equestre* remained 1800; but those who acquired the property necessary to become knights, without obtaining the *equus publicus* (i.e. getting the *aes equestre*), increased greatly, and they were the origin of the *ordo equestris* (Liv. ii. 1–10; Lange, *R. A.* ii.^{2} 20 ff.). [EQUITES.] Thus we hear that at the siege of Veii there were many who served without having an *equus publicus* (Liv. v. 7, 5); a passage, by the way, which shows that those who did not get the *aes equestre* probably were not required to serve in the infantry.

3. *Camillus.*—Important changes were introduced into the army by Camillus: (1) payment of the soldiers from the time of the siege of Veii (406 B.C.), in consequence of the necessary continuance of war operations, from summer into winter; (2) certain alterations of arms, plating of helmets and shields with brass, and teaching the soldiers to use long *pila* to ward off the stroke of the Gallic sword (Plut. *Camill.* 40); (3) probable beginning of the breaking up of the phalanx into maniples. This breaking up was most likely introduced in order to resist the first and most dangerous charge of the Celtic sword-phalanx, and was further developed in the Samnite wars, reaching its full perfection in the war with Pyrrhus. The result of the breaking up of the phalanx was that the system of census divisions in the army disappeared, and the arrangement was made to depend on the age and experience of the soldiers: the soldier now advanced from *rorarius* to *triarius* (see below). This was quite necessary, as a better military training was required for steadfastness and efficiency in the small manipular unit than in the solid phalanx, where the inexperienced could not leave their place so easily (Mommsen, *R. H.* i. 454).

But we do not know all the steps in the development of the army to the arrangements it exhibits in the most flourishing period of the Republic, viz. the 6th century of the city. From Camillus to Polybius is over two hundred years, and many changes were effected in that time which we can only guess at. As to the manipular arrangement described by Livy (viii. 8) in his account of the Latin war of 340 B.C., which he appears to have taken without understanding it from some older authority, it is all too confused and uncertain to allow any definite result to be obtained from it (see Weissenborn *ad loc.*, and Madvig, *Verfassung*, ii. 483, 489). For the immense literature which has gathered round the passage, but reached no definite explanations, see Marquardt, *op. cit.* ii.^{2} 360, note 1. Passing by this perplexing description, let us proceed to sketch the state of the army as described by Polybius.

4. *Polybius.*—A certain *property* was still required for service in the army, but it was now only 4,000 asses instead of the 11,000 of Servius Tullius (Polyb. vi. 19, 2). The normal *number* of men in the legion continued as in the time of Servius Tullius, viz. 4,200, roughly 4,000, infantry (cf. for 494 B.C. Dionys. vi. 42; for 381, Liv. vi. 22, 8; for 349, Liv. vii. 25, 8; for 225, Polyb. ii. 24, 13; for 146, Polyb. vi. 21, 9). In especial cases the numbers were 5,200 or 5,000 (Polyb. ii. 24, 3; iii. 107, 10; vi. 20, 8;—Liv. xxvi. 28, 7; xl. 1, 5). It was first in the war against Perseus that the legion was raised to 6,000 (Liv. xlii. 31, 2), and the regular number from Marius's time was 6,200 (Festus, s.v. *sex millium*, p. 336 M.), a number which appears occasionally earlier (Liv. xxix. 24, 14; xxxv. 2, 4). The old quota of cavalry for the legion was 200 (Pol. iii. 107, 10; Liv. xlii. 31, 2), but the usual one for the legion, whether of 4,200, 5,000, 5,200, 6,000, or 6,200, was 300 (see Polyb. and Liv. *ll. cc.*).

Taking then the normal legionary force at 4,200 infantry, it was divided in Polybius's time (vi. 21, 7–9; cf. Gell. xvi. 4, 6) into 1200 *hastati*, 1200 *principes*, 600 *triarii*—these three classes arranged behind one another in the form of a quincunx, and 1200 velites (*γροσφόμαχοι*). The latter are the "youngest and poorest," the hastati "those next them" (*i.e.* in these two respects), the principes "the most vigorous in years" (*τοὺς ἀκμαιοτάτους ταῖς ἡλικίαις*), and the triarii "the oldest" (cf. Liv. viii. 8, 8). All three classes were armed with a metal helmet [CASSIS], having a red or black plume 1½ feet high (Pol. vi. 23, 12), but no visor, a leathern shield [SCUTUM], greaves [OCREAE], a leathern breastplate [LORICA], a short Spanish two-edged sword [GLADIUS], which was worn at the right side while they carried a dagger at the left. The spear of the hastati and principes was the light *pilum* [PILUM], used for throwing, while the triarii carried the *hasta* for thrusting [HASTA]. Besides this armour, the soldier of course had such articles of attire as the *sagum* [SAGUM].

The hastati, principes, and triarii were broken up into thirty "bundles" (*manipuli*), each "bundle" forming the smallest tactical unit which was under one standard (Varro, *L. L.* v. 88; cf. Tac. *Ann.* i. 34, "discedere in manipulos"). The *manipulus* derived its name, if not as indicated from itself being a bundle of men (cf. Madvig, *Verfassung*, ii. p. 486, note), from the bundle or handful of hay (Plut. *Rom.* 8; Ov. *Fast.* iii. 115 ff.) fixed on a pole which served as the standard. Later *signum* was the term for the standard of the maniples (Liv. xxvii. 14, 8), and Polybius very frequently uses *σημαία* for the maniple (though the usual word is *σπεῖρα*, *τάγμα* sometimes being found). Occasionally the maniple had more than one *signum* (Pol. vi. 24, 6). The maniple continued as a recognised division of the army even after the introduction of the arrangement by cohorts (Caes. *B. C.* ii. 28, 1; Tac. *Ann.* i. 34) down to very late times (Amm. Marc. xxi. 13, 9), though we sometimes find it used in a vague sense for any detachment (Tac. *Ann.* xiv. 58, 59). The maniple was further divided into two centuries, each commanded by a centurion, the centurion which commanded the right century being elected before him who commanded the left (Pol. vi. 24).

The *hastati* then formed 10 *manipuli* of 120 men each or 20 centuries of 60 men each. So did the *principes*. The *triarii*, who were always 600, and never varied with the varying numbers of the legion (Pol. vi. 21, 10), formed 10 maniples of 60 men each or 20 centuries of 30 men. To each century 20 *velites* were added (*ib.* 24, 4). The maniple of the first two ranks with its velites was usually arranged with 20 men in front and 8 in depth, according to Nast (*Röm. Kriegsalterthümer*, p. 51) and Marquardt (*Staatsverw.* ii.^{2} 346), on the not very strong grounds that such was the usual depth among the Greeks and among the Romans in the time of Trajan. Mommsen (*R. H.* i. 453) appears to think that the depth was not more than four files, the maniples of the three ranks having a front accordingly of 40, 40, and 20 men; and this seems the preferable view, as the main aim of the manipular arrangement was to encourage the individual mode of fighting. This latter was the cause of the considerable space, it may have been 6 feet, which was allowed in what was called loose array (*laxatis ordinibus*), between each soldier and his fellow-soldier beside or behind him; in close array (*confertis ordinibus*) the space was only 3 feet (cf. Pol. xviii. 13, 6; Liv. xxii. 47, 5; Caes. *B. G.* ii. 25, 1; Veg. iii. 14, though it must be confessed these passages only make for and are not quite conclusive as to such an accurate distinction). The general form of opening the battle was for the *hastati* to hurl their *pila* at a distance of about 10 or 20 paces from the enemy, and then proceed to the attack with the sword, where single combats prevailed. If this did not finish the battle, the *principes* advanced. The *triarii* always acted as a reserve, sometimes at the camp (Liv. v. 19, 7; vii. 23, 7), as was their duty originally (Dionys. v. 15; viii. 86). For further details, see the account of the Battle Array below, p. 807 *b*.

The great advantages of this divided light manipular arrangement as against the serried unwieldy phalanx, are that the former was ready for any emergency, that it was not disarranged by uneven ground, that a small disorder did not break up the whole array as in the phalanx, that the individual soldier was better able to vary his method of fighting according as it is necessary that the maniple, century or individual should engage; and many more which are set forth by Polybius, xviii. 31, 32. Mommsen (*R. H.* i. 455) notices how the Roman military arrangements of this time attained the three great military principles of keeping a reserve (the *triarii*), of combining the distant and close methods of fighting (in the discharge of *pila* preparatory to the sword attack), and in combining the offensive and defensive (the latter especially in the formation of camps).

The 300 cavalry of the legion fell into 10 *turmae* (ἴλαι) of 30 men. Each *turma* was commanded by three *decurions* (ἴλαρχαι) and three *optiones* (οὐραγοί), and had a *vexillum* (Veg. ii. 14). The *turma* stood in three rows, each row having a decurio and an optio in the first and last place, the first elected decurio leading the whole troop (Pol. vi. 25, 1, 2). They charged in close order (Sall. *Jug.* 101, 4), often taking the reins from the horses (Liv. viii. 30, 6; xl. 40, 5); but in standing fight they doubtless extended their ranks if they did not dismount and fight on foot (Liv. xxxi. 35, 5). Originally the cavalry had no armour, only a tunic so as to enable them to leap on and from their horses easily, ox-hide shields incapable of resisting severe thrusts and easily damaged by wet, very light lances with a point only at one end; but in the time of Polybius they had adopted the Greek cavalry equipment, which consisted of breastplate, covering for the loins, greaves, metal helmet, round shield [PARMA], lance, and long sword, "which as soon as they saw they adopted speedily; for the Romans are pre-eminently good at adopting new practices and striving after improvements" (Pol. vi. 25, 3–11). Possibly, as among the Greeks, the horses wore protections for the head, breast, and sides (προμετωπίδια, προστερνίδια, παραπλευρίδια). Saddles appear to have been used in Caesar's time (*B. G.* iv. 2, 5), but they had no stirrups, as may be seen from illustrations, and from the fact that recruits were taught to vault into the saddle (Veg. i. 18).

During the Republic the Roman cavalry was always weak; and its inferiority was so marked as against the fine Campanian cavalry that, in order to be able to contend with it at all, the Romans in 211 B.C. (Liv. xxvi. 4) selected from the legions the most active youths, who carried each a *parma* and seven iron-tipped javelins (*hastae velitares*), 4 feet long each. These youths, whom Livy calls *velites*, used to ride behind the horsemen, and leaping down at a given signal hurl their darts in rapid volleys. This practice of foot-soldiers fighting amongst the cavalry existed also amongst the Germans (Caes. *B. G.* i. 48, 5; Tac. *Germ.* 6), and Caesar formed such a troop of Germans (*B. G.* vii. 65, 4; viii. 13, 2). This practice appears to have been afterwards regarded as a regular specific for strengthening weak cavalry (Veg. iii. 16). Of course *velites*, meaning light-armed, existed long before, as can be seen even in Livy (xxi. 55, 11); but it appears that from this time (viz. 211 B.C.) the *rorarii* disappear, and *velites* is the name for the light-armed of the legion (Liv. xxx. 33, 3). They combined both distant and close conflict (Liv. xxxi. 35, 5), whereas the *rorarii* only fought from a distance; and further the *velites* now formed an integral part of the maniples or *turmae*, whereas the *rorarii* were troops apart.

A word must be said in conclusion on the terms *hastati*, *principes*, and *triarii*, terms which were not clear (*minus illustria*) in the manipular arrangement, as Varro says (*L. L.* v. 89). The front rank is called *hastati*, but their spear was the *pilum*. How is it that the *second* rank is called *principes*, i.e. "the first men"? And the *triarii*, who are also called *pilani*, do not carry the *pilum* at all, but a *hasta* (δόρυ, Pol. vi. 23, 16). We must take refuge in conjecture to explain these difficulties. The terms probably came from the old phalanx, the *principes* or *proci* being the front rank (Festus, p. 249 M.), as *principia* means the front rank often (Liv. ii. 65, 2; Sall. *Jug.* 50, 2), and so being members of the first class. The term *hastati* was one applied to all the members of the phalanx who were all armed with the *hasta*, but it got narrowed down to a portion of what it originally implied when the name of *principes* was appropriated by the first class, just as, for example, the term *dies fasti* became confined to a portion of the Dies Fasti (see Lange, *R. A.* i.^{3} 360, 532), or the term *centuria* to half a century when the maniple was introduced. The *triarii*, the third rank (we should more naturally expect *tertiarii*), used originally, as we saw, to guard the camp. Doubtless in this duty they used the long heavy *pilum* [PILUM]; hence were called *pilani* (Varro, *L. L.* v. 89), a name which was in a measure retained not only in the titles of the centurions, but also in the term *antepilani* as applied to the *hastati* and *principes* (Liv. viii. 8, 7). Now, when the class-distinctions began to be superseded and efficiency made the ground of the arrangement in the legion, the chief and most able soldiers, who socially too were the most important and who had been in the front rank originally and as such still retained the name of *principes*, were not used for the first assault, but kept in case the battle proved a serious one; the inferior classes, the *hastati*, being placed in front. The *triarii* continued to be the reserve. They had been probably the older men left to guard the camp; but now that age meant generally experience, as being used for the reserve these veterans formed the most efficient and tried portion of the army.

II. *From Marius to Augustus—the Mercenary Army.*

The terrible defeat of the Romans at Arausio in 105 B.C. rendered it necessary to make every effort possible to raise sufficient and adequate forces to meet the Northern invaders. This serious pressure hastened and consummated the introduction of changes in the army which the altered political and social condition of the times rendered inevitable sooner or later. The gradual shrinking of the rich upper classes from service (Sall. *Jug.* 85, 3) and the disappearance of the middle class left nothing open but the admission of all free-born citizens to the legions; that is, if an adequate army was to be raised. The census indeed in Polybius's time was only 4,000 asses (vi. 19, 2), but now nothing further was required but free birth,—a recruit need possess nothing but his *caput* (*capite census*). This was the most vital change possible. Men with no stake in the country and nothing to go home to after service, who looked on service as a means for enriching themselves and not as a temporary burden, were certain to become, as they did, faithful followers of their leader if he led them to plunder (Sall. *Jug.* 86, 3) and to care little about their country (Appian, *B. C.* v. 17)—in fact, practically to become mercenaries. It is not without reason, then, that Marquardt (*Staatsv.* ii.² 321) calls the period from Marius to Augustus the period of the Mercenary Army (*Söldnerheer*). The essence of such an army is the supremacy of the general and the equality of the soldiers. All the traditional distinctions of *velites*, *hastati*, *principes*, and *triarii* disappear; their definite and traditional place in the order of battle, their military rank, armour, standards, all were superseded; the recruits were now all on an equality and uniformly trained, a new and severe method of drill and training like that of gladiators having been devised by P. Rutilius Rufus, consul in 105 B.C. (Val. Max. ii. 3, 2). In place of the manipular division, the last mention of which is its use in the Jugurthine War by Metellus (Sall. *Jug.* 49, 6), the unit now becomes that of the *cohort*, viz. a combination of three maniples. Whether it was the maniples beside one another, or the three behind one another, which were massed together, is uncertain, probably the latter. The number of the legion at this time was, roughly speaking, 6,000 (Plut. *Sull.* 9, compared with *Mar.* 35; Appian, *Mithr.* 72; Cic. *Att.* v. 15, 1, compared with Plut. *Cic.* 36); though Caesar had generally less than this number, sometimes not more than about 3,500 men in his legion: *e.g.* the 13th Legion, which he had at Ariminum at the outbreak of the Civil War (Caes. *B. C.* i. 7, 7), consisted apparently of 5,000 (Plut. *Caes.* 32, *Pomp.* 60), but Caesar himself reckons two legions (*B. G.* v. 49, 7) and a few cavalry at 7,000 men. Still, whatever was the strength of the legions, the number of cohorts was always 10. These had no traditional arrangement, and were disposed of in battle just as the general thought fit: perhaps the *triplex acies* (e.g. *B. G.* i. 24, 2), viz. 4 cohorts in front and 3 in each of the other ranks, was the most usual; though the single (*Bell. Afr.* 13, 2), double (Caes. *B. C.* iii. 67, 3), and quadruple lines of battle (*ib.* 89, 3) are also found. The special application of the word *cohors* to a definite portion of a legion must be noticed, beside the technical use of the word to express the divisions of the auxiliary force, the vague use that Livy makes of it by applying it to any division of troops at all (*parmata cohors*, iv. 38, 3), and the misuse by so translating σπεῖρα (xxx. 33, 1, compared with Polyb. xv. 9, 7). The *pilum* was now made the common weapon of the whole legion, the *hasta* of the *triarii* being done away with. The old standards—the eagle, wolf. Minotaur, horse. and boar (Plin. *H. N.* x. § 16)—give place to the silver eagle (Cic. *Cat.* i. 9, 24), which now becomes the chief standard of the legion.

The Roman cavalry had disappeared before Marius. Its last mention is in the Spanish campaign of 140 B.C., where it behaved with great pretension and insubordination (Mommsen, *R. H.* iii. 200); and after the Jugurthine War it vanishes entirely. Even the Italian cavalry had been for long unable to cope with the enemies of Rome: it had been defeated by Hannibal in Italy, and Scipio only won Zama by the cavalry of Masinissa. It vanished completely in the Social War; and after that foreign troops—Gauls, Spaniards, Thracians, and Africans (Plut. *Ant.* 37)—were taken into the service in larger numbers than heretofore. In Caesar's army they were about a fourth or a fifth of the infantry: with 6 legions (=about 21,000 men) he had 4,000 (Caes. *B. G.* i. 15, 1), with 5 legions 5,000 (*B. C.* i. 39, 1); in the army of Brutus at Philippi there were more than 1,000 to the legion (App. *B. C.* iv. 108). Some minor changes and improvements in practical details are attributed to Marius, such as the *muli Mariani*, a forked contrivance fastened on the shoulder of the legionary to enable him to carry his baggage (see below, p. 807*a*), altering the *pilum* [PILUM], taking away the *parma* from the auxiliary troops (Festus, p. 238, s. v. *parmulis*), &c. The numbering of the legions probably began also in this period; certain it is that we find it quite regular in Caesar's time (*C. I. L.* i. 624; Cic. *B. G.* viii. 8, 2). Originally the legions had been numbered according as they were raised (Dio Cass. xxxviii. 47); but then the numbers had no durable significance, owing to the speedy disbanding of the legions.

The Auxiliary Forces under the Republic.

1. *The Socii.*—In the time of Tarquinius Superbus the Latins were incorporated in the Roman army (Liv. i. 52, 6): but on their regaining their independence after the establishment of the Republic, they furnished their contingent to the united army, and held the chief command alternately with the Romans. But after the great Latin War, which ended in 338 B.C., the Latins became *cives sine suffragio.* The members of those municipia who lost their constitution were enrolled in the legions, those who retained their municipal constitution formed self-subsisting divisions, such as the *legio Campana* we hear of in Liv. *Ep.* xii. (cf. Polyb. ii. 24, 14). After the Second Punic War, when the differences of the old municipia ceased by the attainment of the full franchise, such legions disappeared. The other kind of Italian states besides the municipia—viz. the *civitates foederatae* and the *Latin colonies* which retained self-government on the basis of a treaty guaranteeing a definite amount of troops—it was these communities which furnished the *socii* to the Roman armies (cf. Marquardt, *Staatsv.* i.^{2} 25–58, ii.^{2} 390–1).

They contributed nothing to the legions, but had to supply each year a force of auxiliaries for the army, and ships and sailors for the fleet. The allied state raised, swore in and paid (Liv. xxvii. 9, 13) this force, but it was fed during service by the Romans (Polyb. vi. 39, 14). The consul proclaimed by an edict the amount of the force each state was to supply, and where and when it was to assemble; and it appeared there with its own leader and paymaster (ἄρχοντα καὶ μισθοδότην, Polyb. vi. 21, 4, 5).

As to the actual *force contributed*, Polybius varies in his account. Sometimes (iii. 107, 2; vi. 26, 7) he says the force of foot equalled that of the Romans, the horse being three times that of the Roman horse—in both passages *including* the *extraordinarii*, who were one-third of the horse and one-fifth of the foot (see below). At another time he says (vi. 30, 2) that the force of foot equalled that of the Romans, the horse being twice that of the Roman horse—this time *excluding* the *extraordinarii.* He agrees then as regards the horse in all three passages. But the discrepancy is patent about the infantry. All we can say is that Polybius, if he did not make a mistake, was speaking only with a loose approximation in the first two passages, as the expressions πάρισον ("about equal") and πάρισον ὡς ἐπὶ τὸ πόλυ may lead us to infer. The last passage indeed probably gives the correct view; for Polybius, in his account of the battle on the Trebia (iii. 72, 11), gives 16,000 Romans and 20,000 allies as the complete force of infantry of two consular armies. Deducting one-fifth, we get exactly the same number of allied and Roman infantry; but the regular legionary force for two consular armies ought to be 16,800, though Polybius himself, as we saw, speaks of the legion as roughly consisting of 4,000 men (iii. 107, 10). But the force of allies is generally greater than those given in these passages by Polybius. The elaborate schedule of forces available by Rome in 225 B.C. given by Polybius (ii. 24) from Fabius the annalist, and, as it is reproduced in some of its numbers by other historians (Liv. *Ep.* xx.; Diod. xxv. *fr.* 13 Dindorf; Eutrop. iii. 5; Oros. iv. 13; Plin. *H. N.* iii. 138), doubtless derived from official sources, is too defective to decide details with certainty; but it shows that the *active* force of the Romans in that year was only one-fourth that of the allies (see Mommsen in *Hermes*, xi. 49–60). Generally it was about one-half (Vell. ii. 15; Liv. xxxvi. 2, 8). According to Livy (xl. 36, 6), the normal number (*quantus semper numerus*) of allies directly attached to two legions was 15,000 infantry and 800 cavalry, and as a matter of fact we do find these numbers in Liv. xxxiii. 43, 3, xl. 26, 7. Other numbers of allies for two legions are 15,000 and 600 (xxxvii. 2, 4), 15,000 and 500 (xxxiv. 56, 6), 10,000 and 600 (xli. 21, 4), 12,000 and 600 (xli. 9, 2), 20,000 and 800 (xxxv. 20, 4). For further details, see Marquardt, *op. cit.* ii.^{2} 395, note 1; Weissenborn on Livy, xl. 36, 6; and Mr. Strachan-Davidson's *Selections from Polybius*, pp. 22–32.

As to the *divisions* of the allies, they were never independent divisions, but always portions of the combined army (Weissenborn on Liv. ii. 53, 5). In battle the allies were placed on the wings, the two sections being called *dextra* and *sinistra ala* or κέρας (Liv. xxxi. 21, 7; Polyb. vi. 26, 9). After the Latin War in 338 till the end of the Punic Wars, the allied infantry regularly formed *cohortes*, called after the separate nations; thus we have *cohortes Samnitium* (Liv. x. 40, 6), *cohortes Marrucina et Peligna . . . Firmana Vertina Cremonensis duae turmae equitum Placentina et Aesernina* (Liv. xliv. 40, 5, 6). The cohort was the usual contingent for each community, and was at this time the unit of the allied infantry, just as the unit of the Roman troops was the maniple: cohorts and maniples are often opposed (Liv. x. 33, 1; xli. 1). Like the maniple, the cohort had a standard (Liv. xxv. 14, 4), and was regarded as a regular division in the camp [CASTRA]. Each *ala* had 10 cohorts (Liv. x. 43, 3); sometimes we find 15 (Liv. xxx. 41, 5), though perhaps the legion on this occasion was stronger than usual (Weiss. *ad loc.*). The ordinary cohorts were called *cohortes alares* or *alariae*, to distinguish them from the *cohortes extraordinariae* (Liv. x. 40, 8), and in Caesar (*B. G.* i. 51, 1) from the *legionarii.*

The *commanders* of these allies were, for the contingent assigned to 4 legions, 12 *praefecti sociorum*, appointed by the consuls (Polyb. vi. 26, 5). These *praefecti* were Roman citizens (Liv. xxiii. 7, 3; xxv. 1, 3). For a contingent of 2 legions there were 6 *praefecti*, three for each *ala.* Besides these Roman officers, there were the native officers, called ἄρχοντες by Polybius (vi. 21, 5), and *praetores* or even *praefecti* by Livy (xxiii. 19, 7; xxv. 14, 4). The former term was, however, the most common one used by that historian for the generals of foreign states; and the latter native *praefecti* who commanded a cohort must be carefully distinguished from the Roman *praefecti*, who commanded the whole *ala* (Weissenborn on Liv. xxi. 3, 4; xxv. 14, 4).

The number of the *cavalry of the allies*, Polybius says, was three times that of the Romans; accordingly 1800 for two legions. It was divided into 4 *alae* (in the strict sense) of ordinary cavalry (called *equites alarii*, often opposed to *legionarii equites*, Liv. xxxv. 5, 8; xl. 40, 9; Tac. *Ann.* iii. 39; Veg. ii. 1) and two *alae* of *extraordinarii*. The *ala* in this strict sense of squadron of cavalry consisted of 300 men, divided into 5 double *turmae* of 60 men each [CASTRA]. Each double *turma* had a *signum* (cf. Liv. xxvii. 12, 17). This number of 30 always remained constant for the single *turma*, and in case of increase of numbers it was the number of *turmae* which was increased (Hyg. § 16). *Ala* is a general term for a squadron of allied cavalry, just as *cohors* is for a battalion of allied infantry: thus we find during the Republic *alae* of 400 and 500 men (Caes. *Bell. Afr.* 78, 7; Liv. x. 29, 12), just as there were *cohortes* of 460, 500, and 600 men (Liv. xxiii. 17, 8, 11; xxviii. 45, 20). But the *ala* differed essentially from the cohort in this, that while in the latter the soldiers were of the one nation or people, the *ala* was composed of different nationalities. Marquardt (*op. cit.* ii.^{2} 400), however, thinks that as in the camp there was a double turma of equites put beside a cohort of infantry, these latter may have been of the same nationality as the cohort; cf. Liv. xxix. 15, 6—a passage which shows that a double turma of cavalry appears to have been a normal contingent of cavalry from a Latin colony, as a cohort was the normal contingent of infantry (cf. Weissenborn on Liv. xxviii. 45, 20).

The *extraordinarii* (ἐπίλεκτοι) were a picked body of horse and foot from the allies (Fr. Fröhlich, *Die Gardetruppen der röm. Republik*, 1882, pp. 4 ff.). The *extraordinarii pedites* were one-fifth of the infantry of the allies (Polyb. vi. 26, 8). If we take this exactly, we have 8,000 *ordinarii* and 2,000 *extraordinarii* for two legions. But we saw Polybius avoided exact numbers, and it suits the arrangement of the camp and the order of battle (*e.g.* Liv. xxxvii. 39, 7) better if we suppose the *ordinarii* equal to the legionaries, *i.e.* normally 8,400, and place the *extraordinarii* at 1600. These *extraordinarii* were chosen by the *praefecti sociorum* as being most suitable for real service (πρὸς τὴν ἀληθινὴν χρείαν, Pol. vi. 26, 6). They formed four cohorts (Liv. xl. 27, 3; cf. xxvii. 12, 14) of 400 men. The *extraordinarii equites* were one-third of the whole contingent (which normally was 1800, three times that of the legionary cavalry), and accordingly numbered 600. These formed two *alae* (in the strict sense of squadrons of cavalry) of 300 men each (Liv. xl. 31, 3), which were divided into 5 double *turmae* of 60 men each [CASTRA]. The *extraordinarii* formed a class intermediate between the heavy and the light forces. They were used for reconnaissances, flank movements, and generally on difficult services which required vigour and celerity. They appear to have been free from the duties of constructing the camp and keeping watch (see Fröhlich, *l. c.*).

2. The *Auxilia* properly so called did not come into any prominence till the foreign wars of Rome. Though usually they were taken into the service as allies (Festus, p. 17: "Auxiliares dicuntur in bello socii Romanorum exterarum nationum"), yet there are some traces of mercenary forces employed by the Romans in the Punic Wars, *e.g.* Gauls (Zonar. viii. 16) and Celtiberians (Liv. xxiv. 49, 8); but the Cretan archers taken at Trasimene (Liv. xxiv. 30, 13) were sent by Hiero (Polyb. iii. 75, 7). During the wars in the East their numbers increased greatly. After the Social War the class of *socii* disappeared entirely, and there were again but two classes of soldiers: (1) legionaries from Italy, (2) auxiliaries from the provinces, from allied states and princes, and even from independent nations. The number of auxiliary infantry varied according to necessity. We know that they were divided into cohorts, but no more. Some of the cohorts were not armed or disciplined in the Roman fashion, but used their national arms, *sagittarii*, *funditores* (Caes. *B. C.* iii. 4, 3), *cohortes cetratae et scutatae* (Caes. *B. C.* i. 39, 1). The cavalry of the Roman army, however, in Caesar's time consisted entirely of auxiliary troops (Caes. *B. G.* i. 15, 1; i. 42, 5; cf. ii. 24, 4). Italians are found among the cavalry (App. *B. C.* ii. 70), but they are volunteers. The cavalry consisted of Gauls, Spaniards (Plut. *Ant.* 37), Thracians, Numidians (Sall. *Jug.* 38, 6; 68, 2), even Germans (Caes. *B. G.* vii. 13, 1). They were formed into *alae* of about 400 men each, which were subdivided into *turmae* and *decuriae* (*Bell. Afr.* 29, 4), commanded by *praefecti equitum* (Caes. *B. G.* iii. 26, 1), who were doubtless, in the case of allied and independent states, natives (cf. Hirt. *B. G.* viii. 12, 4).

III. *The Imperial Period—the Standing Army.*

The Empire established by the sword had to be retained by the sword, and the army now becomes a standing one,—στρατιῶται ἀθάνατοι, as Dio Cassius calls them (lvi. 40). The emperor is the supreme commander (*imperator*, αὐτοκράτωρ, Dio Cassius, lvii. 8); and to him, as represented by his images carried on a pole, the legions and auxiliaries swore allegiance twice a year, on the date of his accession (Plin. *Epp.* x. 52 (60)) and on the Kal. Jan. (Tac. *Hist.* i. 55), besides of course the oath of allegiance at accession (Dio Cassius, lvii. 3). The oath was administered by the provincial governors in the provinces and by the three praefecti at Rome.

1. *The Legions.*—Under the early Empire the legion contained 10 cohorts and 60 centuries—altogether between 5,000 and 6,000 men. Now that the Pax Romana was established, they were mostly used on garrison duty, and accordingly got again a small quota of cavalry, each legion getting 120 in 4 *turmae* of 30 each. These are the *equites legionis* of Tac. *Ann.* iv. 73; *Hist.* i. 57. From the time of Hadrian the first cohort had 10 centuries (*Eph. Epigr.* iv. 227), as was the case in the latter half of the third century also, according to the arrangement described by Vegetius (ii. 6, 13), which was probably established by Aurelian. This arrangement varied slightly from that of the early Empire. The first cohort had 1105 men in 10 centuries, and 5 *ordinarii* (cf. p. 799 *b*); the other nine cohorts, 555 men in 5 centuries each. Each century consisted of 10 *contubernia* (also called *manipuli*), and each *contubernium* was presided over by a *decanus*: so that the infantry of the legion consisted of 6,100 men and 5 *ordinarii*. The cavalry were 726 soldiers, viz. 132 to the first cohort and 66 to each of the others; arranged in 22 *turmae*, each of 30 men and 3 officers (*decurio*, *duplicarius*, *sesquiplicarius*: cf. Veg. ii. 6, 14; Hyg. § 16; and see below, p. 809 *a*).

Octavian, when in 36 B.C. he took over the 22 legions of Lepidus (Appian, *B. C.* v. 123), amongst which were 8 of Sextus Pompeius, had the command of 45 legions (*ib.* 127, cf. 53). He then disbanded 20,000 veterans (*ib.* 129), all the Pompeian legions (Dio Cassius, xlix. 12), and most of those of Lepidus. At the battle of Actium, Antonius had at most 30 and Octavian 25 (Plut. *Ant.* 61), so that when the victory was won Octavian had a little over 50 legions to dispose of. He retained the first 12 of his own and 6 of those of Lepidus and Antonius. This accounts for two legions being found at times with the same number. He retained these numbers in order not to confuse the soldiers by unnecessary alteration, a distinction being sufficiently marked by the name of the legion, partly perhaps to delude the people that he had only 12 legions, or possibly with a hope that they might be speedily disbanded. Augustus enrolled legions XIII. to XX. in order to face the great German war waged in 3 A.D. against Maroboduus, and afterwards against the Pannonians and Dalmatians (cf. Vell. ii. 104; Suet. *Tib.* 16). In the subjoined list it will be seen that none of these were planted in colonies, and none are found to have duplicates. Legions XXI. and XXII. were added after the defeat of Varus, in which three legions fell (XVII., XVIII., XIX.). As to Legio I., which was probably disbanded after the defeat of Varus (for we hear of a First legion getting its standards from Tiberius, Tac. *Ann.* i. 42), Mommsen supposes its existence from the consideration that a first legion can hardly have been wanting in the army of Augustus. We now add the list of Augustus's legions, which were 25 at his death, 23 after the defeat of Varus (this reconciles Tac. *Ann.* iv. 5 with Dio Cassius, iv. 23, 2), with the localities in which they were stationed, as given by Mommsen (*Res gestae d. Aug.*, pp. 68–9), adding in square brackets here and there a word as to the reason why such and such a legion was disbanded: with a continuation of the legions which were enrolled up to the time of Septimius Severus.

LEGIONS.	QUARTERS.	SPECIAL ACTIONS.	DURATION OF EXISTENCE.
I.	Lower Germany. . .	.. .. ..	Disbanded after defeat of Varus (?).
I. Germanica . .	Lower Germany. . .	.. .. ..	Not mentioned after 70 A.D. [Probably disbanded on account of its conduct in the rebellion of Civilis (Tac. *Hist.* iv. 25, &c.).]
II. Augusta . .	Upper Germany . . .	.. .. ..	Existed in Dio Cassius's time.
III. Augusta . .	Africa	.. .. ..	do. do.
III. Gallica . . .	Syria (Marq. *Staatsv.* ii.² 447, note 7)	Took part in the Parthian war of M. Antonius (Tac. *Hist.* iii. 24)	do. do.
III. Cyrenaica . .	Egypt.	.. .. ..	do do.
IV. Macedonica . .	Spain	At battle of Philippi: hence probably its name	Not mentioned after 70 A.D. [Perhaps disbanded on account of its vigorous support of Vitellius (Tac. *H.* iii. 22).]
IV. Scythica . . .	Moesia	.. .. ..	Existed in Dio Cassius's time.
V. Macedonica . .	Moesia	Took part in African war, 46 B.C. (App. *B. C.* ii. 96), also in battle of Philippi: hence its name. Veterans of this legion planted in a colony at Berytus in 16 B.C.	do. do.
V. Alauda . . .	Lower Germany. . .	Enrolled by Caesar (Suet. *Jul.* 24): in 16 B.C. lost its eagle in Lower Germany (Vell. ii. 97)	Not mentioned after 70 A.D. [Probably destroyed by the Sarmatae (Suet. *Dom.* 6): yet Mommsen (*Eph. Epigr.* v. 214) and Schiller (*Kaiserzeit.* 511) say it was disbanded by Vespasian.]
VI. Victrix . . .	Spain	.. .. ..	Existed in Dio Cassius's time.
VI. Ferrata . . .	Syria	.. .. ..	do. do.
VII. (Subsequently Claudia)	Illyricum.	At battle of Philippi . .	do. do.
VIII. Augusta . .	Illyricum.	Veterans planted at Berytus, 16 B.C.	do. do.
IX. Hispana . . .	Illyricum (Tac. *Ann.* iii. 9; iv. 23)	At battle of Philippi . , .	Not mentioned after Trajan [Probably annihilated by the Brigantes in Britain (Schiller, *l. c.* 607, note 6).]
X. Fretensis . .	Syria	Fought in Sicilian war at the Straits against Sext. Pompeius: hence its name. Veterans of both tenth legions planted at Patrae, 16 B.C.	Existed in Dio Cassius's time.
X. Gemina . . .	Spain	.. .. ..	do. do.
XI. (Subsequently Claudia)	Illyricum	.. .. ..	do. do.
XII. Fulminata . .	Syria	Veterans planted at Patrae 16 B.C.	do. do.
XIII. Gemina . . .	Upper Germany. . .	.. .. ..	do. do.
XIV. Gemina . . .	Upper Germany. . .	.. .. ..	do. do.
XV. Apollinaris . .	Illyricum	.. .. ..	do. do.
XVI. Gallica . . .	Upper Germany. . .	.. .. ..	Not mentioned after 70 A.D. [Probably, like I., disbanded on account of its mutinous conduct in the rising of Civilis (Tac. *Hist.* iv.).]

LEGIONS.	QUARTERS.	SPECIAL ACTIONS.	DURATION OF EXISTENCE.
XVII.	Lower Germany.	.. .. ..	Fell in defeat of Varus, A.D. 9.
XVIII.	Lower Germany.	*C. I. Rh.* 209	do. do.
XIX.	Lower Germany.	Tac. *Ann.* i. 60	do. do.
XX. Valeria Victrix	Illyricum (6 A.D.), afterwards in Lower Germany	.. .. ..	Existed in Dio Cassius's time.
XXI. Rapax	Lower Germany.	.. .. ..	Not mentioned after Domitian. [Disbanded for taking side of Antonius Saturninus.]
XXII. Deiotariana.	Egypt	.. .. ..	Not mentioned after Trajan. [Last mention in *C. I. L.* iii. 36, of year 84 A.D.: if we are not to suppose with Borghesi (iv. 254) that this was the legion annihilated by the Parthians in 162 A.D. (Dio Cass. lxxi. 2).]
Added by Claudius by division of XV. and XXII.			
XV. Primigenia	Lower Germany.	.. .. ..	Disbanded by Vespasian as having revolted to Civilis (Pfitzner, *Gesch. der Kaiserlegionen*, p. 262).
XXII. Primigenia	Upper Germany (Tac. *Hist.* i. 18, 55)	.. .. ..	Existed in time of Victorinus (Cohen, 40, p. 16). For its omission in Dio Cassius, see Marq. *Staatsv.* ii.², 452, note 1.
Added by Nero.			
I. Italica	In Gallia Lugdunensis (Tac. *Hist.* i. 59, 64)	.. .. ..	.. .. ..
Added by Galba.			
I. Adjutrix	Spain (Tac. *Hist.* ii. 67; iii. 44)	Enrolled from the fleet (*C. I. L.* iii. p. 907)	Existed in Dio Cassius's time.
VII. Gemina	Spain (Tac. *Hist.* ii. 11)	.. .. ..	do. do.
Added by Vespasian (Dio Cassius, iv. 24, 3).			
II. Adjutrix.	Pannonia	.. .. ..	do. do.
IV. Flavia	Upper Moesia	.. .. ..	do. do.
XVI. Flavia Firma	Syria	.. .. ..	do. do.
Added by Domitian.			
I. Minervia	Lower Germany.	.. .. ..	do. do.
Added by Trajan.			
II. Trajana, Fortis Germanica	Egypt	Enrolled 109 (*C. I. L.* iii. 79).	do. do.
XXX. Ulpia Victrix	Lower Germany.	Was located for some time in Upper Pannonia (*C. I. L.* iii. p. 482)	do. do.
Added by M. Aurelius.			
II. Italica	Noricum	.. .. ..	do. do.
III. Italica	Rhaetia	.. .. ..	do. do.
Added by Sept. Severus.			
I. Parthica.	Mesopotamia.	.. .. ..	do. do.
II. Parthica.	Alba, near Rome	Henzen, *Annali dell' Inst.* 1867, p. 73.	do. do.
III. Parthica.	Mesopotamia	.. .. ..	do. do.

An interesting list of the quarters of the different legions in the middle of the first century, derived from the Histories of Tacitus, is to be found in Borghesi, iv. p. 240, reproduced by Marquardt, *Staatsv.* ii.² p. 449, note 4; also of their quarters in the middle of the second century in *C. I. L.* vi. 3492 a, b (= Orelli, 3368, 3369). Detailed histories of the separate legions are numerous. See Marquardt's notes; an admirable history of all the legions individually is given by Grotefend in Pauly, iv. 868 ff.

As to the *names* of the legions, they arose from various causes: (1) in the later Republic, sometimes from the place of levy, *e.g.* V. Urbana (*C. I. L.* v. 2514), VIII. Mutinensis, IV. Sorana (see Mommsen on *C. I. L.* x. 5713); (2) from the people against whom they successfully fought, *e.g.* IV. Scythica, or from the place, X. Fretensis; (3) from divinities, *e.g.* I. Minervia; (4) from division of a single legion, *e.g.* Primigenia (this part was probably held the superior, and retained the eagle), or uniting of two, *e.g.* Gemina (Caes. *B. C.* iii. 4, 1), yet cf. also Mommsen, *Res gestae d. Aug.* p. 73, note 1 *fin.*; (5) from certain insignia, *e.g.* probably the V. Alauda, certainly XII. Fulminata (*κεραυνοφόρον*); (6) various epithets expressive of courage and devotion, e.g. *pia*, *fidelis*, *constans*, *victrix*, *aeterna*, *rapax;* (7) up till Caracalla's time, when the emperor's name was added to the legions, except in the case of a few, as VII. and XI. Claudia pia fidelis, it marked the founder, as II. Trajana, XXX. Ulpia Victrix. After Caracalla all legions bore the name of the reigning emperor (cf. Schiller, *Kaiserzeit.* 742, note 1).

2. *The Auxilia.*—Concerning the auxiliary troops under the Empire, Tacitus says (*Ann.* iv. 5): "At apud idonea provinciarum sociae triremes alaeque et auxilia cohortium, neque multo secus in iis virium: sed persequi incertum fuit cum ex usu temporis huc illuc mearent, gliscerent numero et aliquando minuerentur." They consisted of those forces, beside the legions, which were raised in the provinces. Perhaps we may assume that in numbers they were about equal to the legionaries (Suet. *Tib.* 16). They supplied the whole of the cavalry and a large contingent of infantry. The latter (*cohortes auxiliariae*, *sociae*, Tac. *Ann.* i. 49, 51) partly were equipped in Roman fashion, partly retained their native weapons, and as such are styled *sagittarii*, *funditores*, *scutati*, *contarii*, *catafracti* (see Index to *C. I. L.* iii. p. 1148 ff.), or collectively *leves cohortes* or *ferentarius miles* (Tac. *Ann.* i. 51; xii. 35). The latter passage contrasts the swords and *pila* of the legionaries with the *spathae* (broad two-edged swords without a point) and *hastae* of the auxiliaries.

The regular auxiliary cohorts were divided into *cohortes quingenariae* of 480 men, each in 6 centuries (Hyg. § 28); or *cohortes milliariae* of 1,000 men, each in 10 centuries. Some of these cohorts were exclusively infantry, and such were called *peditatae:* but from the time of Vespasian at all events (Tac. *Hist.* iv. 19) it was found necessary, in order to enable the cohort to be an independent body capable of acting efficiently in garrison duty on the frontiers, to join a certain number of cavalry to some cohorts. These were called *cohortes equitatae.* A *cohors quingenaria equitata* would consist of 360 infantry in 6 centuries of 60 each, and 120 cavalry in 6 *turmae* of 20 each (Hyg. § 27; *C. I. G.* 5053): a *cohors milliaria equitata* of 760 infantry in 10 centuries of 76 each, and 240 cavalry in 10 *turmae* of 24 each (cf. Mommsen in *Eph. Epigr.* v. p. 31).

Roman Soldier. (From Iwan Müller's *Handbuch*, vol. iv. p. 745.)

The cavalry were further divided into *alae milliariae* of 960 men each, in 24 *turmae* of 40 each, and *alae quingenariae* of 480 men each, in 16 *turmae* of 30 men each. Josephus (*B. J.* iii. 5, 5) tells us that under Vespasian the cavalry wore helmets and cuirasses; carried a long sword, a long pole (κόντος ἐπιμήκης), and a buckler; and were furnished with a quiver, containing three or more javelins with large points and as broad as spears. Under Hadrian, as we learn from Arrian (*Tact.* 34), they had an iron visored gold-plaited helmet, with a plume of red horse-hair, a light shield, and instead of a cuirass a red Cimmerian tunic (i.e. made of Crimean leather). In the preceding cut we see many of the above accoutrements. The cuirass seems to be of leather. Note also the trousers (*bracae*) and boots.

Besides the names we have mentioned, which distinguished the cohorts according to their character and numbers (*equitatae* or *peditatae*, *quingenariae* or *milliariae*) and the *alae* according to their numbers, some, especially the *alae*, were also called after the provincial governor who first organised them: *e.g.* Auriana (Tac. *Hist.* iii. 5), Petriana, Siliana (*ib.* i. 70), cohors Lepidiana (Diplomata xi. xii. in *C. I. L.* iii. pp. 854, 855), &c. (A full list in Marquardt, *Staatsv.* ii.² 473, note 5: also in Mommsen, *Eph. Epigr.* v. 246 f.) It is quite a mistake to suppose that they got their names from their commanders, as Borghesi has shown (iv. 192) in the case of the *ala Frontoniana*, which appears with many different commanders (cf. *C. I. L.* iii. 788, 789, 793, 5331; *Eph. Epigr.* v. p. 175). Very commonly they are called after the emperor who organised them — *Claudia*, *Flavia*, *Ulpia*, *Aelia* (*C. I. L.* iii. Index, p. 1148 ff.). Sometimes, again, they were called after the country in which they were stationed or had distinguished themselves, e.g. *Ala I. Flavia Augusta Britannica* (Dipl. xxvi.), *Cohors I. Lusitanorum Cyrenaica* (Dipl. xx., xxii.). Also they got such honorary titles as *Augusta*, *Victrix*, *Veterana*, *Pia Fidelis* (*C. I. L.* iii. Index, *l. c.*). The cohorts were numbered progressively only so far as to distinguish cohorts otherwise undistinguished, e.g. *Cohortes I., II., III., IV., Tungrorum milliaria equitata.*

They were raised in the imperial provinces only (Mommsen in *Hermes*, xix. 45), though we hear of a levy in Cyrenaica (Tac. *Ann.* xiv. 18). They were seldom (Josephus, *B. J.* ii. 13, 7) stationed in the same province as they were raised in, nor indeed ever left very long in any one province: see, *e.g.* the transferences of *Cohors I. Thracum* in the Diplomata (ix., xiv., xxxvi.). But as time went on it was found impossible to keep each cohort of one nationality; and very frequently vacancies were filled up by men of other nations, especially from natives of the province in which the division happened to be stationed, *e.g.* among the *Equites Pannonii* in Britain there was a decurio from Spain (Dipl. xxi.); in the *cohortes Alpinorum* and *Lusitanorum* in Pannonia, Pannonians are found (Dipl. xxxix., xlii., xii.).

There appear to have been special corps of auxiliary troops called *equites* and *pedites singulares*, the oldest mention of which is in the time of Vitellius (Tac. *Hist.* iv. 70). They consisted of picked individuals from different nations, and as such differed from the ordinary cohorts and *alae*. One special division of cavalry set apart for the service of the emperor was called *equites singulares Augusti* (see below, p. 795 *b*). Sometimes the cohorts or *alae* had the additional title of *Civium Romanorum* (Tac. *Hist.* iii. 47), which signifies either that the people from whom the corps was raised had citizenship previously, or that it was given to the whole corps—most probably the latter (Mommsen in *Hermes*, xix. 60).

The commanders of the auxiliary cohorts and *alae* were for the most part Romans, and were called *praefecti* (Tac. *Hist.* ii. 59; Dig. 3, 2, 2). The *praefectura cohortis* was the second and the *praefectura alae* the fourth step in the equestrian career of honours, the *primipilatus* being the first and the *tribunatus legionis* being the third (*e.g.* Wilmanns, 1249 b; Stat. *Silv.* v. 1, 94 ff.). Some of the auxiliary cohorts, however, *e.g.* those *equitum singularium* (*C. I. L.* vi. 224, 226, 228, Dipl. li.), and perhaps the *cohortes milliariae*, like the *cohortes praetorianorum*, *vigilum*, *urbanae*, *voluntariorum* (see below), were commanded by *tribuni* instead of *praefecti*, who stood on a level with the *tribuni legionis*: e.g. a *tribunus cohortis* becomes a *praefectus alae* without being *tribunus legionis* often (*C. I. L.* iii. 1193, ix. 5357, x. 3847). In later times the title *tribunus* came to be applied to the chief officers of *all* the cohorts (Boecking, *Not. Dig.* ii. 536).

After the grant of Roman citizenship to all the provinces by Caracalla, the *auxilia* were almost entirely taken from Roman citizens. All that remained outside this category were a few barbarian mercenary troops. These were called *nationes* or *numeri*, and were arranged neither in cohorts nor in *alae*. They were commanded by *praepositi*. The introduction of them may perhaps go back to Trajan (Dipl. xxv.), and they formed the precursors of the Foederati. For the divisions of barbarian cavalry in the third century called *cunei*, see below, p. 808 *a*.

Special Extra-Legionary Troops.

1. *The Cohors praetoria* (σπεῖρα στρατηγίς) *of the Republic* (Mommsen in *Hermes*, xiv. 25–30).—This must have been an old institution, not so much owing to Livy's statement (ii. 21, 5) of its existence at the battle of Lake Regillus as from the title *praetoria* pointing to the time when the praetor was general. But it was not in accordance with the nature of the citizen army, and does not really appear in historical times till the Numantine war in the army of Scipio the Younger. He formed 500 of his friends and clients into a troop which Appian (*Hisp.* 84) calls an ἴλη φίλων and Festus (*s. v.* p. 223 M.) a *cohors praetoria.* They received once and a half the pay of the legionary. But the term ἴλη (*turma*) seems to point to their being cavalry, yet the regular cavalry received three times the pay of the legionary. Mommsen (*l. c.* p. 27, note 3) supposes that it was a privilege of the general to give certain members of this body-guard a horse; that he did so mostly to his *amici*, who were men of good birth; and that it is of these Appian is chiefly thinking; while the notice about increased pay has reference to the mass of the troop who were his clients and served on foot. The term *cohors* can of course be applied to a mixed body of horse and foot. Caesar had only one praetorian cohort (*B. G.* i. 40, 15). Towards the end of the Republic each commander had a praetorian cohort (Sall. *Cat.* 60, 5; Cic. *Fam.* xv. 4, 7, cf. x. 30; App. *B. C.* iv. 7). After the battle of Philippi the various praetorian cohorts had in all 8,000 men (*ib.* v. 3). Later each of the triumvirs had several (*ib.* v. 24; Plut. *Ant.* 39, 53): at the battle of Actium, Octavian had at least five praetorian cohorts (Oros. vi. 19). These *cohortes praetoriae* were soldiers picked from veterans and from the *equites extraordinarii*; they were the successors of the *clients* of Scipio, and had got more and more separated from the body of *friends*, who gradually cease to be soldiers. The two classes are strikingly opposed under Caligula (Suet. *Cal.* 19).

2. *Cohortes civium Romanorum.* — When Italians came to be practically excluded from legionary service and confined to serve in the city troops (see below, p. 806 *a*), such of them as wished to make a profession of arms entered the auxiliary cohorts as volunteers, the more readily as service in the cohorts was lighter than in the legions and rewards quicker (Veg. ii. 3). Hence the origin of these troops which appear under many names: e.g. *Cohors I. Italica civium Romanorum voluntariorum* (Henzen, 6709); *Cohors II. Civium Romanorum* (*C. I. L.* ii. 4114); *Cohors I. Civium Romanorum ingenuorum* (*ib.* v. 3936), and a vast number of titles with the word *voluntariorum* occurring in them in Mommsen's index of cohorts in *Eph. Epigr.* v. 248–9. That scholar supposes (*Res gestae d. Aug.* p. 72, note 1) that the *cohortes voluntariorum* originated from the freedmen Augustus enrolled (Vell. ii. 113; Dio Cass. lv. 31; Suet. *Aug.* 25; Macrob. *Sat.* i. 11, 33, "Caesar Augustus in Germania et Illyrico cohortes libertinorum complures legit quas voluntarias appellavit"); but that they were not recruited afterwards from freedmen, for we find recruits of foreign extraction admitted to them, just as to the auxiliary cohorts, to whom they are further assimilated in having to serve 25 years (*C. I. L.* iii. p. 907). An inscription (*C. I. L.* ix. 5835) shows us that there was a thirty-second cohort of these *voluntarii.* The centurion Cornelius in the Acts of the Apostles (x. 1) belonged to one of these cohorts (ἐκ σπείρης τῆς καλουμένης Ἰταλικῆς). Whether the *Ala I. Civium Romanorum* which recurs so often (Dipl. xi., xii., xxv.) was a similar institution is uncertain. Some of the *cohortes civium Romanorum* at any rate, *e.g.* I., II., had cavalry attached to them (*C. I. L.* vi. 3520; cf. Arrian, ἔκταξις, c. 9, 13).

3. *The Evocati* (ἀνάκλητοι) (Schmidt in *Hermes*, xiv. 321–353).—The ancients (especially Serv. on *Aen.* viii. 1) distinguished three kinds of service: (1) *legitima militia* or *sacramentum*, (2) *tumultus*, (3) *evocatio* (see p. 809 *b*); but logically, as Mommsen has pointed out (*Eph.*

Epigr. v. 142), the division should be state-ordered service, comprising *sacramentum* and *tumultus*, and voluntary service. Those who served in the latter were the *evocati*. It was originally only in periods of great crisis (Serv. on *Aen.* vii. 614) that such invitation was made, not by a magistrate, but by any man of spirit and influence, who called on those who wished their country's safety to follow him. According to strict legal right, these volunteers were not soldiers, but *pro militibus* (Serv. on *Aen.* ii. 157); they did not serve in a legion or a cohort, they had no definite leaders, nor had they any right to demand pay, though probably they always received rewards in larger measure than the ordinary soldiers; certainly they did in later times (Caes. *B. C.* i. 3, 2; cf. Mommsen, *l. c.* 143, note 1). But afterwards it became the practice for generals, no longer in the name of the state but in their own name, to invite, as a rule specially (*nominatim*, Caes. *B. G.* iii. 20, 2), veterans (*B. C.* i. 3, 2) to renew their service. These *evocati* stood in rank above the ordinary soldiers, probably on a level with the centurions (Caes. *B. C.* i. 17, 4; iii. 53, 1; 91, 1; Vell. ii. 70, 3, compared with Dio Cass. xlvii. 46, 4); were perhaps only used in battle, and freed from all ordinary duties (Marquardt, *Staatsv.* ii.^{2} 387, note 6); they had horses on the march (Caes. *B. G.* vii. 65, 5). We find such troops as these in the time of Flamininus (Plut. *Flam.* 3; Liv. xxxii. 3, 3), Marius, Catiline (Sall. *Jug.* 84, 2; *Cat.* 59, 3), Cicero (*Fam.* xv. 4, 3), Caesar (*ll. cc.*; cf. *C. I. L.* x. 3886, 6011), Octavian (Dio Cass. xlv. 12, 3). They played a considerable part in the civil wars, but seldom appear under the Empire, it not being consonant with the order of the standing army to have forces which could not be formed into definite troops (Mommsen, *op. cit.* 144). When they do appear, the invitation was of course made no longer by a private individual, but by the emperor (Tac. *Hist.* ii. 82). Those who responded to the invitation were sometimes called *revocati* (Orelli, 3580). But if they practically disappear under the Empire, a new body was formed, viz. the *evocati Augusti.*

4. The *Evocati Augusti* (Mommsen in *Eph. Epigr.* v. 142–154).—These were a special corps (*σύστημα ἴδιον*, Dio Cass. lv. 24, 8) established by Augustus which continued till Christian times (*C. I. L.* vi. 2870). The *evocati* which he called out after the death of Caesar (Dio Cass. *l. c.*) gave the name; and the features of voluntary service and of not being formed into regular troops, *i.e.* cohorts or legions (App. *B. C.* iii. 40), which these *evocati* possessed, in some measure formed the transition to the *evocati Augusti* properly so called. But the latter differed essentially from the former, who were rather like the regular *evocati* described in the last section, in the following respects:—(1) The *evocati Augusti* had no fixed time of service; the regular *evocati* were released after the crisis which called them out was passed. (2) The *evocati Augusti* were an ordinary and continuous branch of the service: the regular *evocati* extraordinary and temporary. (3) The *evocati Augusti* had civil rather than military functions, e.g. *ab actis fori* (*C. I. L.* ix. 5839), a *quaestionibus praef. praet.* (*ib.* vi. 2755), *architectus* (*ib.* vi. 2755), *librator*, "a surveyor" (*ib.* vi. 2545), *agrimensor* (*Grom. Vet.* p. 121, ed. Lachm.). Such functions as these they had already performed while in the army; and the main cause of the establishment by Augustus of this special body of *evocati* was to get men who had been specially trained in definite branches of state service which were usually administered by soldiers to remain, after they were entitled to discharge, in the performance of their duty outside the regular army. This he effected by giving them increased rank (for they stood next the centurions above the *principales*, *C. I. L.* vi. 1009), increased pay (probably nearly that of a centurion), and the right of carrying a *vitis* (Dio Cass. *l. c.*). They were often employed on special duties; thus we find one appointed to guard Vonones (Tac. *Ann.* ii. 68). Further proof that they were in a measure civilians is that their pay was called *salarium*, not *stipendium*; that *militia in caliga* is always (e.g. *C. I. L.* ix. 5840) opposed to *evocatio*, not to *centurionatus*; and that they never receive the military distinctions of *torques*, *armillae*, *phalerae*, but only a crown (Mommsen, *l. c.* p. 152). Nor did the *evocatus in legione* (less correctly *legionis*) belong to the legion in the same sense as the soldier or centurion. He acts for the legion, *e.g.* caters for it (*C. I. L.* vi. 2893), but does not belong to it. The privilege of invitation to this service, which was coveted so as to avoid becoming a *veteranus* and being discharged, appears to have belonged practically, if not of right, to the city soldiery, and especially to the praetorians: for of all the *evocati* mentioned in inscriptions only three belong to the urban cohorts, one to the fleet of Misenum, the rest to the praetorians. They were probably subject to the *praefectus praetorio* (*C. I. L.* vi. 3445). The body-guard of equestrian youths formed by Galba, whom he called *evocati*, was quite special and temporary (Suet. *Galb.* 10).

5. *Vexillarii* (Mommsen in *Eph. Epigr.* iv. 370–1).—This word has two meanings: (*a*) one who bears a *vexillum* (=*vexillifer*), and this is its general use when it is added to a name to mark a particular branch of duty, e.g. *C. I. L.* iii. 4834; (*β*) one who serves under a *vexillum*, and such is its meaning when used generally and in the plural. Now a *vexillum* and a *signum* differ in that the former is temporary and extraordinary, the latter is fixed and regular. Hence different classes of those who serve under *vexilla*: (1) Those veterans who had served out their time of twenty years, and who for one reason or another, financial or military, were not yet provided for. These were nominally dismissed (*exauctorati*, Tac. *Ann.* i. 36), but remained under a *vexillum* (*ib.* 26). They were treated as a select troop, used only in battle, and were free from all other duties (*ib.* 36). These troops of veterans are usually called *vexilla veteranorum* (Tac. *Ann.* iii. 21; *C. I. L.* v. 4903). (2) Any troop separated from the main body under a special commander had its own *vexillum* (Caes. *B. G.* vi. 36, 3; 40, 4), was called *vexillum* or *vexillatio* (the latter term only in Inscriptions), and its members *vexillarii*. Of this class, besides the quite general expressions *vexilla equitum, tironum* (Tac. *Hist.* ii. 11; *Ann.* ii. 78), we find *vexillationes* of the legions used for making roads, bridges, fortifications, &c. (Tac. *Ann.* i. 20; *C. I. L.* iii. 1979, 1980, 3200), as outposts

through the provinces — such are doubtless the *multae et diversae stationes* Hadrian refers to in his speech to his soldiers at Lambaesis (*C. I. L.* viii. 2532 A, b; cf. *Eph. Epigr.* iv. 528)—or as detachments dispatched to the theatre of war; e.g. *C. I. L.* x. 5829: *T. Pontius Sabinus . . . praepositus vexillationibus milliariis tribus expeditione Britannica* (i.e. Hadrian's expedition), *Leg. VII. Gem.* (stationed in Spain), *VIII. Aug.*, *XXII. Primigen.* (both in Germany). This, as well as the inscription in *Bull. dell' Instit.* 1868, p. 60, *praef. vexillation. eq. Moesiae infer. et Daciae*, shows that a combined band of *vexillarii* need not necessarily be taken from the one province (cf. *C. I. L.* ii. 3272, yet cf. Mommsen *ad loc.*), though usually such was the case (Tac. *Hist.* ii. 100, iii. 22; Wilmanns, 1429). *Vexillarii* of the auxiliary cohorts appear also (Tac. *Hist.* iii. 6). The numbers of a *vexillatio*, though often 1000 (*C. I. L.* viii. 2482, x. 5829), varied: hence the different rank of the commander: for he is sometimes a *praepositus* of equestrian rank, sometimes a *centurion* (*Eph. Epigr.* iv. 524), or a *tribunus legionis* (Henzen, 6453), or a *legatus Augusti* (*C. I. L.* viii. 7050), sometimes a *dux* of senatorial rank. (This term *dux* generally signifies an active military command of an unusual nature, as when a subaltern officer holds command of a legion: cf. *C. I. L.* ii. 4114, and Mommsen in *Eph. Epigr.* i. 135, note 2, and in the appendix to Sallet's *Die Fürsten von Palmyra*, pp. 72–75.) From the time of the Gordians, at any rate (*C. I. L.* viii. 2716), *vexillatio* takes an entirely new signification, viz. that of a troop of cavalry (*ib.* iii. 405, viii. 9045, 255 A.D.), and in this sense it is used in the Code (vii. 64, 9; x. 54, 3): cf. Veg. ii. 1; iii. 4, 10; Kuhn, *Die Verfassung und Verwaltung des röm. Reichs*, i. 133–5.

6. *Frumentarii* (Henzen in *Bull. dell' Instit.*, 1884, pp. 21–29).—There was probably a *numerus* (a very vague term for "troop" under a single commander) of *frumentarii* in each legion (*C. I. L.* vi. 3341), if that inscription does not refer to the special *numerus* at Rome. The *numerus* was commanded by a centurion, who is called in inscriptions *centurio frumentarius* (e.g. *C. I. L.* viii. 2825). They appear in all the provinces which had legions, and even in the *inermes provinciae* (Marquardt, *Staatsv.* ii.² 492–3). Their functions were partly connected with the corn-supply (*C. I. L.* vi. 3340), and as such their inscriptions are found all along the Appian Way to Puteoli (*ib.* x. 1171, 6095, 6575), and nowhere else in South Italy. Their chief station was in Rome, but there was probably a division at Ostia also (Marquardt, *l. c.*). Partly they acted as letter-carriers (Capitol. *Max. et Balb.* 10, 3), partly too as spies (Spart. *Hadr.* 11, 4), and in later times as police (Euseb. *H. E.* vi. 40), a function perhaps confined to the provinces. They appear to have been instituted by Hadrian: for we first hear of them under that emperor, and no *frumentarii* are found to belong to a legion which ceased to exist before Hadrian's time.

With regard to the *numerus frumentariorum* in the city, they nearly always state the legion to which they belonged (*C. I. L.* vi. 3331–3361), a fact which shows that, though practically free from the legion, yet they were technically recognised as belonging to one. Confirmatory evidence on this point is that inscriptions of *frumentarii* have been found in places where the legion to which they are stated to have belonged never lay, *e.g.* in Lambaesis of a *frumentarius* of V. Macedonica, which belonged to Upper Moesia (*ib.* viii. 2867). In the post-Severian times these *frumentarii* had a place in the *castra peregrina* in the Second Region, near Mount Caelius. For further particulars see Henzen, *op. cit.*

The Garrison of the City under the Empire.

1. The *Cohortes Praetoriae* (οἱ δορυφόροι).—These were what the *cohors praetoria* of the Republic developed into under the military monarchy. The *praetorium* was now wherever the emperor was. We have seen above that there were several praetorian cohorts at the end of the Republic (p. 791 *a*). Augustus established nine praetorian cohorts (Tac. *Ann.* iv. 5): three of these he quartered in different parts of Rome, keeping one to act as guard (Tac. *Ann.* i. 7), and the rest he scattered about Italy in places where he was wont to stay himself (Suet. *Aug.* 49; *Tib.* 37). It was a great stroke of Sejanus concentrating the praetorian cohorts into one camp before the Viminal gate; and the vast power this concentration threw into their hands is duly insisted on by historians (Tac. *Ann.* iv. 2; Suet. *Tib.* 37; Dio Cass. lvii. 19, 6). The supreme commander of these was of course the emperor (in Tac. *Ann.* i. 7 he gives the watchword); but from the year 2 B.C. (Dio Cass. iv. 10, 10) the praetorians were commanded in the name of the emperor by two *praefecti praetorio*, sometimes by one, after the time of Commodus by three (Mommsen, *Staatsrecht*, ii.³ 828). For a list of these *praefecti praetorio* up to Diocletian, see Hirschfeld, *Verwaltungsgeschichte*, p. 219 ff.

The number of praetorian cohorts was raised probably by Claudius to 12, for we find the xi. and xii. praetorian cohort mentioned in several inscriptions (*C. I. L.* vi. 2762–2768). Mommsen (*Hermes*, xvi. 644) attributes this increase of the number of cohorts to Claudius, because it certainly is found in existence in Nero's time (*C. I. L.* v. 7003), is not mentioned by Tacitus, and Claudius certainly raised the number of the *cohortes urbanae* (Suet. *Claud.* 25). Vitellius raised the number to 16 (Tac. *Hist.* ii. 93); Vespasian reduced it to 9 (Diploma x.). But before 130 A.D. (*C. I. L.* vi. 208) a tenth must have been added, and this number certainly subsisted till the third century (Diploma lvii., 298 A.D.).

Each cohort was a *cohors milliaria* (Dio Cass. lv. 10, 10; Tac. *Hist.* ii. 93) *equitata*, each century having a *turma* of cavalry (Tac. *Ann.* i. 24, xii. 56; *C. I. L.* vi. 100). We may possibly conjecture that, like the cohorts of the legionaries and auxiliaries, each praetorian cohort was divided into 10 centuries and 10 *turmae*; but such an analogy is not very reliable, for we know that each cohort of the *Vigiles*, though a *cohors milliaria*, had only seven centuries (cf. Mommsen in *Eph. Epigr.* iv. 241). Each cohort was commanded by a tribune (*e.g.* Wilm. 1639). The praetorians were recruited from volunteers coming principally from Italy or the civilised provinces of Spain, Macedonia, or Noricum

(Tac. *Ann.* iv. 5; Dio Cass. lxxiv. 2, 4); and this is fully attested by inscriptions—viz. *C. I. L.* vi. 3885 (147 A.D.); 2381 a, b, c (153–156 A.D.); 2382 a, b (175–178 A.D.): cf. Mommsen in *Hermes*, iv. 118. From the time of Septimius Severus, however, this was changed: the praetorians were recruited from the most tried of the barbarian troops (Dio Cass. *l. c.*), as is attested by the names found in inscriptions, e.g. *C. I. L.* vi. 2385. On the nationalities and native places of the praetorians, see the indices of Bormann and Henzen in *Eph. Epigr.* iv. 322–326; Oscar Bohn, *Ueber die Heimath der Praetorianer*, 1883, and in *Eph. Epigr.* v. 250–258; Mommsen in *Hermes*, xix. 52. The length of service in the praetorian cohorts was 16 years (Dio Cass. iv. 23, 1; Tac. *Ann.* i. 17); the pay from the time of Tiberius, 720 denarii yearly (see below, p. 809 *a*).

A word must here be said on the officer called *trecenarius*, who often appears (e.g. *C. I. L.* ii. 4461, iii. 454. Complete list in *Eph. Epigr.* iv. pp. 242–3). In early times the chief centurion of the first cohort of the praetorians was called *primus ordo* (*C. I. L.* x. 4872); but, owing to the excessive danger to the state of such a special position among a body like the praetorians, it was arranged that the chief centurion of the first cohort should not hold superior rank to the others. The chief centurions of the different cohorts appear to have been called *trecenarii*, probably because they commanded 300 men, certainly *not* because the pay was HS. 300,000, which would be three times that of a *tribunus militum;* and the *trecenarius* ranked on a level with the second centurion of the legion *primus praetorii* (cf. Henzen, 6767, 6877), inferior to the *primus pilus* (*ib.* 6771 and *passim*). Just as the *primus pilus* was the highest position a centurion could gain in the legionary force, so the *trecenarius* was the highest he could gain in the praetorian; and, if promoted, he had to pass to another branch of the army, viz. the legions. Hence the title *ex trecenario* or *ex CCC* (Orelli, 3444, 3457; *C. I. L.* iii. 3427). The *principes castrorum* among the praetorians (Orelli, 3457; *C. I. L.* vi. 216, x. 5064) seem to have been two centurions selected from the *trecenarii*, who, like the *principes* in the legion (Veg. ii. 8), had the general oversight of the camp.

2. The *Cohortes Urbanae, οἱ ἀστικοί* (O. Eichhorst, *De cohortibus urbanis imperatorum Romanorum*, 1865: cf. also *C. I. L.* vi. 2861-2948).—The praetorians and the urban cohorts, both in the lists of veterans and in the Diplomata (*e.g.* x., xlvii.)—see Bormann in *Eph. Epigr.* iv. 317, 318—appear to form one closely connected body, though the urban cohorts were inferior in rank, only getting half the pay of the praetorians (see below, p. 809 *a*), and having to serve twenty years (Dig. 27, 1, 8, 9). Soldiers are advanced from the legions to the urban cohorts, and thence to the praetorians (e.g. *C. I. L.* ii. 4461). They were established by Augustus *in custodiam urbis* (Suet. *Aug.* 49; Dio Cass. lv. 24, 6), put under the authority of the *praefectus urbis* (Tac. *Hist.* iii. 64), and perhaps appointed at the same time as that officer, viz. 24 A.D. (Eichhorst, p. 3). Each cohort had originally 1500 men (Dio Cass. *l. c.*), in Vitellius's time 1000 (Tac. *Hist.* ii. 93), and was commanded by a *tribunus* (Tac. *Ann.* vi. 9; Eichhorst, Nos. 5–25). Each cohort consisted probably of 10 centuries commanded by centurions (Eichhorst, Nos. 26–76 and p. 7). The number of the praetorian cohorts seems to have been four in the time of Tiberius, three for duty in Rome (Tac. *Ann.* iv. 5) and one for service at Lyons (*ib.* iii. 41). After the model of this latter Claudius (Mommsen in *Hermes*, xvi. 645) added two at Puteoli and Ostia to guard against fires (Suet. *Claud.* 25); Vitellius reduced them to four (Tac. *Hist.* ii. 93), while Vespasian increased them to five by creating *Cohors I. Urbana* for service abroad. In Caracalla's time they were four (Dipl. xlix.), and were still in existence at the beginning of the fourth century (*C. I. L.* vi. 1156). This inscription shows that at this time they were located in the *Forum Suarium* in the Seventh Region (Preller, *Die Regionen*, p. 98; Mommsen, *Staatsrecht*, ii.^{2} 1021, note 2).

The history of the urban cohorts is perplexing. It must be remembered that they formed a closely connected body with the praetorians, the numbers of the urban cohorts continuing those of the praetorians. Thus under Tiberius the urban cohorts are numbered X., XI., XII., XIII., the last, viz. XIII., being used for service at Lugdunum (Boissieu, *Inscr. antiques de Lyon*, pp. 353–361). When Claudius raised the praetorian cohorts to 12 and the urban to 6, these latter were probably numbered XIII.-XVIII. We do find about this time XV. (*C. I. L.* x. 1765), XVI. (Henzen, 6767, though this is not strong evidence), XVII. at Ostia (Tac. *Hist.* i. 83), at Lyons (Inscript. of Moulins in Hirschfeld, *Lyon in der Römerzeit*, p. 27), XVIII. (Tac. *Hist.* i. 64). For the possible transferences of these cohorts, see Mommsen in *Hermes*, xvi. 646. Vespasian created the *Cohors I. Urbana* and sent it to Lugdunum, sending XIII. to Carthage. In the second and third centuries XIII. appears at Lugdunum and I. in Africa (Mommsen in *Eph. Epigr.* v. 119, 120). The sending of these select troops to Africa was probably for fiscal purposes, as Africa from Nero's time became highly important in the matter of taxes. Under Antoninus Pius there appear in Rome *cohortes urbanae* X., XII., XIIII. (*C. I. L.* vi. 1009); and note that this inscription proves the simultaneous existence of *Coh. X. Urb.* and *Coh. X. Praet.* In Caracalla's time (Dipl. xlix.), X., XI., XII., XIIII. are the *cohortes urbanae.* After 216 Cohort XIII. disappears; perhaps it was abolished by Severus when he conquered Albinus at Lugdunum (Renier, *Rév. Arch.* 1864, p. 214).

3. The *Statores* (*C. I. L.* vi. 2949–2958).—These appear in the Republic among the apparitors of the provincial governor, on a level with the lictors (Cic. *Fam.* ii. 19, 2; 17, 1; x. 21, 2). Under the Empire they seem to have been entirely confined to the special service of the emperor, and so often called *Statores Augusti* (*C. I. L.* vi. 2949). They took rank between the *cohortes vigilum* and *urbanae*, as one can see from the lists of promotion (*e.g.* Wilmann's, 1598, 1617), and stood in close connexion with the praetorians (Hyg. § 19; cf. *C. I. L.* vi. 1009). They formed a *numerus statorum praetorianorum* (*ib.* x. 1766), consisting of several centuries (*ll. cc.*). Their commander appears to have been called *praefectus* (*Eph. Epigr.* ii. pp. 291, No. 339) or *Curator* (Herzog, *Gall. Narb.* No. 876).

4. The *Cohortes Vigilum, οἱ νυκτοφύλακες*

(*C. I. L.* vi. 1056–1058, 2959–3091).—These cohorts were established by Augustus in 6 A.D. as a night-watch, both to prevent fires and to act as police (Mommsen, *Staatsrecht*, ii.^{2} 1008–1012, where a full account of the night-watch of the Republic is given). They were part of the regular army (Dig. 37, 13, 1), as promotion was made from them to the urban and praetorian cohorts and the legions (Orelli, 3444; *C. I. L.* vi. 2780), but still we find them of a somewhat lower rank than the other corps of soldiers; for their functions required a variety of un-military appliances for rendering aid in case of fire—viz. *centones, siphones, scalae, perticae*—and on this account they appear to have been nicknamed *Sparteoli* (Du Cange, *s. v.*; Tert. *Apol.* 39: cf. Mayor on Juv. xiv. 305); and we find they had assistants with duties essentially those of police, e.g. *carcerarius* and *quaestionarius* (see below, pp. 802 *a*, 803 *b*). The *sebaciarii*, of whom so frequent mention is made in the inscriptions on the walls of the *excubitorium* of Coh. VII. (*C. I. L.* vi. 2998–3091), were men who supplied by the month (*ib.* 3062) tallow lights (*faces sebacias*) to the *vigiles* for use in their patrols. Their standards were the extraordinary *vexilla*, not the ordinary *signa* (*Eph. Epigr.* iv. 356, 370), probably owing to their duties not being altogether strictly military. Accordingly Tacitus passes them over in his enumeration (*Ann.* iv. 5).

They consisted of freedmen (Dio Cass. lv. 26, 5; Strabo, v. p. 235; Suet. *Aug.* 25). According to the Lex Visellia (24 A.D.), a freedman got citizenship if he served six years in the *vigiles*; a later senatusconsultum shortening the period to three years (Ulpian, *fr.* 3, 5; Gaius, i. 32^a, ed. Studemund), and qualifying them for further advance in the army. After Sept. Severus there were many freemen in the *vigiles* (Dio Cass. *l. c.*). The whole corps consisted of seven cohorts of about 1000 men each (in *C. I. L.* vi. 1057 the total in the cohort is 924: *ib.* 1058 it is 960). Each cohort had two regions of the city to look after (Dig. 1, 15, 3, pr.), and in each region a watchhouse (*excubitorium*). Regions 1 and 2 fell to Cohort V., 3 and 5 to II., 4 and 6 to III., 7 and 8 to I., 9 and 14 to VII., 10 and 11 to VI., 12 and 13 to IV. (Jordan, *Topographie der Stadt Rom*, i. 1, 307; cf. ii. p. 573). There were probably equites among the *vigiles*, though Mommsen on *C. I. L.* vi. 3045 thinks not. Each cohort fell into 7 centuries, averaging about 135 men each (*ib.* vi. 1056–1059), under centurions (Mommsen, *Staatsrecht*, ii.^{2} 1009, note 2), and was commanded by a *tribunus* (*C. I. L.* vi. 1599). The whole corps was under the *praefectus vigilum* ὁ ἔπαρχος ὁ νυκτοφυλακῶν (Dio Cass. lii. 33), who was of equestrian rank, not a magistrate, but only appointed *extra ordinem utilitatis causa* (Dig. 1, 2, 33). The only higher equestrian positions were the *praefecti Aegypti* and *praetorio*. In early times his jurisdiction was very restricted, as all serious cases came before the *praefectus urbi*. But under Sept. Severus the jurisdiction of the equestrian *praefectus vigilum* was extended at the expense of that of the senatorial *praefectus urbi*. For further details as to his police jurisdiction, see Dig. 1, 15, 3, 1; 47, 2, 57, 1; 47, 2, 18, 2; 12, 14, 5; 1, 15, 4: and Mommsen, *Staatsrecht*, ii.^{2} 1011. For a list of *praefecti vigilum*, see Hirschfeld, *Verwaltungsgeschichte*, i. 145 ff. Modestinus the jurist was a *praefectus vigilum* (*C. I. L.* vi. 266). The *praefectus* had a deputy, a *subpraefectus* (*ib.* 414 b, v. 8660). These facts have been mostly elucidated from (1) two lists of Cohort V. treated by O. Kellermann, *Vigilum Romanorum latercula duo Caelimontana*, 1835; (2) discoveries made in 1858, which fixed the locality of four stations of the *vigiles* (De Rossi, *Annali dell' Instituto*, 265–297, 391–2); (3) in 1866 the discovery of the *excubitorium* of Coh. VII. and all its inscriptions (*C. I. L.* vi. 2998 ff.).

Non-Roman Troops in the Garrison.

1. *Germani* or *Batavi*.—This troop was instituted by Augustus. Previous to the battle of Actium he had a corps of Calagurritani as a body-guard, but afterwards a *manus* of Germans. These he disbanded after the defeat of Varus (Suet. *Aug.* 49), but they appear again under Tiberius (Tac. *Ann.* i. 24), Caligula (Suet. *Cal.* 43, 45, 55), and Nero (Tac. *Ann.* xiii. 18). They were taken from the German tribes belonging to the Empire, and their duty was the guarding of the imperial family. Thus we find them in the body-guard of Tiberius (*C. I. L.* vi. 4339), Germanicus (*ib.* 4337), sons of Germanicus, Nero and Drusus (*ib.* 4337, 4342), Agrippina (Tac. *Ann.* xiii. 18; Suet. *Nero*, 34), &c. We cannot argue from *C. I. L.* vi. 4334 that they had cavalry among them. They were not divided into centuries and *turmae*, but formed a *collegium* (*ib.* 8802–8809), which fell into *decuriae* just like the *collegia* and *decuriae* of slaves. For these Germans were legally slaves, though practically soldiers; and their being slaves is the mark which distinguishes these *servi milites* from the other foreign troops (cf. Mommsen, *Schweizer Nachstudien*, in *Hermes*, xvi. 459, note 1; also *Hermes*, xix. 30, 31). They were disbanded by Galba (Suet. *Galb.* 12), and do not appear in Tacitus's time, as may be proved from his use of *tum* in *Ann.* i. 24. Nor do they appear in later times either; for the Γερμανοὶ and Βατάουοι mentioned in Herodian (iv. 13, 6) and Dio Cass. (lv. 24, 7; cf. Capitol. *Maxim. et Balb.* 14) are not this German body-guard at all—for none of the inscriptions referring to the German body-guard under that name are later than the Claudian era (Mommsen, *l. c.*), nor do they appear in the Hyginian camp—but are the *equites singulares*, who took their place.

2. The *Equites Singulares Augusti* (Henzen, *Sull' Equiti Singolari*, 1850): cf. *C. I. L.* vi. 3173–3323.—This troop was instituted by either Trajan or Hadrian (*C. I. L.* vi. 3309). Henzen places their origin in Domitian's time, but Tacitus (*Ann.* i. 24) does not mention them, and they are exactly the sort of institution we should expect from Hadrian (cf. H. Schiller, *Kaiserzeit*, 616, note 4). The inscription in Orelli (3525) which refers them to Augustus is utterly spurious. They are sometimes indeed styled *equites singulares* without *Augusti* or *imperatoris* added (Henzen, 26 ff.), but this is exceptional; and they must be carefully distinguished from the ordinary *singulares* of whom something has been said on p. 791 *a*. They appear originally to have been taken from the provinces on the Rhine or the Danube:

none come from Italy or the Gallic or Spanish provinces. They formed a force complementary to the Praetorians, who were mostly raised from these more civilised provinces (Mommsen in *Hermes*, xix. 54). They were connected with the auxiliary cavalry, but stood in a higher grade: thus we find frequent promotions from the auxiliary cavalry to the *Equites singulares Augusti* (*C. I. L.* vi. 3199, 3234, 3238, &c.). If a soldier is promoted from the latter to the former, he becomes a *decurio* in the auxiliary horse (*ib.* vi. 228, l. 17). They ranked close to the Praetorians, as may be inferred from their position in the Hyginian camp (§ 23); but we cannot infer from *C. I. L.* ii. 4147 that the *Equites singulares Augusti* were promoted to be centurions; for the omission of *Eq.* in that inscription renders its validity very questionable (Mommsen in *Hermes*, xvi. 462, note 2). They had probably two divisions, as they had two camps in the city, viz. the *castra priora* (*C. I. L.* vi. 3183, &c.) and the *castra nova* (*ib.* 3217) or *Severiana*, which was built by Septimius Severus (cf. Herodian, iii. 13, 4; cf. Dipl. i.). They left these camps only when the emperor took the field (Hyg. § 23). They seem to have been under the general command of the *praefectus praetorio*, each division having a tribune (*C. I. L.* vi. 224, 226–8). We find, too, perhaps a *praefectus* (*ib.* 3261) and a *praepositus* (Wilm. 1639), but these were probably temporary officers. The *Equites singulares Aug.* wore a helmet without any plume; carried an oval shield, sword, and lance (*ib.* 3214, 3290; Henzen, *op. cit.* p. 50). The figures on these Inscriptions appear to show that they had slaves, and were therefore free themselves,—a fact to be noticed, as this is the main distinction between them and their predecessors, the Germani. They probably possessed Latin rights: for they certainly were not Roman citizens (Dipl. li.); nor again are their names in the inscriptions at all of the usual type of *nomina peregrina*, i.e. cognomen of son with cognomen of father (*e.g.* Adiatullus Vepotali f.), but nearly always they have the regular Italian three names or they omit the praenomen (*C. I. L.* vi. 3309). It is to be noted, too, that the tribe is never added. For further particulars, see Mommsen in *Hermes*, xvi. 460 ff.

The Provincial Militia.

Tacitus often (*Hist.* i. 11; ii. 81, 83; iii. 5) speaks of the *inermes provinciae*, by which he means those provinces in which no legions were stationed. These were (1) Senatorial provinces (except Africa), in which we learn that the proconsuls had some soldiers (Dig. 1, 16, 4, 1; 1, 16, 7, 1) separated from the main corps; but that they were very few Pliny's correspondence with Trajan shows. Pliny had one cohort, but from that he had to give 10 beneficiarii, 2 equites, and a centurion to the praefect of the coast, and more were asked for (Plin. *Epist.* x. 21 (32)). He asked for a century of legionaries for Juliopolis, but was refused (77 [81], 78 [82]). In fact he had so few that *servi publici* were guards of the prison (19 [30], 20 [31]), not as usual in other provinces, *statores*, who were military men. Trajan's reason seems to have been that as few soldiers as possible should be separated from the main corps (*ne milites a signis absint*). At certain points we hear of small military posts in senatorial provinces, *e.g.* at Eumenia in Greater Phrygia, where several high roads met (*C. I. G.* 3902 c). (2) Imperial provinces in which there was no legion stationed. But generally in such a province there was some small force: *e.g.* in Lyons we have seen there was a cohort of urban soldiery; in Dalmatia we find two cohorts at all events (*C. I. L.* iii. p. 282); in Pontus one cohort (Tac. *Hist.* iii. 47). (3) Provinces governed by Procurators, *e.g.* the Cottian Alps (Suet. *Tib.* 37); Rhaetia, in which in 108 A.D. there were 4 *alae* and 11 cohorts = over 8,000 men (Dipl. xxiv.); Noricum, which had 4 *alae* and 14 cohorts (Dipl. lxx.; *Eph. Epigr.* iv. 503); Thrace, which had 2,000 men (Joseph. *Bell. Jud.* ii. 164); Judaea, which had 2 *alae* and 5 cohorts (ib. *Ant.* xix. 2, 9); Sardinia (Dipl. xviii.). But they were so few in comparison to the extent of the country and so scattered that Aristides (i. p. 349) rightly says that the nations do not know where the forces are which keep them in subjection.

To make up for this deficiency of soldiers, there was a threefold kind of militia in the provinces:—

1. *Municipal.*—By the Lex Coloniae Genetivae (Urso in Baetica) we find it incumbent on the municipal magistrates to keep the fortifications in order, and for protection of their boundaries to appoint commanders to lead out armed forces (*armatos educere*), such commanders to have the same authority as the *tribuni militum* in the Roman army (Lex Col. Genet. xcviii., ciii.; *Eph. Epigr.* ii. 110, 112); and we know also that colonies had often to defend themselves (Tac. *Hist.* iv. 65; Amm. Marc. xxv. 9, 2).

2. *Special Provincial.*—E.g. (*a*) the *Praefectus orae maritimae* in Tarraconensis, who was a commander of coast-guards (Dig. 47, 9, 7) and had two cohorts under him (*C. I. L.* ii. 4138),—cf. the *tribunus militum cohortis maritimae* in Baetica (*ib.* 2224); though the title *cohort* points to these being regular imperial troops; (*b*) in Noviodunum there was a *praefectus arcendis latrociniis*, which implies a force for the same purpose (*Inscr. Helvet.* 119); (*c*) various kinds of police officers and their men, *e.g.* εἰρήναρχοι (Dig. 48, 3, 6, pr.), διωγμῖται (Capit. *M. Aurel.* 21), κορυνηφόροι (Marq. *Staatsv.* i. 213). For more about these, see Kuhn, *Verfassung*, i. 43, 44.

3. *General Provincial.*—In times of danger or confusion the main body of youths in a province appears to have been sometimes utilised for military service. This was often the case against the Pirates in Sicily (Cic. *Verr.* v. 17, 43; v. 24, 60). In imperial times we hear of such troops of native youths in not completely civilised provinces, such as Cappadocia, Rhaetia, the Maritime Alps, and Noricum (Tac. *Ann.* xii. 49; *Hist.* i. 68, ii. 12, iii. 5). We hear, too, of a people supporting at its own expense fortresses which probably commanded military roads, *e.g.* the Helvetii (Tac. *Hist.* i. 67). Prior to Hadrian's time such forces were only used locally; but later similar corps often appear among the imperial forces, still retaining their nationality (e.g. *C. I. L.* vii. 1002). Tacitus (*Ann.* l. c.) calls this militia *auxilia provincialium*, Arrian (ἐκτ. chap. 7) τὸ συμμαχικόν, and

Hyginus (chap. 43) *symmacharii* (according to Mommsen's emendation for the corrupt *sumactares*: see *Hermes*, xix. 224). They ranked below even the *classiarii* (*C. I. L.* viii. 2728) and were usually commanded by *praepositi* not of equestrian rank, appointed probably by the provincial governor: sometimes, however, the commander is styled *praefectus* or *tribunus*. Cf. Mommsen in *Hermes*, xix. 228. For further details, see R. Cagnat, *De municipalibus et provincialibus militiis in imperio Romano*, 1880, and Mommsen in *Hermes*, xxii. 547-558.

The higher Officers of the Legions (see especially Madvig, *Die Befehlshaber und das Avancement in dem römischen Heere*, in his *Kleine philologischen Schriften*, No. 10, pp. 477-560).

1. The *Triburi* (χιλίαρχοι).—They were six for each legion, so twenty-four for the four legions, and were chosen originally by the consul. In 362 B.C. the people laid claim to elect six out of the twenty-four (Liv. vii. 5, 9) in the *comitia tributa* (hence called by Asconius, p. 142, *comitiati*, but see Mommsen, *Staatsrecht*, ii.^{2} 562, notes 1, 2); in 311 B.C. they elected sixteen (*ib.* ix. 30, 3), and in 207 B.C. all twenty-four (*ib.* xxvii. 36, 4). They were regular magistrates of the Roman people (see the Lex Acilia, *C. I. L.* i. 198, *passim;* Cic. *Clu.* 54, 148); they canvassed for the post (Sall. *Jug.* 63) and held office for a year (Cic. *Att.* xiii. 33, 3), beginning on Jan. 1st (Cic. *Verr.* i. 10, 30). But the people never claimed to elect more than the twenty-four; so when the number of legions increased, the consuls had the appointment of all the rest. Those tribunes chosen by the consuls were, as opposed to those elected by the people, from the first called *Rufuli* (Liv. vii. 5, 9), because, says Festus (p. 260 M.), Rutilius Rufus brought forward a law fixing their rights. Under Augustus, but apparently not later (Mommsen, *Staatsr.* ii.^{2} 564; *C. I. L.* x. 788), we find the same distinction maintained in the *tribuni militum a populo* (often in Pompeian inscriptions, e.g. *C. I. L.* x. 820, 822, 830, 837, &c.) and the *tribuni militum Augusti* (*ib.* ii. 3852). It was customary in Polybius's time to elect fourteen tribunes who had served five campaigns and ten who had served ten (Polyb. vi. 19, 1); and in the Punic and Macedonian wars tribunes of the soldiers appear who had held the consulship, praetorship, and aedileship; but as a general rule the tribunes were young men of rank: Scipio was one at the age of twenty (Liv. xxii. 53, 1), and Flamininus at that of eighteen (Plut. *Flam.* 1; cf. Madvig, p. 544, note 1). These young men began their duties either by serving in the cavalry or by being *contubernales* of the commander. After getting some little experience in this way, they either entered the civil service by becoming a *vigintivir;* or if they continued in the military service were appointed to the *praefecture of a cohort* of auxiliaries or to the *tribunate of a legion*—both of them equestrian positions (Caes. *B. G.* iii. 7, 3, compared with iii. 10, 2), the latter slightly but not much the more distinguished—and later to the *praefecture of an ala* of cavalry (*C. I. L.* viii. 95, 2394). The arrangement of Claudius whereby the praefecture of the *ala* came before the tribunate of the legion (Suet. *Claud.* 25) was quite transitory. The tribunes wore the gold ring [ANULUS] of the equites (App. *Pun.* 104): if they were of senatorial birth, they were called *laticlavii* (Suet. *Aug.* 38, and the Inscriptions *passim*, e.g. *C. I. L.* x. 3722, *C. I. G.* 3990, χειλίαρχος πλατύσημος), those of equestrian birth *angusticlavii* (Suet. *Otho*, 10). The three positions—viz. *praefectura cohortis*, *tribunatus legionis*, and *praefectura alae*—were the *equestres militiae* often mentioned (*equestribus militiis functus*, Plin. *Epist.* vii. 25, 2; Vell. ii. 111; 104, 3). In later times one who had held these positions was called *a militiis*, *a tribus militiis*, *a iiii. militiis*, ἀπὸ στρατειῶν ἱππικῶν, ἀπὸ τριῶν χιλιαρχῶν, &c. (Evidence in Marquardt, *Staatsv.* ii.^{2} 367, note 8.) In order to get the rank of *eques* the tribunate was sometimes given for six months or a little over it (*semestris tribunatus*, Plin. *Epist.* iv. 4, 2: cf. Juv. vii. 88; *C. I. L.* iii. 101, ix. 4886). Such tribunes appear to have got a full year's salary, viz. 25,000 sesterces; see the Inscription of Torigny.

Under the Empire the tribunes still held a certain command in the legion (Hor. *Sat.* i. 6, 48; Tac. *Hist.* iii. 9), but to all intents and purposes they were subject to the legatus, who, as we shall see, commanded both legions and auxiliary troops. Macer in the Digest (49, 16, 12, 2) enumerates several of the duties of the tribunes: viz. *milites in castris continere*, *ad exercitationes producere* (cf. Veg. ii. 12), *claves portarum suscipere*, *vigilias interdum circumire*, *frumentationibus commilitonum interesse*, *frumentum probare*, *mensorum fraudem coercere*, *delicta secundum suae auctoritatis modum castigare*, *principiis frequenter interesse*, *querellas commilitonum audire* (cf. Tac. *Ann.* i. 44), *valetudinarios inspicere*. Besides these duties, some of which devolved on the *praefectus castrorum* during the early Empire, the tribunes commanded on the march (Lampr. *Alex. Sev.* 50, 2) and in battle (Plin. *H. N.* xxii. 11; Vopisc. *Aur.* 7, 1), took part in the council of war (Caes. *B. G.* v. 28, 3), acted as spokesmen for the soldiers (*ib.* i. 41, 8), kept the lists of the dead and living [by putting the latter Θ (θανὼν: cf. Pers. 4, 13; Mart. vii. 37, 1) and T (τηρούμενος) or V (*vivit*) before the names on the roll (cf. Isidor. *Orig.* i. 24, 1; Marini, *Atti de' Fratelli Arvali*, pp. 165, 609)], granted the discharge to soldiers who had served out their time (Tac. *Ann.* i. 37), also granted leave of absence (Cod. Just. xii. 35 (36), 13, 1), was answerable for the exercise and discipline of the soldiers in the camp (Capit. *Max.* 5, 5; Spart. *Hadr.* 10, 3). From the time of Claudius there were nominal tribunes, who did no duty, but they had only the title (Suet. *Claud.* 25); not like the *tribuni vacantivi* (Lampr. *Alex. Sev.* 15, 3), who appear to have got pay for doing nothing. In Ammianus (xv. 3, 10; xviii. 2, 2) *tribuni vacantes* are tribunes who had served out their time, but in case of emergency were invested with an extraordinary command (Godefroi *ad C. Th.* vi. 18, 1).

2. The *Legatus legionis.*—On days of battle (Caes. *B. G.* i. 52, 1), and when he used to go towards Italy to look after Roman politics (*ib.* v. 1, 1; 25, 5), Caesar was in the habit of appointing special commanders (*legati*) for the legions, one for each. This commander was

retained by Augustus; and in imperial times, to distinguish him from other legati, was styled *legatus legionis*, or more strictly *legatus Augusti legionis* (see examples in Indices to *C. I. L.* passim, *e.g.* viii. 7050, 7). He was of senatorial rank, usually an ex-praetor (Tac. *Hist.* i. 48; *C. I. L.* x. 6006; and the exception proving the rule in Tac. *Ann.* ii. 36, xiv. 28). Previous to being praetors, they could only hold the title of *pro legato* (Tac. *Ann.* xv. 28). The important distinction between the *legati* and the *tribuni* was that the former had command of the legion *and* the annexed auxilia (Tac. *Hist.* i. 57; cf. *C. I. L.* viii. 2582, 2637), while the *tribuni* were strictly legionary officers. The office of *legatus* disappeared under Gallienus, its functions being undertaken by the *praefecti legionum*, who were no longer senators (Aur. Vict. *Caes.* 33, 34).

3. The *Praefectus Castrorum* (Wilmanns in *Eph. Epigr.* i. 81–95).—Passing over the reference to στρατοπεδαρχία put into the mouth of Siccius Dentatus by Dionysius, x. 36 (where it may possibly be a word common people would use for a commander generally: cf. Lucian, *de conscr. Hist.* 21, 30), we only find the *praefectus castrorum* in the Empire, from Augustus to Severus. The locating of the soldiers in fixed camps caused its institution. These officers were created by the emperor (*C. I. L.* x. 4868), chiefly from among *primipili* (Orelli, 3509; Henz. 6758; *C. I. L.* iii. 454, 2028), as being purely military men of non-senatorial rank; and as such they differed from the *legati*, who were senators, and from the more cultured youths who aspired to the *militiae equestres.* These *praefecti* were subject to the *legatus* of the province (Tac. *Ann.* xiv. 37), seem to have held the chief post *after* the *legatus legionis*, though they were not subject to him (Tac. *Ann.* xiii. 39; *Hist.* iii. 14), and probably took his place if it was left vacant from any cause (Tac. *Hist.* ii. 29). We find *praefecti castrorum* advanced to be *praefecti fabrum* and *praefecti classis* (e.g. *C. I. L.* x. 4868). The name of the legion was not added to his title during the first century; for each legion had not a camp, a camp being often formed of several legions (Tac. *Ann.* i. 20; *Hist.* iv. 59), or even of *vexillationes* of separate legions (Dio Cass. lv. 8, who uses φρούραρχος to express *praefectus castrorum*). If several legions were drawn together for a campaign, the united force had only one *praefectus castrorum* (Vell. ii. 112); whereas if it was divided, it had two (Tac. *Hist.* ii. 26, 29; cf. 89). But from the time of Domitian (Suet. *Dom.* 7) each camp had only one legion, and so each legion had one *praefectus castrorum:* accordingly for this time it becomes customary for the *praefectus castrorum* to add the name of his legion to his title—e.g. *C. I. L.* iii. 451, *praef. Kastror. leg. xiii gem.:* gradually the shortened title *praefectus legionis* becomes the usual one, and finally in the post-Severian time, when the senate was being deprived of all its privileges, the senatorial *legati legionum* give place to these *praefecti.* In Egypt, where no senators were permitted to enter without special permission (Tac. *Ann.* ii. 59), the *praefectus castrorum*, even in Augustus's time, took the post held by the *legatus legionis* elsewhere (Joseph. *B. J.* vi. 4, 3); and in the other provinces, just as Augustus sent his non-senatorial procurators to perform certain functions beside the *legati* of the provinces, so in the army he appointed non-senatorial *praefecti castrorum*, well-tried soldiers devoted to his interest, to be a counterbalance to the *legati* of the legions (Wilmanns, *op. cit.* i. 104). The duties of the *praefectus castrorum* are partly given by Vegetius, ii. 10: "Totius positio valli et fossae aestimatio pertinebat. Tabernacula vel casae militum cum impedimentis omnibus nutu ipsius curabantur. Praeterea aegri contubernales et medici, a quibus curabantur, expensae etiam ad eius industriam pertinebant. Vehicula, sagmarii ('pack-horses') necnon etiam ferramenta a quibus materies secatur vel caeditur, quibusque aperiuntur fossae, contexitur vallum, aquaeductus, item ligna vel stramina, arietes onagri ballistae ceteraque genera tormentorum ne deessent aliquando procurabat." He kept discipline in the camp (Tac. *Ann.* i. 20), and so had a certain jurisdiction, but could not punish capitally (*ib.* i. 38). He was often sent with detachments to make roads, bridges, or fortifications (*ib.* xii. 38). During the battle he generally remained in the camp with the reserve (Tac. *Hist.* ii. 26), though he sometimes leads out the reserve forces to battle (ib. *Hist.* ii. 43; *Ann.* xiii. 39). Who performed his duty when he left the camp is not certain; perhaps one of the tribunes (cf. Dig. 49, 16, 12, 2).

4. The *Centuriones*, ἑκατοντάρχαι, ταξίαρχοι (marked in Inscriptions > for Ɔ = 100: cf. P as the symbol for the ἑκατοντάρχης in Greek).—They first become important from the offensive order of battle instituted by Camillus. They were 60 in number, and were appointed by the consul, through the military tribunes, on grounds of merit (Liv. xlii. 53, 34, 35; Polyb. vi. 24). The qualifications required for a centurion are set forth in a weighty sentence of Polybius (vi. 24, 9): they are to be not so much daring and courters of danger as men fit to command and steadfast, the courage of whose souls is deep rather than superficial (βαθεῖς μᾶλλον ταῖς ψυχαῖς); nor should they engage before the battle is joined and commence the fray, but when they are being conquered and hard-pressed they should stand firm and be ready to die in defence of their post. They were arranged partly according as they belonged to the *triarii principes* or *hastati;* partly according to the maniple they were in within these ranks (thus *secundus hastatus*, Liv. xxvi. 5); partly again according as they commanded the first or the second century of the maniple (*prior* or *posterior*); but there does not seem to have been any difference of rank between these latter. It is to be noticed that the *triarii* were called *pilani* (Varro, *L. L.* v. 89), and every *ordo*, whether in the sense of rank or centurion (see below), was called *pilus:* thus *primipili centurio* (Caes. *B. G.* i. 46: cf. *primi ordinis centurio*, Tac. *Ann.* i. 29), *primum pilum ducere* (*ib.* v. 33), *primos pilos ademit* (Suet. *Cal.* 44); and again in the sense of centurion, *octavus pilus prior* (*C. I. L.* v. 7004) and the common *primus pilus.* Thus the lowest centurion was called *decimus ordo hastatus* (Liv. xlii. 34), in which *ordo* = centurion (cf. *primi ordines* below), and notice that it was not thought necessary to add *prior* or *posterior.* There cannot have been any *regular* advancement till the institution of the standing army; but this

advancement (*successio*, Orelli, 3454) developed itself during the Empire. On the introduction of the arrangement by cohorts, the meaning of the three divisions—*hastati*, *principes*, and *triarii*—disappeared, but the names were retained to signify the rank of the centurions, with the number of the cohort usually added. What exactly was the nature of that rank?

There are two main theories: (1) either Marquardt's view, that the first thirty centurions of the legions are *priores* (the first ten *pili*, the second *principes*, the third *triarii*) and the second thirty *posteriores*; or (at least for the period of the manipular arrangement) A. Müller's view (*Die Rangordnung und das Avancement der Centurionen der römischen Legion*, in *Philologus*, xxxviii. 136–148), that the first ten centurions are the *pili priores*, the next ten *pili posteriores*, the next *principes priores*, &c. (2) The theory of Mommsen (*Eph. Epigr.* iv. 229, note 1) and that of A. Müller for the post-Marian organisation, that the rank of the centurion was fixed by the number of the cohort: thus the *primus princeps* was second in the legion, the *primus hastatus* third, the *primus posterior* fourth, and so on; the centurion of the first cohort ranking before those of the second, those of the second before those of the third, and so on. But first let us see who the *primi ordines* were, who so often appear (Caes. *B. G.* vi. 7, 8; v. 30, 1); for it is in discussing these that Marquardt argues for his view of the rank of the centurions.

Marquardt says the *primi ordines* are the ten *priores pili*; for (1) the cohort surely must have had a commander, viz. the first of its six centurions, and these leaders of the cohorts must have held a position of distinction—an *à priori* argument which begs the question; and besides there were no commanders of the cohorts as such recognised in the legions, the only commanding officers being tribunes and centurions. (2) It is impossible to suppose that a centurion who had commanded a maniple or a cohort should have to sink to command a simple century, as must have been the case in (say) the step from *primus hastatus prior* to *decimus princeps posterior*. To which further *à priori* argument we reply that it is just as impossible that the second centurion of the first legion—which had, at least after Hadrian's time, a double number of men, had the charge of the eagle and a definite position of honour in the camp—should rank only twenty-first in the legion. (3) Vegetius (ii. 21) says that soldiers are promoted "ita ut ex prima cohorte ad gradum quempiam promotus vadat ad decimam cohortem et rursus ab ea crescentibus stipendiis cum maiore gradu per alias recurrat ad primam." But this only means that a common soldier of the first cohort, if advanced to be a centurion, begins at the bottom of the centurions of the tenth cohort and works his way up. The other view, that of Mommsen (*op. cit.* 240), sees in the *primi ordines* the three chief centurions of the first cohort, viz. the *primus pilus*, *primus princeps prior*, and *primus hastatus prior*—at least for the time subsequent to Hadrian, and it is certain that they were a definite class then, as may be seen from Hadrian's speech to the army at Lambaesis (*C. I. L.* viii. 2532), "primi ordines et centuriones agiles et fortes more suo fuerunt," and Hyginus (*Grom.* p. 176), "legiones cum signis et aquila et primis ordinibus et tribunis deducebantur." They appear to have been also called *ordinarii* (*C. I. L.* v. 92, 8275, vii. 404; Capitol. *Alb.* 11). But in classical times Mommsen considers that the *primi ordines* were no definite class, but simply the most distinguished centurions ("qui loco et virtute prae ceteris eminerent"), just as the *superiores* and *inferiores ordines* are opposed in Caesar (*B. G.* vi. 40, 7; *B. C.* i. 46, 4). A similar view of the *primi ordines* is held by H. Bruncke (*Die Rangordnung der Centurionen*, 1884), who considers that the only difference in rank among the centurions was between these *primi* or *superiores ordines* and the rest the *inferiores ordines* (Caes. *ll. cc.*).

Now the reason for this view of Mommsen's will be further seen by reverting to the original question of the rank of the centurions. Suppose we hold with Marquardt, how are we to explain Caes. *B. C.* i. 46, 4: "Q. Fulginius ex primo hastato legionis xiv qui propter eximiam virtutem ex inferioribus ordinibus in eum locum pervenerat"? He would only have been 21st in the legion. Again, what could Caesar (*B. C.* iii. 53, 5) mean by "Scaeva centurio quem Caesar ab octavis ordinibus ad primipilum se traducere pronuntiavit"? On Marquardt's theory those *ordines* would have been of too varied rank (8th, 18th, 28th) to be explicit; whereas it doubtless means from the eighth cohort to the first. Further, Mommsen's view will explain Vegetius, ii. 8: "Vetus consuetudo tenuit ut ex primo principe legionis promoveretur centurio primipili;" cf. Henzen, 6747, "P. Aelius Marcellus . . . astatus et princeps et primipilus legionis vii geminae piae felicis." Lastly, the great number of inscriptions marking the *primi principes* and *primi hastati* are additional proofs of the distinction of these positions. It is to be noticed that whereas in these three first centurions the cohort is seldom (Caes. *B. C.* iii. 64, 4) added, it is universal in the centurions from the fourth on (see Mommsen's list, *op. cit.* p. 231 ff.). Mommsen considers a similar arrangement subsisted even before the introduction of the arrangement by cohorts: for the centurions who are mostly mentioned in this age besides the *primus pilus* are the *primus princeps* (Liv. xlii. 34, 8; xxv. 14, 7) and *primus hastatus* (*ib.* xxvii. 14, 8), and why should these latter, the 11th and 21st in the legion on Marquardt's theory, be mentioned?—an argument which tells still more against A. Müller's view that, during the time of the manipular arrangement, the first ten centurions are the *pili priores*, the next ten the *pili posteriores*, the next *principes priores*, and so on; for, according to this view, the *primus princeps* would be 21st, and the *primus hastatus* 41st, in the legion.

The following are a sufficient number taken from Mommsen's list (*Eph. Epigr.* iv. 231–238) to show his arrangement of the order of the centurions.

1. Primus pilus. The term *triarius prior* is an invention of Vegetius, ii. 8. The abbreviation P. P. is often found in Inscriptions, e.g. *P. P. bis iterum* (*C. I. L.* v. 867, vi. 1637). This means that they held the *primipilatus* twice: so Tullius in Liv. vii. 13, 1, who *septimum primum pilum ducebat*, was seven times primipilus (cf. Liv. xlii.

34, 12). Occasionally the second *primipilatus* was taken after one of the *militiae equestres* had been held, so that on discharge he might get the honours of a *primipilaris* (Mommsen on *C. I. L.* v. 867).

2. Primae cohortis princeps prior (Caes. *B. C.* iii. 64, 4). Also called *princeps pretorii* in *C. I. L.* iii. 5293, 2917; Henzen, 6767 (see Mommsen on iii. 830), or simply *princeps* (*ib.* viii. 2841, and *passim*). As he had considerable duties in seeing after the camp (Veg. ii. 8), he had an *adjutor* (Wilm. 1556), *librarius* and *optio* (Henz. 6778). The latter is sometimes called *optio pretorii* (*ib.* 6940).

3. Hastatus primus (Caes. *B. C.* i. 46, 4; *C. I. L.* ii. 4147) or simply *hastatus* (*ib.* viii. 2825).

4. Cohorte i princeps posterior (*ib.* 2883).

5. Cohorte i hastatus posterior (*ib.*).

7. Cohorte ii princeps prior (*Eph. Epigr.* ii. p. 290).

8. Cohorte ii hastatus prior (*ib.* p. 287).

10. Cohorte ii princeps posterior (*C. I. L.* vi. 3584).

12. Cohorte iii pilus prior (*Eph. Epigr.* v. p. 2).

13. Princeps tertius = cohorte iii princeps prior (*C. I. L.* ix. 2770).

17. Cohorte iii hastatus posterior (*ib.* iii. 1480).

21. Cohorte iv pilus posterior (*ib.* vi. 3404).

28. Cohorte v princeps posterior (*ib.* iii. 102).

42. Octavus pilus prior = Cohorte viii pilus prior (*ib.* v. 7004).

43. Octavus princeps (Cic. *ad Brut.* i. 8, 2).

50. Cohorte viiii hastatus prior (*C. I. L.* viii. 2938).

53. Cohorte viiii hastatus posterior (*ib.* 2877).

All centurions carried the *vitis*, with which to inflict punishment on refractory soldiers (Plin. *H. N.* xiv. § 19), and which was a synonym for the centurionship (Juv. viii. 247). In the legion the *primipilus* was held in especial honour. He took part in the council of war (Polyb. vi. 24, 2). In republican times, and for the most part during the Empire, this was the last position in an ordinary soldier's career. When they had finished (*consummaverunt*, Suet. *Cal.* 44; διανύσαντες, Dig. 27, 1, 8, 12) their service, they retired into private life, and were then called *primipilares*. They frequently with large property repaired to municipal towns, where they became great local magnates (Cic. *Fin.* i. 3, 8; Hor. *Sat.* i. 6, 72). For inscriptions of such centurions, see Karbe, *De centurionibus Romanis quaestiones epigraphicae*, 1880, p. 338. They often made sufficient money to enable them to buy equestrian rank for themselves (Orelli, 3049) or for their sons (*C. I. G.* 2793): cf. Mart. v. 58, 10. If they wished to continue in the service, they were employed in important military duties (Tac. *Ann.* ii. 11, iv. 72, xiii. 36; *Hist.* i. 87, iv. 15), sometimes as *praefecti castrorum* (see above, p. 798 *a*) or *praefecti cohortium* (Tac. *Ann.* i. 20): sometimes, too, they got positions in the civil service (Suet. *Cal.* 21; *C. I. L.* v. 698). But in imperial times the *primipilatus* became the first step in the equestrian career, leading to the tribunate of the cohorts of the city soldiery, i.e. *vigiles*, *urbanae*, *praetoriae* (*ib.* 867), occasionally to the tribunate of the legions (*ib.* x. 4868), and then to procuratorships (*ib.* v. 867), and even to the praefecture of the praetorians, *e.g.* Justus Catonius (Tac. *Ann.* i. 29; Dio Cass. lx. 18); cf. Hirschfeld, *Verwaltungsgeschichte*, i. 219–239, 247. Often the honorary title of centurion was given to young men of position by grant of the emperor (Juv. xiv. 193; Suet. *Gramm.* 24; Dio Cass. lii. 25, 6), who, after filling the three posts of the equestrian career —viz. *praefectura cohortis*, *tribunatus legionis*, *praefectura alae* (Wilm. 1259 b; Stat. *Silv.* v. 1, 94)—retired from the service with the title *a militiis* (see above, p. 797 *b*). Both classes of aspirants, the ordinary centurions and the honorary ones, were called *petitores militiae* sc. *equestris* (*C. I. L.* vi. 2485; Wilm. 1602). It is to be noticed that sometimes a young man of rank resigned that rank (*intermissus eques*, Stat. *l. c.*), and became a centurion in hopes of arriving at the lucrative and honoured positions, tribuneships and procuratorships, of the *militia equestris*—which hopes were not always fulfilled (*C. I. L.* iii. 1480).

In republican times and in the early Empire the number of centurions in the legion was 60 (Gell. xvi. 4, 6; Tac. *Ann.* i. 32). But after Hadrian's time it was 59; though the first cohort had double the number of men, yet it had only five centurions (Veg. ii. 8, confirmed by *C. I. L.* viii. 2555), while all the other cohorts had six. And in the list given above it will be seen that there is no *pilus posterior* in the first cohort. If 64 *optiones* occur in *C. I. L.* viii. 2554, we must suppose that the *adjutores*, who as well as the *optiones* belonged to the centurions of the first cohort, are reckoned along with the *optiones*. In the first cohort, according to Vegetius ii. 8 properly corrected, the *primipilus* commanded 400, the *princeps* 200, the *hastatus primus* and *princeps posterior* 150 each, and the *hastatus posterior* 100.

The Inferior Officers (*principales*).

For the title *principales*, see Veg. ii. 7; Dig. 49, 16, 13, 4; *C. I. L.* vi. 221; *Eph. Epigr.* iv. 524. A most exhaustive treatise on these officers is that of P. Caver, *De muneribus militaribus centurionatu inferioribus*, in *Eph. Epigr.* iv. 355 *sqq.*

Mommsen (*Eph. Epigr.* iv. 532) divides the *principales* into two classes: (1) those belonging to a corps, and the commander under which these serve is never mentioned; (2) those belonging to a higher officer, and their title was not fully specified unless they had the name of the officer attached. This was partly because they were special attendants on certain officers (*e.g.* the *stratores*), partly because their rank was determined by the officer whose name they added, this especially in the case of the *beneficiarii*. Adopting this classification, we shall treat of the different *principales* of each class.

I. *The Principales belonging to a corps.*— 1. *The Standard-bearers.* (*a.*) Among the *vigiles* each century had a *vexillarius* (= vexillifer), Orelli, 3480. (*b.*) Among the *praetorians* each century had a *signifer* (*C. I. L.* ii. 2610)—so that we may assume that the *signifer* was a higher functionary than the *vexillarius*. As each cohort had its *signa* [SIGNA], in cases where a *signifer* of a cohort is mentioned, *e.g.* (*ib.* v. 4371), it cannot be decided whether they performed this function in a century or a cohort. (*c.*) Among the *urbanae cohortes*, just as among the praetorians, there were two kinds of *signiferi*, one belonging to the century, the other to the cohort. Mommsen thinks that the *signifer* of the first century was the *signifer* of the cohort (cf. Caes. *B. G.* ii. 25). That Marquardt is quite wrong in supposing that the standard-bearer of the first cohort among the praetorians and the first cohort of the vigiles was called *aquilifer*, while the standard bearer of the century was *signifer*, is shown by the correct interpretation of "AQ praet. urbis" (*ib.* vi. 2880) being *a quaestionibus.* Nor had the first cohort of the vigiles an *aquilifer*, as Marini and Marquardt (*l. c.*) assume on the strength of vi. 1056: "AQ. Julius Julianus centuria Ingenui, AQ. Sittius Chryseros centuria Juvenis;" for (1) there is no sure evidence of an eagle outside the legions, (2) there would be two or more *aquiliferi* in one *cohort*, which is quite incredible. (*d.*) Among the *auxiliary cohorts* a few *vexillarii* are found (*ib.* iii. 3261), but it cannot be proved that they were *vexilliferi.* Also a few *signiferi* (*Eph. Epigr.* iii. 106); and with regard to them it cannot be decided whether or not there were *signiferi* of other divisions than the cohort, though it is probable that each century had its *signifer.* (*e.*) Among the *equites singulares* each *turma* had a *signifer* (*ib.* vi. 3304). (*f.*) Among the *equites*, each *turma* had a *signifer* (*ib.* viii. 2094), also each *ala* (*ib.* iii. 6274), just as the centuries and the cohorts. And as in their case, we cannot decide whether the *signiferi* of the *alae* were the *signiferi* of the first cohorts or not. *Vexillarii alarum* appear (*ib.* iii. 4384), perhaps by an inaccuracy of language, the cause of which possibly may have been that the standard-bearers of the *equites legionarii* were called *vexillarii* to distinguish them from the *signiferi* of the cohorts and centuries—as may be inferred from iii. 4061. (*g.*) The *numeri* had *signiferi* (iii. 1396). (*h.*) As to the legions there is nothing in the inscriptions to decide definitely whether the separate cohorts and centuries had *signiferi* or not. The *signiferi* are said to belong to the legions. Wherever *vexillarii legionum* occur, we can never be sure that they are *vexilliferi.* Most probably, as was the case with the praetorians and the auxiliary cohorts, the standard-bearers of the legions were not called *vexillarii*, either under the Empire or indeed at any time, for σημαιοφόρους in Polyb. vi. 24, 6 = *signiferos.* From Veg. ii. 20 we may infer that, besides the ten *signiferi cohortium*, there were no other in the legions.

As to *Aquiliferi*, there was one for each legion (*C. I. L.* ii. 266). We have shown that there were no *aquiliferi* among the praetorians and the *vigiles.* And as to *Imaginiferi*, "qui imperatorum imagines ferunt" (Veg. ii. 7), there was probably one in each legion (viii. 2935) and in each auxiliary cohort (iii. 3256).

2. *The Trumpeters* [see BUCINA, CORNU, TUBA].—Touching these, Vegetius ii. 22 says: "Ergo quoties ad aliquod opus exituri sunt soli milites *tubicines* canunt: quoties movenda sunt signa, *cornicines* canunt: quoties autem pugnatur, *et tubicines et cornicines* pariter canunt. *Classicum* ita appellatur quod *bucinatores* per cornu dicunt. Hoc insigne videtur imperii, quia classicum canitur imperatore praesente vel cum in militem capitaliter animadvertitur." The watches (*vigiliae*) were signalled by the *cornicen.* The term *aeneator* is probably a generic one, as Suet. *Caes.* 32 says that his *tuba* was taken from him, though Festus (p. 20) identifies him with the *cornicen.* The legionaries and auxiliaries, of course, had trumpeters. Of the urban soldiery, the praetorians had *tubicines*, *cornicines*, and *bucinatores* (vi. 2570, 2379, 2545), the vigiles *bucinatores* only (vi. 1057); in the *cohortes urbanae* the only trumpeter which appears is one *tubicen* (vi. 2404). The *lituus*, we are told (Ascon. in Hor. *Carm.* i. 1, 25), was the trumpet of the cavalry and the *tuba* of the infantry, yet we find the *equites singulares* had a *bucinator* and a *tubicen* (vi. 3176, 3179). The inscription of Orelli, 3519, which mentions a *liticen* of a legion, is Ligorian.

3. *Tesserarii*, "qui tesseras per contubernia militum nuntiarent" (Veg. ii. 7), were one in each century, as is proved principally by the *latercula* of the *vigiles* (vi. 1056). They also appear among the praetorians (vi. 2379 b), *cohortes urbanae* (ix. 1617), legions (vi. 2672), auxiliary cohorts (iii. 5046).

4. *Curatores.*—As the *curatores fisci* only appear in the praetorian (vi. 2375, 6, 27) and urban cohorts (viii. 4874), we may perhaps infer that the rest of the parts of the Roman army had not *fisci.* Accordingly the *curatores turmarum* which we find among the *equites singulares* (vi. 225), auxiliary cavalry (viii. 4510), auxiliary infantry (iii. 6025), are not to be explained as administrators of the military money. They are rather extraordinary commanders (cf. Mommsen in *Archäol. Zeitung*, 1869, p. 126), just as the commanders of veterans were in extraordinary cases called *curatores* (v. 7005).

5. *Custodes armorum.*—They appear very often in the legions (*e.g.* iii. 4275); also frequently in the auxiliary cavalry (iii. 5655), but still more frequently among the *equites singulares* (vi. 3177, 225, 228). The mysterious *armatura* which sometimes occurs (*e.g.* viii. 2569 a, 17) is not to be explained with Borghesi as simply = *miles*, as *miles armatura* occurs in vi. 2699. Mommsen in a letter to Hübner, published in the *Jahrbuch des Vereins für Alterthumsfreunde im Rheinland*, 68, p. 53, explains it as a thoroughly-drilled soldier ("qui a campidoctore omni arte bellandi imbutus fuerit"). The riding school (*basilica equestris*) had also a *custos* (Henz. 6811).

6. *The Drill-masters*—*doctores* and (a higher title) *campidoctores* or *exercitatores.*—They seem to have belonged to the cohort (vi. 533), and are found in all kinds of corps, the *frumentarii* (viii. 1322), *equites singulares*, where he is a centurion (vi. 228), *speculatores* (Wilm. 1617), *equites praetoriani* (vi. 2464).

7. *Optiones*—so called because "chosen" by the decurion or centurion as his assistant in private matters (*rerum privatarum ministrum*, Festus, p. 184; Varro, *L. L.* v. 81), also as his substitute in case of sickness or accident (Veg. ii. 7). With regard to the *optiones* Mommsen's view appears right (*Eph. Epigr.* iv. 449), that there were two classes of them, one belonging to the centuries and superior in rank, the other in a manner supernumerary and outside the cen-

turies, taking care of the *navalia* (Brambach, 1301), *carcer*, *acta* (*C. I. L.* ix. 1617), *equites* (vi. 100), *valetudinarii* (vi. 175). Thus in *C. I. L.* ix. 1617 *optio* alone is distinguished from *optio* of certain functions. We find *optiones* belonging to the centuries in the legions (iii. 3530), praetorians (vi. 2447), *cohortes urbanae* (viii. 4874), *vigiles* (x. 3880). This view is better than that of Caver, who supposes the *optiones* of the special departments were *optiones* of the centuries, who were freed from all functions as such. In the *latercula* of the *vigiles* (*C. I. L.* vi. 1056–1058), Kellermann, Henzen (6791), Wilmanns (1499), Marquardt (ii. 540) supply "optionem a(rcarii), optionem ca(rceris), optionem ba(lnearii), optionem c(ohortis), optionem co[h(ortis)] v." But these functions are not elsewhere mentioned; *optio carceris* is expressed in other parts of the *latercula* by *karc.* or *car.*; and it is not at all plain what an *optio cohortis* can be.

In *C. I. L.* x. 135 the *optio tribunorum quinque* was that tribune of the soldiers who was in command of five *vexillationes*, which were sent on some expedition with their own tribunes, these latter probably *electing* the tribune in question to the chief command: cf. *optio signiferorum* in Brambach, 1048.

8. *Speculatores* appear first in the Civil War (Caes. *Bell. Hisp.* 13; *Bell. Afr.* 37). During the Empire there were ten in each legion (*C. I. L.* ii. 4122; iii. 4452). They were often marked as belonging to cohorts (*e.g.* vi. 2453), though in v. 2832, 5071 we find *speculatores* of centuries. They used to carry despatches (Tac. *Hist.* ii. 73; cf. Liv. xxxi. 24, 4), and sometimes act as executioners (Seneca, *de Ira*, i. 18, 4; St. Mark vi. 27). They were numerous in the praetorian cohorts, and we find them in Tacitus (*Hist.* ii. 11, 23) forming a separate corps, with separate officers *tesserarius*, *optio* (*ib.* i. 25), &c., and having the special function of acting as body-guard to the emperor (Suet. *Claud.* 25). The ninth Diploma (of Vespasian) separates (*C. I. L.* iii. p. 853) the praetorian *speculatores* from the other praetorian cohorts: and such was often the case, but not so after the time of Vespasian, when they were ingrafted among the praetorians. None of the inscriptions which show that the *speculatores* were allocated to the centuries and cohorts can be proved as old as Vespasian. The *speculatores Augusti* (*ib.* iii. 5223) probably belonged to the praetorians.

9. *Carcerarii* (*karc.* or *car.* in the *latercula* of the *Vigiles*) were prison-warders, who generally held also the functions of some other kind of *principalis*, e.g. *beneficiarius* (iii. 3412), *optio* (ix. 1617). There was also a clerk attached to the prison *a commentariis custodiarum* (Orelli, 3206).

10. *Candidati* (strangely omitted by both Marquardt and Caver) are mentioned with other *principales* in *C. I. L.* viii. 2568, 2569, 2618, 2866; iii. 1190. What their function was we cannot say for certain. Mommsen (*Eph. Epigr.* iv. 532, note 2) supposes that they were so called from a white robe they wore in certain ceremonies (compare the white-robed priests of Jupiter Dolichenus, vi. 406, 409). They appear to have been selected for their strength and stature (*Chron. Pasch.* ad ann. 243, 251).

11. *Sacrificial Officers*—*haruspex* (*C. I. L.* viii. 2586, 57) and *victimarius* (Grut. 545, 4).

12. *Artisans.*—Under this head may come the *architectus* (Orelli, 3489; *C. I. L.* viii. 2850), and the *librator* who made aqueducts, such as Nonius Datus at Saldae, who tells us (*ib.* viii. 2728 = Wilmanns, 785) how with the help of the *classici milites* and provincial soldiers (*gaesates*), perhaps Raeti, he cut a tunnel through a mountain, from both ends meeting exactly in the middle (cf. Mommsen in *Arch. Zeitung*, 1871, p. 5). Very similar duties to those of the *librator* were performed by the *canicularius* (Henzen, 6785) and the *aquilex* (Dig. 50, 6, 7). This same section of the Digest mentions as attached to the army coppersmiths, iron-smiths, stone-cutters, roof-builders (*scandularii*), lime-burners, wood-cutters, charcoal-burners; makers of catapults, helmets, bows, arrows, javelins, trumpets, horns, chariots; workers in leather and in lead. There were also the *metatores*, who measured out the camp (Cic. *Phil.* xi. 5, 12), different from the *mensores*, who distributed corn in the legions (*C. I. L.* viii. 2857) and praetorian cohorts (Henz. 6820; cf. Lyd. *de Magistr.* iv. 46). If *mensor* does appear as a land-measurer in *C. I. L.* iii. 586, he does not belong to the legions.

13. *Medici.*—The Army-doctors (Dig. 4, 6, 33, 2), who ranked among the *principales* (*Eph. Epigr.* iv. 524), were an institution of the Empire. Under the Republic the chief officers used to bring their private physicians with them on campaign (Plut. *Cat. Min.* 70; Suet. *Aug.* 11), and these used probably to attend what few wounded soldiers were lucky or unlucky enough to obtain their treatment (cf. Cic. *Tusc.* ii. 16, 38); but we hear that often more soldiers died of their wounds than fell in battle (Liv. ix. 32, 12). But as early in the Empire as Augustus and the regular organisation of the standing army (Vell. ii. 14; Tac. *Ann.* i. 65) attention began to be paid to the medical department. Every division had its *medicus*. There was the *medicus legionis*, perhaps several bearing that title, in each legion, *e.g.* in Legion iii. Aug. (*C. I. L.* viii. 2872, 2874, 2951); each praetorian cohort (Grut. 66, 1) had them, as had the urban cohorts and those of the vigiles, perhaps four in each cohort (*C. I. L.* vi. 1058, p. 201), the *equites singulares Augusti* (Orelli, 1576), cohorts of the auxiliary troops (*ib.* 3507; *C. I. L.* vii. 690), *vexillationes* on garrison duty (*Eph. Epigr.* iv. 530), &c. The doctors were *immunes* (Dig. 50, 6, 7), and sometimes *duplicarii* (i.e. getting double pay), especially in the fleet (*C. I. L.* x. 3443). During the first six centuries of the city there were no professional doctors at Rome (Plin. *H. N.* xxix. § 12); but after Caesar gave citizenship to all professional physicians (Suet. *Caes.* 42), the medical art came to be held in respect by the Romans; and the recognised physicians of the legions, praetorians, and city cohorts were citizens. Doubtless, however, many of their assistants were freedmen and slaves, and in the cohorts of the *vigiles* and auxiliaries freedmen and foreigners may have been the authorised physicians. Marquardt says that the assistants of the regular physicians are those designated as *medici ordinarii* (iii. 4279, 5959); but they are rather, as Mommsen (*Eph. Epigr.* iv. 530, note 3) shows, those who served in the *numeri* in contradistinction to those who served in the legions.

The hospital of the garrison was called *valetu-*

dinarium: for three legions there was one; for five or six, several (Hyg. §§ 35 and 4). It was technically under the superintendence of the *praefectus castrorum* (Veg. ii. 10) or a *tribunus militum* (Dig. 49, 16, 12, 2); but the real officer was the *optio valetudinarii*, who often occurs (*C. I. L.* viii. 2563, ix. 1617), even in Rome (vi. 175). He had a number of male nurses under him (Dig. 50, 6, 7). There was also an infirmary for horses and mules (*veterinarium*, Hyg. § 4) and veterinary surgeons to attend to them (*C. I. L.* v. 2183, a freedman; *C. I. G.* 5117, *ἱππωΐατρος*; Dig. *l. c.*). On the whole of this interesting subject, see René Briau, *L'assistance médicale chez les Romains*, among the *Mémoires présentés par divers Savants à l'Académie des Inscriptions*, $1^{\text{ère}}$ série, t. viii., and Droysen in the *Deutsche militärärtzliche Zeitschrift*, 1874.

II. *The Principales belonging to an officer.*—1. *Clerks.*—Though not all clerks (e.g. *actarius*) appear as belonging to an officer, yet as the majority do, it will be convenient to treat them all under this head. Among the various kinds of clerks are: (*a*) *Librarii* (in Inscriptions, *Lib.* or *Libr.*), who kept the accounts (*rationes pecuniae, frumenti, hordei*, &c.: cf. Veg. ii. 7), differing herein from (*b*) *Commentarienses*, who entered the daily proceedings in journals. Several inscriptions of *librarii* have IM prefixed to the name (*C. I. L.* vi. 3395). This means *immunis* (see below, p. 804 *b*); and such were the *librarii qui docere possint*, those *horreorum, depositorum* (of money deposited by the soldiers), *caducorum* (of the property of intestate and heirless soldier): cf. Dig. 50, 6, 7. The *librarii* do not mark the department of business to which they are assigned, but the officer under which they serve or the division of the army to which they belong. Thus we have *librarii* of the provincial governor (*C. I. L.* iii. 5435), of the legate of the legion (*ib.* 3538), of the tribune of the praetorian cohorts (vi. 2632), of the centurions (Henzen, 6778); also of the legions (vi. 3395, and often), *vigiles* (ib. 221), *equites* (iii. 804), &c. We find *commentarienses* belonging to the provincial governor (*comm. cos.* iii. 2015) and to the *legatus* and *tribunus legionis* (viii. 2586). The *comm. legionis* is the same as the *comm. legati* (ii. 4156).

(*c.*) A *notarius*, who was perhaps a shorthand writer, appears in viii. 2755.

(*d.*) *Exceptores*, "qui verba dictata celeriter accipiebant," belonged to the praef. praet. (Murat. 864, 3), to the provincial *preses* (vi. 2997), to the praef. and trib. of the *vigiles* (vi. 1058).

(*e.*) *Codicillarii*, account keepers, only appear in the *vigiles* (vi. 1056, &c.).

(*f.*) The functions of the *tabularii* are uncertain, though it is certain that the *tabularium castrense* contained the books and accounts of the camp (Marini, *Atti*, p. 499).

(*g.*) Nor is it known who the *capsarii* were, who are mentioned with the *librarii* in viii. 2553, and like them were *immunes* (Dig. *l. c.*).

(*h.*) The *actarii* not only made up accounts (Veg. ii. 19), but also looked after the procuring and distribution of the corn: cf. Aur. Vict. *Caes.* 33, who in this capacity gives them very bad characters. They must be held to have had the same functions as the *actores bonorum privatorum et publicorum*, harsh though it is to etymologically connect *actarii* with *actor* rather than *acta*. We find *actarii legionis* (*C. I. L.* iii. 4232), *cohortis* (3392), *cohortis urbanae* (ix. 1617).

(*i.*) The *exacti* had also to look after the *acta militaria*, and did not differ essentially from the *commentarienses*. He was *ex actis*, and the word is formed like *aborigines*. We find *exacti consularium* (iii. 5812), *legionis* (viii. 2956), *procuratoris* (Boissieu, *Inscr. de Lyon*, p. 253).

(*j.*) The *arcarius* (viii. 3289) and the *dispensator* (3288) were slaves, appointed to guard and dispense actual cash. There were several slaves among the clerks of the camp (cf. *familia rationis castrensis*, viii. 2702).

The functionary called *ab indicibus* (Orelli, 3464; *C. I. L.* vi. 3414) was not a soldier, as the duty only attached to him after discharge from the army.

2. *Quaestionarii* for *a quaestionibus.*—These are torturers (*Cod. Theod.* vi. p. 348). Marquardt indeed urges (ii.^{2} 552, note 1) that though such might belong to the *vigiles*, such cannot belong to the legions, the praetorians (*C. I. L.* vi. 2755), and the *cohortes urbanae* (ib. 2880); for Roman citizens could not be put to the torture. He supposes them to be investigators concerning crimes. But Mommsen replies (*Eph. Epigr.* iv. 421) that *Quaestionarii ex legionibus* are only found with those *legati* who held a province, and so cannot be considered to have held investigations on soldiers only, not to mention the fact that there were many soldiers not Roman citizens. There were at least five *quaestionarii* in the legion (*C. I. L.* viii. 2751; 2586, 45).

3. *Cornicularii*, so called from the adornment (*corniculum*, Liv. x. 44, 5) on their helmets. They were adjutants belonging to each large division of troops. As the *praef. urbi* had no military authority (Mommsen, *Staatsrecht*, ii.^{2} 1020), neither had he a *cornicularius*. During the Republic one belonged to the *tribunus militum* (Val. Max. vi. 1, 11). Under the Empire we find one belonging to the *legatus legionis* (*C. I. L.* iii. 887) and the *tribunus militum* (ib. 5974). If it is signified that there is *one* cornicularius in each legion (*ib.* 4452), the *cornicularius legati* is meant; if two are mentioned, that of the tribune is included. The arrangement of the *commentarienses* was very similar (cf. viii. 2587). Provincial governors probably had two *cornicularii* (iii. 252); hence their office is called *officium corniculariorum* (ib. 3543). Similarly they belonged to *praefecti praetorianorum* (vi. 2776), *vigilum* (1057, 4, 2), *annonae* (xi. 20)—for the *officia annonaria* were among the first civil departments to assume a military form—*castrorum* (iii. 6023 a), to the *subpraefecti vigilum* (vi. 2997), to the tribunes of the praetorians (2440), urban cohorts (2869), *vigiles* (2984); and they also appear in the auxiliary cohorts (Orelli, 4979). We find an *adjutor corniculariorum* (iii. 2052; *C. I. G.* 4453): probably he is the same as the *subcornicularius* (vi. 3596).

4. *Secutor tribuni*, an adjutant who appears only among the soldiery of the city, praetorians (*C. I. L.* vi. 2659), urban cohorts (*ib.* 2931), and *vigiles* (ib. 1056–1058). The inscriptions which mention *secutores* in the legions are uncertain (*Eph. Epigr.* iv. 406). The *adjutor tribuni* only appears among the *vigiles* (*C. I. L.* vi. 220).

5. *Singulares*, so called, says Lydus (*de Mag.*

iii. 7), because they rode one horse. In inscriptions the abbreviation for their title is sometimes (e.g.) *Sinj. Cons.*, sometimes S. C. (*C. I. L.* iii. 5938; vii. 723). They were orderlies belonging to different officers, to the *praef. praet.* (vi. 2634), *trib. praet.* (ix. 1617), *legati legionum* (vi. 3339, 3614), *praef. vigilum* (1056, 3, 1), provincial governor (iii. 5938). They were inferior to the *beneficiarii* (x. 410). There were *equites singulares* as well as *pedites singulares* (viii. 2911, 9393). The *equites* and *pedites singulares* appear to have performed for the *legati* of the provinces and for the praefects and tribunes of the praetorians the same functions which the praetorians did for their leader; accordingly *pedites* and *equites singulares* formed a corps separate from the main body. The *secutores* probably did not differ in function from the *singulares*, but were inferior in rank; hence there are no *secutores* of the *praesides*, or of the *praefecti praet.*, nor *singulares* of the *tribuni vigilum*; while both *secutores* and *singulares* are found belonging to the *tribuni praetorianorum*, who held a middle position (Mommsen in *Eph. Epigr.* iv. p. 404). Cf. Lange, *Hist. Mutat.* p. 50.

6. *Stratores*, to be carefully distinguished from *statores* (see above, p. 794 *b*), belonged only to very high officials, whom they assisted to mount on horseback (Spart. *Carac.* 7): *e.g.* to the emperor (*ib.*), the governors of imperial provinces (*C. I. L.* ii. 4114; iii. 4317, 4836), procurators of provinces (Wilm. 1283), the *praef. praet.* (vi. 3408); but not to the proconsuls of senatorial provinces (Dig. 1, 16, 4, 1). Marquardt (ii.^{2} 548) says they were generally either centurions or decurions: but they are often simply called *milites*, nor is it probable that the purchase of horses (Amm. Marc. xxix. 3, 5) would be assigned to centurions. Again, in Wilm. 1293, we have a *strator* advanced to the position of a *decurio*. The fact is the *strator* retained the name and office, which he thought an honour, even when advanced to higher positions in the army. That the function of *strator* was one held in estimation may be proved from the fact that it is found alone, and not united to any other military position (*e.g.* viii. 2792). He seems to have been generally a legionary soldier, though we find one from the auxiliaries (iii. 2067).

7. *Beneficiarii* were nominees of the higher officers (Liv. ix. 30, 3; Tac. *Hist.* i. 25), who varied in number according to the rank of the officer; *e.g.* the imperial legate of Numidia had thirty, a *tribunis semestris* had five. They were used for most varied services, frequently on police duty (*C. I. L.* iii. 3412; Tert. *de Fuga*, 12). The *legati Aug. pro praetore* used to send their *beneficiarii* into outlying stations (iii. 3949): cf. *Eph. Epigr.* iv. 529. We find *beneficiarii* belonging to the provincial governors, the *legatus legionis*, the tribunes of the legions and of the three departments of the city soldiery, the praefects of the praetorians and of the vigiles, the imperial procurators, but not of the *praefectus urbi*, who had no military authority (Mommsen, *Staatsr.* ii.^{2} 1020; so *pr. ur.* = *praetoris urbani* in *C. I. L.* ix. 1617). Evidence for this list in *Eph. Epigr.* iv. 379 ff. Also there were *beneficiarii* of the tribunes of the *equites singulares* (vi. 3285) and of the auxiliary cohorts (v. 898). Mommsen holds (*Eph. Epigr.* iv. 394, note 1) that it was only the *tribuni laticlavii* or *semestres* who had *beneficiarii*, because they were engaged in civil administration, and not merely in military command.

8. *Immunes.*—The soldier who had fulfilled all duties in the construction of the camp, the watch, and the field was called *munifex* (Festus, p. 33). He who was freed from these duties was called *immunis*. A list of such privileged soldiers is given in Dig. 50, 6, 7, which comprise nearly all the *principales*. But some of the *principales* are called *immunes* simply. They got their privileges from their commander, but it is hard to see how they differed from the *beneficiarii*. We find thus *immunis turmae*, *immunis legionis* (*Eph. Epigr.* iv. 409).

III. *On the Promotion of the Principales.*—The full arguing out of this difficult question would require too much space to be attempted here. However, we have attempted to draw up a list in order of rank, beginning from the lowest; and in doing so have consulted most of the inscriptions bearing on the question, the most important of which are Wilmanns, 1596, 1596 a, 1598, 1617; Orelli, 3176, 3480, 3464; *C. I. L.* ix. 1617, ii. 2610.

1. Secutor.
2. Singularis praef. pr.
3. Beneficiarius trib. (*C. I. L.* x. 410).
4. Tesserarius.
5. Optio [legati].
6. Vexillarius (in vigiles).
7. Siguifer (in praetorians).
8. Curator fisci.
9. Cornicularius tribunis.
10. Beneficiarius praef. pr.
11. Cornicularius praefecti (*C. I. L.* xi. 20).
12. Evocatus Augusti (Wilm. 1584).
13. Centurio.

On this we have to remark (1) that in many of the above inscriptions one or more steps are omitted: *e.g.* in Wilm. 1596 a there is a sudden transition from 6 to 10. Such gaps may possibly be due to omissions on the part of the stone-cutter, but, as is more likely, are evidence of special advancement owing to distinguished merit. Thus in *C. I. L.* v. 898 a *beneficiarius tribuni* is made a *signifer*, obviously from merit, as he is at the same time transferred from a cohort to a legion. Compare *optiones* becoming *evocati* (xi. 19, v. 7160) or centurions (v. 7004, vi. 215), a *signifer* becoming a centurion (viii. 217), &c. (2.) For the omissions of *optio valetudinarii*, *optio carceris*, *optio ab actis* (viii. 4874), which appear in ix. 1617, see the section on *optiones* above (p. 801 *b*). (3.) Where exactly the *librarius* (cf. viii. 217) and the *librator* (= *mensor*; cf. vi. 2545) come is uncertain, but they certainly come before the *tesserarius*: as did also the *commentariensis* (cf. xi. 19, v. 7004) before the *optio*, and the *custos armorum* before the *signifer* (viii. 2094). (4.) A *signifer* sometimes becomes *aquilifer*, and then *curator veteranorum* (v. 3375). (5.) The *codicillarius tribuni* mentioned by Marquardt in his list (ii.^{2} 557) occurs only in the *vigiles*, so is not given in this list. It should take the lowest rank below the *secutor*; for in vi. 1057 (A.D. 205) three names of *codicillarii* appear—Dignus, Gaetulicus, Festus, who in vi. 1058 (A.D. 210) are *secutores tribuni*.

The Levy (*delectus, dilectus*, *κατάλογος*): cf. W. Soltau, *Ueber Entstehung und Zusammensetzung der altrömischen Volksversammlung*, 1880, p. 335 ff.

In the time of the citizen army the levy took place yearly thus. The consuls (Polyb. vi. 19, 5–9) appointed by edict a definite day on which the citizens liable to service were to assemble at the Capitol (Liv. xxvi. 31, 11), in later times at the Villa Publica in the Campus Martius (Varro, *R. R.* iii. 2), if the latter was not the place of the regular arrangement in the ranks as opposed to the levy on the Capitol. Sometimes recruiting officers (*conquisitores*) were used throughout the districts of Italy (Liv. xxiii. 32, 19; xxv. 5, 6), for the most part but not necessarily in times of great danger. After the Lex Plautia Papiria (89 B.C.), when all Italy was liable to legionary service, recruiting by *conquisitores* became constant. They were often most dishonest, and used to sell *vacationes* (Plut. *Crass.* 17; Auct. *Bell. Alex.* 56, 4). Whether the levy was in Rome or by *conquisitores* did not make any difference in the legal position of the soldiers—both kinds were *legitimi milites*.

The tribunes were first assigned as a nucleus to form the four legions in the order of their election (Polyb. vi. 19, 8 ff.): the four junior tribunes first elected and two senior tribunes first elected being assigned to the first legion; the three juniors and three seniors next elected to the second; the next four juniors and two seniors to the third, and the last three juniors and three seniors to the fourth. A tribe was then chosen by lot; the names of four of its members, generally those with lucky names (Festus, p. 137, 15; Cic. *de Div.* i. 45, 102), called out, sometimes at random, sometimes by lot (Val. Max. vi. 3, 4; App. *Hisp.* 49). These, answering to their names (*citati ad nomina respondebant*, Liv. vii. 4, 2), were chosen by the tribunes, one for each of the four legions; then four more (the tribunes of the second legion now having the first choice), and so on. A lot was then cast for the second tribe, and the same procedure followed; and so on till the legion was completed. Most probably all the tribes did not contribute an *equal* quota, for if they did it is hard to see the point of the lot; yet each tribe did contribute a quota, as may be proved from the exception in Livy, iv. 46, 1. Volunteers (*qui voluntate nomina dabant*, Liv. xlii. 32, 6) were frequent. Their legal position in the service differed in no respect from that of those who served under compulsion. The cavalry, in early times, were chosen after the infantry, as the census of the *centuriae equitum* was held after that of the tribes (Liv. xxix. 37, 8); but in Polybius's time (vi. 20, 9) the cavalry were picked first from the equestrian list of the last census and 300 appointed to each legion.

If those bound to serve did not answer to their names, they sometimes had their goods confiscated (Val. Max. vi. 3, 4), or were scourged or imprisoned (Liv. vii. 4, 2), or even in old times sold into slavery (Dig. 49, 16, 4, 10). Certain excuses were allowed: *e.g.* holding a magistracy or priesthood (Plut. *Camill.* 41), absence on state-service (Liv. xxiii. 49, 2), specially-granted remission of service for distinguished bravery (*ib.* 20, 2), physical incapacity (these were called *causarii*, Liv. vi. 6, 14). The inquiry into the validity of the excuses was conducted by the consul (Liv. iii. 69, 7).

The levy being completed, the consuls administered the oath (*sacramento milites rogare* or *adigere*). One soldier stood out and repeated the oath (*sacramentum* or *sacramento dicere*) that he would obey orders and execute the commands of the officer to the best of his ability (Polyb. vi. 21, 2); after that each soldier was called out separately and said *idem in me* (Festus, p. 224 M.). The obligation of the oath lasted till the next campaign, a new oath being required for the new general (Liv. iii. 20, 3; Cic. *Off.* i. 11, 36). Without an oath it was unlawful to fight with the enemy (Cic. *Off.* i. 11, 37), and those who did so were considered bandits (Liv. viii. 34, 10). Desertion was a *nefas* (Senec. *Epist.* 95, 35) and deserved death (Dionys. xi. 43). From the time of Marius the oath was taken once for all for the whole period of service (App. *B. C.* v. 128, 129), and was to the effect "pro republica se esse facturos nec recessuros nisi praecepto consulis post completa stipendia" (Serv. on *Aen.* viii. 1; vii. 614).

Besides this deliberate *sacramentum*, there was frequently in times of great danger (*in tumultu*) a swearing-in of the soldiers *en masse* (*conjuratio*), which first appears in 216 B.C. (Liv. xxii. 38). Something of the kind doubtless also took place when what was technically called *tumultus*, i.e. an Italian or Gallic war, suddenly arose (cf. Serv. on *Aen.* viii. 1). The *conjuratio*, however, differed from the *sacramentum* in that the soldier bound by the latter was not released from service till he received his discharge (*missio*), while he who was sworn-in by a *conjuratio* was legally free from service at the end of the crisis (Mommsen, *Eph. Epigr.* v. 143).

The qualifications for service were after the time of Servius Tullius, besides physical capacity (cf. Polyb. vi. 20, 3) and citizenship, chiefly having a considerable stake in the country, *i.e.* a rated property. The *proletarii* and *capite censi* were enrolled only in times of great danger (Gell. xvi. 10, 11). Plutarch (*Mar.* 9) states that slaves also were deliberately enrolled; and though such did happen occasionally in the confusion of the Civil War (Plut. *Mar.* 41; *Sulla*, 9; *Brut.* 45; Flor. ii. 9; Caes. *B. C.* i. 24, 2; *Bell. Afr.* 19, 3; App. *B. C.* ii. 103, iii. 49), still it was a practice which did not continue in settled times. Even in the age of Theodosius a slave was not allowed to serve in the army (*Cod. Theod.* vii. 13, 8). The lowest census which admitted a man to the army was in the time of Servius Tullius 11,000 asses, but by the time of Polybius (vi. 19, 2) it was only 4,000. In the Social War *libertini* were enrolled (Liv. *Epit.* lxxiv.); and already in the time of Marius the *capite censi* had been taken into the service, the revolutionary nature of which alteration is duly emphasised by ancient writers (Plut. *Mar.* 9; Val. Max. ii. 3, 1; Gell. xvi. 10, 4), and its disastrous results noted by Appian (*B. C.* v. 16), as we have seen above (p. 785 *a*).

Caesar and Pompeius assumed the right of enrolling whole legions of native troops in the provinces (*legiones vernaculae*), who were not citizens (Caes. *Bell. Hisp.* 7; *B. C.* ii. 20). But this practice was restricted by Augustus to the

Eastern provinces. For it is to be especially noted that Augustus made Italy and the West supply the western legions and the East the eastern ones, and so paved the way for the final division of the Empire into the *partes Orientis* and *partes Occidentis* of the Theodosian era (Mommsen, *Die Conscriptionsordnung der röm. Kaiserzeit*, in *Hermes*, xix. pp. 11, 23—a profound and spirited article). But in the West, although the legions were partly raised from communities of Latins and *peregrini*, those who were enrolled were made citizens (ποιησάμενοι δὲ πολίτας, οὕτω καὶ στρατιώτας ἐποιήσατε, Aristides, i. p. 352, Dind.: cf. Tac. *Ann.* iii. 40, xi. 24), and a large number of the soldiers were by birth Roman citizens (Mommsen, *op. cit.* pp. 13, 63). Still we must remember that freedmen served in the *vigiles* (Dio Cass. iv. 26, 5; Suet. *Aug.* 25).

The qualifications for the legionary service under the Empire, besides such physical ones as health, strength, and a certain height, viz. 5 ft. 10 in.—which regulation height was called ἔγκομμα or *incomma* (Veg. i. 5)—and not ever having been convicted of any serious crime, such as adultery (Dig. 49, 16, 4, 7), were: (1) to belong to an urban community, which was considered to be a guarantee of being civilised; (2) free-birth—qualifications which were very often got over. For though formally the legionary in the roll always had his native community attached to his name, still Pannonians and Thracians figure very largely among them; and freedmen were easily made free-born by the fiction of *natalium restitutio* (Mommsen, pp. 16–18): cf. Plin. *Epist.* x. 29, 30.

During the Empire there were seldom regular levies (Vell. ii. 130, 2). We find such indeed after the defeat of Varus (Suet. *Aug.* 24), under Nero (Suet. *Nero*, 44), Vitellius (Tac. *Hist.* iii. 58), Hadrian, M. Aurelius, Maximinus (Mommsen in *Hermes*, iv. 119); but as a general rule vacancies were filled up by volunteers (Dig. 49, 16, 4, 10); and even in the levies getting a substitute was allowed (Plin. *Epist.* x. 30 (39), 1). Gradually *the Italians ceased to take service in the legions;* and as in the legions enrolled in the Vespasian era (*e.g.* I. Adjutrix) they do not appear, while they do appear in those of Nero's time (*e.g.* Leg. xi. at Vindonissa), we may put the consummation of this important result in the time of Vespasian (Mommsen in *Hermes*, xix. 19), though we must remember that this was a result arising from natural causes, and not from any regular legal enactment. In the Digest (*l. c.*) the levy is still in theory universal and exceptionless. The Latin provinces, then, from Vespasian's time contributed more largely to the legions; and as a counterbalance the African forces were from that time on assigned to the Eastern division of the Empire (Mommsen, pp. 9, 19). The second important feature of the imperial conscription was, for the most part, the *local conscription for each legion.* Under Hadrian the African legion was almost exclusively enrolled from Africa and Numidia, and to Hadrian we may attribute the extension of this regulation to the whole Empire (*ib.* 10, 21).

The city-guards were raised by Augustus from the citizens of the old Latin communities; under Tiberius Cisalpine Gaul is added: but up to Severus Italians predominate, though in the second century many soldiers appear who were natives of Spain, Macedonia, and Noricum (Dio Cass. lxxiv. 2). After Severus Italians rarely appear (Mommsen, pp. 52, 53).

From the time of the Social War and the extension of the citizenship by the Lex Plotia Papiria, the *Socii* had vanished entirely, and the legions and auxilia form the two main bodies of the Roman army. The latter were the non-Roman troops raised partly in the provinces, partly from allied kings and nations. In imperial times they generally stand opposed to the legions (Vell. ii. 112, 4). These auxiliary troops were for the most part raised from *peregrini*—in the first instance in definite districts from which they got their names, but the vacancies which arose came to be filled up with natives of other districts, especially from natives of the place where the troop happened to be located. Thus in 60 A.D. (see Diploma ii.) an Illyrian gets his discharge from the *Cohors II. Hispanorum* located in Illyricum (Mommsen, p. 41). These non-citizen troops are designated by the name of the *nation* to which they belonged; for if they belonged to a *town*, they could have served in the legions (*ib.* 25). Local conscription for each division probably began in the case of the auxiliaries before it did in that of the legions (*ib.* 42). By Augustus the auxiliaries were only taken from the imperial provinces and Africa (*ib.* 44), the senatorial provinces supplying in larger measure than the imperial ones the legions and the guard. But as the senatorial provinces had no garrisons, when local conscription was introduced by Hadrian, the legionaries ceased to be taken from them: while those who belonged to urban communities in these provinces, and wished to join the service, served only in the guard, and after the time of Severus not even there (*ib.* 51).

The officers who effected the recruiting under the Empire, which they did by instituting an *inquisitio* (Plin. *Epist.* x. 30 (39), 2), were called *dilectatores* (Wilm. 1256, 1257), officials of senatorial rank in Italy and the senatorial provinces, of equestrian rank in the imperial (Mommsen, *Staatsrecht*, ii.² 819; *Hermes*, xix. 56, 59). Sometimes the levy was held by the proconsul in a senatorial province (Tac. *Ann.* xiv. 18).

The Line of March (Agmen).

The usual order of march in the second century B.C. is described by Polybius (vi. 40, 4 ff.). It was in a single column. First came the *extraordinarii*—that is, if the enemy were in front: for if they were in the rear, the *extraordinarii* were placed in the rear. Next came the *ala dextra* of the allies, followed by its baggage and the baggage of the *extraordinarii.* Then one of the legions, followed by its baggage; then the other legion, followed by its own baggage and that of the *ala sinistra* of the allies, which latter brought up the rear. The cavalry usually followed the divisions of infantry to which they were attached; sometimes, however, they were placed on the flanks. The legions shifted places each day, as did also the *alae*, so that each should get turns in the advantage of first arrival at fresh food and water. In open places where an attack was imminent, the line of march was almost that of battle, into which it could most readily be changed (Tac. *Ann.* ii. 16). Caesar calls it *triplex acies* (*B. G.* i. 49, 1, and *passim*). According to it, the *hastati*, *principes*, and *triarii* marched in three parallel columns beside one another, each maniple having its baggage before it. On any danger approaching, by a movement at one time to the right, at another to the left, the maniple got clear of the baggage, and, having got it in the rear, formed the triple battle array. But Caesar (e.g. *B. G.* ii. 19, 1; cf. viii. 8, 3) often varied this, arranging the whole main body in front, then the whole of the baggage, and behind it a rear-guard. The *triplex acies* is usually called by Livy *agmen quadratum*, which by no means implies a square with four sides (Liv. xliv. 9, 6), but simply a rectangular arrangement (cf. Cato in Non. 204, *fronte longa, quadrato exercitu*): see Liv. x. 14, 7; xxi. 57, 7, &c. But sometimes the Romans formed a hollow square or rectangle, with the baggage in the middle, when a sudden attack was at all expected. We first hear of this arrangement, itself also called *agmen quadratum*, in the Spanish wars (*e.g.* in 151 B.C.; App. *Hisp.* 55), and it was continued in the Jugurthine and Parthian wars (Sall. *Jug.* 46, 100; Plut. *Crass.* 23), and frequently elsewhere (Tac. *Ann.* i. 51, 64; xiii. 40)—from which passages we see also the difference of arrangement on different occasions, sometimes the front and rear being legions and the sides the allies, sometimes a legion being on each side of the square, with the auxiliaries as a front and rear guard, &c.

Nothing is more insisted on by the Roman writers than the great weight of baggage the Roman soldier used to carry: "injusto sub fasce viam cum carpit," says Virgil (*Georg.* iii. 346). Cicero (*Tusc.* ii. 16, 37) says that, besides his shield, sword, helmet, &c., "which he no more reckoned than he did his shoulders, arms, or hands," he had to carry food for half a month or more (Caes. *B. C.* i. 78, 1), sometimes for a whole month (Liv. xliv. 2, 4), one or more stakes, and various odds and ends: of the latter Josephus (*B. J.* iii. 5, 5) mentions a very miscellaneous collection—saw, basket, spade (ἄμην), axe, strap, sickle, rope. The whole weight of the baggage Vegetius (i. 19) estimates at 60 Roman pounds. Marius made an arrangement for carrying all this on a board fastened on to a forked support which was strapped across the shoulders. They were called *muli Mariani* (Frontin. iv. 1, 7: cf. Festus, 24, 148, M.). By this arrangement they could be both more easily carried, and more readily cast aside and resumed when circumstances required it.

The heavy baggage, such as tents, hand-mills, &c., were carried on horses or mules (*jumenta*) driven by *calones*. Every ten men had one tent, thereby forming a *contubernium* (Hyg. § 1; Joseph. *B. J.* iii. 6, 2). [CASTRA.] Each centurion and higher officer had at least one tent. If we suppose each *jumentum* carried one tent, we should have over 2,000 *jumenta* in an ordinary army of 20,000 men, so that the *impedimenta*, even before artillery was much used, was very considerable.

In the time after Hadrian the order of march appears to have been that the legion was divided into two divisions, the first consisting of the first five cohorts arranged from right to left, the second the sixth to the tenth cohorts similarly arranged (Veg. ii. 15).

The Battle Array (*Acies*).

According to Livy (viii. 8, 9 ff.), the ten maniples of the *hastati* stood first, next immediately behind the intervals (*intervalla*, διαστήματα) between the maniples of the *hastati* stood the *principes*, and behind the intervals of these the ten maniples of the *triarii*. The arrangement was that of a *quincunx* (Polyb. xv. 9, 6). Should the *hastati* be defeated, they retired through the intervals of the *principes* (which shows by the way that the intervals between the maniples must have been nearly if not quite as great as the front of the maniple). Should the *principes* likewise be defeated, "the contest came to the triarii" (*res ad triarios redit*), which was a proverb for a most serious state of things. This arrangement was the ordinary one; but sometimes there was a variation, as for example, in the battle of Zama, Scipio, in order to allow a free passage for the elephants through the maniples, drew up the maniples of the three lines straight behind each other (Polyb. xv. 9, 6).

The standards (*signa*, i.e. the standards of the maniples; for there were neither standards of the cohorts nor was the eagle the legionary standard till the time of Marius [SIGNA]) usually stood behind the last row of the maniple. The *signa*, especially alluded to in accounts of battles, are those of the *hastati* (Liv. xxxvii. 39, 8). Hence we see clearly what Livy means when he says (viii. 11, 7), "Caesos hastatos principesque, stragem et ante signa et post signa factam, triarios postremo rem restituisse." The *antesignani*, then, are the *prima acies* (cf. Liv. 47, 2; viii. 39, 4; x. 27, 9); and in a similar sense *postsignani* (a word, however, of late date) is used for the second line, the *principes* (Frontin. ii. 3, 17). If the enemy are repulsed, the *hastati* advance, *signa promota* (Liv. viii. 38, 10); and if the *hastati* have to retire, the *secunda acies ad prima signa successit* (Liv. ix. 32, 8). But sometimes the *signa* certainly appear to have been in the front of the maniples (*Bell. Afr.* 15; Tac. *Hist.* ii. 43), and this was no doubt the usual position not only in the march, but also in a charge in battle ("et signae prae se ferri plenoque gradu ad castra hostium oppugnanda succedere jubet," Liv. xxxiv. 15, 3). *Signum* is, however, often used in the very general sense of the main body (Liv. xxi. 55, 2; xxxviii. 21, 2), and similarly we find it in *miles subsignanus*, used for a legionary soldier in opposition to an auxiliary (Tac. *Hist.* i. 70), and to desert was *relinquere signa* (Liv. v. 6, 4). Somewhat in this sense, too, we must understand the *antesignani* in Caesar, who applies that term apparently to a select body different from the common soldiers (cf. Cic. *Phil.* v. 5, 12), formed inside the legion (Caes. *B. C.* i. 57, 1) from the most active and brave men, three (*Bell. Afr.* 78, 5) or four hundred (*B. C.* iii. 75, 5), who were free from all baggage (*expediti*), and who could be used for sudden exigencies, such as seizing a position (*B. C.* i. 43, 3), reinforcing a hard-pressed division (*Bell. Afr.* l. c.) or fighting among the cavalry (*B. C.* iii. 84, 3). They would be so called because they were independent of the regular organisation of the legion, and mostly used for rapid movements in front of it. H. Schiller (in I. Müller's *Handbuch*, iv. p. 737) says that these corps of *antesignani* probably formed the training school of able subaltern officers.

But something more must be said of the order of battle of the whole combined army, legionaries and allies. The usual order appears to have been the two legions in the centre, flanked on the right by the *ala dextra* of the allies, and on the left by the *ala sinistra*. On the extreme right was the legionary cavalry and the *equites extraordinarii* (Liv. xxii. 45, 7; xxvii. 12, 4); on the extreme left the allied cavalry. But there were frequent variations—sometimes the cavalry was behind the legions (Liv. x. 5, 6), or the allies were in front, the legions in reserve (xxxv. 5, 8), or the legions were on the wings, *e.g.* in the battle of Scipio against Hasdrubal at Ilipa (Polyb. xi. 20, 5). Vegetius (iii. 20)—who is plainly copying from Cato, *de re militari* (cf. Cato *ap.* Nonium, 204), whom Vegetius reproduces word for word—gives a whole series of recognised kinds of attack: (1) *fronte longa quadro exercitu* — the normal kind described above; (2, 3) *obliqua acies*, i.e. right (as at Pharsalia, Caes. *B. C.* iii. 91) or left wing attacking; (4, 5) *sinuata acies*, both wings attacking, legionaries exposed or guarded by light-armed; (6) whole army attack left wing of enemy (usual when a battle ensues on the march); (7) a wing rests on a fixed point (*e.g.* a river or a mountain), so that it cannot be surrounded; (8) *cuneus*, called by the soldiers *caput porcinum* (Veg. iii. 19; Amm. Marc. xvii. 13, 9), viz. the centre projecting like a wedge, a kind of attack to be received by a V-shaped arrangement, called *forfex*. For an example of a *cuneus* and a *forfex*, see Liv. xxxix. 31.

(By way of parenthesis we notice here other meanings of *cuneus*: (1) any division (Augustin. *de Ordin.* ii. 18, 48); (2) any serried band—thus the maniples in battle are so called (Liv. vii. 24, 7) and the Macedonian phalanx (Liv. xxxii. 17, 11); (3) in the later Empire a definite division of cavalry (*Cod. Theod.* v. 4, 1; Not. Dign. *Occ.* 40, 54; cf. *C. I. L.* vii. 218), which appear among German troops (Tac. *Germ.* 6), *e.g.* the Frisii in Britain in the third century (cf. Mommsen in *Hermes*, xix. 232-3).)

In particular emergencies other combinations of soldiers were formed, with special names: e.g. (*a*) *orbis*, a serried, not a hollow, square or mass, which soldiers hard-pressed by the enemy formed (*volvere*, *facere*), to protect themselves on all sides and to prevent themselves being scattered (Sull. *Jug.* 97, 5; Caes. *B. G.* iv. 37, 2); (*b*) *testudo*, used either by the whole army against a violent discharge of missiles, or by a small division in attacking a wall. The front rank held their long half-cylindrical shaped shields before them, and the other ranks, each stooping a little more than the one before it, held their shields closely locked together above their heads so as to form a sloping roof. Full description in Dio Cass. xlix. 30; Liv. xxxiv. 39, 6 [TESTUDO]. (*c*) *globus*, a general word for a closely-formed *attacking* division (Liv. iv. 29, 1; Tac. *Ann.* xiv. 61).

The labours of Hadrian in his organisation and improvement in the discipline of the army are often mentioned (Spart. *Hadr.* 10; Dio Cass. lxix. 9, 4; Au[illegible] Vict. 14, 10). Under him we may place [illegible] definite return to the arrangement by ph[illegible]x, which was the earliest arrangement of a[illegible]n Roman history. Not but that the phalan[illegible]as used earlier. A fight of man against [illegible], which in a broad way of speaking was the style of fighting used in the Republic, had to give way when barbarian hosts were met; for barbarians are far less dangerous to masses than to individuals. In a battle Suetonius Paullinus fought against the Britons he marshalled his forces in three phalanxes, so that they could not be broken (Dio Cass. lxii. 8). But the work of Arrian, *ἔκταξις κατ' Ἀλβάνων* (not *Ἀλανῶν*: see Dio Cass. lxix. 15), legatus of Cappadocia in 136 A.D., which describes officially the arrangement in a phalanx, causes us to fix Hadrian's reign as the period of its definite adoption. The phalanx is eight deep, in close array, the first four lines armed with *pila* (*κοντοφόροι*), the last four with *lanceae* (*λογχοφόροι*) [LANCEA]: cf. Tac. *Hist.* i. 79. The *pila* [PILUM] were to be used by the front rank for piercing, by the other three lines as missiles (Arrian, *op. cit.* 15). The cavalry and artillery stood both on the wings and in the rear of the phalanx (*ib.* 19), and further back still a reserve of picked men to make a charge at the right moment (*ib.* 22, 23). We hear that Caracalla had a phalanx of 16,000 Macedonians (Dio Cass. lxxvii. 7, 1), and Alexander Severus one of 30,000 (Lampr. *Alex. Sev.* 50, 5).

Conditions of the Service.

Augustus, we are told in Suetonius (*Aug.* 49), "quicquid utique militum esset, ad certam stipendiorum praemiorumque formulam astrinxit; definitis pro gradu cuiusque et temporibus militiae et commodis missionum, ne aut aetate aut inopia post missionem sollicitari ad res novas possent:" cf. also Dio Cass. liv. 25, 5, *ἐπὶ ῥητοῖς ... καταλεγόμενος*, and Herodian, ii. 11, 5, where, as in Suetonius, the conditions alluded to have reference to pay while in the service, the number of years' service which was required, and some consideration or reward on discharge.

1. *Pay.*—Prior to the siege of Veii, in 406 B.C., the expenses of the Roman soldier were defrayed by his tribe (Dionys. iv. 19, v. 47), except the knights, who got from the treasury an *aes equestre* to purchase and *aes hordearium* to feed his horse. And even after 406 the pay was rather for maintenance than for remuneration, *ὀψωνιασμὸς* rather than *μισθός*. It was paid at the end of service—for service up to six months, which was a *semestre stipendium* (Liv. xl. 41, 11), six months' pay (Dionys. ix. 59); for service beyond six months, which was an *annuum stipendium* (Liv. xlii. 34, 5), a year's pay (Diod. xiv. 16): cf. Varro *ap.* Non. p. 532, s. v. *aere dirutus*; Liv. xxiv. 11, 8. (The six months were from March to August.) The payment was laid on the conquered (Liv. v. 27, 15; Dionys. ix. 17, 36, 59). Polybius (vi. 39, 15) says that the provisions, clothes, and accoutrements were deducted from the pay; and, though we hear that C. Gracchus brought in a law providing clothes for the soldiers at state expense (Plut. *C. Gracch.* 5), we know that in the

time of the Emperor Tiberius they (Tac. *Ann.* i. 17) complain that they had to supply out of their pay *vestem arma tentoria*—a passage which, by the omission of *frumenta*, proves that at this time their food was supplied by the state, as it certainly was later (Veg. ii. 19, 20; iii. 3). But if the soldier had these items deducted from his pay, it was incumbent on the state to see that there were proper supplies of them (Liv. xxvii. 10, 13; xliv. 16, 2; ix. 29, 4; xxix. 22, 3; xxxiv. 6, 13; xlii. 27, 8. Caes. *B. G.* i. 16, 1; vi. 33, 4).

The amount of the pay in the time of Polybius was two obols a day for the legionary, four for the centurion, and six for the horseman. Now a drachma to Polybius was equal to a denarius, which originally was 10 asses: therefore the annual pay of the legionary for the year of 360 days was 1200 asses, of the centurion 2,400, and of the horseman 3,600. In 217 B.C. the denarius was made equal to 16 asses, but the old reckoning of the denarius (= 10 asses) remained for the soldiers (Plin. *H. N.* xxxiii. 45). Caesar is said to have doubled the military pay (Suet. *Caes.* 26). What he actually did was, he trebled their nominal pay (*i.e.* 1200 asses), but paid them in the new coinage (1 denarius = 16 asses), so that they got 225 denarii a year. There is, however, a certain confusion. In Tac. *Ann.* i. 17 the legionaries say they got 10 asses a day and claim to get a denarius, while Pliny (*l. c.*) says that in military pay the denarius was *always* given for 10 asses nominal; so that the claims of the legionaries appear to be for what they already got. Perhaps the claim was that the 225 denarii, which was now their pay, be paid at 16 asses the denarius, and not at 10. Other troops were paid certainly in denarii, *e.g.* the praetorians (*qui binos denarios acceperint*, Tac. *l. c.*) = 720 denarii a year. Sometime between 27 B.C. and the time referred to in this passage of Tacitus the pay of the praetorians was raised from 1½ of a denarius to 2 denarii, for in 27 they got double the pay of the legionary (Dio Cass. liii. 11). Domitian increased the pay of the legionaries by one-third, so that it was now 300 denarii. From the time of Caesar the payments were made every four months, each payment being called a *stipendium*, so that the soldiers got three *stipendia* each year (Suet. *Dom.* 7; Zonar. xi. 19). The pay of the *cohortes urbanae* is to be inferred from the legacies left to them by Augustus and Tiberius (Dio Cass. lvi. 32, 2; lix. 2, 1, 3), which were doubtless, as in the case of the praetorians and legionaries, one *stipendium*, i.e. 120 denarii; therefore their yearly pay would be 360 denarii. The only superior officer's pay we know of is that of the *tribunus legionis* in the third century, *i.e.* 25,000 sesterces (see Inscription of Torigny).

Military men sometimes, for distinguished bravery or for acting as *emeriti* or *evocati* after their legal period of service had expired, got increased pay; and as such, if the pay was doubled, were styled *duplarii* (*C. I. L.* viii. 2564), *duplicarii* (Varro, *L. L.* v. 90), *dupliciarii* (Bramb. 475); if the pay was increased by one-half, *sesquiplicarii* (*C. I. L.* iii. 3164; Veg. ii. 7). The term *salariarii* points to officers who were employed in civil rather than in strictly military duties; and their years of service are called *salaria* (*C. I. L.* vi. 2495, 2589). It is applied to *adsessores*, *professores*, *medici*, and *evocati*: see Mommsen in *Eph. Epigr.* v. 152.

2. *Length of service and discharge.*—During the Republic the citizens were bound to serve between the completed 17th year and the completed 46th (Gell. x. 28; Mommsen, *Staatsr.* i.^{2} 487), the legionary being bound to serve sixteen or at most twenty campaigns, the horseman ten (Polyb. vi. 19, 2; reading δεκαὲξ for ἓξ οὐ). Under Augustus the legionary had to serve sixteen years (Dio Cass. liv. 25, 6), but afterwards it was fixed at twenty, that of the praetorians being sixteen (*ib.* lv, 23, 1; Tac. *Ann.* i. 17, 78), that of the urban cohorts being twenty (Dig. 27, 1, 8, 9), and that of the auxiliaries being twenty-five: see the Diplomata *passim*, where the formulae are for the legionaries *qui vicena stipendia aut plura meruerant* (e.g. Dipl. vi.), for the auxiliary forces *qui quina et vicena stipendia aut plura meruerant* (e.g. Dipl. ix.). Note *aut plura;* for as a matter of fact we find that soldiers were very commonly retained in the service as *evocati* long after their legal term of service had expired, *e.g.* we have *evocati* of thirty-eight (*C. I. L.* iii. 2818) and forty-six years' service (Mommsen on *C. I. L.* iii. p. 282). After the year 108 A.D., in the Diplomata we always find the privileges of veterans accorded only to those who are discharged (*dimissi honesta missione*), but yet these often appear to be still serving in such and such an army under such and such a leader (*e.g.* Dipl. xxxiv.). After Hadrian's time it appears (see Mommsen in *Eph. Epigr.* v. p. 4, No. 10) that a soldier did not get the *honesta missio* till twenty-five years' service, but during the last five years he was released from the harder duties, or in a later age chosen among the *protectores* (Mommsen on *C. I. L.* iii. 6194). Hence we see how it is that the period of service is said sometimes to be twenty years (Dig. *l. c.*; *Cod. Just.* vii. 64, 9), sometimes twenty-five (Serv. *ad Aen.* ii. 157). Discharge, though properly a function of the emperor, yet is often said to have been performed by such and such a *legatus* (*C. I. L.* iii. 1078, 1172; *Eph. Epigr.* iv. p. 502). In the case of *honesta missio*, if the veterans did not get land, they got a lump sum of money, the praetorians 5,000 *denarii*, the legionaries 3,000 (Dio Cass. lv. 23, 1), which Caligula (Suet. *Cal.* 44) cut down to half and Caracalla raised to 5,000 (Dio Cass. lxxvii. 24). In case of physical incapacity or sickness, a soldier got what was called a *causaria missio*. As to drumming out (*ignominiosa missio*), see below (p. 811 *b*), and compare Dig. 49, 16, 13, 3.

Miscellaneous Features of the Service.

1. *Marriage.*—All the Diplomata give certain privileges with regard to marriage to the person or persons named in each document. The only Roman citizens these privileges are granted to are the praetorians and urban cohorts, and in their case grant them the right of forming full *connubium* with the first woman of foreign birth they marry after discharge, and the consequent legitimacy of the children arising from such a marriage (cf. Gaius, i. 57). Dio Cassius (lx. 24, 3) says that a soldier (meaning doubtless one who was a Roman citizen) could not legally marry while in the service and prior to his

discharge, or at any rate till performance of his full term of service; but Claudius allowed them to do so (*τοῖς στρατευομένοις ἐπειδὴ γυναῖκας οὐκ ἐδύναντο ἔκ γε τῶν νόμων ἔχειν τὰ τῶν γεγαμηκότων δικαιώματα ἔδωκε*). If he was married before joining the army (Dig. 24, 1, 32, 8; 60–62; 49, 17, 6, 8), he could retain his wife, but could not keep her in the camp, and so had to part from her; but as men entered the army about their 18th year, there cannot have been many such cases. The only women in the camp were either *meretrices* (App. *Hisp.* 85) or non-Romans (Liv. xliii. 3, 1): in early times it was a great disgrace for a Roman woman to be in the camp (Serv. on *Aen.* viii. 688; Prop. v. 3, 45). Hence the auxiliaries could easily get wives of their own class; and as they served for a somewhat longer period than the legionaries, they were allowed to marry while still soldiers; and in the Diplomata, which are given in great numbers to the auxiliaries, they get the right of *connubium* with the wives they already have when the latter have got citizenship, or if unmarried the right of *connubium* with whatever wife they chose to marry subsequently to the issue of the diploma. The Roman soldier, then, could not legally marry; and this was the rule before the time of Severus. But by him all soldiers were allowed to have a concubine (technically called *focaria*, Cod. Just. v. 16, 3); and auxiliaries and legionaries were put on the same level. For that is the meaning of *γυναιξί τε συνοικεῖν* in Herodian, iii. 8, 5; not that the soldiers could contract regular *connubium*, as may be seen from the Diplomata subsequent to this date: *e.g.* liii., which runs, "ipsis filiisque eorum quos susceperint ex mulieribus *quas secum concessa consuetudine vixisse probaverint*, civitatem Romanam dederunt et connubium cum iisdem *quas tunc secum habuissent* cum est civitas iis data, aut, si qui tunc non habuissent, cum iis quas postea *uxores* duxissent" (cf. *Eph. Epigr.* v. p. 100). The children sprung from such a *focaria* bore the name of the mother (cf. the four children born to one man from four different *focariae* in Dipl. liii.), were said to have been born in the camp, and all assigned to the tribe Pollia, so as to enable them to take service in the legions (Wilmanns in *C. I. L.* viii. p. 284; Mommsen in *Hermes*, xix. 11, note). In the fourth century all soldiers could marry (*Cod. Theod.* vii. 13, 6), and permission could be granted by the commander to a soldier to keep his wife in the camp (*Cod. Theod.* vii. 1, 3, and Godefroi's notes; *Cod. Just.* ii. 52, 2).

This is Mommsen's view (*C. I. L.* iii. p. 905 ff.), and as it is generally adopted has been set forth fully. But Mispoulet (*Le Mariage des Soldats romains* in the *Revue de Philologie*, 1884, pp. 113–126) has raised some strong arguments against it. The exigencies of a military life, he says, always preclude the majority of soldiers from marriage; but that is different from a legal prohibition of it. It is *à priori* improbable that Augustus, who encouraged marriage so much, would have condemned 200,000 men in the prime of life to celibacy. Again, the inscriptions constantly speak of the *conjux* of a soldier and call him *maritus*: e.g. *C. I. L.* iii. 102, 5949; vii. 23, 25, 121, 245; viii. 3084, &c.; but we do not know the dates of these inscriptions, and we need not suppose that they necessarily speak with strict accuracy, nor that what was *legally* cohabitation may not have been expressed by the more honourable term. But the passages adduced from the Digest are strong: 49, 17, 16, pr., "Dotem filiofamilias datam vel promissam in peculio castrensi non esse respondi (Papinianus)... Dos matrimonio cohaerens;" 23, 2 (*de ritu nuptiarum*), 45, 2, "Plane si filiusfamilias miles esse proponatur non dubitamus, si castrensis peculii ancillam manumiserit, competere ei hoc ius," &c.; 23, 2, 35, "Filiusfamilias miles matrimonium sine patris voluntate non contrahit." These passages cannot be got over by saying that they refer to marriage contracted before entering the service. Mispoulet's explanation of the passage in Dio Cassius is that Claudius allowed the soldiers who could not live with their wives according to military rules, and so did not marry, relief from all the penalties which fell on unmarried civilians—an exceedingly reasonable interpretation of the words. He notices also that Severus's enactment was that wives might *live with* their husbands; and just about that time, as Wilmanns has shown (*l. c.*), the camp at Lambaesis ceased to be lived in by the soldiers: they go to the town and only return to the camp at stated hours. The *connubium* granted by the Diplomata, he says, was the right of full marriage, which would put the children in the position of those born from two Roman citizens, even if one or both of the parents were *peregrinae condicionis*.

2. *Business of the Soldier in peace. Exercises and the Construction of Public Works.*—It was always in accordance with Roman discipline that the soldiers should not get demoralised by inaction, nor should they, as the Emperor Probus put it, eat the bread of idleness ("annonam gratuitam milites comedere non debere," Vopisc. *Prob.* 29): cf. Frontin. iv. 1, 15. In the first place, then, they had to go through the *drill* (see especially Vegetius, ii. 23, and i. *passim*) necessary to keep them in efficient training, which gave the name to the army (*exercitus*, Veg. ii. 23). Hadrian laid great stress on this drill (Spart. *Hadr.* 10, 3), which was held twice a day for recruits, once for full soldiers. They were further trained in wood-cutting, riding, jumping, running, swimming, shooting javelins and arrows, slinging stones, fencing and sparring at a stake with an unpointed wooden stick (*vectis*, Sall. *Hist.* ii. 11; *clava*, Veg. i. 11; *sudes*, Juv. vi. 248; *κυιντανὸν κόντακα*, Cod. Just. iii. 43, 1, i.e. *ludus quintanus*, perhaps so called because often practised in the *via quintana*), &c. Besides this, there was occasionally the *decursio*, an evolution whereby the army divided into two parts, and engaged in a sham fight; this especially after the review (*lustratio*): see Liv. xl. 6, 5; cf. Eckhel, vi. 271, 503. Also once a month the *ambulatio*, i.e. fully armed and equipped to march ten miles forward and ten miles back at the regulation military pace (four miles an hour), sometimes at an accelerated pace (*pleno gradu* = nearly five miles an hour): cf. Veg. i. 9, 27.

Soldiers often executed certain public works. They were never allowed to work for private people (Dig. 49, 16, 12, 1; cf. Liv. *Epit.* xi.): but sometimes they were allowed to build temples and public edifices for the municipalities in the provinces (Dig. 50, 16, 7, 1). In republican times the soldiers were occasionally employed in executing large public works. For example, Flamininus had the road from Bononia to Arretium made by his soldiers (Liv. xxxix. 2, 6); Marius dug the Fossa Mariana from Exagium (St. Gabriel), about 5 Roman miles N. of Arles, to the village of Fos (Fossae Marianae portus), about 28 Roman miles N.W. of Marseilles. The length of the canal was nearly 30 Roman miles. (Full discussion in Desjardins, *Géographic de la Gaule romaine*, i. p. 199 ff.) Sulla diverted the river Cephissus from its channel (Plut. *Sulla*, 16): cf. also Caes. *B. G.* i. 8, 1; *Bell. Afr.* 32, 2.

But the great works of the Roman soldiery appear under the Empire.

(1.) The *Limites*, or frontier fortifications; such as, the *Vallum Hadriani* or Picts' Wall in the N. of England, from Wallsend (Segedunum), E. of Newcastle-on-Tyne (Pons Aelius), to Bowness (Glannibanta), W. of Carlisle (Luguvallium). This work is even now in its ruins one of the most impressive monuments of Roman military greatness. It is well known to all English scholars, with its stations, trenches, mile-castles, &c., thanks to Dr. Bruce's learned and eloquent work (*The Roman Wall*, 3rd edit. 1867). Again, the *Limes Transrhenanus*, from the mouth of the Lahn near Kelheim to the Danube; the *Limes Rhaetiae*, the *Limes Orientalis*, the *Limes Africanus*, &c.

(2.) The *Military Roads*, which were always the main high roads (Quint. ii. 13, 16). From the duties of road-making even veterans were not free (Dig. 49, 18, 4). These roads were everywhere. To take two examples: in Dalmatia, the road from Salonae to Andretium was built by the Seventh Legion (*C. I. L.* iii. 1627); and in Africa the road from Carthage to Thevesta was built by the Third Legion (*C. I. L.* viii. 10048). For more, see the chapters on *Viae Publicae* in the various volumes of *C. I. L.* Both legionaries and auxiliaries worked at these roads: see the important inscription from Coptos in *Eph. Epigr.* v. pp. 5–17.

(3.) Keeping up and extending the *fortifications* already in existence. In all the provinces there are vast numbers of bricks found with the stamp of the legions which executed works there. For British ones, see *C. I. L.* vii. p. 255 *sqq.*

(4.) *Miscellaneous works* (cf. generally Vopisc. *Prob.* 9, 2), such as making bridges (Tac. *Ann.* i. 20), cutting canals (*ib.* xi. 20), building ampnitheatres (ib. *Hist.* ii. 67), temples (*e.g.* that of Aesculapius and Salus at Lambaesis, *C. I. L.* viii. 2579), dredging rivers and harbours (Suet. *Aug.* 18; Liban. i. p. 324, Reiske), planting vineyards (Vopisc. *Prob.* 18, 8), trying to make head against locusts (Plin. *H. N.* xi. 106), even working in mines (Tac. *Ann.* xi. 20), though this was generally one of the severest punishments (Dig. 48, 19, 28, pr.), and as a punishment was not inflicted on soldiers (*ib.* 49, 16, 3, 1).

3. *Rewards and Punishments.*—With regard to *rewards*, it will be sufficient to refer to the Index, *s. v.* Military Rewards, and the various articles mentioned there, such as CORONA, OVATIO, TRIUMPHUS. But a word here may be said on the *punishments*, which Modestinus summarises in the Digest, 49, 16, 3, 1: "Poenae militum hujuscemodi sunt, *castigatio, pecuniaria multa, munerum indictio, militiae mutatio, gradus deiectio, ignominiosa missio.*" (Compare, for many examples, Val. Max. ii. 7, *De disciplina militari.*)

(1.) *Castigatio* could be inflicted even on officers (Val. Max. *l. c.*).

(2.) *Pecuniaria multa* might be deprivation of whole (*ib.* § 5) or part of pay (Liv. xl. 41, 11), the campaign not being reckoned in the year of service. One who thus lost his pay was called *aere dirutus* (Fest. *s. v.*; Non. p. 532).

(3.) *Munerum indictio* could be inflicted only on those who were in some degree *immunes*, by making them *munifices* (Val. Max. ii. 7, 4), which may be regarded as *gradus dejectio.*

(4.) *Militiae mutatio*, degradation, *e.g.* from the cavalry to the infantry (Frontin. iv. 1, 18), or to the *funditores* (Val. Max. ii. 7, 15). This was also called *ordinis ademptio* (cf. *C. I. L.* i. 206, l. 121).

(5.) *Ignominiosa missio*—public drumming-out before the whole army. See the striking scene in *Bell. Afr.* 54, 4. The soldier thus cashiered could not appear at Rome or at the emperor's court (*neque in sacro comitatu*, Dig. 49, 16, 13, 3).

To these add—

(6.) When whole troops were in fault, they were often given barley instead of wheat for food (a punishment inflicted on individuals also, Veg. i. 13), and made to bivouac outside the camp (Polyb. vi. 38, 3): cf. Liv. x. 4, 4; Suet. *Aug.* 24.

(7.) *Decimation* [DECIMATIO].

(8.) *Capital punishment*, which could only be inflicted by the consul during the Republic (Dionys. xi. 43), or by the emperor or *legatus legionis* during the Empire (Dio Cass. lii. 22, 3). It was the penalty for desertion (*desertio*), excessive insubordination, secret correspondence with the enemy, or loss of standards (Dionys. *l. c.*; Joseph. *B. J.* iii. 5, 7; Tac. *Ann.* xiii. 36; Dig. 49, 16, *passim*). It was frequently inflicted in the terrible manner called *fustuarium* [FUSTUARIUM]. (With regard to desertion, it may be parenthetically noted that the *desertor* differed from the *emansor*, in that the former intended to stay away and was brought back, while the *emansor* either came back of himself or at any rate intended to come back—the same distinction as subsisted among slaves between *fugitivus* and *erro.*)

4. *Commissariat.*—Not the least important function of the general was to see that the army had sufficient provisions. When the commissariat had been properly seen to, the campaign or expedition used to begin (cf. Caes. *B. G.* i. 37, 5; ii. 2, 6, &c.). Each foot-soldier in the time of Polybius (vi. 39, 13) used to get per month two-thirds of an Attic medimnus of wheat; each Roman horse-soldier, 7 medimni of barley and 2 medimni of wheat; each horse-soldier of the allies, 5 medimni of barley and 1⅓ medimni of wheat. The extra supply for the horse-soldiers was for the support of two servants for each Roman and one for each ally. The food of the Greeks was mostly barley (cf. Xen. *An.* vii. 1, 37); but the Romans used more wheat, as that is more nourishing for those who have to go through a great deal of physical exertion (Galen, vi. 507, ed. Kuhn). Barley was sometimes, as we have seen, given as a punishment. The soldier used to carry rations for seventeen days (Amm. Marc. xvii. 9, 2; Lampr. *Alex. Sev.*

47), or perhaps in strictness for only sixteen days (see A. Langen, *Die Heeresverpflegung der Römer im letzten Jahrhundert der Republik*, p. 5 ff.). The corn when measured out (*metiri*) to the soldiers was neither ground nor baked. For the former process hand-mills (*molae manuales* or *manuariae*) [Mola] were used, which were carried by the beasts of burden. Once ground, the meal was made into a kind of porridge (*puls*, Plin. *H. N.* xviii. § 83); hence the Romans are jestingly called *pultiphagi*, or *pultiphagonides* (Plaut. *Most.* iii. 2, 143; *Poenul.* prol. 54). Often it was baked into bread (Plut. *Mar.* 7; Plin. *H. N.* xviii. § 12). *Cocta cibaria* are frequently mentioned in the times of the early Republic (Liv. iii. 23, 3; 27, 3); and often reference is made to supplies for the fleet (*ib.* xxi. 49, 7; xxiv. 11, 9; xliv. 35, 13). We do not hear of biscuits (*buccellatum*) till the Empire (Spart. *Pesc.* 10; Amm. Marc. xvii. 8, 2). The soldiers baked their own bread (Plut. *Mar.* 13); and it was only in times of lax discipline that they sold their corn and bought bread day by day (Sall. *Jug.* 44, 5). Meat was quite a secondary article of food in the time of the Republic and early Empire (Caes. *B. G.* i. 48, 6): and it was considered a case of real hardship when life had to be supported on meat alone (Caes. *B. G.* vii. 17, 3; Tac. *Ann.* xiv. 24). It is only in one case, and that when sufficient corn could not be supplied, that Caesar made a requisition on the allies for meat (*B. C.* i. 52, 4). Vegetables (*legumina*) were also occasionally used in case of an insufficient supply of corn (*ib.* iii. 47, 7); and of course salt was always given (cf. Plut. *Crass.* 19). For drink we hear of vinegar being supplied to make the draught called *posca* (Spart. *Pesc.* 10; *Hadr.* 10). Wine was often served out (Veg. iii. 3; cf. Plut. *Ant.* 41), though not by strict disciplinarians (Spart. *Pesc.* 7), and it was often obtained in great quantities when discipline was relaxed (Sall. *Jug.* 44). We know that the price of the corn doled out to the Roman soldier was deducted from his pay (which was called ὀψώνιον by Polybius, vi. 39, 12). Langen (*op. cit.* p. 13) calculates that it amounted to about 40 denarii a year. Anything in the shape of luxuries was supplied by the sutlers (*lixae*), who used to follow the army. They were so subversive of discipline that real soldierly generals used frequently to banish them from following the camp (App. *Hisp.* 85; Sall. *Jug.* 45). The army used often to be supported by quartering it in towns, and the extravagant abuses of this practice in the last century of the Republic are insisted on by Cicero (*pro Imp. Pomp.* 13, 38; cf. Plut. *Sull.* 25; Caes. *B. C.* iii. 5, 2; 31, 4). The frequent practice of Caesar in his wars was to lay a requisition for corn on tributary states, making the magistrates responsible (*B. G.* i. 16, 6; 48, 2; ii. 2, 5, &c.). Indeed, the great Roman skill in organising is shown by the way Caesar was generally so well supplied with provisions, and also by the arrangements by which the large armies of Pompeius (Caes. *B. C.* iii. 5) and Brutus and Cassius (App. *B. C.* iv. 100) were kept in supplies. These supplies were of the nature of a forcible requisition, and there is no evidence of their having been paid for (Langen, *op. cit.* p. 27). The war, as Cato used to say (Liv. xxxiv. 9, 12), should support itself. Magazines (*horrea*) were erected for the supplies to be transported to (Caes. *B. C.* iii. 42, 4). Vesontio, for example, was one (*B. G.* i. 39, 1). In the provinces of the Empire, too, there were large magazines (Tac. *Agr.* 19), whither the provincials brought the corn supply (*annona militaris*, Veg. iii. 3). One of the accounts of the supplies in the imperial magazines tells us that they consisted of vinegar, corn, suet (*larido*), barley, and straw (Capit. *Gord.* 28): another that they consisted of wine, vinegar, biscuits, suet, meat (*Cod. Theod.* vii. 4, 6), probably pork. The duty of transport (*vectura*) lay on the magistrates of the tributary towns (Caes. *B. C.* iii. 32, 2). There is only one case in the later Republic of the supply of the army being dependent on merchants (App. *B. C.* iv. 108), though contracts for military supplies are mentioned in the early history (*e.g.* Liv. xxiii. 49, 10). Foraging was also a frequent means of getting provisions. For details on this and other points connected with the provisions of the army, see Langen, *op. cit.*; for foraging especially, pp. 21–23.

Among the *principales* we have reckoned (p. 803 *a*) the clerks of the stores (*horrei*). We may add the *pecuarius* (*C. I. L.* viii. 2553) and *venatores* (*Eph. Epigr.* iv. 526), who looked after the procuring of the meat, and the *lanii*, who saw to the killing of it (Dig. 50, 6, 7 (6)). For further, cf. Arnold Langen, *Die Heeresverpflegung der Römer*, 1878–1882.

5. *Associations in the Army.*—Belonging to every cohort of the legion, under charge of the *signifer* and subordinate clerks (*librarii depositorum*), was a *follis*, into which one-half of all extraordinary grants of money, such as *donativa*, were paid by the soldiers, and probably also what additional sum each soldier might wish to deposit. There was also a *burial fund* in each legion, to which every soldier contributed a trifle (Veg. ii. 20). We also find kinds of *friendly societies* formed by certain classes of the *principales*. Such a society, as well as the building in which it met (Wilmanns in *C. I. L.* viii. 2552 b; *Comm. in honorem Mommseni*, p. 200, note 62) was called *scola* (*Eph. Epigr.* iv. p. 146). None is more interesting than in *C. I. L.* viii. 2557, the *scola* of 36 cornicines of Legion iii. Aug. at Lambaesis. Each member had to pay an entrance fee (*scamnarium*—his "sitting" apparently, not his "footing") of 720 denarii. If he is ordered across the sea, he gets 200 denarii; when he becomes a veteran he gets an *anularium* (whatever that means) of 500, if promoted 500, if degraded (*quod abominamur*) 250, if he dies his heirs or executors are to get 500—all apparently on condition that his full liability has been paid up. The *scola* of *optiones* in *C. I. L.* viii. 2554 has a quaestor.

For military armour and weapons, see Caliga, Galea, Gladius, Hasta, Lorica, Ocrea, Pilum, Scutum. For Dress, Military Ensigns, Military Engines, see the articles cited in the Index.

(Besides various articles on special points connected with the army which are scattered throughout German periodicals, especially those by Mommsen in the *Ephemeris Epigraphica* and *Hermes*, there are systematic treatises on the Roman army in Lange, *Historia mutationum rei militaris Romanorum*, 1846; Madvig, *Die Verfassung und Verwaltung des röm. Staates*, ii.

465–579; Marquardt, *Röm. Staatsverwaltung*, ii.^{2} 319–612; H. Schiller, in Iwan Müller's *Handbuch der klassischen Alterthumswissenschaft*, vol. ii. In this latter work there is a most extensive and well-nigh complete bibliography of books, monographs, and articles bearing on Roman military affairs.) [L. C. P.]

EXETASTAE (*ἐξετασταί*), special commissioners sent out by the Athenian people to investigate any matters that might claim attention. Thus we find mention of Exetastae being appointed to ascertain whether there were as many mercenaries as the generals reported. It appears to have been no uncommon plan for the commanders, who received pay for troops, to report a greater number than they possessed, in order to receive the pay themselves; in which case they were said "to draw pay for empty places in the mercenary force" (*μισθοφορεῖν ἐν τῷ ξενικῷ κεναῖς χώραις*, Aeschin. *c. Ctes.* § 146). The commissioners, however, who were sent to make inquiries into the matter, often allowed themselves to be bribed. (Aeschin. *c. Timarch.* § 113, *de F. L.* § 177; Bekk. *Anecd.* 252, 6 ff.; Boeckh, *P. E.* p. 292 = *Sthh.*^{3} i. 363; Gilbert, *Staatsalterth.* i. 250.)

Another kind of Exetastae are shown by inscriptions to have existed at Athens for a short time in the early part of the third century B.C. They were auditors of accounts, and are mentioned as checking the expenses of Psephismata (*i.e.* of recording them in the form of inscriptions) and of the erection of statues (*C. I. A.* i. 297, 298, 300; Gilbert, p. 238). In this sense of auditors of public accounts the name occurred in some other Greek states together with those of Euthyni and Logistae (Aristot. *Pol.* vi. 8 = p. 1322 b, 11; Schömann, *Antiq.* i. 146, E. T.) [W. S.] [W. W.]

EXHE'RES. [HERES.]

EXHIBENDUM, ACTIO AD, was a praetorian action *in personam* (*Inst.* iv. 6, 31), usually of a preliminary character, by which a plaintiff who was unable to pursue his right by legal process without the production of a thing could enforce such production upon any person who was able to make it ("exhibere est facere in publico potestatem, ut ei, qui agat, experiundi sit copia," Dig. 10, 4, 2); and it was immaterial whether that person was owner, or had civil or merely natural possession, of the thing in question (Dig. *ib.* 3, 15), or had fraudulently parted with the possession of it (*ib.* 5, 2); but it was essential that the plaintiff should have a pecuniary or proprietary interest in the production, or else the action would not lie: "haec actio ei creditur competere, cujus pecuniariter interest," Dig. *ib.* 13. The right to which the *actio ad exhibendum* was subsidiary might be *in personam*, as where a plaintiff wishes to bring a noxal action on a delict (such as theft) committed by a slave, but is not sure of the precise slave who committed the offence (*ib.* 3, 7): but usually it was *in rem*: e.g. a legatee has a choice under a will from several similar objects, which he wants to see before he can choose (*ib.* 3, 6): the plaintiff's property is on the land of another who will not allow him to enter and remove it (*ib.* 5, 4); or it is connected or mixed with a *res aliena* (e.g. a jewel set in the defendant's gold) and must be separated before he can bring his real action (*ib.* 6, 7).

In default of production the defendant would be condemned in damages (Gaius, iv. 51); the action was one of those known as *arbitrariae*; i.e. under the formulary system of procedure, the judge, having found that the plaintiff was entitled to production, would tell the defendant that if he did not do what was required he would have to pay such sum as the plaintiff deposed on oath the production was worth to him (*jus jurandum in litem*); but under the later law, if it was in the power of the defendant to produce the required object, he would be compelled to do so *manu militari*. It was a question whether a man could bring this action for the production of his adversary's accounts, though the opinion given by Paulus in Dig. 10, 4, 19, is not favourable to it, on the mere ground of its being for the plaintiff's advantage.

In general the *actio ad exhibendum* was (as has been said) preliminary and auxiliary to another; and from this point of view it bears some resemblance to the old Bill of Discovery in English Courts of Equity. In some cases, however, it gave by itself full satisfaction to the plaintiff: viz. where the thing was not forthcoming, and the plaintiff got damages equivalent to any advantage which the production could have given him; and where the plaintiff's property was on land of the defendant, who did not deny his right to it, but merely refused to let him in for the purpose of removal (Dig. 19, 1, 5, 2–5; 19, 5, 16).

(Dig. 10, 4; Cod. 3, 42; Einert, *Tract. de act. ad exhib.*, Lips., 1816; Buhler, *Die Actio ad exhibendum*, Leipzig, 1859; Demelius, *Exhibitionspflicht*; Von Weveld, *Zur Lehre vom gerichtlichen Augenschein*; Vangerow, *Lehrbuch der Pandekten*, vol. iii. § 707.) [J. B. M.]

EXITE'RIA or EPEXO'DIA (*ἐξιτήρια* or *ἐπεξόδια*), the names of sacrifices which were offered by generals before they set out on an expedition. (Xenoph. *Anab.* vi. 5, § 2.) The principal object of these sacrifices always was to discover from the accompanying signs the favourable or unfavourable issue of the undertaking on which they were about to enter. According to Hesychius, *ἐξιτήρια* was also the name of the day on which the annual magistrates laid down their offices. [L. S.]

EXO'DIA (*ἐξόδια*, from *ἐξ* and *ὁδός*) were old-fashioned and laughable interludes in verses, inserted by the Romans in other plays, but chiefly in the Atellanae (Liv. vii. 2). It is difficult to ascertain the real character of the exodia; but from the words of Livy we must infer that, although distinct from the Atellanae, they were closely connected with them, and never performed alone. Hence Juvenal calls them *exodium Atellanae* (*Sat.* vi. 71), and Suetonius (*Tib.* 45) *exodium Atellanicum*. They were, like the Atellanae themselves, played by young and well-born Romans, and not by the histriones. Since the time of Jos. Scaliger and Casaubon, the exodia have almost generally been considered as short comedies or farces which were performed after the Atellanae; and this opinion is founded upon the vague and incorrect statement of the Scholiast on Juvenal (*Sat.* iii. 174). But the words of Livy, *exodia conserta fabellis*, seem rather to indicate interludes, which, however, must not be understood as if they had been played between the acts of the Atellanae, which would suggest a false idea of the Atellanae themselves. But as several Atellanae were performed on the same day, it is probable that the exodia were played between them. This supposition is also supported by the etymology of the word itself, which signifies something ἐξ ὁδοῦ, *extra viam*, or something not belonging to the main subject, and thus is synonymous with ἐπεισόδιον. The play, as well as its name of exodium, seems to have been introduced among the Romans from Italian Greece; but after its introduction it appears to have become very popular among the Romans, and continued to be played down to a very late period. (Sueton. *Domit.* 10.) Teuffel (*Röm. Lit.*, § 6, n. 4) considers the exodium to have been a comic play performed after any serious piece, and at first to have had no special connexion with the Atellanae. [COMOEDIA, p. 522 *b*.] [L. S.] [A. S. W.]

EXO'MIS (ἐξωμίς), originally a tunic fastened over the left shoulder only (χιτὼν ἑτερομάσχαλος, Schol. Aristoph. *Vesp.* 444; Phot. and Hesych. *s. v.* ἑτερομ.; Heliod. *Aethiop.* iii. 1; Paus. v. 16, § 2; cf. Plaut. *Mil.* iv. 4, 44), leaving the right shoulder and part of the breast free, and thus distinguished from the ἀμφιμάσχαλος, which was fastened over both. It was especially characteristic of workmen and slaves (Phot. *s. v.*; Schol. Aristoph. *Equit.* 879), Laconizers and Cynics (Ael. *V. H.* ix. 3, 4; Sext. Emp. i. 153; Suid.); while the ἀμφιμάσχαλος was used by the better classes. It was also the dress of old men in comic plays (Pollux, iv. 118), and as such worn by the chorus in the *Lysistrata* (662). Hephaistos as a god of labour (*v.* bronze in Brit. Museum, fig. p. 380, Baumeister's *Denkmäler*; Müller, *Archäol. d. Kunst*, § 366, 6) was commonly represented clothed in the exomis, as was also Odysseus. After Aristophanes' time, short sleeves (χειρῖδες) were introduced in the wide holes of the χιτών, like a blouse, and the terms ἀμφιμ. and ἑτερομ. (ἐξωμίς) were equally applied to the two forms so produced (of one sleeve, Xen. *Mem.* ii. 7, 5; *v.* Rich, p. 659). On the other hand, the long-sleeved tunic, χιτὼν χειριδωτός, was originally peculiar to barbarians, and accordingly appears in representations of Orpheus, the Indian Bacchus, Persians, Scythians, and the paedagogus. Later grammarians starting from the sleeved χ. wrongly interpreted ἐξωμίς "sleeveless" (Aulus Gellius, vii. 12: "citra umerum desinentes"). The exomis, however, was not only a chiton [TUNICA], but also a ἱμάτιον or περίβλημα [PALLIUM]. According to Hesychius (*s. v.* Ἐξωμίς) and Aelius Dionysius (*ap.* Eustath. *ad Il.* xviii. 595), it served at the same time both the purposes of a chiton (διὰ τὸ ζώννυσθαι) and a himation (ὅτι τὸ ἕτερον μέρος ἐβάλλετο); but Pollux (vii. 48) speaks of two different kinds of exomis, one of which was a περίβλημα and the other a χιτὼν ἑτερομάσχαλος. And his account is confirmed by existing works of art. In the *Museo Pio-Clementino* (vol. iv., pl. 11) is a Hephaistos wearing an exomis, which is a himation thrown round the body in the way in which this garment was always worn, and which clothes the body like an exomis when it is girded round the waist. (Cf. Becker-Göll, *Charikles*, iii. p. 112, &c.; Guhl and Koner, ed. 5, p. 206; Hermann-Blümner, *Privatalterth.* p. 176; and the figure in Weiss, *Kostümkunde.*) [W. S.] [J. M.]

Exomis. (Bronze in British Museum.)

EXOMO'SIA (ἐξωμοσία). Any Athenian citizen (probably with the exception of near relatives of the defendant, Isae. *Menecl.* § 33), when called upon to appear as a witness in a court of justice, was obliged by law to obey the summons, unless he could establish by oath that he was unacquainted with the case in question (Pollux, viii. 55, εἰ φάσκοιεν μὴ ἐπίστασθαι ἐφ' ἃ ἐκαλοῦντο: ἢ μαρτυρεῖν ἢ ἐξόμνυσθαι, Dem. *de Fals. Leg.* p. 396, § 176, etc.; *Att. Process*, ed. Lipsius, p. 881, n. 323). This oath was called ἐξωμοσία. Against those who refused to obey the summons without being able to take this oath, a δίκη βλάβης, or, if they had promised to give evidence, a δίκη λιπομαρτυρίου, might be brought by the parties who thought themselves injured by their having withheld their evidence, the fine going to the plaintiffs; or they were specially summoned (κλητεύειν, [Dem.] *c. Neaer.* p. 1354, § 28, ἀναγκάζω μαρτυρεῖν ἢ ἐξόμνυσθαι κατὰ τὸν νόμον, ἢ κλητεύσω αὐτόν, etc.) and threatened with the imposition of a fine of 1000 drachmas, to be paid to the state (Aeschin. *Tim.* § 46; *Att. Process*, ed. Lipsius, p. 494 ff.). Hudtwalcker (*Diaet.* p. 97) and Lipsius (*Att. Process*, p. 910, n. 409) take ἐξόμνυσθαι δίκας in Theophr. *Char.* 6 (Jebb 16) in the sense of ὑπόμνυσθαι, Jebb (p. 230) in that of "making oath (as witness) that he knows nothing of the matter."

2. As a rule, candidates for an office (ἀρχὴ in its proper sense), whether they were to be chosen by lot (ἀρχαὶ κληρωταί) or by show of hands (ἀ. χειροτονηταί), gave in their names to the archons (Isocr. *de Permut.* § 150; [Lys.] *c. Andoc.* § 4; Lys. *c. Phil.* § 33). Suid. *s. v.* ληξιαρχικόν (and Schol. Aeschin. *c. Tim.* § 18) says, καὶ ἐκ ἐκείνων τῶν γραμματείων (sc. ληξιαρχικῶν) κληροῦσι τὰς ἀρχάς, wrongly connecting the name ληξιαρχικὸν with λαχεῖν τὰς ἀρχάς (see Boeckh, *Kl. Schriften*, iv. p. 154, n. 1); but when Plutarch (*Phoc.* 8) says of Phocion that he served more frequently as στρατηγὸς than any one in his time, or before his time had done οὐ παραγγέλλων οὐδὲ μετιών, it is evident that this was not invariably the rule (cf. also Xen. *Hell.* i. 4, 10, οἱ Ἀθηναῖοι στρατηγοὺς εἵλοντο Ἀλκιβιάδην μὲν φεύγοντα, etc.). A person chosen in such a way, or appointed to

serve as ambassador or in any other public capacity, was at liberty to decline the office, if he could take an oath, either himself or by proxy (δι' ἑτέρου, Pollux, viii. 55; cf. Dem. *de Fals. Leg.* p. 379, § 124, and Aeschin. *F. L.* § 95, whence we learn that an oath of this kind had to be made before the assembly), that the state of his health or other circumstances rendered it impossible for him to fulfil the duties connected with it (ἐξόμνυσθαι τὴν πρεσβείαν, τὰς ἀρχάς; cf. Arist. *Pol.* vi. 10 S. = iv. 13 Bk. περὶ δὲ τὰς ἀρχὰς τὸ τοῖς μὲν ἔχουσι τίμημα μὴ ἐξεῖναι ἐξόμνυσθαι, τοῖς δ' ἀπόροις ἐξεῖναι: the arrogant man in Theophr. *Char.* 24 (Jebb 4) assigns the vague reason that he is "too busy"). This oath was likewise called ἐξωμοσία (Harp. *s. v.*; Schol. Aristoph. *Eccl.* 1018, n.; Schol. Aeschin. *F. L.* § 97). Hudtwalcker, *Diaet.* p. 97, calls it wrongly ὑπωμοσία. (Schömann, *Assemblies*, p. 329; Hermann, *Gr. Staatsalt.* §§ 123, 148.)

3. Ἐξωμοσία is also used according to Suidas, *s. v.* (= Schol. Aristoph. *Eccl.* 1018), in the sense of objections raised by the defendant to the admissibility of the plaintiff's action (μὴ δεῖν εἰσάγεσθαι δίκην, εἶτα καὶ τὴν αἰτίαν δι' ἣν οὐκ εἰσαγώγιμος ἡ δίκη, etc.), the same proceeding which is called ἀντιγραφὴ in Lys. *c. Pancl.* §§ 5, 10, and παραγραφὴ since the law of Archinus, passed soon after the expulsion of the Thirty Tyrants (Isocr. *c. Callim.* § 2). Suidas' explanation probably refers to Aristoph. *Eccl.* 1026, and there, according to Platner (*Process u. Klagen*, i. p. 162 n.), ἐξωμοσία is used in the sense of declining an office (2). (*Att. Process*, ed. Lipsius, p. 853 ff.) [L. S.] [H. H.]

EXOSTRA (ἐξώστρα) was one of the many kinds of machines used in the theatres of the ancients, and its introduction was ascribed to Aeschylus. In order to represent a scene in an interior, a movable chamber corresponding to the size of any of the three doors was devised, which was wheeled out (ἐκκύκλημα) or pushed out (ἐξώστρα) (Pollux, iv. 128; ἱερὸν ὠθεῖται, Schol. *ad* Aristoph. *Thesm.* 276; ἐκκυκλεῖται ἐπὶ τὸ ἔξω τὸ Θεσμοφόριον, Schol. Ravenn. *ibid.*; Schol. *ad* Aristoph. *Acharn.* 375). Donaldson thinks the ἐξώστρα was used to exhibit the interior of an upper chamber: this would find support in the late meaning of the word, *balcony*. A special use of both machines was to exhibit to the eyes of the spectators the results or consequences of such acts, as murder or suicide, as could not be permitted to take place in the proscenium, and were therefore described as having occurred behind the scena.

An interesting illustration of the meaning of the word is to be found in Cicero (*de Prov. Cons.* 6, § 14), who, speaking of Piso, says he formerly concealed his vices ("post siparium heluabatur"), but now practised them openly ("jam in exostra heluatur"). (Donaldson, *Theatre of the Greeks*, ed. 7, p. 238 ff.; C. O. Müller, *Eumen.* p. 103, *Kleine Schriften*, i. p. 524; Alb. Müller, *Bühnenalterth.* pp. 142–148, where there is a full discussion of the passages where the contrivance was used.) It must be admitted, on the whole, that the distinction between ἐξώστρα and ἐκκύκλημα is not very clearly made out (see especially A. Müller, p. 148, n. 5).

The name *exostra* was also applied to a peculiar kind of bridge, which was thrown from a tower of the besiegers upon the walls of a besieged town, and across which the assailants marched to attack those of the besieged who were stationed on the ramparts to defend the town (Veget. *de Re Milit.* iv. 21; Polyb. ii. 6, 8). This was a very old device, frequently represented in Assyrian bas-reliefs. [L. S.] [J. M.]

EXOU'LES DIKE' (ἐξούλης δίκη). Ἐξούλη is from ἐξίλλειν, which Harpocration (*s. v.*) explains ἐξωθεῖν καὶ ἐκβάλλειν: cf. Dem. *c. Pantaen.* p. 976, § 35; Lys. *c. Theomn.* i. § 17 (ἀπίλλειν). Meier (*Att. Process*, ed. Lipsius, p. 665 f.) distinguishes two kinds of δίκη ἐξούλης, one (ἣν ἐπάγουσιν οἱ φάσκοντες ἐξείργεσθαι τῶν ἰδίων κατὰ τῶν ἐξειργόντων, Harpocr. *s. v.*) answering roughly to the *interdictum unde vi* of Roman law; the other (μόνων τῶν ἐκ καταδίκης ὀφειλόντων, Caecilius in Harpocr. *s. v.*), later in point of time, corresponding to the Roman *actio judicati*. A δίκη ἐξούλης of the former class was laid before the τετταράκοντα, and was τιμητός; one of the latter before the magistrate who had heard the case from which it arose (except probably when a διαιτητὴς had given an award, Dem. *c. Mid.* p. 540, § 81: cf. Hudtwalcker, *Diaet.* p. 152), and was τιμητὸς or ἀτίμητος according to the nature of the *judicatum*. G. A. Leist (*d. Att. Eigentumsstreit*, p. 45 f.), on the other hand, defines the δίκη ἐξούλης as an action for ejectment resorted to by the plaintiff, when his title to some property was so much better than the defendant's as to be indisputable (ἀναμφισβήτητος). Thus a son or other male descendant (also a son adopted during the testator's lifetime, Dem. *c. Leoch.* p. 1086, § 19) might enter [EMBATEIA], and become possessed of the estate immediately after the owner's death (τοῖς μὲν γάρ, ὅτι γόνῳ γεγόνασιν, οὐδεὶς ἂν δήπου ἀμφισβητήσειε περὶ τῶν πατρῴων, Isae. *Pyrrh.* § 61); such an heir made a formal entry upon the land, and thereby became *seised* or possessed of it; then the adverse claimant came and turned him off (πορευομένων ἡμῶν εἰς τὰ κτήματα, ἐξῆγεν ὁ Λ. οὑτοσὶ φάσκων αὑτοῦ εἶναι, Dem. *c. Leoch.* p. 1090, § 32). This proceeding took place quietly (yet see Dem. *c. Onet.* i. p. 864, § 4) and in the presence of witnesses (Isae. *Pyrrh.* § 22); then the heir might bring against him an action for ejectment. Such an action could also be maintained by a creditor who was prevented from taking possession of some mortgaged property, the ὅροι set up on mortgaged property establishing clearly the rights of the mortgagee (Harpocr. *s. v.*: cf. Dittenberger, *S. I. G.* No. 344, l. 75), or according to Pollux (viii. 59) by a person who had bought property from the state against anyone who disturbed him in the enjoyment of it (cf. Dem. *c. Pantaen.* p. 972, § 19; Dittenberger, *ibid.* No. 76 = *C. I. G.* No. 2691 d, καὶ ἐπώλησαν τὰ κτήματα αὐτῶν δημοσίηι, ἐκτῆσθαι κυρίως τοῖς πριαμένοις), for no action would lie against the purchaser of property sold by the treasury: the fact of the state having ordered the sale would constitute a "parliamentary title, so to speak" (Wayte on Dem. *c. Timocr.* p. 717, § 54). The title to property might also have been established by the decision of a court or the award of an arbitrator (*Etym. M.* οἱ δίκην νικήσαντες ὥστε λαβεῖν χωρίον ἢ οἰκίαν, ἔπειτα ἐμβατεύειν κωλυόμενοι, etc.). To these cases Leist adds some others in which the plaintiff's right is not so clearly established; *e.g.* the cause of Demosthenes against Onetor. Demosthenes having recovered a judgment against Aphobus, proceeded to take his lands in execution. Onetor claimed them as mortgagee, and turned him off; whereupon Demosthenes, contending that the mortgage was collusive and fraudulent, brought an ἐξούλης δίκη. In the instance mentioned in Isae. *Dicaeog.* § 22, Dicaeogenes had covenanted to give the plaintiffs two-thirds of the estate (ἀναμφισβήτητα, § 18 = καθαρὰ καὶ ἀνέπαφα, *argum.*), but he sold these two-thirds to other persons; the plaintiffs incurred the costs (to the amount of 40 minas) of an unsuccessful attempt to eject Micion, one of the purchasers, Dicaeogenes guaranteeing his ownership. The case in Demosth. *c. Zenoth.* p. 882 f. is most complicated. Demon had entrusted a sum of money to Protus, who engaged to purchase corn in Sicily and bring it to Athens. Upon the ship's arrival Zenothemis claimed the cargo, saying that it had been purchased by the captain Hegestratus (drowned at sea), and that he had lent money to Hegestratus upon it. Protus and his partner Phertatus tried to remove him (ἐξάγειν), but he declared that he would not be put out of possession by anyone but Demon (yet from § 21 it would seem that Zenothemis brought an action against Protus and won it); and when Demon removed him at last, he subjected himself to the ἐξούλης δίκη which Zenothemis brought. (Cf. on this case A. Philippi, *Jahrb. f. class. Phil.* 1867, p. 577 f.; and Thalheim, *Hermes*, 1888, p. 202 f.) The consequence to the defendant, if he failed in the action of ejectment, was, that (besides his liabilities to the plaintiff) he was, as a public offender, condemned to pay to the treasury a sum equal to the damages, or to the value of the property recovered in the first action (προστιμᾶν, Dem. *c. Mid.* p. 528, § 44). While this remained unpaid (and we may presume it could not be paid without also satisfying the party), he became, as a state debtor, subject to the disabilities of ἀτιμία (Andoc. *de Myst.* § 73). (*Att. Process*, ed. Lipsius, p. 970.)

These proceedings by entry, ouster, etc., were a relic of ancient times, when, before writs and pleadings and other regular processes were invented, parties adopted a ruder method and took the law into their own hands. There was then an actual ouster, accompanied often with violence and breach of the peace, for which the person in the wrong was not only responsible to the party injured, but was also punishable as a public offender. Afterwards, in the course of civilisation, violent remedies became useless and were discontinued; yet the ceremony of ejecting was still kept up as a form of law, being deemed by lawyers a necessary foundation of the subsequent legal process. Thus at Rome, in the earlier times, one party used to summon the other by the words "ex jure te manum consertum voco," to go with him to the land in dispute, and (in the presence of the praetor and others) turn him out by force. Afterwards this was changed into the symbolical act of breaking a clod of earth upon the land, by which the person who broke intimated that he claimed a right to deal with the land as he pleased. We may observe also, that the English action of ejectment in this respect resembles the Athenian, that although an *entry* by the plaintiff and an *ouster* of him by the defendant are supposed to have taken place, and are considered necessary to support the action, yet both *entry* and *ouster* are mere fictions of law. In Attic law it was primarily an action for ejectment out of real property, and only by a legal fiction transferred to other property; cf. Harpocration's general statement: καὶ ἐπεργασίας δέ τις εἰ εἴργοιτο (cf. Dem. *c. Pantaen.* p. 976, § 35), δίδωσιν ὁ νόμος δικάζεσθαι πρὸς τὸν εἴργοντα ἐξούλης. καὶ περὶ ἀνδραπόδου δὲ καὶ παντὸς οὗ φησί τις αὑτῷ μετεῖναι (Palmer on Plaut. *Rud.* 847, in *Journ. of Phil.* xvi. p. 38). [C. R. K.] [H. H.]

EXSE'QUIAE. [FUNUS.]

EXSI'LIUM (φυγή), banishment. 1. GREEK. In the heroic ages the general term φυγή (flight) was for the most part applied in the case of those who, in order to avoid some punishment or danger, removed from their own country to another, chiefly when homicide had been committed, whether with or without malice aforethought. Thus Patroclus appears as a fugitive for life, in consequence of manslaughter committed by him when a boy (οὐκ ἐθέλων, *Il.* xxiii. 88). In other instances mentioned in Homer (*Il.* ii. 665, xiii. 695, xv. 335, xvi. 572; *Od.* xv. 224, xxiii. 119) we do not know whether the homicide was accidental or not; the slaying of Molycrus by Hyettus (Hesiod. *fr.* 148=Paus. ix. 36, 6) would, according to later views, have been δίκαιος φόνος. The duty of taking vengeance devolved upon the relatives of the slain man (*Od.* xxiv. 433 ff.), the state holding aloof; the penalty of exile was sometimes remitted, and the homicide allowed to remain in his country on payment of a ποινή, the price of blood, or *weregeld* (Tac. *Germ.* 21),* which was made to the relatives or nearest connexions of the slain (*Il.* ix. 630). In the trial scene in *Il.* xviii. 497 ff., almost every point of importance has been variously explained by scholars. First, as to the exact nature of the point at issue, all agree that it is about the blood-price of a man who has been slain; but whilst Sir H. Maine (*Anc. Law*, p. 377; cf. Gladstone, *Homeric Studies*, iii. p. 126 f.) explains l. 499 f. thus, "One person asserts that he has paid the composition, the other that he has never received it," Hofmeister (*Z. f. vergl. Rechtswissensch.* ii. p. 433 ff.; cf. Leist, *Graeco-Ital. Rechtsgesch.* p. 329; W. Leaf, in *Journ. of Hell. Stud.* x. p. 123 f.) renders it, "One vowed he would give anything, the other refused to accept anything," the question to be decided being whether the relation must or must not refuse the offered composition, *i.e.* whether it was a φόνος ἑκούσιος or ἀκούσιος. Secondly, in the two talents of gold which lie in the midst, P. M. Laurence (*Journ. of Phil.* viii. p. 125 f.) sees the ποινὴ ἀνδρὸς ἀποφθιμένου; but surely two talents is too small a sum to represent the price of a man slain (W. Ridgway, *Journ. of Phil.* x. p. 30 f. and *Journ. of Hell. Stud.* x. p. 136). Schömann (on Isae. p. 24 and *Antiq. j. p. Gr.* p. 73, n. 10) looks upon them as *quasi quaedam* παρακαταβολή, since δίκην εἰπεῖν is used of litigants only; however, the

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* Cf. Grimm, *Deutsche Rechtsalterth.* p. 661; Thorpe, *Anc. Laws and Inst. of England*, i. p. 187 f.; Roth (*Zeitschr. d. D. Morgenl. Gesellsch.* 1887, p. 673 ff.), *Wergeld im Veda.*

fact that *δίκην εἰπεῖν*, or rather *λέγειν*, occurs in this sense in Attic, decides nothing for Homer, and a phrase like *δίκας σκολιῶς ἐνέποντες* used of the *βασιλεῖς* in Hesiod. *Op. et D.* 258 supports Sir H. Maine's explanation, viz. that the two talents were to be given to him who should explain the grounds of the decision most to the satisfaction of the audience. According to W. Leaf, who distinguishes two scenes, first the dispute in the market-place, when the litigants wish to refer the matter to an *ἵστωρ*, secondly the scene "in court," when the *γέροντες* are the judges, the *ἵστωρ* as president of the council had to assign them to that councillor whose advice he judges to have contributed most to the final decision.

For later terms we must distinguish between voluntary exile and exile appointed as a punishment by law for particular offences. To speak first of the latter: here we must distinguish again between exile *for a specified period* and exile *for life*.

A person convicted of accidental homicide had to leave the country within a specified time by a certain road and to remain in exile until the relations of the slain man pardoned him (Dem. *c. Aristocr.* p. 644, § 72; *c. Mid.* p. 528, § 43, and *lex* in [Dem.] *c. Macart.* p. 1069, § 57 = *C. I. A.* i. No. 61; *αἴδεσις*); his possessions were *ἐπίτιμα*, *i.e.* not confiscated (Dem. *c. Aristocr.* p. 634, § 45; cf. Theophr. *π. νόμων*, *fr.* 14, in *Journ. of Phil.* vi. p. 3). The banishment in this case not being for life, it is reasonable to suppose that if the relatives of the slain man refused to make a reconciliation, the law stepped in and exacted such. According to some, a year was the term of exile (Hesych. *s. v. ἀπενιαυτισμός*, etc.; cf. Plat. *Legg.* p. 865 E), but Philippi (*Areopag u. Eph.* p. 117 ff.) brings forward strong reasons against this opinion, and suggests a longer term than one year (cf. Antiph. *Tetral.* ii. *β*, § 10). It sometimes happened that a fugitive for accidental homicide was charged with murder committed by him before he went into exile; in that case he pleaded on board ship, before a court which sat *ἐν Φρεαττοῖ*, in the Peiraeus (Dem. *c. Aristocr.* p. 645, § 77, and Pausan. i. 28, 12; cf. Harp. *s. v.*).

Banishment for life with confiscation was inflicted on persons who rooted up the sacred olives at Athens (Lys. *pro sacr. olea exsc.* § 41), and on those convicted of *τραῦμα ἐκ προνοίας*, or wounding with intent to kill, even though death might not ensue (Lys. *c. Simon.* § 38, *de vuln. ex industria*, §§ 13, 18; Dem. *c. Boeot.* ii. p. 1018, § 32 [TRAUMATOS EK PRONOIAS GRAPHE]; according to Philippi, p. 113, not banishment for life; cf. Plat. *Legg.* ix. p. 877 B, where it is banishment for life without confiscation). The murder of a non-citizen was punished with banishment, not with death (*Lex. Seguer.* 194, 11; cf. the phrase in decrees in honour of state benefactors; in case an attempt should be made on their lives, the redress shall be the same, *καθάπερ ἂν τὸν Ἀθηναῖον ἀποκτείνῃ*, Dem. *c. Aristocr.* p. 650, § 89, and *C. I. A.* ii. No. 115; *Att. Process*, ed. Lipsius, p. 377 ff.). By the laws of Solon every one was liable to banishment who remained neutral during political contentions (Plut. *Sol.* 20; Gell. ii. 12); this was no longer in force in the days of Lysias (*c. Philon.* § 27): cf. Grote, iii. p. 144, on the law of Ostracism replacing Solon's law, and Mahaffy (*Hermath.* vii. p. 87).

Banishment might also be proposed as penalty by the accuser in a case of *ἀσέβεια*, Plat. *Apol.* p. 373 C (cf. the punishment of the Delians, Boeckh, *Sthh.*[3] ii. p. 92 f., and of Protagoras, Diog. Laërt. ix. 152; Cic. *de Nat. Deor.* i. 63), or a decree might direct the exile of a person: see *C. I. A.* ii. No. 17, *ζημιούντων δὲ αὐτὸν θανάτῳ ἢ φυγῇ οὗπερ Ἀθηναῖοι καὶ οἱ σύμμαχοι κρατοῦσιν* (cf. *C. I. G.* No. 2008); thus on the motion of Themistocles (Plut. *Them.* 6) Arthmius of Zeleia was banished from Athens (Dem. *in Phil.* iii. p. 121, § 42; *de Fals. Leg.* p. 428, § 271; Aeschin. *c. Ctes.* § 258; Dinarch. *c. Dem.* §§ 24, 25). Cf. Plat. *Gorg.* p. 468 B ff. and Schol. Aristoph. *Ran.* 546; Arrian, *Exp. Alex.* i. 10, 6.

In the majority of cases, however, when we hear of exiles (here we do not take into account those banished by political opponents), we must not refer the banishment to a special conviction, but must rather think of voluntary exile, men preferring to leave the country to running the risk of standing their trial. Wilful murder was punished with death and confiscation of property; but the accused could avoid it by leaving the country after the first day of the trial (except according to Pollux, viii. 99, 117, in the case of parricide), nor had the prosecutor any right to prevent him; the murderer was then condemned to perpetual exile and his property confiscated. Hypereides (*pro Eux.* col. 18) gives five instances of eisangelia, and winds up with the remark, "None of them ventured to take his trial, *ἀλλ' αὐτοὶ ᾤχοντο φεύγοντες ἐκ τῆς πόλεως*, and altogether it was rare to see any one of those proceeded against by eisangelia appear in court" (cf. *Journ. of Phil.* vii. p. 108). If such exiles ventured to return, they were immediately put to death (Dem. *c. Aristocr.* p. 630, § 31; [Lys.] *c. Andoc.* § 15; Lyc. *c. Leocr.* § 93); and whoever harboured or entertained any one who had fled from his country to avoid capital punishment, was liable to the same penalties as the fugitive himself (Dem. *c. Polycl.* p. 1222, § 49). Such exiles were not allowed to return home even upon a general amnesty. Thus Solon's law excluded from his comprehensive measure of amnesty those in exile for charges of murder or of subversion of the public liberty (Plut. *Sol.* 19, *ἐπὶ φόνῳ ἢ σφαγαῖσιν ἢ ἐπὶ τυραννίδι*: cf. Dobree, *Adv.* i. p. 181, *φόνος* a private murder, *σφαγή* a massacre, sc. *in motu civili*); and from the general amnesty proposed by Patrocleides after the defeat of Aegospotami, those were excepted who had fled from Athens without standing their trial (*ὁπόσα* [sc. *ὀνόματα*] *ἐν στήλαις γέγραπται τῶν μὴ ἐνθάδε μεινάντων*), and also the classes of exiles which were exempted by Solon's law (Andoc. *de Myst.* §§ 77, 78; Droysen, *de Demoph.*, *Patrocl.*, *Tisam. populisc.*; probably the same restrictions were made when during the Persian wars an act of amnesty was passed, see Jebb, *Att. Or.* i. p. 125 f.). Indeed, against the exiles, a large proportion of whom were at Deceleia assisting the Lacedaemonians in their warfare against Athens, a severe decree was passed by the Athenian assembly (Lyc. *c. Leocr.* § 121); they returned, however, when Athens had to surrender to Lysander (Andoc. *de Myst.* § 80; Xen.

Hell. ii. 2, 20; Plut. *Lysand.* 14; Lys. *c. Eratosth.* § 77). In the general restoration of exiles throughout the Greek cities proclaimed by order of Alexander the Great, and afterwards by Polysperchon, exception is made of men exiled for sacrilege or homicide (Diod. xvii. 109, xviii. 8). There are instances of individuals being allowed to return from exile: Alcibiades and others (Thuc. viii. 97, etc.), Demosthenes (on the proposal of Damon, [Plut.] *Vitt. X. Oratt.* p. 846 D; Plut. *Dem.* 27, etc.). On the decree of Oenobius, by which Thucydides is said to have been recalled (Paus. i. 23, 9; cf. Plin. *H. N.* vii. §§ 30, 110), and on the amnesty after the Sicilian expedition (*πλὴν τῶν Πεισιστρατιδῶν*, Marcell. *Vit. Thucyd.* 32 f.), see Gilbert, *Philol.* 1879, p. 251 ff., and Stahl, *Rhein. M.* 1884, p. 458 ff. To those who received permission to return to Athens, the state restored the value of the confiscated property (Plut. *Alc.* 33; Diod. xiii. 69, and Isocr. *de Big.* § 46; cf. also *Ep.* 8, 3; the four men whom Andocides had named, in addition to the list of Teucrus, as concerned in the mutilation of the Hermae, fled (*de Myst.* § 68), but at the time he delivered his speech on the Mysteries (§ 53) he could refer to them as men *οἳ . . . κατεληλύθασι καὶ ἔχουσι τὰ σφέτερα αὐτῶν*: cf. *C. I. A.* i. Nos. 274–7, and Suppl. p. 35, on the sale of their property). In Phlius those who had bought such property had to give it up on receiving back from the treasury the price they had paid for it (Xen. *Hell.* v. 2, 10); at Athens their title would have been absolute (Dem. *c. Timocr.* p. 717, § 54; *c. Pantaen.* p. 972, § 19).

Under *φυγή*, or banishment, as a general term, is comprehended *Ostracism* (*ὀστρακισμός*). The difference between the two is stated by the Schol. Aristoph. *Vesp.* 941 (cf. Suid. *s. v.*) to be: "*φυγὴ* (*i.e. ἀειφυγία*, banishment for life) differs from ostracism, inasmuch as those who are banished lose their property by confiscation, whereas the ostracised do not; the former also have no fixed place of abode, no time of return assigned, but the latter have." The fixed place of abode is only mentioned here, Philochorus in *Lex. Cant.* s. v. simply stating, *μὴ ἐπιβαίνοντα ἐντὸς Γεραίστου τοῦ Εὐβοίας ἀκρωτηρίου*: see also Thuc. i. 135, about the movements of Themistocles. Of the fragments of Arist. *Polit. Athen.* (Bergk, *Rhein. M.* 1881, pp. 87–115), one relates to ostracism; according to Bergk's reading, it confirms the tradition (Aelian, *V. H.* 13, 24) that Cleisthenes himself fell a victim (though not the first) to his institution. It was introduced after the expulsion of the Pisistratidae, "to drive their friends out of the country." Its nature and objects are thus explained by Arist. *Pol.* iii. 8 (13 Bk.), 2 S. (see, however, § 6 c about its later working): "Democratical states," he observes, "used to ostracise, and remove from the city for a definite time, those who appeared to be pre-eminent above their fellow-citizens, by reason of their wealth, the number of their friends, or any other means of influence." Grote (iv. p. 78 ff.) fully discusses the purpose and working of the ostracism; see especially the note on p. 85, "The practical working of the ostracism presents it as a struggle between two contending leaders, accompanied with chance of banishment to both," and v. pp. 221, 282, etc.: cf. Lugebil, *Jahrb. f. class. Philol.*, Suppl. iv. p. 135 ff.

The manner of effecting ostracism was as follows: In the *κυρία ἐκκλησία* of the sixth prytany of the year, the assembly determined whether such a step was necessary (*Lex. Cant.* s. v. *κυρία ἐκκλησία*); if they decided in the affirmative, a day was named in the eighth prytany for the voting (*ib.* s. v. *ὀστρακισμός*: cf. Schol. Aristoph. *Eq.* 851, and fragm. *Lex. Demosth. Aristocr.*, Blass, *Hermes*, 1882, p. 152); these two important assemblies were fixed at this time on account of the larger attendance at the popular assembly consequent upon the celebration of the Lenaea and of the Dionysia (Gilbert, *Beitr. z. innern Gesch. Ath.* p. 229 ff.). On the appointed day the agora was railed round, with ten entrances left for the citizens of each tribe: by these the tribesmen entered and deposited in urns each his *ὄστρακον* or potsherd (hence ostracism was called *κεραμικὴ μάστιξ*, Meineke, *fragm. Com.* iv. p. 638), with the name of the person written on it whom he wished to be ostracised (*κάτω στρέφοντες τὴν ἐπιγραφήν*). The nine archons and the *βουλὴ* superintended the proceedings. If a total of 6,000 votes had not been recorded, the ceremony ended in nothing; "for no law could be made against any single citizen unless it seemed good to 6,000 citizens voting secretly" (Andoc. *de Myst.* § 87; Dem. *c. Timocr.* p. 719, § 59; [Dem.] *c. Steph.* ii. p. 1132, § 12; and Boeckh, *Sthh.*^{3} i. p. 294). Provided this total was reached, he who had the majority of votes had to leave Athens within ten days. There is a difference of opinion among the authorities, as well as among the commentators, whether the minimum of 6,000 applies to the votes given in all, or to the votes given against any one name. Grote favours the latter opinion (iv. p. 84 n.; cf. Schömann, *Verfassungsgesch. Ath.* p. 81 n.), but the former (Plut. *Arist.* 7) seems the more probable (Lugebil, p. 144 ff.; Fraenkel, *Att. Geschworenger.* p. 92 n.; cf. Thuc. viii. 72). The period of banishment was ten years ([Andoc.] *c. Alcib.* § 2); according to *Lex. Cant.* it was at a later period reduced to five years, but Hyperbolus, the last who was ostracised, had lived six years in exile when he was murdered (Gilbert. p. 231 n.). In some instances persons ostracised were recalled before the ten years had expired: thus Themistocles is said to have himself proposed the restoration of his rival Aristeides from ostracism "a little before the battle of Salamis" (but see Herod. viii. 79, and Corn. Nep. *Arist.* 1), and Pericles did the same with regard to Cimon (Plut. *Per.* 10; *Cim.* 17), and "in both cases the suspension of enmity between the two leaders was partly the sign, partly also the auxiliary cause, of reconciliation and renewed fraternity among the general body of citizens" (Grote, v. p. 185).

Some of the most distinguished men at Athens were removed by ostracism; besides those mentioned before: Hipparchus, the son of Charmus, a relative of the Pisistratidae (Harpocr.; Androtion, *fr.* 5, Didot; Plut. *Nic.* 11): Thucydides, the son of Melesias (Plut. *Per.* 14 etc.); Alcibiades and Megacles, the paternal and maternal grandfathers of the distinguished Alcibiades ([Andoc.] *c. Alcib.* § 34; Lys. *c. Alcib.* i. § 39); Xanthippus, the father of Pericles (Heracl. Pont. c. 1); Callias, the son of Didymus ([Andoc.] *c. Alcib.* § 32); Damon, the preceptor of Pericles in poetry and music (Plut. *Per.* 4); Meno (Hesych. *s. v.* Μενωνίδαι), etc. The last person against whom it was used was Hyperbolus, the lamp-maker, son of Chremes; our information on that point is scanty (for the date cf. Beloch, *d. att. Politik seit Pericl.* p. 339 f.). Thucydides (viii. 73) mentions Hyperbolus only once —in 411 B.C., when he terms him "one Hyperbolus, a person of bad character (*μοχθηρός*), who had been ostracised not from fear of dangerous excess of dignity and power, but through his wickedness and his being felt as a disgrace to the city" (cf. Androt. *fr.* 48, Didot, *διὰ φαυλότητα*, and Plato quoted by Plut. *Nic.* 11, *οὐ γὰρ τοιούτων εἵνεκ' ὄστραχ' ηὑρέθη*); hence, it is said, ostracism was considered degraded and accordingly discontinued. (Philochorus in *Lex. Cant.* s. v. *μετὰ τοῦτον* [sc. Ὑπέρβολον] *δὲ κατελύθη τὸ ἔθος*: cf. Theoph. *π. ν. fr.* 26, *Journ. of Phil.* vi. pp. 6, 23.) Hyperbolus cannot possibly have been so insignificant a person as Thucydides and the comic authors try to make him out: he acted as *ἱερομνήμων* (Aristoph. *Nub.* 623), was *βουλευτής* (Meineke, ii. p. 670), *στρατηγός* (Aristoph. *Pac.* 1319; Schol. *Acharn.* 846), and leader of the democratic party after Cleon's death (Aristoph. *Pac.* 681; cf. *Ran.* 570); and it is especially to be noted that he was slain by the oligarchical conspirators who were aiming to overthrow the democracy at Athens. Plutarch gives three different versions of how Hyperbolus came to be ostracised. The two opposing parties of Alcibiades and Nicias, after the vote of ostracism was decreed, united to turn the vote against Hyperbolus (*Arist.* 7); according to Theophrastus, the opposition at first and the coalition afterwards was not between Nicias and Alcibiades, but between Phaeax and Alcibiades (*Nic.* 11); and in *Alcib.* 13 Plutarch mixes up these two versions (cf. [Andoc.] *c. Alcib.*). Various attempts have been made to reconcile these accounts: thus Zurborg (*Hermes*, 1877, pp. 198–206) suggests that when once the ostracising vote had been formally pronounced and could no more be prevented from taking place, the two opposing parties selected Phaeax and Hyperbolus to take the places of the real party-leaders, Nicias and Alcibiades; Seeliger (*Jahrb. f. class. Phil.* 1877, pp. 739–747) considers the struggle between Nicias and Alcibiades as a pure fiction of Plutarch, etc. However that may be, Hyperbolus was certainly the last person ostracised, but it is anything but certain that ostracism was no longer employed because the ostracism of Hyperbolus was felt "as a gross abuse" of the institution (Grote, vi. p. 378); it is, on the other hand, very probable, as Lugebil and others suggest, that ostracism was formally abolished under the archonship of Eucleides. Mahaffy (*Hermath.* 1881, p. 87 ff.) is of opinion that the disuse of ostracism dates from 417 B.C., and that ostracism was replaced by the *γραφὴ παρανόμων*, "which, though it may have long existed in the special form of an action against direct verbal contradictions of particular laws by new enactments," acquired its importance from the disuse of ostracism.

Ostracism prevailed in other democratical states as well as Athens; namely, at Argos (Arist. *Pol.* viii. 2, 4° S. = v. 2, 5 Bk.), Miletus, and Megara (Schol. Aristoph. *Eq.* 851). From the ostracism at Athens was copied the Petalism (*πεταλισμός*) of the Syracusans, so called from the *πέταλα*, or leaves of the olive, on which was written the name of the person whom they wished to remove from the city for a period of five years. Diodorus (xi. 55–87) affirms that it was so unjustly and profusely applied, as to deter persons of wealth and station from taking any part in public affairs; for which reason it was speedily discontinued. [G. L.] [H. H.]

2. ROMAN. *Exsilium*, according to Paulus in Dig. 48, 1, 2, means banishment inflicted by the state as a punishment, and accompanied by loss of *civitas:* if the person banished did not cease to be *civis*, it was not properly *exsilium*, but *relegatio*. From the infliction of exile (in this specific sense) for crime, however heinous, the early Romans shrank with an abhorrence which it is difficult for us to understand or even realise; it was a punishment unknown to their law for centuries. Thus Cicero says (*pro Caec.* 34) that no Roman was ever deprived of his *civitas* or his freedom by a *lex;* and in the speech *pro Domo* (16, 17, 29) he puts the same thing in a more guarded way by saying, that no *privilegium*, or *lex* directed against an individual, could be enacted so as to affect the *caput* of a Roman citizen unless he was first condemned in a *judicium;* and that no *civis* could lose his freedom or citizenship without his own consent. It was on the same principle that Roman citizens who went out as Latin colonists did not become Latin unless they went voluntarily and registered their names, thereby ceasing to be *cives Romani*. In the passage of the speech for Caecina, already referred to, Cicero says that persons condemned on a capital charge punished by exile did not lose their citizenship till they had been accepted as citizens of some other state: "si non accipiunt, ut Mancinum Numantini, retinet integram causam et jus civitatis." In another place (*pro Balbo*, 11) he alters the form of the proposition by remarking that a Roman who became a citizen of another state *thereby* ceased to be a Roman citizen. It must not be forgotten that in the *pro Caecina* it is one of Cicero's objects to prove that his client had the rights of a *civis*, and in the *pro Domo* to prove that he himself had not been an *exsul*, though he was interdicted from fire and water (for which see below) within 400 miles of Rome (*ad Att.* iii. 4). Now, having been thus interdicted, and having evaded the penalty (to use his own words) "by going beyond the limits," he could only escape the consequences, namely *exsilium*, either by relying on the fact of his not being received as a citizen into another state, or by alleging the illegality of the proceedings against him. The latter is the ground upon which he appears to maintain his case in the *pro Domo:* he alleges that he was made the subject of a *privilegium*, without having been first condemned in a *judicium* (c. 17). At any rate, he was restored by a *lex centuriata* (*ad Att.* iv. 1). Niebuhr asserts that Cicero's interdiction from fire and water did not necessarily deprive him of the *civitas:* but in *ad Att.* iii. 23, Cicero admits by implication that he had lost both his citizenship and his *ordo*, or rank as senator.

These references to Cicero are intended to establish the fact that the Romans had a great horror of compulsory exile carrying with it loss of *civitas*. The explanation of this fact is to be found in the identification, by the ancient world, of "stranger" with "enemy," and in the habit of primitive societies to treat all persons who were not members of their own body politic as absolutely "rightless." The outcast from his tribe and people was no better off than the wild beasts which are the prey of every hunter: he lost everything that made life valuable or even bearable: he became civilly dead, and liable to be reduced to slavery wheresoever he might betake himself.

But though the state hesitated to inflict such a fate as this upon its citizens, yet it did not deny them the privilege of voluntarily withdrawing from its territories in order to escape from what might seem to them even more terrible penalties, or even from the mere disgrace of prosecution (Liv. i. 41, ii. 35, iii. 13, 58, v. 32; Cic. *pro Caec.* 33, 34). Exile was conceived, not as a punishment, but as a means of escaping punishment, which the Romans left open to the accused up to the moment of his condemnation: "Exsilium enim non supplicium est, sed perfugium portusque supplicii: . . . confugiunt quasi ad aram, in exsilium" (Cic. *pro Caec.* 34: cf. Schwegler, *Römische Geschichte*, i. p. 438). Indeed, in the earlier republican period, a Roman citizen might have a right to go into *exsilium* to another state, or a citizen of another state might have a right to go into *exsilium* at Rome, by virtue of certain isopolitical relations existing between such state and Rome. This right was called *jus exulandi* with reference to the state to which the person came; with respect to his own state which he left he was *exsul*, and his condition was *exsilium*; with respect to the state which he entered he was *inquilinus*; and at Rome he might attach himself to a *quasi-patronus* [APPLICATIO]. And Niebuhr may be correct in stating that they who settled in an unprivileged place (*i.e.* one which was not in an isopolitical relation with Rome) did not technically become "exiles" without a decree of the people declaring that their settlement should operate as a legal *exsilium*; thus it appears from Liv. xxvi. 3, that it was declared by plebiscitum that C. Fabius, by going into exile to Tarquinii (which was a municipium, Cic. *pro Caec.* 4), was *legally* in exile. The commonness of this decree, however, seems to require a different explanation; and it seems better to regard the voluntary withdrawal of an accused criminal as an admission of his guilt, which the Romans habitually confirmed by a plebiscitum which gave it a *legal* character (Liv. v. 32, 46), and, in order to prevent the return of the accused, forbade other members of the state to afford him shelter, fire or water: the most common expression is *aquae et ignis interdictio* (Liv. xxv. 4), but to *aquae et ignis* Cicero adds *tecti* (*pro Domo*, 30; cf. Plut. *Marius*, c. 29). When an exile was recalled, the prohibition was removed by an equally solemn legislative act, as is shown by the case of Cicero already referred to. The real purpose of the "interdiction" seems to have been to clear the community from any guilt which it might have incurred in the eye of the gods by letting a criminal escape unpunished. It was no mere political outlawry; it was intended to purify the body politic by casting out its impure elements. Fire and water (πῦρ, *purus*) were the symbols of purity, and could not be dispensed with in the performance of any act or ceremony which possessed a religious significance, *e.g.* sacrifice and marriage (cf. Hartung, *Religion der Römer*, i. p. 198). It was thus not as things indispensable to human life (as Varro represents, *de Ling. Lat.* 4), or as symbolical of mutual human support and sympathy (as has been argued from Dig. 24, 1, 66), that fire and water were denied to the exile; but "along with them, as the marks of a pure society, which the criminal would defile by his further use of them, he is cut off from all share and lot in that society" (Ihering, *Geist des röm. Rechts*, i. p. 288).

Towards the end of the republican period it became not unusual to inflict loss of *civitas* and exile by interdiction of fire and water quite independently of any voluntary withdrawal on the part of the accused: it takes its place as an ordinary criminal sanction or punishment, awarded not by a lex or plebiscitum, but by a judge or judges after trial and conviction (Appian, *de Bell. Civ.* i. 31; Cic. *pro Domo*, 31; *pro Murena*, 23; Dio Cass. xxxvii. 29, xxxviii. 17, 18). The emperors introduced a new form of banishment, *deportatio in insulam*, the criminal being confined, either in perpetuity or for an indefinite time, to an island or some prescribed space on the mainland, but within its limits enjoying personal freedom (Dio Cass. lvi. 27; Tac. *Ann.* iii. 38, 68, 69; iv. 13, 21, 30; vi. 30). This and the old interdiction subsisted side by side as punishments of equal severity (Dig. 28, 1, 8, 1 and 2; 32, 1, 2; Cod. 5, 17, 1), though *deportatio* in fact became the more common: in Gaius (i. 90 and 161) loss of *cicitas* is said to be inflicted by interdiction of fire and water, *deportatio* not being mentioned, and in the passage of Justinian's Institutes (i. 16, 2) which corresponds with Gaius, i. 161, interdiction is spoken of as apparently still existing: but in Dig. 48, 13, 3 Ulpian speaks of *deportatio* having been substituted for interdiction as a punishment for *peculatus*, and perhaps this was the case, or tended to be so, with all crimes. Not every magistrate or judge could award deportation: the praetorian prefects and their deputies were privileged to do so, as was the *praefectus urbi* by a rescript of Severus: but the provincial governors (*praesides*) had to confine themselves to lesser penalties unless specially authorised by the emperor (Dig. 30, 1, 4; 48, 22, 6, 1; 48, 19, 2, 1). Like *aquae et ignis interdictio*, deportation carried with it loss of *civitas*; they were *capitales poenae* because they affected the *caput* of the *civis*. The condemned man lost his *patria potestas* over his children, or, if in *potestas* before himself, was so no longer, for no one could either exercise or be under this power except citizens of Rome; his property was confiscated (Dig. 48, 22, 14, 1), and his testament cancelled, and being a *peregrinus* he was incapable of executing another. But the loss of citizenship did not have the effect of dissolving his marriage (Cod. 5, 16, 24) or depriving him of the capacity of buying and selling, or of doing any other legal acts which could be performed by the *jus gentium*: "jure civili caret, gentium vero utitur," Dig. 48, 22, 15, pr.

Relegatio, which as contrasted with *exsilium* was known under the Republic (Liv. iii. 10,

iv. 4, xl. 41; Cic. *pro P. Sextio*, 12;—and instances of which occur in Sueton. *Aug.* 16, *Tib.* 50; Tac. *Ann.* iii. 17, 68; Suet. *Claud.* 23—was a slighter punishment, appearing in two forms. A person might be forbidden to live at Rome or any other specific place, or an island or some other confined spot might be assigned to him for his residence (Dig. 48, 22, 7, pr. &c.), and this either for a definite or an indefinite time (Dig. *ib.* 7, 2): the penalty might be awarded by the emperor, the senate, the two praefects and the provincial governors, but not by the consuls (*ib.* 14, 2). The *relegatus* retained his *civitas*, and so did not undergo *capitis deminutio*: "relegati in insulam in potestate sua liberos retinent, quia et alia omnia jura sua retinent: tantum enim insula eis egredi non licet" (Dig. *ib.* 4), nor was his property forfeited except by special direction of the judge by whom he was condemned (*ib.* 1, 4), and such forfeiture, whether total or partial, was allowed only in cases of perpetual relegation (Dig. *ib.* 7, 4). How essentially different this form of banishment was from genuine *exsilium* is shown by Ovid (*Trist.* v. 11), who describes himself not as *exsul*, which he considers a term of reproach, but as *relegatus*. Speaking of the emperor, he says—

> "Nec vitam, nec opes, nec jus mihi civis ademit;"

and a little further on—

> "Nil nisi me patriis jussit abire focis."

Cf. also *Trist.* ii. 127, &c. But by the later writers a wider meaning was given to the term *exsilium*, by which it was made to include *relegatio* as well as *deportatio* and *aquae et ignis interdictio*. Thus Marcianus says in Dig. 48, 22, 5, "Exsilium triplex est: aut certorum locorum interdictio, aut lata fuga, ut omnium locorum interdicatur praeter certum locum, aut insulae vinculum, id est relegatio in insulam:" and Paulus (*Sent. rec.* 5, 17, 3) speaks of deportatio as one of the punishments for *mediocria delicta*, while among the *minimae poenae* are *relegatio* and *exsilium*. [J. B. M.]

EXTISPEX. [Haruspex.]

EXTRAORDINA'RII. [Exercitus, p. 787 *a*.]

F.

FABATA'RIUM, a vessel, in which a kind of bean soup (*puls fabacea*, Macrob. i. 12, *med.*) was probably served (Lamprid. *Heliog.* 20). [W. S.]

FABRI are workers in wood, stone, or metal, as *fabri tignarii*, carpenters, *fabri aerarii*, smiths, &c. The workshop was called *fabrica* (Ter. *Ad.* iv. 2, 45; Cic. *N. D.* iii. 22, 55), the name also given to the trade or art of a faber (Cic. *N. D.* ii. 13, 35). The different trades were said to have been divided by Numa (Plut. *Numa*, 17) into nine collegia, which correspond to our companies or guilds. In the constitution of Servius Tullius, the *fabri tignarii* (τέκτονες, Orelli, *Inscrip.* 60, 417, 3690, 4086, 4088, 4184) and the *fabri aerarii* or *ferrarii* (χαλκοτύποι) were formed into two centuries, which were called the "centuriae *fabrum*," and not *fabrorum*. (Cic. *Orat.* 46, 156.) They did not belong to any of the five classes into which Servius divided the people; but the *fabri tignarii* probably voted with the first class, and the *fabri aerarii* with the second. Livy (i. 43) and Dionysius (vii. 59) name both the centuries together: the former says that they voted with the first class; the latter, that they voted with the second. Cicero (*de Rep.* ii. 22) names only one century of fabri, which he says voted with the first class; but as he adds the word *tignariorum*, he must have recognised the existence of the second century, which we suppose to have voted with the second class. (Göttling, *Gesch. der röm. Staatsv.* p. 249.)

The fabri or engineers in the army were under the command of an officer called *praefectus fabrum*. (Caes. *ap.* Cic. *ad Att.* ix. 8, *Bell. Civ.* i. 24; Veget. ii. 9 ff.) Vegetius asserts that there was a praefectus fabrum attached to each legion; and this *may* have been the case. No genuine inscriptions, however, contain the title of praefectus fabrum with the name of a legion added to it. Hence it is more probable that he was the engineer-in-chief to the army as a whole. It was the duty of the fabri not only to repair damaged armour, and to construct and keep in good order the usual siege-material, but also to build bridges, and even to superintend mining operations. Hence the praefectus fabrum held an office of the highest trust and importance (Cic. *Balb.* 28, 63). There were also civil officers at Rome and in the municipal towns, called praefecti fabrum; but we know nothing respecting them beyond their name. Thus we find Praef. Fabr. Romae, Praefectus Fabr. (Wilmanns, 1864); Romae et Tergeste (*ib.* 1624). The subject of the praefecti fabrum is discussed with great accuracy in a letter of Hagenbuchius, published by Orelli (*Inscript.* vol. ii. p. 95, &c. Cf. Borghesi, *Oeuvres*, v. p. 206 ff.; Mommsen in *Hermes*, i. 60). [W. S.] [A. S. W.]

FA'BULA. [Comoedia.]

FACTIO'NES AURIGA'RUM. [Circus, p. 438 *b*.]

FACTOR. [Pila.]

FACTO'RIUM, an oil-press (Pallad. xi. 10, 1), so called from the *factor*, who pressed the olives (Cat. *R. R.* 64, 1; 66, 1). The name *factum* was given to the oil pressed out at one making (Varr. *R. R.* i. 24, 3). [W. S.]

FALA or PHALA. 1. A wooden structure, of considerable height, used in sieges, from which missiles were thrown (Fest. p. 88, 12; Ennius, *ap.* Non. p. 114, 7).

2. *Phalae* are mentioned by Juvenal (vi. 590) along with the *columnae delphinorum* in the circus. Hence they are supposed by some writers to be columns on the *spina* of the circus, supporting the *ova*, as similar columns supported the dolphins. [See Circus, p. 434 *b*, and the cut on p. 435.] But Servius (*ad* Verg. *Aen.* ix. 705) says they were towers on which fights took place, erected between the euripus and the metae; and they were probably movable towers used in the sham fights of the Circus. [W. S.]

FALA'RICA. [Hasta.]

FA'LCULA. [Falx.]

FALSA'RIUS. [Falsum.]

FALSUM. The crime of falsum is not

defined by Roman legal writers, but it consisted of acts of fraud which were injurious to *fides publica*, such as forgery, counterfeiting money, and perverting the course of justice by fraud and perjury. The oldest legislative provisions at Rome against any acts of this description are those of the Twelve Tables, to the effect that a person who gave false testimony should be thrown from the Tarpeian rock (Gell. xxi. 53), and that a judge who took a bribe should be liable to capital punishment (Gell. xxi. 7); but there were trials for false testimony before the enactment of the Twelve Tables (Liv. iii. 24, 25, 29; iv. 21). The next legislation in falsum, so far as we know, was contained in one of the Leges Corneliae passed in the time of the Dictator Sulla, which was divided, according to Cicero, into two heads, the Lex testamentaria and the Lex numaria (*in Verr.* ii. 1, 42), with reference to the two species of the crime the statute was directed against. Cicero states that this lex did not create any new offence, but instituted a *quaestio ad populum* for what had always been a crime. Paulus, who gives its provisions, entitles it Lex Cornelia testamentaria; it is also known by the more general title Lex Cornelia de falsis.

The Lex Cornelia appears to have only included two specific kinds of falsum: (1) forgery and suppression of wills, and (2) adulteration of the coinage.

1. In respect of the first of these, Paulus, citing to some extent the very words of the statute, says, A person is liable under the Lex Cornelia testamentaria "qui testamentum quodve aliud instrumentum falsum sciens dolo malo scripserit, recitaverit, subjecerit, suppresserit, amoverit, resignaverit, deleverit, quive signum adulterinum sculpserit, fecerit, expresserit, amoverit, reseraverit;" and (2) in respect of adulteration of the coin, he says, "quive nummos aureos, argenteos adulteraverit, laverit, conflaverit, raserit, corruperit, vitiaverit." (Paul. 5, 25, 1; Digest (Paulus), 48, 10, 2.) Mr. Justice Stephen (*Hist. of Crim. Law*, ch. ii.) compares with this statement of the law the language of English statutes:—(1) 24 & 25 Vict., c. 98, s. 2, "Whoever with intent to defraud (*dolo malo*) shall forge or alter (*interleverit*), or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any will, testament, codicil, or testamentary instrument." "The 24 & 25 Vict. c. 96, s. 29," he adds, "makes it penal to cancel (*deleverit*), obliterate or conceal (*celaverit*), any will," &c. And (2) the 24 & 25 Vict., c. 99, s. 4, declares anyone subject to punishment who shall "impair, diminish, or lighten any of the Queen's gold or silver coin," and s. 3, "whosoever shall gild, or shall with any wash or materials capable of producing the colour or appearance of gold, wash (*laverit*), case over, or colour any piece of gold or silver."

An offence against either branch of this law was a *crimen publicum*, and was under the cognisance of a standing *quaestio*. The punishment of falsum under the law (at least when Paulus wrote) was *deportatio in insulam* for the "honestiores," and the mines, crucifixion, or other degrading punishment for the "humiliores." In place of *deportatio in insulam* the punishment, according to the statute itself, was probably the old form of banishment, known as *ignis et aquae interdictio*. The property of a convicted person was confiscated.

The penalty of the Lex Cornelia was extended by piecemeal legislation to cases not comprised in the lex, but of a similar kind. This supplementary law is sometimes referred in legal treatises to the Lex Cornelia, as if it had been an original part of that law. Thus, according to Paulus, in the passage we have cited at length, the Lex Cornelia applied to any instrument as well as a will: but it appears from Ulpian that this was a subsequent addition made to the lex by a senatusconsultum which was passed in the consulship of T. Statilius Taurus and L. Scribonius Libo (A.D. 16). (*Mos. et Rom. Leg. Coll.* viii. 7; Tac. *Ann.* xix. 40, 41.) The instrument fabricated or falsified might be either public or private, as *e.g.* a rescript or edict of the emperor, an account book, or an instrument of sale.

Persons guilty of falsifying documents are called *falsarii*. As a precaution against such persons, it was enacted in the time of Nero that *tabulae* or written contracts should be pierced with holes and a triple thread passed through the holes, in addition to the signature. (Sueton. *Ner.* c. 17; Paul. v. 25, 6.) In the time of Nero it was also provided that the first two parts (*cerae*) of a will should have only the testator's signature, and the remaining one those of the witnesses. Likewise, in order to prevent fraud, it was enacted under the Emperor Claudius that a person who was employed by a testator to write a will should be liable to the penalty of the Lex Cornelia, if he inscribed a legacy to himself, although he did so at the dictation of the testator. (Cod. ix. 23, 3. Suetonius, *Ner.* c. 17, attributes this law to Nero.) The Lex de Falsis was further extended to fraudulent assumptions of names and rank, and to false pretences, as in the case of a contract to sell a thing to a person, when the vendor had already to sell the same thing to someone else. The *crimen falsi* was also made to include perjury, the corruption of judges, and other kindred offences. By a senatusconsultum in the fourteenth year of Tiberius, the penalties of the law were extended to those who for money undertook to maintain causes, or to procure testimony; and by a senatusconsultum passed somewhat earlier, conspiracies for the ruin of innocent persons were comprised within the limits of the law. It may be noticed in this connexion that by the Lex Cornelia de sicariis the causing the death of a man by bearing false witness against him had been made subject to an *internecivi judicium* (Isidor. v. 25, 17, x. 149; cf. Rudorff, *Rechtsgesch.* § 35, A. 7).

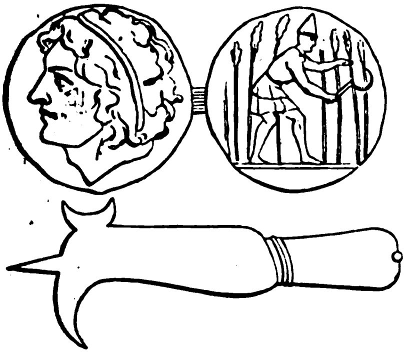
According to Paulus (v. 25, 1), the refusal to accept in payment genuine coin stamped with the head of the princeps was on the same footing as the adulteration of the coinage, though in this case the element of fraud seems wanting. Arrian refers to the fact of such refusal of payment being illegal (*Epict.* 3, 3). The use of false measures and weights was punished as falsum. It appears from numerous passages in the Roman writers that the crime of falsum in its different forms was very common, and especially in the case of wills (cf. *e.g.* Cic. *pro*

Cluent. 44, 125; *Phil.* xiv. 3, 7; *de Off.* iii. 18, 73; Juv. *Sat.* i. 37; Plin. *Ep.* ii. 20). (Paul. iv. 7, §§ 1, 2, v. 25; Dig. 48, 10; Inst. iv. 18, 7; Cod. 9, 22 and 23; Heinecc. *Syntag.* iv. 18, 63; Rein, *Das Criminalrecht der Römer*, 774, &c.; Rudorff, *Rechtsg.* ii. § 116; Geib, *Crim. Recht*, i. 53–55; Stephen, *Hist. of Criminal Law*, i. p. 20.) [E. A. W.]

FALX, *dim.* **FA'LCULA** (*ἅρπη, κοπίς, δρέπανον, poet. δρεπάνη, dim. δρεπάνιον*), a sickle; a scythe; a pruning-knife, or pruning-hook; a bill; a falchion; a halbert.

As CULTER denoted a knife with one straight edge, "falx" signified any similar instrument, the single edge of which was curved. (*Δρέπανον εὐκαμπές*, Hom. *Od.* xviii. 368; *curvae falces*, Verg. *Georg.* i. 508; *curvamine falcis aenae*, Ovid, *Met.* vii. 227; *adunca falce*, xiv. 628.) By additional epithets the various uses of the falx were indicated, and its corresponding varieties in form and size. Thus the sickle, because it was used by reapers, was called *falx messoria;* the scythe, which was employed in mowing hay, was called *falx fenaria;* the pruning-knife and the bill, on account of their use in dressing vines, as well as in hedging and in cutting off the shoots and branches of trees, were distinguished by the appellation of *falx putatoria*, *vinitoria*, *arboraria*, or *silvatica* (Cato, *de Re Rust.* 10, 11; Pallad. i. 43; Colum. iv. 25), or by the diminutive *falcula* (Colum. xii. 18).

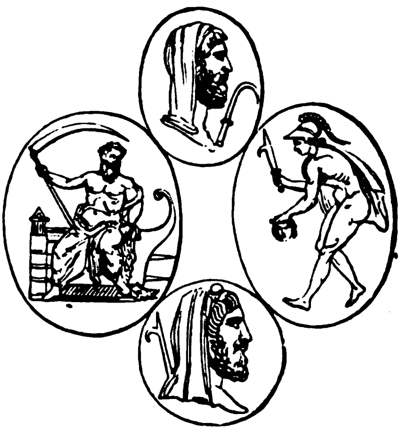
A rare coin published by Pellerin (*Méd. de Rois*, Par. 1762, p. 208) shows the head of one of the Ptolemies, and on the reverse a man cutting down corn with a sickle. (See woodcut.)



Falx. 1. From a coin. 2. From a MS. of Columella.

The lower figure in the same woodcut is taken from the MSS. of Columella, and illustrates his description of the various parts of the *falx vinitoria* (*de Re Rust.* iv. 25). [CULTER.] The curvature in the fore part of the blade is expressed by Virgil in the phrase *procurva falx* (*Georg.* ii. 421). After the removal of a branch by the pruning-hook, it was often smoothed, as in modern gardening, by the chisel. (Colum. *de Arbor.* 10.) [DOLABRA.] The edge of the falx was often toothed or serrated (*ἅρπην καρχαρόδοντα*, Hesiod, *Theog.* 175, 179; *denticulata*, Colum. *de Re Rust.* ii. 21). The indispensable process of sharpening these instruments (*ἅρπην χαρασσεμέναι*, Hesiod, *Op.* 573; *ἅρπην εὐκαμπῆ νεοθηγέα*, Apoll. Rhod. iii. 1387) was effected by whetstones which the Romans obtained from Crete and other distant places, with the addition of oil or water which the mower (*fenisex*) carried in a horn upon his thigh (Plin. *H. N.* xviii. § 261).

Numerous as were the uses to which the falx was applied in agriculture and horticulture, its employment in battle was almost equally varied, though not so frequent. The Geloni were noted for its use (Claudian, *de Laud. Stil.* i. 110). It was the weapon with which Jupiter wounded Typhon (Apollod. i. 6); with which Hercules slew the Lernaean Hydra (Eurip. *Ion*, 192); and with which Mercury cut off the head of Argus (*falcato ense*, Ovid, *Met.* i. 717; *harpen Cyllenida*, Lucan, ix. 661–667). Perseus, having received the same weapon from Mercury, or, according to other authorities, from Vulcan, used it to decapitate Medusa and to slay the sea-monster (Apollod. ii. 4; Eratosth. *Cataster.* 22; Ovid, *Met.* iv. 666, 720, 727, v. 69; Brunck, *Anal.* iii. 157 = *Anth. Pal.* xi. 52). From the passages now referred to, we may conclude that the falchion was a weapon of the most remote antiquity; that it was girt like a dagger upon the waist; that it was held in the hand by a short hilt; and that, as it was in fact a dagger or sharp-pointed blade, with a proper falx projecting from one side, it was thrust into the flesh up to this lateral curvature (*curvo tenus abdidit hamo*). In the following woodcut, four examples are selected from works of ancient art to illustrate its form. One of the four cameos here copied represents Perseus with the falchion in his right hand, and the head of Medusa in his left. The two smaller figures are heads of Saturn with the falx in its original form; and the fourth cameo, representing the same divinity at full length, was probably engraved in Italy at a later period than the others, but early enough to prove that the scythe was in use among the Romans, while it illustrates the adaptation of the symbols of Saturn (*Κρόνος*: *senex falcifer*, Ovid, *Fast.* v. 627; *Ibis*, 216) for the purpose of personifying Time (*Χρόνος*).



Falx. (From cameos.)

If we imagine the weapon which has now been described to be attached to the end of a pole, it would assume the form and be applicable to all the purposes of the modern halbert. Such must have been the *asseres falcati* used by the Romans at the siege of Ambracia (Liv. xxxviii. 5; cf. Caes. *B. G.* vii. 22, 86; Q. Curt. iv. 19). Sometimes the iron head was so large as to be fastened, instead of the ram's head, to a wooden beam, and worked by men under a testudo (Veget. iv. 14).

Lastly, the Assyrians, the Persians, the Medes, and the Syrians in Asia (Xen. *Cyrop.* vi. 1, § 30, 2, § 7; *Anab.* i. 8, § 10;—Diod. ii. 5, xvii. 53; Polyb. v. 53; Q. Curt. iv. 9, 12, 13; Gell. v. 5; 2 Macc. xiii. 2; Veget. iii. 24; Liv. xxxvii. 41), and the Gauls and Britons in Europe [COVINUS], made themselves formidable on the field of battle by the use of chariots with scythes, fixed at right angles (*εἰς πλάγιον*) to the axle and turned downwards; or inserted parallel to the axle into the felly of the wheel, so as to revolve, when the chariot was put in motion, with more than thrice the velocity of the chariot itself; and sometimes also projecting from the extremities of the axle. [J. Y.]

FAMI'LIA, in Old Latin *famelia*, in Oscan *famelo*, in Umbrian *famedia*, is probably in its original sense a body of persons belonging to a house, a household (Osc. *faa-ma* = house, Sanskr. *dhâ* = to settle, *dhâman* = settlement). The etymology of Festus (s. v. *famuli*), deriving *familia* from the Oscan *famel*, meaning "a slave," is now commonly rejected; and the view of Corssen (Kuhn, *Zeitsch. f. verg. Sprach.* ii. 292), that the fundamental conception of the word is "inheritance," "property," has met with little favour. (Voigt, *XII. Tafeln*, ii. § 72, n. 3; Rossbach, *Röm. Ehe*, A. 42; Curt. *Gr. Etym.* p. 228.) The adjective *familiares* and the substantive *famuli* signify generally the members belonging to a house (Festus, s. v. *familiaris*; Paul. Diac. 86, 16), though the latter word came to denote the slaves of a familia or household. The Latin word for the house or homestead, which was the principal family possession, is *domus;* and the combination *domus familiaque*, for which *familia pecuniaque* was substituted, designates the family in respect of its *familiares* or members, and in respect of its dwelling-place with the property attached to it (Voigt, *l. c.*). The meaning of the word *familia*, which appears to have originally included only the group of *familiares*, was extended so as to comprehend all that is subject to the *manus* or control of a paterfamilias, both free persons, slaves and other objects of property, in this sense corresponding to the Greek *οἶκος*. But the word has generally narrower significations ("familiae—appellatio et in res et in personas diducitur," Dig. 50, 16, 195, § 1). Thus it sometimes means "property;" that is to say, property "as an adjunct or appendage of a household," as *e.g.* in the phrase *familiae erciscundae judicium* and in the connexion of words *ex Cassia familia datum* (Liv. ii. 8, xv. 41).

The Greek *οἶκος* has a similar sense, and we may perhaps also compare the use of *familia* in the writings of Bede as equivalent to the Anglo-Saxon word *hýd*, which probably means the quantity of land appropriated to a family (Earle, *Land Charters*, p. 457). In the description of the mancipative will given by Gaius (ii. 102) the word *familia* is explained by the equivalent *patrimonium*, and the person who received the succession from the testator by mancipation ("qui a testatore familiam accipiebat mancipio") was called *familiae emptor.* It is to be noticed that in the formula adopted by the *familiae emptor*, when he took the testator's estate by a fictitious sale, the word *pecunia* is coupled with *familia*, "Familia pecuniaque tua endo mandatelam custodelamque" (Gaius, ii. 104: cf. Cic. *de Inv.* ii. 50, 148; *de Leg.* iii. 3, 7; Sueton. *Nero*, 4), *familia* probably meaning the family and *pecunia* the property. Various interpretations, however, of the words *familia pecuniaque* in this passage have been proposed. Kuntze (*Excurs.* 107) maintains, though without sufficient ground, that *familia* comprises res mancipi of the testator, and *pecunia* res nec mancipi. Rudorff (*Recht der Vormundsch.* i. 168, A. 3) suggests that *familia* signifies the slaves and *pecunia* cattle (*pecus*). Another conjecture is that *familia* is the property that was originally inalienable, and *pecunia* alienable chattels.

In the passage of the Twelve Tables which declares that in default of any *suus heres* the succession of the deceased shall go to the next agnatus, the word *familia* signifies the succession "agnatus proximus familiam habeto."

Familia sometimes signifies only persons; that is, all those who are in the power of a head of a family, such as descendants, and slaves who were not only objects of dominion, but also in a sense objects of potestas. In another sense *familia* denotes only the free persons who are in the power of a paterfamilias, including natural and adoptive descendants and the wife in her husband's manus. In a more extended sense *familia* includes all those who are connected by agnation; that is, all who are sprung or who are supposed to be sprung from an ascertained common ancestor, and would be in his power if he were living. With this sense of *familia* is connected the *status familiae*, by virtue of which a person belonged to a particular *familia*, and thereby had a capacity for certain rights which only the members of a *familia* could claim. A person who changed this status ceased to belong to the *familia*, and sustained a *capitis deminutio minima.* [ADOPTIO; CAPUT.] Members of the same *familia* were *familiares*, and hence *familiaris* came to signify an intimate friend.

Familia was properly the civil family connected by subjection to patria potestas or by agnation, not the natural family connected only by cognation; but *familia* is sometimes used to signify a natural family. The extent of the terms *agnati* and *cognati* and their legal import are explained under COGNATI.

The word *familia* may be equivalent to *gens*, which comprehended a group of agnatic *familiae*. The relation of the agnatic *familia* and *gens* is explained under GENS.

Familia is frequently used to signify only the slaves belonging to a head of a family (Cic. *ad Fam.* xiv. 4; *ad Quint. Fr.* ii. 6). Slaves who belonged to the same *familia* were called, with respect to this relation, *familiares.* Generally *familiaris* might signify anything relating to a *familia*, e.g. *familiaria sacra.*

The head of a *familia* or household, known originally as *esus* or *erus* (Voigt, *XII. Tafeln*, ii. § 79, n. 9), was a Roman citizen who was sui *juris.* As master of his house (*domus*) and its belongings he was *dominus;* as governor of the *familiares* or members of the household, he was *paterfamilias.* His wife, subject to his manus, was *materfamilias* or house-mother. [MATRIMONIUM.] A *filius-* or *filia-familias* was a male or female descendant in the power of a paterfamilias. The legal incapacities of *filius-* and *filia-familias* and a wife *in manu* may be most appropriately considered under PATRIA POTESTAS.

Familia has also the meaning of a body of persons united in a society for a particular purpose: thus it is applied to a school of philosophers, *e.g.* familia Peripateticorum (Cic. *Div.* ii. 1, 3), to a school of gladiators, and to a corps of recruits. In a sense still more remote from the original, it is sometimes applied to signify a man's living, a man's means of subsistence (Ter. *Heauton.* v. 36). (Savigny, *System des heutigen röm. Rechts,* i. pp. 345, 356; Voigt, *Das Civil- und Criminalrecht der XII. Tafeln,* ii. § 72; Rollet, *De la Famille et la Propriété sous la loi des XII. Tabl.;* Schupfer, *La Famiglia secondo il Diritto Romano;* Muirhead, *Introduction to Law of Rome,* ch. iii.; Maine, *Ancient Law,* chaps. v. and vi.; Roby, *Introduction to the Digest,* p. 48.) [E. A. W.]

FAMI'LIAE ERCISCUNDAE JUDI'CIUM. When several heredes succeeded to an inheritance, whether under a will or by title of intestacy, they held together in common according to the respective shares each might be entitled to. The unity of estate which existed between them could, however, be put an end to by partition. Every heres was entitled to a division of the hereditas, unless the testator had declared, or the co-heredes had agreed, that it should remain in common for a fixed time. The division could be made by agreement among the co-heredes, but in case they could not agree the division was made by compulsory process. For this purpose every heres had against each of his co-heredes a judicium or *actio familiae erciscundae,* which, like the *judicia communi dividundo* and *finium regundorum,* was of the class of *mixtae actiones,* or, as they are sometimes called, *duplicia judicia,* because each heres was both plaintiff and defendant (*actor* and *reus*), though he who commenced the proceedings and claimed an award (*ad judicium provocavit*) was to this extent in the position of plaintiff. This action was given by the Twelve Tables. It was the duty of the *arbitri,* who were appointed by the magistrate for the purpose, to divide the *familia,* which here signifies the property or hereditas as explained in the previous article. The property to be divided consisted of everything which belonged to the succession, with the exception of claims and debts, which by the law of the Twelve Tables were otherwise apportioned (Dig. 10, 2, §§ 5–14;—Cod. 2, 3, 6; 3, 36, 6). The heredes were bound to bring in property of their own to be divided, which they had received from the deceased in his lifetime, as part of their share of the inheritance [BONORUM COLLATIO]. It was the duty of the *arbitri* to divide the inheritance into lots (*partes divisae*), and formally to award each lot to the several parties, according to their respective interests. The judicial award (*adjudicatio*) thus made could not be disputed in any subsequent proceedings. From the joint ownership of co-heredes obligations might arise between them which could be enforced by this action. Thus one heres was answerable to another for injury to the joint property. A co-heres was bound to account for any profit he had made from the inheritance, and could claim to be indemnified for any necessary expenses he had been put to in respect of it.

Erctum ciere is the technical term for the *provocatio ad judicium* in this action, which was expressed in a solemn form of words. (Cic. *Or.* i. 56, 237; Quint. *I. O.* vii. 3, 13; Paul. Diac. 82, 16; Festus, p. 82; Gell. i. 9: cf. Roby, *Introd. to Digest,* p. 50.)

The origin of the root *erc* or *herc* is uncertain (cf. Roby, *op. cit.*; Corssen, *Krit. Beitr.* 39 f.; *Beitr. zur ital. Sprachkunde,* 113). It seems, however, that the word means to divide (Gaius, ii. 219). (Dig. 10, 2; Cod. iii. 36, 38; Voigt, *Die XII. Tafeln,* § 127; Windscheid, *Pandekten,* § 608; Rosshirt, *Testam. Erb.* ii. § 135; Heimbach in Weiske's *Rechtslex.* s. v.) [E. A. W.]

FAMO'SI LIBELLI. [LIBELLUS.]

FANA'TICI. [FANUM.]

FANUM is any locality consecrated by the pontiffs, and is derived by the ancients from *fari,* because the *pontifices in sacrando fati sunt finem* (Varr. *L. L.* vi. 54; Fest. pp. 88, 93). It was a consecrated spot, whether a building was erected upon it or not. Thus we find *fanum* applied to a piece of ground upon which an *aedes* was afterwards built (Liv. v. 50, 2; x. 37, 15), and the word was often used to signify both the consecrated ground and the temple built upon it [TEMPLUM]. The consecrated places in the forum, where the couches of the gods were placed in the *lectisternium* [LECTISTERNIUM], were also called *fana,* in reference to which the phrase *fana sistere* was used (Fest. p. 351). Even a tree struck by lightning was deemed a *fanum* (Fest. p. 92). Everything not consecrated—that is, not a *fanum*—was considered *profanum* (Fest. p. 263; Macrob. iii. 3, 3); and a *res fanatica* might, in accordance with the Pontifical law, be again made into a *res profana* by certain ceremonies (Macrob. iii. 3, 4; Serv. *ad* Verg. *Aen.* xii. 779; Liv. xxxi. 44). (Marquardt, *Röm. Staatsverw.* iii. p. 145.)

Fanatici, properly speaking persons belonging to a *fanum,* were more specifically priests of the goddess of Comana in Cappadocia, whose worship was introduced into Rome under the name of Bellona. They performed the worship with wild and frantic rites, whence the word *fanaticus* obtained its secondary meaning, and has passed into modern languages. They are mentioned in inscriptions under the name of *fanatici de aede Bellonae Pulvinensis* (*C. I. L.* vi. n. 490, 2232, 2235; cf. "fanaticus oestro percussus, Bellona, tuo," Juv. iv. 123). They were also called *Bellonarii* (Acro, *ad* Hor. *Sat.* ii. 3, 223). In celebrating the festival of the goddess they marched through the city in dark clothes, with wild cries, blowing trumpets, beating cymbals and drums, and in the temple inflicting wounds upon themselves, the blood from which they poured out as an offering to the goddess (Tibull. i. 6, 43 *seq.*; Hor. *Sat.* ii. 3, 223; Juv. vi. 511; Mart. xi. 84, 3, xii. 57, 11; Lucan, i. 565; Lamprid. *Commod.* 9; Sen. *de Vit. Beat.* 27; Tertull. *Apol.* 9, *de Pall.* 4; Lact. *Inst.* i. 21, 16).

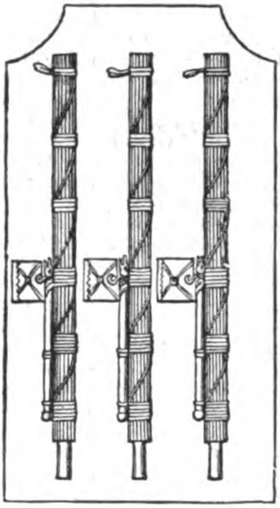
Fanatici was also the name given to the priests of Isis (*C. I. L.* vi. n. 2234) and Cybele (Juv. ii. 112; Prudent. *Perist.* x. 1061), who celebrated their worship with similar orgiastic rites. [CORYBANTES.] (Marquardt, *op. cit.* iii. 75.) [W. S.]

FA'RREUM. [MATRIMONIUM.]

FARTOR (*σιτευτής*) was a slave who fattened poultry. (Colum. viii. 7, § 1; Hor. *Sat.* ii. 3, 228; Plaut. *Truc.* i. 2, 11.) This form of table luxury was early known to the Greeks, who called such birds *σιτευτὰ* or *σιτιστά* (Epigenes *ap.* Ath. ix. p. 384 a = *fr.* 2 M.; other quotations *ap.* Ath. xiv. p. 656 e, &c.). For the *foies gras* of ancient times, cf. Hor. *Sat.* ii. 8, 88; Juv. v. 114, with Mayor's note: and on the feeding of *altiles* among the Romans, AGRICULTURA, pp. 78–80; Marquardt, *Privatl.* 415. Donatus (*ad* Terent. *Eun.* ii. 2, 26) says that the name was given to a maker of sausages, and Orellius (on Hor. *Sat.* ii. 3, 228) prefers this explanation; but comp. Becker-Göll, *Gallus*, iii. p. 369. The name of fartores or *crammers* was given in jest to the *nomenclatores*, who accompanied the candidates for the public offices at Rome, and privately prompted them with the voters' names (Fest. p. 88). [W. S.] [W. W.]

FAS. [FASTI; JUS.]

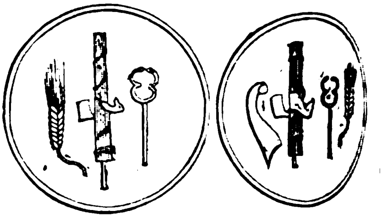
FASCES were rods bound together by a red thong in the form of a bundle, and containing an axe (*securis*) in the middle, the iron of which projected from them. See the following cut, from a relief at Rome. These rods were carried by lictors before the superior magistrates at Rome, and are often represented on the reverse of consular coins. The following cuts give the reverses of four consular coins; in the first of which we see the lictors carrying the fasces on their shoulders; in the second, two fasces, and between them a sella curulis; in the third, two fasces crowned with laurel, with the consul standing between them; and in the fourth, the same, only with no crowns around the fasces.



Fasces. (From the original in the Capitol at Rome.)

Fasces on Consular coins.

The next two cuts, taken from the consular coins of C. Norbanus, contain in addition to the fasces—the one a spica and caduceus, and the other a spica, caduceus, and prora.



Fasces on Consular coins.

The fasces appear to have been in later times made of birch (*betulla*, Plin. *H. N.* xvi. § 75), but in earlier of the twigs of the elm (Plaut. *Asin.* iii. 2, 29; ii. 3, 74). They are said to have been derived from Vetulonia, a city of Etruria (Sil. Ital. viii. 485; cf. Liv. i. 8); but for this there is no real authority (cf. Schwegler, *Röm. Gesch.* i. 278, 581, 671). Twelve were carried before each of the kings by twelve lictors; and on the expulsion of the Tarquins, one of the consuls was preceded by twelve lictors with the fasces and secures, and the other by the same number of lictors with the fasces only, or, according to some accounts, with crowns round them. (Dion. Hal. v. 2.) But P. Valerius Publicola, who gave to the people the right of provocatio, ordained that the secures should be removed from the fasces, and allowed only one of the consuls to be preceded by the lictors while they were at Rome. (Cic. *de Rep.* ii. 31; Valer. Max. iv. 1, § 1.) The other consul was attended only by a single accensus [ACCENSUS]. When they were out of Rome, and at the head of the army, each of the consuls retained the axe in the fasces, and was preceded by his own lictors. (Dion. Hal. v. 19; Liv. xxiv. 9, xxviii. 27.)

When the decemviri were first appointed, the fasces were only carried before the one who presided for the day (Liv. iii. 33); and it was not till the second decemvirate, when they began to act in a tyrannical manner, that the fasces with the axe were carried before each of the ten. (Liv. iii. 36.) The fasces and secures were, however, carried before the dictator even in the city (Liv. ii. 18): he was preceded by twenty-four lictors, and the magister equitum by six.

The praetors were preceded in the city by two lictors with the fasces (Censorin. *de Die Natal.* 24, 3; Cic. *de Leg. Agr.* ii. 34, 93); but out of Rome and at the head of an army by six, with the fasces and secures, whence they are called by the Greek writers *στρατηγοὶ ἑξαπελέκεις*. (Appian, *Syr.* 15; Polyb. ii. 24, § 6, iii. 40, § 9, 106, § 6.) The proconsuls also were allowed, in the time of Ulpian, six fasces (Dig. 50, 16, 14). The tribunes of the plebs, the aediles and quaestors, had no lictors in the city (Plut. *Quaest. Rom.* 81; Gell. xiii. 12), with the exception of the aedile who acted as *judex quaestionis inter sicarios* (Cic. *Cluent.* 53, 147); but in the provinces the quaestors pro praetore were permitted to have the fasces (Cic. *pro Planc.* 41, 98).

The lictors carried the fasces on their left shoulders, as is seen in the coin of Brutus given above; and when an inferior magistrate met one who was higher in rank, the lictors lowered their fasces to him. This was done by Valerius Publicola, when he addressed the people (Cic. *de Rep.* ii. 31, 53; Liv. ii. 7; Val. Max. iv. 1, § 1); and hence came the expression *submittere fasces* in the sense of to yield, to confess oneself inferior to another (Cic. *Brut.* 6, 22).

When a general had gained a victory, and had been saluted as Imperator by his soldiers, his fasces were always crowned with laurel. (Cic. *ad Att.* viii. 3, § 5, *de Div.* i. 28, 59; Caes. *Bell. Civ.* iii. 71.) [LICTOR.] [W. S.]

FA'SCIA, *dim.* **FASCIOLA** (*ταινία, ἀπόδεσμος*), any long narrow strip of cloth employed as a bandage. 1. A band worn round the head as an ensign of royalty (Suet. *Jul.* 79; Sen. *Ep.* 80, § 10) [DIADEMA; first cut to FALX].

2. A band worn by women round the chest for the improvement of the figure (Terent. *Eun.* ii. 3, 23; Propert. v. 9, 49; Ov. *A. Am.* iii. 276, 622; Sen. *fr.* 83, Haase; *Fascia Pectoralis*, Mart. xiv. 134). [STROPHIUM.]

3. A band worn round the legs and shins, a kind of stocking: hence called *fasciae crurales* (Dig. 34, 2, 25) and *tibiales* (Suet. *Aug.* 82). That such bandages also covered the feet is clear from the epithet of *fasciae pedules* (Dig. 34, 2, 26). Cicero reproached Clodius with effeminate habits for wearing purple fasciae upon his feet, and the CALAUTICA, a female ornament, upon his head (*de Har. Resp.* 21, § 44; *Fragm. Or. in Clod. et Cur.*; cf. Non. p. 537). Afterwards, when the toga had fallen into disuse, and the shorter pallium was worn in its stead, so that the legs were exposed, *fasciae crurales* became common even with the male sex. (Hor. *Sat.* ii. 3, 255; Val. Max. vi. 2, § 7; Grat. *Cyneg.* 338; Petron. c. 46.) The Emperor Alexander Severus always wore both fasciae and bracae (Lamprid. *Al. Sev.* 40), even although, when in town, he wore the toga. Quintilian, nevertheless, insists that the adoption of them could only be excused on the plea of infirm health. (*Inst. Or.* xi. 3, § 144.) White fasciae, worn by men (Val. Max. *l. c.*; Phaedr. v. 7, 37), were a sign of extraordinary refinement in dress: the mode of cleaning them was by rubbing them with a white tenacious earth, resembling our pipe-clay (*fasciae cretatae*, Cic. *ad Att.* ii. 3). In the imperial times the Roman soldiers wore such *fasciae* ("si(miles) *tibiale* alienavit," Dig. 49, 16, 14, § 1). The bandages wound about the legs are shown in the illuminations of ancient MSS., *e.g.* in the Vatican Virgil. See also cut under LIBRA, Vol. II. p. 63.

4. The sacking of the bed on which the mattress rested (Cic. *de Div.* ii. 65, § 134; Mart. v. 62, xiv. 159; Becker-Göll, *Gallus*, ii. 333; Guhl and Koner, p. 572, ed. 5).

5. *Fasciae* were also the swaddling clothes in which infants were wrapped (Plaut. *Truc.* v. 13): see cut under INCUNABULA. [J. Y.] [W. W.]

FA'SCIA (*ταινία*), in architecture, signifies (by an obvious analogy with the ordinary meaning of the word) any long flat surface of wood, stone, or marble, such as the band which divides the architrave from the frieze in the Doric order, and the surfaces into which the architrave itself is divided in the Ionic and Corinthian orders. (Vitruv. iii. 5, 10; Guhl and Koner, ed. 5, p. 23.) See EPISTYLIUM and the cuts under COLUMNA, pp. 492–494. [P. S.] [W. W.]

FA'SCINUM (*βασκανία*), fascination, enchantment. The belief that some persons had the power of injuring others by their looks was prevalent among the Greeks and Romans, and, under the name *jettatura*, among the superstitious in modern Italy. The *ὀφθαλμὸς βάσκανος*, or *evil eye*, is frequently mentioned by ancient writers. (Alciphr. *Ep.* i. 15; Heliod. *Aeth.* iii. 7; compare Plin. *H. N.* vii. § 16.) Plutarch, in his *Symposium* (v. 7), has a separate chapter *περὶ τῶν καταβασκαίνειν λεγομένων, καὶ βάσκανον ἔχειν ὀφθαλμόν*. The evil eye was supposed to injure children particularly, but sometimes cattle also; whence Virgil (*Ecl.* iii. 103) says:

> "Nescio quis teneros oculus mihi fascinat agnos."

Various amulets were used to avert the influence of the evil eye. The most common of these appears to have been the phallus, called by the Romans fascinum, which was hung round the necks of children (*turpicula res*, Varr. *L. L.* vii. 97, ed. Müller). Pliny (*H. N.* xix. § 50) also says that *Satyrica signa*, by which he means the phallus, were placed in gardens and on hearths as a protection against the fascinations of the envious; and we learn from Pollux (viii. 118) that smiths were accustomed to place the same figures before their forges with the same design. Sometimes other objects were employed for this purpose. Peisistratus is said to have hung the figure of a kind of grasshopper before the Acropolis as a preservative against fascination. (Hesych. *s. v.* Καταχήνη.) Compare AMULETUM, BULLA.

Another common mode of averting fascination was by spitting into the folds of one's own dress. (Theocr. vi. 39; Plin. *H. N.* xxviii. § 39; Lucian, *Navig.* 15, p. 259 R.)

According to Pliny (*H. N.* xxviii. § 39), Fascinus was the name of a god, who was worshipped among the Roman sacra by the Vestal virgins, and was placed under the chariot of those who triumphed as a protection against fascination; by which he means in all probability that the phallus was placed under the chariot. (Müller, *Archäol. der Kunst*, § 436, 1, 2; Böttiger, *Klein. Schr.* iii. p. 111; Becker-Göll, *Charikles*, i. p. 287.) [W. S.] [W. W.]

FASE'LUS. [PHASELUS.]

FASTI. *Fas* signifies *divine law:* the epithet *fastus* is properly applied to anything in accordance with divine law, and hence all those days upon which legal business might, without impiety (*sine piaculo*), be transacted before the praetor, were technically denominated *fasti dies*, i.e. *lawful days*. (For the classification of the days of the year, cf. DIES.) Varro and Festus derive *fastus* directly from *fari* (Varr. *L. L.* vi. 2; Festus, s. v. *Fasti*), while Ovid (*Fast.* i. 47) may be quoted in support of either etymology.

The sacred books in which the *fasti dies* of the year were marked, were themselves denominated *fasti;* the term, however, was employed in an extended sense to denote registers of various descriptions, and many mistakes have arisen among commentators from confounding fasti of different kinds. It will be useful, therefore, to consider separately the two great divisions, which have been distinguished as *Fasti Sacri* or *Fasti Kalendares*, and *Fasti Annales* or *Fasti Historici*.

I. FASTI SACRI or KALENDARES. For nearly four centuries and a half after the foundation of the city a knowledge of the calendar was possessed exclusively by the priests. One of the pontifices regularly proclaimed the appearance of the new moon, and at the same time announced the period which would intervene between the Kalends and the Nones. On the Nones the country people assembled for the purpose of learning from the Rex Sacrorum the various festivals to be celebrated during the month, and the days on which they would fall. (Macrob. i. 15.) In like manner all who wished to go to law were obliged to inquire of the privileged few on what day they might bring their suit, and received the reply as if from the lips of an astrologer. (Cic. *pro Muren.* 11, 25.) The whole of this lore, so long a source of power and profit, and therefore jealously enveloped in mystery, was at length made public by a certain Cn. Flavius, scribe to App. Claudius Caecus (Liv. ix. 46; Plin. *H. N.* xxxiii. § 17; Gell. vi. 9; Val. Max. ii. 5), who, having gained access to the pontifical books, copied out all the requisite information, and exhibited it in the forum for the use of the people at large. From this time forward such tables became common, and were known by the name of *Fasti*. They usually contained an enumeration of the months and days of the year; the Nones, Ides, Nundinae, Dies Fasti, Nefasti, Comitiales, Atri, &c. [CALENDARIUM], together with the different festivals, were marked in their proper places: astronomical observations on the risings and settings of the fixed stars and the commencement of the seasons were frequently inserted, and sometimes brief notices annexed regarding the introduction and signification of certain rites, the dedication of temples, glorious victories, and terrible disasters. In later times it became common to pay homage to the members of the imperial family by noting down their exploits and honours in the calendar, a species of flattery with which Antonius is charged by Cicero (*Philipp.* ii. 34, 87. See also Tac. *Ann.* i. 15).

It will be seen from the above description that these *fasti* closely resembled a modern almanac ("Fastorum libri appellantur totius anni descriptio," Festus); and the celebrated work of Ovid may be considered as a poetical *Year-book* or *Companion to the Almanac*, having been composed to illustrate the Fasti published by Julius Caesar, who remodelled the Roman year. All the more remarkable epochs are examined in succession, the origin of the different festivals explained, the various ceremonies described, the legends connected with the principal constellations narrated, and many curious discussions interwoven upon subjects likely to prove interesting to his countrymen; the whole being seasoned with frequent allusions to the glories of the Julian line. The work however is incomplete, and deals only with the first six months of the year.

Several specimens of *fasti*, more or less perfect, on stone and marble, have been discovered at different times in different places. Mommsen arranges them in the following order:—

1. *Calendarium Pincianum*, engraved about B.C. 30, because Aug. 28 is not noted as *feriatus*, a character given to it in B.C. 29, but the *feriae* on Sept. 23, the birthday of Augustus, are inserted.

2. *C. Allifanum*, of the same date.

3. *C. Tusculanum*, dating from before B.C. 20, because it does not recognise the festival of Mars, in that year assigned to May 12.

4. *C. Venusinum*, probably belonging to B.C. 28.

5. *C. Sabinum*, after B.C. 19, as it notes the festival of the Augustales, Oct. 12, but earlier than the next, because the birthday of Augustus is *fastus*, not *feriatus*.

6. *C. Maffeianum*, after B.C. 8, because it assigns *ludi circenses*, instituted in that year for the birthday of Augustus, but before A.D. 3, because it does not note festivals established in that year.

7. *C. Esquilinum*, of the same date.

8. *Feriale Cumanum*, after the adoption of Tiberius in A.D. 3.

9. *C. Praenestinum*, between B.C. 2 and A.D. 10.

10. *C. Vallense*, between A.D. 7 and A.D. 14.

11. *C. Astiense*, before A.D. 14.

12. *C. Vaticanum*, during the reign of Tiberius (A.D. 14–34).

13. *C. Amiterninum*, after A.D. 16, but probably before A.D. 19.

4. *C. Pighianum*, between A.D. 31 and A.D. 37.

5. *C. Antiatinum*, in A.D. 51.

16–19. *Cc. Farnesianum, Urbinas, Romana* &c. without any certain indications of date, but probably not later than 15.

Mommsen further argues that it was quite natural that all these calendars should have been engraved while the Julian system was not generally familiar, and that they should all belong to Rome or the surrounding towns, because they were of little use except to those who lived in the capital, or visited it frequently. At a later date calendars were published in manuscripts, two of which are extant. Those mentioned above are all fragmentary, except the Cal. Maffeianum. One of the most remarkable, though one of the least entire, is that known as the *Kalendarium Praenestinum* or *Fasti Verriani*. Suetonius, in his short treatise on distinguished grammarians (c. 17), tells us that a statue of Verrius Flaccus, preceptor to the grandsons of Augustus, stood in the lower part of the forum of his native town, Praeneste, near the *Hemicyclium*, on which he had exhibited to public view the fasti, arranged by himself, and engraved on marble slabs. In the year 1771 the remains of a circular building were discovered in the immediate vicinity of the modern Palestrina, together with several fragments of marble tablets, which were soon recognised as forming part of an ancient calendar; and upon further examination no doubt was entertained by the learned that these were the very fasti of Verrius described by Suetonius. An Italian antiquary, named Foggini, continued the excavations, collected and arranged the scattered morsels with great patience and skill; and in this manner the months of January, March, April, and December, to which a very small portion of February was afterwards added, were recovered; and, although much defaced and mutilated, form a very curious and useful monument.

Some of the above, with others of more recent date, are given in the *Corpus Inscriptionum* of Gruter, in the 11th vol. of the *Thesaurus Rom. Antiqq.* of Graevius; in the work of Foggini, entitled *Fastorum anni Romani a Verrio Flacco ordinatorum Reliquiae*, &c., Romae, 1779; and in Jac. Van Vaassen, *Animadverss. ad Fastos Rom. Sacros fragmenta*, Traj. ad Rhen. 1795: to which add Ideler's *Handbuch der mathematischen und technischen Chronologie*, Berlin, 1826. But earlier editions are practically superseded by Mommsen's very exact publication and full discussion in the *Corpus Inscr. Lat.* vol. i. pp. 293–411. Cf. also Bp. John Wordsworth's *Fragments and Specimens*, pp. 266–271, with the notes.

Before quitting this part of our subject, we may make mention of the *Calendarium Rusticum Farnesianum*, or, as it is now more commonly called, the *Menologium Rusticum Colotianum*, now in the Museum at Naples (engraved in Daremberg and Saglio, vol. i. p. 836). This Rural Almanac is cut upon four sides of a cube, each face being divided into three columns, and each column including a month. At the top of the column is carved the appropriate sign of the zodiac; then follows the name of the month, the number of the days, the position of the nones, the length of the day and night, the name of the sign through which the sun passes, the god under whose protection the month was placed, the various agricultural operations to be performed, and a list of the principal festivals. Take May as an example:—

MENSIS
MAIVS
DIES. XXXI.
NON. SEPTIM.
DIES. HOR. XIIIIS.
NOX. HOR. VIIIIS.
SOL TAVRO.
TVTEL. APOLLIN.
SEGET. RVNCANT.
OVES. TVNDVNT.
LANA. LAVATVR.
IVVENCI DOMANT.
VICEA. PABVLAR.
SECATVR
SEGETES
LVSTRANTVR
SACRVM MERCVR.
ET. FLORAE.

(See Morcelli, *Opera Epigraphica*, vol. i. 77; and Mommsen, *C. I. L.* vol. i. 358.)

II. FASTI ANNALES or HISTORICI. Chronicles such as the *Annales Maximi*, containing the names of the chief magistrates for each year, and a short account of the most remarkable events noted down opposite to the days on which they occurred, were, from the resemblance which they bore in arrangement to the sacred calendars, denominated *fasti;* and hence this word is used, especially by the poets, in the general sense of *historical records*. (Hor. *Sat.* i. 3, 112; *Carm.* iv. 13, 13, iii. 17, 7.)

In prose writers *fasti* is commonly employed as the technical term for the registers of consuls, dictators, censors, and other magistrates, which formed part of the public archives. (Liv. ix. 18; Cic. *pro Sest.* 14, 33: compare Cic. *Philipp.* xiii. 12, 26; Tac. *Ann.* iii. 17, 18.) Again, when Cicero remarks in the famous epistle to Lucceius (*ad Fam.* v. 12), "Etenim ordo ille annalium mediocriter nos retinet quasi enumeratione fastorum," he means that the regular succession of events meagrely detailed in chronicles fixed the attention but feebly, and was little more interesting than a mere catalogue of names. (Compare *ad Att.* iv. 8.)

A most important specimen of *fasti* belonging to this class, executed probably in the last year of the reign of Augustus, has been partially preserved. Three or four fragments of it were known to the Italian scholars of the 15th century. But in the years 1546–7, several more important fragments of marble tablets were discovered in excavating the Roman Forum, and were found to contain a list of consuls, dictators with their masters of horse, censors with the lustra which they closed, triumphs and ovations, all arranged in regular succession according to the years of the Catonian era. These had evidently extended from the expulsion of the kings to the death of Augustus, and, although defective in many places, have proved of the greatest value in chronology. The different pieces were collected and arranged under the inspection of Cardinal Alexander Farnese, with the assistance of Michel Angelo, and deposited in the Capitol, where they still remain. From this circumstance they are generally distinguished as the *Fasti Capitolini*. A facsimile of all up to that time collected was published by Piranesi at Rome in 1762. In the years 1816–1818, other fragments of the same marble tablets were discovered in the course of a new excavation in the Forum. These were published with instructive dissertations. A most careful edition of the whole is given by Henzen in the *Corpus Inscr. Lat.* vol. i. pp. 415–464. [W. R.] [A. S. W.]

FASTI'GIUM (ἀετός, ἀέτωμα), literally *a slope*, in architecture *a pediment*, is the triangle which surmounts each end of a rectangular building, and which, in fact, represents the gable end of the roof. (See woodcut under ANTAE.) It is composed of the cornice of the entablature which forms its base, the two converging cornices at the sides, and the *tympanum* or flat surface enclosed by them, so called from its resemblance to a three-cornered tambourine (Vitruv. iii. 3, iv. 6; Cic. *de Orat.* iii. 46, § 180; Liv. xl. 2). This flat surface was generally ornamented with sculpture; originally, in the early temples of Zeus, with a simple eagle as a symbol of the god (Pind. *Olymp.* xiii. 29, and Schol. *ad loc.*), an instance of which is afforded by the coin represented in the following woodcut (Beger. *Spicil. Antiq.* p. 6), whence the Greek name ἀετὸς which was at first applied to the *tympanum* and afterwards to the whole pediment; and in after-times with elaborate sculptures in high relief, such as those in the pediments of the Parthenon, the fragments of which are among the Elgin Marbles in the British Museum, where also may be seen a full-sized model of the pediments of the temple of Zeus Panhellenius, at Aegina, with casts of the statues in them, restored. Most of the celebrated Greek temples were similarly adorned. (See Paus. i. 24, § 5; ii. 7, § 3; v. 10, § 2; ix. 11, § 4; Aristoph. *Aves*, 1110.) Terra-cotta figures were applied in a similar manner by the Romans in the early ages. (Cic. *de Div.* i. 10, § 16; Vitruv. iii. 2; Plin. *H. N.* xxxv. §§ 152, 158; xxxvi. § 6.) [ANTEFIXA.]

Fastigium. (From a coin.)

Temple at Aegina, restored. (Fergusson.)

The dwelling-houses of the Romans might have sloping roofs, but ornamental gables were not allowed; hence, when the word is applied to them, it is not in its strictly technical sense, but designates the roof simply, and is to be understood of one which rises to a ridge as distinguished from a flat one (Cic. *ad Q. Fr.* iii. 1, 4, § 14; Verg. *Aen.* viii. 491). Among other divine honours, the Romans decreed to Caesar the liberty of erecting a fastigium to his house (Cic. *Phil.* ii. 43, § 110; Florus, iv. 2; Plut. *Caes.* 81; comp. ACROTERIUM), that is, a portico and pediment towards the street like that of a temple. [A. R.] [W. W.]

FAUCES. [DOMUS, p. 671 *a*.]

FAX (φανός), a torch. The descriptions of poets and mythologists, and the works of ancient art, represent the torch as carried by Diana, Ceres, Bellona, Hymen, Phosphorus, by females in bacchanalian processions, and, in an inverted position, by Sleep and Death. In the above woodcut, the female figure in the middle is copied from a fictile vase. The winged figure on the left hand, asleep and leaning on a torch, is from a funeral monument at Rome: the word "Somnus" is inscribed beside it. The other winged figure, also with the torch inverted, is taken from an antique gem, and represents Cupid under the character of Λυσέρως, "the deliverer from love" (Serv. *in* Verg. *Aen.* iv. 520) or "*Lethaeus* Amor" (Ovid, *Rem. Am.* 551). In ancient marbles the torch is sometimes more ornamented than in the examples now produced; but it appears to be formed of wooden staves or twigs, either bound by a rope drawn round them in a spiral form, as in the above middle figure, or surrounded by circular bands at equal distances, as in the two exterior figures. The inside of the torch may be supposed to have been filled with flax, tow, or other vegetable fibres, the whole being abundantly impregnated with pitch, rosin, wax, oil, and other inflammable substances. As the principal use of torches was to give light to those who went abroad after sunset, the portion of the Roman day immediately succeeding sunset was called *fax* or *prima fax*. (Gell. iii. 2, § 11; Macrob. *Sat.* i. 3, § 8.) Torches, as now described, appear to have been more common among the Romans than the Greeks. The use of torches after sunset, and the practice of celebrating marriages at that time, probably led to the consideration of the torch as one of the necessary accompaniments and symbols of marriage. Among the Romans the *fax nuptialis* (Cic. *pro Cluent.* 6, § 15), having been lighted at the parental

Fax. 1. From a relief. 2. From a fictile vase. 3. From an antique gem.

hearth, was carried before the bride by a boy whose parents were alive. (Plaut. *Cas.* i. 30; Ov. *Her.* xi. 101; Servius *in* Verg. *Ecl.* viii. 29; Plin. *H. N.* xvi. § 75; Festus, s. v. *Patrimi.*) The torch was also carried at funerals (*fax sepulcralis*, Ovid, *Her.* ii. 120), both because these were often nocturnal ceremonies, and because it was used to set fire to the pile. Hence the expression of Propertius (v. 11, 46), "Viximus insignes inter utramque facem." The torch-bearer turned away his face from the pile in setting it on fire. (Verg. *Aen.* vi. 224.) [J. Y.] [W. W.]

FEBRUUM. [LUPERCALIA.]

FECIA'LES. [FETIALES.]

FEMINA'LIA were worn in winter by Augustus Caesar, who was very susceptible of cold. (Sueton. *Aug.* 82.) Casaubon supposes them to have been bands or fillets [FASCIA] wound about the thighs; they are more probably to be identified with the BRACAE. These are mentioned under the name *περιμηρίδια* as worn by the Roman horsemen (Arrian, *Tact.* p. 14, ed. Blancard); and the Column of Trajan, the arches of Severus and Constantine, and other monuments of imperial times, present numerous examples of both horse and foot soldiers who wear breeches, closely fitted to the body, and never reaching much below the knees. (See cuts under ABOLLA and ARA, p. 158 *a*.) [J. Y.] [W. W.]

FENESTRA. 1. A window. For the windows of Greek houses, see DOMUS, p. 663 *b*; and for the windows of Roman houses, DOMUS, p. 686 *a*.

2. A loophole in a tower from which arrows and other missiles were discharged. (Caes. *B. C.* ii. 9.)

3. A hole pierced in the lobe of the ear for holding ornaments. (Juv. i. 104.) [INAURIS.] [W. S.]

FENUS (*τόκος*), interest of money. 1. GREEK. At Athens, Solon, among other reforms, abolished the law by which a creditor was empowered to sell or enslave a debtor, and prohibited the lending of money upon a person's own body (*ἐπὶ τοῖς σώμασι μηδένα δανείζειν*, Plut. *Sol.* 15; *de Vit. aere alieno*, 4, p. 828 F: cf. Dem. *de Fals. Leg.* p. 422, § 255, l. 24 f. As regards the other states, see Lys. *c. Agorat.* § 98; Isocr. *Plataic.* § 48; Diod. Sic. i. 79, etc.). No other restriction, we are told, was introduced by him, and the rate of interest was left to the discretion of the lender (*τὸ ἀργύριον στάσιμον εἶναι ἐφ' ὁπόσῳ ἂν βούληται ὁ δανείζων*, Lys. *c. Theomn.* i. § 18; yet see Schol. on Dem. *c. Timocr.* p. 766, *μὴ λαμβάνειν πολλοὺς τόκους*). The only case in which the rate was prescribed by law was in the event of a man separating from his lawful wife, and not refunding the dowry he had received with her. Her trustee or guardian (*ὁ κύριος*) could in that case proceed against him for the principal, with lawful interest at the rate of 18 per cent. (Dem. *c. Aphob.* i. p. 818, § 17, etc.) [DIVORTIUM (Greek).]

Any rate might be expressed or represented in two different ways: (1) by the number of oboli or drachmas paid by the month for every mina; (2) by the part of the principal (*τὸ ἀρχαῖον* or *κεφάλαιον*) paid as interest, either annually or for the whole period of the loan. According to the former method, which was generally used when money was lent upon real security (*τόκοι ἔγγυοι* or *ἔγγειοι*), different rates were expressed as follows:—10 per cent. by *ἐπὶ πέντε ὀβολοῖς*, *i.e.* 5 oboli per month for every mina, or 60 oboli a year = 10 drachmas = $\frac{1}{10}$ of a mina. Similarly:

12 per cent. by *ἐπὶ δραχμῇ* per month.
16 per cent. by *ἐπ' ὀκτὼ ὀβολοῖς*, per month.
18 per cent. by *ἐπ' ἐννέα ὀβολοῖς* per month.
24 per cent. by *ἐπὶ δυσὶ δραχμαῖς* per month.
36 per cent. by *ἐπὶ τρισὶ δραχμαῖς* per month.

The interest was usually paid at the end of the month (Aristoph. *Nub.* 16 ff., 749 ff., and Schol. on 17, and 1129 f.; Theophr. *Char.* 24, ed. Jebb: yet see Dem. *c. Polycl.* p. 1225, § 61, *ἐπειδὴ ὁ ἐνιαυτὸς ἐξῆλθεν*, etc., and *C. I. G.*, No. 1845).

Another method was generally adopted in cases of bottomry, where money was lent upon the ship's cargo or the ship itself or the freightage, for a specified time, commonly that of a voyage. By this method the following rates were thus represented:—

10 per cent. by *τόκοι ἐπιδέκατοι*, *i.e.* interest at the rate of a tenth; 12½, 16⅔, 20, 33⅓, by *τόκοι ἐπόγδοοι*, *ἔφεκτοι*, *ἐπίπεμπτοι*, and *ἐπίτριτοι*, respectively. So that, as Boeckh (*P. E.* pp. 123, 124 = *Sthh.*^{3} i. p. 157) remarks, leaving out of account cases of bottomry which were not necessarily for the space of a year, the *τόκος ἐπιδέκατος* is equal to the *ἐπὶ πέντε ὀβολοῖς*.

The *τόκος ἐπόγδοος* = the *ἐπὶ δραχμῇ* nearly.

The *τόκος ἔφεκτος* = the *ἐπὶ ὀκτὼ ὀβολοῖς* nearly.

The *τόκος ἐπίπεμπτος* = the *ἐπὶ ἐννέα ὀβολοῖς* nearly.

The *τόκος ἐπίτριτος* = the *ἐπὶ τρισὶ δραχμαῖς* nearly.

These nearly corresponding expressions are not to be considered as identical, however closely the rates indicated by them may approach each other in value; although in the age of Justinian, as Salmasius (*de M. U.*) observes, the *τόκος ἐπόγδοος* or 12½ per cent. was confounded with the *centesima*, which is exactly equal to the interest at a drachma or 12 per cent.

The rates above explained occur frequently in the Orators; the lowest in ordinary use at Athens being the *τόκος ἐπιδέκατος* or 10 per cent., the highest *ἐπὶ τρισὶ δραχμαῖς* or 36 per cent. (charged by a banker, Lys. *c. Aeschin.* fr. 1). The higher rates, however, were chiefly confined to cases of bottomry, and denote more than they appear to do, as the time of a ship's voyage was generally less than a year. We find the rate of 10 per cent. mentioned in Dem. *c. Onet.* i. p. 866, § 7; Arist. *Rhet.* iii. 10, 7, p. 1411 a, 15; *C. I. A.* i. No. 283 (cf. Boeckh, *Kleine Schriften*, v. p. 455); *C. I. G.* No. 3599, l. 13 (Ilion). The *ἐπὶ δραχμῇ*, or rate of 12 per cent., was common in the time of Demosthenes (*c. Aphob.* i. p. 820, § 23, p. 824, § 35, etc.; Aeschin. *c. Ctesiph.* § 104; *C. I. G.* No. 93 = *C. I. A.* ii. No. 1055), but appears to have been thought low. The interest of eight oboli or 16 per cent. occurs in that orator (*c. Nicostr.* p. 1250, § 13); and even in the age of Lysias and Isaeus, nine oboli for the mina, or 18 per cent., appears to have been a common rate (Lys. *c. Aeschin.* fr. 1; Isae. *Hagn.* § 42). Aeschines (*c. Tim.* § 107) also speaks of money being borrowed on the same terms. The rate of 25 per cent. occurs in Lys. *de bon. Aristoph.* § 25. On the whole, we may conclude that the usual rates of interest at Athens about the time of Demosthenes varied from 12 to 18 per cent. That they were nearly the same in range, and similarly expressed, throughout the rest of Greece, appears from the authorities quoted by Boeckh (*Sthh.*³ i. p. 165). No conclusions on the subject of the general rate of interest can be drawn from extreme instances on either side, such as a rate of a little more than 1 per cent. (Rangabé, *Antiq. hellén.* i. p. 195 = *C. I. A.* i. p. 147), of 6⅔ per cent. (*Bull. de Corresp. hellén.* v. p. 157, Delphi), of 7 per cent. (in a will, *C. I. G.* No. 2448, i. l. 30–ii. l. 10, Thera), or the exorbitant rates charged by bankers and common usurers (*τοκογλύφοι, toculliones, ὀβολοστάται, ἡμεροδανεισταί*). Thus in the Delphian inscription referred to above the low interest is to be accounted for by the strictness of the terms as regards security: the capital was to be lent on land of double its value and for five years at the outside, and the borrowers had moreover to find sureties. When a banker charged as much as 36 per cent. interest, this was probably because he worked with foreign capital (cf. Dem. *c. Aphob.* i. p. 816, § 11; *pro Phorm.* p. 947, § 11), so that his profit consisted in the difference between the interest which he received and that which he himself had to pay. Some of the common usurers exacted as much as an obolus and a half per day for each drachma (Theophr. *Char.* 6 = 16, ed. Jebb); some exacted compound interest (Theophr. *Char.* 10 = 24 ed. Jebb; Aristoph. *Nub.* 1156: but compound interest is also mentioned in an official document, Rangabé, *Antiq. hellén.* ii. p. 603, cf. *C. I. G.* No. 2335, *εὐθυτοκία*); some deducted the interest before paying out the principal (Plut. *de Vit. aere alieno*, 4, p. 829 B). Money-lenders and bankers in general, from the high profits which they realised, and the severity with which they exacted their dues, seem to have been as unpopular amongst their fellow-citizens as Jews and usurers in more modern times. Demosthenes, indeed, intimates that the fact of a man being a money-lender was enough to prejudice him, even in a court of law, amongst the Athenians (*μισοῦσιν οἱ Ἀθηναῖοι τοὺς δανείζοντας*, *c. Pantaen.* p. 981, § 52). Plato calls money *ξύμβολον τῆς ἀλλαγῆς ἕνεκα* (*de Rep.* ii. p. 371 B; *de Legg.* xi. p. 918 B), and disapproves of lending money upon interest (*de Legg.* v. p. 742 C; for an instance of *ἄτοκον χρέως*, cf. Dem. *c. Nicostr.* p. 1250, § 12). Aristotle holds a similar view; he objects (*Pol.* i. 3, 23 S. = 4, 10 Bk.) on principle to putting money out at interest (*εὐλογώτατα μισεῖται ἡ ὀβολοστατική*), as being a perversion of it from its proper use, as a medium of exchange, to an unnatural purpose, viz. the reproduction or increase of itself; whence, he adds, comes the name of interest or *τόκος*, as being the offspring of a parent like itself. (Cf. Shakespeare's "breed of barren metal.") The Greeks in general, however, looked upon money as upon any other commodity: this view could not but grow up as trade and commerce developed; capital was needed for commercial and industrial enterprise, and from the name for it (*ἀφορμή*) we see that the Greeks looked upon it as the very starting point of business (Dem. *pro Phorm.* p. 947, §§ 11, 12; Harpocr. *s. v.*, etc.).

The arrangement of a loan would of course depend upon the relation between the borrower (*ὁ χρήστης*, Dem. *c. Onet.* i. p. 867, § 12; *c. Zenoth.* p. 885, § 12; *c. Phorm.* p. 946, § 6; cf. Harpocr. *s. v.* *χρῆσται* or *ὁ χρεώστης, χρεωφειλέτης* in inscr. and later Greek) and the lender (*ὁ χρήστης, δανειστής*), and the confidence placed by one in the other. Sometimes money was lent without written bond, or security, or witnesses ([Dem.] *c. Timoth.* p. 1202, § 61), especially by bankers ([Dem.] *c. Timoth.* p. 1185, § 2), since their books seem to have afforded sufficient evidence (Isocr. *Trapez.* 2; *Att. Process*, ed. Lipsius, p. 686, yet see Philippi, *Jahrb. f. kl. Phil.* 1866, p. 611 ff.). Pollux (ii. 152) calls such a loan *χειρόδοτον* (cf. Hesych. *s. v.*; Bekk. *Anecd.* 89, 23, *διὰ χειρὸς δανεῖσαι*: and Diod. Sic. i. 79, *ἀσύγγραφα δανείσασθαι*). But generally a regular instrument (*συγγραφή, συνθῆκαι*: *χειρόγραφον* is a term foreign to Attic law, cf. Gneist, *d. formellen Verträge d. röm. Obligationsrechtes*, p. 437 ff.) was executed by both parties before witnesses, whose names were mentioned in the document, sealed up (to prevent its being tampered with, *συσσημαναμένου* of the surety, Dem. *c. Lacrit.* p. 928, § 15), and deposited before witnesses with a third party, usually a banker (Dem. *c. Phorm.* p. 908, § 6; Lyc. *c. Leocr.* § 23); such agreements were sometimes made in duplicate (Dem. *c. Phorm.* p. 916, § 32). In Sparta such documents were called *κλάρια* (Plut. *Ages.* 13); for the peculiar formalities observed in drawing them up, see Schol. Aristoph. *Av.* 1284, and Suid. *s. v.* *σκυτάλη*. Amongst the Locrians *συγγραφαὶ* were not allowed (Zenob. v. 4; cf. Strabo, vi. p. 260). Witnesses were also present at Athens at the payment of the money borrowed (Dem. *c. Phorm.* p. 915, § 30; *c. Lacrit.* p. 925, § 9). The security for a loan was a third party (*συστῆσαί τινα*, Dem. *c. Spud.* p. 1029, § 6; p. 1032, § 16, etc.; *C. I. A.* ii. No. 570, *τιμήματι* (= *ἀποτιμήματι*, cf. Harpocr. *s. v.*) ἢ *ἐγγυητής*) or an *ἐνέχυρον* or a *ὑποθήκη*. The *ἐνέχυρον* was put into the possession of the lender, and consisted generally of movable property; the *ὑποθήκη* was merely assured to the lender, and generally, though not always, consisted of real or immovable property. [ENECHYRA.] At Athens, when land or house property was given as security, or mortgaged (*συμβόλαιον ἔγγειον*, Dem. *c. Apat.* p. 983, § 3; *δάνεισμα ἔγγειον*, Pollux, iii. 84, viii. 141), pillars [HORI] or stone tablets were placed upon it with the debt, and the mortgagee's name and that of the archon eponymus inscribed (*ἀφορίζειν τὸ χωρίον*, [Dem.] *c. Timoth.* p. 1202, § 61). An unencumbered estate was called an *ἄστικτον χωρίον* (Harpocr. *s. v.*). Without the consent of the creditor no more money might be borrowed on mortgaged property ([Dem.] *c. Nicostr.* p. 1249, § 10; *ἐπιδανεῖσαι*, Bekk. *Anecd.* 259, 1: cf. *C. I. A.* ii. No. 1113, and Dittenberger, *S. I. Gr.* No. 344 (Ephesus), l. 33, *ἐπὶ τοῖς ὑπερέχουσι δανείσαι*). See l. 36 ff. on the treatment of those who had fraudulently contracted a fresh loan on the security of property already mortgaged. If the debtor became insolvent, the mortgaged land passed into the possession of the creditor without legal proceedings (Dem. *c. Spud.* p. 1030, § 7).

This practically excluded metoecs from lending money on the security of land, as they were not entitled to hold such property [Enctesis]. In some parts of Greece there were public books of debt, like the German and Scotch registers of mortgages (Theophr. π. νόμων, fr. 21, in *Journ. of Philol.* vi. p. 4: in Chios, Arist. *Oecon.* ii. p. 1347 b, 35; in Aphrodisias, *C. I. G.* No. 2826; in Smyrna, No. 3282); but they are not mentioned as having existed at Athens.

Bottomry (ἔκδοσις· τὸ ναυτικὸν δάνεισμα, Harpocr. *s. v.*, cf. Dem. *c. Aphob.* p. 816, § 11; τόκος ναυτικός) was considered a matter of so much importance at Athens that fraud or breach of contract in transactions connected with it was sometimes punished with death (Dem. *c. Phorm.* p. 922, § 50). In these cases the loans were generally made upon the cargo shipped (ἐπὶ τοῖς χρήμασι, φορτίοις), sometimes on the vessel itself (ἐπὶ τῇ νηΐ, τῷ πλοίῳ, Dem. *c. Lacrit.* p. 933, § 32; *c. Dionysod.* p. 1283, § 3), and sometimes on the money received or due for passengers and freightage (ἐπὶ τῷ ναύλῳ, [Dem.] *c. Timoth.* p. 1192, § 26; ναῦλον, like "freight," seems to have meant either the charge for carrying cargo, as above, or the cargo itself, as in Dem. *c. Zenoth.* p. 882, § 2, viz. the portion of the cargo belonging to the skipper: Boeckh, *Sthh.*³ i. p. 166, n.). The principal as well as the interest could only be recovered in case the ship met with no disaster in her voyage, a clause to this effect being generally inserted in all agreements of bottomry or ναυτικαὶ συγγραφαί (σωθείσης τῆς νεώς, Dem. *c. Zenoth.* p. 883, § 5; *c. Phorm.* p. 916, § 33; Bekk. *Anecd.* 283, 9). The additional risk incurred in loans of this description was compensated for by a high rate of interest, and the lenders took every precaution against negligence or deception on the part of the borrowers; the latter also were careful to have witnesses present when the cargo was put on board, for the purpose of deposing, if necessary, to a *bonâ-fide* shipping of the required amount of goods at the lender's risk (Dem. *c. Phorm.* p. 915, § 27 f.). The loan itself was either a δάνεισμα ἑτερόπλουν, *i.e.* for a voyage out, or it was a δάνεισμα ἀμφοτερόπλουν, *i.e.* for a voyage out and home. In the former case the principal and interest were paid at the place of destination, either to the creditor himself, if he sailed in the ship (Dem. *c. Callipp.* p. 1242, § 20), or to an authorised agent (Dem. *c. Phorm.* p. 909, § 8; p. 914, § 26). In the latter case the payment was made on the return of the ship (Dem. *c. Lacrit.* p. 926, § 11, within twenty days after the return), and it was specially provided in the agreement between the contracting parties that she should sail to some specified places only. A deviation from the terms of the agreement, in this or other respects, was, according to a clause usually inserted in the agreement, punishable by a fine (τὰ ἐπιτίμια, in Dem. *c. Dionysod.* p. 1294, § 38, twice the amount of the money lent; see also *c. Phorm.* p. 916, § 33, and p. 914, § 23). Moreover, if the goods which formed the original security were sold, fresh articles of the same value were to be shipped in their place (Dem. *c. Phorm.* p. 909, § 9).

The rate of interest would of course vary with the risks and duration of the voyage, and therefore we cannot expect to find that it was at all fixed. Xenophon (*de Vectig.* 3, 7–14) speaks of the fifth and third parts of the capital lent as being commonly given in bottomry, referring of course to voyages out and home. The rate of interest for the time of a voyage from Athens to the Bosporus and back again was 30 per cent. (Dem. *c. Phorm.* p. 914, § 23); for a voyage (lasting three days) from Byzantium to Athens, 10 or 12 per cent. (Athen. vii. p. 292 b); for a voyage from Sestos to Athens, 12½ per cent., upon condition that the trireme should first go to Hierum to convoy vessels laden with corn (Dem. *c. Polycl.* p. 1211, § 17).

The best illustration of the facts mentioned above is found in a ναυτικὴ συγγραφή, given in the speech of Demosthenes against Lacritus (p. 925 ff., §§ 10–13; cf. *c. Dionysod.* p. 1284, §§ 5, 6). Westermann (*Abhandl. d. Sächs. Gesellsch. d. Wissensch.* 1850, p. 136) and Schaefer (*Dem. u. s. Zeit*, iii. B, p. 286, n. 3) consider it spurious; Boeckh calls it "a very carelessly written instrument;" and Blass (*Att. Beredsamk.* iii. 1, p. 502) looks upon it as genuine, "since it would have been too much for any grammarian to fabricate such a document." Two Athenians lent two Phaselitans 3,000 drachmas upon a cargo of 3,000 jars of Mendean wine, on which the latter were not to owe anything else, or raise any additional loan. They were to sail from Athens to Mende or Scione, where the wine was to be shipped, and thence to the Bosporus, with liberty, if they preferred it, to continue their voyage "to the left (*i.e.* northern, to a ship sailing eastward) parts" of the Black Sea as far as the Borysthenes, and then to return to Athens; the rate of interest being fixed at 225 drachmas in 1000, or 22½ per cent. for the whole time of absence. If, however, they did not return to Hierum, a port in Bithynia close to the Thracian Bosporus (*C. I. G.* ii. p. 975), before the early rising of Arcturus, *i.e.* before the 20th of September or thereabouts, when navigation began to be dangerous, they had to pay a higher rate of 30 per cent. on account of the additional risk. The agreement further specified that there should be no change of vessel for the return cargo, and that if it arrived safely at Athens the loan was to be repaid within twenty days afterwards, without any deductions except for loss by payments made to enemies and for jettison (ἐντελὲς πλὴν ἐκβολῆς, etc.), made with the consent of all on board (οἱ σύμπλοι); that till the money was repaid, the goods pledged (τὰ ὑποκείμενα) should be under the control of the lenders, and be sold by them, if payment was not made within the appointed time; that if the sale of the goods did not realise the required amount, the lenders might raise the remainder by making a levy (πρᾶξις) upon the property of both or either of the traders, just as if they had been cast in a suit, and became ὑπερήμεροι (*i.e.* had not complied with a judgment given against them within the time appointed). Another clause in the agreement provides for the contingency of their not entering the Pontus; in that case they were to remain in the Hellespont, at the end of July, for ten days after the early rising of the dog-star (ἐπὶ κυνί), discharge their cargo (ἐξελέσθαι) in some place where the Athenians had no right of reprisals

[SYLAE] (which might be executed unfairly, and would lead to retaliations), and then, on their return to Athens, they were to pay the amount of interest in the bond for the previous year, *i.e.* the lower rate. Lastly, if the vessel were to be wrecked, the cargo was, if possible, to be saved for the benefit of the lenders, any goods that might be saved being the property of both lenders alike (*κοινὰ τοῖς δανείσασι*: cf. Sandys *ad loc.*).

From the preceding investigation it appears that the rate of interest amongst the ancient Greeks was higher than in modern Europe, and at Rome in the age of Cicero. This high rate does not appear to have been caused by any scarcity of money, but by the unwillingness of those who had capital to lend it out at a low rate of interest, since they could use it themselves to more advantage in trade, or, owing to the cheapness of slave labour, in agriculture; hence even the interest on land and house property is proportionately high. Isaeus (*Hagn.* § 42) says that land at Thria was let for 8 per cent. of its value, and houses at Melite and Eleusis for 8⅓ per cent.; in *C. I. A.* ii. No. 600, 12 per cent. is stipulated for an estate. (Boeckh, *Sthh.*³ i. p. 156 ff.; Büchsenschütz, *Besitz u. Erwerb*, p. 478 ff.) [R. W.] [H. H.]

2. ROMAN. The Latin word for interest, *fenus* or *foenus*, originally meant any increase, and was thence applied, like the Greek *τόκος*, to denote the interest or increase of money. "Fenus," says Varro (*ap.* Gell. xvi. 12), "dictum a fetu et quasi a fetura quadam pecuniae parientis atque increscentis." The same root is found in *fecundus*. Fenus was also used for the principal as well as the interest (Tac. *Ann.* vi. 17; xiv. 53). Another term for interest was *usurae*, generally found in the plural, and also *impendium*, on which Varro (*L. L.* v. 183, Müller) remarks, "a quo (*pondere*) usura quod in sorte accedebat, impendium appellatum."

That a high rate of interest is a sign that industry and trade are still in their infancy, is now one of the elementary maxims of political economy. The remark occurs in Hume's Essays (i. 322, ed. Green and Grose), and is applied to the early times of Greece by Boeckh (*P. E.* p. 59 = *Sthh.*³ i. 76) and to those of Rome by Marquardt (*Staatsverw.* ii. 57). As in Attica before the *σεισάχθεια* of Solon, and as in France, Russia, and Ireland at the present day, the tendency of small cultivators is everywhere to sink into debt, to be compelled to mortgage future crops for the sake of immediate subsistence, and, unless specially protected, to fall into the grasp of the usurer. In early Latium this tendency was aggravated by the law of *addictio*, which consigned the debtor to personal slavery [NEXUM], and by the incessant ravages of war. Hence at Rome the rate of interest was originally unlimited; and the grievances of debtors fill a large space in the earliest struggles between the patricians and the plebs (Liv. ii. 23, 27, 29). Not only money but food, and especially seed-corn, was lent on exorbitant usury; a practice which we find prevailing in much later times, long after the direct interest of money had been placed under control. Thus St. Jerome mentions that ten bushels of corn might be lent in winter to be repaid by fifteen at the next harvest (*in Ezechiel*, vi. 18). This form of usury is still practised in Italy (Beauclerk, *Rural Italy*, p. 54).

The first restriction was imposed by the decemviral legislation of the Twelve Tables, B.C. 451, which established *fenus unciarium* as the normal rate. Interest at this time was yearly, as it had once been at Athens (Boeckh, *P. E.* p. 124 = *Sthh.*³ i. 157); and this, as Marquardt observes, is the natural arrangement for an agricultural people, who pay their debts most conveniently when they have gathered in their crops. The explanation of Niebuhr is now universally accepted, that the *fenus unciarium* was an ounce (*uncia*) in the pound (*as*), i.e. a twelfth part of the principal, or 8⅓ per cent. annually. The theories that it could have been either one-twelfth of the centesima paid monthly, *i.e.* 1 per cent. per annum, or one-twelfth of the principal paid monthly, *i.e.* 100 per cent. per annum, err grossly on the side either of defect or excess; it is impossible to believe that creditors would have lent for so little as the one, or that debtors could have paid so much as the other. These improbable conjectures could only have arisen from the notion that the interest must always have been paid monthly; but though towards the close of the republic this was the practice, there is no trace of it in early times (Niebuhr, *Hist. Rom.* iii. 57; Rein, *Römische Privatrecht*, p. 304). On one point, however, the authorities are divided. Niebuhr reckons the *fenus unciarium* on the year of ten months, so that it would amount to 10 per cent. on the year of twelve months; and in this he is followed by Huschke (*Recht des Nexum*, p. 98 ff.) and Mommsen (*Röm. Gesch.* i.³ 274 = i. 220 tr. Dickson), while Walter (*Gesch. des Röm. Rechts*, § 609) and Steuber understand 8⅓ per cent. on the full year. The treatise of Steuber (*Der Zinsfuss bei den Römern*, Basel, 1857) collects and criticises the recent literature of the subject. For the year of ten months, see CALENDARIUM, p. 341 *a*.

Towards the last century of the republic (in the time of Sulla, Niebuhr thinks, and under foreign influence) the interest of money became due on the first of every month: hence the phrases *tristes* or *celeres calendae* and *calendarium*, the latter meaning originally a debt-book or book of accounts. It is not difficult to account for the change; it was probably connected with the modifications made from time to time in the Roman law of debtor and creditor (such as the abolition of personal slavery for debt), the natural effect of which would be to make creditors more cautious in lending money, and more vigilant in exacting the interest due upon it.

The rate of interest was expressed in the time of Cicero and afterwards by means of the *as* and its divisions, according to the following table:—

Asses usurae, or one as per month for the use of 100		= 12	per cent.
Deunces usurae		11	"
Dextantes	"	10	"
Dodrantes	"	9	"
Besses	"	8	"
Septunces	"	7	"
Semisses	"	6	"
Quincunces	"	5	"
Trientes	"	4	"
Quadrantes	"	3	"
Sextantes	"	2	"
Unciae	"	1	"

Instead of the phrase *asses usurae*, a synonym was used, viz. *centesimae usurae*, inasmuch as at this rate of interest there was paid in a hundred months a sum equal to the whole principal. Hence *binae centesimae* = 24 per cent., and *quaternae centesimae* = 48 per cent. So also in the line of Horace (*Sat.* i. 2, 14), "Quinas hic capiti mercedes exsecat," we must understand *quinas centesimas*, or 60 per cent., as the sum taken from the capital. Horace is speaking, however, of spendthrifts and those who prey upon them. Juvenal tells of one Crepereius Pollio, a usurer of this stamp, who offered to lend at 36 per cent. (*triplicem usuram*, *Sat.* ix. 7) and found none who were fools enough to borrow. How usury worked in the provinces in the last days of the senatorial régime is well shown in the *Quart. Rev.*, Oct. 1888; the virtuous Brutus, acting of course through an intermediary and keeping behind the scenes, tried to get 48 per cent. out of the Cyprians, and plagued Cicero, then proconsul of Cilicia, to put on the screw for him. [NEGOTIATORES.] Verres, it is insinuated, over and above his exactions from the wretched Sicilians, made 24 per cent. out of the public money with which he had to buy corn for the Roman people (Cic. *Verr.* iii. 71, § 165). In Rome itself, at the same period, the accumulation of capital brought about a reasonably low though fluctuating rate of interest on good business; Cicero mentions a sudden rise from 4 per cent. to 8 (*ad Att.* iv. 15). Under the early empire we find the now familiar expression "a modest 5 per cent.," while 11 per cent. savours of "sweating" (Pers. v. 150). The endowment of the *alimentarii* at Veleia was invested on mortgage at 5 per cent.; that of another similar charity, the *alimentarii Baebiani* in Liguria, at only 2½ (Henzen, *Tab. alim. Baeb.* p. 27; ALIMENTARII).

If a debtor could not pay the principal and interest at the end of the year, he used to borrow money from a fresh creditor, to pay off his old debt. This proceeding was very frequent, and called a *versura* (compare Ter. *Phorm.* v. 2, 16), a word which Festus (*s. v.*) thus explains: "Versuram facere, mutuam pecuniam sumere, ex eo dictum est, quod initio qui mutuabantur ab aliis, ut aliis solverent, velut verterent creditorem." It amounted to little short of paying compound interest [ANATOCISMUS], another phrase for which was *usurae renovatae*; e.g. *centesimae renovatae* is 12 per cent. compound interest, to which Cicero (*ad Att.* v. 21) opposes *centesimae perpetuo fenore* = 12 per cent. simple interest. The following phrases are of common occurrence in connexion with borrowing and lending money at interest:—*Pecuniam apud aliquem collocare*, to lend money at interest; *relegere*, to call it in again; *cavere*, to give security for it; *opponere* or *opponere pignori*, to give as a pledge or mortgage: hence the pun in Catullus, xxvi.:

> "Furi, villula nostra non ad Austri
> Flatus opposita est, nec ad Favoni:
> Verum ad millia quindecim et ducentos.
> O ventum horribilem atque pestilentem."

The word *nomen* is also of extensive use in money ransactions. Properly it denoted the name of a debtor, registered in a banker's or any other account-book: hence it came to signify the articles of an account, a debtor, or a debt itself. Thus we have *bonum nomen*, a good debt: *nomina facere*, to lend monies (Cic. *ad Fam.* vii. 23), and also to borrow money (Id. *de Off.* iii. 14, § 59). Moreover, the Romans generally discharged debts through the agency of a banker (*in foro et de mensae scriptura*) rather than by a direct personal payment (*ex arca domoque*); and as an order or undertaking for payment was given by writing down the sum to be paid, with the receiver's name underneath or alongside it (see Dem. *c. Callipp.* p. 1236, § 4), hence came the phrases *scribere nummos alicui*, to promise to pay (Plaut. *Asin.* ii. 4, 34); *rescribere*, to pay back, of a debtor (Ter. *Phorm.* v. 7, 29). So also *perscribere*, to give a bill or draft (*perscriptio*) on a banker for payment, in opposition to payment by ready money (Cic. *ad Att.* xii. 51; xvi. 2).

The Roman law of debtor and creditor is given under NEXUM. It is sufficient to remark here that the Licinian laws [LEGES LICINIAE], by which the grievances of debtors were to a certain extent redressed, did not lay any restriction on the rate of interest that might be legally demanded; and it is clear from various circumstances that the scarcity of money at Rome after the taking of the city by the Gauls had either led to the actual abolition of the old uncial rate (*unciarium fenus*) of the Twelve Tables, or caused it to fall into disuse. Nine years, however, after the passing of these laws (Liv. vii. 16), the rate of the Twelve Tables was re-established, and any higher rate prohibited by the bill (*rogatio*) of the tribunes Duilius and Maenius. Still this limitation of the rate of interest did not enable debtors to pay the principal, and what Tacitus (*Ann.* vi. 16) calls the *fenebre malum* became at last so serious that the government thought it necessary to interfere, and remedy, if possible, an evil so great and inveterate. Accordingly, fourteen years after the passing of the Licinian laws, five commissioners were appointed for this purpose under the title of *mensarii* or bankers. These opened their banks in the forum, and in the name of the treasury offered ready money to any debtor who could give security (*cavere*) to the state for it: moreover, they ordered that land and cattle should be received in payment of debts at a fair valuation, a regulation which Caesar adopted for a similar purpose (Suet. *Jul.* 42). By these means Livy (vii. 21) tells us that a great amount of debt was satisfactorily liquidated. Five years afterwards, the legal rate of interest was still further lowered to the *semiunciarium fenus* (Liv. vii. 23, § 3), or the twenty-fourth part of the whole sum (*ad semuncias redacta usura*, Tac. *Ann.* vi. 16); and in B.C. 346 we read of several usurers being punished for a violation of the law (Liv. vii. 28), by which they were subjected to a penalty of four times the amount of the loan (Cato, *de Re Rust.* init.). But all these enactments were merely palliatives; the termination and cure of the evil was something more decisive—neither more nor less than a species of national bankruptcy—a general abolition of debts or χρεῶν ἀποκοπαί. This happened in B.C. 341, a year remarkable for political changes of great importance, and was followed up by the passing of the Genucian laws, which are said to have forbidden the taking of usury altogether.

On this point, indeed, Livy speaks doubtfully ("*invenio* apud quosdam *L. Genucium tribunum plebis tulisse ad plebem, ne fenerare liceret*," vii. 42, § 1): but that all interest had been at one time forbidden by law is stated by Appian (*Bell. Civ.* i. 54) and Tacitus (*l. c.*); the latter adds that it had always been evaded. There was a very simple way of doing so; it only affected Roman citizens, and therefore the usurers granted loans, not in the name of themselves, but of the Latins and allies who were not bound by it (Liv. xxxv. 7). To prevent this evasion the Sempronian law was passed (B.C. 193), which placed the Latins and allies on the same footing in respect of lending money as the full Roman citizens. At last, after many futile attempts to prevent the exaction of interest at any rate and in any shape, the idea was abandoned altogether, and the centesima or 12 per cent. per annum became the legal and recognised rate. Niebuhr, as we have already observed, is of opinion that it was first adopted at Rome in the time of Sulla; but whether it became the legal rate by any special enactment, or from general consent, does not appear. Some writers have inferred (Heinecc. iii. 15) that it was first legalised by the edicts of the city praetors, an inference drawn from the general resemblance between the praetorian and proconsular edicts. Of the latter we have an example in the case of Cicero; he decreed for Cilicia a maximum of 12 per cent., but did not venture directly to oppose the Shylock Brutus in the matter of 48 per cent. with compound interest. ("Quum ego in edicto tralatitio centesimas me observaturum haberem, cum anatocismo anniversario ille ex syngrapha postulabat quaternas," *ad Att.* v. 21, § 11.) The rest of the letter is most amusing.

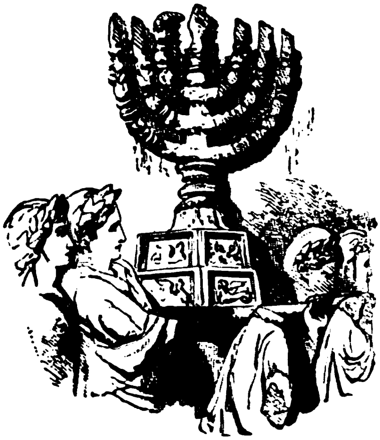
Whether this inference is true or not, it is admitted that the centesima or 12 per cent. was the legal rate at the end of the republic and also under the emperors. In the case of *fenus nauticum*, however, or bottomry, as the risk was the money-lender's, he might demand any interest he liked while the vessel on which the money was lent was at sea; but after she reached harbour, and while she was there, no more than the centesima could be demanded. Justinian reduced the legal rate to 6 per cent. on ordinary loans, and made 12 per cent. the maximum for *fenus nauticum*, whether at sea or in harbour (Heinecc. iii. 16).

Under the empire we find a very few examples of the practice, more familiar to the Greeks, of reckoning the interest annually, not by months, at a certain fraction of the capital, *e.g.* one-eighth or 12½ per cent. (Henzen, *Inscr.* 7215). After Constantine's changes in the currency, this practice became more common. The yearly interest was now fixed at 3 *siliquae* per *solidus*; and as the *solidus* contained 24 *siliquae*, this amounted to one-eighth of the principal. The Romans had no convenient way of expressing this 12½ per cent., and they transferred the word *centesima* to it; hence the centesima in the times before Constantine means 12 per cent., after him 12½ (Godefroi *ad* Cod. Theod. ii. 33, 1). (Cf. Marquardt, *Staatsverw.* ii. 59–62.) [R. W.] [W. W.]

FERA'LIA. [FUNUS, p. 893 *b*.]

FE'RCULUM (from *fer-o*) is applied to any kind of tray or platform used for carrying anything. Thus it is used to signify the tray or frame on which several dishes were brought in at once at dinner (Petron. 35; Plin. *H. N.* xxviii. § 26); and hence *fercula* came to mean the number of courses at dinner, and even the dishes themselves. (Suet. *Aug.* 74; Serv. *ad* Verg. *Aen.* i. 637; Juv. i. 94 (with Mayor's note), xi. 64; Hor. *Sat.* ii. 6, 104; Mart. iii. 50, ix. 82, xi. 31.)

The ferculum was also used for carrying the images of the gods in the procession of the circus (Suet. *Jul.* 76), the ashes of the dead in a funeral (Suet. *Cal.* 15), and the spoils in a triumph (Suet. *Jul.* 37; Liv. i. 10); in all which cases it appears to have been carried on the shoulders or in the hands of men. This is shown in the annexed cut from the Arch of Titus, where Roman soldiers are carrying on a ferculum the Golden Candlestick. The most illustrious captives were sometimes placed on a ferculum in a triumph, in order that they might be better seen. (Senec. *Herc. Oet.* 110.) [W. S.] [A. S. W.]



Roman soldiers carrying on a *ferculum* the Golden Candlestick. (Arch of Titus.)

FERENTA'RII. [EXERCITUS, p. 782 *a*.]

FERETRUM. [FUNUS.]

FE'RIAE, holidays, were, generally speaking, days or seasons during which free-born Romans suspended their political transactions and their lawsuits, and during which slaves enjoyed a cessation from labour. (Cic. *de Leg.* ii. 8, 19; 12, 29; *de Div.* i. 45, 102.) All feriae were thus *dies nefasti*. But they were distinguished (as Mommsen, *Chron.* p. 233, has shown) by the mark NP, while the *nefasti tristes* were marked simply N. The feriae included all days consecrated to any deity; consequently all days on which public festivals were celebrated were *feriae* or *dies feriati*. But some of them, such as the *feria vindemialis* and the *feriae aestivae*, seem to have had no direct connexion with the worship of the gods. The nundinae, however, during the time of the kings and the early period of the republic, were feriae only for the populus, and days of business for the plebeians, until, by the Hortensian law, they became *fasti* or days of business for both orders. (Macrob. *Sat.* i. 16, 28–30; compare Niebuhr, *Hist. of Rome*, vol. ii. p. 213, &c.; Walter, *Geschichte d. röm. Rechts*, p. 190.)

All feriae were divided into two classes, *feriae publicae* and *feriae privatae*. The latter were only observed by single families or individuals, in commemoration of some particular event which had been of importance to them or their ancestors. As family feriae, are mentioned the *feriae Claudiae, Aemiliae, Juliae, Corneliae*, &c., and we must suppose that all the great Roman families had their particular feriae, as they had their private sacra (Borghesi, *Oeuvres*, viii. 250 ff.). Among the family-holidays we may also mention the *feriae denicales*, i.e. the day on which a family, after having lost one of its members by death, underwent a purification. (Fest. *s. v.*; Cic. *de Leg.* ii. 22, 55; Columell. ii. 22.) Individuals kept feriae on their birthdays (Censor. 2, 3), and other occasions which marked any memorable event of their lives. The Calends, Nones, and Ides of each month were also usually kept as *feriae privatae*, the Calends being sacred to Juno, the Ides to Jupiter. But no public feriae were celebrated on these days (Mommsen, *C. I. L.* i. 375). During the time of the empire the birthday of an emperor sometimes assumed the character of a public holiday, and was celebrated by the whole nation with games and sacrifices. Thus the birthday of Augustus, called Augustalia, was celebrated with great splendour even in the time of Dio Cassius (liv. 34, lvi. 46). The day on which Augustus had returned from his wars (Oct. 12) was likewise for a long time made a holiday (Tac. *Ann.* i. 15, with the note of Lipsius; Dio Cass. liv. 10). The *dies natalicii* of the cities of Rome and Constantinople were at a still later period likewise reckoned among the feriae (Cod. 3, tit. 15, s. 6). It is noteworthy that all the feriae recognised in the Calendars date either from the regal or from the imperial time. No new feriae were added during the republic (Mommsen, *C. I. L.* i. 377 ff.).

All *feriae publicae*, i.e. those which were observed by the whole nation, were divided into *feriae stativae, feriae conceptivae*, and *feriae imperativae*. Feriae stativae or statae were those which were held regularly, and on certain days marked in the calendar (Fest. *s. v.*; Macrob. *l. c.*). To these belonged some of the great festivals, such as the Agonalia, Carmentalia, Lupercalia, &c. Feriae conceptivae or conceptae were held every year, but not on certain or fixed days, the time being every year appointed by the magistrates or priests ("quotannis a magistratibus vel sacerdotibus concipiuntur," Macrob. *l. c.*; Varr. *L. L.* vi. 25, &c.; Fest. *s. v.*). Among these we may mention the feriae Latinae, feriae Sementivae (in the country called Paganalia), and Compitalia. Feriae imperativae are those which were held on certain emergencies at the command of the consuls, the praetors, or a dictator. The books of Livy record many feriae imperativae, which were chiefly held in order to avert the dangers which some extraordinary prodigy seemed to forebode, but also after great victories (Liv. i. 31, iii. 5, vii. 28, xxxv. 40, xlii. 3; Polyb. xxi. 1). They frequently lasted for several days, the number of which depended upon the importance of the event which was the cause of their celebration. But whenever a rain of stones was believed to have happened, the anger of the gods was appeased by a *sacrum novemdiale*, or *feriae per novem dies*. This number of days had been fixed at the time when this prodigy had first been observed (Liv. i. 31). Respecting the legitimate forms in which the feriae conceptivae and imperativae were announced and appointed, see Brisson. *de Form.* p. 107, &c.

On the public feriae the people generally visited the temples of the gods, and offered up their prayers and sacrifices. The most serious and solemn seem to have been the feriae imperativae, but all the others were generally attended by rejoicings and feasting. All kinds of business, especially lawsuits, were suspended during the public feriae, as they were considered to pollute the sacred season; the rex sacrorum and the flamines were not even allowed to behold any work being done during the feriae; hence, when they went out, they were preceded by their heralds (*praeciae, praeclamitatores*, or *calatores*), who enjoined the people to abstain from working, that the sanctity of the day might not be polluted by the priests seeing persons at work (Fest. s. v. *Praecia*: Macrob. *l. c.*; compare Serv. *ad* Verg. *Georg.* v. 268; Plut. *Numa*, c. 14). Those who neglected this admonition were not only liable to a fine, but in case their disobedience was intentional, their crime was considered to be beyond the power of any atonement; whereas those who had unconsciously continued their work, might atone for their transgression by offering a pig. It seems that doubts as to what kinds of work might be done at public feriae were not unfrequent, and we possess some curious and interesting decisions given by Roman pontiffs on this subject. One Umbro declared it to be no violation of the feriae, if a person did such work as had reference to the gods, or was connected with the offering of sacrifices; all work, he moreover declared, was allowed which was necessary to supply the urgent wants of human life. The pontiff Scaevola, when asked what kind of work might be done on a dies feriatus, answered that any work might be done, if any suffering or injury should be the result of neglect or delay, *e.g.* if an ox should fall into a pit, the owner might employ workmen to lift it out; or if a house threatened to fall down, the inhabitants might take such measures as would prevent its falling, without polluting the feriae. (Macrob. *l. c.* and iii. 3; Verg. *Georg.* i. 268, with the notes of Forbiger; Cato, *de Re Rust.* 2; Columella, ii. 22; compare Matt. xii. 11, Luke xiv. 5.) Respecting the various kinds of legal affairs which might be brought before the praetor on days of public feriae, see Digest 2, tit. 12, s. 2.

It seems to have been owing to the immense increase of the Roman republic and of the accumulation of business arising therefrom, that some of the feriae, such as the Compitalia and Lupercalia, in the course of time ceased to be observed, until they were restored by Augustus, who revived many of the ancient religious rites and ceremonies. (Suet. *Aug.* 31.) Marcus Antoninus again increased the number of days of business (*dies fasti*) to 230, and the remaining days were feriae. (Capitol. *M. Anton. Phil.* c. 10.) After the introduction of Christianity in the Roman empire, the old feriae were abolished, and the Sabbath, together with the Christian festivals, were substituted; but the manner in which they were kept was nearly the same as that in which the feriae had been observed. Lawsuits were accordingly illegal on

Sundays and holidays, though a master might emancipate his slave if he liked. (Cod. 3, tit. 12.) All work and all political as well as judicial proceedings were suspended; but the country people were allowed freely and unrestrainedly to apply themselves to their agricultural labours, which seem at all times to have been distinguished from and thought superior to all other kinds of work; for, as mentioned below, certain feriae were instituted merely for the purpose of enabling the country people to follow their rural occupations without being interrupted by lawsuits and other public transactions.

After this general view of the Roman feriae, we shall proceed to give a short account of those festivals and holidays which were designated by the name of feriae.

Feriae Latinae, or simply *Latinae* (the original name was Latiar, Macrob. i. 16, 16; Cic. *ad Quint. Frat.* ii. 4), had, according to the Roman legends, been instituted by the last Tarquin in commemoration of the alliance between the Romans and Latins. (Dionys. Hal. iv. 49.) But Niebuhr (*Hist. of Rome*, ii. p. 34) has shown that the festival, which was originally a panegyris of the Latins, is of much higher antiquity; for we find it stated that the towns of the Priscans and Latins received their shares of the sacrifice on the Alban mount—which was the place of its celebration—along with the Albans and the thirty towns of the Alban commonwealth. (Mommsen, *Hist.* i. p. 41.) All that the last Tarquin did was to convert the original Latin festival into a Roman one, and to make it the means of hallowing and cementing the alliance between the two nations. Before the union, the chief magistrate of the Latins had presided at the festival; but Tarquin now assumed this distinction, which subsequently, after the destruction of the Latin commonwealth, remained with the chief magistrates of Rome. (Liv. v. 17.) The object of this panegyris on the Alban mount was the worship of Jupiter Latiaris, and, at least as long as the Latin republic existed, to deliberate and decide on matters of the confederacy, and to settle any disputes which might have arisen among its members. As the feriae Latinae belonged to the conceptivae, the time of their celebration greatly depended on the state of affairs at Rome, for the consuls were never allowed to take the field until they had held the Latinae. (Liv. xxi. 63, xxii. 1, xxv. 12.) The different dates at which the festival was held may be learnt in part from the fragments of the *fasti* found in the temple at Alba (*C. I. L.* vi. 455 ff., 863 f.; cf. Mommsen, *Hermes*, v. 378–382). This festival was a great engine in the hands of the magistrates, who had to appoint the time of its celebration (*concipere*, *edicere*, or *indicere Latinas*); as it might often suit their purpose either to hold the festival at a particular time or to delay it, in order to prevent or delay such public proceedings as seemed injurious and pernicious, and to promote others to which they were favourably disposed. This feature, however, the feriae Latinae had in common with all other feriae conceptivae. Whenever any of the forms or ceremonies customary at the Latinae had been neglected, the consuls had the right to propose to the senate, or the college of pontiffs, that their celebration should be repeated (*instaurari*, Cic. *ad Quint. Frat.* ii. 6, 3; Liv. xxii. 1, xli. 16). At first they only lasted for one day, to which subsequently a second, a third, and a fourth were added (Dionys. Hal. vi. 95). Niebuhr, however, contends that they lasted for six days, one for each decury of the Alban and Latin towns (*Hist. of Rome*, ii. p. 35; comp. Liv. vi. 42; Plut. *Camill.* 42); but this notion is based upon a very uncertain emendation of Festus, p. 194. The festive season was attended by a sacred truce, and no battle was allowed to be fought during those days. (Dionys. Hal. iv. p. 250, Sylb.; Macrob. *l. c.*) In early times, during the alliance of the Romans and Latins, the chief magistrates of both nations met on the Alban mount, and conducted the solemnities, at which the Romans, however, had the presidency. But afterwards the Romans alone conducted the celebration, and offered the common sacrifice of white oxen (Liv. xli. 16) to Jupiter Latiaris, in the name and on behalf of all who took part in it. The flesh of the victims was distributed among the several towns whose common sanctuary stood on the Alban mount. (Dionys. Hal. *l. c.*; Varr. *L. L.* vi. 25; Schol. Bobiens. in Cic. *Orat. pro Planc.* 9, 23, p. 256, Orelli.) Besides the common sacrifice of oxen, the several towns offered each separately lambs, cheeses, or a certain quantity of milk (Cic. *de Div.* i. 11. 18), or cakes. Multitudes flocked to the Alban mount on the occasion, and the season was one of great rejoicings and feasting. Various kinds of games were not wanting, among which may be mentioned the *oscillatio* (swinging, Fest. s. v. *Oscillum*). It was a symbolic game, and the legend respecting its origin shows that it was derived from the Latins. Pliny (*H. N.* xxvii. 7, 45) mentions that during the Latin holidays a race of four-horse chariots (*quadrigae certant*) took place on the Capitol, in which the victor received a draught of absinthium. At the same time, as many authorities agree in stating (Marquardt, iii. 285, note), the warm blood of a bestiarius was offered to Jupiter Latiaris.

Although the Roman consuls were always present on the Alban mount, and conducted the solemn sacrifice, yet we read that the superintendence of the Latinae, like that of other festivals, was given by the senate to the Aediles, who, therefore, probably conducted the minor sacrifices, the various games, and other solemnities (Dionys. Hal. vi. p. 415). While the consuls were engaged on the Alban mount, their place at Rome was filled by the praefectus urbi feriarum Latinarum. [PRAEFECTUS URBI.]

The two days following the celebration of the Latin holidays were considered as *dies religiosi*, so that no marriages could be contracted. (Cic. *ad Quint. Frat.* ii. 4.) From Dio Cassius we get that in his times the Feriae Latinae were still strictly observed by the Romans, whereas the Latin towns had, at the time of Cicero, almost entirely given up taking any part in them. The Romans seemed to have continued to keep them down to the fourth century of our era. (Lactant. *Institut.* i. 21.)

Feriae Sementivae, or *Sementina dies*, was kept in seed-time at Rome for the purpose of praying to Tellus and Ceres for a good crop; it lasted only for one day, which was fixed by the pontiffs. (Varr. *L. L.* vi. 26, *de Re Rust.* i. 2, *init.*;

Ovid, *Fast.* i. 658, &c.) At the same time the Paganalia were observed in the country (Merkel, *Ov. Fast.* p. clv.).

Feriae vindemiales lasted from the 22nd of August to the 15th of October, and was instituted for the purpose of enabling the country-people to get in the fruits of the field and to hold the vintage. (Codex, 3, tit. 12.) This was a vacation from legal business, but not a *sacrum publicum.*

Feriae aestivae were holidays kept during the hottest season of summer, when many of the wealthier Romans left the city and went into the country. (Gellius, ix. 15, § 1.) They seem to have been the same as the *messis feria* (Cod. 3, tit. 12, s. 2, 6), and lasted from the 24th of June till the 1st of August.

Feriae praecidaneae are said to have been preparatory days, or such as preceded the ordinary feriae; although they did not belong to the feriae, and often even were *dies atri,* they were on certain occasions inaugurated by the chief pontiff, and thus made feriae. On these days a *porca praecidanea* was sacrificed. (Gell. iv. 6.) See AMBARVALIA; COMPITALIA. [L. S.] [A. S.W.]

FERRUM. [METALLUM, Vol. II. p. 167.]

FESCENNI'NA, scil. *carmina,* one of the earliest kinds of Italian poetry, which consisted of rude and jocose verses, or rather dialogues in extempore verses (Liv. vii. 2), in which the merry country folks assailed and ridiculed one another. (Horat. *Epist.* ii. 1, 145.) This amusement seems originally to have been peculiar to country people, but it was also introduced into the towns of Italy and at Rome, where we find it mentioned as one of those in which young people indulged at weddings. (Serv. *ad Aen.* vii. 695; Seneca, *Controv.* 21, *Med.* 113; Plin. *H. N.* xv. 22.) We have rather feeble specimens of these in the four poems by Claudian "in nuptias Honorii Aug. et Mariae." The fescennina were one of the popular amusements at various festivals, and on many other occasions, but especially after the harvest was over. Munro (*on Catullus,* pp. 76 ff.) has well shown how they were employed to avert the evil eye or the envy of the gods on great occasions of good fortune, such as marriages or triumphs. After their introduction into the towns they seem to have lost much of their original rustic character, and perhaps were modified by the influence of Greek refinement (see Verg. *Georg.* ii. 385, &c.; Tibull. ii. 1, 55; Catull. lxi. 127); they remained, however, in so far the same, as they were at all times irregular, and mostly extempore doggerel verses usually in the Saturnian metre, though the specimens which are preserved are in trochaics, and the cretic is called *pes Fescenninus* by Diomedes, p. 479 k. Sometimes, however, *versus fescennini* were also written as satires upon persons. (Macrob. *Saturn.* ii. 4, 21.) That these railleries had no malicious character, and were not intended to hurt or injure, may be inferred from the circumstance that one person often called upon another to answer and retort in a similar strain. The fescennina are asserted by Festus (*s. v.*) to have been introduced among the Romans from Etruria, and to have derived their name from Fescennia, a town of that country. But, in the first place, Fescennia was not an Etruscan but a Faliscan town (Niebuhr, *Hist. of Rome,* i. p. 136), and, in the second, this kind of amusement was at all times so popular in Italy, that it can scarcely be considered as peculiar to any particular place. The derivation of a name of this kind from that of some particular place was formerly a favourite custom, as may be seen in the derivation of *caerimonia* from Caere. Festus gives an alternative derivation from *fascinum,* either because they were thought to be a protection against sorcerers and witches, or because fascinum (*phallus*), the symbol of fertility, had in early times, or in rural districts, been connected with the amusements of the fescennina. This etymology is far more probable. Teuffel (*Rom. Lit.* § 5) needlessly attempts to combine the two, suggesting that Fescennia may have derived its name from *fascinum.* Nettleship (*Journ. Phil.* xi. 190) plausibly assumes a substantive *fescennus,* "a charmer," from *fas,* "saying": hence *fescennini* would be "the verses used by charmers." Ellis in Catull. lxi. 127 prefers the form *Fascennina locutio;* the latter reading being, however, clearly inferior to *jocatio.* [L. S.] [A. S. W.]

FESTI DIES. [DIES.]

FESTU'CA is properly any stem, stalk, straw or haulm of corn, or blade of grass (Varr. *L. L.* v. 31, § 38, "qui homo in pratis per fenisecta *festucas* corradit"). In two passages it is generally explained as a synonym of the praetor's rod (*vindicta*) laid upon the slave's head in MANUMISSIO (Plaut. *Mil. Glor.* iv. 1, 15, "Quid? ea ingenuane an festuca facta e serva libera est?" Pers. v. 175, "non in festuca, lictor quam jactat ineptus"). But Conington on the latter passage has pointed out that the ordinary use of *festuca* would suit these two places equally well; so that after all the traditional rendering may be a mistake, though a very early one (the Schol. has "*virga* qua a lictore percutitur"). Plutarch says that one of the lictors threw stubble (*κάρφος*) on the manumitted slave (*de Ser. Num. Vind.* p. 550 B); and the words *lictor jactat* seem to imply something of this kind rather than touching with a staff. Probably both ceremonies accompanied the act of manumission, the praetor applying the *vindicta* with his own hand, the lictor throwing the stubble. Persius clearly had the passage of Horace in his mind (*Sat.* ii. 7, 76, "quem ter vindicta quaterque Imposita haud unquam misera formidine privet"), but may have chosen the other part of the ceremony for his illustration. The confusion between the two may be as old as Gellius (xx. 10, § 10); for the explanation of the phrase *vis festucaria,* see under DEDUCTOR. A glossary quoted by Conington gives both meanings: "Festuca, *κάρφος· ῥάβδος.*" Cf. also Gaius, *Inst.* iv. 16. [W. W.]

FETIA'LES, a college (Liv. xxxvi. 3) of Roman priests who acted as the guardians of the public faith. It was their province, when any dispute arose with a foreign state, to demand satisfaction, to determine the circumstances under which hostilities might be commenced, to perform the various religious rites attendant on the solemn declaration of war, and to preside at the formal ratification of peace. These functions are briefly but comprehensively defined by Varro (*L. L.* v. 86, ed. Müller): "Fetiales . . . fidei publicae inter populos praeerant: nam per hos fiębat ut justum conciperetur bellum et inde desitum, ut foedere fides pacis constitueretur. Ex his mittebantur, antequam conciperetur, qui res repeterent, et per hos etiam nunc fit foedus," to which we may add the old law quoted by Cicero (*de Leg.* ii. 9, 21), "FOEDERUM, PACIS, BELLI, INDUTIARUM ORATORES FETIALES IUDICESQUE SUNTO (IVS NOSCVNTO, *Madvig*); BELLA DISCEPTANTO." Dionysius (ii. 72) and Livy (i. 32) detail at considerable length the ceremonies observed by the Romans in the earlier ages, when they felt themselves aggrieved by a neighbouring people. It appears that when an injury had been sustained, four fetiales (Varr. *ap.* Non.) were deputed to seek redress, who again elected one of their number to act as their representative. This individual was styled the *pater patratus populi Romani.* (It is an error to suppose that the *pater patratus* was the permanent head of the college: Mommsen, *Staatsr.*^{2} ii. 670.) They were dressed in the garb of priests, and a wreath of sacred herbs gathered within the enclosure of the Capitoline hill (*verbenae, sagmina*) [SAGMINA], was borne before them by one of their number, who was hence called *Verbenarius.* (Plin. *H. N.* xxii. § 5.) Thus equipped, at least two of their number proceeded to the confines of the offending tribe, where they halted and the pater patratus addressed a prayer to Jupiter, calling the god to witness, with heavy imprecations, that his complaints were well founded and his demands reasonable. He then crossed the border, and the same form was repeated in nearly the same words to the first native of the soil whom he might chance to meet; again a third time to the sentinel or any citizen whom he encountered at the gate of the chief town; and a fourth time to the magistrates in the forum in presence of the people. If a satisfactory answer was not returned within thirty days, after publicly delivering a solemn denunciation—in which the gods celestial, terrestrial, and infernal were invoked—of what might be expected to follow, he returned to Rome, and, accompanied by the rest of the fetiales, made a report of his mission to the senate. If the people (Liv. x. 45), as well as the senate, decided for war, the pater patratus again set forth to the border of the hostile territory, and launched a spear tipped with iron, or charred at the extremity and smeared with blood (emblematic doubtless of fire and slaughter) across the boundary, pronouncing at the same time a solemn declaration of war. The demand for redress and the proclamation of hostilities were alike termed *clarigatio,* which word the Romans in later times explained by *clare repetere* (Plin. *l. c.; Serv. ad* Verg. *Aen.* ix. 53, x. 14: cf. Liv. viii. 14, 5). When the Romans had to carry on wars beyond the sea, this proceeding was inconvenient. Hence a characteristic device was adopted. They transferred a piece of land in the Circus Flaminius to a prisoner taken from the enemy, and set up on this before the temple of Bellona a column, which was accounted as standing on hostile territory. (Servius, *l. c.*)

Several of the formulae employed on these occasions have been preserved by Livy (i. 24, 32) and Aulus Gellius (xvi. 4), forming a portion of the *Jus Fetiale* by which the college was regulated. The services of the fetiales were considered absolutely essential in concluding a treaty (Liv. ix. 5); and we read that at the termination of the second Punic war fetiales were sent over to Africa, who carried with them their own verbenae and their own flint stones for smiting the victim. Here also the chief was termed *pater patratus.* (Liv. xxx. 43.)

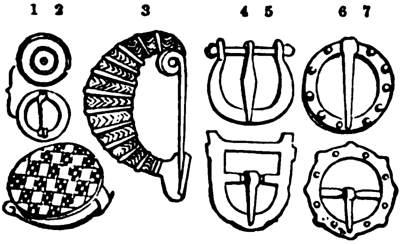
The institution of these priests was ascribed by tradition, in common with other matters connected with religion, to Numa (Dionys. ii. 71); and although Livy (i. 32) speaks as if he attributed their introduction to Ancus Martius, yet in an earlier chapter (i. 24) he supposes them to have existed in the reign of Hostilius. The whole system is said to have been borrowed from the Aequicolae or the Ardeates (Liv. and Dionys. *l. c.*), but this is extremely improbable, and is due only to an etymological explanation: similar usages undoubtedly prevailed among the Latin states; for it is clear that the formula preserved by Livy (i. 32) must have been employed when the pater patratus of the Romans was put in communication with the pater patratus of the Prisci Latini.

The number of the fetiales cannot be ascertained with certainty, but Varro quoted by Nonius (xii. 43) states that it amounted to twenty; of whom Niebuhr supposes ten were elected from the Ramnes and ten from the Titienses. They were originally selected from the most noble families; their office lasted for life (Dionys. ii. 72); and it seems probable that vacancies were filled up by the college (*cooptatione*) until the passing of the Lex Domitia, when in common with most other priests they would be nominated in the comitia tributa. This, however, is nowhere expressly stated. (Mommsen, *l. c.*)

The etymology of *fētialis* is uncertain. Varro (*L. L.* v. 86) would connect it with *fides* and *foedus;* Festus with *ferio* or *facio:* but it is more probably connected with *fateri* and the Oscan *fatium,* so that *fetiales* would be *oratores, speakers.* In early inscriptions we always find *fetialis;* in Greek MSS. the word always appears under some one of the forms φητιάλεις, φετιάλεις, φιτιάλεις: hence there is no doubt as to the orthography. (Cf. Corssen, i.^{2} 422.)

The explanation given by Livy (i. 24) of the origin of the term *Pater Patratus* is satisfactory:—"Pater Patratus ad jusjurandum patrandum, id est, sanciendum fit foedus;" and we may at once reject the speculations of Servius (*ad Aen.* ix. 53, x. 14, xii. 206) and Plutarch (*Quaest. Rom.* p. 279 B); the former of whom supposes that he was so called because it was necessary that his father should be alive, the latter that the name indicated that his father was living, and that he himself was the father of children. [W. R.] [A. S. W.]

FI'BULA (περόνη, περονίς: πόρπη, ἐμπορπίς: ἐνετή), a brooch consisting of a pin (*acus*), and of a curved portion furnished with a hook (κλείς, Hom. *Od.* xviii. 293). The curved portion was sometimes a circular ring or disc, the pin passing across its centre (woodcut, figs. 1, 2), and sometimes an arc, the pin being as the chord of the arc (fig. 3). The forms of brooches, which were commonly of gold or bronze, and more rarely of silver (Aelian. V. H. i. 18), were, however, as various in ancient as in modern times; for the fibula served in dress not merely as a fastening, but also as an ornament. (Hom. *Od.* xix. 256, 257; Eurip. *Phoen.* 805.)



Fibulae, brooches and buckles. (British Museum.)

As specimens of the exquisite workmanship of the more elaborate fibulae, we give two examples from the gold ornament cases of the British Museum.

Fibulae, brooches. (British Museum.)

Women wore the fibula both with the AMICTUS and the *indutus;* men wore it with the amictus only. Its most frequent use was to pin together two parts of the scarf, shawl or cloak [CHLAMYS; PEPLUS; PALLIUM], which constituted the amictus, so as to fasten it over the right shoulder. (Soph. *Trach.* 924–6; Theocr. xiv. 66; Ovid, *Met.* viii. 318; Tac. *Germ.* 17.) [Woodcuts, pp. 3, 158, 315.] More rarely we see it over the breast. The epithet *ἑτερόπορπος* was applied to a person wearing the fibula on one shoulder only (Schol. *in* Eurip. *Hec.* 933, 934); for women often wore it on both shoulders. [Woodcuts, pp. 368, 386.] In consequence of the habit of putting on the amictus with the aid of a fibula, it was called *περόνημα* or *ἐμπερόνημα* (Theocr. xv. 34, 79), *πόρπαμα* (Eurip. *Elect.* 820), *περονατρίς* (Theocr. *l. c.* 15), or *ἀμπεχόνη περονᾶτις* (Brunck, *Anal.* ii. 28 = *Anth. Pal.* vii. 713). The splendid shawl of Ulysses, described in the Odyssey (xix. 225–231), was provided with two small pipes for admitting the pin of the golden brooch; this contrivance would secure the cloth from being torn. The highest degree of ornament was bestowed upon brooches after the fall of the Western empire. Justin II. (Corippus, ii. 122), and many of the emperors who preceded him, as we perceive from the portraits on their medals, wore upon their right shoulders fibulae, from which jewels, attached by three small chains, depended. (Beger, *Thes. Pal.* pp. 407 ff.)

It has been already stated that women often wore the fibula on both shoulders. In addition to this, a lady sometimes displayed an elegant row of brooches down each arm upon the sleeves of her tunic (Aelian, *V. H.* i. 18), examples of which are seen in many ancient statues. It was also fashionable to wear them on the breast (Isid. *Orig.* xix. 30); and another occasional distinction of female attire, in later times, was the use of the fibula in tucking up the tunic above the knee.

Not only might slight accidents to the person arise from wearing brooches (Hom. *Il.* v. 425), but they were sometimes used, especially by females, to inflict serious injuries. The pin of the fibula is the instrument which the Phrygian women employ to deprive Polymestor of his sight by piercing his pupils (Eurip. *Hec.* 1170), and with which the Athenian women, having first blinded a man, then dispatch him (Herod. v. 87; Schol. *in* Eurip. *Hec.* 934). Oedipus strikes the pupils of his own eyeballs with a brooch taken from the dress of Jocasta (Soph. *Oed. Tyr.* 1269; Eurip. *Phoen.* 62). For the same reason we find that *περονάω* meant "to pierce," since *περόνη* was properly the pin of the brooch (*περόνησε*, "pinned him," Hom. *Il.* vii. 145; xiii. 397).

Brooches were succeeded by buckles, especially among the Romans, who called them by the same name. The first woodcut shows on the right hand the forms of four bronze buckles (4, 5, 6, 7), from the collection in the British Museum. This article of dress was chiefly used to fasten the belt [BALTEUS], and the girdle [ZONA]. (Verg. *Aen.* xii. 274; Lydus, *de Magistr.* ii. 13.) It appears to have been in general much more richly ornamented than the brooch; for, although Hadrian was simple and inexpensive in this as well as in other matters of costume (Spartian. *Hadr.* 10), yet many of his successors were exceedingly prone to display buckles set with jewels (*fibulae gemmatae*).

The terms which have now been illustrated as applied to articles of dress, were also used to denote pins variously introduced in carpentry; *e.g.* the linch-pins of a chariot (Parthen. 6, § 4); the wooden pins inserted through the sides of a boat, to which the sailors fasten their lines or ropes (Apoll. Rhod. i. 567); the treenails which unite the posts and planks of a wooden bridge (Caesar, *B. G.* iv. 17); and the pins fixed into the top of a wooden triangle used as a mechanical engine (Vitruv. x. 2). [J. Y.] [W. W.]

FI'CTILE, anything made of earth or clay, earthen, fictile. In Greek the special word for moulding in soft materials, *πλάσσω*, with its derivatives *πλάσμα*, *πλάστης*, *πλαστική*, was gradually applied only to clay, in which sense the words *plastes* and *plastice* passed into Latin. Then, as clay played an important part in the preparation of works in bronze, the use of these words was extended to metal, and still further to statuary in stone and marble. The Latin equivalent of *πλάσσω* is *fingo*, which originally was applied only to the moulding of soft stuffs, but later was used for statuary of all kinds as opposed to *pingo:* in this extended sense we have also *fictor* and *figmentum*, but the usual application of *fictor* is confined to modelling in clay, just as *fictor*, *figlinus*, *figulus* refer only to work in clay. The original term for clay is *κέραμος*, whence the forms *κεραμεύς*, *κεραμεύω*, &c., applied not merely to the potter, but broadly to a worker in clay. From *πηλός* (applied to the clay of the bricklayer, but also to that of the potter) we have *πηλουργός*, *πηλοπλάθος*, corresponding to the poetical use of *lutum*: whereas, however, *argilla* = modelling clay, *ἄργιλος* = clay without reference to its plastic uses, *γῆ κεραμίς* = *terra* or *creta figularis*; hence also *ars cretaria*. (Cf. Blümner, *Technologie*, ii. p. 1.)

We may take it that the history of working in clay has been in all times subject to the same broad laws of development. The primitive barbarian employs as utensils of food or drink the objects of nature that are to his hand, such as shells or horns. He then finds that certain clays take forms readily and harden in the sun: the next step is to a selection of the clay, and then gradually to a purification of it. Then comes baking in artificial heat, and the preparation and polishing of the surface: finally (in the case of pottery), the introduction of the potter's wheel.

It will be convenient to divide the subject into three parts, corresponding with the principal manufactures to which the Fictile Art was devoted: viz. A. *Vases and lamps*; B. *Bricks and tiles*; C. *Statuary and terracottas.*

A. VASE-MAKING.—The general words for pottery in Greek are *κέραμος* and *ὄστρακον*: in Latin, *testa* and *opus figulinum*; this last expression is also applied to bricks, but is usually of finer pottery-ware as opposed to *opus doliare*, rough ware (not necessarily the special making of *dolia*). A potter is χυτρεὺς or χυτροπλάθος, *figulus*. In Greek, special names further indicate the speciality of the potter: thus *καδοποιός*, *ληκυθοποιός*.

i. *The preparation of the Clay.*—As to the processes adopted by the ancients in the preparation of the clay, we have little information. The earliest vases from Hissarlik and the Cyclades are of very coarse clay, in which, either by ignorance or from design, large pebbles and pieces of foreign substances are allowed to remain, the result being a very uneven surface and frequent fissures in the vase. A great deal might be done by levigating the clay (*ὀργάζειν*) while moist, so as to rid it of all grosser substances before moulding it into shape: a still further purification of the clay gave the thin slip, into which the vase when complete was dipped, so as to coat it with a fine surface suitable for polishing. There is no doubt that the extensive commerce in pottery possessed by certain localities was largely due to their propinquity to specially suitable beds of clay. Thus the clay quarries may still be seen near Corinth to which the Corinthian pottery in antiquity owed its reputation: this clay is of a creamy yellow colour, and rather soft to the touch. Much of the Italian ware, the so-called Bucchero Nero, is of an oily surface, and when baked is black all through. The fine clay of Attica, and especially that of Cape Kolias, was celebrated in antiquity not only for its hardness and toughness, but also because it mixed well with ruddle or red ochre (*μίλτος*, *rubrica*): this would be a quality specially desirable for the manufacture of painted vases [see PICTURA]. Colouring matter was frequently applied to the clay; and some makers in Rhodes and Egypt are even said to have mixed sweet-smelling substances in it (see Athen. xi. p. 464 b).

1. Clay quarry. (From a tablet at Berlin.)

The extensive use of pottery throughout the Greek and Roman world rendered the potter's industry a necessity of every community: hence the frequent references in literature to the "Potters' quarter," the Κεραμεικός. At Athens this quarter was without the city and adjoining the necropolis; a site which was no doubt convenient for the makers of painted vases, so largely in use for dedication at the tomb. The potter's ware was also in use for dedication in the temples, as is shown by the large number of vases with dedicatory inscriptions found at Naukratis in Egypt [see VAS]; and in some cases for prizes in the sacred games [see AMPHORA]. This painted ware was largely exported from the chief centres of the different manufactures: in the fourth and fifth centuries B.C. most of it came from Athens; later on, a great deal was made in Southern Italy. At Oria, in Apulia, was found in 1828 a potter's workshop, filled with vases of all kinds, especially of the ware which is frequently found at Bari and the tombs of that district, viz. with the black surface sparsely decorated with wreaths, heads, &c. in white, yellow, or purple colours (see *Bull. dell' Inst.* 1834, p. 55). By the middle of the third century the art of painting vases had practically disappeared altogether [see PICTURA].

In Italy in the olden time, crockery for ordinary purposes was made by every man who could do so on his own estate: almost every village would have had its own pottery, but the ware would be for the most part rough, unglazed, and with little or no decoration. Of Roman glazed ware there were two main classes—the so-called Aretine and Samian wares. The term Aretine is given because large quantities of this ware have been found at Arezzo, the ancient Arretium, a place which is often mentioned in ancient literature for its fabric of red pottery; but it is certain that other places also produced this pottery, and the term must therefore be taken as indicating merely a special style and technique, which was in vogue in the last century B.C. and the first three centuries A.D. Aretine ware is of a fine clay, brilliant red colour, good glaze, and highly decorated with reliefs. The term "Samian," originally applied only to those of its class which were made in Samos, came also to indicate a special style wherever made; it consists usually of bowls decorated with reliefs, which are of harder clay and not the same brilliancy of colour as the Aretine. The great similarity between all Samian ware, wherever it is found, has led many to suppose that either the ware itself or the clay was exported; but considering the widely distant localities in which it is abundantly found, it is probable that the potters knew how to adapt local clays to its fabrication: in some cases we have provincial imitations of Samian ware, which have an orange colour on the surface, besides a great variety of local productions of different kinds. (Birch, pp. 346–362.)

ii. *The modelling of the Clay.*—The use of the potter's wheel (*τροχὸς κεραμικός, τροχός, τόρνος*: *rota figularis*, *rota*, *orbis*) was known in Egypt in very remote times, and in Greece went so far back as to be credited with a legendary origin: the invention is variously ascribed to the Scythian Anarcharsis, and to Talos nephew of Daedalos; others said Hyperbios of Corinth, others again the Athenian Coraebus, or the Athenian people in general. It is familiar at any rate to Homer; who in a well-known passage likens a dance of maidens to the wheel which "a potter deftly turns with his hands, trying if it will run" (*Il.* xviii. 600); and the vases of the period which is usually referred to the time of Homer are certainly wheel-made. The vases, however, of the primitive tombs at Hissarlik and elsewhere, already mentioned, are hand-made, and show no trace of the wheel: they are, moreover, of the rudest form, and as a rule are without a foot, pierced for suspension, and incapable of standing upright, or are constructed with three roughly-modelled legs. The clay of these vases is coarse and the walls thick, and there is little intention of practical utility in the forms adopted: the anthropomorphic tendency, possibly derived from religion, shows itself in the imitation of living forms, the vases assuming frequently the grotesque shapes of men and animals. (See Schliemann, *Ilios*, p. 521, and Baumeister, *Denkmäler*, s. v. *Troja*.)

In the earliest vases from Italy we have the same stage of primitive hand-made ware, which precedes all other fabrics, and is of the roughest description. Near the Alban Lakes a series of these vases was found beneath a stratum of peperino, and they are now in the British Museum: others were found at Rome beneath the foundations of the wall of Servius Tullius, under circumstances which point to their manufacture at a period long antecedent to that date. From the brownish colour which they show, this class of vases has received the name of Brown Ware, as distinguishing them from the Bucchero Nero before mentioned, the vases of which have the clay black all through, and are made on the wheel. (Birch, p. 449.) The most remarkable of the Brown Ware are the so-called "hut-urns," which are in the form of the primitive Italian *tugurium*; one of these in the British Museum is filled with the ashes of the dead, which were introduced by a little door secured by a cord which passed round the vase: the cover or roof is vaulted, and apparently intended to represent the beams of the hut. The decoration of this class of ware is very rude, consisting of punctured or incised lines, spirals, raised zigzags, bosses, and projecting ornaments applied after they were made: they resemble in character the Teutonic vases found on the banks of the Rhine and certain Celtic ones that occur in France and Britain. They have no glaze upon their surface, but a polish produced by friction.

Besides these primitive vases made in potteries where the wheel was not yet known, we should mention here another class of vases which were probably at all periods made by hand. The large pithi (*dolia*) which were used by the ancients for the fermentation of new wine, and which in this case were usually sunk partially into the ground, were often of enormous size: the largest and most perfect of these pithi in modern times was found near the site of the ancient Dardanus in the Troad. Of this vase Mr. Calvert says (*Archaeolog. Journal*, 1859, p. 3): "An idea may be formed of the size from the fact that, when emptied, six persons entered it together, and it contained them all in a sitting posture." The British Museum has two such pithi, from Kamiros and Ialysos in Rhodes, each more than 4 ft. 6 in. high, in which a space of about 18 in. from the base is unornamented, showing how much of the vase was intended to be buried in the ground; and the subject occurs frequently on vase-pictures of Eurystheus hiding in, or the Centaur Pholos drawing wine from, such a half-buried pithos.

It is evident that no wheel would be large enough for the manipulation of these monsters of pottery, which had to be constructed by hand. What the process exactly was, we do not yet know. They seem to have been built up from the bottom with the help of a wooden frame or kernel, *κάνναβος, ξυλήφιον*: but as to what this *κάνναβος* was, the passage of Pollux (vii. 164) does not clearly state. The same word is applied to the "skeleton" employed by the clay modeller, and is also mentioned (Strattis, *Κιν.* 3) as the nickname of a very thin man, so that in all probability it was a skeleton of wood around which the clay was modelled. Some fragments of pithi have been found which are bound together with leaden or bronze cramps; whether these were employed in the construction, or subsequently let in, to strengthen the vase, we cannot say. The construction of pithi was evidently looked upon as a difficult feat of the potter's art, as we see from the proverb applied to those who, neglecting the rudiments of teaching, attempt at once difficult problems: they are likened to one learning the potter's art, who, before he has learnt how to make pinakes (tablets) or other small objects, tries his 'prentice hand upon a pithos (Zenob. *Cent.* iii. 65), *ἐν πίθῳ τὴν κεραμείαν μανθάνειν.*

As to the form or method of handling of the potter's wheel, ancient literature tells us very little: we do not even know whether it was turned always by hand, or whether, as in the modern usage, it was turned by the foot. Homer, in the passage already quoted, speaks only of the hand, *τροχὸν ἄρμενον ἐν παλάμῃσιν*: and in all the representations of a potter's wheel which occur on Greek monuments the hand alone is employed. Blümner (*Techn.* ii. p. 38,

n. 3) quotes a writer of the third century B.C., the son of Sirach (Ecclus. xxxviii. 29 ff.), who mentions definitely the use of the feet, *συστρέφων ἐν ποσὶν αὐτοῦ τροχόν*: but more commonly we find mention of the use of the hand (*e.g.* Plut. *de gen. Socr.* 20, p. 588 F). In the case of a large vase, before which the modeller would have to stand upright, the wheel was only raised a short distance from the ground, and was turned by a boy seated beside it, as we see in the Munich vase-painting representing a potter's workshop (Jahn, *Verzeichniss*, No. 731).

The wheel consisted of a circular disk placed horizontally upon an upright post, upon which it rotated. Specimens have been found in the neighbourhood of Arezzo (Fabroni, *Storia degli ant. Vasi fitt. Aretini*, p. 63) and near Nancy (De Caumont, *Cours d'anc. Mon.* ii. 210): these are described as wheels of terracotta, pierced at the centre to receive the axis of a pivot, and furnished at the circumference with small cylinders of lead: these would serve as a purchase for the hand, while the additional weight would impart steadiness to the rotatory movement.

The accompanying illustration shows a potter at work making a vase upon the wheel. It is taken from the painting on a pinax or small clay tablet in the Berlin Museum, and is one of a large series which were found at Penteskuphia near Corinth in 1879, and date from the sixth century B.C. Many of these pinakes represent different stages of the potter's art, and from the inscriptions it is probable that all were originally dedicated by potters to Poseidon as specimens of their work, which in course of time were removed from the temple or shrine, and buried in a favissa adjoining. From the above we see that the process of pottery at this early date differed but little from that of the present day. The ancient potter placed a lump of clay upon the centre of the wheel, and while he revolved the wheel (*τροχὸν ἐλαύνειν*) he moulded (*ἕλκειν, ducere*) the clay with his hand. While one hand was placed inside the lump of clay, giving it the required form, the palm of the other would be pressed against the outer surface, thus keeping the wall of the vase smooth and thin. That thinness in the walls was a special desideratum, at any rate in the best period, we see from the vases which have come down to us: this is further exemplified by the statement recorded in Pliny (*H. N.* xxxv. § 161), that in his day were still to be seen in a temple at Erythrae two amphorae preserved there in remembrance of a contest between a master potter and his pupil, as to which could throw the thinnest ware. Lucian even speaks of pottery so light as to be blown away by the wind, *ἀνεμοφόρητα καὶ ὑμενόστρακα* (*Lexiph.* 7). In the preceding cut, the potter is seated beside his wheel, which he turns with one hand, while with the other he applies ornament either with a brush or stick: if the ornament was engraved alone, this would have to be done while the clay was still moist; if painted, the vase would be first dried in the air.

2. Potter at work. (From a tablet at Berlin.)

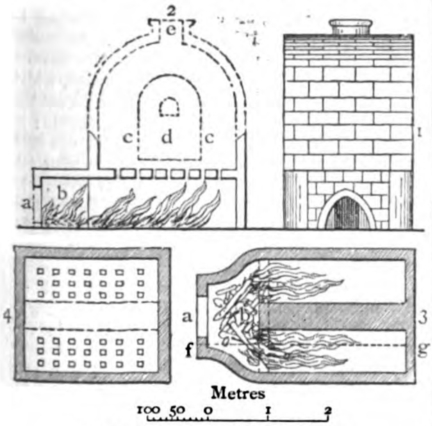
The body of the vase once completed, the surface was smoothed, perhaps as now, with a piece of hard leather or a small strip of wood: Jahn thought that this process is represented upon a vase-painting (*Berichte des G.* 1854, Taf. 1, 2). It was then placed in the air to dry, and the handles, as well as in the case of larger vases the neck and foot, which had been independently constructed, were attached. Great technical skill was shown by the Greek potter in the attachment of the handles, which, in the vases which have come down to us, are rarely broken away at the point of juncture.

The completed vase was now ready for decoration. The various processes of painting and glazing vases are considered under the article PICTURA; other methods of decoration by means of stamping and moulding are mentioned below. In any case, most vases, with the exception of the rudest and most primitive, would be covered with a finely-ground slip, and in certain instances a very fine siliceous glaze, probably formed of soda and well-levigated sand. It was now ready for

iii. *The Baking.*—Some vases, we are told by Pliny (*H. N.* xxxi. § 130; xxxiv. § 170), needed no baking, being used for certain technical or medicinal purposes: these were called *ὠμά, cruda.* Plato (*Legg.* iii. 679 A) mentions the vases of the olden time, distinguishing between those which were baked, *ἔμπυρα*, and those which were unbaked, *ἄπυρα.* Almost all the vases which have come down to us, however, are undoubtedly baked. A vase of great size, such as the pithos above mentioned, would possibly have a special oven for its reception: it is possible that such an oven is shown on one of the Berlin pinakes, where the neck and handles of a large pithos project from the roof of an oven, with flames coming through it: Furtwängler, however (*Berlin Vase Catal.*, No. 802), says that the custom still obtains in Greece of the use of a pithos for the same purpose in the houses of the present day.

The process of baking (*ὀπτᾶν, coquere*) was one of the most critical in the potter's art. The necessary amount of heat required to be accurately adjusted, according to the character of the ware. Most of the Greek pottery is submitted to a great deal of heat; the Etruscan Bucchero Nero, on the other hand, required only a moderate amount: frequent examples have come down to us of discoloured or distorted vases, which have been subjected to too much or too little heat. Often the vases flew in the baking, *φοξά*: or the vases touched one another and lost their shape; or the smoke reached them and spoilt the colour. These mishaps were put down to the malicious influence of evil sprites, and various methods were resorted to counteract this influence: the pseudo-Homeric hymn to the potters (Hom. *Ep.* xiv.) invokes Athene's protection for the vases that are being baked, and mentions the various evil spirits that may injure them if the potters deceive the poet: "the Smasher, Σύντριψ; the Crasher, Σμάραγος; the Unquenchable (*i.e.* overheat), Ἄσβεστος; the Destroyer, Σαβάκτης; and the Fierce Conqueror, Ὠμόδαμος; and may he work many evils to your art!" On the Munich vase the front of the oven is furnished with the head of a Seilenos, as an amulet, ἀποτρόπαιον, intended to avert the evil eye. The quality of baking was judged by tapping (κρούειν, *discutere*) on the surface of the vase, according to the sound it gave out.

The ovens (κάμινοι, *fornaces*) for baking vases seem to have differed very little from those of the present [FORNAX]. The remains of such ovens, dating from a late Roman period, have been found in S. and W. Germany, France, England, and Italy. The most perfect perhaps was that found in 1881 at the little Roman colonia situated between the villages of Heddernheim and Praunheim near Frankfort: it has now been destroyed by the owner of the property on which it was found, but an excellent set of plans were drawn up before its destruction, by Donner, and published in the *Annali dell' Inst.* 1882, Tav. U 3–6, from which they are here reproduced.



3. Plans of furnace at Heddernheim.

The oven as a rule consisted of three different parts: the fire-space, or furnace, which was usually prolonged at the entrance by a channel through which the fuel was passed, *praefurnium*; and the vase-room, or oven proper, which consisted of a domed chamber built over the furnace. The whole was built of burnt, or sometimes of unburnt, bricks, and the interior, floor, and upper surface of the roof were coated with strong cement. The furnace was usually circular, sometimes rectangular; and was usually bisected by a wall, which started from the *praefurnium* and was intended to support the floor of the oven. This floor was pierced with a number of holes to allow the heat to pass through: upon it the vases intended for baking were placed, or else they were hung on the walls: in the oven found at Lezoux a number of iron pegs were driven into the walls for this purpose. In some cases a series of pipes ran from the holes in the floor through the roof of the oven: by this means any smoke or cold air which might otherwise penetrate from the furnace into the oven, and so injure the vases, was carried off. The roof is wanting in nearly all the remains which have come down to us; but all the painted representations point to a vaulted roof, with a hole or chimney at the top through which the flames issue. Into the side of the oven two doors, or one door within another, led from the outside, capable of being hermetically sealed: the smaller of these doors enabled the potter to examine the vases from time to time and watch their progress in baking; the larger door was used for introducing the vases into the oven.

In fig. 3 we have the ground-plan of the furnace, of which *a* represents the mouth; *b* the neck, from which the flames spread throughout the building. The fire-space is divided into two parts by a wall which serves as a support for the floor of the vase-space seen in fig. 5: this floor is perforated with square holes at regular intervals, through which the heat passes to the vases. No. 1 represents the front elevation, and No. 2 the vertical section, of a complete building, made up from the actual remains of Heddernheim restored after the Berlin paintings: the portion restored is marked in dotted lines. In No. 2, *d* represents the door nearly on a level with the floor of the oven, through which the vases are inserted: the smaller aperture within *d* serves as an eyehole through which the vases in process of baking might be periodically inspected: such an arrangement seems to be indicated on some of the Berlin paintings.

4. Exterior of furnace. (Berlin tablet.)

5. Interior of furnace. (Berlin tablet.)

For the processes of painting vases, which would naturally have required special arrangements of baking, see PICTURA.

iv. *Plastic decoration of Vases.*—Under this head we may include all the forms of decorating vases which are not comprised in the process of painting; that is to say, the processes of modelling, moulding, or stamping. In Greek art these processes were never much in favour among the makers of vases: we meet with them in the earliest pottery, and to a considerable extent also in the decline of taste; but at the best Greek period the form of the vase is as a rule as simple as possible, and the decoration is confined to that of colour.

a. In the earliest Greek pottery, plastic forms occur, but these are usually owing principally to the tendency to imitate vases of metal; a tendency which is always making itself felt among the makers of vases in clay. Among the vases of the Mycenae period in the British Museum, is one from Kalymnos in the form of a bull's head, which is the exact parallel of a silver vase found by Schliemann at Mycenae, and which is of the same period: it is obvious that the Kalymnos potter must have had some such metal vase in his mind, for the projecting horns of the bull, which would be strong enough in the metal to resist fracture, are extremely inappropriate when executed in clay. Similarly, in the succeeding period of Dipylon ware, we have the feet and handles of vases frequently modelled in a form which is obviously imitated from the strips of beaten metal used for this purpose in the metal vases of the same period. Even among vases of the sixth century B.C. we find imitations of rivets and nails which in the metal originals would serve to fasten on the handles and feet. In Cyprus, where art was never completely subject to Hellenic influence, fantastic forms prevail throughout.

Another tendency to plastic forms was that which Greek pottery underwent in the importation of objects from Egypt and elsewhere. To the Egyptians was due the idea of the so-called Canopic vase; that is, a vase made more or less in the likeness of the being whose remains it was intended to contain: it was natural that this conception of a vase on the analogy of a living being should be reflected, as it is in the earliest vases, both in the form and often in the decoration, as when the neck of a vase is decorated with a necklace and the handles with ear-rings: the more so, as our own terms for the different portions of a vase—lip, neck, shoulder, body, and foot—imply the same analogy. Thus, from the Egyptian alabaster vases, alabastra, in form of a female figure, we have the Greek alabastra imitating the same form; from the porcelain vases in form of a head, or of various animals, we have a whole series of aryballi imitating, or even creating, similar new shapes. These mostly date from early in the sixth century B.C., and after this date we do not find many such imitations of form except in a few instances of the so-called rhyta, and even these are in the best period of Greek art. In the period of decline (*i.e.* the fourth and beginning of the third centuries B.C.) among the vases of Greek manufacture from Southern Italy we find the same tendency springing up again, but here it is merged with other processes, which combine with it in destroying the simplicity of outline indispensable to the best aims of the potter's art.

b. The same principles are found in the Greek use of *appliqué* decoration. Among the earliest vases it is rarely found, the only instances of its occurrence being a series of cups with black glaze, found at Naucratis and Rhodes, which have an exterior band left uncoloured, on which are small objects, such as knuckle-bones, which have been cast separately in a mould: and a series of the so-called Polledrara ware, the clay of which is black throughout, and which have ornaments in the same clay applied in this method: examples of this ware have come from the Greek settlements in Egypt, and from Mytilene and Italy; both classes date from early in the sixth century B.C. This method reappears in the fourth century, when among the vases now too often crowded with painted figures the desire is felt of emphasising the principal actors in the scene: at first this is effected by the use of gilding for the principal group; then gradually these figures are separately moulded and applied to the vase; and finally we have the entire scene thus rendered in relief, or else a vase is formed by fitting a spout and handle on to a terracotta statuette which has been cast hollow. There is also one class of black aski at this period, which have the upper surface decorated with a subject in relief, which has been cast in a mould: in the British Museum there is exhibited one such relief from an ancient askos, together with the ancient mould from which it was cast. In many of the large vases of Italian fabric, this tendency is for a long time confined to the handles: thus the large kraters of these fabrics have the upper extremity of the handle, which is in the form of a volute, decorated with an *appliqué* Gorgon's mask, while the lower extremity issues again from the vase in the form of swans' necks.

c. The introduction of Oriental cylinders and seals into Greece no doubt suggested the adaptation of the stamped ornament to Greek pottery: an engraved cylinder, revolving on a swivel, needed only to be pressed against the soft clay as it turned upon the potter's wheel and it would give a continuous band of pattern, formed of as many repetitions of the same design as the circumference of the vase could contain. The earliest examples of this class of ware are certain large pithi of uncoloured terracotta, of which the British Museum has three complete examples found in Rhodes, and numerous fragments, with one complete example, from Crete; they may be compared with the fragments of sarcophagi found at Assarlik in Caria: in all these instances the decoration is effected either by means of the cylinder, as above; or by a succession of stamps with figures or patterns in relief. The process was probably also in use among the Greek potters of the Polledrara ware, though at present the examples of it have been mainly found in Italy. After the sixth century B.C., it seems to have dropped entirely out of use among the Greeks: the British Museum has one single exception, a small black-glazed cup of the fourth century B.C., which has a representation of Perseus and Medusa: each of the figures in this scene has been singly stamped upon the soft clay, from a separate stamp.

d. The practice of producing complete vases from moulds is only found in the later periods of Greek pottery: many of the rhyta already mentioned were probably so made, in the form of objects such as the heads of Seileni or nymphs, or the heads of animals, or even occasionally in groups, such as that of a negro devoured by a crocodile: these rhyta are usually coloured, with more or less resemblance to nature, or are covered with a black glaze. Another class of vases produced in this way are certain black aski with reeded or plain bodies and a relief on the upper surface; and a class of phiale omphalobi of the same ware, which have a frieze of figures running around the central boss in the interior: it is uncertain, however, whether these vases were made by Greek or by Roman potters; one such phiale has around the central boss an inscription in archaic characters of the Roman potter Canuleius (*Annali dell' Inst.* 1883, Tav. d' agg. I). On the other hand, a cup of this ware has on the interior the mould of a coin of Syracuse of the third century B.C.

In Etruria, previously to the free importation of Greek pottery, we find the potter's art following much the same line of development. We have, first of all, the primitive hand-made ware, which is modelled into all sorts of grotesque and fanciful shapes, principal among these being the so-called "hut-urn," already alluded to: these are succeeded by the Bucchero or black ware, in which the forms are moulded frequently in imitation of metal, and the decoration follows one or all of the three processes; either it consists of reliefs pressed separately in a mould and attached, or reliefs modelled on the vase freehand, or bands and patterns stamped on the vase. Contemporary with these is also a class of red ware, for which the stamping process alone seems to have been used.

The Roman pottery of early times seems to have been mainly similar to the Etruscan, or to have relied largely upon imported fabrics. From an early site upon the Esquiline we have evidence of a fabric which is evidently derived from an Egyptian origin, and which has a greenish yellow glaze with floral patterns, &c. in relief. In the third century B.C. Roman potters were working in the Greek method, as we see from the vase of Canuleios mentioned above. In the second century B.C. we find the so-called Samian ware coming in, and this seems to have held its own to the exclusion of most other ware throughout Roman times. It is of a remarkably fine and smooth character, varying in colour from a deep red to a pale orange, or iron grey with a bright metallic lustre, and in most cases has plastic decoration in relief. The custom, however, of calling this ware "Samian" appears to rest on no sufficient basis: it has been attempted to show that this ware is traceable to certain "Proto-Samian" pottery found in Greece and the islands; but it is never mentioned by the earlier Greek writers, and seems to have been peculiarly characteristic of Roman pottery. One of the principal seats of its manufacture was Arezzo, the ancient Arretium, and this Aretine ware is frequently mentioned in terms of praise by Roman writers (see Birch, vol. ii. p. 339).

The vases of this ware which are decorated with reliefs are most usually made entirely in a mould; or else the relief was executed *en barbotine*,—that is, by laying on the surface a thin slip, which was then worked up with a tool into the required form. The mould vases, or matrices, were in one piece, as a rule of the same clay as the vase itself, but uncoloured. In the production of vases on this plan, three distinct processes were necessary: first, the making of the stamps intended for the decoration, then the fabrication of the matrix, and, lastly, the formation of the vase within the matrix. The stamps were usually of clay, but were also made in gypsum, wood, and metal: they had a short handle, terminating in a surface slightly convex (so as better to fit the concave side of the matrix), on which was modelled the ornament, either a pattern or figure, or the name of the potter. As the making of these stamps required a certain amount of artistic skill, it is probable that they were in circulation among the numerous potteries, and this accounts for the


6. Specimen of Samian.

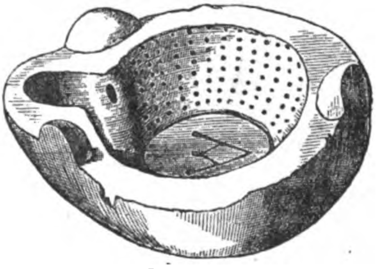
7. Potters' stamps.

fact that vases with similar ornaments have been found in widely distant localities.

For the preparation of the matrix a clay which should possess highly absorbent qualities was necessary, so that it should absorb the moisture of the clay which was pressed into it, and facilitate its drying: for this purpose we find some of these matrices provided with a hole in the base through which the moisture might drain out. They were made on the wheel, and, while the clay was still damp, the designs were pressed in by means of the stamps: the whole was then smoothed and baked hard.

Into the matrix thus prepared, the clay was pressed, and the inner surface of the vase was then formed upon the wheel. When dry, the vase was easily removed from the matrix; a foot, if necessary, was added, and it was now ready for baking. For finishing purposes, modelling tools were employed, of bone or bronze: several of these were found at Arezzo (see Blümner, *Techn.* ii. p. 110).

Most of the lamps which have come down to us are also made in this process: some of the Greek lamps of earlier times are simply open vases made either freehand or on the wheel, and covered with black glaze. The most ordinary form, however, both of late Greek times and throughout the Roman period, have the chamber for the oil covered in, with, as a rule, a decoration in relief upon the upper surface. These were invariably made in a mould by the following process:—First a solid clay mould was made in the form of a lamp, decorated on the upper surface either with a moulded or stamped decoration: around this core a clay matrix was pressed, which was then divided horizontally, so as to form an upper and lower matrix: to ensure the exact fitting of these two parts, either corresponding marks were made, or else a series of knobs were raised in the surface of one part which exactly fitted into corresponding sockets in the other part. Both parts would then have a thin coating of clay pressed in, the two parts of the matrix were joined, and the complete lamp within the matrix was finally allowed to dry, and then baked.



8. Lamp mould.

B. Architectural Objects.—i. *Bricks.*—The general term in Greek for brick-making is πλινθεύειν, and for a brick, πλίνθος; as the usual form of a brick was rectangular, both these words became applied gradually to all objects of this form, without distinction of material: the corresponding term in Latin is *later*, but this word had not the same extended usage.

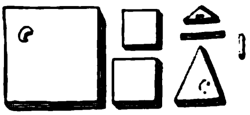
The art of brick-making, one of the simplest and oldest of the fictile arts, was never developed to any considerable extent in Greece; it was in use from very early times, and, like most arts, had its legendary inventors. To the Athenians Euryalos and Hyperbios were attributed the arts of brick-making and house-building; another account mentions Toxius, son of Caelius, as the inventor of building with mortar, the idea having been suggested from the nests of swallows. Of the Greek uses or methods of making bricks very little is known; it is certain at any rate that the Greeks used air-dried bricks and tiles (πλίνθοι ὠμαί, *lateres crudi*) down to Roman times, even for the walls of towns. As a rule, for all important buildings, stone and marble would be used; and in all probability the use of bricks was never extensive in Greece until it had spread thither from Rome.

In the early period of Roman history under the Republic, the usual material for all buildings was air-dried bricks. Vitruvius says that in his time at Rome it was usual to employ stone for the foundations (*pilae lapideae*), bricks for the walls (*structurae testaceae*), and cement for the party walls (*parietes caementicii*). In Imperial times brick was the usual material for both private and public buildings; the walls of more costly buildings would often be of a core of rubble between bricks, or of brick alone, faced with marble slabs.

All that we know of the Greek method is that the earthy clay (πῆλος) was carved out with trowels (ἅμαι) and laid in mould (λεκάναι, see Aristoph. *Aves*, 1145): it was wetted with water and kneaded with the feet, but it is uncertain whether the bricks were modelled by hand or pressed into a mould. The Romans were careful in the selection of clay: they rejected sandy or stony clay, both on account of the weight and liability to damp; a whitish clay was preferred (*terra albida, cretosa*), or else a reddish clay (*rubrica*), or the softer kind of sandy loam (*sabulo masculus*). The special times for brick-making were spring or autumn: after baking it was usual to leave the bricks for some time to dry. Vitruvius recommends the use of those which are two years old and thoroughly dry; and quotes a law of Utica, ordaining that bricks for walls must be five years old. The clay was carefully purified, damped, and mixed with chopped straw; it was then either formed by the hand or pressed in a mould, and set to dry in the sun. In some parts of Spain and Asia Minor bricks are said to have been made so light that they would not sink in water.

The usual size of bricks in Greece was 5 palms square (πεντάδωρα) for public, and 4 palms square (τετράδωρα) for private buildings: in Rome the size usually adopted was the γένος Λύδιον, 1½ Roman foot long by 1 ft. broad (*sesquipedales*). Palladius recommends bricks of 2 Roman feet long (*bipedales*) by 1 ft. broad and 4 in. high: in later times there seems to have been no definite rule as to size.

The form varied according to the purpose for which the brick was intended. The accompanying woodcut, taken from Rich, shows a set of brick



9. Brick forms.

forms which he collected from various Roman buildings: some are triangular, others hemispherical (*tegulae mammatae*): others, intended for circular buildings, such as columns or ovens, have a curved edge: those intended for a floor are either square *tesserae* or long pieces which when put together in a pattern give the so-called *spicata testacea:* and the finer mosaic floor (*opus vermiculatum*) is often made of fragments of different-coloured pottery.

ii. *Tiles.*—The usual system of roofing, both in Greece and Italy, was by means of two sorts of tiles, viz. the flat tile with raised edges (*κέραμος, στεγαστήρ, tegula*), and the curved ridge tiles, laid alternately with the others (*καλυπτήρ, imbrex*). Mention is also made of gutter tiles (*colliciae, tegulae colliciares* or *deliciares*), intended for drawing the rain-water off the roofs as it passed through the gargoyles. The making of tiles was a separate trade from that of brick-making, and tile-makers were called *tegularii, teglarii,* or *figuli a tegulis, figuli ab imbricibus.* (Orellius, 4190; Henzen, 7280.)

The habit of tiling for roofs must have commenced at a very early date, but there is no evidence as to when it was introduced. It seems quite clear from the excavations at Tiryns that the palaces and houses of the pre-Homeric and Homeric periods were not roofed with clay tiles, as in all the excavations on that site no single tile of baked clay has been discovered which can be attributed to those periods. The hut of Achilles, as described in *Il.* xxiv. 450–1, was covered with rushes, and rush thatching was in use in Sardis when that town was taken by the Ionians (Herod. v. 101); but probably for an extensive system of buildings like Tiryns and Mycenae the whole roof was covered with a thick layer of clay, perhaps resting upon a layer of rushes, as is the practice in the East at the present day. In all probability flat roofs continued in use for private houses in Greece down to a late period, for we read of certain ceremonies which took place (the *κῆποι Ἀδώνιδος*: see *Rev. Arch.* 1851, p. 97) upon the house-tops at Athens. But for the roofs of public buildings terracotta tiles must have been employed at an early period, for it was said that Byzes of Naxos first introduced tiles of marble about B.C. 620 (Paus. v. 10, § 2). [TEGULA.]

In Rome, and probably also in Etruria, houses were originally roofed with shingles, and continued to be so down to the time of the war with Pyrrhus, when tiles began to supersede the old roofing material (Plin. *H. N.* xvi. § 10); and in Pompeii the majority of the houses had terracotta tiling.

Tiles were also used in graves to cover the body in the case of inhumation and to line the grave: also for closing the recesses in the chambers within which the little sarcophagi were placed which held the ashes of the dead, and these would have inscriptions stamped or incised, recording the name and titles of the deceased.

The paste of which tiles were made is compact and dense, but generally not so fine as that of bricks. Like bricks, they appear to have been made by means of a mould, but two boards, called *plaision*, were probably sufficient for the purpose. A hole was driven through them when they were intended for roofing, especially for the *opus pavonaceum* or peacock-work, in which they were arranged like scales, being hung by one corner. The flange tiles were probably made in the same way, the flanges being subsequently turned up by the hand of the workman. They were then dried in the sun, and subsequently baked in a kiln: the Romans in early times, as has been stated, used sun-dried bricks and tiles, but these did not last more than five years. For baking bricks and tiles the same form of oven would be used as in the case of vases already described. (See Birch, *Hist. of Pottery*, p. 470.)

iii. *Antefixes, &c.*—The *imbrex* close to the edge of the roof terminated in an upright semi-elliptical surface called the *antefix*, on which was usually a decoration in relief, consisting generally of a palmette (*καλυπτὴρ ἀνθέμωτος*), or some other floral device. The main part of the imbrex was moulded by hand, and the decoration on the antefix stamped or impressed from a mould upon the soft clay. In the British Museum is a large series of archaic terracotta antefixes from Caere, representing heads or busts, and mythological figures such as Gorgoneia, Typhon, Sphinxes, within a floral border; and a series of masks for a similar purpose, but of later date, from Tarentum: all these are highly coloured. [See ANTEFIXA.]

The fictile art was considerably used throughout antiquity for various other architectural purposes, such as for capitals and columns, sills and frames of windows, the crowning portions of cornices and gutter-spouts, and akroteria. The gutter-spouts under the ridge tiles were a very decorative part of terracotta decoration: the most ordinary form of these spouts was a lion's head, such as the Greeks also used frequently for the spout of a fountain, moulded in high relief, the water issuing from the open mouth: other forms were the whole forepart of a lion, cast from a mould in high relief, with the spout issuing from between the forelegs. The moulds for these *antefixa* were probably in extensive circulation, as the same impressions are found in widely distant localities: their use extended back to early Greek times, for the excavations at Olympia and in Sicily and Magna Graecia show that during all the archaic period the Greek artists employed painted terracotta extensively for covering the higher parts of temples. In the inscription referring to the arsenal of the Piraeus (B.C. 346–328) mention is made of *κεραμίδες ἡγεμόνες λεοντοκέφαλοι*: and Rayet in his *Céramique*, pl. 15, gives two good coloured illustrations of such architectural decoration, the one from the cornice and fillet of the treasury of Gela at Olympia, the other from those of the archaic temple (C) at Selinus.

The original intention of this fictile decoration was no doubt the preservation against weather of the early wooden structures: and during the period when public buildings were principally constructed in calcareous tufa, the practice still continued: it was only given up when these buildings came to be constructed in marble, but still continued in localities where marble was difficult to obtain, such as Sicily. At Pompeii in all periods of architecture fictile decoration is extensively employed, but undergoes a curious process of development: in early times the clay is coarse and ill-refined, while the modelling and casting are good; in later times, the material is good, but there is a corresponding want of care in the modelling: the reason being, that in later times the terracotta was seldom exposed, but only served as a basis for stucco decoration. The terracotta mould was generally covered with a thin layer of stucco and then painted (see Von Rohden, *Terracotten von Pompeii*, i. p. 9; and Overbeck, *Pompeii*, p. 469). This use of stucco covering gave rise to the employment of baked clay for many purposes which it had not served before: thus, the shafts of columns in Pompeii are frequently made of bricks coated with stucco; and some very elaborate cylinders of terracotta have been found there, richly decorated, and intended to serve as the protection of the mouths of wells, puteal, with ornaments such as Caryatid or Atlantid figures, garlands or lion masks, in relief, and other ornaments pressed in from a stamp.

In Mesopotamia, where the main principle of architectural construction was clay or mud, it was necessary to protect the walls of buildings from damp and weather: in Assyria and Persia this was effected either by means of slabs of marble, or by a facing of glazed and coloured tiles. This practice transferred itself to the early civilisations of Italy, where, especially in the tomb grottoes, the tufaceous soil was liable to percolation of damp. The habit there grew up of facing the walls of these grottoes, and possibly of the houses also, with slabs of terracotta. There is in the British Museum a series of five such slabs of terracotta which were found in 1874 in a tomb at Caere (Cervetri), to the walls of which they had been attached by means of plaster. They average about ¾ in. thick, and are painted with designs which seem from their style to indicate an Asiatic influence, and to date from about the seventh century B.C. Just as in the exterior decoration of tiles and cornices the labour of the painter was lightened by the assistance of modelling, so no doubt, in the interior wall-decorations, modelling or casting in relief was early resorted to. In the British Museum are several slabs in coloured relief from Capua, representing a procession of chariots, which have probably been used for this purpose, and which date from the fifth century B.C.; and numerous terracotta sarcophagi with reliefs have been found in Etruscan tombs, which show how extensively this art flourished in Etruria. Slabs in low relief were called *protypa*; those in high relief, *ectypa*.

Among the Romans, terracotta decoration was extensively employed in the interior of houses: the most usual form consisted of flat slabs, *antefixa*, about 18 inches in length and 9 inches high; these were cast in a mould, with circular holes left for the plugs or leaden nails by which they were attached to the woodwork or masonry, and after the necessary retouching were fired in a kiln and coloured. The subjects of those which have come down to us are very varied, being principally borrowed from Greek mythological representations, executed under marked Roman influence: sometimes the relief consists of mere ornament, and the treatment is always architectural. Some late examples of such *antefixa* are in the Museum at Sèvres; two of them are inscribed with the names of the makers, Fecinus and Verecundus, probably freedmen or slaves (Brongniart, *Mus. de Sèvres*, p. 16). Birch (p. 492) gives several instances proving the use of such slabs in the decoration of Roman houses and tombs.

Another important use of terracotta was in the making of all sorts of drain pipes (*tubuli fictiles*): these were usually circular for all purposes connected with water, and were probably turned upon the lathe around a core: they were made to almost any size, some being as much as 8 inches in diameter; they are made narrow at one end, with a collar for insertion, and were joined together with mortar. For warming the *tepidaria* and the rooms of baths and other chambers, a rectangular flue tile was used, which had a hole at one side for the ejection of the air; the clay is scored while still moist with patterns of lines, in order to afford a better hold for the cement. They are as a rule of the same paste as the roof-tiles, and average about 16 inches in length.

iv. *Other uses.*—It would be impossible here to enumerate all the various uses to which so handy and adaptable a material was put in antiquity. Besides those already stated, we may mention brick cisterns for holding water, of which examples have been found in Sicily: in Greece public cattle-troughs seem to have been made of this material. In an inscription from Eleusis (Ἐφ ημ. Ἀρχ. 3rd ser., 1883, p. 1) mention is made of "four cattle troughs (*τραπέζας*) for watering beasts of burthen on the road, obtained from Tibeas the potter, *κεραμοπώλης*." Imitation jewellery for the tomb was made in terracotta and gilt; masks of deities intended for religious purposes (*prosopa*); other masks intended to be hung on trees [OSCILLA]; and numbers of cones and disks with inscribed names and perforated for suspension have been found, but whether these were intended as weights for garments, for cattle, or for steel-yards, cannot be ascertained.

v. *Stamped Inscriptions and Emblems.*—The practice of stamping a name or an emblem upon a vase as a mark of the locality or workshop where either the vase or its contents were made, though it was common in Roman times, was rare in Greek pottery, and may indeed be said to have been confined almost exclusively to one class of vases. These were the unpainted amphorae, or diotae [see AMPHORA], which were in extensive commerce from the third century downwards throughout the ancient world; they were chiefly used for the export of wine, but also for that of figs, honey, salt fish and other substances: the amphora which is represented on the coins of Athens after the time of Alexander probably alludes to the large Attic trade in oil which was exported in these vases. The place usually selected for stamping is upon the upper surface of one of the handles and the form of stamp differs according to the locality from which the amphora had been exported. The British Museum has a collection of several hundreds of stamped amphora handles which have been found in the most remotely distant sites all over the ancient world. There seems, however, to have been three principal centres of the export of these amphorae—Rhodes, Cnidos, and Thasos, and each is marked by a slightly different clay, a different form of vase, and a different system of stamping. Though the series extends over a period of at least three centuries, the character of each class is more or less stereotyped, both as regards form, dimensions, and mode of fabrication. The stamps of Rhodes are of two kinds: a circular medallion, which has an emblem like a coin type, such as a rose or a head of Helios, usually surrounded with a legend which gives the name of the eponymous magistrate of the year, a phrourarchos or a priest of the Sun, and a month; or an oblong label, which gives either an emblem with a magistrate's name, or a magistrate's name and that of a month. Those of Cnidos are usually diamond-shaped or oblong, and have an emblem with the name of an eponymous magistrate, who seems to have been a demiourgos, a phrourarchos or an astynomos, and occasionally a second name, perhaps that of the exporter, followed by letters of the word ΚΝΙΔΙΩΝ. The stamps which have been preserved of Thasos are much rarer: they have usually the inscription ΘΑΣΙΩΝ, followed by a name, and an emblem such as a cornucopia or a dolphin. Besides these three classes, specimens are preserved with inscriptions which refer their origin to such sites as Sinope, Bosporos, and Olbia; and there are several kinds which bear monograms, abbreviations, single letters, or merely emblems.

10. Stamped Amphora handles. (British Museum.)

Judging from the character of the writing, it would appear that stamps of two materials were used: in some cases the inscriptions are clearly cut and sharply defined, and would have been impressed from metal stamps, such as have been found in great numbers (though none as yet which can be connected with this special class of diotae): in other cases the lettering is faint and almost illegible, and was probably the result of using a worn wooden stamp. One interesting fact in the study of these inscriptions is that they show the ancients to have come very near the invention of printing: many of these amphora handles have inscriptions made by combinations of single-letter stamps; and in some cases a letter in a word has been wrongly inserted and is corrected with another letter stamped over it.

The intention of these stamps on amphora handles is still a matter of uncertainty, notwithstanding a large amount of study which has been devoted to its elucidation. It is evident that the majority of these inscriptions indicate primarily a date; and many suppose that the date on the handle indicates the time when the wine or other contents were inserted. This is obviously improbable: the stamp is impressed while the clay is wet, and not necessarily at the time of bottling: moreover, the buyers of Rhodian wine all over the world would have had to know by heart the entire list of Rhodian priests of the Sun: and lastly, Cnidos, whose amphora handles are found everywhere throughout the Mediterranean, was not famous for wine, and certainly never in the way of exporting produce. Besides, we know that in instances where vases were employed for preserving, it was usual to seal the mouth with stucco or mud, and on this material to stamp the contents, and possibly the date. The Greeks in this matter probably followed the Egyptian practice. Mr. Petrie found at Daphnae a series of "jar stoppings" of mud and straw, each of which was stamped with the king's name in whose reign the jar which they covered was laid down. What then is the intention of these amphora-stamps? It seems probable that they were the official stamp of the magistrate whose duty it was, as we know from other sources, to certify to the legal capacity. Thus M. Dumont (*Inscr. Cér.* p. 42) quotes the analogy of a marble *σήκωμα* with a similar inscription: the *σήκωμα* was a table of official weights placed in the agora; and the inscription certifies these weights as examined and found correct by the public official. We must recollect in this connexion that the amphora was a distinct measure of capacity, and is frequently so mentioned in Greek inscriptions. We may therefore conclude that all amphorae intended for this purpose were examined and stamped officially before they underwent the final baking. Of course the amphora of Thasos, Rhodes, and Cnidos need not have been all of the same size: our "Winchester pint" is an analogous case; but this accounts for the small variation in shape and size among all the amphorae from any one of these fabrics during the centuries in which they were being produced.

There is another class of terracotta vessels of which the handles decorated and stamped have been extensively found, and of which the annexed cut gives an illustration. These handles are raised from the rim of large circular vessels, about 2 ft. in diameter, and

11. Brazier handle. (British Museum.)

have a portion projecting considerably towards the interior of the vessel. It has been shown that they belong to circular brasiers or fire-pans, and most of them bear the mark of having been used for this purpose. Three such handles stood around the rim, and the interior projections may have served to support the plates or other utensils which were placed over the burning charcoal. The most usual type is that here given; it consists of a bearded head, usually Bacchic in character, of which the long beard forms the interior projection to the vase: others have floral devices, thunderbolts, &c.: a few are inscribed, the inscription forming part of the mould from which the decoration is cast. With two exceptions, all the inscribed specimens bear the name ΕΚΑΤΑΙΟΥ: one in the British Museum has the name ΝΙΚΟΛΑΟΥ: and one from Naucratis has ΦΙΛΑΤΡΟΥ. These brasier handles have been found extensively in Athens, Italy, Egypt, and along the coast of Asia Minor; but it looks as if the casts for the decorations at any rate had been all issued from one fabric. Benndorf (*Reisen durch Lykien*, vol. i. p. 17) mentions a complete circular altar of terracotta in the Musée Fol at Geneva (*Catal.* No. 743) which has handles with similar decorations. (See Dumont, *Inscr. Cér.* p. 410.) From a quantity of these handles which he found at Naucratis, Mr. Petrie concludes that the earliest type had merely a knob in the interior, low down: this was gradually enlarged upwards until the form gradually suggested a bull's head; and as this projected inwards and upwards, more and more it developed into the bearded head, which type became fixed. (Petrie, *Naukratis*, i. p. 42.)

The better class of Roman ware, particularly the Samian and Arretine, is frequently stamped with the maker's name. As a rule the names are those of freedmen or slaves, and they are often ill-spelt and confused. They seem to have been pressed in from a stamp which is either square, round, or oval. The name of the potter is sometimes accompanied by the letters O, or OF, for *officina*, manufactory; or by M for *manu*, or F for *fecit*, the name of course being in the genitive or nominative, according as the case required.

Like the amphorae, so also the Greek lamps seem to have circulated largely in the ancient world, some having been found by Layard at Nimrud. In Roman lamps, and in Greek lamps of the Roman period, it is usual to find inscriptions stamped on the base: these consist either of the name of the potter in the genitive case, or of the names of emperors. A list of such inscriptions is given in Birch, *Hist. of Pottery*, appendix ii., but the intention of them seems to be by no means clear. The inscriptions stamped beneath Roman lamps are extremely numerous, and seem to point to various intentions, though this point is somewhat obscure. The most usual is the formula which gives the name or the mark, or both, of the potter; the potter's name is usually in the genitive, the word *officina* or *manu* being understood or expressed: one such lamp bears the inscription "from the manufactory of Publius and Titus at the Porta Trigemina." Another class refers to the purpose for which the lamp was made, such as a dedication to a deity, or a sepulchral inscription, or bears a reference to the Secular games, during the celebration of which the city of Rome was illumined for three successive nights: it is possible that this last class of lamps may have been specially made for the Secular illuminations: the form of inscription in this last case is SAECVL or SAECVLARIA.

The inscriptions stamped on Greek tiles are as yet very little understood, probably on account of the rarity of such inscribed tiles which have come down to us. Some of these inscriptions, at any rate, seem to refer to a date, in a similar formula to that of the amphora handles, *i.e.* ἐπὶ followed by the name of a magistrate: thus, Birch quotes one from Olbia inscribed:

ΕΠΑΡΙΣΤΩΝ(*os*)
ΑΣΤΥΝΟΜΟ(*υ*)
ΠΟΣΕΙΔΩΝΙΟ(*υ* or *s*)

"(This tile was made) in the aedileship of Ariston." The name following may be the name of the month or of the potter. At Corcyra and elsewhere the stamp is merely ἐπὶ *τοῦ δεῖνος*, the magistracy, whether Prytanis or otherwise, being implied. One in the British Museum has simply ΕΥΦΑΜΟΥ on the edge, with nothing to show whether this refers to maker or magistrate. Some Athenian tiles have the label ΑΘΕ: and some found at Calymna have ΔΙΟ in intaglio or circular labels with monograms in relief on the body of the tile. Some from Sicily have merely a letter, such as Φ, or an emblem, such as the triskelos. All these inscriptions are pressed in from a complete stamp, probably in metal. No Greek inscribed imbrices have as yet been found.

Many of the Roman tiles are inscribed with the names of the consuls of the year in which they were made; this class ranges in date over a period which embraces the second and part of the third centuries A.D.: they occur on the tiles of Italy alone, and it is supposed that a law passed about the time of Trajan obliged the brick and tile makers to affix their distinctive mark upon their wares, possibly as a guarantee of the quality of the clay. These stamps are generally circular, with an emblem in the

12. Tile stamp. (Birch.)

centre around which the inscription is arranged. The illustration on the preceding page is taken from Birch, fig. 185.

In the centre is a figure of Victory, the potters' emblem: around it, commencing on the outer band, is inscribed OPVS DOL(iare) DE FIGVL(inis) PVBLINIANIS E(X) PR(A)EDIS AEMILIAE [S]SEVERAE: "Potwork from the Publinian potteries, from the estate of Aemilia Severa." According to Birch, "The most complete stamps have the date of the emperor or of the consulship, the name of the estate which supplied the clay, of the pottery which baked it, and of the potter who prepared it; sometimes even of the slave who moulded the tile, and the very dimensions of the tile itself." From the *praedia* or estates which produced the clay, the Roman landed proprietors, usually people of high rank, must have derived a considerable income: a large number of these proprietors are names of females: it is supposed that the extensive proscriptions resulted in a deficiency of male heirs, and the large estates in this way devolved upon females. These *praedia* were doubtless placed under the superintendence of freedmen or slaves. The especial manufactory would be distinguished by a name such as the gentile name Publinian given above, or after an emperor, such as Domitian; and instances occur where a second manufactory of the same proprietor is mentioned. The bricks of Praeneste generally show different stamps from those which are found in Rome and the other cities of Latium. Thus on a brick recently found there is the inscription M · LATER · Q · evidently the name of M. Juventius Laterensis, Quaestor, who is known to have given the games at Praeneste, and who was the personal and political friend of Cicero (*Römische Mittheil.* 1887, p. 292).

An important section of these inscriptions are those on the so-called Legionary tiles, *i.e.* those which bear the name of a certain legion, and which are found wherever Roman armies carried their standards in the ancient world. They were probably made by the soldiers themselves, and consequently the name of the maker is seldom added. The stamp is apparently of metal, and usually in the form of a foot or oblong, giving the number and title of the legion. By means of these tiles, it has been possible to trace a great deal of the distribution of the Roman military forces, and the successive changes of their quarters.

The small terracotta cones and pyramids which have been mentioned above are frequently inscribed or stamped with emblems, but these inscriptions give little help in deciding what is the intention of either cone or inscription: sometimes these inscriptions consist of the names of deities; and if the cones were intended to be hung on the necks of cattle, these names might be referred to the deities to whose temple the cattle belonged. Dumont (*Inscr. Cér.* p. 51) supposed that some which are found in tombs may have been placed there in imitation of offerings of food; being led to this conclusion by the inscription ΓΛΥΚΥ (=*γλύκυσμα?*) and ΜΕΛΙ, which occur on two specimens. A similar case is that of the disks of terracotta pierced for suspension: the British Museum has a series of these from Tarentum, on which the word ⊢HMIOBEΛION, or part of it, is stamped: whether this disk represents a half obol weight of some commodity, as has been suggested, cannot now be ascertained. (See *Hell. Journal*, iv. 156; vii. 41.)

At Naucratis in Egypt, and also elsewhere, a series of circular stamps have been found, made of terracotta, about 3 in. in diameter, with a handle at back: the under-surface has a device in intaglio, usually representing some subject related to grapes or grape gathering. Mr. Petrie, who found a number of these (*Naukratis*, i. p. 45, pl. xxix.), calls them "cake stamps:" it seems probable, however, that they were intended for stamping the stucco or mud cap with which the mouth of an amphora containing wine or other preserves was sealed.

C. STATUARY AND TERRACOTTAS.—This part of the subject is naturally so much connected with the art of statuary proper, that it will be best to refer the reader for all general purposes to STATUARY and TERRACOTTA: under this head we shall only refer to the actual methods of working statues and statuettes in clay.

When first the spirit of imitation arises in man in a primitive or savage state, the material most ready and most easily applied is clay: among people of anthropomorphic ideas, it is natural that clay should be very early employed for the imitation of men and animals. The legend of Prometheus, and the use of the word *πλάσσω*, first for modelling in clay and afterwards for statuary in metal and stone, both point to the parentage of these in the fictile art proper.

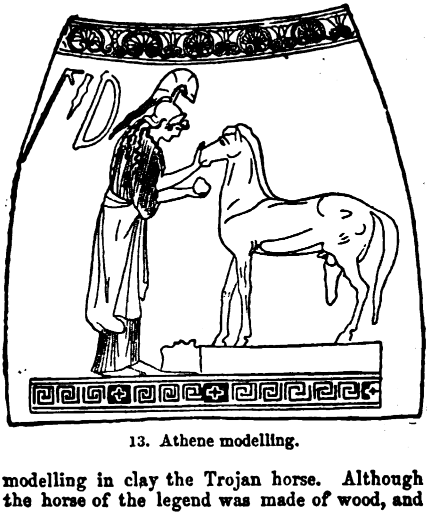
In Greece, statuary in terracotta seems never to have attained respectable rank as an independent art: it lived as the necessary adjunct of the sculptor, who especially, if he worked in bronze, had to mould his design in clay; and sometimes even of the painter, for we are told that Zeuxis used to model in terracotta the subjects which he afterwards painted: otherwise, as an independent art, it was relegated to such humble handicraftsmen as the statuette makers (*κοροπλάθοι, κοροπλάσται*), who made the little figurines (*ζῶα*) of which so many examples have come down to us from Greek tombs, especially from Tanagra. In early times, however, large terracotta statues seem to have been occasionally set up. Pausanias (i. 2, 5; and i. 3, 1) mentions two such *πήλινοι θεοί*, which he saw at Athens, and which dated from very early times; also the unbaked statues of the potter Chalkosthenes, after whose factory the Ceramicus at Athens was named, are mentioned by Pliny (xxxv. § 155). These are but isolated examples of an art which in Greece probably went no farther.

In Italy, on the other hand, terracotta statuary attained much greater importance. The conditions which were mentioned above as bringing this material into use for architecture, held good doubtless for statuary: the limited facilities for obtaining marble caused the early artists of Italy to turn their energies to work in terracotta, which attained there a development which, judging from literary accounts and from actual monuments, must have been considerable. Previously to the period when Italy was flooded with works of Greek art, the Etruscans were as famous for terracotta as for bronze statuary. We read of the earthen group of a quadriga which stood on the Capitoline temple, and which had come from Veii; of the statue of Jupiter on the Capitol, by a Volscian artist, Turrianus of Fregellae; and the *fictiles dei* of these early times are frequently alluded to in the later Roman writers. Specimens of this art have come down to us in the portrait heads of clay which surmount the cinerary vases of early Etruscan art; and also in the nearly life-sized groups of figures which recline on the lids of the sarcophagi from Chiusi and Perugia, and of which one excellent example is in the British Museum. The difficulty of baking so large a group must have been considerable, and the amount of success which these primitive artists have achieved speaks highly for the skill which they had attained. For religious purposes, the art seems to have given place entirely to work in bronze and marble, but it remained still in use in private life, as we see from the terracotta sarcophagi which continued to be modelled down to late times: and Pliny (xxxv. § 156) mentions a certain Arcesilaus, a friend of Lucullus, who was even in that time a noted modeller in terracotta.

The number of Roman terracottas which have come down to us is very large; but the Roman artists seem to have followed mainly in the lines of the Greeks: their figurines are for the most part direct descendants of the Greek statuettes and in some cases even from the same moulds. They are called *sigilla*, and the makers of them *sigillarii* or *figuli sigillares*. For decorative purposes, they seem to have reverted to the practice of modelling larger statues in terracotta: the British Museum has two such statues from Pompeii, which are of imperial times: but probably these were usually covered with stucco and painted.

For the two great classes of statuary in terracotta, two distinct processes would be necessary: that is to say, the larger statues and groups would be modelled by hand, while the smaller statuettes were for the most part cast from a mould.

The accompanying woodcut represents Athene modelling in clay the Trojan horse. Although the horse of the legend was made of wood, and the instruments which hung in the picture are tools for wood-carving, there can be no doubt that the goddess is here represented working in clay, of which a large lump lies at her feet, and a piece is being laid on in her hand: probably the artist wished to represent the preliminary model in clay (*πρόπλασμα, argilla*), which was as necessary a preliminary to sculpture in wood as it was for sculpture in bronze. The process seems to have been much the same as it is at the present day: either the artist modelled his figure entirely freehand, adding piece upon piece of the wet clay, or he had a skeleton or stand of wood (*κάναβος, stipes, crux*), more or less complicated according to the nature of his work, and around this he modelled his clay. The modelling was done with modelling tools and the finger and nail: the rougher work and the preliminary building up, with the hand (*pollice ducere*), the finer work and finishing with the tools: these tools were made of wood, bone, ivory, bronze, &c., and the most usual form is like a stylus, with one end pointed and the other flat. The final touches would be given with the finger-nail, and this, according to the sculptor Polykleitos, was the most crucial part of the operation: from it the expressions were borrowed of *ἐξονυχίζειν, ad unguem facere*, of a work very highly finished.



13. Athene modelling.

These larger statues would as a rule be burnt in an oven: and therein would lie the great difficulty: as the moisture evaporated, the clay would naturally shrink, and if every part did not shrink to the same extent, or evenly throughout, the figure would lose its proportions and possibly crack. We have no evidence as to how the ancients avoided these difficulties: in any case, they probably had special contrivances in the oven for regulating the heat, and assuring an even and gradual drying of every part alike. Otherwise, the ovens for these, and likewise for the smaller statuettes, must have been constructed on the same principle as those described above, for the baking of vases.

The idea of casting from a mould was, as described above, applied to various branches of the fictile art: it seems that the ancients made terracotta casts even from statues in marble and bronze, as we do in plaster. Lystratus, brother of the celebrated sculptor Lysippos, is said to have been the first who adopted this process. Some few of the small statuettes are moulded solid, especially the rougher kinds, such as dolls, neurospasta, &c.: but by far the greater number are cast from moulds. For this purpose the finest clay was used, differing of course according to locality: the usual kind is softer and more porous than that of vases, and varies from a deep red to a pale straw colour. The process is as follows: first a model figure, *protypos*, is made with modelling tools, and from this a mould is taken (usually in one, sometimes in two pieces), which is then baked. The figures, *ektypa*, are made by pressing a thin crust of clay into this mould, and bringing a thin crust across the top: the figure would thus be hollow inside, and open at the base; in the back, which as a rule is left unworked, a hole is cut, in order to allow of the clay contracting evenly without cracks or fissures. When dry, the figure was taken out of the mould and the final touches added; fingers, hats, attributes, where necessary, being separately moulded and attached. It was then ready for the oven, after which the colours were added. It would seem that nearly all ancient works of art in terracotta underwent more or less polychrome decoration, for which see the article PICTURA. [C. S.]

FI'CTIO. Fictions in Roman law are like fictions in English law, of which it has been said that they are "those things that have no real essence in their own body, but are so acknowledged and accepted in law for some especial purpose." The main purpose of fictions is to serve as a means of making new law without involving the difficulty of formulating new rules. They effect this by supposing some fact or condition to exist which is absent, the thing supposed being of such a nature as, being admitted to exist, enables rights or duties to arise or to be put an end to; that is, they extend law by connecting cases outside it with cases covered by it. Legal fictions have often been treated as an object of ridicule (cf. *e.g.* Cic. *in Verr.* ii. 12, 31 on the fiction of civitas explained below, "Judicia hujusmodi; qui cives Romani erant, si Siculi essent: quum Siculos eorum, legibus dari oporteret; qui Siculi, si cives Romani essent"), but historical experience shows that, until legal science is far advanced, they are an indispensable means of effecting legal change.

Fictions were especially congenial to the Roman habit of mind, and we find rules depending on them in all branches of law, — in the *jus sacrum*, where they were used by the pontifices for the purposes of modifying ritualistic and other observances, as well as in *jus profanum*. Fictions especially influenced private law by the use which the praetor made of them in procedure. The word *fictio* itself is a technical term of procedure, signifying a statement, inserted by the praetor in the formula or written instructions which he drew up for transmission to the judex who was to decide the case, of a feigned fact to be taken for the purposes of the decision as if it were real. By means of such *fictiones*, the praetor extended actions to cases to which they were not applicable, according to Jus Civile. Gaius gives us various instances of the extension of law by means of such *fictiones* (Gaius, iv. 34–38). One instance is that of a person who had obtained bonorum possessio or title to an inheritance *ex edicto praetoris*. The bonorum possessor having no civil title as heres had no civil action; he could neither claim to be entitled in law to the property owned by the deceased, nor could he sue for a debt due to the deceased as being legally due to himself. The praetor, however, enabled the bonorum possessor to bring actions by framing *formulae fictitiae*, in which it was feigned that the bonorum possessor was heres (*ficto se herede*). Similarly in the Actio Publiciana the fiction was that the plaintiff had acquired by usucapion the ownership of the thing of which he sought the recovery, in which case he would have been entitled to recover the thing by vindicatio. The formula would run as follows: "Let C. D. be judex. Supposing that the slave who was sold and delivered to Aulus Agerius had continued during a year in his possession, if in that case he would have belonged to Aulus Agerius by the law of the Quirites, then condemn the defendant," &c. A person by being arrogated or a woman by entering into a co-emptio ceased, according to civil law, to be debtors, if they were debtors before. But in order to prevent such capitis deminutio having the effect of defrauding creditors, an *actio fictitia* was given against these debtors, the fictio being that they had suffered no capitis deminutio. Again, some actions, *e.g.* the *actio furti*, could not be brought by or against peregrini, according to the Jus Civile, but the praetor extended these actions to this class of persons by means of a fictio in the formula which obliged the judex to assume that the peregrinus who was suing or being sued was a Roman citizen.

The change from the legis actio to the formulary procedure seems to have been partly carried out by means of *fictiones* (Gaius, iv. 32, 33). The fictio legis Corneliae is an instance of a fictio created by statute. It was necessary that a testator should be civis Romanus at the moment of his death, in order that his will might take effect. If a civis was captured by the enemy and died in captivity, his will was invalid according to this rule, since his civitas was lost by his captivity; but in order to maintain a will in such a case, the Lex Cornelia established a fictio, which supposed the testator to have died in the last moment of his freedom. Fictions gradually disappeared in the later period of Roman law; several which still survived were summarily disposed of by Justinian (*e.g.* Cod. 5, 12, 30; 6, 4, 4; 8, 54, 8;—Ihering, *Geist d. röm. Rechts*). A fiction is sometimes used, not for the purpose of extending or altering the law, but in order to make a legal conception more intelligible. Fictions of this kind are called by some modern writers "dogmatic," the fictions by which legal changes have been carried out being distinguished by the name of "historical." The fiction that a corporation is a person is an instance of a dogmatic fiction. (Demelius, *Die Rechtsfiction*, reviewed by Arndts in *Krit. viertelj. Schrift.* i. 93, &c.; Ihering, *Geist des röm. Rechts*, ii. 284–292; Maine's *Ancient Law*, ch. ii.) [E. A. W.]

FIDEICOMMISSUM was a bequest which a person made by begging his heir or legatee to transfer something to a third person. Such a bequest was one of a fiduciary kind, its execution being entrusted to the good faith of the party to whom the request was made. Fideicommissa were used for some time before they were made legally enforceable, devisees charged with them being at first only under a moral obligation to carry out the wishes of the deceased. This was the position of fideicommissa in the time of Cicero, who distinctly notices the practice of leaving fideicommissa (Cic. *de Fin.* ii. 17, 18): the *commendationes morientium* mentioned by him (*de Fin.* iii. 20, 65) appear to have been fideicommissa. It was not till the time of Augustus that fideicommissa were legally binding. Augustus was induced to enforce them partly by the desire of favouring particular individuals and partly on account of the scandal which some gross breaches of trust had caused. He himself, as heir of Lucius Lentulus, executed a fideicommissum with which he was charged by codicil (Inst. ii. 25, pr.). Jurisdiction over fideicommissa was assigned by Augustus to the consuls. In the time of

Claudius permanent praetores fideicommissarii were appointed, and the power of enforcing fideicommissa was given to the praesides of the provinces. (Suet. *Claud.* 22; Dig. 1, 2, 2, § 32.) Under Titus and subsequent emperors only one praetor fideicommissarius was appointed.

The consuls still retained their jurisdiction over fideicommissa, but only exercised it in important cases (Quintil. *Inst.* iii. 6). Proceedings in respect to fideicommissa always belonged to *extraordinaria*, not to *ordinaria jurisdictio*, i.e. they were not transmitted by a magistratus to a judex, but were entirely under magisterial cognisance. The practice of creating fideicommissa arose from the desire of obtaining greater freedom in respect to the disposition of property after death than the civil law rules of inheritance admitted. The advantages of leaving property by way of fideicommissum rather than by the civil law institution of legatum were numerous (Gaius, ii. 289). A fideicommissum could be more easily created than a legatum. Thus a legatum was not valid unless made by will or by codicil confirmed by will; it was necessary for a testator to use particular forms of words in order to bequeath a legatum and to express his intention in Latin. A fideicommissum, on the other hand, might be left without a will by simple words of request, such as *fideicommitto, peto, volo dari*, and the like. It might either be contained in written documents called *codicilli*, or expressed orally or even intimated simply by a nod ("etiam nutu relinquere fideicommissum in usu receptum est," Ulp. xxv. 3). It required no particular form of words, and might be expressed in Greek. The informal character of fideicommissa made them specially convenient when a man was called on suddenly to make a disposition of his property. Another advantage of fideicommissa was that they could be imposed on persons who could not be made subject to legata, for only a heres could be charged with a legatum; but a fideicommissum, if it consisted of a particular bequest, might be made binding not only on a heres, but also upon a legatarius. A person to whom a fideicommissum was left might himself be subject to a fideicommissum. A fideicommissum which bound a person to transfer an inheritance could only be charged on a heres, but a heres ab intestato as well as a heres ex testamento might be requested to make such a transfer, whereas the latter kind of heres only could be made subject to a legatum. In order to secure the carrying out of his intentions, a testator might request that, if his will failed from some cause to take effect as a will, his heres ab intestato should carry out its provisions as fideicommissa.

Fideicommissa were much used for the purpose of leaving property to persons who were either altogether incapable of taking directly under a will, or who could not take so much as ordinary persons. This was effected by leaving property to some one who was capable of taking according to civil law, or by allowing property to devolve under the rules of intestacy, and adding a fideicommissum for the benefit of some one who was under a total or partial disability. Fideicommissa were used in order to leave property to peregrini, who could not otherwise take. Gaius, when noticing this use of fideicommissa, remarks that the object of leaving property to persons of this class was a principal cause of the establishment of fideicommissa. (Gaius, ii. 285; cf. Theoph. *Paraphr.* ii. 23, § 1.) Fideicommissa were employed as early as the time of Cicero for making bequests to women in order to evade the Lex Voconia [VOCONIA] (Cic. *de Fin.* ii. 17, 18). Similarly fideicommissa were created for the benefit of caelibes and orbi in order to evade the Lex Papia Poppaea [LEX PAPIA POPPAEA]; also for the purpose of bequeathing property to Latini Juniani, incertae personae, postumi alieni, and corporate bodies. In course of time, however, fideicommissa were put on much the same footing as legata in respect to the persons who could take them. Thus, by a senatusconsultum passed in the time of Hadrian, fideicommissa left to peregrini were made forfeitable to the treasury (Gaius, ii. 285). The senatusconsultum Pegasianum prevented fideicommissa being made a means of evading the Lex Papia Poppaea, by giving fideicommissa left with this object to those persons in the will who had children, and in default of such to the treasury, as in the case of hereditates and legata [BONA CADUCA]. (Gaius, ii. 286 a.) By a senatusconsultum of Hadrian it was declared that incertae personae and postumi alieni should be incapable of taking fideicommissa. In consequence of these changes in the law, Ulpian was able to state it as a rule that only those persons are capable of taking fideicommissa who can take legata (Ulp. xxv. 6). But the distinction that Latini Juniani were capable of taking fideicommissa but not legata, remained till this class of freedmen was abolished by Justinian. It was not possible to institute after the death of a person who became heres another heres to take his place, but a request might be made that the whole or part of an inheritance should, on or after the death of the heres, be transferred to another, in which case the heres of the heres would be bound by a fideicommissum to make the required transfer. By requesting each successive transferee of an inheritance to make it over on his death to some other member of a family, a kind of family settlement might be created. Justinian in his 115th Novell placed restrictions on the power of leaving such family fideicommissa. There was a difference between the effect of manumitting a slave by direct bequest and by fideicommissum; if manumitted in the latter way, the slave became the freedman of the person who had been requested to manumit him, whereas a freedman manumitted directly by will was looked on as the freedman of his deceased master (*libertus orcinus*). A person might be bound by fideicommissum to transfer his own property or that of a third party as well as the property of the deceased. If a person failed to execute a fideicommissum at the proper time, he was liable on account of mesne profits and interest, but interest could not be claimed, as a rule, against a heres who had failed to satisfy a legatum.

The differences between fideicommissa of single things and legata, which existed when Gaius wrote, disappeared in later law. The simplification of the law relating to the mode of creating legata and the requirement of formalities for the creation of fideicommissa was a considerable step in this direction (Cod. Theod. iv. 4, 1; Cod. Just. vi. 37, 21). The difference in the forms of action for these two kinds of bequest ceased when the libellary procedure was substituted for the formulary. Justinian entirely assimilated legata and fideicommissa (Dig. 1, 30, 1). A fideicommissum of a specific thing did not pass the property in the thing to the fideicommissarius, but only gave him a personal action against the person who was requested to transfer the thing. ("Jus omne fideicommissi non in vindicatione sed in petitione consistit," Paul. *Sent.* iv. 1, 16.) Justinian changed the law on this subject, giving to a fideicommissarius of a specific thing which had belonged to the deceased, as well as to a legatarius, both a personal action and an *actio in rem* for the recovery of the thing (Cod. vi. 43, 1). The object of a fideicommissum might either be the inheritance, whether the whole or a part (*fideicommissaria hereditas*), or it might be a particular bequest (*fideicommissum rei singulae*).

It is necessary to give some account of the history of the law relating to the universal fideicommissum or fideicommissaria hereditas. A heres requested to transfer the whole or part of an inheritance to some one else is called *fiduciarius*, the person to whom the transfer is to be made being termed *fideicommissarius*. The heres fiduciarius by accepting the inheritance became personally bound to transfer it to the fideicommissarius. Originally the fideicommissarius was considered, when the transfer was made to him, to be in the position of a purchaser (*emptoris loco*), it being usual as a mere formality for the inheritance to be sold to him for a single coin (*nummo uno*). The effect of the transaction was to make the fideicommissarius a particular, not a universal successor; for the fiduciarius having once become heres necessarily continued to be heres, and consequently could not get rid of his liability to the creditors of the deceased. Hence the fiduciarius, in order to secure himself against the liability which he incurred if he accepted the inheritance, required before his acceptance that the fideicommissarius should enter into the same stipulations as were usually entered into between the vendor and purchaser of an inheritance, by which it was covenanted that the fiduciarius should be indemnified on account of all liability in respect to the inheritance. On the other hand, it was agreed that the fideicommissarius (*qui recipiebat hereditatem*) should have whatever part of the inheritance might still come into the hands of the heres, and should be allowed to maintain all actions concerning the inheritance in the name of the heres. (Gaius, i. 248–252.)

A great change was made in the relations of the heres fiduciarius and fideicommissarius by the senatusconsultum Trebellianum, which was passed under Nero A.D. 62. This law provided that on the transfer of an inheritance by a heres fiduciarius all rights of action maintainable by or against him should be transferred to and against the fideicommissarius. The praetor allowed the latter to sue and to be sued by means of *actiones utiles*. A heres who made a transfer under this statute practically ceased to be heres, the fideicommissarius being substituted in his place. The fideicommissarius to whom such a transfer was made, became fully liable for the debts of the deceased, and occupied the position of a universal successor. As this statute relieved the fiduciarius from all liability, the covenants which he had previously insisted on were no longer required. Fideicommissa were, however, sometimes lost, because the heres would not accept the inheritance if he got little or no advantage in so doing; the principle of the Quarta Falcidia, which had not previously applied to fideicommissa, but only to legata, was therefore extended to fideicommissa by the senatusconsultum Pegasianum, passed in the time of Vespasian: by this law a heres had the right of deducting one-fourth of the inheritance before transferring a universal or particular fideicommissum. If several co-heredes were charged with fideicommissa, each was entitled to a fourth of his share of the inheritance. If a fiduciarius took advantage of the senatusconsultum Pegasianum by deducting a fourth under it, he was not relieved by the senatusconsultum Trebellianum from all debts and charges (*onera hereditaria*); in this case the fideicommissarius continued to be a singular successor, like a legatarius partiarius or legatee of a part of an inheritance, and so he was required by the fiduciarius to enter into covenants by which he undertook to be answerable for liabilities in proportion to the share of the inheritance which he received (*pro rata parte*). The effect of these two enactments was this: if the heres was required to restore not more than three-fourths of the inheritance, the senatusconsultum Trebellianum took effect, and the heres was relieved from all liability beyond the proportion of the inheritance which was intended for him. If the heres was required to restore more than three-fourths or the whole, the heres took advantage of the senatusconsultum Pegasianum, but then he was not relieved from liability and could only protect himself by covenants with the fideicommissarius. The senatusconsultum Pegasianum gave the fideicommissarius the right to compel the heres to accept the inheritance (*adire*), but in this case all the benefits of the inheritance as well as its burdens attached to the fideicommissarius (Gaius, ii. 258). By the legislation of Justinian the senatusconsultum Pegasianum was merged in the senatusconsultum Trebellianum, and the following rules were established. The heres who was charged with a universal fideicommissum might always retain one-fourth of the inheritance, if so much had not been left to him by the deceased; if the fiduciarius retained one-fourth, all claims on behalf of or against the inheritance were shared between the fiduciarius and fideicommissarius, according to their respective shares. If the fiduciarius refused to accept the inheritance, the fideicommissarius could oblige him by action to do so; if after having been ordered by a court to enter, the fiduciarius continued to abstain, his acceptance was assumed to have been given. A fiduciarius who was compelled to take the inheritance, lost his quarta and any other advantage he might have derived from the inheritance. The express or implied assent of the fiduciarius was sufficient to transfer the inheritance to the fideicommissarius. The fiduciarius was bound to restore the inheritance at the time named by the deceased, or, if no time was named, immediately after accepting it. He was required to account for all property which had come into his hands, and was entitled to be indemnified for all proper costs and charges which he had sustained with respect to the inheritance; he was answerable for any damage or loss which it had suffered through his *dolus* or *culpa*. Conveyances which the fiduciarius had made of the property of the inheritance were void as against the fideicommissarius. After the transfer had been made to him, the fideicommissarius could maintain the *hereditatis petitio fideicommissaria* against anyone who had possession of the property of the inheritance. (Gaius, ii. 246–289; Ulp. *Fragm.* tit. xxv.; *Inst.* ii. 23, 24; Dig. 30–33, 36; Cod. vi. 37–54; Arndts, *Fortsetzung von Glück*, xlvi. 6–80; Mayer, *Die Lehre von den Legaten Fideicommissen;* Lassalle, *Röm. Erbr.* p. 120, &c.; Rosshirt, *Verm.* i. 120; Heimbach, *Rechtslex.* iv. 286, *s. v.*; Vangerow, *Pandekten*, ii. §§ 528, 556.) [E. A. W.]

FIDEJUSSOR. [INTERCESSIO.]

FIDEPROMISSOR. [INTERCESSIO.]

FIDES. [LYRA.]

FIDI'CULA, or plural -AE, an instrument of torture, consisting of a number of strings (Suet. *Tib.* 62, *Calig.* 33; Mart. v. 51; Cod. Theod. 9, tit. 35, s. 1). The reticence of the ancients on these subjects has been noticed under ECULEUS; there is, however, a passage which throws some light on the mode of its operation (Quintil. *Decl.* 19, § 12, p. 373, Burmann: "tendebam fidiculas,...ut leviter sedibus suis emota compago per singulos artus membra laxaret:" cf. *ib.* 8, pp. 126, 127). We see that, like the *eculeus* and the modern rack, it stretched the limbs until the joints were dislocated (Marquardt, *Privatl.* 180). [W. S.] [W. W.]

FIDU'CIA is a *lex dicta* or supplementary provision sometimes incorporated in a mancipium or *in jure cessio*, whereby a party to whom a right is transferred is obliged to transfer it again at some future time or on some condition being fulfilled. This species of *lex mancipii* or or *jure cessionis* is called *fiducia*, because the obligation which it creates is expressly based on the *fides* of the party to whom the transfer is made (Boeth. *in Top.* p. 340, Or.: "haec mancipatio fiduciaria nominatur idcirco, quod restituendi fides interponitur"); *fiduciam contrahere* is to contract such an obligation; fiducia is also used as equivalent to *res fiduciaria*, meaning the thing which was the object of a *mancipatio* or *in jure cessio fiduciaria:* thus the fiduciarius, or person to whom property is so transferred, is said *fiduciam accipere* (Liv. xxxii. 38, 2; Cic. *Top.* 10, § 42). It follows from the fact of the fiduciary transaction being a *lex dicta* or *lex privata*, that it derived its legal effect from the nuncupatio in a mancipium, or from being a term of an *in jure cessio* (cf. *Tab.* v. 1: "Cum nexum faciet mancipiumque, uti lingua nuncupassit, ita jus est." *Fr. Vat.* 50: "et mancipationem et in jure cessionem lex XII. Tabularum confirmat"). The construction of fiducia that it was a separate agreement annexed (*adjectum*) to a mancipium or *in jure cessio*, and not an integral part of these forms, cannot be accepted, since the enforcement of a *pactum adjectum* was subsequent to the Twelve Tables, and no effect was given at any time to a pact annexed to a formal transaction, such as mancipium. It seems, however, to have become a practice after a time to embody the terms of a fiducia in an independent stipulation, and perhaps the well-known Spanish inscription relating to fiducia describes a subsidiary contract of this kind (*C. I. L.* ii. No. 5042). A fiduciarius, or party who acquired a right but was subject to a fiducia respecting it, was bound either to re-convey to the transferrer ("ut remancipetur, in jure cedatur"), or to convey to a third party, or, in the case of a slave or person in mancipio, the obligation might be that they should be manumitted (*ut manumittatur*). If he was guilty of a breach of trust in these respects, he was liable to an *actio fiduciae*, which was an *actio bonae fidei* (Cic. *de Off.* iii. 15, § 61; ad *Fam.* vii. 12, "ut inter bonos bene agier oportet"), involving infamia as well as damages for the loss his dishonesty had caused. Cicero enumerates the *judicium fiduciae* with that of *tutelae* and *societatis* as "judicia summae existimationis et paene capitis" (*pro Rosc. Com.* 6, § 16), where he is evidently alluding to the consequence of infamia. The *actio fiduciae* could only be maintained by the party transferring the right (the *fiduciae dans*) or his heir, and only the fiduciary (or his heir) was subject to it, not a third party to whom the object of the fiducia was conveyed. The fiduciarius was owner of the *res fiduciaria*, but he was bound to hold it as if he were an agent of the *fiduciae dans*. Thus he was liable if he did not take proper care of the *res*, and he had to account for all profits derived from it (Cic. *pro Caecin.* 3, § 7; *Top.* 17, § 66; Cod. Just. iv. 24, 3); on the other hand, he could claim to be indemnified for his expenses in maintaining it. In some respects the *fiduciae dans* was considered to have an interest in the *res* itself, and not simply a claim against the fiduciarius. If he took possession of the *res*, he did not commit *furtum* (Gaius, iii. 201). If he kept possession for a certain time, he could recover the ownership by *usu receptio*, although he did not fulfil the ordinary conditions of usucapion (Gaius, ii. 59). He could bequeath his interest by way of *legatum per praeceptionem*, according to the opinion of the Sabinians, although jurists of this school maintained that a testator could only bequeath his own property by this form of bequest (Gaius, ii. 220); and a testator who conveyed property with a fiducia which he had previously bequeathed, was not considered to have thereby revoked his bequest (Paul. iii. 6, 16). *Res nec mancipi* as well as *res mancipi* might be *res fiduciariae;* and when the object for which they were conveyed was attained, it was necessary that they should be re-conveyed by mancipatio or in jure cessio. If there was only a simple re-delivery, the ownership was not recovered except by usucapion. A fiduciary conveyance was entered into either with a friend (*cum amico*) or with a creditor (*cum creditore*),—with a friend in order to serve some purpose of family law: thus to enable a woman to escape from the burden of tutela there was a *coemptio fiduciae causa* (Gaius, i. 114), and in the process of emancipation there was a fiducia that the filiusfamilias should be manumitted by the person *qui mancipio accepit*. It was common to make a fiducia with a friend in order to secure the safe custody of property (Gaius, ii. 60: "quo tutius nostrae res apud eum sint." Cf. Boeth. *in Top.* p. 340: "fiduciam—accepit—

si quis tempus dubium timens amico potentiori fundum mancipet, ut ei, quum tempus, quod suspectum est, praeterierit, reddat"); and, in fact, this seems to have been the only legal means of making a deposit or a loan of a specific thing according to early law. Fiducia ceased, however, to be used for these purposes when the real contracts of depositum and commodatum were established.

A fiducia was entered into with a creditor for the purpose of mortgaging property to him, the legal estate being conveyed to the mortgagee on the understanding that there should be a re-conveyance when the debt was paid, as in the English common law mortgage. The mortgagor was frequently allowed to remain in possession of the mortgaged property as a kind of tenant at will, and the legal relation thus created, which is called *precarium*, may have originated in this way. A fiducia might be subject to a condition that the mortgagor should forfeit his right to a re-conveyance, if he failed to pay his debt within a certain time (Cic. *pro Flacc.* 21, § 51; *ad Fam.* xiii. 56;—Cat. *de Re Rust.* 146, 2). Such condition was probably the earliest kind of *lex commissoria* (cf. Pignus). Fiducia as a form of mortgage continued in use after the forms of pignus and hypotheca were recognised on account of the great security which it gave to the mortgagee. There was frequent mention of it in the writings of the classical jurists, but it has no place in Justinian's legislation, other terms having been substituted for fiducia by the compilers in the passages of the Digest where it would have occurred.

The inscription referred to above is on a bronze tablet, and was found some years ago near the mouth of the Guadalquivir; it contains the terms of a fiduciary mortgage, and is thought to be not later than the second century after Christ (*C. I. L.* ii. 5042; Krüger, *Krit. Unters.* 1870, p. 41 ff.; Hübner in *Hermes*, iii. 283 ff.). (Zachariae, *De Fiducia*; Huschke, *Zeitschr. für gesch. Rechtsw.* xiv. 230; Rein, *Privatr.* 245, 349–351; Bachofen, *Das röm. Pfandrecht*, i. 1, § 2, xix. 4; Dernburg, *Das Pfandrecht*, 1, § 2; Voigt, *XII. Tafeln*, ii. § 86; Degenkolb, *Zeitschr. für Rechtsgesch.* ix. 117 ff.) [G. L.] [E. A. W.]

FIDUCIA'RIA ACTIO. [Actio.]

FIGLI'NA ARS. [Fictile.]

FI'GULUS. [Fictile.]

FILIUSFAMILIAS. [Familia.]

FI'MBRIAE (*θύσανοι*: in grammarians also *κροσσοί*), thrums; tassels; a fringe.

When the weaver had finished any garment on the loom [Tela], the thrums, *i.e.* the extremities of the threads of the warp, hung in a row at the bottom. In this state they were frequently left, being considered ornamental. Often also, to prevent them from ravelling, and to give a still more artificial and ornamental appearance, they were separated into bundles, each of which was twisted (*στρεπτοῖς θυσάνοις*, Brunck, *Anal.* i. 416 = *Anth. Pal.* vi. 225), and tied in one or more knots. The thrums were thus, by a very simple process, transformed into a row of tassels. The linen shirts, found in Egyptian tombs, sometimes show this ornament among their lower edge, and illustrate, in a very interesting manner, the description of these garments by Herodotus (ii. 81). Among the Greeks and Romans fringes were seldom worn except by females (*κροσσωτὸν χιτῶνα*, Phalaec. *ap.* Ath. x. 440 d = Brunck, *Anal.* ii. 525: cf. Schweighäuser on Ath. vol. x. p. 428; Jacobs on *Anth. Pal.* i. pt. 2, p. 251; Pollux, vii. 64). We find, however, a *κροσσωτὴν ἐφεστρίδα* worn by Lucullus (Plut. *Lucull.* 28); a long-sleeved tunic with *fimbriae* at the wrists, worn by Julius Caesar (Suet. *Jul.* 45; cf. Clavus Latus, p. 454 *b*. The text of Suetonius may, we think, be defended against Marquardt, *Privatl.* 528 n.). Of their manner of displaying them the best idea may be formed by the inspection of the annexed woodcut, taken from a small bronze, representing a Roman lady who wears an inner and an outer tunic, the latter being fringed, and over these a large shawl or pallium.

Fimbriae. (From an ancient bronze.)

Among barbarous nations the upper garment was often worn by men with a fringe, as is seen very conspicuously in the group of Sarmatians at p. 315 *a*. By crossing the bundles of thrums, and tying them at the points of intersection, a kind of network was produced; the *θυσανὸς δικτυωτός*, hung with bells, which adorned the bier of Alexander the Great, must have been of this description (Diod. xviii. 26). The ancients also manufactured fringes separately, and sewed them to the borders of their garments. They were likewise made of gold thread and other costly materials. Of this kind was the ornament, consisting of a hundred golden tassels, which surrounded the mythical shield of Jupiter, the *αἰγὶς θυσανόεσσα*, and which depended from the girdle of Juno (Hom. *Il.* ii. 448, v. 738, xiv. 181, xv. 229, xvii. 593, xviii. 204, xxi. 400). In consequence of the tendency of wool to form itself into separate bundles like tassels (*θυσανηδόν*, Aelian, *H. A.* xvi. 11), the poets speak of the golden fleece as consisting of them (Pind. *Pyth.* iv. 411; Apoll. Rhod. iv. 1146); and Cicero, declaiming against the effeminacy of Gabinius, applies the same expression to his curled locks of hair (*in Pis.* 11, § 25). [J. Y.] [W. W.]

FINITO'RES. [Agrimensores.]

FI'NIUM REGUNDO'RUM A'CTIO. This was an action having for its original object the determination of a *controversia de fine*, which was a dispute concerning the boundary of five feet (*finis quinque pedum*) interposed between the allotments (*sortes*) [AGRIMETATIO, p. 87 *b*]. According to the law of the Twelve Tables and the Lex Mamilia, this land on the confines of two holdings, which was contributed by the adjacent proprietors in equal portions, could be used by them in common as a way or for turning the plough and for other purposes, but each was restricted from doing anything in respect of it which might injure the other, and hence there were provisions against planting trees or raising buildings on it. If these restrictive conditions were not observed, or if the limits of the boundary were matter of dispute, the *actio finium regundorum* was the appropriate remedy. The action did not apply to *ager arcifinius* or to land in a town, but only to *ager limitatus*. A dispute about land which was not a *finis* is called *controversia de loco*, as opposed to *controversia de fine*, and was tried by means of an ordinary *vindicatio*. It appears that, when the subject of dispute was a *finis*, a title by usucapion to the land in question could not be set up; but if the dispute was about land beyond the limits of a *finis*, a title by usucapion might be asserted. (Cic. *de Legg.* i. 21, § 55; Isidor. *Orig.* v. 2; Hygin. *de Limit.* p. 40, Goes.) It was provided by the Twelve Tables that three *arbitri* should be appointed to try the *actio finium regundorum*, but by the Lex Mamilia only one was required. (Cic. *l. c.*: cf. Cod. Theod. ii. 26, 3.) Justinian made the *finis* subject to the thirty years' prescription, and extended the *actio finium regundorum* so as to make it embrace *controversiae de loco* as well as *de fine*. Thus the action became the regular means of trying boundary disputes. In making his award, it was first of all the duty of the arbiter to find out and re-establish the old boundary (*depalare*, cf. *C. I. L.* vi. 1, 1268; *terminos ponere*, Dig. 4, 8, 44); but if there was not sufficient evidence of it, he was obliged to treat the land in dispute as common, and to partition it between them. His *adjudicatio* or award constituted a complete title to the land assigned under it. He might condemn either of the parties to pay damages for mesne profits and deterioration of land illegally possessed. Each party was also entitled to compensation for improvements made in the portion of land which did not belong to him (Dig. 10, 1). This action belonged to the class of *duplicia judicia*. [FAMILIAE ERCISCUNDAE ACTIO.] (Dig. 10, 1; Cod. Theod. ii. 26; Cod. Just. iii. 39; Rudorff, *Ueber die Gränzscheidungsklage*, *Zeitschr. für geschichtliche Rechtsw.* vol. x. 343; *Grom. Institutionen in der Schr. d. röm. Feldmesser*, in the collection of Blume, Lachmann, and Rudorff, ii. 433–445; Karlowa, *Beitr. z. Gesch. des röm. Civilprocesses*, 141–162; Voigt, *Zwölf Tafeln*, ii. § 150; Vangerow, *Pandekten*, iii. § 658.) [E. A. W.]

FISCALES. [GLADIATORES, p. 918 *a*.]

FISCUS. In the republican period there was only one public treasury, the Aerarium populi Romani, or Aerarium Saturni, as it was called. On the establishment of the imperial power, there was a division of government between the senate as the representative of the populus and the emperor, and in consequence there was a division of the different branches of the public revenue into two departments. The treasury of the senate retained the name of Aerarium, while that of the emperor received the name of Caesaris fiscus or Fiscus. Fiscus was the large basket in which the Aerarium and great banks kept money (Lex repet. v. 67, 68; Cic. *Verr.* iii. 85, 197: cf. Mommsen, *Staatsr.* ii. 958): in this sense it is opposed to the cista or chest in which private persons generally kept their money. Hence in the time of Augustus the word *fiscus* was applied to the central financial department of each branch (*ratio*) of imperial administration: thus we have the phrases *fiscus Asiaticus* (Orelli, *Inscr.* 2905), *Gallicus* (Henzen, 6651), *Judaicus* (Suet. *Dom.* 12), *frumentarius* (Orelli, 790), *castrensis* (Orelli, 2920), and so Suetonius opposes *fisci* in the plural to *aerarium* (Suet. *Aug.* 101); the word occurs in this sense as late as the time of Hadrian (*C. I. L.* 967). But the superior importance of the central imperial treasury led to the practice of appropriating the word *fiscus* to it. The first distinct use of *fiscus* in this sense is found in the writings of the younger Seneca (*de Ben.* iv. 39, 3; vii. 6, 3: cf. Juv. *Sat.* iv. 54, "res fisci est"): *fiscus* is thus commonly opposed by Tacitus to *aerarium* (*e.g.* Tac. *Ann.* ii. 47, 48; vi. 2 and 17). It is a question whether a central imperial treasury was established by Augustus, or whether it was not of later origin. Hirschfeld maintains that there is no evidence of the existence of such an institution under Augustus, but that there were only separate fisci at this time. He even thinks that there was no fiscus under Tiberius in spite of the language of Tacitus to the contrary, and attributes its establishment to Claudius. The common opinion, which we have adopted, is that the institution of a fiscus was an immediate consequence of the share in the government which Augustus undertook. It is true that the emperor's financial administration was not at first so centralised as it afterwards became, which is the explanation of the fisci ceasing in course of time to be mentioned.

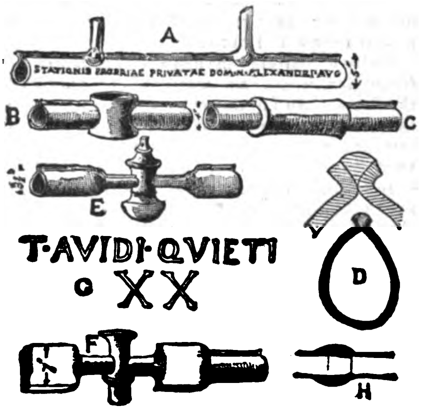
The property of the fiscus was held by the emperor in his public capacity, to be employed for the benefit of the state. The law, however, made no distinction between the rights of the emperor over property intended for public uses and that which he held as a private person ("Res fiscales quasi propriae et privatae principis sunt," Ulp. *Dig.* 43, 8, 2, § 4: cf. Sen. *de Ben.* vii. 6; Tac. *Ann.* iv. 6, 15). Accordingly it passed with the inheritance of a deceased emperor to his *heredes*; and was at first administered by the emperor's freedmen and slaves, not by public officials: so, too, the emperor was under no legal duty to render an account of it, as would have been the case if it had been the property of the state. But as a matter of fact the administration of the fiscus was kept quite distinct from that of other imperial property, and was treated as public; accounts of it being published by some of the earlier emperors. Hence the *res fisci* are frequently opposed to the property which the emperor had acquired for his own use, either by title of inheritance (*patrimonium principis*) or by some other title (*res privatae principis*). Thus while the ownership of fiscal property was vested in the emperor, and not in the state, it was incumbent on him to make use of his rights over such property for the public good; and if his office had terminated, he might have been made responsible by law for failure of duty in this respect (cf. Tac. *Ann.* xiii. 14). In accordance with the system of personal government instituted by Augustus, the fiscus relieved the aerarium from many important public charges. At first the army and navy and the imperial provinces were its principal concern, but new burdens were gradually imposed on it, as of the city corn and water supply, of sacred and public buildings, of the banks and bed of the Tiber, the roads, bridges, and coinage (cf. Statius, iii. 3). The income of the fiscus was derived from the provinces which were assigned to the emperor and from conquered territory, and especially from the land which he held in his own domain, which included Egypt. [PROVINCIA.] The taxes of the senatorial provinces were also to some extent appropriated to the fiscus, and it was also augmented by contributions from the aerarium. Moreover sources of revenue were assigned to it which had previously belonged to the aerarium, as *legata caduca* by a constitution of Caracalla. (Ulp. *Fragm.* xvii. 2.) Gifts from Italian and provincial towns, penalties on account of frauds on the revenue, and forfeitures were also sources of its supply. The emperor frequently subsidised his treasury to a considerable extent from his own private property (cf. *e.g.* Tac. *Ann.* xv. 18). The distinction between the fiscus and the aerarium became merely formal, as the republican treasury lost its independence. Augustus himself did not interfere with the constitution of the Aerarium populi Romani, but he created a special Aerarium militare to provide pensions for veterans, which was supported by the 5 per cent. succession duty (*vicesima hereditatum*), and the duty of 1 per cent. on sales (*centesima rerum venalium*). This subordinate treasury was administered by imperial officers called *praefecti* (Dio Cass. lv. 25). Claudius was the first emperor who assumed the right of nominating an officer to the Aerarium populi. Nero, A.D. 56, appointed two *praefecti aerarii Saturni.* From the time of this latter emperor the distinction between the two treasuries lost its political importance, although the formal consent of the senate to grants of money out of the aerarium was probably required till the time of Diocletian (Frontinus, *de Aquaed.* 115). So long as the formal distinction existed, the law relating to each might be expressed by the terms *jus populi* and *jus fisci* respectively, as it is in Paulus (*Sent. Rec.* v. 12). From the time of Diocletian the word *fiscus* signified generally the treasury of the state, the emperor having concentrated in himself the sovereign power; and so the word *fiscus* had the same wide signification as aerarium in the republican period: accordingly the two words are sometimes used in the Corpus Juris and in earlier writings as synonymous; *fiscus* is, however, frequently interpolated in the Digest for *aerarium.* The administration of the fiscus was similar in many respects to that of the aerarium. It was conducted by imperial officers, called successively *procuratores a rationibus*, *rationales*, and *comites*, who had numerous assistants—*adjutores a rationibus*, *tabellarii*, &c. Hadrian first appointed its chief officers from the Equites instead of from his freedmen, according to the previous practice. The fiscus was represented throughout the empire by its procuratores, whose duties were regulated by imperial mandates. Private persons were in the habit of giving information (*nuntiationes*) to the fiscal officers of forfeitures and other claims due to the fiscus, in order that they might obtain a reward. Actions to which the fiscus was a party were maintained by means of its procuratores. Under Augustus such actions were tried in the ordinary way by a magistratus and a judex, like other suits of the same kind between private persons (Tac. *Ann.* iv. 7, 15; Dio Cass. lvii. 23); but this subjection of the fiscus to the ordinary tribunals was not of long continuance. Tiberius in his later years began to remove fiscal causes from their cognisance, and by a senatusconsultum of Claudius jurisdiction over them was given to the imperial procuratores (Suet. *Claud.* 12; Tac. *Ann.* xii. 60), though the governors of provinces also had a concurrent jurisdiction. Each procurator probably had cognisance of the cases arising within his own department, and was competent to decide them himself, there being an appeal, however, to the emperor. Thus the consequence of this change was to exempt fiscal actions from the ordinary procedure of trial by judices, but the Emperor Nerva deprived the procuratores in Rome and Italy of their jurisdiction, and assigned it to a special praetor and judices. The office of praetor fiscalis does not seem to have been of long continuance. The fiscal procuratores had no power of inflicting fines or criminal punishments, or of taking cognisance of ordinary actions; but, as is shown by various imperial enactments and by notices of historians, they frequently paid little attention to these restrictions. Their arbitrary conduct is to be attributed, according to Mommsen, to the quasi-military position which they were allowed to maintain, soldiers being put at their disposal for the purpose of enabling them to enforce payment of taxes.

Hadrian instituted the office of *advocatus* or *patronus fisci*, whose duty was to act as counsel for the fiscus. An appointment of those who were to fill this office was made from the advocates attached to each court [ADVOCATUS]. Under Diocletian and his successors the fiscal procedure was altogether distinct from that of ordinary actions, the position of the emperor being changed. The fiscus, as the subject of certain rights, came to be legally regarded as a person, by virtue of the same fiction of law which gave a personal existence to corporations, and to the communities of cities and villages. But the fiscus on account of its relation to the emperor differed in many respects from other persons existing by fiction of law; and as an instance, it was never under any incapacity as to taking an hereditas, which, for a long time, was the case with corporations for the reason given by Ulpian. [COLLEGIUM.]

The fiscus was privileged in various ways. Thus the rule applicable to the aerarium, that the time of usucapion or prescription did not run against it, was extended to the fiscus, and the claims of the fiscus had priority over those of other creditors. It was favoured, too, in being an exclusive right of acquiring certain things, and otherwise. The various ways in which property was acquired by the fiscus are enumerated in the Digest (49, 14, 1), many of which may be arranged under penalties and forfeitures. Thus, if a man was led to commit suicide, in consequence of having done some criminal act (*flagitium*), or if a man made counterfeit coin, his property was forfeited to the fiscus. Treasure trove (*thesaurus*) which was found in certain places was also subject to a claim on the part of the fiscus. (Dig. 49, 15; Cod. 10, 1; Cod. Theod. 10, 1; Paul. *Sent. Rec.* v. 12; *Fragm. veteris Jurisc.* "*de jure Fisca*," *ap.* Savigny, *System*, vol. ii.; Mommsen, *Staatsr.* ii. 2, p. 957 ff., from which much of the information in the above article has been taken; Hirschfeld, *Untersuchungen*; Heimbach, art. Fiscus in Weiske's *Rechtslexicon.*) [G. L.] [E. A. W.]

FISTU'CA, an instrument used for ramming down pavements and threshing-floors and the foundations of buildings (Cato, *R. R.* 18, 28; Plin. *H. N.* xxxvi. §§ 185, 186, 188; Vitruv. iii. 3, s. 4, § 1; x. 3, s. 2, § 3); and also for driving piles (Caes. *B. G.* iv. 17). When used for the former purpose, that of making earth solid, it was no doubt a mere log of wood (shod perhaps with iron), with handles to lift it up; just like a paviour's rammer. But in the case cited from Caesar, where it was used for driving the piles of his bridge over the Rhine, it is almost evident that it must have been a machine, something like our pile-driving engine (or monkey), by which a heavy log of wood, shod with iron, was lifted up to a considerable height and then let fall on the head of the pile. It is probable that *fistuca* and *festuca* are two forms of the same word and connected with *fustis*. In the passages of Pliny *festuca*, *festucare* are now read with MS. authority. [P. S.] [W. W.]

FI'STULA (σωλήν), a water-pipe. Vitruvius (viii. 6) distinguishes three modes of conveying water: by channels of masonry (*per canales structiles*), by leaden pipes (*fistulis plumbeis*), and by earthen pipes (*tubulis fictilibus*).* Of these two sorts of pipes the leaden were the more commonly used in distributing the water from aqueducts: though draining-pipes of earthenware were extensively used, as in modern times, and many examples have been found. The lead pipes were made by rolling thick plates, in lengths of ten feet, round a wooden core; the edges were then brought together and soldered with melted lead. The resulting form was not perfectly cylindrical, but pear-shaped in section, having a sort of ridge where the edges of the plate were somewhat roughly joined together. (See fig. D.) The pipes were made of much thicker lead than is the custom now, as much as 20 lbs. to the square foot in existing specimens (Middleton, p. 460); at points where there was heavy hydraulic pressure they were strengthened or replaced by bronze pipes, and the taps and stop-cocks (*epistomia*, figs. E, F) were likewise of that metal.



Fistulae. (From Middleton's *Rome.*)

In the manufacture of these pipes, particular attention was paid to the bore and to the thickness. The accounts of Vitruvius, Frontinus, and other writers are not in perfect accordance; but it appears, from a comparison of them, that two different systems of measurement were adopted,—namely, either by the width of the plate of lead (*lamina* or *lamna*) before it was bent into the shape of a pipe, or by the internal diameter or bore (*lumen*) of the pipe when formed. The former is the system adopted by Vitruvius (*l. c.* § 4); according to him, the leaden plates were cast of a length not less than ten feet, and of a width containing an exact number of *digits* (sixteenths of a foot), which number was of course different for different sized pipes; and then the sizes of the pipes were named from the number of digits in the width of the plates, as in the following table, where the numbers on the right hand indicate the number of pounds which Vitruvius assigns to each ten-feet length of pipe:—

Centenaria,	from a plate	100	digits wide :	1200 lbs.
Octogenaria	,,	80	,, :	960 ,,
Quinquagenaria	,,	50	,, :	600 ,,
Quadragenaria	,,	40	,, :	480 ,,
Tricenaria	,,	30	,, :	360 ,,
Vicenaria	,,	20	,, :	240 ,,
Quindena	,,	15	,, :	180 ,,
Dena	,,	10	,, :	120 ,,
Octona	,,	8	,, :	96* ,,
Quinaria	,,	5	,, :	60 ,,

If this scale is correct, the thickness of the plates must have been the same for pipes of all sizes; namely, such that each strip of lead, ten feet long and one digit wide, weighed twelve pounds. The account of Vitruvius is followed by Pliny (*H. N.* xxxi. §§ 57, 58) and Palladius (ix. 12).

Frontinus, who enters into the subject much more minutely, objects to the system of Vitruvius as too indefinite, on account of the variation which is made in the shape of the pipe in bending up the plate of lead; and he thinks it more probable that the names were derived from the size of the internal diameters, reckoned

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* The etymological distinction between *fistula* and *tubus* seems to be that the former, which originally signified "a flute," was a small pipe, the latter a large one; but, in usage, at least so far as water-pipes are concerned, it seems that *fistula* is applied to a leaden pipe, *tubus* and *tubulus* to one of any other material, especially of terracotta, as in the above and the following passages. (Varr. *R. R.* i. 8; Colum. i. 5; Plin. v. § 128, xvi. § 224, xxxv. § 159; Frontinus, see below).

* Pliny and Palladius, and even the ancient MSS. of Vitruvius, give here C, which, however, is clearly an error of a transcriber who did not perceive the law of the proportion, but who had a fancy for the round number.

in *quadrantes* (the unit being the digit), that is, *in quarters of a digit;* so that the *Quinaria* had a diameter of five-fourths of a digit, or 1¼ digit, and so on, up to the *Vicenaria*, above which the notation was altered, and the names were no longer taken from the number of *linear quarters of a digit* in the *diameter* of the pipe, but from the number of *square quarters of a digit* in its area. The usual limits of size were from the *Quinaria*, adopted by Frontinus as the standard measure (*modulus*) of the whole system, to the *Centenaria*. This writer mentions, however, a size larger than the *centenaria*, the *centum vicenûm;* and one smaller than the *quinaria*, the *digitus rotundus*, or pipe of exactly a digit in bore ("Digitus rotundus habet diametri digitum unum; capit quinariae septuncem semunciam sextulam"; a roundabout way of expressing $\frac{46}{72}$ or $\frac{5}{8}$, Frontin. c. 26 *extr.*). But the largest pipes now extant exceed 300 *quinariae* (Middleton, p. 466. For further details, see Frontinus, *dc Aquaed.* 24–63, with the notes of Polenus). Another mode of explaining the nomenclature was by the story that when Agrippa undertook the oversight of the aqueducts, finding the *modulus* inconveniently small, he enlarged it to *five* times its diameter, and hence the origin of the *fistula quinaria* (Frontin. 25). Of these accounts, that of Frontinus is the most generally accepted.

The subject of inscriptions on lead pipes was first noticed by Marini (*Atti de' Fratelli Arvali*, Rome, 1795); but it is much more fully treated in the magnificent work of the Commendatore Lanciani (*I Comentarii di Frontino*, Rome, 1880). Recent excavations in Rome have unearthed immense quantities of these inscribed pipes, many of which have unfortunately been melted down as old lead. From those which have been preserved, Comm. Lanciani has identified 81 sites of houses within the walls, 88 in the suburbs, and has gathered much valuable information as to the distribution of water from the various castella, and many collateral historical and topographical facts. The earliest existing inscriptions date from the reign of Augustus, the latest from that of Valentinian II., A.D. 375–392: nearly all the intervening names are included. They are most numerous in the reigns of Domitian, Nerva, Trajan, Severus and Caracalla; after Decius the number steadily declines. The facts usually recorded on them are the name of the reigning emperor, sometimes the consuls of the year, the *Procurator Aquarum*, the plumber who made the pipe, the owner of the house, the name of the estate, the fact of the water being an imperial concession; and many have numerals, showing the capacity of the pipe in *quinariae* (Middleton, p. 462; who adds a copious selection illustrating the above points, pp. 463–465). Our specimen (fig. A) bears the inscription STATIONIS PROPRIAE PRIVATAE DOM. N. ALEXANDRI AUG.; indicating the private water supply of the imperial palace under Alexander Severus. Another, from the Palatine, has [DOM]VS AUGUSTANAE; while a pipe inscribed IMP. AUG. VESPASIANI . STATIO . VRBANA . AUG. belonged to the public water-works of the city. Respecting the uses of pipes in the aqueducts, see AQUAEDUCTUS, p. 154 *a*.

Of the earthen (terracotta) pipes we know very little. Pliny says that they are best when their thickness is two digits (1½ inch), and that each pipe should have its end inserted in the next, and the joints should be cemented; but that leaden pipes should be used where the water rises. The earthen pipes were thought more wholesome than the leaden. (Plin. *H. N.* xxxi. § 57; Vitruv. *l. c.* § 10; Pallad. ix. 11.) Water pipes were also made of leather (Plin. *H. N.* v. § 128; Vitruv. *l. c.* § 8), and of wood (Pallad. *l. c.*), especially of the hollowed trunks of the pine, fir, and alder (Plin. *H. N.* xvi. § 224). [P. S.] [W. W.]

FLABELLUM, *dim.* FLABELLULUM (*ῥιπίς, ῥιπιστήρ, dim. ῥιπίδιον*), a fan. Ancient fans were not so constructed that they might be furled, unfurled, and fluttered, nor were they even carried by the ladies themselves. They were, it is true, of elegant forms, of delicate colours (*prasino flabello*, Mart. iii. 82, 11), and sometimes of costly and splendid materials, such as peacocks' feathers (Propert. iii. 18, 11=ii. 24, 11; Claudian, *in Eutrop.* i. 109; Mart. xiv. 67); but they were stiff and of a fixed shape, and were held by female slaves (*flabelliferae*, Plaut. *Trin.* ii. 1, 22, translating Philemon), by beautiful boys (Strato, *Epigr.* 22), or by eunuchs (Eurip. *Orest.* 1426–1430; Menand. *fr.* 49, Meineke; and as translated by Terence, *Eun.* iii. 5, 47, 50, 54), whose duty it was to wave them so as to produce a cooling breeze. (Brunck, *Anal.* ii. 92.) A gentleman might, nevertheless, take the fan into his own hand, and use it in fanning a lady as a compliment. (Ovid, *A. A.* i. 161; *Amor.* iii. 2, 38.) The woodcut under CATHEDRA shows a female bestowing this attendance upon her mistress. The fan which she holds is apparently made of separate feathers joined at the base, and also united both by a thread passing along the tips and by another stronger thread tied to the middle of the shaft of each feather. Another use of the fan was to drive away flies from living persons, and from articles of food which were either placed upon the table or offered in sacrifice. When intended for a fly-flapper, it was less stiff, and was called *μυιοσόβη*, *muscarium* (Menand. *l. c.*; Brunck, *Anal.* ii. 388, iii. 92; Mart. *l. c.*); and for this purpose was sometimes made of an ox-tail (Mart. xiv. 69; Aelian, *H. A.* xv. 14). The Emperor Augustus had a slave to fan him during his sleep (Sueton. *Aug.* 82); for the use of fans was not confined to females. In short, the manner of using fans was precisely that which is still practised in China, India, and other parts of the East; and Euripides (*l. c.*) says that the Greeks derived their knowledge of them from "barbarous" countries.

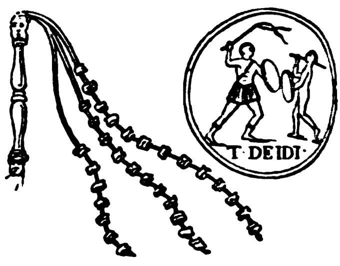
Besides separate feathers, the ancient fan was sometimes made of linen, extended upon a light frame. (Strato, *l. c.*) From the above-cited passage of Euripides and the Scholia upon it, compared with representations of the flabellum in ancient paintings, it also appears to have been made by placing the two wings of a bird back to back, fastening them together in this position, and attaching a handle at the base. (Hence *πτερίναν ῥιπῖδα*, Brunck, *Anal.* ii. 258 = *Anth. Pal.* vi. 306: on this unusual prosody, cf. L. and S., *s. v. ῥιπίς*). Further illustrations have been discovered of late years in the Tanagra terracotta figures (Guhl and Koner, ed. 5, p. 234; Hermann-Blümner, *Privatalterth.* p. 196; cf. Marquardt, *Privatl.* p. 145). The history of fans in all ages and countries has been written by S. Blondel (*Hist. des Éventails*, Paris, 1875) and H. Frunberger (*Gesch. des Fächers*, Leipzig, 1876).

A more homely application of the fan was its use in cookery (Aristoph. *Ach.* 669, 888; Focus). In a painting which represents a sacrifice to Isis (*Ant. d'Ercolano*, ii. 60), a priest is seen fanning the fire upon the altar with a triangular flabellum, such as is still used in Italy. This practice gave origin among classical writers to expressions corresponding to ours, meaning to fan the flame of hope (Alciphr. iii. 47), of love (*ῥιπίζειν*, Brunck, ii. 306), or of sedition (Aristoph. *Ran.* 360; Cic. *pro Flacc.* 23, § 54). [J. Y.] [W. W.]

FLAGRUM, *dim.* Flagellum (*μάστιξ*), a whip, scourge.

It may be broadly stated that the corporal punishment of freemen was, like other forms of torture, "abhorrent to Greek manners" [Crux, p. 567 *a*]. The exceptions noticed by Thalheim (*Rechtsalterth.* p. 127) prove little against this rule. The military and paternal government of Sparta allowed old men to use their walking-sticks (*βακτηρίαι*) on those who were guilty of unseemly conduct in public (*τοὺς ἀκοσμοῦντας*, Dion. Hal. xx. *fr.* 2=13 Kiessling); a very different thing from flogging as commonly understood. We are not surprised to read that Cinadon and his associates, who had planned a wholesale massacre of their fellow-citizens, were scourged on the way to execution (Xen. *Hell.* iii. 3, § 11). But we entirely reject the notion, based only on scholiasts and grammarians and unsupported by contemporary evidence, that the Athenian market was patrolled by men with whips, even if they were only to be used against non-citizens [Agoranomi]. The strong feeling against *ὕβρις*, or open violence, extended even to slaves ([Xen.] *Rep. Ath.* 1, § 10; Aeschin. *c. Timarch.* § 17). Not only was the use of the *μάστιξ* limited to slaves, but we find no trace of its infliction in public, as among the Romans (Liv. ii. 36). A slave who had been flogged was called *μαστιγίας* (Aristoph. *Eq.* 1228, *Ran.* 501, *Lysistr.* 1240; Philem. *fr.* 143 M.), which of course became a term of mockery and contempt. Through the comic writers, *mastigia* passed into Latin (Plaut. *Capt.* iii. 4, 68, and often; Terent. *Adelph.* v. 2, 6). Among the different kinds of whips we find the *σκυτίνη μάστιξ*, Lat. *lorum* or *scutica* (Anacr. *fr.* 19=21 Bergk^4); one called *ὑστριχὶς* with a lash of bristles (Aristoph. *Ran.* 619; *Pax*, 746); another, the most terrible of all, called *ἀστραγαλωτή*, because strung with *ἀστράγαλοι* or knuckle-bones (Crates, *fr.* 32 M. *ap.* Poll. x. 54; Lucian, *Asin.* 38, p. 606 R.; Posidon. *ap.* Ath. iv. 153 a).

At Rome the scourging of citizens had been forbidden from very early times (Liv. x. 9; Cic. *Rab. Perd.* 4, § 12; *in Verr.* v. 66, § 170). Unprivileged persons, and especially slaves, were scourged in a variety of ways, of which the flagellum was the worst (*horribili flagello*, Hor. *Sat.* i. 3, 119). It was a "knout" or "cat," with lashes of knotted cord, or even wire; like the *ἀστραγαλωτὴ* of the Greeks, it might be loaded with knuckle-bones (*tali*, whence *talaria*, sc. *flagella*, Senec. *de Ira*, iii. 19, § 1), or other cruel aggravations (cf. Apul. *Met.* viii. p. 173). The cut below represents a scourge taken from a bas-relief of the statue of Cybele in the Capitoline Museum at Rome. The infliction of punishment with it upon the naked back of the sufferer (Juv. vi. 477) was sometimes fatal (Hor. *Sat.* i. 2, 41), and was carried into execution by a class of persons, themselves slaves, who were called *lorarii*. Some flagella found at Herculaneum consist of several short chains with knobs of metal at the end, attached to a short handle. Rich, who figures one of them, thinks that this sort was the *flagrum*, the other the *flagellum*; other writers treat flagrum and flagellum as equivalent (Marquardt, *Privatl.* 179, n. 3; Becker-Göll, *Gallus*, ii. 176). The stimuli mentioned by Plautus are probably goads or other sharp-pointed instruments used separately (Göll), not spikes fastened to the flagellum (Marquardt); so *μαστιγούμενοι καὶ κεντούμενος*, Xen. *l. c.* Less severe forms of corporal punishment were with the cane (*νάρθηξ*, *ferula*), the leathern strap (*habena*, *scutica*, *lorum*, Hor. *Sat.* i. 3, 119; *Ep.* i. 16, 47, ii. 2, 15; cf. *bubulis exuviis*, Plaut. *Most.* iv. 1, 26); the rope's end (Hor. *Epod.* 4, 3, where the *Hiberici funes* are made of esparto grass, and different from the flagella of *v.* 11). During the Saturnalia the scourge was deposited under the seal of the master. We likewise find that some gladiators fought with the flagellum, as in the coin here introduced: it has two lashes, as is also the case with some driving-whips figured in ancient paintings.



Flagellum.

For the *virgae* of the lictors, see Fasces. For corporal punishment in schools, *ferulae* and *lora* are mentioned (Juv. i. 15, with Mayor's note; Mart. x. 62); see also a curious painting from Herculaneum figured in Rich, *s. v.* "Ludus," and in Milman's *Horace.* [J. Y.] [W. W.]

FLAMEN, the name for any Roman priest who was devoted to the service of one particular god (Divisque alis alii sacerdotes, omnibus pontifices, singulis flamines sunto, Cic. *de Leg.* ii. 8, § 20), and who received a distinguishing epithet from the deity to whom he ministered (*Horum*, sc. flaminum, *singuli cognomina habent ab eo Deo quoi sacra faciunt*, Varr. *L. L.* v. 84). The ancients derived the word from *filum*, as if *filamen*, from the peculiarity of their head-dress (Varr. *l. c.*; Fest. *Epit.* 87; Serv. ad *Aen.* viii. 664, x. 270; Dion. Hal. ii. 64) or from *pilleus* (Plut. *Num.* 7). The real derivation, it is tolerably certain, is from *flare* in a transitive sense, to "blow up" a fire; the flamen was always a *sacrificing* priest. The office is called *flaminium* in the MSS. and editions of Cicero and Livy; inscriptions, and the Medicean MS. of Tacitus (*Ann.* iv. 16), give *flamonium*, undoubtedly the more correct form; rarely *flaminatus* (Inscrr.).

The most dignified flamens were those attached to Diiovis, Mars, and Quirinus, the *Dialis*, *Martialis*, and *Quirinalis*. The two first are said by Plutarch (*l. c.*) to have been established by Romulus; but the greater number of authorities agree in referring the institution of the whole three, in common with all other matters connected with state religion, to Numa (Liv. i. 20; Dion. Hal. ii. 64 ff.). The number was eventually increased to fifteen (Fest. p. 154 b): the three original flamens were always chosen from among the patricians, and styled *Majores* (Gaius, i. 112); the rest from the plebeians, with the epithet *Minores* (Fest. *Epit.* p. 151). Two rude lines of Ennius (*ap.* Varr. *L. L.* vii. 44) preserve the names of six of these, appointed, says the poet, by Numa,—

Volturnalem, Palatualem, Furrinalem,
Floralemque, Falacrem et Pomonalem fecit
Hic idem.....

to which we may add the *Flamen Volcanalis* (Varr. *L. L.* v. 84), the *Flamen Portunalis* (Fest. p. 217 a), and the *Flamen Carmentalis* (Cic. *Brut.* 14, § 56). We find mention of the *Virbialis*, *Laurentialis*, *Lavinalis* and *Lucullaris*, which would raise the number of names to sixteen; but there is nothing to prove that these four were Roman and not merely provincial priests. The most distinguished of all the flamens was the *Dialis*; the lowest in rank the *Pomonalis* (Fest. p. 154 b).

Towards the end of the Republic the Lesser Flamens seem not to have been fully kept up; there is no record of the mode of their election, and some of the names were almost forgotten (Varr. *L. L.* vi. 19). Of the flamens in general we are told that their characteristic dress was the apex [APEX], the laena [LAENA], and a laurel wreath; that they were inaugurated (it does not follow that they were appointed) at the Comitia Calata (Gell. xv. 27; COMITIA, p. 504 *b*); and that they were at all times subject to the authority of the Pontifex Maximus, against whom, however, they sometimes appealed to the people (Liv. *Epit.* xix., xxxvii. 51; Val. Max. i. 1, § 2). The office was understood to last for life; but a flamen might be compelled to resign (*flamonio abire*) for a breach of duty, or even on account of the occurrence of an ill-omened accident while discharging his functions (Liv. xxvi. 23; Val. Max. *l. c.* § 4). The three Greater Flamens were all, it is probable, elected like the Dialis, respecting whose appointment we have the fullest details; though in other respects they led a much less ceremonious life. When a vacancy occurred, three persons of patrician descent, whose parents had been married by the rite of *confarreatio* [MATRIMONIUM], were nominated by the college of pontiffs, and one of these chosen and solemnly installed by the Pontifex Maximus (Tac. *Ann.* iv. 16; Liv. xxvii. 8, cf. xxix. 38; Val. Max. vi. 9, § 3); he was not allowed to refuse, and the word *capere* applied to this act seems to indicate that he was regarded as a prisoner of the god, forcibly impressed for his service. From that time forward he was emancipated from the control of his father, and became *sui juris* (Gaius, i. 130; Ulpian, *Fragm.* x. 5; Tac. *Ann.* l. c.).

The Dialis enjoyed many peculiar honours, counterbalanced by the most burdensome restrictions in the whole compass even of Roman ceremonial religion. A long catalogue of the latter has been compiled by Aulus Gellius (x. 15) from the works of Fabius Pictor and Masurius Sabinus, while Plutarch, in his *Roman Questions* (Nos. 44, 50, 109–113), endeavours to explain their import. The object was evidently to make him, in a literal sense, *Jovi adsiduum sacerdotem*; to compel constant attention to the duties of the priesthood, and to leave no temptation to neglect them. Other priests were obliged to be equally careful when engaged in performing sacred rites; but the Dialis was always on parade, and always in full dress. He had a right to the *toga praetexta*, the *sella curulis*, and to a seat in the senate by virtue of his office; but in early times he was altogether precluded from seeking any civil magistracy, and at a later period the restriction was only partially relaxed. He might not mount upon horseback, nor even touch a horse, nor look upon an army marshalled (*classem procinctam*, Gell. *l. c.*) without the pomoerium; was not allowed to swear an oath (Liv. xxxi. 50; Fest. *Epit.* p. 104), nor to be out of the city for a single night (Liv. v. 52): a regulation so far modified in imperial times, that an absence of two nights was allowed, not more than twice a year, and with the consent of the Pontifex Maximus (Tac. *Ann.* ii. 58, 71). Thus it was impossible for him to undertake the government of a province, and he was seldom elected to the consulship. His right of sitting in the senate, even, had long fallen into abeyance, when it was revived by the claim of C. Valerius Flaccus in B.C. 209 (Liv. xxvii. 8; compare i. 20). In other respects his privileges were curiously mixed up with the corresponding restrictions: in both we can trace the working of the same principles. As every day was a holiday with him (*cotidie feriatus est*, Gell.) he was not allowed either to work himself or to see others working. Whenever he went out, he wore the special apex called *albogalerus*, with an olive-branch twined with white wool (*filum*) attached to its point (*apiculum*); the *laena*, a thick woollen praetexta, woven by the hands of his wife; in one hand he carried a sacrificial knife [SECESPITA], in the other a wand called *commetacula*, with which he kept the people at a distance. For the same purpose he was preceded by a lictor and by criers called *praeciae* or *praeclamitatores*, at whose bidding every one laid aside his work. As emblematic of the divine freedom, he could neither look upon, touch, nor name anything suggestive of bonds or imprisonment: hence he had no knots on any part of his attire, which was fastened instead with clasps (*fibulae*); his ring had to be split so as not to completely encircle his finger (*anulo . . . pervio et casso*, Gell. *l. c.*); he was forbidden to name ivy, on account of its binding properties, or to walk along a path over-canopied by vines, for a similar reason. [These last two prohibitions are wrongly explained by Plutarch: he was under no restrictions as to the use of wine.] If one in bonds took refuge in his house, the chains were immediately struck off, conveyed through the *impluvium* to the roof, and thence cast down into the street; if a criminal on his way to punishment met him (as was also the case with the Vestals), he could neither be scourged nor executed on that day. None but a free man might cut his hair; his beard might only be trimmed with a knife of bronze, the ancient and more sacred metal; the clippings of his hair, and the parings of his nails, were buried beneath a *felix arbor*. All day long he could not take off his head-dress out of doors (his doing so in the house was a concession in later times); nor strip off his tunic, that he might not be exposed *sub oculis Jovis*. No one might sleep in his bed, the legs of which were smeared with fine clay; a box containing sacrificial cakes (*capsula cum strue atque ferto*, Gell.) always stood beside it. The clay on the feet of the bed has been ingeniously explained by Mr. J. G. Frazer; it was an "accommodation" of an old rule which required him to sleep on the ground (*Class. Rev.* ii. 322). Again, he was forbidden to touch or name anything unclean or suggestive of uncleanness, such as a dead body or a *bustum* [FUNUS], though he was not prevented from attending a funeral; a dog, a she-goat (because liable to epilepsy [!], Plut. *Q. R.* 111), beans (because sacred to the dead, Fest. *Epit.* p. 87; LEMURIA), raw flesh, or fermented dough (*fermentata farina*, Gell.), because fermentation implies corruption. To cooked meat or leavened bread when baked there was, it seems, no objection.

Flaminica was the name given to the wife of the Dialis. He was required to wed a virgin according to the ceremonies of *confarreatio*, which regulation also applied to the two other flamines majores (Serv. *ad Aen.* iv. 104, 374; Gaius, i. 112); and he could not marry a second time. Hence, since her assistance was essential to many sacrifices, a divorce was not permitted, and if she died the Dialis was obliged to resign. Their children, if they had any, assisted them in their sacred duties; if not, their place was supplied by *camilli* and *camillae*, who were required to be *patrimi et matrimi*, and in early times to be the offspring of a confarreate marriage [CAMILLI]. The regulations imposed upon the flaminica were similar to those of her husband. In public, her dress consisted of a dyed robe (*venenato operitur*); her hair was plaited up with a purple band in a conical form [TUTULUS]; and her head was covered with a veil (*flammeum*) and a *rica*, the nature of which is somewhat doubtful [RICA]. She likewise carried the *sccespita*. She was prohibited from mounting a staircase consisting of more than three steps (the text of Aulus Gellius is uncertain, but the object must have been to prevent her ankles from being seen); and when she went to the *argei* [ARGEI], she neither combed nor arranged her hair. On each of the nundinae a ram was sacrificed to Jupiter in the regia by the flaminica (Macrob. i. 16).

Flaminia, according to Festus and A. Gellius, was the house of the Dialis, from which it was unlawful to carry out fire except for sacred purposes. The name *flaminia* was also given, according to Festus, to a little or perhaps subordinate priestess (*sacerdotula*) who assisted the *flaminica* in her duties.

After the death of the flamen Merula, who was chosen consul suffectus on the expulsion of Cinna (Vell. Pat. ii. 20; Val. Max. ix. 12, § 5), and who, upon the restoration of the Marian faction, shed his own blood in the sanctuary (B.C. 87), calling down curses on his enemies with his dying breath (Vell. Pat. ii. 22), the priesthood remained vacant until the consecration of Servius Maluginensis (B.C. 11) by Augustus, then Pontifex Maximus. Julius Caesar had indeed been nominated in his 17th year, but was never installed; and during the whole of the above period the duties of the office were discharged by the Pontifex Maximus. (Suet. *Jul.* c. 1, compared with Vell. Pat. ii. 43, and the Commentators. See also Suet. *Aug.* 31; Dio Cass. liv. 36; Tac. *Ann.* iii. 58. The last-quoted historian, if the text be correct, states that the interruption lasted for 72 years only.)

The municipal towns also had their flamens. Thus the celebrated affray between Milo and Clodius took place while the former was on his way to Lanuvium, of which he was then dictator, to declare the election of a flamen (*ad flaminem prodendum*, Cic. *pro Mil.* 10, § 27). After the deification of the emperors, flamens were appointed to offer sacrifices to them both in Rome and in the provinces. Julius Caesar accepted a flamen in his lifetime (Suet. *Jul.* 76; Cic. *Phil.* ii. 43, § 110); Augustus refused all divine honours within the borders of Italy, but after his death the flamen Augustalis appears (cf. AUGUSTALES). These *flamines Divorum* did not, as has been sometimes thought, form a collegium with the *sodales*, but stood in direct relations only with the Pontifex Maximus, i.e. with the emperor himself. We find flamens to emperors who had no *sodales*, as to Julius, Nerva (Plin. *Paneg.* 11), Trajan (*flamen Ulpialis*, *C. I. L.* vi. 1383, Wilm. 1175); and the imperial flamens were required to be patricians, the *sodales* were not. The former were, in fact, mostly taken from the imperial family, *e.g.* the Caesars Germanicus and Nero (Orelli, 660, 664), L. Silanus the victim of Claudius and Agrippina (*C. I. G.* 369), the younger Pertinax (Capitol. *Pert.* 15). In the case of Antoninus Pius, the "flamen ex affinibus" is clearly distinguished from the "sodales ex amicissimis" (Capitol. M. *Ant. Phil.* 7 *extr.*). We do not find flamens assigned to any but actual emperors, excluding other deified persons; nor to empresses, with the exception of the elder Faustina, who received more than one *flaminica* in her husband's lifetime (Capitol. *Ant. Pi.* 6). With the emperors the appointment of a flamen was the natural accompaniment of consecration; and it can only be accidental that no records are preserved of the flamens of such favourite emperors as Vespasian, Titus, and Alexander Severus. Inscriptions show that, following the analogy of the earlier flamens (Dialis, Martialis, Quirinalis, and Jovis, Martis, Quirini), the flamens of the emperors were not called Julii, Augusti, Claudii, &c., but Juliani (Orell. 2242), Augustales (Orell. 2375), Claudiales (Wilmanns, 1174). (Compare Marquardt, *Staatsverw.* iii. 313–319, 453–455; H. Dessau, *de sodalibus et flaminibus Augustalibus*, Berlin, 1877, and in *Ephem. Epigr.* iii. 205 ff.; AUGUSTALES, p. 258 *b*.) [W. R.] [W. W.]

FLAMMEA'RII. [FLAMMEUM.]

FLAMME'OLUM. [FLAMMEUM.]

FLA'MMEUM (sc. *velum*), a flame-coloured veil, worn by a Roman bride, the colour of which is described as *luteus* (Plin. *H. N.* xxi. § 46; "lutea flammea," Lucan, ii. 361). The diminutive *flammeolum* (Juv. x. 334), used of the bridal veil of Messalina, probably indicates only a veil of finer texture than usual. It was a long veil covering the head, and, with the exception of the face, descending over the back to the feet, whence it is described by the grammarians as a kind of dress ("flammea genus amicti," Schol. *ad* Juv. vi. 225; "vestimentum," Fest. p. 92, 16; "flammeo amicitur nubens," Fest. p. 89, 3). It is so represented in works of art, and is frequently mentioned by the Roman writers in connexion with marriage ("flammeum cape," Cat. lx. 8; "flammea sumit," Juv. ii. 124; "flammea texuntur sponsae," Mart. xi. 78, 3; "puellae caput involverat flammeo," Petron. 26, 1). Though the flammeum did not entirely cover the face, yet from its falling over the forehead usually it is described as concealing the countenance ("velare vultus," Lucan, *l. c.*; Mart. xii. 42, 3). When the bride was brought into the nuptial chamber, the veil was removed by the bridegroom (Claudian, *de Laud. Stilich.* ii. 368).

Bride with the Flammeum. (From the Aldobrandine Marriage.)

Festus says (p. 89) that the bride wore the *flammeum* because it was always used by the Flaminica, the wife of the Flamen, who could not obtain a divorce. But this is not correct. It has been pointed out by Rossbach that the *flammeum* was part of the dress of the Flaminica, because it was in ancient times worn by all Roman matrons in performing sacrificial rites. It was originally identical with the *ricinium* and *rica*, except in colour, which is also described as a portion of the dress of the Flaminica, though subsequently the *ricinium* was made smaller and became only a head-dress. [RICINIUM.]

The *flammeum* being a symbol of marriage, *flammea conterit* is said of a Roman matron who changes her husband repeatedly (Juv. vi. 225). The *flammeum* continued to be worn by the bride in the imperial period down to the fourth and fifth centuries, and along with the *palla* was the characteristic dress of the bride (Claudian, *in Nupt. Hon. et Mar.* 284; Mart. Capell. v. p. 538, Kopp). The use of the veil in the marriage ceremony was adopted in the Christian Church, and is described by Tertullian (*de Veland. Virgin.* c. 11) as a praiseworthy heathen custom. The colour of the Christian veil was purple and white, though the name *flammeum* was sometimes used (St. Ambros. *de Virg.* c. 15; *de Inst. Virg.* c. 17). [See *Dict. Christ. Ant.* ii. p. 1108.]

The *flammearii* in Plautus (*Aul.* iii. 5, 36) are usually supposed to be the makers of the *flammeum* or the bridal veil; but as they are mentioned by Plautus along with the *violarii*, they are more probably the dyers of the colour, and are so explained by Festus (p. 89, 11), "flammearii, infectores flammei coloris." This colour, as we have seen, is called *luteus* from *lutum*, "weld" (*reseda luteola*, Linn.). (Marquardt, *Privatl.* pp. 43, 489; Becker-Göll, *Gallus*, ii. p. 29; Blümner, *Techn.* i. p. 243; Rossbach, *Röm. Hochzeit*, &c., Leipz. 1871.) [W. S.]

FLEXU'MINES. [EQUITES.]

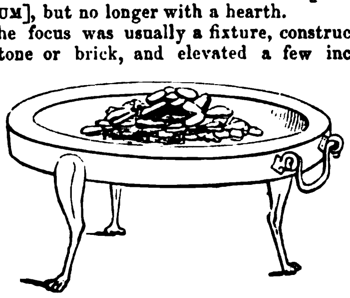
FLORA'LIA, or Florales Ludi, a festival which was celebrated at Rome in honour of Flora or Chloris. It was said to have been instituted in 238 B.C., on the occasion of the dedication of a temple to Flora by the aediles L. and M. Publicius in the Circus Maximus (*C. I. L.* i. 392), at the command of an oracle in the Sibylline books, for the purpose of obtaining from the goddess the protection of the blossoms (*ut omnia bene deflorescerent*, Plin. *H. N.* xviii. § 286: compare Vell. Pat. i. 14; Varr. *de Re Rust.* i. 1). In the consulship of L. Postumius Albinus and M. Popilius Laenas (173 B.C.), it was made an annual festival, at the command of the senate, by the aedile C. Servilius (Mommsen, *Röm. Münzw.* p. 645; compare Ovid, *Fast.* v. 329, &c.), as the blossoms in that year had severely suffered from winds, hail, and rain. By degrees it was extended to six days (April 28—May 3). The celebration was, as usual, conducted by the aediles (Cic. *in Verr.* v. 14, 36; Valer. Max. ii. 10, § 8), and was carried on with excessive merriment, drinking, and lascivious games (Mart. i. 3; Senec. *Epist.* 96). From Valerius Maximus (cf. Schol. *Juv.* vi. 250; Senec. *Epist.* 97, 8) we learn that theatrical and mimic representations formed a principal part of the various amusements, and that it was customary for the assembled people on this occasion to demand the female actors to appear naked on the stage, and to amuse the multitude with their indecent gestures and dances. This indecency is probably the only ground on which the absurd story of its origin, related by Lactantius (*Institut.* i. 20), is founded. The last day was devoted to a beast-hunt in the circus, but there were no races. Similar festivals, chiefly in spring and autumn, are in southern countries seasons for rejoicing, and, as it were, called forth by the season of the year itself, without any distinct connexion with any particular divinity; they are to this day very popular in Italy (Voss. *ad* Verg. *Georg.* ii. 385), and in ancient times we find them celebrated from the southern to the northern extremity of Italy. (See ANTHESPHORIA, and Justin, xliii. 4.) The Floralia were originally festivals of the country people (Preller, *Röm. Myth.* 379), which were afterwards, in Italy as in Greece, introduced into the towns, where they naturally assumed a more dissolute and licentious character, while the country people continued to celebrate them in their old and merry but innocent manner. And it is highly probable that such festivals did not become connected with the worship of any particular deity until a comparatively late period. (Buttmann, *Mytholog.* ii. p. 54.) This would account for the late introduction of the Floralia at Rome, as well as for the manner in which we find them celebrated there. (See Spanheim, *de Praest. et Usu Numism.* ii. p. 145, &c.) [L. S.] [A. S. W.]

FOCA'LE, a covering for the throat (*fauces*), sometimes drawn also over the ears (Mart. iv. 41), made of wool and worn by infirm and delicate persons. Its use by others was regarded as effeminate (Hor. *Sat.* ii. 3, 255; Senec. *Nat. Quaest.* iv. 13; Quintil. xi. 3, § 144; Mart. xiv. 142). [J. Y.] [W. W.]

FOCUS, dim. Fo'culus (**ἑστία**: **ἐσχάρα, ἐσχάρις**, dim. **ἐσχάριον**), a fire-place; a hearth; a brasier. The fire-place, while serving all the requirements of ordinary life, possessed a sacred character both among the Greeks and Romans. In the primitive Greek house the **ἐσχάρα** stood against, or near, the back wall of the **μέγαρον**, the kitchen and living-room of the family: in the more spacious dwellings of a later age it was transferred, with other objects of domestic worship, to a small private chapel, vaulted so as to resemble the Tholos (**θόλος**), the dome-shaped **ἑστία** of the state (Hermann-Blümner, *Privatalt.* p. 151, where the identity of **ἑστία** and **ἐσχάρα** is maintained; Guhl and Koner, ed. 5, p. 97). The well-known use of the hearth as a sanctuary for suppliants occurs as early as Homer (*Od.* vii. 153–169: cf. Apoll. Rhod. iv. 693; Thucyd. i. 136).

Among the Romans the fire-place was dedicated to the Lares of each family (Plut. *Aul.* ii. 8, 16; Cato, *de R. R.* 15; Ov. *Fast.* i. 135, vi. 302); a consecration which did not interfere with its homely uses (Hor. *Epod.* 2, 43; *Epist.* i. 5, 7; Ov. *Met.* viii. 673; Senec. *Cons. ad Helv.* 10, § 7). On festivals the housewife decorated the hearth with garlands (Cato, *de R. R.* 143; Ov. *Trist.* v. 5, 10); a woollen fillet was sometimes added, nor were animal sacrifices unknown (Propert. v. 6, 1–6). The phrase "pro aris et focis" expressed attachment to all that was most dear and venerable (Cic. *N. D.* iii. 40, § 94; Flor. iii. 13). At Rome, likewise, the progress of wealth and refinement led to the removal of the focus and penates to an inner apartment (Marquardt, *Privatl.* 234): the change from the single *atrium* or "house-place" to the more elaborate arrangement of a separate dining-room, culina, and Lararium is described under Domus, p. 670 *a*, 672 *b*. In the Pompeian houses we see the *atrium*, now become a reception room, adorned with a fountain and a marble table [Cartibulum], but no longer with a hearth.

The focus was usually a fixture, constructed of stone or brick, and elevated a few inches above the ground; see the first figure on p. 672 *a*. It was also frequently made of bronze, variously ornamented, and could then be carried from room to room. One is shown under Balneae, p. 276 *b*: another, found at Caere in Etruria, and preserved in the British Museum, is represented in the annexed woodcut.



Focus. (From British Museum.)

The small portable brasier or chafing-dish, called *foculus* or **ἐσχάριον**, was especially used in sacrifices; and the same name was applied to the hollow or fire-pan at the top of an altar (Liv. ii. 12; Cic. *pro Domo*, 47, § 123; Ara.) The movable focus or foculus was also employed in the kitchen (Plaut. *Capt.* iv. 2, 68; Juv. iii. 262), and for keeping things hot was brought into the dining-room (Senec. *Ep.* 78, § 23). The treasures of Herculaneum and Pompeii are rich in illustrations of this kind of focus, whether pictorial or in bronze vessels actually preserved. See Caldarium, and the second cut under Authepsa. [J. Y.] [W. W.]

FOEDERA'TAE CIVITA'TES, FOEDERA'TI, SO'CII. In extending her influence and dominions beyond the seven hills, Rome followed two alternative courses. One was to conclude a treaty of alliance with a community between which and herself there had previously been no relation; the other was to reduce such community to complete subjection by conquest or enforced surrender (Liv. xxxiv. 17; iv. 30; viii. 2). Where there was a treaty of alliance (*foedus*), the allied community was described by the terms prefixed to this note. At first of course such allies were exclusively Italian; in particular the Socii and Latini, who forced on the Social War B.C. 90, though no town which had obtained the Roman civitas, or which was a Roman or Latin colony [Colonia], was said to be foederata. But even long before that war Rome had attached allies to herself by treaty outside Italy, both states governed on the republican principle, and foreign princes (*e.g.* Ptolemaeus Philadelphus, B.C. 273, Dio Cass. 147; and Hiero of Syracuse, a year later, Polyb. i. 16). After the extension of the Roman imperium into the provinces, two kinds of foederati populi or civitates have to be distinguished: those whose territory lay within the bounds of a Roman province, and those which were genuinely foreign (Dig. 49, 15, 7). The latter, however, after the subjection of the kings of Macedon and Syria, were constantly becoming mere tribute payers to Rome (Liv. xlii. 6; xlv. 13, 44), and as a general rule had to be content with concealing their practical vassalage (Sallust, *Jug.* 14; Florus, iii. 1) under the thin disguise of "friends and allies of the Roman people" (Caesar, *B. G.* i. 3, 35, 43; iv. 12; vii. 31;—Cic. *pro lege Manilia*, 5, 12).

The foedera were of three orders (Dig. 49, 15; 5, 2), stipulating merely for friendship between the contracting parties, or for reciprocal hospitality, or for military subvention. Those of the first order (Polyb. iii. 22; Liv. xxxviii. 38) provided that the two states should not engage in war with one another without first making every attempt at an amicable settlement (*e.g.* the treaty with Alba, Dionys. iii. 3), and contained regulations as to the sojourn of the citizens of each on the territory of the other, and the measure of legal protection they should enjoy (*e.g.* Carthage, Polyb. iii. 22–24). Other terms in such treaties, especially when concluded after a war, are exemplified by those with Carthage after the Sicilian

(Polyb. i. 62, iii. 27) and Second Punic wars (Polyb. xv. 18; Liv. xxx. 37), with Philip of Macedon (Polyb. xviii. 27; Liv. xxxiii. 30), and with Antiochus (Polyb. xxii. 26; Liv. xxxviii. 38). Treaties of the second class, which bargained for greater intimacy between the two states, are exemplified by that with the Aedui (Caesar, *B. G.* i. 31). Those providing for military assistance varied with the power and eminence of the allied state: sometimes they placed the parties on an absolute equality (Liv. xxxiv. 57)—*e.g.* those with Camerinum and Heraclea (Liv. xxviii. 45; Cic. *pro Balb.* 20, 47; *pro Archia* 4, 9); with the Aetolians (Liv. xxvi. 24), the Jews (Josephus, *Ant. Jud.* xii. 10, 6), and Rhodians (Appian, *Bell. Civ.* iv. 65, 70): in other cases the socius was subordinated to Rome, being required to "respect her majesty" (Cic. *pro Balb.* 16, 35; Dig. 49, 15, 7, 1): it remained free, but practically was at Rome's orders, as a client at those of his patron (Proculus in Dig. *loc. cit.*), though the Romans admitted their obligation to afford full protection (Liv. xxx. 42; Caesar, *B. G.* i. 43; Hirtius, *de bell. Alex.* 34, 36), and included the socius in their own treaties with neighbouring peoples (Polyb. iii. 22 *sq.*, xv. 18; Liv. xxx. 37, xxxviii. 11, 38).

The condition of the socii and foederati was originally one of tolerable independence, subject to the obligation of furnishing a contingent to the Roman army; but it was continuously depressed by the increasing power of Rome, and the resulting discontent culminated in the Social War, at the termination of which the leges Julia and Plautia Papiria brought the Roman civitas within the reach of all who were domiciled in Italy [Civitas], from whose territories this class of community now disappeared. Civitates foederatae seem, however, to have acquired the benefits of these statutes only on condition of becoming *fundus* (Cic. *pro Balb.* 8, 19).

There were also foederatae civitates in most of the provinces, their treaty of course being anterior to the formation of the province itself: thus there were three in both Sicily and Baetica, and others in Asia Minor: Athens, Rhodes, and Tyre were also federate towns, and Cicero (*pro Scauro*, 44) regards it as a dishonour to Sardinia that in all that island there was no town which "was free and united by friendship with the Roman people." These federate towns in the provinces enjoyed certain privileges not shared by the ordinary provincial town. Their citizens were exempted from payment of the land impost (*vectigal*, Cic. *in Verr.* iii. 6, 13; 40, 91), and perhaps from some of the other ordinary taxes of the state; and they possessed *αὐτονομία*, the independent control of their own affairs, with some measure of legislative and judicial power, excluding the authority of the provincial governor; but this perhaps was more theoretical than practical, especially when a Roman army came their way (Plutarch, *Pomp.* 10). The plebiscitum called Lex Antonia which conferred these rights about 72 B.C. on Termessus in Pisidia, and which has been partially deciphered on bronze, is printed by Ritschl, *Priscae Lat. Monum. Epigr.* xxxi., and Orelli, *Inscriptiones*, i. 204. It is hardly necessary to say that the foederatae civitates were forbidden to embark on any independent foreign policy. They were free to adopt the civil law of Rome in whole or part: thus even before the Social War it was not unusual for the Socii and Latini to adopt Roman leges into their own system, and Cicero (*pro Balbo*, 8, 19) mentions the Lex Furia testamentaria and the Lex Voconia de mulierum hereditatibus, and adds that there were other instances. In such cases the state which adopted a Roman statute was said "in eam legem fundus fieri;" but of course it did not thereby obtain for its citizens any privileges with respect to the Roman state.

But the tendency to uniformity which accompanied the consolidation of the empire favoured the extinction of the provincial foederatae civitates, and they gradually disappeared: many of them voluntarily became coloniae (*e.g.* Tauromenium in Sicily), and others municipia (*e.g.* Messana, Pliny, iii. 8; Gades, Saguntum, and Malaga).

(Zumpt, *Studia Romana*, p. 315; Marquardt, *Staatsverwaltung*, i. 348; Savigny, *Volkschluss der Tafel von Heraclea*, *Zeitschrift*, vol. ix.; Walter, *Geschichte des römischen Rechts*, §§ 94, 95.) [J. B. M.]

FOEDUS. [Foederatae Civitates.]

FOENUS. [Fenus.]

FOLLIS, dim. Folli'culus, an inflated ball of leather, no doubt originally the skin of a quadruped filled with air. The Roman games of ball (Marquardt reckons five of them) are described under Pila. The follis was the largest as well as the lightest and softest ball in use, as the *pila* was the hardest, the *paganica* being intermediate between the two (Mart. xiv. 45; cf. vii. 32). According to Marquardt, the follis might be either filled with air (*κενή*) or lightly stuffed with feathers; but this is perhaps a wrong inference, as the *plumea pondera follis* (Mart. iv. 19) may simply mean "light as a feather;" and it is only the *paganica* and *pila* which are expressly stated to have been so stuffed. We must not think, however, of the tightly-blown modern football; it was much more like a child's ball, so soft that it could hurt no one, and hence is recommended as a gentle exercise, fit for small boys and old men, but to which *juvenes* would not condescend (Mart. xiv. 47). The *folliculus* (*τὸ φούλλικλον καλούμενον*) is said to have been invented by one Atticus of Naples, a teacher of gymnastics (*παιδοτρίβης*), for the benefit of Pompeius Magnus (Athen. i. p. 14 f). Augustus, who was rather delicate in health, took to it comparatively early in life, soon after the civil wars (Suet. *Aug.* 83). For the *follis pugilatorius* of Plautus (*Rud.* iii. 4, 16), see Corycus. (Becker-Göll, *Gallus*, iii. 171 ff.; Marquardt, *Privatl.* 819; Guhl and Koner, ed. 5, p. 680.) The term *follis* is also applied to a leather purse or bag (Plaut. *Aul.* ii. 4, 23; Juv. xiii. 61, xiv. 281); and the diminutive *folliculus* to the swollen capsule of a plant, the husk of a seed, or anything of similar appearance (Senec. *Nat. Quaest.* v. 18, § 3; *Ep.* 124, § 11; Tertull. *de Res. Carn.* 52).

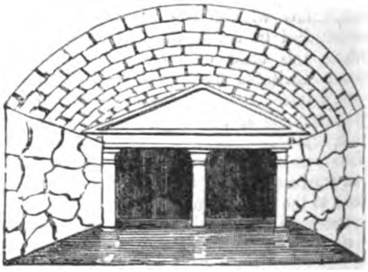
Under the later empire, follis was the name of a small debased coin (see As, last paragraph). In the absence of a better currency, large sums had to be paid in this coinage, which for the purpose was done up in bags, also called *folles*, analogous to the "purses of piastres" still used in reckoning in the East. The number of coins that went to a bag was probably 500, and its worth $\frac{1}{12}$ of a solidus, or less than 1*s*. 1½*d*. From this the follis became, under Constantine and his successors, a "money of account," which was used in reckoning gold and silver as well as copper (Euseb. *H. E.* x. 6, § 1; Cod. Theod. vi. 2, 8; vi. 4, 21). The silver unit in Constantine's system was the *miliarense*, representing the value of $\frac{1}{1000}$ of a pound of gold, now coined into 72 gold *solidi*. The follis of silver contained 125 *miliarensia*, $\frac{1}{8}$ of a pound of gold, or 9 *solidi*. So debased was the coinage at this time, and so high the premium on gold, that the denarius, the unit of copper, had dwindled to $\frac{1}{6000}$ of a gold coin, the solidus, worth no more than the English mark or about 13*s*. 4*d*.; while in the impoverished last days of the Western Empire as many as 7200 denarii went to a solidus (*Novella* of Valentinian III., A.D. 445, tit. 14, § 1). One of the compulsory presents to the emperor, exacted from senators, was also called follis (Marquardt, *Staatsverw.* iii. 236 n.). Many points about the mode of reckoning by folles still remain obscure: the above facts may be regarded as tolerably well established. (Mommsen, *Münzw.* p. 839; Hultsch, *Metrol.* pp. 251, 252; and especially Marquardt, *Staatsverw.* iii. pp. 42–47).

Two inflated skins, constituting *a pair of bellows*, and having valves adjusted to the natural apertures at one part for admitting the air, and a pipe inserted into another part for its emission, were an essential piece of furniture in every forge and foundry (*Il.* xviii. 372, 409, 470; Verg. *Aen.* viii. 449). The Greek word is usually **φῦσαι** from Homer downward, poetically **πρηστῆρες**, Apoll. Rhod. iv. 775: the **ζώπυρα** of Ephorus (*ap.* Strab. vii. p. 303), sometimes translated "bellows" (as by L. and S., ed. 7), are more probably some sort of tinder, touchwood, or "kindlers," Lat. *fomes*, though Photius and Suidas likewise explain **ζωπύρια** or **-εῖα** by **φῦσαι**. According to the nature and extent of the work to be done the bellows were made of the hides of oxen (*taurinis follibus*, Verg. *Georg.* iv. 171), or of goats (*hircinis*, Hor. *Sat.* i. 4, 19), and other smaller animals. The Homeric bellows were small, and used in large numbers; there was one to every melting-pot or crucible (*Il.* xviii. 470). So in Herodotus (i. 68) **δύο φῦσαι** are not "a pair of bellows," but, as the context shows, two distinct pairs, each sending forth a separate blast. The nozzle of the bellows was called **ἀκροφύσιον** or **ἀκροστόμιον** (Thucyd. iv. 100; Eust. on *Il.* l. c.). In bellows made after the fashion of those exhibited in the lamp here introduced from Bartoli (*Ant. Lucern.* iii. 21), we may imagine the skin to have been placed between the two boards so as to produce a machine like that which we now employ. [J. Y.] [W. W.]

Bellows. (From a lamp.)

FONS (**κρήνη**) signifies originally a natural spring of water, but both the Greeks and Romans had artificial fountains, made either by covering and decorating a spring with buildings and sculpture, or by making a jet or stream of water, supplied by an elevated cistern, playing into an artificial basin. Such fountains served the double purpose of use and ornament. Among the Greeks, they formed the only public supply of water except the rain-water which was collected in cisterns [AQUAEDUCTUS]; and at Rome, the poorer people, who could not afford to have water laid on to their houses, no doubt procured it from the public fountains.

Several examples of natural springs, converted into ornamental fountains, in the cities of Greece, have been mentioned under AQUAEDUCTUS. They were covered to keep them pure and cool, and the covering was frequently in the form of a monopteral temple: there were also statues, the subjects of which were suggested by the circumstance that every fountain was sacred to some divinity, or they were taken from the whole range of mythological legends. That at Megara, erected by Theagenes, is described by Pausanias as worth seeing for its size, its beauty, and the number of its columns (i. 40, § 1). That of Peirene at Corinth was adorned with covered cisterns of white marble like grottoes, out of which the water flowed into the open air, and with a statue of Apollo, and was enclosed with a wall, on which was painted the slaughter of the suitors of Ulysses (Paus. ii. 3, § 3; see a paper by Göttling, on the present state of this fountain, and of the *Cranion*, with an engraving of the source of the Peirene, in Gerhard's *Archäologische Zeitung* for 1844, pp. 326, 328; the engraving is given above). Corinth contained numerous other fountains; over one of which was a statue of Bellerophon and Pegasus, with the water flowing out of one of the horse's hoofs (*ib.* § 5); over another, that of Glauce, was the Odeium (*ib.* § 6); and another was adorned with a bronze statue of Poseidon, with a dolphin at his feet, out of the mouth of which the water flowed (Paus. ii. 2, § 7, s. 8). In the same city was another fountain on a still grander scale, namely, that of Lerna, which was surrounded by a colonnade with seats for those who desired a cool retreat in summer; the water was no doubt collected in a spacious basin in the centre

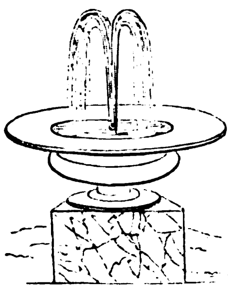


Fountain of Peirene, Corinth.

(*ib.* iv. § 5; see also 5, § 1). Several other fountains of a similar kind to these are described or referred to by Pausanias (ii. 27; iv. 31, 33, 34; vii. 5, 21), among which two deserve special mention, as they were within temples; namely, that in the temple of Erechtheus at Athens, and of Poseidon at Mantineia, which were salt-water springs (i. 26, § 5; viii. 10, § 4). Vitruvius mentions the fountain of Salmacis as among the admirable works of art at Halicarnassus (ii. 8, § 12).

The Romans also erected edifices of various degrees of splendour over natural springs, such as the so-called grotto of Egeria, near Rome, where the natural cave is converted by the architect into a sort of temple (comp. Plin. *H. N.* xxxvi. § 154), and the baptistery of Constantine, now called *S. Giovanni in Fonte*, adjoining the Lateran. A simple mode of decorating less considerable springs was by covering them with a vault, in the top of which was an opening, surrounded by a balustrade, or by a low wall adorned with marble bas-reliefs, one example of which, among many, is seen in a relief representing the twelve gods, now in the Capitoline Museum. In all cases, a cistern was constructed to contain the water, either by cutting it out of the living rock, or (if the spring did not rise out of rock) by building it of masonry. Vitruvius discusses at length the different sorts of springs, and gives minute rules for testing the goodness of the spring, and for the construction of the cisterns (viii. 3, 7). The observations of Vitruvius apply chiefly to those springs and cisterns which formed the sources of the aqueducts.

At Rome, a very large proportion of the immense supply of water brought to the city by the aqueducts was devoted to the public fountains, which were divided into two classes; namely, *lacus*, ponds or reservoirs, and *salientes*, jets of water, besides which many of the castella were so constructed as to be also fountains. (See AQUAEDUCTUS, p. 155 *b*, and the woodcut called the "Trophies of Marius.") Agrippa, who during his aedileship paid special attention to the restoration of the Roman waterworks, is said to have constructed 700 *lacus*, 500 *salientes* (old edd. read 105), and 130 *castella*, of which very many were magnificently adorned; they were decorated with 300 bronze or marble statues, and 400 marble columns (Plin. *H. N.* xxxvi. § 121). There were also many small private fountains in the houses and villas of the wealthy (Plin. *Epist.* v. 6). At Pompeii the fountains are extremely numerous, and that not only in the streets and public places, especially at the junctions of streets (*in biviis*, *in triviis*), but also in private houses. The engraving on p. 152 *b* represents a section of one of these fountains, in which the water pours into a basin; that now given, in which the water is thrown up in a jet, is taken from an arabesque painting on the wall of a house at Pompeii: in the painting, the vase and pedestal rise out of a sheet of water, which may be supposed to represent the *impluvium* in the atrium of a house. (Respecting the fountains of Pompeii, see *Pompeii*, vol. i. p. 131, vol. ii. pp. 71, 78; and Sir W. Gell's *Pompeiana*, vol. i. pp. 390, 395, plates 50, 53.) The proof which these fountains afford, of the acquaintance of the ancients with the chief law of hydrostatics, is noticed under AQUAEDUCTUS, p. 152 *a*.



Jet, from a painting at Pompeii.

The forms given to fountains were as numerous as the varieties of taste and fancy. The large flat vases were a common form, and they are found of 5, 10, 20, and 30 feet in diameter, cut out of a single piece of some hard stone, such as porphyry, granite, basanite, breccia, alabaster, and marble. An ingenious and elegant variety, of which there is a specimen in the Capitoline Museum, is a tripod, up the centre of which the jet passes, the legs being hollow to carry off the water again. Very often the water was made to flow out of bronze statues, especially of boys, and of Tritons, Nereids, Satyrs, and such beings: several of these statues have been found at Pompeii; and four of them are engraved in *Pompeii*, vol. i. p. 104, one of which is given below. On the Monte Cavallo, at Rome, is a colossal statue of a river-god, probably the Rhine, which was formerly in the forum of Augustus; it pours a stream of water into a basin of granite twenty-seven feet in diameter. The celebrated group known as the Toro Farnese, now in the Naples Museum, probably once adorned a fountain. Mythological subjects were also sculptured over the fountains, as among the Greeks; thus at Rome there were the fountains of Ganymede and Prometheus, and the Nymphaeum of Jupiter. (Stieglitz, *Archäol. d. Baukunst*, vol. ii. pt. 2, pp. 76, 79; Hirt, *Lehre der Gebäude*, pp. 399, 403.) [P. S.] [W. W.]

Bronze Fountain. (Pompeii.)

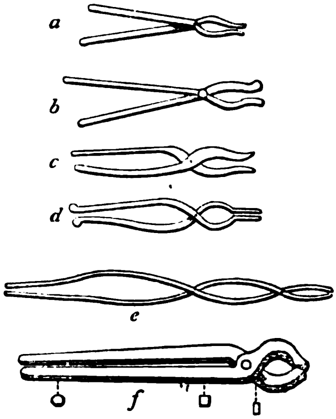
FORCEPS, tongs, pincers, nippers or pliers, were used in antiquity for the same purposes, and with many of the same varieties of shape, as in modern times.

1. A pair of tongs (πυράγρα, θερμαστρίς), for

taking heated metal out of the fire or holding it upon the anvil; used by smiths, and therefore attributed to Vulcan and the Cyclopes: see cuts under INCUS and MALLEUS. (Hom. *Il.* xviii. 477, *Od.* iii. 434; Callim. *Hymn. in Del.* 144; Verg. *Georg.* iv. 175, *Aen.* viii. 453 *forcipe curva*, Ov. *Met.* xii. 277.)

2. As a surgical instrument, a forceps (λαβίς, Hippocr.). Several specimens found at Pompeii are figured under CHIRURGIA, p. 415 *a*, and by Guhl and Koner, p. 707, ed. 5. Among special kinds may be mentioned one for extracting spear- or arrow-heads from wounds (Verg. *Aen.* xii. 404, where Servius gives ἀρδιοθήρα as the Greek equivalent); another for drawing teeth (Cels. vii. 12, § 1), in Greek ὀδοντάγρα, described at some length by Aristotle (*Mechan.* 21), who, here at least, uses θερμαστρὶς as apparently an equivalent term; a variety for extracting the roots of teeth (Cels. *l. c.*), for which ῥιζάγρα is quoted from Paulus Aegineta.

3. In military language, a tenaille; in which sense, however, FORFEX is more used (Amm. Marc. xvi. 11, § 3).



Forcipes. (From ancient monuments, Blümner.)

a, *b*, and *e*, from vase-paintings; *c*, from the altar of Vulcan at Veii; *d*, from a bas-relief; *f*, from an original now in the Zürich Museum.

The word was derived by the ancient etymologists from *forvus* or *formus*, "hot" (Fest. pp. 84, 91, M.; Serv. *ad* Verg. *ll. cc.*); this however, though accepted in some modern dictionaries of repute, as well as by Curtius, *Gr. Etym.* 486, is appropriate only to one of its meanings. It is hardly possible to separate forceps from *forfex* and *forpex;* and the first syllable in each is best explained with Donaldson (*Varron.*² p. 297) as referring to the "opening" or "door" (*foris*) which these instruments make in order to grasp the object. (Blümner, *Technol.* &c. ii. pp. 192, 193.) [W. S.] [W. W.]

FORDICI'DIA, the second of the two festivals of the Curiae (the first being the FORNACALIA), held on the 15th of April. Cows in calf (*fordae*, *hordae boves*, Varro, Ovid, Festus) were sacrificed under the direction of the Pontiffs and Vestals, some in the Capitol, others in the thirty curies (apparently one for each), others again outside the walls of Rome. The unborn calves were extracted and burnt separately by the senior Vestal (*Virgo Vestalis maxima*), and these ashes, together with the blood of the October horse, were used six days later for purposes of lustration at the PARILIA (Ov. *Fast.* iv. 629–640, cf. 733 ff.).

The Fordicidia was one of a series of spring festivals, all celebrated at the opening season of the year on behalf of the fertility of the crops and the increase of cattle. Other forms of the word are *Fordicalia* (J. Lydus, *de Mensib.* iv. 49) *Hordicalia* (Varr. *R. R.* ii. 5, § 6), *Hordicidia* (Fest. *Epit.* p. 102 M.); but all the Calendars, and Varro, *L. L.* vi. 15, have *Fordicidia.* Of the two forms of the adjective, *forda* or *horda bos*, *forda* is the older (cf. *fasena* = *harena*) and better attested (Ovid; Varro, *L. L.*). (Marquardt, *Staatsverw.* iii. 192; cf. pp. 273 n., 331, 350.) [W. W.]

FORES. [JANUA.]

FORFEX, *dim.* FORFICULA (ψαλίς, *dim.* ψαλίδιον), shears (Serv. *in* Verg. *Aen.* viii. 453), used (1) in shearing sheep, as represented in the annexed woodcut, which is taken from a carnelian in the Stosch collection of antique gems at Berlin; (2) in cutting hair (Schol. in Eurip. *Orest.* 954: Brunck, *Anal.* iii. 9; Verg. *Catal.* viii. 9; *ferro bidenti*, *Ciris*, 213); (3) in clipping hedges, myrtles, and other shrubs (ψαλιστοὶ μυρρινῶνες, Hierocles, *ap.* Stob. *Serm.* 65, p. 415).

Forfex, shears. (From a gem.)

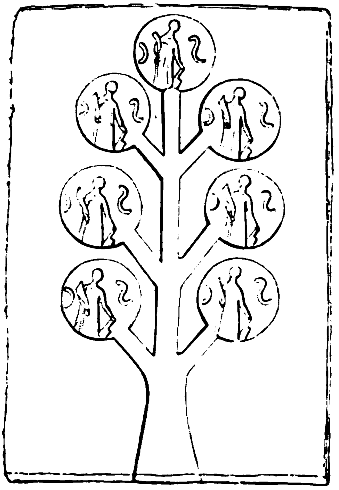
In military manœuvres the forfex was a tenaille, *i.e.* a body of troops arranged in the form of a V, so as to receive and overcome the opposite body, called a *cuneus* (Gell. x. 9).

In architecture the term ψαλὶς denoted a construction which was probably the origin of the arch, consisting of two stones leaning against each other so as to form an acute angle overhead, as is seen in the ruins of Tiryns and other prehistoric buildings (Plat. *Legg.* xii. 947 D; Diod. Sic. ii. 9; see the second cut under ARCUS, p. 171 *b*). Later the ψαλὶς is hardly to be distinguished from the true arch; see references in L. and S., ed. 7. [CAMARA.] [J. Y.] [W. W.]

FORI. [NAVIS; CIRCUS, p. 430 *a*.]

FORMA, *dim.* FORMULA, FORMELLA (τύπος), a pattern, a mould; any contrivance adapted to convey its own shape to some plastic or flexible material, including moulds for making pottery, pastry, cheese, bricks, and coins. Several moulds for use in cookery are among the kitchen utensils found at Pompeii. The moulds for coins were made of a kind of stone, which was indestructible by heat (Plin. *H. N.* xxxvi. § 168). The mode of pouring into them the melted metal for casting the coins will be best understood from the woodcut on next page, which represents one side of a mould, engraved by Seroux d'Agincourt. For the moulds used in casting terra-cottas, see ECTYPUS. Moulds were likewise employed in making walls of the kind now called *pisé*, i.e. clay cast in wooden frames, which were built in Africa, in Spain, and about Tarentum (Varr. *de R. R.* i. 14; Pallad. i. 34; *parietes formacei*, Plin. *H. N.* xxxv. § 169). The shoemaker's last was also called *forma* (Hor. *Sat.* ii. 3, 106), *formula* (Amm. Marc. xxxi. 2, § 6), and *tentipel-*

lium (Festus, *s. v.*), in Greek *καλόπους* (Plat. *Symp.* 191 A). The spouts and channels of aqueducts are called *formae*, perhaps from their resemblance to some of the moulds included in the above enumeration (Frontin. *de Aquaeduct.* 75, 126). [J. Y.] [W. W.]

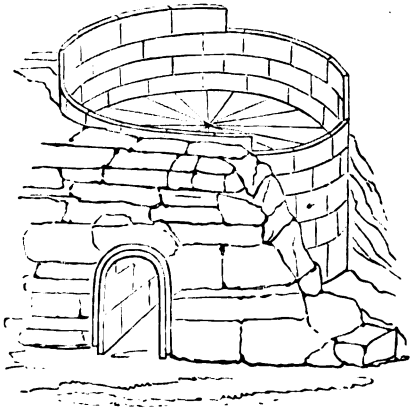


Forma, mould for coins.

FO'RMULA. [Actio.]

FORNACA'LIA, a festival in honour of Fornax, the goddess of furnaces, in order that the corn might be properly baked (Festus, *s. v.*). This ancient festival is said to have been instituted by Numa (Plin. *H. N.* xviii. § 8), and, like the Fordicidia, was celebrated by the Curies, probably in the Forum. The time for its celebration was proclaimed every year by the Curio Maximus, who announced on tablets, which were placed in the Forum, the different part which each curia had to take in the celebration of the festival. Those persons who did not know to what curia they belonged, performed the sacred rites on the *Quirinalia*, called from this circumstance the *Stultorum feriae*, which fell on the 17th of February. The Fornacalia usually preceded this festival, but sometimes coincided with it. It would seem that only plebeians could be ignorant of what curia they belonged to. (Ovid, *Fasti*, ii. 513–532; Varr. *L. L.* vi. 13, with Müller's note; Festus, s. vv. *Quirinalia*, *Stultorum feriae*; Marquardt, *Staatsverw.* iii. 190 f.) The Fornacalia continued to be celebrated in the time of Lactantius (Lactant. i. 20, § 35). [W. S.] [W. W.]

FORNAX, *dim.* Forna'cula, Furnus (*κάμινος*, *dim.* *καμίνιον*), a kiln; an oven; a furnace. The construction of the kilns used for baking earthenware [Fictile] may be seen in the annexed woodcut, which represents part of a Roman pottery kiln discovered near Castor, in Northamptonshire. The dome-shaped roof has been destroyed; but the flat circular floor on which the earthenware was set to be baked is preserved entire. The middle of this floor is supported by a thick column of brick-work, which is encircled by the oven (*furnus*, *κλίβανος*). The entrance to the oven (*praefurnium*) is seen in front. For the account of another oven found at Heddernheim, see Fictile, p. 845. The lower part of a smelting-furnace, shaped like an inverted bell, and sunk into the earth, with an opening and a channel at the bottom for the discharge of the melted metal, has been discovered near Arles (Florencourt, *Ueber die Bergwerke der Alten*, p. 30). In Spain these furnaces were raised to a great height, in order that the noxious fumes might be carried off (Strabo, iii. p. 146). They were also provided with long flues (*longinquae fornacis cuniculo*, Plin. *H. N.* ix. § 133), and with chambers (*camerae*) for the purpose of collecting more plentifully the oxides and other matters by sublimation (*Ibid.* xxxiv. §§ 101, 128, 135, 136, 142, 144). In the primitive forges known to Homer, there was no furnace, only melting-pots (*χόανοι*), each with their separate bellows (*Il.* xviii. 470; Follis). Melting-pots or crucibles have been found at Castor, and at different places in Egypt, in form and material very like those which we now employ (Wilkinson, *Anc. Egypt.* ii. 235, ed. Birch, 1878). A glass-house, or furnace for making glass, was called *ὑελουργεῖον* (Dioscor. v. 182).



Fornax, a kiln. (Discovered near Castor, in Northamptonshire.)

Furnaces of an appropriate construction were erected for casting large statues of bronze (Claud. *de Laud. Stil.* ii. 176), and for making lamp-black (Vitruv. vii. 10). [Atramentum.] The lime-kiln (*fornax calcaria*) is described by Cato (*de R. R.* 38; see also Plin. *H. N.* xvii. § 53; Vitruv. vii. 3). For the *furnus* used in heating baths, see p. 279.

The early Romans recognised, under the name of Fornax, a divinity who presided over ovens and furnaces [Fornacalia]. [J. Y.] [W. W.]

FORNIX, in its primary sense, is synonymous with Arcus (Senec. *Ep.* 90), but more commonly implies an arched vault, constituting both roof and ceiling to the apartment which it encloses (Cic. *Top.* 4, § 22).

From the roof alone, the same word came to signify the chamber itself, in which sense it designates a long narrow vault, covered by an arch of brick or masonry (*tectum fornicatum*), similar to those which occupy the ground-floors of some modern Roman palaces. Three such cells are represented in the annexed woodcut, from the remains of a villa at Mola di Gaeta, which passes for the Formian Villa of Cicero. They are covered internally with a coating of stucco,

Fornices, vaults. (From a villa at Mola di Gaeta.)

tastily ornamented, and painted in streaks of azure, pink, and yellow.

Being small and dark, and situated upon the level of the street, these vaults were occupied by prostitutes (Hor. *Sat.* i. 2, 30; Juv. *Sat.* iii. 156, x. 239, xi. 171; compare Suet. *Jul.* 49), whence comes the meaning of the word *fornicatio* in the ecclesiastical writers, and its English derivative.

A detached triumphal arch, like those of Titus, Sept. Severus, and Constantine, is never called *fornix*, always *arcus triumphalis;* but the former name is applied to ornamental or honorary arches spanning a street, and connected with the adjacent buildings. The two oldest were erected, one in the Forum Boarium and the other in the Circus Maximus, and adorned with trophies by L. Stertinius, who did not even ask for a triumph, B.C. 196 (Liv. xxxiii. 27); the next on the slope of the Capitol by Scipio Africanus, B.C. 190 (Liv. xxxvii. 3). The most frequently mentioned is the *fornix Fabianus* or *Fabii*, on the Sacra Via just where it begins to ascend towards the Arch of Titus (Cic. *de Or.* ii. 66, § 267; *Act. i. in Verr.* 7, § 19; *pro Planc.* 7, § 17); on some slight remains of it discovered in modern times, cf. Middleton, *Anc. Rome in* 1885, p. 207. The fine arch pierced in the wall of the Forum of Augustus (Middleton, p. 258), and now called *Arco de' Pantani*, is of this description, as is also the archway which forms one of the entrances to the Forum at Pompeii. A street in Rome which led to the Campus Martius was called Via Fornicata (Liv. xxii. 36), probably on account of the ornamental arches built across it.

Fornix is also a sallyport in the walls (Liv. xxxvi. 23; cf. xliv. 11); one of the towers of Pompeii, figured by Rich, *s. v.* Fornix, has such an arch at the foot of it. [A. R.] [W. W.]

FORPEX, a pair of curling irons, is sometimes treated as a mere corruption of FORCEPS; and in an obscure passage of Suetonius (*Aug.* 75) both the reading and the sense are doubtful. But the derivation from *pecto* is obviously appropriate; and it seems to have been an old word (Cat. *R. R.* x. 3) revived, like so many others, by late authors (Sidon. Apoll. *Epith.* xv. 184). In the classical period its place was taken by *calamistri* [CALAMISTRUM]. [W. W.]

FORUM. As the plan of the present work does not include a topographical description of the various fora at Rome, the following article only contains a brief statement of the purposes which they served.

Forum originally signifies an open space (*area*) before any building, especially before a sepulcrum (Festus, *s. v.*; Cic. *de Legg.* ii. 24, § 61); the word is no doubt connected with *foris*, and so means any place "out of doors." The characteristic features of a Roman forum were, that it was a levelled space of ground of an oblong form, and surrounded by buildings, houses, temples, basilicas or porticoes (Vitruv. v. 1, 2). The forum at Pompeii, now completely excavated and showing very handsome architectural surroundings, will afford a good general notion of the usual appearance of these places and the way they were laid out. A forum was originally used as a place where justice was administered, and where goods were exhibited for sale (Varr. *L. L.* v. 145, M.). We have accordingly to distinguish between two kinds of fora; of which some were exclusively devoted to commercial purposes and were real market-places, while others were places of meeting for the popular assembly and for the courts of justice. Mercantile business, however, was not altogether excluded from the latter, and it was especially the bankers and usurers who kept their shops in the buildings and porticoes by which they were surrounded. The latter kinds of fora were sometimes called *fora judicialia*, to distinguish them from the mere market-places.

Among the fora judicialia the most important was the *Forum Romanum*, which was simply called *forum*, as long as it was the only one of its kind which existed at Rome. At a late period of the republic, and during the empire, when other fora judicialia were built, the Forum Romanum was distinguished from them by the epithets *vetus* or *magnum*. It was situated between the Palatine, the Capitoline, and the Quirinal hills, and its extent was seven jugera, whence Varro (*de R. R.* i. 2) calls it the "Septem jugera forensia." It was originally a swamp or marsh, but was said to have been filled up by Romulus and Tatius, and to have been set apart as a place for the administration of justice, for holding the assemblies of the people, and for the transaction of other kinds of public business. The memory of its original state was preserved to the latest times by the legend of the Lacus Curtius (Liv. i. 12; Varr. *L. L.* v. 148; Dion. Hal. ii. 42; Plut. *Rom.* 18): but in reality it was drained by the construction of the Cloaca Maxima in the time of the last kings [CLOACA; EMISSARIUM]. In the larger sense, as applied to the whole valley surrounded by the three hills just named, the forum included the comitium, or the place of assembly for the curiae (Varr. *L. L.* v. 155, M.), which was separated from the forum in its narrower sense, or the place of assembly for the comitia tributa by the Rostra. (Niebuhr, *Hist. of Rome*, i. p. 291, note 746, and p. 426, note 990; Walter, *Gesch. des röm. Rechts*, p. 83; Göttling, *Röm. Staatsverf.* p. 155.) These ancient rostra were an elevated platform (*suggestum*), from which the orators addressed the people, and which derived their name from the circumstance that after the subjugation of Latium, its sides were adorned with the beaks (*rostra*) of the ships of the Antiates (Liv. viii. 14). In subsequent times, when the curiae had lost their importance, the accurate distinction between comitium and forum likewise ceased, and the comitia tributa were sometimes held in the Circus Flaminius: but towards the end of the republic the forum seems to have been chiefly used for judicial proceedings, and as a money market: hence Cicero (*de Orat.* i. 36, § 167) distinguishes between a speaker in the popular assembly (*orator*) and the mere pleader: "Ego istos non modo oratoris nomine, sed ne foro quidem dignos putarim." The orators when addressing the people from the rostra, and even the tribunes of the people in the early times of the republic, used to front the comitium and the curia; but C. Gracchus (Plut. *C. Gracch.* 5), or, according to Varro (*de R. R.* i. 2) and Cicero (*de Am.* 25, § 96), C. Licinius, introduced the custom of facing the forum, thereby acknowledging the sovereignty of the people. In 308 B.C. the Romans adorned the forum, or rather the bankers' shops (*argentarias*) around, with gilt shields which they had taken from the Samnites: and this custom of adorning the forum with these shields and other ornaments was subsequently always observed during the time of the Ludi Romani, when the Aediles rode in their chariots (*tensae*) in solemn procession around the forum. (Liv. ix. 40; Cic. *in Verr.* i. 54, § 141, and iii. 4, § 9.) After the victory of C. Duilius over the Carthaginians the forum was adorned with the celebrated columna rostrata [COLUMNA, p. 495 *a*]. In the upper part of the forum, or the comitium, the laws of the Twelve Tables were exhibited for public inspection, and it was probably in the same part that in 304 B.C. Cn. Flavius exhibited the Fasti, written on white tables (*in albo*), that every citizen might be able to know the days on which the law allowed the administration of justice. (Liv. ix. 46.) Besides the ordinary business which was carried on in the forum, we read that gladiatorial games were held in it (Vitruv. v. 1, 2), and that prisoners of war and faithless colonists or legionaries were put to death there. (Liv. vii. 19; ix. 24; xxviii. 28.) Down to the latest times of the republic, the forum was the usual place where funeral games were given; on these occasions it was temporarily enclosed with wooden railings (Cic. *pro Sest.* 58, § 124; CANCELLI).

Before the end of the Second Punic War a small portion only of the space between the Palatine, the north-eastern end of the Capitoline, and the Quirinal was occupied as a Forum or public place of meeting. It does not appear that even in the populous times of the later republic the open space of the Forum was ever enlarged; but overcrowding was in some measure prevented by the building of open basilicas, beginning with the Basilica Porcia in the censorship of Cato, B.C. 184. With the growth of provincial business the courts of law and public buildings must have become more and more inadequate (Burn, p. 75). Out of this state of things arose, in the period between Julius Caesar and Trajan, the Five Imperial Fora.

1. The first of these, and the second forum judiciarium, was built by the dictator Caesar out of the spoils of the Gallic war, and was called *Forum Caesaris* or *Julii*. The site chosen was exceptionally crowded and valuable, immediately to the north-east of the Forum Romanum, and a hundred million sesterces were paid for it. The levelling of the ground cost large additional sums; in the centre stood the magnificent temple of Venus Genetrix, the tutelary goddess of his family, which he had vowed at the battle of Pharsalia (Suet. *Jul.* 26; Plin. *H. N.* xxxv. § 156, xxxvi. § 103; Dio Cass. xliii. 22). For plans of this and the other imperial fora, see Burn, p. 126; Middleton, p. 253. Nothing now remains of this forum but five half-buried arches, figured by Middleton, p. 255.

2. The *Forum Augusti*, the next in date, stood back from the Forum Julii in the same N.E. direction. The central area was occupied by the temple of Mars Ultor, commemorating the battle of Philippi, though it was not finished until forty years later, and dedicated in B.C. 2. (Vell. Pat. ii. 100, § 2.) Augustus further adorned his forum with statues of the most distinguished men of the republic, and issued a decree that only the *judicia publica* and the *sortitiones judicum* should take place in it. (Suet. *Aug.* 29 and 31; compare Dio Cass. lvi. 27; Plin. *H. N.* xxxvi. § 102; Vell. Pat. ii. 39; Ovid, *ex Pont.* iv. 15, 16; Martial, iii. 38, 3; Seneca, *de Ira*, ii. 9; Stat. *Silv.* iv. 9, 15.) After the Forum Augusti had severely suffered by fire, it was restored by Hadrian. (Spart. *Hadr.* 19.)

3. The *Forum Pacis* was built to enclose the Temple of Peace, dedicated by Vespasian A.D. 75. It commemorated the close of the civil wars which had filled the short reigns of Galba, Otho, and Vitellius, the undisputed authority of the emperor, and the taking of Jerusalem (Suet. *Vesp.* 9; Dio Cass. lxvi. 15). According to Pliny (*H. N.* xxxvi. § 102) the three most magnificent buildings in Rome were the basilica of Paullus, the forum of Augustus, and Vespasian's temple of Peace. The site was to the south-east of the Forum of Augustus, but did not quite join it; a wide street from the Subura to the Forum Romanum being left between. This narrow strip afterwards became the Forum Transitorium of Nerva. There are no remains of the Temple of Peace, and the slight existing remains of the forum are referred by Middleton, on account of their construction, to a restoration by Sept. Severus after a fire in the reign of Commodus.

4. The situation of the forum of Nerva has been already indicated. It was called *Transitorium*, on account of the highway which ran through it; or *Palladium*, from containing a temple of Minerva. The two Corinthian columns buried to about half their height, and now called *Colonnacce*, belonged to this temple; part of the outer wall of the forum is also extant, built to correspond with the forum of Augustus both in construction and height (about 100 feet).

5. The *Forum Trajani* was probably the most magnificent of all. It occupied a large space between the Capitoline and Quirinal hills, the latter of which was cut back to a height of 100 Roman feet, as shown by the inscription on the Column of Trajan (for the true explanation of this inscription, see Middleton, p. 270). The entrance was at the lower or southern end, where a triumphal arch, surmounted by a statue of Trajan in a six-horse chariot, divided it from the forum of Augustus. The open space (*area fori*, Gell. xiii. 25, § 2) was surrounded by a double row of porticoes, and enlarged by four enormous apses or semicircular extensions, one of which can still be traced in the slope of the Quirinal. In the centre stood the Basilica Ulpia, which fills the greater part of the modern *Foro Trajano*; beyond it was a cloistered court (*atrium*) surrounding the celebrated column which bears Trajan's name, and flanked by two libraries—one for Greek, the other for Latin

MSS.; at the upper end it was closed by the temple of Trajan, dedicated by his successor. For full topographical details, see Burn, pp. 141–153; Middleton, pp. 268–281.

Fora of Sallust, of Aurelian, and of Diocletian are mentioned in the regionary catalogues, but are mere names to us.

Different from these fora were the numerous markets at Rome, more useful than ornamental, and some of them reaching back to a very high antiquity. The most important was the *Forum Boarium*, or cattle market, occupying a large space between the Velabrum and the Tiber; the notion that it derived its name from the statue of an ox, whencesoever imported (Ov. *Fast.* vi. 477; Plin. *H. N.* xxxiv. § 10), can hardly be right, as it was almost certainly so named long before statues were introduced at Rome. Another legend connected the name with the oxen of Hercules, stolen by Cacus (Propert. v. 9, 19–20). Others which took their names from the goods sold in them were the *forum olitorium* and *piscatorium*, for vegetables and fish (Varr. *L. L.* v. 146; Col. viii. 19), *suarium* for pigs (Dig. 1, 12, 1), *cupedinis* (Varr. *L. L.* v. 41) or *cupedinarium* (Symm. *Ep.* viii. 19) for dainties. On the whole subject see Burn, *Rome and the Campagna*, chaps. v. vi. vii. xii.; Middleton, *Ancient Rome in* 1885, chaps. v. vi. viii. [L. S.] [W. W.]

FOSSA. [CASTRA.]

FRAMEA. [HASTA.]

FRENUM (χαλινός), a bridle, including the bit, headstall, and reins. It was properly the bit as distinct from the reins (ἡνίαι); but in Xenophon (*de Re Eq.* 6, § 7), where he is instructing the groom in the mode of putting it on, χαλινὸς is the whole bridle, the several parts of it the ἡνίαι, στόμιον, and head-piece (κορυφαία). So, in Latin, *frena* in the plural is used for the whole bridle. The invention was mythically ascribed to Athena, who gave it to Bellerophon as the means of subduing Pegasus (Pind. *Ol.* xiii. 85 ff.). The annexed woodcut, from an antique, represents the winged horse submitting to receive it as he slaked his thirst at the fountain of Peirene. In reference to this event, Athena was worshipped at Corinth under the titles Ἱππία and Χαλινῖτις (Paus. ii. 4, §§ 1, 5). The several parts of the bridle, more especially the bit, are engraved from ancient authorities in the treatises of Invernizi (*de Frenis*), Ginzrot (*Ueber Wagen und Fahrwerke*), and Bracy Clark (*Chalinology*, Lond. 1835). Illustrations have been already given under AMPYX, CARPENTUM, CLITELLAE, CURRUS, and EPHIPPIA; to these we add a beautiful specimen from the Castellani Collection in the British Museum. This is of bronze, and was found in Southern Italy; it is believed to date from pre-historic times, and shows the high antiquity of the ornamental bridles described below [cf. CATENA].

Pegasus receiving the bridle.

Ancient bronze bridle. (British Museum.)

The bit (στόμιον, Xen. *l. c.*, Aesch. *Prom.* 1009; rarely δῆγμα, Brunck, *Anal.* ii. 237 = *Anth. Pal.* vi. 233: in Latin *frenum* is the only word in use, but *oreae* is quoted from Titinius, *ap.* Fest. *s. v.*) was commonly made of several pieces, and flexible, so as not to hurt the horse's mouth; for the Greeks considered a kind and gentle treatment the best discipline, although when the horse was intractable, they taught it submission by means of a curb armed with sharp points. Xenophon recommends the use of two bits, a snaffle (λεῖος χαλινός) and a curb (ὁ ἕτερος), the latter with sharp prickles (ἐχῖνοι, *op. cit.* 10, § 6). From the resemblance to wolves' teeth, a bit of this kind was called *lupatum* in Latin (Verg. *Georg.* iii. 208; Hor. *Carm.* i. 8, 7; Ov. *Amor.* i. 2, 15). The bit was held in its place by a strap (ὑποχαλινιδία, sc. ἡνία), or a curb-chain (ψάλιον, Aristoph. *Pax*, 155); a halter or thong, distinct from the reins, was sometimes fastened to this chain or strap by means of a ring, and was used to lead the horse (ῥυταγωγεύς: all three words in Xen. 7, § 1). The upper part of the bridle, by which it was fastened behind the ears, is called by Xenophon κορυφαία (3, § 2; 6, § 7), and it included the AMPYX, which was often ornamental. The cheek-pieces (παρήϊον, Hom. *Il.* iv. 142; παραγναθίδιον, Eustath. *ad loc.*), which joined the headstall to the bit, were also in some cases richly adorned, especially among the nations of Asia; in the passage of Homer the material is stained ivory. The bit, which, though commonly of bronze or iron, was sometimes silver or gold (χρυσοχαλίνων πάταγον ψαλίων. Aristoph. *l. c.*; *fulvum mandunt sub dentibus aurum*, Verg. *Aen.* vii. 279). These precious metals were also either embossed (*frena caelata*, Apul. *de Deo Socr.* p. 54 Elm. = 173 Oud.), or set with jewels (*gemmata monilia*, on the horse of Honorius, Claud. *Epigr.* 18, 9 = 23, 9).

Not only was the bridle dispensed with in the management of creatures invented by the imagination of the poet (Aesch. *Prom.* 287), but of some which were actually trained by man to go without it. Thus the Numidian DESULTOR guided his two horses by the whip, and the Gallic ESSEDARIUS, on the banks of the Rhone, directed and animated his mules entirely by the voice (*frenorumque vicem lingua virilis agit*, Claud. *Epigr.* 1, 10). [J. Y.] [W. W.]

FRIGIDA'RIUM. [BALNEAE, pp. 275, 279.]

FRITILLUS (*φιμός, πύργος*), a dice-box. The dice were sometimes thrown from the hand, but (to prevent cheating) more usually from a dice-box. This was of a cylindrical shape, but, unlike those now in use, tapered towards the top: hence it was called *φιμός* (Aeschin. *c. Timarch.* § 59; Diphil. *fr.* 74 M.) from the resemblance to a muzzle; perhaps also *κημός*, a funnel (see the Lexicons). Another name, from the tower-like shape, was *πύργος* (see the epigram of Agathias quoted under DUODECIM SCRIPTA, l. 23), in Latin *pyrgus* (*Anthol. Lat.* iii. 77, No. 915 Meyer, 193 Riese; Sidon. Apoll. *Epist.* viii. 12), *turricula* (Mart. xiv. 16), *phimus* (Hor. *Sat.* ii. 7, 15), but most commonly *fritillus* (Senec. *Apocol.* 14, § 4; 15, § 1; Mart. iv. 14, xiv. 1; Juv. xiv. 5). It was furnished inside with parallel indentations like steps (*gradus*, Auson. *Comm. Prof.* i. 27; Sidon. Apoll. *l. c.*; *Anthol. Lat.* l. c.), which gave a better spin to the dice. The material was wood (*δουράτεος*, Agathias; *cava buxa*, Auson.), ivory (Sidon. Apoll.), or horn (Schol. Juv. *l. c.*). Some have thought that the *phimus* was a funnel used for dropping the dice into the *fritillus* or *pyrgus*; see Salmasius on *Hist. Aug.* ii. 755 ff., ed. 1671, or the quotations in Orellius on Hor. *l. c.*, in Mayor on Juv. *l. c.* There seems no intelligible reason why two instruments should have been used; *φιμὸς* is the regular word for a dice-box in classical Greek; and common-sense criticism cuts through such pedantries. The notion is rightly rejected by Orellius, Marquardt, Becker and Göll. In Agathias (*l. c.*) the *ἠθμὸς* is no doubt the funnel-shaped upper end of the *πύργος*, not a separate box. The *orca* of Persius (*Sat.* iii. 50) has been identified with the fritillus, but probably refers to a different game (Conington *ad loc.*). (Becker-Göll, *Gallus*, iii. 458; Marquardt, *Privatl.* 825; Guhl and Koner, ed. 5, pp. 353, 672.) [J. Y.] [W. W.]

FRONT'ALE. [AMPYX.]

FRUCTUS. [USUSFRUCTUS.]

FRUMENTA'RIAE LEGES. From the earliest times the supply of corn at Rome was considered one of the duties of the government. Not only was it expected that the government should take care that the corn-market (*annona*) was properly supplied, but likewise that in all seasons of scarcity they should purchase corn in the surrounding countries, and sell it to the people at a moderate price (Liv. ii. 9, 34; iv. 12, 52; x. 11, &c.; xxvi. 40;—Cic. *pro Dom.* 5). This price, which is spoken of as *annona vetus* (Liv. ii. 34), could not rise much, without exciting formidable discontent; and the administration was in all such cases considered to have neglected one of its most important duties. The superintendence of the corn-market belonged in ordinary times to the aediles; but when great scarcity prevailed, an extraordinary officer was appointed for the purpose, under the title of *Praefectus Annonae* (Liv. ii. 27, 5; iv. 12, 8). With the decay of agriculture in Italy, which followed the importation of corn from the provinces, and the decrease of the free population, the government had to pay still further attention to the supply of corn for the city. In addition to this, an indigent population gradually increased in Rome, which could not even purchase corn at the moderate price at which it was usually sold, and who demanded to be fed at the expense of the state. Even in early times it had been usual for the state on certain occasions, and for wealthy individuals who wished to obtain popularity and influence, to make occasional donations of corn to the people (*donatio*, *largitio*, *divisio*; subsequently called *frumentatio*). (Mommsen, *Rom. Hist.* ii. 372.) But such donations were only casual; and it was not till the year B.C. 123 that the first legal provision was made for supplying the poor at Rome with corn at a price much below its market value. In that year C. Sempronius Gracchus brought forward the first *Lex Frumentaria*, by which each citizen was entitled to receive every month a certain quantity of wheat (*triticum*) at the price of 6⅓ asses for the modius, which was equal to nearly 1 peck English.* (Liv. *Epit.* 60; Appian, *B. C.* i. 21; Plut. *C. Gracchus*, 5; Vell. Pat. ii. 6; Cic. *pro Sest.* 48, 103.) This was only a trifle more than half the market price, since in the time of Cicero 3 sesterces = 12 asses were considered a low sum for a modius of wheat (Boeckh, *Metrol. Untersch.* p. 420), and 4 sesterces was about the average price (Dureau de la Malle, *Écon. Pol.* i. 109). It must not be supposed that each person was allowed to receive as much as he pleased every month; the quantity must of course have been fixed, and was probably five modii monthly, as in later times. This quantity was only given to fathers of families; but it was not confined to the poor, as Plutarch (*l. c.*) would imply, for every citizen had a right to it, whether he were rich or poor (*ἑκάστῳ τῶν δημοτῶν*, Appian, *l. c.*; *viritim*, Cic. *Tusc. Disp.* iii. 20, 48); and even Piso, who had been consul, applied for his share at the distribution (Cic. *l. c.*). It appears, however, from the anecdote which Cicero relates about Piso, that each citizen had to apply in person, a regulation which would of itself deter most of the rich. The example that had been set by Gracchus was too tempting not to be followed, although the consequences of such a measure were equally prejudicial to the public finances and the public morality. It emptied the treasury, and at the same time taught the poor to become state-

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* The older reading in Cic. *pro Sest.* 25, 55, was *semissibus et trientibus*, but the better MSS. here have *senis*, and the Schol. Bob. (p. 300 Or.) has in the lemma *senis*, and in the explanation *senos*. Hence recent editors rightly adopt this reading. Similarly the reading of the older editions of Livy (*Epit.* lx.), *semisse et triente*, is now corrected, according to the indications of the MSS., into *senis et triente*. (Cf. Mommsen, *Die Römischen Tribus*, p. 179, n. 4, and p. 182, n. 18.)

paupers instead of depending upon their own exertions for obtaining a living, and crowded the city with an idle population.

The demagogue Appuleius Saturninus went still further. In B.C. 100 he brought forward his Lex Appuleia, by which the state was to sell corn at $\frac{5}{6}$ths of an as for the modius. The city quaestor Q. Caepio pointed out that the treasury could not bear such an expense (cf. Mommsen, *Gesch. d. Röm. Münzwesen*, p. 560), and the most violent opposition was offered to the measure. It is doubtful whether it ever passed into a law; and it is at all events certain that it was never carried into execution (Auctor *ad Herenn.* i. 12, 21: comp. Cic. *de Leg.* ii. 6, 14). The Lex Livia, which was proposed by the tribune M. Livius Drusus in B.C. 91, was likewise never carried into effect, as it was annulled by the senate, together with all his other laws, as passed in opposition to the auspices. Of the provisions of this Lex Frumentaria we have no account (Liv. *Epit.* lxxi.). About the same time, either shortly before or shortly after the Lex Livia (Mommsen, *Tribus*, p. 181), the tribune M. Octavius, supported by the aristocracy, brought forward the Lex Octavia, which modified the law of Gracchus to some extent, so that the public treasury did not suffer so much. He probably either raised the price of the corn, or diminished the number of modii which each citizen was entitled to receive. (Cic. *Brut.* 62, 222; *de Off.* ii. 21, 172.) Sulla went still further, and by his Lex Cornelia, B.C. 82, did away altogether with these distributions of corn, so that in the language which Sallust puts into the mouth of Lepidus, *populus Romanus—ne servilia quidem alimenta reliqua habet.* (Sall. *Hist. Fragm.* i. 45, 11, Kritz.) But the senate soon found it inexpedient to deprive the people of their customary largesses, as the popular party began to increase in power; and it was accordingly at the desire of the senate that the consuls of B.C. 73 brought forward the Lex Terentia Cassia, which was probably only a renewal of the Lex Sempronia, with one or two additions respecting the manner in which the state was to obtain the corn. The law enacted that each Roman citizen should receive 5 modii a month at the price of 6⅓ asses for each modius. It appears from the various orations of Cicero, that by this law the provinces were obliged to furnish the greater part of the corn at a fixed price, which was paid by the Roman treasury, and that the governors of the provinces had to take care that the proper quantity of corn was supplied. (Cic. *Verr.* iii. 70, 163; v. 21, 52; *pro Sest.* 25, 55; Ascon. *in Pis.* 4, p. 9, ed. Orelli.) Occasionally extraordinary distributions of corn were made in virtue of decrees of the senate. (Cic. *Verr.* l. c.; Plut. *Cat. Min.* 26, *Caes.* 8.)

All the Leges Frumentariae that have been hitherto mentioned had *sold* corn to the people, although at a price much below what the state had paid for it; but as the great party-leaders towards the close of the republic were ready to purchase the support of the people at any sacrifice to the state, the distribution of corn became at length quite gratuitous. Caesar, in his consulship, B.C. 59, had threatened to make it so (Cic. *ad Att.* ii. 19; cf. *pro Dom.* 10, 25); and this threat was carried into execution in the following year, B.C. 58, by the Lex Clodia of the tribune Clodius. The corn was thus in future distributed without any payment; and the abolition of the payment cost the state a fifth part of its revenues. (Cic. *pro Sest.* 25, 55, with Schol. Bob. p. 301, ed. Orelli; Ascon. *in Pis.* 4, p. 9; Dio Cass. xxxviii. 13.) In B.C. 57, Pompey received by the Lex Cornelia Caecilia the superintendence of the corn-market (*cura annonae*) for a period of five years: but no alteration was made in the distribution of corn by virtue of this measure. The only extension which he gave to the distribution was by allowing those citizens whose names had not hitherto been entered in the lists of the censors, to share in the bounty of the state. (Dio Cass. xxxix. 24.) At this time the distribution of corn must have cost the state nearly £700,000 a year.

The dangerous consequences of such a system did not escape the penetration of Caesar; and accordingly, when he became master of the Roman world, he resolved to remedy the evils attending it, as far as he was able. He did not venture to abolish altogether these distributions of corn, but he did the next best thing in his power, which was reducing the number of the recipients. During the civil wars numbers of persons who had no claim to the Roman franchise had settled at Rome, in order to obtain a share in the distributions of corn. The first thing, therefore, that Caesar did was to have an accurate list made out of all the corn-receivers, and to exclude from this privilege every person who could not prove that he was a Roman citizen. By this measure the 320,000 persons who had previously received the corn were at once reduced to 150,000.* Having thus reduced the number of corn-receivers to 150,000, he enacted that this number should not be exceeded for the future, and that vacancies that occurred by death should be filled up every year by lot by the praetor urbanus. (Suet. *Caes.* 55; Dio Cass. xliii. 21.) It is further exceedingly probable that as a general rule the corn was not given even to these 150,000, but sold at a low price, as had been the case at an earlier period; and that it was only to the utterly destitute that the corn was supplied gratuitously: the latter class of persons were furnished with tickets, called *tesserae nummariae* or *frumentariae*. Thus we find it stated (Suet. *Octav.* 41) that Augustus, on one occasion, doubled the number of the *tesserae frumentariae*. If, therefore, the corn was as a general rule not given, but sold, we may conclude that every citizen was entitled to be enrolled in the 150,000 corn-receivers, independently of his fortune. The opposite opinion has been maintained by many modern writers; but the arguments which have been brought forward by Mommsen (*Die Römischen Tribus*, p. 187) and others, render the above supposition exceedingly probable.

The useful regulations of Caesar fell into neglect after his death, and the number of corn-receivers was soon increased beyond the limits of 150,000, which had been fixed by the dictator. This we learn from the Monumentum

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* It must be borne in mind that this was not a census, as Plutarch (*Caes.* 55) and Appian (*B. C.* ii. 102) state, but simply an enumeration of the corn-receivers.

Ancyranum, in which Augustus (c. 15) enumerates the number of persons to whom he had given congiaria at different times; and there can be no doubt that the receivers of the congiaria and of the public corn were the same. Thus, in B.C. 44, and on the three following occasions, he distributed the congiaria to 250,000 persons; and in B.C. 5, the number of recipients had amounted to 320,000. At length, in B.C. 2, Augustus reduced the number of recipients to 200,000, and renewed many of Caesar's regulations. (Suet. *Octav.* 40; Dio Cass. lv. 10.) He had, indeed, thought of abolishing the system of corn-distributions altogether on account of their injurious influence upon Italian agriculture, but had not persevered in his intention from the conviction that the practice would again be introduced by his successors. (Suet. *Octav.* 42.) The chief regulations of Augustus seem to have been:—1. That every citizen should receive monthly a certain quantity of corn (probably 5 modii) on the payment of a certain small sum. As the number of recipients was fixed by Augustus at 200,000, there were consequently 12,000,000 modii distributed every year. Occasionally, in seasons of scarcity, or in order to confer a particular favour, Augustus made these distributions quite gratuitous: they then became congiaria. [CONGIARIUM.] 2. That those who were completely indigent should receive the corn gratuitously, as Julius Caesar had determined, and should be furnished for the purpose with *tesserae nummariae* or *frumentariae*, which entitled them to the corn without payment. (Suet. *Octav.* 41.)

The system which had been established by Augustus was followed by his successors; but as it was always one of the first maxims of the state policy of the Roman emperors to prevent any disturbance in the capital, they frequently lowered the price of the public corn, and frequently distributed it gratuitously as a *congiarium*. Hence the cry of the populace, *panem et circenses*. No emperor ventured to abolish the public distributions of corn: the most that he dared do, was to raise the price at which it was sold. When, therefore, we find it stated in Dio Cassius (lxii. 18), that Nero did away with the distributions of corn after the burning of Rome, we cannot understand this literally, but must suppose that he either raised the price of the commodity, or, what is more probable, obliged those poor to pay for it who had previously received it gratuitously. The care which the emperors took to keep Rome well supplied with corn is frequently referred to in their coins by the legends, *Annona*, *Ubertas*, *Abundantia*, *Liberalitas*, &c. We find in a coin of Nerva the legend *plebei urbanae frumento constituto*. (Eckhel, vol. vi. p. 406.)

In course of time, the sale of the corn by the state seems to have ceased altogether, and the distribution became altogether gratuitous. Every corn-receiver was therefore now provided with a *tessera*, and this tessera, when once granted to him, became his property. Hence it came to pass that he was not only allowed to keep the tessera for life, but even to dispose of it by sale, and bequeath it by will. (Dig. 5, 1, 52; 39, 1, 49; 39, 1, 87.) Every citizen living in Rome, even freedmen and criminals (Senec. *de Benef.* iv. 28, 2), was competent to hold a tessera with the exception of senators. Further, as the corn had been originally distributed to the people according to the thirty-five tribes into which they were divided, the corn-receivers in each tribe formed a kind of corporation, which came eventually to be looked upon as the tribe, when the tribes had lost all political significance. Hence the purchase of a tessera became equivalent to the purchase of a place in a tribe; and accordingly we find in the Digest the expressions *emere tribum* and *emere tesseram* used as synonymous (Dig. 32, 1, 35). Some fifty of these tesserae are still known to exist (Marquardt, ii. p. 124, note).

Another change was also introduced at a later period, which rendered the bounty still more acceptable to the people. Instead of distributing the corn every month, wheaten bread, called *annona civica*, was given to the people. It is uncertain at what time this change was introduced, but it seems to have been the custom before the reign of Aurelian (A.D. 270–275), as it is related of this emperor that on his return from his Eastern expedition he distributed among the people a larger quantity of bread, and of a different form from that which had been usually given. (Vopisc. *Aurel.* 35; Zosim. i. 61.) The bread was baked by the Pistores, who delivered it to the various depôts in the city, from which it was fetched away on certain days by the holders of the tesserae. (Orelli, *Inscript.* no. 3358.) These depôts had steps (*gradus*) leading to them, whence the bread was called *panis gradilis*; and there were the strictest regulations that the bread should only be distributed from these steps, and should never be obtained at the baker's. (Cod. Theod. xiv. 17, 3, 4.) When Constantine transferred the seat of government to Constantinople, the system of gratuitous distribution of bread was also transferred to that city; and in order to encourage the building of houses, all householders were entitled to a share of the imperial bounty. (Zosim. iii. 32; Socrat. *H. E.* ii. 13; Sozom. iii. 7; Cod. Theod. xiv. 17.) The distribution of bread at Rome was, however, still continued; and the care which the later emperors took that both Rome and Constantinople should be properly supplied with corn, may be seen by the regulations in the Cod. Theod. xiv. tit. 15, *De Canone Frumentario urbis Romae*, and tit. 16, *De Frumento Urbis Constantinopolitanae*. The superintendence of the corn-market, under the emperors, belonged to the *Praefectus Annonae*.

Many points connected with this subject have been necessarily omitted in consequence of our limits. The reader who wishes for further information is referred to: Contarini, *De Frum. Rom. Largitione*, in the Thesaurus of Graevius, vol. viii. p. 923; Dirksen, *Civilist. Abhandlungen*, vol. ii. p. 163 ff.; Mommsen, *Die Römischen Tribus*, Altona, 1844; Kuhn, *Ueber die Korneinfuhr in Rom im Alterthum*, in the *Zeitschr. für d. Alterthumsw.* 1845, pp. 993–1008, 1073–1084; Rein *ap.* Pauly, s. v. *Largitio*; Höckh, *Röm. Gesch.* vol. i. pt. ii., pp. 138 ff., 384 ff.; Walter, *Gesch. des Röm. Rechts*, ed. 2, §§ 276–278, 360, 361; and especially Hirschfeld, *Die Getreideverwaltung in der röm. Kaiserzeit*; and Marquardt, *Staatsverw.* ii. 106–132.

[W. S.] [A. S. W.]

FRUMENTA'RII, sc. *negotiatores*, corn-dealers or corn-merchants (Cic. *de Off.* iii. 13, § 57; Liv. iv. 12). The latter passage shows their unpopularity in times of scarcity; they were liable to the same charges of "forestalling and regrating" as the Athenian σιτοπῶλαι, and, we may be reminded, as the corn-dealers of modern Europe, England included, until the present century [SITOS]. On the Frumentarii of the legions, see EXERCITUS, p. 793 *a*; on the commissariat in general, p. 812 *a*. A few further particulars may be given here. The frumentarii mentioned by Caesar, or rather Hirtius (*B. G.* viii. 35), are not, as sometimes stated, Roman legionary officers, but Gauls supplying the enemy; and it is uncertain when they were first introduced into the Roman armies. The earliest notice of their employment as spies occurs under Hadrian (Spart. *Hadr.* 11); not only in the provinces, but in Rome itself, they were constantly sending private reports to the emperor (Capitolin. *Macrin.* 12, *Commod.* 4, *Max. et Balb.* 10; Trebell. Poll. *Claud.* 17). This led naturally to false accusation and blackmailing (*cuncta foede diripiebant*, Aurel. Vict. *de Caes.* 39, § 44); and their office was at length abolished by Diocletian. (Cf. Marquardt, *Staatsverw.* ii.^{2} 492–3 = ii.^{1} 476–7; Henzen, in *Bull. dell' Inst.* 1884, pp. 21–29.) [W. S.] [W. W.]

FRUMENTA'TIO. [FRUMENTARIAE LEGES.]

FUCUS (φῦκος) was the general term to signify the paint which the Greek and Roman ladies employed in painting their cheeks, eyebrows, and other parts of their faces. The practice of painting the face was very general among the Greek ladies, and probably came into fashion in consequence of their sedentary mode of life, which robbed their complexions of their natural freshness, and induced them to have recourse to artificial means for restoring the red and white of nature. This at the least is the reason given by some of the ancient writers themselves. (Xen. *Oecon.* 10, § 10; Phintys, *ap.* Stob. *Flor.* lxxiv. 61.) The practice, however, was of great antiquity among the Greeks, and was probably first introduced among the Asiatic Ionians from the East, where the custom has prevailed from the earliest times. The resemblance between the Heb. *pūch*, "paint," and φῦκος, is probably not accidental; the connexion is accepted by Gesenius, *s. v.*, the original meaning of both words being sea-weed, from which an alkaline dye was prepared. Compare Keren-hap-puch = *Cornu stibii*, Job xlii. 14; and *Dict. of Bible*, art. "Paint."

In the Homeric poems both sexes use oil freely after washing [UNGUENTA], but there is no mention of paint or other cosmetics; the phrase ἐπιχρίσασα παρειάς (*Od.* xviii. 172) is explained by ἐπιχρίεσθαι ἀλοιφῇ in *v.* 179. The ladies at Athens, as might have been expected, did not always paint their faces when at home, but only had recourse to this adornment when they went abroad, or wished to appear beautiful or captivating. Of this we have a striking example in the speech of Lysias on the murder of Eratosthenes, in which it is related (§ 17) that the wife, on leaving her husband to visit her paramour, painted herself, which the husband observed on the following morning, remarking, ἔδοξε δέ μοι ἡ γυνὴ ἐψιμυθιῶσθαι. (Comp. Aristoph. *Lysistr.* 149, *Eccl.* 878, *Plut.* 1064; Plut. *Alcib.* 39.) In order to produce a fair complexion, white lead (ψιμύθιον, *cerussa*) was employed (Alexis, *fr.* 96, 17 M.; Xen. *Oecon.* 10, § 2; Aristoph. *Eccl.* 878, 929; Nicostr. ap. Stob. *Flor.* lxxiv. 62). In order to give a blooming tinge to the cheeks, "rouge" was prepared from vegetable reds: a plant named ἄγχουσα, pure Att. ἔγχουσα (Aristoph. *Lysistr.* 48; Xen. *l. c.*), now variously called anchusa, alkanet, ox-tongue or bugloss, the root of which yielded the dye; παιδέρως, a flower (apparently not identified) resembling the rosy hue on the cheeks of young children (Alexis, *fr.* 96, 18 M.; Alciphr. *Ep.* i. 33, iii. 11); the crushed fruit of the mulberry (συκάμινον, Eubul. *fr.* 97 M.; Philippid. *fr.* 19 M.; Phot. *Lex.* p. 547, 7); and φῦκος, used for paint in general, but properly a seaweed, moss or lichen (Aristoph. *fr.* 309 Dind. = 316 M.; and possibly Theocr. xv. 16, but cf. FULLO). Modern cosmetics are not always free from noxious drugs; and besides ψιμύθιον already mentioned, red lead (μιλτός, *minium*, Xen. *l. c.* § 5) and mineral alkali (νίτρον, Att. λίτρον. Aristoph., Theocr. *ll. cc.*) were employed. The usual word for applying paint is ἐντρίβεσθαι, "to rub in," whence the dyes themselves are called ἐντρίμματα (Plut. *Crass.* 24). The eyebrows and eyelids were stained black with στίμμι or στίμμις, *stibium*, a sulphuret of antimony, which is still employed by the Turkish ladies for the same purpose. (Pollux, v. 101.) The eyebrows were likewise stained with ἄσβολος, a preparation of soot. Thus Alexis says (*l. c.* 16),

τὰς ὄφρυς πυῤῥὰς ἔχει τις· ζωγραφοῦσιν ἀσβόλῳ.

(Comp. Juv. ii. 93 ff.) Ladies who used paint were occasionally betrayed by perspiration, tears, &c., of which a humorous picture is given by the comic poet Eubulus (*l. c.*), and by Xenophon (*l. c.* § 8; cf. Plaut. *Most.* i. 3, 119). It would appear from Xenophon (*l. c.* § 5) that even in his time men sometimes used paint, and in later times it may have been still more common: Demetrius Phalereus is expressly said to have done so. (Duris, *ap.* Athen. xii. p. 542 d.)

Among the Romans the art of painting the complexion was carried to a still greater extent than among the Greeks; and even Ovid did not disdain to write a poem on the subject, which he calls (*A. Am.* iii. 206) "parvus sed cura grande libellus opus;" though the genuineness of the fragment of the *Medicamina Faciei*, ascribed to this poet, is doubtful. The Roman ladies even went so far as to paint with blue the veins on the temple, as has been inferred from Propertius (ii. 18, 31 = iii. 9, 31 = iii. 11, 9, L. Müller), "si caeruleo quaedam sua tempora fuco tinxerit:" though this is susceptible of another explanation. The favourite rouge was from a kind of moss (*lichen rocella*, Linn.); another was *purpurissum*, a mixed composition (Plaut. *Most.* i. 3, 104; *Truc.* ii. 3, 35; Plin. *H. N.* xxxv. § 49.) For the more repulsive substances used as cosmetics, see Orellius on Hor. *Epod.* 12, 11; Clem. Al. *Paed.* iii. p. 255 P., κροκοδείλων ἀποπάτοις χρώμεναι καὶ σηπεδόνων ἀφροῖς ἐγχριόμεναι. The ridiculous use of patches (*splenia*), which were common among the English ladies in the reign of Queen Anne and the first Georges, was not unknown to the Roman ladies. (Mart. ii. 29, 9; viii. 33, 22; x. 22;—Plin. *Ep.* vi. 2.)

The more effeminate of the male sex at Rome also employed paint. Cicero speaks (*in Pison.* 11, § 25) of the *cerussatae buccae* of his enemy, the consul Piso; where, however, as *buccae* are more likely to be rouged than whitened, *purpurissatae* is a not improbable conjecture (Marquardt).

On a Greek vase (Tischbein, *Engravings*, ii. 58) we see the figure of a female engaged in putting the paint upon her face with a small brush. (Comp. Böttiger, *Sabina*, i. 24 ff., 51 ff.; Becker-Göll, *Charikles*, i. 261 ff.; *Gallus*, iii. 164 ff.; Hermann-Blümner, *Privatalterth.* p. 200 ff.; Marquardt, *Privatl.* 765.) [W. S.] [W. W.]

Female painting the face. (From a vase.)

FUGA LATA. [Exsilium.]

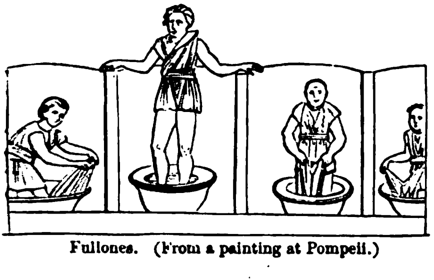
FUGA LI'BERA. [Exsilium.]

FUGITIVA'RIUS. [Servus.]

FUGITI'VUS. [Servus.]

FULCRUM. [Lectus.]

FULLO (*κναφεύς, γναφεύς*), a fuller, a washer or scourer of cloth and linen. The fullones not only received the cloth as it came from the loom in order to scour and smooth it, but also washed and cleansed garments which had been already worn. As the Romans generally wore woollen dresses, which were often of a light colour, they frequently needed, in the hot climate of Italy, a thorough purification. The way in which this was done has been described by Pliny and other ancient writers, but is most clearly explained by some paintings which have been found on the walls of a fullonica at Pompeii. Two of these paintings are given by Gell (*Pompeiana*, vol. ii. pll. 51, 52), and the whole of them in the *Museo Borbonico* (vol. iv. pll. 49, 50); from the latter of which works the following cuts have been taken. The clothes were first washed, which was done in tubs or vats (*lacus*, *lacunae*), or mortars (*pilae fullonicae*, Cat. *R. R.* 10, § 5; 14, § 2), where they were trodden upon and stamped by the feet of the fullones, whence Seneca (*Ep.* 15) speaks of *saltus fullonicus.* The various operations of the *κναφεῖs* are described by Hippocrates (*de Diaeta*, i. 14): *καὶ οἱ γναφέες τωὐτὸ διαπράσσονται· λακτίζουσι, κόπτουσι, ἕλκουσι λυμαινόμενοι, ἰσχυρότερα ποιέουσι, κείροντες τὰ ὑπερέχοντα καὶ παραπλέκοντες καλλίω ποιέουσι.* The foregoing woodcut represents four persons thus employed, of whom three are boys, probably under the superintendence of the man. Their dress is tucked up, leaving the legs bare; the boys seem to have done their work, and to be wringing the articles on which they had been employed.

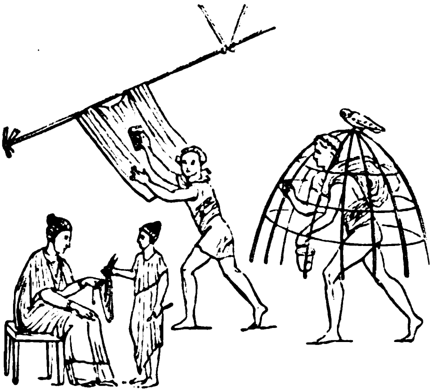


Fullones. (From a painting at Pompeii.)

The ancients were not acquainted with soap until the time of Pliny, who once mentions *sapo* as a Gallic invention (*H. N.* xxviii. § 191); they used in its stead different kinds of alkaline detergents (*ῥύμματα*, Plat. *Rep.* iv. 429 E). The following were the principal substances employed:—1. A species of lye or potash called *κονία*, Lat. *lixivium* (Plat. *Rep.* iv. 430 A; Aristoph. *Ach.* 18, *Ran.* 712; Pollux, vii. 39). 2. Nitrum, or native carbonate of soda (*νίτρον*, Att. *λίτρον*), of which Pliny (*H. N.* xxxi. § 106 ff.) gives a long account. The best *nitrum* came from Chalastra or Chalestra in Macedonia, whence *χαλεστραῖον*, scil. *λίτρον* (Plat. *l. c.*; Plin. *l. c.* §§ 107, 115); it was also found in Egypt in large quantities, but of inferior quality (Herod. ii. 86; Plin. *l. c.* §§ 109, 111). The *νίτρον καὶ φῦκος* of Theocritus (*Idyll.* xv. 16), sometimes explained as cosmetics, are more probably a mineral and a vegetable alkali used for washing wool; *κονία* was prepared from nitrum (Aristoph. *Ran.* 712). 3. Fuller's earth (*creta fullonia*, Plin. *H. N.* xvii. § 46), a sort of alkaline marl, of which there were many varieties; the most celebrated was from the island of Cimolos (*Κιμωλία γῆ*, Aristoph. *Ran.* 713; Theophr. *Char.* 10 and 18; Strab. x. p. 484; Ov. *Met.* vii. 463; and especially Plin. *H. N.* xxxv. §§ 195–198). The Sardinian was also good, but destructive to colours, and hence only suitable for white garments or for the first rough washing of those which were afterwards to be smartened-up (*poliri*, Plin. *l. c.*; *cogi*, *conciliari*, Varr. *L. L.* vi. 43) with Umbrian or Cimolian earth. We must distinguish between fuller's earth, mixed with the water in which the clothes were washed, and the ordinary *creta*, used like pipe-clay for whitening the togas of the *candidati* (Plaut. *Aulul.* iv. 9, 6). 4. The urine of men and animals, mentioned in this connexion by Mnesitheus, an Athenian physician of (probably) the fourth century B.C. (*ap.* Athen. xi. 484 a), but in more general use among the Romans. The fullones derived their supply of it from the public latrines (Mart. vi. 93, xii. 48; Dolium); and they are supposed by Casaubon and others to have paid the *urinae vectigal* raised by Vespasian (Suet. *Vesp.* 23).

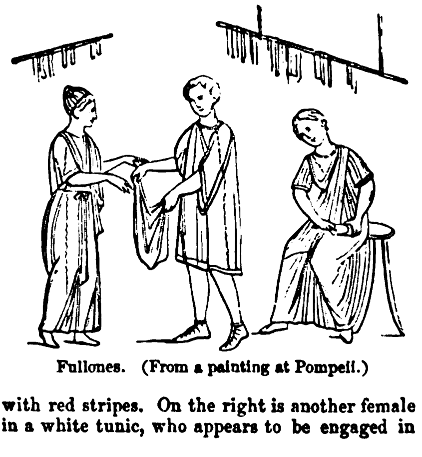
After the clothes had been washed, they were hung out to dry, and were allowed to be placed in the street before the doors of the fullonica. (Dig. 43, tit. 10, s. 1, § 4.) When dry, the wool was brushed and carded to raise the nap, sometimes with the skin of a hedgehog (Plin. *H. N.* viii. § 135), and sometimes with some plants of the teasel kind (*γναφικὴ ἄκανθα*, Dioscor. *Mat. Med.* iv. 160; *spina fullonia*, Plin. *H. N.* xvi. § 244, xxiv. § 111, xxvii. § 92). The carding instrument is called in Greek *κνάφος* (Schol. *ad* Aristoph. *Plut.* 166), in Latin *aena* (Plin. *ll. cc.*). The clothes were then hung on a vessel of basket-work (*viminea cavea*), under which sulphur was placed in order to whiten the cloth; for it was well known that many colours were destroyed by the volatile steam of sulphur. (Apul. *Met.* ix. p. 208; Plin. *H. N.* xxxv. § 175; Pollux, vii. 41.) The preceding account is well illustrated by the first of the two following woodcuts.

On the left we see a fullo brushing or carding a white tunic, suspended over a rope, with a card or brush, which bears considerable resemblance to a modern horse-brush. On the right, another man carries a frame of wicker-work, which was without doubt intended for the purpose described above; he has also a pot in his hand, perhaps intended for holding the sulphur. On his head he wears a kind of garland, which is supposed to be an olive garland, and above him an owl is represented sitting. It is thought that the olive garland and the owl indicate that the establishment was under the patronage of Minerva, the tutelary goddess of the loom. On the left, a well-dressed female is sitting, examining a piece of work which a younger girl brings to her. A *reticulum* [see p. 499 *a*] upon her head, a necklace, and bracelets denote a person of higher rank than one of the ordinary work-people of the establishment.



Fullones. (From a painting at Pompeii.)

In the following woodcut we see a young man in a green tunic giving a piece of cloth, which appears to be finished, to a woman, who wears a green under-tunic, and over it a yellow tunic with red stripes. On the right is another female in a white tunic, who appears to be engaged in cleaning one of the cards or brushes. Among these paintings there was a press, worked by two upright screws, in which the cloth was placed to be smoothened. A drawing of this press is given on p. 464 *a*.



Fullones. (From a painting at Pompeii.)

The establishment or workshop of the fullers was called *Fullonica* (Dig. 39, tit. 3, s. 3), *Fullonicum* (Dig. 7, tit. 1, s. 13, § 8), or *Fullonium* (Amm. Marc. xiv. 11, § 31); *fullonia officina* (Plin. *H. N.* xxxv. § 175). Of such establishments there were great numbers in Rome, for the Romans do not appear to have washed at home even their linen clothes (Martial, xiv. 51). The word πλύνειν denoted the washing of linen, and κναφεύειν or γναφεύειν the washing of woollen, clothes. (Athen. xi. p. 582 d; Pollux, vii. 39, 40, 41; Eustath. *ad Od.* xxiv. 148, p. 1956, 41.) To large farms a fullonica was sometimes attached, in which the work was performed by the slaves who belonged to the *familia rustica* (Varro, *R. R.* i. 16). Woollen garments which had been once washed were considered to be less valuable than they were previously (Petron. 30; Lamprid. *Heliog.* 26); hence Martial (x. 11) speaks of a toga *lota terque quaterque* as a poor present.

The trade of the fullers was considered so important that the censors C. Flaminius and L. Aemilius, B.C. 220, prescribed the mode in which the dresses were to be washed (Plin. *H. N.* xxxv. § 197). Like the other principal trades in Rome, the Fullones formed a *collegium* or *sodalicium* (Fabretti, *Insc.* p. 278; Orelli, 3291 = Mommsen, *Inscr. Regn. Neap.* 2208; Orelli, 4056, 4091) under the protection of Minerva, the patroness of handicrafts (Id. 4091, 7240). As regards legal liability, the fullo was answerable for the property while it was in his possession; and if he returned by mistake a different garment from the one he had received, he was subject to an action *ex locato;* to which action he was also liable if the garment was injured (Dig. 19, tit. 2, s. 13, § 6; s. 60, § 2; 12, tit. 7, s. 2).

(Schöttgen, *Antiquitates Triturae et Fulloniae*, Traj. ad Rhen. 1727; Beckmann, *Hist. of Inventions*, ii. 92 ff., ed. Bohn; Becker-Göll, *Charikles*, i. 316; *Gallus*, iii. 306 ff.; Hermann-Blümner, *Privatalterth.* 415; Marquardt, *Privatl.* 511, and especially Blümner, *Technol.* i. 157 ff.)

[W. S.] [W. W.]

FULLO'NICA. [Fullo.]

FUMA'RIUM. [Vinum.]

FUNA'LE, the neuter form, is probably to be distinguished from Funalis, and means a chandelier or other contrivance for holding a number of lights (Verg. *Aen.* i. 727; Hor. *Od.* iii. 26, 7; Ov. *Met.* xii. 247). This distinction has not always been drawn, and we give in full the evidence upon which it rests. Servius (on *Aen.* l. c. referring to Varro): "Nonnulli apud veteres candelabra dicta tradunt [funalia], quae in capitibus uncinos haberent, quibus affigebant vel candelae vel funes pice delibuti: quae interdum erant minora, ut gestari manu et praeferri magistratibus a cena remeantibus possent." In the last words there is clearly a reference to the story of Duilius (Cic. *de Sen.* 13, § 44; Val. Max. iii. 6, § 4; Sil. vi. 667). Donatus (on Ter. *Andr.* i. 1, 88): "[funus] quod a funalibus dictum est, id est, uncis vel cuneis candelabrorum;" the rest of the passage is corrupt.

Isidor. *Orig.* xx. 10, § 5: "Funalia candelabra apud veteres, quibus funiculi cera vel hujusmodi alimento luminis obliti figebantur. Idem itaque et stimuli praeacuti funalia dicebantur." The mention of *unci*, *uncini*, *cunei*, *stimuli* in these passages is strongly suggestive of the "coronae" often seen in foreign churches, for holding wax lights stuck on spikes. The smaller sort (Serv.) were portable, and carried a single taper. (Marquardt, *Privatl.* 690; Becker-Göll, *Gallus*, ii. 392 f.) [W. W.]

FUNA'LIS, a link or taper, used in the same manner as a torch [FAX], but made of papyrus and other fibrous plants, twisted like a rope, and smeared with pitch and wax. It was indeed, as Antipater describes it, "a light coated with wax" (*λαμπὰς κηροχίτων*, Brunck, *Anal.* ii. 112 = *Anth. Pal.* vi. 249). *Cereus* is both adjective and substantive, and either an epithet or a synonym of funalis: "funalem cereum," Val. Max. iii. 6, § 4; "delectabatur cereo (old edd. *crebro*) [funali] et tibicine," Cic. *de Sen.* 13, § 44, where *funali* is bracketed, perhaps unnecessarily, as a gloss on *cereo* (Reid); *cereus* subst., Plaut. *Curc.* i. 1, 9; Cic. *de Off.* iii. 20, § 80; Senec. *de Brev. Vit.* extr.; *Epist.* 122, § 10; Mart. v. 18, xiv. 42; Macrob *Sat.* i. 7, § 33. Funales are sculptured upon an ancient sepulchral marble preserved in the church of Santa Giustina at Padua (Pignor. *de Servis*, p. 259) and figured by Rich (*s. v.* "Funale"). At the Saturnalia they were presented by clients to their superiors, and were lighted in honour of Saturn (Antipater, *l. c.*; Macrob. *l. c.*), sometimes on other occasions (Cic. *de Off.* l. c.). Compare the preceding article. [J. Y.] [W. W.]

FUNA'LIS EQUUS. [CURRUS, p. 579 *b*.]

FUNA'MBULUS (*σχοινοβάτης*), a rope-dancer. The art of dancing on the tight rope was carried to as great perfection among the Romans as it is with us. (Terent. *Hecyr. Prol.* 4; or. *Epist.* ii. 1, 210; Juv. iii. 77; xiv. 265, '2, with Mayor's note.) If we may judge from a series of paintings discovered in the excavations (*Ant. d'Ercol.* tom. iii. pp. 160–165), from which the figures in the preceding woodcut are selected, the performers placed themselves in an endless variety of graceful and sportive attitudes, and represented the characters of bacchanals, satyrs, and other imaginary beings. Three of the persons here exhibited hold the thyrsus, which may have served for a balancing pole; two are performing on the double pipe, and one on the lyre: two others are pouring wine into vessels of different forms. They all have their heads enveloped in skins or caps, probably intended as a protection in case of falling. The Emperor M. Aurelius, in consequence of the fall of a boy, caused feather-beds (*culcitras*) to be laid under the rope to obviate the danger of such accidents. (Capitol. *M. Ant. Phil.* 12.) One of the most difficult exploits was running down the rope (Sueton. *Nero*, 11) at the conclusion of the performance. It was a strange attempt of Germanicus and of the Emperor Galba to exhibit elephants walking on the rope. (Plin. *H. N.* viii. § 5; Sueton. *Galb.* 6; Sen. *Epist.* 86.) [J. Y.] [W. W.]


Rope-dancers. (From a painting at Herculaneum.)

FUNDA (*σφενδόνη*), a sling. The light troops of the Greek and Roman armies included a certain proportion of slingers (*funditores*, *σφενδονῆται*). In the earliest times, however, the sling appears not to have been used by the Greeks. It is not mentioned in the Iliad; for in the only passage (*Il.* xiii. 600) in which the word *σφενδόνη* occurs, it is used in its original signification of a bandage. But in the times of the Persian wars slingers had come into use; for among the other troops which Gelon offered to send to the assistance of the Greeks against Xerxes, mention is made of 2000 slingers (Herod. vii. 158); and that the sling was then familiar to the Greeks is also evident from allusions in literature (Archil. *fr.* 3, Bergk; Aesch. *Agam.* 1010; Eurip. *Phoen.* 1142; Aristoph. *Av.* 1185). At the same time it must be stated that we rarely read of slingers in these wars; the use of the sling was a barbarian rather than a Greek accomplishment, and found in the highest perfection among Egyptians and Persians, as later among the Spaniards and Baleares. Among the Greeks the Acarnanians, a backward people, attained to the greatest expertness in the use of this weapon (Thuc. ii. 81); and at a later time the Achaeans, especially the inhabitants of Aegium, Patrae, and Dyme, were celebrated as expert slingers. The slings of these Achaeans were made of three thongs (*scutalia*) of leather, and not of one only, like those of other nations. (Liv. xxxviii. 29). To the same period, the days of the Achaean league, is ascribed the invention of the *κεστροσφενδόνη* (*cestrosphendone*, Liv. xlii. 65), described below.

In the early Roman army, slingers formed a part of the fifth or lowest Servian class (Dionys. iv. 17; Liv. i. 43; Fest. *Epit.* p. 369 M.: cf. EXERCITUS, p. 782 *a*; Marquardt, *Staatsverw.* ii. 317); but in the great days of the Punic and Macedonian wars they were no longer to be found in the legions, and the Balearic slingers of Hannibal were opposed by Greek, Syrian, and African auxiliaries (Marquardt, *ib.* 332–3). The people who enjoyed the greatest celebrity as slingers were the natives of the Balearic islands. Their skill in the use of this weapon is said to have arisen from the circumstance that, when they were children, their mothers obliged them to obtain their food by striking it with a sling. (Veget. *de Re Mil.* i. 16; Strab. iii. p. 168.) Most slings were made of leather, but the Balearic were manufactured out of a kind of rush (Strab. *l. c.*). The manner in which the sling was wielded may be seen in the annexed figure (Bartoli, *Col. Traj.* tav. 46) of a soldier with a supply of stones in the sinus of his pallium, and with his arm extended in order to whirl the sling about his head (Verg. *Aen.* ix. 587, 588; xi. 579). Besides stones, bullets, called *glandes* (**μολυβδίδες**), of a form between acorns and almonds, were cast in moulds to be thrown with slings (Lucret. vi. 176; Ovid, *Met.* ii. 727, vii. 777, xiv. 825, 826). They have been found on the plain of Marathon and in other parts of Greece, and are remarkable for the inscriptions and devices which they exhibit, such as thunderbolts, the names of persons, and the word ΔΕΞΑΙ, meaning "Take this." (Mommsen, in *Zeitschrift für die Alterthumswissenschaft*, 1846, p. 782; Guhl and Koner, ed. 5, p. 324.) The ridiculous notion that these bullets melted in the air was widely diffused in the ancient world, and not confined to poetry (Lucret. *l. c.*; Verg. *Aen.* ix. 588; Ov. *Met.* ii. 727, xiv. 826): even the father of science maintains it (Aristot. *de Caelo*, ii. 7: **οἷον καὶ ἐπὶ τῶν φερομένων βελῶν· ταῦτα γὰρ αὐτὰ ἐκπυροῦται οὕτως ὥστε τήκεσθαι τὰς μολυβδίδας**). It may have arisen, as Pauly points out (*s. v.* "Funditores"), from the flattening of the soft metal when it strikes a hard surface. Another missile was called **κέστρος**, a particular kind of bolt with an iron head six inches long, attached to a wooden shaft nine inches long, and the thickness of a man's finger; it was furnished with three short wooden wings, resembling the feathers of an arrow, and was discharged from a sling with two *scutalia*, called **κεστροσφενδόνη** (Liv. xlii. 65; Polyb. xxvii. *fr.* 9 *ap.* Suid. *s. v.* **κέστρος**: Livy here evidently translates Polybius).

Soldier with sling. (From the Column of Trajan.)

Besides slings, stones thrown with the hand alone were likewise used in ancient warfare: the Libyans carried no other weapons than three darts and a bag full of stones (Diod. Sic. iii. 49). The Athenian **ψιλοὶ** annoyed the Spartans in Sphacteria, **τοξεύμασι καὶ ἀκοντίοις καὶ λίθοις καὶ σφενδόναις** (Thucyd. iv. 32), where **λίθοι** seem to be hand-thrown stones; **πετροβόλοι** are mentioned, Xen. *Hell.* ii. 4, § 12. We find them also among the later Romans (Veget. i. 16; ii. 23).

From the resemblance to a sling, funda also means (1) a casting-net, **ἀμφίβληστρον** (Verg. *Georg.* i. 141); (2) a purse or money-bag, from the way it was slung (Macrob. *Sat.* ii. 4, § 31); (3) the bezel of a ring, *i.e.* the rim in which the gem is set, and which holds it as a sling does its stone (Rich): *praestantiores* [*iaspides*] *funda cluduntur ut sint patentes ab utraque parte nec praeter margines quicquam auro amplectente*, a good description of a setting *à jour* (Plin. *H. N.* xxxvii. § 116; cf. § 126). [J. Y.] [W. W.]

FUNDITO'RES. [FUNDA.]

FUNDUS. The primary signification of the word appears to be the bottom or foundation of a thing; and its elementary part (*fud-*) seems to be the same as that of **πυθμὴν** (Curtius, Gr. *Etym.* 263). Some would include **βυθὸς** in the comparison; but that word is connected with **βαθὺς** and **βένθος**, a different root (*ib.* 466). The conjectures of the Latin writers as to the etymology of *fundus* may be safely neglected. Fundus is often used as applied to land, the solid substratum of all man's labours, and means land belonging to a private owner (*locus privatus*). The land constituting a fundus might be situated either in the town or country (cf. Isid. *Orig.* xv. 13, 4: "fundus et urbanum aedificium et rusticum intelligendum est"); but fundus commonly means a country estate only. According to Florentinus (Dig. 50, 16, § 111), the term *fundus* comprised all land and constructions on it; but usage had restricted the name of *aedes* to city houses, *villae* to rural houses, *area* to a plot of land in a city not built upon, *ager* to a plot of ground in the country, and *fundus* to *ager cum aedificiis*. In its more proper sense, however, *ager* only includes the arable land of a fundus. This definition of *fundus* may be compared with the uses of that word by Horace and other writers. In one passage (*Ep.* i. 2, 47) Horace uses *domus* with fundus to denote the land and home of a family, *domus* being apparently there used as equivalent to *aedes*. The term *fundus* often occurred in Roman wills and conveyances, the testator frequently indicating the fundus to which his last dispositions referred, by some name such as Sempronianus, Sejanus; sometimes also with reference to a particular tract of country, as "fundus Trebatianus qui est in regione Atellana" (Brissonius, *de Fundis*, vii. 80). A fundus was sometimes devised *cum omni instrumento*, with its stock and implements of husbandry. Occasionally a question arose as to the extent of the word *instrumentum* between or among the parties who derived their claim from a testator [illegible] 33, 17, 12).

Fundus has a derived sense which flows easily enough from its primary meaning. "Fundus," says Festus, "dicitur, populus esse rei, quam alienat, hoc est auctor" [AUCTOR]. Compare Plautus, *Trin.* v. 1, 7 (*fundus potior*). In this sense *fundus esse* is to warrant or confirm a thing; and in Gellius (xix. 8) there is the expression "sententiae legisque fundus subscriptorque fieri." [G. L.] [E. A. W.]

FUNUS. It is proposed in the following article to give a brief account of Greek and Roman funerals, and of the different rites and ceremonies connected with death and burial.

The tombs, their contents, and the monuments placed over them will be explained in the article SEPULCRUM.

1. GREEK. The Greeks attached great importance to the burial of the dead. They believed that souls could not enter the Elysian fields till their bodies had been buried; and accordingly we find the shade of Elpenor in the Odyssey (xi. 66, &c.) earnestly imploring Ulysses to bury his body. Ulysses also, when in danger of shipwreck, deplores that he had not fallen before Troy, as he should in that case have obtained an honourable burial (*Od.* v. 311). So strong was this feeling among the Greeks, that it was considered a religious duty to throw earth upon a dead body which a person might happen to find unburied (Ael. *V. H.* v. 14); and among the Athenians, those children who were released from all other obligations to unworthy parents were nevertheless bound to bury them by one of Solon's laws. (Aesch. *c. Timarch.* § 14.) The neglect of burying one's relatives is frequently mentioned by the orators as a grave charge against the moral character of a man ([Dem.] *c. Aristog.* i. p. 787, § 54; Lys. *c. Phil.* § 21, *c. Alcib.* i. § 27), since the burial of the body by the relations of the dead was considered a religious duty by the universal law of the Greeks. Sophocles represents Antigone as disregarding all consequences in order to bury the dead body of her brother Polyneices, which Creon, the king of Thebes, had commanded to be left unburied. The common expressions for the funeral rites, *τὰ δίκαια*, *νόμιμα* or *νομιζόμενα*, *προσήκοντα*, show that the dead had, as it were, a legal and moral claim to burial.

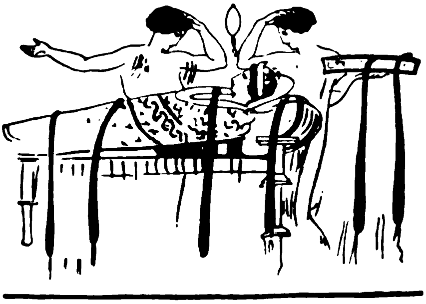
Lucian, in his treatise *de Luctu*, gives a connected account of the customs connected with Greek funerals; and since this account does not differ materially from the information derived from the notices scattered through earlier literature, we may infer that no great change took place in the funeral customs of Greece in historical times.

At the moment of death the eyes and mouth were closed by one of those present (Hom. *Od.* xxiv. 296; Plat. *Phaed.* 118). According to Lucian (*de Luctu*, 10, p. 926), the obol to serve as Charon's fare was at once placed in the mouth of the corpse. This coin was also called *δανάκη* (Hesych. *s. v.*). The custom is first mentioned by Aristophanes (*Ran.* 139), and does not appear to have been in use at a very early date. Confirmation of the practice is given by actual discoveries, for coins are frequently found in Greek tombs, and in some between the teeth of the skeleton. (Seyffert, *de Nummis in ore defunctorum repertis*, Dresden, 1712; Pottier et Reinach, *La Nécropole de Myrina*, p. 106. Other references in Hermann-Blümner, *Privatalterth.* p. 367.) The body was then washed (Plat. *Phaed.* 115 A; Eurip. *Phoen.* 1319, 1667), anointed with perfumes (Hom. *Il.* xviii. 350), and clothed in rich garments, generally white in colour (Paus. iv. 13, 3; Artemidor. ii. 3; Hom. *Il.* xviii. 353). These were buried or burnt with the body, but the number of them was limited by a law of Solon (Plut. *Sol.* 21). A wreath of flowers was placed upon the head (Eur. *Phoen.* 1632; Ar. *Eccl.* 538, *Lys.* 602). Golden wreaths, in imitation of laurel or other foliage, were sometimes used, and have been found in graves. (*La Nécropole de Myrina*, p. 105; Stephani, *Compte Rendu*, 1875, p. 17.)

The corpse, thus prepared, was laid out (*πρόθεσις*, *προτίθεσθαι*) on a bed (*κλίνη*), which appears to have been of the ordinary kind, with a pillow (*προσκεφάλαιον*) for supporting the head and back (Lys. *c. Eratosth.* § 18). By a law of Solon it was ordered that the *πρόθεσις* should take place inside the house (Lex *ap.* Dem. *c. Macart.* p. 1071, § 62). As among the Romans, the feet were turned towards the door (Hom. *Il.* xix. 212; Hesych. *s. v.* *διὲκ θυρῶν· τοὺς νεκροὺς οὕτω φασὶν ἑδράζεσθαι, ἔξω τοὺς πόδας ἔχοντας πρὸς τὰς αὐλείους θύρας*). Vases of a special kind (*λήκυθοι*), probably containing perfumes, were placed beside the body (Ar. *Eccl.* 1032, 538; Schol. Plat. *Hipp. Min.* 368 C, *λήκυθον δὲ ἀγγεῖόν τί φασιν οἱ Ἀττικοὶ ἐν ᾧ τοῖς νεκροῖς ἔφερον τὸ μύρον*). Lekythi were also buried with the coffin, and a large number of them have been found in graves in Attica. Their usual shape is shown in the woodcut under AMPULLA, Vol. I., p. 116 *a*. A few of them are in the ordinary black- and red-figured styles, but the greater number are of a special ware of great beauty, manufactured for funeral purposes. In this ware the ground is white, and scenes are painted upon it in bright colours, in a freer and less rigid style than in the vases with red or black figures. The scene most commonly represented is the bringing of offerings to the tomb; but in other cases we have a picture of some part of the funeral ceremonies, or of Charon preparing to ferry the shade across the Styx. The woodcuts accompanying this article which represent the *πρόθεσις* and the offerings at the tomb are taken from vase-paintings of this class. (See E. Pottier, *Étude sur les Lécythes blancs Attiques, à représentations funéraires*, Paris, 1883; Benndorf, *Griechische und Sicilische Vasenbilder*, Berlin, 1869, &c.; Jahn, *Beschreibung der Vasensammlung K. Ludwigs*, cxxxi. ff.) A honey-cake (*μελιτοῦττα*), intended as a sop for Cerberus, was also placed by the side of the corpse (Ar. *Lys.* 601, and Schol. *in loc.*, *Ἡ μελιτοῦττα ἐδίδοτο τοῖς νεκροῖς ὡς εἰς τὸν Κέρβερον*). Before the door a vessel of water was placed (*ἀρδάνιον*), in order that persons who had been in the house might purify themselves from the pollution of death by sprinkling water on their persons (Ar. *Eccl.* 1033; Poll. viii. 65; Eur. *Alc.* 98).

The near relations of the deceased assembled round the bed on which he was laid, and uttered loud lamentations. Representations of such scenes have been found. Although more violent signs of grief were forbidden by Solon (Plut. *Solon*, c. 21; Cic. *de Legg.* ii. 23, 59), we find that Lucian (*de Luctu*, 12) mentions as accompaniments of the *πρόθεσις*, not only groaning and wailing, but also beating of breasts, tearing of hair, laceration of cheeks, rending of garments, and sprinkling of ashes upon the head. It was perhaps with the object of limiting the time for these excesses of grief that Solon ordained that the burial should take place on the day after the *πρόθεσις*, before sunrise (Demosth. *c. Macart.* l. c.), and that Plato (*Legg.* xii. 959 A) laid down that the *πρόθεσις* should not last longer than was necessary to show that death had really taken place. Solon also commanded that no females under 60 years of age except the nearest relations (**ἐντὸς ἀνεψιαδῶν**) should be allowed to be present while the corpse was in the house (Demosth. *l. c.*). It appears that singers were hired to lead the mourning chant at the **πρόθεσις** (Hom. *Il.* xxiv. 719 ff.; Lucian, *de Luctu*, 20).

The accompanying woodcut, representing the **πρόθεσις**, is taken from Pottier, *op. cit.* pl. i.

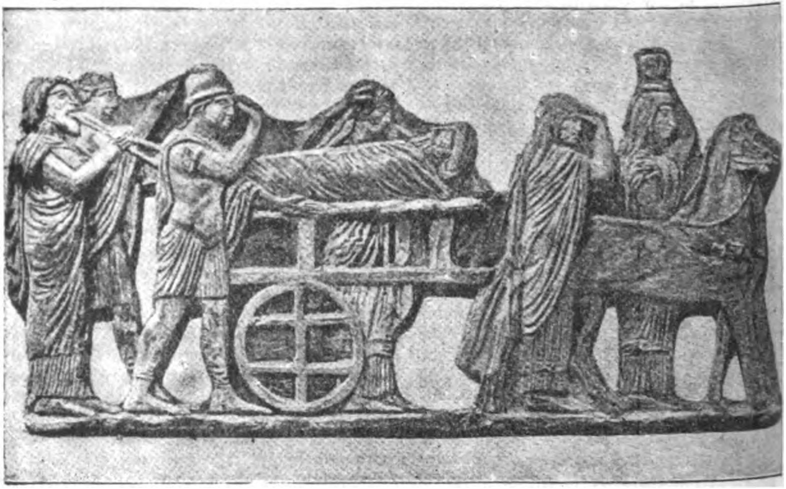


The πρόθεσις. (From a Greek vase.)

The corpse lies upon a couch, and is covered with a rich garment. The head alone is unveiled, and is surrounded with a fillet. Two female figures stand beside the couch, with gestures of grief. One of them carries a tray or basket, across which two taeniae are laid. Other taeniae are placed across the couch. In the background is a mirror, or fan, perhaps intended for the keeping away of flies (cf. Dio Cass. lxxiv. 4, 2; Cod. Just. vii. 6, 5). A list of other illustrations of the **πρόθεσις** is given by Pottier, p. 12, and Benndorf, *Gr. u. Sic. Vasenb.* p. 6. It is sufficient here to mention the Archemoros vase, a large amphora found at Ruv (Gerhard, *Archemoros u. die Hesperiden*, pl. i.; Baumeister, *Denkmäler*, p. 114). In this the corpse of the boy Archemoros is laid upon a couch. One female places a wreath upon his head, while another holds a parasol over him. The **παιδαγωγὸς** stands at the foot of the couch, and two of the attendants carry tables upon which are vases of various kinds with taeniae attached. The centre group is alone given in the cut annexed.

The **πρόθεσις**. (From a Greek vase.)

The funeral (**ἐκφορά, ἐκφέρειν**) took place legally, as has been already remarked, on the day following the **πρόθεσις**. It might, however, be put off several days to allow of the arrival of distant friends (Plut. *Timol.* 39). The early morning was the usual time (Plato, *Legg.* xii. 960 A; Cic. *de Legg.* ii. 26, 66; Heracl. *Alleg. Hom.* c. 68, **ἦν δὲ παλαιὸν ἔθος τὰ σώματα τῶν καμνόντων ἐπειδὰν ἀναπαύσηται τοῦ βίου, μήτε νύκτωρ ἐκκομίζειν μήθ' ὅταν ὑπὲρ γῆς τὸ μεσημβρινὸν ἐπιτείνηται θάλπος· ἀλλὰ πρὸς βαθὺν ὄρθρον ἀπύροις ἡλίου ἀκτῖσιν ἀνιόντος.**) The body was carried on the couch on which it had been lying. In the inscription from Keos (Köhler, *Mittheil. d. Arch. Inst. in Athen*, 1876, 139 ff., l. 10; Dittenberger, *Sylloge*, 468) we find the direction that the corpse should be covered and carried in silence (**τὸν θανόντα φέρειν κατακεκαλυμμένον σιωπῇ μέχρι τὸ σῆμα**), but there is nothing to show that this was general. The bier was borne either by hired bearers (**νεκροφόροι**, Poll. vii. 195), or, in case where it was decided to honour the dead, by specially selected citizens (*e.g.* in the cas Timoleon, Plut. *Timol.* 39). The men walked before the corpse, and the women behind (Dem. *l. c.*), and it appears that musicians were hired to play mournful tunes on the flute and sing dirges (**θρῆνοι**) at the **ἐκφορὰ** as well as at the **πρόθεσις** (Plat. *Legg.* vii. 800 E; Hesych. s. v.



The **ἐκφορά**. (From a stamped terracotta plaque found at the Piraeus.)

Καρίναι; Poll. iv. 75). Those who accompanied the funeral wore mourning garments of a black or dark colour (Hom. *Il.* xxiv. 93; Eurip. *Alc.* 427; Id. *Hel.* 1088; Xen. *Hell.* i. 7, 6; Plut. *Pericl.* 38). In an inscription from Gambreum in the neighbourhood of Pergamum (*C. I. G.* ii. 3562; Dittenberger, 470) it is enjoined that the women should wear dark clothes (ἐσθῆς φαιά), while men and boys have the alternative of wearing white. The head was also shaved or the hair cut as a sign of grief (Hom. *Od.* iv. 197; *Il.* xxiii. 46, 135, 141, 146; Bion. *Idyll.* i. 81; Aesch. *Cho.* 7; Plutarch, *Consol. ad Ux.* 4, and some of the passages cited above as to the colour of the dress).

Representations of the ἐκφορὰ are rare. The foregoing woodcut represents a stamped terracotta plaque found at the Piraeus (in the collection of M. Rayet, *Convoi Funèbre*, No. 75). The corpse lies upon a couch. The head is bare; the rest of the body covered. The couch is placed upon a car drawn by two horses (more usually mules). Mourners accompany it with gestures of grief. A female attendant carries upon her head a vessel, probably to serve for libations. Another attendant plays upon the double flute. (Other representations: Micali, *Monumenti per servire alla storia degli ant. popoli Italiani*, pl. 96, 1; *Monumenti d. Inst.* ix. 39, 40.)

It was the custom, at Athens at any rate, to hold public funerals for those who had fallen in war. Thucydides (ii. 34) describes with some minuteness the proceedings usual on such occasions. The πρόθεσις of the bones took place on a platform (or perhaps in a booth or tent) erected for the purpose in some public place (τὰ μὲν ὀστᾶ προτίθενται πρότριτα σκηνὴν ποιήσαντες). On the day of the funeral, coffins of cypress wood, one for each tribe, were carried upon waggons. Each coffin contained the bones of the members of the tribe to which it was assigned. An empty couch, adorned as for a funeral, was borne in the procession to represent those whose bodies had not been found. The procession was accompanied by any citizens and aliens who wished to attend, and by women who were related to those who had fallen. In Greece, funeral orations were only pronounced at public funerals of the kind described, not, as at Rome, over individuals, even though they were specially distinguished (Dion. Hal. v. 17). This custom seems to have arisen about the time of the Persian wars (Dion. Hal. *l. c.*), and the two best known occasions of its use are those on which Pericles was the selected orator. The first of these was after the Samian war (B.C. 439), and the second at the end of the first year of the Peloponnesian war (Thuc. ii. 34 ff.). In other respects the procedure at a public funeral does not seem to have differed from that in use at private burials.

In spite of the statement of Lucian (*de Luctu*, 21) that the Greeks burnt their dead and the Persians buried them, it is certain, both from literary evidence and also from the excavation of tombs, that burning and burying were both practised by the Greeks. The word θάπτειν is used of the burial of the ashes after cremation, but κατορύττειν refers only to the burial of an unburnt body. Hence when in the *Phaedo* (115 E) Socrates speaks of his body as ἢ καιόμενον ἢ κατορυττόμενον, it is clear that both methods were in use. We hear of burial also among the Spartans (Plut. *Lyc.* 27; Thucyd. i. 134). In Homer we have no mention of any burial without burning; but in graves at Mycenae skeletons were found which showed no traces of fire. Evidence both of burning and burying has been found in graves of a later date in many parts of the Greek world (for references, see Hermann-Blümner, *Privatalterth.* p. 375). In particular the cemetery of Myrina may be mentioned, where the careful investigations of MM. Reinach and Pottier showed that burning and burial had been in use simultaneously, and that burial had been far the commoner way (*La Nécropole de Myrina*, p. 73).

The pile of wood (πυρά) upon which the body was burnt, was sometimes erected over the grave in which the ashes were to be buried. This is proved by the fact that at Myrina the sides of some of the tombs showed traces of fire. We have a full description of cremation in the Homeric period in *Il.* xxiii. 161 ff., where Achilles celebrates the funeral of Patroclus. The pyre is made a hundred feet in length and breadth, and the bodies of sheep, oxen, horses, dogs, and twelve Trojan captives are placed upon it. Honey and perfumes are also poured upon it before it is lighted. From Lucian it appears that similar sacrifices were customary at a much later time (πόσοι γὰρ καὶ ἵππους καὶ παλλακίδας, οἱ δὲ καὶ οἰνοχόους ἐπικατέσφαξαν καὶ ἐσθῆτα καὶ τὸν ἄλλον κόσμον συγκατέφλεξαν ἢ συγκατώρυξαν, *de Luctu*, 14). When the pyre was burnt down, the remains of the fire were quenched with wine, and the relatives and friends collected the bones or ashes (*Il.* xxiv. 791. Illustrated on vases: Gerhard, *Ant. Bildw.* pl. 31 = Baumeister, *Denkm.* p. 307, fig. 322; and *Bull. Napol.* iii. 14 = Baumeister, *Denkm.* p. 308, fig. 323). The remains thus collected were placed in a receptacle sometimes of gold, but generally of a less precious material, and buried. A description of these receptacles, of the other articles placed in the tomb, and of the tomb itself will be found in the article SEPULCRUM.

When bodies were buried without previous cremation, they were generally placed in coffins, which were called by various names, as σοροί, πύελοι, ληνοί, λάρνακες, δροῖται, though some of these names were also applied to the urns in which the bones were collected. The lowering of a coffin into the grave is represented in a vase-painting. (*Mon. Inst.* viii. pl. 4, 1 b; Baumeister, *Denkm.* p. 306.) For further information upon this point, see Stackelberg (*Die Gräber der Hellenen*, pl. 7, 8) and art. SEPULCRUM.

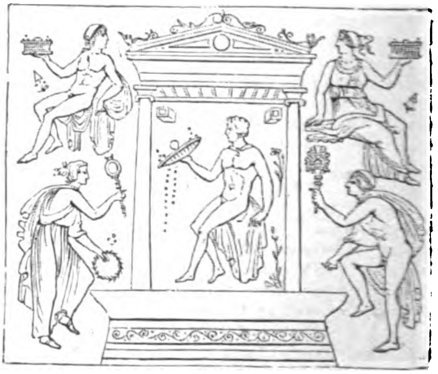
Immediately after the funeral was over, the relations partook of a feast which was called περίδειπνον or νεκρόδειπνον (Luc. *de Luctu*, 24; Cic. *de Legg.* ii. 25, 63; Hegesipp. *ap.* Athen. vii. 290 c). It was the custom that this feast should be given at the house of the nearest relative (Dem. *de Cor.* p. 321, § 355, δέον ποιεῖν αὐτοὺς τὸ περίδειπνον ὡς παρ' οἰκειοτάτῳ τῶν τετελευτηκότων). A number of bas-reliefs have been found representing a meal or banquet. These are known as "banquet-reliefs"; and it is often supposed that we have in them a picture of the περίδειπνον. This view, however, cannot be considered as established. (See P. Gardner, *A Sepulchral Relief from Tarentum*, J. H. S. v. p. 105; Welcker, *Alte Denkmäler*, ii. 242 ff.; Lebas, *Monum. d'Antiq. figur.* p. 89 ff.; Pervanoglu, *Das Familienmahl auf altgriech. Grabsteinen*, Leipzig, 1872; Milchhöfer in *Mitth.* iv. 161; P. Girard, *L'Asclépieion d'Athènes*, p. 102 ff. Other references to literature on the subject: Hermann-Blümner, *Privatalt.* 385.) The annexed cut, which represents a relief of this class, is taken from the *Marmora Oxon.* i. tab. 52, No. 135.


Funeral Banquet. (From a bas-relief.)

Other ceremonies were performed on the third, the ninth, and the thirtieth days after the funeral, and were called respectively **τρίτα**, **ἔνατα**, and **τριακὰς** or **τριακάδες**. (Pollux, viii. 146. See also Schömann on Isaeus, p. 217.) Aristoph. (*Lysistr.* 611, with Schol.) alludes to the **τρίτα**. The **ἔνατα** are sometimes mentioned in connexion with the **τρίτα** (Isaeus, *Menecl.* § 36), sometimes separately (Id. *Cir.* § 39). The rites on the thirtieth day (Pollux, *l. c.* and i. 66, iii. 102; Lexx. *s. v.* **τριακάς**) included a repetition of the funeral feast (Bekk. *Anecd.* p. 268, 19, **καθέδραι, ὑποδοχαὶ ἀνθρώπων· τῇ τριακοστῇ γὰρ ἡμέρᾳ τοῦ ἀποθανόντος οἱ προσήκοντες ἅπαντες καὶ ἀναγκαῖοι συνελθόντες κοινῇ ἐδείπνουν ἐπὶ τῷ ἀποθανόντι, καὶ τοῦτο καθέδρα ἐκαλεῖτο**). The **τριακοστεῖα** are forbidden in the inscription from Keos (*Mitth.* i. 139; Dittenberger, *Sylloge*, No. 468).

It was also the custom to bring offerings to the tomb on certain days in each year (**ἐναγίζειν καθ' ἕκαστον ἐνιαυτόν**, Isaeus, *Menecl.* § 46; Plat. *Legg.* iv. 717 E: **τὰ ἐνιαύσια** in the inscr. from Keos). Herodotus mentions that these annual sacrifices to the dead were called **γενέσια** (iv. 26), from which it is inferred that they were offered on the birthday of the deceased (compare Diog. Laert. x. 18). The name **νεκύσια** was also used in the same sense (Hesychius, **Γενέσια, ἑορτὴ πένθιμος Ἀθηναίοις· οἱ δὲ τὰ νεκύσια. καὶ ἐν τῇ ἡμέρᾳ, τῇ γῇ θύουσι**). The ceremonies which were performed at these stated intervals might be used at any other time, if for some reason it was necessary to appease the departed spirit. The word **ἐναγίζειν** was used for the act of offering, **ἐναγίσματα** for the things offered on these occasions. These consisted of libations (**χοαί**) of wine, oil, milk, honey mixed with water or milk (Aesch. *Pers.* 609 ff.; Eur. *Or.* 113 ff.), which were poured upon the ground (**γάποτοι**, Aesch. *Pers.* 621, *Choeph.* 97). Elaborate banquets were sometimes prepared, burnt in honour of the dead, and buried in a trench (Lucian. *Char.* 22). Wreaths were also placed upon the grave-stones, and they were anointed with perfumes (*ib.*).

The best idea of the rites performed at the grave is given by the numerous representations of them on Lekythi of the class already described. About 600 of these Lekythi have been found, and of these five-sixths bear representations of the bringing of offerings to the tomb. There is little variation in the scene. In the centre is the tomb, generally marked by a *stele*, sometimes by a mound. The *stele* is adorned with *taeniae*, by which sometimes Lekythi are suspended. Several persons on either side of the *stele* bring offerings of wreaths, *taeniae*, vases, birds, fruits, libations, and so forth. These persons are generally standing, but sometimes one is sitting on the pedestal on which the *stele* stands, or on a seat placed beside it. The following cut, which represents one of these scenes, is taken from Millin, *Peint. de Vases*, vol. ii. pl. 27. The tomb is in the form of a **ἡρῷον**, and upon it is a representation of the deceased. References to works in which vases of this class have been published are given by Pottier, *Étude sur les Lécythes blancs Attiques à représentations funéraires*, p. 51. Much importance was attached to the due performance of these annual rites (Isaeus, *de Men. Her.* § 46; *de Apoll. Her.* § 30; *de Philoct. Her.* § 51). In an inscription from Thera (*C. I. G.* 2448) we have a case in which a woman Epikteta left by will a sum of money for the purpose of celebrating annual sacrifices at her tomb.


Offerings presented at the tomb. (From a Greek vase.)

The period of mourning varied in length at different places. At Athens the **τριακὰς** seems to have ended it, on the thirtieth day after the funeral (Lysias, *de caede Erat.* § 14). At Sparta it only lasted eleven days (Plut. *Lycurg.* 27). In the inscription from Gambreum near Pergamum, it is ordered that men are to lay aside mourning in the fourth month, women in the fifth (*C. I. G.* 3562; Dittenberger, 470, l. 14, **ἐπιτελεῖν δὲ τὰ νόμιμα τοῖς ἀποιχομένοις ἔσχατον ἐν τρισὶ μησίν, τῷ δὲ τετάρτῳ λύειν τὰ πένθη τοὺς ἄνδρας, τὰς δὲ γυναῖκας τῷ πέμπτῳ**).

Certain special rites were used in particular cases. A spear was carried in front of the body of any person who had died a violent death, as a symbol of the revenge which was to follow the murderer ([Dem.] *in Euerg. et Mnes.*

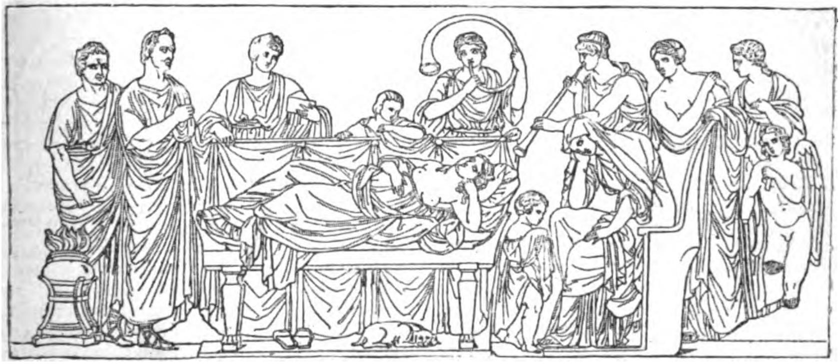
p. 1160, § 87; Eur. *Troad.* 1148; Lexx. *s. v.* **ἐπενεγκεῖν δόρυ**). In the case of those who had committed suicide, the hand which had done the deed was cut off and buried separately. (Aeschin. *in Ctes.* § 244, **καὶ ἐάν τις αὑτὸν διαχρήσηται τὴν χεῖρα τὴν τοῦτο πράξασαν χωρὶς τοῦ σώματος θάπτομεν**). Certain criminals, who were put to death by the state, were also deprived of burial, which was considered to be an additional punishment (Plut. *Them.* 22; Thuc. i. 134). The bodies of those persons who had been struck by lightning were regarded as sacred (**ἱεροὶ νεκροί**); they were not buried with others (Eur. *Suppl.* 935), but usually on the spot where they had been struck (Artemid. *Oneirocr.* ii. 9, p. 146). [BIDENTAL.]

It has been already mentioned that in public funerals of those killed in war, an empty couch was carried in the procession to represent those whose bodies had not been found. In other cases, where a person was supposed to be dead, though his body was not found, funeral rites were performed for him (Eur. *Hel.* 1241 ff.; Charit. iv. 1). If such a person was afterwards found to be alive, he was considered impure, and was not allowed to enter temples till certain rites had been performed. These rites consisted in an imitation of birth and the ceremonies connected with it. The **δευτερόποτμος** or **ὑστερόποτμος** (these were the names which were given to **ὁ δεύτερον διὰ γυναικείου κόλπου διαδύς**, Hesych. *s. v.*) was washed, wrapped in swaddling clothes, and fed with milk. Having been thus born again into life, he was freed from his impurity (Plut. *Q. R.* 5).

[Much of the literature bearing on special points has been referred to in the course of this article. For a general account of the subject, the most important books are J. Meursius, *de Funere;* Stackelberg, *Die Gräber der Hellenen;* Becker, *Charicles*, 4th English edition, pp. 383–402 = Becker-Göll, iii. 114–167; Wachsmuth, *Das alte Griechenland im neuen*, pp. 105–125—the ancient customs compared with the modern—and especially Hermann-Blümner, *Privatalterth.* p. 361 ff., where further references to literature on the subject will be found.]

2. ROMAN. Among the Romans also the burial of the dead was a most solemn duty. It was incumbent upon anyone who found an unburied body at least to cast earth upon it three times (Hor. *Od.* i. 28; Quintil. *Declam.* 5, 6; Petron. 114). If no funeral rites had been performed, the soul of the dead man could not be received among the shades, and wandered homeless upon the earth (Tertull. *de An.* 56, "Creditum est insepultos non ante ad inferos redigi, quam justa perceperint;" Plaut. *Mostell.* 499; Serv. *ad Aen.* iv. 386).

A near relation of the dying person caught the last breath in his mouth (Verg. *Aen.* iv. 684; Cic. *Verr.* v. 45, 118, and perhaps Ov. *Trist.* iv. 3, 41). As soon as he was dead his eyes were closed by one of those present (*claudere oculos*, Lucan. *Phars.* iii. 740; *premere*, Verg. *Aen.* ix. 187; *condere*, Ov. *Trist.* iii. 3, 44; *tegere*, *ib.* iv. 3, 44; *operire*, Plin. *N. H.* xi. § 150). This is shown on a relief on a sepulchral urn from Volterra (*Arch. Ztg.* 1846, plate 47; Baumeister's *Denkm.* p. 309). Then followed the *conclamatio*, variously explained as (1) a cry *in articulo mortis*, which seems probable from Propert. v. 7, 23; Ov. *Trist.* iii. 3, 43: (2) the recall of the dead by uttering his or her name three times, in order to ascertain the fact of death if there was no answer, a custom still in use at the death-bed of a pope: (3) as commonly understood, the lamentation for the dead when there was no longer any possibility of doubt; thus Marquardt (*Privatl.* 336). The mourners called repeatedly the name of the deceased, with loud cries, and exclamations such as *vale* (Lucan. *Phars.* ii. 22; Catull. ci.; Ov. *Met.* x. 62; *Fasti*, iv. 852). We may infer from a Roman relief (Baumeister, *Denkm.* p. 309, after Clarac, *Mus. de Sculpt.* pl. 154) which seems to represent the *conclamatio*, that horns were blown at the same time.



The *Conclamatio*, or lamentation for the dead. (From a Roman relief.)

The body was then washed with warm water (Verg. *Aen.* vi. 218) and anointed with perfumes and spices (Persius, iii. 103; Ov. *Fast.* iv. 853). That this took place after the *conclamatio* we learn from Amm. Marc. xxx. 10: "Post conclamata imperatoris suprema, corpusque curatum ad sepulturam." The corpse was then clothed either in the toga (Juv. iii. 173, and Mayor's note; Mart. ix. 57, 8; Paulus, *Dig.* xv. 3, 19; Artemidor. *Oneirocr.* ii. 3), or in the state robes of any office which had been held by the deceased (Liv. xxxiv. 7; Polyb. vi. 53). The garments in which the corpse was clothed were sometimes splendid and costly (*vestes purpureae*, Verg. *Aen.* vi. 221; *pretiosae*, Val. Max. v. 5, 4. For gold stuffs found in tombs, see Raoul-Rochette, *Troisième Mém. sur les Ant. chrét. des Catacombes*, *Mém. de l'Acad. d'Inscr.* xiii. 1838, pp. 641–650, 735, 736). Precious ornaments were often added. Rings, for example, are often found in graves, and we learn from Prop. iv. 7, 9 ("et solitam digito beryllon adederat ignis"), that they were sometimes burnt with the body. If the deceased had, when alive, received a crown as a reward for bravery or for success in the games of the circus, it was placed upon his head (Cic. *de Legg.* ii. 24, 60; Plin. *H. N.* xxi. 7; Serv. *ad Aen.* xi. 80). Gold wreaths have in several cases been found with skeletons (*Bull. dell' Inst.* 1835, 203–205; Raoul - Rochette, p. 653). Flowers were also used for the adornment of the couch on which the corpse was laid; and a censer (*acerra*) was placed beside it (Fest. *Epit.* p. 18). The annexed cut from a Roman relief in the Lateran Museum (Baumeister, p. 239, after *Mon. Inst.* v. tav. 6) represents the *lectus funebris*, on which the corpse of a female lies dressed. Two female mourners (*praeficae*) stand behind, and by their side a man in the act of putting a garland on the head of the corpse. On each side of the *lectus funebris* is a torch. On the left side is a female blowing the flute, and above another with folded hands; on the right side sit three females, wearing the pilleus (probably manumitted slaves): below is the family of the deceased. Among the Romans, as among the Greeks, it was customary to place a small coin in the mouth of the deceased, for the purpose of paying Charon's passage-money. This is alluded to by Juvenal (iii. 267) and Propertius (iv. 11, 7), but not by earlier writers. Coins, however, have been found in graves of an earlier date than the Second Punic War (*C. I. L.* i. p. 27); and in graves at Praeneste, dating from the third century B.C., coins were actually found in the mouths of the skeletons (*Annali*, 1835, p. 76; *C. I. L.* i. p. 28). In the imperial times the practice was common and widely extended.

The Lectus Funebris. (From a Roman relief.)

The preparations necessary for the due laying out of the body were performed by the *Pollinctores* (Plaut. *Asin.* v. 2, 60; *Poen. Prol.* 63). Two derivations of this word are given by the ancients, both equally improbable, but giving an indication of the functions of the *pollinctor*: "Dicti autem pollinctores quasi pollutorum unctores" (Fulgentius, *de Serm. Ant.* 3); "a polline, quo mortuis os oblinebant ne livor appareret extincti" (Serv. *ad Aen.* ix. 483). It is probable also that the *pollinctor* took the mould of the dead man's face, from which the wax *imago* was made, to be kept in the *atrium* of the house by his descendants, and used in funeral processions in a way shortly to be described. The *pollinctor* was furnished by the *Libitinarius* or undertaker, who entered into a contract for conducting the whole funeral. The latter got his name from the fact that he exercised his business at the temple or grove of Libitina, the goddess of corpses and funerals: *ἐπίσκοπον τῶν περὶ τοὺς θνήσκοντας ὁσίων θεὸν οὖσαν* (Plut. *Num.* 12, § 1; *Quaest. Rom.* 23; Liv. xl. 19, xli. 21; Mayor's note on Juv. xii. 121). Deaths were also registered at this temple (Suet. *Ner.* 39; Dion. Halic. iv. 15); and the offering called *lucar Libitinae* was made [LUCAR]. Undertakers are said *exercere Libitinam* (Val. Max. v. 2, 10), and the expressions *vitare Libitinam*, *evadere Libitinam* are used in the sense of escaping death (Hor. *Carm.* iii. 30, 6: cf. *Sat.* ii. 6, 19; Juv. xii. 121).

When the body had been thus prepared and adorned, it was laid upon a couch of state, generally in the *atrium* of the house, with the feet towards the door (Plin. *H. N.* vii. § 146: Pers. iii. 105). Outside the door of the house were placed branches of cypress or pine (Plin. *H. N.* xvi. §§ 40 and 139; Serv. *ad Aen.* iii. 64), for the purpose of warning those who might be polluted by entering a house in which was a corpse (Servius, *l. c.*). The cypress was apparently only used by those of good position ("et non plebeios luctus testata cupressus," Lucan, iii. 442). We are told by Servius (*ad Aen.* v. 64) that the corpse lay in state for seven days before burial. This can only have been the case in exceptional circumstances, when some form of embalming was used.

Funerals were conducted by the family of the deceased (*funus privatum*) except in cases where a public funeral (*funus publicum*) was voted, either by the senate (Cic. *Phil.* ix. 7) or in provincial towns by the *decuriones*, as a mark of honour or respect to the deceased. (The formula "Huic decuriones funus publicum . . . locum sepulturae decreverunt" occurs in inscriptions: Mommsen, *I. N.* 5250; *C. I. L.* iii. 3055, 3128, 3137: see Wilmanns, 296 ff., and variations of the formulae given there.) We find this honour paid in the case of foreign kings who died in Italy, as Syphax and Perseus (Val. Max. v. 1, 1); and men who had fallen in the service of their country, as Hirtius and Pansa (Val. Max. v. 2, 10). In imperial times it became commoner. Sometimes, though a *funus publicum* was not voted, a subscription was raised to meet the funeral expenses, as in the cases of Menenius Agrippa (Liv. ii. 33, 12), Valerius Publicola (Liv. iii. 18, 16), and Q. Fabius Maximus (Val. Max. v. 2, 3). A particular kind of funeral was appropriate to each grade of the magistracy; the highest being the *censorium funus* (Tac. *Ann.* iv. 15, vi. 27, xiii. 2; *Hist.* iv. 47).

A public invitation was given to all important funerals by a herald (*praeco*). Hence the phrases *funus indicere, funus indictivum* (Suet. *Jul.* 84; Cic. *de Legg.* ii. 24, 61; Varro, *L. L.* v. 160, vii. 42; Festus, p. 334 b, 27, and *Epit.* p. 106, *s. v.*). The formula of invitation has been preserved: "Ollus Quiris leto datus. Exsequias, quibus est commodum, ire jam tempus est. Ollus ex aedibus effertur." (Varro, *ll. cc.*; Festus, p. 254 d, 34: cf. Ov. *Am.* ii. 6, 2; Sil. Ital. xv. 395; Ter. *Phorm.* v. 9, 37.) *Translaticium funus* is used for an unceremonious burial (Suet. *Ner.* 33).

In ancient times all funerals took place by night (Serv. *ad Aen.* xi. 143, "apud Romanos moris fuit ut noctu efferrentur ad funalia"); in later times only those of children (*acerba funera*; Serv. *l. c.* "moris Romani erat ut impuberes noctu efferrentur ad faces;" Sen. *de brev. Vit.* 20, 5; *de Tranq. Animi*, ii. 7), and poor people whose means did not admit of sufficient display for the day-time (Fest. *Epit.* p. 368; Mart. viii. 75). The Emperor Julian issued an edict ordering that all funerals should take place at night, in order that the ordinary business of the day and the worship of the gods might not be interrupted. That funerals in the day-time were a serious obstruction we learn from Hor. *Ep.* i. 6, 42. The torches with which funerals were always accompanied were probably a relic of burial by night, though no doubt they also served for lighting the pyre. (Verg. *Aen.* xi. 142, vii. 337; Tac. *Ann.* iii. 4, at the funeral of Germanicus, "conlucentes per Campum Martis faces;" Pers. iii. 102; Mart. viii. 43; Prop. v. 11, 46, "Viximus insignes inter utramque facem.")

An opportunity for the display of splendour was given by the funeral procession, and was so largely used by families of wealth and position, that we find sumptuary laws to regulate such expenses among the Tables of the Decemviri (Cic. *de Legg.* ii. 23, 59) and the enactments of Sulla (Plut. *Sull.* 35). The order of the funeral procession was regulated by the *designator* or *dissignator*, whose attendants were dressed in black. Their being called "lictors" by Horace appears to be only a joke (*Ep.* i. 7, 5, where Acron says, "Designatores dicuntur qui ad Lucum Libitinae funeri praestanti conducuntur ut defuncti cum honore efferantur"). The order in which the various parts of the procession came is uncertain, but it is generally supposed that at the head of it were the Musicians (*siticines*, Ateius Capito *ap.* Gell. xx. 2), who made use of *tubae* (Gell. *l. c.*; Ovid. *Am.* ii. 6, 6), *tibiae* (Stat. *Theb.* vi. 121; Suet. *Jul.* 84; Ov. *Fast.* vi. 653), and *cornua* (Hor. *Sat.* i. 6, 44). The number of *tibicines* was by the Twelve Tables limited to ten (Cic. *de Legg.* ii. 23, 59). Then followed (at any rate in earlier times) the mourning women, called *Praeficae* (Non. p. 66: "Praeficae dicebantur apud veteres quae adhiberi solent funeri mercede conductae ut et flerent et fortia facta laudarent," Hor. *A. P.* 431; Varr. *L. L.* vii. 70), who sang the *naenia* or *lessus*, a mournful song in praise of the dead man (Cic. *de Legg.* ii. 24, 62; Varr. *de Vita P. R.* lib. iv.). These *Praeficae* are probably represented (before the funeral procession, while the body is still lying in state) in an Etruscan relief (Abeken, *Mittelitalien*, pl. viii.), which is reproduced in the woodcut below.

Then followed in some cases dancers and mimes (Dion. Hal. vii. 72, *εἶδον δὲ καὶ ἐν ἀνδρῶν ἐπισήμων ταφαῖς ἅμα ταῖς ἄλλαις πομπαῖς προηγουμένους τῆς κλίνης τοὺς σατυριστὰς χοροὺς κινουμένους τὴν σικίννην ὄρχησιν, μάλιστα δ' ἐν τοῖς τῶν εὐδαιμόνων κήδεσιν*: *artifices scenici*, Suet. *Jul.* 84), who were allowed, as in a triumph, free licence of jesting. We learn from Suetonius (*Vesp.* 19) that it was the custom for the *archimimus* to wear a mask in the likeness of the deceased, to imitate his speech and manners, and even to make jests at his expense.

The Praeficae. (From an Etruscan relief.)

The most striking part of the procession was probably formed by the *imagines*. We are told by Polybius (vi. 53) that the *imagines*, or wax masks representing distinguished ancestors of the deceased, were brought out from their resting-place in the *atrium*, and each was worn by a man chosen to resemble as nearly as possible the person whom he was supposed to represent, and clothed in the dress of the office which the prototype of the mask had held. Each rode upon a chariot, and was accompanied with due pomp of lictors and other insignia of his office. Thus all the distinguished ancestors of the dead man were present in effigy at his funeral ("semper defuncto aliquo totus aderat familiae ejus qui unquam fuerat populus," Plin. *H. N.* xxxv. § 6). If he was of good birth, many families to which he was related were represented by their *imagines* (Tac. *Ann.* iii. 76; iv. 9), and the actual number was sometimes very great. At the funeral of Marcellus there are said to have been 600 (Serv. *ad Aen.* vi. 802).

Sometimes as a special honour spoils, crowns, and other records of victories and triumphs were carried before the bier. This was done in the case of Augustus (Tac. *Ann.* i. 8; Dio Cass. lvi. 34) and Coriolanus (Dion. Hal. viii. 59). The procession was also swelled by the slaves who were liberated by the will of the deceased, all with shorn heads, wearing the *pilleus* (Liv. xxxviii. 55; Appian, *Mithr.* 2; Cod. Just. 7, 6, 5: "Sed et qui domini funus pileati antecedunt vel in ipso lectulo stantes cadaver ventilare videntur, si hoc ex voluntate fiat vel testatoris vel heredis, fiant ilico cives Romani"). The bier itself was sometimes carried by these liberated slaves (Pers. iii. 106).

The body was placed uncovered on a bier or couch (*feretrum, torus*), which in great funerals was elaborately decorated (Suet. *Jul.* 84). In some cases, probably when decay had begun to disfigure the features, the body was placed in a coffin (*capulus*), and a waxen representation (*effigies*) was exposed to view instead (Tac. *Ann.*

iii. 5; Sil. Ital. x. 568; Appian, *B. C.* ii. 147; Dio Cass. lvi. 34, lxxiv. 4, 2; Herodian, iv. 2, 2). The bier was carried, as mentioned above, by liberated slaves, by near relations (Velleius, i. 11; Plin. *H. N.* vii. § 146; Cic. *Tusc.* i. 35, 85; Val. Max. vii. 1, 1; Hor. *Sat.* ii. 5, 86), or, in the case of emperors, by magistrates and senators (Suet. *Jul.* 84, *Aug.* 100; Tac. *Ann.* i. 8).

In the burial of the poor and of slaves of course all this pomp was absent. Hired bearers (*vespillones*), six (Mart. vi. 77, 10) or four (*ib.* viii. 75, 9) in number, carried the body in a simple wooden coffin or bier, which was not buried with the body (*sandapila*, Mart. ii. 81, ix. 2, 12; *popularis sandapila*, Suet. *Dom.* 17; *orciniana sponda*, Mart. x. 5, 9; *vilis arca*, Hor. *Sat.* i. 8, 9).

The relations of the deceased followed behind the bier, dressed in mourning. The sons of the deceased had their heads veiled, while the daughters went uncovered and with dishevelled hair (Plut. *Quaest. Rom.* 11). Mourning was shown by very much the same signs as in modern times, viz. by the absence of adornment and the wearing of black garments (Juv. x. 245; Prop. v. 7, 28; Tac. *Ann.* iii. 2; *pullus*, Juv. iii. 213). Under the Emperors white seems to have been substituted for black as the mourning colour for women (Plut. *Quaest. Rom.* 26; Herodian, iv. 2, 3; Stat. *Silv.* iii. 3, 3). The women were also in the habit of crying aloud, tearing their hair and lacerating their cheeks in the funeral procession itself (Prop. iii. 13, 27; Serv. *ad Aen.* iii. 67, "Varro dicit mulieres in exsequiis et luctu ideo solitas ora lacerare, ut sanguine ostenso inferis satisfaciant").

In this order the funeral train proceeded to the forum. There it halted before the rostra, the wearers of the *imagines* took their seats upon curule chairs, and the *laudatio funebris* was pronounced, generally by a close relation of the deceased (Polyb. vi. 53; Dion. Hal. v. 17, xi. 39; Plut. *Lucull.* 43; Hor. *Sat.* i. 6, 43); though in the case of a *funus publicum* this function might be assigned by a *senatusconsultum* to one of the magistrates (Quintil. *Instit.* iii. 7, 2). Dionysius (*l. c.*) expressly tells us that the *laudatio* was entirely different from the *ἔπαινος*, which in Greece was pronounced over the grave of soldiers who had been killed in war; for the *laudatio* was used in the case of all distinguished men, whether soldiers or statesmen, and without regard to the way in which they had died. The custom at Rome was very ancient. The earliest instance recorded is the panegyric delivered by Publicola over his colleague Brutus (B.C. 509); from that time onwards it is frequently mentioned both in republican and imperial times, and there are traces of it even after the introduction of Christianity. These funeral orations were preserved (Cic. *Brut.* 16, 61) and sometimes published (Plut. *Fab.* 24; Plin. *H. N.* vii. § 139; Suet. *Jul.* 6), but Cicero and Livy both point out that they were untrustworthy as records of fact (Cic. *Brut.* 16, 61, "his laudationibus historia rerum nostrarum est facta mendosior;" Liv. viii. 40, 4, "Vitiatam memoriam funebribus laudibus reor").

The honour of the *laudatio* seems to have been given by special decree or permission in each case, and not by any defined qualification (Dion. Hal. ix. 54; Tac. *Ann.* iii. 76). Women were not excluded from it; though there was some uncertainty, even among the ancients, as to the date at which the usage was first extended to them (Plut. *Camill.* 8; Liv. v. 50, 5; Cic. *de Or.* ii. 11, 44).

From the forum the procession moved on to the place of burning or burial, which, according to a law of the Twelve Tables, was obliged to be outside the city, though special exceptions were sometimes made (Cic. *de Legg.* ii. 23, 58). [SEPULCRUM.] Both burning and burial were in use among the Romans. Cicero (*de Legg.* ii. 22, 56) and Pliny (*H. N.* vii. § 187) both hold the view that burial was the more ancient custom. Pliny further says that burning was introduced because it was found that the bodies of those killed in distant countries and buried there were dug up and scattered by the enemy. We may conjecture, however, that the change was partly brought about by motives of health and convenience. In certain families the practice of burial was kept up, after burning had become general. Sulla was the first of the Cornelii to be burnt. The reason, according to Cicero and Pliny, of the departure from the custom of his family was, that he feared lest his own bones should receive the same treatment as he had given to those of Marius. In later times burning became far more common than burial, though the latter was always used in the case of children who died before they had cut their teeth ("Hominem priusquam genito dente cremari mos gentium non est," Plin. *H. N.* vii. 72; Juv. xv. 140), and in the case of those who had been struck by lightning. [BIDENTAL.] It seems also that persons of the poorest classes were always buried. After the introduction of Christianity, and probably through its influence, burial again came into use instead of burning. *Sarcophagi*, which are rare in the first century at Rome, become common in the third and fourth, and Macrobius (at the end of the fourth cent.) says that burning was no longer in use in his time ("licet urendi corpora defunctorum usus nostro saeculo nullus sit").

The view that burial was older than cremation is confirmed by some Roman customs. According to Pontifical law, the essential part of the funeral ceremony was the casting of earth upon the face of the corpse (Cic. *de Legg.* ii. 22, 57, "priusquam in os injecta gleba est, locus ille ubi crematum est corpus nihil habet religionis"). Again, when a body was to be burnt, it was the custom to cut off some portion of it, called os *resectum*, which was subsequently buried (Fest. *Epit.* p. 148, "Membrum abscidi mortuo dicebatur, quum digitus ejus decidebatur, ad quod servatum justa fierent, reliquo corpore combusto;" Cic. *de Legg.* ii. 22, 57; Varr. *L. L.* v. 23; Plut. *Q. R.* 24, 60, 79; Reinach and Pottier, *La Nécropole de Myrina*, p. 75). By this means the newer and more convenient method was adopted, while the ancient regulation which prescribed burial was still carried out.

The remaining rites varied, according as the body was to be buried or burnt. In the case of burial the body was placed in the grave either on the bier on which it had been carried, or in a sarcophagus. Numerous objects were also placed in the grave. (For an account of them and of the different kinds of graves, see SEPULCRUM.) The ceremonies which followed had the double object of making the grave a *locus religiosus*, and of purifying the family and house which had been defiled by the presence of a corpse. Earth was thrown upon the face of the dead (Cic. *de Legg.* ii. 22, 57), a pig was sacrificed (*ib.*), and an offering was made to the Lares (*ib.* 22, 55). The day on which these sacrifices took place was called *feriae denicales* (Fest. *Epit.* p. 70). A funeral feast called *silicernium* was also held, apparently on the day of the funeral, and by the grave (Varr. *ap.* Non. p. 48, 8). The period of mourning lasted nine days (*novendiale*), though it is uncertain whether this period was reckoned from the day of death or the day of burial (Serv. *ad Aen.* v. 64; Porphyr. *ad* Hor. *Epod.* 17, 48; Apuleius, *Met.* ix. 30, 31). At the end of this period a *sacrificium novendiale* was offered to the dead (Porphyr. *l. c.*), and a *cena novendialis* was held (Tac. *Ann.* vi. 5).

The burning of a body sometimes took place at the spot where the ashes were to be interred. In this case the funeral pile (*rogus, pyra*) was erected over the trench which was subsequently to be the grave (*bustum*). The body, however, was often burnt at a place near the monument, specially destined for this purpose, *ustrinum, ustrina* (Fest. *Epit.* p. 32). The pyre was built of wood, in the form of an altar (Verg. *Aen.* vi. 177, and Servius *in loc.*). A law of the Twelve Tables ordered that it should not be smoothed with an axe ("rogum ascia ne polito," Cic. *de Legg.* ii. 23, 59). They were sometimes painted (Plin. *H. N.* xxxv. § 49), the sides might be covered with dark leaves (Verg. *Aen.* vi. 216), and cypress-trees were placed in front (Verg. *l. c.*; Ov. *Trist.* iii. 13, 21; Sil. Ital. x. 535). On the top of the pile the corpse was placed, with the couch on which it had been carried (Tibull. i. 1, 61). Many things were placed on the pyre by the relations and mourners, such as clothes, arms (Lucan, ix. 175), ornaments, hunting nets and apparatus (see a will preserved in an inscription, Wilmanns, 315), horses, dogs, birds (Plin. *Ep.* iv. 2). It was also sprinkled with perfumes, gums, and spices (Stat. *Silv.* ii. 1, 158; v. 1, 210; Mart. x. 97; Lucan, viii. 729; Plin. *H. N.* xii. § 83), though *sumptuosa respersio* was forbidden by the Twelve Tables (Cic. *de Legg.* ii. 24, 60).

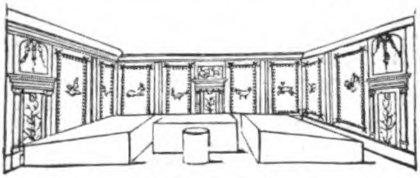
The pyre was lighted by one of the relations, with face turned away (Verg. *Aen.* vi. 224). When it was burnt down, the glowing ashes were extinguished with water or wine (Verg. *Aen.* vi. 226; Stat. *Silv.* ii. 6, 90; Plin. *H. N.* xiv. § 12). Those who had taken part in the funeral uttered a last farewell (Verg. *Aen.* ii. 644, i. 219, iii. 68, xi. 97, and Servius' notes) and departed, while the nearest relations remained to collect the bones and ashes when they were dry. This was probably done as a rule on the day of the funeral. The case of Augustus (Dio Cass. lvi. 42) seems to have been exceptional. The bones were sprinkled with wine (though it is not certain that this sprinkling is to be separated from that mentioned above), dried with a linen cloth, and placed in an urn or box with perfumes and spices (for a description of the various kinds of receptacle used, see SEPULCRUM). Tibullus describes minutely this part of the funeral (iii. 2, 19 ff. See also Ov. *Trist.* iii. 3, 69; *Fast.* iii. 561). The urn was then placed in the sepulchre [SEPULCRUM].

It has already been mentioned that if the body was burnt, the *os resectum* was buried separately. The ceremonies of the *feriae denicales* were used, as in the case of the burial, including the throwing of earth upon the remains of the dead (Cic. *de Legg.* ii. 22, 57). It does not appear at what moment this was done; but the object of it was to consecrate the place of burial, to make it a *locus religiosus*. After the bones and ashes of the deceased had been placed in the urn, the persons present were thrice sprinkled by a priest with pure water from a branch of olive or laurel, for the purpose of purification (Verg. *Aen.* vi. 229; Serv. *in loc.*); after which they were dismissed by the *praefica* or some other person, by the solemn word *Ilicet*, that is, *ire licet* (Serv. *l. c.*). In the case of burning the practices connected with the *silicernium* and the *novendiale* seem to have been the same as in the case of burial (see above). When those who had accompanied the funeral returned home, they underwent a purification called *suffitio*, which consisted in being sprinkled with water and stepping over a fire (Festus, p. 3, s. v. *Aqua et igni*). It was then also perhaps that the house was swept with a special kind of broom. ("Nam exverrae sunt, purgatio quaedam domus, ex qua mortuus ad sepulturam ferendus est, quae fit per everriationem certo genere scoparum adhibito, ab extra verrendo dictarum," Festus, p. 58, s. v. *Everriator*.)

In the case of important funerals, scenic or gladiatorial exhibitions were often given. Gladiatorial combats were originally specially appropriated to funerals, and the word *munus* is used in a special sense for these exhibitions, as a service due to the dead (Tertull. *Spect.* c. 12). *Munera* in connexion with funerals are frequently mentioned by Livy (*Epit.* 16; xxiii. 30; xxxi. 50; xxxix. 46; xli. 28) and others (Suet. *Jul.* 26; Plin. *H. N.* xxxiii. § 53; Cic. *pro Sest.* 58, 124, &c.). Provision was sometimes made for these shows in the will (*C. I. L.* i. 1199 = Wilmanns, 2037; Cic. *in Vatin.* 15, 37; *pro Sulla*, 19, 54; Hor. *Sat.* ii. 3, 84). Scenic exhibitions were less common; but the Didascalia to the *Adelphi* of Terence tells us that that play was performed at the *ludi funebres* of Aemilius Paullus (B.C. 160), and we are informed by Livy that *ludi scenici* as well as gladiatorial combats were exhibited at the death of T. Flamininus (B.C. 174). We also hear of distributions of food (*visceratio*, Liv. viii. 22, xxxix. 46, xli. 28) and public banquets (Suet. *Jul.* 26; Liv. xli. 28).

It remains to give some account of the annual rites performed at the tombs in honour of the *manes*. Certain days in February (13th-21st) were set apart as *dies parentales*, or *parentalia*. The last of these days was specially known as *feralia* (Ov. *Fast.* ii. 569; Cic. *ad Att.* 8, 14, 1; Liv. xxxv. 7). The ceremonies performed at this time are described by Ovid (*Fast.* ii. 533 ff.). Offerings to the Manes (*inferiae*) were brought to the tomb. These consisted of wine and milk (Verg. *Aen.* v. 77, 98, iii. 66; Sil. Ital. xvi. 309), honey and oil (Wilmanns, 883 = Orelli, 642), the blood of victims, especially of black sheep, pigs and cattle (Verg. *Aen.* iii. 67, v. 96;

Arnob. vii. 20), various fruits, bread, salt (Ovid, *l. c.*; Plutarch, *Crass.* 19), and eggs (Juv. v. 84). The tomb was also adorned with wreaths and flowers, especially roses and violets (Ov. *l. c.*; Suet. *Ner.* 57; Verg. *Aen.* v. 79, vi. 884; Tibull. ii. 6, 32, &c.). A meal was also eaten at the grave (Cic. *pro Flacco*, 38, 95). A *triclinium funebre*, intended apparently for this purpose, was found at Pompeii and is represented in the accompanying woodcut. During the *dies parentales* temples were shut and marriages forbidden (Ov. *Fast.* ii. 557 ff.), and the magistrates laid aside the insignia of their office (Lydus, *de Mens.* iv. 24). The terms *parentare*, *parentatio*, were also applied to similar rites performed on other days of the year, such as the day of birth, death, or burial of the person to be honoured. Special days were also appropriated to roses and violets (*rosatio*, *rosaria*, *rosalia*; *violatio*; Plin. *H. N.* xxi. § 11, and frequently in inscriptions: Wilmanns, *Index*, p. 695; *C. I. L.* 2046, 2072, 2090, 2176, 2135, &c.; vi. 9626, 10239, 10248, &c.).



Funeral Triclinium at Pompeii.

(Kirchmann, *De funeribus Romanorum*, 1637; Becker, *Gallus*, 4th English edit., pp. 505–523 = Becker-Göll, iii. 481–547; Raoul-Rochette, *Troisième Mémoire sur les Antiquités chrétiennes des Catacombes*, in *Mém. de l'Acad. des Inscriptions*, vol. xiii., 1838, pp. 529–788; and especially Marquardt, *Privatl.* pp. 340–385.) [SEPULCRUM.] [H. B. S.]

FURCA, dim. FURCULA, FURCILLA (*δίκρανον, δίκρουν ξύλον*), a fork. 1. A two-pronged fork used for various agricultural purposes, *e.g.* haymaking (Varr. *R. R.* i. 49, § 1). It is this kind which gave rise to the proverbial expression "to turn out with a pitchfork," *i.e.* forcibly and without ceremony (*δικροῖς ὠθεῖν*, Aristoph. *Pax*, 637; *δικράνοις ἐξωθεῖν*, Lucian, *Tim.* 12; *furcillis extrudimur*, Cic. *ad Att.* xvi. 2, § 4; *musae furcillis praecipitem ejiciunt*, Catull. cv. 2; *naturam expellas furca*, Hor. *Ep.* i. 10, 24). 2. A wooden fork used as a prop, *e.g.* for vines (Verg. *Georg.* i. 264; ii. 359); for planks to stand on in the Circus Maximus (Liv. i. 35, § 9); for supporting a two-wheeled carriage while the animals were being yoked to it (Greek *στήριγξ*, Lys. *ap.* Poll. x. 157); or as explained by Plutarch of props in general (*ἐκαλεῖτο δὲ φούρκιφερ· ὃ γὰρ Ἕλληνες ὑποστάτην καὶ στήριγμα, τοῦτο Ῥωμαῖοι φούρκαν ὀνομάζουσι*, *Coriol.* 24). 3. The end of the pole of a carriage, forked like a Λ where it joins the axle (Ginzrot, *Wagen und Fahrwerke*, i. 96). This, Marquardt thinks, was the original furca placed round the necks of slaves as an old domestic punishment (*Privatl.* 182). 4. From the earliest times the furca was a well-known instrument for punishing not only slaves, but freemen (Liv. i. 26). Here, however, we must distinguish between the punishment awarded to Horatius at his first trial, which was scourging under a furca followed by hanging (not crucifixion: see CRUX, p. 567 *a*), and the punishment believed in later times to have been *more majorum*, in which the criminal was scourged to death (Tac. *Ann.* ii. 32, xvi. 11; Suet. *Nero* 49 [where it is described]; Aurel. Vict. *Epit.* 5). In these cases the furca was a piece of wood in the form of the letter Λ, which was placed upon the shoulders of the offender, whose hands were tied to it. Slaves were frequently flogged in this way, and were obliged to carry about the furca wherever they went (Liv. ii. 36; Cic. *de Div.* i. 26, § 55; Plut, *Cor.* l. c.; cf. Plaut. *Cas.* ii. 6, 37, *Pers.* v. 2, 78; Donat. *ad* Terent. *Andr.* iii. 5, 12); whence furcifer as a term of reproach (Cic. *in Vatin.* 6, § 15; Hor. *Sat.* ii. 7, 22). A somewhat similar instrument was used in carrying burdens on the neck, and occurs in the reliefs of the Column of Trajan. For the furca in crucifixion, see PATIBULUM. 5. The question of the use of table forks in antiquity has lately been re-opened, but the negative conclusions of Beckmann (*Hist. of Inventions*, ii. 407–414, ed. Bohn) have not been seriously shaken. Forks were doubtless used for kitchen purposes, such as taking down meat from the *carnarium* (Petron. 95), carving, &c.; but the fact that forks for eating are neither mentioned by authors, represented in paintings or sculptures, nor found among the ample domestic stores of Herculaneum and Pompeii, was rightly judged decisive of the question. Some doubtful and unverified exceptions are discussed by Beckmann (*l. c.* p. 411), and more recently by Marquardt (*Privatl.* 308 n.). Some slightly better evidence is now produced. Two silver forks of tasteful design were dug up in Rome in 1874, and pronounced by Castellani to be of the second century; from which date, he thinks, forks were in constant use among the cultivated classes: a bronze fork was also found at Rome, and an iron one at Rondineto, in 1878. Marquardt, while recording these facts, remarks cautiously that further discoveries will perhaps yield a solution. The use of fingers is too well attested to be easily disposed of; cf. CENA, pp. 394 *a*, 397 *a*. (Rich, *s. v.*; Marquardt, *Privatl.* 182 f., 307 f.)

[W. S.] [W. W.]

FU'RCIFER. [FURCA.]
FURIO'SUS. [CURATOR.]
FURNUS. [FORNAX.]
FUROR. [CURATOR.]
FURTI ACTIO. [FURTUM.]

FURTUM, "theft," is the act of unlawfully handling a thing capable of being stolen, with the wrongful intention either of entirely appropriating it, or only of making use of it, or of obtaining possession of it, for the sake of gain. Thus it is defined by Paulus (Dig. 47, 2, 1, 3: cf. Inst. iv. 1, 1) as being "contrectatio rei frandulosa lucri faciendi gratia vel ipsius rei vel etiam usus ejus possessionisve." Movable things only could be objects of furtum, for the opinion of some jurists that there could be furtum of land did not prevail (Dig. 41, 3, 38: cf. Gell. *Noct. Att.* xi. 18). Things without an owner (*res nullius*) as were animals *ferae naturae* in a free state, and things abandoned by their owner, could not be stolen; but everything subject to the will of a paterfamilias, which was not *res immobilis*, was capable of furtum, including free persons under power as well as slaves.

There could be no furtum unless there was an *animus furandi*, or wrongful intention of appropriating property ("furtum ex affectu consistit," Gaius, ii. 50): consequently a person who took the property of another in the belief that it was his own did not commit it. It was not, however, necessary that a person taking a thing should know whose property it was: the bare knowledge of a finder of lost property that it belonged to some one was sufficient to make him liable if he appropriated it. The intention had to be directed to gain; hence an act of interference with the property of another, done merely in a sportive way or maliciously, was not furtum.

An impubes might commit furtum if he was of sufficient capacity to understand what he was doing, and there was a presumption of such capacity if he was bordering on the state of puberty. The *animus furandi*, however clearly manifested by overt acts, did not make a person liable, unless it was accompanied by a *rei contrectatio.* The *contrectatio* consisted in moving a thing from its place; on its taking place the act of furtum was complete, although the design of appropriating the thing was immediately abandoned; but it was requisite that the act should be contrary to the wish of the party whose property was affected by it (*invito domino*), since otherwise the principle "volenti non fit injuria" was applicable. A person was guilty of theft who assisted in carrying it out, though he did not himself handle the *res*, as if a man should jostle you in order to give another the opportunity of taking your money; or drive away your sheep or cattle in order that another might get possession of them: but merely to instigate a furtum without taking part in its execution was not furtum. Furtum might take place in various ways. In its earliest form it may have been confined to acts similar to those which constitute theft and robbery in English law, but it came to have a much wider scope. A man might commit the offence by converting property entrusted to him to his own use (*intervertere, intercipere*), as by unlawfully alienating it. If the intention was only to make a wrongful use of a *res aliena*, it was *furtum usus.* A depositarius would commit a *furtum usus* if he made use of the thing deposited with him. To use a thing lent for use in a different way to that for which it was lent was also *furtum usus.* A debtor might commit furtum by taking possession of a thing which he had given as a pledge (*pignori*) to a creditor; or by taking his property when in the possession of a bonâ-fide possessor, instead of recovering it by means of *vindicatio.* These are cases of *furtum possessionis.* Thus not only a *res aliena* might be an object of furtum, but it was possible in certain cases for an owner to commit furtum in respect of his own property. Accordingly the definition of Paulus is "rei contrectatio fraudulosa" without the addition of "alienae." The distinction between furtum rei, usus, and possessionis was not intended as a classification of theft into three distinct kinds, but only to indicate the extent of the meaning of the term *furtum.* This is well explained by Vangerow, *Pandekten*, iii. § 679.

Furtum was either *manifestum* or *nec manifestum.* It was clearly *manifestum* when the person was caught in the act, and it is probable that at first such furtum did not extend beyond this limit. In various other cases, however, there came to be a difference of opinion as to whether the furtum was manifestum or not. Some jurists thought that it was only furtum manifestum if the *fur* was caught in the place where the theft was committed; others went so far as to hold that it was furtum manifestum if the *fur* was found at any time with the thing stolen in his hands; but this opinion was rejected, and an intermediate one adopted by Justinian, that it was sufficient if the *fur* was detected before he reached the place to which he designed to carry the thing (Gaius, iii. 184; Inst. iv. 1, 3). That which was not furtum manifestum was nec manifestum.

The punishment for furtum manifestum was by the law of the Twelve Tables capital; that is, it affected the caput or legal capacity of the delinquent: a freeman was flogged and assigned as a bondsman (*addictus*) to the injured party, unless he could buy off the claim of the latter to vengeance (Cic. *pro Tull.* § 50; Gell. xx. 1; Gaius, iii. 189): a slave was flogged and thrown from the Tarpeian rock. The Edict of the Praetor subsequently substituted for this punishment an *actio quadrupli*, which entitled the injured party to claim from the thief fourfold the value of the thing stolen. The penalty of the Twelve Tables, in the case of furtum nec manifestum, was *duplum;* that is, double the value of the thing. The reason of this difference of penalty seems to be, that a person who detected a thief in the act would be likely to punish him more severely than if he was discovered afterwards, and in order to prevent the injured party from taking the law into his own hands the same distinction of punishment is adopted by the state. The notion of furtum manifestum is also found in German law (Grimm, *Rechtsalterth.* 637). The action by which the twofold or fourfold penalty was recovered on account of furtum is called *actio furti.* It was brought by the person interested in the safe custody of the thing ("cujus interest rem salvam fore"), who might be its owner or a bonâ-fide possessor of it, or one having a real right in it other than that of ownership, or, as the law came to be established, a person simply holding it as bailee under a contract. The owner of a thing, therefore, had not necessarily this action. A creditor might even have this action against the owner of a thing pledged, if the latter unlawfully deprived him of possession. A person to whom a thing was delivered in order to work upon it, as in the case of clothes given to a tailor to mend, could bring this action against the thief, and the owner could not, for the owner could recover over from the tailor, and so had no interest in the thing not being stolen. But if the tailor was not a solvent person, the owner had the *actio furti*, for then he had an interest. The rule was originally the same in the case of a gratuitous loan for use (*commodatum*), but Justinian allowed the lender to elect whether he would sue the borrower on the contract or maintain *actio furti* against the *fur.*

In the case of *depositum*, the depositee did not undertake the safe custody of the thing (*custodiam praestare*), and he was under no liability except in the case of *dolus*, or of *culpa lata* which was not distinguished from *dolus;* consequently, if the deposited thing was stolen, the depositor alone had the *actio furti*. If a peregrinus committed furtum, he was made liable to this action by the fiction of his being a Roman citizen, and by the same fiction he had a right of action if his property was stolen (Gaius, iv. 37). Recovery of a penalty being the object of the *actio furti*, it could only be maintained against the *fur* himself, not against his heredes. Besides his claim to a twofold or fourfold penalty, the injured party had an action for the recovery of damages, which is called *condictio furtiva*. This action might be brought by the owner of the *res furtiva*, by the bonâ-fide possessor of it, or by anyone who had a real right in it, but not by a mere bailee. The defendant in this action was the *fur*, or, in the event of his death, his heredes.

The question whether the *condictio furtiva* is to be regarded as a delictal or simply as a restitutory action has been much discussed. The fact of the defendant being liable for any loss caused by the furtum, although he has made no gain by it, shows that the action has something of a delictal character. (Windscheid, *Pandekten*, § 359, n. 18.) It is to be noticed that the *condictio furtiva* constituted an exception to the rule that no one could maintain *condictio* on account of property of which he was owner ("nemo rem suam condicere potest"), the exception having been allowed, "odio furum quo magis pluribus actionibus teneantur" (Inst. iv. 6, 14). As the ownership of the thing was not affected by furtum, so it could be recovered from any innocent holder to whom the thief had transferred it. It was a provision of the Twelve Tables that a *res furtiva* could not be acquired by usucapion.

Furtum was not a criminal offence in the time of the republic, but only a civil wrong (cf. Maine, *Ancient Law*, ch. x.); subsequently the injured party was given the alternative of instituting a criminal prosecution or of suing for the twofold or fourfold penalty (Dig. 47, 1, 3; 47, 2, 57, 1). According to the law of the Twelve Tables, if a man was killed whilst committing theft by night, he was lawfully killed; in the daytime he might not be killed unless he resisted with a deadly weapon (*telum*). In the pursuit of a thief the hue and cry might be raised (cf. Petron. *Sat.* 13, 8, "per aliquot vicos secutae fugientem, Prende furem clamant"). The owner of the stolen property conducted the search for it (*quaestio*), questioning anyone he suspected of having it (Plaut. *Poen.* i. 1, 51 f.; Paul. ii. 31, 22); and, if the answer was unsatisfactory, claiming the right of searching the house where he supposed his property to be. Anyone who prevented a person from searching for a furtum or stolen thing was liable to the *actio furti prohibiti*, the penalty being fourfold the value of the thing. The action was given by the Edict, the law of the Twelve Tables having affixed no special penalty in this case, though intentionally concealing stolen property may perhaps have been treated as furtum under it. The Twelve Tables prescribed a solemn form of search for stolen property (*lance et licio quaerere*), which probably originated in *jus sacrum*. A person who went to search the house of another must be naked (*nudus*), all but a cloth (*licium*, not *linteum* as in the MS. of Gaius) round his middle, and must hold a dish (*lancem*) in his hands. Voigt (*XII. Tafeln*, ii. § 139) however maintains that *nudus* does not here mean a naked person, but one having only a tunica on, and no toga.

Various explanations are given by ancient writers of this formal proceeding. (Gaius, iii. 192–194; Gell. xi. 18, § 9; xvi. 10, § 8; Paul. Diac. p. 117, 2: cf. Vangerow, *de furto concepto;* Voigt, *XII. Tafeln*, ii. § 139.) Gaius, who regards the whole proceeding as an absurdity, notices and criticises some of these; the most satisfactory account of the dish is that it was intended to occupy the hands of the searcher, so as to prevent him from introducing property and then asserting that it had been stolen. Plato (*Legg.* xii. 954 A) and Aristophanes (*Nub.* 497–9) notice a similar custom as prevailing in Greece (Meier and Schömann, *Att. Proc.* 485); traces of it are also found in early German law (Grimm, *Rechtsalterth.* 640 f.; *Zeitschr. f. gesch. Rechtswiss.* ii. 91; Sohm, *Proz. der Lex Salica*, 65 ff.). Gellius states that this mode of search was put an end to by the Lex Aebutia, and it is probable that even before this enactment the search was as a rule conducted simply in the presence of witnesses. If the search was successful, and the thing was found in the possession of the *fur* himself, he was treated as a *fur manifestus;* if it was found in the possession of a person who was not the thief, such person, although an innocent receiver of the property, was liable to an action called *furti concepti*, by which the finder recovered three times the value of the thing. If a man gave you a stolen thing in order that it might be found (*conciperetur*) in your possession, rather than in his, this was called *furtum oblatum*, and you had an *actio furti oblati* against him, even if he was not the *fur*, by which a threefold penalty was recovered. The *actiones furti concepti, oblati*, and *prohibiti* were no longer in use in the time of Justinian (Inst. iv. 1, 4), but a person who received property which he knew to have been stolen was liable to the *actio furti*, and the search for stolen property was conducted by public officials only (Dig. 4, 1, 3).

He who took the property of another by force was guilty of furtum; but in the case of this species of furtum, which is called *rapina*, the praetor gave a special action, known as *actio vi bonorum raptorum*. The origin of this action is referred by Cicero (*pro Tull.* c. 8) to the time of the civil wars, when robbery with violence became common. (Savigny, *Ueber Cic. pro Tull.*, Zeitsch. für gesch. Rechtsw. v. 3, 1825: Huschke, *Analecta*, 1826, ii.) Accordingly the edict was originally directed against those who with bodies of armed men ("hominibus armatis coactisque") did injury to the property of another or carried it off ("quid aut rapuerint aut damni dederint"). Subsequently it was found convenient to widen the scope of the action by leaving out the word *armatis*. Thus this word is not found in the edict as cited in the Digest (Dig. 48, 8, 2, pr.). The application of the edict would still, however, have been very limited, if it had been confined to cases where numbers were engaged in the violence or robbery; and so the jurists by a somewhat strained interpretation extended the edict to the case of a single man committing robbery or damage with violence (Dig. 47, 8, 2, 7, Mommsen's ed.), where Savigny would read "hoc enim quod ait 'hominibus coactis' sic accipere debemus 'etiam hominibus coactis,' ut sive solus vim fecerit sive etiam hominibus coactis vel armatis vel inermibus hoc edicto teneatur." The edict originally comprehended devastation of property carried out by violence (*damnum*) as well as robbery (*rapina*); in fact, it seems probable that the special object of the edict was to prevent such high-handed acts of violence as are committed by powerful men in times of disturbance. Under the empire such damnum ceased to be common, so *rapina* became the ordinary offence for which this edict was used, and ultimately the only one; hence in Ulpian's time the action was simply called *vi bonorum raptorum*. In Justinian's legislation the action applied to robbery only, and there was no trace of the other part of the edict. This instructive illustration of the gradual adaptation, even of the edictal law, to circumstances, is given by Savigny, who adopts the above emendation of Dig. 47, 8, 2, 7, by Heyse. By the *actio vi bonorum raptorum* fourfold was recovered, but this included damages as well as penalty.

The following are peculiar kinds of *actiones furti*:—

1. *Actio de tigno juncto*, against a person who employed another person's timber in his building, by which, according to the Twelve Tables, double the value of the materials was recovered. (Dig. 41, 1, 7, 10: cf. Huschke, *ad Leg. XII. Tab. de tign. junct.*; Puchta, *Kleine civilistiche Schriften*, 392, &c.; Voigt, *XII. Tafeln*, ii. § 139.) 2. *Actio de distrahendis rationibus*, also given by the Twelve Tables, on account of the abstraction of the property of a ward by his guardian. 3. *Actio rerum amotarum*, action brought by a man against a woman who had been his wife on account of acts which would have constituted theft if not committed by a wife (Dig. 25, 2, 1).

The special kind of furtum which consisted in cattle lifting, appears to have been originally called *peculatus* (Varro, *L. L.* v. 19, 95; Festus, 237a, 13) [ABIGEI], but in later times *peculatus* is the crime of stealing or embezzling money appropriated to religious or public purposes. (Inst. iv. 1; Dig. 47, 2; Cod. 6, 2; Gaius, iii. 183–209; Gell. xi. 18; Rein, *Das röm. Privatrecht*, 736–754; Puchta, *Institutionen*, iii. § 277; Savigny, *Obligationenrecht*, ii. 300–311; Dollmann, *Die Entwendung*, u. s. w.; Voigt, *XII. Tafeln*, ii. §§ 138, 139, 140; Vangerow, *Pandekten*, iii. § 679; Windscheid, *Pandekten*, §§ 452, 453; Müller, *Institutionen*, § 129; Böcking, *Römisches Privatrecht*, ii. § 31; Keller, *Inst.* § 159; Kuntze, *Inst.* i. 717, 17, ii. 500–4; Danz, *Lehrbuch*, u. s. w. § 15.) [E. A. W.]

FU'SCINA (*τρίαινα*), a trident; more commonly called *tridens*, meaning *tridens stimulus*, because it was originally a three-pronged goad, used to incite horses to greater swiftness. Neptune was supposed to be armed with it when he drove his chariot, and it thus became his usual attribute, no doubt with an allusion also to the use of the same instrument in spearing fish. It is represented in the second cut on p. 416. (Hom. *Il.* xii. 27, *Od.* iv. 506, v. 292; Verg. *Georg.* i. 13, *Aen.* i. 138, 145, ii. 610; Cic. *N. D.* i. 36, § 101; Philostr. *Imag.* ii. 14.) The trident was also attributed to Nereus (Verg. *Aen.* ii. 418) and to the Tritons (Att. *ap.* Cic. *N. D.* ii. 35, § 89; Mart. *de Spect.* 26, 3.)

In the contests of gladiators the *Retiarius* was armed with a trident. (Juv. ii. 143, viii. 203.) [GLADIATOR.] [J. Y.] [W. W.]

FUSTUA'RIUM (*ξυλοκοπία*), called also *fusti percutere*, was a capital punishment inflicted upon Roman soldiers for the highest military offences. It is thus described by Polybius (vi. 37):—When a soldier was condemned, the tribune touched him slightly with a stick, upon which all the soldiers of the legion fell upon him with sticks and stones, and generally killed him upon the spot. If however he escaped, for he was allowed to fly, he could not return to his native country, nor did any of his relatives dare to receive him into their houses. The fustuarium occurs throughout Roman history, in the earliest and latest times. It was inflicted for desertion, cowardice in action, quitting a man's commander, his standard, or his post (Liv. v. 6, § 14; Cic. *Phil.* iii. 6, § 14; Tac. *Ann.* iii. 21; Serv. *ad Aen.* vi. 825); as also for any neglect of duty, such as failure to pass the watchword, &c. which might endanger the safety of an army (Polyb. *l. c.*). Its infliction upon a *primuspilus* by Calvinus, proconsul of Spain in B.C. 39, is mentioned as unusual, and a revival of antique severity (Vell. Pat. ii. 78 *extr.*). (Cf. Marquardt, *Staatsverw.* ii. 553: EXERCITUS, p. 811 *b.*)

This punishment must be distinguished from the *vitis*, the badge of a centurion's authority, and used by him at his discretion upon the heads and shoulders of *gregarii milites* in keeping them up to their work (Juv. viii. 247). Different also from the fustuarium was the *animadversio fustium*, which was a corporal punishment inflicted under the emperors upon free men, but only those of the lower orders (*tenuiores*, Dig. 48, 19, 28, 2). It was a less severe punishment than the flogging with flagella, which punishment was confined to slaves. (Dig. 48, 19, 10; 47, 10, 45.) [FLAGRUM.] [W. S.] [W. W.]

FUSUS (*ἄτρακτος*), the spindle, was always, when in use, accompanied by the distaff (*colus*, *ἠλακάτη*), as an indispensable part of the same apparatus. (Ovid, *Met.* iv. 220–229.) The wool, flax, or other material, having been prepared for spinning, and having sometimes been dyed (*ἰοδνεφὲς εἶρος ἔχουσα*, Hom. *Od.* iv. 135), was rolled into a ball (*τολύπη*, *glomus*, Hor. *Epist.* i. 13, 14; Ovid, *Met.* vi. 19), which was, however, sufficiently loose to allow the fibres to be easily drawn out by the hand of the spinner. The upper part of the distaff was then inserted into this mass of flax or wool, and the lower part was held in the left hand (as in the illustration), or stuck into the girdle, so as to leave both hands free (as in a mosaic figured by Rich, *s. v.* "Neo"). The fibres were drawn out, and at the same time spirally twisted, chiefly by the use of the forefinger and thumb of the right hand (*δακτύλοις ἕλισσε*, Eurip. *Orest.* 1432; *pollice docto*, Claud. *de Prob. Cons.* 177); and the thread (*filum*, *stamen*, *νῆμα*) so produced was wound upon the spindle until the quantity was as great as it would carry.

The spindle was a stick, 10 or 12 inches long, having at the top a slit or catch (*dens*, *ἄγκιστρον*) in which the thread was fixed, so that the weight of the spindle might continually carry down the thread as it was formed. Its lower extremity was inserted into a small wheel called the whorl (*verticillus*, Plin. *H. N.* xxxvii. § 37), made of wood, stone, or metal (see woodcut), the use of which was to keep the spindle more steady and to promote its rotation: for the spinner, who was commonly a female, every now and then twirled round the spindle with her right hand (Herod. v. 12; Ovid, *Met.* vi. 22), so as to twist the thread still more completely; and whenever, by its continual prolongation, it let down the spindle to the ground, she took it out of the slit, wound it upon the spindle, and, having replaced it in the slit, drew out and twisted another length. All these circumstances are mentioned in detail by Catullus (lxiv. 311–319). The accompanying woodcut is taken from a series of bas-reliefs representing the arts of Minerva upon a frieze of the Forum of Nerva at Rome. It shows the operation of spinning, at the moment when the woman has drawn out a sufficient length of yarn to twist it by whirling the spindle with her right thumb and forefinger, and previously to the act of taking it out of the slit to wind it upon the bobbin (*πήνιον*) already formed.


Spinning. (From a relief.)

The distaff was about three times the length of the spindle, strong and thick in proportion, commonly either a stick or a reed, with an expansion near the top for holding the ball. It was sometimes of richer materials and ornamented. Theocritus has left a poem (*Idyll.* xxviii.) written on sending an ivory distaff to the wife of a friend. Golden spindles were sent as presents to ladies of high rank (Hom. *Od.* iv. 131; Herod. iv. 162); and a golden distaff is attributed by Homer and Pindar to goddesses, and other females of remarkable dignity, who are called *χρυσηλάκατοι*.

It was usual to have a basket to hold the distaff and spindle, with the balls of wool prepared for spinning, and the bobbins already spun. (Brunck, *Anal.* ii. 12 = *Anth. Pal.* vi. 160; Ovid, *Met.* xii. 475.) [Calathus.]

In the rural districts of Italy women were forbidden to spin, or even carry a spindle openly, when they were travelling on foot, the act being considered of evil omen. (Plin. *H. N.* xxviii. § 28.) The distaff and spindle, with the wool and thread upon them (*colus compta*), were carried in bridal processions; and were often suspended by females as offerings of religious gratitude, especially in old age, or on relinquishing the constant use of them. Thus the reputed spindle and distaff of Tanaquil were preserved at Rome as relics in the time of Varro. (Plin. *H. N.* viii. § 194.) [Donaria.] They were most frequently dedicated to Pallas, the patroness of spinning and of the arts connected with it. This goddess was herself rudely sculptured with a distaff and spindle in the Trojan Palladium (Apollod. iii. 12, 3). They were also exhibited in the representations of the three Fates, who were conceived, by their spinning, to determine the life of every man; and at the same time by singing, as females usually did whilst they sat together at their work, to predict his future lot (Catull. *l. c.*).

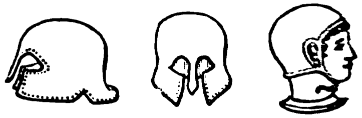
[J. Y.] [W. W.]

G.

GABINUS CINCTUS. [Toga.]

GAESUM. [Hasta.]

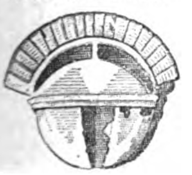
GA'LEA (*κράνος*, poet. *κόρυς*, *πήληξ*), a helmet, a casque. The helmet was originally made of skin or leather, whence is supposed to have arisen its appellation, *κυνέη*, meaning properly a helmet of dog-skin, but applied to caps or helmets made of the hide of other animals, not necessarily worn as armour (*ταυρείη*, *κτιδέη*, Hom. *Il.* x. 258, 335; *αἰγείη*, *Od.* xxiv. 230; Herod. vii. 77: compare *κράνη σκύτινα*, Xen. *Anab.* v. 4, § 13; *galea lupina*, Prop. iv. 11, 19), and even to those which were entirely of bronze or iron (*πάγχαλκος*, *Od.* xviii. 377). The leathern basis of the helmet was also very commonly strengthened and adorned by the addition of either bronze or gold, which is expressed by such epithets as *χαλκήρης*, *εὔχαλκος*, *χρυσείη*. The helmet of Hector was made of three such layers (*τρίπτυχος*, Hom. *Il.* xi. 352). Helmets which had a metallic basis (*κράνη χαλκᾶ*, Xen. *Anab.* i. 2, § 16) were in Latin properly called *cassides* (Isid. *Orig.* xviii. 14; Tac. *Germ.* 6; Caesar. *B. G.* iii. 45), although the terms *galea* and *cassis* are often confounded. A casque (*cassis*) found at Pompeii is preserved in the collection at Goodrich Court, Herefordshire. (Skelton, *Engraved Illust.* i. pl. 44.) The perforations for the lining (cf. Ocrea) and exterior border are visible along its edge. A side and a front view of it are presented in the annexed woodcut. A casque very like this, and inscribed with an archaic dedication to Zeus, was fished up from the bed of the Alpheus, near Olympia, and is now in the British Museum (*C. I. G.* No. 29). Among the materials used for the lining of helmets were felt (*πῖλος*, Hom. *Il.* x. 265) and sponge (Aristot. *H. A.* v. 16).


Helmets. (From the collection at Goodrich Court.)

The helmet, especially that of skin or leather, was sometimes a mere cap conformed to the shape of the head, without either crest or any other ornament (ἄφαλόν τε καὶ ἄλοφον, *Il.* x. 358). In this state it was probably used in hunting (*galea venatoria*, C. Nep. *Dat.* iii. 2), and was called καταῖτυξ (Hom. *Il.* l. c.), in Latin CUDO. The preceding woodcut shows an example of it as worn by Diomede in a small Greek bronze, which is also in the collection at Goodrich Court. (Skelton, *l. c.*) The additions by which the external appearance of the helmet was varied, and which served both for ornament and protection, were the following:—

1. The φάλος, which was either single, double (ἀμφίφαλος, δίφαλος, Hom. *Il.* v. 743, xi. 41), or quadruple (τετράφαλος, Hom. *Il.* xii. 384; xxii. 314). It has been held (Liddell and Scott, *s. v.*) that the φάλος was the projecting peak of the helmet. According to this view, τετράφαλος is admittedly unintelligible (L. and S. *loc. cit.*), and it is certain that the φάλος was a ridge of metal, afterwards called κῶνος (Buttmann), which served as a support for the crest. The φάλος is well shown in the cut at p. 189 *b* [LORICA]. Instances occur where there are two or more such ridges. (See Helbig, *Das Homerische Epos*, p. 207.) In the cut below, from a gem with the head of Athene Parthenos, the φάλοι are represented by a Sphinx and two Pegasi.

2. The helmet thus adorned was very commonly surmounted by the crest (*crista*, λόφος, Hom. *Il.* xxii. 316), which was often of horsehair (ἵππουρις, ἱπποδάσεια, Hom. *ll. cc.*; λόφων ἔθειραι, Theocr. xxii. 186; *hirsuta juba*, Propert. iv. 11, 19), and made so as to look imposing and terrible (Hom. *Il.* iii. 337; Verg. *Aen.* viii. 620), as well as handsome (*ib.* ix. 365; εὔλοφος, Heliod. *Aeth.* vii.). The helmet often had two or even three crests. (Aesch. *Sept. c. Theb.* 384. Compare the cut below with the head of Athene, having a helmet with a triple crest.) In the Roman army of later times the crest served not only for ornament, but also to distinguish the centurions (Veget. ii. 13). Cf. Vegetius, ii. 16: "Centuriones vero habebant . . . galeas ferreas, sed transversis et argentatis cristis, ut celerius noscerentur a suis." Compare the annexed cut from a part of a centurion's tomb, from Petronell, showing the transverse crest.


Galea. (Baumeister.)

3. The two cheek-pieces (*bucculae*, Juv. x. 134; παραγναθίδες, Eustath. *in Il.* v. 743), which were usually attached to the helmet by hinges, so as to be lifted up and down. They had buttons or ties at their extremities for fastening the helmet on the head. (Val. Flacc. vi. 626.) A strap passed under the wearer's chin, in the case of the Homeric helmet (*Il.* iii. 371), but apparently cheek-pieces were not movable. The cheek-pieces were often elaborately adorned with reliefs. (Cf. *Antiq. du Bosp. Cimm.* pl. xxviii. fig. 1; Baumeister, fig. 2214.)

4. The beaver, or visor, a peculiar form of which is supposed to have been the αὐλῶπις τρυφάλεια, *i.e.* the perforated beaver. (Hom. *Il.* xi. 353: cf. Hesych. *s. v.*, and Helbig, *Das Homerische Epos*, p. 205.) The gladiators wore helmets somewhat of this kind (Juv. viii. 203), and specimens of them, not unlike those worn in the Middle Ages, have been found at Pompeii. See the woodcut to GLADIATORES.

The five following helmets are selected from antique gems, and are engraved of the size of the originals. [J. Y.] [A. H. S.]


Helmets. (From gems.)

GALERI'CULUM. [GALERUS.]

GALE'RUS or **GALE'RUM**, dim. GALERICULUM, is probably connected with *galea*, and so with γαλέη (cf. the κτιδέην κυνέην of Hom. *Il.* x. 335). It was originally a cap of skin or fur, fitting close to the head, worn by rustics (Verg. *Moret.* 122), hunters (Grat. *Cyneg.* 340, where it is of badger-skin), gymnasts in the palaestra to keep the hair clean (Mart. xiv. 50), and by the old inhabitants of Latium instead of a helmet (Verg. *Aen.* vii. 688; cf. CUDO). For the galerus worn by various priests, *e.g.* the Pontifices Salii and Flamines, and the *albogalerus* or *albus galerus* of the Dialis, see APEX, and compare Juv. viii. 208; Apul. *Apol.* 22, p. 441; Gell. x. 15 *extr.* The word is also applied to a wig, the *empti capilli* of Ovid (*A. Am.* iii. 165; cf. CALIENDRUM); worn not only from vanity or to conceal baldness (Suet. *Oth.* 12), but for the sake of disguise by profligates of both sexes in their nocturnal rambles (Suet. *Ner.* 26 = *capillamentum*, Id. *Calig.* 11; Juv. vi. 120 with the Schol.); and on the stage as part of the make-up (Guhl and Koner, ed. 5, p. 762). (Rich, *s. v.*; Becker-Göll, *Gallus*, iii. 240.) [W. S.] [W. W.]

GALLI (Γάλλοι, in post-Roman authors only), the eunuch priests of Cybele or the Great Mother, whose worship, so far as it can be traced historically, had its original seat in Phrygia (Marmor Parium, *ap.* C. Müller, *Fragm.* i. 544, [βρέτας θ]εῶν μητρὸς ἐφάνη ἐν Κυβέλοις, where it is placed under the reign of Erichthonius, king of Attica, B.C. 1506; Strabo, x. pp. 469, 472, xii. p. 567, where the names Κυβέλη, Δινδυμήνη, &c., are said to be derived from Phrygian localities; Κυβέλην ἀπὸ τοῦ τόπου, Diodor. iii. 58). The myths of Marsyas and Hyagnis, the reputed inventors of the flute, gather round the same region, and are doubtless connected with the use of that instrument in the orgiastic worship of Cybele (cf. *Dict. Biogr.* art. *Marsyas*). The Phrygian language was Indo-European, as appears from the extant inscriptions (Rawlinson's *Herodotus*, vol. i. App. p. 666); and the worship of Cybele has been thought to be also Indo-European; Zend names have been traced in it—Berecyntus = *Berezat*, Corybantes = *Gereuantô* (Labatut in *Rev. Numism. Belge*, 1868, p. 286). Other names, however, are of distinctly Semitic affinities; Rhea perhaps = the Babylonian Ri (Mulita or Mylitta, Rawlinson, *l. c.* p. 605), and Nana more certainly = the Babylonian *Nana*, modern Syrian *Nani* (*ib.* p. 635). Whatever its origin, this cultus spread rapidly over the whole of Asia Minor: Cyzicus was one of its oldest seats, where it is visited by Anacharsis in the sixth century B.C. (Herod. iv. 76; cf. the *οὖρος ἱρὸν μητρὸς Δινδυμήνης*, i. 80); another was Sardis, where a temple of Κυβήβη occurs (Herod. v. 102); but it was especially connected in historic times with Pessinus, in the country afterwards called Galatia, where also, as at Cyzicus, there was a mountain called Dindymon and where Attis was said to be buried (Paus. i. 4, § 5). The name Agdistis was applied both to the mountain which overhung Pessinus (Strabo, xii. p. 567; Paus. *l. c.*) and to the goddess herself (Strabo, x. p. 469). (Ellis, *Comm.* on Catull. lxiii. p. 202.)

The origin of the name of Galli is not absolutely certain, but it was doubtless a native Phrygian word: of course it has nothing to do with the Galatae or Gauls, whose first appearance in these countries dates only from B.C. 278. There is no reason to reject the tradition which derives it from a river in Phrygia: there were two small rivers called Gallus, both tributaries of the Sangarius, and the one which flows by Pessinus must be meant, whose water was fabled to cause this particular form of religious madness. (Ov. *Fast.* iv. 363; Plin. *H. N.* v. § 147, xi. § 261, xxxi. § 9; Herodian, i. 11; Fest. *s. v.* Galli.) A form *gallantes*, as if from *gallare*, "to rave like a priest of Cybele," is cited from Varro (*ap.* Non. p. 119, 5). In their wild, enthusiastic, and boisterous rites the Galli recalled the legends of the Corybantes (Hor. *Carm.* i. 16, 5 ff.; Lucan, i. 565 ff.). According to an ancient custom, they were always castrated (*spadones, semimares, semiviri, nec viri nec feminae*), and it would seem that, impelled by religious enthusiasm, they performed this operation on themselves (Ov. *Fast.* iv. 237; Plin. *H. N.* xi. § 261, xxxv. § 165; Martial, iii. 81, xi. 74; Juv. vi. 512 ff.).

The worship of the Magna Mater was introduced at Rome in B.C. 204, towards the close of the Second Punic War. In the previous year an oracle had been produced from the Sibylline books, that the enemy (Hannibal) might be driven from Italy if the Idaean mother were brought to Rome from Pessinus; and an embassy had been sent to Attalus of Pergamum, the only ally the Romans had in Asia, to request his good offices (Liv. xxix. 10). Attalus made over to the Romans a sacred stone of no great size, probably an aërolite, which the Pessinuntines declared to be the mother of the gods; and on the way the oracle of Delphi was consulted as to the ceremonies to be observed (c. 11). The story of the selection of P. Scipio (the first who was called Nasica) as "the best man in the state" for the honour of receiving it, and the ordeal by which Claudia proved her chastity, is told by Livy in the succeeding chapters (12–14) and by Ovid in the *Fasti*. The temple of the Magna Mater was dedicated in B.C. 191, when the same Scipio was consul (Liv. xxxvi. 36). For the festival then instituted, the college of priests with an *archigallus* and a *sacerdos maxima* at its head, and the priestly dress, see MEGALESIA; and cf. Marquardt, *Staatsverw.* iii. 378–9. As might be expected from their extraordinary fanaticism, the Galli were a poor and despised class of people; for while no other priests were allowed to beg, the *famuli Idaeae matris* were allowed to do so on certain days (Cic. *de Legg.* ii. 9, § 22; 16, § 40; AGYRTAE). The magnificent Attis of Catullus (*Carm.* lxiii) with Ellis' notes, and Ovid's account of the Megalesia (*Fast.* iv. 179–372), should be read in their entirety; to these, therefore, we have given no detailed references. [L. S.] [W. W.]

GA'LLICAE, sc. *soleae* or *crepidae*, were a kind of low shoes intermediate between the *calcei*, which were half-boots, and the *soleae*, which did not cover the foot at all. They thus resembled the CREPIDAE, but were reckoned by the Latin writers among the SOLEAE; the question to which class they belong is discussed in Gell. xiii. 22 (21), § 5. Two specimens, from Gaulish figures on a relief found at Rome, are given by Rich (*s. v.*); one of these is without any fastening, like a slipper, the other laced in front. The wearing of gallicae, as of other *soleae*, was accounted negligent if not effeminate; a point which comes out in the only two classical passages where they are mentioned. In Gellius (xiii. 22) the story is told of one Castricius, a professor of rhetoric under Hadrian, who rebuked his pupils for coming to his lecture *tunicis et lacernis indutos et gallicis calciatos*; not wearing the toga might be excused by custom, but coming *soleati* was altogether wanting in decorum. So Cicero contrasts his own travelling dress with that of Antonius, *cum calceis et toga, nullis nec gallicis nec lacerna* (*Phil.* ii. 30, § 76). The etiquette which prescribed the wearing of calcei within the city, and in official dress everywhere, has been noticed under CALCEUS: we add Cic. *in Verr.* v. 33, § 86; *in Pis.* 6, § 13. Under the later empire gallicae were much more generally worn, and various sorts are mentioned as in common use among the price-lists of the Edict of Diocletian ("gallicae viriles rusticanae bisoles, gallicae viriles monosoles, gallicae cursoriae," *Ed. Diocl.* 9, 12 ff.; Marquardt, *Privat.* 577). [W. W.]

GALLIN'ARIUM. [AGRICULTURA, p. 78 *b.*]

GAME'LIA (*γαμηλία*). The father of the bridegroom or the bridegroom himself gave a feast (*γαμηλία*, Hesych. *s. v.* *δεῖπνον ὃ τοῖς φράτορσιν ἐποίει ὁ γαμῶν*), accompanied by offerings (*ἡ ἐπὶ γάμῳ θυσία ἐν τοῖς φράτερσι γαμηλία*, Pollux, iii. 42; cf. viii. 107), to the members of his phratry, or rather to the *οἰκεῖοι* amongst the phratores (*γαμηλίαν εἰσενεγκεῖν ὑπὲρ τῆς*, Dem. *c. Eubul.* p. 1312, § 43, cf. p. 1320, § 63; Isae. *Or.* 3 [*Pyrrh.*], §§ 76, 79; *Or.* 8 [*Ciron*], §§ 18, 20), on which occasion the bride was introduced to and enrolled amongst the phratores (Harpocr. *s. v.* *ἡ εἰς τοὺς φράτορας εἰσαγ*… *τῶν γυναικῶν*. Cf. *Etym. M.* p. 220, 50 ff.) Thus she became a sharer in her husband's *sacra*. The ceremony probably took place in the month of Gamelion (Meier, *de gentil. Attic.* 2, p. 10; Mommsen, *Heortol.* p. 344); see also Athen. v. p. b, *ὡς νενόμισται ἄγειν συμπόσια περὶ τοὺς γάμους, τῶν τε γαμηλίων θεῶν ἕνεκα καὶ τῆς οἱονεὶ μαρτυρίας*. In Mommsen's opinion there is no difference in meaning between ἡ γαμηλία and *τὰ γαμήλια* (which is explained by Eran. Philo, p. 164, *τὰ τελούμενα ἐν τῇ ἡμέρᾳ ᾗ ὁ γάμος τελεῖται*; cf. Stephanus, *s. v.*). Later in the newly-married woman was introduced to the wives of the demotae by a feast at the Thesmophoria (*ὑπέρ τινος Θεσμοφόρια ἑστιᾶν τὰς γυναῖκας*, Isae. *Pyrrh.* § 80), after which the women of her deme might choose her to be one of the two entrusted with the conduct of the festival (*ἄρχειν εἰς τὰ Θεσμοφόρια*, Isae. *Ciron.* § 19).

Buermann (*Suppl. Jahrb. für. kl. Philol.* 1878, p. 569 ff.) is of opinion that both the wife and the *παλλακή* were betrothed (*ἐγγύησις*) by the *κύριος*; but that the wife alone was introduced to the phratores (*γαμηλία*); but as Philippi points out (*Jahrb. für kl. Phil.* 1879, p. 417), the distinction between *ἐγγυᾶσθαι* and *γαμεῖν*, as indicated by B., is not borne out by the use made of these words by the orators. [L. S.] [H. H.]

GA'MORI (*γάμοροι*). [Geomori.]

GAMOS (*γάμος*). [Matrimonium.]

GA'NEA. [Caupona, p. 388 *b*.]

GAU'SAPE, GAU'SAPA, or GAU'SAPUM, a kind of thick cloth, baize, or frieze, with the nap much longer on one side than the other. In the time of Lucilius (*ap.* Priscian. ix. p. 870 P.) and in that of Horace (*Sat.* ii. 8, 11), a purple gausape was used for wiping dinner-tables between the courses, while Martial (xiv. 138) speaks of it as a table-cover to protect the costly tables of his time: hence it has been inferred that the use of table-cloths was unknown at the earlier period, but had come in with the growth of luxury at the latter (Becker-Göll, *Gallus*, iii. 388). It was used for beds as a counterpane (Mart. xiv. 147), and as a mantle or wrapper after taking a bath (Petron. 28), or in general as a protection against rain and cold (Senec. *Ep.* 53, § 3; Mart. vi. 59). The *paenula* (q. v.) might be either of fur (Mart. xiv. 130) or of gausape (*ib.* 145); the latter, he says, was so bright and comfortable that (like our flannel) it was equally suitable for summer and winter wear. When Pliny tells us (*H. N.* viii. § 193) that gausapa only came into use in his father's time, he probably refers to garments made of it; yet Ovid already speaks of it as worn by both sexes, though naturally it was an eccentric material for a well-dressed lady (*A. Am.* ii. 300). We need not suppose that the *villosa lintea* (*gausapa villosa* in the lemma) of Martial, xiv. 138, were of linen; the word *linteum* can mean any stuff, *e.g.* cotton cloth (Plin. *H. N.* xii. § 39). As Martial (xiv. 152) calls it *gausapa quadrata*, we have reason to suppose that, like the Scotch plaid, it was always, for whatever purpose it might be used, a square or oblong piece of cloth. (See Böttiger, *Sabina*, ii. p. 102.)

Persius calls a perfumed beard *balanatum gausape* (iv. 37), and red or yellow wigs, such as were made of the hair of Germans and fashionable under the empire, *lutea gausapa* (vi. 46); see, however, Conington's note on the latter passage. [L. S.] [W. W.]

GELEONTES (*γελέοντες*), the name of one of the four old-Ionic tribes in Attica. We shall here discuss only the form and etymological meaning of the word, treating the political organisation under Genos and Tribus (Greek).

The four names of the tribes are not peculiar to Attica; they occur in other Ionic states, as at Cyzicus and Teos (Schömann, *Antiq.* i. 129, E. T.; Gilbert, *Staatsalterth.* i. 109, n.). The other three names—*Ὅπλητες*, *Ἀργαδεῖς* or *Ἐργαδεῖς*, and *Αἰγικορεῖς*—point not obscurely to some system of castes or hereditary occupations; and the fourth tribe must no doubt be explained in a similar manner (*ὁ δὲ* [*Ἴων*] *πρῶτον μὲν εἰς τέτταρας φυλὰς διεῖλε τὸ πλῆθος, εἶτα εἰς τέτταρας βίους*, Strabo, viii. p. 383; see also Plut. *Sol.* 23; Plat. *Tim.* 24 A). We are not to suppose that the limitations of caste existed in Attica in historic times, though Plato's ideal republic is essentially a caste system, based on what he believed to have once been the rule in Greece. The name comes down to us under different forms: Herodotus (v. 66) is a witness for *γελέοντες*, Euripides (*Τελέων μὲν ἔσται πρῶτος*, *Ion*, 1579, where however Dindorf after Canter reads *Γελέων*), and Pollux (viii. 111) for *τελέοντες*: while in Plutarch (*l. c.*) the MSS. vary between *τελέοντες* and *γεδέοντες* [Sintenis corrects *γελέοντες*], and in Stephanus Byzantinus (*s. v. Αἰγικορεῖς*) between *γελέοντες* and *τελέοντες*. The letters Γ and Τ, Λ and Δ are so easily confused that these variations prove nothing, and many scholars have preferred *τελέοντες* as capable of the readiest explanation; either "priests" or, following Plutarch, "cultivators" (*γεωργοί*), from different senses of the verb *τελεῖν*. The fact that our two oldest and best authorities, Herodotus and Euripides, agree in ranking this tribe first among the four, makes the latter view impossible; a priestly caste, taking precedence of the *Ὅπλητες* or military men, is at least conceivable. But the unerring evidence of inscriptions is decisive in favour of the less intelligible form *γελέοντες*: in the Cyzicene marble and at Teos (*C. I. G.* ii. 928, 3078–9, 3664–5), as well as in Athens itself (*Διὸς Γελέοντος ἱεροκῆρυξ*, in Ross, *Demen* p. vii. = *C. I. A.* iii. 2). It remains to assign a meaning to the word; and the bearing on this question of a gloss in Hesychius (*γελεῖν· λάμπειν, ἀνθεῖν*) was seen long ago by Hemsterhuis. He explained it as the "noble" or "illustrious," and was followed by Wesseling (on Herod. *l. c.*), Creuzer (*Mythol.* iii. 62), and Schömann (*Assemblies*, 1819, as well as *Staatsalterth.* 1871). The word has been thoroughly discussed of late years by Bergk (*Neue Jahrb. für Philol.* lxv. 401), and especially by Hugo Weber (*Etym. Untersuch.* 40 ff.; cf. Curtius, *Gr. Etym.* 173); it belongs to a widely diffused root expressive of "shining," seen in *glacies*, Germ. *glänzen*, Eng. *glass*, *glance*, *glint*, perhaps also in *γάλα* and *gelu*. The Geleontes, the (self-styled) brilliant or shining ones, were situated in the best part of the country, the neighbourhood of Athens itself [Demus, p. 615 *b*].

This difficulty was left unsolved not only by Thirlwall and Grote, but by such recent writers as Stein (on Herod. *l. c.*) and Liddell and Scott (ed. 7, *s. v. τελέοντες*); it has therefore been thought worth while to give full proofs. (Schömann, *Assemblies*, p. 356 = 336 tr. Paley; *Antiq.* i. 318, 319, E. T.; Gilbert, *Staatsalterth.* i. 109.) [W. W.]

GELOTOPOII. [Parasiti.]

GEMMA, a gem or precious stone (Greek, *λίθος*: there is no Greek word for gems as distinguished from ordinary stones. On the supposed rule of the grammarians that *λίθος*, a precious stone, is feminine, consult Liddell and Scott, *s. v.*).

The desire to possess the precious or semi-precious stones, whether as ornaments or as objects of superstition, is universally prevalent. In any nation, however, it is limited by the geographical conditions, and by the degree of mechanical skill available. At the early stage of civilisation represented on Greek soil by the graves of Mycenae and kindred deposits, the stones found are of no great rarity, but are shaped and polished in a way that proves considerable mastery over hard materials. Thus objects of agate, rock-crystal, sard, and amethyst are elaborately worked and engraved. (Schliemann, *Mycenae*, figs. 307–315; Lolling, *Kuppelgrab bei Menidi*, pl. vi.; *Cat. of Gems in Brit. Mus.* 104–109.) In Homer, however, there are no traces of the use of gems, as there is not any good reason for supposing them to be intended by the ἕρματα τρίγληνα μορόεντα of *Iliad*, xiv. 182; *Od.* xviii. 297. (See Buchholz, *Homerische Realien*, ii. p. 214.) It has long been observed that Homer was unacquainted with the use of seals (Pliny, *H. N.* xxxiii. § 12), and the nearest approach in Homer to the use of gems as ornaments is the employment of the attractive and easily worked amber in jewellery (*Od.* xv. 460, xviii. 295; Helbig, *Das homerische Epos*, p. 183). From these facts it may be inferred that the art of working in hard stones was lost after the Mycenaean period; and this conclusion is confirmed by statistics as to the very early gems known as the "gems of the Islands" [see SCALPTURA]. These gems are found both among Mycenaean and early Greek deposits. But while in the former case they are often of the hard stones mentioned above, in the latter case they are of soft materials, such as steatite. (See Dümmler, *Mittheilungen des Arch. Inst. in Athen*, xi. p. 177.)

The Greeks of historical times had a restricted choice of precious stones, until the conquests of Alexander had opened up intercourse with India. The stone of Polycrates was an emerald, according to Herodotus (iii. 41); but a sardonyx, according to Pliny (*H. N.* xxxvii. § 4). In the treasure lists of the temples of the Acropolis of Athens, the only gems mentioned are the jasper, sard, and onyx, together with the χρυσίτης λίθος, or gold ore. (Compare with this list Plato, *Phaedo*, 110 D, τὰ ἀγαπώμενα, . . . σάρδιά τε καὶ ἰάσπιδας καὶ σμαράγδους.) The gems mentioned in the treasure lists were for the most part set in rings or used as seals, and were therefore of small size. An onyx, however, is mentioned in a list for 398 B.C., which represented a τραγέλαφος and weighed 5 oz. (*C. I. A.* 652 b, l. 12). Another onyx is mentioned in the list for 385 B.C. (*C. I. A.* 667, l. 20), which apparently weighed 42 oz. (But cf. Boeckh, *Staatshaushaltung*, ii.^{3} 247.) Perhaps one of these stones is the "great onyx" reported as broken in the list for 344 B.C. (*C. I. A.* 701, l. 57; cf. *C. I. A.* 676, l. 18).

The state of knowledge as to gems about the time of Alexander is represented by the work of Theophrastus Περὶ Λίθων, the only surviving systematic treatise on the subject in Greek. Though written in 315 B.C., the book has not felt the influence of Alexander's campaigns. Theophrastus surveys, however, the whole basin of the Mediterranean, and Asia Minor. He makes one allusion to Bactria, and a doubtful one to India. The number of gems available for the engraver is now become considerable. Theophrastus enumerates among stones suitable for engraving the emerald, sard, carbuncle (ἄνθραξ), lapis-lazuli (σάπφειρος: see below), jacinth (λυγκούριον), topaz [?] (ὑαλοειδής), chrysoprase [?] (ὄμφαξ), rock-crystal, and amethyst. Among the lost works of Aristotle was a treatise with the same title as that of Theophrastus, of very doubtful authenticity. (Heitz, *Die verlornen Schriften des Aristoteles.*)

For accounts of the extraordinary profusion of precious stones in the East, and among the successors of Alexander, compare Diod. Sic. xviii. 26; Athenaeus, xi. p. 781; Strabo, xv. p. 718, and other passages quoted by Krause, *Pyrgoteles*, p. 113. The extravagant luxury of the Romans of the Empire rivalled that of the Diadochi. Thus Heliogabalus wore gems engraved by the best artists, on his shoes. (Lamprid. *Heliog.* 23; cf. Plin. *H. N.* ix. § 117, and other passages quoted by Krause, *Pyrgoteles*, p. 114.)

This passion on the part of the wealthy for precious stones was naturally favourable to the growth of mineralogical knowledge. Pliny quotes a large number of writers who had treated of gems between Theophrastus and himself. Some of these writers (as Zenothemis, Plin. *H. N.* xxxvii. § 87) seem to have had a personal knowledge of India (cf. King, *Precious Stones*, p. 1). Pliny devotes the 37th or final book of his Natural History to gems, regarding them as the most perfect works of nature. The book consists of an historical introduction (§§ 1–5); of an account of the most important gems, arranged by colours (§§ 6–54); of an account of minor gems in alphabetical order. The book concludes with a few general instructions for detecting fraud. This book is the best representative of ancient science in this branch of mineralogy. In attempting to form from it an estimate of the ancient science, we must neglect the false medicine, sometimes rejected by Pliny (*H. N.* xxxvii. § 53), the magical superstitions, and the trade mysteries (cf. *H. N.* xxxvii. § 57, on the difficulty of breaking diamonds). We then find that the ancients were remarkably close observers of gems, availing themselves of all methods, short of chemical analysis and other instruments of modern physical research. It is said of Democritus that "ne lapidum . . . vis lateret, aetatem inter experimenta consumpsit" (Petron. *Sat.* c. 88). Moreover, in the case of precious stones, minuteness of observation was stimulated by the desire of guarding against or of committing a fraud (*H. N.* xxxvii. § 197 ff.). Besides a minute study of colours of gems, frequently illustrated by Pliny's felicitous comparisons, the tests enumerated involve a study of weight (*H. N.* xxxvii. §§ 98, 199), consistency (*corpore*, § 199), hardness (§§ 98, 113, 200), conductivity (§§ 128, 199), transparency (§ 1[illegible] and *passim*), diffractive power (§§ 87, 13[illegible]), friction (§ 189), crystallography (§§ 26, 56, [illegible] 137, 144, 171, 178), taste (§§ 162, 173), and smell (§§ 139, 145, 147, 174, 185).

There are no traces in Theophrastus of magical properties attributed to gems. In Pliny, the doctrines of the *Magi* are frequently quoted, but usually with ridicule. (Cf. *H. N.*

xxxvii. §§ 118, 142 ff. and *passim.*) Some of the medicinal virtues of gems apparently accepted by Pliny, may appear little better than the doctrines of the Magi. But while Pliny is not in a position to criticise the alleged virtues of gems applied as medicines, he consistently rejects their supernatural powers under other conditions. The magical system is seen fully developed in the *Lithica* of Orpheus. This poem claims to be a statement of the magic properties of gems made by the seer Theodamas to the poet Orpheus. The work is assigned by Tyrwhitt to a time subsequent to the edict of Constantius against magic, in 357 A.D. (cf. lines 73, 74), and not long after Valens. (Tyrwhitt, Περὶ λίθων, *poema Orpheo adscriptum*, London, 1781.) In this view Tyrwhitt is followed by subsequent editors, although Krause (*Pyrgoteles*, p. 6) assigns the work to the 5th century B.C.; and King (*Precious Stones*, pp. 4, 397) dates it "at least as early as the 2nd century B.C." King gives an English verse translation (*Precious Stones*, p. 375).

On the later developments of the magical system of Orpheus until mediaeval times, see King, *Precious Stones*, p. 6.

Much confusion and uncertainty exist as to the true nomenclature of gems. Both in ancient and modern times there has been considerable looseness of usage as to the meaning of names. In many instances where the ancient word exists in modern language, it denotes a stone entirely different from that originally signified. For example, *σάπφειρος* is certainly the *lapis lazuli*, and has no connexion with the sapphire. The correct equivalents of the ancient names are generally given after King and others, in Liddell and Scott's Lexicon (ed. 7).

Literature.—Krause, *Pyrgoteles, oder die edlen Steine der Alten* (learned, but untrustworthy); Lenz, *Mineralogie der alten Griechen und Römer*, Gotha, 1861; C. W. King, *Natural History of Precious Stones and Gems, and of Precious Metals*, London, 1865; Blümner, *Technologie*, iii. 227. On the use of gems in rings, see ANULUS; on the art of gem engraving, see SCALPTURA. [A. H. S.]

GENE'SIA. [FUNUS, p. 888 *a.*]

GE'NIUS. See *Dict. Gr. and Rom. Biogr.*

GENOS (*γένος*). The word *γένος*, connected etymologically with *γένω*, *γίγνομαι*, has reference primarily to birth; and when applied to mark the connexion between a number of individuals, may equally denote the closest natural ties of a common family (*αἷμά τε καὶ γένος*, Hom. *Od.* viii. 503), or the widest natural ties of the race or nation (*ἐξ Ἰθακῆς γένος εἰμί*, *ib.* xv. 267). This connotation is still retained in the word when it is applied to denote certain minor forms of association existing between citizens in the same Greek state, marked by the common performance of certain civil and religious duties, and distinct from the larger and more definitely political forms of association such as the tribe (*φυλή*)—since the latter may, from their purely political significance, be artificially created, and based on the arbitrary distinctions of locality or rank. It is true that it is a common characteristic of Greek civil organisation to take the family as the typical form of unity, and in the creation of new state divisions to imitate its most salient characteristics, the common eponymous hero, from which, in the family or gens, the descent was traced, and the common rites and sacrifices. But to the Greek mind, a common hero and common religious rites were the natural outcome of the narrower or the wider family bonds, those of the *οἰκία* or of the *γένος*. They might be applied artificially in such creations as the tribe or deme. But that the Greeks never merged the one conception into the other is shown by facts of history. Cleisthenes, the Athenian reformer, while he distributed his new citizens into tribes and demes, and possibly into phratries, could not enrol them in the existing *γένη* (Schömann, *Antiq.* i. 364 E. T.). Foreigners obtaining the freedom of the city were, as we know, though necessarily admitted to a tribe or deme, and for certain purposes into a phratry, never enrolled in a *γένος* ([Dem.] *c. Neaer.* p. 1380, § 104); and even within the Athenian *γένη* themselves there was a distinction between the ancient members of the gentes, the *γεννῆται* (Harpocrat. *s. v.* *γεννῆται, οἱ ἐξ ἀρχῆς εἰς τὰ καλούμενα γένη κατανεμηθέντες*: Hesych. *s. v.* *γεννῆται*) and the *ὀργεῶνες*, those standing without this circle, who shared only in some of the sacred rites of the gens (Suid., Phot. *s. v.* *ὀργεῶνες*). This distinction could only have originated with the sense that these ancient members of the gens were connected through true family ties; and if we knew as much about the gentes of the Greek world generally as about those of Attica, we should probably find the same distinction between their members: between those, that is, who had a belief that they were ultimately related and those who had no ground for such a belief: not merely between those who shared in an original distribution of the members of the state and those who shared later in such a distribution. If even we accept the statement of Pollux (viii. 111) that the Athenian *γεννῆται* were in no way related (*οἱ μετέχοντες τοῦ γένους, γεννῆται καὶ ὁμογάλακτες, γένει μὲν οὐ προσήκοντες, ἐκ δὲ τῆς συνόδου οὕτω προσαγορευόμενοι*), which is merely the statement of a fact which he or his authorities believed, and does not necessarily represent the belief of the *γεννῆται* themselves, yet the bonds which united the gens, the transmitted sacred rites and the eponymous hero, had to the Greek mind the force of true family bonds. The hero or god of the gens became the mythical ancestor of the gens, as we see in the case of Hecataeus of Miletus, whose sixteenth ancestor was a god (Herod. ii. 143), the god no doubt of the *γένος* to which he belonged. Again, to get at the *origines* (*τὰ ἀνέκαθεν*) of a man, we have only to point to the god worshipped by his gens, as Herodotus points to the worship of the Carian Zeus by the *συγγενεῖς* of Isagoras the Athenian, as a sign of his descent (Herod. v. 66); while, in this passage of Herodotus, the word *συγγενεῖς*, which ordinarily meant "kinsmen" in Greece, is used as precisely equivalent to *γεννῆται*, and is distinguished from his *οἰκία*, the circle of his more immediate relations (for a similar use, cf. Isae. *Or.* 7). Peculiar rites in a Greek gens were similarly taken as a mark of some ultimate racial connexion between its members. Thus the Gephyraei at Athens, the race to which Harmodius and

Aristogeiton belonged, perpetuated the tradition of their common Phoenician descent by their peculiar sanctuaries and rites in which no other Athenian shared (Herod. v. 57 and 61); while the Athenians, accepting this race token, excluded the Gephyraei from certain minor privileges (Herod. v. 61; Thuc. vi. 56, 1, Arnold's note); no doubt from those religious privileges which were the mark of pure Ionian descent. The mythical head of the gens, the eponymous god or hero, who created the common race, and with it the transmitted priesthoods and the common rites, is known to us mainly in connexion with the greater *γένη*, those that claimed connexion with some superhuman being whose power was recognised by the whole state, or even by the whole Greek world; but it cannot be doubted that the same would be true of every *γένος* in Attica, and probably in Greece, and that the humbler gentes had their common rites, and their ancestral god or hero, as well as the more celebrated (Grote, *Hist. of Greece*, pt. ii. ch. x.). The distinctive marks of a gens were, then, this common mythical ancestry, the common rites and common assemblies (*σύνοδοι*, Pollux, *l. c.*) of its members. The reason why religious community always remained in Greece the main test of membership of a gens was that the common gentile name, which in Rome was the original test of gentilitas [GENS], was not borne along with the individual name by the Greeks. The bond of union between the *γεννῆται* was thus almost exclusively the common religious ancestry, and it is to this source that the other characteristics which distinguished the more prominent gentes in Greece may be traced. Community of religious ancestry gave rise to community of worship, and the importance of the ancestry and worship determined the importance of the gens. Thus the position of the kings at Sparta in historical times depended largely on their sole connexion with Zeus through Heracles his son (Herod. vi. 56); and through this connexion they were regarded as the link which bound the whole state to the king of heaven (Thuc. v. 16, 2, *Διὸς υἱοῦ ἡμιθέου τὸ σπέρμα*). Hence, too, the importance of some of the greater Attic gentes; the Butadae, or the true Butadae (*Ἐτεοβουτάδαι*) as they called themselves, after Cleisthenes had applied their name to the deme in which the greater part of their gens was resident, who, from their hereditary connexion with the worship of Athene Polias and Poseidon Erechtheus, furnished the holders of two of the greatest priesthoods of Athens (Aeschin. *de Fals. Leg.* § 147; Suid. *s. v.* *Ἐτεοβουτάδαι*: *Etym. Mag.* s. v. *id.*). Community of worship might further lead, not merely to the transmission of important priesthoods, but to the inheritance of certain peculiar duties and privileges which the founder of the gens had learnt from his patron deity. Thus the Eumolpidae and Ceryces at Athens were the sole exponents of the mystic ritual of the Eleusinian Demeter (Dem. *c. Androt.* p. 601, § 27; Thuc. viii. 53, 2). The Asclepiadae of Cos with their transmitted medical skill (Steph. Byz. *s. v.* *Κῶς*), the Homeridae of Chios with the gift of poetry (Harpocrat. *s. v.* *Ὁμηρίδαι*), and the Iamidae and Tellidae of Elis with that of prophecy (Herod. v. 44; ix. 33 and 37), are all instances of similar transmitted gifts associated with transmitted cults. Some of these gentes, such as the Asclepiadae and Homeridae, may have developed into schools, and lost, to some extent, the notion of common parentage. But in Sparta, where such peculiarly endowed gentes are numerous, the conceptions of hereditary privilege and actual descent were indissolubly connected. The Talthybiadae at Sparta, the state-heralds, were all *ἀπόγονοι Ταλθυβίου* (Herod. vii. 134); and this was also the case with the hereditary flute-players (*αὐληταί*) and cooks (*μάγειροι*), who handed down their profession from father to son (*κατὰ τὰ πάτρια τελέουσι*, Herod. vi. 60). This was almost a caste system, although marriage without the gens was apparently not forbidden. The pure caste system is met with in Greece in the case of a genuine *δυναστεία*, where the acquisition of supreme power by the gens was accompanied by a rule that all the marriages of its members should be made within it, as in the case of the Bacchiadae, the ruling gens at Corinth (Herod. v. 92, *ἐδίδοσαν δὲ καὶ ἤγοντο ἐξ ἀλλήλων*). In these instances community of blood-relationship and ancestry was very strongly marked. But such cases were exceptional in Greece. As a rule the chief token of descent was community in those peculiar sacred rights which had been connected from time immemorial with the life of the gens, dated back to its foundation, and were associated in idea with its mythical founder. The gens cannot be regarded, as it certainly never regarded itself, as the arbitrary formation of a legislator in founding his state. The statement of Pollux that the *γεννῆται* at Athens were not necessarily related does not conflict with the supposed natural origin of the gens; for in Greece, as in Rome, and in early societies generally, there are artificial modes of recruiting a gens, such as that by adoption (Maine, *Ancient Law*, pp. 130, 131); and by this means even the descendants of newly-created citizens might be admitted into an Athenian gens, if they were already connected with it through marriage (Schömann, *Antiq.* i. pp. 364, 365); while even where blood-relationship did exist between the different *οἰκίαι*, it would not be clearly marked in Greece through the lapse of the common gentile name. Greek speculation, however, which aimed at analysing the complex fact of the state into its simpler component elements, recognised in the *γένος* a development of the common origin which created the *οἰκία* or original unit. Aristotle (*Pol.* i. 2, 5) traces the development of the *πόλις* from the house through the village (*κώμη*). That the ideas of the *κώμη* and the *γένος* are here identical is shown by the use of the word *ὁμογάλακτες*, which is equivalent to *γεννῆται* (Pollux, viii. 111), and includes the *παίδων παῖδες*, and all collateral descendants, to describe the members of the *κώμη*. This *κώμη* or *γένος* is the widest natural unity, the extension of the family to its furthest limits (*κατὰ φύσιν ἔοικεν ἡ κώμη ἀποικία οἰκίας εἶναι*, Arist. *l. c.*: cf. Cic. *de Off.* i. 17). This is a valuable statement, as throwing light upon the Greek conception of the gens—that is, that there was a closer unity of natural relations to be found within it than in the state; but since the method pursued by Aristotle is analytic and not historical, it throws no light on the real historical development of the gens into the *πόλις*, which is a process that cannot be restored by conjecture.

Of the political significance of the γένη of Greece as a whole we can say very little. It is only in the case of the Athenian γένη that we have any full description of their relations to the other divisions of the state, and of the rights and duties of the gens. But in Greek states generally politically privileged γένη are of frequent occurrence. When such exist, the government is to a greater or less degree a δυναστεία. This was the case at Corinth under the Bacchiadae; at Sparta as regards the two kings, and possibly as regards the board of γέροντες, according to one interpretation of a passage in Aristotle (*Pol.* v. 6, 11; but see Jowett *in loc.*); in Crete as regards the election of the Cosmi, who were chosen from certain privileged γένη (Arist. *Pol.* ii. 10, 10); and in Thessaly, the normal government of which was a δυναστεία of certain families, such as the Aleuadae (Thuc. iv. 78, 3; Herod. vii. 6; Plat. *Meno*, p. 70 B). These are all instances of privileged gentes, to which superiority of birth or wealth had given superiority of power. In none of these cases is the gens taken directly as the basis of government. Even in Sparta, where the γέροντες, it is supposed, were chosen from certain prominent families in the state (I. Müller, *Handb.* iv. 1, p. 82), the gens would have only an accidental political significance. That the γέροντες were connected with the thirty ὠβαί seems shown by the Rhetra of Lycurgus quoted by Plutarch (*Lycurg.* 6). Herodotus, who does not mention the obe, says that Lycurgus divided the people into τριακάδες (Herod. i. 65). At Athens τριακάδες meant, either the γένος, each φυλή being divided into thirty of these (Pollux, viii. 111), or a similar fractional subdivision of the deme (Boeckh, *C. I.* n. 101, p. 140). The obes at Sparta represent divisions of the five local phylae (*C. I. G.* 1272, 1274). It is probable that the τριακάδες represented ultimate divisions of the people, like the γένη of Attica; but it is difficult to see how such generic divisions could have borne any relation to the local division of the obe. The significance of the gens at Sparta is quite unknown, as also the meaning of the twenty-seven phratries, which we are told existed there (Athen. iv. p. 141).

In the accounts of the Athenian as in those of the Roman gentes, we find a symmetrical division and distribution of the gentes into the larger units of the state, in Athens into the phratry or trittys and the tribe. Such a distribution could hardly have been realised in fact, when we consider the nature of the gens; while we are never told of any such original distribution by an early lawgiver, nor were they interfered with by later reformers, such as Cleisthenes. They are said to have been connected with the four Ionian tribes of Attica (Arist. *ap.* Schol. Plat. *Axioch.* p. 465; Pollux, viii. 111), each of these tribes being divided into three phratries, and each phratry into thirty gentes. That they were ever connected with the trittys, as is stated in one of the above accounts (Arist. *l. c.*), is improbable. The trittys was a subdivision of the tribe for political, as the phratry for social and religious, purposes; it was probably local, and its lowest subdivision was the smallest political unit, the naucrary (Schömann on Grote, p. 14). The trittys disappears with the political reform of Cleisthenes; the phratries and gentes, as social units, still remained intact, for it is not probable that Cleisthenes increased the numbers of the phratries (Schömann, *Antiq. of Greece*, i. p. 363; cf. I. Müller, *Handb.* iv. 1, p. 144). The gens and the phratry belong to the same category of state divisions; they are divisions whose rights and duties are those of private law. While the gens is a community, the members of which recognised a common ancestor and cultus, the phratry was an association of several such gentes recognising that cultus—the worship of Apollo Patroos and Zeus Herkeios—which was common to all the gentes, and the participation in which was a certain sign of citizenship (Phot. *s. v.* Ἕρκειος Ζεύς: *μετῆν δὲ τῆς πολιτείας οἷς εἴη Ζεὺς Ἕρκειος*: Harpocrat., Suid., s. v. *id.*; Harpocrat. *s. v.* Ἀπόλλων Πατρῷος: Dem. *c. Eubul.* p. 1315, § 54), as is shown by the question that was required to be answered as the δοκιμασία of the Archons, *εἰ Ἀπόλλων ἐστιν αὐτοῖς καὶ Ζεὺς Ἕρκιος;* (Pollux, viii. 85.) It would seem then that every citizen, whether born in or admitted to the citizenship, belonged to a phratry in so far as he shared in the worship of these gods, and he no doubt had his name enrolled as a participator in a phratry. But probably the created citizen (δημοποίητος) did not possess those rights of the phratry which depended on the fiction of relationship,—the right, for instance, of pursuing the murderer of one's φράτωρ (Dem. *c. Macart.* p. 1069, § 57), and this is what Aristophanes means by saying that the new citizens had no phrators or only barbarous ones (Aristoph. *Ran.* 419; *Aves*, 765;—Niebuhr, *Hist. of Rome*, vol. i. p. 312). An admitted citizen, then, was a member of the phratry so far as he shared in the two universal cults, but was not, strictly speaking, a φράτωρ: while a natural citizen could name three degrees of relationship, as being member of a gens and of a phratry. He had first συγγενεῖς, kinsmen where the blood-descent could be proved; γεννῆται, where the common descent was believed, but could not be proved; and φράτορες, where the relationship was merely that of religious unity, carrying with it certain natural rights and obligations between the members called by this name (Dem. *in Eubul.* p. 1306, § 24). The συγγενεῖς as such, in the later sense of the word, had no form of association: it was a distinction within the gens, the only outward form of family unity. Thus the gens had a family register (γραμματεῖον) in which the names of the children of the members were enrolled; the father of the child taking an oath that it had been begotten in union with an Athenian wife duly wedded to him. The reception into the gens was performed at the same time as the reception into the phratry, on the Cureotis, the third day of the Apaturia; and the registers of the phratry and of the gens were apparently identical. The meeting at the Apaturia was properly a meeting for the reception of φράτορες: but if a child admitted into the phratry satisfied all the conditions of being a member of the gens, he became, by this reception, a γεννήτης, and hence a second register for the gens was not required. Yet if we suppose, as we must, that citizens not born so were admitted for religious purposes into the phratry, there must have been members on the phratric register that were not members of a gens: and hence the *φρατερικὸν γραμματεῖον* and *κοινὸν γραμματεῖον* are identical (*C. I. A.* ii. 841 b; Isae. *Or.* 7 [*Apollod.*], § 13, *ἐμὲ ἐποιήσατο υἱὸν ζῶν αὐτὸς καὶ εἰς τοὺς γεννήτας καὶ εἰς τοὺς φράτορας ἐνέγραψε*), for the registration signified at the least possession of full citizen rights, although it might signify the possession of full gentile rights. The oath mentioned above as necessary for admission to the gens was the oath for admission into the phratry (Isae. vii. § 16, *ἦ μὴν ἐξ ἀστῆς καὶ ἐγγυητῆς γυναικὸς εἰσάγειν*: Dem. *in Eubul.* p. 1315, § 54, *ὁ πατὴρ ὀμόσας τὸν νόμιμον τοῖς φράτορσιν ὅρκον ἀστὸν ἐξ ἀστῆς ἐγγυητῆς αὑτῷ γεγεννημένον εἶναι*), and the same ceremonies, the sacrifice and the voting of the phrators applied to both alike, since admission to the phratry necessarily implied admission to the gens, and rejection from the former rejection from the latter; those rejected by the phrators, and by that act declared *νόθοι*, were of necessity excluded from the gens. Similarly all the duties that we read of as belonging to the phrators must have applied *à fortiori* to the gennetes: the duty, for instance, of taking vengeance on a murderer, which attached to the phrators of the murdered man (Draco, *fragm.* ed. Denkenbürger, n. 45; Dem. *c. Macart.* p. 1069, § 57), must have belonged in the first place to the *ἀγχιστεῖς*, in the next to the *γεννῆται*. As the *φρατρίαρχος* stood at the head of the phratry, so at the head of the gens stood the *ἄρχων τοῦ γένους*, who was at the same time high priest of the gens (*C. I. A.* 1276, *ἄρχων τοῦ γένους*: *ib.* 1278, *ἀρχιερεὺς καὶ γενε[άρχης]*). During the democracy, and probably at an earlier period, there was the distinction noticed above between *γεννῆται* and *ὁμογάλακτες*, true members of the gens, and *ὀργεῶνες*, members of the cult. Every phrator was either one or the other of these (Phot. *s. v.* *ὀργεῶνες*: Suid. s. v. *id.* *τοὺς δὲ φράτορας ἐπάναγκες δέχεσθαι καὶ τοὺς ὀργεῶνας καὶ τοὺς ὁμογάλακτας*). Every phrator would be an *ὀργεὼν* so far as he shared in the rites of Apollo Patroos and Zeus Herkeios; whether he could share in other sacred rites of a particular gens, without having the family rights of the gens, is doubtful. (Dig. 47, 22, where *ἱερῶν ὀργίων γεννῆται*—for *ἢ ναῦται*, Nieb.—may imply membership of the gens so far as the rites are concerned.) The true *γεννῆται*, we are told, were the original members of the gens (Harpocrat. *s. v.* *γεννῆται*, *supra*). It is a possible supposition that the Eupatrids were the original *γεννῆται*, as the patricians were the original *gentiles* of Rome, and that membership of the gens to the other *ἔθνη* of the state merely consisted in participation in its rites. In any case it was the nucleus of original full citizens of Athens that constituted the gennetes; and it is probable that at Athens, as at Rome, we see an expansion of the gens; and that consequently there would have been *ὀργεῶνες* participating in the rites of particular gentes, and perhaps also in the *λέσχαι* [LESCHE], besides those participating in the two great cults which were proof of membership of a phratry. Within the circle of the *γεννῆται*, who regarded themselves as connected by blood, we have the inner circle of the *ἀγχιστεῖς*, who were obviously so connected. The *ἀγχιστεία* marked the limits of direct inheritance in cases of intestacy, and extended to the children of cousins *ἀνεψιῶν παῖδες* (Dem. *c. Macart.* p. 1058, § 27); within this circle the Agnates took precedence over the Cognates. This is a mark of the patriarchal organisation of the Athenian gens, at least in historical times, as recognised by Solon in his laws of inheritance (Plut. *Sol.* 21: for their development, cf. Isae. p. 85; McLellan, *Studies in Ancient Hist.* p. 209). A token of the same system is the survival of the *ἄρχων τοῦ γένους* as a factor in the Greek gens; and as the Greek theorists regarded the father as the king of the family, so they regarded the eldest father as the natural head of the gens (Arist. *Pol.* i. 2, 6, *πᾶσα γὰρ οἰκία βασιλεύεται ὑπὸ τοῦ πρεσβυτάτου, ὥστε καὶ αἱ ἀποικίαι*—*i.e.* the *κώμη* or *γένος*—*διὰ τὴν συγγένειαν*): and it is shown further by the fact that the ideal *patria potestas* in which the Roman gens culminated, was represented in the Athenian and in the Greek gens throughout by the eponymous hero. (On the proportions of eponymi to eponymae in the earliest Greek societies, *v.* McLellan, *id.* p. 229.) On the other hand, descent through the mother has been thought to be implied in the curious law of Athens that half-brothers and sisters by the same father might marry, but not those by the same mother (*ἐξεῖναι γαμεῖν τὰς ἐκ πατέρων ἀδελφάς*, Leg. Attic. vi. 1, 4: McLellan, *id.* p. 209). But the object of this law was apparently merely to keep together the property of the family. The necessity existed in the case of a common father, whose property would be divided; in the case of a common mother, where the property would be that of her two husbands, it did not exist; it tended then to keep the property within the father's gens, and thus bears out the theory of descent from the father. Athenian law had many other regulations for the purpose of keeping property together chiefly through the marriage of near relations (Schömann, *Antiq.* i. p. 356), and was equally careful in preserving the existence of the family (*οἰκία*): chiefly through the re-establishment by one of the sons of a married heiress of her father's house (Schömann, l. c.; *Att. Proc.* p. 469; Dem. *c. Macart.* arg.). By this means the property and the *ἱερὰ* were kept within the gens: and outside the circle of *ἀγχιστεῖς* the *γεννῆται* had the inheritance in the last resort, like the gentiles at Rome (Schömann, *Antiq.* i. 364).

[Grote, *History of Greece*, Part ii. ch. x.; Niebuhr, *History of Rome*, vol. i. p. 305 ff.; Philippi, *Beitrag zur Gesch. des Attisch. Bürgerrechts*, pp. 205–227; Iwan Müller, *Handb.* iv. 1, pp. 144, 145; Gilbert, *Staatsalterthümer*, i. pp. 199–202, 302 ff.; Schömann, *Antiquities of Greece*, i. pp. 357–365; Schömann on Grote, *ad init.* (on the early Attic Tribes). On the early family, *v.* Maine, *Ancient Law*, pp. 122, 123, 133, 134, 147–150; and McLellan, *Studies in Ancient History*, p. 195 *sq.* (Kinship in Ancient Greece).] [A. H. G.]

GENS. The word *gens*, connected etymologically with *geno* and *gigno*, signifies primarily an aggregate of individuals forming a political union and sprung from a common source. It is thus applied either to the whole or to part of a community, in either case with special reference to common descent. Nationality is defined by Cicero (*de Off.* i. 17, 53) as consisting in community of *gens*, *natio*, *lingua*; and in this sense of common origin, the most marked characteristic of a distinct nationality, it is constantly applied to whole peoples, as in the expressions *gens Numidarum*, *gens Aegyptiorum*, and in the juristic formula of *jus gentium*. The word may, however, denote a narrower form of common descent than that implied in nationality. Wider than the union of the family, and narrower than the bonds of the state or tribe, the gens at Rome was a social union which had, as its theoretical basis, the notion of descent from a common ancestor. The juristic theory of the gens may be expressed by saying that all the individuals constituting it would, if their descent could be traced far enough upwards, have ultimately come within the *patria potestas* of this one common ancestor; and would, accordingly, have borne a common name ("gentilis dicitur ex eodem genere ortus et is qui simili nomine appellatur," Festus, s. v. *gentilis*, p. 94). The first of these elements, common descent, was of necessity a doubtful tie. In most cases it would have been impossible to trace; and accordingly it is the second element, community of name, which, through being taken as a test of the former, was the distinctive and only certain mark of the right to participation in a gens. Those individuals who could through this token lay claim to share in a common gens were called *gentiles*: their relation towards one another and to the gens as a whole was called *gentilitas*. The very essence of the distinction between the relation of *gentilitas* and the relation of *agnatio* is to be sought in the fact that, when the common descent could be traced through all its stages, and the common *patria potestas* in which it ended fixed, there the individuals connected by this bond were *agnati*: when the common descent was only an imaginary fact based on the possession of a common name, the individuals so connected were called *gentiles*. Yet the latter name necessarily includes the former, only differing from it in being wider and less specific. A theory which draws a sharp distinction between the two must deny to the word *gens* the idea of common descent, which really lies at the basis of the conception; and is expressed, not only etymologically by the term itself, but by the outward tokens of the common *sacra*, and common right of inheritance, for which mere community of name, unaccompanied by the idea of descent, could have furnished no justification. The subsequent narrowing of these terms *gentilis* and *gentilitas* through the expansion of the gens not having been accompanied by a corresponding expansion of all the rights implied in it, is connected with the relation of the patrician and plebeian elements to one another in the Roman state. Originally, however, the expression "gentiles mihi sunt qui meo nomine appellantur" (Cincius, *ap.* Fest. *l.c.*) must have been capable of being uttered by everyone who was deemed a member of a gens, and formed indeed his only obvious claim to this position. This is equivalent to saying that the Roman gentes were all originally patrician. For the unit of the gens was the house (*familia*); and the most important members of the gens, those alone who would be capable of exercising such rights in private law as the gens possessed in its collective capacity, would be the *patres* or full heads of households. Assuming the truth of the most probable account of the origin of the Roman patriciate,—namely, that it represented those who were originally the sole full members of the Roman state, and who alone possessed the status of *patres* (whence *patricii*, Mommsen, *Staatsr.* iii. 13),—it follows that the Roman gentes were, as represented by tradition, originally exclusively patrician, and that the terms *gentilis* and *gentilitas* connoted a perfect equality of status among the members of the several *familiae* forming the gens. The restricted meaning which these words came to have in the Roman civil law originated with the evolution of the later plebeian rights. To the original gentes of Rome, those formed by the association of *patres* properly so called, there had from the first been attached a heterogeneous mass of half-free residents in Rome. An element in the state, but yet not in the strict sense a part of the state, these plebeians lived in a state of protected freedom, and in a partial dependence on the full citizens who alone constituted the gens. In this body two main elements may be distinguished: foreigners who had come to Rome on the *jus exsulandi*; emancipated slaves and their descendants [PLEBS]. Amongst this body there was clearly the same capacity for distinction as that which in the patrician aggregate formed the ground of division into gentes. There were groups of individuals who bore a common name and owned a common descent; and the common name and common descent would become more marked as years went on. Their original unity might only have been the unity of dependence on a common patrician house, but, as plebeian rights as such came to be recognised in contradistinction to patrician, the unity of name and blood in the former would be as distinct as its unity in the latter; and the original dependents on the patrician gens would form a *stirps* of their own. In the case of the patrician gens on which they were dependent wholly dying out, the plebeians who bore this name would be the sole representatives of the gens. But sometimes, as in the case of the Claudii, the patrician gens might stand side by side with the plebeian *stirps*, and it is in these circumstances that the question as to the applicability of the terms *gentilis* and *gentilitas* originated. That a patrician Claudius would have been a gentilis, not only to the members of his own order, but to the plebeian Claudii who bore his name, is clear. The question is, whether the reverse was true, whether a plebeian Claudius Marcellus could claim to be a gentilis. The answer is probably in the affirmative, so far as concerned the plebeians as a whole. That certain members of the plebeian order were excluded from *gentilitas* appears in the definition of this term by Scaevola, as quoted by Cicero (*Top.* 6, 29). The requirements of a gentilis are there stated as being, firstly, community of name; secondly, the condition of being the son of an *ingenuus*, which, as it is distinguished from the condition next mentioned, has here probably the signification merely of being born of one who is in a state of freedom, according to the definition in the Institutes (i. tit. 4, "Ingenuus qui statim ut nascitur liber est"), and not what was probably its original meaning, full membership of the gens based on the fact that one's remote ancestors had never been in a state of slavery (Ortolan, i. § 17). This is fully stated in the third condition given by Cicero, "quorum majorum nemo servitutem servivit;" and lastly we have the requirement that no *capitis deminutio* should have been suffered by the person claiming to be a gentilis. It is clear that the third condition which required the ultimate ancestors of a gentilis to have been freemen would have excluded many of the plebeian houses, which had sprung originally from emancipated slaves. But this would not prevent many of the plebeians that had no trace of servile blood in their veins from being gentiles of all who bore their common name. We find that gentile inheritances were shared by the plebeian Minucii (Cic. *in Verr.* i. 45, 115), and gentile sepulchres shared by the plebeian Popilii (*de Leg.* ii. 22, 55); and though it is true that from the patrician point of view, as shown by the words of Decius Mus ("semper ista audita sunt eadem, vos soli gentem habetis"), there would have been no such thing as a plebeian gens, but only a *stirps*, which was an offshoot of the original patrician house, still connected with it by the tie of dependence; and though the presumption, in the case of the co-existence of plebeian and patrician gentes of the same name, was apparently that the former had once been clients of the latter, as in the case of the Claudii and Claudii Marcelli (Cic. *de Orat.* i. 39, 176; PLEBS), yet these are not sufficient proofs of the denial of gentilitas to plebeians as a whole: the less so as the only professedly exact definition of gentilis which has come down to us does not contain a sufficient number of restrictive conditions to exclude all the plebeian elements in the state.

Any attempt to understand the nature of the Roman gens and the theory on which it rested can only be made by comparing it with the other subdivisions of the Roman people. As has been stated above, the gens rested in theory on a natural basis. It represents the widest limits of blood-relationship possible. The gens, then, is intimately connected with those other units, the *familia* and *agnati*, that rest on the basis of kinship. Its distinction from these is the distinction between wider and narrower groups, not between included and excluded elements respectively; the fact being that, as Ortolan states it, the members of a gens might stand to one another in the relation of *agnati*, *gentiles*, and *cognati*, while they possessed a common genealogy, whether natural or civil, peculiarly their own (Ortolan, iii. tit. ii. 1032). The attempt to construct the gens, as Niebuhr did, by an exclusion of these family groups, ends necessarily in making the gens an important political factor in the Roman community, and tracing its origin to the requirements not of private but of public life. "The numerical scale of the gentes," says Niebuhr (*Hist. Rome*, i. p. 319), "is an irrefragable proof that the Roman gentes were not more ancient than the constitution, but corporations formed by a legislator in harmony with the rest of his scheme;" and he further held (*ib.* p. 333) that the gens voted as one in the Comitia Curiata, basing his conclusion on a doubtful expression of Laelius Felix (*ap.* Gell. xv 27), who says, "Cum ex generibus hominum suffragium *feratur*, curiata comitia esse," *genus* being taken as an equivalent, as it not unfrequently is, to *gens*. To maintain that the gens was a political union without blood-relationship or connexion through the *patria potestas* (Niebuhr, *Hist. Rome*, i. p. 314) is to bring it into closer relation with the *curia* and the *tribus* than with the family: to make it a definitely artificial and not a quasi-natural association, and to give it a political importance which there is little evidence to show that it ever possessed. The small amount of corporate action possessed by the gens, and the utter absence of representative power characterising it, which will be touched on subsequently, lead us to suspect that it never could have been an important political factor in the state. Its rights are those of private not of public law, and there are but two exceptions to this general principle, one an apparent exception that rests on traditional accounts,—namely, the political distinction with which the traditional history presents us, between the *gentes majores* and the *gentes minores*; the other a real exception, that rests on modern conjecture, and which is contained in the theory that at one time the gentes were represented in the senate, or at least made the basis for its formation. The distinction between *gentes majores* and *gentes minores* is one that existed within the original patrician gentes. It is said to have originated, in the reign of Tarquinius Priscus, with the reception of fresh members into the body of the patrician senate (Cic. *de Repub.* ii. 20, 36; Liv. i. 35, 6), the members now received being called the *patres majorum gentium* as opposed to the *patres minorum gentium* or original members; and it is further stated that there was a difference of rank observed within the senate between the older and later members, the former having precedence in debate (Cic. *de Repub.* l. c. "majorum gentium quos priores sententiam rogabant"). If we accept this account as historically true, it furnishes no real evidence that the senate was ever organised on the basis of the gentes, or that a difference in grade in the gentes caused a difference in grade in the senate. The more probable conclusion is, that the senate had in the earlier regal period been composed of *patres* chosen from the original full members of the Roman state, from the first gentes therefore that formed this body: that, after the arrival and settlement of fresh gentes, a conservatism was still observed, the patres who entered the senate, no doubt on the nomination of the king, being chosen from this body; that at a later period, which tradition puts in the reign of Tarquin, the advisability was felt of a more unfettered choice of patres; and that consequently these were chosen from the newer gentes. The titles *majores*, *minores* applied to these gentes may simply denote their comparative antiquity: but it is possible that the titles may have arisen, as Cicero suggests in the passage of the *de Republica*, from the respective positions their members had within the senatorial body. The patres now chosen would have a less favoured position as compared with the older patres, and this position would reflect on the position of the gentes to which they belonged; so that, so far from a difference of political position in the gentes giving rise to a difference of position in the senate, the case would be precisely the reverse; and the gentes would only accidentally possess this reflected political character. The memory of this distinction had not died out down to a late period of the Republic, and probably lasted as long as the patrician gentes themselves. We are told by Cicero that the patrician Papirii belonged to the *minores gentes* (*ad Fam.* ix. 21, 2), the only name we know as belonging to this category. The names of the *gentes majores* are not mentioned, but Mommsen conjectures that they may be those who furnished *principes senatus*, such as the Aemilii, Claudii, Cornelii, Fabii, Manlii, and Valerii (*Staatsr.* iii. 31; *Forsch.* i. 259).

The theory that the gentes originally formed the basis of representation in the Roman senate originates mainly with the consideration of the close correspondence of numbers between the gentes and the senate. The full numbers of both are given by tradition as 300; while the symmetrical divisions of the gentes into the 30 curiae, 10 to each, and of the curiae into the three original tribes of the state, seem, if we accept it, to point to a definitely political organisation. This is further supported by the theory that the Roman state was a gradual amalgamation of three domains (*tribus*) into one; and the rise of the senate from 100, its original number as constituted by Romulus, to 300 as its final number, is accounted for by the gradual amalgamation of these three tribes with their 100 gentes each, the *gentes minores* being sometimes identified with the gentes of the last-admitted of these tribes, that of the Luceres (Ortolan, i. § 33); while a parallel to the original centumviral constitution of the senate before the συνοικισμὸς is found in the *centumviri* of the Italian municipia, supposed to be derived from the same invariable division of a *tribus*, or community, into 100 gentes (Mommsen, *Hist. Rome*, i. p. 73). The connexion of the gentes with senatorial representation is therefore not without some theoretical support, although it is never distinctly stated by ancient writers, and it crosses, though it does not absolutely conflict with, the more probable account that the senators were nominated by the king. The chief objections are to be found in the political character it gives to the gens, a character it did not bear in historical times, and also in the symmetrical principle of division such a system implies, a principle which conflicts with the nature of the origin of the gens, which is based not on an artificial but on a natural unity. The political division of the *curia* is not into gentes, according to the best tradition, but into *decuriae*, which is more probably the meaning of the δεκάδες of Dionysius (ii. 7) than gentes; and that there was ever a fixed and normal number for the gentes of Rome, which must from their natural character have fluctuated considerably, is improbable (Mommsen, *Staatsr.* iii. 12). Yet that there may have been some original connexion between the gentes and the senate, not definitely political but accidental, such as that traced in the case of the gentes majores and minores, it is quite possible to imagine.

That the gentes had not, or, if they had, could not have retained, the fixed numbers which the above-mentioned political distribution attributes to them, is shown by the fact that it was possible for new gentes to be added to the community, and even for old gentes to quit it. Thus the reception by the original Roman community of at least six gentes that had once belonged to the parent state of Alba—the Cloelii, Curiatii, Geganii, Julii, Quinctilii (or Quinctii), and Servilii—is mentioned by our authorities (Liv. i. 30; Dionys. iii. 29); and not only were Latin races so received, but Sabine races as well, such as the Valerii (Dionys. ii. 46). These new gentes are spoken of as being *cooptatae in patres* (Liv. iv. 4, "nobilitatem vestram per cooptationem in patres habetis;" Suet. *Tib.* 1, "gens Claudia in patricios cooptata"). This expression probably means nothing more than that their position in the state was conferred on them by a vote of the Comitia Curiata, all the constituents of which were originally *patres*, and therefore the only *gentiles*; so that the alternative expressions of Livy of *cooptatio in patres* and *jussu populi* to describe a reception of this kind, may be taken as denoting the same act. This is not, however, to assign any corporate action to the gens as such. Their corporate action in this case only rests on the original exclusive participation of their members in the *comitia populi*; and such an act would require, as every popular act did, the co-operation of the Roman magistrate,—that is, in early times of the king. We do, indeed, get references to the reception of gentes, to the reception of individuals into gentes, and even to the transference of gentes from the plebeian to the patrician order by the act of the curiae or the king alone, as in the case of Servius and Numa, who are said to have been transferred by the populus from the ranks of the δῆμος to those of the πατρίκιοι (Dionys. iv. 13), and in that of a whole gens, the Octavii being raised by Servius Tullius to the patrician order (Suet. *Aug.* 2). But in all these cases, if they are not merely hypothetical, we must probably understand a joint working of the magistrate and the people. The only mode by which the king or magistrate could have in any way raised the position of a plebeian gens would have been to choose some of its members for the senate, as the first consuls are said to have done (Dionys. v. 13), but even this would not have rendered them patrician. They would have been *patres* in the sense of senators, had the word attained that meaning at this early time, but not *patres* in the sense of heads of households. That the plebeian community at Rome could at this period have been called *gentes* at all is improbable; the gens is a union of *familiae*, and therefore a union of *patres*; the refusal of the title *patres* to this class, the origin of the distinction between *patricii* and *plebeii*, excludes the idea of their union into gentes. To speak of the *plebeia gens* of the Octavii becoming a *patricia gens* is therefore an anachronism; but this does not exclude the possibility of a division of the plebeian community being "coopted" into the gentes by the original Comitia Curiata on the proposal of a magistrate. The reception of fresh gentes ceased, in the course of the Republic, because there was no political assembly composed exclusively of members who fulfilled all the conditions of being gentiles. When we get the conferring of the patriciate again revived, as it was by the dictator Caesar, the power to confer it was received from a vote of the populus; although it afterwards became one of the privileges of the Roman *princeps* (Mommsen, *Staatsr.* iv. 1046). As a gens might be received into the Roman community, so a *gens* might quit it. The only instance of the expulsion of a gens is that of the Tarquinii, and the decree that this whole gens had forfeited its right to be a member of the Roman state was passed by the populus (Liv. ii. 2, "Brutus ad populum tulit ut omnes Tarquiniae gentis exsules essent;" Varro, *ap. Nonium*, p. 222 M., "omnes Tarquinios ejicerent, ne quam reditionis per gentilitatem spem haberent").

The account we have of whole gentes being received into Rome is accompanied by the account that the members of a gens originally kept together in their settlement at Rome. Thus, in the case of the migratory gens of the Claudii, we are told that, on the reception of the *civitas*, they received as well a special tract of territory across the Anio for the settlement of themselves and their clients (Liv. ii. 16; Suet. *Tib.* 1), to be divided up into allotments for the various *familiae* constituting the gens (Dionys. v. 40). This at once suggests an original connexion between the gens and the soil; the fact, that is, that the unity of the gens was one not merely natural (γενική), but also local (τοπική). On this fact, which there is no reason to doubt, and on the traces supplied by juristic tradition of the earliest modes of possession at Rome, a theory has been constructed that the gens originally held a common ownership of the soil. Mommsen points out that the earliest names for Roman territorial possessions are *heredium*, *ager publicus*, and *ager privatus*. The *heredium* was the personal property of the citizen as such, consisting only of two jugera, an amount clearly insufficient for the support of a family; the permittance of private possession of this limited allotment is attributed to Romulus (Varro, *R. R.* i. 10, 2; Plin. *H. N.* xviii. § 7), and seems a modification of some kind of original common possession. The *ager publicus* is the property of the populus Romanus, and the *ager privatus*, if it exclude the *heredium*, can only have been the property of some division of the populus, in all probability of its natural division, the gens. Again, that the terms which denote individual possession (*manus*, *mancipium*) referred originally only to movable property and not to fixed property in land is certain (Mommsen, *Staatsr.* iii. p. 23), and point to a time when some aggregate wider than the family was the owner of the soil. It is tempting to consider this aggregate to have been originally the gens, the only natural unit wider than the family, especially in view of the later rights of inheritance possessed by the gentiles. There is little in the traditional history, however, to bear out the hypothesis. The only one of the larger divisions of the state to which fixed land assignments are said to have been made, was, according to Dionysius (ii. 7), the curia (φράτρα), not the gens; and in the accounts of the early distribution of conquered land, the assignation is represented as being made to individuals (*viritim*, Cic. *de Repub.* ii. 14, 16), not to a larger aggregate. If we hold that the gens was once the common possessor of the *ager privatus* at Rome, the mode of possession can only be a matter of the purest conjecture; whether the system was one of vicarious enjoyment of land allotments, or of a life-tenure in such allotments, or even of heritable but inalienable allotments, the alternatives presented by Mommsen (*l. c.* p. 26), it is impossible to determine.

But, uncertain as the theory of this original common possession is, there were certain reversionary rights of inheritance possessed by the gentiles which may be a relic of such a system. In the case of failure of a *suus heres*, a man's property passed to his *agnati*, and on the failure of *agnati* to the *gentiles*. This order of succession is found laid down in the laws of the Twelve Tables, "Si agnatus nec escit gentiles familiam habento," and would have applied from the first to the patricians who were the only original gentiles. It is in this connexion that the importance of the definition of *gentilitas* asserts itself; and since, as has been shown, a considerable portion of the plebeians would have been gentiles, they would have enjoyed, equally with the patricians, this right of inheritance (see above: cf. Cic. *in Verr.* i. 45, 115). We find this right of the gentiles to inherit in the last resort lasting down to the end of the Republic (Suet. *Jul.* 1); but it was extinct in the time of Gaius (*Inst.* iii. 17), in the second century A.D. It must have been an inheritance by individuals, not, as may once have been the case, by a corporation; and the property must have been divided amongst the members who proved their claims to be gentiles. But the gentiles had rights in their collective capacity as well. The guardianship of the insane was in their hands as laid down by the laws of the Twelve Tables, "Si furiosus escit, ast ei custos ne escit, adgnatum gentiliumque in eo pecuniaque ejus potestas esto." The same reversionary rights of guardianship over women and children belonged to the gentiles (Cic. *pro Domo*, 13, 15; *C. I. L.* vi. 1527; and Mommsen on this Inscription, *Staatsr.* iii. 28, n. 1). Such a *tutela* must have given the gentiles all the rights of a person in Roman law, and it is difficult to see how it could have been exercised except through some personal representative of the gens. In this respect, however, the gens is regarded as capable of corporate action — a capacity of which there are few manifestations in its history. One of these is contained in the accounts we have of the gens as a whole repudiating the use of a *praenomen*, on which dishonour had been cast by the actions of one of its possessors. Thus we read of the patrician Claudii repudiating by common agreement (*consensu*) the praenomen of Lucius, because two of its bearers had been convicted of theft and murder respectively (Suet. *Tib.* 1), and again of the patrician Manlii renouncing by common decision (*decreto*) the praenomen of Marcus (Cic. *Phil.* i. 13, 32). Such an act must have been purely a matter of agreement, and must have depended on the mere will of the members to observe it, since there could have been no legal sanction to render it binding. The circle of the gens was drawn closer by the common worship and sacrifices that belonged to special gentes as such. Their maintenance was regarded as a fact of extreme importance: not so much perhaps out of regard for the welfare of particular gentes, as from the fact that if the special *sacra* of a race died out, the community would lose the favour of the divinity to which they belonged. It is this fact which explains the close connexion of gentile *sacra* with property and inheritances (Maine, *Ancient Law*, pp. 6 and 27). Property in the last resort went to the gentiles; the sacra, that they might be maintained, were a necessary burden associated with it. That the sacra might pass out of the family was of little importance; had they passed out of the gens, there was no security for their continuance, and hence the difficulties that beset the marriage of a woman outside the gens (*gentis enuptio*), as shown in the case related by Livy (xxxix. 19, 5), of Fecenia Hispalla, who was permitted, as a reward for her disclosure of the Bacchanalian conspiracy, to have control of her property and marry without the gens. For by the old Roman law of marriage the property of a woman passed wholly under the power of her husband; and with this dissociation of property from the gens there was a danger of a corresponding dissociation, and consequent non-continuance of the sacra. The same feeling is shown in the marriage of the patrician Verginia with a plebeian, in which case she was allowed to have no further share in the sacra of her family (Liv. x. 23); and one of the forms observed in cases of change of gens, such as that by *adrogatio*, was the *sacrorum detestatio*, or public declaration that the individual seeking this change ceased to claim any participation in the sacra of his race (Mommsen, *Staatsr.* iii. p. 39); while, in cases of adoption requiring a similar change of gens, it was the duty of the pontifices to inquire how the continuity of the sacred rites might be maintained (Cic. *pro Domo*, 13, 35; *de Leg.* 2, 22).

How peculiar rites became attached to particular gentes it is not easy to determine. In some cases they may have gone back to the ante-Roman traditions of the gens, as may have been the case with the peculiar sacrifices of the Claudii (Festus, s. v. *propudi*, p. 238), who are said to have entered the Roman community at a comparatively late period. But we are told that in many cases these *sacra* were in the nature of acquired cults imposed by the community on family groups (Cincius, *ap.* Arnob. iii. 38, "solere Romanos religiones urbium superatarum partim privatim per familias spargere, partim publice consecrare"); and, if this were so, many of these gentile cults would not have had a natural growth, and "would have had as slender a connexion with the gens as the exercise of his office had with the person of the magistrate" (Mommsen, *Staatsr.* iii. p. 19). The worship of Apollo by the Julia gens is probably an instance of such an acquired cult. Connected, as has been seen, with the question of the *sacra gentilicia* is the question of the changing of his gens by an individual. Membership of a gens is either natural, as that by birth, or artificial; and all the artificial modes of membership, such as adoption, adrogation or marriage, are necessarily also modes of exchanging one gens for another. As regards birth, in the time of the exclusively patrician gentes, and before the extension of the *jus conubii* to the plebs (Liv. iv. 1), marriage with a patrician mother, and by the ceremony of *confarreatio*, was necessary to constitute gentilitas for the child. This form of religious marriage also necessitated a change of gens on the part of the wife. Dionysius (ii. 5) tells us that a woman married by the *confarreatio* (*κατὰ τοὺς ἱέρους νόμους*) became a sharer in the property and sacra of her husband (*ἀνδρὶ κοινωνὸν ἁπάντων χρημάτων τε καὶ ἱερῶν*), and there is some slight trace of her originally changing her gentile name as well (Plut. *Qu. Rom.* 30). A similar change of gens, accompanied by a change of citizenship, must have befallen the woman who married by *confarreatio* a member of another community which had the *jus conubii* with Rome. The religious was soon replaced by the secular marriage, requiring mere consensus on the part of the contracting parties; and where the *confarreatio* was still necessary, as in the case of wives of religious officers, such as the Flamen Dialis, we sometimes find the assumption by a wife of her husband's gentilitas in a modified form. She was in her husband's power (*in potestáte viri*) only *sacrorum causa* (Tac. *Ann.* iv. 16). The ordinary marriage by consensus did not lead to a woman's being in the potestas of her husband, except this was assumed by prescriptive right or by *coemptio*. In this case she became a member of the family; but that the logical conclusion was pressed, and that she became a member of the gens, is doubtful, and we must conclude with Mommsen that the anomaly resulted "of a Cornelia being in the power of an Aemilius, a patrician in that of a plebeian, even a Praenestine woman in that of a Roman burgess" (*Staatsr.* iii. p. 36).

The artificial assumption of new family ties through adoption and adrogation might necessitate a change in the gens. Adoption by will, which replaced that through fictitious sale, and adrogation, or the definite renouncing of old family ties by a man who is *sui juris* for the purpose of seeking others, were performed, first through the action of the pontifices, to consider the question of the continuity of the *sacra*, next through the action of the curies, for the purpose of declaring the change of family or gens, and the fact that the rights of the old ones were renounced before those of the new one were assumed (Servius *in Aen.* ii. 156, "consuetudo apud antiquos fuit, ut qui in familiam vel gentem transiret prius se abdicaret ab ea in qua fuerat et sic ab alia acciperetur"). A new gens in these cases is acquired through a new familia. In the case of the recall of the dictator Camillus, if, with Mommsen, we take the proceedings in the Comitia Curiata mentioned by Livy (v. 46) to refer, not to his appointment as dictator, but to his re-investment with his personal rights, this would be an instance of the attainment of a gens, without the intermediate attainment of a fresh familia (Mommsen, *Staatsr.* iii. 41; ADOPTIO; ADROGATIO).

[Mommsen, *Römisches Staatsrecht*, iii. i. pp. 15–42; Becker, *Handb. der Römischen Alterthümer*, Th. ii., Abth. 1; Lange, *Römische Alterthümer*, Bd. i., Abschn. ii. (*Das Gentilrecht*); Niebuhr, *Hist. of Rome*, i. pp. 306 ff. Ortolan's view of the relation of *gentilitas* to *agnatio*, differing from that taken in this article, will be found in his *History of Roman Law* (transl.), p. 588, and in the third volume of that work comprising the commentary on the Institutes of Justinian, tit. ii. § 1.] [A. H. G.]

GENTI'LES. [GENS, p. 907 *a*.]

GENTI'LITAS. [GENS, p. 907 *a*.]

GEO'MORI (*γεωμόροι*; Doric, *γάμοροι*) is the name of the second of the three classes into which the inhabitants of Attica were anciently divided (Plut. *Thes.* 25; Pollux, viii. 111). Aristotle (*ap.* Schol. Plat. *Axioch.* and in C. Müller, *Fragm. Hist.* ii. 106) calls them γεωργοί. This class, together with the third, the δημιουργοί, was excluded from the great civil and priestly offices which belonged exclusively to the Eupatrids, so that there was a great distinction between the first and the two inferior classes; it is not too much to say, indeed, that the Eupatrids were the only fully enfranchised citizens (Gilbert, p. 115). The relation of these three classes to the four old-Ionic tribes and the phratries is touched upon under EUPATRIDAE. On this, and on the kindred question of the precise status of the γεωμόροι, only conjectural results can be arrived at. The name may either signify independent land-owners, or peasants who cultivated the lands of others as tenants. The γεωμόροι have, accordingly, by some writers been thought to be free land-owners, while others have conceived them to have been a class of tenants. It seems, however, inconsistent with the state of affairs in Attica, as well as with the manner in which the name γεωμόροι was used in other Greek states, to suppose that the whole class consisted of the latter only; there were undoubtedly among them a considerable number of freemen who cultivated their own lands, but had by their birth no claims to the rights and privileges of the nobles (Ruhnken on Timaeus, *s. v.* γεωμόροι: Valckenaer on Herod. v. 77, vi. 22; Arnold on Thucyd. viii. 21). The distinction between the γεωμόροι and the δημιουργοὶ was perhaps social rather than political; for in the strictly political point of view both were unimportant, and may at best have been summoned now and then to popular assemblies, like the commonalty in the states described by Homer. This would account for the fact that Dionysius (ii. 8) only mentions two classes of Attic citizens; one corresponding to the Roman patricians, the other to the plebeians. But there was a social stigma attached to those who worked for wages (βάναυσοι καὶ θῆτες, Aristot. *Pol.* iii. p. 1278, 12; καὶ τὸν μὲν γεωργικὸν δῆμον ὁρῶμεν ὄντα, τὸν δὲ ἀγοραῖον, τὸν δὲ βάναυσον, *ib.* iv. p. 1289 b, 32) which placed them below the poorest cultivator or small farmer. Some inferiority is expressed by the term ἐπιγεωμόροι, also applied to the δημιουργοί (*Etym. M.* p. 395, 54; *Lex. Seguer.* p. 257). (Thirlwall, ii. 14; Grote, pt. ii. ch. 10, ii. 280; Schömann, *Antiq.* i. 321, E. T.; Gilbert, *Staatsalterth.* i. 111 ff.)

In Samos the name γεωμόροι was applied to the oligarchical party, consisting of the wealthy and powerful. (Thucyd. viii. 21; Plut. *Quaest. Gr.* 57; Müller, *Dor.* iii. 1, § 4.) In Syracuse the aristocratical party was likewise called γεωμόροι or γαμόροι, in opposition to the δῆμος. (Herod. vii. 155; Hesych. *s. v.* Γάμοροι; Müller, *Dor.* iii. 4, § 4; Göller, *de Situ et Orig. Syrac.* p. 9: cf. Grote, ii. 244; Schömann, *Antiq.* i. 126, 171, E. T.) [L. S.] [W. W.]

GERAERAE. [DIONYSIA.]

GE'RANOS. [HYPORCHEMA.]

GERMA'NI. [COGNATI.]

GEROU'SIA (γερουσία), the council of elders (γέροντες), was the name of the Senate in most Doric states, and was especially used to signify the Senate at Sparta. In connexion with this subject it is proposed to give a general view of the Spartan constitution, and to explain the functions of its legislative and administrative elements. In the later ages of Spartan history one of the most prominent of these was the college of the five ephors; but as an account of the Ephoralty is given in a separate article [EPHORI], we shall confine our inquiries to the kings, the γέροντες or councillors, and the ἐκκλησία or assembly of Spartan freemen.

I. *The Kings.* The kingly authority at Sparta was, as it is well known, coeval with the settlement of the Dorians in the Peloponnesus, and confined to the descendants of Aristodemus, one of the Heracleid leaders, under whom, according to the Spartan legend, the conquest of Laconia was achieved. To him were born twin sons, Eurysthenes and Procles; and from this cause arose the divided royalty, the sovereignty being always shared by the representatives of the two families which claimed descent from them (Herod. vi. 52). A purely formal precedence, involving no substantial inequality of power, was granted to the elder branch, known as the house of the Agiadae or Agidae (the former is more correct: Schömann, p. 225 n.), from Agis son of Eurysthenes; while the other was styled that of the Eurypontidae from Eurypon, a grandson of Procles. Such was the national legend; but the notion that both kings were Heracleids finds little favour from recent criticism (cf. Thumser, p. 158, n. 9). It is more likely that the second house represented another family; and that of the Theban Aegidae, who are believed on other grounds to have taken part in the συνοικισμὸς or Dorian conquest of Sparta, is by far the most probable. The burial-places of the two royal families were in quite different quarters of the city of Sparta (Paus. iii. 12, § 8; 14, § 2); there was a traditional rivalry between them, and they appear never to have intermarried with one another. The double royalty no doubt originated in some circumstances of the earliest times which have not come down to us: that it was the result of a deliberate plan, on the part of the nobles, for weakening the kingly authority by dividing it, is not likely, though such a feeling may have tended to keep up the institution when once established.

The monarchy passed by hereditary descent, not unconditionally to the eldest son, but to the one who was born first during the reign of his father (Herod. vii. 3), and whose mother was of genuine Spartan descent. Marriages with foreigners were interdicted on political grounds; the kings were not to strengthen themselves at the expense of the constitution by means of union with other leading families. If no sons were born, or if the heir to the crown were incapacitated through some serious bodily defect, the nearest agnate succeeded; he it was, also, who acted as guardian and regent (πρόδικος) during a minority. Some of the most famous Spartan careers, for instance those of Lycurgus the legislator and Pausanias the victor at Plataea, arose out of this office of πρόδικος.

The requirement that the kings should be free from bodily defects was a necessary consequence of their priestly character. It was their duty either to perform in person, or to superintend, all the public sacrifices offered on behalf of the state; while in addition to this they held two special priesthoods, those of Zeus Uranius and Zeus Lacedaemon (Herod. vi. 56). For the support of the royal dignity, and of the hospitalities which it involved, public or domain lands were assigned to them in the districts of the perioeci, or provincial subjects, and certain perquisites belonged to them whenever any animal was slain in sacrifice. Besides this, the kings were entitled to various payments in kind (*πασῶν τῶν συῶν ἀπὸ τόκου χοῖρον*), that they might never be in want of victims to sacrifice; in addition to which they received, twice a month from the state, a *ἱρήϊον τέλειον*, to be offered as a sacrifice to Apollo, and then served up at the royal table. Whenever also any of the citizens made a public sacrifice to the gods, the kings were invited to the feast, and honoured above the other guests: a double portion of food was given to them, and they commenced the libations to the gods (Herod. vi. 57). All these distinctions are of a simple and antiquated character, and, so far as they go, prove that the Spartan sovereignty was a continuation of the heroic or Homeric. The distinctions and privileges granted to the king as commander of the forces in war, lead to the same conclusion. These were greater than he enjoyed at home. He was guarded by a body of at least 100 chosen men, more usually 300 (Herod. i. 67; Thucyd. v. 72); and his table was maintained at the public expense: he might sacrifice in his sacerdotal capacity as many victims as he chose, the skins and chines of which were his perquisites; and he was assisted by so many subordinate officers that he had nothing else to do, except to act as priest and strategus. (Xen. *de Rep. Lac.* 13, 15; Herod. vi. 55.)

On the death of a Spartan king the funeral solemnities were celebrated by the whole community. The markets were closed for three days, and all public business was suspended for ten: horsemen went round the country to carry the tidings, and a fixed number of the perioeci, or provincials, were obliged to come from all parts of the country to the city, where, with the Spartans and Helots and their wives, to the number of many thousands, they made loud lamentations, and proclaimed the virtues of the deceased king as superior to those of all his predecessors. (Herod. *l. c.*) At the end of the ten days mourning was changed into festivity, and the accession of the new king was celebrated: the occasion was signalised by the remission of all debts due from private individuals to the state or the king; the words of Herodotus (*ὁ ἐσιὼν ἐλευθεροῖ*, vi. 59) suggest that they were not cancelled, but paid by the new monarch as *largesse*.

In comparison with their dignity and honours, the constitutional powers of the kings were very limited. Their official title seems to have been, not *βασιλεῖς*, but *ἀρχαγέται* and *βαγοί*: the former indicating their presidency of the senate (*γερουσίαν σὺν ἀρχαγέταις καταστήσαντα*, Rhetra *ap.* Plut. *Lycurg.* 6), the latter probably from *ἄγω* with the digamma (*βαγὸς—καὶ βασιλεὺς καὶ στρατηγός· Λάκωνες*, Hesych.; cf. Boeckh on *C. I. G.* i. 83).

In the *γερουσία*, it is probable, their votes counted for no more than those of any other senator; when absent, their place was supplied and their proxies tendered by the councillors who were most nearly related to them, and therefore of a Heracleid family. The presidency of that body was lodged either in the king of the elder house (Thirlwall, i. 319) or, as with the Roman consuls, in the two kings alternately (Schömann, *Antiq.* i. 233, E. T.): the latter supposition is more in accordance with the substantial equality of the royal houses. Herodotus (vi. 57) states that they each had two votes, but this is denied by Thucydides (i. 20); when the votes were equally divided, the president may have had a casting vote, in which case his vote counted as two. The expression of Thucydides, *προστίθεσθαι μιᾷ ψήφῳ*, implies that the kings voted last, which was no doubt the case with the president (Schömann, *l. c.*). Among other prerogatives they had the right of convoking and addressing the public assembly; they appointed the *Πύθιοι* [PYTHII] and the *πρόξενοι* [HOSPITIUM], the latter an important office in a state so jealous of foreigners as Sparta. Their judicial powers were by no means extensive; they tried suits respecting the maintenance of the public roads or the disposal of heiresses (*πατροῦχοι, ἐπιπάμονες*: cf. EPICLERUS, p. 748 *a*); and adoptions took place in their presence. It was only in war that the kings still retained many attributes of the heroic monarchy. In old times they had the right to declare war upon whom they pleased, and any one who hindered them was laid under a curse (Herod. vi. 56); this, however, is not said of the single king, but of the two in joint command (*ἐπ' ἣν ἂν βούλωνται χώρην*), and in Xenophon's time it is *στρατιὰν ὅποι ἡ πόλις ἐκπέμπῃ ἡγεῖσθαι* (cf. *Hellen.* iii. 4, § 3; iv. 7, § 2). After the quarrel between Cleomenes and Demaratus (B.C. 506), a law was passed that for the future one only of the two kings should have the command of the army on foreign expeditions. When they had once crossed the borders of Laconia, in command of troops, their authority became unlimited, except as to capital punishment (Aristot. *Pol.* iii. 9 = p. 1285, 7). They could send out and assemble armies, despatch ambassadors to collect money, and refer those who applied to themselves for justice to the proper officers appointed for that purpose. (Xen. *de Rep. Lac.* 13; Thuc. v. 60, viii. 5.) Two ephors, indeed, accompanied the kings on their expeditions, but those magistrates had no authority to interfere with the king's operations: they simply watched over the proceedings of the army. (Xen. *l. c.*) Moreover, there can be no doubt that the kings were, on their return home, accountable for their conduct as generals (Thucyd. v. 63), and more especially after the increase of the ephoral authority. Their military power also was not connected with any political functions, for the kings were not allowed to conclude treaties or to decide the fate of cities, without communicating with the authorities at home. (Xen. *Hell.* ii. 2, § 12; v. 3, § 24.)

II. *The γερουσία, or Council of Elders.* This body was the aristocratic element of the Spartan polity, and not peculiar to Sparta only, but found, as has been already observed, in other Dorian states, just as a *βουλή* or democratical council was an element of most Ionian constitutions.

The *γερουσία* at Sparta, called in the local dialect *γεροντία*, *γερωχία*, and perhaps *γερωΐα* (Schömann, p. 230; Gilbert, p. 51; Thumser, p. 155), consisted of twenty-eight members, exclusive of the two kings, its presidents. Plutarch (*Lycurg.* 5) gives various explanations of this number; his own, which has been generally followed in modern times, is that, with the kings, the number thirty was made up. Hence it has been very generally supposed that each of the thirty Obae (*ὠβαί*) into which the people were divided was represented by one of the Gerontes (Müller, *Dor.* iii. 5, §§ 3, 8). But the evidence for the number of thirty Obae is very insufficient, and it is now admitted that the connexion between them and the Gerousia is, to say the least, extremely doubtful. Like every Dorian state, Sparta was divided into the three genealogical tribes (*φυλαὶ γενικαί*: cf. DEMUS, p. 615 *a*) of *Ὑλλεῖς*, *Δυμᾶνες*, and *Πάμφυλοι*, whence the Dorians are called *τριχάϊκες*, or thrice divided (*Od.* xix. 177). But it is now agreed that there was another division of the Spartans into local tribes (*φυλαὶ τοπικαί*), the number of which is unknown, but was perhaps five, corresponding to the five *κῶμαι* or villages which made up the city of Sparta, and named, as there is good reason to think, *Πιτάνη*, *Λίμναι*, *Μεσσόα*, *Κυνόσουρα*, and *Δύμη* (Thumser, p. 165 n.). The Obae were subdivisions of these local tribes, not of the three hereditary ones; their number and exact nature are unlike unknown, and any definite conclusions on this point must await further evidence from inscriptions (Gilbert, p. 44). Schömann (p. 231) has well pointed out that it is hard to believe that the kings, who ranked as members of one gens, the Heracleidae, can have represented two different Obae; or again, that so obvious a circumstance as the representation of the Obae in the Gerousia, if it really existed, could have remained so completely concealed from the ancients, and especially from Aristotle. Thumser (p. 165) has in our opinion treated these objections much too lightly.

No one was eligible to the Gerousia till he was sixty years of age (Plut. *Lycurg.* 26), and the additional qualifications were strictly of an aristocratic nature. We are told, for instance, that the office of a councillor was the reward and prize of virtue (Aristot. *Pol.* ii. 9 = p. 1270 b, 24; Demosth. *c. Lept.* p. 489, § 107), and that it was confined to men of distinguished character and station (*καλοὶ κἀγαθοί*). The election was determined by vote, and the mode of conducting it was remarkable for its old-fashioned simplicity. The competitors presented themselves one after another to the assembly of electors (Plut. *Lycurg.* 26); the latter testified their esteem by acclamations, which varied in intensity according to the popularity of the candidates for whom they were given. These manifestations of esteem were noted by persons in an adjoining building, who could judge of the shouting, but could not tell in whose favour it was given. The person whom these judges thought to have been most applauded was declared the successful candidate. Aristotle calls this mode of election childish (*παιδαριώδης*, *l. c.* line 28); and further denounces it because the candidates came forward of their own motion, whereas the best men ought to have been elected even against their will (p. 1271, 10). The office of a councillor was not only for life, but also irresponsible (p. 1271, 15), as if a previous reputation, and the near approach of death, were considered a sufficient guarantee for integrity and moderation. But the councillors did not always prove so, for Aristotle (*l. c.*) tells us that the members of the *γερουσία* received bribes, and frequently showed partiality in their decisions.

The functions of the councillors were partly deliberative, partly judicial, and partly executive. In the discharge of the first they prepared measures and passed preliminary decrees (Plut. *Agis*, 11) which were to be laid before the popular assembly, so that the important privilege of initiating all changes in the government or laws was vested in them. As a criminal court they could punish with death and civil degradation (*ἀτιμία*, Xen. *Rep. Lac.* 10, § 2; Aristot. *Pol.* iii. 1 = p. 1275 b, 10), and that too without being restrained by any code of written laws, for which national feeling and recognised usages would form a sufficient substitute. They also appear to have exercised, like the Areiopagus at Athens, a general superintendence and inspection over the lives and manners of the citizens (*arbitri et magistri disciplinae publicae*, Aul. Gell. xviii. 3), and probably were allowed "a kind of patriarchal authority to enforce the observance of ancient usage and discipline." (Thirlwall, *Hist. of Greece*, vol. i. p. 318.) It is not, however, easy to define with exactness the original extent of their functions; especially as respects the last-mentioned duty, since the ephors not only encroached upon the prerogatives of the king and council, but also possessed, in very early times, a censorial power, and were not likely to permit any diminution of its extent.

III. *The ἐκκλησία, or Assembly of Spartan Freemen.* This assembly possessed, in theory at least, the supreme authority in all matters affecting the general interests of the state. Its original position at Sparta is shortly explained by a rhetra or ordinance of Lycurgus, which, in the form of an oracle, exhibits the principal features of the Spartan polity:—"Build a temple," says the Pythian god, "to Hellanian Zeus and Hellanian Athena; divide the tribes, and institute thirty obas; appoint a council with its princes; call an assembly between Babyca and Knakion, then make a motion and depart; and let there be a right of decision and power to the people:" thus translated in Müller, *Dor.* iii. 5, § 8. The Greek of this *ῥήτρα* is highly curious, and involves some critical points: *Διὸς Ἑλλανίου καὶ Ἀθανᾶς Ἑλλανίας* [*Συλλανίου . . . Συλλανίας*, Sintenis; other conjectures in Thumser, p. 11[illegible], n. 4] *ἱερὸν ἱδρυσάμενον, φυλὰς φυλάξαντα καὶ ὠβὰς ὠβάξαντα* [*τριάκοντα*] *γερουσίαν σὺν ἀρχαγέταις καταστήσαντα, ὥρας ἐξ ὥρας ἀπελλάζειν μεταξὺ Βαβύκας τε καὶ Κνακιῶνος, οὕτως εἰσφέρειν τε καὶ ἀφίστασθαι· δάμῳ δὲ τὰν κυρίαν ἦμεν καὶ κράτος* (*ap.* Plut. *Lycurg.* 6). The technical terms are then explained by Plutarch: *ἐν τούτοις τὸ μὲν φυλὰς φυλάξαι καὶ ὠβὰς ὠβάξαι, διελεῖν ἐστι καὶ κατανεῖμαι τὸ πλῆθος εἰς μερίδας, ὧν τὰς μὲν φυλάς, τὰς δὲ ὠβὰς προσηγόρευκεν. Ἀρχαγέται δὲ οἱ βασιλεῖς λέγονται, τὸ δὲ ἀπελλάζειν, ἐκκλησιάζειν.* The word *τριάκοντα* is commonly (as by Müller) joined to *ὠβάς*, and this is the only evidence for the number of thirty obae (see above); Sintenis places a comma after *ὠβάξαντα,* and joins *τριάκοντα γερουσίαν σὺν ἀρχαγέταις*, an awkward expression which is not likely to have been used in a law; Curtius and others with good reason reject the word as a gloss (Thumser, p. 166, n. 3). On the name *ἀπέλλα,* and the probable meaning of the phrase "between Babyca and Knakion," see under ECCLETI, and cf. SPARTA in *Dict. Geogr.* ii. 1029 a; the text of Plutarch is here defective. The phrase *ὥρας ἐξ ὥρας*, given up by Müller as unintelligible, is now explained of a monthly meeting, "from full moon to full moon," on the authority of the Schol. to Thucyd. i. 67. On occasions of emergency, extraordinary meetings were convened by the kings and, in later times, by the ephors also (Herod. vii. 134).

By this ordinance full power was given to the people to adopt or reject whatever was proposed to them by the king and other magistrates. It was, however, found necessary to define this power more exactly, and the following clause, ascribed to the kings Theopompus and Polydorus, was added to the original rhetra: "but if the people should follow a crooked opinion the elders and the princes shall withdraw" (*αἰ δὲ σκολιὰν ὁ δᾶμος ἕλοιτο τοὺς πρεσβυγενέας καὶ ἀρχαγέτας ἀποστατῆρας ἦμεν*). Plutarch (*l. c.*) interprets these words to mean, "That in case the people does not either reject or approve *in toto* a measure proposed to them, the kings and councillors should dissolve the assembly, and declare the proposed decree to be invalid." With *σκολιὰν* Plutarch supplies *γνώμην*, but probably the word should be *ῥήτραν*: we read in Tyrtaeus *εὐθείαις γνώμαις ἀνταπαμειβομένους*. According to this interpretation, which is confirmed by some verses in the Eunomia of Tyrtaeus, the assembly was not competent to originate any measures, but only to pass or reject, without modification, the laws and decrees proposed by the proper authorities: a limitation of its power, which almost determined the character of the Spartan constitution, and justifies the words of Demosthenes, who observes (*c. Lept.* p. 489, § 107), that the *γερουσία* at Sparta was in many respects supreme —*Δεσπότης ἐστὶ τῶν πολλῶν*. All citizens above the age of thirty who were not labouring under any loss of franchise were admissible to the general assembly or *ἀπέλλα*: but no one except public magistrates, and chiefly the ephors and kings, addressed the people without being specially called upon. (Müller, *Dor.* iii. 4, § 11.) The same public functionaries also put the question to the vote, and the method of voting was by acclamation. (Thuc. i. 80, 87.) Hence, as the magistrates only (*τὰ τέλη* or *οἱ ἐν τέλει*) were the leaders and speakers of the assembly, decrees of the whole people are often spoken of as the decision of the authorities only, especially in matters relating to foreign affairs. The intimate connexion of the ephors with the assembly is shown by a phrase of very frequent occurrence in decrees (*ἔδοξε τοῖς ἐφόροις καὶ τῇ ἐκκλησίᾳ*). An attempt has been made to distinguish between the phrases *οἱ ἐν τέλει* and *τὰ τέλη*: they probably refer to the same persons, according as they are regarded in their individual (*οἱ ἐν τέλει*) or their collective (*τὰ τέλη*) capacity.

"The subjects of discussion in the popular assemblies which we find in the historians are the election of magistrates and Gerontes, decisions upon a disputed succession between pretenders to the crown, votes concerning peace and war, and treaties with foreign states, or finally legislative measures, although we are unable to state definitely which of these subjects were referred originally to the people, and which only at a later time, or which of them were heard before the Great and which before the Small Ecclesia [on this *μικρὰ ἐκκλησία*, mentioned only Xen. *Hell.* iii. 3, § 8, see ECCLETI]. As far as concerns legislation especially, this was in Sparta of so fixed and rigid a nature that the assembly had much less business in connexion with it than in other states; and if we except the gradual extension of the privileges of the ephoralty, which could hardly have resulted without occasional decrees of the people, we find no mention until the times of Agis and Cleomenes of legislative measures which can be regarded as passed by the people, with exception of the permission to use gold and silver in the State treasury, and the law of Epitadeus by which the inalienability of family estates was removed." (Schömann, *Antiq.* i. 235, E. T.)

The commingling of monarchical, aristocratic or oligarchic, and democratic elements in the Spartan constitution was noticed by ancient writers; but the clearer-sighted among them saw what is still more evident to the moderns, that the oligarchic element largely preponderated. Thus Isocrates, who was completely out of sympathy with the democratic institutions of his own country, referring to the greatly increased authority of the kings in war-time, speaks of the Lacedaemonians as "the best governed of the Greeks, an oligarchy in peace, a monarchy in war" (*Nicocl.* § 24). It was also seen that the constitution, as settled by Lycurgus, was greatly altered in character by the usurpation of the ephors; while the complete exclusion of the Perioeci and Helots from all share in the government did not strike them as incompatible with democracy. Thus Plato doubted whether the government of Sparta might not be called a "tyranny," in consequence of the extensive powers of the ephoralty, though it was as much like a democracy as any form of government could well be; and yet, he adds, not to call it an aristocracy (*i.e.* a government of the *ἄριστοι*) is quite absurd. Aristotle, when he enumerates the reasons why the Spartan government was called an oligarchy, makes no mention of the relations between the Spartans and their conquered subjects, but observes that it received this name because it had many oligarchical institutions, such as that none of the magistrates were chosen by lot; that a few persons were competent to inflict banishment and death (*Pol.* iv. 9 = p. 1294 b, 31). In another passage he views the question somewhat differently, insisting more upon the balance of powers in the constitution and less on the predominance of a single element: "Some declare that the best form of government is one mixed of all the forms, wherefore they praise the Spartan constitution: for some say that it is composed of an oligarchy, a monarchy, and a democracy—a monarchy on account of the kings, an oligarchy on account of the councillors, and a democracy on account of the ephors; but others say that the ephoralty is a 'tyranny;' whereas, on the other hand, it may be affirmed that the public tables, and the regulations of daily life, are of a democratic tendency" (*Pol.* ii. 6 = p. 1265 b, 33 ff.). In reality the clearest proof of the essentially oligarchical character of the Spartan government is the jealous exclusiveness with which, in spite of dwindling numbers, they refused to admit new blood. As in other oligarchies ancient and modern, this exclusiveness was not incompatible with the haughty equality of all who stood within the charmed circle; but at Sparta that equality was modified by the distinction, still somewhat obscure, between the *ὅμοιοι* and *ὑπομείονες* [HOMOEI]. The Greeks naturally associated oligarchy with the ostentatious enjoyment of wealth; and as we see from the last-quoted passage, they were sometimes misled by the simplicity and rigour of the Spartan training, and ascribed to a democratic instinct what was really a necessity of class and racial domination. "All Laconia was a camp, the Spartiatae a garrison" [EMPHRURI]; and they remained during the whole course of their history as alien in blood from the subject population as the Normans in England for a short period after the Conquest. The case is pithily summed up by Grote (ii. 127): "Though Greek theorists found a difficulty in determining under what class they should arrange it, it was in substance a close, unscrupulous, and well-obeyed oligarchy—including within it, as subordinate, those portions which had once been dominant, the kings and the senate, and softening the odium, without abating the mischief, of the system, by its annual change of the ruling ephors."

Authorities.—1. For the facts of the Spartan constitution: Schömann, *Antiq.* i. 191–295, E. T.; Gilbert, *Staatsalterth.* i. 44–56; Busolt, *Griech. Gesch.* i. 94–135; Thumser, *Staatsalterth.* pt. i. (1889), in Hermann-Blümner, §§ 23–25, pp. 146–176. 2. For historical criticism of its spirit: Arnold, *Thucydides*, vol. i. App. ii. in the 2nd and subsequent edd., largely modified by Sir G. C. Lewis' review of edit. 1 in *Philol. Mus.* ii. 38–71; Thirlwall, vol. i. ch. 8; Grote, vol. ii. pt. ii. ch. 6. [R. W.] [W. W.]

GERRON (γέρρον, Lat. *gerra*) properly signified anything made of wicker-work. 1. The name of the Persian shields, which were made of wicker-work covered with ox-hide, of an oblong shape, and were smaller and shorter than the Greek shields (ἀντὶ ἀσπίδων γέρρα, Herod. vii. 61, ix. 61; Xen. *Anab.* ii. 1, § 6; *Cyrop.* vii. 1, § 33). 2. For the wattled screens or hurdles called γέρρα in the Athenian Agora, see ECCLESIA, p. 699 *a*.

The Latin *gerrae*, "nonsense" (Plaut. *Asin.* iii. 3, 10; *Epid.* ii. 2, 51; *Poen.* i. 1, 9) seems to be a metaphor from the lightness and flimsiness of wicker-work (Fest. s. vv. *cerrones, gerrae*). The connexion with "queer," Germ. *quer* (Wagner on Plaut. *Trin.* iii. 3, 31), can hardly be maintained. [W. S.] [W. W.]

GLADIATO'RES (μονομάχοι) were men who fought with swords in the circus, the forum, or in later times in the amphitheatre, for the amusement of the Roman people. ("Gladiator est, qui in arena, populo spectante, pugnavit," Quintil. *Declam.* 302.) They are said to have been first exhibited by the Etruscans, and to have had their origin from the custom of killing slaves and captives at the funeral pyres of the deceased. (Tertull. *de Spectac.* 12; Serv. ad Verg. *Aen.* x. 519.) [FUNUS, p. 893 *b*.] A show of gladiators was called *munus*, and the person who exhibited (*edebat*) it, *editor*, *munerator*, or *dominus*, who was honoured during the day of exhibition, if a private person, with the official signs of a magistrate. (Capitol. *M. Anton. Philos.* 23; Flor. iii. 20; Cic. *ad Att.* ii. 19, 3.)

Gladiators were first exhibited at Rome in B.C. 264, in the Forum Boarium, by Marcus and Decimus Brutus, at the funeral of their father. (Valer. Max. ii. 4, 17; Liv. *Epit.* 16.) They were at first confined to public funerals, but afterwards fought at the funerals of most persons of consequence, and even at those of women. (Suet. *Jul.* 26; Spartian. *Hadr.* 9.) Private persons sometimes left a sum of money in their will to pay the expenses of such an exhibition at their funerals (Cic. *in Vat.* 15, 37; *pro Sulla*, 19, 54; Hor. *Sat.* ii. 3, 84). Combats of gladiators were also exhibited at entertainments by the degraded nobles of Campania (Athen. iv. p. 153; Sil. Ital. xi. 51), though not at Rome, and especially at public festivals by the aediles and other magistrates, who sometimes exhibited immense numbers with the view of pleasing the people. (Cic. *pro Mur.* 18, 37; *de Off.* ii. 16, 55.) [AEDILES.] Under the empire the passion of the Romans for this amusement rose to its greatest height, and the number of gladiators who fought on some occasions appears almost incredible. After Trajan's triumph over the Dacians, there were more than 10,000 exhibited (Dio Cass. lxviii. 15).

Gladiators consisted either of captives (Vopisc. *Prob.* 19), slaves (Suet. *Vitell.* 12), and condemned malefactors, or of freeborn citizens who fought voluntarily. Of those who were condemned, some were said to be condemned *ad gladium*, in which case they were obliged to be killed at least within a year; and others *ad ludum*, who might obtain their discharge at the end of three years. (Ulpian, *Collat. Mos. et Rom. Leg.* tit. xi. s. 7, § 4.) Freemen who became gladiators for hire were called *auctorati* (Quint. *l. c.*; Hor. *Sat.* ii. 7, 58, with Acron's note), and their hire *auctoramentum* or *gladiatorium* (Suet. *Tib.* 7; Liv. xliv. 31). They also took an oath on entering upon the service, similar to that which is preserved by Petronius (117): "In verba Eumolpi sacramentum juravimus, uri, vinciri, verberari, ferroque necari, et quicquid aliud Eumolpus jussisset, tamquam legitimi gladiatores domino corpora animasque religiosissime addicimus." (Compare Senec. *Epist.* 7.) Even under the republic free-born citizens fought as gladiators (Liv. xxviii. 21), but they appear to have belonged only to the lower orders, and the profession was considered degrading (cf. Mommsen, *C. I. L.* i. 1418), though to some it had many attractions. Under the empire, however, both equites and senators fought in the arena (Dio Cass. li. 22, lvi. 25; Suet. *Jul.* 39; *Aug.* 43, *Ner.* 12), and even women (Tac. *Ann.* xv. 32; Suet. *Dom.* 4; Juv. vi. 250, &c.; Stat. *Silv.* i. 6, 53); a practice which was at length forbidden in the time of Severus (Dio Cass. lxxv. 16).

Gladiators were kept in schools (*ludi*), where they were trained by persons called *lanistae* (Suet. *Jul.* 26; Cic. *pro Rosc. Amer.* 40, 118; Juv.

vi. 216, xi. 8). The whole body of gladiators under one lanista was frequently called *familia* (Suet. *Aug.* 42). They sometimes were the property of the lanistae, who let them out to persons who wished to exhibit a show of gladiators; but at other times belonged to citizens, who kept them for the purpose of exhibition, and engaged lanistae to instruct them. Thus Spartacus belonged to the school of Lentulus at Capua (Flor. iii. 8), and Caesar had one at the same place. Domitian built four *ludi* at Rome, and there were several others in Italy and the provinces (Caes. *Bell. Civ.* i. 14). The number of gladiators which any citizen might keep was limited by the senate in B.C. 68 (Suet. *Jul.* 10), but Caligula did away with the restriction (Dio Cass. lix. 14). The superintendence of the ludi, which belonged to the emperors, was entrusted to a person of high rank, called curator or procurator. (Tac. *Ann.* xi. 35, xiii. 22; Suet. *Cal.* 27; Wilmanns, *Inscr.* 1290, &c.) The arrangements of a *ludus gladiatorius* are now known to us from one excavated at Pompeii, a plan of which is given in Overbeck's *Pompeii*, p. 170. The gladiators fought in these ludi with wooden swords, called *rudes* (Suet. *Cal.* 32, 54). Great attention was paid to their diet in order to increase the strength of their bodies, whence Cicero (*Phil.* ii. 25, 63) speaks of "gladiatoria totius corporis firmitas." They were fed with nourishing food, called *gladiatoria sagina* (Tac. *Hist.* ii. 88). A great number of gladiators were trained at Ravenna on account of the salubrity of the place (Strabo, v. p. 213).

Gladiators were sometimes exhibited at the funeral pyre, and sometimes in the forum, but more frequently in the amphitheatre. [AMPHITHEATRUM.] The person who was to exhibit a show of gladiators published some days before the exhibition bills (*libelli*), containing the number and sometimes the names of those who were to fight (Cic. *ad Fam.* ii. 8; Suet. *Caes.* 26): *e.g.* at Pompeii we have (*C. I. L.* iv. 1189), "A. Suettii Certi aedilis familia gladiatoria pugnabit Pompeiis prid. Kal. Jun. venatio et vela erunt;" and similar notices. When the day came, they were led along the arena in procession, and matched by pairs (Hor. *Sat.* i. 7, 20); and their swords were examined by the *editor* to see if they were sufficiently sharp. (Dio Cass. lxviii. 3; Suet. *Tit.* 9; Lipsius, *Excurs. ad* Tac. *Ann.* iii. 37). At first there was a kind of sham battle, called *praelusio*, in which they fought with wooden swords, or the like (Cic. *de Orat.* ii. 78, 317; Ovid, *Ars Amat.* iii. 515; Senec. *Epist.* 117), and afterwards at the sound of the trumpet the real battle began. When a gladiator was wounded, the people called out *habet* or *hoc habet;* and the one who was vanquished lowered his arms in token of submission. His fate, however, depended upon the people, who turned up their thumbs if they wished him to be killed (Hor. *Ep.* i. 18, 66; Juv. iii. 36), and ordered him to receive the sword (*ferrum recipere*), which gladiators usually did with the greatest firmness. (Cic. *Tusc.* ii. 17, 41; *pro Sest.* 37, 80; *pro Mil.* 34, 92.) A relief has been discovered at Cacillargues, showing a combat between a Samnite and a retiarius, with four spectators, one of whom, a woman, is holding up her thumbs. There is no clear evidence that the wish that mercy should be shown was expressed by pressing down the thumbs (Plin. *H. N.* xxviii. § 25 is barely to the point): this was indicated rather by waving handkerchiefs (Mart. xii. 29, 7). If the life of a vanquished gladiator was spared, he obtained his discharge for that day, which was called *missio* (Mart. xii. 29, 7); and hence in an exhibition of gladiators *sine missione* (Liv. xli. 20), the lives of the conquered were never spared. This kind of exhibition, however, was forbidden by Augustus (Suet. *Aug.* 45).

Palms were usually given to the victorious gladiators (Suet. *Cal.* 32); and hence a gladiator who had frequently conquered is called "plurimarum palmarum gladiator" (Cic. *pro Rosc. Amer.* 6, 17); money also was sometimes given (Juv. vii. 243; Suet. *Claud.* 21). Old gladiators, and sometimes those who had only fought for a short time, were discharged from the service by the *editor* at the request of the people, who presented each of them with a rudis or wooden sword; whence those who were discharged were called *Rudiarii.* (Cic. *Philip.* ii. 29, 74; Hor. *Ep.* i. 1, 2; Suet. *Tib.* 7; Quint. *l. c.*) If a person was free before he entered the ludus, he became on his discharge free again; and if he had been a slave, he returned to the same condition again, unless he received the cap of freedom (Plin. *Ep.* x. 40). A man, however, who had been a gladiator, was always considered to have disgraced himself, and consequently it appears that he could not obtain the equestrian rank if he afterwards acquired sufficient property to entitle him to it (Quint. *l. c.*); and a slave who had been sent into a ludus and there manumitted, either by his then owner or another owner, merely acquired the status of a *peregrinus dediticius.* (Gaius, i. 13.) [DEDITICII.]

Shows of gladiators were abolished by Constantine (Cod. 11, tit. 43), but appear notwithstanding to have been generally exhibited till the time of Honorius, by whom they were finally suppressed. (Theodoret. *Hist. Eccles.* v. 20.)

Gladiators were divided into different classes, according to their arms and different mode of fighting, or other circumstances. (Cf. Friedländer in *Rhein. Mus.* x. 582 ff.) The names of the most important of these classes is given in alphabetical order:—

Andabatae (Cic. *ad Fam.* vii. 10) wore helmets without any aperture for the eyes, so that they were obliged to fight blindfold, and thus excited the mirth of the spectators. They are generally believed to have fought on horseback, but this is denied by Orelli (*Inscr.* 2577) and Friedländer; the name cannot be derived from ἀναβάτης. It is perhaps Celtic, with the meaning "blind-fighter" (Whitley Stokes, in *Academy*, Feb. 9, 1889).

Catervarii was the name given to gladiators when they did not fight in pairs, but when several fought together. (Suet. *Aug.* 45; *gregatim dimicantes*, *Cal.* 30.)

Dimachaeri appear to have been so called, because they fought with two swords. (Artemid. ii. 32; Orelli, *Inscr.* 2584.)

Equites were those who fought on horseback. (Orelli, 2569, 2577; Cic. *pro Sest.* 59, 126.)

Essedarii fought from chariots like the Gauls and Britons. [ESSEDUM.] They are frequently mentioned in inscriptions. (Orelli, 2566, 2584, &c.: cf. Petron. 45.)

Fiscales were those under the empire who were trained and supported from the fiscus. (Capitol. *Gord.* 33.)

Hoplomachi appear to have been those who fought in a complete suit of armour. (Suet. *Cal.* 35; Martial, viii. 74; Orelli, 2566.) Lipsius considers them to have been the same with the Samnites, and that this name was disused under the emperors, and hoplomachi substituted for it.

Laquearii were those who used a noose to catch their adversaries. (Isid. xviii. 56.)

Meridiani were those who fought in the middle of the day, after combats with wild beasts had taken place in the morning. These gladiators were very lightly armed. (Senec. *Epist.* 7; Suet. *Claud.* 34; Orelli, 2587.)

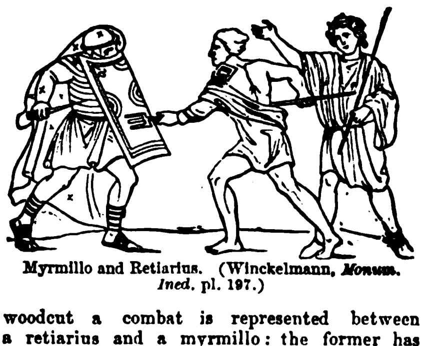
Myrmillones are said to have been so called from their having the image of a fish (*mormyr*, *μορμύρος*) on their helmets. (Festus, s. v. *Retiario.*) Their arms were like those of the Gauls, and they did not differ much from the kind called Galli. They were usually matched with the retiarii or Thracians. (Cic. *Phil.* iii. 12, 31, vii. 6, 17; Juv. viii. 200; Suet. *Cal.* 32, *Dom.* 10; Orelli, 2566, 2580.)

Ordinarii was the name applied to all the regular gladiators, who fought in pairs, in the ordinary way. (Senec. *Epist.* 7; Suet. *Aug.* 45, *Cal.* 26.)

Postulaticii were such as were demanded by the people from the *editor*, in addition to those who were exhibited. (Senec. *l. c.*)

Provocatores fought with the Samnites (Cic. *pro Sest.* 64, 134), but we do not know anything respecting them except their name. They are mentioned in inscriptions. (Orelli, 2566.) The προβοκάτωρ mentioned by Artemidorus (ii. 32) appears to be the same as the provocator.

Retiarii carried only a three-pointed lance, called *tridens* or *fuscina* [FUSCINA], a dagger (Val. Max. i. 7, 8), and a net (*rete*), which they endeavoured to throw over their adversaries, and then to attack them with the fuscina while they were entangled. The retiarius was dressed in a short tunic, and wore nothing on his head. If he missed his aim in throwing the net, he betook himself to flight, and endeavoured to prepare his net for a second cast, while his adversary followed him round the arena in order to kill him before he could make a second attempt. His adversary was usually a secutor or a myrmillo. (Juv. ii. 143, viii. 203; Suet. *Cal.* 30, *Claud.* 34; Orelli, 2578.) In the following woodcut a combat is represented between a retiarius and a myrmillo: the former has thrown his net over the head of the latter, and is proceeding to attack him with the fuscina. The lanista stands behind the retiarius.



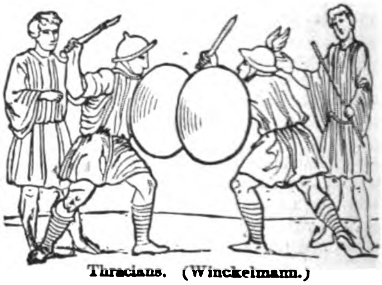
Myrmillo and Retiarius. (Winckelmann, *Monum. Ined.* pl. 197.)

Samnites were so called because they were armed in the same way as that people, with a helmet with a high crest (Juv. vi. 256), and were particularly distinguished by the oblong *scutum*. (Cf. Overbeck's *Pompeii*, p. 164; Liv. ix. 40; Cic. *pro Sest.* 64, 154.)

Secutores are supposed by most writers to be so called because the secutor in his combat with the retiarius pursued the latter when he failed in securing him by his net. Other writers think that they were the same as the *suppositicii*, mentioned by Martial (v. 24), who were gladiators substituted in the place of those who were wearied or were killed. (Suet. *Cal.* 30; Juv. vi. 108, with the Schol., viii. 210.) If the old reading in a letter of Cicero's (*ad Att.* vii. 14) is correct, Julius Caesar had no less than 600 secutores in his ludus at Capua; but we probably ought to read *scutorum* instead of *secutorum*.

Suppositicii. See *Secutores*.

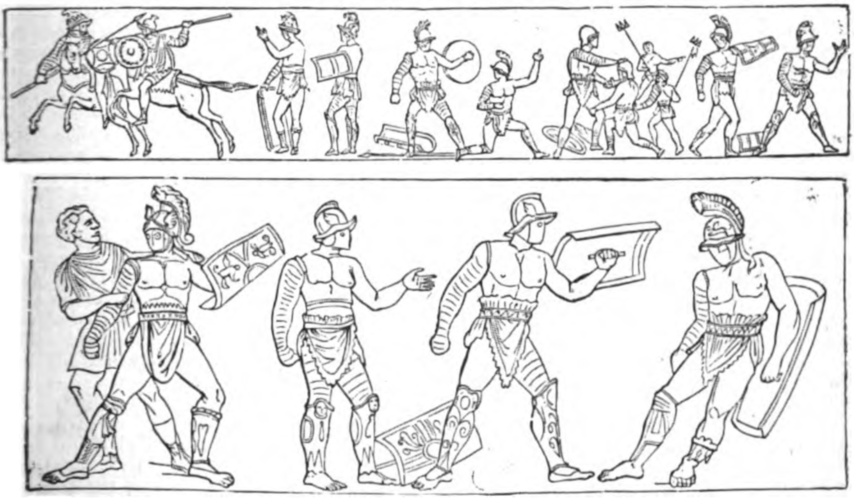
Thraces or *Threces* were armed, like the Thracians, with a round shield or buckler (Festus, s. v. *Thraeces*), and a short curved sword or dagger (*sica*, Suet. *Cal.* 32), which is called *falx supina* by Juvenal (viii. 201), and wore greaves on both legs. They were usually matched, as already stated, with the myrmillones. The annexed woodcut, taken from Winckelmann (*l. c.*), represents a combat between two Thracians, though here the swords are straight. A lanista stands behind each.



Thracians. (Winckelmann.)

Velites had light spears (Ovid. *Ib.* 45; Cic. *de Orat.* ii. 78, 316).

Paintings of gladiatorial combats, as well as of the other sports of the amphitheatre, were favourite subjects with the Roman artists. (Plin. *H. N.* xxxv. § 52; Capitol. *Gord.* 3; Vopisc. *Carin.* 18.) Several statues of gladiators have come down to us, which are highly admired as works of art: of these the most celebrated is the gladiator of the Borghese Collection, now in the Museum of the Louvre, and the Dying Gladiator, as it is called, in the Capitoline Museum. The latter is, however, more properly regarded now as a wounded Gaul or other barbarian. Gladiatorial combats are represented in the bas-reliefs on the tomb of Scaurus at Pompeii, and illustrate in many particulars the brief account which has been given in this article of the several classes of gladiators. These bas-reliefs are represented in the following woodcuts from Mazois (*Pomp.* i. pl. 32; Overbeck, *Pompeii*, p. 165). The figures are made of stucco, and appear to have been moulded separately, and attached to the plaster by pegs of bronze or iron. In various parts of the frieze are written the name of the person to whom the gladiators belonged, and also the names of the gladiators themselves, and the number of their victories. The first pair of gladiators on the left hand represents an equestrian combat. Both wear helmets with visors, which cover the whole face, and are armed with spears and round bucklers. In the second pair the gladiator on the left has been wounded; he has let fall his shield, and is imploring the mercy of the people by raising his hands towards them. His antagonist stands behind him waiting the signal of the people. Like all the other gladiators represented on the frieze, they wear the *subligaculum* or short apron fixed above the hips. The one on the left appears to be a myrmillo, and the one on the right, with an oblong shield (*scutum*), a Samnite. The third pair consists of a Thracian and a myrmillo, or Samnite, the latter of whom is defeated. The fourth group consists of four figures; two are secutores and two retiarii. The secutor on his knee appears to have been defeated by the retiarius behind him; but as the fuscina is not adapted for producing certain death, the other secutor is called upon to do it. The retiarius in the distance is probably destined to fight in his turn with the surviving secutor. The last group consists of a myrmillo and a Samnite; the latter is defeated.

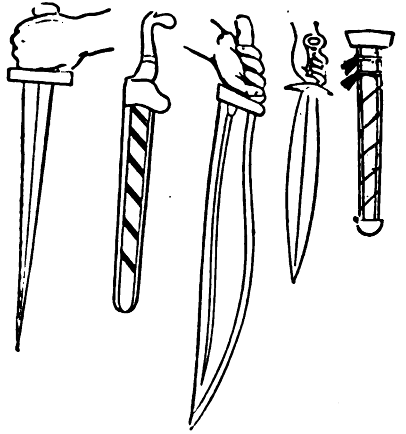


Gladiators. (From a tomb at Pompeii.)

In the second woodcut two combats are represented. In the first a Samnite has been conquered by a myrmillo; the former is holding up his hand to the people to implore mercy, while the latter apparently wishes to become his enemy's executioner before receiving the signal from the people; but the lanista holds him back. In the other combat a myrmillo is mortally wounded by a Samnite. It will be observed that the right arm of every figure is protected by rings of armour, which the left does not require on account of the shield. [VENATIO.] (Lipsius, *Saturnalia*, and *de Amphitheatro* in Graev. *Thesaur.* vol. ix.; Friedländer, *Sittengeschichte*, vol. ii.; Marquardt, *Staatsverw.*, vol. iii.) [W. S.] [A. S. W.]

GLADIUS (*ξίφος*, poet. *ἄορ*, *φάσγανον*), a sword or glaive, by the Latin poets called *ensis*.

The oldest Greek swords were of course of bronze, the one allusion to an iron sword in Homer (*Il.* xviii. 34) being regarded as an interpolation; later they were mostly of iron, though the older metal did not entirely go out of use. Bronze swords of a pre-historic age have been found at Mycenae (Schliemann, *Mycenae*, pp. 283, 304, &c.); some of these have hilts inlaid with gold; they are long and thin in the blade, and resemble the long light swords invented by Iphicrates for his peltasts; they run to 88 centimetres in length, whereas the longest Greek swords now preserved in collections vary between a minimum of 34 and a maximum of 75 centimetres (about 13 and 30 inches respectively). The ancient swords in the British Museum all, without exception, look much shorter than the regulation sword of the British army at the present day. The Homeric sword was cut-and-thrust, with a straight two-edged blade (*ἀμφήκες*, Hom. *Il.* x. 256), rather long and tapering very slightly towards the point. The *σπάθη*, used in early times (Alcae. *fr.* 15), must have had a broad blade, as the name implies, and, according to Droysen, was a cutting sword with blunt point; the word is philologically interesting as having, through the Latin *spatha*, superseded every other word for a sword in the Romance languages (Fr. *épée*, It. *spada*, Sp. *espada*). The hilt of most of the ancient swords is protected by a cross-bar, though sometimes by a very slight one (see cut), and is usually of one piece with the blade; but the ornamented hilts, which are sometimes very tasteful, are of wood inlaid with gold or silver. The scabbard (*κολεός*, Hom. *κουλεόν*, Lat. *vagina*) was either of metal or of leather with metal mountings. The type of the primitive Greek sword does not seem to have greatly altered until the 4th century B.C., when Iphicrates, among his other improvements in arms and armour, greatly increased, or, according to Diodorus (xv. 44), doubled the length of the blade for his peltasts or light infantry, while the hoplites retained the shorter sword of earlier times: the sword thus lengthened does not, however, appear to have exceeded 78 centimetres, or about 31 inches for the blade exclusive of the hilt. The Greeks hung the sword on the left side by a belt passing over the right shoulder, and drew it with the right hand across the body; hence the ACINACES of the Persians, worn on the right side, was noticed by them as exceptional. For the *μάχαιρα* or dagger, sometimes scarcely distinguished from the *ξίφος*, see also PUGIO. (Droysen, *Kriegsalterth.* in Hermann-Blümner, p. 15 f.; Guhl and Koner, ed. 5, p. 319 f.) The *ῥομφαία*, *rhomphaea* or *rumpia*, was a Thracian sword of great length. (L. and S. *s. v.*; Val. Flacc. vi. 98; Gell. x. 25; Claudian, *Epigr.* 22 (27).) In Livy (xxxi. 39) it has been taken for a spear: but the consistent usage of the Greek writers proves this to be a mistake.



Greek Swords and Scabbard. (Guhl and Koner.)

Of the sword used by the Romans before the Second Punic War little is known, and of course nothing from monuments; they then, according to a notice in Suidas (*s. v.* *μάχαιρα*) which apparently comes from Polybius, discarded the native pattern (*τὰς πατρίους ἀποθέμενοι μαχαίρας*) in favour of the Spanish, though (he adds) they could not equal the Spanish workmanship and fineness of the iron. They had learnt, it seems, to appreciate the superiority of the Spanish sword over the Gallic when both were employed against them at the battle of Cannae: Livy describes the two ("Gallis Hispanisque scuta ejusdem formae fere erant, dispares ac dissimiles gladii: Gallis praelongi ac sine mucronibus, Hispano, punctim magis quam caesim assueto petere hostem, brevitate habiles et cum mucronibus," xxii. 46). It has been inferred that the Romans had themselves used the Gallic sword hitherto (Guhl and Koner, p. 776); but in the combat of Torquatus and the Gaul, a century and a half earlier, the Gallic broadsword, so large as to be unwieldy, is already contrasted with the short thrust sword of the Roman (Liv. vii. 10; Claud. Quadrig. *ap.* Gell. ix. 13). The anachronism of these writers, pointed out by Marquardt, consists only in applying the word "Spanish" to the Roman sword then in use; we agree with Rich (*s. v.* Gladius) that the early Roman sword in all probability did not differ much from the contemporary Greek. The Spanish type now introduced was, therefore, larger and heavier than that previously in use, yet still handy, as Livy tells us in the words quoted above. In the Macedonian war the greater size and weight of the Roman sword struck terror into the Greeks (Florus, ii. 7 = i. 23 Jeep). The Romans ever afterwards used the point of their cut-and-thrust sword much more than the edge: Vegetius remarks (i. 12) that the blow of the latter was easily parried by the defensive armour, while with the former (in this resembling the modern bayonet) "two inches of cold steel" often inflicted a fatal wound. That the Roman sword could not have been short is implied in the joke of Cicero upon Lentulus (*i.e.* Dolabella), a man of very low stature, "Who tied my son-in-law to his sword?" (Macrob. *Sat.* ii. 3, § 3.) The British glaive was still larger than the Roman, and *sine mucrone* (Tac. *Agric.* 36); it may thus have been identical, or nearly so, with the old Gallic broadsword. From time immemorial, as in the East down to the present day, gold and jewels have been freely lavished upon the adornment of hilts [CAPULUS] and scabbards. Either will suit the *stellatus iaspide fulva Ensis* of Aeneas (Verg. *Aen.* iv. 261); but Juvenal interprets it of the sheath (v. 44). The golden *acinaces* of Mardonius was a trophy at Athens (Dem. *c. Timocr.* p. 741, § 129; Pausan. i. 27, § 1). The Gauls adorned their swords with pearls (Plin. *H. N.* xxxii. § 23), probably not Oriental but "British" pearls from their own seas (id. xii. § 116).

The Romans, at least from the time that they adopted the Spanish sword, wore it as a general rule on the right side; the dagger, when carried, hung on the left by a separate belt. Polybius—who, it is noteworthy, throughout his description of the Roman arms and armour (vi. 22, 23) uses only the word *μάχαιρα*, not *ξίφος*—says expressly (23, § 6), *ταύτην δὲ περὶ τὸν δεξιὸν φέρει μηρόν, καλοῦσι δ' αὐτὴν Ἰβηρικήν*: and

1. Monument of an Illyrian soldier, found at Bingen
2. Scabbard (Mainz) and swords (various parts of Germany).

mentions no dagger as worn on the other side. The columns of Trajan and Antoninus, and the Roman monuments in Germany collected by Lindenschmidt (*Alterth. unserer heidnischen Vorzeit*), show the sword to the right, and the dagger (which may have been introduced after the time of Polybius) to the left, alike in the case of legionaries, auxiliaries, and cavalry. Curiously enough, Josephus reverses this arrangement (*καὶ μαχαιροφοροῦντες ἀμφοτέρωθεν· μακρότερον δὲ αὐτῶν τὸ λαιὸν ξίφος πολλῷ, τὸ γὰρ κατὰ δεξιὸν σπιθαμῆς οὐ πλέον ἔχει μῆκος*, *B. J.* iii. 5, § 5): as do also some exceptional cases on the monuments; a *signifer cohortis V. Asturum* (Lindenschmidt, pt. xi. pl. 6); an *eques* of a praetorian cohort (Fabretti, *Col. Traj.* p. 226). The problem has been satisfactorily solved by Rich (*s. vv.* "Gladius" and "Cinctorium"), who figures a sword to the left from a bas-relief in the Capitol: the common soldiers wear their swords in the manner described by Polybius, on the right side, suspended by a shoulder-band [BALTEUS]; the officers wear their swords on the left, attached to a belt round the waist; and the swords of the cavalry are longer than those of the infantry. (Cf. Marquardt, *Staatsverw.* ii. 327 f.; Guhl and Koner, ed. 5, p. 775 ff.) [W. W.]

GLANDES. [FUNDA.]

GNOMON (*γνώμων*). [HOROLOGIUM.]

GOMPHI. [VIA.]

GORGY'RA (*γοργύρα*). [CARCER.]

GRADUS (*βῆμα*), *a step*, as a measure of length, was half a *pace* (*passus*), and contained 2½ feet, Greek and Roman respectively; the Greek *βῆμα* therefore was rather more, and the Roman *gradus* rather less, than 2½ feet English. (See the Tables.) 2. Bed-steps [LECTUS, Vol. II. p. 19 *a*]. [P. S.] [W. W.]

GRADUS COGNATIO'NIS. [COGNATI.]

GRAECO'STASIS, "the station of the Greeks," was a place in the Roman forum where ambassadors stood to hear the debates, and had their *προεδρία* or post of honour at the public spectacles anciently held in it. It thus, as Niebuhr remarks (*R. H.* vol. ii., n. 116), resembled the privileged seats in the hall of a parliamentary assembly. It was so called because the first envoys thus honoured were the Greeks of Massilia (Justin, xliii. 5, § 10); the privilege was afterwards extended to foreign ambassadors in general. The *Stationes Municipiorum* may, according to Niebuhr, have been places allotted to municipals for the same purpose; but the allusion in Pliny (*H. N.* xvi. § 236) is too vague to warrant any inference. The Graecostasis, like the Rostra which it adjoined, seems to have occupied a different site before and after the reconstruction of the Forum under Julius Caesar. The older one is described by Varro (*L. L.* v. 155) as a stone platform (*locus substructus*) to the right of the Senate-house (*i. e.* the Curia Hostilia) on the side of the Comitium. It is to this site that the statements in Pliny refer, that when the sun was seen from the Curia coming out between the Rostra and the Graecostasis, it was mid-day; and an accensus of the consul proclaimed the time with a clear loud voice (*H. N.* vii. § 212); and that the brazen shrine (*aedicula*) of Concord, erected by Cn. Flavius, curule aedile in B.C. 303, was placed on the Graecostasis, "quae tunc supra comitium erat" (xxxiii. § 19), implying that in his own time it had been removed. Cicero speaks of it as a vantage-ground from which the debates could be interrupted by disorderly persons (*ad Q. Fr.* ii. 1). The later site of the Rostra was to the south-west of their original position, *i.e.* further from the Comitium and more towards the open part of the Forum: the remains of the Rostra of Julius have within the last few years been excavated and identified beyond a doubt, and a curved platform adjoining them is conjectured with great probability (though without direct evidence) to have been the later Graecostasis, transferred together with the Rostra. The *Graecostadium* of one of the regionary catalogues, the *Curiosum*, is no doubt identical with this later Graecostasis. (Compare Burn, *Rome and the Campagna*, pp. 84, 123, with plans pp. 74, 107; Middleton, *Anc. Rome in* 1885, pp. 148, 163, with plan p. 158.) [W. S.] [W. W.]

GRA'MMATEUS (*γραμματεύς*, Lat. *scriba*), a secretary or clerk, the name of many officials of various kinds in Athens and other Greek states. The higher sort were everywhere concerned in the drawing up of public decrees, and the many such decrees preserved in inscriptions usually record the name of the *γραμματεὺς* who discharged this duty. We find monuments of this kind not only in Greece proper, but throughout the Grecian world, in the Dorian Halicarnassus as well as in the Ionian Samos and Ephesus, in outlying colonies like the Tauric Chersonesus, in the later Achaean and Aetolian leagues. Details of the office are in most cases unimportant or altogether wanting (see Gilbert, *Staatsalterth.* vol. ii., Index, *s. v. γραμματεύς*). Sometimes the functionary is called *γραμματεὺς τῆς πόλεως*, sometimes *γρ. τῆς βουλῆς*: at Lampsacus both titles existed (Gilbert, ii. 159, 160); in Lemnos, Imbros, Scyros, and Salamis there was a *γρ. τοῦ δήμου* (*ib.* i. 424). At Athens a long list of *γραμματεῖς* has been recovered: a *γραμματεὺς τῶν Ἑλληνοταμιῶν* (*C. I. A.* i. 226 ff., 260, 315), *τῶν ταμιῶν* (i. 117 ff., 179 ff., 318), *τῶν λογιστῶν* (i. 226 ff.), *τῶν ἕνδεκα* (Boeckh, *Seeurk.*, p. 535; Poll. viii. 102), *τῶν ἐπιστατῶν* (*C. I. A.* i. 284 ff.), *τῶν εἰσαγωγέων* (i. 37), *τῶν στρατηγῶν* (ii. 222), *τῶν ἐπιμελητῶν τῶν νεωρίων* (*Seeurk.* p. 165), *τῶν σιτωνῶν* (*C. I. A.* ii. 335), *τῶν ἐμπορίου ἐπιμελητῶν* ([Dem.] *c. Theocrin.* p. 1324, § 8). In *C. I. A.* ii. 61 we find mentioned, after the *γρ. τῆς βουλῆς*, *τοὺς ἄλλους γραμμα(τέ)ας τοὺς ἐπὶ τοῖ(ς δ)ημοσίοις γράμμασιν*. It is inferred from Poll. viii. 92 that the three first archons possessed the right of naming their own secretaries (Gilbert, i. 218). Four *ἐπιμεληταὶ τῶν δικαστηρίων* have two secretaries among them (*ib.* i. 162); there is a *γρ.* of the *ὀργεῶνες* (i. 203), and one of the *ἔφηβοι* (i. 299).

Among this crowd of clerks three *γραμματεῖς*, all more or less closely connected with the *βουλή*, stand out from the rest as real state officers: these are partly described under BOULÉ, p. 311 *b*; cf. Pollux, viii. 98. Next to the *ἀντιγραφεὺς τῆς βουλῆς* the most important official in this body was the first secretary, whose full title was *ὁ κατὰ πρυτανείαν γρ. τῆς βουλῆς*, of which *γρ. κατὰ πρυτανείαν* and *γρ. τῆς βουλῆς* were usual abbreviations. He was appointed by lot from among the *βουλευταὶ* to serve the time of each prytany, though he always belonged to a different prytany from that which was in power; and his province was to keep the public records and the decrees of the people made during his term of office (to these his name was prefixed in the formula *ὁ δεῖνα ἐγραμμάτευε*), and to deliver to the thesmothetae the decrees of the senate (Lex. *ap.* Dem. *c. Timocr.* p. 720, § 63). Later we find him called *ὁ περὶ τὸ βῆμα* (Boeckh, *Sthh.*³ i. 230; Gilbert, i. 159).

The second *γραμματεὺς* was elected by the senate, by *χειροτονία*, and was entrusted with the custody of the laws (*ἐπὶ τοὺς νόμους*, Pollux, viii. 98; Dem. *c. Timocr.* p. 713, § 42; *de Cor.* p. 238, § 38). His usual name was *γρ. τῆς βουλῆς*, but in late inscriptions of the imperial time he is also called *γρ. τῶν βουλευτῶν* (Boeckh, *P. E.* p. 187 = *Sthh.*³ i. 233). Further particulars concerning his office are not known.

A third *γραμματεὺς* was called *γρ. τῆς πόλεως* (Thucyd. vii. 10), or *γρ. τῆς βουλῆς καὶ τοῦ δήμου.* He was appointed by the people, by *χειροτονία*, and the principal part of his office was to read any laws or documents which were required to be read in the assembly or the senate (Pollux, *l. c.*; Dem. *F. L.* p. 419, § 249 = 279; *c. Lept.* p. 485, § 94; Suid. *s. v.*). It is admitted by Boeckh (*Sthh.*³ i. 234–5) that there are some difficulties about the second and third of these secretaries, but there seems no sufficient ground for the contention of Gilbert (i. 254) that there was only one until the year B.C. 307–6, after the expulsion of Demetrius Phalereus. The language of Demosthenes (*ὑφ' ὑμῶν γραμματεῖς χειροτονηθέντες δύ' ἔτη διετράφησαν ἐν τῇ θόλῳ*, *de F. L.* l. c.) seems to show that there were in his time at least two *γραμματεῖς* elected by the people and reckoned among the *ἀείσιτοι*: nor is the suggestion countenanced by Fränkel, the recent learned editor of Boeckh.

The assistants to these three *γραμματεῖς*, and to some of those mentioned above as civil or military officers of the state, were called *ὑπογραμματεῖς* or under-clerks (Dem. *de Cor.* p. 314, § 261; Antiphon, *de Choreut.* §§ 35, 49; Lysias, *c. Nicom.* § 29). These persons were either public slaves [DEMOSII] or citizens of the lower orders, as appears from the tone in which Demosthenes speaks of them (*de F. L.* p. 371, § 95 = 109; p. 403, § 200 = 222; p. 419, § 249 = 279; p. 442, § 314 = 360). In all these passages, and in *de Cor.* p. 269 § 127, 314 § 261, Demosthenes is pouring the vials of his contempt upon Aeschines for having been a grammateus; in the third of them he says that Aeschines and his brother were *ὑπογραμματεῖς* before they were *γραμματεῖς*. They were not allowed to hold the same clerkship for two successive years (Lys. *l. c.*; cf. Boeckh, *P. E.* p. 188 n. = *Sthh.*³ i. 237 n.).

The *ἀντιγραφεῖς* or checking-clerks differed from the *γραμματεῖς* in dealing only with the public accounts; they are noticed separately [ANTIGRAPHEIS]. (Boeckh, Bk. ii. ch. 8, much fuller in the third edition; Schömann, *Assemblies*, p. 318 ff.; Gilbert, references as above.) [L. S.] [W. W.]

GRAMMATOPHYLA'CIUM. [ARCHEION; TABULARIUM.]

GRAPHE (*γραφή*), in its most general acceptation, comprehends all state trials and criminal prosecutions whatever in the Attic courts (it is used in this sense but rarely in the classic writers, [Dem.] *c. Steph.* ii. p. 1131, § 9; Xenoph. *Rep. Athen.* 3, 2; an *εἰσαγγελία κακώσεως* is called *γραφή*, Isae. *Hagn.* §§ 28, 31, 35, [Dem.] *c. Theocr.* p. 1332, § 32); but in its more limited sense, those only which were not distinguished as the *εὔθυναι, ἔνδειξις, εἰσαγγελία*, etc. by a special name and a peculiar conduct of the proceedings (cf. Dem. *c. Boeot.* i. p. 998, § 14, *γραφαὶ φάσεις ἐνδείξεις ἀπαγωγαί*; Lys. *c. Agorat.* § 65; *pro Mantith.* § 12, etc.). The principal characteristic differences between public and private actions are enumerated under DIKE, and the peculiar forms of public prosecutions, such as those above mentioned, are separately noticed. Of these forms, together with that of the *Graphe*, properly so called, it frequently happened that two or more were applicable to the same course or action (*e.g.* Dem. *c. Mid.* p. 523, § 28; *c. Androt.* p. 601, § 27); and the discretion of the prosecutor in selecting the most advantageous of his available remedies was attended by results of great importance to himself and to the accused. If the prosecutor's speech (*κατηγορία*), and the evidence adduced by him, were insufficient to establish the aggravated character of the wrong in question, as indicated by the form of action he had chosen, his ill-judged rigour might be alleged in mitigation of the punishment by the defendant in his reply (*ἀπολογία*), or upon the assessment of the penalty after judgment given; and if the case were one of those in which the dicasts had no power of assessing (*ἀτίμητος γραφή*), it might cause a total failure of justice, and even render the prosecutor liable to a fine or other punishment.

The courts before which public causes could be tried were very various; and besides the ordinary Heliastic bodies under the control of the nine archons, or the Eleven, or the logistae, or the generals, the council, and even the popular assembly of the people, occasionally became judicial bodies for that purpose, as in the case of the Dokimasiae of the archons (Dem. *c. Lept.* p. 484, § 90; cf. Pollux, viii. 92), and sometimes in that of Eisangeliae (*Att. Process*, ed. Lipsius, p. 140 f. and p. 325). The proper court in which to bring a particular action was for the most part determined by the subject-matter of the accusation. In the trial of state offences it was in general requisite that the ostensible prosecutor should be an Athenian citizen in the full possession of his franchise (*ὁ βουλόμενος Ἀθηναίων οἷς ἔξεστι*); but on some particular occasions even slaves and resident aliens were invited to come forward and lay informations (*μηνύειν ἀδεῶς τὸν βουλόμενον καὶ ἀστῶν καὶ ξένων καὶ δούλων*, Thuc. vi. 27; cf. Andoc. *de Myst.* §§ 13, 15 ff. *μήνυσις*—slaves inform against their master, a resident alien, Lys. *pro Call.* § 5; cf. Antiph. *de caed. Herod.* § 34, Lys. *pro sacr. olea exsc.* § 16, for the rewards of the *μηνυταί*: if the information proved to be false, they were put to death, Andoc. *de Myst.* § 20). Sometimes in Eisangeliae and other special proceedings the prosecution and conduct of the cause in court was carried on by advocates chosen for the occasion (*συνήγοροι*, [Plut.] *Vitt. X. Oratt.* p. 833 E; *κατήγοροι*, Dinarch. *c. Demosth.* § 51; *c. Aristog.* § 6; Plut. *Pericl.* 10); but with the exception of these temporary appointments the protection of purely state interests seems to have been left to volunteer accusers.

In criminal causes the prosecution was conducted by the *κύριος* in behalf of the aggrieved woman or minor; his *προστάτης* probably gave some assistance to the resident alien in the commencement of the proceedings, though the accusation was in the name of the person aggrieved, who also made his appearance at the trial without the intervention of the patron (*Att. Process*, ed. Lipsius, p. 753 f.: cf. *Hermes*, 1887, xxii. p. 223 ff.). The *ἰσοτελεῖς* enjoyed the same privileges as the citizens (*C. I. A.* ii. No. 121, l. 26; cf. Schubert, *de proxen. Att.* p. 55 f.); and a complete foreigner would upon this occasion require protection from the proxenus of his country. With the exception of cases in which the Apagoge, Ephegesis, Endeixis, or Eisangelia were adopted, in which the accused had to find bail or go to prison (in certain Eisangeliae he was not allowed to be set free on bail), and of accusations at the Euthynae and Dokimasiae, when the accused was or was supposed by the law to be present, a public action against a citizen commenced like an ordinary lawsuit, with a summons to appear before the proper magistrate on a fixed day (Plat. *Euthyphr.* init.). The anacrisis then followed [ANACRISIS]; but the bill of accusation was called a *γραφή* (this term is also used generally for bills in private actions, cf. Dem. *c. Aphob.* i. p. 817, § 12; Lys. *de Aristoph. bon.* § 55; *Att. Process*, ed. Lipsius, p. 232) or *εἰσαγγελία* or *φάσις*, as the case might be, rarely *ἔγκλημα* ([Dem.] *c. Aristog.* i. p. 787, § 58; cf. Hyperid. *pro Lycophr.* col. 14) or *λῆξις* (Dem. *c. Boeot.* i. p. 999, § 17) as in private actions; a public prosecution could not be referred to an arbitrator [DIAETETAE], and if it were compromised, this would render the accuser *ipso jure* (without the action *καθυφέσεως*, *Att. Process*, ed. Lipsius, p. 450) liable to a fine of a thousand drachmas ([Dem.] *c. Theocr.* p. 1323, § 6). The same sum was also forfeited when the prosecutor failed to obtain the votes of a fifth of the dicasts in all cases except those brought before the archon that had reference to injury (*κάκωσις*) done to women and orphans, in a trial for uprooting a moria (Lys. *pro sacr. olea exsc.* § 37), and up to a certain time in Eisangeliae for political offences, likewise in a Probole (*Att. Process*, ed. Lipsius, p. 344), and probably also in such cases where *κατήγοροι* were chosen by the popular assembly (after an *ἀπόφασις* of the Areiopagitic council) to prosecute before a court (for we learn from Dinarch. *c. Dem.* § 54, that sometimes they did not obtain as many as one-fifth of the votes). Besides this penalty, a modified disfranchisement, as, for instance, an incapacity to bring a similar accusation, was incurred upon several occasions. Upon the conviction of the accused, if the sentence were death (on the mode of execution see *Journ. of Philol.* viii. p. 1 ff.) or prison, the presiding magistrate of the court delivered over the prisoner, who remained in the custody of the Scythae during the trial, to the Eleven (*παραδοῦναι τοῖς ἕνδεκα*). If the punishment was confiscation of property, the demarch, as a rule, made an inventory of the effects of the criminal (*τὼ δὲ δημάρχω ἀποφῆναι τὴν οὐσίαν αὐτοῖν*, *i.e.* of Archeptolemus of Agryle and Antiphon of Rhamnus, [Plut.] *Vitt. X. Oratt.* p. 834 A: cf. Harpocr. *s. v.* *δήμαρχος*: and *Lex. Seguer.* 304, 4, *συλλογεῖς*), which was read in the assembly of the people, and delivered to the poletae, that they might hold a sale of the goods, and pay in the proceeds to the public treasury. If the accused was condemned to pay a fine, the presiding magistrate had to give notice of the amount to the *πράκτορες*: and if the fine or any part of it was to go to a temple, the like notice was to be sent to the *ταμίας* of the god or goddess to whom the temple belonged ([Dem.] *c. Macart.* p. 1074, § 71; *c. Aristog.* i. p. 778, § 28). (*Att. Process*, ed. Lipsius, p. 956 ff.) [J. S. M.] [H. H.]

GRAPHIA'RIUM. [STILUS.]

GRAPHIS. [PICTURA.]

GRA'PHIUM. [STILUS.]

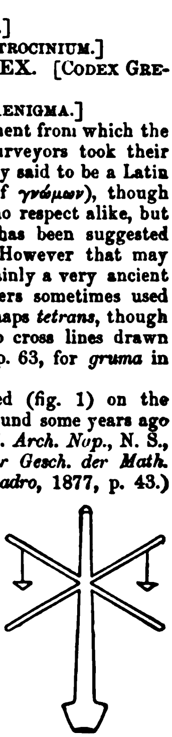
GRASSATORES. [LATROCINIUM.]

GREGORIA'NUS CODEX. [CODEX GREGORIANUS.]

GRIPHUS (*γρῖφος*). [AENIGMA.]

GROMA was the instrument from which the Roman *gromatici* or land-surveyors took their name. The word is generally said to be a Latin version of *γνώμονα* (acc. of *γνώμων*), though the two instruments are in no respect alike, but more recently a connexion has been suggested with *norma* for *(g)norma*. However that may be, *groma* or *gruma* is certainly a very ancient name, for which later writers sometimes used *machinula* or *stella*, and perhaps *tetrans*, though this name belongs rather to cross lines drawn on the ground (cf. Nonius, p. 63, for *gruma* in this sense).

The groma is represented (fig. 1) on the gravestone of a *gromaticus* found some years ago at Ivrea. (Cavedoni in *Bull. Arch. Nap.*, N. S., Anno I.; Cantor, *Vorles. zur Gesch. der Math.* i. 456; Rossi, *Groma e Squadro*, 1877, p. 43.) The design is not in perspective, but, if allowances be made for the inexperience of the artist, it explains fairly well the nature of the instrument. Two small planks crossing one another at right angles are supported on a column or post (*ferramentum*). Plummets (probably four, though there are only two in the monument), are suspended from the planks to guide the operator in securing a vertical position of the column, and a horizontal for the cross-pieces. The small circles at the point of section in the drawing may represent a hole in the continuation of the column for the operator to look through, or a large hole in the cross-pieces to allow of their being tipped up to a certain angle if necessary. The latter is the more likely, for in that case the continuation of the column would serve as a support to prevent the cross from falling. In any case it obstructs the view along the planks.



Groma, fig. 1. (From a gravestone.)

The use of the instrument is obvious. It is intended to guide a surveyor in drawing real or imaginary lines at right angles to one another, more especially in fixing the *cardo* (or N. and S. line) and *decumanus* (or E. and W. line) essential to the orientation of any *templum* or to the division of a Roman camp [Castra]. A very large T square was sometimes used for the same purpose (see below).

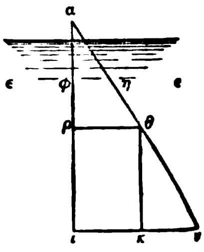
Another very ancient method of drawing long lines at right angles was to stretch a rope round three pegs fixed in the ground, at such distances from one another that the sides of the triangle formed by the rope were in the ratio 3 : 4 : 5. The angle contained between the shorter sides is a right angle (Eucl. i. 48). This method was very early used by the Egyptians, whose *άρπεδονάπται* or "rope-stretchers" were considered by Democritus the masters of geometry in his day (Clemens Al. *Strom.* i. 357). It was employed also at the building of the temple of Edfu, as the inscriptions thereon declare, and was used by Heron himself on occasion (*περὶ διόπτρας*, Props. 21, 22; cf. Cantor, *Vorles.* pp. 55, 56, 324, 325). The knowledge of the ratio 3 : 4 : 5 for the sides of a right-angled triangle was introduced into Greece by Pythagoras, and was for a long time one of the most interesting subjects of Greek geometry (cf. Proclus, *Comm. in Eucl.* i. 47, ed. Friedlein, p. 426).

But the *groma* and all other instruments of the same kind were ultimately superseded, for all purposes requiring any nicety of measurement, by the *dioptra*, an instrument which very closely resembles the modern theodolite. It seems to have been the outcome of many gradual improvements on the *groma*. Heron, who describes it, does not claim it as his own invention, though he is probably responsible for many details of the instrument which he describes. Biton, who seems to be earlier than Heron, says that he had, in his Optics, described a *διοπτίον* to be used in ascertaining the heights of walls, &c. (*Vett. Mathematici*, ed. Thevenot and La Hire, 1693, p. 108), and Heron himself says that the *διόπτραι* of previous writers were many and various. The *dioptra* described by Heron (*Not. et Extraits des MSS. de la Bibl. Impér.* vol. xix. pt. 2, ed. Vincent, p. 157 ff., with a plate) is constructed as follows. A flat brass rod, about eight feet long, with two small sights at each end, is supported on a pillar, which may be adjusted to the perpendicular by comparison with a plummet hanging by its side, the rod being at the same time adjusted to the horizontal by comparison with a water-level attached to it in a groove. The rod is not immediately attached to the pillar, but is supported on a frame which allows it to swing horizontally, and to a less degree vertically. Two screws (*κοχλίδια*) turning cog-wheels (*ὀδοντωτὰ τυμπάνια*) are provided in an ingenious manner to regulate the two movements of the rod. It seems also that a button fixed in the plate of the horizontal cog-wheel stopped the movement when the rod had turned exactly through a right angle in the horizontal plane. The vertical cog-wheel allowed only for a swing of about 45° in that plane. With the *dioptra* were used also two poles of precisely the same kind as those used by modern surveyors. The poles were 20 feet long, marked with measures and provided with an internal slide (*χελωνάριον*), also nearly 20 feet long. The slide was surmounted with a circular disc, coloured half black and half white, which of course was always visible at the top of the pole. The slide could be pulled up by a string until the disc was elevated 40 feet high. It is evident from Vitruvius (viii. 6) and other writers that the *dioptra* was adopted for nice calculations by the Roman surveyors, and the terms used by the *gromatici* (*Grom. Vett.* or *Römische Feldmesser*, ed. Lachmann, &c., Berlin, 1848), e.g. *hortogonium*, *hypotenusa*, *embadum*, *podismus*, *praecisura* (*ἀποτομή*), &c., show how largely their art was derived from Greek sources, especially the works of Heron (Cantor, *Vorles.* i. p. 470).

The treatise on the *dioptra* by Heron, above mentioned, contains a number of propositions illustrative of the use of the instrument. A few examples will suffice: the general aim of all the problems being to find the difference of level between two given points, or to draw a straight line from a point to an unseen point. Thus Prop. 13 is to cut a straight tunnel through a hill from one given point to another: 7 is to find the height of an inaccessible point: 14 and 15 are to sink a shaft which shall meet a horizontal tunnel: 19 and 20 are to find two points at a given distance from one another. The examples given by Heron are seldom purely theoretical. He prefers, when a distance is given, to state it in actual measurement, and thus makes continual use of arithmetic and even of algebraical operations. His geometry is confined almost entirely to the first and the sixth books of Euclid. The measurement of angles by degrees, &c., was never used by the Greeks or Romans for any but astronomical purposes, and even in that field is not found before Ptolemy, though he derived the practice from Hipparchus (*vid.* Theon's *Comm.* ed. Halma, i. p. 110).

The most common problem in the writings of ancient surveyors which have come down to us is that of finding the breadth of a river without crossing it, the Latin *fluminis varatio*.

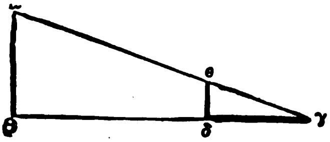
The solution of this is given in the treatise on the *dioptra* (pr. 4) in the 21st chap. of the *Κεστοὶ* of Sex. Julius Africanus (in the *Vett. Mathematici*, pp. 295–6), and by Nipsus in the *Gromat. Vett.* (i. 285–6). In Africanus it is put in strategical form, the inaccessible shore of the river being supposed to be in the occupation of the enemy. His solution is as follows:—$\epsilon\epsilon$ is the accessible shore of the river, α a point on the opposite side. The *dioptra* is set up at a point ι, obviously further from the bank than the breadth of the river, and the sights are directed so that the line $\iota\alpha$ shall cut the river at right angles in ϕ. The *dioptra* is then turned through a right angle and the point υ is taken on $\iota\upsilon$ at right angles to $\alpha\iota$. $\iota\upsilon$ is bisected at κ, and $\kappa\theta$ is drawn parallel to $\alpha\iota$, meeting in θ the line joining $\alpha\upsilon$. From θ again $\theta\rho$ is drawn parallel to $\iota\upsilon$, meeting $\alpha\iota$ in ρ. A preceding proposition (Cantor, *Vorles.* p. 372) of the simplest character has shown that the sides $\alpha\iota$, $\alpha\upsilon$ of the triangle $\alpha\iota\upsilon$ are bisected in ρ and θ. Therefore $\alpha\rho = \rho\iota$, and it remains only to measure $\rho\iota$ and $\phi\rho$, and to deduct the measure



Groma, fig. 2.

of φρ from that of ρι. The remainder is the measure of αφ.

Another mode of solving the same problem is given by the same writer in the same chapter of the Κεστοί. This requires only a very large solid right angle or T square (γνώμων). In figure 3 the thickened lines εδ and δγ represent such a right angle. Then, by similar triangles, αβ : εδ : : βγ : δγ. Of these three distances the last three are known. In the same figure, if αβ be the height of a tower, the triangles are drawn in a vertical plane: εδ is the pillar supporting a tilted *dioptra*, and αεγ is the line from the top of the tower passing through the sights of the *dioptra* and produced to meet the ground. The superior advantages of the *dioptra* over the *groma* are obvious from this last example.



Groma, fig. 3.

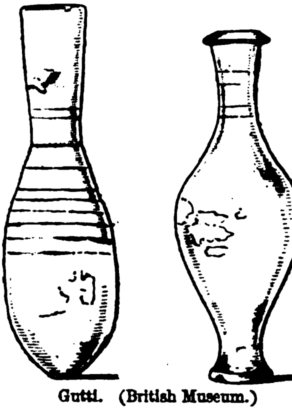
It should perhaps be added that the *Gromatici* Frontinus, Hyginus, &c., above mentioned, were, so far as the extant fragments enable us to judge, judicial officers, engaged chiefly in taking areas, &c., for the purposes of taxation, division, &c. Hence there are not, in the works attributed to them, many of the more nice and difficult problems which are discussed with so much acuteness by Heron and Julius Africanus. Enough, however, is said on such subjects to show that the Roman surveyors were fully learned in the works of their Greek predecessors. (Cf. Rudorff on *Gromatische Institut.* in the *Grom. Vett.* ii. p. 230 *sqq.*; Cantor's *Agrimensoren*, Leipzig, 1875; and AGRIMENSORES, *supra.*) [J. G.]

GROSPHOS (γρόσφος). [HASTA, p. 936 *b.*]

GUBERNA'CULUM. [NAVIS.]

GUSTA'TIO. [CENA, p. 396 *b.*]

GUTTUS (λήκυθος), a vessel with a narrow mouth or neck, from which liquids were poured in drops; hence its name. "Qui vinum dabant ut minutatim funderent, a guttis *guttum* appellarunt" (Varr. *L. L.* v. 124 M.). Varro goes on to say that for pouring out wine at the banquet it had been superseded by the *epichysis* and *cyathus;* but retained its place in sacrificial libations, especially of the domestic sort (Hor. *Sat.* i. 6, 118, with Orelli's note; Plin. *H. N.* xvi. § 185). The guttus was of the plainest shape and materials; it differed from the CAPIS (also used in sacrifices), EPICHYSIS and URCEUS in being without a handle; and was usually of coarse pottery, as in the specimens here figured from the British Museum, though one of beech-wood is mentioned (*faginus*, Plin. *l. c.*). It was in common use as an oil-cruet, whether at table (Gell. xvii. 8, § 5), or at the bath (Juv. iii. 263, xi. 158; cf. BALNEAE, p. 279 *a*, where a guttus and a strigil are engraved together). Oil was also kept in large horns (Hor. *Sat.* ii. 2, 61; Mart. xiv. 52); in the latter passage the lemma has, perhaps improperly, *guttus corneus.* (Marquardt, *Privatl.* 630.)


Gutti. (British Museum.)

[W. S.] [W. W.]

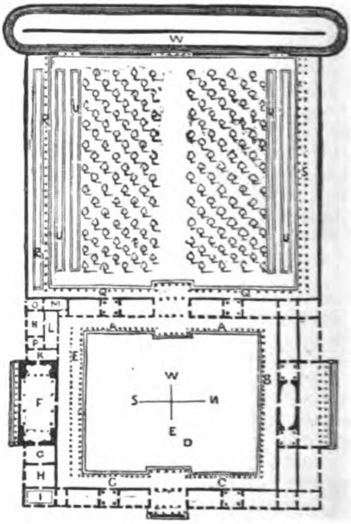
GYMNASIARCHES. [GYMNASIUM.]

GYMNA'SIUM (γυμνάσιον). The whole education of a Greek youth was divided into three parts: grammar, music, and gymnastics (γράμματα, μουσική, and γυμναστική, [Plat.] *Theag.* p. 122 E; *Clitoph.* p. 407 B; Plut. *de Audit.* c. 17), to which Aristotle (*Pol.* viii. 3, p. 1337) adds a fourth, the art of drawing or painting. Gymnastics, however, were thought by the ancients a matter of such importance, that this part of education alone occupied as much time and attention as all the others put together; and while the latter necessarily ceased at a certain period of life, gymnastics continued to be cultivated by persons of all ages, though those of an advanced age naturally took lighter and less fatiguing exercises than boys and youths. (Xen. *Sympos.* i. 7; Lucian, *Lexiph.* 5.) The ancients, and more especially the Greeks, seem to have been thoroughly convinced that the mind could not possibly be in a healthy state, unless the body was likewise in perfect health, and no means were thought, either by philosophers or physicians, to be more conducive to preserve or restore bodily health than well-regulated exercise. The word "gymnastics" is derived from γυμνός (naked), because the persons who performed their exercises in public or private gymnasia were either entirely naked, or merely covered by the short χιτών. (See the authorities in Wachsmuth, *Hellen. Alterth.* vol. ii. p. 354, 2nd edit.; and Becker-Göll, *Charikles,* vol. ii. p. 219.)

The great partiality of the Greeks for gymnastic exercises was productive of infinite good: they gave to the body that healthy and beautiful development by which the Greeks excelled all other nations, and which at the same time imparted to their minds that power and elasticity which will ever be admired in all their productions. (Lucian, *de Gymnast.* 15.) The plastic art in particular must have found its first and chief nourishment in the gymnastic and athletic performances, and it may be justly observed that the Greeks would never have attained their pre-eminence in sculpture had not their gymnastic and athletic exhibitions made the artists familiar with the beautiful forms of the human body and its various attitudes. (Cf. Curtius, *Hist.* ii. p. 68.) Respecting the advantages of gymnastics in a medical point of view, some remarks are made at the end of this article. But we must at the same time confess that at a later period of Greek history, when the gymnasia had become places of resort for idle loungers, their evil effects were no less striking. The chief objects for which they had originally been instituted were gradually lost sight of, and instead of being places of education and training they became mere places of amusement; and among other injurious practices to which they gave rise, the gymnasia were charged, even by the ancients themselves, with having produced and fostered that most odious vice of the Greeks, the παιδεραστία. (Plut. *Quaest. Rom.* 40, vol. ii. p. 122, ed. Wyttenb.: compare Aristot. *Pol.* viii. 4; Plut. *Philop.* 3; Quintil. i. 11, 5.)

Gymnastics, in the widest sense of the word, comprehended also the agonistic and athletic arts (ἀγωνιστική and ἀθλητική); that is, the art of those who contended for the prizes at the great public games in Greece, and of those who made gymnastic performances their profession [ATHLETAE and AGONOTHETAE]. Both originated in the gymnasia, in so far as the athletae as well as the agonistae were originally trained in them. The athletae, however, afterwards formed a distinct class of persons unconnected with the gymnasia; while the gymnasia, at the time when they had degenerated, were in reality little more than agonistic schools, attended by numbers of spectators. On certain occasions the most distinguished pupils of the gymnasia were selected for the exhibition of public contests [LAMPADEPHORIA], so that on the whole there was always a closer connexion between the gymnastic and agonistic than between the gymnastic and athletic arts. In a narrower sense, however, the gymnasia had, with very few exceptions, nothing to do with the public contests, and were places of exercise for the purpose of strengthening and improving the body, or, in other words, places for physical education and training; and it is chiefly in this point of view that we shall consider them in this article.

Gymnastic exercises among the Greeks seem to have been as old as the Greek nation itself, as may be inferred from the fact that gymnastic contests are mentioned in many of the earliest legends of Grecian story; but they were, as might be supposed, of a rude and mostly of a warlike character. They were generally held in the open air, and in plains near a river, which afforded an opportunity for swimming and bathing. The Attic legends indeed referred the regulation of gymnastics to Theseus (Paus. i. 39, § 3), but according to Galen it seems to have been about the time of Cleisthenes that gymnastics were reduced to a regular and complete system. Great progress, however, must have been made as early as the time of Solon, as appears from some of his laws which are mentioned below. It was about the same period that the Greek towns began to build their regular gymnasia as places of exercise for the young, with baths, and other conveniences for philosophers and all persons who sought intellectual amusements. There was probably no Greek town of any importance which did not possess its gymnasium. In many places, such as Ephesus, Hierapolis, and Alexandria in Troas, the remains of the ancient gymnasia have been discovered in modern times. These, however, all belong to a comparatively late date, as does also that recently discovered at Pergamum (Conze, *Ausgr. z. Pergamon*, Berlin, 1880). The earliest remains are those of the gymnasium at Olympia, which cannot be earlier than the end of the fourth century B.C. (Bötticher, *Olympia*, p. 363 ff.). Athens possessed three great gymnasia,—the Lyceum (Λύκειον), Cynosarges (Κυνόσαργες), and the Academia (Ἀκαδημία); to which, in later times, several smaller ones were added. All places of this kind were, on the whole, built on the same plan, though, from the remains, as well as from the descriptions still extant, it is evident that there were many differences in their detail. We have no detailed account of a gymnasium of the best period. The most complete description of a gymnasium which we possess, is that given by Vitruvius (v. 11), which, however, is very obscure, and at the same time defective, in so far as many parts which seem to have been essential to a gymnasium are not mentioned in it. Of the numerous plans which have been drawn, according to the description of Vitruvius (cf. Bluesgen, *De Gymnasii Vitruviani palaestra*, Bonn, 1863; Guhl u. Koner, *Leben der Griechen u. Römer*,^{2} p. 112 ff.; Becker-Göll, *Charikles*, ii. 231 ff.; Bötticher, *Olympia*, l. c., &c.), that of W. Newton, in his translation of Vitruvius, vol. i. fig. 52, may here be given with a few alterations, although some of the details are open to criticism (cf. Becker-Göll, *Char.* ii. 231).



Plan of Gymnasium.

The peristylion (D) in a gymnasium, which Vitruvius incorrectly calls palaestra, is in the form of a square or oblong, and is two stadia (1200 feet) in circumference. It consists of four porticoes. In three of them (A B C) spacious exedrae with seats were erected, in which philosophers, rhetoricians, and others, who delighted in intellectual conversation, might assemble. A fourth portico (E), towards the south, was double, so that the interior walk was not exposed to bad weather. The double portico contained the following apartments: — The Ephebeum (F), a spacious hall with seats in the middle, and one-third longer than broad, destined for the exercises of youths. On the right is the Coryceum (G), used for exercises with the sack (κώρυκος), perhaps the same room which in other cases was called Apodyterium; then came the Conisterium (H) adjoining, where the body was sprinkled with dust; and next to the Conisterium, in the returns of the portico, is the cold bath, λουτρόν (I). On the left of the Ephebeum is the Elaeothesium, where persons were anointed by the aliptae (K). Adjoining the Elaeothesium is the Frigidarium (L), or more probably the Tepidarium, where there was a lukewarm bath. From thence is the entrance to the Propnigeum (M), on the returns of the portico; near which, but more inward, behind the place of the frigidarium, is the vaulted sudatory (N), in length twice its breadth, which has on the returns the Laconicum (O) on one side, and opposite the Laconicum, the hot bath (P). These are the more essential and primitive parts of a gymnasium. But in the time of Vitruvius important additions were made to it. On the outside three porticoes are built; one (Q), in passing out from the peristyle, and, on the right and left, the two stadial porticoes (R, S), of which the one (S) that faces the north is made double and of great breadth, the other (R) is single, and so designed that in the parts which encircle the walls, and which adjoin the columns, there may be margins for paths, not less than ten feet; and the middle is so excavated that there may be two steps, a foot and a half in descent, to go from the margin to the plane (R), which plane should not be less in breadth than 12 feet: by this means those who walk about the margins in their apparel will not be annoyed by those who are exercising themselves. This portico is called by the Greeks ξυστός, because in the winter season the athletae exercised themselves in these covered stadia. The ξυστὸς had groves or plantations between the two porticoes, and walks between the trees, with seats of signine work. Adjoining the ξυστὸς (R) and double portico (S) are the uncovered walks (U), which in Greek are called περιδρομίδες, to which the athletae, in fair weather, go from the winter-xystus to exercise. Beyond the xystus is the stadium (W), so large that a multitude of people may have sufficient room to behold the contests of the athletae.

It is generally believed that Vitruvius in this description of his gymnasium took that of Naples as his model; but two important parts of other Greek gymnasia, the apodyterium and the sphaeristerium, are not mentioned by him. Canina (*Arch. Grec.* tav. 132, 133) gives plans of gymnasia at Ephesus and Hierapolis, which widely differ from this.

The Greeks bestowed great care upon the outward and inward splendour of their gymnasia, and adorned them with the statues of gods, heroes, victors in the public games, and of eminent men of every class. Hermes was the tutelary deity of the gymnasia, and his statue was consequently seen in most of them.

The earliest regulations which we possess concerning the gymnasia are contained in the laws of Solon. One of these laws forbade all adults to enter a gymnasium during the time that boys were taking their exercises, and at the festival of the Hermaea. The gymnasia were, according to the same law, not allowed to be opened before sunrise, and were to be shut at sunset. (Lex *ap.* Aeschin. *c. Timarch.* § 12.) Another law of Solon excluded slaves from gymnastic exercises. (Aeschin. *c. Timarch.* § 138; Plut. *Solon*, 1.) Boys who were children of an Athenian citizen and a foreign mother (νόθοι) were not admitted to any other gymnasium but the Cynosarges. (Plut. *Them.* 1.) Some of the laws of Solon relating to the management and the superintendence of the gymnasia, show that he was aware of the evil consequences which these institutions might produce, unless they were regulated by the strictest rules. As we, however, find that adults also frequented the gymnasia, we must suppose that, at least as long as the laws of Solon were in force, the gymnasia were divided into different parts for persons of different ages, or that persons of different ages took their exercise at different times of the day. (Boeckh, *Corp. Inscript.* n. 246 and 2214.) The education of boys up to the age of sixteen was divided into the three parts mentioned above, so that gymnastics formed only one of them; but during the period from the sixteenth to the eighteenth year the instruction in grammar and music seems to have ceased, and gymnastics were exclusively pursued. In the time of Plato the salutary regulations of Solon appear to have been no longer observed, and we find persons of all ages visiting the gymnasia. (Plat. *de Rep.* v. p. 452; Xen. *Sympos.* 2, § 18.) Athens now possessed a number of smaller gymnasia, which are sometimes called palaestrae, in which persons of all ages used to assemble, and in which even the Hermaea were celebrated by the boys, while formerly this solemnity had been kept only in the great gymnasia, and to the exclusion of all adults. (Plat. *Lys.* p. 206.) These changes, and the laxity in the superintendence of these public places, caused the gymnasia to differ very little from the schools of the athletae; and it is perhaps partly owing to this circumstance that writers of this and subsequent times use the words gymnasium and palaestra indiscriminately. (Becker-Göll, *Charikles*, ii. 247 f.) But K. F. Hermann (*Privatalt.* § 36) seems to have proved that the gymnasium was never used for a place of training. (Cf. Hermann-Blümner, *Privatalt.* p. 336 ff.; Grasberger, *Erziehung und Unterricht*, i. p. 244 ff.)

Married as well as unmarried women were, at Athens and in all the Ionian states, excluded from the gymnasia; but at Sparta, and in some other Doric states, maidens, dressed in the short χιτών, were not only admitted as spectators, but also took part in the exercises of the youths. Athenaeus, xiii. p. 566, asserts that the same was the case at Chios. Married women, however, did not frequent the gymnasia. (Plat. *Legg.* vii. 806 A.)

Respecting the superintendence and administration of the gymnasia at Athens, we know that Solon in his legislation thought them worthy of great attention; and the transgression of some of his laws relating to the gymnasia was punished with death. (But the law of Solon quoted in Aeschin. *in Tim.* § 12, is of very doubtful genuineness.) His laws mention a magistrate, called the Gymnasiarch (*γυμνασίαρχος* or *γυμνασιάρχης*), who was entrusted with the whole management of the gymnasia, and with everything connected therewith. His office was one of the regular liturgies, like the choregia and trierarchy (Isae. *Or.* 6 [*Philoct.*], § 60; *Or.* 7 [*Apollod.*], § 36), and was attended with considerable expense. He had to maintain and pay the persons who were preparing themselves for the games and contests in the public festivals, to provide them with oil, and perhaps with the wrestlers' dust. It also devolved upon him to adorn the gymnasium or the place where the agones took place. (Xen. *de Rep. Athen.* 1, § 13.) The gymnasiarch was a real magistrate, and invested with a kind of jurisdiction over all those who frequented or were connected with the gymnasia; and his power seems even to have extended beyond the gymnasia, for Plutarch (*Amator.* c. 9, &c.) states that he watched and controlled the conduct of the ephebi in general. He had also the power to remove from the gymnasia teachers, philosophers, and sophists, whenever he conceived that they exercised an injurious influence upon the young. (Aeschin. *c. Timarch.* § 12.) Another part of his duties was to conduct the solemn games at certain great festivals, especially the torch-race (*λαμπαδηφορία*), for which he selected the most distinguished among the ephebi of the gymnasia. The number of gymnasiarchs was, according to Libanius on Demosthenes (*c. Mid.* p. 510) ten, one from every tribe. (Compare Demosth. *Phil.* i. p. 50, § 36; *c. Boeot.* i. p. 996, § 7;—Isae. *Or.* 2 [*Menecl.*], § 42.) They seem to have undertaken their official duties in turns, but in what manner is unknown. Among the external distinctions of a gymnasiarch were a purple cloak and white shoes (Plut. *Anton.* 33). In early times the office of gymnasiarch lasted for a year, but under the Roman emperors we find that sometimes they held it only for a month, so that there were 12 or 13 gymnasiarchs in one year. This office seems to have been considered so great an honour, that even Roman generals and emperors were ambitious to hold it. Other Greek towns, like Athens, had their own gymnasiarchs, but we do not know whether, or to what extent, their duties differed from the Athenian gymnasiarchs. In Cyrene the office was sometimes held by women. (Krause, *Gymnastik und Agonistik d. Hellenen*, p. 179, &c.)

Another office which was formerly believed to be connected with the superintendence of the gymnasia, is that of Xystarches (*ξυστάρχης*). But it is not mentioned previous to the time of the Roman emperors, and then only in Italy and Crete. Krause (*ib.* p. 205, &c.) has shown that this office had nothing to do with the gymnasia properly so called, but was only connected with the schools of the athletae. (Cf. Dittenberger, *de Eph.* p. 45.)

An office which is likewise not mentioned before the time of the Roman emperors, but was nevertheless decidedly connected with the gymnasia, is that of Cosmetes. He had to arrange certain games, to register the names and keep the lists of the ephebi, and to maintain order and discipline among them. He was assisted by an Anticosmetes and two Hypocosmetae. This officer appears only after the re-organisation of the gymnasia in the second century B.C., when they served also as places for intellectual instruction. (Cf. Capes, *University of Athens.*)

An office of very great importance, in an educational point of view, was that of the Sophronistae (*σωφρονισταί*). Their province was to inspire the youth with a love of *σωφροσύνη*, and to protect this virtue against all injurious influences. In early times their number at Athens was ten, one from every tribe, with a salary of one drachma per day. (*Etym. M.* s. v.) Their duty not only required them to be present at all the games of the ephebi, but to watch and correct their conduct wherever they might meet them, both within and without the gymnasium. At the time of the Emperor Marcus Aurelius only six Sophronistae, assisted by as many Hyposophronistae, are mentioned. (Krause, *ib.* p. 214, &c.)

The instructions in the palaestrae, sometimes attached to gymnasia, were given by the Gymnastae (*γυμνασταί*) and the Paedotribae (*παιδοτρίβαι*); at a later period Hypopaedotribae were added. The Paedotribes was required to possess a knowledge of all the various exercises which were performed in the gymnasia; the Gymnastes was the superior teacher, and was expected to know the physiological effects and influences on the constitution of the youths, and therefore assigned to each of them those exercises which he thought most suitable. (Galen, *de Valet. tuend.* ii. 9, 11; Aristot. *Polit.* viii. 3, 2.) These teachers were usually athletae who had left their profession, or could not succeed in it. (Aelian, *V. H.* ii. 6; Galen, *l. c.* ii. 3, &c.)

The anointing of the bodies of the youths, and strewing them with dust, before they commenced their exercises, as well as the regulation of their diet, was the duty of the aliptae. [ALIPTAE.] These men sometimes also acted as surgeons or teachers. (Plut. *Dion.* c. 1.) Galen (*l. c.* ii. 11) mentions among the gymnastic teachers a *σφαιριστικός*, or teacher of the various games at ball; and it is not improbable that in some cases particular games may have been taught by separate persons.

The games and exercises which were performed in the gymnasia seem, on the whole, to have been the same throughout Greece. Among the Dorians, however, they were regarded chiefly as institutions for hardening the body and for military training; among the Ionians, and especially the Athenians, they had an additional and higher object, namely, to give to the body and its movements grace and beauty, and to make it the basis of a healthy and sound mind. But among all the different tribes of Greeks the exercises which were carried on in a Greek gymnasium were either mere games, or the more important exercises which the gymnasia had in common with the public agones in the great festivals.

Among the former we may mention, 1. The ball (*σφαίρισις*, *σφαιρομαχία*, &c.), which was in universal favour with the Greeks, and was here, as at Rome, played in a variety of ways, as appears from the words *ἀπόρραξις*, *ἐπίσκυρος*, *φαινίνδα* or *ἁρπαστόν*, &c. (Plat. *Legg.* vii. p. 797; compare Eustath. on *Od.* viii. 376; Pollux, ix. 104–107.) Every gymnasium contained one large room for the purpose of playing at ball in it (*σφαιριστήριον*). 2. *Παίζειν ἑλκυστίνδα, διελ-*

κυστίνδα, or *διὰ γραμμῆς*, was a game in which one boy, holding one end of a rope, tried to pull the boy who held its other end across a line marked between them on the ground. 3. The top (*βέμβηξ*, *βέμβιξ*, *ῥόμβος*, *στρόβιλος*), which was as common an amusement with Greek boys as in our own days. 4. The *πεντάλιθος*, which was a game with five stones, which were thrown up from the upper part of the hand and caught in the palm. 5. *Σκαπέρδα*, which was a game in which a rope was drawn through the upper part of a tree or a post. Two boys, one on each side of the post, turning their backs towards one another, took hold of the ends of the rope and tried to pull each other up. This sport was also one of the amusements at the Attic Dionysia. (Hesych. *s. v.*) These few games will suffice to show the character of the gymnastic sports.

The more important games, such as running (*δρόμος*), throwing of the *δίσκος* and the *ἄκων*, jumping and leaping (*ἅλμα*, with and without *ἁλτῆρες*), wrestling (*πάλη*), boxing (*πυγμή*), the pancratium (*παγκράτιον*, *πένταθλον*, *λαμπαδηφορία*), dancing (*ὄρχησις*), &c., are described in separate articles.

A gymnasium was, as Vitruvius observes, not a Roman institution, and Dionysius of Halicarnassus (*Ant. Rom.* vii. 70–72) expressly states that the whole *ἀγωνιστική* of the Romans, though it was practised at an early period in the Ludi Maximi, was introduced among the Romans from Greece. Their attention, however, to developing and strengthening the body by exercises was considerable, though only for military purposes. The regular training of boys in the Greek gymnastics was foreign to Roman manners, and even held in contempt. (Plut. *Quaest. Rom.* 40.) Towards the end of the republic many wealthy Romans, who had acquired a taste for Greek manners, used to attach to their villas small places for bodily exercise, sometimes called gymnasia, sometimes palaestrae, and to adorn them with beautiful works of art. (Cic. *ad Att.* i. 4; *in Verr.* ii. 14, 36.) The Emperor Nero was the first who built a public gymnasium at Rome (Sueton. *Ner.* 12); another was erected by Commodus (Herodian, i. 12, 4). But although these institutions were intended to introduce Greek gymnastics among the Romans, yet they never gained any great importance, as the magnificent thermae, amphitheatres, and other colossal buildings had always greater charms for the Romans than the gymnasia.

For a fuller account of this important subject, which has been necessarily treated with brevity in this article, the reader is referred to Hieronymus Mercurialis, *de Arte Gymnastica*, Libri vi. 1st ed. Venice, 1573, 4th ibid. 1601; Burette, *Histoire des Athlètes*, in the *Mém. de l'Acad. des Inscript.* i. 3; G. Löbker, *Die Gymnastik der Hellenen*, Münster, 1835; Wachsmuth, *Hellen. Alterth.* vol. ii. p. 344, &c. 2d ed.; Müller, *Dor.* iv. 5, § 4, &c.; Becker-Göll, *Charicles*, ii. 213–251; *Gallus*, iii. 168–188; and especially J. H. Krause, *Die Gymnastik u. Agonistik der Hellenen*, Leipzig, 1841, and Dittenberger, *de Ephebis Atticis*, ib. 1863. The histories of education among the ancients, such as those of Hochheimer, Schwarz, Cramer, and especially Grasberger, likewise contain much useful information on the subject. [L. S.] [A. S. W.]

The Relation of Gymnastics to the Medical Art.—The games of the Greeks had an immediate influence upon the art of healing, because they considered gymnastics to be almost as necessary for the preservation of health as medicine is for the cure of diseases. (Hippocrates, *de Locis in Homine*, vol. ii. p. 138, ed. Kühn; Timaeus Locrensis, *de Anima Mundi*, p. 564, in Gale's *Opusc. Mythol.*) It was for this reason that the gymnasia were dedicated to Apollo, the god of physicians. (Plut. *Symp.* viii. 4, § 4.) The directors of these establishments, as well as the persons employed under their orders, the bathers or *aliptae*, passed for physicians, and were called so, on account of the skill which long experience had given them. The directors, called *παλαιστροφύλακες*, regulated the diet of the young men brought up in the gymnasia; the sub-directors, or *Gymnastae*, prescribed for their diseases (Plat. *Legg.* xi. p. 916 A); and the *inferiors* or bathers, *aliptae*, *iatraliptae*, practised blood-letting, administered clysters, and dressed wounds, ulcers, and fractures. (Plat. *Legg.* iv. p. 720 C; Celsus, *de Medic.* i. 1; Plin. *H. N.* xxix. § 4.) Two of these directors—Iccus, of Tarentum, and Herodicus, of Selymbria, a town of Thrace—deserve particular notice for having contributed to unite more closely medicine and gymnastics. Iccus, who appears to have lived before Herodicus (*Olymp.* lxxvii.; Stephan. Byzant. *s. v.* *Τάρας*, p. 693; compare Paus. vi. 10, § 2), gave his chief attention to correcting the diet of the wrestlers, and to accustoming them to greater moderation and abstemiousness, of which virtues he was himself a perfect model. (Plat. *Legg.* viii. p. 839 E; Aelian, *V. H.* xi. 3; Id. *H. A.* vi. 1.) Plato considers him, as well as Herodicus, to have been among the inventors of medical gymnastics. (Plat. *Protag.* p. 316 E; Lucian, *de Conscrib. Hist.* § 35, p. 626.) Herodicus, whom Pliny (*l. c.*) incorrectly calls Prodicus, lived at Athens a short time before the Peloponnesian war. Plato says that he was not only a sophist (Plat. *Protag.* l. c.), but also a master of the gymnasium (Id. *Rep.* iii. p. 406 A), and physician (Id. *Gorg.* p. 448 B), and in fact he united in his own person these three characters. He was troubled, says the same author, with very weak health, and tried if gymnastic exercises would not help to improve it; and having perfectly succeeded in his own case, he imparted his method to others. Before him medical dietetics had been entirely neglected, especially by the Asclepiadae (Id. *Rep.* iii. p. 406 A). If Plato's account may be taken literally (*Phaedr.* p. 227 D), he much abused the exercise of gymnastics, as he recommended his patients to walk from Athens to Megara and to return immediately.* The author of the sixth book *de Morb. Vulgar.* (Hippocr. *Epidem.* vi. c. 3, vol. iii. p. 599) agrees with Plato: "Herodicus," he says, "caused people attacked with fever to die from walking and too hard exercise, and many of his patients suffered much from dry rubbing." A short time after we find, says Fuller (*Medicina Gymnastica*, &c. Lond.

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* "The distance from Athens to Megara was 210 stadia, as we learn from Procopius (*Bell. Vand.* i. 1). Dion Chrysostom calls it a day's journey (*Orat.* vi.). Modern travellers reckon eight hours (Dodwell, *Class. Tour*, vol. ii. p. 177)." (Cramer, *Anc. Greece*, vol. ii. sect. 13, p. 430.)

1718, 8vo), that Hippocrates (*de Vict. Rat.* iii. vol. i. p. 716), with some sort of glory, assumes to himself the honour of bringing that method to a perfection, so as to be able to distinguish *πότερον τὸ σιτίον κρατέει τοὺς πόνους, ἢ οἱ πόνοι τὰ σιτία, ἢ μετρίως ἔχει πρὸς ἄλληλα*, as he expresses it. Pursuant to this, we find him in several places of his works recommending several sorts of exercises upon proper occasions; as first, friction or chafing, the effects of which he explains (*de Vict. Rat.* ii. p. 701), and tells us that in some cases it will bring down the bloatedness of the solid parts, in others it will incarn and cause an increase of flesh, and make the part to thrive. He advises (*ibid.* p. 700) walking, of which they had two sorts, their round and straight courses. He gives his opinion (*ibid.* p. 701) of the Ἀνακινήματα, or preparatory exercises, which served to warn and fit the wrestlers for the more vehement ones. In some cases he advises the Πάλη, or common wrestling (*ibid.*), and the Ἀκροχειρία, or wrestling by the hands only, without coming close, and also the Κωρυκομαχία, or the exercise of the Corycus, or the hanging ball (see Antyllus, *ap.* Mercur. *de Arte Gymn.* p. 123); the Χειρονομία, a sort of dexterous and regular motion of the hands, and upper parts of the body, something after a military manner; the Ἀλίνδησις, or rolling in sand; and once (*ibid.* p. 700) we find mentioned, with some approbation, the Ἄπειροι Ἵπποι, *Equi Indefiniti*, by which is probably meant galloping long courses in the open field.

As for Galen, he follows Hippocrates in this as closely as in other things, and declares his opinion of the benefit of exercises in several places; his second book, "De Sanitate Tuenda," is wholly upon the use of the *strigil*, or the advantage of regular chafing: he has written a little tract, Περὶ τοῦ διὰ Μικρᾶς Σφαίρας Γυμνασίου, wherein he recommends an exercise by which the body and mind are both at the same time affected. In his discourse to Thrasybulus, Πότερον Ἰατρικῆς ἢ Γυμναστικῆς ἔστι τὸ Ὑγιεινόν, he inveighs against the athletic and other violent practices of the *gymnasium*, but approves of the more moderate exercises, as subservient to the ends of a physician, and consequently part of that art. The other Greek writers express a similar opinion; and the sense of most of them in this matter is collected in Oribasius's *Collecta Medicinalia*. In the extant remains of Antyllus, we read of some sorts of exercises that are not mentioned by Galen or any former author; among the rest the *Cricilasia*, as the translators by mistake call it, instead of *Cricoëlasia*. This, as it had for many ages been disused, Mercurialis himself, who had made the most judicious inquiries into this subject (*de Arte Gymnastica*, 4to, Amstel. 1672), does not pretend to explain; and I believe, says Freind (*Hist. of Physic*, vol. i.), though we have the description of it set down in Oribasius (*Coll. Medic.* vi. 26), it will be hard to form any idea of what it was.

The ancient physicians relied much on exercise in the cure of the dropsy (compare Hor. *Epist.* i. 2, 34, "Si noles sanus, curres hydropicus"), whereas we almost totally neglect it. (Alexander Trallianus, *de Medic.* ix. 3, p. 524, ed. Basil.) Hippocrates (*de Internis Affection.* sect. 28, vol. ii. p. 518) prescribes for one that has a dropsy *ταλαιπωρίαι*, or *fatiguing-exercises*, and he makes use of the same word in his Epidemics, and almost always when he speaks of the regimen of a dropsical person, implying, that though it be a labour for such people to move, yet they must undergo it; and this is so much the sense of Hippocrates, that Spon has collected it into one of the new Aphorisms which he has drawn out of his works. Celsus says of this case (*de Medic.* iii. 21, p. 152, ed. Argent.), "Concutiendum multa gestatione corpus est." The Romans placed great reliance upon the curative effects of exercise; and Asclepiades, who lived in the time of Pompey the Great, brought this mode of treatment into great request. He called exercises *the common aids of physic*, and wrote a treatise on the subject, which is mentioned by Celsus in his chapter "De Frictione" (*de Medic.* ii. 14, p. 82), but the book is lost. He carried these notions so far, that he invented the *Lecti Pensiles* (Plin. *H. N.* xxvi. § 14), or hanging beds, that the sick might be rocked to sleep; which became so popular at that time, that they came afterwards to be made of silver. He had so many particular ways to make physic agreeable, and was so successful in the invention of exercises to supply the place of medicine, that Pliny says (*ibid.* § 12) by these means he made himself the delight of mankind. About this time the Roman physicians sent their consumptive patients to Alexandria, which was done partly for the change of air, but chiefly for the sake of the exercise by the motion of the ship; and therefore Celsus says (*de Medic.* iii. 22, p. 156), "Si vera phthisis est, opus est longa navigatione;" and a little after he makes *Vehiculum* and *Navis* to be two of the chief remedies. As for the other more common exercises, they were daily practised, as is manifest from Celsus, Caelius Aurelianus, Theodorus Priscianus, and the other Latin physicians. And this was apparently done with great success; for Suetonius (*Calig.* c. 3) tells us that Germanicus was cured of a "crurum gracilitas," as he expresses it (by which he probably means an atrophy), by riding; and Plutarch, in his Life of Cicero, gives us an account of his weakness, and that he recovered his health by travelling and excessive diligence in rubbing and chafing his body. (Compare Cic. *Brut.* 91, § 313.) Pliny (*H. N.* xxxi. § 62) tells us Annaeus Gallio, who had been consul, was cured of a consumption by a sea-voyage; and Galen gives us such accounts of the good effects of particular exercises, and they were practised so universally by all classes, that it cannot be supposed but they must have been able to produce great and good effects. However, from an attentive perusal of what we find on this subject in the classical authors, the reader can hardly fail of being convinced that the ancients esteemed gymnastics too highly, just as at the present day they are (in a strictly medical point of view) too much neglected.

[W. A. G.]

GYMNASTES. [GYMNASIUM, p. 928 *b*.]

GYMNE'SII or **GYMNE'TES** (*γυμνήσιοι*, or *γυμνῆτες*) were a class of bond-slaves at Argos, who may be compared with the Helots at Sparta (Steph. Byz. *s. v.* Χίος: Pollux, iii. 83). Their name shows that they attended their masters on military service in the capacity of ght-armed troops, but no particulars are nown about them (Schömann, *Antiq.* i. 133, . T.; Gilbert, *Staatsalterth.* ii. 74). Müller *Dor.* iii. 4, § 2) remarks that it is to these ymnesii that the account of Herodotus (vi. 83) efers, that 6000 of the citizens of Argos having een slain in battle by Cleomenes, king of Sparta Id. vii. 148), the slaves got the government nto their own hands, and retained possession of until the sons of those who had fallen had rown to manhood. Afterwards, when the oung citizens had grown up, the slaves were ompelled by them to retire to Tiryns, and then fter a long war, as it appears, were either riven from the territory, or again subdued. Cf. Müller, *op. cit.* iii. 3, § 2; Schömann, *Antiq.* . 172, E. T.) [W. S.] [W. W.]

GYMNOPAE'DIA or **-AE** (*γυμνοπαιδία* or *αι*: always plural in the best writers, Herod. vi. 67; Thucyd. v. 83; Xen. *Hell.* vi. 4, § 16; Plat. *Legg.* i. 633 C), a festival celebrated at Sparta every year with gymnastic contests in honour of Apollo **Πυθαεὺς** (Pausan.) or **Καρνεῖος** (*Lex. Rhet.* s. v.); Artemis and Leto. The statues of these deities stood in a part of the Agora called *χορός*, and it was around these statues that, at the gymnopaedia, Spartan youths performed their choruses and dances in honour of Apollo. (Paus. iii. 11, § 7.) The festival was held in the middle of summer, in the Attic month Hecatombaeon (July), and lasted for several, perhaps for ten, days; on the last day grown men also performed choruses and dances in the theatre, and during these gymnastic exhibitions they sang the songs of Thaletas and Alcman, and the paeans of Dionysodotus. The leader of the chorus (*προστάτης* or *χοροποιός*) wore a kind of chaplet, called *στέφανοι θυρεατικοί*, in commemoration of the victory of the Spartans at Thyrea. This event seems to have been closely connected with the gymnopaediae, for those Spartans who had fallen on that occasion were always praised in songs at this festival. (Ath. xv. p. 678 b, c; Plut. *Ages.* 29; Hesych., Suid., *Etym. M.*, and Timaeus, *Glossar.* s. v. **Γυμνοπαιδία.**) The boys in their dances performed such rhythmical movements as resembled the exercises of the palaestra and the pancration, and also imitated the dance of tragedy called *ἐμμέλεια* (Hippagoras *ap.* Ath. xiv. p. 631 e). Müller (*Gr. Lit.* i. 289) supposes, with great probability, that the dances of the gymnopaediae partly consisted of mimic representations, as the establishment of the dances and musical entertainments at this festival was ascribed to the musicians, at the head of whom was Thaletas. (Plut. *de Mus.* c. 9.) The whole season of the gymnopaediae, during which Sparta was visited by great numbers of strangers, was one of great merriment and rejoicings (Xen. *Memor.* i. 2, § 61; Plut. *Ages.* 29; Pollux, iv. 14, 104), and old bachelors alone seem to have been excluded from the festivities. (Osann, *de Coelibum apud Veteres Populos Conditione Commentat.* p. 7 ff.; Schömann, *Antiq.* i. 264, E. T.; Plut. *Lycurg.* 15.) The introduction of the gymnopaediae, which subsequently became of such importance as an institution for gymnastic and orchestic performances, and for the cultivation of the poetic and musical arts at Sparta, is generally assigned to the year 665 B.C. (Comp. Meursius, *Orchestra*, p. 12, &c.; Creuzer, *Commentat. Herod.* i. p. 230; Müller, *Dor.* vol. ii. p. 350, &c.) [L. S.] [W. W.]

GYNAECONI'TIS. [DOMUS, pp. 660 *b*–663 *a*.]

GYNAECO'NOMI (*γυναικονόμοι*: the form *γυναικοκόσμοι* only in Pollux, viii. 112) were magistrates in many Greek states, who exercised a certain censorship over the conduct of women and to some extent of men also, especially the young. At Sparta there were *παιδονόμοι*, but not *γυναικονόμοι* [PAEDONOMI]; the far-reaching Spartan discipline brought both sexes alike under the control of the authorities, and such special officers may not have been required. Aristotle mentions them as a well-known institution in two passages of the *Politics* (iv. 12 (15) § 9 = p. 1300, 4 ff.; vi. 5 (8) § 13 = p. 1323, 3 ff.), and each time observes that they were characteristic of aristocracies rather than of oligarchies or democracies; a remark which alone is almost sufficient to prove that they did not exist at Athens in his time (see below). We find them at Chaeronea (Plut. *Sol.* 21 *extr.*; cf. *Att. Process*, ed. Lipsius, p. 30, n. 51); it is to his native town, and not to Athens, that the words of Plutarch refer, that besides women they had also to restrain those men who showed their effeminate character by frantic or immoderate wailing at their own or other people's misfortunes. They occur also at Syracuse (Phylarch. *ap.* Ath. xii. p. 521 b; Gilbert, *Staatsalterth.* ii. p. 255); and are traced through inscriptions at Samos (Gilbert, ii. 152, cf. *Bull.* vii. 79); Andania, where their control of women's dress is mentioned (Gilbert, ii. 337, cf. Dittenberger, *Syll. Inscr.* p. 388, 25 ff.); and Gambreion near Pergamum (*ib.*; cf. *C. I. G.* 8562). The legislation of Solon included many regulations for the government of the Athenian women. They were forbidden to go abroad with more than three changes of apparel and a stated quantity of provisions, to pass though the streets by night otherwise than in a carriage and with a light carried before them, to disfigure their faces, to wail extravagantly at funerals (Plut. *Sol.* 21; Thirlwall, *H. G.* ii. 51). These rules were no doubt enforced by the Areiopagus, then at the height of its power. It was formerly assumed that the *γυναικονόμοι* were here indicated as dating from the time of Solon; but the language of Plutarch, rightly understood, leads to the opposite conclusion. After enumerating the above particulars, he adds: *ὧν τὰ πλεῖστα καὶ τοῖς ἡμετέροις νόμοις ἀπηγόρευται· πρόσκειται δὲ τοῖς ἡμετέροις ζημιοῦσθαι τοὺς τὰ τοιαῦτα ποιοῦντας ὑπὸ τῶν γυναικονόμων.* These words, it will be seen, really refer to Chaeronea in Plutarch's time, not to Solonian Athens. The theory of Boeckh (*Ueber den Plan der Atthis des Philochoros*, p. 24 f., also in his *Kleine Schriften*, v. 422 ff.) that the Athenian *γυναικονόμοι* were first instituted by Demetrius Phalereus (B.C. 317–307), is now universally accepted (Schömann, *Antiq.* i. 535, E. T.; Gilbert, *Staatsalterth.* i. 154; Lipsius, n. 204 on *Att. Process*, p. 109). Besides the indirect evidence of Aristotle and Plutarch just noticed, and the argument from the total silence of the orators on the subject, we have the direct testimony of three writers all contemporary with Demetrius; the comic poets Timocles (*fr.* 32 M.) and Menander (*fr.* 265 M.)

and the historian Philochorus, all cited by Athenaeus (vi. p. 245 b, c). All three describe the γυναικονόμοι as acting under a recent law (καινὸς νόμος): they were now associated with the Areiopagus in the maintenance of public decency and the enforcement of sumptuary laws. They superintended even the meetings of friends in their private houses, *e.g.* at weddings, and on other festive occasions (Philoch. *l. c.*). Meetings of this kind were not allowed to consist of more than thirty persons, and the γυναικονόμοι had the right of entering any house and sending away all the guests above that number: that they also took down the names of the cooks in order to estimate the number of guests, is perhaps only a joke of Menander's. They also controlled the eccentricities of female attire; women who went unsuitably dressed in public were liable to a fine of 1000 drachmas, and these fines were recorded on a tablet suspended to a plane-tree in the Ceramicus (Harpocrat. *s. v.* ὅτι χιλίας: Hesychius, *s. v.* πλάτανος: Pollux, *l. c.*). The number of these officers and the mode of their appointment are alike unknown. The authors of the *Attische Process*, arguing from analogy, regard them as an ἀρχὴ κληρωτή: Hermann (*Staatsalterth.* § 150, n. 5) contends that they were elected by χειροτονία, referring to a passage in the rhetorician Menander (περὶ ἐπιδεικτ. iii. 2, p. 204 Walz), who however, as Lipsius points out, is not speaking of Athens. (Schömann, *Antiq.* i. 149, 498, 535, E. T.; Gilbert, *ubi supra; Att. Process*, pp. 108–110, Lipsius.) [L. S.] [W. W.]

H.

HABE'NA or **-AE** (mostly plural: τὰ ἡνία, αἱ ἡνίαι) was, generally speaking, a leathern thong, by means of which things were held, bound, drawn, or fastened. Hence the word was in particular applied—1. To the reins by means of which horses were guided and managed (Verg. *Aen.* x. 576, xi. 670, 765, xii. 327). The habenae were, as with us, fixed to the bit or bridle [FRENUM]. 2. To the thong attached to a lance, by which it was held and wielded (Lucan, vi. 218); called also *flagellum* (Verg. *Aen.* vii. 731), and more usually *amentum* [HASTA, p. 935*b*]. 3. To the thong which was formed into a sling, by means of which stones were thrown (Lucan, iii. 710; Valer. Flacc. v. 608). [FUNDA.] 4. To straps by which low shoes (*soleae*) or sandals were fastened to the feet (Gellius, xiii. 21, § 4). 5. To the thong of a whip for chastising young slaves (Hor. *Ep.* ii. 2, 15; Ov. *Heroid.* ix. 81), or for whipping a top (Verg. *Aen.* vii. 380). The *habena* was one of the milder forms of corporal punishment (Dig. 29, tit. 5, s. 33, "impuberes servi terreri tantum solent, et habena vel ferula caedi;" Marquardt, *Privatl.* 173). [L. S.] [W. W.]

HABITA'TIO. [SERVITUTES.]

HAERES. [HERES.]

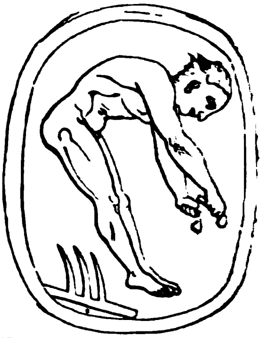
HA'LIA (ἁλία). [GEROUSIA.]

HA'LIA or **HALIEIA** (Ἅλια, Ἁλίεια), one of the principal festivals celebrated in the island of Rhodes, in honour of Helios, Doric Halios, the sun-god. It was held every year, with gymnic and musical contests and a great procession. The prize of the victors in the contest was a white wreath. It was on this occasion, the 24th of the month of Gorpiacus, that the Rhodians drove into the sea a quadriga as an offering to the god. (Schol. *ad* Pind. *Ol.* vii. 146; Xenoph. Ephes. v. 11; Fest. s. v. *October equus;* Näke, *Opusc.* i. p. 339, &c.) [L. S.]

HALMA (ἅλμα). [PENTATHLON.]

HALO'A (ἁλῶα). [ALOA.]

HALTE'RES (ἁλτῆρες) were certain masses of stone or metal which were used in the gymnastic exercises of the Greeks and Romans. Persons who practised leaping often performed their exercises with halteres in both hands; but they were also frequently used merely to exercise the body in somewhat the same manner as our dumb-bells (Crates, *fr.* 11 M.; μολυβδίδας χειροπληθεῖς, Lucian, *Anach.* 27, p. 909 R.; *graves massae*, Juv. vi. 421; Senec. *Ep.* 15, § 4, 56, § 1; Mart. xiv. 49; Pollux, iii. 155, x. 64). Pausanias (v. 26, § 3; v. 27, § 8; vi. 3, § 4) speaks of certain statues of athletes who were represented with halteres. They appear to have been made of various forms and sizes (μακροὶ and σφαιροειδεῖς, Philostr. *de Gymn.* 55). In the rage for female gymnastics, even the heavier sort were used by women (Mart. vii. 67, 6; Juv. *l. c.*). The preceding woodcut is taken from Tassie, *Catalogue*, &c. pl. 46, No. 7978. (Mercurialis, *de Arte Gymnastica*, ii. 12; Becker-Göll, *Gallus*, iii. 183; Krause, *Die Gymnastik und Agonistik der Hellenen*, vol. i. p. 395; Blümner, *Privatalterth.* 346.) [W. S.] [W. W.]



Halteres. (From an engraved gem.)

HAMAXA (ἅμαξα). [HARMAMAXA; PLAUSTRUM.]

HAMAXO'PODES (ἁμαξόποδες), in Latin **ARBUSCULAE**, appear to have been cylindrical pieces of wood, placed vertically, and with a socket cut in the lower end, to receive the upright pivot fixed above a wheel or above the middle of the axis of a pair of wheels, which could thus turn horizontally in every direction. One use of this sort of socket was to unite the axis of the fore-wheels of a chariot to the body (ἁμαξήποδες, Pollux, i. 144, 253; ἁμαξίποδες, Hesych. *s. v.*); another use of it was to attach the wheels of a testudo to the framing in such a manner that the machine might easily be moved in any direction: in fact, the *arbuscula* and the wheel together formed a castor or universal joint (Vitruv. x. 20, s. 14, § 1, ed. Schneid.). Newton (*ad loc.*) supposes that, for the latter purpose, a single piece of timber would be both clumsy and insufficient, and that the *arbuscula* must have been a sort of framing.

(See his figure, No. 114; Ginzrot, *Wagen und Fahrwerke*, i. 91, fig. 3.) [P. S.] [W. W.]

HARMA (ἅρμα). [CURRUS; HARMAMAXA.]

HARMAMAXA (ἁρμάμαξα) is evidently compounded of ἅρμα, a general term, including not only the Latin CURRUS, but other descriptions of carriages for persons; and ἅμαξα, which meant a waggon, having commonly four wheels, and used to carry loads or burthens as well as persons (Hes. *Op. et Dies*, 692; Hom. *Il.* vii. 426, xxiv. 782; *Od.* ix. 241). The harmamaxa was a carriage for persons, in its construction very similar to the CARPENTUM, being covered overhead and enclosed with curtains (σκηνή, Xen. *Cyrop.* vi. 4, § 11; Diod. xi. 56; Charito, v. 2, § 9), so as to be used at night as well as by day (Xen. *Cyrop.* iv. 2, § 15); but it was in general larger, often drawn by four horses or other suitable quadrupeds, and ornamented in a manner more splendid, luxurious, and expensive, and in the Oriental style (Diod. xvii. 35; Aristoph. *Ach.* 70). It occupied among the Persians (Max. Tyr. 34) the same place which the carpentum did among the Romans, being used, especially upon state occasions, for the conveyance of women and children, of eunuchs, and of the sons of the king with their tutors (Herod. vii. 83, ix. 76; Xen. *Cyrop.* iii. 1, § 8; iv. 3, § 1; Q. Curt. iii. 3, § 23). Also, as persons might lie in it at length, and it was made as commodious as possible, it was used by the kings of Persia, and by men of high rank in travelling by night, or in any other circumstances when they wished to consult their ease and their pleasure (Herod. vii. 41; Xen. *Cyrop.* iii. 1, § 40).

The body of Alexander the Great was transported from Babylon to Alexandria in a magnificent harmamaxa, the construction of which occupied two years, and the description of which, with its paintings and ornaments in gold, silver, and ivory, employed the pen of more than one historian (Diod. xviii. 26–28; Athen. v. p. 206 e; Aelian, *V. H.* xii. 64).

The harmamaxa was occasionally used by the ladies of Greece. A priestess of Diana is represented as riding in one which is drawn by two white heifers (Heliod. *Aeth.* iii. 4), and the coins of Ephesus show that this carriage, probably containing also symbols of the attributes and worship of Diana, added to the splendour of the religious processions in that city. [J. Y.] [W. W.]

HARMOSTES (ἁρμοστής, from ἁρμόζω, to fit or join together) is best known as the name of the governors whom the Lacedaemonians, after the Peloponnesian war, sent into their subject or conquered towns, partly to keep them in submission. and partly to abolish the democratical form of government, and establish in its stead one similar to their own (Diod. Sic. xiv. 10; Xen. *Hellen.* iv. 2, § 5; Isocrat. *Paneg.* § 117; Suidas, Hesych. *s. v.*; *Etym. M.* s. v. Ἐπίσταθμοι). Although in many cases they were ostensibly sent for the purpose of abolishing the tyrannical government of a town, and to restore the people to freedom, yet they themselves acted like kings or tyrants, whence Dionysius (*Antiq. Rom.* v. 74) thinks that harmosts were merely another name for kings. How little sincere the Lacedaemonians were in their professions to restore their subject towns to freedom was manifest after the peace of Antalcidas; for although they had pledged themselves to re-establish free governments in the various towns, yet they left them in the hands of the harmosts (Polyb. iv. 27). The character of their rule is sufficiently described by the word κατέχειν, which Isocrates (*l. c.*) and Demosthenes (*de Cor.* p. 258, § 96) use in speaking of the harmosts. (Compare Demosth. *c. Timocrat.* p. 741, § 128; Plut. *Narrat. Amat.* c. 3.) Even Xenophon (*Rep. Lac.* 14, § 2) could not help censuring the Lacedaemonians for the manner in which they allowed their harmosts to govern.

It is not stated how long the office of a harmost lasted; but considering that a governor of the same kind, who was appointed by the Lacedaemonians in Cythera, with the title of Cytherodices, held his office only for one year (Thucyd. iv. 53), it is tolerably certain that the office of harmost was of the same duration (Gilbert, *Staatsalterth.* i. 64, 92).

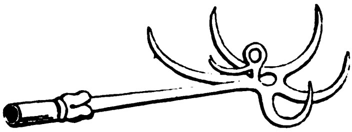
These harmosts appear first in the closing years of the Peloponnesian war; the earliest writer who mentions them is Thucydides, and he once only in his last book (viii. 5). There is reason to think, however, that the name and office were not new, but that ἁρμοσταί had previously existed as Spartan magistrates, twenty in number, charged with keeping order among the Perioeci. The only evidence for this is the Scholiast on Pindar (ἦσαν δὲ ἁρμοσταὶ Λακεδαιμονίων εἴκοσι, *ad Ol.* vi. 154); but it is accepted by Schömann, who thinks the Perioeci were divided into twenty districts, each presided over by a harmost (*Antiq.* i. 205, E. T.), and Gilbert (*Staatsalterth.* i. 38 n.). [L. S.] [W. W.]

HARPAGES GRAPHE (ἁρπαγῆς γραφή). Although the Athenians distinguished ἁρπαγή from κλοπή (Plat. *Legg.* xii. p. 941 B; Aristoph. *Plut.* 372), there does not seem to have existed a γραφὴ ἁρπαγῆς in Attic law. Lucian mentions it (*Judic. vocal.* 1); according to him, it was applicable to cases of open robbery, attended with violence (*Att. Process*, ed. Lipsius, p. 457). [J. S. M.] [H. H.]

HARPAGINE'TULI, a sort of decoration for the walls and ceilings of rooms, thus mentioned by Vitruvius, in a passage where he is speaking of irregular and fantastic ornaments (vii. 5, § 3), "pro columnis enim statuuntur calami, pro fastigiis harpaginetuli striati cum crispis foliis et volutis teneris." The word, not occurring elsewhere, has been given up as inexplicable, or possibly corrupt: the only plausible explanation is that suggested by a painting at Pompeii (*Pitture d'Ercolano*, tom. i. p. 212), which presents an architectural elevation "covered all over with ornaments resembling so many little hooks (*harpaginctuli*, dim. of *harpagones*)." (Rich.) This identification was first made by Bailey, in his *Auctarium* to Forcellini. [P. S.] [W. W.]

HA'RPAGO (ἁρπάγη: λύκος: κρεάγρα: κρεαγρίς), a grappling-iron, a drag, a flesh-hook (Ex. xxvii. 3; 1 Sam. ii. 13, 14 Sept. = *fuscinula* Vulg.; Aristoph. *Eq.* 772, *Vesp.* 1155, *Eccl.* 1002; Anaxipp. *fr.* 6 M.). The iron-fingered flesh-hook (κρεάγρα σιδηροδάκτυλος, Brunck, *Anal.* ii. 215 = *Anth. Pal.* vi. 101) is described by the Scholiast on Aristophanes (*Eq.* l. c.), as "an instrument used in cookery, resembling a hand with the fingers bent inwards, used to take boiled meat out of the caldron." Four specimens of it, in bronze, are in the British Museum.

One of them is here represented. Into its hollow extremity a wooden handle was inserted.



Harpago, flesh-hook. (British Museum.)

A similar instrument, or even the flesh-hook itself (Aristoph. *Eccles.* l. c.; Eurip. *Cycl.* 33) was used to draw up a bucket or to recover anything which had fallen into a well (Menand. *fr.* 730 M.; Hesych. *s. vv.* Ἁρπάγη, Κρεάγρα, Λύκος). For the name λύκος applied to hooked instruments, cf. L. and S. *s. v.*

In war the grappling-iron, thrown at an enemy's ship, seized the rigging, and was then used to drag the ship within reach, so that it might be easily boarded or destroyed (Ἅρπαξ, Moschion *ap.* Ath. v. p. 208 d; Appian, *B. C.* v. 118; *asseres ferreo unco praefixi* (*harpagones vocant*), Liv. xxx. 10, § 16). These instruments appear to have been much the same as the *manus ferreae* (*manus ferreas atque harpagones*, Caes. *B. C.* i. 57; Q. Curt. iv. 9; Dio Cass. xlix. 3, l. 32, 34). The *manus ferreae* were employed by Duilius against the Carthaginians (Flor. ii. 2; Front. *Strateg.* ii. 3, § 24), and were said to have been invented by Pericles (Plin. *H. N.* vii. § 209). [J. Y.] [W. W.]

HARPASTUM. [PILA.]

HARUNDO. [CALAMUS.]

HARU'SPICES, or **ARU'SPICES**, were soothsayers or diviners, who interpreted the will of the gods. They originally came to Rome from Etruria, whence haruspices were often sent for by the Romans on important occasions (Liv. xxvii. 37; Cic. *Catil.* iii. 8, 19; *de Div.* ii. 4, 11). The art of the haruspices resembled in many respects that of the augurs; but they never acquired that political importance which the latter possessed, and were regarded rather as means for ascertaining the will of the gods than as possessing any religious authority. They did not in fact form any part of the ecclesiastical polity of the Roman state during the republic; they are never called *sacerdotes*, they did not form a collegium, and had no magister at their head. The mere fact that they were salaried marks them off sharply from the national priesthoods (*C. I. L.* vi. 2161; *Eph. Epigr.* iii. p. 91). The account of Dionysius (ii. 22) that the haruspices were instituted by Romulus, and that one was chosen from each tribe, is opposed to all the other authorities, and is manifestly incorrect. Claudius first (Tac. *Ann.* xi. 15) founded a collegium of haruspices, which consisted of sixty members (*C. I. L.* vi. 2161). It is an error of the older commentators to suppose that this collegium existed before his time. Cicero (*de Div.* ii. 24, 52), in speaking of a *summus haruspex*, means only a soothsayer of high distinction. He may, however, have been the head of a school in Etruria.

The art of the haruspices, which was called *haruspicina*, consisted (1) in explaining and interpreting the will of the gods from the appearance of the entrails (*exta*) of animals offered in sacrifice, whence they are sometimes called *extispices*, and their art *extispicium* (Cic. *de Div.* ii. 11, 26; Suet. *Ner.* 56); (2) in dealing with the significance of extraordinary phenomena in nature, to which the general name of *portenta* was given (Valer. Max. i. 1, § 1; Cic. *de Harusp. Resp.* 9, 18; Liv. i. 56, 5, v. 15), and averting the evils portended by thunderbolts (cf. Müller, *Etrusk.* ii. 165 ff.); (3) in interpreting the meaning of lightning. But while the last two also fell under the cognizance of the pontiffs and the augurs, the art of the haruspices was supposed to enable them to deal with them with greater detail. (Cf. Mommsen, *Hist.* i. 190.) Their art is said to have been invented by a fabulous Etruscan dwarf Tages (Cic. *de Div.* ii. 23, 50; Festus, s. v. *Tages*), and was contained in certain books called *libri haruspicini*, *fulgurales*, and *tonitruales*. (Cic. *de Div.* i. 33, 72; compare Macrob. *Saturn.* iii. 7; Müller, *Etrusk.* ii. 30.)

This art was at one time considered by the Romans so important, that the senate decreed that ten young Etruscans from each of the states, belonging to the principal families, should always be instructed in it. (Cic. *de Div.* i. 41, 92; cf. Müller's text, and C. O. Müller, *Etrusk.* ii. p. 4.) The senate sometimes consulted the haruspices (Cic. *de Div.* i. 43, 97; ii. 35, 74; Liv. xxvii. 37), as did also private persons (Cic. *de Div.* ii. 29, 62). In later times, however, their art fell into disrepute among well-educated Romans; and Cicero (*de Div.* ii. 24, 51) relates a saying of Cato, often absurdly misapplied to the augurs, that he wondered that one haruspex did not laugh when he saw another. Cicero (*ad Fam.* vi. 18) is very indignant at the admission of a haruspex into the senate. The Emperor Claudius attempted to revive the study of the art, which had then become neglected; and the senate, under his directions, passed a decree that the pontifices should examine what parts of it should be retained and established (Tac. *Ann.* xi. 15); but we do not know what effect this decree produced. Haruspices appear as late as the time of Alaric (Zosimus, v. 41).

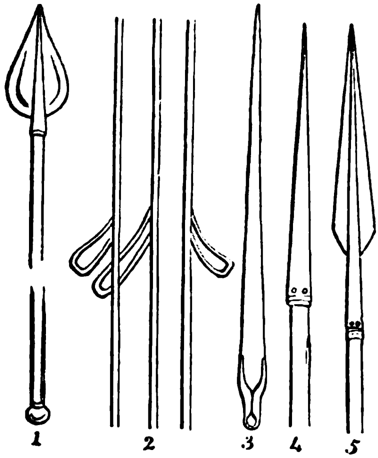
The name of haruspex is sometimes applied to any kind of soothsayer or prophet (Prop. iii. (iv.) 13, 59); whence Juvenal (vi. 550) speaks of *Armenius vel Commagenus haruspex*.

The latter part of the word *haruspex* contains the root *spec*; and Donatus (*ad* Ter. *Phorm.* iv. 4, 28) derives the former part from *haruga*, a victim. The root *har* occurs also in Greek χορδή, *hira*, &c., and denotes "twisted," hence "entrail." (Cf. Corssen, i. 509.) Compare Festus, s. v. *Harviga*, and Varro, *de Ling. Lat.* v. 98, ed. Müller. (Göttling, *Gesch. der Röm. Staatsverf.* p. 213; Walter, *Gesch. des Röm. Rechts*, §§ 142, 770, 2nd ed.; Brissonius, *De Formulis*, i. 29; Marquardt, *Röm. Staatsverw.* iii. 393–398.) [W. S.] [A. S. W.]

HASTA (ἔγχος, παλτόν), a spear. The spear is defined by Homer, δόρυ χαλκῆρες, "a pole fitted with bronze" (*Il.* vi. 3), and δόρυ χαλκοβάρες, "a pole heavy with bronze" (*Od.* xi. 531). The bronze, for which iron was afterwards substituted, was indispensable to form the point (αἰχμή, ἀκωκή, Homer; λόγχη, Xenophon; *acies, cuspis, spiculum*, Ovid. *Met.* viii. 374) of the spear. Each of these two essential parts is often put for the whole, so that a spear is called δόρυ and δοράτιον, αἰχμή, and λόγχη. Even the more especial term μελία, meaning an ash-tree, is used in the same manner, because the pole of the spear was often the stem of a young ash, stripped of its bark and polished. (*Il.* xix. 390, xx. 277, xxii. 328; *Od.* xxii. 259; Plin. *H. N.* xvi. § 62; Ovid, *Met.* xii. 369.) In like manner the spear is designated by the term κάμαξ (Aesch. *Ag.* 66; Eurip. *Hec.* 1155, *Phoen.* 1403; Brunck, *Anal.* i. 191, 226; Antip. Sidon. 34), meaning properly the cane or bamboo, which served also for vine-props and other uses (Hes. *Scut.* 298). Xenophon says that the δόρυ καμάκινον, apparently the usual lance of cavalry in his time, was both weak and heavy, and recommends in its stead two darts of the tough cornel-wood (τὰ κρανέϊνα δύο παλτά, *de Re Eq.* 12, § 12; cf. Theophrast. *H. P.* iii. 12, § 2).

The butt-end of the spear was furnished with a spiked metal ferule, called by the Ionic writers σαυρωτήρ (Hom. *Il.* x. 153; Herod. vii. 40, 41; also Polyb. vi. 23), and οὐρίαχος (*Il.* xiii. 443, xvi. 612, xvii. 528), and in Attic or common Greek στύραξ (Xen. *Hell.* vi. 2, § 19; Athen. xii. p. 514 b; στυράκιον, Thucyd. ii. 4; Aen. Tact. 18). By thrusting this into the ground the spear was fixed erect (Verg. *Aen.* xii. 130).

It has been suggested that the Homeric σαυρωτὴρ or οὐρίαχος was a knob or lump of metal to balance the weight of the spear-head and insure steadiness in throwing (Leaf, in *Journ. Hellen. Soc.* iv. 301): it may no doubt have served that purpose as well, but the ancient tradition is constant in favour of there having been a second spike. Many of the lancers (δορυφόροι, αἰχμοφόροι, λογχοφόροι, woodcut, p. 353 *b*) who accompanied the king of Persia had, instead of this spike at the bottom of their spears, an apple or a pomegranate, either gilt or silvered. (Herod., Athen. *ll. cc.*) With this, or a similar ornament, the spear is often terminated both on Persian and Egyptian monuments. Fig. 1 in the annexed woodcut shows the top and bottom of a spear, which is held by one of the king's guards in the sculptures at Persepolis. (Sir R. K. Porter's *Travels*, vol. i. p. 601.) It may be compared with those in the hand of the Greek warrior at p. 189 *b*, which have the spike at the lower end. The spike at the bottom of the spear was used in fighting by the Greeks and Romans, when the head was broken off. (Polyb. vi. 25.)



Hasta, Spear-heads (various).

A well-finished spear was kept in a case (δορατοθήκη), which, on account of its form, is called by Homer a pipe (σύριγξ, *Il.* xix. 387).

The spear was used as a weapon of attack in three different ways:—1. It was thrown from catapults and other engines [TORMENTUM]. 2. It was thrust forward as a pike. In this manner Achilles killed Hector by piercing him with his spear through the neck (*Il.* xxii. 326). The Euboeans were particularly celebrated as pikemen (Hom. *Il.* ii. 543). 3. It was commonly thrown by the hand. The Homeric hero generally went to the field with two spears (Hom. *Il.* iii. 18, x. 76, xii. 298; Pind. *Pyth.* iv. 139). On approaching the enemy he first threw either one spear or both, and then on coming to close quarters drew his sword (Hom. *Il.* iii. 340, xvii. 530, xx. 273–284). The Homeric spears are of enormous length. Hector carries one 11 cubits long (*Il.* vi. 319), and when fighting from the ship's deck Ajax wields one of double the length, 22 cubits (*Il.* xv. 678). Rüstow and Köchly consider these "purely heroic" (cf. the *falarica* hurled by Turnus, Verg. *Aen.* ix. 705); but Xenophon (*Anab.* iv. 7, § 16) positively tells us that the Chalybes used spears of the portentous length of 15 cubits, and we can only suspend our judgment as to the spears of Homer's time (Leaf, p. 300). The point is commonly supposed to have been attached to the shaft by a hollow socket or ferule (αὐλός, *Il.* xvii. 297, with Leaf's note; αἰγανέας δολιχαύλους, i.e. *venabula*, *Od.* ix. 156); but the lance of Hector has the head fastened on by a golden πόρκης, i.e. κρίκος or ring (*Il.* vi. 320, xv. 495). Leaf very justly points out that a gold ring outside a bronze tube would not be of much use, and that the αὐλὸς and πόρκης were probably not employed together. Curiously enough, the spear-heads at Mycenae all have the αὐλός (Schliemann, *Mycenae*, p. 278), while those found at Hissarlik are attached to the shaft by nails (*Ilios*, pp. 475–7; *Troja*, p. 95): in the latter case the ring would come in usefully to prevent the wood from splitting. It is perhaps allowable to suppose that the αὐλὸς was the Greek, the πόρκης the Trojan mode of attachment. The question is more fully discussed by Leaf, *l. c.*

The spear frequently had a leathern thong tied to the middle of the shaft, which was called ἀγκύλη by the Greeks, and *amentum* or *ammentum* by the Romans, and which was of assistance in throwing the spear. The javelin to which the ἀγκύλη was attached was called μεσάγκυλον. (Pollux, i. 136; Schol. *ad* Eurip. *Orest.* 1477; Xen. *Anab.* iv. 2, § 28; Verg. *Aen.* ix. 665; Ov. *Met.* xii. 321; Cic. *de Orat.* i. 57, § 242; *Brut.* 78, § 271.) The annexed figure, taken from Sir W. Hamilton's *Etruscan Vases* (iii. pl. 33), represents the *amentum* attached to the spear at the centre of gravity, a little above the middle.

The *amentum* added to the effect of throwing the lance by giving it rotation, and hence a greater degree of steadiness and directness in its flight, as in the case of a ball shot from a rifle. This supposition both suits the expressions relative to the insertion of the fingers, and accounts for the frequent use of the verb *torquere*, "to whirl or twist," in connexion with this subject. Two fingers were used, the fore and the middle finger: *Ammentum digitis tende prioribus* (Senec. *Phaedr.* 820). We also find mention in the Latin grammarians of *Hastae ansatae*, and Ennius speaks of *Ansatis concurrunt undique telis* (*ap.* Macrob. *Sat.* vi. 1, § 16). The *ansa* was probably the same as the *amentum*, and was so called as being the part which the soldier laid hold of in hurling the spear. (Cf. Saglio, in D. and S., s. v. *Amentum.*)

Spear with amentum. (From an Etruscan vase.)

Under the general terms *hasta* and ἔγχος were included various kinds of missiles, of which the principal were as follows:—

Lancea (λόγχη, Festus, s. v. *Lancea*), the lance, a comparatively slender spear commonly used by the Greeks. Iphicrates, who doubled the length of the sword [GLADIUS], also added greatly to the dimensions of the lance. (Diod. xv. 44; Nep. *Iphicr.* 1, § 3.) This weapon was used by the Grecian horsemen (Polyb. vi. 23); and by means of a cross-bar to it, which is supposed by Stuart (*Ant. of Athens*, vol. iii. p. 47; woodcut, fig. 2) to be exhibited on the shafts of three spears in an ancient bas-relief, they mounted their horses with greater facility. This, however, is a mere conjecture: Xenophon describes the way to mount a horse (*de Re Eq.* 7) and the proper kind of spears for cavalry (*ib.* 12), and nowhere alludes to this or any other artificial help in mounting.

Pilum (ὑσσός), the javelin, much thicker and stronger than the Grecian lance (Flor. ii. 7, = i. 23, Jeep). Its shaft, often made of cornel (Verg. *Aen.* ix. 698; Ovid, *Met.* viii. 408), was 4½ feet (3 cubits) long, and the barbed iron head was of the same length, but this extended half-way down the shaft, to which it was attached with extreme care, so that the whole length of the weapon was about 6 feet 9 inches. Each soldier carried two (Polyb. vi. 23). It was used either to throw or to thrust with; it was peculiar to the Romans, and gave the name of *pilani* to the division of the army by which it was adopted. It was, however, carried by different classes of troops at different times, and at last, apparently, by all the legionaries (EXERCITUS, pp. 784 *b*, 785 *a*). When Marius fought against the Cimbri, he ordered that of the two nails or pins (περόναι) by which the head was fastened to the staff, one should be of iron and the other of wood. The consequence was that, when the *pilum* struck the shields of the enemy, the wooden nail broke; and as the iron head was thus bent, the spear, owing to the twist in the metal part, still held to the shield and so dragged along the ground. (Plut. *Mar.* 25.)

Whilst the heavy-armed Roman soldiers bore the long lance and the thick and ponderous javelin, the light-armed used smaller missiles, which, though of different kinds, were included under the general term *hastae velitares* (Liv. xxvi. 4, xxxviii. 20; Plin. *H. N.* vii. § 201, xxviii. § 34). From γρόσφος, the corresponding Greek term (Polyb. i. 40; Strabo, iv. p. 196), the *velites*, or light-armed, are called by Polybius γροσφομάχοι (vi. 19, 20). According to his description the γρόσφος was a dart, with a shaft about 3 feet long and 1 inch in thickness: the iron head was a span long, and so thin and acuminated as to be bent by striking against anything, and thus rendered unfit to be sent back against the enemy. Fig. 3, in the above woodcut, shows one which was found, with nearly four hundred others, in a Roman entrenchment at Meon Hill, in Gloucestershire. (Skelton's *Engraved Illustrations*, vol. i. pl. 45.)

The light infantry of the Roman army used a similar weapon, called "a spit" (*veru*, *verutum*. Liv. xxi. 55; σαύνιον, Diod. Sic. xiv. 27; Festus, s. v. *Samnites*). It was adopted by them from the Samnites (Verg. *Aen.* vii. 665) and the Volsci (*Georg.* ii. 168). Its shaft was 3½ feet long, its point 5 inches (Veget. ii. 15). Fig. 4, in the above woodcut, represents the head of a dart in the Royal Collection at Naples; it may be taken as a specimen of the *verutum*, and may be contrasted with fig. 5, which is the head of a lance in the same collection. The Romans adopted in like manner the *gaesum*, which was properly a Celtic weapon (Liv. xxviii. 45); it was given as a reward to any soldier who wounded an enemy (Polyb. vi. 37). *Sparus* is evidently the same word with the English *spar* and *spear*. It was the rudest missile of the whole class, and only used when better could not be obtained. (Verg. *Aen.* xi. 682; Serv. *in loc.*, "sparus est rusticum telum in modum pedi recurvum"; Nepos, *Epam.* 9, § 1; Sallust, *Cat.* 56; Gell. x. 25.)

Besides the terms *jaculum*, *spiculum*, and *venabulum* (ἄκων, ἀκόντιον), which probably denoted lighter darts used in hunting as well as in battle (Thucyd. ii. 4; Cic. *in Verr.* v. 3, § 7, *ad Fam.* v. 12, § 5; Verg. *Aen.* x. 52; Serv. *in loc.*; Ov. *Met.* viii. 410; Flor. *l. c.*), we find in classical authors the names of various other spears which were characteristic of particular nations. Thus, Servius (on *Aen.* vii. 164) states that, as the *pilum* was proper to the Romans and the *gaesum* to the Gauls (cf. *Aen.* viii. 661; Propert. v. 10, 42), so the *sarisa* was the spear peculiar to the Macedonians. (On the extraordinary length of the *sarisa*, see EXERCITUS, p. 778; Grote, Excursus on ch. 92; on the spelling of the word, L. and S. *s. v.* *σάρισα.*) The Thracian *ῥομφαία*, *rhomphaea* or *rumpia*, has been compared to the *sarisa* on the strength of a passage in Livy (xxxi. 39), but was really a sword (cf. GLADIUS); whereas the Illyrian *σιβύνη* is justly described as a *venabulum* or hunting-spear (*σιβύνιον*, Polyb. vi. 23, § 9; *σιγύνη*, Herod. v. 9; Antip. Sidon. 13; *sibina*, Enn. *Annal.* vii. 115; *sibyna*, Festus; *sibones*, Gell. x. 25).

The iron head of the German spear, called *framea*, was short and narrow, but very sharp. The Germans used it with great effect either for hurling or thrusting: they gave to each youth a *framea* and a shield on coming of age (Tac. *Germ.* 6, 13, 18, 24; Juv. xiii. 79).

The *falarica* or *phalarica* was a missile of the largest dimensions, deriving its name from the *falae* or wooden towers used in sieges (cf. HELEPOLIS), from which it was usually discharged by an engine (Fest., Non. *s. v.*; Veget. iv. 18; Serv. *ad Aen.* ix. 705; Gell. x. 25). Livy (xxi. 8) describes one employed by the Saguntines, and impelled by the aid of twisted ropes; it was large and ponderous, having a head of iron 3 feet in length, which carried flaming pitch and tow. This sort was weighted near the top by a circular mass of lead (Isid. *Orig.* xviii. 7). We also find a *falarica* hurled from the hand, mostly, however, in poetry as a feat of gigantic strength (Verg. *Aen.* l. c.; Lucan, vi. 196; Sil. Ital. i. 351; Grat. Falisc. *Cyneg.* 342), but in real life by a Spanish tribe (Liv. xxxiv. 14). The *matara*, *mataris* or *materis*, a Celtic word, denotes a broad-tipped spear used by the Gauls (Auct. *ad Herenn.* iv. 32, § 43; Caes. *B. G.* i. 26; Liv. vii. 24; *μάδαρις, παλτοῦ τι εἶδος*, Strab. iv. p. 196; Hesych.); the *tragula* (in some senses, but perhaps not in this one, derived from *traho;* see the Dictionaries) was probably barbed, as it required to be cut out of the wound (Sallust. *ap.* Non. p. 553, 29; Caes. *B. G.* v. 35; Gell. *l. c.*).

The careful antiquarian researches of recent years have led to the discovery of many specimens of Roman weapons, especially in Germany and Switzerland; the results of these finds, styled "important" by Guhl and Koner (p. 772), do not tend to the overthrow of previously established conclusions. A genuine old-German *framea* has not, it appears, yet been dug up out of its native soil (*ib.* p. 775).

Among the decorations which the Roman generals bestowed on their soldiers, more especially for saving the life of a fellow-citizen, was a spear without a head, called *hasta pura* (Verg. *Aen.* vi. 760; Serv. *in loc.*; Festus, s. v. *Hasta;* Sueton. *Claud.* 28; Tac. *Ann.* iii. 21). The gift of it is sometimes recorded in funeral inscriptions.

The *caelibaris hasta* (Festus, *s. v.*) having been fixed into the body of a gladiator lying dead on the arena, was used at marriages to part the hair of the bride (Ov. *Fast.* ii. 559 foll.; Plut. *Quaest. Rom.* 87).

A spear was erected at auctions [AUCTIO], and when tenders were received for public contracts (*locationes*). It served both to announce by a conventional sign conspicuous at a distance that a sale was going on, and to show that it was conducted under the authority of the public functionaries (Cic. *de Off.* ii. 8, § 29; Nepos, *Att.* 6; Festus, s. v. *Hasta*). Hence an auction was called *hasta*, and *hastarium* (Tertull. *Apol.* 13) is either an auction-room or an auctioneer's catalogue: in modern Italian *asta* means only an auction, never a spear. It was also the practice to set up a spear in the court of the CENTUMVIRI.

The throwing of the spear (*ἀκοντισμός*) was one of the gymnastic exercises of the Greeks (Krause, *Gymnastik und Agonistik*, i. 465 ff.; PENTATHLON). On Greek spears in general, cf. Droysen, *Kriegsalterth.* pp. 17–19 in Hermann-Blümner; Guhl and Koner, ed. 5, pp. 314–318; W. Leaf in *Journ. Hell. Soc.* iv. 299 ff.: on Roman, Marquardt, *Staatsverw.* ii. 328 ff.; Guhl and Koner, pp. 772–775. [J. Y.] [W. W.]

HASTA'TI. [EXERCITUS, pp. 783 *a*, 784 *b*.]

HECATOMBAEA. [HERAEA.]

HECATOMBAEON. [CALENDARIUM, Greek.]

HECATOMBE. [SACRIFICIUM.]

HECATO'MPEDON. [PES; TEMPLUM.]

HECATOMPHO'NIA (*ἑκατομφόνια*), an ancient festival or rather custom observed by the Messenians of Ithome, whenever they had killed a hundred enemies. A sacrifice was offered on the occasion to Zeus. (Paus. iv. 19, § 2; Plut. *Romul.* 24.) [L. S.]

HECATOSTE (*ἑκατοστή*). [PENTECOSTE.]

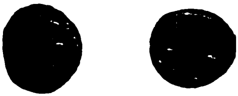
HECTE or **HECTEUS** (*ἕκτη, ἑκτεύς*), and its half, *Hemiecton* or *Hemiecteon* (*ἡμίεκτον, ἡμιεκτέον*), are terms which occur, in more than one sense, in the Greek metrical system, and are interesting on account of the examples they furnish of the duodecimal division.

1. In dry measures, the *hecteus* was the sixth part of the *medimnus*, and the *hemiecteon*, of course, the twelfth part. (Aristoph. *Eccl.* 547; *Nub.* 643, 645.) In the latter passage the *ἡμιεκτέον* is called *τετράμετρον*, as holding 4 choenices. The form *ἡμιεκτέον* is used by Aristophanes, *ἡμίεκτον* by later writers (Dem. *c. Phorm.* p. 918, § 37). The *hecteus* was equal to the Roman *modius*, as each contained 16 *ξέσται* or sextarii. In late Greek the word *ἑκτεὺς* became obsolete, and *μόδιος* took its place, as in the fragments of Galen's metrological writings. (Boeckh, *Metrol. Untersuch.* pp. 33, 200; Hultsch, *Metrol.* p. 82.) [P. S.] [W. W.]

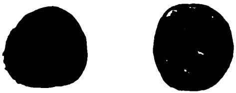
2. In the case of coins also, the hecte was the sixth part of some unit. It would seem from the statement of Hesychius (*s. v.*) that the term was applied to fractional coins, whether of gold, silver, or copper. In this wide sense the silver obol, as being the sixth part of the drachm, would be a hecte. But the name was specially applied to small coins of gold and of electrum (mixed gold and silver). One reason for this may have been that as the mintages of gold and electrum belonged principally to Asia Minor, the unit or stater in those metals followed the Oriental principle of division by thirds, sixths, and twelfths, rather than by halves and quarters. The sixth part of the gold and electrum staters of the cities of Ionia, of Lydia, of Cyzicus and Phocaea, was a coin in frequent use in antiquity, and minted in great quantities. Ἕκται Φωκαΐδες are mentioned as dedicated in the Athenian treasuries in the lists of B.C. 429 and 397 (*C. I. Att.* i. 199, 207). At a later period they were issued jointly with Mitylene, in virtue of a compact of which the text has

come down to us [see Electrum, *ad fin.*]. The hectae of Phocaea of Mitylene and of Cyzicus abound in our museums: they are roundish coins made of a pale mixture of gold and silver, and weighing from 35 to 44 grains.

The twelfth or ἡμίεκτον of electrum was also a common coin. This is mentioned by Julius



Hecte of Phocaea.



Hecte of Cyzicus.

Pollux (ix. 62, quoting Crates) as the equivalent of eight obols of silver; that is to say, if the obols be Attic obols, ninety grains of silver, giving a proportion of value between electrum and silver of 4½ to 1, a proportion which can only have obtained if the electrum were of very base quality [P. G.]

HECTEMO'RII (ἑκτημόριοι), a name given to a class of cultivators in Attica before the time of Solon.

We have examples, among the unenfranchised classes in Greece, of agriculturists who had to pay a fixed quantity of produce and take all the risks of bad seasons: such were the Perioeci and Helots in Laconia [Decumae, *init.*; Helotes]. We also find what is now known as the *métayer* system, under which landlord and tenant divide the produce in a certain proportion. The landlord's share was called μορτή, and land held under *métairie* was ἐπίμορτος γῆ (Pollux, vii. 151, quoting Solon). The ἑκτημόριοι were *métayers* who, according to some ancient authorities, paid a sixth portion to their masters and retained five-sixths for themselves (Plut. *Sol.* 13; Hesych. *s. v.* ἐπίμορτος): according to others, they received only a sixth part (Hesych. *s. v.* ἑκτήμοροι: Phot. *s. v.* πελάται: Eustath. *ad* Hom. *Od.* xix. 28, p. 1854). The correctness of the latter view, first insisted upon by Schömann (*Assemblies*, p. 362), is now generally admitted; had the tenants paid only a sixth, they would have been much better off than the landowners, whereas all the accounts testify to a state of oppression to which Solon applied a remedy. Boeckh, who in his first edition (*P. E.* p. 494) held that the cultivators paid the sixth part, afterwards came round to the opinion of Schömann (*Sthh.*^{2} i. 578). The ἑκτημόριοι belonged to the class of θῆτες, though probably not all θῆτες were ἑκτημόριοι (Schömann, *Antiq.* i. 323 n.). They were also sometimes called πελάται, *i.e.* clients or dependents (Plat. *Euthyphr.* 4 C, with Schol.). (Schömann, *Assemblies*, p. 362; *Antiq. Jur. Publ.* p. 169; *Antiq.* i. 323, E. T.; Hermann, *Staatsalterth.* § 100 n. 16, 101 n. 10; Büchsenschütz, *Besitz und Erwerb*, p. 49 f.; Gilbert, *Staatsalterth.* i. 125 f.)

For the Roman *métayers*, called *partiarii*, see Agricultura, p. 60 *a*; and cf. Gaius, *Inst.* ii. 254, and *ap.* Dig. 19, 2, 25; *pecora partiaria*, i.e. the same system applied to the increase of cattle, Cod. Just. 2, 3, 8. [W. S.] [W. W.]

HEDNA (ἕδνα). [Dos.]

HEGEMO'NIA DIKASTE'RIOU. [Eisagogeis.]

HEGETO'RIA. [Plynteria.]

HEIRGMOU DIKE (εἰργμοῦ δίκη). This was an action for keeping a free person in private custody. There are no orations upon this subject extant. Pollux (vi. 353) mentions εἰργμὸς in a list of ἀδικήματα. The *Lex. Cantabr.* s. v. defines it, εἴ τις τινα ἔδησεν ἢ συνέσχεν ἀδίκως, and quoting Dem. *c. Mid.* p. 562, § 147, hints that Agatharchus the painter might have adopted this remedy against Alcibiades ([Andoc.] *c. Alcib.* §§ 17, 18; Plut. *Alcib.* 16). In Dinarch. *c. Demosth.* § 23, it is mentioned that a miller incurred capital punishment for a like offence. Meier looked upon it as another instance of εἰργμός, whilst Maetzner (*ad l. c.*) and Lipsius (*Att. Process*, p. 410 n.) take it to be a γραφὴ ὕβρεως. If the latter view be correct, the punishment was not so severe as to cause any astonishment (such as Thonissen expresses, *Droit pénal*, p. 294 f.). Quite different from this action was ἀδίκως εἰρχθῆναι ὡς μοιχόν. [Adulterium.] [J. S. M.] [H. H.]

HELE'POLIS (ἑλέπολις). When Demetrius Poliorcetes besieged Salamis in Cyprus B.C. 306, he caused a machine to be constructed, which he called "the taker of cities." Its form was that of a double cube, 45 cubits square and 90 high. It rested on four wheels, each 8 cubits high. It was divided into nine stories, the lower of which contained machines for throwing great stones, the middle large catapults for throwing spears, and the highest, other machines for throwing smaller stones, together with smaller catapults. It was manned with 200 soldiers, besides those who moved it by pushing the parallel beams at the bottom. (Diod. xx. 48.)

At the siege of Rhodes, in the following year, Demetrius employed a helepolis of still greater dimensions and more complicated construction. Besides wheels it had castors (ἀντίστρεπτα), so as to admit of being moved laterally as well as directly. Its form was pyramidal. The three sides which were exposed to attack were rendered fire-proof by being covered with iron plates. In front each story had port-holes, which were adapted to the several kinds of missiles, and were furnished with shutters that could be opened or closed at pleasure, and were made of skins stuffed with wool. Each story had two broad flights of steps, the one for ascending, the other for descending. (Diod. xx. 91; Plut. *Demetr.* 21; compare Vitruv. x. 22.) This helepolis was constructed by Epimachus the Athenian; and a much esteemed description of it was written by Dioclides of Abdera. (Athen. v. p. 206 d.) It was no doubt the greatest and most remarkable engine of the kind that was ever erected. In subsequent ages we find the name of "helepolis" applied to moving towers which carried battering-rams, as well as machines for throwing spears and stones. Engines of this kind were used to batter the walls of Jerusalem at the siege under Titus (Joseph. *B. J.* ii. 19, § 9; iii. 6, § 2). One described by Ammianus does not differ much from the earlier model (Amm. Marc. xxiii. 4, § 10); we find them likewise in the Byzantine

period (Agathias, i. 18; Nicet. Chon. *Jo. Comnen.* p. 14 b). [ARIES; TORMENTUM.]
[J. Y.] [W. W.]

HELIASTAE. [DICASTES.]

HELIOCAMI'NUS. [DOMUS, p. 686 *b*.]

HELIX (ἕλιξ), anything of a spiral form, whether in one plane, as the spiral curve, or in different planes, as the screw.

1. In architecture, the spiral volutes of the Ionic and Corinthian capitals. The Roman architects, while they used the word *volutae* for the angular spirals, retained the term *helices* for the smaller spirals in the middle of each face of the Corinthian capital. (Vitruv. iv. 1, § 12.)

2. In mechanics, the word designates the screw in its various applications; but its chief use was to describe a machine used for launching ships, said to have been invented by Archimedes. (Athen. v. p. 207 a, where Schweighäuser notes that the exact nature of it has not been discovered.) [P. S.] [W. W.]

HELLANO'DICAE (Ἑλλανοδίκαι), the judges in the Olympic and Nemean games, of whom an account is given under OLYMPIA. The same name was also given to the judges or court-martial in the Lacedaemonian army (Xen. *Rep. Lac.* 13, § 11); and they were probably first called by this name when Sparta was at the head of the Greek confederacy. As the name implies, their jurisdiction must have been international, not exclusively Spartan. According to Gilbert (*Staatsalterth.* i. pp. 65, 81), they were not military officers, but attached to the army in a civil capacity, like the κρεοδαίτης, ταμίαι, and λαφυροπῶλαι. [W. S.] [W. W.]

HELLENOTA'MIAE (Ἑλληνοταμίαι), or treasurers of the Greeks, were magistrates appointed by the Athenians to receive the contributions of the allied states. They were first appointed B.C. 477, when Athens, in consequence of the conduct of Pausanias, had obtained the headship of the league of national defence against the Persians. The money paid by the different states, which was originally fixed at 460 talents, was deposited in Delos, which was the place of meeting for the discussion of all common interests; and there can be no doubt that the Hellenotamiae not only received, but were also the guardians of these moneys. Xenophon (*de Vect.* 5, § 5) describes the position of Athens at the head of the confederacy as ἡγεμονία and ἑλληνοταμία (Thuc. i. 96; Plut. *Arist.* 24; Antiph. *de Caed. Her.* § 69; Andoc. *de Pace*, § 38). The office was retained after the treasury was transferred to Athens on the proposal of the Samians (Plut. *Arist.* 25; Diod. xii. 38), but was of course abolished on the conquest of Athens by the Lacedaemonians. The Hellenotamiae were not reappointed after the restoration of the democracy; for which reason the grammarians afford us little information respecting their duties. It is, however, certain from inscriptions that they were ten in number, and, like the Strategi, chosen one from each tribe, not necessarily, but as far as circumstances permitted: for as requiring character and the possession of property they were almost certainly an ἀρχὴ χειροτονητή (Gilbert, *Staatsalterth.* i. 236; Fränkel, n. 307 on Boeckh; *C. I. A.* i. 259, 260). In the case where the occurrence of eleven names has occasioned a difficulty (*C. I. A.* i. 188), there is little doubt that the eleventh is a πάρεδρος or assessor: in other inscriptions (*ib.* 180–183) Ἑλληνοταμίαι and πάρεδροι are coupled together, and Gilbert (*l. c.*) thinks that there was one to each. The Hellenotamiae, during the period of Athenian supremacy, were the most important financial officers after the treasurers of Athena (ταμίαι τῆς θεοῦ), into whose treasury, the Opisthodomos, they carried the collected tribute. A mina in the talent, or $\frac{1}{60}$, was retained as an ἀπαρχὴ for the goddess; the rest was disbursed as it was wanted by the ταμίαι τῆς θεοῦ to the Hellenotamiae, and by them applied mostly to the Theorica and to military objects. It is needless to say that the pretext of defence against the Persians was soon dropped, and that the money of the allies was spent in wars for the aggrandisement of Athens. The time for paying the φόρος into the treasury was, as a rule, in the spring, when the festival of the great Dionysia was celebrated. If the allies were backward in payment, the action of the Hellenotamiae was supplemented by the appointment of ἐκλογεῖς [ECLOGEIS, No. 2]. (Boeckh, *P. E.* p. 176 ff. = *Sthh.*^{3} i. 217 ff.; Schömann, *Antiq.* i. 438, 453, E. T.; Gilbert, *Staatsalterth.* i. 236 f., 398; a classified list of inscriptions in Boeckh, *Sthh.*^{3} i. 217 n.)
[W. S.] [W. W.]

HELLOTIA. [ELLOTIA.]

HELO'TES or **-AE** (Εἵλωτες, Εἱλῶται: *Ilotae*, Liv. xxxiv. 27) were a class of bondsmen subject to Sparta. The whole of the inhabitants of Laconia were included in the three classes of Spartans, Perioeci, and Helots, of whom the Helots were the lowest. They formed the rustic population of the country, dwelling in small villages or on detached farms, both in the district immediately surrounding Sparta and around the towns of the Perioeci. We need not regard them as exclusively or even mainly settled in the low fertile country watered by the Eurotas, where the estates of the Spartans were mostly situated (Gilbert, p. 31); they were doubtless, as cultivators of the soil, diffused over the whole country. Their condition was that of serfs attached to the land, *adscripti glebae*, and they could not be sold away from it; they were regarded as the property of the state, which, while it gave their services to individuals, reserved to itself the power of emancipating them (Ephorus *ap.* Strab. viii. p. 365; δοῦλοι τοῦ κοινοῦ, Paus. iii. 20, § 6). Different etymologies are given of their name. In ancient times it was believed to be derived from the town of Helos on the coast of Laconia (Hellanicus *ap.* Harpocrat. *s. v.* εἱλωτεύειν: Ephorus *ap.* Strab. *l. c.*; Theopompus *ap.* Ath. vi. 272 a; Schol. Plat. *ad Alcib.* i. p. 122 D [p. 919 a ed. Turic.]; Apostolius, *Cent.* vi. 59 = Leutsch, *Paroemiogr.* i. 379). But apart from other improbabilities, it is impossible to form Εἵλωτες from Ἕλος, the inhabitants of which are called Ἕλειοι or Ἑλεᾶται: nor is the difficulty diminished if we treat ἕλος, not as a proper name but in the sense of "marsh," as if "dwellers in the lowlands" were meant. The explanation of Müller (*Dor.* iii. 3 *init.*) as "prisoners" from the root of ἑλεῖν, "to take," like δμῶες from the root of δαμάω, is now universally accepted; and, as he points out, there are traces of it in ancient times by the side of the other (οἱ ἐξ αἰχμαλώτων δοῦλοι γενόμενοι, Schol. Plat., Apostol., *ll. cc.*;

Etym. M. s. v.). Why two classes of the conquered should have received such different treatment as the Perioeci and Helots is a question which goes back to pre-historic times and cannot be satisfactorily answered. The general opinion in the ancient world was that the former had made terms with their conquerors, whereas the latter had surrendered at discretion after resistance, perhaps aggravated by rebellion (Ephor., Theopomp., *ll. cc.*). Müller, as the avowed apologist for the Dorian race, tried to prove that, on their arrival in the Peloponnese, they found a class of agricultural serfs in the land, consisting of the Leleges or other early inhabitants, already deprived of their freedom by the Achaeans, and made no change in their condition. But Schömann has well pointed out that this theory, though not altogether inconceivable, at least contradicts the express statements of ancient writers (Schömann, *Antiq.* i. 194, E. T.; cf. Thumser, *Staatsalterth.* p. 121, n. 2; Gilbert, p. 32, leaves the point undecided). Few would attach any importance to the statement of Pliny, who in a catalogue of inventions (*H. N.* vii. § 200) says, "servitium invenere Lacedaemonii;" but earlier and better writers also ascribed the origin of predial slavery in Greece to the Thessalian and Dorian conquests. (See, besides the passages already referred to, Theopomp. *ap.* Ath. vi. p. 265 b, c.) Schömann further argues that there is no trace of this institution in Homeric descriptions of the heroic age; the lowest in the agricultural scale is the *θής*, a free labourer working on poor wages for a small farmer (*ἀνδρὶ παρ' ἀκλήρῳ*, *Od.* xi. 490): others less correctly make the *θής* a serf or villain (L. and S. *s. v.*; Merry and Riddell, *ad loc.*).

At the end of the second Messenian war (B.C. 668), the conquered Messenians were reduced to slavery, and included under the denomination of Helots. Their condition appears to have been the same, with some slight differences, as that of the other Helots. But, in addition to that remembrance of their freedom, which made not only them, but through their influence the whole class of Helots, more and more dangerous to their masters, they preserved the recollection of their national existence, and were ready to seize any opportunity for regaining it. Henceforward the danger from the servile population became much more serious, and the Spartan precautions against a rising more cruel and unscrupulous; a state of things which in the end was aggravated by the dwindling numbers of the ruling oligarchy. Epaminondas, after the battle of Leuctra, restored the main body of these Messenian Helots to their country, where they no doubt formed the chief part of the population of the new city of Messene (Thirlwall, v. 104, 105; Grote, ch. 78, vii. 197 ff.).

The Helots formed by far the most numerous class of the population. Schömann, after Müller (*Dor.* iii. 3, § 6), reckons them at 224,000 out of a total of 380,000 or at most 400,000; it must be admitted, however, with Büchsenschütz (*Besitz und Erwerb*, p. 139 n.) and Gilbert (*l. c.*) that the calculations upon which this estimate is based are very uncertain. They occupied both the 9,000 larger estates (*κλῆροι*) of the Spartans and the 30,000 smaller lots of the Perioeci. Several families resided in dwellings of their own upon each *κλῆρος*: Müller assumes six or seven, but the *κλῆροι* must have differed greatly in extent and fertility. They cultivated the land and paid to their masters as rent a fixed measure of corn, the exact amount of which had been fixed at a very early period, the raising of that amount being forbidden under heavy imprecations (Plut. *Inst. Lac.* 41, p. 239 d). The annual rent paid for each *κλῆρος* was eighty-two medimni of barley, and a proportionate quantity of oil and wine (Plut. *Lyc.* 8 and 24). It is impossible to accept Müller's calculation, that this represented only a fifth of the produce, and that the Helots kept four-fifths for themselves. Compare the Athenian HECTEMORII. The domestic servants of the Spartans were mostly Helots. They attended on their masters at the public meal; and many of them were no doubt employed by the state in public works. Bought slaves were rare at Sparta, but not altogether unknown: the poet Alcman is said to have been a Lydian slave from Sardis.

In war the Helots served as light-armed troops (*ψιλοί*), a certain number of them attending every heavy-armed Spartan to the field; at the battle of Plataeae, there were seven Helots to each Spartan, and one to every hoplite of the Perioeci (Herod. ix. 10 and 28). These attendants were probably called *ἀμπίτταρες* (*i.e.* *ἀμφιστάντες*, Hesych. *s. v.*), and one of them in particular the *θεράπων* or orderly (Herod. vii. 229; *ὑπασπιστής*, Xen. *Hell.* iv. 5, 14); though *θεράπων* was also used by the Dorians as a general name for armed slaves. The *ἐρυκτῆρες*, mentioned as emancipated Helots, were probably Helots serving in war and not yet free, though they generally became so if they showed distinguished bravery: one of their duties was to carry off the wounded from the ranks (*ἐρύκειν*, akin to *ἐρύειν*). The Helots only served as hoplites in particular emergencies; and it was a universal rule that such service was followed by the bestowal of freedom. The first instance of this kind was in the expedition of Brasidas, B.C. 424: others are recorded in the Peloponnesian and Theban wars (Thucyd. iv. 80, v. 34, vii. 19; Xen. *Hell.* vi. 5, § 28). On the other hand, in the Spartan fleets the general body of the sailors were Helots, and while serving in this capacity they were called *δεσποσιοναῦται*. They may generally have been rewarded with freedom, but it is probably by a mistake that they are spoken of as free during their period of service (Schömann, *Antiq.* i. 198 n.).

The treatment to which the Helots were subjected, as described by the later Greek writers, is marked by the most wanton cruelty. Thus Myron states that "the Spartans impose upon them every ignominious service, for they compel them to wear a cap of dog-skin, and to be clothed with a garment of sheep-skin, and to have stripes inflicted upon them every year for no fault, that they may never forget that they are slaves. And besides all this, if any rise by their qualities above the condition of a slave, they appoint death as the penalty, and their masters are liable to punishment if they do not destroy the most excellent" (Athen. xiv. p. 657 d). And Plutarch (*Lyc.* 28) states that Helots were forced to intoxicate themselves, and perform indecent dances as a warning to the Spartan youth. The general opinion of ancient writers is summed up in the passage of Theopompus already cited (*ap.* Ath. vi. 272 a): *τὸ δὲ τῶν εἱλώτων ἔθνος παντάπασιν ὠμῶς διοικεῖται καὶ πικρῶς.* These statements must be received with some caution, owing to the "rhetorical spirit with which later historians embellished their philanthropic views" (Müller, § 3). Thus Myron, whose work on the Messenian war was a mere romance, absurdly treats the sheep-skin garment and dog-skin cap, universally worn by the peasantry in outlying districts, as badges of insult. The Helots had some at least of the privileges of freemen; their family rights were respected; and they had a certain power of acquiring property. Cleomenes, for instance, offered manumission to every Helot who could pay down five Attic minae; and no fewer than six thousand purchased their freedom for the considerable sum of £20 each (Plut. *Cleom.* 23). In their social relations with their masters, the anecdotes of their treatment (*e.g.* the story of their drunkenness), as Grote puts it, "betoken less of cruelty than of ostentatious scorn." This feeling, it must be remembered, increased in later times as the Spartans made up by increased arrogance for their diminishing numbers. But politically a much darker sentiment prevailed on the part of the Spartan government and the ephors, its leading representatives, at least from the time of the Messenian wars. The chronic dread of insurrection overcame every scruple of good faith or humanity, and the measures of repression described under Crypteia were had recourse to. Here also we find exaggerated statements in late and uncritical writers; but there can be no doubt of the fact related by Thucydides, that on one occasion 2,000 of the Helots who had rendered the greatest service to the state in war, were induced to come forward by the offer of emancipation, and then were mysteriously put to death (Thucyd. iv. 80).

The Helots might be emancipated, but in that case, instead of passing into the class of Perioeci, they formed a distinct body in the state, known at the time of the Peloponnesian war by the general term of *νεοδαμώδεις* (Thucyd. v. 34, vii. 19, 58, viii. 5), but subdivided into several classes. Myron of Priene (*ap.* Ath. vi. p. 271 f) enumerates the following classes of emancipated Helots:—*ἀφέται, ἀδέσποτοι, ἐρυκτῆρες, δεσποσιοναῦται*, and *νεοδαμώδεις*: this, however, is a piece of very careless writing; the terms *ἀφέται* ("discharged") and *ἀδέσποτοι* speak for themselves, but the *ἐρυκτῆρες* and *δεσποσιοναῦται* were probably not emancipated at all (see above), and *νεοδαμώδεις* is the general term which he here confuses with its subdivisions. Besides these, there were the *μόθωνες* or *μόθακες*, who were domestic slaves brought up with the young Spartans, and then emancipated. These were generally or invariably the illegitimate sons of Spartan lords by Helot mothers, and in many cases they attained not merely freedom, but civic rights and even high command; Callicratidas, Lysander, and Gylippus are all said to have been of Mothakic origin (Phylarch. *ap.* Ath. vi. 271 e; Aelian, *V. H.* xii. 43; Müller, *Dor.* iii. 3, § 5). The *νεοδαμώδεις* received permission to dwell where they wished (Thucyd. v. 34); implying, as Müller thinks, a grant of land as their own. On the classes of Spartan citizens, cf. Civitas (Greek), p. 446 ff. (Müller, *Dorians*, iii. 3; Thirlwall, i. 309–313; Grote, pt. 2, ch. 6=ii. 140–145; Schömann, *Antiq.* i. 194–201, E. T.; Gilbert, *Staatsalterth.* i. 31–36; Thumser, *Staatsalterth.* § 19, in Hermann-Blümner.) [P. S.] [W. W.]

HEMERA. [Dies.]

HEMERO'DROMI (*ἡμεροδρόμοι*) were couriers in the Greek states, who could keep on running all day, and were often employed to carry news of important events. As the Greeks had no system of posts, and but few roads, such messengers must have been of great service. They were trained for the purpose, and could perform the longest journeys in an almost incredibly short space of time. (Herod. vi. 105; Plat. *Protag.* 335 E; Corn. Nep. *Milt.* 4; Plut. *Arist.* 20; Paus. vi. 16, § 5.) Such couriers appear to have been kept by most of the Greek states, and were in times of danger stationed on some eminence in order to observe anything of importance that might happen, and carry the intelligence with speed to the proper quarter. Hence we frequently find them called *Hemeroscopi* (*ἡμεροσκόποι*, Herod. vii. 183, 192; Xen. *Hell.* i. 1, § 2; Aeneas Tact. c. 6). That the *Hemeroscopi* were the same as the *Hemerodromi* appears not only from the passage of Aeneas Tacticus just referred to, but also from the words of Livy (xxxi. 24): "ni speculator (hemerodromos vocant Graeci, ingens die uno cursu emetientes spatium), contemplans regium agmen e specula quadam, praegressus nocte media Athenas pervenisset." The Hemerodromi were also called *Dromokerykes* (*δρομοκήρυκες*, Aeschin. *de F. L.* § 130; Harpocrat. and Hesych. *s. v.*). [W. S.] [W. W.]

HEMERO'SCOPI. [Hemerodromi.]

HEMICHRY'SUS. [Aurum; Stater.]

HEMICO'NGIUS. [Congius; and the Tables.]

HEMICY'CLIUM (*ἡμικύκλιον*), a semicircle, is used in much the same senses as Exedra (*q. v.*). 1. A recessed seat, either semicircular in shape or, sometimes, a smaller segment of a circle; Vitruvius (v. 1, § 8) describes one built by himself, which was 46 feet long and 15 deep; it formed the tribunal of a basilica (Guhl and Koner, ed. 5, p. 527). 2. A hall or colonnade furnished with such recesses, and employed for purposes of conversation, either in private houses (Cic. *de Am.* 1) or in places of public resort; coupled with palaestrae, as a sort of clubs for social meeting and gossip (Plut. *Alcib.* 17, *Nic.* 12). In this sense it approaches the meaning of Lesche (Hermann-Blümner, *Privatalterth.* p. 126, n. 5). 3. A semicircular stone or marble alcove in the streets or squares of a town, or in the open air generally. Two such are still standing in the Street of Tombs outside the walls of Pompeii, near the gate leading to Herculaneum; one of these is figured by Rich *s. v.*: a third is at the back of a small apartment open to the street (*Mus. Borbon.* xv. tav. 25, 26). Another, containing a fountain, is in the grounds of a Roman villa at Euren near Trier or Trèves (Guhl and Koner, p. 576). 4. A convex sundial, figured and described under Horologium. [P. S.] [W. W.]

HEMIECTEON, HEMIECTON. [Hecteus.]

HEMILI'TRON. [Litra.]

HEMI'NA (*ἡμίνα* or *ἡμῖνα*), the name of a

Greek and Roman measure, the half of the standard measure of capacity, the *ξέστης*, and therefore equivalent to *κοτύλη*. The word is originally Sicilian; see the quotations from Epicharmus and Sophron, *ap.* Ath. xi. p. 479 a, b, xiv. p. 648 d; in the latter passage one of the speakers declares that it is not good Greek. It is obviously connected with *ἥμισυς* (Hesych. *s. v.*), and some have thought that it was merely a dialectic form; it may, however, have been softened from *ἡμίμνα*, "half a pound." The long penultima favours this derivation; and the saying "a pint is a pound" is approximately true of ancient as well as modern measures. The *ἡμίνα* passed into the Roman metrical system, where it is used with exactly the same force; namely, for a measure which is half the Sextarius, and equal to the Greek Cotyle (Plaut. *Mil. Glor.* iii. 2, 18; Pers. *Sat.* i. 130; Auct. *Carm. de Pond.* 67, 68). It is sometimes found as a dry measure (Plin. *H. N.* xviii. § 9; Cels. iv. 10 and 15). (Cf. Boeckh, *Metrol. Untersuch.* pp. 17, 200, 203; Hultsch, *Metrol.* p. 91 ff.) [P. S.] [W. W.]

HEMIOBO'LION, HEMIO'BOLUS. [Obolus.]

HEMIPO'DION. [Pes.]

HEMI'STATER. [Stater.]

HEMIXESTON. [Sextarius.]

HE'NDECA, HOI (*οἱ ἕνδεκα*), *the Eleven*, were magistrates at Athens of considerable importance. They are always thus called in the classical writers; but in the time of Demetrius Phalereus, their name is said to have been changed into that of *νομοφύλακες* (Pollux, viii. 102), who were, however, during the democracy distinct functionaries. [Nomophylaces.] Another name in the grammarians is *δεσμοφύλακες*, Schol. Dem. *Androt.* p. 601, § 26; *Timocr.* p. 765, § 210; of which *θεσμοφύλακες* (Schol. Aristoph. *Plut.* 1108) must be a corruption.

The time at which the office of the Eleven was instituted is disputed. Ullrich considers the office to have been of an aristocratical character, and concludes from a passage in Heraclides Ponticus (i. § 10) that it was established by Aristeides. Meier, on the other hand, maintains that the office existed not only before the time of Cleisthenes, but probably before the legislation of Solon; but it seems impossible to come to any satisfactory conclusion on the subject. The earliest writer who names them is Antiphon (*de Caed. Her.* § 70). They were annually chosen by lot, one from each of the ten tribes, and a secretary (*γραμματεύς*), who seems to have taken a very important part in the business, and to have had one or more *ὑπογραμματεῖς* under him (Pollux, viii. 102).

The principal duty of the Eleven was the care and management of the public prison (*δεσμωτήριον*), which was entirely under their jurisdiction. On the uses of the prison at Athens, see Carcer. When a person was condemned to death, he was immediately given into the custody of the Eleven, who were then bound to carry the sentence into execution according to the laws. (Xen. *Hell.* ii. 3, § 54.) The most common mode of execution was by hemlock juice (*κώνειον*), which was drunk after sunset. (Plat. *Phaed.* 116 B ff.) The Eleven had under them jailers, executioners, and torturers, who were called by various names (*οἱ παραστάται*, Bekk. *Anecd.* p. 296, 32; *ὁ τῶν ἕνδεκα ὑπηρέτης*, Xen. *Hell.* ii. 3, § 54; *ὁ δημόκοινος*, Antiph. *de Venef.* § 20; Isocr. *Trapez.* § 15; *ὁ δημόσιος*, or *δήμιος*, &c. [Demosii]). When torture was inflicted in causes affecting the state, it was either done in the immediate presence of the Eleven (Dem. c. *Nicostr.* p. 1254, § 23) or by their servant (*ὁ δήμιος*).

The Eleven usually only had to carry into execution the sentence passed in the courts of law and the public assemblies; but in some instances they possessed a *ἡγεμονία δικαστηρίου*. This was the case in those summary proceedings called *ἀπαγωγή*, *ἐφήγησις*, and *ἔνδειξις*, in which the penalty was fixed by law, and might be inflicted by the court on the confession or conviction of the accused without appealing to any of the jury courts (Lys. c. *Agorat.* § 86, *οἱ ἕνδεκα οἱ παραδεξάμενοι τὴν ἀπαγωγὴν ταύτην*: cf. id. *κατὰ τῶν σιτοπωλῶν*, § 2). They also had a *ἡγεμονία δικαστηρίου* in the case of *κακοῦργοι*, because the summary proceedings mentioned above were chiefly adopted in the case of such persons: hence Antiphon (*de Caed. Her.* § 17) calls them *ἐπιμεληταὶ τῶν κακούργων*. The word *κακοῦργοι* properly means any kind of malefactors, but is only applied in Athenian law to thieves (*κλέπται*), house-breakers (*τοιχωρύχοι*), man-stealers (*ἀνδραποδισταί*), and other criminals of a similar kind. (Antiph. *de Caed. Her.* § 9 f; Lys. c. *Theomn.* i. § 10; [Dem.] c. *Lacr.* p. 940, § 47; *Att. Process*, p. 86 Lips.)

The Eleven are also said to have possessed *ἡγεμονία δικαστηρίου* in the case of confiscated property (*εἰσῆγον δὲ καὶ τὰ ἀπογραφόμενα χωρία*, *Etym. M.* p. 338, 35). This statement does not refer, as some have thought, solely to the property of persons condemned to death and sold by the Poletae; in an extant inscription we find the Eleven holding inventories of confiscated property, and their secretary bound on his own responsibility to keep correct accounts of payments made (Boeckh, *Seeurkunden*, p. 535 f.). (Ullrich, *Ueber die Elf-Männer*, appended to his translation of Plato's Meno, Crito, and the first and second Alcibiades, Berlin, 1821; Sluiter, *Lectiones Andocid.* pp. 256–261; *Att. Process*, pp. 81–88 Lips.; Hermann, *Staatsalterth.* § 139; Schömann, *Antiq.* i. 414, E. T.; Gilbert, *Staatsalterth.* i. 243 f.) [W. S.] [W. W.]

HEPHAESTEIA. [Lampadephoria.]

HERACLEIA (*Ἡράκλεια*), festivals celebrated in honour of Heracles, who was worshipped in many parts of Greece not only as a hero, but as a god. Thus we hear of a festival celebrated at Sicyon which lasted two days, the second of which was called Heracleia (Paus. ii. 10, § 1). In Attica we meet with Heracleia in several places, and in some they were celebrated with contests (Harpocrat. p. 139; Demosth. *Fals. Leg.* p. 379, § 125; Aristoph. *Ran.* 651). But no details of their celebration are given, except that the one referred to by Demosthenes took place in the city about midsummer. In Boeotia Heracleia are mentioned at Thisbe (Paus. ix. 32, § 2), at Tipha or Siphae (*ibid.* § 3). At Thebes, the birthplace of the hero, a great festival was held in his honour under the name of Iolaia. Other places where Heracles was honoured with games and contests are known from inscriptions. [L. S.]

HERAEA (*Ἥραια*) is the name of festivals celebrated in honour of Hera in all the towns of Greece where the worship of this divinity was introduced. The original seat of her worship, from which it spread over the other parts of Greece, was Argos; whence her festivals in other places were, more or less, imitations of those which were celebrated at Argos. (Müller, *Dor.* ii. 10, § 1.) The Argives had three temples of Hera: one lay between Argos and Mycenae, 45 stadia from Argos; the second lay on the road to the Acropolis, and near it was the stadium in which the games and contests at the Heraea were held (Paus. ii. 24, § 2); the third was in the city itself (Paus. ii. 22, § 1). Her service was performed by the most distinguished priestesses of the place; one of them was the high-priestess, and the Argives counted their years by the date of her office. (Thucyd. ii. 2.) The Heraea of Argos were celebrated every fifth year, and, according to the calculation of Boeckh (*Abhandl. der Berl. Akad. von* 1818–19, p. 92 ff.), in the middle of the second year of every Olympiad. One of the great solemnities which took place on the occasion, was a magnificent procession to the great temple of Hera, between Argos and Mycenae. A vast number of young men—for the festival is called a panegyris—assembled at Argos, and marched in armour to the temple of the goddess. They were preceded by one hundred oxen (*ἑκατόμβη*, whence the festival is also called *ἑκατόμβαια*). The high-priestess accompanied this procession, riding in a chariot drawn by two white oxen, as we see from the story of Cleobis and Biton related by Herodotus (i. 31) and Cicero (*Tuscul.* i. 47, § 113). The hundred oxen were sacrificed, and their flesh distributed among all the citizens. (Schol. *ad* Pind. *Ol.* vii. 152, and *ad Nem.* x. 39.) The sacrifice itself was called *λεχέρνα* (Hesych. *s. v.*) or "the bed of twigs." (Comp. Welcker on Schwenck's *Etymologische Andeutungen*, p. 268.) The games and contests of the Heraea took place in the stadium, near the temple on the road to the Acropolis. A brazen shield was fixed in a place above the theatre, which was scarcely accessible to any one, and the young man who succeeded in pulling it down received the shield and a garland of myrtle as a prize. Hence Pindar (*Nem.* x. 41) calls the contest *ἀγὼν χάλκεος*. It seems that this contest took place before the procession went out to the Heraeon, for Strabo (viii. p. 556) states that the victor went with his prizes in solemn procession to that temple. This contest was said to have been instituted, according to some traditions, by Acrisius and Proetus (Aelian, *V. H.* iii. 24), according to others by Archinus. (Schol. *ad* Pind. *Ol.* vii. 152; Hermann, *Gottesd. Alterth.* § 52, n. 1).

The Heraea or Hecatombaea of Aegina were celebrated in the same manner as those of Argos (see Schol. *ad* Pind. *Isthm.* viii. 114; Müller, *Aeginet.* p. 149; Hermann, *Gottesd. Alterth.* § 52, n. 19).

The Heraea of Samos, which island also derived the worship of Hera from Argos (Paus. vii. 4, § 4), were perhaps the most brilliant of all the festivals of this divinity. A magnificent procession, consisting of maidens and married women in splendid attire, and with floating hair (Asius, *ap.* Athen. xii. p. 525), together with men and youths in armour (Polyaen. *Strat.* i. 23, vi. 45), went to the temple of Hera. After they arrived within the sacred precincts, the men deposited their armour; and prayers and vows were offered up to the goddess. Her altar consisted of the ashes of the victims which had been burnt to her. (Paus. v. 13, § 5.)

The Heraea of Elis were celebrated every fifth year, or in the fourth year of every Olympiad. (Corsini, *Dissert.* iii. 30.) The festival was chiefly celebrated by maidens, and conducted by sixteen matrons who wove the sacred peplus for the goddess. But before the solemnities commenced, these matrons sacrificed a pig, and purified themselves in the well Piera. (Paus. v. 16, § 5.) One of the principal solemnities was a race of the maidens in the stadium, for which purpose they were divided into three classes, according to their age. The youngest ran first and the oldest last. Their only dress on this occasion was a *χιτών*, which came down to the knee, and their hair was floating. She who won the prize received a garland of olive-boughs, together with a part of a cow which was sacrificed to Hera, and might dedicate her own painted likeness in the temple of the goddess. The sixteen matrons were attended by as many female attendants, and performed two dances; the one called the dance of Physcoa, the other the dance of Hippodameia. Respecting further particulars, and the history of this solemnity, see Paus. v. 16, § 2, &c.; Hermann, *Gottesd. Alterth.* § 51, n. 3.

Heraea were celebrated in various other places; *e.g.* in Cos (Athen. xiv. p. 639, vi. p. 262), at Corinth (Eurip. *Med.* 1379; Philostrat. *Her.* xix. 14), at Athens (Plut. *Quaest. Rom.* vii. 168), at Cnosus in Crete (Diod. v. 72), at Pellene in Achaia (Schol. *ad* Pind. *Ol.* vii. 156; *ad Nem.* x. 82; Aristoph. *Av.* 1421; Krause, *Gymn.* i. pt. 2, p. 715; Hermann, *Gottesd. Alterth.* § 51, n. 28.)

[L. S.] [W. W.]

HERE'DITAS. [Heres.]

HERES. I. Greek. The Athenian laws of inheritance are to be explained under this title. The subject may be divided into five parts, of which we shall speak: 1st, of personal capacity to inherit; 2ndly, of the rules of descent and succession; 3rdly, of the power of devising; 4thly, of the remedies of the heir for recovering his rights; 5thly, of the obligations to which he succeeded.

1. *Of personal Capacity to inherit.*—To obtain the right of inheritance as well as citizenship (*ἀγχιστεία* and *πολιτεία*), legitimacy was a necessary qualification. Those children were legitimate who were born in lawful wedlock or in concubinage with an Athenian woman after legitimation. The validity of a marriage depended partly on the capacity of the contracting parties, partly on the nature of the contract. On the first point little needs to be noticed here, except that brother and sister by the same mother (*uterini*) were forbidden to marry (not in Egypt: cf. Theocrit. xvii. 128 ff., *ἐκ θυμοῦ στέργοισα κασίγνητόν τε πόσιν τε*); but consanguinity in general was so far from being deemed an objection, that marriage between collateral relations was encouraged, in order to keep the property in the family (Andoc. c. *Alcib.* § 33; Lys. c. *Alcib.* i. § 41; Dem. c. *Leoch.* p. 1083, § 10; c. *Eubul.* p. 1305, § 21; Plut. *Cim.* 4, *Themist.* 32). The contract was

made by the husband with the father, brother, or grandfather πρὸς πατρὸς of the intended wife (Dem. *c. Leoch.* p. 1095, § 49; Lex *ap.* [Dem.] *c. Steph.* ii. p. 1135, § 18): then only was she properly betrothed (ἐγγυητή). An heiress, however, was assigned, or adjudged, to the next of kin (ἐπιδικασθεῖσα) by process of law, as explained under EPICLERUS (Isae. *Philoct.* § 14, ἢ ἐγγυηθεῖσαν κατὰ τὸν νόμον ἢ ἐπιδικασθεῖσαν: the ἐγγύη is γάμου ἀπογραφή, Hesych. *s. v.*). No ceremony was necessary to ratify the contract; but it was usual to betroth the bride in the presence of witnesses, and to give a marriage feast, and invite the phratores of the husband, for the sake of publicity. [GAMELIA.] Children of an Athenian mother, not born in wedlock, possessed civic rights (ἐλεύθεροι), and their father could procure for them heritable rights only by an act of legitimation (ποιεῖσθαι, Andoc. *de Myst.* § 124; Dem. *c. Boeot.* i. p. 1003, § 29). Without this act of legitimation —which was possible only if the mother was an Athenian [CONCUBINA]—such children possessed no right of succession (νόθῳ μηδὲ νόθῃ εἶναι ἀγχιστείαν, Isae. *Philoct.* § 47, etc.; *Att. Process*, ed. Lipsius, p. 501 ff.).

2. *Of the Rules of Descent and Succession.**—Here we would premise that, as the Athenian law made no difference in this respect between real and personal estate, the words "heir," "inherit," etc., will be applied indiscriminately to both. When an Athenian died leaving sons, they shared the inheritance (ἰσόμοιροι, Isae. *Philoct.* § 25), like our heirs in gavelkind, and as they now do in France: this was also the case when the sons were by different mothers (Dem. *pro Phorm.* p. 954, § 32), or when a person, after having adopted a son, had sons of his own (Isae. *Philoct.* § 63); for any one adopted into another family lost all rights of succession in the one from which he sprang (Isae. *Astyph.* § 2; *Arist.* § 4; Dem. *c. Leoch.* p. 1089, § 28). The eldest son had no essential advantage over the others (Philippi, *Gesch. d. att. Bürgerr.* p. 193; in Dem. *pro Phorm.* p. 955, § 34 f., πρεσβεῖά τε τὴν συνοικίαν ἔλαβε κατὰ τὴν διαθήκην). Sometimes the sons lived on the joint, undivided property, sometimes they divided the money and possessed the other inheritance in common (Aeschin. *c. Tim.* § 102; Dem. *c. Leoch.* p. 1086, § 18; [Dem.] *c. Eubul. et Mnes.* p. 1149, § 34; Harpocr. *s. v.* κοινωνικῶν; Lys. *c. Diog.* § 4, etc.).

Sisters had no claims to a share, but it was incumbent upon the brothers to give them suitable marriage portions; they were then called ἐπίπροικοι (Harpocr. *s. v.* ἐπίδικος). There was no positive law making it imperative on a brother to give his sister a portion of a certain amount; but the moral obligation to assign her a fortune corresponding to his own rank was strengthened by custom and public opinion, insomuch that if she was given in marriage portionless, it was deemed a slur upon her character (Schömann *ad* Isae. p. 233). Mantitheus gave each of his two sisters a portion

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* According to the Gortyn Code, on the death of the father the property passed to the children or grandchildren or great-grandchildren; in default of descendants, brothers, their children and grandchildren, succeeded; in default of these came sisters of the deceased, their children and grandchildren; then οἱ ἐπιβάλλοντες, *i.e.* more distant relations, and last of all ἁ κλᾶρος τᾶς ϝοικίας, *i.e.* "the whole number of householders belonging to the family, the κλαρῶται" [COSMI]. Merriam (*Law Code of Gortyna*, p. 27) explains κλᾶρος to be "the descendants, however remote, but still traced, of the original Dorian settler on the original allotment of land;" whilst in Schaube's opinion (*Herm.* 1886, p. 222) ὁ κλᾶρος is the estate itself, the κρέματα went with the κλᾶρος of which the state had to dispose (v. 10–28). The wife could not inherit from her husband (as she did in Erythrae, Dittenberger, *Syll. I. Gr.* 370, l. 150). On the death of the mother leaving children, the father had control (καρτερὸς τὸν ματροίον, i.e. τῶν ματρῴων) of her property until his death or second marriage, but could not sell or mortgage without the assent of the children being of age (vi. 31–46); afterwards it also passed to the children (iv. 43–48). If the mother died childless, her property went back to her heirs (iii. 31–37). In the division of property we meet with a principle, almost unknown elsewhere amongst the Greeks (*C. I. G.* No. 2338, l. 93, Tenos), viz. that the daughters shared with the sons. The houses in the city with their contents, as well as the cattle of the deceased, fell to the sons, whilst the rest of the property was divided among all the children, the daughters receiving each a single share, whilst the sons had each a double share (iv. 29–41: those excepted who had received a dowry on marriage, v. 1–10). There seems to have been a different regulation for the division of the mother's property, telling in favour of the daughters, viz. if the mother left no other property but a house, it fell to the daughters (iv. 46–48; Kirchner, *Rhein. Mus.* 1888, p. 147 f.). An adopted son did not receive an equal share with the natural sons (as at Athens, Isae. *Philoct.* § 63), but only a daughter's share; if there were no sons, but only daughters, he shared equally with them (x. 43—xi. 1). Heirs were not compelled to succeed to an estate encumbered by debts; such an estate was handed over to the creditors (xi. 31 ff.). The division of the κρέματα could be enforced, if any desired it, by the regulation that temporary possession was given to those who wished to divide; the division of certain articles—as crops, clothing—was made by the judge; in case of dispute, the property was sold to the highest bidder and the proceeds divided in the prescribed shares (v. 29 ff.).—F. B. Jevons (*Journ. of Philol.* 1887, p. 98 n.) concludes from Isae. *Philoct.* § 46, that at Athens too property was divided in the same proportion, viz. 2:1, between the male issue of females and the female issue of females: "Euctemon's property was divided between his two grandsons" (by the one daughter) "and the one grand-daughter" (by the other daughter) "in such a way that the granddaughter received one-fifth of the property." But it was not the daughter of Euctemon's daughter, but her mother, Euctemon's daughter (the widow of Chaereas), whom Androcles claimed in marriage with one-fifth of Euctemon's estate. The reading πέμπτου μέρους is rejected by Caillemer (*l. c.* p. 55), Grasshoff (*l. c.* p. 25) and Lipsius (*Att. Process*, p. 576, n. 261).

In Sparta it was a common practice for brothers to live on the joint estate, and Polybius (xii. 6 *b*, 8) even states that they had a wife in common (τρεῖς ἄνδρας ἔχειν τὴν γυναῖκα καὶ τέτταρας, ποτὲ δὲ καὶ πλείους, ἀδελφοὺς ὄντας, καὶ τέκνα τούτων εἶναι κοινά), "to prevent the division of property and to check the population" (Jannet, *Les Instit. Sociales à Sparta*, p. 39). F. B. Jevons (*l. c.* p. 103 f.) tries to show, by referring to Dem. *c. Leoch.*, that at Athens too, when brothers continued to live on the joint undivided property, the daughter of one brother was considered the daughter of the joint family: "the daughter was considered to be and is called by Demosthenes the joint daughter of both brothers . . . and dowered by the brothers jointly." But it is their sister, not a so-called joint daughter, that the two brothers dowered (p. 1085, § 17).

of 20 minas, although the property left him was not large (Lys. *pro Mant.* § 10; cf. Isae. *Pyrrh.* §§ 51, 49; Dem. *c. Aphob.* ii. p. 834, § 65; *c. Boeot.* ii. p. 1014, § 19, *ἐκδοθεῖσα ὑπὸ τῶν ἀδελφῶν τῶν αὐτῆς, ὥσπερ οἱ νόμοι κελεύουσιν*).

On failure of sons and their issue, daughters and daughters' children succeeded [EPICLERUS]; daughters and the children of deceased daughters took *per stirpes* (Grasshoff, *Symb. ad doctrin. jur. attic. de heredit.* pp. 23–30). There seems to have been no limit to the succession in the descending line (Isae. *Ciron.* § 34). If the deceased left grandsons by different sons, it is clear that they would take the shares of their respective fathers. So if he had a granddaughter by one son, and a grandson by another, the latter would not exclude the former, as a brother would a sister, but both would share alike. Of this there is no direct evidence; but it follows from a principle of Attic law, by which, on the birth of a son, his title to his father's inheritance, or to a share thereof, immediately accrued; if then he died before his father, but leaving issue, they claimed their grandfather's inheritance as representing him. It was otherwise with daughters. Their title did not thus accrue; and therefore it was the practice for the son of an heiress to be adopted into his maternal grandfather's house, and to become his son in point of law.

On failure of lineal descendants the collateral branches were resorted to. And first came the issue of the same father with the deceased; viz. brothers and brothers' children, the children of a deceased brother taking the share of their father (Isae. *Hagn.* § 1 ff.; *Apollod.* § 5 f. etc.); and after them, sisters and sisters' children, among whom the principle of representation also prevailed (Isae. *Apollod.* § 19. In Dem. *c. Macart.* p. 1067, § 51, Meier, *Opusc.* i. p. 237 n., inserts *ἀδελφὰς καὶ παῖδας* between *ἢ ἀδελφῶν παῖδες* and *ἐξ αὐτῶν κατὰ ταὐτὰ λαγχάνειν*); sisters' children took *per stirpes.*

Next come the descendants of the same grandfather with the deceased: uncles (Grasshoff, *l. c.* p. 67 ff.), cousins and cousins' children, aunts and their issue. Here the law declared that males and the issue of males should be preferred to females and their issue: *οἱ ἂν ἐκ τῶν αὐτῶν ὦσι, κἂν γένει ἀπωτέρω τυγχάνωσιν ὄντες*, Isae. *Apollod.* § 20; cf. Dem. *c. Macart.* p. 1067, § 51. Thus the grandson of an uncle would exclude the daughter of an uncle, and the grandson of an aunt would exclude the daughter of an aunt. On the same principle Isaeus (*Apollod.* l. c.) contends that the son of a female first cousin prevented his mother's sister from inheriting, although he was further removed from the deceased by one degree; whilst when a brother dies without issue, his sister and the son of a deceased sister would share the inheritance in equal parts. The various explanations of *οἱ ἂν ἐκ τῶν αὐτῶν ὦσι* are fully discussed by Grasshoff, *l. c.* p. 60 ff. (cf. *Att. Process*, ed. Lipsius, p. 586, n. 275), who adopts that of Schömann: "praeferri viros virisque prognatos (scil. feminis iisque qui a feminis descendant), si ex iisdem sint (scil. e quibus feminae et qui a feminis descendant), etiamsi propinquitate sint remotiores (scil. quam feminae et qui a feminis descendant)." Since the law about the preference of males to females is sometimes quoted without any limitation as to its application (Dem. *c. Macart.* p. 1077, § 78; *c. Leoch.* p. 1084, § 12, p. 1098, § 62), Buermann (*Rhein. Mus.* 1877, p. 365) looks upon this as a mere artifice of the speaker. The law (Isae. *Hagn.* § 2, etc.) is said to limit the *ἀγχιστεία* at the *παῖδες ἀνεψιῶν* (and descendants, *Att. Process*, ed. Lipsius, p. 586, n. 275): on this Eubulides founds his pretension to the estate of Hagnias; because he claims as representative (son by adoption) of his maternal grandfather, who was first cousin to Hagnias; whereas the father of his opponent, Macartatus, was second cousin to Hagnias, and as the speaker adds, "it is not proper for any person to possess the estate of Hagnias who belongs to a different branch of the family, as long as there remains any person who sprang from the branch of Hagnias" (Dem. *c. Macart.* p. 1058, § 27 f.).

On failure of first cousins and their issue, the inheritance went to the half-blood by the mother's side (*κατὰ τὰ αὐτά*): brothers and sisters, uncles and aunts *πρὸς μητρὸς* and their children. But if there were no maternal kinsmen within the legal degree, it returned to the *agnati*, or next of kin on the paternal side (*τοὺς πρὸς πατρός*), whose proximity was traced by counting the degrees from the common ancestor (Isae. *Hagn.* § 1 ff.).

The succession of parents to their children is a matter of dispute among the learned, and the reader is referred to *Att. Process*, ed. Lipsius, p. 579 ff., where the different opinions of the scholars who have treated that question are criticised. From the silence of the orators and the absence of any example, it may be inferred that parents could not inherit at Athens. At Athens the maxim *hereditas nunquam ascendit* held only of lineal, not of collateral ascent. For example, an uncle might inherit (Isae. *Cleon.* § 45 f.). So also he might marry the heiress, as next of kin (Isae. *Pyrrh.* §§ 63, 74).

3. *Of the power of Devising.*[*]—That the owner had power to alienate his property during his lifetime, and that such alienation was valid in point of law, both as against the heir and all the rest of the world, is beyond a doubt.

Every man of full age and sound mind, not under durance or improper influence ([Dem.] *c. Steph.* ii. p. 1133, § 16; Isae. *Philoct.* § 9),

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[*] The right of disposal of property by will is not recognised in the Gortyn Code; adoption is freely allowed, and repudiation (*ἀπείπασθαι*, as in Herod. i. 59) of an adopted son is permitted only on payment of a sum of money as a guest-present to him (xi. 10 f.).

For Sparta, see EPICLERUS.

Isocrates' speech *Aegineticus* gives some information about wills and adoption in Aegina: Thrasylochus, who had no issue and whose brother had died before him (§ 11), adopted before witnesses as his son the husband of his sister and left him his property (§ 12). The will is disputed by a half-sister of Thrasylochus (*οὐ καλῶς οὐδ' ὀρθῶς τὰς διαθήκας εἶναι*, § 34).

It was customary in Boeotia at one time (*πρότερον*) that those who had no children left their property by will to the next of kin (Polyb. xx. 6, 5).

Wills made by women without co-operation of a *κύριος*, Cauer, *D. I. G.*² No. 274 = *C. I. G.* No. 4 (Petilia); Cauer,¹ No. 19 (Calauria); Dittenberger, *S. I. G.* No. 437 (Amorgos);—with the co-operation of the *κύριος*, Cauer,² No. 148 = *C. I. G.* No. 2448 (Thera). (Schulin, *d. Griech. Testament.*)

who was not ὑπεύθυνος (Aeschin. c. *Ctes.* § 21), was competent to make a will; but if he had a son, he could not disinherit him (Dem. c. *Lept.* p. 488, § 102; Isae. *Pyrrh.* § 68—yet see Dion. Halic. *A. R.* ii. 26, ἐξελάσαι τῆς οἰκίας καὶ χρήματα μὴ καταλιπεῖν); although his will might take effect on the contingency of the son not completing his seventeenth year ([Dem.] c. *Steph.* ii. p. 1136, § 24). Legacies might be given to friends and relations, especially to those who performed the office of an executor or testamentary guardian (Dem. c. *Aphob.* i. p. 814, §§ 4, 5; p. 827, § 43; *pro Phorm.* p. 955, § 34 f.; c. *Steph.* i. p. 1110, § 28: cf. the will of Conon in Lys. *de Bon. Arist.* § 39 f.: τῇ μὲν Ἀθηνᾷ καθιέρωσεν εἰς ἀναθήματα καὶ τῷ Ἀπόλλωνι εἰς Δελφοὺς πεντακισχιλίους στατῆρας, τῷ δὲ ἀδελφιδῷ τῷ ἑαυτοῦ, ὃς ἐφύλαττεν αὐτῷ καὶ ἐταμίευε πάντα τὰ ἐν Κύπρῳ, ἔδωκεν ὡς μυρίας δραχμάς, τῷ δὲ ἀδελφῷ τρία τάλαντα, τὰ δὲ λοιπὰ τῷ υἱεῖ κατέλιπε, τάλαντα ἑπτακαίδεκα, *i.e.* not nearly half his estate). And in the division of property among sons, the recommendations of the father would be attended to (Dem. c. *Macart.* p. 1055, § 19; *pro Phorm.* p. 955, § 34). Also a provision, not exceeding a thousand drachmas, might be assigned to an illegitimate child (Harpocr. *s. v.* νοθεία; five hundred drachmas, Schol. on Aristoph. *Av.* 1655). Nor could a man separate his estate from his daughter (Isae. *Pyrrh.* §§ 42, 68 f.), though he might devise the estate to any person on condition of his marrying her.

It was only when a man had no issue that he was at full liberty to appoint an heir. His house and heritage were then considered desolate (ἔρημος καὶ ἀνώνυμος), a great misfortune in the eyes of an Athenian; for every head of a family was anxious to transmit his name and religious usages to posterity. The same feeling prevailed among the Greeks in more ancient times. We learn from Hesychius and the *Etymol. Mag.* that distant relations were called χηρωσταί, because, when they inherited, the house was χηρεύων καὶ ἔρημος. (See Hom. *Il.* v. 158; Hes. *Theog.* 607.) To obviate this misfortune an Athenian might adopt a son either during his lifetime (Isae. *Menecl.* § 10 ff.; *Apollod.* § 1 ff.; Dem. c. *Spud.* p. 1028, § 3; c. *Leoch.* p. 1086, § 19) or by will (Isae. *Apollod.* § 1; *Astyph.* § 1; *Arist.* § 9, etc.) from any citizen's family. An adopted son might not bequeath by will τὰ ἐν τῷ οἴκῳ ὅτῳ ἂν ποιηθῇ (Dem. c. *Leoch.* p. 1100, § 67 f.); Apollodorus interprets this law to apply also to those who had been made citizens ([Dem.] c. *Steph.* ii. p. 1133, § 15, ἐπεποίητο ὑπὸ τοῦ δήμου πολίτης).

Wills were in writing (even the will of Hercules is represented as in writing, παλαιὰν δέλτον ἐγγεγραμμένην ξυνθήματα, Soph. *Trach.* 157 f.), and usually had one (Dem. c. *Aphob.* ii. p. 840, § 15) or more attesting witnesses—friends or relatives of the testator—whose names were inserted in the will (Isae. *Astyph.* § 12, ἐγγεγράφθαι ἐν τῷ γραμματείῳ: not superscribed, as Heraldus, *Animadv.* ii. 5, 16, 20, thought), but who were not required to sign it nor were even necessarily made aware of its contents (Isae. *Nicostr.* § 13). These witnesses could therefore only bear witness to the fact that a will had been made (καταλιπεῖν διαθήκας), not to the genuineness of the will produced. It was considered a badge of fraud if wills were made secretly or in the presence of strangers (Isae. *Astyph.* § 7 ff.). It was not necessary that the testator should write or even sign the will himself; but he sealed it (Isae. *Apollod.* § 1; Aristoph. *Vesp.* 584. From Dem. c. *Aphob.* ii. p. 837, § 5, it does not follow that the witnesses sealed it as well: cf. Philippi, *Symb. ad doctr. jur. att. de syngraphis*, p. 9) and deposited it (sometimes in several copies, Isae. *Apollod.* § 1; Lys. c. *Diog.* § 7) with friends or a magistrate (Isae. *Philoct.* § 7; *Astyph.* § 5 f.; Dem. *pro Phorm.* p. 946, § 7—Isae. *Cleon.* § 14 f.). A will was ambulatory until the death of the maker; he might revoke it (ἀνελεῖν, λῦσαι, Isae. *Cleon.* §§ 14, 18 ff.) either by destroying it or by declaring before witnesses that it was void (ὡς οὐκέτ' αὐτῷ κέοιθ' ἡ διαθήκη, Isae. *Philoct.* § 32; a new will did not in itself revoke an old one), or he might make additions either to the will itself (προσγράψαι) or by a separate codicil (Isae. *Cleon.* § 25). (*Att. Process*, ed. Lipsius, p. 589 ff.)

With respect to the proceeding by which a father publicly renounced his paternal authority over his son, see Apokeryxis.

4. *On the Remedies of the Heir for recovering his Rights.*—A son, whether natural or adopted during the owner's lifetime (Dem. c. *Leoch.* p. 1086, § 19: the statement in Isae. *Pyrrh.* § 61, is too wide), or other male descendant, might enter and take possession of the estate immediately after the owner's death (ἐμβατεύειν εἰς τὰ πατρῷα, Isae. *Pyrrh.* § 62; εἰς τὸ χωρίον, *Astyph.* § 3; εἰς τὴν οὐσίαν, Dem. c. *Leoch.* p. 1090, § 32, etc.). If he was prevented by ἐξαγωγή from so doing, he might bring an action of ejectment against the intruder [Exoules Dike]. Any one who disturbed a minor or a woman in the enjoyment of their patrimony was liable to a criminal prosecution (κακώσεως εἰσαγγελία, Isae. *Pyrrh.* § 62). If any one brought forward legal claims to the estate, he tendered an affidavit (διαμαρτυρία) sworn either by himself or by another, *e.g.* the κύριος (Dem. c. *Leoch.* p. 1096, § 54; Isae. *Pyrrh.* § 2 f.), wherein he declared that the estate was not the subject of litigation (μὴ ἐπίδικον εἶναι τὸν κλῆρον, Isae. *Philoct.* § 4); he also deposited the tenth part of the value of the property in dispute (παρακαταβολή). If then the suitor was resolved to prosecute his claim, he had no other course but to procure a conviction of the witness (who had sworn the affidavit) in an action for false testimony (δίκη ψευδομαρτυριῶν). With respect to the original cause, nothing further was determined than that it could or could not be entertained; if the court decided that the suit could be entertained, the parties proceeded to trial in the manner explained below. When the parties proceeded at once to the trial (without διαμαρτυρία), it was called εὐθυδικίᾳ εἰσιέναι or εἰσέρχεσθαι (Isae. *Apollod.* § 13; *Philoct.* § 3).

Other heirs-at-law and claimants by adoption or devise were not at liberty to enter, until the estate was formally adjudged to them. The proper course was to make application to the archon, who attended at his office for that purpose every month in the year except the last (Scirophorion; [Dem.] c. *Stephan.* ii. p. 1135, § 22, *lex*), or, in case of metoecs and foreigners, to the polemarch (*l. c.* § 23). This application was called λῆξις or *ἐπιδικασία τοῦ κλήρου*: to make an application, *λῆξιν λαγχάνειν*, or *λαγχάνειν*, or *ἐπιδικάζεσθαι τοῦ κλήρου*. The archon caused this application to be inscribed on the *σανίς*, and to be read out at the first regular assembly held after he had received notice; probably at the same assembly the herald asked *εἴ τις ἀμφισβητεῖν ἢ παρακαταβάλλειν βούλεται τοῦ κλήρου ἢ κατὰ γένος ἢ κατὰ διαθήκας* (Dem. c. *Macart.* p. 1051, § 5). The different explanations given by the grammarians as to the difference in meaning between *ἀμφισβητεῖν* and *παρακαταβάλλειν* can scarcely be correct; *παρακαταβάλλειν* seems to imply a claim to the estate, whilst *ἀμφισβητεῖν*, a term of more general import, simply means disputing and objecting to the claim made. The deposit (*παρακαταβολή*) was the tenth part of the value of the property in dispute: it was returned to the party if successful; if not, it went to the treasury. In Isae. *Nicostr.* § 11, a severer penalty is suggested for those who claim an estate *κατὰ δόσιν*, *i.e.* *κατὰ διαθήκας*, viz. that they should pay to the treasury a sum equal to the value of the estate, if unsuccessful.

If no other claimant appeared, the archon adjudged the estate to the first suitor before a heliastic court (*ἐπεδίκασεν αὐτῷ τὸν κλῆρον*: cf. Isae. *Pyrrh.* § 43). If, however, there were adverse claims, he proceeded to prepare the cause for trial (*διαδικασία τοῦ κλήρου*). First came the *ἀνάκρισις*, in the usual way, except that no party was considered as plaintiff or defendant; and the bills in which they set forth their respective titles were called *ἀντιγραφαί* (Harpocr. *s. v.*; Dem. c. *Leoch.* p. 1092, § 39; [Dem.] c. *Olymp.* p. 1175, § 31). The dicasts were then to be summoned, and, whatever the number of parties, one court was held for the decision of all their claims. If any one neglected to attend on the appointed day, and had no good excuse to offer, his claim was struck out of the record (*διεγράφη ἡ ἀμφισβήτησις*), and the contest was carried on between the remaining parties, or, if but one, the estate was awarded to him ([Dem.] c. *Olymp.* p. 1174, § 26). The trial was thus managed. The dicasts had to give their verdict either for one person proving a title to the whole, or for several persons coming in under the same title, as (for instance) two brothers entitled each to a moiety. One balloting box therefore was provided for every party who appeared in a distinct interest (Isae. *Hagn.* § 21) [PSEPHUS]. The speeches were measured by the clepsydra. Each claimant had an *ἀμφορεὺς* of water for his first speech and three *χοεῖς* for the second; in Dem. c. *Macart.* p. 1052, § 8, the speaker complains that he had only *πέμπτον μέρος τοῦ ὕδατος* to conduct the case of Phylomache: there were altogether five claimants, but the brothers Glaucus and Glaucon came in under the same title, claiming a moiety each, hence one balloting box was provided for the two together, but they had each as much time allowed as every other claimant (Caillemer, *l. c.* p. 161 f.). That these arrangements gave rise to fraud and collusion, is clearly shown in the cases above cited.

The verdict, if fairly obtained, was final against the parties to the cause, unless the defeated party won a *δίκη ψευδομαρτυριῶν* (Isae. *Hagn.* § 45; *Dicaeog.* § 14), or put forth a different claim (Dem. c. *Macart.* p. 1051, § 4 ff.). But any other person, who by absence or unavoidable accident was prevented from being a party, might afterwards bring an action against the successful candidate, to recover the estate. If the estate had been claimed *κατὰ δόσιν* and adjudged, it was necessary first to prove that the will was not genuine, before the estate could be claimed *κατὰ γένος* (Isae. *Nicostr.* § 25). The claimant was obliged to pay his deposit (which, if he was unsuccessful, was paid to the party in possession), summon the defendant, and proceed in other respects as in an ordinary suit. This he might do at any time during the life of the person in possession, and within five years after his death (Isae. *Pyrrh.* § 58; [Dem.] c. *Olymp.* p. 1175, § 29 f.; Dem. c. *Macart.* p. 1054, § 16). (*Att. Process*, ed. Lipsius, p. 603 ff.)

5. *Of the Obligations to which the Heir succeeded.*—The first duty of an heir, as with us of an executor, was to bury the dead and perform the customary funeral rites (*τὰ νομιζόμενα ποιεῖν*, Aeschin. c. *Tim.* § 13 f.); the guardian acted as representative for the heir under age (Isae. *Cleon.* § 10). It is well known what importance was attached to this by the ancients (cf. Gortyn Code, x. 42 ff.). The Athenian law regulated the time of burial, and the order in which the female relations should attend (Dem. c. *Macart.* p. 1071, § 62; Antiph. *de Choreut.* § 34). If no money was left to pay the expenses of burial, still the nearest relatives were bound to defray them; and if they neglected to perform their duty, the chief magistrate (*δήμαρχος*) of the demus in which the death took place, after warning them by public notice (*ἀνελεῖν καὶ καταθάψαι καὶ καθᾶραι τὸν δῆμον*), got the work done by contract, paid for it himself, and was then empowered to sue them for double the amount. When a rich man died, there was no backwardness about his funeral. It is rather amusing to see how eagerly the relations hastened to show respect to his memory, as if to raise a presumption of their being the heirs (Isae. *Nicostr.* § 19; *Astyph.* §§ 4, 32; *Ciron.* §§ 21–24; Dem. c. *Leoch.* p. 1090, § 32).

Children who neglected to bury their parents were liable to a criminal prosecution (*γραφὴ κακώσεως γονέων*), just as they were for refusing to support or assist them in their lifetime. The word *γονεῖς* in this case includes all ancestors (*Att. Process*, ed. Lipsius, p. 355).

Among heritable obligations may be reckoned that of marrying a poor heiress (*θῆσσα*), or giving her in marriage with a portion [EPICLERUS].[*]

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[*] Plutarch (*Arist.* 27) says of the granddaughter of Aristogeiton: *ἐν Λήμνῳ πυθόμενοι ταπεινὰ πράττειν ἀνδρὸς ἀποροῦσαν διὰ πενίαν κατήγαγον Ἀθήναζε καὶ συνοικίσαντες ἀνδρὶ τῶν εὖ γεγονότων τὸ Ποταμοῖ χωρίον εἰς φερνὴν ἐπέδωκαν*, and of the daughters of Aristeides, (*ἱστοροῦσιν*) *ἐκ τοῦ πρυτανείου τοῖς νυμφίοις ἐκδοθῆναι, δημοσίᾳ τῆς πόλεως τὸν γάμον ἐγγυώσης καὶ προῖκα τρισχιλίας δραχμὰς ἑκατέρᾳ ψηφισαμένης.* Schöll publishes in *Herm.* vol. xxii. (1887), p. 561, an inscription (about 270 B.C.), from which it is evident that the daughters of those who had been honoured with *σίτησις* in the Prytaneion were dowered by the state: (*τὴμ βουλὴν καὶ τὸν δῆμον*) *διδόναι καὶ θυγ[ατ]έρων εἰς ἔγ[δοσ]ιν τὸν δῆμον π[ροῖ]κα [ὅ]σην ἂν βούλ[η]τ[αι]*, etc.

A son or a grandson could not renounce the succession, but a brother might, provided he had not yet entered upon the inheritance ([Dem.] c. *Lacrit.* p. 924, § 4). The heir succeeded to all the claims and the liabilities of the deceased, even beyond the value of the assets, and entering upon an involved (*ὑπόχρεως*) property might lead to the loss of the heir's own property ([Dem.] c. *Timoth.* p. 1196, § 43; Dem. c. *Aphob.* ii. p. 836, § 2; c. *Everg.* p. 1148, § 32; Lys. *de pec. publ.* § 3 ff.; Isae. *Arist.* § 15 f.); fourteen years after Aristaechmus had been sued by his wards, Nausimachus and Xenopithes, and received a release from them, they brought a **δίκη βλάβης** against his heirs (Dem. c. *Nausim.* p. 988, § 13 ff.), and Callippus brought a fresh action (**ἀργυρίου**) against Apollodorus after his father's death (Dem. c. *Callipp.* p. 1240, § 14 ff.). Of course, in case of a mortgage, he was entitled only to the surplus of the mortgaged property, remaining after payment of the debt charged thereon (Dem. c. *Spud.* p. 1030, § 7).

State debtors, such as farmers of the public revenue who had made default, or persons condemned to pay a fine, were disfranchised (**ἄτιμοι**) until they had settled the debt; and the disgrace extended to their posterity. Thus Cimon, son of Miltiades, was compelled to pay a fine of fifty talents which had been imposed on his father; and the story is, that Callias advanced him the money, in return for the hand of his sister Elpinice. (Dem. c. *Androt.* p. 603, § 34; c. *Timocr.* p. 762, § 201; c. *Theocr.* p. 1326, § 17; c. *Macart.* p. 1069, § 58; and Andoc. *de Myst.* § 73.) When the whole of a man's property was confiscated, of course nothing could descend to his heir. It seems to have been a common practice, in such a case, for the relations of the deceased to conceal his effects, or to lay claim to them by pretended mortgages. Against these frauds there were severe penalties, as may be seen from the speeches of Lysias c. *Philocr.* and *de Bon. Arist.* (Meier, *de Bon. Damn.* p. 212).

The posterity of those who were put to death by the people, or were convicted of certain infamous crimes (**ὁπόσοι κλοπῆς ἢ δώρων ὄφλοιεν**, Andoc. *de Myst.* § 74: cf. Dem. c. *Mid.* p. 551, § 113, *lex*), inherited the **ἀτιμία** of their ancestors, a *damnosa hereditas*, which they could not decline or escape from. (Ps.-Plut. *Vit. X. Orat.* p. 834 A; Dem. c. *Aristocr.* p. 640, § 62, *lex*; c. *Macart.* p. 1069, § 57, *lex*.) It may be compared to the corruption of blood following upon attainder in the feudal law. Privileges, on the other hand, **σίτησις ἐν Πρυτανείῳ, προεδρία, ἀτέλεια** were hereditary in the families of Harmodius, Aristogiton, and others (Isae. *Dicaeog.* § 47: cf. Dem. c. *Lept.* p. 466, § 29; Plut. *Dem.* 31; PRYTANEUM), **ἀτέλεια** in the families of Conon and Chabrias; in other instances the granting of a privilege was personal (*C. I. A.* ii. No. 251, etc.), and was only by a special clause extended to the eldest descendant (**ἐκγόνων τῷ πρεσβυτάτῳ ἀεί**, *C. I. A.* ii. No. 331, etc.; Ps.-Plut. *Vit. X. Orat.* p. 850 F, p. 851 D).

Isaeus tells us that parents who apprehended their own insolvency used to get their children adopted into other families, that they might escape the consequences (*Arist.* § 17). This, however, could not be done, after the infamy had once attached (Meier, *de Bon. Damn.* pp. 106, 136; Aeschin. c. *Ctes.* § 21); and from Ps.-Plut. *l. c.* p. 834 A, we learn that those who received the descendants of Archeptolemus and Antiphon into their family incurred the same penalty.

We find no mention of property escheating to the state for want of heirs. This probably arose from a principle of Athenian law, according to which no civic family was suffered to expire; and therefore the property of an intestate was always assigned to such person as was most fit to be his successor and representative.

If a manumitted slave died without leaving children, his property fell to his patron and his patron's family (Isae. *Nicostr.* § 9); sometimes the owner specially reserved to himself the right of succession (*Inscr. recueillies à Delphes par Wescher et Foucart*, p. 226 ff.). The property of metoecs fell to their relations ([Dem.] c. *Steph.* ii. p. 1135, § 22); in default of relations, it fell to the state (Meier, *l. c.* p. 148) or to the **προστάτης** (Caillemer, *l. c.* p. 141). (*Att. Process*, ed. Lipsius, pp. 588, 598 ff.) [C. R. K.] [H. H.]

2. ROMAN. *Heres* or *heredes* signifies the person or persons who succeeded to the entire inheritance of a deceased person under the rules of the Jus Civile; this was a species of universal succession, the whole property being considered a *universitas* [UNIVERSITAS]. Such a succession comprehended all the rights and liabilities of the person deceased, except in so far as they terminated with his life, and was expressed by the term *hereditas*. The word *hereditas* is accordingly defined to be a succession to all the rights of property of the deceased (Dig. 50, 16, 24). As universal successor, the heres was subject to the debts of the deceased, as if he himself had contracted them. Several heredes (*coheredes*) succeeded together to the entire inheritance, though they might take in different proportions. The word *hereditas* may also mean the property and other rights which are the object of the succession. The terms *familia pecuniaque* were used to denote the family and proprietary rights of a paterfamilias, and so sometimes express the rights which devolved on the heres (Cic. *de Inv.* ii. 50, 148; *de Legg.* iii. 3, 7; Gaius, ii. 104; cf. Cic. *Top.* 6; FAMILIA); but they do not necessarily refer to inheritance, and therefore the definition of *hereditas* by those words would be incomplete. The universal succession of the heres who was entitled to the succession by civil law must be distinguished from the universal succession of the *bonorum possessor*, whose title to the inheritance was a praetorian one [BONORUM POSSESSIO]. The succession of a *legatarius* differed from that of a heres, in that it was only a singular one, and consequently a legatarius incurred no liability for the debts of the deceased. The etymological relation of the word *heres* to *herus* seems probable, both being connected with *hir* = χείρ (Curtius, *Gr. Etym.* 199).

A person might become a heres (1) by being named as such (*institutus*, *scriptus*, *factus*) in a will, executed by a competent person, according to the forms required by law [TESTAMENTUM]; or (2) if a person died intestate (*intestatus*), or having made a will which was not valid, the inheritance came to those to whom the law gave it under the rules of intestacy, and was called *hereditas legitima* or *ab intestato*. But a man could not die testate as to part of his property and intestate as to another part, except he were a soldier ("cujus sola voluntas in testando spectatur"). Accordingly, if a man gave a part of the hereditas to one heres or more, and did not dispose of the rest, the heres or heredes *ex testamento* necessarily took the whole. (Inst. ii. 14, § 5; Cic. *de Inv.* ii. 21; Vangerow, *Pandekten*, § 397).

(1.) The institution of a heres was that formality which could not be dispensed with in a will. If the testator named no heres or heredes, and complied with all the other legal forms, still his disposition of his property was not a will (Dig. 29, 7, 20). A will might contain other dispositions besides that of naming a heres, as bequests of legacies, appointment of guardian, &c.; but these were not essential to its validity. The testator might either name one person as heres or he might name several persons as coheredes, and he might divide the hereditas among them as he pleased. The shares of the heredes were generally expressed by reference to the divisions of the as: thus, "heres ex asse" is heres to the whole property; "heres ex dodrante," heres to three-fourths; "heres ex semuncia," heir to one twenty-fourth (Cic. *ad Att.* xiii. 48, vii. 8; Cic. *pro Caecina*, 6, 17; Inst. ii. 14, § 5). If there were several heredes named, without any definite share being given to them, the property belonged to them in equal shares. A heres might be instituted either unconditionally (*pure*), or on the fulfilment of a condition (*sub conditione*), but the institution could not be made defeasible on the occurrence of a future event, nor could it be limited to take effect for a certain period, since a person who once became universal successor always remained so (*semel heres, semper heres*). As to conditions which the heres was bound to perform, they might be any that were not contrary to positive law or positive morality, such as the setting up of statues (Cic. *Verr.* ii. 8, 9, 14), or changing the name (*ad Att.* vii. 8). Immoral and impossible conditions were treated as if there were no conditions mentioned (*pro non scripto*, Inst. ii. 14, 10). In order that a testamentary succession should take place, the testator must have the right of making a will (*testamenti factio activa*). In order to have this capacity, he must be civis or at least have the jus commercii, and not be under any special disability (*intestabilis*). Further the person dying must have such rights as are capable of being transmitted to another; consequently a filiusfamilias could not institute a heres any more than a slave, except in respect of his *peculium castrense* and *quasi-castrense*. Also the person who is instituted heres must have a legal capacity to be heres. He must have this capacity at the time of the institution, or the institution is null; and in order to take he must have the capacity to take (Inst. ii. 19, 4) at the time of the testator's death, and at the time of his accepting the inheritance. This capacity might be expressed by the phrase "testamenti factio" (*passiva*), an expression which had reference not only to the legal capacity of the testator, but also to the legal capacity of the person named heres. As a general rule, only Roman citizens could be named as heredes in the will of a Roman citizen; but a slave could also be named heres, though he had no power to make a will, and a filiusfamilias could also be named heres, though he was under the same incapacity; for a slave, if he belonged to the testator, could, by his master's testament, receive his freedom and become heres; and if he belonged to another, he took the inheritance for the benefit of his master; the filiusfamilias in like manner acquired it for his father, though in the time of Justinian the latter had only a usufruct in it. Persons not Roman citizens, who had received the commercium, could be instituted heredes, and could take legata, but Latini Juniani were an exception to this rule, they being incapable of either making or taking under a will.

Heredes were either *necessarii*, *sui et necessarii*, or *extranei*. The heres necessarius was a slave of the testator, who was made a heres and liber at the same time; and he was called *necessarius* because of the necessity he was under of accepting the hereditas. Thus he became heres by operation of law without any act of his own. A slave was sometimes appointed heres, if the testator thought that he was not solvent, for the purpose of evading the ignominy which was a consequence of a person's property being sold to pay his debts, as explained by Gaius (ii. 154, &c.). In this case the property of the freedman, acquired after manumission, was relieved from all liability on account of the debts of the deceased. The heredes sui et necessarii were those filii- or filiae-familias in the power of the deceased at the time of his death, who by that event became *sui juris*: thus a grandson or granddaughter could not be *suus heres*, unless their father had ceased to be in the power of the deceased in the lifetime of the latter, either by death, adoption, or capitis deminutio. Gaius tells us that these heirs are called self-successors, "because they are members of the family (*domestici heredes*), and even in the lifetime of the parent are deemed to a certain extent co-proprietors" (Poste's *Gaius*, ii. 157). The property of the family was regarded in early times as joint rather than several, and so the children of the family only continued in their enjoyment of it when the paterfamilias died. "*Sui heredes* are called necessary, because they have no alternative, but, willing or unwilling, both in testacy, they become successors" (Gaius, *l. c.*). For a comparison of the Greek law of inheritance on this subject, cf. F. Schulin, *Das Griechische Testament*, &c.; Leist, *Graeco-ital. Rechtsgesch.* i. 81. &c.; and for ancient German law respecting, *Das Kind in der Were*: cf. Behrend, *Anwang und Erbengewere*, cit. by Sohm, *Inst.* § 97, n. 2–4.) Thus the succession of the *suus heres* is assumed in the Twelve Tables as a matter of course; and as they were already in possession of the inheritance, no formal act of entry (*cretio*) could ever have been required of them. Hence, too, the inheritance could not be acquired against them by *usucapio pro herede* (Gaius, ii. 58; iii. 201). The involuntary succession of this class of heredes was a great hardship to them in the event of an insolvent inheritance; hence the praetor permitted them to abstain from the succession (*abstinere se ab* *hereditate*), and to allow the creditors to sell the property (an instance is mentioned by Cic. *Phil.* ii. 16, 42); he also gave the same privilege to a person in the semi-servile state of mancipium, if the latter was manumitted and made heres. [MANCIPIUM.] All other heredes, being independent of the deceased, are called *extranei*. Thus the emancipated children of a person would be *extranei heredes* to him. So, too, as a mother had no potestas over her children, they were *extranei heredes* when instituted in her will.

Extranei or *voluntarii heredes* did not acquire the inheritance until they had accepted it by their own free act. The act of entering on an inheritance by extraneus heres (*hereditatem adire*) might be effected either by an express declaration of intention or by conduct from which an intention to be heres could be inferred; and if it was once carried out, it could not be revoked. Thus, if extranei heredes meddled with the property of the deceased (*pro herede gerere*), they could not afterwards disclaim the inheritance, unless they could claim relief from the praetor on some special ground, as if the person who so meddled was under twenty-five years of age and so belonged to a class who were relieved by the praetor in all cases where they were overreached [CURATOR], and also in cases where they had accepted an insolvent inheritance (*damnosa hereditas*). The Emperor Hadrian gave this relief to a person above twenty-five years of age who had accepted an inheritance and afterwards discovered that it was encumbered with a heavy debt (Gaius, ii. 163). These rules as to the acquisition of an inheritance apply both to testamentary and intestate succession. But a testator might fix in his will a certain time for the *cretio hereditatis;* that is, for them to determine whether they would take the hereditas or not: hence the phrase *cernere hereditatem* (Cic. *ad Att.* xi. 12). The determination was expressed by a formal act of taking possession of the inheritance. Thus, if the testator had written in his will "Heres Titius esto," he might add, "Cernitoque in centum diebus proxumis quibus scies poterisque; quod ni ita creveris exheres esto." (Gaius, ii. 165; Cic. *de Orat.* i. 22.) If the extraneus wished to take the hereditas, he was required to make a formal declaration of his intention within the time named (*intra diem cretionis*). The formal words of *cretio*, which were declared before witnesses in the house of the deceased (Voigt, *Die Zwölf Tafeln*, ii. 372), were "eam hereditatem adeo cernoque." Unless he did this, he lost the hereditas, and he could not obtain it merely by acting as heres (*pro herede gerendo*). If a person was named heres without any time of cretion being fixed, or if he succeeded (*legitimo jure*) to the property of an intestate, he might become heres without any formal declaration of his intention, and might take possession of the hereditas when he pleased; but the praetor was accustomed, upon the demand of the creditors of the testator or intestate, to name a time within which the heres should take possession, and, in default of his doing so, he gave the creditors permission to sell the property. The common form of cretion in a will (*vulgaris cretio*) has been already mentioned. Sometimes the words "quibus sciet poteritque" were omitted, and it was then specially called "cretio certorum dierum" or "cretio continua," which was the more disadvantageous to the heres, as the days began to be reckoned, or, as we say, the time began to run immediately, and it was not reckoned from the time when the heres knew that he was named heres, and had no impediment to his cretion.

Perhaps in ancient Roman law a heres extraneus or voluntarius could only acquire the inheritance by a formal act of *cretio*, and so in the legal terminology of the classical jurists we find that the term *pro herede gerere* signified any informal act of entering upon an inheritance as distinguished from the more regular and formal mode (Gaius, ii. 167; Ulp. 22, § 25). The principle of cretio may thus have been applicable at first in the case of intestate as well as testamentary succession, the object of the cretio clause in a will having been to limit the time within which the formal act of entering upon the inheritance must take place (Voigt, *Jus Naturale*, iii. n. 223; *Die Zwölf Tafeln*, ii. 372). The formalities of cretio had become obsolete before the time of Justinian (Cod. 6, 30, 17; cf. Cod. Theod. 8, 18, 8).

It was not unusual to make several degrees of heredes in a will, which was called *substitutio* (Inst. ii. 15). Thus in the formula beginning "Titius heres esto," after the words "exheres esto," the testator might add, "tum Maevius heres esto cernitoque in diebus centum," &c., and he might go on substituting as far as he pleased. The person first named as heres (*primo gradu*) became heres by the act of cretion; and the substitutus (*secundus heres*, Cic. *Top.* 10; Hor. *Sat.* ii. 5, 48; Tac. *Ann.* i. 8) was then entirely excluded. If the words "si non creveris" were not followed by words of exheredation, this gave some advantage to the first heres; for instance, if he neglected the formality of cretion and only acted as heres, he did not lose all, but shared the hereditas equally with the substituted person. This was the old rule; but a constitution of M. Aurelius made the acting as heres equivalent to cretion, provided that such acting took place within the time of cretion. (Compare Gaius, ii. 177, &c. with Ulpian, *Frag.* xxii. 34.) It was common for a testator to substitute one of his own slaves in the last place, so as to avoid dying intestate, since his slave could not refuse the inheritance.

In the case of *liberi impuberes*, who were in the power of a testator, there might be not only the kind of substitution just mentioned (*vulgaris substitutio*), but the testator might declare that if such children should die under the age of puberty, some person whom he named should be heir to the impubes. This was expressed thus, "Si prius moriatur quam in suam tutelam venerit" (Cic. *de Inv.* ii. 42, *Top.* 10; Gaius, ii. 179), for the termination of impuberty and of the tutela were coincident. [CURATOR.] Thus, as Gaius remarks, one testamentary disposition comprised two hereditates, the testator being obliged to make a will for himself at the same time that he made a will for his son. This was called *pupillaris substitutio* (Inst. ii. 16). This kind of substitution was contained in a clause by itself, and in a separate part of the will, which was secured by the testator's own thread and seal, with a provision in the first part of the will that this second part should not be opened so long as the son lived and was impubes. A paterfamilias could substitute heredes for those in his power, who were impuberes, whether he instituted or disinherited such children in his own will. The object of this substitution was to avoid intestacy. The substitution ceased to have any effect when the child became pubes, and so capable of making a will for himself.

Gaius observes (ii. 183) that all his remarks with reference to substitution for children impuberes at the time of the parent's death, apply to posthumous children, of which there is an example cited by Cicero (*Top.* 10, "Si filius natus esset in decem mensibus," &c.). According to the analogy of *substitutio pupillaris*, ascendants were in the time of Justinian allowed to institute heredes for their descendants, who were insane, in case they should die without recovering their senses: this was called *substitutio quasi pupillaris* or *exemplaris* (Inst. ii. 16, 1; Cod. 6, 26, 9). It was not required in this latter substitution that the ascendant should have the descendant in his power.

If an extraneus was made heres, there could be no substitution to the effect that, if he died within a certain time, another person should be heres; for, as we have observed, a person when he had once become heres continued such. The heres might, however, be charged with a fideicommissum to transfer the inheritance, in which case he was *heres fiduciarius* [FIDEICOMMISSUM].

If a man's own slave was made heres by his will, it was necessary that he should be made free also by the will; the words were, "Stichus servus meus liber heresque esto." But by the law of Justinian the manumission of a slave who had been instituted heres by his master was implied. If a slave who had been instituted was manumitted by his master in his lifetime, he did not become heres necessarius, but might accept the inheritance or refuse it. If he was sold by his master in his lifetime, he could take possession of the inheritance with the permission of his new master, who thus became heres through the medium of his slave. If the slave who was made heres was at that time the property of another person, and not of the testator, he could not take the inheritance without the consent of his master, for if he lost it his master became heres; if such slave was manumitted before taking possession of the inheritance, he might accept it or refuse it as he pleased.

If a man had a son in his power, he was bound either to make him heres, or to exheredate him (*exheredem facere*) expressly (*nominatim*). If he passed him over in silence (*silentio praeterierit*), the will was altogether void (*inutile, non jure factum*).

Daughters and grandchildren, who were *sui heredes*, could be exheredated by a general clause "ceteri exheredes sunto." If they were passed over in silence, the will would still be a valid will; but they took a certain portion of the inheritance by accretion, as it was termed (*scriptis heredibus adcrescunt*). Thus, if the heredes instituti were *sui*, the person or persons passed over took an equal share with them. If the heredes instituti were *extranei*, the person or persons passed over took a half of the whole inheritance; but according to praetorian law the person so passed over might claim what he would have been entitled to if the deceased had died intestate (*bonorum possessio contra tabulas*). A rescript of the Emperor M. Aurelius limited the amount which women could take by the bonorum possessio to that which they could take under the Jus Civile by accretion; and the same was the law in the case of emancipated females. The rules relating to exheredation were altered by the 115th Novella of Justinian.

It was necessary either to institute as heredes, or to exheredate posthumous children *nominatim*, otherwise the will which was originally valid became invalid (*ruptum*); and the will became invalid by the birth either of a posthumous son or daughter, or, as the phrase was, "adgnascendo rumpitur testamentum" (Cic. *de Or.* i. 57). *Postumi* were not only those who were born after the testator's will was made, and came into his power or would have come into his power if he had lived, but also those who might become the *sui heredes* of the testator by the death of some other person in the testator's lifetime. Thus, if a testator's son, who was in his power, had children, and the son died in the testator's lifetime, the grandchildren became *sui heredes*, and the testament became *ruptum* by this *quasi agnatio;* it was therefore a necessary precaution to institute as heredes or to exheredate such grandchildren. The adoption of a son by the testator, on his taking a wife *in manum* after the making of the will, had likewise the effect of invalidating it, unless provision was made for the case. Forms were gradually established by which different classes of *postumi sui* could be either instituted or disinherited.

Postumi alieni,—i.e. *postumi* who would not have been in the power of the testator—could not be instituted in a will till the time of Justinian, who allowed such an institution. The word *postumus* has clearly the same signification as *postremus*, and literally means a child born last. The passage of Gaius is defective when he treats of *postumi;* but the definition of *postumi*, as preserved in the epitome of Gaius, appears to be exact: "Postumorum duo genera sunt; quia postumi adpellantur hi, qui post mortem patris de uxore nati fuerint, et illi qui post testamentum factum nascuntur." Sometimes the word *postumus* is defined only as a child born after a father's death, as we see in some of the *Glossae* and in Plutarch (*Sulla*, 37); but there is no proof that the meaning was limited to such children, and the passages sometimes cited as being to that effect (Dig. 50, 16, 164; 28, 3, 3) have been misunderstood. Other cases in which a valid will became invalidated are more properly considered under TESTAMENTUM.

If an ingenuus died intestate, either from not having made a will, or having made a will but not in due form, or having made a will in due form which afterwards became invalid (*ruptum, initium, inofficiorum*, or if there was no heres under the will (*destitutum*), the hereditas, according to the law of the Twelve Tables, came to the *sui heredes*, and was then called *legitima hereditas* (Gaius, ii. 3, 2). The *sui heredes* were, as we have seen, descendants in the power of the deceased at the time of his death, who by that event became *sui juris*. Adopted children were considered the same as other children; Justinian, however, made considerable modifications in this rule. A wife married *in manum viri* under the early law being considered as a daughter, and a daughter-in-law (*nurus*) married in the same way being considered a granddaughter, were *sui heredes*. Posthumous children, who would have been in the power of the intestate if he were living, were treated as if they had been born in his lifetime, and so were *sui heredes*.

The *sui heredes* took the hereditas in equal shares, if they were children of the deceased. If there was a son or daughter, and children of a son deceased, the children of the deceased son took the portion which their parent would have taken. Thus the distribution among grandchildren was always *in stirpes*—that is, among the stocks or stems sprung from the ancestor—and not *in capita*, or among the individuals in equal proportions: thus, if there were a son, and the sons of a deceased son, the son would take half the hereditas, and the sons of the deceased son would divide the other half. If an intestate had no *sui heredes*, the Twelve Tables gave the hereditas to the agnati (Gaius, iii. 9). The agnati were all those who would be under the power of a common ancestor if he were alive. [See COGNATI.] The hereditas did not belong to all the agnati, but only to those who were nearest at the time when it was ascertained that a person had died intestate. If the nearest agnatus either refused to take the inheritance or died before he had taken possession of it, in neither case did the next in succession, as agnatus, take the inheritance, for the Jus Civile recognised no *successio graduum*. He was the nearest agnatus who was nearest at the time when it was ascertained that a person had died intestate, and not he who was nearest at the time of the death, since the intestate heir could not be in question until it was certain that the deceased had left no will. If there were several agnati in the same degree, and any one refused to take his share or died before he had assented to take it, such share accrued (*adcrevit*) to those who consented to take the hereditas.

In the case of women there were some peculiarities. The hereditates of women intestate came to their agnati just as the inheritances of males; but women who were beyond the degree of consanguinei (a term which legally means brothers and sisters) could not take *hereditates ab intestato* according to the interpretation of the Twelve Tables, though the law itself contained no such restriction. Thus a sister might take from a brother or sister as *legitima heres;* but an aunt or a brother's daughter could not be *legitima heres*. Justinian put women on the same footing as men in this respect. The principle of Roman law which gave to those who came into the potestas or manus the quality of children of the family, was followed in this case also: a mother or a stepmother who had come *in manum viri* thereby obtained the status of a daughter; and consequently, as to legitimate succession, there were the same relations between such mother or stepmother and the husband's children as there were among the husband's children themselves. But from the latter period of the republic the wife did not, as a rule, come *in manum viri;* and so as the mother and her children belonged to different familiae, they had no reciprocal rights of succession to one another.

If a person died leaving no *sui heredes*, but only a brother and another brother's children, the brother took all as the nearest agnatus. If there was no brother surviving, and only children of brethren, the hereditas was divided among all the children *in capita;* that is, the whole was equally divided among all the children. If there were no agnati, the Twelve Tables gave the hereditas to the gentiles [GENS].

Gaius (iii. 18 f.) briefly recapitulates the strict law of the Twelve Tables as to the hereditates of intestates:—Emancipated children could claim nothing, as they had ceased to be *sui heredes;* so, too, persons who had ceased to be agnati by reason of capitis deminutio were excluded from the second order [CAPUT]; if the next agnatus did not take possession, he who was next in order could not for that reason make any claim: feminae agnatae who were beyond the degree of consanguineae were shut out; cognati, whose kinship depended on a female, had no mutual rights of succession, and consequently there were no such mutual rights between a mother and her children, unless the mother had come *in manum viri*, and so the rights of consanguinity had been established between them. In short, only those who belonged to the same familia could succeed to one another, according to Jus Civile; the nearest relations had no rights, if they did not belong to this group. Gaius proceeds to show (iii. 25 f.) how these inequitable rules of the civil law were modified by the praetor's edict, which recognised to some extent the principle of cognation, as giving a right to the succession [BONORUM POSSESSIO]. The principle of cognation was gradually recognised by the statute law under the Imperial legislation. Thus the S. C. Tertullianum, enacted under Hadrian, gave a mother the right of succeeding to her children, subject to certain conditions; and in the S. C. Orfitianum, passed under Marcus Aurelius 178 A.D., children were given the right of succeeding to their mother.

Justinian in his 118th Novella remodelled the law of intestate succession, making the principle of cognation the basis of it and disregarding that of agnation.

The heres represented the testator or intestate (Cic. *de Leg.* ii. 19), and had not only a claim to all his property, and all that was due to him, but was bound by all his obligations, except those which were put an end to by death. He succeeded to the sacra familiaria, and was bound to maintain them, but only in respect of the property, for the obligation of the sacra privata was attached to property and to the heres only as the owner of it. Hence the expression "sine sacris hereditas" meant an hereditas unencumbered with sacra (Plaut. *Capt.* iv. 1, 8; *Trin.* ii. 4, 83; Festus, s. v. *sine sacris hereditas*). The sacra familiaria or privata were, in the case of small estates, a great burden to the heres. It was also a religious duty of the heres to bury the deceased (cf. Plaut. *Men.* iii. 2, 27; Paul. Diac. 77, 18).

The heres on acquiring an hereditas was, as we have seen, personally liable on account of the obligations of the deceased, but the legislation of Justinian released him from all the debts and obligations of the testator or intestate, beyond what the property would satisfy, provided he made out an inventory (*inventarium*) of the property in a certain form and within a certain time (Cod. 6, 30, 22). The heres, after satisfying the debts of the deceased, was bound to pay the legacies out of the surplus; but before doing so he was entitled to deduct a fourth for himself, if the bequests exhausted the estate, so as not to leave him this amount. [LEGATUM; FIDEICOMMISSUM.]

The heres could claim any property which belonged to the testator or intestate by *hereditatis petitio* (Dig. 5, 3, 20), which was an action brought against anyone who retained the property of the deceased either on the claim of being heres (*pro herede possidet*) or simply as possessor (*pro possessore possidet*). The action properly belonged to the heres only, though it was in later Roman law extended to the bonorum possessor or praetorian heir as an equitable action. Each heir only claimed his own share (Cic. *pro Rosc. Com.* c. 18). The coheredes shared among themselves the property and bore their share of the debts in the same proportion. For the purpose of partition and settling the affairs of the testator, a sale was often necessary (Cic. *ad Att.* xi. 15). If the parties could not agree about the partition, any of them might institute a partition suit, called *actio familiae erciscundae* [FAM. ERC. ACT.].

The hereditas might be alienated by the form of *in jure cessio*, according to the law as explained by Gaius (ii. 35–37; iii. 85, 87). The nearest agnate, having a right to succeed in case of intestacy, was the only kind of heir who could alienate his right to take the inheritance; the alienee in this case could acquire the inheritance, just as if he had been legitimus heres.

The scriptus heres or heir instituted in a will could only alienate when he had already acquired the inheritance; and after such alienation by anyone who had actually become heres, he still remained heres (*semel heres, semper heres*), and consequently answerable to creditors, but all debts due to them as heredes were extinguished.

The effect of a transfer of an hereditas by heres fiduciarius is explained under the head of FIDEICOMMISSUM.

In early Roman law a mala-fide possessor could acquire property belonging to the inheritance against the heres by usucapion in one year, the object of this rule being to compel the heres to enter on the inheritance without loss of time, so that the sacra might be performed and the creditors satisfied (Gaius, ii. 54, 55; Cic. *ad Att.* i. 5, 6; Sen. *de Ben.* vi. 5, 3; Cic. *pro Flacc.* 34, 85: cf. Voigt, *Zwölf Tafeln*, ii. § 106). The effect of this usucapion was put an end to by the S. C. Juventianum.

From the time of a man's death until it was determined who was his heres, the hereditas was without an owner, and was said *jacere*. When a heres was ascertained, such person was considered to possess all the rights incident to the hereditas from the time of the death of the testator or intestate. But this does not explain how we are to view the hereditas in the interval between the death of the former owner and the time when the heres is ascertained. During such interval, according to one form of expression used by the Roman jurists, the hereditas is a juristical person (*vice personae fungitur*), and is the domina, that is the domina of itself; according to another form of expression, it represents the defunct, and not the person of the future heres. The relation to the legal capacity of the defunct is this: slaves generally belonged to an hereditas. A slave, as is well known, could acquire property for his living master, even without his knowledge; but the validity of the act of acquisition, in some cases, depended on the legal capacity of his master to acquire. Now, while the hereditas was without an ascertained owner, many acts of a slave by which the hereditas might receive additions were strictly void, and such acts could only have their legal effect on the supposition that the slave had an owner of a sufficient legal capacity; and accordingly the law gave validity to the acts of the slave by relation to the known legal capacity of the late owner, and not by reference to the yet unascertained owner who might not have such legal capacity. The hereditas jacens, then, has no owner except an artificial one, but the property continues during this interval in the same legal condition as if the deceased were still living; from the moment that the heres is ascertained, he is considered to have been heres from the time of the death of the deceased. (Savigny, *System*, ii. § 102; Windscheid, *Pandekten*, iii. § 531; Sohm, *Institutionen*, § 96, iii.). The hereditates of freedmen are more properly considered under LIBERTI and PATRONI. (Gaius, ii. 99–190, iii. 1–24; Ulpian, *Fragm.* xxii.; Dig. 28, 29; Vangerow, *Pandekten*, vol. ii.; Windscheid, *Pandekten*, vol. iii.; Hunger, *Das Erbrecht*; Gans, *Das Erbrecht in weltgeschichtlicher Entwickelung*; V. Dalwick, *Versuch einer philosophischen-juristischen Darstellung des Erbrechts*; Lassalle, *Das Wesen des römischen und germanischen Erbrechts*, &c.; Mayer, *Die Lehre von dem Erbrecht*, &c.; Köppen, *System des heutigen römischen Erbrechts*; Schirmer, *Handbuch des römischen Erbrechts.*)

[G. L.] [E. A. W.]

HERMAE (*ἑρμαῖ*), and the diminutive HERMULI (*ἑρμίδια*), statues composed of a head, usually that of the god Hermes, placed on a quadrangular pillar, the height of which corresponds to the stature of the human body (*ἡ τετράγωνος ἐργασία*, Thuc. vi. 27; *τὸ σχῆμα τὸ τετράγωνον*, Paus. iv. 33, § 4). Some difficulties are involved in the question of their origin, and of their meaning as symbols of Hermes. One of the most important features in the mythology of Hermes is his presiding over the common intercourse of life, traffic, journeys, roads, boundaries, and so forth, and there can be no doubt that it was chiefly in such relations as these that he was intended to be represented by the *Hermae* of the Greeks and by the *Termini* of the Romans, when the latter were identified with the Hermae. It is therefore natural that we should look for the existence of this symbol in the very earliest times in which the use of boundary-marks was required; and in such times the symbols would be of the simplest character, a heap of stones or an unhewn block of marble. Now we find that there were in many parts of Greece heaps of stones by the sides of roads, especially at their crossings, and on the boundaries of lands, which were called *ἑρμαῖα* or *ἑρμεῖα*, *ἑρμαῖοι λόφοι* and *ἕρμακες* (Hesych. *s. vv.*: the remarks on the etymology of these words in Buttmann's *Lexil.* and L. and S. ed. 7 should be corrected from Curtius, *Gr. Etym.* 349, 350). A *ἑρμαῖος λόφος* near Ithaca is mentioned in the Odyssey (xvi. 471); Strabo noticed many *ἑρμεῖα* on the roads in Elis (viii. p. 343); and even now an ancient heap of stones may be seen on the boundary of Laconia (Ross, *Pelop.* vol. i. pp. 18, 174). The religious respect paid to such heaps of stones, especially at the meeting of roads, is shown by the custom of each passer-by throwing a stone on to the heap (Nicand. *Ther.* 150); this custom was also observed with reference to the Hermae of later times, at least to those which stood where roads met and served as milestones or direction posts (Brunck, *Anal.* iii. 197, no. 234). Such heaps of stones were also seen by Strabo on the roads in Egypt (xvii. p. 818). Another mode of marking a boundary or other definite locality was by a pillar of stone, originally unhewn, the sacred character of which was marked by pouring oil upon it and adorning it (Theophrast. *Char.* 16; comp. Genesis xxviii. 18, 22, xxxi. 45–48, where both the pillar and the heap of stones are set up for a witness, xxxv. 14).

Of these heaps of stones and pillars, those which marked boundaries were, among the Dorians, dedicated to Apollo Agyieus, the guardian of the streets and highways (Müller, *Dor.* ii. 6, § 6; 8, § 17); a worship which was subsequently introduced into Attica (Aristoph. *Vesp.* 875; Dem. *c. Mid.* p. 531, § 52). At Athens, on the other hand, Hermes was from the first invested with the same offices, and other Greeks borrowed this image from the Athenians (Paus. *l. c.*; cf. i. 24, § 3).

The first attempt at the artistic development of the blocks of stone and wood, by which, in the earliest period of idol-worship, all the divinities were represented, was by adding to them a head, in the features of which the characteristics of the god were supposed to be expressed; and afterwards other members of the body were added, at first with a symbolical meaning. [DAEDALA.] These changes produced the Hermae, such as they are described by the ancient authors, and as we now have them. The phallus formed an essential part of the symbol, probably because the divinity represented by it was in the earliest times, before the worship of Dionysus was imported from the East, the personification of the reproductive powers of nature. So the symbol is described by Herodotus, who ascribes the origin of it to the Pelasgians, who communicated it to the Athenians, and they to the other Greeks. (Herod. ii. 51; Plut. *an Seni ger. sit Resp.* 28, p. 797 f.; Cic. *de Nat. Deor.* iii. 22, § 56; comp. Creuzer's note, in Baehr's edition of Herodotus.) Pausanias gives the same account of the matter (i. 24, § 3; iv. 33, § 3), and also states that the Arcadians were particularly fond of the *ἄγαλμα τετράγωνον* (viii. 48, § 4; where the statue referred to is one of Zeus), which is some confirmation of the tradition which carried back the invention to the Pelasgic times.

In the historical times of Greece, too, it was at Athens that the Hermae were most numerous and most venerated. So great was the demand for these works that the words *ἑρμογλύφος*, *ἑρμογλυφικὴ τέχνη*, and *ἑρμογλυφεῖον* were used as the generic terms for a sculptor, his art, and his studio (Plat. *Symp.* p. 215; Lucian, *Somn.* §§ 2, 7; and the Lexicons).

Houses in Athens had one of these statues placed at the door, called *ἑρμῆς στροφαῖος* or *στροφεύς* (Thucyd. vi. 27; Aelian, *V. H.* ii. 41; Suid. *s. v.*; Pollux, viii. 72; Athen. x. p. 437 b); sometimes also in the court-yard (Lucian, *Navig.* 20, p. 261), which were worshipped by the women as conducive to fecundity, and the great reverence attached to them is shown by the alarm and indignation which were felt at Athens in consequence of the mutilation of the whole number in a single night, just before the sailing of the Sicilian expedition. (Thucyd. vi. 27, with Grote's remarks, ch. 58, v. 146 ff.; Andoc. *de Myst.*; Aristoph. *Lysistr.* 1094, and Schol.; Aristophanes applies the term *ἑρμοκοπίδαι* to the mutilators; see also Phot. *s. v.* *ἑρμοκοπίδαι*.)

They were likewise placed in front of temples, near to tombs, in the gymnasia, palaestrae, libraries, porticoes, and public places, at the corners of streets, on high roads as sign-posts, with distances inscribed upon them (Boeckh, *Corp. Inscr.* No. 12; Brunck, *Anal.* iii. 197; and the epigrams on Hermae in 198 = *Anth. Pal.* vi. 221); and some are still to be seen at Athens with the names of victors in the gymnastic contests inscribed upon them. (Leake, *Athens*, p. 17, n. 1.) They were even made vehicles of public instruction, according to the author of the Platonic *Hipparchus* (p. 228 D–229 B), who says that the tyrant Hipparchus placed Hermae in the streets of the city and in roads throughout Attica, inscribed with moral verses, such as the following:—

> *Μνῆμα τόδ' Ἱππάρχου· στεῖχε δίκαια φρονῶν.*
> *Μνῆμα τόδ' Ἱππάρχου· μὴ φίλον ἐξαπάτα.*

(Comp. Harpocrat. *s. v.* Ἑρμαῖ: Hesych. *s. v.* Ἱππάρχειοι Ἑρμαῖ.) Those which stood at cross roads had often three or four heads (Philoch. *fragm.* 69 Müller; Harpocr. and *Etym. M.* s. v. *τρικέφαλος Ἑρμῆς*: Phot., Hesych. *s. v.* *τετρακέφαλος Ἑρμῆς*: Eustath. *ad* Hom. *Od.* p. 1353, 3).

Numerous examples occur in Pausanias and other writers of their being placed on the boundaries of lands and states and at the gates of cities (*πρὸς τῇ πυλίδι*, *προπυλαῖος*, Paus. viii. 34, § 3, s. 6; iv. 33, § 3, s. 4, &c.; Harpocr.). Small Hermae were also used as pilasters, and as supports for furniture and utensils. (Pollux, vii. 15, 73; Müller, *Archäol.* § 379, n. 2.) Respecting the use of the *Hermae* and *Hermuli* in the Circus, see p. 433, with cuts of the doors of the *Carceres*.

With respect to the form of these works, the essential parts have been already mentioned. A pointed beard (*σφηνοπώγων*) belonged to the ancient type (Artemid. ii. 42). A mantle (*ἱμάτιον*) was frequently hung over the shoulders (Paus. viii. 39, § 4; Diog. Laërt. v. 82). Originally the legs and arms were altogether wanting (Pausanias calls them *ἄκωλοι*, i. 24, § 3), and, in place of the arms, there were often projections to hang garlands upon; but when the reverence attached to the ancient type became less, and the love of novelty greater, the whole torso was placed upon a quadrangular pillar, which tapered towards the base, and finally the pillar itself was sometimes chiselled to indicate the separation of the legs, as may be seen in a tetragonal female statue in the Villa Albani. (Winkelm. *Storia delle Arti*, vol. i. tav. 1.) Sometimes, as above stated, the head was double, triple, and even fourfold. The whole figure was generally of stone or marble; but Cicero (*ad Att.* i. 8) mentions some which were of Pentelic marble, with bronze heads. (Müller, *Archäol. d. Kunst*, § 67.)

Many statues existed of other deities, of the same form as the Hermae, which no doubt originated in the same manner, and which were still called by the generic name of *Hermae*, even though the bust upon them was that of another deity. Several images of this kind are described by Pausanias; one of Poseidon at Tricoloni in Arcadia (viii. 35, § 6), another of Zeus Teleios at Tegea (*ib.* 48, § 4), and another of Aphrodite Urania at Athens (i. 19, § 2). The reason why the statues of the other deities were developed into perfect forms, while those of Hermes so generally (by no means universally) retained their ancient fashion, is obviously on account of the religious significance attached to the symbol of the pillar, as a boundary mark. Where this motive was not called into action, Hermes himself was represented in the complete human form with all the perfection of Greek art, as, for example, in his statues in the *palaestrae*, and in those which embodied others of his attributes. (See Müller, *Archäol. d. Kunst*, §§ 380, 381.)

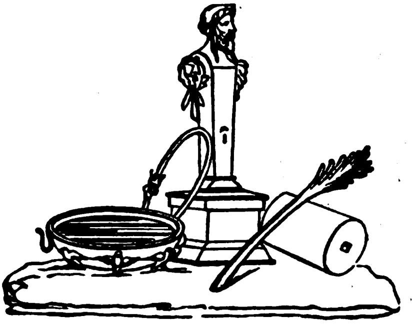
Some statues of this kind are described by a name compounded of that of Hermes and another divinity: thus we have *Hermanubis* (*Anth. Pal.* xi. 360), *Hermares*, *Hermathena* (Cic. *ad Att.* i. 1 and 4), *Hermeracles* (Cic. *ad Att.* i. 10), *Hermeros* (Plin. *H. N.* xxxvi. § 33), *Hermopan* (Bekk. *Anecd.* 1198). It has been disputed whether such figures were composed of the square pillar, as the emblem of Hermes, surmounted by the bust of the other divinity; or, secondly, whether the heads of Hermes and the other god were united, as in the bust of Janus; or, lastly, whether the symbolical characteristics of the two deities were combined in the same statue. The best recent criticism is in favour of the first of the above explanations: "as commonly assumed, they were statues of those deities in the Hermes form, not Janus-like compounds of the two deities named" (Baumeister, i. 604*a*; cf. Müller, *Archäol. d. Kunst*, § 345). Exceptions, however, seem to have existed: a Janus-head of Hermes and Athena in Müller's *Denkmäler*, pl. xlii. No. 526. Some, again, such as the Hermerotes of Tauriscus, mentioned by Pliny among other masterpieces of sculpture, were probably not of a terminal character at all, any more than the Hermaphroditi, of which specimens are extant [HERMAPHRODITUS]. It is not unlikely that they may have been simply hermaphrodite Erotes, like those depicted on some south-Italian vases. It is difficult to believe that the sculptor of the Dirce-group (*Toro Farnese*) would have condescended to the embellishment of terminal figures.

There is still another class of these works in which the bust represented no deity at all, but was simply the portrait of a man, and in which the pillar loses all its symbolical meaning, and becomes a mere pedestal. Even these statues, however, retained the names of *Hermae* and *Termini*. The examples of them are very numerous. A list of these and of the other Hermae is given by C. W. Müller. (Ersch and Gruber's *Encyklopädie*, art. *Hermen*.)

The Hermae of all kinds were in great request among the wealthy Romans, for the decoration of their houses and villas (Cic. *ad Att.* ll. cc.). It is also stated that they used them as posts for ornamental railings to a garden, in which case they were commonly decorated with the busts of philosophers and eminent men, some of which may be seen at the Vatican and other museums, with the square holes in their shoulders into which the transverse rail was inserted. This square hole, however, is also seen in Hermae of old Greek workmanship, in which cases they were probably the sockets of the projections, above mentioned, for hanging garlands on.

The existing remains of ancient art are rich in terminal statues of all the classes which have been described; and specimens of nearly all may be seen in the British Museum, and in engravings in Müller's *Denkmäler der alten Kunst* (vol. i. pl. i. Nos. 3, 4, 5;—vol. ii. pl. xxxi. No. 341; pl. xxxiii. Nos. 376, 386, 387; pl. xxxvi. Nos. 428, 429; pl. xlii. No. 526). The first two examples in Müller are very interesting: the one is a bas-relief, exhibiting a Hermes decorated with garlands and surrounded with the implements of his worship, as shown in the following engraving; the other is also a bas-relief in which we see a terminal bust of Dionysus washed and decorated by a man and three women. Hermae of the bearded Dionysus occur frequently among existing remains (Gurlitt, *Archäol. Schr.* p. 194 ff.) Respecting the Hermae on coins, see Rasche, *Lex. Univ. Rei Num.* s. vv. *Herma*, *Hermathene*, *Hermes*. (C. O. Müller, *Archäol. der Kunst*; Müller and Osterley, *Denkmäler der alten Kunst*; Baumeister, *Denkmäler*, s. vv. *Götterbilder*, *Hermes*.)

[P. S.] [W. W.]



Hermes. (From a bas-relief.)

HERMAEA (Ἕρμαια), festivals of Hermes, celebrated in various parts of Greece. As Hermes was the tutelary deity of the gymnasia and palaestrae, the boys at Athens celebrated the Hermaea in the gymnasia. They were on this occasion dressed in their best, offered sacrifices to the god, and amused themselves with various games and sports, which were probably of a more free and unrestrained character than usual. Hence the gymnasiarch was prohibited by a law of Solon (Aeschin. *c. Timarch.* § 12) from admitting any adults on the occasion. This law, however, was afterwards neglected, and in the time of Plato (*Lysis.* p. 206 D) we find the boys celebrating the Hermaea in a palaestra, and in the presence of persons of all ages. (Becker-Göll, *Charikles*, ii. 62, cf. 49; GYMNASIUM, pp. 927*b*, 928*a*.)

Hermaea were also celebrated in Crete, where, on this occasion, the same custom prevailed which was observed at Rome during the Saturnalia; for the day was a season of freedom and enjoyment for the slaves, and their masters waited upon them at their repasts. (Athen. xiv. p. 639 b; cf. vi. p. 263 f.)

The town of Pheneos, in Arcadia, of which Hermes was the principal divinity, likewise celebrated Hermaea with games and contests. (Paus. viii. 14, § 7; cf. *Journ. Hellen. Soc.* vii. 101.) A festival of the same kind was celebrated at Pellene. (Schol. *ad* Pind. *Ol.* vii. 156, and *Nem.* x. 82.) Tanagra, in Boeotia, likewise celebrated festivals of Hermes Κριοφόρος and Πρόμαχος (Paus. ix. 22, § 2; cf. *Journ. Hellen. Soc.* vi. 95, viii. 11); as did some other places, the particulars of which are not known. (See Index to Hermann's *Gottesd. Alterth.* s. v. Ἕρμαια.) [L. S.] [W. W.]

HERMAPHRODI'TUS (ἑρμαφρόδιτος), a hermaphrodite. This conception belongs to art as well as to mythology, and will here be briefly noticed from the former point of view. "The idea itself was probably derived from the worship of nature in the East, where we find not only monstrous compounds of animals, but also that peculiar kind of dualism which manifests itself in the combination of the male and female" (*Dict. Biogr.* s. v.). The exchange of dresses by Hercules and Omphale, and similar proceedings in Cyprian, Lydian, and Greek worships, are thought to point to the same Oriental origin. The traditional derivation of the name from Hermes and Aphrodite is pronounced doubtful by Baumeister, who thinks that some foreign words may be concealed under it; nothing definite, however, is yet proposed. Hermaphroditus was regarded as an emblem of indissoluble marriage, in opposition to the ready divorces of ancient manners: and chaplets were hung up in his shrine at Athens by widows who desired to testify their fidelity to the deceased (Alciphr. *Ep.* iv. 37). This, according to Baumeister, is also the explanation of the fable of Hermaphroditus and the nymph Salmacis in Ov. *Met.* iv. 285–388.

Five marble statues of this class are extant; the oldest gives its name to the *Sala dell' Ermafrodito* in the Uffizi at Florence; two are in the Louvre, one in the Villa Borghese, the fifth has lately been dug up in Rome (figured *Mon. dell' Inst.* xi. 43). Of these the Borghese and one of the Louvre statues are the most celebrated, but a strong resemblance runs through them all; in each the figure is lying on its side or face downwards, and the delicate outlines of the back, turned towards the spectator, alone suggest the bisexual form. This type is probably derived from the bronze original of the elder Polycles (Plin. *H. N.* xxxiv. § 80), and thus does not go further back than the later Athenian school. Other less modest representations are given by Clarac (pl. 666 ff.). By an obvious symbolism, the hermaphrodite form occurs in reliefs among Bacchanalian dances, Hermae of the bearded Dionysus, and Erotes. (Müller, *Archäol. der Kunst*, §§ 128 n. 2, 392 n. 2; Baumeister, *Denkmäler*, s. v. *Hermaphrodit.*) [W. W.]

HERMATHE'NA. [HERMAE.]

HERME'RACLAE. [HERMAE.]

HERO'NES, baskets or crates. [AERO.]

HERO'ON (ἡρῷον). [APOTHEOSIS; FUNUS, p. 888*b*.]

HESTIA (ἑστία). [FOCUS.]

HESTIASIS (ἑστίασις) was a species of liturgy, and consisted in giving a feast to one of the tribes at Athens (τὴν φυλὴν ἑστιᾶν, Dem. c. *Mid.* p. 565, § 156; Aristot. *Pol.* vi. 7 = p. 1320, 37; Pollux, iii. 67). It was provided for each tribe at the expense of a person belonging to that tribe, who was called ἑστιάτωρ. (Dem. c. *Lept.* p. 463, § 21; c. *Boeot. de Nom.* p. 996, § 7.) Harpocration (*s. v.* Ἑστιάτωρ) states on the authority of the speech of Demosthenes against Meidias, that this feast was sometimes provided by persons voluntarily, and at other times by persons appointed by lot; but, as Boeckh remarks, nothing of this kind occurs in the speech, and no burthen of this description could have been imposed upon a citizen by lot. The ἑστιάτορες were doubtless appointed, like all persons serving liturgies, according to the amount of their property in some regular succession; fortunes under three talents seem to have been excused this and other liturgies (Isae. *Or.* 3 [*Pyrrh.*], § 80). These banquets of the tribes, called φυλετικὰ δεῖπνα by Athenaeus (v. p. 185 c), were introduced for sacred purposes, and for keeping up a friendly intercourse between persons of the same tribe. They are mentioned as given at the great festivals of the Dionysia and Panathenaea (see the newly-discovered scholia on Dem. *Lept.* l. c. in *Bulletin de Corresp. Hellén.* i. 147), as well as at the Thesmophoria, when married men entertained the women on behalf of their wives (Isae. *l. c.*). The entertainment appears to have been of a simple character, including meat but not delicacies (Pollux, iii. 67). Boeckh thinks there may have been 2,000 guests, and the cost, at the low figure of two obols a head, nearly 700 drachmas; Paley suggests a doubt whether more than the fifty βουλευταὶ of each tribe were really entertained (*ad* Dem. *Boeot.* l. c.). The notion of Boeckh, that there were also "great feastings of the people, defrayed from the Theorica," is justly rejected by his editor Fränkel (n. 779); the Theoric fund was spent in dramatic and other shows (θέαι) or distributions of corn (διαδόσεις, διανομαί), not in public dinners. (Boeckh, *P. E.* pp. 452, 465 = *Sthh.*^{3} i. 537, 554; Wolf, *Proleg. ad Lept.* p. lxxxvii. = 45 tr. Beatson.) [W. S.] [W. W.]

HETAERAE (ἑταῖραι). The word ἑταίρα signifies originally a female companion, but in its most common use denotes any woman who lived with (συνεῖναι, πλησιάζειν, χρῆσθαι, Dem. c. *Timocr.* p. 762, § 197) a man in any other connexion than lawful wedlock. It included every shade of meaning from a concubine who might be a wife in all but the legal qualification of citizenship (*e.g.* Aspasia to Pericles; cf. CONCUBINA) to the lowest prostitute. The latter was properly called πόρνη, a more opprobrious term; but usually by the euphemistic name *ἑταίρα* (Ath. xiii. p. 571 d–f, citing comic writers; Anaxil. *fr.* 22 Meineke; Plut. *Sol.* 15). Between different classes of *ἑταῖραι* we find much the same distinctions as in dissolute cities in modern times, modified of course by the prevalence of slavery; the New Comedy, with its Latin adapters Plautus and Terence, and the *ἑταιρικοὶ διάλογοι* of Lucian, exhibit slave-girls owned by *πορνοβοσκοί*, *lenones*; kept mistresses, whether bond or free; private hetaerae living in houses by themselves, or sometimes two or three together; the *demi-monde*, *ἑταῖραι πολυτελεῖς* or *μεγαλόμισθοι*, with more or less fashionable surroundings, represented by the great historic courtesans, Phryne, Lais, &c.; and finally the assertors of women's rights to education and culture, whose lives were almost without reproach, and of whom Aspasia is the type. As persons of this class acted a prominent and influential part in some of the Greek states, we cannot avoid in this work stating their position and their relations to other classes of society. But as their conduct, manners, ensnaring artifices, and impositions have at all times and in all countries been the same, we shall confine ourselves to those points which were peculiar to the hetaerae of Greece.

As might be expected, the fact that young men at Athens, previous to their marriage, spent a great part of their time in the company of hetaerae, was very leniently viewed; though stern moralists thought that it had been otherwise in the "good old times" (Isocr. *Areop.* § 48). Marriage, indeed, produced on the whole a change in this mode of living of young men, but in innumerable instances even married men continued their intercourse with hetaerae, without drawing upon themselves the censure of public opinion; it seems, on the contrary, evident from the manner in which the history of one Lysias, a sophist, is told in the speech *against Neaera* (p. 1351, § 21 ff.), that such connexions after marriage were not looked upon as anything extraordinary or inconsistent, provided a man did not offend against public decency, or altogether neglect his legitimate wife and the affairs of his household, as was the case with Alcibiades. (Andoc. *c. Alcib.* § 14). This irregular condition of private life among the Greeks seems to have arisen chiefly from two causes: first from the unrestrained sensuality of the Greek character; and, secondly, from the generally prevailing indifference between husbands and wives. As regards the latter point, matrimonial life in the historical times of Greece was very different from that which we find described in the heroic age. How this change was brought about is not clear; but it can scarcely be doubted that, generally speaking, the Greeks looked upon marriage merely as a means of producing citizens for the state. (Dem. *c. Neaer.* p. 1386, § 122; Becker-Göll, *Charikles*, iii. 390 ff., &c.) The education of women was almost entirely neglected; they were thought a kind of inferior beings, less endowed by nature, and incapable of taking any part in public affairs and of sympathising with their husbands. In an intellectual point of view, therefore, they were not fit to be agreeable companions to their husbands, who consequently sought elsewhere that which they did not find at home. It is true that the history of Greece furnishes many pleasing examples of domestic happiness and well-educated women, but these are exceptions, and only confirm the general rule. A consequence of all this was, that women were bound down by rules which men might violate with impunity; and a wife appears to have had no right to proceed against her husband, even if she could prove that he was unfaithful (Plaut. *Mercat.* iv. 6, 3), although she herself was subject to divorce if she was detected. But neglect, cruelty, or riotous waste of the wife's fortune, superadded to adultery, rendered the husband liable to a *δίκη κακώσεως*. The case in Alciphron (*Epist.* i. 6), who represents a wife threatening her husband, that unless he would give up his dissolute mode of living, she would induce her father to bring a charge against him, must have been of this latter kind (Becker-Göll, *Charikles*, ii. 88; *Att. Process*, p. 354 Lips.).

But to return to the hetaerae: the state not only tolerated, but protected them, and obtained profit from them. Solon is said to have established a *πορνεῖον* (also called *παιδισκεῖον*, *ἐργαστήριον* or *οἴκημα*), in which prostitutes were kept (Athen. xiii. p. 569 d), and to have built the temple of Aphrodite Pandemos with the profit which had been obtained from them. At a later period the number of such houses at Athens was increased, and the persons who kept them were called *πορνοβοσκοί*, *lenones*. The conduct of the hetaerae in these houses is described in Athenaeus (xiii. p. 568). All the hetaerae of such houses, as well as individuals who lived by themselves and gained their livelihood by prostitution, had to pay to the state a license-duty (*πορνικὸν τέλος*, Aeschin. *c. Timarch.* §§ 119, 120), and the collecting of this tax was every year let by the senate to such persons (*τελῶναι*, or *πορνοτελῶναι*, Philonides, *ap. Polluc.* vii. 202) as were best acquainted with those who had to pay it. The hetaerae were under the superintendence of the *ἀγορανόμοι* (Suidas, *s. v.* *Διάγραμμα*), and their places of abode were chiefly in the Cerameicus. (Hesych. *s. v.* *Κεραμεικός*.) A ridiculous mistake of some late grammarians as to the nature of the *πορνικὸν τέλος* has been noticed under AGORANOMI. Even Boeckh thinks that it was a kind of income-tax on their supposed profits! (*P. E.* p. 333 = *Sthh.*² i. 404.)

The number of private hetaerae, or such as did not live in a *πορνεῖον*, was very great at Athens. They were, however, generally not mere prostitutes, but acted at the same time as flute or cithara players, and as dancers, and were as such frequently engaged to add to the splendour of family sacrifices (Plaut. *Epid.* iii. 4, 64), or to enliven and heighten the pleasures of men at their symposia. Their private abodes, where often two, three, and more lived together, were also frequently places of resort for young men. (Isocr. *Areopag.* § 48.) Most of these hetaerae not only took the greatest care to preserve their physical beauty, and to acquire such accomplishments as we just mentioned, but also paid considerable attention to the cultivation of their minds. Thus the Arcadian Lastheneia was a disciple of Plato (Athen. xii. p. 546 d), and Leontion a disciple of Epicurus (Athen. xiii. p. 588 b); Aspasia is even said to have instructed Socrates and Pericles. Whatever we may think of the historical truth of these and similar reports, they are of importance to the historian, inasmuch as they show in what light these hetaerae were looked upon by the ancients. It seems to have been owing especially to their superiority in intellectual cultivation over the female citizens, that men preferred their society and conversation to those of citizens and wives; and that some hetaerae, such as Aspasia, Lais, Phryne, and others, formed connexions with the most eminent men of their age, and acquired considerable influence over their contemporaries. The free and unrestrained conduct and conversation, which were not subject to the strict conventional rules which honest women had to observe; their wit and humour, of which so many instances are recorded; were well calculated to ensnare young men, and to draw the attention of husbands away from their wives. Women, however, of the intellect and character of Aspasia were exceptions; and even Athenian citizens did not scruple to introduce their wives and daughters to her circles, that they might learn there the secrets by which they might gain and preserve the affections of their husbands. The disorderly life of the majority of Greek hetaerae is nowhere set forth in better colours than in the works of the writers who belong to the so-called school of the Middle Comedy, and in the plays of Plautus and Terence; with which may be compared Demosth. *c. Neaer.* p. 1355 ff., and Athen. xiii. It was formerly supposed that at Athens a peculiar dress was by law prescribed to the hetaerae, but this opinion is without any foundation. (Becker-Göll, *Charikles*, ii. 103.)

The town most notorious in Greece for the number of its hetaerae, as well as for their refined manners and beauty, was Corinth. (Plato, *Rep.* iii. p. 404 D; Dio Chrysost. *Orat.* xxxvii. p. 119, Reiske; Aristoph. *Plut.* 149, with the Schol.; and Schol *ad Lysistr.* 90; Athen. xiii. p. 573, &c.; Müller, *Dor.* ii. 10, § 7.) Strabo (viii. p. 378) states that the temple of Aphrodite in this town possessed more than one thousand hetaerae, who were called *ἱερόδουλοι*, and who were the ruin of many a stranger who visited Corinth. (Wachsmuth, *Hellen. Alterth.* vol. ii. p. 392.) Hence the name *Κορινθία κόρη* was used as synonymous with *ἑταίρα*, and *κορινθιάζεσθαι* was equivalent to *ἑταιρεῖν*. (Eustath. *ad Il.* ii. 570.) At Sparta, and in most other Doric states, the hetaerae seem never to have acquired that importance which they had in other parts of Greece, and among the Greeks of Asia Minor.

An important question is, who the hetaerae generally were? The *ἱερόδουλοι* of Corinth were, as their name indicates, persons who had dedicated themselves as slaves to Aphrodite; and their prostitution was a kind of service to the goddess. [HIERODULI.] Those *πόρναι* who were kept at Athens in public brothels by the *πορνοβοσκοί* were generally slaves belonging to these *πορνοβοσκοί*, who compelled them to prostitute their persons for the purpose of enriching themselves. The owners of these *πόρναι* were justly held in greater contempt than the unhappy victims themselves. Sometimes, however, they were real prostitutes, who voluntarily entered into a contract with a *πορνοβοσκός*: others again were females who had been educated in better circumstances and for a better fate, but had by misfortunes lost their liberty, and were compelled by want to take to this mode of living. Among this last class we may also reckon those girls who had been picked up as young children, and brought up by *πορνοβοσκοὶ* for the purpose of prostitution. An instance of this kind is Nicarete, a freed-woman, who had contrived to procure seven young children, and afterwards compelled them to prostitution, or sold them to men who wished to have the exclusive possession of them. (Dem. *c. Neaer.* p. 1351, § 18 ff.) Other instances of the same kind are mentioned in the comedies of Plautus. (Compare Isaeus, *Or.* 6 [*Philoct.*], § 19.) Thus all prostitutes kept in public or private houses were either real slaves or at least looked upon and treated as such. Those hetaerae, on the other hand, who lived alone either as mistresses of certain individuals or as common hetaerae, were almost invariably strangers or aliens, or freed-women. The cases in which daughters of Athenian citizens adopted the life of a hetaera, as Lamia, the daughter of Cleanor (Athen. xiii. p. 577), seem to have occurred very seldom; and whenever such a case happened, the woman was by law excluded from all public sacrifices and offices, sank down to the rank of an alien, and as such became subject to the *πορνικὸν τέλος*: she generally also changed her name. The same degradation took place when an Athenian citizen kept a *πορνεῖον*, which seems to have happened very seldom. (Boeckh, *P. E.* p. 333 = *Sthh.*³ i. 404.)

(Fr. Jacobs, *Beiträge zur Gesch. des weiblich. Geschlechts*, in his *Vermischte Schriften*, vol. iv.; Becker-Göll, *Charikles*, ii. 85–104, iii. 306–398; Limburg-Brouwer, *Histoire de la Civilisation morale et religieuse des Grecs;* Wachsmuth, *Hellen. Alterth.* ii. 392 ff.; Hermann-Blümner, *Privatalterth.* p. 254 ff.) [L. S.] [W. W.]

HETAERESEOS GRAPHE (*ἑταιρήσεως γραφή*). This action was maintainable against such Athenian citizens as had administered to the unnatural lusts of another for pay (Aeschin. *c. Tim.* §§ 29, 51, 72, 87; Platner, *Proc. u. Klagen*, ii. p. 221); but only if after such degradation they ventured to exercise their political franchise, *e.g.* speak in the public assembly or bear office in the state, etc. (Aeschin. *c. Tim.* § 19 ff., 195; Pollux, viii. 43; cf. Dem. *c. Steph.* i. p. 1125, § 79). The same action was maintainable against the *κύριος* who hired out a youth under age (not against the youth himself), and against the person who hired another, whether under age or not, for such purposes (such an action was perhaps called *εἰς ἑταίρησιν μισθώσεως*, yet see Aeschin. *c. Tim.* § 13, *κατ' αὐτοῦ μὲν τοῦ παιδὸς οὐκ ἐᾷ (ὁ νόμος) γραφὰς ἑταιρήσεως εἶναι, κατὰ δὲ τοῦ μισθώσαντος καὶ τοῦ μισθωσαμένου*). Such actions belonged to the jurisdiction of the thesmothetae. All three classes of offenders were capitally punished (Aeschin. *c. Tim.* §§ 13, 72, 87, 90). Heffter (*Ath. Gerichtsverf.* p. 172) extended this action also to the *προαγωγοί*: yet there was a special *γραφὴ προαγωγείας* (Aeschin. *c. Tim.* §§ 14, 184). (*Att. Process*, ed. Lipsius, p. 411 f.) [J. S. M.] [H. H.]

HETAERI (*ἑταῖροι*). [EXERCITUS, p. 777 *a*.]

HETAIRI'AE (*ἑταιρεῖαι*). [ERANI.]

HEXA'PHORUM. [LECTICA.]

HEXASTY'LOS. [TEMPLUM.]

HEXE'RES. [NAVIS.]

HIEREION (*ἱερεῖον*). [SACRIFICIUM.]

HI'EREUS TON SOTE'RON (*ἱερεὺς τῶν σωτήρων*), priest of the Saviours, that is, of Antigonus and Demetrius, who were received by the Athenians, in B.C. 307, as their liberators with honours and flatteries of every sort. They even went so far as to pay divine honours to these princes under the title of Saviours (*σωτῆρες*), and to assign a priest (*ἱερεύς*) to attend to their worship, who was to be elected annually by Cheirotonia (Plut. *Demetr.* 10). This continued for twenty years till the conquest of Demetrius by Pyrrhus in B.C. 287, when the office was abolished and these extravagant honours annulled (Id. 46). It was formerly believed, on the authority of Plutarch, that while the *ἱερεὺς τῶν σωτήρων* lasted his name was used to mark the year in state records and private documents (*συμβόλαια*) in place of the first archon; and this notwithstanding the fact that the magistrates of these twenty years were in later times called archons, as, for instance, by Diodorus and Dionysius of Halicarnassus. Clinton accounted for this by supposing that the Athenians would not leave upon their Fasti this mark of their humiliation. (Droysen, *Geschichte des Hellenismus*, i. 439; Clinton, *F. H.* ii. 380; Schömann, *Antiq. Jur. Publ. Graec.* p. 359; Thirlwall, vii. 331.) But it has now been convincingly proved that this statement of Plutarch's rests on an error (Schömann, *Antiq.* i. 537 n., E. T.); Grote passes it over in silence, and, if it were true, there would naturally be evidence of it in the many Attic inscriptions lately discovered. On the other honours paid to Demetrius Poliorcetes, cf. Gilbert, *Staatsalterth.* i. 154, 190. [W. S.] [W. W.]

HIERODU'LI (*ἱερόδουλοι*) were persons of both sexes who were devoted, like slaves, to the worship of the gods. They were of Eastern origin, and are most frequently met with in connexion with the worship of the deities of Syria, Phoenicia, and Asia Minor. They consisted of two classes: one composed of slaves properly so called, who attended to all the lower duties connected with the worship of the gods, cultivated the sacred lands, &c., and whose descendants continued in the same servile condition; and the other, comprising persons who were personally free, but had dedicated themselves as slaves to the gods, and who were either attached to the temples or were dispersed throughout the country and brought to the gods the money they had gained. To the latter class belonged the women, who prostituted their persons and presented to the gods the money they had obtained by these means. The pomp with which religious worship was celebrated in the East, and the vast domains which many of the temples possessed, required a great number of servants and slaves. Thus the great temple at the Cappadocian Comana possessed as many as 6,000 hieroduli (Strab. xii. p. 535), and that at Morimene had 3,000 of the same class of persons (Strab. xii. p. 537). So numerous were the hieroduli at Tyre, that the high-priest by their support frequently obtained the regal dignity (Joseph. c. *Apion.* i. 18, 21). These large numbers arose from the idea, prevalent in the East, that the deity must have a certain class of persons specially dedicated to his service and separated from the ordinary duties of life, and that it was the duty of all who had the power to supply as many persons as they could for their service. Thus, kings dedicated as sacred slaves the prisoners whom they took in war, parents their children, and even persons of the highest families sent their daughters to the temples to sacrifice their chastity to the gods, at least till the time of their marriage. This practice of females offering their chastity to the gods was of ancient origin in the East, and seems to have arisen from the notion that the gods ought to have the first-fruits of everything. The custom prevailed at Babylon (Herod. i. 199; Strab. xvi. p. 745), as well as in many other places. (Comp. Heyne, *De Babyloniorum instituto religioso*, &c. in *Comment. Societ. Götting.* vol. xvi. p. 30, &c.) The Greek temples had of course slaves to perform the lowest services (Paus. x. 32, § 8); but we also find mention in some Greek temples of free persons of both sexes, who had dedicated themselves voluntarily to the services of some god, and to whom the term of *hieroduli* was generally applied. We find, again, predial slaves attached to temples, and cultivating their sacred domains (*τεμένη*) on condition, like the Helots and the Thessalian Penestae, of contributing to the temple a large fixed share of the produce. Such were the Craugallidae (or Acragallidae, Aeschin. c. *Ctes.* § 107) in the plain below Delphi; they were probably a remnant of the ancient inhabitants, the Dryopes, reduced to serfdom at an early period (Müller, *Dor.* ii. 3, § 3). Such also were the Venerei of Mount Eryx, though they seem to have included freedmen as well as slaves (Cic. *in Verr.* ii. 8, § 21 ff.; 38, § 92 ff.); with these we may class the Martiales at Larinum in Southern Italy (Cic. *pro Cluent.* 15, § 44). Masters who wished to give slaves their freedom, but were prevented by various causes from manumitting them, presented them to some temple as *ἱερόδουλοι* under the form of a gift or a sale, and thus procured for them liberty in reality. Such cases of manumission frequently occur in inscriptions, and are explained at length by Curtius (*de Manumissione sacra Graecorum*, in his *Anecdota Delphica*, Berlin, 1843, p. 10, &c.; comp. Plut. *Amat.* c. 21, *τῶν ἄλλων δεσποτῶν καὶ ἀρχόντων ἐλεύθεροι καὶ ἄφετοι καθάπερ ἱερόδουλοι διατελοῦσιν*). The female hieroduli, who prostituted their persons, are only found in Greece connected with the worship of divinities who were of Eastern origin, or many of whose religious rites were borrowed from the East. This was the case with Aphrodite, who was originally an Oriental goddess. At her temple at Corinth there were a thousand *ἱερόδουλοι ἑταῖραι* (cf. HETAERAE), and there was also a large number of the same class of women at her temple at Eryx, in Sicily. (Strab. viii. p. 378, vi. p. 272; cf. xii. p. 559.) (Hirt, *Die Hierodulen*, with appendices by Boeckh and Buttmann, Berlin, 1818; Kreuser, *Der Hellenen Priesterstaat, mit vorzüglicher Rücksicht auf die Hierodulen*, Mainz, 1824; Mövers, *Die Phönizier*, p. 359, &c.; Hermann, *Gottesd. Alterth.* § 20, n. 13–16; Schömann, *Antiq.* i. 134 E. T.) [W. S.] [W. W.]

HIEROMANTEIA (*ἱερομαντεία*). [DIVINATIO.]

HIEROME'NIA (*ἱερομηνία, τὰ ἱερομήνια,* Thuc. v. 54) means the "holy season," during which, "as in the *treuga Dei* of the mediaeval Church," all hostilities between different states were suspended (Thuc. v. 54, 2 and schol., *τοῦ γὰρ Καρνείου πολλὰς ἔχοντος ἱερὰς ἡμέρας ἢ καὶ πάσας ἱερὰς μᾶλλον οὐκ ἐστρατεύοντο,* and iii. 56, 1; 65, 1). Then, as Demosthenes says (*c. Timocr.* p. 709, § 29), the law forbade *μήτ' ἰδίᾳ* (see the case of Evander, who, having obtained a verdict against Menippus in a mercantile suit, seized his person while staying at Athens during the Mysteries, Dem. *c. Mid.* p. 571, § 176 ff.) *μήτε κοινῇ* (Socrates remained in prison until the return of the sacred vessel from Delos) *μηδὲν ἀλλήλους ἀδικεῖν μηδὲ χρηματίζειν ὅ τι ἂν μὴ περὶ τῆς ἑορτῆς ᾖ* (the Panathenaic festival; the scholiast confines the *ἱερομηνία* to the day when the Cronia were actually celebrated, whilst in Aug. Mommsen's opinion, *Heortologie*, p. 108, it extended from the Cronia to the Panathenaic festival). See also Dem. *c. Timocr.* p. 708, § 26, p. 716, § 47: the senate discharged from attendance on account of the Cronia, Aeschin. *c. Ctesiph.* § 67: on the popular assembly to be held on the festival of Asclepius (*ἐν τῇ ἱερᾷ ἡμέρᾳ*), and Xen. *de Rep. Ath.* 3, 8: *οὐ δικάζειν* during festivals (Aristoph. *Nub.* 620, and Harpocr. *αἱ ἑορτώδεις ἡμέραι ἱερομηνίαι καλοῦνται*); Dem. *c. Mid.* p. 571, § 176, p. 525, § 34: the same law about the Dionysia as about the Mysteries. The *ἱερομηνία* in connexion with the great festivals included the time before and after them, and special heralds visited the different states of Greece and proclaimed these *σπονδαί* (*e.g.* *Ὀλυμπιακαὶ σπονδαὶ* in Aeschin. *de F. L.* § 12 and schol.); hence they were called *σπονδοφόροι* (*σπ. Ἀλεῖοι*, Pind. *Isth.* 2, 35; *τῶν Κορείων*, Strab. ii. 3, 4, p. 155; cf. Aeschin. *de F. L.* § 133, *οἱ τὰς μυστηριώτιδας σπονδὰς ἐπαγγέλλοντες*, and Thuc. v. 49, 2; viii. 10, 1). The *σπονδαὶ* of the Greater Mysteries lasted from the day of the full moon of Metageitnion (*ἀπὸ ἀρχομηνίας*, *C. I. G.* No. 71; *ἀπὸ διχομηνίας*, Sauppe, *Inscr. Eleus.* p. 6, and *C. I. A.* i. No. 1) to the tenth day of Pyanepsion, and those of the Lesser from the day of the full moon of Gamelion to the tenth day of Elaphebolion (*i.e.* 55 days, thus enabling even those at a distance to travel to Athens and back in safety); cf. *C. I. G.* No. 2954, *ἐν ᾧ μηνὶ* (the Ephesian Artemision) *πανηγύρεις τε καὶ ἱερομηνίαι ἐπιτελοῦνται . . . . καὶ ἀτελειῶν καὶ ἐκεχειρίας εἰς ὅλον τὸν ἐπώνυμον τῆς θεοῦ μῆνα τυχόντα.* Instances are not wanting of the non-observance of this international law: one is related of Agesipolis by Xen. *Hell.* iv. 7 (see also iv. 5, 1, 2); another of the soldiers of Philip of Macedon (Dem. *de F. L. argum.* p. 335, cf. Aeschin. *de F. L.* § 12); a third of the Achaeans by Plut. *Arat.* 28. When, in B.C. 420, the Spartans attacked the Elean fort of Phyrcon and occupied Lepreon *ἐν ταῖς Ὀλυμπιακαῖς σπονδαῖς*, the Eleans condemned them, for this breach of the *ἐκεχειρία*, to a fine of 2000 minas, according to the *Ὀλυμπιακὸς νόμος*: and when the Lacedaemonians replied that the *ἐκεχειρία* had not been proclaimed in Sparta at the time the expedition started, the Eleans pointed out that the *ἐκεχειρία* had been proclaimed in theirs. From the passage *πρώτοις γὰρ σφίσιν αὐτοῖς ἐπαγγέλλουσιν* (Thuc. v. 49), E. Curtius (*Sparta u. Olympia*, p. 131 f.) infers that Sparta was the first state in which the *σπονδοφόροι* made their proclamation; but its meaning clearly is (Busolt, *Forsch. z. griech. Gesch.* i. p. 17 f.), that the *ἐκεχειρία* was first proclaimed in Elis, and that then messengers were sent to the other states. (Hermann, *Ueber griech. Monatskunde*, *Abh. d. hist.-phil. Classe*, ii. 1845, Göttingen; and Pauly, *Real-Encycl.* iii. p. 1331 ff.) [H. H.]

HIEROMNE'MONES (*ἱερομνήμονες*) were the more honourable of the two classes of representatives who composed the Amphictyonic council. An account of them is given under AMPHICTYONES. We also read of Hieromnemones in Grecian states, distinct from the Amphictyonic representatives of this name, and mostly bearing no trace of a sacred character. Thus, officers called *ἱερομνήμονες, ἐπιστάται*, and *μνήμονες* are mentioned by Aristotle (*Pol.* vi. 8 = p. 1321 b, 39) as the custodians of state papers and of the records of judicial decisions (cf. Schömann, *Antiq.* i. 138 E. T.). It is perhaps exceptional that the priests of Poseidon at Megara were called hieromnemones (Plut. *Symp.* viii. 8, § 4). At Byzantium, which was a colony of Megara, the chief magistrate in the state appears to have been called by this name; in a decree quoted by Demosthenes (*de Cor.* p. 255, § 90; compare Polyb. iv. 52, § 4), a hieromnemon is mentioned, who gives his name to the year; and we also find the same word on the coins of this city. (Eckhel, *Doctr. Num.* vol. ii. p. 31, &c.) At Chalcedon, another colony of Megara, a hieromnemon also existed, as is proved by a decree which is still extant. (*C. I. G.* 3794; cf. Müller, *Dor.* iii. 9, § 10.) An inscription found in Thasos also mentions a hieromnemon who presided over the treasury (*C. I. G.* 2161, with Boeckh's commentary, vol. ii. pp. 183, 184).

Besides the representative at the Amphictyonic council, we find at Athens hieromnemones belonging to local and gentile organisations: *ἱερομνήμονες Ἡρακλέους* (*C. I. A.* ii. 785; Fränkel, n. 536 on Boeckh); a *γένος Σαλαμινίων* with an *ἄρχων* and *ἱερομνήμονες* in an inscription published in *Ἀθήναιον*, vi. 274, *Mittheilungen des deutschen archäol. Inst. in Athen*, iv. 265 (Gilbert, *Staatsalterth.* i. 201).

[W. S.] [W. W.]

HIERONI'CAE. [ATHLETAE.]

HIEROPHANTES (*ἱεροφάντης*). [ELEUSINIA, p. 720 *b*.]

HIEROPOEI (*ἱεροποιοί*), commissioners of sacrifices at Athens, were of various kinds. Aristotle classes them with treasurers (*ταμίαι*) and custodians (*ναοφύλακες*) as exercising an office separate from that of priests (*Pol.* vi. 8 = p. 1322 b, 25); in one of the numerous inscriptions referring to them, *ἱερῆς* and *ἱεροποιοὶ* are distinguished (*C. I. G.* 76 = *C. I. A.* i. 32; Boeckh, *Sthh.*³ ii. 45); in another, the latter are classed with *βοῶναι* and *ἐπιμεληταὶ τῶν μυστηρίων* among those who reckoned with the state for the *δερματικόν* (*C. I. G.* 157 = *C. I. A.* ii. 741; Boeckh, *op. cit.* p. 101 ff.; cf. Dem. *c. Mid.* p. 570, § 171; BOONAE; DERMATIKON). The *ἱεροποιοὶ κατ' ἐνιαυτὸν* were a body of ten appointed annually by lot for the state sacrifices in general, including those of quinquennial festivals, but excepting, we are told, the Panathenaea

(Pollux, viii. 107). Several grammarians also expressly state, quoting the high authority of Aristotle, that these hieropoei had nothing to do with the Panathenaea (Phot., *Etym. M.*, s.v.; *Lex. Seguer.* p. 265, 22); but this is either a mistake or refers to a later period: an undoubted inscription of B.C. 410 records that at the Panathenaic festival 5114 drachmas were paid from the treasury for a hecatomb to the *ἱεροποιοὶ κατ' ἐνιαυτόν* (*C. I. G.* 147 = *C. I. A.* i. 188; Boeckh, *Sthh.*³ ii. p. 5, cf. pp. 8, 118). Other hieropoei were assigned to particular deities and their temples, while others again were elected for particular festal celebrations (Schömann, *Antiq.* i. 427, E. T.). It is these last, probably, who are called *ἐπιμήνιοι* in contradistinction to those *κατ' ἐνιαυτόν* (Hesych. *s. vv. ἐπιμήνιοι, ἱεροποιοί*). Demosthenes mentions as a high honour his having been selected "from all the Athenians" as one of three *ἱεροποιοὶ ταῖς σεμναῖς θεαῖς*, *i.e.* to the Eumenides (*c. Mid.* p. 552, § 115); the nomination in this case seems to have belonged to the Areopagus (Müller, on Aesch. *Eum.* p. 179; Schömann, *op. cit.* p. 496). Among festivals mentioned as provided for by hieropoei are those of the Delian Apollo and the Brauronian Artemis (Pollux, *l. c.*), of Bendis, Asclepios, and Ἀγαθῇ Τύχη (*C. I. G.* 157 = *C. I. A.* ii. 741, Boeckh, *l. c.* p. 107). As regards their duties, the mention of the *δερματικὸν* shows that they provided the victims with the money voted them for the purpose, and afterwards accounted for their hides; the actual slaying was probably done by inferior priests, but the hieropoei had to begin the sacrificial ceremonies (*κατάρξασθαι τῶν ἱερῶν*, Dem. *l. c.*). Hence, though really public officers, they are sometimes represented by the grammarians as sacrificing priests (Boeckh, *P. E.* p. 216 = *Sthh.*³ i. 273; cf. Hermann, *Gottesd. Alterth.* § 11, n. 10, § 62, n. 11). [W. S.] [W. W.]

HIEROSY'LIAS GRAPHE (*ἱεροσυλίας γραφή*). This action must be distinguished from the *γραφὴ κλοπῆς ἱερῶν χρημάτων*. The latter was directed against peculation rather than theft of sacred money, to which a fine (the tenfold amount, Dem. *c. Timocr.* p. 735, § 112; p. 740, § 127) was awarded (Antiph. *Tetral.* i. *α*, § 6, *ἱερῶν κλοπῆς δυοῖν ταλάντοιν γεγραμμένος*, cf. *β*, § 9, whence we learn that only a fine could be awarded; Dem. *de F. L.* p. 435, § 293); the former was directed against the offence of robbery from a temple. Euxitheus charges his opponents with having stolen (*ἱεροσυλήσαντες*) the weapons which he had dedicated to Athene (Dem. *c. Eubul.* p. 1318, § 64). (See Syrian. *ad Hermog.* iv. p. 497 Walz: *οἷον ὁ φεύγων ἱεροσυλίας γραφὴν ἐρεῖ, ὡς ἱερόσυλός ἐστιν ὁ φιάλας ἐξ ἱερῶν ἀφαιρούμενος, ὁ στεφάνους, ὁ θυμιατήρια, καὶ ὅσα τοιαῦτα εἰδικῶς ὀνομάζων.*) The offender upon conviction was invariably put to death, whether the value of the thing stolen was great or small (Isocr. *c. Lochit.* § 6; Lyc. *c. Leocr.* § 65; Xen. *Mem.* i. 2, 62), his property confiscated, and his body denied burial within Attic territory (Xen. *Hell.* i. 7, 22; Diod. Sic. xvi. 28), sacrilege being considered one of the most heinous crimes next to murder and high treason (Antiph. *de caed. Herod.* § 10). Demosthenes calls Androtion and his colleagues *ἱερόσυλοι* (*c. Timocr.* p. 738, § 120 ff.); yet they had not committed sacrilege: their offence was, not to have paid the tithe of Athena and the fiftieths of the other gods (*i.e.* their share of the sum realised by the sale of the cargo of the Persian ship captured by Androtion, etc.); hence when the time for payment had lapsed, the regulations with regard to debtors came into force.

Meier concluded from Cicero (*de Divin.* i. 25, 54) that the Areiopagus tried cases of *ἱεροσυλία*: yet from the life of Sophocles, where Hieronymus is quoted as authority, we learn that the case in question was laid before the popular assembly (*ἐμήνυσε—τῷ δήμῳ*). It is evident from Xen. *Hell.* i. 7, 22, and Lys. *pro Call.*, that sacrilege was tried before a heliastic court; as Jebb says (*Att. Or.* i. p. 287), "In the view of sacrilege taken by Attic law its aspect as a robbery seems to have been more prominent than its aspect as an impiety." As regards the particular sacrilege with which Callias was charged, he conjectures from the allusion *τῷ δημοσίῳ βοηθοῦντες* (§ 4), "that it was connected with the sacred treasury on the Acropolis. Kallias may have had some employment under the stewards of the sacred fund which gave him access to the inner chamber of the Parthenon, and may have been accused of profiting by that opportunity to commit a theft." Slaves were allowed upon that occasion to appear as informers against their master—a resident alien—and anticipated their emancipation in the event of his conviction. The argument to [Dem.] *c. Aristog.* i. mentions an *ἀπαγωγὴ* of a sacrilegious person to the *πρυτάνεις*: but Lipsius doubts the correctness of this statement. (*Att. Process*, ed. Lipsius, pp. 139, 376, 458.) [J. S. M.] [H. H.]

HILA'RIA (*ἱλάρια*) seems originally to have been a name which was given to any day or season of rejoicing. The hilaria were therefore, according to Maximus Monachus (Schol. *ad* Dionys. Areopag. *Epist.* 8), either private or public. Among the former he reckons the day on which a person married, and on which a son was born; among the latter, those days of public rejoicings appointed by a new emperor. Such days were devoted to general rejoicings and public sacrifices, and no one was allowed to show any symptoms of grief or mourning (Marquardt, *Staatsverw.* iii. 358).

But the Romans also celebrated Hilaria, as *feriae stativae*, on the 25th of March, in honour of Cybele, the mother of the gods (Macrob. *Sat.* i. 21, § 7); and it is probably to distinguish these Hilaria from those mentioned above, that Lampridius (*Al. Sev.* 37) calls them *Hilaria Matris Deûm.* The day of its celebration was the first after the vernal equinox, or the first day of the year which was longer than the night. The winter with its gloom had passed away, and the first day of a better season was spent in rejoicings. (Vopisc. *Aurelian.* 1.) No allusion to this festival occurs during the time of the republic; the passages of Ovid (*Fast.* iv. 337 ff.) and Valerius Maximus (ii. 4, § 3) refer to the MEGALESIA in the month of April; nor are the Hilaria mentioned in the extant calendars. Hence Marquardt regards them as an invention of the later Empire. The *lavatio* or washing of the goddess and her chariot in the river Almo, just outside Rome, is assigned by Ovid (*l. c.*) to the April festival, but by some late writers to the 27th of March (*a. d. VI. Kal.*

April., Amm. Marc. xxiii. 3, § 7; Vib. Sequest. *de Flum.* p. 329); which is a confirmation of Marquardt's view. We learn from Herodian (i. 10, 11) that, among other things, the statue of the goddess was borne in solemn procession, and before this statue were carried the most costly specimens of plate and works of art belonging either to wealthy Romans or to the emperors themselves. All kinds of games and amusements were allowed on this day; masquerades were the most prominent among them, and every one might, in his disguise, imitate whomsoever he liked, and even magistrates. A passage of Julian (*Or.* 5, p. 168 C) appears to place the Hilaria on the 24th of March, the *Dies sanguinis;* after mentioning the sacred tree on the 22nd (*Arbor intrat*), he adds *τῇ τρίτῃ δὲ τέμνεται τὸ ἱερὸν καὶ ἀπόρρητον θέρος τοῦ θεοῦ* Γαλλοῦ. *ἐπὶ τούτοις* Ἱλάριά *φασι καὶ ἑορταί.* The *θέρος* is explained to mean the reception and emasculation of a new Gallus. The *Dies sanguinis* was a fast day, and certainly not identical with the Hilaria; but the words *ἐπὶ τούτοις*, "after this," may easily mean "on the next day."

The Hilaria were in reality only the last day of a festival of Cybele which began as early as the 15th of March, and was continued at intervals. For the ceremonies of the other days of this festival, see MEGALESIA, Vol. II. p. 156 *b*. [L. S.] [W. W.]

HILAROTRAGOE'DIA. [TRAGOEDIA.]

HIMA'TION (*ἱμάτιον*). [PALLIUM.]

HIPPARCHUS. [EXERCITUS, p. 775.]

HIPPARMOSTES. [EXERCITUS, p. 769 *b*.]

HI'PPICON (*ἱππικόν*, sc. *στάδιον*), a Greek measure of distance, equal to four stadia. According to Plutarch, it was mentioned in the laws of Solon (Plut. *Sol.* 23). Hesychius also mentions it under the name of *Ἵππειος δρόμος*. (Comp. HIPPODROMUS; STADIUM.) [P. S.]

HIPPO'BOTAE (*ἱπποβόται*), the feeders of horses, was the name of the nobility of Chalcis in Euboea, corresponding to the *ἱππεῖς* in other Greek states. On the conquest of the Chalcidians by the Athenians in B.C. 506, these Hippobotae were deprived of their lands, and 4,000 Athenian cleruchi sent to take possession of them. (Herod. v. 77, vi. 100; Strab. x. p. 447; Plut. *Pericl.* 23; Aelian, *V. H.* vi. 1; Thirlwall, ii. 78; Grote, ch. 31, iii. 145.) [COLONIA, p. 477 *a*.] [W. S.] [W. W.]

HIPPODAMEIA (*ἱπποδάμεια*, sc. *ἔργα*) is an adjective derived from the name of the architect Hippodamus of Miletus, who is said to have been the first of the Greeks who built whole cities on a regular architectural plan; and hence the word is applied to such cities, and to the public places and buildings in them. Peiraeus, for example, was designed by Hippodamus, and its market-place was called Ἱπποδάμειος ἀγορά (Xen. *Hell.* ii. 4, § 11), Ἱπποδαμεία ἀγ. (Andoc. *de Myst.* § 45, Harpocrat. *s. v.*) or simply ἡ Ἱπποδαμεία ([Dem.] *c. Timoth.* p. 1190, § 22). Hippodamus flourished during the second half of the fifth century B.C. (See *Dict. of Biogr.*, art. *Hippodamus; Dict. of Geogr.*, art. *Athenae*, pp. 306 *b*, 308 *a*; Müller, *Archäol. d. Kunst*, § 111.) [P. S.] [W. W.]

HIPPO'DROMUS (*ἱππόδρομος*) was the name by which the Greeks designated the place appropriated to the horse-races, both of chariots and of single horses, which formed a part of their games. The word was also applied to the races themselves.

The mode of fighting from chariots, as described by Homer, involves the necessity of much previous practice; and the funeral games in honour of Patroclus present us with an example of the chariot-race, occupying the first and most important place in those games (*Il.* xxiii. 262–650). In this vivid description the nature of the contest and the arrangements for it are very clearly indicated. There is no artificially constructed hippodrome; but an existing land-mark or monument (*σῆμα*, 331) is chosen as the goal (*τέρμα*), round which the chariots had to pass, leaving it on the left hand (336), and so returning to the Greek ships on the sea-shore, from which they had started (365). The course thus marked out was so long that the goal, which was the stump of a tree, could only be clearly seen by its having two white stones leaning against it (327–329), and that, as the chariots return, the spectators are uncertain which is first (450 ff.: the passage furnishes a precedent for betting at a horse-race, 485). The ground is a level plain (330), but with its natural inequalities, which are sufficient to make the light chariots leap from the ground (369, 370), and to threaten an overthrow where the earth was broken by a winter torrent, or a collision in the narrow hollow way thus formed (419–447). The chariots were five in number, each with two horses and a single driver (288 ff.), who stood upright in his chariot (370). The obscure passage 638–642 cannot be relied upon to prove that there ever were two drivers: see Leaf's note.

In a race of this nature, success would obviously depend quite as much on the courage and skill of the driver as on the speed of the horses; a fact which Homer represents Nestor as impressing upon his son Antilochus in a speech which fully explains the chief stratagems and dangers of the contest, and is nearly as applicable to the chariot-races of later times as to the one described by Homer (305–348). At starting, it was necessary so to direct the horses as, on the one hand, to avoid the loss of time by driving wide of the straightest course, and on the other not to incur the risk of a collision in the crowd of chariots, nor to make so straight for the goal as to leave insufficient room to turn it. Here was the critical point of the race, to turn the goal as sharply as possible, with the nave of the near wheel almost grazing it, and to do this safely: very often the driver was here thrown out, and the chariot broken in pieces (334–343, 465–468). There was another danger at this point, which deserves particular notice as connected with the arrangements of the hippodrome of later times. As the horse is easily scared, it can readily be understood that the noise and crush of many chariots turning the goal together, with the additional confusion created by the overthrow of some of them, would so frighten some of the horses as to make them unmanageable; and this is expressly referred to by Homer (468):

> *αἱ δ' ἐξηρώησαν, ἐπεὶ μένος ἔλλαβε θυμόν.*

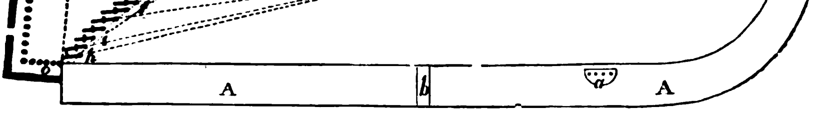
Among the other disasters to which the competitors were liable were—the loss of the whip

(384); the reins escaping from the hands (465); the breaking of the pole (392); the light chariot being overturned, or the driver thrown out of it, through the roughness of the ground, or by neglecting to balance the body properly in turning the goal (368, 369, 417–425, 335); and the being compelled to give way to a bolder driver, for fear of a collision (426–437); but it was considered foul play to take such an advantage (439–441, 566–611). These and similar disasters were no doubt frequent, and, in accordance with the religious character of the games, they were ascribed to the intervention of the deities, whom the sufferer had neglected to propitiate (383–393, 546, 547). The prizes, as in the other Homeric games, were of substantial value, and one for each competitor (262–270). The charioteer accused of foul play was required to lay his hand upon his horses, and to swear by Poseidon, the patron deity of the race, that he was guiltless (581–585). This description is illustrated by the following engraving from an antique Greek vase; in which we see the goal as a mere stone post, with a fillet wound round it: the form of the chariots is well shown, and the attitude of the drivers; each has four horses, as in the earliest Olympic chariot-race; and the vividness of the representation is increased by the introduction of the incident of a horse having got loose from the first chariot, the driver of which strives to retain his place with the others. (Panofka, *Bilder Antiken Lebens*, pl. iii. No. 10.) For other representations of the race and its disasters, see CIRCUS, p. 433 ff.; CURRUS, p. 580.


Chariot-race. (From a vase-painting.)

In no other writer, not even in Pindar, have we a description, at once so vivid and so minute, of the Greek chariot-race as this of Homer's; and it may be safely assumed that, with a few points of difference, it will give us an equally good idea of a chariot-race at Olympia or any other of the great games of later times. The chief points of difference were the greater compactness of the course, in order that a large body of spectators might view the race with convenience, and the greater number of chariots. The first of these conditions involved the necessity of making the race consist of several double lengths of the course, instead of only one; the second required some arrangement by which the chariots might start without confusion and on equal terms. It is now to be seen how these conditions were satisfied in the hippodrome at Olympia; of which the only description we possess is in two passages of Pausanias (v. 15, § 4; vi. 20, § 7 ff.). The reconstruction of this hippodrome by Hirt (*Lehre d. Gebäude*, pp. 147–150), following Alexandre de la Borde, has not been superseded by recent discoveries, and is retained by Baumeister (s. v. *Hippodrom*), and nearly every writer on the subject.

The following is the ground-plan which Hirt (pl. xx. fig. 8) has drawn out from the description of Pausanias. A, B, the sides; C, the rounded end of the hippodrome, with raised seats for the spectators (the dotted line D *d* is the axis of the figure); *a*, place of honour for the magistrates and musicians; *b*, side door, perhaps for the exit of disabled chariots and horses; *c*, seats for the Hellanodicae, the judges of the games; *d*, principal entrance, corresponding to the *porta triumphalis* in a Roman circus; D, the starting-place; *e*, its apex; *f*, *g*, its curved sides; *h*, *i*, &c., up to *l*, stations of the chariots, their directions converging towards the point E; F, G, the goals, or turning-posts; H, the spina; *p*, *p*, small intervals between the spina and the goals; *q*, the winning line; *m*, dolphin used as a signal; *n*, altar, with eagle for signal; *o*, *o*, *o*, portico of Agnaptus.



Ground-plan of Hippodrome at Olympia. (Hirt.)

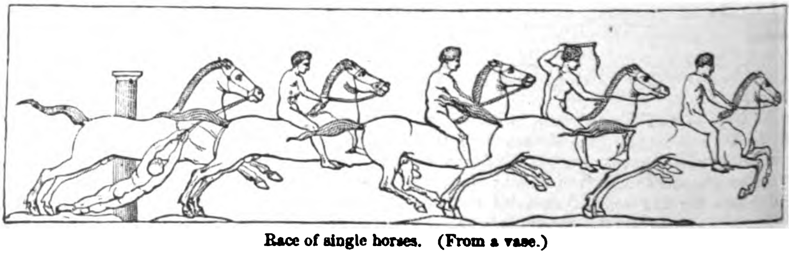
The general form of the hippodrome was an oblong, with a semicircular end, C, and with the right side, A, somewhat longer than the left, B, for a reason to be stated presently. The right side, A, was formed by an artificial mound; the left, B, by the natural slope of a hill. The base of the fourth side, D, was formed by the portico of Agnaptus, so called from its builder. At this end of the hippodrome was the starting-place (ἄφεσις), in the form of the prow of a ship, with its apex, *e*, towards the area, and each of its sides more than 400 feet long. Along both of these sides were stalls (*οἰκήματα*) for the chariots about to start, like the *carceres* in the Roman circus; and it was in the arrangement of these stalls that the peculiarity of the Greek starting-place consisted. According to the view which we follow, the stalls were so arranged as that the pole of each chariot, while standing in its stall, was directed to a *normal point* E, at which, as nearly as possible, each chariot ought to fall into its proper course. As this point, E, was necessarily on the right side of the area (in order to turn the goal on the left hand), and as the corresponding stalls on each side were required to be equidistant from the apex, *e* (as will presently be seen), and of course also from the point E, it follows that the base of the *aphesis* must have been perpendicular to the line E *e*, and therefore oblique to the axis D *d;* and this is the reason why the side A was longer than the side B. The curvature of the sides of the aphesis, *f*, *g*, is a conjectural arrangement, assumed as that which was probably adopted to give more space to each chariot at starting. The front of each stall had a cord drawn across it, and the necessary arrangements were made for letting these cords fall at the right moments. On the signal being given for the race to begin, the cords in front of the two extreme stalls, *h h*, were let fall simultaneously, and the two chariots started; then those of the next pair; and so on, each pair of chariots being liberated at the precise moment when those which had already started came abreast of their position; and when all the chariots formed an even line abreast of the apex of the *aphesis*, *e*, it was a fair start. This arrangement of the *aphesis* was the invention of the statuary Cleoetas, and was improved by Aristeides (perhaps the famous painter; see Hirt, *l. c.*). Cleoetas celebrated his invention in an epigram, which he inscribed on the base of a statue made by him at Athens:

Ὅς τὴν ἱππάφεσιν ἐν Ὀλυμπίᾳ εὕρατο πρῶτος
Τεῦξε μὲ Κλειοίτας, υἱὸς Ἀριστοκλέους.

Hirt's explanation of the *aphesis*, with the rest of his reconstruction of the hippodrome at Olympia, has been accepted by most scholars; among others by Guhl and Koner in the earlier editions of their *Leben der Griechen und Römer*. In the last edition Koner has followed in some particulars the differing views of Count Lehndorff in his *Hippodromos*, and has given a slightly altered ground-plan (Guhl and Koner,^{5} pp. 148–150, with fig. 164). The chief difference is that on this view the chariots are conceived as starting on one side only (the right) of the *aphesis*. On this Baumeister remarks (p. 694 a), that "though containing much that is attractive and in part well founded, it is still open to much doubt."

Precisely the same arrangements were made for the start in the race of single horses (*κέλητες*); and in both cases, as in the race described by Homer, the stalls were assigned to the competitors by lot. How many chariots usually started, cannot be determined; but that the number was large is proved by the well-known story, that Alcibiades alone sent to one race seven chariots. Sophocles (*Elect.* 701–708) mentions ten chariots as running at once in the Pythian games; and the number at Olympia was no doubt greater than at any of the other games. This is probably the reason why the arrangements of a starting-place were so much more complicated in the Greek hippodromus than they were in the Roman circus [CIRCUS]. About the centre of the triangular area of the *aphesis* there was an altar, *n*, of rough brick, which was plastered afresh before each festival, surmounted by a bronze eagle with outstretched wings; and above the apex of the aphesis was a bronze dolphin, *m*. As the signal for the race to begin, the eagle was made to soar aloft, so as to be seen by all the spectators, and the dolphin sank to the ground.

The chariots, thus started, had to pass several times round two goals (*νύσσαι*), the distinction between which is one of the difficult points in the description of Pausanias. On the whole it seems most probable that the one which he describes as having a bronze statue of Hippodameia, holding out the victor's fillet, as if about to crown Pelops with it, was the one nearer to the aphesis, and abreast of the winning line, F; and that the other, G, round which the chariots made their first turn, was that which Pausanias calls "Taraxippus, the terror of the horses." This was a round altar, dedicated to Taraxippus, who was supposed to strike a supernatural terror into the horses as they passed the spot, and whom, therefore, the charioteers sought to propitiate, before the race began, by offering sacrifices and making vows at this altar. Pausanias gives various accounts as to who this Taraxippus was: some modern scholars take the word for an appellation of Poseidon Hippius. He was similarly honoured in the Isthmian hippodrome. At Nemea there was no such



Race of single horses. (From a vase.)

hero, but above the turning point of the course there was a bright red rock, which was supposed to frighten the horses. He adds the remark that the Olympian Taraxippus had by far the most powerful effect upon the horses; and considering that the number of chariots which joined in the race there was greater than at any of the other games, that remark affords a pretty clear proof that the explanation of the supposed supernatural terror is that which has been given above in describing the Homeric race. There are several vase-paintings on which chariots or single horses are exhibited turning the goal, which is represented as a Doric or Ionic column. (See Panofka, *Bilder Antiken Lebens*, pl. iii.) One of these is shown in the foregoing engraving, which exhibits a vivid picture of a race of single horses: the last rider has been unlucky in turning the goal.

There is no authority in the account of Pausanias for the connecting wall, H, between the goals, nor does he state that the winning line, *q*, was marked out as a white line; but these details are inserted from the analogy of the Roman circus. So also is the oblique position of the line of the goals, as compared with the axis of the figure: of course the greatest space was required at E, where the chariots were all nearly abreast of each other.

Respecting the dimensions of the Olympic Hippodrome, we have no precise information; but from the length of the measure called HIPPICON, and on other grounds, it seems probable that the distance from the starting-place to the goal, or perhaps rather from one goal to the other, was two stadia, so that one double course was four stadia. How many such double courses made up the whole race, we are not informed. The width must have been at least as great as the length of each side of the *aphesis*, namely, more than 400 feet. There does not appear to have been much architectural display in the structure, and not many statues. The internal area of the aphesis, D, contained several altars.

The chief points of difference between the Greek hippodrome and the Roman circus are the smaller width of the latter, as only four chariots ran at once, and the different arrangement of the *carceres*. The periods at which the Olympic horse-races were instituted are mentioned under OLYMPIA.

A few other hippodromes in Greece, Syria, and Egypt are mentioned by Pausanias and other writers; but they deserve no special mention. (Cf. Krause, *Gymnastik und Agonistik*, i. 151 ff.; Guhl and Koner, *ubi supra;* Baumeister, *s. v.*)

Among the Romans the term was also applied to an enclosed space for riding and driving in, attached to a garden or villa, and planted with trees (Plin. *Ep.* v. 6, §§ 19, 32; Mart. xii. 50, 5 with Paley's note; "clusus essedo cursus," Id. xii. 57, 23). [P. S.] [W. W.]

HIPPOPE'RAE (*ἱπποπῆραι*), saddle-bags. This appendage to the saddle [EPHIPPIUM] was made of leather or untanned hide (*sacculi scortei*, Festus, s. v. *Bulgae*), and seems not to have changed its form and appearance in ancient or modern times. Its proper Latin name was *bisaccium* (Petron. *Sat.* 31, 9), which gave origin to *bisaccia* in Italian and *besace*, *bissac* in French. By the Gauls, saddle-bags were called *bulgae* [BULGA]. The Greek term *hippoperae* is quoted only from a single passage of Seneca (*Ep.* 87, § 9). [J. Y.] [W. W.]

HI'STION (*ἱστίον*). [NAVIS.]

HI'STRIO (*ὑποκριτής*), an actor. 1. GREEK. The steps by which *ὑποκρίνομαι*, *ὑποκριτής* acquired their dramatic meaning have been variously traced. The primitive sense of "answering" (*i.e.* of the quick repartee of dialogue between the actor and the chorus, *ὑποκρίνεσθαι* implying a more ready and instantaneous reply than *ἀποκρίνεσθαι*) seems quite sufficient for our purpose; as in the gloss of Hesychius, *ὑποκριτὴς ὁ ἀποκρινόμενος πρὸς τὸν χορόν*: and in Pollux iv. 123, *ἐλεὸς δ' ἦν τράπεζα ἀρχαία, ἐφ' ἣν πρὸ Θέσπιδος εἷς τις ἀναβὰς τοῖς χορευταῖς ἀπεκρίνατο.* In the passages quoted by Sommerbrodt (*Rhein. Mus.* xxii. 510) in favour of the meaning "interpret" (Hom. *Il.* vii. 406, xii. 228; *Od.* xv. 169;—Thucyd. vii. 44, § 5), the simple notion of answering suits equally well. (Cf. L. and S., *s. v. ὑποκρίνομαι*: Alb. Müller, p. 170, n. 2.)

It is shown in the articles CHORUS and DIONYSIA that the Greek drama originated in the chorus which at the festivals of Dionysus danced around his altar, and that at first one person detached himself from the chorus and, with mimetic gestures, related his story either to the chorus or in conversation with it. If the story thus acted required more than one person, they were all represented in succession by the same choreutes. Thespis, who was regarded in antiquity as the inventor of tragedy ([Plat.] *Min.* 321 A; Hor. *A. P.* 275), was the first to employ an actor distinct from the chorus; the latter still took the most important part in the performance, but lost something of its original character by becoming an interlocutor in the dialogue. Aeschylus therefore added a second actor, so that the action and the dialogue became independent of the chorus, and the dramatist at the same time had an opportunity of showing two persons in contrast with each other on the stage (Aristot. *Poet.* 4, § 16). Sophocles took the final step by adding a third actor (Aristot. *l. c.*; Diog. Laert. iii. 56; Suid. *s. v.* *Σοφοκλῆς*): and towards the close of his career, Aeschylus found it necessary to follow the example of his younger rival, and to introduce a third actor, as is the case in the *Agamemnon*, *Choëphoroe*, and *Eumenides* (Pollux, iv. 110). This number of three actors was also adopted by Euripides, and remained the limit scarcely ever exceeded in any Greek drama, at least in tragedy. In comedy a somewhat greater license was taken; and though Cratinus kept to the regular three performers, Aristophanes sometimes, and notably in the *Thesmophoriazusae*, employed a larger number.

Some real or apparent exceptions to this rule in tragedy have been keenly discussed, and demand a short notice. For instance, the *Prometheus* is a piece for two actors, yet in the opening scene there are four persons upon the stage—Prometheus, Hephaestus, and the allegorical *Κράτος* and *Βία*. But *Βία* does not speak, and *κωφὰ πρόσωπα* were unquestionably not reckoned: while Prometheus himself, there can be no doubt, was represented by a gigantic lay figure, "so contrived that an actor standing behind the pictorial mountain could speak through the mask. No protagonist could have been expected to submit to the restraint of such an attitude throughout the whole of the play, to say nothing of the catastrophe at the end, when the rocks fall asunder, and Prometheus is dashed down into Tartarus" (Donaldson, *Theatre of the Greeks*, ed. 7, p. 286). This was first pointed out by Welcker (*Trilogie*, p. 30), and is accepted by almost every scholar from G. Hermann to A. Müller (see his references, p. 175, n. 2). In the *Choëphoroe* Aeschylus had three actors, but in v. 900 ff. a fourth seems required, where Pylades, who has been present most of the time as a *κωφὸν πρόσωπον*, begins to speak. The notion of the Scholiast that the *οἰκέτης*, who has only just quitted the stage, reappears as Pylades, is rejected by A. Müller on the ground that the actor has not had time to change his dress. It may be remarked, however, that the Greek tragic actor, in order to assume another character, had only to change an upper garment, a mask, and perhaps a wig: there were none of the minute toilet accessories of the modern "make-up," and the operation may have been got through with much greater rapidity. Once more, in the *Oedipus at Colonos*, a fourth actor must be assumed unless the part of Theseus is divided among all three performers. The former alternative is supported by C. O. Müller (*Diss. on Eumen.* p. 127) and A. Müller (p. 175, n. 4); the latter by K. F. Hermann (*de Distributione Personarum inter Histriones in Tragoediis Graecis*, Marburg, 1840, p. 42) and Donaldson, who observes that "the mask and the uniformity of tragic declamation would make it as easy for two actors to represent one part, as for one actor to sustain several characters" (p. 268 n.). The terms *παρασκήνιον* and *παραχορήγημα* here come in for explanation. The usual meaning of *παραχορήγημα* is of course a subordinate chorus or *ἕτερος χορός* (see L. and S. *s. v.*); but the statement that the word was also applied to the part taken by a fourth actor rests only on the authority of Pollux (iv. 109, 110), where there is almost certainly some confusion in the text. It is more likely that a supernumerary who spoke a few words only, such as the children in the *Medea*, or the above cases of a fourth actor being required, was called *παρασκήνιον*. A. Müller (p. 178) gives full details, but pronounces the question obscure. This sense of *παρασκήνιον* is not noticed in L. and S.

The three regular actors were distinguished by the technical names of *πρωταγωνιστής*, *δευτεραγωνιστής*, and *τριταγωνιστής* (Suidas, *s. v. τριταγωνιστής*: Dem. *de Cor.* p. 315, §§ 265, 267;—*de F. L.* p. 344, § 10; 403, § 200), indicating the more or less prominent part each had to play in the drama. Certain conventional means were also devised, by which the spectators, as soon as an actor appeared on the stage, were enabled to judge which part he was going to perform; thus the protagonist regularly came from a door in the centre, the deuteragonist from one on the right, and the tritagonist from a door on the left-hand side (Pollux, iv. 124). The protagonist naturally undertook the character in which the interest of the piece was intended to centre; not always the title-role (as O. Müller thought), unless it were that of the real hero or heroine (A. Müller, p. 182). It is true that, in six out of the seven extant plays of Sophocles, the title-role is also the leading part (in the remaining one, the *Trachiniae*, the part of Deianira is assigned by common consent to the protagonist); but in the *Cresphontes* and *Oenomaus* of Euripides the title-role was only a third-class part, and as such was taken by Aeschines (Dem. *de Cor.* p. 288, § 180). The conjecture is also unfounded that the protagonist was always the principal messenger (*ἄγγελος*), or again that the narrative of a death (*e.g.* of Hippolytus or Pentheus) was necessarily assigned to the actor of the dead man's part (K. F. Hermann, *op. cit.* p. 33; Donaldson, p. 269; on the other side, Lachmann and A. Müller, *l. c.*). It is an ingenious but rather fanciful notion of O. Müller's (*Griech. Lit.* ii. 57) that the deuteragonist regularly took sympathetic parts as a friend of the hero or heroine, whereas the tritagonist was generally "an instigator who was the cause of the sufferings of the protagonist, while he himself was the least capable of depth of feeling or sympathy": in popular language, that he was the "villain of the piece." This is supported by the recorded fact that Creon in the *Antigone* was a tritagonist's part (Dem. *l. c.*), and by an arrangement of the characters in the Orestean trilogy of Aeschylus which gives the part of Clytaemnestra throughout to the tritagonist. It is a fact not without significance, that the thirty-two extant tragedies contain no "hero" who is also a "villain," like *Macbeth* or *Richard the Third*: but the titles of lost plays show an *Ixion* of Aeschylus, an *Acrisius* and an *Atreus* of Sophocles; and it would seem that the "villain-hero," though rare, was not altogether unknown. It is safer to say with Donaldson (with whom Alb. Müller is substantially in agreement) that the second and third performers "seem to have divided the other characters between them, less according to any fixed rule than in obedience to the directions of the poet, who was guided by the exigencies of his play." As on the modern stage, parts were written for particular actors (*Vit. Soph.* in Dindorf's *Poetae Scenici*, p. ii. 35); a proof that the author, notwithstanding the many conventional restrictions imposed by the sacred character of the Attic drama, had some influence over the choice of his actors.

The number of "supers" was unlimited: they were usually silent, but sometimes spoke a few words, especially when a fourth interlocutor was required (see above): in this case the speaker was occasionally placed behind the scenes, or sheltered from view by the chorus, that the limit of three actors might not be obtrusively violated. Persons of rank and dignity always came upon the stage suitably attended, just as no Athenian lady or gentleman in real life went out without at least one slave: the body-guards of royal personages were a conspicuous feature, so that *δορυφόρος* or *δορυφόρημα* became an equivalent to *κωφὸν πρόσωπον* (see L. and S. *s. vv.*); and in one or two instances (the opening scene of the *Oedipus Tyrannus* and probably that of the *Acharnians*) we have a regular "stage-mob" of citizens like those in *Julius Caesar* and *Wilhelm Tell*.

The acting of female characters by men was greatly assisted by the use of masks; there was no need to assign such parts to beardless youths as in England in the Shakespearian times. In early days the dramatic poets themselves acted in their own plays, and doubtless as protagonists. Of Aeschylus it is further recorded that he was his own ballet-master, and trained his choruses to dance without the aid of a professional *ὀρχηστοδιδάσκαλος* (Ath. i. 21 e). Sophocles appeared only twice on the stage; as Thamyris in the play of that name, accompanying a song on the *cithara*, and as Nausicaa playing at ball, in the *Πλύντριαι*: he then gave up acting on account of the weakness of his voice. After his time it became exceptional for the poet to be also an actor. Aeschylus, who seems to have been usually protagonist in his own plays, employed Cleander as his deuteragonist, and subsequently (after the introduction of a third actor) Mynniscus as tritagonist (*Vit. Aesch.* p. 3, l. 75 Dind.). Cleidemides and Tlepolemus were similarly associated with Sophocles, Cephisophon with Euripides. Among a long list of famous actors during the great period of the Athenian drama, the most conspicuous names are those of Polus and Aristodemus, the latter a political character as well, from having twice been sent on embassies to Philip (Dem. *de F. L.* p. 343, § 12, and often in the Embassy Speeches of both orators). Both of these received enormous salaries: sometimes as much as a talent for two or even one day's performance ([Plut.] *Vitt. X. Oratt.* p. 848 B; Gell. xi. 9, § 2; Boeckh, *P. E.* p. 120=*Sthh.*^{3} i. 153). There was also a younger Mynniscus, contemporary with the comic poets Plato and Menecrates: it must be this Mynniscus, and not the one who played for Aeschylus, who is mentioned in an inscription as protagonist in a comedy (*Μενεκράτης ἐδίδασκεν· ὑποκριτὴς Μυννίσκος*, *C. I. A.* ii. 971 b). Another inscription records the fact of Antiphanes appearing in one of his own plays (*ib.* 972; Thessalus and Athenodorus, contemporaries of Alexander, *ib.* 973; cf. Plut. *Alex.* 10, 29). Each of these inscriptions notices only a single actor, of course the protagonist.

No social stigma attached to the actor's calling (Corn. Nep. *Praef.* 5); distinguished Athenian citizens appeared on the stage as amateurs, and the role of a *τριταγωνιστής*, notwithstanding the scurrilous and exaggerated invectives of Demosthenes, did not detract from Aeschines' position as a soldier and orator. Bad actors, however, to whatever station in life they belonged, were not, on that account, spared; displeasure was shown by whistling or hissing (*συρίττειν*, Dem. *de Cor.* p. 315, § 265; *de F. L.* p. 449, § 337: cf. *c. Mid.* p. 586, § 226); another word is *θορυβεῖν*, probably denoting uproar against the author rather than the actor (Becker-Göll, *Charikles*, iii. 199). For the throwing of fruit or nuts in theatres, and sometimes even of stones, cf. [Andoc.] c. *Alcib.* § 20; Dem. *de Cor.* p. 314, § 262; Athen. vi. p. 245 d, e, ix. p. 406 f. On the other hand, the practice of encoring (*αὖθις*) is inferred from Xen. *Symp.* 9, § 4.

At a later time, when Greece had lost her independence, we find regular troops of actors, who were either stationary in particular towns of Greece, or wandered from place to place, and engaged themselves wherever they found it most profitable. They formed regular companies or guilds (*σύνοδοι τῶν περὶ τὸν Διόνυσον τεχνιτῶν*), with their own internal organisation, with their common officers, property, and sacra. We possess a number of inscriptions belonging to such companies, and can trace them at Athens (*C. I. A.* ii. 551, 552), Thebes (*C. I. G.* 1600), Argos (*C. I. G.* 3068 C, and more in A. Müller, p. 393, n. 7), Teos (*C. I. G.* 3067), Cyprus (*C. I. G.* 2619, 2620), Rhegium (*C. I. G.* 5762). But these actors are generally spoken of in very contemptuous terms; they were perhaps in some cases slaves or freedmen, and their pay was sometimes as low as seven drachmas for a performance (Lucian, *Icaromen.* 29; cf. *Nigrin.* 8, *Necyom.* 16; Theophrast. *Char.* 6). The language of Lucian must, however, be received with caution: he has evidently confused the old Greek estimate of the profession with the much lower Roman one of his own time; and in one passage (*Apol.* 5) writes as though Polus and Aristodemus, free Greeks of the highest consideration, had been liable to the *jus virgarum in histriones*.

(On Greek actors in general, cf. Müller, *Gr. Lit.* ch. 22; Donaldson, *Theatre of the Greeks*, ed. 7, book iii. cc. 1, 2; Becker-Göll, *Charikles*, iii. 195–200; and especially Alb. Müller, *Bühnenalterth.* in Hermann-Blümner, § 14, pp. 170–188: on the "guilds of the artists of Dionysus," § 26, pp. 392–414).

2. Roman. The word *histriones*, by which the Roman actors were called, is said to have been formed from the Etruscan *hister*, which signified a *ludio* or dancer (Liv. vii. 2; Val. Max. ii. 4, § 4; cf. Plut. *Quaest. Rom.* 107). The origin of scenic representations at Rome has been related under Comoedia, p. 521 *b*. The name *histrio* thenceforward lost the signification of a dancer, and was now applied to the actors in the drama. Only the Atellanae [Comoedia, p. 522 *b*] and Exodia were played by freeborn Romans, while the regular drama was left to the histriones, who formed a distinct class of persons.

In the times of Plautus and Terence we find the actors gathered into a company (*grex, caterva*), under the control of a manager (*dominus gregis*, also called *actor* in a technical sense, though *actor* is of course also a synonym of *histrio*). A manager named T. Publilius Pellio (or Pollio) is mentioned by Plautus (*Bacch.* ii. 2, 35–37), and was apparently not in favour with the dramatist: during the short career of Terence his manager was the well-known L. Ambivius Turpio. It was through the manager that a magistrate who was giving games, of which stage-plays formed a part, engaged the services of a company. Brutus, who was praetor in the year of Caesar's death, tried to regain the popularity he had lost through the murder by giving Ludi Apollinares of unusual splendour: and he went all the way to Naples to negotiate with actors, who seem to have been Greeks, besides getting his friends to use their interest in his behalf (Plut. *Brut.* 21). So in imperial times a public singer is said *vocem vendere praetoribus* (Juv. vi. 379). The pay (*merces*: for the distinction between *merces* and *lucar* see Lucar) was on as varied a scale as in modern times: in the first century of the empire an ordinary actor seems to have received five denarii and his food (Senec. *Ep.* 80, § 7; cf. the seven drachmas of Lucian, *Icaromen.* 29, already cited); while at an earlier period "stars" like Roscius and Aesopus, the contemporaries and friends of Cicero, made ample fortunes. Cicero tells us that Roscius could have honourably made 6,000,000 sesterces (*HS. sexagies*, about £48,000) in ten years had he chosen to do so (*pro Rosc. Com.* 8, § 23); and Pliny (*H. N.* vii. § 128) gives half a million (£4000) as his annual earnings. [We have no doubt that Pliny's *HS. D annua* is to be read *quingena sestertia;* the adverbial form *quingenties* (D̄) introduces an absurdity, £400,000 a year, too great even for him.] The tradition preserved by Macrobius (*Sat.* iii. 14, §§ 11–13) is that Roscius alone received 1000 denarii for every day's performance; while Aesopus left a fortune of 20,000,000 sesterces (*HS. ducenties*, or £160,000), acquired solely by his profession; this was afterwards squandered by his son (Hor. *Sat.* ii. 3, 239).

It is clear from the words of Livy (vii. 2) that the histriones were not citizens; that they were not contained in the tribes, nor allowed to be enlisted as soldiers in the Roman legions; and that, if any citizen entered the profession of histrio, he, on this account, was excluded from his tribe. The histriones were therefore usually either freedmen, foreigners, or slaves; the latter specially educated for the stage to their master's profit. Even if *ingenui*, they were legally *infames* ("infamia notantur—qui artis ludicrae pronuntiandive causa in scaenam prodierit," Edict. Praet. *ap.* Dig. 3, 2, 1; cf. Cic. *de Rep.* iv. *fr.* 10 *ap.* Aug. *de Civ. Dei*, ii. 13), and socially in low estimation (Cic. *pro Arch.* 5, § 10; Corn. Nep. *Praef.* 4; Suet. *Tib.* 35). Aesopus seems to have been a freedman of the Claudian gens; but Roscius, the *amor et deliciae* of Cicero, was certainly ingenuus, and probably of good birth (Cic. *de Div.* i. 36, § 79); Sulla gave him the gold ring of equestrian rank. We see that, towards the close of the republic, a few men of position and Greek culture raised themselves above the prejudices of their countrymen, and valued the person no less than the genius of great artists. (Macrob. *l. c.*) When Caesar forced Laberius, an eques advanced in years, to appear on the stage in his own mimes, he was thought to have exceeded the powers even of a dictator, and his victim took a dignified revenge (Macrob. *Sat.* ii. 7, § 3 ff.; the scene is described at length in *Dict. Biogr.* s. v. *Laberius*). Under the emperors men of equestrian rank often appeared, with or without compulsion (Suet. *Aug.* 43; Dio Cass. liii. 31; Suet. *Tib.* 35, *Calig.* 30, *Nero.* 4, 11; Dio Cass. lx. 7, lxi. 17; Tac. *Ann.* xiv. 14, *Hist.* ii. 60); and this circumstance, together with the increasing influence of Greek manners, tended to improve the social position of the actors. At the very beginning of the reign of Tiberius it had become necessary to check the extravagant compliments paid them; "ne domos pantomimorum senator introiret; ne egredientes in publicum equites Romani cingerent" (Tac. *Ann.* i. 77; cf. Senec. *Ep.* 47, § 17; Plin. *H. N.* xxix. § 9; Juv. vii. 88). Their legal status remained the same as regards infamia and exclusion from office; even provincial honours are denied them in the Lex Julia Municipalis of B.C. 45, where they are coupled with gladiators ("queive lanistaturam artemve ludicram fecit fecerit," *C. I. L.* p. 123); though inscriptions show that the rule was not always enforced (Gruter, *Inscr.* 1089, 6 = Orelli, 2625). But the old law was now somewhat modified, by which the Roman magistrates were empowered to coerce the histriones at any time and in any place, and the praetor had the right to scourge them (*jus virgarum in histriones*). Augustus entirely did away with the jus virgarum, and limited the interference of the magistrates to the time when, and the place where (*ludi et scaena*), the actors performed (Tac. *Ann.* i. 77; Suet. *Aug.* 45). But he nevertheless inflicted, of his own authority, very severe punishments upon those actors who, either in their private life or in their conduct on the stage, committed any impropriety (Suet. *l. c.*). After these regulations the only legal punishments that could be inflicted upon actors for improper conduct seem to have been imprisonment and exile (Tac. *Ann.* iv. 14, xiii. 28). The jus virgarum is indeed said to have been restored to the praetor by a law of Augustus himself (Paul. *Sent.* v. tit. 26), not expressly, but by the interpretation put upon this law by the jurists. But this interpretation cannot have become valid till after the reign of Tiberius, of whom it is clearly stated that he refused to restore the jus virgarum, because it had been abolished by his predecessor (Tac. *Ann.* i. 77).

The competition of the actors for public favour was carried to extraordinary lengths, and stirred up factions like those of the Circus. If not as early as the time of Plautus himself, yet at the time when the existing Plautine prologues were composed (probably about B.C. 150–100), we find partisanship (*ambitio*) in full operation (Plaut. *Poen.* prol. 37 ff.; cf. *Amphitr.* prol. 65 ff.). At first palms and inexpensive crowns of gold or silver tinsel were the reward of popularity (Varro, *L. L.* v. 178; Phaedr. *Fab.* v. 7, 34; Plin. *H. N.* xxi. § 6); afterwards, under the empire, presents of money and rich garments (Juv. vii. 243 with Schol.; Capitolin. *M. Ant. Phil.* 11; Lamprid. *Al. Sev.* 33). There was a regularly organised and paid *claque* (the *theatrales operae* of Tac. *Ann.* i. 16; Orelli *ad loc.*: cf. Mart. iv. 5, 8); and over and above that the backers (*fautores*) resorted to actual violence and even bloodshed. Hence Tiberius on one occasion found himself obliged to expel all histriones from Italy (Tac. *Ann.* iv. 14; Dio Cass. lvii. 21); but they were recalled and patronised by his successor (Dio Cass. lix. cc. 3, 5). The emperors as a rule tolerated, sometimes encouraged, and occasionally checked the excesses of the stage. We read of the emperor's private companies (*histriones aulici*, Spartian. *Hadr.* 19; Capitolin. *Verus*, 8) who performed during dinner time (Suet. *Aug.* 74), and were sometimes allowed also to play in the theatres before the people (*publicabantur*). The practice of giving immoderate sums to actors was restricted by Tiberius (Tac. *Ann.* i. 77; Suet. *Tib.* 34); again by M. Aurelius (Capitolin. *M. Ant. Phil.* 11), and by Alexander Severus (Lamprid. *l. c.*). Aurelius ordained a maximum payment of five aurei to each actor, and that no *editor* should exceed the sum of ten aurei; this must mean that there were to be *editores* in number equal to half the actors, for it cannot be thought that he reduced the actors to two for each performance. The restrictions of the Greek stage as to the number of actors never prevailed upon the Roman. (Cf. Marquardt, *Staatsverw.* iii. 516–521.) [L. S.] [W. W.]

HODOPOEI (**ὁδοποιοί**), public officers at

Athens, who had to take care of the roads (*οἱ ὁδῶν ἐπιμεληταί*, Phot. *Lex.* s. v.). They are alluded to, though not mentioned by name, in the fragment of a comic poet of the time of Pericles, now ascribed to Cratinus (*ap.* Plut. *Praec. Reip. Ger.* c. 15, p. 811 F.). Nothing is known about them except that on one occasion, in the time of Aeschines, their duties were discharged by the managers of the Theoric fund (Aeschin. *c. Ctes.* § 25); this, however, appears to have been a temporary abuse, and afterwards rectified. (Boeckh, *P. E.* p. 203 = *Sthh.*³ i. 257; Schömann, *Antiq.* i. 415 E. T.) [W. S.] [W. W.]

HOLOSE'RICA VESTIS. [Sericum.]

HOLOSPHY'RATON, HOLOSPHYRE'-LATA. [Malleus; Metalla.]

HOMOEI (*ὅμοιοι*), the Equals, were those Spartans who possessed the full rights of citizenship, and are opposed to the *ὑπομείονες* or those whose position was in some degree subordinate (Xen. *Rep. Lac.* 10, § 7; *Hell.* iii. 3, § 5; Aristot. *Pol.* v. 7, § 2 = p. 1306 b, 30; cf. p. 1308 a, 12). This distinction seems to have rested not so much upon law as upon custom: the state of the case is well put by Schömann (*Antiq.* i. 217 E. T.): "As far as legal right was concerned, all Spartiatae, rich and poor, cultivated and uncultivated, formed a body of citizens in the possession of equal rights, a demos of *ὅμοιοι*, which, in contrast with the subject classes of Perioeci and Helots, represented a ruling and privileged nobility. But within this ennobled demos of *ὅμοιοι* again there were two distinct classes,—a minority of rich, influential, and cultured citizens, who to a certain extent claimed a kind of superior nobility, and a majority of poor and uncultivated members, who, though equal in the eye of the law, were in reality in an inferior position," and might be described in contrast to them as *ὑπομείονες* or subordinate. The distinction appears to have grown up in later times, as it is not mentioned by any writer before Xenophon: when Aristotle, in the passage just referred to, speaks of the Partheniae as belonging to the Homoei, he probably commits an anachronism. The requisites for full Spartan citizenship, which did not begin before the age of thirty, were (1) ascertained Spartiate birth, (2) education on the Spartan system and a life in conformity with it, (3) payment of subscriptions to the syssitia. Whoever failed in any one of these particulars was excluded from the Homoei. In the institutions ascribed to Lycurgus, every citizen had a certain portion of land: the impoverishment of many through the loss of their lands seems to have been the chief cause of the dangerous discontents which prevailed after the Peloponnesian war, and showed themselves in the conspiracy of Cinadon (*ὅρος δὲ τῆς πολιτείας οὗτός ἐστιν αὐτοῖς ὁ πάτριος, τὸν μὴ δυνάμενον τοῦτο τὸ τέλος φέρειν* [*i.e.* the syssitia] *μὴ μετέχειν αὐτῆς*, Aristot. *Pol.* ii. 6, § 21 = p. 1271 a, 35). Other passages show the insistence upon the Spartan training, and the disqualification attached to a self-indulgent or cowardly neglect of it (Xen. *Rep. Lac.* l. c.; Plut. *Inst. Lac.* 21, p. 238 E; Teles *ap.* Stob. *Floril.* xl. p. 233). Plutarch here tells us that some say (*ἔνιοί φασιν*) that *ξένοι* who underwent the Spartan discipline, "according to the intention of Lycurgus," were accounted citizens; a vague statement, which is contradicted by all we know of the real facts of the Spartan constitution. The Homoei were probably represented in the select bodies called *ἔκκλητοι* and *μικρὰ ἐκκλησία* [ECCLETI]; the contention of Thumser that the *ὑπομείονες* had no share in the popular assembly (*ἁλία* or *ἀπέλλα*) is contrary to the general opinion of scholars, as he himself admits. The Homoei, however, gradually obtained possession of almost all political power. Kopstadt (*ap.* Gilbert, i. 42 n.) thinks that the Homoei alone were enrolled in the three genealogical tribes, the *Ὑλλεῖς, Δυμᾶνες*, and *Πάμφυλοι*, the *ὑπομείονες* in the local tribes only [Gerousia, p. 914 *a*]. (Schömann, *Antiq.* i. 217–221 E. T.; Gilbert, *Staatsalterth.* i. 41 f.; Busolt, *Die Laked. u. ihre Bundesgenossen*, i. 18; *Griech. Gesch.* i. 116; Thumser, *Staatsalterth.* p. 170 in Hermann-Blümner.) [W. S.] [W. W.]

HONORA'RIA ACTIO. [Actio.]

HONORA'RII LUDI. [Ludi.]

HONORA'RIUM. [Advocatus; Lex Cincia.]

HONORA'RIUM JUS. [Edictum.]

HONO'RES. The word may be used in a general sense for any compliment or dignity conferred by a public body. We find it of the thanksgivings decreed by the senate for Caesar's victories in Gaul, "Caesar . . . singularibus ornatus et novis honoribus ac judiciis senatus" (Cic. *ad Fam.* i. 9, 14), and of the compliments showered on Cicero in his provincial quaestorship, "excogitati quidam erant a Siculis honores inauditi" (*pro Plancio*, 26, 64). In a similar loose sense the word is occasionally used for a commission in the army: *e.g.* Caesar (*B. C.* i. 77) says that he restored certain deserters "in tribunicium honorem." But the more strict and technical use of the term confines it to the actual magistracies, whether of the Populus Romanus, of the Plebs, or of a municipium. The position of a judex or a senator does not come within this category, nor does the office of a priest (see Mommsen, *Staatsr.* i.³ p. 8). From the words of Suetonius (*Claud.* 14), "jus et consul et extra honorem laboriosissime dixit," we might infer that even the principate, as not being one of the ordinary magistracies, was likewise excluded. It is in this sense that we hear of the "jus honorum" as a part of the qualities of a full citizen, which might be withheld when the other rights were granted. Tacitus (*Ann.* xi. 23) tells us of certain Gauls who "civitatem Romanam jam pridem assecuti, jus adipiscendorum in urbe honorum expetebant."

The most interesting questions relating to *honores* occur in connexion with the municipal institutions of the later empire. The Digest contains a title (50, 4) "de muneribus et honoribus," in which the distinction between the "honours" and the "burdens" of the community is illustrated by numerous examples. We might expect to find adduced the obvious contrast that an office is sued for voluntarily, and that the burden is compulsorily imposed. It seems not unlikely that this distinction is valid for the offices of the Roman Republic. The chief difficulty is in the case of T. Manlius Torquatus, whom we find pleading with the people (Liv. xxvi. 22) not to elect him consul in a tone which seems to imply that he could not absolutely refuse the office. It is possible, however, to take his words as merely begging them to spare him the necessity of an arrogant rejection of the people's wish. Mommsen (*Staatsr.* i.^{3} p. 470) points out that there is no clear instance of a man being compelled to hold a magistracy against his will; and in the frequent cases of abdication, we never hear of leave to retire being asked. The duties, on the other hand, of a priest (Liv. xxvii. 8) and of a judex (Cic. *pro Rab. Post.* 7, 17) were certainly imposed even against the will of the person; it does not appear that the station of a senator could (apart from special agreements, as in Suet. *Aug.* 40) be declined by any man who had held a qualifying office, and certainly a man once in the senate required the "venia ordinis" (Tac. *Ann.* i. 75) before he could retire. This distinction, however, between *honores* and *munera* will certainly not hold for the municipal magistracies, which under the empire were not avoidable by the properly qualified persons. Such persons might not even refuse to be put over the heads of their seniors in the local senate, if they were better able to provide for the expenses of magistracy: "Sciant igitur locupletiores," says a rescript of Caracalla and Geta (Dig. 50, 4, § 6), "non debere se hoc praetextu legis uti, et de tempore quo quisque in curiam allectus sit, inter eos demum quaerendum, qui pro substantia sua capiant honoris dignitatem." It is even laid down (*ib.* § 12) that a "vacatio muneris publici" does not excuse a man from serving a magistracy, "quia id ad honorem magis quam ad munera pertinet."

Of the two subdivisions of *munera*, those "quae patrimoniis injunguntur" (*ib.* § 6) are easily distinguished from *honores*. We find in this category such services as transport by land and water, "rei vehicularis, item navicularis" (*ib.* § 1). Under this head, notwithstanding a contradiction between two authorities quoted in the Digest (compare § 1 and § 14), we should probably place that species of task work from which the word *munus* seems to be etymologically derived, the "operae ad munitiones," or labour requisitioned for the repair of the walls or streets of the town, since in the Lex Ursonensis (ch. 29) this burden falls on all who own land within the limits of the colony, though they may not be its burgesses. The "munera civilia personalia" (Dig. *ib.* § 1), such as the charge of acting as counsel for the corporation in legal proceedings ("defensio civitatis, id est ut Syndicus fiat"), the duty of registering the assessments ("legatio ad census accipiendos"), and the superintendence of the provision of corn, of water, or of horses for the public games, are assimilated on the one hand to the "privata munera" of the guardian or trustee, and on the other hand to the offices of the community. These "munera personalia" require "sollicitudinem animi et vigilantiam," whereas the other category is of matters "in quo sumptus maxime postulatur." The duty of sitting in the local senate is not mentioned among the *munera*, but it seems to be accurately distinguished from the *honores* (see Mommsen's explanation, *Staatsr.* iii. 640, of the fragmentary passage of Gaius, i. 96), and it would probably fall in the category of *munera*, as that of serving among the "decemprimi" or select men of the decuriones is expressly said to do (Dig. *ib.* § 1). In the Roman senate in like manner the duty of giving advice in answer to the magistrate's question is spoken of by Tacitus (*Ann.* iii. 17) as a munus. The "personalia munera" most nearly approach the *honores* in the case of the "Irenarchae, qui disciplinae publicae et corrigendis moribus praeficiuntur" (Dig. *ib.* § 18), and of the quaestors. This latter post belongs to the "charges" or to the "offices" according to the custom of the particular community; it is undoubtedly a magistracy according to the Law of Salpensa (ch. 26, 27), yet in the Digest (*ib.* § 18) we have "et quaestura in aliqua civitate inter honores non habetur sed personale munus est."

The nearest approach to a definition of the two terms is that of Callistratus (Dig. *ib.* § 14): "Honor municipalis est administratio reipublicae cum dignitatis gradu, sive cum sumptu sive sine erogatione contigens . . . . Publicum munus dicitur, quod in administranda republica cum sumptu sine titulo dignitatis subimus." This is, roughly speaking, a continuation in the municipalities of the Roman practice of ranking only actual magistracies among the *honores*. [J. L. S. D.]

HOPLI'TAE (ὁπλῖται). [ARMA; EXERCITUS.]

HOPLO'MACHI. [GLADIATORES, p. 918 *a*.]

HORA (ὥρα), in the signification of hour, that is, the 12th part of the natural day, did not come into general use among the ancients until about the middle of the second century B.C. The equinoctial hours, though known to astronomers, were not used in the affairs of common life till towards the end of the fourth century of the Christian era. The division of the day was marked very roughly by the position of the sun (Varro, *L. L.* vi. 89). As the division of the natural day into twelve equal parts, both in summer and winter, rendered the duration of the hours longer or shorter according to the different seasons of the year, it is not easy, with accuracy, to compare or reduce the hours of the ancients to our equinoctial hours. The hours of an ancient day would only coincide with the hours of our day at the two equinoxes. [DIES and HOROLOGIUM.] As the duration of the natural day, moreover, depends on the polar altitude of a place, our natural days would not coincide with the natural days in Italy or Greece. Ideler, in his *Handbuch der Chronologie*, has given the following approximate duration of the natural days at Rome, in the year 45 B.C., which was the first after the new regulation of the calendar by J. Caesar; the length of the days is only marked at the eight principal points in the apparent course of the sun.

Days of the year. 45 B.C.	*Their duration in equinoctial hours.*	
Dec. 23	8 hrs.	45 minutes.
Feb. 6	9 ,,	50 ,,
March 23	12 ,,	0 ,,
May 9	14 ,,	10 ,,
June 25	15 ,,	6 ,,
August 10	14 ,,	10 ,,
Sept. 25	12 ,,	0 ,,
Nov. 9	9 ,,	50 ,,

The following table contains a comparison of the hours of a Roman natural day, at the summer and winter solstice, with the hours of our day.

SUMMER SOLSTICE.

Roman Hours.			*Modern Hours.*				
1st hour	.	4	o'clock,	27	minutes	0	seconds.
2nd ,,	.	5	,,	42	,,	30	,,
3rd ,,	.	6	,,	58	,,	0	,,
4th ,,	.	8	,,	13	,,	30	,,
5th ,,	.	9	,,	29	,,	0	,,
6th ,,	.	10	,,	44	,,	30	,,
7th ,,	.	12	,,	0	,,	0	,,
8th ,,	.	1	,,	15	,,	30	,,
9th ,,	.	2	,,	31	,,	0	,,
10th ,,	.	3	,,	46	,,	30	,,
11th ,,	.	5	,,	2	,,	0	,,
12th ,,	.	6	,,	17	,,	30	,,
End of the day		7	,,	33	,,	0	,,

WINTER SOLSTICE.

Roman Hours.			*Modern Hours.*				
1st hour	.	7	o'clock,	33	minutes	0	seconds.
2nd ,,	.	8	,,	17	,,	30	,,
3rd ,,	.	9	,,	2	,,	0	,,
4th ,,	.	9	,,	46	,,	30	,,
5th ,,	.	10	,,	31	,,	0	,,
6th ,,	.	11	,,	15	,,	30	,,
7th ,,	.	12	,,	0	,,	0	,,
8th ,,	.	12	,,	44	,,	30	,,
9th ,,	.	1	,,	29	,,	0	,,
10th ,,	.	2	,,	13	,,	30	,,
11th ,,	.	2	,,	58	,,	0	,,
12th ,,	.	3	,,	42	,,	30	,,
End of the day		4	,,	27	,,	0	,,

Also from Plautus (*Pseud.* 1307) we see that an hour in winter was shorter than one in summer.

The custom of dividing the natural day into twelve equal parts or hours lasted, as we have observed, till a very late period. The first calendarium in which we find the duration of day and night marked according to equinoctial hours, is the Calendarium rusticum Farnesianum. (Ideler, *Handbuch der Chron.* ii. p. 139, &c.; Graev. *Thesaur. Ant. Rom.* viii.; *Mus. Borb.* ii. pl. 44.)

Another question which has often been discussed is whether in such expressions as *prima*, *altera*, *tertia hora*, &c., we have to understand the hour which is passing, or that which has already elapsed. From the construction of ancient sun-dials on which the hours are marked by eleven lines, so that the first hour had elapsed when the shadow of the gnomon fell upon the first line, it might seem as if *hora prima* meant after the lapse of the first hour. In Pers. iii. 4, *quinta dum linea tangitur umbra*, the end of the fifth hour is clearly meant. But the manner in which Martial (iv. 8), when describing the various purposes to which the hours of the day were devoted by the Romans, speaks of the hours, leaves no doubt that the expressions *prima, altera, tertia hora*, &c., mean the hour which is passing, and not that which has already elapsed. Hence *hora nona cenare* means to dine when the ninth hour is beginning, *i.e.* about 2 P.M. (Becker, *Gallus*, ii.^{3} 351 = Becker-Göll, ii. 406 ff.; Mayor on Plin. *Ep.* iii. 1, 8.) [L. S.] [A. S. W.]

HORCUS (*ὅρκος*). [JUSJURANDUM.]

HORDEA'RIUM AES. [AES HORDEARIUM.]

HORI (*ὅροι*) were stone tablets or pillars which were set up on the boundaries of land, or on some conspicuous part of a house, with an inscription stating that the land or house was mortgaged to such and such a person for so much money (Harpocr. *ὅρος* and *ἄστικτον*, and Pollux, iii. 85, ix. 9; [Dem.] *c. Timoth.* p. 1202, § 61, *ἡ οὐσία ἀφωρισμένη*). J. Martha (*Bull. de Corr. Hellén.* i. pp. 235–9; cf. Bursian's *Jahresber.* 1878, vol. xv. p. 37) distinguishes four classes of hori:—

1. Hori of creditors on the property of debtors, as: *ἐπὶ Θεοφράστου ἄρχοντος ὅρος χωρίου τιμῆς ἐνοφειλομένης Φανοστράτῳ Παιανιεῖ* XX, *i.e.* *δισχιλίων δραχμῶν* (*C. I. G.* No. 530 = *C. I. A.* ii. No. 1134). Here the archon's name is mentioned to show the year the mortgage had been made: thus priority of a debt could be established. See also *C. I. A.* ii. No. 1098: *ὅρος χωρίου κοινοῦ Εἰκαδέων· μὴ συμβάλλειν εἰς τοῦτο τὸ χωρίον μηθένα μηθέν.* (*Att. Process*, ed. Lipsius, p. 692, n. 585.)

2. Hori of the wife on the property which her husband was obliged to give as security for the dowry which he received with his wife (*προικὸς ἀποτίμημα*, Pollux, viii. 142; Dem. *c. Onet.* i. p. 871, § 28 ff. etc.); thus *ὅρος οἰκίας ἐν προικὶ ἀποτετιμημένης* HHH *Ἁγνοκλείᾳ*, *C. I. A.* ii. No. 1124; cf. Boeckh, *Sthh.*^{3} i. p. 162 d; *Att. Process*, ed. Lipsius, p. 518, n. 110; Koehler, *Mitth. d. Arch. Inst.* ii. pp. 277–281. In one of the instances given by Koehler the father-in-law had paid only half the dowry of his daughter, whereupon the son-in-law had sent her back; an agreement was finally come to, the father paying the remaining half of the dowry, but deducting the interest on that already paid, for the time during which his daughter had been separated from her husband.

Ὅροι were also placed upon houses and lands on account of money due to a husband for the dowry of his wife: from Dem. *c. Spud.* we learn that the plaintiff was to receive a portion of 40 minas with his wife; 30 were given him in ready money, the remaining 10 were to be paid after the death of Polyeuctus, his father-in-law, who directed by his will that tablets should be placed on the house, *χιλίων δραχμῶν τῆς προικός* (p. 1029, § 6). In these hori the archon is not named; Caillemer (*Études*, No. 5) supposes because the time might be ascertained in other ways, or perhaps because such debts took precedence over all others (*Etym. M.*, s. v. *σύνδικοι*).

3. Hori on the property of those persons to whom the estate of an orphan was let by the archon [EPITROPUS]; for such a person was obliged to hypothecate a sufficient piece of ground or other real property (also called *ἀποτίμημα*). Thus *ὅρος χωρίου καὶ οἰκίας ἀποτίμημα παιδὶ ὀρφανῷ Διογείτονος Προβα(λισίου)*, *C. I. G.* No. 531 = *C. I. A.* ii. No. 1135, etc.: cf. Isae. *Philoct.* § 36. (*Att. Process*, ed. Lipsius, p. 363, n. 459, and p. 693, n. 587.)

4. Hori on property sold *ἐπὶ λύσει*: *e.g.* *ὅρος χωρίου καὶ οἰκίας πεπραμένων ἐπὶ λύσει ἐρανισταῖς τοῖς μετὰ Ἀριστοφῶντος Εἰρεσίδου* T, *i.e.* one talent (Koehler, *l. c.* and Boeckh, *Sthh.*^{3} *l. c.*). Such a transaction was ostensibly a purchase, but really a loan of money secured by the conveyance of property; the debtor continues to occupy it, paying interest on the purchase-money, and possessing the power of redemption within a certain time. Thus Evergus and Nicobulus lent to Pantaenetus 105 minas on a mine-pit and 30 slaves; on the property being transferred to them, they granted a lease of the

mine and slaves to him at a rate equalling the interest of the money, 105 drachmas a month (*i.e.* 12 per cent.), and in the agreement Pantaenetus secured the power of redemption from them within a given period (*λύσις τούτῳ παρ' ἡμῶν ἔν τινι ῥητῷ χρόνῳ*, Dem. *c. Pantaen.* p. 967, § 5).

To conceal the amount of their property persons threatened with *ἀντίδοσις* set up fictitious notices of mortgage on the land ([Dem.] *c. Phaen.* p. 1040, § 5; p. 1041, § 9). The practice of placing these *ὅροι* upon property was of great antiquity at Athens: it existed before the time of Solon, who removed all stones standing upon estates, when he released or relieved the debtors. (Plut. *Sol.* 15; cf. Solon *fr.* 36 Bergk, and Blass, *Hermes*, xv. p. 386 ff.) Theophrastus (*Char.* 10 = 24 ed. Jebb) mentions it as a characteristic of the *μικρολόγος* that he inspects the *ὅροι* day by day. Cf. *C. I. A.* ii. No. 564, a decree of the tribe of Erechtheis: *οἱ ἐπιμεληταὶ . . . βαδίζοντες ἐπὶ τὰ κτήματα δὶς τοῦ ἐνιαυτοῦ ἐπισκοπῶνται . . . τοὺς ὅρους εἰ ἐφεστήκασιν κατὰ τὰ αὐτά*, i.e. *κατὰ τὰς συνθήκας*. [H. H.]

HORISTAE (*ὁρισταί*) were officials chosen to settle boundaries mostly of sacred places (*ἀρχή τις ἐστὶν ἥτις ἀφώριζε τὰ ἴδια καὶ τὰ δημόσια οἰκοδομήματα πρὸς τὰ οἰκεῖα ἑκάστου μέτρα*, Bekk. *Anecd.* p. 287, 18; *Etym. M.* p. 632, 30; Pollux, ix. 9). Thus we learn from Hyper. *pro Eux.* col. 29, 18 ff., that when Philip restored Oropus to the Athenians after the battle of Chaeroneia, and the ten tribes obtained shares of land by lot and a particular mountain fell to the share of the tribes Acamantis and Hippothoontis, doubts were expressed as to the lawfulness of their occupation of it, since the *ὁρισταὶ* had, it was said, assigned it to Amphiaraus (*ἐξελόντες αὐτό*, i.e. *τὸ ὅρος, τῷ θεῷ καὶ ἀφορίσαντες*), as Blass (*Gesch. d. att. Bereds.* iii. 2, p. 54 n.) suggests, a long time ago. These *ὁρισταὶ* were not magistrates of the demes, as Gilbert (*Staatsalterth.* i. p. 195) and O. Müller (*de demis Att.* p. 58) suppose, but a state commission appointed *ad hoc*: thus Schneidewin (*ad l. c.*) explains their number in Hyp. *l. c.* "quinquaginta, opinor, ut binis tribubus deni prospicerent." They are also mentioned in a psephisma of B.C. 418, directing the fixing of the boundaries of *τὸ ἱερὸν τοῦ Κόδρου καὶ τοῦ Νηλέως καὶ τῆς Βασιλῆς* (*τοὺς ὁριστὰς ἐπιπέμψαι ὁρίσαι τὰ ἱερὰ ταῦτα, ὅπως ἂν ἔχῃ ὡς βέλτιστα καὶ εὐσεβέστατα*, *C. I. A.* iv. No. 53 a; cf. Curtius, *Sitzungsber. d. kgl. pr. Akad. Berl.* 1885, p. 437 ff.), and in connexion with the Thesmophorion at Peiraeus (*ἀναγράψαι δὲ τόδε τὸ ψήφισμα τοὺς ὁριστὰς μετὰ τοῦ δημάρχου καὶ στῆσαι πρὸς τῇ ἀναβάσει τοῦ θεσμοφορίου*, *C. I. A.* ii. No. 573 b). In *C. I. A.* iv. No. 27 b, l. 54 f., the Basileus is commissioned *ὁρίσαι τὰ ἱερὰ τὰ ἐν τῷ Πελαργικῷ*.

Ὁρισταὶ are also mentioned for Chios (*Bull. de Corresp. hellén.* iii. 244: (*ἡ οἰκίη*) *ἡ ἐν Ἀνδίνηι ἣν οἱ ὁρισταὶ ὥρι(σαν Κλυ)τιδῶν εἶναι*; Gilbert, *Staatsalterth.* ii. p. 155), for Heracleia (*C. I. G.* No. 5774, i. l. 3 ff. and l. 96 ff. *ἀνεγράψαν τοὶ ὁρισταὶ τοὶ αἱρεθέντες ἐπὶ τὼς χώρως τὼς ἱαρὼς τὼς τῶ Διονύσω* (five in number), *καθὰ [ὤ]ρ[ι]ξαν καὶ ἐτερμ[άξ]αν καὶ [συνεμετρήσαν] καὶ ἐμερί[ξαν]* and ii. l. 2 f. *τᾶς Ἀθάνας* (three in number), cf. Cauer,^{2} No. 40, 41); see also the Rhodian award concerning disputed lands in favour of Priene in *Gk. Inscr. Brit. Mus.* iii. 1, No. 403, l. 12 f., *ἄνδρας ἀποδεῖξαι οἵ τινες κρινοῦντι καὶ ὁρίξουντι καὶ ἀποφανοῦνται*, and No. 405, l. 12, *ὁρισμόν*; in No. 412, l. 9, Hicks supplies *ὁρισταί*. In the Ephesian law (Dittenberger, *Syll.* No. 344) the *διαιρεταὶ* seem to have had similar duties, *ἀφοριζέτωσαν δὲ ἐν τῇ διαιρέσει τῆς χώρας ὁδοὺς πρός τε τὰ ἱερά*, etc.

Demosthenes uses the word metaphorically in *de Rhod. libert.* p. 199, § 29; the civil law of every country prescribes a uniform rule of right for all, the same for the weak as for the strong, but in national affairs right follows might, *οἱ κρατοῦντες ὁρισταὶ τοῖς ἥττοσι γίγνονται*. [H. H.]

HOROLO'GIUM (*ὡρολόγιον*) was the name of the various instruments by means of which the ancients measured the time of the day and night. The earliest and simplest horologia of which mention is made, were called *πόλος* and *γνώμων*. Herodotus (ii. 109) ascribes their invention to the Babylonians, and Prof. Sayce says, "This is perfectly correct;" Favorinus (*ap.* Diog. Laert. ii. 1, 3; compare Suidas, *s. v.* *Γνώμων* and *Ἀναξίμανδρος*) to Anaximander, but this means only that he was the first to set one up in Greece, at Sparta; and Pliny, probably by an oversight (*H. N.* ii. § 187), to his disciple Anaximenes. Herodotus mentions the *πόλος* and *γνώμων* as two distinct instruments. Both, however, divided the day into twelve equal parts, and were a kind of sun-dial. The *γνώμων*, which was also called *στοιχεῖον*, was the more simple of the two, and probably the more ancient. It consisted of a staff or pillar standing perpendicular, in a place exposed to the sun (*σκιάθηρον*), so that the length of its shadow might be easily ascertained. The shadow of the gnomon was measured by feet, which were probably marked on the place where the shadow fell. (Hesych. *s. v.* *Ἑπτάπους σκιὰ* and *δωδεκάποδος*: Pollux, i. 72.) The gnomon is almost without exception mentioned in connexion with the *δεῖπνον* or the bath; and the time for the former was towards sunset, or at the time when the shadow of the gnomon measured 10 or 12 feet. (Aristoph. *Eccles.* 652, with the Schol.; Pollux, *l. c.*; Menander, *ap.* Athen. vi. p. 243; Hesych. *s. v.* *Δεκάπουν Στοιχεῖον*.) The longest shadow of the gnomon, at sunrise and sunset, was 12 feet: it is only in jest that Eubulus, *ap.* Athen. i. p. 8 (*fr.* 118 Meineke), represents it as double the length, where it is consulted by a very big man. The time for bathing was when the gnomon threw a shadow of 6 feet. (Lucian, *Cronos*, c. 17; *Somn. s. Gall.* c. 9.) In later times the name "gnomon" was applied to any kind of sun-dial, and especially to its finger, which threw the shadow, and thus pointed to the hour. Even the clepsydra is sometimes called "gnomon" (Athen. ii. p. 42).

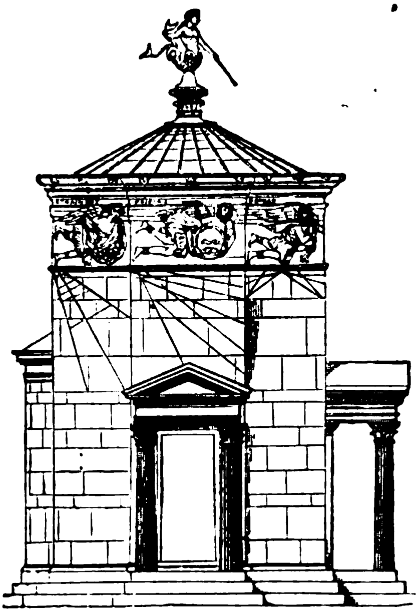
The gnomon was evidently a very imperfect instrument, and it was impossible to divide the day into twelve equal spaces by it. This may be the reason that we find it only used for such purposes as are mentioned above. The *πόλος* or *ἡλιοτρόπιον*, on the other hand, seems to have been a more perfect kind of sun-dial; but it appears, nevertheless, not to have been much used, as it is but seldom mentioned. (Aristoph. *ap. Polluc.* ix. 46.) It consisted of a basin (λεκανίς), in the middle of which the perpendicular staff or finger (γνώμων) was erected, and in it the twelve parts of the day were marked by lines. (Alciphron, *Epist.* iii. 4; Lucian, *Lexiph.* c. 4.)

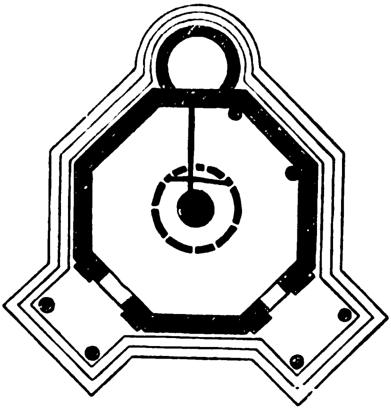
Another kind of horologium was the *clepsydra* (κλεψύδρα). It derived its name from κλέπτειν and ὕδωρ, as in its original and simple form it consisted of a vessel with several little openings (τρυπήματα) at the bottom, through which the water contained in it escaped, as it were, by stealth. This instrument seems at first to have been used only for the purpose of measuring the time during which persons were allowed to speak in the courts of justice at Athens. The time of its invention or introduction is not known; but in the age of Aristophanes (see *Acharn.* 692; *Vesp.* 93 and 857) it appears to have been in common use. Its form and construction may be seen very clearly from a passage of Aristotle (*Problem.* xvi. 8). The clepsydra was a hollow globe, probably somewhat flat at the top part, where it had a short neck (αὐλός), like that of a bottle, through which the water was poured into it. This opening might be closed by a lid or stopper (πῶμα), to prevent the water running out at the bottom. The clepsydra which Aristotle had in view was probably not of glass or of any transparent material, but of bronze or brass, so that it could not be seen in the clepsydra itself what quantity of water had escaped. As the time for speaking in the Athenian courts was thus measured by water, the orators frequently use the term ὕδωρ instead of the time allowed to them (ἐν τῷ ἐμῷ ὕδατι, Demosth. *de Coron.* p. 274, § 139; ἐὰν ἐγχωρῇ τὸ ὕδωρ, c. *Leoch.* p. 1094, § 45). Aeschines (*c. Ctesiph.* § 197), when describing the order in which the several parties were allowed to speak, says that the first water was given to the accuser, the second to the accused, and the third to the judges. An especial officer (ὁ ἐφ' ὕδωρ) was appointed in the courts for the purpose of watching the clepsydra, and stopping it when any documents were read, whereby the speaker was interrupted; and it is to this officer that Demosthenes calls out: σὺ δὲ ἐπίλαβε τὸ ὕδωρ (*c. Steph.* i. p. 1103, § 8; cf. *c. Conon.* p. 1268, § 36, with Sandys' note). The time, and consequently the quantity of water allowed to a speaker depended upon the importance of the case; and we are informed that in a γραφὴ παραπρεσβείας the water allowed to each party amounted to eleven amphorae (Aeschin. *de Fals. Leg.* § 126), whereas in trials concerning the right of inheritance only one amphora was allowed. (Demosth. *c. Macart.* p. 1052, § 8.) Those actions in which the time was thus measured to the speakers are called by Pollux (viii. 113) δίκαι πρὸς ὕδωρ: others are termed δίκαι ἄνευ ὕδατος, and in these the speakers were not tied down to a certain space of time. The only instance of this kind of actions of which we know, is the γραφὴ κακώσεως (Harpocrat. *s. v.* κάκωσις).

The clepsydra used in the courts of justice however was, properly speaking, no horologium; but smaller ones, made of glass, and of the same simple structure, were undoubtedly used very early in families for the purposes of ordinary life, and for dividing the day into twelve equal parts. In these glass clepsydrae the division into twelve parts must have been visible, either on the glass globe itself, or in the basin into which the water flowed. These instruments, however, did not show the time quite correctly all the year round: first, because the water ran out of the clepsydra sometimes quicker and sometimes slower, according to the different temperature of the water (Athen. ii. p. 42; Plut. *Quaest. Natur.* c. 7); and secondly, because the length of the hours varied in the different seasons of the year. To remove the second of these defects the inside of the clepsydra was covered with a coat of wax during the shorter days, and when they became longer the wax was gradually taken away again. (Aen. Tact. c. 22, § 10.) Plato is said to have used a νυκτερινὸν ὡρολόγιον in the shape of a large clepsydra, which indicated the hours of the night, and seems to have been of a complicated structure. (Athen. iv. p. 174.) This instance shows that at an early period improvements were made on the old and simple clepsydra. But all these improvements were excelled by the ingenious invention of Ctesibius, a celebrated mathematician of Alexandria (about 135 B.C.). It is called ὡρολόγιον ὑδραυλικόν, and is described by Vitruvius (ix. 9; compare Athen. *l. c.*), and more fully by Galen (v. p. 82 K.): cf. Marquardt, *Privatalt.* ii. 377 ff. Water was made to drop upon wheels which were thereby turned. The regular movement of these wheels was communicated to a small statue, which, gradually rising, pointed with a little stick to the hours marked on a pillar which was attached to the mechanism. It indicated the hours regularly throughout the year, but still required to be often attended to and regulated. This complicated crepsydra seems never to have come into general use, and was probably only found in the houses of very wealthy persons. The sun-dial or gnomon, and a simpler kind of clepsydra, on the other hand, were much used down to a very late period. The twelve parts of the day were not designated by the name ὥρα until the time of the Alexandrian astronomers, and even then the old and vague divisions, described in the article DIES, were preferred in the affairs of common life. At the time of the geographer Hipparchus, however (about 150 B.C.), it seems to have been very common to reckon by hours. (Comp. Becker-Göll, *Charikles*, vol. i. p. 321 ff.)

There is still existing, though in ruins, a horological building, which is one of the most interesting monuments at Athens. It is the structure formerly called the *Tower of the Winds*, but now known as the *Horological Monument of Andronicus Cyrrhestes.* It is expressly called *horologium* by Varro (*R. R.* iii. 5, § 17). This building is fully described by Vitruvius (i. 6, § 4), and the following woodcuts show its elevation and ground-plan, as restored by Stuart.

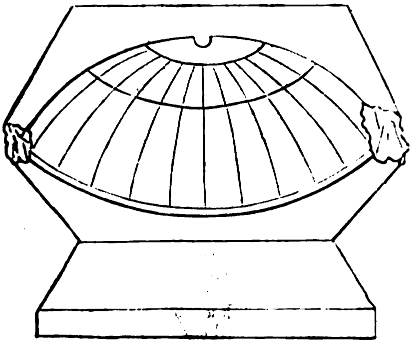
The structure is octagonal; with its faces to the points of the compass. On the N.E. and N.W. sides are distyle Corinthian porticoes, giving access to the interior; and to the south wall is affixed a sort of turret, forming three quarters of a circle, to contain the cistern which supplied water to the clepsydra in the interior. On the summit of the building was a bronze figure of a Triton, holding a wand in his hand; and this figure turned on a pivot, so that the wand always pointed above that side of the building which faced the wind then blowing. The directions of the several faces were indicated by figures of the eight winds on the frieze of the entablature. On the plain wall below the entablature of each face, lines are still visible, which, with the gnomons that stood out above them, formed a series of sun-dials. In the centre of the interior of the building was a clepsydra, the remains of which are still visible, and are shown on the plan, where the dark lines represent the channels for the water, which was supplied from the turret on the south, and escaped by the hole in the centre. Three other Athenian horologia are extant, one in the monument of Thrasyllus, another that of Phaedrus in the British Museum (*C. I. G* n. 522), a third in the Theatre of Dionysus, besides others from different parts of Greece.


Horological monument of Andronicus Cyrrhestes.


Ground-plan of the above.

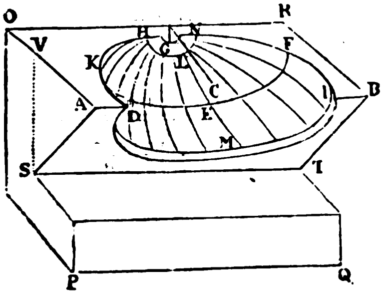
The first horologium with which the Romans became acquainted was a sun-dial (*solarium*, or *horologium sciothericum*), and was, according to some writers, brought to Rome by Papirius Cursor twelve years before the war with Pyrrhus, and placed before the temple of Quirinus (Plin. *H. N.* vii. § 213); Varro (cf. Censorinus, *de Die Nat.* 23) stated that it was brought to Rome from Catina in Sicily, at the time of the first Punic war, by the Consul M. Valerius Messala, and erected on a column behind the Rostra. But this solarium being made for a different latitude did not show the time at Rome correctly. Ninety-nine years afterwards, the Censor Q. Marcius Philippus erected by the side of the old solarium a new one, which was more carefully regulated according to the latitude of Rome. But as sun-dials, however perfect they might be, were useless when the sky was cloudy, P. Scipio Nasica, in his censorship, 159 B.C., established a public clepsydra, which indicated the hours both of day and night. This clepsydra was in after-times generally called *solarium*. (Cic. *de Nat. Deor.* ii. 34, 87; Plin. *H. N.* vii. § 215; Censorin. *de Die Nat.* c. 23.) The word *hora* for hour was introduced at Rome at the time when the Romans became acquainted with the Greek horologia, and was in this signification well known at the time of Plautus (*Pseudol.* 1307). After the time of Scipio Nasica several horologia, chiefly solaria, seem to have been erected in various public places at Rome. In a fragment of the *Boeotia* ascribed by Ribbeck to Aquilius, but by others to Plautus (cf. Ritschl, *Parerg.* 83 ff., 123 ff.), we have *jam oppletum oppidum est solariis*. Cf. Ribbeck, *Frag. Com.* p. 33. A magnificent horologium was erected by Augustus in the Campus Martius. It was a gnomon in the shape of an obelisk; but Pliny (*H. N.* xxxvi. § 73) complains that in the course of time it had become incorrect. Another horologium stood in the Circus Flaminius (Vitruv. ix. 9, 1). Sometimes solaria were attached to the front side of temples and basilicas (Varro, *L. L.* vi. 4; Gruter, *Inscript.* vi. 6). The old solarium which had been erected behind the Rostra seems to have existed on that spot till a very late period, and it would seem that the place was called *ad Solarium*, so that Cicero uses this expression as synonymous with Rostra or Forum (*pro Quint.* 18, 59; *ad Herenn.* iv. 10, 14). Horologia of various descriptions seem also to have been commonly kept by private individuals (Cic. *ad Fam.* xvi. 18, 3; Dig. 33, 7, 12, 23); and at the time of the emperors, the wealthy Romans used to keep slaves whose special duty it was to announce the hours of the day to their masters. (Juven. x. 216, with Mayor's note; Mart. viii. 67; Petron. 26.)

From the number of solaria which have been discovered in modern times in Italy (thirteen having been discovered in the neighbourhood of Rome alone), we must infer that they were very generally used among the ancients. The following woodcut represents one of the simplest horologia which have been discovered; it seems to bear great similarity to that, the invention of which Vitruvius ascribes to Berosus. It was discovered in 1741, on the hill of Tusculum, and is described by Zuzzeri, in a work entitled *D'una antica villa scoperta sul dosso del Tusculo, e d'un* *antico orologio a sole*, Venezia, 1746, and by G. H. Martini, in his *Abhandlung von den Sonnenuhren der Alten*, Leipzig, 1777, p. 49, &c.



Horologium. (From Tusculum.)

The following woodcut shows the same solarium as restored by Zuzzeri.



The same restored.

The breadth as well as the height (A O and P A) are somewhat more than 8 inches; and the length (A B) a little more than 16 inches. The surface (A O R B) is horizontal. S P Q T is the basis of the solarium, which, originally, was probably erected upon a pillar. Its side, A S T B, inclines somewhat towards the basis. This inclination was called ἔγκλιμα, or *inclinatio solarii* and *enclima succisum* (Vitruv. *l. c.*), and shows the latitude or polar altitude of the place for which the solarium was made. The angle of the enclima is about 40° 43′, which coincides with the latitude of Tusculum. In the body of the solarium is the almost spherical excavation, H K D M I F N, which forms a double hemicyclium (*hemicyclium excavatum ex quadrato*, Vitruv.). Within this excavation the eleven hour-lines are marked which pass through three semicircles, H L N, K E F, and D M J. The middle one, K E F, represents the equator, the two others the tropic lines of winter and summer. The curve representing the summer tropic is somewhat more than a semicircle, the other two curves somewhat smaller. The ten middle parts or hours in each of the three curves are all equal to one another; but the two extreme ones, though equal to each other, are by one-fourth smaller than the rest. In the middle, G, of the curve D K H N I J, there is a little square hole, in which the gnomon or pointer must have been fixed, and a trace of it is still visible in the lead by means of which it was fixed. It must have stood in a perpendicular position upon the surface A B R O, and at a certain distance from the surface it must have turned in a right angle above the spheric excavation, so that its end (C) extended as far as the middle of the equator, as it is restored in the above woodcut. Another solarium is described in G. H. Martini's *Antiquorum Monumentorum Sylloge*, p. 93 f. (Lips. 1783); cf. Overbeck's *Pompeii*, p. 411.

Clepsydrae were used by the Romans in their camps, chiefly for the purpose of measuring accurately the four vigiliae into which the night was divided. (Caes. *de Bell. Gall.* v. 13; Veget. *de Re Milit.* iii. 8; Aen. Tact. c. 22.)

The custom of using clepsydrae as a check upon the speakers in the courts of justice at Rome is said to have been introduced by a law of Cn. Pompeius, in his third consulship (Tac. *de clar. Orat.* 38), who adds, before that time the speakers had been under no restrictions, but spoke as long as they deemed proper. But there is some inaccuracy here, as Cicero in B.C. 70 (*in Verr.* i. 9, 25) speaks of his *legitimae horae;* in B.C. 63 (*pro Rab. Perd.* 2, 6) his defence is limited to half an hour, and in B.C. 59 (*pro Flacc.* 33, 82) six hours are allotted. At Rome, as at Athens, the time allowed to the speakers depended upon the importance of the case. Pliny (*Epist.* ii. 11) states that on one important occasion he spoke for nearly five hours, ten large clepsydrae having been granted to him by the judices, but the case was so important that four others were added. (Compare Plin. *Epist.* vi. 2; Martial, vi. 35, viii. 7.) The law of Pompeius only limited the time during which the accuser was allowed to speak to two hours, while the accused was allowed three hours in the case of prosecutions *de vi.* (Ascon. *in Milon.* p. 37, ed. Orelli.) It is clear from the case of Pliny and others that this restriction was not observed on all occasions. In a case mentioned by Pliny (*Epist.* iv. 9), according to law (*e lege*) the accuser had six hours, while the accused had nine. An especial officer was at Rome as well as at Athens appointed to stop the clepsydra during the time when documents were read. (Apul. *Apolog.* i. and ii.; compare Ernesti, *de Solariis*, in his *Opuscul. Philolog. et Crit.* pp. 21–31; Wöpcke, *Disquisitiones arch. math. circa Solaria veterum*, Berol. 1842; Becker-Göll, *Gallus*, ii. p. 407 ff.; and especially Marquardt, *Privatl.* 370 ff.) [L. S.] [A. S. W.]

HORO'SCOPUS. [ASTROLOGIA, p. 213 *b.*]

HORREA'RII. [HORREUM.]

HO'RREUM (ὡρεῖον, σιτοφυλακεῖον, ἀποθήκη) was, according to its etymological signification, a place in which ripe fruits, and especially corn, were kept, and thus answered to our granary. (Verg. *Georg.* i. 49; Tibull. ii. 5, 84; Hor. *Carm.* i. 1, 7; Cic. *de Leg. Agr.* ii. 33, § 89.) During the empire the name *horreum* was given to any place destined for the safe preservation of things of any kind, when not required for use. Thus we find it applied to a place in which statues were kept (Plin. *Epist.* viii. 18); to cellars (*horrea subterranea*, *horrea vinaria*, Dig. 18, 1, 76); to depôts for merchandise, and all sorts of provisions (*horreum penarium*, Dig. 30, 9, 3). Seneca (*Ep.* 45, § 2) even calls his library a *horreum*. But the more general application of the word *horreum* was to places for storing fruit and corn; and in order to keep the floor dry, and out of the reach of vermin, they were often built, like our own, upon dwarf piers, and were then called *horrea pensilia* or *sublimia* (Colum. xii. 50, i. 6; Vitruv. vi. 6, 4).

In imperial times Rome possessed two kinds of *horrea*. The one class consisted of buildings in which the Romans might deposit their goods, and even their money, securities, and other valuables (Cod. 4, 24, 9), for which they had no safe place in their own houses. Public horrea of this kind are mentioned as early as the time of Antoninus Pius (Dig. 1, 15, 3); again under Alexander Severus (Lamprid. *Al. Sev.* 39; cf. Dig. 10, 4, 5). There were also private *horrea* or warehouses built on speculation in order to be let as strong rooms, like our London "repositories" and "pantechnicons." The second and more important class of *horrea*, which may be termed public granaries, were buildings in which a plentiful supply of corn was constantly kept at the expense of the state, and from which, in seasons of scarcity, the corn was distributed among the poor, or sold at a moderate price. These dated from C. Gracchus and his Lex Sempronia frumentaria; the ruins of the great granary (*horrea populi Romani*) which he built were seen down to the sixteenth century between the Aventine and the Monte Testaccio (Appian, *B. C.* i. 21; Plut. *C. Gracch.* 5; Liv. *Epit.* lx.; Vell. Pat. ii. 6, § 3; Cic. *pro Sest.* 25, § 55). The plan of C. Gracchus was carried further by Clodius, Pompey, and several of the emperors; and during the empire we thus find a great number of public *horrea* which were called after the names of their founders: *e.g.*, horrea Aniceti, Vargunteii, Seiani, Augusti, Domitiani, &c. According to the Regionary Catalogues, the number of these at length mounted up to 291. The officers who superintended them were called *horrearii* or *vilici ex horreis* (Dig. 9, 3, 5, § 3; Hirschfeld, *Getreideverw.* pp. 52, 61). The manner in which corn from these granaries was given to the people differed at different times. (Cf. Mommsen, *Privatl.* 395; *Staatsverw.* ii. 128–9, 469; FRUMENTARIAE LEGES.) [L. S.] [W. W.]

HORTUS (*κῆπος*), a garden. 1. GREEK. Our knowledge of the horticulture of the Greeks is very limited. Curiously enough, however, the mythical and fairy-like garden of Alcinous (Hom. *Od.* vii. 112–130) has one important feature in common with the little that is recorded of the gardens of historical times. This is its strictly utilitarian character: it is divided into a fruit garden, a vineyard, and a garden of herbs, or more literally of *leek-beds* (*πρασιαί*, v. 127); there is no trace of the cultivation of flowers. The fruits named are simple ones—apples, pears, figs, pomegranates, and olives; there is nothing supernatural about them; and the artificial irrigation described is nothing more than has always been practised in Egypt and the East. We may say further, that there is nothing improbable in the idea of a succession of grapes and other fruit having been partially realised by early Greek gardening, though in the Homeric picture, with the various stages of growth and maturity all going on together, poetic embellishment has no doubt been carried far beyond the actual.

The Greeks had evidently little taste for landscape beauties, and the small number of flowers with which they were acquainted afforded but little inducement to ornamental horticulture. The nearest approach to it seems to have been in the sacred groves, which contained ornamental and odoriferous plants and fruit trees, particularly olives and vines. (Soph. *Oed. Col.* 16; Xen. *Anab.* v. 3, § 12.) That of the Grynean Apollo was full of timber trees and flowering shrubs (*δένδρων καὶ ἡμέρων*), pleasant to sight and smell, but without fruit (Pausan. i. 21, § 9).

The only passage in the earlier Greek writers in which flower-gardens appear to be mentioned, is one in Aristophanes, who speaks of *κῆποι εὐώδεις* (*Aves*, v. 1066). At Athens the flowers most cultivated were probably those used for making garlands, such as violets and roses. The rose-garden in Demosthenes (*ῥοδωνιά*, *c. Nicostr.* p. 1251, § 16) was doubtless cultivated for profit, not for the owner's pleasure (cf. Sandys *ad loc.*). The suburbs of Athens abounded with gardens which in like manner must have served to supply the city with flowers and vegetables (Plin. *H. N.* xxxvi. § 16; Pausan. i. 19, § 2). And when we read of books on gardening (*τὰ περὶ κήπων ἐργασίας συγγράμματα*, [Plat.] *Min.* p. 316 E), we may safely assume that they treated the subject from the market-gardener's, not the aesthetic point of view. In the time of the Ptolemies the art of gardening seems to have advanced in the favourable climate of Egypt so far, that a succession of flowers was obtained all the year round. (Callixenus, *ap.* Ath. v. p. 196 d.) Longus (*Past.* ii. 3) describes a garden containing every production of each season, "in spring, roses, lilies, hyacinths, and violets; in summer, poppies, wild-pears (*ἀχράδες*), and all fruit; in autumn, vines and figs, and pomegranates and myrtles." That the Greek idea of horticultural beauty was not quite the same as ours, may be inferred from a passage in Plutarch, where he speaks of the practice of setting off the beauties of roses and violets, by planting them side by side with leeks and onions (*De capienda ex inimicis utilitate*, c. 10). Still it is easy to exaggerate their utilitarian tendencies: if the supply of flowers was regulated by commercial principles, the demand itself testified to a love of flowers for their own sake (cf. Becker-Göll, *Charikles*, i. 310–313).

It need hardly be said that the paradises of the Persian satraps (Xen. *Anab.* i. 2, § 7, ii. 4, § 14; *Cyrop.* i. 3, § 14; *Hell.* iv. 1, § 15) had nothing in common with gardens; they were enclosed parks for the preservation of game.

2. ROMAN. The Romans, like the Greeks, laboured under the disadvantage of a very limited flora. This disadvantage they endeavoured to overcome, by arranging the materials they did possess in such a way as to produce a striking effect. We have two very full descriptions of Roman gardens in the letters of the younger Pliny, referring to his Laurentine and Tuscan villas (Plin. *Ep.* ii. 17, v. 6). In front of the *porticus* there was generally a *xystus*, or flat piece of ground, divided into flower-beds of different shapes by borders of box. There were also such flower-beds in other parts of the garden. Sometimes they were raised so as to form terraces, and their sloping sides planted

with evergreens or creepers. The most striking features of a Roman garden were lines of large trees, among which the plane appears to have been a great favourite, planted in regular order; alleys or walks (*ambulationes*) formed by closely clipped hedges of box, yew, cypress, and other evergreens; beds of acanthus, rows of fruit-trees, especially of vines, with statues, pyramids, fountains, and summer-houses (*diaetae*). The trunks of the trees, and the parts of the house or any other buildings which were visible from the garden, were often covered with ivy. (Plin. *Ep.* v. 6; Cic. *ad Q. Fr.* iii. 1, § 2.) Rich well remarks that "this sketch of Pliny's garden might also pass for a faithful description of the pleasure-grounds belonging to the Villa Pamfili [Doria] at Rome"; and we may add, as a further point of coincidence in taste between the Romans and the modern Italians, their fondness for the *ars topiaria*, which consisted in tying, twisting, or cutting trees and shrubs (especially the box) into the figures of animals, ships, letters, &c. The importance attached to this part of horticulture is proved not only by the description of Pliny, and the notices of other writers (Plin. *H. N.* xvi. § 140, xxi. § 68, xxii. § 76; Martial, iii. 19, 2; Plin. *Ep.* v. 6, § 16), but also by the fact that *topiarius* is the only name used in good Latin writers for the ornamental gardener. Cicero (*Parad.* v. 2) mentions the *topiarius* among the higher class of slaves.

Attached to the garden were places for exercise, the *gestatio* and *hippodromus*. The *gestatio* was a sort of avenue, shaded by trees, for the purpose of taking gentle exercise, such as riding in a litter (Plin. *Ep.* ii. 17, § 13; v. 6, § 17; ix. 7;—Sen. *Ep.* 55 *init.*; Orelli, *Inscr.* 4336). The *hippodromus* (not, as one reading gives the word in Pliny, *hypodromus*) was a place for running or horse exercise, in the form of a circus, consisting of several paths divided by hedges of box, ornamented with topiarian work, and surrounded by large trees. (Plin. *Ep.* v. 6, § 32; Martial, xii. 50, 5; 57, 23.) [HIPPODROMUS.]

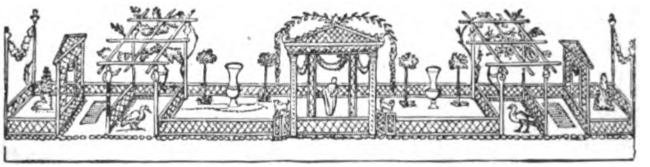
The flowers which the Romans possessed, though few in comparison with the species known to us, were more numerous than some writers have represented; but the subject still requires investigation. Their principal garden-flowers seem to have been violets and roses, and they also had the crocus, narcissus, lily, gladiolus, iris, poppy, amaranth, and others.

Conservatories and hot-houses are not mentioned by any writer earlier than the first century of our era. We then find them closed with *specularia*, i.e. windows of talc (*lapis specularis*) split into thin plates (Plin. *Ep.* ii. 17, §§ 4, 21; Sen. *Ep.* 90, § 25; Martial, viii. 14 and 68, xiii. 127). They were used both to preserve foreign plants and to produce flowers and fruit out of season. Columella (xi. 3, §§ 51, 52) and Pliny (*H. N.* xix. § 64) speak of forcing-houses for grapes, melons, &c. In every garden there was a space set apart for vegetables (*olera*).

Flowers and plants were also kept in the central space of the peristyle [DOMUS], on the roofs, and in the windows of the houses. Sometimes, in a town, where the garden was very small, its walls were painted in imitation of a real garden, with trees, fountains, birds, &c., and the small area was ornamented with flowers in vases. A beautiful example of such a garden was found at Pompeii (Gell's *Pompeiana*, ii. 4).

The phrase *hortus pensilis* is used in two senses: 1. Hanging gardens, *i.e.* terraces rising one above another on arches, of which the Isola Bella on the Lago Maggiore exhibits a modern instance; they are said, mostly by late writers, to have existed on a grand scale at Babylon and the Egyptian Thebes (Plin. *H. N.* xxxvi. §§ 49, 94; Curt. v. 1). 2. A movable frame like our melon or cucumber frames, but placed on wheels, and employed in forcing by market-gardeners (*olitores*). (Plin. *H. N.* xix. § 64, cf. Colum. xi. 3, § 52; Rich, s. v. *Hortus*.)

An ornamental garden was also called *viridarium* (Dig. 33, 7, 8), and the gardener *topiarius* or *viridarius*. The common name for a gardener is *vilicus* or *cultor hortorum*. We find also the special names *vinitor*, *olitor*. The word *hortulanus* is only of late formation. The *aquarius* had charge of the fountains both in the garden and in the house. (Becker-Göll, *Gallus*, iii. 64–88. Böttiger, *Racemationen zur Garten-Kunst der Alten*, affords no real information on ancient gardening, only speculations about Alcinous and the grotto of Calypso.) [P. S.] [W. W.]



A Roman garden. (From a painting at Herculaneum.)

HOSPES. [HOSPITIUM.]

HOSPI'TIUM (ξενία, προξενία). Hospitality is one of the characteristic features of almost all nations previous to their attaining a certain degree of civilisation. In civilised countries the necessity of general hospitality is not so much felt; but at a time when the state or the laws of nations afforded scarcely any security, and when the traveller on his journey did not meet with any places destined for his reception and accommodation, the exercise of hospitality was absolutely necessary. Among the nations of antiquity, with whom the right of hospitality was hallowed by religion, it was to some degree observed to the latest period of their existence, and acquired a political importance which it has never had in any other state. It was in Greece, as well as at Rome, of a twofold nature, either private or public, in as far as it was either established between individuals, or between two states. (*Hospitium privatum* and *hospitium publicum*, ξενία and προξενία.)

1. GREEK. In ancient Greece the stranger, as such (ξένος and *hostis*), was looked upon as an enemy (Cic. *de Off.* i. 12, § 37; Herod. ix. 11; Plut. *Aristid.* 10); but whenever he appeared

among another tribe or nation without any sign of hostile intentions, he was considered not only as one who required aid, but as a suppliant, and Zeus was the protecting deity of strangers and suppliants. (Ζεὺς ξένιος and ἱκετήσιος: Hom. *Od.* xiv. 57, &c. 283, ix. 270, xiii. 213, vii. 164: compare Apollon. *Argonaut.* ii. 1134; Aelian, *V. H.* iv. 1.) This religious feeling was strengthened by the belief that the stranger might possibly be a god in disguise (*Odyss.* xvii. 484). On his arrival therefore, the stranger, of whatever station in life he might be, was kindly received, and provided with everything necessary to make him comfortable, and to satisfy his immediate wants. The host did not inquire who the stranger was, or what had led him to his house, until the duties of hospitality were fulfilled. During his stay, it was a sacred duty of his host to protect him against any persecution, even if he belonged to a politically hostile race, so that the host's house was a perfect asylum to him. On his departure he was dismissed with presents and good wishes (*Odyss.* iv. 37 ff.). It seems to have been customary for the host, on the departure of the stranger, to break a die (ἀστράγαλος) in two, one half of which he himself retained, while the other half was given to the stranger; and when at any future time they or their descendants met, they had a means of recognising each other, and the hospitable connexion was renewed (Schol. *ad* Eurip. *Med.* 613). Hospitality thus not only existed between the persons who had originally formed it, but was transferred as an inheritance from father to son. To violate the laws of hospitality was a great crime and act of impiety, and was punished by men as well as gods (δίκαι κακοξενίας, Aelian, *l. c.*; Paus. vii. 25). Instances of such hereditary connexions of hospitality are mentioned down to a very late period of Greek history; and many towns, such as Athens, Corinth, Byzantium, Phasis, and others, were celebrated for the hospitable character of their citizens. (Herod. vi. 35; Thucyd. ii. 13; Plato, *Crito*, p. 45 C; Stobaeus, *Florileg.* tit. xliv. 40, &c.) But when a more regular and frequent intercourse among the Greeks began to be established, it was impossible to receive all these strangers in private houses. This naturally led to the establishment of inns (πανδοκεῖον, καταγώγιον, κατάλυσις, κατάλυμα), in which such strangers as had no hospitable connexions found accommodation. [CAUPONA.] For those occasions, on which numerous visitors flocked to a particular place for the purpose of celebrating one of the great or national festivals, the state or the temple provided for the accommodation of the visitors either in tents or temporary inns erected about the temple. (Aelian, *V. H.* iv. 9; Schol. *ad* Pind. *Ol.* xi. 51 and 55: compare Plato, *Legg.* xii. p. 952 E; Lucian, *Amor.* 12; Thucyd. iii. 68.) The kind of hospitality which was exercised by private individuals on such festive occasions probably differed very little from that which is customary among ourselves, and was chiefly shown towards friends or persons of distinction and merit, whose presence was an honour to the house wherein they stayed. (Xen. *Oecon.* 2, § 5; Plato, *Protag.* p. 315 D; Becker-Göll, *Charikles*, ii. pp. 3, 4.) In the houses of the wealthier Greeks a separate part (*hospitium* or *hospitalia* and ξενῶνες) with a separate entrance was destined for the reception and habitation of strangers, and was provided with all the necessary comforts for the temporary occupants. On the first day after their arrival they were generally invited to the table of their host; but afterwards their provisions (ξένια), consisting of fowl, eggs, and fruit, were either sent to them, or they had to purchase them themselves. (Vitruv. vi. 7, 4; Apul. *Metam.* ii. p. 19.) [L. S.] [W. W.]

What has been said hitherto only refers to *hospitium privatum*; that is, the hospitality existing between two individuals or families of different states. Of far greater importance, however, was the *hospitium publicum* (προξενία). Boeckh distinguishes two classes of πρόξενοι: 1st, citizens living in their own state and appointed by another state to act as its representatives; and 2nd, citizens appointed by their own state to show hospitality to foreigners in its name. This second class he supposes to have existed in Petilia and in Sparta, where, according to Herodotus (vi. 57), the kings appointed them: "qui magistratus ex civibus Spartanis a regibus nominabantur" (*C. I. G.* p. 11); and again (*l. c.* p. 731), "Spartae fuerunt magistratus quidam vel certe magistratibus similes curatores proxeni, a regibus nominati, iique Spartani qui reciperent peregrinos." Yet there is no reason to suppose that the πρόξενοι either at Sparta or at Petilia were a kind of magistracy, nor that their mode of appointment was different from that in other states. The five proxeni mentioned in the Petilian inscription were the usual proxeni acting as witnesses at the making of a will; and the Spartan proxeni, such as Lichas for Argos (Thuc. v. 76; ταῖς γυμνοπαιδίαις τοὺς ἐπιδημοῦντας ἐν Λακεδαίμονι ξένους ἐδείπνιζε, Xen. *Mem.* i. 2, 61), Clearchus for Byzantium (Xen. *Hell.* i. 1, 35), etc., were probably appointed in just the same way as *e.g.* Coroebus, the proxenus of Athens, the decree of whose appointment is still extant (*C. I. A.* ii. No. 50). Some light is thrown on the passage from Herodotus by an inscription published in the *Bull. de Corr. hellén.* 1881, p. 372 ff.: from this we learn that the Aetolian League ordained that each city of the league should appoint certain citizens to entertain the θεωροί of the king of Pergamum when they came to invite them to the games, and that the magistrates should report the names of these θεωροδόκοι (cf. *C. I. G.* No. 1193, Argolis) to the στραταγὸς or to the πρόξενος. Again, as a stranger could not approach the god without the mediation of a proxenus (Eur. *Hcl.* 146, etc.: cf. the rule of the temple of Apollo at Didymi, ἦν ξένος ἱεροποιῆι τῶι Ἀπόλλωνι προιεράσθαι τῶν ἀστῶν ὃν ἂν θέληι ὁ ξένος, *Revue archéol.* 1874, p. 106), when Matrophanes of Sardes came to Delphi to consult the oracle, a decree was passed (σὺν ψάφοις ταῖς ἐννόμοις): εἶμεν δὲ καὶ τὰν πόλιν τῶν Δελφῶν πρόξενον τᾶς πόλιος τᾶς Σαρδιανῶν, since Sardes was not represented by a proxenus, *i.e.* one of the citizens was appointed to perform the necessary preliminaries to the sacrifice (προθύειν). The Spartan proxeni alluded to by Herodotus were probably citizens who in like manner were called upon to do the honours of the state to foreigners. Such public hospitality is frequently mentioned (Athen. iv. p. 173 e, f; Plut. *Quaest. Gr.* 12, p. 293 E, etc.: cf. Becker-Göll, *Charikles*, ii. 6), and Plato suggests (*Legg.* xii. p. 952 E) that none but persons officially appointed should be allowed to entertain foreigners (cf. Schol. Dem. *c. Mid.* p. 579; Schol. Aristoph. *Av.* 958 ff.) in order to prevent intrigues.

To pass on then to the proxeni as usually understood. Boeckh (*St.h.* i.^{3} p. 65), Wachsmuth (*Hell. Altertumskunde*, i. 1, p. 122), Westermann (*de publ. Athen. hon.* p. 44), etc., compare them to our modern consuls or ministers resident; Meier (*de Proxen.* p. 6) takes proxeny to be an honorary distinction (*honoris titulus*); and Monceaux (*Les Proxénies grecques*, p. 12 f.) explains it as a contract between a state and a citizen of another state, whereby the latter, in return for certain privileges, became there the *προστάτης* of the foreign city. Each of these definitions refers only to one part or another of the office of the proxeni. Part, and part only, of their functions was the same as that discharged by consuls and resident ministers now, with this difference, that the proxeni never were citizens of the state sent out to reside in the foreign state, but were selected from amongst the citizens of that foreign state. The proxeni as long as they resided in their native city represented the interests of the foreign state by which they were appointed, but it frequently happened that they took up their residence in the state itself whose proxeni they were, and in a few instances we read of women being appointed proxeni (cf. the Delphian decree in *C. I. A.* ii. No. 550, conferring proxeny on the Athenian priestess Chrysis): in both these cases the proxeny can only have been an honorary distinction. As we have fullest information concerning the Athenian proxeny, and as the manner of appointment and the privileges connected with the office in other states of Greece varied but slightly, it seems best to discuss the former at length, giving references where necessary to the other states. The *hospitium publicum* among the Greeks arose presumably from the *hospitium privatum*, of which it yet bore certain traces; cf. the phrase *καλέσαι τὸν δεῖνα ἐπὶ δεῖπνον εἰς πρυτανεῖον ἐπὶ ξένια* (*C. I. A.* ii. No. 414, etc.), or *ἐπὶ ξένια εἰς τὸ πρυτανεῖον* (*C. I. A.* ii. No. 209, etc.), and in one instance the tallies: *ποιησάσθω δὲ καὶ σύμβολα ἡ βουλὴ πρὸς τὸν βασιλέα τὸν Σιδωνίων*, etc. (*C. I. A.* ii. No. 86, l. 18 ff.; cf. *C. I. G.* No. 6778, and Xen. *Anab.* ii. 4, 1; *Ages.* 3, 4, etc.). Eustathius dates it back as far as the time of the Trojan war (on *Il.* iii. 204; cf. Liv. i. 1), and Antenor was represented in Polygnotus' painting in Delphi as proxenus (Paus. x. 26, § 7). Proxeni are mentioned in some very early inscriptions, *e.g.* in that from Petilia (*C. I. G.* No. 4), in the Locrian inscription in Koehl (*I. G. A.* No. 322), in the Corcyrean inscription in Rangabé (*Antiq. hellén.* i. No. 318: cf. Paus. iv. 14, § 1). The first proxeni of Athens recorded are Alexander, king of Macedon, *ὁ Φιλέλλην*, whom Mardonius sent to Athens on a political mission (Herod. viii. 136); Arthmius of Zeleia (Aeschin. *c. Ctes.* § 258; Dem. *c. Phil.* iii. p. 121, § 42; Din. *c. Aristog.* § 25); Pindar, who had praised Athens as *ἔρεισμα τῆς Ἑλλάδος*, and to whom they made a present of 10,000 drachmas (Isocr. *Antid.* § 166). The oldest extant decree conferring proxeny dates from the middle of the fifth century (Foucart in *Bull. de Corr. hellen.* 1877, p. 303 ff. = *C. I. A.* iv. No. 27; cf. Sauppe, *de prox. Athen.* p. 4 f.). The principal duties of a proxenus were to receive those persons, especially ambassadors, who came from the state which they represented (Dem. *de Cor.* p. 252, § 82, and Aeschin. *F. L.* § 89; Xen. *Hell.* v. 4, 22; *Symp.* 8, 40; Athen. xiii. 81, p. 603 f); to procure for them admission to the assembly, and seats in the theatre (Pollux, iii. 59; cf. Dem. *de Cor.* p. 234, § 28—Xen. *Hell.* iv. 5, 6), and in general to look after the interests (commercial or political, as the case might be) both of the state by whom they were appointed (*εἰσὶ δὲ πρόξενοι οἱ ἐν ταῖς ἑαυτῶν πατρίσιν ἄλλων προνοοῦντες πόλεων*, Schol. Aeschin. *c. Ctes.* § 138), as if it were their *δευτέρα πατρὶς* (Plat. *Legg.* i. p. 642 B; cf. Dem. *de Rhod. lib.* p. 194, § 15; Xen. *Hell.* vi. 4, 24), and of any individual citizen of that state. Thus Callippus, the proxenus of the Heracleotes at Athens, made inquiries concerning the banking account of Lycon of Heraclea, who had died (Dem. *c. Callipp.* p. 1237, § 5), and the proxenus at Argos took charge of the same person's money when he was carried thither wounded (*l. c.* p. 1238, § 10); a proxenus would assist such persons in the law courts (*Att. Process*, ed. Lipsius, p. 754), advance money to them (Dem. *c. Boeot.* ii. p. 1019, § 36) and ransom them when made prisoners of war (Hyper. *fr.* 79; Thuc. iii. 70 and Diod. xii. 57), etc. Nicias, the proxenus of Syracuse, did his best to dissuade his countrymen from warring against that city (Diod. xiii. 27); Nymphodorus of Abdera used his influence with Sitalces, king of Thrace, to further the cause of the Athenians, whose proxenus he was (Thuc. ii. 29); and in like capacity Artas, the king of the Messapians, assisted the Athenian fleet (Thuc. vii. 33; Polemon Perieg. *fr.* p. 144, ed. Preller). The Pharsalian Polydamas addressed the Lacedaemonians: *πρόξενος ὑμῶν ὢν . . . ἀξιῶ, ἐάν τέ τι ἀπορῶ, πρὸς ὑμᾶς ἰέναι, ἐάν τέ τι χαλεπὸν ὑμῖν ἐν τῇ Θετταλίᾳ συνιστῆται, σημαίνειν* (Xen. *Hell.* vi. 1, 4). The Athenians heard of the intended treachery of the Mitylenaeans from Doxander, their proxenus (Arist. *Pol.* v. 4 = p. 1304 a, 9; Thuc. iii. 2); and Alcibiades reminded the Lacedaemonians that he had done them many good offices, especially after their misfortune at Pylus (Thuc. iii. 89; Plut. *Alcib.* 14); cf. Thuc. ii. 85, etc. Proxeni were usually sent on embassies to the states by whom they had been appointed: Callias to Sparta (Xen. *Hell.* vi. 3, 3 f.), Thrason and Demosthenes to Thebes (Aeschin. *c. Ctes.* § 138 ff.; *F. L.* § 143), Lichas to Argos (Thuc. v. 76), etc.: cf. especially Thuc. v. 43 and Plut. *Alcib.* 14; they mediated between the two states (Plut. *Cim.* 18; Theopomp. in Schol. Aristid. p. 528, ed. Dindorf), sometimes even of their own accord, to judge from the case of Alciphron, the Spartan proxenus at Argos (Thuc. v. 59 f.).

As regards the honours and privileges which a proxenus enjoyed, the various Greek states seem to have followed different principles. At Athens, in very few instances only (e.g. *C. I. A.* i. No. 21; ii. No. 86), is proxeny alone conferred; it is usually coupled with the title of *εὐεργέτης* (cf. Herod. viii. 136; Dem. c. *Lept.* p. 475, § 60), and sometimes with the honour of a golden crown (*C. I. A.* ii. No. 170, 171, etc., usually of the value of 1000 drachmas), and at a later time of an olive wreath (*C. I. A.* ii. No. 423, etc.). Amongst the privileges which were not necessarily included in the proxeny, but were specially granted, sometimes at a later time (*C. I. A.* ii. No. 1 c), as a reward for special services, none was more valuable than that which guaranteed both to themselves and to their property the protection of Athens everywhere and as against all persons whatsoever, it being the duty of the senate together usually with the generals or the prytaneis or both, *ἐπιμελεῖσθαι τοῦ δεῖνος ὅπως ἂν μὴ ἀδικῆται*: and in a decree conferring proxeny on a Delian, there is added *τοὺς ἀμφικτύονας τοὺς ἀεὶ ἀμφικτυονεύοντας ἐν Δήλῳ* (*Bull. de Corr. hellén.* 1879, p. 474 f.); and in *C. I. A.* ii. No. 115, *καὶ ἐάν τις ἄλλος που Ἀθηναίων παρατυγχάνει.* Antipater, the murderer of the Athenian proxenus at Iulis in Ceos, was condemned to death by the Athenian senate (*Mittheil. d. Arch. Inst.* 1877, p. 143, l. 37 f.); ambassadors were sent to king Philip to demand the liberation of the Athenian proxenus at Carystus ([Dem.] *de Halonn.* p. 86, § 38); the Athenian general Ergocles was condemned to death, amongst other reasons, for having injured the Athenian proxeni and citizens (Lys. c. *Ergocl.* § 1; cf. c. *Philocr.* § 2): see also *C. I. A.* ii. *add.* l. c. Smaller or less powerful states could not of course undertake to protect their proxeni on this extensive scale: thus the Acarnanians limited themselves to their own territory (*C. I. G.* No. 1793 a), as did also the Cnosians in Crete (*ἀσφάλειαν πολέμω καὶ εἰρήνας καὶ καταπλέονσι ἐς τὸς Κνωσίων λιμένας καὶ ἐκπλέονσι, αὐτοῖς καὶ χρήμασι τοῖς τούτων ἀσυλεὶ καὶ ἀσπονδεί*, *Bull. de Corr. hellén.* 1880, p. 354). It would seem that some states guaranteed the safety of their proxeni even in case of war with his native city, so that they enjoyed even *ἐμ πολέμῳ εἰρήνην* (Tenos, *C. I. G.* No. 2330), and Polybius (v. 95, 12) tells of a proxenus being set free without ransom; but Nicias experienced no such mercy at the hands of the Syracusans, whom he had served so faithfully (Diod. xii. 57; see also Thuc. iii. 52, 68). A second privilege which the Athenians granted to their proxeni was *πρόσοδος πρὸς τὴν βουλὴν καὶ τὸν δῆμον*, sometimes with the further privilege *πρώτοις μετὰ τὰ ἱερά* (*C. I. A.* ii. No. 209), *i.e.* "statim post peractas res sacras" (Meier, *l. c.* p. 17; cf. Aeschin. c. *Tim.* § 23, and *C. I. G.* No. 3640, *ἔφοδον [ἐπὶ τ]ὰμ βόλλαγ καὶ δᾶμομ μετὰ τὸγ χρημάτισμον [τ]ὸμ περὶ τῶν ἵρων*: and in a late inscription from Ephesus, *μετὰ τὰ ἱερὰ καὶ τὰ βασίλεα, i.e. βασίλεια*, Wood, *Ephes. App.* p. 20). A third privilege was the right to acquire property in Attica (*ἔγκτησις*), sometimes confined to house property (*C. I. A.* ii. No. 42, etc.), sometimes with further limitations: *τῆς οἰκίας αὐτοῦ καὶ γῆς δυεῖν ταλάντοιν* (*C. I. A.* ii. No. 380), or *ἕως ἂν κατέλθωσιν* (*C. I. A.* ii. No. 121), etc.; occasionally this privilege was made hereditary (*C. I. A.* ii. No. 41, etc.). Other privileges were *ἰσοτέλεια* (*C. I. A.* ii. No. 48), *ἀσυλία* (*κα[ὶ πολέμου ὄ]ντος καὶ εἰρ[ήνης]*, etc. *C. I. A.* ii. No. 144), *ἀτέλεια* (*C. I. A.* ii. No. 42, etc.; but rarely granted, as we learn from Dem. c. *Lept.* p. 475, § 60, p. 496. § 131 f.). Only in Dinarch. c. *Dem.* § 45, and Hyper. *fr.* 80, is there anything said about citizenship being conferred together with proxeny by Athens: since not one of the numerous Attic inscriptions on proxeny bears out this statement, it must be considered doubtful, though other states which were as a general rule more lavish with their honours and privileges granted their proxeni citizenship (*e.g.* Mesambria, *C. I. G.* No. 2053 b, c, 2056; Tenos, No. 2330, 2353; Iasus, No. 2673 b, 2676, 2678, etc.) and besides *προδικία* (Delphi, *C. I. G.* No. 1692; *δίκαι πρόδικοι*, Paros, No. 2374 c, *addenda*, p. 1073), *προμαντεία, προεδρία* (Delphi, *C. I. A.* ii. No. 550), *ἐπιγαμία, ἐπινομία* (*Bull. de Corr. hellén.* 1885, p. 242; Dittenberger, *Syll.* No. 320), etc. It is evident that a proxenus could not really enjoy some of these privileges unless he actually took up his residence in the city which had conferred them; nay, in some cases it can be shown that the recipients of proxeny were at the time of their appointment residents at Athens: Archebius and Heracleides, who had taken refuge there (Dem. c. *Lept.* p. 475, § 60), in B.C. 390–89 (this seems to be the earliest instance), the physician Evenor on whom *προξενία* and *εὐεργεσία* (*C. I. A.* ii. No. 186, 1), then *ἔγκτησις* (No. 186, 2), at last *πολιτεία* (No. 187) was conferred because *πρότερόν τε τήν τε εὔνοιαν ἀποδέδεικται τῷ δήμῳ καὶ χρήσιμον ἑαυτὸν παρέσχηκεν κατὰ τὴν τέχνην τοῖς δεομένοις τῶμ πολιτῶν καὶ ἄλλων τῶν οἰκούντων ἐν τῇ πόλει καὶ νῦν ἐπιδέδωκε*, etc.; see also *C. I. A.* ii. No. 380. This was the most privileged class of foreigners (*οἱ προτιμώμενοι τῶν ξένων ὑπ' Ἀθηναίων*, Bekk. *Anecd.* p. 298, 27; they had *πρόσοδον πρὸς τὸν πολέμαρχον*. *C. I. A.* ii. No. 42, etc.). The privileges usually combined with proxeny being so important, there was no lack of aspirants who strove in every possible way to further the interests of the Athenians (*τὰ συμφέροντα τῷ δήμῳ*: these were the *ἐθελοπρόξενοι*, Schol. Thuc. iii. 70, and Pollux, iii. 60, *ἀνανάγραπτον τὴν προξενίαν ἔχων*), and thus to attract their attention. From Hyper. c. *Demad. fr.* 79, we learn what kind of services might secure the coveted distinction: Epicerdes of Cyrene gave the Athenian prisoners in Sicily 100 minas (*C. I. A.* ii. No. 85; cf. Dem. c. *Lept.* p. 469, § 41); Pythodorus of Delos earned the distinction *ἐπειδὴ ἀνὴρ ἀγαθός ἐστι . . . περὶ τὰ χρήματα τὰ τοῦ θεοῦ* (*Bull. de Corr. hellén.* 1879, p. 474, l. 9 f.); two Tyrians brought a supply of grain to Athens (*C. I. A.* ii. No. 170), etc. The various steps leading to the appointment are clearly seen in the five inscriptions concerning Heracleides of Salamis in Cyprus (*Mitth. d. Arch. Inst.* 1883, p. 211 ff.): he was praised and voted a golden crown (of the value of 500 drachmas), *ἐπειδὴ ἐπέδωκεν τὸν σῖτον* (3000 *μέδιμνοι*) *τῷ δήμῳ πεντέδραχμον πρῶτος τῶν καταπλευσάντων ἐμπόρων* in B.C. 330–29, two years later *ἐπέδωκε τῷ δήμῳ εἰς σιτωνίαν* 3000 drachmas, and as a reward in B.C. 325–24 he and his descendants were made *πρόξενοι* and *εὐεργέται*, and the following privileges granted: *γῆς καὶ οἰκίας ἔγκτησιν κατὰ τὸν νόμον καὶ στρατεύεσθαι αὐτοὺς τὰς στρατείας καὶ εἰσφέρειν τὰς εἰσφορὰς μετὰ Ἀθηναίων.* Sometimes the report of ambassadors was the first step (*C. I. A.* ii. No. 50) or friends of the candidate bestirred themselves on his behalf (*οἱ ἔμποροι καὶ ναύκληροι*, *C. I. A.* ii. No. 171); sometimes the would-be proxenus came to Athens to lay his claims before the senate (Ἀθήναιον, v. p. 522; cf. *C. I. A.* ii. No. 423: *δεδό[σθαι δὲ αὐτῷ κ]αὶ [πρ]οξε[ν]ί[αν] καὶ γῆς καὶ ο[ἰκίας ἔγκτησιν] αἰτησα[μέ]νῳ κατὰ τὸ[ν νόμον]*, etc.), or gained over an influential orator to interest himself in his candidature (Dem. *c. Lept.* p. 497, § 132); and some orators found this a very lucrative business (Hyper. *c. Dem.* col. xxiii.; cf. Din. *c. Dem.* § 45), though not without risk, as Hypereides' speech shows, *κατὰ Δημάδου παρανόμων*, for proposing that proxeny should be conferred on Euthycrates. The appointment (usually extending to the descendants) was made by a decree of the people in the usual way. In *C. I. A.* ii. No. 3 and No. 29, we find *ἔδοξε τῇ βουλῇ*: but in the former case the sons of Apemantus had simply asked to have at their own expense the *στήλη* restored on which the decree of proxeny was engraved, and in the latter there is no question of transferring the proxeny to the son, which Köhler (*Herm.* v. p. 17 f.) considered within the competence of the senate (wrongly; cf. *C. I. A.* ii. No. 121), but of engraving the decree on a *στήλη*, which could only be allowed by the senate *ἐὰν καὶ τῷ δήμῳ δοκῇ* (*C. I. A.* ii. No. 89, l. 14 f.). For it was a further distinction when a *στήλη* with the decree engraved was placed in the Acropolis, especially if that was done at the expense of the state (Hartel, *Studien üb. Att. Staatsrecht*, p. 165). A copy of the decree was sent to the city of the new proxenus (*Bull. de Corr. hellén.* 1880, p. 355, l. 51 ff., *καὶ ποττὶ τὸν Ταρσέων δᾶμον ὑποτάξαντας τὸ ἀντίγραφον τῶδε τῶ ψαφίσματος*), and frequently a second *στήλη* erected there, *e.g.* the Delphian decree in *C. I. A.* ii. No. 550, and the decree in *Bull. de Corr. hellén.* 1879, p. 474, l. 20 ff., ordering a second *στήλη* to be placed in the temple of Apollo in Delos at the expense of the Amphictyons. In some cities there were official lists of proxeni, *e.g.* in Thera (*C. I. G.* No. 2450), Anaphe (*C. I. G.* No. 2477 c), Bargylia (Le Bas et Waddington, *Voyage archéol.* v. No. 87, l. 27 f.: *ὅπως ἀναγράψῃ τὸ ὄνομα αὐ[τοῦ π]ατρόθεν ἐν τῇ στήλῃ, ἐν ᾗ καὶ οἱ ἄλλοι πρόξενοι*, etc.). Proxeny might be renounced (*ἀπειπεῖν*, *e.g.* by the elder Alcibiades) and be taken up again (*ἀναλαμβάνειν*, *ἀνανεοῦσθαι*, *e.g.* by his grandson, Thuc. v. 43, vi. 89; cf. the Parian inscription in *C. I. G.* No. 2374 d: *ἀναγράψαι δὲ αὐτοὺς καθάπερ πρότερον ἦσαν προξένους*).

An institution peculiar to Central Greece were the sureties of proxeny (*ἔγγυοι τᾶς προξενίας*: cf. Boeckh to *C. I. G.* No. 1771 ff., and *Bull. de Corr. hellén.* 1883, p. 47 f.). Some states granted the title of proxeni not to individuals of another state, but to the whole population *en masse*, e.g. the Molossians to the Agrigentines (*ἔδοξε τοῖς Μολοσσοῖς προξενίαν δόμειν τοῖς Ἀκραγαντίνοις*, Carapanos, *Dodone et ses Ruines*, p. 52); but this proceeding is not unique, as is said in the *Journ. of Hellen. Soc.* ii. p. 112, for in the list of proxeni of the Delphian temple arranged geographically we find: *ἐν Κυφαίραι ἁ πόλις* (*Bull. de Corr. hellén.* 1883, p. 191, l. 41); cf. also Dem. *c. Mid.* p. 530, § 50. In later times guilds had their own proxeni: thus the Athenian Diodorus was proxenus of the *σύνοδος τοῦ Διὸς τοῦ ξενίου* (*C. I. A.* ii. No. 475, a guild of Delian traders), and the *σύνοδοι τῶν περὶ τὸν Διόνυσον τεχνιτῶν* had proxeni in several places (A. Müller, *Bühnenalterth.* p. 401, n. 3). (Schubert, *de prox. Attica.*) [H. H.]

2. ROMAN. The hospitality of the Romans was, as in Greece, either *hospitium privatum* or *publicum*. Private hospitality with the Romans, however, seems to have been more accurately and legally defined than in Greece. The character of a hospes, *i.e.* a person connected with a Roman by ties of hospitality, was deemed even more sacred, and to have greater claims upon the host, than that of a person connected by blood or affinity. The relation of a hospes to his Roman friend was next in importance to that of a cliens (Gell. v. 13, § 2); or, according to Masurius Sabinus (*ib.* § 5), the hospes had even higher claims than a cliens. The obligations which the tie of hospitality with a foreigner imposed upon a Roman were to receive into his house his hospes when travelling (Liv. xlii. 1), and to protect and, in case of need, to represent him as his patron in the courts of justice (Cic. *Div. in Caecil.* 20, § 66). Private hospitality thus gave to the hospes the claims upon his host which the client had upon his patron; but without any degree of the dependence implied in the clientela. Private hospitality was established between individuals by mutual presents, or by the mediation of a third person (Serv. *ad Aen.* ix. 360), and hallowed by religion; for Jupiter Hospitalis was thought to watch over the *jus hospitii*, as Zeus Xenios did with the Greeks (Cic. *in Verr.* iv. 22, § 48; *pro Deiot.* 6, § 18; *ad Q. Fr.* ii. 12), and the violation of it was as great a crime and impiety at Rome as in Greece. When hospitium was formed, the two friends used to divide between them a *tessera hospitalis* (Plaut. *Poen.* v. 2, 87 ff.), by which they or their descendants—for the connexion was hereditary as in Greece—might recognise one another. From an expression in Plautus ("deum hospitalem ac tesseram mecum fero," *Poen.* v. 1, 25) it has been conjectured that this tessera bore the image of Jupiter Hospitalis. This relation, when once established, could not be dissolved except by a formal act (*renuntiatio*, Liv. xxv. 18; Cic. *in Verr.* ii. 36, § 89), and in this case the tessera hospitalis was broken to pieces (Plaut. *Cistell.* ii. 1, 27). We never find at Rome the indiscriminate and uninquiring hospitality of the heroic age of Greece, but some sort of laws of hospitality were probably common to all the nations of Italy (Aelian, *V. H.* iv. 1; Liv. i. 1). In many cases it was exercised without any formal agreement between the parties, and it was deemed an honourable duty to receive distinguished guests into the house (Cic. *de Off.* ii. 18, § 64; *pro Rosc. Am.* 6, § 15).

Public hospitality, also, seems to have existed at a very early period among the nations of Italy, and the *foedus hospitii* mentioned in Livy (i. 9) can scarcely be looked upon in any other light than that of *hospitium publicum*. But the first direct mention of public hospitality being established between Rome and another city, is after the Gauls had departed from Rome, when it was decreed that Caere should be rewarded for its good offices by the establishment of public hospitality between the two cities (Liv. v. 50). The Caerites thus obtained the right of isopolity with Rome; that is, the civitas without the suffragium and the honores [CIVITAS, p. 448 *b*; COLONIA, p. 480 *a*]. In the later times of the republic we no longer find public hospitality established between Rome and a foreign state; but a relation which amounted to the same thing was introduced in its stead,—that is, towns were raised to the rank of municipia (Liv. viii. 14), and thus obtained the civitas without the suffragium and the honores; and when a town was desirous of forming a similar relation with Rome, it entered into clientela to some distinguished Roman, who then acted as patron of the client-town. But the custom of granting the honour of *hospes publicus* to a distinguished foreigner by a decree of the senate seems to have existed down to the end of the republic (Liv. i. 45, v. 28, xxxvii. 54). The privileges of such a public hospes included a claim to honourable reception, entertainment at the public expense, admission to sacrifices and games and a complimentary present on certain occasions, and the more solid rights of buying and selling in his own name without let or hindrance, and of bringing actions at law without the intervention of a Roman patron (Marquardt, *Staatsverw.* i.^{2} 45). Whether he undertook, in return, any duties towards Roman citizens analogous to those of the Greek proxenus, is uncertain. Public hospitality was, like the hospitium privatum, hereditary in the family of the person to whom it had been granted (Diod. Sic. xiv. 93). The honour of public hospes was sometimes also conferred upon a distinguished Roman by a foreign state. (Boeckh, *C. I. G.* i. n. 1331;—Cic. *pro Balb.* 18, § 41; *in Verr.* iv. 65, § 145. Compare Niebuhr, *Hist. of Rome*, ii. 58; Walter, *Gesch. des röm. Rechts*, p. 54 ff.; Göttling, *Röm. Staatsverf.* p. 216 ff.; Marquardt, as above.) [L. S.] [W. W.]

HO'STIA. [SACRIFICIUM.]

HOSTIS. [HOSPITIUM; POSTLIMINIUM.]

HYACI'NTHIA (Ὑακίνθια), a great national festival, celebrated every year at Amyclae by the Amyclaeans and Spartans. The festival dated from pre-Dorian times, but, like the Cárneia, had been taken over by the Dorians; and was held in honour of the Amyclaean Apollo and of the youthful hero Hyacinthus, whom he accidentally struck dead with a quoit. This Amyclaean Apollo, however, with whom Hyacinthus was associated, must not be confounded with Apollo, the national divinity of the Dorians. (Müller, *Orchom.* p. 327; *Dor.* ii. 8, § 15.) This Hyacinthus is unmistakably a personification of the drying up of vegetation by the heat of summer: the quoit (δίσκος) is the sun's disc, Apollo the god who hurls it (Schömann, *Alterth.* ii. 404). The Hyacinthia lasted for three days, and began on the longest day of the Spartan month Hecatombeus (the Attic Hecatombaeon, Hesych. *s. v.* Ἑκατομβεύς: Manso, *Sparta*, iii. 2, p. 201; called also Ὑακίνθιος from this festival, Stein on Herod. ix. 7). On the first day of the Hyacinthia sacrifices were offered to the dead, and the death of Hyacinthus was lamented. Nobody wore any garlands or sung paeans at the sacrifices, nor was any wheaten bread offered: plain sacrificial cakes, apparently unleavened, were the order of the day, and great abstinence was practised. This serious and melancholy character was foreign to all the other festivals of Apollo. The second day, however, was wholly spent in public rejoicings and amusements. Amyclae was visited by numbers of strangers (πανήγυρις ἀξιόλογος καὶ μεγάλη. Didymus *ap.* Ath. iv. p. 139 e), and boys played the cithara or sang to the accompaniment of the flute, and celebrated in anapaestic metres the praise of Apollo, while others, in splendid attire, performed a horse-race in the theatre. This horse-race is probably the ἀγὼν mentioned by Strabo in connexion with the Hyacinthia (vi. p. 278). After this race there followed a number of choruses of youths conducted by a χοροποιός (Xen. *Ages.* 2, § 17), in which some of their national songs (ἐπιχώρια ποιήματα) were sung. During the songs of these choruses dancers performed some of the ancient and simple movements with the accompaniment of the flute and the song. The Spartan and Amyclaean maidens, after this, riding in chariots made of wickerwork (κάναθρα), and splendidly adorned, went in solemn procession. Numerous sacrifices were also offered on this day, and the citizens kept open house for their friends and relations; and even slaves were allowed to enjoy themselves. (Didymus, *ap.* Ath. iv. p. 139.) One of the favourite meals on this occasion was called κοπίς, and is described by Molpis (*ap.* Ath. iv. p. 140) as consisting of cake, bread, meat, raw herbs, broth, figs, dessert, and the seeds of lupine. Some ancient writers, when speaking of the Hyacinthia, apply to the whole festival such epithets as can only be used in regard to the second day; for instance, when they call it a merry or joyful solemnity. Macrobius (*Sat.* i. 18, § 2) states that the Spartans wore chaplets of ivy at the Hyacinthia as at a Bacchic rite, which can only be true if it be understood of the second day. The incorrectness of these writers is however in some degree excused by the fact, that the second day formed the principal part of the festive season, as appears from the description of Didymus, and as may also be inferred from Xenophon (*Hell.* iv. 5, § 11; compare *Ages.* 2, § 17), who makes the paean the principal part of the Hyacinthia. The third day's ceremonies are not specially described (Schömann, *l. c.*), but, according to the tradition, were of a solemn character, resembling those of the first day. The great importance attached to this festival by the Amyclaeans and Lacedaemonians is seen from the fact, that the Amyclaeans, even when they had taken the field against an enemy, always returned home on the approach of the season of the Hyacinthia, that they might not be obliged to neglect its celebration (Xen. *Hell.* iv. 5, § 11; Paus. iii. 10, § 1), and that the Lacedaemonians on one occasion concluded a truce of forty days with the town of Eira, merely to be able to return home and celebrate the national festival (Paus. iv. 19, § 3); and that in a treaty with Sparta, B.C. 421, the Athenians, in order to show their good-will towards Sparta, promised every year to attend the celebration of the Hyacinthia. (Thuc. v. 23.) [L. S.] [W. W.]

HY'ALUS. [VITRUM.]

HYBRIS, HYBREOS GRAPHE (ὕβρις, ὕβρεως γραφή). The fine instinct of the Greeks for civilisation is nowhere more conspicuous than in the early repression of wanton violence (ὕβρις) in all its forms; and this, notwithstanding a singular disregard of human life. In modern Europe, for example, only a few of the most advanced nations have discontinued the use of arms; among these the wearing of the sword remained a distinction of the upper classes long after it had been dropped by the common people; and the growing practice of carrying revolvers shows that we are still liable to relapse. The Greeks, on the contrary, had abandoned the habit of going armed (σιδηροφορεῖν) at a very early, almost a pre-historic, period; and the Athenians were the first to set the example (Thucyd. i. 5, 6). Aristotle couples together the wearing of arms and the buying of wives as proofs of the barbarism of early Greek custom (*Pol.* ii. 8 = p. 1268 b, 40). In the absence both of wild beasts and roving criminals, the stick [BACTERIA], which no one was without, was regarded as sufficient protection to the lonely traveller. In strict keeping with this sentiment, all approaches to violence were guarded both by law and public opinion. In so backward a community as the Locrians of Italy, where the laws of Zaleucus prescribed mutilations unknown in Greece proper (Dem. *c. Timocr.* p. 744, § 140), there was yet a provision against abusive language (Stob. *Flor.* xliv. 21). "In the case of personal quarrels, it is noted that the Attic law allowed an action for every step in the quarrel, from the use of language 'calculated to provoke a breach of the peace,' through common and aggravated assault, up to grievous bodily harm and manslaughter. . . . Even more marked than this abandonment of arms was the strong feeling about ὕβρις, as they called it; about personal violence, which they would not allow even towards slaves." (Mahaffy, *Social Life in Greece*, ed. 3, pp. 388, 390.)

In Attic law, abusive words (λοιδορία) made the speaker liable to a small summary fine (ἐπιβολή), especially if uttered in a court of law or a sacred precinct; if they extended to certain definite charges against a man's character, the remedy was a κακηγορίας δίκη [KAKEGORIAS DIKÉ; cf. APORRHETA]: it was a legal defence, as in the recent (though not the old) English law of libel, to prove that the charge was true (Dem. *c. Aristocr.* p. 635, § 50). For an assault, whether common or aggravated, the plaintiff had his choice between a private action for damages [AIKIAS DIKÉ] and a public and criminal prosecution (ὕβρεως γραφή), in which, as a τιμητὸς ἀγών, any penalty might be demanded, and in extreme cases death. The former involved fewer risks, and was more commonly chosen, especially by diffident plaintiffs (Dem. *c. Conon.* p. 1256, § 1; cf. *c. Everg. et Mnes.* p. 1158, § 64). But, as has been seen under AIKIAS DIKÉ, αἰκία and ὕβρις might be intentionally confounded with the object of exciting greater odium against the defendant (cf. Dem. *c. Mid.* p. 526, § 38; Aristot. *Rhet.* i. 13, § 10; *Att. Process*, p. 647 Lips.).

In the use of the term ὕβρις there was a further distinction between indecent (δι' αἰσχρουργίας) and other assaults (διὰ πληγῶν: see the Second Argument to the Midias, p. 513, 10). If the offence were of the former kind, it would always be available when the sufferer was a minor of either sex (for the consent of the infant was immaterial), or when an adult female was forcibly violated: and this protection was extended to all conditions of life, whether bond or free (Dem. *c. Mid.* p. 529, § 46; Aeschin. *c. Timarch.* § 17; Hyperid. *ap.* Ath. vi. p. 267 a). It is a moot point whether the γραφὴ ὕβρεως protected slaves in other cases than attempts upon their chastity: Meier and Schömann, in the original *Att. Process*, upheld the limitation to ὕβρις δι' αἰσχρουργίας: the best recent criticism denies it (Hermann, *Staatsalterth.* § 114, n. 7; Becker-Göll, *Charikles*, p. 29 f.; Lipsius, *Att. Process*, p. 399 f.; Thalheim, *Rechtsalterth.* p. 33 f.). [The case, however, in Dem. *c. Nicostr.* p. 1251, § 16, proves nothing either way; cf. Sandys *ad loc.*] Aeschines is careful to state that it was not because the slave had any *rights* that he was thus protected, but for the good of the citizens, that they might learn to repress the habit of personal violence; his expression οὐ γὰρ ὑπὲρ τῶν οἰκετῶν ἐσπούδασεν ὁ νομοθέτης (*c. Timarch.* § 17) affords a curious parallel to the language of St. Paul (μὴ τῶν βοῶν μέλει τῷ Θεῷ, ἢ δι' ἡμᾶς πάντως λέγει; 1 Cor. ix. 9). The legal representative (κύριος) of a female or a minor might, if he pleased, consider the injury as a private rather than a public wrong, and sue for damages in a civil action [BIAION DIKÉ]. To justify an action for ὕβρις διὰ πληγῶν, it was of course necessary to prove that the defendant struck the first blow (ὅταν ἄρχῃ χειρῶν ἀδίκων, Aristot. *Rhet.* ii. 24, § 9; cf. [Dem.] *c. Everg. et Mnes.* p. 1151, § 40). Injury to a slave, if slight, might entitle the master to recover damages for the battery (αἰκία), or if serious for the loss of his services by a δίκη βλαβῆς (BLABES DIKÉ; Lips. *Att. Process*, p. 401, where it is maintained against Meier that there was an αἰκίας δίκη also in the case of slaves).

The ὕβρεως γραφή, as has been already stated, does not seem to have been frequent; there are no speeches extant upon an action of this kind, and the allusions to lost speeches (*e.g.* Athen. *l. c.*) tell the same tale. Besides the more serious character of the γραφή or public prosecution, it was more profitable to obtain compensation for the wrong than the mere punishment of the wrong-doer; the penalty in the latter case accrued to the state and not to the plaintiff. He had also to forfeit 1000 drachmas (ὀφλεῖν χιλίας) if he either relinquished the suit or failed to obtain a fifth of the votes. If, however, the case for the prosecution was both strong and clear, the redress afforded by the public action was prompt and efficient. Besides the legal protectors of women and children, any Athenian citizen in the enjoyment of his full franchise might volunteer an accusation; he had to pay no deposit (πρυτανεῖα) beforehand (Lipsius, *Att. Process*, p. 814): the declaration was laid before the thesmothetae, who, unless hindered by extraordinary public business, were bound to bring it for trial within a month before a Heliastic court. The severity of the sentence extended to confiscation or death; and if the latter were awarded, the criminal was executed on the same day: if a fine were imposed upon him, he was allowed but eleven days for its payment, and he was imprisoned until the claim of the state was liquidated. The law in Demosthenes (*c. Mid.* p. 529, § 47) mentions imprisonment only ἐὰν ἐλεύθερόν τις ὑβρίσῃ: that in Aeschines (*c. Timarch.* § 16) draws no such distinction. Notwithstanding the strong presumption against the genuineness of documents inserted in the text of the Orators, there are some exceptions: and these particular laws have been defended on good grounds (Lipsius, p. 395, n. 565; Thalheim, p. 33, n. 5).

[The speech of Isocrates *against Lochites* (*Or.* 20), and that of Demosthenes *against Conon* (*Or.* 54), each technically an *αἰκίας δίκη*, abound with illustrations of the whole subject of *ὕβρις*. Cf. *Att. Process*, pp. 392–402, Lipsius; Thalheim, *Rechtsalterth.* § 6 = Hermann, *Staatsalterth.* § 61.] [C. R. K.] [W. W.]

HYDRA'LETA. [Mola.]

HYDRAULA. [Hydraulus.]

HYDRAU'LICA MA'CHINA. [Hydraulus.]

HYDRAULUS (**ὕδραυλος**), a water-organ. According to Athenaeus (iv. p. 174 c; cf. Plin. *H. N.* vii. § 125), it was the invention of Ctesibius of Alexandria [Ctesibica Machina]. Ctesibius probably lived about B.C. 250, in the reigns of Ptolemy Philadelphus and Euergetes; not, as stated by Athenaeus (*ib.* p. 174 d), under the second Euergetes 80 years later. He evidently took the idea of his organ from the Syrinx or Pandean pipes, a musical instrument of the highest antiquity among the Greeks. His object being to employ a row of pipes of great size, and capable of emitting the most powerful as well as the softest sounds, he contrived the means of adapting keys with levers (**ἀγκωνίσκοι**), and with perforated sliders (**πώματα**), to open and shut the mouths of the pipes (**γλωσσόκομα**), a supply of wind being obtained, without intermission, by bellows, in which the pressure of water performed the same part which is fulfilled in the modern organ by a weight (Heron, *Spirit.* 228). On this account the instrument invented by Ctesibius was called the water-organ (**ὕδραυλις**, Ath. *l. c.*; **ὑδραυλικὸν ὄργανον**, Heron, *Spirit.*; *hydraulica machina*, Vitruv. x. 13; Schneider, *ad loc.*; Drieberg, *Die pneum. Erfindungen der Griechen*, pp. 53–61; *hydraulus*, Plin. *H. N.* ix. § 24; Cic. *Tusc.* iii. 18, § 43). It is described in an epigram by the Emperor Julian (Brunck, *Anal.* ii. 403 = *Anth. Pal.* ix. 365), who mentions the swift fingers of the performer, but not the water-bellows; and more clearly in the following lines of Claudian (*de Mall. Theod. Cons.* 316–319):—

> "Et qui magna levi detrudens murmura tactu,
> Innumeras voces segetis moderatus aënae,
> Intonet erranti digito, penitusque trabali
> Vecte laborantes in carmina concitet undas."

We have here the keys, the innumerable pipes of metal, the lever as large as a beam which sets the water in motion: if we may accept the probable conjecture of Gräbner, *pedibus* for *penitus* in v. 318, this lever is moved by a pedal. Its pipes were partly of bronze (**χαλκείη ἄρουρα**, Julian; *seges aëna*, Claudian), and partly of reed (**δόνακες**, Julian). The number of its stops, and consequently of its rows of pipes, varied from one to eight (Vitruv. *l. c.*), so that Tertullian (*de Anima*, 14) describes it with reason as an exceedingly complicated instrument. The latest account of these water-organs (Gräbner, *de Hydraulicis veterum Organis*, an inaugural dissertation, Berol. 1867) adds little to what was previously known; and we are still in the dark as to the exact part played by the water, which, besides, must have rendered the instrument much less portable. As invented by Ctesibius, the organ was doubtless hydraulic: but the epigram of Julian omits all mention of the water, and we incline to think that, in later times, the mechanism was simplified and the bellows blown directly by the pedal, as in the modern harmonium; the water-power being retained only in the larger organs, which may have been fixtures. The organ figured below from a coin seems too small to allow room for such an arrangement. Mention is made of this instrument so late as the ninth century of our era: in the year 826, a water-organ was erected by a Venetian in the church of Aquisgranum, the modern Aix-la-Chapelle. (Quix, *Münsterkirche in Aachen*, p. 14.)

The organ was well adapted to gratify the Roman people in the splendid entertainments provided for them by the emperors and other opulent persons. Nero was very curious about organs, both in regard to their musical effect and their mechanism. (Sueton. *Ner.* 41, 54.) A contorniate coin of this emperor, in the British Museum (see woodcut), shows a small organ with a sprig of laurel on one side, and a man standing on the other, who may have been victorious in the exhibitions of the circus or the amphitheatre. It is probable that these medals were bestowed upon such victors, and that the organ was impressed upon them on account of its introduction on such occasions. (Havercamp, *de Num. contorniatis*; Rasche, *Lex. Univ. Rei Num.* s. v. *Hydraulicum Instrumentum.*) The general form of the organ is also clearly exhibited in a poem by Publilius Porphyrius Optatianus, describing the instrument, and composed of verses so constructed as to show both the lower part which contained the bellows, the wind-chest which lay upon it, and over this the row of 26 pipes. These are represented by 26 lines, which increase in length each by one letter, until the last line is twice as long as the first. (Wernsdorf, *Poetae Lat. Min.* vol. ii. pp. 394–413.)

Organ, from a coin of Nero.
(British Museum.)

There can be little doubt that ὑδραύλης, *hydraula* or *hydraules*, denotes the organist (Suet. *Ner.* 54; Petron. *Sat.* 36); and there is, as has been seen, sufficient evidence that the instrument was keyed and gave scope to the skill of the performer. That the hydraules was one who sang or recited to an accompaniment upon the hydraulic organ has been assumed as part of the theory that these organs were only played by mechanism; a conclusion which, we think, raises greater difficulties than it solves. [J. Y.] [W. W.]

HY'DRIA (ὑδρία) is a generic term for any water-jar or water-pot, but specifically applied to a form of vessel more or less nearly resembling the AMPHORA. The hydria, however, had a rounder body and a shorter neck than the amphora. Another distinctive mark is its having three handles; a pair of small ones (ὦτα or ὠτία) at the shoulders, and a large vertical one either at the neck or in the middle of the side. Hence it is called by the Italians *vaso a tre maniche*. The *calpis* (κάλπις) is regarded by some German writers as identical with the hydria (Guhl and Koner; Blümner); according to Dennis, "The name hydria is applied to those of the earliest style which have a squareness about the shoulders, while a later and more elegant variety, with the shoulders rounded off, is generally called calpis:" it is admitted, however, that this distinction is conventional. Compare Birch, p. 364.


Hydria. (Dennis.)

Both forms occur frequently in vase-paintings, in which girls are represented carrying water on their heads, aided by a pad (τύλη, σπεῖρα) resembling a porter's knot (see cut under ARCULUM; a scene of water-drawing in Birch, p. 195). The large third handle made it easier to dip into the water and lift to the top of the head; the two small ones helped to balance it when carried. The hydria as the older form is found mostly on vases with black figures, the calpis with red figures, though the latter sometimes shows archaic designs. For other points of difference, see CALPIS.

The material was in general pottery, but a costly bronze ὑδρία is mentioned ([Dem.] *c. Everg. et Mnes.* p. 1155, § 52). For the use of the water-jug (in this case κάλπις) in Athenian weddings, see MATRIMONIUM, Vol. II., p. 136 *a*. The hydria was employed as a cinerary urn (Plut. *Philop.* 21; Lucian, *Demosth. Encom.* 29; κάλπις, *Anth. Pal.* xii. 74); and as the urn from which the dicasts were drawn by lot (Isocr. *Trapez.* § 33). In Plutarch (*Ti. Gracch.* 11) it is apparently the Roman voting-urn, properly called cista [CISTA]. A golden or gold-mounted κάλπις was used for unguents (Antiphan. *fr.* 106 M.; Polyb. xxxi. 3, § 17); this, of course, must have been much smaller than the ordinary size. Vases of all shapes are found "in miniature" in Etruscan tombs, and must have served a similar purpose. (Guhl and Koner, ed. 5, p. 191; Hermann-Blümner, *Privatalterth.* p. 163; Birch, *Anc. Pottery*, ed. 1873, p. 364; and especially Dennis, *Etruria*, ed. 1878, pp. cx., cxi.) [W. W.]

HYDRIAPHO'RIA (ὑδριαφορία) was one of the services which aliens (μέτοικοι) residing at Athens had to perform to the Athenians at the Panathenaea, and by which it was probably intended to impress upon them the recollection that they were mere aliens and not citizens. The hydriaphoria was performed by the wives of aliens (Pollux, iii. 55); whereas their daughters had on the same occasion to perform the σκιαδηφορία (the carrying of parasols) for the Athenian maidens (Pollux, vii. 134; cf. 174), and their husbands the σκαφηφορία (the carrying of vessels containing offerings of cakes, &c. for the goddess; see Aelian, *V. H.* vi. 1, with Perizonius: Dinarch. *ap.* Harpocrat. *s. v.* σκαφηφόροι, with Valesius). It has been inferred from the words of Aelian that these humiliating services were not demanded of the aliens by the laws of Solon, but introduced at a later period; on such a point, however, the authority of Aelian is of no value. The hydriaphoria was the carrying of a vessel with water (ὑδρία, Aristoph. *Eccles.* 738), which service the married alien women had to perform to the married part of the female citizens of Athens, when they walked to the temple of Athena in the great procession at the Panathenaea. The duties thus imposed upon μέτοικοι were a badge of inferiority, but cost nothing except in dignity: it does not seem correct to compare them, as Boeckh does (*P. E.* p. 538 = *Sthh.*^{3} i. 624), with the liturgies. (Hermann, *Staatsalterth.* § 115, n. 10; Schömann, *Antiq. Juris Publici*, p. 190, *Antiq.* i. 354 E. T.) [L. S.] [W. W.]

HYDROMELI. [VINUM.]

HYLO'RI or **HYLEO'RI** (ὑλωροί, ὑληωροί) are said by Hesychius (*s. v.*) to have been officers who had the superintendence of forests (ὕλην φυλάσσων: compare Suidas, *s. v.*). Aristotle (*Polit.* vi. 5, § 4 = p. 1321 b, 30), who divides all public officers into three classes (ἀρχαί, ἐπιμεληταί, and ὑπηρέται), reckons the ὑλωροί among the ἐπιμεληταί, and says that by some they were called ἀγρονόμοι. They seem to have been a kind of police for the protection of the forests, similar to the German *Förster*. But the exact nature of their office, or the Greek states where it existed, are unknown (Gilbert, *Staatsalterth.* i. 333). It is tolerably certain that Attica was not one of these, for a reason given under AGRONOMI; see, however, Boeckh (*P. E.* p. 303 = *Sthh.*^{3} i. 372). [L. S.] [W. W.]

HYPAETHROS. [TEMPLUM.]

HYPASPISTAE (ὑπασπισταί). [EXERCITUS, p. 778 *a*.]

HYPE'RETES (ὑπηρέτης). The word is derived from ἐρέσσω, ἐρέτης, and therefore originally signifies a rower; but in later times the word was applied to the entire crew of a vessel, as distinct from the ἐπιβάται, soldiers or marines (Thucyd. vi. 31, with Classen's note; Dem. *c. Polycl.* p. 1214, § 25; Polyb. v. 109, § 1). Sometimes, again, the ὑπηρέται or ὑπηρεσία are distinguished from the ναῦται (Dem. *c. Polycl.* p. 1216, § 30; Boeckh, *P. E.* p. 280 = *Sthh.*^{3} i. 349; *P. E.* p. 552 = *Sthh.*^{3} i. 641). Thus, in the Peloponnesian war the Athenian government had paid the wages of all on board (*P. E.* p. 275 = *Sthh.*^{3} i. 344); but in the time of Demosthenes the state paid only the ναῦται, while the trierarchs had to find and pay the ὑπηρεσία (Dem. *de Cor. Trier.* p. 1229, § 6; Fränkel, n. 859 on Boeckh). The name ὑπηρέται was also given to those men by whom the hoplitae were accompanied when they took the field, and who carried the luggage, the provisions, and the shield of the hoplites (Xen. *Cyrop.* ii. 1, § 31). The more common name for this servant of the hoplites was *σκευοφόρος* (Boeckh, *P. E.* p. 271 = *Sthh.*² i. 339).

At Athens the name *ὑπηρέτης*, or the abstract *ὑπηρεσία*, seems to have been applied to a whole class of officers. Aristotle (*Pol.* iv. 15 = p. 1299 a, 20) divides all public offices into three classes,—*ἀρχαί* or magistracies, *ἐπιμέλειαι* or administrations, and *ὑπηρεσίαι* or services. Now all public officers at Athens, in as far as they were the representatives of the people, or the executors of its will, were appointed by the people itself or by the senate; and with the exception of some subaltern military officers, we never find that one public officer was appointed by another. A public officer, therefore, when he appointed another person to perform the lower or more mechanical parts of his office, could not raise him to the rank of a public officer, but merely engaged him as a servant (*ὑπηρέτης*), and on his own responsibility. These *ὑπηρέται*, therefore, were not public officers, properly speaking, but only in as far as they took a part in the functions of such officers. The original and characteristic difference between them and real public officers was, that the former received salaries, while the latter had none (Boeckh, *P. E.* p. 239 = *Sthh.*² i. 304). Among the *ὑπηρέται* were reckoned the lower classes of scribes [GRAMMATEUS], heralds, messengers, the ministers of the Eleven [HENDECA], and others. This class of persons, as might be supposed, did not enjoy any high degree of estimation at Athens (Pollux, vi. 31), and it is clear that they were not always Athenian citizens, but sometimes slaves. [DEMOSII.] (Cf. Schömann, *Assemblies*, p. 307 ff.; *Antiq. Jur. Publ.* p. 235 f.; *Antiq.* i. 400, E. T.)

Other senses of *ὑπηρέτης* are sufficiently explained in the Lexicons. [L. S.] [W. W.]

HYPERO'ON (*ὑπερῷον*). [DOMUS, p. 663 *b*.]

HYPO'BOLES GRAPHE (*ὑποβολῆς γραφή*). Of this action *Lexic. Seguer.* p. 311 says that it was preferred against persons suspected of having been supposititious children; and that if this fact was established at the trial, they were reduced to slavery. Even supposing with Meier (*de Bon. damn.* p. 29) that this action was preferred only when the children thus substituted were not of civic extraction, the punishment seems unnaturally severe; hence Thonissen (*Droit pénal*, p. 343) doubts the correctness of the grammarian's information. Midias was said to be a supposititious child (Dem. *c. Mid.* p. 563, § 149); Isaeus (*Pyrrh.* §§ 15, 36) hints that Phile belonged to the same class; cf. Aristoph. *Thesm.* 407, 511, and Dio Chrys. xv. 8, p. 237, *ὅτι αἱ μὲν ἐλεύθεραι γυναῖκες ὑποβάλλονται πολλάκις δι' ἀπαιδίαν, ὅταν μὴ δύνωνται αὐταὶ κυῆσαι*, etc. (Platner, *Proc. u. Klagen*, ii. p. 72; *Att. Process*, ed. Lipsius, p. 441 f.) [J. S. M.] [H. H.]

HYPOCAUSTUM. [BALNEAE, p. 278.]

HYPOCOSME'TAE (*ὑποκοσμηταί*) frequently occur in Athenian inscriptions of the time of the Roman empire, as assistants of the *κοσμητής*, who at that period was the chief officer who regulated the exercises of the Gymnasium. [Krause, *Gymnastik und Agonistik*, i. 212 ff.; *C. I. G.* 270, 274 (addit.); GYMNASIUM, p. 928 *a*.] [W. S.] [W. W.]

HYPO'CRITES (*ὑποκριτής*). [HISTRIO.]

HYPODE'MA (*ὑπόδημα*). [CALCEUS.]

HYPOGAEUM. [DOMUS, p. 672 *b*.]

HYPOGRA'MMATEUS (*ὑπογραμματεύς*). [GRAMMATEUS.]

HYPO'GRAPHIS. [PICTURA.]

HYPOMEI'ONES (*ὑπομείονες*). [HOMOEI.]

HYPOMO'SIA (*ὑπωμοσία*). [ANACRISIS, init.; DIAETETAE, p. 621 *b*; DIKE, p. 629 *b*.]

HYPO'NOMUS. [EMISSARIUM.]

HYPORCHE'MA (*ὑπόρχημα*) was a lively kind of mimic dance which accompanied the songs used in the worship of Apollo, especially among the Dorians. It was performed by men and women (Athen. xiv. p. 631 c). A chorus of singers at the festivals of Apollo usually danced around the altar, while several other persons were appointed to accompany the action of the song with an appropriate mimic performance (*ὑπορχεῖσθαι*): The hyporcheme was thus a lyric dance, and often passed into the playful and comic, whence Athenaeus (xiv. p. 630 e) compares it with the cordax of comedy. It had, according to the supposition of Müller, like all the music and poetry of the Dorians, originated in Crete, but was at an early period introduced into the island of Delos, where it seems to have continued to be performed down to the time of Lucian. (Athen. i. p. 15 d; Lucian, *de Saltat.* 16; compare Müller, *Dor.* ii. 8, § 14.) A similar kind of dance was the *γέρανος*, which Theseus on his return from Crete was said to have performed in Delos, and which was customary in this island as late as the time of Plutarch (*Thes.* 21). The leader of this dance was called *γερανουλκός* (Hesych. *s. v.*). It was performed with blows, and with various turnings and windings (*ἐν ῥυθμῷ περιελίξεις καὶ ἀνελίξεις ἔχοντι*), and was said to be an imitation of the windings of the Cretan labyrinth. When the chorus was at rest, it formed a semicircle, with leaders at the two wings (Pollux, iv. 101).

The poems or songs which were accompanied by the hyporcheme were likewise called hyporchemata. The first poet to whom such poems are ascribed was Thaletas: their character must have been in accordance with the playfulness of the dance which bore the same name, and by which they were accompanied. The fragments of the hyporchemata of Pindar confirm this supposition, for their rhythms are peculiarly light, and have a very imitative and graphic character. (Pind. *fr.* 71–82 Bergk; cf. Pratinas, *fr.* 1; Boeckh, *de Metr. Pind.* p. 201 f., p. 270.) These characteristics must have existed in a much higher degree in the hyporchematic songs of Thaletas. (Müller, *Hist. of Greek Lit.* i. p. 23 ff.; compare with p. 160 ff.) [L. S.] [W. W.]

HYPOSCE'NIUM. [THEATRUM.]

HYPOTHE'CA. [PIGNUS.]

HYPOTHECA'RIA ACTIO. [PIGNUS.]

HYPOTRACHE'LIUM (*ὑποτραχήλιον*). [COLUMNA, p. 490 *b*.]

HYSPLENX (*ὕσπληγξ*), the rope drawn across the race-course at the starting-point [STADIUM.] For other senses, see L. and S., s. v.

I. J.

JACULATO'RES (*πεζακοντισταί*). The same as *velites* or *rorarii*. [EXERCITUS, p. 784 *b*.]

JA'CULUM. [HASTA.]

JA'NITOR. [JANUA.]

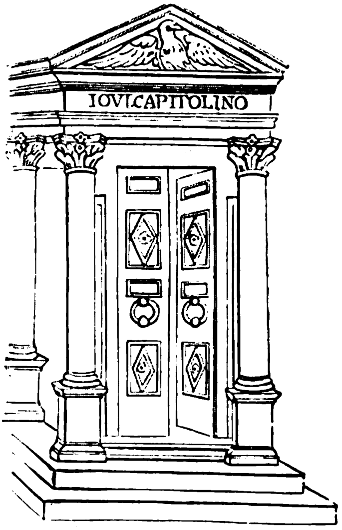
JA'NUA (*θύρα*), a door. Besides being applicable to the doors of apartments in the interior of a house, which were properly called *ostia* (Isid. *Orig.* xv. 7; Verg. *Aen.* vi. 43, 81). this term more especially denoted the first entrance into the house, *i.e.* the front or street door, which was also called *anticum* (Festus, *s. v.*), and in Greek *θύρα αὔλειος, αὐλεία, αὔλιος, αὐλία* (*Od.* xxiii. 19; Pind. *Nem.* i. 19; Menand. *fr.* 238 Mein.; Harpocr. *s. v.*; Theophr. *Char.* 18; Theocrit. xv. 43; Herodian, ii. 1; Charit. i. 2). The houses of the Romans commonly had a back-door, called *posticum*, *postica*, or *posticula* (Festus, *s. v.*; Hor. *Epist.* i. 5, 31; Plaut. *Most.* iii. 3, 27; Suet. *Claud.* 18), and in Greek *παράθυρος*, dim. *παραθύριον*: also *κηπαία*, sc. *θύρα*, because it often led into a garden at the back (Hermipp. *fr.* 42 M.; [Dem.] *c. Everg. et Mnes.* p. 1155, § 53; cf. Plaut. *Stich.* iii. 1, 40–44). Different from this was *ψευδόθυρον*, *pseudothyrum*, a false, *i.e.* secret door, used either for safety or for illicit purposes (Cic. *in Verr.* ii. 20, § 50; *post Red. in Sen.* 6, § 14). For the internal doors, like the *μέσαυλος* or *μέταυλος*, see DOMUS, p. 663 *a*.

The doorway, when complete, consisted of four indispensable parts,—the threshold, or sill; the lintel; and the two jambs.

The threshold (*limen*, *βηλός*, *οὐδὸς ὀδός*) was an object of reverence, and it was thought unlucky to tread on it with the left foot. On this account the steps leading into a temple were of an uneven number, because the worshipper, after placing his right foot on the bottom step, would then place the same foot on the threshold also (Vitruv. iii. 4). Thus the woodcut under ANTAE shows five steps; the well-preserved temple at Nîmes, now called the *Maison Carrée*, is approached by three steps.

The lintel (*jugumentum*, Cat. *de Re Rust.* 14; *supercilium*, Vitruv. iv. 6) was also called *limen* (Juv. vi. 228), and more specifically *limen superum*, to distinguish it from the sill, which was called *limen inferum*. (Plaut. *Merc.* v. 1, 1.) Being designed to support a superincumbent weight, it was generally a single piece, either of wood or stone. Hence those lintels which still remain in ancient buildings astonish us by their great length. In large and splendid edifices the jambs or door-posts (*postes*, *σταθμοί*) were made to converge towards the top, according to certain rules, which are given by Vitruvius (*l. c.*). In describing the construction of temples he calls them *antepagmenta*, the propriety of which term may be understood from the ground-plan of the door under CARDO, where the hinges are seen to be behind the jambs. This plan may also serve to show what Theocritus means by the *hollow* door-posts (*σταθμὰ κοῖλα θυράων*, *Idyll.* xxiv. 15). In the Augustan age it was fashionable to inlay the posts with tortoiseshell (Verg. *Georg.* ii. 463). Although the jamb was sometimes nearly twice the length of the lintel, it was made of a single stone even in the largest edifices. A very striking effect was produced by the height of these doorways, as well as by their costly decorations, beautiful materials, and tasteful proportions.

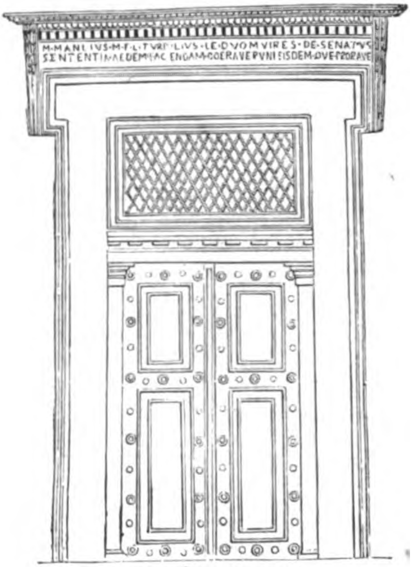
The door in the front of a temple, as it reached nearly to the ceiling, allowed the worshippers to view from without the entire statue of the divinity, and to observe the rites performed before it. These circumstances are illustrated in the accompanying woodcut, showing the front of a small temple of Jupiter. The term *antepagmentum*, which has been already explained, and which was applied to the lintel as well as the jambs (*antepagmentum superius*, Vitruv. iv. 6, § 1), implies that the doors opened inwards. This is clearly seen in the same woodcut, and is found to be the construction of all ancient buildings at Pompeii and other places. In some of these buildings, as for example in that called "the house of the tragic poet," even the marble threshold rises about an inch higher than the bottom of the door (Gell's *Pompeiana*, 2nd Ser. vol. i. p. 144), so that the door was in every part behind the door-case. It was formerly assumed, on the strength of a passage in Plutarch (*Public.* 20), that in the older Greek houses the doors regularly opened outwards. But Plutarch only mentions this as an inference from the language of comedy; and it is probable that the practice had always been exceptional. Aristotle tells us that Hippias laid a tax on such doors (*Oecon.* ii. p. 1347), which doubtless led to the disuse of that mode of construction; and as he taxed at the same time balconies (*δρύφακτοι*) and other projections, it is likely that they had always been regarded as encroachments on the rights of the public. (Cf. Becker-Göll, *Charikles*, i. 92, ii. 146.) In a single instance only were the doors allowed to open outwardly at Rome; an exception was made as a special privilege in



Door of Temple. (From a bas-relief.)

honour of M. Valerius Publicola. (Plut. *l. c.*; Plin. *H. N.* xxxvi. § 112; Marquardt, *Privatleben*, p. 229.)

The lintel of the oblong door-case was in all large and splendid buildings, such as the great temples, surmounted either by an architrave and cornice, or by a cornice only. As this is not shown in the bas-relief above introduced, an actual doorway, viz. that of the temple of Hercules at Cora, is here added. Above the lintel is an architrave with a Latin inscription upon it, and above this a projecting cornice supported on each side by a console, which reaches to a level with the bottom of the lintel. The top of the cornice (*corona summa*, Vitruv. iv. 6, § 1) coincided in height with the tops of the capitals of the columns of the pronaos, so that the doorway, with its superstructure, was exactly equal in height to the columns and the **Antae**. This superstructure was the *hyperthyrum* of Vitruvius (*l. c.*), and of the Greek architects whom he followed. The next woodcut shows (fig. 1) one of the two consoles which support the cornice of a beautiful Ionic doorway in the temple of Minerva Polias at Athens. In the inscription relating to the building of that temple, which is now in the Elgin Collection of the British Museum, the object here delineated is called *οὖς τῷ ὑπερθύρῳ*. Other Greek names for it, used by Vitruvius (iv. 6, § 4), are *parotis* and *ancon*, literally a "side-ear" and "an elbow." The use of consoles, or trusses, in this situation was characteristic of the Ionic style of architecture, being never admitted in the Doric. It is to be observed that Homer (*Od.* vii. 90), Hesiod (*Scut.* 271), and Herodotus (i. 179), use the term *ὑπέρθυρον*, or its diminutive *ὑπερθύριον*, to include the lintel. Upon some part of the hyperthyrum there was often an inscription, recording the date and occasion of the erection, as in the case of the temple of Hercules above represented, or else merely expressing a moral sentiment, like the celebrated "Know thyself" upon the temple at Delphi.



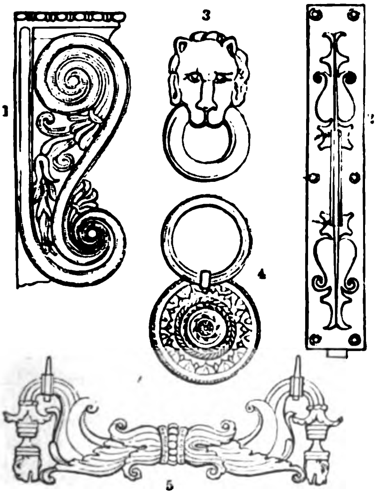
Temple of Hercules at Cora.

The door itself was called *foris* or *valva*, and in Greek *σανὶς*, *θύρετρον*, or *κλισιάς* (more properly *κλεισιάς*, as now read, though against the MSS.). These words are commonly found in the plural, because the doorway of every building of the least importance contained two doors folding together, as in all the instances already referred to. When *foris* is used in the singular, we may observe that it denotes one of the folding-doors only, as in the phrase *foris concrepuit*, which occurs repeatedly in Plautus, and describes the creaking of a single valve, opened alone and turning on its pivots. These pivots made more noise than regular hinges [Cardo]; in Aristoph. *Thesm.* 487, the adulteress pours water on the *στροφεῖς* before going out to her assignation. Even the internal doors of houses were bivalve (Gell's *Pompeiana*, 2nd Ser. vol. i. p. 166); hence we read of "the folding-doors of a bed-chamber" (*fores cubiculi*, Suet. *Aug.* 82; Q. Curt. v. 6; *σανίδες εὖ ἀραρυῖαι*, Hom. *Od.* ii. 344, &c.; *πύλαι δικλαῖ*, Soph. *Oed. Tyr.* 1261). But in every case each of the two valves was wide enough to allow persons to pass through without opening the other valve also. Even each valve was sometimes double, so as to fold like our window-shutters (*duplices complicabilesque*, Isid. *Orig.* xv. 7). The mode of attaching doors to the doorway is explained under the article Cardo.

The remaining specimens of ancient doors are all of marble or of bronze; those made of wood, which was by far the most common material, have perished. The door of a tomb at Pompeii (Mazois, *Ruines de Pompéi*, vol. i. pl. xix. fig. 4) is made of a single piece of marble, including the pivots, which were encased in bronze, and turned in sockets of the same metal. It is 3 feet high, 2 feet 9 inches wide, 4½ inches thick. It is cut in front to resemble panels, and thus to approach nearer to the appearance of a common wooden door, and it was fastened by a lock, traces of which remain. The beautifully wrought tombs of Asia Minor and other Eastern countries have stone doors, made either to turn on pivots or to slide sideways in grooves. Doors of bronze are often mentioned by ancient writers. (Herod. i. 179; Plin. *H. N.* xxxiv. § 13.) The doors of a supposed temple of Remus, still existing at Rome, and now occupied as a Christian church, are of this material. The late Professor Donaldson (*Collection of Doorways from Ancient Buildings*, London, 1833, pl. 21) has represented them filling up the lower part of the doorway of the temple at Cora, as shown in the last woodcut, which is taken from him. The four panels are surrounded by rows of small circles, marking the spots on which were fixed rosettes or bosses, similar to those which are described and figured in the article Bulla, and which served both to strengthen and to adorn the doors. The leaves of the doors were sometimes overlaid with gold, which was an Eastern practice, as we see from the doors in the temple of Solomon at Jerusalem (1 Kings vi. 32–35); at other times they were enriched with the most exquisite carving. (Ovid. *Met.* viii. 703; Verg. *Georg.* iii. 26, *Aen.* vi. 20–32). Those in the temple of Minerva at Syracuse, are said by Cicero (*Verr.* iv. 56, § 124) to have exceeded all others in the curious and beautiful workmanship executed upon them in gold and ivory. "It is incredible," says he, "how many Greeks have left writings descriptive of the elegance of these valves." One of the ornaments was "a most beautiful Gorgon's head with tresses of snakes," probably occupying the centre of a panel. In addition to the sculptures upon the valves themselves, the finest statues were sometimes placed beside them, probably at the base of the antepagmenta, as in the magnificent temple of Juno in Samos (Cic. *Verr.* i. 23, § 61). In the fancied palace of Alcinous (*Od.* vii. 83–94) the door-case, which was of silver with a threshold of bronze, included folding-doors of gold: whilst dogs, wrought in gold and silver, guarded the approach, probably disposed like the avenue of sphinxes before an Egyptian temple. As luxury advanced among the Romans metal took the place of wood, even in the doors of the interior of a house. Hence the Quaestor Sp. Carvilius reproved Camillus for having his chamber doors covered with bronze (*aerata ostia*, Plin. *l. c.*).

A lattice-work [CANCELLI] is to be observed above the bronze doors in the last woodcut, Donaldson having introduced it on the authority more especially of the Pantheon at Rome, where the upper part of the doorway is filled with a window such as that here represented.

The folding-doors exhibited in the last woodcut, instead of a rebate such as we employ, have an upright bronze pilaster standing in the middle of the doorway, so as to cover the joining of the valves. The fastenings of the door (*claustra*, Ovid, *Amor.* i. 6, 17; *obices*) commonly consisted in a bolt (*pessulus*; *μάνδαλος, κατοχεύς, κλεῖθρον, Att.* *κλῇθρον*, Soph. *Oed. Tyr.* 1262, 1287, 1294) placed at the base of each *foris*, so as to admit of being pushed into a socket made in the sill to receive it (*πυθμήν*, Soph. *Oed. Tyr.* 1261). The Pompeian doorways show two holes corresponding to the bolts of the two *fores* (Gell, *Pompeiana*, 2nd Ser. vol. i. p. 167); and they agree with numerous passages which mention in the plural number "the bolts," or "both the bolts," of a door. (Plaut. *Aulul.* i. 3, 26; *Curc.* i. 2, 60, 71;—Soph. *ll. cc.*; Callim. *in Apoll.* 6.)



1. Console or bracket, from Erechtheum, Athens.
2. Ancient bolt, Naples Museum.
3–5. Door-handles (ἐπισπαστῆρες).

The above woodcut shows an ancient bolt preserved in the Museum at Naples. (Mazois, *Ruines de Pompéi*, vol. i. part 2, pl. vii.)

By night the front door of the house was further secured by means of a wooden and sometimes an iron bar (*sera*, *repagula*, *μοχλός*) placed across it, and inserted into sockets, on each side of the doorway. (Festus, s. v. *Adserere*; Ovid, *Amor.* i. 6, 24–56.) Hence it was necessary to remove the bar (*τὸν μοχλὸν παράφερειν, ἀναμοχλεύειν*, Eurip. *Med.* 1317) in order to open the door (*reserare*). (Theophrast. *Char.* 18; Plutarch, *Pelop.* 11; Plaut. *Cist.* iii. 18; Ovid, *Met.* v. 120.) Even chamber-doors were secured in the same manner (Heliodor. vi. 9; *cubiculi obseratis foribus*, Apul. *Met.* ix.); and here also, in case of need, the bar was employed as a further security in addition to the two bolts (*κλῇθρα συμπεραίνοντες μοχλοῖς*, Eurip. *Orest.* 1551, 1571; *Iph. Aul.* 345; *Androm.* 951). Where, as in the case of tyrants, midnight assassination was especially dreaded, we read of a bedchamber secured with a portcullis (*καταρράκτης, καταρρακτὴ πύλη*, Plut. *Arat.* 26); the drawbridge of Dionysius (Cic. *Tusc.* v. 20, § 59) is perhaps mythical. To fasten the door with the bolt was *januae pessulum obdere*, with the bar *januam obserare* (Ter. *Eun.* iii. 5, 55, iv. 6, 25; *Heaut.* ii. 3, 37). At Athens a jealous husband sometimes even proceeded to seal the door of the women's apartment. (Aristoph. *Thesm.* 427; Menand. *Incert.* 1, 11.) The door of a bedchamber was sometimes covered with a curtain [VELUM].

In the Odyssey (i. 442, iv. 802, xxi. 6, 46–50) we find mention of a contrivance for bolting or unbolting a door from the outside, which consisted in a leathern thong (*ἱμάς*) inserted through a hole in the door, and by means of a loop, ring, or hook (*κλείς, κληΐς*), which was the origin of keys, capable of laying hold of the bolt so as to move it in the manner required. The bolt by the progress of improvement was transformed into a lock, and the keys found at Herculaneum and Pompeii and those attached to rings (Gorlaei, *Dactylioth.* 42, 205–209) prove, that among the polished Greeks and Romans the art of the locksmith (*κλειδοποιός*) approached very nearly to its present state. (Achill. Tat. ii. 19; CLAVIS.)

The door represented in the first woodcut to this article has a ring upon each valve, which was used to shut the door, and therefore called the *ἐπισπαστήρ*. Herodotus (vi. 91) tells a story of a captive who, having escaped to a temple of Ceres, clung to the rings on the doors with both his hands. This appendage to the door was also called *κορώνη* (Hom. *Od.* i. 441; vii. 90) and *κόραξ* (Posidipp. *fr.* 5 M.; Brunck, *Anal.* iii. 168 = *Anth. Pal.* xi. 203), because sometimes curved like the beak of a raven or crow: or simply *κρίκος*, "a ring" (Harpocrat.). The lowest figure in the last woodcut shows a richly ornamented epispaster, from the collection at Naples. That with a lion's head is taken from a bas-relief representing the doors of a temple, in the collection at Ince-Blundell, near Liverpool.

The third figure is from the Neapolitan Museum.

Before the door of a palace, or of any private house of a superior description, there was a passage leading to the door from the public road, which was called *vestibulum* (Isid. *Orig.* xv. 7; Plaut. *Most.* iii. 2, 133; Gell. xvi. 5) and *πρόθυρον* (Vitruv. vi. 7, 5; Hom. *Od.* xviii. 10–100; Herod. iii. 35, 140). It was provided with seats (Herod. vi. 35). It was sometimes covered by an arch [CAMARA], which was supported by two pillars (Serv. *ad* Verg. *Aen.* ii. 469); and sometimes adorned with sculptures (Verg. *Aen.* vii. 181; Juv. vii. 126). Here persons waited, who came in the morning to pay their respects to the occupier of the house (Gell. iv. 1). In the vestibule was placed the domestic altar [ARA]. The Athenians also planted a laurel in the same situation, beside a figure designed to represent Apollo (Aristoph. *Thesm.* 489; Plaut. *Merc.* iv. 1, 11, 12); and statues of Mercury were still more frequent (Thucyd. vi. 27), being erected there on the principle of setting a thief to catch a thief (Schol. *ad* Aristoph. *Plut.* 1155; HERMAE).

The DONARIA offered to the gods were suspended not only from the ANTAE, but likewise from the door-posts and lintels of their temples (Verg. *Aen.* iii. 287, v. 360; Ovid, *Trist.* iii. 1, 34; Hor. *Carm.* iv. 15, 8; *Epist.* i. 1, 5, i. 18, 56;—Pers. *Sat.* vi. 45; Plin. *H. N.* xxxv. § 4), as well as of palaces, which in ancient times partook of the sanctity of temples (Verg. *Aen.* ii. 503; vii. 183). Victors in the games suspended their crowns at the door of a temple (Pind. *Nem.* v. 53). In like manner persons fixed to the jambs and lintels of their own doors the spoils which they had taken in battle. (Festus, s. v. *Resignare;* Plin. *H. N.* xxxv. § 7.) Stags' horns and boars' tusks were on the same principle used to decorate the doors of the temples of Diana, and of the private individuals who had taken these animals in the chase. Owls and other nocturnal birds were nailed upon the doors as in modern times (Pallad. *de Re Rust.* i. 35). Also garlands and wreaths of flowers were suspended over the doors of temples in connexion with the performance of religious rites, or the expression of public thanksgiving, being composed in each case of productions suited to the particular divinity whom they were intended to honour. In this manner the *corona spicea* was suspended in honour of Ceres (Tib. i. 1, 21; see also Verg. *Ciris*, 95–98). Laurel was so used in token of victory, especially at Rome (Ovid, *Met.* i. 562), where it sometimes overshadowed the CORONA CIVICA on the doors of the imperial palace. (Ovid, *Trist.* iii. 1, 35–49; Plin. *H. N.* xv. § 127; *laureatis foribus*, Sen. *Consol. ad Polyb.* 35; Val. Max. ii. 8, § 7.) The doors of private houses were ornamented in a similar way, and with different plants according to the occasion. More especially, in celebration of a marriage, either laurel or myrtle was placed about the door of the bridegroom. (Juv. vi. 79, 228; Claud. *de Nupt. Hon. et Mar.* 208.) Catullus, in describing an imaginary marriage, supposes the whole vestibulum to have been tastefully overarched with the branches of trees (lxiv. 278–293). The birth of a child was also announced by a chaplet upon the door (Juv. ix. 84), and a death was indicated by branches of cypress placed in the vestibulum (Plin. *H. N.* xvi. § 139; Serv. *in* Verg. *Aen.* iii. 64). In addition to trees, branches, garlands, and wreaths of flowers, the Romans sometimes displayed lamps and torches before the doors of their houses for the purpose of expressing gratitude and joy (Juv. xii. 92). Music, both vocal and instrumental, was sometimes performed in the vestibulum, especially on occasions when it was intended to do honour to the master of the house, or to one of his family (Pind. *Nem.* i. 19, 20; *Isthm.* vii. 3).

It was considered improper to enter a house without giving notice to its inmates. This notice the Spartans gave by shouting; the Athenians and all other nations by using the knocker (*ῥόπτρον*, Eurip. *Ion*, 1612; Aristoph. *fr.* 103; [Lys.] *c. Andoc.* init.; Harpocrat. s. v.), but more commonly by rapping with the knuckles or with a stick (*κρούειν, κόπτειν*. Becker-Göll, *Charikles*, i. 89 ff.; Plat. *Protag.* 310 B, 314 D). In the houses of the rich a porter (*janitor, custos, θυρωρός*) was always in attendance to open the door (Tibull. i. 1, 56). He was commonly a eunuch or a slave (Plat. *l. c.*), and was chained to his post (Ovid, *Amor.* i. 6; Sueton. *de Clar. Rhet.* 3). To assist him in guarding the entrance, a dog was universally kept near it, being also attached by a chain to the wall (Theocrit. xv. 43; Apollod. *ap.* Ath. i. 4; Aristoph. *Thesm.* 423, *Lysistr.* 1215; Tibull. ii. 4, 32–36); and in reference to this practice, the warning *Cave Canem, εὐλαβοῦ τὴν κύνα*, was sometimes written near the door. Of this a remarkable example occurs in "the house of the tragic poet" at Pompeii, where it is accompanied by the figure of a fierce dog, wrought in mosaic on the pavement (reproduced in the Pompeian house at the Crystal Palace). Instead of this harsh admonition, some walls or pavements exhibited the more gracious SALVE or ΧΑΙΡΕ. The appropriate names for the portion of the house immediately behind the door (*θυρών*, Soph. *Oed. Tyr.* 1242; *Electr.* 328) denotes that it was a kind of apartment; it corresponded to the hall or lobby of our houses. Immediately adjoining it, and close to the front door, there was in many houses a small room for the porter (*cella*, or *cellula janitoris*, Sueton. *Vitell.* 16; Varro, *de Re Rust.* i. 13; *θυρωρεῖον*, Pollux, i. 77). [J. Y.] [W. W.]

IATRALIPTA, or IATRALIPTES (Ἰα*τραλειπτής*), a sort of specialist physician, who in the treatment of disease almost confined himself to the use of friction and anointing (*ἰατραλειπτική*, Plin. *H. N.* xxix. § 2). According to Pliny (*l.* c.) the first person who brought this mode of practice especially into notice was Prodicus (or *Herodicus*) in the fifth century B.C. The iatralipta was a superior person to the mere alipta [see the word]; Harpocras, who is called by this title by the younger Pliny (*Epist.* x. 45), obtained from the Emperor Trajan the freedom of the cities of Rome and Alexandria. The word occurs in some editions of Celsus (*de Medic.* i. 1), but the better reading is *alipta*. It is found also in Galen (*de Compos. Medicam. sec. Locos*, vii. 5, tom. xiii. p. 104) and Paulus Aegineta (*de Re Med.* iii. 47). [W. A. G.]

IATROSOPHISTA (*ἰατροσοφιστής*), a medical title under the Roman Empire signifying, according to Du Cange (*Glossar. Med. et Inf. Graecit.*), one who both taught medicine and also practised it, though it would seem more natural, from the etymology of the word, to consider it to mean a professor of medicine. The name is somewhat varied in form by different authors. Socrates (*Hist. Eccles.* vii. 13) calls Adamantius *ἰατρικῶν λόγων σοφιστής*. Stephanus Byzantinus (*s. v.* Γέα) mentions *τῶν ἰατρῶν σοφιστής*: Callisthenes (quoted in Du Cange), *ἰατρὸς σοφιστής*: and Theophanes (*ibid.*) *σοφιστὴς τῆς ἰατρικῆς ἐπιστήμης*. Several ancient physicians are called by this title, *e.g.* Magnus (Theophilus, *De Urinis*, Praef.), Cassius, the author of *Quaestiones Medicae et Naturales*, and others. [W. A. G.]

IATRUS (*ἰατρός*). [Medicus.]

IDUS. [Calendarium, Roman.]

JENTA'CULUM. [Cena.]

IGNIARIA (*πυρεῖα*), fire-sticks. This contrivance of two specially adapted pieces of wood was one method known to the Greeks and Romans, and probably the most primitive, for producing fire. How far such a method takes us back in the history of civilisation, or how widely it is even now distributed among savage tribes, need not be discussed here: reference may be made to Tylor's *Early Hist. of Mankind*, p. 237; E. Reclus, in *Encycl. Brit.* s. v. *Fire*, &c. Nor need we consider whether the idea was started, as Lucret. v. 199 seems to suggest, by a forest catching fire from friction (cf. Thuc. ii. 77). By Greek and Roman authors it is clearly regarded as having originated in a rude state of life, and so *πυρεῖα* are appropriately made part of the contents of Philoctetes' cave (Soph. *Phil.* 36; it is pressing poetical accuracy too far to contend, as Hermann does, that the *πυρεῖα* there must be flints, because flints are mentioned in line 296): the invention is ascribed to Hermes (*Hymn. ad Merc.* 111). Virgil, however (*Georg.* i. 135), supposes the striking of flints to be the original method, and Pliny (*H. N.* xvi. § 208) conceives the igniaria to have been adopted by scouts on a campaign, or shepherds in the field when flints were not to be obtained. It was probably because of its antiquity that it was the method prescribed for relighting the vestal fire, if by any negligence it went out (Fest. s. v. *Ignis;* Vestales). In Greece the sacred fires seem to have been relighted from the sun's rays by means of concave mirrors (Plut. *Num.* 9).

But, however ancient, the use of igniaria was by no means obsolete in civilised times. "Fire," says Seneca (*Nat. Qu.* ii. 22), "is produced by man in two ways, either struck from a flint or by friction of two pieces of wood" (he omits the burning-glass); and we have elaborate instructions in Greek from Theophrastus, and in Latin from Pliny, as to the selection of wood and the nature of the instruments. It is convenient here to explain how these igniaria were formed, and also to notice briefly the other methods used. The *πυρεῖα*, or igniaria, consisted of the *ἐσχάρα*, a block of soft wood with a hollow in it, and the *τρύπανον* of hard wood, which was twirled round, like an auger, in the hollow of the *ἐσχάρα*. In Latin there were no distinctive names for the two parts, beyond "quod teritur" and "quod terit" (Plin. *l. c.*). For the *ἐσχάρα*, ivy was considered the best wood; for the *τρύπανον*, laurel; but holm-oak and some other woods also could be used, the olive being specially excepted (Theophr. v. 9, 6; Plin. xvi. 207). The sparks produced by this friction, just as those produced by striking the flint, were caught in shavings of wood or dry leaves and grass (Theophr. *l. c.*; Plin. *ib.* 208; Blümner, *Technologie*, ii. 353).

The flint (which was preferred for general use when it could be obtained) appears generally as *lapis*, the word *silex* being used for any hard stone or rock, and by no means appropriated to flint. Pliny (xxxvi. § 138) gives *pyrites* as the name for the best fire-stone; it was struck either by a piece of iron or by another stone (cf. Verg. *Georg.* i. 135; *Aen.* i. 174, vi. 6; Soph. *Phil.* 296). Lastly, the material used as tinder might be ignited by a burning-glass from the sun's rays (Plut. *l. c.*); but it is clear from its omission by Seneca that this was not an ordinary method.

It remains to explain the use of *ramenta sulpurata*, i.e. chips of wood smeared with sulphur (Mart. x. 3). It must not be supposed that these were, like lucifer matches, a *substitute* for the three methods described above. They were merely an improvement upon the simpler kind of tinder, to catch more quickly the spark which still had to be produced by one or other of these methods. This is clear from Plin. xxxvi. § 138, where, speaking of the spark from the flint, he says, "quae excepta sulpure vel fungis aridis vel foliis dicto celerius praebet ignem;" and so Seneca, *Nat. Qu.* i. 1, 8, "apud nos quoque ramenta sulpure adspersa ignem ex intervallo trahunt." From the context it might be supposed that Seneca meant these sulphured chips to be ignited by the sun, but from his expressions in the passage cited above (*Nat. Qu.* ii. 22) it is clear that burning-glasses were not in common use. The effect of sulphur to make a fire spread quickly is noticed by Juv. xiii. 145. The process was much the same as that which prevailed up to the present century: the sparks obtained from the flint or from the igniaria fell on the *fomes* or tinder; as this smouldered the heat ignited the sulphur, and so the *ramenta* caught fire: the matches, in fact, saved time and blowing. These *sulpurata ramenta* were provided by vendors of sulphur, who drove a double trade, joining broken glass with sulphur, hence called *gregale sulpur* (Stat. *Silv.* i. 6, 73; cf. Plin. xxxvi. § 199), and also selling the sulphur matches, or exchanging them for broken glass, which would be sold again when they had mended it with their sulphur. Martial's "sulpurata merx" (xii. 57) may include mended glass as well as matches, but the "pallentia sulpurata" (i. 41) are certainly the yellow *sulpurata ramenta* of x. 3, and not, as Mr. Simcox (on Juv. v. 48) supposes, the glassware mended with and discoloured by sulphur. (See Friedländer, *ad loc.*; Blümner, *Technologie*, iv. 407; Vitrum.) [G. E. M.]

IGNO'BILES. [Nobiles.]

IGNOMI'NIA. [Infamia.]

ILE (*ἴλη*). [Exercitus, p. 784.]

ILLUSTRES. When Diocletian and after him Constantine the Great re-organised the Roman administration, the principal magistrates and officials were divided into three classes:—1. The *Illustres*, who held the first rank;

2. The *Spectabiles;* and 3. The *Clarissimi.* The title of *Illustres* belonged only to the Consules, the Patricii, the Praefectus praetorio, the Praefectus urbi, the Praepositus sacri cubiculi, the Magistri militum, the Magister officiorum, the Quaestor sacri palatii, the Comes sacrarum largitionum, the Comes privatarum, and the Comes domesticorum. Even among the Illustres there was a gradation of rank, the Consuls and Patricii being regarded as higher in dignity than the others. The titles *Sublimissimi, Excellentissimi,* and *Magnifici* are used as synonymous with Illustres. Among the privileges of the Illustres we read that in criminal cases they could only be tried by the emperor himself or by an imperial commission, and that they could appear before the courts by means of procurators. (Cod. Theod. vi. 6, &c., with the commentary of Gothofred; Walter, *Geschichte des römischen Rechts,* § 380, 2nd ed.; Gibbon, *Decline and Fall,* c. 17, vol. ii. p. 21, London, 1846.) [W. S.] [A. S. W.]

IMA'GINUM JUS. [NOBILES.]

IMAGO. Imago was the ordinary Latin word used to signify the copy or likeness of anything ("Imago ab *imitatione* dicta," Festus, p. 112); and, as applied to copies of nature, it includes pictures, statues, busts, or any mode of artistic representation. More particularly, however, *imago* was used to denote the ancestral likenesses which were exhibited in the more public parts of a Roman noble's dwelling. In the houses of the nobility the *imagines* of the forefathers of the head of the household were placed in the *alae,* the two wings which opened out of the hinder part of the *atrium,* or central hall, one on either side (Marquardt, *Privatleben der Römer,* i. p. 233; Vitruv. vi. 3, 6, "Imagines ad latitudinem alarum sint constitutae:" cf. Juv. viii. 19). These imagines were portrait-masks in wax (*expressi cera vultus,* Plin. *H. N.* xxxv. § 6); and the origin of these waxen masks is to be sought, not in the idea of immortalising the features of the dead for the benefit of posterity, but in the ancient beliefs connected with burial and with the life of the dead. That the primary use of the imago was for the purposes of funeral ceremonies is stated by Pliny (*l. c.,* "expressi cera vultus—ut essent imagines quae comitarentur gentilicia funera"); and the original part it played in these ceremonies is shown by the close analogies that we meet with in most of the civilised nations of the ancient world. Benndorf has shown the close resemblance that the Roman imagines bear to the portrait-masks for covering the faces of the dead, which are found in a great many ancient civilisations; they are analogous to the portrait-heads of the Egyptian mummies, and the light masks of gold, silver, bronze, iron, or tin, which are found used for this purpose in Nineveh, Phoenicia, Carthage, and by Schliemann at Mycenae in Greece (Benndorf, *Antike Gesichtshelme und Sepulcralmasken* in the *Denkschriften der Kaiserlichen Academie der Wissenschaften,* xxviii. pp. 302 ff.). The original use of the Roman portrait-masks must similarly have been for covering the faces of the dead. The custom at Rome was to lay out the dead before burial, and in funerals of special distinction this lying in state lasted for seven days (Serv. *ad Aen.* v. 64). For this purpose the services of an embalmer (*pollinctor*) were required; and it is a probable supposition that the services of the *pollinctor* did not end with preparing the body for burial, but that he also fashioned the mask that was to be buried with it. This was done by taking a mould of the face from nature. From this mould he would proceed "to take a cast in wax, to put the finishing touches (*emendare*) and colouring on this waxen image, which was then laid either on the dead man's face or on his effigy" (Benndorf, *l. c.* p. 371). The imagines were then waxen casts from moulds, which were taken from nature; they were faces in relief (*expressi cera vultus*) which received the colours and touches of nature (Lessing, *Sämmtl. Schrift.* x. p. 290). The original mask which was made from the mould was no doubt burnt or buried with the body (Marquardt, *l. c.* p. 236): but a fresh mask might be made from this mould, which was the imago placed in the atrium of a Roman house; and which was used on the occasion of the death of a member of the household, when the imagines of the ancestors formed a part of the funeral procession. Marquardt thinks that the masks might be renewed from time to time, and that on the occasion of such funerals it was not in every case the "fumosae imagines" (Senec. *Ep.* 44, 5; Juv. viii. 8) that were brought to light. The imagines as used in funerals were merely masks which were fitted on to the faces of the actors who represented the dead man's ancestors; but the imagines as kept in the atrium were probably masks fitted on busts. This is the conjecture of Quatremère de Quincy, whose account of the combined uses of these masks, for funeral purposes and for exhibition in the atrium, is extremely probable. He says, "Nothing prevents us from believing that the family portraits in coloured wax had attached to them busts, with the whole head, the neck, the breast, and the commencement of the drapery; but that, for their use in funeral ceremonies, the front part of the head which constituted the face was detached to serve as a mask" (De Quincy, *Le Jupiter Olympien,* p. 37). In the ceremonies of the apotheosis of a deceased emperor described by Herodian, it is not clear whether the imago was a waxen model of the whole form, or a waxen mask fitted on to a statue (Herod. iv. 2, 2, *κηροῦ δὲ πλασάμενοι εἰκόνα, πάντα ὁμοίαν τῷ τετελευτηκότι, ἐπὶ μεγίστης ἐλεφαντίνης κλίνης εἰς ὕψος ἀρθείσης προστιθέασιν*); but we have here probably described a masked statue resembling the masked busts in the atrium. These busts were placed along the walls of the *alae* in small shrine-like recesses (*armaria,* Plin. *H. N.* xxxv. § 6; *ξύλινα ναΐδια,* Polyb. vi. 53), and under each imago was an inscription (*titulus*) giving the name and deeds of the person represented by it. Such inscriptions were called *tituli* (Liv. x. 7, 11), or *indices* (Tibull. iv. 30, "nec quaeris quid quaque index sub imagine dicat"), or *elogia;* having this last name, Mommsen says, because they were regarded as *excerpts* from the fuller *commentarii gentilicii* (Mommsen, *C. I. L.* p. 277, *elogium* from *eligere*). They were brief records of the person's history written in prose, although Atticus, we are told, made a new departure in the composition of tituli by writing them in pointed verse (Corn. Nep. *Attic.* 18). They were in many cases not trustworthy.

family pride sometimes leading to their forgery or falsification (Liv. iv. 16; vii. 40). The imagines were arranged in such an order that, when connected by lines drawn upon the wall, they showed the *stemma* or family tree (Plin. *H. N.* xxxv. § 6, "stemmata vero lineis discurrebant ad imagines pictas"), and the immense length of some of these *gentilia stemmata* (Suet. *Ner.* 37) shows the great antiquity of the practice of preserving the imagines of ancestors; although the fact that some of these pedigrees were traced to a mythical ancestor (Suet. *Galba*, 2) shows that some of these portraits were imaginary representations; that is, if we suppose every link in the chain of descent represented in the atrium of a noble house to have had an imago corresponding to it. On festal days the recesses in which these imagines were kept were thrown open, and the busts crowned with laurel (Cic. *pro Muren.* 41, § 88). The triumphators of a family were regarded with especial pride; there seem to have been two portraits of them in the houses that could boast of this distinction: for we find that, while they had a statue in the vestibule (Juv. vii. 125, "hujus enim stat currus aeneus alti, Quadrijuges in vestibulis"), there was also a full-length portrait of them in the atrium, standing on the triumphal car (Juv. viii. 2, "stantes in curribus Aemilianos"). In this latter passage of Juvenal the portrait is spoken of in connexion with the *stemma* and the *picti vultus majorum*, which shows that this second representation of a triumphator in the atrium was made to bring him into connexion with the table of descent. Whether these full-length portraits to any degree replaced the older waxen masks, or were only used in the case of triumphators, is doubtful. A passage in Martial (ii. 90, 6, "atriaque immodicis artat imaginibus") and one of Vitruvius (vi. 3, 6, "imagines cum suis ornamentis") seem to point to the fact that such full-length portraits were somewhat generally used in later times to represent the more distinguished members of the family (Mommsen, *Staatsr.* i.² p. 429, n. 1).

A complete alteration in the fashion of the magines was caused, during the Empire, through the decreasing number of ancient and noble families, and the rise of new families, who had no imagines, and yet wished to decorate the atrium with portraits. The old waxen masks were now replaced by *clipeatae imagines*, bronze or silver medallions, such as had been long used or the decoration of temples and public places Plin. *H. N.* xxxv. § 6). The senate-house during he Empire was decorated with the medallions *clipei*) of famous orators (Tac. *Ann.* ii. 37, 83); nd at Pompeii the walls of the *alae* in private ouses are adorned with portrait-medallions of his kind (Marquardt, *l. c.* p. 239). These medallions sometimes represented the emperors nd other prominent persons unconnected with he family; but they also replaced the waxen masks as portraits of ancestors (Just. Cod. v. 7, 22), to such an extent indeed that Pliny ells us that in his time the older form of the mago had wholly disappeared (Pliny, *H. N.* xxv. § 6, "Imaginum quidem pictura in totum olevit"). By this is meant only that the ustom of forming such waxen masks as portraits ad ceased, for the older imagines kept in the *armaria* are found as late as the year 276 A.D. (Vopiscus, *Florian.* 6, in which the expression "imagines aperirent" shows that the passage refers to the older waxen masks; Marquardt, *l. c.* p. 239, n. 3).

As has been stated above, the first use assigned to the imagines at Rome was their exhibition in public funerals. This leads to the consideration of the *Jus imaginum*, or the conditions that had to be satisfied by a man before his imago could be exhibited in the funeral processions of any of his descendants. The right was confined to those who had filled the offices of dictator, consul, censor, praetor, and curule aedile: it coexists with the right of the *toga praetexta* and the *sella curulis* (Cic. *in Verr.* v. 14, 36, "togam praetextam, sellam curulem, Jus imaginis ad memoriam posteritatemque prodendae"), and coincides nearly with the possession of curule office, although the interrex, a curule magistrate, does not seem to have been included (Mommsen, *Staatsr.* i.² p. 427, n. 2). We find that the actors at such funerals who wore the imagines of the dead were adorned with the insignia of the offices these had filled in life, with the toga praetexta of the consul or praetor, the purple robe of the censor, or the toga picta of the triumphator, and sat on curule chairs to listen to the laudatio of the member of the race, whose funeral they attended, and to the mention of their own past deeds (Polyb. vi. 53). The *Jus imaginum* must originally have been a sole patrician right, when the patricians filled all the highest offices, and were indeed the only true members of a gens, with which the funeral imagines were intimately connected (Plin. *l. c.* "ut essent imagines quae comitarentur gentilicia funera"); but on the growth of the new nobility of office, which followed on the equalisation of the two orders, it became a privilege of the noble plebeians as well; and the distinction between those who had the *Jus imaginum* and those who had not was equivalent to the distinction between *nobiles* and *novi homines*. This right might, however, be lost after death by one who satisfied the conditions of having held curule office. If it was affirmed by the ruling powers at Rome that a man had not died in the full possession of citizen rights, he lost the privilege of having his imago exhibited, as we see in the case of Brutus and Cassius, the exhibition of whose masks at the funerals of their race was not permitted (Tac. *Ann.* iii. 76, 5); and we find the extinction of this right made part of a penal sentence on a man who had anticipated condemnation by suicide on a charge of *majestas* (Tac. *Ann.* ii. 32, 2, "ne imago Libonis exsequias posterorum comitaretur"). But, as it was possible to fall below this right, so it was possible to rise above it. The representation of the imago was a human privilege; and consequently the deified emperor might not be borne in the procession at the funeral of a member of his race (Dio Cass. xlvii. 19).

Connected with the *Jus imaginum* is the question what restrictions were laid down by the state on the exhibition in public of statues, medallions, or other representations of individual citizens. Mommsen thinks that in the older times at Rome it was forbidden to set up the statue or bust of a living man in a public place, or even in a public part of the house, such as the atrium. In the last two centuries of the Republic this restriction seems to have been removed or neglected; for we find M. Claudius Marcellus, consul in 152 B.C., placing his own statue in the temple of Honos and Virtus founded by his grandfather (Ascon. *in Pison.* p. 12), and L. Fabius Maximus, as curule aedile in 56 B.C., erecting on the Fabian archway a statue of himself (*C. I. L.* i. p. 278; Mommsen, *l. c.* 434, 435). The setting up of the busts and statues of one's forefathers in public seems never to have been forbidden; Pliny, in tracing the origin of the *clipei*, tells us that Appius Claudius, consul in 307 B.C., set up medallions of his ancestors in the temple of Bellona which he had built, with the *tituli honorum* beneath them (Plin. *H. N.* xxxv. § 6), and in the second century B.C. we find the portraits of ancestors taking their place on Roman coins (Mommsen, *Römisches Münzwesen*, p. 462). It is probable that an exhibition of this sort was held by the same standing right as the exhibition in the atrium of those who satisfied the conditions of the *Jus imaginum;* and that therefore it did not require the consent of the state. But the community or the senate might order the setting up of a statue of those who had filled no magistracy, but had done some signal service to the state. Such statues were granted to Horatius Cocles and Cloelia (Liv. ii. 10; ii. 13); and to the boy Aemilius Lepidus by a decree of the senate (Val. Max. iii. 1, 1). Under the Empire, the *princeps* has a standing right of having his statue set up in any public place during his lifetime, and of granting a similar privilege to any officer or magistrate, as Tiberius granted it to Sejanus (Tac. *Ann.* iv. 2, 4; 74, 3). To the emperor's statue, and even to his head on coins, a peculiar sanctity attached; to clasp his imago was equivalent to taking sanctuary, and this right of asylum led to abuses which claimed legal restraint (Tac. *Ann.* iii. 36, 1; Furneaux's note, Gai. *Inst.* i. 53; Mommsen, *Staatsr.* ii.^{2} p. 737, n. 1). The right of individuals to have statues during their lifetime was also extended under the early principate. Augustus ordained that with the honour of a triumph or triumphal ornaments should be joined the erection of a bronze statue of the triumphator (Dio Cass. lv. 10); while Claudius permitted the same honour to those who had built or restored a public building at their own cost (*ib.* lx. 25). But, since the permission to have the triumphal insignia as well as to erect buildings for public uses had to be gained from the senate, the permission to have a statue practically depended on the will of this body, or rather on the will of some member of the ruling house who guided their decisions (Mommsen, *Staatsr.* i.^{2} p. 438).

(Marquardt, *Privatl. der Römer*, i. pp. 235–239, 243; O. Benndorf, *Antike Gesichtshelme und Sepulcralmasken* in the *Denkschriften der Kaiserlichen Academie der Wissenschaften*, xxviii.; Eichstädt, *De imaginibus Romanorum dissertationes duae;* Quatremère de Quincy, *Le Jupiter Olympien*, pp. 36, 37. On the *Jus imaginum*, Mommsen, *Römisches Staatsrecht*, i.^{2} pp. 426 *sqq.*) [A. H. G.]

IM'BRICES. [TEGULA.]

IMMU'NITAS. Immunitas means an exemption from burdens imposed by the state; *munus*, according to the definition of Paulus (Dig. 50, 16, 18), is an "*onus*, quod cum remittatur, vacationem militiae munerisque praestat inde immunitatem appellari." Such a remission might either be granted to individual citizens of a special state from some or all of the munera imposed by that state, or to classes of individuals throughout the Roman world; or the immunitas might take the form of special exemptions granted to whole states from certain duties which they owed to Rome: and in this, its most usual form, immunitas is generally equivalent to exemption from tribute.

This immunity conferred on states was, in the earlier Roman Empire, inseparable from the idea of *societas*, and was not regarded as a special privilege conferred on certain favoured communities amongst the socii. According to the old Roman principle, alliance with Rome excluded *stipendium* of any kind. This was not only the case with the Italians, but with the allied states out of Italy. In any classification the *foederatae* and *liberae civitates* invariably appear as *immunes* [see SOCII]. It is true that in the less organised portions of the Roman Empire the assertion that a nation was free did not necessarily imply that it was *immunis;* on the conquest of Epirus in 167 B.C., though all the Illyrians were declared *liberi*, only some were declared "non solum liberi sed etiam immunes" (Liv. xlv. 26). But the general principle of the taxation of free civic communities did not begin until the period of the later Republic or the early Empire. We find it in the case of Byzantium, which Tacitus describes as tributary (*Ann.* xii. 63), although after the Macedonian war it had been in alliance with Rome and had certainly not been taxed in the early Republic; and in the case of the tributary states of Asia mentioned by Tacitus (*Ann.* ii. 47), two of which, Magnesia ad Sipylum and Apollonidea, were *liberae* (Strabo, xiii. p. 621; Cic. *pro Flacco*, 29, 71). This change is specially noticeable in the East, and probably originated with Pompey's organisation of Asia. Henceforth immunitas was not a necessary accompaniment of autonomy nor even of the *Latinitas* which was conferred on states in the last century of the Republic and in the Empire (Mommsen, *Staatsr.* iii. p. 684 ff.; Marquardt, *Staatsverw.* i. p. 354 ff.); and the immunitas of states became more of an exceptional political privilege. Sometimes it was a special immunity, such as the *beneficium* claimed by the state Tyras in Moesia that its citizens should be freed from the port dues of Illyricum (*C. I. L.* iii. n. 781); sometimes a general exemption from all external burdens, such as that enjoyed by Ilium (Dig. 27, 17, 1; cf. Suet. *Claud.* 25). A mode of establishing immunitas for a state was the conferring of the *jus Italicum*, which implied quiritarian ownership of the soil, and consequently exemption from the land-tribute. This was generally done when the state was declared a *colonia*, but a colonia so created did not necessarily possess this right (Dig. 50, 15, 8, 6, "Divus Antoninus Antiochenos colonos fecit salvis tributis"), although a partial immunitas might be conferred upon it (Dig. *ib.* "Divus Vespasianus Caesarienses colonos fecit non adjecto ut et juris Italici essent, sed tributum his remisit capitis: sed divus Titus etiam solum immune factum interpretatus est"). Many states in Lusitania, Gaul, Germany, Syria, and

Phoenicia, were coloniae and had the *jus Italicum* (Dig. *l. c.*).

The immunitas which was conferred on classes of individuals invariably took the form of an exemption from local burdens, which was granted by Rome either to Romans or to the members of the particular state by which the burdens were imposed. In the leges by which Rome recognised the position of free states she often claimed exemptions for classes of her own citizens; thus in the Lex Antonia de Termessibus the publicani of Rome are exempted from the portoria of Termessus (*C. I. L.* i. n. 204, ii. 35): and the Roman soldiers in the Empire were exempt from duties on all goods which they might carry into or purchase in the provinces for their own use (Tac. *Ann.* xiii. 51; Cod. iv. 61, 3). For another class of munera, personal duties, such as that of being a *tutor*, a limit of age was fixed after which exemptions were permitted (Dig. 50, 6, 4). But, besides such special exemptions, general immunities from local burdens were granted to classes of citizens. Thus during the Empire, and probably by an edict of Augustus, all who belonged to the senatorial order, *i.e.* senators and their direct descendants, were freed from the munera of the community to which they belonged (Dig. 50, 1, 22, 5). They were also freed from the necessity of undertaking its *honores*, which in the municipia were generally regarded as munera, but they retained their position as members of their native state, and were at liberty to fill the local magistracies if they pleased (Dig. 50, 1, 23, "municeps esse desinit quantum ad munera, quantum vero ad honores retinere creditur originem"). Great difficulty was experienced, from an early period of the Empire, in finding citizens willing to undertake public duties in the Italian and provincial towns (see Lex Malacitana, *C. I. L.* ii. n. 1964, c. li.), and the classes of those who claimed an exemption from such burdens (*excusatio municipalium munerum*) were closely scrutinised and were constantly being narrowed. The effective grounds of such *excusatio* were various. One was the number of children possessed by the claimant, another the exercise of certain professions which required release from state burdens "ut necessariam operam publicis utilitatibus exhiberent" (Dig. 50, 6, 6, 12): thus merchants and ship-owners who supplied the state with corn, conductores vectigalium, and certain collegia and corpora of artisans were excused such duties, and a general exemption was granted to rhetors, philosophers, grammarians, and physicians practising their profession in their native state and in Rome (Dig. 27, 1, 6, 8; 50, 6, 6, 12;—Cod. 10, 47 and 48).

Special immunities might further be granted to individuals: the right to confer such immunities was one that Rome reserved to herself both in the foedera and in the laws other than foedera which regulated the rights of her allied states. Exemption from military service was the most frequent of these privileges which she conferred (Lex Jul. Munic. *C. I. L.* i. n. 206, l. 93, "vacatio rei militaris ex foedere," Liv. xxiii. 20, 2), but the power extended to other munera as well, and in the Lex Acilia Repetundarum of 123 B.C. "militiae munerisque publici in sua civitate vacatio" was conferred on any Latin who might convict a Roman citizen under this law (*C. I. L.* i. n. 198, c. 79). During the Empire the exemption from tribute to Rome might be conferred, in an individual case, by a beneficium of the princeps (Suet. *Aug.* 40).

The acts conferring such immunities on states or individuals were called *beneficia* (Cic. *Phil.* i. 1, 3; 7, 17; ii. 36, 91;—Dig. 50, 15, 4, 3); they were, during the Republic, ordained or ratified by a decree of the people (Cic. *Phil.* v. 4, 10), and were revocable if they were no part of a sworn *foedus*. Some immunities of free states might be recalled by the senate through the terms of the lex data (Lex de Term. ii. 6, "ne quis magistratus milites introducito, nisi senatus nominatim decreverit"), and in the case of a foedus being rescinded or libertas being recalled the immunitates they conferred were necessarily lost (Suet. *Tib.* 41). In the Empire such beneficia were conferred by the princeps, and the legal principles regulating them were, that they might be resumed again by the princeps who conferred them, and that their validity ceased with the princeps who had granted them (Mommsen, *Staatsr.* ii.^{2} p. 1126 ff.). This latter principle was instituted by Tiberius (Suet. *Tit.* 8) and continued down to Titus, who introduced the change of conferring all such grants by a single edict (Suet. *ib.*). This principle was followed by later emperors; but this did not exclude special investigation of the grounds of certain exemptions, for instance that of Tyras by Severus (*C. I. L.* iii. n. 781). Prescription was not in every case sufficient to establish a baseless immunity (*C. I. L.* l. c. "nec facile quae per errorem aut licentiam usurpata sunt praescriptione temporis confirmentur"), but the principle was finally developed that immunities granted to states were understood to continue to subsequent generations (Dig. 50, 15, 4, 3). Personal immunities granted to individuals ceased in most cases with their death ("cum persona extinguuntur," Dig. *l. c.*; cf. Dig. 50, 6).

(Mommsen, *Römisches Staatsrecht*, ii.^{2} p. 1126 ff.; iii. p. 684 ff. and p. 474; Marquardt, *Römische Staatsverwaltung*, i. pp. 354–358; Madvig, *Verfassung und Verwaltung des römischen Rechts*, i. p. 84.) [A. H. G.]

IMPE'NDIUM. [FENUS.]

IMPERATI'VAE FERIAE. [FERIAE.]

IMPE'RIUM and IMPERA'TOR. Imperium is the name of the power attaching to the higher magistrate of the Roman People, as soon as he has been fully installed in office by the passing of a Lex Curiata. It is qualified by the nature of the office to which it appertains (Mommsen, *Staatsr.* ii.^{3} p. 845): we have a kingly imperium, a consular imperium, a praetorian imperium, and a dictatorial imperium. In all cases it includes the capacity for both civil and military command. The praetor, for instance, is equally qualified to take command of an army and to administer justice between the citizens; he does both by virtue of the imperium of his office. The details of the manner in which the imperium operates in the processes of Roman Law will be better discussed under JURISDICTIO. Here we have rather to consider the historical and constitutional aspects of the question.

Imperium domi et militiae.—Instead of dividing (as modern states commonly do) the functions of civil and military command, the Romans merely distinguished locally two spheres of administration. Outside the walls (*militiae*, "on service") the imperium exists in all its fulness. Its civil and military powers are exercised at pleasure by every provincial governor. Inside the walls (*domi*) the imperium is, under the Republic, limited by various restrictions; it is subject to the *intercessio* of a colleague, to *provocatio ad populum*, and to extinction by the lapse of the period of time assigned to the office. From the year 494 B.C. the imperium at home is likewise crossed by the rival power of the magistrates of the plebs. From all these restrictions the imperium abroad is free. The difference between the two is not sufficient to make military rule absolutely impossible in the city. On the occasion of a triumph the magistrate (unless he be stopped by a tribune) rides with his army through the street. When the city is actually attacked, it must of course be defended by men enrolled under military discipline, and to the magistrate with imperium the command of these men would necessarily belong; unless, however, he got rid of *intercessio* and *provocatio* by being nominated dictator, he would be somewhat hampered in the exercise of that command. But under ordinary circumstances the distinction between the two localities was enough practically to exclude military government from the space within the walls, to confine the magistrate "at home" to the civil functions of his imperium, and so to justify the verbal opposition of *domi* and *militiae*.

The magistrate legally qualified to act both *domi* and *militiae* was further bound by constitutional custom not to confuse the two spheres, but to mark his entry on the freer field of authority by a solemn exit under special auspices, by the change of dress in which he laid aside the gown of peace for the crimson mantle (*paludamentum*), and by the assumption of the axes which symbolised his enlarged powers. Under the regulations of the later Republic, the occasions on which he was to transfer himself from the one field of government to the other were not left to the discretion of the magistrate, but were marked out for him by the law. The praetor, for instance, who has the *urbana provincia* assigned to him, must remain at home administering justice. Under Sulla's regulations the same appears to have been the case with the consuls, unless the contrary was ordered by a senatusconsultum "ut exeant paludati" (Cic. *ad Fam.* viii. 10), which again could be frustrated by the veto of a tribune. On the other hand, this march out must not be put off too long. If the magistrate allows the last day of his year of office to pass while he is still within the walls, his imperium will lapse along with his magistracy. Probably Sulla's law prescribed a precise time in the December of each year for the ceremony. These points are best illustrated by the situation described in Cicero's speech *de Provinciis Consularibus*, ch. 15; and fully discussed in Mommsen's monograph entitled *Rechtsfrage zwischen Caesar und den Senat*.

Acquisition of the Imperium.—It would perhaps be going too far to say that the imperium was conferred by a Lex Curiata. We find consuls who have failed to obtain this nevertheless holding the senate and conducting the general business of chief magistrate at Rome. It seems to follow that by virtue of their election they can exercise much of the power of their office, and it is that power which is called imperium. Nevertheless it is clear that some of the main functions appertaining to the imperium could not properly be performed unless the magistrate were empowered by a Lex Curiata. Without this the praetor could not sit in judgment (Dio Cass. xxxix. 19), the consul could not hold the assembly for the election of his successors (Dio Cass. xli. 43) nor triumph after a victory (Cic. *ad Att.* iv. 16, 12). It even seems that he could not without it properly take the command of an army at all ("consuli, si legem curiatam non habet, attingere rem militarem non licet," Cic. *de Leg. Agr.* ii. 12, 30). Such rules might, however, be evaded. The Agrarian Law of Rullus (B.C. 63) provided indeed first that a Lex Curiata should be passed for the commissioners, but ordained further that if it were not passed its effects should nevertheless accrue to them. (Cic. *ib.* 11, 28, "quid postea si ea lata non erit? . . . tum ii decemviri, inquit, eodem jure sint quo qui optima lege.") This provision, though Cicero speaks of it as monstrous, could be inserted in any law or plebiscitum creating an extraordinary command. Even in the case of the consul, it was held that the law of Sulla practically dispensed with the necessity for his getting a Lex Curiata before he took command of his province and army. Appius Claudius, consul in 54 B.C., who had been prevented by tribunician intercessio from passing his Lex Curiata, declared nevertheless (Cic. *ad Fam.* i. 9, 25), "se, quoniam ex S. C. provinciam haberet, lege Cornelia imperium habiturum quoad urbem introisset." The law of Sulla manifestly only repeated the old doctrine [see MAGISTRATUS] that the magistrate *cum imperio*, though he may be prohibited from exercising his power except in his own provincia, does not lose it (however long the lapse of time) till he comes again within the city walls. But as the law says, "totidem litteris," that he is to be "cum imperio," this is held by Appius to confer the imperium by implication. Cicero, though he thinks that Lentulus may have a fighting case if he wishes to dispute the claim of Appius to supersede him, nevertheless is clearly of opinion that this claim is good in law ("ne id quidem valde dubium est").

Collision of Imperium.—The rules as to the collision of imperium, when two magistrates, inferior and superior, are acting in one sphere, are the same as those for the collision of auspices [see MAGISTRATUS]. When two magistrates of equal power are acting together "at home," their relations are ruled by the principle of intercessio [see MAGISTRATUS]. As the imperium outside the walls is not subject to intercessio, a different principle there obtains. Two equal magistrates must either agree between themselves who is to command (Liv. xxii. 30, 4), or must divide the army between them (*ib.* 27, 9), or must take command alternately (*ib.* 27, 6). In any case there is always some one whom each soldier is bound to obey without question or interference.

Transition to the Principate.—After the Second Punic War the assignment of definite districts to each single magistrate becomes the rule, and a double command is rare. Each magistrate or pro-magistrate *cum imperio*, having now his locally defined province, is commonly bound not to interfere with his colleagues by exercising any authority in their districts. Nevertheless we have instances in which a co-ordinate or superior proconsular power is committed to a person other than the proper governor of a province. This *infinitum imperium* is ascribed by Cicero (*in Verr.* ii. 3, § 8, and iii. 91, § 213) to M. Antonius, praetor of 74 B.C., who was commissioned against the pirates. Pompey received it for the same purpose by the Gabinian Law (B.C. 67). Pompey had an "aequum imperium cum proconsulibus" (Vell. ii. 31) on any ground within 50 miles of the sea. At a later period (B.C. 57) the *imperium infinitum* was again granted to Pompey as curator of the corn supply of Rome, and it was even proposed, though not carried, to give him a *majus imperium* over that of the ordinary governors (Cic. *ad Att.* iv. 1, 7). Such a superior command was actually voted to the proconsuls Brutus and Cassius in the last days of the Republic. (See Mommsen, *Staatsr.* ii.^{3} p. 655.)

The general rule, that the magistrate must govern his province personally, was also broken through in favour of Pompey. From the year 55 B.C. till Caesar's victory at Ilerda in 49 B.C. he was proconsul of Spain; yet he never set foot in his province, but governed it through legati, while he remained at Rome. In the year 52 he was both consul and pro-consul; for the remaining years he was specially exempted from the rule that the imperium of the pro-magistrate must lapse, as soon as its holder comes within the city walls.

Pompey set a yet more notable precedent for the system of the Principate, when he lent to Caesar for service in Gaul a legion which had pronounced the *sacramentum* in his name. The soldiers so lent owed allegiance to Pompey even while serving in Caesar's army; and when the senate required each of the two proconsuls to send a legion for service against the Parthians, Pompey offered as his contribution that one which was in Caesar's camp. Caesar at once acquiesced in the demand.

Proconsulare Imperium of the Principate.—In B.C. 27 the senate assigned certain provinces to Augustus. He governed them, as Pompey had done, by means of legati, who were invested with the subordinate imperium *pro praetore.* The Emperor remained in the city without forfeiting his proconsular imperium, although it is not clear whether the latter could be exercised over the city itself. Besides his proconsular authority over his own provinces, Augustus had an "infinitum imperium majus," concurrently with his brother proconsuls in the senatorial provinces (Dio Cass. liii. 32, 5; cf. also the case of Germanicus, Tac. *Ann.* ii. 43). The *infinitum imperium* was especially convenient for the command of the fleet which was concentrated in the hand of Augustus. Lastly, every soldier in the empire had pronounced the sacramentum "in verba Caesaris Augusti." The precedent of Pompey's Gallic legion was extended to the whole army: all were soldiers of the Emperor. He either commanded them personally or by his legates, or else lent them to his colleagues in the Proconsulare Imperium or to the proconsuls of the senatorial provinces. Germanicus in Germany and Blaesus in Africa have each an independent imperium, but have only borrowed troops. They may command them in the field, but the Emperor retains the sole appointment of the officers, the sole charge of the recruiting, and the sole right to discharge men from the service. If these powers are ever exercised by another person, it is only by delegation from the Emperor (Mommsen, *Staatsr.* ii.^{3} pp. 848–851).

The Emperor being regarded as continually a general at the head of his army, not only keeps the insignia commonly associated with the name of Imperator, the laurel wreath and laurelled fasces, but has various prerogatives which may be deduced from those of the Republican general. The guard of honour which escorted the commander in the field attends the Emperor at home, and becomes the garrison of the town of Rome. [See PRAETORIANI.] The power of the general to settle his invalided veterans on the lands he has conquered (as Scipio did at the Spanish Italica: Appian, *Hisp.* 38) is interpreted as conferring on the Emperor the right to grant away the *ager publicus;* and the power of rewarding good service on the part of the auxiliary soldiers by the gift of citizenship (Cic. *pro Balbo*, 8, 19) develops into the right to make Roman citizens at will.

It is noticeable that the *proconsulare imperium,* though it was in truth, as Mommsen says (*Staatsr.* ii.^{3} p. 840), "the single definite qualification absolutely necessary to the Princeps, and further sufficient by itself alone to constitute the office," is never mentioned by Augustus himself in the account of his own offices and powers, which is preserved to us in the Monumentum Ancyranum. The assignment of provinces was undoubtedly within the competence of the senate, and it was now held (in extension of the theory propounded by Ap. Claudius) that the senate might therewith confer the power necessary for their government. The official silence gives us to understand that it was a mere matter of administrative arrangement that the charge of certain provinces and armies with the proconsular imperium thereto appertaining was committed to Augustus. [PRINCEPS.]

Title of Imperator under the Republic.—Imperator means, of course, "one possessed of the imperium." Strictly speaking, then, the title should be equally applicable "at home" and "on service." But from a very early period it was felt to be "uncivil" in the magistrate to flaunt his authority in the face of his fellow-citizens at home. The nickname of Imperiosus applied to a Manlius who had unduly magnified his office (Liv. vii. 4, 3) shows the invidious associations of the word. Hence the title of Imperator is never assumed by the magistrate discharging civic functions, nor is the word ever used to describe him. In the army, on the other hand, "Imperator" is the regular mode of address of the soldier to the magistrate under whom he is serving. It is quite clear from Liv. vii. 10, 10, and vii. 16, 5, that this address was used from the first moment that the general took the field, and not only after a victory. The same may be gathered from Appian's story (*Bell. Civ.* iv. 40) of a proscribed man, Rheginus (who had never, so far as we know, won a victory or enjoyed a triumph); one of his old soldiers is described as recognising him with the words: *Ἄπιθι χαίρων, αὐτοκράτορ· τοῦτο γάρ μοι προσήκει καὶ νῦν καλεῖν σε.*

After a victory it was the custom for the troops to greet their commander with a solemn acclamation. In so saluting they employed their every-day title of address, and the cry "Imperator, Imperator," sounded from rank to rank. This ceremony relieved the general so honoured from the obligation of veiling his imperium, and stamped upon him the appellation thus publicly uttered. Henceforth he appends the word Imperator to his name, and the title is used even by civilians who have occasion to address him. In the later Republic the senate sometimes gives emphasis to the honourable distinction by itself inviting or sanctioning the assumption of the title by a victorious general. This assumption is commonly the first step towards claiming a triumph. If it befall a man more than once in his life to achieve successes in the field which thus authorise him to advertise his imperium to the world, he sometimes indicates in adverbial phrase the repetition of his honours, and signs himself "Imperator iterum" or "Imperator ter." Though not every possessor of the imperium is justified in styling himself Imperator, the converse is strictly true; it is impossible for any one to be called Imperator unless he is vested with the imperium. No officer serving under the direct command of another without independent auspices of his own may accept this address (it was refused to the elder Drusus while still only a legate, Dio Cass. liv. 33, 5), and no one who has the title can retain it after he lays down his imperium. This occurs for the proconsul the moment he comes within the city walls, unless his imperium be extended for the day of triumph by decree of the people. [See TRIUMPHUS.] In this case the title lapses with the imperium after that day.

Use of the title by Caesar.—The elder Caesar during the last fourteen years of his life always styled himself Imperator. There is no reason to suppose that in so doing he overstepped any legal restriction. From the day of his victory over the Helvetii in B.C. 58 down to his death he was continuously vested with the imperium, first as Proconsul, then as Consul (B.C. 48), and then as Dictator. As the imperium never lapsed there was no necessity to lay down the title, though his retention of it in the city was "uncivil" doubtless, and arrogant. The title follows Caesar's name in all official documents. [PRINCEPS.]

Praenomen Imperatoris.—With Octavian we come to an entirely new use of the word. In the third year of the triumvirate (B.C. 40) he dropped his praenomen Caius and adopted instead the word Imperator as a praenomen. Side by side with "Marcus Antonius Marci filius" we now find "Imperator Caesar Divi filius." Mommsen (*Staatsr.* ii.² pp. 767–770) has explained this strange transformation in a most ingenious conjecture. He holds that Octavian chose to assume that the title Imperator had so coalesced with the name of Caesar as to have become a sort of honorary cognomen, like Magnus or Africanus. On this assumption he himself would have a hereditary right to his adoptive father's appellation; and once granted that Imperator was a part of the name, it might be transferred at will from the place of cognomen to that of praenomen, just as Nero and Drusus were used as praenomina by several members of the imperial family. Whether we accept this explanation or not, there is no doubt of the fact that Augustus employed the word Imperator as a proper name—*ὥσπερ τι κύριον*, as Dio Cassius (xliii. 44) says of the emperors of his own time. The next three principes did not adopt the *praenomen imperatoris*, but retained each his own ordinary praenomen of Tiberius or Caius. With Nero the practice of Augustus was revived, and succeeding emperors likewise assumed this praenomen, some in conjunction with, some in substitution for, the ordinary one.

Salutation Pro Imperio.—Though not every princeps assumed the word Imperator as part of his name, yet every one of them possessed the proconsulare imperium, and was therefore qualified to be addressed as Imperator either by his troops or by the senate. It was the custom at the beginning of each reign for the senate and soldiers to attest their recognition of this qualification in a solemn greeting which exactly follows the precedent of the greeting after a victory. The study of the imperial coins has led the best authorities (see Mommsen, *Staatsr.* ii.² p. 782) to the conclusion that, notwithstanding the immense difference in the practical significance of the ceremony in the two cases, the salutation *pro imperio* and the salutation after a victory are in law precisely the same thing, and that they are counted as similar units by every emperor who signifies the number of his acclamations among his list of honours. Thus, if we find Imp. IV. attached to a name, we are to understand that the sum is made up by one accession to the throne and three victories.

Whensoever the senate thus salutes a man as Imperator, this is a solemn proclamation that they have either conferred on him (as is their right) the proconsulare imperium, or fully acknowledge him as already invested with it. It is not unnatural that such a salutation by the senate should count as the *dies imperii*, the day from which the Emperor dates the commencement of his reign. In the register of the sacred college of the Arval Brothers we find a feast "ob diem imperii [Vitellii] . . . Germanici quod xiii. Kal. Mai. statutum est," and the date is found to synchronise with the day on which the senate heard of the defeat and death of Otho and voted the customary decrees for his successor (Henzen, *Acta Fratr. Arv.* p. xciv.; Tac. *Hist.* ii. 55; Mommsen, *Staatsr.* ii.² p. 842). In the case of Caligula the *dies imperii* is still more clearly defined. The 18th of March is honoured with a festival, "quod hoc die C. Caesar Augustus Germanicus a senatu Imperator appellatus est" (Henzen, *ib.* p. xliii.).

The case is different when we find the soldiers giving this salutation to a man who does not possess the imperium which is its legitimate foundation. There are republican precedents to show that this need not in every case be construed as an act of mutiny. In the 7th year of the Second Punic War, after the defeat and death of P. and Cn. Scipio in Spain, the remnant of the Roman army placed at their head a knight named Marcius, who extricated them from their danger. When Marcius sent letters to the senate announcing these events (Liv. xxvi. 2), he signed himself *pro praetore*, thus assuming that he had *de facto* acquired the imperium necessary to justify his command of the troops. As he styled himself *pro praetore* his soldiers would doubtless address him as Imperator, indicating thereby their intention to treat him as if he were their lawful commander. The same lesson may be gathered from the story of the first meeting of Sulla and Pompey. Pompey had on his own authority raised an army in Picenum, had baffled the superior forces opposed to him, and effected a junction with Sulla. When the two met, Pompey of course addressed the victorious proconsul as Imperator: Sulla made use of the same title in reply, thus acknowledging Pompey, not as a mere officer of his own, but as invested with an independent command. In both these cases the *de facto* imperium was presumed without any intention of rebellion against legal authority, but in obedience to the supposed necessities of the situation, and with the intention of having the assumption afterwards properly ratified. In somewhat the same way under the Principate, troops whose command was vacant by the death of him whose soldiers they had been, might, irregularly but without any gross breach of constitutional order, offer a provisional allegiance to a new commander. This was done by the praetorians to Claudius after the assassination of Caligula. In the present decay of its practical power no choice was left to the senate but to confirm the initiative of the soldiers. This initiative is all the more justified when the person chosen (as Nero, for instance) already possesses the proconsular imperium as colleague of his predecessor. In this case, as no new imperium begins, the event is not counted in the list of acclamations (Mommsen, *Staatsr.* ii.^{3} 1155). More generally, however, the soldiers in giving this salutation discard a prior allegiance. Here, too, we may find an early parallel in the story told by Livy (vii. 39), of a military insurrection during the Samnite War. The mutineers seized on a retired officer named Quinctius, and offered him the choice of death or *imperium et honorem*. Forced to submit, he was at once saluted "Imperator," and carried to the camp. In like manner when the army of Germany, for instance, greeted its legate Vitellius as Imperator, this acclamation was an act of revolution and civil war. It ascribed the *proconsulare imperium* to one who not only did not already possess it, but who could not possess it without supplanting his legal commander. It further proclaimed the intention of these soldiers to prove their assertion good at the point of the sword.

Vitellius, as we have already seen, dated his reign not from this first salutation, but from the day when his authority was acknowledged by the senate. It was no doubt the more correct and more modest proceeding that the Emperor should thus ignore the irregular inception of his reign, and refer his power to the moment when it was legitimately conferred. But we also find another theory prevalent. From the moment when the pretender has accepted from any voice the salutation of Imperator, he has claimed to be in possession of the magisterial authority which serves as a basis for that title. If these pretensions are afterwards made good, he may without any great breach of propriety look upon them as having received a retrospective sanction, and may refer back to the moment of claim as the moment of acquisition. So we are told (Suet. *Vesp.* 6) that Vespasian kept as his *dies imperii* the day (July 1st) when he was first saluted Imperator by the legions of Egypt, though for months later the senate and the city of Rome were under the control of his rivals.

History of the Title under the Principate.— The supreme importance of the proconsulare imperium and of the functions attached to it added lustre to the derived name of Imperator. It might indeed attach to other persons than the reigning princeps. The Emperor's colleagues might accept the solemn salutation after a victory and assume the title of honour. Tacitus tells us (*Ann.* i. 3) that Augustus "privignos imperatoriis nominibus auxit," and again (ii. 26) of the younger Drusus, that he "nonnisi apud Germanos assequi nomen imperatoris et deportare lauream posse." The title is frequent on their coins, and the word is sometimes used to describe them (Tac. *Ann.* ii. 17, 2; iii. 12, 4). It is also clear that Imperator was the everyday mode of address which the soldiers used towards them no less than towards the princeps. Velleius tells (ii. 104) that when Tiberius was sent by Augustus to take command of the army of Pannonia, his old soldiers crowded round him, exclaiming, "Videmus te, Imperator, salvum recepimus . . . ego tecum, Imperator, in Armenia," &c. The same was probably the case with the senatorial proconsuls of Africa. The soldiers would not have been likely publicly to salute Blaesus Imperator, as they did after his victory over Tacfarinas (Tac. *Ann.* iii. 74), unless they had been used to call him by that name in private. On this occasion Tiberius allowed to Blaesus the assumption of the title, but the precedent was not afterwards followed. By the time of Domitian the word had become so distinctive an emblem of the supreme power that an unfortunate senator was put to death because by a slip of the tongue on the part of the crier he had been proclaimed Imperator instead of Consul. Gradually the proconsular and military associations connected with the words "imperium" and "imperator" fall away. In the jurists of the 2nd century "imperium" and "imperatoria potestas" denote the whole of the powers conferred on the chief of the state (Mommsen, *Staatsr.* ii.^{3} p. 877, n. 1). "Imperator" becomes the title of the chief magistracy, and to a great extent supplants that of "princeps" by which Augustus had chosen to describe himself. [J. L. S. D.]

IMPLUVIUM. [DOMUS.]

IMPU'BES. In the Roman law there were several distinctions of age which were made with reference to the legal position of a person. 1. The first period was from birth to the end of the seventh year, during which time persons were called *infantes*, or *qui fari non possunt*. 2. The second period was from the end of seven years to the age of puberty, which came to be fixed at the end of fourteen or twelve years, according as the person was a male or female (*infantia majores*). 3. The third period was from the age of puberty to the end of the twenty-fifth year, during which period persons were *adolescentes*, *adulti*, *puberes*, *minores* xxv *annis* or *annos* or *annorum*, or simply *minores* [CURATOR]. 4. The fourth period was from the age of twenty-five, during which persons were *majores*.

Thus impuberes were divided into two classes: *infantes* or those under seven years of age, and *infantia majores* or those above seven, who are generally understood by the term *impuberes*. An impubes not in the power of a father, whether above or below infantia, was subject in respect of his property to a guardian called *tutor*, and hence the term *pupillus* or ward is often used as equivalent to impubes. Of the two classes of impuberes:—

1. *Infans*, *infantia*.—Infans properly means *qui fari non potest*. The phrase *qui fari potest* is itself ambiguous; but the Romans in a legal sense did not limit it to the mere capacity of uttering words, which a child of two or three years old generally possesses, but they understood by it a certain degree of intellectual development; and, accordingly, the expression *qui fari potest* expressed not only that degree of intellectual development which is shown by the use of speech, but also the capacity of speaking fluently and grammatically, and so of using legal forms of words. A person while he was an infans could not perform any legal act, nor could he incur any liability on account of a delict. The termination of infantia was fixed from a very early time by a positive rule of law at the end of the seventh year.

2. *Impuberes*, *infantia majores*.—An impubes who had passed the limits of infantia and was not in the power of a father could do any legal act with the sanction (*auctoritas*) of his tutor; without the interposition of his tutor he could only do those acts which were for his benefit, not such as might injure him. Accordingly, such an impubes could be a promisee in a stipulation (*stipulari*, *stipulator*), but he could not be the party making the promise (*promittere*, *promissor*); in other words, as Gaius (iii. 107) expresses it, a pupillus could only be bound with the sanction of his tutor, but he could bind another without such sanction (cf. Inst. i. 21, pr. 1). An impubes who was pupillus could not release a debt without the concurrence of his tutor, though he could enter into a binding contract by himself that he should be released from a debt. He could not pay money without his tutor; nor could he receive money without his tutor in payment of a debt,—at least it was not a valid payment; but since the rule as to the incapacity of an impubes was made only to save him from loss, the praetor would not allow him to recover the debt again, while he retained the benefit of the previous payment. He could enter into a betrothal (*sponsalia*) alone, because the auctoritas of the tutor had reference only to property; and sponsalia did not give rise to any liability to be sued. An impubes could not without the sanction of his tutor be plaintiff or defendant in a suit. He could acquire the ownership of property alone, but he could not alienate it, or manumit a slave unless with the concurrence of his tutor. Such sanction was also necessary to enable a pupillus to transfer possession of a thing; for though possession as such was not founded on legal right, legal advantages were attached to it. As to the acquisition of possession, possession itself being a bare fact, and one of its fundamental conditions being the *animus possidendi*, the pupillus could not properly acquire possession for himself, till he was legally capable of an act of will; but with the co-operation of his tutor he was allowed to acquire possession, while he was an infans, and thus the acquisition of possession by a pupillus was facilitated *utilitatis causa*. There was no formal difficulty in this case, because it was not necessary that words should be used. Subsequently the legal doctrine was established that a tutor could acquire possession for his pupillus (Dig. 41, 2, 1, § 20).

An impubes could acquire a hereditas with the sanction of his tutor, which sanction was necessary, because a heres was personally liable for the debts of the deceased; but in early times such acquisition could not be effected, since the hereditas could only be acquired by means of a very formal act (*actus legitimus*), called *cretio*, in which the tutor was incapable of interposing. This difficulty was got over by the doctrine of *pro herede gestio*: the tutor might permit the pupillus to act as heres, which was allowed the same effect as cretio; and this doctrine would apply even in the case of infantes, as no expression of words was necessary in order to the *pro herede gestio*. In the case of the praetorian succession (*bonorum possessio*), the father could apply for it on behalf of his child, and the tutor on behalf of his pupillus, without any act being done by the impubes. By the imperial legislation, a tutor was allowed to acquire the hereditas for his pupillus, and the father for his son, who was in his power, and therefore the doctrine of *pro herede gerere* was rendered unnecessary in this case. According to Savigny, the rule that an *impubes major infantiâ* could act for his own benefit without the sanction of a tutor was unknown to the early civil law, which did not recognise any act of a pupillus unless it was sanctioned by his tutor. But as the age of puberty was only fixed because it was necessary to fix some limit which might apply to all cases; and as in many cases, when a person bordered on the age of puberty (*pubertati proximus*) and had not yet attained it, he might have sufficient understanding to do many legal acts, a person who was *proximus pubertati* was in course of time considered competent to do certain legal acts without the auctoritas of a tutor, though to secure him against fraud and mistake he could only do such acts as were for his own advantage. This relaxation of the old law was beneficial both to the impubes and to others; but owing to its being confined to such narrow limits of time, it was of little practical use, and accordingly it was extended as a positive rule to a longer period below the age of puberty. It was, however, necessary to fix a limit here also, and accordingly it was determined that such limited capacity to do legal acts should commence with the termination of infantia, which, legally defined, is that period after which a person either alone or with a tutor, is capable of doing legal acts. The principle of the law was that a person could not act for himself, until he had understanding enough to know what he was doing (*qui jam aliquem intellectum habent*); and though a person who was not much above the age of infantia (*infanti proximus*) might not have such understanding, a more liberal interpretation was given to the law (*benignior juris interpretatio*), by virtue of which a pupillus who was *infanti proximus* was placed on the same footing as one who was *pubertati proximus*. (Compare Inst. iii. 19, 10, with Gaius, iii. 108.)

There has been considerable difference of opinion among commentators as to the exact meaning of the terms *pubertati proximus* and *infantiae* or *infanti proximus* (Gaius, iii. 109). (See Gensler, in *Ziv. Arch.* iv. 18; Dirksen, in *Rhein. Mus.* i. 316.) They signify respectively one who is near attaining pubertas and one who has just outgrown infancy; but whether there was an intermediate period during which an impubes was neither *infantiae proximus* nor *pubertati proximus*, is doubtful.

An impubes who was in the power of his father could not bind himself by legal acts even with the sanction of his father; for, in the case of a pupillus, the auctoritas of the tutor was only allowed in respect of the pupillus having property of his own, which a son in the power of his father could not have.

An impubes *major infantia* was liable on account of his delicts, if he understood the nature of his acts, and there was a presumption of such understanding in the case of an impubes *pubertati proximus*. An impubes could not contract a valid marriage.

According to the legislation of Justinian (Inst. i. 22) pubertas in the case of a male was attained with the completion of the fourteenth, and in a female with the completion of the twelfth year; but it seems probable that in early Roman law the age of puberty might differ in individual cases instead of being a fixed period. In the case of females, the rule of twelve years was established much earlier than the corresponding rule in the case of males, and was unquestionably the law according to the writings of the jurists. (As to the ancient practice, see Serv. in *Aen.* vii. 53; Quint. *Ded.* 279.)

There was a dispute among the jurists as to the test for determining the puberty of males. The Sabinians maintained that the age of puberty was to be determined by physical capacity (*habitu corporis*), to ascertain which a personal examination might be necessary; the Proculians fixed the age of fourteen complete, as that which absolutely determined the attainment of puberty (Gaius, i. 196; Ulp. *Frag.* 11, 28); and this latter view was, as we have seen, confirmed by Justinian, fourteen being the ordinary age of puberty in males and twelve in females. The view of the Proculians appears to have been that of the ancient law, which was modified as manners became more refined (Cod. 5, 60, 3).

The attainment of puberty by a man was celebrated by sacrifices and by the assumption of the toga virilis: thus *investis* is opposed to *vesticeps* or *pubes*. In Apuleius (*de Mag.* 98) a tutor is blamed for having given the toga virilis to his pupillus at too early an age (Voigt, *Zwölf Tafeln*, i. § 32). On attaining puberty, a man became capable of exercising public rights, though with some restrictions. Thus a person could not participate in the Comitia Centuriata, and was not liable for military service till he had reached *juventus*, i.e. completed his seventeenth year. (Dionys. iv. 16; Tubero, *Hist. bei Gell.* x. 28, 1: cf. Liv. xxii. 57, 9; xxv. 5, 8; xliv. 44, 3;—Plut. *C. Gracch.* 5, as cited by Voigt; see also Marquardt, 121.) As to the protection given to *minores vigintiquinque annis*, see CURATOR. (Bynkershoek, *Obs.* iii. 24; Cramer, *de Pubert. termino;* Klein, *Schriften herausg. von Ratjen*, 40, &c.; Savigny, *Syst.* § 1091; Rossbach, *Römische Ehe*, 273 f., 275 f., 403 f.; Marquardt, *Privatleben*, i. 121 f.; Becker-Göll, *Gallus*, ii. 108 f.; Voigt, *Zwölf Tafeln*, i. § 32).

There appears to have been no practice among women, similar to that among men, of adopting the toga virilis, as women probably wore the toga praetexta till they were married. (See Rossbach, *Die Röm. Ehe*, 273 and 417; and for a contrary opinion, Voigt, *ubi supra*, i. 32, n. 14, and *Rhein. Mus. f. Phil.*, N. F., 1878, xxxiii. 486.) It is to be noticed that, though the pupillaris tutela ended with females on the completion of their twelfth year, they still remained subject to tutela of a modified kind (*perpetua tutela mulierum*) until the later period of Roman law. [G. L.] [E. A. W.]

INAUGURA'TIO was in general the ceremony through which the augurs obtained, or endeavoured to obtain, the sanction of the gods to something which had been decreed by man. It was of especial importance under the kings, for it was the formal rite whereby the gods declared their acceptance of a certain person as the agent through whom alone they would have dealings with the community, and who therefore had an imperative claim upon the obedience of the citizens. The king himself asked the gods for the sign of their approval: the augur only attended to recite the proper formula of consultation, and to interpret according to the rules of his art the answer given. It is a serious mistake to suppose with Lange that a king was inaugurated under the auspices of an interrex: as soon as an interrex had named a rex, the right of auspices passed to the latter, and he himself asked the gods for their approval of his nomination (Liv. i. 18, 44, 55; Plut. *Num.* 7). Under the republic the inauguratio of the rex sacrificulus and of the flamines was performed by the college of pontiffs in the Comitia Calata (Labeo in Gell. xv. 27). This was due to the fact that while the king had the *spectio*, or right of taking the auspices himself, this was not the case with the rex sacrificulus (Mommsen, *Röm. Staatsr.* ii. 9). The pontifex maximus naturally acted with the assistance of the augurs; and hence he had the right to enforce the inauguratio, if it was refused by the augurs, and if he considered that there was no sufficient ground for refusing it (Liv. xxvii. 8, xl. 42). In the case of the pontiffs, augurs, vestal virgins, Salii, and probably all the other priests, the inauguration took place, not at an assembly, but *pro collegio* (Marquardt, *Röm. Verw.* iii. 223). Livy seems to represent one augur alone as performing the right of inauguratio in the case of Numa Pompilius (Liv. i. 18; compare Cic. *Brut.* 1, 1; Macrob. *Sat.* ii. 9); and it would seem that in some cases a newly-appointed priest might himself not only fix upon the day, but also upon the particular augur by whom he desired to be inaugurated (Cic. *l. c.*; and *Philip.* ii. 43, 110).

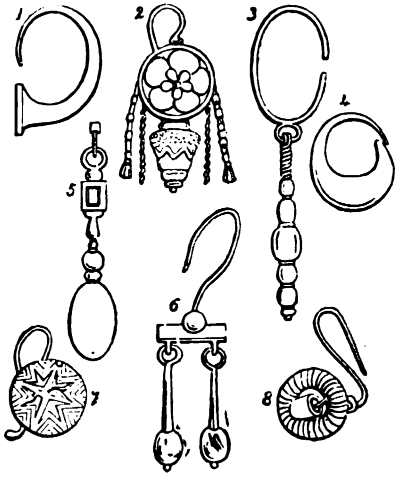
The higher magistrates continued to be inaugurated under the republic (Dionys. ii. 6), and for this purpose they were summoned by the augurs (*condictio*, *denuntiatio*) to appear on the Capitol on the third day after their election (Serv. *ad* Verg. *Aen.* iii. 117). This inauguratio conferred no priestly dignity upon the magistrates, but was merely a method of obtaining the sanction of the gods to their election, and gave them the right to take the auspicia; and on important emergencies it was their duty to make use of this privilege. At the time of Cicero, however, this duty was scarcely ever observed (Cic. *de Divin.* ii. 36, 76). A building was "inaugurated" only when it was to be used for meetings of the senate, or when the rites to be performed there required it should be a *templum.* The *inauguratio* hallowed the site, and the *consecratio* the building. Thus the *Aedes Vestae* was consecrated, but not inaugurated, and meetings of the senate were never held there.

[The word *inauguratio* is post-classical, but the verb *inaugurare* is commonly in use.] Cp. AUSPICIA. [L. S.] [A. S. W.]

INAURIS, an ear-ring; called in Greek *ἐνώτιον*, because it was worn in the ear (*οὖs*), and *ἐλλόβιον*, because it was inserted into the lobe of the ear (*λοβός*), which was bored for the purpose; also *ἕρματα*, from *εἴρω*, "to string together" (cf. *ὅρμος*: Hom. *Il.* xiv. 182, *Hymn.* ii. *in Ven.* 8; Plin. *H. N.* xii. § 2).

Ear-rings were worn by both sexes in Oriental countries (Plin. *H. N.* xi. § 136); especially by the Lydians (Xen. *Anab.* iii. 1, § 31), the Persians (Diod. Sic. v. 45), the Babylonians (Juv. i. 104), and also by the Libyans (Macrob. *Sat.* vii. 3, § 7), and the Carthaginians (Plaut. *Poen.* v. 2, 21). Among the Greeks and Romans they were worn only by females.

This ornament consisted of the ring (*κρίκος*, Diod. Sic. *l. c.*) and of the drops (*stalagmia*, Festus, p. 317; Plaut. *Men.* iii. 3, 18). The ring was generally of gold, although the common people also wore ear-rings of bronze (see Nos. 1, 4, from the Egyptian Collection in the British Museum). Instead of a ring a hook was often used, as shown in Nos. 6, 8. The women of Italy still continue the same practice, passing the hook through the lobe of the ear without any other fastening. The drops were sometimes of gold, very finely wrought (see Nos. 2, 7, 8), and sometimes of pearls (Plin. *ll. cc.*; Sen. *de Ben.* vii. 9, § 4; Ovid. *Met.* x. 265; Claud. *de VI. Cons. Honor.* 528; Sen. *Phaedr.* 400) and precious stones (Nos. 3, 5, 6). The pearls were valued for being exactly spherical (Hor. *Epod.* 8, 13), as well as for their great size and delicate whiteness; but those of an elongated form, called *elenchi*, were also much esteemed, being adapted to terminate the drop, and being sometimes placed two or three together for this purpose (Plin. *H. N.* ix. § 113; Juv. vi. 459). In the Iliad (xiv. 182, 183), Hera, adorning herself in the most captivating manner, puts on ear-rings made with three drops; on the epithets *τρίγληνα μορόεντα*, see Helbig, *d. Hom. Epos*, p. 271 f.; Leaf, *ad loc.*; GEMMA. Pliny observes (xi. § 136) that greater expense was lavished on no part of the dress than on the ear-rings; and according to Seneca the value of two or three estates might be worn in a single ear (*de Ben.* vii. 9, § 4; cf. *de Vita Beata*, 17, § 2). All the ear-rings above engraved belong to the Hamilton Collection in the British Museum; we add another of a more elaborate description, in which animal figures of high artistic beauty take the place of mere ornamental patterns.



Ear-rings. (British Museum.)

Inauris. (British Museum.)

In opulent families the care of the ear-rings was the business of a female slave, who was called *Auriculae Ornatrix* (Gruter, *Inscr.*). The Venus de' Medici, and other female statues, have the ears pierced, and probably once had ear-rings in them. The statue of Achilles at Sigeum, representing him in female attire, likewise had this ornament (Serv. in Verg. *Aen.* i. 30; Tertull. *de Pall.* 4). [J. Y.] [W. W.]

INCENDIUM, the crime of setting any object on fire, by which the property of a man is endangered. It was thus a more general term than the modern *arson*, which is limited to the act of wilfully and maliciously burning the property of another. The crime of incendium was the subject of one of the laws of the Twelve Tables, which inflicted a severe punishment on the person who set fire to property maliciously (*sciens prudens*); but if it were des by accident (*casu, id est negligentia*), the law obliged the offender to repair the injury he had committed (Dig. 47, 9, 9). The punishment, however, of burning alive, which is mentioned in the passage of the Digest referred to, is supposed by modern commentators not to have been contained in the Twelve Tables, but to have been attributed to earlier times in the imperial period. In the Second Punic War a great fire broke out at Rome, which was evidently occasioned *humana fraude*. The offenders were discovered and punished (*animadversum est*), but Livy unfortunately does not state in what manner (Liv. xxvi. 27). The crime of incendium was the subject of various enactments in the last century of the Republic. Sulla in his Lex Cornelia de sicariis punished malicious (*dolo malo*) incendium, but only in the city or within a thousand paces of it, with *aquae et ignis interdictio*, since it was frequently employed as a means for the perpetration of murder, which was especially the subject of this law (Dig. 48, 8, 1). Cn. Pompeius in B.C. 52 made incendium a crime of *vis* by his Lex Pompeia de vi, in consequence of the burning of the Curia and the Porcia Basilica on the burial of Clodius; and the dictator Caesar also included it in his Lex Julia de vi, which enacted that any act of incendium committed by large numbers of men, even if the object of their assembling together was not incendium, should be treated as *vis* and punished with *aquae et ignis interdictio* (Cic. *Phil.* i. 9, 23; cf. *Parad.* 4). The more recent Lex Julia de vi seems to have been less severe, but it is uncertain what punishment it ordained (Paul. 5, 26, 3). The crime of incendium fell equally under *vis publica* and *vis privata* (Dig. 48, 6, 5; Paul. *l. c.*): and besides the two criminal prosecutions given by the Lex Cornelia de sicariis and the Lex Julia de vi publica seu privata, a person could also bring actions to recover compensation for the injury done to his property: (i.) by the actio legis Aquiliae, in case of accidental incendium (Dig. 9, 2, 27, 5; 48, 19, 28, 12); (ii.) in the case of a person who had committed robbery or done injury during an incendium, there was a praetorian action de incendio, which compelled him to restore fourfold the amount (Dig. 47, 9, 1 to 5). In the imperial period various distinctions were made in the crime. First, a distinction was made according to the greater or smaller danger of the incendium to the contiguous objects: thus incendium in the city was punished with more severity than incendium in the country (Dig. 48, 19, 28, 12; 47, 9, 1, 12;—Paul. 5, 20, 1 and 2). Secondly, a distinction was made according as the act had been performed *dolo*, *culpa*, or *casu*. If the incendium was not malicious, but still might have been avoided by ordinary care, and when *casus* therefore approximated to *culpa*, a person had to make compensation, and if he was unable to pay damages he might receive a slight punishment ("levius castigatur," "modice vindicatur," Dig. 47, 9, 9 and 11; 48, 19, 28, 12: cf. Coll. Leg. 12, 6; Paul. 5, 3, 6); but if the incendium was purely accidental (*fortuitum*), no compensation was necessary (Dig. 48, 19, 28, 12).

During the later Republic incendium, as falling under the Lex Cornelia or the Lex Julia, would have formed the subject of an ordinary JUDICIUM PUBLICUM. During the Empire it gave rise to a *cognitio extraordinaria*, held usually by the Praefectus urbi, but in some cases by the Praefectus vigilum. The more serious cases, those that involved *dolus*, or *culpa* of an aggravated character, came before the Praefectus urbi (Dig. 1, 15, 3 and 4), who could exercise his discretion in inflicting any of the severer punishments attached to the crime. The only fixed rule as to the penalty was that malicious incendium in the town was punished *capite* (Dig. 49, 9, 12, 1); the position of the guilty party often determining the mode of punishment. Thus *humiliores* were thrown to wild beasts, and the penalty of being burnt alive was probably reserved for the same classes; those in a better position ("in aliquo gradu") were punished by the sword (Dig. *l. c.*), and for those of a still higher rank ("altiores") *deportatio* was the penalty. Milder cases of incendium, those which were not committed *dolo*, but in which *casus* approximated to *culpa*, were tried summarily by the Praefectus vigilum, in virtue of the jurisdictio he exercised as chief of the fire-brigade at Rome (Mommsen, *Staatsr.* ii.^{3} p. 1058; see VIGILES). He tried those who had carelessly given rise to fires in their own homes ("qui negligentia apud se ignes habuerint," Dig. 1, 15, 4), and thus endangered the property of others; sometimes he dismissed the accused with a caution, but in cases of culpable negligence he might punish *fustibus* or *flagellis* (Dig. 1, 15, 4). He probably had the preliminary cognisance in all cases of incendium, since it was his duty to remit the more aggravated cases to the jurisdiction of the Praefectus urbi (Dig. 1, 15, 3 and 4).

(Rein, *Criminalrecht der Römer*, pp. 765–774.) [W. S.] [A. H. G.]

INCENSUS. [CAPUT; CENSUS.]

INCESTUM. *Incestus*, derived from *in* and *castus*, is applied as an adjective to any act that may be regarded as a breach of morality or religion. Hence the substantive *incestum* in its earliest signification, and before the juristic distinction between incest *jure gentium* and incest *juris civilis* had been developed, was applied to acts which religion, or natural morality which had a religious sanction, distinctly forbade. It was applied therefore to breaches of religious obligation, such as the unchastity of a Vestal, and to sexual relations established between individuals within certain degrees of consanguinity. The latter class of actions was the widest covered by the term *incestum*, and it is within this class that we get the later distinction between incestum jure gentium, which includes nearly though not quite all such actions as morality forbids, and incestum juris civilis, which includes such actions as were forbidden by positive law. It is thus not an exhaustive classification, for there were relations prohibited by morality (*mores*), and which therefore did not belong to the Jus Civile, such as relations between those in the same line of kinship (*ex transverso, ex latere*) which did not fall under the Jus Gentium, since this only forbade connexion between ascendants and descendants (Dig. 23, 2, 68, "jure gentium incestum committit qui ex gradu ascendentium vel descendentium uxorem duxerit;" Dig. 23, 2, 8, "sororem ducere non potest, quia hoc jus moribus non legibus introductum est:" cf. Dig. 45, 1, 35, 1).

The old Roman law did not know of this distinction, and probably took cognisance of incest only as a religious offence. A survival of this view is found in the sacra and piacula which even at a late period followed a condemnation on a charge of incest (Tac. *Ann.* xii. 8): and the case of a distinct breach of religion, such as the unchastity of a Vestal, was always treated in this spirit (Platner, *Quaestiones histor.* p. 25). The Vestal was tried before the pontifices (Liv. viii. 15; Cic. *de Leg.* ii. 9, 22, "incestum pontifices summo supplicio sanciunto"), and, if found guilty, was led through the forum and buried alive in the campus sceleratus near the Colline gate (Dionys. viii. 89, ix. 40; Liv. viii. 15, xxii. 57; Juv. iv. 9; Festus, s. v. *sceleratus campus*), her paramour being scourged to death (Liv. xxii. 57; Festus, s. v. *probrum*). It is probable that the violation by Clodius of the women's festival of the *Bona Dea* was regarded as a case of religious incest. It is never distinctly called *incestum;* but the combined elements of impiety and unchastity in the act would have made it akin to the Vestal's breach of her vow. In this instance, however, after the report of the religious colleges had been made, the case was tried before a special secular tribunal (Cic. *ad Att.* i. 13, 3).

To constitute the incest which arose from marriage within the prohibited degrees of relationship, *dolus* was necessary; and thus ignorance of the fact was always excused. Ignorance of the law was a valid plea in exceptional cases; it was an excuse for the woman when the incest was *juris civilis*, and also for men under age, probably under the same condition (Dig. 48, 5, 38, 2, 4 and 7; Savigny, *System*, iii. p. 391). The prohibited degrees of relationship might exist either between ascendants and descendants, or collaterally (*ex latere*). To the former class belong those who bore to one another the relation of parents to children ("quae parentum liberorumve locum inter se obtinent," Gaius, i. 58; Just. *Inst.* i. 10, 1); that is, the relation of actual parents to children by *cognatio*, the relation of step-parents and children and the relation of parents and children in law by *affinitas*, or the relation of parents and children by *adoptio*. The relations of *affinitas* were apparently no bar to marriage in Cicero's time (Cic. *pro Cluent.* 5, 11); they were perhaps first made such by the Lex Julia (Schulin, *Geschichte des röm. Rechts*, p. 205), and were subsequently interpreted in the most extended sense (Dig. 23, 2, 14, 4). The relationships of ascent and descent created by adoption were considered to continue even after the adoption had been dissolved by manumission (Just. *Inst.* i. 10, 1; Gaius, i. 59: cf. Dig. 23, 2, 14). The other class of prohibited degrees included those who were collaterally related either by nature or by adoption; the connexion, however, between an adoptive brother and sister ended with the dissolution of the adoption; they might therefore marry when emancipated, and a consequence of this was that, if a man wished to adopt his son-in-law, he had first to emancipate his daughter, and if to adopt his daughter-in-law to emancipate his son (Just. *Inst.* i. 10, 2; Gaius, i. 61; Dig. 23, 2, 17, 1). Marriage between brothers and sisters in law was incestum *juris civilis*, but the principle was subject to modification, as in the temporary permission of marriage with a deceased brother's wife (Cod. 5, 5, 9). Marriage relations between uncle and niece, aunt and nephew, were prohibited until the time of Claudius; through his marriage with Agrippina the law was modified (Suet. *Claud.* 26; Tac. *Ann.* xiii. 5 and 7), so that, while marriage with a brother's daughter was permitted, that with a sister's daughter was not: but finally both kinds of marriage were again prohibited by Constantine (Cod. Theod. iii. 12, 1). This did not extend to adoption: "avunculus nemo fit per adoptionem" (Dig. 23, 2, 12, 4), and a man might marry his adoptive sister's daughter (Just. *Inst.* i. 10, 3). Marriage between cousins was allowed originally (Cic. *pro Cluent.* 5, 11; Plut. *Qu. Rom.* 6), but afterwards forbidden (Cod. Theod. iii. 10). A change of status did not affect existing relationships; and as the dissolution of adoption did not dissolve most of the degrees of relationship, so in the case of slaves manumission did not dissolve the connexions, both in the degrees of cognatio and of affinitas, which prohibited marriage (Dig. 23, 2, 14, 2).

In early times at Rome there was no legislation on the subject of incestum; nor even when the later distinctions had originated was there any direct legislation on the subject; the Lex Julia de adulteriis only treated incest in so far as it was also adulterium: but the jurists attached all the imperial edicts and their interpretation to this Lex Julia, and so brought *incestum* under the heads of *adulterium* and *stuprum* (Rein, *Criminalrecht*, p. 873). The ordinances on the subject then attached firstly to incestuous marriage, in which case the marriage was void and the children illegitimate (Just. *Inst.* i. 10, 2; Gaius, i. 64): the man was punished by *relegatio* (Paul. 2, 19, 5), and the punishment was *levius* when the marriage was concluded *palam*, and therefore presumably "bonâ fide" (Dig. 48, 5, 39, 5), *gravius* when it was concluded *clam* (Dig. 23, 2, 68);—secondly to incestuous adultery—that is, adultery with a married woman within the bounds of relationship: the punishment was *deportatio in insulam* for the man, *relegatio* for the woman (Paul. 2, 26, 15, 38);—and thirdly incestuous stuprum, or incest when the related woman was unmarried, which was punished in the case of the man by *deportatio* (Dig. 48, 18, 5).

As there was no separate legislation on the subject of incestum, so there was no separate process for the trial of the crime, except in the case of incest regarded from a purely religious point of view. We find that the ordinary cases were originally made the subject of a *judicium populi* (Plut. *Qu. Rom.* 6), and the old penalty of being thrown from the Tarpeian rock (Quint. viii. 8) reappears under the Empire (Tac. *Ann.* vi. 19). We hear of trials for incest during the Empire taking place before the senate (Tac. *Ann.* vi. 49), and, as connected with the Lex Julia de adulteriis, it would have been made the subject of an ordinary *judicium publicum*. The torture of slaves, for the purpose of eliciting evidence against their masters, was permitted in these cases (Cic. *in Mil.* 22, 59; Dig. 48, 18, 5), and we read of an accused Vestal being required "familiam in potestate habere" (Liv. viii. 15), which means that she was prevented from manumitting her slaves and so escaping the evidence which might be wrung from them by torture.

(Rein, *Criminalrecht der Römer*, pp. 869 ff.; *Privatrecht der Römer*, pp. 404 ff.; Walter, *Geschichte des römischen Rechts*, pp. 830 ff.; Schulin, *Geschichte des römischen Rechts*, pp. 176, 204 ff.; Madvig, *Verfassung und Verwaltung des römischen Staates*, p. 830.) [A. H. G.]

INCITE'GA, a corruption of the Greek *ἀγγοθήκη* or *ἐγγυθήκη*, a term used to denote a piece of domestic furniture, variously shaped, and made of silver, bronze, or wood; sometimes adorned with figures; and employed to hold amphorae, bottles, alabastra, or any other vessels which were round or pointed at the bottom, and therefore required a separate contrivance to keep them erect (Athen. v. p. 209 f—210 c; Festus, s. v. *Incitega*; Bekk. *Anecd.* p. 245; Wilkinson, *Anc. Egyptians*, ed. Birch, vol. ii. pp. 8, 9, 42). Some of those used at Alexandria were triangular (Ath. *l. c.*). We often see them represented in ancient Egyptian paintings. The annexed woodcut shows three *ἀγγοθῆκαι*, which are preserved in the British Museum. Those on the right and left hand are of wood, the one having four feet, the other six; they were found in Egyptian tombs. The third is a broad earthenware ring, which is used to support a Grecian amphora.


Incitegae. (British Museum.)

Of the two Greek forms, *ἐγγυθήκη* is the best attested (Lys. *ap.* Ath. l. c. *fr.* 18 Bekk.=20 Scheibe), *ἀγγοθήκη*, from *ἄγγος*, a vessel, the most intelligible. The frequent employment in ancient times of vessels not made to stand is further illustrated by the cuts under ALABASTROTHECA, ALABASTRUM, AMPHORA, and CHYTROPUS. [J. Y.] [W. W.]

I'NCOLA. [DOMICILIUM.]

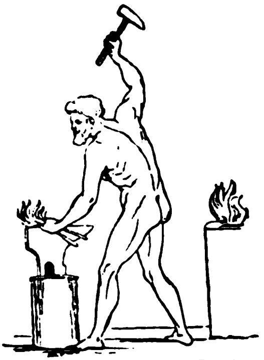
INCORPORA'LES RES. [DOMINIUM.]

INCUNA'BULA or **CUNA'BULA** (*σπάργανα*), swaddling-clothes.

The first thing done after the birth of a child was to wash it; the second to wrap it in swaddling clothes, and the rank of the child was indicated by the splendour and costliness of this its first attire. Sometimes a fine white shawl, tied with a gold band, was used for the purpose ([Hom.] *Hymn. in Apoll. Del.* 121, 122); at other times a small purple scarf, fastened with a brooch (Pind. *Pyth.* iv. 114 (203); *χλαμύδιον*, Longus, i. 2, § 3). The poor used broad fillets of common cloth (*panni*, Luke ii. 7, 12, Ezek. xvi. 4, *Vulg.*: comp. Hom. *Hymn. in Merc.* 151, 306; Apollod. *Bibl.* iii. 10, § 2; Aelian, *V. H.* ii. 7; Eurip. *Ion*, 32; Dion Chrysost. vi. p. 203, ed. Reiske; Plaut. *Amphitr.* v. 1, 55, *Truc.* v. 13). The preceding woodcut, taken from a beautiful bas-relief at Rome, which is supposed to refer to the birth of Telephus, shows the appearance of a child so clothed, and renders in some degree more intelligible the fable of the deception practised by Rhea upon Saturn in saving the life of Jupiter by presenting a stone, enveloped in swaddling-clothes, to be devoured by Saturn instead of his new-born child (Hes. *Theog.* 485). It was one of the peculiarities of the Lacedaemonian education to dispense with the use of *σπάργανα*, and to allow children to enjoy the free use of their limbs (Plut. *Lycurg.* 16). Plato also is in favour of freedom, and ridicules the notion that infants are to be kept for two years in swaddling-clothes (*Legg.* vii. p. 789 E). Aristotle mentions mechanical appliances as used by some nations to prevent children from growing crooked (*Pol.* vii. 17 = p. 1336 a, 11). (Cf. Becker-Göll, *Charikles*, ii. 21; Blümner, *Privatalterth.* p. 289; FASCIA.) [J. Y.] [W. W.]


Incunabula, from a bas-relief.

INCUS (*ἄκμων*), an anvil. The representation of Vulcan and the Cyclopes on various works of art show that the ancient anvil was formed like that of modern times. When the smith wanted to make use of it, he placed it on a large block of wood (*ἀκμόθετον*, Hom. *Il.* xviii. 410, 476, *Od.* viii. 274; *positis incudibus*, Verg. *Aen.* vii. 629, viii. 451); and when he made the link of a chain, or any other object which was round or hollow, he beat it upon a point projecting from one side of the anvil. The annexed woodcut, representing Vulcan forging a thunderbolt for Jupiter, illustrates these circumstances; it is taken


Incus, anvil, from a gem.

from a gem in the Royal Cabinet at Paris. It appears that in the "brazen age" not only the things made upon the anvil, but the anvil itself, with the hammer and the tongs, were made of bronze (Hom. *Od.* iii. 433, 434; Apollon. Rhod. iv. 761, 762). In later times it was made of the finest wrought iron (*nucleus quidam ferri*), specially hardened for the purpose (Plin. *H. N.* xxxiv. § 144). The invention of the anvil and other smith's tools was ascribed to Cinyras of Cyprus (Plin. *H. N.* vii. § 195). Cf. Blümner, *Technol.* ii. 187 ff. [MALLEUS.] [J. Y.] [W. W.]

INDEX. [LIBER.]

INDIGITAMENTA. [PONTIFEX.]

INDU'SIUM. [TUNICA.]

INDU'TUS. [AMICTUS; TUNICA.]

INFA'MIA. The infamia at Rome was a moral censure pronounced by a competent authority in the state on individual members of the community, as a result of certain actions which they had committed, or certain modes of life which they had pursued. This censure involved disqualification for certain rights in public and private law, and the persons so censured and disqualified were called *infames*. A clear conception of the grounds and consequences of infamia can only be gathered from a consideration of the specific modes of its exercise. There is hardly a term in Roman law which admits so little as this of a general description, and this is owing to the impossibility of tracing the development of rules out of a practice which was originally not regulated by any certain rules. That principles were developed which specified with some accuracy the kinds of actions which produced infamia, and perhaps also the kinds of disqualification which followed it, we know from the definite enumeration of such actions in the title of the Digest which treats of the subject (Dig. 3, 2), from the Lex Julia Municipalis of 45 B.C. (*C. I. L.* n. 206), and to a less degree from the Lex Acilia Repetundarum of 123 B.C. (*C. I. L.* n. 198). These enumerate on the whole similar kinds of actions as producing infamia; but the disqualifications are in each case dissimilar, and adapted to the special spheres of action of which the documents severally treat. Of these the title in the Digest, which treats of infamia only so far as it affected procedure in the praetor's court, gives the clearest answer to the question "What constitutes infamia?" but an answer only applicable to an age when the idea had reached its final form. The answer to the question "What were the consequences of infamia?" is only given with reference to the special object considered, which is here the working of the praetor's court. When we look from the praetorian to what was probably its original source, the censorian infamia, we are leaving codification and coming to scattered facts of history. The relation of the censor's to the praetor's infamia is indeed difficult to establish. There are two alternative suppositions possible as to their connexion, either that they were pursued independently of one another, or that the praetorian was based on the censorian. It is not a distinction of much importance in one respect, because in both cases the grounds of infamia would probably have coincided, though the purposes would have differed. But, as the only object of the praetorian infamia was to preserve the dignity of the praetor's court ("dignitatis tuendae et decoris sui causa," Dig. 3, 1, 1), it seems more natural on the whole that it should have been based on the censorian, which had the more important object of excluding from service to the state, from the army, the senate and the comitia, people who were disgraced by unworthy acts or occupations. This will justify us in treating infamia under two aspects, its primary and its secondary. Primarily it is a matter of public law, as shown in the censor's exercise of it, in the Lex Acilia and the Lex Julia Municipalis. Secondarily it is a matter of private law, as shown in the list of those "qui edicto praetoris ut infames notantur" (Dig. 3, 1, 1, § 8). The questions to be considered are the causes of infamy, its primary and its secondary effects.

The original view of infamy being that it was a course pursued in the public interest, the causes of infamy were those acts which it was considered would render a man unworthy of continuing to perform the public duties with which he was invested. The power of pronouncing this moral verdict rested with the censor, and was originally not an extraordinary power added to his other functions, but one arising naturally out of his duty of registering the names of Roman citizens in their several orders on the occasion of a census; although at a later period the censor might summon citizens at other times than when the census was in progress. It was a duty exercised in the interests of the whole state, and was a standing safeguard for the preservation of the πάτρια ἔθη of the community (Dionys. xix. 16), regulated originally not by fixed rules, but by the standard of morality or respectability which it was conceived should be maintained by each of the three orders—the senate, the equites, and the voting and military populace (Cic. *de Leg.* iii. 3, 7, "censores mores populi regunto; probrum in senatu ne relinquunto;" Liv. iv. 8, 2, "in senatu equitumque centuriis decoris dedecorisque discrimen sub dicione ejus magistratus esset:" cf. Liv. xlii. 3, 7; xl. 46, 1). The profession, for instance, which disqualified for office would not have disqualified for the right of voting; while some professions, such as that of an actor, disqualified for every honour. The censor's power in this case closely resembles that of the consul, who can refuse to receive the names of those candidates for office whom he deems unworthy of the position they desire to fill (Vell. ii. 92). There were no fixed rules to bind either magistrate: and much as the censor's decisions resembled a trial at law in outward appearance, in the accusation that was usually, though not always, put forward by a third party (Liv. xxxix. 42, 7), and the defence which was permitted to the accused (Plut. *C. Gracch.* 2), it differed from it in the fact that there were no fixed rules of procedure for conducting the case, and no fixed rules of law for binding the decision arrived at (Cic. *pro Cluent.* 45, 126, "censores nihil se testibus, nihil tabulis, nihil denique causa cognita statuisse dicent"). It was not a *judicium*, says Cicero, but an *animadversio* and an exercise of *auctoritas* (Cic. *pro Cluent.* 42, 117), and it was not followed by strictly penal consequences. Though it might disqualify, it did not punish, and the result of the censor's judgment was only *ignominia* (Cic. *de Repub.* 4, 6, "ut omnis ea judicatio versatur tantum modo in nomine, animadversio illa ignominia dicta est"). The process was spoken of as a *notatio*, from the *nota* which the censor wrote under the name of the person affected (Liv. xxxix. 42, 6, "ut censores motis e senatu adscriberent notas;" Cic. *pro Cluent.* 45, 118, "subscriptiones"), the offence which formed the ground of censure being usually spoken of as a *probrum*. An attempt was made to check the arbitrary employment of this notatio by a plebiscitum passed in 58 B.C. by Publius Clodius. This enjoined that the individual, before being subjected to ignominia, must be condemned by both censors and must be impeached by a third party (Ascon. *in Pison.* p. 9; Dio Cass. xxxviii. 13). This would have taken the initiative from the censor, and in this respect, as well as in the closer investigation which this change necessitated, brought the censorian process nearer to a process of law. But this plebiscitum was soon abrogated, and since the censor's decisions continued to be arbitrary it is little wonder that they did not become permanent. They might be set aside at each new lustrum by the incoming censor; and since the modes of decision were not fixed, the decisions themselves were not respected. Yet we find that, in the case of certain offences that involved ignominy, a permanent character had begun to be given by succeeding censors to a decision once pronounced. This was the case with perjury (Cic. *de Off.* i. 13, 40, "eos omnes censores, quoad quisque eorum vixit, quia pejerassent, in aerarios reliquerunt"), with condemnation in a disgraceful suit (Cic. *pro Cluent.* 42, 119, "turpi judicio damnati in perpetuum omni honore ac dignitate privantur"), and especially in the case of disgraceful professions, such as that of an actor was accounted. The precedent having been established that this disqualified for all civic honours (Augustin. *de Civ. Dei*, ii. 12, "genus id hominum tribu moveri notatione censoria voluerunt;" Tertull. *de Spect.* 22, "scenicos manifeste damnant ignominia et capitis deminutione"), it was natural that it should continue to be respected, and thus we find how the censorian infamia came to assume in time a tralaticiory character that gives us the permanent categories in the Lex Julia Municipalis and in the Digest. Certain standing offences came to be regarded as necessarily involving *notatio*, and as involving a *notatio* that the censors thought fit to make permanent; and we would naturally expect that offences which were thought deserving of a permanent notatio would involve the most serious disqualification, that of exclusion from all civic duties. It is possible, therefore, to say with Savigny, that there were a class of offences involving permanent disqualification, and that of the most severe kind, and we may safely seek such cases in later documents, such as the praetor's edict in the Digest; but that these cases had the exclusive title of infamia, and that this was distinguished from the censoria notatio, can hardly be established from the evidence adduced (Cic. *pro Cluent.* 42, 119; Dig. 48, 7; Cod. 12, 1, 2; Savigny, *System*, ii. §§ 76 *sq.*).

If we turn to the special cases on which the censor laid the mark of ignominy, we shall find that they comprehend breaches of almost all the duties to society, from family to state obligations. In the higher spheres of office the ex-magistrate might be degraded for a misuse of his powers (Plut. *Tib. Gracch.* 2; Liv. xliv. 16, 8), the judex for accepting bribes (Cic. *pro Cluent.* 42, 119), the soldier for shirking service (Liv. xxiv. 18) or showing cowardice or disobedience in battle (Liv. xxvii. 11; Val. Max. ii. 9, 7). As regards the mass of citizens, we find that the misuse of the right of voting called down the infamia, as we find in the case of the censor who disqualified the whole burgess community, "quod et innocentem se condemnassent et condemnatum consulem et censorem fecissent" (Liv. xxix. 37). Further, any disgrace that attached to appearance in a court of law, false witness and false oaths (Cic. *de Off.* iii. 31, 111), criminal condemnation in a judicium populi, theft and some other private delicts ("furtum et captae pecuniae," Cic. *pro Cluent.* 42, 120), and dishonourable conduct in trade (Suet. *Aug.* 39), involved infamy. It was also the result of certain professions, such as that of a mime (Macrob. *Saturn.* ii. 7, 3), and of dishonour attaching to a man in private life, arising from non-performance of the *sacra gentilicia* (Dionys. xx. 13), misuse of the powers of divorce (Val. Max. ii. 9, 2), and even from bad husbandry, neglect of property (Plin. *H. N.* xviii. § 11), and luxurious living (Plut. *Tib. Gracch.* 14). When we turn from these instances to the more definite categories of offences mentioned in the Lex Julia Municipalis and in the praetor's edict (Dig. 3, tit. 2, "De his qui notantur infamia;" Cod. ii. 12, "ex quibus causis infamia irrogatur"), we find that infamia followed condemnation on account of a criminal offence, originally when *calumnia* or *praevaricatio* had been established (Dig. 3, 2, 1), but finally as a result of any condemnation in a *judicium publicum* (Dig. 48, 1, 7; Just. *Inst.* iv. 18, 2), to expulsion of soldiers from the army *ignominiae causa* (cf. Lex Jul. Munic. l. 121), and to perjury of certain kinds; to certain private delicts, theft, robbery, injury, and deceit (*dolus malus*), the infamia extending to cases of compromise ("damnatus pactusve est," Dig. 2, 2, 1) and to usury (Cod. 2, 12, 20); to breaches of other obligatory relations, such as pro Socio, Tutelae, Mandati, Depositi (Dig. *l. c.*: cf. Cic. *pro Rosc. Com.* 6; Lex Jul. Munic. l. 111), and to insolvency in regard to all obligations ("bona possessa, proscripta, vendita," Cic. *pro Quinct.* 15; Lex Jul. Munic. ll. 113–117; Gaius, ii. 154); to certain acts concerning the relations of the sexes: one who has married or given in marriage a woman before the period of mourning has elapsed, or has been the cause of double marriage or double *sponsalia* with a woman, is infamis. Infamia was also attached to the keeping of a house of ill-fame and to certain professions, such as those of actors and gladiators (Dig. *l. c.*; Lex Jul. Munic. ll. 117 and 123). It will be seen from these instances that infamia always follows as the result of a personal act, and depends, as Savigny says, either on a judicial sentence or on an extra-judicial matter of fact.

The primary effect of infamia was always a disqualification for certain public rights. The nature of the disqualification depended partly on the rank of the person disqualified, but was always regulated to some degree by the gravity of the offence. The senator, guilty of an action that disgraced his position, was removed from the list (Val. Max. ii. 9, 2), the knight was forced to give up his position in the equestrian centuries (Liv. xxix. 37, 9), and the commoner was removed from the tribe ("tribu moveri"). This expression of "removal from the tribe" may signify two distinct kinds of disqualification: either the minor one of removal from a higher to a lower tribe (Liv. xlv. 15, "neque enim, si tribu movere possit, quod sit nihil aliud quam mutare jubere tribum, ideo omnibus quinque et triginta tribubus emovere posse, id est civitatem libertatemque eripere:" cf. Cic. *pro Cluent.* 43, 122), or the severest disqualification of relegation from all the thirty-five tribes to the position of an *aerarius* (Liv. xlii. 10, "omnes quos senatu moverunt, quibusque equos ademerunt, aerarios fecerunt et tribu moverunt"), that is, to the position of "civitas sine suffragio," in which, as Livy says, "libertas civitasque," so far as the active manifestations of political life were concerned, were wholly lost. Thus this extreme disqualification is spoken of as a "capitis minutio," and certain actions which were held by the censors necessarily to involve it are spoken of by Cicero as "summae existimationis et paene dicam capitis" (Cic. *pro Rosc. Com.* 6). The fact that certain actions could be spoken of as necessarily involving this extreme infamia shows that disqualification was not wholly regulated by rank. The magistrate who has misused his functions, and the eques who has disgraced himself in war, may not only lose their rank in the senate and the equestrian centuries, but be relegated to the position of aerarii (Liv. xliv. 16, 8; Val. Max. ii. 9, 7). And it is extremely probable, as has been stated, that certain offences, by whomsoever they were committed, came to be considered as necessarily involving this relegation, and in the case of such offences the principle may have been upheld that the relegation should be permanent; that is, that it should be sanctioned in turn by each succeeding censor. In this way a table of actions that involved infamia might be drawn up and applied in various ways. In the Lex Julia Municipalis it is applied for the exclusion of unworthy members from the local senate of "conscripti" or "decuriones": and as early as the Lex Acilia certain acts (such as service as a gladiator) and circumstances (such as condemnation in a *judicium publicum*) were taken as involving perpetual disqualification from the bench of judices which the law created (Lex Acilia, c. 13).

If we turn from the primary or public law to the secondary or private law effects of infamy, we find that these arose from the mode in which the praetor's edict was framed. In the edict three classes of individuals were distinguished as regards their capacity to postulate (Dig. 3, 1, "de postulando"). The first class was composed of those not able to postulate for themselves, the second of those able to postulate only for themselves, and the third of those able to postulate for themselves, and only in exceptional cases for others. In this third class were included "omnes qui edicto praetoris ut infames notantur" (Dig. 3, 1, 1, 8). This limited capacity for postulation, which was a restriction originating solely from the praetor's regard for the dignity of his court, was followed by some important consequences. One of its results was that an infamous person could not, as a rule, act as a *cognitor* nor as a *procurator* (*Fragm. Vatic.* 322–324). The consequence of this was that no action could be assigned to an infamous person, because all such assignments took the form of commissions to a cognitor or procurator. This effect of infamy was, however, counteracted by the form of assignment known as *utiles actiones*. These did not require the nomination of a cognitor or procurator; and as the person to whom the assignment was made in this form prosecuted the claim in his own name ("utiliter eam movere suo nomine conceditur," Cod. 4, 39, 9), an infamous person to whom postulation in his own interest was never forbidden could not be excluded. Another result of the limitation of the power of postulation by an infamous person was that no such person could undertake a *popularis actio*; that is, a case in which a money penalty was enforced on behalf of the state, because the sustainer of such an action was a procurator of the state (Dig. 47, 23, 4). An adversary could not be compelled to contest an action with a procurator who was infamis, or with a procurator appointed by an infamis. He could put forward an *exceptio*, which the praetor was bound to grant. These exceptiones were finally removed by Justinian (*Inst.* iv. 3, 11).

A distinction between the working of infamia in the time of the Republic and of the Empire respectively arose from the relative importance of civic honours in these two periods. During the Republic the civic privileges possessed by the ordinary citizen, especially the right of voting and of serving in the army, were of more importance: and accordingly the public-law effects of infamy played a larger part in this period. In the Empire it is the private-law effects that are brought most prominently before us. Again, as during the Empire the populus had sunk into comparative unimportance, the censorian powers of the "cura morum," so far as they were exercised by the emperors, were concerned, more particularly than in the Republic, in preserving the purity of the two higher orders, the senate and the equites. And lastly it is clear that the censorian infamia of the Republic, since it was concerned wholly with civic honours, could not affect women; yet we find in the Empire that infamia did attach to women, as to those taken in adultery (Dig. 23, 2, 43, 12). The omission of the mention of infamia as attaching to the woman who contracts an unlawful marriage (Dig. 3, 2, 1), while it attaches to the man, is explained by the fact that women were prevented by their sex from postulating for others at all (Dig. 3, 1, 5), and it was not necessary to mention them in the list of infames, which is, in this connexion, a list of those who could postulate only in certain cases for others.

(Mommsen, *Römisches Staatsrecht*, ii. 1, p. 375 ff.; Savigny, *System des römischen Rechts*, ii. § 76 ff., translated under the title of "Jural Relations," by W. H. Rattigan, pp. 125 ff.) [A. H. G.]

INFA'MIS. [INFAMIA.]

INFANS. [IMPUBES.]

INFE'RIAE. [FUNUS, p. 893 *b*.]

I'NFULA, a flock of white and red wool, which was slightly twisted, drawn into the form of a wreath or fillet, and used by the Romans for ornament on festive and solemn occasions. In sacrificing it was tied with a white riband [VITTA] to the head of the victim (Verg. *Georg.* iii. 487; Lucret. i. 88; Sueton. *Calig.* 27), and also of the priest, more especially in the worship of Apollo and Diana, but sometimes of other deities as well. ("Sacerdotes Cereris cum infulis ac verbenis," Cic. *Verr.* iv. 50, § 110; Verg. *Aen.* ii. 430, x. 538; Servius, *in loc.*; Isid. *Orig.* xix. 30; Festus, s. v. *Infulae.*) The "torta infula" was worn also by the Vestal Virgins. (Prud. *c. Symm.* ii. 1085, 1094.) It would seem that the infula was itself knotted at intervals with the vitta (Rich); the loose flocks of wool would require some such fastening, and it is thus represented on a painting found at Herculaneum. At Roman marriages the bride, who carried wool upon a distaff in the procession [FUSUS], fixed it as an infula upon the door-posts of her future husband on entering the house. (Lucan, ii. 355; Plin. *H. N.* xxix. § 30; Servius *ad* Verg. *Aen.* iv. 459. MATRIMONIUM, Vol. II. p. 144.) [J. Y.] [W. W.]

INGENUUS. Ingenuus, like most Roman terms signifying a personal status, has had a history of its own. Its meaning is only distinctly expressed for us in the later developments of Roman law; but we have strong reasons for believing that the meaning there given was not the earliest it bore. If we presume that the term originated when the community of Roman citizens was a purely patrician community, and was applied to members of this community, it would have signified, as Ortolan expresses it, "one who was born in a gens, one who had a genealogy, one who could show a line of descent free to its fountain source from every taint of vassalage" (Ortolan, p. 27, E. T.). This conjecture, it is true, receives no confirmation from the passages (Liv. x. 8; Cincius, *ap.* Fest. p. 241) quoted to support it, which have, as will be shown, a wholly different bearing; but, if the word found a place in the nomenclature of the Roman patrician community, it could have signified no more and no less than *gentilis*, only emphasising that side of gentilitas which insists on a perfectly pure descent as a necessary qualification for the status. Later, however, with the growth of plebeian privileges, ingenuus came to be used as denoting a distinction within the plebeian community. Free men (*liberi*) are divided into *ingenui* and *libertini* (Gaius, i. 10). Such a distinction could only have been of importance within a circle in which the taint of vassalage was found; that is, not in the patrician community, which of necessity excluded this taint, but only within the plebeian. (Liv. vi. 40, "nec ex patricio sanguine ortus, sed unus Quiritium quilibet, qui modo me duobus ingenuis ortum sciam.") *Ingenuus* will now be defined by the definition of *libertinus:* and the stages of meaning which this latter word passed through will necessitate different stages of meaning in the word *ingenuus* in this second period of its history. The term *libertini*, we are told, was originally used to cover, not merely manumitted slaves, but their descendants in the first degree (Suet. *Claud.* 24). It was employed, therefore, to signify one who was born of free, but not of freeborn parents. Ingenuitas denoted the opposite status to that of a libertinus, and ingenuus must therefore at this time have denoted one who was sprung from freeborn parents. The sons of libertini were subsequently placed on an equality with the other Roman burgesses, and were from this time onwards ingenui. During the period, therefore, in which we can with some degree of certainty trace the history of this word, ingenuus first denoted one who had free ancestors in the second degree, and freeborn ancestors in the first degree; later it denoted one who had free ancestors in the first degree. In this later sense, the sense in which it is found defined in the Institutes, it denotes one who is "born in a state of freedom," "qui statim ut nascitur liber est" (Just. *Inst.* i. 4): and this is the sense in which it is said by Livy and by Cincius to be equivalent to the original meaning of patricius. The statements, "patricios eos appellari solitos, qui nunc ingenui vocantur" (Cincius *ap.* Fest. p. 241), and "patricios primo esse factos, qui patrem ciere possent, id est nihil ultra quam ingenuos" (Liv. x. 8, 10), are simply statements of a theory which is probably correct, that the word *patricii* originally denoted the sole free citizens of Rome. It may be remarked that the word *ingenuus*, although it always signified "born in a state of freedom," did not necessarily signify "born in the possession of citizen rights." The citizen who is made a citizen is yet an *ingenuus*, provided he be a freeborn man; throughout its history, as applied to the mixed plebeian community, the word has libertini as its main antithesis. There is only one reason that would make us regard libertinus as not having been always the sole antithesis of ingenuus. For it is probable that, in the early period, one born out of due wedlock was not an ingenuus, a restriction which was removed in the course of the development of Roman law (Gaius, i. 11; Marcianus, "nec interest justis nuptiis conceperit an vulgo"). But there is nothing to show that children born out of wedlock, though perhaps originally not ingenui, were ever called libertini.

At the time of Justinian all that was necessary to constitute *ingenuitas* in the child was that it should be the son of a free mother. It was ingenuus whether it was conceived or born while the mother was in a state of freedom, the status of the father not being taken into consideration, and the condition of marriage not being required (Just. *Inst.* i. 4). Ingenuitas was on the whole a gift of birth, and a libertinus could not by adoption become ingenuus (Gell. v. 19). But under the empire *ingenuitas* or the *Jura ingenuitatis* might be acquired by the favour of the princeps. It could be acquired in two ways, indirectly by the gift of the gold ring (*jus aureorum anulorum*), or directly by the *natalibus restitutio*. The gold ring had long been the mark of equestrian rank, and the conferring of the gold ring on a libertinus carried with it, in the early principate, not merely ingenuitas, but admission to the equestrian order. At the time when this symbol raised a libertinus to the rank of knighthood it was sparingly employed, generally for the purpose of raising the position of the freedmen of the emperor's household (Mommsen, *Staatsr.* iii. p. 519, n. 1); and the gift, when it carried these consequences with it, must have asserted the fullest ingenuitas, involving a dissolution of all the rights of the patronus. From the time of Commodus, however, the gift of the gold ring ceased to denote admission to the equestrian order (Mommsen, *Staatsr.* ii. p. 893), and became merely a means for the conferring of a partial ingenuitas. It merely granted the enjoyment of the rights implied in ingenuitas during the lifetime of its possessor, and did not destroy the patronal rights (Dig. 38, 2, 3, "hic enim vivit quasi ingenuus, moritur quasi libertus"). The other mode of conferring ingenuitas was by the direct method of the *natalibus restitutio;* this was considered by a legal fiction to be a restoration to one of the primitive rights of man, the right of being born in a state of freedom (Dig. 40, 11, 2, "in quibus initio omnes homines fuerunt, non in quibus ipse nascitur, cum servus natus esset"). When such a restitutio was granted to a libertinus, the patronal rights were lost: and consequently the patron was usually consulted, and his consent obtained, before the change was made (Dig. *l. c.*). The possession of ingenuitas was sometimes a matter of dispute, and we find the mention of a *Judicium ingenuitatis* for the decision of this question (Tac. *Ann.* xiii. 27). (Mommsen, *Römisches Staatsrecht*, iii. p. 72 *sq.*, pp. 518, 519; ii. 2, p. 518.) [A. H. G.]

INGRA'TUS. [PATRONUS.]

INJU'RIA. Injuria, in the general sense, signifies a violation of law, what is not *jus* ("Injuriam autem hic accipere nos oportet non quemadmodum circa injuriarum actionem contumeliam quandam, sed quod non jure factum est, hoc est contra jus," Dig. 9, 2, 5, § 1). Similarly a person acting unlawfully is called *injurius* (compare *inlex*), but later *injustus* (Voigt, *Zwölf Tafeln*, i. § 39). Hence the phrase *damnum injuria datum* means unlawful damage to property [DAMNUM, &c.].

Injuria, in a special sense, is the term which denotes a particular kind of wrong or delict, committed against a man's person, as distinct from his property. Injuria, in this sense, is any unlawful act by which an insult (*contumelia*, *ὕβρις*) is conveyed by one person to another. Thus every intentional violation of the right of another is injuria, as implying contumelia, though, if such a wrongful act falls under the category of any other offence, the penalty of the latter is applicable, and not that of injuria (Windscheid, *Pandekten*, § 472, n. 1). It follows from the nature of this delict that it cannot arise without an intention to act unlawfully (*dolus*). The external acts constituting it might be various in kind. Thus it might be done by assaulting a man, as by striking or beating him; by other conduct likely to bring a man into contempt or derision, as by vociferous abuse (*convicium*), scurrilous songs and verses, libellous writings of any kind; by insulting gestures, by spitting at a man (Plaut. *Curc.* iv. 2, 17; Cic. *ad* Quint. *fr.* ii. 3, 2); by going about unkempt and unshorn, or in mourning attire, with the object of falsely suggesting that the person so acting was suffering by the misconduct of another person; by demanding a debt in a way likely to injure a man's character (*clamore, flagitare, poscere*, Plaut. *Pseud.* i. 5, 143; iv. 7, 46; Curc. v. 3, 5); by summoning a debtor to court (*in jus vocatio*) in an illegal manner (Porph. in Hor. Sat. i. 9, 77); by obtaining an execution order against a person as if he were insolvent; by illegally distraining on a man's goods, &c. A man might sustain injuria either in his own person, or in the person of members of his family who were in his power. Injuria to a wife was also injuria to her husband. No injuria could be done to a slave, but certain acts done to a slave were an injuria to his master, when the acts were such as appeared from their nature to be insulting to the master; as, for instance, if a man should flog another man's slave: but for verbal abuse of a slave, or striking him with the fist, Gaius (iii. 222) says, there was no formula provided, nor would an action be readily granted by the praetor.

The Twelve Tables had various provisions on the subject of injuria. The penalty of injuria for a limb broken was retaliation (Gaius, iii. 223, "propter membrum ruptum talio erat;" cf. Festus, *s. v.* Talio); for a bone broken or bruised, three hundred asses if the person injured was a freeman, one hundred and fifty if he was a slave. It seems probable, however, that Gaius made a mistake in classifying these punishments under injuria, the prominent idea in the law of the Twelve Tables respecting them being that of damage to the person rather than that of insult. (Voigt, *Zwölf Tafeln*, ii. § 129.)

The ordinary penalty for injuria in the Twelve Tables was twenty-five asses (Gaius, iii. 223). Gaius adds that such a sum seemed an adequate compensation in those days of excessive poverty. Libellous songs or verses (*occentus:* cf. Hor. *Ep.* ii. 1, 145, "Fescennina per hunc inventa licentia"), by which persons were frequently defamed at public festivities, were followed in addition by a punishment affecting the caput of the offender, which involved scourging as well as loss of liberty (cf. Hor. *Ep.* l. c. 154), or which, according to one interpretation of a passage of Cicero (*Rep.* iv. 10), was death. The penalty of twenty-five asses provided by the Twelve Tables was subsequently found insufficient in many cases, and so an action was established by the praetor (*actio injuriarum aestimatoria*), in which the injured party was allowed to claim such damages as he thought he was entitled to, and the judex might give the full amount or less. This became the ordinary remedy on account of injuria, but a Lex Cornelia gave a special action in cases of *pulsatio*, *verberatio*, and forcible entry into a man's house.

In determining the damages in the *actio aestimatoria* the praetor had to distinguish between an atrocious outrage (*atrox injuria*) and that of a less serious kind. An injuria had the character of *atrox*, either from the act itself, or the place where it was done, as for instance a theatre or forum; or from the condition of the person outraged, as if he were a magistratus, or if he were a senator and the wrong-doer were a person of low condition. Infamia was a sequence of condemnation in an *actio injuriarum* [INFAMIA.]

The *actio injuriarum* was regarded as a vindictive action, in satisfaction of a purely personal injury (*actiones vindictam spirantes*), and so could not be maintained by the heir of the person outraged. It became the rule that every kind of injuria might be made the subject of either criminal or civil proceedings (Inst. iv. 4, 10). The criminal proceedings and punishment were *extra ordinem* [CRIMEN]. Various imperial constitutions affixed the punishment of death to libellous writings [LIBELLI]. (Gaius, iii. 220–225; Paul. *Sent. Rec.* 5, 4; Cod. Theod. ix. 34; Cod. ix. 35, 36; Inst. iv. 4; Dig. 47, 10; Keller, *Inst.* 141, &c.; Huschke, *Gaius*, 118, &c.; Rein, *Criminalrecht*, § 354, &c.; Voigt, *Zwölf Tafeln*, ii. §§ 129, 130.) [G. L.] [E. A. W.]

INJURIARUM ACTIO. [INJURIA.]

INO'A (Ἰνῷα), festivals celebrated in several parts of Greece, in honour of the ancient heroine Ino. At Megara she was honoured with an annual sacrifice, because the Megarians believed that her body had been cast by the waves upon their coast, and that it had been found and buried there by Kleso and Tauropolis (Paus. i. 42, § 8). Another festival of Ino was celebrated at Epidaurus Limera, in Laconia. In the neighbourhood of this town there was a small but very deep lake, called the water of Ino, and at the festival of the heroine the people threw barley-cakes into the water. When the cakes sank it was considered a propitious sign, but when they swam on the surface it was an evil sign. (Paus. iii. 23, § 5.) An annual festival, with contests and sacrifices, in honour of Ino, was also held on the Corinthian Isthmus, and was said to have been instituted by king Sisyphus. (Tzetzes *ad Lycophr.* 107.) [L. S.]

INOFFICIO'SUM TESTAME'NTUM. [TESTAMENTUM.]

INQUILI'NUS. [EXSILIUM, p. 516 *b.*]

INSA'NIA, INSA'NUS. [CURATOR.]

INSIGNE (*σημεῖον, ἐπίσημα, ἐπίσημον, παράσημον*), a badge, an ensign, a mark of distinction. Thus the BULLA worn by a Roman boy was one of the insignia of his rank (Cic. *in Verr.* i. 58, § 152). Five classes of insignia more especially deserve notice :—

1. Those belonging to officers of state or civil functionaries of all descriptions, such as the FASCES carried before the CONSUL at Rome, the latus clavus and shoes worn by senators [CALCEUS; CLAVUS], the carpentum and the sword bestowed by the emperor upon the praefect of the praetorium. (Lydus, *de Mag.* ii. 3, 9.) The Roman EQUITES were distinguished by the "equus publicus," the golden ring, the angustus clavus [CLAVUS], and the seat provided for them in the theatre and the circus (Hor. *Epod.* 4, 15; Mart. v. 8 and 14). The insignia of the kings of Rome—viz. the trabea, the toga praetexta, the crown of gold, the ivory sceptre, the sella curulis, and the twelve lictors with fasces, all of which except the crown and sceptre were transferred to subsequent denominations of magistrates—were copied from the usages of the Etruscans and other nations of early antiquity. (Flor. i. 5; Sallust, *Cat.* 51; Verg. *Aen.* vii. 187, 612, xi. 334; Lydus, *de Mag.* i. 7, 8, 37.)

II. Badges worn by soldiers. The centurions in the Roman army were known by the crests of their helmets [GALEA], and the common men by their shields, each cohort having them painted in a manner peculiar to itself. (Veget. ii. 17; compare Caes. *B. G.* vii. 45.) [CLIPEUS, p. 460 *b.*] Among the Greeks the devices sculptured or painted upon shields (see woodcut, p. 459 *b*), both for the sake of ornament and as badges of distinction, employed the fancy of poets and of artists of every description from the earliest times. Thus the seven heroes who fought against Thebes, all except Amphiaraus, had on their shields expressive figures and mottoes, differently described, however, by different authors. (Aeschyl. *Sept. c. Theb.* 375–652; Eurip. *Phoen.* 1107–1138; Apollodor. *Bibl.* iii. 6, § 1.) Alcibiades, agreeably to his general character, wore a shield richly decorated with ivory and gold, and exhibiting a representation of Cupid brandishing a thunderbolt (Plut. *Alcib.* 16; Ath. xii. p. 534 e). The first use of these emblems on shields is attributed to the Carians (Herod. i. 171); and the fictitious employment of them to deceive and mislead an enemy was among the stratagems of war (Paus. iv. 28, §§ 5–7; Verg. *Aen.* ii. 389–392).

III. Family badges. Among the indignities practised by the Emperor Caligula, it is related that he abolished the ancient insignia of the noblest families, viz. the torquis, the cincinni, and the cognomen "Magnus." (Suet. *Calig.* 35.)

IV. Signs placed on the front of buildings. A figure of Mercury was the common sign of a GYMNASIUM; but Cicero had a statue of Minerva to fulfil the same purpose (*ad Att.* i. 4). Cities had their emblems as well as separate edifices; and the officer of a city sometimes affixed the emblem to public documents as we do the seal of a municipal corporation (Antigonus Caryst. *Hist. Mir.* 15).

V. The figure-heads of ships. The insigne of a ship was an image placed on the prow, and giving its name to the vessel (Tac. *Ann.* vi. 34; Caes. *B. C.* ii. 6). Paul sailed from Melita to Puteoli in the Dioscuri, a vessel which traded between that city and Alexandria (Acts xxviii. 11). Enschedé has drawn out a list of one hundred names of ships, which occur either in classical authors or in ancient inscriptions (*Diss. de Tut. et Insignibus Navium*, reprinted in Ruhnken, *Opusc.* pp. 257–305). The names were those of gods and heroes, together with their attributes, such as the helmet of Minerva, painted on the prow of the ship which conveyed Ovid to Pontus (*a picta casside nomen habet, Trist.* i. 9, 2); of virtues and affections, as Hope, Concord, Victory; of countries, cities, and rivers, as the Po, the Mincius (Verg. *Aen.* x. 206), the Delia, the Syracuse, the Alexandria (Athen. v. p. 208 f); and of men, women, and animals, as the boar's head, which distinguished the vessels of Samos (Herod. iii. 59; Choerilus, p. 155, ed. Naeke; Hesych. *s. v.* *Σαμιακὸς τρόπος*: Eust. *in* Hom. *Od.* xiii. p. 525), the swan, the tiger (Verg. *Aen.* x. 166), the bull (*προτομὴν ταύρου*, Schol. *in* Apoll. Rhod. ii. 168). Plutarch mentions a Lycian vessel with the sign of the lion on its prow, and that of the serpent on its poop, manifestly intended to express the form of the chimaera (*Mul. Virt.* p. 247 F). After an engagement at sea, the insigne of a conquered vessel, as well as its aplustre, was often taken from it and suspended in some temple as an offering to the god (Plut. *Themist.* 15). Figure-heads were probably used from the first origin of navigation. On the war-galleys of the Phoenicians, who called them, as Herodotus says (iii. 37), *παταικοί*, *i.e.* "carved images," they had sometimes a very grotesque appearance. It would appear that the παράσημα of Greek ships were sometimes distinct from their names; the latter were always feminine among the Greeks (Boeckh, *Seeurk.* p. 81 ff.; Becker-Göll, *Charikles*, i. 192), the former not so.

Besides the badge which distinguished each individual ship, and which was either an engraved and painted wooden image forming part of the prow, or a figure often accompanied by a name and painted on both the bows of the vessel, other insignia, which could be elevated or lowered at pleasure, were requisite in naval engagements. These were probably flags or standards, fixed to the aplustre or to the top of the mast, and serving to mark all those vessels which belonged to the same fleet or to the same nation. Such were "the Attic" and "the Persic signals" (τὸ Ἀττικὸν σημεῖον, Polyaen. iii. 11, § 11; viii. 53, § 1). A purple sail indicated the admiral's ship among the Romans, and flags of different colours were used in the fleet of Alexander the Great (Plin. *H. N.* xix. § 22). (Cf. Becker-Göll, *Charikles*, i. 189–192; NAVIS, Vol. II. p. 216 *b*.) [J. Y.] [W. W.]

INSI'LIA, from *insilire*, a part of the loom (only in Lucret. v. 1353). They were supposed to be the treadles, pressed by the weaver's foot; but the epithet *levia*, smooth or polished, does not suit these; and the insilia are more probably the heddles or leash-rods which open the warp. (Schneider, Index to *Scriptores Rei Rusticae*, s. v. *Tela;* Rich, *s. v.*; Munro, *ad loc.*)

As the word is not found elsewhere, its meaning can only be guessed (Munro: so also Blümner, *Technol.* i. 143 n.). [W. W.]

I'NSTITA (περιπόδιον). 1. A flounce; a fillet. The Roman matrons sometimes wore a broad fillet with ample folds, sewed to the bottom of the tunic and reaching to the instep. The use of it indicated propriety and good taste in dress (Hor. *Sat.* i. 2, 29; Ovid, *Ars Amat.* i. 32). It must have resembled a modern flounce. The notion that it was a train rather than a flounce, favoured by Rich (*s. v.*) and Becker, is decisively rejected by Göll (Becker-Göll, *Charikles*, ii. 27, iii. 255).

2. The word instita seems sometimes to have borne much the same sense as FASCIA, *e.g.* the girth of a bed, which might also be used as a bandage (Petron. *Sat.* cc. 20, 97). In a rather obscure line of Statius ("Candida pampineo subnectitur instita filo," *Theb.* vii. 654), it appears to mean a riband or fillet [VITTA] tied round a thyrsus: Rich gives an example of this from a Pompeian painting. [J. Y.] [W. W.]

I'NSTITOR. [INSTITORIA ACTIO.]

INSTITO'RIA ACTIO. According to the Jus Civile, a person could not be sued on a contract which his agent had entered into on his account. But as in course of time, with the growth of commerce, the Romans came to carry on various lucrative occupations by means of slaves (cf. Poste's *Gaius*, iv. 71, comm.), the praetor remedied the inconvenience of the civil law by allowing in the case of the *actio institoria* and certain other cases an additional action against a person by whose authority a contract had been made (*actiones adjecticiae qualitatis*). By the formula *institoria* a principal was made liable for business debts contracted by anyone, whether his son or his slave, or the slave of another or a free person, whom he had made his *institor*—i.e. manager of a trade or business, as banker, innkeeper, &c. ("ideo autem institoria appellatur, quia qui negotiationibus praeponuntur institores vocantur," Inst. iv. 7). Probably at first an action was only given on account of contracts made by filiifamilias or slaves of the owner of the business, but afterwards extended. (Cf. Inst. *l. c.*) The person who contracted with an institor would have two debtors: 1, the institor, the contracting party; and 2, his master or employer. In the formula *institoria* brought against the latter, the name of the institor would appear in the *intentio*, that of the master in the *condemnatio*. [ACTIO.]

The principle of the actio institoria was finally extended to all contracts of agents who were not institores, and so a contract entered into with an agent could always be enforced against his principal ("actio ad exemplum institoriae actionis," called by commentators *actio utilis* or *quasi institoria*). Institores are coupled with *nautae* by Horace (*Ep.* xvii. 20) and with the *magister navis* (*Carm.* iii. 6, 30). [Cf. EXERCITORIA ACTIO.] (Gaius, iv. 71; Inst. iv. 7; Dig. 14, 3.) [G. L.] [E. A. W.]

INSTITUTIONES. A student beginning the study of law was instituted in the subject (*institui*); i.e. he went through an elementary course of legal instruction under the direction of a competent lawyer. (For an account of Roman legal education, see Bremer, *Die Rechtsschulen*, u.s.w.) Such introductory study naturally led to the publication of law books of an educational kind, which were called *Institutiones*. There were various institutional works written by the Roman jurists. Thus Callistratus, who lived under Septimius Severus and Antoninus Caracalla, wrote three books of Institutes. Aelius Marcianus wrote sixteen books of Institutes, under Caracalla, or shortly afterwards. Florentinus, who probably lived in the time of the Antonines, wrote twelve books of Institutes, from which there are forty-two excerpts in the Digest. Paulus also wrote two books of Institutiones. There still remain fragments of the Institutions of Ulpian (see facsimile in Böcking's edition of Ulpian).

But the most important treatise of this kind that we know of was the Institutes of Gaius, in four books or commentaries. They were formerly only known from a few excerpts in the Digest, from the epitome of Gaius contained in the Breviarium of Alaric II. the Visigoth, from the Collatio, and a few quotations in the commentary of Boethius on the *Topica* of Cicero, and in Priscian. The MS. of Gaius was discovered in the library of the chapter of Verona, by Niebuhr in 1816. It was first copied by Goeschen and Bethmann-Hollweg, and an edition was published by Goeschen in 1820. The deciphering of the MS. was a work of great labour, as it is a palimpsest, the writing on which has been washed out, and in some places erased with a knife, in order to adapt the parchment for the purposes of the transcriber. The parchment, after being thus treated, was used by transcribing upon it some works of Jerome, chiefly his Epistles. The old writing was so obscure that it could only be seen by applying to it an infusion of gall-nuts. A fresh examination of the MS. was made by Bluhme, but with little additional profit, owing to the accidental loss of the paper containing the results of his work. A second edition of Gaius was published by Goeschen in 1824, with valuable notes, and an index of the sigla used in the MS. The preface to the first contains a complete demonstration that the MS. of Verona is the genuine *Commentarii* of Gaius, though the MS. itself has no title. An improved edition of Goeschen, by Lachmann, appeared in 1842. In 1866 an apograph or facsimile of the MS. by Boecking was published, which was based on Goeschen's collation, and some notes made by Bluhme. An entirely new and independent facsimile of the MS. was made by the German philologist Studemund in 1866, 1867, 1868, and published in 1874. It contains many amendments of and some not inconsiderable additions to the readings of Goeschen and Bluhme. The editions of Gaius which have appeared since 1874 have made Studemund's apograph the foundation of their text. The most trustworthy of these is that by Krüger and Studemund.

It appears from internal evidence that Gaius wrote his Institutes under Antoninus Pius and Marcus Aurelius. According to Dernburg (*Die Institutionen des Gaius, ein Collegienheft aus dem Jahre* 161 A.D.), the work is made up of lectures, which Gaius had previously delivered. It was the favourite text-book in the law schools till it was superseded by the Institutes of Justinian. Of Gaius himself hardly anything is known. His full name has not come down to us. (Cf. Roby's *Introduction to the Digest*, pt. i. ch. xiii.; Huschke, *Gaius; Étude sur Gaius*, par E. Glasson, §§ 2, 3. For the characteristics of his style, see Kalb, *Archiv für Latein. Lexikographie*, i. 82, &c.) Gaius belonged to the school of the *Sabiniani* [JURISCONSULTI]. The jurists whom he cites in his Institutes are Cassius, Fufidius, Javolenus, Julianus, Labeo, Maximus, G. Mucius, Ofilius, Proculus, Sabinus, Servius, Servius Sulpicius, Sextus, Tubero. Many passages in the Fragments of Ulpian are the same as passages in Gaius, which may be explained by assuming that both these writers copied such parts from the same original. Marcian and Ulpian follow a similar system of arrangement to that of Gaius, but it is more probable that they did not copy it from him.

The treatise of Gaius, unlike the *Edictum perpetuum* and other compilations of Roman law intended for practical purposes, is intended to be arranged on scientific principles, though its order of subjects is frequently confused. Its subject-matter is distributed under the three heads of (1) persons, (2) things, (3) actions—"omne jus quo utimur vel ad personas pertinet, vel ad res, vel ad actiones" (i. 8). The contrast between *personae* and *res* may have been derived from writings on *jus sacrum* (cf. Krüger's *Gesch. des Quellen*, § 24, n. 41, with passages from Augustine there cited). Some writers suppose that this threefold division of law originated with Gaius, but one would rather gather from the way in which he introduces it that it was already well known in the Roman schools. There has been considerable difference of opinion as to the exact nature of the division. It is generally supposed that the first head of it (the first book), which treats of persons, comprehends the status of persons regarded as the subjects of rights; others affirm that it treats of legal capacity, or of the three conditions which correspond to the threefold capitis deminutio. According to Savigny, this part of the work treats only of persons so far as they belong to the familia in the widest Roman acceptation of that term, and so in his opinion the law of persons is equivalent to family law (Savigny, *Syst.* i. 393). The law of persons consists in fact of the divisions of men into free and slaves, free-born and freedmen, and then notices the different kinds of power which one person may exercise over another—the power of the master over the slave (*dominica potestas*), the power of the father over his children (*patria potestas*), the power of a husband over a wife (*manus*), the power exercised over a person *in mancipii causa*. Lastly, it treats of *tutela*, which in its origin was a kind of *potestas*. Thus the object of the law of persons seems to be, not to describe family relations generally, but to distinguish men according as to whether they are independent or subordinate, capable of acting for themselves or under some incapacity in this respect. The second part treats of *res*; that is, of property in the widest meaning of the term, comprehending the law of ownership and the law of obligation, which two divisions occupy the second and third books. The fourth book treats of actions or procedure.

It was the object of Justinian to comprise in his Code and Digest or Pandects a complete body of law. But these works were not adapted to elementary instruction, and the writings of the ancient jurists were no longer allowed to have any authority, except so far as they had been incorporated in the Digest. Moreover, the Commentaries of Gaius, the favourite text-book of the schools, were antiquated. It was therefore necessary to prepare an elementary treatise, for which purpose Justinian appointed a commission consisting of Tribonian, Theophilus, and Dorotheus; the two latter were professors of law, and assisted Tribonian in the compilation of the Digest.

The commission was instructed to compose an institutional work which should contain the elements of the law (*legum cunabula*), and should not be encumbered with useless matter (Prooem., Inst.). Accordingly they produced a treatise, under the title of Institutiones or Elementa (*de juris docendi ratione*), which was chiefly compiled from the Institutes of Gaius and his *res cottidianae* (Const. Imperatoriae, § 6). But though the Institutiones of Justinian were mainly based on those of Gaius, its compilers sometimes followed other works. Thus the first passage in the Institutes is taken from Ulpian, and the passage (ii. 17, § 2, "si quis priori") is from the fourth book of Marcian's Institutes (Dig. 36, 1, 29). Florentinus is also used. In some instances the Institutiones of Justinian are more clear and explicit than those of Gaius. An instance of this occurs in Gaius (iii. 109) and the Institutes of Justinian (iii. 19, 10). (See Gneist's *Institutionum Syntagma*.) The Institutiones consist of four books, which are divided into titles. It is supposed that Tribonian only exercised a general superintendence over the work of compiling them, and that Theophilus and Dorotheus each undertook the task of compiling two books. (Cf. E. Grupe, *De Justiniani Instit. compositione*.)

The arrangement of the Institutes is generally the same as that of the work of Gaius; the difference between them in this respect is chiefly owing to the changes in the Roman law which had been made between the time of Gaius and that of Justinian. The Institutes treat only of Privatum Jus; except that there is a title *de officio judicis*, and a title on Judicia Publica at the end of the fourth book, which are not treated of by Gaius.

The Institutiones were published and given statutable authority on the 21st November, A.D. 533, shortly before the publication of the Digest.

There are numerous editions of the Institutes. The *editio princeps* is that of Peter Schoeffer (Mainz, 1468), which contains the gloss. The best modern editions are those of Schrader (1832), with commentary, Huschke (1868), and Krüger (1867, 1st ed.). There is a Greek paraphrase of the Institutes, which has long been attributed to Theophilus, one of the compilers of the Institutes, though, according to several modern authorities, without sufficient evidence. (See Ferrini, Praef.) It throws considerable light on the text of the Institutes, and contains additional information of an historical kind. The best edition of the paraphrase is that of W. O. Reiz, The Hague, 1751, 2 vols. 4to. A new edition is in progress by E. C. Ferrini (*Institutionum Graeca paraphrasis Theophilo antecessori vulgo tributa*, 1884–5), but only parts of it have as yet appeared. [G. L.] [E. A. W.]

INSTITUTO'RIA ACTIO. [INTERCESSIO.]

INSUBULUM. [TELA.]

INSULA. [DOMUS.]

INTEGRUM RESTITUTIO, IN. [RESTITUTIO.]

INTENTIO. [ACTIO.]

INTERCESSIO. LEGAL. It is intercessio when a person takes upon himself the debt of another. To become intercessor a person must incur liability by entering into a contract or other transaction with some one else's creditor. Thus a payment by one person of another's debt is not intercessio, because no liability is incurred by such payment (Dig. 16, 1, 4, § 1). Nor is it intercessio to promise a debtor to indemnify him for outgoings to his creditor, since no relation is thereby created between the party promising and the creditor. He who intercedes may either (1) take upon himself the debt of another and become debtor in place of that other (privative intercession), or (2) become debtor while the person for whom he intercedes is also debtor (cumulative intercession).

1. To the first head, that of privative intercession, belong (*a*) the case of a man taking upon himself an already existing obligation of another, so as to release the latter from all liability. In this case the old debt is put an end to by a species of novation, called *expromissio*, the creditor accepting the intercessor as his debtor in the place of his previous debtor, and thus discharging the latter; (*b*) the case of a person taking an obligation on himself which does not already exist, but which the person for whom he intercedes would otherwise have contracted for himself. This is called *intervention* (cf. Dig. 16, 1, 18, § 14: "Si quum essem tecum contracturus, mulier intervenerit, ut cum ipsa potius contraham, videtur intercessisse").

2. To the second head, that of cumulative intercession, belong (*a*) the case of a person becoming surety for another; (*b*) the case of a person becoming a party to a correal obligation otherwise than as *fidejussor* (as to *correi*, cf. Inst. iii. 16, "De duobus reis stipulandi et promittendi;" and see art. OBLIGATIO); (*c*) the giving a thing in pledge for the debt of another (Dig. 16, 1, 8 pr., 32, § 1).

It may be convenient to give some account in this place of the law relating to a surety's liability. It was a general rule that a contract of suretyship could only be entered into in a formal way by question and answer. In the case of a sponsor, the *interrogatio* was, "Idem dari spondes?" In the case of a *fidepromissor*, it was, "Idem fidepromittis?" In the case of a *fidejussor*, it was, "Idem fide tua esse jubes?" The object of having a sponsor, fidepromissor, or fidejussor, was greater security to the stipulator. With respect to one another sureties were *consponsores* (Cic. *ad Att.* xii. 17), *confidepromissores*, *confidejussores*. In the Institutes of Gaius, a distinction is made between sponsores and fidepromissores on the one side, and fidejussores on the other. Each sponsor or fidepromissor (the obligation of sponsor and fidepromissor became identical, but only cives could be sponsores) was originally liable for the whole debt for which he was security, and he had no means of action against a co-sponsor. The liability did not pass to his heredes. By the Lex Publilia, sponsores who had been compelled to pay the debt had a special action *in duplum* against the principal debtor, which was called *actio depensi*.

The Lex Furia de sponsione, B.C. 345, made a considerable change in the position of sponsores and fidepromissores, by enacting that a sponsor or fidepromissor should only be liable for his share of the debt with his co-sureties, who were alive at the time when the money became due (*singuli viriles partes*), and that he should cease to be liable after the lapse of two years. A Lex Apuleia, which was passed before the Lex Furia, gave one of several sponsores or fidepromissores who paid more than his share an action against the rest for contribution; but this lex was rendered useless by the Lex Furia, at least in Italy, to which country alone the Lex Furia applied, while the Lex Apuleia extended to places out of Italy.

Fidejussores were of later institution than sponsores and fidepromissores, and, on account of the preference given to them, gradually superseded the older kind of surety. Each fidejussor was liable for the whole debt, as if he were sole debtor, his obligation being that of a correus (*singuli in solidum obligantur*). Fidejussores were never released from their obligation by length of time, and the heres of a fidejussor was bound. A fidejussor who had been compelled to pay the whole amount had no redress against his co-fidejussores, but every surety could recover on a *mandati judicium* from his principal whatever he had been compelled to pay on his account. A creditor might sue either the debtor or his fidejussor, and after he had elected to sue one of them he could not sue the other. Sponsores and fidepromissores could only become parties to a debt which was contracted by stipulation, though in some cases they might be bound when their principal was not, as in the case of a pupillus who promised without the auctoritas of his tutor, or of a man who promised something after his death; but a fidejussor might be accessory to all obligations, whether contracted *re*, *verbis*, *litteris*, or *consensu*, or arising in any other way.

The stringent liability of fidejussores was somewhat lessened by special enactments of the emperors in their favour (*beneficia*). Thus, by a rescript (*epistola*) of Hadrian, a fidejussor who was sued might require (*ope exceptionis*) the creditor also to sue the other solvent fidejussores, each according to his proportion. If any one of them was not solvent, his share became a burden to the rest. According to a change in the law made by Justinian (*Novell.* 4), a fidejussor might compel the creditor to sue his debtor, if solvent, before having recourse to him (*beneficium excussionis*). A fidejussor before paying the debt might insist that the creditor should assign to him all his rights of action against co-fidejussores (*beneficium cedendarum actionum*).

The Lex Cicereia provided that a creditor who obtains the guarantee of sponsors and fidepromissors should previously declare to them the amount of the debt to be guaranteed and the number of sponsors or fidepromissors by whom it was guaranteed. If it was judicially proved that the creditor had not complied with the requisitions of the law, the sureties were released. This rule was subsequently made the practice in the case of fidejussores also (Gaius, iii. 123). A Lex Cornelia limited the amount for which any person could be a security for the same person to the same person within the same year to twenty thousand sesterces, but with some exceptions, one of which was a security *dotis nomine*. No person could be bound in a greater amount than his principal, but he might be bound in less.

In the legislation of Justinian sponsores and fidepromissores are not recognised, they having been entirely supplanted by fidejussores. The subject of the sponsio often occurs in Cicero's letters; and in one case he was called on in respect of a sponsio alleged to have been given by him twenty-five years before (*ad Att.* xii. 17). Cicero uses the expression *appellare* to express calling on a surety to pay (*ad Att.* i. 8). Certain informal kinds of guarantee, called *mandatum qualificatum* and *constitutum debiti alieni*, which are also species of intercession, were established in later Roman law; for an account of these, see MANDATUM and CONSTITUTUM.

Women were incapacitated from doing certain acts on account of the weakness of the sex. In the early part of the reign of Augustus, and in that of Claudius, it was declared by the Edict that women should not *intercedere* for their husbands. Subsequently, in the reign of Claudius, A.D. 46, the Senatusconsultum Velleianum absolutely prohibited women becoming sureties or borrowing money for others, two particular modes of intercession. The law was extended by the jurists to other cases of intercession, which, though not expressly provided for in the SC., were within its principle. A woman who was sued in respect of her intercessio, or her heres, might plead the statute (exceptio SC. Velleiani). Whatever she paid in ignorance of her right so to plead, she might recover. In certain cases a woman was permitted to renounce the benefit of the senatusconsultum; and there was a considerable number of exceptions to the rule that a woman who interceded could plead the senatusconsultum. (For the changes made by Justinian in the law on the subject, see Windscheid, *Pandekten*, ii. § 488.) Hence the term *intercessio* is used in two senses in our sources: (1) for any undertaking by one person of the obligation of another, which is its ordinary sense; (2) in a narrower sense, for any such undertaking, which is contrary to the SC. The Novella 134, c. 8, was specially intended to prevent a wife interceding under any circumstances for her husband.

(Dig. 16, 1, ad SC. Velleianum; Paulus, *S. R.* 2, 11; Cod. 4, 29; Gaius, iii. 115–127; Inst. iii. 20, de fidejussoribus; Dig. 46, 1; Cod. 8, 41, de fidejussoribus et mandatoribus; Girtanner, *Die Bürgschaft nach gemeinen Civilrecht*; Hasenbalg, *Die Bürgschaft des gemeinen Rechts*; Kattenhorn, *Ueber Intercessionen der Frauen*; Vangerow, *Pandekten*, iii. §§ 577, 578, 579, 581; Windscheid, *Pandekten*, iii. § 476, &c., § 485, &c.; Poste's *Gaius*, iii. §§ 110–127, comm.) [G. L.] [E. A. W.]

INTERCESSIO. CONSTITUTIONAL. Intercessio is used to denote the right of veto possessed by Roman magistrates: a right of which, as Mommsen has pointed out, there are two distinct aspects. One of these is the power possessed by the higher magistrates of forbidding the actions of the lower magistrates: the other is the power possessed, not only by higher magistrates, but by magistrates of equal power, of rendering invalid actions already performed by magistrates of lower or equal authority. The former power is distinct from the latter in that it is an attribute solely of *major potestas*, and is not necessarily followed by the invalidity of the act it forbids, if this act is performed in spite of the veto; its fullest exercise is shown in the complete suspension of public business known as the JUSTITIUM, and it is sometimes spoken of as an exercise of the right of *intercessio* (Liv. x. 37). But *intercessio* is more often applied to the employment of the second power, the use of which was far more frequent in the working of the political machinery. It represents the right of a magistrate to render ineffective the completed actions of his inferior or equal. It is an attribute, therefore, not only of *major* but of *par potestas*, and the invariable effect of its exercise is the invalidity of the act against which it is levelled. With the institution of the double magistracy in place of the monarchy, the intercession originated within the limits of *par potestas*; with the creation of the lower magistrates of the people originated the conception of *major potestas* as giving the right of veto: and this idea culminated in the powers that were vested in the subsequently-created tribune, who had *major potestas* over every magistrate of the state except the dictator. The intercessio was thus a supervision, exercised by closely-related magistrates, who were theoretically irresponsible during their year of office over one another's functions, for the prevention of illegal or inequitable actions; and on the part of the tribune a general supervision over all other magistracies in the interests, originally of the plebs, later of the whole community.

The intercession originated with the principle of colleagueship, and, except in the case of the tribune, was mainly confined within the limits of colleagueship. Thus the dictator has it against his inferior colleague the consul, the consul against his inferior colleague the praetor; but the consul can also veto the acts of the aedile or quaestor, who are not his colleagues, if we may accept the application to Roman practice of a principle laid down in the municipal law of Salpensa (c. 27; *C. I. L.* n. 1963), although there is no known instance of the exercise of such a veto at Rome. The tribune, outside the bounds of his own college, can exercise the right of intercession against all the patrician magistrates except the dictator—against the consul, praetor, aedile, and quaestor. In the case of *major potestas* the right of intercession is unshackled; but between certain magistrates of wholly dissimilar character, neither *major* nor *par potestas* existed. No relation of this kind could be established between the aedile and quaestor, or between the consul and censor, and accordingly such magistrates have no power of vetoing one another's actions. Another restriction, and one that was necessary to prevent utter confusion in the working of this power, was that the veto could not be vetoed; the intercession is final, and the act that is declared void cannot be re-established by any further exercise of this power. Another limitation of the intercession is found in its purely *civil* character: intercession only exists where divided authority is found; for the purposes of administration *militiae* such a division of authority was never tolerated; and thus Cicero excludes the intercessio resting on *appellatio*, the only form in which it could have manifested itself outside Rome, from the military sphere altogether (Cic. *de Leg.* iii. 3, 6). A further limitation rests on the theory that the intercession is only valid when directed against the actions of a magistrate. It was not, therefore, permitted against the decisions of juries in civil cases; the magistrate's functions being confined to proceedings *in jure*, all those *in judicio* were outside the sphere of the veto. In the *quaestiones*, in which the distinction between proceedings *in jure* and *in judicio* disappeared [JUDICIUM PUBLICUM], the veto was similarly not permitted against the finding of the magistrate and jury, the reasons being that the quaestiones were a development of civil process, in which the intercession was not permitted, and that the magistrate's acts here, during the process, are not distinguishable from those of the jury. But it appears that against the purely magisterial actions that formed the preliminary of a quaestio, intercession was still possible; in the trial of Vatinius, when the praetor, on application, had named a certain day for the trial, Vatinius appealed to a tribune "ne causam diceret" (Cic. *in Vat.* 14, 33).

The intercession may conveniently be considered from three points of view, according to the sphere of the magistrate's actions against which it was directed: the decree (*edictum*), the *rogatio*, and the *senatusconsultum*.

(i.) Against the magistrate's decree (*edictum*), whether as forming a part of civil jurisdiction of the ordinary judicial magistrates, the praetors, or of criminal jurisdiction conducted by the consul, aedile or quaestor, or of the ordinary administration of the duties imposed on individuals by the state, the intercession was most frequently directed. Intercession in all these cases rests on *appellatio*, the request for help (*auxilium*) put forward by an individual who appeals against the decree by which he feels himself injured. The *appellatio* must be made personally to the magistrate and the intercession exercised personally by him. Thus we find tribunes attaching themselves to consuls, to prevent the execution of their edict on the occasion of an expected levy (Liv. iv. 55, 3), and the praetor Caelius Rufus taking up his position next to the chair of his colleague Trebonius, waiting for appeals from the latter's decisions (Caes. *Bell. Civ.* iii. 20, "tribunal suum juxta C. Treboni praetoris urbani sellam collocavit, et si quis appellavisset fore auxilio pollicebatur"); and in the time of the Empire, when the princeps in virtue of his imperium received such appeals, we find Tiberius taking up a similar position close to the praetor's chair (Tac. *Ann.* i. 75, 1). This necessity for the presence of the assisting magistrate was most marked in the case of the tribune (Gell. xiii. 12, "Tribuni antiquitur creati intercessionibus faciendis quibus praesentes fuissent"), who were prevented for this reason from staying a night without the walls. Certain further limitations and formalities in the appellatio are known to us from the Lex Salpensana (c. 27), such as the rule that an interval of three days was granted to the magistrate to inform himself of the grounds of the appellatio made to him, and the rule that no magistrate could intercede more than once in the same case: regulations which, though applying to the organisation of a municipal town, may with certainty have their origin referred to Roman practice. In civil jurisdiction the intercessio might be employed at any stage of the proceedings *in jure*; the usual appeals were from one home praetor to another, although they might possess different *provinciae*. Thus Verres the praetor urbanus had his decisions vetoed by his colleague Piso, who was probably praetor peregrinus in cases where Verres had decided contrary to his own edict (Cic. *in Verr.* i. 46, 119: cf. Caes. *Bell. Civ.* iii. 20); but the consul, who possesses no *jurisdictio*, can yet veto the decisions of the praetor, as we find him in one case vetoing the decisions of the praetor urbanus in a case of *bonorum possessio* (Val. Max. vii. 7, 6). This, however, was unusual, and the general principle was to confine intercession to magistrates possessing somewhat similar authority, with the exception of the tribune. So powerful and far-reaching was the tribune's veto against the decree of the magistrate, that it has been thought that the tribune's right of intercession sprang from his power of *auxilium*, and that his other powers of veto, against the rogatio and the senatusconsultum, were of later growth. His interferences were for the most part against criminal jurisdiction, which, like civil jurisdiction, might be interfered with at any stage of the proceedings before the magistrate, and against the exercise of administrative power, more particularly against that of the consul (Cic. *de Rep.*

ii. 33, 58, "contra consulare imperium tribuni plebis constituti"). In matters of state-administration, such as the raising of consular levies (Liv. ii. 43) or the quaestorian collection of the taxes (Liv. xxx. iii. 42), it is the execution of the decree resting on the magistrate's right of *coercitio* that is interfered with by the tribune. From an appeal of this sort made to the tribune from the coercitio of a magistrate, a kind of quasi-judicial process results, more especially if the appeal had been made to the whole college, the process being spoken of as a *cognitio* of the tribunes (Liv. xlii. 33, "cognituros se de quo appellati essent"). We have such a process described by Livy (*l. c.*) on the occasion of an appeal from a consular levy. The matter is heard before the college of tribunes ("ad subsellia tribunorum"), before which appear the appellants and the magistrate appealed against, to defend the fact against which the appeal has been lodged. The collegium gives its verdict sometimes with the grounds of their decision (Ascon. *in Milon.* p. 47). It is possible, Mommsen thinks, that the college may in cases like this have found by a majority; although if one tribune persevered in the intercession, he might overrule the adverse decision of his other colleagues (Mommsen, *Staatsr.* i. p. 280).

(ii.) Against the *rogatio* the intercession might be directed as against any other act of the magistrate, and here we find the two aspects of the veto strongly marked; the right to forbid the question being put at all, and the right to intercede against the question after it has been put. The first right belongs to magistrates with *major potestas:* the consul can forbid the praetor to question the people (Liv. xxvii. 5); and it was from this power the consul possessed of forbidding the question, that the constitutional custom arose for the praetor to consult the consul before putting the rogatio (Liv. xlv. 21, "sed et praetor novo maloque exemplo rem ingressus erat, quod non consulibus certioribus factis de sua unius sententia rogationem ferret"). But the intercession against a rogatio that had been already put, though it probably belonged originally to the *par majorve potestas* throughout the circle of the magistracies, soon became the exclusive right of the tribune. It might be pronounced in any of the assemblies, and against any kind of act brought before these assemblies; against elections (Liv. iv. 50, 8; xxv. 2, 6), against *leges*, including formal acts such as the Lex Curiata (Cic. *de Leg. Agr.* ii. 12, 30), and against *plebiscita* (Plut. *Tib. Gracch.* 10). Certain formalities were observed in the intercession against a rogatio; it seems to have been irregular to pronounce the intercessio before the day of voting arrived (Cic. *ad Att.* iv. 16, 6; Ascon. *in Cornel.* p. 58), and indeed before the speeches for and against the law had been made (Liv. xlv. 2 , "quum ita traditum esset, ne quis prius intercedat legi, quam privatis suadendi dissuadendique legem potestas facta esset"). In the case of leges, the correct time for interposing the veto seems to have been when the introductory acts of the magistrate were over, and just before the voting had commenced (Mommsen, *Staatsr.* i. p. 285); in elections we find the tribune interceding after the praerogativa had voted (Liv. xxvii. 6, 5).

(iii.) Against a *senatusconsultum.* The intercession against a senatusconsultum, as against a rogatio, rested originally on the *par majorve potestas.* It was exercised by the tribune against the tribune (Cic. *pro Sest.* 31, 68), consul (*ib.* 34, 74), and praetor (Cic. *ad Fam.* x. 12, 3 and 4), and originally by the consul against the consul (Liv. xxx. 43, 1) and praetor, although it is unlikely that intercession was ever applied in the last-mentioned case, since the praetor did not usually summon the senate while the consul was at Rome. We find no instance of the consul's vetoing a senatusconsultum proposed by the tribune, and it is concluded accordingly that he did not possess this power. The exercise of intercession in the senate was simplified by the magistrate, who intended to veto the resolution, declaring his intention beforehand. This must be the meaning of the declaration often made by magistrates in the senate—by the consul, for instance, against his colleague, that "he would not allow any business to proceed," "non passurum quicquam agi" (Liv. xxvi. 26, 7; xxx. 40, 8: cf. xlii. 10, 10, "Popillius prae se ferens, si quid decerneret, intercessurum, collegam deterruit"). This threat did not necessarily suspend the particular business in the senate; the motion on which the veto was put, was, if passed by a majority, drawn up as a *senatus auctoritas.* Sometimes the senate requested the magistrate to suspend the intercession ("intercessionem remittere," Liv. xxxvi. 40, 10), and sometimes attached to a particular decree a general vote of censure on any magistrate who should veto it (Cic. *ad Fam.* viii. 8, 6, "qui impedierit prohibuerit, eum senatum existimare contra rempublicam fecisse"). The intercessio on certain kinds of senatusconsulta might be forbidden by law; thus the Lex Sempronia in 123 B.C. forbade the intercession on the senatorial assignment of the consular provinces (Cic. *de Prov. Cons.* 8, 17; *de Domo*, 9, 24). The veto on a senatusconsultum did not apparently interrupt the procedure of the senate, since it was usually pronounced after the voting on the measure (Val. Max. ii. 27), or while the voting was in progress (Cic. *ad Fam.* x. 12, 3), but never apparently during the debate. Hence the advantage of the preliminary declaration that the veto would be pronounced.

If we may trust tradition, this right of intercession was not originally confined to magistrates who had the right of summoning or even of sitting in the senate, since it is stated that the tribune possessed the former before he possessed either of the latter powers, sitting on a bench before the doors for the purpose of examining the decrees (Val. Max. ii. 27). In the course of time, as the tribune gained the right of taking part in the debate and of summoning the senate, his intercessio came to outweigh that of the consuls. Consular intercession against a senatusconsultum continued in force long after such intercession against a rogatio had ceased to be recognised: but before the close of the Republic it yielded even in this domain to that of the tribune. The evidence, which is entirely negative, is strongly in favour of Mommsen's view that after the time of Sulla consular intercession against a senatusconsultum is not found, as against that of Willems, who holds that traces of it are found down to the close of the Republic (Mommsen, *Staatsr.* i. p. 282, n. 7; Willems, *Le Sénat de la République Romaine*, ii. p. 200, n. 2). It is not necessary to imagine that the consular right of intercession in these cases was removed by direct legislative enactment, but that it ceased to be usual, and in time came to be regarded as unconstitutional. The tendency of republican development was to make the tribunate the sole forbidding power, and, in so far as the intercession represented a guardianship of the law, to raise the tribunate into the great corrective power in the state. (Mommsen, *Römisches Staatsrecht*, i. p. 67, and pp. 268 *sq.*; ii. pp. 290 *sq.*: and for intercession in the senate cf. Willems, *Le Sénat de la République Romaine*, ii. pp. 199 *sq.*) [A. H. G.]

INTERCISI DIES. [Dies.]

INTERCOLUMNIA. [Templum.]

INTERDICTIO AQUAE ET IGNIS. [Exsilium.]

INTERDICTUM. In certain controversies, chiefly when possession or quasi-possession (possession of a servitude) is in dispute, the praetor or proconsul intervenes in a paramount or sovereign capacity, and commands some performance or forbearance; which commands, formulated in solemn terms, are called "interdicts" or "decrees"—decrees, when he commands that something be performed; for instance, when he orders that something be produced, or something be restored: interdicts, when he forbids some act; as when he forbids the violent disturbance of a possession, unimpeachable on the ground of defects (*sine vitio;* see below), or the desecration of consecrated ground. Interdicts, then, are orders either of restitution (*restitutoria*, obliging a person to make over property to another), or of production (*exhibitoria*), or of abstention (*prohibitoria*). (Gaius, iv. 139, 140, ed. Poste.) This passage contains the essential distinction between an ordinary actio and an interdiction, so far as the praetor or proconsul is concerned. In the case of an actio, the praetor pronounces no decree, but simply issues a formula appointing a judex, whose business it is to investigate the matter in dispute, and to pronounce a sentence consistently with the formula which is his authority for acting. In the case of an actio, therefore, the praetor neither orders nor forbids a thing to be done, but he says simply, "Judicium dabo" (I will grant a trial). In the case of an interdict, the praetor makes an order that something shall be done or shall not be done, and his words are accordingly words of command: "Restituas, exhibeas, vim fieri veto." This direct interposition of the magistrate is appropriately expressed by the word *principaliter*, which does not, as some writers have supposed, refer to the fact of the command being the first formal proceeding in order of time, but to its being a special act of magisterial interference.

It is probable that interdicts were first given by the magistrate in cases where there was no statutory action (*legis actio*), and the interference of the supreme executive authority was required in the interest of law and order. In this way protection was given to public and sacred property, as public roads, rivers, temples, altars; the exercise of family and proprietary rights was made more secure, and new rights of praetorian origin were established. Something of a penal character attached to the interdict procedure, the sponsio or wager, which the parties to it entered into, in order that their rights under the interdict might be determined, being always *poenalis*, i.e. paid as a penalty by the unsuccessful to the successful party, and not a mere matter of form (*praejudicialis*). This kind of penalty may have taken the place of the multa or fine, by which disobedience to the interdict was originally punished.

The interdict procedure, as described by our authorities, was not more summary in its character than the ordinary procedure in an action, but it is probable that it consisted at first of an absolute command, which the magistrate, as guardian of public order, compelled obedience to, after holding an informal inquiry to satisfy himself that the law had been broken. In granting interdict process the magistrate did not exercise jurisdictio, but simply an act of imperium, and he determined at first without the assistance of a judex whether his authority should be interposed. Thus the interdict belonged to *cognitio extraordinaria*, not to *cognitio ordinaria*.

But in course of time the interdict lost its summary character, the praetor finding it more convenient to transmit interdict cases to a judex than to determine them himself. Accordingly, he made his command or prohibition conditional, at the same time directing the parties to the proceeding to stake a wager (*sponsio*) on the question to be decided by a judex whether the interdict had been violated. Thus, if a party to whom an interdict was directed, refused to admit the claim of his opponent, the subsequent proceedings resembled in their main features those of an ordinary action. Even the distinction as to the mode of commencing the proceedings by an authoritative order instead of by giving a judex seems to have been sometimes disregarded. Thus Savigny observes that in one of the most important interdicts, that *de vi*, the formula is, "Judicium dabo" (Dig. 43, 16, pr.). But, as he explains, the old genuine formula was, "Restituas" (Cic. *pro Caecin.* 8, § 23); and the "Judicium dabo" must have been introduced when the formulae of the two old interdicts (*de vi armata* and *de vi quotidiana*) were blended together, and at a time when the distinctions between interdictum and actio had become a matter of indifference.

The mode of proceeding as to the interdict was as follows. The party aggrieved, having summoned the defendant to court, stated his case to the praetor, which was the foundation of his demand for an interdict, and was therefore analogous to the *postulatio actionis*. If the magistrate, after hearing the parties, saw sufficient *primâ facie* reason, he might grant the interdict, which was often nothing more than the words of the edict addressed to the litigant parties, with the addition that the subject-matter of the dispute was designated. Thus the cases in which the praetor would grant an interdict were provided for in his album with appropriate forms. The praetor, before granting an interdict, made no inquiry into the merits of the case, but simply determined the previous questions whether under the alleged circumstances the interdict applied for was applicable;

and if so, how it should be framed. An interdict, like all decrees of a magistrate, was delivered orally, but its terms were registered in the praetor's book (*tabulae*, *codex*), and a copy was perhaps given to the complainant (Bethmann-Hollweg, *Civ. Proc.* § 98): hence *edere interdictum* is equivalent to *reddere interdictum*.

The interdict laid down the conditions which were to determine whether the defendant was liable or not. If he had violated its terms, he was bound to make restitution to the complainant; and if he did so, the dispute was of course at an end, in which case the proceeding would be a summary one. This is not stated by Gaius, but follows of necessity from the nature of the case; and when he says, that when the praetor has ordered anything to be done, or forbidden anything to be done, the matter is not then at an end, but the parties go before a judex or recuperatores, he means that this further proceeding takes place, if the praetor's edict does not settle the matter. If the parties disputed whether the terms of the interdict had been violated or not, it was necessary that further application should be made to the praetor within a year from the time when the interdict had been granted. Thus, when the praetor's order did not terminate the dispute, he directed that an action should be tried, and for this purpose framed a formula by which the judex, recuperatores, or arbiter named in it were instructed as to the case they were to try. The inquiry would be, whether anything had been done contrary to the praetor's edict, or whether that had been done which he had ordered to be done: the former inquiry would be made in the case of a prohibitory interdict; and the latter in the case of an exhibitory or restitutory interdict. The word *interdictum* was, strictly speaking, only applicable to the prohibitory command, *decretum* being the term for a command of a positive nature, but interdictum became the general term for commands of either kind. The subsequent course of the proceedings depended on the question, whether the action was based on a sponsio (as was at first invariably the case), or a *formula arbitraria* was granted. In the case of a prohibitory interdict, there was always a sponsio: that is, the parties were required by the magistratus (*in jure*) to deposit or give security for a sum of money, the loss of which was in the nature of a penalty (*poena*) to the party who failed before the judex.

In the case of an exhibitory or restitutory interdict, the proceeding was sometimes *per sponsionem*, and therefore before a judex or recuperatores, and sometimes without any sponsio, being tried under a *formula arbitraria* [ACTIO] by a judex or arbiter. When the formula of the interdict was framed in the latter way, it ceased to be penal in character. A defendant in an interdict proceeding of an exhibitory or restitutory kind might claim a *formula arbitraria*, if he did so at the first stage of the proceedings, when they were before the magistrate (*in jure*); if he omitted to claim in due time, a sponsio was necessary. A plaintiff might sue, as he pleased, either *per sponsionem* or *per formulam arbitrariam* (Gaius, iv. 162; Ulp. *Fragm.* 7, 8; Cic. *pro Tull.* § 53). In Cicero's time the *formula arbitraria* seems not to have been allowed in the case of *vis armata* (Bethmann-Hollweg, *Civ. Proc.* § 98, n. 107; Keller, *Sem.* ii. p. 340). In the case of Caecina (Cic. *pro Caecin.* 8, 23) a sponsio had been made: Cicero says, addressing the recuperatores, "Sponsio facta est: hac de sponsione vobis judicandum est." When the matter came before a judex or arbiter, the course of proceeding was, generally speaking, similar to the ordinary action [ACTIO].

The chief division of interdicts (*restitutoria*, *exhibitoria*, *prohibitoria*) has been stated. The purposes to which they were applicable were various. Thus, under Jus publicum and sacrum, we find, *interdictum de via publica*, *de flumine publico*, *de locis sacris* (religious); under the law of status and family law, *interdictum de homine libero* (corresponding to our writ of habeas corpus), *de homine liberto*, *liberis exhibendis*. But the greater number of interdicts were given for the protection of private property, and more especially for the protection of possession.

The importance of what are called the possessory interdicts is that the praetor, in granting them, takes no account of title to property, but simply assists the person who is in actual possession of property. Thus he gives a thief or malâ-fide possessor the benefit of such interdicts, as well as an owner or a bonâ-fide possessor. The owner cannot escape liability under them by setting up the plea of title. The question to be determined, when these interdicts are in question, is not one of right, but of fact. [POSSESSIO.]

Interdicts relating to possession are divided into those for the purpose of acquiring possession, retaining possession, or recovering possession (Gaius, iv. 144).

The Interdicta adipiscendae possessionis causa were not strictly possessory interdicts, as Savigny has shown (*Das Recht des Besitzes*, p. 410), since they are not founded on former or actual possession, but on some other title, as on a title of pledge or of bonorum possessio. The Interdictum quorum bonorum, so called from its initial words, belongs to this class of interdict; it was given to the bonorum possessor (BONORUM POSSESSIO; Dig. 43, 2, 1). Its operation was to compel a person who had possession of the property of which the bonorum possessio was granted to another, to give it up to such person, whether the person in possession of such property possessed it under a claim of right or not. The bonorum emptor was entitled to an analogous interdict, which was called Possessorium [BONORUM EMPTIO]. An interdict called Sectorium was granted to a person who bought goods at a public auction in order that he might thereby obtain possession of them; the name *sectores* being applied to persons who bought property in such manner (Gaius, iv. 146; Cic. *pro Rosc. Am.* 36, 103).

The Interdictum Salvianum was granted to a landlord; it enabled him to take possession of the stock of his tenant (*colonus*) who had hypothecated it for his rent (Dig. 43, 3).

The Interdicta retinendae possessionis causa were granted for the protection of a person in actual possession. A person was considered to be in actual possession who had the physical control of a thing, and who intended to deal with the thing as his own. [POSSESSIO.] There were two interdicts by which a person in possession was protected, named respectively Uti possidetis and Utrubi, from the initial words of the Edict. The Interdictum uti possidetis applied to land or houses, and the other to movables. The Uti possidetis protected the person who at the time of obtaining the interdict was in actual possession, provided he had not obtained possession from the other party (*adversarius*) either by violence (*vi*), or by fraud (*clam*), or as his tenant at will (*precario*), which were the three *vitia possessionis* (Festus, *s. v.* Possessio; Gaius, iv. 160). In the case of the Interdictum utrubi, the possession of the movable thing was by the interdict declared to belong to him who had possessed the thing during the greater part of the previous year, "nec vi nec clam nec precario" (Gaius, iv. 151). If a person had acquired possession from another, he might count the time during which the person from whom he acquired was in possession. In the time of Justinian the person who was in actual possession when the proceedings commenced was entitled to this interdict, whether he had been in possession for the greater part of the previous year or not.

An Interdictum recuperandae possessionis might be claimed by him who had been forcibly ejected (*vi dejectus*) from his possession of an immovable thing, and its effect was to compel the wrongdoer to restore the possession or to make good all damage. The initial words of the interdict were, "Unde tu illum vi dejecisti;" and the words of command were "ei restituas" (Cic. *pro Caecin.* 30, 88; *pro Tull.* §§ 29, 44;—Gaius, iv. 154; Dig. 43, 16, 1). There were two cases of *vis:* one of *vis* simply, to which the ordinary interdict applied, which Cicero calls *quotidianum;* the other of *vis armata*, such as was obtained by Caecina against Aebutius. The plaintiff had to prove that he was in possession of the premises, and had been ejected by the defendant or his agents (*familia* or *procurator*, Cic. *pro Tull.* § 29). The defendant might put in an answer (*exceptio*) to the plaintiff's claim for restitution; he might show that the plaintiff's possession commenced either *vi*, *clam*, or *precario* with respect to himself (*pro Caecin.* 32, 92; *pro Tull.* § 34); but this exceptio was not allowed in the case of *vis armata* (*pro Caecin.* 8, 22; 32, 93). The defendant might also plead that a year (*annus utilis*) had elapsed since the violence complained of, but this plea could not avail in a case of *vis armata* (Cic. *ad Fam.* xv. 16).

The Interdictum de precaria possessione or de precario was the remedy by which a thing could be recovered from a person who held it by the lease and licence of another, but not under a contract. It is called *precarium* because the person who received such permission usually obtained it by request (*prece*); but express request was not necessary to constitute a precarium, for it might arise by tacit permission (Paul. *Sent. Rec.* v. 6, 11). The person who was permitted to have detention of the thing obtained at the same time interdict possession of it, unless it was otherwise agreed. In either case the permission could at any time be recalled, restitution being enforced by the Interdictum de precario, as in the case of *vis*. In the later period of Roman law a regular action was given for the recovery of the precarium, as in the case of depositum; nevertheless the precarium was never regarded as a contract in the strict sense. The Interdictum de precario originally applied to land only, but it subsequently extended to movable things. The liability imposed by the Edict was to restore the thing, but not its value, in case it was lost, unless *dolus* or *culpa lata* could be proved against the defendant. But from the time that the demand is made against the defendant, he is *in mora*, and, as in the case of the other interdicts, he is answerable for all *culpa*, and for the fruits or profits of the thing; and generally he is bound to place the plaintiff in the condition in which he would have been if there had been no refusal. No exceptions were allowed in the case of a precarium. The origin of the precarium is referred by Savigny to the relation which subsisted between a patronus and his cliens, to whom the patronus gave the use of a portion of the ager publicus. If the cliens refused to restore the land upon demand, the patronus was entitled to the Interdictum de precario. As the relation between the patronus and the cliens was analogous to that between a parent and his child, it followed that there was no contract between them, and the patron's right to demand the land back was a necessary consequence of the relation between him and his cliens. (Festus, *s. v.* Patres.) The precarium did not fall into disuse when the old ager publicus ceased to exist [AGRARIAE LEGES]. It was in fact extended and applied to other purposes: thus a mortgagor might have possession of a thing under a precarium with the mortgagee.

Gaius (iv. 156) makes a third division of Interdicta into *simplicia* and *duplicia*. Simplicia are those in which one person is the plaintiff (*actor*), and the other is the defendant (*reus*): all Restitutoria and Exhibitoria Interdicta are of this kind. Prohibitoria Interdicta are either *simplicia* or *duplicia*. They are duplicia in the case of the Interdictum uti possidetis and Utrubi, because, as in these interdicts each party claims to be in possession, one of them cannot be regarded as plaintiff or defendant more than the other (Gaius, iv. 160).

Interdicts were used for the purpose of putting one of two parties to an action in interim possession of a thing till the action was decided (Rudorff, *Ueber das Interdict* Quem Fundum, &c.; *Zeitschrift*, vol. ix.). In the Interdicta duplicia, the interim possession of the property in question pending the issue was given to the party who made the highest bid for it: such bidding between the parties for the mesne profits was termed *fructuum licitatio* (Gaius, iv. 166, &c.). In the case of the Interdicta duplicia, it may perhaps have been necessary for the purpose of founding jurisdiction, that the parties should feign an act of violence (*vis ex conventu*, Gaius, iv. 166, Muirhead's ed., which may be equivalent to the *vis moribus facta* of Cicero, *pro Caecin.* 1, § 2; 8, § 22; DEDUCTOR). In the later period of Roman law there was no difference between interdict procedure and that by which other actions were tried (Inst. iv. 15, 8).

(Gaius, iv. 138–170; Ulp. *Inst. fr.* v.-viii.; Paulus, *Sent. Rec.* v. 6; Inst. iv. 15; Dig. 43; Cod. 8, 1, 9; Savigny, *Besitz.* §§ 34-

43; Zimmern, *Rechtsg.* iii. §§ 71–74; Keller, *Civilproc.* §§ 74–76; Bethmann-Hollweg, *Civilproc.* ii. 98; Schmidt, *Das Interdiktenverfahren, &c.*; Huschke, *de causa Siliana;* Machelard, *Théorie des Interdits;* Muirhead, *Historical Introduction to the Private Law of Rome,* § 73.) [G. L.] [E. A. W.]

INTERPRES, an interpreter. This class of persons became very numerous and necessary to the Romans as their empire extended. Embassies from foreign nations to Rome, and from Rome to other states, were generally accompanied by interpreters to explain the objects of the embassy to the respective authorities (Cic. *de Divin.* ii. 64, 131, *de Finib.* v. 29, 89; Plin. *H. N.* xxv. § 6; Gell. xvii. 17, 2; Liv. xxvii. 43). In large mercantile towns the interpreters, who formed a kind of agents through whom business was done, were sometimes very numerous, and Pliny (*H. N.* vi. § 15) states that at Dioscurias in Colchis there were at one time no less than 130 persons who acted as interpreters to the Roman merchants, and through whom all the business was carried on.

All Roman praetors, proconsuls, and quaestors who were entrusted with the administration of a province, had to carry on all their official proceedings in the Latin language (Val. Max. ii. 2, § 2); but as the provincials could not be expected to know this language, they had always among their servants [APPARITORES] one or more interpreters (hired in the province, not brought from Rome), who were generally Romans, but in most cases undoubtedly freedmen (Cic. *pro Balb.* 11, 28). These interpreters had not only to officiate at the conventus [CONVENTUS], but also explained to the Roman governor everything which the provincials might wish to be laid before him (Cic. *in Verr.* iii. 37, 84, *ad Fam.* xiii. 54; Caes. *Bell. Gall.* i. 19; compare Dirksen, *Civil. Abhandl.* i. p. 16, &c.). [L. S.] [A. S. W.]

INTERREX (in Greek historians, μεσοβασιλεύς). The fundamental principle of the Roman constitution was that the people, though sovereign, could only act through their representatives the magistrates; and hence when the regular magistracy was through any reason vacant, the political life of the people ceased. Originally there was but one supreme and responsible magistrate at Rome, the king holding office for life; and it was to supply the vacancy caused by the complete cessation of this magistrate's functions that the *interrex* was instituted. The interregnum had a long history in the Roman state, and was one of the most distinct survivals of the early regal constitution. It dates, tradition tells us, from the earliest transmission of the supreme power, and the last recorded demand for the office was in 43 B.C., on the death of the two consuls for the year (Dio Cass. xlvi. 45). As an institution it finds no parallel in governments outside Italy (Cic. *de Repub.* ii. 12, 23, "prudentes illi principes novam et inauditam ceteris gentibus interregni ineundi rationem excogitaverunt"); but that, like the monarchy, it was not a purely Roman but an essentially Latin institution is shown by its presence, in the constitution of the Italian municipia (*C. I. L.* ix. 1635, x. 6232; Mommsen, *Staatsr.* i. 647, n. 3). Since the interrex was, through the vacancy of the supreme office, the sole representative of the people, he is not a delegate in the sense in which the *praefectus urbi* was, who was merely the king's representative, nor yet in the sense in which the proconsul was during the Republic, when strictly delegated authority was not permitted within the walls. He is not *pro magistratu*, but *magistratus*, and still continued to be a magistrate under the Republic in spite of the fact that he was not elected by the people. For the interrex was a survival, and dates back to a period when popular election was unknown; although, if we exclude popular election from the original regal constitution, the position of the interrex in this period is extremely doubtful. The question raised is, whether the interrex was merely an occasional institution in the regal period, as in the Republic, employed only where the regular transmission of the regal office had been interrupted through exceptional circumstances, or whether, as represented by our authorities, it was a standing part of the procedure in the appointment of a king. The question is, therefore, whether the king of Rome was usually nominated by his predecessor, recourse being had to an interregnum only in exceptional cases, or whether he was nominated in every case by the interrex. The former view would, on the whole, seem most natural, and, if we refuse to attribute popular election to the regal period, is the one most usually held [REX]; but there is one serious objection that has been brought against it,—namely, that nomination of the future king during the lifetime of his predecessor would be a breach of the Roman legal principle that no formal act can be conditioned by time or other circumstances (Mommsen, *Staatsr.* i. 214). The appointment of a successor would certainly belong to those "actus legitimi qui non recipiunt diem vel condicionem," under which fall the *hereditatis aditio* and the *datio tutoris*, and which "in totum vitiantur per temporis vel condicionis adjectionem" (Dig. 50, 17, 77). Mommsen concludes, therefore, that the king was in every case nominated, not through the rex, but through the interrex (*Staatsr.* i. 213, 214), and that the interregnum as a part of the standing procedure of the Roman commonwealth ceased when the election of successors by those in office was permitted in the supreme magistracy, as it was on the institution of the consulate. It then became only an occasional office, necessarily resorted to where there were no supreme magistrates of Rome, and no one duly qualified to hold the election for their successors. In the case of the death of both the consuls, or of a complete vacancy in the office through any impediment to the elections, this state of things was realised. The praetor, though technically a colleague of the consul, could not hold the consular elections (Cic. *ad Att.* ix. 9, 3, "in libris habemus non modo consules a praetore sed ne praetores quidem creari Jus esse"); and consequently, on the vacancy of the consular office, recourse was had to an interregnum.

The conditions of an *interregnum* are fully expressed by Cicero (*de Leg.* iii. 3, 9), in the words "ast quando consulari potestate magistratus magisterve populi (i.e. dictator) nec erunt, *reliqui magistratus ne sunto, auspicia patrum sunto,* ollique ex se produnto qui comitiatu consules rite creare possit." The condition "reliqui magistratus ne sunto" refers to the patrician magistracies, as they were called; that is, to the *magistratus populi*, but not to the *magistratus plebeii*, which represented only a part of the community. This condition is fully explained by the original position of the interrex. He was then appointed by the senate, when the auspices had lapsed to the *patres* through the vacancy of the regular patrician magistracy (*auspicia ad patres redeunt*); and in republican times the auspices could not return to the patres, as long as they were held, whether as *majora* or *minora auspicia* (Messala *ap.* Gell. xiii. 15, 4), by patrician magistrates (Ps.-Cic. *ad Brut.* i. 5, 4, "dum unus erit patricius magistratus, auspicia ad patres redire non possunt"); and consequently the retirement of all the patrician magistrates was a necessary preliminary to the introduction of an interrex (Dionys. viii. 90, *ἀποδείκνυται μεσοβασιλεύς, αἱ δὲ ἄλλαι κατελύθησαν ἀρχαί*). When a sudden occasion arose for the appointment of an interrex, it was the duty of the senate to give notice to the patrician magistrates and request them to retire from office. In the year 43 B.C., when the death of the two consuls Hirtius and Tansa rendered an interregnum necessary, the absence of many of the patrician magistrates from Rome rendered it impossible for this communication to be made in time; the interregnum was thus rendered impossible, and the extraordinary measure was resorted to of appointing two *privati* with *consularis potestas* to hold the election for the consulship (Dio Cass. xlvi. 45). The resignation of plebeian magistrates was not required, and it was apparently not necessary for delegates such as the proconsuls to lay down their commands, since they were not *magistratus* (Mommsen, *Staatsr.* 632, n. 4).

The interregnum is said by tradition to have dated from the first vacancy of the regal officer, after the death of Romulus (Cic. *de Rep.* ii. 12; Liv. i. 17; Dionys. ii. 57; Suidas, s. v. *μεσοβασιλεύς*). With the vacancy in the sole magistracy, the auspices under which the state had been founded and which were the mark of divine acceptance of the kingly rule, returned to the *patres;* that is, in the regal period, to the patrician senate. The first interregnum was an exercise of collective rule by the senate, which however, on the model of the kingly rule, took the form of the creation of a succession of interreges. The accounts of this system given by our two chief authorities, Livy and Dionysius, do not quite correspond; but the general principle was that the senate was divided into decuries (Serv. *in Aen.* vi. 809, "Romulo mortuo cum senatus *regnaret per decurias*"): each decury having fifty days' government allotted to it, within which period each individual of the decury exercised rule for five days. The succession of the decuries was determined by *sortitio* according to Dionysius (ii. 57, *διακληρωσάμενοι*); and both Livy and Dionysius represent the rule as being based on the collegiate principle, the whole decury possessing the imperium (Dionys. *ib.* *τοῖς λαχοῦσι δέκα πρώτοις ἀπέδωκαν ἄρχειν τῆς πόλεως τὴν αὐτοκράτορ' ἀρχήν*), while the one who ruled for five days had the fasces and all the external symbols of the regal power (Dionys. *ib.*; Liv. i. 17, "decem imperitabant, unus cum insignibus imperii et lictoribus erat"). There are many points in this system which were not observed in republican times; the collegiate system disappeared, and no portion of the body qualified to appoint an interrex became his colleague or shared his imperium. Again the *sortitio* had disappeared as a means of appointing the interrex, and *comparatio* which took the form of election had superseded it (Liv. v. 31, 8, "interrex creatus M. Furius Camillus;" App. *Civ. Bell.* i. 98, *τῇ βουλῇ προσέταξεν ἑλέσθαι τὸν καλούμενον μεταξὺ βασιλέα*). The first interrex was elected in republican times, and he nominated his successor, as the consul nominated the dictator, each successive interrex holding office for five days. There was no definite limit for the number of interreges that might be nominated in succession. The number that succeeded one another during a single interregnum varies from the mininum of two (Liv. vi. 1, 8) to the known maximum of fourteen (Liv. viii. 23, 17), and possibly in one case reached a still higher number (Mommsen, *Staatsr.* i. 658, n. 4); the only fixed rule being that there must be at least two interreges, the first interrex being incapable of holding the consular elections, probably because he was regarded as having received the auspices irregularly. The technical expression for the appointment of an interrex is *prodere interregem* (Liv. vi. 41, "sed nos quoque ipsi sine suffragio populi auspicato interregem prodamus"); and this expression refers, in republican times, not only to the appointment of the first interrex by election, but to the nomination of each of the other interreges by his predecessor (Liv. v. 31, 8). The existence of an *interregnum* and the creation of an individual *interrex* are not always identical. The interregnum often lasted some days before a special interrex was appointed, as in the year 52 B.C., in which fully twenty-one days elapsed before an interrex was elected (Mommsen, *Staatsr.* 654, n. 4). But during this period the supreme authority had not lapsed, it was only dormant; the auspices were in the hands of those members of the state who in republican times were qualified to appoint an interrex: and who these members were remains to be considered.

On the one hand, we are told that the interrex could only be chosen by patricians (Cic. *pro Dom.* 14, 38, "a patricio prodi necesse est;" Liv. iii. 40, "patricios coire ad prodendum interregem"); on the other hand, we find that the republican senate, which was not exclusively patrician, was sometimes bidden to appoint an interrex (App. *l. c.*, *τῇ βουλῇ προσέταξεν ἑλέσθαι κ. τ. λ.*). There is no doubt, however, that in strict law the republican senate as such had nothing to do with the appointment of an interrex; in the early Republic their active existence ceased with the interregnum, since, before the tribune gained the right of transacting business with the senate, there was no magistrate who could consult them. They might, however, in the later Republic, suggest that the *patricii* should meet for the appointment of an interrex, the tribune, no doubt, putting the question. This probably became their duty, so that the patricii felt no obligation to meet except on the suggestion of the senate; and it is on a senatusconsultum of this kind that the tribune's veto might be put (Ascon. *in Milon.* p. 32, "dum Pompeius et T. Munatius tribunus plebis referri ad senatum *de patriciis convocandis* qui interregem proderent non essent passi"). Who these *patricii* were that met to appoint the interrex, and how they assembled, has been a matter of much dispute. One view that has been advanced is that they were the members of the Comitia Curiata, but this is rendered untenable through its having been shown that this was not a purely patrician assembly; another is that they were the *patres familiarum patriciarum gentium* assembled in the *concilium populi;* but the most probable view is that of Mommsen, that they were the patrician members of the senate, who met for this purpose (*Staatsr.* i. 654). This is most in accordance with the traditions of the regal period, which limits the interregnum to the patrician senate (Dionys. ii. 57, *τῶν πατρικίων οἱ καταγραφέντες εἰς τὴν βουλήν*). Two necessary qualifications of the interrex were that he should be a patrician (Cic. *pro Dom.* 14, 38) and a senator. The list of the known interreges shows that these were always senators, and in this respect the original idea of the interregnum as an intermediate senatorial rule was upheld. From this list it also appears that out of the thirty-five known interreges, thirty-three are known to have held curule office, while the remaining two probably had. Hence Willems concludes that past curule office was a necessary qualification for an interrex: that they were chosen, therefore, from the *senatores curules patricii*, the *senatores patricii pedarii* being excluded (Willems, *Le Sénat de la République romaine*, ii. pp. 14, 16). It seems further shown from the names we have that for the nomination of the successive interreges neither the *sortitio* nor an appeal to the *ordo senatorius* was employed, and that the interrex was free in nominating his successor, provided the above-mentioned qualifications were observed; although this does not prevent us from supposing that the succession of interreges was arranged beforehand, and that it was not wholly unknown whom the interrex for the time being would nominate as his successor (*ib.* p. 16).

The interrex was, as already stated, a magistrate, and before the institution of the plebeian offices a sole magistrate, the principle of colleagueship being absent from the institution as known to us under the Republic. Originally during his short tenure of office he must have consulted the senate and administered the state; but when the tribunes obtained the *Jus agendi cum patribus*, the necessity for the former duty was dispensed with, and the chief object of the interregnum came to be that the Comitia Centuriata might be consulted as to the appointment of a consul. He need not apparently have taken the oath of office, which was not due till five days after entrance, and the interrex's tenure of office terminated with this period (App. *Bell. Civ.* i. 20; Mommsen, *Staatsr.* i. 660). With the creation of the supreme patrician office—that is, with the election of a single consul—the existence of the interregnum necessarily terminated and the interrex retired. (Mommsen, *Römische Staatsrecht*, i. 647–660; Willems, *Le Sénat de la République romaine*, ii. pp. 7–31.) [A. H. G.]

INTERULA. [Tunica.]

INTESTA'BILIS. In the Twelve Tables it was declared "qui se sierit testarier, libripensve fuerit, ni testimonium fateatur, improbus intestabilisque esto" (Gell. xv. 13, § 11; cf. id. vi. 71, vii. 7, § 4). According to this passage, a person who had been a witness on any solemn occasion, such as the making of a will by mancipium, and afterwards refused to give his testimony, was *intestabilis;* that is, disqualified from being a witness on any other occasion.

Thus, in the Twelve Tables and in subsequent law, a person was said to be *intestabilis*, who was incapable of being a witness to a solemn legal transaction. (Dig. 28, 1, 26: "Quum lege quis intestabilis jubetur esse, eo pertinet, ne ejus testimonium recipiatur." Inst. Just. ii. 10, 6: "Neque mulier, neque impubes . . . nec cui bonis interdictum est, nec is quem leges jubent improbum intestabilemque esse, possunt in numero testium adhiberi:" cf. Hor. *Sat.* ii. 3, 181.)

The word had its meaning extended in the time of the Emperors, being used to express one who could not summon witnesses to attest his will; that is to say, one who was incapable of making a will (Dig. 28, 1, 18, § 1; Theoph. *Par.* ii. 10, 6). The punishment of declaring an offender intestabilis was imposed by various statutes: *e.g.* by the Lex Cornelia injuriarum, the Lex Julia de adulteriis, the SC. Augusti de famosis libellis. (Marezoll, *Von der bürgerl. Ehre*, p. 85 ff.; Burchardi, *de Infamia*, 22; Danz, *Lehrbuch der Geschichte d. R. R.* ii. 15, 107; Voigt, *Die Zwölf Tafeln*, i. § 27, n. 5.) [G. L.] [E. A. W.]

INTESTA'TO, HEREDES AB. [Heres.]

INTESTI'NUM OPUS, joiner's work, is referred to in some passages of Vitruvius as used in the interior of buildings; but there is nothing in his allusions to it that requires explanation (Vitruv. ii. 9; v. 2 and 3). [P. S.]

INTU'SIUM. [Tunica.]

INVENTA'RIUM. [Heres.]

INVESTIS. [Impubes.]

IREN. [Eiren.]

IRPEX, HIRPEX, or **URPEX** (perhaps from ἅρπαξ), a harrow with iron teeth, used to clear the fields of weeds and to level and break down the soil, drawn by oxen (Cato, *R. R.* 10; Varr. *L. L.* v. § 136; P. Diac. p. 105 M.; Servius on Verg. *Georg.* i. 95). It was probably simpler than our harrow, since Varro calls it *regula*, i.e. a straight piece of wood. The word is a rare one, and the bush-harrow seems to have been more in use (Verg. *l. c.*; Crates). [J. Y.] [W. W.]

ISELA'STICI LUDI. [Athletae.]

ISO'DOMUM OPUS. [Murus.]

ISOPOLITEIA. [Civitas.]

ISO'TELEIS. [Civitas.]

ISTHMIA. One of the four great Hellenic festivals. It was celebrated at the Isthmus of Corinth; and though inferior to the splendour of Olympia, it probably surpassed the Nemea in brilliancy (cf. Themist. *Orat.* xv. p. 229, xxviii. p. 413, ed. Dind.; and Aristid. *Ἰσθμ. εἰς ποσειδ.* iii. p. 41, Dind. vol. i.). Indeed, when one considers the natural advantages of Corinth as a centre of commerce, it is rather surprising that the Isthmian games did not attain higher importance than those of Olympia. Pindar describes the scene of the Isthmia by a variety of poetic expressions, *e.g.* *τὰν ἁλιερμέα Ἰσθμοῦ δειράδα* (Pind. *Isth.* i. 9), *Ἴσθμιον νάπος* (*Isth.* vii. 63), *πόντου γέφυρ' ἀκάμαντος* (*Nem.* vi. 40), &c. A sacred enclosure planted with pines, within which was the temple of the Isthmian Poseidon, surrounded the scene of the games (Strab. viii. 380). Pausanias saw here a theatre and a stadium of white marble (λίθου λευκοῦ), but does not speak of the hippodrome, whence it may perhaps be inferred that it had disappeared or gone to ruin before the time of his visit (Paus. ii. 1, 7). A late inscription, belonging probably to Hadrian's reign, refers to the restoration of several edifices here which had fallen into decay. In it are mentioned καταλύσεις, or lodging-places, for the athletes who came to the Isthmian games from all parts of the world (τοῖς ἀπὸ τῆς οἰκουμένης ἐπὶ τὰ Ἴσθμια παραγενομένοις ἀθληταῖς); also, ἐγκριτήριοι οἶκοι, in which it is likely that the admissibility of intending candidates was discussed and determined; and a portico with vaulted chambers attached (στοὰ σὺν κεκαμαρωμένοις οἴκοις), in which probably those who intended to compete made ready and waited during the interval before their turn to engage came on (Boeckh, *C. I.* n. 115, p. 573, vol. i.). The kraneion, a gymnasium standing in an enclosure of the same name planted with cypresses, might have been used by the athletes in training for the games (Paus. ii. 2, 4; Plut. *Alex.* 14; Athen. xiii. 6, 589; Diog. Laert. vi. 77, p. 351).

For information respecting the origin of the games, there remains to us nothing but obscure traces of primitive cults, which kept their seat in the Isthmus even into historic times. The myth which seems to be of greatest antiquity ascribes the institution of the festival to Poseidon and Helios, when Castor won the prize in the stadium, Kalaïs in the δίαυλος, Orpheus in playing on the cithara, Herakles as πάμμαχος (*i.e.* as pancratiast), Polydeukes in boxing, Peleus in wrestling, Telamon in discus-throwing, and Theseus in the armour-race. In horse-racing, Phaëthon was victorious with the riding-horse, and Neleus with the four-horse chariot. On this occasion there was also a ship-race, in which the Argo obtained the prize (Dion. Chrysost. *Orat. Corinth.* xxxvii. t. ii. p. 107). In this myth nearly all the potentates of prehistoric Hellas are observed grouped in one tableau.

Another legend represents the Isthmian games as founded by Poseidon to honour the memory of Melikertes, son of Athamas king of Orchomenos and Ino, who cast herself with Melikertes into the sea, becoming thereupon a Nereid with the name Leukothea, while her son became the sea-deity Palaemon (Schol. *ad* Pind. *Isthm.* p. 514 *seq.* B; Ovid. *Met.* iv. 521 *seqq.*).

According to another tradition, the Nereids appeared to Sisyphos, and commanded him to found the games in honour of Melikertes. A modification of this myth states that the corpse of the son of Ino lay unburied upon the shore of the Isthmus; that the Corinthians were, in consequence, sorely pressed by famine; and that, consulting the oracle as to the means of relief, they were directed to inter the dead youth and establish the games in memory of him.

Yet another myth informs that Theseus founded the Isthmia in grateful commemoration of his victory over the wicked giant Sinis Pityokamptes (Schol. *ad* Pind. *Isthm.* p. 514 B). Now, since both Sinis and Theseus were children of Poseidon, the institution of the festival by the latter might be looked upon as an act of atonement offered by him to his offended father; and this view would help us to understand the statement that the Melikertes festival took rank rather as a mystic rite than as a popular assembly, the cynosure of sightseers (Plut. *Thes.* 25, τελετῆς ἔχων μᾶλλον ἢ θέας καὶ πανηγυρισμοῦ τάξιν). The other legends as to the origin of the Isthmia need not detain us. In almost all we see that, as the mythic history of the Olympic games takes us back to Zeus, so that of the Isthmian refers us ultimately to Poseidon. Plut. (*l. c.*) says that Theseus founded the latter in emulation of Herakles, who had established the former. Later accounts represent Theseus as having confirmed, by the institution of the games, a friendly political relationship between Athens and Corinth. According to Hellanikos, and Andron of Halicarnassus, Theseus made a covenant with the Corinthians by which Athenian theoroi should receive at the Isthmia so much standing-ground (προεδρία) as could be covered by the sail of the theoric vessel (Plut. *l. c.*). The inscription of the Parian marble numbers 995 years backwards from its own time to the institution of the Isthmian games by Theseus.

In the time of the Cypselids at Corinth, the celebration of these games was suspended for seventy years (Solin. 12). Solon offered a reward of a hundred drachmae to every Athenian ἰσθμιονίκης, from which it is evident that in his time the Isthmia had obtained wide celebrity as a periodic festival. It is noteworthy that even the destruction of Corinth by Mummius in 146 B.C. did not break the continuity of the games. They flourished under the Roman empire, and Corinthian coins of the reigns of Hadrian, Verus, M. Aurelius, and Commodus, frequently bear the inscription ISTHMIA. In the reign of Julian these, like the other great Hellenic games, were zealously celebrated, but they ceased to exist probably about Olymp. 293, when Christianity became the established religion of the Roman empire.

Of the four great Pan-Hellenic festivals, two—the Olympia and Pythia—were *pentateric*, i.e. recurring after intervals of four years: while two—the Nemean and Isthmian—were *trieteric*, i.e. recurring after intervals of two years. Hence Pliny (*H. N.* iv. § 5) and Solinus (c. 9) are in error when they represent the Isthmia as quinquennial. Cf. Pindar, *Nem.* vi. 40, where he uses the words: ἐν ἀμφικτιόνων ταυροφόνῳ τριετηρίδι Ποσειδάνιον ἂν τέμενος. Eusebius places the first historic Isthmiad in Olymp. 49, 3 (*Chron.* libr. post. p. 125, interp. Hieron. ed. Scal. ii.). The Isthmia occurred in the first and third years of each Olympiad. As to the season in which they were held, so much alone is certain (cf. Boeckh, *Explic. ad Pind. Olymp.* ix. p. 183) that the Isthmia which fell in the first year of an Olympiad took place in summer (Thucyd. viii. 10; Curt. iv. 5, 11), and that those which fell in the third took place in spring (Xen. *Hell.* iv. 5; Liv. xxxiii. 32, 33). Dodwell argued from Pindar, *Olymp.* ix. 83, with Schol., that the former were celebrated on the 12th of the Attic month Hecatombaeon, which corresponded with the penultimate month of the Corinthian year (Dodw. *de Cycl.* vi. 3,

p. 283 ff.). Corsini held that this summer festival occurred on the 12th of the Corinthian Panemos, which, according to him, coincided with the Attic Hecatombaeon; according to Boeckh, with Metageitnion. But Boeckh (*ad* Pind. *l. c.*) shows the inconclusiveness of their reasoning.

The programme of the Isthmian games included gymnic equestrian and musical contests, the gymnic being probably the oldest. The Isthmian contests no doubt resembled in the main those of the other three great festivals. They were open to boys, men, and youths, well grown but not quite matured to manhood (ἀγένειοι). Mention is on record of *ἰσθμιονῖκαι* who obtained prizes in the stadium (for men and boys), the pancratium (for men and ἀγένειοι), and the pentathlum (Dion Chrysost. Διογ. ἢ ἰσθμ. *Orat.* ix. p. 291, vol. i. Reisk., and Krause, *Pyth. Nem. Isthm.* pp. 209 ff.). In equestrian contests we hear only of victories with the four-horse chariot and the riding-horse, but we cannot, from absence of reference to other equestrian contests, infer that there were none except these.

Pausanias (i. 2, v. 2) mentions a general truce which prevailed during the Isthmian games (ἰσθμικαὶ σπονδαί), and dated from the mythic age. In historic times this truce was regularly proclaimed throughout Hellas by heralds called σπονδοφόροι, whose persons were sacred, but who were not obeyed, however, if the festival was not at the time under legitimate management (cf. Xen. *Hell.* iv. 5, 2; Diod. xiv. 86, p. 709; Paus. iii. 10, 1).

The Eleans alone of the Hellenic states sent no theoroi to these games; nor did any from Elis, except the people of Lepreum, present themselves as candidates for Isthmian honours (Paus. *l. c.* and vi. 16, 2).

We have little or no information as to the special rules which regulated the celebration of the Isthmia, but we may suppose them to have been similar to the rules observed at the Olympia, Nemea, and Pythia (*vid.* Aristid. περὶ ὁμον., *Or.* xlii. p. 781; Themist. *Or.* xv. p. 229; Krause, *Olympia*, § 15, 144–156). We know, however, that the same person might here compete in as many as three contests on one and the same day (Paus. vi. 15, 3). We gather from Plutarch (*Sympos.* v. 2) that women were admitted to poetical competitions. The beginning of the games was announced by a herald, who, advancing into the middle of the scene, proclaimed silence with a trumpet, and then in a set form of words declared the festival to have begun (Liv. xxxiii. 32; Themist. *l. c.*).

The Isthmia were naturally even from prehistoric times under the control of the Corinthians (cf. Paus. v. 2, 1; 22, 3; Plut. *Thes.* 25). In Pindar they alone are referred to as the presidents (cf. *Nem.* ii. 20). But in Olymp. 96 the games were held by the Laconizing Corinthian exiles, under the protection of Agesilaus, who interrupted the celebration of the festival by the Argives and those of the Corinthians who had submitted to them. As soon as he withdrew, the Argives celebrated the games over again. But in Olymp. 98. 2, by the peace of Antalkidas, the Corinthians were freed from the Argive yoke, and recovered control of the Isthmia. When Corinth was destroyed by Mummius (B.C. 146), the management of the festival passed to the Sicyonians, who retained it until the restoration of Corinth by Julius Caesar, when the ἀγωνοθεσία returned to its original possessors (Paus. ii. 2, 2). We have no account of the number of presidents of the games (ἀγωνοθέται), who were chosen apparently for their wealth and nobility. It is supposable that, like the Hellanodikae at Olympia, they wore a distinctive robe of office; and we know from Dion Chrysost. (*Orat.* ix. Διογ. ἢ ἰσθμ. p. 291, vol. i. ed. R.) that their heads were adorned with crowns.

The prize of victors at the Isthmia, like that won at each of the other three great festivals, had during the historic period no intrinsic value, its symbolic worth being thereby immeasurably enhanced. In Homeric times, such prizes always possessed intrinsic worth, and it is a mere anachronism when some myths describe the primitive Isthmia as an ἀγὼν στεφανίτης. The victor's meed in historic times was a wreath of parsley (σέλινον: cf. Pind. *Nem.* iv. 88; *Olymp.* xiii. 31). It has been thought that the Nemean differed from the Isthmian wreath in that the former was made of green or fresh, while the latter was made of dry parsley (Schol. Pind. *Olymp.* xiii. 45); but this view lacks proof. Tradition has it that the original parsley-wreath was succeeded in prehistoric times by a wreath of pine; but in the classical period we hear only of the former being awarded, as it continued to be in the time of Timoleon (cf. Diod. xvi. 679; Plut. *Tim.* 26). Nor was it until probably long after the restoration of Corinth by Julius Caesar that the pine-wreath supplanted it. But under the Empire isthmionikae are regularly represented as crowned with the pine, called simply ἡ πίτυς, like the Olympian garland, ὁ κότινος (*vid.* Plut. *Symp.* v. 3, 1–3; Paus. v. 21, 5, vi. 13; Luc. *Anach.* 9, 16). While parsley was suited to an ἀγὼν ἐπιτάφιος, the pine was characteristic of the worship of Poseidon (cf. Plut. *Symp.* l. c.). A Corinthian coin of the reign of Verus shows the pine-wreath, and from this onward to the abolition of the festival the wreath of the isthmionikae continued to be woven of pine. Here, as in the other great games, the victor received with the crown a palm branch in token of his victory (Plut. *Symp.* viii. 4, 1; Paus. viii. 48, 2). At these games Flamininus (and Nero afterwards) declared the autonomy of Hellas (Liv. xxxiii. 32; Suet. *Ner.* 22, 24). Rhetoricians, poets, and other writers brought their productions under public notice at the Isthmia (Dion Chrysost. Διογ. ἢ περὶ ἀρετῆς, pp. 277, 278, vol. i. R.). According to Dion Chrysost. (Διογ. ἢ ἰσθμ. *Orat.* ix. p. 289, vol. i. R.), visitors came from Italy, Sicily, Libya, Thessaly, the Ionian States, and even the Borysthenes, to be present at the great Isthmian festival.

As the Olympia, Pythia, and Nemea lent their names to minor festivals, so the name Isthmia was applied to other games than those held at the Isthmus of Corinth. The number of inferior Isthmia, however, was not as large as that of the inferior copies of the other great games. Coins and inscriptions remain, which refer to Isthmia held at Ancyra in Galatia. Isthmia at Nicaea in Bithynia are mentioned on a coin of this town, struck in the time of Valerianus. The Isthmia at Syracuse are known to us only from the isolated statement of a schol. to Pind. *Olymp.* xiii. 158, which, however, is credible from the fact that Syracuse was founded by Corinth. Several ancient authors whose writings are lost treated the subject of the Isthmian games. Both Plutarch and Athenaeus refer to a work on this subject written by the epic poet Euphorion (Plut. *Sympos.* v. 3, 2, 3; Athen. iv. 182). For further information, the reader may be referred to Krause (*Pyth.*, *Nem.*, *Isthm.*), whose work has been chiefly followed in the present article. [J. I. B.]

ITA'LIA. [Colonia; Provincia.]

ITER. [Viae.]

ITHOMAEA (*ἰθώμαια*), an annual festival celebrated at Ithome, in honour of Zeus Ithomatas, with which in early times a musical contest was connected. (Paus. iv. 33, § 3; Steph. Byz. *s. v.*). [L. S.]

ITI'NERIS SERVITUS. [Servitutes.]

JUDEX, JUDI'CIUM. A Roman magistratus generally did not investigate the facts in dispute in such matters as were brought before him: he appointed a judex for that purpose, and gave him instructions [Actio; Interdictum]. Accordingly, the whole proceedings in a civil action were expressed by the two phrases *jus* and *judicium*, of which the former comprehended all that took place before the magistratus (*in jure*); and the latter, all that took place before the judex at the actual trial of the issue (*in judicio*). The office of judex (*judicandi munus*) in private causes was either performed by public bodies of persons,—that is, by the decemviral or centumviral colleges,—or, as became the ordinary rule, by private persons selected by the magistratus, with the co-operation of the parties, from such classes of persons as were qualified to serve. The decemviri are probably to be identified with the *decemviri stlitibus judicandis* of the Twelve Tables, and may have been the judges instituted by Servius Tullius for determining private suits, when the principle of limiting magisterial power by the institution of private judges may have been first established. (Dionys. iv. 25: but see Mommsen, *Röm. Gesch.* 566, 1; Lange, *Röm. Alterth.* 601, 903.) The centumviri were a body of one hundred and five members, three being chosen from each tribe (Festus, *Epit.* "centumviralia judicia"). These two plebeian colleges came to be amalgamated for certain purposes, while in certain other cases they acted separately.

Cases concerning rights of freedom and citizenship were submitted to the decemviri (Cic. *pro Caec.* 33, 97; *pro Domo*, 29, 78). The centumviri decided cases relating to property and inheritance (Cic. *de Or.* i. 38, 57; Plin. *Ep.* 5, 1;—Val. Max. vii. 7, 1, 2, 5; viii. 2, 4). The constitution and practice of these judicial bodies were considerably changed by Augustus (Suet. *Aug.* 36; Plin. *Ep.* 5, 21; Dio Cass. liv. 26: cf. Lange, 906); but the whole subject is obscure.

Judex, *arbitri*, and *recuperatores* are the different terms used for private judices selected for the particular occasion. The recuperatores were perhaps an imitation of the courts established by treaty between Rome and neighbouring states for exercising jurisdiction, when a citizen of one state sought a legal remedy in another state (Festus, s. v. *reciperatio*: cf. Dionys. vi. 95). Recuperatores might be peregrini, whereas only a civis could be a judex proper; and so the appointment of recuperatores, which was made under the imperium as distinct from the jurisdictio of the magistratus, was a means of securing an impartial tribunal in cases in which peregrini were concerned.

The distinctive characteristics of the procedure in actions tried by recuperatores cannot be clearly ascertained. It appears that of some actions they had exclusive cognisance, while in certain others they might be used concurrently with other kinds of judices. They were, it seems, more expeditious in their proceedings than other judices (cf. Cic. *pro Tull.* § 10, "ut quam primum de re judicaretur"). A recuperator never acted alone, but was always associated with others, the maximum number in a case not exceeding five. Recuperatores could not try a *judicium legitimum*, but only *unus judex* (Gaius, v. 103–109).

Sometimes the judex was called *arbiter*; thus judex and arbiter are named together in the Twelve Tables (Festus, s. v. *reus*; Gell. xx. 1, 7). Arbiter (ar=*ad* and bitere=*ire*), as opposed to judex, is a judge appointed to try a case according to the principles of *bona fides*, the case being of such a kind as is best left to the free discretion of an impartial person, whereas the province of a judex proper was defined by the magistratus. Either a single arbiter might be appointed or several might be associated together. Arbitri, who acted under a private agreement between the parties to a suit for the purpose of settling it (*arbitri ex compromisso*), are to be distinguished from arbitri appointed by a magistratus. The distinction between judex and arbiter led to a division of actions into *arbitria* and *judicia*, though judicium in a general sense includes arbitrium. The following is the distinction between an arbitrium and judicium according to Cicero (*pro Rosc. Com.* 4, 10):—In a judicium the demand was of a certain sum or definite amount (*pecuniae certae*); in an arbitrium the amount was not determined (*incerta*). In a judicium the plaintiff obtained all that he claimed or nothing, as the words of the formula show: "Si paret H. S. ccc. dari oportere." The corresponding words in the arbitrium were "quantum aequius melius id dari," and their equivalents were "ex fide bona, ut inter bonos bene agier" (*Top.* 17, 66). In a dispute about dos, which Cicero calls "arbitrium rei uxoriae," the words "quod aequius melius" were added. (Cf. Gaius, iv. 61, 62.)

From the arbitria the actions called *bonae fidei* were derived, while the actiones *stricti juris* were judicia in the strict sense [Actio]. The formula arbitraria was a combination of an arbitrium and judicium in one formula (Keller, § 28).

There was an idea of agreement between the plaintiff and defendant in the selection of a judex, though the actual appointment (*judicis datio*) was made by the magistratus. It was the rule for him to appoint the person or persons agreed on between the parties. If they were unable to agree, the plaintiff proposed some one ("judicem ferre adversario," Cic. *pro Rosc. Com.* 14, 42; 15, 45; but the defendant, by swearing that the person proposed was not impartial ("iniquum ejurare," Cic. *de Or.* ii. 70, 285; *in Verr.* iii. 60, 137; *Phil.* xii. 7, 18), could prevent his appointment. If the defendant abused his right of rejection with the object of preventing a trial, he was probably a defendant who made no defence (*indefensus*). The above was the mode of taking a judex or arbiter (*sumere judicem*) in the time of the republic: it was not, however, applicable to recuperatores, the practice of choosing these being for the magistratus to select a number of persons, either by lot (*sortitiones* from the conventus) or by special selection (*decurias scribere*); and for this list, which was larger than was necessary, to be reduced by rejections of the plaintiff and defendant to the number of judges required (Cic. *in Verr.* ii. 13, 15, 16, 17; iii. 11, 59;—*C. I. L.* i. 81). Under the empire the magistratus selected the judex in all cases, the parties having simply a right of challenge on certain grounds. (For an account of the effect of the leges judiciariae on the qualification and modes of appointment of judices, see below.)

Mention is often made of the Judicia Populi in the Latin writers. A judicium was commenced by the accuser, who must be a magistratus, declaring in a contio, that he would on a certain day accuse a certain person, whom he named, of some offence, which he also specified. This was expressed by the phrase *diem dicere* ("Virginius Caesoni capitis diem dicit," Liv. iii. 11). If the offender held any high office, it was necessary to wait till his time of service had expired, before proceedings could be thus commenced against him. The accused was required to give security for his appearance on the day of trial; the security was called *vades* in a causa capitalis, and *praedes* when the penalty for the alleged offence was pecuniary. If such security was not given, the accused was kept in confinement (Liv. iii. 13). If nothing prevented the inquiry from taking place at the time fixed for it, the trial proceeded, and the accuser had to prove his case by evidence. The investigation of the facts was called *anquisitio* with reference to the proposed penalty: accordingly, the phrases *pecunia*, *capite* or *capitis anquirere*, are used (Liv. xxvi. 3). When the investigation was concluded, the magistratus promulgated a rogatio, which comprehended the charge and the punishment or fine. It was a rule of law that a fine should not be imposed together with another punishment in the same rogatio (Cic. *pro Dom.* 17, 45). The rogatio was made public during three nundinae, like any other lex; and proposed at the Comitia for adoption or rejection. The form of the rogatio, the effect of which was to drive Cicero into banishment, is given in the oration *pro Domo* (18, 47). The accused sometimes withdrew into exile before the votes were taken; or he might make his defence, of which we have an instance in the oration of Cicero for Rabirius. Though these were called Judicia Populi, and properly so in the early ages of the state, the leges passed in such judicia in the later period of the republic were often Plebiscita.

The offences which were the chief subjects of Judicia Populi and Publica were Majestas, Adulteria and Stupra, Parricidium, Falsum, Vis Publica and Privata, Peculatus, Repetundae, and Ambitus, which are treated under their several heads.

With the passing of special enactments for the punishment of particular offences, was introduced the practice of forming a body of Judices for the trial of such offences as the enactments were directed against.

The Judicia Populi were originally held in the Comitia Curiata, and subsequently in the Centuriata and Tributa. A lex of P. Valerius Publicola (Liv. ii. 8; Cic. *Rep.* ii. 31) gave an appeal (*provocatio*) to the populus from the magistratus; and a law of C. Sempronius Gracchus (Cic. *pro Rab. Perd.* 4, 12) declared to the same effect: "Ne de capite civium Romanorum injussu populi judicaretur."

The kings presided in the Judicia Populi, and the consuls succeeded to their authority. For an account of later changes, see JUDICIUM PUBLICUM.

As many of those who were tried in the quaestiones perpetuae belonged to the class of the Optimates, it often happened that the judices acquitted those members of their own body who would have been convicted by impartial judices. Accordingly a struggle arose between the popular party and the Optimates, whom the popular party wished to exclude from the office of Judex. The laws which relate to the constitution of the body of Judices are called Judiciariae, whether these laws related only to this matter, or made rules about it and other things also. The first lex which excluded the Senators from the Album judicum selectorum was a Lex Sempronia of C. Gracchus, B.C. 123, in accordance with which the judices were taken only from the Equites (Liv. *Epit.* lx.; Appian, *B. C.* i. 22; Tac. *Ann.* xii. 60; Cic. *Act.* i. *in Verr.* 13, 38; Ps.-Ascon. *ad Div. in Caecil.* p. 103 Or.; Vell. Pat. ii. 6, 32). This arrangement lasted above forty years, and gave satisfaction to the popular party; but it did not work well in all respects, because the magistrates in the provinces favoured the rapacity of the Publicani, in order to keep on good terms with the Equites, to which class the Publicani belonged (Cic. *Verr.* iii. 41, 94). The Lex Acilia repetundarum (formerly known as the Lex Servilia), B.C. 121, seems to have directed that the album for this quaestio should be composed of Equites; that is, of persons registered in the census as having a certain amount of property, other than senators. A Lex Servilia Caepionis, B.C. 106, seems to have associated senators with the Equites as judices. There is a passage in Tacitus (*Ann.* xii. 60) in which he speaks of the Serviliae leges restoring the judicia to the senate; but the Lex Servilia Glauciae, B.C. 104, is said to have given the judicia to the Equites, and consequently it either repealed the Lex of B.C. 106 indirectly, or it may merely have confirmed the Lex Sempronia; for the real nature of the Lex of B.C. 106 is hardly ascertainable. The Lex Servilia of B.C. 104 excluded from the function of Judices every person who had been tribunus plebis, quaestor, triumvir capitalis, tribunus militum in one of the first four legions, triumvir agris dandis assignandis, who was or had been in the senate, who was infamis, every person who was under thirty or above sixty years of age, every person who did not live in Rome or in the immediate neighbourhood, every father, brother, or son of a person who was or had been in the senate, and every person who was beyond seas. The attempts of the tribune M. Livius Drusus the younger, B.C. 91, had no lasting result [LEGES LIVIAE].

A Lex Plautia, B.C. 89, enacted that the Judices should be chosen by the tribes, fifteen from each tribe, without any distinction of class, thereby putting the nomination of judges in the hands of the people. The Optimates triumphed under L. Cornelius Sulla, who by a Lex Cornelia, B.C. 80, enacted that the Judices should be taken from the senate and 300 Equites. But a Lex Aurelia (B.C. 70) enacted that the Judices should be chosen from the three classes—of Senators, Equites, and Tribuni Aerarii (Vell. ii. 32; Liv. *Epit.* xcvii.; Cic. *pro Cluent.* 47, 130). The Tribuni Aerarii were taken from the rest of the citizens, and were, or ought to have been, persons of some property. Thus the three decuriae of Judices were formed; and it was either in consequence of the Lex Aurelia or some other lex that, instead of one urn for all the tablets, the decuriae had severally their balloting urn, so that the votes of the three classes were known. Dio Cassius (xxxviii. 8) ascribes this regulation to a Lex Fufia, and he says that the object was that the votes of the decuriae (ἔθνη, γένη) might be known, though those of individuals could not, owing to the voting being secret. It is not known if the Lex Aurelia determined the number of Judices in any given case. A Lex Pompeia, passed in the second consulate of Pompey (B.C. 55), seems to have made some modifications in the Lex Aurelia as to the qualification of the Judices; but the new provisions of this lex are only known from Asconius, who explains them in terms which are very far from being clear.

A Lex Judiciaria of Julius Caesar (Suet. *Jul.* 41; Cic. *Phil.* i. 8, 19) took away the decuria of the Tribuni Aerarii, and thus reduced the Judices to two classes (*genera*, the γένη of Dio Cassius). A Lex Judiciaria, passed after his death by M. Antonius, restored the decuria of the Tribuni Aerarii, but required no pecuniary qualification from them: the only qualification which this lex required was, that a person should have been a centurion or have served in the legions. It appears that the previous Lex Pompeia, Lex Aurelia, and a Lex of Caesar had given to those who had been centurions (*qui ordines duxerant*) the privilege of being judices (*judicatus*), but still they required a pecuniary qualification (*census*). The Lex of Antonius, besides taking away the pecuniary qualification, opened the judicia to the soldiers (Cic. *Phil.* i. 8, 20; v. 5, 12; Suet. *Jul.* c. 41). It seems probable that the expression *ex centuriis*, which is used by Asconius in speaking of the change introduced by this Lex Pompeia, had reference to the admission of the centurions into the third class of judices.

Augustus, who altered the whole constitution of the body of judices by his leges judiciorum publicorum et privatorum, added to the existing three Decuriae Judicum, a fourth Decuria, called that of the Ducenarii, who had a lower pecuniary qualification, and only decided in smaller matters (*de levioribus summis*, Suet. *Aug.* 32). Caligula (Suet. *Calig.* 16) added a fifth Decuria, in order to diminish the labours of the judices. Augustus had already allowed each Decuria, in its turn, an exemption for one year, and had relieved them from sitting in the months of November and December. The whole number of judices was raised by Augustus to near 4000 (Plin. *H. N.* xxxiii. § 30); and the judices in civil cases were taken out of this body. They were chosen by the praetors out of the persons who had the property qualification, and the duty of serving as a judex thus became one of the burdens to which all citizens with any property were liable.

The judices in a quaestio were selected from an album in which the names of persons qualified to serve were inscribed by the praetor. According to the Lex Acilia repetundarum (l. 12–19), the praetor peregrinus in the first year, and subsequently the praetor to whom the quaestio was allotted, was bound to select 450 judices from the tribes, and to publish an album with their names inscribed on it ("judices de quaque re constituti"), from which he was bound to choose judices for this quaestio. The same practice probably obtained in respect of the other quaestiones. Whether the praetor urbanus or peregrinus were bound to make their choice from such lists is uncertain. According to Mommsen, the praetor urbanus was not, till after the enactment of the Lex Aurelia, and the praetor peregrinus was unrestricted in his choice till a later date. The Lex Aurelia for the first time required the praetor urbanus to make a general list for all trials which were not specially excepted; the judicia quae imperio continentur and recuperatoria—trials held under the jurisdiction of the praetor peregrinus, municipal magistrates, and governors of provinces—being, according to Mommsen, exempted from this limitation as to the choice of judices. The rules as to the selection of judices to form a consilium in a quaestio differed at different times and in different quaestiones.

In early times the notion that the parties to a trial should agree to select the judges who were to try the issue between them had some influence. Thus, according to the Lex Acilia repetundarum, the prosecutor proposed 100 judices out of the 450 in the album of this quaestio; the defendant then proposed a like number, and from the 100 of his opponent each party then chose 50. Under the Leges Judiciariae of Sulla, a decuria of the senate was chosen by the praetor by lot, from which each party might reject three, or, if they were senators, a greater number. The general rule which came to be established was, that the presiding praetor chose the judices for a quaestio by lot from an album, both the accusator and the reus having certain rights of rejecting or challenging (*rejicere*) such judices as they did not like (Cic. *ad Att.* i. 16). The exercise of the right of challenge might make a fresh ballot for judices (*subsortitio*) necessary (Cic. *Verr.* i. 61, 157). The judices appointed according to the provisions of the Lex Licinia de Sodalitiis, B.C. 55, were called *edititii*; in this case the prosecutor designated four tribes, of which the defendant could reject one, the prosecutor then nominating the judges from the remaining three without any challenge being allowed to the defendant.

Edititius or *exlitius judex* is properly a judex which one of the parties has allowed the other to select (cf. Serv. *ad* Verg. *Ecl.* iii. 50: "nec quemquam fugio, id est consentio etiam ad edititium. Edititius autem judex est, quem una pars eligit." Festus, p. 381 M.: "Exlitius judex, quem una pars eligit;" Cic. *pro Planc.* 15–17, §§ 36–43).

In the matter of Clodius and the Bona Dea, the senate attempted to carry a lex by which the praetor who was to preside at the trial should be empowered to select the judices at his discretion, the effect of which would have been to prevent their being challenged by Clodius. After a violent struggle, a lex for the regulation of the trial was proposed by the tribune Fufius and carried: it only differed from the lex recommended by the senate in the mode of determining who should be the judices (*judicum genus*): a difference, however, which was not unimportant, as it secured the acquittal of Clodius. The judices voted by ballot, and a majority determined the acquittal or condemnation of the accused. If the votes were equal, there was an acquittal (Plut. *Marius*, 5). Each judex was provided with three tablets (*tabulae*), on one of which was marked A, Absolvo; on a second C, Condemno; and on a third N. L., Non liquet. The judices voted by placing one of these tablets in the urn (*urna*, Juv. *Sat.* v. 4), which was then examined for the purpose of ascertaining the votes. It was the duty of the magistratus to pronounce the sentence of the judices; in the case of condemnation, to adjudge the legal penalty; of acquittal, to declare him acquitted; and of doubt, to declare that the matter must be further investigated (*amplius cognoscendum*).

The Lex Pompeia de vi and de ambitu (B.C. 52) determined that eighty judices were to be selected by lot, out of whom the accuser and the accused might reject thirty. In the case of Clodius (B.C. 61), in the matter of the Bona Dea, there were fifty-six judices. It is conjectured that the number fixed for a given case by the Lex Aurelia was seventy judices.

It will be noticed that the number of judices composing a consilium varied, and that it was always considerable.

As to the whole number of judices, included at any given time in the Album Judicum, it seems almost impossible to state anything with precision; but it is obvious from what has been said, that the number must have varied with the various changes already mentioned. After the time of Augustus the number was about 4,000, and from this period, at least, there is no doubt that the Album Judicum contained the whole number of persons who were qualified to act as judices, both in Judicia Privata and Judicia Publica, with the exception perhaps of the persons who were to act as judges in the centumviral court. The fourth Decuria of Augustus was limited in its functions to the Judicia Privata in which the matter in dispute was of small value. There is much difference of opinion among modern writers of authority on the question whether the leges judiciariae previous to Augustus affected Judicia Privata; and if so, to what extent. It is probable that the Lex Sempronia and the succeeding enactments were only intended to apply to criminal trials, and that the praetor began to take judices privati from the Equites by his own authority (*ad Att.* vi. 1, 15; *pro Rosc. Com.* 14; cf. Suet. *Aug.* 32), instead of confining his choice to the senate as had been the previous practice. But we may accept Mommsen's view that the Lex Aurelia extended to judicia legitima, so that the unus judex had to be taken from the general album which this law first established. Under the empire the quaestiones were gradually superseded by the judicia extraordinaria, by which change criminal justice was exclusively administered by officials, thus becoming inquisitorial in its character, with a procedure less like that of a private action.

A judex when appointed was bound to discharge the functions of the office, it being a *munus publicum*, unless he had some valid excuse (*excusatio*). A person might also be disqualified from being a judex on various grounds (Keller, § 11). There were certain seasons of the year when legal business was done at Rome ("cum res aguntur," Gaius, ii. 279, and Mr. Poste's comm.), and at these times the services of the judices were required. These legal terms were regulated according to the festivals and seasons, so that there were periods of vacation (Cic. *ad Att.* 1, 1, "cum Romae a judiciis forum refrixerit"); in the provinces the term depended on the conventus. A judex was liable to a fine if he was not in attendance when he was required. In the new organisation of the Italian towns [LEX RUBRIA DE GALLIA CISALPINA; LEX JULIA MUNICIPALIS] the magistrates had a power analogous to jurisdictio, and appointed a judex as the praetor did at Rome. The album decurionum, generally speaking, served as an album judicum, but Augustus allowed the plebs to share in the judicial office.

In the provinces the governors generally appointed judices at the conventus, which they held for the administration of justice (Cic. *in Verr.* ii. 13, 32;—*ad Att.* vi. 1, 15; 2, 4), but in some provinces there were special regulations respecting the mode of making such appointments.

The magistratus could fix the place and the time at which the trial was to take place. In the case of a *judicium quod imperio continetur* (Gaius, iv. 105), judgment had to be given during the year of office of the praetor who granted the formula; a *judicium legitimum*, on the other hand, was not originally limited to any time, but by a Lex Julia it had to be concluded within a year and six months (Gaius, iv. 104).

The magistratus could compel a judex to proceed in a case ("judicium cogere," Lex Rubria, c. 20, l. 23; c. 21, l. 24); he could also put a stop to the proceedings for a time or altogether, but he had no right of interfering with the actual conduct of the proceedings, though he could punish a judex for his misbehaviour. A judex who culpably gave a wrong decision was said to make the cause his own (Inst. iv. 5, pr., "Judex qui litem suam facit;" Theoph. *Paraphr.* *καθ' ἑαυτοῦ δίκην ἤγειρε*), and was liable to an action for the damage which the party injured by his decision had sustained. The judex on entering upon his duty (*officium*) had to take an oath that he would discharge it faithfully (Cic. *de Invent.* i. 39, 70).

When the judex was appointed, the proceedings *in jure* or before the praetor were terminated, which was sometimes expressed by the term *litis contestatio*, the phrases *lis contestata* and *judicium acceptum* being equivalent in the classical jurists [LITIS CONTESTATIO]. The parties appeared in the forum before the judex and presented the formula to him in which he was named (*editis formulis*). The appearance before the judex took place according to Gaius (iv. 15) on the third day (*comperendinum diem, ut ad judicem venirent, denuntiabant*) after his appointment in the early procedure, and this may have continued to be the rule in subsequent times. The judex was generally aided by advisers learned in the law (*jurisconsulti*), who were said *in consilio adesse* (Cic. *pro P. Quintio*, 10, 30; *Top*. 17, 66; *in Verr*. ii. 29, 72;—Suet. *Dom*. 8;—Plin. *Ep*. i. 20; v. 1;—Gell. xii. 13, 2; Val. Max. viii. 2, 2), but the judex alone was empowered to give judgment. The case was first briefly stated to the judex by the parties (*causae conjectio, collectio:* Gaius, iv. 15; cf. XII. Tab., "ante meridiem causam conjiciunto," Gell. v. 10, 9), after which the judex fixed a day for hearing the cause. The proceedings, which were public, commenced with the speeches of the advocati or patroni of each party (*continua oratio, peroratio:* cf. Gell. *l. c.* "cum perorant ambo praesentes"), the parties themselves being present or the persons who carried on the action in their stead (*cognitor, procurator*). It was an injunction of the law of the Twelve Tables that the trial should terminate in a day from sunrise to sunset (Gell. xvii. 2, 10); but owing to the lengthy speeches of the advocates, adjournments (*ampliatio*) became necessary, and in Cicero's time were common. The theory, however, was that on the day of adjournment a new action commenced. Hence the terms *prima, secunda*, and *tertia actio*. Accordingly the speech of an orator had to be continuous (*continua, perpetua oratio*); that is, it could not be interrupted by an adjournment, but another counsel on the same side took up the case when it commenced again. Under the empire an adjournment of a trial from day to day was freely allowed. In order to prevent speeches being prolonged with the object of procuring an adjournment ("dicendo diem eximere;" cf. Cic. *pro Quint*. 10, 22), the duration of speeches in publica judicia was limited to a certain time by the Lex Pompeia A.U.C. 702, and this limit was probably extended to privata judicia by the Lex Julia (Plin. *Ep*. i. 23; vi. 2). The argument of counsel in their speeches was directed to points of law as well as of fact, the judex differing from our jury in not being confined to questions of fact, but having also to decide such questions of law as were indicated in the formula.

The evidence was of various kinds. 1. It might consist of the confession of the defendant in court, the confession *in judicio* differing from the confession *in jure* in that it did not conclude the trial, but was only treated as evidence. 2. Sworn witnesses (*jurati testimonium dicunt*) might be examined and cross-examined (*testium interrogatio*) in open court as to what they had seen and heard (Cic. *pro Rosc. Com*. 15, 44, *pro Flacc*. 10, 22; Quintil. v. 7; Paul. v. 15; Dig. 22, 5; Cod. 4, 21; cf. A. Escher, *Diss. de testium ratione*). The number of witnesses was generally unlimited, but in trials before recuperatores it was limited to ten (Or.-Henz. *Inscr*. 6428; Val. Prob. § 4, 8). In imperial times a judex might restrict the number of witnesses in order to expedite a trial. The giving of evidence in a private action was a voluntary act, except that witnesses to a mancipation, and those who had been ordered by a judex in a judicium publicum to give evidence, were bound to come forward. Testimony of absent witnesses by affidavit or otherwise (*testimonium per tabulas*) was allowed, but its evidentiary value was considered inferior to oral evidence (Quint. v. 7, § 2; Dig. 22, 5). 3. Documents (*scripta, tabulae, instrumenta*), whether public or private, could be put in, such as statutes, edicts, or account books (*tabulae*). (Cic. *de Part. Or*. 37, 130; Quint. v. 5; Gell. xiv. 2, § 7; Dig. 22, 4; Cod. 4, 21.) 4. The parties might produce objects as evidence for the inspection of the court. 5. As to the application of the oath *in judicio*, see JUSJURANDUM.

After the evidence had been given, an argumentative discussion (*altercatio*) took place between the patroni or advocati of the parties (Quint. vi. 4; Plin. *Ep*. iii. 9). The ordinary course of the proceedings was changed if either the plaintiff or defendant failed to appear in the actio (*judicium desertum, eremodicium*). If the defendant when duly summoned was in default, the plaintiff might insist on being heard and on the case being decided. If the plaintiff did not appear, the defendant could demand absolution (Cod. vii. 43). After the case had been fully heard, the judex proceeded to give judgment; if there were several judices, the majority decided. If the judex could not come to a satisfactory conclusion, he might declare this upon oath, and so make the proceedings abortive. This was done by the form of words "juravi mihi non liquere atque ita judicatu illo solutus sum" (Gell. xiv. 2). The sentence had to be pronounced orally in court, and in the presence of the parties. The sentence was either of *absolutio* or *condemnatio* [ACTIO]. The part of the formula which empowered the judex to condemn or acquit was called the condemnatio [ACTIO]. The defendant might satisfy the plaintiff after the judicium had been constituted by *litis contestatio* (*post acceptum judicium*, Gaius, iii. 180; iv. 114), and before judgment was given: in this case it was a disputed question between the Sabinians and Proculians [JURISCONSULTI] whether in case the action was one of strict law (*stricti juris, judicii*) the judex should acquit or whether he should condemn, on the ground that, at the time when the judicium was constituted, the defendant was liable to be condemned, and it was the business of the judex merely to follow his instructions. It was agreed that in case of a formula *bonae fidei*, or formula empowering the judex to decide according to *bona fides*, it was his duty under these circumstances to acquit; but the question was whether he could thus acquit in actions *stricti juris* as well as those *bonae fidei* ("omnia judicia esse absolutoria," Gaius, iv. 114). The question was only of formal importance, as the plaintiff would be prevented by an *in integrum restitutio* from having double satisfaction.

While the *legis actiones* were in force, if a specific thing was vindicated, the judgment could only be for the restitution of the thing, and a subsequent *arbitrium liti aestimandae* would be necessary to determine the damages (Gaius, iv. 48); but under the process of the formula, the judex gave judgment in all cases pursuant to the formula, in a sum of money, even when a res was the object of a vindication (Gaius, *l. c.*). In a formula arbitraria the judex was ordered only to condemn in case the defendant refused to make proper satisfaction ("nisi arbitratu tuo satisfaciat," Inst. iv. 6, 31), and so in this case a preliminary declaration by the judex of the rights of the parties called *pronuntiatio* was necessary; and if it was not obeyed by the defendant, a *condemnatio* followed.

The sum of money was either fixed or not fixed in the formula. If the claim was for a certain sum of money, the amount was inserted in the *condemnatio*, and the judex was bound to give that or nothing to the plaintiff. If the claim was for damages or satisfaction, the amount of which was not fixed in the formula, the *condemnatio* was either limited to a sum named in the formula (*taxatio*), and which the judex could not exceed except at his own peril (*litem suam faciendo*); or the amount of damages might be left to the free discretion of the judex, as in an action for the recovery of property from the possessor, or in an action claiming the production of a particular thing (*actio ad exhibendum*). Generally the term in the formula which expressed the damages which was the object of the demand was "quanti res est." This may mean either the market value of the thing, or the value of the thing to the particular claimant, *id quod interest actoris* or *utilitas actoris* (as to these two different measures of damages, see Poste's Gaius, iii. §§ 210–219, comm.). Res, as thus used in the formula, may mean either a thing in the limited sense of the word, or generally the claim or demand, and the fixing this at a money value was equivalent to *litis aestimatio*. The judex was always bound to condemn in some definite sum, even though the formula did not contain a definite sum (Gaius, iv. 48–52). In some judicia there might be an *adjudicatio* without a *condemnatio* [ADJUDICATIO]. In the division of judicial functions between the magistratus and judex consisted what is called the *ordo judiciorum privatorum*, which existed in the early periods of Rome, and continued till the time of Diocletian. At the same time with the *ordo judiciorum privatorum* existed in exceptional cases the proceedings *extra ordinem* or *extraordinaria cognitio*, in which the magistratus made a decision by a *decretum*, without letting the matter come to a judex. Finally, under Diocletian and his successors the *extraordinaria cognitio* supplanted the old mode of procedure, the function of judex and magistratus being combined in all cases. Thus the magistratus is frequently called judex. In the Theodosian Code the term *judex* is used to designate the governor of a province. [JUDEX PEDANEUS; ACTIO.]

(Cf. Cicero's three speeches in civil actions: *pro P. Quintio, pro Q. Roscio Comoedo, pro A. Caecina*, with Bethmann-Hollweg's description of them, *C. P.* ii. Appendix; Gaius, bk. iv.; Dig. 5. 1; Tigerstrom, *de Judiciis apud Romanos;* Keller, *Der römische Civilprocess;* Bethmann-Hollweg, *Der römische Civilprocess;* E. Hartmann, *Der Ordo Judiciorum und die Judicia extraordinaria;* O. Karlowa, *Der römische Civilprocess;* Zimmern, *Rechtsgeschichte;* Rudorff, *Rechtsgeschichte.*) [E. A. W.]

JUDEX ORDINA'RIUS. [JUDEX PEDANEUS.]

JUDEX PEDA'NEUS. This term first occurs in the writings of the Roman classical jurists, being used by Ulpian, Paulus, and subsequent writers. It appears to have been introduced, not to denote a particular species of judex, but to distinguish a judex privatus from a magistratus, the magistratus being sometimes called judex, as the practice of his deciding cases himself without the intervention of a judex proper became more frequent. The word *pedarii* or *pedanei* was applied to senators or decuriones who had not attained the office of magistratus, and hence the expression *judex pedaneus* may have been derived (Gell. iii. 18; Orell. *Inscr.* 3721 (Album Canusinum, v. 261), "duumviralicii, aedilicii, quaestoricii, pedani, praetextati"). When the formulary procedure came to an end, and with it the institution of judices privati, the Praetor or Praeses, who was sometimes designated as judex ordinarius or judex simply (Cod. Theod. i. 7), generally decided civil actions himself; but in order to prevent him being overburdened with judicial work, a body of paid official judges, probably taken from the matriculated advocati of each court [ADVOCATUS], was appointed to assist him in trying such actions, who were called judices pedanei, "hoc est qui negotia humiliora disceptent" (Cod. 3, 3, 5). Diocletian, A.D. 294, expressly allowed magisterial jurisdiction to be delegated to these judices, but at the same time he enjoined praesides generally to decide cases themselves, and only to make use of judices pedanei when it was absolutely necessary (Cod. 3, 3, 2). Julian, A.D. 362, prohibited praesides from appointing judices pedanei except in unimportant cases (Cod. Just. 3, 3, 5; Cod. Theod. i. 16, 8; Orelli-Henzen, 6431). The proceedings before this new kind of judices pedanei were the same as before the Praetor or Praeses. It would seem that they acted on each occasion when they were employed under a special commission from the magistrate, certain kinds of cases being delegated to them. The more general terms—judex datus a magistratu, judex delegatus, judex specialis—are sometimes used instead of judex pedaneus. These judges are also called *arbitri*, *διαιτηταί*. The Greek term for judex pedaneus is *χαμαιδικαστής* (Theoph. iv. 15, pr.; Lydus, *de Magistr.* iii. 8).

(Cod. Just. 3, 3, *de pedaneis judicibus; Nov.* 82, *περὶ τῶν δικαστῶν*; Bethmann-Hollweg, *Der römische Civilprocess*, ii. § 71, iii. § 140; A. Pernice in *Der Zeitsch. d. Sav. Stift.* 103, &c.; Mommsen, *Röm. Staatsrecht*, ii.^{2} 938.) [E. A. W.]

JUDEX QUAESTIO'NIS. [JUDEX.]

JUDICA'TI A'CTIO. A defendant who was condemned in an action was under an obligation to satisfy the judgment, *i.e.* to pay to the plaintiff the sum of money which the judex had awarded; and the actio judicati was the mode which the successful party had to adopt in order to compel the defendant to fulfil his obligation. The ground of the actio judicati being the judgment debt, the defendant was not allowed to go behind the judgment and dispute the original claim. In the "legis actio per manus injectionem," which was the ancient process for obtaining execution against a judgment debtor, the defendant was not able to defend the action himself, though, if a third person undertook the cause on his behalf as vindex, the action might be defended; but in the actio judicati the defendant was entitled to defend himself on the ground that he had not been condemned or that the condemnation was invalid. He was obliged, however, to give security to the amount of the judgment (*judicatum solvi satisdare*); and if his defence was unsuccessful, he was mulcted in double the amount of the judgment. The object of the actio judicati was to obtain a decree of the magistratus by which execution was ordered against the person (*duci jubere*, Cic. *pro Flacc.* 19, § 45, 20, § 48; Lex Rubr. c. 21, 22) and the property of the defendant (*missio in bona*) [Bonorum Emptio]. Under the Empire the Praetor could enforce a judgment at once by pignoris capio. The actio judicati could not be brought till the time allowed the judgment debtor for paying his debt had elapsed (Gaius, iii. 78; Gell. xx. 1, §§ 42–45).

When the original action had been carried on by a procurator on behalf of another, the actio judicati might be maintained by or against the principal. [Procurator.]

(Dig. 42, tit. 1; Cod. 7, 52; Gaius, iv. 9, 25, 102, 171; Cic. *pro Flacc.* 21, § 49 ff.; Paulus, *Sent. Rec.* 1, 19; Savigny, *System*, &c., vi. 411; Bethmann-Hollweg, *Der römische Civilprocess*, §§ 111, 156.) [G. L.] [E. A. W.]

JU'DICES E'DITI. [Judex.]

JUDI'CIA DUPLI'CIA. [Familiae Erciscundae Actio.]

JUDI'CIA LEGI'TIMA. [Imperium.]

JUDI'CIA QUAE IMPERIO. [Imperium.]

JUDI'CIUM. [Judex.]

JUDI'CIUM PO'PULI. [Judex.]

JUDI'CIUM PRIVA'TUM. [Judex.]

JUDI'CIUM PU'BLICUM. The original distinction between civil and criminal jurisdiction at Rome, though not strongly marked as regards the classes of offences with which they were respectively concerned nor as regards the penalties which followed on conviction in either case, was yet always kept up by differences of procedure. Civil jurisdiction was regularly divided into proceedings *in jure* and *in judicio*,—that is, into proceedings, in the first instance, before the ordinary civil magistrate, the praetor; in the second, before a judex appointed by the praetor. Criminal procedure, on the other hand, was an inquiry (*quaestio*) undertaken by the magistrate, perhaps in some cases independently, but more often under guidance of a consilium; and the decision of the magistrate, when questioned by the employment of the right of *provocatio*, led to a trial before the people, a *judicium populi*. During the last century and a half of the Republic a kind of procedure grew up which was in some sort a fusion of these two processes, and which may be described as an application of civil procedure in some of its most salient points to criminal cases. The judicium publicum bears a resemblance to civil jurisdiction in the facts that the presiding magistrate is usually the civil magistrate, the praetor, and that the case is heard before a bench of judices. But it differs from civil procedure in that the old distinction between jus and judicium disappears, and the magistrate sits with the judices, guides their decisions, and pronounces the verdict. From this close assimilation of the functions of the magistrate and of the judex developed the custom of speaking of the judices as the *consilium* of the magistrate (Cic. *ad Fam.* viii. 8, 3; *pro Cluent.* 30, 83), the number of the judices that formed this consilium being considerably larger than the number which decided an ordinary civil suit, and bearing more resemblance to the old bench of the *recuperatores*. Much of the terminology, however, of the judicium publicum is derived from the old criminal jurisdiction. The magistrate, who is sometimes said in civil terminology *judicium exercere*, is also called, in the terminology of the criminal law, a *quaesitor* (Cic. *pro Cluent.* 20, 55; Serv. *in Aen.* vi. 432) or one *qui de ea re quaesit* (Lex Acil. § 49; *C. I. L.* i. n. 198), while the judicia themselves are usually spoken of as *quaestiones*; and the criminal character of these courts is shown further by the facts that anyone might be the accuser (Just. *Inst.* iv. 18, 1: "Publica autem dicta sunt quod cuivis ex populo exsecutio eorum plerumque datur;" cf. Dig. 23, 2, 43, 10), and that condemnation was followed by strictly penal consequences. But, formally at least, the civil character of the court predominated; in the earliest established, that by the Lex Calpurnia of 149 B.C., the *actio sacramenti* was retained (Lex Acil. § 23); and in every case what the accuser demands is compensation for a delict and in the interest of the injured party. This is most obvious in trials for extortion and peculation, which were always followed by an assessment of damages (*litis aestimatio*, Lex Acil. §§ 58, 59;—Cic. *pro Mur.* 20, 42; *ad Fam.* viii. 8, 3): yet since this compensation was also exacted in the interest of the state, and since the state attached consequences other than mere compensation to conviction in such trials, these courts belong not to private but to public law.

The judicia publica were usually presided over by the praetor, and the guidance of the earliest of these judicia, the *quaestiones repetundarum*, was entrusted to the praetor peregrinus (Lex Acil. § 12); but the growing numbers, not only of the quaestiones, but of the several divisions of each quaestio, rendered it necessary that other judges should preside, and the court was sometimes directed by a foreman chosen from the jury. The *quaesitor* or *quaesitor judicii* (Ascon. *in Milon.* p. 46) is often distinct from the praetor who grants the trial; and the *judex quaestionis*, who presided in the courts *de veneficiis et sicariis*, was a criminal judge of somewhat lower rank than the praetor, holding an office that belonged to the regular circle of the magistracies (Cic. *pro Cluent.* 54, 148; *Brut.* 76, 264; Mommsen, *Staatsr.* ii. p. 586 ff.). The judices who formed the consilia of the several presidents of these courts were selected from the *album judicium*, the register which furnished the juries both for criminal and civil cases [Judex], and the law by which each quaestio was established directed the mode in which the judices should be chosen for that particular quaestio. The presiding magistrate actively assisted in the investigation, directed the finding of the jury (Ascon. *in Milon.* p. 46), and pronounced the sentence which was based on their verdict, the decision being given according to a bare majority, and equality of votes being followed by acquittal (Cic. *ad Fam.* viii. 8, 3; Plut. *Mar.* 5). The magistrate could not qualify the sentence, since this was fixed by law; and there was no appeal from the decision of the judices. The appeal had never been allowed against the decision of a judex in civil cases: nor could the acts of the magistrate be appealed against either by *provocatio* or *appellatio*, since, during the trial, his acts were undistinguishable from those of the jury. The only possible appeal was against an act of the magistrate that formed a preliminary to the trial, and there is an instance in which such an appeal was employed (Cic. *in Vatin.* 14, 33; see INTERCESSIO).

The substitution of the judicia publica for the judicia populi was not effected by a sudden revolution in criminal judicature, but by a gradual extension of the former process. Fresh spheres of law were ever being usurped by the new system, and new standing courts (*quaestiones perpetuae*), modelled on this system, were from time to time constituted by special enactment. Each court might have somewhat different regulations as to procedure, and each depended for its validity on a separate *lex.* Thus the *lex majestatis* is accompanied by a *quaestio de majestate* (Cic. *pro Cluent.* 35, 97); the *legis quaestionesque* on certain crimes are indissolubly connected (Cic. *Phil.* i. 9, 23), and the judge in a special court is one "qui ex hac lege quaeret" (Lex. Acil. § 17). To the last these judicia bore on them the marks of their gradual growth, and there was little attempt at arrangement or logical classification of crimes. Not unfrequently the same offences were grouped under different laws, and an accuser might choose whether he should prosecute a man under *repetundae* or *peculatus*, under *vis* or *majestas*, or whether he should bring the crime of *incendium* under the law *de sicariis* or the law *de vi* (Rein, *Criminalrecht*, p. 63). This lack of arrangement and of connexion between the offences grouped together was increased by the subsequent juristic interpretation, although at the same time attempts were made to determine definitely the character of the crimes covered by a single lex, and to prevent the possibility of an appeal to more than one law in the case of a single crime (Suet. *Tit.* 8, "vetuit inter cetera de eadem re plurimis legibus agi"). So little continuity was there in the character of these courts that at a time when the most essential characteristic that was common to them, that of trial before a jury directed by a magistrate, had disappeared and given place to the *cognitiones extraordinariae* of the Empire, there was found no definition applicable to a judicium publicum, except that it was a court constituted by a special kind of lex (Dig. 48, 1, 1, "non omnia judicia, in quibus crimen vertitur, et publica sunt, sed ea tantum, quae ex legibus judiciorum publicorum veniunt").

The earliest notices of the term *judicium publicum* are found in the Lex Bantina of about 130 B.C. (§ 2, *C. I. L.* i. n. 197) and in the Lex Acilia Repetundarum of 123 B.C. (§ 11, *C. I. L.* i. n. 198); the earliest of these courts was that constituted by the Lex Calpurnia Repetundarum in 149 B.C., and shortly afterwards (in 142 B.C.) a quaestio de sicariis was established (Cic. *de Fin.* ii. 16, 54). The Lex Acilia Repetundarum of 123 B.C., which we possess, is a reconstitution of the court for the trial of extortion, and it is probable that about the same time fresh courts were added by C. Gracchus. The law of Gracchus against judicial corruption "ne quis judicio circumveniretur," was re-enacted by Sulla, who established a quaestio on its basis (Cic. *pro Cluent.* 55, 157, "quam L. Sulla ejus rei quaestionem hac ipsa lege constitueret"), but it is probable that it had formed the ground of a quaestio before the time of Sulla: and in the year 117 a quaestio de ambitu existed, which may be referred to the Gracchan period (Plut. *Mar.* 5). Sulla established several additional quaestiones, and may be said to have given the final form to criminal procedure at Rome. He re-established the court for the trial of extortion by the Lex Cornelia Repetundarum (Cic. *pro Rab. Post.* 4, 9), and instituted courts for the trial of treason by the Lex Cornelia de majestate (Cic. *ad Fam.* iii. 11, 2; *pro Cluent.* 35, 97), for the trial of assassination, poisoning, and incendium by the Lex Cornelia de sicariis et veneficis (Cic. *pro Cluent.* 54, 118; Dig. 48, 1, 1; Just. *Inst.* iv. 18, 5), and for trials in matters of breach of trust, inheritance, and forgery by the Lex Cornelia de falsis (Dig. 48, 1, 1), testamentaria (Just. *Inst.* iv. 18, 7), or nummaria (Cic. *in Verr.* i. 42, 108). To the same period may perhaps be referred a quaestio de vi (established by a Lex Plotia, Sall. *Cat.* 31) and one on peculatus (Cic. *pro Cluent.* 53, 147). In spite of the peculiarities of legislation which may have attached to these several courts, such for instance as the exclusion of the equites and lower orders from the operation of the law "ne quis judicio circumveniretur," a principle which C. Gracchus had established and which Sulla maintained (Cic. *pro Cluent.* 55, 151), there were some ordinances common to all these laws. Such was the rule which gave the accused the choice between having the votes given openly or by ballot, which was afterwards repealed (Cic. *pro Cluent.* 20, § 55; 27, § 75), and that which gave accused of senatorial rank a wider right of challenging than was possessed by others (Cic. *in Verr.* ii. 31, 77). Further changes were introduced by Caesar. Besides his alteration in the constitution of the *album judicum* [JUDEX], he reconstituted several courts by new laws. To him belong a Lex Julia de Repetundis, which introduced no change in the existing law beyond making anyone who shared in the spoils of a provincial governor liable to a charge of repetundae (Cic. *pro Sest.* 64, 135; *pro Rab. Post.* 4, 8: cf. *ad Fam.* viii. 8, 2, for the formula "Quo ea pecunia pervenisset"), and Leges Juliae de vi and de majestate (Cic. *Phil.* i. 9, 23). It is somewhat difficult to determine which of the Leges Juliae that created or re-instituted quaestiones are to be referred to Julius, and which to Augustus. Amongst them we find Leges Juliae de vi publica, de vi privata, peculatus, ambitus, de adulteriis, and de annona. The Lex Pompeia de parricidiis and the Lex Fabia de plagiariis were also laws on which courts of this kind rested (Dig. 48, 1; Just. *Inst.* iv. 18).

Certain penal consequences were from the first attached to condemnation in a judicium publicum, ranging from a fine to exile, which was, as a rule, the severest punishment during the Republic; and these penalties were progressively increased. Thus Caesar added to exile confiscation of half the property of the condemned, and attached to condemnation for parricide confiscation of the whole property (Suet. *Jul.* 42; Dio Cass. xliv. 49), and in the time of the Empire death was not an unfrequent consequence of condemnation in these courts, confiscation of property being usually added. The jurists divide judicia publica into *capitalia* and *non capitalia* (Dig. 48, 1, 2). "Capitalia" are those "ex quibus poena mors aut exsilium est, hoc est aquae et ignis interdictio,"—*relegatio*, a modified exile introduced during the Empire not involving loss of caput. "Non capitalia" are those "ex quibus pecuniaria aut in corpus aliqua coercitio poena est." Condemnation in a judicium publicum also involved disqualification of various degrees. Thus those condemned for *ambitus* were originally disqualified for holding office for ten years, and were at a later period excluded wholly from the senate and the magistracy (Schol. Bob. *in* Cic. *pro Sulla*, 5, 17), and as early as 123 B.C. condemnation in certain kinds of judicia publica excluded from a seat in the senate (Lex. Acil. § 13). *Infamia*, which during the Empire was the severest and most permanent kind of disqualification attached originally to condemnation in those courts where *calumnia* or *praevaricatio* had been proved (Dig. 3, 2, 1), was extended by a senatusconsultum as a consequence of *vis privata* (Dig. 48, 7, 1), and finally made the result of any condemnation in a judicium publicum (Dig. 48, 1, 7; Just. *Inst.* iv. 18, 2; see INFAMIA).

(Mommsen, *Römisches Staatsrecht*, i. pp. 168 and 182 ff., ii. pp. 223 and 569 ff.; Lange, *Römisches Alterthümer*, iii. pp. 165, 455, 505; Rein, *Criminalrecht der Römer*, pp. 63 ff.; O. E. Hartmann, *Ueber die römische Gerichtsverfassung*, § 29, p. 314.) [A. H. G.]

JU'GERUM or **JUGUS** (the latter form, as a neuter noun of the third declension, is common in the oblique cases and in the plural), a Roman measure of surface, 240 feet in length and 120 in breadth, containing therefore 28,800 square feet (Varr. *R. R.* i. 10; *L. L.* v. 35 M.; Colum. *R. R.* v. 1, § 6; Plin. *H. N.* xviii. § 9, cf. § 178; Quintil. i. 10, § 42; Isid. *Orig.* xv. 15). It was the double of the *Actus Quadratus*, and from this circumstance, according to Varro and Columella, it derived its name (as if from *junctus*). The word is really, however, a by-form of *jugum;* and Pliny's etymology is far preferable: "quod uno jugo boum in die exarari posset." The jugerum was not, like the ACTUS, a measure of length as well as of surface; the contrary notion rests only on a single passage of Pliny, who describes the vale of Tempe as *ferme sesquijugeri latitudine* (*H. N.* iv. § 31). He is here, no doubt, translating from a Greek source, and uses *jugerum* loosely as the equivalent of πλέθρον (Hultsch, *Metrol.* p. 64 n.). The uncial division [As] was applied to the jugerum, its smallest part being the scrupulum of 10 feet square = 100 square feet. Thus the jugerum contained 288 *scrupula* (Varr. *R. R.* l. c.). The jugerum was the common measure of land among the Romans. Two jugera formed a *heredium*, a hundred *heredia* a *centuria*, and four *centuriae* a *saltus*. Two jugera were the traditional amount of land given to each citizen in old times as heritable property (Varr. *l. c.*; Niebuhr, *Hist. of Rome*, ii. 156 ff., and Appendix i.). The jugerum was a little over 2 roods 19 perches, or almost ⅝ of an English acre; see the Tables. (Cf. Hultsch, *Metrol.* p. 69; Mommsen, *R. H.* i. 195 = i. 162, tr. Dickson; Rudorff, *Gromat. Inst.* p. 280.) [P. S.] [W. W.]

JUGUM (ζυγόν, rarely ζυγός, Plat. *Tim.* 63 B) signified in general that which joined two things together. It denoted more especially—

1. In architecture any cross beam (Vitruv. x. 8, 19).

2. The transverse beam which united the upright posts of a loom, and to which the warp was attached (Ovid, *Met.* vi. 55). [TELA.]

3. The transverse rail of a trellis (Varr. *R. R.* i. 8;—Col. *R. R.* iv. 17, 20, xii. 15; *Geopon.* v. 29), joining the upright poles (*perticae*, χάρακες) for the support of vines or other trees. [CAPISTRUM.] Hence by an obvious resemblance the ridges uniting the tops of mountains were called *juga montium* (Verg. *Ecl.* v. 76; Hor. *Epod.* 1, 11; and in rhetorical prose like that of Florus).

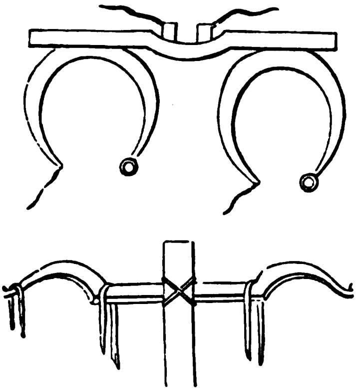
4. The cross-bar of a lyre (Hom. *Il.* ix. 187).

5. A scale-beam, and hence a pair of scales [LIBRA]. The constellation Libra was consequently also called Jugum (Cic. *de Div.* ii. 47, § 98).

6. The thwart or transverse seat of a boat (Aesch. *Agam.* 1618; Soph. *Ajax*, 249; Verg. *Aen.* vi. 411). This gave origin to the term ζυγίτης, as applied to a rower (NAVIS, Vol. II. p. 215 *a*). A vessel with many benches or banks for the rowers was called ναῦς πολύζυγος or ἑκατόζυγος (Hom. *Il.* iii. 293; xx. 247).

7. The yoke by which ploughs and carriages were drawn. The yoke was in many cases a straight wooden plank or pole laid upon the horses' necks; but it was commonly bent towards each extremity, so as to be accommodated to the part of the animal which it touched (*curva juga*, Ovid, *Fast.* iv. 216; *Trist.* iv. 6, 2). The following woodcut shows two examples of the yoke, the upper from a MS. of Hesiod's Works and Days, preserved at Florence, the lower from a MS. of Terence belonging to the Vatican library. These may be compared with the still ruder forms of the yoke as now used in Asia Minor, which are introduced in the article ARATRUM. The practice of having the yoke tied to the horns and pressing upon the foreheads of the oxen (*capite, non cervice junctis*, Plin. *H. N.* viii. § 179), which is now common on the continent of Europe, and especially in France, is strongly condemned by Columella on grounds of economy as well as of humanity (*R. R.* ii. 2). He recommends that their heads should be left free, so that they may raise them aloft, and thus make a much handsomer appearance (Cic. *Nat. Deor.* ii. 63, § 159; Ovid, *Met.* vii. 211). All this was effected by the use either of the two collars (*subjugia*, Vitruv. x. 3, 8; μεσάβα, Hesiod, *Op. et Dies*, 467; Paley, *ad loc.*; ζεῦγλαι, Hom. *Il.* xvii. 440, xix. 406; Aesch. *Prom.* 463; Eurip. *Med.* 479) shown in the upper figure of the woodcut, or of the notches (γλυφαί, γλυφίδες) cut in the yoke, with the bands of leather (*lora;*

vincla, Tib. ii. 1, 7; *ταυροδέτιν βύρσαν ἐπαυχενίην*, Brunck, *Anal.* iii. 44 = *Anth. Pal.* vi. 41; *λέπαδνα*, Hom. *Il.* v. 730, with Schol.), seen in the lower figure.



Yokes. (From ancient MSS.)

This figure also shows the method of tying the yoke to the pole (*temo*, *ῥυμός*) by means of a leathern strap, or more probably a rope (*ζυγόδεσμον*, Hom. *Il.* xxiv. 270), which was lashed from the two opposite sides over the junction of the pole and yoke. These two parts were still more firmly connected by means of a pin (*ἔμβολος*, Schol. *in* Eurip. *Hippol.* 666; *ἕστωρ*, Hom. *l. c.*; Arrian, *Exped. Alex.* ii. 3, § 7; *ἔνδρυον*, i.e. an *oaken* peg, Hesiod, *Op. et D.* 467). But the fastening was sometimes much more complicated, especially in the case of the celebrated Gordian knot, which tied the yoke of a common cart, and consisted only of flexible twig, or bark, but in which the ends were so concealed by being inserted within the knot, that the only way of detaching the yoke was that which Alexander adopted (Arrian, *l. c.*; Q. Curt. iii. 2; Schol. *in* Eurip. *l. c.*). The passage of *Homer* (*Il.* xxiv. 268–274) gives the fullest account of the way in which the yoke was attached to the pole; but, after the acute and learned investigations of Leaf (*Journ. Hell. Soc.* v. 185 ff.) and Helbig (*Hom. Epos*, 147 ff.), some points still remain unexplained. In the last line, the words ἐξείης and γλωχὶς are still obscure. The following summary of the longer discussion is condensed from Mr. Leaf's note *ad loc.*:—"The most probable explanation of the whole arrangement is as follows:—The pole was curved sharply upwards at the end, running up to an almost vertical point (*πέζα*). In the actual bend (*πέζῃ ἐπὶ πρώτῃ*) the yoke was laid across the pole. Attached to the yoke was a ring (*κρίκος*): through this a peg (*ἕστωρ*) was passed and fastened into a hole in the pole. The *ζυγόδεσμον*, a rope nine cubits long, was then used to bind the *πέζα* with three turns to the *ὀμφαλός*, a boss on the yoke itself; the long ends which remained after this being carried back to the car itself, where they were fastened to an upright post which arose from the front of the breast-work. This post and the rope from it to the end of the pole are constantly depicted in archaic vase-paintings, and there can be little doubt as to the identification of the rope with the *ζυγόδεσμον*."

Besides being variegated with precious materials and with carving, the yoke, especially among the Persians, was decorated with elevated plumes and figures. Of this an example is presented in a bas-relief from Persepolis, preserved in the British Museum. The chariot of Dareius was remarkable for the golden statues of Belus and Ninus, about eighteen inches high, which were fixed to the yoke over the necks of the horses, a spread eagle, also wrought in gold, being placed between them (Q. Curt. iii. 3). The passages above cited show that when the carriage was prepared for use, the yoke which had been laid aside was first fastened to the pole, and the horses were then led under it. Either above them, or at the two ends of the yoke, rings were often fixed, through which the reins passed. These frequently appear in works of ancient art representing chariots.

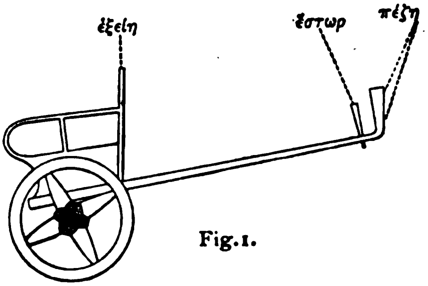


Fig. 1.

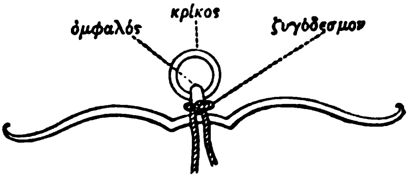


Fig. 2.

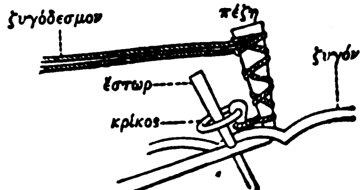


Fig. 3.

Fig. 1. Chariot and pole.

Fig. 2. Yoke and appendages, from the front.

Fig. 3. Means by which the yoke is attached to the pole.

(From Leaf's Iliad, ii. 485.)

Morning and evening are often designated in poetry by the act of putting the yoke on the oxen (Hes. *Op. et Dies*, 581) and taking it off (Verg. *Ecl.* ii. 66; Hor. *Carm.* iii. 6, 42; *Epod.* 2, 63; Ovid, *Fast.* v. 497; *βούλυσις*, *βουλυτός*, Arrian, *l. c.*; Hom. *Il.* xvi. 779, *Od.* ix. 58; Cic. *ad Att.* xv. 27; *βουλύσιος ὥρη*, Arat. *Diosem.* 387).

By metonymy *jugum* meant the quantity of land which a yoke of oxen could plough in a day (Varr. *R. R.* i. 10). It was used for "a pair" of animals, Greek *ζεῦγος*, Latin usually *par*, as in *aquilarum jugum* (Plin. *H. N.* x. § 16). By another figure common to all languages it is the yoke of slavery (Aesch. *Agam.* 953, 1071; Hor. *Sat.* ii. 7, 92; Tac. *Agric.* 31; Florus, ii. 14 = i. 30 Jeep). The yoke under which the Romans made their conquered enemies to pass, and sometimes, as at Caudium, passed under it themselves (Liv. ix. 4, § 3; 6, §§ 1, 3), was composed of a spear supported transversely by two others placed upright (Liv. iii. 28, § 11). [J. Y.] [W. W.]

JUGUMENTUM. [Janua, p. 987 *a*.]

JUNIO'RES. [Comitia.]

JURA IN RE. [Dominium.]

JURE, A'CTIO IN. [Jurisdictio.]

JURE, CE'SSIO IN, was a mode of transferring rights by means of a fictitious suit, and so far resembled the forms of conveyance by fine and common recovery which, till lately, were in use in England. The proceeding was the following. The person to whom the object of transfer belonged (*dominus qui cedit*), and the person to whom it was to be transferred (*vindicans, cui ceditur*), appeared before the magistratus; in whose presence the intended transferee vindicated the thing as his own. The magistratus then asked the party making the transfer whether he opposed a counter-vindication; and on his declaring that he did not or remaining silent, the magistratus decreed (*addixit*) the object to the vindicant. The admission of the right of the vindicant or transferee by the real owner was the foundation of the magisterial decree, the rule of procedure being "confessus pro judicato est." The proceeding was in form a "legis actio in rem," made to serve the purpose of a conveyance. In jure cessio was probably recognised by the Twelve Tables (cf. Paulus on *Vat. Fragm.* 50, "et mancipationem et in jure cessionem lex XII. Tab. confirmat"), though, at the time of the passing of this law, it may only have been used as a mode of manumission. The uses to which in jure cessio was applied, according to the law as laid down by the classical jurists, were the following:—1, to manumit a slave per vindictam [Manumissio] (cf. Liv. ii. 5); 2, to emancipate a filiusfamilias; 3, for the purpose of adoption; 4, to transfer the tutela legitima mulierum; 5, to transfer the hereditas legitima (Gaius, ii. 34–37); 6, to transfer ownership of res, whether mancipi or nec mancipi, though the alternative form of mancipatio was generally preferred (Gaius, ii. 25); 7, for creating servitudes, rustic servitudes alone being also created by mancipatio (Gaius, ii. 29, 30). In jure cessio being a legis actio, it could not be carried out by means of agents.

In jure cessio is last mentioned in Constitutions of Constantine. It was obsolete in the time of Justinian, and the compilers of his legislation omitted mention of it in excerpts, where it occurred. (Gaius, ii. 24; Ulp. *Fragm.* 19, 9; Schilling, *Inst.* ii. § 154; Leist, *Mancipation*, § 36, &c.; Ihering, *Geist des R. R.* ii. 579 ff.; Aug. Schultze, *Privatrecht und Process in ihrer Wechselbeziehung*, §§ 459 ff., 477 ff.; Sohm, *Institut des röm. Rechts*, 3rd edit., p. 30, &c.; Voigt, *Zwölf Tafeln*, ii. § 75.) [E. A. W.]

JU'RGIUM has been thought to be a contracted form of *juridicium;* it is doubtless derived from *jus*, but the verb *jurgare* suggests *jure agere* as a more probable etymology. In its legal sense, however, the word is pointedly distinguished from *litigare*, and denotes wrangling or complaint without legal proceedings. Nonius, s.v. *Jurgium* (5, § 34 = p. 430), quotes a passage from Cicero (*de Rep.* iv. *fr.* 24) commenting on the words si jurgant in the Twelve Tables: "Si jurgant, inquit. Benevolorum concertatio, non lis, ut inimicorum, sed jurgium dicitur." Et in sequenti: "Jurgare igitur lex putat inter se vicinos, non litigare." Rudorff states that the term *jurgium* was applied to the small disputes between owners of contiguous lands. Hence he explains the words of Cicero (*de Legg.* i. 21, § 55), "Usucapionem xii. Tabulae intra quinque pedes esse noluerunt:" the balks or strips of five feet in width which divided the praedia were not to be encroached upon and then claimed through lapse of time. He refers for a like use of the word to Horace (*Ep.* ii. 1, 38, "Excludat jurgia finis," and ii. 2, 170):

> "Sed vocat usque suum, qua populus adsita certis
> Limitibus vicina refugit jurgia."

(Rudorff, *Zeitschrift für die Rechtsw.* x. 346, *Ueber die Gränzscheidungsklage.*)

Compare also Cicero (*de Legg.* ii. 8, § 19). "Feriis jurgia amovento." It is needless to tell people not to go to law on holidays, when the courts are shut; the meaning is, that private wranglings are to cease in honour of the day. *Rixa* differs from jurgium as implying a quarrel that comes to blows (Tac. *Hist.* i. 64; Juv. xv. 52). (Cf. Donaldson, *Varronianus*,^{2} p. 213; Forcellini. *Lexicon*, s.v. *Jurgium.*) [G. L.] [W. W.]

JURI'DICI. With a view of making the administration of justice more directly dependent on the emperor, Hadrian appointed over Italy four magistrates of consular rank (*consulares*) who had both criminal and civil jurisdiction (Spart. *Hadr.* 22; Capitolin. *Ant. Pi.* 2, *M. Ant. Phil.* 11; Appian, *B. C.* i. 38). This institution of Hadrian did not long survive him, but M. Aurelius imitated it by appointing a number of imperial officials of praetorian rank with the title of juridici, who were to perform certain administrative functions outside Rome—the *urbica dioecesis.* (*M. Ant. Phil.* l. c. "datis juridicis Italiae consuluit ad id exemplum, quo Hadrianus consulares viros reddere jura praeceperat;" *C. I. L.* v. 1874.) These juridici had jurisdiction in respect of *fideicommissa* (Dig. 40, 5, 41, § 5), and in disputes concerning the office of curialis [Curialis]; they also nominated guardians (*Vat. fr.* 205, 232, 241); and they may have been competent to decide some other civil causes; but they do not appear to have had any criminal jurisdiction. They probably exercised other besides judicial functions connected with the administration of justice. The jurisdiction of juridici was not taken from that of the municipal magistrates, but from that of the Roman courts, which continued, however, to decide matters of importance. Each juridicus had a particular district specially assigned to him ("regiones quae sunt sub juridicis": cf. Marquardt, *Staatsverw.* i. 74, &c.). The office of juridicus lasted till about the middle of the third century.

An imperial official who exercised the higher jurisdiction in Egypt was called *juridicus*, whence the title of the Italian *juridici* is derived

(Walter, *Rechtsgesch.* 36, n. 24; Orelli-Henzen, 6488).

(The information contained in this article is principally taken from Mommsen, *Staatsrecht*, ii.^{2} 1038 ff.; cf. Bethmann-Hollweg, *Der römische Civilprocess*, § 66; Becker-Marquardt, *Röm. Alterth.* iii. 1, § 56, &c.) [E. A. W.]

JURI'DICI CONVENTUS. [PROVINCIA.]

JURISCONSULTI or **JURECONSULTI.** For some considerable time after the enactment of the Twelve Tables, the function of interpreting the law, both sacred (*fas*) and profane (*jus*), appears to have been a monopoly of the College of Pontifices, which appointed one of its members every year to superintend the trial of private actions (cf. Pomponius in Dig. *de origine juris*, 1, 2, 2, §§ 6, 7; Liv. ix. 46, "jus civile in penetralibus pontificum repositum"). [PONTIFEX.] The pontifices alone had an exact knowledge of the legal calendar, and were familiar with the intricate forms of action which prevailed in the courts, whence the importance attached to the publication of the calendar and of the forms of legis actio by Cn. Flavius about 312 B.C. [JUS FLAVIANUM.] The opening of the office of pontifex to plebeians, the growth of the praetor's jurisdiction, and the gradual separation of the Jus Civile from the Jus Pontificium, tended to make the profession of the law a more open one (cf. Ihering, *Geist. d. R. R.* ii. 2, § 42). Tiberius Coruncanius, a plebeian, who was consul B.C. 281, and also the first plebeian pontifex maximus, is mentioned as the first who publicly professed (*publice professus est*) to expound the law (Liv. xxx. 1; Dig. *l. c.* § 35). A distinct profession of lawyers certainly existed before the time of Cicero, and the persons belonging to it were called by the various names of *jurisperiti*, *jurisconsulti*, or *consulti* simply. They were also designated by other names, as *jurisprudentes*, *prudentes*, *juris periti*, and *juris auctores*. The words which Plutarch uses are *νομοδείκτης* (*Tib. Gracch.* 9) and *νομικός* (*Sulla*, 36). Cicero (*Top.* 5) enumerates the *jurisperitorum auctoritas* among the component parts of the Jus Civile. The definition of a *jurisconsultus*, as given by Cicero (*de Or.* i. 48), is a person who has such a knowledge of the laws (*leges*) and customs (*consuetudo*) which prevail in a state as to be able to give answers to questions submitted to him (*respondendum*), act (*agendum*), and to secure a person in his dealings (*cavendum*). Sextus Aelius Catus [JUS AELIANUM], M. Manilius, and P. Mucius are examples. In the oration *pro Murena* Cicero uses "scribere" in the place of "agere." The word "scribere" refers to the employment of lawyers in drawing up formal instruments, such as contracts or wills; "cavere," to the advice given in the conduct of a suit or the carrying out any transaction; "agere" to the execution of some legal act on account of a client. At a later period some of these functions were performed by persons who were paid a fee, and thus there arose a body of practitioners distinct from those who gave *responsa*. The jurisconsulti gave their advice gratuitously. Payments or gifts to them were prohibited by the Lex Cincia. They did not, as a rule, argue cases in court; this task being left to the orators or advocates. [ORATOR; ADVOCATUS.] Before the time of Cicero the study of the law had become a distinct branch from the study of oratory, and a man might raise himself to eminence in the state by his reputation as a lawyer, as well as by his oratorical power or skill; the profession of the law being regarded as one of great dignity and independence. It is probable that *responsa* were not in Cicero's time absolutely binding on courts of justice, although the judge would be mainly guided by them.

Jurisconsulti gave their advice or answers either in public places—especially in the forum —or in their own houses (Cic. *de Or.* iii. 33: cf. Hor. *Sat.* i. 10; Sen. *de Via*, iii. 37). We are told of one distinguished jurist that a house near the forum was provided for him at the public expense, in order that he might have easy access to clients. They gave advice not only on matters of law, but on anything else that might be referred to them. The jurisconsulti were not professors of law in the modern sense, but they were attended by students who obtained instruction by listening to *responsa*: hence called *auditores*. Towards the end of the republic we also find the practice in existence of instructing students in the elements of law (cf. Dig. 1, 2, 2, § 43: "[Servius Sulpicius], institutus a Balbo Lucilio, instructus autem maxime a Gallo Aquilio"), and under the empire the systematic teaching of law gradually became a distinct professional function.

The earlier lawyers mentioned by Pomponius differed from those of a later period by their want of scientific method (as to their characteristics, see Ihering, *Geist. d. R. R. l. c.*). Their excessive technicality is frequently ridiculed by Cicero. The first whom Pomponius mentions was Papirius, who is said to have made a collection of leges regiae in the time of Tarquinius Superbus [JUS PAPIRIANUM]. There were many distinguished jurisconsulti in the last two centuries of the republican period, among whom are M. Manilius, consul B.C. 149 (cf. Cic. *de Or.* i. 48, iii. 33; *Brutus*, 21, 22, &c.; Varro, *L. L.* vii. 105); P. Mucius Scaevola, pontifex maximus B.C. 131; Q. Mucius Scaevola, the augur, and Q. Mucius Scaevola, the son of Publius, who was consul B.C. 95, and afterwards pontifex maximus: he was one of the masters of Cicero, who calls him "jurisperitorum eloquentissimus," "eloquentium jurisperitissimus" (Cic. *de Or.* i. 39; *Brutus*, 89). This Scaevola, the pontifex, was considered to have been the first who gave the Jus Civile a systematic form, by a treatise in eighteen books (Dig. 1, 2, 2, § 41). There are four excerpts in the Digest from a work of his in one book on Definitions. C. Aquilius Gallus, praetor B.C. 66, was a most distinguished lawyer; he invented the *actio doli*, the *stipulatio Aquiliana*, and a form for instituting or disinheriting the class of *postumi* called after him Aquiliani.

Servius Sulpicius Rufus, a pupil of Aquilius (Cic. *Brut.* 42) and the friend and contemporary of Cicero, was consul B.C. 51. He was as great an orator as the pontifex Scaevola, and even more distinguished as a jurist. Many persons, both his predecessors and contemporaries, were eminent for their practical knowledge of law, but he was distinguished from them by his scientific mode of handling it; and as he had both numerous *auditores* and was a voluminous writer, we may perhaps view him as the founder of that methodical treatment of the matter of law which characterised the subsequent Roman jurists, and in which they have not been surpassed (Cic. *Brut.* 41; Dig. 1, 2, 2, § 43).

The jurists of the imperial times are distinguished from those of the republican period by two circumstances—the *jus respondendi*, and the rise of two schools of law. We learn from Pomponius (Dig. 1, 2, 2, § 49) that Augustus determined that the jurisconsulti should give their *responsa* under his sanction (*ex auctoritate ejus responderunt*). The *jus respondendi* or right of giving such *responsa* appears to have been granted by Augustus and Tiberius and their successors to eminent jurists selected by them, who were thus placed in a position analogous in some respects to that of the pontifices in earlier times. But the jurists who had not received this mark of imperial favour were not excluded from giving opinions, though their opinions would have little weight in comparison with those of the privileged class. The *responsa* of those who had the *jus respondendi* were given sealed (*signata*), apparently to prevent falsification. They were probably given by each jurist in his individual capacity, but whether on the application of the judge or of a party to a suit is uncertain. The matter proposed for the opinion of the jurisconsulti was sometimes stated in the *responsum*, either fully or briefly; sometimes it contained the grounds of the opinion and sometimes it did not (Brisson, *de Form.* iii. c. 85). The *responsum* of a privileged jurisconsultus in a particular case would be an authority for the decision of a judex, and probably the same authority was extended by custom to the writings of such jurists who by the *jus respondendi* were given the condition of *juris auctores*. The definition of *responsa* by Gaius (i. 7; cf. Inst. i. 2, 8), "responsa prudentium sunt sententiae et opiniones eorum quibus permissum est jura condere," seems to support this view of the authority of the writings of the priests; the words *sententiae et opiniones* being sufficiently wide to include such writings, and the technical expression *responsa* with which the passage begins may, owing to the increased importance of legal literature, have been very well used by Gaius in a wider sense than originally attached to it. The duty of the judge, if the *responsa* were conflicting, was, we are told by Gaius in the same passage, determined by a rescript of the Emperor Hadrian. If the opinions of the privileged jurists agreed, the judge was to be bound by them; but if not, he was to be free to follow the opinion he preferred. (For an account of the different views of modern writers respecting the nature of the *jus respondendi*, see *Étude sur Gaius*, by E. Glasson, § 6.)

Under the early empire there arose two schools (*scholae*) of jurists, the origin of which is attributed to the opposition between Antistius Labeo and Ateius Capito, two eminent jurists who lived in the time of Augustus. (See Pomponius in Dig. 1, 2, 2, § 47: "Hi duo primum veluti diversas sectas fecerunt.") Labeo, a jurist distinguished for his abilities and varied acquirements (Gell. xii. 10; Pomponius in Dig. *l. c.*), appears to have been a great legal reformer ("plurima innovare instituit"), and the most notable jurist of his time. His opinions are frequently cited in the Digest. He was attached to the old republican constitution. Capito, a jurist of much less eminence, held fast to the traditional learning of his profession ("in his quae ei tradita fuerant perseverabat"), and so was in opposition to Labeo.

The followers of Labeo, whom we know with certainty to have been such, were M. Cocceius Nerva, Sempronius Proculus, Nerva the son, Pegasus, Juventius Celsus, Celsus the son, and Neratius Priscus. The followers of Capito were Masurius Sabinus, C. Cassius Longinus, Caelius Sabinus, Priscus Javolenus, Aburnius Valens, Tuscianus, Salvius Julianus, and Gaius. But the schools did not take their names from Labeo and Capito. The followers of Labeo were named Proculiani, from Proculus. The followers of Capito derived their name of Sabiniani from Masurius Sabinus, a most eminent teacher of law, the author of a celebrated work on the Jus Civile, who lived under Tiberius, and as late as the reign of Nero: they were sometimes also called Cassiani, from C. Cassius Longinus. The schools may, like the schools of philosophy in Greece, have consisted of students united together under an eminent teacher and leading a common life; to the office of head of the Proculian and Sabinian schools there seems to have been a regular succession (cf. Pomponius in Dig.: "Ateio Capitoni Masurius Sabinus successit, Labeoni Nerva," &c.). Some recent writers suppose that the schools were not established by Labeo and Capito, but that Sabinus, a disciple of Labeo, first instituted a school, and that Proculus, who taught the doctrines of Labeo, subsequently set up a rival one; but from the account of Pomponius we should rather gather that Labeo and Capito were the founders of the schools.

It is not possible to educe from the various disputes between the Sabinians and Proculians, which are mentioned in our sources, any fundamental differences which characterised the two schools. (For a list of the disputes between the schools, see Roby's *Introduction to the Digest*, cxxxi. &c.) The head of a school would exercise a predominant influence over it; and as one jurist succeeded another to the office of teacher, the character of its teaching might vary. It is sometimes said that one school adhered more closely to what was established and to the letter of what was written, while the other looked more to the internal meaning than to the external form; and thus, while apparently deviating from the letter, they approached nearer to true results: but some writers attribute the latter method to the Sabinians and others to the Proculians. In the period of the classical jurists the division of schools disappears. (Cf. Hommel, *de principali causa dissensionum inter Labeonem et Capitonem*; Dirksen, *Beiträge*, 3; Kuntze, *Excurse über röm. Recht*, 2nd edit., p. 319; Bremer, *Die Rechtslehrer und Rechtsschulen im Kaiserreich*, p. 68, &c.; Pernice, *Antistius Labeo.*)

Of all public callings the profession of the law was the most independent under the early emperors, and consequently it attracted to itself an unusual proportion of men of high ability. Jurisprudence made considerable progress during this period, especially its influence in developing the principles of Jus Gentium as contained in the praetor's edict, and in giving the law a more systematic character.

The great literary age of Roman jurisprudence, that of the classical jurists, is generally understood to begin under Hadrian and to end with Alexander Severus. The great Julian, the compiler of the Edict, may be regarded as the earliest classical jurist; subsequent jurists of the first rank were Marcellus, Cervidius Scaevola, Marcianus, Papinianus (the most distinguished of all Roman lawyers), Ulpianus, Paulus, and Modestinus. (For an account of the lives of the classical jurists, see Roby, *Introd. to the Digest.*)

Towards the end of the classical period jurisprudence showed signs of decay: compilations from the works of previous writers were taking the place of original work; the influence of the jurists was chiefly exercised in the council of the emperor; the *rescripta* were supplanting the *responsa* as a source of law. After the time of Septimius Severus no legal writings of importance were produced; the writings of earlier jurists were the chief authority in the courts, and, when these were in conflict with one another, the law remained unsettled. Thus the "law of citations," A.D. 426, limited legal authority to the writings of Gaius, Paul, Ulpian, and Modestinus, and to the writings of earlier jurists cited by these five (see Muirhead, *Roman Law*, section 78; Roby's *Introd.* p. lxxxiv. &c.). The Digest of Justinian is mainly composed of the writings of the classical jurists [PANDECTAE]. The want of constructive legal science in this period made compilations of law a practical necessity. The writings of the jurisconsulti consisted of *commentarii* on the Twelve Tables, on the Edict, on particular leges, more especially on some of the Juliae leges, and on other matters. The later jurists also commented on the writings of the earlier jurists; *e.g.* the commentaries on the great work of Sabinus. They also wrote elementary treatises (*elementa, commentarii*), such as the *Institutiones* of Gaius, which is the earliest work of the kind that we know to have been written; books called *regulae* and *definitiones*, which were probably collections of maxims and legal principles intended for advanced students; collections of cases and answers, under the various names of *responsa, epistolae, sententiae*, and *opiniones;* systematic treatises on law and various works of a miscellaneous character, with a great variety of names, such as *disputationes, quaestiones, notae, enchiridia, res quotidianae*, and various other titles. The term *Digesta* probably signifies the collected writings of a jurist.

With the exception of the fragments preserved in the Digest, this great mass of literature is nearly lost [PANDECTAE]. The most important writings which have survived are the *Liber singularis Regularum* and the *fragmenta* of Ulpian, the Institutes of Gaius, and the *Sententiae* of Paulus.

The mode of teaching law at Rome in the republican period was of a practical nature, the instruction which was given consisting in the jurisconsulti allowing young men to be present as *auditores* when they delivered their legal opinions, and to see how they conducted their business (Cic. *Brut.* 89; *Laelius*, 1). Previous, however, to attending to this practical instruction, young men were taught the elements of law, which was expressed by the term *institui*, whence probably the term *Institui* was given to elementary treatises like those of Gaius. Accordingly, *institui* and *audire* expressed the two parts of a legal education. The most distinguished jurists freely imparted instruction to young men (Cic. *de Or.* i. 41, 142: "Jus civile docere semper pulchrum fuit hominumque honestissimorum discipulis floruerunt domus"). In the imperial period, probably young men devoted themselves for a still longer period to attendance on those jurists who had the *jus respondendi.* These young men are the *juris studiosi* mentioned by Ulpian and others. Thus Ulpian calls Modestinus "studiosus meus." But, besides this practical training, a more systematic legal education was established under the empire.

Jurists taught law at fixed places—*stationes, jus publice docentium*—which were probably near the law courts (Gell. xiii. 10, 13). The Proculian and Sabinian schools may have been institutions of this kind, as has been already noticed. A class of teachers of law—called *professores, ἐξηγηταί, antecessores*—thus came into existence, who were entitled to a honorarium for their services.

The student went through a curriculum of study, being obliged to read prescribed books in a certain order. The plan of study was newly arranged by Justinian (cf. Rudorff, *Gesch. de R. R.* § 112; Const. Omnem). Law schools were gradually established in the principal cities of the empire, the principal ones in the time of Justinian being those at Constantinople, Rome, Berytus, Alexandria, and Caesarea.

(Pomponius, *de Origine Juris*, 1, 2; Roby, *Introduction to the Digest*, ch. vi.–xvi.; Muirhead, *Roman Law*, 262, 315–327; Paul Jörs, *Römische Rechtswissenschaft zur Zeit der Republik;* Sanio, *Zur Geschichte der röm. Rechtswissenschaft;* Karlowa, *Röm. Rechtsgeschichte*, § 61, &c.; Pernice, *M. Antistius Labeo;* Rudorff, *Röm. Rechtsgesch.* i. §§ 89–91; Filting, *Ueber das Alter d. Schriften der Juristen von Hadrian bis Alexander.*) [G. L.] [E. A. W.]

JURISDI'CTIO is the technical term to denote the power which belonged to a Roman king and magistratus of administering justice in suits between private persons (*inter privatos*); that is, in civil as opposed to criminal causes. This right was part of the imperium or supreme executive power of a Roman magistratus (cf. Dig. 2, 1, 3: "imperium cui jurisdictio in est"); accordingly jurisdictio (*jus dicere*) belonged to the officium of all the higher magistrates, who were invested with imperium, and was confined to these magistrates [IMPERIUM]. Thus the plebeian magistrates and the inferior magistrates of the Roman people, as the quaestor, did not possess it. An exception, however, was made to this principle in the case of the curule aediles, who were given jurisdictio in matters relating to the market [AEDILES]. Moreover municipal magistrates had jurisdictio without imperium (cf. Dig. 50, 1, 26: "quae magis imperii sunt quam jurisdictionis magistratus municipalis facere non potest"), and it was perhaps for the purpose of defining the power of such magistrates that the term *jurisdictio* had a confined as well as a more general sense. The origin of the word *jurisdictio* is to be traced to the *legis actio* procedure of early times, the function of the magistratus in an action under it consisting in (1) *jus dicere*, i.e. defining the issue between the parties, and declaring it in formal words, which was jurisdictio in its earliest sense (Voigt, *Zwölf Taf.* i. § 54); (2) *judicium dare*, or *addicere*, the appointing of a judex for the purpose of inquiring into the facts in dispute between the parties; (3) *rem addicere*. Addictio belongs to that part of jurisdictio by which the magistratus himself makes a decree or judgment, by which he assigns a right to one of the parties to a suit: thus in the case of *in jure cessio* he is said *rem addicere* (Gaius, ii. 24). It is with reference to the three words *do*, *dico*, *addico*, that Varro (*L. L.* vi. 30) remarks that the praetor must use one of these words, "cum lege quid peragitur," *i.e.* when a *legis actio* is being carried on. (As to these *tria verba solemnia*, see E. Hartmann, *Der Ordo Judiciorum*, p. 17; Huschke, *Das alte römische Jahr*, p. 197; Karlowa, *Der röm. Civilprocess*, p. 275, &c., cited by Keller, *Civilpr.* ed. Wach.) Accordingly those days are called *nefasti* in which jurisdiction could not be executed, because the words of legal force could not be used (compare Ovid, *Fast.* i. 47; Macrob. *Saturn.* i. 16). The place of jurisdiction at Rome was the forum.

When the term *jurisdictio* is used in a strict sense, it signifies the *judicis datio*, or right of a magistratus to appoint a judex (cf. Dig. 2, 1, 3: "jurisdictio est etiam judicis dandi licentia"). The appointment of a judex was, however, only an act of jurisdictio in this strict sense, when it was done according to the regular course of procedure, as is illustrated by the division of actions into *judicia legitima* and *judicia quae imperio continentur* (Gaius, iv. 103, Poste's comm.). *Judicia legitima*, which belonged to jurisdictio, were actions prosecuted within Rome or within the first miliarium before a single judge (*unus judex*). Actions tried before recuperatores [JUDICIUM], or even before a single judex, if the judex or one of the parties was an alien, or beyond the first milestone, whether the parties were citizens or aliens, were *judicia quae imperio continentur*. Thus, while imperium when used in a general sense includes jurisdictio, every act of jurisdictio being an act of imperium, that part of the imperium which is not jurisdictio is imperium in the narrower sense in which it is opposed to jurisdictio. This opposition between jurisdictio and imperium relates to the formal character of the acts of a magistratus, and not to the subjects with which he dealt. If he took cognisance of a civil cause acting according to established principles and forms, he exercised his jurisdictio; while, on the other hand, if he interfered in a more arbitrary way simply by virtue of his supreme power of command, it was an act of imperium. When he gave interdicts and other legal remedies by this latter means, he was said to be exercising *imperium mixtum*, which is of the same nature as jurisdictio; when the exercise of imperium had no relation to jurisdictio, it was *imperium merum*. Some acts of the magistratus were not attributed either to his imperium or jurisdictio, but to some special lex, senatusconsultum, or imperial constitution, as the *tutoris datio* (cf. Dig. 26, 1, 6, § 2: "Tutoris datio neque imperii est neque jurisdictionis, sed ei soli competit, cui nominatim hoc dedit, vel lex vel SS.C. vel princeps"). The term *jurisdictio* is, however, very commonly used in a wide sense, so as to signify the power of the magistratus to grant civil remedies of any kind. Ulpian notices that the term is improperly used in the edict in reference to the *cognitio extraordinaria*, whereby the magistratus decided certain cases himself by a decretum (Dig. 42, 1, 5, pr.: "melius scripsisset: cujus de ea re notio est").

The *jus edicendi* was used by the praetor for the purpose of administering his jurisdictio, and by this means he created many new remedies. Hence jurisdictio sometimes signifies the right of the praetor to declare law, and so to establish rights by his edict (cf. Inst. iv. 6, §§ 7, 8: "actiones, quae praetor ex sua jurisdictione introduxit"). *Praetoria jurisdictio*, i.e. edictal law, is found in opposition to *jus legitimum* (Cod. 6, 58, 15, pr.).

Jurisdictio was either *voluntaria* or *contentiosa* (Dig. 1, 6, 2). *Jurisdictio voluntaria* rendered valid certain acts done before the magistratus, such as adoption, emancipation, and manumission which involved a collusive action [CESSIO IN JURE], of the form of early procedure called *legis actio*; hence the phrase *magistratus apud quem legis actio est* for a magistrate with jurisdictio (Gell. v. 19, 3; Dig. 1, 7, 4, 16, 3; Cod. 8, 48, 1). *Jurisdictio contentiosa* had reference to contentious proceedings before a magistratus, which were said to be *in jure* as opposed to proceedings before a judex, which were said to be *in judicio*.

Magistratus appointed especially for military purposes, such as the dictator and magister equitum, could only exercise jurisdictio voluntaria, nor could jurisdictio contentiosa be exercised by a Roman magistratus outside Rome (cf. the phrase *qui Romae jus dicit*, which is equivalent to magistratus: Cic. *ad Fam.* xiii. 14); and thus, as Mommsen remarks, jurisdictio was separated from imperium militiae. The province of exercising jurisdictio in contentious proceedings was assigned to the office of praetor, when this magistrate was instituted; the consuls being prevented by statute from interfering in matters relating to jurisdictio, except in the negative form of intercession [PRAETOR]. Jurisdictio contentiosa could be the subject of delegation (*mandata jurisdictio*); thus the praetor delegated jurisdictio to praefecti. The propraetores and pro-consules exercised an independent jurisdiction in the provinces. (Dig. 2, 1; Bethmann-Hollweg, *Civilprocess*, ii. 70; Mommsen, *Staatsr.* i. 182 ff., ii. 1, 210 ff.) [E. A. W.]

JUS (in early Latin *jous*, from Sanscrit *ju*, to join, and of the same root as *jubere*, in early Latin *joubere*) has the following legal senses: 1, law, or a system of law; 2, the place of declaring the law; 3, power or authority; 4, right to do a thing; 5, what is right or lawful = *justum*; 6, in the plural, rules of law, legal decisions, and so legal authority (Nettleship, *Contributions to Latin Lexicography*, s. v.; cf. Muirhead, *Roman Law*, sect. 7).

Jus, in its general signification, is law, and in this sense it includes all law, whether made by statute or otherwise; but in a narrower sense it is opposed to lex, which is a special written enactment,—strictly, a transaction entered into between the magistratus and the populus (Nettleship, *Contributions*, etc., who thinks that the usages of lex are in favour of deriving it from *ligare*, to bind). Lex is sometimes used for law of any kind. Thus Cicero (*de Off.* iii. 5, § 23) opposes natura to leges, where he explains natura by the term jus gentium, and makes Leges equivalent to Jus Civile (see below). In the Partitiones (c. 37), he divides Jus into natura and lex; lex, in this sense, comprehending leges and all the other parts of the Jus Civile. In its special sense of a written enactment, lex is included in jus; but jus or jura, as distinguished from lex, may mean "the special provisions, lex the whole enactment containing them; or jura are special rules or provisions, lex a comprehensive written enactment; or jura may mean the general rules on which leges are subsequently framed" (Nettleship, *s. v.* Jus). So the provision of the Lex Julia de adulteriis, which forbade the alienation of the fundus dotalis, is thus referred to by Gaius (ii. 62), "quod quidem jus," "which rule of law" or "which law"—it being a law comprehended in another law which contained this provision. Gaius again (i. 47) speaks of the jura or legal provisions contained in the Lex Aelia Sentia. Thus, though lex, in its strict sense of a written enactment, is opposed to jus, and though jus is perhaps never used for a lex, still jus, or rather jura, may be used to express rules of law contained in a lex or a part of a lex. Jura, in the sense of rules of law, is of frequent occurrence, and is combined with the following verbs: describere, dicere, dare, ponere, reddere, petere (Nettleship, *l. c.*). For instance, Gaius speaks of jura as built up or established by the Responsa Prudentium ("responsa prudentium sunt sententiae et opiniones eorum quibus permissum est jura condere," i. 7). Jus is specially used to signify law as contained in the writings of the Jurists. Jus is sometimes opposed to judicium, a thing being said to be done in jure or in judicio, according as it was done before a magistratus or before a judex. [JUDICIUM.] Thus all matters of legal concern were said to be done "aut ad populum, aut in jure, aut ad judicem" (Plaut. *Menaech.* iv. 2, 18). The expression jus dicere is explained under JURISDICTIO. Jus, in the sense of the place "in quo jus redditur" (Dig. 1, 1, 11), is only an application of the name of what is done to the place in which it is done.

Jus was not only the general law of the state, but also the law which a superior, such as the head of a family, was entitled to administer to those subordinate to him. So persons are divided into those who are sui juris,—that is, independent persons; and those who are alieni juris—that is, subject to the law or rule of another. Hence jus signified that which binds, in the sense of power, authority, and from this sense came to mean a right to do a thing. Accordingly, Gaius says (iv. 3): "It is an actio in rem when we claim a corporeal thing as our own, or claim some jus as our own, such as a jus utendi, eundi, agendi." The meaning of a law generally, and of a legal right, are applied to jus by Cicero in the same sentence: "I, a man ignorant of the law (*imperitus juris*), seek to maintain my right (*meum jus*) by the Interdict" (*pro Caecin.* 11, § 32). As the several rules of law, which are often comprised in one lex, or which make up the whole body of Jus (Law), may be called Jura with reference to their object; so the several legal rights which are severally called jus, with reference to some particular subject, may be collectively called jura. Thus we find the phrase jura parentis to express all the rights that flow from the fact of legal paternity. The phrase jura praediorum, which is equivalent to servitutes, is explained under SERVITUS.

Jus sometimes means the entire property of a deceased person ("successio in jus demortui"—"in omne jus"—"heredes juris successores sunt").

Jus is also used to signify the bond or tie of relationship (Dig. 1, 1, 12: "Nonnunquam jus pro necessitudine accipimus, veluti est jus cognationis vel affinitatis").

The adjective justum often occurs in the Latin writers, in the sense of that which is consistent with Jus or Law, or is not contrary to law, and especially of that which is in accordance with jus civile as opposed to jus gentium. Thus it is justae nuptiae, marriage according to jus civile, if there is conubium between the two parties to the marriage. Jus, in its general sense of law, is opposed to fas; jus being law made by human authority, fas (from *fari*) what is declared by divine authority,—the will of the Gods. (Muirhead, *op. cit.* sect. 7.) The knowledge and determination of what was fas or nefas belonged to the pontifices, except that matters concerning international intercourse were regulated by the fetiales. But the distinction between fas and nefas, or between pium and impium, on the one side, and between justum and injustum on the other, was not clearly marked till the office of praetor was instituted; and so, till this time, the pontifices were the chief interpreters of jus as well as of fas. (Danz, *Lehrbuch*, &c., § 36.) Still, even after the separation of jus pontificium or sacrum from jus civile, there was a relation between these two branches of law: for instance, an adrogatio was not valid by the jus civile unless it was valid by the jus pontificium (Cic. *de Or.* iii. 33, 136; *Brut.* 42, 156; ADOPTIO), the pontifices having the supervision of privata as well as publica sacra. Again, as it was for the pontifices to determine whether a res was sacra, sancta, religiosa, or profana, so the law relating to res divini, as opposed to humani juris (Inst. ii. 1), was derived from jus sacrum, and continued to be partly under its sanction (Macrob. *Sat.* iii. 3;—Dig. 39, 3, 17, § 3; 11, 8, 5, § 1).

Those rules of fas which regulated the declaration of war, the conduct of war, and the making of treaties, are comprehended under the term Jus Fetiale. This jus prescribed the formalities which were observed by the Italian nations in their international intercourse (*jure gentium agere*). It derived its name from the fact that it was under the supervision of the fetiales, a class of priests who acted as the envoys of the state (*publici nuntii populi Romani—oratores*) in making a formal demand for satisfaction from other states (*clarigatio de rebus repetendis*), and in declaring war in case of refusal (Danz, § 36). The Romans sometimes used the expression jus gentium in a sense which nearly corresponds to the modern phrase Law of Nations, or, as it is more frequently called, International Law.

(Liv. ii. 14; vi. 1, "quod legatus in Gallos, ad quos missus erat, contra jus gentium pugnasset;" xxxviii. 48; Sall. *Jug.* 22; cf. Tac. *Ann.* i. 42—fas gentium.) The term jus belli (Cic. *de Legg.* ii. 14) is used in a similar sense.

The conduct of a Roman was regulated by boni mores as well as by jus and fas. Loyalty and obedience on the part of the dependent members of a family to their head (*obsequium et reverentia*), moderation in the use of their power on the part of superiors (*clementia*), chastity (*pudicitia*), and the observance of good faith in dealing with others (*bona fides*), were among the duties attributed to this source. As Mr. Muirhead (*Roman Law*, sect. 8) remarks, "The constant reference in the pages of both the lay and professional writers to infamia, ignominia, turpitudo, improbitas, as imposing disqualifications, shows how much store continued to be set, theoretically at least, on integrity of character." (See Voigt, *Zwölf Taf.* i. § 15.) The rules prescribed by boni mores were partly included in the sphere of jus, and partly lay outside it. Mores is also used in the sense of immorality (*mali mores*); that which positive morality disapproves of. Thus, in the matter of the dos, there was a retentio in respect of the mores graviores or majores, *i.e.* in cases of adultery (Ulp. *Fragm.* tit. 6). [Dos.]

The law of Rome was originally a body of customary law; and though it came in course of time to be based on statute, custom was still regarded as one of its original sources. This is the jus which is said to be moribus constitutum—not to be confounded with boni mores. The ultimate foundation of customary law was considered to be the common consciousness of the people of following a custom in obedience to a rule of law: the evidence of this consciousness is usage—repeated and continued use—"longa, inveterata, diuturna, antiquitus probata et servata tenaciter consuetudo" (Dig. 1, 3, 32). Lex, statute, and mos (custom) are sometimes opposed to one another, as component parts of the jus civile, but different in their origin. Horace (*Carm.* iv. 5) speaks of "mos et lex." The actio injuriarum is said by Paulus (v. 4, 6) to have been introduced "aut lege aut more aut mixto jure." The Roman writers indeed frequently refer to a large part of their law as founded on mores, or on the mos majorum, and not on Leges (Quintil. *Inst. Orat.* v. 10). Thus Ulpian (Dig. 1, 6, 8) says that the jus patriae potestatis is moribus receptum.

The Jus Civile or civil law of Rome was divided into publicum and privatum by the Roman jurists (Dig. 1, 1, 1, § 2; Inst. i. 1, 4). Publicum jus is defined to be that which relates to the status rei Romanae, or the Romans as a state; privatum jus is that which relates "ad singulorum utilitatem," that is, to the interests of private individuals. The publicum jus is further said by Ulpian (*l. c.*) "in sacris, in sacerdotibus, in magistratibus consistere." (Cf. Cic. *de Or.* i. 46, 201, "publica quoque jura, quae sunt propria civitatis atque imperii.") According to this view, it comprehends the law of religion and constitutional law, and in fact all the rest of the jus civile which is not jus privatum; the latter comprehending the law of status and family law, the law of property and the law of civil procedure, which is the subject of the Institutes of Gaius and Justinian. The elementary treatise of Gaius does not mention this division. Justinian, in his Institutes, after making this division of jus into publicum and privatum, says, "We must therefore treat of jus privatum," from which it appears that he did not contemplate treating of Jus Publicum, though the last title of the fourth book is "de judiciis publicis," concerning criminal trials, which properly belong to the Jus Publicum.

The law of Rome appears to have been called in early times Jus Quiritium. The expression "populus Romanus, quirites," has given rise to much discussion. Becker (*Handb.* ii. 24) concludes that Romani and quirites are so far opposed that Romani is the historical and political name viewed with respect to foreign states, and quirites the political name as viewed with reference to Rome. According to Mommsen, the distinction between Romani and quirites (literally, lance-bearers) is that "where the locality was meant to be referred to 'quirites' was never used, but always Rome and Romans (urbs Roma, populus, civis, ager Romanus), because the term quiris had as little of a local meaning as civis or miles. For the same reasons these designations could not be combined: they did not say civis quiris, because both denoted, though from different points of view, the same conception in law. On the other hand, the solemn announcement of the funeral of a burgess ran in the words, 'this warrior has been consigned to death' (*ollus quiris leto datus*); and in like manner the party aggrieved employed the word in calling the burgesses to aid him (*quiritare*): the king addressed the assembled community by this name; and when he sat in judgment, he spake according to the law of the warrior freemen (*ex jure quiritium*) quite similar to the later *ex jure civili*. The phrase 'populus Romanus, quirites' thus means the community and the individual burgesses" (Mommsen's *Hist. of Rome*, Dickson's transl., ed. 1867, i. 78). Accordingly jus quiritium was equivalent to jus civium, jus civile. Jus quiritium may also mean the entire rights of a Roman citizen, being equivalent to civitas (Gaius, i. 32 c, 33, 35). Jus quiritium is frequently used in connexion with ownership in the expressions dominus, dominium ex jure quiritium; that is, ownership according to the law of the quirites, or jus civile. A lance was the symbol of such ownership. Quiritary ownership was contrasted with ownership in bonis, which was praetorian ownership. [Dominium.]

"All people," says Gaius (i. 1), "who are governed by leges and mores use partly their own law (jus), partly the law (jus) that is common to all mankind; for the law (jus) which a state establishes for itself is peculiar to such state, and is called jus civile, as the peculiar law (jus) of that state. But the law (jus) which natural reason (naturalis ratio) has established among all mankind is equally observed by all people, and is called jus gentium, as being that law (jus) which all nations follow. The Roman populus therefore follows partly its own peculiar law (suum proprium jus), partly the common law (commune jus) of all mankind."

According to this view, Roman law (jus) is distributed into two parts, jus gentium and jus civile, and the whole body of law peculiar to any state is its jus civile (Cic. *de Orat.* i. 44, § 197). As we see in the Institutes, this was only a division of jus privatum; the Roman private law, therefore, which is peculiar to the Roman state, is its jus civium, or jus civile, that part of Roman law which might also be the law of other communities, was the jus gentium.

The jus gentium is here viewed by Gaius as springing out of the naturalis ratio common to all mankind, which is still more clearly expressed in another passage (i. 189), where he uses the expression "omnium civitatium jus" as equivalent to the jus gentium, and as founded on the naturalis ratio. In other passages he founds modes of acquisition of property, which are not peculiarly Roman in character, on naturalis ratio, and in other places he derives such acquisitions from naturale jus, the naturale jus being the product of naturalis ratio (cf. ii. 65, 66, 69, 73, 79). He founds cognatio, blood relationship, on naturalis ratio, and agnatio on civilis ratio, as being a purely Roman institution (i. 158). In two passages in the Digest (i. 8) he calls the same thing naturale jus in § 2, and jus gentium in § 3, 5 (compare Gaius, iii. 132). The naturale jus and the jus gentium are therefore treated by Gaius as identical (Savigny, *System*, u. s. w. i. 113). Thus Gaius considers jus gentium, as being the law of natural reason, to be older than the jus civile, which is law peculiar to a particular state (Dig. 41, 1, 1, pr.; cf. Inst. ii. 1, 11).

But other Roman jurists distinguished jus naturale, the law taught by nature, and so common to men at all times and in all places, from the jus gentium or gentile law of positive enactment.

There were, in fact, legal institutions, especially the important institution of slavery, which could not be reconciled with the identification of jus naturale and jus gentium (cf. Inst. i. 3, 2: "Servitus autem est constitutio juris gentium, qua quis dominio alieno *contra naturam* subjicitur").

Ulpian makes the threefold division of jus—jus civile, jus gentium, jus naturale; but his conception of jus naturale is one which was apparently peculiar to this jurist, though it is unfortunately adopted by Justinian in his Institutes (Inst. i. 2, pr.). "Jus naturale," according to Ulpian, "est, quod natura omnia animalia docuit. Nam jus istud non humani generis proprium est, sed omnium animalium, quae in caelo, quae in terra, quae in mari nascuntur. Hinc descendit maris atque feminae conjugatio, quam nos matrimonium appellamus, hinc liberorum procreatio et educatio: videmus etenim cetera quoque animalia istius juris peritia censeri." The foundation of this conception seems to have been a theory of the progress of mankind from what is termed a state of nature, first to a state of society and then to a condition of independent states. This definition had, however, no practical application, and must be viewed merely as a curious theory. Absurd as it appears at first sight, it is capable, according to Savigny, of a reasonable explanation, who shows that Ulpian does not mean to say that beasts have law, but only that they have the matter from which law springs; that is, some of those natural relations on which legal relations are founded exist among beasts as well as men. Such natural relations are those by which the species is propagated. (See also Puchta's remarks, *Inst.* i. § 9, note a.) In the Institutes the two divisions are confounded (1, 2, de jure naturali, gentium, et civili); for the explanation of jus naturale is first taken from the threefold division of Ulpian, and then the jus gentium and jus civile are explained according to the twofold division of Gaius already quoted, so that we have in the same section the jus naturale explained in the sense of Ulpian, and the jus gentium explained in the sense of Gaius, as derived from the naturalis ratio. Further, in the second book (tit. 1, 11) the jus naturale is explained to be the same as the jus gentium, and the jus naturale is said to be coeval with the human race.

The origin of the opposition between jus gentium and jus civile was not a speculative notion, nor did it originate with the jurists, though they gave it a theoretical form. The jus gentium appears to have been in its origin a body of rules which the praetor recognised as governing the relations of aliens at Rome with one another and with Roman citizens, the jus civile being only applicable to cives. It is probable that till some time after the enactment of the Twelve Tables, aliens were incapable of entering into any transaction which could be legally enforced, but the growth of commerce and the settlement of foreigners at Rome during the fifth and sixth centuries occasioned the establishment of a special law, distinguished from the jus civium by its informal and equitable character, treating all freemen as on an equality without consideration of political status. This new law, the jus gentium, was perhaps at first confined to transactions in which aliens were interested, but it soon came to be applied also to the relations of cives; and accordingly Roman private law was composed of two parts, the jus civile or law of cives exclusively, and the jus gentium, the general law of free persons. Jus gentium, then, was law in positive force among the Romans, devoid of national peculiarities by reason of its origin, and so having much in common with law elsewhere, though not, as one might suppose from the language of Gaius, the law actually prevailing in all communities.

The jus gentium was chiefly introduced by the Edictum—as the law of peregrini by the Edict of the Praetor peregrinus and the Edicta Provincialia, and as the general law of Rome by the Edictum of the Praetor urbanus, and by means of leges and responsa prudentium. The conception of the jus naturale was a philosophical one derived from Greece. The preference which the jurists showed to the jus gentium over the jus civile was partly due to the fact that they conceived it to be more in harmony with the law taught to man by an indwelling natural reason (naturalis ratio). Thus the tendency of the jus gentium to supersede the jus civile, instead of existing alongside of it as a parallel institution, was partly due to the influence of the prudentes, the effect of this change being to deprive Roman law to a great extent of its distinctively Roman character.

(For the origin and nature of the jus gentium, see Voigt, *Das Jus Naturale*, &c.; Muirhead, *Roman Law*, § 42; Nettleship in *Journ. of Philol.*

xiii. 169 ff.; *Contributions to Latin Lexicography*, s. v.)

Jus Civile is opposed to the jus praetorium or honorarium [EDICTUM]; and the opposition consists in the opposition of the means or form by which the two severally obtained an existence; whereas the opposition of jus civile and jus gentium is founded on the internal character of the two kinds, and the extent of their application.

The terms jus scriptum and non scriptum, as explained in the Institutes (i. 2), comprehended the whole of the private law of Rome (Dig. 1, 1, 6). Jus scriptum signified all law embodied in writing, whatever its source might be, and so in the later history of Roman law comprehended all except customary law (quod usus comprobavit). The sense in which written and unwritten law has been used by English writers is hardly the same as the Roman sense. Hale says (*Hist. of the Common Law*, p. 2): "Those laws that I call leges scriptae are such as are originally reduced into writing before they are enacted." Hale applies his definition only to statutes or acts of Parliament; but it is equally applicable to any rules which are promulgated in writing, and have the force of law or of a law, by virtue of authority delegated to those who make such rules. The division of jus scriptum and jus non scriptum does not appear in Gaius, custom not being mentioned by him as a source of law, but he enumerates the other sources of law which are included by Justinian under the head of jus scriptum.

"Law," says Gaius (i. 2), meaning the Roman private law (jura), "is composed of leges, plebiscita, senatusconsulta, constitutiones principum, the edicta of those who have the jus edicendi, and the responsa prudentium."

This is a division of law merely according to its formal origin. The divisions enumerated by Cicero (*Top.* 5, 28) are "leges (which include plebiscita), senatusconsulta, res judicatae, jurisperitorum auctoritas, edicta magistratuum, mos, aequitas."

The subject-matter of private law is distributed by Gaius, and Justinian in the Institutes, under the heads of the Law of Persons (Jus Personarum); the Law of Things, which is expressed by the phrase "jus quod ad res pertinet;" and the Law of Actions, "quod ad actiones pertinet." In his first book Gaius treats of the Law of Persons in the sense explained in the article INSTITUTIONES; in the fourth he treats of the Law of Actions; and accordingly the second and third contain the Law of Things —that is, the law of property. [INSTITUTIONES.] [G. L.] [E. A. W.]

JUS AEDILI'TIUM. [AEDILES; EDICTUM.]

JUS AELIA'NUM was a compilation by Sextus Aelius Paetus, called Catus "the shrewd" (Gell. iv. 1, § 20), who was aedile B.C. 200, consul 198, censor 193 (Liv. xxxi. 50; xxxii. 7; xxxv. 9), and who is described by his contemporary Ennius as "egregie cordatus homo Catus Aelius Sextus." He is also frequently mentioned with praise by Cicero (*Brut.* 20, 78; *de Rep.* i. 18, 30; *de Or.* i. 45, 198, iii. 33, 133). According to Pomponius (Dig. 1, 2, 2, § 7), the Jus Aelianum was composed not long after the publication of the Jus Flavianum, in order to supply certain kinds of action which were required "quia durant quaedam agendi genera, alias actiones composuit et librum populo dedit, qui appellatur Jus Aelianum." In another paragraph (§ 38) of the same title of the Digest we learn from Pomponius that Sextus Aelius was the author of a work called *Tripertita*, which contained the law of the Twelve Tables, the juristical interpretations of that law (*interpretatio*), and the *legis actiones*. This collection of early law was still in existence when Pomponius wrote.

It is a question whether *Tripertita* and *Jus Aelianum* are only two names for the same book, or whether they signify two distinct compilations. Cicero speaks of some commentarii of Aelius (*de Or.* i. 56, 240; *Top.* 2, 10), which may or may not be identical with the *Tripertita* or *Jus Aelianum* mentioned by Pomponius. (Huschke, *Zeitschr. f. gesch. Rechtsw.* xv. 177; Karlowa, *Rechtsgesch.* i. p. 475; Krüger, *Gesch. d. Quellen* u. s. w.; Roby, *Introduction to the Digest*, ch. vii. p. xciii.) [G. L.] [E. A. W.]

JUS ANULO'RUM. [ANULUS.]

JUS APPLICATIO'NIS. [EXSILIUM.]

JUS CIVI'LE. [JUS.]

JUS CIVI'LE FLAVIA'NUM. Appius Claudius Caecus, who was censor B.C. 312, is said to have drawn up a book of actiones or forms of procedure, with a calendar of days on which actions might or might not be tried: this was made public by his clerk, Cn. Flavius, and was known as the Jus Flavianum (Cic. *de Or.* i. 41, 186). According to one story (Dig. 1, 2, 7), Flavius surreptitiously obtained possession of the book of Appius, and was rewarded by the people for his services by being made tribunus plebis and curule aedile. The effect of this publication was to extend the knowledge and the practice of the law to the plebeians, and to separate to some extent the jus civile from the jus pontificium. This reform was almost contemporaneous with the opening of the pontificate to the plebeians by the Lex Ogulnia. (Liv. ix. 45; Cic. *pro Mur.* 11, 25, *ad Att.* vi. 1, 8; Plin. *H. N.* xxxiii. § 17; Macrob. i. 15, 9; Gellius vii. (vi.) 9; cf. Danz, *Lehrbuch der Gesch. des röm. Rechts*, i. § 49; Karlowa, *Rechtsgesch.* i. p. 475; Krüger, *Geschichte d. Quellen.*) [G. L.] [E. A. W.]

JUS CIVI'LE PAPIRIA'NUM is said by Pomponius to have been a compilation of the Leges Regiae or laws passed in the kingly period of Rome, and to have derived its name from Papirius, its compiler. There is great doubt as to the exact character of this compilation of Papirius, and as to the time when it was made. It seems to have consisted of rules of law prescribed by the pontifices, concerning *fas* and *nefas*. [JUS.] There was a tradition that the Leges Regiae were written on wooden tablets by command of king Ancus, and exposed to public view in the market-place (Liv. i. 32; Dionys. iii. 36). The tablets, as the story goes, were destroyed after the expulsion of the kings, but new ones were subsequently set up by the Pontifex Maximus C. Papirius, which were burnt in the Gallic conflagration. Henceforth the Leges Regiae were kept secret by the pontifices, till they were published as the Jus Papirianum, the title being derived from their original compiler. This improbable account is all the information which we have respecting the authenticity of the Leges Regiae. Even the name of the compiler of the Jus Papirianum is not certain, as he is variously called Caius, Sextus, and Publius. There is no reference to such a compilation in Varro or Cicero. It was, however, commented on by Granius Flaccus in the time of Julius Caesar (Dig. 50, 16, 144), and from this time seems to have been regarded as a source of law respecting religious observances. The compilation was probably made by some private jurist at the end of the republic. (Mommsen, *Staatsr.* ii. 41–44 (ed. 1877); Karlowa, *Rechtsgesch.* i. 106; Voigt, *Die Leges Regiae;* Bruns, *Fontes*, § 1, &c.)

[G. L.] [E. A. W.]

JUS CIVITA'TIS. [Civitas.]

JUS COMME'RCII. [Civitas.]

JUS CONU'BII. [Civitas.]

JUS EDICENDI. [Edictum.]

JUS GENTILI'TIUM. [Gens.]

JUS GE'NTIUM. [Jus.]

JUS HONORA'RIUM. [Edictum.]

JUS HONO'RUM. [Civitas.]

JUS IMA'GINUM. [Nobiles.]

JUS ITA'LICUM. [Colonia.]

JUS LA'TII. [Civitas.]

JUS LIBERO'RUM. [Lex Julia; Lex Papia Poppaea.]

JUS NATURA'LE. [Jus.]

JUS PONTIFI'CIUM. [Jus; Pontifex.]

JUS POSTLI'MINII. [Postliminium.]

JUS PRAEDIATO'RUM. [Praes.]

JUS PU'BLICUM, PRIVATUM. [Jus.]

JUS QUIRI'TIUM. [Civitas; Jus.]

JUS RELATIO'NIS. [Senatus.]

JUS RESPONDENDI. [Jurisconsulti.]

JUS SCRIPTUM. [Jus.]

JUS SUFFRA'GII. [Civitas.]

JUS, VOCA'TIO IN. [Actio.]

JUSJURANDUM (ὅρκος), an oath. 1. Greek. An oath is an appeal to some superior being, calling on him to bear witness that the swearer speaks the truth, or intends to perform the promise which he makes (μετὰ θείας παραλήψεως, Anaxim. *Ars Rhet.* 17; Clem. Alex. *Strom.* vii. 8). Hence the expression ἴστω Ζεύς, θεὸς ἴστω, and others of the same import, so frequently used in the taking of oaths (Soph. *Trach.* 399; *Ant.* 184; *Oed. Col.* 521;—St. Paul, *Ep. Galat.* i. 20). It is obvious that such an appeal implies a belief not only in the existence of the being so called upon, but also in his power and inclination to punish the false swearer; and the force of an oath is founded on this belief.

1. By whom did the Greeks swear? Sometimes all the gods were invoked: ὀμνύω τοὺς θεοὺς καὶ τὰς θεὰς ἅπαντας καὶ ἁπάσας (Dem. *c. Conon.* p. 1269, § 41), πρὸς θεῶν Ὀλυμπίων (Lys. *c. Agorat.* § 95, *de bon. Aristoph.* §§ 33, 54; Isae. *Philoct.* § 58), μὰ τοὺς θεοὺς ([Lys.] *Accus. adv. Famil.* § 18), πρὸς θεῶν καὶ δαιμόνων (Isae. *Menecl.* § 47), ὦ Ζεῦ καὶ θεοὶ πάντες (Antiph. *Sup. Chor.* § 40; Dem. *F. L.* p. 345, § 16), ὦ γῆ καὶ θεοί (Dem. *c. Boeot.* i. p. 1000, § 21). At other times the occasion suggested a special deity: thus, Iphigeneia the priestess swore by Artemis (Eur. *Iph. Taur.* 728); Menelaus bids Antilochus swear by Poseidon (the equestrian god), the subject being on horses (*Il.* xxiii. 584; cf. Aristoph. *Nub.* 83): cf. νὴ τὸν Δία τὸν Ὀλύμπιον καὶ τὸν Ἀπόλλω (Aeschin. *c. Tim.* § 83; Isae. *Philoct.* § 61), μὰ τὸν Δία τὸν Ὀλύμπιον (Aeschin. *c. Tim.* § 55), μὰ τὸν Δία ([Lys.] *c. Andoc.* §§ 7, 32, 38), μὰ Ἀπόλλωνα (*Il.* i. 86; see Lys. *c. Theomn.* i. § 17), Helios (Eur. *Herc. Fur.* 857), νὴ τὴν Ἥραν (Plat. *Phaedr.* p. 230 B), νὴ τὴν Ἀθηνᾶν (Lyc. *c. Leocr.* § 75), νὴ τὴν Δήμητρα (Dem. *F. L.* p. 425, § 262; *Olynth.* iii. p. 37, § 32), etc. Women too had their favourite oaths: μὰ τὼ θεώ, *i.e.* Demeter and Persephone (Aristoph. *Eccles.* 156), νὴ τὴν Ἀφροδίτην (Aristoph. *Eccles.* 189 ff.: cf. Plat. *Symp.* p. 183 B, ἀφροδίσιον ὅρκον οὔ φασιν εἶναι), etc. The Lacedaemonians swore by Castor and Pollux (ναὶ τὼ σιώ, Xen. *Hell.* iv. 4, 10; Plut. *Mor.* p. 189 F; Aristoph. *Lys.* 148), the Boeotians by Hercules and Iolaus (Aristoph. *Acharn.* 860, 867), the Corinthians by Poseidon (Aristoph. *Eq.* 609, etc.), the Athenians principally by three deities (so Draco ordained, *Schol. Venet. B.* on *Il.* xv. 36; cf. Pollux, viii. 142, τρεῖς θεοὺς ὀμνύναι κελεύει Σόλων), viz. Zeus, Poseidon, and Athena (*Schol. Venet.* l. c.), or Zeus, Poseidon, and Demeter (decree of the deme Aexone in *Mitth. d. a. Inst. Ath.* iv. p. 201; Dem. *c. Timocr.* p. 747, § 151, *jusjurandum*, and *Schol. Venet.* l. c.), or Zeus, Apollo, and Demeter (Dem. *c. Callipp.* p. 1237, § 9; Aristoph. *Eq.* 941; *C. I. A.* i. No. 9, ii. No. 578; Pollux, viii. 122; Schol. Aeschin. *c. Tim.* § 114), or Zeus, Apollo, and Athene (Dem. *c. Mid.* p. 578, § 198); see also Plat. *de Legg.* xi. p. 936 E; Aesch. *Sept.* 42 ff. But the Greeks also swore by whatever was dear and sacred to them: Achilles swears by his sceptre (*Il.* i. 234), Telemachus by the sorrows of his father (μὰ Ζῆν᾽ . . . καὶ ἄλγεα πατρὸς ἐμοῖο, *Od.* xx. 339), Helena to her husband by his head (Eur. *Hel.* 835; cf. *Hippol.* 605), friends to one another by their friendship (Xen. *Cyrop.* vi. 4, 6), warriors by their weapons (Eur. *Phoen.* 1677), Demosthenes by the ancestors who fought at Marathon, etc. (*de Cor.* p. 297, § 208; cf. [Longin.] *de Sublim.* 16), the disciples of Pythagoras by their master (Plut. *Mor.* p. 877 A), etc. The god, however, by whom the most solemn oaths were sworn, was Zeus (ὅρκιος, Soph. *Philoct.* 1324, *Trachin.* 1188; Eur. *Hippol.* 1025, *Med.* 208; Apoll. Rhod. 4, 95; ὃς ὅρκων θνητοῖς ταμίας νενόμισται, Eur. *Med.* 171); by his head (*Hymn. in Mercur.* 274), or by the Styx (the most terrible oath the gods swear, *Il.* xv. 36 ff., *Od.* v. 184 ff.). Zeus punishes the violation of oaths (Aristoph. *Nub.* 397; cf. Paus. v. 24, 2), and Dike is seated by his side (ξύνεδρος Ζηνός, Soph. *Oed. C.* 1381; [Dem.] *c. Aristog.* i. p. 772, § 11). The poets frequently allude to the punishment of perjury after death (*Il.* xix. 260, iii. 279; Pind. *Ol.* 2, 71; cf. Aristoph. *Ran.* 275), and we find many proofs of a persuasion that perjurers would not prosper in this world (Lyc. *c. Leocr.* § 79; Polyb. iv. 33, 3; Hesiod, *Op. et Dies*, 285, etc.). One of the most striking is the story told by Leotychides to the Athenians, of Glaucus the Spartan, who consulted the Pythian oracle whether he should restore a deposit, or deny on oath that he had ever received it; and who, for merely deliberating upon such a question, was cut off with his whole family (Herod. vi. 86; cf. Theogn. 199 ff.; Juv. *Sat.* xiii. 199 ff.).

2. As to the customs observed in taking an oath. Anciently the prince who took an oath stood up (*Il.* xix. 175), raised his sceptre (*Il.*

vii. 412; x. 231, etc.), and lifted up his eyes and hands to heaven, as he would in prayer (*Il.* xix. 257; Pind. *Ol.* 7, 65); for an oath was a species of prayer, and required the same sort of ceremony. Oaths were accompanied with sacrifice and libation; the victims (Plut. *Pyrrh.* 6) on such occasions were not eaten (Paus. v. 24, 2), but either buried in the ground or thrown into the sea (Schol. to *Il.* iii. 310; xix. 268), and the wine used was undiluted (*Il.* iii. 269 and Schol.; *ἄκρητοι σπονδαί*, *Il.* iv. 159 and Schol.: cf. Spengel, *Herm.* 1880, p. 330). Those who swore laid their hands on the victims (*προσλαβοῦ μοι τοῦ κάπρου*, Aristoph. *Lysistr.* 202; *ὀμνύναι καθ' ἱερῶν*, Isae. *Apollod.* § 28; Dem. *c. Eubul.* p. 1306, § 26; [Dem.] *c. Neaer.* p. 1365, § 60, etc.; Suid. *s. v. βοῦς ὁ Μολοττῶν*: Bernhardy, p. 1027), or on the altar (*λαβόμενος τοῦ βωμοῦ*, Andoc. *Myst.* § 126; *πρὸς τὸν λίθον ἄγοντες*, Dem. *c. Conon.* p. 1265, § 26, and Harpocr. *s. v. λίθος*: cf. also Pericles' saying, *μέχρι τοῦ βωμοῦ φίλος εἰμί*, Plut. *Mor.* p. 186 C; Gellius, *N. A.* i. 3, 20), or on the heads of their children (*κατὰ παίδων*, Dem. *c. Conon.* p. 1270, § 40; *c. Aphob.* iii. p. 852, § 26; Lys. *c. Diogit.* § 13), pronouncing a solemn form of imprecation (Lys. *c. Eratosth.* § 10; Dem. *c. Conon.* p. 1270, § 41; Aeschin. *c. Tim.* § 114; Aristoph. *Eq.* 660). The alliance between Hercules and the sons of Neleus is confirmed by oath, *ἐπὶ τομίων κάπρου* (Paus. iv. 15, 4; see iii. 20, 9, *ἐπὶ τοῦ ἵππου τῶν τομίων*: cf. Aristoph. *Lysistr.* 192, and Plut. *Pyrrh.* 6); the Greeks and Ariaeus took an oath to be true allies after sacrificing a bull, a wolf, a boar, and a ram over a shield (Aristoph. *Lysistr.* 188), the Greeks dipping their swords and the barbarians their lances into the blood (Xen. *Anab.* ii. 2, 9; cf. Herod. iv. 70, on the rites of the Scythians). The Phocaeans, before setting out for Cyrnus, invoked the heaviest curses on the man who should draw back from the expedition, and, having dropped a red-hot mass of iron into the sea, swore never to return to Phocaea till that mass reappeared upon the surface (Herod. i. 165; Hor. *Epod.* 16, 17 ff.; and Suid. *s. v. Φωκαέων ἀρά*: cf. Plut. *Arist.* 25). Valckenaer (*Opusc.* i. p. 27 ff.) tries to prove, from *Hymn. in Vener.* 27 and Soph. *Trach.* 1180 ff., that it was customary to touch the head of the person to whom the promise was made: certain it is that the hands were joined in making agreements and contracts (*Il.* iv. 158 ff.; Soph. *Philoct.* 803; Eur. *Iph. Aul.* 57, 471; *Med.* 496;—Xen. *Anab.* vii. 3, 1; ii. 4, 1). To make the taking of an oath more impressive, it was done sometimes in temples or other localities sacred to popular belief. Thus at Athens, in the temple of Athena on the Acropolis (Andoc. *de Myst.* § 42; Isocr. *Trap.* § 20; Dem. *pro Phorm.* p. 949, § 15; cf. Lys. *c. Diogit.* § 13); at Sparta, in the temple of Athena Chalcioecus (Plut. *Mor.* p. 218 D); in Arcadia, near the Styx, not far from Nonacris (Herod. vi. 74); at Haliartus, in the temple of the Praxidicae (Paus. ix. 33, 2); at Syracuse, in the temple of Demeter and Persephone (Plut. *Dion*, 56); at Gortyn, near the Amyclaean temple (*Gort. Code*, iii. l. 8), etc.

3. The occasions when oaths were taken. We find early mention in the Greek writers of oaths being taken on solemn and important occasions, as treaties, alliances, vows, compacts, and agreements, both between nations and individuals. Thus, when the Greeks and Trojans agree to decide the fate of the war by a single combat between Menelaus and Paris, they ratify their agreement by an oath (*Il.* iii. 276). The alliance between Croesus and the Lacedaemonians is confirmed by oath (Herod. i. 69). So in the treaty between the Medes and Lydians, whose rites in swearing (as Herodotus tells us, i. 74) were the same as those of the Greeks, with this addition, that they made an incision in their arms and tasted each other's blood (cf. Tacitus, *Ann.* xii. 47). We may further notice the alliance between Athens, Argos, Mantinea, and Elis, upon which every state was to swear, *τὸν ἐπιχώριον ὅρκον τὸν μέγιστον κατὰ ἱερῶν τελείων* (Thuc. v. 47); such treaties were as a rule cut in *στῆλαι*, together with the imprecations upon perjurers, and such *στῆλαι* were set up in or near temples (*C. I. G.* No. 2554, 2555); a part of the original monument from which Thucydides copied was discovered lately near the Dionysiac theatre (*C. I. A.* iv. No. 46^b, and Hicks, *Manual*, No. 52. See also Thuc. v. 18, 23); the oath of the Amphictyons (Aeschin. *c. Ctes.* § 109); the vow of the Ionian women (Herod. i. 146); of the Acarnanians (Polyb. ix. 40, 4; Liv. xxvi. 25), etc. Every new constitution, every settlement of party feuds, had to be confirmed and ratified by an oath. Thus the senate collectively and the archons individually swore to observe Solon's laws with fidelity for the space of ten years (Plut. *Sol.* 25; see also Herod. i. 29); when, after the overthrow of the Four Hundred, the democracy was restored at the beginning of the archonship of Glaucippus, Demophantus proposed and carried a decree prescribing the form of an oath to be taken by all Athenians to stand by the democratical constitution (Andoc. *de Myst.* § 97 f.; cf. Lyc. *c. Leocr.* § 127, and Dem. *c. Lept.* p. 505, § 159, *τῆς Δημοφάντου στήλης*); see also the additions to the oaths taken by the senate and by the dicasts (Andoc. *de Myst.* § 91). The security which an oath was supposed to confer induced the Greeks, as it has people of modern times, to impose it as an obligation upon persons invested with authority, or entrusted with the discharge of responsible duties. The Athenians, with whom the formalities of legislation were carried to the greatest perfection, were, of all the Greek states, the most punctilious in this respect. The youth after having completed his seventeenth year was not allowed to assume the privileges of a citizen and to be registered in the *ληξιαρχικὸν γραμματεῖον* without taking a solemn oath in the temple of Aglaurus (Dem. *F. L.* p. 438, § 303; Plut. *Alcib.* 15; Pollux, viii. 105: the Schol. to Dem. *l. c.* explains the reason why in the temple of Aglaurus). For the oath itself, cf. Pollux, viii. 105, Stob. *Floril.* 43, 48, and Lyc. *c. Leocr.* § 76 f.; see also the oath sworn by all the Greeks at Plataeae (Lyc. *c. Leocr.* § 80 f., *μιμνησάμενοι τὸν παρ' ὑμῖν εἰθισμένον ὅρκον*: cf. Diod. xi. 29; Isocr. *Panegyr.* § 156). All *ἀρχαί* were required to bind themselves by an oath to perform their respective duties (Lyc. *c. Leocr.* § 79, yet see Hermann, *Staatsalt.* i. § 154, 1; cf. [Xenoph.] *Rep. Lacod.* 15, on the oaths of the kings and ephors in Sparta). The archons first took the oath at the *βασίλειος στοά* (*ἐπὶ τοῦ λίθου ἐφ' οὗ τὰ τόμια συός*,

φυλάξειν τοὺς νόμους καὶ μὴ δωροδοκήσειν ἢ χρυσοῦν ἀνδριάντα ἀποτῖσαι, Pollux, viii. 86, as emended by Bergk, *Rhein. Mus.* 1878, p. 448 ff.: cf. Plat. *Phaedr.* p. 235 D; Heracl. *Polit. quae extant*, ed. Schneidewin, p. 5, 15, and Plut. *Sol.* 25), and repeated it on the Acropolis (Pollux, *l. c.*). Part of the oath of the στρατηγοὶ is quoted by Lys. *pro Mil.* § 15, τοὺς ἀστρατεύτους καταλέξειν: as we learn from Plut. *Per.* 30, on the motion of Charinus a clause was added to the oath in B.C. 431: ὅτι καὶ δὶς ἀνὰ πᾶν ἔτος εἰς τὴν Μεγαρικὴν ἐμβαλοῦσιν, cf. Thuc. iv. 66; they took their oath (Dinarch. *c. Philocl.* § 2) μεταξὺ τοῦ ἕδους (*i.e.* the ἄγαλμα of Athena Polias: Bekk. *Anecd.* p. 246, 3) καὶ τῆς τραπέζης (on which the myrtle branches lay: Pollux, x. 69; Gilbert, *Staatsalt.* i. p. 212, n. 1). The oath of the judges of the games is mentioned in Dem. *c. Mid.* p. 520, § 17; p. 535, § 65; [Andoc.] *c. Alcib.* § 21; Plut. *Cim.* 8; Aristoph. *Eccles.* 1160 (cf. the oath of the athletes in Paus. v. 24, 2, δέκα ἐφεξῆς μηνῶν ἀπηκριβῶσθαί σφισι τὰ πάντα ἐς ἄσκησιν). We know portions of the βουλευτικὸς ὅρκος from various sources: κατὰ τοὺς νόμους βουλεύσειν (Xen. *Mem.* i. 1, 18), τὰ βέλτιστα βουλεύσειν τῷ δήμῳ τῷ Ἀθηναίων ([Dem.] *c. Neaer.* p. 1346, § 4; Lys. *c. Philon.* §§ 1, 31; *c. Nicom.* § 10), not to divulge the discussions at secret sittings (Lys. *c. Philon.* § 31; *c. Agor.* 21;—[Dem.] *c. Aristog.* i. p. 776, § 23; Aristoph. *Eccles.* 442 ff.), ἀποφαίνειν εἴ τίς τινα οἶδε τῶν λαχόντων ἀνεπιτήδειον ὄντα βουλεύειν (Lys. *c. Philon.* § 2), οὐδὲ δήσω Ἀθηναίων οὐδένα, ὃς ἂν ἐγγυητὰς τρεῖς καθιστῇ τὸ αὐτὸ τέλος τελοῦντας πλὴν ἐάν τις ἐπὶ προδοσίᾳ τῆς πόλεως ἢ ἐπὶ καταλύσει τοῦ δήμου συνιὼν ἁλῷ, ἢ τέλος τι πριάμενος ἢ ἐγγυησάμενος ἢ ἐκλέγων μὴ καταβάλλῃ (Dem. *c. Timocr.* p. 745, § 144; p. 746, § 147; p. 747, § 151;—Andoc. *Myst.* § 93: cf. [Andoc.] *c. Alcib.* § 3). In the archonship of Glaucippus in B.C. 410–409 was added, καθεδεῖσθαι ἐν τῷ γράμματι ᾧ ἂν λάχωσι (Philochorus, *fr.* 119 = Schol. Aristoph. *Plut.* 972: cf. Gilbert, *Beitr. z. innern Gesch. Athens*, p. 348 ff.); and in the archonship of Eucleides, οὐ δέξομαι ἔνδειξιν οὐδὲ ἀπαγωγὴν ἕνεκα τῶν πρότερον γεγενημένων πλὴν τῶν φυγόντων (Andoc. *de Myst.* § 91; Taylor, *Lect. Lysiac.* p. 325). Fraenkel (*Hermes*, 1878, p. 452 ff.; see also Westermann, *de iusiur. iudic. Athen. formula*, and *Att. Process*, ed. Lipsius, p. 153) restores the oath of the Heliastic dicasts (Dem. *c. Timocr.* p. 746, § 149) as follows: ψηφιοῦμαι κατὰ τοὺς νόμους καὶ τὰ ψηφίσματα τοῦ δήμου τοῦ Ἀθηναίων καὶ τῆς βουλῆς τῶν πεντακοσίων, περὶ δ' ὧν ἂν νόμοι μὴ ὦσι γνώμῃ τῇ δικαιοτάτῃ, καὶ οὔτε χάριτος ἕνεκ' οὔτ' ἔχθρας. καὶ ψηφιοῦμαι περὶ αὐτῶν ὧν ἂν ἡ δίωξις ᾖ καὶ ἀκροάσομαι τῶν τε κατηγορούντων καὶ τῶν ἀπολογουμένων ὁμοίως ἀμφοῖν. ὄμνυμι ταῦτα νὴ τὸν Δία, νὴ τὸν Ἀπόλλω [or Ποσειδῶ], νὴ τὴν Δήμητρα καὶ εἴη μέν μοι εὐορκοῦντι πολλὰ καὶ ἀγαθά, ἐπιορκοῦντι δ' ἐξώλεια αὐτῷ τε καὶ γένει. This oath very probably also contained (after ἔχθρας) the phrase: οὐδὲ δῶρα δέξομαι τῆς ἡλιάσεως ἕνεκα οὔτ' αὐτὸς ἐγὼ οὔτ' ἄλλος ἐμοὶ οὔτ' ἄλλη εἰδότος ἐμοῦ οὔτε τέχνῃ οὔτε μηχανῇ οὐδεμιᾷ. Westermann (*l. c.* pt. iii. p. 6 f.) took exception to ἐμοὶ οὔτ' ἄλλη ("putida sane haec est utriusque sexus distinctio"), but Hofmann (*de jurandi ap. Athen. formulis*, p. 49) restores the same phrase in *C. I. A.* ii. No. 578, and points to a similar one in *Gk. Inscr. Brit. Mus.* ii. No. 299 a (Calymna).* For a time ("its value being essentially temporary," Grote, *Hist. of Gr.* viii. p. 101 n.) the clause καὶ οὐ μνησικακήσω οὐδὲ ἄλλῳ πείσομαι, ψηφιοῦμαι δὲ κατὰ τοὺς κειμένους νόμους (Andoc. *de Myst.* § 91) was added to the oath.—The demotae took an oath at a διαψήφισις (ψηφιεῖσθαι γνώμῃ τῇ δικαιοτάτῃ καὶ οὔτε χάριτος ἕνεκ' οὔτ' ἔχθρας, Dem. *c. Eubul.* p. 1318, § 63; cf. p. 1301, § 8, p. 1306, § 26; Aeschin. *c. Tim.* § 78); and when the youths were enrolled in the ληξιαρχικὸν γραμματεῖον (Dem. *c. Eubul.* p. 1318, § 61; Isae. *Apollod.* § 28): for the oaths of the euthyni, logistae, and synegori of the demes, cf. *C. I. A.* ii. No. 578, and Aeschin. *c. Tim.* § 107; for that of the demarchus or some other officer in connexion with the *sacra* and the finances of the demes, cf. *C. I. A.* i. No. 9 = *Gk. Inscr. Brit. Mus.* i. No. 1.—The oath to be sworn in the δίκαι φονικαὶ is mentioned by Dem. *c. Aristocr.* p. 642, § 67; Din. *c. Dem.* § 47 (ἐν Ἀρείῳ πάγῳ), [Dem.] *c. Neaer.* p. 1348, § 9 f. (ἐπὶ Παλλαδίῳ); we know something of its contents: ἐν τῷ ὅρκῳ διορίζεται ὅ τι προσήκων ἐστί, [Dem.] *c. Everg. et Mnes.* p. 1161, § 73; μὴ ἄλλα κατηγορήσειν .... ἢ εἰς αὐτὸν τὸν φόνον, etc. (Antiph. *de caed. Herod.* § 11, cf. *de Choreut.* § 9; Lys. *c. Simon.* § 46; Pollux, viii. 117); ὁ μὲν διώκων ὡς ἔκτεινε διόμνυται, ὁ δὲ φεύγων ὡς οὐκ ἔκτεινεν (Lys. *c. Theomn.* i. § 11; *c. Simon.* § 21; Antiph. *de Choreut.* § 16). An oath on the part of the prosecutor after he had gained his suit (ἐπὶ Παλλαδίῳ) is only mentioned by Aeschin. *F. L.* § 87. In other cases both the accuser and the defendant had to swear an oath in the ἀνάκρισις [ANAKRISIS]; on the oath of the witness, see MARTYRIA; on the evidentiary oath (even a woman who was not competent to give testimony could take an oath of this kind: *Att. Process*, ed. Lipsius, p. 898 ff.), see DIAETETAE. The importance, at least apparently, attached to oaths in courts of justice, is proved by various passages in the orators. Demosthenes constantly reminds his judges that they are on their oaths, and Lycurgus (*c. Leocr.* § 79) declares that τὸ συνέχον τὴν δημοκρατίαν ὅρκος ἐστίν: cf. Lys. *de Affect. Tyrann. Apol.* § 28.

According to Gortyn law, the judge (δικαστὰς) was bound in all the cases where this was prescribed by law to follow the evidence of witnesses, and to give credit to a denial on oath (δικάδδεν κατὰ μαιτύρανς ἒ ἀπόμοτον) touching other matters he had to decide himself under oath (ὀμνύντα κρίνεν, xi. ll. 26–31). Several instances of this oath of exculpation are given: it is sworn by a debtor, in default of witnesses (ix. l. 54); by a wife (within twenty days) who was charged with having taken away from the house more than her due on being divorced

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* ναὶ τὸν Δία καὶ τὸν Ἀπόλλω τὸν Λύκ[ιον καὶ Γᾶν δικασσέω περὶ] ὧν [illegible] ἀντίδικοι ἀντώμοσαν κατὰ γ[νώμαν τὰν δικαιοτάτα]ν .... οὐδὲ δῶρα ἔλαβον τὰς δίκας ταύτας ἕ[νεκεν ο]ὔτε αὐτὸς ἐγὼ οὔτε ἄλ(λος) οὔτε ἄλλα ἐμὶ[ν οὐ μηχανᾷ οὐδ]εμιᾷ· εὐορκεῦντι μέμ μοι εὖ εἶμεν, ἐπιορκεῦντ[ι δὲ τὰ ἐναντία]. Cf. also the oath administered to the dicasts in the inscription from Eresus (Cauer,^{2} No. 430 c, l. 11 ff.): [ἦ] [μ]ὰν δικάσσω τὰν [δίκαν] [ὄ]σσα μὲν ἐν τοῖ[ς νόμο]ις, τὰ δὲ ἄλλα ἐθ[ελ]όντας ὡς ἄριστα [καὶ δ]ικαίτατα, καὶ τιμά[σ]ω, αἴ κε κατάγνω, ὀρθῶ[ς κ]αὶ δικαίως· οὔτω ποήσω ναὶ μὰ Δία καὶ Ἄλιον.

from her husband (iii. l. 7; xi. l. 48 ff.). If a wife bore a child after being divorced, she had to carry it to her husband's house in the presence of three witnesses; if he refused to receive it, it was in her power either to bring it up or to expose it. If she exposed it, however, without having presented it, she made herself liable to a fine of 50 staters; if the husband afterwards claimed such a child or the fine for exposing it, her relatives and witnesses had preference in taking the oath (or had more title to credence) whether they carried the child to the father (*ὁρκιοτέρος δ' ἔμεν τὸς καδεστὰνς καὶ τὸς μαιτύρανς, αἱ ἐπέλευσαν*, iii. l. 44 ff.). A man taken in adultery with a free woman (not in her father's, brother's, or husband's house) was liable to a fine of 50 staters. The captor had to give notice, in the presence of three witnesses, to the kinsmen of the man taken, that they had to redeem him within five days; if he was not redeemed within that time, it was in the power of the captor to do with him as he liked. If the man taken asserted that a plot had been laid for him, the captor himself and four others had to swear, each calling down curses on himself, that no plot was laid (ii. l. 37 ff.). Lastly, a female house-slave debauched by force had a prior claim to swear, or had more title to credence (*ὁρκιοτέρα*, ii. l. 15 ff.).

The experience of all nations has proved the dangerous tendency of making oaths too common. The history of Athens and of Greece in general furnishes no exception to the observation. The practice of swearing in daily life became very common amongst the Greeks, and in vain did lawgivers and philosophers try to check it. Rhadamanthus did not allow swearing by the gods at all, but ordained swearing by beasts (Schol. Aristoph. *Av.* 521); Lampon used to swear by the goose, Socrates by the dog (Plat. *Apol.* p. 21 E: cf. Athen. ix. 9), etc., in order that they might not take the names of the gods in vain (cf. phrases like *μὰ τὸν* with the name of the deity suppressed, Aristoph. *Ran.* 1374; Plat. *Gorg.* p. 466 E, etc.). *Ὅρκῳ μὴ χρῶ* was the maxim of one of the wise men (Stob. *Floril.* 3, 80): cf. Theognis, 399, 1195 ff. "Accept an imposed oath for two reasons only," says Isocrates (*ad Demon.* § 23), "either to free yourself from a shameful charge, or to rescue your friends from great perils; never swear where it is a question of money:" cf. Plat. *Legg.* xii. p. 948, who restricts the oath to those who, as far as men may judge, have nothing to gain by a false oath. The sayings of Solon (*καλοκἀγαθίαν ὅρκου πιστοτέραν ἔχε*, Diog. L. i. 60) and Aeschylus (*οὐκ ἀνδρὸς ὅρκοι πίστις, ἀλλ' ὅρκων ἀνήρ*, *fr.* 290 Dind. = Stob. *Floril.* 27, 2) do not imply depreciation of the oath, but rather enforce the necessity of truthfulness in all the transactions of life. Complaints about perjury are almost as old as the oath itself (Hesiod, *Op. et D.* 190 foll.; Eur. *Iph. T.* 1171; Plat. *Legg.* xii. p. 948, etc.), and the Greeks never enjoyed the reputation of observing their oaths very strictly, although they were probably in this respect no worse than others (Mahaffy takes a more unfavourable view of them: *Social Life in Greece*, pp. 123, 414 ff.). The Spartans especially had a bad name for violating oaths (Isocr. *de Pac.* § 96; Eur. *Androm.* 447 ff., *ψευδῶν ἄνακτες*, etc.; Aristoph. *Acharn.* 308: cf. the story of king Cleomenes and the Argives in Plut. *Moral.* p. 223 B, C, and the saying of Lysander, *ὅπου ἡ λεοντῆ μὴ ἐφικνεῖται, προσαπτέον ἐκεῖ τὴν ἀλωπεκῆν*, etc., Plut. *Lys.* 7). The Cretans were proverbially perjurers (Callim. *Hymn. in Jov.* 8, Κρῆτες ἀεὶ ψεῦσται: St. Paul, *Tit.* i. 12, etc.), and so were the Thessalians (Dem. *Olynth.* i. p. 15, § 22; *c. Aristocr.* p. 657, § 112; *ἀεὶ τὰ Θετταλῶν ἄπιστα, ἡ παροιμία φησίν*, Schol. Aristoph. *Plut.* 521). It was different with the Athenians, and "fides Attica" was proverbially used to denote perfect trustworthiness and good faith (Vell. Paterc. ii. 23, 4); the words which Euripides put in the mouth of Hippolytus (611), *ἡ γλῶσσ' ὀμώμοχ', ἡ δὲ φρὴν ἀνώμοτος*, are said to have provoked cries of indignation amongst the audience. (Lasaulx, *Ueber den Eid bei den Griechen*). [L. S.] [H. H.]

2. Roman. The subject of Roman oaths may be treated under four different heads, viz. (i.) oaths taken by magistrates and other persons who entered the service of the Republic, (ii.) oaths taken in transactions with foreign nations in the name of the Republic, (iii.) oaths or various modes of swearing in common life, (iv.) oaths taken before the praetor or in courts of justice.

(i.) *Oaths taken by magistrates or other persons who entered the service of the Republic.*—In the later periods of Roman history we find evidence of an oath which was taken by candidates immediately on their election and before the *renuntiatio* was made. This oath of fealty to the state was taken by the Emperor Trajan on his election to the consulship (Plin. *Pan.* 64), and the form of the *execratio* is given by Pliny (*l. c.* "explanavit verba quibus caput suum, domum suam, si sciens fefellisset, deorum ille irae consecraret"), the gods appealed to being Jupiter and the Dii Penates, to whom were added later the *genii* of the deified emperors (Lex Malacitana, *C. I. L.* ii. n. 1964, cc. 57, 59). We have every reason to think that this oath extended back to republican times, but Mommsen remarks that it could never have been formally necessary, since it supposed the presence of the candidate, which had not been always a necessary condition of election (*Staatsr.* i. p. 620). Besides this oath, there was another originating from the power the populus possessed of binding either present or future magistrates to respect a *lex*. This became eventually a general oath *in leges*, which was required of all magistrates already elected before entering on their official functions, and which had to be taken five days after entrance on office (Liv. xxxi. 50). If we may argue from the Lex Salpensana (*C. I. L.* ii. n. 196, c. 26), the magistrate could not summon the senate until the oath had been taken; and from the fact that the new magistrate generally summoned the senate upon the day of his entrance on office, it is concluded that the oath must generally have been taken on Jan. 1st (Mommsen, *Staatsr.* i. p. 621). The penalty for not taking the oath within five days was originally loss of office (Liv. *l. c.*); afterwards apparently only a fine (Lex Salpens. c. 26): but persistence in a refusal to take the oath must always have been followed by the severer penalty. Vestal virgins and the flamen Dialis were not allowed to swear on any occasion (Liv. *l. c.*; Fest. s. v. *jurare*; Gell. x. 15; Plut. Qu.

Rom. p. 275); but whether they also entered upon their sacred offices without taking an oath analogous to that of magistrates is unknown. Where a flamen dialis was elected to a magistracy he might petition the people for an especial dispensation (*ut legibus solveretur*), and with their consent depute some one to take the oath for him. During the later period of the Republic we also find that magistrates, when the time of their office had expired, addressed the people and swore that during their office they had undertaken nothing against the Republic, but had done their utmost to promote its welfare (Cic. *ad Fam.* v. 2, § 7; *pro Sulla*, 11; *in Pison.* 3; *pro Dom.* 35). During the Empire we find the Emperor Augustus taking this oath after the holding of the census (Dio Cass. liii. 1), as it had been taken by the censors of the Republic (Liv. xxxix. 37), and the Emperor Trajan taking it when laying down the consulship (Plin. *Pan.* 65). In cases where the people required the observance of a special *lex* to be sworn to, the existing magistrates were sometimes required to take the oath five days after the passing of the law (Lex Bantina, *C. I. L.* i. n. 197, l. 14). Other laws bound candidates for office to swear to their observance, as was the case with Caesar's Campanian law (Cic. *ad Att.* xi. 18, 2, "habet etiam Campana lex execrationem in contione candidatorum"): and in the case of the agrarian law of Saturninus the whole senate was made to promise on oath that they would observe the plebiscitum, and allow it to be carried into effect. The censor Q. Metellus, who refused to swear, was sent into exile (App. *Bell. Civ.* i. 30; Plut. *Mar.* 29). Analogous to the oath *in leges* was that which was required to be taken during the Empire, to observe the *acta* of the emperors. The obligation to swear *in acta Caesaris* began in 45 B.C. (App. *Bell. Civ.* ii. 106), and was renewed during the triumvirate (Dio Cass. xlvii. 18), the formula running *se nihil contra acta Caesaris facturum.* This oath bound both magistrates and senate to observe the ordinances of all past emperors, except those whose reigns and memory had been condemned (Suet. *Tib.* 67; Tac. *Ann.* i. 72, xii. 11; Dio Cass. lvii. 8, lix. 9), and was renewed yearly on Jan. 1st (Dio Cass. lviii. 17).

All Roman soldiers, after they were enlisted for a campaign, had to take the military oath (*sacramentum*). The sacramentum first *gave* the soldier the right of using weapons against enemies, and distinguished true *militia* from mere rapine or *latrocinium* (Liv. viii. 34, "latrocinii modo caeca et fortuita pro solemni et sacrata militia sit"). The oath contained an *execratio*, and he who broke it was *sacer.* Hence he could be put to death without trial by the general (Dionys. xi. 43). In accordance with the collegiate principle the oath was taken to all the colleagues, the soldier being said *jurare in verba consulum*, &c. (Liv. ii. 52). It was a personal obligation and did not descend to successors in command, except these were in the circle of colleagueship. It, therefore, had to be renewed at every change of command (Liv. iii. 20; Mommsen, *Staatsr.* i. p. 623), and ceased to be binding when the general was taken by the enemy (Caes. *Bell. Civ.* ii. 32). The formal sacramentum was administered in the following manner. Each tribunus militum assembled his regiment, and picked out one of the men to whom he put the oath that he would obey the commands of his generals and execute them punctually (*ἦ μὴν πειθαρχήσειν καὶ ποιήσειν τὸ προσταττόμενον ὑπὸ τῶν ἀρχόντων κατὰ δύναμιν*, Polyb. vi. 21, 2). The other men then came forward one after another and expressed their obligation to the oath, which had been sworn "conceptis verbis" by the first, by the words *idem in me* (Fest. s. v. *Praejuratio*, p. 224; Polyb. *l. c.*; Liv. ii. 45; Serv. *in Aen.* vii. 1). Livy (xxii. 38) says that until the year 216 B.C. the military oath was only a sacramentum taken by acclamation, the soldiers swearing voluntarily (*conjurabant*), and promising that they would not desert from the army nor leave the ranks except to fight against the enemy or to save a Roman citizen. But in the year 216 B.C. the soldiers were compelled by the tribunes to take the oath which the tribunes put to them, that they would meet at the command of the consuls and not leave the standards without their orders, so that in this case the military oath became a *jusjurandum.* The *conjuratio*, however, continued to exist side by side with the later sacramentum, and was employed in cases of *tumultus*, in which there was no time for the recruits to swear singly, and the oath was uttered simultaneously by the troops (Serv. *ad Aen.* viii. 1). Lastly, in cases of sudden danger we find the *evocatio* employed, which gave rise to the third kind of military oath. The name was applied to the demand made on soldiers who had served their time to resume service on a sudden emergency; the general addresses these citizens (*cives*, for they are not properly *milites*, Serv. *ad Aen.* ii. 157) with the words "Qui Rempublicam salvam vultis me sequimini" (Donat. *ad* Ter. *Eunuch.* iv. 7, 2): and they answer by an acclamation that has all the force of an oath. The true *sacramentum* only belonged to *legitima militia*, which was distinguished from the conjuratio and evocatio, as a more to a less formal mode of exercising war; but in each case it was the oath which rendered the act of warfare legitimate, by showing that the soldier was acting in the service of the state. Polybius (vi. 33) speaks of another military oath which was taken in camp. This was put to all who served in the army, whether freemen or slaves, as soon as the castrametatio had taken place, by which all promised that they would steal nothing from the camp, and that they would take to the tribunes whatever they might happen to find. A perfect formula of a military oath is preserved in Gellius (xvi. 4).

During the Empire the *sacramentum* acquired a greater extension as the oath of fealty to the emperor. There was no special oath to the princeps as such, but the military oath was taken to him as imperator. As the republican soldier swore *in verba consulis*, so the subjects of the emperor swore *in verba principis* or *in nomen principis* (Tac. *Ann.* i. 7 and 8). The subjects of the emperor, whether citizens or provincials, were in the habit of swearing allegiance, although the oath was only formally necessary for the soldiers, and was a voluntary act on the part of the magistrates, the burgesses and the provincials (Tac. *Ann.* i. 7; Plin. *ad Traj.* 52). It was renewed on every recurrence of the day on which it had been taken (Plin. *l. c.*) and also on every new year's day (Tac. *Ann.* i. 8; *Hist.* i. 55). It was administered both at Rome and in the provinces: at Rome by the chief magistrates, the consuls (Tac. *Ann.* i. 7); in the provinces by the provincial governor (Tac. *Ann.* i. 34; Joseph. *Ant. Jud.* xviii. 5, 3). On the accession of Tiberius we find that the consuls took it first, then administered it to the two chief non-senatorial officers, the praefecti praetorio and annonae, and then to the senate, soldiers, and populus (Tac. *Ann.* i. 7). The form of the oath was probably on the whole the same as that of the sacramentum taken to the republican imperator; but we find that a clause was added in which the soldiers declared that they would consider the safety of the emperor of more importance than anything else in life, and that they held him dearer than themselves and their children (Suet. *Calig.* 15; Dio Cass. lix. 9). (On the magistrate's oath, see Mommsen, *Römisches Staatsrecht*, i. pp. 619–622; Madvig, *Verwaltung und Verfassung des römischen Staats*, i. p. 393, ii. p. 547. On the military oath, see Brissonius, *de Formul.* iv. c. 1–5; Mommsen, *Röm. Staatsr.* i. p. 623, ii. p. 792; Marquardt, *Römische Staatsverwaltung*, ii. p. 372 ff.; Madvig, *Verw. und Verf. d. röm. St.* ii. pp. 479, 546.)

(ii.) *Oaths taken in transactions with foreign nations in the name of the Republic.*—There were two main forms of agreement with a foreign nation: the *sponsio* (the formula of question and answer), which soon lost the religious signification which it possessed, and the *foedus* or sworn treaty. The latter was usually ratified by two or more members of the college of Fetiales, under the authority of the magistrates of the state. The conclusion of the terms of agreement was the act of the magistrate, the king, the consul, or the proconsul in the field; but after he had dictated, or had accepted the terms of agreement, the Fetiales came forward at his bidding (Liv. i. 24, xxx. 43), and swore, on behalf of the state, that they should be observed. The presence of the magistrate at this ceremony was not necessary, and the foedus might contain only the names of the Fetiales as witnesses to its observance (Liv. ix. 5, 4); but it was necessarily understood that the oath which they took was taken by the imperator (Liv. i. 24, 9), and the state was bound by this act of magistrate and priest. It is probable, however, that for the ratification of a sworn foedus the intervention of the Fetiales was not necessary, although their presence gave added sanctity to the treaty; and that, besides the *sponsio*, we must consider that there was a *foedus* capable of being sworn to by an imperator besides that sworn to by the Fetiales. Of the former kind was in all probability the treaty concluded at the Caudine Forks; the absence of the Fetiales made it none the less binding, but rendered its violation less of an open breach of religion than would have been the case, had they been present and sworn its observance (Mommsen, *Staatsr.* i. p. 251, n. 1). The Fetiales did not accompany the general to the field; and in every case of a treaty being sworn to with full solemnity at a distance from Rome, they had to be sent to the seat of war (Liv. xxxviii. 39, 1): thus, after the Second Punic War, we find them travelling to Africa to perform the ancient ceremonies (Liv. xxx. 43). The oath which they took was in the form of an *execratio*, or imprecation pronounced on the state they represented, in the case of its wilful violation of the terms of the treaty ("Si prior defexit publico consilio dolo malo," Liv. i. 24). The most ancient form of oath of this kind is recorded by Livy (i. 24) in a treaty between the Romans and Albans. The *pater patratus* pronounced the oath in the name of his country, and struck the victim with a flint stone, calling on Jupiter to destroy the Roman nation in like manner as he (the pater patratus) destroyed the animal, if the people should violate the oath. The *execratio* was sometimes differently worded, the Fetiales casting away the stone from his hands and saying, "Si sciens fallo, tum me Diespiter salva urbe arceque bonis ejiciat, uti ego hunc lapidem" (Festus, s. v. *Lapidem*, p. 115). Owing to the prominent part which the stone (*lapis silex*) played in this act, Jupiter himself was called Jupiter Lapis (Cic. *Fam.* vii. 12; cf. Polyb. iii. 25); other deities whose names might enter into the *execratio* were Mars and Quirinus (Polyb. *l. c.*). In swearing to a treaty with a foreign nation a victim (a pig or a lamb) was always sacrificed by the Fetiales (whence the expressions *foedus icere*, *ὅρκια τέμνειν*), and the priest, while pronouncing the oath, touched the victim or the altar (Verg. *Aen.* xi. 201; Liv. xxi. 45: cf. FETIALES). The employment of the Fetiales for the purpose of ratifying a foedus continued throughout the Republic (Varro, *L. L.* viii. 86): in the Empire it seems to have sunk into disuse, although the ceremony was revived by Claudius (Suet. *Claud.* 25). At first the Romans were very scrupulous in observing their oaths in contracts or treaties with foreigners, and even with enemies; but attempts were soon made by individuals to interpret an oath sophistically and explain away its binding character (Gell. vii. 18; Liv. iii. 20, xxii. 61; Cic. *de Off.* iii. 27, § 102); and from the Third Punic War to the end of the Republic, perjury was common among the Romans in their dealings with foreigners as well as among themselves. (Mommsen, *Römisches Staatsrecht*, i. p. 249 ff.) [L. S.] [A. H. G.]

(iii.) *Oaths or various modes of swearing in common life.*—The practice of swearing or calling upon some god or gods as witnesses to the truth of assertions made in common life or in ordinary conversations, was as common among the Romans as among the Greeks. The various forms used in swearing may be divided into three classes:—

1. Simple invocations of one or more gods, as *Hercle* or *Mehercle*,—that is, ita me Hercules juvet, amet, or servet (Fest. s. v. *Mecastor*); *Pol*, *Perpol* or *Aedepol*, that is, per Pollucem; *per Jovem Lapidem*, or simply *per Jovem*; *per superos*; *per deos immortales*; *medius fidius*, that is, ita me Dius (Δῖος) filius juvet (Fest. s. v.; Varro, *de Ling. Lat.* v. 66 M.); *ita me deus amet*, or *dii ament*. Sometimes also two or a great number of gods were invoked by their names (Plaut. *Bacchid.* iv. 8, 51; Terent. *Andr.* iii. 2, 25). The genii of men were regarded as divine beings, and persons used to swear by their own genius, or by that of a friend, and during the Empire by that of an emperor (Hor. *Epist.* i. 7, 94; Suet. *Calig.* 27). Women as well as men swore by most of the gods; but some of them were peculiar to one of the sexes.

Thus women never swore by Hercules, and men never by Castor; Varro, moreover, said that in ancient times women only swore by Castor and Pollux, while in the extant writers we find men frequently swearing by Pollux (Gellius, xi. 6). Juno and Venus were mostly invoked by women, but also by lovers and effeminate men in general (Plaut. *Amphitr.* ii. 2, 210; Tibull. iv. 13, 15; Juv. ii. 98; Ovid, *Amor.* ii. 7, 27, ii. 8, 18).

2. Invocations of the gods, together with an execration, in case the swearer was stating a falsehood. Execrations of this kind are, *Dii me perdant* (Plaut. *Mil. Glor.* iii. 2, 20; *Cistell.* ii. 1, 21); *dii me interficiant* (Plaut. *Mostell.* i. 3, 35); *dispeream* (Hor. *Sat.* i. 9, 47); *ne vivam* (Cic. *ad Fam.* vii. 23; Mart. x. 12, 3); *ne salvus sim* (Cic. *ad Att.* xvi. 13), &c.

3. Persons also used to swear by the individuals or things most dear to them. Thus we have instances of a person swearing by his own or another man's head (Dig. 12, 2, 3, 4; Ovid, *Trist.* v. 4, 45; *Heroid.* iii. 107; Juv. vi. 16), by his eyes (Plaut. *Menaech.* v. 9, 1; Ovid, *Amor.* ii. 16, 44), by his own welfare or that of his children (Dig. 12, 2, 5; Plin. *Epist.* ii. 20), by the welfare of an emperor (Cod. 2, 4, 41), &c.

Respecting the various forms of oaths and swearing, see Brissonius, *de Formul.* viii. cc. 1–18. [L. S.]

(iv.) *Oaths of parties to an action.*—A party to an action might be required to take an oath (jusjurandum) either when the proceedings were before the magistratus (in jure) or when the trial was taking place before a judex (in judicio). The jusjurandum in jure is the oath which one party proffered to his adversary (*detulit*) that he should take about the matter in dispute, the effect of taking or refusing it being equivalent to that of judgment. Thus, if the defendant took the oath on its being proffered to him by the plaintiff, he was free of the action, and he had answer to any future action on the same claim in the *exceptio* (plea) *jurisjurandi*, analogous to the *exceptio rei in judicium deductae* and *rei judicatae.* If he simply refused to take it, such refusal was equivalent to confession ("confessionis est nolle nec jurare nec jusjurandum referre"), and so he was in the position of a judgment debtor. A defendant might, however, instead of taking the oath, throw it back on the plaintiff (*jusjurandum referre*), in which case, if the plaintiff accepted the oath, the action was concluded in his favour; and on the other hand, if he refused it, his claim was extinguished. A defendant not challenged to take the oath by the plaintiff might himself propose it (Paul. ii. 1, 1: "alter ex litigatoribus"). A person before accepting the oath might call on the person proposing it to take the *jusjurandum calumniae* (Calumnia; cf. Quintil. *Inst. Or.* v. 6, 5).

In the event of the defendant refusing to swear, or of the plaintiff accepting the oath when it was offered to him, the plaintiff was allowed by the praetor an *actio in factum*, which corresponded to the *actio judicati.* The reason of the jusjurandum having the effect of judgment is explained to be that a party to a cause makes his adversary the judex by proffering the oath to him (*deferendo ei jusjurandum*, Dig. 44, 5, 1: cf. Quintil. *l. c.* § 4, "qui defert, alioqui agere modeste videtur, cum litis adversarium judicem faciat"); the person who proffers the oath voluntarily leaving the matter to the judgment of the Gods and to the conscience of his opponent, instead of having it tried in the ordinary way. Its effect was even greater than that of judgment, since it did not leave an outstanding *obligatio naturalis* (Dig. 12, 2, 2: "Jusjurandum speciem transactionis continet, majoremque habet auctoritatem quam res judicata").

The jusjurandum in jure is called *necessarium*, because he to whom it is proffered cannot simply refuse it, being thus opposed to the jusjurandum voluntarium, which was a proceeding of the same kind as the jusjurandum in jure, except that it took place out of court. The jusjurandum voluntarium, as well as the jusjurandum necessarium, might be a bar to any further claim (Dig. 44, 5, 1; *Ep. Hebr.* vi. 16, *πάσης ἀντιλογίας πέρας ... ὁ ὅρκος*), or it might give rise to an *actio in factum.*

As the proffer of an oath was possibly prejudicial to a person's interests, so only those who were fully capable of acting for themselves could proffer it. A person could not be compelled to take the oath unless he was of sufficient age: thus a pupillus could not be made subject to the oath. Nor could a procurator or defensor, a vestal and a flamen dialis, be compelled to swear (Gell. x. 15).

The jusjurandum in jure may have been first used in the *legis actio per condictionem*, and hence its connexion with the *actio pecuniae creditae* in the Code. In the formulary procedure its lega effects depended on the edict of the praetor. The jusjurandum in judicio (jusjurandum judiciale), which is an oath proffered by one party to the other at the trial of the action, has not the effect of the jusjurandum in jure; it is merely evidence, and the judex can give it such probative force as to him seems just. The employment of it was sometimes prejudicial to the party who proposed it. (See Quintil. *Inst. Or.* v. 6; M. Annaeus Seneca, *Controv.* iii. praef.) The oath was not compulsory, but the refusal of it was regarded as strong evidence against the party refusing, unless he was ignorant of the matter in question, or was excused from swearing in order that he might not lay himself open to the suspicion of perjury.

A judex might require a party to an action to make a declaration on oath respecting a matter in dispute. Such an oath was particularly applicable in cases in which the judex had to determine the value of the matter in dispute. As a general rule the *aestimatio*, or estimation of value or damages, was to be made by the judex conformably to the evidence furnished by the plaintiff; but if the defendant by his dolus or contumacia prevented the plaintiff from recovering the specific thing which was the object of the action, and consequently the plaintiff must have the value of it, the judex could put the plaintiff to his oath as to the value of the thing: but he could also fix a limit (*taxatio*) which the plaintiff must not exceed in the amount which he declared upon oath. This is called "jusjurandum in litem" (Dig. 12, 3). This oath is merely evidence: the judex may still either acquit the defendant or condemn him in a less sum.

As to the jusjurandum calumniae, see Calumnia; and see Judex, Judicium. (Paul. ii. 1, *de rebus creditis et de jurejurando;* Dig.

12, 2, *de jurejurando sive voluntario sive necessario, sive judiciali;* Cod. 4, 1, *de rebus creditis et jurejurando;* Puchta, *Inst.* § 173; Savigny, *System*, §§ 309–313; Keller, *Civilprocess*, § 64; Bethmann-Hollweg, *Civilprocess*, § 107.)

[G. L.] [E. A. W.]

JUSSU, ACTIO QUOD. A paterfamilias or a master of a slave who gave an order (*jussus*) authorising a contract to be entered into with his filiusfamilias or slave was made liable by this action on account of a contract thus entered into, as if he had been himself a party to it. (Dig. 15, 4, 1, pr.: "Merito ex jussu domini in solidum adversus eum judicium datur; nam quodammodo cum eo contrahitur quid jubet.") The order might be given directly to the other contracting party, or it might be implied by the appointment of a son or a slave to conduct a business or to enter into a particular transaction; but, to make the superior liable, the other party must have contracted with the filiusfamilias or slave as a representative. The *actio quod jussu* is a praetorian action, and belongs to the class of *actiones adjecticiae qualitatis.* (Dig. 15, 4; Gaius, iv. 70; Vangerow, *Pandekten*, i. § 240, Anm.; Windscheid, *Pandekten*, ii. § 482.) [EXERCITORIA; INSTITORIA ACTIO.] [E. A. W.]

JUSTA FU'NERA. [FUNUS.]

JUSTINIANE'US CODEX. [CODEX JUSTINIANEUS.]

JUSTI'TIUM. Justitium (derived from "Juris statio") was the name given to the suspension of certain public and private business of the community which was ordered by the higher magistrates at Rome, when occasion seemed to demand it: the name being derived from the suspension of that department of state which was the most obvious and constant sign of political life, the courts of law. The declaration of a justitium rested on the right of intercession in one of its forms—the right, that is, possessed by the higher magistrates, those armed with *major potestas*, of forbidding all action on the part of the inferior magistrates [INTERCESSIO]. It was usually pronounced by the highest magistrate present in Rome who possessed the imperium, by the dictator (Liv. iii. 27, 2; vii. 9, 6), or by the consuls (*Mon. Ancyr.*^{2} 2, p. 54), and was generally called forth by some great public event, such as a war or a calamity affecting the whole state. But such a suspension of business might be declared for the purpo[illegible] of party warfare. It was not unfreque[illegible]y declared with this object by the tribu[illegible] who, in order to break down the opposition [illegible] a measure they advocated, might issue a decree, based on their superior right of veto, announcing a total suspension of business until their object was attained (Plut. *Tib. Gracch.* 10, *διαγράμματι τὰς ἄλλας ἀρχὰς ἁπάσας ἐκώλυσε χρηματίζειν, ἄχρι ἂν ἡ περὶ τοὺς νόμους διενεχθῇ ψῆφος*). Against the tribune, on the other hand, the higher patrician magistrates, the consul and praetor, could employ no such weapon directly. Indirectly, however, they could, on their own authority, check the passing of a plebiscitum by a decree which had the practical effect of a justitium; namely, by the declaring of those "feriae, quas consules vel praetores pro arbitrio potestatis edicunt" (Macrob. *Saturn.* i. 16, 6). In order to secure obedience on the part of the lower magistrates to a prohibition of this sweeping kind pronounced by a superior, some sanction was required, and hence we find that the tribune, in pronouncing the justitium, also declared a penalty in case of disobedience (Plut. *Tib. Gracch.* 10, *τοῖς ἀπειθήσασι τῶν στρατηγῶν ζημίαν ἐπεκήρυξεν, ὥστε πάντας ὑποδείσαντας ἀφεῖναι τὴν ἑκάστῳ προσήκουσαν οἰκονομίαν*). But, as Mommsen points out, the fact that the lower magistrate's actions have been forbidden by the higher, does not create an invalidity in an act the former may choose to perform in spite of the prohibition. The magistrate's right to forbid differs from the magistrate's intercession, in that the latter is levelled at a completed act and renders it invalid; the former, which is a prohibition based on some power which the magistrate has in reserve, is merely "the threat of coercitio in the case of opposition" (Mommsen, *Staatsr.* i. p. 252); and if the coercitio is not effectively put forward, the act that contravenes the command is valid.

Such was the Justitium so far as it rested on the bare theory of the magistrate's power, but as such it was rarely realised. The action of Tiberius Gracchus in declaring a suspension of business on his own authority was no doubt legal, but was also highly unconstitutional, both in regard to the purpose for which it was employed, and in its being employed at all without the previous advice of the senate. As a rule the justitium was proposed on a vote of the senate (Liv. iii. 3, 8; Cic. *Phil.* v. 12, 31) and to meet certain definite contingencies. It might be pronounced on the occasion of a festival (Dio Cass. lix. 7), but the most usual circumstances that called for it were a sudden war or tumultus (Liv. iii. 5, 4, vi. 7, 1; Cic. *Phil.* v. 12, 31), or public mourning, such as that following on a national disaster or the death of a distinguished man. A justitium of the latter kind was declared after the death of the dictator Sulla (Granius Licin. p. 44, Bonn, "Justitium fuit matronaeque eum toto anno luxerunt"), and generally, under the principate, on the death of a member of the ruling house, as on that of Augustus (Tac. *Ann.* i. 16), Germanicus (*ib.* ii. 82), and the younger Drusus (Suet. *Tib.* 52). The justitium on these occasions sometimes closed with the funeral ceremonies (*Monumen. Ancyr.*^{2} p. 115, "Romae justitium indictum est, donec ossa ejus in mausoleum inferrentur"), but were sometimes prolonged beyond it (Suet. *Tib.* 52, "non statim a funere ad negotiorum consuetudinem rediit justitio longiore inhibito"); and it is a probable supposition that, on the occasion of any public funeral, a short justitium was declared for the time during which the funeral retinue remained in the forum (Mommsen, *Staatsr.* i. p. 251, n. 4). The cessation of the justitium ("justitium remittere," Liv. x. 21, 6) was pronounced, when the circumstances that demanded it were past, by a decree of the same magistrate who had enjoined it.

The effect of a justitium was the suspension of almost all the business of the state, including the administration of justice both civil and criminal, and was accompanied by the closing of the Aerarium (Cic. *de har. Resp.* 26, 55, "justitium edici oportere, jurisdictionem intermitti, claudi aerarium, judicia tolli;" Plut. *Tib. Gracch.* 10, *τῷ δὲ τοῦ Κρόνου ναῷ σφραγῖδας ἰδίας ἐπέβαλεν*) and the suspension of the senate's sittings (Cic. *pro Planco*, 14, 33). It even extended to private business, when the exercise of this would have interfered with the purposes for which the justitium was declared (Liv. iii. 27, 2, "dictator justitium edicit, claudi tabernas tota urbe jubet, vetat quemquam privatae rei quicquam agere:" cf. Liv. ix. 8, 7). But it did not necessarily suspend all the business of the state, since for political purposes it was often declared that exclusive attention might be given to some sphere of state administration. If declared on the occasion of a war, the dilectus still went on (Liv. vi. 7, 1); and during the Justitium declared in the time of the Social war, the Varian commission still sat, in spite of the suspension of all other judicial business (Cic. *Brut.* 89, 304, "exercebatur una lege judicium varia, ceteris propter bellum intermissis"). (Mommsen, *Römische Staatsrecht*, i. pp. 263–266.) [A. H. G.]

JUVENA'LIA, or JUVENA'LES LUDI (*Ἰουβενάλια ὥσπερ τινὰ νεανισκεύματα*), were scenic games instituted by Nero in A.D. 59, in commemoration of his shaving his beard for the first time, thus intimating that he had passed from youth to manhood. He was then in the twenty-second year of his age. These games were not celebrated in the circus, but in a private theatre (Plin. *H. N.* xxxvii. § 19) erected in a pleasure-ground (*nemus*), and consisted of every kind of theatrical performance, Greek and Roman plays, mimetic pieces, and the like. The most distinguished persons in the state, old and young, male and female, were expected to take part in them. The emperor set the example by appearing in person on the stage; and Dio Cassius mentions a distinguished Roman matron, upwards of eighty years of age, who danced in the games. It was one of the offences given by Paetus Thrasea that he had not acquitted himself with credit at this festival (Dio Cass. lxi. 19; Tac. *Ann.* xiv. 15, xv. 33, xvi. 21). Suetonius (*Ner.* 12) confounds this festival with the Quinquennalia, which was instituted in the following year, A.D. 60. [QUINQUENNALIA.] The Juvenalia continued to be celebrated by subsequent emperors, but not on the same occasion. The name was given to those games which were exhibited by the emperors on the 1st of January in each year. They no longer consisted of scenic representations, but of chariot-races and combats of wild beasts. (Dio Cass. lxvii. 14, of Domitian; Sidon. Apoll. *Carm.* xx. 315, 433; Capitol. *Gord.* 4: cf. Lipsius, *ad* Tac. *Ann.* xiv. 15.) [W. S.] [A. S. W.]

K. *See* C.

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William Smith, William Wayte, George Eden Marindin

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L.

LA'BARUM. [SIGNA MILITARIA.]

LABRUM. [BALNEAE, p. 277 *a*.]

LABYRINTHUS (**λαβύρινθος**). This is by some set down as the corruption of an Egyptian word meaning "the building at the entrance of a reservoir" (Brugsch, *Egypt under the Pharaohs*), by others derived from a king Lamaris or Labaris (whose name, however, should perhaps be Maris or Moeris), but it is more probably an older form of the word λαύρα, "a passage." This older form became stereotyped as the proper name for a building with a maze of such passages, while the later form, λαῦραι, is particularly applied to the passages of a mine. Accordingly the labyrinth was a large and complicated subterranean building, with numerous chambers and intricate passages, like those of a mine. Hence the cavern near Nauplia was called a labyrinth (Strabo, viii. p. 369). And all the structures to which the ancients apply the name labyrinth are described as entirely or partially under ground.

Pliny (*H. N.* xxxvi. § 84) notes four. 1. As the earliest, largest, and most famous, that of Egypt, described by Herodotus (ii. 148), near lake Moeris, and 100 stadia, as Strabo states, from Arsinoë (Strabo, xvii. p. 811). The remains have been found 11½ miles from the pyramid of Hawara, in the province of Faioum. Herodotus ascribes its construction to the dodecarchs (about 650 B.C.); and Mela (i. 9) to Psammetichus alone. Other and more correct accounts refer its first construction to a much earlier period (Plin. *l. c.*; Diod. Sic. i. 61, 89). It is very likely, however, that additions were made at various times. The names of more than one king have been found there, the oldest that of Amunmhe III., who is placed in the 12th dynasty, about 1960 B.C. This labyrinth is described as having 3,000 chambers, 1500 under ground and the same number above, and the whole was surrounded by a wall. It was divided into courts, each of which was surrounded by colonnades of white marble. At the time of Diodorus and of Pliny it was still extant; the remains now serve only to show the exact position and size corresponding with the stadium of length given by Strabo. Herodotus, who saw the upper part of the labyrinth and went through it, was not permitted to enter the subterranean part, and he was told that the kings, by whom the labyrinth had been built, and the sacred crocodiles, were buried there. Pliny's theory that it was divided into a number of halls or buildings corresponding to the number of nomes, and the consequent theory that it was a place of assembly for the nomes, do not agree with the account of Herodotus; and the number of nomes too varied greatly at different times: nor is there any better foundation for the idea, alluded to also by Pliny, that the plan had something to do with the solar system. It is unnecessary to imagine more than that it was monumental, and a monument of more than one king of Egypt.

2. Pliny gives as second the Cretan labyrinth (cf. Diod. Sic. *l. c.*), which was said to have been built by Daedalus near Cnosus, after the model of the Egyptian, but very much smaller. (For further legendary accounts, see Verg. *Aen.* vi. 27, v. 588; Ov. *Met.* viii. 159; Apollod. iii. 15; and *Dict. Biog.* under "Daedalus.") Most modern writers treat the Cretan labyrinth as a purely mythical or poetical creation, following Höck, who lays stress on the fact, that no ancient writer describes it as an eye-witness, and that neither the Homeric poems nor Herodotus mention it. That it was designedly built after any Egyptian pattern is improbable, but sufficient groundwork for the legends can be found in the rock-excavations existing in Crete. Admiral Spratt (*Travels and Researches in Crete*, ii. 42) points out that the subterranean passages in limestone rock near Gortyn correspond to the ancient description of the labyrinth—tortuous alleys which occupied two hours to pass through. They were plainly, as might be seen by the marks of tools, ancient quarries, and had been used by the Christians in recent times as places of refuge. We can understand from this why Claudian (*Sext. Cons. Hon.* 634) speaks of Gortyn as the site of the labyrinth. Admiral Spratt found also the entrances of subterranean passages, apparently sepulchral, in the rocks

near Cnosus. These were too much blocked up to explore, but there seems no reason why in ancient times they should not have been as extensive as the caverns at Gortyn, and so have given rise to the myths connected with Cnosus.

3. A third labyrinth, the construction of which belongs to a more historical age, was that in the island of Lemnos. It was begun by Smilis, an Aeginetan architect, and completed by Rhoecus and Theodorus of Samos about the time of the first Olympiad. It was in construction similar to the Egyptian, but had as a special feature one hundred and fifty columns. Remains of it were still extant in the time of Pliny. Some have conjectured that it was intended as a temple of the Cabeiri.

It may be mentioned here that the labyrinth said on the authority of Pliny (*H. N.* xxxiv. § 83) to have been built by the same Theodorus at Samos, has probably been created by a misplaced comma. The passage should be read: "Theodorus, qui labyrinthum fecit, Sami ipse se ex aere fudit."

4. Pliny (*H. N.* xxxvi. § 91) classes as a labyrinth the tomb of Porsena at Clusium, a description of which he quotes from Varro—a monument in masonry, 300 feet square and 50 feet high, beneath which is a labyrinth, "quo si quis introierit sine glomere lini exitum invenire nequeat." It had above it five pyramids of astonishing height. Niebuhr altogether discredits it; but though, with Pliny, we may think the dimensions exaggerated, it may be permitted to ask whether there is not too great a tendency to treat as pure fictions the statements of ancient writers. Dennis in his latest edition (*Cities of Etruria*, ii. p. 349) gives an interesting description of recent explorations in a tumulus at Poggio Gajella, three miles north of Chiusi. These are extensive sepulchral remains; in fact, it is described as like a city of tombs, with a network of small streets and alleys bearing the Egyptian character, which is so suggestive in Etruscan remains; and further a labyrinth of low, narrow passages in the heart of the mound. There seems really no valid reason for asserting the impossibility of some such great sepulchral building as Varro describes having once existed as a superstructure. It is possible that Varro himself found only a part standing, and that the huge size of the pyramids at the corners may be a somewhat exaggerated account given him as a tradition by the people of the district. This is surely a safer view than, with Niebuhr, to accuse so sober a writer as Varro of giving us "tales from the Arabian Nights."

Labyrinthus. (*Museo Borbonico.*)

The garden labyrinth, or maze, is purely modern; but Pliny (*l. c.*) speaks of the word as applied to an intricate pattern drawn on the pavement or scratched on the ground in a boyish game; and to this may be referred the rude drawing, given in the *Museo Borbonico*, which was scratched on a pilaster at Pompeii, and is somewhat similar to the modern idea of a labyrinth. [L. S.] [G. E. M.]

LACERNA (answering in most respects to the Greek χλαμύς) was a woollen cloak worn by the Romans over the toga (Mart. viii. 28), which explains Juvenal's expression "munimentum togae" (Juv. ix. 28). It had a hood (*cucullus*), and sometimes the plural *lacernae* is used to express both together (*e.g.* Mart. xiv. 132, "totae lacernae"); but in Horace, *Sat.* ii. 7, 55, *lacerna* includes the hood. It was worn open and loose, fastened to the shoulder by a fibula, so that in Mart. ii. 29 the white toga is seen below the purple lacerna; and thus it differed from the paenula, which fitted close and was fastened all the way up, and from the birrus, because that form of wrap was stiff (*rigens* opposed to the *fluens* lacerna, Sulp. Sever. i. 21, 4), whereas the lacerna was light and of fashionable make. The Schol. on Pers. i. 51, however, uses them as convertible terms. It seems to have been introduced at Rome by men of fashion as a protection against rain—Pliny (*H. N.* xviii. § 225) says that the price of lacernae goes up in threatening weather—and to wear in theatres, &c. (Mart. ii. 29): thus we are told that the equites used to stand up at the entrance of Claudius and lay aside their lacernae, as a mark of respect (Suet. *Claud.* 6). Its colour depended on taste and circumstances, sometimes "fusci coloris" (Mart. i. 97, 9), and made of the dark wool of the Baetic sheep (Mart. xiv. 133), sometimes of bright colours (Juv. i. 27; Mart. i. 97) and very expensive (Mart. viii. 10). By an order of Domitian, about 88 A.D., white lacernae only were allowed in the theatre (Mart. v. 8; xiv. 137). It would appear from Mart. ii. 29 that there was no such rule before. The material as well as the colour varied, and for the poorer wearers it was unfashionably coarse (Juv. ix. 27). Cicero (*Phil.* ii. 30, 76) speaks of it as an unusual form of dress, but as a military cloak it may have been worn earlier. Cassius wears it at Philippi (Vell. ii. 70, 2; cf. Prop. iv. 12, 7; Ov. *Fast.* ii. 746), and to some extent it displaced the sagum. Under the Empire it became common at Rome, as we learn from Suetonius, who says (*Aug.* 40) that Augustus seeing one day a great number of citizens before the tribunal dressed in the lacerna repeated indignantly the line of Virgil, "Romanos rerum dominos gentemque togatam," and gave orders that the aediles should allow no one to wear that dress in the forum, being anxious "pristinum vestitum reducere." (See also Marquardt, *Privatleben*, 569; Becker-Göll, *Gallus*, iii. 220.) [W. S.] [G. E. M.]

LACI'NIA, the angular extremity of the toga, one end of which was brought round over the left shoulder. It was generally tucked into the girdle, but sometimes was allowed to hang down loose. Plautus (*Merc.* i. 2, 16) indicates that it occasionally served as a pocket-handkerchief: "At tu edepol sume laciniam atque absterge sudorem." Velleius Paterculus (ii. 3) represents Scipio Nasica as wrapping the lacinia of his toga round his left arm for a shield (compare Val. Max. iii. 2, 17) before he rushed upon Tib. Gracchus; while, according to Servius (*ad Verg. Aen.* vii. 612), the Cinctus Gabinus was formed by girding the toga tightly round the body by one of the laciniae or loose ends. These expressions are quite irreconcilable with the opinion that the lacinia was the lower border or skirt of the toga, while all the passages adduced by them admit of easy explanation, according to the above view. The lacinia was undoubtedly permitted by some to sweep the ground, especially by such as wore their garments loosely. Thus Macrobius (*Sat.* ii. 3) remarks upon one of Cicero's witticisms, "Jocatus in Caesarem quia ita praecingebatur, ut trahendo laciniam velut mollis incederet," which corresponds with the well-known caution of Sulla addressed to Pompey, "Cave tibi illum puerum male praecinctum;" and Suetonius tells how the Emperor Caligula, being filled with jealousy on account of the plaudits lavished on a gladiator, hurried out of the theatre with such haste, "ut calcata lacinia togae praeceps per gradus iret." The etymology of the word (λακ, λάκος, *lacero*, and perhaps, as Curtius inclines to think, also *ῥάκος*) points to the same sense, and it is probable that its primary meaning was a jagged edge or pendent corner, and so, as given above, a piece or corner of a dress, not, as Rich thinks, "a weighted drop." If any such drop can be traced in the tunica, which is doubtful, it cannot in the toga, to which the lacinia generally belongs; and all the uses for wiping, wrapping, &c. imply that it is a piece of cloth. Thus in Cic. *Fam.* xvi. 21 we find it used to wrap up pips of fruit taken from the dinner-table: it is the corner of dress seized to stop anyone (Suet. *Claud.* 15; Vulg. Gen. xxxix. 12), whence came the proverbial expression *obtinere lacinia* of a precarious hold (Cic. *de Orat.* iii. 28, § 110; Plaut. *Asin.* iii. 2, 41). The other meanings agree with the above explanation: (1) two jagged excrescences, hanging from the neck of a she-goat; (2) a corner or promontory of land (Plin. v. § 148), "promontorium in quo Megaria oppidum fuit: unde Craspedites sinus vocabatur, quoniam id oppidum velut in *lacinia* erat;" (3) a point or tongue of a leaf (Plin. xv. § 130). The corresponding Greek term, as seen from the passage quoted from Pliny, is *κράσπεδον*, and accordingly Plutarch (*Tib. Gr.* 19) and Appian (*B. C.* i. 16) use that word in narrating the story of Scipio given above. [W. R.] [G. E. M.]

LACO'NICUM. [Balneae, p. 277 *b*, p. 278 *a*.]

LACU'NAR. [Domus, p. 686 *a*.]

LACUS. 1. See Fons. 2. See Torcular.

3. **Lacus** (*βαφή*) was also used for the bath in which the smith (*χαλκεὺς* or *faber ferrarius*) plunged the hot iron to give it the harder qualities of steel. (Verg. *Georg.* iv. 172; Ovid. *Met.* ix. 170, xii. 276; Lucr. vi. 968; Mart. iv. 55, 15; Plin. *H. N.* xxxiv. § 146.) It is maintained by the best modern authorities on Greek and Roman metal working that by this method a kind of steel was manufactured as far back as the Homeric age. (See Blümner, *Technol.* iv. 342 *sqq.*) Though neither Greek nor Latin has a distinct word for steel (except the poetical *χάλυψ*, *chalybs*), yet this process was known, and the words *στομοῦν*, *στόμωσις*, *στόμωμα* all refer to the steeling effect of the *βαφή*, and this corresponds to the Latin significance of *acies* (cf. French *acier*). The earliest precise mention is that of *Od.* ix. 391:

> ὡς δ᾽ ὅτ᾽ ἀνὴρ χαλκεὺς πέλεκυν μέγαν ἠὲ σκέπαρνον
> εἰν ὕδατι ψυχρῷ βάπτῃ μεγάλα ἰάχοντα
> φαρμάσσων, τὸ γὰρ αὖτε σιδηροῦ γε κράτος ἐστίν,

(where Eustathius, *στομοῦται γὰρ σιδηρὸς τοιαύτῃ βαφῇ.*) Conf. Plut. *Def. orac.* 41, p. 433 A; Poll. vii. 107, &c.; and especially Plut. *An. rat. uti*, 16, p. 988 D, *ἀνδρείας οἷον βαφή τις ὁ θυμός ἐστι καὶ στόμωμα*, which expression seems to fix the precise idea of the much-disputed *βαφῇ σιδηρὸς ὣς* in Sophocles *Aj.* 650, *i.e.* "I, who was then steeled and made *ἄνδρειος* as iron is by the bath, am instead made *θῆλυς* by Tecmessa's words" (the stop being at *ὣς*, and the aorist as usual referring to the time of speaking).

It is true that there was also a practice of dipping *smaller* steel implements, such as needles and brooch-pins, in oil, to make them less brittle, as was supposed (Plut. *de prim. frig.* 13, p. 950 C; Plin. xxxiv. § 146); and so this passage has often been explained, but there is no mention at all of any such practice earlier than Plutarch, and then only of small articles, whereas there is in earlier Greek writers a frequent allusion to the *βαφή*, especially in the moral application (Arist. *Pol.* vii. 14, &c.), and invariably (as Latin *lacus*) of hardening or steeling, which is a strong argument for giving the same meaning in the passage cited. This process would not apply to *χαλκός*, and such is perhaps the meaning of *χαλκοῦ βαφαὶ* in Aesch. *Ag.* 589, though Clytemnestra may merely be disclaiming all technical knowledge of weapons. The colouring of copper by *βαφή* as mentioned by Plutarch and Pollux is altogether later. [For a discussion of this treatment of iron, see Blümner (*Technologie*, iv. 342–350), who refers to a larger work of Paehler, *Die Löschung des Stahles bei den Alten.*] [G. E. M.]

LAENA. The same word as the Greek *χλαῖνα*, and perhaps radically connected with *λάχνη* (*lana*), though Curtius is doubtful on that point (*Etym.* 336). It was manufactured, according to Strabo, in later times in Gaul: *ἡ δὲ ἐρέα* (of the Belgians) *τραχεῖα μὲν ἀκρόμαλλος δὲ ἀφ᾽ ἧς τοὺς δασεῖς σάγους ἐξυφαίνουσιν οὓς λαίνας καλοῦσι*: but, as Marquardt points out, it was an old Roman dress, being worn by the Flamines, fastened with a bronze fibula (Cic. *Brut.* 14, 56, of the Flamen Carmentalis): cf. Serv. *ad Aen.* iv. 262, "est autem proprie toga duplex, Graece *χλαῖνα*, amictus auguralis." (See Marquardt, *Staatsverwaltung*, iii. 336.) Festus derives its origin from the Etruscans: Cicero (*l. c.*) connects the surname Laenas of the Popilii with this dress, because Popilius was wearing it, being Flamen Carmentalis as well as Consul, when he quelled a tumult.

1. It signifies then properly a woollen cloak, the cloth of which was twice the ordinary thickness ("duarum togarum instar," Varro, *L. L.* v. 133), and therefore termed *duplex* (Festus, *s. v.*; Serv. *l. c.*), shaggy upon both sides, worn over everything else for the sake of warmth (Mart. xiv. 136). Hence persons carried a laena with them when they went out to supper (Mart. viii. 59); and the rich man in Juvenal, who walks home at night escorted by a train of slaves and lighted by flambeaux, is

wrapped in a scarlet laena (Juv. iii. 283, where see Mayor's note). The courtly bard in Persius (i. 32) is introduced reciting his fashionable lays with a violet-coloured laena over his shoulders; but that it was also worn by the poor appears from Juv. v. 131. (See also Becker-Göll, *Gallus*, iii. 221.)

2. The dress of the Flamines, as mentioned above. The correspondence of the laena with the Greek *χλαῖνα* is seen (i.) by the description (Homer, *Il.* x. 133):

> *ἀμφὶ δ' ἄρα χλαῖναν περόνησαν φοινικόεσσαν*
> *διπλῆν, ἐκταδίην, οὔλη δ' ἐπενήνοθε λάχνη·*

(ii.) its use for warmth (*ἀνεμοσκεπής*, *Il.* xvi. 224); (iii.) from the fact that the *χλαῖνα* is the Homeric dress of heroes, while the Latin poets clothe them in the laena. (Aeneas in Verg. *Aen.* iv. 262; Hasdrubal in Sil. Ital. xv. 424: cf. Plut. *Num.* 7, *ἃς ἐφόρουν οἱ ἱερεῖς λαίνας ὁ Ἰόβας χλαίνας φησὶν εἶναι.* See Marquardt, *Privatleben*, 569.) [W. R.] [G. E. M.]

LAGO'NA or **LAGU'NA** (also *lagoena*, *lagena*, *λάγυνος*). There is considerable difference about the spelling of this word. Professor Mayor (on Juvenal, v. 29) compares, for the Latin *o* beside the Greek *υ*, the words *ancora*, *storax* (*στύραξ*), *nox*, *mola*, *cocles* [*κύκλωψ*]. The last of these connexions both Corssen and Curtius disapprove, but there are abundant instances without it. Corssen shows that the Old Latin form to the end of the Republic in inscriptions is *laguna* and sometimes *lagena* (in MSS. also *lagoena*), in the imperial times *lagona*, as in the annexed engraving. It was an earthenware jug with one handle, a long narrow neck, widened mouth, and swelling body (whence "*ventre* lagonae," Juv. xii. 60). Its narrow neck is shown also by its use in *Phaedrus* for the fable of the stork and the fox, and by the lines in the Anthology *εἰς λάγυνον*:

> *στρογγύλη, εὐτόρνευτε, μονούατε, μακροτράχηλε,*
> *ὑψαύχην, στεινῷ φθεγγομένη στόματι.*

In fact, it was in shape much like the well-known Orvieto wine-flask, but, if so covered with wickerwork, would be called *φλάσκη* or *φλασκίον* (Suid. *s. v.* *πυτίνη*). It was used for holding wine, and was set beside the guests (Hor. *Sat.* ii. 8, 41; Juv. v. 29). They were used also in Gaul for beer, as is shown by an inscription on a lagona in the Musée Carnavalet at Paris, "Ospita reple lagona cervesa." Martial (vii. 61) speaks of a shop with these vessels hung in a string by the handles (*catenatae lagonae*).

Laguna. (Marquardt.)

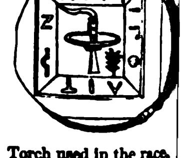
The illustration (from Marquardt) represents a lagona in the Museum at Saintes, the inscription on which is "Martiali soldam lagonam." (See Marquardt, *Privatleben*, 649; Guhl and Koner, *Das Leben Griechen und Röm.*, 160.) [G. E. M.]

LAMPADA'RCHIA. [LAMPADEDROMIA.]

LAMPADEDRO'MIA (*λαμπαδηδρομία*), often also simply *λαμπάς*, *λαμπαδοῦχος ἀγών* o *δρόμος*, *ἑορτὴ λαμπάδος*, and less frequently, a in Herod. viii. 98, *λαμπαδηφορία*, a torch-race celebrated not only at Athens, but also at man places in Greece and Greek colonies: at Corinth in honour of Athena Hellotia (Schol. Pind. *Olymp.* xiii. 56; Athen. xv. 678); at Byzantiu (*λαμπὰς ἀνήβων*, *C. I. G.* 2034); at Ceos (*id* 2360); at Syros, in honour of Demeter; t Artemis, at Amphipolis (Diod. xviii. 4; Liv xliv. 44); and other places (see Boeckh, *Staatshaush.*, ed. Fränkel, i. 550). Alexander celebrate a torch-race at Susa (Arrian. iii. 16). The torch-race was held also at Epitaphia; at the Thesei (*C. I. A.* ii. 444), and in later times at th Germaniceia (*C. I. A.* iii. 1096; Fränkel o Boeckh, ii. 113*; A. Mommsen, *Heortologie*, 170): and possibly at any great funeral games, wher sufficient funds were provided.

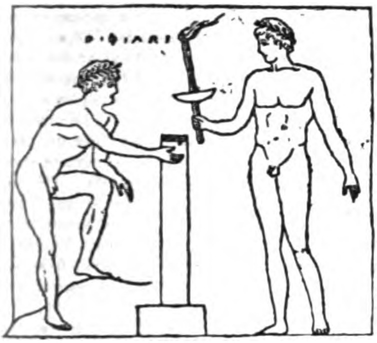
At Athens we know of five celebrations o this game: one to Prometheus at the Promethe (Schol. *ad* Arist. *Ran.* 131; Harpoc. *s. v.*; Paus. i. 30); a second to Athena (Phot. *s. v.* *λαμπάδος*) at the Panathenaea (whether the greater onl is uncertain, but see Boeckh, *l. c.*); a third t Hephaestus on the evening of the day after the Apaturia (cf. Herod. viii. 9); a fourth to Pan (Herod. vi. 105; Phot. *s. v.* *λαμπάς*: cf. Paus. viii. 54, § 6); a fifth to the Thracian Artemis or Bendis (Plat. *Rep.* i. p. 328 A). The three former are of unknown antiquity; the fourth was introduced soon after the battle of Marathon; the last in the time of Socrates.

The race was run, usually on foot, by ephebi, horses being first used in the time of Socrate (Plato, *l. c.*); and at night. The administratio of it was undoubtedly under the gymnasiarch in the time of Xenophon (*de rep. Ath.* 13), and it was a liturgy involving emulation and cost; the tribe being honoured as in the choregia, by a victory of its contingent. Thus an inscriptio runs, *Ἀκαμαντὶς ἐνίκα λαμπάδι Παναθήναια τὰ μεγάλα ἐπ' Ἀρχίου ἄρχοντος· Ξενοκλῆς ἐγυμνασιάρχει* (*C. I. A.* ii. 1229): but we hear late of a *λαμπαδαρχία*, as in Aristotle (*Pol.* v. 8), wh speaks of the *λαμπαδαρχία* as a costly and rathe useless liturgy, which he would like to prohibit and the words *λαμπαδάρχης*, *λαμπαδαρχεῖν* occu in inscriptions (see Krause, *ap.* Pauly, *Real Encycl.* s. v.); but Isaeus, like earlier writers uses the expression *γυμνασιαρχεῖν λαμπάδ* and so in inscriptions (one as late as 166 A.D. Boeckh, i. 554, and Fränkel's note). It is doubt possible that in Aristotle's time a custo had arisen of making a special liturgy call *λαμπαδαρχία* for the festival itself, akin to b separate from the gymnasiarchy; more probabl however, there was not a distinct office, and it was merely usual to speak of the gymnasiarch under this title at the time of the torch-race, which was regarded as the most important branch of his office and its most public manifestation. The gymnasiarch had to provide the *λαμπάς*, which was a candlestick with a kind shield set at the bottom of the socket, as is se

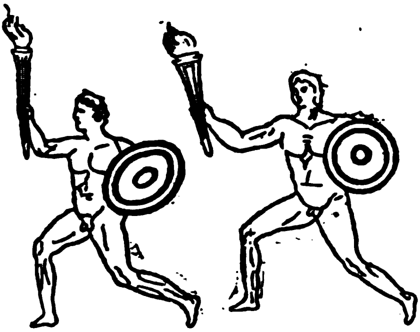


Torch used in the race. (From a coin.)

in the preceding woodcut, taken from a coin in Mionnet (pl. 49, 6). In the two cuts given below the torches are somewhat different: in one they are formed of thin strips of wood, no doubt smeared with resin or pitch, and held together by the disc through which they are passed, and which served as a guard to the hand from the dripping of the pitch (some representations show also a crossed string binding the strips of wood): in the other cut the runners carry shields (as in the *ὁπλιτοδρομία*, but without helmets); while the torches have a flame, apparently from a wick steeped in oil or liquid pitch, in the hollow at the top, somewhat like the modern torch. The gymnasiarch had also to provide for the training of the runners, which was of no slight consequence, for the race was evidently a severe one (compare Aristoph. *Vesp.* 1203; *Ran.* 1087), with other expenses, which on the whole were very heavy, so that Isaeus (*Or.* 6 [*Philoct.*], § 60) classes this office with the *χορηγία* and *τριηραρχία*, and reckons that it had cost him 12 minae. The discharge of this office was called *γυμνασιαρχεῖν λαμπάδι* (Isaeus, *l. c.*), or *ἐν ταῖς λαμπάσι γυμνασιαρχεῖσθαι* (Xen. *de Vectig.* iv. 52). The victorious gymnasiarch presented his *λαμπὰς* as a votive offering (*ἀνάθημα*, Boeckh, *Inscr.* Nos. 243, 250); and we find the victorious runner, when there were *single* competitors, receiving a *ὑδρία* (see A. Mommsen, *Heortologie*, p. 169).



Torch used in the race. (Krause.)



Torch used in the race. (Krause.)

As to the arrangement of the lampadedromia, it seems necessary to understand two different methods, whether we regard them as co-existent or as belonging to different periods. (1) Herodotus (viii. 98) speaks of this game to illustrate the Persian system *ἀγγαρήιον*; Plato (*Legg.* vi. 776 B) of "handing on the torch of life from one generation to another;" and the same metaphor is used by Lucretius, ii. 77; Varro, *de Re Rust.* iii. 16, 9; Pers. vi. 61: so also Aristot. *Phys.* v. 4, 10, *οἷον ἡ λαμπὰς ἐκ διαδοχῆς φορὰ ἐχομένη*, with which compare *διαδοχαῖς πληρούμενοι*, Aesch. *Ag.* 313; and Auct. *ad Herenn.* iv. 46, "qui taedas ardentes accipit celerior est quam ille qui tradit quod defatigatus cursu integro facem tradit." Here we are clearly to understand lines of runners (*λαμπαδισταὶ* or *λαμπαδηφόροι*), posted at intervals, the first in each line who receives the torch, or takes it from the altar, running at his best speed and handing it to the second in his own line, and the second to the third until the last in the line is reached, who runs with it up to the appointed spot. Of course, if any torch went out, the line to which it belonged was out of the race. The victory (*νικᾶν λαμπάδι*) fell to that line of runners whose torch first reached the goal alight. Assuming that all the gymnasiarchs contended on each occasion, there would be ten such lines (or, after B.C. 307, twelve), one for each tribe; but it is possible that each gymnasiarch performed his service only once a year, and that only a certain number were told off for each festival. All the runners in the winning line or chain contributed to the victory, and this may possibly be the explanation of the well-known line of Aeschylus (*Ag.* 314), *νικᾷ δ' ὁ πρῶτος καὶ τελευταῖος δραμών*,—"the last and the first (*i.e.* all alike in the chain) are successful." The beacons are all victorious because all belong to the successful chain of light, as in the torch-race each person in the line shares the victory.

But, if this is the right rendering, there is certainly an obscurity of diction in putting *καὶ τελευταῖος* for *χὠ τελευταῖος*, which the strict idiom would require, and that, too, without any metrical reason, such as exists in the passage (line 324) cited by Mr. Sidgwick. It may therefore be better to explain it with reference to the fact that the *first* or winning torch was handed in (to the archon basileus) by the *last* recipient of it, and therefore, "he who is both first to arrive and last in the chain wins in the race."

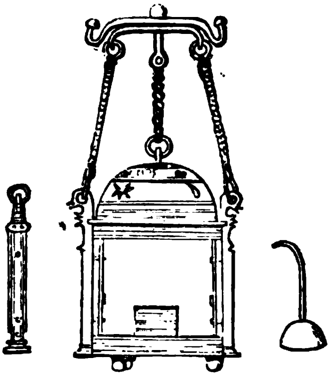
That Pausanias, however, saw a different kind of torch-race, there can be no doubt. He says (i. 30, § 2): *ἐν Ἀκαδημίᾳ δέ ἐστι Προμηθέως βωμός, καὶ θέουσιν ἀπ' αὐτοῦ πρὸς τὴν πόλιν ἔχοντες καιομένας λαμπάδας. τὸ δὲ ἀγώνισμα ὁμοῦ τῷ δρόμῳ φυλάξαι τὴν δᾷδα ἔτι καιομένην ἐστίν· ἀποσβεσθείσης δὲ οὐδὲν ἔτι τῆς νίκης τῷ πρώτῳ, δευτέρῳ δὲ ἀντ' αὐτοῦ μέτεστιν. εἰ δὲ μηδὲ τούτῳ καίοιτο, ὁ τρίτος ἐστὶν ὁ κρατῶν, εἰ δὲ πᾶσιν ἀποσβεσθείη, οὐδεὶς ἐστὶν ὅτῳ καταλείπεται ἡ νίκη.* Here there is evidently no handing of the torch from one to another — several torch-bearers are started, possibly one for each tribe; the first who reaches the goal with his torch alight wins: the competition is individual, not one chain of runners against another. And it is no doubt to such a race that inscriptions which speak of a single victor with a single prize, refer. Whether this was a new method, or one which had existed alongside of the other, it is impossible to say with certainty; but it is probable that the different kinds of torch-race were in vogue at different times; for it is fair to assume from the language of Pausanias, that he had not witnessed the kind of race described by the earlier writers who have been quoted above.

The starting-point at Athens was the altar of Prometheus in the Academy, and the course passed through the Ceramicus to the city (πρὸς τὴν πόλιν), perhaps, as Mommsen (*Heortologie*, p. 312) thinks, to the Prytaneum under the north side of the Acropolis, a distance of a little over a mile. The archon basileus presided (προέστηκε τῶν ἀγώνων τῶν ἐπὶ λαμπάδι, Poll. viii. 90), and gave the prize to the victor. Both starting-point and goal may have varied somewhat at different times, or in different festivals. Plutarch (*Solon*, 1) says that the torches were lighted at the altar of Eros, which was not far from the altar of Prometheus (πρὸ τῆς ἐσόδου τῆς ἐς Ἀκαδημίαν, Paus. i. 30, § 74); the mounted race in honour of Bendis was run in the Peiraeus (Plato, *l. c.*).

As regards the origin of these games, it may safely be said generally that it is to be sought in the worship of Hephaestus, Prometheus, and Athena, who are all connected with fire and light, and with those arts and manufactures in which fire is an agent. But it may further be conjectured that this form was first used in honour of Prometheus, to represent the myth of his giving fire to men. The torch is kindled at his altar and carried, if the theory above mentioned is correct, to the Prytaneum, where the national fire was preserved, as carefully as though it were still, what it had been in primitive times, hard to rekindle if once it died out: then this gift of the πυρφόρος θεός, representing the κοῖλος νάρθηξ (Hesiod. *Theog.* 566), is handed to the king archon, who represents in religious matters the original guardian of the national hearth. The same idea can be traced in a custom which Maury cites (from Philostratus), as existing in the games at Olympia: the runners are placed a stade from the altar where wood is to be lighted; near the altar stands the priest, who awards a crown to the first who touches the altar with his torch. (Maury, *Religion de la Grèce antique*, iii. 491.)

But with the giver of fire were soon associated in this worship the Olympian deities who presided over its use: Hephaestus, who taught men to apply it to melting and moulding of metal; and Athena, who carried it through the whole circle of useful and ornamental arts. On the close connexion of Hephaestus with Prometheus, and of both with Athena, see Preller, *Griech. Mythol.* p. 80 (ed. 1872). Both indeed are connected by myths with the birth of Athena as well as with her presidency over arts and manufactures, under her name Ἐργάνη (Paus. i. 24, § 36). It is suggested by Welcker (*Aeschyl. Tril.* p. 21) that the community of potters instituted the torch-race. It is true that the course was mainly in the outer and inner Ceramicus, and that Athena was the patroness of the κεραμῆς (δεῦρ' ἄγ' Ἀθηναίη καὶ ὑπείρεχε χεῖρα καμίνου is the address in the Κεραμίς); but the original connexion of the torch-race with Prometheus is more natural, and moreover the starting-point is in fact not actually in the outer Ceramicus, but beyond it. In later times the same honour was paid to all gods who were in any way connected with fire, as to Pan, to whom a perpetual fire was kept up in his grotto under the Acropolis (cf. also Pausan. viii. 37, § 677); so also to Artemis, as a moon-goddess, whom Sophocles (*Trach.* 214) calls ἀμφίπυρος (cf. πυρφόροι Ἀρτεμίδος αἴγλαι, *Oed. Tyr.* 207, and ὁ πυρφόρος θεὸς Τιτὰν Προμηθεύς, *Oed. Col.* 56). The mounted race in honour of Bendis, the Thracian Artemis, was no doubt introduced by the numerous Thracian metoeci who lived for trading purposes at the Peiraeus. In the still later extensions of the rites mentioned at the beginning of this article all symbolism was probably lost, and for these it was merely adopted from the older festivals as a striking spectacle. [H. G. L.] [G. E. M.]

LANTERNA (only in late Latin *laterna.* Curt. *Gr. Et.* 266; Corssen, *Lat. Sprach.* i. 250) = the Greek λυχνοῦχος (see below), also ἰπνός (Aristoph. *Pax*, 841), a lantern. Two bronze lanterns, constructed with nicety and skill, have been found in the ruins of Herculaneum and Pompeii. One of them is represented in the woodcut below. Its form is cylindrical. At the bottom is a circular plate of metal, resting on three balls. Within is a bronze lamp attached to the centre of the base and provided with an extinguisher, shown on the right hand of the lantern. The plates of translucent horn (Plin. *H. N.* xi. § 49; Lucret. ii. 388), forming the sides, probably had no aperture; but the hemispherical cover may be raised so as to admit the hand and to serve instead of a door, and it is also perforated with holes through which the smoke might escape. To the two upright pillars supporting the framework, a front view of one of which is shown on the left hand of the lantern, chains are attached for carrying the lantern by means of the handle at the top.



Lantern found at Herculaneum.

We learn from Martial's epigrams (xiv. 61, 62) that bladder was used for lanterns as well as horn; also linen, as the cheapest form of lantern (Cic. *Att.* iv. 3, 5; Plaut. *Bacch.* iii. 3, 42). The *lanterna Punica* (*Aul.* iii. 6, 30) was probably a horn lantern, as the best kind then known. Some centuries later glass was also used (Isid. *Orig.* xx. 10). When the lantern was required for use, the lamp (*lucerna*) was lighted and placed within it. (See Mart. xiv. 61; Veg. *Mil.* iv. 18.) It was carried by a slave called *lanternarius* or *servus praelucens* (Plaut. *Amph.*

Prol. 149, i. 1, 185; Cic. *in Pis.* 9, § 20; Juv. iii. 285; Mart. viii. 75). Suetonius (*Aug.* 29) mentions that the "servus praelucens" was struck by lightning while Augustus was being carried in his litter. We learn from Photius that the name λυχνοῦχος was given to a lamp enclosed in a case of horn or of transparent skin, and that perforated pitchers were used in the same way: for instances, see Rutherford, *New Phrynichus*, p. 131. The φανός was a link or torch of strips of resinous wood tied together, but in late Greek used for λυχνοῦχος, a lantern (Rutherford, *l. c.*). (See also Marquardt, *Privatl.* 712; Becker-Göll, *Gallus*, ii. 404.) [J. Y.] [G. E. M.]

LANX. 1. A general term, including various forms of dishes different in shape and use, but, as far as can be gathered, a large dish. It should have been originally flat, according to Corssen's view that it is connected with *plancus*, *planus*, πλάξ, πλακοῦς: but it was also deep (*cava*, Mart. xi. 31) and, so far, like the *catinus*. The epithet *panda* applied to it in Virgil (*Georg.* ii. 194) probably has the same meaning. In Hor. *Sat.* ii. 4, 40, it is round and large enough to hold a wild boar; but it is square or quadrangular in Ulp. *Dig.* 34, 2, 19. Ovid (*Pont.* iii. 5, 50) describes it as embossed (*caelata*) and holding fruit, but most frequently we find it used for bringing meat or fish to the table (Hor. *l. c.*; Juv. v. 80; Plaut. *Curc.* 323). It is used for incense (Ov. *Pont.* iv. 8, 40; Prop. ii. 13, 23). Its use in sacrifices, both for the exta and for incense, may be seen from Verg. *Georg.* ii. 194, 394; *Aen.* viii. 284, xiii. 215; Ov. *l. c.* All passages which give any indication of its material tend to prove that the lanx was always of metal; for the rich, of silver (Hor. *Sat.* ii. 4, 40; Plin. *H. N.* xxxiii. § 145, where *lances* are mentioned weighing from 100 to 500 pounds, and requiring a special *officina* to make them). In Cicero, *Att.* vi. 1, 13, the lanx embossed in filigree work (*filicata*) is opposed to vasa fictilia; but that it was made, if always of metal, sometimes of cheaper metal than silver, is implied by its rustic use in Verg. *Georg.* l. c. The following lines from Ovid (*Pont.* iv. 8, 39, 40) are instructive both as to size and relative cost:—

"Nec quae de parva dis pauper libat acerra
Tura minus, grandi quam data lance, valent:"

and it is noticeable that Pliny (*l. c.*), speaking of very costly silver plate, uses the word *lanx*, but in xxxv. § 163, when he speaks of pottery made at an extravagant price, he uses the word *patina*. (Marquardt, *Privatl.* 654; CATINUS.)

2. The metal dishes of the balance [LIBRA] were called *lances*, and sometimes the word *lanx* (= *libra bilanx*) was used to express the balance: so Suet. *Vesp.* 25; Verg. *Aen.* xii. 725, &c. (Becker-Göll, *Gallus*, ii. 367.) [J. Y.] [G. E. M.]

LA'PHRIA (Λάφρια), an annual festival, celebrated at Patrae in Achaia, in honour of Artemis, surnamed Laphria. The peculiar manner in which it was solemnised during the time of the Roman empire (for the worship of Artemis Laphria was not introduced at Patrae till the time of Augustus) is described by Pausanias (vii. 18, § 7). On the approach of the festival the Patraeans placed in a circle, around the altar of the goddess, large pieces of green wood, each being sixteen yards in length; within the altar they placed dry wood. They then formed an approach to the altar in the shape of steps, which were slightly covered with earth. On the first day of the festival a most magnificent procession went to the temple of Artemis, and at the end of it there followed a maiden who had to perform the functions of priestess on the occasion, and who rode in a chariot drawn by stags. On the second day the goddess was honoured with numerous sacrifices, offered by the state as well as by private individuals. These sacrifices consisted of eatable birds, boars, stags, goats, sometimes of the cubs of wolves and bears, and sometimes of the old animals themselves. All these animals were thrown upon the altar alive at the moment when the dry wood was set on fire. Pausanias says that he often saw a bear, or some other of the animals, when seized by the flames, leap from the altar and escape across the barricade of green wood. Those persons who had thrown them upon the altar caught the devoted victims again, and threw them back into the flames. The Patraeans did not remember that a person had ever been injured by any of the animals on this occasion. (Comp. Paus. iv. 31, § 6; Schol. *ad* Eurip. *Orest.* 1087.) [L. S.]

LAPICIDI'NAE. [LAUTUMIAE.]

LAPIS MILLIA'RIUS. [MILLIARIUM.]

LAPIS SPECULA'RIS. [DOMUS, p. 686 *b*.]

LA'QUEAR. [DOMUS, p. 686 *a*.]

LAQUEATO'RES. [GLADIATORES.]

LA'QUEUS, properly a rope with a noose in it, whereby anything might be pulled or led (according to Corssen's reference to *lacio*), used to signify the punishment of death by hanging, called *triumvirale supplicium*, Tac. *Ann.* v. 9 (vi. 4). Hence "Fortunae laqueum mandare" (Juv. x. 52) means "to bid Fortune go hang" (see Mayor's note). This mode of punishment was never performed in public, but only in prison, as in the Tullianum. Hence we find *laqueus* joined with *carcer* (Tac. *Ann.* iii. 50), and with *carnifex* (v. 9, xiv. 48). See also the account of the punishment of the Catilinarian conspirators (Sall. *Cat.* 55), where the punishment is inflicted by "vindices rerum capitalium." Mommsen identifies (*Röm. Staatsrecht*, ii. 595) these with the triumviri or tres viri capitales, and thinks that, in the case of important criminals and women, these officials were the actual executioners, for which theory he quotes Sallust (*l. c.*), Val. Max. v. 4, 7. At the same time it is possible, and in the nature of things probable, that these high officials are spoken of as strangling, when they were merely present to see that the carnifex did his duty. The passage in Tac. *Ann.* v. 9 (or vi. 4) at any rate shows that the execution of women was sometimes left to the carnifex, if not always. The punishment was not uncommon under Tiberius (Tac. *Ann.* ll. cc., vi. 39; Suet. *Tib.* 61); but in the ordinary course of law the milder punishment of exile was inflicted for crimes which in old times were capitally punished, and executions were mainly reserved for real or imaginary crimes against the emperor. (Cf. Tac. *Ann.* xiv. 48.) [W. S.] [G. E. M.]

LARA'RIUM was a place set apart in a Roman house for the worship of the *Lar familiaris* or (later) *Lares*. (See Marquardt, *Staats.* iii. 123.) Originally this shrine, with the image or images, was in the *Atrium*, as the place where the hearth stood and the family assembled for meals; but, when the hearth and the kitchen were moved to the back part of the house, the lararia were placed elsewhere, sometimes in the kitchen, sometimes in the dining-room, sometimes in the peristyle, and frequently at the entrance of the house (especially in the later empire). Even in the 5th century Jerome (*in Esaiam*, c. 57) speaks of "idola post fores domorum quos domesticos appellant lares," and of the "Tutelae simulacrum," to which they paid reverence as they went out or in. At these shrines was placed a lighted candle or lamp, and an offering of food was made at the *secunda mensa* (Serv. *ad Aen.* i. 730; Varro, *ap.* Non. p. 544, 1; Ov. *Fast.* ii. 633). Hence (when the Genius of Augustus had, after Actium, been associated with the Lares) we can explain the expression "alteris te mensis adhibet deum" (Hor. *Od.* iv. 5, 31). We learn from Petronius (60) that, if there was no lararium in the dining-room, the statues of the Lares were sometimes brought to the table; but more usually a small table for this offering was placed before the lararium, wherever it might be, with a salt-cellar upon it (see Arnob. ii. 67; Pers. iii. 25; Liv. xxvi. 36), and this is probably the special significance of the *paternum salinum* (Hor. *Od.* ii. 16, 14). It was an old Roman custom for the master of the house with his household also in the morning to make an offering with prayers to the Lar familiaris. Hence we find that the emperor had a lararium in his bed-chamber (Suet. *Aug.* 7, *Domit.* 17). Here also Alexander Severus is said to have placed with the Lares images not only of Orpheus and Alexander the Great, but of Christ (Lamprid. *Al. Sev.* 29; Gibbon, ii. 529). On the occasion of *feriae privatae* on the Kalends, Nones and Ides, at the Saturnalia (Mart. xiv. 70), the birthday of the master of the house (Tibull. i. 7; Hor. iv. 11, &c.), the Lares were crowned and special offerings were made to them, and in the lararium also was hung up the *bulla* of the son who assumed the toga virilis. (For further particulars regarding the worship of the Lares, see Marquardt, *l. c.*; Preller, *Röm. Myth.* p. 497, and *Dict. Myth.* s. v.) [G. E. M.]

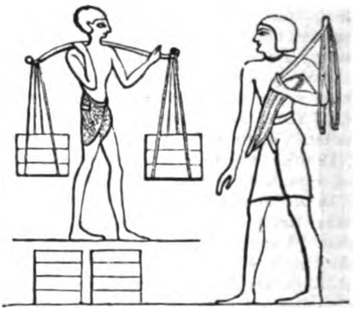
LARENTA'LIA, sometimes written LARENTINALIA (Macrob. i. 10; Lactant. *Inst.* i. 20), was a Roman festival in honour of Acca Larentia, the wife of Faustulus and the nurse of Romulus and Remus. It was celebrated on December 23 (Fest. *s. v.*; Macrob. *l. c.*; Ovid. *Fast.* iii. 57). The sacrifice in this festival was performed by the Flamen Quirinalis, as the representative of Romulus (Gell. vii. 7, 7), in the Velabrum, where the Via Nova entered it, not far from the Porta Romanula (Burn's *Rome*, 278; see Varro, *L. L.* v. § 164). At this place Acca was said to have been buried. (See also Preller, *Röm. Myth.* p. 422; Marquardt, *Staatsverwaltung*, iii. 335.) [W. S.] [G. E. M.]

LARES. See *Dict. of Gr. and Rom. Biography and Mythology.*

LARGI'TIO. [AMBITUS; FRUMENTARIAE LEGES.]

LARNAX. [ARCA; FUNUS.]

LATER, *dim.* **LATE'RCULUS** (*πλίνθος*, *dim.* *πλινθίς*, *πλινθίον*), a brick. Besides the Greeks and Romans, other ancient nations employed brick for building to a great extent, especially the Babylonians (Herod. 179; Xen. *Anab.* iii. 4, §§ 7, 11; Nahum iii. 14) and Egyptians. In the latter country a painting on the walls of a tomb at Thebes (Wilkinson's *Manners and Customs*, vol. ii. p. 99) exhibits slaves, in one part employed in procuring water, in mixing, tempering, and carrying the clay, or in turning the bricks out of the mould [FORMA], and arranging them in order on the ground to be dried by the sun, and in another part carrying the dried bricks by means of the yoke [ASILLA]. In the annexed woodcut we see a man with three bricks suspended from each end of the yoke, and beside him another who returns from having deposited his load.



Egyptian brick-makers. (From Thebes.)

These figures are selected from the above-mentioned painting, being in fact original portraits of two *Αἰγύπτιοι πλινθοφόροι*, girt with linen round the loins in exact accordance with the description given of them by Aristophanes, who at the same time alludes to all the operations in the process of brick-making (*πλινθοποιΐα*, Schol. *in* Pind. *Ol.* v. 20), which are exhibited in the Theban painting. (*Aves*, 1132-1152; Schol. *ad loc.*)

The clay was carried in shovels (*ἄμαι*) and placed in troughs (*λεκάναι*), to be manipulated there and moistened with water (for which the word *ὀργάζω* is used).

It is necessary to distinguish the sun-dried bricks, which were used in the earliest times, from the baked bricks. The word *later* is strictly a sun-dried or unburnt brick, whereas *testa* is kiln-baked brick; so the word *lateritius* means made of crude or sun-dried bricks, *testaceus* made of burnt bricks, and wherever no qualifying word is used this distinction will usually be observed, but the former are also termed *lateres crudi*, the latter *lateres cocti* or *coctiles*, and similarly *πλίνθοι ὠμαί* and *πλίνθοι ὀπταί*; *πλίνθος* being strictly a sun-dried rectangular brick (whence the word is used for shape independently of material). Babylonian brickwork is partly of sun-dried bricks with a thin layer of reeds between each course; but it appears from the remains that the walls were originally faced with burnt bricks. These bricks are found bearing the name of Nebuchadnezzar. (Layard, p. 406; Rawlinson on Herod. Book iii., Appendix.) Egyptian bricks were generally sun-dried, and many of the burnt bricks found in Egypt are Roman. The dry climate probably made them last better than in damper countries.

Usually the proportion of length to width is 2 to 1; of length to thickness, 3 to 1. In length they vary from about 1 foot to 17 inches. (See Birch, *Ancient Pottery*, vol. i.) The Greeks used only crude or sun-dried bricks down to the time of the Roman conquest, or at any rate till after Alexander (Birch, i. 158). As an instance may be mentioned the temple of Demeter at Lepreon (Pausan. v. 5, § 6). Pausanias (ii. 18, § 150) speaks of baked bricks in a temple at Argos, but that is conjectured to be of Macedonian or Roman date. Marquardt (*Privatleben*, 636) cites the Philippeum at Olympia (Pausan. v. 20, § 10) as the earliest dated building in Greece of baked brick (B.C. 337): but Blümner denies this upon the evidence of the recent German excavators at Olympia, who informed him that in all the remains of the Philippeum there was no trace of baked brick (Blümner, *Technologie*, ii. 16). Walls of Greek cities were generally of stone, but instances of sun-dried brick walls can be found in Pausanias, viii. 8, § 7 (of Mantinea), and the birds in Aristophanes built their wall of this material (Arist. *Aves*, 1136). Their partial use for dwelling-houses, especially of the poorer classes, is mentioned in Xenophon, *Mem.* iii. 1, 7.

Roman bricks were crude till the end of the Republic (Varro, *ap.* Non. s. v. *suffundatum*; Cic. *de Div.* ii. 47, 99): the use of baked brick probably became more common as houses of more stories were built, but they were only used for facing. Vitruvius (ii. 3) seems to speak solely of *lateres crudi*, for he does not mention the triangular bricks found in existing walls at all. The earliest baked bricks are found in the Rostra (B.C. 44), and even in the time of Augustus crude bricks only were used, of which none remain. The baked Roman bricks are of various colours—red, yellow, more rarely brown, some of red pozzolana mixed with clay, as in the Flavian palace on the Palatine (Middleton's *Rome*). Their thickness varies from 1 in. to 1¾ in. The commonest size is 15 inches long and 14 wide. Those in the "palace of Constantine" at Treves are 15 inches square and 1½ thick. Vitruvius (who, as mentioned above, seems to be treating only of crude bricks) states that spring was the best time for brick-making, for those made in summer were apt to dry unequally and crack, and they should be kept two years before being used. He speaks of three shapes: the Lydian, 1½ (Roman) feet long and a foot broad; the pentadoron, five palms square; and the tetradoron, four palms (Vitruv. ii. 3). Pliny (*H. N.* xxxv. § 49) mentions some which were so porous and light that they floated in water. Blümner states that the same kind of brick was made at Nuremberg in the 14th and 15th centuries and was called *Schwammstein*. As regards the baked Roman bricks, we find them stamped at Rome in the 2nd century A.D.: but in other parts of Italy the stamped bricks are found earlier. These stamps have a figure of some god or animal, as a trade-mark, encircled by the name of the brick-maker, sometimes of the consul also, and, in the case of bricks made by soldiers, of the legion to which they belong. As the Roman armies brought their brick-making art with them wherever they went, we can trace in some instances the movements of a legion by the brick-stamps. For the methods of building with bricks, see MURUS and PARIES; and for further information about their manufacture and history, see Birch, *Ancient Pottery*; Blümner, *Technologie*, ii. 16. [J. Y.] [G. E. M.]

LATI'NITAS, LA'TIUM, JUS LA'TII (*τὸ καλούμενον Λάτιον*, Strabo, iv. p. 187; *Λατίου δίκαιον*, Appian, *Bell. Civ.* ii. 26). To understand the meaning of these terms at various periods of Roman history, it is necessary to go back to the conquest of Alba Longa by Rome, which then entered into an *aequum foedus* with the Latini, or peoples of Latium, who at that time were leagued together in a federation of thirty towns (Dionys. v. 61). The attempt of Rome to assert a sort of suzerainty over the Latin league led to a war (Dionys. v. 34), which resulted in the Latins, though nominally remaining *socii* of Rome, being practically reduced to dependence on her (Dionys. iii. 54; Liv. i. 35–38). However, they seized the opportunity of Rome's struggle with Porsena to repudiate the yoke: she surrendered the claim to exercise a protectorate, and in 493 B.C. a new alliance was concluded on terms of absolute equality (*ἰσοπολιτεία*, Dionys. viii. 70), the members of the league and Rome enjoying reciprocal rights of *conubium* (Liv. i. 49; Dionys. vi. 1), *commercium* (Liv. xli. 8), and of settling on one another's territory with at any rate some public rights: we read of Latins voting in the comitia tributa in Dionys. viii. 72; Liv. xxiii. 3, 16; Appian, *Bell. Civ.* i. 23, &c. In 486 B.C. the Hernici were admitted to the confederation, which endured between the three peoples substantially for 140 years. In 340 B.C. occurred the Latin war, which terminated in the dissolution of the league: the interchange of *commercium* and *conubium* between its members ceased (Liv. viii. 14; ix. 43, 2, 4), and each of the towns which had belonged to it was brought into a direct relation of dependence with Rome, though there was great variety in the privileges which they enjoyed with respect to her, some apparently retaining *conubium*, *commercium*, and the right of acquiring *civitas* by settlement. From this time onward the Italian *civitates* or communities are roughly divisible into those which possess the Roman *civitas* in whole or part (*municipia* and *coloniae Romanae*; see COLONIA), and those which retain their independence by treaty, their only obligation towards Rome as a rule being the furnishing of a contingent of troops to the Roman army (*civitates foederatae* and *coloniae Latinae*). It has been pointed out under the head of COLONIA that joint colonies had been founded by the Romans and the Latin league both before and after the accession of the Hernici; these colonists being in all cases called *Latini*. Colonies which were founded after the destruction of the league (340 B.C.) under the name *Latinae* were established solely by Rome, and lay outside the limits of Latium. The colonists were in the main Latins, or members of other kindred or allied communities: but among them there were often some of the poorer Roman citizens, who were tempted to surrender their Roman *civitas*, thus suffering *capitis deminutio media* (Gaius, iii. 56; Cic. *pro Caec.* 33, 98; *pro Domo*, 30, 78), by the offer of an assignment of land. These later Latin colonies at first possessed the same rights with those which had been jointly founded by Rome and the league:

they were in a large measure independent of Rome, not being bound to adopt the Roman law unless they became *fundus* (Gell. xvi. 13; Cic. *pro Balb.* 8, 21), having their own coinage, and their citizens being, in relation to Rome, *peregrini* (Gaius, i. 79; Liv. xliii. 13), though obliged to serve in the Roman army. As possessing the rights of *conubium* and *commercium*, and of acquiring at least a limited *civitas* by settling at Rome, they were described, along with such old Latin colonies and towns of the league as had retained their ancient privileges, as *socii Latini nominis*, *socii* of a privileged order. But these privileges were at last curtailed. After the colonisation of Ariminum (268 B.C.) there is observable a strong tendency to confine the rights of new *coloniae Latinae* strictly to *commercium*. Later writers speak of *Latini coloniarii* having *commercium* (Ulp. *Reg.* 19, 4), but not *conubium* (*ib.* 5, 4). Similarly their general right of settling at Rome, and thereby becoming *cives* if they left a son behind in the colony (Liv. xli. 8, 9), was taken away from them. The Roman dislike of its exercise is attested by the expulsion of Latins from Rome in B.C. 187 and 177 (Liv. xxxix. 3; xli. 9, 9), and eventually *Latini coloniarii* were able to rise to the Roman *civitas* only in two ways: by discharging one of the higher magistracies (*honores*) in their own colony (App. *Bell. Civ.* ii. 26; Strabo, iv. 1, 12), and by bringing a successful prosecution under the Lex Acilia repetundarum, passed B.C. 123 (*C. I. L.* i. 198, ll. 76, 78). The phrase "per Latium venire in civitatem" (Plin. *Paneg.* 37; Gaius, i. 95) denotes in particular the first of these. Under the emperors, attainment of an *honor* in some towns with Latin rights made only the individual himself *civis*: in others the privilege was shared with him by his parents, wife and family, and this seems to be the clue to the meaning of *minus Latium*, *majus Latium* in Gaius, i. 95, and the Lex municip. Salpens. c. 21.

Thus before the Social War there were only two classes of persons, *cives* and *peregrini*, the Latins being included under the latter denomination, along with the *socii* and the provincial subjects of Rome. The leges Julia and Plautia Papiria, passed at the end of that war [CIVITAS], extended Roman citizenship all over Italy, so that Latinitas in the old sense disappeared. But the rights which it connoted—*commercium* without *conubium* or the public rights of citizenship—had become a distinct political conception: and the term was retained to denote a status which the Romans conferred on towns and countries outside Italy by way of favour. The first step in this direction was made by a Lex Pompeia, B.C. 89, which conferred this Latinitas on the Transpadane Gauls (Ascon. *in Pis.* p. 3), and expressly provided that the attainment of a *honor* should be a title to the *civitas*. Cicero says the same status was bestowed on the Sicilians after Caesar's death (*ad Att.* xiv. 12): Hadrian granted it to a large number of cities (Spart. *Had.* 21), and Vespasian to the whole of Spain (Plin. *H. N.* iii. 4) and to some of the Alpine tribes (*ib.* iii. 20); and Richard of Cirencester, in his work *de situ Britanniae*, speaks of ten cities in Britain which were "Latio jure donatae." The number of communities possessed of the same rights was increased by the establishment of Latin colonies in the provinces after the Social War: thus (*e.g.*) Comum was made a *colonia Latina* by Caesar (B.C. 59) under the name of Novum Comum (Appian, *Bell. Civ.* ii. 26), and several towns of this class, especially in Spain, are mentioned by Pliny: see COLONIA. The *Latini coloniarii* mentioned by Ulpian are thus apparently the inhabitants either of *coloniae Latinae* in the provinces, or of towns or districts on which the *jus Latii* had been conferred by a lex or imperial favour, both of which seem to be included under the "oppida Latinorum veterum" which Pliny (iii. § 18) mentions along with the "oppida civium Romanorum," military colonies of Roman citizens.

A new class of Latins originated with the Lex Junia Norbana, the date of which is approximately 19 A.D. Prior to that statute, slaves manumitted otherwise than by *vindicta*, *census*, or *testamentum* [MANUMISSIO], even though fully owned "ex jure Quiritium" by their masters, had not become free in the eye of the law; but they were said "in libertate esse," being protected by the praetor so long as they lived against any attempt on the part of the master to exercise the rights of ownership over them ("olim ex jure Quiritium servi, sed auxilio praetoris in libertatis forma servari soliti," Gaius, iii. 56). The number of such semi-free persons was increased by the Lex Aelia Sentia, A.D. 4, which further curtailed the power of making slaves *cives* by manumission (Gaius, i. 18, 38). A legal status, however, was given them by the Lex Junia Norbana, which provided that, like *Latini coloniarii*, they should have the *commercium* without the *conubium* or the public rights of *civitas*: hence they were called *Latini Juniani* (Gaius, i. 22, iii. 56). Even the ordinary rights of *commercium*, however, were curtailed largely in their case by the statutes depriving them of the power of making a will, of benefiting under the will of another person, and of competence to be appointed guardian under a testament (Gaius, i. 22, 24; Ulp. *Reg.* 20, 8): consequently as they must die intestate, and could have neither *sui heredes* nor agnates, their property went inevitably on their decease to the patron "jure quodammodo peculii" (Gaius, iii. 56; *Inst.* iii. 7, 4). The children of a Latinus Junianus inherited their father's status. But there was a large number of ways in which a Latinus Junianus could rise to the *civitas* either alone, or along with his wife and children: these, which are enumerated by Gaius, i. 28 *sq.*, and more fully by Ulpian, *Reg.* 3, comprise remanumission in one of the statutory modes, serving a certain time in the Roman guards, imperial grant, *jus liberorum*, &c. (See Mr. Poste's *Gaius*, note on i. 35.)

The status of Latinitas disappeared momentarily when Caracalla bestowed Roman citizenship on all the free subjects of the Empire [CIVITAS], but the operation of the Lex Junia must have at once re-created it. Justinian says (*Inst.* i. 5, 3) that in his time Latins were not often met with, and by Cod. vii. 7 he abolished the status of Latinitas altogether.

(Marquardt, *Römische Staatsverwaltung*, i. pp. 23–57; Savigny, *Ueber die Entstehung und Fortbildung der Latinität, vermischte Schriften*, i. pp. 14–18; *Der römische Volkschluss der Tafel von Heraclea*, ib. iii. pp. 293–304; Madvig, *de*

Jure Coloniar., *opusc. acad.*, pp. 271–284; Rudorff, *Römische Rechtsgeschichte*, § 11; Vangerow, *Latini Juniani*, Marburg, 1833; Puchta, *Institutionen*, §§ 62, 63.) [J. B. M.]

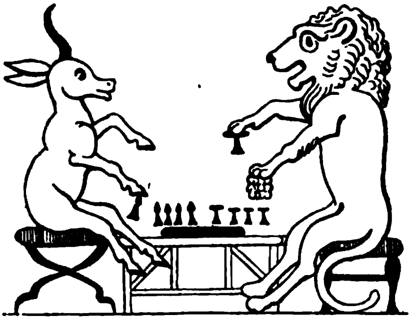
LATRI'NA, Greek [DOMUS, p. 664 *a*]; Roman [DOMUS, p. 672 *a*].

LATROCI'NIUM, LATRO'NES. Armed persons who robbed others abroad on the public roads or elsewhere were called *latrones*, and their crime *latrocinium*. Murder was not an essential part of the crime, though it was a frequent accompaniment (Sen. *de Ben.* v. 14; Dig. 49, 15, 24; 50, 16, 118). Under the Republic *latrones* were apprehended by the public magistrates, such as consuls and praetors, and forthwith executed (Liv. xxxix. 29, 41). By the Lex Cornelia de Sicariis of the dictator Sulla, they were classed with *Sicarii* and punished with death, and this law continued in force in the imperial times (Dig. 48, 19, 28; Sen. *de Clem.* ii. 1, *Epist.* 7: Petron. 91); from the 2nd century onwards the praefectus urbi had summary jurisdiction in such crimes in the city and for a circuit of 100 Roman miles about it (see Marquardt, *Staatsverwaltung*, i. 225; Mommsen, *Staatsrecht*, ii. 1067). The *grassatores* were another kind of robbers, who robbed people in the streets and roads, and besides robbing murdered and kidnapped (Suet. *Aug.* 32; *Tib.* 8; cf. Juv. iii. 305, x. 22, xiii. 145; Friedländer, ii. 29). The name *grassator* seems strictly to belong to the unarmed footpad: if they used arms, they were punished, like the *latrones*, capitally, or in less flagrant cases they were condemned to the mines or exiled. (Cic. *de Fato*, 15; Dig. 48, 19, 28: see also Rein, *Criminalrecht*, p. 424.) [W. S.] [G. E. M.]

LATRU'NCULI (πεσσοί, ψῆφοι, *calculi*), a game of skill resembling draughts, played in a variety of ways by both Greeks and Romans. The invention of it was commonly ascribed to Palamedes, who, according to some, was also the inventor of dice (Soph. *fr.* 380, 381, Dind.; Eurip. *Iph. A.* 196, πεσσῶν ἡδομένους μορφαῖσι πολυπλόκοις, the "combinations" of the game: a curious but perhaps interpolated passage). Homer represents the suitors of Penelope amusing themselves with it (*Od.* i. 107). Plato assigns both πεττεία and κυβεία with other more useful arts to Theuth, the Egyptian Hermes (*Phaedr.* p. 274 D); and it is at least certain that such games were known to the Egyptians. Besides numerous paintings representing the game, draught-men have been discovered in the tombs. Among the recent acquisitions of the British Museum are some beautiful specimens; a set, apparently of one type, carved as lions' heads; others in glass (a favourite material with the Romans; see below) of two sizes, as if for a game in which there were both "officers" and "men."

The annexed cut, from a papyrus in the British Museum, represents a game of draughts between a lion and an antelope; each plays with five men, distinguished, not by colour, but by their shape: the lion has won, and holds in his left paw a purse containing the stakes. In Wright's *Hist. of Caricature* (1865, p. 8), the vanquished animal is described as "a unicorn"; in Becker-Göll, *Charikles* (ii. p. 373), as a hare (!). It is clearly meant for an antelope, though only one horn is seen, owing to the absence of perspective.

Among the Greeks two kinds of πεττεία at least are clearly distinguishable, though there were probably others. We may notice, in passing, the explanation of the Homeric πεσσοί as quoted from Apion by Athenaeus (i. p. 16 f, 17 a). According to a tradition which Apion heard from a native of Ithaca, this was a game not of mental but of bodily dexterity, a sort of bowls or nine-pins in which a mark was aimed at. Too much has been made of this passage by Becq de Fouquières (pp. 405–407); Homer says simply πεσσοί, and all the rest is fancy (cf. Becker-Göll, *Charikles*, ii. 372). Of the two modes of play of which we have distinct accounts, the simpler and doubtless the older was the game of the five lines, πέντε γραμμαί, thus described by Pollux (ix. 97): ἐπειδὴ δὲ ψῆφοι μέν εἰσιν οἱ πεττοί, πέντε δ' ἑκάτερος τῶν παιζόντων εἶχεν ἐπὶ πέντε γραμμῶν, εἰκότως εἴρηται Σοφοκλεῖ καὶ πεσσὰ πεντέγραμμα καὶ κύβων βολαί· τῶν δὲ πέντε τῶν ἑκατέρωθεν γραμμῶν μέση τις ἦν ἱερὰ γραμμή· καὶ ὁ τὸν ἐκεῖθεν κινῶν ἐποίει παροιμίαν· κίνει τὸν ἀφ' ἱερᾶς. The natural inference is that in this game the pieces moved along the lines, not the spaces between them; though a board of 36 squares, *i.e.* divided by five lines each way, has been suggested (L. and S. *s. v.* πεσσοί). Eustathius (on *Il.* vi. p. 633, 58) throws some further light on the proverbial expression κινεῖν τὸν ἀφ' ἱερᾶς, "to try one's last chance:" it is well known through allusions in literature (Alcae. *fr.* 77 Bergk; Theocr. vi. 18; and elsewhere); but why it was dangerous to move this piece, when it became necessary to move it, or what was the effect upon the game, it is impossible to say. The Greek idiom of course implies that the ἱερὰ γραμμή was the original station of this piece; a sufficient answer to the notion of Becq de Fouquières (p. 402) that it was a part of the board which it was dangerous to approach, and from which a player had to remove his man if possible. It is a matter of probable conjecture, but not expressly stated, that in this game, as in the other form of πεττεία, the object was to hem in the enemy's men, or to place one of them between two adversaries, in which case it was taken off the board; and that the game was won, as in modern draughts, either by the capture of all the opposing forces or by their inability to move.



Egyptian Draughts. (From a papyrus in the British Museum.)

The accounts of the other kind of πεττεία are a little more explicit: it was called πόλις or rather *πόλεις*, another name for the *χῶραι* or squares. The leading passage is Pollux, ix. 98: *ἡ δὲ διὰ πολλῶν ψήφων παιδιὰ πλινθίον ἐστὶ χώρας ἐν γραμμαῖς ἔχον διακειμένας· καὶ τὸ μὲν πλινθίον καλεῖται πόλις, τῶν δὲ ψήφων ἑκάστη κύων· διῃρημένων δὲ εἰς δύο τῶν ψήφων κατὰ τὰς χρόας, ἡ τέχνη τῆς παιδιᾶς ἐστι περιλήψει δύο ψήφων ὁμοχρόων τὴν ἑτερόχρουν ἀνελεῖν.* We have here distinct mention of squares instead of lines, of the different colours of the men (here called *κύνες* and not *πεσσοί*), of the rule that a man caught between two adversaries was lost. In the words *καὶ τὸ μὲν πλινθίον καλεῖται πόλις*, there seems to be a confusion between the board (*πλινθίον*) and the squares (*χῶραι*) into which it was divided; other passages, however, clear up this difficulty. Zenob. *Cent.* v. 67: *πόλεις παίζειν· μέμνηται ταύτης Κρατῖνος ἐν Δραπετίσι·* [*fr.* 51 M. *ap.* Poll. *l. c.*] *ἡ δὲ πόλις εἶδος ἐστὶ παιδιᾶς πεττευτικῆς, καὶ δοκεῖ μετενηνέχθαι ἀπὸ τῶν ταῖς ψήφοις παιζόντων, ταῖς λεγομέναις νῦν μὲν χώραις, τότε δὲ πόλεσιν.* Plat. *Rep.* iv. 422 E: *ἑκάστη γὰρ αὐτῶν πόλεις εἰσὶ πάμπολλαι, ἀλλ' οὐ πόλις, τὸ τῶν παιζόντων*: with the Scholia. These passages show that the game was really called *πόλεις παίζειν*: and Becq de Fouquières is not happy in his conjecture that the *πόλις* was a particular part of the board. Compare Plat. *Rep.* vi. 487 B, *ὑπὸ τῶν πεττεύειν δεινῶν οἱ μὴ τελευτῶντες ἀποκλείονται καὶ οὐκ ἔχουσιν ὅ τι φέρωσιν*, where "hemming in" the enemy is of the essence of the game and *φέρειν* is a technical word for "to move," another being *θέσθαι*. Polyb. i. 84, *πολλοὺς ἀποτεμνόμενος καὶ συγκλείων ὥσπερ ἀγαθός πεττευτής*. The giving of odds (*κρεῖσσον*) is alluded to (Eurip. *Suppl.* 409); and taking back a move (*ἀναθέσθαι*, [Plat.] *Hipparch.* 229 E). The number of *ψῆφοι* in the developed form of this game seems to have been thirty on each side: this rests on Phot. *Lex.* p. 439, 1: *πόλεις παίζειν τὰς νῦν χαρὰς* [*χώρας* is an obvious correction] *καλουμένας ἐν ταῖς ζ′*, where Porson corrects *ξ′*. In Pollux (vii. 206), Eustathius (*ad Il.* vi. 169), and Hesychius (*s. v. διαγραμμισμός*), perhaps by a confusion, sixty men are also assigned to games with dice. The Greeks used simple materials: the *πεσσοὶ* were merely round or oval stones (*ψῆφοι*. *calculi*), and, as with us, the same men might be used for draughts and backgammon [DUODECIM SCRIPTA].

In none of the Greek forms of draughts is there any mention of pieces more powerful than the rest, like the crowned kings or *dames* of the modern game. This distinction first appears in the Roman *latrunculi*, which in other respects were very like the *πόλεις* just described. The *calculi*, a name common to this with other games, were here specially called *latrones*, i.e. not robbers, but soldiers; the word comes from *λάτρον*, "pay" (Varro, *L. L.* vii. 52: Fest. *Epit.* p. 118 M.); more commonly the dim. *latrunculi*, or in verse *milites* (Ov. *A. A.* ii. 207–8, iii. 357; *Trist.* ii. 477): for the game may be said to represent a miniature combat between two armies. That they stood on the squares of the board (*tabula latruncularia*, Sen. *Ep.* 117, § 30), not on the lines, is proved by another passage of Varro (*L. L.* x. 22): "Ad hunc quadruplicem fontem ordines diriguntur bini, uni transversi, alteri directi, ut in tabula solet, in qua latrunculis ludunt." Neither t number of squares nor of men is anywh mentioned: the latter are conjectured to ha been thirty a side as in the Greek game. Gl was a common material (Ov. *A. A.* ii. 20 Mart. vii. 72, 8); when "gems" are mention imitation jewels of glass are probably mea (Mart. xii. 40, 3; xiv. 20); sometimes th were made of earthenware, ivory, or t precious metals. The colours are distinguish (Ov. *Trist.* l. c.; *Paneg. Pis.* 182; Mart. x 17); a set of stone *calculi* of a hemispheri shape found in a tomb at Cumae are curious enough of *three* colours,—white, black, and (*Bullett. Nap.* 1852, p. 132).

The distinction between "officers" and "me noticed above in Egyptian draughts, is a proved to have existed in the Roman gam see Isid. *Orig.* xviii. 67: "Calculi partim ordi moventur, partim vage. Ideo alios ordinari alios vagos appellant. At vero, qui mov omnino non possunt, incitos dicunt;" and t passage quoted below from the *Panegyric* Piso. Here *ordine* seems to mean "one squa at a time," *vage* "in any direction so far as t range was unobstructed;" though a leapi movement has also been suggested (Marquard p. 833). The officers probably stood on the fir rank, the men as a "row of pawns" (*Bauer reihe*) in front of them; but we must beware pursuing too far analogies derived from ches The superior pieces were called *latrones*, t inferior very probably *latrunculi*; the doubtf term *mandra* comes in here for discussion. W find it in Mart. vii. 72, "Sic vincas Noviumqu Publiumque, Mandris et vitreo latrone clusos; and in *Paneg. Pis.* 191, "fracta prorumpat agmina mandra." The sense of "sheepfold" "cattlepen" passes easily into that of "a dro of cattle," (Juv. iii. 227) or "a string of mules (Mart. v. 22). As applied to the game latrunculi, *mandra* may mean a square of th board, and so it is usually explained in the li of Martial: in *Paneg. Pis.* it undoubtedly mea the row of pawns, which is broken through order to afford scope to the more powerf pieces; a sense which will equally suit th former passage. But even the high authorit of Becker (*Gallus*, p. 471) and Marquard (*Privatl.* 833) will not convince us that *mandr* could be applied to the single pawn. As in th Greek game, the object was to get one of th adversary's men between two of one's own, an then take it off the board (Ov. *ll. cc.*; Mar xiv. 17); or else reduce him to a dead bloc (*ad incitas redigere*). In this phrase, so ofte used figuratively (Plaut. *Poen.* iv. 2, 85 *Trin.* ii. 4, 136) the word to be supplied *calces*, an older form for *calculos*, not *linea* as sometimes stated. To attack a man is usuall *alligare* (Sen. *Ep.* 117, § 30); but we sha find also *obligare* and the simple *ligare*.

The most important passage on the game o *latrunculi* is in the *Panegyricus ad Pisonem* printed in old editions of Lucan, and subsequentl ascribed to Saleius Bassus, but now regarded a the work of an anonymous young poet of th age of Claudius (Teuffel, *Röm. Lit.* § 296). Th poem will be found in the *Poetae Latini Minore* of Wernsdorf or Bährens, or in the *Corpu Poetarum* of Weber (pp. 1411–1413). W reproduce this passage (*vv.* 180–196) with a few comments: one phrase in it, we think, has never yet been correctly explained.

> "Callidiore modo tabula variatur aperta 180
> Calculus et vitreo peraguntur milite bella,
> Ut niveus nigros, nunc et niger alliget albos.
> Sed tibi quis non terga dedit? quis te duce cessit
> Calculus? aut quis non periturus perdidit hostem?
> Mille modis acies tua dimicat: ille petentem 185
> Dum fugit, ipse rapit: longo venit ille recessu,
> Qui stetit in speculis: hic se committere rixae
> Audet et in praedam venientem decipit hostem.
> Ancipites subit ille moras similisque ligato
> Obligat ipse duos: hic ad majora movetur, 190
> Ut citus et fracta prorumpat in agmina mandra
> Clausaque deiecto populetur moenia vallo.
> Interea sectis quamvis acerrima surgant
> Proelia militibus, plena tamen ipse phalange,
> Aut etiam pauco spoliata milite, vincis, 195
> Et tibi captiva resonat manus utraque turba."

V. 184, *periturus perdidit hostem*: i.e. Piso sacrificed pieces which his opponent could not take without suffering a greater loss; *ἀνταναιρέσεις* in Eustath. p. 1397, 45. *V.* 186, *longo venit*, &c. This is a "discovered check" from one of the superior pieces by moving a pawn. But the officers all move alike in the Roman game, a fundamental difference which must prevent its being confounded with chess. *V.* 189, *Ancipites subit.* One man exposes himself to a double attack or cross-fire, *mora* being a technical word for attack. In the words which follow, *similis ligato* has always been understood as if it were simply *ligatus;* and Becq de Fouquières gives a diagram (p. 449), any number of which might be invented, to show how an attacked piece may move to the other end of the board and attack two enemies. This, however, leaves *ancipites moras* without a meaning; as we explain it, he is not really *en prise* of two pieces, but places himself between them, so that he attacks both, while either could take him if it were not for the other; he is *similis ligato*, but not *ligatus;* the well-known manœuvre called the *lunette* at draughts, and a further point of resemblance with the modern game. *V.* 191. For *et fracta* of the MSS. *effracta* or *ecfracta* is now read; the verse has been explained above. It is clear that if the pawns moved straight forward, they captured diagonally; otherwise the line could not be broken through. *V.* 194 f. The fewer pieces the winner had lost, the more glorious the victory: this is illustrated by a story in Seneca (*de Tranq. An.* 14, § 7), and furnishes an additional proof, as Becker has remarked, that the game was more like draughts than chess, notwithstanding a superficial resemblance to the latter. The winner was called *rex* or *imperator* (Vopisc. *Proc.* 13).

After all, it must be pronounced impossible to form an adequate conception of the game; we must admit, with Becker, that many questions remain unanswered. Becq de Fouquières has been decidedly less successful in explaining this game than in the *Duodecim Scripta.* While treating of games of skill among the ancients, it may be as well to say that, since the history of chess was written by the Englishman Thomas Hyde at the end of the 17th century, no scholar has held that it was known to the Greeks or Romans. Chess cannot be traced in the West before the time of Charlemagne and Harun-al-Rashid (A.D. 800); the Greek words for it, *ζατρίκιον* and *σάντραξ*, are found only in late Byzantine writers; both are derived from the Arabic *shatranj*, and that from the Sanscrit *chatur-anga.*

(The older learning is collected, very copiously but without sufficient discrimination between the different games, in a note of Salmasius on Vopisc. *l. c.*, *Hist. Aug.* ii. 736–761, ed. 1671. Modern authorities: Becq de Fouquières, *Jeux des Anciens*, ed. 2, 1873, chaps. 18, 19; Becker-Göll, *Charikles*, ii. 371 ff.; *Gallus*, iii. 468 ff.; Hermann-Blümner, *Privatalterth.* 508 ff.; Marquardt, *Privatl.* 832 ff.) [W. W.]

LAUTU'MIAE, **LAUTO'MIAE**, **LATO'MIAE**, or **LATU'MIAE** (*λιθοτομίαι* or *λατομίαι*, Lat. *Lapicidinae*), are literally places where stones are cut, or quarries; and in this sense the word *λατομίαι* was used by the Sicilian Greeks (Pseudo-Ascon. *ad* Cic. *in Verr.* ii. 1, p. 161, Orelli; cf. Diod. xi. 25; Plaut. *Capt.* iii. 5, 65; *Poen.* iv. 2, 5; Festus, *s. v.* Latumiae). In particular, however, the name lautumiae was given to the quarries of Syracuse, frequently mentioned by ancient authors (Cic. *Verr.* i. 5, § 14; v. 27, § 68; *ib.* 55, § 143; Aelian, *V. H.* xii. 44), and still called *Latomie* (with the Greek accent). They are situated on a part of the heights called Epipolae, to the north of the city, which at the time of the Athenian siege was outside the walls of Achradina; the elder Dionysius a few years later included the whole of the Epipolae within his fortifications. On account of their security they were used as prisons from an early period; the deepest and most inaccessible, now called the *Latomia de' Cappuccini*, is probably that in which the 7,000 Athenian prisoners were confined (Thucyd. vii. 86, 87; Diod. xiii. 33). They continued to serve for the same purpose, and in the days of Cicero were used as a general prison for criminals from all parts of Sicily. The so-called Ear of Dionysius is in the *Latomia del Paradiso;* but the name is a mere fancy of a scholar of the Renaissance, and Cicero and Aelian are certainly mistaken in the notion that the lautumiae were excavated by that tyrant expressly for a prison, though he may have enlarged them (cf. *Dict. Geogr.* ii. 1066 a). Several of them are now laid out as gardens, and being completely sheltered from all winds, though open to the sky, contain a rich sub-tropical vegetation, which renders them one of the most attractive sights of modern Syracuse.

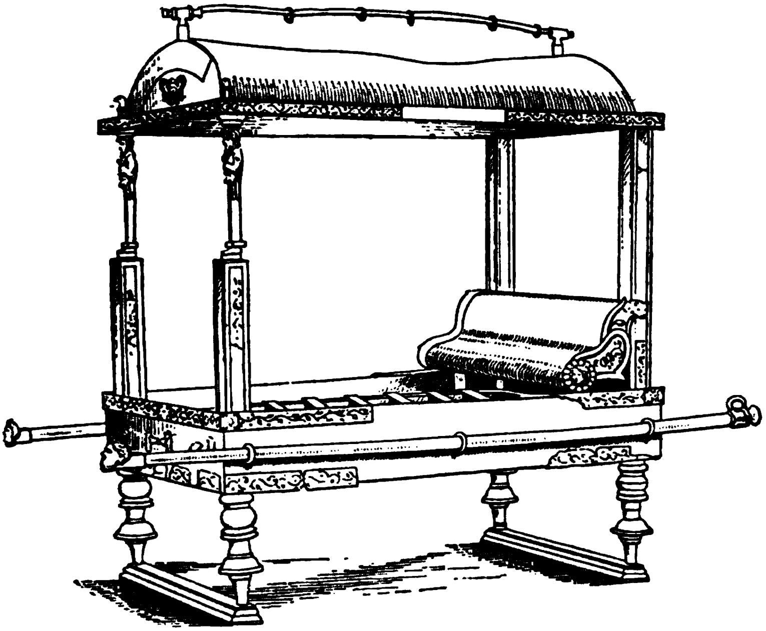
For the prisons called Lautumiae at Rome, see CARCER. [L. S.] [W. W.]

LEBES (*λέβης*), in Greek usage a sort of kettle made of copper or iron, and put over the fire to cook (*Il.* xxi. 362). Buchholz says, "smaller than a tripod" (*Homerische Realien*, ii. § 100), and that is perhaps true of the Homeric times, but that later it was not necessarily small may be seen from Thucydides, iv. 100, where the huge caldron used in the siege of Delium is a *λέβης*. It was also used as the basin for washing the hands of guests at dinner, which were held above the silver *λέβης* while water was poured over them from a jug (*Od.* i. 137), and even of so large a vessel as the bath in which Agamemnon was killed (Aesch. *Ag.* 1129). Pausanias (v. 10, § 4) speaks of *λέβητες* overlaid with gold set on the corners of the temple roof at Olympia: in the Tragedians it occurs as an urn for holding ashes (Aesch. *Ag.* 444, &c.): in Herod. vi. 58, a *λέβης* is beaten like a kettle-drum by Spartan mourners, and in the same way the *λέβητες* at Dodona were sounded, whence Virgil borrows his conventional epithet *Dodonaei lebetes.* The *λέβης*, like the *τρίπους*, was a common prize at Homeric games (*Il.* xxiii. 259), so much so that *αἰτίζων ἀκόλους οὐκ ἄορας οὐδὲ λέβητας* (*Od.* xvii. 222) merely means "a beggar with no ambition beyond it for heroic contests." The general conclusion from all this is, that the size varied, but the material was always metal: in shape it was rounded at the bottom, so that sometimes it was supported or suspended when it was over the fire, but sometimes it had feet and is called *λέβης τρίπους* (Aesch. *Fr.* 1). From this *metal* *λέβης* of common use, the *lebes* shape was adopted for pottery: for examples, see FICTILIA.

The Cretan *λέβης* (in Gortyna Insc.) was a stater stamped with a *lebes* (cf. *βοῦς*, Aesch. *Ag.* 36): examples of this coin of the 5th and 4th cent. are found (Svoronos. *Bull. Corr. Hell.* 1888). The *lebes* in Latin seems to have been merely a poetical word borrowed from Greek poets. [G. E. M.]

LECTI'CA, in Greek *φορεῖον* or *σκιμπόδιον* (Dio Cass. lvii. 4), was a litter or palanquin in which persons were carried in a lying position from one place to another. For sick persons and invalids of both sexes they were no doubt in use in Greece from early times, but probably in the form of the ordinary bed, being usually called *κλίνη*. As an article of luxury the *φορεῖα* were introduced from Asia, where they had been long in use, and were at Athens employed for carrying ladies (see Suidas, *s. v.*, who calls them *γυναικεῖα*); and by men only when they were lame or in ill-health. The lame Artemon, who habitually used a litter, was nicknamed *περιφόρητος*, either because this indulgence even for a lame man was unusual, or because, according to one account, he used a specially luxurious hammock (Plut. *Pericl.* 27; Anacr. *ap.* Athen. xii. 533; Andoc. *de Myst.* § 61; Plut. *Eum.* 14). If a man without any physical necessity made use of a lectica, he drew upon himself the censure of his countrymen as a person of effeminate character (Dinarch. *c. Demosth.* § 36). The *φορεῖα* were light bedsteads with mattress and pillows, and an awning, supported by four posts, with curtains to it (Plut. *Eum.* l. c.). When the Macedonian conquests had made the Greeks better acquainted with Asiatic luxury, *φορεῖα* were not only more generally used, but were also more magnificently adorned: so Antigonus provides one for Nicaea, *βασιλικῶς κεκοσμημένον* (Plut. *Arat.* 17). The bearers were called *φορεαφόροι*, and were usually four in number (Diog. Laert. v. 73; Lucian, *Somn. s. Gall.* 10; cf. Plut. *Pelop.* 30. See also Becker-Göll, *Charikles*, i. 200).

At Rome, as in Greece, no doubt the sick were carried on some sort of couch from the earliest times: *e.g.* Latinus in the year B.C. 489 was carried into the forum on what Livy calls a lectica (Liv. ii. 36); but it probably was merely the sick man's bed (cf. Catull. x. 17). The lectica strictly so called was probably first introduced into Rome from Asia after the victories over Antiochus, and then used chiefly for travelling; rarely in the streets of Rome itself. The earliest mention of it is found in a speech of Gaius Gracchus quoted by Gellius (x. 3). From this passage it is evident that the lectica was an article of luxury lately borrowed from Asia, whence the rustic imagined it to be a bier conveying a dead man, though (unlike an ordinary bier) it was covered. The lectica had an arched roof (cf. *arcus*, Tac. *Ann.* xv. 57), consisting of leather stretched over it upon four posts, much like the Greek *φορεῖον*, and the sides also were covered with curtains (*vela, plagae* or *plagulae*): hence Martial speaks of "lectica tuta pelle veloque" (cf. Suet. *Tit.* 10): such a litter is called by Greek historians *φορεῖον κατάστεγον.* Tiberius sent Agrippina and her children after their condemnation in a litter with the curtains sewn up (*obsuta*, Suet. *Tib.* 64). In the Empire, however, as time went on, curtains were not thought a sufficient protection; and we find that lecticae used by men as well as women were closed at the sides with windows made of talc (*lapis specularis*), whence Juvenal (iv. 20) calls it *antrum clausum latis specularibus* (compare Juv. iii. 239). We sometimes find mention of a *lectica aperta* (Cic. *Phil.* ii. 24, 58), but we have no reason to suppose that in this case it had no roof, for the word *aperta* probably means nothing more than that the curtains were drawn aside: it was considered incorrect for women to go in a litter with the curtains open (Sen. *de Benef.* i. 9, 3; Apul. 76). The whole lectica was of an oblong form, and the occupant lay on a bed, his head being supported on a pillow so that he might read and write in it with ease. To what extent this luxury was carried as early as the time of Cicero, may be seen from one of his orations against Verres (v. 11, 27). Feather beds seem to have been used (Juv. i. 159): the framework, as well as the other furniture, was often of the most costly description, adorned with ivory and silver (Lamprid. *Heliogab.* 4). The lectica, when standing, rested on four feet: it was carried by slaves (*lecticarii*) by means of poles (*asseres*) attached to it, but not fixed, so that they could easily be taken off (Suet. *Calig.* 58; Juv. vii. 122, iii. 245; Mart. ix. 23, 9). These *asseres* generally rested on the shoulders of the lecticarii, being passed through *lora*,—that is, straps fixed on the lectica (Sen. *Ep.* 80, 110; Juv. iii. 240; Mart. ii. 57): sometimes they were carried lower by straps (*struppi*) round the necks of the bearers, like the modern tragsessel (Gell. x. 3; cf. Plut. *Pericl.* 27). The art of taking the lectica upon the shoulders was called *succollare*, and the person who was carried was said *succollari* (Plin. *H. N.* xxxv. § 117; Suet. *Otho*, 6). From this passage we also learn that the name *lecticarii* was sometimes incorrectly applied to those slaves who carried a person in a sella or sedan-chair. The number of lecticarii employed in carrying one lectica varied according to its size, and the display of wealth which a person might wish to make. The ordinary number was probably two (Petron. *Sat.* 56; Juv. ix. 142); but it varied from two to eight, and the lectica is called hexaphoron or octophoron, accordingly as it was carried by six or eight persons (Juv. i. 64; Mart. ii. 81, vi. 77; Cic. *c. Verr.* v. 11, *ad Q. Fr.* ii. 10). Wealthy Romans kept certain slaves solely as their lecticarii (Cic. *ad Fam.* iv. 12); and for this purpose they generally selected the tallest, strongest, and most handsome men, and had them always well dressed. Liburnians seem to have been much used for this in Juvenal's time (iii. 240, iv. 75, vi. 477), so that *Liburnus* was used for the office, like the word *Suisse* in Paris. In the first passage, it is true, some read *Liburna*, and explain it as a sort of litter,—"named from the Liburni," is Professor Mayor's suggestion; but he adopts the reading *Liburno* in his text, and this in view of the two other passages is most probable. In the time of Martial it seems to have been customary for the lecticarii to wear red liveries. The lectica was generally preceded by a slave called *anteambulo*, whose office was to make room for it (Martial, iii. 46; Plin. *Epist.* iii. 14; compare Becker-Göll, *Gallus*, ii. 158). The following cut shows a lectica constructed from fragments found on the Esquiline in 1874.



Lectica. (See Castellani, *Bull. Commun.* 1881, p. 214, tav. 15.)

Shortly after the introduction of these lecticae among the Romans, and during the latter period of the Republic, they appear to have been very common, though they were chiefly used in journeys, and in the city of Rome itself only by ladies and invalids (Dio Cass. lvii. 17). But the love of this as well as of other kinds of luxury increased so rapidly, that Julius Caesar thought it necessary to restrain the use of lecticae, and to confine the privilege of using them to certain persons of a certain age, and to certain days of the year (Sueton. *Caes.* 43).

In the reign of Claudius we find that the privilege of using a lectica in the city was still a great distinction, which was only granted by the emperor to his especial favourites (Suet. *Claud.* 28). It was apparently a senatorial privilege granted by Claudius as a favour to his freedman Harpocras (Friedländer, i. 157). But what until then had been a privilege became gradually a right assumed by all, and every wealthy Roman kept one or more lecticae, with the requisite number of lecticarii. The Emperor Domitian, however, forbade prostitutes the use of lecticae (Suet. *Domit.* 8). There was a company or corpus lecticariorum with officers over them. In the inscriptions we find *praepositus lecticariorum*, *decurio lecticariorum* (*C. I. L.* 8874, 5), and a *castra lecticariorum* in the Regio transtiberina belonging to the lecticarii publici, who stood ready for the service of the magistrates (Preller, *Regionen*, p. 218), but probably also for general hire (Juv. vi. 353). They were of the class of freedmen (cf. Mart. iii. 46).

The lectica above mentioned in which the occupant reclined, must be distinguished from the *sella gestatoria* or sedan-chair in which he sat [see SELLA]; but, if Dio is right in his statement that the sella was never used before the reign of Claudius, we must conclude that Suetonius in *Aug.* 53 uses one inadvertently for the other. Lectica is also used sometimes as the word for a bier, which is more usually called *lectus* or *lectus funebris* [see under LECTUS]. (For further information see Becker-Göll, *Gallus*, iii. 29; Marquardt, *Privatleben*, 736.) [L. S.] [G. E. M.]

LECTICA'RII. [LECTICA.]

LECTISTE'RNIUM (στρῶμναι, Dionys. xii. 9, and expressed in the kindred Greek ceremonies by the words κλίνην στρῶσαι: Theocr. xv. 127, &c.), a sacred feast at which certain of the gods were represented as reclining (*accubantes*) on a lectus, each with the left arm resting on a cushion (*pulvinus*), whence the lectus was called *pulvinar*. It was set in the open street, and before it was placed a table with offerings of food from the people. Livy (v. 13) gives a distinct account of its origin and first celebration: that it was ordained by the Sibylline books in a time of pestilence, B.C. 399; Duumviri sacris faciendis were appointed to hold the feast for eight days (Dionysius, *l. c.*, says seven). There was a general celebration also through the city by the citizens from their private resources, the doors thrown open and hospitality offered to all comers, as though to induce forgetfulness of the public troubles. The deities so approached with prayers and a feast on this, the first, occasion were Apollo and Latona, Diana and Hercules, Mercury and Neptune, placed in pairs on the sacred couches; and at all proper lectisternia the deities were placed in pairs: that is to say, their statues, covered with drapery, which Festus (s. v. *tensa*) calls *exuviae deorum*, or, as Marquardt prefers to think, draped wooden figures with heads of bronze, wax, or marble, like the Greek acroliths, were so arranged: possibly they were borne to the pulvinar upon sacred tensae as on the (totally different) occasion of the Circensian games. The idea that these statues were merely busts is probably wrong, and rests only on the words in Liv. xl. 59, "deorum capita *quae* in lectis erant," but here Madvig reads *qui*. It is an error to confuse this sacred rite with the *epulum Jovis*, which represented the old family offering to Jupiter Dapalis, with whom were associated the other Capitoline deities, Juno and Minerva, as permanent protectors of the state, and Mercurius, who in this respect bore, like Jupiter, the surname Epulo. The *epulum Jovis* was an archaic festival superintended by the pontifices, until the special officers called *epulones* were appointed, and it differed from the lectisternium, as originally instituted, in placing the god on a lectus and the goddesses by Roman custom, conservative in religion, on sellae. In Liv. xxii. 1 it is said that a lectisternium was given to Juno Regina on the Aventine, and in B.C. 217, after the disastrous battle of Trasimene, there was a lectisternium for three days to six pairs of deities (Liv. xxii. 10). Livy numbers the lectisternia which fall in his first decade; the 3rd was "pacis exposcendae causa," the 4th in time of pestilence upon consultation of the Sibylline books, the 5th "placandis diis" at the outbreak of the second Samnite war (Liv. vii. 2 and 27; viii. 25). It should be noticed that all the early lectisternia were in time of trouble to appease the anger of heaven, not as thanksgivings, being no doubt adopted from the Sibylline books when other means failed.

It appears from Liv. xxxvi. 1, xlii. 30, that there was later a constant or perhaps daily lectisternium, "majorem partem anni," to certain deities. This must be held distinct from the extraordinary lectisternium ordered for a special crisis. It was no doubt a regular celebration in the different temples, and its method was borrowed from the lectisternium proper. The *supplicatio*, which was an old Roman rite (Liv. iii. 63), became connected with the lectisternium and to some extent confused with it, since it was celebrated commonly "omnibus diis quorum pulvinaria Romae erant," *i.e.* to those deities in whose honour the lectisternium also was held. In the imperial times, by a sort of reaction to old Roman feeling, a change was made as regards the lectisternium, that *for goddesses* it should be a sellisternium (*i.e.* they should, in old fashion, sit instead of reclining).
This alteration is mentioned by Tacitus in
celebrated chapter (*Ann.* xv. 44) as takin
place when Nero tried various means, and finall
a persecution of Christians, to escape the infami
of the burning of Rome (cf. also Val. Max. i
1, 3).

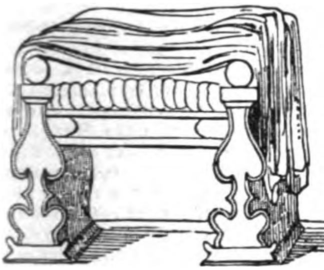
As regards the origin of the lectisterniur
there is some controversy. Preller (*Römisc*
Myth. p. 133) maintains that it belonged to th
national religion of Rome handed down from th
earliest times, and cites in proof a statement
Pliny, *H. N.* xxxii. 2, that "cenae ad pulvinaria
had been ordained by Numa, and from Varr
(quoted by Servius, *ad Aen.* x. 76) that there wa
a lectus spread before Picus and Pilumnus i
behalf of child-birth. It must be recollecte
however, that from the familiarity of writers i
the late Republic and Empire with the terms
the lectisternium, they were likely to app
them to the old Roman offerings, such as thos
of Jupiter Dapalis, the Lares, &c.; and thes
vague notices can hardly weigh against the pr
cise statement of Livy, that the first lectiste
nium was in B.C. 399. It is safer therefore t
adopt Marquardt's view, that it was a Gree
custom introduced into Rome, and afterward
more or less amalgamated with other olde
institutions of native origin. Of this Gree
origin there are several indications: (1) Th
source of the ordinance, the Sibylline books, i
Greek. (2) Three of the deities first so honoure
were unknown to the Romans of the oldes
times—Apollo, Latona, and Artemis (the Delphi
Triad)—and a fourth (Hercules) is worshippe
in new fashion, since according to Servius, *a*
Aen. viii. 176, the lectisternium was prohibite
at the Ara Maxima. (3) The recumbent pos
tion for the gods and goddesses was altogethe
contrary to old Roman custom: in the earlie
times all in the Roman family alike sat, and i
later times the wives and children. It may b
added also that the number, two on each couc
was Greek, not Roman; for at Rome three w
the number on each lectus. We know, to
of this as a Greek rite in early times—*e.*
at Athens to Zeus Soter and Athene Sotei
(*C. I. A.* ii. 305); to Pluto (*C. I. A.* ii. 948)
at Tegea to Athena (Pausan. viii. 47);

Pulvinar at the Theoxenia. (From a Greek vase. *Roy. Soc. Lit.*, N. S., ix. p. 434.)

Heracles, as represented in many ancien
works of art; at Alexandria to Adonis an

Aphrodite (Theoc. xv. 127); and to these may be added the Theoxenia at Delphi, with which A. Mommsen (*Delphika*, 303) compares the lectisternia.

Of the two cuts given, the first, taken from a Greek vase, represents the pulvinar at the Theoxenia of the Dioscuri, and a palm branch upon it, offered by an Olympic victor. The mounted figures supply pictorially the names of the Dioscuri. It must not be supposed that they were actually so shown in the feast. The second cut, representing the pulvinar of a lectisternium, was taken by Mr. Yates from one in the Glyptothek at Munich. (See also on this subject Marquardt, *Röm. Staatsverwaltung*, iii. 45, 187.) [G. E. M.]



Pulvinar of a Lectisternium. (From the Glyptothek at Munich.)

LECTUS (*κλίνη, λέχος, εὐνή*), a bed. In the Homeric poems we find three kinds of beds distinguished: (1) *λέχος*, a heavy compact bedstead,—even a fixture, as the famous bedstead in the palace of Ulysses; (2) *δέμνια*, easily transportable, like a camp-bed; (3) a "shake down" upon the floor, with no framework at all, expressed by the words *χάμαδις στορέσαι*. As the most noticeable instance of the *λέχος*, we have the description (*Od.* xxiii. 190) of the bed made for himself by Ulysses. The actual trunk of an olive-tree, round which he has built and roofed his chamber, forms one solid and immovable post, lopped and smoothed with the axe; upon this is constructed the rest of the wooden framework, with the other three feet; the whole inlaid with gold and silver and ivory, and having a red leather strap across to support the bedding. (Buchholz somewhat strangely interprets the *ἱμὰς* to be a strap hung above the bed, by which the occupant might raise himself up. The only argument for such a view appears to be the use of the singular; but there is no reason why one girth should not be used—*τόνος* would be the word in later Greek—even if we do not take it as a poetical usage of singular for plural.)

For the *δέμνια* as a quickly improvised bed, see *Od.* iv. 296, vii. 335; *Il.* xxiv. 643. From these passages it appears that *δέμνια* means a light framework, such as slaves could bring out into the portico, and over it was spread the bedding (see below). The passage in the Iliad, it is true, seems to use *λέχος* contrary to custom in the sa[illegible]nse. For the third kind, see *Od.* xx. 1, [illegible] e Ulysses, as a poor wanderer, has no beds [illegible] but merely an ox-hide and the bedding pl[illegible] upon it. The *λέχος* was, as has been said, [illegible] or at least a solid framework, and therefore called *πυκινόν* (*Od.* vii. 340, &c.): when *στορέσαι* is joined to it, the arrangement of the bedding is referred to. It is made with rounded posts (*δινωτόν*) and carved. (The word *τρητός*, however, to which Buchholz gives this meaning, may only imply that the framework was pierced for the cords or girths.) The plural *τὰ λέχεα* includes bedstead and bedding, which was arranged as follows. On the *λέχος* or *δέμνια* were placed (1) *ῥήγεα* = mattress and pillows. (Göll argues from their being washed that they were merely woollen rugs; but they are always distinct from *τάπητες*.) (2) Over these were spread *τάπητες*, woollen blankets, not for a covering, but to make the bed softer; both *ῥήγεα* and *τάπητες* were under the sleeper, and over him were (3) *χλαῖναι* as a coverlet (*Od.* iv. 296, vii. 338; *Il.* xxiv. 647). The word *εὐνὴ* in Homer is merely a sleeping-place with or without a bed (comp. *Od.* vii. 347, xi. 188). The poorer classes, as in the passage cited from *Od.* xx., had a hide in place of the *λέχος*, and *κώεα* in place of the *ῥήγεα* and *τάπητες* (cf. *Od.* xiv. 518. For fuller discussion, see Buchholz, *Homerische Realien*, § 60). The complete bed consisted in later times of the following parts: *κλίνη, ἐπίτονοι, τυλεῖον* or *κνέφαλλον, προσκεφάλαιον*, and *στρώματα*.

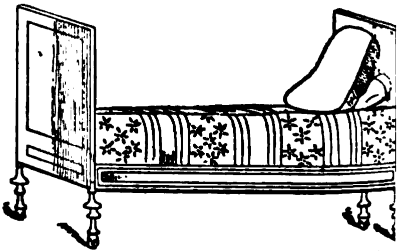
The *κλίνη*, though used generally for the whole (*εὐνὴ* being rare in prose), is, properly speaking, only the bedstead, and seems to have consisted only of posts fitted into one another and resting upon four feet. At the head part alone there was a board (*ἀνάκλιντρον* or *ἐπίκλιντρον*) to support the pillow and prevent its falling out. Sometimes this was wanting, as we see in drawings on ancient vases (see also Poll. x. 34; vi. 9). Sometimes, however, the bottom part of a bedstead was likewise protected by a board, so that in this case a Greek bedstead resembled a modern so-called French bedstead. The *κλίνη* was generally made of wood, which in quality varied according to the means of the persons for whose use it was destined; for in some cases we find that it was made of solid maple or boxwood, or veneered with a coating of these more expensive woods. At a later period bedsteads were not only veneered with ivory or tortoise-shell, but sometimes had silver feet (Pollux, *l. c.*; Aelian, *V. H.* xii. 29; Athen. vi. p. 255). This method of veneering is like that described by Pliny, *H. N.* ix. § 33: "testudinum putamina secare in lamnas, lectosque et repositoria his vestire Carvilius Pollio instituit."

The bedstead was provided with girths (*τόνοι*, from which possibly the metaphor about Cratinus is drawn in Aristoph. *Eq.* 532), *ἐπίτονοι, κείρια* on which rested the bed or mattress (*κνέφαλον, τυλεῖον* or *τύλη*: the last word, however, is an old Ionic domestic term in this sense, in Attic a knot or hump: Rutherford's *New Phrynichus*, p. 256). The cover or ticking of a mattress was made of linen or woollen cloth or leather, and the usual stuffing (*πλήρωμα*) was dried reeds or wool. At the head part of the bed and supported by the *ἐπίκλιντρον* lay a round pillow (*προσκεφάλαιον*) to support the head; and in some ancient pictures two other square pillows are seen, which were intended to support the back. The covers of such pillows are striped in several pictures on ancient vases (see the woodcut under SYMPOSIUM), and were therefore probably of various colours. They were undoubtedly filled with the same materials as the beds and mattresses.

The bed-covers, which may be termed blankets or counterpanes, were called by a variety of names, such as *περιστρώματα*, *ὑποστρώματα*, *ἐπιβλήματα*, *ἐφεστρίδες*, *χλαῖναι*, *ἀμφιεστρίδες*, *ἐπιβόλαια*, *δάπιδες*, *ψιλοδάπιδες*, *ξυστίδες*, *χρυσόπαστοι*, *τάπητες* or *ἀμφιτάπητες*. The common name, however, was *στρώματα*. They were generally made of cloth, which was very thick and woolly either on one or on both sides (Pollux, vi. 9). It is not always easy to distinguish whether the ancients, when speaking of *κλῖναι*, mean beds in our sense of the word, or the couches on which they lay at meal-times. We consequently do not know whether the descriptive epithets of *κλῖναι*, enumerated by Pollux, belong to beds or to couches. But this matters little, as there was scarcely any difference between the beds of the ancients and their couches, with this exception, that the latter being made for appearance as well as for comfort, were, on the whole, undoubtedly more splendid and costly than the former. Considering, however, that bedsteads were often made of the most costly materials, we may reasonably infer that the coverings and other ornaments of beds were little inferior to those of couches. Notwithstanding the splendour and comfort of many Greek beds, the Asiatics, who have at all times excelled the Europeans in these kinds of luxuries, said that the Greeks did not understand how to make a comfortable bed (Athen. ii. p. 48; Plut. *Pelop.* 30). The places most celebrated for the manufacture of splendid bed-covers were Miletus, Corinth, and Carthage (Aristoph. *Ran.* 410, 542, with the Schol.; *Lysistr.* 732; Cic. *c. Verr.* i. 34; Athen. i. pp. 27, 28). It appears that the Greeks, though they wore nightgowns (*χιτὼν εὐνητήρ*, Pollux, x. 123), did not simply cover themselves with the *στρώματα*, but wrapped themselves up in them. Less wealthy persons continued, according to the ancient custom, to use skins of sheep and other animals, especially in winter, as blankets (Pollux, x. 123; Aristoph. *Nub.* 10).

The bedsteads of the poorer classes are designated by the names *σκίμπους*, *ἀσκάντης*: a description of such a bed is given by Aristophanes (*Plut.* 540, &c.; compare *Lysistr.* 916). Socrates sleeps on a *σκίμπους* (Plat. *Protag.* 310 C). For this *κράββατος* is used by New Testament writers and in Scholiasts; it is said by Salmasius to be a Macedonian word, whence its use in Hellenistic Greek (see Rutherford, *New Phrynichus*, p. 138). The words *χαμεύνη* and *χαμεύνιον*, which originally signified a bed of straw or dry herbs made on the ground (Theocrit. xiii. 33; Plut. *Lycurg.* 16), were afterwards applied to a bed which was only near the ground, to distinguish it from the *κλίνη*, which was generally a high bedstead. *Χαμεύνια* were the usual beds for slaves, soldiers in the field, and poor citizens, and the mattresses used in them were mere mats made of rushes or bast. (Pollux, *l. c.*, vi. 11, x. 7; Becker-Göll, *Charikles*, iii. 74–81; Guhl and Koner, 143.)

The beds of the Romans (*lecti cubiculares*) in the earlier periods of the Republic were probably of the same description as those used in Greece; but towards the end of the Republic and durin the Empire, when Asiatic luxuries were im ported into Italy, the richness and magnificenc of the beds of the wealthy Romans surpasse everything we find described in Greece. Th bedstead was generally rather high, so tha persons reached the bed by means of a footstoc (*scamnum*, Varro, *L. L.* v. 35, 46): it wa veneered with costly woods, tortoiseshell an ivory (cf. *supra* on *κλίνη*), or overlaid wit plates (*lamnae*) of gold or silver (Mart. ix. 22 or gold leaf (*bracteae*) which the dishonest slav scrapes off with his nail (Mart. viii. 33, 5). Th *aurei lecti* (Cic. *Tusc.* v. 21, 61; Suet. *Jul.* 4 and *eburni* (Hor. *Sat.* ii. 6, 103) were no doub as Göll says, not solid gold or ivory, but overlai with gold and ivory = *inaurati*, *eburati*: s also *lecti aerati* (Liv. xxxix. 6) were overlai with bronze. We hear, however, of massi silver bedsteads (Petron. 73; Lamprid. *Helio* 29). Often the feet, too (*fulcra*), were of go or silver (Verg. *Aen.* vi. 603; Suet. *Claud.* 32 Prop. iii. 5, 5, iv. 7, 3; Juv. xi. 95). Becke less satisfactorily takes these *fulcra* as equivalen to *scamnum* (supports for the foot in mountin the bed). In Propertius, "Cynthia namque me visa est incumbere fulcro," the foot of the be stands for the bed itself. The *lectus pavonin* of which Martial speaks (xiv. 85) was inlai with variegated woods, *citrus*, &c., of man colours. The bed or mattress (*torus*) with th pillow (*culcita*, *cervical*) rested upon girth (*fasciae*, *institae*, *restes* or *funes*: Cic. *de Div.* i 65, 134; Mart. v. 62; Hor. *Epod.* xii. 12). Th two sides of the bed are distinguished by differen names: the side at which it was entered wa open and called *sponda*; the other side was pro tected by a board and called *pluteus* (Isid. xx. 11 There was always a raised head-board at on end; sometimes (as also occasionally in Gree beds) a raised foot-board too. The two sides ar also distinguished as *torus exterior* and *tor* *interior* or *sponda exterior* and *sponda interio* (Ov. *Amor.* iii. 14, 32; Hor. *Epod.* iii. 22; Suet *Caes.* 49). The ordinary stuffing (*tomentum*) o the mattresses and pillows was wool (Plin *H. N.* viii. § 192), for cheaper bedding straw o dried reeds (Hor. *Sat.* ii. 3, 117; Mart. xiv. 160 which had been the old-fashioned material (Plin *H. N.* viii. § 193) in less luxurious times. Late feathers were commonly used, especially fo pillows; so that *pluma* is used for the pillow itself (*e.g.* Juv. vi. 88; Propert. iv. or iii. 7, 50 Mart. xiv. 149). Becker wrongly used thi passage to show that feather tapestry, like th old Mexican work, was used for casings by th Romans: *pluma versicolor* is merely a pillow



Lectus, in which the usual *pluteus* is wanting. (Fro a Pompeian painting.)

with a striped covering, and the art of the plumarius is not what Becker imagined (see Göll's note on *Gallus*, iii. 339; Blümner, *Techn.* i. 210; and the article PLUMARIUS). As a special luxury, Heliogabalus had pillows made of the soft plumage under the partridge's wing. The blankets or counterpanes (*vestes stragulae*) were in rich houses of costly make, dyed purple, and embroidered in gold. These gold-embroidered coverlets were called *Attalicae vestes*, *Attalica peripetasmata*, being, as Pliny (*H. N.* viii. 196) says, first used by Attalus. Hence in Propert. iii. 5, 5, *Attalicus torus* is used for a bed so covered. The name *stragula* belongs both to the blanket on which the occupant lay as well as that which covered him, but the latter was strictly called *opertorium* (Sen. *Ep.* 87, 2).

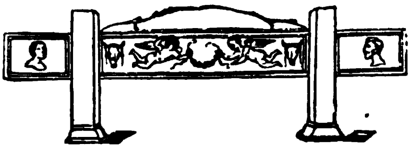
2. The *lectus tricliniaris* (for the use and arrangement of which, see CENA and TRICLINIUM) was in most points like the *lectus cubicularis*. It was, however, lower, as may be gathered from the use of *scandere*, &c. applied to the latter (see also Serv. *ad Aen.* iv. 685). It had also, at least in most cases, a *pluteus*, as may be seen from Suet. *Cal.* 26; Propert. iv. (or v.) 8, 68: and this appears also in drawings. At one end only there was a raised ledge on which a cushion was placed, and on this the left arm rested. Among the Romans it held three persons; among the Greeks, two. Like the bed, it had a mattress (*torus*), over which coverlets of fine stuffs, "Tyriae" vestes, &c., were thrown. The toral was a sort of valance from the torus to the ground (Becker-Göll, ii. 343). Some have thought that the *aulaea* (Hor. *Sat.* ii. 8, 54; *Od.* iii. 29, 14; Verg. *Aen.* i. 697) were a canopy over the lectus, and so Göll maintains; but it is better with Marquardt to take them as wall-hangings, in no way part of the lectus (see AULAEA). For pictures of the *lectus tricliniaris*, see CENA.

3. The *lectus genialis* was the marriage couch to which the newly-married were led by the *pronuba*. It was placed in the atrium opposite the door, and hence was called *lectus adversus* (Prop. v. 11, 85; Laberius, *ap.* Gell. xvi. 9). When a new marriage took place, it was again prepared (*stratus*, Cic. *Clu.* 5, 14: cf. Hor. *Ep.* i. 1, 87; Arnob. ii. 67; Juv. x. 333). Till that time it remained unoccupied in the atrium: by it in old and simple times sat the mistress of the house, spinning and superintending household work. "Lucretia nebat: ante *torum* calathi lanaque mollis erat" (Ov. *Fast.* ii. 739; cf. Ascon. *ad* Cic. *Mil.* 5, 13). The *lectus genialis* was higher than the ordinary bed, and ascended by steps, "gradibus acclivis eburnis," Lucan. ii. 356. ("Qua simplici scansione scandebant in lectum non altum scabellum, in altiorem scamnum: duplicata scansio gradus dicitur," Varro, *L. L.* v. 168.)

4. The *lectus lucubratorius*, often simply *lectus* or *lectulus*, and in Suet. *Aug.* 78 *lectica lucubratoria*, a reading couch smaller and no doubt usually simpler than the bed, but otherwise of much the same construction.

Here the Roman of literary habits spent much of his day, especially in the morning, reading and writing: to this, not to sleep, Horace's "ad quartam jaceo" refers, and the lectulus is his place of meditation (*Sat.* i. 4, 133). Suetonius (*l. c.*) tells us that Augustus was in the habit of going to his reading couch after dinner: see also Pliny the younger's account of Spurinna (*Ep.* iii. 1), and of his uncle's habits (*Ep.* iii. 5) and the description in *Ep.* v. 5, "jacere in lectulo suo compositus in habitum studentis, habere ante se scrinium." The "habitus studentis" was the reclining posture on the left arm, using the right for writing or holding the book: cf. Ov. *Trist.* i. 11, 37; Sen. *Ep.* 72; Pers. i. 52.

5. *Lectus funebris*, also but less frequently *lectica*, and in Corn. Nep. *Att.* 22 *lecticula* (cf. Tac. *Hist.* iii. 67), sometimes in poets *feretrum*, the couch or bier on which the dead were borne. They were sometimes elaborately ornamented. Dio Cassius (lvi. 34) thus describes the bier of Augustus: *κλίνη ἦν ἔκ τε ἐλέφαντος καὶ χρυσοῦ πεποιημένη καὶ στρώμασιν ἁλουργοῖς διαχρύσοις* (*i.e.* Attalicis vestibus) *κεκοσμημένη*. For other particulars, see article FUNUS, and Becker-Göll, *Gallus*, iii. 508. Representations of *lecti funebres* have been found on several sepulchral monuments. The following woodcut represents one taken from a tombstone. [L. S.] [G. E. M.]



Lectus funebris. (From an ancient tombstone.)

LE'CYTHUS (λήκυθος). [AMPULLA.]

LEGA'TUM is defined by Florentinus in Dig. 30, 116, as "delibatio hereditatis qua testator ex eo quod universum heredis foret alicui quid collatum velit:" another less full definition given by Modestinus in Dig. 31, 1, 36, and practically adopted by Justinian in *Inst.* ii. 20, 1, is "donatio testamento relicta." Thus the notion of a legatum implies both that of a testament and that of a universal succession. There might be fideicommissa or trust bequests, but there could be no legata, without a testament: and by a testament the deceased person's *universitas juris* devolves on the heir or person *in loco heredis* [BONORUM POSSESSIO]. The testator first bestows his *hereditas*—the aggregate of his proprietary relations—on his heir or heirs, and any legacies which he may proceed to give are so much deducted from what the heir would otherwise have. And the rule that there can be no legatum without a will was never altered, though, from the time of the classical jurists onwards, it had been so far relaxed as to admit the validity of legacies given in *codicilli* confirmed by the will: "legatum codicillis relictum non aliter valet, quam si a testatore confirmati fuerint, id est nisi in testamento caverit testator, ut quicquid in codicillis scripserit, id ratum sit" (Gaius, ii. 270 a). The fact that the heir suffered by every legacy given explains the phrase *ab herede legare*, to give a legacy away from the heir (Cic. *pro Cluent.* 12; Dig. 30, 16). The Roman term for the legatee is *legatarius*. He did not succeed in any way to the *universum jus* of the deceased (*Inst.* ii. 10, 11), and for that reason he could not in his turn be charged with the payment of a legatum out of what was given him, though he could be saddled with a fideicommissum: "a legatario legari non potest," Gaius, ii. 271.

The word *legatum* contains the same element as *lex*: *legare* is to dispose of a matter (*e.g.* "legatum negotium," Plaut. *Cas.* i. 1, 12), and it is used in this comprehensive sense to denote a man's testamentary dispositions in general in the Twelve Tables: "verbis legis xii. tabularum his, uti legassit suae rei, ita jus esto, latissima potestas tributa videtur et heredes instituendi, et legata et libertates dandi, tutelas quoque constituendi," Dig. 50, 16, 120. Ulpian accordingly explains the word *legatum* by referring to its etymology, and likening a legatum to a *lex* properly so called: "A legatum," he says, "is that which is left by a testament, *legis modo*, that is, *imperative*; for those things which are left *precativo modo* are called fideicommissa" (*Reg.* 24, 1). Being, as contrasted with a fideicommissum, an institution of the *jus civile*, it had always under the older Roman law to be expressed in Latin (Gaius, ii. 281; Ulp. *Reg.* 25, 9), and (as will be seen below) in certain set forms, *civilia verba*. A legacy which was valid or good was legatum *utile*; one which was void was *inutile*; if it was free from all conditions, it was *pure datum*, or, as is said in Dig. 36, 2, 5, legatum *purum*.

Originally there were four forms in which alone legata could be given, and up to the time of Nero (and perhaps far later still), unless they were given in one or other of them, they were void. These forms were called *per vindicationem*, *per damnationem*, *sinendi modo*, and *per praeceptionem*. A legatum *per vindicationem* was expressed thus: "L. Titio hominem Stichum do lego;" or "L. Titius hominem Stichum sumito, capito," or "sibi habeto" (Gaius, ii. 193). Its name was derived from the legatee's remedy, if anyone in possession of the *res legata* refused to give it up: for immediately on the heir's acceptance of the inheritance the ownership of the *res legata* vested in the legatee by operation of law (whence legatum is a mode in which ownership is acquired): it became his *ex jure Quiritium*, and he could maintain a real action (*vindicatio*) for its recovery, though, as had been held by the Proculian school of jurists, whose view was confirmed by Pius Antoninus, an acceptance express or tacit was required on his part before the property became definitely his (Gaius, ii. 195). There was a similar difference of opinion between the Sabinian and the Proculian schools in the case of a legacy *per vindicationem* subject to a condition: the former holding that the thing belonged to the *heres* during the pendency of the condition, while the latter maintained that in the interval it was *res nullius* (Gaius, ii. 200). Nothing, as a rule, could be bequeathed *per vindicationem* which did not belong to the testator *ex jure Quiritium*, at the time both of the execution of the will and of his decease, though it was sufficient if the so-called *res fungibiles* ("res quae pondere, numero vel mensura constant," *e.g.* wine, oil, corn, "pecunia numerata," &c.) were his *ex jure Quiritium* at the latter date only (Gaius, ii. 196; Ulp. *Reg.* 24, 7). If the same thing was given *per vindicationem* to more than one person either jointly (*conjunctim*, e.g. "Titio et Seio hominem Stichum do lego") so as to make them *collegatarii*, or severally (*disjunctim*, e.g. "Titio hominem Stichum do lego: Seio eundem hominem do lego"), each took an equal share: the share of any who failed to take accrued to the rest in equal portions (Gaius, ii. 199).

The form of legacy *per damnationem* was "Heres meus Stichum servum dare damnas esto" or "dato." In this mode a testator could lawfully bequeath property which belonged to anyone (the heir being bound, if it belonged to a third party, to do all he could to buy it, or, if this was impossible, to pay its value to the legatee), and also things which were not in existence at the time when the will was executed —*e.g.* the future offspring of an *ancilla* or female slave. The result of acceptance of the inheritance by the heir was different from that in legacy *per vindicationem*: the *res legata* did not become the property of the legatee by operation of law, but a quasi-contractual obligation was established between him and the heir, by virtue of which he was able to bring an *actio in personam* for its transfer to him by the appropriate mode of conveyance (*mancipatio*, *in jure cessio*, or *traditio*). If the legacy was of an ascertained sum of money and the heir denied his liability, the legatee could, on proving his case, recover twice the original sum ("infitiando lis crescit in duplum," Gaius, ii. 283; *Inst.* iii. 27, 7). There was a difference, too, in the matter of joint legatees. If the same thing was given *per damnationem* to two or more persons *conjunctim*, each took an equal share, though, if any failed, their portion fell by the original law into the *hereditas*, and did not accrue to the co-legatees: but the Lex Papia made it *caducum*, and gave it first to *collegatarii* who had children, then to the *heredes* who had children, and finally to the other legatees who had children; a privilege alluded to by Juvenal (*dulce caducum*, ix. 88). Gaius says (ii. 208) that most authorities held that the rules of the Lex Papia as to *caducitas* applied also to "conjunctive" legacies given *per vindicationem*. In the case of a legacy of the same thing given *per damnationem* to two or more persons *disjunctim*, the heir had to give it to one, and pay its full value to each of the rest (Gaius, ii. 201–208).

The form of legacy *sinendi modo* was "here meus damnas esto sinere L. Titium homine Stichum sumere sibique habere:" by means it a testator could bequeath anything whic belonged either to himself or to his heir at t time of his decease, and, as in the previous ca the legatee had merely an *actio in persona* against the *heres*, though it was doubted wheth the form of bequest imposed any active duty the latter: it being argued that his only oblig tion was to allow the legatee to "take" t object bequeathed to him. This difference opinion led to a similar difficulty where t same thing was given in this form to two more persons *disjunctim*: it being question whether the whole was due to each, or wheth on the principle of "first come first served" t heir's obligation was not altogether satisfi when one of the legatees had got the *res lega* If the same thing was left to two or mo *conjunctim*, they took it in common, but witho any right by accrual to the shares of any w failed to take (Gaius, ii. 209-215).

Legatum *per praeceptionem* was in the fo "L. Titius hominem Stichum praecipito." T

Sabinian school held that *praecipere* here meant "praecipuum sumere," so that a legacy could be left in this way only to one of two or more *coheredes*, and not to anyone else: the legacy meaning no more than that the testator wished one of his heirs to have some specific piece of his property rather than any of the rest. Consistently with this they maintained that the only action by which the legatee could get the *res legata* was that called *familiae erciscundae*, the heir's partition suit, and also that nothing could be left thus which was not the testator's at the time of his decease: and finally they held that a bequest in this form to any person other than an heir was not validated by the Senatusconsultum Neronianum (of which below), because, according to them, that enactment related only to defects of form, and had no bearing on legacies which were void by reason of the incapacity or disqualification of the legatee. The Proculians, on the other hand, were of opinion that a legacy could be given to anyone *per praeceptionem*, its effect being much the same as if the form had been *per vindicationem*, and the legatee's remedy (as in that case) being a real action: and Gaius says (ii. 221) that their view was held to be supported by an enactment of Hadrian. If the same thing was thus left to more than one, either *disjunctim* or *conjunctim*, each had only his share. *Per vindicationem*, *praeceptionem*, and *sinendi modo*, only *res corporales* and *jura in re aliena* could be bequeathed: *per damnationem*, anything whatever could be bequeathed which could be the object of an obligation.

The importance of precisely observing these forms was considerably diminished by a senatusconsult of Nero, A.D. 64: "Sc°. Neroniano cautum est, ut quod minus aptis (ratis?) verbis legatum est, perinde ac si optimo jure legatum esset: optimum autem jus legati per damnationem est," Ulpian, *Reg.* 24, 11. The effect of this seems to have been that a legacy given *per vindicationem*, *sinendi modo*, or *per praeceptionem*, which would hitherto have been void owing to the neglect of some formal rule applicable to the particular form employed, was now to be taken to have been given *per damnationem* (*e.g.* Gaius, ii. 197, 212, 218, 220); though Gaius' words in § 218 suggest that the senatusconsult may have dispensed with the necessity of observing any one of the four established forms at all, while it still required the use of Latin. Some hundreds of years later testators were enabled by enactments of Constantius, A.D. 339, and Theodosius II., A.D. 439, to give legacies in any words they chose, whether Greek or Latin (Cod. 6, 37, 21; 6, 23, 21, 6). Justinian finally assimilated the civil law legatum in every way to fideicommissa, which had always been governed by laxer rules, both as to form and substance. Any superiority in law which either had possessed over the other was in future to be common to both, and the object of a bequest, whether technically a legatum or a fideicommissum, was to be recovered by the beneficiary by the most appropriate remedy, real or personal (*Inst.* ii. 20, 3). The legatee acquired a "real" right to the *res legata* in every case where it belonged to the testator, and in no other, unless indeed the testator himself expressed a contrary intention (Cod. 6, 43, 1): he acquired a personal right against the heir in every case, and this was secured by a statutory hypotheca, first given by Justinian himself, over everything which the person on whom the legacy or fideicommissum was charged had himself received from the inheritance (Cod. 6, 43, 2). In their celebrated phrase "uti legassit," &c., the Twelve Tables were interpreted to have given testators absolute freedom to dispose of their property as they pleased. The result was that they were commonly so lavish in legacies as to leave practically nothing to the instituted *heres*, so that the latter refused the inheritance, and the deceased became intestate (Gaius, ii. 224). The Roman dislike of intestacy accordingly led to a series of statutes restricting the freedom of testamentary disposition conferred by the Twelve Tables. The first of these was the Lex Furia testamentaria, B.C. 183 (Gaius, ii. 225, iv. 23, 24; Ulpian, *Reg.* i. 2; 28, 7; Varro, 3; Cic. *pro Balbo*, 8), which imposed a penalty of four times the excess upon anyone (except the cognates, if any, of the person by whom the testator had been emancipated or manumitted, Ulpian, *l. c.*), who took by way of legacy or *donatio mortis causa* more than 1000 asses from the same person. But this enactment, as Gaius remarks, altogether failed in its object, because it did not prevent a man from giving as many several thousands to as many persons as he pleased, and so exhausting the estate. The Lex Voconia (Cic. *pro Balbo*, l. c.; *in Verr.* 2, 1, 42, 43; *de Senect.* 5; *de Fin.* 2, 17; *de Republ.* 3, 10), fourteen years later in date, enacted (according to Gaius, ii. 226) that no one should take as legatee or donee *mortis causa* more than the heir or any one of two or more coheirs: but in reality it seems to have only been a relaxation of the Lex Furia in favour of wealthy testators; any person ranked in the first class of the census as possessing 100,000 sesterces or upwards (Cic. *in Verr.* l. c.) being allowed to bequeath away as much as he pleased, provided no legacy or gift *mortis causa* exceeded the proportion specified. In any case it was no less a failure than the Lex Furia, because by the testator distributing his property among numerous legatees the *heres* might have so small a portion as not to make it worth his while to assume the burdens and liabilities attached to the *hereditas*. The Lex Falcidia (Dio Cass. xlviii. 33; Plin. *Ep.* 5, 1; Isidor. *Origg.* 5, 15), passed B.C. 40, eventually provided a satisfactory remedy by enacting that, if a testator gave more than three-fourths of his property in legacies, these must abate proportionately, the heir or heirs being in all cases entitled to a clear fourth of the inheritance (see Gaius, ii. 227; *Inst.* ii. 22). After the Lex Julia vicesimaria the state had a direct interest in the upholding of testaments, and so in the Lex Falcidia, so that, if a testator forbade his heir to deduct the "Falcidian fourth," the jurists held the prohibition void: but by Justinian this was allowed (*Nov.* i. 2; cxix. 11). For the extension of the principle of the Lex Falcidia to trust bequests [FIDEICOMMISSUM], see Gaius, ii. 254; *Inst.* ii. 23, 5; Dig. 35, 2, 18: and to *donationes mortis causa*, Dig. 24, 1, 32, 1; 31, 77, 1.

The chief rules as to the necessary form of legacies have already been touched on. Under the older law it had been impossible validly to give a bequest before the institution of the heir, because the latter was "caput et fundamentum totius testamenti" (Gaius, ii. 229), but this restriction was eventually removed by Justinian (*Inst.* ii. 20, 34). The other grounds upon which a legacy might be void are: (1) The character of the legatee; (2) the character of the bequest itself; and (3) the legal character of the *res legata*.

1. A legacy was void if left to a person who had not the *commercium* (in particular *peregrini*), for without the *commercium* he had no *testamentifactio*. Latini Juniani, though possessed of *commercium*, were expressly disabled by the Lex Junia Norbana from taking any benefit under a will either as heirs or legatees (Gaius, i. 23, 24) [LATINITAS]. Until quite late again in the history of Roman law, no legacy could be validly given to *incertae personae* (including *postumi alieni*, children unborn at the making of the will, and who on being born would not be in the testator's potestas): an *incerta persona* being one of whom the testator had no determinate conception ("quam per incertam opinionem animo suo testator subjicit," Gaius, ii. 238). But even in Gaius's time a legacy to an *incerta persona* "sub certa demonstratione" was good (*e.g.* "ex cognatis meis qui nunc sunt, qui primus ad funus meum venerit, ei decem milia heres meus dato," Gaius, *l. c.*); and between the times of Gaius and Justinian the rule about *incertae personae* was gradually so broken down that in the latter's legislation its only remaining trace is that certain corporations cannot validly be either instituted heirs or made legatees without special permission from the emperor. Lastly, the Proculian school, arguing on the so-called "regula Catoniana" (Dig. 34, 7, 1), held that no legacy could validly be given to any person in the power of the instituted heir. The Sabinians, whose view was adopted as law by Justinian (*Inst.* ii. 20, 32), were of opinion that a legacy might well be given to such person *sub conditione*, i.e. provided he was not in the power of the heir when the latter accepted the inheritance; while Servius Sulpicius had thought such a bequest good at the outset, even though unconditionally expressed; though liable to become void by the legatee being in the *institutus'* power at the testator's decease (Gaius, ii. 244). A legacy to the dominus or paterfamilias in whose potestas the instituted heir was was not void (according to Gaius, ii. 245, confirmed by Justinian, ii. 20, 33), though it would be extinguished if the dominus or paterfamilias became heir through the instituted slave or son, because a man could not owe a thing to himself: but if the son was emancipated, or the slave was manumitted or transferred to another, so that the former became heir for himself, or the latter made another person heir, the legacy was due to the father or former master. Ulpian, however, had held such a legacy void *ab initio* (*Reg.* 24, 24).

2. Legacies given to take effect only after the death of the heir (*e.g.* in the forms "cum heres meus mortuus erit" or "pridie quam heres meus morietur") were void under the earlier law, though Gaius says (ii. 232) that in the form "cum heres morietur" or "moriatur" they were good: a distinction which he himself considers was "non pretiosa ratione receptum." Under Justinian, however, all these forms were equally valid (*Inst.* ii. 20, 35). Similarly, up till the time of that emperor, legacies given *poenae nomine*, i.e. for the purpose of inducing the heir to do, or not to do, some particular act (*e.g.* "si heres meus filiam suam Titio in matrimonium collocaverit, decem milia Seio dato," Gaius, ii. 235), were void: but Justinian repealed this rule except where the act or forbearance which the testator wished to secure was either illegal or *contra bonos mores* (*Inst.* ii. 20, 36).

3. A legacy of a *res extra commercium* (e.g. a basilica or a temple) was void (*Inst.* ii. 20, 4); as also was one of property which at the moment of the execution of the will already belonged to the legatee (*ib.* 10).

The objects of a legatum (things which could be bequeathed) comprise tangible objects, whether the testator's own or some other person's (the heir in this case being bound to try and get them for the legatee, otherwise to pay him their value, *Inst.* ii. 20, 4), and whether actually in existence or not, provided they probably will exist at some future time (*ib.* 7; Gaius, ii. 203): release from a debt owed to the testator by the legatee (*ib.* 13), or money owed to the latter by the testator, provided the legacy put him in a better position than he was in before (*ib.* 14): claims of the testator against third persons, the heir being bound to assign the legatee his rights of action against them (*ib.* 21); in fact, any act or forbearance which could lawfully be the object of an obligation in general: and finally servitudes and other *jura in re aliena*. By a senatusconsultum passed about the end of the Republic, it became possible to create by legacy a quasi-usufruct of "res quae usu consumuntur" (*e.g.* wine), which could not be done by agreement *inter vivos* (Cic. *Top.* 3; *Inst.* ii. 4, 2). But the legacy need not be of any single thing, corporeal or incorporeal, nor even of any aggregate of them: the heir might be directed to transfer a half or any other definite quota of the *hereditas* to a legatee ("legatum partitionis," Cic. *de Legg.* ii. 20; *pro Caec.* 4; Ulpian, *Reg.* 24, 25). In such a case the instituted heir not unfrequently refused to accept unless guaranteed *pro rata portione* against creditors' claims and other expenses, so that it became usual for the heir and partiary legatee to enter into a formal contract ("stipulationes partis et pro parte"), by which the latter engaged to indemnify the former against liabilities in proportion to the share of the estate transferred to him, and the former that he would hand over to the legatee his fair proportion of the assets.

A legacy might be transferred from the legatee to another person, or altogether taken away by another will, or *codicilli* confirmed by the original testament (*Inst.* ii. 21): it might also be revoked by erasure of the gift from the will (Dig. 34, 4, 16 and 17), or tacitly by any act from which it could be gathered that the testator no longer wished the legatee to have it—*e.g.* by alienation of the *res legata* in the testator's lifetime (*Inst.* ii. 20, 12; Dig. 34, 4, 15).

The acquisition of *legata* depends on the meaning of two expressions—"dies (legati) cedit," and "dies (legati) venit," which mark two points of time in the history of the legatee's rights. *Dies cedit* means that he acquires a provisional right to the bequest: a right which he can only lose by failure of all instituted heirs to accept under the will, so that if he dies immediately after *dies cedit*, but before *dies venit*, the right passes to his heir. The date of this was the testator's decease (altered by the Lex Papia Poppaea to the opening of the will, but the old rule was restored in Justinian's time), unless the legacy was subject to a condition precedent or a *dies ex quo* (e.g. six months after my decease), in which case *dies cedit* only on the fulfilment of the condition or the arrival of the day. *Dies venit* means that the legatee acquires a right to demand the *res legata* by action: its date is acceptance of the inheritance by the heir, unless *dies cedit* itself occurs later by reason of a condition precedent or a *dies ex quo*. (Gaius, ii. 191–245; *Inst.* ii. 20; Ulpian, *Reg.* 24; Paul. *Sent. rec.* iii. 6; Dig. 30–32; Cod. 6, 37; 6, 43; Rosshirt, *Die Lehre von den Vermächtnissen nach röm. Rechte*, Heidelberg, 1835.) [G. L.] [J. B. M.]

LEGATUS is a person dispatched on an official mission, just as the neuter *legatum* is used of property of which the succession is determined with legal formality by the testator. The precise meaning of legatus changes according to the nature of the mission, but the idea inherent in the word—that of official appointment for a definite purpose—is the same throughout the history of the Roman constitution.

The various uses of the word may be reduced to two, under one or other of which the rest may be conveniently classed: viz. 1. legatus = an envoy dispatched by a magistrate, under advice of the senate, for some object of diplomacy, inquiry, or organisation; 2. legatus = a person formally attached to a general-in-chief or provincial governor, as lieutenant or staff-officer. Though it will be convenient to consider these two usages separately, it must be observed that there is no difference between them in constitutional law. The principle of appointment was the same in both cases; and the form of it also, as will be shown, remained technically the same at all times; all state legati being in the eye of the law the messengers of the magistrate presiding in the senate at the time the appointment was made. Varro (*L. L.* v. 87) defines both kinds of legati in a single sentence, and treats them as essentially the same: "Legati, qui lecti publice, quorum opera consilioque uteretur peregre magistratus (2), quive nuntii senatus aut populi essent (1)." Cicero also (*in Vatin.* 15, 35), when attacking Vatinius in 56 B.C. for obtaining a *legatio* without a decree of the senate, exclaims: "Adeo afflictus senatus, adeo misera et prostrata respublica, ut non *nuntios pacis atque belli*, non *oratores*, non *interpretes*, (1) non *belli consilii auctores*, non *ministros muneris provincialis* (2) senatus more majorum deligere posset?" From these passages it is plain that legati only differed in respect of the duties entrusted to them, and that those duties were in the main of two kinds. We proceed to consider these two in detail.

I. *Legati as State Envoys* (legati *ad aliquem*).—The first appearance of legati of this kind is in the year 456 B.C., when three envoys, whose names are given by Livy (iii. 25), were sent to the Aequi "questum injurias et ex foedere res repetitum." Up to this time it would appear that the duties of diplomacy and treaty-making, which in the earliest times were doubtless simple and straightforward, had been discharged by the college of Fetiales (Liv. i. 24). But from 456 B.C. onwards Livy constantly makes mention of legati sent on missions of various kinds, but chiefly employed in negotiation, while the function of the Fetiales seems to have been restricted to the actual declaration of war. Thus Varro writes (*ap. Nonium*, p. 529), "priusquam indicerent bellum iis a quibus injurias factas sciebant fetiales, legatos res repetitum mittebant quattuor, quos oratores vocabant."

Mode of appointment.—In the earliest instance just referred to, we are not told how the legati were appointed; but from Livy's language in subsequent cases it may be gathered that the usual and natural method was for a magistrate to consult the senate on the advisability of the mission, when a senatusconsultum would authorise him to select the envoys (Liv. v. 35; xxix. 29; xliii. 1. See also the "Senatusconsultum de Thisbanis," in the *Ephemeris Epigraphica*, vol. i. p. 279; Mommsen, *Staatsrecht*, 2nd edit., vol. ii. pt. 1, p. 658). But there can be no doubt that from an early period the part played by the senate in their appointment came to be regarded as the essential one; and thus Cicero could expostulate with Vatinius, in the passage already quoted, for having violated immemorial usage in becoming a legatus without the authority of the senate. "Ne hoc quidem senatui relinquebas," he goes on, "quod nemo unquam ademit, ut legati ex ejus ordinis auctoritate legerentur" (*in Vat.* 15, 35). There is no known instance of the authorisation of legati in this sense by the people in Comitia, though the language of Varro (*ap. Non.* p. 529) must be taken to imply that there was nothing to prevent it. But when Polybius (i. 63) writes of the δῆμος sending ten commissioners to arrange terms of peace after the First Punic War, he may be either writing loosely and without marking the special form of procedure, or these commissioners may have been rather independent quasi-magistrates for making peace, of the same kind as those appointed under agrarian laws for the division of land, and not legati in any strict sense of the word. (Cf. Mommsen, *Staatsrecht*, ii. pt. 1, p. 624, with Willems, *Le Sénat de la République*, ii. 475, note.)

The selection of the individual envoys rested, as we saw, technically with the magistrate; but towards the close of the Republic it would seem that the choice was sometimes made by lot (*sortitio*) from the several ranks of senators (*consulares*, *praetorii*, &c.). An example of this method occurs in Cic. *ad Att.* i. 19, 3; and Tacitus (*Hist.* iv. 6, 8) writes as though it had once been a common practice ("vetera exempla, quae sortem legationibus posuissent"). This must be regarded as a departure, characteristic of the last age of the Republic, from the strict form of procedure, induced no doubt by the profit attaching to commissions of this kind, and by the consequent strenuous competition for them.

Qualification.—It was the general practice to select senators only (Cic. *Att.* xiii. 20, 3), and such senators as were not at the time holding office, which would disqualify them for duties at a distance from Rome; but there seems to have been no definite rule, for we have one or two instances in which, on an emergency, non-senators were chosen (Liv. iv. 52, "consules . . . coacti sunt binos equites adjicere:" cf. Liv. xxxi. 8). In almost all important missions, one legatus at least was a *consularis;* if there were two, the senior consularis was *princeps legationis* (Sall. *Jug.* 16). Even in the large legationes of the late Republic, the practice of employing ex-magistrates for the most part still held good, and exemplifies the importance attached by the Romans to official experience, in this as in other public duties. Thus the legatio of 189 B.C. which settled terms of peace with Antiochus consisted of three consulares, four praetoriani, and three quaestorii (Liv. xxxvii. 55: cf. Cic. *Att.* i. 19; Willems, *Le Sénat*, ii. 506).

Number.—In the earliest legationes, the number of legati was three (Liv. iii. 25, 6; Dionys. Hal. ix. 60, xix. 13, 17). But we have instances of legationes consisting of two, four, and six members, and most embassies after the Second Punic War were of ten (Liv. xxxiii. 24; xxxvii. 55; xlv. 17). Single legati are found from time to time (Liv. xxi. 8, 4, "ad bellum indicendum;" cf. xxxiii. 39 and xxxix. 48). It has been supposed that when a single legatus is thus mentioned, we are to understand that the *princeps legationis* is put for the other members; but it is clear from the practice of granting *liberae legationes* (to be explained directly) to individuals, that there was no definite rule against the appointment of single legati. (For full details as to the number of members of a legatio see Willems, *Le Sénat*, vol. ii. p. 499 foll.).

Authority and Responsibility.—No legatus could hold *imperium*, for imperium could not be delegated; their powers may best be expressed by the word *auctoritas;* i.e. they acted under the sanction of the home government. Being as a rule unable to communicate easily with the authorities in Rome, they would naturally be given much freedom in their dealings with foreign governments, and were in fact plenipotentiaries; but on the subject of their instruction (*mandata*) and responsibility we have hardly any information. It is not till quite at the close of the Republic that we find any trace of a legalised responsibility, beyond the mere declaration in the senate of the results of their mission (*e.g.* Liv. xlv. 13), which might, however, be made the opportunity of an attack on their proceedings, as we see from Liv. xlii. 47, where the impeachment was (no doubt as usual) unsuccessful. We have an example of the successful impeachment of legati by means of a *lex* instituting a *quaestio extraordinaria* to try them, in the year 110 B.C. (Sall. *Jug.* 40); but these legati were not state envoys of the kind now under discussion (*ib.* ch. 28). It was Caesar's law *de repetundis*, of 59 B.C., which first made all kinds of legati liable for misdoing in their office (Dig. 48, 11, 1): but this law apparently touched them only in so far as they had been guilty of pecuniary corruption or extortion.

Emoluments.—All legati travelled at the expense of the state (Zonaras, viii. 6), to which they were entitled by virtue of the ring which they wore (see Zonaras, viii. 6; Mommsen, *Staatsrecht*, i. 301; and article ANULUS). A ship or ships of war were, on important occasions, allotted them for transport (Liv. xxix. 11; xxx. 26). It seems also that in the last age of the Republic one or two lictors were allowed them, at the discretion of the provincial governor in whose province they travelled (Cic. *Fam.* 12, 21; cf. 12, 20). All were personally inviolable, as were the envoys of foreign peoples in Italy (Liv. iv. 17 foll.; Tac. *Hist.* iii. 80; Pomponius in Dig. 50, 18).

Legatio libera.—The advantages and emoluments just mentioned led to a scandalous abuse of the legatio, which came into vogue in the last century of the Republic, when rich senators frequently had private business and interests in the provinces. In order to maintain a state and dignity which would place him at an advantage, and give him practically the status of an ambassador, a senator could obtain from the senate a free mission (*legatio libera*) on stating the province for which he desired it, and perhaps also the nature of his affairs (Cic. *Fam.* 12, 21; *Att.* 4, 2, 6). This practice became such a scandal in Cicero's time, that he made a vigorous attempt in his consulship to abolish it; but the feeling was so strong against him in this effort at reform, that a tribune was found to interpose his veto, and Cicero was forced to be content with a senatusconsultum limiting these legationes to one year (see *ad Att.* xv. 11, 4; *de Leg.* iii. 8, 18, iii. 3, 9). A law of the dictator Caesar confirmed this limitation; but the *legatio libera* was not abolished, and we hear of it under the Empire (Suet. *Tib.* 31; Dig. 50, 7, 15). Cicero gives a very definite opinion of the abuse he tried to remedy: "apertum est nihil esse turpius quam est quempiam legari nisi reipublicae causa" (*de Leg.* iii. 8, 18): but what had once become a senatorial prerogative easily lost the taint of immorality in the minds of the privileged capitalist.

Legati as Envoys under the Empire.—When the Republic came to an end, all negotiations with foreign peoples passed into the hands of the *princeps*, who appointed his own deputies by virtue of his unlimited *proconsulare imperium* (Mommsen, *Staatsrecht*, ii. 892). The right of the senate to send legati remained, however, in theory; and we find them sending deputations to the *princeps* when he happened to be in the provinces (Tac. *Hist.* iv. 6–8; Dio Cass. lix. 23).

Legati in the sense of Envoys from foreign peoples.—The word *legatus* was used by courtesy of an ambassador from another state. All such, if coming from a friendly power, were inviolable (Dig. 50, 18), and treated with high consideration. They were lodged and boarded (*locus et lautia*) at the public expense, and sometimes presented with gifts (Liv. xxviii. 39; xxxv. 23; Senatusconsultum de Asclepiade, line 8 of the Latin version). On arriving they gave in their names to the praetor or quaestor urbanus at the temple of Saturn (Liv. x. 45; Plut. *Quaest. Rom.* 43), and in due time were introduced to the senate, where they stated the object of their mission; this was done in Latin or through an interpreter down to the last half-century of the Republic, when, as all educated Romans spoke Greek, they began to be allowed to use that tongue if they wished. Cicero's rhetorical teacher, Molo, was the first to whom this privilege was granted (Val. Max. ii. 2, 3). When they had made their statement, they were liable to be questioned by individual senators (Liv. xxx. 22), under the usual formalities of senatorial procedure; they then withdrew to a platform outside the Curia called the Graecostasis (Varro, *L. L.* v. 155), where they waited until called back to hear the response of the senate (Liv. xxvi. 32, xxx. 22); or it was communicated to them by a magistrate (Liv. xlv. 20). Occasionally it happened that the senate had too much business on hand to allow them to give audience to all the envoys in Rome; in this case a committee of experienced senators was appointed to hear them (Liv. xxxiv. 57; Polyb. xxiii. 4; Senatusconsultum de Thisbanis, line 11, in *Ephemeris Epigraphica*, vol. i. p. 279). That the business became arduous as the Empire increased may be gathered (1) from the tradition, recorded by Plutarch (*Quaest. Rom.* 43), that the envoys ceased to be given *locus et lautia*, save the most distinguished, owing to their great numbers; (2) from what we know of two laws, the Lex Papia and the Lex Gabinia (both of uncertain date, but the latter either of 67 or 58 B.C.), which ordained that the senatorial sittings of the month of February should be entirely devoted to this kind of business (Cic. *Fam.* i. 4, 1; *Q. Fratr.* ii. 13, 3).

If the envoys were from a nation at war with Rome, they were received with great caution. They were not admitted into the city, but, if an audience were granted them, were lodged in the Campus Martius, and the senate met in the temple of Bellona or in that of Apollo (*extra urbem*, Liv. xxxiv. 43; Festus, s. v. *senacula*, p. 347, ed. Müll.). If no audience was accorded, they were required to quit the city and Italy within a certain time, and in their journey through Italy were escorted by a senator (Liv. xxxvii. 1; Polyb. xxxii. 1; Sall. *Jug.* 28).

The same title of legatus was used of commissioners from the provinces or from communities within them, bearing either congratulations on the conduct of a provincial governor, or complaints against him. A good example of a commission charged to explain provincial grievances will be found in Liv. xliii. 2. Cicero frequently mentions such missions in the Verrine orations; *e.g.* in i. 19 and 4, 31. Under the Empire these legationes were put under stringent regulations, of which an account will be found in Dig. 50, 18.

II. *Legati* as staff-officers; "quorum opera consilioque uteretur peregre magistratus" (Varro, *l. c.*). These were said to be legati *alicui*, as opposed to legati *ad aliquem*.

Origin.—Livy mentions these at the very outset of the Republic (ii. 20; iii. 5), but his evidence is not conclusive, and it is remarkable that so late as the battle of Cannae (B.C. 216) no legati are mentioned in the list of the slain, though we are told of consulares, quaestors, tribuni militares, and senators who were killed there. On the other hand, so deeply rooted was the idea of the *consilium* of the magistrate in the Roman mind, that it is difficult to imagine that the consuls in the field were left wholly without unofficial advisers. Perhaps the practice began as a regular institution with the acquisition of transmarine provinces; but no reason can be shown why even in Italian campaigns of an earlier date the senate should not from time to time have made use of a natural mode of keeping the commanders informed of their wishes. However this may be, from the Second Punic War onwards, every commander and provincial governor had legati with him, and Polybius writes of them as a standing institution in his time (Polyb. vi. 35; cf. Liv. xxxviii. 28, 12).

Mode of Appointment.—As in the case of legati as envoys, a senatusconsultum authorised the magistrate to select the legati out of the members of the senate (Liv. xliii. 1; cf. xliv. 18). As it frequently happened that the presiding magistrate was a consul or praetor who was about to become a provincial governor, he thus became entitled to nominate his own legati (Sall. *Jug.* 28: "Calpurnius [consul] parato exercitu legat sibi homines nobiles," &c.; cf. Plut. *Flam.* 3; Cic. *Att.* ii. 18, 3): and this mode of appointment being a convenient one, it was natural that the provincial governor should desire to establish it as a right. As a rule, however, the consent of the senate was no doubt formally obtained (Schol. Bob. on Cic. *Vat.* 15, 35). In the last century of the Republic we find examples of laws in which the number and qualification of the legati to be chosen by the proconsul was expressly laid down: this was the case in the Lex Gabinia of B.C. 67, under which Pompeius received a command against the pirates (Plut. *Pomp.* 25; Appian, *Mithr.* 94), and probably in the Lex Vatinia which gave Caesar the command of Cisalpine Gaul in B.C. 59. Under the Empire the nomination of legati seems always to have been the right of the holder of the *imperium proconsulare*, whether of the *princeps* himself as having a *majus imperium*, or the proconsuls who continued to govern the senatorial provinces (Dio Cass. liii. 14), but in the latter case the consent of the *princeps* was necessary to the validity of the nomination. (See Willems, *Droit Romain*, p. 510.)

Qualification.—The general rule was that these legati must be senators; no certain instance is recorded of an exception, but it does not follow that there was any definite disqualification of non-senators. (Cf. Mommsen, *Staatsrecht*, ii. 661, note 1, with Willems, vol. 2, p. 608, note 4.) The rule held good under the Empire.

Number.—This was no doubt usually settled by the authorising senatusconsultum in each case. After the Second Punic War, where Livy's information may fairly be relied on, the number in attendance on a praetor is generally two, while a consul has three. Later, again, we find consuls with five and praetors with three. (See Willems, *Le Sénat*, ii. p. 611.) By the Lex Gabinia, Pompeius had twenty-five allowed him, Caesar ten by the Lex Pompeia-Licinia of 55 B.C. Under the Empire there was a fixed rule that in senatorial provinces (where alone legati in the strict sense of the word are found) a pro-praetor should have one, a proconsul three (Dio Cass. liii. 14).

Duties.—As we have seen, no legatus was in any sense a magistrate, and could have no independent authority of his own; all were strictly under the orders of their chief, and were bound to carry out any kind of work he might allot them. (Marquardt, *Staatsverwaltung*, i. 387; Mommsen, *Staatsrecht*, 679.) But as the tenure of provincial commands became extended, legati were frequently employed by their Generals-in-chief as commanders of division (*i.e.* of a legion), and thence gained a standing position in the army beyond that of a mere counsellor. This becomes first apparent in Caesar's Gallic war, but it may have been to some extent the practice before (Caesar, *B. G.* 1, 52; 2, 20; 5, 1; and Rüstow, *Heerwesen Caesar's*, p. 28). It was the natural result of the practice by which commanders selected their own legati; for they took care to choose men on whose skill and fidelity they could rely, and to whom they could entrust the sole conduct of difficult or distant operations. Recommended by its usefulness, it took definite shape under the Empire. From the time of Augustus onwards each legion had its own legatus (legatus legionis, as distinguished from other legati), and the governors of imperial provinces had as many legati as legions (Tac. *Ann.* i. 44; 2, 36; Marquardt, *Staatsverwaltung*, ii. 457), all of whom, however, were selected by the *princeps*.

All military legati had the right of travelling free of cost; and the fact that they were included in the Lex Julia de repetundis, already alluded to, shows that they had opportunities of gain in the provinces where they served. Before the passing of that law, the governor or commander was himself solely responsible for the conduct of his subordinates. (See Liv. xxix. 19 foll., for the famous case of Scipio and his legatus Pleminius. Rein, *Criminalrecht*, pp. 192, 606.) He had, however, the power of dismissing a legatus, and could thus relieve himself of responsibility (Cic. *Verr.* iii. 58).

Legati pro praetore.—The increase in the importance of the legatus towards the close of the Republic is shown not only by his being frequently attached to a particular legion as its commander, but also by the growing practice by which the provincial governor deputed him to act for him in some special locality or department. As early as the earlier half of the 2nd century B.C., we find a consul, at war within the bounds of Italy, having his army in charge of a legatus in order to preside at the consular elections; and a century later it frequently happened that a legatus was placed over a whole province in the absence of the governor. Thus Caesar, who from 59 to 49 B.C. was in command both of Cisalpine and Transalpine Gaul, used to leave the one or the other in the charge of a legatus when he himself was necessarily absent (Caes. *B. G.* i. 10; i. 54). The practice was carried a step farther by Pompeius between 55 and 50 B.C., for he governed his province of Spain by legati while he himself remained in Italy (Velleius, 2, 48). In such cases it became the practice to style the deputy *legatus pro praetore* (Caes. *B. G.* i. 21: cf. Sall. *Jug.* 26 and 38). Such a title could not mean that the legatus actually held the *imperium* of a propraetor, for, as we saw, *imperium* could not be delegated; but that he held a power which was practically equivalent to it, under the *auctoritas* of his chief. But there can be no doubt that as provincial commands grow longer and more important, civic technicalities tended to lose their strength and rigidity; and we have mention in the year 82 B.C. of a *legatus pro praetore* (Pompeius in Sicily and Africa) appointed by the senate, who is also styled by one author *legatus cum imperio* (cf. Liv. *Epit.* 89, with Granius Licinianus, p. 29, Bonn edit.). The practice of governing by deputies with this honorary title led directly to the system by which, under the Empire, the *princeps*, as holder of an unlimited *imperium*, governed all the provinces not under senatorial authority (see PROVINCIA and PROCONSUL) through *legati pro praetore* appointed by and responsible to himself.

This system began with the division of provinces between Augustus and the senate in B.C. 27. From that time down to the complete reconstruction of the provincial system by Diocletian, the imperial provinces were governed by legati, either of consular or praetorian rank, according (as a rule) to the number of legions stationed in the province; but all alike were styled *legati Augusti* (or *Caesaris*) *pro praetore*, the designation *vir consularis*, or *vir praetorius*, being entirely unofficial. (Marquardt, *Staatsverwaltung*, i. 408–10.) They are to be distinguished from the *legati legionis* already mentioned, though it sometimes happened that the two offices were combined, in which case the style was *legatus pro praetore legionis* (Marq. *op. cit.* 309); and also, of course, from the ordinary legati of the proconsuls who continued to govern the senatorial provinces. These *legati pro praetore* were always, down to the reign of Gallienus, of senatorial rank, as is shown by the fact that the one provincial governor who was not a senator, the *praefectus Aegypti*, was never accorded the title of legatus.

Legati juridici.—Lastly, we find under the Empire, in the imperial provinces, certain *legati juridici* (also known simply as *juridici*), who seem to have been persons of senatorial rank appointed by the *princeps* to perform the subordinate judicial duties which in senatorial provinces were administered by the ordinary legati of the proconsul. These date probably from the beginning of the Empire; for as the *legatus pro praetore*, being himself a delegate of the *princeps*, could not delegate his duties to others like a proconsul, the governors of imperial provinces would have had no assistants for their work if the *princeps* had not supplied them. Thus we find even under Augustus (Strabo, iii. 4, 20) a *legatus pro praetore* in Spain, with three *legati* under him, who must have been *legati juridici*; and in later times, especially after Hadrian's reign, the title *legatus juridicus* occurs frequently in inscriptions. (The best account of these will be found in the French translation of Mommsen's *Staatsrecht*, by P. F. Girard, i. pp. 263, 264, and notes, where the additional matter has the sanction of the author of the work.)

After the reconstitution by Diocletian and Constantine of the whole system of government, the word *legatus* rapidly disappears, in the technical senses which have been explained; only surviving in the case of the legati attached to the provinces of Asia, Africa, and Achaia, which continued to be governed by proconsuls, or in an occasional inscription showing that the new nomenclature of *praesides* or *rectores provinciarum* did not at once supersede it in common usage. (Cf. *Notitia Occidentalis*, xviii. p. 162, 2. 3; and Orelli, *Inscr.* 3672; Schiller's *Geschichte der Kaiserzeit*, ii. p. 56.)

[For more detailed information, see the chapter on Legati in Mommsen's *Staatsrecht*, 2nd edit., ii. p. 657 foll.; cf. vol. i. 222 foll., with the additional notes in the French translation: also Marquardt, *Staatsverwaltung*, i. 408 foll.; Willems, *Le Sénat de la République*, ii. 492 foll. and 606 foll.; Buettner-Wobst, *de Legationibus Reipublicae*, Leipzig, 1876.] [W. W. F.]

LEGES. [Lex.]

LE'GIO. [Exercitus.]

LEGIS A'CTIO. [Actio.]

LEITU'RGIA (λειτουργία, or in the older form found in inscriptions up to the 3rd century, ληιτουργία, derived from λέϊτος or λήϊτος, a synonym of δημόσιος, and *ἔργω), the name given to certain public services, consisting partly of money and partly of personal labour, performed by wealthy individuals (called *liturgi* in this relation, Gr. λειτουργοί) for the state, in Athens and other states of Greece. (A list of these other states may be found in Boeckh's *Public Economy of Athens*, book iii. c. 1. The most remarkable are Thebes, of which we read in Plutarch's *Aristides*, c. i., that Epaminondas assisted by Pelopidas provided there a concert of flute-players; and Aegina, as to which see the singular and amusing story, antecedent to the Persian wars, related in Herod. v. 83.) We know, however, but little of these "liturgies" in any other state except Athens. At Athens they were among the most characteristic institutions of the democracy; and though they had their faulty side, there was much in the working of them that was brilliant, and even solidly excellent.

The whole idea of the liturgies was that the rich men of the community should expend their substance and devote their labour for the benefit of all, whether in the way of solid protection or by the encouragement of graceful pursuits and exhilarating contests; the honour and glory of thus administering to the entire nation, and sometimes of winning prizes for pre-eminence in the displays, being the sole and a sufficient reward. Nothing exactly similar has ever been seen in modern times; a faint reflection of it may be found in such an office as that of high sheriff among ourselves, which is at once onerous, obligatory, and conveys with it a certain credit to him who holds it.

Our detailed knowledge of these liturgies is for the most part derived from the orators of the 4th century B.C., in whose various speeches, public and private, they are constantly mentioned. Nevertheless, that century was not the time of their greatest splendour; the Sicilian expedition, and the disastrous close of the Peloponnesian war, had thrown a cloud over the fortunes of individual citizens, as well as over the state at large. They attained their culmination during the few years which succeeded the Peace of Nicias. But on this point, and on their history generally, more will be said in a subsequent part of this article.

There were two main kinds of liturgies at Athens: those relating to the amusements of a population in its peaceable life, which were called "ordinary" (ἐγκύκλιοι); and certain others to which no specific Greek name was assigned (by modern writers they are called "extraordinary"), but which practically related to the defence of the state against foreign foes.

The ordinary liturgies were principally the Choregia, or maintenance and training of a chorus for the theatrical festivals; Gymnasiarchia, or training and maintenance of gymnasts (likewise with a view to public festivals); with this last the Lampadedromia, or preparation of runners for the torch-race, was closely connected; Hestiasis, or the feasting of the tribe to which the "liturgus" belonged; and lastly the Architheoria, or superintendence and furnishing forth of sacred embassies, such as those to Delphi or Delos. It would be very incorrect to conceive of any of these great offices as a mere tax in money upon the holder of them; they were this indeed, but they were more: the choregus, the gymnasiarch, the phylarch, and the architheorus were bound to bestow personal labour in their respective offices. (See the separate articles: Choregus; Gymnasium; Lampadedromia; Hestiasis; Theoria.) Every citizen whose property amounted to three talents or upwards was liable to be called upon to undertake an ordinary liturgy; citizens of less means were, it would appear, not liable. (Compare Dem. *c. Aphob.* p. 833, with the closing sentences of Isaeus, *de Pyrrhi hered.*)

The extraordinary liturgies were the Trierarchia, or the fitting out of a ship of war, and the Proeisphora, or the advance, in time of need, of the Eisphora, or war-tax, due by less wealthy citizens (who, however, could be made to refund afterwards). The Eisphora itself has sometimes been reckoned among the liturgies; but it is distinguished from them by the fact that no man by paying it escaped from the performance of another liturgy (Dem. *c. Leptin.* p. 465; *c. Euerg. et Mnesib.* p. 1155). [Trierarchia; Eisphora; Proeisphora.] The Trierarchia was the most expensive of all the liturgies, sometimes costing as much as a talent, and demanded greater wealth in the holder of it. Hence after the time of the Sicilian expedition it became common to join two persons in the performance of it; and in B.C. 358 the law of Periander made the trierarchy still more like a mere tax, by enacting that it should be contributed by companies (συμμορίαι), like the war-tax. None of the other liturgies suffered this degradation; though for a short time after the Sicilian expedition two persons were permitted to join in the office of choregus (Scholiast, Arist. *Ranae*, 404; and see also Fränkel's note 757 to Boeckh). The trierarch, like the other liturgi, had to give personal service; he commanded his own ship in the old times: how the actual commander was appointed when the συμμορίαι were introduced, is not clear; he appears sometimes to have been an outside person who contracted to take the duty (Dem. *c. Mid.* p. 564).

How were the various liturgi appointed? The answer to this question has some elements of difficulty. Essentially, the tribe was responsible for the appointment; and in the case of an ordinary liturgy, this responsibility centred in the overseers of the tribe (ἐπιμεληταὶ τῆς φυλῆς). Supposing a tribe failed to appoint a liturgus, the archon (*i.e.* the Archon Eponymus or the Archon Basileus, according to the festival concerned) would inquire the reason of such default from the overseers; and lively scenes of recrimination would ensue, as we learn from the speech of Demosthenes against Midias (p. 519), where such a default on the part of the tribe Pandionis is recorded (in this instance Demosthenes himself, though of another tribe, eventually volunteered to take the office). It is not to be inferred, however, that the overseers had an absolute power of appointing the liturgus; had this been the case, the difficulty in the tribe Pandionis could hardly have arisen. The Scholiast to Demosthenes (quoted by Fränkel in note 754 to Boeckh) affirms that the rich men of the tribe took the office by turns. That this should have been the case to some extent, was almost inevitable; but the notices in the orators do not permit us to suppose that such an order was very accurately preserved. If a man was conspicuously wealthy, and especially if he had landed property, he would often be expected to serve, whether it were his turn or not (see Dem. *c. Polycl.* p. 1208: a passage not less pertinent because it refers to the *προεισφορά*, an extraordinary liturgy). And in fact, whatever the power of the overseer in this respect or the validity of the rule of rotation in the selection, it is probable that direct election by the votes of the tribe was not unfrequently resorted to. (Observe especially in Dem. *c. Boeot.* p. 996, the phrase *οἱ φυλέται οἴσουσι...χορηγὸν ἢ γυμνασίαρχον ἢ ἑστιάτορα*, and compare Antiphon, *Choreut.* §§ 11–13, where the speaker is choregus of his tribe by direct appointment, and yet from the way in which Amynias, the overseer of the tribe, is mentioned, it seems unlikely that the appointment lay in his hands.) Voluntary offers to undertake a liturgy no doubt sometimes superseded the necessity of a formal appointment; but this would be the exception: in the passage just referred to (Dem. *c. Boeot.* p. 996) it is assumed that a man would naturally seek to escape the burden of a liturgy. From the next page of the same oration (p. 997) we learn that the two principal archons and the managers of the contests at the Panathenaea (*ἀθλοθέται*) would on occasions appoint a liturgus; and clearly the Architheorus, for instance, who had a function that concerned the whole state, would not be appointed by any particular tribe. The *ἀθλοθέται* were, however, tribal officers.

The method of appointment to the extraordinary liturgies was also connected with the tribes; but here the general (*στρατηγὸς*) was the authority by whom the appointment was made; at any rate this was the case with respect to the trierarchy, and probably with respect to the *προεισφορὰ* as a rule, though in Dem. *c. Polycl.* p. 1208 we find the members of the Council (*βουλευταί*) directed by the people to draw up a list of the rich men in their several demes who should make these advances of the war-tax. The generals, it would appear, sat as a united board for the appointment both of the trierarchical classes and the individual trierarchs (Dem. *c. Lacrit.* p. 940; *c. Boeot.* 997); we may conjecture that each general would mainly arrange for the trierarchs in his own tribe, and the constitution of Cleisthenes provided that each tribe should contribute an equal number of ships to the state, but nothing is said on these points in later times, and it is possible that the connexion with the tribes gradually dropped out of view in respect of the trierarchy.

As to the limitations on the liability of any special man to be called upon to perform any liturgy, two rules are mentioned: one, that no man could be required to perform two liturgies, ordinary or extraordinary, at once (Dem. *c. Lept.* p. 462, § 19); another, that no man could be required to perform a liturgy during two successive years (Dem. *c. Lept.* p. 459, § 8). In spite of these rules, we find in Dem. *c. Polycl.* p. 1209, § 9, the complainant affirming that he had been chosen to perform the *προεισφορὰ* while yet performing the office of trierarch: he implies indeed that he might have refused to do so; but clearly this would have been an unpopular act. So, too, the plaintiff in the speech of Isaeus, *Or.* 7 [*Apollod.*], § 38, says of his grandfather, "Besides having served all the other liturgies, he continued his whole time to do the duty of trierarch; not getting his ship in an association like men of the present day, but at his own cost; not jointly with another, but singly; not every other year, but without intermission; not in a perfunctory way (*ἀφοσιούμενος*), but providing the best possible equipments. For which you not only honoured him in remembrance of his conduct, but prevented his son being deprived of his property," &c. It is implied no doubt in this passage (as in the similar passage, Lys. *pro Polystr.* § 31 ff.) that such liberality on the part of the liturgus was in great measure voluntary; but we cannot mistake the fact of there being great irregularity in the practical carrying out of all rules in regard to these appointments.

The connexion with the tribes, in the ordinary liturgies, existed not only in respect of the appointment of the liturgus, but also in respect of any victory won by his chorus of singers, his gymnasts, &c. On the tripod that he was privileged to put up after such a victory (for which tripods a special street in Athens was set apart), not only his name but the name of his tribe was inscribed.

Various other liturgies of minor importance are mentioned. (See article ARRHEPHORIA; also Boeckh, book iii., c. 21, and the note 755 of Fränkel.) The *μέτοικοι* or resident aliens were capable of performing the choregia at the festival of the Lenaea (Schol. *ad* Arist. *Plut.* 954) and the Hestiasis (Ulpian, *ad* Dem. *Leptin.* § 15); possibly, too, there were some peculiar to the *μέτοικοι*. A liturgy which citizens performed was called λειτουργία πολιτική, in opposition to a *λειτουργία τῶν μετοίκων*.

How far the liturgies were an oppressive burden on the rich Athenians, is a point on which differences of opinion have existed. The threat of Cleon to the Sausage-seller in the Knights (v. 912), "I will make you serve as trierarch, with an old ship and a rotten sail," &c., is evidence enough that such oppression was possible. The orators clearly show, as we should expect, that while some persons sought these offices for the sake of the popularity they conferred, others tried to escape them. On the whole, however, it would appear that the necessary legal burden which they imposed was not ruinous (see Boeckh on the point); and though some persons did ruin themselves by their liturgies, this is generally attributed to their ambitious extension of the duty rather than to its intrinsic character. Yet Antiphanes (in Athenaeus, iii. 62) speaks of the people as bidding a man waste his money on a chorus, till he has to go in rags. (See Aristot. *Polit.* v. 8; Xen. *de Rep. Ath.* i. 13; Dem. *c. Euerg. et Mnesib.* p. 1155, § 54; various parts of Lysias, *de Aristophanis bonis;* and Isocr. *de Big.* 15.)

The archons, also heiresses and orphans until the commencement of the second year after their coming of age, were free from all liturgies. So we must conclude from Dem. *de Symmor.* p. 182, and Lysias, *c. Diogeit.* § 24; though, were it not that these passages especially related to the trierarchy, we might infer from Dem. *c. Leptin.* pp. 462–465, that that office was an exception as far as the heiresses and orphans are concerned: so express is the affirmation in this last oration that no one but the nine archons was by law free from the trierarchy. Even the descendants of Harmodius and Aristogeiton, it is said, who were free from the other liturgies, were obliged to perform the trierarchy. The exemption of the descendants of Harmodius and Aristogeiton was one of those special immunities which afterwards, in the 4th century, were granted much more freely than had been the case previously; and these never included the trierarchy. Leptines (B.C. 356) procured the passing of a law which prohibited these immunities in general; Demosthenes endeavoured, and it is generally thought with success, to get this law rescinded about a year afterwards. (On this, see Kennedy's 1st appendix to his translation of Leptines.)

Of all the customs connected with the liturgies, none was more singular than the right which every citizen who was nominated for one of them had, of proposing to any other citizen equally bound with himself and of greater wealth, either to take the liturgy in his place or to exchange properties. That this right was no dead letter, the speeches of the orators show; though the actual exchange probably was seldom carried out. [ANTIDOSIS.]

It remains to make some observations on the history and development of these liturgies. We cannot rely on the specific ascription of them to Solon as their originator; and yet probably those who weigh the entire probabilities of the case will be of opinion that they commenced not later than his time, and owed, if not their actual beginning, at all events much of their subsequent growth, to that liberal impulse which he imparted to the internal policy of Athens. It is true, as Fränkel (note 752 to Boeckh) remarks, that the liturgies, as we know them, were in close connexion with the ten tribes of which Cleisthenes was the author, and that therefore our knowledge of them, strictly speaking, does not commence earlier than his date. It is true also, that we may refuse to believe even so precise a statement as that of Aeschines (c. *Timarch.* § 7) to the effect that the actual Solonic laws on the subject were visible at Athens in his time, without any imputation of falsehood against Aeschines, or of forgery against anyone else: for the whole series of Athenian laws was revised and remodelled after the expulsion of the Thirty Tyrants, under the archonship of Eucleides; and as the object of the revisers was not antiquarian accuracy, but present expediency, much would be set down under the name of Solon that was really contributed by the revisers, or perhaps by some earlier authority. Still we must not refuse all weight to what Aeschines says; and the second (probably not genuine) book of Aristotle's *Oeconomics* affirms that they were in existence in the age of the sons of Pisistratus. The probabilities of the case also are in favour of an early date for them. The objects for which the liturgies existed were valid before as well as after the time of Cleisthenes; the dithyrambic chorus, for instance, was very ancient, and even the first dramatic exhibition dates from B.C. 535. It is in the abstract conceivable that the state paid the whole expense of this; but the contrary is more probable; for the dithyrambic singers were closely connected with the rhapsodists, and surely these were not state-paid? And if Cleisthenes had made any great change in the manner of defraying such expenditure, should we not have been told of it? Nor can we fail to see the analogy between the naucraros, or chief of the naucrary (which in the Solonian constitution was obliged to contribute a trireme and two horsemen for the state service, Pollux, viii. 108), and the trierarch of a later date. The naucraros would not of course contribute the whole ship from his own resources; but it is natural to suppose that the duty of keeping it in good trim was mainly imposed on him, so that the difference between him and the trierarch would be small. (Cf. in Hermann's *Griech. Staatsalt.* § 98, note 3, the quotation from Bekker's *Anecdota.*) Besides, the whole look of such an institution as the liturgy is of something springing spontaneously out of the popular sentiment, and therefore of gradual growth; the ordinary liturgy was no political, nor even a religious, necessity (see Dem. *c. Leptin.* pp. 494, 495). And the derivation of λειτουργία, the antique character of the first half of the word, implies considerable antiquity in the thing it represents.

We may assume, then, that the liturgies were in process of development during the 6th century B.C. The institution of the ten tribes by Cleisthenes would necessitate their re-arrangement; the immense increase of the Athenian power during the succeeding century would foster them into splendour. In no other century do we find mention of such an incident as that of Cleinias, who, in the battle of Artemisium, fought in a ship built and manned (with 200 men) at his own expense entirely. Plutarch tells us of the magnificence with which Nicias conducted the religious embassy at Delos, and of the still greater display of Alcibiades at the Olympic games. The Sicilian disaster and the defeat of Athens at the close of the Peloponnesian war caused a great fall from this exuberance. Isocrates (*de Antid.* p. 84, §§ 159, 160) forcibly describes the change in public feeling: in his own boyhood, he says, every one sought to make himself appear richer than he was; now (rather before the middle of the 4th century) every one tries to conceal his wealth, for fear of informers. This has been thought to be the grumbling of an old man; but it was no unnatural result, and there is corroborative evidence. Thus Demosthenes (*c. Lept.* p. 492) implies that the state in his time was much poorer than formerly; and he even appears to connect the growth of the exemptions from liturgies from this cause; the state could make more valuable gifts in land and money formerly, he says. It was, however, the trierarchy that suffered most from this comparative poverty; this is clear from the very institution of the "symmories," and it is emphasised by Demosthenes (*Phil.* i. p. 50, § 35): "How is it," he asks, "that your magnificent festivals always take place at the appointed time, while all your armaments are after the time? Because in the former case everything is ordered by law, and each of you knows long beforehand, who is the choregus of his tribe, who the gymnasiarch, when, from whom, and what he is to receive, and what to do. Nothing there is left unascertained or undefined: whereas in the business of war and its preparations all is irregular, unsettled, undefined. Therefore it is only when we have heard some news that we appoint trierarchs; then we dispute about exchanges, and consider about ways and means; ... during these delays the objects of our expedition are lost." It will be seen that this passage implies what we should also gather from the orators, that the offer of exchange of property (ἀντίδοσις) was far more frequent in the case of the trierarchy than in the case of the other liturgies; this is another sign of the comparative unpopularity of the trierarchy in these later times as compared with the other liturgies. The reason is obvious, that there was much less show about it, and therefore less personal aggrandisement of the liturgus. Yet exceptions must in fairness be admitted; as the splendid discharge of this office by the banker Pasion, if we way trust his son Apollodorus (Dem. *c. Steph.* p. 1127); and the more certain fact that volunteers were for the first time found for the trierarchy in the enthusiastic movement, brought about by Timotheus, for the recovery of Euboea, B.C. 358 (Dem. *de Cor.* p. 259; *de Cherson.* 108). It may be observed that Aristotle (*Polit.* v. 8) disapproved of the ordinary liturgies; remarking that "it would be better if the people would prevent the rich men, when they offer to exhibit a number of unnecessary and yet expensive entertainments of plays, torch-races, and the like." He may have been justified in his own time, while yet in earlier ages the liturgies may have been a result of true patriotic impulse, and a binding link between the rich and the poor.

On the subject of the liturgies, see especially Boeckh's *Staatshaushaltung der Athener*; Hermann, *Staatsalterth.* § 161; Wolf, *Prolegom. in Demosth. Leptin.* p. lxxxvi., &c.; Wachsmuth, vol. ii., p. 92, &c.; Kennedy's translation of the *Oration against Leptines*, &c., Appendix ii. p. 242. [J. R. M.]

LEMBUS (λέμβος), according to Fulgentius called also *dromo*, which defines it as a swift and light vessel. It was a small boat used to carry persons from the ship to the shore (Plaut. *Merc.* i. 2, 81; ii. 1, 35). So in Dem. *c. Zenoth.* p. 883, the λέμβος seems to be a small boat towed behind the ship into which Hegestratus tries to jump so as to escape to shore; and in Theocr. xxi. 12, it is a small fishing boat for oars (cf. Verg. *Georg.* i. 201). The name was also given to boats larger than this, but in the same manner light and swift, sent ahead to obtain information of the enemy's movements (Polyb. i. 53), or for plundering excursions (Liv. xxx. 45); also as fast-sailing transports (Polyb. li. 3). [W. S.] [G. E. M.]

LEMNISCUS. [See CORONA.]

LE'MURES. See *Dict. of Greek and Roman Biography and Mythology.*

LEMU'RIA, a festival for the souls of the departed, which was celebrated at Rome every year in the month of May. It was said to have been instituted by Romulus to appease the spirit of Remus whom he had slain (Ovid, *Fast.* v. 473, &c.), and to have been called originally Remuria (clearly a fanciful derivation). It was celebrated at night and in silence, and during three alternate days, that is, on the 9th, 11th, and 13th of May. During this season the temples of the gods were closed, and it was thought unlucky for women to marry at this time and during the whole month of May, and those who ventured to marry were believed to die soon after, whence the proverb *mense Maio malae nubent.* Those who celebrated the Lemuria walked barefooted through the house, washed their hands three times, and threw black beans nine times behind their backs. At the same time the words were used, "I redeem myself and my household with these beans," and the ghosts were bidden to quit the house. It was supposed that they followed behind the thrower and gathered up the beans. The Lemures, as the Larvae, represented the spirits of the wicked and haunted a house for evil: beans were sacred to the infernal powers, for which reason the Flamen Dialis was forbidden to touch or even to name them, just as he was forbidden to approach a grave or a dead body (Gell. x. 15); and *black* beans, like the πάμμελας ὄϊς of Homer, would be particularly appropriate to the Lemures. That the festival was a very ancient one may be conjectured from its fetish-like character, and from the fact that it was celebrated by the father of the family for his own household. (For the date of the Lemuria, see Marquardt, *Staatsverwaltung*, iii. 575: and for details of the ceremony, Ovid, *l. c.*; Preller, *Röm. Myth.* 499.) [L. S.] [G. E. M.]

LENAEA. [DIONYSIA.]

LENO, LENOCI'NIUM. Lenocinium is defined by Ulpian as the keeping of slaves or free women for prostitution and the profits of it: "Lenocinium facit, qui quaestuaria mancipia habet, sed et qui in liberis hunc quaestum exercet in eadem causa est" (Dig. 3, 2, 1; *ib.* 4, 2): cf. Dig. 23, 2, 6–9, "Lenas eas dicimus quae mulieres quaestuarias prostituunt." The brothels of Rome (*lupanaria*) are mentioned by Plautus, Juvenal, and Quinctilian. In the Digest it is said more than once (*e.g.* 23, 2, 43, 1) that the keeping of a tavern was often no more than a cloak for this kind of trade; and Alexander Severus enacted (Cod. 4, 56, 3) that an *ancilla* who was sold under a condition that she should not be prostituted, should not either be sold into service in a public house, as if the two things were almost identical. The trade, however, was not forbidden, though it seems to have been requisite for lenones to be registered with the aedile, and by the praetor's edict they were one of the classes branded with the stigma of *infamia* (Dig. 3, 2, 4, 2): in the time of Caligula, too (Sueton. *Calig.* 40), a tax was imposed on all who kept brothels. Theodosius and Valentinian (Cod. 1, 4, 12) enabled slaves and children whom their masters or fathers forced to prostitution to obtain protection by application to the authorities of the church, and they also forbade the practice of lenocinium under pain of exile, corporal punishment, &c. (*Cod. Theod.* 15, 8, 1, 2; *Nov. Theod.* tit. 18). Justinian (*Nov.* 14) also attempted to suppress the business by banishing lenones from the city, and by making the owners of houses who allowed prostitution to be carried on in them liable to forfeit the houses and pay ten pounds of gold: those who by trickery or force got girls into their possession and gave them up to prostitution were punished with the "extreme penalties," but it is not said what these were.

Most of the passages bearing on this subject in the writings of the jurists relate to the lenocinium which the Lex Julia de adulteriis (Dig. 48, 5, 2, 2; cf. Cod. 9, 9, 2) subjected to the penalties of *adulterium* itself, for which see *Inst.* iv. 18, 4. Among such acts are allowing one's house to be used for adultery or *stuprum*; acquiescing in the adultery of one's wife in order to share the gain she made; to keep or take back a wife whom one has detected in an act of adultery (Sueton. *Dom.* 8; Paul. *Sent. rec.* 2, 26, 8); to let an adulterer detected in the act escape, or not to prosecute him. A husband who winked at his wife's adultery had no right to retain any portion of the *dos* (Dig. 24, 3, 47); but by *Nov.* 117, 9, 3, Justinian allowed a wife a divorce if her husband attempted to make her prostitute herself, and enabled her to recover both *dos* and *donatio propter nuptias*. With respect to other persons than the husband, it was lenocinium by the Lex Julia if a man married a woman convicted of adultery: if, having detected others in adultery, he held his peace for a sum of money, or if he commenced a prosecution for adultery and then discontinued it. (Rein, *Criminalrecht der Römer*, p. 883; Walter, *Geschichte des römischen Rechts*, § 811.) [G. L.] [J. B. M.]

LEONIDEIA (λεωνίδεια) were solemnities celebrated every year at Sparta in honour of Leonidas, who, with his 300 Spartans, had fallen at Thermopylae. Opposite the theatre at Sparta there were two sepulchral monuments, one of Pausanias and another of Leonidas, where a contest was held, in which none but Spartans were allowed to take part. (Paus. iii. 14, § 1.) [L. S.]

LEPESTA (λεπάστη), a wine bowl mentioned by Varro among *vasa vinaria*. He also says, "Ubi erat vinum in mensa positum, aut lepestam aut galeolam aut sinum dicebant; tria enim pro quibus nunc dicimus acratophoron" (Varr. *ap.* Priscian. vi. 714). It was therefore, like the acratophoron, filled with pure wine and placed on the table. He speaks, too (*L. L.* v. 26, 35), of its being used in Sabine sacred rites to hold wine; and says that it was either of pottery or metal (Varr. *ap.* Non. 547, 26. See also Arist. *Pax*, 916, and Athen. 484 f.). In these instances it seems to be used as a drinking cup. Its shape may be guessed from its connexion with the word λέπας, "a limpet," a more probable source than λάπτω, "to swallow." It may be noticed that conversely the Latin word for limpet is *patella*. (Marquardt, *Privatleben*, 654; Becker-Göll, *Gallus*, iii. 410.) [G. E. M.]

LEPTON. [Chalcus; Obolos.]

LERIA. [Limbus.]

LERNAEA (λερναῖα) were mysteries celebrated at Lerna in Argolis in honour of Demeter and also to Dionysus, for both deities had shrines there. Dionysus had descended by the marsh of Lerna to the nether world to seek his mother Semele. Pausanias says that part of these rights might be revealed to the uninitiated, but that which belonged to Dionysus might not. Probably these mysteries reproduced the doctrines of Eleusis about a future life. We are told that there was a doubtful tradition to the effect that Philammon instituted these mysteries. In ancient times the Argives brought firs for them from the temple of Artemis Pyronia on Mount Crathis. (Paus. ii. 36, 37, viii. 15; Maury, *Relig. de la Grèce*, ii. 370.) [L. S.] [G. E. M.]

LESCHE (λέσχη) seems to be connected with λέγω, though the history of the form which it takes is not quite clear (Curtius, *Greek Etym.* 366). It means conversation, and hence a place of conversation or council. The definition in Photius is λέσχας ἔλεγον δημοσίους τινὰς τόπους, ἐν οἷς σχολὴν ἄγοντες ἐκαθέζοντο πολλοί .... ἐξέδρας δὲ ὁμοίας γενέσθαι. In early times they were the places for lounging and gossip, such as could be found in the village smithy, παρ᾽ δ᾽ ἴθι χαλκεῖον θῶκον καὶ ἐπαλέα λέσχην (Hes. *Op.* 491). (Compare the mention of *furnus* as a place for gossip in Horace.) In *Od.* xviii. 329 the λέσχη seems to be mentioned as distinct from the smithy, though both are mentioned as places for gossip. It is probable that even in those early times there were covered places, porticoes or verandahs, open to the sun (ἀλεεινοὶ τόποι, as Hesychius calls them, and this is probably the sense of ἐπαλής), which were used as a sort of village club. We gather from the grammarians that there were commonly in Greek cities such places called λέσχαι, where the idle resorted for conversation, the poor to find warmth and shelter; at Athens it is said that there were several. (Eustath. *ad Od.* l. c.; Proclus *ad* Hes. *l. c.*; Kühn *ad* Ael. *V. H.* ii. 34; *C. I.* 93, 23.)

In the Dorian states especially we find the word used for a sort of club-room and as a place for meeting and consultation. At Sparta every *phyle* had its lesche. Pausanias names two, one called the λέσχη Κροτανῶν, the other (from its decoration) the λέσχη ποικίλη (Paus. iii. 14, § 240; 15, § 245). Plutarch (*Lyc.* xxv. § 55) speaks of them as used for business also, but especially for the relaxation of the citizens (ἥδυσμα τοῦ πόνου), in contrast to their severe bodily exercises and drilling; in fact, "The proper home of the Spartan art of speech, the original source of so many Spartan jokes, current over all Greece, was the Lesche, the place of meeting for men at leisure near the public drilling-grounds, where they met in small bands and exchanged merry talk, as soldiers do by the watch-fire in the camp. Here men learnt the give-and-take of Spartan speech" (Curtius, *Hist. of Greece*, E. T., vol. i. p. 205). No doubt those at least mentioned by Pausanias had some architectural pretensions, and we find others such elsewhere, especially those in connexion with the temples of Apollo (which suggests that, though in vogue among Ionians also, they belonged more particularly to Dorians); and hence Apollo as their guardian is called *λεσχηνόριος*. Most famous of all was the Lesche of the Cnidians at Delphi, a court surrounded by colonnades or cloisters and painted in the colonnades on the right and left by Polygnotus: the Trojan war on the right, with the taking of the city and the loosing of the fleet; the realms of death, into which Ulysses descended, on the left. The paintings are elaborately described by Pausanias (x. 25–31, § 859 *sq.*), who was fortunate enough to have seen them. [P. S.] [G. E. M.]

LEX. This term indicates generally a rule of law binding universally on the citizens of a given state: "Lex est commune praeceptum, virorum prudentium consultum, delictorum coercitio, communis reipublicae sponsio" (Dig. 1, 3, 1); "Legis virtus est haec, imperare, vetare, permittere, punire" (*ib.* 7). In the works of the Roman writers and jurists it is used to denote an enactment of any body (or even individual) constitutionally empowered to legislate, but more properly it is used only of the enactments of the Comitia Centuriata. Definitions of *lex* will be found in Cicero, *de Leg.* i. 6 (cf. ii. 16); in Aulus Gellius, x. 20 (by the jurist Capito); in Gaius, i. 3 (adopted in Justinian's Institutes, i. 2, 4); and in Dig. 1, 3, 1 (by Papinian).

The earliest leges of which we read were those made in the Comitia Curiata (whence they are called Leges Curiatæ), which till the reforms of Servius Tullius was the only legislative body at Rome. Some of these—the so-called *leges regiae*—were said to have been enacted by the Comitia on the motion of Romulus, as well as of the kings who succeeded him (Dig. 1, 2, 2, 2). Dionysius says (iii. 36) that a collection of these leges regiae was made towards the end of the regal period by one Sextus Papirius, a commentary on which, written in the time of Julius Caesar by Granius Flaccus, is quoted in Dig. 50, 16, 144; but it is improbable that they were anything more than formal restatements of customary law already binding, and the fact that Sextus Papirius was (according to Dionysius) a pontifex suggests that they may have been only of sacerdotal import. (Some of their substance has been collected in a fragmentary form by earlier writers, and there is an essay on the subject by H. E. Dirksen: *Versuche zur Kritik und Auslegung*, Leipzig, 1823). It may indeed be doubted whether any large proportion of the enactments of the Comitia Curiata were genuine "laws," though the fifty leges of Servius mentioned by Dionysius (iv. 13) seem to have made some general changes; at any rate it is certain that after the establishment of the Comitia Centuriata by Servius Tullius the assembly of the Curiae, as a legislative body, fell almost entirely into disuse. We read of its conferring the *imperium* on the magistrates, sanctioning testaments and adrogations, and confirming some of the resolutions of the centuries which were held to require a religious sanction, and in all these cases it acted by a resolution or *lex*, but the difference between such a *lex* and a true law is too obvious to need any further exposition. And though even under Augustus a shadow of the old constitution was preserved in the formal bestowal of the *imperium* by a Lex Curiata only, the assembly of the Curiae had ceased even before Cicero's time to consist of the old patricians: they were merely represented by thirty lictors.

In the sense of a genuine enactment, establishing a rule of law, *lex* denotes the legislation of the Comitia Centuriata, in which the law was proposed (*rogabatur*) by a magistrate of senatorial rank, usually by one or both of the consuls for the year (*Inst.* i. 2, 4). Such leges were also called *populiscita* (Festus, *s. v.* Scitum Pop.).

The resolutions of the Comitia Tributa, whose origin was almost contemporaneous with that of the centurial assembly, had not at first the force of law: they seem to have been regarded merely as expressions of plebeian opinion, by which the patricians gauged the temper of the political opposition, and were guided to the line of policy which party exigencies rendered expedient. They were known as *plebeiscita* because the Comitia Tributa was at first attended only by members of the plebs, though every Roman was in fact enrolled in a tribe, and entitled to attend. When the tribunate of the plebs was instituted (*circ.* B.C. 494), a means was provided by which the resolutions of the tribes might become law. The tribunes were permitted to appear at the threshold of the building where the senate deliberated, and lay before it the proposals of the order which they represented: if approved, these proposals could then be referred in the ordinary way to the Comitia Centuriata, and thereby become genuine enactments of the sovereign populus (Val. Max. ii. 2, 7). After the enactment of the Lex Horatia Valeria (B.C. 449) the patricians seem to have begun to take part in the business of the Comitia Tributa, and it was perhaps provided by the same statute that plebiscita which related to matters of purely private law should have binding force without confirmation by the centuries. This exemption was apparently extended to all plebiscita by the first of the Leges Publiliae, B.C. 339 (Liv. viii. 12; Gellius, xv. 27), and finally a Lex Hortensia (B.C. 287) dispensed with the requirement of senatorial sanction to plebiscita. By this last change they were placed on a footing of complete equality with leges passed in the Comitia Centuriata (Dig. 2, 14, 7, 7; Gaius, i. 3; *Inst.* i. 2, 4): as the latter were proposed to the centuries by a senatorial magistrate, so they were submitted to the tribes by a tribune: leges related in the main to administrative and constitutional matters, plebiscita to matters of private law. The result of the equal legislative authority of the two comitia was that plebiscita came not uncommonly to be called leges, *lex* becoming a generic term (Dig. 1, 3, 32, 1), to which was sometimes added the specific designation, as "lex plebeivescitum," "lex sive plebiscitum est" (*e.g.* the Tabula Heracleensis, Savigny, *Zeitschrift*, &c. vol. ix. p. 355). Cicero, in his enumeration of the sources of Roman law (*Top.* 5), does not mention plebiscita, which he undoubtedly included under leges: among the so-called leges which in fact were plebiscita are the Lex Aquilia (Cic. *pro Tullio*, 8, 11; Dig. 9, 2, 1, 1), the Lex Canuleia, Lex Rubria, &c.

The term *rogatio* means any measure proposed (bill, *projet de loi*) to the legislative body, whether on its enactment it would technically be a lex or a plebiscitum: hence the expressions *populum rogare* (Cic. *Phil.* i. 10, 26), *plebem rogare* (*de Leg.* iii. 3, 9), *legem rogare* (*de Republ.* iii. 10, 17; *Phil.* ii. 29, 72; Dig. 9, 2, 1, 1), and, by analogy, *magistratum rogare*, to offer a magistrate for election to the people (Liv. iii. 65, vii. 42; Cic. *ad Att.* ix. 15, 2, &c.; Sallust, *Jug.* 29: cf. Festus, *s. v.* Rogatio). The form of such rogation (in the case of an adrogation effected before the Comitia Curiata) is given by Gellius, v. 19, 5, 9: "Velitis jubeatis, uti L. Valerius L. Titio tam jure legeque filius siet, quamsi ex eo patre matreque familias ejus natus esset, utique ei vitae necisque in eum potestas siet, uti patri endo filio est, haec ita uti dixi, ita vos quirites rogo." Assent to the proposal was expressed in the form "uti rogas" (which explains the term *sponsio* in the definition of *lex* above from Dig. 1, 3, 1); rejection by the verb *antiquo* (Liv. iv. 58, v. 30, 55, &c.; Cic. *de Off.* ii. 21, 73; *ad Att.* i. 13; *de Leg.* iii. 17, 38). The measures submitted were not unfrequently called *rogationes* even after their definite enactment as leges or plebiscita; and in Dig. 35, 2, 1, pr., an enacted statute is termed "lex rogata." "*Promulgare* legem" denotes the publication of its terms for the public information (see **Lex Caecilia Didia** *inf.*), such publication being usually followed by *contiones* or meetings in which the bill was explained and recommended to the people by its proposer or supporters (*suasores*): this promulgation and informal discussion is expressed by the phrase "*ferre* legem" as contrasted with *rogare*, which is confined to the solemn submission of the measure to the Comitia for acceptance or refusal: the general term used for acceptance is "rogationem *accipere*." "Legem *perferre*" is to carry a rogatio, to convert it into a lex (Cic. Cornel. *fragm. ap.* Ascon.; Liv. xxxiii. 46). Other terms familiarly used in connexion with leges are explained by Ulpian (*Reg.* 1, 3): "Lex aut rogatur, id est fertur: aut abrogatur, id est, prior lex tollitur: aut derogatur, id est, pars primae legis tollitur: aut subrogatur, id est, adjicitur aliquid primae legi: aut obrogatur, id est, mutatur aliquid ex prima lege."

By Festus *rogatio* is described as equivalent to what is otherwise called *privilegium*: "a command of the populus relating to one or more persons, but not to all persons, or relating to one or more things, but not to all:" cf. Dig. 50, 17, 196. Privilegia had been forbidden by the Twelve Tables (Cic. *de Leg.* iii. 19, 44; *pro Domo*, 17, 43), but in the sense of statutes in favour of or directed against individuals they are common; *e.g.* the Lex Centuriata by which Cicero was recalled from exile: "Non sunt generalia jussa, ... sed de singulis concepta, quocirca *privilegia* vocari debent, quia veteres priva dixerunt quae nos singula dicimus" (Gellius, x. 20, 4). The term is generally used by Cicero in the unfavourable sense (*pro Domo*, 17, 43; *pro Sestio*, 30, 65; *Brut.* 23, 89), and from the language in *pro Domo*, 11, 28, it may be inferred that privilegia were not considered leges proper: cf. Ulpian in Dig. 1, 3, 8: "Jura non in singulas personas, sed generaliter constituuntur." In the Corpus *juris privilegium* is used generally to denote a *jus singulare* or privilege conferred on classes by law: cf. Dig. 1, 3, 16; 9, 2, 51, 2; 1, 3, 14 and 15: and see Savigny, *System*, i. p. 61.

Of the form and style of Roman legislation we can judge to some extent from the fragments which survive. The Romans seem to have always adhered to the old expressions, and to have used few superfluous words. Great care was taken with such clauses as were intended to alter a previous lex (whence the standing clause "de impunitate si quid contra alias leges, ejus legis ergo, factum sit," Cic. *ad Att.* iii. 23), and to avoid all interference with prior enactments when no change in them was contemplated (whence the common formula "ejus hac lege nihil rogatur," E. H. L. N. R. Lex Tab. Heracl., Lex Rubria, Lex Quinctia de aquaed.: cf. Valerius Probus; Cic. *pro Caec.* 33, 95; *pro Balbo*, 14, 32): though the general principle seems to have been that a subsequent repealed or modified a prior lex with which it was inconsistent. The leges were often divided into chapters (*capita*), *e.g.* the Lex Aquilia (Gaius, iii. 210, 215, 217): cf. also the tablet of the Lex Rubria or de Gall. Cisalp. and Cic. *ad Att.* l. c. In order to preserve a permanent record, the lex was engraved on bronze (*aes*) and deposited in the Aerarium (Sueton. *Jul.* 28; Plut. *Cat. min.* 17): but it also seems to have been usual to cut statutes on tablets of oak (Dionys. iii. 36), which were whitened over and then fixed in a public place for all citizens to read, though whether they were so exposed for any great length of time is uncertain (Cic. *ad Att.* xiv. 12). The title of the lex was generally derived from the gentile name of the magistrate who proposed it, and sometimes from those of both the consuls or praetors (*e.g.* Lex Aelia Sentia, Junia Norbana, Papia Poppaea, &c.): and it was sometimes further described by reference to the topic to which it related (*e.g.* Lex Cincia de donis et muneribus, Lex Furia de sponsu, Lex Furia testamentaria, Lex Julia municipalis, &c.). Leges which related to a common subject were often designated by a collective name, as Leges agrariae, judiciariae, sumptuariae, &c. When a lex comprised very various provisions, relating to matters essentially different, it was called Lex Satura.

The terms in which a statute was expressed were fixed by the proposer, though he would usually be assisted by others who possessed the requisite familiarity with technical language: it was proposed to the Comitia for acceptance or rejection in its entirety, there being no discussion of or alteration in its clauses, which indeed in such an assembly would have been injurious, if not impossible. One important part of the lex was its *sanctio*—i.e. that part of it which provided a penalty for, or declared what should be the effect of, its infraction (*Inst.* ii. 1, 10; Auct. *ad Herenn.* ii. 10; Cic. *de Invent.* ii. 49, 146; Papinian in Dig. 48, 19, 41). If the sanctio declared that the act against which the statute was directed should be void, the lex was said to be *perfecta;* if there was no such provision, it was *imperfecta* (e.g. the Lex Cincia): and if an act was merely penalised, but not declared void, the lex is said by Ulpian (*Reg.* 1, 2) to be called "minus quam perfecta" (*e.g.* the Leges Furiae testamentaria and de sponsu): cf. Savigny, *System*, iv. p. 549 *sq*.

The number of leges was largely increased towards the end of the republican period (Tac. *Ann.* iii. 25–28), and Julius Caesar is said to have contemplated a revision of the whole of them. Augustus, and perhaps his immediate successors, was careful to conduct his legislation under republican forms, though it may be doubted whether any statute was enacted after the fall of the Republic except on the initiative of the emperor, or at any rate without his sanction express or implied. The Comitia assembled and gave the force of law to the proposals submitted to them for some time after the constitution had lost all trace of real freedom (Tac. *Ann.* i. 15 relates to the election of magistrates, not to legislation); and most of the Leges Juliae, a Lex Visellia, an agrarian law of Caligula, and a law of Claudius (Gaius, i. 157, 171) were enacted in the ordinary way. The last statute which we know to have been passed in this manner is a lex agraria of the time of Nerva (A.D. 96–98), mentioned in Dig. 47, 21, 3, 1. Gaius speaks of the Comitia as in theory still a source of law ("lex est, quod populus *jubet atque constituit*, plebiscitum, quod plebs *jubet atque constituit*," i. 3: cf. *Inst.* i. 2, 4, in which the present tense has been turned into the past): but it is improbable that they had been called upon to discharge legislative functions since A.D. 100.

For some reigns after that of Augustus legislation was most ordinarily conducted by resolutions of the senate [SENATUSCONSULTUM], into which the proposed law was introduced by a consul, or very often by an oration of the emperor [CONSTITUTIONES]. Originally senatusconsulta did not acquire the force of law until they had been confirmed by the Comitia, in which case they were leges proper: but during the last half-century of the Republic the senate asserted and established an independent right of legislation. Hence, when genuine statutes ceased to be enacted with any frequency, senatusconsulta came to be actually called *leges*. Justinian says (*Inst.* i. 2, 5), "Cum auctus esset populus Romanus in eum modum ut difficile esset in unum eum convocari legis sanciendae causa, aequum visum est senatum vice populi consuli:" a passage based on similar language of Pomponius in Dig. 1, 2, 2, 9. The name *comitia* came to be commonly given to the sittings of the senate (Tac. *Ann.* i. 15; Capitol. *Max.* 10). Gaius says (i. 4) that a senatusconsultum "*vicem legis* obtinet," and in i. 85 he terms a senatusconsult of Claudius a *lex:* for similar passages cf. Dig. 14, 6, 9, 4; ib. 14; 48, 16, 10. No senatusconsulta occur after the reign of Septimius Severus (A.D. 193–211). The constitutions of the emperors, which succeeded senatusconsulta as the ordinary mode of legislation, were also called *leges* (e.g. Lex Anastasiana, Cod. 4, 35, 22): cf. *Inst.* i. 2, 6, and Dig. 1, 4, 1: "Quodcunque Imperator statuit, *legem* esse constat." [See CONSTITUTIONES.]

A less common and proper signification of lex, quite distinct from that of a general rule of law, is that in which it denotes the conditions under which a thing is to be done, or under which parties contract with one another: *e.g.* "lex commissoria" [COMMISSORIA]; "leges
venditionis" or "emptionis," conditions of sa
Dig. 18, 1, 40 (which explains why Cic
speaks of Marcus Manilius' work on sales
"Manilianas venalium vendendorum leges,"
Orat. i. 58, 246); "legem traditioni dicer
Dig. 8, 4, 17, 3; "lex donationis," Dig. 1,
22. Accordingly we find the expression "le
censoriae" to express the conditions on whi
the censors let the public property or taxes
farm, which were perhaps embodied in cert
standing regulations (*Fragm. de jure fisci*, § 1
Dig. 50, 16, 203). Similarly the term is used
conditions imposed on a testamentary dispo
tion: "legatario legem dicere," Dig. 40,
40, 1; cf. Dig. 32, 22, pr. Not unfrequent
lex denotes merely the statute of the Twel
Tables (*e.g.* Dig. 2, 14, 7, 14; 8, 3, 13; 41,
3, &c.), and in one passage it means nothi
more than the nature or character of a thin
"*lex* danda operi talis, ne quid noceat vicinis
Dig. 39, 2, 15, 10. The extant authorities
Roman leges are inscriptions and the works
the classical writers and jurists. The *Corp*
Inscriptionum Latinarum of Mommsen of cour
comprises all extant records of authentic leg
lation, along with a vast number of oth
inscriptions; smaller collections, relating m
particularly to leges, are those of Göttl
(*Römische Urkunden auf Erz und Stein*, Hall
1845) and Zell (*Delectus inscriptionum*
monumentis legalibus fere omnibus): cf. a
Rudorff, *Römische Rechtsgeschichte*, i. §§ 81–
The best information as to the fragmenta
citations from or references to leges which a
found scattered about in non-juristic Lati
writers is to be obtained from Haubold's *Ins*
tutiones juris Romani litterariae, vol.
pp. 241–44, 297–349 (Leipzig, 1809): of t
imperial legislation (independently of the Co
which have come down to us) there is a ve
full collection by Haenel, *Corpus legum*, &
Fasc. i. (Leipzig, 1857). But perhaps the m
useful modern collection to the classical stude
is that of Orelli (vol. viii. of his edition
Cicero) entitled "*Index legum Romanoru*
quarum apud Ciceronem ejusque Scholiast
item apud Livium, Velleium Paterculum,
Gellium nominatim mentio fit."

The following is a list of the princip
Leges:—

ACI'LIA DE COLONIIS DEDUCENDIS, B.C. 1
(Liv. xxxii. 29).

ACI'LIA REPETUNDARUM, B.C. 102 (Cic.
Verr. i. 17, 51; ii. 1, 9). [REPETUNDAE.]

ACI'LIA CALPURNIA, B.C. 68 (Dio C
xxxvi. 21). [AMBITUS.]

AEBU'TIA, enacted probably about B.C.
(for the various views as to its precise date
Rudorff, *Rechtsgeschichte*, i. § 44, p. 1
Padelletti, *Hist. Roman Law*, ch. 32, note 2)
abolished the legis actio procedure except in
tried before centumviri, in cases of damn
infectum, and for the voluntary jurisdic
employed for adoptions, manumissions, in j
cessio, &c. (Gellius, xvi. 10, 8; Gaius, iv.
[JUDEX; ACTIO.] Another lex of the
name prohibited the proposer of a lex wh
created any office or power (*curatio ac potes*
from having such office or power, and e
excluded his collegae, cognati and affines
de lege agr. [*in Rull.*] ii. 8, 21; *de Domo*,
51).

AE'LIA. This and a Lex Fufia passed towards the end of the sixth century of the city (Cic. *in Pison.* 5, 10) gave every magistrate the right of declaring beforehand his intention of taking the omens on a fixed day, and thereby (on the plea of their being unfavourable) of preventing the assembly of the Comitia (*obnuntiatio*). This right was frequently exercised against the tribunes of the people (Cic. *in Vatin.* 7, 9), for which reason Clodius (B.C. 58) got it temporarily taken away (Dio Cass. xxxviii. 13). The better opinion seems to be that there were two distinct leges (see Walter, *Geschichte des römischen Rechts*, § 152, note 98); they are frequently mentioned by Cicero, especially *in Vatin.*; *pro Sestio*; *in Pison.*; *ad Att.* i. 16, ii. 9, iv. 16, 5. See also Orelli's discussion of them in his *Onomasticon*; *Index Legum*, where the passages in which they are mentioned are collected; and Mommsen, *Römisches Staatsrecht*, i. pp. 80, 107.

AE'LIA DE COLONIIS DEDUCENDIS, B.C. 195 (Liv. xxxiv. 53).

AE'LIA SE'NTIA. This was passed A.D. 4, mainly to prevent the true Roman population from being swamped by a too free exercise of the master's right of making his slaves citizens at Rome by manumission [LIBERTUS]. It contained the following provisions:—

(i.) Slaves who had been put in irons or branded by their masters as a punishment, or put to torture on a criminal charge and convicted, or made to fight in the arena, or thrown into prison or consigned to the gladiatorial school, were not by subsequent manumission to attain any higher status than that of *peregrini dediticii* (Gaius, i. 13; Ulpian, *Reg.* i. 11; Paul. *Sent. rec.* iv. 12, 3–8: see DEDITICII and LIBERTUS). (ii.) Slaves under thirty years of age could not in future be manumitted so as to become cives unless the form of manumission were "per vindictam," and a sufficient reason for it were proved before a consilium, consisting at Rome of five senators and five equites, sitting on fixed days, and in the provinces of twenty recuperatores or judges who were cives, and who sat for this purpose on the last day of the conventus or judicial assize in different towns (Gaius, i. 18, 20; Ulp. *Reg.* i. 12). Among the "sufficient reasons" (*justae causae*) were that the slave was a child or near relation of the manumitter, or his paedagogus; or that he wished to make him his agent, or (being a girl) to marry her (Gaius, i. 19). But even a slave under thirty could be made a civis by his master's will if he were instituted heres necessarius "cum libertate," and the master was insolvent (Gaius, i. 21). Slaves under thirty manumitted otherwise than "vindicta apud consilium" at first remained slaves in the eye the law [LIBERTUS], but by the Lex Junia Norbana, A.D. 19, they acquired the status of Latini. The Lex Aelia Sentia, however, itself provided one way in which they could rise to the condition of civitas; that is to say, if they married a civis Romana, or a Latina coloniaria, or a woman of the same class as themselves, had as evidence of this fact the presence of five Roman citizens of full age, and begot a son who attained the age of one year, they could prove these facts to the praetor at Rome, or the governor in a province; and on the magistrate declaring the case "proven," the man, his wife and child became all Roman citizens. If the man died before he had proved his case to the magistrate, the mother could do it, and the legal effect was the same. There were also other modes in which a Latinus could become civis [LATINITAS; cf. Poste's *Gaius*, note on i. 35]. (iii.) Manumission by a master under twenty was declared void unless made "per vindictam" and on proof of a "justa causa" of the same kind as above before the consilium (Gaius, i. 38). Thus, after this, though he could make a will at fourteen, a master could not manumit his slaves by it unless he was twenty (Gaius, i. 40); but Justinian permitted testamentary manumission at seventeen (*Inst.* i. 6, 7) and (by *Nov.* 119, 2) even at fourteen. Even manumission in one of the informal modes (e.g. *inter amicos*) by a master under twenty, which at the most could only have made him a Latinus, was held void unless a "justa causa" were proved before the consilium (Gaius, i. 41). (iv.) Manumission being an act by which a man diminished his property, manumission in fraud of creditors was by the statute made revocable by the latter (Gaius, i. 37; *Inst.* i. 6, pr.—4), and this provision was extended to peregrini by a senatusconsult under Hadrian (Gaius, i. 47): but it did not apply to the institution of a slave as "necessarius heres," in order to save the testator from the disgrace of posthumous bankruptcy (*Inst.* l. c. 1). Similarly the patron of a freedman who owned slaves was enabled to prevent the libertus from prejudicing his contingent rights of succession by revoking manumissions "in fraudem patroni" (Gaius, i. 37). (v.) The statute also allowed a patron to bring a criminal prosecution against his liberti if guilty of ingratitude (Dig. 40, 9, 30; 50, 16, 70, pr.: cf. Tac. *Ann.* xiii. 26).

Of the above provisions only the third and fourth were in force under the law of Justinian. The supposed reference to a Lex Aelia Sentia in Cicero (*Top.* 2, 10) is shown by Orelli to be a myth.

AEMI'LIA BAE'BIA. [CORNELIA BAEBIA.]

AEMI'LIA DE CENSORIBUS, passed by M. Aemilius when dictator, B.C. 433: it gave the censors, though elected at intervals of five years, only a year and a half instead of a whole lustrum for the discharge of their functions (*e.g.* holding the census and letting out the taxes and public works to farm), so that the state was without censors for intervals of three years and a half (Liv. iv. 24, ix. 33, 34; Mommsen, *Röm. Staatsrecht*, ii. p. 336).

AEMI'LIA DE LIBERTINORUM SUFFRAGIIS, B.C. 116 (Aurel. Vict. *de Vir. illustr.* 72).

AEMI'LIA SUMPTUARIA, passed by Aemilius Lepidus, B.C. 179 (Macrob. *Saturn.* ii. 13, p. 369). Pliny (*H. N.* viii. § 223) seems to be referring to a different sumptuary law of the same name passed by M. Aemilius Scaurus, B.C. 116, though this may have been identical with the Lex Aemilia de libertinorum suffragiis.

AGRA'RIAE. [AGRARIAE LEGES: and LEX APULEIA; CASSIA; CORNELIA; FLAMINIA; FLAVIA; JULIA; LICINIA; MAMILIA; SEMPRONIA; SERVILIA; THORIA.]

A'MBITUS. [AMBITUS.]

A'MPIA, a lex proposed by T. Ampius and

T. Labienus, trib. plebis, B.C. 64, by which Cn. Pompeius was allowed to wear a crown of bay at the Ludi Circenses, and the like (Vell. Paterc. ii. 40; Dio Cass. xxxvii. 21).

ANASTASIA'NA, a constitution of the Emperor Anastasius, A.D. 506 (Cod. 4, 35, 22), providing that no purchaser of a debt or "chose in action" should be able to recover more from the debtor than what he had paid for it himself, with ordinary interest, even though it was alleged that the transaction was in part a gift (Vangerow, *Lehrbuch der Pandekten*, § 576).

ANNA'LES were those statutes which determined at what age a man might be a candidate for the several magistracies: if he was elected to one at the earliest possible age, he was said to become praetor, consul, &c., "anno suo" (Cic. *de Off.* ii. 17, 59; *Philip.* v. 17, 47 *sq.*; Tac. *Ann.* xi. 22). The first of them was a Lex Villia, proposed by L. Villius, a tribune, B.C. 180 (Liv. xxv. 2, xl. 44), by which a man could be elected quaestor at the age of thirty-one, aedile at thirty-seven, praetor at forty, and consul at forty-three. There seems to have been a Lex Pinaria on the same subject carried by one M. Pinarius Rusca, a tribune, *circ.* 134 B.C. (Cic. *de Orat.* ii. 65, 261): see Wex, *Rhein. Museum*, 1845, pp. 276–288; Hofmann, *Röm. Senat.* pp. 172–177.

A'NTIA (Gell. ii. 24, 13; Macrob. *Saturn.* ii. 13). [SUMPTUARIAE LEGES.]

ANTO'NIA DE TERMESSENSIBUS, a plebiscitum enacted *circ.* 72 B.C., by which Termessus in Pisidia was recognised as libera. (See FOEDERATAE CIVITATES; Puchta, *Institutionen*, § 69; and Dirksen, *Bemerkungen über das Plebiscitum de Thermensibus.*)

ANTO'NIAE, the name of various enactments proposed or passed by the influence of M. Antonius after the death of the dictator Julius Caesar (Cic. *Phil.* iii. 4, 9; v. 4, 10; vi. 2, 3; xiii. 3, 5; *ad Fam.* xii. 14, 6). One abolished the dictatorship (*Phil.* i. 1, 3; Dio Cass. xliv. 51); others related to the constitution of the judicia (*Phil.* v. 5, 12; viii. 9, 27), to appeals after conviction for Vis or Majestas (*Phil.* i. 9, 21), to permutatio of the provinces (Dio Cass. xlv. 9, 20; Vell. Pat. ii. 20; Appian, *Bell. Civ.* iii. 27, 30), to honours to be paid to Caesar at the ludi Romani (*Phil.* ii. 43, 110), and to an agrarian division of land (*Phil.* v. 3, 7; Dio Cass. xlv. 9).

APULE'IA, B.C. 102, gave one of two or more sponsors or fidepromissors (sureties), who paid the whole debt which they had guaranteed, the right of bringing an actio pro socio against the rest for the recovery of what he had paid in excess of his fair share (Gaius, iii. 122). [INTERCESSIO.]

APULE'IA AGRARIA, proposed by the tribune L. Apuleius Saturninus, B.C. 101 (Liv. *Epit.* 69; Appian, *Bell. Civ.* i. 29; Cic. *pro Sestio*, 16, 37; 47, 101).

APULE'IA DE COLONIIS DEDUCENDIS, perhaps really a chapter of the preceding lex: at any rate passed by the same tribune in the same year (Aurel. Vict. *de Vir. illust.* 73; Cic. *pro Balbo*, 21, 48).

APULE'IA FRUMENTARIA, of the same date and author (Auct. *ad Herenn.* i. 12, 21). [FRUMENTARIAE LEGES.]

APULE'IA MAJESTATIS, probably passed by the same tribune and about the same time (Cic. *de Orat.* ii. 25, 49, 107, 201). [MAJESTAS.]

AQUI'LIA, *circ.* B.C. 287. [DAMNI INJURIA ACTIO.]

ATE'RNIA TARPEIA, B.C. 454, gave to all magistrates the right, which had hitherto belonged only to the consuls, of fining those who resisted their authority: the maximum of the fine, which had been fixed by a Lex Valeria (B.C. 509) at two sheep and five oxen, was raised to two sheep and thirty oxen: cf. PAPIRIA or JULIA PAPIRIA (Cic. *de Republ.* ii. 35, 60; Dion. Halic. x. 50; Gellius, xi. 1, 2–3; Festus, *s. vv.* Ovibus, Duobus, Peculatus; Paul. Diac. *ex Fest.* s. v. Maximam Multam; Plin. *H. N.* xviii. § 11; Niebuhr, *Röm. Geschichte*, ii. p. 341 *sq.*; Mommsen, *Röm. Staatsrecht*, i. p. 128; Huschke, *Multa*, pp. 31, 46, 88; Puchta, *Institutionen*, § 53 *ad fin.*; Walter, *Geschichte des röm. Rechts*, § 820.)

A'TIA DE SACERDOTIIS, B.C. 63, proposed by the tribune T. Atius Labienus; it restored the regulations of the Lex Domitia on the same subject, which had been repealed by Sulla (Dio Cass. xxxvii. 37; Ascon. *in Div.* 3).

ATI'LIA. [JULIA LEX ET TITIA; TUTOR.]

ATI'LIA MA'RCIA, B.C. 312, related to the election of tribuni militum by the people (Liv. ix. 30).

ATI'NIA, passed perhaps B.C. 198, repeated the rule of the Twelve Tables that stolen property should not be acquirable by usucapio, and added that the *vitium furti* should be removed, and the property admit of usucapio, as soon as the owner recovered possession of it, or was in a position to bring a vindicatio for its recovery (Gell. xvii. 7; *Inst.* ii. 6, 2; Dig. 41, 3, 4, 6; 50, 16, 215: see FURTUM).

ATI'NIA, a plebiscitum of the time of Sulla; apparently enacted that tribuni plebis should be elected solely from senators. The chief authority on its content is Gell. xiv. 8 (cf. Plin. *H. N.* vii. § 143; Cic. *pro Dom.* 47), which may also be interpreted to mean (1) that tribuni plebis should become senators *virtute officii sui* (Becker, ii. 2, 277), or (2) that they might (but not *must*) be chosen from senators (Hofmann, *Röm. Senat.* pp. 144–165). On the different views, see Walter, *Geschichte des röm. Rechts*, § 140, note 128. There is a reference to certain Leges Atiniae in Cic. *Phil.* iii. 6, 16; *Verr.* i. 42, 109, of which nothing further is known.

AUFI'DIA, B.C. 62 (Cic. *ad Att.* i. 16, 13). [AMBITUS.]

AURE'LIA DE AMBITU (Cic. *ad Q. fratrem*, i. 3, 8).

AURE'LIA JUDICIARIA, B.C. 71 (Cornel. *fragm.* 26; Ascon. *in Pis.* p. 16, 19, *in Corn.* p. 67, 78 *sq.*; Liv. *Epit.* xcvii.; Vell. Pat. ii. 32, 3). [JUDEX.]

AURE'LIA TRIBUNICIA (Ascon. *in Corn.* p. 66, 78). [TRIBUNI.]

BAE'BIA, B.C. 192, enacted that four and six praetors should be chosen in alternate years; but the law was not observed, and perhaps repealed (Liv. xl. 44; Festus, *s. v.* Rogat; Meyer, *Orator. Rom. fragm.* p. 90, ed. 2).

BAE'BIA CORNE'LIA. See CORNELIA BAEBIA.

CAECI'LIA DE CENSORIBUS or CENSORIA carried by Metellus Scipio, B.C. 52: it repealed a plebiscitum of Clodius (B.C. 58) which had prescribed a formal procedure for the censors u exercising their functions as inspectors of Mores, by providing that they should not, in selecting the senate, pass over and so cast a slur on any one who had not been explicitly accused before them, and marked with the nota censoria by nota (Ascon. in *Pis.* 4, p. 9 (Orelli); Cic. *pro Sest.* 25, 55, and Schol. Bob. p. 360; Dio Cass. xxxviii. 13, 15, xl. 57).

CAECI'LIA DE CN. POMPEIO, B.C. 63 (Schol. Bob. *pro Sestio*, p. 302; Dio Cass. xxxvii. 43; Plut. *Cato minor*, c. 26 *sq.*).

CAECI'LIA DE P. SULLA ET P. AUTRONIO (Cic. *pro Sulla*, 22 *sq.*; Dio Cass. xxxvii. 25: see Orelli, *Onomasticon*).

CAECI'LIA DE VECTIGALIBUS, B.C. 62, released the harbours of Italy from payment of direct taxes (*portoria*) to the state (Dio Cass. xxxvii. 51; Cic. *ad Att.* ii. 16; *ad Quint. fratr.* 10; Dig. 50, 16, 203), which, however, were re-imposed by Caesar (Suet. *Jul.* 43).

CAECI'LIA DI'DIA, B.C. 98, forbade the proposing of a Lex Satura (*i.e.* of enactments relating to different matters in one rogatio), lest people might be compelled either to vote for something which they did not approve, or reject something which they did. It also contained a provision that leges should be promulgated *trinis nundinis* before they were proposed to the Comitia (Cic. *Phil.* v. 3, 8; *pro Dom.* 16, 41; 20, 53; *pro Sestio*, 64, 135; *ad Att.* ii. 9, 1: see LICINIA JUNIA).

CAE'LIA TABELLA'RIA, B.C. 71. [TABELLARIAE LEGES.]

CALI'DIA, B.C. 99, by which Q. Metellus Numidicus was recalled from exile (Val. Max. v. 2, 7; Aurel. Vict. *de Viris illustr.* c. 62; Cic. *pro Plancio*, 28, 69).

CALI'GULAE LEX AGRA'RIA. [MAMILIA.]

CALPU'RNIA DE AMBITU, B.C. 67 (Dio Cass. xxxvi. 21; Cic. *pro Mur.* 23, 46; 32, 67). [AMBITUS.]

CALPU'RNIA DE CONDICTIONE, B.C. 234. [PER CONDICTIONEM.]

CALPU'RNIA DE REPETUNDIS, B.C. 149 (Cic. *Brut.* 27, 106; *de Off.* ii. 21, 75; *Verr.* iv. 25, [illegible] &c.). [REPETUNDAE.]

CANULE'IA, B.C. 445, legalised *conubium* between patricians and plebeians, which had been erased by one of the two last tables of the decemviral legislation; so that issue of such a marriage would in future be in the patria potestas (Liv. iv. 1, 4, 6; Cic. *de Rep.* ii. 37,

CA'SSIA AGRA'RIA, B.C. 486, one of the early concessions to the plebs (Liv. ii. 41; Dionys. viii. 76).

CA'SSIA, B.C. 104, proposed by the tribune Cassius Longinus: it deprived of their senatorial rank those who had been convicted in a judicium publicum, or whose imperium had been taken from them by the populus (Cornel. Fragm. 24, p. 451; Ascon. in *Cornel.* p. 78, ed. Orelli). Mommsen conjectures that it also disabled such persons from all office (*Staatsrecht*, p. 464).

CA'SSIA (Tac. *Ann.* xi. 25) empowered the dictator Caesar to add to the number of the patricii, in order to prevent their extinction: cf. Sueton. *Jul.* 41. C. Octavius was made a patrician by this lex (Sueton. *Aug.* 2).

CA'SSIA TABELLA'RIA, B.C. 37 (Cic. *Brut.* 25, 97; 27, 106; *de Legg.* iii. 16, 37). [TABELLARIAE LEGES.]

CA'SSIA TERE'NTIA FRUMENTA'RIA, B.C. 73, provided for the distribution of corn among the poorer citizens, and for the means of obtaining it from Sicily (Cic. *Verr.* iii. 70, 163; v. 21, 52).

CICERE'IA enacted that a creditor on taking sponsors or fidepromissors should first state publicly what the debt to be guaranteed was, and also the number of sureties he was going to take: if this were not done, they could, by taking action within thirty days, procure their release (Gaius, iii. 123; Dig. 50, 16, 33; cf. Puchta, *Institutionen*, § 264, note *s*).

CI'NCIA or **MUNERA'LIS**, a plebiscitum carried by the tribune M. Cincius Alimentus, B.C. 204 (Cic. *Cato*, 4; *ad Att.* i. 20; *de Orat.* ii. 71, 286; *de Senect.* 4, 10; Liv. xxxiv. 5), and entitled *de donis et muneribus*. In relation to gifts pure and simple, its enactments seem to have been two: (1) It forbade gifts beyond a certain maximum, the amount of which is unknown (*Fragm. Vat.* 304; Ulp. *Reg.* i. 1; Paul. *Sent. rec.* v. 11, 6; Dig. 39, 5, 21, 1); but it did not avoid gifts in excess of the limit, or even impose a penalty on the donee for taking the excess: it was, in fact, a "lex imperfecta" (Ulp. *Reg.* i. 1, 2; Macrob. *Somn. Scip.* ii. 17). (2) It prescribed a form in which gifts must be made. A gift of a res mancipi was *perfecta* only if the res donata were mancipated and actually delivered (*Fragm. Vat.* 313), that of a res nec mancipi only if it were delivered (*ib.* 293, 313); that of a res mobilis was not perfected until the donee had possessed the thing for the greater part of the preceding year, for not till then was he entitled to the Interdictum Utrubi for his protection (*ib.* 293, 311). Absence of the mancipation form, if requisite, could be compensated for by usucapio (*ib.* 293). Thus the general effect of this provision was that gifts made in any other fashion (*e.g.* release or stipulation) were invalid (*Fragm. Vat.* 283, 310, 311; Dig. 20, 6, 1, 1).

Puchta (*Institutionen*, § 206) is of opinion that a gift was originally revocable in the ways described below if *either* of these provisions was disregarded: but that after some time observation of the statutory requirement as to form of conveyance was allowed to atone for violation of the rule as to amount, so that the latter became tacitly repealed by disuse. If the maximum of the Lex Cincia was no higher than that of the Lex Furia testamentaria, only twenty years later in date, it certainly must in time have come to be regarded as ridiculously small. Certain classes of donees, however, were excepted (Legis Cinciae exceptae personae) from the operation of both of these enactments, on the ground of being connected with the donor by the tie of kinship, affinity, betrothal, patronatus or guardianship (*Fragm. Vat.* 298–309).

But though the lex was *imperfecta*, there were means by which gifts in violation of its provisions could be rescinded, by the donor's having practically a power of revocation. If he were sued by a *persona non excepta* on a promise to give, he could defeat the action by "exceptio legis Cinciae" (*Fragm. Vat.* 310), which was also available if a res mancipi had been mancipated but not yet delivered (*ib.*, and Dig. 44, 4, 5, 2). If it were mancipi, and had been tradita but not yet mancipated, the donor could assert his ownership in it by a vindicatio, and meet the defendant's "exceptio rei donatae" by "replicatio legis Cinciae:" and wherever the donee of a res mobilis had not possessed it for six months, the donor could recover possession by the Interdictum Utrubi. Where the gift was not revocable in any of these ways (*e.g.* if it had been a release of a debtor by acceptilatio, or by novation in favour of a third person, Dig. 39, 5, 21, 1), the donor was allowed an *actio rescissoria*, and he could recover by *condictio* any property of his which had definitely passed to the donee "contra legem Cinciam" (*Fragm. Vat.* 266; Dig. 39, 5, 21, 1; 44, 4, 5, 5). If, however, the donor died without revoking or expressing his intention of revoking a gift against the statute, it could not be upset by his heir: "morte Cincia removetur" (*Fragm. Vat.* 259, 266, 294).

Under the later Empire the rules of the Lex Cincia gradually went into disuse. Insinuatio (registration in the acta) of gifts to *non exceptae personae* was first required by Constantius Chlorus, and this rule was extended to *exceptae personae* by Constantine (*Cod. Theod.* 3, 5, 1). Later still the exemption of gifts to *exceptae personae* from the requirement of appropriate conveyance was done away with, except as between parent and child: and insinuatio was required by Theodosius II. only if the amount exceeded 200 solidi in value (*Cod. Theod.* 3, 5, 8): this maximum was raised to 500 solidi by Justinian, who also abolished the necessity of conveyance in any form, thus making a mere promise to give actionable (*Inst.* ii. 7, 2).

Tacitus (*Ann.* xi. 5) refers to another enactment of this statute, forbidding a person to take anything for his pains in pleading a cause, "ne quis ob causam orandam pecuniam donumve accipiat:" *Ann.* xiii. 42 is explained by the fact that this provision was confirmed by a senatusconsult under Augustus, which imposed on the advocate a penalty of four times the sum received (Dio Cass. liv. 18). Under Claudius, however, advocates might take fees, but not in excess of 10,000 sesterces for each suit; a sum which under Nero was represented by 100 aurei: in this reign, too, further regulations were made on the subject (Suet. *Nero*, 17), especially one subjecting those who took any sum in excess of the specified maximum to a prosecution for repetundae. But from Pliny (*Ep.* v. 21) it seems that in Trajan's time the fee could not be paid until the work had been done. (Savigny, *Die Lex Cincia*, *Zeitschrift*, iv. 1; *Verm. Schriften*, i. 315–385; Rudorff, *de lege Cincia*, 1825; Wenck, Preface to Haubold, *Opusc. acad.* i. p. 37; Hasse, *Rhein. Museum*, i. 185 *sq.*, iii. 174 *sq.*; Puchta, *Institutionen*, § 206; Francke, *Civil. Abhandl.* 1826, p. 1 *sq.*; Klinkhamer, *de Donationibus*, 1826; Bruns, *Quid conferant Vat. fragm. ad Melius cognosc. jus Romanum*, 1838, pp. 112 *sq.*)

CLAU'DIA, passed by the Emperor Claudius: it abolished the *tutela legitima* of agnates over women not in potestas or manus, thus in effect greatly enlarging their control of their property (Gaius, i. 157, 171–2).

CLAU'DIA DE SENATORIBUS, a plebiscitum of 218 B.C.: it enacted that no senator or senator's son should own a ship of larger cubic capacity than 300 amphorae (Liv. xxi. 63): Cicero says that in his time it was "antiqua et mortua" (*in Verr.* v. 18, 45).

CLAU'DIA DE SENATU COOPTANDO HALESINORUM, B.C. 95 (Cic. *in Verr.* ii. 49, 122).

CLAU'DIA DE SOCIIS, B.C. 177 (Liv. xli. 8, 9).

CLO'DIAE, a number of plebiscita carried by Clodius when tribune, B.C. 58, and frequently referred to by Cicero and Dio Cassius: among them are—

CLO'DIA DE AUSPICIIS [see AELIA]: it is also enacted "ut omnibus fastis diebus legem ferri liceret" (Cic. *pro Sestio*, 15, 33; 26, 56; *in Vatin.* 17, 35; *in Pison.* 4, 5; Dio Cass. xxxviii. 13).

CLO'DIA DE CENSORIBUS. [CAECILIA.]

CLO'DIA DE CIVIBUS ROMANIS INTEREMTIS, which led to Cicero's exile: it interdicted from fire and water [EXSILIUM] those who had put a Roman citizen to death uncondemned (Vell. Pat. ii. 45, 1, 2; Dio Cass. xxxviii. 14). Cicero himself considered it a privilegium (*ad Att.* iii. 15, 6; 23, 3; *ad Fam.* xiv. 4, 2; *in Pison.* 13, 30; *pro Sestio*, 24, 53; 32, 69; *pro Domo*, 18, 47, &c.).

CLO'DIA DE COLLEGIIS restored the clubs or guilds (collegia) which had been abolished by a senatusconsult, probably of B.C. 64, and permitted the formation of new ones (Cic. *ad Att.* iii. 15, 4; *pro Sest.* 25, 55; *in Pison.* 4, 8; Dio Cass. xxxviii. 13). Nearly all of them were subsequently swept away by Julius Caesar (Sueton. *Jul.* 42).

CLO'DIA DE LIBERTINORUM SUFFRAGIIS (Cic. *pro Milon.* 12, 33; 33, 89).

CLO'DIA DE PESSINUNTIO MATRIS MAGNAE SACERDOTE (Cic. *pro Sest.* 26, 56).

CLO'DIA DE PROVINCIIS CONSULARIBUS (Cic. *in Pison.* 16, 37).

CLO'DIA DE REGE PTOLEMAEO ET DE EXSULIBUS BYZANTINIS (Vell. Pat. ii. 45; Cic. *pro Domo*, 8, 20; 20, 52; *pro Sestio*, 26, 57; Dio Cass. xxxviii. 30; Plut. *Cat. min.* 34).

CLO'DIA FRUMENTARIA, directing the free distribution of corn to the poorer citizens instead of its sale at a low rate (Dio Cass. xxxviii. 13; Cic. *pro Sest.* 25; Ascon. *in Pison.* 4; *pro Dom.* 10, 26). [FRUMENTARIAE LEGES.]

CO'CTIA, the reading in Cic. *ad Att.* iv. 16, 14: it means the lex judiciaria of L. Aurelius Cotta. [AURELIA JUDICIARIA.]

COLO'NIAE GENETI'VAE, a lex of B.C. 44, regulating the constitution of this colony, established by Julius Caesar on the site of Urso in Baetica: discovered on bronze at Osuna in 1870, 1875 (Bruns, *Fontes juris Rom. antiqui*, 1880, pp. 43–103, 109–127).

COMMISSO'RIA. [COMMISSORIA LEX.]

CORNE'LIAE. These comprise (I.) a large number of leges passed by Sulla in his dictatorship (Liv. *Epit.* lxxxix.); (II.) leges of L. Cornelius Cinna; and (III.) a number of statutes passed by different magistrates bearing this name.

I. **CORNE'LIAE AGRA'RIAE**, "quibus agri perduellium publicati veteranisque assignati sunt" (Orelli): apparently referred to in Cic. *in Rullum*, ii. 28, 78; iii. 2, 6; 2, 8; 3, 12.

CORNE'LIA DE CIVITATE (Liv. *Epit.* lxxxvi.; Cic. *pro Dom.* 30, 79; *pro Caec.* 35, 102: Sallust. *Hist. fragm.* lib. i. orat. Lepidi): it took the full civitas away from Volaterrae and other municipia.

CORNE'LIA DE FALSIS or TESTAMENTARIA (Cic. *in Verr.* i. 42, 108; *Inst.* ii. 12, 5, iv. 18, 7). [See FALSUM.]

CORNE'LIA DE MAGISTRATIBUS, making discharge of inferior magistracies a necessary condition to the attainment of higher ones (Appian, *Bell. Civ.* 100, 101), and re-affirming the provisions of certain old plebiscita (Liv. vii. 42, x. 13). The "lex de viginti quaestoribus" (Tac. *Ann.* xi. 22) was probably merely one of its chapters (see Puchta, *Institutionen*, § 79, note *a*; Mommsen, *Röm. Staatsrecht*, i. pp. 519–524, 548).

CORNE'LIA DE PROSCRIPTIONE (Cic. *in Verr.* i. 47, 123; *pro Sext. Rosc.* 43, 125–128; Vell. Pat. ii. 29; Quintil. *Inst. Or.* xi. 1, 85; Plut. *Sulla*, 31). [PROSCRIPTIO.]

CORNE'LIA DE PROVINCIIS ORDINANDIS limited the costs which might be incurred by provincial towns in sending public deputations to Rome for the purpose of praising their governor before the senate (Cic. *ad Fam.* iii. 8, 10), and enacted (1) that those who had provinces under the Lex Sempronia should retain their imperium till they had re-entered the city on their return (Cic. *ad Fam.* i. 9, 25); and (2) that provincial governors should leave their province not later than thirty days after the arrival of their successors (Cic. *ad Fam.* iii. 6, 3; *ib.* 6).

CORNE'LIA DE REJECTIONE JUDICUM allowed an accused senator the right of challenging a larger number of his judges than persons of lower rank, the latter's challenges being limited to three (Cic. *in Verr.* ii. 31, 77; see Orelli's *Onomasticon*).

CORNE'LIA DE REPETUNDIS (Cic. *pro Rabirio*, 4, 9). It was under this statute that Verres was prosecuted. [REPETUNDAE.]

CORNE'LIA DE SACERDOTIIS (Liv. *Epit.* lxxxix.; Pseudo-Ascon. *in Div.* p. 102, Orelli: see SACERDOTIA).

CORNE'LIA DE SENTENTIA FERENDA enabled the accused to say whether the votes of the judges should be given openly or by ballot: probably only a chapter of the Lex Cornelia Judiciaria (Cic. *pro Cluent.* 20, 55; 27, 75).

CORNE'LIA DE SICARIIS ET VENEFICIS. From Pliny (*H. N.* xviii. § 12) we learn that the Twelve Tables contained some regulations as to homicide, but probably these were little more than a repetition of the law of Numa Pompilius which punished intentional slaying with death (Festus, *s. v.* Parici): unintentional killing was atoned for under the old religious law, and possibly by the Twelve Tables (Cic. *pro Tull.* 51; *Top.* 17; Festus, *s. v.* Subici, Subigere), by the offer of a ram (Serv. *in Eclog.* iv. 43; *Georg.* iii. 387; Dion. Hal. vii. 22: cf. Festus, *s. v.* Sororium). The Twelve Tables also penalised incantations (Plin. *H. N.* xxviii. § 17; Sen. *Nat. Quaest.* iv. 7; Augustin. *de Civ. Dei*, viii. 19) and poisoning, both of which offences appear to have been included under parricidium [POMPEIA DE PARRICIDIIS]: the murderer of a parent was sewed up in a sack (*culleus*) and thrown into a river. It was under the provisions of some old law that the senate by a consultum ordered the consuls P. Scipio and D. Brutus (B.C. 138) to inquire into the murder in the Silva Scantia (Cic. *Brutus*, 22). The Lex Cornelia de sicariis et veneficis, passed *circ.* B.C. 81, inflicted penalties not only for actual killing, but for going about with weapons for the purposes of murder or thieving; for incendiarism; for preparing, having, or selling poisons for the destruction of human life; for inciting a magistrate without cause to bring a capital charge; for the taking of money by a magistrate for such a service, and for bearing false witness in a capital prosecution (*Collatio leg. Mos.* i. 3; Cic. *pro Cluentio*, 54, 55, 57; Dig. 48, 8, *passim*; Paul. *Sent. rec.* v. 23, 1 and 10; *Inst.* iv. 18, 5). By an enactment of Antoninus Pius the killing of slaves without just cause was brought within the statute (Gaius, i. 53), which by senatusconsulta and imperial legislation was also extended to the offence of castration and to human sacrifices. The penalty which it inflicted was *aquae et ignis interdictio* (later *deportatio*: see EXSILIUM), to which Julius Caesar added forfeiture (Dig. 48, 8, 3, 5): in the case of meaner criminals, even death (Dig. *ib.*).

CORNE'LIA DE VADIMONIO. [VADIMONIUM.]

CORNE'LIA DE VI PUBLICA. [VIS PUBLICA.]

CORNE'LIA JUDICIARIA took the judicia away from the equites exclusively, and divided them between equites and senators (Tac. *Ann.* xi. 22; Vell. Pat. ii. 32, 3: see JUDEX).

CORNE'LIA MAJESTATIS (Cic. *in Pison.* 21, 50; Ascon. *in Cornel.* p. 59, Orelli). [MAJESTAS.]

CORNE'LIA NUMMARIA (Cic. *in Verr.* i. 42, 108). [FALSUM.]

CORNE'LIA SUMPTUARIA (Gell. ii. 24, 11; Macrob. *Saturn.* ii. 13; Plut. *Sulla*, c. 35). [SUMPTUARIAE LEGES.]

CORNE'LIA TESTAMENTARIA (Cic. *in Verr.* i. 42, 108; *Inst.* iv. 18, 7). [FALSUM.]

CORNE'LIA TRIBUNICIA took away to a large extent the tribunes' right of intercession, and disabled those who had served this office from attaining a patrician magistracy (Vell. Pat. ii. 30; Appian, *Bell. Civ.* i. 100, ii. 29; Caesar, *Bell. Civ.* i. 5, 1; i. 7, 3; Cic. *in Verr.* i. 60, 155: see POMPEIA TRIBUNICIA).

CORNE'LIA UNCIARIA, perhaps passed about the same time as Sulla's Lex sumptuaria. It seems to have lowered the rate of interest (Festus, *s. v.* Unciaria).

II. **CORNE'LIA** DE NOVORUM CIVIUM ET LIBERTINORUM SUFFRAGIIS, B.C. 87 (Cic. *Phil.* viii. 2, 7; Vell. Pat. ii. 20: cf. Appian, *Bell. Civ.* i. 64 *sq.*).

CORNE'LIA DE RECIPIENDO MARIO (Vell. Pat. ii. 21, 6).

CORNE'LIA DE REVOCANDIS EXSULIBUS (Aurel. Vict. *de Vir. illustr.* c. 69).

III. **CORNE'LIA BAE'BIA** DE AMBITU, B.C. 181, passed by the consuls P. Cornelius Cethegus and M. Baebius Tamphilus (Liv. xl. 19; Schol. Bob. *in* Cic. *pro Sulla*, p. 361, Orelli).

CORNE'LIA CAE'CILIA DE CN. POMPEIO, B.C. 57, gave Cn. Pompeius extraordinary powers for five years for the management of the corn supply of Rome (Cic. *ad Att.* iv. 1, 7; Liv. *Epit.* civ.; Dio Cass. xxxix. 9; Plut. *Pomp.* 49). [FRUMENTARIAE LEGES.]

CORNE'LIA DE EDICTIS, passed by C. Cornelius, tribunus plebis, B.C. 67: it enacted that praetors should not vary the rules proclaimed in their perpetual edicts issued on their entry on office by subsequent *Edicta repentina*, or apply a different law from that which they had proclaimed they would observe (Ascon. *in Corn.*, Orelli, p. 58; Dio Cass. xxxvi. 23: cf. Cic. *in Verr.* iii. 14, 36). [EDICTUM.]

CORNE'LIA DE INJURIIS, B.C. 81, perhaps a statute of Sulla. Its original object was the criminal prosecution of injuriae (assaults and batteries) "quae manu fiant" (Dig. 47, 10, 5, pr.); but by gradual usage a civil action was developed under its provisions, which had the advantage over the ordinary actio injuriarum in not being barred by a year's prescription (Dig. 47, 10, 37, 1; *Inst.* iv. 4, 8). [INJURIA.]

CORNE'LIA DE LUSU allowed betting at gymnastic exercises (Dig. 11, 5, 2, 1 and 3).

CORNE'LIA DE NOVIS TABULIS, passed by P. Cornelius Dolabella, B.C. 47 (Liv. *Epit.* cxiii.; Dio Cass. xlii. 32; Plut. *Antonius*, c. 9).

CORNE'LIA DE RESTITUENDO CICERONE, B.C. 57 (Cic. *in Pison.* 15, 35).

CORNE'LIA DE SPONSORIBUS (B.C. 81), probably enacted by Sulla: it provided that (with a few exceptions) no one should become surety for the same debtor to the same creditor in any one year for a larger sum than 20,000 sesterces (Gaius, iii. 124, 5). See INTERCESSIO.

CORNE'LIA GE'LLIA. [GELLIA CORNELIA.]

CORNE'LIA NE QUIS LEGIBUS SOLVERETUR, passed by C. Cornelius, tribunus plebis, B.C. 67, and directed against the reckless exercise by the senate of its usurped power of granting dispensations from the laws: in future such a dispensation required the presence of 200 members in the senate, and also confirmation by the Comitia Tributa; but no tribune was to be able to veto the proposal (Ascon. *in Corn.* p. 57, 72, Orelli; Dio Cass. xxxvi. 22).

CREPERE'IA, a lex of the Second Punic War, which regulated the coinage by fixing the relation between as, sestertius, and denarius (Plin. *H. N.* xxxiii. § 45; Cod. 8, 54, 37); according to Studemund, it is the lex mentioned in Gaius, iv. 95.

CURIA'TA DE ADOPTIONE (Gell. v. 19; Cic. *ad Att.* ii. 7, 2; *de prov. Consul.* 19, 45; *pro Domo*, 15, 39; *pro Sest.* 7, 16; Tac. *Hist.* i. 15; Sueton. *August.* 65). [ADOPTIO.]

CURIA'TA DE IMPERIO (Cic. *de Rep.* ii. 13, 25, ii. 17, 18, &c.; Tac. *Ann.* xi. 22; Liv. v. 46, ix. 38, &c.). [IMPERIUM.]

DECEMVIRA'LIS. [DUODECIM TABULARUM.]

DE'CIA DE DUUMVIRIS NAVALIBUS, B.C. 312 (Liv. ix. 30).

DECIMA'RIA, a chapter of the Lex Papia Poppaea, limiting the amount which a wife could take under her husband's will, and *vice versâ*, if they had no children, to a tenth of what was actually given (*Fragm. Vat.* 264; Quint. viii. 5; Cod. 8, 58, rubr.).

DI'DIA, B.C. 144 (Macrob. *Saturn.* ii. 13). [SUMPTUARIAE LEGES.]

DOMI'TIA DE SACERDOTIIS, B.C. 105 (Cic. *in Rull.* ii. 7, 18; *Epist. ad Brut.* i. 5; Suet. *Nero*, 2; Vell. Pat. ii. 12, 3). [SACERDOTIA.]

DUI'LIA, a plebiscitum of 449 B.C., imposing severe penalties on the tribune responsible for the choosing of his own and his colleague's successors who omitted to see that they were duly elected, and on those who created new magistrates from whom there was no appeal (Liv. iii. 55: see VALERIAE HORATIAE).

DUI'LIA MAE'NIA DE UNCIARIO FENORE. B.C. 357, establishing or confirming a rate of interest at 8⅓ per cent. (12 unciae to 100 asses) per annum (Liv. vii. 16, 19). The same tribunes Duilius and Maenius carried a measure for the prevention of such unconstitutional proceedings as the enactment of a lex by the soldiers out of Rome on the consul's proposal (Liv. vii. 16: see Mommsen, *Römisches Staatsrecht*, i. p. 69, note 2).

DUO'DECIM TABULA'RUM. The enactment of the Twelve Tables was the outcome of plebeian agitation for an "exaequatio juris" between the two orders in the state. In the year B.C. 462 the tribune of plebs C. Terentilius Arsa had obtained a resolution of the plebs for the appointment of five persons, with the object of enacting laws for the definition of the consular imperium; but this the senate, the stronghold of the patricians, had refused to send on to the Comitia Centuriata (Liv. iii. 9). In the next year he proposed a codification or definite statement of the whole law by a commission of ten; but this, though carried by the plebs, was equally unsuccessful in its later stages (Liv. iii. 10; Dionys. x. 3). In B.C. 454, however (Dionys. x. 52, 54), the senate so far yielded as to assent to a plebiscitum, pursuant to which three commissioners were to be sent to Athens and the Greek cities in order to make themselves acquainted with their laws. On their return, after two years' absence, it was proposed (B.C. 451) that all the ordinary magistracies should be suspended, and the whole authority of the state vested in ten patrician commissioners, including the three who had been to Greece ("decemviri legibus scribundis"), from whom there was to be no *provocatio*, and who were directed to codify the public and private law of Rome (Dionys. x. 54–57; Liv. iii. 32, 33). The plebeians consented to stand out of the commission only under express reservation of their previously established rights and liberties (Liv. iii. 32). This proposal was carried through the Comitia Centuriata and Curiata without opposition (Liv. iii. 34; Dionys. x. 32). The decemviri were appointed by the comitia of the centuries, being presided over by Appius Claudius, Consul designate; but they took the administration of affairs by turn, the insignia of office being used only by him who for the time being represented the executive (Liv. iii. 33). Ten Tables of laws were prepared during the year, and after being approved by the senate were confirmed by the Comitia Centuriata and Curiata: two further tables (which Cicero, *de Rep.* ii. 37, calls "tabulae iniquarum legum") were added in the next year, these having been prepared by decemviri among whom were (according to Dionys. x. 58) three plebeians, though Livy (iv. 3) does not suggest that there had been any change in the constitution of the commission. Cicero's remark may be due to the fact that the prohibition of *conubium* between plebs and patricians was enacted by the eleventh Table (Dirksen, *Uebersicht*, &c., p. 740). In their integrity, the whole

Twelve Tables were first published in B.C. 449, after the downfall of the decemviri (Liv. iii. 54, 57); they are mentioned by the Roman writers under a great variety of names (*e.g.* Leges Decemvirales, Lex Decemviralis, Leges Duodecim, Duodecim Tabularum, or *lex* or *leges* simply); and, being the only attempt at codification of the *jus civile* until Justinian's time, are spoken of by classical writers throughout Roman history as the fundamental element of the system: by Tacitus as "finis aequi juris," by Livy as "corpus omnis Romani juris" and "fons publici privatique juris."

Some doubt has been cast, but without reason, on the story of the embassy to the Greek states, which preceded the enactment of the Twelve Tables. Pomponius (Dig. 1, 2, 2, 3 and 4) also refers to assistance given to the decemviri by an Ephesian named Hermodorus, who was living as an exile in Italy; but the assistance consisted perhaps more in interpreting the laws brought back by the commissioners from Greece than (as Pomponius hints) in the suggestion of new legislation. At any rate, this last tradition was confirmed by the fact of a statue having been erected in the Comitium at Rome in memory of Hermodorus; but it did not exist in the time of Pliny (*H. N.* xxxiv. § 21). The foreign source of some of the laws was acknowledged by the Romans themselves: *e.g.* Cicero attributes to Solon the original of the rules as to burial (*de Leg.* ii. 25, 64). Similarly Gaius, in his Commentary on the Twelve Tables, where he is speaking of Collegia (Dig. 47, 22, 4), says that the members of Collegia may make what terms they please among themselves, if they thereby violate no "publica lex;" and he adds that this rule seems to be taken from the legislation of Solon, to whom also (Dig. 10, 1, 13) he refers for the origin of certain rules as to boundaries and the *actio finium regundorum.* But that the decemviral legislation contained any considerable element of foreign law is in the highest degree improbable. The law as previously established seems to have been handed down in the main, if not entirely, by oral tradition; and whether it be true or not that the patricians were especially cognisant of it, it is certain that the plebeians had suffered largely from having no certain or full knowledge of its intricate rules and formulae. What they desired primarily was a plain and clear statement in writing ("legibus scribundis") of the law as it stood: it was only in the *jus publicum* that they wished for change, and that only so far as was required to place the two orders on a tolerable equality in respect of civil and political rights. The caprice of the magistrate who administers the law is best guarded against by those over whom it is administered having a clear knowledge of its provisions.

The laws were cut on tablets of bronze and set up in a public place (Liv. iii. 57; Diod. xii. 26), though Pomponius, in the passage of the Digest already referred to, says that the material of the Tablets was ivory (see Zimmern, *Geschichte des röm. Privatrechts*, vol. i. p. 101). It is commonly supposed that they were destroyed in the burning of the city by the Gauls some sixty years after their enactment, but the passage of Livy on which this is based (vi. 1) is just as conclusive against as for the supposition. The Romans of the age of Cicero had no doubt of the genuineness of the collection which then existed; and if we may believe Cyprian (*Ep.* 2, 4, *ad* Donat. *de gratia Dei*), the Twelve Tables were exposed in the forum as late as the third century of our era. Cicero speaks of learning the text of them by rote ("ut carmen necessarium") when a boy (*de Leg.* ii. 4, 23), and up to his time the chief juristic work of the lawyer class seems to have been their *interpretatio*—the extension of a rule of the Twelve Tables (or of other early statutes, such as the Lex Aquilia) to cases not strictly within its letter: but shortly before the fall of the Republic, as he tells us (*de Leg.* i. 5, 17), the jurists had abandoned the *jus civile*, and taken to commenting instead on the Praetor's Edict. Of actual commentaries on the Twelve Tables we hear of one by Sextus Aelius Paetus Catus in his *Tripartita*, a work which existed in the time of Pomponius [JUS AELIANUM]. Others were written by another Aelius, by Atilius (Cic. *de Leg.* ii. 23, 59; Dig. 1, 2, 2, 38), by Labeo (Gell. i. 12, vii. 15, xx. 1), and finally by Gaius: this was in six books, from which twenty excerpts are preserved in the Digest. The decemviral legislation, though largely modified (especially in the parts of it relating to public law) by subsequent enactments, was not formally repealed till the time of Justinian, nearly 1000 years after its first establishment. No complete copy of its text has come down to us, but about 100 fragments, partly incomplete, have been collected from citations and references in classical and juristic literature.

It remains to give a short account of the contents of the Twelve Tables, so far as they can be gathered from the extant fragments and the notices of earlier writers.

I. The personal freedom and civil equality of citizens was secured by the exclusion of all capital sentences except those delivered by the Comitia Centuriata (Cic. *de Leg.* iii. 19, 44; *de Republ.* ii. 36, 61; *pro Sest.* 30, 65), by the recognition as provisionally free of a man whose free status was called in question, and by the prohibition of *privilegia*.

II. Freedom of individual action within the domain of private law was secured by the recognition of contracts and testaments.

III. Certain points of private law were more precisely defined which would otherwise have endangered the security of rights of property, or opened the door to harshness and oppression: especially as regards (*a*) usucapion and the restrictions imposed on property in the interest of neighbours; (*b*) the law of debt and the rights of unsatisfied creditors; (*c*) family law (*manus, patria potestas, tutela,* and *conubium* between patricians and plebeians); and (*d*) inheritance, especially on intestacy.

IV. Capital penalties were prescribed for false witness, judicial partiality or corruption, incendiarism, nocturnal theft of crops, and libel; and the right of appeal from condemnation to any of these was given to every citizen (Cic. *de Republ.* ii. 31).

V. Private *poenae* were established for *injuria*, theft, and certain kinds of *damnum*.

VI. The mode of summons and the procedure in actions generally were defined and regulated, especially with a view to preventing capricious exercise of his authority and jurisdiction by the magistrate; and

VII. Certain sanitary and sumptuary rules were laid down as to the interment of dead bodies.

The most celebrated attempt to re-arrange the extant fragments of the Twelve Tables in the order in which they originally stood, or to reconstruct the Tables themselves, is that of Jacobus Gothofredus (Heidelberg, 1616): on this and similar works there is an admirable critique by Dirksen, *Uebersicht der bisherigen Versuche zur Kritik und Herstellung des Textes der Zwölf-Tafel-Fragmente*, 1824; and especially M. Voigt, *Civil und Criminalrecht der Zwölf Tafeln*. Cf. also Schöll, *Leg. XII. Tab. reliquiae*, Leipzig, 1866; Bruns, *Fontes juris Rom. antiqui*, ed. 4 (Tübingen, 1880), pp. 14–37; and Puchta, *Institutionen*, vol. i. §§ 54, 55.

FA'BIA DE PLAGIARIIS (Cic. *Rab. Perd.* 3, 8; Paul. *Sent. rec.* v. 306; *Inst.* iv. 18, 10; Dig. 48, 15; Cod. 9, 20). [PLAGIUM.]

FA'BIA DE NUMERO SECTATORUM (Cic. *pro Murena*, 34, 70, 71).

FABRI'CIA DE REDITU CICERONIS (Cic. *pro Milone*, 14, 38).

FALCI'DIA. [LEGATUM.]

FA'NNIA, B.C. 161 (Gell. ii. 24, 2–6; Macrob. *Saturn.* ii. 9, 13; Plin. *H. N.* x. § 139; Athen. vi. p. 274 c). [SUMPTUARIAE LEGES.]

FA'NNIA. [JUNIA DE PEREGRINIS.]

FLAMI'NIA, an agrarian law for the distribution of lands in Gaul and Picenum, proposed by C. Flaminius, tribunus plebis (Cic. *Brut.* 14, 57; *Acad.* ii. 5, 13; *de Invent.* ii. 17, 52; Val. Max. v. 4, 5; Polyb. ii. 21). According to Polybius, who here seems more reliable than Cicero, the date of the law was B.C. 232.

FLAMI'NIA MINUS SOLVENDI, B.C. 217, reduced debts by more than a third by allowing sixteen asses to be paid by ten (Festus, *s. v.* Sestertii).

FLA'VIA AGRA'RIA, B.C. 60: by this the tribune L. Flavius proposed a distribution of lands among Pompeius' soldiers (Cic. *ad Att.* i. 18, 6, i. 19, 4; Dio Cass. xxxvii. 50; Marquardt, *Röm. Staatsverwaltung*, i. p. 446).

FRUMENTA'RIAE. [FRUMENTARIAE LEGES.]

FU'FIA. [AELIA.]

FU'FIA CANI'NIA, *circ.* A.D. 4, limited the number of slaves who could be manumitted by will (Gaius, i. 42–46; *Inst.* i. 7; Ulpian, *Reg.* i. 24, 25; Paul. *Sent. rec.* iv. 14; Cod. 7, 3; Sueton. *Aug.* 40). It is also sometimes called Furia or Fusia Caninia. [MANUMISSIO.]

FU'FIA DE RELIGIONE, B.C. 61, a plebiscitum of the tribune Q. Fufius Calenus, relating to the mode of selecting the judges who were to try Clodius for his outrage on the rites of the Bona Dea (Cic. *ad Att.* i. 13, 3; *ib.* 16, 2).

FU'FIA JUDICIARIA (B.C. 59?) apparently provided that the senators, knights, and tribuni aerarii should vote separately in the judicia (Dio Cass. xxxviii. 8; Schol. Bob. *pro Flacco*, p. 235, Orelli).

FU'RIA ATI'LIA, a plebiscitum of 137 B.C. enacting the surrender of C. Mancinus to the Numantines (Cic. *de Off.* iii. 30, 109).

FU'RIA DE SPONSU (Gaius, iii. 121, 122). [INTERCESSIO.]

FU'RIA TESTAMENTARIA, B.C. 183 (Gaius, ii. 225, iv. 23; Cic. *pro Balbo*, 8, 21). [LEGATUM.]

GABI'NIA DE SENATU LEGATIS DANDO, a plebiscitum of Aulus Gabinius, tribunus plebis B.C. 67, appropriating the sittings of the senate in the month of February to the reception of embassies (Cic. *ad Quint. fratr.* ii. 13, 3; *ad Fam.* i. 4).

GABI'NIA DE UNO IMPERATORE, &c., passed by the same tribune in the same year, and conferring extraordinary powers on Cn. Pompeius for conducting the war against the pirates (Vell. Pat. ii. 31, 2; Dio Cass. xxxvi. 6–20; Plut. *Pomp.* 25; Cic. *pro lege Manilia*, 17–19).

GABI'NIA DE VERSURA, passed by the same tribune in the same year, and forbidding all loans of money at Rome to legationes from foreign parts, its object being to prevent the senate from being bribed by such embassies (Cic. *ad Att.* v. 21, 12; vi. 2, 7).

GABI'NIA TABELLARIA, B.C. 139 (Cic. *Lael.* 16, 41). [TABELLARIAE LEGES.]

GA'LLIAE CISALPI'NAE. [RUBRIA.]

GE'LLIA CORNE'LIA, B.C. 72, gave to Cn. Pompeius the extraordinary power of conferring the Roman civitas on Spaniards in Spain with the advice of his council (Cic. *pro Balbo*, 8, 14 and 19; 14, 32, 33).

GENU'CIA DE FENORE, B.C. 343, forbade taking interest for the use of money (Liv. vii. 42; Tac. *Ann.* vi. 16). It was persistently evaded (Liv. xxxv. 7), and eventually altogether disregarded (Plut. *Cato Major*, 21; Appian, *Bell. Civ.* i. 54).

GENU'CIA DE CONSULATU, B.C. 343, a proposal by the same tribune Genucius for opening both consulships to plebeians (Liv. vii. 42). In viii. 12 Livy represents the law as having actually been passed; but we do not read of both consuls being plebeians till the 6th century, and he is probably incorrect: see Puchta, *Institutionen*, § 57, note 1; Mommsen, *Röm. Staatsrecht*, ii. p. 76.

GLI'CIA, a statute supposed by Cujacius as the origin of the *querela inofficiosi testamenti*, but apparently without reason (see Vangerow, *Pandekten*, 7th edit. ii. p. 218).

GUNDOBA'DA, a name sometimes given to the Lex Burgundiorum of King Sigismund, otherwise known as "Papian," A.D. 517.

HERE'NNIA, B.C. 60 (Cic. *ad Att.* i. 18, 4; i. 19, 5).

HIERONICA. [DECUMAE, Vol. I. p. 605.]

HI'RTIA DE POMPEIANIS, *circ.* 49 B.C. (Cic. *Phil.* xiii. 16, 32).

HORA'TIA, B.C. 449, made the persons of the tribunes, aediles, and decemviri *sacrosancti* (Liv. iii. 55). [VALERIAE ET HORATIAE.] Another Lex Horatia mentioned by Gellius (vi. 7, 2–4) was a privilegium relating to a vestal virgin named Caia Tarratia.

HORTE'NSIA DE PLEBISCITIS, B.C. 287 (Plin. *H. N.* xvi. § 37; Gell. xv. 27, 4; Gaius, i. 3; *Inst.* i. 2, 4). [PLEBISCITUM; PUBLILIAE LEGES.]

HORTE'NSIA DE NUNDINIS, of about the same date, enacted that the market days, which had hitherto been Feriae, should be *dies fasti.* This was done for the purpose of accommodating the inhabitants of the country (Macrob. *Saturn.* i. 16; Plin. *H. N.* xviii. § 13).

HOSTI'LIA enabled the *actio furti* to be bought by an agent on behalf of any person who (or whose tutor) was in foreign captivity or absent *reipublicae causa* (*Inst.* iv. 10, pr.).

ICI'LIA DE AVENTINO PUBLICANDO, a plebiscitum proposed by L. Icilius, B.C. 456, granting the Aventine, hitherto possessed by the patricians, as a dwelling-place to the plebs, who thereby acquired a right to the buildings which they erected on it (Liv. iii. 31, 32; Dionys. x. 31, 32; cf. Niebuhr, *Rom. Hist.* ii. 301: and see SUPERFICIES).

ICI'LIA DE SECESSIONE, B.C. 449 (Liv. iii. 54).

ICI'LIA TRIBUNICIA, B.C. 469, enacted that any person who interfered with a tribune in the exercise of his constitutional powers should be put to death unless he gave sureties for the payment of the fine to which he rendered himself liable (Dionys. vii. 17; Cic. *pro Sestio*, 39, 84; Becker-Marquardt, ii. 3, 129).

JU'LIAE LEGES, most of which were passed in the time of C. Julius Caesar and Augustus: among them are—

JU'LIA AGRARIA, passed by Julius Caesar in his first consulate, B.C. 59: it provided for an assignment of lands in Campania (whence Lex Campana in Cic. *ad Att.* ii. 18) to the Pompeian veterans and the poorer citizens generally, especially such as had three children (Dio Cass. xxxviii. 1–7; Vell. Pat. ii. 44; Appian, *Bell. Civ.* ii. 10; Sueton. *Jul.* 20; Cic. *ad Att.* ii. 16, *ad Fam.* xiii. 4, *Phil.* ii. 39, 101, v. 19, 53; Plut. *Cato Minor*, 31–33; Dig. 47, 21; Zumpt, *Comment. Epigraph.* i. 277–302; Harless, *Ackergesetzgebung C. Julius Caesar*, Bielefeld, 1841).

JU'LIA CADUCARIA, identical with the Lex Julia et Papia Poppaea.

JU'LIA DE ADULTERIIS. [ADULTERIUM.]

JU'LIA DE AMBITU. [AMBITUS.]

JU'LIA DE ANNONA, directed against attempts to raise in any way the price of corn, and making it a criminal offence (*Inst.* iv. 18, 11: Dig. 47, 11, 6, pr.; 48, 12, 2).

JU'LIA DE BONIS CEDENDIS. Up to nearly the end of the Republic an insolvent debtor was unable to escape from the two severe forms of bankruptcy execution (*manus injectio* and *bonorum emptio* or *venditio*) by a voluntary composition. This statute (whether due to Julius or Augustus Caesar is uncertain) enabled him, at any moment before his creditors took steps to have him adjudged a bankrupt, to make a *cessio bonorum* to them, though the right could not be exercised if his insolvency was due entirely to his own fault (Cod. 7, 71, 8, pr.). He surrendered his property, which was dealt with in much the same way as if the procedure had been by *bonorum emptio*; but he escaped *infamia* and the liability to personal arrest, and was entitled to the *beneficium competentiae*: i.e. his creditors were bound to let him retain so much of his means as was sufficient to provide him with the necessaries of life. The provisions of the statute, originally intended to benefit *cives* only, were extended to the provinces by imperial constitutions, Cod. 7, 71, 4 (Caes. *Bell. Civ.* iii. 1; Sueton. *Jul.* 42; Tac. *Ann.* vi. 16; Dio Cass. xlii. 21; Gaius, iii. 78).

JU'LIA DE CAEDE ET VENEFICIO (Sueton. *Nero*, 33), perhaps the same as the Lex Julia de vi publica.

JU'LIA DE CIVITATE, B.C. 90 (Cic. *pro Balbo*, 8, 21; Gell. iv. 4, 3). [CIVITAS; FOEDERATAE CIVITATES.]

JU'LIA DE CRETA (Cic. *Phil.* ii. 38, 97).

JU'LIA DE EXSULIBUS (Cic. *Phil.* ii. 38, 98: cf. *Phil.* v. 4, 11).

JU'LIA DE FENORE (or DE PECUNIIS MUTUIS or CREDITIS), passed by Julius Caesar when dictator, B.C. 49. It compromised the claims of creditors and debtors by estimating property at the value it had held before the depreciation occasioned by the Civil War, and compelling the creditors to take it at this valuation; and by allowing debts to be discharged without payment of the accumulated interest. It was calculated that the creditors lost about one-fourth of what was their due (Caes. *Bell. Civ.* iii. 1; Sueton. *Jul.* 42; Plut. *Caes.* 37; Appian, *Bell. Civ.* ii. 48).

JU'LIA DE FUNDO DOTALI, a chapter of the Lex Julia de adulteriis: it absolutely prohibited mortgages of Italian land which formed part of a *dos* by the husband, and allowed its alienation only with the wife's consent. It was commented on by Papinian, Ulpian, and Paulus (Gaius, ii. 63; *Inst.* ii. 8, pr.; Paul. *Sent. rec.* ii. 21, 2; Dig. 23, 5). See ADULTERIUM.

JU'LIA DE LIBERIS LEGATIONIBUS (Cic. *ad Att.* xv. 11, 4; *de Legg.* iii. 8). [LEGATUS.]

JU'LIA DE MARITANDIS ORDINIBUS. [JULIA ET PAPIA POPPAEA.]

JU'LIA DE PROVINCIIS, passed by Julius Caesar: it limited the governorship of a praetorian province to one year, that of a consular one to two. Orelli also ascribes to this lex certain regulations of Caesar as to provincial expenses, which Ernesti considers to have been part of the Lex Julia repetundarum (Cic. *Phil.* i. 8; Dio Cass. xliii. 25; Ferrat. *Epist.* iii. 14).

JU'LIA DE PUBLICANIS (Cic. *pro Plancio*, 14, 35; Appian, *Bell. Civ.* ii. 13; Dio Cass. xxxviii. 7; Sueton. *Jul.* 20).

JU'LIA DE REGE DEIOTARO (Cic. *Phil.* ii. 37, 93: cf. *ad Att.* xiv. 12, 1).

JU'LIA DE RESIDUIS, part of the Lex Julia peculatus (*Inst.* iv. 18, 12; Dig. 48, 13). [PECULATUS.]

JU'LIA DE SACERDOTIIS (Cic. *ad Brut.* i. 5; cf. *Phil.* ii. 6, 6).

JU'LIA DE SACRILEGIS. [PECULATUS.]

JU'LIA DE SICULIS (Cic. *ad Att.* xiv. 12, 1).

JU'LIA DE VI PUBLICA ET PRIVATA. [VIS.]

JU'LIAE JUDICIARIAE. One of Julius Caesar deprived the tribuni aerarii of their share in the *judicia publica* (Suet. *Jul.* 41; Cic. *Phil.* i. 8); others, more probably of Augustus than Julius, instituted an "album selectorum judicum" for the bearing of civil causes (Suet. *Octav.* 32; Gell. xiv. 2), and perhaps fixed at twenty years the age under which a person could not be compelled to be a judex (Dig. 4, 8, 41); limited the jurisdiction of the centumviri (Gaius, iv. 30; see Keller, *Civil Process*, § 23); and divided actions in respect of their pendency into *judicia legitima* and *judicia quae imperio continentur* (Gaius, iv. 104). For the whole subject, see JUDEX.

JU'LIA MAJESTA'TIS (Cic. *Phil.* i. 9, 23; *Inst.* iv. 18, 3; Dig. 48, 4). [MAJESTAS.]

JU'LIA MISCELLA, avoiding a condition annexed to the institution of a heir or a legacy to the effect that the person benefited should not marry: probably a clause of the Lex Julia et Papia Poppaea (Dig. 35, 1, 64; *ib.* 72, 4, &c.; Cod. 6, 40).

JU'LIA MUNICIPA'LIS, commonly called the Tabula Heracleensis. It was discovered on bronze in two fragments at Tarentum (Heraclea) in 1732 and 1735, which have been united and kept in the Museo Borbonico at Naples since 1760. The inscription on one side is a Greek psephisma of the town of Heraclea, that on the other is a copy of part of a Roman lex (clearly made for the use of the citizens of the town), which contains police regulations for the city of Rome: rules for the constitution of communities of Roman citizens (*municipia, coloniae, praefecturae, fora, conciliabula civium Romanorum*), and others relating to capacity for the decurionatus and magistracies, to the census in the Italian towns, and to changes in local regulations. It was thus a lex of the class called Satura.

It seems that the lex of the year B.C. 49, which gave the civitas to the Transpadani, enacted that a Roman commissioner should be sent to all the towns for the purpose of framing regulations for their municipal organisation. The Lex Julia empowered the commissioners to continue their labours for one year from its date, and included the whole of Italy within the scope of their authority. The name of the lex (which for a long time was called simply Tabula Heracleensis) was determined by Savigny by means of an inscription discovered at Padua in 1696 (Orelli, *Inscr.* ii. 3676): its date is now regarded by the authorities to be fixed at B.C. 45 by a passage of Cicero (*ad Fam.* vi. 18), so that its determining cause seems to have been the admission of the Transpadani to the civitas, B.C. 49.

(A lithographed copy of the Table is given by Ritschl, *Tab.* xxxiii. xxxiv.: the text may also be found in Orelli's Inscriptions, i. 206, and Spangenberg's *Monumenta legalia*, 1830, No. 16, p. 99 *sq.* The first work on the subject is that of Mazochi, Naples, 1754, 1755: the best is Savigny's Essay (with two appendices) in his *Vermischte Schriften*, vol. iii. pp. 279–413: cf. Puchta, *Institutionen*, § 90.)

JU'LIA ET PA'PIA POPPAEA. The relation of this statute to the Lex Julia de maritandis ordinibus is not perfectly clear. Augustus appears in his sixth consulate (B.C. 28) to have issued an edict (Tac. *Ann.* iii. 28) on the subject of marriage, which he followed up (B.C. 18) by proposing a law to the senate regulating certain marriages, imposing disabilities on unmarried persons (*caelibes*), and establishing rewards for those who had married and reared children (Dio Cass. liv. 16). This he carried with difficulty through the senate, but, apparently owing to the organised resistance of the equites, it was tumultuously rejected at the Comitia (Suet. *Aug.* 34). Towards the end of his reign, however (A.D. 3), he succeeded in carrying it, with its rewards increased and its penalties mitigated: it is referred to in the *Carmen Saeculare* of Horace, which was written B.C. 17, and is mentioned under the name Lex Julia de maritandis ordinibus in Dig. 38, 11; 23, 2. The opposition of the knights was overcome by a provision that it should not come into force for three, a period subsequently extended to six, years; and taking advantage of this, Augustus passed in A.D. 9 another statute (called Papia Poppaea from the *consules suffecti* for the year, M. Papius Mutilus and Q. Poppaeus Secundus: Dio Cass. lvi. 1–10), containing further enactments on the same subject. Some writers are of opinion that there was but one lex (Papia Poppaea), in which the earlier unsuccessful law was incorporated, and it is true that the frequent mention of them together as one lex (Julia et Papia Poppaea) lends some colour to the supposition: but the view here taken seems more in accordance with the information given by historians, and to be confirmed by the provisions of the statutes being sometimes distinguished in close juxtaposition. Sometimes they are cited by reference to their various chapters: *e.g.* Lex Caducaria, Lex Decimaria, Lex Miscella, &c.

Many commentaries were written on these leges by the Roman jurists, of which considerable fragments are preserved in the Digest: Gaius wrote fifteen books, Ulpian twenty, and Paulus at least ten. The joint statute contained at least thirty-five chapters (Dig. 22, 2, 19), but as a rule it is impossible to say to which of the two leges included under the general title of Lex Julia et Papia Poppaea the several provisions as now known to us belong. Attempts have been made both by J. Gothofredus and Heineccius to restore them, on the assumption that their provisions are reducible to the two general heads of a Lex Maritalis and a Lex Caducaria (cf. Puchta, *Institutionen*, § 107).

Among the enactments of these statutes are the following:—

(i.) Prohibition of certain marriages under penalties: viz. of ingenui with infames (*e.g.* actresses and prostitutes); and of senators or their children with freedwomen, freedmen, and actors' daughters (Ulpian, *Reg.* xiii. 1, xvi. 2; Dig. 23, 2, 44, pr. and 1). Marriages between a senator or his issue and libertini were declared void by a senatusconsult passed under M. Aurelius (Dig. 23, 2, 16, pr.), and the rule was subsequently extended to actors and actresses (Dig. *ib.* 42, 1).

(ii.) Avoidance of conditions against marriage annexed to legacies and inheritances. [JULIA MISCELLA.]

(iii.) Provisions to encourage marriage. *Caelibes* were disabled by the Lex Julia from taking either as heirs or as legatees (Gaius, ii. 111, 144, 286) under a will, unless the testator were related to them within the sixth degree (Ulpian, *Reg.* xvi. 1; *Frag. Vat.* 216, 219), or unless they married within 100 days (Ulpian, *Reg.* xvii. 1; xxii. 3). *Spadones* and vestal virgins were exempted from the operation of the statute, as were widows for twelve months, and divorced women for six: these periods were extended by the Lex Papia to two years and eighteen months respectively (Ulp. *Reg.* 14). Again, the penalty of the statute could be evaded by an engagement to marry, if carried out within two years (Sueton. *Octav.* 34; Dio Cass. liv. 16, lvi. 7; Dig. 23, 1, 17). Finally, males were released from its provisions in this respect on attaining sixty, women on attaining fifty years of age; but a Senatusconsultum Persicianum passed under Tiberius enacted that they should be regarded as *caelibes* in perpetuity if they postponed marrying till so late in life. A Senatusconsultum Claudianum so far modified the strictness of the new rule as to give a man who married after sixty the same advantage that he would have had if he had married under sixty, provided he married a woman who was under fifty; but it was enacted by a Senatusconsultum Calvisianum under Nero, that if a woman over fifty married a husband under sixty, even the latter should not escape the disabilities imposed by the statute (Ulpian, *Reg.* xvi. 4). Similarly, by the Lex Papia, *orbi* (persons who had been married, but had no children living) were disabled from taking more than a moiety of what was left them by way of either inheritance or legacy (Gaius, ii. 111, 286; Ulpian, *Reg.* xvi. 1; Sozomenus, 1, 9), unless related to the testator within the sixth degree. Males escaped the penalties of *orbitas* by having a single (even adoptive) child (Juv. xix. 83, 86–89), but by a Senatusconsultum Memmianum adoption was deprived of this effect when resorted to merely in order to evade the statute: but women were not so well off, ingenuae being released only by three, libertinae only by four children (Paul. *Sent. rec.* iv. 9, 1–3). There were exceptions to these rules if the wife was under twenty or over fifty, or the husband under twenty-five or over sixty, and also if the husband was residing away from the wife *reipublicae causa* (Ulpian, *Reg.* xvi. 1). Legacies and inheritances which could not be taken either in whole or part, owing to these provisions of the Lex Julia or Lex Papia Poppaea, became *caduca* [Bona Caduca], the law upon which subject was considerably modified by these statutes.

(iv.) Some other provisions have been noticed elsewhere [Decimaria; Julia Miscella]. To these may be added the rule giving a preference to candidates for office according to the number of their children (Tac. *Ann.* xv. 19; Plin. *Ep.* vii. 16): the release of ingenuae with three and libertinae with four children from tutela (Gaius, i. 144, 145), and of libertini with a certain number of children from *operarum obligationes* (Dig. 38, 1). The exemption of persons from discharging the office of tutor or curator *jure liberorum* (*Inst.* i. 25, pr.; Dig. 27, 1, 18) was based on these statutes, which also introduced changes (besides those already noticed) into the law of succession, both testamentary and intestate, especially in connexion with libertini (Gaius, iii. 42–50, &c.: see Patronus). And the Lex Julia also fixed the date at which wills were opened as that at which the rights of legatees should become indefeasible (*dies cedit*: see Legatum), which previously had been the decease of the testator; but the old rule was restored under Justinian.

After the enactment of the Lex Papia Poppaea, it became not unusual to obtain a grant of a fictitious *jus liberorum* by special favour from the senate, and later from the emperor (Dio Cass. lv. 2; Sueton. *Claud.* 19; Plin. *Ep.* ii. 13, x. 2, 95, 96; Paul. *Sent. rec.* iv. 9, 9), whereby those who had no children, or not enough, were enabled to escape its disabilities and even enjoy most of its benefits (*Fragm. Vat.* 170). This privilege is mentioned in some inscriptions, on which the abbreviation I. L. H. (*jus liberorum habens*) sometimes occurs. The Emperor M. Aurelius enacted that children should be registered by name within thirty days of their birth with the Praefectus Aerarii Saturni (Capitol. *Marc.* 9; cf. Juv. *Sat.* ix. 84).

The penalties of *caelibatus* and *orbitas* were abolished by Constantine and his sons (*Cod. Theod.* 8, 16), as were the disabilities contained in the "Lex Decimaria" by Theodosius II. (*Cod. Theod.* 8, 17, 2, 3), so that little is left of these statutes in the law of Justinian.

JU'LIA PAPI'RIA. [Papiria.]

JU'LIA PECU'LATUS. [Peculatus.]

JU'LIA ET PLAU'TIA, of uncertain date, enacted that *res vi possessae* should stand on the same footing with *res furtivae* [Atinia] and be incapable of acquisition by usucapio. It related solely to land, for robbery of *res mobiles* was theft itself (Gaius, iii. 209), and land could not be stolen (*Inst.* ii. 6, 7). (Gaius, ii. 45, 51; *Inst.* ii. 6, 2; Dig. 41, 3, 4, 22.) It would seem from Theophilus on the passage of the Institutes last referred to that there were really two statutes, Julia and Plautia, perhaps the two of those names "de vi."

JU'LIA REPETUNDA'RUM. [Repetundae.]

JU'LIA SUMPTUA'RIA, passed B.C. 49 by Julius Caesar (Cic. *ad Att.* 13, 7, 1; *ad Fam.* 7, 26, 2; 9, 15, 5). Augustus, too, seems to have re-enacted with additional severities the earlier sumptuary laws (Gell. ii. 24; xliii. 25). [Sumptuariae Leges.]

JU'LIA THEATRA'LIS (Sueton. *Aug.* 40; Plin. xxxiii. § 32) permitted Roman equites, in case they or their parents had ever had a census equestris, to sit in the fourteen rows of the theatre appropriated to them by the Lex Roscia Theatralis, B.C. 67.

JU'LIA ET TI'TIA (supposed to have been passed B.C. 31) assigned to the governors of provinces (*praesides*) the duty of appointing guardians for women and impuberes who were not in patria potestas, or already provided with one. A Lex Atilia, which was in existence in the seventh century of the city, had already given the same power in Rome to the praetor urbanus, acting with a majority of the tribuni plebis (Gaius, i. 185; *Inst.* i. 20, pr.; Ulpian, *Reg.* xi. 18).

JU'LIA VICESIMA'RIA, passed by Augustus, A.D. 6 (Dio Cass. lv. 25, lvi. 28; Plin. *Paneg.* 37–40; Capitol. *Marc.* 11). [Vicesima.]

JU'NIA DE LIBERTINORUM SUFFRAGIIS. [Clodia; Manumissio.]

JU'NIA DE PEREGRINIS, or JUNIA PENNI, a plebiscitum of M. Junius Pennus, B.C. 126, expelling peregrini from the city (Cic. *de Off.* iii. 11, 47; *Brut.* 28, 109). By a Lex Fannia (possibly merely an edict of the Consul Fannius) B.C. 122, Latins and Italians were similarly treated (Appian, *Bell. Civ.* i. 23; Plut. *C. Gracchus*, 12; Cic. *Brut.* 26, 100, *pro Sest.* 13, 31), as were all persons who had not an Italian domicile by a Lex Papia, B.C. 65 (Dio Cass. xxxviii. 9; Cic. *in Rull.* i. 4, 11; *de Off.* loc. cit.; *ad Att.* iv. 16).

JU'NIA LICI'NIA. [Licinia Junia.]

JU'NIA NORBA'NA, probably A.D. 19 (see Puchta, *Institutionen*, § 213, note u), created the status of Latinus Junianus by enacting that slaves manumitted otherwise than by one of the *manumissiones legitimae*, or against the provisions of the Lex Aelia Sentia, should have the rights of Latini (i.e. *commercium* without *co-*

nubium). The statute, however, expressly deprived them of the right of making, or taking under a will, or of being testamentary guardians: see Aelia Sentia Lex; Latinitas; Libertus; Manumissio. (Gaius, i. 16, 17, 22, &c., iii. 56; Ulpian, *Reg.* i., xx. 8, xxii. 3.)

JU'NIA PENNI. [Junia de Peregrinis.]

JU'NIA PETRO'NIA, or PATRO'NIA, enacted that if the judges in a suit relating to personal freedom were evenly divided, the person whose status was in question should be declared free (Dig. 40, 1, 24: cf. Dig. 42, 1, 38, pr.). Whether it is the same statute as the Lex Petronia is doubtful.

JU'NIA REPETUNDA'RUM. [Repetundae.]

JU'NIA VELLE'IA, A.D. 10, made it possible (which hitherto had not been allowed) to either institute or disinherit certain *postumi sui* (i.e. descendants who after the making of a will come into the immediate potestas of the testator). Those to whom this lex related were (*a*) children of the testator born in his lifetime, but after the execution of his will; (*b*) grandchildren of the testator born after their father's death, but in the lifetime of the testator; (*c*) grandchildren born before the execution of the grandfather's will, but who become *sui heredes* by their father's decease after that event (Ulpian, *Reg.* xxii. 19; Dig. 28, 2, 29; Gaius, ii. 134, and Mr. Poste's note on § 130).

LAETO'RIA, the same as **PLAETO'RIA** [Curator]. Sometimes the lex proposed by Volero for electing plebeian magistrates at the Comitia Tributa is cited as a Lex Laetoria (Liv. ii. 56, 57).

LE'NTULI (Cic. *ad Fam.* xiii. 48), really a magisterial decretum relating to the provincial organisation of Cyprus: cf. the "decretum Rupilii" for Sicily (Cic. *in Verr.* ii. 13, 16).

LICI'NIAE. In B.C. 375 C. Licinius Stolo and L. Sextius, two of the tribunes of the plebs, proposed a number of *rogationes*, partly in the political, partly in the economical interests of the plebeians (Liv. vi. 35). The latter were aggrieved by their practical exclusion from the chief magistracies: but they were still more distressed by the burden of their debts. They had suffered heavily through the sacking of the city by the Gauls (Liv. vi. 11, &c.), and in comparison with the patricians were taxed out of all proportion to their real means (Liv. iv. 60, v. 10; Niebuhr, *Röm. Gesch.* i. 645); they were largely indebted to the other order, which was rapidly buying them out of their land (Liv. xxxiv. 4), and cultivating its new acquisitions by slave labour, so that the plebeians were debarred from making their livings even as farmers holding under their own creditors (Appian, *Bell. Civ.* i. 8).

The Licinian rogation which was intended to settle the financial question proposed that all sums which had been paid by way of interest should be struck off the capital debts, and that three annual periods should be allowed for the payment of the residue (Liv. vi. 35, 39). The precise content of the second (*de modo agrorum*, Liv. xxxiv. 4; Gell. xx. 1, 23; Val. Max. viii. 6, 3; Vell. Pat. ii. 6, 3; Appian, *Bell. Civ.* i. 8; Plin. *H. N.* xviii. 3) is less certain. According to one view (Puchta, *Institutionen*, § 57) it proposed that no one should *own* more than 500 *jugera* of land, or pasture on the ager publicus more than 100 cattle and 500 sheep or smaller beasts: others (*e.g.* Niebuhr, and Walter, *Gesch. des röm. Rechts*, § 62) hold that it prescribed the limit of 500 *jugera* merely for the "possessiones" of ager publicus: a third view (advanced by Huschke, *Ueber die Stelle des Varro*, 1835, and Rudorff, *Röm. Feldmesser*, ii. 312, *Röm. Rechtsgeschichte*, i. 38) is that both ownership and possession were comprised in the enactment. The first of these theories at any rate seems to be disproved by Livy, vi. 37 and 39 ("agris occupatis . . . injustis possessoribus"), Plin. *H. N.* xviii. 17, and Appian, *Bell. Civ.* 18 *sq.*: and perhaps that of Niebuhr is best supported by the authorities. It was also proposed, in the interest of those plebeians who were too poor to buy land, that a certain number of free persons should be employed on every estate (Appian, *loc. cit.*). A third *rogatio* was for the abolition of the military tribunate (an office created some years previously in order to relieve the consuls of some of their less important duties, to which the plebeians had been eligible, though Livy says, vi. 37, that in B.C. 369 it had not been occupied by any of them for forty-four years), and for the election of one of the consuls every year from the ranks of the plebeians (Liv. vi. 35, vii. 1, 21, 22, 25, x. 7; Gell. xvii. 21, 26, 27; Schol. Bob. *pro Scauro*, p. 375, Orelli). The patricians prevented the enactment of these rogations by inducing the other tribunes to veto them: Stolo and Sextius, according to Livy, retaliated in the same way, and, being repeatedly re-elected tribunes, persevered for five years in preventing the election of any curule magistrates.

In B.C. 368, encouraged by the support of one of the tribuni militum, M. Fabius, Licinius' father-in-law, and by the decreasing opposition of their colleagues, the two tribunes proposed, and after two years' violent agitation carried (B.C. 366), a new *rogatio* that, instead of the *duumviri* hitherto established, there should be a collegium of *decemviri* for the custody of the Sibylline books, and the performance of the *sacra* therewith connected, and that one-half of these *decemviri* should be plebeians (Liv. vi. 42). This paved the way for the admission of the plebeians to the consulship: and in the next year (B.C. 365) the three original rogations were at last carried together in the form of a Lex Satura (Liv. vii. 39; Dio Cass. *Fragm.* 33), and L. Sextius was elected consul, being the first plebeian who attained that dignity. The patricians were in some degree compensated by retaining the monopoly of the praetorship (*urbana*): but the incorrectness of Livy in representing them also as solely eligible to the curule aedileship, established about this time, has been shown by Niebuhr, iii. 39–49.

The penalty fixed for an infraction of the Lex Licinia *de modo agrorum* was an arbitrary fine sued for before the populus by the plebeian aediles. Curiously enough, Licinius Stolo himself was (B.C. 357) the first person against whom the statute was put in force (Val. Max. viii. 6, 3). Livy (vii. 16) says that together with his son he held a thousand *jugera* of *ager*, and by emancipating his son fraudulently evaded the provisions of his own law: which apparently means that he emancipated the son in order that the latter might get 500 *jugera* nominally for himself, but it would practically be at his father's disposal: at any rate, he was fined 10,000 asses. From this story (which is also told by Columella, and Pliny, *H. N.* xviii. § 17) it is clear that the plebeians had now acquired the right of occupying (*possidere*) the *ager publicus*, probably before the Lex Licinia itself; and it would seem that the estates which the patricians had to surrender as being against the statute came for the most part into the possession of plebeians. Niebuhr (*Röm. Geschichte*, iii. 19) attributes to the law a genuinely agrarian character, and believes that there was a regular distribution of land among them; but the passages on which he relies (especially Varro, *de Re Rust.* i. 2, and Columella, *loc. cit.*) hardly bear out his view, which is directly contradicted by Appian (*Bell. Civ.* i. 8). The history of the later agrarian legislation, however, makes it clear that in some way or other the Lex Licinia *de modo agrorum* (if it related at all to the possessiones of *ager publicus*, which Puchta denies) was persistently evaded.

(Besides the works of Niebuhr, Puchta, Huschke, and Rudorff, already referred to, cf. Göttling, *Geschichte der röm. Staatsverfassung*, [illegible]; the *Classical Museum*, Nos. v. vi. and vii.; and AGRARIAE LEGES).

LICI'NIA, of uncertain date, containing provisions similar to those of the second Lex Aebutia mentioned above, in connexion with which it is mentioned by Cicero (*in Rull.* ii. 8, 21; cf. *pro Plancio*, 20, 51).

LI'CINIA DE CREANDIS TRIUMVIRIS EPULONIBUS, B.C. 197 (Liv. xxxiii. 42; cf. Cic. *de Orat.* iii. 19, 73).

LI'CINIA DE LUDIS APOLLINARIBUS, B.C. 209 (Liv. xxvii. 23).

LI'CINIA DE SACERDOTIIS, B.C. 146 (Cic. *Am.* 25, 96).

LI'CINIA DE SODALITIIS, B.C. 56 (Cic. *pro Planc.* 15, 36; *ad Fam.* 8, 2, 1: see Wunder's Prolegomena, cited in full by Orelli, *Ciceronis Opera*, vol. viii. pp. 200, 201; and AMBITUS).

LI'CINIA JU'NIA, sometimes called **JUNIA LICINIA**, passed B.C. 62 by the consuls L. Licinius Murena and Junius Silanus, perhaps to enforce more strictly the provisions of the Lex Caecilia Didia, in connexion with which it is sometimes mentioned (Cic. *Phil.* v. 3, 8; *ad Att.* ii. 9, 1; iv. 16, 5; *in Vatin.* 14, 23; *pro Sestio*, 64, 135). But it also seems to have enacted that a copy of every proposed statute should be deposited before witnesses in the Aerarium (Schol. Bob. p. 310; Mommsen, *Röm. Staatsrecht*, ii. pp. 532, 533).

LICI'NIA MU'CIA DE CIVIBUS REGUNDIS (probably REDIGUNDIS), passed B.C. 95 by the consuls L. Licinius Crassus the orator, and Q. Mucius Scaevola, Pontifex Maximus; ordained a strict examination into the title to citizenship, as many *non-cives* had contrived to get themselves put on the census, and ordered back to their own *civitates* all who could not make out a good title. This measure partly led to the Marsic war, and is cited by Cicero as an instance how even the wisest men sometimes pass bad laws (Cic. *de Off.* iii. 11, 47; *Brut.* 16, 63; *pro Balbo*, 21, 24; *pro Sestio*, 13, 30: Ascon. *in Cornel.* p. 67).

LICI'NIA SUMPTUA'RIA (Gell. ii. 24, 7–10; Macrob. *Saturn.* ii. 13; Festus, *s. v.* Centenaria). [SUMPTUARIAE LEGES.]

LI'VIAE. Various enactments carried by M. Livius Drusus the younger, when tribunus plebis B.C. 91, for establishing colonies in Italy and Sicily (Appian, *Bell. Civ.* i. 35), distributing corn among the poorer citizens at a low rate (Liv. *Epit.* 71), and admitting the *foederatae civitates* to the Roman citizenship (*ib.* Appian, *loc. cit.*). He was also the author of a *lex judiciaria*, dividing the judicia equally between the senate and the Equites (Vell. Pat. ii. 13; Liv. *Epit.* 70; Cic. *pro Cluentio*, 56, 153), and instituting a penal procedure against judges who allowed themselves to be bribed (Cic. *loc. cit.*; Appian, *Bell. Civ.* i. 35); and he is said by Pliny (*H. N.* xxxiii. § 46) to have proposed a measure for adulterating silver by mixing with it an eighth part of brass. Drusus was assassinated, and the senate declared his laws not binding, either because they had been carried "contra auspicia" (Ascon. *in Cornel.* p. 68), or because they were in violation of the Lex Caecilia Didia (Cic. *pro Domo*, 16, 41). Cf. Cic. *de Leg.* ii. 6, 12; Florus, iii. 17; Plut. *C. Gracchus*, 9 ff.

LUTA'TIA DE VI [VIS]. The supposed existence of such a lex (based on Cicero, *pro Caelio*, 29, 70) is now much discredited; but see Rein, *Criminalrecht*, p. 742.

MAE'NIA, probably passed by Maenius, tribunus plebis, B.C. 287. It is mentioned only by Cicero (*Brut.* 14, 55), who says that "M. Curius Dentatus compelled the Patres *ante auctores fieri*, in the case of the election of a plebeian consul, which was a great thing to accomplish, as the Lex Maenia had not yet been passed." The statute seems to have enacted that the senatorial auctoritas to the Comitia Curiata (by a vote of which the magistrates acquired their imperium) should be given before instead of after the assembly of the centuries in which the magistrates were elected (cf. Liv. i. 17; Cic. *pro Plancio*, 3, 8; Licinius Macer in Sallust. *Frag.* iii. p. 972, ed. Cort; Puchta, *Institutionen*, § 59, notes l and n; Walter, *Geschichte des röm. Rechts*, § 66; and AUCTORITAS).

MAE'NIA DE DOTE, B.C. 186: see Voigt's treatise on the subject, Weimar, 1866, and Puchta, *Institutionen*, § 74, note k, and § 292, note b.

DE MAGISTRIS AQUA'RUM (Haubold, Spangenberg, *Mon. Leg.* p. 177).

MAMI'LIA DE COLONIIS. It was supposed that Rudorff had proved (*Zeitschrift*, ix. 12) that the Lex Mamilia, Roscia, Peducaea, Alliena, Fabia, is the same as the "Lex agraria quam Gaius Caesar tulit" (Dig. 47, 21, 3), and that this Gaius Caesar is the Emperor Caligula. But Mommsen (*Schriften der röm. Feldmesser*, ii. p. 223) believes that the so-called Lex Mamilia related to the appointment of C. *Julius* Caesar's agrarian commission: and this seems to be confirmed by the discovery of the Lex Coloniae Genetivae.

MAMI'LIA DE JUGURTHAE FAUTORIBUS established a special tribunal of three *quaesitores* to investigate cases of bribery among Romans by Jugurtha (Sallust, *Jugurtha*, 40, 65; Cic. *Brut.* 33, 34: cf. Mommsen, *Röm. Staatsrecht*, vol. ii. pp. 646, 647).

MAMI'LIA FINIUM REGUNDORUM (B.C. 110, Ernesti; B.C. 165, Pighius) re-enacted the provision of the Twelve Tables, that a space of 5 ft. along the boundaries of landed estates (extending 2½ ft. into each) should be excluded from usucapio, and ordained a new procedure in cases of dispute (Cic. *de Leg.* i. 21, 55; Rudorff, "Gränzscheidungsklage," *Zeitschrift*, x. pp. 355–363).

MANI'LIA, proposed by the tribune C. Manilius B.C. 66, and conferring on Cn. Pompeius the command in the war against Mithridates. It was supported by Cicero when praetor in his speech *pro lege Manilia* (cf. Vell. Pat. ii. 33, 1; Liv. *Epit.* 100; Dio Cass. xxxvi. 25; Appian, *Bell. Mithrid.* 97).

MANI'LIA DE LIBERTINORUM SUFFRAGIIS (Dio Cass. xxxvi. 25; Ascon. *in Corn.* pp. 64, 65): perhaps the same as the Lex Manilia de suffragiorum confusione (Cic. *pro Mur.* 23, 47), which seems to have enacted that the libertini should vote in all and not only in the four urban tribes.

MANILIA'NAE (Cic. *de Orat.* i. 58, 246). These were not statutes at all, but forms which it was prudent for parties to observe in contracts of sale, whence they are called *actiones* by Varro, *de Re Rust.* ii. 5, 11. They seem to have been invented by a jurist called M'. Manilius, who was consul B.C. 149.

MA'NLIA, a name wrongly given to the Lex Licinia de creandis triumviris epulonibus, because P. Manlius was one of the first triumviri appointed under its provisions (Liv. xxxiii. 42).

MA'NLIA DE LIBERTINORUM SUFFRAGIIS, B.C. 58, probably identical with the Lex Manilia of the same title (Ascon. *in Mil.* p. 46).

MA'NLIA DE VICESIMA MANUMISSORUM, B.C. 357, imposed a tax of one-fifth on the value of all manumitted slaves (Liv. vii. 16; cf. xxvii. 10). [MANUMISSIO.]

MA'RCIA, *circ.* 352 B.C., prescribed the procedure *per manus injectionem* against *feneratores* for recovering from them four times any sum which they had taken by way of illegal interest (Gaius, iv. 23; Liv. vii. 21).

MA'RCIA AGRA'RIA, proposed by L. Marcius Philippus, tribunus plebis, B.C. 104 (Cic. *de Off.* ii. 21, 73).

MA'RCIA DE LIGURIBUS, B.C. 172 (Liv. xlii. 22).

MA'RIA, proposed by C. Marius, when tribune B.C. 119, for narrowing the *pontes* at elections (Cic. *de Legg.* iii. 17, 38; Plut. *Marius*, 4).

ME'MMIA or **RE'MMIA**. [CALUMNIA.]

MENE'NIA seems to have in some way limited the magistrate's power of inflicting arbitrary fines: see ATERNIA TARPEIA.

ME'NSIA or **MINI'CIA** enacted that the children of parents, either of whom was a *peregrinus*, should be *peregrini* themselves: and thus (where a *civis Romana* married a *peregrinus*) introduced an exception to the rule that where there was no *conubium* between man and wife the issue should follow the condition of the mother (Ulpian, *Reg.* v. 8).

ME'SSIA DE CN. POMPEII IMPERIO (Cic. *ad Att.* iv. 1, 7).

ME'SSIA DE REVOCANDO CICERONE (Cic. *post Red. in Sen.* 8, 21).

METI'LIA, B.C. 217 (Liv. xxii. 25 *sq.*; Plut. *Fabius*, 9).

MINI'CIA (Gaius, i. 78, Studemund *ad loc.*): see MENSIA.

MINU'CIA DE TRIUMVIRIS MENSARIIS, B.C. 46 (Liv. xxiii. 21).

MU'CIA, a plebiscitum of 141 B.C.: resulted in the exile of L. Hostilius Tubulo (Cic. *de Fin.* ii. 16, 54).

NERVAE AGRA'RIA, the latest known instance of a lex passed at the Comitia (Dig. 47, 21, 3, 1).

OCTA'VIA, probably B.C. 87 (Cic. *de Off.* ii. 21, 72; *Brut.* 62, 222). [FRUMENTARIAE LEGES.]

OGU'LNIA, proposed by two Ogulnii, who were tribunes B.C. 300: it increased the number of the Pontifices and Augurs from four each to eight and nine respectively, and enacted that four of the former and five of the latter should be taken from the plebs (Liv. x. 6–8).

OP'PIA, B.C. 215 (Liv. xxxiv. 1, 8; Val. Max. ix. 1, 3). It was repealed twenty years after its enactment. [SUMPTUARIAE LEGES.]

O'RCHIA, B.C. 171 (Macrob. *Saturn.* ii. 13). [SUMPTUARIAE LEGES.]

OVI'NIA, enacted probably *circ.* B.C. 312: apparently assigned to the censors the function of selecting the senate, but required them to choose the persons best qualified without distinction between patricians and plebeians (Festus, p. 246). Perhaps the strict meaning of Festus' text is that on coming into office they revised the list of the senate, those whose names were passed over *ipso facto* losing their seats (Hoffmann, *Röm. Senat*, pp. 3–18).

The nature of the Lex Ovinia mentioned by Gaius (iv. 109) is unknown.

PA'PIA DE PEREGRINIS. [JUNIA DE PEREGRINIS.]

PA'PIA DE VESTALIUM LECTIONE (Gell. i. 12).

PA'PIA POPPAEA. [JULIAE.]

PAPI'RIA or **JU'LIA PAPI'RIA** DE MULTARUM AESTIMATIONE, B.C. 430, substituted money fines for those of cattle and sheep fixed by the Lex Aternia Tarpeia, a sheep being valued at ten, a bullock at a hundred asses (Liv. iv. 30; Cic. *de Rep.* ii. 35). Gellius (xi. 1) and Festus are wrong in making this change a part of the Lex Aternia Tarpeia itself.

PAPI'RIA, 89 B.C., fixed the value of the *as* at half an ounce: one of the numerous enactments which tampered with the coinage (Plin. *H. N.* xxxiii. § 46).

PAPI'RIA DE ACERRANORUM CIVITATE, B.C. 332, proposed by L. Papirius when praetor, and giving the *civitas sine suffragio* to the people of Acerrae (Liv. viii. 17; cf. Vell. Pat. i. 14, 4).

PAPI'RIA DE CONSECRATIONE AEDIUM, *circ.* 303 B.C., enacted that no land, temple, or altar should be consecrated without a plebiscitum (Cic. *pro Dom.* 49, 50; Liv. ix. 46).

PAPI'RIA DE SACRAMENTO, a plebiscitum of L. Papirius, providing that the *tres viri capitales* should be elected by the people, and should exact from unsuccessful litigants the stake (*sacramentum*) which they lost in the *legis actio* of that name, and which was forfeited to the aerarium (Festus, *s. v.* Sacramento: cf. Mommsen, *Röm. Staatsrecht*, ii. pp. 580, 585). Puchta (*Institutionen*, § 161, note g) conjectures that the statute also put an end to the actual deposit of the stake *in sacro*, and substituted the giving of security (*praedes*) for its payment.

PAPI'RIA PLAUTIA, B.C. 89, enacted that all *cives* and *incolae* of *foederatae civitates*, who at the date of the statute were domiciled in Italy, should be able to obtain the Roman civitas by giving in their names to the praetor urbanus at Rome within sixty days (Cic. *pro Archia*, 4, 7; *ad Fam.* xiii. 30). [CIVITAS; FOEDERATAE CIVITATES.]

PAPI'RIA POETE'LIA. [POETELIA PAPIRIA.]

PAPI'RIA TABELLA'RIA, B.C. 132. [TABELLARIAE LEGES.]

PE'DIA, B.C. 44, interdicted from fire and water all who had taken part in the murder of Julius Caesar (Vell. Pat. ii. 69, 5).

PEDUCAE'A, a privilegium of B.C. 114, relating to incest committed by certain Vestal Virgins (Cic. *de Nat. Deor.* iii. 30, 74; Ascon. in *Milon.* p. 46).

PESULA'NIA seems to have extended to dogs the rule of the Twelve Tables (*Inst.* iv. 9, pr.; Dirksen, *Uebersicht*, &c. p. 532), that if damage were done by an animal the owner must either surrender it or pay compensation (Paul. *Sent. rec.* i. 15, 1).

PETI'LLIA DE PECUNIA REGIS ANTIOCHI, B.C. 186 (Liv. xxxviii. 54; cf. xxxix. 6).

PETRE'IA. A lex of this name (*de decimatione militum*) applying in cases of mutiny is mentioned in the old editions of Appian (*de Bell. Civ.* ii. 47), but the true reading is *πατρίῳ νόμῳ*.

PETRO'NIA forbade masters to make their slaves fight with wild beasts, unless they had committed some serious offence, and the magistrate had assented to their being so treated (Dig. 48, 8, 11, 2; Gell. v. 14); it was followed by a number of senatusconsulta to the same purpose. Puchta (*Institutionen*, § 107) is of opinion that it provided for the appointment of special magistrates in the towns to deal with the matter; but the inscriptions on which he relies (cited in Marquardt, *Röm. Staatsverwaltung*, i. p. 494) seem to relate to a different Lex Petronia (de praefectis). Whether there were two leges or one, the first mention of legislation by this name occurs in the *fasti* of Venusia, B.C. 32.

PINA'RIA (Gaius, iv. 15). Its effect is merely matter of conjecture. According to Studemund and Walter, a single judge was originally appointed at the close of the formal proceedings before the praetor, to try *sacramenta*: and this was altered by the statute, which prescribed an interval of thirty days between the proceedings before the praetor and the appointment of the judex. Keller supposes that its effect was not to create a necessary interval of thirty or any other number of days at all, but to transfer the hearing of *sacramenta* from the standing collegia of judges (decemviri and centumviri) to a single judex. Bethmann-Hollweg (*Civil Process*, i. p. 65) holds that it required all actions of debt for less sums than 1000 asses to be tried before a single judge.

PINA'RIA ANNALIS. [ANNALES LEGES.]

PINA'RIA DE INTERCALANDO, B.C. 472 (Varro in Macrob. i. 13).

PLAETO'RIA or **LAETO'RIA** (Cic. *de Off.* iii. 15, 61; *de Nat. Deor.* iii. 30, 74). [CURATOR.]

PLAETO'RIA allowed the praetor to fix any time he pleased for the termination of legal proceedings, the Twelve Tables having enacted that they should not close till sunset (Varro, *L. L.* vi. 5; Censorin. *de Die Nat.* 24).

PLAU'TIA or **PLO'TIA AGRA'RIA,** B.C. 98 or 89 (Cic. *ad Att.* i. 18, 6).

PLAU'TIA or **PLO'TIA** DE REDITU LEPIDANORUM (Sueton. *Caesar*, 5; Gell. xiii. 3).

PLAU'TIA or **PLO'TIA** DE VI (Ascon. *in Milon.* 35; Cic. *ad Att.* ii. 24; *de Harusp. Resp.* 8; Sallust. *Cat.* 31: see C. G. Wächter's paper on the subject in the *Neues Archiv des Criminalrechts*, xiii. p. 8 *sq.*, cited at length in Orelli's *Cicero*, vol. viii. pp. 233–243, and VIS).

PLAU'TIA or **PLO'TIA JUDICIA'RIA,** B.C. 89, enacted that fifteen persons should be selected annually from each tribe, without reference to their rank, to act as judges in criminal trials. It was repealed by the Lex Cornelia judiciaria of Sulla (Cic. *pro Cornel.* fragm. 27; Ascon. *in Cornel.* p. 79).

PLAU'TIA PAPI'RIA. [PAPIRIA PLAUTIA.]

POETE'LIA, a plebiscitum of B.C. 358: the first law against *ambitus* (Liv. vii. 15).

POETE'LIA PAPI'RIA, the name usually given to a lex, supposed to have been passed B.C. 326, for the relief of the nexi (Liv. viii. 28; Cic. *de Republ.* ii. 34, 59; Varro, *L. L.* vii. 105). [NEXUM.]

POMPE'IA, B.C. 89, passed by Cn. Pompeius Strabo, father of the great Pompeius, when consul: it conferred Latin rights [LATINITAS] on the Transpadani, and probably the civitas on the Cispadani (Strabo, v. p. 213; Savigny, *Zeitschrift*, ix. 308–326).

POMPE'IA DE AMBITU (Dio Cass. xl. 52; Ascon. *in Mil.* p. 37). [AMBITUS.]

POMPE'IA DE IMPERIO CAESARI PROROGANDO, B.C. 55 (Vell. Pat. ii. 46, 2; Appian, *Bell. Civ.* ii. 18; Cic. *Phil.* ii. 10, 24).

POMPE'IA DE JURE MAGISTRATUUM (Sueton. *Caesar*, 28; Cic. *ad Att.* viii. 3, 3, cf. *Phil.* ii. 10, 24; Dio Cass. xl. 56) forbade candidature for public offices by persons who were not at Rome: but C. Julius Caesar was excepted from its operation. This was doubtless the old law, but it appears to have become obsolete.

POMPE'IA DE PARRICIDIIS, B.C. 52. It is difficult to come to any definite conclusion as to the precise meaning of *parricida* and *parricidium* in early Roman history and literature. From a quotation which Cicero makes from some old source ("sacrum sacrove commendatum qui cleperit rapsitque parricida esto," *de Leg.* ii. 9, 22), the offence seems at one time not to have been confined to killing; and even when it had acquired this narrower signification, it apparently denoted the taking of the life of any free person ("si quis hominem liberum dolo sciens morti duit parricida esto," law of Numa Pompilius in Festus, *s. v.* Parici Quaestores: cf. Rein, *Criminalrecht*, pp. 401, 449). The Romans themselves seem to have had great doubts about the etymology of the word: *συστέλλοντες τὴν πρώτην συλλαβὴν καὶ βραχεῖαν ποιοῦντες, τοὺς γονέας* (părentes), *ἐκτείνοντες δὲ, τοὺς ὑπηκόους* (pārentes) *σημαίνουσιν* (Johannes Lydus, *de* [illegible] i. 26). "Parricida, quod vel a pari [illegible]r, vel a patre: quibusdam a parente v[illegible]se" (Prisc. *Gram.* i.: cf. Cic. *pro Clu*e[illegible]32; Liv. xl. 24; Quinctil. *Inst.* viii. 6, 3[illegible] by the time of Cicero *parricidium* s[illegible] have acquired the specific sense of k[illegible]r relatives: the application of it to C[illegible]nd to the murderers of Caesar (Sueton.

Jul. 88) may perhaps be regarded merely as an oratorical survival of older usage. There seems to be no doubt that the Lex Cornelia de sicariis et veneficis contained provisions as to the killing of near relations (Dig. 48, 9, 1; *Inst.* iv. 18, 6 *ad fin.*): the Lex Pompeia de parricidiis, some thirty years later, apparently re-enacted these, and defined the crime of *parricidium* as the deliberate and wrongful slaying of ascendants, husbands, wives, *consobrini*, brothers and sisters, uncles and aunts, stepfathers and mothers, fathers and mothers in law, patrons and descendants; but the killing of a child by its father was excepted (Dig. 48, 9, 1). Hadrian sentenced a man who killed his son to *deportatio* (Dig. *ib.* 5); but it was not *parricidium* to kill one's own children till the age of Constantine, who prescribed for it the punishment of the sack described below (Cod. ix. 17; *Inst.* loc. cit.). For most cases of *parricidium* no change was made in the penalties of the Lex Cornelia (death, banishment, and forfeiture) by the statute of Pompeius; but for the murder of a father, mother, grandfather or grandmother, the old punishment of the *culleus* was ordained (Dig. 48, 9, 9, 1; Paul. *Sent. rec.* v. 24). This consisted in the guilty person being first whipped till he bled, sewn up in a sack with a dog, a cock, a viper, and an ape, and thrown into the sea or a river: if there was no water near, Hadrian sanctioned his being torn in pieces by wild beasts (Dig. 48, 9, 9, pr.), and in Paulus' time he seems sometimes to have been burnt. The antiquity of this punishment is attested by Valerius Maximus, who records that it was inflicted on M. Tullius by Tarquinius when king (i. 1, 13: cf. "more majorum," Dig. 48, 9, 9, pr. and 1; and Cic. *pro Rosc. Am.* 25, 70, *ad Quint. Fratr.* i. 2; Juv. *Sat.* iii. 8, 212 *sq.*). The selection of animals was supposed to be symbolical: *μετὰ ἀσεβῶν ζώων ἀσεβὴς ἄνθρωπος* (Dosith. iii. 16): *τὰ δὲ προειρημένα θήρια ἐμβάλλεται διὰ τοῦτο, ἐπειδὴ ὁμοιότροπα αὐτῷ ἐστί· τὰ μὲν γὰρ ἀναιρεῖ τοὺς γονεῖς, τὰ δὲ πρὸς αὐτοὺς οὐκ ἀπέχεται μάχης* (Theophilus). Accessories to the crime were punished as severely as principals under the Lex Cornelia (Cod. 9, 16, 7).

POMPE'IA DE VI, a privilegium relating to the trial of Milo by a *quaestio extraordinaria* for killing Clodius, though there was a permanent commission for trying offences of this class (Cic. *Phil.* ii. 9, 22): it also seems to have contained some general provisions as to the procedure and penalty in cases of violence (Ascon.; and Schol. Bob. *pro Milone*: cf. Wächter's note, cited by Orelli, *Cicero*, vol. viii. pp. 247–250, and Walter, *Geschichte des röm. Rechts*, § 834, note 7).

POMPE'IA FRUMENTARIA (Dio Cass. xxxix. 24).

POMPE'IA JUDICIARIA (Cic. *Phil.* i. 8, 20; *in Pison.* 39, 73; Ascon. *in Pison.* p. 16; Sall. *de Rep. Ord.* ii. 3). [JUDEX.]

POMPE'IA TRIBUNICIA, B.C. 70, restored the old *tribunicia potestas* which Sulla had almost destroyed (Sueton. *Jul.* 5; Vell. Pat. ii. 30; Cic. *de Leg.* iii. 9, 11; Liv. *Epit.* 97). [TRIBUNI.]

PO'RCIA, probably B.C. 197, appears to have enacted that a Roman citizen might save himself from the punishment of death or flogging by withdrawing into exile (Sall. *Cat.* 51; Cic. *pro Rabirio*, 3, 4; *in Verr.* v. 63, 163; Liv. x. 9; Gell. x. 3, 13). Cicero (*de Rep.* ii. 31, 54) allud to three leges Porciae on this or similar matter but nothing more is known about them.

PO'RCIA DE PROVINCIALIBUS SUMPTIBU apparently due to M. Portius Cato, praetor B. 298, and perhaps referred to in Liv. xxxii. 27 it is mentioned in the Plebiscitum de Termes ensibus (Lex Antonia), which enacts "nei qu magistratus prove magistratu legatus neu qu alius neive imperato quo quid magis iei de praebeant ab ieisve auferatur nisei quod eos e lege Portia dare praebere oportet oportebit (Haubold, *Mon. legal.* p. 137).

PRAEDIATO'RIA, the reading in som editions of Gaius (iv. 28); but the true readin according to Studemund, is *lege censoria*.

PUBLI'CIA permitted betting at certa games which required strength, such as runni and leaping (Dig. 11, 5, 2, 1 and 3). [COR NELIA; TITIA.]

PUBLI'LIA, proposed by Publilius Voler tribunus plebis, and carried after much opp sition B.C. 471. It provided "ut plebeii magis tratus (tribunes and plebeian aediles) tribut comitiis fierent" (Liv. ii. 56); but this app rently should not be taken to mean that th magistrates had previously been elected in th Comitia Centuriata (as is held by Mommsen *Röm. Tribus*, p. 83; Becker-Marquardt, ii. 253–260, &c.): the choice had practically bee made by the plebs, but in a less organi fashion than became the rule after it had b this statute been definitely assigned to th Comitia in which the plebeians had the prepon derance (Schwegler, xxvi. 7: cf. Walter, *Ge schichte des röm. Rechts*, § 44; for another view see Mommsen, *Röm. Geschichte*, ii. 2). "Fro this time onward," says Dionysius (ix. 49), "u to my own day, the election of tribunes an aediles was made without birds (augural cere monies) and all the rest of the religious forms the Comitia Tributa." By the same enactmen the number of the tribunes ~~was raised~~ fr two to five (Liv. ii. 58; Diod. ii. 38), B.C. 454 to ten (Liv. iii. 30; Dionys. x. 30), were elected in equal proportions from the classes of the Servian Constitution (Ascon. *Cornel.* p. 77): this change was readily quiesced in and perhaps even suggested by patricians, who foresaw in the larger num increased chances of disagreement, and more likely to win over to their own side one many than one of few plebeian magistra Possibly, too, the office of tribune was opened the patricians, two of whom were tribuni ple B.C. 448 (Liv. iii. 65), though these, accordi to Mommsen (*Röm. Staatsrecht*, ii. p. 265), only coopted members of the Collegium.

We are told by Dionysius (ix. 43, 44) when Publicius failed in the first attempt carry his measure, he added a fresh provis enabling the Comitia Tributa to discuss resolve on matters of public importance Zonaras, vii. 17): this was carried along w his earlier proposal, and was of considera constitutional significance: for it thus bec easy for the tribunes to unite the plebeians any matter on which they had to vote in Comitia Centuriata, and also to consult them to the submission of proposals for legislation the senate: these, if approved, could then referred in the ordinary way to the centu and thereby become genuine enactments of the sovereign populus (Val. Max. ii. 2, 7; Dionys. x. 30, 48, 52). For the further history, see PUBLILIAE and PLEBISCITUM.

PUBLI'LIA DE SPONSU gave the kind of surety called a *sponsor* an *actio depensi* to recover twice the sum which he had paid for his principal unless reimbursed within six months, and enabled him after obtaining judgment to proceed at once by *manus injectio pro judicato* (Gaius, iii. 127, iv. 22). [INTERCESSIO.]

PUBLI'LIAE LEGES, carried B.C. 339 by the Dictator Q. Publilius Philo: their substance is thus described by Livy (viii. 12): "Tres leges secundissimas plebei, adversas nobilitati tulit: unam ut plebiscita omnes Quirites tenerent: alteram, ut legum quae comitiis centuriatis ferrentur, ante initum suffragium Patres auctores fierent: tertiam, ut alter utique ex plebe, quum eo ventum sit ut utrumque plebeium consulem fieri liceret, censor crearetur." The first of these seems to stand in connexion with one of the leges Valeriae Horatiae, B.C. 449, which enacted "ut quod tributim plebs jussisset populum teneret" (Liv. iii. 55): *i.e.* it restored the Comitia Tributa after the second secession of the plebs, and perhaps also provided that plebiscita which had no constitutional import, or which related purely to matters of private law, should have the force of statute, even without subsequent confirmation or enactment by the centuries. In B.C. 339, the patricians having now brought themselves to take regular part in the business of the Comitia Tributa, confirmation by the centuries must have seemed a superfluity in any case; and accordingly the first Lex Publilia seems to have dispensed with it for all plebiscita whatsoever. They still, however, required to be sanctioned by the senate before they acquired complete validity; but the necessity of this seems to have been abolished by the Lex Hortensia, B.C. 287, which enacted "ut eo jure, quod plebs statuisset, omnes Quirites tenerentur" (Gaius, i. 3; Dig. 1, 2, 2, 8; Laelius Felix in Gell. xv. 27; Plin. *H. N.* xvi. § 37). There is, however, great difference of opinion as to the real import of, and the relation between, these three leges, which, if literally taken, seem all to have enacted the same thing. Walter (*Geschichte des Röm. Rechts*, § 65) thinks that the last two dispensed with the senatorial confirmation of plebiscita which were not proposed "ex senatus auctoritate;" Niebuhr (ii. 415; iii. 170, 171, 472), that the Lex Publilia did away with the necessity of confirmation by the Comitia *Curiata*, and that the senatorial approval was dispensed with by the Lex Hortensia: while Mommsen (*Röm. Geschichte*, ii. 3) and Lange (i. 469–473) take the accounts given to us literally, and hold the last two laws to be merely re-enactments of the Lex Valeria Horatia, which got rid of confirmation by the senate and the Comitia Curiata as well. The view adopted above is that of Puchta (*Institutionen*, § 59).

As to the meaning of the second Lex Publilia, there is also some difference of opinion, occasioned by our uncertainty as to the signification of "Patres" in the text of Livy cited above. According to one view, it simply re-affirmed the constitutional doctrine that no measure should be submitted for enactment to the Comitia Centuriata without having been previously approved by the senate: such re-affirmation seeming desirable in consequence of the recent changes in respect of plebiscita, which were sanctioned by the senate after, and not before, being passed by the Comitia Tributa. But Livy's remark that all the leges Publiliae were "adversae nobilitati" makes the view of Niebuhr more probable, that by "Patres" is meant the Comitia Curiata; the assent of which was by this statute reduced to a mere formality by the requirement that it should be given *before* the centuries had considered whether they should pass any given measure or not.

The third Publilian law requires no explanation. We read of a plebeian being censor as early as B.C. 351 (Liv. vii. 22; x. 8, 8): but this statute required that one of the censors should always be selected from the plebs.

PU'PIA (Cic. *ad Q. Fratr.* ii. 13; *ad Fam.* i. 4) enacted that the senate should not sit on dies Comitiales. Previously it could deliberate on any day whatsoever (see Cic. *ad Fam.* xii. 55; *ad Q. Fratr.* ii. 1, &c.; *ad Att.* iv. 2; Liv. xxxix. 39). Its date was perhaps B.C. 224.

QUI'NTIA, a lex proposed by T. Quintius Crispinus (consul B.C. 9) for the preservation of the Aquaeductus. It is preserved by Frontinus (*de Aquaeduct. Roman.*).

RE'GIA, properly LEX DE IMPERIO PRINCIPIS. The nature of the imperium, and the mode in which it was conferred, are explained under IMPERIUM. Augustus united in his own person most of the republican powers and magistracies, though they were bestowed upon him by the populus separately and at different times. After holding the consulship for nine years in succession, he received the *proconsulare imperium* and the *potestas consularis* and *tribunicia* for life: the powers of the censorship were granted him at first for five years, but were periodically renewed without interruption: he was also Pontifex Maximus and Princeps Senatus, whence, according to some, he took the title "Princeps" by which the earlier emperors were known, and which personally he preferred to the style of "Imperator," which, though it belonged to him, he never asserted within the city of Rome. [PRINCEPS.] The practice of investing the emperor with these various powers or authorities by distinct leges was followed for a considerable time. The preservation of the Lex de imperio Vespasiani (which seems to have been only a senatusconsultum representing the old Lex Curiata de imperio) has led to the belief that in the time of that emperor all the powers enjoyed by Augustus were conferred on the sovereign by a single statute. The fragment which is extant (Haubold, Spangenberg, *Monum. Legal.* p. 221) empowers Vespasian to make treaties, originate senatusconsulta, propose persons to the people and the senate for election to magistracies, extend the *pomoerium*, and make edicts with the force of law: it releases him from the same laws from which Augustus, Tiberius, and Claudius had been released; and provides that all that he had done before its enactment should have the same effect as if it had been done by the people. [illegible]ping as the form seems to be, it is clear that the senate continued even after Vespasian "to dispense the various prerogatives of sovereignty, one by one, with affected hesitation." It was not really till the time of Alexander Severus that the whole of the imperial powers (including the *proconsulare imperium*, the *principatus senatus*, and the *tribunicia potestas*) were conferred on the emperor *uno ictu*, and Severus himself remarks upon this as a novelty ("quae omnia *novo exemplo* uno die in me contulistis," Lamprid. *Alex. Sev.* 1): but from his time the practice became usual, the formal imperium however being bestowed first by a separate resolution of the senate (cf. Capitol. *Max. et Balb.* 8; Vopisc. *Prob.* 2). For the meaning of *legibus solutus* as applied to the emperor, see Mommsen, *Röm. Staatsrecht*, ii. p. 728, and Merivale, *Hist. of the Romans under the Empire*, iii. p. 466 *sq.*

The Lex de Imperio is in the Corpus Juris of Justinian sometimes called "Lex Regia," an expression which occurs in Dig. 1, 4, 1, pr. (Ulpian), transcribed in *Inst.* i. 2, 6, and in Cod. 1, 17, 1, 7. The title of Dominus was applied to the emperor as early as Trajan, but the phrase "lex regia" does not appear to occur before the third century, when to avoid the comparison between "rex" and "imperator" would have been mere affectation. For the whole subject, see Dio Cass. liii. 16–19; Tac. *Hist.* i. 47, iv. 3, 6; and Merivale, *Hist.* chap. 31.

RE'GIAE (LEX, p. 32*a supr.;* and JUS CIVILE PAPIRIANUM).

RE'MMIA (Cic. *pro Rosc. Am.* 19, 55). [CALUMNIA.]

RHO'DIA, a term used to denote those portions of the Rhodian maritime code (referred to by Strabo, xiv. p. 652; and Cic. *pro lege Manilia*, 18, 54) which were adopted into the Roman law, and on which information may be obtained from Dig. 14, 2, and Schryver, *Sur la loi Rhodia de jactu*, Brussels, 1884. Its main principle was that, where property was thrown overboard to lighten and so assist in saving a ship, the loss should be portioned out among all in whose interest the sacrifice was made.

RO'SCIA THEATRA'LIS, carried by the tribune L. Roscius Otho, B.C. 67: it assigned to the Equites the fourteen rows of seats in the theatre next to those of the senators, who sat in the orchestra, to which apparently (Vell. Pat. ii. 32, 3) they had a kind of prescriptive right (Liv. *Epit.* 99; Dio Cass. xxxvi. 25; Cic. *pro Murena*, 19, 40; *ad Att.* ii. 19; Juv. xiv. 324; Hor. *Epod.* iv. 16). This provision was re-enacted by the Lex Julia theatralis. The statute also seems to have assigned seats in the theatre to persons who had lost their property, whether by their own fault or by misfortune (*decoctores*), Cic. *Phil.* ii. 18, 44. The law caused some popular disturbances when Cicero was consul, which he allayed by a speech (*ad Att.* ii. 1; Plut. *Cic.* 13).

RU'BRIA or **GA'LLIAE CISALPI'NAE.** When Cisalpine Gaul ceased to be a province and became part of Italy, it was necessary to provide for the administration of justice, as the usual forms of provincial administration would cease with the determination of the provincial mode of government. This was done (B.C. 49, Mommsen and Rudorff; B.C. 42, Savigny and Puchta) by a plebiscitum proposed by an otherwise unknown tribune, named Rubrius, of which a portion was discovered in 1760 on a tablet in the ruins of Veleia, which is preserved in the
Museum at Parma. The whole lex probabl
covered five Tables, and was divided into cha
ters, of which we have caps. 20–22 complet
and parts of the 19th and 23rd: it apparentl
followed the order of the praetorian edict, an
regulated the judicial competence and procedu
of the Cisalpine municipia. Its policy seem
to have been restrictive: *e.g.* it is provided tha
the municipal magistrates shall have juri
diction to try by judices (in the ordinar
Roman fashion) all suits in which the sum i
volved does not exceed 15,000 sesterces, an
some even irrespective of their amount: as f
actions to which their jurisdiction does n
extend, they may conduct the preliminary i
quiry, but must remit them for trial to tl
praetor at Rome. The 19th chapter relates
"operis novi nuntiatio;" the 20th, to "dan
num infectum;" the 21st and 22nd, to tl
jurisdiction, especially restricting the right
imprisoning for money debts; and the 23rd,
the "judicium familiae erciscundae."

The text of the lex is lithographed in Ritschl
Inscriptions, vol. i. Tab. xxxii., and may also
found in Mommsen's Inscriptions, vol. i. N
205, as well as in the earlier editions of Car
Pietro di Lama, and Haubold (Spangenberg
The subject is expressly handled by Savig
(*Zeitschrift*, ix.) and Puchta, *Kleine civil. Schri*
ten, 1851: cf. Huschke, *Ueber die Klagforme*
in der Lex Rubria; Gaius, pp. 203–242; Hug
Civil. Magazin, vol. ii. pp. 431–496; a
Dirksen, *Obs. ad selecta legis Gall. Cisalp. capi*
Berlin, 1812.

RUPI'LIAE. These are not leges prope
but regulations for the organisation of Sicil
comprised in a decretum issued by P. Rupiliu
its proconsul (B.C. 131), in accordance wi
instructions given him by the ten lega
sent by the senate, as was usual (Liv. xlv. 1
Appian, *Iber.* 99, *Pun.* 135; Sall. *Jugurth*
16) when the organisation of a province w
being settled (Cic. *in Verr.* ii. 13, 16, 4
Pseudo-Ascon. p. 212: cf. Val. Max. vi. 9, 8
There is frequent mention in Cicero's seco
speech against Verres of the regulations (*lege*
of Rupilius in respect of the Sicilian judici
procedure, *e.g.* one by which he there establish
the supposed principle of the Lex Pinaria, r
quiring an interval of thirty days between tl
proceedings *in jure* and the appointment of
judex (cap. 15). Other leges of the sam
person, relating to the co-optation of the sena
of Heraclia, where he had established a colon
are mentioned *in Verr.* ii. 50, 125; and as
"res frumentaria," *in Verr.* iii. 40, 91. (S
Marquardt, *Röm. Staatsverwaltung*, i. p. 341.)

RUTI'LIA related to the appointment of tl
tribuni militum (Festus, *s. v.* Rufuli; Liv. vii
5; Ascon. *in Verr.* i. 10, p. 112, Orelli).

SACRA'TAE (mentioned or referred to b
Liv. ii. 33, iii. 55, vii. 41, &c.; and Cic. *p*
Sest. 7, 16, 30, &c.; *de Off.* iii. 31, 111; *de Le*
ii. 7, 18, &c.). The term seems properly to hav
been used of laws to which a religious sanctio
was attached, so that the person who was co
victed of violating them became *sacer:* "S
cratae leges sunt, quibus sanctum est, qui qu
adversus eas fecerit, sacer alicui deorum s
cum familia pecuniaque" (Festus). As to tl
nature of the sanction, something more may b
gathered from Festus, *s. v.* Sacer mons: "A

homo sacer is est, quem populus judicavit ob maleficium, neque fas est eum immolari: sed qui occidit parricidii non damnatur, nam lege tribunicia prima cavetur: *si quis eum qui eo plebei scito sacer sit occiderit parricida ne sit.*" Among such leges sacratae were the Lex Valeria *de provocatione*, the statute affirming the inviolability of tribuni plebis (Liv. ii. 8, 33, iii. 55; Cic. *de Leg.* iii. 4, 11), the Lex Icilia de Aventino (Liv. iii. 32) and the Lex militaris referred to by Liv. vii. 41. See Ernesti's note cited by Orelli, *Cicero*, viii. p. 257; Ihering, *Geist des röm. Rechts*, pp. 273–276.

SAE'NIA DE PATRICIORUM NUMERO AUGENDO, enacted in the fifth consulship of Augustus (Tac. *Ann.* xi. 25; *Mon. Ancyr. Pilae prioris*, tab. 2. See CASSIA).

SALPENSA'NA, a lex of the Emperor Domitian, A.D. 81–84, regulating the constitution of the Latin colony of Salpensa in Baetica.

SA'TURA. [LEX, p. 33 *b supr.*]

SCATI'NIAE, another reading for Atiniae in Cic. *Phil.* iii. 6, 16.

SCANTI'NIA, a lex of unknown date, enacted for the suppression of unnatural crime (Auson. *Epigr.* 89; Juv. ii. 44; Cic. *ad Fam.* viii. 12, 14; Suet. *Domit.* 8), which was treated by the Lex Julia de adulteriis merely as *stuprum* (Dig. 48, 5, 34, 1; Collatio, v. 2; Paul. *Sent. rec.* ii. 26, 13), and punished by partial confiscation of property, flogging, and relegatio (*Inst.* iv. 18, 4). For these death was substituted by imperial constitutions (Coll. v. 3; Cod. 9, 9, 31).

SCRIBO'NIA, of unknown date, enacted that praedial urban servitudes should not be acquirable by usucapio (Dig. 41, 3, 4, 29): rustic servitudes could never be so acquired (apart from the *praedia* to which they were annexed), owing to the impossibility of applying to them the notion of possession (Dig. 8, 1, 14, pr.). The statute, however, did not prohibit the extinction of a servitude by lapse of time, which the Romans call "usucapio libertatis" (Dig. 41, 3, 4, 29). But the prescriptive acquisition of servitudes was re-introduced through the praetorian doctrine of *longi temporis possessio.* [SERVITUTES; USUCAPIO.] See Unterholzner, *Verjahrungslehre*, ii. §§ 195–197.

SCRIBO'NIA ALIMENTA'RIA (Cael. *ad Fam.* viii. 6, 5).

SCRIBO'NIA VIA'RIA, carried by the tribune C. Scribonius Curio, B.C. 51. Its motive and purport are explained by Appian, *Bell. Civ.* ii. 26 *sq.*: cf. Orelli's *Cicero*, viii. pp. 259, 260.

SEMPRO'NIA AGRA'RIA, carried by Tiberius Gracchus when tribune, B.C. 133. In settling its provisions he was aided by the advice of Crassus, then Pontifex Maximus, Mucius Scaevola, then Consul and later Pontifex Maximus himself, and Appius Claudius (Plut. *Tib. Gracchus*, 9); their main objects being to relieve the poverty of the humbler Roman citizens, and to establish a population of free and independent yeomen over the vast tracts of public land, the enjoyment of which the patricians had practically appropriated, notwithstanding the Lex Licinia, and which were at that date but sparsely peopled by shepherds, herdsmen, and a few slave cultivators. Its main enactment was that no person should hold more than 500 jugera of ager publicus (Liv. *Epit.* 58; Aurel. Victor *de Vir. ill.* 64), with an additional 250 jugera for each of two sons: but in no case was the holding to exceed 1000 jugera. From the estates recovered from the present tenants, as being in excess of the maximum fixed by the statute, holdings were to be provided for the poorer and landless citizens, which they were to have no power of alienating or even letting (Appian, *Bell. Civ.* i. 9, 10); the taxes assessed on the land were to be paid by the tenant. The execution of the statute was entrusted to a commission of three, which was to be elected every year (Appian, *loc. cit.*), the first three commissioners being Tiberius himself, his brother C. Gracchus, and Appius Claudius; but it was attended with great difficulties. The ager publicus had been held by private persons for generations as private property, had often changed hands by sale or assignment, and had been improved and built upon. Proposals were originally made for the payment of compensation for buildings and unexhausted improvements (Plut. *loc. cit.*; Appian, *Bell. Civ.* i. 11); but these, it would appear, were withdrawn.

The execution of the measure was stopped by a senatusconsultum which extinguished the powers of the commissioners to whom it had been entrusted; but it was revived by the Lex Sempronia of C. Gracchus, B.C. 123. The senate, however, practically rendered it a dead letter by employing Livius Drusus, another of the tribunes, to bring forward agrarian proposals even more popular with the proletariate than that of Gracchus; especially one permitting alienation of the holdings, whereby the tenants got money instead of land, and the rich were enabled to buy back the estates of which they had been temporarily deprived. (Plut. *C. Gracchus;* Appian, *Bell. Civ.* i. 21 ff.: for the whole subject, see Merivale's *Fall of the Roman Republic*, chap. i.)

SEMPRO'NIA DE CAPITE CIVIUM, carried by Caius Gracchus, B.C. 123: it re-affirmed the old legal principle that no judgment should be pronounced involving the life or freedom of a citizen without the assent of the Roman people (Cic. *pro Rabirio*, 4, 8; *in Cat.* 4, 5; *in Verr.* v. 63, 163; Gell. x. 3). See Ahren's Excursus on the statute, cited by Orelli, *Cicero*, vol. viii. pp. 264, 265.

SEMPRO'NIA DE PECUNIA CREDITA or DE FENORE, passed by the tribune M. Sempronius Tuditanus, B.C. 193. It was occasioned by the fact of citizens lending money in the names of non-cives in order to evade the laws against usury, to which it subjected the Socii and Latini (Liv. xxxv. 7).

SEMPRO'NIA DE PROVINCIA ASIA provided that the taxes of the Roman province of Asia should be let out to farm by the censors (Cic. *in Verr.* iii. 6, 12: cf. *ad Att.* i. 17, 9): probably a different lex from that which next follows. [DECUMAE.]

SEMPRO'NIA DE PROVINCIIS CONSULARIBUS, passed by C. Gracchus, B.C. 123: it enacted that before the election of consuls the senate should in each year determine the two provinces which they were to have at the termination of their year of office; which of the two each was to take, was to be settled by them afterwards by lot or otherwise (Sall. *Jugurtha*, 27;—Cic. *pro Domo*, 9, 24; *pro Balbo*, 27, 61; *ad Fam.* i. 7, 10; *de Prov. Cons.* 2, 3).

SEMPRO'NIA DE SUFFRAGIIS, passed by C. Gracchus: it enacted that the order in which the centuries should vote should be determined by lot (Sall. *de Republ. ordin.* ii. 8; Mommsen, *Röm. Geschichte*, iv. 3).

SEMPRO'NIA FRUMENTARIA of C. Gracchus (Cic. *Tusc.* iii. 20, 48; *pro Sestio*, 48, 103; *de Off.* ii. 21, 72; *Brut.* 62, 222). [FRUMENTARIAE LEGES.]

SEMPRO'NIA JUDICIARIA, carried by C. Gracchus, B.C. 122: it took the judicia publica from the senate and transferred them to the Equites (Appian, *Bell. Civ.* i. 22; Vell. Pat. ii. 6, 32; Cic. *in Verr.* i. 13, 40; Tac. *Ann.* xii. 60; Florus, iii. 13, 17).

SEMPRO'NIA MILITARIS, for providing soldiers with an outfit at the cost of the state (Plut. *C. Gracchus*, 5).

SEMPRO'NIA NE QUIS JUDICIO CIRCUMVENIRETUR (Cic. *pro Cluentio*, 55, 151). It seems in reality to have been somewhat of the same nature as the Lex Cornelia de sicariis et veneficis.

SERVI'LIA AGRA'RIA, brought forward by the tribune P. Servilius Rullus, B.C. 63: it proposed to divide the ager campanus and campus stellatis among the poorer citizens (Cic. *in Rull.* 2, 28), to compensate all who had been robbed of their property by Sulla by the sale of all the ager publicus in Italy and the provinces (Cic. *ib.* 2, 15, 38), and to purchase lands in Italy for the poor otherwise unprovided for from the wealth which had poured into the treasury from the recent conquests of Pompeius. It was successfully opposed by Cicero as consul, but was in substance carried by Julius Caesar, B.C. 59 (Cic. *in Pison.* 2, 4; *ad Fam.* 8, 6, 5: see JULIA AGRARIA).

SERVI'LIA GLAU'CIA DE REPETUNDIS, B.C. 104 (Cic. *pro Scauro*, 1, 2; *pro Rab. Post.* 4, 9; *in Verr.* i. 9, 26; *pro Balbo*, 24, 54: see the next note). [DELATIO NOMINIS; REPETUNDAE.]

SERVI'LIA JUDICIA'RIA, B.C. 106: by this the consul Q. Servilius Caepio restored to the senators the monopoly of the judicia publica of which they had been deprived by the Lex Sempronia judiciaria (Tac. *Ann.* xii. 60; Cic. *Brut.* 43, 44, 86; *de Invent.* i. 49; *de Orat.* ii. 55, 223; *pro Cluent.* 55, 151), but it seems to have been almost at once repealed by the Lex de repetundis of Servilius Glaucia: see Klenze's work, *Fragmenta legis Serviliae*, &c., Berlin, 1825, and the extracts from it in Orelli's *Cicero*, vol. viii. p. 268.

SES'TIA DE REVOCANDO CICERONE, B.C. 67 (Cic. *ad Att.* iii. 20, 3; *ib.* 23, 4).

SI'LIA, *circ.* 244 B.C., introduced the legis actio called *condictio*, for the recovery of "certa pecunia" (Gaius, iv. 19). [PER CONDICTIONEM.]

SI'LIA, a plebiscitum proposed by P. and M. Silius, tribuni plebis, in respect of publica pondera (Festus, *s. v.* Publica Pondera).

SILVA'NI ET CARBO'NIS. [PAPIRIA PLAUTIA.]

SULPI'CIAE, proposed by the tribune P. Sulpicius Galba, a supporter of Marius, B.C. 88, and enacting the recall of the exiles (Auct. *ad Herenn.* ii. 28, 45), and the distribution of the new citizens and the libertini among all the thirty-five tribes (Ascon. *in Corn.* p. 64, Orelli): conferring the command in the Mithridatic war on Marius in lieu of Sulla (Vell. Pat. ii. 18, 6), and prohibiting senators from incurring debts beyond 2,000 drachmae, or 20,000 asses (Plut. *Sulla*, 8). Appian (*Bell. Civ.* i. 59) says that all these laws were repealed (*ὡς οὐκ ἔννομα*) by Sulla and Pompeius. (Cf. Liv. *Epit.* 77; Cic. *Phil.* viii. 2, 7.)

SULPI'CIA SEMPRO'NIA, B.C. 304; clearly the same as the LEX PAPIRIA DE CONSECRATIONE AEDIUM, and improperly named after the consuls of the year by some writers; its true title is clear from Cic. *pro Domo*, 49 and 50, 128. (Cf. Gaius, ii. 5–7.)

SUMPTUA'RIAE. [SUMPTUARIAE LEGES.]

TABELLA'RIAE. [TABELLARIAE LEGES.]

TARPE'IA ATE'RNIA. [ATERNIA TARPEIA.]

TERENTI'LIA, the proposals of the tribune C. Terentilius Arsa (B.C. 462), which eventually led to the enactment of the Twelve Tables (Liv. iii. 9, 10, 31; Dionys. x. 1 *sq.*) [DUODECIM TABULARUM.]

TESTAMENTA'RIAE. [CORNELIA; FALCIDIA; FUFIA CANINIA; FURIA; VOCONIA.]

THO'RIA. This agrarian law, proposed by a tribune named Sp. Thorius, is mentioned by Cicero (*Brut.* 36, 136; *de Orat.* ii. 70, 284) and Appian (*Bell. Civ.* i. 27), and was one of three statutes by which such provisions of the Lex Agraria of C. Gracchus as had not been repealed by M. Livius Drusus were abrogated (Appian, *loc. cit.*). The first, whose author is unknown, was passed B.C. 121, and apparently confirmed the enactment attributed above [SEMPRONIA AGRARIA] to Drusus, which permitted the sale of lands assigned to the poorer citizens under the law of Gracchus: the second (Lex Thoria), B.C. 119 or 118, prohibited all future distributions of ager publicus, abolished the "triumviri agris dandis assignandis" established by Tiberius Gracchus, and confirmed the old *possessores* in their holdings subject to the payment of a tax (*vectigal*), which was to be divided among the needier citizens in lieu of land: the third (B.C. 111), possibly proposed by the tribune C. Baebius (Sall. *Jug.* 32, 33), relieved the *possessores* of this tax altogether.

The relation of these leges to one another is connected with the fragments of an extant bronze tablet, containing inscriptions on both sides: on one, parts of the Lex Servilia de repetundis (the chief authority on which is Klenze's work); on the other, parts of a Lex Agraria. The largest and most important of the fragments is now in the Museo Borbonico at Naples. The Lex Agraria was cut on the rough back of the tablet, the smooth side of which was intended for and occupied by the Lex Servilia; and the agrarian law being considerably longer than the latter, "the characters [on the reverse side] are remarkably small, the lines narrow, the abbreviations numerous, and the chapters only separated by two or three points, whereas on the other side the letters are uniform, large, and well made, the lines wide, the words written at full length, and the chapters of the lex separated by superscriptions . . . Further, the lines of the Agraria Lex are often so oblique that they cross the straight lines on the opposite side, which are cut very deep, and consequently are visible on the side on which the agrarian law is cut" (Rudorff).

The main subject of the lex, to which the first eighteen chapters or forty-three lines refer, is the public land in Italy as far as the rivers Rubico and Macra. Its second part, covering fifty-three lines, relates to land both public and private in the province of Africa: the final portion to the Roman public land in the territory of Corinth. Rudorff (*Zeitschrift für rechtsgesch. Wissenschaft*, vol. x. pp. 1–194) is of opinion that the lex applied to other land also, and for two reasons. First, the Roman agrarian laws of the seventh century of the city (*e.g.* the Lex Servilia of Rullus) apparently related to all the provinces of the Empire. Secondly, the fragment of this lex, which is preserved, is so broad compared with its height that the whole tablet may be concluded to have contained three times as much as the portion which we have: for nearly all the bronze tablets, on which Roman laws are cut, are oblong in form, with the height much greater than the width. Of the two-thirds of the tablet which he supposes to have been lost, no trace has yet been discovered.

Rudorff, in his essay on this lex (written in 1839), identified it with the Lex Thoria, by which name it was known for some considerable time. But more recently (*Röm. Rechtsgeschichte*, i. § 16: cf. his note in Puchta's *Institutionen*, § 72, *l*) he has accepted the conclusion of Mommsen (*Berichte der Sächs. Gesellschaft*, 1850, p. 92) that it really is the third of the leges above mentioned, which possibly was a Lex Baebia. It is certainly said by Cicero (*Brut.* 36, 136) that Sp. Thorius "agrum publicum vitiosa et inutili lege vectigali levavit;" but this Mommsen renders "relieved the ager publicus of the useless agrarian law of Gracchus by imposing on it a vectigal." The 19th and 20th lines of the lex on the tablet (which decree the repeal of the vectigalia) seem to be conclusive in favour of this and against Rudorff's earlier theory.

The extant text of this statute is printed by Mommsen, *Inscr. Lat.* No. 200, and by Rudorff in the essay referred to: cf. Huschkè, *Kritisches Jahrbuch*, 1841, pp. 579–620; Zumpt, *Comment. Epigraph.* 1850, pp. 205–221; and Walter, *Geschichte des röm. Rechts*, § 252, and note 69 *ib.*

TI'TIA. Similar in its provisions to the Lex Publicia (Dig. 11, 5, 2, 3).

TI'TIA AGRA'RIA (Val. Max. viii. 1; Cic. de *Leg.* ii. 12, 31; Julius, *Obs.* c. 45).

TI'TIA DE TUTORIBUS [JULIA ET TITIA]. Another Lex Titia is referred to in Cic. *pro Mur.* , 18.

TREBO'NIA, carried by the tribune L. Trebonius (B.C. 448), and enacting that if the Comitia were unable to elect ten tribuni plebis on the proper day, these actually selected should not fill up the vacancies by cooptation, but the Comitia be continued until the full number was complete (Liv. iii. 64, 65; v. 10).

TREBO'NIA DE PROVINCIIS CONSULARIBUS, B.C. 55 (Liv. *Epit.* 105; Dio Cass. xxxix. 33; Plut. *Cato min.* 43).

TRIBUNI'CIA. Plebiscita are commonly described as "leges tribuniciae:" but the term is also applied by Cicero (*in Verr.* i. 16, 42) to the lex by which Pompeius restored to the tribunes the powers of which they had been shorn by Sulla.

TU'LLIA DE AMBITU, carried by Cicero B.C. 63 (*pro Mur.* 3, 23, 32, &c.; *pro Sest.* 64, 163; *in Vatin.* 15, 37; Dio Cass. xxxvii. 29). [AMBITUS.]

TU'LLIA DE LIBERIS LEGATIONIBUS, also carried by Cicero (*de Leg.* iii. 8, 18). See LEGATUS.

UNCIA'RIA (Festus, p. 375). [CORNELIA UNCIARIA; cf. VALERIA DE AERE ALIENO.]

VALE'RIA DE AERE ALIENO, carried B.C. 86 by L. Valerius Flaccus, reducing all debts by three-fourths (Vell. Pat. iii. 23; Sall. *Cat.* 33; Cic. *pro Fonteio*, 1, 1).

VALE'RIA DE CIVITATE CALLIPHANAE VELIENSIS, B.C. 98, a privilegium by which a priestess of Ceres was made a civis Romana (Cic. *pro Balbo*, 24, 55).

VALE'RIA DE CIVITATE FORMIANORUM, &c., B.C. 88 (Liv. xxxviii. 36).

VALE'RIA DE MANUS INJECTIONE. [VALLIA.]

VALE'RIA DE SULLA DICTATORE, carried by L. Valerius Flaccus, B.C. 82, giving the force of law to all Sulla's acts (Cic. *de Lege agr.* iii. 2, 7; *de Leg.* i. 15, 42; *pro Rosc. Am.* 43, 126; Plut. *Sulla*, 33).

VALE'RIAE, proposed and carried B.C. 508 by the consul P. Valerius, with the object of relieving himself from the suspicion of aiming at the kingly power and increasing his own popularity: means by which he acquired the name of Publicola or Poplicola, by which he is generally known. The first and best known of his laws is that which reduced the powers of the magistrate (de Provocatione—de Multa) by enacting that every citizen, whether patrician or plebeian, should have an appeal (*provocatio*) to the Comitia (*curiata*, Walter, *Geschichte des röm. Rechts*, § 40; Schwegler, xxi. 17, xxv. 12; *centuriata*, Mommsen, *Röm. Geschichte*, ii. 1, and Huschke, Rein, Becker-Marquardt, &c.) from any magisterial sentence by which he was condemned to death or flogging (Cic. *de Rep.* ii. 31, 54; Val. Max. iv. 1; Liv. ii. 30), or to payment of any fine larger than two sheep and five oxen (Plut. *Popl.* 11). Cicero (*de Rep.* ii. 31, 54) says that this was the first lex passed at the Comitia Centuriata. The right of appeal only applied to Rome and its precincts within a mile of the city, for the imperium of the consuls beyond this boundary was unlimited ("neque enim provocationem esse longius ab urbe mille passuum," Liv. iii. 20). The second Lex Valeria of Publicola declared accursed anyone who formed designs to grasp the kingly power, and made both him and his property *sacer* [SACRATAE LEGES]: Dionys. v. 19, 70; Plut. *Popl.* 12.

VALE'RIAE HORA'TIAE, carried B.C. 449 by the consuls L. Valerius Potitus and M. Horatius Barbatus. The probable import of one of these, relating to the binding force of *plebiscita*, has been stated above [PUBLILIAE LEGES]. A second was intended to secure the principle of the Lex Valeria de provocatione, enacting "ne quis ullum magistratum sine provocatione crearet: qui creasset eum jus fasque esset occidi, neve ea caedes capitalis noxae haberetur" (Liv. iii. 55: cf. Cic. *de Rep.* ii. 31, 54). This principle was re-asserted again almost at once by the Lex Duilia (Liv. *loc. cit.*), and many years afterwards by a third Lex Valeria, passed by M. Valerius, consul B.C. 300, which Livy (x. 9) says was armed with more precise sanctions "quod plus paucorum opes quam libertas plebis poterant."

A third Lex Valeria Horatia made "sacrosancti" the persons of the plebeian tribunes and aediles and the "judices decemviri" (Liv. iii. 55): anyone who violated the enactment being made "sacer" to Jupiter, and his property confiscated to the temple of Ceres and Liber. The "judices decemviri" seem not to be two separate classes of judges, but the collegium of decemvirs.

VA'LLIA, according to Studemund's recension, the name of the statute mentioned by Gaius (iv. 25), which limited the operation of Manus injectio for execution purposes to judgment debts (*judicatum*) and debts established by *actio depensi*. [PUBLILIA DE SPONSU.]

VA'RIA (Val. Max. viii. 6, 4; Appian, *Bell. Civ.* i. 37; Cic. *Tusc.* ii. 24, 57; *pro Scauro*, 1, 3; *Brut.* 56, 89). [MAJESTAS.]

VATI'NIA DE COLONIS, under which the Latin colony of Novum Comum in Cisalpine Gaul was founded B.C. 59 (Suet. *Jul.* 28).

VATI'NIA DE IMPERIO C. CAESARIS, carried B.C. 59 by the tribune P. Vatinius: it conferred on Julius Caesar the province of Cisalpine Gaul, with Illyricum, for five years: Gallia Transalpina was subsequently added by a senatusconsultum (Sueton. *Jul.* 22; Dio Cass. xxxviii. 8; Appian, *Bell. Civ.* ii. 13; Vell. Pat. ii. 44; Cic. *in Vatin.* 15, 36: cf. TREBONIA).

VATI'NIA DE REJECTIONE JUDICUM, carried by the same P. Vatinius: it enabled both accuser and accused in a trial for Repetundae to once reject the whole *consilium* of judges drawn by the praetor: previously they had been able only to challenge individual members of the panel (Cic. *in Vatin.* 11, 27; Schol. Bob. pp. 321, 323, Orelli).

VATI'NIA DE L. VETTII INDICIO (Cic. *in Vatin.* 11, 26; Dio Cass. xxxviii. 9; Appian, *Bell. Civ.* ii. 12; Schol. Bob. *in Vatin.* p. 320, Orelli).

VECTIBULICI, a law supposed to have been passed by the Comitia in the time of Trajan, and so later than the Lex Agraria of Nerva, generally held to have been the last enacted in this manner. The reading in Cod. 7, 9, 2, on which the assumption rests, is probably corrupt: see Puchta, *Institutionen*, § 106, note b.

VE'RRIA FRUMENTA'RIA (Cic. *in Verr.* iii. 49, 117).

VIA'RIA, a name sometimes given to the lex of Scribonius Curio, de viis muniendis [SCRIBONIA], because described under it by Cicero, *ad Fam.* viii. 6.

VICESIMA'RIA (Gaius, iii. 125, 126; Dig. 2, 15, 13; 11, 7, 37; 28, 1, 7, &c.). [JULIA VICESIMARIA.]

VI'LLIA ANNA'LIS, B.C. 180. [ANNALES LEGES.]

VISE'LLIA, A.D. 23, rendered libertini liable to a criminal prosecution who fraudulently attempt to exercise the rights of *ingenui* (Cod. 9, 21; 10, 32, 1): it also enabled Latini Juniani to acquire the civitas by service in the Roman guards (*vigiles*) for six years, which was subsequently reduced to three by a senatusconsultum (Ulpian, *Reg.* iii. 5). [J. B. M.]

LEX VOCONIA. [VOCONIA LEX.]

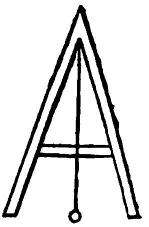
LEXIARCHI (ληξίαρχοι). [ECCLESIA.]

LEXIARCHICON (ληξιαρχικόν). [DEMUS.]

LEXIS (λῆξις). [DIKÉ.]

LIBELLA. 1. The diminutive form of *libra*, a Roman pound, and naturally applied not to the heavy pound of copper, but its equivalent in silver. Varro writes as follows (*L. L.* v. 174) of the libella: "Nummi denarii decuma libella, quod libram pondo as valebat, et erat ex argento parva." This phrase has been much discussed, and has misled many metrologists, but the latest researches (Hultsch, *Metrologie*, ed. 2, p. 275) seem to show that Varro's words contain two errors and one truth. He is wrong in supposing that the denarius was ever equal in value to ten heavy or libral asses; in fact it was equivalent to four (AS, p. 205): and he is wrong in supposing that the libella was ever issued as an actual coin; it was in fact a mere money of account, like the guinea among ourselves. But he is probably right in his assertion that originally the libella was the tenth of a denarius, and so equal to seven grains of silver, or one *as* of the triental reduction [AS, Vol. I., p. 205]. Later it was reckoned as the tenth of the sestertius, and so as equivalent only to 1·75 grains of silver. The half of the libella was the sembella (Varro, v. 174), and its quarter the teruncius. The relation (one-tenth) of the libella to the sestertius or denarius gave rise to the phrase "heres ex libella" (Cic. *ad Att.* vii. 2, 3), applied to those who inherited the tenth of an estate; while he who inherited the fortieth part was called "heres ex teruncio" (*ib.*). [P. G.]

2. (Also, but less frequently *libra.*) A carpenter's level, called by the Greeks διαβήτης, and also in poets (from the pendant tongue) σταφυλή (Hom. *Il.* ii. 765, where Schol. σταφυλὴ γὰρ ὁ τεκτονικὸς διαβήτης): in Colum. iii. 13, 12, *libella fabrilis*, —cf. Plin. xxxvi. 172; Vitruv. iii. 5, 2: in Lucret. iv. 515 (where other instruments also are mentioned), "libella aliqua si ex parti claudicat hilum," the idea is clearly of the legs not being set truly. In Caesar (*B. C.* iii. 40) the form *libra* is used, which seems to be the regular form when it is applied to water-level, so that *infra libram maris* means "below the sea-level." (Blümner, *Technologie*, &c., ii. p. 236.) [G. E. M.]



Libella, a carpenter's level. (From a grave-stone, Gruter, p. 644, 1.)

LIBELLUS, properly the diminutive form of *liber*, and therefore means a small book-roll [see LIBER]; but as regards its use in that sense, it belonged particularly to books of poetry. There are other technical meanings which require notice in this place. We find libellus most frequently used in writers under the Empire for a *memorial* of any kind, either an accusation (whence our *libel*), or a petition; and also to official notifications of any kind. In all these senses the libellus implies a roll made up of very few pages, or it might be only a single page. (Cf. Birt, *Antike Buchwesen*, p. 22.) It was used by the Romans as a technical term in the following cases:—

1. *Libelli accusatorum* or *accusatorii* were the written accusations which in some cases a plaintiff, after having received the permission to

bring an action against a person, drew up, signed, and sent to the judicial authorities, viz. in the city to the praetor, and in a province to the proconsul. (Cod. 9, 2, 8; Dig. 48, 5, 2, 17, 29; 47, 2, 74.) The form in which a *libellus accusatorius* was to be written, is described by Ulpian in a case of adultery (Dig. 48, 2, 3). The accuser had to sign the libellus, and, if he could not write, he was obliged to get somebody else to do it for him. If the libellus was not written in the proper legal form, it was invalid, but the plaintiff had still the right to bring the same action again in its legal form. (Juv. vi. 244, &c.; Tac. *Ann.* iii. 44; Plin. *Epist.* vii. 27; compare Brisson, *de Form.* v. c. 187, &c.)

2. *Libelli famosi* were what we call libels or pasquinades, intended to injure the character of persons. A law of the Twelve Tables inflicted very severe punishments on those who composed defamatory writings against any person (Cic. *de Re Pub.* iv. 10, 33; Arnob. iv. p. 151). During the latter part of the Republic this law appears to have been in abeyance, for Tacitus (*Ann.* i. 72) says that previous to the time of Augustus libels had never been legally punished (compare Cic. *ad Fam.* iii. 11), and that Augustus, provoked by the audacity with which Cassius Severus brought into disrepute the most illustrious persons of the age, ordained, by a *lex majestatis*, that the authors of *libelli famosi* should be brought to trial. On this occasion Augustus, who was informed of the existence of several such works, had a search made at Rome by the aediles, and in other places by the local magistrates, and ordered the libels to be burnt; some of the authors were subjected to punishment (Dio Cass. lvi. 27). A law quoted by Ulpian (Dig. 47, 10, 5) ordained that the author of a *libellus famosus* should be *intestabilis*, and during the later period of the Empire we find that capital punishment was not only inflicted upon the author, but upon those persons in whose possession a *libellus famosus* was found, or who did not destroy it as soon as it came into their hands (Cod. 9, 36). For further information on this subject see Rein, *Das Criminalrecht der Römer*, pp. 378, &c., 531.

3. The "comites in fasce libelli" (Juv. vii. 107; see Mayor's note) are the extracts from laws and other matters connected with his *brief*, which the barrister brought into court. (Cf. Juv. vi. 244.)

4. *Libellus* is used by Roman jurists as equivalent to *Oratio Principis*. [ORATIONES PRINCIPUM.]

5. The word *libellus* was also applied to a variety of writings, which in most cases probably consisted of one page only:—

a. To any short letters or reports addressed to the senate or private individuals (Suet. *Jul.* 56, *Aug.* 84; Cic. *ad Fam.* xi. 11).

b. To the bills or programme called *libelli gladiatorii*, or *munerarii*, which persons who gave gladiatorial exhibitions distributed among the people. [GLADIATORES.]

c. To petitions to the emperors (Juv. xiv. 194; Suet. *Aug.* 53; Mart. viii. 31, 3; 82, 1). The emperors had their especial officers or secretaries who attended to all petitions (*libellis praefectus*, or *magister libellorum*, or a *libellis*, Dig. 20, 5), and who read and answered them in the name of the emperor (Suet. *Domit.* 14). Such a libellus is still extant. See Gruter, *Inscript.* p. DCVII. 1.

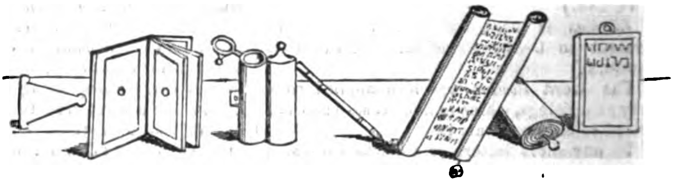
d. To the bill of appeal called *libellus appellatorius*, which a person who did not acquiesce in a judicial sentence had to send in after the lapse of two or three days. (Dig. 40, 1.)

e. To the bills stuck up in the most frequented parts of the city, in case of a debtor having absconded (Cic. *pro Quint.* 6, 15, 19; Rein, *Röm. Privatr.* p. 499). Such bills were also stuck up on the estates of such a debtor, and his friends who wished to pay for him sometimes pulled down such bills (Senec. *de Benef.* iv. 12).

f. To bills in which persons announced to the public that they had found things which had been lost, and in which they invited the owner to claim his property (Plaut. *Rud.* v. 2, 7, &c.; Dig. 47, 2, 44). The owner gave to the finder a reward (*εὕρετρα*) and received his property back. Sometimes the owner also made known to the public by a libellus what he had lost, stating his name and residence, and promising to give a reward to the person who found his property and brought it back to him. (Propert. iii. 21, 21, &c.) [L. S.] [G. E. M.]

LIBER (*βίβλος, βιβλίον*), a book. But it must be recollected that these words in Greek and Latin until a very late period mean a book in the form of a roll, as will be explained below, and that the modern book shape was used only for the codex (in Greek, *τεῦχος*: see CODEX), and not for literary publications. The name *liber* itself is either a misconception or a relic of antiquity applied to something different. It means "rind" or "bast;" but there seems no doubt that not the rind of the papyrus, but the pith (which Cassiodorus rightly gives as *medullae*), was used to make paper (*charta*). The true *liber* or bast is thought to have been used in pre-historic times for writing in some form, as were also leaves of trees (Plin. *H. N.* xiii. § 69); but this has nothing to do with the material of *charta*; nor has the substance *philyra*, which Pliny seems to apply wrongly in describing the manufacture of paper. Philyra, as Pliny himself elsewhere (xvi. § 65) explains, was the inner bark or skin of the lime-tree, which, as it happens, was also used for writing, though not in the form of *charta* (Ulpian, Dig. 32, 52). It is unnecessary to go further here into this point, which is fully discussed by Birt (*Antike Buchwesen*, p. 229 *sq.*). The same view is adopted by Marquardt (*Privatleben*, 800) and Blümner (*Technologie*, i. 309). Of the linen material for books little need be said. It belonged to very early times among the Romans; for the *Libri lintei* are referred to by Livy not as existing in his own time, but as mentioned by Licinius Macer (Liv. iv. 7, 13, 20, 23). They were not *books*, but merely public records with lists of magistrates, kept in the temple of Juno Moneta. Livy also speaks of a Samnite ritual-book as a "liber vetus linteus" (x. 38). In much later times linen was used for note-books by Aurelian (Vopisc. *Aur.* i. 7). The Egyptian papyrus of which paper (*charta*) was made formed an article of trade before the time of Herodotus (v. 68). He calls the plant *βύβλος* or *βίβλος*, but Theophrastus distinguishes *πάπυρος* as the plant and *βίβλος* as the pith, the true material of the paper. It was so largely exported that Cassiodorus (*Ep.* xi. 38) speaks of the abolition of the tax upon it by Theodoric as the removal of an impediment to learning. The papyrus plant grows in swamps to a height of ten feet or more, and paper was manufactured from it (principally at Alexandria, but also at Rome) in the following manner (see Pliny, xiii. § 77). The pith of the papyrus was cut into strips called *schidae* (or, in Festus, *inae*); these strips were placed alongside one another on a wetted board, and, if there was not glutinous property enough in the papyrus, they were smeared with paste: upon them transversely was placed a second layer forming a cross pattern or network: the whole was pressed and beaten into a consistent form and smoothed down with an ivory instrument (hence *charta dentata*), or a shell (Mart. xv. 209), forming a single page (*pagina*, *σελίς*), which was called in its manufacture *plagula*, because of the network pattern in the initial stage (cp. the expressions "*texere* chartam," *ἤτρια βύβλων*, &c.). Pliny (*l. c.*), unless the reading is altered, seems to think that the Nile water itself acted as a paste: this is in itself highly improbable, and we may more safely conclude that the papyrus itself yielded the glutinous substance when, as in Egypt, it was fresh, but when it was imported and dry the paste was necessary, which Pliny describes as used at Rome. Pliny reckons nine sorts or qualities of paper: (1) the best sort had once been called in Egypt *hieratica*, because it was specially used for sacred books, but in the Empire it was called *Augusta*, and was 13 *digiti* broad, and from a similar compliment the second quality was called *Livia*, so that, as Pliny notes, the *hieratica* was relegated to the third class; (4) the *amphitheatrica*, so called because it was manufactured near the amphitheatre at Alexandria, 9 *digiti* broad: (5) an improvement upon this by a Roman Fannius, and therefore called *Fanniana*, 10 *digiti* broad; (6 and 7) *Saitica* and *Taeniotica* (8 *digiti*), so called from the places of their manufacture in Egypt; (8) *emporetica*, used not for writing, but, as the name suggests, for wrapping up parcels. Later in Claudius's reign came the *Claudia*, which was a foot broad, and was regarded as an improvement, because it was thick enough for writing on both sides, whereas the Augusta was thin and transparent, and could only take writing on one side. Parchment (*membrana*) was also a common material for writing; but the uses of *charta* and *membrana* were distinct until late in the Empire. Skins of animals had been used for writing in very ancient times: in fact, in Asia among the Persians and, as is well known, among the Jews, it had been what papyrus was to the Egyptians (Diod. xi. 32; Herod. v. 58; and see Birt, p. 49). It is therefore not strictly correct of Varro (*ap.* Plin. xiii. § 70) to say that parchment for writing was an invention of Eumenes II., king of Pergamum (about 180 B.C.), in consequence of the jealousy of Ptolemy Epiphanes, who prohibited the exportation of papyrus. (Jerome tells the same story of Attalus.) The true account seems to be that great improvemen in the preparation of *διφθέραι* was intr duced either by Eumenes or Attalus at Per gamum, whence the term *pergamena*, parchmen inasmuch as formerly *διφθέραι* were used (li *charta*) only on one side, and now they we smoothed for writing on both sides, and in th improved form exported to Rome. But it important to notice that *charta* was until lon after the Augustan age exclusively used f literary publications. Parchment was bound the codex form (or book shape), and used f account books, for wills, and for notes. In fac it competed rather with wax tablets than wi paper. The *membrana* in Horace, *Sat.* ii. 3, *A. P.* 389, is used for the rough copy of poems be altered and published later ("delere liceb quod non edideris"); and the same purpose served by the parchment in a diptych staine yellow in Juv. vii. 24. For *books*, i.e. literar publications, the codex was used first b Christian writers, beginning with the codices the sacred writings; for other writings scarcel before the second half of the 3rd century, and i general use not before the 5th century. Excep tions to this appear in Martial, xiv. 188, 19 192; but the *membrana* there may only refe to the wrapper, which enclosed the roll: cf. Mart i. 3, 3. Letters were written on wax tablets o on paper, not on parchment. That the wor *palimpsestus* in Cic. *Fam.* vii. 18 does not gainsa this, is shown by his use of *chartula* in tha passage.

The pages (*σελίδες*, *paginae*) having been prepared in the manner described above, they were pasted together (*conglutinatae*) to form a long roll; but sometimes the pages were written first and pasted into a roll afterwards, for which purpose some people kept *glutinatores* (Cic. *Att.* iv. 4). The writing was in columns, so that the lines of writing were parallel to the sides of the roll: on each page there was a column, and there was a blank space between each column. Down to the time of Caesar, however, it was the custom to write official documents *transversa charta*; that is to say, across the whole breadth of the roll, so that the lines of writing were at right angles to the sides of the roll. This explains the passage in Suet. *Jul.* 56. The shape and appearance of Greek and Roman books will be understood from the following woodcut.



Ancient Writing Materials. (From a painting at Herculaneum.)

The roll was sometimes of considerable length. The Scholiasts indeed (quoted by Birt, p. 444) speak of Thucydides and Homer being written each in one long roll. The roll of Thucydides is estimated at about 578 pages, nearly 100 yards —surely an incredible length; and a Homer roll, 120 yards in length, is said to have been in existence at Constantinople. But this was certainly not the usual system, and the roll rarely exceeded 100 pages (cf. Mart. viii. 44), and was usually much smaller. It was customary to divide a long work (*opus* or *corpus*) into several books (*libri*); each *liber* being in one roll (*volumen*; in Greek, τομὸς or κύλινδρος). Greek writers sometimes called these *libri* or divisions of a work βιβλία, sometimes λόγοι, and in the later Empire συγγράμματα. Thus, in contrast to the huge roll of Homer, said to have been at Constantinople, we have the papyrus of the 24th book of the Iliad from Elephantine, so that the complete Iliad would have been in 24 rolls or volumes. The pages were numbered, or at any rate the total number was usually put on the *titulus*: even the total number of verses, or of lines in a prose work, were sometimes written on it. Thus Josephus reckons 60,000 στίχοι at the end of his 20th book of Antiquities, and Justinian gives to the Digests "centum quinquaginta paene milia versuum." The price of the book was in part estimated by this number, and Marquardt cites an edict of Diocletian (*C. I. L.* iii. p. 831) in which the payment of the copyist was fixed at so much for every hundred lines.

The writing was usually only on one side of the paper. The other side in cast books was utilised for schoolboys' exercises: "libelle inversa pueris arande charta" (Mart. iv. 86), or as scribbling paper (Mart. viii. 62). Both sides were, however, sometimes used for the original work, and the books were then called *opisthographi* (Plin. *Ep.* iii. 5: see Juv. i. 6, and Mayor's note). Sometimes the writing was sponged out (as in a parchment palimpsest) and the paper used over again. This is the point of the joke made by Augustus, "Ajacem suum in spongiam incidisse" (Suet. *Aug.* 82).

The roll was protected against worms by being smeared with cedar oil, which gave the paper a yellow tinge (Ov. *Trist.* iii. 1, 13; Mart. iii. 2; Hor. *A. P.* 331): then the last leaf was pasted on to a thin piece of wood called the *umbilicus* or ὀμφαλος (the *umbilicus* is found also made of tightly-folded paper). Hence the last page is called *eschatocollion* (Mart. ii. 6); and the expression "ad umbilicum adducere" means, to finish (cf. Hor. *Epod.* 14, 8; Mart. iv. 89) = "ad cornua," Mart. xx. 107. The edges (*frons*) of the roll were carefully cut, and also smoothed with pumice-stone, whence the book is "pumice mundus" (Ov. *Trist.* iii. 1, 13; Mart. i. 67, viii. 72; Catull. xxii. 8; Tibull. iii. 1, 10). There is an amusing mistake in Isidore's statement, "Circumcidi libros primum Siciliae increbuit, nam initio pumicabantur," where he has confused *sicilire*, "to *cut*" (*sica*), with Sicilia. His statement is adopted by some modern writers, but there seems no reason to doubt that the book was both cut and smoothed with pumice-stone. As a further decoration, the ends (*cornua*) of the *umbilicus* were sometimes gilded as far as they projected (Mart. viii. 61). The edges themselves (*frons*) were also coloured (nigra *frons*, Ov. *Trist.* i. 1, 8). A strip of parchment on which the title or subject of the work, and sometimes its number of pages or even lines, was written, was pasted on to the roll. (In this sense "praetexat summa fastigia" = "praetexat frontes.") This strip was called *titulus* or *index*, in Greek σίττυβοι or σίττυβαι (Cic. *Att.* iv. 4). (Others spell the word σίλλυβοι, but see Phot. and Hesych. *s. v.* and Marquardt's note, *Privatleben*, 817.) This *titulus* or index was often painted a bright colour, and perhaps the "lora rubra" (Catull. 22, 7) have the same meaning (though Göll takes the words to stand for the parchment case). Finally, a cover for the roll (*membrana*, διφθέρα) was made of parchment coloured red or yellow, "Lutea sed niveum involvat membrana libellum" (Tib. iii. 1, 9), which is called *purpurea toga*, and also *sindon* (Mart. x. 93; xi. 1). If one work was in several *libri*, they were tied in a bundle (*fasces*, *fasciculus*, Gell. ix. 4, or δέσμη). So Aristot. *fr.* 134: δέσμας πάνυ πολλὰς δικανικῶν λόγων Ἰσοκρατείων περιφέρεσθαι ὑπὸ τῶν βιβλιοπωλῶν. The only other addition to be noticed is, that occasionally the portrait of the author was placed on the first page of the book (Senec. *de Tranq. An.* 9; Mart. xiv. 186). It is for the imaginative a matter for speculation whether the portrait of Virgil in the Vatican edition is the copy of an original.

Book held by a crowned Poet. (From a painting at Herculaneum.)

In reading, the roll (*liber* or *volumen*) was held in both hands and unrolled with one, while the other rolled it up: the unrolling was called *evolvere*, *revolvere*, or *volvere*; going right through was called *explicare*: rolling up again, *convolvere*, *replicare*, or *complicare* (Cic. *Q. F.* iii. 1, 3). So in Mart. iv. 82, "charta *plicetur*" means, "let it remain unread"; "opus explicitum" (xiv. 1) means "read all through" (cf. "explicet volumen suum," Cic. *pro Rosc. Am.* 35, 101). In rolling it up tightly, it was convenient to do so by holding the *umbilicus* with both hands while the first page was pressed under the chin. This is the meaning of "quae trita duro non inhorruit mento" (Mart. i. 66; cf. x. 93) and ᾗ ῥά σ' ἀναγνοὺς παῖς τις ἀναθλίψει πρὸς τὰ γενεῖα τιθείς, in the Anthology. The above apparatus of a book is given completely by Martial (iii. 2):

> "Cedro nunc licet ambules perunctus
> Et frontis gemino decens honore
> Pictis luxurieris umbilicis;
> Et te purpura delicata velet
> Et cocco rubeat superbus index."

The multiplication of books at Rome began after the conquest and pacification of Italy, but booksellers' shops were not known until the end of the Republic. The earliest mention of such shops is in Cic. *Q. Fr.* iii. 4, and Phil. ii. 9, 21; but they were then still uncommon, and we find Atticus selling books for the copying of which he had a large number of slaves (Cic. *Att.* ii. 4). Booksellers were called *librarii* and also *bibliopolae* (Mart. iv. 71, &c.), and in Greek *βιβλιοκάπηλοι*. Horace gives us the name of the Sosii (*Ep.* i. 20, 2; *A. P.* 345). Martial names several, and specifies Argiletum as the booksellers' quarter (i. 3, 117): there were also the *Vicus Sandilarius* (Gell. xviii. 4) and the Sigillaria (Gell. v. 4). There were booksellers, too, in the provincial towns, *e.g.* at Lugdunum (Plin. *Ep.* ix. 11; cf. Hor. *Ep.* i. 20, 13), at Brundisium (Gell. ix. 4). As to the price, we have no very clear information; but it would seem that a book was not necessarily, as regards cost of production, very expensive, though it might from special circumstances command a large price. Gellius (ii. 3) speaks of the 2nd Aeneid being bought for *viginti aurei* = nearly £18; but it was an antiquarian curiosity, as being reputed (however unlikely that might be) Virgil's own copy: and as a literary tradition, possibly untrue, it was said that Aristotle gave three talents for an autograph MS. of Speusippus, and Plato nearly two for three books of Philolaus (Gell. iii. 17). Such instances merely show that book-fanciers lived then as now, and price was regulated by fashion and rarity. Trustworthy copies of Ennius, for instance, were so rare in the time of Gellius that one of undoubted authority was *hired* for a large sum to decide a dispute as to the reading "quadrupes *ecus*" or "quadrupes *eques*" (Gell. xvii. 5). That, on the other hand, the real cost of production was not great, may be seen from the fact that Statius (*Silv.* iv. 9, 9) speaks of a book (possibly one of his own) in a neat purple cover costing about fivepence: the first book of Martial, in the shop of Atrectus, cost 5 denarii (Mart. i. 117); but even that was dear; for the bookseller Tryphon could sell it at a profit for two (Mart. xiii. 3). The author's profit could be made (1) by selling his original copy to a bookseller (Sen. *de Ben.* vii. 6; Suet. *de Gr.* 8), (2) by selling copies made by his own slaves: but in the absence of all legal protection, the gains so to be made were very small, and the author who sought profit from his writing depended mainly on the liberality of rich patrons. (See Friedländer, vol. iv. p. 66–120, French translation; Birt, ch. vii.)

How early or to what extent booksellers existed at Athens is a matter of dispute. It is not unreasonable (with Birt and Becker) to deduce from the mention of *βιβλιογράφοι* in Cratinus (Poll. vii. 211) that they existed as early as 430 B.C. This name, for which *βιβλιοπώλης* was afterwards used, would imply that the first booksellers were copyists who both copied and sold books: and though Boeckh thinks that the proverbial use of *λόγοισιν Ἑρμόδωρος ἐμπορεύεται*, with Suidas's explanation, implies the rarity of such a trade, even after Plato's time, we have, on the other hand, the statement of Xenophon (*Anab.* vii. 5, 14) that books were on sale even at Salmydessus; we have a book-market (*τὰ βιβλία*) at Athens in the time of Eupolis (Poll. ix. 47); and we might conclude from Aristoph. *Ran.* 1109, *βιβλίον τ' ἔχων ἕκαστος μανθάνει τὰ δέξια*, that books were then easily to be purchased: and the same may be inferred from the mention of the book collector Eudemus in Xen. *Mem.* iv. 2. It is indeed probable that the well-known passage in the Apology (26 D) is wrongly adduced as an additional argument. When Socrates says that you can buy the opinions of Anaxagoras at the theatre for one drachma, he does not mean, as has often been imagined (even by Boeckh), that there was a bookstall there, but simply that one drachma would procure admission to the dearest place (*εἰ πάνυ πολλοῦ*) in the theatre, where the doctrines of Anaxagoras might be heard in some play, perhaps, of Euripides. That a book of Anaxagoras could be bought there or anywhere else for a drachma is unlikely, since an inscription of the year 407 gives the price of the paper alone as 1 drachma 2 obols a sheet (*i.e.* a single roll which would serve for one small book). (*C. I. A.* i. 324: see Birt, p. 433.) Without this passage, however, there is enough for a fair inference that some kind of book-market began at Athens and in some other Greek towns in the latter part of the 5th century B.C. (See further on this subject Birt, *Buchwesen*, chap. ix.; Becker-Göll, *Charikles*, ii. 160; Boeckh, ed. Fränkel, i. 60: see also art. BIBLIOTHECA.) [W. S.] [G. E. M.]

LIBER, LIBERTAS. The division of men into free and slaves is the "summa divisio de jure personarum" (Gaius, i. 9; *Inst.* i. 3, pr.): according as a man is a member of the one or the other class, it is decided whether he is capable of having any legal rights whatever, or is not a mere thing or chattel in the eye of the law. Free men were either so from birth [INGENUI] (Gaius, i. 11; *Inst.* i. 4, pr.), or they became free by release from slavery, in which case they were called *libertini* [LIBERTUS] (Gaius, *loc. cit.*). *Libertas* is defined by Justinian after Florentinus (in Dig. 1, 5, 4, pr.) as "naturalis facultas ejus quod cuique facere libet, nisi si quid aut vi aut jure prohibetur;" that is to say, a man is restrained of his natural freedom when his hands are tied behind his back, or when the law forbids him to do this or that, though civil liberty at any rate does not require that one should be free to act against the laws (Cic. *pro Cluentio*, 53, 146; Pers. *Sat.* v. 89; Dio Chrysost. *Or.* 14). By the Roman jurists freedom was considered the natural condition of man, and slavery an artificial result of organised political society (Florentinus in Dig. 1, 5, 4, 2; Ulpian in Dig. 1, 1, 4, copied into Justinian's Institutes, i. 4, 2; 1, 5, pr.), and in their eyes it was the first and indispensable condition of protection from the law either to person or property. Every free man had certain legal rights; every *civis* had more; and his legal status was completed by membership of a Roman familia [see CAPITIS DEMINUTIO], though in theory every *civis* had a "family" ("emancipatus . . . sui juris effectus propriam familiam habet," Dig. 50, 16, 195, 2). The rights which a man possessed at Rome as being merely free were those conferred by the *jus gentium* as represented in the edict of the Praetor. A *peregrinus* who was *liber* had no *commercium* or *conubium*, and consequently no share in the *jus civile*: but he could own property, which was protected by *utiles actiones* or *actiones in factum* [ACTIO]: his possession was secured by interdicts; he could make a valid testament, if such was the practice of his own state, and he could engage in commerce through those contracts which were said to be derived from the *jus gentium*. [J. B. M.]

LI'BERA FUGA. [Exsilium.]

LIBERA'LIA were celebrated on March 17. Though the day was sacred to Bacchus, this must be understood of Liber, the Italian Bacchus; and the Liberalia must not be confounded with the festivals Dionysia or Cerialia, which were of Greek origin and celebrated with *ludi* at different times. On this day the boys who took the *toga virilis* (called also *toga pura* and *toga libera*) went in procession and made an offering in the Capitol, of cakes (*liba*), which were bought in the streets at little altars. (See the curious description in Varro, *L. L.* vi. 14, "per totam oppidum eo die sedent sacerdotes Liberi, anus hedera coronatae cum libis et foculo pro emptore sacrificantes." As to the origin of the name, some are disposed to derive it solely from *toga libera*, allowing no real connexion with the name of the deity, and Marquardt seems to take this view (*Staatsverwaltung*, iii. 363): but (1) the day was certainly regarded as sacred to the god Liber (Ov. *Fast.* iii. 371; Varro, *l. c.*), and was probably the day of an old Italian festival in his honour; (2) the offering was made by the boys at the shrine of Liber in the Capitol (" Liberalia Libero in Capitolio," Calend. Farnes.); (3) the toga, when not called *virilis*, was oftener called *pura* than *libera*; so Cicero (*ad Att.* vi. 1, 12) says, "Quinto Liberalibus togam *puram* cogitabam dare;" and Tertullian (*de Idol.* 16) calls the Liberalia "sollemnitas togae purae" (cf. Plin. *H. N.* viii. 194); and in poetry the name *pura* is the older (Catull. lxviii. 15). While, however, it seems most natural to connect the name *Liberalia* with the Italian deity *Liber*, there is little doubt that the idea of freedom from pupilage was always connected in the Roman mind with this day, on which the boy was "liberatus paedagogo." But in truth there is no need to quarrel about it; for even if the name of the god and the adjective are not etymologically the same (and, though Curtius distinguishes them, the distinction is by no means certain), there is no doubt that Liber was regarded as the god of freedom at Rome (see Preller, *Röm. Myth.* 442): so that it is no mere poetic conceit, when Ovid says of this day:

> "Sive quod es Liber vestis quoque libera per te
> Sumitur et vitae liberioris iter."

Latin writers sometimes use the word *Liberalia* to translate the Greek festival Dionysia, which must always be distinguished from the above; and whenever the *ludi liberales* are mentioned, they refer either to the Bacchanalia or the Cerialia (see those articles), not to the Liberalia properly so called. (See also Serv. *ad* Verg. *Ecl.* iv. 50; Marquardt, *Staatsverwaltung*, l. c.; Preller, *Röm. Myth.* p. 445.) [G. E. M.]

LIBERA'LIS CAUSA. [Assertor.]

LIBERA'LIS MANUS. [Manus.]

LIBERA'LITAS. [Ambitus.]

LIBERO'RUM JUS. [Lex Julia et Papia Poppaea.]

LIBERTUS (*ἀπελεύθερος*), a freedman. I. Greek. Concerning freedmen, as concerning slaves, our information mostly relates to Athens; but we have reason to believe that there was a general likeness between all the Greek states in this respect, though Sparta had some distinctive peculiarities. When we remember that slaves in Greece were mainly (though not exclusively) taken from non-Greek and more or less barbarous nations, but yet were not distinguished (like the negro) by any special external mark, we shall see how natural was the position that Aristotle took; namely, that some men were fitted by nature to be slaves, while yet the prospect of freedom as a reward for good work ought to be held before them (*Polit.* vii. 10; *Oecon.* i. 5, ed. Bekker). Emancipation, then, formed a cardinal point in the philosophic view of the subject, and mitigates the force of Aristotle's approval of slavery.

Emancipation was of course generally the act of the master of the slave; but sometimes the state would give freedom as a return for important public services, compensating (as it would seem) the master (Plato, *de Leg.* xi. p. 914). Thus the slaves who fought in the battle of Arginusae received freedom and even citizenship as a reward (Aristoph. *Ran.* 33, 192, 693); and the same promise was made to the slaves who fought at Chaeronea (Dio Chrysost. xv. 21). Other historical instances are known; and slaves who revealed a dangerous conspiracy were always set free at Athens (Lysias, *pro Call.* 5; *περὶ τοῦ σηκοῦ*, 16); it is clear that such a rule gave dangerous facilities to an accuser.

When an individual master set his slave free, it would either be from gratitude or affection, or because the slave purchased his freedom. Slaves could often earn money on their own account; at the same time they could not personally make any contract with their masters that the law would recognise. Hence the procedure was for the slave to deposit the money in some temple; the god to whom the temple was dedicated then bought the slave from his master, and in the contract thus made the provision for the freedom of the slave was inserted. Numerous inscriptions, embodying such contracts, have been discovered at Delphi and elsewhere. Conditions are in most cases found attached to the emancipation; certain duties to be performed, or payments to be made, by the freedman for his former master; or, in case the freedman dies without children, his former master is to be his heir (this even without special contract was, it appears, the rule at Athens: Rhetor. *ad* Alex. i. 16; Isaeus, *de Nicostr. hered.* 9; and compare Bunsen, *de Jur. hered. Ath.* p. 51); or perhaps even the freedman has to serve his master until the death of the latter. It is worth notice that the inscriptions record nearly twice as many female slaves liberated as males. It was not unfrequent for a master to emancipate his slaves by testamentary disposition; directions of this kind are contained in the wills of the philosophers Plato, Aristotle, Theophrastus, Straton, Lycon, Epicurus, as communicated to us by Diogenes Laertius (iii. 30;—v. 1, 15; 2, 55; 3, 63; 4, 72;—x. 21).

For the security of the freedman, the act of emancipation would often take place in a theatre (Aeschin. *c. Ctes.* § 44) or other public place, that there might be as many witnesses as possible. There was, however, no recognised form of emancipation; and the state as such took no interest in it, though for fiscal purposes lists of the freedmen would in some states be kept (Curtius, *Anecd. Delph.* p. 13 *sqq.*).

When the emancipation was complete, and all conditions fulfilled, the freedman (except in special cases, as in that of the slaves who fought at Arginusae) took the status of a *μέτοικος*, or resident alien; and as such was bound to choose as his patron (*προστάτης*) the master who had set him free. He had then certain duties towards his patron (beyond, it would appear, those of the ordinary *μέτοικος*), on the transgression of which he was liable to be proceeded against at law [Apostasiou Diké]; the most serious offence would be choosing for himself another patron. (Meier and Schöm. *Att. Proc.* p. 473, &c.; Petit, *Leg. Att.* ii. 6, p. 261; compare Plato, *de Leg.* xi. p. 915.) He had to pay the *μετοίκιον*, or tax of 12 drachmae yearly, and a triobolon besides; this triobolon was probably the tax which slave-holders had to pay to the Republic for every slave they kept, so that the triobolon paid by freedmen was intended to indemnify the state, which would otherwise have lost by every manumission of a slave. (Boeckh, *Publ. Econ.* p. 331 = *Sthh.*^{2} i. 403.) Whether the relation between a patron and his freedman extended to the children of the latter, is unknown; but in one of the Delphic inscriptions it is specially stated that if any of the children of the freedman die childless, the patron is to be the heir. A freedman was said to be *καθ' ἑαυτὸν* (Dem. *pro Phorm.* p. 945, § 4), and the expression *χωρὶς ᾤκει* in Dem. *c. Euerg. et Mnesib.* p. 1161, § 72, is plainly synonymous with "he had been emancipated;" probably in Dem. *Phil.* i. p. 50, § 36, *τοὺς χωρὶς οἰκοῦντας* means the same thing, though from the context some difference is clearly implied between these and the *μέτοικοι*, due no doubt to the imperfect character of the emancipation of many freedmen.

Freedmen, like the resident aliens generally, appear to have taken much to commerce; and two of the bankers whose names we know best in all Athenian history, Pasion and Phormio, had both been slaves, and some years after their emancipation received the Athenian citizenship. In the case of Pasion, this was the reward of services rendered to the state.

We have no mention of any emancipation of public slaves at Athens; and since these generally worked in the mines, and were more hardly treated than others, it is not likely that their emancipation was frequent. But at Sparta the emancipation of the helots (who were, properly speaking, not slaves, but serfs) was frequent. They were called Neodamodes when emancipated (Pollux, iii. 83), and formed from B.C. 421, when they are first mentioned (Thucyd. v. 34), to B.C. 369, when they are last mentioned (Xenoph. *Hellen.* vi. 5, 24), not an inconsiderable part of the Spartan armies. The emancipation of the helots required the action of the state, and could not be carried out by an individual (Ephorus, in Strabo, viii. p. 365). Another class of emancipated slaves at Sparta were the *μόθακες* or *μόθωνες*, who were children brought up with the children of citizens. (Phylarchus in Athenaeus, vi. 102. See Müller's *Dorians*, ii. 3, § 6.) Other class are named in the same chapter of Athenaeus *ἀφέται, ἀδέσποτοι, ἐρυκτῆρες*, and *δεσποσι ναῦται*. The *δεσποσιοναῦται* served on boa the fleet; of the other classes nothing is know (See especially in relation to this subje Büchsenschütz's *Besitz und Erwerb im griech schen Alterthume*, pp. 168–181, to which th article is much indebted.) [L. S.] [J. R. M.]

2. Roman. Freedmen are defined by Gaiu i. 11, and Justinian, *Inst.* i. 5, pr., as tho "qui ex justa servitute manumissi sunt." As class they are denoted by the term *libertini*, bu each freedman, in relation to his late maste is called *libertus* (i.e. *liberatus*). In the time the censor Appius Claudius, and for some tim after, *libertinus* meant the son of a *libertu* (Suet. *Claud.* 24); but this is not the meanin of the word in the extant Roman writers.

Originally there was but one species *libertini*, viz. *liberti cives*: they possessed i substance all the rights, private and public, a free-born citizen of Rome. In other words if a full owner of a slave *ex jure Quiritium* se him free in one of the three civil or statutor modes of manumission (*vindicta, censu, testa mentum*), he became a *civis*: any other kind manumission, or even civil manumission by merely "bonitarian" owner, left him a slave in the eye of the law, though protected by the praetor in the actual enjoyment of freedom (Gaius, iii. 56). The children of *liberti cives* were *ingenui*.

Legislation under the first two emperors had the effect of creating two new classes of freedmen. The Lex Aelia Sentia, A.D. 4, enacted that slaves who had been put in chains by their masters or branded as a punishment, or convicted of crime after torture or imprisoned, or made to fight in the arena, or entered at the gladiatorial school, should, if subsequently manumitted, have no higher status than that of enemies who had surrendered at discretion ("peregrini *dediticii*," Gaius, i. 13). The Lex Junia Norbana, *circ.* A.D. 19, gave a legal status to slaves manumitted under circumstances which prevented their becoming *cives* without being *dediticii*, the number of whom must have been largely increased by other clauses of the Lex Aelia Sentia (Gaius, i. 18, 38); they were to have the rights of Latini Coloniarii (i.e. *commercium* without *conubium*), though the statute expressly disabled them from making a will, being testamentary guardians, or taking under the will of another person either as heirs or legatees (Gaius, i. 23, 24: see Latinitas): they were called Latini Juniani. Hence Ulpian writes in the third century (*Reg.* i. 5): "Libertinorum genera sunt tria: cives Romani, Latini Juniani, dediticiorum numero."

Dediticii were capable of owning property so far as other *peregrini* were, but it went inevitably to the patron on their decease, as they could not make a will, and had no *sui heredes* or agnates: they might not live within 100 miles of Rome, or be manumitted a second time, under penalty of being made slaves again; and there was no means by which they could rise to any higher civil condition (Gaius, i. 15, 26, 27). The rights of Latini Juniani, and the modes in which they could rise to the status of *civitas*, are noticed under Latinitas.

Both of these classes were abolished by Justinian, who thus restored the simplicity of the early law and made all manumitted slaves citizens of Rome (*Inst.* i. 5, 3; Cod. 7, 5; 7, 6).

The main point in which a *libertus civis* was inferior to an *ingenuus* was his relation to his *patronus* or quondam master. Towards him he was bound to show *obsequium* and *reverentia*, as a child towards his father (Dig. 37, 15, 9), and on that account he could bring no action against him without the praetor's permission, while he could not bring an *actio famosa* under any circumstances whatever (Dig. 37, 14, 1; 37, 15, 5, 1; *ib.* 7, 2; Gaius, iv. 183; *Inst.* iv. 16, 3): for breach of this duty he was liable "in servitutem revocari" (Suet. *Claud.* 25; Dig. 37, 14, 5, pr.). He was also bound to provide the patron, his parents, and children with alimony, if their circumstances became reduced; and he could bind himself to perform certain services (*operae officiales*) for the patron by mere oath (*jurata promissio liberti*), which between ordinary persons would create no legal obligation whatever (Dig. 38, 1, 7, 3), though this was not extended so far as to reduce him to a dependence inconsistent with freedom (Dig. 44, 5, 1, 5). Finally, the patron had certain rights of inheritance in respect of the freedman's property, if he died intestate, leaving no issue of his own; and if it exceeded a certain minimum, he had a claim to receive a specific proportion of it under his will. This subject is too long to be entered into here, but it is treated at length in Gaius, iii. 39–76; *Inst.* iii. 7.

The rights of the patron devolved on his decease upon his children (Gaius, iii. 58; Dig. 38, 1, 29), and, so far as they related to *liberti cives*, could not be bequeathed away by will to an outsider, because they were based upon the fiction of relationship. But a Senatusconsultum Ostorianum (*Inst.* iii. 8) enabled the patron to assign a freedman or any number of them to any child in his power, either by declaration in his lifetime or by testament; and if the child was still in the father's power at the latter's decease, he became sole *patronus* of the *liberti* so assigned to the exclusion of the other children.

The patron might lose his rights, either in whole or part, by their abuse (Dig. 37, 14, 15), or by neglect of his own duties towards the freedmen (Dig. *ib.* 5, 1; 38, 2, 14, pr.). By special imperial favour, too, a *libertus* could become *ingenuus*, and this in two ways. By a grant of the *jus anulorum aureorum*, he acquired the position of an *ingenuus* in relation to all men except his patron, the latter's privileges remaining unaffected (*Fragm. Vat.* 226; Dig. 38, 2, 3, pr.; 40, 10, 6). By *natalium restitutio*, he became *ingenuus* in every respect, the relation of freedman and patron being extinguished (Dig. 40, 11, 2). [J. B. M.]

LIBITINA'RII. [FUNUS.]

LIBRA, the unit of weight among the Romans and Italians. The libra or pound of copper was also the unit of value, and was called As (*q. v.*). The weight of the libra has been fixed by metrologists as 5050 grains (327·5 grammes), nearly 12 ounces avoirdupois. It was divided into twelve unciae or ounces. For further details, see As, Vol. I. p. 202, and PONDERA. [P. G.]

LIBRA (*σταθμός*), a balance, a pair of scales. The principal parts of this instrument were: (1) the beam (*jugum*, *ζυγόν*), whence *ζυγὸν ἱστάναι*=*to weigh* (Dem. 1461); (2) the two scales called in Greek *τάλαντα* (Hom. *Il.* viii. 69; xxii. 209, &c.; Aristoph. *Ran.* 797) and *πλάστιγγε* (Aristoph. *Ran.* 1378), and in Latin *lances* (Verg. *Aen.* xii. 725, &c.). [LANX.] Hence the verb *ταλαντεύω* is employed as equivalent to *σταθμῶ*, and to the Latin *libro*, and is applied as descriptive of an eagle balancing his wings in the air (Philostrat. Jun. *Imag.* 6; Welcker, *ad loc.*). The beam was sometimes made without a tongue, being held by a ring or other appendage fixed in the centre (see the woodcut). When the tongue working in an eye (*agina*) is used, as in our scales, it is called *examen* or *ligula* (Suet. *Vesp.* 25). The word *trutina* and the Greek *τρυτάνη* were used of this sort of balance, as may be seen from Juv. vi. 437 and Demosth. p. 60, where there are clearly two scales. Specimens of bronze balances may be seen in the British Museum and in other collections of antiquities, and also of the steel-yard [STATERA], which was used for the same purposes as the libra. The woodcut to the article CATENA shows some of the chains by which the scales are suspended from the beam. In the works of ancient art, the balance is also introduced emblematically in a great variety of ways. The annexed woodcut is taken from a beautiful bronze patera, representing Mercury and Apollo engaged in exploring the fates of Achilles and Memnon, by weighing the attendant genius of the one against that of the other. (Winckelmann, *Mon. Ined.* 133; Millin, *Peintures de Vases Ant.* i. pl. 19, p. 39.) A balance is often represented on the reverse of the Roman imperial coins; and to indicate more distinctly its signification, it is frequently held by a female in her right hand, while she supports a cornucopia in her left, the words AEQVITAS AVGVSTI being inscribed on the margin, so as to denote the justice and impartiality with which the emperors dispensed their bounty.

Libra. (From an ancient vase.)

The constellation Libra (in Greek *ζυγός*) is placed in the Zodiac at the equinox, because it is the period of the year at which day and night are equally balanced. (Verg. *Georg.* i. 208; Plin. *H. N.* xviii. §245; Lucan. viii. 467, "quo Libra pares examinat horas." [J. Y.] [G. E. M.]

LIBRAMENTUM, LIBRA'TIO AQUA'RUM. [Aquaeductus.]

LIBRA'RII, slaves who were employed for writing or copying in any way, and sometimes also the readers or reciters (Anagnostae) were included under this name (Orelli, 2872). They must be distinguished from the *Scribae publici*, who were freemen [Scriba], and also from the booksellers, who were also called *librarii* (see under Liber). The slaves to whom this name of *librarii* was given may be divided into three classes:—

1. *Librarii* who were employed in copying books, called Scriptores Librarii by Horace (*Ars Poet.* 354): these librarii were also called *antiquarii*, or, more correctly, the *antiquarii* were a special class of *librarii* who were skilled in reading and copying ancient MSS. (see Isid. *Orig.* vi. 14; Cod. Theod. iv. 8, 2; Auson. *Ep.* 16; and Becker-Göll, *Gallus*, ii. 423). The name *librarii* was also given to the slaves who had charge of libraries, and to those who made up the book-rolls, more properly called *glutinatores* (Cic. *ad Att.* iv. 4).

2. *Librarii a studiis* were slaves who were employed by their masters when studying to make extracts from books, &c. (Orelli, *Inscr.* 719; Suet. *Claud.* 28; Cic. *ad Fam.* xvi. 21). To this class the *notarii*, or short-hand writers, belonged, who could write down rapidly whatever their masters dictated to them. (Plin. *Ep.* ii. 5; Martial, xiv. 208.) [Notarii.]

3. *Librarii ab epistolis*, whose principal duty was to write letters from their master's dictation. (Orelli, *Inscr.* 2437, 2997, &c.) To this class belonged the slaves called *ad manum*, *a manu*, or *amanuenses*. [Amanuensis.] (See also Marquardt, *Privatleben*, 151, and Becker-Göll, *l. c.*) [W. S.] [G. E. M.]

LIBRA'TOR is in general a person who examines things by a *libra;* but the name was, in particular, applied to two kinds of persons.

1. *Librator aquae*, a person whose knowledge was indispensable in the construction of aqueducts, sewers, and other structures for the purpose of conveying a fluid from one place to another. He examined by a hydrostatic balance (*libra aquaria*) the relative heights of the places from and to which the water was to be conducted. Some persons at Rome made this occupation their business, and were engaged under the *curatores aquarum*, though architects were also expected to be able to act as *libratores*. (Plin. *Ep.* x. 50; Frontin. *de Aquaed.* 105; compare Vitruv. viii. 6; Cod. 10, 66, 1.) [L. S.]

2. Libratores (or *libritores*, according to some MSS.) were soldiers who are coupled with slingers (*funditores*) in Tacitus, *Ann.* ii. 20, xiii. 39. There is much difference of opinion about them. Some recent writers take them to be engineers of some description engaged in the management of *tormenta*, and the derivation *librare*, "to level," is suggested as though they levelled and directed them. It can be inferred from Marquardt's note (*Staatsverwaltung*, ii. 526) that he also classes them with the managers of *tormenta*, but he gives no definite statement of his opinion. In Tac. *Ann.* xiii. 39, in a fresh sentence after the words "multos tormentis faces et hastas incutere jubet," we find "libratoribus et funditoribus attributus locus unde eminus glandes torquerent," from which the inference surely would be that they have nothing to do with the *tormenta*, and are an arm of the service more like the slingers: and the other passage of Tacitus tells the same way, "funditores libratoresque excutere tela et proturbare hostes jubet: missae et tormentis hastae." Forcellini conceives slings which discharged stones of a pound weight to explain the *libralia* or *librilia saxa* (cp. Caes. *B. G.* vii. 81). If this were a correct view, the key to the precise explanation might be found in Liv. xxxviii. 29, where, at the siege of Same in B.C. 189, slingers are described as brought from Achaia, who "a pueris" practised slinging *saxa globosa:* the force is greater than that of the Balearic slinger, and the sling is not a single thong but a triple "scutale" made stiffly, so that the missile "librata quum sederit velut nervo missa excutiatur:" apparently they could fire more nearly point-blank and with heavier charge. But against this we have first the fact that the *libratores* were to be distinguished from slingers generally, and not merely from Balearic slingers; and, secondly, the passage of Vegetius, ii. 23, which tells us that *libralia saxa* were thrown *by the hand* and with less preparation *as requiring no sling*: and Festus explains *librilia* as "saxa ad brachii crassitudinem loris revincta." This suggests the conclusion that the stones were swung by the thong, to which they were fastened, and discharged thong and all. And it is perhaps best to regard the *libratores* as stone-throwers employed, not with the *tormenta*, but along with the *funditores* (cp. the λιθοβόλοι coupled with σφενδονῆται, Thuc. vi. 69), throwing with the hand by the thong attached missiles heavier than the *glans* of the slinger: and the word should probably be connected with the sense of *swinging* in *libro* (as in Livy, *l. c.*), rather than with *libra*, "a pound." [G. E. M.]

LICTOR (in Greek writers, ῥαβδοῦχος or ῥαβδοφόρος), an attendant upon certain magistrates and other persons discharging official duties at Rome and in the provinces. Their name has been derived by many (following Plutarch, *Rom.* 26) from *ligare;* but apart from the difficulty of the form of the word for *ligator*, it is clear that binding was not the most ordinary duty of the lictor, nor the duty most likely to confer the name. Though Corssen favours the derivation from *licium*, "a girdle" (see Gell. xii. 3), it is far more probable that the word comes from *licere*, "to summon," and that their original function was to summon assemblies: if so, the *lictores curiatii* (see below) probably represent the oldest class of lictors; though the title "summoner" might also refer to the magisterial *vocatio* through a lictor. We have, however, no account of their first institution, but find them mentioned in the earliest times of the monarchy. Livy (i. 8), laying stress on the favourite Etruscan number *twelve*, derives the office from Etruria, and Müller endorses this opinion, in which, however, as Professor Seeley in his note on that passage observes, no great confidence can be placed, since there was a tendency to ascribe all ancient institutions to Etruria. Virgil (*Aen.* vii. 173) might be quoted against it, when he gives "primos attollere fasces" of the early Latin kings; but that is merely a synonym for *regnum excipere*, and it would be absurd to give it any antiquarian authority. All that can be said is, that this attendance was in earliest times "insigne regium" (Liv. iii. 36; Dionys. x. 59), in the same way as the breaking of the fasces was a sign of rebellion or deposition (Liv. ii. 55; Dio Cass. xl. 29). It is necessary to distinguish two kinds of lictors: (1) *lictores qui magistratibus (et Caesari) apparent;* (2) *lictores qui sacris publicis apparent.* Both are handed down from the kingly times, inasmuch as the king held also priestly office, and it is impossible to say which class is the older; but the attendants on magistrates are certainly the more important. They were the outward mark of authority: they were not sent for on special occasions, but attended the magistrate like his shadow: if he is at home, they are in his vestibule (Liv. xxxix. 12); if he goes to the rostra, they precede him (Liv. xxiii. 23); when he takes his seat on the tribunal, they stand by him (Cic. *Cluent.* 53, 147); when he pays a visit, the lictor knocks for his admission (Liv. vi. 34; Mart. viii. 66; Juv. iii. 128). The sovereignty of the people is admitted by the lictors lowering the fasces when the consul comes to the *contio* (Liv. ii. 7; Plut. *Popl.* 10), and Plutarch says the custom remained to his own time. (Cicero calls this "the insolence of liberty:" *de Rep.* ii. 31, 53.) So also, if a magistrate of lower rank met a superior, his lictors lowered the fasces, or, if with imperium, removed their axes; as Dionysius mentions, when he tells the story of Coriolanus ordering this to be done as a mark of respect to his mother. The magistrate must, however, dismiss his lictors when he enters the territory of an allied independent state. We find in Tacitus (*Ann.* ii. 53), Germanicus with one lictor at Athens; but that this is allowed him as an *accensus*, not as a sign of *proconsulare imperium*, is clear, for if it had been his sign of office he would have had twelve.

The lictors bore fasces with axes, to show that the king or magistrate had the power of life and death. Therefore this distinction belonged to the dictator, from whom there was no appeal; to a commander in the field; and in older times to consuls, before the Valerian law of *provocatio* (Cic. *Rep.* ii. 31, 55): and the withdrawal of the axes showed the withdrawal of summary jurisdiction or martial law. The axes were allowed also to consuls in the triumph, because they still held the imperium, and in *processus consularis* (Claud. *Prob. et Olybr.* 232). The lictors actually carried out the sentence of death under the old system, for all Roman citizens who were condemned, so long as the execution was in the hands of the Quaestores Parricidii or Duumviri Perduellionis, as representatives for this purpose of the consul (see articles on these offices): but, when executions were controlled by tribunes and aediles, who were not attended by lictors, the death sentence was carried out either by the tribune or aedile in person or by a carnifex. The carnifex seems, too (probably after the appointment of Tres viri capitales), under the Republic, to have taken the place of the lictor for execution even of citizens: such, at least, would be the natural inference from the description in Suet. *Claud.* 34, "Quum spectare antiqui moris supplicium concupisset et deligatis ad palam noxiis carnifex deesset," &c. On active service the execution under martial law naturally belonged to the lictors (Liv. iv. 29; xxviii. 29, &c.). The ordinary duty of the lictors in the city was *submovere turbam*, i.e. to make the people give way to the magistrate, and to disperse any crowd which might interfere with the business in hand (cf. Hor. ii. 16, 9). This duty was heralded by the cry *animadvertite*, i.e. "pay due observance to the magistrate" (Suet. *Jul.* 80). Pliny speaks of this as "sollennis ille lictorum et praenuntius clamor." From Liv. xxiv. 44, it would appear that the technical word *animadvertere* was also used of the lictor noticing and reproving disrespect, unless (which would make better sense) the word *jubere* is added there. The lictors are also the instruments of the magistrate for *vocatio*, i.e. the summons of any citizen who offends; whereas tribunes, as being without lictors, could only arrest by their own hand, or their *viator*, but could not summon (Varro, *ap.* Gell. xiii. 12); and resistance to a lictor was equivalent to resistance to the magistrate.

As regards the number of lictors allowed to different offices, the king was attended by twelve; though Mommsen (*Staatsrecht*, i.^{3} 343) suspects from the words *decuriae* and *decem primi* used of lictors, that the number 12 superseded an original number 10. Twelve, at any rate, is the number given by Cicero, *Rep.* ii. 17, 31; Liv. i. 8; and others. Appian is the only writer who (*B. C.* i. 100) says twenty-four, thinking perhaps of the dictator, and he is inconsistent in this (see Appian, *Syr.* 15). As the consuls originally performed the regular duties of administration by turns on alternate months, so the officiating consul was attended by twelve lictors, the other only by an *accensus* (Liv. ii. 1; Cic. *Rep.* ii. 31, 55). Similarly, as the decemvirs held office each for a day in turn, the decemvir of the day had twelve lictors, the others an *accensus* each (Liv. iii. 33). It appears, however, from Suet. *Jul.* 20, that at some time the custom came in of an *accensus* preceding the consul out of office, while twelve lictors followed him. There can be no doubt that the state of the consular military tribunes was regulated by the same principle as that of the decemvirs.

The dictator had twenty-four (Polyb. iii. 87; Dio Cass. liv. 1; Appian, *B. C.* i. 100). Yet Livy (*Ep.* 89) says that Sulla was the first so to appear: perhaps, as Mommsen suggests, the dictator was attended by twenty-four only without the city, and Sulla's innovation consisted in his using them also within it. The *magister equitum*, nominated by the dictator, had six lictors (Dio Cass. xlii. 47; xliii. 48), and the same number was assigned to the *praefectus urbi* nominated by Caesar in his dictatorship (Dio Cass. *l. c.*). Two belonged to the praetor at Rome (Censorin. xxiii. 3; Cic. *de Leg. Agr.* ii. 34, 93); six to the praetors in the provinces (Appian, *Syr.* 15; Cic. *Verr.* v. 54, 142), whence Polybius constantly terms the praetor *στρατηγὸς ἐξαπέλεκυς*, and, treating it merely as a synonym for the magistrate, uses this adjective to express even the praetor at Rome (Polyb. xxxiii. 1). (Under the Empire, however, the praetor at Rome actually had six lictors: Mart. xi. 98, 15.) Proconsuls outside Rome had twelve under the Republic, as would belong to those who acted as consuls; and those of Africa and Asia, at any rate, had the same number in the earlier Empire. Ulpian (Dig. 1, 16, 44), however, speaks of the limitation to six for proconsuls. Six was certainly the number for propraetors, but five only for a quaestor or *legatus pro praetore* (Cic. *Att.* x. 4, 9); and for Augustus's time a propraetor who was the imperial *legatus pro praetore* had only five, and was called *quinquefascalis.*

The emperors had twelve lictors to the time of Domitian, to whom twenty-four were assigned (Dio Cass. liv. 10; lxvii. 4), but in the later Empire the attendance of lictors gradually fell into disuse. It marks the importance of the *curatores viarum* under the Empire, that in their office they had two lictors.

As to the status of the lictors, they are ranked before *viatores* and *praecones*, but after *scribae* and *accensi* (Cic. *Verr.* iii. 66, 153; *ad Q. F.* i. 1, 4; Orelli. *C. I.* 4109). From Tacitus, xiii. 27, we learn that most lictors were freedmen; whether it was so in republican times it is impossible to say: in Liv. ii. 55 they are spoken of as belonging to the plebs; it is clear that at Rome, whether freeborn or not, they were always free. In the provinces it appears from Gellius, x. 3, that sometimes at least they were taken from the class of reduced Italians called *Bruttiani.* At Rome there was a community of three decuriae of lictors under ten directors (*decem primi*).

In Rome they wore the toga, which, one would gather from Gellius *l. c.* and from Plut. *Rom.* 26, was girded with the *licium* or *limus;* but Mommsen observes that ancient representations of lictors do not show them with any girdle, and that the limus belonged rather to *servi publici.* Outside Rome they wore the red *sagulum* (Sil. ix. 20), and at triumphs naturally also the same war-dress (Appian, *Pun.* 61, calls it χιτὼν φοινικόεις): at funerals, black (Hor. *Ep.* i. 7, 5). The fasces, tied with a red strap, were held in the left hand and carried on the left shoulder: at funerals they were carried reversed (Tac. *Ann.* iii. 2; cf. Verg. *Aen.* ii. 45): the fasces wreathed with laurel (*laureati*) in the Republic marked the magistrate who had been saluted as a victorious imperator, and under the Empire distinguished the imperial lictors.

Lictors.

The lictors always walked in single file (cf. Val. Max. ii. 2, § 4; Liv. xxiv 44) before the magistrate in office, whence the last in order, wh was the principal lictor, was called *proximus* (Ci *Div.* i. 28, 59; *Verr.* v. 54, 142; Tac. *Hist.* iii. 80), but perhaps also *primus* (Cic. *ad Q. F.* i. 1, 7); and ἡγούμενος (Appian, *B. C.* v. 55) may have the same meaning, applied to *rank,* not *order of march.*

Coin representing th children of Bru led to death Lictors.

(2) *Lictores curiatii* (not *curiati*, as may be seen from Inscriptions: see Mommsen, *Staatsrecht,* i.³ p. 389) were employed originally to summon the Comitia Curiata. Of these there wer thirty, according to the number of the curiae and, when the meeting of the Comitia Curiat became a mere form, it was represented b the thirty *lictores curiatii* (Cic. *Leg. Agr.* ii. 1 31). Ovid (*Fast.* ii. 23) speaks of lictors used i sacred rites, whom Mommsen with some probability takes to be *lictores curiatii;* and he als suggests the possibility that they acted a *flamines curiales.* They attended specially o the Pontifex Maximus, probably the same number (ten or twelve) as had belonged to the king and they are called "lictores curiatii qui sacri publicis adparent." The Flamen Dialis wa attended by one of these lictors (Plut. *Quaes Rom.* 93); as was also any Vestal who appeare in public (Plut. *Num.* 10): a similar distinctio was granted to widows of emperors, as thoug they were priestesses of a deified husband (Ta *Ann.* xiii. 2; note the *refusal* of it by Tiberius *Ann.* i. 14). These *lictores curiatii* were constituted as a separate decuria (*C. I. L.* xiv. 296).

(3) Lictors were specially assigned to atten for the time on the givers of games who ha not otherwise the right to lictors: as, for instance, in funeral games (Cic. *Legg.* ii. 24, 61) perhaps originally because givers of games wer so constantly of magisterial rank that lictor became a customary part of the spectacle; o the public function conveyed the temporar magisterial rank.

(4) In the games of the Vicomagistri ther were two *lictores populares denuntiatores,* wh belonged to separate decuria, to attend upo them (Dio Cass. lv. 8, cf. Liv. xxxiv. 7; Asco *in Pison.* 7; and see article COMPITALIA). Th origin of the name *denuntiator* may be gather from "ludicrum denuntiare" (Liv. xlv. 32).

As regards the attendance of *lictores atri* at funeral (Hor. *Ep.* i. 7, 5), it must be understoo that this can be said only of great funeral having a more or less public character, whe either the deceased himself was of magisteria rank and his own lictors attended, or wher funeral games were given, and there were therefore lictors assigned (cf. Cic. *Legg.* ii. 24, 61).

(For full information respecting lictors, se Mommsen, *Staatsrecht*, i. 374 ff.) [G. E. M.]

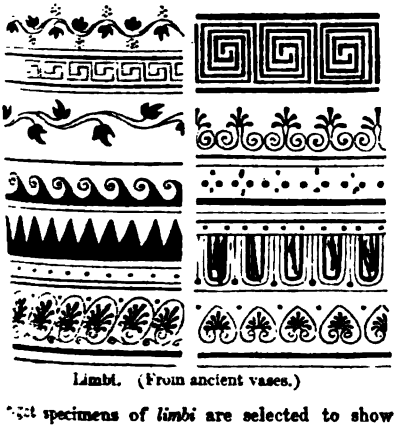
LIGO (δίκελλα o[illegible] μάκελλα) was a hoe forme either of one broad iron or of two curved iro prongs fixed at right angles to the handle, whic was used by the ancient husbandmen to cle the fields from weeds. (Ovid, *ex Pont.* i. 8, 59 Mart. iv. 64; Stat. *Theb.* iii. 589; Colum. x. 89 The *ligo* seems also to have been used in turnin up and breaking the clods. (Hor. *Carm.* iii. 38; *Epist.* i. 14, 27; Ovid, *Amor.* iii. 10, 31

Compare Dickson, *On the Husbandry of the Ancients*, i. p. 415.) [L. S.]

LI'GULA, a Roman measure of fluid capacity, containing one fourth of the CYATHUS. (Columella, *R. R.* xii. 21; Plin. *H. N.* xx. § 36.) It signifies *a spoonful*, like *cochlear*; only the ligula was larger than the *cochlear* (see Mart. 33 and 71). The spoon which was called ligula, or *lingula* (dim. of *lingua*), from its shape, was used like a dessert-spoon. (Cato, *R. R.* 84; Plin. *H. N.* xxi. § 84; Mart. xiv. 120; Becker-Göll, *Gallus*, iii. 293; Marquardt, *Privatleben*, 4.) For a drawing of the *ligula*, see under COCHLEAR, where the larger spoon is the *ligula*, the smaller the *cochlear*. The word is also used for the leather tongue of a shoe (Pollux, ii. 109, vii. 80: Festus, *s. v.*). (See under CALCEUS, p. 35.) [P. S.] [G. E. M.]

LIMA (*ῥίνη*), a file, was made of iron or steel, for the purpose of polishing metal or stone, and appears to have been of the same form as the instruments used for similar purposes in modern times. (Plin. *H. N.* ix. § 109, xxxiv. § 148, xxxvii. § 109; Plaut. *Menaechm.* i. 1. 9; Xen. *Cyrop.* vi. 2, 33.) [L. S.]

LIMBUS (*παρυφή*), the border of a tunic or scarf, chiefly in the woman's dress (Verg. *Aen.* iv. 137: Serv. *ad loc.* 7). This ornament, when displayed upon the tunic, was of a similar kind with the CYCLAS and INSTITA (Servius *in* Verg. *Aen.* ii. 616), but much less expensive, more common and more simple. It was generally woven in the same piece with the entire garment of which it formed a part, and it had sometimes the appearance of a scarlet or purple band upon a white ground; in other instances it resembled foliage (Verg. *Aen.* i. 649; Ovid, *Met.* vi. 127), or the scrolls and meanders introduced in architecture. A very elegant effect was produced by bands of gold thread interwoven in cloth of Tyrian purple (Ovid, *Met.* 51), and called λῆροι or *leria*. (Festus, *s. v.*; Brunck, *Anal.* i. 483.) Demetrius Poliorcetes was arrayed in this manner (*χρυσοπαρύφοις ἁλουργίσι*, Plut. *Demet.* 41). Virgil (*Aen.* v. 251) mentions a scarf enriched with gold, the border of which was in the form of a double meander. In illustration of this account examples of both the single and the double meander are introduced at the top of the annexed woodcut. The other eight specimens of *limbi* are selected to show some of the principal varieties of this ornament, which present themselves on Etruscan vases and other works of ancient art.



Limbi. (From ancient vases.)

An ornamental band, when used by itself as a fillet to surround the temples or the waist, was also called *limbus*. (Stat. *Theb.* vi. 367, *Achill.* ii. 176; Claud. *de Cons. Mallii Theod.* 118.) A later name for the limbus was *lorum*, whence dresses with one or more rows of stripes were called *monolores*, *dilores*, *trilores*, &c. (Vopisc. *Aurel.* 46, 6). The makers of *limbi* were called *limbolarii* (Plaut. *Aul.* 514, and Wagner's critical note). For these *limbi*, see also Marquardt, *Privatleben*, 544; Blümner, *Technologie*, i. 202; Becker-Göll, *Charikles*, iii. 255, *Gallus*, iii. 266. [J. Y.] [G. E. M.]

LIMEN. [JANUA.]

LIMUS was the apron tied round the waist and reaching nearly to the feet worn by the *popa*, or slaughterer who attended on the priest at a sacrifice (Serv. *ad Aen.* xii. 120), and by *servi publici* in general (Isid. *Orig.* 19, 33). Hence *servi publici* were known as *limo cincti*; and when (as in *C. I. L.* v. 3401) *apparitores* and *limo cincti* are mentioned together as attending on a magistrate, the former are free, the latter slave attendants (see Mommsen, *Staatsrecht*, i.^{3} 324). It would appear from Gellius, xii. 3, that the word *licium* was synonymous with *limus*, and he states that the lictors were girded with this limus or licium in former times; but Mommsen throws doubt upon this (*Staatsrecht*, i. 375), and thinks it arose from a confusion of lictors with *servi publici* and a desire to derive their title from *licium*, since lictors are never represented in such a dress. That the *licium* alone should be worn by a person seeking stolen property (whence phrase *per licium quaerere*) no doubt was arranged to prevent his bringing in the goods concealed in his dress (see Gell. xi. 18, and cf. Gaius, *Inst.* iii. 192). [G. E. M.]

LIPOMARTY'RIOU DIKÉ (*λιπομαρτυρίου δίκη*). [MARTYRIA.]

LIPONAU'TIOU GRAPHÉ (*λιποναυτίου γραφή*). [ASTRATEIAS GRAPHÉ.]

LIPOSTRA'TIOU GRAPHÉ (*λιποστρατίου γραφή*). [ASTRATEIAS GRAPHÉ.]

LIPOTA'XIOU GRAPHÉ (*λιποταξίου γραφή*). [ASTRATEIAS GRAPHÉ.]

LITHOBO'LIA (*λιθοβόλια*), a festival celebrated at Troezen in commemoration of two maidens who came there from Crete, and were stoned to death during the civil broils of the place. (Paus. ii. 32, 6; Lobeck, *Aglaoph.* 680; Hermann, *Relig. Alterth.* § 52.) [L. S.]

LITHOSTRO'TA. [PAVIMENTUM; PICTURA.]

LITIS CONTESTA'TIO. Under the oldest Roman civil process—that known as the *legis actiones*—the proceedings prior to hearing and judgment were of an exceedingly formal and technical character. The parties, on appearing before the praetor, had to repeat certain prescribed forms of words, appropriate to the nature of the particular action, and to perform a variety of solemn and symbolical acts (*e.g.* Gaius, iv. 16); and any error or omission in these on the part of the plaintiff inevitably lost him his remedy: "Ex nimia subtilitate veterum qui tunc jura condiderunt eo res perducta est, ut vel qui minimum errasset litem perderet" (Gaius, iv. 30). The object of these proceedings was preliminary: they were intended to ascertain the question in dispute, and to prepare it for hearing and decision. The hearing and decision itself was in many cases entrusted to a private person appointed by the praetor, though selected by agreement between the parties, or to the standing collegia of judges (decemviri and centumviri): but sometimes the praetor would undertake it himself. In any case, however, it seems to have been far less formal than the preliminary proceedings, which had always to take place before the praetor in person, and to which alone the term *legis actio* was applied (Gaius, iv. 11). Owing to the supreme importance to the parties of their being gone through with perfect precision, and to the fact that at this period no written records were preserved of judicial proceedings, which were purely oral, it was the practice for both parties, at the close of the formal *legis actio* (though before a word of evidence or argument on the question at issue), to appeal to the bystanders to take note of the proceedings, that if any dispute subsequently arose as to their validity evidence might be forthcoming of what had been done (cf. Ulpian, *Reg.* 20, 9; Dig. 28, 1, 20). This appeal was called *litis contestatio:* "Contestari est cum uterque reus dicit TESTES ESTOTE"; "Contestari litem dicuntur duo aut plures adversarii quod ordinato judicio ('when the cause has been made ready for hearing') utraque pars dicere solet TESTES ESTOTE" (Festus). The view here taken of the nature of *litis contestatio* is that of Bethmann-Hollweg (*Civil Process*, i. p. 177) and Keller (*Civil Process*, p. 281). By others it is held that what the parties called upon the bystanders to attest was, not that the *legis actio* had been duly consummated, but that they had solemnly agreed to submit their dispute to arbitration instead of settling it in the more primitive way of self-redress (Ihering, *Geist des römischen Rechts*, i. p. 171); and some (*e.g.* Mayer, *Die Litis Contestation*, 1830, and originally Rudorff, *Römische Rechtsgeschichte*, ii. § 71) go so far as to assert that the form in which the agreement was made was *per aes et libram* [NEXUM]. This theory is based upon the fact that in the formulary period, as will be seen below, *litis contestatio* produced (or, more correctly, was the outward sign of) consequences which usually are only producible by contract; but it is rejected by most writers on the subject (*e.g.* Puchta, *Institutionen*, § 172; Keller, § 62), and seems too fanciful to be seriously entertained. Others (*e.g.* Heffter, *Institutionen des röm. und teutschen Civilprocesses*, 1825) even hold that there was no real *litis contestatio* at all in the *legis actio* period, but that it was introduced with the formulary system to give a solemnity to the proceedings *in jure* and their results, which in themselves they did not possess.

The *legis actio* procedure was swept away by the Lex Aebutia, *circ.* 170 B.C., and its place was taken by the system of formulae, one of the main features of which was the universal division of the proceedings in an action into two portions: those which took place before the praetor (*in jure*) and those which took place before the judex (*in judicio*). The object of the proceedings *in jure* was to fix the issues to be tried: when they had been settled, they were briefly embodied in a written document or formula, by which the judge was appointed and
informed of the points which he had to dete
mine: the actual hearing of the case was
and not the praetor's function (Gaius, iv. 3
Under this system of procedure, *litis contestat*
in its old sense of an appeal to witnesses, see
no longer to have taken place, for the best e
dence that could be desired of the correctness
the proceedings *in jure* was the written formu
though Bethmann-Hollweg (*Civil Process*,
p. 480) thinks that it may have survived
some time through the Roman fondness of
forms, but at any rate not till the time of
classical jurists. The term "litis *contestati*
however, is retained throughout to denote
point of time in the history or development
an action at which it passed from praetor
judex (Cic. *pro Rosc. Com.* 11, 32; 12, 3
Lex Gall. Cisalp. i. 48; Gaius, iii. 180,
114). It means, technically, the moment
which the matter really becomes an "action"
all: the legal position of the parties in respe
of the particular suit is definitely fixed; a
though perhaps it is incorrect to say that *li*
contestatio (in this sense) *produces* importa
results for them, it certainly is the sign a
symbol that those results have ensued. F
instance, from that moment the plaintiff's rig
of action is consumed (Gaius, iv. 106, 107):
cannot subsequently sue at all, or at any rate
cannot sue with any effect, on the same groun
Similarly prescription of the right of acti
ceases to run, for the action has been co
menced; and consequently also the defenda
cannot as a rule evade condemnation, if t
plaintiff proves his case, even though after *lit*
contestatio it should become impossible for hi
(*e.g.*) to restore the property in dispute owi
to its accidental destruction. For these, a
other points in which the rights and duties of t
parties were irrevocably fixed by this defin
commencement of the action (and which a
sometimes improperly described as consequen
of *litis contestatio*), reference may be made
Mr. Poste's edition of Gaius (pp. 447–451,
edit.). In point of fact, these consequences
analogous to those which would be produced
contract, and many writers attribute th
modifications in the legal relation of the part
to an assumed contract, by which they are s
posed to voluntarily submit themselves to
jurisdiction of the court, to bind themselve
abide by its judgment, and to waive any
which they may have had to settle the m
after another fashion. But such an assum
is in reality needless, for these consequences
more correctly be ascribed to the very n
of the proceedings *in jure*, the law impli
ordaining that they shall necessarily flow
the fixing of the issues in the formula (Pu
Institutionen, § 172; Walter, *Geschichte*
römischen Rechts, § 720); and if this vie
accepted, it would seem to be unnecessary
some of those by whom it is supporte
regard *litis contestatio* even as a quasi-contr

In the time of Diocletian (A.D. 294)
formulary system finally disappeared, and a
were commenced and conducted in much
same way as in modern courts of justice,
procedure being called simply *cognitio*. In
period *litis contestatio* denotes the sum
statement of his case before the judge by
plaintiff, and the similarly summary stat

by the defendant of the nature of his defence, evidence and argument following in detail: "Lis tunc contestata videtur, cum judex per narrationem negotii causam audire coeperit" (Cod. 3, 9; cf. Cod. 3, 1, 14, 1; Cod. 2, 59, 2, pr.). The Greek equivalent of *litis contestatio* in this sense is προκάταρξις (Nov. 53, 3, 2; 80, 10; 96, 1; Basil. vii. 1, 3). Many of the old results for the parties still ensue, though most writers are of opinion that the right of action was no longer necessarily extinguished (see Bethmann-Hollweg, *Civil Process*, iii. pp. 257–262).

(See Holtzendorff's *Rechtslexicon*, s. v., and the literature of the topic *ad fin.*, especially Keller, *Litis Contestation und Urtheil*, and Windscheid, *Actio*, §§ 8, 9.) [J. B. M.]

LITRA (λίτρα) was the unit corresponding, *though not equivalent* among the Greeks of Sicily, to the libra of the Italians, and in use for weighing various substances, including copper. The word was in use as early as the time of Epicharmus, and occurs frequently in Aristotle. It was divided into twelve ounces, ὀγκίαι. [See PONDERA.] Writers like Polybius naturally use the word to render the Latin *libra*. The weight of the litra was about 3366 grains, 218 grammes (Hultsch, *Metrologie*, 2nd edit., p. 662). The equivalent in silver of a litra of copper was a small coin weighing 13·5 grains, which was in common use in Sicily, and was the tenth of the Corinthian stater, called from that fact δεκάλιτρος στατήρ. Pollux (ix. 80) gives the value of the silver litra as the same as that of an Aeginetan obol (16 grains); but this is only a rough approximation. [P. G.]

LITTERA'RUM OBLIGA'TIO. [OBLIGATIONES.]

LITU'RGIA. [LEITURGIA.]

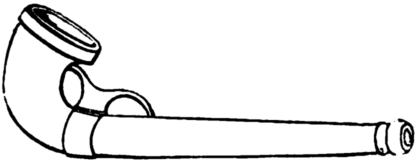
LITUUS. Müller (*Die Etrusker*, iv. 1, 5) supposes this to be an Etruscan word signifying *crooked*, but more probably it is connected with the verb *litare*, its augural sense being the original, and the military *lituus* being so called from a resemblance in shape. In the Latin writers it is used to denote—

1. The crooked staff borne by the augurs, with which they divided the expanse of heaven, when viewed with reference to divination (*templum*), into regions (*regiones*); the number of these according to the Etruscan discipline being sixteen, according to the Roman practice four (Müller, iii. 6, 1; Cic. *de Div.* ii. 18, 42). Cicero (*de Div.* i. 17, 30) describes the lituus as "incurvum et leviter a summo inflexum bacillum;" and Livy (i. 18) as "baculum sine nodo aduncum" (cf. Serv. ad *Aen.* vii. 407; Marquardt, *Staatsverwaltung*, iii. 402). It is very frequently exhibited upon works of art. The figure in the middle of the following illustrations is from a most ancient specimen of Etruscan sculpture in the possession of Inghirami (*Monumenti Etruschi*, tom. vi. tav. P. 5, 1), representing an augur; the two others are Roman denarii. It is thought with much probability that the pastoral staff of bishops (not the archiepiscopal crosier) was borrowed as regards its form from the augur's lituus, which in the earliest Christian representations it exactly resembles. (See *Dict. of Christian Antiquities*, s. v.)

2. A sort of trumpet slightly curved at the extremity (Festus, *s. v.*; Gell. v. 8). It differed both from the *tuba* and the *cornu* (Hor. *Carm.* ii. 1, 17; Lucan, i. 237), the former being straight, while the latter was bent round into a spiral shape. Lydus (*de Mens.* iv. 50) calls the lituus

Lituus, the Augural Staff.

the sacerdotal trumpet (ἱερατικὴν σάλπιγγα), and says that it was employed by Romulus when he proclaimed the title of his city. Ascon. (*ad* Hor. *Carm.* i. 1, 23) asserts that it was peculiar to cavalry, while the tuba belonged to infantry. This is not quite correct, for in the armies of the Sabines and Romans (Ovid, *Fast.* iii. 216), where the lituus is mentioned, it is clear that infantry are to be understood. The *bucinator* and the *tubicen* are both attached to the cavalry as well as the infantry (Marquardt, *Staatsverwaltung*, ii. 553). As regards its shape, Seneca (*Oedip.* 733) says, "Sonuit *reflexo* classicum cornu Lituusque *adunco* stridulos cantus elisit aere." Its tones are usually characterised as harsh and shrill (*stridor lituum*, Lucan, i. 237; *sonitus acutos*, Ennius, *ap.* Fest. *s. v.*; Stat. *Theb.* vi. 228, &c.). The following representation is from Fabretti. See also the representation of a liticen [under CORNU] from the altar of Julius Victor (Vol. I. p. 544). [W. R.] [G. E. M.]


Lituus, a trumpet. (Fabretti.)

LIXAE were sutlers who followed the Roman legions for trading purposes. So far as they are distinguished from *mercatores*, they sold provisions, while the *mercatores* dealt in other wares; but while in Caesar the *mercator* stands for both (*B. G.* vi. 37), in Livy and Tacitus we find *lixae* alone for petty traders of all kinds, distinct only from the negotiator who speculated on a large scale. Thus in Liv. xxxix. 1, where there is no prospect of plunder, the army is unencumbered by *lixae*, i.e. traders who would have bought up what they could from the soldiers: so Liv. v. 8, "Lixarum in modum negotiabantur" (cf. Liv. xxi. 63); and Hirt. *de Bell. Afr.* 75, "Lixae mercatoresque qui plaustris merces portabant." These traders of all descriptions had booths for their goods outside the camp, which were called *canabae*, so that *ad canabas legionis* means in the market quarter or bazaar, and in some cases out of these temporary bazaars more permanent settlements sometimes arose, becoming at last transformed into municipia. (See Marquardt, *Staatsverwaltung*, i. 20.) The *lixae* were sometimes forbidden to follow the legion (Sall. *B. J.* 45), from which it is clear that they came for their own profit, and not as a necessary commissariat adjunct. They are sometimes coupled with *calones*, the slaves who attended soldiers, though quite different from them, merely because both were distinct from the fighting army. In emergencies both might be pressed into the service, as in Liv. xxiii. 16, where they have somewhat the same effect as the camp-followers at Bannockburn. [G. E. M.]

LOCA'TIO CONDU'CTIO, or letting and hiring, is, like sale [EMPTIO VENDITIO], one of the four Roman contracts which were said to be made *consensu*, because neither form nor part performance was required to make the agreement actionable. It comprises two varieties, which are distinguished below, viz. *locatio conductio rerum* and *locatio conductio operarum*. The contract was concluded, and the parties bound, as soon as they were agreed upon what was to be hired, and the consideration (*merces*) to be paid for it (Gaius, iii. 142; *Inst.* iii. 24, pr.). This *merces* must be money, "pecunia numerata" (*Inst.* ib. 2), except that the rent of agricultural land might be a certain proportion of its annual produce (Cod. 4, 65, 21).

Locatio conductio rei is the letting or hiring of a *res*, but the *res* may be anything which could be bought and sold (and so not merely a tangible object, movable or immovable, but a *res incorporalis*, such as a usufruct, Dig. 7, 1, 12, 2). The lessee of a house was called *inquilinus*, of agricultural land *colonus*. The letter (*locator*) of a *res* was bound to allow the other to have it for the time or purpose agreed upon, and for that time to take its fruits if it were a fruit-bearing object; but as he remained its owner, he could always recover it back at the cost of having to pay damages for the breach of his contract: and similarly, if he sold or otherwise alienated the *res locata*, the alienee could always make the conductor give it up (whence the German maxim *Kauf bricht Miethe*), though the latter of course had his remedy against the *locator* (Dig. 19, 2, 25, 1; Cod. 4, 65, 9). The hirer was bound to pay the *merces* agreed upon; to show the *diligentia* of a *bonus paterfamilias* [CULPA] in his charge of it, and to redeliver it at the termination of the contract in as good condition as when it came into his hands, saving ordinary wear and tear.

Locatio conductio operarum is the letting by a free man (*locator*) of his services at a fixed *merces*. If he was employed to make some specific object for the employer (*e.g.* to build a house, to make a piece of plate, &c.), *he* was called *conductor* or *redemptor* (Hor. *Carm.* iii. 1) and the employer *locator*, and the transaction is sometimes called specifically *locatio conductio operis* (*faciendi*). If the agreement was to do the whole job at a sum absolutely fixed, as distinct from so much *per diem*, or so much for each portion completed, it was said to be made *per aversionem* (Dig. 19, 2, 35, pr.; *ib.* 36; *ib.* 51, 1).

The jurists were often doubtful whether a given contract was sale or hire; as where, in consideration of so much money to be paid by a customer, a goldsmith agreed to make him ring out of his (the smith's) gold (Gaius, iii. 14 *Inst.* iii. 24, 4): other similar cases will found in Gaius, iii. 146. Among them was th of a lease of land in perpetuity at a rent, wh Gaius says was, according to the better opini in his time, hire, not sale, but which in lat times became an independent contract distin from either [EMPHYTEUSIS]. Sometimes ag the transaction was held to be neither sale hire, though closely resembling both, but on the so-called innominate contracts, enforced an *actio praescriptis verbis* (*Inst.* iii. 24, 1 and (Gaius, iii. 142–147; *Epit.* ii. 9, 15; Pau *Sent. rec.* ii. 18; *Inst.* iii. 24; Dig. 19, 2; Co 4, 65.) [J. B. M.

LOCHUS (λόχος). [EXERCITUS, Vol. I. p 769, 770, 775.]

LO'CULI, a small coffer or casket with com partments (cf. *loculatae arculae*, Varro, *R. R.* i 17), whence it comes that in this significati the word is only used in the plural. It wa smaller than the *arca* (Juv. i. 89: see Mayor note), but, like the *arca*, was used to hold mon (Hor. *Sat.* i. 3, 17; *Ep.* 11, 1, 175; Mart. 39, 7); for jewels (Juv. xiii. 139); to hold key (Plin. xiv. 13, § 89), &c. It takes the place the larger *arca* as the treasure chest of the hou (Hor. *Sat.* ii. 3, 146), and then was placed i the atrium [see ARCA]: it was made of woo (Mart. xiv. 13) or sometimes of ivory (Ovi *Fast.* vi. 749; Juv. xiii. 139); for security had a lock (Hor. *Sat.* ii. 3, 149) or was seale up (Plin. *l. c.*). In Hor. *Sat.* i. 6, 74, *Ep.* i. 1 56, the word *loculi* is used for a small cas holding a schoolboy's *libri*, *chartae*, and *st* which would generally be called *capsa* (Juv. x 117) or *theca* (Suet. *Claud.* 35). (See Orelli's Excursus on Hor. *Sat.* i. 6.) [G. E. M.]

LO'CULUS. [FUNUS.]

LOCUPLE'TES (or *adsidui*) were Roma freeholders of land who were included in th five classes of Servius as liable for summon to service or *tributum*. Under this head cam all who held land valued over 11,000 asses (c also Liv. xlv. 15, "eos qui praedium praedia rustica pluris H. S. triginta millium haberen censendi jus factum est:" for the arrangement of the classes, see COMITIA). The state wa therefore divided into *adsidui* (or *locupletes*), i.e those who had property, and *proletarii*, "begetters of children," who were counted by heads, not by property [see PROLETARII]. This is shown in Cic. *de Rep.* ii. 22, 40: "Servius Tullius quum locupletes adsiduos appellasset ab aer dando, eos qui aut non plus mille quingent aeris aut omnino nihil in suum censum praeter caput detulissent, proletarios nominavit, ut ex iis quasi proles, id est quasi progenies civitat expectari videretur." As to the origin of th two words, for *adsiduus* we may safely reject the etymology given by Cicero, "ab aere dando," and that suggested in Gellius, x. 16, "a muner faciendi adsiduitate." It means no doubt "settled on the soil," or permanently domiciled (from *adsidere*; cf. *residuus*) = the German *ansässig* (Mommsen, *Hist. of Rome*, i. 196): *locuples* is derived by Ovid (*Fast.* v. 280) from *landholding*, where *locus* is made equivalent to *ager*; and so Plin. *H. N.* xviii. § 11, "Locupletes dicebant *loci* id est *agri* plenos." But it is clear that this is not the natural sense of *locus*, and it is better with Mommsen (*Staatsrecht*, iii. 257) to take it as referring to wealth of money and connect it with *loculi*, the money-chests. From the passage in Cic. *Top.* ii. 10, "Cum lex adsiduo vindicem adsiduum esse jubeat, locupletem jubet locupleti; locuples enim est adsiduus, ut ait Aelius," it is clear that *adsiduus* was the older term, written in the Twelve Tables (cf. Gellius, *l. c.*). [W. S.] [G. E. M.]

LODIX, *dim.* **LODI'CULA** (*σάγιον*), a small shaggy blanket (Juv. vii. 66). Sometimes two lodices sewed together were used as the coverlet of a bed (Mart. xiv. 148). The Emperor Augustus occasionally wrapped himself in a blanket of this description on account of its warmth (Sueton. *Aug.* 83). It was also used as a carpet ("ancilla lodiculam in pavimento diligenter extendit," Petron. *Sat.* 20). The Romans obtained these blankets from Verona (Mart. xiv. 152). Their lodix was nearly, if not altogether, the same as the *sagulum* worn by the Germans (Tac. *Germ.* 6) [SAGUM.] [J. Y.]

LOGISTAE (*λογισταί*). [EUTHYNE.]

LOGI'STICA [*λογιστική*, sc. *τέχνη*, Plat. *Gorg.* 450 D, &c.: the nearest Latin equivalents appear to be *ratiocinandi ars* (cf. Cic. *Tusc.* i. 2. 5), *dinumeratio* (Id. *Rep.* iii. 2, 3), *rationis subductio* (cf. *subducere*, iii. in Smith's *Lat. Dict.*), or *computatio* (*post. Aug.*)] means "the art of calculation" as opposed to the "theory of numbers," *arithmetica* (q. v.). Neither, of course, can exist without the other; but as the operations of *arithmetica* were generally performed by means of geometrical figures, which were found more suggestive as representing not numbers only, but magnitudes generally, the customary numerical symbols and the operations in which they were used were deemed to belong to *logistica*, and are more properly treated in this article. We shall divide the subject accordingly into two parts, dealing first with the representation of numbers, and secondly with calculations.

I. NUMERAL SIGNS.

(*a.*) *Greek.*—(1.) *Finger-signs.* From the general use among Aryan peoples of a denary or vigesimal notation, it may be inferred, with as much certainty as can ever be obtained about pre-historic culture, that these nations at a very early time used the fingers and toes as symbols of number (cf. A. F. Pott, *Zählmethode*, &c., Halle, 1847, and *Sprachverschiedenheit etc. in den Zahlwörtern*, Halle, 1867; Tylor, *Primit. Culture*, i. ch. 7). A relic of a yet earlier notation, the quinary, survives in the words *πεμπάζειν, πεμπάζεσθαι, πεμπαστής* (Hom. *Od.* iv. 412; Aesch. *Pers.* 981, &c.), which imply that 5 was at one time the limit of the units in ordinary counting. At this time, and indeed for long after the denary notation was adopted, the Greeks clearly used both hands to count no higher than 10 (cf. Herod. vi. 63, 65; Arist. *Problem.* xv.), and no doubt this simple practice was never lost. But the references to finger-reckoning in literature are very scanty until a late date (Plut. *Apophth.* 174 b; Dio Cass. lxxi. 32, § 1; *Anth. Pal.* xi. 72, &c.), when a far more complicated system, common to Greece, Italy, and the East, is found in use. (See Roediger in *Jahresb. der Deutsch. Morgenl. Gesellsch.* 1845, pp. 111–129.) This is fully described by Nicolaus Smyrnaeus (called also Rhabda or Artabasda) in a work entitled *ἔκφρασις τοῦ δακτυλικοῦ μέτρου*, written probably in the 13th or 14th century, and printed by N. Caussinus in his book *De Eloquentia Sacra et Humana* (lib. ix. ch. viii. pp. 565–568, Paris, 1636; also in Schneider's *Eclog. Physic.* p. 447). In this system, units and tens were represented on the left hand, hundreds and thousands on the right. The thumb and forefinger of the left hand were devoted to tens, those of the right to hundreds; the remaining fingers of the left hand belonged to the units, those of the right to thousands. The fingers might be straight (*ἐκτεινόμενοι*), bent (*συστελλόμενοι*), or closed (*κλινόμενοι*). In the left hand, *bending* the fourth finger marked 1; bending the third and fourth, 2; the middle, third, and fourth, 3; the middle and third only, 4; the middle only, 5; the third only, 6. *Closing* the fourth finger gave 7; the fourth and third fingers, 8; the middle, third, and fourth, 9. The same motions on the right hand indicated thousands, from 1000 to 9000. The motions of the forefinger and thumb in representing tens and hundreds, on the left and right hands respectively, are more difficult to describe. The reader is referred to Roediger's article, above cited; to Friedlein's *Zahlzeichen und Elem. Rechnen der Gr. u. Römer*, p. 6; and to Prof. Palmer's art. in *Journal of Philology*, vol. ii. p. 247 *sqq.*, where a plate is given. Martianus Capella (*De Nuptiis Philol.* &c., bk. vii. p. 244 of Grotius' ed. 1599) says, "Nonnulli Graeci etiam *μυρία* adjecisse videntur," and adds, apparently in reference to this usage, "quaedam brachiorum contorta saltatio fit," of which he does not approve. The motions were probably the same as those described by Bede in the tract *De loquela per gestum digitorum* (Opera, Basileae, 1563, col. 171–173). Various positions of the left hand on the left breast and hips indicated the ten thousands, corresponding positions of the right hand on the right side the hundred thousands, and the hands folded together represented a million. There is no means of ascertaining the origin or the time of introduction of this method of finger-numeration. It is thought by some commentators that Aristophanes alludes to it in *Vesp.* 656, but it is observable in that passage that Philocleon only concludes from his "easy" calculation, that 150 talents are less than a tenth of 2,000, so that he probably used his fingers in the ordinary way to divide the latter number by 10. The more complicated system was obviously of no use in calculation, save as a *memoria technica* in cases where the mind might be embarrassed by the consideration of several numbers at once. It was probably, at first, only a means of communication between buyers and sellers who were ignorant of each other's language. The same or a similar system is still used for secret transactions in Persia (cf. De Sacy in *Journal Asiat.* vol. ii., and Tylor, *Primit. Culture*, i. p. 246, n.).

(*b.*) *Pebble-signs.*—Under this head may be included all the representative signs used with the reckoning-board, *abacus*, *ἄβαξ* or *ἀβάκιον* (*q. v.*). These were generally small stones or balls, or dots marked in sand, and the signs varied in value according to the row of the abacus in which they were placed. (Herod. ii. 36;

Diog. Laert. i. 59: cf. Becker-Goll, *Charikles*, ii. 67 ff.; and see below under Roman "pebble-signs," p. 74.) [ABACUS.]

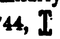
(c.) *Written Characters.*—Iamblichus says (*in Nicom. Arithm.*, ed. Tennulius, p. 80), without citing any authority, that among the earliest Greeks numbers were represented in writing by repeated strokes. In one inscription (Franz, *Epig. Graeca*, p. 347; Boeckh, *C. I. G.* 2919, vol. ii. p. 584) from Tralles, ἔτεος I I I I I I I is found, but Boeckh suspects this to be a forgery of imperial times. With some limitations, however, the statement of Iamblichus may be true. It is possible that with the Greeks, as with the Phoenicians and Egyptians, the signs of the units, tens, &c. were at an early date repeated nine times without any intermediate compendia. (Cf. Pihan, *Exposé des Signes de Numération*, &c. Paris, 1860.)

But the earliest known system of written numerical symbolism in Greek is that which used to be called after Herodianus, a Byzantine grammarian of the 3rd century, who alleged that these "Herodianic" signs occurred in laws of the Solonian period and other ancient documents, coins or inscriptions, seen by him. (See App. Gloss. to Steph. *Thesaurus*, vol. xii.; Valpy's ed. p. 690.) His statement has since been most abundantly corroborated, especially in Athenian inscriptions, and the system of numeration is now generally called Attic. For our present purpose, however, the old name is more convenient. Upon this system strokes served for units less than 5, and the chief higher numbers are represented by their initial letters, Γ for *πέντε*, Δ for *δέκα*, H for *ἑκατόν*, X for *χίλιοι*, M for *μυρίοι*, with further compendia, 𐅄 for 50, 𐅅 for 500, &c. (See *C. I. A.* vols. i. and ii.; or Hicks, *Gr. Inscr.* passim; or Boeckh, *Att. Seewesen*, p. 547 *sqq.* &c. For curious Boeotian variations, see Franz, *Epig. Graec.* App. II. ch. i. p. 348.) These signs alone are used in all the known Athenian inscriptions of any date B.C. (in other words, in all the Inscr. of *C. I. A.* vols. i. and ii.). Outside Attica they certainly remained in use along with the alphabetical signs, to be next described, and are found with them on papyrus-rolls preserved in Herculaneum, which cannot have been written before Cicero's time. The two styles are there used, as we use Roman and Arabic numerals together, on occasions when arithmetical division proceeds on two distinct principles, *e.g.* to mark the books of an author as distinguished from the number of lines in the whole work. (Ritschl, *Die Alex. Bibliotheken*, pp. 99, 100, 123, n.) But at some date which, as will be shown directly, cannot now be ascertained, the letters of the alphabet with some additions came to be used in the Semitic manner as numeral signs. It has been well pointed out (Cantor, *Vorles. über Gesch. der Math.* i. p. 108) that the change was, for all purposes except brevity, a mistake. With the Herodianic signs many patent analogies were exhibited which were wholly obscured by the new symbolism. To take a very simple instance, Δ multiplied by Π gave 𐅄, and H multiplied by Π gave 𐅅; but on the new system ι′ × ε′ gave ν′, and ρ′ × ε′ gave φ′, and none of these signs contained in itself the least clue to its meaning. Hence, at every arithmetical operation with alphabetical symbols, the mind was really strained, first to interpret the signs, then to effect the calculation, and lastly to express the result in signs again. We shall see later how cumbrous the process was.

When and how the arithmetical use of the alphabet was adopted in Greece, is a subject of the greatest difficulty. It is the custom to say that the practice was originally Semitic (cf. Nesselmann, *Algebra der Griechen*, p. 72 *sqq.*), but no such practice appears on the Phoenician inscriptions at present known, and it is not found on any Hebrew coins before 141–137 B.C. (Cf. Schröder, *Phönikische Spr.*, quoted by Hankel, *Zur Gesch. der Mathem.* p. 34, and Dr. Euting there cited. Also Madden, *Coins of the Jews*, p. 67, *temp.* Simon Maccabaeus.) On the other hand, the Hebrew cabbalistic practice of *gematria* (*i.e.* of treating as interchangeable, for purposes of interpretation, words whose letters, regarded as numerals, amount to the same total) is said to be as old as the 7th century B.C., and, if so, points to the numerical use of the alphabet at that time (Cantor, *Vorles.* i. pp. 87, 104, 105, quoting Lenormant, *La Magie chez les Chaldéens*, p. 24: cf. also Rev. xiii. 18, and Dr. Ginsburg's art. *Kabbalah* in *Encycl. Brit.*, 9th edit. vol. xiii.). And there is a peculiarity in the Hebrew and Greek alphabetical numerals which suggests some connexion between them. In both cases the proper alphabet is deficient, and is supplemented up to the same limit. The Hebrew alphabet of 22 letters gives numbers only up to 400. The deficiency is supplied, up to 900, by using the *final* forms of letters, the *medial* forms of which (cf. Greek *σ* and *ς*) had already been used to represent 20, 40, 50, 80, and 90. The Ionic alphabet of 24 letters, which was formally adopted at Athens in 403 B.C., could give numbers only as far as 600. Three letters are wanting to complete the hundreds, and for this purpose the three *ἐπίσημα*, ϛ, ϙ, and ϡ, two of which had certainly been used in older alphabets, but are omitted in the Ionic, are introduced. But these *ἐπίσημα*, unlike the Hebrew finals, do not occur together, but stand for 6, 90, and 900 respectively, at widely distinct places in the series. Now ϛ no doubt represents the old *Vau* (*F*), and both this and *κόππα* (ϙ) occur at the proper places of those letters in the alphabet, yet the last sign ϡ, whether it represent the Phoenician *shin* (Gr. *σάν*, Herod. i. 139) or *tzade*, occurs, in either case, out of its place and is clearly resumed into the alphabet for arithmetical purposes. But if we consider the difficulty of reviving a long-forgotten letter at all, and remember that ϛ and ϙ occur in their proper order, we should conclude that the Greek numerical alphabet, if it was settled by custom only, was settled at a very early time indeed, possibly before the Hebrew. It is even conceivable that the non-Phoenician letters, *υ*, *φ*, *χ*, *ψ*, *ω*, were originally invented for purely arithmetical purposes, and were afterwards adopted as alphabetical signs.

But against these suppositions there is a most formidable array of facts. In the first place, the inscriptions at present known do not disclose the existence, for literary purposes, of so full an alphabet as that used in numeration. There is none in which both *F* and ϙ occur side by side with both ψ and ω. (See the charts appended to Kirchhoff, *Zur Gesch. des Griech. Alph.* 3rd edit., 1877, and pp. 157–160 of the text. The transcript in Hicks, *Gr. Inscr.* No. 63, p. 117 *sqq.*, is misleading. The original in *Rhein. Mus.* 1871, p. 39 *sqq.*, contains neither η nor ω.) Secondly, the common alphabetic numerals do not appear on inscriptions proper (exclusive, that is, of coins and MSS. to be mentioned presently) before the 2nd century B.C., and, among these, only on the Asiatic. The oldest specimen is probably one of uncertain place (printed in *C. I. G.* vol. iv. pt. xxxix. No. 6819), which is assigned by E. Curtius to about 180 B.C. (Franz, *Epigr. Gr.* p. 349, cites, as oldest, one of Halicarnassus, *C. I. G.*, No. 2655, which Boeckh thinks to be little earlier than the Christian era.) A (not yet published) Rhodian inscription in the British Museum, assigned to about the same time, still uses the Herodianic signs. It should be added, also, that the earliest Asiatic inscriptions, which contain alphabetic numerals, arrange them generally with the lowest digit first, reversing the usual order (*e.g.* η̅κ̅, ζκ, &c. in No. 6819 above cited). It has already been mentioned that no Attic inscriptions before imperial times contain alphabetic numerals at all. (It is, no doubt, purely accidental that ϡ does not occur in any inscription: Franz, *Epigr. Gr.* p. 352.) It may be admitted that public inscriptions would be the last place into which a new system of numerals would force its way, but it is hardly likely that the Herodianic signs would have survived in public documents several centuries after the alphabetic had come into general use among merchants, &c. Thirdly, the earliest numerical or quasi-numerical use of the Greek alphabet, of which we can be quite sure, is not the same as that now in question. The tickets of the 10 panels of Athenian *heliastae* were marked with letters from a to κ, omitting ϛ. (Schol. to Ar. *Plut.* 277; Hicks, *Inscr.* No. 119, p. 202; Franz, *Epigr. Gr.* p. 349.) The books of Homer, as divided by Zenodotus, are headed with the 24 letters of the Ionic alphabet, omitting ϛ and ϙ. The books of the *Ethics*, *Politics*, and *Topics* of Aristotle are numbered in the same way; and that this division is ancient is evident from Alex. Aphrodisiensis, who (*in Metaph.* 9, 81 b, 25) quotes from ϛʹ τῶν Νικομ. a series of definitions which are now found in the 6th book. It should be mentioned finally, to complete the perplexity of the subject, which, considering its importance, has been strangely neglected, that there is no evidence (it would, of course, be hard to find) of a time when a short alphabet was used as far as it would go, and the remaining hundreds were represented by double letters or Herodianic signs; nor any evidence of fluctuation in the value of the letters. Ϙ, for instance, might be expected to have sometimes its Semitic value 100, instead of 90, or Σ might occasionally represent 100, instead of Ρ.

The Greek inscriptions already collected are so numerous that the statements here made are not likely ever to want correction in any important detail. The fact, at present indisputable, to which they point, is that alphabetic numerals do not appear at all until long after ϛ and ϙ had disappeared from the literary alphabet, and that these letters are nevertheless used, and used in their right places, for numeration. The revival of these letters and of ϡ implies, under the circumstances, a degree of antiquarian learning such as cannot be attributed to the public at large. It looks like the work of some scholar, backed by the influence of paramount political authority. It will be conceded that Alexandria is the most likely place, in the first three centuries B.C., to find kings and scholars in co-operation, and to find some mutual influence of Greek and Semitic literary usages. It remains only to add, what has been reserved for this place, that by far the most ancient and certain evidence of alphabetic numeration comes from Egypt under the first Ptolemies. The oldest Graeco-Egyptian papyrus (at Leyden, No. 379: *v.* Robiou, quoting Lepsius, in *Acad. des Inscr. Suj. div.*, 1878, vol. 9), which is dated 257 B.C., contains the numerals κθʹ (=29). Still earlier evidence is furnished by coins, especially a great number of Tyrian coins of Ptol. II. Philadelphus, assigned to 266 B.C. (The κ on some coins of Ptol. I. Soter, and the double signs AA, BB, &c., on those of Arsinoë Philadelphi, are of doubtful signification.) From this time onwards the evidence of Ptolemaic coins and papyri is abundant. It is not unreasonable to suppose that the ordinary Greek alphabetic numeration was first used at Alexandria on coins, for which its brevity, its sole advantage, would make it especially useful. Jewish usage may have suggested it or been suggested by it; but, however that may be, Alexandrian commerce and the fame of Alexandrian learning would be sufficiently potent agencies to disseminate the new system throughout the Hellenic East.

Before proceeding to exhibit the Greek use of alphabetic numerals, it will be well here to mention briefly two facts, of some interest in themselves, which need not further concern us. Heilbronner, in his *Historia Matheseos* (pp. 735–737), cites from Hostus, who refers to Noviomagus, a system of numeral signs in which arms, as it were, are attached to a central line according to a fixed plan, which may best be exhibited by an example. └ or ┌ is 1, ┌ or ┐ is 10, ┘ or └ is 100, ┐ or ┘ is 1000, ⌶ is 1111 in the vertical form, and similarly for the other numbers: *e.g.*  is 7744,  is 7766,  is 9999. The work of Noviomagus has been at last identified by Friedlein (*Zahlz.* p. 12) as *De Numeris*, libri ii. (Cologne, 1539) book i. ch. 15. This style is said by Noviomagus to be used by "Chaldaei et astrologi." It was known to John of Basingstoke, who learnt it in Athens about 1240, and is described by Matthew Paris (*Chronica*, v. 285, ed. Luard). Secondly, Greek arithmetic has no cipher. The Ō which Delambre (*Astron. Anc.* i. p. 547, ii. pp. 14, 15) found in the Almagest is a contraction of οὐδέν, and occurs only in the measurements of angles which contain no degrees or no minutes. It stands, therefore, always alone, and is not used as a digit of a high number. The stroke which Otfried Müller found on an Athenian inscription, and which Boeckh thought to be a cipher, is clearly explained by Cantor as the *iota*, the customary sign of 10. (See Cantor, *Math. Beitr.* p. 121 *sqq.*, and pl. 28; Nesselmann, p. 138, n. 25; Hultsch, *Scriptores Metrol. Graeci*, Vorrede, pp. v., vi.; Friedlein, p. 82.) The numerical values attributed to each letter in the Greek alphabet are stated in every Greek grammar. Suffice it here to say that the letters α′—θ′, including ϛ′ for 6, represent the units, ι′—ϙ′ the tens, ρ′—ϡ′ the hundreds. For the thousands the alphabet recommences, but the stroke or acute accent which marks the numerical use of a letter is now placed in front of the letter, and rather below it, so that ͵α—͵θ represent 1000—9000. For 10,000 Mυ or M, the initial letter of μύριοι, was generally used on the Herodianic principle; and with multiples of 10,000 the co-efficient might be placed before, after, or over this M. If the co-efficient were placed first, the M was sometimes omitted and a dot substituted. Other devices appear in MSS., *e.g.* ͵ι for 10,000, ͵κ for 20,000 in Geminus, or ά, β́, &c. (See Hultsch, *Metrol. Script. Rellig.*, vol. i. pp. 172, 173; and Ritschl, *op. cit.* p. 120; Nicomachus, ed. Hoche, Introd. p. x.) In the case of high numbers, accents were usually omitted and a stroke was drawn over all the component letters (cf. *C. I. A.*, vol. iii. Nos. 60 and 77, for the two styles); and as these were arranged in the modern order, with the highest on the left and the lowest on the right, the distinguishing mark of the thousands was also often omitted and the value of the letter was indicated by its place, *e.g.* $\overline{\beta\tau\epsilon}$ is 2305. The improved nomenclatures invented by Archimedes (in the ψαμμίτης) and Apollonius (exhibited by Pappus, *Math. Coll.*, bk. ii.) may have been originally accompanied by improved symbolisms, but no trace of them now remains.

The representation of fractions (λεπτά) in MSS. is also various, but the most common methods are either to write the denominator over the numerator, or to write the numerator once with one accent and the denominator twice with two accents, *e.g.* $\overset{\kappa\alpha}{\iota\varsigma}$ or $\overline{\iota\varsigma}^{\,\kappa\alpha'}$ or ιϛ′ κα″ κα″. Fractions of which the numerator is unity ("sub-multiples," as they are sometimes called) are the most common. With these the numerator is omitted and the denominator is written above the line, or is written once with two accents. (See for special details Nesselmann, pp. 112–115; Hultsch, *op. cit.*, vol. i. pp. 172–175; Friedlein, *Zahlzeichen*, pp. 13, 14.) Special signs for ½, L or Ł, C′ and S, and for ⅓, ω″, are found. Brugsch (*Numerorum Demot. Doctr.*, Berlin, 1849, p. 31) gives, on the authority of Greek papyri, the signs / for addition, ⌝ for subtraction, and ⌐ for a total. (See the plate appended to Friedlein, *op. cit.*, and references there given.)

(b.) *Roman.*—(1.) *Finger-signs.* The later mode of representing numbers on the fingers seems to have been the same among the Romans as the Greeks. The best known reference is Juvenal, x. 248 (where see Prof. Mayor's note). The oldest is possibly Plautus, *Mil. Glor.* ii. 3, "dextera digitis rationem computat," but the meaning of this is not very clear. Pliny indeed (*H. N.* xxxiv. § 16) says that Numa set up a statue of Janus with the fingers so arranged as to represent 355, the number of days in a year (cf. Macrob. *Conviv. Sat.* i. 9).

(2.) *Pebble-signs.*—The Romans used at least two forms of abacus, one in which buttons (*claviculi*) moved in grooves (*alveoli*), another in which the stones were loose. A drawing of a very elaborate abacus of the first kind is given by Friedlein in *Zeitschr. f. Math. und Phys.*, 1864, vol. iv. pl. v. (cf. *Zahlz.* p. 22). It is capable of representing whole numbers up to 999,999, all fractions with 12 for denominator, and some others. It employs 45 buttons in 19 grooves. Seven vertical grooves at the bottom of the instrument contain four buttons each, those in the left-hand groove representing a million, the values descending towards the right down to the units. Opposite these grooves, at the top of the board, are seven smaller grooves, containing 1 button each, representing 5,000,000, 500,000, &c., down to 5. The eighth lower groove contains 5 buttons, each representing $\frac{1}{12}$; the eighth upper groove contains 1 button, representing $\frac{6}{12}$. Three grooves at the side contain a button for $\frac{1}{24}$ at the top, another for $\frac{1}{48}$ in the middle, and two for $\frac{2}{72}$ at the bottom of the board respectively. It is possible also that some *abaci* had balls moving on wires or strings, similar to those still used in schools. In these, of course, the lines would be held horizontally, and not vertically. The so-called Pythagorean abacus, with its accompanying *apices*, is not mentioned by any writer of classical times. The MSS. of the *Geometria*, attributed to Boethius, in which it is first described, cannot be considered earlier than the 11th century, and no trace of any such abacus appears elsewhere before the 9th century. It need not therefore be discussed in this article (*v.* Friedlein, *Zahlz.* pp. 22–27).

(3.) *Written characters.*—There are some signs that the Romans occasionally used their alphabet for numerical purposes; but the practice was neither general nor reduced to any fixed rule, and the dates of our authorities for it, where known, are all late. Some verses on the subject appear, with slight variations in several MSS. One version of them is given by Noviomagus in the work *De Numeris*, already mentioned (lib. i. cap. 10). It begins:—

> "Possidet A numeros *quingentos* ordine recto,
> Atque *trecentos* B per se retinere videtur.
> Non plus quam *centum* C litera fertur habere,
> Litera D velut A *quingentos* significabit," &c.

(See Friedlein, *Zahlz.* pp. 20, 21.) But it is unlikely that an alphabet so short and so capable of disturbance as the Roman certainly was, could ever have been used, in the Greek manner, for numerical purposes.

The ordinary Roman numerals are too well known, and are still in too common use, to require detailed exhibition. The well-known theory that 10 was represented by two strokes (X), 100 by three (⊏), and 1000 by four (M), and that V, L and Λ or ∩ are the halves of these signs (Nesselmann, pp. 89, 90; Key's *Latin Grammar*, § 251), has the advantage of symmetry, but does not account for the more ancient forms of these symbols. (See the plates appended to Friedlein, *op. cit.*, and Cantor, *Vorles. Math.*) The more common theories of recent times are that L, C, and M or ᛦ are corruptions of Ψ (the Chalcidian form of χ, written ⊥), Θ and Φ, while X is referred either to ⊗, the old form of Θ, or to the Greek X, so that all these signs would be adopted from the letters of the Greek alphabet, for which the Romans had no use.

(See Ritschl in *Rhein. Mus.* 1869, xxiv. p. 12; and Mommsen, *Unter It. Dial.* pp. 19–34; Roby, *Lat. Gram.* App. D, ii.; Friedlein, *op. cit.* p. 27.) The objections to this theory are, of course, that the proposed letters are not used in their Greek order, and that the Romans and Etruscans used, in conjunction with these very signs, a wholly peculiar mode of representing intervening numbers. Such forms as IX, XL, XC are so original, as to suggest the originality also of the signs of which they are compounded. (Still stranger forms, as XIIX for 18, are also found: Friedlein, p. 32; Corssen, *Etrusker*, i. 39–41.)

A few of the more uncommon Roman numerals should be here mentioned. The sign for 1000 being ↀ (not M till post-Augustan times: Mommsen, *op. cit.* p. 30), that for 10,000 was (ↀ), and that for 100,000 ((ↀ)); but the ordinary sign for a million was ⊠, and any higher multiple of 100,000 was similarly enclosed with side and top lines. But the repetition of ↀ and the other signs above given being found cumbrous, it was usual, with intervening multiples of 1000, to write the coefficient with a stroke over it, or with *milia*, or merely M appended, *e.g.* $\overline{\text{XII}}$DC, or XII *milia* DC or XIIMDC. (Cf. Friedlein, *Zahlz.* pp. 28–31, where the forms attributed to Pliny are specially discussed; and Marquardt, *Röm. Alt.* iii. 2, p. 32, and v. 1, p. 98, notes 161 and 522.) Other forms are found, but it is to be remembered that MSS. are not safe guides to the usages of classical times. The form Ч for 6, for instance, is not uncommon in MSS., but is not attested by any coins or inscriptions older than the 6th century (Friedlein, p. 33).

The fractions generally used by the Romans were the divisions of the *as* and *uncia*. It should be remembered that the *as* was, for all purposes, the type of unity. Thus Balbus (*ad Celsum de Asse*, 1) says, "Quidquid unum est, assem ratiocinatores vocant" (cf. Marquardt, iii. 2, pp. 42–44), and the fractions of the *as* are applied to divisions of any kind of magnitude. Livy (v. 24, 5) has "terna jugera et septunces" and (vi. 16, 6) "bina jugera et semisses agri." Columella and the *gromatici* (ed. Lachmann, &c., Berlin, 1848) use the same terms for divisions of time or length. (Cf. Varro, *de R. R.* i. 10; Friedlein, pp. 34, 35; Roby, *Lat. Gram.* i. App. D, vi.–xiii.) The names of the divisions of the *as* from *deunx* to *uncia*, i.e. from $\frac{11}{12}$ to $\frac{1}{12}$, are set out below in the Appendix, Table XIII. Those of the *uncia* are given in Table XIV. It may be mentioned, however, in this place that *scrupulum* is also very often called *scrupulus* and *scriptulum*, and that the book *De Asse* of the 3rd century gives, besides *duella*, the unusual fractions *drachma* ($\frac{1}{8}$), *tremissis* ($\frac{1}{18}$), and the name *hemisecla* for *semisextula* or *dimidia sextula* (Friedlein, p. 41). Other fractions were, of course, expressible (e.g. *quattuor septimae*, sc. *partes*, &c.), and after the time of Constantine new terms appear as translations of Greek or adaptations of older Roman names (e.g. *superdimidius*, *supertertius*, &c., for ἡμιόλιος, ἐπίτριτος, &c.: Friedlein, pp. 41–43, 97, 98), but the divisions of the *as* and *uncia* given in the Appendices are the only fractions for which special signs are found. The signs from *uncia* to *quincunx* are merely arrangements of horizontal strokes or dots, as ., :, :·, ::, ::·. *Semis* is represented by S, and from this to *deunx* the signs are S, with those for *uncia*, &c., added to the right of it. Then *as* is an upright stroke I. The signs below *uncia* are usually *semuncia*, L or Є or V, *sicilicus* Ↄ, *sextula* \\, ∾ or 2, *dimidia sextula* Ξ or χ, *scriptulum* ꟻ or Ħ. (Cf. Bede, *De Ratione Assis*, Opera, Basileae, i. col. 182.) Much fuller tables are given in Friedlein, plates 13–15, and the forms applicable to divisions of the *denarius* are set out in Roby, *Lat. Gram.* i., App. D, viii. It is possible in this place only to mention the most common and interesting facts and to refer to the authorities who treat the subject in detail. The reader cannot expect here an adequate commentary on Frontinus or Victorius. (*Vide*, beside the references already given, Hankel, *Zur Gesch. der Math.* pp. 56–63; Cantor, *Vorles.* p. 445.)

II. CALCULATION.

It has been already remarked that finger-signs are of no practical assistance to calculation save as a mode of representing a sum, difference, product, &c., and so relieving the memory to some extent in the processes of mental arithmetic. The actual work of calculation was done with the *abacus* or with written signs. Addition and subtraction were always done with the former. So also were multiplications and divisions, where the multiplier or divisor was a low number, but as a general rule multiplication was done with written signs, and division by both methods together. The schemes of addition and subtraction set out by Nesselmann (p. 119) are without authority, and it is to be remarked that it was in multiplication only that the ancients approached at all nearly to the modern facility of using written signs (cf. Friedlein, pp. 26 and 74).

(a.) *Greek.*—Addition (σύνθεσις) and subtraction (ἀφαίρεσις) seem to have involved generally some mental arithmetic, for apparently on the ordinary *abaci* only one number of several digits could be represented at a time. The practice probably was to set out one of two numbers to be added, to add the other mentally and set out the sum (κεφάλαιον), removing or adding to the ψῆφοι previously arranged as the calculation progressed. (This perhaps is what Herodotus alludes to in ii. 36.) Some *abaci*, however, notably the Salaminian table (see Cantor, *Vorles.* i. pp. 111, 112), have two sets of columns at opposite ends of the board. It is supposed by Cantor that these columns were used by two different persons—a banker, for instance, and his customer; but it may also be suggested that the two sets are intended for the representation of two numbers in an addition or subtraction. Multiplication was sometimes effected by repeated additions (cf. Lucian, Ἑρμότιμος, 48); but the process, even where the multiplier is low, is very cumbersome when the multiplicand is high, and some sort of a multiplication table must early have been compiled. The fullest specimens of Greek arithmetic which we possess are a great number of multiplications set out by Eutocius of Ascalon in his notes to Archimedes (*Circ. Dimens.*, Torelli's ed., pp. 208

sqq.). One of these, which is rendered in modern figures by Nesselmann (p. 118), and with some improvements by Friedlein (p. 76), may be here given. It is the more interesting because it involves fractions. (The letter *k* is used here instead of the Greek sign for $\frac{1}{2}$.) The modern figures are given at the side.

$\overline{,\gamma\iota\gamma}\ k\ \delta'$	$3013\ \frac{1}{2}\ \frac{1}{4}$
$\overline{,\gamma\iota\gamma}\ k\ \delta'$	$3013\ \frac{1}{2}\ \frac{1}{4}$
$\overset{ϡ}{M}\ \overset{\gamma}{M},\theta\ \overline{,\alpha\phi}\ \overline{\psi\nu}.$	9000000, 39000, 1500, 750.
$\overset{\gamma}{M}\ \overline{\rho\lambda}\ \bar{\epsilon}\ \bar{\beta}k$	30000, 130, 5, $2\frac{1}{2}$.
$,\theta\ \overline{\lambda\theta}\ \bar{\alpha}k\ k\delta'$	9000, 39, $1\frac{1}{2}$, $\frac{1}{2}$, $\frac{1}{4}$.
$\overline{,\alpha\phi}\ \bar{ϛ}k\ \delta'\ \eta'$	1500, $6\frac{1}{2}$ $\frac{1}{4}$, $\frac{1}{8}$.
$\overline{\psi\nu}\ \gamma\delta'\ \eta'\ \iota ϛ'$	750, $3\frac{1}{4}$, $\frac{1}{8}$, $\frac{1}{16}$.
$\overset{ϡ\eta}{M}\ \overline{,\beta\chi\pi\theta}\ \iota ϛ'.$	$9082689\ \frac{1}{16}$.

(Cf. also Delambre, *Astr. Anc.* vol. ii. ch. 1.) The reader sees that the process begins by taking the highest multiple of 10 in the multiplier and multiplying therewith all the digits of the multiplicand, beginning on the left. The second digit of the multiplier is then taken, and so on. The treatment of the fractions should be observed. Two other very interesting examples, taken from Heron's *Geomctica* (ed. Hultsch, pp. 81 and 110), are also given by Friedlein (p. 77). In the first of these the process involves the multiplication of $\frac{63}{64}$ by $\frac{2}{64}$. The product is given in the form $\frac{126}{64}\cdot\frac{1}{64}$, reduced to $\frac{1}{64}+\frac{62}{64}\cdot\frac{1}{64}$, and is there left. (*καὶ ξγ′ ξδ″ξδ″ τῶν δύο ξδ″ξδ″ ρκϛ′ξδ″ξδ″ τῶν ξδ″ξδ″, γινόμενα καὶ ταῦτα ἑξηκοστοτέταρτον α′ καὶ ξβ′ξδ″ξδ″ τῶν ξδ″ξδ″.*)

The nearest approach to modern multiplication with Indian numerals is made by Apollonius, according to the extracts preserved by Pappus in his 2nd Book above mentioned. Apollonius recommends that with all multiples of 10 the co-efficients alone (*πυθμένες*) should be multiplied first, and the tens or powers of ten multiplied afterwards. But this method, as we have said, does not seem to have been accompanied by a new symbolism, and is strictly confined to multiples of 10, with no added units. It was accompanied by a new nomenclature, similar to that of Archimedes, according to which numbers from 1–9999 belonged to the first group (*μυριάδες ἁπλαῖ*), 10,000–9999,9999 to the second group (*μυριάδες διπλαῖ*), and so on, so that a certain simplicity of description was gained; *e.g.* 1,0001,0001 would be described as *α* of the third group + *α* of the second + *α* of the first (cf. Nesselm. p. 127, and Papp. ii. 27). But the invention seems, like that of Archimedes, to have been sportive chiefly, and is certainly illustrated only by the multiplication of the numbers symbolised by all the letters in the two lines—

> *Ἀρτέμιδος κλεῖτε κράτος ἔξοχον, ἐννέα κοῦραι*

and

> *Μῆνιν ἄειδε θεὰ Δημήτερος ἀγλαοκάρπου.*

Eutocius, however (*ad* Arch. *Circ. Dim.* loc. cit.), speaks of the *ὠκυτόκιον* of Apollonius (MSS. *ὠκυτόβοον*: the emendation was originally Halley's) as a great aid to multiplication. This was possibly a "ready reckoner," or table of calculated products. It is difficult to see how, as Cantor suggests (*Vorles.* pp. 298, 387), it can have been connected with the new classification of numbers described by Pappus (cf. Nesselmann, pp. 126–135).

No example of the division of whole numbers occurs with the working-out in any Greek author. It is obvious, however, from the expressions used and the mode in which remainders are stated, that the practice was to take a multiple of the divisor and subtract it from the dividend; then take another multiple of the divisor and subtract it from the first remainder, and so on until the last remainder was less than the divisor. The series of quotients was then added together, and the fractional remainder, if any, was separated into a series of "submultiples" or fractions with unity for numerator. Thus Heron (*Geom.* ed. Hultsch, p. 56), dividing 25 by 13, sets out the quotient as $1+\frac{1}{2}+\frac{1}{3}+\frac{1}{13}+\frac{1}{78}$. No name for "quotient" is found. The customary Greek expression for the result of a division was that the divisorth part of the dividend was so and so (Friedlein, p. 79). The theory of the extraction of square roots is exhibited geometrically by Theon in his commentary to the first book of the Almagest (ed. Halma, 1821: *vide* also Cantor, *Vorles.* p. 420; Nesselmann, pp. 108–110; Friedlein, p. 84). The practice, however, as has been said above under the article ARITHMETICA (*q.v.*), was probably rough and empirical. The theory of finding a G. C. M. or a L. C. M. is exhibited in Euclid, vii. 2, 3, and 36, 38. Compound divisions, in which the divisor and dividend contain degrees, minutes and seconds, are given by Theon in his commentary to Ptolemy before mentioned. (Nesselmann, pp. 142–144.) The following example is selected by Friedlein (p. 83):—1515° 20′ 15″ is to be divided by 25° 12′ 10″. The first quotient 60 is found by trial. Then $60\cdot25^\circ=1500^\circ$. $1515^\circ-1500^\circ=15^\circ=900'$: $900'+20'=920'$: $60\cdot12'=720'$: $920'-720'=200'$: $60\cdot10''=10'$. $200'\,15''-10'=190'\,15''$. The next quotient is 7′. Then $25^\circ\cdot7'=175'$, $190'-175'=15'=900''$: $900''+15''=915''$: $12'\cdot7'=84''$. $915''-84''=831''$: $10''\cdot7'=70'''=1''\,10'''$: $831''-1''\,10'''=829''\,50'''$. The last quotient 33″ is a little too high, but is adopted by Theon as near enough for his purpose. The mode of multiplication and subtraction need not be further exhibited. The final quotient is 60° 7′ 33″.

No method of extracting cube-roots is mentioned in any Greek writer, and such an operation would, in any case, belong more to *ἀριθμητική* than to *λογιστική*.

(b.) *Roman.*—Of the methods of calculation in use among the Romans even less is known than the little which is discoverable of Greek *logistic*. What is certain is that the Roman *abacus* was adapted to higher needs than the Greek, and that it was used in very complicated calculations (cf. Columella, *de Re Rust.* iii. p. 115; Friedlein, *Zahlz.* pp. 88–90, and plate 21 shows the use of the *abacus* above described for various purposes of elementary calculation). The *Calculus* of Victorius, written in the 5th century of our era, is a ready-reckoner of sums, differences, products, quotients, and reductions of extraordinary fulness (*v.* Friedlein, pp. 93 *sqq.*, and Appendix). The existence of such a book, which provides answers to questions of great simplicity as well as to the more difficult, seems to show that the Romans were not more adept at arithmetic than the Greeks. The passages of Roman writers which refer incidentally to calculations, deal almost entirely with fractions. We may guess from Horace (*A. P.* 327–330) how long a time was spent in schools in learning by heart the divisions of the as and the differences between them. We may gather from Pliny (*H. N.* vi. § 38) how inexact the treatment of fractions was, and yet how difficult were the problems attempted. This latter passage is very neatly explained by Friedlein (p. 90), whose note may be here given. Europe, says Pliny, is rather less than $1\frac{1}{2}$ of Asia and $2\frac{1}{6}$ of Africa. It follows that ("si misceantur omnes summae") Europe is rather more than $\frac{1}{3}+\frac{1}{8}$, Asia $\frac{1}{4}+\frac{1}{16}$ (reading *sexta decima* for *quarta decima*), Africa $\frac{1}{5}+\frac{1}{60}$ of the whole earth. If T be the earth, E Europe, As Asia, and Af Africa, then $T=E+As+Af$. $As=\frac{2}{3}E$. $Af=\frac{6}{13}E$: therefore $T=(1+\frac{2}{3}+\frac{6}{13})E=(\frac{5}{3}+\frac{6}{13})E=\frac{83}{39}E$. Therefore $E=\frac{39}{83}T=\frac{117}{249}=\frac{83}{83\cdot3}+\frac{34}{83\cdot3}=$ almost $\frac{1}{3}+\frac{1}{8}$, &c. It will be observed that the mode of treating the fractions is exactly similar to the Greek. The treatment of divisions of the *as* and other monetary fractions is, of course, far simpler, because here both numerators and denominators are strictly limited, and the terms themselves suggest by their definition the mode of calculating with them. Similarly any English boy, in dealing with pounds, shillings, and pence, soon perceives that the admissible fractions of a pound are limited to $\frac{19}{20}$ or $\frac{239}{240}$, of a shilling to $\frac{11}{12}$. The methods of arithmetic in use in the Roman empire from the time of Boethius to that of Planudes are exhaustively discussed by Friedlein in the work *Zahlzeichen, etc. der Griechen und Römer und des Christlichen Abendlandes vom 7. bis 13. Jahrhundert*, of which frequent use has been made in this article. But these methods cannot be said to belong to classical antiquity; and, if they did, they could not be conveniently summarised in this place. We have attempted here no more than to give such facts with regard to Greek and Roman arithmetic as are of importance to the interpretation of the authors most generally read, to the criticism of inscriptions, or to a due conception of ancient life and manners. [J. G.]

LOGO'GRAPHI (λογογράφοι) is a name applied by the Greeks to two distinct classes of persons.

1. To the earlier Greek historians previous to Herodotus, though Thucydides (i. 21) applies the name logographer to all historians previous to himself, and thus includes Herodotus among the number. The Ionians were the first of the Greeks who cultivated history; and the first logographer, who lived about Olymp. 60, was Cadmus, a native of Miletus, who wrote a history of the foundation of his native city. The characteristic feature of all the logographers previous to Herodotus is, that they seem to have aimed more at amusing their hearers or readers than at imparting accurate historical knowledge. They wrote in the unperiodic style called λέξις εἰρομένη. They described in prose the mythological subjects and traditions which had previously been treated of by the epic and especially by the cyclic poets. The omissions in the narratives of their predecessors were probably filled up by traditions derived from other quarters, in order to produce, at least in form, a connected history. In many cases they were mere collections of local and genealogical traditions. (Thirlwall, *Hist. of Greece*, ii. p. 127, &c.; Müller, *Hist. of Greek Lit.* i. p. 206, &c.; Wachsmuth, *Hellen. Alterth.* ii. 2, p. 443; Curtius, *Hist. of Greece*, translated by Ward, ii. p. 499.)

2. To persons who wrote judicial speeches or pleadings and sold them to those who were in want of them. These persons were called λογοποιοί as well as λογογράφοι. Antiphon, the orator, was the first who practised this art at Athens, towards the close of the Peloponnesian war (Plut. *Vit. Dec. Orat.* p. 832; Aristot. *Rhet.* i. 33). After this time the custom of making and selling speeches became very general; and though the persons who practised it were not very highly thought of and regarded as pedants (Demosth. *de Fals. Leg.* pp. 417, 420, where see Shilleto's note; Plat. *Phaedr.* p. 257 C; Anaxim. *Rhet.* xxxvi. 22 and 24; compare Plat. *Euthydem.* p. 272 A, 289 D, 305 A), yet we find that orators of great merit did not scruple to write speeches of various kinds for other persons. Thus Lysias wrote for others numerous λόγους εἰς δικαστήριά τε καὶ βουλὰς καὶ πρὸς ἐκκλησίας εὐθέτους, and besides πανηγυρικούς, ἐρωτικούς, and ἐπιστολικούς. (Dionys. Hal. *Lys.* i. 3; compare *Att. Proc.* p. 707 = 919 Lipsius; Jebb's *Attic Orators*, i. 3.) [L. S.]

LOIDO'RIAS DIKÊ (λοιδορίας δίκη). [KAKEGORIAS DIKÊ.]

LONCHÊ (λόγχη). [HASTA.]

LOPHOS (λόφος). [GALEA.]

LORA'RII. [FLAGRUM.]

LORI'CA (θώραξ), a cuirass. The epithet λινοθώρηξ applied to two light-armed warriors in the Iliad (ii. 529, 830), although it occurs in the comparatively late catalogue of the Ships, indicates the early use of the linen cuirass. But with the exception of the passages quoted, all allusions to the cuirass in Homer imply a defence of rigid metal; for it is certainly wrong to suppose that the στρεπτὸς χιτὼν of the Iliad (v. 113, xxi. 31) is a hauberk of twisted mail, or that χαλκοχίτων is more than a poetical epithet. The Homeric cuirass was usually of bronze (but cf. *Il.* xi. 19–28; xxiii. 561). As regards the parts of the body protected, it covered the γαστέρα μέσσην (*Il.* xiii. 371, 397, 506), but there is no proof that it reached lower than this. It consisted of the two γύαλα, viz. the breastplate (*pectorale*), which covered the breast and abdomen, and the corresponding plate which covered the back (Paus. x. 26, 2; *Il.* v. 99, xv. 530). In Homeric times the γύαλα cannot have been made to fit very closely to the body, for a warrior might have his cuirass pierced and yet escape unwounded (*Il.* iii. 360; vii. 254). The Homeric body-armour consisted of the θώραξ, ζωστήρ, ζῶμα, and μίτρη. There is some uncertainty as to the respective functions of these different pieces. It seems probable that the annexed woodcut of a bronze statuette of a Greek warrior found at Dodona (*Arch. Zeit.* 1882, pl. 1) shows the form of the thorax. It is clear that at the point of junction the ζωστὴρ was upon the thorax, and the thorax upon the μίτρη (*Il.* iv. 132, 185). Probably the ζωστὴρ was a girdle round the lower part of the thorax, helping to keep the two γύαλα together, and itself kept in position by the projecting rim at the bottom of the thorax, which was the ζῶμα. It is plain from a comparison of *Il.* iv. 136 and 187 that the ζῶμα was a part of the thorax. The μίτρη was perhaps a metal band, protecting the lower part of the abdomen, its upper edges lying beneath the projecting rim of the thorax. Such bands have been found in very early tombs in Euboea and Italy (Helbig, *Das Homerische Epos aus dem Denkmälern erläutert*, p. 199, fig. 67). Specimens are in the British Museum. (On the whole question of Homeric body-armour, see Helbig, *loc. cit.* p. 197; W. Leaf, *Journ. of Hellen. Studies*, iv. p. 73; and Leaf's *Homer*, *Il.* iv. 137). A remarkable fragment of a thorax, apparently of the early form, has incised designs of an archaic character, with human figures, animals, and conventional patterns (*Bull. de Correspondance hellénique*, vii. pll. i.-iii.).

Ancient Lorica as worn by a Greek warrior. (From bronze statuette found at Dodona.)

In historical times the rigid thorax (θώραξ στάδιος or στατός, so called because, when placed upon the ground on its lower edge, it stood erect) was developed as follows. The projecting rim at the bottom of the thorax disappeared. The lower part was prolonged in the middle to protect the abdomen. (For an early example of such a prolongation, see Froehner, *Choix de Vases Grecs*, pl. iii. See also below the woodcut of a Roman emperor.) Round the lower edges of the thorax a series of flaps was attached, consisting of leather or felt covered with metal, and serving to protect the hips and groin, while not interfering with the wearer's freedom of movement. They are well shown in the following woodcut of a figure of a young warrior from one of Mr. Hope's fictile vases (*Costumes of the Ancients*, i. 102).

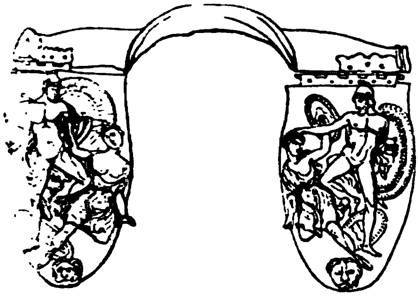
Instead of the straps here described, which the Greeks called πτέρυγες (Xen. *de Re Equest.* xii. 4), the Chalybes, who were encountered by Xenophon on his retreat (*Anab.* iv. 7, § 15), had in the same situation a kind of cordage.

Lorica as worn by a Greek warrior. (From a vase.)

Appendages of a similar kind were sometimes fastened by hinges to the lorica at the right shoulder, for the purpose of protecting the part of the body which was exposed by lifting up the arm in throwing the spear or using the sword. (Xen. *de Re Equest.* xii. 6.) Other straps were sometimes attached round the holes for the arms, thus serving as short sleeves (cf. *Alt. von Pergamon*, ii., Atlas, pl. xlvii. fig. 2).

The γύαλα were modelled so as to fit accurately to the form of the body, as may be seen in the representations of them in the woodcuts at Vol. I. pp. 189, 284. It appears (Xen. *Memorabilia*, iii. 10) that great pains were taken to secure that the thorax should fit the individual wearer. The two plates were united on the right side of the body by two hinges, as seen in the equestrian statue of the younger Balbus at Naples, and in various portions of bronze cuirasses still in existence. On the other side, and sometimes on both sides, they were fastened by means of buckles (περόναι, Paus. *l. c.*). [FIBULA.] In Roman statues we often observe a band surrounding the waist and tied before. The breast-plate and the back-plate were further connected together by leathern straps passing over the shoulders, and fastened in front by means of buttons or of ribands tied in a bow. In the above woodcut both of the connecting ribands are tied to a ring over the navel. The breast-plate of Caligula (see woodcut below) has a ring over each breast, designed to fulfil the same purpose.

Bands of metal often supplied the place of the leathern straps, or else covered them so as to become very ornamental, being terminated by a lion's head, or some other suitable figure ap-bearing on each side of the breast. The most beautiful specimens of enriched bronze shoulder-bands now in existence are those which are reported to have been found A.D. 1820, near the river Siris in S. Italy, and which are preserved in the British Museum. They were originally gilt, and represent in very salient relief two Greek heroes combating two Amazons. They are seven inches in length, and belong to the description of bronzes called ἔργα σφυρήλατα, having been beaten into form with wonderful skill by the hammer. Bröndsted (*Bronzes of Siris*, London, 1836) has illustrated the purpose which they served, by showing them in connexion with a portion of another lorica, which lay upon the shoulders behind the neck. This fragment was found in Greece. Its hinges are sufficiently preserved to show most distinctly the manner in which the shoulder-bands were fastened to them (see woodcut).



Lorica. (British Museum.)

The form and appearance of the thorax as worn by Roman generals and emperors is shown in the annexed woodcut, which is taken from a marble statue of Caligula found at Gabii (Visconti, *Mon. Gab.* No. 38). The gorgon's head over the breast, and the two griffins underneath it, illustrate the style of ornament which was common in the same circumstances (Mart. vii. 1, 1–4. A classified table of the designs that occur on imperial cuirasses is given by Wroth, *Journal of Hellen. Studies*, vii. p. 126). [AEGIS.] The execution of these ornaments in relief was more especially the work of the Corinthians (Cic. *Verr.* iv. 44, 132).

Lorica as worn by a Roman emperor. (Statue of Caligula found at Gabii.)

Of Grecian cuirasses the Attic were accounted the best and most beautiful (Aelian, *V. H.* iii. 24). The cuirass was worn by the heavy-armed infantry and by the horsemen, except that Alexander the Great is reported to have given to the less brave of his soldiers breast-plates only, in order that the defenceless state of their backs might diminish their propensity to flight (Polyaen. iv. 3, 13). These were called half-cuirasses (ἡμιθωράκια).

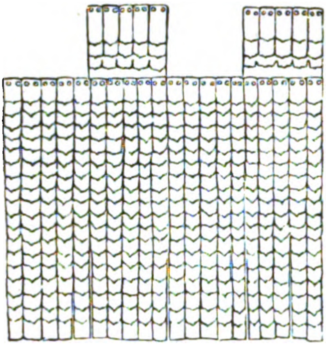
The rigid cuirasses which have now been described were sometimes found to be very oppressive and cumbersome (cf. Tac. *Ann.* i. 64), and various forms of flexible cuirasses were devised, which could adapt themselves better to the movements of the body.

In Homer (*vide supra*) the only indication of a flexible cuirass is contained in the epithet λινοθώρηξ applied to two light-armed warriors, the Locrian Ajax and the Mysian Amphios.

In later times the linen cuirass continued to be worn, principally amongst the Oriental nations, especially the Persians (Xen. *Cyrop.* vi. 4, § 2; Plut. *Alex.* p. 1254, ed. Steph.), the Egyptians (Herod. ii. 182, iii. 47,—description of the famous linen cuirasses of Amasis), the Phoenicians (Paus. vi. 19, § 4), and the Chalybes (Xen. *Anab.* iv. 7, § 15). One of the inventories of the Parthenon contains the (conjecturally restored) entry of thirteen θώρακες λινοῖ καὶ φολιδωτοί (*C. I. A.* ii. 731, l. 25). Iphicrates endeavoured to restore the use of it among the Greeks (Nepos, *Iphicr.* i. 4), and it was occasionally adopted by the Romans, though considered a much less effectual defence than a cuirass of metal (Sueton. *Galba*, 19; Arrian, *Tact.* p. 14, ed. Blancardi).

A much stronger material for cuirasses was horn, which was applied to this use more especially by the Sarmatae and Quadi, being cut into small pieces, which were planed and polished and fastened, like feathers, upon linen shirts (Amm. Marcell. xvii. 12, ed. Wagner). Hoofs were employed for the same purpose. Pausanias (i. 21, § 8) having made mention of a thorax preserved in the temple of Aesculapius at Athens, gives the following account of the Sarmatians: Having vast herds of horses, which they sometimes kill for food or for sacrifice, they collect their hoofs, cleanse and divide them, and shape them like the scales (φολίδες) of a serpent, or the petals of a fir-cone. They then bore holes in the scales and sew them together, so as to produce a cuirass, inferior neither in elegance nor in strength to those of Greek workmanship. This author adds that the loricae made of these horny scales are superior to linen cuirasses, which are useful to hunters, as a protection against the bites of wild beasts, but are not adapted for fighting. The woodcut on page 80, taken from Meyrick's *Critical Inquiry into Ancient Armour* (plate iii.), exhibits an Asiatic cuirass exactly corresponding to this description. It consists of slices of some animal's hoof, which are stitched together, overlapping each other in perpendicular rows, without being fastened to any under-garment. The projection nearest the middle must be supposed to have been worn over the breast, and the other over the back, so as to leave two vacant spaces for the arms.

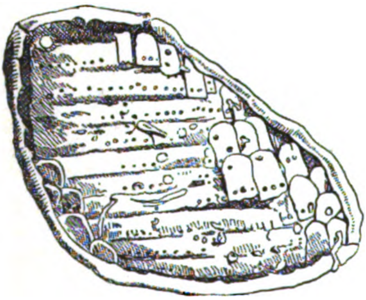
This invention no doubt preceded the metallic scale armour. The Rhoxalani, a tribe allied to the Sarmatians, defended themselves by wearing



Lorica of horn. (Meyrick.)

a dress consisting of thin plates of iron and hard leather (Tac. *Hist.* i. 79). The Persians wore a tunic of the same description, the scales being sometimes of gold (Herod. vii. 61; *θώρηκα χρύσεον λεπιδωτόν*, ix. 22); but they were commonly of bronze (*thoraca indutus aënis squamis*, Verg. *Aen.* xi. 487). The basis of the cuirass was sometimes a skin, or a piece of strong linen to which the metallic scales, or "feathers," as they are also called, were sewed (Verg. *Aen.* xi. 770; Serv. *in loc.*; Justin, xli. 2, 10).

The New Museum at Oxford contains a remarkable specimen from Kertch of a piece of a *θώραξ λεπιδωτός*: the scales of bronze are fastened by leather thongs to a lining of hide. (See woodcut from *Journ. of Hellen. Studies*, pl. xvii. fig. 3.)



θώραξ λεπιδωτός. (From Kertch.)

An armed horseman, on the frieze of the west side of the Parthenon, wears an interesting combination of a *θώραξ στάδιος* and *λεπιδωτός*. On the breast and on the back are metal plates (handsomely ornamented), which are joined together at the sides by scale armour.

The epithet *λεπιδωτός*, as applied to a thorax, is opposed to the epithet *φολιδωτός* (Arrian, *Tact.* p. 13, 14). The former denotes a similitude to the scales of fish (*λεπίδες*), the latter to the scales of serpents (*φολίδες*). The resemblance to the scales of serpents, which are long and narrow, is exhibited on the shoulders of the Roman soldier in the woodcut at Vol. I. p. 190. These scales were imitated by long flexible bands of metal, made to fold one over another according to the contraction of the body. There is a specimen in the New Museum at Oxford o this armour in bronze, from Kertch. The band

θώραξ στάδιος and λεπιδωτός, combined. (From the Parthenon.)

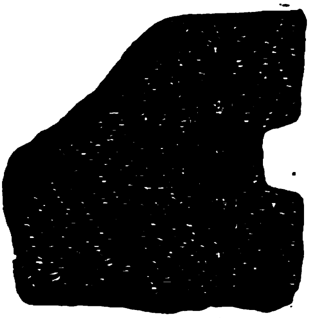
are riveted together by bronze wire, and fastened upon a lining of tough hide, which is still in a wonderfully good state of preservation. (*Journ. of Hellen. Studies*, pl. xlvi. fig. 1: cf. *Compte-rendu de la Comm. Imp. Arch.* 1876, pl. ii. figs. 11, 12, 20.) They appear very frequently on the Roman monuments of the times of the emperors, and the following woodcut places in immediate contrast a *θώραξ λεπιδωτὸς* on the right and *φολιδωτὸς* on the left, both taken from Bartoli's *Arcus Triumphales*.

θώραξ φολιδωτός. θώραξ λεπιδωτός.
(Bartoli, *Arcus Triumphales.*)

A lighter and more inexpensive thorax of leather without metal additions was introduced at an early period (cf. *e.g.* the archers on the pediments of the temple at Aegina), and was known as the *σπολάς* (Poll. vii. 70).

The hauberk or habergeon of chain-mail (*ἁλυσιδωτοὺς θώρακας*, Polyb. vi. 21; Athen. v. 22; Arrian, *l. c.*), which was worn by the Roman hastati, was also a characteristic weapon of the Gauls (Varro, *L. L.* v. 116; Poseidonius *ap.* Diod. v. 30). Examples occur on the reliefs of Gaulish trophies from the temple of Athena Polias at Pergamon (*Alt. von Pergamon*, ii.

Atlas, pl. xliv. fig. 1, pl. xlvi. fig. 2, pl. xlix. fig. 4 = woodcut). The cuirass of chain-mail



Lorica of chain-mail. (Temple of Athena Polias at Pergamon.)

appears to have been nearly the same shape as that of horn, engraved above. The two sides are joined, and the projecting pieces are brought over each shoulder, and are fastened by the bar upon the breast. The whole is made of thick wire twisted in an elaborate pattern. Virgil several times mentions hauberks in which the rings, linked or hooked into one another, were of gold ("loricam consertam hamis, auroque trilicem," Verg. *Aen.* iii. 467; v. 259; vii. 639). According to Val. Flaccus (*Argon.* vi. 232), the Sarmatae covered both themselves and their horses with chain-mail. [J. Y.] [A. H. S.]

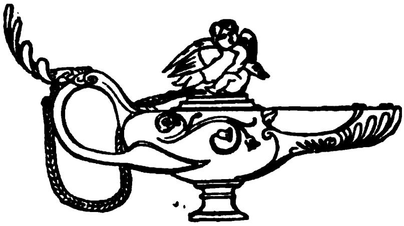
LORI'CA, LORICA'TIO, in architecture. [Murus; Tectorium Opus.]

LOUTRON (*λουτρόν*). [Balneae.]

LUCAR was the money paid from the state treasury to those who presided over the ludi scenici, as the state contribution towards the expenses (τὸ *τελούμενον εἰς θέας*, Plut. *Q. R.* 88). It seems originally to have been the money derived from *luci*, or sacred groves (Fest. s. vv. *lucar* and *pecunia*; Plut. *l. c.*); but, being paid into the public treasury and devoted to the expenses of the ludi, it bears regularly this acquired meaning of money devoted to payment of actors especially and other expenses of the games. In Tac. *Ann.* i. 77, it is stated that decrees were made under Tiberius to remove certain abuses relating to theatrical shows, and among them to limit the payments from the treasury ("de modo lucaris"); with which corresponds Suet. *Tib.* 34, "Ludorum ac munerum impensas arripuit mercedibus scenicorum recisis." The holder of the games (*e.g.* the praetor, Plut. *Brut.* 21; Juv. vi. 379) paid the *mercedes* to actors and the other expenses which were incurred; but towards this he received the *lucar* from the state. As a mark of liberality he might forego this aid. Thus in the inscription Orell. 3882 a certain Marius Lupercianus "in ludos cum accepisset publice lucari misso de suo erogationem fecit." According to a regulation of Servius Tullius at each death (partly with the object of securing a register of deaths), a piece of money had to be presented to the goddess Libitina (Dionys. iv. [illegible]) This money was called *lucar Libitinae* (Orell. 3349). Hence in Horace, *Sat.* ii. 5, 19, autumn is called "Libitinae quaestus:" so in Suet. *Ner.* 39, "pestilentia unius autumni quo triginta funerum millia *in rationem Libitinae* venerunt." (Preller, *Röm. Myth.* 387; Marquardt, *Staatsverw.* iii. 488; Mommsen, *Staatsrecht*, ii. 61.) [Ludi, p. 87.] [G. E. M.]

LU'CERES. [Patricii.]

LUCERNA (*λύχνος*), an oil lamp. The Greeks and Romans originally used candles; but in later times candles were chiefly confined to the houses of the lower classes. [Candela.] A great number of ancient lamps has come down to us; the greater part of which are made of terra-cotta (*τροχήλατοι*, Aristoph. *Eccl.* 1), but also a considerable number of bronze. Most of the lamps are of an oval form, and flat upon the top, on which there are frequently figures in relief. (See the woodcuts, Vol. I. pp. 211, 619.) In the lamps there are one or more round holes according to the number of wicks (*ellychnia*) burnt in it; and as these holes were called from an obvious analogy, *μυκτῆρες* or *μύξαι*, literally nostrils or nozzles, the lamp was also called *Monomyxos*, *Dimyxos* or *bilychnis*, *Trimyxos*, or *Polymyxos*, according as it contained one, two, three, or a greater number of nozzles or holes for the wicks; and there is besides the central hole for pouring in the oil, usually covered with a lid. The following example of a *dimyxos lucerna*, upon which there is a winged boy with a goose, is taken from the *Museo Borbonico*, vol. iv. pl. 14.



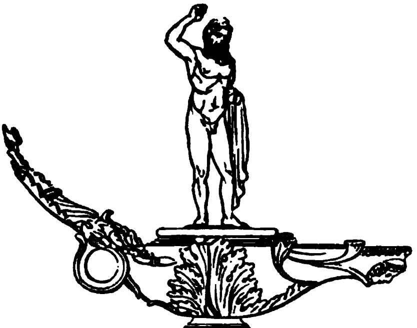
Lucerna. (*Mus. Borb.* iv. pl. 14.)

For the polymyxos cf. Mart. xiv. 41:

> "Illustrem cum tota meis convivia flammis,
> Totque geram myxas, una lucerna vocor;"

and see the woodcut Vol. I. p. 331.

The next woodcut, taken from the same work (vol. i. pl. 10), represents one of the most beautiful bronze lamps which has yet been found. Upon it is the figure of a standing Silenus.



Lucerna. (*Mus. Borb.* i. pl. 10.)

The lamps sometimes hung in chains from the ceiling of the room (Verg. *Aen.* i. 726; Petron. 30; Stat. *Theb.* i. 521), but generally stood upon

Lucerna. (*Mus. Borb.* vii. pl. 15.)

a stand. [CANDELABRUM.] Sometimes a figure holds the lamp, as in the annexed woodcut (*Museo Borbon.* vol. vii. pl. 15), which also exhibits the needle or instrument which served to trim the wick, and is attached to the figure by means of a chain. (Comp. Verg. *Moret.* 11, "Et producit *acu* stupas humore carentes.")

We read of *lucernae cubiculares, balneares, tricliniares, sepulcrales,* &c.; but these names were only given to the lamps on account of the purposes to which they were applied, and not on account of a difference in shape. The *lucernae cubiculares* were burnt in bedchambers all night. (Mart. xiv. 39, x. 38.)

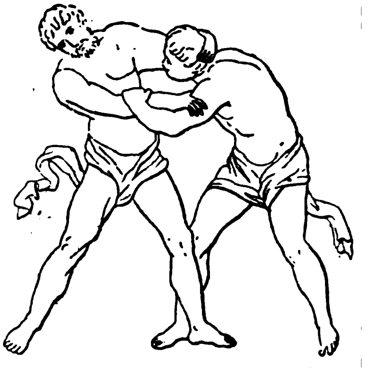
Perfumed oil was sometimes burnt in the lamps (Petron. 70; Mart. x. 38, 9). The sepulchral lamps were not merely placed and left, but were lighted as a pious duty. So in the following condition of freedom: "Saccus servus meus et Eutychia ancilla mea sub hac conditione liberi sunto, ut monumento meo alternis mensibus lucernam accendant et solemnia mortis peragant" (Dig. 40, 4, 44).

(Passeri, *Lucernae fictiles;* Birch, *Ancient Pottery,* ii. 277; Marquardt, *Privatleben,* 645; Becker-Göll, *Charikles,* iii. 86; *Gallus,* ii. 390.)

[W. S.] [G. E. M.]

LUCTA, LUCTATIO (πάλη, πάλαισμα, παλαισμοσύνη, or καββαλική), wrestling. The word πάλη is sometimes used in a wider sense, embracing all gymnastic exercises with the exception of dancing, whence the schools of the athletae were called *palaestrae;* that is, schools in which the πάλη in its widest sense was taught (Plat. *Legg.* vii. p. 795). [PALAESTRA.] There are also many passages in ancient writers in which πάλη and παλαίειν are used to designate any particular species of athletic games besides wrestling, or a combination of several games. (See Krause, *Gymnastik und Agonistik,* p. 400, note 2.)

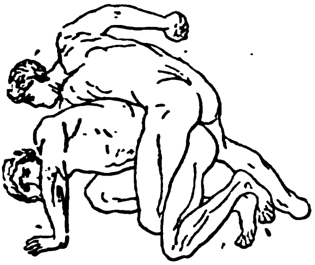
The Greeks ascribed the invention of wrestling to mythical personages, such as Palaestra, the daughter of Hermes (Apollod. ii. 4, § 9), Antaeus and Cercyon (Plat. *Legg.* vii. p. 796), Phorbas of Athens, or Theseus (Schol. *ad* Pind. *Nem.* v. 49). Hermes, the god of all gymnastic exercises, also presided over the πάλη. Theseus is said by Pausanias (i. 39, § 3) to have been the first who reduced the game of wrestling to certain rules, and to have thus raised it to the rank of an art; whereas before his time it was a rude fight, in which bodily size and strength alone decided the victory. The most celebrated wrestler in the heroic age was Heracles. In the Homeric age wrestling was much practised, and a description of a wrestling match is given in the Iliad (xxiii. 710, &c.; compare *Od.* viii. 103, 126, 246). During this period wrestlers contended naked, with the exception of the loins, which we covered with the περίζωμα (Paus. i. 44, 1) ζῶμα (*Il.* xxiii. 683), and this custom remain throughout Greece until Ol. 15 (= 720 B.C from which time the perizoma was no long used, and wrestlers fought entirely nake (Thucyd. i. 6, with the Schol. and Boeckh's no to *C. I. G.* i. p. 554, who shows that from t time of Orsippus (Paus. *l. c.*), i.e. 720 B.C. 632, runners put off the περίζωμα, but that was only a short time before the age of Thuc dides that those who contended in other depar ments of athletics put it off.) In the Homer age the custom of anointing the body for t purpose of wrestling does not appear to ha been known, but in the time of Solon it w quite general, and was said to have been adopt by the Cretans and Lacedaemonians at a ve early period (Thucyd. *l. c.*; Plat. *de Re Publ.* p. 452). At the festival of the Sthenia in Arg the πάλη was accompanied by flute-musi [STHENIA.]



Wrestlers with περίζωμα. (Krause.)

The contest in wrestling was divided by t ancients into two parts, viz. the πάλη ὀρθὴ ὀρθία (ὀρθοστάδην παλαίειν); that is, the fig of the athletae as long as they stood uprigh and the ἀλίνδησις or κύλισις (*lucta volutori* in which the athletae struggled with each oth while lying on the ground. Unless they co trived to rise again, the ἀλίνδησις was the la stage of the contest, which continued until o of them acknowledged himself to be conquer (ἀπαγορεύειν, ἀπειπεῖν). The πάλη ὀρθὴ appea to have been the only one which was fought the times of Homer, as well as afterwards in t great national games of the Greeks; and as so as one athlete fell, the other allowed him to ri and continue the contest if he still felt incline (Senec. *Ep.* 13, 2; Lucian, *Lexiph.* 5). But the same athlete fell thrice, the victory w decided, and he was not allowed to go (Senec. *de Benef.* v. 3; Aeschyl. *Eum.* 58 *Anthol. Gr.* vol. ii. p. 406, ed. Jacobs). As t winner of three falls, the victor was calle τριακτήρ (Aesch. *Ag.* 171); similarly one wh is not conquerable is ἀτρίακτος (*Choeph.* 338 The ἀλίνδησις was only fought in later times the smaller games, and especially in the pa cratium. The place where the wrestlers con tended was generally soft ground, and covere with sand (Xen. *Anab.* iv. 8, § 26; Lucia *Anach.* 2). Each of the various tribes of th

Greeks seem to have shown its peculiar and national character in the game of wrestling in some particular trick or stratagem, by which it excelled the others.

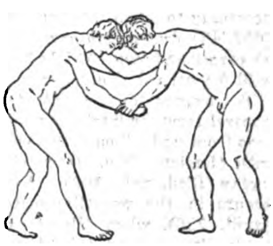


Wrestlers—ἀλίνδησις. (Krause.)

There were certain rules for wrestling (Plat. *Legg.* viii. 833 E; cf. Lucian, *Demon.* 49), *e.g.* that striking was not allowed, though pushing was quite fair (Plut. *Symposiac.* ii. 5; Lucian, *Anach.* 24; yet cf. *Ocyp.* 86). But within these laws all kinds of feints and tricks were practised; hence wrestling is called by Plutarch (*op. cit.* ii. 4) *τεχνικώτατον καὶ πανουργότατον τῶν ἀθλημάτων* (cf. Xen. *Cyr.* i. 6, 32). Well-trained wrestlers were not satisfied with merely effecting the defeat of their adversary, but always strove to display grace and elegance in their performances (Cic. *Orat.* 68, 228). Prior to the contest each combatant used to anoint the other, and rub him over with fine dust or sand (Ov. *Met.* ix. 35; Lucian, *Anach.* 1). The oil was useful to make the wrestlers more flexible and agile (*εὐτονώτερα*, *ib.* 24), and the dust to allow the adversary to get a grip, besides being advantageous to the wrestler himself in that it prevented him from perspiring too diffusely and from catching cold, as one is likely to do if exposed to the wind with one's pores open, and also in that it enabled the dirt to be more easily scraped off after the contest was over (*ib.* 29). There are a great many technical terms applied to different kinds of wrestling (Poll. iii. 155), which are set forth by Krause (*Gymnastik und Agonistik der Hellenen*, i. 400–430, also in his art. *Gymnastica*, § viii. in Pauly's *Realencyclopädie*, iii. 1006–1009) and Grasberger (*Erziehung und Unterricht*, i. 331–373), such as—

1. ἀκροχειρισμός. This consisted in one of the wrestlers, if he had very powerful hands, seizing the fingers of the other, and sometimes breaking them, thus compelling his adversary to give up (Artemid. *Oneir.* i. 60; cf. Aristot. *Eth. N.* iii. 1, 17). One athlete, Sostratus of Sicyon, from his success in this, was called ἀκροχειριστής (Paus. vi. 4, 1). This feature, however, as well as breaking the toes (Paus. viii. 40, 2), belongs mostly to the Pancratium [PANCRATIUM].

2. *δράσσειν* or *δράσσεσθαι*—a word for grasping, getting the "grip" (*λαβή*, *ἅμμα*). The primary method appears to have been this:—The wrestlers used to approach one another with upraised and extended arms, and take up a firm position of attack with the right leg advanced and the upper part of the body drawn somewhat back. Then each advanced his left leg till they were close together (*cum pede pes junctus*, Ov. *Met.* ix. 45, a position called by Plutarch, *l. c.*, *σύστασις* or *παράθεσις*), arched his neck and shoulders, contracted (*σφηκώσας*) his body as much as possible, and thus standing each tried to get his grip (Heliod. *Aeth.* x. 31; Ov. *Met.* ix. 33 ff.; Stat. *Theb.* vi. 850 ff. See also cut in Guhl and Koner, p. 267). The efforts to get the grip are vividly described by Statius in his account of the wrestling match between Agylleus and Tydeus (*ib.* 860): "Et jam alterna manus frontemque humerosque latusque Collaque pectoraque et vitantia crura lacessit Interdumque diu pendent per mutua fulti Bracchia," &c. In making these efforts to grasp one another, as each kept his body back as much as possible while he bent forward his head, the wrestlers often necessarily knocked their heads together (*συναράττειν τὰ μέτωπα*, Lucian, *Anach.* 1; "et frontem fronte premebam," Ov. *Met.* ix. 45). Cf. illustration No. 1589 in Baumeister's *Denkmäler*: but such "butting" was only incidental, and not, as Guhl and Koner say, a regular feature of the wrestling. Frequently both wrestlers took "body-grips" (*διαλαμβάνειν*), as in the wrestling-match in the *Iliad*, xxiii. 711. In that case, if one fell, the other did too, he who was uppermost being considered the victor in that fall. This is the meaning of *πίπτει δ' ἀσφαλὲς οὐδ' ἐπὶ νώτῳ* in Aesch. *Suppl.* 90. We have several illustrations of wrestlers grasping just above the waist, so as, either by extreme pressure or by dragging his adversary about, to force him to surrender (Krause in Pauly, p. 1006); or sometimes an arm and a shoulder are grasped.



Wrestlers getting the "grip" (δράσσοντες). (Krause.)

3. *ἄγχειν*, *ἀποπνίγειν*, choking. This was done either by throwing both arms round the neck, generally from behind (Theocr. xxv. 268; Philostr. *Imag.* i. 6, p. 384, Kayser) or by a very tight pressure in the middle of the body, as Hercules strangled Antaeus (*ἀράμενος τὸν Ἀνταῖον μετέωρον ἅμμασιν Ἡρακλῆς κλάσας ἀπέκτεινε*, Schol. to Plat. *Legg.* 796 A; Stat. *Theb.* vi. 897), or by the elbow pressed up under the chin (Lucian, *Anach.* 1), a method of strangling which is perhaps meant by *ἀγκωνίζειν*.

Wrestler—ἄγχων. (Hercules and Antaeus.) (Krause.)

4. *λυγίζειν* is a general term for the bending and twisting which is seen in all wrestling: cf. Hesiod, *Scut.* 302, *μάχεσθαι ἑλκηδόν*, which refers to wrestling.

5. *ἀγκυρίζειν* was some trick of "hooking" (*ἄγκυρα*, "a hook") the leg round the leg of the adversary. It differs according to Hermann

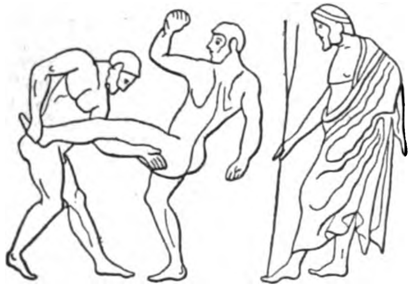
(*ap.* Grasberger, *op. cit.* i. 355) from ὑποσκελίζειν in this respect, that in the latter the tripping foot is not taken off the ground, while in ἀγκυρίζειν it is. But more probably ὑποσκελίζειν is a generic term.

6. ἐμβάλλειν, παρεμβάλλειν (Plut. *Symposiac.* ii. 4; Lucian, *Ocyp.* 60) was probably making a charge in front or on the side of the opponent: for we know that pushing was allowed. Cf. ῥάσσειν. ἀράσσειν.

7. παρακρούειν, to make a feint of grasping: cf. Stat. *Theb.* vi. 876, "fictumque in colla minatus Crura subit." The word is derived, according to *Etym. Magnum*, s. v. παρακρούεται (652, 48), ἀπατᾷ, ἀπὸ μεταφορᾶς τῶν παλαιστῶν οὐ καταβαλλόντων ἀλλ' ἐν ὥρᾳ παρακρουόντων ἢ ποδὶ ἢ χειρὶ καὶ οὐ ῥιπτόντων.

8. ὑποσκελίζειν, *supplantare.* This is a general term for "tripping up" or "taking the legs from under" one's opponent: cf. ὑφελὼν τὼ πόδε (Lucian, *Dial. Deor.* vii. 3), ὑπέσυρε τὰ σκέλη (Diod. xvii. 100). A special form of this occurs in the wrestling-match in the *Iliad* (xxiii. 726), when Ulysses strikes Ajax, probably with his heel, behind at the hollow of the knee (κώληψ). This appears to have been also called πτερνίζειν (cf. LXX. Gen. xxvii. 36). Another form consisted perhaps in pressing the right leg of the opponent inwards ἐν δὲ γόνυ γνάμψεν (Hom. *Il.* xxiii. 731). This the Scholiast calls παρακαταγωγή.

9. ἀνατρέπειν, the general word for "upsetting," which was the result of ὑποσκελίζειν (cf. Plat. *Euthyd.* 278 B). Plutarch (*l. c.* 5) speaks of περιτροπαί. The methods were various, *e.g.* grasping the opponent's leg and suddenly pulling it, lifting him clean off the ground (Lucian, *Anach.* 24).


Wrestlers—ἀνατρέπων. (Krause.)

10. στρέφειν. This consisted in one wrestler turning his adversary right round by suddenly springing on him. After the turn was effected, he generally leaped on his adversary's back (Ov. *Met.* ix. 52 ff.), twisting his legs tightly round his thighs (Hesych. *s. v.* πλίγμα); or grasped his adversary's sides low down round the stomach, raising him off the earth and crushing him with a violent pressure at the same time; or drove his elbow up under his chin to choke him (Lucian, *Anach.* 31). In Statius (*l.c.* 898), when Tydeus gets his adversary well raised up off the ground, he turned him obliquely (as in the cut under PANCRATIUM), let him fall, and falling along with him had an ἀλίνδησις on the ground (cf. Lucian, *Anach.* 1). The Argives were celebrated for this kind of sudden twist in order to get on the opponent's back, and were called by Theocritus (xxiv. 109) ἑδροστρόφοι = "cro buttock men." Cf. τὴν ἕδραν στρέφειν, Theop *Char.* x. (xxvii.).

11. κλιμακίζειν appears to mean that, after s denly turning his opponent round, the wrest clambered up his back, as it were up a ladd This is Hermann's not very satisfactory expla tion of ἀμφίπλεκτοι κλίμακες in Soph. *Trach.* 5 Krause (in Pauly, 996) says it is a rapid mo ment of the thigh, whereby the adversary thrown down. But this is far from definite, does not explain the origin of the term. Schol. explains it as ἐπαναβάσεις, παρὰ ἄνω καὶ κάτω αὐτοὺς στρέφεσθαι ἐν τῇ μάχῃ. this "being turned upside down" means be rolled over and over, the κλῖμαξ will be a spe of ἀλίνδησις. For further conjectures, see Gr berger, *op. cit.* i. 367–369.

12. διαλαμβάνειν, to seize round the mid (Aristoph. *Eq.* 262; Plut. *Ant.* 33); διαλ βάνων τοὺς νεανίσκους ἐτραχήλισεν (cf. Gr berger, *op. cit.* iii. 465).

13. τραχηλίζειν, to bend the neck ba Theophr. *Char.* x. (xxvii.): hence in the pass metaphorically used for "to be conquere Plut. *de Curios.* 521, 6.

In a diaetetic point of view the ἀλίνδησις w considered beneficial to the interior parts of t body, the loins, and the lower parts in gener but injurious to the head; whereas the ὀρθὴ was believed to act beneficially upon t upper parts of the body. It was owing to th salutary effects that wrestling was practised all the gymnasia as well as in the palaestr and that in Ol. 37 (= 632 B.C.) wrestling for bo was introduced at the Olympic games, and so after in the other great games, and at Athe in the Eleusinia and Thesea also. (Paus. v. § 9; Pind. *Ol.* viii. 68; Gell. xv. 20; Pl *Symposiac.* ii. 5.) The most renowned of all t Greek wrestlers in the historical age was M of Croton, whose name was known througho the ancient world (Herod. iii. 137; Strab. p. 263, &c.; Diod. xii. 9). Other distinguish wrestlers are enumerated by Krause (*Gymn.* 434 ff.). (To the works of Krause and Gr berger referred to, add Hermann-Blüm *Griech. Privatalterthümer,*[3] pp. 344, 345, a Iwan Müller's *Handbuch*, vol. iv. *Die Grie Privatalterthümer*, § 97, p. 451 c, where a copio bibliography is to be found.) [L. S.] [L. C. P.

LUDI is a general term comprising t various spectacles and contests of the circ and amphitheatre (*ludi circenses*), and those the theatre (*ludi scenici*) and stadium.

1. *Kinds of games.*—In their *legal aspect* w may divide the games into public and priva (*a*) *Public.* Originally the games were r ligious ceremonies, the two oldest being t Equirria [EQUIRRIA] and Consualia [CONSUALIA held in honour of Mars and Consus. B games were frequently vowed (*ludi votivi*) o the eve of or during times of war (for a lo list see Friedländer, *ap.* Marquardt, *Staat* iii. 476, note 7), especially to Jupiter (hen called *ludi magni, maximi*: Festus, s. v. *Magn Ludos*), which gradually came by custom to solemnised every year, and afterwards esta lished by law as annual (Liv. i. 35, 9) [LU ROMANI]. During the time of the Republ there were seven such games,—the *ludi R mani, Plebeii, Ceriales, Apollinares, Megalens*

Florales, *Victoriae Sullanae*. The first two were called *sacri*, because they had an *epulum* connected with them (Dio Cass. li. 1). These two, as well as the Apollinares, had also a day set apart for the *equorum probatio*. During imperial times many new games were added. The birthday feasts and games (*ludi natalicii*), celebrated in honour of the reigning emperors (called τὰ γενέθλια, whereas τὰ γενέσια were those celebrated in honour of dead emperors), were allowed by even the most modest of the Caesars, *e.g.* Antoninus Pius (see Capit. *Ant. Pii*, 5); but they seem to have been retained after death only for those emperors who were consecrated (*ib.* 13). Mommsen (in *C. I. L.* i. p. 380) derives from the Calendar of Philocalus (constructed 354 A.D.) a list of nineteen such birthday games as were celebrated at that date. These games were nearly always circensian, as were also those celebrated in honour of the day the emperor ascended the throne (*ludi natalis imperii*). Only in the case of Sept. Severus (Dio Cass. lxxviii. 8) were the latter games retained beyond the time of the reigning emperor (cf. Capit. *Pertinax*, 15). *Ludi votivi*, too, were often instituted after a war, *e.g.* the *ludi Parthici* (perhaps on Sept. 18, Trajan's birthday), instituted by Hadrian in celebration of Trajan's Parthian war (Dio Cass. lxix. 2, and Reimar *ad loc.*); and such are frequent in the Constantinian period, *e.g.* Ludi Alemannici (Oct. 5–10), Gothici (Feb. 4–9), Sarmatici (Nov. 25–Dec. 1), &c.; see a list in *C. I. L.* i. p. 376. (b) *Private.* Besides these *ludi publici*, there were *ludi privati*, especially *ludi funebres*. Though the whole people took part in them, still they are private games, as being given by private individuals and not by the state. The *ludi funebres* were celebrated on the ninth day after death, hence sometimes called *ludi novendiales* (Serv. *ad* Verg. *Aen.* v. 64). Gladiatorial exhibitions in the Forum were frequent at these games (indeed were not given elsewhere during republican times), in accordance with the old belief that human blood should flow over the grave of a dead man (Serv. *ad* Verg. *Aen.* iii. 67; v. 78). The beginning at Rome of gladiatorial contests, which came from Etruria and Campania, dates from the funeral games of D. Junius Brutus in 264 (Liv. *Epit.* xvi.; Mommsen, *R. H.* ii. 412). Exhibitions of gladiators were often ordered by will to be given at the funeral of the testator (Cic. *Vat.* 15, 37; *Sulla*, 19, 54; Hor. *Sat.* ii. 3, 84). Dramatic representations were also held at funeral games: *e.g.* the *Adelphi* was acted at the funeral games of Aemilius Paullus in 160 B.C. Generally the games only lasted one day, and only a few pairs of gladiators fought; but at the funeral of M. Aemilius Lepidus (Liv. xxiii. 30, 15), in 216 B.C., the games lasted three days, and twenty-two pairs of gladiators fought; at those of M. Valerius Laevinus, in 200 B.C., the games lasted four days, and twenty-five pairs fought (Liv. xxxi. 50, 4); while at those of P. Licinius in 183 B.C. the games lasted three days, and 120 gladiators fought (Liv. xxxix. 46, 2), a very large exhibition indeed (cf. Liv. xli. 28, 11). It was thought disgraceful for women to be present at *ludi funebres*, and P. Sempronius Sophus, consul in 268 B.C., sent a divorce to his wife because she attended funeral games (Val. Max. vi. 3, 12; Plut. *Quaest. Rom.* 267). Another kind of *ludi privati* were those given by people of high rank voluntarily, on occasions of great public rejoicing, such as Stella's games in 93 A.D. (Mart. viii. 78: cf. Pers. vi. 48). For giving such games, non-senators had to get permission from the senate (Dio Cass. lx. 23). These games were perhaps the *ludi honorarii* referred to by Suet. *Aug.* 32, for which thirty days in the year had been set apart. Augustus reconstituted these as working days. *Ludi honorarii* appear to have been most constantly given at the Liberalia (Fest. p. 102, and Müller's note). Private exhibitions, to which special invitations were issued, were often given by the emperors; such as the LUDI PALATINI, the JUVENALES. Such also, too, were given by Caligula (Suet. *Cal.* 54), Nero (Tac. *Ann.* xiv. 44), Commodus (Lampr. *Comm.* 8), Caracalla (Dio Cass. lxxix. 10), Elagabalus (Lampr. *Elag.* 23), &c.

In the Calendar of Philocalus (354 A.D.) several other public games are mentioned, devoted to gods, but they are of little importance. The principal are on Jan. 7 to Janus; April 1, to Venus Verticordia (Macrob. *Sat.* i. 12, 15); April 5, to Quirinus; April 8, to Castor and Pollux; May 29–June 1, Fabarici to the goddess Carna (Macrob. *Sat.* i. 12, 31; Ov. *Fast.* vi. 101 ff.); July 23–24, to Neptune (Tertull. *Spect.* 6); Aug. 5 (Cic. *Att.* iv. 1, 4), to Salus; Sept. 29–30, to the Fates; Oct. 19–22, to the Sun; Nov. 1, to Osiris and Isis (*C. I. L.* i. 405).

According to their *intrinsic nature*, the games may be divided (cf. Cic. *de Leg.* ii. 15, 38) into (1) *ludi circenses* [CIRCUS], which include both the races in the circus and the gladiatorial shows [GLADIATOR], and baitings of beasts [VENATIO] in the amphitheatre [AMPHITHEATRUM]; (2) the *ludi scenici*, or dramatic and spectacular shows in the theatre. [COMOEDIA; TRAGOEDIA; THEATRUM; HISTRIO; MIMUS; PANTOMIMUS.] To these are to be added (3) the Greek contests of musicians and athletes, strictly called *Agones*. The performances and performers of the first two kinds are sufficiently treated in the articles referred to. Here we must say a word on the *Agones*. These contests were first introduced into Rome by M. Fulvius Nobilior in 186 B.C. (Liv. xxxix. 22, 2). In 169 B.C. we are told that Aemilius Paullus gave similar shows at Amphipolis, in which the Romans were quite unversed (Liv. xlv. 32, 9–10). And at the triumph of L. Anicius Gallus in 167 B.C. it was attempted to give a musical exhibition, but the people made the performers box instead of playing the music: that was the only sort of ἀγών they understood (Polyb. xxx. 13). In the last century of the Republic we hear of Sulla (App. *B. C.* i. 29), Scaurus (Val. Max. ii. 4, 7), Pompeius (Dio Cass. xxxix. 38), Curio (Plin. *H. N.* xxxvi. § 120), and Caesar (Plut. *Caes.* 39) giving exhibitions of athletes. Such contests were not appointed to occur at regular intervals till imperial times. Then there were three principal *agones*: (1) the *Actia*; (2) the *Agon Neroneus*; (3) the *Agon Capitolinus*. The first two are described in the articles LUDI ACTIACI and QUINQUENNALIA. The *Agon Capitolinus* was established in 86 A.D. by Domitian (Suet. *Dom.* 4), and celebrated every fourth year in early summer (Herodian, vii. 8, 3; and Clinton, *Fasti Rom.* p. 252). It lasted till the end of antiquity (Friedländer, *S. G.* ii.^{3} 620–1), and even into modern times: for it was on Easter Sunday 1341, on the Capitoline hill, that Petrarch was crowned (Gregorovius, *Gesch. der Stadt Rom*, vi. 207–216; Gibbon, viii. 227, ed. Smith). It comprised contests in Greek and Latin poetry, Greek and Latin oratory (the subjects being the praises of Jupiter Capitolinus and Domitian, Quintil. iii. 7, 4; Suet. *Dom.* 4), and music, for which Domitian built a covered theatre (the Odeum) in the Campus Martius (Preller, *Regionen*, 169), and in the same place he built a stadium for the athletes who contended in boxing, wrestling, and the pancratium (Friedländer, *op. cit.* 616–620, an important collection of evidence). Originally there was a foot-race for girls (Suet. *l. c.*). The victors were crowned with oak-leaves (Mart. iv. 1, 6). For the other *agones*, which were mostly gymnastic, such as the *Agon Minervae* of Gordian, and the *Agon Solis* of Aurelian, see Friedländer, *op. cit.* 467.

2. *The Length of the Games.*—They originally lasted each only the portion of one day (Liv. xlv. 9, 4; Mommsen, *R. H.* i. 472). From one day they gradually increased during the Republic,—the Ludi Romani to 15, and after Caesar's death to 16, the Ludi Plebeii to 14, the Ceriales to 8, the Apollinares to 8, the Megalenses to 7, the Florales to 6, and the Ludi Victoriae Sullanae to 7: *i.e.* 66 in all. Of these the Ludi Romani had 5 *dies circenses*, the Ludi Plebeii 3, and the rest one each: *i.e.* 13 in all. (See the Calendar in *C. I. L.* i. and p. 377.) Various games were added during the Empire: in the time of M. Aurelius there were 135, and in 354 A.D., when the Calendar of Philocalus was drawn up, there were 175 (*C. I. L.* i. p. 378). Gradually, too, the whole of each day came to be filled up with events, beginning from early morning (Cic. *Fam.* vii. 1, 1; *Nat. Deor.* i. 28, 78; Suet. *Cal.* 26, *Claud.* 34), and continued on into the night (Suet. *Cal.* 18, *Dom.* 4; Tac. *Ann.* xiv. 20, xvi. 5) on a memorable occasion with living torches (Tac. *Ann.* xv. 44). Night festivals probably began with the Floralia (Ov. *Fast.* v. 361 ff.); and the part of the secular games celebrated at night was the most important. After 61 B.C. there was a pause in the middle of the day for the audience to get their dinner (Dio Cass. xxxvii. 46); and this period was filled up, at least in the case of the *circenses*, with the exhibition of inferior gladiators, the *meridiani*. It was during this pause for dinner on one of the days that the giver of the games feasted the people, if he did feast them; though sometimes the *epulum* lasted for more than one day (Vell. ii. 56). But we hear of viands being also brought into the circus and the theatre (Stat. *Silv.* i. 6, 28 ff.; Mart. v. 49, 9; cf. Suet. *Dom.* 4).

3. *Instauratio* (Macrob. *Sat.* i. 11, 5).—The anxious scrupulousness with which the Romans observed ritual is often insisted on (for examples, see Liv. v. 17, 2; xxxii. 1, 9; xli. 16, 1). So in the case of the games Cicero tells us (*de Harusp. resp.* 11, 23): "Si ludius constitit aut tibicen repente conticuit aut puer ille patrimus et matrimus si tensam non tenui aut lorum omisit aut si aedilis aut verbo au simpulo aberravit, ludi non sunt rite fac eaque errata expiantur et mentes deorum immortalium ludorum instauratione placantur. That is, that in any such case when th games were performed *non rite, non rect minus diligenter*, they had to be held ov again, either entirely or the ceremonies certain days were performed again. The stri phrase for the repetition of the games in the entirety was *ludi toti instaurati sunt*; that f the repetition of the ceremonies of certai days was *ludi* (*semel, ter, quinquies*, or *pe unum diem, per triduum, per quinque dies*) instaurati sunt.* See a long list of examples i Weissenborn on Liv. xxiii. 30, 16. Games s repeated were called *instaurativi* (Cic. *de Di* i. 26, 55). Sometimes the games were repeated as often as ten times, owing to fault purposely committed by the performers wh were interested. This was put a stop to b the Emperor Claudius, who forbade the Circenses to be renewed for more than one day with the most salutary results (Dio Cass. lx. 6). For further details on *instauratio*, see Ritschl *Parerga zu Plautus u. Terenz*, p. 311 ff.

4. *The Givers of the Public Games.*—(a *Consuls.* In order that they might be binding o the people, *ludi votivi* had to be administered by magistrate with the imperium, usually then by the consul (Liv. xxx. 2, 8; 27, 11; Cic. *pro Sest* 55, 117; Dio Cass. xlviii. 32, lvi. 1, lx. 23). Th Ludi Romani were administered by the consul till the appointment of the curule aediles in 366 B.C. After that the consuls had only the presidency in these games (Liv. viii. 40, 2, xlv. 1 6; Mommsen, *Staatsrecht*, i.^{2} 397). The fact was the giving of the games held out too great opportunities of bribery for the higher magistrate (Mommsen, *op. cit.* ii.^{2} 129). But in imperial times the consuls were appointed to administe the Ludi Actiaci on Sept. 2 (Dio Cass. lix. 20) the birthday of Augustus on Sept. 23 (*ib.* lvi. 49; cf. *C. I. L.* i. pp. 401–2), and probably many others (*ib.* p. 377). The shows o gladiators given by consuls elect date from the beginning of the second century A.D. (Dig. 35, 1, 36, pr.). The first evidence of the games given by the consuls on their *entry* into office, which became so important in the fourth century (*C. I. L.* i. p. 382), appears to be Fronto *ad Marcum*, ii. 1. But in the early Empire the consuls were expected some time or other during their year of office to give shows (cf. Epictet. *Diss.* iv. 10, 21); and though even in the time of Claudius this was considered a great burden (Dio Cass. lx. 27), the custom continued (*ib.* lxi. 6; Vopisc. *Aurel.* 12, 12). Alexander Severus lessened the expense of the consuls and defrayed part of it himself (Lamp. *Alex. Sev.* 43; Dio Cass. lxxx. 5). (*b*) *Aediles.* From the time of their appointment in 366 B.C., they were given the administration of the Ludi Romani (cf. Liv. vi. 42, 13), and gradually they had entrusted to them the administration of all the other games except the Ludi Apollinares, which were administered by the praetor urbanus (Liv. xxv. 12, 10), as were also the Ludi Piscatorii (Festus, *s. v.*). The Ludi Plebeii were held by the plebeian aediles, and so too were the Ludi

Ceriales. Cicero (*Verr.* v. 14, 36) indeed implies that the latter were celebrated by the curule aediles; but the Cerialia was the plebeian counter-feast to the Megalensia of the patricians (Gell. xviii. 2, 11; Mommsen, *Staatsr.* ii.^{2} 509). After 44 B.C. the administration of the Ludi Ceriales was most probably transferred from the curule aediles to the newly-appointed (Dio Cass. xlvii. 40) plebeian aediles Ceriales. The Ludi Megalenses and Florales were held by the curule aediles (Cic. *Verr.* l. c.; *Mur.* 19, 40; Liv. xxxiv. 54, 3; Dio Cass. xliii. 48). In 22 B.C. Augustus took the *cura ludorum* from the aediles and gave it to the praetors (Dio Cass. liv. 2), after which time any games given by the aediles were voluntary (*ib.* liv. 8; Capitol. *Gord.* 3). (*c*) *Praetors.* They had the charge of the Ludi Apollinares and Piscatorii during the Republic. But in imperial times we find the urban praetors (this is probably the meaning of *τῶν στρατηγῶν τῶν πάνυ* in Dio Cass. lxxviii. 22) administering the Ludi Megalenses (Juv. xi. 193, and Mayor's note), Florales (Suet. *Galb.* 6), and gladiatorial shows (Dio Cass. lv. 31). The Augustalia were administered by the praetor peregrinus (Tac. *Ann.* i. 15). A special praetor Parthicarius (Wilm. 1167) was appointed to superintend the Ludi Parthici of Trajan (Dio Cass. lxix. 2). Lots seem to have been cast as to which praetor should give the games (*ib.* lix. 14). The son of Symmachus was praetor urbanus when he gave his celebrated games (Symm. *Epist.* iv. 69). For the praetorian games of the post-Constantinian period at Constantinople, see Gothofred. *Paratitlon* to Cod. Theod. vi. 4, *init.* (*d*) *Quaestors.* Gladiatorial exhibitions during the Republic were confined to the private funeral games. In imperial times they were given as public games, and are strictly called *munera*, not *ludi*. In 47 A.D. we find the duty of giving these *munera* imposed on the quaestors in lieu of paving the streets (Suet. *Claud.* 24; Tac. *Ann.* xi. 22, xiii. 5). This was discontinued in 54 A.D., from which time till the age of Domitian (Suet. *Dom.* 4) it was only occasionally and voluntarily that the quaestors gave such shows. From the time of Domitian the *munera*, though fewer than the *ludi*, became, however, regular entertainments (Hirschfeld, *Verwaltungsgeschichte*, p. 177). In the time of Alexander Severus it was only the *quaestores candidati principis* who had to give the games at their own expense, and as a reward they were advanced at once to the praetorship (Lampr. *Alex. Sev.* 43). The rest got a subsidy from the treasury and were called *quaestores arcarii* (Lampr. *l. c.*; Mommsen, *Staatsr.* ii.^{2} 518, 522). (*e*) *Curatores.* The emperor in virtue of his consular power (Dio Cass. lx. 23)—for it was the consuls who gave extraordinary games (cf. Hirschfeld, *l. c.*)—often gave very brilliant games, which were administered by *curatores ludorum* or *curatores munerum*. The *procuratores munerum* (Wilm. 1235, cf. 1243), according to Mommsen (*op. cit.* ii.^{2} 911, notes 1, 2), were permanent officials, the *curatores* those appointed for a special occasion (Suet. *Cal.* 27; Tac. *Ann.* xiii. 31; Plin. *H. N.* xxxvii. § 45). For further, see Hirschfeld, *op. cit.* pp. 175–8.

5. ***The Cost of the Games*** (see especially Marquardt, *Staatsv.* ii.^{2} 85–87).—The cost of the games was defrayed partly by the state and partly by the giver of the games. The state part was called *lucar* [LUCAR], because it was originally the revenue from the produce of the sacred groves (*luci*), which was devoted to the games (Festus, *s. v.*; Plut. *Quaest. Rom.* 88, p. 285). For the *ludi votivi* a definite sum (*pecunia certa*) was voted (in Liv. xxxi. 9, 7, the sum is indefinite, and that is mentioned as an exceptional circumstance), usually 200,000 asses (cf. Mommsen in *Rhein. Mus.* xiv. p. 87), as it was also for the Ludi Romani till the Punic Wars (Dionys. vii. 71; Ascon. p. 142, Or.). In 217 B.C. the sum voted was 333,333⅓ asses (Liv. xxii. 10, 7). For the Ludi Apollinares in 212 B.C. the state gave 12,000 asses (Liv. xxv. 12, 12); in 51 B.C., for the Ludi Romani, 760,000 sesterces, for the Ludi Plebeii 600,000, and for the Apollinares 380,000 (see the Fasti Antiates in *C. I. L.* i. 328, 329),—sums which fell so far short of the actual amount expended that the magistrates who gave the games had to resort to the help of their friends and to extortions from the provincials to supply what was considered necessary (Liv. xl. 44, 11; Cic. *Q. Fr.* i. 9, 26). The people sometimes made subscriptions among themselves towards the expenses of the games: *e.g.* in 186 B.C. for the games of Scipio Asiaticus (Plin. *H. N.* xxxiii. § 138), in 37 and in 27 B.C. (Dio Cass. xlviii. 53, liii. 24); but such were unusual and did not go far. We know that Scaurus expended vast sums on the games he gave in 58 B.C. (Plin. *H. N.* xxxvi. § 113), and that Milo expended three patrimonies (Cic. *Mil.* 35, 95) in giving his extra-splendid games (*ad Q. Fr.* iii. 8, 6). The expense in fact was so enormous that in 28 B.C. no senator could take the aedileship (Dio Cass. liii. 2). Augustus did not allow one praetor to give more than another to the games (*ib.*); in 17 B.C. we find him allowing them to give three times the grant of the state (*ib.* liv. 17); in 7 A.D. the money paid to them for gladiatorial shows was withheld by the state (*ib.* lv. 31); but in the Ludi Augustales the tribunes were not allowed to defray the whole expense themselves (Dio Cass. lvi. 47; Tac. *Ann.* i. 15). The state always continued to make grants (cf. Spart. *Hadr.* 3), and sometimes advances to be repaid (Fronto, *Ep. ad Verum*, 6, 9); while in a somewhat opposite direction it tried to limit the expenses of the games (Suet. *Tib.* 34; Dio Cass. lxviii. 2; Capitol. *Ant. Pius*, 12). But the enormous sums expended on the games may be seen from what has been said about the games of Scaurus and Milo, from what Martial (v. 25, 10) tells us that the chariot-races sometimes cost 400,000 sesterces (4,000*l.* nearly), from the case of Symmachus, who though not one of the richest senators expended 2,000 pounds of gold (= 80,000*l.* about), and Justinian's games, which cost 288,000 solidi (= 220,000*l.* about). For further details, see Friedländer, *Sittengesch.* ii.^{3} 276–278.

The games accordingly were splendid. As a sample, take those which are elaborately described by Calpurnius, *Ecl.* vii., and commented on by Gibbon, ii. 58–60, ed. Smith; those given by Trajan, and described in Dio Cass. lxviii. 15; and the games of Symmachus, by Friedländer, *op. cit.* ii.^{2} 319 ff. For enactments on the games in the post-Constantinian period, see *Cod. Theod.*

xv. titles 5, 6, 7, 9, especially the latter on the expenses of the games.

6. *The Audience.*—In early times slaves were not allowed to attend the games (Cic. *Har. Resp.* 12, 26); nor were any strangers present except state-guests. But in later times slaves certainly as a matter of fact used to frequent the games (Columella, *R. R.* i. 8, 2; Dig. 21, 1; 65, pr.; 10, 3, 1–5; Juv. vi. 353), and also strangers (Ov. *A. A.* i. 173; Mart. *Spect.* 3). Apparently by law reserved seats were retained for the magistrates, *e.g.* consuls (Cic. *Att.* ii. 1, 4), praetors (Suet. *Nero*, 12), tribunes (Dio Cass. xliv. 4), priests and vestals (Arnob. *adv. Gentes*, iv. 35, an important passage), some of the public apparitors (Tac. *Ann.* xvi. 12), and many of the officially recognised collegia (Hübner, *ap.* Marquardt, iii. 471, note 7). The emperor had a regular closed-in box (*cubiculum*), which Trajan opened, so that he could be seen like any other spectator (Plin. *Panegyr.* 51; Suet. *Nero*, 12). The actual seats were doubtless corresponding to the rank of each individual; *e.g.* the curule magistrates had a *sella curulis*, the tribunes a *subsellium*, &c. It was a custom frequently practised to give a free seat in perpetuity to a distinguished man and to his descendants (Val. Max. iv. 4, 8; Cic. *Phil.* ix. 7, 16); this we find as early as 494 B.C. in the case of M. Valerius Maximus (*C. I. L.* i. p. 284; cp. Liv. ii. 31); and occasionally a curule seat was dedicated in memory of a great man after his death (Dio Cass. xliv. 6, liii. 30; Tac. *Ann.* ii. 83; *C. I. L.* vi. 912). Those who had reserved seats could transfer them to another for the performance (Cic. *Mur.* 35, 73), and in the time of C. Gracchus, on the occasion of a show of gladiators, we read that several of the magistrates erected seats which they tried to sell, encroaching on the space which the people ought to have enjoyed (Plut. *C. Gracch.* 12). If we may judge from the initials of names on the seats in the amphitheatre at Syracuse, it appears that seats could be sold for lengthened periods (Friedl. *ap.* Marq. iii. 473, note 1). Of course occasionally games were given by speculators to make money out of them, though such a course was looked on as sordid (Tac. *Ann.* iv. 62): in that case, nearly, if not all, the places were sold. But at the ordinary games there appears to have been three kinds of seats (Mommsen, *ap.* Friedl. *op. cit.* 472): (1) those reserved by the exhibitor to *give* to his friends or to those who had legal right to reserved seats; (2) the seats which he reserved to *sell* to such as wished to avoid the long waiting and severe crush (cf. Suet. *Cal.* 26) attendant upon trying to secure them; (3) the seats or rather places (for the mass of the spectators stood) which were open gratis to the public. The traffic in the second kind of seats was pretty considerable, and box-officers (*locarii*, Mart. v. 24, 9) doubtless derived a large income from buying up the reserved seats and selling them at a raised price. A noticeable feature about the audience at the games was the way the exhibitor thought it advisable often to give them presents. This he did by throwing them among the spectators to be scrambled for, such being called *missilia*: see Stat. *Silv.* i. 6, 10 ff. Fruits (Mart. xi. 31, 10), vegetables (Pers. v. 180; Hor. *Sat.* ii. 3, 182), and other eatables (Joseph. *Ant.* xix. 1, 3) were often thrown, but generally *tesserae*, which admitted to the most various kinds of pleasures (see Friedländer on Martial, viii. 78, 9). One of these tesserae which we have is marked *prandium* (Friedl. *ap.* Marquardt, iii. p. 476, note 3). Occasionally the presents were fastened to a string (*linea dives*), which was jerked up and down (Mart. viii. 78, 7). For the variety of articles scrambled for, see Suet. *Nero*, 11. We may well believe that the crush and violence were very great (Herodian, v. 6), and wise people left before the scrambling began (Suet. *Epist.* 74, 7; cf. Friedländer, *op. cit.* ii.^{5} 286–7).

Another point to be noticed was the opportunity the people took of giving free expression to their opinions in the theatre ("et, ubi plurima vulgi licentia, in circum ac theatra effusi seditiosis vocibus strepere," as Tacitus says, *Hist.* i. 72). In republican times much importance was attached to the manner in which public men were greeted in the theatre by the people (Cic. *Att.* ii. 19, 3; *Sest.* 54, 115). In imperial times we hear of the audience rising up when the emperor or a distinguished man entered, clapping (Suet. *Aug.* 56) or waving handkerchiefs (*oraria*, Vopisc. *Aurel.* 48) and vociferously addressing complimentary titles or good wishes (Suet. *Dom.* 13), often in a kind of song (Tac. *Ann.* xvi. 4; Dio Cass. lxxiii. 2). Of course there was the most clamorous outcry for the liberation of slaves or criminals who had made a good exhibition in the contests (Dig. 40, 9, 17, pr.), for the discharge of distinguished gladiators (Mart. *Spect.* 29, -3); and many a gibe was directed at unpopular people (Juv. v. 3, and Mayor's note; Tac. *Ann.* xi. 13), and even the emperor himself (Capitol. *Macrin.* 12; Tertull. *Spect.* 16). The people also made use of these occasions (as it was very difficult to refuse requests made in this way, Joseph. *Ant.* xix. 1, 4) to declare against laws (Dio Cass. lvi. 1; Joseph. *l. c.*), against detested ministers, *e.g.* Tigellinus (Plut. *Galb.* 17), Cleander (Herodian, i. 12, 5), Plautianus (Dio Cass. lxxvi. 2), and make many other appeals (cf. Tac. *Ann.* vi. 13; Plin. *H. N.* xxxiv. § 62; Suet. *Dom.* 13) and demonstrations (Cic. *Att.* xiii. 44, 1; Dio Cass. lxxv. 4). Indeed, these were pretty much the only occasions on which the feelings of the people could be expressed or gauged under the Empire; and the importance which was attached to this expression of the popular will may be seen from the fact that Titus, in order to carry out certain executions which he considered advisable, put people throughout the theatre to demand them (Suet. *Tit.* 6). See further in Friedl. *Sittengesch.* ii.^{5} 266–274. For the frantic excitement of the audience during the actual games, especially the chariot-races, see the passages quoted by Mayor on Juv. xi. 197, and Tert. *Spect.* 16; and for the tumults occasioned by the partisans of rival performers, see Friedländer, *S. G.* ii.^{5} 457 ff.

The spectators who were Roman citizens had to wear their toga at the games, and the higher ranks and magistrates appeared in official dress (Suet. *Aug.* 40). Augustus allowed the spectators to come in slippers, without boots, in summer, a permission revoked by Tiberius, but granted again by Caligula (Dio Cass. lix. 7). Cloaks (*lacernae*), which had by order of Domitian to be white (Mart. xiv. 137), could be worn over the *toga* in bad weather, but they were (at least in the reign of Claudius) laid aside on the entry of the emperor (Suet. *Claud.* 6). We are told that Caligula also allowed, besides cushions for the senators, the broad-brimmed Thessalian or Macedonian *causia* [CAUSIA] as a protection against the sun (Dio Cass. *l. c.*; Mart. xiv. 39), so that it seems the audience before 37 A.D. used not to wear anything on their heads. Domitian revived the old customs of theatrical etiquette, and compelled the audience to appear in white, forbidding coloured costumes (Mart. v. 8; 23, 1), though we still hear that the favourers of the different factions wore their colours (cf. Mart. xiv. 131). When owing to wind the awning (*velarium*) could not be used, the spectators were allowed to hold up umbrellas (Mart. xiv. 28). The *dissignator* (Plaut. *Poen.* prol. 18) was the official who directly saw that these regulations were observed, and he was responsible to the aediles (cf. Suet. *Aug.* 40).

7. *The Performers and the Performances.*—See the special articles referred to above, p. 85 *b*.

For the political and social aspects of the games, how in regard to them idleness took the place of strenuousness till the people were content to give up their rights and assemblies in return for *panem et circenses;* and the demoralisation spread among the community in various ways by the passion for these shows, as such subjects lie outside the sphere of Antiquities, we must be content to refer to Friedländer, *Sittengesch.* i.^{4} 468 ff., ii.^{3} 263 ff., 288, 391 ff.; and H. Schiller, *Geschichte der Röm. Kaiserzeit*, 244, 433 ff.

(Further, on the games generally, see Friedländer in Marquardt, *Röm. Staatsverwaltung*, iii. 462–475; also in his *Darstellungen aus der Sittengeschichte Roms*, ii.^{3} 263–289 (abbreviated *S. G.*); Mommsen in *Corpus Inscript. Lat.* i. pp. 293–412, esp. 375–381.) [L. C. P.]

LUDI ACTI'ACI or **A'CTIA** (Ἄκτια). Games celebrated to the Actian Apollo.

1. *At Rome.*—Though under this actual name there were not any games celebrated at Rome, still there were games in honour of the Actian Apollo. These were decreed at Actium by Augustus in 31 B.C. after his victory, and first held at Rome in 28 (Dio Cass. liii. 1). They consisted of horse-races among the patrician youths and men, gymnastic contests, and sometimes gladiatorial exhibitions. They were held every fourth year (Dio Cass. li. 19), and administered generally by one of the four chief colleges of priests in succession (*ib.* liii. 1), though sometimes by the consuls (Mommsen, *Res gestae d. Aug.* p. 42). Thus the first exhibition was held by the consuls, or rather by Agrippa alone (Dio Cass. liii. 2); but in 16 B.C. we find them celebrated by the Quindecimviri (*ib.* liv. 19). We are to suppose the celebration of 24 B.C. was held by the Pontiffs, that of 20 B.C. by the Augurs, that of 16 B.C. by the Septemviri Epulones, and so on in rotation till 13 A.D., when they were probably held for the last time (Mommsen, *l. c.*). The last recorded celebration is 9 A.D. (Plin. *H. N.* vii. § 158), and we do not hear of them again till 62 A.D., when they had been a considerable time discontinued (Tac. *Ann.* xv. 23). We find these games sometimes alluded to as *pro salute* (or *valetudine*) *Caesaris* (C. *I. L.* vi. 877): cf. ὑπὲρ τῆς ἐμῆς σωτηρίας (*Res gest. d. Aug.* v. 8–11, Greek) and Plin. *l. c.*; also *ludi pontificales* (Suet. *Aug.* 44), *i.e.* when they were held by the Pontiffs. That these games were celebrated to the Actian Apollo may be proved from the coin of C. Antistius Vetus of 16 B.C. (Eckhel, vi. 104; Mommsen, *Röm. Münzwesen*, p. 742). On one side is a sacrificing priest, with the inscription *pro valetudine Caesaris* S. P. Q. R.; on the other, Apollo sacrificing, with the inscription *Apollini Actio.* In Suet. *Tib.* 6 *Actiaci* is a mistake for *astici* (Mommsen, *Res gest.* p. 43).

2. *At Actium.* [See ACTIA.]

3. *In the Provinces.*—Similar quinquennial games seem to have been held in many provincial towns (Suet. *Aug.* 59): *e.g.* at Caesarea by Herod (Joseph. *Ant.* xv. 11, xvi. 9; *B. J.* i. 21, 8); also at Antioch and Alexandria (*C. I. G.* 5804). [L. C. P.]

LUDI APOLLINA'RES. These games were established in the year 212 B.C., in accordance with a prophecy of the old seer Marcius (*carmina Marciana*, Liv. xxv. 12, 2), and after an inspection of the Sibylline books (Macrob. *Sat.* i. 17, 27–29), on the motion of the praetor and decemvir *sacris faciundis*, P. Cornelius Rufus, to the god who warded off evil, Apollo. As nothing was yet decreed about their continuance, they were, for this first year at least, ordinary *ludi votivi.* They were at first, and continued to be, celebrated by the praetor urbanus (Liv. *l. c.* § 10; Cic. *Phil.* ii. 13, 31); thus we find them held by the praetor Lentulus in 60 B.C. (Plin. *H. N.* xix. § 23), Brutus in 44 B.C. (Cic. *l. c.*), Agrippa (Dio Cass. xlviii. 20). They were to a large degree a Greek festival. The decemviri s. f. sacrificed with victims after the Greek fashion; the state supplied the victims, and also gave 12,000 asses to recoup the expenses of the games, and the people aided with a small subscription (Liv. xxv. 12, 12–14). The next year the praetor L. Calpurnius Piso proposed that the games should be vowed each year (Liv. xxvi. 23, 3), and hence the Calpurnii have the head of Apollo on their denarii (Mommsen, *Röm. Münzwesen*, pp. 580, 626). After this they were celebrated every year, but till 208 B.C. on no definite day (Liv. xxvii. 23, 5–7). In consequence of a pestilence in that year, the praetor P. Licinius Varus voted that they should be held every year on a fixed day. That day was not "a. d. iii. Non. Quint." as Livy (*l. c.*) says, but "a. d. iii. Id. Quint," *i.e.* July 13 (Weissenborn *ad loc.*). This day always continued to be the last day on which these games were held. The number of days gradually increased from one till it finally reached eight, or perhaps nine. In 190 B.C. we find July 11 one of the days (Liv. xxxvii. 4, 4), and in 44 B.C. July 7 (Cic. *Att.* xvi. 1, 1; 4, 1). They were for the most part theatrical exhibitions from the very beginning (see the interesting story in Festus, s. v. *Thymelici*, p. 326 M.); it was at these games that the *Thyestes* of Ennius was acted (Cic. *Brut.* 20, 78); but sometimes there was a *venatio* (Plin. *H. N.* viii. § 53; Cic. *Att.* xvi. 4, 1), and Dio Cassius (xlviii. 33) speaks of ἡ τῶν Ἀπολλωνείων ἱπποδρομία. In the Apollinarian games held by Agrippa in 40 B.C., two days were given to the games of the circus, during one of which the *Ludus Trojae* was exhibited (Dio Cass. xlviii. 20). In all the calendars these games are entered as beginning on July 6, except in that of Philocalus (354 A.D.), according to which they are given as beginning on the 5th: perhaps an additional day was added in the fourth century. (See generally Preller, *Röm. Mythologie*, 269–271.) [L. C. P.]

LUDI AUGUSTA'LES. [AUGUSTALES.]

LUDI CAPITOLI'NI. Livy (v. 50, 4) tells us that in the year 390 B.C., after the defeat of the Gauls, on the motion of Camillus a decree of the senate was passed that *Ludi Capitolini* should be instituted, inasmuch as Jupiter, the best and greatest, had preserved his settlement and citadel in a serious crisis, and that the dictator M. Furius should appoint for that purpose a collegium, consisting of those who dwelt in the Capitol and citadel (cf. Liv. v. 52, 11). As being administered by a collegium, the Capitoline games were like the Circensian games of the Fratres Arvales (cf. Henzen, *Acta Fr. Arv.* p. 36 ff.). After 384 B.C., when Marius Capitolinus was condemned, a motion was brought before the people that no patrician should dwell in the citadel or the Capitol (Liv. vi. 20, 3), so that from this time only plebeians could be members of this collegium.

For the guild of the Capitolini, cf. Cic. *Q. Fr.* ii. 5, 2. They had *magistri* of their own (Henz. 6010, where as well as in the passage of Cicero they are found associated with the Mercuriales: cf. 6011). Preller (*Röm. Myth.* 202) thinks this is a very old festival in honour of Jupiter Capitolinus, so old that it was attributed to Romulus (cf. Tert. *Spect.* 5). Mommsen (on *C. I. L.* i. 805 = Henz. 6011) shows that these collegia of Capitolini and Mercuriales were *pagi within the city*, both having a substantive and independent constitution for religious purposes. A curious ceremony was performed at these Capitoline games, from a supposed connexion of the Capitoline games with a triumph of Romulus over Veii; or, as Mommsen (*R. H.* i. 340) holds, with the capture of Veii by Camillus in 396 B.C. An old man who was considered to represent the King of Veii was led through the Forum to the Capitol, dressed in regal attire and wearing a bulla suspended from his neck; and a herald accompanying him proclaimed the "sale of the Sardians," because the Veientines being Etruscans were supposed to have come from Sardis in Lydia (Plut. *Quaest. Rom.* 53 = p. 227; Festus, s. v. *Sardi venales*). Hence was supposed to be derived the proverb *Sardi venales, alius alio nequior* (Cic. *Fam.* vii. 24, 2), but that is more correctly referred to the great number of slaves acquired by the Romans when Tiberius Gracchus conquered Sardinia in 177 B.C. (Liv. xli. 17; Aurel. Vict. 57; Mommsen, *R. H.* ii. 199). [L. C. P.]

LUDI CERIA'LES. [CERIALIA.]

LUDI COMPITALI'CII. [COMPITALIA.]

LUDI FLORA'LES. [FLORALIA.]

LUDI FU'NEBRES. [LUDI, p. 85 *a*.]

LUDI HONORA'RII. [LUDI, p. 85 *b*.]

LUDI JUVENA'LES. [JUVENALES.]

LUDI LIBERA'LES. [BACCHANALIA.] (These must not be confounded with the LIBERALIA.)

LUDI MAGNI. [LUDI, p. 84 *b*.]

LUDI MARTIA'LES or rather **MARTIS ULTO'RIS.** The temple to Mars Ultor was dedicated on Aug. 1, 2 B.C., in the Forum Augusti (Dio Cass. lx. 5). The dedication of the temple and celebration of games to Mars Ultor held on May 12 (Fasti Maffeiani in *C. I. L.* i. p. 305; Ov. *Fast.* v. 597) refer to the temple provisionally erected in the Capitol in 20 B.C. (Dio Cass. liv. 8): cf. Mommsen in *C. I. L.* i. 393. These games were celebrated annually (Dio Cass. lx. 5) by the consuls (*ib.* lvi. 46). Senators had the privilege of contracting for the horses used in these games (*ib.* lv. 10). A naumachia was given on the occasion of the dedication of the temple (Vell. ii. 100); also *ludi sevirales*, i.e. evolutions of the six turmae of cavalry, each with its *sevir* at its head (Dio Cass. *l. c.*). There appears to have been occasionally a *venatio* (*ib.* lvi. 27). [L. C. P.]

LUDI MEGALENSES. [MEGALESIA.]

LUDI NATALI'CII. [LUDI, p. 85 *a*.]

LUDI PALATI'NI. After Augustus died, Livia and Tiberius had dedicated an altar to the Numen of Augustus (Plin. *H. N.* xii. § 94). We know from the Fasti Praenestini (in *C. I. L.* i. p. 312; cf. p. 385) that on January 17 the Pontiffs, Augurs, Quindecimviri, and Septemviri sacrificed victims on this altar. On Jan. 21, 22, and 23, theatrical exhibitions were held in a private theatre erected in front of the palace. These exhibitions were strictly private, and only the highest nobles and their families invited (Dio Cass. lvi. 46, lix. 16; Joseph. *Ant.* xix. 1, 11; Tac. *Ann.* i. 73). In the year Caligula was murdered there was just for that year an extra day added, viz. Jan. 24 (ix. Kal. Febr.): cf. Suet. *Cal.* 56, 58; Dio Cass. lix. 29; Joseph. *l. c.* In the Calendar of Philocalus (354 A.D.) the 23rd was removed and the 17th to 19th added (*C. I. L.* i. pp. 384 and 385). [L. C. P.]

LUDI PISCATO'RII. We know that the fishermen and the divers of the whole bed of the Tiber formed a corporation (Wilmanns, 1737). To them probably refer the *ludi piscatorii* held each year on the 7th of June across the Tiber by the praetor urbanus (Festus, *s. v.*; Ov. *Fast.* vi. 235–240). [L. C. P.]

LUDI PLEBE'II. These were certainly held in the Circus Flaminius (Val. Max. i. 7, 4), and are mentioned as early as 216 B.C. (Liv. xxiii. 30, 17). Now as the Circus Flaminius was built in 220 B.C. (Liv. *Epit.* xx.), we may assign the establishment of the Ludi Plebeii to the same date, and also the *Jovis epulum* on the Ides (for all Ides are sacred to Jupiter) which is connected with these games (Liv. xxv. 2, 10; xxvii. 3, 9). This is a more probable view than that of Cicero, who (*de Orat.* iii. 19, 73) makes the Epulum Jovis to exist in the time of Numa, or that of the Pseudo-Asconius (p. 143, 12), who supposes the Ludi Plebeii to have been established either after the expulsion of the kings, or after the secession of the plebs. (See Marquardt, *Staatsverw.* iii. 349.) We find from the Calendar of Philocalus (354 A.D.) that the Ludi Plebeii lasted till the fourth century; cf. also Lampr. *Alex. Sev.* 37. The date of them was originally Nov. 15 (the *Equorum probatio* being on the 14th), just as that of the Ludi Romani was Sept. 15 (*C. I. L.* i. 401). They were celebrated by the plebeian aediles; and already in 207 B.C. they lasted for more than one day (Liv. xxviii. 10, 7). In some early calendars, *e.g.* the Fasti Maffeiani, they are put down as lasting from Nov. 4 to Nov. 17: in the Calendar of Philocalus, from Nov. 12 to 16 (*C. I. L. l. c.*). That plays were acted at the Ludi Plebeii is proved from the didascalia to the *Stichus* of Plautus (Ritschl, *Parerga zu Plaut.* p. 261). [L. C. P.]

LUDI PONTIFICALES. [LUDI ACTIACI.]

LUDI ROMANI. These games (the chief Roman festival) were in honour of Jupiter (Festus, s. v. *Magnos Ludos*), and are said to have been established by Tarquinius Priscus on the occasion of his conquest of the Latin Apiolae (Liv. i. 35, 9); though Dionysius (vii. 71) and Cicero (*de Div.* i. 26, 55) refer the establishment to the victory over the Latins at Lake Regillus. At first they lasted for one day only; a second day was added on the expulsion of the kings in 509 B.C. (Dionys. vi. 95), a third after the first secession, 494 B.C. (Liv. vi. 42, 12). From the year 191 to 171 they lasted ten days (Liv. xxxvi. 2, xxxix. 22, 1; Mommsen, *Röm. Forsch.* ii. 54), and shortly before Caesar's death they appear to have been a fifteen-day festival (Cic. *Verr.* i. 10, 31), Sept. 5 to 19. After Caesar's death a day was added (Cic. *Phil.* ii. 43, 110): this day must have been Sept. 4. For Cicero says (*Verr.* ii. 52, 130) that there was an interval of 45 days from the Ludi Romani to the Ludi Victoriae Sullanae on Oct. 26. Accordingly, Sept. 19 in the time the Verrines were composed must have been the last day of the Ludi Romani (*C. I. L.* i. 401); and so it appears in the Calendars of the Augustan time, the days of the games being Sept. 4 to 19. There was the *Epulum Jovis* on the 13th, and the *Equorum probatio* on the 14th. The games in the circus lasted from the 15th to the 19th. In the Calendar of Philocalus (354 A.D.) they run from Sept. 12 to 15. The celebration was in the hands at first of the consuls, afterwards of the curule aediles.

But we must not suppose that these games were regularly established as annual from the beginning. Games, as we have seen, in many cases began from a vow made by the commander, and were celebrated as a special festival after his triumphal procession. As the army, however, used to go forth as a general rule each summer, it became customary when it returned in autumn to celebrate such games, though connected with no triumph, and though no signal victory had been gained. But still in all cases they were celebrated as extraordinary games, and not as games regularly established by law. They were *sollemnes*, "customary," but had not yet become *annui* ("sollemnes, deinde annui mansere ludi Romani magnique varie appellati," Liv. i. 35, 9); for we must remember that *sollemnes* need not mean anything more than "customary." Livy indeed in the passage quoted identifies the two kinds, the *ludi magni* and the *ludi Romani*, and so do Cicero (*Repub.* ii. 20, 35), Festus (*l. c.*), and Pseudo-Asconius (pp. 142–3, Or.); but in all his other books Livy observes a distinction which has been pointed out by Ritschl (*Parerga zu Plautus*, &c. p. 290), that *ludi magni* is the term applied to extraordinary games originating in a vow (*ludi votivi*), while *ludi Romani* is that applied to the games when they were regularly established as annual (*ludi stati*). The latter term, i.e. *ludi Romani*, is first used by Livy in viii. 40, 2 (see Weissenborn *ad loc.*); and after that the terms varied according as the games are *stati* (e.g. x. 47, 7; xxv. 2, 8) or *votivi* (xxii. 9, 10; 10, 7; xxvii. 33, 8; xxxvi. 2, 2; xxxix. 22, 2, &c.; Suet. *Aug.* 23). The distinction drawn by Ritschl is to be considered proved. But when was the fixed festival, the *ludi Romani*, definitely established as annual?

Most probably, says Mommsen (*Röm. Forsch.* ii. 53; cf. *R. H.* i. 472), on the occasion of the first appointment of the curule aediles in 367 B.C., who were to be the *curatores ludorum sollemnium* (Cic. *Leg.* iii. 3, 7). For in the oldest Roman calendars which date from the time of the Decemvirs (cf. Mommsen, *Die röm. Chronologie*, &c. p. 30) these festivals are not engraved in capitals but in small characters, therefore are additions (*C. I. L.* i. 361) made after 449 B.C.; also in 322 B.C. the ludi Romani are mentioned as a regular annual festival (Liv. viii. 40, 2): accordingly the final establishment of these games must lie between these dates; and the year 367 B.C., when so many changes were effected, and when we are told a day was added to these games and curule aediles appointed to superintend them, seems the most reasonable to assume.

Yet Livy and the other authors who identify the ludi magni and Romani are not altogether in error: for the arrangement of the two kinds of games was similar. An incidental proof of this is that when Pompeius established *ludi votivi* in 70 B.C., they lasted for fifteen days (Cic. *Verr.* i. 10, 31), like the ludi Romani; and we find similar sums, viz. 200,000 asses, bestowed for both ludi magni and ludi Romani (Pseud.-Ascon. p. 142; Dionys. vii. 71). The actual ludi Romani consisted of first a solemn procession, *pompa* [CIRCUS]: then a chariot-race, in which each chariot in Homeric fashion carried a driver and a warrior, the latter at the end of the race leaping out and running on foot (Dionys. vii. 72; and cf. Orelli, 2593, where a charioteer is spoken of as *pedibus ad quadrigam*). This is a practice confined to the ludi Romani. In the exhibitions of riding, each rider had a second horse led by the hand (Festus, *s. v. Paribus Equis*), as it appears the Roman horsemen in early times were in the habit of using two horses in battle (cf. Gran. Licinian. lib. xxvi.), like the Tarentini in Greek warfare (Liv. xxxv. 28, 8). Such riders were called *desultores* (Liv. xxiii. 29, 5). Originally, in all probability, there was only one contest of each kind, and only two competitors in each contest (Liv. xliv. 9, 4), as "may be inferred from the circumstance that at all periods in the Roman chariot-race only as many chariots competed as there were so-called factions; and of these there were originally only two, the white and the red" (Mommsen, *R. H.* i. 236, note). These few events allowed further minor exhibitions, such as boxers, dancers, competition in youthful horsemanship (*ludus Trojae*), &c. It was allowed that the wreath the victor won (for this in Greek style was the meed of victory) should be put on his bier when dead (Twelve Tables, 10, 7, and Mommsen's remarks, *Staatsrecht*, i.^{2} 411, note 2). During the festival, too, the successful warrior in real warfare wore the spoils he had won from the enemy, and was crowned with a chaplet. After the introduction of the drama in 364, plays were acted at the ludi Romani, and in 214 B.C. we know that *ludi scenici* took up four days of the festival (Liv. xxiv. 43, 7). In 161 B.C. the *Phormio* of Terence was acted at these games.

(The chief work on the ludi Romani is Mommsen's article *Die ludi magni und Romani* in his *Römische Forschungen*, ii. 42–57 = *Rheinisches Museum*, xiv. 79–87. Compare also his *Roman History*, i. 235–237 (where the Greek influences on the Roman games are traced), 472, 473; and Friedländer in Marquardt's *Staatsverwaltung*, iii. 477, 478.) [L. C. P.]

LUDI SAECULA'RES. *Saeculum*, like so many words expressing time in Latin (*annus*, *mensis*, *dies*, Censorin. *De die natali*, 19, 22, 23), has a twofold meaning. There is the *saeculum civile* and the *saeculum naturale*. In the years 363 B.C. and 263 we find a recognition of the *saeculum civile* in the appointment of a dictator *clavi figendi causa*—a custom which originated probably in 463 B.C., when a grievous plague attacked Rome (Liv. iii. 6, 2; Dionys. ix. 67, 68), and a testimony to the irresistible force of fate was made by driving a nail (*clavus*), the symbol of Destiny, into the wall of the cella of Minerva on the Capitol on the Ides of September (Liv. vii. 3, 6; Mommsen, *Röm. Chron.* 175). The *saeculum naturale* was not, says Censorinus (238 A.D.) in his *locus classicus* on the meaning of the word (*op. cit.* chap. 17), ever established by the Romans, though they fixed the *saeculum civile* at 100 years. But its significance can be gathered from the celebration of certain games, which in later times indeed were called *Ludi saeculares*, but in early times *Ludi Terentini*. This *Terentum* (from *terere*) was a volcanic cleft in the Campus Martius, at which even under the monarchy the gens Valeria sacrificed dark victims to Dis and Proserpina (cf. Mart. x. 63, 3, "Romano Terento"). Valerius Maximus (ii. 5, 2: cf. Zosimus, ii. 1) tells a story of a certain Valesius who got his sons cured of a serious illness by giving them water from the Tiber boiled over this cleft; and these sons saw in the sleep that restored them to health a vision which ordered the sacrifice of dark-coloured victims to Dis and Proserpina on an altar to be found in the Terentum, and the celebration of lectisternia and nocturnal games for three nights in their honour. The altar was found deep buried, the sacrifice was offered, and from this sacrifice date the Ludi Terentini. We are told that P. Valerius Poplicola, first consul, in a case of pestilence offered the same sacrifice and held the same games, and thereby saved the state (Val. Max. *l. c.*). But this latter is a very old mistake, due to the confusion of the first consul with the L. Valerius Poplicola, consul in 449 B.C. For though we cannot be certain of any celebration of these games in 349 B.C., we have the most distinct evidence for their being held in 249 B.C. Varro (*ap.* Censorinus, *op. cit.* 17, 8) says of this year: "Cum multa portenta fierent, et murus ac turris, quae sunt inter portam Collinam et Esquilinam, de coelo tacta essent et ideo libros Sibyllinos xvviri adissent, renuntiarunt, ut Diti patri et Proserpinae ludi Terentini in campo Martio fierent tribus noctibus et hostiae furvae immolarentur, utique ludi centesimo quoque anno fierent." (Here, too, we should notice what St. Augustin, *de Civ. Dei*, iii. 18, says of these games, deriving his knowledge probably from Varro: "Jam vero Punicis bellis instaurati sunt ex auctoritate librorum Sibyllinorum ludi saeculares quorum celebritas inter centum annos fuerat instituta. Renovarunt etiam pontifices ludos sacros inferis et ipsos abolitos annis retrorsum melioribus.") The next celebration was not in 149 B.C. but in 146 (Censor. *op. cit.* 17, 11, who quotes contemporary authorities, Piso, Gellius, and Hemina). In the year 49 B.C. religion was silent amid the turmoil of the civil war; and the games were not solemnised till the well-known celebration of Augustus in 17 B.C. But why in this year?

There were many Greek myths (Lobeck, *Aglaoph.* 791 ff.) of certain ages of the world—the golden age, the silver age, &c.—mixed up with astronomical theories of the whole order of the universe beginning anew when the planets returned to their original positions after what was called a *magnus annus*. The same series of people would reappear on earth and repeat again the various exploits of their lives (cf. Verg. *Ecl.* 4, 34 ff.). Among these myths was one that the cycle began anew after four periods of 110 years each. (Cf. Probus *ad* Verg. *l. c.*; and Varro, *op.* St. Augustin, *de Civ. Dei*, xxii. 28: "Genethliaci quidam scripserunt esse in renascendis hominibus quam appellant παλιγγενεσίαν Graeci: hanc scripserunt confici in annis numero quadringentis quadraginta ut idem corpus et eadem anima quae fuerint conjuncta in homine aliquando eandem rursus redeant in conjunctionem.") Again, there was an influence from Etruria. Just as at Rome at the end of every five years there was a propitiatory offering made to the gods for the people, so in Etruria a similar sacrifice was made at the beginning of what they considered a *saeculum*, i.e. that space of time which embraced even the longest life. The propitiatory offering was made for all alive at the time: when that whole race had passed away, the gods signified that the cycle was over by sending prodigies, and a new sacrifice had to be offered (Censorin. *op. cit.* 17, 5). The first four *saecula* of the Etruscans lasted 100 years each, the fifth 123, the sixth and seventh 119 (Varro, *ap.* Censorin. *l. c.*): so that something over 100 years was the average *saeculum*. The definite Greek theory that the *saeculum* lasted 110 years was taken up by the Quindecimviri (Censor. *op. cit.* 17, 9: cf. "undenos decies per annos," Hor. *Carm. Saec.* 21), and in the interests of Augustus they proceeded to invent celebrations for 456 B.C., 346, 236, 126, Augustus's games being celebrated in the last year of the *saeculum*, 17 B.C. (cf. Mommsen, *op. cit.*, note 363, p. 185). The contemporaries of Augustus, however, Livy (cxxxvi. *ap.* Censor. *op. cit.* 17, 9) and Verrius Flaccus in Festus (s. v. *Saeculares Ludos*), adopt the theory of the *saeculum* being 100 years. The successors of Augustus celebrated the secular games according to different kinds of computation. Claudius, says Gibbon, did not treat the oracle with implicit respect. He celebrated the games, "which none had ever seen before," in the 800th year of the city (47 A.D.), with an actor who had taken part in the secular games of Augustus (Plin. *H. N.* vii. § 159). Domitian celebrated them in 841 of the city (=87 A.D.), six years too early if they were to be 110 years after those of Augustus.

(For this somewhat famous celebration, see Fast. Capitol. in *C. I. L.* i. p. 442; Suet. *Dom.* 4; Tac. *Ann.* xi. 11; Mart. iv. 1, 7, x. 63, 3; Stat. *Silv.* i. 4, 17, iv. 1, 37; Eckhel, vi. 383.) Antoninus Pius in the year 900 of the city (147 A.D.) celebrated them (Aurel. Vict. *Caes.* 15, 4), while Sept. Severus held them 220 years after Augustus in 204 A.D. The last celebration was in the 1000th year of the city (247 A.D.) by the Emperor Philip (Eutrop. 9, 3; Eckhel, vii. 323-4). It may be that Gallienus in 257 A.D. (Eckhel, vii. 409, viii. 22) held them as an extraordinary solemnity in a period of great trouble (Trebell. Pollio, *Gall.* 5), and Maximian in 304 A.D. certainly intended to hold them (*ib.* viii. 20), but does not appear to have carried out his intention: so from Philip's time we may say that the secular games disappear till they were revived in the Middle Ages as the Popish Jubilees instituted by Pope Boniface VIII. in 1300 (Gibbon, i. 327, 328; viii. 217, ed. Smith).

The *Ludi Terentini*, then, and their continuation, the *Ludi Saeculares*, are not a really genuine Roman ceremony. They rest on reference to the Sibylline books (Zosim. ii. 4; Varro, *ap.* Censor. *op. cit.* 17, 8; Hor. *Carm. Saec.* 5), are celebrated by the Quindecimviri (Hor. *Carm. Saec.* 70; Tac. *Ann.* xi. 11) outside the pomoerium (that the gods of the lower world might not be brought inside the city), the gods honoured are not Roman, and the Roman antiquarians considered the solemnities to be derived from Etruria (Censorin. *l. c.*: "Dein quod Etrusci quorum prima saecula centenum fuerant annorum etiam hic ut in aliis plerumque imitari voluerunt Romani"). It was as Magister of the College of Quindecimviri that Augustus celebrated the games with M. Agrippa as his colleague (Mommsen, *Res gestae d. Aug.* pp. 91-93; Eckhel, vi. 102).

The rites of the celebration are given by Zosimus (ii. 5), who also quotes *verbatim* the Sibylline oracle ordering the celebration. His account is in many points confirmed by coins, and is as follows: Heralds summoned the people to the spectacle they had never seen before and never would see again (cf. Herodian, iii. 8, 10). Then in the Capitoline temple of Jupiter and the Palatine temple of Apollo the Quindecimviri gave to all present (slaves were excluded) purificatories (*καθάρσια*, *suffimenta*), consisting of torches, sulphur, and bitumen; and in the same temples, and that of Diana on the Aventine, wheat, barley, and beans were given to the people to make an offering with (cf. Eckhel, vi. 387, for medals with the inscriptions *Suf(fimenta) p(opulo) d(ata)* and *A Pop(ulo) Frug(es) ac(ceptae)*, &c.), though Zosimus says these were to be given to the actors in the games. Then began the feast, which lasted three nights and three days. Offerings were made to Jupiter, Juno Lucina, Apollo, Latona and Diana, the Fates, Demeter (Tellus, Hor. *Carm. Saec.* 29), Pluto and Proserpina. On the first night at the second hour the emperor, with the assistance of the Quindecimviri, sacrificed to the Fates, at the Terentum, on the border of the Tiber, three rams on three altars, letting the blood flow all over the altars and then thoroughly burned the victims. A stage is then erected, the people light torches, a newly-composed hymn is sung, and splendid shows are exhibited: for the oracle said (l. 34) that the grave was to be mingled with the gay. On the next day a sacrifice was made on the Capitol of white bulls to Jupiter and a white cow to Juno, in accordance with the oracle (ll. 12, 15), and then in the theatre there were dramatic representations in honour of Apollo. On the second night a white pig and a white sow were sacrificed to Tellus, in accordance with the oracle (l. 11), and dark victims offered to Dis and Proserpina (Varro, *ap.* Censor. *op. cit.* 17, 8; Festus, s. v. *Saeculares Ludos*). On the second day the matrons offered supplications and sang hymns to Juno on the Capitol; and on the third day in the Palatine temple of Apollo there was a sacrifice of white oxen (Hor. *Carm. Saec.* 49), and thrice nine noble boys and maidens whose parents were still alive (*ἀμφιθαλεῖς*, *patrimi ac matrimi*) sang hymns in Greek and Latin for the preservation and prosperity of the Roman empire. Such a hymn was called *Carmen Saeculare*, and we still possess the hymn which Horace wrote for the celebration of the games by Augustus.

On the secular games generally, consult Mommsen, *Die römische Chronologie bis auf Cäsar*, pp. 172-194 (chapter on the *Saecula*); K. L. Roth, in the *Rheinisches Museum*, viii. (1853), pp. 365-376; Preller, *Römische Mythologie*, 469-478; Marquardt, *Staatsverwaltung*, iii. 370-378. [L. C. P.]

LUDI SEVIRA'LES. [LUDI MARTIALES.]

LUDI TAU'RII were of a similar nature, and due to a somewhat similar origin as the Ludi Saeculares. They were instituted to the gods of the lower world, according to Festus (s. v. *Taurii*, p. 350 M. The absurd interpretation given by Varro on p. 351 may be discarded), in the reign of Tarquinius Superbus, when a great pestilence fell on pregnant women, owing to the sale of bulls' flesh among the people. Other interpretations of the name are that it is from *taura* or *taurea*, a barren cow, which was sacrificed to Proserpina, or that the games were instituted by the Sabines that a pestilence which had attacked them might be turned on the bulls which they sacrificed (Serv. on Verg. *Aen.* ii. 140). At these games there was a chariot-race in the circus (Varro, *L. L.* v. 154). We hear of their being celebrated *religionis causa* for two days in 186 B.C. (Liv. xxxix. 22, 1). [L. C. P.]

LUDI TERENTI'NI. [LUDI SAECULARES.]

LUDI VICTO'RIAE CAE'SARIS or VE'NERIS GENETRI'CIS. These were first celebrated in 46 B.C. by Julius Caesar on the dedication of the temple of Venus Genetrix, voted at the battle of Pharsalia, which took place on Sept. 24 (*C. I. L.* i. 397); but they appear in the Calendars as being celebrated in July, from the 20th to the 30th. This is due to the introduction of the Julian Calendar, according to which July 23, 24 would correspond to Sept. 24, 25 (*C. I. L.* l. c.). They are called *Ludi Victoriae Caesaris* by the Fasti Maffeiani and Amiternini, by Matius Calvena in Cicero, *Fam.* xi. 28, 6, and Suet. *Aug.* 10; but *Ludi Veneris Genetricis* by App. *B. C.* iii. 28, Plin. *H. N.* ii. § 93, Senec. *Quaest. Nat.* vii. 17, Dio Cass. xlix. 42. But Victoria was identified with Venus Genetrix (Varro, *L. L.* v. 62; Gell. x. 1, 7; Preller, *Röm. Myth.* 389, 707; Mommsen in *C. I. L.* i. 397). These games were administered by a special collegium (Suet. *l. c.*; Plin. *l. c.*; Jul. Obseq. 68 [128]). [L. C. P.]

LUDI VICTO'RIAE SULLA'NAE were established by Sulla in 82 B.C. The original day was the Kalends of November, the date of the victory at the Colline Gate; but afterwards the games lasted from Oct. 26 to Nov. 1 inclusive. They were called Ludi Victoriae Sullanae by Velleius (ii. 27) and the Fasti Sabini (*C. I. L.* i. p. 302), to distinguish them from the Ludi Victoriae Caesaris. They do not appear in the Calendar of Philocalus (354 A.D.). [L. C. P.]

LUDI VOLCANA'LICI. The coins of 20 B.C., stamped *Mars Ultor* and *Volkanus ultor* (Eckhel, vi. 96), would seem to point to these games being established after the recovery of the standards from the Parthians; but the Fasti of the Augustan age do not mention them. These games were abolished by Macrinus, but soon renewed, owing to a religious feeling among the people that they ought to be restored, which was confirmed by the burning of the amphitheatre (Dio Cass. lxxviii. 25). They were celebrated in the temple of Vulcan outside the city (Plut. *Quaest. Rom.* 47 = p. 276) on the 23rd of August (*C. I. L.* i. 400). [L. C. P.]

LUDUS LITTERA'RIUS (*διδασκαλεῖον*), a school.

1. **In Greece.**—The education of children in Homeric times is not definite enough to come under our subject: it may, however, be noted that the sons of princes are represented in Homer as being trained under some instructor, not only in martial exercises, which would correspond to the palaestric course in later times, but (to take the instance of Achilles) also in something answering to rhetoric, under Phoenix (*Il.* ix. 414), whom Plutarch (*de Educ. Lib.* 12) calls *παιδαγωγὸς Ἀχιλλέως*, and in music and medicine under Chiron. The latter being represented to us as an instructor of boys away from their homes, may be said to give the earliest hint of anything like school teaching. Passing to historical times, we must draw a general distinction between Doric and Ionic races. In Doric states (for instance, Sparta and Crete) there was much gymnastic and little mental training. A boy at Sparta was taken from his parents' control at seven, and his subsequent training was supervised by the Bidiaei, under whom (with the real management) was the Paedonomus [Bidiaei; Paedonomi]. This referred, however, only to bodily exercises and chorus-singing. The state took no heed of literary education, and, if any was to be gained, it was a private concern of the parents. Many no doubt learned to read and write, and acquired some amount of simple arithmetic; but even this was far from being universal. In the *Hippias Major*, p. 285 C, it is said that few Spartans knew any arithmetic. Music, however, all learnt, the cithara and flute, and especially singing in chorus.

In Ionic states more attention was paid to literary culture. It is a question how far even among Ionians literary schools were ordered or controlled by the state, and it is still more doubtful whether they received state payment, or rather it is tolerably certain that the cases in which they did so may be regarded as exceptional. There is, however, abundant evidence of the importance attached to schools in Ionian states, even in early times. Herodotus (vi. 27) mentions a school of 120 boys at Chios in the year 500 B.C.; and so important was school education regarded, that, when the Athenians went to Troezen during the occupation of Athens by Xerxes, special provision was made to supply teachers there (Plut. *Themist.* 10). That education was regarded as a necessity appears even more clearly in the decree of the Mitylenaeans, given by Aelian (vii. 15), that the punishment of disobedient allies should consist in the prohibition of schools. Diodorus (xii. 12) tells us that Charondas (between 600 and 500 B.C.) passed laws for Thurii to the effect that all boys should have literary teaching at the public expense (*χορηγούσης τῆς πόλεως τοὺς μισθοὺς τοῖς διδασκάλοις, ὑπέλαβε γὰρ τοὺς ἀπόρους ἀποστερήσεσθαι τῶν καλλίστων ἐπιτηδευμάτων*). This is important testimony as to state regulation and state payment, if it can be accepted as authentic history. Most scholars deny that these laws are genuine, though others (as Göll) do not altogether reject them. It is to be feared that their date must be regarded as uncertain. As regards later times in Greece, it is clear from Polybius xxxi. 17 that there was state payment for education at Rhodes, since the Rhodians devoted a gratuity of Eumenes, king of Pergamus, to that purpose; and we learn from an inscription at Teos that in the last century B.C. there was in that island a payment for three *γραμματοδιδάσκαλοι* to teach boys and girls fixed at 600, 550, and 500 drachmas, two for the gymnastic school at 500 and a musical teacher at 700: a rich man of the place, Polythrus, had given the state 34,000 dr. to further the education of the poor (Hirschfeld, *Hermes*, ix. 501; Fränkel's note on Boeckh, *Staatshaush.* ii. 35*). We may pass from Greece in general to Athenian education, as the most important branch of the subject, and that on which we have most information. It does not appear that there was any state payment of schools at Athens before the Roman Imperial age, when Hadrian endowed chairs of rhetoric and philosophy (Gibbon, v. 91, ed. Smith). As regards state control, there was certainly a law of Solon fixing an obligation on parents and guardians to provide for the education of boys (Plat. *Crit.* 50 D). The neglect of this duty was noticed by the Areopagus, and brought at least some public stigma. There is no evidence of any penalty, and Becker thinks that it was merely an injunction, and that the only consequence of neglect was that the parents lost the right of claiming support from their children (cf. Aeschin. *Timarch.* § 13). The passage in Plato, *Legg.* vii. p. 804 C, is a Utopian scheme, not a statement of existing institutions. On the other hand, there is the question whether the public officers, the Sophronistae and Epimeletae, exercised any functions of inspection which would give the state a control. It is usual to think that they had nothing to do with schools (*διδασκαλεῖα*), though something with the gymnasium (see Göll on Becker's *Charikles*, ii. 56). And this agrees with Aristot. *Pol.* v. (or viii.) 1 (= p. 1336), where Aristotle desiderates public superintendence of education rather than leaving it in private hands, "*as it is now*": but Curtius (*Hist. of Greece*, ii. 385) believes the Sophronistae to have been appointed about 459 B.C. (at the same time as the Nomophylaces), to take over that part of the Areopagitic duties which related to orderly public life, and especially to the education of the young. And Fränkel, in the note mentioned above, cites a decree of Eleusis, which praises Dercylus for his efforts as *στρατηγὸς* in the cause of education; and this seems to imply some kind of state interference. Whether, however, state officials controlled and inspected schools or not, there is no doubt that feeling and custom made some considerable amount of literary education universal for boys at Athens. For girls there were no schools; what they did learn was from their mothers or from female slaves, and consisted chiefly in useful works, such as spinning: that sometimes at any rate they learnt to read and write may be gathered from Dem. *c. Spud.* pp. 1030, § 9, and 1034, § 21.

School period.—At the age of six, when the boy was strong enough to do without a woman's care, he was entrusted to a *paedagogus* [PAEDAGOGUS], who conducted him everywhere,—to school, to the palaestra, &c.,—carrying his books and other school requisites. (Cf. Plat. *de Leg.* vii. 808 D, who says that, if animals have caretakers, of course the boy must, "being the most unmanageable of all animals.") There is a kindlier notice of the genus schoolboy and his progress to school in Lucian, *Am.* 44, which is worth quoting: *ὄρθριος ἀναστὰς ἐκ τῆς ἀζύγου κοίτης τὸν ἐπὶ τῶν ὀμμάτων ἔτι λοιπὸν ὕπνον ἀπονιψάμενος ὕδατι λετῷ καὶ χιτωνίσκον καὶ χλανίδα ταῖς ἐπωμίοις περόναις συῤῥάψας ἀπὸ τῆς πατρῴας ἑστίας ἐξέρχεται κάτω κεκυφὼς καὶ μηδένα τῶν ἀπαντώντων ἐξ ἐναντίου προσβλέπων, ἀκόλουθοι δὲ καὶ παιδαγωγοί*, . . . carrying tablets, books or lyre." It is true that in the same author we find *σκυθρωπὸς ὥσπερ οἱ εἰς διδασκαλεῖα φοιτῶντες*, and of the severe discipline of cane and rod we have evidence from Arist. *Nub.* 972, Xen. *Anab.* ii. 6, 12, &c. The school began early in the morning and ended at sunset, according to Solon's law (Aesch. *Timarch.* § 12; cf. Plat. *Legg.* vii. 808 B; Thuc. vii. 29); but there was an interval for the *ἄριστον* at mid-day (Lucian, *de Parasit.* 61). In grammar schools the Musea was a school festival (see Theophrast. 26 and Jebb's note). And there were holidays at great festivals, so much so that in the month Anthesterion there was comparatively little school-time (Theophrast. 22).

Subjects.—The regular school course (*ἐγκύκλιος παιδεία*) was intended to convey, besides mere reading and writing, a knowledge of the poets, and proficiency in music and gymnastics. In the Socratic age some mathematical training was added, and at least a knowledge of simple arithmetic was universally imparted (*Hippias Maj.* 285 B; Plat. *Legg.* vii. 819 C). This mere reckoning, however, was taught mainly at home by means of a calculating table [ABACUS; LOGISTICA]; and accordingly Aristotle (*Pol.* v. or viii. 1) speaks of three usual subjects, *γράμματα*, *γυμναστική*, and *μουσική*. (In Plato *μουσικὴ* would include *γράμματα*.) The elementary reading lesson was sometimes made easy and attractive by methods like those of the modern *Kindergarten*, the use of ivory letters, &c. (Cf. Plat. *Legg.* vii. 819 D.) Grasberger cites from Philostratus (*Vit. Soph.* ii. p. 240) a device of Herodes, who gives to a weak pupil twenty-four companions named from the letters of the alphabet, *ἵνα ἐν τοῖς τῶν παίδων ὀνόμασι τὰ γράμματα αὐτῷ μελετῷτο*. For the method of teaching writing, see Plat. *Protag.* 326 D. The literary course consisted of reading and explaining the best poets (Plat. *Protag.* l. c.), such as Homer, Hesiod, Theognis, Phocyllides; but of these especially Homer. In Xen. *Symp.* 3, 5, Niceratus says, "My father, to make me a good man, compelled me to learn all the poems of Homer, and now I could say by heart the whole Iliad and Odyssey." (Cf. Dio Chrysost. *Or.* xi. 4.) This poetical training was intended to impart a knowledge of mythology and philosophy (especially through the *γνῶμαι*), as well as taste and power of expression. Of course time was freer, since there was no language, natural science, or history to be learnt.

To this literary course was sometimes added special teaching in tactics and strategy for those who looked to a military career (Plat. *Euthydem.* 273 C; Xen. *Mem.* iii. 1), and drawing was taught before the time of Aristotle (*Pol.* l. c.), having been, according to Pliny, introduced by Pamphilus (the teacher of Apelles) first at Sicyon, whence it spread over Greece, and was regarded for all sons of citizens a most important branch of education—slaves might not learn it (Plin. *H. N.* xxxv. § 77). It was chiefly correct outline drawing without colour, on boxwood tablets. The musical teaching began at 12 or 13, and was so ordered that the pupils might appreciate and accompany lyric poetry. Aristotle, in the book cited above, says that, while the literary education and the drawing are useful for the mind, music is to be maintained on the ground that, though of no practical use, it provides a noble and liberal employment of leisure. It should be observed that the instrument taught was the lyre: the flute, a favourite instrument at Thebes, and once commonly learnt at Athens, was tabooed, except for professionals, about the time of the Peloponnesian war. Aristotle (*l. c.*) gives reasons for this. The *διδασκαλεῖα* lasted till *ἥβη*, *i.e.* till 16; and afterwards for those of the richer classes, who wished for advanced learning, came the schools of the rhetoricians and Sophists, who taught various departments of knowledge. Curtius (*Hist. of Greece*, ii. 414) remarks that "the training was for life in general: the palaestra lessons fitted them for military exercises: power of judgment and readiness of speech came from their poetic studies: the music learnt at school was useful in social meetings, where the lyre passed from hand to hand." And it is easy to see that the literary course above described qualified the Athenians to take an intelligent and critical interest in their great dramas, and indeed in literature and art generally, such as was possible for no other nation as a whole in ancient or modern times; though there is some justice in the remark of Professor Mahaffy, that the development of the system led to elegant trifling and intellectual idleness (*Social Life in Greece*, 335). Such questions, however, need not be enlarged on here. They belong rather to Greek history.

Place of Education.—The schoolroom itself was called *διδασκαλεῖον* or *παιδαγωγεῖον* (Dem. *de Cor.* p. 313, § 258; Pollux, iv. 19, 41); also *φωλεόν*, or *φωλεός*. Hesychius gives curtly the combination of meanings *φωλεόν· διδασκαλεῖον· ἢ οὗ τὰ θηρία κοιμᾶται*. Some indeed maintain that the *παιδαγωγεῖον* was only an ante-room, where the paedagogi sat and waited; but Grasberger (vol. ii. 207) remarks that it was unlikely that so poor a school as that of Elpias would have an ante-room, and cites Philostr. *Vit. Soph.* ii. 263, to show that the paedagogi sat with their charges. In Roman times certainly we have Remmius Palaemon, as paedagogus, learning more than the schoolboys from the lesson (Suet. *Gr.* 23). Some schools had not even one room, but were held in the open air, as by Dionysius the younger (Gell. xxi. 5); cf. *Anth. Gr.* xi. p. 437:

> *αἰάζω Διότιμον ὃς ἐν πέτρῃσι κάθηται*
> *Γαργαρέων παισὶν βῆτα καὶ ἄλφα λέγων.*

But this is only in the case of the very poor: even the father of Aeschines is described by Demosthenes as in a schoolroom, and Demosthenes contrasts that establishment with the respectable (*προσήκοντα*) schools to which he went himself. The boys sat on benches (*βάθρα*), the master on a chair (*θρόνος*). See the rather unattractive picture in Liban. iv. p. 868, where we are told that the master "sits aloft, like a dicast, with an awful frown and an expression of implacable wrath, before which the pupil must tremble and cringe." In the vase-picture given below, we see the various departments, each group representing a class: (1) repetition of poetry; (2) music lesson on the lyre (where both teacher and pupil sit, and both have laid aside the *himation* to give free play to the arms); (3) the writing master with a tablet (or possibly a master correcting an exercise); (4) a singing lesson, where the master is not *teaching* the forbidden flute (see above), but giving a note from it. On the walls are articles of the school apparatus,—book-roll, tablets, lyre, geometrical instrument (?), drinking vessel, basket for books. It is a disputed question whether the seated spectators are government inspectors, paedagogi or parents, and the question is so impossible to decide, that the picture unfortunately cannot be made an argument for the presence of any one of the three at the lesson.

Athenian School. (From the Duris Vase.)

Payment.—The poor status of the Athenian schoolmaster (*γραμματιστής*) is sufficiently indicated by the line *ἤτοι τέθνηκεν ἢ διδάσκει γράμματα* (Meinek. *Fr. Incert.* 453 = Zenob. *Cent.* iv. 17). He was ill-paid, and often did not receive his payment at all (Dem. *c. Aphob.* i. p. 828, § 46; cf. Theophrast. 22). This does not apply to the Sophists in the more advanced school, who were able to charge as much as 100 minae for their complete course to each pupil (see Boeckh, *Staatshaus.* i. 154): and the chairs founded in later times by Hadrian had a stipend of 100 minae a year attached to them.

2. ROMAN.—At Rome, education, though not made obligatory by any law, was always, so far as our knowledge extends, considered of importance. In early days, however, the father himself generally taught his son. ("Erat autem antiquitus institutum ut a majoribus disceremus . . . suus cuique parens pro magistro erat." Plin. *Ep.* viii. 14: cf. Plaut. *Most.* i. 2, 42.) So Servius Tullius is said to have been taught by king Tarquin (Cic. *de Rep.* ii. 21, 37); and of Cato the elder it is said, as part of his conservatism, *αὐτὸς μὲν ἦν γραμματιστής, αὐτὸς δὲ νομοδιδακτής, αὐτὸς δὲ γυμναστὴς* to his own son (Plut. *Cat. Maj.* 20). This old training no doubt consisted much in living with the father and learning his business of public life; but there was also direct instruction in reading, writing, and arithmetic (*i.e.* reckoning), and in saying by heart the twelve tables which formed a sort of catechism to the Roman of the old school. Thus Cicero says, "discebamus pueri xii tabulas ut carmen necessarium;" though he adds with regret, "quas jam nemo discit." But it of course often happened that the father wanted either the ability or the inclination to teach his son, and so arose the custom of wealthy parents employing educated slaves or freedmen as private tutors at home. Livius Andronicus, late in the 3rd century B.C., was so employed by Livius Salinator: Augustus so employed the freedman Verrius Flaccus to teach his grandsons; and in some cases, when the teacher was a slave, his master let him teach a class of outsiders and so made a profit (Plut. *Cat. Maj.* 20). For this private tuition in early times, see also Plaut. *Bacch.* iii. 1, 27. It is probable, however, that even in the earliest times there were schools to which those who could neither teach themselves nor provide competent slaves as teachers, sent their children, boys and girls alike. Plutarch (*Rom.* 6) represents Romulus and Remus as learning at a school at Gabii *ὅσα χρὴ τοὺς εὖ γεγονότας*, and, in less purely legendary times, there is no reason to discredit the account of Virginia going to school (Liv. iii. 44), or of the schools at Falerii (Liv. v. 44) and Tusculum (Liv. vi. 25) early in the 4th century B.C.

Against this has by some been adduced the passage of Plutarch (*Quaest. Rom.* 59), which states that Spurius Carvilius was the first person who opened a school (*γραμματοδιδασκαλεῖον*) at Rome, B.C. 231: but Plutarch probably only means that Carvilius was the first *grammaticus* or teacher of the more advanced literary schools, which came in along with the influence of Greek literature, and be does not thereby negative the elementary schools mentioned by Livy (and indeed by himself elsewhere) as existing much earlier. It is necessary therefore to distinguish (1) *litterator*, or *magister litterarius* (=γραμματιστής), the elementary schoolmaster; (2) *grammaticus* (also *litteratus*), a more advanced teacher; (3) *rhetor*. This distinction explains Apul. *Flor.* 20: "prima cratera *litteratoris* ruditatem eximit, secunda *grammatici* doctrina instruit, tertia *rhetoris* eloquentia armat." So Augustin. *Confess.* i. 13, 1: "adamaveram litteras, non quas *primi magistri*, sed quas docent qui *grammatici* vocantur." Private teachers were employed in later as in older times, by many men of high station, but still, except the imperial family, it was common for those of the highest rank to send their sons to schools. Thus we find Sulla sending his son Faustus to the school in which Cassius also was being educated (Plut. *Brut.* 9); and Ausonius, a man of the highest rank in the state, recommends school education in a passage cited below. The question whether home or school education is to be preferred is discussed by Quintilian (*Inst. Or.* i. 2), with a result in favour of the latter, and the arguments on either side have a striking resemblance to those which are used at the present day.

Place.—The elementary schools and those of the *grammatici* were usually in a verandah partly open to the street, and the schoolroom is accordingly called *pergula* (see Marquardt, *Privatleben*, 93, note), *taberna*, or *porticus* (Suet. *Gr.* 18; Juv. xi. 137; Liv. iii. 44, vi. 25; Eumen. *pro Inst. Schol.* 20). Hence the noise of teaching and of punishing was audible through the street and annoying to the neighbours (Mart. xii. 57, &c.). Boys and girls were taught in the same school, as is shown alike by passages such as Mart. viii. 3, ix. 68; Ovid. *Trist.* ii. 369, and by old paintings which have been discovered.

School-time.—The school began early, even before dawn, when "nondum cristati rupere silentia galli" (Mart. ix. 68); so that the boys brought lamps with them (Juv. vii. 226): there was a break for the prandium (Lucian, *de Pras.* 61), after which the school was continued. Each boy was accompanied from his home by his paedagogus, or slave (who acted as a sort of private tutor, both in regard to control and not unfrequently in teaching), also called *custos* (Juv. vii. 218; cf. Hor. *Sat.* i. 6, 81), and by an inferior slave called *capsarius*, carrying the books and tablets, the "custos angustae vernula capsae" of Juv. x. 117, who is to be distinguished from the paedagogus. (Cf. Suet. *Ner.* 36, and Mayor's note on Juv. *l. c.*) Juvenal in *Sat.* vii. 222 ff. describes for us the schoolroom (which was, as was said above, generally in a sort of verandah); the busts of the poets blackened by smoke from the scholars' lamps, the master seated on his chair (*cathedra*), while his class stood before him or sat on benches (*subsellia*). We hear also of wall-maps in a remarkable passage of Eumenius, a teacher at Autun at the end of the 3rd century: "The boys should have daily before their eyes on the walls all lands and seas, all cities and peoples, comprehended under our empire: for the name and position of places, the distances between them, the source and outflow of rivers, the coast-line with all its seaboard, its gulfs and its straits, are better taken in by eye than ear" (*pro Instaur. Schol.* 20; cf. Propert. v. 3, 37). There were also tables of authors and of dates hung up (see Marquardt, *Privatleben*, 109).

Discipline.—That this was generally severe may be seen from the line of Juvenal (i. 15), "et nos ergo manum ferulae subduximus," and from the abundant illustration given by Professor Mayor on that passage. Zonaras mentions that the prince Arcadius was flogged by Arsenius without apparently any objection from the Emperor Theodosius. Arsenius, however, seems to have been a private tutor, teaching only the emperor's children. Quintilian (i. 3, 14) argues against corporal punishment altogether. On the other hand, prizes were given to encourage the industrious — some valuable or prettily got-up book: "praeposito praemio quod virtus auferret. . . . Is erat liber aliquis antiquus, pulcher aut rarior" (Suet. *Gr.* 17). Grasberger (ii. 335) cites an inscription found near the Porta Salaria about Q. Sulpicius Maximus, who at the age of 11½ won a prize against fifty-two competitors for Greek verses about Phaethon. Prizes are mentioned also at Athens in the Roman period for the best ἐγκώμιον or essay. Few passages will better give an idea of a Roman school than Idyll iv. which Ausonius (once tutor to Valentinian's sons, but afterwards a count of the empire and consul) addresses to his grandson, just going to school (line 27):

"Tu quoque ne metuas, quamvis schola verbere multo
Increpet, et truculenta senex gerat ora magister.
Nec matutinis agitet formido sub horis,
Quod sceptrum vibrat ferulae, quod multa supellex
Virgea, quod fallax scuticam praetexit aluta,
Quod fervent trepido subsellia vestra tumultu.
Haec olim genitorque tuus, genetrixque secuti
Securam placido mihi permulsere senectam."

Schooltime and Holidays.—The Roman school year began on March 24th, after the Quinquatria, when the new boy brought his entrance-fee (*Minerval*, see Tertull. *de Idol.* 10; Juv. x. 116, and Mayor's note). Sometimes the money for the whole previous year was brought then (Juv. vii. 242), but (as appears from Hor. *Sat.* i. 6, 72) it was usually paid each month; and this is prescribed by an edict of Diocletian (*C. I. L.* iii. 831). The regular holidays or vacation were the week at the Saturnalia in December and the five days at the Quinquatria in March, but there was also a holiday on each *nundinae* (Varr. *ap.* Non. 133; Suet. *Gr.* 7), and at the time of the important games. This is indeed a very much shorter estimate of holidays than that which Marquardt gives (*Privatl.* 43), of *four months'* continuous holidays in the summer! But his view cannot be accepted. He bases it on two well-known passages: (1) Hor. *Sat.* i. 6, 75, from the reading, "Ibant *octonis* referentes Idibus *aera*;" (2) Mart. x. 62, "ferulae . . . cessent et idus dormiant in Octobris." As regards the first passage, there is little doubt that we should read *octonos*, *aeris*, which must have been the reading of Schol. Cruqu., "Hoc est singulis idibus referebant octonos asses aeris," and of Acron, "Octonis (*-os?*) numos pro mercede, octonos asses aeris, quia ante Idus mercedes dabantur." For the expression we may compare Cic. *pro Rosc. Com.* 10, 28, "duodecim aeris," and Plin. *H. N.* xiv. § 16, "octonis aeris vendere." Horace is contrasting with Rome the countrified school where boys carried their own books instead of having a *capsarius*, and paid a very small sum. Martial, even if the passage were taken to convey a fact, would not convey what Marquardt postulates, since the poet represents the schools as going on at any rate in July, and therefore expressly excludes the *four* months. But in truth Martial makes no statement: bored by the noise of a neighbouring school, doubly tiresome in hot weather, he is expressing a wish, which he never expects to be fulfilled. There is therefore nothing in these passages to discredit the plain inference to be drawn from the manner in which the Quinquatria and Saturnalia are spoken of as the *principal* holiday-times for schoolboys, though neither lasted more than a week.

Subjects.—The school life began usually at seven years of age (Quint. i. 1, 15); but no doubt in most cases there was some earlier home instruction. Tacitus (*Dial.* 29) mentions, with no approval, the custom of having a Greek maid, like a *bonne*, for children to give them an early familiarity with the Greek language. In the elementary schools the course consisted of reading, writing, and simple arithmetic. (Cf. Augustin. *Conf.* i. 13, "illas primas ubi legere et scribere et numerare discimus.") Quintilian (i. 1, 26) mentions the system of making the reading lesson attractive by using ivory letters, as above in Greek schools. The writing lesson was on a wax tablet, with lines or furrows (*sulci*) to guide the hand (Quint. i. 1, 27). Arithmetic (as we know from Horace, *A. P.* 325) was of great importance in the Roman judgment, and we find from an edict of Diocletian that the arithmetic master (*calculator*) was paid more highly than the teacher of reading and writing. (For the method, see LOGISTICA.) In the schools of the grammarians (which we may assume, according to the passage quoted from Pliny, to have been started by Sp. Carvilius) came the study of poets. This school differed from the elementary school, because that was training merely for the bare necessities of practical life, while the grammar school (if we may so term it) was nearer the ideal Greek training, an *eruditio liberalis* or "liberal education" (Cic. *Tusc.* ii. 11, 27). The central point was to read with full explanation Greek and Latin poets (these were sometimes distinct under *grammatici Graeci* and *Latini*): the boy must first learn to read the poet with understanding and with correct emphasis. It is clear that the Romans, like the Greeks, laid the greatest stress on elocution. Eloquence under the Republic was the only avenue to power (Tac. *Dial.* 37; Friedländer, vol. iv. 7); and the school was intended to train the utterance as well as to supply a flow of words, "os tenerum puero balbumque poeta figurat." This is abundantly shown in Cicero and Quintilian *passim*, and perhaps better than elsewhere in Ausonius, *Id.* iv. 45:

"Perlege quodcunque est memorabile: priva monebo
Conditor Iliados, et amabilis orsa Menandri
Evolvenda tibi: tu flexu et acumine vocis
Innumeros numeros doctis accentibus effer,
Adfectusque impone legens: distinctio sensum
Auget, et ignavis dant intervalla vigorem."

With this object the master read over t
passage and made the class repeat it, as we s
from the frequent *reddere dictata*, i.e. to repe
passages after the master (Hor. *Ep.* i. 1, 5
i. 18, 13). This is expressed also by the wo
praelegere (Mart. i. 36; Quint. i. 8, 8). Besid
this, however, the passage was thorough
threshed out as to its meaning, its metre, t
questions of geography, history, mythology, a
ethics connected with it (Quint. i. 4, 4; C
Verr. i. 18, 47; Tac. *Dial.* 30). Hence Cice
says of these schools of *grammatici*, "In gra
maticis poetarum pertractatio, historiarum co
nitio, verborum interpretatio" (*de Orat.* i. 4
187; cf. Juv. vii. 231). The questions rai
were, however, often extremely trivial, "t
name of Anchises' nurse," &c. (Juv. vii. 23
see the instances in Mayor's note *in loc.*). Th
were also learning by heart and practice in ve
composition: prose belonged to the rheto
school, when that was established as separ
from the grammatical. As regards the auth
read, Homer universally held the first pl
(Hor. *Ep.* ii. 2, 42; Quint. i. 5, 8; Plin. *Ep.*
14), and next perhaps the favourite
Menander (Ov. *Trist.* ii. 23; Auson. *l. c.*),
then the great tragedians. We have an acco
in Stat. *Silv.* v. 3 of the books read in the sch
kept by the father of Statius at Naples; and t
list comprises Homer, Hesiod, Theocritus, Pind
Ibycus, Stesichorus, Sappho, Corinna, Cal
machus. It is possible, as Friedländer remar
that at Naples, as a town preserving Greek
and habits, Greek literature might be m
deeply studied than elsewhere. The La
authors most read in the 1st century w
Virgil, Horace, and Lucan; Statius lived to
his own works read in schools (*Theb.* xii. 81
A reaction took place as to the literature
vogue about 100 A.D. (see Grasberger, vol.
p. 204; Friedländer, vol. iv. p. 20), and,
place of the authors of the Augustan age,
older prose writers and the poets of the
cent. B.C.—Gracchus, Naevius, Ennius, Plaut
Accius, and Lucilius—were adopted as scho
books. This was at the time when Hadrian p
ferred Cato to Cicero, Ennius to Virgil (
Hadr. 16). Fronto, the teacher of Mar
Aurelius, was a leader in the depreciation of
Augustan writers (see Teuffel, *Hist. of Rom*
Lit. § 351 ff.). Music began to be stud
towards the end of the 1st century—a mar
Greek influence (Sen. *Ep.* 88, 9; Suet. *Tit.*
and the above course, with the addition
geometry, formed what Quintilian (i. 10,
calls the ἐγκύκλιος παιδεία with which
majority were content. Many, however, p
ceeded to the school of the *rhetor*. Like
school of the *grammaticus*, this was origin
formed after the Greek pattern. The e
Latin rhetors, Plotius, &c. were not appro
and the censors in B.C. 92 closed the L
schools of rhetoric, because, as they alleged, t
were a pretence for idleness. (Suet. *Rhe*
Gell. xv. 11). Cicero (*ap.* Suet. *Rhet.* 2) te
to the superior teaching of the Greek *rhet*
In these schools prose authors took the pla
poets: but the principal part was the
exercise, which, for the beginner a mere
narrative, passed on to the *declamatio*.
easier kind of *declamatio* was *suasoria*, on
historical and mythological subject, ado

some view on this or that story or point of history and arguing it (see Juv. i. 16). They advanced to *controversiae* or declamations on some legal point. (See Friedländer, vol. iv. p. 23, French translation.) Pliny (*Ep.* ii. 3) may be referred to for a description of a celebrated *rhetor*—the Isaeus alluded to in Juv. iii. 74.

The status and emoluments of the schoolmasters, *grammatistae* and *grammatici* alike, were low. Ovid calls them "turba censu fraudata:" compare the poverty of the famous Orbilius, described in Suet. *Gr.* 9, and especially Juv. *Sat.* vii. 228–243. What their ordinary fee was, cannot, however, be determined. In Diocletian's time (when their position was probably better than when Juvenal wrote), the maximum fee for the *grammatistes* from each pupil was 50 denarii a month, and for the *grammaticus* 200 (*C. I. L.* iii. 831).* The *rhetor* seems to have received twice as much as the *grammaticus*, and his emoluments were increased by the state endowments begun by Vespasian (Suet. *Vesp.* 18). Remmius Palaemon is cited as an instance of a wealthy *grammaticus*, and by a *rhetor* wealth was more often acquired. There were, besides, the turns of fortune, of which Juvenal speaks (vii. 197), and of which the Emperor Pertinax (once a *grammaticus*) and Ausonius afford instances. (See Mayor's note on Juv. *l. c.*)

For the literature on this subject, the most important Latin and Greek authors have been cited in this article: a long additional list will be found in Grasberger, vol. ii. p. 12, whose work, *Erziehung und Unterricht in classischen Alterthum*, forms the most complete modern authority. See also Becker-Göll, *Charikles*, ii. 19 ff.; Göll's excursus on Becker's *Gallus*, vol. ii. pp. 61–114; an excellent popular work of Blümner, *Leben und Sitten der Gr.*; Marquardt, *Privatleben*, p. 80 ff. [G. E. M.]

LUDUS TROJAE. [Trojae Ludus.]

LUMINA. [Servitutes.]

LUPA'NAR. [Caupona, Vol. I. p. 388 *b*.]

LUPA'TUM. [Frenum.]

LUPERCALIA, probably the most ancient of the Roman festivals, was held every year on the 15th of February, in honour of a deity who is described as *Faunus* or Pan by Ovid (*Fasti*, ii. 353 foll.), *Inuus* by Livy (i. 5), *Lupercus* by Justin (xliii. 1, 7). The later Romans had lost the secret of the god's real name, and their scholars merely made guesses about it, which are represented in the names above given; Faunus being brought in through his supposed connexion with the Palatine hill, Inuus being an obscure deity of the same character as Faunus, and Lupercus probably a mere invention, based on the name of the festival. Remembering the great multiplicity and fluidity of the names of Roman deities, and the tendency to avoid fixing a god's name in ritual, we may hesitate to form a conclusion where the Romans themselves were uncertain. (*Liber* is suggested by Servius on *Aen.* viii. 343, who also says that others held the divinity in question to be a *deus bellicosus.*) The general character of the rites suggests an extreme, possibly even a pre-Roman, antiquity; and though their meaning can be in part explained, they do not suggest any particular deity as specially concerned in them.

These rites were as follows:—On the day in question the members of the two colleges of Luperci (see Luperci) met at the cave of the Lupercal, under the Palatine, where Romulus and Remus were said to have been nurtured by the she-wolf, where (according to Justin, *l. c.*) there was a temple and an image of the deity girt with a goat-skin—most probably of comparatively late origin. Here they sacrificed goats and young dogs (Plutarch, *Quaest. Rom.* 68; *Rom.* 21), and at the same time were offered the sacred cakes made by the Vestal Virgins from the first ears of the previous harvest (Serv. *Ecl.* 8, 82). Then two young men of birth, themselves perhaps members of the Luperci, were brought forward: these had their foreheads smeared with the knife still bloody from the victims, and then wiped with wool dipped in milk, after which they were obliged to laugh. They then, or other Luperci, girt themselves with the skins of the slaughtered goats, and feasted luxuriously; after which they ran round the Palatine hill, striking at all the women who came near them with strips of skin cut from the hides of the victims. These strips bore the name of *februa*, a word applied by the Romans to many kinds of instruments of purification. (For the above details, see Plut. *Rom.* 21, *Caesar* 61; Dion. Hal. i. 79, 80; Val. Max. ii. 2, 9; Ov. *Fasti*, ii. 267; Juv. *Sat.* ii. 142.)

The immediate object of this striking was believed to be that of rendering the women fertile—and this is confirmed by a considerable number of parallels in classical antiquity (see Mannhardt, *Mythologische Forschungen*, 113 foll.)—and at the same time was regarded as a purificatory rite, or as a *lustratio* of the Palatine city round which they ran (Tac. *Ann.* xii. 24). This is a combination of ideas which is not hard to explain, if we recollect that other processional ceremonies of the Romans (see Lustratio) had the combined objects of purifying, averting evil, and fertilising land, people, or city. Other parts of the festival are, however, extremely difficult to explain. In the smearing of the young men's foreheads with blood, we may see a relic of human sacrifice, which actually occurred in the somewhat similar worship of the Lycaean Zeus in Arcadia; or this may have been a symbolic or quasi-dramatic act, signifying that the young men had died, like the victims, but had gained a new life with the wiping off of the blood—a resuscitation which may have been marked by the rule that they should *laugh* at this point in the rite. If this latter explanation were true, the thing symbolised would be the revival of the powers of fertilisation with the return of spring (Mannhardt, *op. cit.* p. 91 foll.).

The girding on of the goatskins may possibly be partially explained by certain similar usages in which the priest wears the skin of the victim he has slain. By some this is referred to totem-worship—the god himself (cf. Justin, *l. c.*) and his priests wearing the skin of the sacred totem (Lang, *Myth Ritual and Religion*, ii. 177 and 213; Robertson Smith, *s. v.* Sacrifice, in *Encycl. Brit.*).

The victim should, in these totem sacrifices, be the animal which represents the deity, and so far the popular conception of Faunus bears out the view above given, when we see the statue of

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* Diocletian's *pretia* are all in the *copper* denarius = (according to Hultsch) about $\frac{3}{10}$ of a penny. Hence the yearly fee of 600 den. = 15 shillings. (See Marquardt, *Staatsverw.* ii. 84.)

the goat-footed deity clothed in the skin of the sacrificed goat. (Compare the clothing of the ram-faced god Ammon in the skin of a sacrificed ram, Herod. ii. 42.) As to the sacrifice of the dog, it is perhaps simplest to connect this also with the pastoral use of that animal as protector of the flocks, rather than to refer it, as Preller does, to a worship of infernal powers. (He cites the case of Hecate.) While, however, there is much to be said for the probability of these views, they are at best conjectural. Thus much seems at any rate clear, that the rites are those of a primitive pastoral tribe occupying at first the Palatine, and that they were understood to bring fertility and security not merely of flocks, but of the whole people: for the running round the pomoerium is clearly meant to include the whole existing state.

While (probably) the most ancient festival of Rome, it was also the festival which lasted longest. We find it celebrated in the 5th century, apparently with the approbation of the Emperor Anthemius (Gibbon, vol. iv. p. 281), and finally prohibited, A.D. 496, by Pope Gelasius, who is thought by some to have ordered the Christian festival now held on February 2 (originally February 14), in order to make the populace forget the pagan rites of purification connected with that month. The date, however, at which this Christian festival was first instituted is not quite certain. It is worth noticing, as bearing on the significance of the Lupercalia, that in these later times popular superstition valued them as piacular rites which were a safeguard against pestilence. This seems clear from the arguments against them which are used in the letter of Gelasius (see Fleury, *Histoire Ecclés*. xxx. 41). In addition to the authors cited in the article, reference may be made to Marquardt, *Staatsverw*. iii. 442; Preller, *Röm. Mythol*. 342 ff. [W. W. F.]

LUPERCI were the members of a very ancient, perhaps the most ancient, corporation of priests at Rome, which also outlived the other institutions of the old Roman religion. An account of the rites which they superintended will be found in the preceding article [LUPERCALIA]. As regards their institution there are two separate legends; one ascribing their foundation to the Arcadian Evander (Liv. i. 5; Ov. *Fast*. ii. 423; Plut. *Rom*. 21), the other to Romulus and Remus (Ov. *Fast*. ii. 361; Plut. *l. c.*). It is probable that both are untrue. It seems that the idea of a Greek institution is only an attempt of later times to connect this priesthood with the worship of the Greek pastoral god Pan. They were said to be priests of Faunus, the Italian deity of flocks and herds, and Evander is perhaps merely a translation of Faunus, "the favourer" (see Marquardt, *Staatsverwaltung*, iii. 439). It is probable, as Marquardt points out, that the connexion with the legends of Romulus, though much older than the Grecising legends, is more recent than the institution of the priesthood, and arose from the fact that the neighbourhood of the Lupercal was connected with many traditions about Romulus, the Ficus Ruminalis, Casa Romuli, &c., and also from the compound *lupus* in the word itself, just as those who adopted Greek tradition found an argument in the word Λύκαια. The name of Faustulus, it is to be noticed, in the Romulean legends, has the same
meaning as that of Faunus. We can have
doubt that the priesthood belongs to the
tribal settlement on the Palatine, and de
its name from neither of the above-menti
legends. Rejecting many improbable de
tions, such as *luere-capra* (Servius), *lupa-pa*
(Arnobius), *lues-parcere* (Unger), *lupus-h*
(Schwegler), we may adopt as the most li
origin of the name Luperci, that w
Mommsen (*Hist. of Rome*, i. 176) and Marqu
prefer, *lupus-arceo*: i.e. "the protectors of
flock from wolves." The priesthood wa
the hands of two collegia, of which the *so*
were called respectively *Luperci Quincti*
(or *Quinctiales*?) and *Luperci Fabiani*, or s
times Quinctilii and Fabii. In other w
originally it was a gentile sacred rite, and
in very ancient times under the exclusive ch
of these two *gentes*, although that attachn
to a particular *gens* lasted only in the n
and was retained neither in respect of
members nor the organisation. So far as reg
the second collegium, there is no difficult
understanding it of the gens Fabia (cf. Prop
v. 1, 26), though Unger (*Rhein. Mus.* 1
pp. 50 ff.) seeks to connect the name
februare; but there is more doubt about
signing the other collegium to the gens Qu
tilia. It may be assumed that these Lup
ranked before the Fabian; for this prio
of rank will explain the legends which at
bute the Quinctilii to Romulus and the F
to Remus (Ov. *Fast*. ii. 373; Vict. *de O*
22), and the name might be regarded
fairly settled, if we could satisfy oursel
whether the Quinctii or the Quinctilii were
older. Mommsen (*Hist. of Rome*, i. 51;
Staatsrecht, i. 560, note) and Marquardt (*op.* c
take the Quinctii to be the old gens,
Quinctilii a later introduction from Alba (
which the authority is Dionys. iii. 29);
they cite also an inscription (Orelli, 2253
C. I. L. vi. 1932), "lupercus *Quinctialis* vet
and the coincidence of the praenomen *K*
belonging to the Quinctii and Fabii *alone*,
possibly derived from the thongs with wh
the Luperci strike (*caedunt*), as proving t
the name should be *Quinctianus* or *Quinct*
from the Quinctii, not *Quinctilianus*, as tho
from the Quinctilii. We have, however, on
other hand, the fact that Livy (i. 30) gives
the opposite account to Dionysius, and m
the Quinctii come from Alba; and that
ancient authorities, except the inscription a
give the name Quinctilii or Quinctiliani to
priesthood. We can hardly therefore
Mommsen's view as proved beyond a d
We shall be on more certain ground in assu
that this gens, whether the Quinctii or
Quinctilii, exercised the priesthood in this
ship on the Palatine for the *Montani*, and
them, when the tribal communities am
mated, were joined the Fabii for the
rites on behalf of the *Collini*. (That the F
gens belonged to the Collini is shown by
having their *sacra gentilicia* on the Quir
Liv. v. 46, 52.) Possibly the Fabii used or
ally their separate sanctuary on this hill fo
Lupercalia, but there can be no doubt tha
associated worship of the two *collegia* of Lu
(as afterwards of the third also) was in
Lupercal on the Palatine—the only Lup

mentioned—a cave in the western angle of the Palatine, the site of which cannot be positively identified, where the rites in the festival were begun. It was in later times adorned with some masonry, perhaps a portico at the entrance; for it is stated in the inscription of Ancyra that Augustus rebuilt it. (See Middleton's *Rome*, p. 57; Burn's *Rome and Campagna*, p. 156.) Julius Caesar, in the beginning of the year 44, added a third corporation of priests called the *Luperci Julii* (Dio Cass. xliv. 6; Suet. *Jul.* 76), and assigned to them revenues which the senate after his death took away (Cic. *Phil.* xiii. 15, 32), and of this collegium Antonius was *magister*. The assumption from this is that each of the collegia had its own *magister*, though in inscriptions we find only "magister lupercorum" without distinction. The word *vetus* applied to a *lupercus* (as in the inscription given above) means no doubt that he belonged to one of the two older corporations. The members (*sodales*, ἑταῖροι) were ordinarily of the equestrian rank, rarely senators (cf. Mommsen, *Staatsrecht*, l. c.). Under the Republic they were probably (like the *Fratres Arvales*) coopted into the body, but Mommsen thinks that under the Empire they were appointed by the emperor. Some have asserted the office to be terminable, on the authority of two inscriptions, which seem to give "lupercus *iterum*," "lupercus *ter*" (*C. I. L.* vi. 496; 2610), but the wording and significance of these are by no means certain, and Marquardt believes the office to have been for life (as was also the office of the Fratres Arvales). It is also questionable whether this priesthood existed in any Italian town except Rome. The inscriptions found in various municipia perhaps record merely the names of men who belonged to one of the three collegia at Rome, and who kept the title in their new domicile. At any rate, we have no mention of the festival being held anywhere but at Rome. Of the manner in which the functions were partitioned among the different collegia we have no record. For an account of the rites which they celebrated, see LUPERCALIA. (In addition to the works cited above, reference may be made to Preller, *Röm. Myth.* 111.) [G. E. M.]

LUPUS FE'RREUS, the grappling-iron used by the besieged in repelling the attacks of the besiegers, and especially in seizing the battering-ram and diverting its blows. [ARIES.] (Liv. xxxviii. 3; Veget. *de Re Mil.* ii. 25, iv. 23.) [J. Y.]

LUSTRA'TIO (*luo*, to purify), called by the Greeks κάθαρσις, is a term which covers a great variety of ceremonies in the religious usage of the ancients: of these only the most remarkable and best attested can be referred to in this article. It should be remarked at the outset, that ceremonial purification, which is found in some shape among peoples of all stages of development, may be traced to an origin in the necessities of bodily ablution, especially in connexion with certain well-marked events in human life, such as birth, marriage, bloodshed, and burial. There gradually follows a transition "from practical to symbolic cleansing, from removal of bodily impurity to deliverance from invisible, spiritual, and at last moral evil" (Tylor, *Primitive Culture*, ii. 388).

This transition was complete by the time at which Greek and Roman literature enables us to become acquainted with the rites of this kind practised by the two peoples; but the primitive idea may be often noted underlying usages which had lost their original meaning. Cicero reflects this idea in the following remarkable passage:—"Caste jubet lex adire ad deos, animo videlicet, in quo sunt omnia; nec tollit castimoniam corporis, sed hoc oportet intelligi, quum multum animus corpori praestet observeturque, ut casta corpora adhibeantur, multo esse in animis id servandum magis; nam illud vel *aspersione aquae* vel dierum numero tollitur; animi labes nec diuturnitate evanescere nec amnibus ullis elui potest" (*de Legibus*, ii. 10, 24).

The various usages of lustration may conveniently be grouped under the following heads:—1, purification necessary before entering holy places; 2, purification from blood-guiltiness; 3, purification at birth, marriage, and death; 4, purification of house, land, city, or people, on certain stated occasions, or with some special temporary object.

1. Both in Greece and Italy we have sufficient evidence that worshippers could not enter a temple without a previous symbolic act of washing. Even before engaging in ordinary prayer this was proper, as may be seen from Homer, *Od.* iv. 750 (cf. *Il.* xvi. 228 ff.); but in temple-worship it was indispensable. At the entrance of temples were placed vessels holding pure water (περιρραντήρια), in which the worshippers dipped their hands; or the water was sprinkled over them by a whisk, frequently a laurel-branch (Bötticher, *Baumkultus der Hellenen*, p. 353; Lucian, *Sacrif.* 13; Pollux, i. 8). Sea-water or spring-water was preferred; and salt was sometimes added to fresh water (Theocr. 24, 95). Temples were usually placed near running water, for convenience (Bötticher, *Tektonik der Hellenen*, ii. 485). In Latium the word *delubrum* signified the space before the temple where this purification was performed (Serv. *ad Aen.* ii. 225); and it was as indispensable as in Greece, as may be clearly seen from Livy (xlv. 5, 4): "Cum omnis praefatio sacrorum eos, quibus non sint purae manus, arceat" (cf. i. 45, 6, where the priest of the temple of Diana, on the Aventine, requests a Sabine who wished to sacrifice there, to bathe in the Tiber in the valley below). The temples themselves were no doubt kept pure from defilement in the same manner as the worshippers; for we find that the Vestal Virgins daily sprinkled that of Vesta with some kind of mop (which is represented on coins) and with water brought from the holy springs of Egeria or the Camenae (cf. Eur. *Ion*, 101). For further information about this kind of lustration, see K. F. Hermann, *Griech. Alterthümer*, vol. ii. sects. 19 and 23, ed. 2; Marquardt, *Staatsverwaltung*, vol. iii. (ed. 2), pp. 154 and 175.

2. The notion that blood-guiltiness could be removed by symbolic purification was not apparently indigenous in Greece, for it is not found in Homer (Grote, *Hist. of Greece*, i. 21). Müller (*Eumen.* § 53) takes a different view. In later times, whether the murder had been voluntary or not, it was indispensable (see Lobeck, *Aglaoph.* 968, where passages are collected); and is familiar to us in the story of Orestes, both from the Eumenides of Aeschylus and from numerous painted vases. Herodotus (i. 35) tells us that the κάθαρσις of the Greeks was identical with

that used by the Lydians, whence it has been inferred that the Greeks borrowed the idea from Lydia; and considering the strong negative evidence of the Homeric poems on the point, it is not unlikely that the practice of expiation from blood-guiltiness may have been of later date, and suggested by Eastern influences. There is no certain sign of it in Roman antiquity; the so-called lex regia of Numa, quoted in Festus (221, s. v. *parricida*), makes no mention of it; and it would seem that a murderer was totally and permanently excluded from temple-worship (Liv. xlv. 5, 3), though this cannot be regarded as fully proved by the evidence. When Ovid, in the well-known lines, "A nimium faciles qui tristia crimina caedis Fluminea tolli posse putetis aqua" (*Fasti*, ii. 45), refers to the Greek belief and practice as based on a delusion, he is perhaps reflecting not only the opinions of educated scepticism, but also the view which was natural to the Roman mind.

3. Purification was necessary after the birth of an infant, as is shown by the Roman expression *dies lustricus* for the day (the ninth after birth for a boy, the eighth for a girl) on which the child received its name (Macrob. i. 16, 36: "Est autem lustricus dies *quo infantes lustrantur* et nomen accipiunt"). In the corresponding Athenian rite of the Amphidromia, we are not informed of any such lustration, except that the women who had attended at the birth then washed their hands (Suidas, *s.v.* ἀμφιδρόμια); but the practice of some form of baptism is so universal (Tylor, *Prim. Culture*, ii. 389 ff.) that we may be justified in assuming it. At marriage the practice of lustration is clearly seen in Greece: both bride and bridegroom bathed, on the day before the wedding, in water brought from a holy spring (*e.g.* Callirrhoe, at Athens), to signify that they entered the married state in purity (Pollux, iii. 43; Schol. Eur. *Phaen.* 349). So at Rome, the bride, on arriving at her husband's house, was sprinkled with lustral water (Festus, p. 87), and her feet were washed (Serv. *ad Aen.* iv. 167). In Greece, after a death, all who were in the house, and all who subsequently came in contact with the corpse, were contaminated and in need of purification (*Odyss.* x. 481; Eur. *Iph. Taur.* 380), and a cask of water, called ἀρδάνιον, was placed outside the house with this object (Pollux, viii. 65). Among the Romans we find the same ideas prevailing in funeral rites: a day was fixed on which, by sacrifices and other ceremonies, the polluted household was cleansed. This was called "feriae denicales" (Festus, p. 70; cf. Cic. *de Leg.* ii. 22, 25); a pig had been previously sacrificed at the grave (Cic. *l. c.*) to render it holy ground.

4. From the illustrations given in the three preceding paragraphs it will have been seen that the idea of the necessity of purification, in the simple and ordinary sense of the word, and as symbolised chiefly by some act of ablution, was one which pervaded the whole life of the individual and the family, both in Italy and Greece. The words καθαιρεῖν and *lustrare*, however, were applied to a great number of other purificatory rites on a larger scale, and occurring either on days fixed in the calendar of religious operations, or on peculiar occasions, which concerned certain portions of land, cities, or a whole community of individuals. It is by no means clear in all these rites, how far th leading idea is simple purification, or expiatio for some crime or other taint, or even a kin of dedication to a divinity for the purpose procuring good fortune, *e.g.* in agriculture in war. Doubtless these ideas ran into eac other, and were not clearly distinguished in th minds of those who took part in the rites the time when we first become acquainted wit them. A few examples, of which the mo instructive are the Italian, will serve to sho the nature of the rites, and to give some id of their object or objects.

Of extraordinary purifications of this kin the most famous in Greece were: 1. The wor done by Epimenides at Athens after the Cylonia massacre, described by Plutarch in his Life Solon (ch. 12; cf. Diog. Laert. i. 10, 3); th details are uncertain, but the general characte seems to have resembled that combination actual and moral purification which wa wrought on the worshippers in the Gree mysteries. 2. The purification of Delos by th Athenians in the year 426 B.C., with the obje of releasing their own city from the plague an the wrath of Apollo. All dead bodies we then removed from the island, and it wa decreed that neither birth nor death shoul take place there in future (Thuc. iii. 104 With these examples may be compared th Roman *amburbium*, which, unlike other rites the kind at Rome, seems only to have bee celebrated on occasions of great distress, a for example, after the battle of the Trebi (Liv. xxi. 62, 7). Victims were led round th city wall and sacrificed, accompanied by th Pontifices, Vestal Virgins, and members of th other priestly colleges. (Lucan, i. 592 ff. Festus, p. 5.)

Of regularly recurring lustrations we fin the best examples in Italy; but they also too place at Athens. Every meeting of the Ecclesi was preceded by a lustration (*περίστια*), when th *περιστίαρχος* sacrificed young pigs, which wer afterwards thrown into the sea. [ECCLESIA Vol. I. p. 699 *b*.] Of the great Athenian festivals, some at least had the object of purification: such for example was the harvest festival of the Thargelia (*ὅτε καθαίρουσι Ἀθηναῖοι τὴν πόλιν*, Diog. Laert. ii. 5, 23), o which occasion two men called *φαρμακοὶ* wer driven out of the city as *καθάρσια* (Harpocrat *s. v. φαρμακός*).

Of parallel rites at Rome we have more certain information. Sometimes it was the *land* that was the object of lustration, whether the land of a private owner or the land of the state; sometimes it was the *people*, whether brought together in the form of a public assembly, or in the form of an army or fleet. Of the lustration of a farm we have an account preserved in Cato's treatise *de Re Rustica* (§ 41). The *suovetaurilia* (offering of pig, sheep, and ox) were driven round the farm, libations offered to Janus and Jupiter, and a fixed form of prayer used to propitiate Mars, the special deity of the agriculturist. This was doubtless the original and simplest form of this kind of lustratio, for we find exactly the same ritual applied to the land of the state on the 29th of May each year, in the Ambarvalia [AMBARVALIA], of which the best description will be found in Verg.

Georg. i. 345. The great inscription from Iguvium in Umbria, which consists of exact regulations and formulae to be observed in a procession round the land of that city, offers a parallel case of lustration from North Italy, and a more minute description of the kind of ritual in use than we possess from any other source. (See Bréal, *Tables Eugubines*, p. xxi. ff.)

A complete lustration of the whole Roman people took place at the end of every *lustrum*, when the censor had finished his census and before he laid down his office. This took place in the Campus Martius, where the people were assembled for the purpose. The sacrifices were carried three times round the assembled multitude, as in the Ambarvalia they were carried round the land (Dionys. Hal. iv. 22). All Roman armies before they took the field were lustrated (Dio Cass. xlvii. 38; App. *Hist.* 19, and *B. C.* iv. 89); and as this solemnity was probably always connected with a review of the troops, the word lustratio is also used in the sense of the modern review (Cic. *Att.* v. 20, 2). The rites customary on such occasions are not mentioned, but they probably resembled those with which a fleet was lustrated before it set sail, and which are described by Appian (*B. C.* v. 96). Altars were erected on the shore, and the vessels manned with their troops assembled close at hand. Silence was kept, while the priests carried the purifying sacrifices (*καθάρσια*) in boats three times round the fleet; these sacrifices were then divided into two parts, one of which was thrown into the sea, and the other burnt on the altars, while the multitude prayed to the gods. (Cf. Liv. xxxvi. 42 and xxix. 27, where also a prayer is recorded such as generals used on these occasions.)

The examples given in the foregoing account are to be taken only as selected illustrations of a very large and widespread series of purificatory rites. There were indeed few religious ceremonies either in Greece or Italy of which some kind of lustration did not form a part; for as the simple idea of purification became connected with other ideas, such as fertilisation, as in rites of spring and summer, or the averting of evil from a community and its property, the field over which its influence extended became continually enlarged. It may be studied in the Greek Mysteries, which had as their chief object the removal of moral evil from the minds of the worshippers, and were accompanied by preliminary rites of a purely lustral character; in the Bacchic rites, where fire, sulphur, and air were used as means of purgation, besides water (Serv. *ad Aen.* vi. 741); in the Palilia of the Romans, where the flocks and herds were made to pass through the fire, as a means both of purification and fertilising; in the Lupercalia in the month of February, which was the special season of purification (februum = an instrument of purifying); in the singular ceremony of the ARGEI on the Ides of May, called by Plutarch "the greatest of the purifications" (*Quaest. Rom.* 86), and in many other rites.

The articles on the festivals above mentioned may be referred to for further information: and on the general subject of lustration, for Greece, Hermann, *Griech. Alterthümer*, vol. ii. sects. 19, 23 and 24; for Rome, Marquardt, *Staatsverwaltung*, vol. iii. (2nd edit.), pp. 200 ff., and Preller, *Röm. Mythol.* (3rd edit.), vol. i. 419 ff. [W. W. F.]

LUSTRICUS DIES. [LUSTRATIO, p. 102 *b*.]

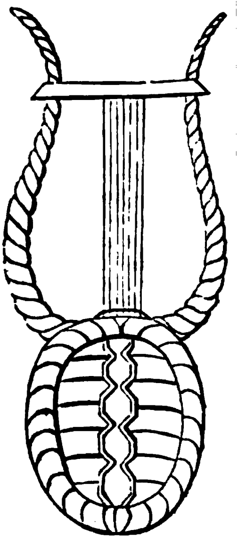
LUSTRUM. The term *lustrum* primarily meant a purification by sacrifice. Varro (*L. L.* vi. 2) explains it thus: "lustrum nominatur tempus quinquennale a luendo, id est solvendo, quod quinto quoque anno vectigalia et ultrotributa per censores persolvebantur." The derivation is probably right, but the explanation is wrong. Paul. D. 120 says, "Cum ejusdem vocabuli prima syllaba producitur, significat nunc tempus quinquennale, nunc populi lustrationem." In the regal period this sacrifice without doubt had been one of the duties performed by the king in his capacity of priest. Thus Livy (iv. 44) represents king Servius Tullius as celebrating the first *lustrum* in 566 B.C. when he had completed the census. ("Censu perfecto edixit, ut omnes cives Romani in campo prima luce adessent. Ibi omnem exercitum suovetaurilibus lustravit: idque conditum lustrum appellatum, quia is censendo finis factus est.") Under the early Republic it was naturally performed by the consuls, who represented the king of the previous epoch. When with the growth of the state the duties of the consuls had largely increased, and it was found necessary to establish the censorship in 443 B.C. (or 435 B.C., according to Mommsen), the duty of performing this rite devolved on the censors. The latter held office not from *lustrum* to *lustrum*, but were appointed at intervals of five years [CENSOR]. They entered on their office in April, and by May of the following year they had completed the census and their other duties. They then celebrated the *lustrum*, without which, according to some, their official acts were devoid of authority (Mommsen, *Staatsr.* ii. 322). The lustration [LUSTRATIO] took place in the Campus Martius. All the men of military age were assembled there; thrice round them were borne on spears a boar, a ram, and a bull (*suovetaurilia*), which were sacrificed by the censors to Mars for the fulfilment of the vows made by the preceding censors. One censor at the same time offered fresh vows for the coming years. They then led the whole host to the city gate, and as a mark of the completion of the *lustrum* drove a nail into the wall of a temple (that of Mars Ultor since the 2nd century B.C.), and then deposited the new register of the citizens in the treasury. After this the censors immediately laid down office. From the fact that the *lustrum* took place (as a rule) every fifth year, the term was likewise applied to the period of five years preceding. The solemn rite was thus regarded as completing this *quinquennium*, and hence the term *condere lustrum* was used to describe it. But though it was usual to hold it every five years, its celebration was by no means invariable. Sometimes the rite was omitted on religious grounds, as we learn from Livy, iii. 22: "Census actus eo anno, lustrum propter Capitolium captum, consulem occisum, condi religiosum fuit" (cf. Livy, xxiv. 43), and probably from other causes likewise; for the Fasti Capitolini, in which are entered the censors, and the letters L F attached to the names of those who completed this rite, show that, although the customary interval was five years, not unfrequently six and seven years elapse, or sometimes only four between each celebration. According to Livy (x. 47), in the period between the first appointment of censors (443 or 435 B.C.) and 294 B.C., there had only been twenty-six pairs of censors, and only twenty-one *lustra*. In later times the ceremony was probably simplified. Cicero (*de Or.* ii. 66, 268) says, "lustrum condidit et taurum immolavit." The last celebration of a *lustrum* took place under Vespasian, 74 A.D.

From the interval between the *lustra* being usually five years, the term *lustrum* came gradually to be used as a general expression for a period of five years. But, according to the Roman method of computation, the phrase *quinto quoque anno* might mean every four years. Thus Cicero (*de Or.* iii. 32, 127) calls the Olympic festival "maxima illa quinquennalis celebritas ludorum." Thus likewise the Roman priests interpreted the *quarto quoque anno* of the Julian Calendar as meaning every *three* years (Macrob. i. 14, 1). Hence from the earliest times there would be a vagueness in the use of the term. In the writers of the Augustan age, who commonly use *lustrum* in its general sense, we find its use fluctuating. Ovid, for instance, uses it for a period of five years (*Amor.* iii. 6, 27: "nondum Troia fuit lustris obsessa duobus"). In *Fasti*, iii. 119, he uses it in the same sense when describing the year of Romulus ("mensibus egerunt lustra minora decem"), but in the same poem (l. 165) where he is explaining the Julian year and the intercalation of the *dies bissextus* ("hic anni modus est: in lustrum accedere debet quae consummatur partibus una dies"), *lustrum* must mean a period of four years. Again, from *Trist.* iv. 10, 96, and *Epp. ex Pont.* iv. 6, 5, we find that he identifies the Roman *lustrum* with the Greek Olympiad ("in Scythia nobis quinquennis Olympias acta est: jam tempus lustri transit in alterius"), just as Polybius (vi. 13) uses *πενταετηρὶς* to translate the Latin *lustrum*. The later writers seem to use it only as a period of four years. Pliny (*H. N.* ii. § 47) twice uses it of the four-year Julian cycle. We also find on inscriptions the intervals of four years between the Capitoline games instituted by Domitian described as *lustra;* and Censorinus (18), when defining the *lustrum* or *annus magnus*, seems unaware that it ever differed from the Olympiad, or denoted any other period than four years. [W. R.]

LYCAEA (*λύκαια*), a festival celebrated by the Arcadians in honour of *Ζεὺς Λυκαῖος* on Mount Lycaeus. The account given by Pausanias (viii. 38) is that it was founded by Lycaon, son of Pelasgus, and that besides the games (of which we have no particular account) there was a sacrifice to Zeus of a child, whose blood was poured over the altar, after which Lycaon himself was turned into a wolf, and he records the tradition that ever after at the annual festival a man was turned into a wolf for a period of ten years, or, if he tasted human flesh, for life. (Paus. viii. 2; cf. Augustin. *de Civ. Dei*, xviii. 17.) It is not improbable that these wehr-wolf stories, however ancient, are a perversion of something older still from a false connexion of the name with *λύκος*, and similarly that the references to the sacrifice as a rite of the pastoral Arcadians as a protection against *wolves*, like the Roman Lupercalia (cf. Plut. *Caes.* 61), &c., are equally illusory. It is more likely that the name of the mountain belongs to the root *λυκ*, "light," as in the Attic hill *Λυκάβηττος*, with which we may compare many mountain names of other countries, such as the *Strahlhorn*. These names come from the fact of the mountain peak catching the sunlight first and retaining it last. It is a remarkable coincidence that Pausanias, speaking of Lycosura, the town founded by Lycaon on the Lycaean mountain, which he calls the most ancient in Greece, uses the phrase *καὶ ταύτην εἶδεν ὁ ἥλιος πρώτην*. In accordance with this origin of the name, the worship was the earliest Pelasgian worship of Zeus, represented by no statue, but dwelling in light on the summit of the Lycaean mountain, where was the altar of human sacrifice on the highest point, with two pillars standing eastward of it surmounted in later times by two golden eagles. Below the altar was a grove, which no man might enter, where it was believed that no shadow could fall, and in the grove the holy spring *Ἁγνώ*, in which the priest in time of drought dipped an oak-bough after sacrifice. (Paus. viii. 38.) The sacrifice was particularly connected with prayers for rain; and it is probable that human sacrifices were retained to a late period. Pausanias does not mention their discontinuance, and says, *ἐπὶ τούτου τοῦ βωμοῦ τῷ Λυκαίῳ Διὶ θύουσιν ἐν ἀπορρήτῳ. πολυπραγμονῆσαι δὲ οὔ μοι τὰ ἐς τὴν θυσίαν ἡδὺ ἦν, ἐχέτω δὲ ὡς ἔχει καὶ ὡς ἔσχεν ἐξ ἀρχῆς*. The contests seem to have included horse-races and foot-races; for Pausanias mentions in front of the grove of Pan on the same mountain *ἱππόδρομος καὶ στάδιον*, where at one time the Lycaean festival was held. [G. E. M.]

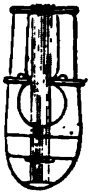
LYCEUM. [GYMNASIUM.]

LYRA (Lat. *fides*), a lyre, the chief stringed instrument used in Greek music. Two main varieties are known to us from ancient art and literature, viz. the *lyre* (*λύρα*) properly so called, and the *cithara* (*κιθάρα*).



Lyra. (Blanchini.)

The distinctness of the lyre and the cithara may be shown from Plato (*Rep.* iii. p. 399 D, *λύρα δή σοι, ἦν δ' ἐγώ, καὶ κιθάρα λείπεται κατὰ πόλιν χρήσιμα*), and from Aristotle, who excludes the cithara from education (*Pol.* viii. 6 = p. 1341, 18, *οὔτε γὰρ αὐλοὺς εἰς παιδείαν ἀκτέον οὔτ' ἄλλο τεχνικὸν ὄργανον, οἷον κιθάραν κἂν εἴ τι τοιοῦτον ἕτερόν ἐστιν*). Mythologists generally taught that the cithara was invented by Apollo, the lyre by Hermes (Paus. v. 14, 8). The difference between the two instruments seems to be sufficiently ascertained from the representations of them



Cithara. (Guhl and Koner.)

found on ancient monuments, especially painted vases, on which two well-marked types can be traced. One of these answers closely to the description which the author of the Homeric hymn to Hermes gives of the lyre invented by the youthful god (*H. Merc.* 41 ff.). The lower part or body of the instrument consists of a tortoise-shell, or of a wooden case in which the original tortoise-shell is more or less faithfully reflected. In this shell are fixed two curved arms (πήχεις) or horns, joined at the upper end by a cross-bar (ζυγόν). The strings pass from the shell, over a bridge or fret of reeds (δόνακες), to the ζυγόν. The instruments of the other type are larger, and show a decided advance in point of construction. The shell is replaced by a wooden case, usually square or angular, and instead of "horns" we find the sides of the case prolonged upwards, so that the whole framework acts as a resonance box of considerable power. Now, it is clear from the evidence of the monuments that the first of these was the instrument of education and of every-day life; while the second was the "technical instrument," seen in the hands of professional players (κιθαρῳδοί), who wear the long robe proper to musical contests and other festivals. The first, therefore, must be the lyre, and the second the cithara.

The early history of the lyre and cithara is obscure. In Homer we find a stringed instrument called the φόρμιγξ, used especially to accompany singing or epic recitation (ἀοιδή). We also hear, somewhat less frequently, of the κίθαρις: but there is no trace of a difference between them. The verb φορμίζω is used of the κίθαρις (*Od.* i. 153–155); and conversely we find the phrase φόρμιγγι κιθαρίζειν (*Il.* xviii. 569). The word λύρα is post-Homeric: it occurs once in the Hymn to Hermes (l. 423), but does not seem to have been in common use before the time of Pindar. It is worth noticing, as a consequence of the comparatively late date of the word, that the derivatives λυρίζω, λυριστής, &c., are unknown in good Greek, κιθαρίζω and κιθαριστής being always used of the lyre and cithara alike; just as χαλκεύς, "bronze-smith," was applied to workers in iron as well as in the older metal. It would be rash, however, to infer that the Homeric instrument resembled the cithara rather than the lyre. We may suppose that the later form of the cithara was developed gradually, retaining the original name, which therefore included all varieties, until the new word λύρα came into vogue for the commoner and more primitive kind. The author of the Hymn to Hermes recognises only one form, that of the lyre, to which he applies the terms κίθαρις and φόρμιγξ as well. The identity of the κίθαρις and the lyre is also maintained by Aristoxenus, the pupil of Aristotle (Ammon. *de diff. Voc.* p. 82, κίθαρις καὶ κιθάρα διαφέρει, φησὶν Ἀριστόξενος ἐν τῷ περὶ ὀργάνου· κίθαρις γάρ ἐστιν ἡ λύρα κ. τ. λ.).

Regarding the original number and tuning of the strings, contradictory accounts were current. According to one statement in Diodorus (i. 16), Hermes was the author of harmony of sound, and in that character invented a lyre with three strings, answering to the three seasons. The same author elsewhere (v. 75) says that Hermes invented his lyre in place of the cithara, which Apollo had laid aside in remorse for his cruelty to Marsyas. According to the Hymn to Hermes (l. 51) the primitive lyre was one of seven strings:

> ἑπτὰ δὲ συμφώνους ὀΐων ἐτανύσσατο χορδάς.

On the other hand, the increase of the number of strings from four to seven appears to be claimed by Terpander, in two lines attributed to him:

> σοὶ δ' ἡμεῖς τετράγηρυν ἀποστέρξαντες ἀοιδὰν
> ἑπτατόνῳ φόρμιγγι νέους κελαδήσομεν ὕμνους.

A different account, however, is given by Aristotle (*Probl.* xix. 32), where he touches on the question why the interval of an Octave is not called δι' ὀκτώ (as a Fourth is διὰ τεσσάρων, a Fifth διὰ πέντε). He suggests by way of answer that the scale was formerly one of seven notes only, saying that Terpander left out the note called τρίτη, and added the νήτη at the upper end of the scale (the octave of the ὑπάτη, or lowest note). If this account is the true one, what Terpander did was to raise the scale to the compass of an Octave, but without increasing the traditional number of strings. However this may be, the comparative antiquity of a scale of at least seven notes is proved by their names. The following are the notes of the central octave in the later system, with the modern notes which show the intervals on the diatonic scale:—

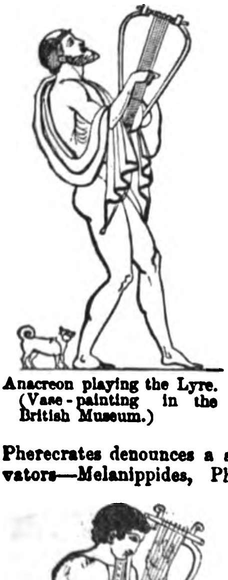
e ὑπάτη, lit. "uppermost," our "lowest" note.
f παρυπάτη, "next to ὑπάτη."
g λιχανός, "forefinger" note.
a μέση, "middle" note.
b παραμέση.
c τρίτη, third, viz. from the νήτη.
d παρανήτη.
e νήτη, for νεάτη, "lowest," our "highest."

Of these names there is only one that is admittedly later than the rest, viz. παραμέση, which probably dates from the time when the heptachord of Terpander acquired an eighth string, and consequently a complete diatonic scale of the compass of an Octave. If we may trust a passage quoted from Philolaus (*Nicom.* p. 17), the gap then filled up was not that between μέση and τρίτη. Philolaus gives the name τρίτα (he writes in Doric) to the later παραμέση, the note which was a tone above the μέση. The change, therefore, consisted in inserting a note half a tone above the τρίτη of Philolaus, which new note then became the "third," and made it necessary to find a new name—παραμέση—for the old τρίτη. But the language of Aristotle himself (*Probl.* xix. 7, 32, 47) shows that the exact steps of this progress were no longer known. According to Nicomachus, the eighth string of the scale was added by Pythagoras. Probably, however, this is a mere inference from the Pythagorean discovery of the numerical ratios on which the musical intervals—the Octave, Fifth, Fourth, and Tone—are based. Another notice (Boeth. *de Mus.* i. 20) attributes the improvement to a certain Lycaon of Samos.

The lyre was originally played without the aid of a plectrum; and each string seems to have been sounded by a particular finger. Thus the *λιχανὸς* or "forefinger" was so called, according to Nicomachus (p. 22), because it was sounded by the forefinger of the left hand. It follows, as has been pointed out by Gevaert (ii. p. 254), that the left hand was used for the lower tetrachord, and that the little finger was not used to touch the strings. When the plectrum came into use, it was held in the right hand, and perhaps was specially employed for the air, while the softer tones produced by the fingers of the left hand served for the accompaniment. This is suggested (though by no means proved) by the epigram of Agathias (*Anth. Pal.* xi. 352) quoted by Gevaert:

> *Τὸν σοφὸν ἐν κιθάρῃ, τὸν μουσικὸν Ἀνδροτίωνα,*
> *εἴρετό τις τοίην κρουματικὴν σοφίην·*
> *δεξιτερὴν ὑπάτην ὁπότε πλήκτροισι δόνησας,*
> *ἡ λαιὴ νήτη πάλλεται αὐτομάτως.*

The phenomenon here referred to is the "sympathy" by which a sounding body excites the vibration of another whose note is in unison with it, or with one of its harmonics.



Anacreon playing the Lyre. (Vase-painting in the British Museum.)

The seven-stringed lyre was still in use in the time of Pindar, unless we suppose that the epithets *ἑπτάκτυπος* (*Pyth.* 2, 70) and *ἑπτάγλωσσος* (*Nem.* 5, 24) are due to mere poetical tradition. On the other hand, we are told that Lasus of Hermione, who was an older contemporary of Pindar, introduced new notes, by which he broke up (*διέρριψεν*) the existing scale (Plut. *Mus.* cc. 29, 30). A passage quoted by Plutarch (*l. c.*) from the comic poet Pherecrates denounces a series of similar innovators—Melanippides, Phrynis, Cinesias, and finally Timotheus of Miletus, who "outraged music with his twelve strings." The object of the additional strings seems to have been not so much to obtain greater compass as to make it possible to combine different modes or keys, perhaps also different genera (see the art. MUSICA), on the same instrument, and to pass easily from one to another. It is the "multiplicity of keys or scales" (*πολυαρμονία*) which is always associated with "multiplicity of strings" (*πολυχορδία*) in the minds of those who, like Plato, regarded such changes as dangerous and corrupting.

Citharista with Lyre. (Dennis's Etruria.)

It is characteristic of the lyre and the cithara that the strings are all of the same length, so that the difference of pitch is entirely due to different thickness. In this respect they differed from instruments such as the harp, which have strings of different length, and again from those in which the length of the string is varied by the player, as in the case of the violin. The woodcuts above show the method of holding the lyre, in playing with the right hand only or with both. It was also played sitting, and supported on the knees. The cithara was held in the same manner. The harp type was represented in Greek music by the *τρίγωνον* or triangular harp, a Phrygian instrument, with which we find associated the Lydian *πηκτίς*. Both are condemned by Plato (*Rep.* iii. p. 399) for the excessive number of their strings. They are also mentioned together in a fragment of Sophocles, *fr.* 361:

> *πολὺς δὲ Φρὺξ τρίγωνος ἀντίσπαστά τε*
> *Λυδῆς ἐφυμνεῖ πηκτίδος συγχορδία.*

The *μάγαδις*, which was closely akin to the *πηκτίς*, was so called from the bridge or fret (*μαγάς*), by which a string could be divided by the player, so as to yield a higher note. It had twenty strings, and admitted of playing the same tones simultaneously in different octaves (hence called *μαγαδίζειν*). This is also attributed by Aristotle (*Probl.* xix. 14) to an instrument called the *φοινίκιον* or Phoenician lyre. The most perfect of all these instruments seems to have been the *ἐπιγονεῖον*, called after its inventor, Epigonus of Ambracia, which had forty strings. Besides these, we hear of the *βάρβιτος*, which is thought to have been nearly related to the lyre, also the *νάβλα* and the *σαμβύκη* (Strab. x. p. 471). Several of these names are confessedly barbarous, and all the instruments now in question lay under the imputation of being more or less alien to genuine Greek art. They evidently enjoyed much popularity, but were never regarded as of equal dignity with the lyre and cithara.

(Compare Carl von Jan, *De fidibus Graecorum*, Berolini, 1859; Westphal, *Geschichte der alten und mittelalterlichen Musik*, Breslau, 1864; Gevaert, *Histoire et Théorie de la Musique de l'Antiquité*, Gand, 1875–81.) [D. B. M.]

M.

MACELLUM (*ὀψοπωλία, ὀψοπωλεῖον, κρεοπωλεῖον*), a provision market for butchers, fishmongers, poulterers, fruiterers, and confectioners: see Ter. *Eun.* ii. 2, 24, "ad macellum ubi advenimus concurrunt . . . cuppedinarii omnes, cetarii, lanii, coqui, fartores, piscatores" (cf. Plaut. *Aul.* ii. 8, 3; Hor. *Sat.* ii. 3, 229; *Epist.* i. 15, 31). These provisions were formerly found at Rome in their separate markets—the forum boarium, piscatorium, olitorium: but for convenience the market was brought together in the *macellum*, built B.C. 179 to the north of the Forum (Fest. s. v. *macellum*). Varro (*L. L.* iv. 32) and Festus speak of a robber Romanius Macellus, whose house was demolished that a market might be established on the site; but it must be confessed that the story has a suspicious appearance of growing out of the name *macellum Romanum*, and either Curtius' reference to *macto* (*Greek Etym.* 338), or the identification with the Greek *μάκελον* or *μάκελλον* (which Varro himself suggests as the alternative), may be accepted in preference. The latter, which seems the more probable, is connected with the word *maceria*, a roughly built wall, and thus macellum may be assumed to have got its name from being an enclosed space. With this agrees Varro's expression "aedificatus locus appellatus macellum;" and it had booths in its colonnade (*macellarias tabernas*, Val. Max. iii. 4, 4). To this earliest macellum we refer Cic. *pro Quint.* 6, 25, "ab atriis Liciniis et faucibus macelli." The atria Licinia seem to have been auction rooms (cf. *de Leg. Agr.* i. 3, 7) near the forum. The Macellum magnum was in the second region on the Cispian hill, and is placed by some at S. Stefano Rotondo, it being suggested that the circular construction, with pillars, is planned upon the old market buildings (Burn, *Rome and Compagna*, p. 221). This is purely conjectural. A similar rotunda is found on a coin of Nero, with the inscription "macellum Augusti" (Eckel, vi. 273). The Macellum Livianum was near the Porta Esquilina and the Arch of Gallienus. It is probable that the macellum of B.C. 179 was destroyed to make room for the forum Augusti, and that Augustus built, instead of it, the macellum which he named after Livia. (See Richter, *ap.* Baumeister, *Denkm.* p. 1534.) To the macella the cooks would go to buy, and the less wealthy marketed there for themselves (Juv. xi. 10). The salesmen in it were called *macellarii* (Suet. *Jul.* 26; *Vesp.* 19). Julius Caesar tried to check extravagance by putting the macella under police control, and the same control through the aediles was attempted by Tiberius, moved apparently by the sale of mullets at 10,000 sesterces apiece (Suet. *Jul.* 43; *Tib.* 34).

The Athenian provision market was called, as a general term, *ὀψοπωλία* (Athen. p. 6 a); but more frequently we find the different departments *αἱ ἰχθῦς, τὸ ὄψον, τὰ ἄλφιτα*, &c., which were in divisions in the market-place called *κύκλοι*. [AGORA.] The signal for a sale was given by a bell ringing, when marketers, cooks, &c., flocked there (see Mahaffy, *Social Life in Greece*, ch. 10). [J. Y.] [G. E. M.]

MACHAERA (*μάχαιρα*). [CULTER; PUGIO.]

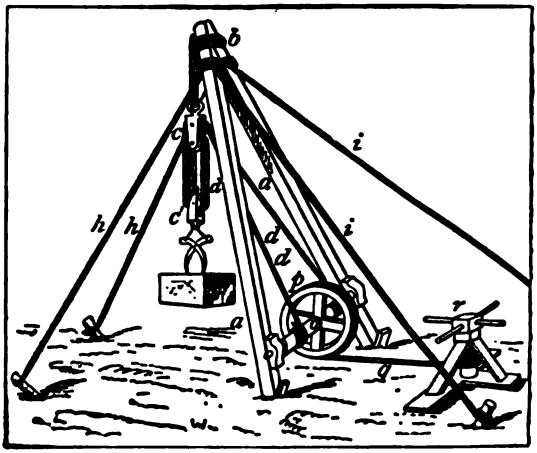
MA'CHINAE (*μηχαναί*) and **O'RGANA** (*ὄργανα*). The object of this article is to give a brief general account of those contrivances for the concentration and application of force which are known by the names of *instruments*, *mechanical powers*, *machines*, *engines*, and so forth, as they were in use among the Greeks and Romans, especially in the time of Vitruvius, to whose tenth book the reader is referred for the details of the subject.

The general but loose definition which Vitruvius gives of a *machine* (x. 1, § 1), is a wooden structure, having the virtue of moving very great weights. A *machina* differs from an *organon*, inasmuch as the former is more complex and produces greater effects of power than the latter: perhaps the distinction may be best expressed by translating the terms respectively *machine* or *engine* and *instrument*. Under the latter class, besides common *tools* and *simple instruments*, as the plough for example, Vitruvius appears to include the *simple mechanical powers*, which, however, when used in combination, as in the crane and other machines, become *machinae*. Thus Horace uses the word for the machines used to launch vessels (*Carm.* i. 4, 2), which appears to have been effected by the joint force of ropes and pulleys drawing the ship, and a screw pushing it forwards, aided by rollers (*φάλαγγες*) beneath it. The word *organon* was also used in its modern sense of a musical instrument. [See HYDRAULA.]

The Greek writers, whom Vitruvius followed, divided machines into three classes,—the (*genus*) *scansorium* or *ἀκροβατικόν*, the *spiritale* or *πνευματικόν* [HYDRAULA], and the *tractorium* or *βαροῦλκον*, according to the most probable reading, for moving heavy weights. Some explanation is needed for the *genus scansorium* or *ἀκροβατικόν*, which has been much discussed by commentators. Vitruvius clearly describes the machina which he thus classes. It is a scaffolding formed of upright poles, fixed in the ground with cross planks tied to them, and the "catenationes et erismatum fulturae," which he mentions afterwards, are no less obviously the ties of sloping supports for these upright poles. It is in fact such a scaffolding as may be seen any day for building purposes, and is the machine below (No. V.) on which Isidore says the workmen stand "propter altitudinem parietum." It is somewhat of a puzzle, when Vitruvius says that it differs from the other machinae in respect of having *audacia* rather than *ars*; but he probably means only this: that a very high scaffolding may cause wonder at its boldness; but there is no scientific principle in it, as in the other classes of machinae, which are mechanical powers. It must be confessed however that his account of its purpose, "ut ad altitudinem sine periculo scandatur *ad apparatus spectationem*" (unless some such alteration as "ad parietum structionem" is adopted) cannot be explained in a wholly satisfactory manner. If it is for workmen to stand on, it is hard to see why the word *spectatio* is used, but the only explanations offered by commentators—(1) for seeing theatrical shows, or (2) for viewing the enemy's works within the walls—cannot satisfy us. The theatre had its own tiers of seats: the words *sine periculo* would be wholly out of place, and moreover it is impossible that he should have so used apparatus when there is nothing in the context to explain its meaning, as is the case in Cic. *ad Fam.* vii. 1, 1. The same objection must prevent us from adopting the second view, for there is nothing whatever to indicate that Vitruvius is speaking of military affairs. We may be content to say that this class of machina is not what we should call a machine at all, *i.e.* it had no mechanical power, but was used as we use a scaffolding. The information which Vitruvius gives us may perhaps, however, be exhibited better under another classification.

I. *Mechanical Engines.*

1. *The Simple Mechanical Powers* were known to the Greek mechanicians from a period earlier than can be assigned, and their theories were completely demonstrated by Archimedes. Vitruvius (x. 3, s. 8) discusses the two modes of raising heavy weights, by *rectilinear* (*εὐθεῖαν*) and *circular* (*κυκλωτὴν*) motion. He explains the action of the *lever* (*ferreus vectis*), and its three different sorts, according to the position of the fulcrum (*ὑπομόχλιον*), and some of its applications, as in the *steelyard* [STATERA], and the oars and rudder-oars of a ship; and alludes to the principle of *virtual velocities.* The *inclined plane* is not spoken of by Vitruvius as a *machina*, but its properties as an aid in the elevation of weights are often referred to by him and other writers; and in early times it was, doubtless, the sole means by which the great blocks of stone in the upper parts of buildings could be raised to their places.



Drawing of a Machina Tractoria. (Blümner, *Techn.* iii. fig. 10.)

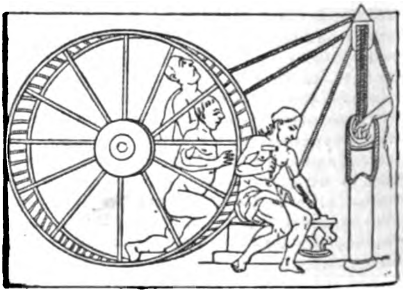
Under the head of circular motion, Vitruvius makes a passing allusion to the various forms of wheels and screws,—*plaustra*, *redae*, *tympana*, *rotae*, *cocleae*, *scorpiones*, *balistae*, *prela*, about which see the respective articles. It is worth while, also, to notice the methods adopted by Chersiphron and his son Metagenes, the architects of the temple of Artemis at Ephesus, and by later architects, to convey large blocks of marble from the quarries, by supporting them in a cradle between wheels, or enclosing them in a cylindrical framework of wood (Vitruv. x. 6, s. 2; cf. Blümner, *Technologie*, iii. 129 ff.); and also the account which Vitruvius gives of the mode of measuring the distance passed over by a carriage or a ship, by an instrument attached to the wheel of the former, or to a sort of paddle-wheel projecting from the side of the latter (c. 9, s. 14). What he says of the *pulley* will be more conveniently stated under the next head.

2. *Compound Mechanical Powers*, or *Machines for raising heavy weights* (machinae tractoriae). Of these Vitruvius (x. 2–5) describes three principal sorts, all of them consisting of a proper erect framework, from which hang *pulleys*. He describes the different kinds of pulleys, according to the number of *sheaves* (*orbiculi*) in each block (*troclea* or *rechamus*), whence also the machine received special names, such as *trispastos*, when there were *three* sheaves (as in the explanatory drawing), one in the lower block and two in the upper; and *pentaspastos*, when there were *five* sheaves, two in the lower block and three in the upper. The Greek name for the axis (*axiculus*, Vitruv.) was *μάγγανον*.

In the explanatory drawing by which Blümner illustrates Vitruvius, we see (*a*) the two upright beams (*tigna*) supported in place by (*h*) forestays (*antarii funes*) and (*i*) backstays (*retinacula*), tied at the top by (*b*) a *fibula*. From the top hangs (*c*) a fixed pulley-block (*troclea*, *τροχιλία*, Aristoph. *Lys.* 722): to this the *funis ductarius* (*d*) passes from the lower movable block (*c′*), to which again the weight, which is to be raised, is attached by iron grapnels (*forfices*). In this case the sheaves in each block are double (*duplices ordines orbiculorum*). The two portions of the funis ductarius are then fastened to an axle (*o*), with (*p*) a wheel (*tympanum* or *rota*, *περιτρόχιον*) upon it. The sockets on the beam which receive the pivots of the axle are called *chelonia* (*χελώνεια*). A separate rope passing round the tympanum is taken back to a capstan (*ergata*, *ἐργατοκύλινδρος*), which is worked round by levers (*vectes*). This well explains Lucret. iv. 905:

> "Multaque per trocleas et tympana pondere magno
> Commovet atque levi sustollit machina nisu."

Sometimes, however, the tympanum is of larger size, and is moved as a treadwheel without any capstan by treaders inside it.



Machina Tractoria, from a relief at Capua. (Blümner.)

The woodcut above is from a relief found in the amphitheatre at Capua, where it had been placed by the *redemptor* of the work. It represents the raising of a pillar. Blümner thinks that the attachment of the pulling-rope to the axle of the treadwheel is left to the imagination, and that the two ropes which go in that direction must be the supports of the beam: but perhaps we should rather take the lower rope to be a single rope from the pulley to the axle, and the upper rope to be a stay of the beam. Vitruvius describes also a crane of less power which has single sheaves in each block, and in which, instead of the *tympanum* and *ergata*, there is, fixed by *chelonia* to the beam, simply a windlass (*sucula*, ἄξων or ὄνος), round which the pulling-rope is wound; and a crane of a single beam, where triple *funes ductorii* pass from the pulley-blocks down to a fixed horizontal pulley (*artemo*, ἐπάγων) at the base of the beam, and are pulled horizontally by three rows of men without windlass. The machine is then called a *polyspastos*. This crane, he says, having a single beam, is more easily transferable. It may be noticed that Pollux, x. 140, speaks of a καρκίνος for raising stones; but it is probable that the καρκίνος was strictly that part of the machine above described, which held the stone = Lat. *forfices*: γέρανος (*crane*) is the name which Pollux (iv. 130) gives to the machine for raising actors in the theatre. (For further description, see Blümner, *Technologie*, iii. pp. 111–128.)

II. *Military Engines*. (Vitruv. x. 15–22; Vegetius and the other writers *de Re Militari*; Aries; Helepolis; Testudo; Tormentum; Turris, &c.)

III. *Theatrical Machines*. [Theatrum.]

IV. *Hydraulic Engines*.

1. *Conveyance and delivery of water through pipes and channels*. [Aquaeductus; Emissarium; Fistula; Fons.] It has been shown, under the articles referred to, that the ancients well knew, and that they applied in practice, the hydrostatic law, that water enclosed in a bent pipe rises to the same level in both arms. It also appears, from the work of Frontinus, that they were acquainted with the law of hydraulics, that the quantity of water delivered by an orifice in a given time depends on the size of the orifice and on the height of the water in the reservoir; and also, that it is delivered faster through a short pipe than through a mere orifice of equal diameter.

2. *Machines for raising water*. The ancients did not know enough of the laws of atmospheric pressure to be acquainted with the common sucking pump; but they had a sort of forcing pump. [Ctesibica Machina.] For raising water a small height only they had the well-known screw of Archimedes, an instrument which, for this particular purpose, has never been surpassed. (Vitruv. x. 11; Coclea.) But their pumps were chiefly on the principle of those in which the water is lifted in buckets, placed either at the extremity of a lever, or on the rim of a wheel, or on a chain working between two wheels. (Vitruv. x. 9; Antlia; Tympanum.)

3. *Machines in which water is the moving power*. (Vitruv. x. 10; Mola.)

4. Other applications of water, as to the measurement of time, and the production of musical sounds, in the *clepsydra* and the *hydraulic organ*. (Vitruv. ix. 5, 6, x. 13; Horologium; Hydraula.)

V. The word *machina* in Latin also signifies the scaffolding on which plasterers or masons work (Plin. xxxv. § 120; Dig. 13, 6, 5 and 7). Hence *machio* is used for the workman (Isid. Or. xix. 8, 2), whence the modern words *maçon*, "mason."

VI. In Plin. *H. N.* xxxv. § 81, *machina* is a painter's three-legged easel = ὀκρίβας or κιλλίβας. [P. S.] [G. E. M.]

MAENIA'NUM signified, originally, a projecting balcony, which was erected above the arcades of shops on the south-west of the Roman forum and overhanging the street, in order to give more accommodation to the spectators of the gladiatorial combats, by the censor C. Maenius, B.C. 318 (Festus, *s. v.* p. 135, ed. Müller; Isidor. *Orig.* xv. 3, § 11); and hence balconies in general came to be called *maeniana*. The front panels of the balconies were painted by Serapion (Plin. *H. N.* xxxv. § 113). Many allusions to such structures, and to the regulations which were found necessary to keep them within due bounds, are found in the ancient writers (Cic. *Acad.* ii. 22, 70; Non. p. 83, s. 65, Müll.; Sueton. *Calig.* 18; Vitruv. v. 1; Val. Max. ix. 12, § 7; Cod. Just. viii. 2, 20, 10, 11, xliii. 8, 2, § 6; l. 16, 242, § 1; Amm. Marc. xxvii. 9, 10). From these passages it appears that as they were inconvenient in narrow streets, the praefectus urbis in 368 A.D. enforced older laws against their construction, and the emperors Theodosius and Honorius extended the prohibition so as to include provincial towns as well as Rome, unless there was a space of at least ten clear feet between the opposite maeniana. (See also Amphitheatrum, Vol. I. p. 112; Cancelli; and, for a drawing of a maenianum, Domus, Vol. I. p. 666; Burn's *Rome and Campagna*, p. 90; Becker-Göll, *Gallus*, ii. 288.) [P. S.] [G. E. M.]

MAGADIS. [Lyra, p. 106.]

MAGISTER, which contains the same root as *mag-is* and *mag-nus*, was applied at Rome to persons possessing various kinds of offices, and is thus explained by Festus (s. v. *Magisterare*):—"*Magisterare*, moderari. Unde *magistri* non solum doctores artium, sed etiam pagorum, societatum, vicorum, collegiorum, equitum dicuntur; quia omnes hi magis ceteris possunt." Paulus (Dig. 50, tit. 16, s. 57) thus defines the word: "Quibus praecipua cura rerum incumbit, et qui magis quam ceteri diligentiam et sollicitudinem rebus, quibus praesunt, debent, hi magistri appellantur." The following is a list of the principal magistri:—

Magister Admissionum. [Admissionales.]

Magister Armorum appears to have been the same officer as the Magister Militum. (Amm. Marc. xvi. 7, xx. 9.)

Magister Auctionis or Bonorum. [Bonorum Emptio.]

Magistri Augustales or Larum Augustorum. [Augustales.]

Magister Bibendi. [Symposium.]

[*]Magister a Censibus (or *praepositus a censibus*) was an official who examined the qualifications of persons who applied to be enrolled among the knights. He is sometimes

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[*] It should be noticed that these private offices in the imperial household were in the earlier Empire discharged by slaves or by freedmen (some of whom, Narcissus and Parthenius, had exceptional official rank); in the later Empire they gradually assumed a higher public standing. Vitellius thus employed men of equestrian rank (Tac. *Hist.* i. 58), and therefore the statement that Hadrian "ab epistulis et a libellis *primus* equites Romanos habuit" (Spart. *Hadr.* 22) is not correct; but it probably marks the date from which this became the rule. The three chief departments were *a rationibus, a libellis, ab epistolis*. (See for a full account, Friedländer, *Sittengeschichte*, i. pp. 51 ff.)

connected with the *a libellis*, who received the application in the first instance. [Equites.]

Magister Collegii was the president of a collegium or corporation. [Collegium.]

*__Magister Epistolarum__ (or ab Epistolis), a private secretary, answered letters on behalf of the emperor. (Orelli, *Inscr.* 2352.)

Magister Equitum. [Dictator, Vol. I. p. 633 *b*.]

Magister Fani in coloniae and municipia was appointed each year by the duumviri of the town (one for each temple or shrine), to arrange the ceremonies, sacrificia, pulvinaria, &c. (Lex Col. Genet. c. 128, Orelli, 2218.) They were equivalent to the Roman *aedituus*, who was also called *magister fani.* (Marquardt, *Staatsverwaltung*, iii. 215.)

*__Magister Libellorum__ (or a Libellis) was an officer or secretary who read and answered petitions addressed to the emperors. [Libellus, p. 57 *a*.] He is called in an inscription "Magister Libellorum et Cognitionum Sacrarum." (Orelli, *l. c.*)

*__Magister Memoriae__, an officer whose duty it was to receive the decision of the emperor on any subject and communicate it to the public or the persons concerned. (Amm. Marc. xv. 5, xxvii. 6.)

Magister Militum, the title of the two officers to whom Constantine entrusted the command of all the armies of the Empire. One was placed over the cavalry, and the other over the infantry. On the divisions of the Empire their number was increased, and each of them had both cavalry and infantry under his command. In addition to the title of *Magistri militum*, we find them called *Magistri armorum, equitum et peditum, utriusque militiae* (Zosim. ii. 33, iv. 27; Vales. *ad* Amm. Marc. xvi. 7). In the 5th century, there were in the Eastern empire two of these officers at court and three in the provinces; in the Western empire, two at court and one in Gaul. Under Justinian, a new magister militum was appointed for Armenia and Pontus. (Walter, *Geschichte des römischen Rechts*, § 342, 2nd ed.)

Magister Navis. [Exercitoria Actio.]

*__Magister Officiorum__ was an officer of high rank at the imperial court, who had the superintendence of all audiences with the emperor, and also had extensive jurisdiction over both civil and military officers. They originally took part of the duty of the court *cubicularius;* the other part went to the *praefectus sacri cubiculi.* [See also Admissio.] (Cod. 1, tit. 31; 12, tit. 16;—Cod. Theod. 1, tit. 9; 6, tit. 9;—Amm. Marc. xv. 5, xx. 2, xxii. 3; Cassiod. *Variar.* vi. 6.)

Magister Pagi. [Pagus.]

Magister Populi. [Dictator.]

*__Magister a rationibus__, more usually called *procurator*, had the charge of the emperor's private expenses [see Fiscus].

*__Magister Scriniorum__ had the care of all the papers and documents belonging to the emperor. (Cod. 12, tit. 9; Spartian. *Ael. Ver.* 4; Lamprid. *Alex. Sev.* 26.)

Magister Societatis. The equites, who farmed the taxes at Rome, were divided into companies or partnerships; and he who presided in such a company was called Magister Societatis. (Cic. *Verr.* ii. 74, 182; *ad Fam.* xiii. 9; *pro Plancio*, 13, 32.) [Societas.]

Magistri Vicorum. These officials had existed under the Republic, and we have no account of their beginning. Livy (xxxiv. 7) introduces them into a speech of the year 195 B.C. as officials of an inferior class, but allowed to have the magisterial insignia—no doubt at the festivals which were under their charge. The magistri vicorum were, however, entirely re-organised by Augustus in the year B.C. 7, when he divided the city into 14 regions and 265 vici, and assigned 4 magistri vicorum to each vicus (the number may be gathered from inscriptions, *C. I. L.* vi. 445, 975), who were elected annually by the inhabitants of the vicus (Suet. *Aug.* 30). The first so appointed entered upon their office on August 1, B.C. 7, and accordingly in several inscriptions we find mentioned magistri *anni secundi, tertii,* &c., equivalent to the years B.C. 6, 5, &c. (*C. I. L.* vi. 764, 282). Those of the year B.C. 7 are "magistri qui primi Kal. Aug. magisterium inierunt." The total number of magistri vicorum remained 1060 till the beginning of the 4th century, when it was reduced to 672, and 48 were assigned to each *region:* the title magistri *vicorum* was, however, retained. Their functions were partly civil, partly religious. When Augusti appointed them, they had (with servi publici under them) especially to guard against fires. This had been a function of the old magistri vicorum, who accordingly were in charge of the worship of Stata Mater, the protectress against fire (see Fest. p. 317; Preller, *Röm. Myth.* 531; Mommsen, *Staatsrecht*, i. 328). They had other duties, as to the limits of which we have not very clear information, regarding the maintenance of order within their district. The duty of watching against fire was in A.D. 6 transferred to the newly constituted *cohortes vigilum.*

As regards their religious duties (their most characteristic function), they presided over the Compitalia in honour of the Lares Compitales [Compitalia], besides the worship of Stata Mater mentioned above, and these offices were continued to the newly constituted magistri vicorum under Augustus, with increased importance when the Genius Augusti was included in the same worship. They had also to superintend the building or repairs of the Sacella of the Lares, as churchwardens, so to speak, of their vicus: but in this they had to obtain the approval of the praetor or of the official over the region who was appointed by lot from the aediles, tribunes, and praetors (see Suet. *Aug.* 30; Dio Cass. lv. 8; Mommsen, *Staatsrecht*, ii. 516). In the exercise of their religious office they wore the toga praetexta, and had two lictors assigned to them. (Dio Cass. *l. c.*; Liv. xxxiv. 7; Marquardt, *Staatsverwaltung*, iii. 203.) [W. S.] [G. E. M.]

MAGISTRATUS. *Magistratus* is properly the abstract form of the concrete *magister*, but it comes to be used indifferently to indicate the office and the person who holds it. In the *S. C. de Bacchanalibus* we find *magistratus* side by side with *magister*, denoting the governor of a religious guild. In the later practice, however, only the word *magister* applies to lesser corpora-

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* See note in preceding page.

tions; *magistratus* is commonly restricted to the person or office of the governors of the Populus Romanus, of the Plebs, and of the municipia and coloniae. The powers of the municipal magistrates are discussed elsewhere [see COLONIA]; the following remarks apply to the magistrates of the populus and of the plebs.

Every such magistrate has *coercitio*, the power within his proper sphere of duty to compel the citizens by force of punishment to obey him, and to avenge any act which argues contempt of his magisterial authority (*in ordinem cogere magistratum*). He has likewise the power of addressing the people by word of mouth (*jus contionis*) and by written proclamation (*jus edicendi*).

The magistrates are grouped in colleges; there are two consuls, ten tribunes, and so forth. But these colleges do not, with very rare exceptions (see Liv. ix. 46, 7), act as boards deciding by a majority of votes. Each individual magistrate is invested with the full powers of his college, and is qualified, if not interrupted by his colleagues, to act in all matters alone. A particular subdivision of duties (*provinciae*) may, however, be prescribed by the senate or people for the individual members of a college. This division is specially important in the case of the praetors at home and of the governors of the transmarine possessions of Rome. The first have particular departments of business assigned to them; the latter have particular localities in which they are to exercise their functions. When it may be a matter of dispute which of the equally qualified persons is to perform a particular act or series of acts, the question has to be settled by arrangement, by taking turns, or by the lot.

Magistratus Populi Romani.—Though the word seems never to be applied directly to the king, our authorities trace all magistracy back to the regal power. Pomponius, for instance (Dig. i. 2, 2, 14), begins his discussion with the words, "Quod ad magistratus attinet, initio civitatis hujus constat reges omnem potestatem habuisse." At the institution of the consulship this power was put in commission. "Regio imperio duo sunto," is Cicero's description of the office (*de Leg.* iii. 3, 8); and Livy (ii. 1, 7) comments—"libertatis originem inde magis quia annuum imperium consulare factum est, quam quod deminutum quicquam sit ex regia potestate, numeres. Omnia jura, omnia insignia primi consules tenuere."

The college representing the kingly power was modified by various additions and alterations; as, for instance, when a dictator was co-opted into it as a superior colleague, or praetors were created as inferior colleagues to the consuls, or when their place was filled by an interrex or by tribunes with consular power. Each one of these officials had the imperium: he possessed, like the kings, the right to command the individual citizen in peace and war [see IMPERIUM], and to be the president and mouthpiece of the sovereign corporation, the Populus Romanus. Further certain specialised functions were committed to assistants not invested with these plenary powers: such were the censors, curule aediles, and quaestors, besides the lesser officials, who collectively made up the vigintivirate. The more specific name for power (*imperium*) being denied to these, the generic term *potestas* serves as descriptive of their authority. Thus we may say at pleasure "consularis potestas" or "consulare imperium," but only "censoria potestas." To both classes belong the *auspicia patriciorum*, and all holders of these offices are *magistratus patricii*, whether they be personally members of the patrician order or not.

Messalla (Aul. Gell. xiii. 14) divides these *auspicia patriciorum* into greater and lesser, and the magistrates in like manner into *majores* and *minores*. The censor, from the practical importance of his office, ranks among the *majores magistratus;* but with this exception Messalla's division of greater and lesser answers to the division between those magistrates who have and those who have not the imperium. The greater magistrates receive their office from the populus assembled by centuries, the lesser magistrates from the populus assembled by tribes. What Messalla says is confirmed by Cicero's account (*ad Fam.* vii. 30) of the proceedings of Caesar. When assembling the populus for the election of quaestors, he was "tributis comitiis auspicatus"; when in the course of the day he wished to elect a consul instead, "centuriata habuit." Messalla proceeds to point out, however, that the powers of magistracy are more formally and regularly (*justius*) entrusted by the subsequent passing of a Lex Curiata. All the magistrates with imperium are colleagues, and so their auspices may collide (*turbant, retinent, vitiant, obtinent*), in which case those of the superior override those of the inferior. In illustration of this we find that a praetor acting in the field in conjunction with a consul could not, though he had an imperium of his own, claim a triumph, because his imperium and his auspices were overborne by those of the consul (Val. Max. ii. 8, 2). It is certain that any of the magistrates *cum imperio* could in the same way overbear any of the minor magistrates. On the other hand, Messalla tells us that a magistrate may be "non ejusdem potestatis," "non eodem rogatus auspicio" with another. In this case the two have not merely different *provinciae* or spheres for the exercise of their authority, but the authority itself is different; they are not colleagues, and no collision of their auspices is possible. Such was the censor in relation to the consul or praetor, and such by parity of reasoning would be the curule aedile in relation to the quaestor. The same principle obtains in the matter of *intercessio*. It is summed up in the words of Cicero (*de Leg.* iii. 3, 6): "ni par majorve potestas prohibessit." Magistrates *non ejusdem potestatis* cannot veto each other's actions.

The magistrates *cum imperio* alone had the *jus agendi cum populo*. The voice of the Roman people could be uttered only in answer to a question (*rogatio*) put to it by such a magistrate. This power could not be delegated in case of elections or of legislation; but when the people met to hear an appeal from the sentence of a magistrate in a criminal case, the consul or praetor might lend his auspices to an inferior (as, for instance, the quaestor), who could then preside and put the question. [See Varro, *L. L.* vi. 91, "ad praetorem aut ad consulem mittas auspicium petitum;" and 93, "alia de causa hic magistratus (quaestor) non potest exercitum urbanum convocare."]

As all magisterial power is derived from the people, it follows that those magistrates who have the *jus agendi cum populo* must provide for the succession, not only in their own college, but in all the other magistracies. The censor or the curule aedile cannot submit the question of the choice of their successors to the people, but this must be done by the consul or praetor. The presiding officer is said *rogare* or *creare* the newly elected magistrate. Most modern writers (including Mommsen) hold that this is a relic of an ancient power of nomination or selection on the part of the magistrate, that the obligation to consult the people on the choice is of later origin, and that the primary notion of magistracy is that of a power passing from hand to hand through successive generations of officers. This opinion is, however, in direct contradiction to the belief of the Romans themselves, who represented the higher magistrates, including the king, as chosen from the first by the people; and the cases adduced in favour of the modern hypothesis seems inconclusive. The co-optation of the dictator is an exception, which is probably to be explained on the ground that he was to be appointed in emergencies when the delay necessary for a popular election might be dangerous. Nor is it safe to draw any conclusion from the fact that neither the Rex Sacrificulus nor the Pontifex Maximus was elected by the people. The Romans were evidently uneasy lest by abolishing the kingship they should have offended the gods, and it was not unnatural that, when severing the oversight of religion from the chief magistracy, they should have emphasised the partition of functions by committing the transmission of religious power to the Sacred College itself. Mommsen's theory necessarily leads him to believe that the interrex who reigned for only five days was entrusted with the enormous responsibility of imposing on the people a ruler for life. There is no need to accept the premises which lead to so improbable a conclusion. The unanimous evidence of the ancients justifies us in regarding the people as the fount of power, and in limiting the part of the magistrate in the creation of his successor to those sufficiently ample powers which belonged to him as the necessary convener and regulator of the assembly which had to elect.

Jurisdictio, the power of administering justice between the citizens, belongs in its full extent only to the magistrate *cum imperio*. The formal competence of every such magistrate to administer justice is recognised in the fictitious lawsuits necessary for manumissions, adoptions, and transfers of property (*in jure cessio*). The consul or even the pro-consul at the gates of the city may hold a court for such purposes. But all serious litigation at Rome is specially reserved as the provincia of one or other of the praetors. After the conquest of Sicily, that island was made the province of a special praetor, who exercised therein the fullest *jurisdictio*, and similar functions were assigned to the governors of districts subsequently annexed. Besides the full jurisdiction which goes with imperium, a limited jurisdiction in special cases belongs to the curule aediles, the decemviri litibus judicandis, and to the municipal magistrates. [See JURISDICTIO.]

Criminal justice—that is, the punishment of heinous offences, supposed to endanger the state—falls likewise under the imperium. But the action of the magistrate in this sphere is early limited by the right of appeal to the people, when the punishment to be inflicted is serious. This right subjects the magistrate to the necessity of defending his sentence and to the possibility of having it reversed; it practically reduces him from a judge to an accuser. Such a situation was felt to be beneath the dignity of the superior magistrate; and accordingly we find that he habitually refrained from the exercise of any such powers, and allowed the task of condemning or accusing to devolve on his inferiors (at first probably his delegates) the duoviri perduellionis and the quaestors. By a curious combination of constitutional exigencies, the tribune may find himself with regard to the centuriate trial in the same position as the quaestor. If he has condemned a citizen to death, and is appealed against, his own (plebeian) assembly is, by the law of the Twelve Tables, incapable of hearing the case; he must therefore ask one of the magistrates *cum imperio* for a day of the Comitia Centuriata: see Liv. xliii. 16, 11, "Utrique censori perduellionem se judicare pronuntiavit (tribunus), diemque comitiis a C. Sulpicio praetore urbano petiit." Whenever *provocatio* is suspended, as on the appointment of a dictator or on the decree of senate or people to constitute a special *quaestio*, the superior magistrate is seen as criminal judge, and inflicts death by virtue of his imperium. The most notable case is the proceeding against the Bacchanalians in B.C. 186, of which a full account is given by Livy (xxxix. 14–19).

A relic of the criminal jurisdiction of the consuls and praetors survived in their power to sharpen their *coercitio* by throwing citizens into prison. This was a consequence of their right of summons and seizure (*vocatio et prensio*) as a preliminary to trial. This right was not possessed by the inferior magistrates, who could only enforce their orders by seizing pledges or inflicting a small fine.

The senate is the *consilium* or authorised body of advisers attached to the chief magistrate. Accordingly only those magistrates of the Roman people who as possessors of the imperium represent the kingly office, can summon and consult the senate. This power is absent from the censor, the curule aedile, and the quaestor. These magistrates appear, however, no less than those *cum imperio*, to have been relieved during their term of office from the duty of giving advice as senators (*suo loco sententiam dicere*) to the presiding magistrate. On the other hand, they could, any of them, address an official statement to the senate (*verba facere*) regarding the matter in hand.

The office of the magistrate ceases immediately on the expiry of the period for which he has been elected. If he is present in the city (*domi*), his powers lapse with his office; but if he is absent on service (*militiae*), he is to continue at his post and exercise all powers until he is relieved by a successor. Meanwhile he is acting *pro consule*, *pro praetore*, or *pro quaestore*, as the case may be. Such a necessity could hardly arise, while a campaign lasted only for a single summer. When in B.C. 326, during the Samnite War, it became desirable for the consul Q. Publilius Philo to remain at the head of his army for a second year, a special decree of the people to extend his command, though not strictly necessary, was held to be proper, and for some time this precedent appears to have been followed. By the time of the Second Punic War, however, it is recognised that a simple decree of the senate is sufficient for the prorogation of an existing command. It is otherwise of course when a command *pro consule* is conferred on a private man—as for instance on P. Scipio, when he went to Spain in B.C. 211. For this a law of the populus or the plebs is always necessary.

It may perhaps be counted as an exception to the rule of purely local division, that the pro-magistrate cannot preside at the meetings either of senate or people, even when these are held outside the walls. These are the exclusive prerogatives of the actual magistrates. The pro-magistrate is commonly confined, even more strictly than the magistrate in his year of office, to a special district as his *provincia*. The Lex Majestatis of Sulla particularly forbids him to overstep the bounds of that district. When he has handed over his province to a successor, his power is therefore in abeyance, but it is not extinguished till he enters the city gates. He still keeps his official title, and wears his official dress: he is still attended by lictors and axes, and exercises formal acts of jurisdiction. At a word from the senate he is authorised to stir up again his dormant imperium; and when the state is in danger, "those who are present with pro-consular command near the city" are included in the mandate which arms the magistrates against the enemy: see Caesar, *Bell. Civ.* i. 5, "dent operam consules, praetores, tribuni plebis, quique pro consulibus sint ad urbem, ne quid respublica detrimenti capiat."

Magistratus plebis.—When the non-patrician Romans formed themselves into an exclusive corporation on the Mons Sacer in B.C. 449, their first act was to elect magistrates of their own; and these officers, the tribunes and aediles of the plebs, existed from thenceforth side by side with the magistrates of the Roman people. The resemblances and differences between the functions of the two kinds of magistrate produce some of the most curious complexities known to any constitution. The authority of the plebeian magistrates was from the first acknowledged (though somewhat grudgingly) by the whole community, inasmuch as the law of the state accorded to them the right absolutely to protect the private citizen against any action of the patrician magistrate. As the corporation of the plebs gradually assumed to itself the right to legislate on matters concerning the whole community, its officers became necessarily more and more magistrates of the Roman state. When by the Hortensian law (B.C. 287) the decree of the plebs was formally placed on an equal footing of power with the decree of the sovereign populus, the reason for any distinction between the magistrates of the two corporations really disappeared. In the case of the plebeian aediles this distinction was practically abolished. Originally the subordinate assistants of the tribune and his instruments in giving effect to his duty of protection, the aediles of the later Republic were assimilated to the minor magistrates of the Roman people. Though still necessarily plebeians, and elected by the plebs, their powers and duties bore no relation to their original functions, but were precisely similar to those of their curule namesakes. This identity is best illustrated by the fact that Caesar divided the city into wards, each in charge of a single aedile, without any distinction between the two kinds. The plebeian (like the curule) aedileship gave the opportunity for conciliating the people by gifts and shows, and so paving the way of the candidate to the higher posts. In the ordinary career of a Roman statesman the office was a step in advance, after a man had served the tribunate and before he proceeded to the praetorship.

The position of the tribune in the later Republic is much more anomalous. As the ruling magistrate of his corporation he has the *jus agendi cum plebe*, which confers on him precisely the same powers of initiative in legislation as are possessed by the consul who puts the question to the populus. The senate likewise is assigned as a *consilium* of advisers to him as well as to the consul, and he has the same right of summoning it and eliciting its decrees. So far we have only a multiplication of the chief magistracy. But here the identity ceases. The tribune had not the essential attribute of the chief magistrates of the Populus Romanus, the imperium. He could neither command in war nor administer justice between the citizens. On the other hand, certain eminent prerogatives derived from the historical nature of his office survived. The "word of might that guards the weak from wrong" had been made effective by investing the person of the tribune with *sacrosanctitas*, and this *sacrosanctitas* could be used in attack as well as in defence. The *coercitio* of him whom it is death to resist must necessarily overbear all other authority. If the tribune thinks fit to throw the consul into prison or to drag the censor to the Tarpeian rock for execution (Pliny, *H. N.* vii. § 143), no one but another tribune can hinder him. In like manner the intercessio of the tribune transcends the rule that magistrates *non ejusdem potestatis* cannot interfere with one another. The veto of the tribune is absolute over the actions of consul, of praetor, and of censor, while these have no corresponding power over him. In case of collision the patrician magistrate must always yield to the *sacrosancta potestas*. Such powers would be nothing short of a legalised tyranny, were they placed in a single hand. As a matter of fact the great number of the tribunes, and the principle that each of them could hinder the action of his colleague, rendered these enormous powers practically harmless. In ordinary times the college of tribunes, divided against itself, excluded from military command, and incapable of action outside the city walls, possessed little influence or dignity, and was commonly the humble instrument of the senate, and a convenient check on any vagaries of the superior magistrates. (See Liv. xxviii. 45; xlv. 21.) The survival, however, of so irrational an institution became eminently dangerous in times of revolution. In the hands of the Gracchi the tribunician power proved strong enough to overbear the other elements of the constitution, and could be resisted only by violence and bloodshed. Under the control of Marius, of Pompey, and of Caesar, the same office afforded an effective support to the military chiefs against the senatorial government. After serving for a century the purpose of party strife or of individual ambition, the power of the plebeian magistrate, united at last with military and provincial command, became the basis of the despotism of the emperors. For their appointment, see NOMINATIO.

(This article is in the main a summary of the first volume of Mommsen's *Staatsrecht*, to which the reader is referred for more detailed information.) [J. L. S. D.]

MAJESTAS. The only term for treason in early Roman law was *perduellio*, a word made up of *per, para* = "very," and *duellum*, "war" (Charisius, ii. 14, 159). *Perduellis*, a person guilty of this crime, originally signified a pronounced public enemy of the state, and then came to mean one who assisted a public enemy by his treachery (Varro, *L. L.* v. 1, 3; Cic. *de Off.* i. 12, 37; Dig. 50, 16, 234: cf. L. Lange, *de duelli vocabuli origine et fatis*). According to the Twelve Tables, a citizen was *perduellis* who showed a hostile disposition against his country, either by stirring up an enemy against it (*hostem conciere*) or by surrendering a Roman citizen to an enemy (*civem hosti tradere*) (Voigt, *XII. Tafeln*, ii. § 172); but the offence, like that of treason in early English law, was not clearly defined, as is shown by the fact that the crime of Horatius in killing his sister was included, according to Livy (i. 26), under the head of *perduellio*, and not under that of *parricidium*, to which it seems legally to belong. (Festus, s. v. *Sororium:* cf. Mommsen, *Staatsrecht*, ii.^{3} p. 615; Clark, *Early Roman Law*, p. 73.)

The earliest trial and form of procedure is that which is given by Livy (i. 26) in respect of this case (cf. Liv. vi. 20). In the regal period the jurisdiction over this and other capital offences belonged to the king, who might delegate his power to commissioners, called *duoviri perduellioni judicandae*. Under the Republic the jurisdiction was given directly to duoviri, who were appointed for each particular occasion by the Comitia. There was always an appeal (*provocatio*) from the duoviri to the populus. The *perduellionis judicium* existed at least in theory to the later times of the Republic (Cic. *Orat.* 46, 156); but the name seems almost to have fallen into disuse. (Mommsen, *Staatsrecht*, ii. pp. 542, 615–618.)

Perduellio was regarded as a religious offence in early times, the tutelary god being propitiated by the death of the offender (*deo necari*), who was put to death by flogging and hanging ("infelici arbori reste suspendi . . . verberatum," Cic. *pro Rabir. perd.* 4, 13; Liv. i. 26, 6). In course of time the punishment was *aquae et ignis interdictio*.

Voigt gives the following as cases of *perduellio* by stirring up an enemy against the state:—1. The case of Vitruvius Vaccus, 426 A.U.C., who was tried before a *quaestio extraordinaria* and convicted (Liv. viii. 19, 4; 20, 6). 2. The case of the Tusculans, in 431 A.U.C., who were prosecuted by the tribunes and acquitted (Liv. viii. 37, 8–11). 3. The case of Sempronius Gracchus, in 631 A.U.C., who was acquitted. The case of C. Popilius Laenas, in 647 A.U.C., is given as one of *perduellio* by surrendering a Roman citizen to an enemy (Auct. *ad Herenn.* iv. 24, 34; Cic. *de Leg.* iii. 16, 36; Liv. *Ep.* 65). It should be added that Cn. Fulvius was charged with the offence of treason for losing a Roman army (Liv. xxvi. 1, 3).

The term *perduellio* was still used under the Empire and is found in Justinian's legislation, but it is a question whether it was not merged for all legal purposes in the *crimen majestatis*. Ulpian, as cited in Dig. 48, 4, 11, distinguishes between the legal consequences of *majestas* which is *perduellio* and *majestas* which is not, so that we should perhaps regard *perduellio* at this time as a species of *majestas*.

The word *majestas* consistently with its relation to *mag*[*nus*] signifies the magnitude or greatness of a thing. "Majestas," says Cicero (*Part. Orat.* 30, 105), "est quaedam magnitudo Populi Romani;" "Majestas est in Imperii atque in nominis Populi Romani dignitate." Accordingly the phrases *majestas Populi Romani*, *Imperii majestas* (Hor. *Carm.* iv. 15), signify the whole of that which constituted the Roman state; in other words, the sovereign power o the Roman state. The expression *minuer majestatem* consequently signifies any act by which this *majestas* was impaired; and it is thus defined by Cicero (*de Invent.* ii. 17, 53): "Majestatem minuere est de dignitate, aut amplitudine, aut potestate Populi aut eorum quibus Populus potestatem dedit, aliquid derogare." (See Cic. *ad Fam.* iii. 11: "Majestatem auxisti.") The phrase *majestas Publica* in the Digest is equivalent to the *majestas Populi Romani*. The *crimen majestatis*, or, to use the complete expression, *crimen laesae, imminutae deminutae, minutae, majestatis*, is the offence o injuring or attempting to injure the sovereig power of the Roman people. Accordingly it i defined by Ulpian (Dig. 48, 4, 1) to be "crime illud quod adversus Populum Romanum ve adversus securitatem ejus committitur." Thu the conception of the *crimen majestatis* is mor abstract and wider in scope than *perduellio* o than that of treason in English law.

Various *leges* were passed for the purpose determining more accurately what should *majestas*. These *leges* were a Lex Apuleia, pr bably passed in the fifth consulship of Mariu the exact contents of which are unknown (Ci *de Or.* ii. 25, 49); a Lex Varia, B.C. 91 (Appia *Bell. Civ.* 1, 37; Cic. *Brut.* 89, 304; Vale Maxim. viii. 6, § 4; Cic. *pro Scaur.* 1, 3; *Tu cul.* ii. 24, 57); a Lex Cornelia, passed by Cornelius Sulla, which appears to have conso dated and made considerable additions to t law of *majestas*, bringing under it a number acts of usurpation on the part of provinc governors and of magistrates. Sigonius h attempted to collect its *capita*. By this l *majestas* became the subject of a *quaestio p petua* (Cic. *in Pis.* 21, 50; *pro Cluent.* 35, 9 *ad Fam.* iii. 11: cf. Zachariä, *Corn. Sulla*, 129–131; Volkerstaert, *de L. Cornelio Su legislatore*, pp. 154–160). Lastly, there was t Lex Julia de majestate, which continued und the Empire to be the fundamental enactment the subject. This Lex Julia is by some attributed to C. Julius, and assigned to the year B.C. 48, and this may be the lex referred to in the Digest and Code. That a Lex de majestate was passed in Caesar's time appears from Cicero (*Philipp.* i. 9, 23). But more probably the Lex Julia de majestate was one of the Leges Juliae of Augustus. Like many other *leges*, the Lex Julia was modified by senatusconsulta and imperial constitutions; and we must not conclude from the title in the Digest (48, 4), *ad Legem Juliam majestatis*, that all the provisions enumerated under that title were comprehended in the original Lex Julia.

The offences comprised under the head of *crimen majestatis* may be divided into two heads: (1) Attacks against the public security generally; and (2) treason specially directed against the person of the emperor.

(1.) Under this head we may include acts of the following kind:—Bearing arms against the state, adhering to the public enemy in various ways, sedition directed against the state, inciting to mutiny, making war or levying troops without authority to do so, killing a Roman magistrate, the refusal of a governor to leave his province after he had been superseded, and other unlawful acts of officials, the forgery of public instruments, &c. (Dig. 48, 4, 1, 2; Paul. 5, 29, 1.)

(2.) Under the Empire the term *majestas* was applied to the person of the reigning Caesar, and we find the phrases *majestas Augusta*, *imperatoria*, and *regia*. It was, however, nothing new to apply the term to the emperor, considered in some of his capacities, for it was applied to the magistratus under the Republic, as to the consul and praetor (Cic. *Philipp.* xiii. 9, 20; *in Pisonem*, 11, 24). Horace even addresses Augustus (*Ep.* ii. 1, 258) in the term "majestas tua," but this can hardly be viewed otherwise than as a personal compliment, and not as said with reference to any of the offices which he held. It was by the extension of the crime of *majestas* that the emperors first raised themselves above the ordinary law. They were not content with the protection which the Lex Cornelia had given to magistrates by making it treason to kill, or perhaps even to attempt to kill them; but the most trivial acts of disrespect to the emperor's person or authority became treasonable in course of time. Augustus availed himself of the Lex Julia for prosecuting the authors of *famosi libelli* ("cognitionem de famosis libellis, specie legis ejus, tractavit," Tac. *Ann.* i. 72; Dio Cass. lvi. 27; Sueton. *Aug.* 55). The proper inference from the passage of Tacitus is that the Lex Julia did not properly apply to words or writings, for these were punishable otherwise. [Libellus, 2.] The passage of Cicero (*ad Fam.* iii. 11) is manifestly corrupt, and, as it stands, inconsistent with the context; it cannot be taken as evidence that the Lex Majestatis contained any express provisions as to libellous words, as to which there were other sufficient provisions [Injuria]. Under Tiberius the offence of *majestas* was extended to all acts and words which might seem to be disrespectful to the Princeps, as appears from various passages in Tacitus (*Ann.* i. 73, 74; ii. 50; iii. 38, 66, 67).

It was treason to do anything which could possibly be construed as disrespectful to the statues of the emperor. It is stated by Marcianus, as cited in the Digest, that it was not *majestas* to repair the statues of the Caesar which were going to decay; and a rescript of Severus and his son Antoninus Caracalla declared that, if a stone was thrown and accidentally struck a statue of the emperor, that also was not *majestas*; and they also graciously declared that it was not *majestas* to sell the statues of the Caesar before they were consecrated. In the time of Tiberius it was a matter of charge against a man that in selling a garden he had included a statue of Augustus; which Tiberius declared to be no offence (Tac. *Ann.* i. 73). There is also an extract from Saturninus, *de Judiciis*, who says that if a person melted down the statues or *imagines* of the emperor, which were already consecrated, or did any similar act, he was liable to the penalties of the Lex Julia majestatis. Augustus wished to treat an act of adultery with a female member of the imperial family as treason; but it was declared by Tiberius that this was not the law (Tac. *Ann.* ii. 50; Mommsen, *Staatsrecht*, ii. 754). The violation of an oath which a person had sworn by the Genius or Salus of the emperor was included in the *crimen majestatis*. The assumption by a private person of a divine as well as of a regal title of honour made him subject to the law of treason (Mommsen, *op. cit.* ii. 755, 817). It was sufficient to constitute treason that a treasonable act should have been begun, but a mere intention to commit the offence without any overt act was not treason. (For the mode of procedure in trials on account of *laesa majestas*, see Crimen, Quaestio.)

An inquiry might be made into an act of treason against the Imperator even after the death of the offender (Cod. 8, 9, 6); a rule which was established (as we are informed by Paulus) by M. Aurelius in the case of Druncianus or Druncanius, a senator who had taken part in the outbreak of Cassius, and whose property was claimed by the fiscus after his death. Perhaps the account of Capitolinus (*M. Ant. Phil.* c. 26) and of Vulcatius Gallicanus (*Avidius Cassius*, c. 9) is not inconsistent with the statement of Paulus. On the case of Druncanius, see Tillemont, *Histoire des Empereurs*, vol. ii. p. 382. Women were admitted as evidence in a case of *laesa majestas*, and the case of Fulvia is cited as an instance.

The torture was only applicable generally to slaves and not to freemen, but it is provided that, in case of treason against the emperor, all persons should be in the same position as slaves in respect of liability to torture. (Dio Cass. lx. 15; Paul. 5, 29, 2; Tac. *Ann.* xv. 56; Dig. 48, 18, 10, § 1.) Tiberius sold a man's slaves to the *actor publicus* (*Ann.* iii. 67) in order that they might not fear to give evidence against their master, who was accused of *repetundae* and also of *majestas*.

The crime of *majestas* was punished with increasing severity under the Empire. The old punishment was perpetual interdiction from fire and water; but now, says Paulus (*S. R.* v. 29, 1), writing at or about the close of Caracalla's reign, persons of low condition are thrown to wild beasts, or burnt alive; persons of better condition are simply put to death. The property of the offender was confiscated and his memory

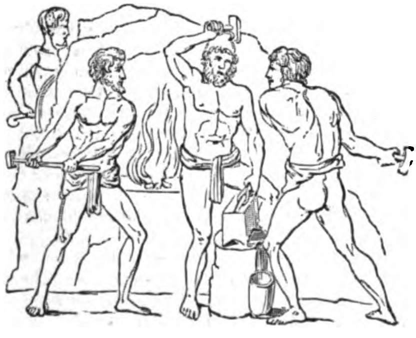
I 2

was infamous (*damnatio memoriae*). A constitution of S. Severus and Antoninus Caracalla declared that from the time that an act of *majestas* was committed a man could not alienate his property or manumit a slave, to which the great (*magnus*) Antoninus (probably Caracalla is still meant) added that a debtor could not after that time lawfully make a payment to him. (Dig. 48, 4; Cod. 9, 8; Walter, *Römische Rechtsgeschichte*, § 803; Rein, *Crim. Recht*, p. 493; Dieck, *Geschichte des Röm. Majest. verbrechen;* J. Weiske, *Das Crimen Majestatis der Römer;* Brugmans, *de Perduell. et Majest. Crim.*) [G. L.] [E. A. W.]

MAJO'RES. [INFANS.]

MALACENSIS LEX or **MALACITA'NA LEX**, a statute regulating the municipal constitution of Malaga in Spain, of which chapters 51–69 were discovered on a bronze tablet in five columns near that city in 1851. No doubt the law was no enactment of the Roman comitia, but was bestowed on Malaga by Domitian, between the years A.D. 81–84. Along with the Lex Salpensana, which was excavated at the same time and place, it throws considerable light on the institutions and organisation of the Latin municipia, and on some purely legal topics, such as the "cautio praedibus praediisque." [Printed in the *C. I. L.* 2, No. 1964, and in Bruns, *Fontes juris Romani Antiqui.* First published by R. de Berlanga at Malaga in 1853. See particularly Mommsen's monograph, *Die Städtrechte der lateinischen Gemeinden Salpensa und Malaca in der Provinz Baetica*, Leipzig, 1855. They have also been written on by Laboulaye, Paris, 1856; Asher, Paris and Heidelberg, 1868; Giraud, Paris, 1856–8, 1866–8; Van Lier, 1865; and Van Schwinderen, 1866.] [J. B. M.]

MA'LLEUS, *dim.* MALLE'OLUS, (1) a hammer, a mallet, was used much for the same purposes in ancient as in modern times. In Greek the general term is *σφῦρα*; the large smith's hammer, such as that used by Hephaestus, is specially called *ῥαιστήρ* (also *κέστρα*); the word *κροταφὶs* is used for a hammer with one end sharpened, like a coal-pick. In Latin, while *malleus* is the general term, *marcus* is specially used for the heavy smith's hammer, and *marcellus*, *marculus* for smaller varieties (Isid. *Orig.* xix. 7). When several men were striking with their hammers on the same anvil, it was a matter of necessity that they should strike in time, and Virgil accordingly says of the Cyclopes, "Inter se brach
tollunt *in numerum*" (*Georg.* iv. 174; *Aen.* vi
452). The scene which he describes is repr
sented in the above woodcut, taken from
ancient bas-relief, in which Vulcan, Bront
and Steropes are seen forging the metal, whi
the third Cyclops, Pyracmon, blows the bello
(*Aen.* viii. 425). Beside the anvil-stand [INCU
is seen the vessel of water in which the h
iron or bronze was immersed (*ib.* v. 450, 451
[LACUS.]



The forge of Vulcan. (From a bas-relief.)

But, besides the employment of the hamm
upon the anvil for making all ordinary utensi
the smith (*χαλκεύs*) wrought with this instr
ment figures called *ἔργα σφυρήλατα* (or *ὁλ*
σφύρητα, Brunck, *Anal.* ii. 222), which we
either small and fine, some of their parts bei
beaten as thin as paper and being in very hi
relief, as in the bronzes of Siris [LORICA], or
colossal proportions, being composed of separ
plates, riveted together: of this the most
markable example was the statue of the sun
wrought bronze (*σφυρήλατος κολοσσόs*, Theocr
xxii. 47; *ῥαιστηροκοπία*, Philo *de 7 Spectac.*
p. 14, ed. Orell.), seventy cubits high, whi
was erected in Rhodes. Another remarka
production of the same kind was the gold
statue of Jupiter (Strabo, viii. p. 378; Pl
Phaedr. p. 236 B), which was erected at Oly
pia by the sons of Cypselus.

By other artificers the hammer was used
conjunction with the chisel [DOLABRA], as
the carpenter (*pulsans malleus*, Coripp. *de La*
Justini, iv. 47; woodcut, Vol. I. p. 126) and t
sculptor.

Several drawings of ancient hammers may
seen in Blümner, *Technologie*, ii. 196, every o
of which might be matched by a pattern now
use.

2. To be distinguished from the above
malleolus, a sort of rocket, having lighted to
and pitch attached to one end, which was thro
in sieges and in naval warfare. Its name
probably derived from *malleolus*, the shoot of
plant, or else because the head with the to
attached was compared to a hammer. (See C
Cat. i. 13, 32; Liv. xlii. 64; Amm. Marcell. xxi
4, 14; Veget. iv. 18.) [W. S.] [G. E. M.

MALUS. [NAVIS.]

MALUS O'CULUS. [FASCINUM.]

MANCEPS has the same relation to *ma*
cipium that *auspex* has to *auspicium*, and in i
original sense = *is qui manu capit* or *qui ma*
cipat; that is, it means an acquirer or purchas
of a thing by the form of conveyance call
mancipium or *mancipatio* (*mancipio accipiens*, s
MANCIPIUM; cf. Tertull. *Apolog.* 11). But
an early time the word was also used to signi
a party conveying by mancipation (*mancip*
dans), in which sense it is equivalent to *emanc*
(Plaut. *Curc.* 4, 2, 29).

From its original meaning *manceps* deriv
several special significations. It frequent
means a person who purchases or hires a thi
at a public auction. *Mancipes* were they w
bid at the public lettings of the censors for t
purpose of farming any part of the public pr
perty (Festus, s. v. *Manceps:* "Manceps dicit
qui quid a populo emit conducitve quia," &c.
Sometimes the chief of the Publicani general
are meant by this term, as they were t
bidders for the public revenue and gave t

security, and then they shared the undertaking with others or underlet it (Ascon. *ad Div. in Caecil.* 10, 33). These *mancipes* would accordingly have distinctive names, according to the kind of revenue which they took on lease, as Decumani, Portitores, Pecuarii. Suetonius (*Vesp.* 1) says that the father of Petro was a *manceps* of labourers (*operae*), who went yearly from Umbria to Sabinum to cultivate the land; that is, he hired them from their masters and paid so much for the use of them, as has been often done in slave countries. Conductores Thermarum et Salinarum are called *mancipes* in the Theodosian Code (14, 5, 1). The word is also used in the Theodosian Code to denote a class of public officials (8, 5, 53; 60, 24, 65, *mancipes* [illegible]). In one place of this Code (14, 16, 2) *manceps* means a manager or manciple of a public bakery. (See Forcellini, *Lex.*; Dirksen, *Manuale*, s. v.; and Voigt, *XII. Tafeln*, ii. § 84, n. 4.) [G. L.] [E. A. W.]

MANCIPA'TIO. [MANCIPIUM.]

MANCI'PII CAUSA. The three expressions by which the Romans distinguished the different species of power (*manus* or *potestas*) to which a free person might be subject in the hands of another, were *in potestate*, *in manu*, and *in mancipio ejus esse* (Gaius, i. 138). This last kind of power arose when a paterfamilias transferred a filiusfamilias to another person by process of mancipation [MANCIPIUM], as he had a right to do. The legal effect of such mancipation was that the filiusfamilias who was the object of it ceased to be in the power of his paterfamilias, and came into the *mancipium*, or power, of the person to whom he was given in mancipation: thereby he was degraded to a servile state, undergoing a *capitis deminutio*. A husband had the same power over a wife *in manu*, for she was *filiae loco*. The mancipation was in form a conveyance by sale, and it cannot be doubted that at one time the right of selling children in this way was freely exercised, children being hardly distinguished from slaves and other property. In course of time, however, the effect of the mancipation of free persons became considerably modified by custom. Generally speaking, such mancipation was mere matter of form (*dicis gratia*) in the classical period of Roman law, and probably from a much earlier time; the form being used in order to free a filiusfamilias from *patria potestas* [EMANCIPATIO; ADOPTIO], and was not intended to give the person to whom the transfer was made any real power, though for the moment until manumission the person mancipated was nominally *in mancipii causa*, and thus suffered *capitis deminutio* (Gaius, i. 141). The mancipation came only to be used for the purpose of creating a real and lasting *causa mancipii* when a filiusfamilias was surrendered by his paterfamilias to some one on account of a delict which the filiusfamilias had committed against the surrenderee.

The power exercised over persons *in mancipii causa* resembled that of a master over his slaves (*mancipia*). Thus Cicero compares the position of a person *in mancipio* with that of a criminal condemned to slavery (*pro Caecin.* 34, 98). Being like slaves to the person to whom they were transferred, they had no agnatic rights in his family, and they were manumitted in the same way as slaves, the person manumitting them acquiring thereby a kind of patronal relation to them. Still such persons were not exactly in the relation of slaves to the persons to whom they were mancipated; thus they were to some extent protected from the ill-treatment of the latter by the *actio injuriarum* which they might maintain (Gaius, i. 141): their children were not *in mancipio*, according to Gaius (Gaius, i. 135); they were not possessed as property (Gaius, ii. 90), and though they were *necessarii heredes*, if instituted by their master, they had the *beneficium abstinendi* like *sui heredes* (Gaius, ii. 160). [HERES.]

But the great distinction between a person *in mancipio* and a *mancipium* or slave was that whereas a slave had no rights, a person *in mancipio* was only in a servile condition in respect to the person to whom he was mancipated, not losing his general status as a freeman. The semi-servile position of persons *in mancipio* is expressed by the phrase *causa mancipii*.

In respect of property, the same rule applied to persons *in mancipio* as to other persons who were *alieni juris*: all that they had or acquired belonged to the person in whose *mancipium* they were. *Mancipium* was put an end to by manumission *vindicta*, *censu*, or *testamento*. According to Gaius (i. 140), manumission *censu* of a person *in mancipio* might take place without the consent of the person whose *mancipium* was taken away; but this was not applicable to a person mancipated on condition of remancipation to his father, or to a person mancipated *ex noxali causa*; that is, on account of his delict (Gaius, i. 140). When, however, a person surrendered *ex noxali causa* (*noxae datus*), had made satisfaction for the injury he had committed, the person *noxae accipiens* might be compelled to make a remancipation or manumission by order of the praetor. (*Collat.* ii. 3, 1; *Inst. Just.* 4, 8, 3: cf. Theoph. *ad loc.*) The limitations of the Lex Aelia Sentia and Fufia Canidia in respect to the manumission of slaves did not apply to this kind of manumission.

The *mancipium* was put an end to by remancipation to the father; it did not terminate *ipso jure*, but always required some act of remancipation or manumission. Justinian put an end to the *noxae datio* in the case of children, which indeed before his time had fallen into disuse. (*Inst. Just.* 4, 8, 7; Gaius, i. 116–123, 138–141; A. Schmidt, *Die Persönlichkeit d. Sklaven*; Danz, *Geschichte des römischen Rechts*; Walter, *Geschichte d. röm. Rechts*; Böcking, *Pand. Inst.* i. § 48; Kuntze, *Cursus d. R. R.* §§ 796, 797.) [E. A. W.]

MA'NCIPI RES. [DOMINIUM.]

MANCI'PIUM, or according to an earlier form *mancupium*, is the formal legal proceeding *per aes et libram*, by which power and dominion over persons and over things was transferred by one person to another. The word in this sense is of ancient origin, and occurs in the Twelve Tables (Dicksen, *Uebersicht*, &c. p. 395; Voigt, *XII. Tafeln*, ii. § 84). Cicero only uses *mancipium*, but Gaius and other writers express this act of transfer by the more modern word *mancipatio*, which is in its conception the act of transfer regarded from the side of the purchaser or person *qui mancipat* [MANCEPS], as *emancipatio*, *emancipare*, which sometimes mean generally a conveyance or to convey *per aes et libram* (Quintil. vi. 3; Plin. *Ep. ad Traj.* 4, 3; Gell. xv. 27, 3), refer to the side of the transferor; *mancipium* is the conveyance regarded as an act both of transferor and transferee (Voigt, *l. c.*). The etymology of the word *mancipium* is the same as that of the word *mancipatio*, of which Gaius (i. 121) says, "Mancipatio dicitur quia manu res capitur." The term *mancipium*, then, is derived from the act of corporeal apprehension of the thing to be conveyed, which took place in this process of transfer. This explanation of the origin of the word, which is adopted by most modern writers, is rejected by Mr. Muirhead (*Introduction to the Law of Rome*, p. 61), who maintains that the notion of mancipium is not *manu capere*, but *manum capere*, to take or acquire by transfer power or dominion over persons and things. He urges as an objection to the common etymology that there was no taking with the hand when land or a house was being conveyed, for the parties did not require to be near them; and there could be none in the mancipation of a praedial servitude, for it was intangible. This criticism is based on the assumption, that the law on the subject of mancipation, as it is described by Gaius, was also the law of earlier times, when the word *mancipium* was first formed; it seems probable, however, that a taking of the thing or of some part of it by the hand was at first required in every *rei mancipatio*, as well as in every *rei vindicatio*, and that it was subsequently dispensed with in the case of land on account of its inconvenience. There is also reason to suppose, that praedial rustic servitudes were not one of the original objects of an independent mancipation.

The party who made a transfer pursuant to the form of mancipation was said *mancipio dare*; he to whom the transfer was made was said *mancipio accipere* (Plaut. *Trin.* ii. 4, 18). The verb *mancipare* is sometimes used as equivalent to *mancipio accipere* (cf. Schol. Crug. *ad* Hor. *Ep.* ii. 159; "mancipat: mancipio accipit," Voigt, *l. c.*). Horace uses the phrase "mancipat usus," which is not an unreasonable licence; he means to say that *usus* or usucapion has the same effect as mancipation, which is true; but the effect in case of usucapion is produced by possession for a certain time, when the possessor has not already acquired ownership by mancipation or other title.

Some Latin writers who lived towards the close of the Republic appear to have considered *mancipium* to be a species of *nexum*, the term *nexum* being used by them in a more general sense than had attached to it in earlier times. According to Aelius Gallus, as cited by Festus (s. v. *nexum*), everything was *nexum*, "quodcunque per aes et libram geritur;" and as *mancipatio* was effected *per aes et libram*, it was consequently a *nexum*. M. Manilius, as cited by Varro (*L. L.* vii. 105), attaches the same comprehensive sense to the term *nexum*. Cicero (*Top.* 5, 28) says that the alienation of a *res mancipi* was effected either by *traditio nexu* or by *in jure cessio*. These two modes correspond to the *mancipatio* and *in jure cessio* of Gaius (ii. 41), and accordingly *mancipatio* (or the older term *mancupium*) is equivalent to *traditio nexu*.

But, as we see from a passage of Varro which contains a definition of *nexum* by G. Mucius Scaevola, the term *nexum* was, properly speaking, only applicable to proceedings *per aes et libram*, in so far as obligations resulted from them, and so would not include the notion of conveyance, which attaches to *mancipium*. (Varr. *L. L.* vii. 5, 105: "(Q. Mucius) nexum (est), quae per aes et libram fiant, ut obligentur, praeterquam quae mancipio dentur (Varr.): hoc verius esse ipsum verbum ostendit, de quo quaerit: nam id est, quod obligatur per libram neque suum fit; inde nexum dictum.") A *nexum* was, however, contained in a *rei mancipatio*, since the latter proceeding, besides transferring ownership, which was its main object, also gave rise to subsidiary obligations. Thus the *mancipio dans* was bound to warrant the title to the thing conveyed against eviction, and the *mancipio accipiens* might be bound by a *fiducia* attached to the mancipation to reconvey the thing on the happening of some condition. Hence a *res* was said to be *nexa* or *obligata* which was mancipated subject to a pledge or mortgage. Cicero (*de Harusp. Resp.* 7, 14) includes in the same sentence both the *jus mancipii* and the *jus nexi*, where he is speaking of various titles to property. He may mean here to speak of the *jus mancipii* in the sense of title by absolute conveyance as contrasted with the *jus nexi* or title by mortgage. (Cf. Cic. *de Orat.* i. 38, 173; *ad Fam.* iv. 30.)

The forms of mancipations are described by Gaius (i. 119): "Mancipatio is effected in the presence of not less than five witnesses, who must be Roman citizens and of the age of puberty (*puberes*), and also in the presence of another person of the same condition, who holds a pair of brazen scales, and hence is called *libripens*. The purchaser (*qui mancipio accipit*) taking hold of the thing says: I affirm that this slave (*homo*) is mine *ex jure Quiritium*, and he is purchased by me with this piece of money (*aes*), and he gives it to the seller (*ei a quo mancipio accipit*) as a symbol of the price (*quasi pretii loco*)." The same account of the matter is given more briefly by Ulpian (*Frag.* xix.).

Mancipation was instituted at a time when only copper money was in use, as we learn, Gaius says, from the Twelve Tables; and it also dates from a time when money was weighed in scales, there being no coined money (Gaius, i. 122), though subsequently the scales were struck with a coin. Mancipation, like all early conveyances, is of a public or semi-public nature. It was not, indeed, as was *in jure cessio*, executed in the presence of a magistratus, but the five Roman citizens who were required to attest it probably stood in the place of the community, and their number may have been originally intended to correspond with the five classes into which the populus was divided by Servius.

The *libripens* was supposed to be an impartial third person, and was perhaps at one time designated by some public authority. We do not know whether the scales used in the sale were public or private; but it is probable that there were public scales in the market to enable persons to mancipate slaves and cattle. Mr. Muirhead (*Introd.*, &c., p. 58, n. 10) refers to a statement of Varro (*L. L.* v. 183) that scales were still preserved in his time in the temple of Saturn.

An act of calling the attention of the witnesses to the execution of the mancipation (*antestari*) is mentioned (cf. Huschke, *Jurisprud. antejust., C. Aelius Gallus*, § 6); but whether it was performed by a person exclusively employed for the purpose, or by one of the parties to the mancipation, is uncertain. The terms *antestari*, *antestatus*, do not occur in Gaius and Ulpian, and it is clear that when they wrote there was no special person in the proceeding known as *antestatus*.

The description which Gaius gives of mancipation shows that the proceeding consisted of an assertion of title to the thing on the part of the purchaser, as well as of the purchase itself *per aes et libram*. This assertion of title, which varied in its terms according to the character of the mancipation, corresponded to some extent with the claim made by a person acquiring a thing by *in jure cessio* (Gaius, ii. 24), though it was made before witnesses, and not to the praetor. The sale *per aes et libram* was no doubt at first a real one, but the mancipation was converted into a general form of transfer by the formal payment of a small piece of copper (*aes*, *raudus*, *rauduscululm*), the adequacy of the price paid being legally immaterial. Thus Gaius calls *mancipatio* "imaginaria quaedam venditio:" for though the law required the sale, the real cause of the transaction was outside the mancipation, and might just as well be gift or dowry as actual sale. The cause would, however, appear in the instrument, which was generally drawn up as a record of title (see inscriptions cited by Voigt, ii. § 84, n. 9).

The essential parts of the formula of mancipation might be accompanied by qualifications called *leges mancipii* (Cic. *de Or.* i. 39, 178), which would be obligatory on the parties. Thus mancipations might be made subject to a trust (*fiducia*) of remancipation, and servitudes might be reserved (*deductio*) by this means. Effect was given to such additional terms by the clause of the Twelve Tables, "Cum nexum faciet mancipiumque, uti linguâ nuncupassit, ita jus esto." The *nuncupatio* was the declaration of the terms of the mancipation by the parties to the conveyance. In Roman law of the classical period it was more usual to make independent covenants concerning accessory terms, instead of incorporating them in the mancipation itself. Mancipation was a general form of transfer, and was not only used in the conveyance of property, but in other transactions, as in emancipation, adoption, co-emption. As to the application of mancipatio to wills, see TESTAMENTUM.

Mancipatio and *in jure cessio* (a conveyance probably of later origin than mancipation) were the only means of transferring ownership recognised by the law of the Twelve Tables. After a time, however, only certain kinds of things, called *res mancipi*, were required to be conveyed by mancipatio, other *res* (*nec mancipi*) being allowed to pass by mere informal delivery of possession (*traditio*). It is not to be supposed that the effect of this change was to prevent *res nec mancipi* being transferred by mancipation, should the parties to a conveyance wish to use this form; mancipation seems, in fact, to have been sometimes used for conveying important *res nec mancipi* (*e.g.* Plin. *H. N.* ix. § 117), probably on account of its evidentiary value and the warranty of title which attached to it.

The following *res* were *res mancipi*:—Lands and houses *in Italico solo*, praedial rustic servitudes, slaves, oxen, horses, mules, and asses. (Gaius, i. 120; ii. 15, 17.) [DOMINIUM.]

Lands (*praedia*) might be transferred by mancipation, though the parties to the mancipation were not on the land; but all other things which were mancipated were only transferable in the presence of the parties. The purchaser or person to whom the *mancipatio* was made did not in the time of the classical jurists acquire possession by the act of mancipation, but only ownership, the acquisition of possession being a separate act (Gaius, iv. 131) [POSSESSIO], though as a matter of fact the transfer of ownership and possession would generally take place at the same time, at least in the case of movables. The conveyance of a *res mancipi*, by informal delivery only, had no legal effect in respect of transfer of ownership according to Jus Civile, but in course of time the praetor protected a person to whom a *res mancipi* had been conveyed by *traditio*, giving him the same security as if he had acquired a civil title by mancipation (*in bonis rem habere*, Gaius, ii. 40). The establishment of a praetorian title in such a case was a great step towards the abolition of *mancipium* as a conveyance. When things were transferred by *mancipatio* under a contract of sale, the vendor was bound to warranty in double of the amount of the thing sold (Paul. *S. R.* ii. 17). A vendor therefore who had a doubtful title would not sell by *mancipium*, but would merely transfer by delivery, and leave the purchaser to acquire the Quiritarian ownership of the thing by usucapion (Plaut. *Curc.* iv. 2, 9; *Persa*, iv. 3, 55). Accordingly Varro observes (*R. R.* ii. 10) that if a slave was not transferred by *mancipium*, the seller entered into a *stipulatio dupli* to be enforced by the buyer in the case of eviction; when the transfer was by *mancipium*, the stipulation was not necessary.

Mancipation, an institution of the Jus Civile, was not suited to the customs of non-Italian people, and came to be regarded as an inconvenient form; hence it gradually lost its importance, and in Justinian's legislation was entirely superseded by the informal conveyance *traditio*, which was derived from the Jus Gentium (Cod. Just. 1, 31: "de sublata differentia rerum mancipi et nec mancipi." In passages of the Corpus Juris, where the jurists speak of *mancipatio*, the compilers substitute *traditio*. The last mention of the conveyance occurs in *Vat. Frag.* § 313; *Hermog. Cod.* 7, 1; *Theod. Cod.* 8, 12, 4, 5). *Mancipatio* ceased also to be a formality in adoption and emancipation.

The word *mancipium* is used in a cognate sense to the above as equivalent to complete ownership, and may thus be opposed to *usus*, as in a passage of Lucretius that has often been quoted (iii. 971), and to Fructus (Cic. *ad Fam.* vii. 29, 30). Sometimes the word *mancipium* means the thing mancipated, and hence it frequently signifies a slave, as being a most important *res mancipi*. This is probably the sense of the word in Cicero (*Top.* 5, 27) and certainly in Horace (*Ep.* i. 6, 39). (Brisson, *Antiq.* i. 7; Giraud, *Recherches sur le droit de propriété chez les Rom.* i. 217, &c.; Leist, *Mancipation und Eigenthumstradition*, rev. by Degenkolb, *Krit. Vierteljahrschrift*, vol. xx. p. 481; Deiters, *de* *mancipat. indole et ambitu;* Bechmann, *Kauf*, i. 47, &c.; Kuntze, *Excurse*, 167, &c.; Voigt, *XII. Tafeln*, ii. §§ 84–88; Ihering, *Geist*, ii. § 46; Maine's *Ancient Law*, p. 318.) [E. A. W.]

MANDA'TUM. 1. *Mandatum*, "a commission," is the name of a contract which arises from consent; *i.e.* it requires no special form of words, no entry in a ledger, no passing of property or of the possession of property from one party to the other: as soon as the two parties have mutually agreed, the one to employ the other, and the other to be so employed, the legal relation exists, subject however to two conditions. The employment must be one which is not merely for the benefit of the person employed, and payment for the service must not be part of the agreement. If payment is intended, the contract is hiring (*locatio*, *conductio*), not mandate: if A suggests to B to do something in B's own interest solely, A's instructions are held to amount merely to advice (*consilium*), on which no legal responsibility is incurred (Dig. 17, 1, 2, 6). On the other hand, if B does some act for A and in A's interest, without previous instructions, B may have an action to recover his expenses, but this action is a special one founded simply on the business done (*negotiorum gestorum:* cf. Dig. 3, 5, 2, &c.). The person who gives a commission is called *mandator* or *mandans;* the person who undertakes the commission is called *is qui suscipit*, or *recipit*, *mandatum*, *cui mandatum est*, &c. (in modern Latin, *mandatarius*, "mandatee"). The mandatee is bound to execute the commission diligently and faithfully, or else to renounce it in time to prevent loss to the mandator (Dig. 17, 1, 22, 11). He is to account to him for all profit arising from it. For any expense or loss properly incurred, or strictly incidental, the mandator is liable. The mandator's right of action to enforce fulfilment of the mandatee's obligations to him is *actio mandati:* the mandatee's action to obtain reimbursement is *actio mandati contraria*. As a rule the mandate is extinguished by the death of either party, at least if the event be known to the other party and the commission be yet unexecuted. But rights arising from a commission may be enforced by or against the heirs of either party (Dig. 17, 1, 58, pr.). This rule, however, seems in early times to have been doubtful; M. Drusus, the city praetor (under what circumstances we know not), refusing the right of action and Sex. Julius (a successor?) granting it (Auct. *ad Heren.* ii. 13, § 19). Either party adjudged guilty of breach of good faith became thereby disgraced, *ignominiosus* (Gaius, iv. 182), *infamia notatur* (Edict. *ap.* Dig. 3, 2, 1; *ib.* 6, 5). So Cicero says, "mandati constitutum est iudicium non minus turpe quam furti" (*Rosc. Am.* 38, 111 *sqq.*); and the heir was eventually held responsible for fraud on the part of his predecessor (Dig. 44, 7, 12).

A special case of mandate, called by modern lawyers *mandatum qualificatum*, is a request from A to B to lend C money. A was taken to guarantee payment, and B (the creditor) had, if the debtor failed to pay, an action on the mandate (*act. m. contraria*) against A to recover the money, and then in return ceded to him the creditor's right of action on the loan. A surety proper (*fidejussor*), on the other hand, was regarded as assuming the responsibility at the instance of the debtor, and, if forced to pay the debt of his principal, had an action of mandate against him (Gaius, iii. 127). Hence *mandatores* and *fidejussores* are often discussed together, though their legal positions were different in several respects (*e.g.* Dig. 17, 1, 28; 37; 46, 1, &c.).

The principal authorities are Cic. *Rosc. Am.* l. c.; Gaius, iii. 155 *sqq.*; Dig. 17, 1; 46, 1; Cod. iv. 35, 36; Inst. iii. 26.

2. *Mandata* is technically used of the "commission" or instructions given, especially to provincial governors, by the emperor. These were very various and related to their own conduct (*e.g.* Dig. 1, 16, 6, 3; 32, 1, 4), or to their administration (*e.g.* Dig. 37, 14, 7, 1; 47, 11, 6; 22, 1), or even established new rules of private law: *e.g.* the validity of a soldier's will, though not in due form (Dig. 29, 1, 1). These instructions, like the Edicts, appear by frequent repetition to have assumed the character of standing orders (cf. Dig. 29, 4); and Justinian A.D. 535 further consolidated some such instructions into what is now called the 17th Novel. Pliny in his letters to Trajan refers to them (*Ep.* 97, § 7; 111, 112). Cicero applies the term to a legate's instructions (*de Leg.* iii. 8, 18); and Frontinus (*Aquaed.* 110, 111) quotes from a chapter of the Instructions (*ex capite mandatorum*) rules for the use of water from the Italian aqueducts (cf. Cod. i. 85; Rudorff, *R. G.* i. 56). [H. J. R.]

MANDRAE. [LATRUNCULI.]

MA'NDYAS (*μανδύας*). [LACERNA.]

MANES. See *Dict. of Greek and Rom. Biography and Mythology.*

MANGO'NES. [SERVUS.]

MA'NICA, a sleeve, regarded as effeminate until the later Empire. Verg. *Aen.* ix. 616. "Et tunicae manicas et habent redimicula mitrae O vere *Phrygiae*," and Gell. vi. 12, "Tunicis uti virum prolixis ultra brachia et usque in primores manus ac prope digitos Romae atque omni in Latio indecorum fuit." But the fashion changed, "Talares et manicatas tunicas habere apud Romanos veteres flagitium erat nunc autem honesto loco natis, cum tunicati sunt non eas habere flagitium est." (Augustin. *de doct. Christ.* iii. 20.) Besides the use of sleeves sewed to the tunic, which, when so manufactured, was called *chiridota* or *manicata tunica* (Curt. iii. 7, p. 12, ed. Zumpt), sleeves were also worn as a separate part of the dress. Palladius (*de Re Rust.* i. 43) mentions the propriety of providing *ocreas manicasque de pellibus*, i.e. leggings and sleeves made of hides, as useful both to the huntsman and to the agricultural labourer. The Roman gladiators wore, together with greaves, a sleeve of an appropriate kind on the right arm and hand (Juv. vi. 255), as is exhibited in the woodcuts under GLADIATOR.

These parts of dress are mentioned together even as early as the Homeric age (see *Od.* xxiv. 228, 229). In this passage the manicae (χειρῖδες) seem to be fingerless gloves, worn on the hands to protect them from briars and thorns; and Eustathius, in his commentary on the other passage, distinguishes between these and gloves, which he calls χειρῖδες δακτυλωταί (p. 1930, *init.*). The χειρὶς πλέα ἀργυρίου was probably not (as in Liddell and Scott) a sleeve, but a leathern glove, like that in the Odyssey, used as a purse.

Gloves with fingers (*digitalia*, Varro, *de Re Rust.* i. 55) were worn among the Romans for the performance of certain manual operations. Pliny the younger refers also to the use of manicae in winter to protect the hands from cold (*Epist.* iii. 5). Those used by the Persians were probably made of fur, perhaps resembling muffs: the Persians also wore gloves in winter (δακτυλῆθραι, Xen. *Cyrop.* viii. 3, § 17). In an enumeration of the instruments of torture used in the fourth century of the Christian era we observe "the glove" (Synes. *Epist.* 58); probably an iron glove for crushing the hand, as the "boot" did the leg.

Handcuffs were called *manicae*. (Verg. *Georg.* iv. 439; *Aen.* ii. 146;—Plaut. *Asin.* ii. 2, 38; *Capt.* iii. 5, 1; *Most.* v. 1, 17;—Non. Marcellus, s. v. *Manicae.*)

In Lucan. iii. 565, *manica* is used as equivalent to MANUS FERREA. [J. Y.] [G. E. M.]

MANI'PULUS; MANIPULA'RES; MANIPULA'RII. [EXERCITUS, Vol. I. p. 783.]

MA'NSIO (σταθμός). When the kings of Persia, and afterwards the Romans, constructed the great roads through their empires, there naturally sprung up certain resting-places, where travellers stayed for the night, or refreshed themselves. The term σταθμός, which primarily meant a lonely habitation for shepherds and their flocks, was applied by the Greeks to these stations. Herodotus (v. 52) gives a full account of the royal road which ran from Sardes to Susa (and from Sardes to Ephesus, *id.* v. 54). There were stations and halting-places (σταθμοὶ βασιλήϊοι καὶ καταλύσιες) all along it, 20 within the limits of Phrygia and Lydia, a distance of 94½ parasangs (about 320 English miles); in Cappadocia, a distance of 104 parasangs, there were 28 stations; in Cilicia, a distance of 15½ parasangs, there were 3; in Armenia, in a space of 56½ parasangs, there were 15, and so on, making 111 σταθμοί in all. The whole distance is estimated at 13,500 stades, so that the average number of stades in each stathmus was about 121, or just 4 parasangs (less than 14 English miles). But as Herodotus (*loc. cit.*) puts the average day's journey at 150 stades, it is evident that the stathmi were frequently a less distance apart than a usual day's journey. As a matter of fact the day's journey varied in different regions, for Herodotus, when discussing the extent of Scythia (iv. 101), makes the day's journey amount to 200 stades. It is plain from Herodotus (*loc. cit.*) and Xenophon (*Anab.* i. 2) that the stathmi were situated at very irregular intervals. The term σταθμὸς naturally came to be used of the distance or stage between the halting-places. Hence Herodotus, to distinguish the halting-places themselves, uses in one place the phrase καταγωγαὶ σταθμῶν, in another σταθμοὶ καταγωγέων. Xenophon, who employs σταθμὸς as a measure of distance, finds it necessary, on account of the varying distances between the stopping-places, to specify the number of parasangs in every case. These halting-places, which were naturally situated at fertile and well-watered spots, would be more numerous in the more fertile regions: cf. Polyaenus (vii. 40, 1), τῆς Περσίδος, ἔνθα κῶμαι πολλαὶ καὶ λεὼς πολὺς καὶ σταθμοὶ πολλοί. There would be in those places inns for the accommodation of travellers (κατάλυμα, πανδοκεῖον). As the great ancient roads of Asia still form the main highways for caravans, there is every probability that the modern *Khan* or *Caravanserai* represents the ancient κατάλυμα. The *Khan* is usually a square building, enclosing a large open court, surrounded by balconies with a series of doors, entering into plain unfurnished apartments, and often with a fountain in the middle of the court. The Great King seems sometimes to have settled conquered peoples in these stations; for instance, Darius planted the captive Eretrians at Ardericca (τῆς Κισσίης χωρῆς κατοίκισε ἐν σταθμῷ ἑωυτοῦ, τῷ οὔνομά ἐστιν Ἀρδέρικκα, Herod. vi. 119). Treatises, or handbooks to these σταθμοί, were composed, one by Baeto (Athenaeus, x. 442 b, Βαίτων ὁ Ἀλεξάνδρου βηματιστὴς ἐν τῷ ἐπιγραφομένῳ Σταθμοὶ τῆς Ἀλεξάνδρου πορείας), and another by Amyntas, called simply οἱ Σταθμοί (id. *ib.*) or Σταθμοὶ Περσικοί (id. ii. 67 a), or οἱ τῆς Ἀσίας σταθμοὶ (id. xi. 500 d). Arrian (*Anab.* i. 2, 1) uses σταθμὸς as a definite measure of distance without any reference to parasangs or stades (ἀπέχει δὲ οὗτος ἀπὸ τοῦ Ἴστρου, ὡς ἐπὶ τὸν Αἶμον ἰόντι σταθμοὺς τρεῖς). From this it would appear that some average day's journey was taken as a σταθμός. Herodotus (viii. 98), speaking of the Persian couriers (ἄγγαροι), tells us that the road was divided into portions, corresponding to the distance that a man and horse could traverse in a day (at a high rate of speed), and Xenophon (*Cyrop.* viii. 6, 17) ascribes this institution to Cyrus, who, having found out what distance a horse could do in a day, divided the roads into corresponding stages, built stables (ἱππῶνες), placed couriers and horses, and a man in charge at each station.

When Augustus organised the Roman empire, he established an Imperial Postal System (Suet. *Aug.* 49), which conveyed despatches from station to station by means of couriers, who were called under the Empire *Speculatores*, corresponding to the *tabellarii* of the Republican period. (Tac. *Hist.* ii. 73; Suet. *Cal.* 44; cf. Liv. xxxi. 24.) For this purpose the stations (*stationes*) were divided into *mansiones* and *mutationes*. The former were places where travellers rested for the night (cf. Hor. *Sat.* i. 5, 9, *mansuri oppidulo*, for this use of *manere*), and where there were inns (*deversorium*, *caupona*, *hospitium*, *taberna*), or stopped for refreshment; there were often likewise houses (*palatia*) for the accommodation of the provincial governors, or the emperor himself, in case he passed that way. The *mutationes* (cf. the late Greek ἀλλαγαί) were mere posting-houses for the changing of horses. The word *mansio*, from meaning a stopping-place at the end of a day's journey, came to be used like σταθμὸς as a measure of distance (Suet. *Tib.* 10, "deinde ad primam statim mansionem febrim nactus;" Plin. *H. N.* xii. § 52, "a quo [*monte*] octo mansionibus distat regio"). There were usually four or five *mutationes* to one *mansio*. The *Itinerarium a Burdigala Hierusalem usque*, a guide-book composed about the time of Constantine the Great, mentions in order the *mansiones* from Bordeaux to Jerusalem, with the intervening *mutationes*, and the more considerable places near the road, which are called either *civitates*, *vici*, or *castella*, and the distances are given in leagues (*leugae*) or miles (*milia*). [Compare CURSUS PUBLICUS.] [W. Ri.]

MANTE'LE, in the imperial times, was a table-cloth, but originally, as its etymology shows, was a towel or napkin used by priests at sacrifices (Serv. *ad Aen.* i. 701; Ovid. *Fast.* iv. 933) and by guests at a banquet. It is natural that the antique use of the word should be found in accounts of sacrifices, and in Virgil (*Georg.* iv. 377; *Aen.* i. 701), where we find the woollen mantele, with soft and even nap (*tonsis mantelia villis*), used to wipe the hands when water was poured over them before the feast [see MAPPA]: so Isidore, *Or.* 19, 26, 6, says, "Mantelia nunc pro operiendis mensis sunt, quae, ut nomen ipsum indicat, olim tergendis manibus praebebantur." For the newer fashion of using a table-cloth (*mantele*), see Martial, xii. 29, 12; xiv. 138. After Hadrian's time it was the custom to use table-cloths of costly material and embroidery (Lamprid. *Heliog.* 27; *Alex. Sev.* 37). We may gather from Horace (*Sat.* ii. 8, 10) that no table-cloth was used in his time, and no doubt the fashion of giving extravagant prices for dining-tables of a beautiful grain arose at a time when the table was fully shown. In fact, there is no mention of the covering of the table earlier than the passage cited from Martial, and, when this custom arose, the name of the larger or sacrificial napkin was adopted for the table-cloth (see Marquardt, *Privatleben*, 312). [W. S.] [G. E. M.]

MA'NTICA (πήρα, θύλακος), properly a hand-bag, a wallet or travelling bag, in which a few necessaries could be carried. It was carried in the hand or slung over the shoulder (Appul. *Met.* i. 60; Catull. 22, 21; Pers. 4, 24), or strapped on behind the saddle of the horse, "mantica cui lumbos onere ulceret" (Hor. *Sat.* i. 6, 106). The later word *averta* was a larger sort of saddle-bag, usually of leather. Either would suffice to carry, besides provisions, whatever change of clothes the poorer traveller needed. The rich entrusted their luggage to the attendant slaves, who packed it up in bundles. Thus the Greek στρώματα (Arist. *Av.* 616; *Ran.* 12), carried on a journey by the slave, means a roll of clothes as well as bedding; and these were also more methodically packed in a στρωματόδεσμος, or large bag. (Plat. *Theaet.* p. 175 E; Aesch. *Fals. Leg.* § 99; Poll. vii. 79; Rutherford, *New Phryn.* p. 487.) [G. E. M.]

MA'NTIKE (μαντική). [DIVINATIO.]

MANU'BIAE. [SPOLIA.]

MANUM, CONVENTIO IN. [MATRIMONIUM, p. 138.]

MANUMI'SSIO was a legal act by which slaves and persons *in mancipii causa* were released from the *manus* or power of their masters, thereby acquiring freedom (Dig. 1, 1, 4, pr.; Inst. 1, 5, pr.). Accordingly the word *manumissio* is equivalent to *e* or *de manu missio* (cf. Voigt, *XII. Tafeln*, ii. § 77, n. 2). There were three modes of effecting a legal manumission according to Jus Civile (*justa et legitima manumissio*),—namely, *vindicta*, *census*, and *testamentum*,—which are enumerated both by Gaius (i. 17) and Ulpian (*Frag.* 1) as necessary in order to free a slave and make him *civis* (cf. Cic. *Top.* 2, 10; and Plaut. *Cas.* ii. 8, 68). Of these the *manumissio vindicta* was probably the oldest and, at one time, the only mode of manumission. It is mentioned by Livy (ii. 5) as in use at an early period, and indeed he states that some persons refer the origin of the *vindicta* to the event there related, and derive its name from *vindicius*: the latter part at least of this supposition is of no value.

Manumissio by the *vindicta* was originally an action between a third person, who vindicated the freedom of the slave to be manumitted before the praetor, and the master of the slave, who was in the position of defendant. The form of the *vindicta* supposes, not that the person manumitted was a slave, but that he was a person whose freedom (*libertas*) was the matter in issue. Thus it had for its professed object the maintenance of a previously acquired status, and not the conversion of a slave into a freeman. The proceeding before the magistratus was in form an assertion of the slave's freedom (*manu asserere liberali causa*, Plaut. *Poen.* iv. 2, 83), to which the owner made no defence, but allowed the slave to be declared by the magistratus a freeman.

The proceeding then was a species of *in jure cessio*, and was in fact a collusive action, which was based on the fiction of the slave's freedom. When the magistratus had pronounced in favour of freedom *ex jure quiritium*, there could be no further dispute about the *libertas* or about the *civitas* which was attached to *libertas*. The slave had been manumitted with the consent of the master by the act of the magistratus. The ceremony of the manumissio by the *vindicta* was as follows:—The master brought his slave before the praetor, since it was his province to exercise jurisdiction in civil causes. The praetor's lictor, who came to be used as *adsertor libertatis*, in order to save the trouble of bringing a person to take this part, holding a rod (*vindicta* or *festuca*) with one hand, and with the other laying hold of the slave, said, "Hunc ego hominem ex jure quiritium liberum esse aio," at the same time touching him with the rod; the master then using the same formalities, and turning the slave round and releasing his hold of him, as seems to have been the custom ("momento turbinis exit Marcus Dama," Pers. *Sat.* v. 78), admitted his freedom, either expressly or by his silence, which was followed by the *pronuntiatio* of the magistratus, "Quandoque Numerius Negidius non contra vindicat, hunc ego hominem ex jure quiritium liberum esse dico."

Addicere is the technical term to express this act of a magistratus by which he pronounced in favour of a right, in this case a right to freedom; it is so used by Cicero in respect of manumission (*ad Att.* vii. 2; cf. Gaius, ii. 24). This form of manumission derived its name from the *vindicta* or rod, otherwise called *festuca*, which was used in the proceeding (Plaut. *Mil.* iv. 1, 15; Hor. *Sat.* ii. 7, 76; Pers. v. 125; Gaius, iv. 16). In course of time the formalities of *manumissio per vindictam* were very much curtailed. The master ceased to act as if he were party to an action (Dig. 40, 2, 23), and the presence of the lictor became unnecessary. All that seems to have been required in the time of Justinian was that the master should take his slave before the magistratus, wherever the latter was to be found,—it might be in the public road (*in transitu*), as when the praetor or proconsul was going to the bath or to the theatre,—and that he should declare to the magistratus his desire to have the slave manumitted (Gaius, i. 20; Dig. 40, 2, 8).

The manumission by the *census* is thus briefly described by Ulpian (1, 8): "Slaves were formerly manumitted by census, when at the lustral census (*lustrali censu*) at Rome they gave in their census at the bidding of their masters." The slave must of course have had a sufficient *peculium*, or the master must have given him property, so that he might become a taxpayer. *Manumissio per censum*, like *manumissio per vindictam*, was not in form a manumission, but supposed the slave to be already free. It was the act of the censor in enrolling the slave on the list of citizens, which gave validity to the manumission, just as *manumissio per vindictam* was effected by the *addictio* of the praetor. Cicero tells us that there was a question of law whether a slave should be considered free immediately on being entered on the censor's roll, or not until the lustrum was celebrated (Cic. *de Or.* i. 40, 183; see CENSUS); and this was a matter of some importance, for his acquisitions were only his own from the time when he became a freeman.

Manumissio per censum seems to have been a common mode of manumitting persons *in mancipio*, who had been surrendered on account of their offences (*noxae dediti*), and this form of manumission may have been first used for the purpose of manumitting such persons (Gaius, i. 140; cf. Voigt, *XII. Tafeln*, ii. § 143, n. 15; MANCIPII CAUSA). The republican institution of the census became obsolete under the Empire, and with it this mode of manumission; the last lustrum was under Vespasian, A.D. 74, up to which time since the beginning of the Christian era only two had taken place.

The law of the Twelve Tables confirmed freedom which was given by will. The earliest wills were made in the Comitia, and so testamentary manumission may at first have implied a legislative act, but the *testamentum per aes et libram*, which was recognised by the Twelve Tables, and which gradually superseded the *testamentum calatis comitiis*, was not executed before any public authority, though the witnesses required for its validity may have been regarded as representatives of the populus. [TESTAMENTUM.]

There came to be three kinds of testamentary manumission:—1. Where a master by his will made a slave free and appointed him *heres*. 2. Where a master gave his slave a direct legacy of his freedom. 3. Where a person requested his heir or legatee to manumit a slave.

1. A testator might declare in his will that his slave should be free and *heres*, in which case on the death of the testator the slave became both free and *heres*, whether he wished to undertake the liabilities of the succession or not (*necessarius heres*, Gaius, ii. 153; Ulp. *Frag.* 22, 11); it was common to manumit a slave and appoint him *heres* in a substitutional clause, in order to make intestacy impossible.

According to the law of Justinian, the appointment of a slave as *heres* by his master was sufficient to show an intention to manumit, without any express declaration of freedom, since a slave could not become *heres*.

2. Where freedom was given to a slave as a *legatum*, the slave acquired his freedom by the act of the testator, and this from the moment that the will took effect, if the bequest was absolute. A testamentary manumission might, however, be made subject to a suspensive condition, in this respect differing from manumission *per vindictam* or *per censum*. A slave who was made conditionally free by testament was called *statu liber* (Festus, 314, 67; Ulp. *Fragm.* 2, 1; Dig. 40, 7, 1); until the condition was fulfilled, he was the slave of the *heres*. If a *statu liber* was sold by the *heres*, or if the ownership of him passed to some one else by usucapion, he had still the benefit of the condition; a condition to this effect being contained in the law of the Twelve Tables. Although the *statu liber* was legally a slave, the *peculium* which he possessed at the death of the testator and all subsequent acquisitions derived from it could not be taken from him by the *heres*, and might be used by him in order to fulfil the condition of his freedom, if this consisted, as was not unfrequently the case, in the payment of a sum of money to the *heres*. A slave who was made free *directo* was called *orcinus libertus*, because he had been made free by a person who was dead. (Cf. the application by Suetonius, *Aug.* 35, of the term *orcini* to certain senators of a low class.)

3. Where a slave was manumitted by an heir or legatee at the request of the testator, the will of the deceased only operated indirectly; the slave did not become *libertus orcinus* on manumission, but was the *libertus* of the heir or legatee who manumitted him. If the person who was requested to manumit refused, he might be compelled to manumit on application to the praetor. A man might request his *heres* or legatee not only to manumit his own slaves, but also slaves belonging to the *heres* or legatee or to any other person. In case of *libertas* being thus given to the slave of any other person, the gift of *libertas* was extinguished, if the owner would not sell the slave at a fair price.

The legal act of manumission was often followed by a religious ceremony in the temple of Feronia, where the freedman appeared clad in the toga or dress of a Roman citizen, and with a pileus, or particular kind of cap, on his shaven head. This last circumstance explains the expression "servos ad pileum vocare" (Liv. xxiv. 32), which means to promise slaves their liberty in order to induce them to join in some civil disturbance (cf. Plaut. *Amph.* iii. 4, 16; *Poen.* v. 2, 2; Serv. *ad Aen.* viii. 564). The pileus was still worn in the time of Justinian, since he declares that slaves who attend the funeral of their master with the cap of freedom on their heads (*pileati*) become Roman citizens (Cod. 7, 6, 1, § 5).

Manumission according to the forms recognised by the civil law not only made a slave free, but also *civis*. Besides the due observance of the legal forms, however, it was required that the manumissor should have quiritarian ownership of the slave, and that he should be of legal capacity to perform the act of manumission.

If a slave belonged to a person, but only under a praetorian title, he became Latinus and not *civis* on manumission. [LATINITAS.] If several persons were joint owners of a slave, and one of them manumitted him in such form as would have effected complete manumission, if the slave had been the sole property of the manumissor, such manumissor lost his share in him, which accrued to the other joint owner or joint owners. Justinian enacted that, if only one joint owner was willing to manumit a slave, the others might be compelled to manumit on receiving the price fixed by law for their shares. If one person had the usufructus and another the ownership (*proprietas*) of a slave, and the slave was manumitted by the *proprietarius*, he did not become free till the *usufructus* had expired: in the meantime there was no legal owner (*dominus*).

The modes of manumission above described were of a formal and public character, but in course of time other ways of giving freedom to a slave of an informal and private kind came to be recognised. Thus a form of manumission *inter amicos* is referred to by Gaius and Ulpian (Gaius, i. 41, 44; Ulp. *Fragm.* 1, 10, 18), which was a declaration of a slave's freedom made by his master in the presence of friends, or it might be done by inviting the slave to table, or by writing a letter to an absent slave. These were not manumissions recognised by the Jus Civile, and so originally had no legal effect; but after a time the praetor protected the liberty of slaves who had been made free in this manner, so that they were free in fact (*in libertate esse*), though they had not the legal status of freemen (*liberos esse*). The Lex Junia Norbana gave then the status called Latinitas [LEX JUNIA NORBANA; LATINITAS]; finally under Justinian these manumissions were given the same effect as those belonging to Jus Civile, but it was required that they should be attested by five witnesses (Cod. 7, 6, 1, § 1). A new form of manumission—*manumissio in ecclesiis*—was established by the Church, and first recognised by a constitution of Constantine, A.D. 316 (Cod. 1, 13): this manumission was carried out before the bishop in the presence of the congregation.

A *manumissio sacrorum causa* is sometimes mentioned as a kind of manumission, whereas the words *sacrorum causa* point to the cause and not to the mode of manumission. (Festus, s. vv. *Manumitti*, *Puri;* Savigny, *Zeitschrift*, vol. iii. p. 402.) A manumission by adoption is spoken of (Gell. v. 19; Inst. 1, 11, 12); the form of adoption required the intervention of a magistratus.

Laws were passed under the early emperors for the purpose of preventing the degradation of *civitas* by an incautious exercise of the right of manumission. The Lex Aelia Sentia laid various restrictions on manumission [LEX AELIA SENTIA], particularly as to the age of the person manumitting, which was raised from fourteen to twenty, and as to the age of the slave, which was required to be thirty, as a general rule, in order to qualify him to become *civis*. Moreover it prevented slaves who had suffered an infamous punishment from becoming *cives*, and declared manumissions in fraud of creditors void. The lex was almost entirely repealed by Justinian, who abolished the division of freedmen into *cives*, *Latini*, and *dediticii*, making all freedmen *cives*. The Lex Fufia Caninia fixed limits to the number of slaves who could be manumitted by will; the funerals of the wealthy being often attended by a large number of freedmen, who had been manumitted by the deceased to the injury of their inheritance. The number allowed to be manumitted in this way was a half, one-third, one-fourth, and one-fifth of the whole number that the testator possessed, according to a scale fixed by the lex. As its provisions only applied to cases where a man had more than two slaves, the owner of one slave or two slaves was not affected by this lex. The exact date of the law is doubtful, but there is some evidence to show that it was passed A.D. 8; several senatusconsulta were passed to prevent evasions of it (Sueton. *Aug.* 40; Gaius, i. 42–46). This lex was repealed by Justinian (Cod. 5, 3). A tax was levied on manumission by a Lex Manlia, B.C. 357; it consisted of the twentieth part of the value of the slave, hence called *vicesima* (Liv. vii. 16, xxvii. 10; Cic. *ad Att.* ii. 16).

Manumission was as a rule optional on the part of a master, but in some cases it was obligatory, as in the case of a master treating his slave with extreme cruelty, according to a constitution of Antoninus Pius (Gaius, i. 53). The act of manumission, which made the slave a new man, established the relation of *patronus* and *libertus* between the manumissor and manumitted, which was a quasi-parental relation [LIBERTUS; PATRONUS]. When manumitted by a citizen, the *libertus* took the praenomen and the gentile name of the manumissor, and became in a sense a member of the gens of his patron.

Freedmen who became *cives* enjoyed public as well as private rights, but subject to various drawbacks. They had not the *jus honorum*, and they could only vote in one of the four *tribus urbanae*, not in the *tribus rusticae*, though various attempts were made to give them a better suffrage. [LIBERTUS; CIVITAS.] (Dig. 40, 1, 4; Holtzman, *de Emanc. Jur. Rom. et Hod.;* Becker, *Alt.* ii. 1, 65; Unterholzner in *Zeitschr. f. Gesch. Rechtswiss.* ii. 1391; Keller, *Inst.* 211, &c.) [G. L.] [E. A. W.]

MANUS FE'RREA. [HARPAGO.]

MANUS INJE'CTIO is a kind of legalised self-help, which consists in a claimant laying hands on and arresting the person subject to his claim, according to the forms of early procedure. *Manus injectio* is used to signify either (1) an arrest of this kind made out of court, and (2) an arrest carried out in court before the magistratus, which is the strict sense of the term.

1. The seizure of a slave by his master is called *manus injectio;* e.g. the act of Claudius in seizing Virginia is so described (Liv. iii. 44). A plaintiff might bring a defendant into court by *manus injectio*, if the latter refused to obey his *in jus vocatio* or summons; and in the case of a judgment debtor or person in the position of a judgment debtor, he could do this without any *in jus vocatio*.

2. *Manus injectio*, carried out in court before the magistratus, is the process of execution for debt according to the law of the Twelve Tables; it is one of the five forms of *legis actio*, and as

such is described by Gaius (iv. 12). The law of the Twelve Tables relating to it is cited and explained in a well-known passage of Gellius (xx. 1). It appears from these sources that a debtor who had formally acknowledged his debt and a judgment debtor had thirty days allowed them to make payment, and after that time were liable to arrest at the hands of their creditor and to be brought into court ("aeris confessi rebusque jure judicatis triginta dies justi sunto. Post deinde manus injectio esto. In jus ducito," Gell. *l. c.*). Both parties being before the magistratus, the creditor addressed the debtor as follows: "Quod tu mihi judicatus (sive damnatus) es sestertium decem milia, quandoque non solvisti, ob eam rem ego tibi sestertium decem milium judicati manum injicio" (Gaius, *l. c.*); and he at the same time laid hold of some part of the debtor's body, which was the act of *manus injectio*. The debtor was not allowed to resist the arrest and maintain an action (*manum sibi depellere et pro se lege agere*): all he could do was to provide a responsible substitute called *vindex* (*qui vim dicit*), who could resist (*manum depellere* or *vindicare*) and carry on an action as defendant. The debtor was released, it seems, by such intervention on his behalf, and the vindex liable if his defence was unsuccessful (cf. Liv. vi. 14). In default of a vindex, the creditor might carry the debtor to his house (*domum ducere*), and keep him in confinement for sixty days, during which time the debtor's name and the amount of his debt were proclaimed at three successive markets (*nundinae*). This *domum ductio* probably required an order of the magistratus, which would be given as a matter of course, supposing the judgment or acknowledgment to have been proved (Lex Rubr. cc. 21, 22). During this period of sixty days, the debtor was not a slave, but he was kept in chains, which could not be above a certain weight ("quindecim pondo, ne majore, aut si volet, minore, vincito"); the creditor being bound to supply him with a bare maintenance, if he did not keep himself. ("Si volet, suo vivito. Ni suo vivit, qui eum vinctum habebit, libras farris endo dies dato. Si volet, plus dato.") If there was no arrangement between the parties, and the debtor did not pay his debt or anyone on his behalf, he suffered a *maxima capitis deminutio*, and might be put to death or sold as a slave beyond the Tiber, all his property passing to his creditor, and when there were several joint creditors being divided amongst them (as to the different interpretations of the words *partis secanto*, see NEXUM). According to some writers, there was an *addictio* or magisterial assignment of the debtor to the creditor at the end of the sixty days; but there is no mention in our authorities of any reappearance of the parties in court, and it is perhaps better to suppose that a conditional assignment was contained in the original order of the magistratus. Persons who contracted a money debt by *nexum*, which was a formal proceeding *per aes et libram* in the presence of witnesses, were probably considered to have made a sufficiently public acknowledgment of their debt, and so may have been liable at once to *manus injectio* on default; but the opinion of some writers that no execution or proceedings in court were necessary in this case cannot be supported, nor can it be shown that any part of the ordinary process was omitted.

Manus injectio was not applicable for the enforcement of any but a liquidated money claim; and was confined under the Twelve Tables to *judicati*, *damnati*, and *confessi*. In course of time, however, some other debtors were put either wholly or partly on the same footing as *judicati* (Gaius, iv. 22–25). The Lex Publilia, evidently following the analogy of the Twelve Tables, allowed the *manus injectio* in the case of money paid by a sponsor, if the sponsor was not repaid in six months. The Lex Furia de sponsu allowed it against him who had exacted from a sponsor more than his just proportion (*virilis pars*). These and other leges allowed the *manus injectio pro judicato*; that is, treated the debt as if it were a *res judicata*. Other leges granted the *manus injectio pura*; that is, *non pro judicato*, as the Lex Furia testamentaria and the Lex Marcia adversus feneratores. But in these cases the defendant might resist the manus injectio (*manum sibi depellere*), and defend his cause; but it would appear that he could only relieve himself from the *manus injectio*, by actually undertaking to defend himself by legal means. Accordingly it was in these cases an execution, if the defendant chose to let it be so; if he did not, it was the same as serving him with process to appear before the praetor. In course of time a law was passed called the Lex Vallia, by which every *manus injectio* was made *pura*, except in the cases of judicatus and of a person whose debt had been paid by his sponsor (*is pro quo depensum est*); and consequently in the two latter cases, even after the passing of this lex, an insolvent person could only escape arrest by finding a vindex. The Lex Poetelia had previously put an end to *manus injectio* on account of *nexum*. This form of execution for debt was however put an end to by the Lex Aebutia, which partly abolished the *legis actio* procedure. A dramatic scene of *manus injectio* is portrayed on a sarcophagus at Rome (Voigt, i. 63, n. 3; Helbig, *Bullet. dell' Inst.* 1866, 90, &c.). (Keller, *Der röm. Civilprocess*, §§ 19, 83; Bethmann-Hollweg, *Der römische Civilprocess*, vol. i. § 45; Bekker, *Die Aktionen d. röm. Privatrechts*, vol. i.; Karlowa, *Der röm. Civilprocess z. Zeit. d. legis actionis*; Huschke, *Nexum*, p. 79, &c.; Savigny, *Das Alt.-Röm. Schuldrecht*, Verm. Schr. vol. ii. p. 369; Voigt, *XII. Tafeln*, 1, §§ 63–65; Muirhead, *Roman Law*, § 36.) [E. A. W.]

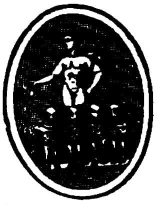
MAPPA (χειρόμακτρον, ἐκμαγεῖον), a linen napkin. Among Greeks and Romans alike, before the meal began and after it was over, means were provided for washing the hands of the guests. A slave carried round a basin (*malluvium*, *trulleum*, *polubrum*; in Greek, λέβης, χέρνιψ, χειρόνιπτρον), which he held under the hands to receive the water poured over them from a jug (*urceolus*, πρόχους); and the slave who poured the water carried also a napkin or towel to wipe the hands dry: κατὰ χειρὸς ὕδωρ, παράπεμπε τὸ χειρόμακτρον (Arist. *ap.* Athen. ix. p. 410. See Hom. *Il.* xxiv. 304; *Od.* i. 136; Plat. *Symp.* p. 175 A, &c.). But, besides this, as forks are a modern invention of the 14th century, it was necessary that the guests should often wipe their fingers during the meal: for this purpose the Greeks used, not napkins, but pieces of bread, called ἀπομαγδαλιαί (Poll. vi. 93; Eustath. *ad Od.* xix. 92). Herodotus (iv. 64) mentions a ghastly practice of the Scythians, who used the scalps of their enemies as ἀπομαγδαλιαί: and Pliny (*H. N.* vii. § 12) says that the Scythian Anthropophagi, besides making drinking cups from the skulls of their slain enemies (compare the story of the Lombard Alboin, Gibbon, vol. v. 339), also used the scalps *pro mantelibus* (= mappis) *ante pectora*. From "ante pectora" it may be seen that the napkin was sometimes tucked under the chin, like a bib, according to a fashion still lingering in some countries. The mappa in Horace's time was provided by the host (Hor. *Sat.* ii. 4, 81; Varr. *L. L.* ix. 47); but, as far as we have evidence, it was the custom in Martial's time for the guests to bring their own napkins (see Mart. xii. 29); and the same is implied by the fact that persons whose rank entitled them to the *latus clavus* had it embroidered as a border to the mappa (Mart. iv. 46), and also by what we are told of mean-spirited guests carrying off food from the dinner table wrapped in their napkin (Mart. ii. 37; Petron. 66). We hear of napkins in the time of Heliogabalus embroidered with gold (Lamprid. *Heliog.* 27; *Alex. Sev.* 37, 40). Athenaeus (ix. p. 479) speaks of gaily-coloured napkins worn by women as a head-dress, like a handkerchief. In the circus the signal for starting a race was given by the presiding consul or praetor dropping a white napkin (hence "*cretata* mappa"). From this the Megalesian games are called *spectacula Megalesiacae mappae* (Juv. xi. 193): compare Tertullian (*Spect.* 16), "mappam missam putant, sed est diaboli ab alto praecipitati figura." (Cf. also Mart. xii. 29; Suet. *Ner.* 22.) (Compare above MANTELE; and see Marquardt, *Privatleben*, p. 313; Becker-Göll, *Gallus*, iii. 389.) [W. S.] [G. E. M.]

MARCUS. [MALLEUS.]

MARIS (μάρις, μάρης, Hesych. μάριστον), a Greek measure of capacity, which, according to Pollux (x. 184) and Aristotle (*Hist. An.* viii. 9), contained 6 cotylae (or nearly 3 pints). Polyaenus (iv. 3, § 32) mentions a much larger measure of the same name containing 10 congii, or nearly 8 gallons. [COTYLA.] [P. S.]

MARRA was apparently a sort of single-headed pick-axe, perhaps heavier and with a broader head than the *ligo*, for Columella (x. 72) applies the epithet *lata* to the marra: its use for breaking up the hard ground in preparation for lighter digging and hoeing is sufficiently shown by Col. x. 88 (quoted by Mayor on Juvenal, xv. 166), "mox bene cum glaebis vivacem cespitis herbam contundat marrae vel fracti dente ligonis . . . tunc quoque trita solo splendentia sarcula sumat angustosque foros adverso limite ducens rursus in obliquum distinguat tramite parvo." In Plin. xviii. § 147, it is prescribed for cleaning the ground of weeds too strong and obstinate to be got out by the hoe, ploughing being the last resource, if the weeds beat even the marra. The contrast of the marra with the *dens fracti ligonis* in the passage quoted from Columella suggests that its head had a smooth blade, not indented or split into two prongs. [G. E. M.]

MARSU'PIUM (μαρσύπιον, βαλλάντιον), a purse. (Non. Marcellus, *s. v.*; Varro, *de Re Rust.* iii. 17;—Plaut. *Men.* ii. 1, 29; ii. 3, 33, 35; v. 7, 47; *Poen.* iii. 5, 37; *Rud.* v. 2, 26;—Xen. *Conviv.* iv. 2.) The word is a diminutive of μάρσιππος, a bag, which occurs in Xen. *Anab.* iv. 3, 11, as a clothes-bag, equivalent to στρωματόδεσμος. *Marsupium*, therefore, is strictly a small bag or pouch.


Mercury holding a Marsupium.

The purse used by the ancients was commonly a small leathern bag, and was often closed by being drawn together at the mouth (σύσπαστα βαλάντια, Plat. *Symp.* p. 190 D). Mercury is commonly represented holding one in his hand, of which the annexed woodcut from an intaglio in the Stosch Collection at Berlin presents an example. For journeys and campaigns, the safer girdle-purse (*zona*) was used. (See also CRUMENA, ZONA.) [J. Y.] [G. E. M.]

MA'RSYAS. [COLONIA, Vol. I. p. 481 *a*.]

MARTIA'LES LUDI. [LUDI MARTIALES.]

MARTIA'LIS FLAMEN. [FLAMEN.]

MARTY'RIA (μαρτυρία) signifies strictly the deposition of a witness in a court of justice, though the word is applied metaphorically to all kinds of testimony. We shall here explain—1, what persons were competent to be witnesses at Athens; 2, what was the nature of their obligation; 3, in what manner their evidence was given; 4, what was the punishment for giving false evidence.

The capacity to give evidence was regarded more as a privilege of the witness than as a right of justice. Hence it was limited to freemen, males, and adults. The incapacity of women and minors may be inferred from the general policy of the Athenian law: thus a woman or a child could make no contracts beyond the value of a bushel (μέδιμνος) of barley, *i.e.* for the barest necessaries of life (Isae. *Or.* 10 [*Aristarch.*], § 10; Schol. Aristoph. *Eccles.* 1025; Harpocr., Phot., Suid., *s. v.* ὅτι παιδὶ καὶ γυναικί). A woman could, however, take an oath if tendered to her by challenge (πρόκλησις); and this oath had an evidentiary value, being in fact a substitute for evidence. It differed, however, because the consent of the adversary was required before it could be taken. For an example of this kind of oath tendered and refused, see Dem. c. *Aphob.* iii. p. 852, § 26; tendered and taken, *c. Boeot. de Dot.* p. 995, § 3, *de Nom.* p. 1011, § 10. (Cf. DIAETETAE, p. 623 *a*; Thalheim, *Rechtsalterth.* p. 8; Lipsius, *Att. Process*, pp. 876, 900.)

Slaves were not allowed to give evidence, unless upon examination by torture (βάσανος): nor were female slaves exempted (Dem. c. *Aphob.* iii. p. 852, § 25). There appears to have been one exception to this rule: a slave might be a witness against a freeman in cases of murder (Antiph. *de caed. Herod.* § 48). The suggestion of Platner (*Process und Klagen*, p. 215) that μαρτυρεῖν is here equivalent to μηνύειν, "lay an information," is rejected both by Schömann and by Lipsius (*Att. Process*, p. 876 n.). The party who wished to obtain the evidence of a slave belonging to his opponent challenged him to give up the slave to be examined (ἐξῄτει τὸν δοῦλον). The challenge was called πρόκλησις.

The owner, if he gave him up, was said *ἐκδοῦναι* or *παραδοῦναι*. But he was not obliged so to do, and the general practice was to refuse to give up slaves, which perhaps arose from humanity, though the opponent always ascribed it to a fear lest the truth should be elicited. The orators affected to consider the evidence of slaves wrung from them by torture more valuable and trustworthy than that of freemen; but it must be observed, they always use this argument when the slave had *not* been examined. (Demosth. c. *Aphob.* iii. p. 848, § 13; c. *Onet.* i. p. 874, § 37; Hudtwalcker, *Ueber die Diäteten*, p. 44 ff.)

Citizens who had been disfranchised (*ἠτιμωμένοι*) could not appear as witnesses (any more than as jurors or plaintiffs) in a court of justice; for they had lost all honourable rights and privileges (Dem. c. *Mid.* p. 545, § 95; c. *Neaer.* p. 1353, §§ 26, 27). State debtors were not allowed to bring actions (Isae. *Or.* 10 [*Aristarch.*], § 20; Dem. c. *Mid.* p. 542, § 87; perhaps also c. *Nicostr.* p. 1251, § 14 ff.), but had apparently sometimes a *locus standi* in their own defence; the plaintiff *against Phaenippus* is a state-debtor, p. 1049, § 32 (Thalheim, *op. cit.* p. 16). But there was no objection to alien freemen (Dem. c. *Lacr.* p. 927, § 14, p. 929, § 20; Aeschin. *de F. L.* § 155). We learn from Harpocration (*s. v.* *διαμαρτυρία*) that in actions against freedmen for neglect of duty to their patrons (*ἀποστασίου δίκαι*) foreigners were not allowed to put in an affidavit that the action was not maintainable (*μὴ εἰσαγώγιμον εἶναι*). But this can hardly be considered an exception, for such affidavits gave an undue advantage to the party for whom they were made.

Neither of the parties to a cause was competent to give evidence for himself, though each was compelled to answer the questions put by the other. The law declared *τοῖν ἀντιδίκοιν ἐπάναγκες εἶναι ἀποκρίνασθαι ἀλλήλοις τὸ ἐρωτώμενον, μαρτυρεῖν δὲ μή.* ([Dem.] c. *Steph.* ii. p. 1131, § 10.) That the friends of the party, who pleaded for him (called *συνήγοροι*), were not incompetent to give evidence, appears from the fragment of Isaeus *pro Euphil.*, and also from Aeschines, who, on his trial for misconduct on the embassy, calls Phocion to assist him both as a witness and an advocate (*de F. L.* §§ 170, 184).

The obligation to attend as a witness, both in civil and criminal proceedings, and to give such evidence as he is able to give, arises out of the duty which every man owes to the state; and there is no reason to believe that any persons (except the parties themselves) were exempted from this obligation. The passages cited in support of the contrary view (Isae. *Or.* 2 [*Menecl.*], § 33; [Dem.] c. *Timoth.* p. 1195, § 38; *Att. Process*, p. 880 Lips.) prove nothing more than that the near relations of a party were *reluctant to* give evidence against him; whereas the fact that they were bound *by law* to give evidence may be inferred from Demosthenes (c. *Aphob.* iii. p. 849, § 15; p. 850, § 20; p. 855, § 36). At Athens, however, it was less easy than it is now in England to keep men to their legal obligations: hence the defiant tone of the friends of a powerful defendant (c. *Timoth.* l. c.).

The party who desired the evidence of a witness summoned him to attend for that purpose. The summons was called *πρόσκλησις*. (Plat. *Legg.* xi. p. 936 E; Dem. c. *Aphob.* iii. p. 850, § 20; c. *Timoth.* p. 1190, § 19; c. *Theocrin.* p. 1324, § 8. In the two former passages *προκαλεῖσθαι* is an unsound correction; cf. *Att. Process*, p. 884 Lips.) If the witness promised to attend and failed to do so, he was liable to an action called *δίκη λειπομαρτυρίου.* Whether he promised or not, he was bound to attend; and if his absence caused injury to the party, he was liable to an action (*δίκη βλάβης*). This is the probable distinction between these forms of action, as to which there has been much doubt. (Meier and Schömann, *Att. Proc.* p. 672 = 881 Lips.; Platner, *Att. Proc.* p. 221; Schömann, *Antiq.* i. 487 n., E. T.).

The attendance of the witness was first required at the *ἀνάκρισις*, where he was to make his deposition before the superintending magistrate (*ἡγεμὼν δικαστηρίου*). The party in whose favour he appeared, generally wrote the deposition at home upon a whitened board or tablet (*λελευκωμένον γραμματεῖον*), which he brought with him to the magistrate's office, and, when the witness had deposed thereto, put into the box (*ἐχῖνος*) in which all the documents in the cause were deposited. If the deposition were not prepared beforehand, as must always have been the case when the party was not exactly aware what evidence would be given, or when anything took place before the magistrate which could not be foreseen, as for instance a challenge, or question and answer by the parties; in such a case it was usual to write down the evidence upon a waxen tablet. The difference between these methods was much the same as between writing with a pen on paper, and with a pencil on a slate; the latter could easily be rubbed out and written over again if necessary (Demosth. c. *Steph.* ii. p. 1132, § 11). If the witness did not attend, his evidence was nevertheless put into the box; that is, such evidence as the party intended him to give, or thought he might give, at the trial. For all testimonial evidence was required to be in writing, in order that there might be no mistake about the terms, and the witness might leave no subterfuge for himself when convicted of falsehood. (Demosth. c. *Steph.* i. p. 1115, § 44; ii. p. 1130, § 6.) The *ἀνάκρισις* might last several days, and, so long as it lasted, fresh evidence might be brought, but none could be brought after the last day, when the box was sealed by the magistrate, and kept so by him till the day of trial. (Demosth. c. *Aphob.* i. p. 836, § 1; c. *Boeot. de Nom.* p. 999, § 17; c. *Everg. et Mnes.* p. 1143, § 16; c. *Conon.* p. 1265, § 27.)

The form of a deposition was simple. The following example is from Demosthenes (c. *Lacr.* p. 927, § 14):—"Archenomides son of Archedamas of Anagyrus testifies, that articles of agreement were deposited with him by Androcles of Sphettus, Nausicrates of Carystus, Artemon and Apollodorus both of Phaselus, and that the agreement is still in his hands." Here we must observe that whenever a document was put in evidence at the trial, as an agreement, a will, the evidence of a slave, a challenge, or an answer given by either party at the *ἀνάκρισις*, it was certified by a witness, whose deposition was at the same time produced and read. (Demosth. *pro Phorm.* pp. 946, 949, 957; *c. Phaenipp.* p. 1046; *c. Steph.* p. 1120.)

The witness, whether he had attended before the magistrate or not, was obliged to be present at the trial, in order to confirm his testimony. The only exception was, when he was ill or out of the country, in which case a commission might be sent to examine him. [Ecmartyria.] All evidence was produced by the party during his own speech, the *κλεψύδρα* being stopped for that purpose. (Lys. *c. Pancl.* §§ 4, 8, 11, 14, 15; Isae. *Or.* 3 [*Pyrrh.*], §§ 12, 76; Dem. *c. Eubul.* p. 1305, § 21.) The witness was called by an officer of the court, and mounted on the raised platform (*βῆμα*) of the speaker, while his deposition was read over to him by the clerk; he then signified his assent, either by express words, or bowing his head in silence. (Lys. *de caed. Eratosth.* § 29; Aeschin. *de F. L.* § 156; Dem. *c. Mid.* p. 560, § 139; *c. Phorm.* p. 913, § 19; *c. Steph.* i. p. 1109, § 25; *c. Eubul.* p. 1305, § 22.) In one passage an *ἄτιμος*, whose mouth is shut, is directed to stand up in silence in order to excite compassion (Dem. *c. Mid.* p. 545, § 95). In the editions that we have of the orators we see sometimes Μαρτυρία written (when evidence is produced) and sometimes Μάρτυρες. The student must not be deceived by this, and suppose that sometimes the deposition only was read, sometimes the witnesses themselves were present. The old editors merely followed the language of the orators, who said "call the witnesses," or "mount up witnesses," or "the clerk shall read you the evidence," or something to the same effect, varying the expression according to their fancy. (See Lys. *pro Mantith.* § 8; Isae. *Or.* 3 [*Pyrrh.*], §§ 76, 80; Dem. *c. Callipp.* p. 1238, § 7; *c. Neaer.* p. 1352, § 23).

If the witness was hostile, he was required by a solemn summons (*κλητεύειν*) either to depose to the statement read over to him, or to take an oath that he knew nothing about it (*μαρτυρεῖν ἢ ἐξόμνυσθαι*). One or the other he was compelled to do, or, if he refused, he had to pay a fine of a thousand drachmas to the state, which sentence was immediately proclaimed by the officer of the court, who was commanded *ἐκκλητεύειν αὐτόν*, *i.e.* to give him notice that he was in contempt and had incurred the fine. The distinction between *κλητεύειν*, of the party summoning the witness, and *ἐκκλητεύειν*, of the herald or crier, has been wrongly denied by some authorities, and is not noticed in L. and S. ed. 7; but it is established by Aeschin. *c. Timarch.* § 46, *de F. L.* § 68, compared with Lycurg. *c. Leocr.* § 20, Dem. *c. Zenoth.* p. 890, § 30, *c. Neaer.* p. 1354, § 28. For the compulsion of an unwilling witness (like the English subpoena), see also Isae. *Or.* 2 [*Astyph.*], § 18; Dem. *de F. L.* p. 396, § 176=194, p. 403, § 193=220; *c. Aphob.* iii. p. 850, § 20; *c. Theocrin.* p. 1324, § 7 (Lipsius, *Att. Process*, p. 882 n.). The *ἐξωμοσία* was not a safe way of getting off giving evidence; it was liable to the penalties of perjury (Dem. *de F. L.* § 176; *c. Steph.* i. p. 1119, § 58).

An oath was usually taken by the witness at the *ἀνάκρισις*, where he was sworn by the opposite party at an altar (*πρὸς τὸν βωμὸν ἐξωρκίσθη*). If he had not attended at the *ἀνάκρισις*, he might be sworn afterwards in court; as was always the case when a witness took the oath of denial (*ἐξώμοσε*). In the passage just cited from Lycurgus, the expression *λαβόντας τὰ ἱερὰ* means nothing more than touching the altar or its appurtenances, and has no reference to victims. (Valckenaer, *Opusc. Philol.* vol. i. pp. 37–39.) Whether the witness was always bound to take an oath, is a doubtful point. Schömann formally retracts (*Antiq.* i. 485 n., E. T.) his earlier opinion, that evidence was usually unsworn (cf. *Att. Process*, pp. 885–6 Lipsius). It seems certain, however, that the other side could put a witness on his oath (*ἐξορκοῦν*, Dem. *c. Steph.* i. p. 1119, § 58; *ἐξορκίζειν*, c. *Conon.* p. 1265, § 26, with Sandys on both passages). See also *c. Eubul.* p. 1305, § 22; Aeschin. *de F. L.* § 156.

The oath of the witness (the ordinary *νόμιμος ὅρκος*) must not be confounded with the oath taken by one of the parties, or by some friend or other person out of court, with a view to decide the cause or some particular point in dispute. This was taken by the consent of the adversary, upon a challenge (*πρόκλησις*, [Dem.] *c. Timoth.* p. 1203, § 65) given and accepted; it was an oath of a more solemn kind, sworn by (or upon the heads of) the children of the party swearing (*κατὰ τῶν παίδων*, Dem. *c. Aphob.* iii. p. 852, § 26; *c. Conon.* p. 1269, § 40), or by perfect or full-grown victims (*καθ' ἱερῶν τελείων*, [Dem.] *c. Neaer.* p. 1365, § 60), and often with curses upon himself or his family (*κατ' ἐξωλείας*, c. *Eubul.* l. c.), and sometimes was accompanied with peculiar rites, such as passing through fire (*διὰ τοῦ πυρός*, *c. Conon.* l. c. and Sandy *ad loc.*). The mother or other female relation of the party (who could not be a witness) was at liberty to take this oath. (Dem. *c. Aphob.* l. c.; *c. Boeot. de Dot.* p. 1011, § 10: it is tendered to the father, *c. Callipp.* p. 1240, § 15; cf. Wachsmuth, *Hellen. Alterth.* ii. 1, p. 335; Hudtwalcker, *Diät.* pp. 52–57.)

With respect to hearsay evidence, see Akoe Martyrein; and for the affidavit called *διαμαρτυρία*, Anakrisis, p. 122 *a*.

The question whether freemen were put t the torture is reserved for fuller discussio under Tormentum. We may here briefly sa that (1) the torture of citizens was forbidde by a decree in the archonship of Scamandriu of unknown date; that (2) the "omnipotent" people claimed a power of suspending this la by psephisma on extraordinary occasions [Ecclesia, p. 702 *b*]; that (3) this suspension of the la though demanded in times of excitement, seem never to have been really acted upon. Th leading case which proves all these points i that of the mutilation of the Hermae (Ando *de Myst.* § 43 f., and Grote's remarks thereo ch. 58, v. 175; see also the speech πε *συντάξεως*, p. 170, § 14, and Plut. *Phoc.* 35).

It is not too much to say, with Thalhei (*Rechtsalterth.* p. 29, n. 2) and Lipsius (*At Process*, p. 896, n. 372), that we have *no* exampl of the torture of an Athenian citizen. Abou aliens they were less scrupulous; but (as general rule) it is certain that freemen coul not be tortured in courts of justice, and eve an emancipated slave, Demosthenes says, would be an act of impiety (*οὐδ' ὅσιον*) to gi up for such a purpose (Dem. *c. Aphob.* ii

p. 856, § 39; c. *Timoth.* p. 1200, § 55). The recorded exceptions are mostly in the cases of foreign spies, especially when the Athenians were alarmed for the safety of their dockyards (Dem. *de Cor.* p. 271, § 133; Lys. c. *Agorat.* § 39).

The above remarks apply equally to causes which came before the dicasteries in the ordinary way, and those which were decided by the public arbitrators. The *διαιτητὴς* discharged the duties of the magistrate at the *ἀνάκρισις* as well as those of the *δικασταὶ* at the trial. He heard the witnesses and received the depositions from day to day as long as he sat, and kept the *ἐχῖνος* open until the last day (*κυρίαν ἡμέραν*). (Cf. Dem. c. *Mid.* p. 541, § 84; c. *Timoth.* p. 1199, § 50; *Att. Process*, p. 886 Lips.; Diaetetae.)

If the witness in a cause gave false evidence, the injured party was at liberty to bring an action against him (*δίκη ψευδομαρτυριῶν*) to recover compensation. The proceeding was sometimes called *ἐπίσκηψις*, and the plaintiff was said *ἐπισκήπτεσθαι τῇ μαρτυρίᾳ* or *τῷ μάρτυρι* (Isae. *Or.* 3 [*Pyrrh.*], § 11; *Or.* 5 [*Dicaeog.*], § 17; Dem. c. *Aphob.* iii. p. 846, § 7, p. 856, § 41; Harpocrat. *s. v. ἐπεσκήψατο*). This cause was probably tried before the same presiding magistrate as the one in which the evidence was given (*Att. Process*, p. 59 Lips.). The form of the plaintiff's bill, and of the defendant's plea in denial, will be found in Demosthenes (c. *Steph.* i. p. 1115, § 46). From the same passage we also learn that the action for false testimony was a *τιμητὸς ἀγών*, in which the plaintiff laid his own damages in the bill; and from Demosthenes (c. *Aphob.* p. 849, § 16; p. 859, § 50), it appears that the dicasts had power not only to give damages to the plaintiff, but also to inflict the penalty of *ἀτιμία* by a *προστίμησις* (Isae. *Or.* 5 [*Dicaeog.*], § 19; Dem. c. *Aphob.* iii. p. 849, § 16; [Aristot.] *Rhet. ad Alex.* p. 1431 b, 30). A witness who had been a third time convicted of giving false testimony was *ipso jure* disfranchised (Andoc. *de Myst.* § 74; cf. *Att. Process*, p. 485 ff. Lips.; Thalheim, *Rechtsalterth.* p. 119 n.). The main question to be tried in the cause against the witness was, whether his evidence was true or false; but another question commonly raised was, whether his evidence was material to the decision of the previous cause (Dem. c. *Everg. et Mnes.* p. 1139, § 1, p. 1161, § 74; c. *Aphob.* pp. 853–856; c. *Steph.* i. p. 1117, § 51; Platner, *Process u. Klagen*, vol. i. p. 400, &c.).

When a witness, by giving false evidence against a man upon a criminal trial, had procured his conviction, and the convict was sentenced to such a punishment (for instance, death or banishment) as rendered it impossible for him to bring an action, any other person was allowed to institute a public prosecution against the witness, either by a *γραφή*, or perhaps by an *εἰσαγγελία* or *προβολή*. (Andoc. *de Myst.* § 7; Platner, *op. cit.* p. 411; *Att. Process*, p. 488 Lips.)

After the conviction of the witness, an action might be maintained against the party who suborned him to give false evidence, called *δίκη κακοτεχνιῶν* (Dem. c. *Timoth.* p. 1201, § 56; c. *Everg. et Mnes.* l. c.). And it is not improbable that a similar action might be brought against a person who had procured false evidence to be given of a defendant having been summoned, after the conviction of the witness in a *γραφὴ ψευδοκλητείας* (Meier, *Att. Process*, p. 977 Lips.).

It appears that in certain cases a man who had lost a cause was enabled to obtain a reversal of the judgment (*δίκη ἀνάδικος*), by convicting a certain number of the adverse witnesses of false testimony. Thus in inheritance causes the law enacted *ἐὰν ἁλῷ τις τῶν ψευδομαρτυριῶν, πάλιν ἐξ ἀρχῆς εἶναι περὶ αὐτῶν τὰς λήξεις* (Isae. *Or.* 11 [*Hagn.*], § 46; *Or.* 5 [*Dicaeog.*], §§ 8, 14; see, however, some doubts of Lipsius, *Att. Process*, p. 982 n.). This was the more necessary, on account of the facility afforded to the parties to stop the progress of these causes by affidavits, and also because no money could compensate an Athenian for the loss of an inheritance. The same remedy was given by the law to those who had been convicted in a *δίκη ψευδομαρτυριῶν* or in a *γραφὴ ξενίας*. In the last case the convicted person, who proceeded against the witness, was compelled to remain in prison until the determination of his suit (Dem. c. *Timocr.* p. 741, § 131). We are informed that these are the only cases in which a judgment was allowed to be reversed in this way; the Scholiast on Plato (*Legg.* xi. p. 937 C) adds a third, cases of inheritance (*κλήρων*); but see *Att. Process*, p. 612 n. 350, p. 979 n. 609, Lips. From the words of Isaeus quoted above, *ἐὰν ἁλῷ τις τῶν ψευδομαρτυριῶν*, it has been inferred that the conviction of a single witness sufficed for the granting of a new trial; this is surely making too much of the indefinite *τις*, and the Scholiast on Plato says expressly that it was necessary to convict more than half the number of witnesses. The Athenians, as we know, were very chary of granting an *ἀναδικία* (*Att. Process*, p. 982 n.; Appellatio).

We conclude by noticing a few expressions. *Μαρτυρεῖν τινι* is to testify in favour of a man, *καταμαρτυρεῖν τινος* to testify against. *Μαρτύρεσθαι* to call to witness (a word used poetically); *διαμαρτύρεσθαι* and sometimes *ἐπιμαρτύρεσθαι τοὺς παρόντας*, to call upon those who are present to take notice of what passes, with a view to give evidence. (Dem. c. *Everg. et Mnes.* p. 1150, § 38.) *Ψευδομαρτυρεῖν* and *ἐπιορκεῖν* are never used indifferently, which affords some proof that testimony was not necessarily on oath. The *μάρτυς* (witness in the cause) is to be distinguished from the *κλητὴρ* or *κλήτωρ*, who merely gave evidence of the summons to appear. [C. R. K.] [W. W.]

MASTE'RES (*μαστῆρες*). [Zetetae.]

MASTI'GIA. [Flagrum.]

MASTIGO'PHORI or **MASTIGO'NOMI** (*μαστιγοφόροι* or *μαστιγονόμοι*), the name of the lower police-officers in the Greek states, who carried into execution the corporal punishments inflicted by the higher magistrates. Thus Lycurgus assigned mastigophori to the Paedonomus at Sparta, who had the general superintendence of the education of the boys (Xen. *Rep. Lac.* ii. 2, iv. 6; *Hellen.* iii. 11; Plut. *Lyc.* 17). In the theatre the mastigophori preserved order, and were stationed for this purpose in the orchestra, near the thymele (Schol. *ad* Plat. p. 99, Ruhnken; Lucian, *Pisc.* 33). In the Olympic games the *ῥαβδοῦχοι* performed the same duties. At Athens they were discharged by the public slaves, called bowmen (τοξόται), or Scythians (Σκύθαι). [Demosii.] [W. S.]

MA'TARA. [Hasta.]

MATERFAMI'LIAS. [Matrimonium.]

MATHEMA'TICI. [Astrologia.]

MATRA'LIA, a festival celebrated at Rome every year on the 11th of June, in honour of the goddess Mater Matuta, whose temple stood in the Forum Boarium from the time of Servius Tullius (Liv. v. 19; xxxiii. 27). It was celebrated only by Roman matrons, and the sacrifices offered to the goddess consisted of cakes baked in pots of earthenware (Varro, *L. L.* v. 106; Ovid. *Fast.* vi. 475, &c.). Slaves were not allowed to take part in the solemnities, or to enter the temple of the goddess. One slave, however, was admitted by the matrons, but only to be exposed to a humiliating treatment, for one of the matrons gave her a blow on the cheek and then sent her away from the temple. The matrons on this occasion took with them the children of their sisters, but not their own, held them in their arms, and prayed for their welfare (Plut. *Camil.* 5; *Quaest. Rom.* p. 267). The statue of the goddess was then crowned with a garland, by one of the matrons who had not yet lost a husband (Tertull. *Monogam.* c. 17). There can be little doubt that the peculiar ordinances in this festival arose from an identification of Mater Matuta with Leucothea, also a goddess of the Dawn. The story of Ino will explain the sisters' children, the punishment of the slaves and the honour of the once-married, and it is difficult to find any other satisfactory explanation. At the same time it is not improbable that the rites connected with the Greek myth are mingled with a simpler Roman festival of *Mothers*, in which the goddess of lawful marriage and of the birth of children (as of the birth of light) was honoured. (Compare Preller, *Röm. Myth.* p. 286, and *Dict. of Greek and Roman Biography*, arts. Ino and Matuta.) [L. S.] [G. E. M.]

MATRIMO'NIUM, NU'PTIAE (γάμος), marriage. I. Greek. The history of the marriage relation among the Greeks takes us back to some of the very earliest forms of the connexion between the sexes. In many of the wild tribes that surrounded the Greek world we are told that the sexes mingled promiscuously—*e.g.* the Massagetae (Herod. i. 126), the Nasamones (Herod. iv. 172), the Ausenses (Herod. iv. 180, &c.); and legends recount the same of the earliest times in Athens itself. "At Athens, Cecrops was the first person who married a man to one wife only, whereas before his time connexions had taken place at random, and men had had their wives in common" (Clearchus of Soli, *ap.* Athen. xiii. 2). Absurd as it would be to treat such a tradition as authentic history, it is possible that it embodies a true reminiscence of an early development; and it is curious to find that according to a quite separate legend (quoted from Varro by St. Augustine, *de Civit. Dei*, xviii. 9) the exclusion of women from public assemblies at Athens, and therewith their definite political subordination, is placed in the time of Cecrops. And indeed there are other reasons which lead us to believe that the institutions of Athens were, from the first, singularly averse to feminine predominance. Athenian mythology has no Antigone, not even a Helen; Athenian history has no Sappho, no Corinna. Aspasia herself was a Milesian.

In the rest of Greece, the marital tie developed more slowly, and with somewhat different results. The fierce stories of the Lemnian women, the Danaides, the Amazons, indicate that in the primeval times, amidst the frail organisations that then constituted society, women were occasionally capable of successfully contending against the stronger sex. Taking a step downwards in history, we come to the Homeric period; but before speaking of this, it will be expedient to notice a form of society which, though we meet with it at a later date, bears the mark of an earlier stage in the process of growth. This is the custom, which Herodotus (i. 173) and other authorities attribute to the Lycians, of reckoning families according to descent on the mother's side, and of giving to the wife and daughter much of that predominance (especially as to the inheritance of property) which is generally given to the father and son. It is clear that this custom was a survival from those times when paternity was uncertain, and when the only known relationships were through the mother; but it continued, in some few instances, among peoples who, we have every reason to believe, were monogamists, according to the ordinary Greek acceptation of that term. Besides the Lycians, the Epizephyrian Locrians are stated by Polybius (xii. 5) to have reckoned descent through the mothers; and Nicolaus Damascenus (p. 160) says of the Sarmatians (to whom Herodotus in bk. iv. 110–114 attributes a descent on the mother's side from the Amazons) that they obeyed their wives in everything (ταῖς δὲ γυναιξὶ πάντα πείθονται ὡς δεσποίναις). Those who wish to know more on this curious development of the conjugal bond may consult the learned and eloquent work of Bachofen (*Da Mutterrecht*), whose enthusiasm on behalf the "government by women" transcends sob bounds; or the more moderate theories McLennan (*Studies in Ancient History*, 1876).

It will be worth while remarking, in passing, that polygamy just touches the confines Greece, in Thrace (Herod. v. 5, 16; Eurip *Androm.* 215); as indeed the court of Priam though Hecuba alone appears to have enjoye the title of his wife, bore much resemblance t that of a polygamous monarch. We now com to the Greek society described in Homer.

The Iliad and Odyssey describe a society i which monogamy, and on the whole a pu monogamy, is the rule. No doubt "concubines are mentioned, as well as "wedded wives" (e. *Odyss.* xiv. 203); yet Laertes is said to ha abstained from the bed of his favourite mai servant, "fearing the anger of his wife" (χόλ δ' ἀλέεινε γυναικός, *Odyss.* i. 433): Agamemn refrains from Briseis, even though he had tak her from Achilles (*Il.* ix. 133); and the beau ful lines 340–343 of the same book assu monogamy as the natural condition. The stri ideas of modern times would not permit us describe Ulysses as wholly faithful to Penelop but he would seem to have had little choice the hands of Circe and Calypso, and he w clearly faithful at heart. No queen could ha more royal offices assigned to her than Are the queen of king Alcinous (*Odyss.* vi. 310;

69–74, 142). Moreover, though women as well as men suffered from the roughness of the times, women were under no peculiar disadvantages; they were not forbidden to appear in the open streets. McLennan (*op. cit.*) gives reason to think that the relationship through mothers, already noticed as of predominant importance in Lycia in a later age, was in the Homeric period esteemed as superior to the relationship through fathers over the whole of Greece; and this would account for the comparatively high position attributed to women in Homer. (See *Il.* xxi. 95, where the epithet ὁμογάστριος is pointedly used to express a closer tie than brotherhood on the father's side.) In itself, the fact that the Homeric chiefs bought their wives, instead of receiving a dowry with them, might suggest a lower state of society. But the absence of any mention of divorce in Homer is in favour of the view here taken. [Dos.]

In reference to these early states of society, two remarks of Aristotle, interesting in their connexion, should be borne in mind: first, that "among the barbarians, the female element and the servile element are in the same rank" (*Pol.* i. 2); secondly, that "the greater number of military and warlike races are governed by their women" (*Pol.* ii. 9). In the Homeric society the latter or chivalrous condition is predominant; but it is difficult to be sure that the "barbarian" estimate of women was nowhere prevalent in early times in Greece; and it may be a part explanation of the decline in the position of women which took place over so large a portion of Greece afterwards.

In the main, however, this decline was due to other causes. In treating of it, the topic of the "wife" must for a short space be merged in the broader topic of the "woman." The great distinction between the Homeric age and the historic period of Greece is the importance to which the "city" had attained in the latter period; the city being a community governed by laws (even though it might sometimes fall under the sway of a tyrant), self-centred, and priding itself on its independent existence. It seems certain that this city life, with its public deliberations, its collections of laws, and the large intellectual element which these demanded, was one to which women in that stage of the world's history were unequal. They fell still more behind than they had done in the merely warlike Homeric society. And other causes co-operated. Athens was from the first the type of this city life; now it was from Athens that the Ionian cities in Asia (and in many of the Aegean islands) were founded; and we are told (Herod. i. 146) that these colonists did not take their wives with them, but married Carian women, so that from the first their wives started as on an inferior footing, and with antagonistic feelings to their husbands, which Herodotus implies continued more or less in subsequent generations. Further, these Ionian colonies were in direct contact with the Asiatic monarchies, in which women occupied a very inferior position. And as a final point, it must be noted that both in Athens and Ionia (as elsewhere) the city life, implying as it did a body of citizens, required a clear means of discrimination as to who was and who was not a citizen; and as citizenship was mainly handed on from father to son, purity of race assumed an importance unknown before. Achilles might marry his Phrygian captive Briseis with no complaint on the part of his Myrmidons; but the son of Pericles by the Milesian Aspasia could not be accounted a citizen of Athens without a special vote of the people. If then in a large city, such as Athens or Miletus, swarming with traders from all parts of Greece, an accurate distinction was to be kept up between citizens and aliens, it was necessary that the matrons of the city should be clearly severed off from all others, and also that they should be preserved from temptation; both of which ends were crudely but to a certain extent effectively secured by their comparative seclusion. From all these causes (and probably from other deep veins of character hard to trace), across that middle belt of the Greek world which extended from Athens to Ionia,—a belt containing the most advanced and cultivated cities of Greece,—the female sex was lowered from the position which it held in the time of Homer, and regulated by customs approximating to those which have always existed in the East.

It was impossible that other parts of Greece should be uninfluenced by such a result; and besides, some of the causes which acted in Attica and Ionia would be forcible elsewhere. Thus, though about 500 B.C. Corinna and other poetesses enjoyed an honourable publicity at Thebes, yet in 379 B.C. we find it a breach of etiquette for Theban women to walk freely about the streets (Plut. *de Genio Socr.* 32). The Aeolian colonies of Lesbos and the adjacent coast of Asia Minor resisted the tendency for a time; and Sappho and her brilliant compeers, about the beginning of the 6th century B.C., raised the female sex to the highest glory in respect of imaginative power, and perhaps attempted social changes as well. But the phenomenon was a transitory one; perhaps, even, not a favourable one for steady development: the Mytilenaeans had an honourable history after this, but we hear no more of their women. Argos, half-way between Athens and Sparta, shows also an intermediate character as regards its female population. We can hardly wholly reject the story of its heroic defence by Telesilla the poetess and the other women against the Spartans, about 510 B.C., after the slaughter of the Argive army by Cleomenes (Plut. *de Mulierum Virtutibus*; Paus. ii. 20, § 7); but in the succeeding century the city lost to a great degree its Dorian character, and of its women too we scarcely hear anything more.

We may assume then that, by the middle of the 5th century B.C., the restriction of the liberty of free-born citizen women, which had begun some centuries earlier, attained its full development in Northern Greece. The most celebrated of the Greek colonies in Asia, most of the islands of the Aegean, and the northern part of the Peloponnesus itself, were subject to the same influence.

But there were parts of Greece that never in the smallest degree succumbed to this influence. In Sparta, from the first moment of its history down to the death of king Cleomenes in B.C. 220 (if not later), women enjoyed an authority, a distinction, rarely accorded to them even in modern times. With Sparta, Crete and Cyrene may, though in a minor degree, be reckoned;

and here, too, the population was Dorian. But Cyrene and Crete will only enter into a small portion of the following observations.

As to the original cause of this lofty position of women among the Dorian race—and the observation is true of Argos also, down to about 500 B.C.—Müller conjectures (*Dorians*, i. 4, § 9) that it arose from the fact that the Dorians took their wives and children with them in their original emigration from the north to the south of the Corinthian gulf. Such a cause is certainly adequate, implying, as it does, association in perilous adventure; and it is difficult to conjecture another equally strong. The causes, moreover, which depressed the position of women elsewhere, existed very sparingly at Sparta. There was not there, as at Athens, any great influx of strangers; Sparta was not a commercial city; and those who came were at any time liable to be expelled by the authorities. [XENELASIA.] Hence the strain of citizenship was easily kept pure at Sparta, without the seclusion of the wives. And Spartan husbands were the reverse of jealous; of which more presently. And since Spartan men were unable under the institutions of Lycurgus to make free use of wealth, the dowries of wives were large, and there were many heiresses. Aristotle tells us (*Pol.* ii. 9) that two-fifths of the soil of Laconia was possessed by women. Hence ensued a condition of which the concise answer of Gorgo, wife of Leonidas, is the proud expression: "Why," she was asked by a foreign lady, "do you Lacedaemonian wives, unlike all others, govern the men?" "Because we alone are the mothers of men." (Plut. *Lac. Apophtheg.*)

Exaggeration, however, must be avoided, both as to the extent of liberty allowed to wives at Sparta, and as to the goodness of the result. The laws of Sparta bound women as well as men: perhaps, because they bound men more than elsewhere, they bound women less; but with the detailed accounts of Xenophon and Plutarch before us, we cannot believe, with Aristotle (*l. c.*), that Lycurgus tried to legislate for women, and failed. Undoubtedly, however, there was much singularity in the legislation. Before marriage, the Spartan girl passed an open-air life of continuous exercise; she wrestled, she raced with her equals (Xen. *de Rep. Lac.* i. 4); intercourse with young men was not forbidden to her, and she was present at the public games. All this was allowed with a view to marriage; the girl would as a matter of course be given in marriage by her parent or *κύριος* (guardian); the youth who did not marry was liable to severe penalties (Pollux, viii. 40; Plut. *Lycurg.* 15). The form of marriage was a mock capture, a reminiscence of the time when wives were really captured with the strong hand; after marriage the bridegroom did not at once take his bride home, lest they should be soon tired of each other, but visited her in her parents' house clandestinely, and this secret intercourse sometimes continued till children were born to them (Plut. *l. c.*). When at last the husband took his wife home, he often took her mother with her (cf. Müller's *Dorians*, iv. 4, § 2). The married woman was forbidden to attend gymnastic contests (Paus. v. 6, § 5); and when she went out of doors, wore a veil (Plut. *Lac. Apophthegm., anecdote of Charillus*). The custom of the newly-wedded wife remaining i her parents' house prevailed in Crete als (Strabo, x. p. 482); and the object there i stated to have been that she might learn housekeeping. Müller (*l. c.*) after Hesychius explain the word *παρθένιος* as meaning a son bor during this period of quasi-secret marriag (cf. Hom. *Il.* xvi. 180).

More singular than the method of wooin among the Spartans was the regulation tha permitted polyandry. The production of chil dren was so far regarded by the legislator as th main end of marriage, that if a woman had n children by her husband, it was common fo her, with full consent of her husband, to admi another man to her bed; and this might tak place even if she had children by her husban so that a wife might be the mother of tw separate families (Plut. *Lycurg.*; Xen. *Rep. La* i. 9). It would appear, too, that several brothe might share one wife (Polyb. xii. 6). Yet w know no specific case of this last; and as far our information goes, the husband was alwa recognised as such, whatever intercourse wi his wife he permitted on the part of other Once, and only once in the history of Spart was bigamy permitted on the part of the ma this is the case of king Anaxandridas (Herod. 39, 40), who for love of his first wife refused put her away, but was obliged by the ephors take a second for the sake of posterity. (O other case of bigamy is recorded among genui Greeks, that of Dionysius of Syracuse, accordi to Aelian, *V. H.* xiii. 10.) It may be inferr from the case of Anaxandridas, and from t narrative in Herod. vi. 61, that the divorce of wife on the ground of barrenness was sanction by Spartan law.

While connexions which we consider irregul were thus legalised at Sparta, illicit vice w very rare, and affection between husband a wife was often very tender. (See the lives Agis and Cleomenes in Plutarch, especially t beautiful story of Chelonis, the wife of Cleo brotus.) The Spartan women were by far t finest and handsomest in Greece (Aristoph. *L* 78–84); and their sayings and deeds record in Plutarch (especially in the *Apophthegmat* though sometimes stern, are always striki (One of them anticipated the celebrated spe of Cornelia, mother of the Gracchi.) T Athenians, as was natural, criticised their fr dom (*e.g.* Eurip. *Androm.* 595 ff.); and we hardly refuse to admit, on the joint authority Plato (*Legg.* i. p. 637) and Aristotle (*Pol.* ii. that after the great successes of Sparta in Peloponnesian wars, they, as well as the Spar men, lost some of their virtue. But noble wom are found among them even then: it is harsh blame them severely for the single occasion which they lost their nerve and showed timid when Epaminondas with his great army 40,000 or 70,000 men was threatening unwalled city of Sparta; and when Arist alleges (*Pol.* ii. 9) that they caused the de pulation of Laconia by keeping the exten tracts, of which they were the mistresses, inhabited, we cannot, but remember that incessant military exercise of the Spartans the practice of infanticide (which all the Gre sanctioned) were much more probable cause diminution of the population than that wh

Aristotle suggests. (He says that Sparta fell through her ὀλιγανθρωπία: an interesting, and in itself doubtless a true, observation.)

But it is necessary to hasten to that Greek state of which, after all, we know very far the most; the antipodes of Sparta—Athens. At Athens, as has been stated, both the unmarried girl and the wife lay under restrictions greater than anywhere else in Greece. It must be admitted, that even as regards Athens, there is a great deal which we do not know; and one of the problems of the case is to reconcile the recurring statements of the obscurity and weakness of women, as well as the unfeeling tone in which they are treated by the orators (but see, for an exception, and in a very unlikely place, [Dem.] c. *Neaer*. p. 1364, § 56), with the striking and elevated female characters that so often appear in the pages of the Greek tragedians. Some experience, one would think, Sophocles must have had of a free and noble maiden, when he drew Antigone; and Euripides of a noble wife, when he drew Alcestis. Even in Aristophanes, Lysistrata, in spite of the indecency of the play named after her, acts an essentially honourable part. Haemon, in Sophocles, is a lover of the high chivalrous type. And it is justly remarked by Becker, that we do know of one actual case in which a wealthy Athenian married for love—Callias, who married Elpinice, Cimon's sister (Plut. *Cimon*, 4). But the balance of evidence is on the unfavourable side. Perhaps the *Andria* of Terence will give us the best idea of the possibilities and actualities of Athenian marriage. The plot of that play is romantic: each of the lovers marries his beloved. But the êthos of the play is totally against such a successful result, which happens by pure accident. Evidently, the father's will, and not the lover's passion, is the real animating cause which produces marriage in any ordinary case. "All lovers," says Simo, one of the fathers, "feel it a sad grievance that a wife should be assigned to them" (Act i. scene 2). The wife, then, was not generally the beloved. And the unlimited obedience professed by Pamphilus, Simo's son (v. 3), leaves him wholly in his father's power, at the risk of unspeakable misery to the object of his affections. Not less absolute is the obedience promised by the profligate son in the *Trinummus* of Plautus (v. 3, 8): "Ego ducam, pater, etiam si quam aliam jubebis." Evidently these are meant to be moral sentiments; but to us it is repellent, that a man's individuality should have no rights assigned to it in such a matter, and that duty should be held to consist in mere external obedience to another. The plain prose of the matter is expressed by the author of the speech against Neaera (p. 1386, § 122): "We have female companions (ἑταίρας) for our pleasure, concubines for daily attendance on our persons, but wives in order that we may beget legitimate children and that we may have a faithful guardian of our households." The immorality of such a remark is the more excusable when we remember that it is in part intended to be the acknowledgment of a certain duty to the state.

Strictly speaking, the Athenians did not think meanly of marriage; but they did think meanly of the wife. The most honourable side of their conception of it was that which concerned the family; the necessity that a man should prevent his "heritage being desolate, and his name being cut off" (ὅπως μὴ ἐξερημώσουσι τοὺς σφετέρων αὐτῶν οἴκους); that some one should make offerings at his grave (ἀλλ' ἔσται τις καὶ ὁ ἐναγιῶν, Isaeus, *de Apoll. Hered.* § 30): a feeling which is eloquently expressed by Plato in the Laws (vi. p. 773 B), "We must take hold of the eternal nature by providing to God ministers to stand before him in our stead, the descendants whom we leave behind us." Even this very praiseworthy sentiment was sometimes abused through the practice of unlimited adoption (for instances of which, see the speech of Demosthenes against Leochares).

Of the three most celebrated Greek writers who have treated of the subject of marriage—Plato, Aristotle, and Xenophon—Plato is the one who comes nearest to touching the real error of Athenian sentiment respecting marriage. In the beginning of the speech in the Laws just referred to, he clearly shows that reciprocation of vital influences is the root of the beneficent effects of marriage. Had he seen that this reciprocation lies in the interchange of noble thought and feeling between husband and wife personally, he would have penetrated to the secret of the whole. And he cannot have been far from seeing it: for he thought better of the capacities of women than any of his contemporaries. But he falls short, partly because the reciprocation which he commends is contemplated by him in too physical a manner, and partly because, when he does regard it spiritually, it is the wife's family in its entirety that he looks upon as influencing the husband. His faith in womanhood is imperfect: hence there is a vagueness in his conception, though it is a noble one. A similar defect appears in his lofty sentiment that marriage should be entered into for the good of the community, and not for the pleasure of the individual; he is not aware that there are moments when personal sentiment has supreme rights. Aristotle (*Eth. Nic.* viii. 14) gives a picture of marriage, beautiful of its kind; he insists on the elements of affection, and of a common interest, which it involves: but the idea of a reciprocal influence in it is not present to him in any considerable degree. He is aware indeed that there is a sphere in which the wife ought to rule the husband (*Pol.* i. 12); but he clearly regards that sphere as a superficial one. Xenophon, in the quaintly tender narrative of the *Oeconomicus*, shows a somewhat similar appreciation of the wife; she comes to her husband's house as an untamed creature, who has to be made pliable and taught the duties of housekeeping; beyond the household her sphere does not extend; she is recommended, though not absolutely enjoined, to keep indoors. Yet he assigns to her a share in the education of the children (vii. 12); she is to be a friend to the whole household; and what is still more valuable, Xenophon has a deep sense that the husband should esteem her, nay possibly look up to her. Akin to this is the reverence for a mother inculcated by Socrates in the *Memorabilia* (ii. 2). It is the universal assumption that the husband will be considerably older than the wife: Plato puts the age of marriage for the man at from 25 or 30 to 35, for the wife at from 16 to 20 (*Legg.* iv. p. 721; vi. pp. 772, 785), and he affixes penalties for the man who does not marry before the highest age mentioned; Aristotle recommends 35 as the best age of marriage for the husband, 18 for the wife (*Pol.* vii. 16).

Let us now consider what is laid down in the Athenian law concerning marriage. Monogamy is, of course, assumed. Marriage, we are told, was made compulsory by Solon (Plut. *de Amore Prol.* 2); but if so, the law fell into disuse; and in later days bachelors were subject to no disadvantages in Athenian territory (cf., *e.g.*, Demosth. *c. Leoch.* p. 1083, § 10). A youthful citizen was not allowed to marry until his name was entered in the tribal register (ληξιαρχικὸν γραμματεῖον). The restrictions as to whom he might marry differed from those imposed in modern times, being in part looser, in part more severe. Prohibitions on the ground of consanguinity were less numerous than with us. A man might not marry a direct ancestor or descendant; nor might he marry stepmother or stepdaughter, mother-in-law or daughter-in-law; nor, with an exception to be noticed, his sister. It may be difficult to prove the existence of these prohibitions in every single case; but compare Eurip. *Androm.* 174–177, Lysias *in Alcib.* i. § 28; also the list of *allowed* relationships in Plato, *Legg.* xi. p. 925 C; and with respect to the mother-in-law, Andocid. *de Myst.* § 124, may be referred to, though not absolutely demonstrative. It is worth also referring to the well-known passage in St. Paul (1 Cor. v. 1), though of so late a date. The marriage of Oedipus was looked on with horror, and the fact that it was accidental was not regarded as an alleviation. On the other hand, the marriage of a brother with a half-sister on the father's side did sometimes occur (Dem. *c. Eubul.* p. 1304, § 20; Plut. *Themist.* 32). Marriage with a niece was common; with an aunt naturally less so, but there was nothing to forbid it.

The prohibition of marriage between a citizen and an alien belongs to a different class from the prohibition by reason of relationship. It would hardly seem to have existed in the early period of Athenian history; Megacles (Herod. vi. 130) and Miltiades (Herod. vi. 39) both married foreigners; the mother of Themistocles was a foreigner (Plut. *Themist.* 1). The influx of foreigners into Athens in the time of Pericles was doubtless the cause that necessitated a more stringent law; namely, that both the parents of a citizen must be citizens; whence it resulted that marriage with an alien was forbidden (Plut. *Pericl.* 37; Schol. *ad* Arist. *Vesp.* 717). Infringement of this law took place; hence it was re-enacted in the archonship of Eucleides (B.C. 403), with the reserve that the re-enacted law was not to be retrospective (Dem. *c. Eubul.* 1307, § 34). Timotheus, son of Conon, whose mother is said to have been a Thracian woman (Athen. xiii. p. 577 b), may probably have owed his citizenship to this saving clause. According to the Scholiast to Aeschines (*c. Timarch.* § 39), the law had to be re-enacted yet a third time. Clearly then the application of it was irregular; and we may infer this on other grounds. The speech against Neaera shows that it was not a dead letter; and the penalties for the breach of it there stated ([Dem.] *c. Neaer.* pp. 1350, 1363) are very severe. So, too, the plot of the *Andria* of Terence largely turns upon this law. Yet on the other hand we find such a singular case as that of Phormion, the freedman and afterwards the successor of the banker Pasion, who while still an alien married Pasion's widow, a female citizen; and though Apollodorus, Pasion's son, was vehemently incensed at the marriage, and brought divers actions at law to prove that Pasion's will, under which the marriage was sanctioned, was a forgery, yet he did not, until more than ten years had elapsed, allege this ground, which would so greatly have helped his case, that the marriage was intrinsically illegal. At last he did put forward this ground (Dem. *c. Steph.* ii. p. 1132, § 13), but by that time Phormion had received the citizenship by a vote of the people. By way of important exception to the law, it should be noted that the right of intermarriage was granted by the Athenians at various times to other peoples: to the Thebans shortly before the battle of Chaeronea (Dem. *de Cor.* p. 291, § 187), to the Plataeans (Isocrates, *Plat.* § 51), to the Euboeans (Lysias, ὑπὲρ τῆς πολιτείας, § 3).

Marriage at Athens took place in two ways; either by ἐγγύησις or by ἐπιδικασία. Ἐγγύησις was the ordinary method, and meant the act of the father or guardian (κύριος) of a maiden in giving her in betrothal to her future husband. The act was a solemn one, the relatives of either side being witnesses. Whenever any woman had a κύριος, marriage could take place by no other method than this. If, however, a woman were left an heiress (ἐπίκληρος) without having a κύριος (and according to the law given in Dem. *c. Steph.* p. 1134, § 18, only the father, the brother born of the same father, and the grandfather on the father's side, could discharge this office by virtue of natural relationship), then the next of kin might claim her in marriage (Isaeus, *de Pyrrh. hered.* § 78), preference being given to kindred on the father's side; such a claim was called ἐπιδικασία, and was brought in the first instance before the archon. [EPICLERUS.] The public interest in such a claim being allowed lay in the danger of dissensions being caused by rival suitors, of which Aristotle (*Pol.* v. 4) gives instances. If the heiress were poor (θῆσσα), it was likely that no claimant would come forward; in this case the archon was bound to compel the next of kin either himself to marry the heiress or to portion her and give her in marriage (Dem. *c. Macart.* p. 1067, § 51). It is to be inferred that the next of kin was regarded as κύριος of the heiress in such a case as this. Legitimate children at Athens were invariably the offspring of a marriage ratified according to one of these forms.

At the time of the betrothal the dowry of the bride was settled; and this indeed was a most important point for her future welfare. For—and, among the many points which show that Athenian law looked upon the wife as a sort of foreigner in the family, this is one of the most remarkable—the wife was reckoned to have no claim at all on her husband's property. Supposing her husband died, even the most distant cousin might inherit from him; but the wife, never. Nay, she might not even continue to reside in his house after his death, unless she pleaded pregnancy; in that case she would come under the protection of the archon, and would remain undisturbed until the child was born (Dem. c. *Macart.* p. 1076, § 75). Thus in Dem. c. *Boeot.* p. 1010, § 6, the wife of Cleomedon leaves her husband's house, and is portioned out again by her brothers. If in Dem. c. *Phaenipp.* p. 1047, § 27, this does not happen, the reason is that the two women there mentioned are the wards of their own sons, who maintained them out of their dowries. Neither could a mother inherit from her own children (Isaeus, *de Hagn. hered.* § 12). Hence the dowry was the only security to the wife against extreme poverty, in the event of her husband's death, or if she were divorced; the husband therefore had to give a guarantee for its return in the shape of some piece of landed property. [Dos.] We find that wealthy men would sometimes portion the daughters of their poorer neighbours (Lysias, *de bonis Aristoph.* § 17). It would, however, be incorrect to suppose that the dowry would ever become the wife's absolute property; it would in the case supposed revert to her κύριος, who would either support her from it, or give her in marriage again. But as against her husband or his creditors, it was absolutely hers. The dowry, as has been said, did not exist in Homer's time, and was a gradual growth; Plato disapproved of it (*Legg.* vi. 774 A) as tending to produce avarice; in early times it was small. The law which Plutarch attributes to Solon (Plut. *Solon*, c. 20) restricting the amount of dowry to three garments and some household utensils (for dowry is what Plutarch clearly means, though he uses the word φερνή and not the more usual προίξ) is a highly probable one; and highly probable also is it that it should have fallen into desuetude. Attempts to legislate against the unavoidable tendencies of society are a very familiar feature of history; and there seems no reason for depriving Plutarch's statement of all its meaning by supposing the φερνή to mean simply wedding presents. Even in later times the dowry was not an absolute necessity (Plaut. *Trinummus*, ii. 2, 97–102): though the want of it might entail difficulty and discredit.

It is again very notable that, in spite of the formal betrothal and marriage, the husband was no more κύριος over his own wife than before. The father, or whoever had been the previous protector, retained his office. Thus in Dem. c. *Spud.* p. 1029, we find the father taking away his daughter from the husband to whom he had given her in marriage, and marrying her to another husband. This would not have been sanctioned by Roman law. Nay, even if the father died, the husband did not become κύριος, unless he had been adopted by the father: as we see from the case of the daughter of Aristarchus (Isaeus, *de Arist. her.* § 27), whose husband dared not claim the property which was due to his wife, because the next of kin threatened to take away his wife if he raised difficulties. Isaeus (*de Pyrrh. hered.* § 78) tells us that many husbands had been deprived of their wives in this way. If, however, the father had left his daughter by will in marriage to anyone, the husband so constituted became κύριος over his wife. In default of any special provision either in this way or by the husband being adopted into the house of his father-in-law, the protectorship over the wife, after her father's death, would belong to her brother, or perhaps grandfather; and whoever was κύριος, had the entire disposal of the wife, just as if she had been unmarried. (Cf. Dem. c. *Eubul.* p. 1311, § 40.) Supposing, however, the husband was κύριος over his wife, he had then rights as anomalous, to our thinking, as his want of rights was in the other case; in his office of κύριος he could give her in marriage to another person just as if he had not been her husband (Dem. *pro Phorm.* p. 953, § 28; Isaeus, *de Menecl. hered.* §§ 7, 8). And, as a matter of course, he could direct by his will that she should be married to another person. In short, a woman, whether maiden, wife, or widow, was always under guardianship, always at the disposal of another. Her own sons, if two years past the age of manhood, would be her guardians, supposing she were left a widow without any other κύριος.

Those who regard the catalogue of wrongs (if it is fair to say that the absence of rights constitutes a wrong) suffered by women at Athens, as recapitulated in the last two paragraphs, will not think that the Athenians had any reason for pluming themselves over the Spartans as respects their treatment of the weaker sex. The plaintive lament in the *Tereus* of Sophocles, "We women are nothing: happy indeed in our childhood, for then we are thoughtless; but when we arrive at maidenhood, driven away from our homes, sold as merchandise, compelled to marry and to say, 'All's well':" and the more vigorous invective of Medea against the oppression of her sex (Eurip. *Med.* 230–266), doubtless had their prototypes in some, at any rate, of the suffering Athenian women. It is curious, however, to find that Medea complains of the dowry as a wrong. "We have to buy ourselves a husband," she says. With much more reason does she complain of the terrible risk to which women are subjected, without any choice when a husband is forced upon them; of the tedium of the life indoors, debarred from that general society which the husband enjoyed; and still more of the worst possible injury, if that happened, when the husband left her and sought the bed of another. The poets, like the philosophers, had sympathies in which the legislators and orators of Athens were wanting; and Euripides (who was very unjustly, as far as we can tell, termed a woman-hater) seems even to have thought that a woman should not marry a second time (*Troad.* 656–671), and therefore of course that she should not be compelled so to marry. If it cannot be inferred from *Alcestis*, 328–331, that he disapproved of a man marrying a second time, the lines are at any rate remarkable.

The provision for heiresses marrying their next of kin, mentioned above, was a single example of a customary practice; to marry within the family was common; whether it was equally salutary may be doubted. It had its points of convenience, of course. (Compare the Hebrew law, Numbers xxvii. 1–11, and the example of it in Ruth iv.) But there were professional matchmakers called προμνηστρίδες or *προμνήστριαι* (Xen. *Mem.* ii. 6, 36; Pollux, iii. 31), who, however, did not stand in high esteem (Plato, *Theaet.* p. 150 B).

The marriage ceremonial at Athens, among the higher classes, was more elaborate than with us. The consecration of all girls to Artemis, when they were ten years old, at the festival Brauronia, stood in intimate relation with it. [BRAURONIA.] When the marriage itself drew near, the sacrifice to the tutelar gods of marriage (*θεοὶ γαμήλιοι*) took place. This was performed by the father, and might take place some days before the marriage (Eur. *Iph. in Aul.* 718), or on the day itself (Achill. Tat. ii. 12). As to who the tutelary deities were, custom appears to have varied. Diodorus Siculus (v. 73) names Zeus and Hera; but Pollux names Hera, Artemis, and the Fates (iii. 38): Artemis is also mentioned in relation to Boeotia and Locris in Plut. *Aristid.* 20; and the Nymphs are mentioned in Plut. *Amat. Narr.* 1. The sacrifice itself was called *προτέλεια γάμων*, or *προγάμεια*, and it was regarded as a dedication of the bride to the deities named, some locks of the bride's hair (*ἀπαρχαί*) being offered as a symbol of the dedication (Pollux, *l. c.*). On the wedding day itself, bride and bridegroom bathed in water drawn from a particular fountain of running water: at Athens this was the fountain Callirrhoë, also called *ἐννεάκρουνος* (Thucyd. ii. 15). The water from this fountain was carried either by a boy (Harpocration) or a girl (Pollux, iii. 43); from which custom was probably derived that other custom of placing over the tombs of those who died unmarried the image of a girl carrying water (Dem. c. *Leoch.* pp. 1086, 1089). Sometimes the pitcher of water alone was carved (Eustath. *ad Iliad.* xxiii. 141). Late in the evening of the wedding day, the bridegroom fetched his bride from her parents' house, on a car (*ἅμαξα*) drawn by horses, mules, or oxen; on either side of her sat the bridegroom and his "best man" (*παράνυμφος* or *πάροχος*, Arist. *Av.* 1735). In front of the car went the torch-bearing procession (*δᾷδες νυμφικαί*), the nuptial torch having been lit by the mother of the bride (Eurip. *Iph. in Aul.* 732) or of the bridegroom (Eurip. *Med.* 1027; *Phoeniss.* 344); bride and bridegroom were crowned with chaplets, and clothed in festal attire, as also were the attendants, the bride being covered with a long veil; congratulations were poured out by relations, friends, and well-wishers, and the cry *Ὑμὴν Ὑμέναι' ὦ* resounded to the sweet playing of flutes (Aristoph. *Pax*, 1316–1356; Hom. *Il.* xviii. 490, *Odyss.* vi. 27; Plut. *Amat.* 26; Harpocration). On their reaching the bridegroom's house, a peculiar custom prevailed in Boeotia: the axle of the car was burnt, to symbolise the irreversible step taken. Yet be it observed, that the bridegroom who had been married before could not bring his bride home in this exultant way; a friend (*νυμφαγωγός*) in that case brought the bride to him from her house. At the entrance to the bridegroom's house, sweetmeats (*καταχύσματα*) were poured upon the wedded pair (Schol. *ad* Arist. *Plut.* 768): the doors of the house were covered with garlands, as were those of the bride's house. Then followed the wedding-feast (*θοίνη γαμική*), usually in the house of the bridegroom,—one of the most important parts of the entire ceremonial; for the guests were in fact witnesses to the marriage, and their testimony was the final and single proof that it had taken place, since documentary evidence was not looked for or provided (Dem. c. *Onet.* p. 869, § 20; Athen. v. p. 185 a). At the wedding-feast women were allowed to be present, though at different tables from the men (Lucian, *Conviv.* 8; Athen. xiv. p. 644 a; Eurip. *Iph. in Aul.* 722). Sesame-cakes, symbolical of a fertile marriage, formed a part of the feast (Schol. *ad* Arist. *Pax*, 869). At the conclusion of the feast, the bride was conducted veiled into the bridal chamber; the bridegroom closed the door; and a law of Solon enjoined that the bride and bridegroom should eat a quince together, to symbolise the sweetness of their conversation (Plut. *Solon.* 20). The epithalamium was then sung before the door of the bridal chamber by a chorus of maidens, and the song was accompanied with dancing (Theocr. *Idyll.* xviii.). But the Scholiast on this passage tells us that some epithalamia were sung in the early morning to wake the wedded pair, the two kinds being called *κατακοιμητικὰ* and *διεγερτικὰ* respectively.

On the day after the marriage (according to Harpocration) the bride for the first time showed herself without a veil, and the gifts which she on that day received from her relatives were thence called *ἀνακαλυπτήρια* or *ὀπτήρια.* Hesychius, however, says that these presents were made not on the second but on the third day; and this may be correct: for Pollux (iii. 39) mentions that the gifts made on the day after the marriage were called *ἀπαύλια*, and that among them was a garment (*ἀπαυλιστηρία*) presented by the bride to the bridegroom, who on the succeeding night did not sleep with his bride, but in his father-in-law's house, the bride being unveiled, and the *ἀνακαλυπτήρια* presented the day after.

An offering to Aphrodite was made by the wedded pair, either on the wedding-day (Plut. *Amator.* 26) or on the day after (Aeschin. *Ep.* 10, p. 681). Another ceremony observed after marriage was the sacrifice which the husband offered up on the occasion of his bride being registered among his own phrateres (Dem. c. *Eubul.* pp. 1312, § 54, 1320, § 84; Isaeus, *de Pyrrh. hered.* § 45).

Marriages generally took place in the winter (Arist. *Polit.* vii. 16); and the month Gamelion (our January) derived its name from the favour in which it was held for this purpose. The fourth day of the month, according to Hesiod (*Op.* 800), was the most favourable day; and as in a lunar month this would be the day on which the first crescent of the new moon appeared, the interpretation of Proclus seems correct, that the day when sun and moon met in the same quarter of the heavens was the day when man and woman might best meet in wedlock. Pindar, however (*Isthm.* vii. 44), and Euripides (*Iph. in Aul.* 717) prefer the full moon.

After marriage the wife lived with the other female inmates of the house in the *γυναικωνῖτις*, or women's apartments: in a large house these would be a separate building, connected by a passage with the men's rooms; but in the little house mentioned in Lysias (*de caed. Eratosth.*

p. 92) the women's rooms were on the upper floor, the men's rooms below: for the convenience and safety of the wife, however, the two sets were changed, and the husband lived upstairs. The wife then had the superintendence of the entire household: she had charge of the education of the boys till they were put under a master, of the girls till they were married; she tended the sick, whether free or slave; the kitchen, the furniture, the stores, came under her; and last, not least, the ταλάσια ἔργα (Xen. Oecon. vii. 6), all that related to the spinning and weaving of wool, and the making of clothes —for it must be remembered that the clothes of an ancient household were mostly made within the house itself. If the establishment were a large one, the wife would have a housekeeper (ταμία) to assist her. If the husband were alone, the wife would dine with him, and familiar jesting would pass between them (Lysias, *l. c.*), or perhaps even serious conversation on the doings of the Assembly (Dem. *c. Neaera*, p. 1382, § 142); but if the husband had other male friends with him, it was thought indecorous for the wife to appear.

It will be seen that the wife had no lack of duties, but they were duties that would naturally be felt to be monotonous; and it is curious to find that religious exercises were then, as in later times, one of the chief resources to which she betook herself. Thus the husband in Menander's *Misogynist* (fragm. 3 and 4) complains:

> ἐπιτρίβουσιν ἡμᾶς οἱ θεοὶ
> μάλιστα τοὺς γήμαντας· ἀεὶ γάρ τινα
> ἄγειν ἑορτήν ἐστ' ἀνάγκη·

What amount of liberty had the wife? The young maiden had practically none; ὀχυροῖσι παρθενῶσι φρουροῦνται καλῶς, says Euripides of them (*Iph. in Aul.* 738). But the wives were on a somewhat different footing; and the question divides itself into two parts: Whom might they converse with? and, Where might they go? The clearest answer to the first of these questions is supplied by Euripides, *Iph. in Aul.* 819–852. In that scene Clytemnestra meets Achilles, having been informed that her daughter, Iphigenia, was about to be married to that hero; and though she had never met him before, treats him familiarly on the ground of that supposed connexion, and offers to greet him by clasping his hand. Achilles, however, knowing nothing of any such alliance (which was a fiction imposed on Clytemnestra by Agamemnon), declares that he is ashamed to converse with a woman, tries to get away, and rejects her proffered hand. An explanation then takes place, and Clytemnestra, quite overcome, declares that now for her part she is ashamed to look at him. This passage proves clearly, that a woman might in the time and country of Euripides hold familiar conversation with any near male relative, but not with any other male person. A similar conclusion on the positive side appears to be deducible from Dem. *c. Spud.* p. 1033, § 17, where we find Spudias commissioning his wife to represent him on the occasion of her father making his will, when clearly other male relatives were present; a commission which, it may be remarked in passing, shows that an Athenian woman might and probably would be able to read and write, and was sometimes by no means incapable in business matters.

But how far had an Athenian matron freedom of locomotion—how far might she go out of doors? This is by no means so simple a question as the former. Nevertheless, as far as the latter period of the Athènian commonwealth, and as far as the city of Athens, are concerned, a very clear and exact answer seems to be given by Hypereides (*ap.* Stob. lxxiv. 33): "The woman who goes out of her own house ought to be in that time of life when the men who meet her will ask, not, Whose wife is she? but, Whose mother is she?" We may fairly suppose then that a woman of fifty (or perhaps one still younger) might without censure walk about Athens in the middle of the 4th century B.C., provided she were accompanied by an attendant. This would apply to women in the highest rank (though these, it is likely, would not wish to leave their homes much); in lower ranks there would be greater freedom, and really poor women, as Aristotle expressly tells us (*Pol.* iv. 15, vi. 8), were obliged to go out to purchase necessaries. Thus, too, we find citizen women selling in the market (*e.g.* Aristoph. *Thesmoph.* 448), and in Dem. *c. Eubul.* p. 1308, § 30, a law is referred to which made it an offence to reproach them for so doing. There is, however, some reason to think that this law was annulled or forgotten afterwards; for in [Dem.] *c. Neaera*, p. 1367, § 67, another law is quoted which certainly casts a slur on such occupation. On the whole, the passages bearing on the question do not favour the idea that Athenian wives acquired greater liberty as time went on. Solon, it should be observed, laid down a law that a woman must not go out at night except in a vehicle and with a lantern in front of her (Plut. *Solon*, 21), from which we gather that a woman might go out at night under these conditions, and might sometimes go out in the day-time without complying with these conditions. This gives a very different idea of the liberty of women from that implied in the well-known passage of the orator Lycurgus (*c. Leocrat.* § 40), in which, after the defeat at Chaeronea, the Athenian women are described as cowering in a panic at their house-doors, inquiring after the safety of those dear to them, "being gazed upon in a manner unworthy of themselves and of the city." It is true, however, that the comparative smallness of Athens in the time of Solon may have made it less dangerous for a woman to be seen in the public ways then. It may be inferred from some expressions in Xenophon's *Oeconomicus*, that women enjoyed more liberty in the country than in the town, as would indeed be expected. When in Athens, they would leave their houses to join in processions at the festivals, and also to witness the tragedies at the theatres (see the evidence on this point in the excursus on theatre-going in Becker's *Charikles*); on other occasions seldom, except for causes of real necessity. And in a similar way, for a man to intrude into the γυναικωνῖτις was a very unseemly act (Lysias, *c. Simon.* § 6); nay, a friend of the family might not enter the house in the absence of its master, even for the sake of helping the family against assailants (Dem. *c. Euerg.* p. 1157, § 60). Numerous other passages might be quoted bearing on this question, but these will be sufficient. [See also GYNAECONOMI.] The subjects of divorce and adultery are treated under the articles DIVORTIUM, ADULTERIUM.

Athenian law did not concern itself, as far as we know, about the marriage of the *μέτοικοι* (resident aliens). Slaves, of course, were incapable of marriage; but we find the author of the *Oeconomicus*, attributed to Aristotle (i. 5), recommending that they should be allowed to beget children, as they will thus be more faithful to their masters. It is then to be inferred that they would be allowed generally to retain their children as their own.

Besides the works of Bachofen and McLennan, referred to in an early part of this article, the following works may be referred to on the subject treated of: — Müller's *Dorians*, for the Spartan customs. Becker-Göll, *Charikles*, iii. pp. 308 ff. (the excursus on the Women contains more general information on the subject than any other modern work). Van den Es (*de Jure Familiarum apud Athenienses*, 1864); the fullest book on the law of the subject. For the philosophy, Newman's *Aristotle*, vol. i. pp. 168–198 (Oxford, 1887). For the Homeric period, Lenz's *Geschichte der Weiber im heroischen Zeitalter*, may be consulted. Mahaffy (*Social Life in Greece*, pp. 170–194) has some interesting remarks on the relation of the poets to the question, especially as regards Euripides. [J. R. M.]

II. ROMAN. Marriage, an institution regulated by law, but to a great extent beyond the domain of law, was among the Romans a complete union for life between a man and one woman, an intercommunion of sacred and human law (Dig. 23, 2, 1), which had for its main object the procreation of children (*liberum quaesundum gratia*). To marry and beget children, who could keep up the *sacra familiaria*, was a religious duty of a Roman (Fustel de Coulanges, *La Cité Antique*, pp. 41–54), and also a duty to the commonwealth. [LEX JULIA ET PAPIA POPPAEA.]

On account of its religious and social importance, marriage was attended with many rites and observances, which were not necessary for its legal formation. In the first part of this article it is proposed to confine the reader's attention for the most part to the legal aspect of marriage as regards its formation and consequences, and in the latter part to describe the nature of marriage rites and observances.

The only marriage recognised in early Roman law was that which was conformable to the Jus Civile, and which was called Justae Nuptiae, in later times also Justum Matrimonium. (Ulpian, v. 1, 2.) To this marriage of Jus Civile the *matrimonium juris gentium*, or marriage according to gentile law, came to be opposed (Gaius, i. 87). The word *matrimonium* seems to have been used originally to signify a marriage which was not a civil marriage, the child of such marriage following the condition of his mother instead of that of his father, as would have been the case if he had been born from *justae nuptiae*.

A Roman civil marriage was either *cum conventione uxoris in manum viri*, or it was *sine in manum conventione* (Ulpian, xxvi. 7). The marriage *cum conventione in manum* differed from that *sine conventione*, in the effect which it had on the condition of the wife.

By the marriage *cum conventione*, the wife came into the power (*manus*) of her husband, or, if he were a filiusfamilias, of his paterfamilias: leaving her own *familia*, she passed into the *familia* of her husband, and was to him in the relation of a filiafamilias (Cic. *Top.* 3, 14; "filiae loco est," Gaius, ii. 159). In marriage *sine conventione* the wife did not pass into the power of her husband; she was, as it were, a stranger (*extranea*) in his household, her relation to her own family remaining as before the marriage; she did not share in the *familiaria sacra* of her husband, and was no civil relation to her own children.

A marriage *cum conventione* was a necessary condition to make a woman a materfamilias in the strict sense of the word. In the marriage *sine conventione* the wife was merely *uxor*; that is, a wife and nothing more. Thus Cicero (*l. c.*) says: "Uxor is a genus of which there are two species ('duae formae,' Quintil. x. 62): one is materfamilias, 'quae in manum convenit;' the other is uxor only."

The term "materfamilias" would only be applicable to a woman "quae in manum convenit," when her husband was *sui juris*, not if he were a filiusfamilias. Gellius (xviii. 6) also states that the above was the old meaning of materfamilias. *Matrona* was properly a wife not *in manu*, and equivalent to Cicero's *tantummodo uxor* (Gellius, xviii. 6, 8). But these words are not always used in their original and proper meanings (cf. Voigt, *XII. Tafeln*, ii. § 158, n. 4). As an *uxor sine conventione* was not a member of a patriarchal family, but a stranger in her husband's household, it seems probable that in the most ancient Roman family law such a wife was not recognised, and that *manus* was a necessary consequence of marriage; from an early time, however, *justae nuptiae* could exist without *manus* being attached to them, and this freer kind of marriage being preferred by women and their families gradually supplanted marriage with *manus*, and came into general use. In the time of Gaius marital *manus*, which had long ceased to be common, was almost obsolete, and soon afterwards it altogether disappeared from the law.

A Roman civil marriage may be viewed, first, with reference to the capacity for entering into it; secondly, with reference to the mode in which it was contracted; thirdly, with reference to its legal consequences.

The right of entering into a valid civil marriage, *uxoris jure ducendae facultas* (Ulp. *Frag.* 5, 3), is called the Jus Conubii. The Jus Conubii belonged only to Roman citizens; the cases in which it at any time existed between parties not both Roman citizens, were exceptions to the general rule. "Roman men citizens," says Ulpian (*Fragm.* 5, 4, 11), "have *conubium* with Roman women citizens (Romanae cives), but with Latinae and Peregrinae only in those cases where it has been permitted. With slaves there is no *conubium*."

Originally there was no *conubium* between the patricians and plebeians, and it is a question whether previous to the Servian reforms plebeians could enter into *justae nuptiae* among themselves, since they first became *cives* under the Servian constitution (cf. Liv. iv. 2), and *civitas* was a condition of *justae nuptiae*. But though before this change patricians may not have recognised plebeian marriage by purchase as being on the same footing with their own marriage by confarreation, marriage had long been established by the plebeians, and had been a means of acquiring *patria potestas*.

By the Lex Canuleia, *conubium* between the patricians and plebeians was declared. A female gentilis could not, as a rule, marry anyone outside her gens—*enuptio gentis*—by which the number of gentiles would be diminished, unless with the consent of the gens. (Mommsen, *Röm. Forsch.* i. p. 10: see Muirhead, *Roman Law*, iii. 26, n. 3.)

The division of the inhabitants of the Roman empire into Cives, Latini, and Peregrini, which existed in the time of the classical jurists, though without any ethnological significance, and the rule, which was subject to various exceptions, that *justae nuptiae* could only be contracted between cives, made the law of status, as it is described by Gaius and Ulpian, extremely complicated. We may see by a comparison of the first book of Gaius with Justinian's Institutes how much the liberal extension of *civitas* in the interval between these works simplified the law.

The Lex Julia et Papia Poppaea placed certain restrictions on marriage as to the parties between whom it could take place. [LEX JULIA ET PAPIA POPPAEA; INFAMIA.] Thus certain marriages were prohibited on account of disparagement, as marriages between a senator and freedwomen (Dig. 23, 2, 31). The lex allowed freeborn persons (*ingenui*) to marry freedwomen (*libertinae*) (Dig. 23, 2, 23). Persons within certain prohibited degrees of relationship could not intermarry. A union of persons within the prohibited degrees was an incestuous one. Relations who had the *jus osculi*, or right of kiss with one another, could not marry one another. (Klenze, *Das Familienricht der Cognaten und Affinen nach Röm. u. verwandten Rechten*, p. 16. See Muirhead, *Roman Law*, iii. p. 26.)

In early times there could be no marriage between cognates within the seventh degree, but subsequently the prohibited circle was made less wide. There could be no marriage between ascendants and descendants, whether the relation was natural or by adoption; and a man could not marry an adopted daughter or granddaughter, even after he had emancipated her. Brothers and sisters, whether of the whole or half blood, could not marry, but a man might marry a sister by adoption after her emancipation, or after his own emancipation. It became legal to marry a brother's daughter after Claudius had set the example by marrying Agrippina; but the rule was not carried further than the example, and in the time of Gaius it remained unlawful for a man to marry his sister's daughter (Gaius, i. 62; Tac. *Ann.* xii. 5; Sueton. *Claud.* 26). Constantine prohibited a marriage between a man and his brother's daughter. Marriages between first cousins were recognised, but Ulpian (v. 6) says that at one time the impediment to marriage between collaterals reached the fourth degree—that is, first cousins—but it had receded to the third.

The marriage of Domitius, afterwards the Emperor Nero, with Octavia, the daughter of Claudius, seems at first sight somewhat irregular. Nero was adopted by Claudius by a Lex Curiata (Tac. *Ann.* xii. 26), but he was already his son-in-law; at least the fact of his being so is mentioned before the adoption (Tac. *Ann.* xii. 9). There seems to be no rule of law which would prevent a man from adopting his son-in-law; though if the adoption took place before and existed at the time of marriage, the marriage would be illegal, as stated by Gaius. There was also no right of intermarriage between persons within certain relations of affinity, as between a man and his *socrus*, *nurus*, *privigna*, and *noverca*. [AFFINITAS.]

When marriage was dissolved, the parties to it might marry again, but public opinion made it improper for a woman to marry again, a second marriage being regarded as showing a want of *pudicitia*. (Fest. 242, 31; Liv. x. 23, 5, 9; Val. Max. ii. 1, 3; Quint. *Decl.* 306.) A woman was required by religious usage to wait ten months, and subsequently a year, which was her period of mourning, before she contracted a second marriage; otherwise she incurred a religious penalty and also infamia.

There were some absolute impediments to marriage. Thus, as the procreation of children was a main object of marriage, physical incapacity prevented a person from contracting a valid marriage. Hence *impuberes* and persons who had certain bodily imperfections, as eunuchs and others, who from any cause could never attain to puberty, could not marry. But the law did not inquire whether persons were past the age of begetting or bearing children: persons of any age above puberty might marry, though if they had reached a certain age they did not by their marriage escape the disabilities of the Lex Julia et Papia Poppaea. (Ulp. *Fragm.* xvi. 4.) Insanity was a bar to marriage.

Betrothal (*sponsalia*) was the proper and usual preliminary of marriage, though it was not legally necessary. "Sponsalia," according to Florentinus (Dig. 23, 1, 1) "sunt mentio et repromissio nuptiarum futurarum." In *sponsalia* a maiden was promised in solemn form to a man as his bride. Such promise was not made by the maiden herself, but by her paterfamilias, or if she was not under *patrias potestas* by her tutor, who were said *spondere*, the betrothed becoming *sponsa* (Plaut. *Aul.* ii. 2, 79 f.; *Poen.* v. 3, 38; Ter. *And.* i. 1, 72 f.; Liv. xxxviii. 57, 6: cf. Voigt, *XII. Tafeln*, ii. 682); the promise was accepted by the man, or by his paterfamilias if he were under *potestas*, who in so doing were said *despondere*, according to the strict sense of this word. (Donat. in Ter. *And.* v. 6, 16; Serv. *in Aen.* x. 79: cf. Voigt *sup.*) It is to be noticed that there was no reciprocal promise on the part of the man to the person who promised the bride, as there seems to have been according to Latin custom. Gellius has preserved (iv. 4) an extract from the work of Servius Sulpicius Rufus *de Dotibus*, which defines the Latin as distinguished from the Roman custom on this subject. (Compare Varro, *L. L.* vi. 70.) In that part of Italy called Latium *sponsalia*, according to Servius, was a contract by *stipulationes* and *sponsiones*, the former on the part of the future husband, the latter on the part of him who gave the woman in marriage. The woman who was promised in marriage was accordingly called *sponsa*, which is equivalent to *promissa;* the man who engaged to marry was called *sponsus*. The *sponsalia* then was an agreement to marry, made in such form as to give each party a right of action in case of non-performance, and the offending party was condemned in such damages as to the judex seemed just. This was the law (*jus*) of *sponsalia*, adds Servius, to the time when the Lex Julia gave the *civitas* to all Latium.

But according to Roman usage, corresponding in this respect to Greek, the *sponsalia* consisted simply in a unilateral promise on the side of the woman, and did not create any legal obligation, neither party to the *sponsalia* having a right of action in the event of a refusal to marry. It was always possible for the person who had entered into the *sponsio* on account of the maiden to renounce it—*repudium renuntiare*, *renuntiare* (Plaut. *Aul.* iv. 10, 53, 69; Ter. *Phorm.* iv. 3, 72; Dig. 23, 1, 10). The renunciation was generally made by means of a *nuntius* (Brisson, *de v. s. nuntius*). If a man made a gift to his betrothed with a view to future marriage (*propter nuptias donatio*), and he broke off the match, he lost the right of recovering what he had given (Cod. 5, 3, 15). If a person entered into double *sponsalia* at the same time, he was liable to infamia. [INFAMIA.] Persons might be betrothed who were below the age of puberty, if they were not under seven years of age. By a regulation of Augustus, comprised in the Lex Julia et Papia, it was declared that no *sponsalia* should be valid if the marriage did not follow within two years, but this rule was subject to various exceptions. (Sueton. *Aug.* 34; Dio Cass. liv. 16, and the note of Reimarus; Gaius, Dig. 23, 1, 17.)

Voigt suggests the following as the form of the *sponsalia:*—"Spondesne Gaiam tuam filiam (or, if she were pupilla), Gaii, Lucii filiam filio meo, (or) mihi, uxorem dari?

"Dii bene vortant! Spondeo.

"Dii bene vortant."

Marriage carried into effect the object of betrothal. The essence of marriage was consent, and the consent, says Ulpian, "both of those who come together and of those in whose power they are"; and "marriage is not effected by sexual union, but by consent." The consent of the man and woman was necessary, and was commonly shown at the time of the marriage by the acts of the parties, as by *dextrarum junctio*, and in later times by the *subsignatio tabularum*, but the subject members of a family were bound to marry at the bidding (*jussus*) of their paterfamilias (Gell. ii. 7, 18), and without his consent they could not marry. Thus a filiusfamilias was given a wife by his paterfamilias (*aliquam filio uxorem dare:* cf. Ter. *Phorm.* v. 8, 32 f.; Liv. xlii. 24, 3), and a bride was given in marriage by her paterfamilias, or if not *in patria potestate* she may possibly have been given away at one time by her agnatic tutor, but in later times persons *sui juris*, women as well as men, married of their own accord. If a paterfamilias refused his consent to the marriage of those subject to him without proper ground, he might be compelled to allow their marriage by order of a magistrate.

The marriage *cum conventione in manum* differed from that *sine conventione*, in that the ordinary mode of entering into it was formal, whereas marriage without *manus* only required consent, however informally expressed.

A marriage *cum conventione* might be effected by *confarreatio*, *coemptio*, or *usus*. *Confarreatio* was a form of marriage peculiar to the patricians, while *coemptio* seems to have been originally confined to the plebeians; but when *conubium* was extended to the plebeians, *coemptio* became a common form of intermarriage between the two orders. *Confarreatio* or *farreum* was a religious form of marriage, which principally consisted in an offering, with solemn words, of *panis farreus* to Jupiter Farreus, in the presence of ten witnesses, the Pontifex Maximus and Flamen Dialis taking part in the ceremony. Its formalities are described in the latter part of this article. (Gaius, i. 112; Ulp. ix. 1.) The form seems to have been in use among other Latin races.

Patrician women were unwilling to marry in this way, because its effect was to give their husbands *manus* over them, and hence this form of marriage fell into disuse. It was necessary, however, to maintain it to some extent, because certain priestly offices, viz. those of flamines majores and reges sacrorum, could only be held by those who were born of parents who had been married by this ceremony (*confarreati parentes*), and the holders of these offices had themselves to be married by *confarreatio* (Gaius, i. 112). In order to induce persons to enter into confarreate marriages, so that these priestly offices might be filled up, a change in the law was instituted by Augustus, and fully carried out by Tiberius, to the effect that *manus* should no longer be a consequence of *confarreatio* except *quoad sacra*. (Gaius, i. 136; see note in Muirhead's ed. Tac. *Ann.* iv. 16; Suet. *Aug.* 31.) Gaius informs us that this form of marriage was in use in his time, as required for the above religious offices.

Coemptio was a form of mancipation (*mancipium*) or conveyance by fictitious sale; and was probably a survival of the early form of marriage by sale or purchase (McLennan, *Primitive Marriage;* Rossbach, *Ehe*, p. 198). The woman was mancipated in marriage to the man by her paterfamilias, or, if she were a filiafamilias, possibly by her tutor. According to some ancient authorities, there was not only a mancipation of the woman to the man in a *coemptio*, but also a mancipation of the man to the woman (Servius *in Aen.* iv. 103, *in Georg.* i. 31; Boethius, *in* Cic. *Top.* ii. 3, 14; Isid. *Or.* v. 24, 26: cf. Muirhead, *Roman Law*, Appendix B); and accordingly several modern writers of repute maintain that there must have been such a double mancipation. It is objected to this view of the nature of *coemptio*, that it supposes a person could mancipate himself to another, whereas it is clear from the nature of *mancipium*, and especially from the description given of it by Gaius, that besides the object of sale a vendor (*coemptionator*) and a purchaser were necessary as parties to the conveyance. Gaius in i. 113 says, "emit is mulierem, cujus in manum convenit," but there is no direct legal authority in support of the view that there was a purchase of the man, though Boethius cites Ulpian as having asserted it. It is also to be noticed that the authorities for a double mancipation wrote long after *coemptio* had become obsolete. The *coemptio* seems to have comprised, besides the mancipation, a reciprocal form of question and answer, in which the consent of the parties to the marriage was expressed. (Boeth. *in* Cic. *Top.* 3, 14; Serv. *in Aen.* iv. 214; Isid. *Or.* v. 24, 26: cf. Voigt, *XII. Tafeln*, § 159, n. 24.) The *coemptio* was the only surviving way of acquiring *manus* over a wife when Gaius wrote; but it had probably become obsolete in practice. *Coemptio* was either *matrimonii causa* or *fiduciae causa*. This latter kind of *coemptio*, which was the mancipation of a woman to a man not her husband, is considered under TESTAMENTUM and TUTELA. *Manus* could also be acquired according to the law of the Twelve Tables by *usus*. If a woman lived with a man continuously for a whole year as his wife, she came *in manum viri* by virtue of this matrimonial cohabitation, just as ownership of a movable thing was acquired by a year's possession [USUCAPIO]. The law of the Twelve Tables provided that a woman should not come into the *manus* of her husband in this manner, if she absented herself from him annually for three nights (*trinoctium*), and so interrupted the period of *usus* (Gellius, iii. 2; Gaius, i. 111). Married women generally availed themselves of this means of escaping *manus*, and after a time *usus* fell into desuetude (Gaius, i. 111). It was obsolete when Gaius wrote.

It is probable that in the time of Cicero marriage without the *manus* had become the usual marriage of Roman law. No forms were requisite in marriage: the consent of two persons capable of marrying to live together *matrimonii causa*, i.e. as husband and wife, being alone sufficient to constitute marriage, cohabitation was not necessary to complete it, but the best evidence of marriage was cohabitation *matrimonii causa*. The fact that the parties had cohabited with *affectio maritalis*, or as husband and wife, and not with the intention of living in *concubinatus*, which was a union recognised to some extent by the law, might be proved by various kinds of evidence, *e.g.* by production of the dotal instruments, commonly executed at the time of marriage [DOS]. But though consent was the only condition required for marriage, some act of personal union between the parties was necessary for the expression of such consent, or, in other words. marriage could not be entered into simply by letter or by means of a messenger (*nuntius*).

The bringing of the bride (*uxorem ducere*, *γυναῖκα ἄγειν*) from her father's house to her husband's house (*in domum deductio*) was customary among the Romans, as among the Greeks and others: if this was done, it was sufficient to constitute marriage, although the bridegroom might be absent. Thus, according to Pomponius in Dig. 23, 2, 5, a woman might marry a man, who was absent, by letter or through a messenger, if she was brought to his house (*in domum ejus deduceretur*), but a man could not marry an absent woman in a corresponding way, because it was not required by custom to bring the man to the house of the woman—"deductione enim opus esse in mariti, non in uxoris domum, quasi in domicilium matrimonii." A marriage required consent for its continuance as well as for its formation, and so might be put an end to at any time by the renunciation (*repudium*) of either party. [DIVORTIUM.]

As regards the consequences of marriage, the position of a wife married *cum conventione* differed materially from that of one married *sine conventione*. In the first kind of marriage, as already observed, the wife ceased to belong to her family [CAPUT, Vol. I. p. 360 *b*], and became a subject member of her husband's family, being in the position of a daughter to her husband; or if her husband was in the power of his father, she became to her husband's father in the relation of a granddaughter. All her property passed to her husband or to his father by a universal succession (Gaius, ii. 96, 98); and whatever she acquired during the marriage, she acquired for the person into whose *manus* she had come. The succession did not carry with it any liability for the antenuptial debts of the wife, and the wife herself could not be sued on them, according to civil law, but the praetor gave the creditors rights of action against her, and ordered execution against the property acquired by the succession, putting the creditors into possession of it (Gaius, iii. 84; iv. 38, 80).

Manus, though a consequence of certain modes of marriage, belonged to its acquirer as paterfamilias and not as husband. But though the conceptions of *manus* and of marriage are distinct, *manus* could not, it seems, be put an end to during marriage by emancipation. A husband might, however, put an end to his *manus* by a fiduciary coemption of his wife to some third person, in which case their marriage would continue as if it had been entered into *sine conventione*. If a woman was married *cum conventione* to a filiusfamilias, and he was emancipated or given in adoption, she would remain subject to the *manus* of his father as before, and would not on the death of the latter come into the *manus* of her husband, since he would belong to a different *familia*. A woman married by *confarreatio* could only be divorced by *diffarreatio*, and this put an end to *manus* as well as to marriage. A woman married by *coemptio* might be divorced by simple renunciation, but the *manus* over her could only be put an end to by a remancipation, which required the same formalities as the original coemption. Thus *manus* might continue after marriage had come to an end. In the time of Gaius a woman was entitled to a remancipation and manumission if there had been a renunciation of the marriage (Gaius, i. 137). When marriage was without *manus*, as it came to be in all cases, a married woman enjoyed a remarkable degree of independence in respect of her husband. The woman remained a member of her own family, her legal status continuing as it was before; if she was not in the power of her father, she was capable of acquiring and holding property, and of bringing actions as if she were a single woman; she had for all purposes a legal personal existence independently of her husband, and consequently her property was distinct from his; between husband and wife there was no community of property in Roman law. The husband acquired no right by marriage to the property of his wife: the *dos* which his wife usually brought to him he acquired not by act of law, but under the dotal instrument, and during the marriage he was sole owner of the *dos*. Under the edict of the praetor and imperial legislation husbands and wives had certain rights of inheritance to each other's property. The relations of husband and wife with respect to property belong to the heads of Dos, Donatio propter Nuptias, Donatio inter Virum et Uxorem, Heres.

A husband was bound to provide a maintenance for his wife. The husband might inflict slight chastisement on the wife for violating the respect (*reverentia*) which she owed him. Each party to a marriage had a right to the society of the other while the marriage continued. For the liabilities of either of the parties to the punishments affixed to the violation of the marriage union, see Adulterium and Divortium. *Justae nuptiae* had an important effect on the position of the children of the marriage, since only those who were born from such marriage were *cives*, and subject to the *patria potestas*. [Civitas; Patria Potestas.] At Rome, the *justae nuptiae* was originally the only marriage. But under the influence of the Jus Gentium, a cohabitation between Peregrini, or between Latini, or between Peregrini and Latini and Romani, which in its essentials was a marriage, a *consortium omnis vitae* with the *affectio maritalis*, was recognised as such; and, though such marriage had not all the effects of *justae nuptiae*, it had its general effect in this, that the children of such marriage had a father, and so were legitimate. The wife of such a marriage could bring an action for the recovery of her *dos* (Cic. *Top.* 4, 20; Muirhead, *Roman Law*, § 42); and she was liable on account of adultery. In the system of Justinian, the distinction between a civil and gentile marriage ceased to have any importance, on account of the division of free persons into Cives, Latini, and Peregrini having been abolished [Civitas]. (Dig. 23, 1, *de Sponsalibus*; 23, 2, *de Ritu Nuptiarum*;—Gaius, i. 56–65; Inst. Just. 1, 10, *de Nuptiis*; Cod. 5, 4; Fr. Hotman, *de Ritu Nupt. et Jure Matrimon.* i. 490 ff.; A. Rossbach, *Untersuch. über die römische Ehe*; O. Karlowa, *Die Formen der röm. Ehe und Manus*; E. Hölder, *Die röm. Ehe*; Voigt, *XII. Tafeln*, ii. 321 ff., 680 ff.) [E. A. W.]

It remains to describe the actual ceremonies of Roman marriage: and it must be premised (1) that there was some difference according to the precise form of marriage adopted, though this distinction gradually disappeared (see above); (2) that, as was said above, the greater part of marriage formality was voluntary, and that then, as in our own day, there might be weddings of a far simpler character. When therefore the complete ceremony of the most elaborate kind is described, it must be understood that a great deal of it was often omitted, and the marriage rites narrowed to little beyond the *deductio in domum*. In the choice the wedding-day superstition played a large part. May (as by many even now) and the first half of June were unlucky for marriages (Ov. *Fast.* v. 487; vi. 225). The reason was that the month of May took its general character from the festivals of the Lemuria [Lemuria], and also from the Argean offering: in the early part of June came *dies religiosi* connected with the worship of Vesta. Besides these periods, it was necessary to avoid the *dies parentales*, Feb. 13–21 (Ov. *Fast.* ii. 555); the first half of March (Ov. *Fast.* iii. 393); the three days of the opening of the lower world (*mundus patet*), viz. Aug. 24, Oct. 5, Nov. 8; and also the days of Kalends, Ides, and Nones.

At the *sponsalia* (see above), besides the formal words of the parent or guardian, "Spondesne? spondeo" (Plaut. *Aul.* ii. 2, 78), the bridegroom gave the bride a present, as an earnest or pledge (*arra, pignus*, Capitol. *Marim. jun.* i.; Juv. vi. 27), which was often a ring (Plin. *H. N.* xxxiii. § 12; Tertull. *Apol.* 6), placed on the fourth finger of the left hand (our "ring finger"), which Gellius (x. 10) states to be connected by a nerve with the heart.

On the day before the marriage the bride put aside her *toga praetexta* (Propert. v. 11, 33), which, with other belongings of childhood, was laid before the Lares (Varro, *ap.* Non. p. 538), and put on the *tunica recta*, or *regilla* (Fest. p. 286), which was woven in one piece in the old-fashioned way at the upright loom [Tela]. (See also Blümner, *Technologie*, i. p. 122.) The bride wore this dress also at the marriage, and a flame-coloured veil (*flammeum*, Lucan. ii. 361; Plin. *H. N.* xxi. § 46), with which she was said *nubere caput*. The dress was fastened by a woollen girdle (*cingulum*) in the *nodus Herculeus*, as to the significance of which there is some difference of opinion. It has been explained by some as intended to secure a fruitful marriage, because Hercules had many children (Fest. *Ep.* p. 63): Marquardt (*Privatleben*, p. 44) and Göll take it to be an amulet against the evil eye (*fascinum*). But may we not be nearer the truth in taking it to be the symbol of a stable marriage, and perhaps the original of the "true lovers' knot"? Hercules (in his own name the god of the enclosed homestead) was undoubtedly identified with the Sabine deity Semo Sancus (=Dius Fidius), the protector of matrons in their married life, as well as the deity of good faith and stable treaties (see Preller, *Röm. Myth.* pp. 655 ff.). Pliny, on Varro's authority, tells us (*H. N.* viii. § 194) that the spindle and distaff of Tanaquil (or Gaia Caecilia), who was regarded as the ideal of a Roman wife, were kept in the temple of Semo Sancus, and the bridal dress (*tunica recta*) is in the same passage traced back to her. From these considerations we may be justified in taking the "Herculean knot" to have been so called because of an ancient belief that Hercules (or Semo) was the guardian of the married life. The hair was arranged in six locks (*sex crines*) parted by the point of a spear (*hasta caelibaris*), and held in place by *vittae* or bands (Fest. p. 62; Ov. *Fast.* ii. 558). Hence the words *crines* and *vitta* are used by poets as a synonym for marriage. (Plaut. *Mostell.* i. 3, 69; *Mil. Glor.* iii. 1, 195; Ov. *Trist.* ii. 252; Propert. v. 3, 15.) The custom of parting it with a spear is perhaps a relic of the old marriage by capture, and may convey the idea of the word δορίληπτος. The bride had also a wreath of flowers and sacred herbs (*verbenae*) gathered by herself, and the bridegroom wore a similar wreath (Plut. *Pomp.* 55). As an account of the dressing of the bride, the passage in Claudian, *VI. Cons. Hon.* 523–

528, is worth reading, as well as for its own merit.

In the house of the bride, which was decked with garlands (Juv. vi. 227; Stat. *Silv.* i. 2, 230), were assembled the relations, friends, and clients, as an *officium* (Juv. ii. 132). Then the omens were taken and announced by the *auspices* (Cic. *pro Cluent.* 4, 14; Juv. x. 336), with the sacrifice of a sheep (cf. Verg. *Aen.* iv. 56). It had always been the custom to begin the sacred ceremony of *confarreatio* by consulting the omens, and the practice probably was as a rule extended to all marriages (Cic. *de Div.* i. 16, 28; Plaut. *Cas. Prol.* 85; Plin. *H. N.* x. § 21). Valerius Maximus (ii. 1, 1) says that in his time the *auspices* formed in name part of the attendance, though no *auspicia* for marriage were taken any longer. After these preliminaries, the omens being favourable, the marriage ceremonies began. They were in four main parts: (1) the contract; (2) the giving away of the bride, with whatever sacred rites were used; (3) the conducting (*deductio*) to her husband's house (the only *invariable* part); (4) her reception there. First the marriage tablets (*tabulae nuptiales* or *dotales*) were signed before witnesses (*signatores*), though the marriage was valid without this formality (see above; and Quintil. v. 11, 32). When the form of marriage called *coemptio* was adopted (when either or both were plebeians), the formalities of an imaginary sale were gone through before not less than five witnesses, and a *libripens* (who held the scales at a sale): questions and answers as to the willingness on both sides followed, and with that ended this distinctive part of the *nuptiae per coemptionem*; the other ceremonies followed which were usual in all marriages. On the legal significance and origin of the marriage by *coemptio* and its gradual disuse, see above. After the *coemptio*, or, where that was not used, after the signing of the *tabulae nuptiales*, a married woman (who must have been married only once, Serv. *ad Aen.* iv. 166) acting as *pronuba* led the bride up to the bridegroom and joined their right hands. It seems probable that there was always some formal expression of willingness to marry; in the old patrician rite of *confarreatio* the set form of response from the bride was "quando tu Gaius, ego Gaia," which form of words was used also in the *coemptio* (Cic. *pro Muren.* 12, 27). When the rite of *confarreatio* was followed, the bloodless offering was made: a cake of spelt (*farreum libum*) was offered by the Pontifex Maximus and the Flamen Dialis to Jupiter: ten witnesses were present (Gaius, i. 109–112; Serv. *ad Georg.* i. 31). Marquardt thinks that this form of marriage was originally performed not in the house of the bride's father, but in the sacellum of the Curia, and that the ten witnesses originally represented the ten gentes of the Curia. This is a probable explanation of the number ten, but as regards the place we lack evidence that the marriage was ever anywhere but in the bride's home. There is no mention of any passing from the house before the *deductio* to her new home. With the offering to Jupiter, a prayer was recited by the Flamen, to Juno as the goddess of marriage, and the deities of the country and its fruits,—Tellus, Picumnus, and Pilumnus (cf. Verg. *Aen.* iv. 166, and Serv. *ad loc.*; Non. p. 528). During this ceremony the bride and bridegroom sat together upon two seats which were placed side by side and covered with the skin of the sheep sacrificed before for the auspices (Serv. *ad Aen.* iv. 374): they sat to the left of the altar in the Atrium and looked towards it: meanwhile a *camillus*, i.e. an attendant boy who was *patrimus et matrimus* [CAMILLUS], held (perhaps) all that was required by the priest for the offering in a covered basket called *cumerus* (Varr. *L. L.* vii. 31; Fest. *Ep.* p. 63). The latter authority has rather complicated the question by saying that the *cumerus* contained "nubentis utensilia," and what that means it is impossible to say: that the basket held materials for spinning, as Becker thinks, seems improbable. We may leave the matter with Varro, who says that he does not know what the contents were. In Ovid, *Fast.* ii. 650, the boy in an ordinary sacrifice holds a canistra with *fruges* for the *mola salsa* [CAMILLUS]. The legal aspect of the *confarreatio* and its history is given in the first part of this article. Sir John Lubbock suggests that the wedding-cake cut by the bride is a survival of the *farreum* in this rite; but the original for that will be found, if anywhere in the Roman matrimonium, in the *mustaceum*. The rite of *confarreatio* suggests rather the sacramental view of marriage.

In all that follows, marriages in general of all forms are described. The prayer where there was no *confarreatio* (and therefore no Flamen Dialis) was pronounced by the auspex, and, according to Plutarch (*Q. R.* 2), was addressed to five deities,—Jupiter, Juno, Venus, Suadela, and Diana. It would seem that, sometimes at least, a victim was here offered (besides that offered for the auspicia); for Varro (*R. R.* ii. 4, 9) speaks of a pig offered *by the newly married pair*, and Tac. *Ann.* xi. 27 seems to point the same way (cf. Sen. *Oct.* 700). There was next a formal congratulation from the wedding-guests in the word "feliciter" (which, if there was no sacred rite, came directly after the contract; so Juv. ii. 119, "Signatae tabulae, dictum *feliciter*"). Then (as in Juv. *l. c.*) came the *cena nuptialis*, which was certainly, as a rule, given by the bride's father, and therefore *before* the procession (Catull. 62, 3; Dio Cass. xlviii. 44; Capitol. *Ant. Pius*, 10; and, by implication, Plaut. *Aul.* ii. 4, 15). But, as in modern weddings, the place of the wedding-feast might be altered from considerations of space, economy, &c., and it seems sometimes to have been in the bridegroom's house (Cic. *ad Q. Fr.* ii. 3, 7; Juv. vi. 200). The wedding-cake (*mustaceum*), which was made of meal steeped in *must* and placed on bay-leaves (Plin. xv. § 127), was cut up and distributed to the guests (Juv. *l. c.*). Afterwards came the procession (*deductio*), the invariable part of the matrimonium (see above, page 141). This took place usually at dusk, whence arose the custom of having torches (Catull. 62, 1; Serv. *ad Ecl.* 8, 29). The bride was taken with simulated force from her mother's arms (Fest. p. 289; Catull. 61, 3; Macrob. i. 15, 21): clearly a survival of the marriage by capture; or, as the Romans themselves put it, a reminiscence of the Sabine marriage (cf. Lubbock, *Origin of Civilization*, pp. 82 ff.; and, for the similar Greek usage, *supr.* p. 132). Flute-players and torch-bearers went in front

(Ter. *Adelph.* v. 7, 5; Fest. p. 245). The bride was conducted by three boys *patrimi et matrimi*, two leading her by the hand, the third carrying a torch of whitethorn for luck (Plin. *H. N.* xvi. § 75; cf. Ov. *Fast.* vi. 129). In the procession, besides the general crowd, there came also the camillus with his cumerus; and the bride's spindle and distaff were carried after her (Plin. *H. N.* viii. § 194). Plutarch (*Q. R.* 31) makes her carry them herself. Fescennine songs were sung during the procession (Catull. 61, 126), with interjections of *Talasse* (Mart. xii. 42; Catull. 61, 134, &c.). As to this deity of the marriage day, reference may be made to Marquardt, *Privatl.* p. 54; Preller, *Röm. Myth.* p. 584 ff. He appears as Talasius, Talasio, Talassus, Thalassius, Thalassio. Livy (i. 9) gives us as bearing that name a companion of Romulus prominent in the rape of the Sabines, and derives the cry *Talasse* from him: but Talus (Fest. p. 359) is an old Sabine name, and Talassius may have been a Sabine deity of marriage: Varro connects him with τάλαρος, a work-basket: θαλάσσιος as equivalent to Consus is suggested, which at first sight has something plausible about it; but it seems doubtful if Consus had really any connexion with Neptune or the sea, and moreover it is unlikely that the word should be borrowed from Greek. On the whole a Sabine origin is most probable. The part of the bridegroom in the procession was to scatter nuts for the boys in the crowd (Verg. *Ecl.* 8, 30; Catull. 61, 131). Though Catullus says that it shows the putting away of childhood, it is much more likely that the nuts symbolised fruitfulness of marriage and plenty (cf. Plin. *N. H.* xv. § 86). The custom, which may be compared with the Greek καταχύσματα (*supra*, p. 136 *a*), has its representative in the throwing of rice at the present day. When the bridal train reached the bridegroom's house, the bride bound the doorposts with wool, probably as dedicating her work to it; and anointed them with oil or fat to signify health and plenty (Pliny, xxviii. § 148, says wolf's fat, which in the Roman nation has a totem appearance). All these actions were, so to speak, personified in a Dea Iterduca, Domiduca, and Unxia (Martian. 2, 149). The bride was lifted over the threshold (Plaut. *Cas.* iv. 4, 1; Catull. 61, 166; Lucan. ii. 359 f.), which, according to some, symbolises the marriage by capture: others (as Preller) suppose the object to be the prevention of the bad omen which would be caused by her stumbling on it. Sir John Lubbock (*op. cit.* p. 97) adopts the former view, and finds a similar custom among such widely divided races as the American Indians, the Chinese, and the Abyssinians. At the entrance she repeated the formula "ubi tu Gaius, ego Gaia;" and the husband met her bearing fire and water, to signify that he admitted her to a share in the family hearth and the family lustral rites (Varro, *ap.* Serv. *ad Aen.* iv. 104; Dionys. ii. 30): the bride on her part brought three coins; one she gave as symbol of the *dos* to her husband, another to the Lares of the house, a third was dropped in the neighbouring street as an offering for the Lares compitales. The torch of whitethorn seems to have been scrambled for by the guests as a lucky possession (Serv. *ad Ecl.* viii. 29), and the ceremonies were over. The *lectis genialis* had been prepared by the pronuba in the atrium [LECTUS, p. 19 *a*.] On the following day the second wedding-feast called *repotia* was given to the friends and relations in the new home (Hor. *Sat.* ii. 2, 60; Gell. ii. 24, 14, where it is said that Augustus tried to limit the expense), and the bride as a *matrona* offered at the family shrine (Macrob. i. 15, 22). See further Marquardt, *Privatleben*, pp. 42–57; Becker-Göll, *Gallus*, ii. pp. 25–49: Preller, *l. c.*; Rossbach, *Röm. Hochzeits- u. Ehedenk.*, Leip. 1871. [G. E. M.]

MATRONA'LIA, also called **MATRONA'LES FE'RIAE**, a festival celebrated by the Roman matrons on the 1st of March, originally the beginning of the year, in honour of Juno Lucina. It represented the purity of old Roman life and the sanctity of the marriage tie: hence it is celebrated only by married women and maidens, and by a law of Numa, "pellex aram Junonis ne tangito" (Gell. iv. 3). It commemorated the dedication of the temple to Juno Lucina on the Esquiline, B.C. 375, soon after the Gallic occupation (Plin. *H. N.* xvi. § 236). It kept in memory, too, the first Roman marriages with the Sabine women and the peace which they brought about (Ov. *Fast.* iii. 229). An offering was made in the houses of married people with prayers that the married life might prosper, in which the *caelebs* could have no part (Hor. *Od.* iii. 8, 1). At this festival wives received presents from their husbands (Suet. *Vesp.* 19; cf. Plaut. *Mil. Glor.* iii. 1, 97), and they gave a feast to female slaves, as their husbands did to male slaves on the Saturnalia (Macrob. i. 12, 7). Hence it is called the Saturnalia of women (Mart. v. 84), and *feminae kalendae* (Juv. 9, 53). Girls also received, at least in later times, presents from their lovers (Tibull. iii. 1, 1; Mart. *l. c.*), which is perhaps the reason why Martial (ix. 90, 13) speaks of the day as though it were sacred to Venus. (Compare Marquardt, *Staatsverwaltung*, iii. p. 571; Preller, *Röm. Myth.* p. 244.) [W. S.] [G. E. M.]

MAUSOLE'UM. The tomb of Mausolus or Maussolus, ruler of Caria under the Persian king, is usually known to us as the Mausoleum, and this name was in later times applied to other tombs remarkable for greatness of scale, beauty of design, or exceeding sumptuousness. Greek writers sometimes call Mausolus prince or dynast of Caria, but he was in reality a satrap under the King of Persia, and ruled in Caria from B.C. 377 to B.C. 353, succeeding his father Hecatomnus in a dominion which under the feeble rule of the Great King became hereditary in his family, till the victories of Alexander put an end to the dynasty. The seat of government of these princes had up to the time of Mausolus been at Mylasa, in the interior of Caria, but was transferred by him to Halicarnassus (now Budrum), on the coast. This city, the birthplace of Herodotus, was greatly enlarged and embellished by Mausolus, who rebuilt it on a plan the symmetry and beauty of which is described by Vitruvius. The successor of Mausolus in his dominions was his sister and consort, Artemisia, who during her short reign (B.C. 353–351) erected the magnificent tomb which commemorated for all time the fame of her husband and her own sorrow. For the construction and decoration of this tomb the most renowned architects and sculptors of her time were employed by Artemisia. The architects, as we learn from Vitruvius, were Satyrus and Pythius; the sculptures which adorned the sides of the monument were the work of four artists of the later Athenian School—Scopas, Leochares, Bryaxis, and Timotheus. The sculptor of the chariot group which crowned the pyramid of the Mausoleum is called Pythis by Pliny, but this name is probably a mistake for Pythius, one of the two architects mentioned by Vitruvius. The sculpture and architecture were executed in Parian marble of the finest quality, and the exceeding costliness of the material employed and the perfection of the execution contributed not a little to the world-wide fame of the monument. (Paus. viii. 16, 4; Lucian, *Infer. Dialog.* xxiv.; Vitruv. ii. 8.)

In searching for the site of the Mausoleum, our first guide is the following well-known passage in Vitruvius (ii. 8): "Mausolus perceiving that Halicarnassus was a place naturally fortified, favourable for trade and with a convenient harbour, made it the seat of his government. As the form of the site was curved, like that of a theatre, on the shore near the port was placed the forum. Along the curve, about half-way up its height, was made a broad street,—as it were, a *praecinctio*. In the centre of this street stood the Mausoleum, constructed with such wonderful works, that it is considered one of the seven wonders of the world." Vitruvius goes on to notice the temple of Mars in the centre of the fortified heights above, and the temple of Venus and Mercury on the extremity of the right-hand curve, and on the left the palace of Mausolus himself.

On turning to the plan (Plate 1 of Newton's *History of Discoveries*), it will be seen that the shore of the harbour at Budrum bends round in a curve, terminating in two horns, on one of which, the ancient Salmacis, stands the Turkish arsenal, on the other the Castle of St. Peter. On the site of this castle the foundations of an ancient citadel may still be traced. On examining the ground overlooking the harbour, many fragments of shafts of columns, volutes, and other ornaments of an Ionic edifice in white marble, rivalling in beauty and finish the finest examples of Athenian architecture, were remarked by Professor T. L. Donaldson many years ago; and in a memoir on the Mausoleum (*Classical Museum*, v. pp. 170–201) Mr. (now Sir C. T.) Newton stated that these fragments were probably those of the Mausoleum lying *in situ*, as the position of this spot corresponded with the description in Vitruvius already mentioned. In 1856 an expedition to Budrum was dispatched from England under the auspices of the British Government, the direction of which was entrusted to Sir C. T. Newton, who has embodied the results in his *History of Discoveries at Budrum, Cnidus, and Branchidae*.

The exploration of the site already referred to presented peculiar difficulties, because it was encumbered with Turkish houses and gardens, the owners of which had to be separately dealt with before possession of the ground could be obtained. Fragments of the architecture and sculpture found, some in the soil, others in the rubble walls of the houses and gardens, soon enabled the explorers to identify the ground as the site of the Mausoleum, though of the ancient structure not a single stone remained above ground in its original position. The whole of the edifice had been removed except a few courses of the lowest foundations: these were laid in a rectangular cutting sunk in the native rock, and varying in depth from 15 feet on the west to 4 feet on the east. (Newton, *Hist. Disc.* pll. ii.–iv.) In this sunken area and in the soil above and around it were found drums and capitals of columns, pieces of cornice and architrave, stones from lacunaria, and steps of a pyramid. The sculpture comprised fragments of a colossal chariot group, of an equestrian group, of statues of colossal or heroic dimensions, and of many lions and other animals; there were four pieces of a frieze suitable in dimensions for the Ionic order, and many fragments of at least two other friezes. (See Newton, *Guide to Mausoleum Room in British Museum*.) All the remains of sculpture and the more important of the architectural marbles were sent to the British Museum in 1858–9, and after their arrival in England were carefully examined and arranged, with a view to the restoration of the original design. Many restorations had been attempted before the discovery of the remains *in situ*; but as the only data for these were the scanty notices in Pliny and other ancient authors, they may be put aside now. Since the arrival of the marbles in the British Museum three restorations have been published: that by the late Mr. R. P. Pullan, the architect sent to Budrum to assist Sir C. T. Newton in the expedition (see *History of Discoveries*); that by the late Mr. James Fergusson, and a more recent one by Mr. Petersen (*Das Mausoleum*, Hamburg, 1867. See also the memoir on Scopas by Urlichs).

What we know of the original design of the Mausoleum is derived in the first instance from certain scanty notices in Pliny, Vitruvius, and other ancient authors. With these have to be combined the remains discovered *in situ*. According to a much-discussed statement in Pliny, *H. N.* xxxvi. § 30, the tomb itself measured 63 feet from north to south, being shorter on the fronts; its entire circuit was 411 feet, or, according to the Codex Bambergensis, 440; its height 25 cubits, equal to 37½ feet. Round it were 36 columns. This peristyle was called the *Pteron*. Above this Pteron a pyramid equalled the lower part, contracting by 24 steps to an apex like that of a *meta*. On the summit was a marble chariot with four horses, the work of Pythis. The addition of this made the height of the entire structure 140 feet. From this description we may assume that there was a Pteron or peristyle edifice surmounted by a pyramid, which in turn was crowned by a marble chariot group.

When we confront Pliny's statement with the architectural marbles found *in situ*, we obtain an order 37½ feet in height, equivalent to Pliny's 25 cubits for the height of the Pteron, and the remains of a chariot group of which the height may be calculated at from 13 to 14 feet. Again, from the measurement of the steps of the pyramid found *in situ*, we obtain for its whole height 24 ft. 6 in. if we assume that all the 24 steps were exactly of the same height. The pyramid, according to Pliny, equalled in height the lower elevation. As the text stands, the words are *altitudine inferiorem aequabat*, so that the substantive with which *inferiorem* should agree is wanting. According to ordinary rules, the word to be supplied would be *pyramidem*, but that is inadmissible, as there is no evidence to show that there was a lower pyramid. If we leave the text as it stands, we must either supply *altitudinem* or *partem* after *inferiorem*: "Above the Pteron was a pyramid equalling in height the lower height, *i.e.* the Pteron;" or read *altitudinem*, "equalling in height the lower *altitudo*."

By this lower *altitude* Pliny can hardly have meant any other part of the elevation than the Pteron. But this, as has been already stated, was 37½ feet in height; the pyramid, according to actual measurement of the steps, was only 24½ feet. To make it equal to the Pteron, we must add 13 feet either to its base or to its apex, or partly to the one and partly to the other. Mr. Fergusson, in his restoration, brings the height of the pyramid to 37½ feet by adding 11 feet 9 inches for a pedestal under the chariot group (Pliny's *meta*), and 2 feet for a plinth intervening between the lowest step and the cornice. In Mr. Pullan's arrangement the entire chariot group is reckoned in with the pyramid as 37 feet 9½ inches. The main objection to this was pointed out by Mr. Fergusson: the group itself would not be sufficiently raised above the pyramid to be properly visible from below except at some distance. Further, it would be necessary, in order to complete Pliny's sum of 140 feet, to allow 65 feet for the basement under the Pteron, which in Mr. Pullan's restoration seems out of all proportion to the rest of the design. Moreover, the words of Pliny do not justify us in reckoning the 37½ feet of the pyramid as *inclusive* of the chariot group. Pliny's words, *haec adjecta*, show clearly that this was to be added in order to make up the whole height of the monument to 140 feet. Mr. Fergusson allows 11 feet 9 inches for the height of the *meta*, and 14 feet for that of the *quadriga*.

The next question is, what was the spread of the pyramid laterally. On examining the steps of the pyramid, of which from 40 to 50 were found *in situ*, we find that with the exception of a few blocks (A 17-23 of the Guide), they have a tread of either 1 foot 9 inches or 1 foot 5 inches; or, in the case of corner stones, a tread of 1 foot 9 inches on one side and 1 foot 5 inches on the other. The number of these steps, according to Pliny, was 24. If we assume with Mr. Pullan that 22 of these had a tread of the dimension already stated, and add a step of 10½ inches and one of 9 inches below the platform on which the chariot group stood, we obtain 39 feet 11½ inches for the spread of the pyramid on one side and 32 feet 6 inches for its spread on the other. But it is not proved that all Pliny's steps had exactly the same tread, or that the two stones with the exceptional treads of 10½ and 9 inches formed the uppermost course of the pyramid, as Mr. Pullan assumed, though they may have belonged to the upper part which Pliny describes as "in metae cacumen se contrahens," tapering like a *meta*.

The dimensions of the platform on which the chariot group stood are still more uncertain. Mr. Pullan calculates it at 25 ft. 6 in. by 20 ft. 5 in., but Mr. Fergusson is probably nearer the mark in reckoning it as 20 by 16 Greek feet. It follows that Mr. Pullan's calculation of 105 ft. 5 in. for the length of the base of the pyramid and 85 ft. 5 in. for its breadth cannot be relied on. Mr. Fergusson makes the lowest step of the pyramid 100 by 80 Greek feet.

If we turn from the pyramid to the Order below it, we get on surer grounds. Mr. Pullan gives 100 feet English for the length of the peristyle from centre to centre of the columns, and 80 feet for its breadth. He arranges nine columns on the front and eleven on the flank, and allows an intercolumniation of 10 feet from centre to centre of the columns. But to this arrangement there is a grave objection. The lions' heads of the cornice cannot be so disposed that one may range over each column, according to the usual rule in Ionic architecture.

Mr. Fergusson calculates the measurement of the lower step of the pyramid 100 by 80 Greek feet. He arranges the 36 columns of the peristyle so as to have eleven columns on the longer sides and nine at the ends, counting the angle columns twice. He reckons the intercolumniation at 10 ft. 6 in. except at the angles, where he supposes the columns coupled, so as to have half an intercolumniation, viz. 5 ft. 3 in. The longer sides of the peristyle would thus measure 94 ft. 6 in. Greek; the shorter sides, 73 ft. 6 in. if we add 2 ft. 9 in. for the projection of the cornice. In order to make this arrangement fit in with the general scheme of his restoration, he is obliged to allow only half an intercolumniation (5 ft. 3 in.) for the distance of the angle column from the one next it on either side. But for such a coupling of the columns in an Ionic edifice he can adduce no other example.

Petersen concurs with Fergusson in allowing 10½ feet for the intercolumniation, which, with eight columns on the front and eleven on the flank, yields ten intercolumniations on the longer and eight on the shorter side. If we add to this half the thickness of the base of the two angle columns, we may calculate the dimensions of the stylobate as 109 × 88. He thus obtains for the circumference of the building 394 feet, and there is room for two lions' heads between each pair of columns.

Pliny says that the tomb itself—meaning, it is to be presumed, the *cella* within the peristyle—was 63 Greek feet in length, but shorter in width. How much shorter he does not state. According to Mr. Pullan's scheme, the space between the cella wall and the peristyle would on the fronts be 17 feet. In his Plate XXI. figs. 1 and 2, he shows how by the use of through stones this space can be corbelled out, the beams acting as ties, and in the lowest course of the corbelling the stones being of sufficient length to extend from beam to beam.

Mr. Fergusson, having diminished the length of the Pteron by the expedient of coupling the angle columns, reduces the space between the cella wall and the Pteron to 14 feet in the fronts; 2 ft. 8 in. less Mr. Pullan makes it.

Petersen supposes that the Pteron had an inner row of columns, and that Pliny's *cingitur* only applies to the outer row. This no doubt would solve several difficulties, but the text of Pliny will not bear such a forced interpretation.

The size and plan of the basement or *podium* have lastly to be considered. According to the Codex Bambergensis, which ranks as the most reliable MS. of Pliny, the whole circuit of the tomb was not 411 but 440 feet: other MSS. read 411. Messrs. Pullan and Fergusson adopt the lower dimension, but Mr. Petersen follows the Codex Bambergensis.

Mr. Pullan makes the measurement of the podium 119 ft. by 88 ft. 6 in., which gives 415 feet for the circumference. Mr. Fergusson, measuring it on its lowest step, makes the podium 126 Greek feet by 105 Greek feet; so that it would extend on each side as far as the sides of the quadrangular cutting, and its total circumference would be 462 feet, in which dimension he includes piers projecting all round the basement at the height of 17 feet from the ground. In the recesses formed by these piers he places statues: above these piers a cornice and frieze connect the podium with the stylobate of the Pteron, and below it is a wall of plain masonry.

Mr. Petersen substitutes for recesses between the piers arched niches for statues, which give the podium a very Roman look, and neither his designs for the podium nor Mr. Fergusson's have been generally accepted by architectural authorities. On the other hand, Mr. Pullan's basement, besides being too tall, is too bald, and its mouldings are deficient in boldness. The one thing that we may assume is that the basement was crowned with a cornice, below which may have been one or more friezes. The remains in relief, of which a description is given (*Guide to Mausoleum Room*, Nos. 26, 28), and which represent a centauromachia, are probably from the podium. The height of this frieze is 2 feet 10½ inches. It probably ornamented the podium.

Mr. Fergusson reduces the height of the basement to 51 feet 6 inches, in which dimension he includes an entablature of 14 feet. Mr. Petersen assigns 44 feet as the height of the basement.

Whatever the height of the basement may have been, we may assume that it was not less than 40 feet above ground. It has been already stated that the quadrangular cutting below the natural level of the ground, in which the foundations of the Mausoleum had been laid, was cut in the native rock, in various depths, the lowest part of the area being on the west side, where the cutting was 15 feet below the natural level of the rock, while on the east side the bed rises within 4 feet of it. The whole of this area had been originally filled up with the courses of the foundation stones, consisting of blocks of a green ragstone strongly bound together with iron clamps, and generally measuring about 4 feet square by 1 foot thick. In some places all the foundation courses had been removed, and the original bed of the rock laid bare. On the west side of the quadrangle was discovered a staircase of twelve steps, 29 feet wide and cut in the solid rock. On the north this staircase was flanked by a wall of good solomous masonry, built of large blocks of native rock. A few feet to the east of the stair were found some alabaster jars, such as were used by the ancients for precious ointments. On one of these jars were two inscriptions, one in hieroglyphics, the other in the cuneiform character. These inscriptions contained the name of the Persian king Xerxes, written in four languages. Immediately to the east of the spot where these jars were found was a block of green ragstone, 7 ft. high by 4½ ft. square, and weighing about 10 tons. It rested on two slabs of white marble, in which were bronze sockets, adjusted to receive dowels, fixed at the bottom of the stone, but by some accident in the original process of fixing the stone these dowels had never descended from their collars into their sockets.

It may be inferred from the position of the remnant of marble pavement under the great stone, that a passage paved with marble led from it into the royal sepulchral chamber, which may have been nearly in the centre of the basement, where the cutting in the rock is deepest. After the body of the personage interred had been carried down the steps to its final resting-place in the heart of the basement, the great stone was let down into its place, like a portcullis, and wedged in on either side by smaller stones. The alabaster vases, found between the great stone and the foot of the staircase, must have been deposited there shortly after the interment, as an offering to the dead.

There, too, were found bones of oxen from a sacrifice, and small terra-cotta figures. The staircase must have been then filled in with earth to the level of the upper surface, and the soil to the east of the stair was supported by a wall running from flank to flank, which was more than a yard broad, and constructed of massive blocks of native rock carelessly thrown together without bond. The great stone, the remnant of marble pavement under it, and the alabastra and other sepulchral offerings found between the great stone and the foot of the stair, are all that the exploration of the site yielded to indicate the arrangement of the interior of the basement. Mr. Pullan, adopting a suggestion previously made by Sir Robert M. Smith, R.E., the engineer officer attached to the Budrum expedition, supposes that in the interior of the basement there was a circular chamber, covered with a vault similar in structure to that of the lion tomb at Cnidus, the so-called Treasury of Atreus at Mycenae, and many other ancient tombs. Mr. Fergusson, rejecting this arrangement, proposes an elaborate plan of the basement which is mainly grounded upon a narrative in Guichard (*Funerailles des Grecs et Romains*, Lyon, 1581, pp. 378–81). That author states that in 1522 some of the Knights of St. John were sent from Rhodes to Budrum to repair the castle there, then threatened by the Sultan Solyman. These knights, on their arrival at Budrum, at once began to strengthen the fortifications of the castle, which had been built rather more than a century before by a German knight, called Henry Schlegelholt, who, as we are told by his contemporary Fontana, used as materials the ruins of the Mausoleum then lying above ground. The materials first used would naturally be the marbles from the upper part of the edifice, which were lying *in situ* detached by their fall, such as the steps of the pyramid, the architrave, the fragments of the frieze of the Order and cornice, the drums, capitals, and bases of the columns. As the ruins were thus gradually cleared away, the stylobate and marble facing of the basement would be stripped off till nothing was left but the inner core of the masonry, composed of large blocks of green rag, such as were found in position in the quadrangular cutting. Between 1402 and 1522 the fortifications of the castle were repaired by the Knights at intervals; through all this time the ruins of the Mausoleum must have supplied both stone and lime to the building.

The Knights employed in 1522 found still in position certain steps of white marble, which Guichard compares to a *perron*. "These they made into lime, and, having cleared them away above ground, proceeded to search by excavation for more marbles of the same quality. As they proceeded deeper, the base of the structure was enlarged, and they found not only marble for the limekiln, but good building stone. After working downwards for four or five days, they came upon an opening like that of a cellar. Descending through this, they found themselves in a large square apartment, ornamented all round with columns of marble, with their bases, capitals, architrave, frieze, and cornices engraved and sculptured in half relief. The space between the columns was lined with slabs and bands of marble, ornamented with mouldings and sculptures in harmony with the rest of the work, and inserted in the white ground of the wall, where battle-scenes were represented sculptured in relief."

All this sculpture, according to Guichard, was broken up and destroyed by the Knights. He goes on to narrate how, "besides this apartment, they found afterwards a very low door, which led into another apartment serving as an antechamber, where was a sepulchre with its vase and helmet (*tymbre*) of white marble, very beautiful, of marvellous lustre." They deferred opening this till the next day, retiring to the castle for the night. On returning the next morning, they found the tomb opened and the earth all round strewn with fragments of cloth of gold and spangles of the same metal. It was supposed that pirates had plundered the tomb in the night. Guichard had this story from Dalechamps, a learned contemporary, who, we may presume, was the editor of Pliny, and to whom it was narrated by the Commander La Tourette, a Lyonnese knight, who was sent to Budrum with other Knights and was present at the siege of Rhodes in the same year.

There seems to be no reasonable ground for rejecting this story in its general outline, but it must be borne in mind that it is based on hearsay evidence, and we are hardly justified in insisting on the accuracy of its details as strongly as more than one recent writer has done.

It may be assumed that the *perron* mentioned by Guichard was the remnant of the steps on which the stylobate of the Pteron had rested, the ruins above which had been gradually cleared away by the Knights in the course of the fifteenth century. If we accept the narrative of Guichard literally, we must suppose a square apartment ornamented all round with a frieze and other sculptures. It is not likely, however, that marbles of different colours would have been used, but the frieze may have been painted, as was certainly the case with the fragments of the frieze of the Order, found in the excavations above ground. Mr. Fergusson supposes in his restoration a sepulchral chamber 52 feet 6 inches by 42 feet. It would thus have been identical in dimensions with the interior of the *cella* in his restoration.

In the walls of the castle were formerly to be seen a number of lions broken off behind the shoulder, and pieces of frieze from the Mausoleum, which the knights had inserted at intervals in the walls, and which attracted the notice of travellers from Thevenot down to our own time. All these sculptures are now in the British Museum, having been presented by successive Sultans. Other forehands, heads, and fragments of lions were found on the site of the Mausoleum. From the evidence of these fragments, it is clear that they stood on detached rocky bases, which average in thickness 6 inches. These bases appear to have been inserted in a lower plinth at an average depth of 2 inches from the upper surface. The proportions of the lions are adjusted to three different scales. The largest measure 4 ft. 6 in. from the point of the shoulder to the hind quarter, and the second in scale about 3 inches less. Their height probably did not exceed 5 ft. One head measured across the forehead in a line with the eyes was 2 inches less in width than the largest head. A paw was found smaller than any of the others, which seemed to correspond in scale with this head.

On the north of the quadrangular cutting was a wall of white marble blocks, beautifully jointed with isodomous masonry. Behind this wall on the north was a mass of white marble blocks, which on examination were recognised to be steps from the pyramids. From forty to fifty of these steps were found. Intermixed with these steps were fragments of the chariot group, of which the most important were the anterior half of a colossal horse (the harness of which showed that it was from a chariot, the bronze bit and bridle still remaining attached to the head) and the hinder half of a horse, similar in style and scale: this extended from the middle of the body to the root of the tail, and measured in length rather more than 6 feet. There were various fragments of feet and legs of horses; also pieces of one of the wheels of the chariot, from which its diameter has been ascertained, and the remains of a colossal male figure, which has been made up of seventy-four fragments collected *in situ*. This figure is generally held to be the portrait of Mausolus himself (Guide, No. 34). There was a draped female figure of colossal size, probably representing a goddess acting as charioteer in the quadriga (Guide, No. 35). Both these statues are remarkable for the breadth and grandeur of effect in the drapery, and the refined delicacy in the execution.

For further details of the sculptures which were found, see Sir C. Newton's *Guide to the Mausoleum Room*, especially Nos. 8–11, 17, 26, 29, 38–49.

Mr. Pullan and the others who have attempted restorations of the Mausoleum differ widely in their disposition of the sculptures in the round. It is generally accepted that the two colossal figures found among the ruins of the pyramid steps belong to the chariot group, and represent Mausolus and the Goddess who acted as his charioteer. The lions must have been arranged round the tomb as its watchful guardians, some stationed at its doors, others perhaps at the base of the pyramid: the equestrian torso was probably one of four groups from the angles, but beyond this we are left entirely to conjecture. Statues were probably placed between the columns, as in the Xanthian monument, but of the torsoes preserved most are on a scale too small to stand by the side of the columns for support of the roof of both apartments.

Where the remaining statues were placed is at present a matter on which we have no more evidence than we have as to the arrangement of the columns, the area of the basement or of the platform on the top of the pyramid, or the circumference of the building as expressed by Pliny's *totus circuitus*. As the author of the Guide remarks, "The problem of the restoration of the Mausoleum will probably remain unsolved, unless some unexpected discovery at Budrum or elsewhere in the Hellenic world contributes fresh evidence. As we know that the Castle of St. Peter was built by the Knights out of the ruins of the Mausoleum, it may be assumed that many fragments of architecture and sculptures are still imbedded in its walls."

The native rock of the platform is pierced at two different levels by subterranean galleries, with which shafts communicate at intervals. The lower of these galleries runs all round the quadrangle, and must have served for the drainage of the Mausoleum. It is cut throughout in the solid rock to a height ranging from 6 to 8 feet, except in front of the stair on the west side, where it passes between the stair and the big stone, where it is only 2 ft. 10 in. in height. It is evident that, before the foundations of the Mausoleum had been laid in the quadrangle, the rock had been quarried out to various depths, and had also been used as a place of interment in early times, before the city had been enlarged and embellished by Mausolus. The centre of his new city was probably selected as the most appropriate site for his tomb, because he considered himself the new founder of Halicarnassus.

Hyginus, a Latin writer of uncertain date under the Roman Empire, states (in the *Fabulae*) that the Mausoleum was surrounded by a peribolos 1340 ft. in circumference. Supposing Greek feet to have been used in this measurement, one-fourth of the peribolos would be 335 Greek feet (equal to 339 English). On the north side of the Mausoleum a wall constructed of marble blocks of fine masonry (*Hist. Disc.* pl. vi.) was traced east and west for a distance of 337 English feet. A similar wall was traced under the soil for 260 English feet on the east side. We may assume that the four sides of the peribolos formed a rectangle. No trace was found of the western wall, but on the southern side Mr. Biliotti, exploring the ground in 1865, traced a cutting in the rock running east and west, which he believed to be the bed prepared to receive the foundation of the southern wall. It is probable that the platform on which the Mausoleum stood was connected with the Agora on the shore by a series of terraces, with intervening flights of steps, so disposed as to set off the elevation to advantage when viewed from below. [C. T. N.]

Though none of the proposed restorations of the Mausoleum can be accepted with certainty, as the preceding writer has remarked, still the ingenious restoration by the late Mr. Fergusson is not without value. (See cut on following page.) The principles on which he constructed it, and the objections that may be taken to it, have been already fully stated.

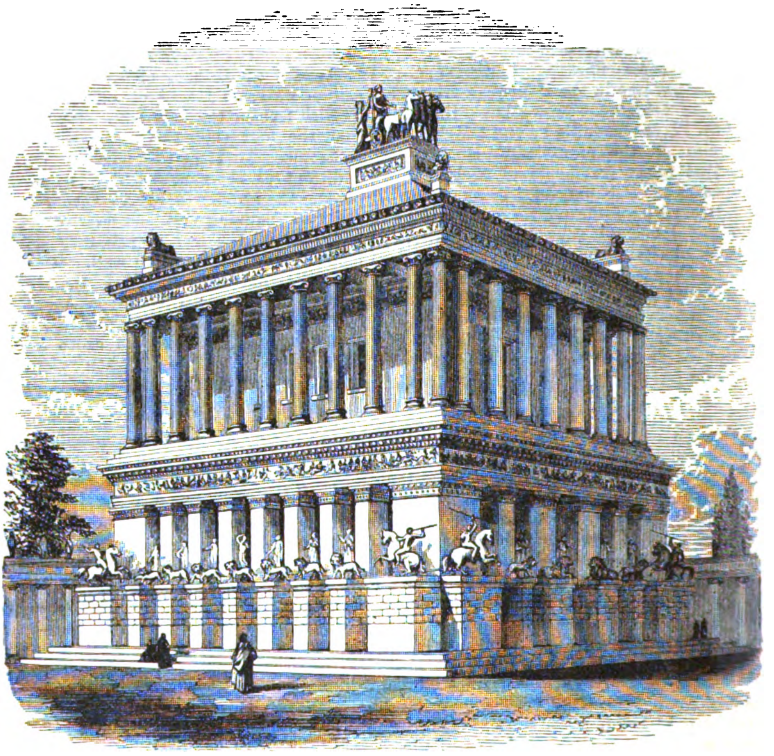
Of the other magnificent sepulchral edifices to which the name of Mausoleum was given the two most important are:—

1. The MAUSOLEUM OF AUGUSTUS, which was erected by Augustus, during his lifetime and in his sixth consulship (B.C. 28), in the northern part of the Campus Martius, between the Via Flaminia and the Tiber (Suet. *Aug.* 100). It was a magnificent circular building (called by Dio Cass. lviii. 22, *βασιλικὸν μνημεῖον*), erected on foundations of white marble, covered to the summit with plantations of evergreen, and surmounted with a bronze statue of Augustus: in the interior were sepulchral chambers, containing his ashes and those of his family. The ground round the Mausoleum was laid out in groves and public walks. (Strab. v. p. 236.) Several members of the family of Augustus were entombed in the Mausoleum before the ashes of the emperor were deposited in it, as Marcellus, Agrippa, Octavia, and Drusus, the brother of Tiberius (Verg. *Aen.* vi. 873 *seq.*; Dio Cass. liii. 30, liv. 28, lv. 2; Ov. *Cons. ad Liv.* 37; Pedo, *Eleg.* i. 69: for the burial of Augustus himself, see Dio Cass. lvi. 43; Suet. *Aug.* 101). The ashes of Livia, the mother of Tiberius, were also deposited there (Dio Cass. lviii. 2), and it was the regular tomb of the imperial family, whence it is called by Tacitus (*Ann.* iii. 9) *tumulus Caesarum*. Caligula had the ashes of his mother Agrippina and his brother Nero interred here with great pomp (Suet. *Cal.* 15; Dio Cass. lix. 3). By the time of Hadrian this Mausoleum was completely filled, which caused him to build a new one on the opposite side of the river (Dio Cass. lxix. 23: see below). Martial alludes to the Mausoleum of Augustus under the name of *Mausolea* (v. 64, 3), as the *deos* in the following line clearly refer to the Caesars. (See Friedländer's note.) There are still considerable remains of this Mausoleum; but "it is now so completely ruined," remarks Mr. Fergusson, "that it is extremely difficult to make out its plan; it appears however to have consisted of a circular basement about 300 feet in diameter, and about 60 feet in height, adorned with twelve large niches. Above this rose a cone of earth as in the Etruscan tombs, not smooth like those, but divided into terraces, which were planted with trees." (Fergusson, *Hist. of Arch.* i. p. 343.) It was converted into an amphitheatre for bullfights till the time of Pius VI., and is now used as a theatre for the display of fireworks and other spectacles of the lowest description.

2. The MAUSOLEUM OF HADRIAN, also called the *Moles Hadriani*, now the *Castle of S. Angelo*, a much more splendid building than the Mausoleum of Augustus, was erected, as we have already seen, by the Emperor Hadrian on the right bank of the Tiber, near the Aelian bridge in the gardens of Domitia (Dio Cass.

lxix. 23; Spart. *Hadr.* 19). Hadrian died at Baiae, and his remains were first deposited in a temporary tomb at Puteoli, from which they were removed to the Mausoleum at Rome by Antoninus Pius, who probably completed the building (Spart. *Hadr.* 25; Capitol. *Ant. Pius*, 5, 8). This Mausoleum was the sepulchre of the subsequent emperors and their families down to Commodus and perhaps to Caracalla, but not beyond. It is expressly mentioned as the sepulchre of Antoninus Pius (Capit. *Ant. Phil.* 7), of Lucius Verus (Capit. *Ver.* 11), of Commodus (Lamprid. *Commod.* 17). As to the other emperors, see Becker, *Röm. Alterth.* vol. i. p. 661, where the subject is fully discussed.

The Mausoleum is described by Procopius (*B. G.* i. 22) on the occasion of the siege of Rome by the Goths, A.D. 537. He says that it had been converted into a fortress considerably before his time ("by the men of old," *οἱ παλαιοὶ ἄνθρωποι*), and was joined to the line of fortifications by two walls. This was probably done when the walls were repaired by Honorius about A.D. 423. Procopius (*l. c.*) describes it as a memorable sight (*θέαμα λόγου πολλοῦ ἄξιον*), outside the Porta Aurelia, distant from the walls about a bow-shot. "It is made," he says, "of Parian marble, and the stones fit closely into one another with no other fastening. It has four equal sides, each about a stone's throw in length, and in height rising above the walls of the city. Above are statues of men and horses made of the same Parian marble and wonderful to behold." Many of these precious works of art were hurled down from the Tomb on the Gothic besiegers. The Barberini Faun at Munich and the Dancing Faun at Florence were found in the ditch below the Tomb. The subsequent history of the Mausoleum will be found in all the guide-books. (See Murray's *Handbook of Rome*, p. 73 *seq.*)

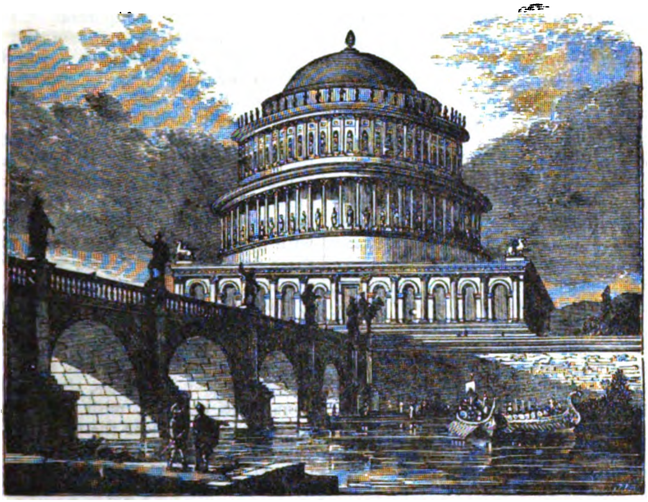


The Mausoleum of Artemisia restored by Mr. Fergusson.

From the existing remains, and the description of writers in the Middle Ages, the Mausoleum has been restored by modern archaeologists. "A quadrangular structure of dazzling white marble, each side 300 Roman feet long and 85 feet high, it had upon its sides inscriptions to the various emperors from Trajan to Severus who were buried within its walls. At the corners of this structure were equestrian statues of four emperors. Above, two circular buildings, one over the other, were surrounded with colonnades and peopled with marble statues. Over all rose a conical cupola whose summit was 300 feet above the ground. Visitors to the gardens of the Vatican may still see there a bronze fir-cone, 8 feet high, which according to tradition once surmounted the cupola of Hadrian's tomb." (Hodgkin, *Italy and her Invaders*, iv. p. 202; Dante, *Inf.* xxxi. 59; cf. Fergusson, *Hist. of Arch.* i. p. 344.) [W. S.]

MAZO'NOMUS (*μαζονόμος, dim. μαζονόμιον*, Athen. v. 149 a), from *μάζα*, a loaf, or a cake; properly a dish for distributing bread: but the term is applied also to any large dish used for bringing meat to table (Varro, *de Re Rust.* iii. 4). These dishes were made either of wood (Pollux, vii. 87), of bronze (Athen. iv. 136 c), or of gold (Athen. v. 197 *f*). In the most familiar passage (Hor. *Sat.* ii. 8, 86) we have the mazonomus as a large dish, on which portions of meat sprinkled with meal and salt are brought to table (the theory of *pastry* is unfounded). There is no ground for assigning the word a special significance as a sacred vessel, though, no doubt, like *lanx*, &c., it might be used to express a large dish used for sacred as well as for profane purposes.

[J. Y.] [G. E. M.]



Mausoleum of Hadrian restored.

MEDDIX TUTICUS (= "community manager") was the chief magistrate among Oscan or Sabellian communities. Hence we find the title at Capua after the Samnites wrested the dominion of that city from the Greeks. The word appears as Medix in the MSS. of Liv. xxiii. 35, varied by Maedix xxiv. 19 and Media xxvi. 6. The double consonant, however, appears in Festus and in most inscriptions, as meddies, μεδδειξ, metdiss. Mommsen (*Unterit. Dial.* p. 278) considers that the first syllable is naturally short (as evidenced by the Greek ϵ), and derives it from the same root as *mederi*: Curtius suggests, but on the whole rejects, *μέδω*, to which however there would be no objection if there is merely a doubled *d*. It was clearly the Oscan name for a *magistrate* who might be alone in office or one of many. So Ennius gives us "Summus ibi capitur meddix occiditur alter," but that does not prove that the title Meddix belongs only or specially to a dual magistracy. The inscriptions give us two meddices at Messana (Mommsen, *l. c.*), but in most Sabellian communities, as far as we can gather, there was only one: possibly, as Mommsen (*Staatsrecht*, iii. 581) suggests, the dual constitution at Messana was owing to Roman influence. We have the qualifying word *Tuticus* added at Capua (Livy), at Pompeii, Herculaneum, and Bovianum (see the inscriptions cited by Mommsen), and this word is probably connected with Umbrian and Oscan words for town, *tauta*, *tota*, *touta* (Curtius, *Gr. Etym.* p. 225): so that the title means chief magistrate of the town, and seems to imply that the word meddix alone might be used of other magistrates. We have no means of ascertaining the precise limits of his jurisdiction, which, moreover, may have varied in different towns, but a good deal may be gathered from the accounts of Capua preserved in Livy. This town became subject to Rome B.C. 329 with *caerite* rights, i.e. *civitas sine suffragio* (Liv. viii. 14), and consequently had not autonomy, but kept its own senate and magistrates (see Mommsen, *Hist. of Rome*, i. 369; *Staatsrecht*, iii. 581), perhaps with some coordinate jurisdiction of Roman officials. We learn from Livy that the meddix was annually elected, as *summus magistratus Campanis*, and, like sole periodical magistrates in more modern and larger states, had the reproach of seeking by all means the popular vote; he summoned the senate, presided at religious rites, and (during the revolt) appointed commanders of troops and acted himself as general (probably one of his original functions): the office ceased with the Second Punic War. (Liv. xxiii. 4; xxiv. 19; xxvi. 6. See also Mommsen, *Hist. of Rome*, i. 255; *Staatsrecht*, iii. 581, and index; *Unterital. Dialecte*, p. 277 f.; Marquardt, *Staatsverwalt.* i. 30 ff.) [W. S.] [G. E. M.]

MEDIASTI'NI, the name given to slaves of all work either in town or country, who are said by the Scholiast on Horace, *Ep.* i. 14, 14, to be those "qui in medio stant ad quaevis imperata parati." They would therefore be those of whom Cicero speaks (*Par.* v. 2, 37), "qui tergunt, qui ungunt, qui verrunt, qui spargunt." In Ulpian they are spoken of as equivalent to *vulgares servi*. In Pliny (*H. N.* xxix. § 4) the slaves of an apothecary used for general purposes are so called to distinguish them from skilled slaves employed as rubbers, &c.

But although Horace (*l. c.*) seems to distinguish the *mediastinus* from the country slave, the distinction is only found in the context, not in the word itself; for Columella (ii. 13) gives the allowance of field labour for 200 jugera as two yoke of oxen, two *bubulci* and six *mediastini:* he separates them from the special labourers, *vinitores* and *aratores* (i. 9), saying that, while the *arator* should be tall, the *mediastinus* might be any height provided he was industrious. To be precise therefore, the low class general slaves would be distinguished as *mediastini urbani* and *mediastini rustici* (which is a disputed reading in Cic. *Cat.* ii. 3, 5). [W. S.] [G. E. M.]

MEDICI'NA (*ἰατρική*), the name of that science which, as Celsus says (*de Medic.* lib. i. Praef.), promises health to the sick, and whose object is defined in one of the Hippocratic treatises (*de Arte*, vol. i. p. 7, ed. Kühn) to be "the delivering sick persons from their sufferings, and the diminishing the violence of diseases, and the not undertaking the treatment of those who are quite overcome by sickness, as we know that medicine is here of no avail." This and other definitions of the art and science of Medicine are critically examined in Pseudo-Galen (*Introduct.* c. 6, vol. xiv. pp. 686–8, ed. Kühn). The invention of medicine was almost universally attributed by the ancients to the gods. (Hippoc. *de Prisca Medic.* vol. i. p. 39; Pseudo-Galen, *Introd.* c. i. p. 674; Cic. *Tusc. Dis.* iii. 1; Plin. *H. N.* xxix. § 2.) So also in Aeschylus (*Pr.* 478) we have the claim advanced for Prometheus, that he first taught men the art of medicine both externally applied and as potions, and there is a remarkable passage in Pindar (*Nem.* iii. 45) where Aesculapius is taught by Chiron the triple art of healing by drugs, incantations, and surgical operations. Another source of information too was observing the means resorted to by animals when labouring under disease. Pliny (*H. N.* viii. § 97) gives many instances in which these instinctive efforts taught mankind the properties of various plants, and the more simple surgical operations. The wild goats of Crete pointed out the use of the dictamnus and vulnerary herbs; dogs when indisposed sought the *triticum repens*, and the same animal taught the Egyptians the use of purgatives, constituting the treatment called syrmaïsm. The hippopotamus introduced the practice of bleeding, and it is affirmed that the employment of clysters was shown by the ibis. (Compare Pseudo-Galen, *Introd.* c. i. p. 675.) Sheep with worms in their liver were seen seeking saline substances, and cattle affected with dropsy anxiously looked for chalybeate waters. We are told (Herod. i. 197; Strabo, xvi. p. 348) that the Babylonians and Chaldaeans had no physicians, and that in cases of sickness the patient was carried out and exposed on the highway, in order that any of the passers-by, who had been affected in a similar manner, might give some information respecting the means that had afforded them relief. (Comp. Plut. *de occulte vivendo*, § 21.) Shortly afterwards, these observations of cures were suspended in the temples of the gods, and we find that in Egypt the walls of their sanctuaries were covered with records of this description. The priests of Greece adopted the same practice, and some of the curious tablets suspended in their temples will illustrate the custom. The following votive memorials are given by Hieron. Mercurialis (*de Arte Gymnast.* Amstel. 4to. 1672, pp. 2, 3):—"Some days back a certain Caius, who was blind, was ordered by an oracle that he should repair to the sacred altar and kneel in prayer, then cross from right to left, place his five fingers on the altar, then raise his hand and cover his eyes. [He obeyed,] and his sight was restored in the presence of the multitude, who congratulated each other that such signs [of the omnipotence of the gods] were shown in the reign of our emperor Antoninus." "A blind soldier named Valerius Aper was ordered by the oracle to mix the blood of a white cock with honey, to make up an ointment to be applied to his eyes, for three consecutive days: he received his sight, and came and returned public thanks to the god." "Julian appeared lost beyond all hope from a spitting of blood. The god ordered him to take from the altar some seeds of the pine, and to mix them with honey, of which mixture he was to eat for three days. He was saved, and gave thanks in presence of the people."

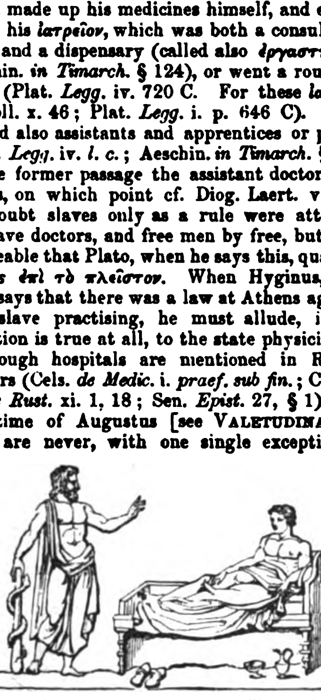
With regard to the medical literature of the ancients: "When" (says Littré, *Œuvres complètes d'Hippocrate*, tome i. Introd. p. 3) "we search into the history of medicine and the commencement of science, the first body of doctrine that we meet with is the collection of writings known under the name of the works of Hippocrates. Science mounts up directly to that origin, and there stops. Not that it had not been cultivated earlier, and had not given rise to even numerous productions; but everything that had been made before the physician of Cos has perished. We have only scattered and unconnected fragments remaining of them; the works of Hippocrates have alone escaped destruction; and by a singular circumstance there exists a great gap after them, as well as before them. The medical works from Hippocrates to the establishment of the school of Alexandria, and those of that school itself, are completely lost, except some quotations and passages preserved in the later writers; so that the writings of Hippocrates remain isolated amongst the ruins of ancient medical literature." The Asclepiadae, to which family Hippocrates belonged, were the supposed descendants of Aesculapius (*Ἀσκλήπιος*), and were in a manner the hereditary physicians of Greece. They professed to have among them certain secrets of the medical art, which had been handed down to them from their great progenitor, and founded several medical schools in different parts of the world. Galen mentions (*de Meth. Med.* i. 1, vol. x. pp. 5, 6) three, viz. Rhodes, Cnidos, and Cos. The first of these appears soon to have become extinct, and has left no traces of its existence behind. From the second proceeded a collection of observations called *Κνίδιαι Γνῶμαι*, "Cnidian Sentences," a work of much reputation in early times, which is mentioned by Hippocrates (*de Rat. Vict. in Morb. Acut.* vol. ii. p. 25), and which appears to have existed in the time of Galen (*Comment. in Hippocr.* lib. cit. vol. xv. p. 427). The school of Cos, however, is by far the most celebrated, on account of the greater number of eminent physicians that sprang from it, among whom was the great Hippocrates. We learn from Herodotus (iii.

131) that there were also two celebrated medical schools at Crotona in Magna Graecia, and at Cyrene in Africa, of which he says that the former was in his time more esteemed in Greece than any other, and in the next place came that of Cyrene. In subsequent times the medical profession was divided into different sects; but a detailed account of their opinions would be out of place in the present work. The oldest and perhaps the most influential of these sects was that of the *Dogmatici*, founded about B.C. 400 by Thessalus, the son, and Polybus, the son-in-law of Hippocrates, and thence called also the *Hippocratici*. These retained their influence till the rise of the *Empirici*, founded by Serapion of Alexandria and Philinus of Cos, in the third century B.C., and so called because they professed to derive their knowledge from experience only. After this time every member of the medical profession during a long period ranged himself under one of these two sects. In the first century B.C., Themison founded the sect of the *Methodici*, who held doctrines nearly intermediate between those of the two sects already mentioned; and who, about two centuries later, were subdivided into numerous sects, as the doctrines of particular physicians became more generally received. The chief of these sects were the *Pneumatici* and the *Eclectici;* the former founded by Athenaeus about the middle or end of the first century A.D.; the latter about the same time, either by Agathinus of Sparta or his pupil Archigenes.

It only remains to mention the principal medical authors after Hippocrates whose works are still extant, referring for more particulars respecting their writings to the articles in the *Dictionary of Biography*. Celsus is supposed to have lived in the Augustan age, and deserves to be mentioned more for the elegance of his style, and the neatness and judiciousness of his compilation, than for any original contributions to the science of Medicine. Dioscorides of Anazarba, who lived in the first century after Christ, was for many centuries the greatest authority in Materia Medica, and was almost as much esteemed as Galen in Medicine and Physiology, or Aristotle in Philosophy. Aretaeus, who probably lived in the time of Nero, is an interesting and striking writer, both from the elegance of his language and the originality of his opinions. Caelius Aurelianus, whose matter is excellent, but the style quite barbarous. The next in chronological order, and perhaps the most valuable, as he is certainly by far the most voluminous, of all the medical writers of antiquity, is Galen, who reigned supreme in all matters relating to medical science from the third century till the commencement of modern times. After him the only writers deserving particular notice are Oribasius of Pergamus, physician to the Emperor Julian in the fourth century; Aëtius of Amida, who lived probably in the sixth century; Alexander Trallianus, who lived something later; and Paulus Aegineta, who belongs to the end of the seventh. [W. A. G.]

ME'DICUS (*ἰατρός*), the name given by the ancients to every professor of the healing art, whether physician or surgeon, and accordingly both divisions of the medical profession will here be included under that term. In Greece and Asia Minor physicians seem to have been held in high esteem; far more so than at Rome. This was at least to some extent due to the religious sense, *ἰατρικὴ* and *μαντικὴ* being regarded as akin (Eustath. *ad Il.* i. 63), and to the apotheosis of Aesculapius, of whom physicians speak as *ὁ ἡμέτερος πρόγονος* (Plat. *Symp.* p. 186 A). When we meet such expressions as that in Athen. xv. p. 666 b, *εἰ μὴ ἰατροὶ ἦσαν οὐδὲν ἂν ἦν τῶν γραμματικῶν μωρότερον*, the allusion is to the pedantry of physicians after the type ridiculed by Molière, and does not show a general depreciation of their class. Aelian mentions one of the laws of Zaleucus among the Epizephyrian Locrians, by which it was ordered that if any one during his illness should drink wine contrary to the orders of his physician, even if he should recover, he should be put to death for his disobedience (*Var. Hist.* ii. 37); and, according to Mead, there are extant several medals struck by the people of Smyrna in honour of different persons belonging to the medical profession (*Dissert. de Nummis quibusdam a Smyrnaeis in Medicor. Honor. percussis*, 4to. Lond. 1724). According to the Decree of the Athenians and the Life of Hippocrates by Soranus (Hippocr. *Opera*, vol. iii. pp. 829, 853, ed. Kühn), the same honours were conferred upon that physician as had before been given to Hercules; he was voted a golden crown, publicly initiated into the Eleusinian mysteries, and maintained in the Prytaneum at the state's expense. Both these pieces, however, are more legendary than historical. (Compare Plin. *H. N.* vii. § 123.) The physician made up his medicines himself, and either sat in his *ἰατρεῖον*, which was both a consulting-room and a dispensary (called also *ἐργαστήριον*, Aeschin. *in Timarch.* § 124), or went a round of visits (Plat. *Legg.* iv. 720 C. For these *ἰατρεῖα* cf. Poll. x. 46; Plat. *Legg.* i. p. 646 C). Here he had also assistants and apprentices or pupils (Plat. *Legg.* iv. *l. c.*; Aeschin. *in Timarch.* § 40). In the former passage the assistant doctors are slaves, on which point cf. Diog. Laert. vi. 30. No doubt slaves only as a rule were attended by slave doctors, and free men by free, but it is noticeable that Plato, when he says this, qualifies by *ὡς ἐπὶ τὸ πλεῖστον*. When Hyginus, *Fab.* 274, says that there was a law at Athens against any slave practising, he must allude, if his assertion is true at all, to the state physicians.

Though hospitals are mentioned in Roman writers (Cels. *de Medic.* i. *praef. sub fin.*; Colum. *de Re Rust.* xi. 1, 18; Sen. *Epist.* 27, § 1) after the time of Augustus [see VALETUDINARIA], they are never, with one single exception in Crates, mentioned by Greek writers before the Roman period. The function, so far as it was



Aesculapius and a Sick Man. (Millin, *Gal. Myth.*, tav. 32, No. 105.)

performed at all, was discharged by the temples of Aesculapius, and accordingly the chief places of study for medical pupils were the Ἀσκληπιεῖα, or temples of Aesculapius, where the votive tablets furnished them with a collection of cases. Hence we find in ancient works of art Aesculapius represented as visiting the sick. The Asclepiadae [MEDICINA] were very strict in examining into and overlooking the character and conduct of their pupils, and the famous Hippocratic oath (which, if not drawn up by Hippocrates himself, is certainly very ancient) requires to be inserted here as being the most curious medical monument of antiquity. "I swear by Apollo the physician, and Aesculapius, and Hygeia (*Health*), and Panaceia (*All-heal*), and all the gods and goddesses, calling them to witness that I will fulfil, according to the best of my power and judgment, this oath and written bond:—to honour as my parents the master who has taught me this art, and to share my substance with him, and to minister to all his necessities; to consider his children as my own brothers, and to teach them this art should they desire to follow it, without remuneration or written bond; to admit to my lessons, my discourses, and all my other teaching, my own sons, and those of my tutor, and those who have been inscribed as pupils and have taken the medical oath; but no one else. I will prescribe such regimen as may be for the benefit of my patients, according to the best of my power and judgment, and preserve them from anything hurtful and mischievous. I will never, if asked, administer poison, nor be the author of such advice; neither will I give to a woman a pessary to produce abortion. I will maintain the purity and integrity both of my conduct and of my art. I will not cut any one for the stone, but will leave the operation to those who cultivate it. Into whatever dwellings I may go, I will enter them for the benefit of the sick, abstaining from all mischief and corruption, especially from any immodest action, towards women or men, freemen or slaves. If during my attendance, or even unprofessionally in common life, I happen to see or hear of anything which should not be revealed, I will consider it a secret not to be divulged. May I, if I observe this oath, and do not break it, enjoy good success in life, and in [the practice of] my art, and be esteemed for ever; should I transgress and become a perjurer, may the reverse be my lot."

Some idea of the income of a physician in those times may be formed from the fact mentioned by Herodotus (iii. 131) that the Aeginetans (about the year B.C. 532) paid Democedes from the public treasury one talent per annum for his services, *i.e.* (if we reckon the Aeginetan drachma to be worth 1*s.*) not quite 304*l.*; he afterwards received from the Athenians one hundred minae, *i.e.* (reckoning the Attic drachma to be worth 9¾*d.*) rather more than 406*l.*, and he was finally attracted to Samos by being offered by Polycrates a salary of two talents, *i.e.* (if the Attic standard be meant) about 422*l.* Valckenaer doubts the accuracy of this statement of Herodotus with respect to the Aeginetans and Athenians, but we have no right to reject it, and it is accepted as true by Boeckh (*Staatshaush.* i.^{3} 153). A physician, called by Pliny both Erasistratus (*H. N.* xxix. § 5) and Cleombrotus (*H. N.* vii. § 123), is said by him to have received one hundred talents, *i.e.* considerably over 20,000*l.*, for curing king Antiochus.

State physicians were employed in Greece (from Democedes downwards). They were selected on the ground of knowledge evidenced in their private practice (Xen. *Mem.* iv. 2, 5; Plat. *Gorg.* 455 B, 514 D). In Plat. *Polit.* p. 259 A we see them distinguished from those who practised privately: their practice and official status are described by the word *δημοσιεύειν* specially applied to them, and in their public capacity they received salary but took no fees (Aristoph. *Av.* 587; *Acharn.* 994); their expenses, however, were paid besides their salary, and they received public honours for distinguished service (*C. I. A.* ii. 256, p. 424). It appears from Diod. xii. 13 that they attended gratis any one who applied to them, and it is at least probable that they were bound to give their services on military expeditions. From Aristoph. *Plut.* 407 it appears that in that period of depression at Athens the office was discontinued from motives of economy. [W. A. G.]

As regards the rise and progress of the medical profession at Rome, we must distinguish between the slaves skilled in medicine, who were kept in the larger households, and the physician in general practice. The former, no doubt, came earlier in date, and those who could afford skilled slaves for medical treatment already employed them, when for the masses there was no practising physician: but in the yet earlier times for all alike, and for the general public to a comparatively late period, the treatment of sickness was by traditional family recipes, partly founded on experience, partly on superstition, the Romans being for the most part, as late as the 600th year of the city (according to Pliny, *H. N.* xix. § 11). "sine medicis nec tamen sine medicina." A little earlier however than this (B.C. 219), says Pliny on the authority of Cassius Hemina, the first professed physician, the Greek Archagathus, came to Rome. He was made a citizen and started in a shop at the public expense (Plin. xxix. § 12): but his treatment was unpopular from its heroic method, "a saevitia secandi urendique." There was much opposition, for the Romans regarded with suspicion the skill of the foreigners, and shunned the calling themselves as a degradation. Cato, who still held to the old custom, and used a family manual of medicine (*commentarium*), "quo mederetur filio, servis et familiaribus," strongly opposed the whole class of medici, against whom he warns his son, as banded together to kill Roman citizens. In Plautus (*Menaechm.* v. 1) we have perhaps evidence of the same mistrust and contempt; but it is never possible to assume that the customs and sentiments described in Plautus are Roman rather than Greek.

Gradually however, after the time of Archagathus, the number of foreign physicians in Rome increased, alike those in private houses, who were either slaves (cf. Suet. *Ner.* 2) or freedmen, and those who had general practice. As a household physician of this kind we may instance Strato from the *Cluentius* of Cicero (63, 176). We have the price of a slave physician fixed at 60 *solidi* (Just. *Cod.* vii. 7, 1, 5). The practising physicians at Rome were nearly all of the freedman class (see the inscriptions cited by Marquardt, *Privatleben*, p. 772). They had booths (*tabernae*), where they practised with slaves or freedmen as their assistants and pupils, whom they took about with them in their visits (Mart. v. 9). Few Romans took up the profession (though we hear of Vettius Valens, a man of equestrian rank in the reign of Claudius); and Julius Caesar, avowedly to encourage their residence, gave the citizenship to foreign physicians (Suet. *Jul.* 42), with the result which he desired.

Among physicians who seem to have risen to greater repute we have Asclepiades of Prusa (Cic. *de Or.* i. 14, 62; cf. Plin. *H. N.* vii. § 124); Asclapo of Patrae, whom Cicero treated as a friend (Cic. *ad Fam.* xiii. 20); Alexio, for whom he seems to have had even greater regard (*ad Att.* xv. 1); Antonius Musa, the freedman and trusted physician of Augustus (Suet. *Aug.* 59; cf. Hor. *Ep.* i. 15, 3); M. Artorius (Vell. Pat. ii. 70, 1; Plut. *Brut.* 41); A. Cornelius Celsus, who wrote a medical treatise under Tiberius; Eudemus (Tac. *Ann.* iv. 3), &c.

The professional gains of physicians under the Empire seem often to have been large: we are told of Stertinius by private practice making more than 5,000*l.* a year, and the surgeon Alcon amassing a fortune of nearly 100,000*l.* by a few years' practice in Gaul (Plin. *H. N.* xxix. §§ 7, 22; cf. Mart. xi. 84). Regular medical posts were instituted with large appointments: as court physicians with salaries varying from 250.000 to 500,000 H.S. (Plin. *l. c.*); as doctors for the army, for gladiatorial schools (*C. I. L.* vi. 10171), and for the poorer public [ARCHIATER]. Apart from these state appointments the practice was entirely free from control or training: as a rule probably the training was gained by the sort of apprenticeship to some medicus described above, but anyone was at liberty to practise, and, in the words of Pliny, "experimenta per mortes facere"; ignorance was not, as in our country, penal, and hence "medico hominem occidisse summa impunitas" (Plin. xxix. § 18).

Besides the archiatri at Rome itself (one for each region), there were by order of Antoninus Pius in each city of Asia Minor state physicians (paid by the state, with immunity from taxes), in numbers varying from five to ten according to the size of the town (Dig. 27, 1, 6, § 2; 59, 9, 1; see Friedländer, iii. ch. 4). We can trace specialist physicians also, such as the oculist (*ocularius* or *ab oculis*), the aurist (*auriarius*). (Orelli, 4228, 2983; *C. I. L.* vi. 6192; 8908.) The profession of dentist is implied at a very early date by the remarkable extract from the XII. Tables in Cic. *de Leg.* ii. 24, 60, relating to teeth stopped with gold. (See further Mart. x. 56.) We may also notice that female doctors (*medicae*) for attendance on women, apparently distinct from midwives (*obstetrices*), are found in many inscriptions (see Marquardt, *op. cit.* 779).

As regards army doctors among the Greeks, we find them in the heroic age when the *ἰητρὸς ἀνὴρ* is *πολλῶν ἀντάξιος ἄλλων*. It would appear from Homer, *Il.* xvi. 28, that there were several; perhaps, as some suggest, each contingent had an *ἰητρός*. In historical times we may learn something of their presence from Xenophon, *Anab.* iii. 4, 30; *Cyrop.* i. 6, 16, iii. 2, 12, v. 4, 17. Perhaps, as Dr. Hager suggests (*Journ. of Philology*, vol. viii. No. 15), the *δημόσιοι ἰατροὶ* had to accompany the army, as was the case in Egyptian armies (Diod. i. 82). [For Roman army doctors, see EXERCITUS, Vol. I. p. 802 *b*; for quack doctors, PHARMACOPOLA; for hospitals, VALETUDINARIA; for surgeons, CHIRURGIA; and see also the articles ARCHIATER, IATROSOPHISTA.]

(For this article and the preceding, reference may be made, besides the ancient authorities, to Becker-Göll, *Charikles*, iii. 48 ff.; *Gallus*, ii. 139 ff.; Marquardt, *Privatleben*, 772 ff.; Mahaffy, *Social Life in Greece*, 290; Daremberg, *Hist. de la Médecine*, ch. i.; Vercoutre, *La Médecine dans l'antiq.*, *Revue Archéol.*, 1880; Friedländer, *Sittengeschichte*, i.^{5} 298 ff.) [G. E. M.]

MEDIMNUS (*μέδιμνος* or *μέδιμνος σιτηρός*), the principal dry measure of the Greeks. It was used especially for measuring corn. It contained 6 *hectes*, 12 *hemiecta*, 48 *choenices*, 96 *xestae* (*sextarii*), 192 *cotylae*, and 1152 *cyathi*. The Attic medimnus was equal to six Roman modii, or two amphorae (Nepos, *Att.* 2; Cic. *in Verr.* iii. 42, 110; 49, 116)=52·53 litres, and therefore the Attic medimnus contained nearly 12 imperial gallons (11·556 gallons) or 1½ bushel. The Aeginetan and Ptolemaic were about half as much again, or in the ratio of 3:2 to the Attic; the Aeginetan being = 72·7 litres, the Ptolemaic = 78·8 (Hultsch, p. 505). The Sicilian was equal to the Attic. For the values of the subdivisions of the medimnus, see the Tables. (Hultsch, *Metrologie*, pp. 104, 503; MENSURA.) The symbol in Greek MSS. for medimnus was M^e. (Hultsch, *Metrol. Script.* i. 170). [P. S.] [G. E. M.]

MEDITRINA'LIA, a festival on October 11th in honour of Meditrina, the old Roman goddess of healing (cp. Varro, *L. L.* vi. 21; Fest. *s. v.*). On this day, when the new wine (*mustum*) was tasted, it was the custom to pour a libation with the prayer that the wine might have health-giving powers, "novum vetus vinum bibo, novo veteri vino morbo medeor." According to the Calendar of Amiternum it was "feriae Jovi," and perhaps a libation was poured to him as the god of the prosperity (*salus*) of the state, as well as to Meditrina, with whose healing power the festival was identified. We may compare the prayer used at the *πιθοίγια*, "*ἀβλαβῆ καὶ σωτήριον τοῦ φαρμάκου χρῆσιν γενέσθαι*;" and also the *primitiae pomorum*, Plin. *H. N.* xxviii. § 23. (Preller, *Rom. Myth.* pp. 175, 594; Marquardt, *Staatsverw.* iii. 584.) [L. S.] [G. E. M.]

MEGALE'SIA, MEGALENSIA, or **MEGALENSES LUDI**. It is important to mark the distinction between the celebration of this festival under the Republic, and its later development under the Empire. We find it early in the 2nd century B.C. celebrated at Rome in the month of April and in honour of the great mother of the gods (Cybele, *μεγάλη θεός*, whence the festival derived its name; Cic. *de Harusp. Resp.* 12, 24). The sacred stone representing the goddess was brought to Rome from Pessinus in the year 204 B.C., and the day of its arrival was solemnised with a magnificent procession, lectisternia, and games, and great numbers of people carried presents to the goddess, whose temporary resting-place was the temple of Victory on the Palatine. (Varro, *L. L.* vi. 15; Liv. xxix. 14.) The celebration of the Megalesia, however, did not begin till ten years later (194 B.C.), and the temple which had been vowed and ordered to be built in 204 B.C. was completed and dedicated by M. Junius Brutus (Liv. xxxvi. 36) on April 10, B.C. 191, after which time the celebration was annual. The temple (*Matris Magnae Idaeae*) was on the Palatine, a position within the pomoerium, which, as Marquardt points out, shows that she was not regarded as a foreign deity: she came from Ida, the home of their race. The rites were originally under the charge of a Phrygian priest and priestess (Dionys. ii. 19); but the numbers were afterwards greatly increased, and we find an *archigallus* at their head, as chief priest, and a *sacerdos maxima matris*, as chief priestess, mentioned in numerous inscriptions. (See Marquardt, *Staatsverw.* iii. 368, note 6.) These archigalli bear Roman names; but the ordinary galli were foreigners. The priestly dress is a *mitra* (Propert. v. 7, 61), a veil, a necklace (*occabus*), and a purple dress: a small image of the goddess or of Attis in an *aedicula* was suspended at his breast: in his hand he bore a basket of fruit, cymbals, and flutes. The festival lasted for six days, beginning on the 4th of April (reading *Prid. Non.* in Liv. xxix. 14, according to the Cal. Praen.). The season of this festival, like that of the whole month in which it took place, was full of general rejoicings and feasting. It was customary for the Patricians on this occasion to invite one another to their repasts (*mutitare*), and the extravagance was such, that a senatusconsultum was issued in 161 B.C., prescribing that no one should go beyond a certain extent of expenditure. (Gellius, ii. 24; compare xviii. 2.)

The games which were held at the Megalesia were scenic, but there is some indication that they were also *circenses* (Mommsen, *C. I. L.* i. 391). They were at first held on the Palatine in front of the temple of the goddess, but afterwards also in the theatres. (Cic. *de Harusp. Resp.* 11, &c.) The day which was especially set apart for the performance of scenic plays was the third of the festival. (Ovid. *Fast.* iv. 377; Ael. Spartian. *Antonin. Carac.* c. 6.) We know that four of the extant plays of Terence were performed at the Megalesia. Cicero (*de Harusp. Resp.* 12, 24), probably contrasting the games of the Megalesia with the more rude and barbarous games and exhibitions of the circus, calls them *maxime casti, solemnes, religiosi:* they were under the superintendence of the curule aediles (Liv. xxxiv. 54), till in B.C. 22 Augustus took the cura ludorum from the aediles and gave it to the praetor. The procession of galli, which began the festival (Ovid. *Fast.* iv. 179 ff.), bore the sacred image in a chariot through the city. The priests sang *Greek* hymns and collected coins from the people as they went (Cic. *de Leg.* ii. 16, 40): the passage in Lucret. ii. 618 ff. describes the procession.

Under the Empire there was a great increase in the ceremonial, which took a new character, more Eastern, and more elaborately symbolical. In its first observance it was a thanksgiving for the aid granted in the Second Punic War, and a time of feasting and theatrical shows for the patrician houses. In its later form Cybele represents the earth and fruitfulness, and it is recollected that the year of her entry was marked by great plenty (Plin. *N. H.* xviii. § 16). Attis represents the sun, and in this sun-myth it is observed by Macrobius (i. 21, 7) that the day of rejoicing (*Hilaria*) is that day when the sun begins to make the day longer than the night. The tendency to adopt the full Phrygian rites instead of the simpler rites first introduced may perhaps be beginning when Lucretius (*l. c.*) and Catullus take up the subject, and it appears from inscriptions that the Phrygian rites existed earlier in South Italy (see Preller, *Röm. Myth.* p. 736): but they were not fully celebrated under the Republic, and perhaps not before the time of Claudius. Preller notes that the first mention of the March ceremonies is in Lucan, i. 599 (cf. Suet. *Oth.* 8). The festival so developed began on March 15, which day stands in the Calendar as *canna intrat*, because there was then a procession of men and women bearing reeds, which were sacred to Attis. There is some allusion to Attis hiding himself among reeds, and being there discovered by Cybele. There were colleges of *Cannophori* or *Cannofori* in several places, the heads of which are called *pater* and *mater*. Inscriptions about them have been found at Locri, Ostia, Milan, &c. (*C. I. L.* x. 24; v. 5850). They have sometimes been confused with κανηφόροι. On March 22 was the day of *Arbor intrat*, when the sacred pine of Attis (Ovid. *Met.* x. 103) was borne to the temple of Cybele on the Palatine. The pine was hung with wool and with violet crowns (Arnob. v. 16). For this service there was a *collegium dendrophororum Matris Magnae* (*C. I. L.* vi. 641). March 24 was *Dies sanguinis*, on which, to commemorate the wounds of Attis, the *archigallus* cut his arm with a knife; it was a fast and a day of mourning (Mart. xi. 84; Arnob. *l. c.*): on March 25 was the day of rejoicing (*Hilaria*), a great festival (Lamprid. *Alex. Sev.* 37; Macrob. *l. c.*); and, finally, on March 27 a procession of priests bore the sacred image on a chariot down to the Almo (Mart. iii. 47; Sil. Ital. viii. 365), to wash it in the place where the Almo joins the Tiber near the Ostian road, half a mile from the walls (Burn's *Rome and Campagna*, p. 329). The image was the sacred black stone (Preller suggests a meteorite), to which a female head of silver was added. The ceremonies ended with a general carnival. The Ludi Megalenses of the original Megalesia, ludi scenici and ludi circenses, were as before for seven days, from April 4 to April 10. It should be noted that the bathing of the goddess was not an entirely new ceremony, since Ovid mentions it as belonging to her first entry, and we hear also of the image being bathed in the sea by order of the Sibylline books in the year B.C. 38 (Dio Cass. xlviii. 43); but this was an exceptional case, and there is no trace of the annual March ceremonies under the Republic. The ceremonies lasted till a late period in various places. Marquardt cites a passage from Gregory of Tours, who says that Simplicius (in the 5th century) saw the procession of the image at Autun, with the attendants singing and playing before it *pro salvatione agrorum ac vinearum*. (See further on this subject Preller, *Röm. Myth.* pp. 448 ff. and

735 ff., and Marquardt, *Staatsverwaltung*, pp. 367–374, where a mass of authorities from ancient writers and inscriptions is given in the notes.) [L. S.] [G. E. M.]

MELITENSIS VESTIS, a specially fine and soft material for dresses and the covering of couches made at Malta, a relic probably of the Phoenicians, who colonised it. Diodorus (v. 12, 2) says that the inhabitants were good in all industries, and particularly in manufacturing *ὀθόνια λεπτότητι καὶ μαλακότητι διαπρεπῆ* (cf. Hesych. *s. v.* Μελιταῖα). Isidore (*Orig.* xix. 22, 21) speaks of a *textrinum ad muliebrem vestem conficiendam*, and the same material is spoken of as a luxury in Cic. *Verr.* ii. 72, 176; 74, 183. This gives probability to the reading *Melitensia* in Lucret. iv. 1129. [G. E. M.]

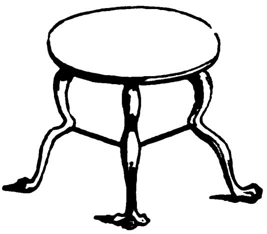
MELLEIREN (*μελλείρην*). [EIREN.]

MEMBRA'NA. [LIBER, p. 58.]

MENELAEIA (*μενελάεια*, Hesych. *s. v.*), a festival celebrated at Therapnae in Laconia, in honour of Menelaus and Helen, who were believed to be buried there. (Paus. iii. 19, 9; Isocr. *Helen. Encom.* § 61.)

Though, however, Menelaus was associated in this worship, and the festival connected with the place as stated above sometimes bears his name, it is a question whether the Ἑλένεια is not the name under which the great festival of Therapnae should be known. In divine honours Helen was certainly the prominent figure, regarded as a goddess of dawn; and, further, as the bestower of grace and beauty on children (Herod. vi. 61). We have no description of the separate rites for Menelaus; but there is mention of a procession of Spartan maidens to Therapnae in honour of Helen. They drove in the carriages with wicker tilts called *κάνναθρα* or *κάναθρα* (Hesych. *s. v.*). [CANATHRON.] See also Preller, *Griechische Myth.* ii. p. 109. [L. S.] [G. E. M.]

MENSA (*τράπεζα*), a table. The simplest kind of table was one with three legs, round, called *cilliba* (Festus, *s. v.*; Varro, *L. L.* v. 118: cf. Hor. *Sat.* i. 3, 13; Ovid. *Met.* viii. 662; Xen. *Anab.* vii. 3, § 10). It is shown in the drinking-scene painted on the wall of a wine-shop at Pompeii. (Gell's *Pompeiana*, 1832, vol. ii. p. 11.) (See woodcut.) It often had legs carved to represent the feet of animals (see woodcut in Vol. I. p. 395). In Homeric times, beside the seat (*θρόνος*) of each guest a small table was placed to receive his portion of food, which was cut up on the large dresser (*ἔλεος*). The table was probably then, as in later times when the same custom of small tables prevailed, lower than the seat, as is seen in the vase-painting below. (See also CENA, Vol. I. p. 394.) The term *τράπεζα*, though commonly used in Greek for a table of any kind, must, according to its etymology, have denoted originally a four-legged table. Accordingly, in paintings on vases, the tables are usually represented with four legs, of which an example is given in the cut below. (Millin, *Peintures de Vases Antiques*, vol. i. pl. 59.) Horace used at Rome a dining-table of white marble, thus combining neatness with economy (*Sat.* i. 6, 16). For the houses of the opulent, tables were made of the most valuable and beautiful kinds of wood, especially of maple (*σφενδαμνίνη*, Athen. ii. p. 47 d; *acerna*, Hor. *Sat.* ii. 8, 10; Mart. xiv. 90), or of the citrus of Africa, which was a species of cypress, the *Thuja articulata* of the Atlas range. (*Citrea*, Cic. *Verr.* iv. 17, 37; Mart. ii. 43, xiv. 89; Plin. *H. N.* xiii. §§ 91–99.) For this purpose the Romans made use of the roots and tubers of the tree, which, when cut, displayed the greatest variety of spots, beautiful waves, and curling veins. These were called *tigrinae* or *pantherinae*, according to the marks on them, or are compared to a peacock's tail (cf. *lectus pavoninus*, Mart. xiv. 85). The finest specimens of tables so adorned were sold for many thousand pounds. Pliny (*l. c.*) mentions such prices as a table bought by Cicero for 500,000 sesterces, by Asinius Pollio for a million (= about 8,500*l.*).



Table, from Gell's *Pompeiana*.

Table beside a dining-couch. (From an ancient vase.)

One of the principal improvements was the invention of the *monopodium*, a round table (*orbis*) supported by a single foot; this with other kinds of expensive and elaborate furniture was introduced into Rome from Asia Minor by Cn. Manlius after the war with Antiochus, B.C. 187 (Plin. *H. N.* xxxiv. § 14; cf. Liv. xxxix. 6). The value of these *orbes*, which were sections of the trunk of the tree, depended on their size. Pliny (xiii. § 93) mentions as remarkable the table of Ptolemy, king of Mauretania, 4½ feet in diameter, but of two joined pieces; that of Nomius, a freedman of Tiberius, 3 ft. 11¼ in.; and that of Tiberius, 4 ft. 2 in. in diameter. These *orbes* were often supported on ivory feet (Juv. xi. 122; Mart. ii. 43, ix. 22). Sometimes the citrus or maple was only a veneering (Plin. xxxiii. § 146). Tables were also made of metal, bronze, silver (Petron. 73) or gold (Mart. iii. 31; perhaps overlaid with plates of gold). From the fashion of round tables came that of arranging the lecti so as to form a continuous crescent-shaped couch called *sigma*, from the form c of that letter (*sigma* was the couch, *not* the table), also called *stibadium* and *accubitum* (Mart. x. 48; xiv. 87). (For further description of the arrangement of table and couches, see TRICLINIUM; for *mensae Delphicae*, see ABACUS.) The tables among the Greeks, and until later times among the Romans, were not covered by cloths, which only came into use about Domitian's time [MANTELE]. They were cleansed by wet sponges (Hom. *Od.* i.

111, xx. 151; cf. Mart. xiv. 144), for which purpose the Romans also used a thick cloth with a woolly nap (*gausape*, Hor. *Sat.* ii. 8, 11).

Among the Greeks the small tables described above were removed bodily with their course of dishes on them (Athen. ii. p. 60 b, v. p. 150 a), whence the phrase *πρῶται, δεύτεραι τράπεζαι*, which answer to the Latin *cena prima*, &c. As the board of the Greek table is sometimes called by a distinct name, *ἐπίθημα* (Athen. ii. p. 49 a; Pollux, x. 81), it appears that it was sometimes separate from the tripod or other stand (*κιλλίβας*) on which it was set. The Roman practice, however, was to bring in the courses (*fercula* or *missus*) on trays (*repositoria*), which were set down on the *mensa*. Such phrases as *mensas removere*, &c. (Verg. *Aen.* i. 216, &c.) mean the conclusion of the meal; and the phrase *mensae secundae* means not "second course," but dessert, which was regarded as a break in the entertainment, and came after the offering to the Lares, which was the Roman grace after meat. [See Cena, Vol. I. p. 396 *b*; Lararium.]

The name of *τράπεζα* or *mensa* was also given to a flat tombstone (Cic. *de Leg.* ii. 26, 66). Of *mensae sacrae* in the temples there were two sorts: (i.) a sort of subsidiary altar set before the image in the cella, to receive offerings of fruit, flowers, coins, &c., so that in inscriptions we find dedication of "ara et mensa" (*C. I. L.* x. 205); and (ii.) *mensae anclabres*, tables about the temple upon which vessels, &c., required in the sacred rites might be placed, like credence tables (Marquardt, *Staatsverw.* iii. 165). Like the former kind were the *mensae curiales*, for the offerings (to Juno Curitis especially) by the Flamen curialis in each curia. (For the mercantile sense, see Argentarii; and, for further description of *mensae* and *τράπεζαι*, Becker-Göll, *Charikles*, iii. p. 81; *Gallus*, ii. 350; Marquardt, *Privatleben*, p. 723; Mayor's notes on Juv. i. 137.) [J. Y.] [G. E. M.]

MENS'ARII. [Argentarii.]

MENSIS. [Calendarium.]

MENSO'RES, measurers or surveyors. This name was applied to various classes of persons whose occupation was the measurement of things.

1. To land-surveyors who measured and defined the extent of fields, apparently the same as the *agrimensores* (Colum. v. 1, 2; Ov. *Met.* i. 136; Agrimensores).

2. To military officers, who had a twofold duty, as measurers of the ground for a camp, and measurers of corn for the troops, unless indeed they were two distinct classes of officers. (i.) As measurers of the ground for the camp (Veget. *R. Mil.* ii. 7) they were usually called *metatores* (Cic. *Phil.* xi. 5, 12; xiv. 4, 10). [Castra, Vol. I. p. 372 *b*.] They were a kind of quartermaster-general, and thus provided quarters for the soldiers in the towns through which they passed, and where they made a temporary stay (Cod. Theod. 6, 34, 1; 7, 8, 4.) (ii.) In military inscriptions we find *mensor frumenti* (Orelli, *Inscr.* No. 3523), and sometimes simply *mensor* (Orelli, 3473; Henzen, 6820; Marquardt, *Röm. Staatsverw.* ii. p. 536; Walter, *Gesch. d. Röm. Rechts*, § 343).

3. *Mensores frumentarii* was the name of officers who had to measure the corn which was conveyed up the Tiber for the public granaries (Dig. 27, 1, 26; *mensores Portuenses*, Cod. Theod. 14, 4, 9; 14, 15, 1). They were stationed in the port of Ostia, and were employed under the *praefectus annonae*. Their title is mentioned in several ancient inscriptions (*Corpus mensorum frumentariorum Ostiensium*, Henzen, 7194; *mensores frumentarii Cereris Augustae*, Orelli, 4190).

4. *Mensores aedificiorum*, sometimes applied to architects, or more especially to such architects as conducted the erection of public buildings, the plans of which had been drawn up by other architects (Plin. *Ep.* x. 19 (28), 5; x. 20 (29), 3). [L. S.] [W. S.]

ME'NSTRUUM. [Servus.]

MENSU'RA (*μέτρον*). The simplest and probably most primitive measures are those derived from the various parts of the human body. Such was the view of the ancients themselves (cf. Heron Alexandr. *Tab.*, *τὰ μέτρα ἐξεύρηνται ἐξ ἀνθρωπίνων μελῶν ἤγουν δακτύλου κονδύλου παλαιστοῦ σπιθαμῆς πήχεως βήματος ὀργυιᾶς καὶ λοιπῶν*; Vitruv. iii. 1, 5, "mensurarum rationes . . . ex corporis membris collegerunt, uti digitum palmum pedem cubitum"). Among primitive and unmixed races, where all live under the same conditions, idiosyncrasies of stature are rare, and consequently the average sized foot will give a standard sufficiently accurate for all their purposes. When, however, peoples of different stocks come into contact, and different modes of life may cause differences in stature among the various classes of a single community, many variations of the foot or cubit will naturally be found.

The growth of the arts of civilisation will require greater accuracy in measurements of various kinds: accordingly the interrelations of various standards will be carefully ascertained by the use of some small natural object of uniform size, such as the barleycorn of the English system. Finally, with the advance of science, efforts will be made to get some more general units fixed with great accuracy, and probably to bring those into relation with the measures of capacity and standards of weight.

Measures of capacity are probably first obtained from natural products of a uniform size. The Hebrews and ancient Irish employed the hen's egg as their unit; at Zanzibar a small gourd is now employed as a general unit; and the Chinese use the joints of the bamboo in a similar fashion. The Roman cochlear (from *cochlea*, "a mussel"), their smallest measure of capacity, and possibly the *κύαθος* of the Greeks (which perhaps originally meant "a gourd"), indicate a like origin for standards of capacity. It is natural to expect many local variations in such measures, and it is only a strong centralised government which can introduce some universal standards, such as those established in this country by the Act of 1824. Of such regulation of standards in ancient times we have examples in the case of Pheidon of Argos, who, according to Herodotus, fixed the standard measures used by the Peloponnesians (*τοῦ τὰ μέτρα ποιήσαντος Πελοποννησίοισι*, vi. 127); in Solon, who fixed the standards of weights and measures at Athens (*Decret. ap.* Andocid. 11, 25, *νόμοις χρῆσθαι τοῖς Σόλωνος καὶ μέτροις καὶ σταθμοῖς*), and in Augustus at Rome. It is possible that at such a time an effort may be made to fix certain relations between the standards of length, capacity, and weight.

The Tables at the end of the volume give a general view of the various systems of measures of the ancients, setting forth as accurately as possible their value, according to modern standards. The following pages give a more detailed account of the different systems. A large mass of valuable information has reached us from the ancient metrologists, whose fragments have been collected by Hultsch (*Metrologicorum Scriptorum reliquiae*, Leipzig, 1864–6). The tables named after Heron, an Alexandrine mathematician, are of especial value, although they are probably of various dates; whilst the excerpts from the ancient lexicographers, such as Pollux, afford much important information.

The German metrologists have assumed that the Greeks and Romans, who derived theirs from the Greeks, borrowed their standards from the East: one school, that of Brandis and Hultsch, deriving them from the Chaldaeans, whilst that of Lepsius derives not merely the Greek, but also the Chaldaean from Egypt, although both alike admit the ultimate origin to be the parts of the human body. It is therefore a question worth considering how far like conditions of development may not have produced the close general approximation between the various systems.

Whilst admitting that measures of length were based on the parts of the human body, the German metrologists have sought outside Greece for the standards there in use. One school—that of Brandis and Hultsch — consider the standards of measures and weights to have been invented by the Chaldaeans: the other school—that of Lepsius (*Längenmasse der Alten*)—makes the Greeks to have borrowed their systems from the Egyptians. The latter had two cubits, one based on the average length of the fore-arm of a full-grown man, from the point of the elbow to the tip of the middle finger. This was fixed at 0·450 metre. Beside it was another cubit, evidently of later construction, which was about one-sixth larger than the natural cubit. The fact that it varies so much from nature shows that it is later in point of time. It may be fixed at 0·525 metre. This cubit is found not only in Egypt and in Palestine, but also in the regions of the Euphrates and Persia, although in the latter cases somewhat raised, as it may be fixed at about 0·532 metre. In both Egypt and Mesopotamia it is called the *royal* cubit, as we learn in the one case from the inscriptions on the measuring-rods, which have survived; in the other from the testimony of Herodotus (i. 178). Whilst the natural cubit was used for the general purposes of life, according to Lepsius the *royal* cubit was exclusively used in building. It would seem, however, that our data are not yet sufficient to enable us to decide whether the Egyptians borrowed the royal cubit from the peoples of the Euphrates, or whether the latter borrowed it from the Egyptians. If the Egyptians came from Asia into the Nile Valley (as supposed by the best modern authorities), there is no reason why they should not have brought the *royal* ell with them from their early home. The Egyptian cubit was subdivided into six *palms*, each containing four *fingers*. But at Babylon the sexagesimal system influenced the subdivision of the cubit. The Chaldaeans made the cubit consist of six *hands*, each of which contained five *fingers*. The *royal* cubit thus contained *thirty fingers*, according to Lepsius. But there can be little doubt that Lepsius is wrong. Dörpfeld (*Mittheil.* 1883, p. 36) has shown from Herod. i. 178, vii. 117, that the *μέτριος πῆχυς* there mentioned is the common Greek cubit: but, as Herodotus says that the royal cubit is three fingers longer than the *μέτριος* (*ὁ δὲ βασιλήϊος πῆχυς τοῦ μετρίου ἐστι πήχεος μείζων τρισὶ δακτύλοισι*), the royal cubit therefore = 27 δάκτυλοι.

In Greece proper at least three different foot-standards were employed,—*Attic*, *Olympic*, and *Aeginetan*. Dörpfeld has shown from the measurements of the cella of the Parthenon, called the Ἑκατόμποδον, that the Attic foot was 295·7 mill. The measurement of the stadion at Olympia has proved the Olympic foot to be 320·5 mill. Tradition said that this was the size of Hercules' foot. (Aul. Gell. i. 1.) The mythical connexion of Hercules with Olympia may indicate Oriental influence. The Aeginetan foot, according to the temple measurements, = 333 mill. Other measures mentioned by the ancient writers are the Philetaerean foot (ποῦς Φιλεταίρειος), which was probably so called from Philetaerus, king of Pergamus, shown by Dörpfeld to = 330 mill.; the Samian cubit, which Herodotus (ii. 168) regarded as the same size as the Egyptian.

In Western Europe we find three foot-standards: the *Italian*, proved from the writings of the Gromatici (Surveyors) and from buildings to be about 275 mill.; the *Roman*, known to us from actual measures to be 296 mill.; and the *pes Drusianus*, used by the Surveyors in Gaul and Germany = 333 mill.

It will be seen that the Attic and Roman standards are practically identical; that so also the *pes Drusianus*, the ποῦς Φιλεταίρειος, the Aeginetan foot, and Ionian foot are almost identical; whilst the Italian foot is almost identical with the Phrygian foot of 277·5 mill.

Method.—It is of course of the greatest importance that in metrological investigations a strictly scientific method should be followed. From the nature of the case it is necessary that we should obtain by means of actual measures, if they still survive, at least one of the units of measure mentioned by the ancient writers. As the tables of Heron and other writings give the comparative values of various units and standards, it follows that if we can obtain with accuracy one such unit, we can deduce from it all the rest. Linear units are of course the most important, as from them we can deduce the itinerary and superficial measures, and the most important of these is the Roman foot.

The Roman Foot.—There are five different ways of determining the length of the Roman foot. These are: (1) from ancient measures still in existence, including feet laid down on sepulchral monuments, and foot-rules found in the ruins of various cities of the Roman empire; (2) from measurements of known distances along roads, both between milestones and between places; (3) from measurements of buildings and obelisks; (4) from contents of certain measures of capacity; and (5) from measurements of a degree on the earth's surface.

(1) It might appear at first thought that

ancient measures in actual existence would at once give the required information. But these measures are found to differ among themselves. They are of two kinds,—foot measures cut upon grave-stones, and brass or iron measures intended in all probability for actual use. From the nature of the case the latter would probably be more exact than the former, and in fact the measures on the gravestones are rudely cut, and their subdivisions are of unequal length, so that they have no pretensions to perfect accuracy, but on the other hand it would be absurd to suppose that they would have been made very far wrong. We may safely conclude that they would have about as much accuracy as a measure hastily cut on a stone by a mason from a foot-rule used by him in working. Three such measures are preserved in the Capitol at Rome, and one in the Capponi collection. They are called the Statilian, the Cossutian, the Aebutian, the Capponian feet. They have been repeatedly measured, but unfortunately the different measurements gave different results. Besides these, we have two models of feet cut on the rocks at Terracina. The bronze and iron foot-rules, of which several have been found at Pompeii, do not precisely agree in length. There was anciently a standard foot measure kept in the Capitol, called the *pes monetalis*, which was probably lost at the burning of the Capitol under Vitellius or Titus.

(2) The itinerary measurements are of two kinds, according as they are obtained by measuring the distance from one place to another, or the distance from one milestone to another on a Roman road. Both methods have the advantage of the diminution of error which always results from determining a lesser magnitude from a greater, but both are subject to uncertainties from turnings in the road, and from the improbability of the milestones being laid down with minute accuracy; and two other serious objections apply to the former mode, namely, the difficulty of determining the points where the measurement began and ended, and the changes which may have taken place in the direction of the road. Both methods have been tried: the former by Cassini, who measured the distance from Nîmes to Narbonne, and Riccioli and Grimaldi, who measured that between Modena and Bologna; and the latter by Cassini, between Aix and Arles.

(3) The measurement of buildings is rather a verification of the value of the foot as obtained from other sources than an independent evidence. (The method was first employed by Raper in his *Enquiry into the Measure of the Roman Foot*, Philosoph. Transact. 1760, who obtained a foot = 295·7 mill.) It is very seldom that we know the number of ancient feet contained in the building measured. We have one such example in the Parthenon, the *cella* of which was called the Hecatompodon, *the hundred-footed* (Plut. *Pericl.* 13; *Cato*, 5), but even in this case we could not have told exactly, till we knew something of the length of the Greek foot, to what part of the edifice this measurement applied. Furthermore, the measurement of the stadion at Olympia laid bare by the German excavations has enabled us to ascertain with accuracy the length of the Olympian foot; but in this case likewise, it would have been impossible to arrive at an accurate result had we not known already that this stadion was 600 feet long. Again, there are the obelisk in the Piazza del Popolo at Rome, and the Flaminian obelisk, the heights of which are given by Pliny (*H. N.* xxxvi. § 71). But the actual heights of these obelisks as compared with Pliny would give a value for the foot altogether different from that obtained from other sources. Indeed, the numbers in Pliny are undoubtedly corrupt, and as they stand it is only the difference of height between the two that can be of any service, and even this gives a result by no means satisfactory. An ingenious emendation from Stuart would remove the difficulty, but it is obvious that a passage which requires a conjectural emendation cannot be taken as an independent authority. There is another mode of deducing the value of the foot from buildings of the dimensions of which we have no information. The building is measured, and the lengths thus obtained are divided by the supposed value of the ancient foot (as derived from other evidence), and if a remainder be left the value of the foot is corrected so that there may be no remainder. It is assumed in this process that no fractions were allowed in the dimensions of the building, and also that the plans were worked out with minute exactness, both of which assumptions are not very probable. In fact these measurements have given different values for the foot. Thus some metrologists have found by this method that two separate foot standards were employed in the temple at Aegina, a supposition which can scarcely be credited. Modern architects do not allow that such calculations could be depended on in modern buildings for determining the true length of the measures by which they were planned. Nor are the dimensions of the parts of mediaeval buildings in our own country, as churches and cathedrals, found to agree exactly, so as to give whole numbers of the standard measure. On the other hand these measurements, like those on roads, have the advantage of involving in all probability very small errors, and of the diminution of the error by division. It must however be borne in mind that buildings, like temples, were liable to have their dimensions conditioned by the nature of the site, and also that those which remain to us have been built on the foundations of older and smaller ones.

The results of these various methods are as follows: (1) The Roman foot as obtained from the measures varies between 295·6 and 296 mill. (2) The foot obtained from itinerary measures is 295·85 mill.; and (3) that obtained from the measurements of buildings at Pompeii by Nissen is 296 mill.

From these results we cannot be far from the truth in setting the Roman foot at 296 mill., or a little less than the English foot (301 mill.).

(4) Some have attempted to deduce the length of the Roman foot from the solid content of the congius of Vespasian. Since the *congius* was ⅛ *amphora*, and the content of the *amphora* was a cubic foot [QUADRANTAL], the process is to multiply the content of the congius by 8, and to extract the cube root of the product. But this method is very uncertain. Hultsch, for instance, will not allow that the measures of capacity were obtained from the linear unit, but rather

from a certain weight of water or wine. Further, there is a doubt about the actual content of the congius; and even granting that the congius had been adapted to the foot with tolerable accuracy, there is a risk of error in reversing the process.

(5) Some French geographers have supposed that the ancient astronomers were acquainted with the dimensions of a great circle of the earth, and that they founded their whole system of measures on the subdivisions of such a circle. But we have no evidence of any sort to show that the ancients were acquainted with any such method.

The Greek Foot.—We have no ancient foot-rules surviving, so therefore we fix the Greek (Attic) foot from the testimony of ancient writers that it was about the same as the Roman, confirming this by the measurements of buildings, such as the Parthenon, from which Dörpfeld has shown the foot to be 295·7 mill. The Olympian foot is derived similarly from the testimony of ancient writers comparing it with other feet, and from the actual measurement of the *stadium*.

Greek Measures of Length.—In Homer the following measures are mentioned: *δῶρον* (=the later *παλαιστή*), *πούς* (in compound *ἑκατόμποδος*), *πυγών* (in adjective *πυγούσιος*), *ὄργυια*, *πλέθρον* (in form *πέλεθρον*). The *πυγὼν* is a short cubit, being the distance from the point of the elbow to the knuckles (*εἰ συγκάμψειας τοὺς δακτύλους, ἀπ' ἀγκῶνος ἐπ' αὐτοὺς πυγὼν τὸ μέτρον, εἰ δὲ συγκλείσειας, πυγμή*). It is to be noted that the *πῆχυς* does not occur as the name of a measure in the poems. Homer makes mention also of a long measure, called simply *μέτρον* (*ὥστ' ἀμφ' οὔροισι δυ' ἀνέρε δηριάασθον μέτρ' ἐν χερσὶν ἔχοντες*, *Il.* xii. 422). It is impossible for us to say what was the length of this measuring-rod—whether it was the length of an *ὄργυια*, or of the *ἄκαινα* or *κάλαμος* of later date. Of course there are no data for fixing the length of the Homeric *πούς*, *ὄργυια*, and *πέλεθρον*.

Superficial Measure.—The unit of superficial measure in Homer is the *γύης* (found only in the compounds *πεντηκοντόγυος* and *τετράγυος*), which probably meant the space traversed by the plough in one day's work. It probably derived its name from the ancient form of the plough (called *αὐτόγυον* by Hesiod), and was thus somewhat analogous to the English *ploughgate*. The term was applied to the patches of ground in the common field (*ἐπιξύνῳ ἐν ἀρούρῃ*, *Il.* xii. 422), which were separated from each other by land-marks (*οὖρα*) made of stones (*Il.* xii 421; xxi. 405), corresponding to Latin *limes*, "balk." In such common fields or early communities the *furrow* was always of a customary length, hence our fur-long (*furrow*-long), which doubtless depended on the distance which a yoke of oxen could drag, and a man could steer, the plough without a rest. The breadth of the *γύης* was the distance between the *οὖρα*, which bounded each side. The Scholiast sets it at about 10 fathoms = 60 feet. But we know from Homer (*Il.* x. 351; *Od.* viii. 124) that the distance between the *οὖρα* of mules—that is, the breadth of the patch ploughed by mules—was greater than that between those of oxen. Consequently the breadth (*πλέθρον*) varied. Now the old name for the *στάδιον* was *αὖλος*, and its double was called *δίαυλος*, from which it is probable that the stadion represented the furrow-long (*αὖλος* being an old form of *αὖλαξ*). The stadion being 600 feet, is therefore ten times the breadth of the *γύης*, a ratio found to exist in similar land systems elsewhere.

Measures of Capacity.—Homer has but the word *μέτρον* to express the unit of both *Dry* and *Liquid* measure. Telemachus (*Od.* ii. 355) takes 20 *μέτρα* of barley-meal as provision for his crew. Some have identified the *μέτρον* both in liquid and dry measure with the Hebrew *saton*, but it is more probable that in the *μέτρον* of barley-meal we have the *μέδιμνος* of later times. It is almost certain that the *μέτρον* used for liquids differed from that used for dry measure. The *μέτρον* of barley-meal is evidently a considerable amount, from the passage quoted above. But as the capacity of the various vessels offered as prizes by Achilles is given in *μέτρα*, it is not probable that the *μέτρον* by which their capacity is expressed is the same as that used for the barley-meal. On the other hand, it seems not improbable that the *μέτρον* used for wine was the same as the *δέπας* or cup of *Od.* ix. 208–10:

> τὸν δ' ὅτε πίνοιεν μελιηδέα οἶνον ἐρυθρόν,
> ἓν δέπας ἐμπλήσας, ὕδατος ἀνὰ εἴκοσι μέτρα
> χεῦε.

To suppose that the proportion was one cup of wine to twenty *μέδιμνοι* of water is absurd; whereas the proportion of one cup of wine to twenty cups of water is sufficiently marvellous to show the strength of the wine without falling into grotesque exaggeration. The word *κοτύλη* occurs occasionally in Homer (only in the Odyssey) in the sense of cup. It probably is the same as *δέπας*, and thus connects the Homeric *δέπας* with the *κοτύλη* of later times.

Greek and Roman Linear Measure. — The *finger-breadth* (*δάκτυλος*, *digitus*) was the smallest measure employed in both systems, and was regarded as the unit (*μονάς*). Later writers, *e.g.* Isidorus, mention the use of the *barleycorn* as the unit, 5 barleycorns making a *finger*, 7 making a *thumb* (*pollex*).

The *κόνδυλος*, the middle joint of the finger, = 2 fingers.

The *παλαιστή* (later *παλαιστής*, in strict Attic *παλαστή*), *δῶρον* (Homer and Hesiod), or *δοχμή* (according to some writers), *palmus*, handbreadth = 4 fingers. This measure was in very common use with both Greeks and Romans.

The *διχάς* = 2 hands = 8 fingers, usually called *ἡμιπόδιον*.

The *λιχάς*, the space between the thumb (*ἀντίχειρ*) and forefinger (*λίχανος*), = 10 fingers.

Ὀρθόδωρον, space from the base of the hand to the finger-tips, = 11 fingers.

Σπιθαμή, span = 3 handbreadths = 12 fingers = ½ cubit. This measure, much used by the Greeks, was not employed by the Romans, who used instead the *dodrans* = ¾ *pes*.

Πούς, *pes*, foot = 16 fingers. The Romans also used their national uncial system in dividing the *pes*, thus giving it 12 parts, which in later times passed into general use.

Πυγών (Homer, Herod. ii. 175, and some other isolated passages), the distance from the elbow to the first joint of the fingers, = 20 fingers. The Romans employed as its equivalent the *palmipes* = *palmus* + *pes*.

Πῆχυς, *cubitus*, cubit or ell, distance from the point of elbow to the point of the middle finger, = 24 fingers. Roman writers employ *cubitus* when following Greek sources; the native Roman term is *sesquipes*.

Βῆμα, *gradus*, pace, = 2½ feet.

Passus, double pace or stride, = 5 feet. The later Greeks employed the *ἄμπελος* as its equivalent.

Ὄρεγμα (Heraclean Tables) = 4 feet (or, according to others, 5 feet).

Ὀργυιά, fathom, the space which a man can stretch with both arms, = 6 feet. The Romans had no corresponding term (although *tensum* is used in Low Latin), but occasionally used *ulna* to express it, although usually employing this term for the cubit.

Ἄκαινα (in late writers *ἄκενα*) = 10 feet. It probably means the goad used in driving the plough oxen, which was finally fixed at 10 feet and employed as the special *land measure*. To it corresponds the Roman *pertica*, or *decempeda* (ten-foot rod), the square of which formed the basis of all land measures. Hence the Roman *agrimensores* were sometimes called *decempedatores*.

Πλέθρον (*πέλεθρον*, Homer) probably was originally the breadth of the *γύης* or acre-strip, the space lying between the *οὖρα* or boundary stones, which form the longer sides of the patch. It = 100 feet; and its square became the regular limit of land measure with the Greeks of historical times. To it corresponds in size the *vorsus*, used by the Oscans and Umbrians, which properly means the "turning place" or headland (cf. *αἱ στροφαὶ* sc. *τῶν βοῶν*, Hesych.).

The Roman *actus*, = 120 feet, properly meant the "headland" (called *actus minimus*, 4 feet broad). It then came in later times to mean the distance which oxen can draw the plough at a single draught ("sulcum autem ducere longiorem quam pedum centum viginti contrarium pecori est, quoniam plus aequo fatigatur ubi hunc modum excessit," Colum. ii. 2, 27).

Itinerary Measures.—For the higher measures of length, although the continuity of the system was preserved by making them exact multiples of a foot, it is obvious that convenience would demand higher denominations, one of which would be regarded as a new unit. Nay, these higher measures may be viewed with respect to their origin, as in a certain sense independent of those smaller measures with which they were afterwards made to agree. For just as we have seen that the smaller measures of length are taken from natural objects, so we shall find that at an early period the larger measures were not derived artificially from the smaller, but from distances which occur in nature and in ordinary life. Thus Homer expresses distances by the cast of a stone (*Il.* iii. 12, *ὅσον τ' ἐπὶ λᾶαν ἵησι*), and so even too in later times (Thuc. v. 65; Polybius, v. 6); of a quoit (*Il.* xxiii. 431, *ὅσσα τε δίσκου οὖρα . . . πέλονται*); of a spear (*Il.* xv. 358, *δουρὸς ἐρωή*); by the distance which a man can reach with a spear (*Il.* x. 357, *δουρηνεκές*); and by the still more indefinite expression, "as far as a man makes himself heard distinctly when he shouts" (*Od.* v. 400, vi. 294 *et alib.*, *ὅσσον τε γέγωνε βοήσας*); and again by standards derived from agriculture (*Il.* x. 352, *ὅσσον τ' ἐπὶ οὖρα πέλονται ἡμιόνων*), which from what we have seen above represents the breadth of the acre piece or *γύης*, the amount ploughed in one day: as mules are superior to oxen, the *breadth* ploughed in one day of a piece of ground of a fixed length would be greater than the *breadth* (*πλέθρον*) ploughed in the same time by a yoke oxen. (See Ridgeway's article in *Journal of Hellenic Studies*, 1885.) Of the longest distances time was made the measure, as in the case of the German *Stunden*: the journey of a day by an active traveller (*εὔζωνος ἀνήρ*), or of a day and a night, or on horseback, or with a merchant ship (*ναῦς στρογγυλή, ὁλκάς*), a method too frequently employed now as well as in ancient times to need illustration. (Comp. Ukert, *Geograp. d. Griech. u. Röm.* vol. i. pt. 2, pp. 54–5.) The system of measuring by *stations* or *posts* [Mansio] should probably be referred to this head, as it is most likely that such distances would be fixed with reference to the powers of endurance of man and horse, before the trouble was taken actually to measure them out. Another plan was that which Herodotus several times adopts, and which is also familiar to all ages, the description of one distance by comparing it with another which is well known. It is true that in many cases the method is only general and indefinite, as when Herodotus describes the length of the Nile as equal to that of the Danube, but there are other cases in which the method was definite, and especially one case, in which it actually formed the foundation of the common system of itinerary measures in use among the Greeks. We refer of course to the *stadion*.

Στάδιον (*σπάδιον*, Doric), *stadium* = 600 feet. The Doric *σπάδιον* (from *σπάω*) indicates that it was the distance traversed in a single draught by the plough. It thus was probably the *length* of the *γύης* strip, just as the *πλέθρον* was its breadth. It always contained 100 *orgyiae* or 600 feet, no matter what the size of the foot might be. The Homeric *γύης* (*vide supra*) was in breadth 10 *orgyiae*: the stadion is thus ten times the breadth of the *γύης*. A similar proportion is found between the length (*furlong*) and breadth of English and Irish acre strips. The Germans regard the stadion as of Babylonian origin. Brandis (*Münz-, Mass-, und Gewichtswesen*, p. 20) holds that the Babylonians determined the length of an hour of equinoctial time by the water-clock: in one hour the sun traversed a portion of the sky thirty times his own diameter; therefore every two minutes a portion equal to his apparent diameter. With this they equated the distance which an active walker can traverse on the earth in the same time: the stadion therefore is the distance traversed by an active walker in two minutes. As the Greeks had provided themselves with all the other measures by purely empirical means, it is not likely that they went to the East to borrow the stadion, but derived it from their own system of agriculture, which was not borrowed from the East. The Romans only employed the *stadium* in later times, and that only for distances by sea, where they simply followed the Greeks. The *στάδιον* in historical times was the distance of the racecourse, and was the regular unit of *road measure*, and was in later times the unit used by the astronomers and geographers.

Δίαυλος (or διστάδιον), so named from αὖλος, the old name of the στάδιον, probably meant originally "double furrow," and then came to mean a course up and down the stadion.

Ἱππικόν, the course for the horse-race, = 4 stades, as they ran twice up and down the στάδιον.

Μίλιον, *miliarium*. The Romans measured all long distances by *milia passuum*, or shortly *milia*. Strabo is the first Greek to use the borrowed μίλιον, and that only when speaking of distances which he had derived from the chorography of Agrippa. *Miliarium* is only a late word, as the good writers use *lapis* or *lapis miliarius*.

Παρασάγγης, a Persian *road measure*, used by Greek authors writing about Asia Minor, as Herodotus and Xenophon. It contained 30 stades, or 4 Roman miles. Modern metrologists assign it an origin similar to that of the στάδιον given above, regarding it as the distance traversed by an active walker in an hour of equinoctial time. It may have been so adjusted in a later and scientific age, but it is more probable that it had its origin long before the beginnings of scientific metrology.

Land Measures.—We have seen that a distinct source of some of the greater measures of length (*e.g.* the πλέθρον and στάδιον) arose out of the measures of surface, which must of necessity be employed from a very early period in every civilized community for determining the boundaries of land. Herodotus (ii. 109) mentions a tradition which assigns the invention of geometry to such a necessity which arose in Egypt in the reign of Sesostris. This tradition is of course now only referred to as an illustration, not as an expression of an historical fact. As in the other cases, the origin of the system lies far back beyond the reach of history, and all that can be done is to trace with some probability its successive steps as indicated by the names of the measures and by the statements of ancient writers. Here too, as in the itinerary distance, the original unit of the system was probably not a specific number of feet, but some natural quantity which was afterwards brought into accordance with the standard of the smaller measures. Also it is to be observed that these measures are from the nature of the case measures of surface, although in practice often used (as the *stadium* and *plethrum*) as measures of length. The precise fact seems to be that the first natural measure of the sort was a strip of ground of considerable length and moderate breadth, being the amount which could be ploughed in one day's work by a yoke of oxen. (See Homeric γύης, *supra*.) This is borne out by what we know of the Roman system. The Roman settlers in Further Spain called the *actus quadratus* by the name *acnua*, an old Latin term; the same people gave the name *porca* to a strip of land = 180 × 30 feet. They had evidently brought this customary unit from Italy, which was 60 feet longer than the *actus* as finally fixed by the land-surveyors. Now we know that the *actus* was originally the headland, where the plough was turned, and along which the cattle were driven; this was called by Varro (*L. L.* v. 3, 10, § 22) *actus minimus*, being only 4 feet wide. It is not then unreasonable to suppose that the length of the original furrow, that is, of the patch ploughed in one day, was shortened until the furrow became equal to the breadth of the strip, that is, to the *headland* or *actus* of 120 feet. This patch, the square of the headland, became the basis of the Roman land measure. The Gallic *arepennis* (French *arpent*), which according to Columella corresponded in size to the Roman *actus*, certainly meant originally the *headland*. We may not unreasonably assume a similar development for the Greek unit of 100 feet square, the *plethrum*, and also for the Oscan *versus*; namely, that it arose from a land unit of larger extent and oblong in shape, the breadth of which may have been originally about 60 feet, corresponding to the measure called *clima* (half of an *actus*) mentioned by Columella, and the breadth of the Homeric γύης.

The unit employed by the Greeks was the square of the πλέθρον, which = 10,000 square feet. The Italians used similarly the square of the *vorsus*, which was of like size.

The γύης (or γύη) was the unit employed in Homer (*supra*).

On the Heraclean Tables (found at Heraclea in Lucania) the γύης probably represents a piece of land 100 feet broad and 5000 feet long; that is, 50 *plethra*.

The σχοῖνος is another Heraclean measure = 120 feet square, corresponding to the *actus*. Each σχοῖνος was divided into 30 ὀρέγματα of 4 feet each.

Μέδιμνος: in two parts of Hellas we find a system which was common in many parts of the ancient and mediaeval world. The μέδιμνος at Cyrene and in Sicily means as much land as can be sown by a *medimnus* of seed. In Sicily this was equal to the Roman *jugerum* (Cic. *Verr.* ii. 3, 112).

The Roman system of the *agrimensores* represents a later stage of development. The square foot (*pes constratus* or *quadratus*) was the unit of the system ("modus omnis areae pedali mensura comprehenditur," Colum. v. 1). The system is partly decimal, partly duodecimal.

The *scripulum* = 1 *decempeda quadrata* (square rod) = 100 sq. feet.

The *clima* = 36 sq. rods.

The *actus quadratus* = 144 sq. rods.

The *jugerum* = 288 sq. rods, being an oblong piece of ground, consisting of two *actus*. It means the amount ploughed by a yoke of oxen in one day ("jugerum vocabatur quod uno jugo boum in uno die exarari posset," Plin. xviii. 9).

The *heredium* = 2 *jugera*. So called (according to Varro) from two *jugera* being the birthright of every Roman citizen.

The *centuria* = 200 *jugera* generally, but varied, at times containing 50, 210, 240, or 400 *jugera*. From its name it is not improbable that it originally contained 100 *jugera* ("centuria primo a centum jugeribus dicta est, post duplicata retinuit nomen," Varro, *R. R.* v. 34).

The *saltus* = 800 *jugera*.

The term *jugum* was used in Spain to denote a day's work of a yoke of oxen (Varro, *R. R.* i. 10).

Acnua was the Latin name for the Roman *actus quadratus* (Varro, *R. R.* i. 10), likewise used by the farmers of the province of Baetica in Spain (Colum. v. 1, 5).

Porca was the name given in Baetica to a piece of ground 180 × 30 feet.

Arepennis was a Gaulish unit of land measure, corresponding in size, according to Columella (v. 1), to the Roman *actus quadratus*. Hence French *arpent*.

The Romans likewise applied the system of the *as* to land measure; regarding the *jugerum* as the *as* or unit, they carried out its subdivision on the rigid duodecimal system (*vide* Tables at the end of the volume).

Measures of Capacity.—The most important products of ancient agriculture are, on the one hand, wine and oil, on the other various kinds of corn. Hence naturally arose two kinds of measures, *liquid* and *dry*. The smaller units are common to both systems (*vide* Tables).

Liquid and Dry. — The *κύαθος*, *cyathus* (according to some connected with *κύλιξ*, and possibly originally meaning a kind of gourd), was the unit in common use. It contained about 4 centilitres = 0·08 English pint. A smaller measure = ¼ *cyathus*, called *ligula* (spoon) or *cochlear* (mussel-shell), was sometimes employed.

Ὀξύβαφον, *acetabulum*, vinegar bottle, = 1½ *cyathi*.

Quartarius, so called from being ¼ *sextarius*, = 3 *cyathi*, has no Greek equivalent.

Κοτύλη, at Athens, was a kind of bowl, called *τρύβλιον* in other parts of Greece, and the same as the Sicilian *ἡμίνα* (the *half mina* = *ἡμιμναῖον*), which, borrowed by the Romans, = ½ *sextarius* = 6 *cyathi*.

Ξέστης, *sextarius* = 12 *cyathi*. **Ξέστης** is a loan word from the Roman *sextarius*, so named as the ⅙ of *congius*.

So far the measures are common to both systems, but they now diverge as follows:—

Liquid.—**Χοῦς**, *congius* (derived from *κόγχη*) = 12 *κοτύλαι*. Its half, the *ἡμίχους* (plur. *ἡμίχοα*), also is found: *ἡμιάμφορον* (or *ἡμικάδιον*), *urna*.

Ἀμφορεύς, *amphora* (*ἀμφιφορεύς*, Homer), the large wine jar with handles on both sides, as it was used for the storing of wine, was used as the chief unit of liquid measure. It was also called *κάδος*, *cadus*. The Roman *amphora* = 8 *congii* = 48 *sextarii* = 576 *cyathi*.

Μετρητής is commonly used as equivalent of *ἀμφορεύς*, but strictly was larger.

Culleus, tun, = 20 *amphorae*.

Dry.—The Greek (distinctively) *dry* measure starts from the *κοτύλη*, the Roman from the *sextarius*.

Χοῖνιξ (mentioned in Homer, *Od.* xix. 28), a day's allowance for a man at Athens, = 4 *κοτύλαι*.

Ἡμίεκτον, *semodius*, the half of the following, = 4 *χοίνικες*.

Ἑκτεύς, or *μόδιος*, *modius*. The first name is the Old Attic, but the second is already used by Deinarchus. The former indicates that it is ⅙ of the chief unit, the *medimnus*.

Μέδιμνος at Athens = 8 *modii*. The Romans did not employ this measure, but only *modius* or its compounds, such as *trimodium*.

Ptolemaic.—To above we may add certain measures in use in Egypt under Ptolemaic and Roman rule, for which see also Tables.

Ξύλον = 3 royal cubits = 72 fingers.

Σχοῖνος, an itinerary measure, usually counted equal to the Persian Parasang (= 30 stades), but actually containing 32 stades of th common Greek standard. It was probably als in use among the Hebrews.

Ἄμμα = 10 fathoms = 60 feet. Its squar was used as a land measure.

Σχοινίον was another name (probably th Greek one) of the (Egyptian) *ἄμμα* just described

Σωκάριον, with the addition of *δεκαόργυιο* was another name applied to the square *ἄμμ* being a name derived from the amount of see required to sow that amount of land.

Ἄρουρα was a piece of ground 100 cubit square, and which formed the regular Egyptia land unit from early times. (Herod. ii. 168, **δὲ ἄρουρα ἑκατὸν πηχέων ἐστὶ Αἰγυπτίων πάντῃ**

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ME'NUSIS (*μήνυσις*). [ECCLESIA, Vol. I p. 702 *a*.]

MERCENA'RII (*μισθωτοί*, *μισθοφόροι*, mor commonly *ξένοι* or *τὸ ξενικόν*), mercenary troop At an early period there was no such thing as standing army, or mercenary force, in the Gree republics. The former would have excite jealousy, lest it should oppress the people, a the chosen band did at Argos (Pausan. ii. 20, § 2 Thuc. v. 81); and for the latter there wa rarely any occasion. The citizens of every stat formed a national militia for the defence of thei country, and were bound to serve for a certai period at their own expense, the higher classe usually serving in the cavalry or heavy-arme infantry, the lower classes as light-armed troop Foreigners were rarely employed; the Carian Cretans, and Arcadians, who served as merce naries (Herod. i. 171; Pausan. iv. 8, § 3; 10, § 1 19, § 4; Wachsmuth, *Hell. Alterth.* vol. i. pt. p. 30; Schömann, *Ant. jur. pub. Gr.* p. 159), a an exception to the general rule. In the Persia war we find a small number of Arcadians offe ing to serve under Xerxes (Herod. viii. 26); a they seemed to have used themselves to su employment down to a much latter period, mu as the somewhat similarly situated people Switzerland did in the 16th century. (Xenop *Hellen.* vii. 1, § 23; Schömann, *op. cit.* p. 409 The practice of maintaining a standing force w introduced by the tyrants, who kept guards a soldiers in their pay (*δορυφόροι*, *μισθοφόροι*) prevent insurrections of the people, and preser their influence abroad. As it was unsafe trust arms in the hands of their own subject they usually employed foreigners. (Thuc. 55; Diod. xi. 67, 72; Ar. *Pol.* iii. 14, 7.) will be sufficient on this topic to refer to Jas of Pherae and his successors, and the Sicelic tyrants of Gela and Syracuse, as instance From their history the dangers of the system well as its use can be traced out (see Grote, *Hist. of Greece*, x. 613 ff.; xi. 286 ff.; xii. 540 ff.). Hence, and because citizen soldiers used to fight without pay, *ξένοι* came to signify *mercenaries*. (Harpoc. s. v. *Ξενιτευομένους*.) We must distinguish, however, between those who fought as auxiliaries, whether for pay or otherwise, under commission from their own country, and those who did not. The former were *ἐπίκουροι*, not *ξένοι*. (Herod. i. 64, iii. 45, v. 63; Thucyd. i. 60, 115, iii. 34, iv. 80.) The terms *ξένοι* and *ξενικὸν* implied that the troops were independent of, or severed from, their own country.

The first Grecian people who commenced the employment of mercenaries on a large scale were the Athenians. While the tribute which they received from the allies placed a considerable revenue at their disposal, the wars which their ambition led them into compelled them to maintain a large force, naval and military, which their own population was unable to supply. Hence they swelled their armies with foreigners. Thucydides makes the Corinthian ambassador at Sparta say, *ὠνητὴ ἡ Ἀθηναίων δύναμις* (i. 121). They perceived also the advantage of employing men of different nations in that service for which from habit they were best qualified; as, for instance, Cretan archers and slingers, Thracian peltastae. (Thuc. vi. 25, vii. 27; Aristoph. *Acharn.* 159.) At the same time the practice of paying the citizens was introduced; a measure of Pericles, which was indeed both just and unavoidable (for no man was bound by law, or could be expected, to maintain himself *for a long campaign*); but which tended to efface the distinction between the native soldier and the foreigner. Other Greek nations soon imitated the Athenians (Thuc. iv. 76), and the appetite for pay was greatly promoted by the distribution of Persian money among the belligerents. (Thuc. viii. 5, 29, 45; Xenoph. *Hellen.* i. 5, § 3.) At the close of the Peloponnesian war, large numbers of men who had been accustomed to live by war were thrown out of employment; many were in exile or discontented with the state of things at home (Isocr. *Archid.* § 68); all such persons were eager to engage in a foreign service. Hence there arose in Greece a body of men who made arms their profession, and cared little on which side they fought, provided there were a suitable prospect of gaining distinction or emolument. Conon engaged mercenaries with Persian money. Agesilaus encouraged the practice, and the Spartans allowed the members of their confederacy to furnish money instead of men for the same purpose. (Xenoph. *Hell.* iii. 4, § 15; iv. 3, § 15; v. 2, § 21.) The Greeks who followed Cyrus in his expedition against Artaxerxes, were mercenaries. (Xenoph. *Anab.* i. 3, § 21.) So were the famous peltastae of Chabrias and Iphicrates. (Harpocr. *s. v. Ξενικὸν ἐν Κορίνθῳ*: Aristoph. *Plut.* 173.) The Phocians, under Philomelus, Onomarchus, and Phayllus, carried on the sacred war by the aid of mercenaries, paid out of the treasures of the Delphian temple. (Diod. xvi. 30, &c.) But higher pay and richer plunder were in general to be found in Asia, where the disturbed state of the empire created continued occasions for the services of Greek auxiliaries, whose superior discipline and courage were felt and acknowledged by the Barbarians. Even the Spartans sent their king Agesilaus into Egypt, for the sake of obtaining Persian gold. Afterwards we find a large body of Greeks serving under Darius against Alexander. It is proper here to notice the evil consequences that resulted from this employment of mercenaries, especially to Athens, which employed them more than any other Greek state. It might be expected that the facility of hiring trained soldiers, whose experience gave them great advantages, would lead to the disuse of military service by the citizens. Such was the case. The Athenian citizens stayed at home and became enervated and corrupted by the love of ease and pleasure; while the conduct of wars, carried on for their benefit, was entrusted to men over whom they had little control. Even the general, though commonly an Athenian, was compelled frequently to comply with the humours, or follow the example of his troops. To conciliate them, or to pay them their arrears, he might be driven to commit acts of plunder and outrage upon the friends and allies of Athens, which thus found enemies where she least expected. It was not unusual for the generals to engage in enterprises foreign to the purposes for which they were sent out, and unconnected with the interests of their country, whose resources they wasted, while they sought their own advantage, like the *condottieri* of the 14th and 15th centuries. The expeditions of Chabrias and Iphicrates to Egypt are examples of this. But the most signal example is the conduct of the adventurer Charidemus. Upon all these matters we may refer the reader more particularly to Demosthenes, whose comments upon the disastrous policy pursued by his countrymen were no less just than they were wise and statesmanlike. (Demosth. *Philip.* i. p. 46, § 27; *c. Aristocr.* pp. 666, §§ 163–166; *περὶ τοῦ στεφ. τῆς τριηρ.* p. 1232, &c.; Isocr. *Paneg.* § 195, *ad Philipp.* § 112; Grote, *Hist. of Greece*, vol. xi. pp. 390 ff.)

Among the Romans before the Empire the non-Roman part of the army was composed of auxiliary troops from states allied or subject, which cannot strictly be called mercenaries. (See however EXERCITUS, Vol. I. p. 785.) To this it is true there is some exception in the employment, even in the Punic and Jugurthine wars, of mercenary light troops, as archers and slingers, from Africa, Crete, Syria, &c. (Liv. xxii. 37, xxiv. 20; Appian, *Hisp.* 89, &c.) But this was very different from such a case as that of Carthage, who was conspicuously and unfortunately prominent as the example of a state depending for her protection on mercenary troops. As the Roman empire grew, the fact that legions were levied in various countries out of Italy did not make them mercenaries in the proper sense: but the system of donatives, especially to the praetorian guards, gradually gave to Roman troops the character and the danger of a mercenary force. Moreover, whereas the armies at first consisted of Roman citizens, and the conquered provinces supplied tribute for their support, when the provincials received the civitas it followed that the poor became soldiers and the rich supplied money. This tendency was strengthened by the law that those who paid the land tax should not bear arms (on which point Gibbon iii. 65 seems to be in error), and accordingly under Constantine we find the army recruited by slaves and barbarians, and in great measure of a mercenary character. In the wars of Justinian we find a twofold army: (1) levied by conscription of citizens in various provinces, and of barbarians who were allowed to occupy certain lands on condition of military service; and (2) another kind, and that too the best and strongest portion, provided by princes dwelling on the borders of the empire, such as the Heruli and Gepidae, who received subsidies and provided troops under their own leaders. Instances of wholesale desertion by such alien contingents (which may remind us of the Swiss mercenaries of the age of Charles V.) occur even under so great a general as Belisarius. It would be out of place here to pursue the question into greater detail: reference may be made to Finlay, *Hist. of Greece*, i. 144, 204, ii. 27, &c. [C. R. K.] [G. E. M.]

MERENDA. [Cena, Vol. I. p. 395 *a*.]

MERGA. [Agricultura, Vol. I. p. 64.]

MERIDIA'NI. [Gladiatores.]

METAE. [Circus, Vol. I. p. 435 *a*.]

METAGEI'TNIA (*μεταγείτνια*), a festival celebrated by the Attic demos Melite, in honour of Apollo Metageitnios. The chief solemnities consisted in offering sacrifices, and the festival was believed to commemorate the emigration (*γειτνίασις πρὸς ἑτέρους*) of the inhabitants of Melite to Diomis. (Plut. *de Exil.* § 6; comp. Suidas and Harpocrat. *s. v.* *Μεταγειτνιών*.) But it seems not improbable that the institution of this festival is connected with the extension of the worship of Apollo so as to embrace all classes, under the influence of Epimenides (cf. Curtius, *Hist. of Greece*, i. 323). The idea of migration in the worship of Apollo is indicated in the story of Ion, and from that idea may come the title Metageitnios given to Apollo and thence to the Attic month. [L. S.] [G. E. M.]

METALLUM (*μέταλλον*). The Greek word bears only the meaning of *mine*; the Latin means either a mine or its product, mineral or metal.

I. *Metals in Antiquity.*—Of the precious metals—gold, silver, electrum, and copper—we have spoken under Aurum, Argentum, Electrum, and Aes. It remains to speak briefly of the commoner metals.

(*a*) Iron (*ferrum*, *σίδηρος*). Although iron ore is common in all countries, yet the difficulty of smelting and manufacturing iron is so great that it is one of the latest of metals to come into use in the course of history. Of this fact the Greeks were aware, and the knowledge moulded the traditions recorded in Hesiod's *Works and Days*, in which the heroic age is represented as an age of bronze: *τοῖς δ' ἦν χάλκεα μὲν τεύχεα, χάλκεοι δέ τε οἶκοι, χαλκῷ δ' εἰργάζοντο, μέλας δ' οὐκ ἔσκε σίδηρος* (l. 150). The transition from this age of bronze to an age when iron was commonly employed was very gradual, and took place in various countries at different times. In Greece it was in progress in the Homeric age. In the *Iliad* swords are often made of iron (xviii. 34, *μὴ λαιμὸν ἀποτμήξειε σιδήρῳ*), but it is specially in use for ploughshares and other agricultural implements (*Il.* xxiii. 826): the axle too of Hera's chariot is of iron (*Il.* v. 722). But defensive armour, as well as the heads of axes and points of spears and arrows, were in the Homeric age still made of bronze; and the epithet *πολ κμητος* which is applied to iron shows that was still worked with difficulty. Many write have supposed that the word *κύανος* in Hom stands for steel; but it has been proved l Lepsius that this is incorrect, and that really means either lapis-lazuli or an artifici imitation of that mineral, and the view Lepsius has been confirmed by the discovery a frieze of alabaster and glass (*θριγκὸς κυάνοι* in one of the rooms of the very early palace Tiryns (Schliemann, *Tiryns*, p. 287).

From this time the use of iron gradual spreads. In one passage of the *Odyssey* (ix. 39 knowledge is shown of the process of hardenin iron by repeated plunging when hot in wat [Lacus]; in Hesiod's *Shield of Herakles*, th hero is represented as arming himself with helmet of steel, *κυνέη ἀδάμαντος*. In the age Croesus, Glaucus of Chios is said to have di covered how to solder iron (*σιδήρου κόλλησις* After that, iron was used in Greece not only f arms and utensils, but also for works of ar But we must beware of supposing that the us was at this time universal. Herodotus sa that the Massagetae in his time used no iro and that the Aethiopians in the army of Xerx used arrows with points of stone, and lanc with points of horn. The general use of iro passed slowly westward and northward, and too several centuries to reach the Gauls, Briton and Germans, as is proved by the long-continue prevalence of bronze as a material for weapon in cemeteries, such as that of Hallstadt.

The nature of the process by which an iro age succeeded in various countries an age o bronze is well discussed by Mr. John Evans i the Introduction to his work on *Ancient Bron Implements*.

Herodotus and Pausanias give us a clea record of this process as regards Greece. I the time of Croesus, during a war with Tege the Spartans found bones supposed to belong t Orestes under a smithy used for the manufactur of iron weapons (Hdt. i. 67). Commenting o this story, Pausanias (iii. 3, 6) remarks tha the arms of the heroic age preserved in Greel temples, such as the spear of Achilles and th sword of Memnon, were of bronze, but that b the time of Croesus iron was generally used fo weapons.

We are told by Pliny (*H. N.* xiv. § 139) that when Porsena had conquered the Romans, he forbade them to use iron except for agricultural purposes; which would indicate that they were already accustomed to use arms of iron. In their earlier encounters with the Gauls the Romans are said to have had the advantage of using swords of a superior quality to those of their enemies, which bent at every stroke, and had to be straightened by the foot. Mr. Evans, however, considers that these inferior weapons were made, not of bronze, but of soft iron. The Cimbri who invaded Italy in the time of Marius had, according to Plutarch, not only swords and javelins, but even breastplates of iron. In Caesar's time the Gauls were expert in working iron, and even made chains of it for their ships (*B. G.* iii. 13).

In Greece the cities of Chalcis and Lacedaemon were celebrated for their iron goods. The sword-blades of Chalcis were praised in Aeschylus (Plut. *de Def. Orac.*, 43): weapons and agricultural implements of steel were largely made at Lacedaemon (Steph. Byzant. *s. v.*). Not unfrequently iron was used as a material for works of art: Alcon made an iron statue of Herakles, and iron vessels were dedicated in the temple of Mars Ultor at Rome (Plin. *H. N.* xxxiv. § 141). But as a rule the Greeks did not excel in the working of iron, but imported goods in this metal from nations at a lower level of civilisation. Most noted were the Chalybes of Pontus, known to Aeschylus (*Prom. V.* 714) as *σιδηροτέκτονες Χάλυβες*: Xenophon (*Anab.* v. 5, 1) says they lived entirely by iron-work. The manufacture of arms and armour was carried to a high point of perfection by the people of Cyprus, who furnished Alexander the Great with a sword, and Demetrius Poliorcetes with a cuirass of wonderful power of resistance. In the time of Pliny (*H. N.* xxxiv. § 145) the best iron came from China, the second best from Parthia. Iron was found in large quantities in the island of Elba (Aethalia), and thence exported to the neighbouring Populonia, where it was worked. Toletum in Spain was celebrated even in Roman times for sword-blades, and the toreutic art was applied to iron at Cibyra.

We are told that a currency of iron was in use at Sparta in antiquity, and this story has become more credible since the discovery of iron coins of Argos and other Peloponnesian cities. The people of Byzantium also used iron coins (Pollux, ix. 78).

The extreme variation from place to place in the value of metals may be shown from the statement of the author of the *Periplus R. M.* (p. 59), that on the Arabian shore of the Red Sea gold passed as equivalent to three times its weight of copper, half its weight in iron, and one-tenth its weight in silver.

(*β*) Lead (*Plumbum nigrum*; *μόλυβδος*). An account of the sources and uses of lead in antiquity will be found in Pliny (*H. N.* xxxiv. §§ 156 ff.). Its easiness to work and its imperishable nature made it useful for certain purposes, as for coffins and pipes. Its great value in medicine as a cooling remedy was also fully recognised. But it was scarcely used for purposes of art.

(*γ*) Tin (*Plumbum album*). Few metals were in antiquity more widely used or more indispensable than tin. The implements and arms of the bronze age, the chief means of living during many centuries, contain almost invariably a proportion of tin. Tin (*κασσίτερος*) was in the Homeric age largely used for the decoration of arms. Yet tin is a rare metal, and not found in the Levant. Herodotus (iii. 115) gives as its source islands of the Western Sea, the Cassiterides, generally identified with the Scilly Isles, where tin is abundant. Diodorus derives the metal from the British coast. But Pliny (xxxiv. § 156) rejects these accounts as fabulous, and says that it came from Gallaecia and Lusitania in Spain. The likeness of the Greek word *κασσίτερος* to the Sanskrit *kastira* has induced some moderns to think that the chief source of tin was the coast of India. In any case it is probable that the purveying of it to the peoples of South Europe was an employment of the Phoenicians, and one of the chief sources of their wealth.

(*δ*) Stannum. Pliny (xxxiv. § 159) says that when mixed ores of silver and lead are melted together, the first liquid product is stannum, the second silver. Stannum was used for plating bronze vessels, for mirrors, horse-trappings and other purposes.

(*ε*) Quicksilver (*argentum vivum*; *ὑδράργυρος*, *ἄργυρος χυτός*). The use of quicksilver in gold mining was known to the ancients (Pliny, *H. N.* xxxiii. § 99). It was commonly produced artificially out of cinnabar (Dioscor. *de M. M.* v. 110).

(*ζ*) Zinc. The metal zinc does not seem to be mentioned by ancient writers, the word *σποδός* (Diosc. *de M. M.* v. 85) meaning only oxide of zinc. But in the analysis of Roman coins zinc is found in considerable proportions. It is present in some of the pieces of *aes grave* found at Vicarello; and in the large coins of yellow brass, sestertii and dupondii, issued by Augustus and his successors, the proportion of zinc to copper is sometimes more than 1 to 3 (Mommsen, *Röm. Münzwesen*, p. 763).

(*η*) Nickel. This metal was used for coins by some of the Greek kings in India in the 3rd century B.C. (*Numismatic Chronicle*, 1868, p. 305).

The passages in ancient writers bearing on the subject of metals and minerals are collected and translated into German by Lenz in his *Mineralog. d. alten Griechen und Römer*, 1861. [P. G.]

II. *Working of Mines in Antiquity.*—The subject of the working of mines in ancient times is obscure and difficult. It is only with reference to the silver and lead mines of Laurion in Attica, and the gold and silver mines in Spain, that we have any considerable data. Boeckh in his *Dissertation on the Silver Mines of Laurion* (printed as an appendix in the English translation of his *Public Economy*) discusses fully all that is known about the former. Xenophon, *de Vectigalibus*, 4, 2 (a chief source of information on the subject), says that the mines had been worked from time immemorial. The mines were worked by means of shafts and adits, and by the removal of whole masses, so that supports alone (*μεσοκρινεῖς*) were left standing. The processes of fusion carried on in furnaces on the spot seem on the whole to have been of the same imperfect kind as those carried on in other ancient mines. This is proved by the fact that at the present time a very handsome revenue is obtained by a French company from the working of the *scoriae* of the mines of Laurion by modern processes. The ores were smelted by means of charcoal (*ἄνθρακες*), the chief supply of which came from Acharnae. The state was sole proprietor of the mines; but they were never worked directly by the state, nor did the state ever let them for a term of years, like other landed property. Portions of them were sold or demised to individuals, with the reservation of a perpetual rent, and these leases were transferred from one person to another by inheritance, sale, and every kind of legal conveyance. The sale of the mines (that is, of the right of working them) was managed by the Poletae (POLETAE); this right was purchased at an appointed price, in addition to which the possessor paid the twenty-fourth part of the net produce as a perpetual tax. The purchase-money was paid direct to the state; the metal-rents were, in all probability, let to a farmer-general. The income derived from the mines of course depended on a variety of circumstances, and consequently the revenue fluctuated. In the time of Socrates it was less than at the time when Themistocles persuaded the Athenians to build a fleet with the proceeds of the mines instead of dividing them. Boeckh estimates the annual revenue at that time as 33½ talents. Citizens and isoteleis could alone possess mines. The number of owners was considerable. The common price of a share in a mine was a talent, or a little more. The labour was performed by slaves either belonging to the mine-owners or hired: great capitalists, such as Nicias, who owned 1000, bought slaves and let them out to the mine-owners at a drachm *per diem*. There was a special mining law (*μεταλλικὸς νόμος*) and a peculiar course of legal procedure in cases relating to mines (*δίκαι μεταλλικαί*), which in the time of Demosthenes were annexed to the monthly suits. [Emmenoi Dikai.]

Herodotus (vi. 46) tells us that the gold mines of Scapte Hyle brought the Thasians an annual income of 80 talents, and the mines on Thasos itself a sum not so great.

Diodorus Siculus (v. 36), Strabo (iii. p. 146 ff.), and Pliny (*H. N.* xxxiii.) are our chief sources of information for the working of mines in Roman times. Diodorus (v. 36) describes the elaborate system of shafts and galleries in the mines in Spain, the methods of draining them by cross drains and the use of the pump invented by Archimedes, and the miseries of the workmen, who were slaves and criminals (*metallum* was one of the regular penalties for lesser offences). Much gold was obtained in Lusitania and Gallicia by washing the river-sands in wicker baskets or cradles, just as placer gold is worked in modern times. Strabo (iii. p. 146) describes the process of refining the gold found in nuggets (*πάλαι, βοῦλοι*). The nuggets were first refined by means of an astringent clay containing vitrol (*στυπτηριώδης γῆ*): the metal thus obtained was called *electrum*, a mixture of silver and gold. This was again subjected to a refining process, the silver was burnt away (*ἀποκαίεσθαι*) and the gold remained. On account of its soft nature gold was melted by means of a fire of chaff (*ἄχυρος*), the heat of coal (*ἄνθραξ*) being considered too strong and wasteful. Gold dust was obtained by washing in pits dug in the beds of the streams (*ἐν δὲ ρείθροις σύρεται καὶ πλύνεται ἐν σκάφαις, ἢ ὀρύττεται φρέαρ, ἡ δὲ ἀνενεχθεῖσα γῆ πλύνεται*). They built tall furnaces for smelting the silver, that the fumes, which were considered baleful, might be carried high into the air.

Pliny (*H. N.* xxxiii. § 66) describes three methods of gold mining, and the elaborate method by which water for the washings was brought in a series of pipes or troughs along the precipitous sides of the mountains in Gallicia. By this method of washing some authors said that 20,000 lbs. of gold were obtained annually in Asturia and Gallicia.

Under the Roman Empire, the mines and quarries of all kinds, whether in the imperial or senatorial provinces, were worked for the emperor, and formed part of the revenue for the Fiscus, and also for the emperor's private purse, although under the Republic mines of all kinds belonged to private persons. Sometimes even under the Empire private persons owned saltworks and quarries. Thus Herodes Atticus worked the quarries of Pentelic marble. Quarries in some cases belonged not to the Fiscus, but to the emperor's private purse (*patrimonium*).

There was no central organisation for working the mines, but each mine or mining district was worked separately under an overseer (*procurator*, e.g. *procurator aurariorum*), probably himself a slave; sometimes the emperor let out the mines to a company of *publicani*. The revenue was managed by departments, consisting of a *commentariensis*, a *dispensator*, a *tabularius*, and an *arcarius*. Officers such as a *tribunus militum*, a *centurion*, or *decurion*, were detailed to superintend the carrying on of the operations. Under the Empire the workmen were slaves, free labourers, soldiers, or criminals. In the latter case there was a military station always near the mines. (Marquardt, *Staatsverwaltung*, ii. 252 *seqq.*) [Vectigalia.] [W. Ri.]

METATO'RES. [Castra, Vol. I. p. 372.]

METOECUS (*μέτοικος*), a resident foreigner, a permanent settler in an alien state. Resident aliens were common in nearly all Greek cities, especially centres of commerce, the sole known exceptions being Sparta, whose *ξενηλασίαι* were notorious (Thuc. i. 144, ii. 39; Xen. *Resp. Lac.* xiv. 4), and possibly Apollonia (Ael. *Var. Hist.* xiii. 16). A list of thirty-one towns which are known to have harboured *μέτοικοι* is given by Schenkl (*Wiener Studien*, 1880, ii. p. 163 f.), the authorities being chiefly inscriptional. The name appears with the variants *πάροικοι*, *πεδάFοικοι* (Argos, *C. I. G.* 14, 19), and *ἔνοικοι*.

The μέτοικοι at Athens. 1. *Institution of the class.*—Mention of resident foreigners at Athens is made by Plutarch, *Solon* 24 (*γενέσθαι πολίταις οὐ δίδωσι* [*Σόλων*] *πλὴν τοῖς . . . πανεστίοις Ἀθήναζε μετοικιζομένοις ἐπὶ τέχνῃ*). Yet this can hardly be taken to imply that all craftsmen who migrated to Athens in Solon's time received citizen rights, nor do we find in the fragments of Solon's laws any mention of a class intermediate between the *πολῖται* and *ξένοι*, between whom a sharp line appears to have been drawn. It seems more probable that Cleisthenes first created the *ordo*. A very possible interpretation of the well-known passage Arist. *Pol.* iii. p. 1275 (*πολλοὺς γὰρ ἐφυλέτευσε* [*Κλεισθένης*] *ξένους καὶ δούλους μετοίκους*) is to take *μετοίκους* in a non-technical sense, either with both substantives or with the latter only (see however Demus, Vol. I. p. 616 *b*). Now the most ancient inscription in which the word occurs as the designation of an *ordo* is in *C. I. A.* i. 2, the date of which is not much after Cleisthenes. A large admission to citizenship, such as Cleisthenes had carried, would necessitate the definite regulation of what constituted non-citizenship, in the case of those who did not now become enfranchised, and of new arrivals at Athens. Hence the "order" *μέτοικοι*, intermediate between the fully enfranchised *πολῖται* and the non-enfranchised *ξένοι*.

2. *Numbers.*—Thuc. ii. 13, after mentioning 13,000 as the full hoplite citizen force, gives 16,000 as the number of those who manned the battlements, consisting of *πρεσβύτατοι καὶ νεώτατοι καὶ μέτοικοι*. In ii. 31 he distinctly tells us that the full metoec hoplite force amounted to 3,000. Thus the whole number of *πολῖται* liable to military service between the ages of 18

and 60 (taking the *πρεσβύτατοι* as from 50 to 60, and the *νεώτατοι* as from 18 to 20) was, at that time, 13,000+(16,000−3000), *i.e.* 26,000. This would give, taking 1:4½ as the proportion of grown males to the rest of the citizen body, nearly 120,000. It would be rash to infer from this the number of the *μέτοικοι* as a whole, for we do not know that the hoplite status was the same for *μέτοικοι* as for *πολῖται*: and as they, as a rule, only manned the walls, they must have been less exposed to loss. The number of *μέτοικοι* is obscured by the fact that special draftings of *μέτοικοι* into the ranks of *πολῖται* are known to have taken place, when the numbers of *πολῖται* had been thinned by a serious disaster. Such cases are related by Diodorus Siculus, xiii. 97 (later years of Peloponnesian war), and the pseudo-Plutarchian author of the life of Hyperides, p. 9 (after Chaeronea, B.C. 338, at which 1000 *πολῖται* fell). There is distinct testimony that in the time of Demetrius of Phalerum there were 21,000 *πολῖται*, 10,000 *μέτοικοι*, and 400,000 *δοῦλοι* in Attica (Athen. *Deipn.* vi. 272 b). Some regard these numbers in the case of *πολῖται* and *μέτοικοι* as referring only to able-bodied men. The *μέτοικοι* consisted of Lydians, Phrygians, Syrians, and other barbarians (Xen. *Vect.* ii. 3), Syracusans, *e.g.* Lysias the speech-writer, Corinthians, *e.g.* Deinarchus, the orator.

3. *Position.*—Any stranger not a slave who remained more than a certain time at Athens was compelled to register himself as *μέτοικος*. During the days of grace he was termed *παρεπίδημος* (*μέτοικός ἐστιν, ὁπόταν τις ἀπὸ ξένης ἐλθὼν ἐνοικῇ τῇ πόλει, τέλος τελῶν εἰς ἀποτεταγμένας τινὰς χρείας τῆς πόλεως· ἕως μὲν οὖν ποσῶν ἡμερῶν παρεπίδημος καλεῖται καὶ ἀτελής ἐστιν, ἐὰν δὲ ὑπερβῇ τὸν ὡρισμένον χρόνον, μέτοικος ἤδη γίνεται καὶ ὑποτελής.* Aristoph. Byz. in *Herodian. Epimer.* ed. Boisson. p. 287). The civic disabilities of *μέτοικοι* were almost proverbial. Xenophon speaks of the Corinthians after their fusion with Argos as *ἐν τῇ πόλει μετοίκων ἔλαττον δυνάμενοι* (*Hell.* iv. 4, 6). Demosthenes (*Callip.* p. 1243, § 29) expresses the same idea by the phrase *μέτοικος καὶ οὐδὲν δυνάμενος.*

Aristotle (*Pol.* iii. p. 1275 a) defines the *μέτοικος* as *ὁ τῶν τιμῶν μὴ μετέχων.* These *τιμαί* were (*a*) *ἀρχαί*, *i.e.* the right of serving as magistrate and dicast, and of voting in elections. (*b*) *ἐπιγαμία*, marriage with *πολῖται*. (*c*) *γῆς καὶ οἰκίας ἔγκτησις*, acquisition of land or house property. (*d*) *ἱερωσύνη*, right of performing public sacrifice.

Each *μέτοικος* was obliged to enrol himself (*ἀπογράφεσθαι, ἐπιγράφεσθαι*) under a patron (*προστάτης*). This custom was no doubt originally due to the fact that in the eye of Greek law and religion the stranger was of the same status as a woman or a minor. Thus the *προστάτης* was at once a security for the good behaviour of the *μέτοικος*, and his representative to the *δῆμος*. (See Aristoph. *Pax*, 683; Harpocrat. *s. v. προστάτης*; Suidas, *s. v. νέμειν προστάτην*.) A *μέτοικος* who failed to register himself under a *προστάτης* incurred *ἀπροστασίου δίκη*: one who deserted his *προστάτης* incurred *ἀποστασίου δίκη* (Bekk. *Anecd.* p. 435; Dem. *Lacr.* p. 940, § 61, 48). The character of the *μέτοικος* might be inferred from that of his *προστάτης* (Isocr. *de Pace*, § 53). Yet it seems that a *μέτοικος* could plead a case in person. The speech of Demosthenes against Eubulides is spoken by a man presumed to be a *μέτοικος*, and no mention is made of a *προστάτης* in Lysias v. and xxiii., both of which speeches are made on behalf of *μέτοικοι*.

His civic disabilities left the *μέτοικος* free to engage in pursuits for which the ordinary citizen had little leisure. He was devoted to trade and could undertake long journeys on business. Hence *μέτοικοι* were distinctly valuable to the state and were encouraged to settle there. (See Aristoph. *Lys.* 579; Isocr. *de Pace*, § 21; [Lys.] *Andoc.* § 49; Xen. *Vect.* iv. 40; Grote, *Greece*, Part II. ch. xi. p. 336, large ed.) Their close connexion with the *πολῖται* is compared by Aristophanes to the relation of bran to flour, while *ξένοι* are but the chaff, which is winnowed away (*Ach.* 508). Their wealth often made them an object of envy and oppression, especially in matters of taxation (Dem. *Androt.* p. 609, § 66; *Timocr.* 166). A special instance of this is seen in their treatment under the Thirty (Xen. *Hell.* ii. 3, 30; *Lys.* xii. § 6).

Each *μέτοικος* paid an annual tax (*μετοίκιον*) of twelve drachmae, widows paying six drachmae, mothers whose sons paid already being exempt (Harpocr. *s. v. μετοίκιον*). This tax, like all others at Athens, was farmed out ([Dem.] *Aristog.* i. p. 787, § 68; Harpocr. *s. v. πωληταί*).

4. *Duties.*—Of the public *λειτουργίαι* the *χορηγία* alone is certainly known to have been open to *μέτοικοι*. (See Dem. *Lept.* pp. 462, § 18, 476, § 70; Lys. xii. § 20; *C. I. A.* ii. 86.) *Μέτοικοι* were liable to *εἰσφοραί*, which they paid on a rating of one-sixth of their property, a rating high in comparison to the *πολῖται* (Dem. *Androt.* p. 612, § 75). For this purpose they were formed into *μετοικικαὶ συμμορίαι* (Hyperid. *ap.* Poll. viii. 144; see also Boeckh, *Staatshaus.* ed. 3, vol. i. p. 624 ff.). With regard to military service, Pericles (Thuc. ii. 13) appears to speak of the *μέτοικοι* as only manning the walls. Yet they seem to have taken part in some distant expeditions, both as hoplites and oarsmen, *e.g.* to Megara (Thuc. ii. 31), coasts of Peloponneus (id. iii. 16), Boeotia (id. iv. 90). See also Thuc. i. 143, Dem. *Phil.* A. 36, from which it would seem that the employment of the *μέτοικοι* was usually regarded as a last resource. They were not allowed to serve as *ἱππεῖς* in any case (Xen. *Vect.* ii. 5; Hipparch. ix. 6).

The difference between *μέτοικοι* and *πολῖται* is naturally most marked in religious matters. Yet, as being an integral part of the state, they had a claim to some share in the state's religion. They took part in the Panathenaea, *ἵνα ὡς εὖνοι ἀριθμῶνται μετέχοντες τῶν θυσιῶν*, the men (*σκαφηφόροι*) carrying skiff-shaped bowls, the matrons (*ὑδριαφόροι*) pitchers, the maidens (*σκιαδηφόροι*) parasols (Hesych. *s. v. σκάφαι*: Ael. *Var. Hist.* vi. 1; Poll. iii. 55; Harpocr. *s. v. μετοίκιον*; Bekker, *Anecd.* pp. 214, 242). Others, however, think that the males alone took part in this *σκαφηφορία*, and that the *σκιαδηφορία, ὑδριαφορία*, and *διφροφορία* were quite distinct ceremonies.

5. *Special privileges.*—Individual *μέτοικοι*, as a reward for distinguished state services, might receive by vote of the *ἐκκλησία* special privi-

leges, such as *προξενία* (Dem. *Lept*. p. 475, § 68; *C. I. A.* ii. 91), *ἀτέλεια* (*C. I. A.* ii. 27, 42, 91; Dem. *ll. citt.*), *ἔγκτησις γῆς καὶ οἰκίας* (*C. I. A.* ii. 41, 70, 186, 380), *πρόσοδος πρὸς τὴν βουλὴν καὶ τὸν δῆμον* (*C. I. A.* ii. 41, 91). A special class of *μέτοικοι* were termed *ἰσοτελεῖς*. These had no *προστάτης*, paid no *μετοίκιον*, enjoyed (this is disputed) *ἔγκτησις γῆς καὶ οἰκίας*, and were, as far as payment of taxes and service as hoplites were concerned, on an equality with *πολῖται*. They were excluded from office, *ἐκκλησία*, and *δικαστήριον* (Poll. iii. 56; Harpocr. *s. v. ἰσοτελεῖς*: *C. I. A.* ii. 54, 176).

Actions at law in which *μέτοικοι* were concerned, either as plaintiff or defendant, were heard before the *ἄρχων πολέμαρχος δίκαι δὲ πρὸς αὐτὸν λαγχάνονται μετοίκων ἰσοτελῶν προξένων* (Poll. viii. 91). While liable *διδόναι δίκην* in all cases to which *πολῖται* were subject, they were only able *λαμβάνειν δίκην* in actions arising out of matters in which *μέτοικοι* were specially concerned. Thus a *μέτοικος* could indict a *πολίτης* for non-fulfilment of contract, but not for *ἀσέβεια*. See Aristotle in Harpocr. *s. v. πολέμαρχος*: Dem. *Lacr*. 48; Isocr. *Trapez*. (where Pasion the banker institutes a *δίκη βλάβης* before the polemarch against a nameless *μέτοικος*); Lys. xxiii. 2, 3. [A. H. C.]

ME'TOPA (*μετόπη*) is the name given to the interval between the *triglyphi* in the frieze of the Doric order [TRIGLYPHI], and also, according to Vitruvius (iv. 2, 4), to the interval between the denticuli in the Ionic order. The word is derived from *μετὰ* and *ὀπή*, but it is doubtful whether we should interpret it with Vitruvius as "space between holes" (*i.e.* between the sockets made in the architrave to hold the beams ending in triglyphs) or with most modern authorities as "hole between" triglyphs (Zwischenöffnung).

It is probable that the metopes were originally open, as we hear of the possibility of passing between the triglyphs (Eur. *Iph. T.* 113 c); but this may be only a story invented to suit the name. No trace of such an arrangement survives, the space being invariably filled with plain or sculptured slabs. It is probable that the use of painting, first in a plain colour, red to contrast with the blue triglyphs, and afterwards with figures, preceded the sculptural ornamentation, and survived in conjunction with it.

Metopes are of particular importance from the use of sculpture to ornament them; for of this sculpture numerous examples have survived, illustrating the various periods of Greek art. From Selinus in Sicily there survive (in the Museum at Palermo) sets of metopes from three temples, belonging to the beginning of the sixth and the beginning of the fifth century B.C. respectively. The earlier are most important examples of uncouth but powerful archaic art; the later have white marble insertions for the nude parts of female figures. From Athens we have metopes of the finest period, those of the Theseum and the Parthenon. The Parthenon had sculptures in all its metopes; the Theseum only upon the east front and the four eastern metopes of the north and south sides. At Olympia, the great temple of Zeus, which is of a somewhat earlier period, has all its external metopes plain, the sculpture being confined to the Doric frieze above the second row of columns upon the east and west fronts. For examples, see the woodcuts under COLUMNA.

As in the case of all architectural sculpture, the subjects and treatment are alike prescribed by the conditions of the surroundings. A series of square spaces with massive architectural frames require high and massive relief, and are especially adapted for scenes of violent action; hence we find most commonly various contests or battles, those of the Gods and Giants or the Lapithi and Centaurs, or the labours of Heracles or Theseus. Such subjects also must be chosen as may readily be represented in a connected series of small and concentrated groups; thus while the whole set of metopes should have a similarity or unity of subject, each ought also to be complete in itself. This principle is, however, violated in one or two instances: *e.g.* The fight of Heracles and Geryon is spread over two metopes on the Theseum. A contemporary description of the metopes of the temple at Delphi may be found in Euripides, *Ion*, 184 *sqq.* (Vitruv. iv. 2, 4; Benndorff, *Die Metopen von Selinunt*; Feuger, *Dorische Polychromie*, p. 41; Overbeck, *Gesch. d. gr. Plastik*, pp. 283–4, &c.) [E. A. G.]

METRE'TES (*μετρητής*), or **AMPHORA METRETES** (*ἀμφορεὺς μετρητής, the standard amphora*; it appears also as *ἀμφορεύς*, the shorter form of the old Homeric *ἀμφιφορεύς*, and as *κάδος* [Herod. i. 51, iii. 20]), was the principal Greek liquid measure. It contained 12 *choes*, 72 *xestae* (*sextarii*), 144 *cotylae*, 576 *ὀξύβαφα*, and 864 *cyathi*. It was 3-4ths of the *medimnus*, the chief dry measure. The Attic metretes was half as large again as the Roman *amphora quadrantal*, and contained 39·39 *litres*=69·33 pints, or slightly over 8⅔ gallons=a water-weight of 1½ talents. (See Tables.) The Aeginetan metretes contained 54·56 *lit.* or a little over 12 gallons, about the same content as the Persian *artabe* (Herod. i. 192).

The Macedonian metretes is estimated by Hultsch (p. 563) as equal to the Attic. (Hultsch, *Metrologie*; MENSURA; PONDERA.)

[P. S.] [G. E. M.]

METRO'NOMI (*μετρονόμοι*) were officers in the Athenian police appointed by lot, whose special duty was to see that proper weights and measures were used in the market and to proceed against those who used false measure (cf. Aristoph. *Thesm.* 348, *εἴ τις τοῦ χοὸς ἢ τῶν κοτυλῶν τὸ νόμισμα διαλυμαίνεται*). It is probable that they also had charge of the standard weights and measures, which were kept in the shrine (*ἡρῴον*) of the hero Stephanephoros (whom some take to be Theseus), just as those at Rome were kept in the temple of Juno Moneta (Boeckh, *Staatshaush.* ii.^{3} p. 324 f.), and hence we may conjecture that the metronomi also supervised the coinage. They had as subordinates in the market *Prometretae* (Boeckh, i. p. 62). As to their number, there is a conflict between Harpocr., Suid., Phot. and *Lex. Seg.* s. v., as the texts now stand, but Fränkel in his note on Boeckh (vol. ii. p. 14*) gives plausible reasons for taking as the true reading a total number of ten; five for the city and five for Peiraeus. According to this view, one was chosen by lot from each tribe. (Schömann, *Antiq. of Greece*, pp. 416, 420; Boeckh, *op. cit.*) [L. S.] [G. E. M.]

METRO'ON (*μητρῷον*). [ARCHEION.]

METRO'POLIS. [COLONIA, Vol. I. p. 474 *b*.]

MICA'RE DI'GITIS, a favourite game in ancient Italy, as the precisely similar *morra* is among Italians of the present day. Though not so common in Greece, it was known to the Greeks, and Aristotle seems to speak of it as *ἡ ἐνάλλαξις τῶν δακτύλων* (*de Insomn.* 2). The game was played by two persons, who simultaneously held up their right hands, of which some fingers, or all or none, were extended. At the same moment each calls out a number which he guesses to be the sum of the fingers extended by himself and his opponent. If he is right, he wins; or, according to one form of the game now played, he opens one finger of the left hand for each correct guess, and the winner is he who first guesses right five times and so opens all the fingers of the left hand. We get a fairly clear description in Nonnus, xxxiii. 77:

> *λαχνὸς ἔην μεθέπων ἑτερότροπα δάκτυλα χειρῶν·*
> *καὶ τὰ μὲν ὀρθώσαντες ἀνέσχεθον ἄλλα δὲ καρπῷ*
> *χειρὸς ἐπεσφήκωτο συνήορα σύζυγι δεσμῷ.*

It was sometimes the custom to play holding each one end of a staff with the left hand, as a security against that hand being used dishonestly, or in the excitement of the game. (See woodcut below.) The modern Italians often play with the left hand behind the back for the same reason.

Game of Morra, from a vase-painting. (Baumeister, *Denkmäler*, 997.)

The cut shows two women playing the game as described, and Victory hovering above them. As a proverbial expression for honesty, they spoke of a man with whom it would be safe to play morra in the dark (*quicum in tenebris mices*, Cic. *de Off.* iii. 19, 77; cf. Petron. 44). It was used also instead of casting lots for a chance decision. So in Calpurnius, *Ecl.* ii. 20, it is decided which singer shall begin by three turns of morra. Probably in such a case the *nearest* guess won, since it was possible that no correct guess might be made. Similarly in Cic. *de Off.* iii. 23, 90, we find *micando* joined with *sorte* (cp. also Cic. *de Div.* ii. 41, 85); and Suetonius (*Aug.* 13) mentions to the discredit of Octavianus, that after the battle of Philippi he made a father and son decide in this way which should be spared. Modern Italians use it to decide which shall pay the wine-bill. It was even used by tradesmen to decide a bargain; a practice which was condemned by an edict of the praefectus urbi, A.D. 372, "consuetudine micandi summota sub exagio [*i.e.* by scales] potius pecora vendere quam digitis concludentibus tradere" (*C. I. L.* vi. 1770). It is clear that this form of barter was not merely the habit which modern Italians have of holding up so many fingers when they bargain for anything, and was at best gambling, at worst sheer dishonesty. (See also Varro, *ap.* Non. 347, 30; Marquardt, *Privatleben*, 836; Becker-Göll, *Gallus*, ii. 479; *Charikles*, iii. 377.) [G. E. M.]

MILLIA'RE, MILLIA'RIUM, or **MILLE PASSUUM** (in Greek writers *μίλιον*), the Roman mile, consisted of 1000 paces (*passus*) of 5 ft. each, and was therefore = 5000 ft. Taking (with Hultsch) the Roman foot at ·2957 *met.* = ·3234 yards, the Roman mile would be 1617 English yards, or 143 yards less than the English statute mile. This = ·1996 German geographical mile. [MENSURA.] The Roman mile contained 8 Attic stadia. The most common term for the mile is *mille passuum*, or only the initials M. P.; sometimes the word *passuum* is omitted (Cic. *ad Att.* iii. 4; Sallust, *Jug.* c. 114): less frequently *mille passus*.

The mile-stones along the Roman roads were called *milliaria*. They were also called *lapides*; thus we have *ad tertium lapidem* (or without the word *lapidem*) for 3 miles from Rome, for Rome is to be understood as the starting-point when no other place is mentioned. Sometimes we have in full *ab Urbe*, or *a Roma*. (Plin. *H. N.* xxxiii. § 159; Varro, *R. R.* iii. 2.) The laying down of the mile-stones along the Roman roads is commonly ascribed to C. Gracchus, on the authority of a passage in Plutarch (*Gracch.* 6, 7). It is true that this only proves that Gracchus erected mile-stones on the roads which he made or repaired, without necessarily implying that the system had never been used before, and there are passages in the historians where mile-stones are spoken of as if they had existed much earlier; but such passages are not decisive; they may be anachronisms, in which *lapis* simply expresses the distance. (Liv. v. 4; Flor. ii. 6; comp. Justin. xxii. 6, § 9.) The passage of Polybius (iii. 39), which states that, in his time, that part of the high road from Spain to Italy, which lay in Gaul, was provided with mile-stones, is probably an interpolation.

The system was brought to perfection by Augustus, probably in connexion with that measurement of the roads of the Empire which was set on foot by Julius Caesar, and the results of which are recorded in the so-called *Antonine Itinerary* (of the 4th century A.D., according to Teuffel, *Rom. Lit.* § 406). Augustus set up a marble pillar with a gilt tablet in the forum, close to the flight of steps which lead up to the temple of Saturn, to mark the central point from which the great roads diverged to the several gates of Rome (Dio Cass. liv. 8; Plut. *Galb.* 24). It was called the *Milliarium Aureum*; and its position is defined as being *in capite Romani Fori* (Plin. *H. N.* iii. § 66), *sub aedem Saturni* (Tac. *Hist.* i. 97; Suet. *Otho*, 6). Some remains still exist, close to the Arch of Septimius Severus, consisting of a round brickwork pedestal, which is by many assumed to have been the base of the Milliarium Aureum: a cylindrical piece of marble, found near it, may have been part of the mile-stone. (Burn, *Rome and Campagna*, p. 124.) Professor Middleton, however (*Rome*, p. 167), takes these remains (a cylinder of concrete faced with brick and lined with slabs of marble) to be work of the third century A.D., and believes them to be the base of the *Umbilicus Romae*, a gilt column marking the centre of Rome, which is mentioned in the *Notitia* and also in the anonymous author of the Einsiedeln Itinerary. This stands at the north end of the supposed Graecostasis, and Professor Middleton places the Milliarium Aureum at the opposite end. Mr. Burn and others make the Milliarium and the Umbilicus different names for the same thing, but against that is the evidence of the *Notitia*, which mentions both. It seems that the marble pillar was covered, on each of its faces, with tablets of gilt bronze. These tablets recorded the numbers of miles covered by the various trunk roads from Rome and the names of the chief stations. The stone is called *Umbilicus Romae* in the anonymous Einsiedeln Itinerary.

It must be observed that the miles on the Roman roads were measured, not from the Milliarium Aureum in the forum (which was set up long *after* the regular mile-stones were placed), but from the gates of the city. (Burn, *op. cit.* p. 49.)

The *Milliarium Aureum* at Byzantium, erected by Constantine in imitation of that of Augustus, was a large building in the forum Augusteum, near the Church of S. Sophia. (See Buchholz, in the *Zeitschrift für Alterthumswissenschaft*, 1845, No. 100, &c.)

London also had its *Milliarium Aureum*, a fragment of which still remains; namely, the celebrated London Stone, which may be seen affixed to the wall of St. Swithin's Church in Cannon Street.

From this example it may be inferred that the chief city of each province of the Empire had its *Milliarium Aureum*.

The ordinary *milliaria* along the roads were short marble columns inscribed with some or all of the following points of information:—(1) the distance, which was expressed by a number, with or without M. P. prefixed; (2) the places between which the road extended; (3) the name of the constructor of the road, and of the emperor to whose honour the work was dedicated. Several of these inscriptions remain, and are collected in the following works:—Gruter, *C. I.* pp. cli. &c.; Muratori, *Thes.* vol. i. pp. 447, &c.; Orelli, *Inscr. Lat. Sel.* Nos. 1067, 3330, 4877; and especially Bergier, *Hist. des grands Chemins des Rom.* vol. ii. pp. 757, &c., Bruxelles, 1728, 4to. An example may be seen in the first milestone of the Appian road, which has been placed in the Piazza of the Capitol, having been found one Roman mile from the Porta Capena.

On some of these mile-stones, which have been found in Gaul, the distances are marked, not only in Roman miles, but also in Gallic *leugae*, a measure of 1500 *passus*. [P. S.] [G. E. M.]

MIMUS (*μῖμος*) properly signifies an imitation or imitator of a situation or person.

1. Greek. In Greek literature the word *mime* is associated with the name of Sophron of Syracuse (fifth century B.C.) and his son Xenarchus (Suid. *s. v.* *ῥηγίνους*). What we know about Sophron is mainly derived from Suidas (*s. v.* *Σώφρων*) and the other lexicographers, the Scholiasts on Nicander and Theocritus, and Athenaeus (see Gaisford's Suidas). We are told that he wrote *μίμους ἀνδρείους* and *μίμους γυναικείους* in the Doric dialect, that they were in prose and imitated by Plato, who used to keep a copy of Sophron under his pillow. The names of some of the mimes are *ἄγγελος*, *θυννοθήρας*, *γέροντες ἁλιεῖς*, and *ἀκεστρίαι*, *νυμφοπόνος*, *πενθέρα*, *Ἰσθμιάζουσαι*. The Second Idyll of Theocritus is borrowed from the *Ἀκεστρίαι* ("The Women Quacks"), and the Fifteenth from the *Ἰσθμιάζουσαι*. Mahaffy (*Hist. of Greek Literature*, § 240) supposes that Sophron's compositions were, like the so-called poems of Walt Whitman, written in a rhythmical prose (*οὗτος γὰρ μόνος*, says an old Scholiast, *τῶν ποιητῶν ῥυθμοῖς τισι καὶ κώλοις ἐχρήσατο ποιητικῆς ἀναλογίας καταφρονήσας*), and were clever delineations of ordinary character, full of patois, wise saws and outspokenness. He further considers that they may have been performed in private society, like the marriage of Dionysius and Ariadne at the end of Xenophon's *Symposium*. Besides Plato, Persius was also said to have imitated Sophron (Lyd. *de Magistr.* i. 41). Botzon has collected the fragments of Sophron in a Programm, 1867. For further, see Fuhr, *De Mimis Graecorum*, 1860.

2. Roman. The Roman *mimus* (a term applied to the piece as well as to the actor) was, like the Atellan farce, an improvised character play of ordinary life, but without the stock character-masks and buskins; and it was more concerned with the humorous side of the low life of the town than of the country. It was indigenous in Latium, and developed out of the dances in character to the flute which were performed in the pit of the theatre during the intervals between the acts, and sometimes in private circles to amuse the guests during dinner (Mommsen, *Rom. Hist.* iv. 579). Later it assumed a certain amount of stage wisdom and wise saws from the works of the Greek New Comedy, which are known chiefly from the great number of Sententiae in Iambic verse of Publilius Syrus. (See the list of over 500 certain instances in Ribbeck, *Com. Lat. Reliquiae*, 261 ff.) But the chief function of the mime was to raise a laugh, and so the language was that of the lower orders, coarse and vulgar. *Mimi* and *mimae* first appear about the time of Sulla (Auct. *ad Herenn.* i. 14, 24, ii. 13, 19; Plin. *H. N.* vii. § 158; Plut. *Sulla*, 2, 36), and in Cicero's time the mime was often given as an afterpiece instead of the Atellana (Cic. *Fam.* ix. 16, 7); hence a *mimus* may fairly be called an *exodium* (cf. Suet. *Dom.* 10), though that term is generally applied only to the Atellanae (Liv. vii. 2, 11). They were played in front of the stage before the *siparium* (Juv. viii. 185, and Schol.; Senec. *de Tranquill. An.* 11). The actor had no buskins (*planipes*, Juv. viii. 181; Gell. i. 11, 12; *excalceatus*, Senec. *Ep.* 8, 8), and no mask: he wore a sort of harlequin costume (*centunculus*, Apul. *Apol.* 13), with the *ricinium* (Festus, *s. v.*; Marquardt, *Privatl.* p. 558) [Ricinium], and the phallus (Schol. on Juv.

vi. 66; Arnob. vii. 33). Along with the principal character (*mimus* or *archimimus*) was a sort of pantaloon called *parasitus* or *stupidus* (Wilmanns, 2635), got up with puffed cheeks and shaved head, who used to have to stand a great deal of noisy slapping (*alapae*) and abuse from the principal actor (Mart. ii. 72, 4; Tert. *Spect.* 23; Arnob. *l. c.*). This *stupidus*, as well as the other actors of the secondary parts, had as his *rôle* to imitate the chief actor (Hor. *Epist.* i. 18, 14; cf. Suet. *Cal.* 57). The female parts were played by women: for example, Thymele in Juv. i. 36, vi. 66; Arbuscula (Cic. *Att.* iv. 15, 6), Dionysia (ib. *Rosc. Com.* 8, 23), Cytheris (ib. *Phil.* ii. 8, 20), Claudia Hermione (Orelli, 4760), *Luria privata mima vixit annis* xix. (Wilm. 2634; cf. *C. I. G.* 6335, 6750), a burial-ground *sociarum mimarum* in Wilm. 326. Their performances, originally at the Floralia, later at all the exhibitions, were decidedly loose (*ut mimae nudarentur postulare*, Val. Max. ii. 10, 8). The dancing in the mimus was of a grotesque nature, accompanied by extravagant grimaces and obscene gestures and jokes (Ov. *Trist.* ii. 497 ff., 515), with plenty of ribald abuse and blows (Mart. *l. c.*; Juv. viii. 192, and see especially Mayor on Juv. v. 171).

The subjects were of the most varied kinds (see the long list, with the fragments which are preserved, in Ribbeck, *Com. Lat. Reliquiae*, 237 ff.), but they nearly always involved some incident of an amorous nature in which ordinary morality was set at defiance (Ov. *l. c.*; Juv. vi. 44; Val. Max. ii. 6, 7). There were often sudden changes of fortune introduced, beggars becoming millionaires (Cic. *Phil.* ii. 27, 65) and *vice versâ* (Senec. *Ep.* 114, 6), mimicking and parodies of people of the day, such as lawyers for example (Wilm. 2627), general character pieces (*e.g.* Augur, Colax, Ephebus, Hetaera, Virgo), scenes from the life of tradesmen (*e.g.* Restio, Fullo) or of foreigners (*e.g.* the Etruscan Women, the Gauls), subjects with ghosts in them (Descensus ad Inferos by Laberius, Phasma by Catullus), description of popular festivals (Compitalia, Parilia, Saturnalia, reminding one of Sophron's mimes), representation of careers that attracted the imagination of the people (*e.g.* that of Laureolus, the Dick Turpin of the ancients, Juv. viii. 187), mythological caricatures (*moechum Anubim et masculam Lunam, Dianam flagellatam et Jovis mortui testamentum recitatum et tres Hercules famelicos*, Tert. *Apol.* 25). In Imperial times they were sometimes intricate enough (Quint. iv. 2, 53): Plutarch (*de sollert. Anim.* 19 = 973, 46) tells us of a mime in which a dog took a prominent part. There was always a great deal of political criticism allowed in the mimes (Macrob. *Sat.* ii. 7, 5; Cic. *Att.* xiv. 3, 2; Suet. *Aug.* 53, 68, *Tib.* 45; Friedländer, ii.^{3} 420 ff.).

The principal writers of mime under the late Republic were Laberius and Publilius Syrus. The mimographi under the Empire are numerous: Catullus (Juv. viii. 186), Lentulus and Hostilius (Tert. *Apol.* 15), Aemilius Severianus (*C. I. L.* 4092), Philistion (Suet. ed. Roth, p. 299, 3). As the mimes were not so fashionable as the pantomimes, we hear less about their performers. Still we occasionally hear of them, *e.g.* Latinus and Panniculus (Mart. *l. c.*), Alytyros (Joseph. *Vita*, 3), &c.; and at times they were advanced to great honours, *e.g.* a mimus Eutyches was made a decurio at Bovillae, and he was so rich as to be able to give a distribution of money to the citizens (Wilm. 2624, cf. 2625). The epitaph of the actor Vitalis says of his profession as mime, *Hinc mihi larga domus hinc mihi census erat* (*Anthol. Lat.* ii. p. 89, ed. Meyer).

For further, see Friedländer, *Sittengeschichte Roms*, ii.^{3} 416–422; Teuffel, *Röm. Litteraturgeschichte*, § 8 (who however confuses mimes and pantomimes); Patin, *Études sur la Poésie latine*, ii. 346–365. [L. C. P.]

MINA. [TALENTUM.]

MINOR. [CURATOR; INFANS.]

MINU'TIO CA'PITIS. [CAPUT.]

MI'SSIO. [EXERCITUS, Vol. I. p. 809 *b*.]

MI'SSIO. [GLADIATORES.]

MISTHO'PHORI (*μισθοφόροι*). [MERCENARII.]

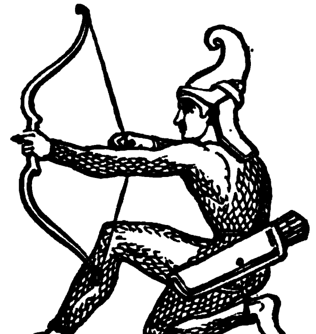
MISTHO'SEOS PHASIS (*μισθώσεως φάσις*), also called *μισθώσεως οἴκου φάσις*, is the action brought against a guardian for either having neglected to make profitable use of the property of his ward, or for having made no use of it at all. Use might be made of such property either by letting it, if it consisted of lands or houses, or by putting it out to interest, if it consisted of capital. Like the kindred action *κακώσεως τῶν ὀρφανῶν*, it might be brought against the guardian, during the minority of his ward, by any person who took an interest in the welfare of the orphan. After the orphan came of age, the remedy lay in his own hands by a *δίκη ἐπιτροπῆς*: in the confused notices of the grammarians we find also a *γραφὴ ἐπιτροπῆς* (Poll. viii. 35), but this is almost certainly a mistake (*Att. Process*, p. 360 Lips.). The question whether the action *μισθώσεως* was public or private, a *γραφὴ* or a *δίκη*, has been discussed by Boeckh (*P. E.* p. 355 f. = *Sthh.*^{3} i. 425 f.) and the authors of the *Attische Process* (p. 294 f.) without coming to any very definite conclusion. In reality, as the recent editors of these two works have pointed out, the only word used by good authorities is *φάσις*, a particular kind of public prosecution by way of information (Fränkel on Boeckh, n. 566; Lipsius, *A. P.* p. 361; cf. Thalheim, *Rechtsalterth.* pp. 14, n. 4, 84, n. 2; PHASIS). There is a further doubt whether the *φάσις* lay only against a guardian who had not let the property at all, or also against one who had not let it to the best advantage. Most grammarians include the latter case (*κατὰ τῶν οὐ δεόντως μεμισθωκότων*, Harpocrat., Suid., *s. v.*; *Lex. Rhet.* p. 667, 7; *Etym. M.* p. 788, 50); the *Lex. Seguer.* mentions only the non-letting (pp. 312, 24; 315, 18). Complaints of this kind were brought before the first archon. In cases where the guardian would not or could not occupy himself with the administration of the property of his ward, he might request the archon to let the whole substance of his ward's property to the highest bidder, provided the testator had not expressly forbidden this mode of acting in his will. (Demosth. *c. Aphob.* ii. p. 837, § 5; compare iii. p. 853, § 29, 857, § 42; Lys. *c. Diogeit.* § 23.) The letting of such property took place by auction, and probably in the presence of a court of justice, for we read that the court decided in cases where objections were made against the terms of letting the property.

(Isae. *Or.* 6 [*Philoct.*], § 36 ff.) The person who took the property had to pay an annual percentage for the right of using it, and this percentage frequently amounted to more than 12 per cent. per annum. If one man alone was unwilling to take the whole property on such conditions, it might be divided and let to several persons separately. (Isae. *Or.* 2 [*Menecl.*], § 28 ff.) The tenant or tenants of the property of an orphan had to give security (*ἀποτίμημα*) for it, and to mortgage (*ἀποτιμᾶν*) his own estate, and the archon sent especial persons, *ἀποτιμηταί*, to value his property, and to ascertain whether it was equivalent to that of the orphan. (Suidas, *s. v.* Ἀποτιμηταί.) The technical term for letting the property of an orphan, whether it was done by the guardian himself or by the archon, was *μισθοῦν*, and those who took it were said *μισθοῦσθαι τὸν οἶκον* (*οἶκος* here signifies the whole substance of the property, Dem. *c. Aph.* i. p. 818, § 15; 826, § 40; 827, § 43; 831, § 58). The tenants of the estate of an orphan had the right and perhaps the obligation to protect it against any other person. (Isae. *Or.* 7 [*Hagn.*], § 16.) It is not clear what resource was open to an orphan against a tenant who did not fulfil his obligations, but it is probable, that if any disputes arose, the guardian or the archon alone were answerable and had to procure justice to the orphan.

(Boeckh, *P. E.* pp. 142, 355 = *Sthh.*^{2} i. 179, 425; *Att. Process*, pp. 294, 532 = 361, 726 f. Lips.; Thalheim, *ubi supra*; cf. Epitropus, p. 752 *a.*) [L. S.] [W. W.]

MITRA (*μίτρα*) means in its first sense a band of any kind, and accordingly it was (1) the Homeric *μίτρη*, a band beneath the *θώρηξ* over the lower part of the abdomen [Lorica, p. 78 *a*], and (2) is equivalent to the *ζώνη παρθενική*, the maiden's girdle [Cingulum, Vol. I. p. 427), so that the word *ἄμιτρος* (Callim. *Diom.* 14) means a young girl, not old enough for a girdle, not yet of a marriageable age.

The word is then used for a band fastening the hair; thence developing into a regular head-dress for women, with lappets hanging over the ears, apparently something like a *κρήδεμνον* or the Calautica (Serv. *ad Aen.* ix. 616; see Coma, Vol. I. p. 449, and the woodcuts on that page): but it does not seem to have been worn either in Greece or at Rome by women of a respectable class. (See Serv. *l. c.* and the passages cited by Professor Mayor on Juv. iii. 66.) Cicero speaks indignantly of the *mitella* being worn by effeminate young men (*pro Rabir. Post.* 10, 26).



Paris, with Phrygian mitre. (Aegina Marbles.)

As an Asiatic head-dress it was sometimes shaped like a turban, as in the mosaic of the battle of Issus, sometimes in a peaked form, as in the woodcut from the Aeginetan sculptures representing Paris; also with lappets (the *redimicula* of Verg. *l. c.*), as is well shown in a vase-painting *ap.* Baumeister, *Denkm.* fig. 1318: from this Asiatic head-dress the episcopal mitre was a very late development. In the LXX. in Ex. xxviii. 33 and some other passages the word *μίτρα* renders the priestly cap which is commonly called *κίδαρις*. It is noticeable that the ecclesiastical mitre of the Middle Ages is by some ecclesiastical writers called a *Phrygium*. (Marriott, *Vestiarium Christ.* p. 220.) [Tiara.] [W. S.] [G. E. M.]

MIXTA ACTIO. [Actio.]

MNA (*μνᾶ*). [Talentum.]

MNE'MATA, MNEMEIA (*μνήματα, μνημεῖα*). [Sepulcrum.]

MNOIA, MNOTAE (*μνοία, μνῶται*). [Cosmi, Vol. I. p. 555.]

MOCHLUS (*μοχλός*). [Janua.]

MODI'OLUS, the diminutive of Modius, is used for various kinds of small vessels: for a drinking-cup, Dig. 34, 2, 36; for the buckets on the edge of the *tympanum*, by which water was raised (Vitruv. x. 10), and generally for any kind of bucket or small cistern in hydraulic machinery (*ib.* 12, 13); and hence, from its shape, it is also used for the box or nave (*πλήμνη*) of a wheel (Plin. *H. N.* ix. § 8; Vitruv. x. 14), for the nave or socket into which the axle of the crusher in an oil press fits (Trapetum), and for other kinds of sockets (Vitruv. x. 18). [P. S.] [G. E. M.]

MO'DIUS, the principal dry measure of the Romans, was equal to one-third of the amphora (Volusius Maecianus, Festus, Priscian, *ap.* Wurm, § 67), and was therefore equal to nearly two gallons English. It contained 16 *sextarii*, 32 *heminae*, 64 *quartarii*, 128 *acetabula*, and 192 *cyathi*. Compared with the Greek dry measure, it was 1-6th of the Medimnus. Its contents weighed, according to Pliny, 20 pounds of Gallic wheat, which was the lightest known at Rome. Farmers made use of vessels holding 3 and 10 modii (Colum. xii. 18, § 5). As a land-measure the third part of the jugerum was called *σπόρμος μόδιος* = *Castrensis Modius*. The symbol in Latin MSS. is M^{o}, in Greek M$^{\delta}$, μ^{o} (Hultsch, *Metr. Script.* i. 70.) [P. S.]

MO'DULUS (*ἐμβάτης*), the standard measure used in determining the parts of an architectural order. It was originally the lower diameter of the column; but Vitruvius takes in the Doric order the lower semi-diameter for the module, retaining the whole diameter in the other orders. Modern architects use the semi-diameter in all the orders. The system of dividing the module into minutes was not used by the ancient architects, who merely used such fractional parts of it as were convenient. The absolute length of the module depends of course on the dimensions of the edifice: thus Vitruvius directs that, in a Doric tetrastyle portico, $\frac{1}{28}$, and in a hexastyle $\frac{1}{44}$ of the whole width should be taken as the module, if diastyle, or $\frac{1}{23}$ and $\frac{1}{33}$ respectively, if systyle (Vitruv. i. 2; iv. 3; v. 9). Instead of the accepted view, that the bottom diameter of the column was taken as the modulus, M. Aurés, in his *Nouvelle Théorie du Module* (Nîmes, 1862), has tried to prove from Vitruvius and extant examples, that both for the column and for the intercolumnia the measurement was taken at the middle height. This seems improbable, as such a measurement could not be obtained till the building was complete; and the passages quoted hardly bear such an interpretation. (See Reber, *Philologus*, xxvii. pp. 185–191.) [P. S.] [E. A. G.]

MOENIA. [MURUS.]

MOICHEIAS GRAPHE' (*μοιχείας γραφή*). [ADULTERIUM.]

MOLA (*μύλη* or *μύλος*), a mill. Curtius (*Gr. Etym.* p. 339) remarks that all European languages have the same word for these contrivances—a sufficient proof of their antiquity. The Greeks and Romans of course identified the process with certain deities or heroic beings, such as Myles of Alesiae (Pausan. iii. 20), Μυλαντεῖοι Θεοί (Hesych.): in Pliny, vii. § 191, the invention is ascribed to Ceres: Varro (*ap.* Plin. xxxvi. § 135) more practically derives the Roman mills from Volsinii in Etruria.

All mills no doubt started from a simple process of grinding between two stones, and it is impossible to say when the machines, properly so called, for grinding began. The mention of stones "like millstones" in Hom. *Il.* vii. 270, xii. 161, proves that corn was ground between stones of some particular size and shape, but does not tell us more. The same may be said of the passages in *Od.* vii. 104, xx. 105, though perhaps in the latter passage the number of mills in the palace (presumably six with two female slaves at each) implies that they were small and rude. Dr. Schliemann (*Ilios*, p. 234) shows "saddle querns" of trachyte, found at Hissarlik, flat on one side and convex on the other, between which the corn was ground or bruised. It is not quite clear why we need, with him, assume that corn could not be ground by such a method. The process may have been such as Livingstone describes in Africa, where the upper stone is moved round and round over the lower by the hand. The process would be more troublesome than the rudest quern worked by a handle, but, given sufficient time, the result would be the same.

All mills were anciently made of stone, the kind used being a volcanic trachyte or porous lava (*pyrites*, Plin. *H. N.* xxxvi. § 30; *silices*, Verg. *Moret.* 23–27; *puniceas*, Ovid. *Fast.* vi. 318), such as that which is now obtained for the same purpose at Mayen and other parts of the Eifel in Rhenish Prussia. They were obtained especially from the volcanic island Nisyros (Strabo, x. p. 488). Hence the complaint of the horse in *Anth. Pal.* ix. 21, 5:

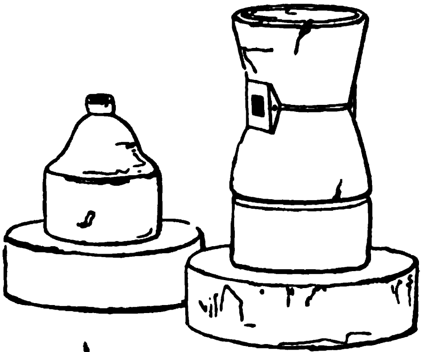
> νῦν δὲ βάρος πέτρης Νισυρίτιδος ἔγκυκλον ἕλκω
> λεπτύνων Δηοῦς καρπὸν ἀπ' ἀσταχύων.

Hence also the epithet *mola scabra* in Ovid. This species of stone is admirably adapted for the purpose, because it is both hard and cavernous, so that, as it gradually wears away, it still presents an infinity of cutting surfaces.

Every mill consisted of two essential parts,—the upper mill-stone, which was movable (*catillus*, *ὄνος*, *τὸ ἐπιμύλιον*, Deut. xxiv. 6), and the lower (*meta*, *μύλη*), which was fixed and by much the larger of the two. Hence a mill is sometimes called *molae* in the plural. The stones were kept rough by cutting or scratching them when they wore smooth, which is the sense of *νεόκοπτος* in Aristoph. *Vesp.* 648, and *lapis incusus* in Verg. *Georg.* i. 274. There are three kinds of mills mentioned by ancient authors,—the hand-mill, the mill worked by animals, and the water-mill. Windmills are an invention of the Middle Ages.

I. The hand-mill, or quern, called *mola manuaria*, *versatilis*, or *trusatilis*. (Plin. *H. N.* xxxvi. § 135; Gell. iii. 3; Cato, *de Re Rust.* 10.)

The islanders of the Archipelago use in the present day a mill, which consists of two flat round stones about two feet in diameter. The upper stone is turned by a handle (*κώπη*) inserted at one side, and has a hole in the middle into which the corn is poured. By the process of grinding the corn makes its way from the centre, and is poured out in the state of flour at the rim. (Tournefort, *Voyage*, Lett. 9.) The description of this machine exactly agrees with that of the Scottish quern, formerly an indispensable part of domestic furniture. (Pennant, *Tour in Scotland*, 1769, p. 231; and 1772, p. 328.) There can be no doubt that this is the flour-mill in its most ancient form. In a very improved state it has been discovered at Pompeii. The annexed woodcut shows two which were found standing in the ruins of a bakehouse. In the left-hand figure the lower millstone only is shown. The most essential part of it is the cone, which is surmounted by a projection containing originally a strong iron pivot. The upper millstone, seen in its place on the right hand of the woodcut, approaches the form of an hour-glass, consisting of two hollow cones, jointed together at the apex, and provided at this point with a socket, by which the upper stone was suspended upon the iron pivot, at the same time touching on all sides the lower stone, and with which it was intended to revolve. The pivot could be made slightly longer if coarser meal was desired. The upper stone was surrounded at its narrowest part with a strong band of iron; and two bars of wood were inserted into square holes, one of which appears in the figure, and were used to turn the upper stone. These bars or levers, whether



Mills at Pompeii.

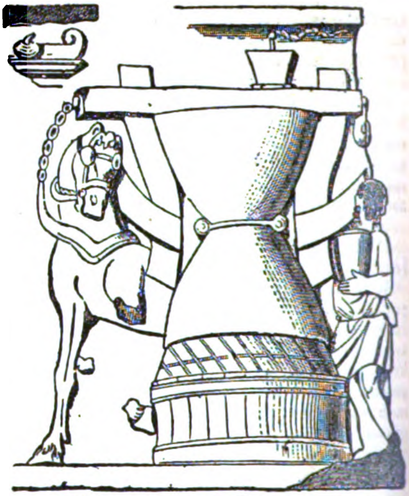
worked by hand or by an animal attached to them, were called *κῶπαι*, in Latin *molilia*. The uppermost of the two hollow cones served the purpose of a hopper. The corn with which it was filled gradually fell through the neck of the upper stone upon the summit of the lower, and, as it proceeded down the cone, was ground into flour by the friction of the two rough surfaces, and fell on all sides of the base of the cone into a channel formed for its reception. The mill here represented is five or six feet high.

The hand-mills were worked among the Greeks and Romans by slaves. Their pistrinum was consequently proverbial as a place of punishment for refractory town slaves (see Ramsay's excursus on the *Mostellaria*): smaller hand-mills were however worked, especially in the Homeric age, by women. (Hom. *Od.* vii. 104; Exod. xi. 5; Matt. xxiv. 41.)

In every large establishment the hand-mills were numerous in proportion to the extent of the family. Thus in the palace of Ulysses there were twelve, each turned by a separate female slave, who was obliged to grind every day the fixed quantity of corn before she was permitted to cease from her labour. (*Od.* xx. 105–119; compare Cato, *de Re Rust.* 56.) We have special mention of the *ἐπιμύλιοι ᾠδαί*, sung as they worked in time. (Poll. iv. 53; Athen. xiv. 618 d.) It seems also to have been called *ἱμαῖον μέλος* (Hesych. *s. v.*; Phot. *s. v.* *ἱμαοιδός*). An instance is given in Plut. *Conviv. vii. Sap.* p. 157 d: *ἄλει μύλα, ἄλει καὶ γὰρ Πίττακος ἄλει, μεγάλας Μιτυλάνας βασιλεύων.*

II. The mill worked by animals (*mola jumentaria, mola asinaria:* Lucian, *Asin.* 28; Ov. *Fast.* xi. 318, &c.). The horses so used were old and worn out (Juv. viii. 67; Apul. *Met.* ix. 11), such as the worn-out racehorse of the fabulists (Babr. 29; Phaedr. 19). The woodcut below shows the horse attached under the cross-beam, as in Babrius, *l. c.*: *ζευχθεὶς ὑπὸ μύλην.* The animal was blinded by a bandage (*ὀθόνη*) over the eyes, by way of blinkers. The woodcut gives an instance of something more like ordinary blinkers. It was common also to prevent the animals from eating the corn by a contrivance called *παυσικάπη*, which was a *τροχοειδὲς μηχάνημα* round the neck, which made it impossible for an animal to lower its mouth to the corn or for a man to bring his hands up to his mouth, for slaves also were sometimes so muzzled. (Poll. vii. 20; Eustath. *ad Il.* xxii. 467; Phot. *s. v.* *παυσικάπη*.) It was also called *καρδοπεῖον* (Poll. x. 112, who quotes from Aristoph. *Heroes*; cf. Schol. *ad* Aristoph. *Pax*, 14). These mills were larger but of exactly the same construction as the hand-mill described above, except so far as the apparatus for attaching the animal was concerned. In the woodcut, from a relief in the Museo Chiaramonti, there is a cross-beam above the *catillus* connected by two curved vertical beams with another lower cross-beam. The hopper for filling the mill appears above the beam. It may be remarked that the lamp on the bracket in the corner exactly illustrates Verg. *Moret.* 19: "tabella quam fixam paries illos servabat in usus lumina fida locat." The mill-driving animals had a holiday at the festival of Vesta. (Cf. the *coronati aselli*, Ov. *Fast.* vi. 311; Prop. v. 1, 21.)

III. The water-mill (*mola aquaria, ὑδραλέτης, ὑδρόμυλος*). The first water-mill of which any record is preserved, was connected with the palace of Mithridates in Pontus. (Strabo, xii. p. 556; Pompon. *ad* Verg. *Moret.*) That water-mills were used at Rome is manifest from the description of them by Vitruvius (x. 10). A cogged wheel, attached to the axis of the water-wheel, turned another which was attached to the axis of the upper mill-stone: the corn to be ground fell between the stones out of a hopper (*infundibulum*), which was fixed above them. (See also Brunck, *Anal.* ii. 119; Pallad. *de Re Rust.* i. 42.) Ausonius, as cited below, mentions their existence on the Ruwer near Treves; and Venantius Fortunatus, describing a castle built in the sixth century on the banks of the Moselle, makes distinct mention of a tail-race, by which "the tortuous stream is conducted in a straight channel." (*Poem.* iii. 10.) The following epigram of the time of Augustus describes them as in use to save labour:—



Mill, from an ancient relief. (Blümner.)

ἴσχετε χεῖρα μυλαῖον, ἀλετρίδες, εὕδετε μακρά,
  κἢν ὄρθρον προλέγῃ γῆρυς ἀλεκτρυόνων·
Δηὼ γὰρ Νύμφαισι χερῶν ἐπετείλατο μόχθους·
  αἱ δὲ κατ' ἀκροτάτην ἀλλόμεναι τροχιὴν
ἄξονα δινεύουσιν· ὁ δ' ἀκτίνεσσιν ἑλικταῖς
  στρωφᾶται πισύρων κοῖλα βάρη μυλάκων.

IV. The floating-mill. When Rome was besieged by the Goths, A.D. 536, and when the stoppage of the aqueducts rendered it impossible to use the public corn-mills (*οἱ τῆς πόλεως μύλωνες*) in the Janiculum, so that the citizens were in danger of starvation, Belisarius supplied their place by erecting floating-mills upon the Tiber. Two boats being moored at the distance of two feet from each other, a water-wheel, suspended on its axis between them, was turned by the force of the stream, and put in motion the stones for grinding the corn. The invention being found useful was retained, according to Procopius, in later times. (Procop. *de Bello Gothico*, i. 15.)

V. The saw-mill. Ausonius mentions mills situated on some of the streams falling into the

Moselle, and used for cutting marble into slabs. (*Id*, *ll.* x. 362, 363.)

VI. The pepper-mill. A mill for grinding pepper, made of boxwood, is mentioned by Petronius (*molea buxea piper trivit*, *Sat.* 74). For the olive-mill (*mola olearia*), see TRAPETUM. (Blümner, *Technologie*, i. pp. 23–49; Marquardt, *Privatleben*, p. 421.) [J. Y.] [G. E. M.]

MONA'RCHIA (*μοναρχία*), a general name for any form of government in which the supreme functions of political administration are in the hands of a single person. The term μοναρχία is applied to such governments, whether they are hereditary or elective, legal or usurped. If all the officials and ministers of the ruler are merely his deputies, appointed and removable by him, then the term *μοναρχία* strictly applies. Aristotle (*Pol.* iii. 15, 2,= p. 1287) calls this *παμβασιλεία*. This form of monarchy did not belong to Greek states except as a consequence of revolution, when some citizen usurped this power for himself, and sometimes transmitted it. Monarchy of the more constitutional kind, as described in Homer, probably existed throughout Greece at the time of the Dorian conquest, and gradually disappeared, as in each state the weak or violent rule stirred up successful opposition of the people. In Argos, however, it lasted to the time of the invasion of Xerxes (Herod. vii. 149), but disappeared before the Peloponnesian War. In Sparta it remained in a peculiar form. In its commonest application, it is equivalent to *βασιλεία*, whether absolute or limited. But the rule of an *aesymnetes* or a *tyrant* would equally be called a *μοναρχία*. (Arist. *Pol.* iii. 16, iv. 8 = pp. 1286, 1294; — Plato, *Polit.* p. 291, C, E; p. 302, D, E.) Hence Plutarch uses it to express the Latin *dictatura*. Aristotle defines four sorts of *βασιλεία*: "firstly, the kingship of the heroic period, when the obedience was voluntary, but the power of the kings strictly defined, the king being general, judge, and supreme religious functionary; secondly, the non-Greek, which was a hereditary despotic rule of a constitutional character; thirdly, the Asymneteia, as it is called, an elective tyranny; and, fourthly, the Laconian, which may be broadly defined as a hereditary generalship for life." (Arist. *Pol.* iii. 14, Welldon's translation.) It is by a somewhat rhetorical use of the word that it is applied now and then to the *δῆμος*. (Eurip. *Suppl.* 352; Arist. *Pol.* iv. 4.) For a more detailed examination of the subject, the reader is referred to the articles REX, ARCHON, TYRANNUS, PRYTANIS, AESYMNETES, TAGUS. [C. P. M.] [G. E. M.]

MONE'TA (*ἀργυροκοπεῖον*), a mint. The mint of Rome was a building on the Capitoline hill, attached to the temple of Juno Moneta, which was dedicated, in consequence of a vow, by L. Furius Camillus when dictator. (Liv. vii. 28; Ovid. *Fasti*, vi. 183.) Under this head should come an account of the *law* in ancient coinage, of rights of coinage, monetary magistrates, and the organisation of mints. The fullest treatment of these subjects will be found in the second and third volumes of Lenormant's *La Monnaie dans l'Antiquité*; but as regards Roman coinage, Mommsen's *Röm. Münzwesen* is the soundest authority. In this place a brief summary must suffice.

(1) *Rights of Coinage.*—No privilege of power was in antiquity more highly regarded or more jealously preserved than that of issuing money. In Asia the king of Persia appears from the first to have claimed and reserved the sole right of issuing gold money. The royal Darics or *τοξόται* thus constituted a sort of royal standard coin: they circulated in vast quantities, and thus controlled and kept within limits the issues of Asiatic mints. But the Greek cities of the coast seem to have enjoyed the privilege of issuing silver and copper money at pleasure. Even the issue of electrum coins by trading cities, such as Phocaea and Cyzicus, does not seem to have been regarded as a breach of the monopoly of the Great King. Satraps also, at least in the western provinces of Asia, were allowed to issue silver money bearing their own names: we possess many specimens bearing the names of Pharnabazus, Tiribazus, Datames, and other Persian satraps; though some numismatists suppose that this privilege was exercised only on occasion of military expeditions. Herodotus states (iv. 166) that Darius put to death Aryandes, governor of Egypt, for issuing silver coins of a finer quality than his own, but his narrative clearly shows that the issue of silver coins by satraps was usual; it was only the innovation in the quality, and the ambitious motives which prompted it, which amounted to an act of rebellion. In Greece proper and in the Greek colonies in Italy, Sicily, and Africa, and the shores of the Euxine Sea, each separate state or *πόλις* claimed and exercised the full right of issuing such money as it chose, but in the exercise of that right did not of course lose sight of the reasons of commercial expediency. As a result of perfectly free competition the money circulating in each region acquired a certain general character, and to this character all the coins issued in that region tended to conform, as regards material and weight. Subject to such general control as this, the mint-cities of Greece exercised the freest choice in all their successive issues. Hence the condition of the Hellenic world, while it was a congeries of small independent states, is exactly reflected in the great abundance and unlimited variety of the issues of Greek coins, large numbers of which enrich the museums of the present day, every specimen evidencing civic independence, complete political organisation, and local religious cults. Already we know of some 2,000 mints which issued coin of their own before the fall of the Roman Empire, and fresh mints are discovered every year. We have money of more than fifty Greek cities of Sicily; and the little island of Ceos, not ten miles across, had three active mints. Colonies sent forth by the great commercial cities had no sooner settled in their new abodes than they began to issue coin, commonly of quite a different character from that of the mother-city. There are of course certain exceptions to this rule. Athenian cleruchies appear to have used the coins of Athens; and when the towns of any district in Greece formed among themselves a close alliance for any political or commercial purpose, greater uniformity at once appeared in their monetary issues. Thus the cities of Magna Graecia which were united in the sixth century for mutual defence against the semi-barbarous Italic races issued coins in which a common character clearly appears: and

the cities which belonged to the Aetolian and Achaean Leagues used uniform weights and types for their coins. In late Greek times those cities of Greece which had lost their civic autonomy and become dependent upon the Hellenistic kings of Pergamon, Macedon, and Syria, appear still to have preserved to a considerable extent their right of issuing money: even when it became necessary to place on it the effigy of their regal protector, they retained the control of the mint. In the Roman age the issues of Greek silver money came to an end, except in the case of a few favoured cities, like Antioch, Tarsus, and Caesareia in Cappadocia; but the issue of copper money was still permitted to hundreds of towns, great and small, in Greece and the Asiatic mainland.

Turning to Italy, we have to observe the process by which the Roman state, acting without pause or change in one direction, reduced the number of mints and gradually introduced uniformity in the place of wide diversity. In the fourth century B.C. the Italian, Greek, Etruscan and Oscan coinages present the same variety and autonomy as those of Greece. At that time Rome issued only the heavy libral asses of copper. But as soon as denarii in silver were coined at Rome, in B.C. 269 [see As, Vol. I. p. 205], the Senate awoke to the desirability of putting down rival issues in cities which came under Roman dominion; and from this policy the rulers of Rome never swerved until in the reign of Diocletian coinage was uniform through the length and breadth of the Empire. Within the Roman organisation, however, the right of coinage did not always belong to the same functionaries. In consular times it was exercised within the city by regularly appointed officials, usually three in number, *iiiviri monetales*, though their number, as well as the conditions attached to their duties, appears to have fluctuated. Abroad, Roman Imperators exercised the right of issuing such coins as suited their military necessities, and placing upon it their name or even their image. This accounts for the existence of money, especially in gold, belonging to the last century of the Roman Republic, and bearing the names and portraits of Sulla, Pompeius, and other generals. Augustus, on his accession to power, having such precedents to allege, took into his own hands the issue of all Roman gold and silver money, leaving to the Senate only the issues in copper, each specimen of which bears thereafter the letters S. C. to show that it was minted by senatorial authority.

(2) *Organisation of Mints.*—On this subject our information is very insufficient; and we are confined in the main to the testimony of the coins themselves, which is not exact or conclusive. Of the Athenian coin issued after Alexander the Great, the type is an owl standing on an amphora: there are in the field three names of magistrates, and detached letters, some on the amphora and some below it. The first two names are those of annual magistrates, no doubt high officials and treasurers: these names change but once a year. The third name changes twelve times a year, and with it changes the letter on the amphora (A to M),—facts which show that the third magistrate, probably the man actually responsible for the goodness of the coin, was elected in rotation for one month from one of the twelve tribes. The letters indicate the division of the year, first to twelfth, during which the tribe represented by this official prytanised. The letters below the amphora are supposed to indicate the particular workshop of the mint where each of the coins was manufactured. Thus every piece could be traced back with certainty to those who were actually responsible for its production, and the possibility of forgery was almost destroyed. At Rome we find no such elaborate scheme for fixing responsibility, but on the other hand great care in stating the authority by which the coin was issued. The name of the person who ordered the coin to be made, whether imperator or monetalis, is after a certain time never wanting. We meet on coins such inscriptions as IIIVIR · AAAFF, *i.e.* "triumvir auro argento aere flando feriundo" (Cic. *ad Fam.* vii. 18; *de Leg.* iii. 3, 7); AED · CVR · EXSC, "aedilis curulis ex senatus consulto," and the like. Some of the Roman denarii also bear, in addition to the name of the issuer, some device, letter or numeral which seems to have reference to the particular officina whence they issued. See also As, Vol. I. pp. 206, 207.

The processes used in minting were of course very simple compared with those of modern times. One engraved die was let into an anvil, another into the end of a metal bar. Between the two was placed a blank, roughly cast in the required shape and size and heated to redness. A single blow from a heavy hammer on the upper end of the metal bar would probably usually suffice to finish the coin, which would then be removed by the tongs and a fresh blank substituted. Collars and milling were unknown. Such a process would very soon wear out any die; and as a consequence, the continual engraving of new dies was one of the chief occupations of the workmen of the mint. The rapidity with which they could be prepared is shown by the fact that the most ephemeral pretenders to the throne of the Caesars seldom failed to leave us coins bearing their name and effigy. On this subject, see Gardner's *Types of Greek Coins*, chap. iii. [P. G.]

MONI'LE (*ὅρμος*), a necklace. In Homer the words *ὅρμος* and *ἴσθμιον* are both employed for ornaments worn round the neck. It seems probable that the meanings of the two words are to be distinguished in the following manner:—The *ἴσθμιον* was an ornament fitting close round the neck in the manner of a torc, and without any pendants: the *ὅρμος*, on the other hand, was sometimes of great length (*ἐννεάπηχυς*, *Hymn. in Apoll.* 105), and hung loosely down, so as to be seen on the breast (*Hymn. in Venerem*, 90). This distinction is stated by the Scholiast on Hom. *Od.* xviii. 300, *ἴσθμιον οὖν περιτραχήλιον κόσμον περιπεπλεγμένον, οὐ μέντοι κοσμήματά τινα, καὶ ἄλλως . . . . διαφέρει τοῦ ὅρμου. τὸ μὲν γὰρ προσέχεται τῷ τραχήλῳ, ὁ δὲ ὅρμος κεχάλασται.*

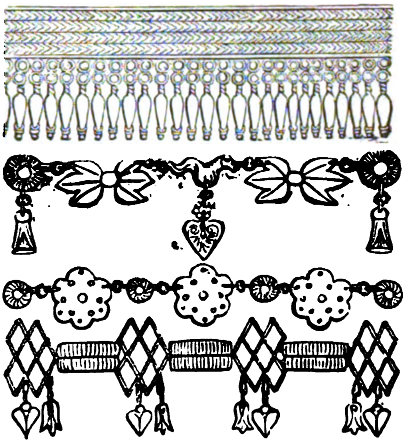
The Homeric *ὅρμος* is described as made of gold and amber (*Od.* xv. 460; xviii. 295); of golden threads (*Hymn. in Apoll.* 104), and (apparently) of gold inlaid work (*καλοὶ χρύσειοι παμποίκιλοι*, *Hymn. in Ven.* 88). Specimens of work in gold and amber are quoted by Helbig (*Das homerische Epos aus den Denkmälern erläutert*, p. 183), who should be consulted on the whole question of the Homeric ornament. The British Museum possesses necklaces from Praeneste of gold and amber, or silver and amber.

The necklace was worn by both sexes, among the most polished of those nations which the Greeks called barbarous, especially the Indians, the Egyptians, the Persians, and the Etruscans. [ARMILLA.] Among the Greeks and Romans, it was worn by women, boys, and effeminate persons (Anacreon, *apud* Athen. xii. p. 534; Quintil. ii. 1; Ovid. *Met.* v. 52; *Heroid.* 9, 57). It is particularly mentioned among the bridal ornaments of Roman females (Lucan, ii. 361; Claud. *de VI. Cons. Honor.* 527).

The simplest kind of necklace was the *monile baccatum*, or bead necklace (Verg. *Aen.* i. 654; Lamprid. *Alex. Sev.* 41), which consisted of berries, small spheres of glass, gold, amber, crystal, &c., strung together. This is very commonly shown in ancient frescoes and vase-paintings. (See cut under ARMILLA.) The head of Athene under GALEA exhibits a frequent modification of the bead necklace, a row of drops hanging below the beads. These drops, when worn, arrange themselves upon the neck like rays proceeding from a centre (*monilia radiata*).

The first figure in the cut on the next column exhibits the central portion of an exquisitely wrought necklace which was found at S. Agata dei Goti (Saticola) near Naples, in the sepulchre of a Greek lady. The necklace has seventy-one pendants. Above them is a band consisting of several rows of the close chain-work which we now call Venetian. [CATENA.] The clasps, on each of which is a frog in relief, were set with rubies (see *Mus. Borbonico*, ii. pl. xiv.; Overbeck, *Pompej*, p. 623).

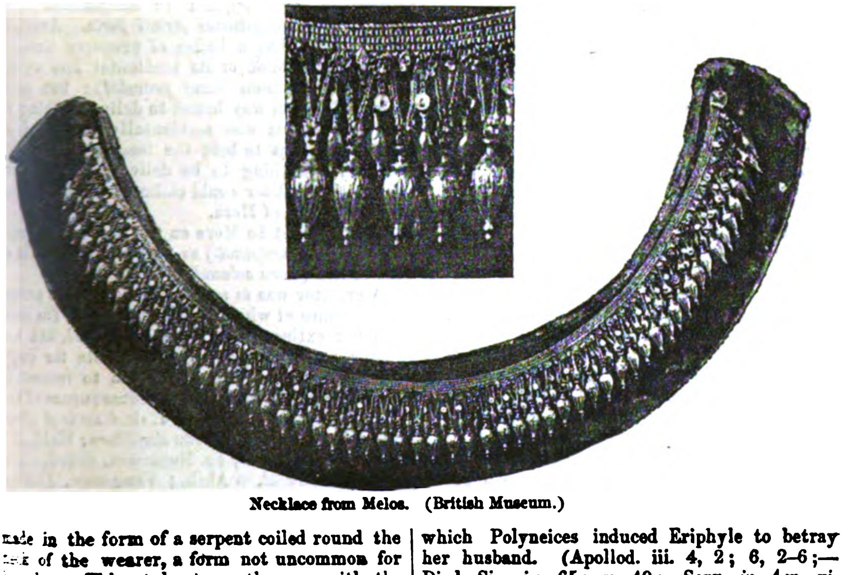
We also give here the central portions, exhibiting the patterns, of three gold necklaces purchased from the Prince of Canino for the British Museum. These were found in Etruscan tombs. The ornaments consist of disks, lozenges, rosettes, ivy-leaves, lotus buds, and hippocampi.



Ancient Necklaces.

Among the most masterly productions of the Greek goldsmith, are certain necklaces from the Castellani Collection, now in the British Museum. (Consult also *Compte-rendu de la Comm. Arch. Imp.* 1865, pl. ii., 1869, pl. i.; *Antiquités du Bosphore Cimmérien*, pl. ix.–xii.; Fontenay, *Les Bijoux anciens et modernes*, p. 129.)

The necklace appears sometimes to have been made in the form of a serpent coiled round the neck of the wearer, a form not uncommon for bracelets. This at least was the case with the necklace which was given by Venus or by Cadmus to Harmonia as a nuptial present, and which is described by Nonnus (*Dionysiaca*, v. 135–189) at a length of fifty lines. The same necklace afterwards appears as the bribe with which Polyneices induced Eriphyle to betray her husband. (Apollod. iii. 4, 2; 6, 2–6;—Diod. Sic. iv. 65; v. 49;—Serv. *in Aen.* vi. 445.)



Necklace from Melos. (British Museum.)

The beauty and splendour as well as the value of necklaces were enhanced by the addition of pearls and precious stones. These were either set in the gold necklace ("monilia, in quibus gemmae et margaritae insunt," Dig. 34, 2, 32, § 7; cf. *ibidem*, § 1) or suspended freely from it (cf. Pollux, v. 98). For this purpose emeralds ("smaragdi," *C. I. L.* ii. 3386) or other stones of a greenish hue ("virides gemmae," Juv. vi. 363) were often employed. The necklace of Harmonia, quoted above, was elaborately set with precious stones. As stated above, the necklace from Saticola was set with rubies. The hooks or clasps for fastening the necklace behind the neck (*clusurae*) were also various, and sometimes neatly and ingeniously contrived. Some account of the different kinds of links employed is given in the article Catena.

Besides a band encircling the neck, there was sometimes a second or even a third row of ornaments, which hung lower down, passing over the breast. Such objects on the vase-paintings are usually worn by *hetaerae*. (Hom. *Hymn. in Ven.* ii.; "longa monilia," Ovid. *Met.* x. 264; Böttiger, *Sabina*, ii. p. 129.)

Valuable necklaces were sometimes placed as dedicated offerings upon the statues of Minerva, Venus, and other goddesses. (Sueton. *Galba*, 18.) Necklaces and other ornaments were also occasionally placed on the statues of deceased women. For inventories of such dedications, see *C. I. L.* ii. 2060, 3386, and Henzen, 6141, discussed by Hübner, in *Hermes*, i. (1866), p. 345.

Horses and other favourite animals, such as deer, were also adorned with splendid necklaces ("aurea pectoribus demissa monilia," Verg. *Aen.* vii. 278; "gemmata monilia," Ovid. *Met.* x. 113; Claudian. *Epig.* xxxvi. 9; A. Gell. v. 5). [Torques.] [J. Y.] [A. H. S.]

MONOPO'DIUM. [Mensa.]

MONO'PTEROS. [Templum.]

MONO'XYLUM. [Navis.]

MONUMENTUM. [Sepulcrum.]

MORA. The mere fact of a legal duty not being discharged at the time when it is due can give rise to important legal consequences, which either may depend on the terms of the contract giving rise to the duty, or on rules of positive law. After such delay the creditor is entitled to use all legal means to obtain satisfaction for his demand: thus he may be able to bring his action against his debtor or against those who have become sureties for him, and, in the case of pledge, he may sell the thing and pay himself out of the proceeds of the sale. For particular cases there are particular provisions; for instance, the purchaser of a thing after receiving it must pay interest on the purchase-money, if there is delay in paying it after the time fixed for payment (Dig. 29, 1, 13, § 20). The rule is the same as to debts due to the fiscus, if they are not paid, when they are due. An emphyteutic tenant could be ejected if he delayed the payment of his rent for three years.

A stipulation, similar in principle to our bond, was frequently entered into, by which a party was made subject to a penalty, if he did not perform some act within the time agreed on. The delay of which we have been speaking was simply a non-fulfilment of a duty at the proper time; and the term *mora* is sometimes applied to such cases. But that which is properly Mora is when the delay on the part of him who owes a duty can be attributed to his fault (*culpa*).

Mora in this its technical sense presupposes the existence of an obligation enforceable by action and also knowledge of liability on t part of the debtor. As a general rule a debt was not *in mora*, until he had received an *int* *pellatio* or notice from his creditor demandi satisfaction of his claim ("si interpellatus opp tuno loco non solverit, quod apud judicem e minabitur"). In delictal obligations, howev and in case of the absence of the debtor, *int* *pellatio* was not required. Where, too, a pers was bound to make some payment or perfor ance by a fixed date, he was understood to ha sufficient notice of the wish of the creditor receive payment at this date without any spec *interpellatio* being necessary. (For references the modern literature relating to the maxim the glossators, *dies adjectus interpellat pro homi* see Windscheid, *Pandekten*, iii. § 278, n. 4.)

A debtor was not *in mora* who failed to p form his obligation, if there was a good excuse his non-performance. Some modern writers of opinion that all delay in a person discharg an *obligatio* is Mora, unless there be some im diment which is created by causes altogeth external to the debtor himself (*impedimen* *naturalia*), but there are many reasons for t opinion that Mora in its proper sense always i plied some *culpa* on the part of the debt (Vangerow, *Pandekten*, § 588). In fact, t special rules about *excusationes a mora* only ha a meaning on this supposition.

When Mora could be legally imputed to man, he was bound to make good to his credit all loss which was a consequence of it. Thus, cases where a man did not pay money or deliv property of another when he ought, he w liable after Mora had taken place, if not pr viously liable, for interest and mesne profit this rule, however, owing to technicalities procedure, only applied to *obligationes bon* *fidei*, not to *obligationes stricti juris*. Again, was a rule that a bailee of property was n liable on account of its accidental loss or d terioration (*casum nemo praestat*); but aft Mora, if a man was bound to deliver a thing another, and it was accidentally destroyed injured, he was to bear the loss (Dig. 12, 1, 5 So, too, if a thing to be delivered declined value, the creditor could claim its highest val since the date of Mora.

There might be Mora on the side of the cr ditor (*mora accipiendi*) as well as on the side the debtor (*mora solvendi*).

A creditor was *in mora* if he refused to acce performance of what was due to him. The de was not extinguished by such refusal, but t debtor was subsequently only liable for cu *lata*, and the creditor was bound to indemn him for any loss which was a consequence of *mora accipiendi*. (Dig. 22, 1, *de Usuris et Fr* *tibus*; Madai, *Die Lehre von der Mora*; Wolff, *Lehre von der Mora*; Fr. Mommsen, *Beiträge* *Obligationenrecht*, 3 Abth.; Vangerow, *Pand* *ten*, iii. § 588; Windscheid, *Pandekten*, §§ 281, 345, 346; Id. *im Rhein. Arch.* xliv. 2; Kni *Die Mora des Schuldners*.) [G. L.] [E. A. W.

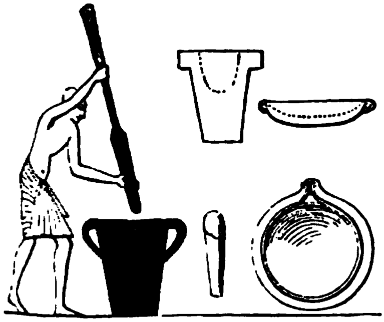
MORA. [Exercitus, Vol. I. p. 769.]

MO'RIO. [Nanus.]

MORTA'RIUM, also called **PILA**, a m tar: the Greek words to express it are ὅλμ θυεία, and in old Attic ἴγδις. (See Rutherf *New Phryn.* p. 252.)

Before the invention of mills [Mola] co

was pounded and rubbed in mortars (*pistum*), and hence the place for making bread, or the bakehouse, was called *pistrinum*. (Serv. *in* Verg. *Aen.* i. 179.) The ancient process, as usual, is identified with a special deity in the name *Pilumnus*. Also long after the introduction of mills this was an indispensable article of domestic furniture. (Plaut. *Aul.* i. 2, 17; Cato, *de Re Rust.* 74–76; Colum. *de Re Rust.* xii. 55.) Pliny (*H. N.* xviii. § 97) says that it was still in the imperial times used in many parts of Italy for corn instead of a mill. The material was sometimes wood, sometimes stone. (Hesiod. *Op.* 421), enumerating the wooden utensils necessary to a farmer, directs him to cut a mortar three feet, and a pestle (*ὕπερος*, *δοίδυξ*, *pilum*, *pistillum*) three cubits long. Both of these were evidently to be made from straight portions of the trunks or branches of trees, and the thicker and shorter of them was to be hollowed (Hes. *l. c.*). They might then be used in the manner represented in a painting on the tomb of Rameses III. at Thebes (see woodcut, left-hand figure taken from Wilkinson, vol. ii. p. 383); for there is no reason to doubt that the Egyptians and the Greeks fashioned and used their mortars in the same manner. (See also Wilkinson, vol. iii. p. 181, showing three stone mortars with metal pestles.) In these paintings we may observe the thickening of the pestle at both ends, and that two men pound in one mortar, raising their pestles alternately as is still the practice in Egypt. The expression "*ruidum* pilum" (Plin. *H. N.* xviii. § 97) merely implies the perpendicular downward stroke (*ruere*) of the pestle. Pliny (*H. N.* xxxvi. § 43) mentions the various kinds of stone selected for making mortars, according to the purposes to which they were intended to serve. Those used in pharmacy were sometimes made, as he says, "of Egyptian alabaster." The annexed woodcut shows the forms of two preserved in the Egyptian Collection of the British Museum, which exactly answer to this description, being made of that material. They do not exceed three inches in height: the dotted lines mark the cavity within each. The woodcut also shows a mortar and pestle, make of baked white clay, which were discovered, A.D. 1831, among numerous specimens of Roman pottery in making the northern approaches to London Bridge. (*Archaeologia*, vol. xxiv. p. 199, plate 44.)



Egyptian Mortars.

Schliemann's *Ilios*, p. 235, figures an ancient stone mortar and pestle found at Hissarlik.

Besides the old-fashioned use instead of corn-mills, they were retained for all purposes for which the mortar and pestle are now employed in the kitchen or the laboratory. (For drugs, Pausan. v. 18, 1; Plin. *H. N.* xxxiii. § 123, xxxvi. § 176, for making mortar or plaster.)

Another sort of *pila* or *mortarium* is described (rather obscurely) by Pliny (xviii. § 97) as used in Etruria, where, instead of the ordinary shape, there seems to have been a sort of tube of iron notched inside and with star-shaped points or teeth, through which the grain was forced by the iron pestle, working probably inside with a circular motion. It is perhaps a similar kind of mortar that Polybius is thinking of in his description of the battle of Mylae (i. 22, 7) when he speaks of the *corvus*, with the *στῦλος στρόγγυλος* and the *σιδηροῦν οἷον ὕπερον* attached to it, as in outward appearance resembling *μηχαναὶ σιτοποιικαί*. (See also Blümner, *Technologie*, i. 15.) For the *mortarium* of the oil-press, see Trapetum. [J. Y.] [G. E. M.]

MOS. [Jus.]

MO'THACES, MOTHO'NES (*μόθακες*, *μόθωνες*). [Civitas, Vol. I. p. 446 *b*.]

MUCIA'NA CAUTIO. [Cautio.]

MU'LLEUS. [Calceus.]

MULSUM. [Vinum.]

MULTA. [Poena.]

MUNERA'TOR. [Gladiatores.]

MU'NICEPS, MUNICI'PIUM. [Colonia; Foederatae Civitates.]

MUNUS. [Honores; Gladiatores.]

MUNY'CHIA (*μουνύχια*), a festival celebrated in April in honour of Artemis Munychia, as the goddess of the full moon shining alone by night (*μουνυχία* for *μονονυχία*). Plutarch (*de Glor. Ath.* p. 349 F) says that it was instituted to commemorate the victory over the Persians at Salamis, and that it was held every year on the sixteenth of Munychion, near the port which was named after the goddess. (Cf. *πότνια Μουνυχίη λιμενοσκόπε*, Callim. *Dian.* 259.) It was believed that the goddess had helped the Greeks with her light on the night before the battle. (Compare Suidas and Harpocrat. *s. v.* *Μουνυχιών*.) The sacrifices which were offered to the goddess on this day consisted of cakes called ἀμφιφῶντες, because these cakes were adorned all round with burning candles. (Athen. xiv. p. 645; Suidas, *s. v.* Ἀνάστατοι: Hesych. and *Etym. M.* s. v. Ἀμφιφῶν.) Lysander added insult to injury by ordering the long walls to be demolished on the day of the Munychia. (Plut. *Lys.* 15; Preller, *Gr. Myth.* i. p. 236.) [L. S.] [G. E. M.]

MURA'LIS CORONA. [Corona.]

MUREX. [Tribulus.]

MU'RIES. [Vestales.]

MU'RRHINA or **MU'RREA VASA** were first brought to Rome in 61 B.C. by Pompey, who, after his triumph, dedicated cups of this material to Jupiter Capitolinus (Plin. *H. N.* xxxvii. § 18). Pliny (*ibidem*) states that the price of these vases was continually increasing, and that 70,000 sesterces were paid for a cup holding three *sextarii*. He also speaks of a *trulla* which cost 300,000 sesterces, and of a drinking cup for which Nero paid a million sesterces. The costliness of these objects may also be inferred from Seneca, *de Ben.* vii. 9; Martial, iii. 82, 25; Plin. *H. N.* xxxvii. § 20.

According to Pliny's account (*H. N.* xxxvii. § 8), the material came from various little-known regions in Parthia, the best specimens being obtained from Carmania. He states that it was supposed to be a moist substance (*humor*), solidified by subterranean heat; that the pieces never exceeded the size of small tablets (*abaci*) in breadth, and were rarely as thick as the drinking cups above quoted. They were also fragile, and the chief value lay in the variety of the colours, which were purple and milky-white, with subtle gradations and interchanges between the two. Some connoisseurs chiefly admired an effect of iridescence; others admired opaque fatty spots (*pingues*), crystalline deposits (*sales*), and warts (*verrucae non eminentes, sed ... plerumque sessiles*). The smell was also approved.

There has been much discussion as to the nature of the material thus described by Pliny, and it has frequently been held that the murrhina vasa were true Chinese porcelain. Confirmation is sought for this view in the words of Propertius (iv. 5, 26), "Murreaque in Parthis pocula cocta focis."

It is also argued that the importation of porcelain from the far East is proved by the discovery of Chinese vases in Egypt. But probably all such vases belong to a very late date. One specimen, for example, which is now in the Egyptian Collection of the British Museum, is inscribed with a line from a Chinese poet of the 11th century A.D. Moreover, the ancient witnesses to the fact that the material is a natural mineral are too numerous and too clear in their testimony, to let this theory be admissible. In addition to Pliny's account above quoted, the following authorities may be cited:—Plin. *H. N.* xxxiii. § 5, xxxvii. § 204; Sidon. Apoll. *Carm.* 11, 20; *Peripl. M. Erythr.* p. 27, c. 48; cf. also Dig. 34, 2, 19, § 19.

No mineral, however, has been suggested which answers very exactly to Pliny's description. The onyx has been proposed, but our authorities plainly imply that the onyx was a material akin to but yet distinct from that here in question. (Cf. Lamprid. *Heliogab.* 32, and *Peripl. M. Erythr.* p. 27, c. 48.) Jade, fluor-spar, and a special kind of agate, the "Chinese agate," have also been advocated, but at present the problem is unsolved. (King, *Precious Stones, Gems, and precious Metals*, p. 237; Marquardt, *Privatleben d. Römer*, p. 743; Blümner, *Technologie*, iii. p. 276.) [A. H. S.]

MURUS, MOENIA (τεῖχος), a wall surrounding an unroofed enclosure, in contradistinction to PARIES (τοῖχος), the wall of a roofed building, such as a temple or a house. This distinction appears to be the true *differentia* of the words: the fact that the *murus* usually was a wall of more massive construction is rather an accidental than an essential difference. As far as concerns construction, there is no difference between them, and so the following remarks on this point may be taken to refer equally to *Murus* and *Paries*.

A third word, *maceria*, is often used by Latin authors to denote a fence wall of a less massive kind than the *murus* (see Cato, *R. R.* 15; and Caes. *B. G.* vii. 69); and hence it is also used, like the Greek μάκελον or μάκελος, to denote the space enclosed.

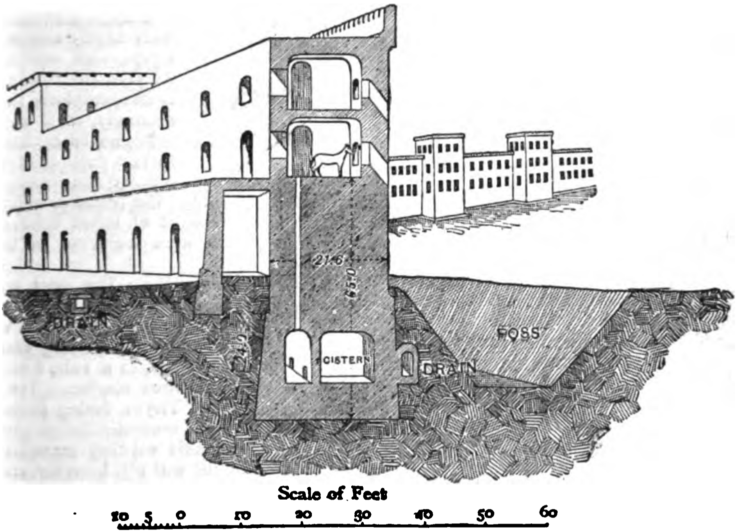
Pre-Roman Methods of Construction.

I. *Bricks.*—It is only within recent years that archaeologists have realised how very important and extensive the use of sun-dried bricks was, not only in Egypt and the plains of the Euphrates, but also in Greece and Rome, even as late as the Christian era. The fact is that, as long as a wall of unburnt bricks is protected from the weather, either by a facing of stone or even by a coating of fine stucco, it is almost as durable as stone or kiln-fired bricks. When, however, it once begins to fall into ruin, the process of decay is very rapid and complete, and it is only in exceptional circumstances that remains of this kind of wall have lasted to the present day.

In Egypt, although carefully dressed blocks of stone were used for the main walls of the principal temples, yet unburnt brick was by far the most common method of construction, not only for ordinary domestic buildings, but also very largely for the outer precinct walls of the temples, and for such magnificent royal palaces as that of Rameses the Great, which was discovered a few years ago at Tel-el-Yahoudeh in the Delta. In the Greek city of Naucratis, also in the Egyptian Delta, unburnt clay was not only used for all the houses of the colony [DOMUS, Vol. I. p. 659 *a*], but was also employed for the walls of the various temples, and for the great Pan-hellenicon or commercial Guildhall of the associated Greek states. In the account of the pre-historic palace at Tiryns [DOMUS, Vol. I. p. 655], a common early method of construction is described; the lower part of the wall being of stone to a height of about 3 feet, and the upper part of sun-dried bricks covered with painted stucco.

The most remarkable examples of the use of sun-dried bricks for the most massively built and lofty structures of every kind were to be found in ancient Assyria and Chaldaea, where stone was scarce, and large quantities of the finest clay had been deposited by the Tigris and Euphrates. Great care was taken in the preparation of these bricks: the clay was tempered by long beating and turning over for complete exposure to the weather, then mixed with straw or rushes, and firmly pressed by hand into wooden moulds; lastly, the bricks were thoroughly dried in the summer sun. The outer faces of the more important walls, those of the temples, palaces, and circuit walls of the cities were defended by casings of stone or of burnt brick, built "battering" with offsets, so as t be much thicker at the base than at the top An excellent natural cement was supplied b the numerous springs of hot bitumen, applicabl both to fired and sun-dried bricks (see Herod. i 179). Bond-courses, consisting of layers o reeds, were built in at regular intervals: thi is mentioned by Herodotus (*loc. cit.*), and examples of the practice have been found b recent excavators. Great care was taken t keep the masses of crude brick from sufferin from damp: ventilating pipes were arranged s as to expose the inner parts of the walls to th drying power of the wind, and also to allow th escape of any enclosed moisture. This w specially necessary, as in some cases no bitume or other mortar was used; instead of which th bricks were set while still moist, so that each adhered to the next course, and thus the whole wall became one homogeneous mass of clay. Kiln-fired bricks were also used from very early times, not only as facings, but for vaults, domes, arches, and other important constructional purposes. The Tower of Babel, mentioned in Gen. xi. 3, was of burnt bricks set in bitumen; and the most magnificent kind of mural decoration was produced by the use of bricks coated with brilliant coloured enamels. (See Vitruv. i. 5. For further information, see Layard, *Nineveh*; Loftus, *Travels in Assyria*; Place, *Ninive*; and Perrot and Chipiez, *Chaldaea and Assyria*, vol. i.; and, by the same authors, *Egypt*.) [LATER.]

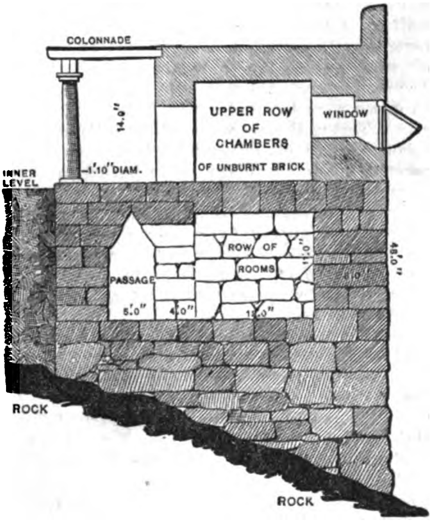
Among early examples of skilfully constructed walls for purposes of defence, some of those erected by people of the Phoenician race, in various parts of the world, are perhaps the most striking. Recent excavations at Thapsus, near Carthage, have brought to light the elaborate and massive character of the city wall, which was about 21 feet thick, with square towers projecting outwards at regular intervals, so as to command the flank of an attacking army. The lower part of this wall, above the ground-level, was built of solid stone, roughly dressed, so as to resist battering-rams. The upper part was of sun-dried bricks coated with stucco, and contained two tiers or stories of guard-chambers, sufficient to give accommodation for a large garrison of both men and horses. Access was given to the lower story of chambers by inclined planes for the use of the horses. Cisterns for the storage of rain-water in case of siege were constructed below the ground-level in the thickness of the wall—a common arrangement in early systems of fortification. (See Perrot and Chipiez, *Phoenicia*, i. p. 354.)



Section of Wall of Thapsus.

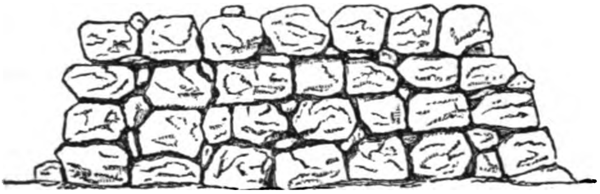
In other places the Phoenicians appear to have built wholly of stone. According to Appian (*Anabasis*, ii. 21, 3), the walls of Tyre were built of large stones set in lime (mortar). Only scanty traces now exist of this once almost impregnable city; but another Phoenician wall near Banias (Syria) still exists in places to a height of 35 feet, varying from 16 to 30 feet in thickness. It is built of roughly-dressed blocks of limestone, set on horizontal beds, but with irregular butt joints filled up by the insertion of small stones. The remains of the Punic citadel at Eryx in N. Sicily are of similar character, with massive stones roughly shaped and coursed in an irregular manner.

It is interesting to compare with these Phoenician walls the famous citadel of Tiryns, surrounded with a most massive wall, constructed of blocks of such immense size that the Greeks of the historic period attributed their erection to the fabled Cyclops, working for god-like



Tiryns. Section of outer Wall.

heroes (see Paus. ii. 25). The above cut shows a probable restoration of the Tirynthian wall, as discovered by Dr. Dörpfeld (see Schliemann and Dörpfeld, *Tiryns*, p. 318 *seq.*). The base of the wall rests on a levelled surface cut for it in the rock: its lower part is built of those immense blocks which aroused the wonder of Herodotus and other Greeks down to Pausanias. Some are as much as 10 feet long, roughly shaped, with smaller stones to fill up the interstices, and the whole bedded carefully in clay, used instead of mortar: another common early method of construction. As in the walls of the Punic Thapsus and Byrsa, the lower part is solid, but above that rows of chambers are formed, together with a covered passage into which each room opens. The roofing is formed by large blocks, set like corbels, each projecting over the course below, a very usual primitive method of obtaining the arch shape without the principle of the arch. Above this, along part of the circuit, was a second story of chambers, built of sun-dried bricks; and above the passage was an open colonnade, with wooden pillars resting on stone blocks, and supporting (probably) a flat wooden roof covered with clay.



Pre-historic Wall in Greece.

A very interesting inscription (*Cor. Insc. Att.* ii. 167), relating to a restoration in the 4th century of the walls of Athens, shows that a very similar arrangement existed there. It mentions the upper portion of the Athenian wall as being of brick, with, at the top, a covered gallery supported on columns, and rows of windows closed by wooden flap-shutters. The roofing consisted of wooden beams or joists, on which were burnt clay tiles bedded in moist clay. This wall was destroyed by Sulla, and a large number of fine tomb-reliefs were discovered a few years ago safely buried in the decomposed crude clay bricks of which the upper part of the walls of Athens had been constructed. As appears to have been the general custom, the walls of Tiryns, and those of Athens nearly a thousand years later in date, were strengthened by square towers set at intervals along the circuit.

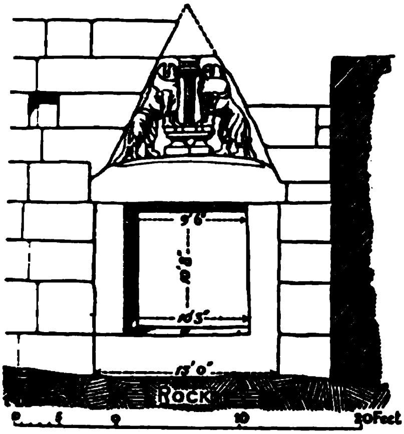
Another interesting example of this use of crude brick and stone is still to be traced at Mantineia, where almost the whole circuit of the city wall still exists up to where the brick began. The stone base, which is nearly 4 feet high, is formed with a level bed at the top to receive the upper clay part. Its thickness is 10 feet, made up thus—first an outer facing of dressed stone 4 feet thick, a similar inner facing 2 feet thick, and an intermediate filling in 4 feet thick. The facing is of closely-jointed blocks, set without mortar: the inner portion is a sort of concrete made of small stones, lime and gravel. The wall had ten gates and closely-set towers, with a moat on the outside.

The use of crude brick for city walls led to a curious system of attack being sometimes adopted. Thus, when Agesipolis, king of Sparta, besieged Mantineia, he directed the stream Ophis along its walls, and so washed away the brick at one place sufficiently to make a breach. The same method of attack was employed by Cimon, the son of Miltiades, against the walls of Eion on the Strymon.

Though kiln-fired bricks were largely used in ancient Egypt and still more in Assyria, the Greeks appear to have employed them very sparingly, and no Roman examples are known of earlier date than the 1st century B.C. According to Pausanias (v. 20), the circular Philippeion at Olympia was built of baked brick, but the existing remains were found to be of stone ashlar.

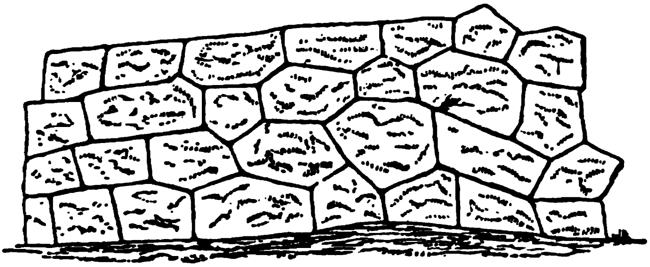
II. *Stone Construction.*—The most primitive type of stone masonry is that in which large blocks are used, very roughly dressed with an axe or hammer; small stones being used to fill up the open joints, and, as a rule, a bedding of clay instead of a lime mortar. The above-mentioned walls of Tiryns, dating probably not less than 11 or 12 centuries before Christ, are the most remarkable existing examples. This method of building was not, however, employed, even at so early a date as the construction of the Tirynthian Acropolis, on account of want of sufficient skill to work stone neatly; but simply because such rough and massive masonry was practically as good as the finest ashlar for the outer walls of a fortification. Within the palace Dr. Dörpfeld found ample evidence to show that the Tirynthian builders possessed tools of the most varied kinds, fit for the most elaborately finished stone-work. Not only chisels were used, but even jewel-tipped drills, both solid and tubular, and saws set with corundum, or other hard crystals, such as were used as early as 4000 B.C. in Egypt to work the refractory granites and basalts of the ancient dynasties.

Any chronological arrangement of the various kinds of masonry would be misleading. One of the oldest existing buildings in the world, the so-called "Temple of the Sphinx," near the Great Pyramid in Egypt, is built of the most perfectly regular and neatly-fitted blocks of stone; its inner walls being lined with great slabs of beautiful translucent alabaster, 5 or 6 inches thick, so perfectly fitted that the joints are hardly visible: this beautiful lining is now rapidly being stolen. The walls of Mycenae, certainly earlier than 1000 B.C., consist in most places of large blocks very accurately squared, with perfectly fitting beds and joints: enormous monoliths are used for the jambs, lintel, and threshold of the principal gate, over which still exists the well-known relief of the pillar between the guardian lions. This is shown in the annexed cut. The slab itself fills up the "relieving" opening, which was of triangular shape, as was usual at that date. The missing heads of the lions appear to have been of bronze: holes for their attachment still exist, with blue stains of copper oxide.



Lion Gate of Mycenae.

The name Cyclopean or Pelasgic has been popularly given to masonry constructed of polygonal blocks, which in many cases are fitted together with great care and skill. Examples of this exist at Signia (Segni), Norba, and many other ancient sites in Etruria, Central Italy, and in Greece itself. This style of building appears really to belong to no special race or date. (See Bunbury, *Cyclopean Remains*, in *Museum of Class. Arch.* ii. p. 147; and Dodwell, *Tour in Greece.*) The latest dated example of this polygonal masonry is the cella of the small Temple of Themis *in antis* at Rhamnus, not earlier than the 5th century B.C.: in this case the blocks are smaller than those used in the primitive fortifications of Central Italy. Though more economical of material, the polygonal method of construction would not require less, but rather more skill on the part of its masons; it being no easy matter to fit together such irregular forms with the perfect accuracy that in many cases had been attained: and it should not therefore be taken as a proof of very early date.

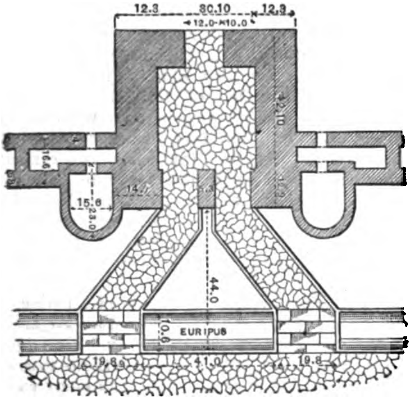


Polygonal Masonry.

During the historic period of Greece, the more important buildings, such as the temples, were usually built of quadrangular blocks of stone, each course having a level bed running from end to end of the wall. The beds and joints were worked to a much more accurately smooth surface than the visible faces of the wall, because whenever stone was used by the Greeks it appears to have been the custom to cover it with a thin skin of very fine white stucco, made of lime and powdered marble or limestone, mixed with some kind of size. (See Vitruv. vii. 6.) This mixture set to the hardness and durability of the best quality of stone; it received, by working over while soft, a pleasant ivory-like texture, and its slightly absorbent surface formed an excellent ground for the application of the coloured ornament which seems to have been always used on Greek buildings. The modern word "stucco" gives a very erroneous notion of this beautiful material. The chief existing examples of this fine stone masonry are those at Selinus and Agrigentum in Sicily, and Paestum in Magna Graecia. (See Serradifalco, *Antichità di Sicilia*, and Wilkins, *Magna Graecia.*)

After the Persian war, in the first half of the 5th century B.C., the Athenians began to use marble for their finest buildings. The walls, for example, of the Athenian Propylaea and the Parthenon are marvels of perfect masonry. The blocks of marble are cut in courses of regular depth; and, no cement being used, each block was made to fit with absolute precision to the adjacent blocks by being moved backwards and forwards over its bed, till its surfaces were rubbed perfectly smooth. So absolutely air-tight were these surfaces that in many cases age and pressure have made adjacent surfaces actually, as it were, grow together: this is shown in a very striking way by the fact, that in certain places, where the wall is broken, the fracture has gone through the solid block rather than cause a separation of two blocks at the joint or bed. Great labour was also spent in clamping horizontally with iron or bronze each block to the next one on the same course; and vertical dowels were used to fix each block to the next courses above and below. In most cases the metal clamps were fixed by pouring in fluid lead, the cavity in the marble being cut a little larger than the actual clamp required at its turned down ends. Even during the 5th century the use of marble was as a rule limited to places which, like Athens, had marble quarries at hand; and such important buildings as the Temple of Zeus at Olympia, and that of Apollo at Bassae, had their walls constructed of local stone. It was not till the 4th century, when many of the great temples of Western Asia Minor were reconstructed on so magnificent a scale—as *e.g.* those at Didyme, Ephesus, Teos, Magnesia, and the Smintheum in the Troad—that the use of marble was considered necessary for the construction of a magnificent building. The fact is that, as long as they were not ruined, the general effect of the stone temples coated with their fine skin of marble dust *gesso*, enriched by brilliant coloured decoration, must have been as beautiful as that of a building of solid marble, and not distinguishable from it except by the closest examination.

During the 5th to the 3rd century B.C. stone masonry of almost equal beauty to that of the temples was often used for the fortification walls of Greek cities. The usual scheme of defence was to have, on the outside, a deep foss, either filled with water or, where that was not possible, merely an empty trench. The wall was from 10 to 15 feet in thickness, with, on the top, a walk for sentinels and a parapet with battlements all along. At regular intervals were towers, usually square, but sometimes rounded in plan, projecting on the outside like those of the Phoenicians, two being placed to flank each gateway. This general scheme was adopted in the walls of the Greek city of Posidonia (Paestum) in Magna Graecia, which, like Tiryns, had chambers for the garrison: they are well illustrated in the *Museum of Classical Antiquities*, vol. i. p. 35. The walls of Messene, on the slopes of Mt. Ithome, are among the most perfect remains of Greek building in the Peloponnese, and are a beautiful example of Hellenic masonry during the best period. They are wholly built of neatly-dressed blocks, regularly bedded without mortar in horizontal courses. Along the top of the wall is a levelled walk defended by a battlemented parapet: in each of the many projecting square towers is a chamber with its floor at the level of the top of the curtain wall, on to which access is given from the towers by doorways with flat lintels, so that the towers do not interrupt the passage round the wall. Square battlements crowned the summit of each tower, as a defence to the soldiers posted on the roof of the tower chamber.



Wall and Gateway of Posidonia.

In the finest sorts of masonry, both among the Greeks and Romans, metal clamps instead of cement were used, each block fitting with absolute closeness to the next; but in the rougher sort of walling the blocks were less carefully dressed, and a fine lime mortar was used to bed each course. The famous "Long Walls" from Athens to Peiraeus were of this latter sort, as Plutarch describes (*Cim.* 13), *χάλικι πολλῇ καὶ λίθοις βαρέσι τῶν ἐλῶν πιεσθέντων*. Other parts, perhaps the facing, of this wall described by Thucydides (i. 93) appear to have been of the finer kind of masonry, with blocks so large that each was a cart-load (ἁμαξιαῖοι), closely fitted (*ἐν τομῇ ἐγγώνιοι*) and secured by metal clamps run with lead, like those used in the Parthenon.

Though as a rule the joints in fine masonry must have been practically invisible, owing either to the coating of stucco or to the perfect grinding together of the surfaces, yet we read of one case (Plin. *H. N.* xxxvi. § 98) in which the joints were treated in a conspicuously decorative way. This was a temple at Cyzicus, in which the interior walls of the cella had a fine thread of gold inserted in the joints of every course. That this statement is probably true is borne witness to by the discovery, among the ruins of the Artemision at Ephesus, of certain bases of the great Ionic columns, in which the quirks between the astragals still contained bits of a strip of pure gold fixed with lead into its place: thus forming two or more rings of gold ornament all round each of the main bases of the order.

Pre-Roman Methods of Mural Decoration.

The earliest example of a decorated wall-surface is the Temple of the Sphinx, c. 4000 B.C., mentioned above as being lined with slabs of alabaster. Sculpture, in low relief, was used in the most lavish way, during a space of between three and four thousand years, to decorate the tombs and temples of Egypt. This sculpture is, as a rule, not cut on slabs affixed to the wall, but on the coursed blocks of which the wall consists: the joints, which, in the present ruined state of the building, cut through and disfigure the reliefs, were originally concealed by a thin skin of fine stucco, like that used by the Greeks, on which the colouring was applied. In ancient Assyria and Chaldaea wall reliefs were used in no less lavish a way; but, as a rule, with this difference, that the sculpture was carved on thin slabs, which were fixed to the surface of the wall, not, as in Egypt, cut on the solid wall itself.

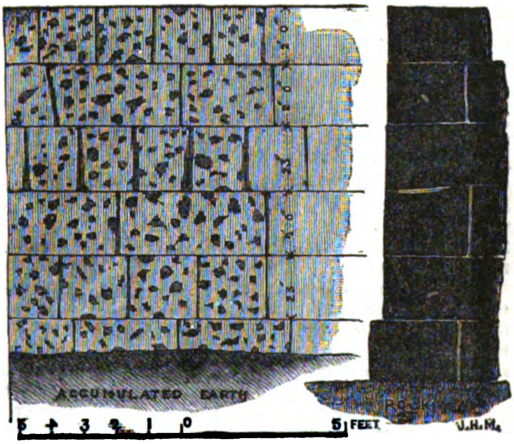
Painting on stucco is perhaps the most widely used method of wall decoration among all classical races and at all periods [see PICTURA]. Another very costly and magnificent method of wall decoration, largely used in early times, was to cover the surface with plates of bronze, beaten into relief, and usually gilt. Traces of this method of enriching wall-surfaces have been found in the palaces of Persepolis, the so-called treasuries of Mycenae and Orchomenos, and in the palace of the Tirynthian Acropolis. The splendour of these delicately enriched metal surfaces, gleaming with gold and broken into points of light, varied with the half-shadows of the reliefs, must have been of the most dazzling kind. We know now that such descriptions as Homer's golden house of Alcinous need not be considered wholly the offspring of a poet's fancy. The Treasury of Myron and the Shrine of Athene Chalcioecus, mentioned by Pausanias (vi. 19 and iii. 17), were probably examples of the same method of decoration by bronze *repoussé* plates.

Reliefs moulded in clay, and then coloured with brilliant enamel pigments, were used for wall-decoration in Egypt, Assyria, and Persia. Friezes, with lines of kings, soldiers, and processions of captives, in enamelled relief, formed on tiles or plaques, were found in Rameses the Great's palace at Tel-el-Yahoudeh. Their execution is a marvel of technical skill, in the minute use of the most delicate relief, and the most varied enamels of jewel-like brilliancy. Recent excavations at Susa have brought to light examples of this kind of decoration on the most magnificent scale. The walls of one room were lined with life-sized figures, moulded, not on slabs but on the ordinary coursed brickwork, so that each figure is built up of about 20 courses of bricks, all fitting together with great accuracy. The whole of this magnificent procession is covered with enamels of various colours—a combination of the plastic and pictorial arts which gives an effect of unrivalled splendour, and from its vitreous surface has the advantage of being almost imperishable. Some of these wonderful reliefs were brought in 1887 to the Museum of the Louvre, and give one a most vivid notion of the skill and decorative taste of the Persian craftsmen.

The decoration of wall-surfaces by thin marble linings does not appear to have been much used by the Greeks. According to Pliny (*H. N.* xxxvi. § 47), thin slabs (*crustae*) of Proconnesian marble were used to decorate the Palace of Mausolus at Halicarnassus, *c.* 360 B.C.; and when the remains of Queen Artemisia's mausoleum were used by the Knights of St. John, in the 15th and 16th centuries, to build the castle of St. Peter at Halicarnassus (Budrum), they are said to have found the interior of the Heroon lined with slabs of various coloured marbles. (See Newton, quoting Guichard, *Travels in the Levant*, vol. ii. p. 126.) As a rule, however, the use of coloured marbles for wall-linings was not introduced till later times, and would have been rather displeasing to the severe taste of the best period of Hellenic art, though it was the favourite method of mural decoration in the artistically inferior period of the Roman empire. [See DOMUS.]

The Roman Period.

A great deal that is wholly misleading has been written about the methods of building used in the walls of ancient Rome, partly because the real methods of construction are frequently hidden behind very deceptive modes of surface decoration. The systems of wall-building in Rome may be classified thus:—I. Sun-dried bricks (*lateres crudi*), of which no example now exists. II. *Opus quadratum*, solid walls of squared stone. III. Concrete, *opus coementitium*. (*a*) unfaced concrete; (*b*) faced with *opus incertum*; (*c*) faced with *opus reticulatum*; (*d*) faced with burnt brick (*lateres cocti*); (*e*) faced with the so-called *opus mixtum*. The usual error has been to class *opus incertum*, *opus reticulatum*, &c., as separate constructional categories; whereas, in reality, they are merely different methods of facing concrete walls.



Existing piece of the "Wall of Romulus."

I. *Sun-dried bricks* in Rome, as in Greece, appear to have been largely used for all except the more important public buildings, till about the 1st century B.C. The remarks of Vitruvius (ii. 3) about the names and the sizes of bricks appear to refer wholly to crude bricks; the kiln-baked bricks used for wall-facing in Rome being always triangular in shape, not rectangular, like those described by Vitruvius. Care was taken to dig out the clay at the right season, and also to keep the bricks for a long time before being used—a precaution that would have been useless in the case of kiln-fired bricks. Careful directions are given in the same chapter (Vitruv. ii. 3) as to the formation of good "bond," by alternate courses of "headers" and "stretchers." This, again, does not apply to the burnt bricks of Rome, which are never used to build a wall, but merely as facing.

II. *Opus quadratum*, masonry of solid ashlar. The earliest existing example of this in Rome is the pre-historic fortification wall of *Roma Quadrata* on the Palatine, popularly called the "wall of Romulus." This consists of blocks of the local tufa, with very even beds, but less careful vertical joints. The blocks run in fairly even courses of nearly 2 Roman feet in depth, but vary in length. The bond is imperfect: joints are often allowed to come one over another; and no mortar is used. The cut shows a piece of the best preserved part at the west angle of the Palatine. The Servian wall shows the next stage; harder stone is used, the courses are more regular, the surfaces more truly dressed, and the bond more workmanlike. Under the later republic the harder *peperino* was usually employed for external work, the soft tufa being reserved in many cases for internal walls. The most perfectly developed *opus quadratum* is to be seen in the walls of the Capitoline *Tabularium*, which, on the exterior, are built of perfectly regular blocks of *lapis Albanus* (peperino), each exactly 2 Roman feet × 2 ft. × 4 ft. long, arranged in alternating courses of "headers" and "stretchers," such as in modern language is called technically "English bond." So accurately are the blocks worked and set, that each series of joints comes exactly over those below, up the whole height of the wall. These blocks are bedded in a very thin layer of pure lime, used, not as a binding cement, but as a method of obtaining absolutely perfect contact in all the adjacent surfaces—a very early practice in Rome, which is to be seen even in the primitive *Tullianum* or lower chamber of the "Mamertine prison."

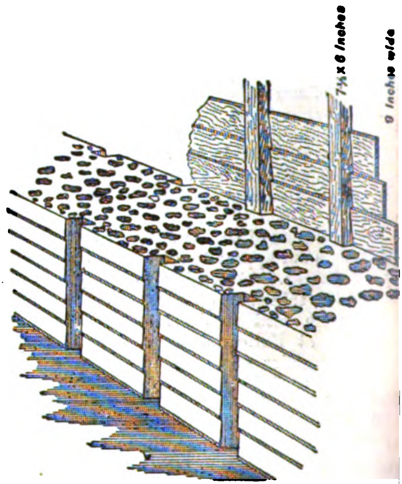
In the 1st century B.C. the hard, cream-coloured limestone, *lapis Tiburtinus* (Travertino), came into use for the more costly buildings, but the principal examples of its use date from the 1st and 2nd centuries A.D., as in the lower part of the cella walls of the temples of Concord, Vespasian, and Faustina. In these the blocks are worked with courses of varying thickness, and the beds and joints are rubbed to such a perfect surface that absolutely close contact is obtained without the use of the thin skin of lime mortar. As among the Greeks, the blocks of the finest masonry are fixed by iron clamps run with lead ("ansis ferreis et plumbo," Vitruv. ii. 7), or, in some cases, by wooden "dovetail dowels." In the same chapter Vitruvius describes the methods of bonding derived, as he says, from the Greeks. The best class of masonry (ἔμπλεκτον) was formed by alternating "headers" and "stretchers," *i.e.* blocks laid cross-wise or lengthways; and, in some cases, "through stones" (διατόνοι) were introduced, *i.e.* blocks set as "headers," of sufficient length to reach through the whole thickness of a wall —a needless precaution, unless the wall were rather thin.

Existing specimens of domestic architecture in Rome, built with *opus quadratum*, are very rare. One of the chief examples is the older part of the *Regia*, or official house of the Pontifex Maximus, in which remains still exist of early tufa masonry, with accurately squared blocks. Similar tufa blocks are also used for the walls of the oldest houses in Pompeii,—those, that is, which survived the earthquake by which the town was mostly destroyed, a few years before its final destruction in 79 A.D. Some of these probably date from the 1st century B.C., or even earlier.

In all cases in ancient Roman buildings, whether tufa or peperino were used, it appears to have been the custom to coat the stone with the fine marble or limestone stucco (*opus marmoreum*), such as was used in Greece, and is described in great detail by Vitruvius (vii. 2, 3 and 6). Thin coatings of this beautiful hard substance were used in some cases to cover travertine, and even marble walls. With tufa, as with unburnt brick, it was a constructional necessity, the soft tufa being the worst possible "weather stone;" but in other cases it appears to have been applied for decorative purposes.

III. *Concrete.*—The use of concrete, both among the Greeks and Romans, is really much older than has usually been supposed. It was largely used in the palace of Tiryns, especially for floors; and in Rome still exists as backing to part of the Servian wall on the Aventine. Concrete in Rome was made of broken stones, together with lime and *pulvis Puteolanus* (pozzolana); or else, during the Imperial period, broken pieces of burnt brick frequently replaced the stone. The *pozzolana*, great beds of which, showered down from long extinct volcanoes, exist over most of the Roman Campagna, forms, when mixed with lime, a very strong hydraulic cement, applicable to a great variety of purposes, such as concrete walls, mortar, and stucco. In the older concrete *tufa* is the stone usually employed, but under the Empire other harder stones were used, especially for foundations of walls which had to carry a heavy weight. The best and most durable kind of concrete was made with pieces of lava, the *silex* of Pliny and Vitruvius, with which the Roman roads were generally paved.

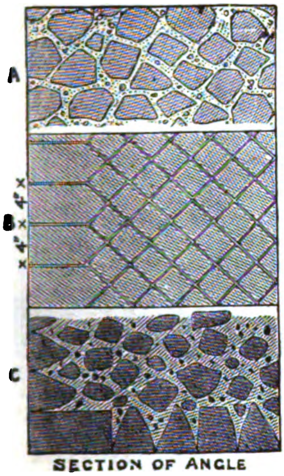
The method of forming concrete walls is shown in the annexed cut. Upright posts, about 6 × 5 inches thick and 10 to 15 feet high, were stuck at intervals of about 3 feet in the ground along the line of both faces of the future wall; and against these posts wooden planks, 10 to 12 inches wide, were nailed horizontally, overlapping one another. Into the intermediate space the semi-fluid concrete was poured, receiving on its surface the imprint of the posts and boards. When the first layer of concrete had set hard, the wooden framing was removed and refixed on the top of the concrete wall. The process was then repeated till the wall was raised to the required height. Walls thus formed, especially if the hard lava or travertine were used, were stronger and more durable than even the most solid masonry. Blocks of stone could be removed, one by one, by the same force that set them in place; but a concrete wall was one perfectly solid and coherent mass, which could only be destroyed by a laborious process, like that of quarrying hard stone from its native bed.



Method of casting concrete Walls.

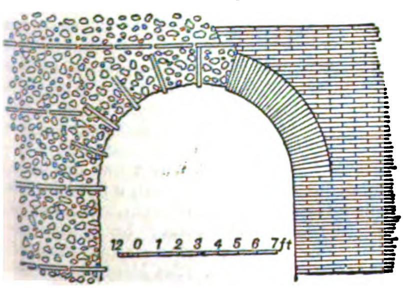
As a rule, except when used for foundations, the Roman concrete was not left without some facing. During the Republican period, the method of facing was *opus incertum*, but it was nearly obsolete in the reign of Augustus, as Vitruvius (ii. 8) writes: "*reticulatum*, quo nunc omnes utuntur, et antiquum quod *incertum* dicitur." In this method irregularly shaped bits of tufa, 3 to 5 inches across, were cut smooth on one face, and roughly pointed behind. The whole face of the concrete wall was studded with these stones, like a magnified mosaic, the points sticking into the wall, and the smooth ends appearing on the surface.

Opus reticulatum, universally used (as Vitruvius says) in his time, is very like *opus incertum*, except that each little block of tufa is cut to a true square at one end, and all are arranged to run in regular diagonal lines, like a piece of network, whence came its name. Though of no real constructional importance, it is very neat in appearance, and it is rather strange to find that, like the *incertum*, it was usually, if not always, covered with stucco. It appears to have come into use about the beginning of the 1st century B.C., and continued in use, though becoming less common, till the reign of Hadrian. Facing with kiln-fired brick appears not to have been used in Rome before the 1st century B.C. In fact, no examples are known to exist earlier than the wall of J. Caesar's *Rostra*, rebuilt on a new site in 44 B.C.

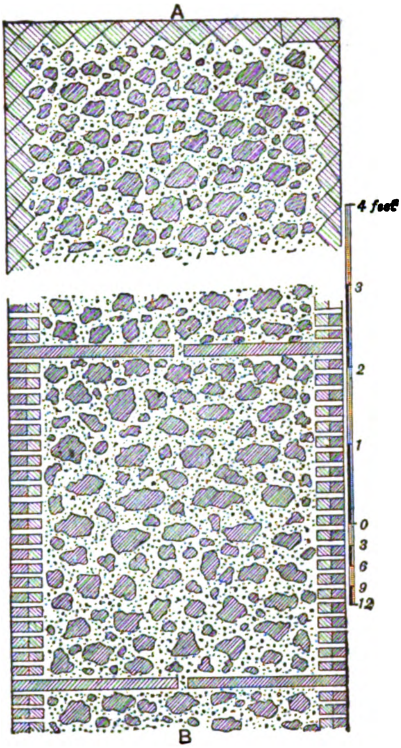


Concrete Wall faced with (A) Opus incertum and (B) Opus reticulatum. C shows the section, similar in both.

It is an important thing to observe that in ancient Rome burnt brick was never used to build walls, but merely as a thin facing. In the true sense of the word, there is no such thing as a brick wall among all the ruins of Rome; the actual wall being of concrete, with merely a thin facing of triangular bricks, arranged as is shown in the woodcut. Even party-walls of small houses, sometimes only 7 inches thick, are not built of solid brick, but have an inner core of concrete faced with small brick triangles. Thus, for example, such a building as the Pantheon of Agrippa, which appears to be built of brick, is found on examination to consist of walls with about 18 feet in thickness of concrete, and a facing of brick averaging only 3 or 4 inches in depth.



Concrete Arch: half with its brick facing removed.



Concrete Wall faced with brick.

The advantages of this concrete construction, both for walls and vaults, were very great: each wall was like one solid slab of stone, any part of which might be cut away without destroying the rest. A striking example of this is to be seen in the Thermae of Caracalla: in one place the concrete wall originally rested on two marble columns. The columns were stolen some centuries ago, and the wall above still remains hanging like a curtain from the concrete vault.

It is not easy to explain why the Romans were so fond of using this brick facing over their concrete. It was not a constructional necessity, as the many walls of unfaced concrete which still exist clearly show. It was not for the sake of its appearance, as, except in a very few cases, such as the great aqueducts, the brick facing was concealed by stucco or by marble linings. The very smoothness of the brick was practically a disadvantage, being unsuited to the reception of stucco; and great cost and labour were expended in studding the brick facing with metal nails or plugs of marble in order to form a "key" for the coating of stucco, which adhered firmly, without any such help, to the bare concrete of unfaced walls.

The character of brick facing, the thickness of the bricks and the mortar joints, is often a very valuable indication of the date of a building; the general tendency being for the bricks to get thinner and the mortar joints thicker. Thus the Pantheon, dated 27 B.C., has bricks 1½ inches thick, with joints averaging ⅜ inch. In the palace of Sept. Severus, 200 A.D., the bricks are 1 inch and the joints ⅝ inch in thickness. In the Aurelian walls of Rome, *c.* 270 A.D., bricks and joints average the same thickness, both measuring about 1¼ inches.

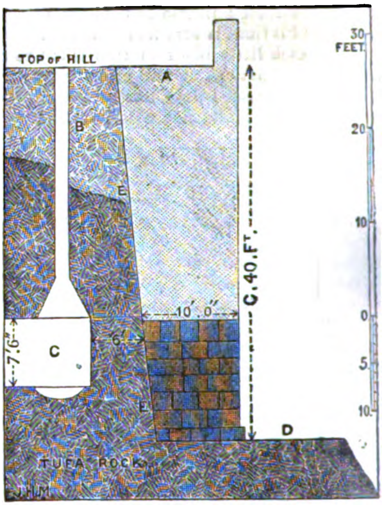
The term *opus mixtum*, though not a classical one, is now used to denote wall-facings of a late period, with alternating courses of brick and small rectangular blocks of tufa. The earliest dated example is the Circus of Maxentius, *c.* 310 A.D.; it continued in use till the time of Theodoric, *c.* 500 A.D.; after which destruction, not construction, went on in the unhappy city of Rome.

The above methods of Roman construction are those which were employed in the greater part of Italy; but in their distant provinces, such as Britain or Gaul, the systems of building were often modified to suit the nature of the materials which the country supplied. Thus, outside of Italy, owing to the lack of pozzolana to make a strong hydraulic cement, concrete was less extensively used for walls. In Britain one of the favourite Roman methods was to build the wall with more or less carefully dressed stone for the facing, and an internal filling in of rubble. At regular intervals "lacing courses" of brick were built, extending through the whole thickness of the wall; large rectangular bricks (*tegulae*) being used instead of the triangles of Rome itself. The Roman fortification walls of London, Richborough, and many other places are examples of this mixed construction.

In all cases the mortar used in Roman walls is of a very hard and durable character, owing to the great care taken in preparing and mixing the materials. Much of the Roman mortar owes its strength to the lime being mixed with finely-pounded brick or pottery, the *opus e testis tunsis* of Vitruvius; a much better substance for the purpose than such sand as is now commonly used. Vitruvius' chapters on sand (*arena*, ii. 4), on lime (*calx*, ii. 5), and the preparation of concrete, mortar, cements, and stucco of all kinds, are of the highest practical value; and modern builders would produce much better work if they would follow Vitruvius' injunctions. It is, however, useless to hope for that: the chief secret of the immense superiority of the Roman work to that of the 19th century is due to the fact that in the old days the builder's first object was to produce a strong and lasting piece of work, not to erect his building at the lowest possible cost, as is the case now.

Fortification Walls of the Romans.

Many different systems of fortification were adopted, according to the varying natures of the sites. The pre-historic defence of *Roma Quadrata*, on the summit of the Palatine hill, was arranged thus. The base of the circuit was set neither at the foot of the cliff nor at its summit, but on an artificially cut shelf, at an average distance (along the *Velabrum* side) of about 40 feet from the top. The face of the cliff above this shelf was cut back into an almost perpendicular precipice, slightly sloping back or "battering" inwards, as is shown in the cut. Against this the wall was built, rising to the top of the hill, and probably a little above it, to shelter the garrison. The native *tufa* at this point is very soft, and so it was thought advisable to line the cliff with a wall of harder tufa, which would not give foothold to an enemy. In other places, as on the Capitoline hill, the native rock is harder; and so the place was made secure simply by scarping the rock to a perpendicular surface, and then only a low wall of defence was required at its summit. The above cut shows also one of the cisterns for storing rain-water, which were cut in the rock for use in time of siege.

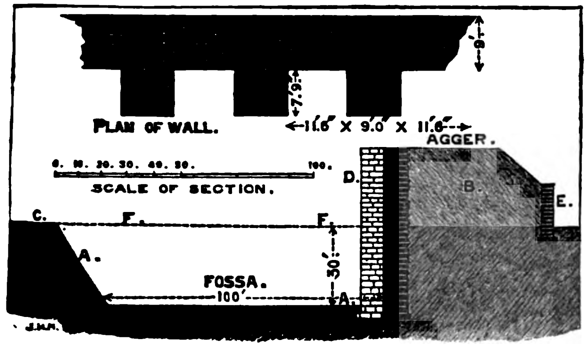


Section of the Wall of Roma Quadrata.

A. Original height of wall.
B. Upper part of cliff, now crumbled away.
C. Cistern cut in tufa rock.
D. Levelled platform to receive base of wall.
E E. Cliff made steeper by cutting.

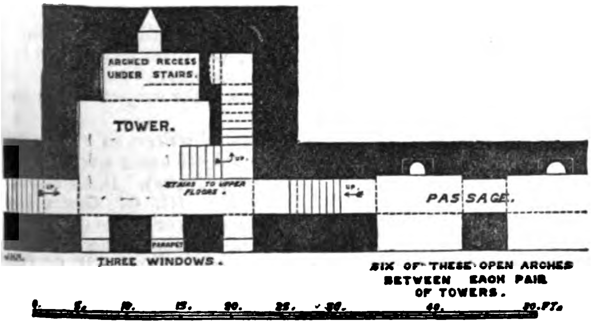
Along one space of about 1400 yards, in the circuit of the early or "Servian city," the wall had to cross a level piece of ground, and so the defence got no help from the natural contour of the rock, as it did in most other parts of the circuit (see Dionys. ix. 68). For this reason a more elaborate system of fortification was adopted: a great *fossa*, 30 feet deep and 100 wide, was dug, and its earth heaped up on the inside to form an *agger*, which was kept up by a massive stone retaining wall, 9 feet thick and about 30 feet or more in height. This wall, in some places, is strengthened by great square buttresses. A lava-paved road ran along the outer edge of the *fossa*. (See Middleton, *Ancient Rome*, pp. 69–74.)

The later fortification wall of Rome, which encloses a very much larger area than the *Regiones* of Servius, was planned and in great part built by Aurelianus, in 270–5 A.D. It is built of concrete faced with brick, and extends along a circuit of about 12 miles. Like the early Greek walls, its lower part is solid, to resist battering-rams, and the upper part contains in its thickness a passage for the garrison, extending all along its circuit. This passage opens on the interior with a series of tall arches, something like those of an aqueduct, and is vaulted overhead, forming a wide platform at the top, guarded by battlements, for the soldiers. At close intervals, only 45 feet apart, tall and massive square towers were set, 383 in all, with a guard-room below, and a sleeping-room for the garrison above. The plan of one of these towers and a bit of the sentinels' passage is shown in the woodcut. The passage, which continued through the towers, formed a covered walk along the whole 12 miles of the circuit. The height of the wall varied according to the contour of the ground: it probably averaged nearly 50 feet; the towers rising about 20 feet above the top of the intermediate wall. Except where the wall skirted the river along the Campus Martius, its circuit still exists, more or less perfectly preserved. In some places, as e.g. in the now destroyed Ludovisi gardens, it is still in a very perfect state, with the exception of its battlements, almost all of which have perished.



Section of Wall and Agger of Servius. The plan is double the scale of the section.

AA. Undisturbed earth of fossa.
B. Earth excavated from fossa.
C. Road at brink of fossa.
D. Wall and buttress.
E. Back retaining wall of agger.
F. Level to which the fossa was filled up and built upon under the Empire.



Aurelian's Wall. Plan showing one of the towers and the passage in the thickness of the wall.

The walls of Pompeii, which are in parts very perfect, are an interesting example of the defences of a smaller city. They, too, have towers, square in plan, set at close intervals, and near the top a broad platform for the defenders of the town.

In other cases—as, for example, in the Roman fort at Old Cairo (the mediaeval Babylon)—towers of circular plan are used. (See A. J. Butler, *Coptic Churches*, i. p. 155.) This system is recommended by Vitruvius, on the very reasonable ground that the angles of square towers form weak points when attacked by the battering-ram. (See the whole of Vitruv. i. 5.)

Respecting the gates, see PORTA.

Literature.—Perrot and Chipiez's various works on *Egypt*, *Assyria*, *Phoenicia;* Schliemann's works on *Troy*, *Mycenae*, and *Tiryns;* Blümner, *Technologie bei Griechen und Römern;* Winckler, *Die Wohnhäuser der Hellenen;* Helbig, *Das Homerische Epos;* Adamy, *Architectonik der Hellenen;* Middleton, *Ancient Rome in* 1885, and an article on "Roman Construction" in *Archaeologia*, vol. 51, for 1888; Nissen, *Pompeianische Studien;* Overbeck, *Pompej*, re-edited by Mau. See also DOMUS. [J. H. M.]

MU'SCULUS was a shelter for soldiers engaged in undermining the enemy's walls or towers (Caes. *B. C.* ii. 10; Isid. *Orig.* xviii. 11, 4), or in filling up the ditch so as to bring the battering-rams, &c. up to the wall (Veget. iv. 16). As described by Caesar (*l. c.*), in the siege of Marseilles it was strongly made of wood, 60 feet long, 4 feet wide, and 5 feet high, with a sloping roof. The construction is as follows:—Two beams, 60 feet long, were placed at the base, 4 feet apart: in these were fixed upright posts (*columellae*), 5 feet high and joined by gable beams (*capreoli*) meeting in an angle, across which thick planks or beams are laid lengthways, so as to form a roof sloping both ways. These beams (*bipedalia*, 2 feet thick) are nailed and clamped together; at the bottom of the slope each side rises a ledge (*regulae*), 4 digits high, so as to support the layers of bricks, &c. The layers over the wooden roof are bricks and earth; over these, hides to prevent the bricks being displaced by water; and over the hides are cushions or mattresses (*centones*) kept wet, so as at once to prevent fire and to break the force of stones hurled from above. The machine is constructed beneath the tower of the besiegers, and then is moved on rollers up to the wall. The besiegers throw down huge stones and blazing tar barrels, which roll harmlessly off the sloping roof. The difference between the musculus and the vinea was that in the vinea one of the long sides was open for working, while the musculus was open at the ends, hence giving a long sheltered gallery, the end of which was against the city wall. It was, of course, rolled lengthways to the wall. The vinea was rolled broadside up to the wall. The musculus also was more solidly built than the vinea, and not so high. The *testudo* was something like the musculus, but squarer. (Lipsius, *Poliorcet.* i. 9; Marquardt, *Staatsverwalt.* ii. 531.) [L. S.] [G. E. M.]

MUSE'A (*Μούσεια*), a festival with contests celebrated in a grove on the lower slopes of Mount Helicon in Boeotia, not far from the spring of Aganippe, in honour of the Muses. It was held every fifth year and with great splendour. (Plut. *Amator.* p. 748 F.) It was first under the charge of the Ascraeans, having been instituted according to tradition by the Aloidae: afterwards it was superintended by the inhabitants of Thespiae. (Paus. ix. 29, § 1; 31, § 3; *C. I.* 1585, 1586.) There was also a festival called Museia, which was celebrated in schools, with sacrifices, to which the pupils contributed. (Aeschin. *in Timarch.* § 10; Theophrast. 25, 11; LUDUS, p. 95 *a.*) [L. S.] [G. E. M.]

MUSE'UM (*Μουσεῖον*) signified in general a place dedicated to the Muses, but was specially the name given to an institution at Alexandria founded by Ptolemy Philadelphus, about B.C. 280, or perhaps by his father and predecessor Ptolemy Soter, for the promotion of learning and the support of learned men. (Athen. v. p. 203.) We learn from Strabo (xviii. p. 794) that the museum formed part of the palace, and that it contained cloisters or porticoes (*περίπατος*), a public theatre or lecture-room (*ἐξέδρα*), and a large hall (*οἶκος μέγας*), where the learned men dined together. The museum was supported by a common fund, supplied apparently from the public treasury; and the whole institution was under the superintendence of a priest, who was appointed by the king, and, after Egypt became a province of the Roman empire, by the emperor (Strabo, *l. c.*). Botanical and zoological gardens appear to have been attached to the museum (Philostr. *Apollon.* vi. 24; Athen. xiv. p. 654). The Emperor Claudius added another museum to this institution (Suet. *Claud.* 42, with Casaubon's note). The studies at the Alexandrian Museum had been arranged by Ptolemy Philadelphus in four faculties,—literature, mathematics, astronomy, and medicine,—and it is said to have received at one time as many as 14,000 students.

It should be observed that in all probability the original of this institution was the museum at Athens (similar in its object of encouraging learning and art and like in form, though on a smaller scale), which was founded or enlarged in pursuance of the will of Theophrastus to receive the statue of his great master Aristotle, and to become a school of Aristotelian philosophy (Diog. Laert. v. 51). The name was the more appropriate because there was a *Μουσεῖον* at Stagira (Plin. *H. N.* xvi. § 133). Baumstark (*ap.* Pauly, *Real Encycl.*) argues for the foundation of the Alexandrian Museum by Ptolemy I. (Soter) from the well-known favour which Ptolemy Soter showed to men of learning, and especially his regard for Theophrastus (Diog. Laert. v. 37), who founded or enlarged the Museum at Athens, and for Demetrius Phalereus, and from the fact that the manner in which Athenaeus (*l. c.*) speaks of the Museum at the beginning of Ptolemy II.'s reign we should imagine that it had been developing for some time. It is easy to understand how the word *μουσεῖον*, losing religious significance, came to imply solely places of learning and art, so that we find Athens itself called *τὸ τῆς Ἑλλάδος Μουσεῖον* (Athen. iv. 187 d), and Longinus himself spoken of as "a walking museum" (*ἔμψυχον καὶ περιπατοῦν μουσεῖον*, Porphyr. 16). [W. S.] [G. E. M.]

MU'SICA. The term *μουσική* signified the art or circle of arts over which the Muses presided, viz. poetry in its various kinds, with the music, whether of voice or instrument, required for its worthy presentation. The word which most nearly denotes what we call the *science* of Music is *ἁρμονική*, but that word does not include the subject of rhythm or "time" (*ῥυθμική*). "Harmonic," therefore, deals only with sounds and their relations in respect of tune: *Ἁρμονική ἐστιν ἐπιστήμη θεωρητικὴ καὶ πρακτικὴ τῆς τοῦ ἡρμοσμένου φύσεως· ἡρμοσμένον δέ ἐστι τὸ ἐκ φθόγγων καὶ διαστημάτων ποιὰν τάξιν ἐχόντων συγκείμενον* (Pseudo-Euclid. *Introd. Harm.* p. 1). The ancient science of rhythm dealt not only with musical sounds, but with everything susceptible of rhythmical division, including (in particular) spoken language, and the movement of the dance. Accordingly it has been made the subject of a separate article [RHYTHMICA].

The Greek technical writers on "Harmonic" usually treat the subject under seven heads:—I. Of Sounds (*περὶ φθόγγων*). II. Of Intervals (*περὶ διαστημάτων*). III. Of Genera (*περὶ γενῶν*). IV. Of Systems or Scales (*περὶ συστημάτων*). V. Of Keys (*περὶ τόνων**). VI. Of Transition (*περὶ μεταβολῆς*). VII. Of Composition (*περὶ μελοποιίας*). This division will be generally made use of in the present article.

A Sound is musical when it has a determinate pitch (*τάσις*); that is to say, when it is produced by vibrations in which waves of a particular length sensibly predominate. The pitch must also, of course, be maintained sufficiently long to make a distinct impression on the memory. When two musical sounds differ in pitch, one is said to be more *acute* (*ὀξύς*), the other more *grave* (*βαρύς*): in common language, one is called higher, the other lower. The term *ἐμμελής*, applied to a sound, signifies that it is capable of being used in the same melody with other sounds.

An Interval is the difference or distance in respect of pitch between two musical sounds. The interval between any pair of sounds can be compared in point of magnitude with that between any other pair, and the magnitude of an interval can be measured with more or less

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* The word *τόνος*, lit. "tension," "pitch," has two distinct special senses. It is applied to the *keys*, as being scales which differed in pitch. It is also the name of an interval, a *tone*; perhaps as being the interval through which the voice is most naturally raised at one effort.

accuracy by the ear. Further, certain intervals—the Octave, the Fifth, &c.—are recognised as possessing a definite pleasing character; and thus become the foundation of systems of music.

If two strings, similar in material, thickness and tension, be made to vibrate, the rate of vibration is inversely proportional to their length: and the interval between the sounds produced depends only on the ratio of the lengths, *i.e.* of the numbers of vibrations. Thus:

If the ratio be	2 : 1,	the interval is an	Octave.
„ „	3 : 2,	„ „	Fifth.
„ „	4 : 3,	„ „	Fourth.
„ „	9 : 8,	„ „	Major Tone.

The discovery of these ratios is attributed to Pythagoras, and probably with truth, although the details with which it is told by later writers (Nicomachus, p. 10; Diog. Laert. viii. 12) are plainly false. According to these writers, Pythagoras happened to be passing a blacksmith's workshop, and noticed that the musical intervals were produced by four hammers, whose weights he found to be in the proportion of 12, 9, 8, and 6. He then stretched four similar strings by weights which were in the same proportion, and found that they gave the Octave (12 : 6), the Fifth (12 : 8 or 9 : 6), the Fourth (12 : 9 or 8 : 6), and the Tone (9 : 8). But under these conditions the vibrations would have been as the *square roots* of these numbers. The discovery of Pythagoras strongly impressed the imagination of Greek thinkers, and had a great effect upon the general course of speculation, but did not lead at once to progress in musical theory. His followers busied themselves with *à priori* combinations of numbers, but neglected the observation of new facts. This led to a reaction, and the rise of a school which left the physical basis of music out of sight, and adopted (in principle at least) the method of "equal temperament." Thus Greek writers are divided, in their general treatment of intervals, into (1) the Pythagorean or mathematical (called by themselves *κανονικοί*, or *ἁρμονικοί*), who identified each interval with a ratio, and (2) the "musical" (*μουσικοί*), who measured all intervals as multiples or fractions of the Tone. Of the former school were Archytas (400 B.C.), Euclid the geometer, Eratosthenes, and the later writers Thrasyllus, Didymus, and Ptolemy: of the latter were Aristoxenus (pupil of Aristotle) and his followers, the chief of whom were Aristides Quinctilianus and the author of the *εἰσαγωγὴ ἁρμονική* which bears (quite wrongly) the name of Euclid.

Intervals were distinguished as *consonant* (*σύμφωνα*) or dissonant (*διάφωνα*), according as the two sounds could or could not be heard together without offending the ear (Ps.-Eucl. § 8). The intervals reckoned as consonant were the Octave (*διὰ πασῶν*), the Fifth (*διὰ πέντε*), the Fourth (*διὰ τεσσάρων*), and any interval produced by adding an octave to one of these.* All other intervals (as the Third, Sixth, Tenth) were considered as dissonant. It is curious that this class should have included the double tone (*δίτονον*) and the tone and half (*τριημιτόνιον*), even after these intervals had been identified with the natural Major Third (5 : 4) and Minor Third (6 : 5). But the distinction between consonant and dissonant is a matter of degree, and doubtless the Pythagorean tradition tended to keep up the notion of a special character for the Octave, Fifth, and Fourth.

Aristotle and other writers use the term *ὁμοφωνία* of unison, *ἀντιφωνία* of the consonance of the Octave. Later writers (as Gaudentius) distinguish a third relation, intermediate between consonance and dissonance, to which they apply the term *παραφωνία*. The instances given are the ditone and the tritone.

An aggregate of intervals, or rather of sounds separated from one another by a particular series of intervals, constituted a System, or scale.

Every system capable of use in music (*σύστημα ἐμμελές*) could be analysed as a combination of Tetrachords or systems of four notes, either *conjunct* or *disjunct*. Tetrachords are "conjunct" (*συνημμένα*) when the highest note of one is the same as the lowest note of the other (as with the octaves of a modern scale). They are "disjunct" (*διεζευγμένα*) when the highest note of one is separated by a Major Tone from the lowest note of the other. This Tone is called *τόνος διαζευκτικός*. In reality the Octave scale had much the same place in ancient as in modern music: but the tetrachord was taken as the theoretical unit. Thus the scale *a b c d e f g a* would be regarded as composed of the conjunct tetrachords *b c d e* and *e f g a*, plus the tone *a—b*: and the scale *e f g a b c d e* as composed of the disjunct tetrachords *e f g a* and *b c d e*.

The Genus of a system depended upon the relation of the three intervals into which the tetrachord composing it was divided. The Greeks made use of three Genera,—the Diatonic, the Chromatic, and the Enharmonic: and of the two former of these there were certain varieties called Colours (*χρόαι*). It was allowed, moreover, under certain restrictions, to combine the intervals of one Genus or Colour with those of another, so as to produce "mixed" divisions of the tetrachord. The different forms of the Chromatic and Enharmonic genera were broadly distinguished from the Diatonic by the use of two small intervals in succession—so small that taken together they were less than the third. Two such intervals were said to form a *πυκνόν*, or "crowding" of notes, and the three notes were sometimes called, from their position in the group, *βαρύπυκνος*, *μεσόπυκνος*, and *ὀξύπυκνος*. The Enharmonic again is distinguished from every Colour of the Chromatic by the *δίεσις* or quarter-tone, the smallest interval known to Greek music.

It is not easy to harmonise the different accounts of the Genera and Colours, especially as it is impossible to say how far these accounts rest upon actual observation. The following list includes the chief varieties mentioned or recognised by writers of both schools:—

1. The "highly strung" Diatonic (*διάτονον σύντονον*). According to Aristoxenus, the in-

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* Euclid considers no intervals consonant but such as correspond to super-particular (*ἐπιμόριοι*) or multiple (*πολλαπλάσιοι*) ratios: the former being such as 3 : 2, 4 : 3, &c., the latter such as 2 : 1, 3 : 1, &c. On this theory the Octave and Fourth (8 : 3) would be dissonant, but the Octave and Fifth (3 : 1) consonant.

tervals (in the ascending order) were semitone, tone, tone (*e f g a*). The ratios given by the Pythagoreans, such as Euclid and Eratosthenes, are $\frac{256}{243} \times \frac{9}{8} \times \frac{9}{8}$ (*λεῖμμα, τόνος, τόνος*). Didymus (a contemporary of Nero) proposed the ratios $\frac{16}{15} \times \frac{10}{9} \times \frac{9}{8}$, thus introducing the Minor Tone (10 : 9), and with it the true Major Third ($\frac{10}{9} \times \frac{9}{8} = \frac{5}{4}$). Ptolemy inverted the order of the tones, making the division $\frac{16}{15} \times \frac{9}{8} \times \frac{10}{9}$, thus obtaining also the true Minor Third ($\frac{16}{15} \times \frac{9}{8} = \frac{6}{5}$).

2. The Diatonic, called by Ptolemy "middle soft" (*διάτονον μέσον μαλακόν*), or "Tonic" (*δ. τονιαῖον*), formed by the ratios $\frac{28}{27} \times \frac{8}{7} \times \frac{9}{8}$. These ratios were given for the ordinary Diatonic by Archytas—apparently as a simplification of the Pythagorean scheme. No corresponding division appears among the Colours of the Aristoxeneans: but Aristoxenus himself says (p. 27, 9 Meib.; cp. p. 52, 15) that a musically correct system (*σύστημα ἐμμελές*) may be formed by combining the Diatonic *λιχανὸς* (second highest note) with the *παρυπάτη* (second lowest note) of a Soft Chromatic. Such a tetrachord would correspond to the "middle soft Diatonic" of Ptolemy and Diatonic of Archytas. In the system of Ptolemy it is taken as the standard division of the octave. We shall see that its existence is confirmed by the notation.

3. The Soft Diatonic (*διάτονον μαλακόν*), formed, according to Aristoxenus, of the intervals semitone, three-quarters of a tone, tone and a quarter. The ratios given by Ptolemy are $\frac{21}{20} \times \frac{10}{9} \times \frac{8}{7}$.

4. The standard or tonic Chromatic (*χρῶμα σύντονον* or *τονιαῖον*). Aristoxenus gives the intervals semitone, semitone, tone and a half: Ptolemy the ratios $\frac{22}{21} \times \frac{12}{11} \times \frac{7}{6}$. In this, and also in the preceding Colour, if Ptolemy is right, the highest interval is slightly over-estimated by Aristoxenus.

5. The Soft Chromatic (*χρῶμα μαλακόν*), for which Ptolemy gives the ratios $\frac{28}{27} \times \frac{15}{14} \times \frac{6}{5}$. It answers to two Colours in the scheme of Aristoxenus, the *χρῶμα μαλακόν*, in which the two small intervals are each a third of a tone, and the *χ. ἡμιόλιον*, in which they are each three-eighths of a tone. The distinction between these two Colours is rejected by Ptolemy; but as he mentions that they were both obsolete in his time, his opinion can only rest upon *à priori* considerations.

The earliest analyses of the Chromatic scale agree partly with the standard kind, partly with this "soft" variety. The following schemes are mentioned:—

Chromatic of Archytas, $\frac{28}{27} \times \frac{243}{224} \times \frac{32}{27}$;
" " Eratosthenes, $\frac{20}{19} \times \frac{19}{18} \times \frac{6}{5}$;
" " Didymus, $\frac{16}{15} \times \frac{25}{24} \times \frac{6}{5}$.

It will be seen that Eratosthenes was the first to recognise the natural Minor Third, and (by consequence) the Minor Tone.

6. The Enharmonic, in which the intervals, according to Aristoxenus, were diesis, diesis, ditone. The schemes proposed by Pythagorean writers were:—

Enharmonic of Archytas, $\frac{28}{27} \times \frac{36}{35} \times \frac{5}{4}$;
" " Eratosthenes, $\frac{40}{39} \times \frac{39}{38} \times \frac{19}{15}$;
" " Ptolemy, $\frac{46}{45} \times \frac{24}{23} \times \frac{5}{4}$.

The scheme of Archytas is interesting as the earliest recognition of the natural Major Third. The 19 : 15 of Eratosthenes is almost exactl the Pythagorean ditone 81 : 64, and is doubtle meant as a simplification of it. It is to b observed that the true Major and Minor Thir were admitted in the Enharmonic and Chromat genera long before they replaced the Pythag rean division in the Diatonic.

All these scales, except the first, are so unlik anything now known, at least in European musi that modern writers have great difficulty i forming any idea of their real character an effect. The most plausible view of the Enha monic, and of the Chromatic "colours," is that th pair of small intervals which gives them thei peculiar character was due in each case to th insertion of a note that stood in no harmoni relation to the rest of the scale, and consequentl was not essential to the melody, but might b used as a "passing" or ornamental note (*appo giatura*). At the same time, or more probabl as an earlier step, the large interval whic belongs to the Chromatic and Enharmonic scal was created by the omission of a note from th Diatonic scale. Thus the tetrachord *e f g a*, b the omission of *g*, and the insertion of a dividin note between *e* and *f*, would give the Enharmoni *e e* f a*. Similarly, from the trichord *e f a*, b inserting a passing *f*♯, we obtain the Chromati *e f f*♯ *a*. In the case of the Enharmonic the is direct evidence that this was the actu process by which it was formed. Aristoxen (quoted by Plut. *de Mus.* p. 11) says that thi genus was discovered by the musician Olympu who observed that a peculiarly beautiful charac ter (*ἦθος*) was given to a melody by the omissio of the second highest note of the Diatonic tetra chord. Hence certain of his compositions, i particular those called *σπονδεῖα*, employ onl the notes common to all three genera, viz. *e f*— *a b c*—*e* (omitting *g* and *d* as peculiar to th Diatonic). The Enharmonic *πυκνόν* (Aristoxen goes on to say) does not appear to be due t Olympus. Further, in the archaic style o flute-playing the semitone is undivided: after wards it was divided (into quarter-tones), both i the Lydian and the Phrygian music. On thi view the distinctive character of the Enharmoni is given by the largeness of the highest interva in the tetrachord rather than the smallness o the two others.

This method of explanation evidently fails i the case of genera in which the large interv cannot have been obtained by the omission of note in a Diatonic scale. Such are the "Sof Diatonic, in which the large interval is found on the ratio 8 : 7, and the standard Chromat in which (according to Ptolemy) it is found on 7 : 6. These intervals, however, may h been obtained by direct observation. They ex in the natural scales of the horn and trump and are in fact used instead of the Minor Thi and Tone ($\frac{6}{5} \times \frac{10}{9}$) in the harmony of the domin Seventh, both by stringed instruments voices when unaccompanied by *tempered* instr ments. (See the instances quoted by Gevae vol. i. p. 315.)

All that we know of the history of the no Diatonic scales tends to show that they w used in combination with the Diatonic rat than as an independent form of music. In t time of Ptolemy only one division, that of t "middle soft" Diatonic, could be used for t whole of a scale. The four others that were still in ordinary use—the Pythagorean, the *διάτονον σύντονον*, the *δ. μαλακόν*, and the standard Chromatic—could only be used in combination with the "middle soft." Thus there were five varieties of the octave, one in which the standard genus only was used, and four in which it was "mixed" with a tetrachord of a different kind. The curious rule is given that the "highly strung" genera, the Pythagorean and the *διάτονον σύντονον*, must be in the upper tetrachord of the octave; the relaxed genera, the "soft" Diatonic and the Chromatic, in the lower one. We cannot indeed extend such rules to the earlier periods of Greek music; but it would seem from the stress which all writers lay on the subject of "mixture" (*μίγμα*) of genera—viz. the combination of the intervals of different genera either within the same tetrachord, or in different tetrachords of the same system—that this was the way in which some at least of these strange varieties found their way into practice.

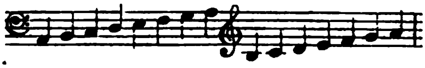
All writers recognise the natural priority of the Diatonic genus. Next to it Aristoxenus places the Chromatic, the most difficult being the Enharmonic: *πρῶτον μὲν οὖν καὶ πρεσβύτατον αὐτῶν θετέον τὸ διάτονον, πρώτου γὰρ αὐτοῦ ἡ τοῦ ἀνθρώπου φύσις προστυγχάνει, δεύτερον δὲ τὸ χρωματικόν, τρίτον δὲ καὶ ἀνώτατον* (v. l. *νεώτατον*) *τὸ ἐναρμόνιον· τελευταίῳ γὰρ αὐτῷ καὶ μόλις μετὰ πολλοῦ πόνου συνεθίζεται ἡ αἴσθησις* (p. 19). Elsewhere he complains of the tendency to depart from the severity of the Enharmonic, and pass into the "sweeter" and more emotional Chromatic. In the second century A.D. (as we learn from Ptolemy) the Enharmonic and the "Colours" of the Chromatic had gone out of use.

Regarding the systems actually employed in Greek music. something has already been said in connexion with the instruments. [See LYRA, p. 105 *b*.] At an early period we find evidence of an octachord system or octave scale of eight notes, named as follows:—

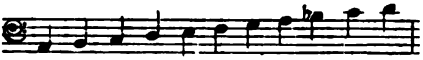
ὑπάτη, lit. "highest," in our terminology the lowest (sc. *χορδή*).
παρυπάτη, "next to *ὑπάτη*."
λιχανός, the "forefinger" note.
μέση, the "middle" note.
παραμέση.
τρίτη, the "third finger" note.
παρανήτη.
νεάτη or *νήτη*, the "lowest," our highest.

The octave consisted of two disjunct tetrachords, (1) from *ὑπάτη* to *μέση*, and (2) from *παραμέση* to *νήτη*. The names were the same for all the genera; but the genus was specified if necessary in the case of the "movable" notes (*e.g.* *λιχανὸς διάτονος*, *λ. χρωματική*, *λ. ἐναρμόνιος*, and so on). In the Diatonic genus it may be represented in our notation by the octave *e f g a b c d e*.

This scale was in ordinary use in the time of Plato and Aristotle: see Plat. *Rep.* p. 443 D (*ξυναρμόσαντα τρία ὄντα ὥσπερ ὅρους τρεῖς ἁρμονίας ἀτεχνῶς, νεάτης τε καὶ ὑπάτης καὶ μέσης, καὶ εἰ ἄλλα ἄττα μεταξὺ τυγχάνει ὄντα*), and Arist. *Probl.* xix. (especially §§ 3, 4, where he discusses the difficulty of singing the *παρυπάτη*, though it is only separated by a *δίεσις* from the *ὑπάτη*). The technical writers describe two systems, obtained from this octave by the addition of tetrachords at each end. One of these consisted of two complete octaves, viz.:



This was called the *greater perfect system*. Another system, called the *smaller perfect system*, was composed of three conjunct tetrachords, called *ὑπατῶν*, *μέσων*, and *συνημμένων*, with *προσλαμβανόμενος*, thus—



and these two together constituted the *immutable system*, i.e. system without "transition" or modulation (*σύστημα ἀμετάβολον*), described by all the writers later than Aristoxenus.

The sounds in these systems were named in the way before described, the names of the tetrachord only being added, except in the case of *μέση* and *παραμέση*. Thus, taking the sounds in the ascending order—

A	*προσλαμβανόμενος.*	
B	*ὑπάτη ὑπατῶν.*	
C	*παρυπάτη ὑπατῶν*	*τετράχορδον ὑπατῶν.*
D	*λιχανὸς ὑπατῶν*	
E	*ὑπάτη μέσων*	
F	*παρυπάτη μέσων*	*τ. μέσων.*
G	*λιχανὸς μέσων*	
A	*μέση*	

So far the sounds are common to the greater and smaller systems. Then follow, in the greater,

B	*παραμέση*	*τ. διεζευγμένων.*
C	*τρίτη διεζευγμένων*	
D	*παρανήτη διεζευγμένων*	
E	*νήτη διεζευγμένων*	
F	*τρίτη ὑπερβολαίων*	*τ. ὑπερβολαίων.*
G	*παρανήτη ὑπερβολαίων*	
A	*νήτη ὑπερβολαίων*	

The interval between *μέση* and *παραμέση* is a tone. But in the smaller system *μέση* serves also for the lowest sound of the tetrachord *συνημμένων*, which terminates the scale, thus—

A	*μέση.*
B♭	*τρίτη συνημμένων.*
C	*παρανήτη συνημμένων.*
D	*νήτη σμνημμένων.*

This system is "perfect" and "unmodulating," in the sense that any particular musical scale, provided that modulation is excluded, must be similar to some part of it. Let us now suppose that a partial scale, of a certain number of notes, is to be taken on the Perfect System. By taking different notes as limits, the order of the intervals in any such partial scale may be varied, while the genus remains the same. The varieties obtained in this way are called Species. It is evident, further, that the number of species of a scale of a given compass is the same as the number of its intervals. Thus the Diatonic tetrachord has three species, as the semitone is first, second, or third:

1st. ½ 1 1, 2nd. 1 ½ 1, 3rd. 1 1 ½

The Octachord has seven species, viz. in the Diatonic genus—

1st.	½	1	1	½	1	1	1	(*b—b*)
2nd.	1	1	½	1	1	1	½	(*c—c*)
3rd.	1	½	1	1	1	½	1	(*d—d*)

and so on, the semitones changing their place by successive steps. Similarly in the Enharmonic genus there were seven species, to which, according to the statement of one writer (Ps.-Eucl. p. 15), names were anciently given as follows:—

1. Mixolydian .	¼	¼	2	¼	¼	2	1
2. Lydian .	¼	2	¼	¼	2	1	¼
3. Phrygian .	2	¼	¼	2	1	¼	¼
4. Dorian .	¼	¼	2	1	¼	¼	2
5. Hypolydian .	¼	2	1	¼	¼	2	¼
6. Hypophrygian	2	1	¼	¼	2	¼	¼
7. Hypodorian .	1	¼	¼	2	¼	¼	2

A late writer, Aristides Quinctilianus (p. 21), describes six very ancient divisions of the scale (*διαιρέσεις αἷς καὶ οἱ πάνυ παλαιότατοι πρὸς τὰς ἁρμονίας κέχρηνται*), which he tells us are the six "Modes" (*ἁρμονίαι*) characterised by Plato in the well-known passage of the *Republic* (p. 398). He gives the order of the intervals as follows (assuming that *δίεσις* may be represented by a quarter-tone):—

Lydian .	¼	2	1	¼	¼	2	¼	
Dorian .	1	¼	¼	2	1	¼	¼	2
Phrygian .	1	¼	¼	2	1	¼	¼	1
Ionian .	¼	¼	2	1½	1			
Mixolydian .	¼	¼	1	1	¼	¼	3	
Syntonolydian	¼	¼	2	1½				

No satisfactory attempt has been made to reconcile this scheme with the Species of the Octachord, but traces of a connexion may be pointed out. The *Lydian* of Aristides agrees with the Hypolydian species; and as Plato opposes his *λυδιστί*, as a "slack" or low-pitched scale, to the *συντονολυδιστί*, we may regard it as the "mode" elsewhere called Hypolydian. The *Mixolydian* of Aristides is derived from the corresponding species (*b—b*) by combining the Diatonic with the Enharmonic in the lower tetrachord, and omitting the second highest note. The *Dorian* exhibits the central octave, which is of the Dorian species, with an additional tone at the lower end. The *Phrygian* is unlike the Enharmonic Phrygian species, but may be derived from the Diatonic by dividing the semitones and omitting the diatonic *λιχανός*: thus $d\ e\ e^*\ f\ (g)\ a\ b\ b^*\ c\ d$. The upper tetrachord is a "mixture" of Diatonic and Enharmonic. The *Ionian* (*ἰαστί*) and *Syntonolydian* present the greatest difficulties, since so many notes are wanting. Westphal makes it probable that the names have been interchanged; if so, the Ionian may be regarded as an octave of the Diatonic *g*-species, with four notes omitted, and the semitone divided enharmonically: $(g\ a)\ b\ b^*\ c\ (d)\ e\ (f)\ g$; and the Syntonolydian becomes a Diatonic *a*-species, with like omissions and subdivision: $(a)\ b\ b^*\ c\ (d)\ e\ (f)\ g\ a$. These results, however, are of very doubtful value. In particular, they are open to the serious objection that they are partly obtained by connecting the Enharmonic scales of Aristides with the species of the Diatonic genus: whereas the writer who is our authority for the list of the Species (Pseudo-Euclid) connects their names only with the Enharmonic.* Nevertheless the scales of Aristides are of interest, as confirming the view that the Enharmonic divisions were formed upon the basis of Diatonic or other natural scales, and that the two genera were practically employed in combination. It has been noticed that the upper tetrachord of his Phrygian, and the lower tetrachord of his Mixolydian, are in fact Diatonic scales with the Enharmonic notes added.

The fifth head of Greek musical science is that which treats of the Keys or "pitch" of the various scales (*περὶ τοὺς τόνους ἐφ' ὧν τιθέμενα τὰ συστήματα μελῳδεῖται*, Aristox. p. 37 Meib.). The distinction of keys was of high antiquity; but the arrangement and completion of the system was first carried out by Aristoxenus, who thus did for Greek music what was done for that of the modern world by the *Wohltemperiertes Clavier* of John Sebastian Bach. In the important passage already quoted (p. 37) he goes on to tell us that in his time there was a great want of agreement as to the names and relative pitch of the keys. Each part of Greece had its own, as each had a different calendar, with different names for the months. The most generally recognised keys were:—

Mixolydian †	interval of a semitone.
Lydian	„ „ tone.
Phrygian	„ „ tone.
Dorian	„ „ semitone.
Hypodorian	

Some added a Hypophrygian below the Hypodorian. Others, again, made an interval of three quarters of a tone between the successive keys, except between the Dorian and Phrygian, which seem to have been always separated by a tone.

To these six keys Aristoxenus, or some one in his time, added a new Hypodorian, a tone lower than the Hypophrygian: the old Hypodorian was then called Hypolydian. Thus the convention was arrived at by which the prefix hypo- always denoted a key a Fourth lower than the key to whose name it was prefixed. The next step, expressly attributed to Aristoxenus himself (Ps.-Eucl. p. 19), was the addition of six new keys, thus giving one for every semitone of a complete octave. At a later time two more were invented, obviously for the sake of symmetry, and the whole list was as follows:—

Hypolydian	Lydian	[Hyperlydian]
Hypo-aeolian	Aeolian	[Hyper-aeolian]
Hypophrygian	Phrygian	Hyperphrygian
Hypo-ionian	Ionian	Hyper-ionian
Hypodorian	Dorian	Mixolydian

Each of these keys was a transposition of the *σύστημα ἀμετάβολον*: but we are told that

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* It will be evident that a species of the Diato genus and the similarly named species of the Enharm are two utterly different scales. Compare (*e.g.*) the Diatonic and Enharmonic Lydian, which can never ha belonged to the same "mode." This is a difficul which the writers who maintain the practical importa of the Species have not recognised.

† The passage is unfortunately corrupt. It see clear from the context that Westphal is right in plac the Mixolydian highest in pitch and in condemning t word *αὐλὸν* after *τὸν ὑποφρύγιον*.

only that part of each was used which was within the compass of the human voice.

It will be seen that the order in pitch of the seven oldest keys—Hypodorian, Hypophrygian, Hypolydian, Dorian, Phrygian, Lydian, Mixolydian—is exactly the reverse of that of the seven species of the same names on the Perfect System. This is the chief fact which a theory of the Greek "modes" has to explain.

The fifteen keys kept their ground, at least in theory, until the time of Ptolemy, in whose *Harmonics* a new scheme is set forth at great length. In this scheme the keys are again reduced to seven, and are brought into direct relation to the species of the Octachord. The use of different keys, according to Ptolemy, is not that the pitch of a melody may be higher or lower. That can be done by raising or lowering the pitch of the whole instrument. The object is that different successions of intervals may be brought within the ordinary compass of the voice: and that object will be fully attained if every octave contains as many different scales (successions of intervals) as possible. But the number of possible scales is not greater, in any one genus, than the number of species, viz. seven. Let us take, then, as the part of the scale most completely within the reach of all voices, the old central octave, from *ὑπάτη μέσων* to *νήτη διεζευγμένων*, in the Dorian key. It is also of the Dorian species (*e—e*). If now we take an octave a tone *lower* on the scale (*d—d*), we have the Phrygian species. But if we at the same time raise the scale into the Phrygian key, we obtain the Phrygian species in an octave of the same pitch as the Dorian, viz. *e f# g a b c# d e*. Similarly the Lydian species, taken on a scale in the Lydian key, is *e f# g# a b c# d# e*. Proceeding thus, we obtain what Ptolemy aims at—an octave of fixed absolute pitch, furnishing every possible succession of intervals or species.

The octave scales obtained by this process are of the same absolute pitch, but are relatively different parts of the Perfect System. The notes which compose them have therefore a double character. They have a place in the Perfect System, and a place in the new octave. Hence a double nomenclature. The notes are called *ὑπάτη*, *παρυπάτη*, &c., from their place in the new octave (*τῇ θέσει*); the old names which belong to them as part of the Perfect System are said to be *κατὰ δύναμιν*.

These octaves, again, may be varied by the use of different genera. Here Ptolemy aids us very much by giving the scales actually used in his time on the lyre and the cithara. Their limited number is in curious contrast to the immense theoretical variety which he sets forth. The scales of the lyre were of two kinds, called *στερεὰ* and *μαλακά*. The former or "hard" scale was an octave of the standard or Middle Soft Diatonic genus. In the latter or "soft" variety the lower tetrachord was Chromatic. Apparently there was no limitation in respect of key or species.

The scales of the cithara were of at least six kinds:—

(1) *τρίται*, Middle Soft Diatonic, and of the Hypodorian species: *a b b# d e e# g a*.

(2) *ὑπέρτροπα*, the same genus, Phrygian species (*d—d*).

(3) *παρυπάται*, "mixture" of Soft and Middle Soft Diatonic, of the Dorian species:

$$e \;\tfrac{21}{20}\; f \;\tfrac{10}{9}\; g \;\tfrac{8}{7}\; a \;\tfrac{9}{8}\; b \;\tfrac{28}{27}\; b\# \;\tfrac{8}{7}\; d \;\tfrac{9}{8}\; e.$$

(4) *τρόποι*, mixture of Chromatic and Middle Soft Diatonic, of the Hypodorian species:

$$a \;\tfrac{9}{8}\; b \;\tfrac{22}{21}\; c \;\tfrac{12}{11}\; c\# \;\tfrac{7}{6}\; e \;\tfrac{28}{27}\; e\# \;\tfrac{8}{7}\; g \;\tfrac{9}{8}\; a.$$

(5) *ἰαστιαιολιαῖα*, mixture of Pythagorean and Middle Soft Diatonic, of the Hypophrygian species:

$$g \;\tfrac{9}{8}\; a \;\tfrac{9}{8}\; b \;\tfrac{256}{243}\; c \;\tfrac{9}{8}\; d \;\tfrac{9}{8}\; e \;\tfrac{28}{27}\; e\# \;\tfrac{8}{7}\; g.$$

(6) *λύδια*, probably a mixture of *διάτονον σύντονον* with Middle Soft Diatonic: but the text of Ptolemy at this point (ii. 16) is defective. In another place (i. 16) Ptolemy speaks of the mixture in question as found "in the *λύδια* and *ἰάστια*." Owing to the break in the text, it is uncertain whether there were not more than these six varieties.

From an incidental notice in Athenaeus (xiv. p. 625) we learn that there was an ancient *Locrian* key, with a distinct character. The Locrian and *Aeolian* species are identified by the Pseudo-Euclid with the Hypodorian. The ancient *Ionian* (*ἰαστί*) is generally identified with the Hypophrygian (Boeckh, p. 225). According to Aristotle (*Pol.* iv. 3), there are two chief keys, Dorian and Phrygian, of which the others may be regarded as varieties. Plato opposes the Dorian as the true Hellenic key to the Ionian, Phrygian, and Lydian (Lach. p. 188 E). In the *Republic* he makes a threefold division: the "slack" keys, as Lydian and Ionian, are soft and voluptuous (fit for drinking-songs, &c.); the Mixolydian and "tense" Lydian are plaintive and exciting; the Dorian and Phrygian hold the middle place, and represent the two aspects of a good *ethos*, the Dorian being the key of calm endurance (*ἀνδρεία*), the Phrygian of sober enjoyment (*σωφροσύνη*).

The nature of the Greek "modes" has been investigated by Westphal with characteristic ingenuity and learning; and his conclusions, which leave no part of the subject unexplained, have been generally adopted by Gevaert. According to the view supported by this high authority, there are three groups of "modes" (*modalités fondamentales*, Gev.): the Dorian, based on the octave *a—a*, the modern Minor scale (descending); the Phrygian, based on *g—g* (the Major with a flat seventh); and the Lydian, based on *f—f* (the Major with a sharp fourth). Each of these, again, has three possible varieties, distinguished by the melody ending on the tonic, the dominant, or the third. Thus we have—

Keynote *a*, ending on *a*, Hypodorian or Aeolian.
„ „ *e*, Dorian.
„ *g*, „ *g*, Hypophrygian.
„ „ *b*, Mixolydian.
„ „ *d*, Phrygian.
„ *f*, „ *f*, Hypolydian.
„ „ *a*, Syntonolydian.
„ „ *c*, Lydian.

To discuss the combination of inferences upon which this theory rests would take more space than we can afford. It will be enough to indicate the nature of the doubts that may be felt on the subject. The chief difficulty is the want of any direct statement regarding the tonality of the ancient modes, or the note on which the melody ended. The *locus classicus* on the first point is the passage of the Aristotelian *Problems*, xix. 20, πάντα γὰρ τὰ χρηστὰ μέλη πολλάκις τῇ μέσῃ χρῆται, καὶ πάντες οἱ ἀγαθοὶ ποιηταὶ πυκνὰ πρὸς τὴν μέσην ἀπαντῶσι, κἂν ἀπέλθωσι ταχὺ ἐπανέρχονται, πρὸς δὲ ἄλλην οὕτως οὐδεμίαν. The note here called μέση, Westphal maintains, can only be the μέση τῇ θέσει, or fourth note of the octave actually used; for if it were the μέση of the Perfect System (μέση κατὰ δύναμιν), the keynote would have the same *relative* pitch in all the modes, and they would therefore be mere *transpositions* of the same system. But (1) there is no trace in the *Problems* of any octave except the old one of the Dorian species (*e—e*), or of any notes being named in more than one way. And (2) Westphal's argument only applies to those "modes" in which, according to him, the μέση "by position" is the keynote, viz. the Dorian, Phrygian, and Lydian. Still less evidence can be shown for Westphal's assumption that in each mode the species of octave used is determined by the ending of the melody. There is no certain trace in the ancient musical writers of a rule about the ènd of the melody.

Other difficulties are suggested by the early history of the keys. We are asked to believe that the τόνοι of Aristoxenus were wholly distinct from the ἁρμονίαι of the same names of which we read so much in Plato and Aristotle. Now up to the time of Aristoxenus, as he himself tells us (*l. c.*), the names of the keys, with their relative pitch, were still unsettled. But the names of the seven Species, as we have seen, are directly dependent on the Aristoxenean scheme of keys. Consequently these names cannot have been given till the time of Aristoxenus. It is true that Aristoxenus recognises the difference of species, and indeed devotes much pains to ascertaining the number of admissible species of the Octachord (p. 6 and p. 36 Meib.). But he never connects them with his scheme of keys, or with any names such as Dorian, Phrygian, and the rest. It surely follows that the perplexing double application of these ancient names is the work of a later theorist.[*]

It may be said that the ethical character of a scale is more likely to have depended upon its "mode"—*i.e.* upon a difference such as distinguishes our Major and Minor scales—than upon its pitch. But the writers who dwell most on the ethical value of the ἁρμονίαι connect it expressly with the element of pitch. Plato rejects one group of ἁρμονίαι as too low-pitched (χαλαραί), another as too "highly strung" (σύντονοι), and therefore emotional. If we adopt the scheme of Ptolemy, in which transposition is only used to obtain different species, the arguments of Plato have no meaning.

It should be considered, further, that along with difference of Key the ancients had an important source of variety in the Genera, which (as well as the Keys) were regarded as possessing a distinct ethical or emotional character. It is surely in the Genera, rather than in the Species of Ptolemy and Aristides, that we find the true artistic analogue of the modern Modes. Perhaps we may go further, and connect the loss of the Chromatic and Enharmonic with the practical importance of the Species in the time of Ptolemy. Thus the system of the second century A.D. would be midway between the classical Greek music, with its Keys and Genera, and the Tones of the mediaeval Church.

On the last two of the heads enumerated a the beginning of the article, very little real information can be obtained. In fact they could not be intelligibly discussed without *examples*, a method of illustration which unfortunately is never employed by the ancient writers. Μεταβολὴ was the transition from one genus to another, from one system to another (as fro disjunct to conjunct or *vice versâ*), from one key to another, or from one style of melody t another (Ps.-Euclid. 20), and the change wa made in the same way as in modern *modulatio* (to which μεταβολὴ partly corresponds), viz. b passing through an intermediate stage, or usin an element common to the two extremes be tween which the transition was to take place (See Ps.-Euclid. 21.)

Μελοποιΐα, or composition, was the applica tion or use of all that has been described unde the preceding heads. This subject, which oug to have been the most interesting of all, treated of in such a very unsatisfactory wa that one is almost forced to suspect that only a *exoteric* doctrine is contained in the works whic have come down to us. On composition *propr* so called, there is nothing but an enumeratio of different kinds of *sequence* of notes, viz.:— 1. ἀγωγή, in which the sounds followed o another in a regular ascending or descendin order; 2. πλοκή, in which intervals were take alternately ascending and descending; 3. πεττεί or the repetition of the same sound several time successively; 4. τονή, in which the same sou was sustained continuously for a considerabl time. (Ps.-Eucl. 22.) Besides this divisio there are several classifications of melodies ma on different principles. Thus they are divide according to *genus*, into Diatonic, &c.; accordin to *key*, into Dorian, Phrygian, &c.; according *system*, into grave, acute, and intermedia (ὑπατοειδής, νητοειδής, μεσοειδής). This la division seems to refer to the general pitch the melody; each of the three classes is said have a distinct *turn* (τρόπος), the grave bein *tragic*, the acute *nomic* (νομικός), and th intermediate *dithyrambic*. Again, melody distinguished by its *character* (ἦθος), of whic three principal kinds are mentioned, διαστα τικόν, συσταλτικόν, and ἡσυχαστικόν, and the terms are respectively explained to mean apt tude for expressing a magnanimous and hero or low and effeminate, or calm and refine character of mind. Other subordinate class are named, as the erotic, epithalamian, comi and encomiastic. (Ps.-Euclid. 21; Aristid. 2 No account is given of the *formal* peculiariti of the melodies distinguished by these differen characters, so that what is said of them merel excites our curiosity without tending in th least to satisfy it.

It has long been a matter of dispute wheth the ancients practised *harmony*, or music parts. The following are the facts usuall

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[*] It is true that according to the Pseudo-Euclid (p. 15) these names were given to the species "by the ancients" (ὑπὸ τῶν ἀρχαίων). But the Romans and Byzantines used this term of Greeks of the Alexandrian period.

appealed to on each side of the question. In the first place, the writers who professedly treat of music make no mention whatever of such a practice: this omission constitutes such a very strong *primâ facie* evidence against it, that it must have settled the question at once but for supposed positive evidence from other sources on the other side. It is true that *μελοποιΐα*, which might have been expected to hold a prominent place in a theoretical work, is dismissed very summarily; but still, when the subjects which ought to be explained are enumerated, *μελοποιΐα* is mentioned with as much respect as any other, whilst *harmony* is entirely omitted. In fact there seems to be no Greek word to express it; for *ἁρμονία* signifies a well-ordered *scale* of sounds, and *συμφωνία* only implies the concord between a single pair of sounds, without reference to succession. There is, however, a passage in the Aristotelic *Problems* (xix. 18) where succession of consonances is mentioned: *διὰ τί ἡ διὰ πασῶν συμφωνία ᾄδεται μόνη; μαγαδίζουσι γὰρ ταύτην, ἄλλην δὲ οὐδεμίαν.* The word *μαγαδίζειν* signifies the singing or playing in two parts at the interval of an octave—a practice which would arise as soon as men and women or boys attempted to sing the same melody at once. The obvious meaning of the passage is that since no interval except the octave was *magadised* (the effect of a similar use of any other is known to be intolerable), *therefore* no other was employed at all in singing: implying that nothing of the nature of counterpoint was thought of. And this interpretation is borne out by the absence of any other reference to singing in parts, or to harmony in purely instrumental music.

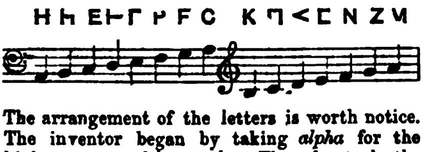
On the other hand, there are several indications of the use of harmony in the *κροῦσις* or instrumental accompaniment. The most decisive is a passage in the *Laws* of Plato (vii. p. 712). Speaking of the musical education which is to be common to all citizens, he says that the pupils are to learn to sing to the accompaniment of the lyre, and that this is to be note for note the same as the melody, eschewing all divergence and variation in the instrumental part, by which the strings are made to yield a different melody from that which the poet composed, combining "close" with "open" intervals, quick time with slow, high with low notes, consonant and in octaves. In the rhythm, too, they are to abstain from intricacy in the accompaniment, because the effort to attend to opposites at the same time produces only confusion and perplexity. It appears, therefore, that a note of the air might be accompanied by a different note, or by two or more successive notes, of the instrument; and that an accompaniment with variations and ornaments of this kind, though not a matter of course, was familiar at least to professional musicians. In the *Problems* of Aristotle (xix. 12) the question is asked, "Why the lower of two strings always takes the melody?" implying that the accompaniment, in instrumental music at least, was always higher than the air. In another passage (xix. 39) Aristotle speaks of the effect of an accompaniment which ends in unison with the air, after having been different from it: *τὰ ἄλλα οὐ προσαυλοῦντες ἐὰν εἰς ταὐτὸν καταστρέφωσιν εὐφραίνουσι μᾶλλον τῷ τέλει ἢ λυποῦσι ταῖς πρὸ τοῦ τέλους διαφοραῖς.* His language is exactly what we should use to describe the pleasure given by the resolution of a discord. The use of dissonant as well as consonant intervals in ancient harmony is shown by a passage in Plutarch's dialogue *de Musica* (c. 19). Speaking of the use in the accompaniment (*πρὸς τὴν κροῦσιν*) of notes which do not occur in the air,—a peculiarity of certain ancient styles,—he instances the *τρίτη* which was found as accompaniment to the *παρυπάτη* (the interval being a fifth), and the *νήτη συνημμένων*, found with the *παρανήτη* and the *μέση*. The interval between *νήτη* and *παρανήτη* depends on the genus, but in any case is reckoned by the ancients as dissonant. The late writers Gaudentius and Bacchius apply a special term, *παραφωνία*, to intervals which they say "are intermediate between consonant and dissonant, but appear consonant in the accompaniment" (*ἐν τῇ κρούσει*).

These notices make it clear that the Greeks were acquainted with some at least of the effects out of which systems of harmony are formed. That their harmonies were of a simple kind, and had a very subordinate place in their music, is no less evident. There is no certain trace of the use of *chords* or groups of more than two notes. The art of harmony has no history; it is nowhere connected with national forms of music, or with the names of eminent musicians. It never emerges from the stage of the singer with the lyre in his hand.

The musical notation (*σημασία*) of the Greeks consisted of two distinct systems of signs,—one for the voice, the other for the instrument. The vocal signs are taken from the common or Ionic alphabet. The notes of the middle part of the scale are denoted by the letters in their usual order; those of the lower part by an alphabet of inverted or otherwise altered letters; the upper notes are distinguished by accents—an accent signifying that the note is an octave higher than that of the unaccented letter. The nature of the instrumental notation was first explained by Westphal, whose admirable investigation has thrown much light on the early periods of Greek music, and even on the history of the alphabet. The following is a brief summary of his discoveries:—

1. The instrumental notation was derived from the first fourteen letters of a Peloponnesian alphabet, possessing *digamma*, *F*, the old form of *iota*, ϟ, and two forms of *lambda*, < and ⊢. In a few cases the forms of the letters have been modified: thus *alpha* (originally ⋈) appears as Ч, *beta* as ⊏, *delta* as ⅂, *theta* as C, *my* (originally M) as ⊬, *iota* as ⊢. By treating the two forms of *lambda* as distinct characters the number is raised to fifteen.

2. These characters are applied to denote a scale of two octaves, as follows:—



The arrangement of the letters is worth notice. The inventor began by taking *alpha* for the highest note of his scale. Then he took the other characters in pairs, ⊏ Γ, ⅂ E, F Z, H C, Ⱨ K, < ⊢, ⊬ N, and made each pair stand for the extreme notes of an octave. This scale may be regarded as the framework of the system of notation.

3. A character may be varied by being reversed, *i.e.* written from right to left (*ἀπεστραμμένον*), or by being turned half round backwards (*ἀνεστραμμένον, ὕπτιον*). When reversed, it denotes a note half a tone higher: when half reversed, it denotes a note a quarter of a tone higher. The combination of the two varieties evidently gives an Enharmonic *πυκνόν*, or group obtained by dividing a semitone: *e.g.* if we take the four "stable" notes of the central octave, Γ C K ⊏, we complete the scale in the Enharmonic genus by inserting the varieties of Γ and K, thus obtaining Γ L ⅂ C K ⊻ ꓘ ⊏.

In some cases this method of varying the letters is impracticable; *e.g.* H reversed does not change, N half-reversed becomes Z, and *vice versâ*. Other modifications are accordingly employed, and we have the groups Ⅵ Ⲅ Ч, Z λ ⅄, N / \, ⅂ ⊲ Δ, and H ⊎ R.

4. In the Diatonic genus the second lowest note of a tetrachord is not represented, as we should expect, by the reversed letter, but by the half-reversed one, the same character as the second lowest Enharmonic note. Westphal infers that the Diatonic for which the notation was originally devised was a scale such as the Middle Soft Diatonic of Ptolemy, or the Diatonic of Archytas, in which the lowest interval was less than a semitone.

5. In the Chromatic genus the characters used are the same as in the Enharmonic, but the reversed letter is distinguished by an accent. Thus the Chromatic tetrachord *e f f♯ a* is written Γ L ⅂ ʹC or (in the upper octave) ⊏ ⊔ ⊐ ʹⅥ. Here again the notation does not answer to the standard form of the genus, but is exactly suited to the Chromatic of Archytas, in which the lowest interval is the same as in the Enharmonic.

6. The system was enlarged by the addition of two tones, each with the corresponding *πυκνόν*, at the lower end of the scale, and an octave, except the highest note, at the upper end. The two groups were denoted by the characters ᑫ ⋹ T and ∈ ω ∋, which are evidently invented on the analogy of the letters already in use. The new upper notes were denoted by accented letters, Kʹ to Zʹ, repeating the scale from K to Z an octave higher. In this shape the system contained the notes of the Greater Perfect System in all the fifteen Keys, and in the three Genera.

It is remarkable that we find no trace of a distinction between Greek and Roman music. The Latin writers—the chief of whom are Martianus Capella and Boethius—derive their material from Greek sources.

The extant fragments of Greek music are as follows (see Gevaert, i. pp. 141 ff.):—

Hymn to Calliope, by a certain Dionysius, of unknown date.

Hymn to Apollo, ascribed to the same.

Hymn to Nemesis, probably by Mesomedes, a musician of the second century A.D.

These three hymns are edited with a commentary by Bellermann (Berlin, 1840).

The Anonymus, edited by the same scholar (Berlin, 1841), contains some fragments in the instrumental notation, given to illustrate the technical terms of *μελοποιΐα*.

A melody for the first eight verses of the first Pythian ode of Pindar was published by Kircher in his *Musurgia Vniversalis*. He professed to have taken it from a MS. of the monastery of S. Salvatore at Messina; but the MS. has never been found. It is given by Boeckh (*De Metr. Pind.* iii. 12), who accepts it as genuine. It is also admitted, though with grave doubt, by Gevaert (i. p. 6).

A Hymn to Demeter, given in Greek notation by the Venetian composer Marcello, is of still more doubtful authenticity (Gevaert, *ibid.*).

The chief ancient authorities on the subject of this article are, the "Antiquae Musicae Auctores Septem"—viz. Aristoxenus, Euclid (including the *εἰσαγωγὴ ἁρμονική* which bears his name), Nicomachus, Alypius, Gaudentius, Bacchius, Aristides Quintilianus—and Martianus Capella, edited by Meibomius, in two vols. (Amsterdam, 1652); the *Harmonics* of Ptolemy (in vol. iii. of Wallis, *Op. Mathemat.* Oxford, 1699); Theon Smyrnaeus, *De Musica* (ed. Bullialdus, Paris, 1644); the Anonymus edited by Bellermann (Berlin, 1841); the Dialogue of Plutarch *De Musica;* Aristotle, *Probl.* xix.; and several chapters of Athenaeus, book xiv. The *Harmonic* of Aristoxenus has also been edited by P. Marquardt (Berlin, 1868), and translated with commentary by Ruelle (Paris, 1870) and by Westphal (Leipzig, 1883). There is a new edition of Aristides Quintilianus by Alb. Jahn (Berlin, 1882).

The chief modern sources of information are, Boeckh, *De Metris Pindari;* Fortlage, *Das musikalische System der Griechen* (Leipzig, 1847); the various writings of Westphal, of which his book *Die Musik des griechischen Alterthums* (Leipzig, 1883) may be mentioned as an excellent introduction to the subject in a comparatively small compass; Gevaert, *Histoire et Théorie de la Musique dans l'Antiquité* (Gand, 1875, 1881); Helmholtz, *Die Lehre von den Tonempfindungen*, §§ 13, 14. [W. F. D.] [D. B. M.]

MUSIVUM OPUS. [PICTURA.]

MUSTAX (*μύσταξ*), moustaches. The different parts of the beard [BARBA] had different names, which also varied with its age and appearance. The young beard, first appearing on the upper lip, was called *ὑπήνη* or *ὑπήνη πρώτη* (Diod. v. 28; Philostr. Sen. *Imag.* i. 30, ii. 7, 9), and the youth just arrived at puberty, who was graced with it, was *πρῶτον ὑπηνήτης*. (Hom. *Il.* xxiv. 348, *Od.* x. 279; Schol. *in loc.*; Brunck, *Anal.* iii. 44; Aelian, *V. H.* x. 18.) By its growth and development it produced the moustaches, which the Greeks generally cherished as a manly ornament. (Theocrit. xiv. 4; Antiphanes, *ap.* Athen. iv. 21; Pollux, ii. 80, x. 120; Aristoph. *Lys.* 1072; *Vesp.* 476.) To this practice, however, there seems to have been one exception. The Spartan EPHORI, when they were inducted, made a proclamation requiring the people "to shave their moustaches and obey the laws." (Plut. *Cleom.* 9.) For what reason they gave the former command does not appear, nor how it is to be reconciled with the passages cited from Aristophanes and Antiphanes, unless we understand it to refer to the young only, which the succeeding sentence seems to imply. (Proclus *in* Hes. *Op. et Dies*, 722; Müller, *Dor.* iii. 7, § 7, iv. 2, § 5; Becker-Göll, *Charikles*, iii. p. 298.) [J. Y.] [G. E. M.]

MUSTUM. [Vinum.]

MUTATIO'NES. [Mansio.]

MU'TULUS. [Columna, Vol. I. p. 491.]

MU'TUUM. A *mutui datio* exists when things "quae pondere, numero, mensurave constant,"—as coined money, wine, oil, corn, bronze, silver, gold,—are conveyed by one man to another, so as to become his property, but on the understanding that an equal quantity of things of the same kind shall be returned. The *obligatio* thus arising belongs to the class of those things "quae re contrahuntur," since, besides informal agreement, delivery of the *res mutua* was required in order to establish it. A *mutui datio* was not contracted unless the ownership of the thing delivered passed to the borrower; hence it was necessary that the lender should have a good title to the thing and the power of alienating it. The contract would also be void, if the borrower was incapable of legally binding himself by his act. When, however, a *mutui datio* was invalid, as not complying with these conditions, the borrower was not entitled to retain the benefit of the loan, but on grounds apart from contract might be compelled to restore the thing or its value to the lender.

In the *mutui datio*, inasmuch as the thing became the property of the receiver, the Roman jurists were led to the absurdity of saying that mutuum was so called for this reason, "quod ex meo tuum fit." (Curtius, *Gr. Etym.* 301, derives mutuum from *movere*, *moviturus*.) The only obligation created by mutuum was the undertaking of the borrower to return a thing of exactly the same kind and quantity, though not the same specific thing, as in the contract of loan called *commodatum*. He was not excused if the things were lost by any accident, as by fire or shipwreck, since he had become owner of them, and it was always possible to return an equivalent. This contract was confined by its nature to exchangeable things (*res fungibiles*), and most commonly had for its object a loan of money. The borrower could not be obliged to pay interest on the debt except by means of an independent stipulation. The action which the lender could maintain for the enforcement of his claim was called *condictio*, and was the same action as that of the formal contracts *verbis* and *litteris*. It was a *stricti juris actio*, not *bonae fidei*, and hence the borrower could only be condemned to pay what he had received without interest. It is a peculiarity of *mutui datio* that although it originated in the Jus Gentium, the action belonging to it was *stricti juris*. The fact that it belonged to the Jus Gentium shows that it was not legally recognised till some time subsequent to the Twelve Tables. Voigt suggests 525–544 A.U.C. as the probable date of its first establishment. (Cf. the following passages cited by him:—Plaut. *Trin.* iii. 2, 101, iv. 3, 44; *Bacch.* ii. 3, 16; Liv. xxxii. 2, 1; Cic. *pro Rosc. Com.* 4, 13; Gell. xvii. 6, 1.) It was certainly older than the other *contractus re*. The borrowing by way of mutuum and at interest are sometimes opposed, as by Plautus (*Asin.* i. 3, 95). The S. C. Macedonianum did not allow a right of action to a lender against a filiusfamilias to whom he had given money. [Senatusconsultum Macedonianum.]

(Dig. 12, 1; Cod. 4, 1; Heimbach, *Die Lehre vom Creditum*, p. 131, &c.; Bekker, *Aktionen*, i. 27–29; Demelius, *Zeitschrift für Rechtsgesch.* ii. 217; Ubbelohde, *Zur Geschichte d. benannter Realcontracte*; Huschke, *Die Lehre vom Darlehn.*) [G. L.] [E. A. W.]

MYINDA (*μυΐνδα*) was a game in which one was blindfold, or was obliged to keep his eyes shut (*μύειν*). As may be seen from the description in Pollux, there were other varieties of the game besides our "blind-man's buff" included under this name. Pollux (ix. 113) says, "Either one who is blinded (*καταμύων*) cries *φυλάττου* and compels any one whom he catches to be blinded in his place, or searches for the others, who hid themselves while he had his eyes covered (*μύσαντος κρυφθέντας*), till he finds them; or lastly, still blindfold, when any one touches him, or if any one gives a sign (*προσδείξῃ*), guesses who it is until he gives a right name." There seems no need for any alteration in the last clause such as Grasberger's *μύσας τοὺς κρυφθέντας* (where the force of the concise genitive absolute appears to be misunderstood), or *προσθρέξῃ* for *προσδείξῃ*, which means, probably, giving some clue to identity by laughing or speaking. Clearly the second variety is our "hide and seek" (much the same as *ἀποδιδρασκίνδα*); the first and third are two forms of blind-man's buff, differing in the point that the third requires the "blind-man" to guess the name of any one who touches him or speaks. (Becq de Fouquières seems to change the nominatives *τις* into the objective case.) The guessing by the blindfold occurs also in the game which Pollux calls *κολλαβισμός* (*i.e.* buffeting = *κολαφισμός*), to which, rather than to *μυΐνδα*, we must refer Luke xxii. 64. It is a more difficult question to decide the origin of the name *χαλκῆ μυῖα* for another kind of blindman's buff (Poll. ix. 123; Eustath. *ad Il.* xxi. 394). We are told that the players blindfolded one of their number (*ταινίᾳ τὼ ὀφθαλμὼ προσφίγξαντες*), who cried *χαλκῆν μυῖαν θηράσω*, to which the others answered *θηράσεις ἀλλ' οὐ λήψει*, and struck him with whips of papyrus till he caught one of them. It is clear that the warning cry before the pursuit is like the *φυλάττου* in *μυΐνδα*, and also that the pursued are the "bronze flies." From Eustathius we gather that the *χαλκῆ μυῖα* was a sort of bronze-coloured cockchafer, which boys let go in the dark after they had tied a small lighted wax taper to it (compare the *μηλολόνθη* attached to a thread, Poll. ix. 124; and Schol. *ad* Aristoph. *Vesp.* 1322). It is said that the same, not very creditable, amusement is known to Cretan boys of the present day, and Grasberger (p. 75) adopts this explanation of the difficult passage in Aristoph. *Acharn.* 920–924, *τίφη* being an insect treated in this manner. It is possible that we may also find in this practice the explanation of the name *χαλκῆ μυῖα* in the above game, as derived from the general idea of chasing something in the dark. (Becq de Fouquières, *Jeux des Anciens*, p. 84; Grasberger, *Erziehung*, pp. 42 ff.) [G. E. M.]

MY'RII (*μυρίοι*), the name given to the popular assembly of the Arcadians, which was established after the overthrow of the Spartan supremacy by the battle of Leuctra, and which used to meet at Megalopolis in order to determine upon matters affecting the whole people.

The name "Ten Thousand" indicates merely a large indefinite number, and it is probable that every citizen of the confederate Arcadian cities (*i.e.* all Arcadia except Orchomenus and Heraea) had a right to attend. A body of troops called *Epariti* were at their disposal, under a Panarcadian general. They received envoys, concluded war and peace, and held state trials of public offenders. We hear of Callistratus, Demosthenes, and Aeschines arguing before them (Corn. Nep. *Epam.* 6; Dem. *de Fals. Leg.* p. 344, § 11; Aeschin. *de Fals. Leg.* § 49). Pausanias saw the ruins of their house of assembly. (Xen. *Hell.* vi. 5, § 6; vii. 1, § 38; vii. 4, § 2;—Diod. xv. 59; Paus. viii. 32, § 1; Harpocrat., Suid., Phot. *s. v.*; Grote, *Hist. of Greece*, x. p. 318.) [W. S.] [G. E. M.]

MYRMILLONES. [GLADIATORES.]

MY'SIA (*μύσια*), a festival celebrated by the inhabitants of Pellene in Achaia, in honour of Demeter Mysia. The worship of this goddess was introduced at Pellene from a place called Mysia in the neighbourhood of Argos. (Paus. ii. 18, § 3.) The festival of the Mysia near Pellene lasted for seven days, and the religious solemnities took place in a temple, called *τὸ μύσαιον*, surrounded by a grove. The first two days men and women took part in the celebration together; on the third day the men left the sanctuary, and the women remaining in it performed during the night certain mysterious rites, during which not even male dogs were allowed to remain within the sacred precincts. On the fourth day the men returned to the temple, and men and women now received each other with shouts of laughter and assailed each other with various railleries. (Paus. vii. 27, § 9; Cornutus, *de Nat. Deor.* 28.) [L. S.]

MYSTAE, MYSTAGO'GUS (*μύσται, μυσταγωγός*). [ELEUSINIA.]

MYSTE'RIA (*μυστήρια*). Though the term *μυστήρια* is that which has survived, still it was only one and that a late one, and perhaps the least common of the terms used by the Greeks to express their mystic rites. The word *ὄργια* is found in the Homeric Hymn to Demeter, ll. 274, 476, derived from *ἔοργα* (cf. Lat. *operari*), which signifies "to perform" ritual, and it was only in later times that it came to connote ecstatic worship. The term *μυστήρια* is derived from *μύειν*, used of closing the lips or eyes; *μύστης*, according to Petersen (in Ersch and Gruber, lxxxii. 228, note), means "with eyes shut," as opposed to *ἐπόπτης*. *Μυστήρια* is applied both to the objects of secret worship (Themist. *Or.* iv. 55) and also the secret ritual; *ἀπόρρητα* is similarly used. According to Lobeck (*Aglaophamus*, 85 ff.) *μυστικὸν* is anything recondite, enigmatical, indirect, allegorical; in fact, what is purposely not simple, plain, and straightforward. Again there is the term *τελετή*. It is used of an ordinary festival (Pind. *Nem.* x. 34); as applied to sacred worship, it signifies the consummation of the votary's progress in his religion. (Cf. such phrases as *τέλος γάμοιο*, *τέλη* used for the magistrates of the state, and *τελετή* taken by the philosophers to express complete knowledge of the subject.) "Diutius initiant quam consignant," says Tertullian (*contra Valentin.* 1), translating *πλείονα χρόνον μυοῦσιν ἢ τελοῦσιν*: compare *σφραγὶς* and *τελείωσις*, used for baptism (Lobeck, 38). The Latins used *initia*, which signified an ideal beginning ("initia ut appellantur ita re vera principia vitae cognovimus," Cic. *de Leg.* ii. 14, 36),—a sort of new birth, as Preller says. Thus then we have terms signifying both the objective secret nature of the ritual and the subjective condition of the votary.

1. *The Kinds of Mysteries.*—We can hardly consider under the head of mysteries those mystic usages which occur here and there in certain festivals, such as the marriage of the *βασιλεὺς* and *βασίλισσα* at the DIONYSIA; nor the multitude of purifications and sin-offerings found in most religions, all with more or less of a mystic meaning. Again the mystic worships performed by private families are hardly to be reckoned either, and do not come under our notice except in some few cases, such as the Orphic rites of the Lycomidae [ELEUSINIA]. But the mysteries properly so called, viz. those which were recognised by the state and required a regular initiation, may be divided into (1) those performed by a special sex, *e.g.* the THESMOPHORIA, celebrated by women only, as was also the worship of Dionysus in Laconia (Paus. ii. 20, 3), of Cora in Megalopolis (*ib.* viii. 31, 8), Rhea in Thaumasion (*ib.* 36, 3), Dionysus on Parnassus (*ib.* x. 4, 3). Special mystic ceremonies for men only are rarely found, such as that to Demeter, Cora, and Dionysus at Sicyon (*ib.* ii. 11, 3). (2) Those open to all Greeks, such as the Eleusinian and Samothracian mysteries. It is often stated that the only gods who had a mystic worship were the Chthonian ones; but this statement is not quite true, though the Chthonian gods are the gods principally worshipped in mysteries, as might be inferred even *à priori* from their very nature. But there are some Olympian gods to whom mystic worship was performed, *e.g.* Zeus Idaeus (Eur. *Cretes*, Frag. 2), a mixture of Phrygian Cybele-worship and Cretan or Thracian Zagreus-worship, in honour of Zeus, celebrated *φανερῶς*, according to Diod. v. 77, *i.e.* during the day, not at night; the Argive Hera (Paus. ii. 38, 2), even the Graces (*ib.* ix. 35, 3). For further discussion, see Hermann, *Die Gottesdienstlichen Alterthümer*, § 32, 6. Foreign mystic worships are those of Cybele, which were wild and enthusiastic, with flutes, drums, and cymbals (Herod. iv. 76); the trieteric worship of Dionysus [DIONYSIA]; of Hecate at Aegina (Paus. ii. 30, 2) and in the Zerynthian cave in Samothrace (Schol. on Lycophr. 77). This goddess was especially worshipped in the Roman Empire just before it became Christian; during which period too, and indeed earlier also, the mysteries of Isis, Sabazius, and Mithras were much in vogue. For these the reader must be referred to the articles RHEA, HECATE, ISIS, SABAZIUS in *Dict. of Mythology*. There is a good article on MITHRAS in the *Dict. of Christian Biography*. A remarkable Roman mystery confined to women was that of the celebrated Bona Dea, which Cicero (*Att.* vi. 1, 26) calls *Romana mysteria*. See *Dict. of Myth.* s. v. BONA DEA.

As to the *general* character of the gods of the mysteries, we cannot do better than quote Lenormant (*Contemp. Review*, xxxvii. 414): "Like all the worships of antiquity, the Eleusinian mysteries were founded on the adoration of Nature, its forces and its phenomena, conceived rather than observed, interpreted by the imagination rather than by the reason, transferred into divine figures and histories by a kind of theological poetry, which went off into pantheism on the one side and into anthropomorphism on the other. The nature and concatenation of their rites and plays were connected with precise beliefs; which tended to efface the distinction between the divine personages of the poetical and popular mythology, in such a manner as to lead to what has been called *μυστικὴ θεοκρασία*, and to reduce these gods who were exoterically individuals to mere general abstractions. But the form under which these beliefs were presented was such that, among the ancients themselves, some have been able to find in it a kind of philosophy of nature or *physiologia*, and others bring out of it euhemerism and with it atheism." So far we will go, emphasising the fact, that this *physiologia* was of late growth in the mysteries; but no further. However, to such students as do not easily get dizzy and who may wish to pursue the subject into its details, we recommend Lenormant's articles on *Bacchus*, *Ceres*, and the *Cabiri*, in Daremberg and Saglio; also chapter vi. of his *Voie Sacrée*, where his views issue in the purest pantheism, which he supposes to be the doctrine taught by the Hierophant at Eleusis and to be the primitive Aryan dogma that lay at the base of the mysteries.

2. *The Origin of the Mysteries.*—That they were mostly old Pelasgian worships, which were driven into the background by the conquering races, and accordingly carried on as mysteries, is a very reasonable view, and is supported by what Herodotus says of the Thesmophoria (ii. 171) and the Cabiri (ii. 51). By the Pelasgians we mean what Curtius means (*Hist. of Greece*, i. 35 ff.), viz. the first great body of emigrants westward from among the Phrygians, that tribe which forms the link by which the Aryans of the West were connected with the Asiatics proper. They are the primitive indigenous race of Hellas, "the dark background of history, children of the black earth (as the poets called Pelasgus), who amidst all the changes of the ruling generations calmly clave to the soil, leading their life unobserved under unchanging conditions, as husbandmen and herdsmen." They brought with them their Phrygian forms of worship, as they passed through Thrace into Hellas. Curtius (*ib.* p. 52) represents their religion to have been of the purest and noblest type—the worship of the Pelasgian Zeus upon the mountain-tops, a god without images or temples, a god unnamed except as the pure, the great, the merciful, &c.—and that Greek polytheism was a development in decadence as far as spirituality went. When the fascination of Curtius's eloquence is passed, we are unable to feel that the religion which the Pelasgians brought from Phrygia was much better than that of ordinary savages. Mr. Andrew Lang (*Myth, Ritual and Religion*, i. 282 ff.) mentions several points in which the Greek mysteries are in harmony with Australian, American, and African practice: the mystic dances (cf. *τοὺς ἐξαγορεύοντας τὰ μυστήρια ἐξορχεῖσθαι λέγουσιν οἱ πολλοί*, Lucian, *de Salt.* 15), the fastings, the elaborate and anxious purifications; the use of the *κῶνος* described by Lobeck (p. 700) as *ξυλάριον οὗ ἐξῆπται τὸ σπαρτίον καὶ ἐν ταῖς τελεταῖς ἐδονεῖτο ἵνα ῥοιζῇ*, similar to the *turndun* of the Australians, to call the votaries together; the plastering of initiates with clay or dirt of some kind and washing it off to symbolise purification (cf. Dem. *de Cor.* 313, § 259, and Soph. *Frag.* 32, *στρατοῦ καθαρτὴς κἀπομαγμάτων ἵδρις*), and the purifications by blood of swine mentioned in Aesch. *Eum.* 273—an undoubted savage custom, though not immediately connected with the mysteries—the use of serpents in the mysteries (Dem. *l. c.*), and so forth. Mr. Lang goes on to repeat again and again in his gentle vein of satire how easy it is to think anything as a symbol of anything, and wonders why the allegory should choose the practices of early savage tribes. Nor is it any disgrace to the Greek race to allow this; rather that the list of savage survivals is not many times as large and very much more apparent. Most of the savage elements disappeared soon, and what remained became blended with purer and later speculations.

This old religion was thrust into the background by the conquering tribes, the gods of the latter becoming predominant and the state-gods of the nation, while the old religion for the most part gradually disappeared. But by some families and tribes its ritual was in a large measure retained, and they probably formed themselves into brotherhoods, like those of the Roman Church, and preserved their rites doubtless with great strictness. Surely they were sodalities or confraternities that lived the "Orphic life." Now, the Greeks never persecuted doctrine, unless indeed any doctrine was much blazed abroad and seemed likely to involve danger to the state-worship; and no danger seemed to arise from the remnants of this primitive worship. Indeed, they were sometimes adopted into the state-religion on occasions of religious terror, when a feeling of sin and need for purification laid hold of the people. Thus it was that the mysteries of Eleusis and Samothrace were adopted. The gradual development of the Eleusinian worship (that mystic ritual with which we are best acquainted), from its original Phrygian-Pelasgian beginnings to its adoption into the Athenian religion, we have attempted to sketch in outline in ELEUSINIA, § 1.

3. *Silence enjoined on the Votaries.*—This is an important feature in the mysteries; the votaries could not divulge the mysteries to non-initiates. Its original reason doubtless lies in the separatism of early worships, a fear lest any outsider should learn how to get the favour of the god; and the reason why it was retained in later and more enlightened periods was to enhance the solemnity of the ritual. Strabo says x. 717, *ἡ κρύψις ἡ μυστικὴ τῶν ἱερῶν σεμνοποιεῖ τὸ θεῖον μιμουμένη τὴν φύσιν αὐτοῦ ἐκφεύγουσαν τὴν αἴσθησιν.* "Every expression," says Renan (*Études d'Histoire religieuse*, 70), "is a limit, and the only language not unworthy of things divine is silence." It prevented familiarity breeding contempt, as in the ordinary religion. Chrysippus, *Etym. Mag.* 751, thinks it was intended for an ethical purpose, viz. to teach the government of the tongue, *τῆς ψυχῆς ἐχούσης ἕρμα καὶ πρὸς τοὺς ἀμυήτους σιωπᾶν δυναμένης.*

4. *The Ceremony.*—Whatever is to be said specially about the initiated, the priests, and the ceremony, we have endeavoured to set forth in the particular articles, especially ELEUSINIA. There will be found some description of the "mystic drama," such as it was in later times when it was part of the state-religion and full of foreign accretions. It was of a splendid, solemn, vague nature, such as fettered the imagination of the votary; and, if it only put the worshipper in a certain state and did not teach anything (*τοὺς τετελεσμένους οὐ μαθεῖν τι δεῖν ἀλλὰ παθεῖν καὶ διατεθῆναι*, as Aristotle says, *ap.* Synes. *Orat.* p. 48), yet it made a man here and there think of things spiritual and proceed on the task of working out his own salvation. To such a man further progress was possible and a higher and deeper knowledge open, imparted by gradual stages, after due time being given to allow the awakened thought and imparted knowledge to germinate and fructify. All this is very Eastern, but it is none the less very rational. "Among the peasants who attend a midnight mass, how many are there who think of the mystery of the Incarnation?" asks M. Renan (*op. cit.*, p. 56). Yet, if a man here and there does think about it, he can learn more about it from his teachers. But to the majority of the worshippers (and everyone who spoke the Greek language and was not stained with gross crime was welcome, no previous *κατήχησις* being required) the impression of the whole, not the perception of each particular, was the important part. We may allow that the whole drama of Eleusis would appear a miserable travesty to us, even its "fireworks" (Lobeck, p. 107); but we answer in the bold words of Renan, "You are not to ask for *reason* from the religious *feeling*. The spirit bloweth where it listeth; and if it chooses to attach the ideal to this or to that, what have you to say?"

But was there any reality at the back of it all, any doctrine like the Incarnation, symbolised by the midnight ceremonies? There certainly was in later times. The reality which the priests then appear to have taught was some kind of system of cosmogony: cf. Cic. *de Nat. Deorum*, i. 42, 119 (of the Samothracian mysteries), "quibus explicatis ad rationemque revocatis rerum magis natura cognoscitur quam deorum;" Clem. Alex. *Stromat.* v. 689, *τὰ δὲ μέγαλα [μυστήρια] περὶ τῶν συμπάντων οὐ μανθάνειν ἔτι ὑπολείπεται, ἐποπτεύειν δὲ καὶ περινοεῖν τήν τε φύσιν καὶ τὰ πράγματα.* But the true value of the mysteries did not lie here, in this kind of dogmatic teaching, but in the moral improvement apparent in the votaries (Diod. v. 48), in the comfort they gave in the present life and the glad hopes for the world to come (Isocr. *Panegyr.* § 28).

5. *Monotheism and Immortality.*—It is generally supposed that the mysteries were the fountain from which Greek philosophy derived the two great ideas of monotheism and immortality. The mystic school of theological teaching is the Orphic; to it we must look for these ideas. Now, as regards *monotheism*, we have attempted to show in ORPHICA that the passages which refer to monotheism in the Jewish or Christian sense date from Alexandrine times, and in the pantheistic sense are hardly much earlier: even the celebrated *Ζεὺς κεφαλή, Ζεὺς μέσσα, Διὸς δ' ἐκ πάντα τέτυκται*, supposed to be alluded to by Plato (*Legg.* iv. 715 E), as Zeller (*Philosophie der Griechen*, i. 53 = i. 65 Eng. trans.) shows, does not imply more than Homer's line that Zeus is the father of gods and men, or Terpander's (650 B.C.) address, *Ζεῦ πάντων ἀρχὰ πάντων ἀγήτωρ*. The Greeks with their personifying of everything in nature came to have a feeling of the Divine pervading all nature,—"one and the same Nature-power," as Petersen puts it. "This unity of the Divine element which polytheism presupposes was made concrete in Zeus as king of the gods; and so far all that exists and all that happens is ultimately referred to Zeus, but it does not imply that Zeus is the ideal complex (*Inbegriff*) of all things" (Zeller, *l. c.*). Zeller goes on to contrast the polemic of Xenophanes against polytheism, with the syncretism of the Stoics and Alexandrines, showing how the Greeks arrived at the idea of the Divine unity less by way of syncretism than of criticism. But if the idea of monotheism was naturally developed into a distinct form by Greek thought, and that only in comparatively late times, it was thereafter adopted into the mysteries, and especially some of the Orphic ones, and doubtless taught in them to those who had gone through the various stages and shown themselves naturally fitted to receive and understand it.

As to *immortality*, the case is different. Mr. Tylor has shown that the doctrine of Transmigration was universal among savage and barbarian races (*Primitive Culture*, ii. *init.*). This doctrine the Aryans probably brought with them into Europe. Herodotus thinks it came from Egypt (ii. 123); but when we find similar notions among the Indians from the earliest times even to the present day, and among the ancient Druids in Gaul (Caes. *B. G.* vi. 14; Diod. v. 28; Amm. Marc. xv. 9 *fin.*), we may infer that it was an original idea of the Aryan race, which gradually developed into the purer doctrine of what we call a Future Life; we find a strange example of this latter doctrine among the Thracians (Herod. iv. 94, 95). For the further discussion of immortality in the Orphic doctrine, see ORPHICA.

6. *The modern Critics of the Mysteries.*—Passing over such treatises as Warburton, *On the divine Legation of Moses* (ii. 133–234), and Sainte-Croix, *Recherches sur les Mystères du Paganisme* (1784), the first really great work on the mysteries was that by Creuzer, *Symbolik und Mythologie der alten Völker*, 1810–1812, written by a genuinely religious Doctor in Theology of the Roman Church. The title is certainly not a misnomer, for he finds symbolism everywhere. He is in fact too symbolical. He does not distinguish the ideas of different epochs, does not weigh evidence nor take sufficient thought of development in religious ideas. After him followed J. H. Voss, a zealous Protestant, who attacked Creuzer with unpardonable virulence and little success, especially in his *Anti-Symbolik* (1824). Abuse of priests occupies a large portion of the work. In 1829 Lobeck's great work, *Aglaophamus*, was published with the view of crushing the symbolical school. Its learning is portentous, its satire grim and savage. But with all his great gifts Lobeck had one thing

wanting, the sense of things religious. Everything is judged from the level of the intellect, but religion is of another order. The whole book bears the character of a violent reaction, and so far is necessarily unfair; and Lobeck sometimes quite forgets himself, as for example when he says (p. 119) that the spectacles at Eleusis were seen with the eyes of the mind, not with those of the body. K. O. Müller (art. *Eleusinia* in Ersch and Gruber), and after him Preller (*Demeter und Persephone*, 1837; art. *Mysteria* in Pauly), make accurate distinctions of times, places, and races. They allow a mystic character to the worship of the Pelasgi, who adored Nature regarded as living and divine, especially in their worship of the Chthonian divinities, the naturalism of the Pelasgi being contrasted with the anthropomorphism of the Hellenes, as exemplified in the Homeric Age; but hold that, when this warrior age passed away at the time of Solon, there was a reaction in favour of the ancient cults. François Lenormant, in his *Voie Sacrée Éleusinienne* (1864) and in the articles in Daremberg and Saglio mentioned above, is a strong symbolist; cf. also his articles in the *Contemporary Review* for May, July, September 1881. Other works to be consulted with advantage are Hermann, *Die Gottesdienstlichen Alterthümer*, §§ 32, 55; Maury, *Histoire des Religions de la Grèce antique*, ii. chap. xi.; Renan, *Les Religions de l'Antiquité*, No. 1 of his *Études d'Histoire religieuse*; Ramsay, s. v. *Mysteries*, in the *Encyclopaedia Britannica*. [L. C. P.]

MYSTI'LE (*μυστίλη*). [Cena, Vol. I. p. 394.]

MYSTRUM (*μύστρον*), *a spoon* (cf. *μυστίλη*), a Greek liquid measure, strictly *a spoonful*, of which there were two sizes, called the large and small mystrum, and these again also of various dimensions. The small, which was the more common of the two, was $\frac{1}{24}$ of the cotyla, and $\frac{1}{4}$ of the cyathus, and therefore contained about 1-50th of an English pint. [Cyathus.] (Galen, *Frag.* c. 15.) Galen adds that the smaller mystrum contained $2\frac{1}{2}$ drachms, that the larger was $\frac{1}{16}$ of the cotyla, and contained $3\frac{1}{3}$ drachms; but that the most exact mystrum (*τὸ δικαιότατον μύστρον*) held 8 scruples, that is, $2\frac{2}{3}$ drachms. According to this, the small mystrum would be $\frac{3}{4}$ of the larger. But in the 13th chapter of the same fragment he makes the large mystrum $=\frac{1}{3}$ of the cotyla, and the small mystrum $\frac{1}{4}$ of the large. In c. 4 he makes the large mystrum $=3$ oxybapha, and the small $=1\frac{1}{2}$. Cleopatra makes the large $=\frac{1}{16}$ of the cotyla, the small $=\frac{1}{24}$. (Hultsch, *Metrologie*, p. 636 ff.) [P. S.]

N.

NABLA. [Lyra, p. 106 *b*.]

NAE'NIA. [Funus.]

NANI, dwarfs, kept as an amusement in rich Roman houses. According to Gellius, xvi. 7, xix. 13, the word *nanus* was an introduction of Laberius, and the older word for dwarf was *pumilio*: both words afterwards existed together and in the same writers. The fashion of keeping dwarfs may have come from Syria and Egypt (cf. Stat. *Silv.* v. 5, 66); for they do not seem to have been a feature in households of Greece proper before the Roman conquest (cf. Plut. *de Curios.* 10, *ἐν Ῥώμῃ τινές* . . .), or it may have started in Italy: they are mentioned as kept at Sybaris (Athen. xii. p. 518 e), where they were called *σκωπαῖοι* and *στίλπωνες*. It is probable that the former name is not, as Liddell and Scott say, from *σκώπτω*, but rather from *σκώψ*, because of the misshapen head and short neck, and the latter name from their baldness, since their heads were shaven (see Lucian, *Conviv.* 18, and Mayor's note on Juv. v. 171). As to their appearance in later Greek banquets, see Lucian, *l. c.* At Rome great ladies especially delighted in them, as Livia (Dio Cass. xlviii. 44), Seneca's wife (Sen. *Ep.* 50); and the prevalence of the fashion at Rome is marked by Suetonius, when he mentions particularly (*Aug.* 83) that Augustus did not care for them.

There is no clear distinction between *nanus* or *pumilio* or *pumilus*, "the dwarf," and *morio* (*γελωτοποιός*), "the jester," since the jesters seem to have been selected for their absurd appearance as well as for that power, often found in the half-witted, of making comical remarks, for which the mediaeval jesters were in demand. So the *morio* in Mart. vi. 39 is "acuto capite et auribus longis;" and in xiv. 212, "si solum spectes hominis caput, Hectora credas, si stantem videas Astyanacta putes." The *nanus* at Tiberius's banquet is a privileged jester (Suet. *Tib.* 61; cf. *Dom.* 4): that they were half-witted if not absolute *cretins* is shown by Mart. viii. 13, which passage also gives a notion of their price, "morio dictus erat, viginti milibus emi: redde mihi numos, Gargiliane, sapit." Misshapen limbs as well as small stature added to their price (Plut. *l. c.*; Quintil. *Inst.* ii. 5, 11; *Decl.* 298); and the most revolting part of the fashion was that the deformity was sometimes caused by artificial means, the children being kept in a case or frame (*γλωττόκομον*) which would stunt and distort their growth (Longin. *de Sublim.* 44, 5). The Romans kept female as well as male dwarfs and jesters (*nanae*, *fatuae*, Lamprid. *Alex. Sev.* 34; Sen. *Ep.* 50). For more authorities, see Becker-Göll, *Gallus*, ii. 148 ff.; Marquardt, *Privatleben*, 152; Mayor on Juv. viii. 32. [G. E. M.]

NAOS. [Templum.]

NASSITERNA was some sort of vessel for carrying water. From the description in Festus (*s. v.*), that it is wide (*patens*), with a handle (*ansata*), and is a vessel "quo equi perfundi solent," we may imagine something like a stable bucket or pail, especially as no spout is mentioned. Vessels of this shape are figured by Guhl and Koner (448) as kitchen utensils. In Plaut. *Stich.* ii. 2, 28, the nassiterna is used like a housemaid's pail. There seems no good reason for saying, with Rich, that the first part of the word implies a vessel with a *spout*: still less can we argue from the end of the word that it had three spouts. The first syllable (*nass.* in Festus; *nasc.* in the MSS. of Plautus, but corrected by Ritschl to *nass.*) is from the root of words meaning "to flow" (*νάω*, *νᾶμα*, *νασμός*, &c.; German *nass*?), and has nothing to do with *nasus*, though that word very likely comes from the same root: the termination may be compared with *lanterna*, *hesterna*. Its etymology therefore merely proves that it is something from which water is poured. [G. E. M.]

NATA'LIBUS RESTITUTIO. [INGENUI.]

NATALI'CII LUDI. [LUDI, p. 85 *a*.]

NATA'TIO, NATATO'RIUM. [BALNEAE, Vol. I. p. 275 *b*.]

NATU'RA, NATURA'LIS RA'TIO. [JUS.]

NAVA'LES DUO VIRI. [DUO VIRI.]

NAVA'LES SO'CII. [EXERCITUS, Vol. I. p. 786; SOCII.]

NAVA'LIA were dry docks where ships were built, or drawn up (*subductae*) to be repaired or laid up till they were again needed. Those at Rome were opposite the Prata Quinctia in the upper bend of the Tiber (Liv. iii. 26, viii. 15; Burn, *Rome and Campagna*, p. 51), and so described as above the Aventine (Plut. *Cat. Min.* 39). In Liv. xlv. 42 we are told of *navalia* in the Campus Martius, where the ships taken from Perseus were laid up. The use of these Roman navalia for large ships was generally lessened under the Empire when the mouth of the Tiber was much more silted up, and Puteoli became the harbour where vessels trading to Rome discharged their cargo and were docked: others, however, still ran up to Rome after they had been lightened by discharging part of their cargo at Ostia, to be taken up in smaller boats (*naves codicariae*). (Strabo, v. p. 231; Sen. *de brev. Vit.* 13; cf. Marquardt, *Privatleben*, p. 408.) The docks (νεώσοικοι or νεώρια: see below) at Piraeus were constructed by Pericles (Pausan. i. 29, 16) at a cost of 1000 talents, according to Isocrates (*Areopag.* § 66), and, having been destroyed after the Peloponnesian War, were restored in the administration of Lycurgus. For their management, see EPIMELETAE (6), Vol. I. p. 749 *b*. As to the distinction between νεώσοικοι and νεώρια, Arnold rightly points out in his note on Thuc. vii. 25 that νεώρια are strictly the dockyards, νεώσοικοι the large covered sheds for the reception of ships laid up, on the roofs of which the Syracusans stand (cf. Demosth. *de Symm.* p. 184, § 26). But there can be no doubt that in Thuc. i. 108, when Tolmides burns τὸ νεώριον at Gytheum, we are to understand especially the νεώσοικοι, and conversely Isocrates (*l. c.*) uses νεώσοικοι for dockyard, sheds and all. [W. S.] [G. E. M.]

NAVA'LIS CORO'NA. [CORONA, Vol. I. p. 548 *b*.]

NAVARCHUS (ναύαρχος) was a naval commander whose rank varied in different states. It cannot, for instance, be correctly used as equivalent to our admiral in speaking of the Athenian fleet, though it is rightly so used by historians speaking of other states of Greece or of the Persian fleet. As an official title in Greece, it belongs particularly to the Spartan head of naval affairs. How early this office (ναυαρχία) existed at Sparta (as distinct from the mere admiral of a fleet in commission) is not quite certain. In Herod. vii. 42 Eurybiades bears the title, but it means no more than that he commanded the fleet there mentioned. It is probable that the office did not begin until Sparta had greater naval operations than in the Persian War. Her naval force at Artemisium consisted of only 10 ships, at Salamis of 16. But something more like an admiralty was needed when the new phase of the Peloponnesian War, after the campaigns at Syracuse, extended the sphere of Spartan naval enterprise. The expression in Thuc. viii. 20 regarding Astyochus, ὥσπερ ἐγίγνετο ἤδη πᾶσα ἡ ναυαρχία, perhaps indicates, by the use of the imperfect tense, that the office grew out of circumstances at that time. Henceforth the Spartan army and navy were rarely (as happened in the case of Agesilaus) subordinated to the same commander. Hence Aristotle (*Pol.* ii. 9, 33) finds fault with the ναυαρχία as a cause of disunion, "being a sort of second kingship set up as a counterpoise to the kings, who are generals for life." The Spartan navarchus had the supreme direction of all naval affairs, whether he was actually commanding in the fleet at sea or not, and had under him an ἐπιστολεύς. There seems no ground for Schömann's statement that the ναύαρχος had ἐπιβάται "to advise him." No such meaning can be given to Thuc. viii. 61. The marines of the fleet were taken from the Perioeci; the rowers were Helots or ξένοι. Some limitation of this power of the navarchus, of which Aristotle complains, seems to be intended by the rule that no one could hold the office more than once (probably for a year); but this could practically be evaded by appointing the ex-navarchus as epistoleus with power only nominally subordinate (cf. Xen. *Hell.* i. 2, 23; ii. 1, 7; iv. 8, 11; v. 1, 5).

At Athens the word ναύαρχος was applied as an official title only to the commanders of the sacred triremes [THEORIS], the naval administration and command of fleets being under the strategi [STRATEGI].

At Rome the title navarchus is not used of supreme naval command or naval administration [for which see DUO VIRI NAVALES and PRAEFECTUS CLASSIS]. The navarchus was the captain of a ship. So far as the distinction between navarchus and trierarchus in the Roman fleet can be made out, it appears that the title trierarchus was applied strictly to the captains of triremes, the title navarchus to the captains of ships with more banks of oars, quadriremes, quinqueremes, &c. (*C. I. L.* x. 3361; Tac. *Hist.* ii. 16); but it is not unlikely that the distinction was loosely kept, or at any rate that the title navarchus might be applied to the captain of any sort of ship (cf. Veget. iv. 32, 43). The liburnae being ships with various numbers of banks were sometimes under navarchi, sometimes under trierarchi, as may be seen from the passages cited above. Marquardt (*Staatsverwaltung*, ii. 512) cites Polybius as using ναύαρχος in i. 53 and 54 for an admiral, and i. 21 for a captain of a ship; but it should be observed that in the former case he is speaking of the Carthaginians, in the latter of the Romans. When Livy (xlv. 25) speaks of the admiral of Rhodes (called ναύαρχος in Polyb. xvii. 1), he calls him *praefectus classis*; and though it would be too much to assert that a Greek historian might not conversely translate *praefectus classis* by ναύαρχος (the commoner equivalent is ἔπαρχος στόλου), that is no argument as to the significance of navarchus in the Roman fleet. For *correct* expression it is sufficient to compare Πόπλιος ὁ τῶν Ῥωμαίων *στρατηγός* (Polyb. i. 50) with *ὁ τῶν Καρχηδονίων ναύαρχος* (Polyb. i. 53). It is true that the navarchus in Cic. *Verr.* v. 24, 60 seems to command a fleet, but this is explained by the fact that he was the admiral of a Siciliot town whose admiral would rightly be called *ναύαρχος*, and Cicero does not translate the title into its Latin equivalent. The word has probably the same meaning in *Verr.* v. 32, 84. It is necessary, however, also to notice the title *navarchus princeps* (*C. I. L.* x. 3440, 3448, 8215), who seems to be the commander of a part of the fleet or of a squadron of ships detached from the main fleet, and is taken by Mommsen as = *archigybernes* (*C. I. L.* x. 3349); with which compare Diod. xx. 50, 4. [L. S.] [G. E. M.]

NAUCRA'RIA (*ναυκραρία*), a subdivision of the inhabitants of Attica in early times, for purposes of taxation as applied to military equipment.

The institution of *ναυκραρίαι* and *ναύκραροι* has been for a long time a much-debated point: see Schol. in Aristoph. *Nub.* 37, *οἱ πρότερον ναύκραροι εἴτε ὑπὸ Σόλωνος κατασταθέντες εἴτε καὶ πρότερον.* That their establishment was due to Solon is the view of Gilbert (*Jahrb. Class. Phil.* cxi. 1875, p. 9 ff.) and of Stein (on Herod. v. 71). We have the testimony of a fragment of Aristotle to this effect; see Photius, *s. v.* *ναυκραρία: τὸ πρότερον οὕτως ἐκάλουν ναυκραρία καὶ ναύκραρος· ναυκραρία μὲν ὁποῖόν τι ἡ συμμορία καὶ ὁ δῆμος, ναύκραρος δὲ ὁποῖόν τι ὁ δήμαρχος, Σόλωνος οὕτως ὀνομάσαντος, ὡς καὶ Ἀριστοτέλης φησί· καὶ ἐν τοῖς νόμοις λέγει, ἐάν τις ναυκραρίας ἀμφισβητῇ καὶ τοὺς ναυκράρους τοὺς κατὰ ναυκραρίαν· ὕστερον δὲ ἀπὸ Κλεισθένους δῆμοί εἰσιν καὶ δήμαρχοι ἐκλήθησαν· ἐκ τῆς Ἀριστοτέλους πολιτείας ὃν τρόπον διέταξε τὴν πόλιν ὁ Σόλων· φυλαὶ δὲ ἦσαν τέσσαρες καθάπερ πρότερον καὶ φυλοβασιλεῖς τέσσαρες· ἐκ δὲ τῆς φυλῆς ἑκάστης ἦσαν νενεμημέναι τριττύες μὲν τρεῖς, ναυκραρίαι δὲ δώδεκα καθ' ἑκάστην.* From this passage it has been held that Solon constituted, out of the members of each of the four old Ionic tribes, three large divisions, called *τριττύες*, subdividing each *τριττὺς* into four *ναυκραρίαι*. Thus there were in all (4 × 3 =) 12 *τριττύες* and (12 × 4 =) 48 *ναυκραρίαι*. So also Pollux, viii. 108: *ναυκραρία δ' ἦν τέως φυλῆς δωδέκατον μέρος· καὶ ναύκραροι ἦσαν δώδεκα, τέτταρες κατὰ τριττὺν ἑκάστην*:—and Hesychius, *s. v.* *ναύκλαροι: τινὲς δὲ ἀφ' ἑκάστης φυλῆς δώδεκα.* In the formation of the *ναυκραρίαι*, neighbouring members of the same tribe would seem to have been grouped together in such a way that a *ναυκραρία* was practically a local district or parish, and came to be so regarded: this follows from its comparison above to the Cleisthenean demos, and from the fact that the single surviving name of a *ναυκραρία* (Phot. *s. v.* *Κωλιάς*, Bekker, *Anecd.* 275, 20) is clearly a local designation.

Schömann, however (*Jahrb. Class. Phil.* cxi. 1875, p. 454 ff.), and Duncker (*Gesch. Alt.* v. p. 120, ed. 5) contest the correctness of this view, so far as the institution of *ναυκραρίαι by Solon* is concerned. They hold that the words of Aristotle quoted by Photius (see above) by no means amount to an assertion that Solon established the *ναυκραρίαι*, and they hold that what he did was perhaps to re-organise a previously existing method of subdivision, and modify it to suit his new constitution. The well-known passage in Herod. v. 71 is of cardinal importance in this question. In relating the abortive attempt of Cylon to make himself tyrant of Athens, Herodotus, referring to the defeated revolutionists who had taken refuge at the shrine of Athena, uses the words *τούτους ἀνιστᾶσι μὲν οἱ πρυτάνεις τῶν ναυκράρων, οἵπερ ἔνεμον τότε τὰς Ἀθήνας.* (Stein, *in loc.*, very reasonably suggests the emendation *ναυκραριέων*, "representatives of the *ναυκραρίαι*," *i.e.* the *ναύκραροι*.) Unless Herodotus is mistaken in his use of the words, this passage is proof positive that the *ναυκραρίαι* existed some time before Solon, and probably some time before Cylon also. It is not, however, easy to see in what sense the *ναύκραροι* could be said, at that period of time, *νέμειν*, *i.e.* to govern, *τὰς Ἀθήνας*. Stein and others therefore maintain that Herodotus, perhaps following an account which sought to lessen the responsibility of the Alcmaeonidae for the murder, has erroneously attributed to the *ναύκραροι* what was really done by the nine *ἄρχοντες*, and that the account given by Thucydides of the Cylonian revolution is specially intended to correct Herodotus on this point. See Thuc. i. 126: *χρόνου δὲ ἐπιγιγνομένου οἱ Ἀθηναῖοι τρυχόμενοι τῇ προσεδρείᾳ ἀπῆλθον οἱ πολλοί, ἐπιτρέψαντες τοῖς ἐννέα ἄρχουσι τήν φυλακὴν καὶ τὸ πᾶν αὐτοκράτορσι διαθεῖναι ᾗ ἂν ἄριστα διαγιγνώσκωσι· τότε δὲ τὰ πολλὰ τῶν πολιτικῶν οἱ ἐννέα ἄρχοντες ἔπρασσον.*

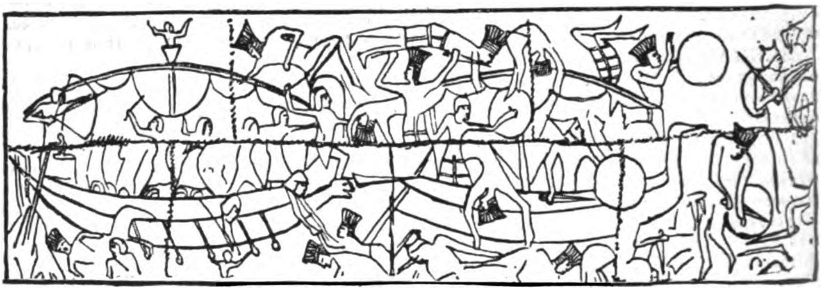
The derivation of the word (*ναῦς* and the root *καρ*, by metathesis *κρα*, as seen in *κραίνω*; see G. Meyer, *Curtius' Stud.* vii. p. 175 f., in opposition to Wecklein, *Bayr. Ak.* 1873, p. 42 f., who connects *ναυ-* with *ναίω*, "to dwell") suggests the object of the institution, which was to provide Athens with a fleet. The *ναυκραρίαι* were thus the predecessors of the *συμμορίαι* (Bekk. *Anecd.* 283, 20: *ναύκραροι· οἱ τὰς ναῦς παρασκευάζοντες καὶ τριηραρχοῦντες*:—Aristot. in Phot. *s. v.* *ναυκραρία· ναυκραρία μὲν ὁποῖόν τι ἡ συμμορία*).

Besides superintending the building of the ships and acting as captains when built, the *ναύκραροι* assessed the amount of taxation annually due from each *ναυκραρία*, and dealt with the money thus collected (Poll. viii. 108, *τὰς δὲ εἰσφορὰς τὰς κατὰ δήμους διεχειροτόνουν οὗτοι καὶ τὰ ἐξ αὐτῶν ἀναλώματα*).

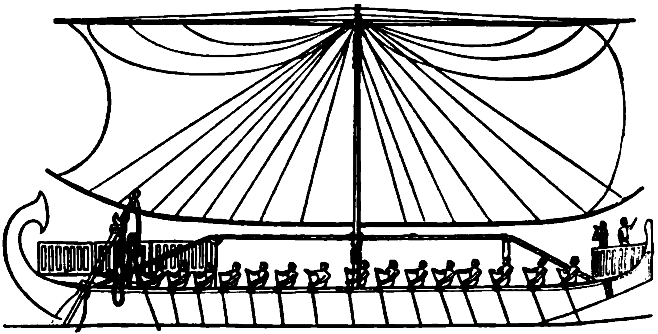
Each *ναυκραρία* provided two horsemen and one ship (Pollux, *l. c.*: *ναυκραρία δὲ ἑκάστη δύο ἱππέας παρεῖχε καὶ ναῦν μίαν, ἀφ' ἧς ἴσως ὠνόμαστο*). The whole organisation, as part of the military force of Attica, was subject to the *πολέμαρχος* (Bekk. *Anecd.* l. c.: *ναύκραροι . . . τῷ πολεμάρχῳ ὑποτεταγμένοι*).

With the institution of *δῆμοι* by Cleisthenes the *ναυκραρίαι* probably ceased to exist, at all events as a working part of the state organisation. One authority indeed (Cleidemus in Phot. *s. v.* *ναυκραρία*) tells us that they continued, being raised from 48 to 50, five from each of the new tribes, furnishing in all 100 *ἱππεῖς* and 50 ships. Boeckh (*Staatshaush. Ath.* ed. 3, i. pp. 323, 636, note c) sees a confirmation of this in the fact that, according to Herodotus vi. 89, the Athenians in the war against Aegina before the Persian invasion could only muster 50 ships of their own. [A. H. C.]

NAVIS (ναῦς). Though the earliest efforts of mankind in navigation are pre-historic, yet the characteristics of these efforts, and many stages in their development, are sufficiently evident from the methods in vogue among savage races in various parts of the globe at the present day. (See article "Ship," *Encycl. Britan.* 1888.) There is sufficient evidence to show that a point far in advance of the primitive types of navigation and ship construction had been reached by peoples inhabiting the littoral of the Mediterranean at a very early period. (Chabas, *L'Antiquité historique*, p. 120.) Dardanians, Mysians, Lycians, and Maeonians figure on the wall-paintings of Egypt, as combined against Pharaoh in the 13th century B.C., and in the 12th century a still more powerful league of Pelasgians, Teucrians, Etruscans, Daunians, and Oscans appears to have invaded Egypt and to have suffered a crushing defeat at the hands of Rameses III. The bas-relief of Medinet Habou, which represents the great victory of this Pharaoh over the marauding "Northmen" of the Mediterranean, is the earliest known representation of a naval battle. In this bas-relief two distinct types of vessels are apparent: first, the Egyptian, which have stem and stern following the curved line of the keel, the stem ornamented with a lion's head or some other device, the stern sharp-pointed and rising somewhat higher than the stem. At the bows is shown a kind of platform or forecastle, and the bodies of the rowers, whose heads are visible, are protected by a side-planking, from under which the oars, the ports of which are hidden, project. At the stern there is a raised platform, from which archers are discharging their arms, and the steersman is there also seated, with his hand on the broad-bladed steering paddle. A mast with a crow's-nest and a look-out man, and a yard with the sail brailed up, are also shown. The number of rowers indicated is usually ten on one side; but, owing to want of space, the artist, limited in this respect, has probably contented himself with depicting a conventional number.


Naval battle of Rameses III. (Medinet Habou.)

The vessels of the allies, which presumably have crossed the Mediterranean, present a striking difference in type. They show much less camber of keel, with stem and stern post rising abruptly, and at a considerable height above the water curving outwards, and finishing (though without any such ornamentation as is apparent in the Egyptian ships) in a rudely-shaped swan- or goose-head. The bow is in fact very similar to the στόλος of the old Greek type, seen on the coins of Chios, Megara, and Sinope. Their vessels have also raised fighting decks fore and aft, and side planking as a protection for the rowers. These details, slight as they may appear to be, are valuable as giving indications of maritime enterprise and naval construction in the Mediterranean some centuries before the Trojan War, of which the ordinary date given is 1184 B.C.


Egyptian Ship. (Duemichen.)

(For the whole subject of Egyptian boats and shipping, the student should consult the works of Rosellini and Lepsius, in which he will find numerous representations of ships and boats, ranging from the time of the Fourth Dynasty, or more than 3,000 years before Christ: and besides these, Duemichen's *Historische Inschriften* and *Die Flotte einer Aegyptischen Königin*, and especially an essay by Bernhard Graser, *Das Seewesen der alten Aegypter*, in Duemichen's *Resultate der auf Befehl S. R. Majestat des Königs Wilhelm I. von Preussen im Sommer* 1868 *nach Aegypten entrendeten*, &c., Berlin, 1869.)

In the fleet of an Egyptian queen, her Red Sea fleet, several vessels exhibit apertures as if for a second tier of oars, though no oars are shown in them. If this be so, the invention of the bireme must be referred to a very early date (B.C. 1700). It is probable, however, that the Red Sea fleet differed in many particulars from the Mediterranean fleet, and of this latter unfortunately we have no similar record. It is, however, not unlikely that the fleets of the Pharaohs, at different times, swept the northern sea and penetrated as far as Sardinia.

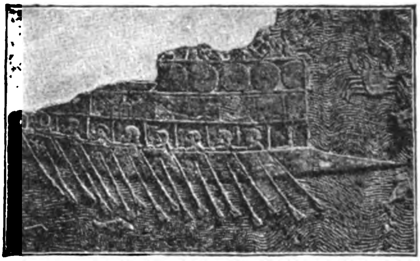
It is clear from the legend of Danaus that intercourse between Egypt and Greece was frequent at a very early period, and it is noticeable that the marauding expeditions, such as may have led to battles similar to that depicted at Medinet Habou, find an echo in the Homeric poems. In the feigned narrative of Ulysses, a raid upon Egypt is described as undertaken and carried out, quite in the ordinary course of things (*Od.* xiv. 245 *sqq.*; xvii. 425):

> Αἴγυπτόν δέ με θυμὸς ἀνώγει ναυτίλλεσθαι
> νῆας εὖ στείλαντα σὺν ἀντιθέοις ἑτάροισι,
> ἐννέα νῆας στεῖλα θοῶς δ' ἐσαγείρατο λαός.

Five days bring them from Crete to one of the mouths of the Nile, and the feigned tale presents the typical behaviour of the buccaneers, with a typical disaster to follow. It is worthy of remark that the same story, a fictitious story, is twice repeated, from which we may infer that the narrative was such as would be readily accepted as true in the Homeric age, and founded on an ultimate basis of fact.

A list with dates is given by Eusebius, "ex Diodori libris breviter de temporibus maria imperio tenentium," in which Lydians, Pelasgians, Thracians, Rhodians, Phrygians, Cyprians, Phoenicians, Egyptians, Milesians, Carians, are named in order, extending from the date 1186 B.C. to 731 B.C., or for a period of about 450 years, as exercising thalassocracy or mastery of the seas. The names that follow—Lesbians, Phocaeans, Samians, Lacedaemonians, Naxians, Eretrians, Aeginetans—bring the list down to the year 485 B.C. But in these cases hardly more than a local superiority can be intended. The earlier names, however—Lydians, Pelasgians, Thracians—corroborate the evidence of the Egyptian monuments, and point at any rate to the maritime activity and seafaring habits of these peoples at a very early period. (For Lydians, cf. Herod. i. 94; Strabo, v. p. 219; Dionys. i. 28, 27;—Pelasgians, Dionys. i. 22; Strabo, ix. p. 401, xiii. p. 582; Herod. iv. 145, vi. 137, 138; Apoll. Rhod. *Arg.* iv. 1760;—confused with Tyrrhenians, Soph. *Inach. Fr.* Τυρσηνοῖσι Πελασγοῖς; Thuc. iv. 109; Aesch. *Suppl.* 237-246;—Thracians, Herod. vii. 75; Strabo, xii. p. 541; Diod. v. 50;—Rhodians, Strabo, xiv. pp. 652-654; Colonies, Diod. v. 53, 54.)

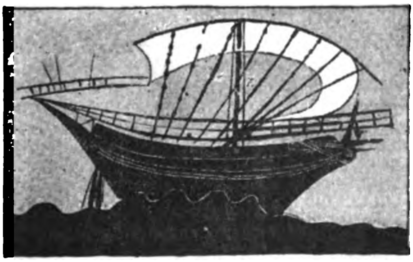
It is surprising, considering the fame and activity of the Phoenicians, that we have so little evidence regarding their vessels in early time. Herodotus in his opening chapter speaks of them as migrating from the Indian Ocean to the Mediterranean coast, and at once venturing on long voyages, carrying Egyptian and Assyrian wares to Argos and elsewhere. To their kidnapping propensities was ascribed the beginning of troubles between Europe and Asia by the Persian historians; and this statement may be illustrated by the jealousy and dislike with which they are mentioned in Homer (*Od.* xv. 415 sq.: cf. Ezek. xxvii. 13). Their vessels seem to have been only half-decked, if we may judge from *Od.* xv. 479: these were probably traders, φορτίδες εὐρεῖαι. And yet to the Phoenicians in all probability, if not to the Egyptians, must be ascribed the invention of the bireme, and consequently of the system of banked vessels. To them also probably belongs the invention of the Ram. The representation of the war-galley in motion (copied from a bas-relief in the British Museum from Kouyunjik (?)) cannot be much earlier than 700 B.C. It is a bireme, aphract, with fighting deck and fish-like snout for ram, similar in construction to those which are depicted upon the Graeco-Etruscan vases of the following century, but plain and without the ornamentation exhibited in these latter. Some few representations of Phoenician vessels are also given in Layard and Rawlinson. These all have this drawback, that the Assyrian conquerors, for whose glory the representations were made, were not a maritime people, and that therefore details and proportion were not likely to be criticised, or accuracy to be studied in their sea-pieces. Hence we can learn but little from them as to any distinctive features of the Phoenician marine.



Assyrian (? Phoenician) Bireme. (From relief in British Museum.)

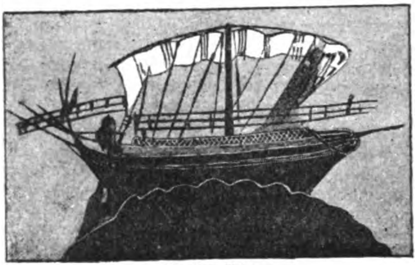
Piracy, as Thucydides points out in the opening chapters of his history, was the curse of the Archipelago from very early times, the antagonistic force opposed to all progress in civilisation. Piracy implies the possession of sea-going craft and familiarity with maritime enterprise. It implies also, to a certain extent, a contemporaneous commerce upon which it may prey. And again, being antagonistic to commerce, which strong rulers and organised states are anxious to develop and protect for their own use and benefit, it is naturally followed by efforts on the part of such rulers and states to put it down. Thus we have from early times, corresponding to these influences, three types of vessels:—

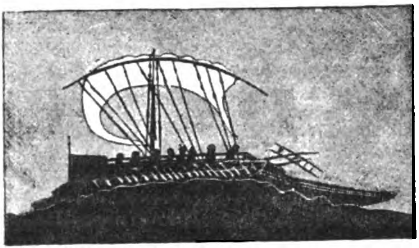
1. The trader, wide and roomy, trusting



Trading Ship.

mainly to sail for movement. 2. The pirate vessel, sharper but still capable of stowing plunder, and of using sail as well as oars. 3. The long ship, the ship of war (*ναῦς μακρά*), the business of which was not plundering, but fighting. The development of the latter, which was slow, finds its highest expression in the swift and handy Attic trireme, and terminates in the huge many-banked vessels of Demetrius Poliorcetes. The trader, of which illustrations from the early Graeco-Etruscan vases are sufficiently clear, varied but little in type, and the same type survives in the coasting vessels of the Levant to this day.


Trading Ship.


Pirate Ship.
(The above are from vases in the British Museum.)

The chief points noticeable are the height of the hull above water as compared with the pirate vessels of the same date, and the form of the bow, which curves upwards and outwards, terminating in a point, which, though not fashioned into a figure-head, has immediately behind it the eye of the vessel, serving probably for a hawse-hole. Strong bulwarks run the whole length of the ship, which has two broad-bladed paddles for steering purposes, and a landing ladder fastened to a high prolongation of the stern-post. The sail is attached to a yard, which is secured by a number of braces; the mast, which for the size of the vessel is shorter than that of the pirate, is kept in its place by two stays.

The figures on the vases, to which we shall revert hereafter, may possibly give us the representations of vessels of the 6th or 7th century B.C. But for the description of the early Greek vessel of the pirate type we must turn to Homer, whose familiarity with the sea and with ships is everywhere apparent in his poems. Thucydides (i. 10), in his reflections upon the relative magnitude of the Greek fleet that went to Troy and the fleets employed in the Peloponnesian War, touches the salient points: "1200 ships, the largest holding 120, the smallest 50 men, the warriors being th oarsmen; no room for supernumeraries (*πε-ρίνεω*) except the kings and great chiefs, especially as they were to cross the open sea with arms, &c. for the war; the vessels unfenced (not *κατάφρακτα*), and in the old fashi fitted out more like pirate vessels."

And further he observes (i. 14) that even man centuries later the triremes possessed by th naval powers were few in number, and the great part of the vessels in use were penteconters an long ships (? biremes), fitted in the sam way as in Homer's time. The Sicilian tyrant and the Corcyraeans were the first Greek power who possessed any large number of trireme Even the vessels built by the Athenians unde the advice of Themistocles, which ultimatel fought at Salamis, were not decked throughou Thus, if we take the Homeric ship to give t type of the ancient Greek sea-going vessel of t pirate class, as distinct from the trader (*φορτίς* we shall not go astray.

In two points only are developments to traced, which will be mentioned in their plac viz. in the form of the bow and in the arrangement of the oars.

We shall best obtain an idea of the Homer vessel by comparing Homer with himself, a afterwards with what we are able to ascerta of the epochs that followed. If it be a questi how far the ship-lore of Apollonius Rhodiu and of the so-called Orphic *Argonautica*, drawn from early and trustworthy sources, in many instances it is useful as throwin light upon details.

In the Iliad and Odyssey we find certain epithets of ships common to both, which may classified as follows:—

1. EPITHETS OF COLOUR.

	Iliad.	Odyssey.	Total.
μέλαινα	35	41	76
κυανόπρῳρος	2		11
μιλτοπάρῃος	1	1	2

2. EPITHETS OF SHAPE AND QUALITY.

	Iliad.	Odyssey.	Total.
θοός	41	48	89
ὠκεῖα	1	2	3
ὠκύαλος	1	2	3
ὠκύπορος	7	3	10
ποντόπορος	13	5	18
γλαφυρός	36	18	54
κοῖλος	19	19	38
κορωνίς	14	2	16
ἀμφιέλισσα	7	12	19
ἐΐση	7	10	17
ἐΰσσελμος	12	12	24
εὐεργής	1	9	10
πολυκλήϊς	5	4	9

EPITHETS PECULIAR TO THE ILIAD.

καλός	1	*πολύζυγος*	1
μεγακήτης	2	*ἑκατόζυγος*	1
ὀρθόκραιρος	2	*εὔπρυμνος*	1

EPITHETS PECULIAR TO THE ODYSSEY.

περικαλλής	2	*πρωτόπλοος*	1
κυανοπρώρειος	1	*ἐεικόσορος*	1
δολιχήρετμος	2	*φοινικοπάρῃος*	2
ἐπήρετμος	5	*εὔζυγος*	2

Of these epithets we may observe that t two which concern colour and shape as se from the outside preponderate, viz. *μέλας* a *θοός* (black and sharp); and next in freque the two which, as it were, regard the vessel from within (*κοῖλος, γλαφυρός*), hollow, hollowed out, and so roomy. There can be no doubt that the first two epithets give the main characteristics seen from without. The black sharp hull (like those of the Northmen in later times) inspired thoughts of terror and swiftness; seen from within, it satisfied the mind of the Greek buccaneer that the vessel was roomy, one in which much plunder could be stowed. (Cf. *Od.* iv. 81; xiii. 20.)

Of the other epithets *ἀμφιέλισσα* (which cannot mean "rowed on both sides," but might possibly mean "rocking from side to side") represents probably the curvature of the ship's side when seen either stem or stern on, from in front or from behind; *κορωνίς*, on the other hand, is of the curvature upwards of bow and stern, such as we have seen in the bas-relief of Medinet Habou (p. 208), and such as appears on many of the early coins—that upward lift and prolongation of stem or stern post (the highly ornamented *ἀκροστόλιον* and the *ἄφλαστον* of later time) which makes apt the epithet *ὀρθόκραιρος*, strictly applicable to the horns of oxen. (Cf. *Il.* xviii. 3, 573, xix. 344; *Od.* xii. 348.)

In *ἐΐση* and *ἐΰσσελμος* we have probably epithets that refer to material,—gallant, good, well-timbered (not well-benched). The cross-pieces, thwarts, that tied the vessel's sides together and fitted on them like yokes, were too important, both structurally and as serving as benches for the rowers, not to furnish descriptive epithets (such as *πολυκλήϊς, πολύζυγος, εὔζυγος, ἑκατόζυγος*), and yet they are not frequent. Commonplace epithets are absent; *καλὸς* is only once used. It may also be noticed that the epithets *μιλτοπάρῃος* (*Il.* ii. 637; *Od.* ix. 125) and *φοινικοπάρῃος* (*Od.* xxiii. 271, xi. 124) belong apparently to vessels of or from the western isles of Greece. In the Catalogue of the Ships it is the distinctive epithet of the vessels of Ulysses.

With regard to the construction and parts of the vessel, we have mention of the keel, *τρόπις* (*Od.* xii. 420), which probably was first laid upon the *δρύοχοι*, short upright baulks of timber laid level at intervals, of sufficient height to enable a man to work at the keel and its fittings (*Od.* xix. 574), and the *τοῖχοι* or walls of the vessel attached to it (cf. *ὄφρ' ἀπὸ τοίχους λῦσε κλύδων τρόπιος*). The ribs are not mentioned, unless *δούρατα, δόρυ νήϊον* cover them. Cf. also *πίνακες* (*Od.* xii. 67) for planking. From the keel sprung the *στεῖρα* or stem-post, carried upwards and finishing high in the *ἀκρὰ κόρυμβα*. Similarly, the stern-post must have run up into the *ἄφλαστον* (*Il.* xv. 716) or stern ornament. As yet no spur or ram seems to have been attached to the bows of the vessel:

> ἀμφὶ δὲ κῦμα
> στείρῃ πορφύρεον μεγάλ' ἴαχε νηὸς ἰούσης.—*Il.* i. 483.

The sides (*τοῖχοι*) were tied together by the thwarts (*ζύγα, κληῖδες*), which served as seats for the rowers, and lengthways amidships there must have been a gangway: for Ulysses (*Od.* xii. 229), while his crew are rowing to pass the dreaded Scylla, arms himself and passes from the stern to the forecastle. (Cf. Apoll. Rhod. iv. 1651, where Jason gives his hand to Medea, as she passes through the vessel, *διὰ κληῖδος ἰοῦσαν.*) At the bows there was a raised platform, or deck, the *ἴκρια πρώρης*, upon which armed men could stand and fight; and similarly there was a deck at the stern, upon which the chiefs had their place, and laid their weapons (*Od.* xiii. 72; xv. 282, 557), and under which was room for stowage (*Od.* xv. 206).

In a remarkable passage (*Il.* xv. 680) we have the description of a warrior (Ajax) passing from vessel to vessel:

> Ἐπὶ πολλὰ θοάων ἴκρια νηῶν
> φοίτα μακρὰ βιβάς·

the ships evidently being hauled up quite close to each other, and the height is in a measure indicated, for the attacking warrior (Hector) seizes hold of the stern of the ship (*Il.* xv. 716):

> πρύμνηθεν ἐπεὶ λάβεν οὐχὶ μεθίει
> ἄφλαστον μετὰ χερσὶν ἔχων·

while Ajax, forced to give way, being in an exposed position,

> ἀνεχάζετο τυτθὸν οἰόμενος θανέεσθαι
> θρῆνυν ἐφ' ἑπταπόδην λίπε δ' ἴκρια νηὸς ἐΐσης.

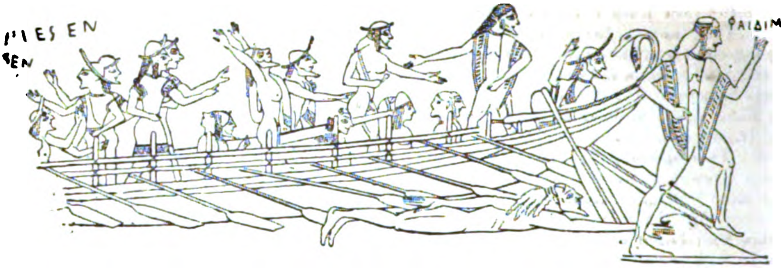
This *θρῆνυς*, in all probability, was the stretcher, as we should call it, of the stroke oar. Some interpret it of the steersman's seat, but less well, as *θρῆνυς* in Homer is in all other passages *ὑποπόδιον*, something to rest the feet upon. This would give us the normal beam of the Homeric ship, nearly at the point where the stern deck began; while, allowing to Hector heroic stature, the height of the *ἄφλαστον* would, we may fairly conjecture, be from 7 to 9 feet, and the *ἴκρια* themselves some 5 feet from the ground, when the vessel was drawn up on land. Taking the normal interspace for the rowers (*σχῆμα διπηχαϊκὸν*) at 2 cubits, the rowing space of the penteconter gives a length of 75 feet, to which must be added some 6 feet for the bows and 9 or 10 for the stern, with their respective decks. We should have thus a long low galley, about 90 feet from stem to stern, and from 10 to 12 feet broad amidships. The length would of course be reduced if the interspace between the rowers was less.

The Homeric galley was propelled by sail as well as by oars. The mast could be raised and lowered. It had a step (? *ἱστοπέδη*: cf. Alcaeus, *Frag.*) above the keel (cf. *ἐκ δὲ οἱ ἱστὸν ἄραξε ποτὶ τρόπιν*), and was raised so as to rest in and against a "tabernacle" (*μεσόδμη*), fitted as the name implies amidships. It was kept in its place by fore-stays (*πρότονοι*), by which also it was lowered, and rested on a crutch (*ἱστοδόκη*, *Il.* i. 434). A back-stay (*ἐπίτονος*) is also mentioned as attached to it (*βοὸς ῥινοῖο τετευχώς*, *Od.* xii. 423).

The sail was hoisted upon a yard (*ἐπίκριον*, *Od.* v. 254), which had braces (*ὑπέραι*) and halyards (*κάλοι*) attached to it. The sails were white, and square in shape. To the ends (*πόδες*) sheets were attached, which were either fastened or held in the hand. The ropes with which the sail was hoisted and the stays appear to have been of plaited or twisted thong (*ἐϋστρέπτοισι βοεῦσι*). Larger cables (*ὅπλα, πείσματα*) were made of byblus (*Od.* xxii. 391). "The twisted teaching of Egypt" (Eurip. *Troad.* 129, *πλεκτὰν Αἰγύπτου παιδείαν*) seems to have come in later for smaller tackle. The *σπάρτα* mentioned in *Il.* ii. 135 may have been of hemp or rushes.

Large poles for pushing the ship (*περιμήκεα κοντόν*) were also in use; and the weight and bulk of the vessel receive illustration from the passage in which Ulysses single-handed pushes her off the shore with a pole (*Od.* ix. 487). There were also long poles or spears used for fighting. Cf. *Il.* xv. 388, 677:

> μακροῖσι ξυστοῖσι τὰ ῥά σφ' ἐπὶ νηυσὶν ἔκειτο
> ναύμαχα κολλήεντα κατὰ στόμα εἱμένα χαλκῷ.



Penteconter. (From the François vase at Florence.)

The ship was steered by paddles (*πηδάλια*), which, as the representations on the early vases indicate, were of various patterns. They were generally two in number, fastened to either side of the vessel. Some are merely broad-bladed oars; others approach more nearly in form to the modern rudder. They differed as a rule from the oar in having the blade unequally divided, the front part being narrow, the hinder part broad, so as to have more power. When at rest, the steering paddles were kept parallel to the longer axis of the vessel. At the upper end of the loom was a projecting handle, *οἰήιον* (*Od.* xii. 218), by which the steersman could turn the blade of one or both at an angle to the vessel's course.

The oars, *ἐρετμά*—of which the parts were *κώπη*, the handle, and *πηδόν*, the blade—were made of fir (cf. Apoll. Rhod. *Arg.* i. 1188; *ξεστῇς ἐλάτῃσι*, *Od.* xii. 172). The breadth of the blade is illustrated by its comparison on the part of a landsman ignorant of the sea to a winnowing shovel (*Od.* xi. 128). The oars amidship were probably the largest, to allow for the curvature of the vessel's sides (cf. Apoll. Rhod. i. 395, where the midship oars are reserved for Hercules and Ancaeus as being the strongest of the heroes). The result of breaking an oar while rowing hard seems to have been similar to that of later times. Cf. Apoll. Rhod. *Arg.* i. 1167, where Hercules

> μεσσόθεν ἆξεν ἐρετμόν, ἀτὰρ τρύφος ἄλλο μὲν αὐτὸς
> ἄμφω χερσὶν ἔχων, πέσε δόχμιος.

The oars were fastened to thowls (*σκαλμοί*) by thongs (*τροποὶ δερμάτινοι*), and, when not in use, drawn in and fastened with the blade projecting (Apoll. Rhod. *Arg.* i. 378; *Od.* viii. 34). The rowers are described as taking their places, with their arms laid (Apoll. Rhod. i. 527) in order by them, which flash in the sunlight (*l. c.* 540 ff.) as the vessel speeds onward. (Compare the shields hung at the side of the Vikings' vessels.) The *κυβερνήτης* had his place on the *ἴκρια πρύμνης*, where he could handle both steering paddles and see over the heads of the crew. Hence there was nothing to intercept the falling mast (*Od.* xii. 409) when the forestays snapped:—

> ἱστὸς δ' ὀπίσω πέσεν, ὅπλα δὲ πάντα
> εἰς ἄντλον κατέχυνθ'· ὁ δ' ἄρα πρύμνῃ ἐνὶ νηὶ
> πλῆξε κυβερνήτεω κεφαλήν,
> ὁ δ' ἄρ' ἀρνευτῆρι ἐοικὼς
> κάππεσ' ἀπ' ἰκριόφιν.

From the foregoing and similar passages we learn that the bilge was open (*ἄντλος*). The place for stowage was under the thwarts against the sides of the vessel. (Cf. Theognis, 513: *νηός τοι πλευρῇσιν ὑπὸ ζύγα θήσομεν ἡμεῖς οἷ' ἔχομεν.*) The *ξεστὸν ἐφόλκαιον* (*Od.* xiv. 350) may have been the landing ladder (*κλῖμαξ*), which is so conspicuous upon the vases (Grashoff, *Schiff.* 22). The vessel was moored by means of stones (*εὐναί*, *Il.* i. 436; *Od.* xiv. 498), which served both as ballast and as anchors.

The following passages illustrate the seafaring life as depicted in Homer:—Preparation for starting, *Od.* iv. 780, viii. 51, xv. 282. Setting sail, *Il.* i. 480, vii. 44; *Od.* ii. 412. Storm, *Il.* xv. 625; *Od.* ix. 70, v. 313, xii. 405, xiv. 295. Coming into harbour, *Il.* i. 433; *Od.* iii. 10, xv. 496. A safe harbour, *Od.* ix. 125. Crew grumble at not being allowed to land, *Od.* xii. 281. Arsenal, *Od.* vi. 263. Housing ship for winter, Hes. *Op.* 622.

The post-Homeric period receives its best illustration from the early Greek or Graeco-Etruscan vases that remain. In these the space is necessarily restricted, so that accuracy as regards details is hardly to be expected, yet the evidence they afford is extremely valuable, and without them the information drawn from the poets would, in many cases, be much more obscure than it is at present. Between Homer and Herodotus there is but little information to be gathered. Hesiod disclaims all knowledge of seafaring life (*Op.* 647), though his father had been a merchant venturer. The Homeric Hymn to Apollo and the story of Dionysus and the Pirates (if rightly ascribed to this period) contain a few interesting details (42, *πάντε δὲ σκαλμοὶ στεφάνους φέρον*). One valuable fragment of Alcaeus preserves the vivid picture of a storm-tossed vessel, and a much-disputed line (*παρ' μὲν γὰρ ἄντλος ἱστοπέδαν ἔχει*). *ἱστοπέδη* be the mast step,—a solid block of wood placed above the keel,—with a shallow socket cut in it, wherein the foot of the mast rested, then the progress of the water increasing in the hold of the vessel would be marke by its rising to the level of the top of the mast step.

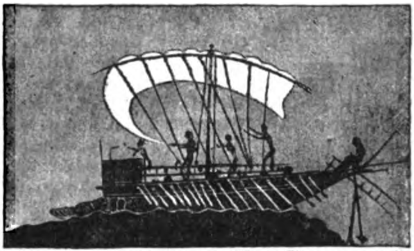
Dionysus Vessel. (Gerhardt, *Vasenbilder.*)

The unseaworthy character of the early Greek vessel is amply testified by the use and application of the word *ἄντλος*, *ἀντλεῖν*. Baling, if the weather was at all rough, was the constant and toilsome duty of the sailor, and the term became expressive of labour and sorrow. Sometimes the crew, from weariness or fright, refused to persevere (*ἀντλεῖν δ' οὐκ ἐθέλουσιν, ὑπερβάλλει δὲ θάλασσα ἀμφοτέρων τοίχων*, Theog. 673). The point is important, as illustrating one of the chief necessities of construction in the early Greek vessel. It had to be built as light as possible, because it was necessary to draw it up on shore. It was frequently subjected to the rack and strain which this process implies. Hence it is not surprising that it was liable to leak. There ensued naturally the desire to run ashore as soon as possible out of a seaway, an operation which the numerous creeks and bays on the coastline of the tideless sea facilitated. This lightness of construction, and the necessity (for so it appeared to the Greek sailor) of drawing up the vessel on shore, must not be lost sight of when we come to consider the trireme. It is one which apparently has been entirely overlooked by those who wish to identify the problem involved in the construction of ancient ships with those of the mediaeval galley and of ocean-going wooden ships of comparatively modern date, which were not subject to this requirement.

Stern of Bireme, with *κλῖμαξ*. (From Figaroni Cista.)

The epoch of the vases introduces us to the Bireme, and it is possible that in this department of archaeology fresh discoveries await us, which may contribute largely, after their kind, to the knowledge of the subject. The bireme of Phoenician type represented on the walls of Kouyunjik (Rawlinson, *Ancient Monarchies*, vol. ii. 176) is possibly of an earlier date than the vase-paintings. At any rate, we must, in all probability, refer the invention of the bireme to the shipwrights of Tyre and Sidon, if not to Egypt (see above). And here it is necessary to inquire into the character of this invention, which gave a new power to early navigation and led the way to the trireme, and so on to the *Polyeres* (*πολυήρεις*), the many-banked vessels, of later date.

It is clear that the penteconter was the typical vessel of the pirate type. The *ζυγά* (benches, thwarts), twenty-five in number, seated two men on either side. The longest oars were wielded by those who sat amidships (Apoll. Rhod. i. 395 ff.). We may take the normal *interscalmium*, or measure of interval, between thowl and thowl, to have been 2 cubits (Vitruv. i. 2, "in navibus ex interscalmio quod *διπηχαϊκὴ* dicitur"). Efforts had been made to increase speed by adding to the number of rowers, but the increased number of benches involved also an addition to the length and weight of the vessel. The term *ἑκατόζυγος* seems to point to the limit which this effort had reached. Such a galley, even if we take the epithet to mean simply 100 rowers, and therefore really only 50 benches, would have upwards of 150 feet for its length, and presents difficulties at once as to hauling on shore and turning which can easily be imagined. Some clever shipwright, when construction was thus confronted with the difficulty of the additional length and weight exceeding in disadvantage the advantage gained by increase of man-power, conceived the design whereby the motive power might be almost doubled without increasing the length or beam of the vessel. Dividing the 3-foot space between the zyga, and perhaps raising these a little, he placed a rower with a shorter oar, to work nearer the water-line, on a lower level than the men on the zyga.



War Ship of the pirate type. (From Etruscan vase.)

In fact, he seated these lower oarsmen more in the hold of the vessel (*θάλαμος*), whence they got their name of *thalamite*. It would be necessary to keep them in the same line vertically, parallel to the axis of the vessel, as there was no room to spare, and so the thalamite sat immediately behind his zygite, with his head just a little above the level of the latter's seat (cf. Aristoph. *Ran.* 1074). The experiment was tried and found feasible, and the thing was done.*

Once approved and known, the principle was sure to be widely adopted. The representations of biremes are sufficiently numerous to indicate that in the early vase period they were the typical vessel. It is remarkable that on some coasts they were never superseded. Of the famous galleys that turned the scale at Actium we read, "Ordine contentae gemino crevisse Liburnae;" and it is also to be observed that they outlived the larger rates far into the Byzantine period, as is seen in the *Tactica* of Emperor Leo. The invention of the bireme was really a much greater step in the art of naval construction than any of the subsequent improvements, which increased the numbers of banks, till the *Polyeres* in their turn became "inhabilis prope magnitudinis." The motive power was doubled; the length and bulk of the vessel hardly increased.

From the bireme to the trireme was but a small step in advance. Where this was made is not at all certain; probably in the dockyards of Tyre or Sidon. But the Greeks were quick to adopt the inventions of their Oriental rivals. Wealthy Corinth was naturally the first place in Greece to exhibit the new model, and to use its superior powers for the purpose of clearing out pirates and protecting its growing commerce (Thuc. i. 13). The Corinthian shipbuilder Ameinocles made a name and fame for himself, and marked an epoch in the maritime history of Greece, when, about the year 700 B.C., he constructed four of the new sea-going three-banked type of galleys for the Samians.

Coin of Cydonia. 450 B.C.

Coin of Pharnabazus. 400 B.C.

Before proceeding to the description of the trireme, it is necessary to insist on the fact that, according to the evidence to be gathered from ancient authorities, the principle of *one man to each oar* was always observed. The question of the arrangement of the rowers has been complicated by the neglect of this principle on the part of authors, who have sought for a solution of difficulties by reference to the mediaeval galley with its long sweeps worked by three or more oarsmen apiece. The ancients knew nothing of such a system, nor has any sufficient evidence been brought forward to support it. When we reflect that to the early shipwright sharpness and length (cf. epithets *θοή, μακρά*) were the essential ideas in the construction of the fighting galley, and that increase of beam involved increase of bulk, it is not surprising that the narrowness of the vessels should *ab initio* have restricted the length of the oar, and have, so to speak, prevented the idea of double-banking the oars from entering into their heads.

When in early mediaeval times the *Parodus* was superseded by the *Apostis*, then the system of long heavy oars, worked by two or more men, came into vogue, but not before.

It should here also be observed that the terms *Aphract* and *Cataphract* are of importance as denoting a difference and an improvement in the construction both of biremes and triremes,—a difference which has not to do with the deck (*κατάστρωμα*), but with the sides of the vessel. In the Aphract vessel the upper tier of rowers were unprotected and exposed to view, and consequently to the enemy's missiles, though in some of the earliest vessels we do see some attempt at protection in the way of planking, or (as commonly in the Vikings' ships) shields set up round the bulwarks to afford a covering to the crew. But in the Cataphract class, the rowers of the upper tier were entirely under cover, behind the wall of the Parodus, a projecting gangway, which screened them both from the sight and from the missiles of the enemy. The speciality of the construction was sufficiently important to differentiate the two classes, as Aphract and Cataphract.

In the detailed description of the trirem which follows, amid a multitude of conflicting opinions we have in the main followed Gras and Cartault as the most trustworthy authori ties. The subject, as is well known, has a vas and still accumulating literature of its own Since the discovery in 1834 of a number o inscriptions which proved to be inventories o galleys and their gear, belonging to the dock yard at the Piraeus, dating from a perio possibly not more than fifty years after th Peloponnesian war, the whole question has bee placed upon a new basis by the labours of Boeck and Graser, and after them of Cartault an Breusing. The evidence that we have to rel upon as regards ancient ships of war consists— (1) of passages from ancient authors, and (2) explanations of terms in the scholiasts and lexi cographers. Besides these, there are (for pent conters and biremes, but not for triremes) th representations on vases. The representatio on coins, though numerous, are useful only regards types, the scale being too small to giv certainty as to details. But very few bas-relie or marbles or frescoes have survived whic throw any light upon naval construction. As rule, in the representations the artist, anxious glorify the human figure, has treated all the a cessories in a conventional manner, dwarfing t rest out of all proportion. We are therefo chiefly dependent for our information up ancient texts, and must accept with caution a

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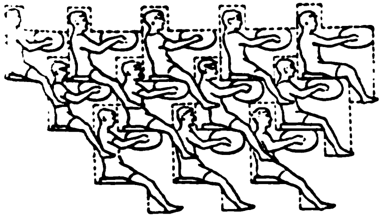
* The writer had a section of a trireme upon Graser's measurements constructed, and placed in it six oarsmen, two sets of three, to row, and the movements were not only easy, but it was practically shown that the space allowed was too much rather than too little.

theories, however plausible, which cannot find support in these, or in any way contradict their evidence.

In the classification of ancient vessels we find the termination *-ορος* referring to number of oars —*e.g.* *τριακόντορος*, *πεντηκόντορος*: whereas the termination *-ήρης* or *-κροτος* refers to banks of oars—*e.g.* *μονήρης*, *διήρης*, *τριήρης*, up to the *ἑκκαιδεκήρης* of Demetrius Poliorcetes and *τεσσερακοντήρης* of Ptolemy Philopátor; *μονόκροτος*, *δίκροτος*, *τρίκροτος*, *κ.τ.λ.* It is this question of the superposition of the banks of oars which is the main problem to be solved. These banks or ranks of oars were called *στίχοι* or *ταρσώματα* (Poll. i. 93). In the trireme there were three, called respectively *θρανῖται*, *ζύγιοι* or *ζυγῖται*, and *θαλάμιοι*, *θαλαμῖται* or *θαλάμακες*. Of these the thranites rowed with the longest oars, and were the highest; the zygites occupied the middle stage; the thalamite the lowest, and these used the shortest oars, and earned least pay because they rowed with short oars (*διὰ τὸ κολοβαῖς χρῆσθαι κώπαις*, Schol. *ad* Thuc. vi. 31). That the rowers in three ranks in the trireme cannot have been separated by decks, as some authors have held, is sufficiently proved by the passage in Aristophanes (*Ran.* 1074). The thranite sat nearest the stern, the zygite next behind him, and the thalamite nearest the prow in each set of three, which was thus arranged obliquely, probably, though not certainly, in the same vertical plane.

In the trireme the number of thranites was 62; of zygites, 58; thalamites, 54. This gives on each side the series of 31, 29, 27; the reduced number in the lower ranks being necessitated by the contraction of the space nearer the water-line, owing to the curvature of the vessel's sides. Hence at each end of the vessel we find in the *ἔγκωπον*, or rowing space, one zygite and two thalamites less than the thranites. The whole ordinary rowing strength of the triremes was 174. Sometimes the supernumeraries (*περίνεῳ*) had to help with oars, the length of which is given in the Attic tables: these are supposed to have rowed from the Parodus, and to have struck the water beyond the thranite oars. Their length is given as 14¼ feet. We have said that the oarsmen sat probably in the same vertical plane, disposed obliquely one behind the other, the thranite of each set of three being nearest the stern. It is probable that the thranite oars were a little shorter than those of the *περίνεῳ*, mentioned above. They would in fact be not very much longer than the oars ordinarily in use in our University eights.



Complexus Remigum. (From Cartault.)

The horizontal space between two men of the same bank was 3 feet. The zygite seat was 1 ft. behind the thranite; the thalamite the same distance behind the zygite. The zygite seats were 2 feet below the level of the thranite, and the thalamite the same below the zygite. This disposition of the rowers as illustrated by the figure seems at first sight to be crowded, but the practical experiment, tried as above mentioned, showed that the oarsmen had plenty of room for the movement of their oars, and that there was no danger of clashing with the oars of separate banks. The motion of rowing was, as shown in the bas-relief of the trireme figured below, with very little forward inclination of the body. The arms were well extended, and then the weight of the body thrown on the oar, the course of the stroke following the *ὠὸπ ὄπ*, or the *ῥυππαπαί*, with the incidence of the blade in the water at the last sound (*e.g.* *ὠὸπ* marking the recovery, *ὄπ* the stroke).

Acropolis Trireme. (From Baumeister.)

In rowing the zygites fell back between the knees of the thranites, and the thalamites between those of the zygites; the two upper banks having an *appui* for their feet on either side of the man in front of them in the next bank below. The port-holes for the thalamite oars are placed by Graser at 3 feet above the water-line (Cartault reduces this distance to 1 ft. 6 inches); and if we allow 1 foot above the heads of the thranites (including the thickness of the deck and the cross timbers supporting it), we have the deck of the trireme 11 feet above the water-line. The zygite port-holes were vertically 2 feet above the thalamite, and the thranite the same distance above the zygite; the zygite port-hole was horizontally 1 foot nearer the bows than that of the thranite of the set of three to which he belonged, and the thalamite port-hole 1 foot nearer the bows than that of the zygite of his set. Taking the Vitruvian interscalmium of 2 cubits as the normal scale, we shall thus have 94 feet for the *ἔγκωπον* or rowing space of the trireme.

Viewed from within, if we adopt Graser's hypothesis, the trireme must have had, when ready for sea, and before the crew had come on board, the appearance of a long cloister, a central space of 7 feet, and on either side uprights corresponding to the vessel's ribs 3 feet apart and forming the support of the deck. From the foot of each of these uprights a strong piece of timber, probably cut plank-wise, inclined at an angle of about 62°, reached to the head of the upright next to it nearer the stern. Between these and the vessel's sides were attached the zyga or rowers' seats. These seats were part of the ship's furniture, and removable, as is seen from the Attic tables. A vessel fitted with them was said to be *διάζυξ*: not fitted, *ἄζυξ*. To the system of upright and inclined timbers thus constituting the rowing quarters of the crew, Graser attaches the term *διαφράγματα*. (Boeckh, xiv. 6, 145; *Inscr.* 3144, 3271, 3124.)

The crew was so densely packed that, as we learn from a passage in Cicero, there was not room for one man more. They entered in a regular order and took their places in accordance with the strictest discipline, and similarly disembarked. Each man had a cushion (*ὑπηρέσιον*) to put upon his bench. The oars appear to have been graduated as regards length inboard, so that those amidships were longer inboard, though striking the water in the same line parallel to the axis of the vessel with those of the same bank. (Hence the comparison of Aristotle and Galen to the fingers.) This confirms the opinion that the oarsmen in the trireme sat all in the same vertical plane, or nearly so; the thranite seat in the trireme being about 7 ft., the zygite 5 ft., and the thalamite 3 ft. above the water-line. This would give us 13 ft. 6 in., 10 ft. 6 in., 7 ft. 6 in. respectively for the average length of the three banks; the midship oars having somewhat more inboard, and possibly a heavier blade than those fore and aft. The Virgilian "triplici pubes quam Dardana versu Impellit, terno consurgunt ordine remi" (*Aen.* v. 120), gives an exact picture of the stroke (*versus*), i.e. the work of the oar in the water, and the recovery (*consurgunt*). In the trireme the triple *versus* were 2 ft. 6 in. apart, on a line at right angles to the vessel's side. The recovery would exhibit the oars rising in three banks. The rowing port-holes were protected by leathern bags (*ἀσκώματα*), through which the looms of the oars passed. These, if the sea was at all rough, prevented the wash from coming through the oarports. The oars were apparently, if we may judge from the representation from above (p. 215 *b*), rowed with the lower hand over and the upper hand under the oar. This implies a considerable angle to the water. Perhaps the thalamite had both hands over. It is a moot point whether they rowed against the *σκαλμός*, the wooden pin or thowl, or against the thong (*τροπωτήρ*) by which the oar was fastened to it. Looking at the weight to be moved, it seems not improbable that the latter was the case. At any rate, it is very frequently so in the Levant at the present day. They would certainly have been less liable to breakages at starting. The position of the oars, as shown in the woodcut above (p. 212), would seem to indicate that this was the case in the penteconter.

According to Graser, the floor of the vessel (*ἔδαφος*) was 1 foot above the water in the Cataphract class. Below this was the hold, and through the floor a hole through which the buckets used in baling were passed. The keel (*τρόπις*) had considerable camber. Under it was a strong false keel (*χέλυσμα*), very necessary for vessels which were frequently drawn up on shore. Above the keel was the kelson (*δρύοχον*, *columba*), under which the lower ends of the ribs, probably 3 feet apart, were fastened. Above the kelson lay an upper false keel (*δευτέρα τρόπις*), into which the masts were stepped.

The stem-post (*στεῖρα*) rose at an angle of 69° to the water from the keel; within was an apron (*φάλκης*), giving solidity to the bows, which had to bear the weight of the beak and of concussion. The stem was carried upwards and curved sometimes forwards, but generally back, terminating in an ornament called the *acrostolium* (*ἀκροστόλιον*). Of this every variety is to be seen upon the coins.

The stern-post was carried up at about the same angle as the stem, curving upwards and forwards, and terminating in an ornament called *ἄφλαστον*, *aplustre*. Sometimes, as shown chiefly in later instances, the stern-post was ornamented by a swan or goose head (*χηνίσκος*). curving downwards behind the prolongation of the stern-post, symbolising no doubt the floating powers of the vessel.

Round the hull of the vessel, horizontally at about the level of the feet of each bank of rowers, stretched waling-pieces (according to Graser, *νομεῖς*: Cartault, *ζωστῆρες*), and in the case of the Attic triremes the sides of the vessel were again strengthened by long cables (*ὑποζώματα*), which were bound round the ship from stem to stern. These tightened by shrinking when wet, and gave additional security to the vessel, which from her length and narrow beam and lightness of build was apt to strain in bad weather.

On either side of the vessel, about the level of the thranitic bench, projected the gangway (*πάροδος*, *fori*), giving probably a passage of about 3 ft. wide. The Parodus was supported by brackets, the lower ends of which found a footing in the waling-piece below, and probably an attachment to the ribs. It was also fenced in by an upright bulwark extending the whole length of space occupied by the rowers. The ribs from a point below the Parodus curved upwards and inwards to a level 10 inches above the heads of the thranites. Upon them at this height were placed the cross-beams (*στρωτῆρες*) which supported the deck (*κατάστρωμα*). This was a clear 3 feet above the *πάροδος*, thus allowing the marines (*ἐπιβάται*) in action free play for their weapons over the heads of the supernumeraries (*περίνεῳ*) and seamen whose place was in the *πάροδος*.

On either side the main deck rose an open lattice-work (*cancelli*), seen as such in Aphract vessels, but in the Cataphracts usually covered with hides, or with goat's-hair curtains (*cilicium*), such as St. Paul may have worked at with his hands.

Beyond the space occupied by the rowers there was the *παρεξειρεσία* of 11 feet at the bows and 14 feet at the stern, which took the place of the *ἴκρια*, noticed in the Homeric vessels. In the bows there was an elevated forecastle, serving to protect the vessel in a seaway from the waves, and as a station for fighting men in combat. On either side of the bows was a hawse hole which figured as the eye (*ὀφθαλμός*) of the vessel. Here also was the *παράσημον* or badge of the vessel. Behind this projected the catheads (*ἐπωτίδες*) on either side, which in the case of the earlier Attic triremes seem to have been merely sufficient to hold the anchor. They afforded, however, a natural protection to the parodus. In the Corinthian build these were greatly strengthened and backed with stays (*ἀντηρίδες*, Thuc. vii. 36) within and without, so as to receive the impact of the light Athenian trireme, and to inflict the damage they were intended to suffer.

In front of the stem the prolongation of the two upper waling-pieces, meeting from either side, projected one above the other and were called προεμβολίς, προεμβόλιον, respectively. The purpose of these seems to have been to give a vessel when pressed by the beak a racking blow above, thus making her heel over and easing her off, so that the attacking vessel might more readily disentangle herself by backing water. Underneath the prolongation of the lower waling-pieces, and probably of the keel itself, met and formed the ἔμβολον, *rostrum*, or beak, at about the water-level (in the early times a little above, later below): this was generally cased with metal. In the earlier Attic vessel it projected about 10 feet. The success of the Corinthian build seems to have led to a shorter form, and a division into three teeth, which took the place of the long sharp spur. The elevation of the spur was necessary in the lighter vessels, which were frequently beached and drawn up on the shore. In the larger rates, with which this was no longer feasible, the spur came to be depressed, and, when thus shown in artistic representations, indicates a later date.


Prow of Trireme. (From Greek terra-cotta vase in British Museum.)

Quarter-decks.—At the stern was a raised quarter-deck on which the helmsman (κυβερνήτης) and the trierarch or captain had their place. The quarter-deck was the sacred part of the ship. Here was the image of the patron god or goddess (Eur. *Iph. A.* 209). Here also near the stern rose the flagstaff, on which was hoisted the pennant, and from which, in the case of the admiral's ship, the red flag gave the signal for action, and such other signals for manœuvring as were from time to time required.

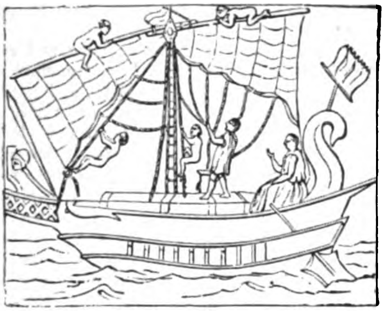
Steering gear.—The trireme was steered by two paddles, which worked in sockets attached to either side of the vessel. These had tillers (οἴακες) in the upper part of the loom (αὐχήν), by which the helmsman could turn the blades at an angle to the vessel's course. In the larger ships, quinqueremes and upwards, it is probable that the steering was effected by means of a rope (χαλινὸς) attached to the tillers, and passing over wheels (τροχιλίαι), which gave the helmsman the power to turn both rudders by a single effort simultaneously.

The trireme had at least two masts (ἱστὸς μέγας, ἱστὸς ἀκάτειος), but it is to be remembered that the use of sails was auxiliary, and not its normal mode of propulsion. When any fighting had to be done, it was relieved, if possible, of the weight of large mast and sails, which were left ashore. Hence it is difficult to agree with Graser in his restoration of a full-rigged trireme with three masts, and enough canvas spread for a modern man-of-war.

The μεσόδμη of the Homeric vessel had its place taken by παραστάται, uprights, which had their footing on either side of the ληνὸς or mast-hole, into which the heel or foot of the mast (πτέρνα) was stepped. The παραστάται were attached to the mast by a collar (κλοιός). The aperture in the deck through which the mast passed was sometimes called ἱστοδόκη. Wedges (σφῆνες) were driven in round the mast so as to keep it tight (Ap. Rhod. i. 1204). The mast when lowered rested upon a crutch aft (ἱστοδόκη, κάπηξ). At the top of the mast was the ἠλακάτη, which was encircled at its base by the top (καρχήσιον), itself surrounded by a breastwork (θωράκιον). Above was a small mast (ἄτρακτος), which carried the pennant (ἐπισείων). The sail was carried on a yard (ἐπίκριον, κεραία), sometimes made of two pieces (Athen. xi. p. 475). It does not appear anywhere that more than one yard was carried by any mast, though spare yards were supplied to the Athenian navy. The yard was attached to the mast by a collar (ἄγκοινα, ἄγκοινα διπλῆ); and if we can take Servius (*ad Aen.* v. 489) as an authority, the ancients were not unacquainted with "parrels," wooden balls, which enabled the collar to be run up and down the mast without sticking ("malus quibusdam malis ligneis cingitur quorum volubilitate vela facilius elevantur"). The yard was hoisted by halyards (ἱμάντες), which passed over τροχιλίαι in the καρχήσιον. The terms κάλοι, κάλωες, were generally applied to all the cordage of the rigging, and specially in larger vessels to the shrouds which served to keep the mast in its place.

The sail (ἱστίον) was often made up of pieces made separately and stitched together (whence the plural ἱστία often means only a single sail). The only kind of sail known by the Greeks, according to Boeckh (*Urk.* 141), was the square sail. The *velum triangulare* of the Alexandrian corn ships was of later date. The sails were often strengthened, when made of separate pieces, by strips of leather sewn over the stitching. (Cf. bas-relief from Pompeii, Smith, *Voyage and Shipwreck of St. Paul*; Joseph. *Ant.* iv. 8, 37, παρὰ τὸν ἱστὸν ἐπὶ πολὺ ἕστημεν ἀναβλέποντες ἀριθμοῦντες τῶν βυρσῶν τὰς ἐπιβολάς.) The sail was fastened to the yard by the περιτόνιον, which passed through eyelets (κρίκοι) made in the border of the sail (cf. παρακρούειν). At the lower extremities of the sail were the sheets (πόδες) and tacks (πρόποδες).

The ancients, instead of reefing, appear to have brailed up their sails (*στέλλειν*, *παραιρεῖν*, *συστέλλειν*), so as to reduce the area exposed to the wind; and thus either from the side, or from underneath along its whole length (Arist. *Prob.* 7; Ar. *Eq.* 434, Schol.). (See Graser, *Gemme*, for numerous instances.) The word *ἀναστέλλειν* seems to have been used for unbrailing the sail, where we should "shake out a reef" (cf. *ἐξιέναι*, Pind. *Pyth.* i. 176).


Brailling the sails of a *moneris*. The *ἐπισείων* is shown at the stern. (Mazois, *Pomp.* i. 22.)

The yard in good weather was hoisted to the top of the mast (Ar. *Ran.* 999), but, if the wind freshened, was lowered. Braces (*ὑπέραι*) were in use in order to give the yard a position oblique to the keel (cf. Verg. *Aen.* v. 16, "Obliquatque sinus in ventum"). The representations show also "lifts," but the proper term is doubtful. Κερουλκός (Lat. *ceruchus*, Luc. *Phars.* viii. 177) is perhaps right.

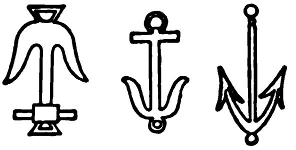
The trireme carried two masts, the main mast (*ἱστὸς μέγας* or *γνήσιος*) and a small foremast, placed near the forecastle, and more nearly related to the modern bowsprit than to the modern foremast. Later the *ἴστιον ἀκατεῖον*, spritsail, was called *ὁ δόλων*, and later still *ὁ ἀρτέμων* (Acts xxvii.). In all probability the Greeks never used sails for combat. The manœuvres depended on the oars for motive power. The attempt to combine the use of the sail, where great agility in turning and much backing water (*πρύμνην ἀνακρούειν*) were constantly required, could only have complicated matters unnecessarily, and led to disaster (Xen. *Hell.* vi. 2, 27; Liv. xxvi. 39). Ramming tactics would hardly have been pursued with mainmast and its gear standing. It is probable, however, that the *ἱστὸς ἀκατεῖος* was used with its yard for the employment of the *δελφίς*, a heavy weight, which, on coming alongside of the enemy's vessel, could be dropped on his deck (cf. Thuc. vii. 25, where the bowsprits are used to draw the piles in the port of Syracuse).

The sprit-sail might be used to ease the rowers, but would be furled on approaching the enemy. In the same way it might be set for the purposes of flight, whence the expression in Plutarch, *τὸ ἀκάτιον αἴρεσθαι*, "to slip out of danger." (Cf. Suid. *s. v.* *δόλων*: Diod. xx. 61; Liv. xxxvi. 44; Eur. *I. T.* 1132.)

Anchors.—For anchors, the Homeric vessels used stones (*εὐναί*), perforated so that a cord could be passed through them. Anchors properly so-called are said to have been invented by Anacharsis (Strabo, vii. p. 303; Schol. *ad* Ap. Rhod. i. 1277). The anchors were furnished with flukes (*ἄγκιστρα*), and from the representations it is clear that in most cases they had stocks and crowns. By the ring fastened to the latter they were buoyed. (Cf. Hesych. *s. v.* *σαργάναι*: Paus. viii. 12.) The anchor was carried in the bows, sometimes over the spur (Pind. *Pyth.* iv. 342:

ἐπεὶ δ' ἐμβόλου
κρέμασαν ἀγκύρας ὕπερθεν):

though Breusing thinks that the *ἐπωτὶς* is here intended by the word *ἔμβολον*. Vessels of war carried more than one anchor. Boeckh (*Urkund.* p. 166) gives four to the Attic trireme. The heaviest was called *ἱερά* (Lucian, *Jup. Trag.* 51) and used in the last resort. We find chain cables for anchors mentioned as used by the Veneti (Caes. *Bell. Gall.* iii. 13).


Ancient Anchors. (Baumeister, *Denkm.*)

We have now mentioned the principal details of equipment in the Greek man-of-war. For other nautical terms and their meaning, the reader is referred to the Glossary appended to this article.

The dimensions of the trireme were, according to Graser:—

	Feet.
Length of *ἔγκωπον*	124
Bows	11
Stern	14
Total length	149
Breadth at water-line	14
At Parodus	18
With Parodus	21
Space between diaphragmata	7
Deck in Cataphract class above water	11
Draught	8¼
Depth of hold	10¼
*Capacity of trireme	232¼ tons

Measurements, &c., according to Cartault:—

	Feet.
Length of *ἔγκωπον*	94
Bows	9
Stern	10
Total length	113
Breadth at water-line	12
Breadth at Parodus	15·31
Deck above water	10
Draught	6

M. Cartault reduces the height of the thalamite port-holes above the water to 1½ ft., so as to diminish the instability which forms the obvious objection to Graser's dimensions given above.

Taking the proportions in the Acropolis trireme to be exact, and the distance from seat to seat

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* Graser's calculation of the capacity of the trireme at 232¼ tons seems excessive.

and hand to hand to be the normal 3 feet, and applying the scale thus obtained, the height of the Aphract trireme would appear to be even less than that assumed by M. Cartault; that is to say, apparently not more than 8 feet, if so much, from the under-side of the deck to the water-line.

As all the Attic triremes seem to have been made on the same model, their gear was interchangeable, an arrangement which, in a fleet of from 300 to 400 vessels, was of the utmost importance for refitting.

The regular crew of the Attic trireme consisted probably of 220 persons. Of these 174 were rowers, viz.: 62 thranites, 58 zeugites, 54 thalamites. To these must be added 10 epibatae, 17 sailors, 1 trierarch, 1 *κυβερνήτης*, 1 *πεντηκόνταρχος*, 2 *τοίχαρχοι*, 1 *πρωρεύς*, 1 *κελευστής*, 1 *τριηραύλης*, 1 *ἐσχαρεύς*, making the total number 220.

The number of epibatae varied greatly, and depended on the style of fighting preferred. The Athenians held to speed and dexterity in the use of the ram, and so carried but few fighting men. Xerxes' great fleet carried 30 marines to each trireme. Each Chian vessel at the battle of Lade had 40 picked men as marines on board. The Corinthians and Corcyreans had their decks crowded at the battle of Sybota; and in the great harbour of Syracuse, where there was no space for their favourite manœuvres (*Diecplus* and *Periplus*), the unfortunate Athenians found themselves obliged to imitate their enemy's tactics with disastrous results to themselves (Thuc. vii. 70).

The bulk of the rest of the ship's company consisted of the sailors, who were under the orders of the *κυβερνήτης*, and whose duties were connected with the mast and sails and tackle of the ship, and who are supposed sometimes to have manned the oars called *περίνεω* in the Attic Tables.

Besides these were the officers, five of superior rank, viz.: 1. The Trierarch or captain was supreme on board his own vessel, though under the orders of the *στρατηγὸς* when in company with the fleet (Dem. *c. Polycl.* p. 1212, § 19). Many Athenian trierarchs were no doubt practised seamen, but the state burden of trierarchy must constantly have fallen upon men less competent to command a vessel. Hence the great need of having as second in command a professional seaman. This was (2) the *κυβερνήτης*, originally the actual helmsman, but in later times the master of the vessel, under whose orders were the seamen and the whole crew. He had probably risen from the ranks, and passed through all the various stages of promotion, so as to have intimate and special acquaintance with his professional duties (Ar. *Eq.* 541). It is probable that the trierarch had to find the officers, though he might have the crew furnished by the state *ἐκ καταλόγου*. Naturally it would be of the greatest importance to him to obtain the services of a first-rate *κυβερνήτης*, on whose skill depended the navigation of the vessel and its safety at sea. The references to his art (*κυβερνητική*) in the philosophers are sufficient to show the high estimation in which it was held (Plat. *Rep.* vi. p. 448 E; *Gorg.* p. 511 D; Arist. *Rhet.* 2, 21). The inferior officers were immediately under his command, and through them the crew, especially that part which was towards the stern of the vessel. (Xen. *Anab.* v. 8, 20; *Econ.* 8, 14.)

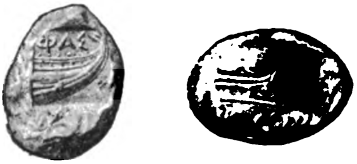
Next under the *κυβερνήτης* of the navigating officers was the *πρωρεύς* (Plut. *Agis*, 101), who had charge of the crew in the forepart of the vessel, and was also responsible for the look-out. Under him two *τοίχαρχοι* superintended the two lines of rowers, one on each side; the discipline of the motive power of the vessel being thus provided for, while the voice of the *κελευστής* and the flute of the *τριηραύλης* provided the harmony to which the pulsation of the stroke and the throb of the recovery against the thowl-pin responded in unison.

Besides these an important personage on the staff of the trireme was the *πεντηκόνταρχος*, who was immediately under the trierarch. (Dem. *c. Polycl.* pp. 1212, 1214, §§ 19, 24; Plato, *Leges*, iv. p. 507 A.) His function was to buy all the necessary stores, and to feed and pay the crew, and, in a word, to attend to the general economy of the vessel. Under his orders for these administrative purposes the *κελευστὴς* seems to have been placed.

An interesting question arises after the consideration of the construction and the motive power of the trireme; viz. what rate of speed could be obtained? Unfortunately the instances from which any deduction could be drawn with certainty as to this matter, are rare and inconclusive. The pace of sailing vessels has indeed numerous illustrations (Ap. Rhod. i. 602; Lycurgus, *Leocr.* 17 and 70; Thuc. ii. 97). The conclusion drawn as to these may be stated as giving them from six to eight miles an hour, under favourable circumstances. Now the trireme must have been able to overhaul the sailing vessel. It was a cause of terror to its enemies and admiration to its friends by reason of its speed (Xen. *Occon.* 8, 8). Yet measuring the man-power as compared with horse-power even at the ratio of 8–1, which would give, with Graser, about 24 horse-power for the propulsion of the trireme, it is difficult to obtain a very high rate of speed as a result. Graser cites an instance (Xen. *Anab.* vi. 42) in which it is stated that from Byzantium to Heraclea in Bithynia (a distance of about 150 nautical miles) could be rowed in a day by a trireme, and was a very long day's work. From this he deduces a pace of from 9 to 10 miles an hour. But the passage does not absolutely exclude the use of sails as an auxiliary motive power. Given a long vessel with fine lines, strongly built in its lower parts, with all the lines of resistance converging to the beak, which would receive the shock in ramming, while the upper works were built as lightly as would be consistent with carrying the weight of the crew and the mast and sails and their gear, we may conceive a pace of 8 or 9 knots to have been possible with a strong and well-trained crew. Such speed, if at any time, was attained by the *καλαὶ τριήρεις* of Athens in the days of her glory, when her maritime superiority was acknowledged by friends and foes alike.

At this point, before quitting the trireme, we may touch on the development of the ram or beak, and its effect upon naval tactics. Pliny refers the invention of the ram to Piseus, a

Tuscan pirate, but there is not much to support his statement. The indications given in the Egyptian wall representations (cf. p. 208) incline us to infer that the East and not the West was the parent of the invention. As we have seen, there is no indication of its existence in Homer. The Assyrian bireme given above is perhaps the earliest actual representation of the beak. In Diodorus, Semiramis is credited with the construction in Bactria of vessels of war with brazen beaks, the crews of which were furnished from Phoenicia and Syria. The early Greek types as shown on the vases present a projecting beam for a beak often fashioned into the likeness of some sea-monster's head. Behind this the line of the forecastle ascends sharply at almost a right angle. We trace in the coin of Phaselis and in the coin of Samos figured here, a tendency to fill up the angle thus formed, and the fore-part of the vessel thus assumes the look of the boar's head (cf. Herod. iii. 59), which became typical of the Samian navy. Hence the *Samaena* with which the Samian prisoners were branded by the Athenians (440 B.C.), which Plutarch explains to be the image of a kind of vessel invented by Polycrates, low in the fore-part, wide and hollow in the sides, light and expeditious for sailing, and with a curvature of prow like a boar's head (*ὑόπρωρος τὸ σίμωμα*).



Coins of Phaselis. B.C. 480.

Coin of Samos. B.C. 494.

The Attic trireme was on finer lines, the lowest waling-pieces on either side prolonged to meet a strong timber projecting from the end of the keel, which still had considerable camber, met so as to form a strong beak just above the water-level. The shock of ramming would thus be received along the line of greatest resistance. But with this exception the lightness necessary to the speed of the Athenian trireme forbade any accumulation of heavy timbers elsewhere. Hence when the Corinthians, cutting down the bows of their vessels, shortening the beaks, and greatly strengthening the two catheads on either side, determined to meet the Athenians stem-on (*προσβολή*), which was thought by the latter a clumsy and unseamanlike manœuvre, the solid work of the Dorian vessels was sufficient to receive the blow of the Athenian beak and to break up the light work behind it, while the great catheads served to tear away the *παρεξειρεσία* and parodus, and exposed the *ἔγκωπον*.

From this time, whatever might remain for skill and speed to do by way of manœuvring the trireme in the open sea, yet the increase of weight naturally led to the attempt to increase the motive power; and first, quadriremes, then quinqueremes, and then in quick succession hexeremes, octeremes, and from ten up to sixteen banks of oars ("inhabilis prope magnitudinis") came into vogue, culminating in the gigantic toy of Ptolemy, the TESSERACONTERES.

Demetrius. B.C. 294–287.

The manœuvring of a fleet can only be glanced at briefly here. Sailing in "column line ahead" (*ἐπὶ κέρως*), in as many lines as the admiral (*στρατηγός*) ordered, the fleet came when in view of the enemy into "column line abreast" by the manœuvre called *παράταξις*. The formation of a circle, especially by those who wished to stand on the defensive, is not without instances; but this formation had manifold disadvantages, as the Peloponnesians discovered to their cost in the battles against Phormio in the Corinthian Gulf (Thuc. ii. 83). The formation of a semicircle (*lunata classe*, *μηνοειδεῖ στόλῳ*) was also common (Herod. viii. 16; Lucan, iv. 45; Prop. iv. 380; Veg. iv. 45). The common manœuvres of attack were: first the *diecplus* (Herod. vi. 12, 15; Thuc. i. 49, vii. 36), rowing through the enemy's line, doing what damage was possible with missiles in passing, and then turning suddenly and ramming him before he could get round. To effect this successfully was regarded as the acme of skill. Second, the *periplus* (Xen. *Hell.* i. 6, 31; Thuc. ii. 84: Ar. *Ran.* 535), in which, while the front line attacked as usual, a portion of the squadron wheeled round (as in cavalry tactics) and took the enemy's fleet in flank.

Antigonus. B.C. 292.

Leucas. B.C. 200.

Ships lightened before naval action.—Polyb. i. 61; Liv. xxii. 14, xxxvi. 43.

Action only in calm weather.—Veget. iv. 43; Lucan, iii. 522; Liv. xxv. 27, xxvi. 39.

Action avoided in narrows by superior fleet.—Veget. iv. 46; Thuc. ii. 83 ff. (Phormio); Appian. *B. C.* v. 96 (Calvisius); Polyb. i. 49 (action of Romans with Adherbal); Liv. xxviii. 40; Diod. Sic. xiii. 49 (Athenians and Mindarus); Polyaen. iv. 6 (Nicanor).

Sails taken in before fighting and masts lowered.—Liv. xxxvi. 44; Polyb. i. 61; Xen. *Hell.* vi. 2 (Iphicrates).

Small sails used in flight.—Liv. xxxvi. 45 ("sublatis dolonibus effuse fugere"); Herod. vi. 14 (Samians, from Lade); Polyb. xvi. 15.

Orders of battle.—Liv. xxxvi. 44, xxxvii. 23; Polyb. i. 49, 61; Diod. Sic. xiii. 97.

Semicircle.—Lucian, iv. 45; Silius, xiv. 367; Polyaen. iii. 10 (Timotheus); Propert. iv. 380; Herod. viii. 16; Veget. iv. 45.

The defeat of the Athenians at Syracuse, and the success of the Peloponnesian shipwrights in their improvements in the build of their vessels, led to further innovations. The quadrireme (Plin. *H. N.* vii. § 57; Diod. xiv. 41, 42, probably invented by Carthaginians and adopted by Dionysius of Syracuse, about 400 B.C.) added the motive power of 66 more oars to a length and breadth but slightly increased. The quinquereme, which practically superseded the trireme as the typical *man-of-war* in the 3rd and 2nd centuries, had a complement of 300 oarsmen, according to Polybius (i. 26, 7), while the increase in height and general dimensions was not very great. The Athenians appear to have had a certain number of quadriremes in their navy by 330 B.C.; the first quinqueremes mentioned in the Attic Tables (Boeckh, *Urk.* xiv.) belong to 325 B.C.

The following table gives the relative proportions, according to Graser:—

	Trireme.	Quadrireme.	Quinquereme.
Length	149	158½	168
Breadth at water-line .	14	16	18
Greatest breadth . .	18	22	26
Height of deck above water-line. . . .	11	13	15
Draught	8½	10	11½
Total height. . . .	19½	23	26

These figures in all probability admit of some reduction, but the proportion may be regarded as correct.

Graser gives the number of rowers thus:—Trireme, 174; quadrireme, 240; quinquereme, [illegible]: hexeres, 384; hepteres, 462; octeres, 514; enneres, 630; deceres, 720.

The quinquereme was soon exceeded, though not superseded, by larger rates. It plays the most important part in naval history up to the time of Actium, when with the victory of the Liburnians the larger rates fell into disrepute, and the art of constructing them gradually decayed. (The student will find interesting descriptions of naval actions and manœuvres in Xen. *Hell.* i. 6, i. 1, vi. 2; Polyb. xvi. 2–9.)

The Romans, though not a seafaring people, appear from the treaty with Carthage to have been familiar with the sea, and to have had maritime interests as early as the time of the Kings. The existence of duumviri navales, officers charged with repairing the fleet, the right of electing whom was transferred to the people in 311 B.C., proves that the state had, at that time and previously, some naval force. And coins of a date as early as 350 bear the representation of the bows of a ship, of a type more rude and bluff than the Greek, but still very possibly borrowed from the Greek cities in Magna Graecia. In the instances exhibited by the coins, which belong to the half-century preceding the First Punic War, there are apparently two varieties of construction. In one the depression of the beak is remarkable, and the timbers which support it appear to be compacted with cross-pieces. These vessels were probably triremes. In the year 303 B.C. a treaty was made with the Tarentines, by which the Lacinian Promontory was made the boundary beyond which the Roman war-ships were not to pass. L. Cornelius in 282 B.C. violated that treaty, and was defeated by the Tarentines with the loss of half his fleet. The Samnite wars seem to have diverted the attention of the Romans entirely from maritime affairs, and at the beginning of the Punic wars they were practically without a fleet. ~~They then~~ first seem to have realised ~~the~~ fact that in the conflict which was before them, the mastery of the Mediterranean was an absolute necessity, not only for the protection of their own coasts, which already had suffered from the descents of the Carthaginian fleets, but also as the first step towards empire (Polyb. i. 20, 21). Hence in the year 260 B.C., when a Carthaginian quinquereme which had been driven on shore fell into their hands, they determined to construct a fleet of similar vessels. No less than 100 were built in six weeks, while their future crews were practised rowing in frame-work set up on land. Cn. Cornelius with seventeen of these vessels sailed in advance to attack the Carthaginians. He was himself attacked and taken with all his vessels. Duilius, who then took the command of the fleet, by the invention of the *corvus* (Polyb. i. 22, 23)—a swinging bridge with a heavy iron spike, which, when let fall on the enemy's deck, not only grappled his


Roman coin. B.C. 350.

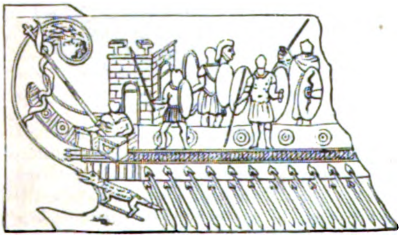

Roman coin. B.C. 320–270.


Roman coin. B.C. 216–199.


Roman coin. B.C. 91.


Roman coin. B.C. 38.

vessel, but gave the boarders access to it—was enabled to neutralise the ramming tactics of the Carthaginians and their superior naval skill. The battles of Mylae and of Ecnomus, in which the Carthaginians were defeated with great loss, were the prelude of maritime dominion to Rome. The importance of the ram was thus much diminished, and in the coins of the century following we see the ram much less projecting and apparently less strongly supported. On the other hand, the δελφίς, great beams and great grappling hooks, iron hands, and *falces* with curved steel heads, such as those with which the sailing vessels of the Veneti were crippled by Caesar off the coast of Gaul (Caes. *B. G.* iii. 14), came into use and favour. Great towers—*turres* ("alta navium propugnacula")—were placed in the bows,—whence our term "forecastle,"—from which missiles could be showered on the enemy's deck. Vipsanius Agrippa is credited by Servius with an invention by which these could suddenly be raised when coming into action, so as to take the enemy by surprise. In all the naval battles in which the Roman fleets engage, the main object of their tactics seems to be to leave as little as possible to seamanship and skill, and to come to close quarters and a hand-to-hand fight as soon as possible. In a word, boarding-tactics superseded ramming tactics.


Bireme. (From Winckelmann, *Mon. Ined.* 207.)

(The student will find interesting accounts of Roman naval actions in Polyb. i. 61;—Liv. xxxvi. 44, 45; xxxvii. 24, 30.)

As early as 190 B.C. the use of fire (Liv. xxxvii. 30) in a naval action is mentioned. Later, Siphons, the precursors of artillery, launched Greek fire rocket-fashion against the enemy.

The Liburnian galleys were biremes (Lucan, iii. 534: "ordine contentae gemino crevisse Liburnae"). According to Suidas, *Λιβυρνικαὶ ἦσαν οὐ κατὰ τὸν τριηραρχικὸν* (lege *τριηρικὸν*) *ἐσχηματισμέναι τύπον, ἀλλὰ ληστρικώτεραι χαλκέμβολοί τε καὶ ἰσχυραὶ καὶ κατάφρακτοι καὶ τάχος αὐτῶν ἄπιστον*. The name seems to have been taken from the vessels of the Liburnians, an Illyrian race, inhabiting the islands of that coast and much given to piracy. The name Liburnian, in the same way as the name trireme, came afterwards to be used for any ship of war. (Appian, *Mithr. proem.*; Vegetius, iv. 57.)


Coin of Hadrian.

In the time of Trajan, some attempt was made to build larger rates than biremes, and Valentinian had quinqueremes constructed. But in the Byzantine period no vessels with more banks than two appear; and the tendency is to return to single banks, which, according to the Emperor Leo (*Tactica*), are called *γαλαῖαι*, "galleys."

Under the Emperors two great naval stations were established for the fleets that were intended to keep the peace of the Mediterranean: (1) at Ravenna, for the east; and (2) at Misenum, on the Campanian coast, for the west. There were also guard-ships regularly stationed on the coast of Gaul at Forum Julii (Fréjus) and Portus Herculis Monoeci (Monaco). But after Actium there is little to interest us in naval affairs, with the exception perhaps of Germanicus's operations in the North Sea, and at a later date the war with the Vandals, for which Procopius is our authority, until the time of the Byzantine Emperor Leo (800 A.D.). No student of naval history should omit to read the chapters of the *Tactica* which refer to the construction and equipment of a fleet. In the following centuries came the invention of the "Apostis" (a projecting framework, upon the edge of which were set the thowlpins, thus enabling oars of greater length to be used) and the birth of the mediaeval galley, which, with its construction "alla Scaloccio" and its long sweeps worked by several men, was a vessel quite distinct from the ancient men-of-war.

One point remains yet for consideration, viz. the manning of ancient navies. In the fleet of Agamemnon, as we have seen, they were *αὐτερέται καὶ μάχιμοι πάντες*. The Athenian fleet was manned in its best days by freemen. Xenophon (*de Republ. Athen.*) tells us that the seafaring habits of the Athenians were such that every one knew how to handle an oar, and that the crew of a trireme could be got together at once. At the time of the Peloponnesian War, the pay of an ordinary oarsman was three obols a day, increased towards the end of the war to four obols. The pay of the thranites was higher, their services being valued at a drachma. Raising the pay of seamen during hostilities was a favourite expedient with a view to induce the enemy's crews to desert. There were, however, many causes that led to the employment of forced labour, and with it to the deterioration and unpopularity of sea-service. The absolute discomfort in a cataphract ship must have been extreme. In a hot climate, with little ventilation, the participation with 200 or 300 human beings, all stark naked, packed so closely that there was not room for one man more (Cic. *Verr.* v. 51, 133, "Ea est enim ratio instructarum ornatarumque navium ut non modo plures sed ne singuli quidem possint accedere"), in a laborious mechanical toil, could only have been voluntarily endured under the pressure of some great necessity or sense of duty. The heat, the smells, the drudgery, must have been terrible; and we can understand the desire of the Ionians at Lade to be free from the severe discipline of Dionysius. Besides the discomfort, the actual danger was very great. The crews might at any time be drowned or burnt, or as at Sybota (Thuc. i. 50) butchered perhaps in cold blood. We have only to think of the moment of conflict,—the crash of the beak through the timbers, and the mangled mass of humanity hurled into the bilge, while the water swiftly followed the blow, the thranites perhaps escaping, but the lower ranks almost certainly drowned—and it is easy to understand how the service was avoided by the free and left to the slave.

The Romans manned their fleet by levies from the lowest orders and forced service of the allies. The greater proportion of the crews were slaves contributed as substitutes, and it is this fact perhaps which explains the equanimity with which such wholesale loss of life at sea as is recorded by Polybius (bk. i.) was endured. Among the Romans themselves, service on board ship was most unpopular; and it is not surprising to find discontented classiarii wishing to be transferred to the legions, "in spem honoratioris militiae" (Tacitus).

[Citizens: "In classem scripti," Liv. xxii. 56; Polyb. vi. 17. Allies: Liv. xxxii. 8; xxxvi. 4. Libertini, Liv. xl. 16; xlii. 27. Servi: Liv. xxiv. 11; xxvi. 35. Criminals: Val. Max. ix. ult.; Appian, bk. v.]

Smaller vessels.—**Ἄκατος, ἀκάτιον,** cutter, (?) yacht: Schol. Ar. *Lys.* 64, εἶδος πλοίου ἁλιευτικοῦ; Thuc. iv. 67; *Etym. Magn.* s. v.; Pind. *Nem.* v. 5. Sometimes carried on board ship: Agathias, iii. 21, 97, *νῆες φορτίδες μεγάλαι μετεώρους εἶχον τὰς ἀκάτους*; Plin. *H. N.* ix. § 94, "acatii modo carinatam, inflexa puppe, prora, rostrata;" Strabo, λεπτά, στενὰ καὶ κοῦφα ὅσον ἀνθρώπους πέντε καὶ εἴκοσι δεχόμενα, σπάνιον δὲ τριάκοντα τοὺς πάντας δέξασθαι δυνάμενα.

Κέρκουρος, *cercurus*, cutter: Plin. vii. § 56, invented by Cyprians. Not small: Diod. I. 61; with a long stern, Schol. Ar. *Pax*, 142; smaller than penteconter, Herod. vii. 97.

Καράβια, κάραβοι, shallop; the name origin of mediaeval caravel, and our carvel-built (Hesych.; *Etym. Mag.* s. v.).

Λέμβος, *lembus*: Liv. xxxiii. 33. Next in size to *cercurus*, used as scouts: Polyb. i. 53, 9; Thuc. ii. 83, Schol. Swift, with fine bows and light draught: Ar. *de animi incess.* 10; Polyb. xx. 85; Liv. xxxiv. 25. Sixteen oars, generally more. [LEMBUS.]

Κέλητες, *celoces*, avisos: Xen. *Hell.* i. 6, 26; Thuc. iv. 9. Pirate craft: Thuc. iv. 9; Polyb. v. 62, δίκροτα καὶ κέλητες, "narrow and swift."

Ἐπακτροκέλητες, a modification of the former: *Etym. Mag.*, ἐπακτροκέλης συνετέθη ἔκ τε κέλητος, καὶ ἐπακτρίδος. Πλοῖα δὲ λῃστρικὰ βραχέα ἡ μὲν ἐπακτρὶς ἐκ τοῦ κατάγειν τὰ συλώμενα ὁ δὲ κέλης εἰς τὸ διώκειν καὶ φεύγειν κουφότατος.

Μυοπάρωνες, *myoparones*, small pinnaces chiefly used by pirates: Cic. *in Verr.* passim. Sails and oars, generally more than six.

Actuariae.—All the above-mentioned vessels belong to this class, *μονήρεις μονόκροτοι.* Hence used as a general term opposed both to the πολυήρεις and to *onerariae*: Caes. *B. G.* v. 1. Number of oars varied: Liv. xxxviii. 38, "naves actuarias, nulla quarum plus quam triginta remis agatur, habeto;" Cic. *Ep. ad Att.* xvi. 3, "tribus actuariolis decem scalmis."

Phaselus = bark; name used also poetically (Catull. 4, &c.); might be large or small (Sall. *Jug.* 3, "cohors una grandi phaselo vecta"); not a ship of war.

Γαῦλοι, *onerariae*: Ar. *Av.* 592. Phoenician originally: Callim. *Fr.* 217; Herod. iii. 136, viii. 97.

Ἡμιόλιαι. Furnished with 1½ banks of oars.

Τριηρημιολία, with only half the thranitic bank. Cp. Pol. xvi. 2, where a vessel of this class is pierced under the θρανιτικὸς σκαλμός, not decked throughout (Hesych.): so more room obtained for the ἴκρια, by the reduction of the upper bank, which rowed only amidships.

Glossary of certain Naval Terms, not explained above.

Ἄγκοινα, *anquina*: Isid. xix. 47, "Anquina funis quo ad malum antenna constringitur;" *Attic. Tab.* 3122, ἄγκοινα[ν] διπλῆν.

Ἀκροστόλιον: used of ornament both at bow and stern (cf. ἀκροκόρυμβα); but more properly of the bow ornament: ἄφλαστον and κορώνη of the stern.

Ἄσκωμα. Leather bags fitting over the oar at the oar ports, to prevent the wash of the sea from entering. Zonar. *s. v.*; Suidas; Schol. *Ran.* 367; *Acharn.* 97.

Δρύοχοι. *Etym. Mag.* gives the true interpretation: ξύλα ὀρθὰ ἐφ' ὧν ἡ τρόπις ἐρείδεται τῆς πηγνυμένης νεώς, ἤγουν στηρίγματα. Eustath. p. 1878, 63; p. 1879, 4, πάσσαλοι ἐφ' ὧν στοιχηδὸν διατεθεμένων ἡ τρόπις ἵσταται τῶν καινουργουμένων νεῶν διὰ ἰσότητα. Plat. *Tim.* p. 81 B, στηρίγματα τῆς πηγνυμένης νεώς. Hesych., δρύακες τῶν ξύλων τῶν βασταζόντων τὴν τρόπιν τοῦ πλοίου. It is clear that they were the pieces of timber which supported the keel of a vessel while building. They had to be carefully adjusted in a line, and on a level or slight incline. Hence the use of the term as regards the setting of the axe-heads in the Odyssey (xix. 574).

Ἔδαφος, floor, either actual of the vessel (Dem. *Zenoth.* 883) or the lowest deck above the bilge—our orlop deck.

Ἐπίσειον, according to Cartault, the piece between the stern-post and the aphrasta, just as the στόλος is between the stem-post and the acrostolium. (Pollux, i. 90, MS. ὑπηρτημένον.)

Ἠλακάτη, the stem part of the mast, above the καρχήσιον. (Ap. Rhod. i. 565, Schol.)

Καταβλημα. Probably an awning, possibly of skin, to keep off missiles from deck. (Cf. Athenian preparation against grappling irons at Syracuse.)

Κρίκοι. Rings set in eyelet-holes for ropes to pass through, either on the borders or at the corners of sails. Herod. ii. 36: τῶν ἱστιῶν τοὺς κρίκους καὶ τοὺς κάλους οἱ μὲν ἄλλοι ἔξωθεν προσδέουσι, Αἰγύπτιοι δὲ ἔσωθεν.

Νομεῖς. Graser, "waling-pieces;" Cartault, "couples." Phot., ἐγκοίλια πλοίου: Hesych., ξύλα περιφερῆ· ἐγκοίλια πλοίου: Herod. i. 194, ii. 96. The passages seem to leave it doubtful as to whether "waling-pieces," *i.e.* longitudinal pieces from stem to stern, or "ribs" from keel to gunwale, are intended.

Παραβλήματα: Xen. *Hell.* i. 6, 19; *vid. seq.*

Παραρρύματα. Suid. δέρρεις, σκεπάσματα. Two kinds appear in the Attic Tables, τρίχινα and λευκά. The former probably were of skin, the latter of felt (*cilicium*). The former used probably along the πάροδος, and the latter along the τράφηξ or deck-rail, as a protection against missiles. (Boeckh, *Urkun.* p. 159.) [PLUTEI.]

Siparum, Supparum. Isid. *Orig.* xix. 32: "Siparum genus veli unum pedem habens quo navigia juvari solent in navigatione quoties vis venti languescit." Sen. *Ep.* 77: "Subito hodie nobis Alexandrinae naves apparuerunt . . . omnis in pilis Puteolorum turba consistit et ex ipso velorum genere Alexandrinas intelligit solis enim licet supparum intendere." A triangular topsail, which all merchant vessels except the Alexandrian corn-ships were obliged to strike on coming into harbour. (Cf. Senec. *Med.* 327; Lucan, *Phars.* v. 429; Schol. "vela minora in modum Δ litterae."

Ταρρός, ταρρὸς ἐντελής. Of the whole equipment of oars for a trireme, Attic Tables; properly of the blade of the oar, Ar. *Nub.* 226, Schol. So τάρρωμα.

Τέρθριοι. Kinds of κάλοι used for brailing the sails. Clue lines, or leech lines, or brunt lines. Hesych.: οἱ εἰς τὸ κέρας τοῦ ἱστίου ἑκατέρωθεν δεδεμένοι ἐν οἷς τὸ ἄρμενον ἕλκουσι.

Τέρθρον. Galen. ii. p. 645: κυρίως μὲν οὕτως ὀνομάζεται τὸ ἄκρον τῆς κεραίας.

Τράφηξ. Hesych.: τὸ τῆς νεὼς χεῖλος. So *Etym. Mag.* and Tzetzes, *ad Lyc.* 641. The gunwale, in which in small vessels the thowls were fixed. In larger vessels the balustrade or lattice-work, through parts of which oars were used sometimes. See figures of vessels on Col. Traj.

Τροπός, τροπωτήρ. The thong which fastened the oar to the thowl (τροποῦσθαι). (Hesych. *s. v.*; Aesch. *Pers.* 376; Hom. *Od.* iv. 728; Thuc. ii. 93.)

Ὑπηρέσιον. The oarsman's cushion. (Cf. Ar. *Eq.* 785, Schol.)

Ὑπόβλημα. (?) A tarpaulin used to cover the oar-ports when sailing. (Graser, *R. N.* 82.)

Ὑποζώματα. Strong cables stretched lengthwise from stem to stern, which, shrinking when wetted, helped to tighten the vessel, and relieve the strain upon her from the motion of the stroke when rowing. Frequently mentioned in Attic Tables. Two apparently furnished to each trireme. In Egyptian vessels, one apparently from stem to stern over crutches to prevent vessel hogging (see cut 2 on p. 208). Cf. Ap. Rhod. i. 367. Plato (*Rep.* x. p. 616 C) compares the Milky Way to the ὑποζώματα of a trireme.

List of articles of equipment for one trireme from Attic Tables.—1 ἱστὸς μέγας, 1 ἱστὸς ἀκάτειος, 2 κεραῖαι μεγάλαι, 2 κεραῖαι ἀκάτειοι, 1 ἱστιον, ταρρὸς ἐντελής, 2 πηδάλια, 2 κλιμακίδες, 3 κοντοί, 2 παραστάται, 2 ὑποζώματα, 1 ἄγκοινα, 2 ἱμάντες, 2 πόδες, 2 ὑπέραι, 1 χαλινός, 2 παραρρύματα τρίχινα, 2 παραρρύματα λευκά, 1 κατάβλημα, 1 ὑπόβλημα, 4 σχοίνια ἀγκυρεῖα, 4 σχοίνια ἐπίγυα, 2 ἄγκυραι, μηρύματα καλῳδίων, 30 κῶπαι περίνεῳ.

Literature.—Scheffer, *de Militiâ Navali Veterum*, Upsala, 1654; Boeckh, *Urkunden über das Seewesen des Attischen Staates*; B. Graser, *De Re Navali Veterum*, Berlin, 1864; Id. *Die Gemmen des Königlichen Museums zu Berlin*, 1867; Id. *Die ältesten Schiffsdarstellungen auf antiken Münzen*, Berlin, 1870; Id. *Das Modell eines Alt-griechischen Kriegsschiffes*, Berlin, 1873; Cartault, *La Trière Athénienne*, Paris, 1881; Breusing, *Die Nautik der Alten*, Bremen, 1866; Jules Vars, *L'Art Nautique dans l'Antiquité*, Paris, 1887; Serre, *Études sur l'Histoire Militaire et Maritime*, Paris, 1888; Duemichen, *Fleet of an Egyptian Queen*; Smith, *Voyage and Shipwreck of St. Paul.* [E. W.]

NAUMACHIA was the name given to the representation of a naval battle among the Romans, and also to the places where such exhibitions took place. These sham fights were sometimes arranged in the Amphitheatre, sufficient water being introduced to float the ships [AMPHITHEATRUM, Vol. I. p. 113]; but more frequently in places specially constructed for the purpose, that is, vast basins faced with stone and surrounded by stone seats, like an amphitheatre.

The first representation of a sea-fight was given B.C. 46 by Julius Caesar, who caused a basin to be dug for the purpose in a district called Codeta Minor (Suet. *Jul.* 39; Dio Cass. xliii. 23), which, according to Friedländer and Marquardt, was in the Campus Martius. According to Burn (*Rome and Campagna*, p. 268), the Codeta Major was in the Campus, the Codeta Minor in the Transtiberine region: both derived their name from the abundance of marestail (*equisetum*) which grew there. The second was given by Augustus, B.C. 2, at the dedication of the temple of Mars Ultor, and for this purpose a basin was dug, 1800 feet by 1200, probably in the gardens of Caesar in the Transtiberine region. It is pretty clear from the wording of the inscription of Ancyra, "Navalis praelii spectaculum dedi trans Tiberim in quo loco nunc nemus est Caesarum, cavato solo," &c., that the construction was in a new place, and not, as Burn says, an enlargement of Julius Caesar's basin. Even about the site of this naumachia there is some question, since Dio Cass. lv. 10 places it in the Circus Flaminius, and in Tacitus there are various readings, *cis* and *trans* Tiberim. We may, however, best conclude that (as stated in the *Mon. Ancyr.* and in Suetonius) the naumachia of Augustus was in the *horti Caesaris*, on the further side of the river, and that its site is marked by remains recently found. (See Middleton's *Rome*, p. 291; Burn's *Rome and Campagna*, p. 268.) This naumachia continued in use after others had been made (the *Notitia* speaks of five), and was subsequently called *vetus naumachia* (Suet. *Tit.* 7). Dio Cass. lxi. 9 speaks of it as the place where Nero gave a public banquet. The most remarkable naumachia was that given by Claudius, A.D. 52, on Lake Fucinus, to celebrate the draining of the lake (but before the completion of the work), where 19,000 men dressed as Rhodians and Sicilians manœuvred in the fight with fifty ships on each side, the spectators being grouped on the shore and the surrounding hills, as on the tiers of seats in an amphitheatre: the signal for battle was given by a trumpet, sounded by a silver image of a Triton. (Suet. *Claud.* 21; Tac. *Ann.* xii. 56.) Nero's naumachiae are mentioned by Dio Cass. lxi. 9, lxii. 15; but they seem to have been sometimes in the amphitheatre, sometimes in the *stagnum Neronis*, a great basin in Nero's Golden House, on the site where the Flavian Amphitheatre or

Colosseum was afterwards built (Mart. *Spect.* 2). Titus used the *vetus naumachia* of Augustus, but Domitian had a new and larger lake dug below the Vatican ("in a new place," Dio Cass. lxvii. 8). He afterwards pulled it to pieces and used the stone to replace the wooden seats of the Circus Maximus which had been burnt (Suet. *Dom.* 4, 5). Naumachiae were not confined to Rome: on the contrary we can have no doubt that they took place in many provincial amphitheatres. In the amphitheatres at Capua and Nimes, for instance, the arrangements for flooding the amphitheatre have been traced.

The combatants in these sea-fights, called *naumachiarii* (Suet. *Claud.* 21), were captives (Dio Cass. xlviii. 19), or criminals condemned to death (Dio Cass. lx. 33), who fought as in gladiatorial contests till one party was killed, unless preserved by the clemency of the emperor (cf. Suet. *Claud.* 21). The ships were divided into two parties (cf. the domestic imitation mentioned in Hor. *Ep.* i. 18, 61), and the crews were dressed to represent different maritime nations, as Tyrians and Egyptians (Suet. *Jul.* 39), Rhodians and Sicilians (Suet. *Claud.* 21; Dio Cass. lx. 33), Persians and Athenians (Dio Cass. lxi. 9), Corcyraeans and Corinthians (Id. lxvi. 25). These sea-fights were exhibited with the same magnificence and the same lavish expenditure of human life which characterised the gladiatorial combats. In Nero's naumachia there were sea-monsters swimming in the lake (Suet. *Ner.* 12); the magnificence of the naumachia given by Claudius is mentioned above: in the games exhibited by Titus in the vetus naumachia of Augustus, we find on the first day the basin covered with planks supported on piles forming an arena for gladiators and a *venatio*, on the second day a chariot-race, on the third a naval combat of 3000 Athenians and Syracusans, in the course of which the Athenians landed on an island in the basin and took a fort there. Martial, however (*Spect.* 24), vaunts the naumachia of Domitian as superior to all that went before. (See also Friedländer, *Sittengeschichte*, ii. 367 ff.; Marquardt, *Staatsverwaltung*, iii. 558 f.) [W. S.] [G. E. M.]

NAUTA. [NAVIS.]

NAUTICON (*ναυτικόν*). [FENUS.]

NAUTO'DICAE (*ναυτοδίκαι*) were judicial authorities in disputes between merchants (*ἔμποροι*) who carried on traffic by sea, and in suits against foreigners who usurped the rights of citizenship; in other words, in the *δίκαι ἐμπορικαὶ* and *δίκαι ξενίας*. The connexion of the two classes of cases may be explained by the fact that the trading metoecs were just the most likely men to get themselves wrongly enrolled as citizens (Schömann, *Antiq.* i. 474, E. T.). The nautodicae were appointed every year by lot in the month of Gamelion (Lys. *Or.* 17, *περὶ δημοσ. ἀδίκ.*, § 5), and probably attended to the *δίκαι ἐμπορικαὶ* only during the winter, when navigation ceased, whereas the *δίκαι ξενίας* might be brought before them all the year round. There can be no doubt that they dated from an early period of Athenian history, when it was sufficient for a man to be a citizen if only his father was a citizen, whatever his mother might be; that is, previous to the time of Pericles (Plut. *Pericl.* 37; compare CIVITAS, p. 444 *b*).

In what precise capacity they administered these suits was formerly a matter of dispute, some grammarians calling them *δικασταὶ* or jurymen (Hesych. *s. v.*; *Lex Seguer.* p. 283, 3), others *ἀρχαὶ* or *εἰσαγωγεῖς*, presiding magistrates (Poll. viii. 126; Harpocrat., Suid., *Lex. Rhet.* s. v.). The weight of authority was in favour of the latter view; but a difficulty was found in the fact that, in the time of Demosthenes and the orators contemporary with Philip of Macedon, the suits in question are shown to have been tried before the Thesmothetae. The only orator who mentions the nautodicae belongs to an earlier period (Lys. *l. c.* §§ 5, 8), and is clearly in favour of their having been an *ἀρχή*. But in all the speeches of Demosthenes no trace occurs of them, and in that against Lacritus (p. 940, § 47 ff.), where all the courts are mentioned before whom such a case as that of Lacritus might be brought, the orator could scarcely have failed to include the nautodicae if they had still existed in his time. Hence Boeckh (*P. E.* p. 49, and with slight modification in his later view, *Sthh.*³ i. 64) thought that the thesmothetae had the *ἡγεμονία δικαστηρίου*, while the nautodicae sat as a jury under them. The better attested opinion that they were a magistracy is now shown to be correct by an inscription (*C. I. A.* i. 29, *οἱ ναυτοδ[ίκαι . . . τ]ὸ δικαστήριον παρεχόντων*, *i.e.* shall be the *εἰσαγωγεῖς* of the case; Lips. *Att. Process*, p. 96; Fränkel, n. 92 on Boeckh). The difficulty vanishes if we suppose that the *δίκαι ἐμπορικαὶ* in the middle of the 4th century, when they became *δίκαι ἔμμηνοι* [EMMENOI DIKAI], were taken from the nautodicae and transferred to the thesmothetae; and that as the principal occupation of the former was gone, the *δίκαι ξενίας* were likewise transferred to the thesmothetae, and the office of the nautodicae was abolished. If Lucian mentions them in a dialogue supposed to have taken place after the death of Alexander, this is not the only similar anachronism in his writings (Lucian, *Dial. Meretr.* 2, § 2 = p. 282 R.; Lipsius, *Att. Proc.* p. 97 n.). The notion of Schömann (*Antiq.* l. c.) that the nautodicae judged the *ἐμπορικαὶ δίκαι* themselves, while they prepared *δίκαι ξενίας* for trial and brought them before the Heliastic courts, is an unnecessary attempt to reconcile the grammarians; for we find *δικάζειν* and *δικαστὴς* occasionally used of magistrates in their capacity of *εἰσαγωγεῖς* (cf. *Att. Process*, p. 43 Lips.). (Baumstark, *de Curatoribus Emporii et Nautodicis apud Athenienses*, Freiburg in Breisgau, 1828, pp. 65–78; *Att. Process*, pp. 95–98 Lips.; the old edition pp. 83–86 is much less satisfactory.) [L. S.] [W. W.]

NEBRIS, a fawn's skin (from *νεβρός*, a fawn; see AEGIS), worn originally by hunters and others as an appropriate part of their dress, and afterwards attributed to Dionysus (Eurip. *Bacch.* 111, 126, 176; Aristoph. *Ranae*, 1211, &c.), and consequently assumed by his votaries in the processions and ceremonies which they observed in honour of him. [DIONYSIA.] The annexed woodcut, taken from Sir W. Hamilton's *Vases* (i. 37), shows a priestess of Bacchus in the attitude of offering a nebris to him or to one of his ministers. The works of ancient art often show it as worn not only by male and female bacchanals, but also by Pans and Satyrs.

It was commonly put on in the same manner as the aegis, or goat-skin, by tying the two fore-legs over the right shoulder so as to allow the body of the skin to cover the left side of the wearer. (Ovid. *Met.* vi. 593.) [J. Y.]

Nebris, fawn's skin. (From Greek vase.)

NECRODEIPNON (*νεκρόδειπνον*). [Funus.]

NECY'SIA (*νεκύσια*). [Funus.]

NEFASTI DIES. [Dies.]

NEGATI'VA, NEGATO'RIA ACTIO. [Confessoria Actio.]

NEGLIGE'NTIA. [Culpa.]

NEGOTIATO'RES (*οἱ πραγματευόμενοι* or *ἐργαζόμενοι*, *C. I. G.* 2053) signified specially during the later times of the Republic Roman citizens settled in the provinces, who lent money upon interest or bought up corn on speculation (Caes. *B. G.* vii. 3), which they sent to Rome as well as to other places. Their chief business, however, was lending money upon interest as usurers; and hence we find the words *negotia*, *negotiatio*, and *negotiari* used in this sense. The *negotiatores* are distinguished from the *publicani* (Cic. *ad Att.* ii. 16, "malo *negotiatoribus* satisfacere, quam *publicanis*:" comp. Cic. *Verr.* ii. 3, 7; *pro Flacc.* 16, 38; *pro Leg. Manil.* 7, 18), and from the *mercatores* (Cic. *pro Planc.* 26, 64, "*negotiatoribus* comis, *mercatoribus* justus"). That the word *negotiatores* was, during the later times of the Republic, always used in the signification above given, is amply proved by Ernesti in the treatise quoted below, and is also sufficiently clear from the following passages:—Cic. *pro Flacc.* 29, 71; 37, 92;—*Verr.* 60, 137; *ad Q. Fr.* i. 1;—Hirt. *B. Afr.* 36. Hence the *negotiatores* in the provinces corresponded to the *argentarii* and *feneratores* at Rome; and accordingly we find Cicero giving the name of *feneratores* to certain persons at Rome, and afterwards calling the very same persons *negotiatores* when they are in the provinces (Cic. *ad Att.* v. 21, vi. 1–3). The negotiatores, like the publicani, belonged to the Equestrian order, but men of senatorial rank, though forbidden so to trade themselves, indirectly shared the gains, in return for their countenance and support. Cato the elder was a creditable exception to this, and exerted himself to protect the provincials (Liv. xxxii. 27; Plut. *Cat.* 6); but to show the extent of the evil we need only cite the instance of M. Junius Brutus, who (acting of course through another, the negotiator Scaptius) lent money to the state of Salamis in Cyprus at 48 per cent.: Scaptius demanded 200 talents for 106 received, and, having obtained troops from Appius Claudius, proconsul of Cilicia, so maltreated the senate of Salamis that five senators died. Cicero, the next proconsul, had honesty enough to desire a moderate and just settlement of the debt, but lacked the resolution to enforce it. (Compare Ernesti, *De Negotiatoribus*, in his *Opuscula Philologica;* Marquardt, *Staatsverwaltung*, i.^{2} 542.) [W. S.] [G. E. M.]

NEGOTIORUM GESTORUM ACTIO. *Negotiorum gestio* is the intentional management of another person's affairs or business without instructions (*mandatum*) or any official obligation to do so, and was first recognised as ground for an action (*quasi ex contractu*, Inst. iii. 27, 1, and, in character, *bonae fidei*) between the principal and the would-be agent by the praetorian edict *utilitatis causa* (Dig. 3, 5, 1, 3).

The intention of the *negotiorum gestor* must be to act on behalf of *another* person, even though his motive may also be self-seeking (Dig. 3, 5, 20): his duties practically coincide with those of a duly commissioned agent [Mandatum]; the chief of them being to bestow the care and attention of a "bonus paterfamilias" [Culpa] on the business he has taken in hand, so that he was responsible for *exacta diligentia*, and in some cases he was liable even for *casus* or accident (Dig. 3, 5, 3, 9; *ib.* 10). Naturally, too, he was bound to deliver up to his principal all property or profit which came to him from the transactions he undertook (Dig. *ib.* 2). These duties were enforced by *actio negotiorum gestorum directa.*

The gestor may have a converse remedy (*actio negotiorum gestorum contraria*) against his principal for all reasonable costs and expenses incurred on the latter's behalf, with interest, and for indemnity against all liabilities undertaken in his interest (Dig. *ib.* 10), provided (1) the principal had not prohibited his interference (Cod. 2, 19, 24); (2) his intention was to lay the principal under a legal obligation (Dig. 10, 3, 14, 1), and not one of Liberalitas or Pietas: if his object was his own sole advantage, he could sue the principal only so far as the latter had derived material benefit from his action (Dig. 3, 5, 6, 3); (3) the state of the principal's affairs was such that, except for the gestor's intervention, he would be seriously prejudiced (Dig. 44, 7, 5, pr.). If this was the case, the gestor could recover, even though the anticipated benefit was as a fact not realised: or, as it is sometimes put, the negotia need not have been "utiliter gesta," it is enough if they were "utiliter coepta" (Dig. 15, 3, 10, 1; *ib.* 12, 2); *e.g.* if he paid for medical attendance on a sick slave, who died notwithstanding all his care. Where the interference was not warranted by genuine necessity, but the gestor's object was merely to secure a great advantage for the principal, he could recover only so far as the advantage actually went (Dig. 15, 3, 11; *ib.* 43). To the rule as to prohibition by the principal there was an exception in the case of burying a dead body, if the gestor had good reasons for disregarding the injunction (Dig. 11, 7, 14, 3).

It seems to have been a question among the classical jurists whether ratification of the gestor's proceedings by the principal converted the relation from *negotiorum gestio* into *mandatum* or not: Ulpian (Dig. 42, 1, 60) decides it in the affirmative, while Scaevola (Dig. 3, 5, 9) maintains the opposite. Perhaps the solution of this conflict in the authorities is that after ratification the gestor could treat his principal as mandator, though the latter, ratification being merely a unilateral act, was not entitled to treat the former as mandatarius: though it is maintained by some writers, on the authority of Cod. 5, 16, 25; 4, 28, 7, pr., that Justinian confirmed the view of Ulpian.

See the article on Negotiorum Gestio in Holtzendorff's *Rechtslexicon*, where monographs on this topic by Chambon, Dankwart, Köllner, and others are referred to. [J. B. M.]

NE'MEA (Νεμέα) was a valley in Argolis, between Kleonae and Phlius. It was the reputed scene of many famous mythical events. Here (it was said) Argos had watched Io: and here Heraklês slew the lion. Pausanias (ii. 15, 2) relates that in his time the den of the Nemean lion was pointed out in a mountain range, a little less than two miles from Nemea. And here too, in historic times, stood a splendid temple of Nemean Zeus, with a sacred enclosure (ἄλσος, not to be rendered "grove"), in which the Nemean games (Νέμεα or Νέμεια) were held (Strab. viii. p. 377). Pindar describes the locality of these games by a variety of imaginative expressions: *e.g.* Νεμεαίου ἐν πολυυμνήτῳ Διὸς ἄλσει (*Nem.* ii. 4, 5); ἀσκίοις Φλιοῦντος ὑπ' ὠγυγίοις ὄρεσιν (*Nem.* vi. 45, 46); χόρτοις ἐν λέοντος (*Olymp.* xiii. 44). The valley of Nemea from its situation belonged naturally to the people of Kleonae, who for a long time were presidents of the games (ἀγωνοθέται). But, before Olymp. 53, 1, the Argives obtained possession of the temple and the presidency at the games. At a later time the Kleonaeans recovered the right of presiding, but did not retain it (Pind. *Nem.* x.; Pausan. ii. 15, 3).

In *prehistoric* times we find the institution of the Nemean festival connected with the expedition of the Seven against Thebes (Apollodor. iii. 6, 4), or with the slaying of the Nemean lion by Heraklês (Schol. Pind. *Nem.*). Writers who held the former opinion uniformly describe the festival as an ἀγὼν ἐπιτάφιος, established to commemorate the youth Archemoros, who was killed by a serpent (Apollodor. *l. c.*), but differ as to the particular Archemoros whose death was thus honoured. Some represented him to have been the son of Lycurgus, king of Nemea, while others (among whom was Aeschylus) related that he was the son of Nemea, daughter of Asopus (Schol. Pind. *Nem.*). Apollodorus in the passage referred to gives the names of the victors, together with the contests in which they were victorious at the first Nemean games. The second celebration of these games is attributed by Pausanias (x. 25, 2, 3) to the Epigoni.

As regards the first *historic* occurrence of the festival, we have but scanty evidence. In its local character it had no doubt been in existence from immemorial antiquity; but not until long after the Olympic games had become famous did those of Nemea rise to the rank of a Pan-Hellenic festival. Eusebius dates the first Nemead from Olymp. 53, 2: but it is probable from the dissertation of G. Hermann, whose conclusions are supported by Boeckh, that the series of historical Nemeads began in the winter of Olymp. 51 (Boeckh, *C. I.* i. n. 34, p. 53). The Nemean games, like the Isthmian, in this respect were biennial (ἀγὼν τριετηρικός), *i.e.* two complete years elapsed between each festival. Accordingly they fell twice within the Olympic period, occurring alternately in winter and summer in the second and fourth years respectively of each Olympic πεντετηρίς. We read in the Schol. to Pindar's Nemean odes that they took place on the 12th of the month Panĕmos (μηνὶ πανέμῳ δωδεκάτῃ), but such authority helps us but little in settling the matter.

The games comprised musical, gymnic, and equestrian contests (ἀγὼν μουσικός, γυμνικός, ἱππικός). (Plut. *Philop.* 11; Pausan. viii. 50, 3; Schol. Pind. *Nem.*) The *gymnic* contests at Nemea, as regards the subjects of competition, corresponded closely with those at Olympia. The following are expressly mentioned:—The simple foot-race (γυμνὸν στάδιον) for men and boys; the wrestling bout (πάλη) for men and boys; the πένταθλον for men and boys; the παγκράτιον for men and boys (Pind. *Nem.* passim; Herod. vi. 92, ix. 75). That boxing (πυγμαχία) was a subject of competition may be inferred from Pausan. viii. 40, 3. We learn further from Pausanias (ii. 15, 2) and Pindar that, besides the simple foot-race, the Nemean games included the armour-race (ὁπλίτης δρόμος) and the long race (ὁ δόλιχος—*notice accent*). In the *equestrian* contests we know that Alcibiades, Chromios of Aetna, and Polyklês of Sparta (Pausan. i. 22, 6) were victorious.

That the games occupied more than one day may be inferred from Liv. xxvii. 31, where he uses the words *per dies festos* in reference to them.

The Argives, as has been said above, ultimately supplanted the Kleonaeans as presidents of the Nemean festival, but they occasionally delegated this function to military chieftains, like Philip of Macedon or Titus Quintius Flamininus (Liv. xxvii. 30, xxxiv. 41). In a late inscription the officers who actually presided are referred to as Hellanodikae (Ἑλλανοδίκαι). Boeckh conjectured that these were twelve in number, while those who discharged the like duty at Olympia, and bore the same title, numbered only ten (Boeckh, *C. I.* 1126, p. 581).

Like the other great Pan-Hellenic festivals, the Nemean was an ἀγὼν στεφανίτης, *i.e.* one in which the victor obtained a wreath in token of his victory. The Nemean wreath was, according to some accounts, at first woven of olive-sprays (ἐλαία), the garland of green parsley (χλωρὰ σέλινα) having replaced it afterwards; according to others, the parsley wreath was the original prize (as it continued to be throughout historical times) on account of its special fitness, as an emblem of mourning, to be associated with the memory of Archemoros. But a different myth, already alluded to, represents Heraklês, when he instituted the games after overcoming the lion, as having also appointed the parsley-wreath to be the victor's reward. And this latter account seems to have been present to the mind of Pindar, for he speaks of the wreath as *βοτάνα λέοντος* (*Nem.* vi. 71, 72).

During the celebration of each Nemean festival a cessation of hostilities (*ἐκεχειρία, σπονδαί*) between belligerents was an imperative duty (cf. *ἐν ἱερομηνίᾳ Νεμεάδι*, Pind. *Nem.* iii. 2, with *schol.*). A sacred embassy, too, was on these occasions sent by each of the several Hellenic states to Nemea, with offerings to Nemean Zeus (Demosth. *Meid.* p. 552, § 115).

Historians, as well as late coins and inscriptions, testify that the (still so called) Nemean games came to be regularly held in Argos (Polyb. v. 101, 5; Diod. xix. 64; Liv. xxx. 1; Boeckh, *C. I.* 234, p. 356). On a comparatively early occasion, indeed, Argos had been the scene of the festival. For the circumstances, *vid.* Plut. *Arat.* 28. Local festivals, named after the great Nemean, were established in many places, *e.g.* at Aetna in Sicily (Schol. Pind. *Olymp.* xiii. 158) and at Megara (Schol. Pind. *Olymp.* vii. 157). That Nemea were also instituted at Anchialos in Thrace may be inferred from a medal stamped under Caracalla, bearing the name NEMAIA (instead of the usual NEMEIA); and, from the fact of its bearing also the word CEOYHPIA, the further inference has been drawn that the Thracian Nemea were founded in honour of Sept. Severus. (For more detailed information respecting Nemea, see Krause, *Pythien, Nemeen, u. Isthmien*, whose guidance has been mainly followed in the present article.) [J. I. B.]

NEMESEIA (*νεμέσεια*), undoubtedly the same as the Genesia (*γενέσια*), was a public festival celebrated at Athens on the 5th of the month of Boedromion (Bekker, *Anecd.* pp. 86, 231, and 282). As to the rites and ceremonies observed on the occasion, nothing is known. The name Nemeseia or Nemesia was given to the solemnity, because *ἡ Νέμεσις ἐπὶ τῶν ἀποθανόντων τέτακται.* It would seem that the name was sometimes applied to certain funeral rites performed by private persons in honour of a deceased member of a family. (Demosth. *πρὸς Σπουδ.* p. 1031; comp. Harpocrat. p. 206, and A. Mommsen, *Heortol.* p. 209.) [L. S.]

NE'NIA. [FUNUS.]

NEO'CORI (*νεωκόροι*) signified originally a temple-attendant; perhaps a temple-*sweeper* (Hesych. *s. v.*), which may well be illustrated by Ion's description of his office (Eur. *Ion*, 121): others, however, prefer to connect the termination with the root of *βουκόλος, αἰγικορεῖς, colo* in the sense of *tending* (cf. Suid. *s. v.*; Curtius, *Gr. Etym.* 463). However that may be, the word was applied, even in early times, to priestly officers of high rank, who had the superintendence of temples and their treasures (Plat. *Legg.* vi. p. 759 A; Xen. *Anab.* v. 3, § 6). Under the Empire the word was especially applied to those cities in Asia which erected temples to the Roman emperors, since the whole city in such a case was regarded as the guardian of the worship. These sanctuaries for the cult of the emperor began in the lifetime of Augustus, at Cyzicus (Tac. *Ann.* iv. 36) and elsewhere. Not only the cities which possessed a temple of this kind (distinct from the worship of Rome and Augustus by the entire province), but also those which contributed (Dio Chrysost. ii. p. 70) to its support, were called *νεωκόροι* of the emperor: the name belonged to the city, not to any religious official. Accordingly we frequently find on the coins of Ephesus, Smyrna, and other cities the epithet ΝΕΩΚΟΡΟΣ, which also occurs in the inscriptions of those cities (see Conybeare and Howson, *St. Paul*, ch. xvi. *fin.*). No city was allowed to assume this office without the permission of the Roman senate, as is clear both from inscriptions and from Tac. *Ann.* iv. 55, 56, from whom we learn also that Cyzicus was punished for neglecting the duties. The name belonged to the city, not to any religious official. These local cults were directed by a sacerdos or *ἀρχιερεύς*, who must be distinguished from the *ἀρχιερεὺς Ἀσίας* (=*Ἀσιάρχης*), or priest of the *Koinon*, i.e. the union of the whole province of Asia for the worship of Rome and Augustus [ASIARCHAE]. The neocorate (as was said above) was distinct from this, and belonged to separate cities, a single neocorate implying a single temple maintained to an emperor or imperial family: a city might be *δὶς* or *τρὶς νεωκόρος*, if it had two or three temples to two or three different emperors or imperial families. (See Ramsay in *Class. Review*, iii. 175 [1889]; Marquardt, *Staatsv.* i. 504, iii. 464.) [AEDITUI.] [W. S.] [G. E. M.]

NEODAMO'DEIS (*νεοδαμώδεις*). [HELOTES.]

NEPTUNA'LIA, a festival of Neptune, celebrated at Rome (Varr. *L. L.* vi. 19). The day on which it was held was the 23rd of July. In the ancient calendaria this day is marked as *Nept. ludi et feriae*, or *Nept. ludi*, from which we see that the festival was celebrated with games. Respecting the ceremonies of this festival, nothing is known, except that the people used to build huts of branches and foliage (*umbrae*, Fest. s. v. *Umbrae*), in which they probably feasted, drank, and amused themselves. (Hor. *Carm.* iii. 28, 1, &c.; Tertull. *de Spect.* 6.) The lines of Ausonius (*Ecl. de Feriis*, 19 ff.) may perhaps imply that *navigia* took part in the festival of Neptune, while *quadrigae* belonged to the *Consualia*. [L. S.]

NERO'NIA. [QUINQUENNALIA.]

NERVUS, a sort of stocks (*ξύλον*, also *ποδοκάκκη, χοῖνιξ*), in which criminals were confined, used frequently as a punishment for slaves. The original meaning was probably a thong or a strap (corresponding to the other uses of the word), and with this strap the feet were tied to a post: so Festus defines it as "ferreum vinculum quo pedes impediuntur," but adds that it also confined the neck sometimes; hence it may be said to have combined the pillory and the stocks. This will explain the expression *nervum brachialem* (Plaut. *Poen.* v. 4, 99), which means embracing by throwing the arms about the neck. The words *numella* and *boiae* had the same sense, and both of these (though not *nervus*) were used to express the ordinary method, still in use, of fastening up cattle by the neck (Colum. *R. R.* vi. 19). It is clear that the nervus was not merely bonds, like *compedes*, but, more like modern stocks and pillory, had a wooden framework with holes for hands, feet, and neck, which were kept in their places by iron bands and collars: hence Aristophanes, *Equit.* 1049, calls the *ξύλον πεντεσύριγγον*, i.e. having five holes, for feet, hands, and neck. (The κλοιὸς seems to have confined the neck and hands only: Lucian. *Toxarch.* 29; the *κύφων* held the neck.) This "support" of the neck is probably indicated by Plautus in the expression *os columnatum*, when he speaks of the punishment of Naevius for libel: probably also by the *porrectum jugulum* of the *captivus* (Hor. *Sat.* i. 3, 88). The stocks were used for the imprisonment of freeborn malefactors as well as for slaves, both among Greeks and Romans. The *κύφων* is used for state-prisoners at Thebes (Arist. *Pol.* viii. 6, 15 = p. 1306): we find the *nervus* for thieves (Plaut. *Aul.* iv. 10, 13); for debtors, by Law of Twelve Tables (*ap.* Gell. xx. 1), "vincito aut nervo aut compedibus" [NEXUM]: compare Liv. vi. 15. So as a common part of imprisonment (cf. *Act. Apost.* xvi. 24) it is often used as equivalent to *carcer* (Ter. *Phorm.* iv. 4, 15, &c.). [G. E. M.]

NEUROSPASTA. [PUPA.]

NEXUM. The most general meaning of this obscure and much-debated term seems to be any legal transaction entered into with the well-known form of the Balance and Bronze. Festus says, "Nexum est, ut ait Gallus Aelius, quodcunque per aes et libram geritur, idque necti dicitur: quo in genere sunt haec: testamentifactio, nexi datio, nexi liberatio:" similarly Varro (*L. L.* vii. 105), "Nexum Manilius scribit omne quod per aes et libram geritur, in quo sunt mancipia:" the similarity of the expression suggesting strongly that both writers were transcribing somewhat unintelligently from an older author. But some writers (among whom Varro mentions Mucius Scaevola) seem to have restricted the signification of nexum to transactions effected *per aes et libram* with the object of creating an obligation—in other words, to contract as opposed to mere conveyance: and there is a large consensus, if not complete unanimity, among those learned in the antiquities of Roman law, in favour of the view that there was a very old contract-form among the Romans called *nexum*, in which the obligation or *juris vinculum* was established by the use of the *aes et libra*, and which, so long as it subsisted, possessed at least one very peculiar characteristic, which made it extremely popular among the wealthy patrician lending class at Rome.

It is supposed that the form was originally employed for creating money loans. The ceremonial was the same in substance as that in every mancipation, and included the presence, besides the parties themselves, of the five witnesses and a libripens. But to the conveyance of the money, which alone an ordinary mancipation would have contained, there seems to have been superadded a *damnatio* by the lender, analogous to that in one of the four old forms of bequest [LEGATUM], which Huschke conjectures to have run somewhat as follows: "Quod ego tibi mille asses hoc aere aeneaque libra nexos dedi, eos tu mihi post annum cum fenore unciario dare damnas esto." According to this view, the obligation arose, as it were, from an act of legislation, the five witnesses representing the whole populus, as in other transactions in which the same form was observed. By others (especially Niebuhr, following Salmasius) the obligation is held to originate in a second mancipation: the lender conveyed the money to the borrower, and then the latter sold or pledged himself to the former as a security for repayment, it being provided that no action was to be taken on this sale or mortgage of the person until default had been made in performance of the obligation: but since Savigny's essay referred to at the conclusion of this article, the hypothesis of a sale or pledge of himself by the borrower seems to find few supporters. So much as to the divergent views as to the precise mode in which the obligation to repay the money loan originated. Subsequently it is believed that by the *fiction* of a money loan other contracts (*e.g.* sales) came to be represented as made by nexum, which thus became an abstract form in which any transaction which left an outstanding money debt could be expressed (Liv. viii. 28). The debt was termed *nexum aes* ("nexum aes apud antiquos dicebatur pecunia, quae per nexum obligatur," *Festus:* so, too, Varro observes, "Quod obligatur per libram, nec suum sit, inde Nexum dictum"), and sometimes, too, perhaps *nuncupata pecunia;* for, according to Festus, "nuncupata pecunia est, ut ait Cincius in lib. ii. de officio jurisconsulti, nomina certa nominibus certis pronuntiata: CUM NEXUM FACIET MANCIPIUMQUE, UTI LINGUA NUNCUPASSIT, ita ut nominavit locutusve erit, ITA IUS ESTO." The making of a contract in this form was known as *nexi datio*, and the debtor was said *nexum inire*" (Liv. vii. 19).

The peculiarity of this form of incurring obligation, to which it owed its popularity among the lending class, was that, if the day fixed for payment passed without such payment being made, the creditor was under no necessity of bringing an action at law to prove the existence of the debt: the debtor stood on the same footing with a defendant against whom a judgment had been given (*judicatus*), or who had admitted his liability in court (*in jure confessus*): he became *nexus* himself, and liable forthwith to the severe execution procedure by *manus injectio*, or, as Hölder expresses it, "Nexum ist die Begründung einer Executionsreifen Geldschuld per aes et libram." "Liber" (says Varro) "qui suas operas in servitutem pro pecunia quadam debebat, dum solveret, nexus vocatur, ut ab aere obaeratus;" a definition clearly referring to the nexus' liability to be sold into foreign slavery at one time, and later to work out his debt as quasi-slave of his creditor. As soon as the day fixed for repayment had passed, the latter could arrest him at once, take him before the praetor, and after statement of the contract (supported, it may be presumed, by the evidence of the five witnesses) have him, along with the children in his power (Liv. ii. 24; Dionys. vi. 29, 37), *addictus* in the usual way to himself by the magistrate. After such *addictio*, the debtor was in the unenviable position described under MANUS INJECTIO, of which a full account is given by Gellius (xx. 1). Unless he paid the debt, or got a vindex to undertake his defence at the risk of being condemned in double damages, the creditor led him away and kept him chained and fettered in one of the private prisons so familiar to readers of early Roman history, in which he had the privilege of being supported on his own means, in default of which the creditor was bound to provide him daily with at least a pound of meal. His detention here lasted for sixty days, during the first half of which he could still procure his release by payment or compromise: during the second half the creditor had to take him before the praetor on three successive market-days, and publicly proclaim the amount of the debt, to give anyone else an opportunity of saving him from the final severities prescribed by the Twelve Tables. At the conclusion of the sixty days, if the money were still unpaid, the creditor had the choice of two alternatives: either to set him free, or to remove him from the list of Roman citizens by selling him into foreign slavery or killing him. If there were more than one creditor, the statute permitted them to cut each from his body a portion proportionate to their claims: "tertiis nundinis partes secanto: si plus minusve secuerunt, se fraude esto." The advantages of nexum, as a form of contract, thus consisted in the creditor's being dispensed from the necessity of proving his debt by the ordinary legal process; over the ordinary creditor he had a superiority analogous to that of the landlord who can distrain for rent. But this was seriously curtailed by a Lex Vallia (Gaius, iv. 25, Studemund), which limited the operation of *manus injectio* in its original form to the cases of judgment debtors and defendants condemned in an *actio depensi* [INTERCESSIO]: the nexum-debtor, on being arrested for non-payment, was allowed "sibi manum depellere et pro se agere;" he was no longer obliged to submit to imprisonment until the debt was proved against him by ordinary legal process, and against this he could defend himself in person, instead of through a vindex, though still he would have to pay double damages if cast in the suit. Subsequently a statute usually called Poetelia or Poetelia Papiria, the relation of which to the Lex Vallia is very obscure, is believed to have practically put an end to nexum as a form of contract altogether. The passages on which this inference is based are the following:—Liv. viii. 28, "Eo anno plebei Romanae velut aliud initium libertatis factum est, quod necti desierunt: mutatum autem jus ob unius feneratoris simul libidinem simul crudelitatem insignem. L. Papirius is fuit, cui cum se T. Publilius ob aes alienum paternum nexum dedisset, quae aetas formaque misericordiam elicere poterat, ad libidinem et contumeliam animum accenderunt. Victum eo die ob impotentem injuriam unius ingens vinculum fidei: jussique consules ferre ad populum, ne quis, nisi qui noxam meruisset, donec poenam lueret, in compedibus aut in nervo teneretur, pecuniae creditae bona debitoris non corpus obnoxium esset. Ita nexi soluti cautumque in posterum ne necterentur;"—Cic. *de Republ.* ii. 34, 59, "Cum sunt propter unius libidinem omnia nexa civium liberata, nectierque postea desitum;"—Varr. *L. L.* vii. 105, "ut omnes, qui bonam copiam jurarunt, ne essent nexi sed soluti" (cf. Dionys. xvi. 5). The general result of the statute seems to have been to release all those who at the time of its enactment were in private imprisonment under a nexum, because they had not chosen to dispute their liability, and to prohibit for the future the employment of *manus injectio* in any form against debtors who had incurred an obligation in this manner; nexum lost the last of its old advantages for the creditor which the Lex Vallia had left it, and so went out of use: "Nectier postea desitum." It is not improbable that the Lex Silia, which introduced a new *legis actio* for the recovery of money debts, was occasioned by this legislation.

It would seem that even before the Lex Poetilia the rule of the Twelve Tables, which compelled the creditor, after the lapse of sixty days, to either release, kill, or sell the *debitor addictus* into foreign slavery, had been repealed or gone into desuetude. The Lex Poetilia sanctioned the retention of the debtor as a quasi-slave of the creditor, but prohibited the use of bonds or fetters unless the action in which he had been condemned was *ex delicto:* he could be kept at work by the creditor, the value of his labour being deducted from the sum of his debt, and returned to his former status as soon as it had been discharged in full.

Corresponding to the creation of an obligation by nexum was a similar method of discharge, called *nexi liberatio.* The form of this, though no longer used for this particular purpose after nexum had ceased to exist, survived for the discharge of other obligations held to be incurred *per aes et libram* or in a similar manner: its application in the payment of judgment debts and of legacies given *per damnationem* is described by Gaius (iii. 173–175).

Though this general theory of nexum as a contract-form is accepted (with more or less of divergence and modification) by most writers on Roman law, it should be remarked that the passages in the Latin authors in which the words *nectere, nexum, nexus* occur, contain in themselves very little to support it. The writer of this article has been favoured by Professor Nettleship of Oxford with an exhaustive examination of these passages, the general conclusion to which he was led being that the terms express only obligation in general, especially obligation in the way of pledging, and that the hypothesis of a special contract called *nexum,* coordinate with stipulatio and expensilatio, is really untenable. If the writer understands him correctly, he takes the passages dealing with the so-called Lex Poetelia to chronicle only the abolition of the private prisons of the Roman usurers, or at any rate the prohibition of the older severities on the part of the gaoler, whatever the nature of the action in which the defendant had been condemned.

Among earlier writers there appears to have been considerable confusion between *nexum* and *addictio.* "Addicere" apparently expresses the magisterial award of one person to another—under the older and more severe procedure, for private execution or sale into foreign slavery: under the later system, to work out by his labour the sum due to his unsatisfied creditor. A man might be *addictus* either because he was *judicatus* or *confessus,* because he had failed to perform a contract into which he had entered by nexum, or under the Twelve Tables because he had been convicted of *furtum manifestum* (Gaius, iii. 189); but the relation between the two terms seems sufficiently clear, though Niebuhr was the first writer who placed it in clear light. He himself found the leading characteristic of *nexum* in the sale or pledging of his own person by the debtor; but this idea, as has been observed above, was strongly combated by Savigny, who propounded the theory that the personal execution known as *manus injectio* was allowed only on money loans and other debts fictitiously represented as money loans by means of nexum; the execution upon all other judgments was against the property, not against the person, of the debtor. This, however, has found little favour with Savigny's successors, and seems to be sufficiently disproved by Gaius (iv. 21), who says that *manus injectio* was prescribed as the proper procedure on all judgment debts whatsoever by the Twelve Tables. A divergent view expounded with great fulness by Huschke, and adopted by Mr. Long in the earlier editions of this work, is that nexum entitled the creditor to seize the debtor, and to treat him in the manner described by Gellius, without resorting to the magistrate for formal *addictio* at all. Van Heusde represents nexum as the condition from which *addictio* proceeded, and thinks that the Lex Poetelia abolished both by permitting in the future only execution against the property; but the survival of *addictio* in consequence of *manus injectio* resorted to upon a judgment to far later times is proved clearly by Liv. xxxiii. 14; Sallust. *Cat.* 33; Cic. *pro Flacco*, 20–22, 48–53.

(The best discussions on the subject are Niebuhr, *Röm. Geschichte*, i. 637–644, ii. 667–673, iii. 178–181; Savigny, *Ueber das altrömische Schuldrecht, vermischte Schriften*, ii. 396–470; Scheurl, *Vom Nexum*, Erlangen, 1839; C. Sell, *de juris Romani nexo et mancipio*, Brunswick, 1840; C. Van Heusde, *de lege Poetelia Papiria*, 1842; Bachofen, *Das Nexum*, 1843; Danz, *Geschichte des röm. Rechts*, 1846, Theil ii. 85–106; Huschke, *Ueber das Recht des Nexum*, Leipzig, 1846; Giraud, *Des Nexi ou de la condition des débiteurs chez les Romains*, Paris, 1847; Muirhead, *Roman Law*; Puchta, *Institutionen*, §§ 162, 269, 277, 321.) [J. B. M.]

NO'BILES, NOBI'LITAS. In the earliest period of Roman history the Patricians or Patres, who belonged to the older organisation of the populus in curiae, gentes, and familiae, were the nobles as opposed to the Plebs: they practically monopolised political power and the distinction which such power brings. Livy, who wrote in the age of Augustus, and is not very careful in the use of terms, often designates the Patricians by the term *nobilis* (vi. 42); and yet *nobilis*, in its proper historic sense, has a different meaning.

In B.C. 366 the plebeians obtained the right of being eligible to the consulship, and finally were admitted to all the curule magistracies. Thus the two classes were put on the same footing as to political capacity. Those plebeians who had obtained a curule magistracy were thus elevated above their own body, and the personal distinction of a father would confer distinction on his descendants. It is in the nature of aristocratic institutions to perish if they are exclusive: but they perpetuate themselves by giving a plebeian class the power of acquiring a share in the lustre they bestow. Those who are received within the body of nobles are pleased at being separated from their former companions, and are at least as exclusive in their notions as the original members of the class which they have joined.

This was the history of Nobilitas at Rome. The sharp distinction between plebeians and the old patricians became blurred no less by their political equalisation than by the greater frequency of marriages between them after the enactment of the Lex Canuleia; but the descendants of plebeians who had filled curule magistracies formed a class called Nobiles or men "known," in contrast with Ignobiles or people who were not known. The Nobiles had no legal privileges as such: but they were bound together by a common distinction derived from a legal title and by a common interest; and their common interest was to endeavour to confine the election to all the high magistracies to the members of their own body, to the Nobilitas. Thus the descendants of those plebeians who had won their way to distinction combined to exclude other plebeians from the distinction which their own ancestors had transmitted to them.

The external distinction of the Nobiles was the Jus Imaginum, a right or privilege which apparently was established on usage only, and not on any positive enactment. These Imagines were figures with painted masks of wax, made to resemble the person whom they represented (Pliny, *H. N.* xxxv. § 2, "expressi cera vultus"); and they were placed in the atrium of the house, apparently in small wooden receptacles or cases somewhat in the form of temples (*ξύλινα ναΐδια*, Polyb. vi. 53). The Imagines were accompanied with the *tituli* or names of distinction which the deceased had acquired; and the *tituli* were connected in some way by lines or branches so as to exhibit the pedigree (*stemma*) of the family: cf. the passages quoted in Becker, *Handbuch der römischen Alterthümer*, ii. p. 222, note 53. These Imagines were generally enclosed in their cases, but were brought out on festival days and other great ceremonials, and crowned with bay (*laureatae*): they also formed part of a solemn funeral procession. The most complete account of them is in the passage of Polybius already referred to; but there is frequent mention of them in the Roman writers.

These were the external marks or signs of a Nobilis Familia: a kind of heraldic distinction in substance. The origin of this use of Imagines, from which the notion of Roman Nobilitas must not be separated, is uncertain. The term Nobilitas, as already observed, is applied by Livy to a period of Roman history before the consulship was opened to the plebeians; and it is not improbable that the patricians had the use of Imagines, which those plebeians afterwards adopted, when the curule magistracies were made accessible to them. The patricians carried back their pedigrees (*stemmata*) to the remotest historical period, and even beyond it (Tac. *Ann.* iv. 9); and the practice of having Imagines, clearly connected with the ancestor worship of primitive races which Sir Henry Maine has so fully discussed in his *Early Law* *and Custom*, probably existed before the notion of the Jus Imaginum was established, though it is equally likely that that notion, as well as the technical conception of Roman Nobilitas, originated in the admission of the plebeians to the consulship. Indeed, as the object of the patricians, who were all of equal rank so far as their class was concerned, would be to attach to themselves such plebeians as were elected to curule magistracies, it seems conformable to the nature of the thing that the family of such plebeians should be allowed or invited to adopt some existing distinction which should separate them from the body to which they properly belonged. Usage would soon give to such a practice the notion of legality; and thus the Jus Imaginum would be established, as many Roman institutions were, by some general conviction of utility or upon some prevailing notion, and it would be perpetuated by custom.

A plebeian who first attained a curule office was the founder of his family's Nobilitas (*princeps nobilitatis—auctor generis*). Such a person could have no Imagines of his ancestors; and he could have none of his own, for such Imagines of a man were not made till after he was dead (Polyb. *l. c.*). Such a person then was not *nobilis* in the full sense of the term, nor yet was he *ignobilis*. He was called by the Romans a *novus homo* or a new man, and his condition was known as Novitas: see the speech which is put in the mouth of C. Marius in Sallust, *Jug.* 85. The term *novus homo* was never applied to a patrician. The first *novus homo* of Rome was the first plebeian Consul, L. Sextius, and the two most distinguished *novi homines* were C. Marius and M. Tullius Cicero, both natives of an Italian municipium.

The patricians would of course be jealous of the new nobility, which however, when once formed, would easily unite with the old aristocracy to monopolise political power, and to prevent more *novi homines* from polluting this exclusive class (Sallust. *Jug.* 63). Their efforts, in particular, to exclude the poorer citizens from rising to their own order is attested by the rule established from the time of the First Punic War, that the cost of the public games should be no longer defrayed by the treasury, but by the aediles (Dionys. vii. 71), and the aedileship was the first step to the higher magistracies. As early as the Second Punic War, the new class, composed of patricians or original aristocrats, and Nobiles or newly engrafted aristocrats, was able to exclude *novi homines* from the consulship (Liv. xxii. 34). They maintained this power to the end of the Republican period, and the consulship continued almost in the exclusive possession of the Nobilitas. The testimony of Cicero, himself a *novus homo*, on this point is full and distinct.

As to the persons who would be included in the stemma of a noble family, it appears that all the ascendants of a man up to the ancestor who first attained a curule office would be comprehended, and also the ascendants on the mother's side who had been *nobiles*. Adoption would also increase the number of persons who would be comprised in a stemma: and if Affines were occasionally included, as they appear to have been, the stemma would become an enormous pedigree.

The term Optimates, as explained by Cicero (*pro Sest.* 45), is opposed to Populares: he describes the Optimates to be all those "qui neque nocentes sunt nec natura improbi nec furiosi nec malis domesticis impediti." This is no political definition: it is nothing more than such a name as Conservative or any other. The use of it by Livy (iii. 39) shows how he understood it; but it is only confusing to employ it in relation to the early times of which he is speaking. Velleius (ii. 3) describes the Optimates as the Senatus, the better and larger part of the Equestris ordo, and such part of the Plebs as were unaffected by pernicious counsels: all these joined in the attack on Gracchus. This opens our eyes to the real meaning of Optimates: they were the Nobilitas and the chief part of the Equites, a rich middle class, and also all others whose support the Nobilitas and Equites could command: in fact all who were opposed to change that might affect the power of the Nobilitas and the interests of those whom the Nobilitas allied with themselves. Optimates in this sense are opposed to Plebs, the mass of the people: and Optimates is a wider term than Nobilitas, inasmuch as it would comprehend the Nobilitas and all who adhered to them.

The term Populares is vague. It could be used to signify the opponents of the Nobilitas, whether the motives of these opponents were pure and honest, or whether their aim was self-aggrandisement through popular favour. Of Caesar, who sought to gain the popular favour, it was truly said, that it was not so much what he gave to the people which made him formidable, as what he would expect to get from them in return. A *popularis* might be of the class of the Nobilitas, and very often was. He might even be a patrician, like Caesar: his object might be either to humble the nobles, to promote the interests of the people, or to promote his own: or he might have all these objects, as Caesar had.

The chief passages in classical writers bearing on the contrast of *nobiles*, *ignobiles*, and *novi homines* are Cicero, *in Rull.* ii. 1, 2; *pro Cluentio*, 40, 111; Appian, *de Bell. Civ.* ii. 2; Plutarch, *Cato Maj.* i.; Vell. Pat. ii. 128, and Asconius in *Argum. Orat. in toga candida*, p. 82 (Orelli). The subject of Nobilitas is handled by Becker, in the work already referred to, and there are also some remarks on the Roman Nobiles in Zachariae, *Sulla* (i. 5). He observes of Sulla that though his family was patrician, he could hardly be considered as belonging to the Nobiles in the strict sense, as the term Nobilitas implied that some one of a man's ancestors had filled a curule magistracy, and also implied the possession of wealth. But this is a confused view of the matter. Sulla's ancestors had filled curule magistracies; and though his family was poor, it was still Nobilis. A Nobilis, though poor, as Sulla was, was Nobilis still: want of wealth might deprive a man of influence, but not of the Jus Imaginum. If there was any patrician whose ancestors had never filled a curule office, he would not be nobilis in the technical later sense. But when the Nobilitas had been formed into a powerful body, which was long before the reforms of the Gracchi, the distinction of patrician was of secondary importance. It would seem unlikely that there was any patrician gens existing in the year 133 B.C., or indeed long before that time, the families of which had not enjoyed the highest honours of the state many times. The exceptions, if any, would be few.

In reading the Greek writers on Roman history, it is useful to attend to the meaning of the political terms which they employ. The δυνατοὶ of Plutarch (*Tib. Gracch.* 13, 20) and the πλούσιοι are the Nobilitas and their partisans; or, as Cicero would call them after he was made consul, the Optimates. In such passages as Dio Cass. xxxviii. 2 the meaning of δυνατοὶ may be collected from the context. [G. L.] [J. B. M.]

NODUS, in a special sense, was applied to the following parts of dress:—1. The knot used in tying on the scarf [CHLAMYS] or other article constituting the AMICTUS. This was often effected by the aid of a brooch [FIBULA], a ring, or some jewel (Verg. *Aen.* i. 320, vi. 301, xi. 776; Claud. *de Rapt. Pros.* ii. 40); but frequently in the method shown in the woodcut of Diana, Vol. I. p. 416. 2. The knot of hair (κόρυμβος, κρωβύλος), either at the top or at the back of the head, adopted by both sexes in fastening their long hair, which was turned upwards or backwards for the purpose ("crine rursus adducto revocare nodo," Sen. *Oedip.* ii.; Verg. *Aen.* iv. 138; Hor. *Epod.* xi. 28). Examples may be seen in the woodcuts under COMA. 3. The knot of leather worn by boys of the poorer classes at Rome instead of the golden BULLA. [J. Y.]

NOMEN (ὄνομα), name. 1. GREEK. The Greeks, as is well known, bore only one name (Paus. vii. 7, § 4), and it was one of the especial rights of a father to choose the names for his children, and to alter them if he pleased. (Dem. *c. Boeot.* i. p. 1006, § 39; *c. Macart.* p. 1075, § 74.) It was customary to give to the eldest son the name of the grandfather on his father's side. The history of Greece contains many instances of this custom, and Sositheus (*ap.* Dem. *c. Macart.* l. c. says, "I gave to my eldest son, as is just (ὥσπερ καὶ δίκαιόν ἐστι), the name of my father." (Compare Eustath. *ad Il.* v. 546; Dem. *c. Boeot.* i. p. 1002, § 27.) Similarly girls were called after the grandmother (Isae. *de Pyrrh. hered.* § 30). What custom was generally followed in regard to the other children may be inferred from the same passage, for Sositheus goes on to say, that he called his second son after the name of his wife's father, the third after a relation of his wife, and the fourth son after his own grandfather on his mother's side. Mothers seem also sometimes to have assumed the right of giving the names to their children (Eurip. *Phoen.* 58), and it may be that, as in the case described by Aristophanes (*Nub.* 60, &c.), sometimes a quarrel arose between the parents, if they could not agree upon the name to be given to a child. A boy also sometimes received the name of his father, as in the cases of Demosthenes and Demades, or one similar to that of his father. Nausinicus thus called his son Nausiphilus, and Callicrates called his son Callistratus. (Boeckh, *ad* Pind. *Pyth.* iv. p. 265.) A similar method was sometimes adopted in the names of several brothers; thus two brothers in the speech of Lysias against Diagiton are called Diodotus and Diogiton. In some cases lastly, the name of a son was a patronymic, formed from the name of the father, as Phocion, the son of Phocos.

The day on which children received their names was the tenth after their birth (Aristoph. *Av.* 922, &c.). According to some accounts, a child received its name as early as the seventh or even fifth day after its birth. [AMPHIDROMIA.] The tenth day, called δεκάτη, however, was a festive day, and friends and relations were invited to take part in a sacrifice and a repast, whence the expressions δεκάτην θύειν and δεκάτην ἑστιᾶν. If in a court of justice proofs could be adduced that a father had held the δεκάτη, it was sufficient evidence that he had recognised the child as his own. (Dem. *c. Boeot.* ii. p. 1017, § 28.)

The fact that every Greek had only one name rendered it necessary to have an innumerable variety of names. But, however great the number of names might be, ambiguity and confusion could not be avoided; and in reading the works of the Greeks we are not always certain whether the same name in different passages or writers belongs to one or to several persons. The Greeks themselves were aware of this, and where accuracy was of importance they used various means to prevent mistakes. Sometimes they added the name of the father in the genitive case, as Ἀλκιβιάδης ὁ Κλεινίου, Πλειστοάναξ ὁ Παυσανίου: sometimes they added the name of the place or country in which a person was born, in the form of an adjective, as Θουκυδίδης ὁ Ἀθηναῖος, Ἡρόδοτος Ἁλικαρνασσεύς, Χαρμαντίδης Παιανιεύς, Δικαίαρχος ὁ Μεσσήνιος, &c.; sometimes they added an epithet to the name, expressing either the occupation or profession which a person followed, or indicating the school to which he belonged. Instances are of such frequent occurrence that it is superfluous to quote any. The custom of adding the father's name was called πατρόθεν ὀνομάζεσθαι (Paus. vii. 7, § 4; Xenoph. *Oeconom.* 7, § 3).

In common life the Greeks had yet another means of avoiding ambiguity, and this was the frequent use of nicknames, expressive of mental or bodily peculiarities and defects. Thus Demosthenes was from his childhood called Βάταλος. (Aeschin. *c. Timarch.* §§ 126, 141; Dem. *de Cor.* p. 288, § 180.) Aristophanes (*Av.* 1291, &c.) mentions several names of birds which were used as nicknames; other nicknames are preserved in Athenaeus (vi. p. 242). [Cf. Xen. *Hell.* ii. 2, 31; Lucian, *Symp.* 6; Athen. x. p. 436.]

(Compare Becker-Göll, *Charikles*, vol. ii. p. 26.)

2. ROMAN. It has been said that the Romans originally had only one name ("simplicia nomina," Varro, *ap.* Auct. *de Praenom.* 1), but Mommsen justly remarks that the instances given—*Romulus*, *Remus*, *Faustulus*—are all of the mythical age, and that even then we hear of *Numa Pompilius*, &c. (*R. Forsch.* i. 5). Though there can be no doubt that there was greater simplicity of nomenclature in the earliest times, and though the prevalence of single names is not impossible, the view taken by Mommsen is most probable that the early Roman custom was to have two names; the second in the genitive, representing the father or head of the household, as *Marcus Marci*, *Caecilia Metelli*. In process of time we find

for freeborn men a triple name, the *nomen* or name *par excellence* to designate the gens, the *cognomen* the family, and the *praenomen* the individual. The order properly (and so used in good prose) was *praenomen*, *nomen*, *cognomen;* but in metrical writing this is not preserved: *e.g.* "Cornelius Lucius Scipio Barbatus," as an epitaph in Saturnian verse (*C. I. L.* vi. 1285). For formal description the name of the father, grandfather, and even great grandfather was added, and sometimes the tribe also, as *M. Tullius M. f. M. n. M. pr. Cor(nelia tribu) Cicero* (Momm. *I. R. N.* 4320). When the praenomen (for ordinary speech) was omitted, the order does not appear consistent in all writers. In older times the cognomen, in this case, stands first, as Pulcher Claudius, Balbus Cornelius, and this is followed by Cicero: whereas Caesar preserves the order belonging to the triple name and keeps the cognomen after the praenomen, Livy and Tacitus vary their practice (see Marquardt, *Privatl.* 9, note). For every-day use the praenomen alone was used for relations or intimate friends (and those who wished to appear as such) addressing each other; the cognomen alone in ordinary intercourse, with the praenomen added sometimes in emphatic address: the nomen being used only for formal purposes. As, however, the triple name grew out of something simpler, so as time went on it spread into a much longer and more complex system of names, and finally ended in what cannot be called a system at all. It is necessary to examine the names more in detail.

1. *Nomen.*—This, the gentile name, in patrician families always ended in *ius*, which probably marks an original patronymic: the terminations *eius*, *aius*, *aeus*, *eus* are merely variations of it. Other terminations of the nomen mark a different origin, and are thus classed by Mommsen,—*acus* (e.g. Avidiacus) as Gallic; *enus* as Umbrian; *na* (*Caecina*, &c.) as Etruscan: some others are formed from the names of towns, whence the family sprung, as Norbanus, &c.: *Verres* stands apart, and was perhaps an original cognomen turned into a nomen (Mommsen, *R. Forsch.* i. 51).

2. *Praenomen.*—This individual name was given to boys on the ninth day after their birth on the *dies lustricus* [LUSTRATIO, p. 102]: when it is said (Auct. *de Praen.* 3) that this name was not given till the assumption of the toga virilis, it can only be meant that the official entry was then made: for we have inscriptions speaking of young children under their praenomina (*C. I. L.* x. 2221). The number of recognised praenomina was originally larger, and Varro (as cited by the above author) mentions as ancient praenomina disused in his time *Agrippa*, *Ancus*, *Caesar*, *Faustus*, *Hostus*, *Lar*, *Opiter*, *Postumus*, *Proculus*, *Sertor*, *Statius*, *Tullus*, *Volero*, *Vopiscus*.

There survived 18 for patrician families, represented in an abbreviated form: *Aulus* (*A.*), *Decimus* (*D.*), *Gaius* (*C.*), *Gnaeus* (*Cn.*), *Kaeso* (*K.*), *Lucius* (*L.*), *Manius* (*M.'*), *Marcus* (*M.*), *Publius* (*P.*), *Quintus* (*Q.*), *Servius* (*Ser.*), *Sextus* (*Sex.*), *Spurius* (*Sp.*), *Tiberius* (*Ti.*), *Titus* (*T.*), *Mamercus* (*Mam.*), *Appius* (*Ap.*), *Numerius* (*N.*). The number, no doubt, decreased from the custom of different families using only a few praenomina, usually only five or six (the Cornelii used only Cn., L. and P.). Of the above some were used by particular families and by no other; *K.*, for instance, by the Fabii and Quinctilii alone, Mam. only by the Aemilii. (See Mommsen, *op. cit.* 15.) In plebeian families there was not the same restriction, and a greater variety appears (*Novius*, *Vibius*, &c.); yet those who became *nobiles* followed the patrician rule, so that the Domitii have only the praenomina *Gnaeus* and *Lucius* (Suet. *Ner.* 1). The reaction under Sulla revived some old praenomina or introduced others, as *Faustus*, *Iulus*, *Cossus:* but it is difficult to say how far all such should be regarded as genuine praenomina. Mau is probably right in his note on Marquardt, *Privatl.* 13, when he demurs to the view that *Paullus*, *Agrippa*, *Nero*, *Drusus*, *Germanicus*, &c., became praenomina, and holds them rather to be cognomina which by a later fashion for various reasons in some distinguished families displaced the proper praenomen, as when we find *Africanus Aemilius Regillus* a consul in B.C. 9, and so described on a coin.

3. *Cognomen.*—Every Roman citizen, besides belonging to a gens, was also a member of a familia, contained in the gens, and as such he might have a cognomen or third name, which marked off that familia from others of the same gens. This was in the Republic probably universal, or nearly so, in patrician families (Plutarch, however, *Cor.* 11, says that C. Marcius had no cognomen till he took Corioli). In plebeian families it was not the rule: for instance, the Marii, Sertorii, and Mummii had none (Plut. *Mar.* 1); but many afterwards gained them, as Pompeius, when he took the cognomen *Magnus*. Some from mere assumption took cognomina to which they were considered to have no right: witness the case of Staienus calling himself *Paetus* (Cic. *pro Cluent.* 26, 72). Marquardt, from the fact that the cognomen stands after the tribe, when the tribe also is given, conjectures that the use of cognomina does not date further back in ordinary usage than Servius Tullius: as a *legal* form in laws and decrees, it is enjoined only in Sulla's time (see the citations in Marquardt, *op. cit.* 14). As to their origin we can have little doubt that they were *personal* names, originally given for some reason (often a bodily peculiarity) to some man, and then transmitted to all his family: sometimes they are descriptive, as *Pulcher*, *Calvus*, *Naso;* sometimes they mark an origin, as *Sabinus*, *Maluginensis*. (As regards the representative of the cognomen in family emblems, the *apex* of the Flaminii, the *torques* of the Manlii, &c., see INSIGNE.) It is probable that under the Republic the third name implied *nobilitas*, but it came later to be the mark merely of *freedom* (Cod. Just. vii. 16, 9); and in Juv. v. 127, "tanquam habeas tria nomina" means rather, as Professor Mayor says, "as though you were free," than, as Marquardt puts it, "tanquam nobilis sis."

The nobiles, however, proceeded further to multiply their cognomina: such fourth or fifth names were still, like the third, called *cognomen* in classical Latin (Cic. *pro Mur.* 14, 31): the practice of calling them *agnomina* did not begin till the grammarians of the 4th cent. A.D. Under this head we have (i.) the adoptive names, for which see ADOPTIO, Vol. I. p. 26. It may be observed that the termination *anus* was not usual after Sulla, when the original cognomen was added instead of the altered nomen: *e.g.* M. Terentius Varro *Lucullus*. It is a peculiarity that Brutus adopted by Q. Servilius Caepio is called simply Q. Caepio Brutus (Mommsen, *R. Forsch.* 51). (ii.) The *cognomen ex virtute*: Africanus, Asiaticus, &c. (iii.) Those added more like nicknames, as Q. Caecilius Metellus *Celer* (cf. Plin. *H. N.* vii. § 54). The *cognomina ex virtute* were passed on to children (Cic. *de Rep.* vi. 11), though how far is uncertain: Mommsen thinks, only to the eldest son.

The name-system became altered or altogether lost under the Empire. The emperors, as Gaius and Titus, used sometimes the praenomen alone with the imperial title, sometimes the cognomen only, as Imp. Caesar Vespasianus (see Mommsen, *R. Forsch.* 741): for the citizens, as mentioned above, we find sometimes the use of cognomen in place of praenomen, sometimes the multiplication of gentile names by adding the names of the mother's family or other relations; sometimes again a second praenomen is put in, often quite out of its place: *e.g.* C. Antius *Aulus* Julius Quadratus, P. Aelius Aelianus Archelaus *Marcus*. As a climax we have a string of thirty names. (Orell. 2761.)

In later times we find a pure nickname, which is termed *signum* (Capitol. *Gord.* iv. 8) or *vocabulum* (Tac. *Ann.* i. 41), coupled by the words *sive* or *qui et*, as "Eustatius sive Lampadius" (*C. I. L.* v. 4410), "M. Datellius Trophimus qui et Fortunatus," but sometimes as Lucilius Metrobius *signo* Sapricus (*C. I. L.* x. 3796). Remarkable instances of these *signa* or *vocabula* are "Caligula," "Cedo alteram" (Tac. *Ann.* i. 23, 41), "Manus ad ferrum" (Lamprid. *Aurelian.* 6).

Names of Women.—Wives and daughters added originally the name of the man in whose *manus* they were, the wife her husband's, the daughter her father's, as Metella Crassi, Caecilia Metelli; but later it became usual for the daughter to express the relationship by adding *f.* after the father's name. The praenomen might be used also before the gentile name, as Secunda Valeria M. f., but without the limitation of praenomina observed in the sons of the family. In the later Republic the single gentile name is more common; but under the Empire we find two names usual, formed from the nomen and cognomen of the father, or the combined gentile names of father and mother (Caecilia Metella, Valeria Attia): three names are exceptional (Suet. *Claud.* 56).

Slaves originally bore the affix *por* = *puer* to the master's praenomen, as *Marcipor* or *Marpor*, *Quintipor*, &c., which Pliny (*H. N.* xxxiii. § 26) thinks pointed to the simplicity of life when a man had usually only one slave: it must be observed, however, that the termination is found comparatively late (Sall. *Hist.* iii. *fr.* 69), and also that we find it for freedmen, "Aulus Caecilius, Auli libertus, Olipor." When slaves were multiplied and *servus* legally replaced *puer*, we find slaves in republican times distinguished by their own names with the master's in inverted order: thus the slave of P. Egnatius is "Pharnaces Egnatii Publii servus"; under the Empire more naturally as "Eleutherus C. Julii Florentini servus." A curious practice was the tacking on the name of a previous master with the suffix *anus*, as "Secundus Caesaris servus Crescentianus," "Anna Liviae serva Maecenatiana," when the slaves had been formerly in the household of Crescens or Maecenas.

Freedmen originally took before their own names the gentile name of their master and any praenomen, as L. Livius Andronicus, the freedman of M. Livius Salinator. The *condition* is also expressed in inscriptions: *e.g.* "M. Ramnius P. l. Diopantus" means that Diopantus was a freedman of P. Ramnius, and took for himself the praenomen M. Later it became customary to take the master's praenomen also. Freedmen of a woman took the names of the father of their mistress, as "M. Livius, Augustae l., Ismarus." Cicero however, while Tiro becomes M. Tullius Tiro, gives Dionysius the nomen of Atticus and his own praenomen (Cic. *ad Att.* iv. 15, 1). The names indicating servile origin disappeared in the second generation. (Marquardt, *Privatleben*, 6–28; Mommsen, *Röm. Forschungen*, 1–68: a mass of literature on the subject is cited by Marquardt on page 6.) [L. S.] [G. E. M.]

NOMEN. [FENUS; OBLIGATIONES.]

NOMENCLA'TOR. For the ordinary nomenclator, see AMBITUS, Vol. I. p. 100 *a*. There was also a *nomenclator censorius* to attend upon the censor (who had no lictors): he was a freedman of the censor and held the same place as the *accensus* of other magistrates [ACCENSUS]. The use of a nomenclator in the duties of the censorial office, especially in the *equitum census* or *recognitio*, is obvious. [See CENSUS; EQUITES.] Inscriptions mentioning the *nomenclator censorius* may be found in Mommsen's *Staatsrecht*, i. p. 359. As the censorial power passed to the emperor, it is natural that we find these attendants reappearing as *nomenclatores a censibus* attached to the imperial bureau which received petitions for admission to the Equites (*C. I. L.* xiv. 3553). [See also MAGISTER A CENSIBUS.] [G. E. M.]

NOMINATIO and **NOMINO** are the technical words used to denote the first stage in the appointment to the augurship and other priestly colleges, under the law of Labienus, B.C. 63. On a vacancy in their college, each of the augurs "nominated" a candidate for the post, and the choice between those so nominated was decided by a popular vote of seventeen tribes chosen by lot. In order that the assembly might exercise an effective choice, a sufficient number of candidates was secured by a rule that not more than two augurs might give their nomination to any one candidate. (Cic. *Phil.* ii. 2, 4.)

The term *nominare* is likewise used of a function of the emperors in the election of magistrates from the time that these elections were transferred (Tac. *Ann.* i. 15) to the senate. This "nomination" is different from the right of recommending candidates which the emperor possessed; for Tacitus (*l. c.*) tells of Tiberius that he limited himself "ne plures quam quattuor candidatos commendaret, sine repulsa et ambitu designandos;" while in the previous chapter he says, "candidatos praeturae duodecim nominavit, numerum ab Augusto traditum, et hortante senatu ut augeret, jure jurando obstrinxit se non excessurum." In the same way when Asinius Gallus proposed (Tac. *Ann.* ii. 36) that appointments for five years on should be made at once, he added, "princeps duodecim candidatos in annos singulos nominaret." This passage however, as it merely repeats the words of *Ann.* i. 14, and extends the system there described to suit a quinquennial arrangement, may be left out of account. The description (*Ann.* i. 81) of the consular elections, on the other hand, cannot be passed over: "plerumque eos tantum apud se professos disseruit, quorum nomina consulibus edidisset: posse et alios profiteri, si gratiae aut meritis confiderent." Lastly, we have an electioneering letter of the younger Pliny (ii. 9): "Anxium me et inquietum habet petitio Sexti Eruci mei . . . ego Sexto latum clavum a Caesare nostro, ego quaesturam impetravi, meo suffragio pervenit ad jus tribunatum petendi, quem nisi obtinet in senatu vereor ne decepisse Caesarem videar."

The last passage would naturally be taken to mean (see Nipperdey *ad* Tac. *Ann.* i. 81) that the emperor's leave was necessary before a candidate could offer himself for election, and it would be further natural to identify such leave with the "nomination" mentioned by Tacitus. In that case we should expect to find the emperor "nominating" a long list of candidates (beside those specially recommended) and the senate choosing out of this list. When, however, we find that the senate begs Tiberius to increase the number of his nominees, it becomes clear that "nomination" can have no such meaning as has been suggested. Twelve was the ordinary number of annual vacancies for the praetorship; so that if the emperor gave leave only to twelve candidates, these twelve persons must necessarily be elected; the distinction between those of them who were and those who were not recommended would vanish; *nominatio* and *commendatio* (which are always contrasted by our authorities) would have precisely the same effect. The value of such a nomination would manifestly be diminished by every addition to the number nominated. It is quite impossible, considering the relations between Tiberius and the senators, that they should at the beginning of his reign have urged him to lessen his own powers by giving them greater freedom of choice, and that he should have positively refused to do so. We have indeed a somewhat similar question of appointment in *Ann.* iii. 32 and 35, but there the senate wish the emperor to give them one name, and he insists on giving two for them to choose from.

It is clear from Pliny's letter that there were contested elections in the senate to the office of tribune. As regards the praetorship, we may draw the same conclusion from the account in Tacitus (*Ann.* ii. 51) of the election of a "praetor suffectus," and still more clearly from an incident in Nero's time (*Ann.* xiv. 28): "Comitia praetorum arbitrio senatus haberi solita, quoniam acriore ambitu exarserant, princeps composuit, tres, qui supra numerum petebant, legioni praeficiendo." On the other hand, we never hear of contested elections to the consulship.

Mommsen (*Staatsrecht*, ii.^{3} pp. 917 ff.) has an explanation which lessens though it does not remove the difficulty of reconciling these passages. He first gets rid of Pliny's canvassing letter by the supposition that "meo suffragio pervenit ad jus tribunatum petendi" does not refer to any fresh privilege obtained by him for Erucius, but merely sums up what he had got for him before, namely the latus clavus and the quaestorship, these being the qualifications which now enabled him to be a candidate for the office of tribune. This interpretation would seem very forced if we were dealing with a simple and straightforward letter-writer, but it is not inadmissible in the case of the artificial epistles of the younger Pliny. Mommsen proceeds to point out that under the Republic the magistrate conducting an election had the duty of examining the legal qualifications of the candidate, and was bound to accept only those votes which were given to persons legally eligible ("rationem alicujus in comitiis habere"). Under the principate this ministerial duty would belong jointly to the emperor and to the consuls. Either of the two co-ordinate powers might examine the qualifications of a candidate, and declare him capable or incapable of standing. Manifestly the emperor's certificate would be the more prized; all candidates would press to have their claims vouched for by him, and (if this tendency were not checked) on the emperor alone would fall the responsibility of deciding who was, and who was not, to be on the list of candidates. This responsibility the senate press Tiberius to assume, but he insists on the consuls taking some part of it, and will only certify in a limited number of cases. Such is Mommsen's explanation of "candidatos praeturae duodecim nominavit."

It may be objected to this that we should expect that the candidates who were sent to the consuls would be at a disadvantage compared with the eight candidates who, though not "commended," were selected by the emperor for the honour of his certificate. The senators, we might suppose, would be as unlikely to vote against the eight "nominated" as against the four avowedly "commended." The system seems to have led to precisely this result in the elections to the consulship. Tiberius (*Ann.* i. 81) does not commend anyone for this office; he merely announces that two qualified candidates have sent in their names to him; any others may send in their names to the consuls. The effect naturally is that no one does so; the emperor's certificate to the consular candidate, by driving all others from the field, has the same result as commendation. Mommsen (*op. cit.* p. 923) quotes an inscription where such a one actually describes himself as commended by Tiberius for the consulship.

How then are we to account for the practical difference between the consular and the praetorian elections? There must have been some understanding, by which candidates more numerous than the vacancies were encouraged to stand in the one case and discouraged from standing in the other. We may suppose that all candidates laid their names, formally or informally, before the emperor. If he announced (as Tacitus says he did in the case of the consulship) that only two properly qualified candidates had come to his official knowledge, this would be a sufficient hint to the rest of the competitors that they were to efface themselves. If, on the other hand, he brought forward the names of all, and ordered the consuls to examine the qualifications of some of them while he himself undertook that duty in the case of others, this may have been done in such a way as to imply that he wished them all to be voted for indifferently. This would be especially the case, if we may conjecture that the emperor did not arbitrarily pick and choose the candidates he was to "nominate," as he undoubtedly did those whom he was to "commend." A passage of Dio Cassius (lviii. 20), relating to Tiberius, may perhaps throw some light on this. After saying that Tiberius commended certain candidates, who were elected at once by all voices, he proceeds to describe his practice in the case of those not commended—*τοὺς δὲ ἐπί τε τοῖς δικαιώμασι καὶ ἐπὶ τῇ ὁμολογίᾳ τῷ τε κλήρῳ ποιούμενος.* It may perhaps be allowable to interpret this as meaning that certain ancestry or certain services (*δικαιώματα*) gave a man a claim by custom to have his certificate from the emperor, and that in some other cases persons were marked out for the honour by general acclamation of the senate or by consent of their competitors (*ὁμολογίᾳ*); but that for the rest Tiberius in the case of the praetorship decided by lot which names he should examine for himself and which he should refer for examination to the consuls. In the latter case, as chance alone would decide, it can have been no indication of disfavour that a man should not come armed with the imperial certificate. [J. L. S. D.]

NOMI'SMATOS DIA'PHORAS GRAPHE (*νομίσματος διαφορᾶς γραφή*) is the name of the public action which might, at Athens, be brought against anyone who coined money either too light in weight or not consisting of the pure metal prescribed by the law. The lawful punishment inflicted upon a person in case he was convicted was death. (Demosth. *c. Lept.* p. 508, § 67; *c. Timocrat.* p. 765, § 212.) What action might be brought against those who coined money without the sanction of the republic, and how such persons were punished, is not known (*Att. Process*, ed. Lipsius, p. 437). Xenophon (*de Vect.* iii. 2) remarks that the Athenian silver coins were actually worth their nominal value. [L. S.] [H. H.]

NOMOPHY'LACES (*νομοφύλακες*) were certain magistrates or official persons of high authority, whose duty it was to see that nothing unconstitutional was proposed, and to punish those who acted unconstitutionally (Xen. *Oec.* 9, 14; Cic. *de Leg.* iii. 20, 46): they had also to provide for the safe custody of written laws and records (*C. I. G.* 3794). Generally speaking, they were intended to uphold the established order of things against hasty innovators (cf. Plat. *Leg.* vi. p. 755 A). We find them at Abdera, Mylasa, Chalcedon, Corcyra (see the inscr. cited by Gilbert, *Staatsalt.* ii. p. 337): but the office sometimes has a different title, *νομοδεῖκται* at Andania (Dittenberg, 388, 114) and *θεσμοφύλακες* at Elis (Thuc. v. 47). At Sparta there were five *νομοφύλακες* and a *γραμματοφύλαξ* or keeper of records, who in some inscriptions is ranked with his superiors, so that the number appears to be six. (See Gilbert, i. p. 27.)

At Athens this supervision had originally belonged to the Areiopagus, and, when Ephialtes deprived that body of its power [Areiopagus, Vol. I. p. 177], it seemed necessary to have some "guardians of the law" who should be a check upon too rapid legislation, by protesting against propositions which were detrimental to the state or subversive of the constitution. (*Lex. Cantab.* s. v.; Phot. *s. v.*; Schömann, *Antiq.* p. 342; Grote, *Hist.* v. 503, ch. xlvi.; E. Curtius, *Hist.* ii. p. 385.) These were a board of seven Nomophylaces, chosen annually by lot, who sat beside the Proedri in the senate and in the assembly. They were abolished in the archonship of Eucleides, when the Areiopagus regained some of its supervising powers, but were instituted again by Demetrius of Phalerum. Some writers hold this to have been the first institution of nomophylaces at Athens (see Gilbert, *Staatsalt.* i. p. 153). It may be observed that the importance of the board was really small, since the control which belonged to them was in practice superseded by the Graphe Paranomon; and this may account for our hearing nothing of their activity. [C. R. K.] [G. E. M.]

NOMOS (*νόμος*). The definition of *νόμος* in [Dem.] *c. Aristog.* i. p. 774, § 16—a definition which has passed into the Digests, l. 2, *de legibus*—contains all the points which must be touched upon in discussing law and legislation amongst the Greeks: *πᾶς ἐστὶ νόμος εὕρημα μὲν καὶ δῶρον θεῶν, δόγμα δ' ἀνθρώπων φρονίμων, ἐπανόρθωμα δὲ τῶν ἑκουσίων καὶ ἀκουσίων ἁμαρτημάτων, πόλεως δὲ συνθήκη κοινή, καθ' ἣν πᾶσι προσήκει ζῆν τοῖς ἐν τῇ πόλει.* In the heroic ages the king's authority, which the family derived from the favour of Zeus (*τιμὴ δ' ἐκ Διός ἐστι*, *Il.* ii. 197) and which passed by descent, as a general rule, to the eldest son, was not absolute, but limited *ἐπὶ ῥητοῖς γέρασι* (Thuc. i. 13: cf. Dion. Halic. *A. R.* v. 74). As Aristotle says (*Pol.* iii. 10 [14 B.] 1), "he commands the army, administers justice" (chiefly, though not exclusively), "and conducts the rites of religion." The king received from Zeus the sceptre, the symbol of the judicial authority, and with it the *θέμιστες* (*Il.* ii. 206; ix. 98 f.), which belong properly to Zeus (*Od.* xvi. 403): so that "when he decided a dispute by a sentence the judgment was assumed to be the result of direct inspiration;" when he called in the assistance of the *γέροντες*, "they sat on polished stones in the holy circle and held in their hands the heralds' sceptres; with these they rose up and gave sentence in turn" (*Il.* xviii. 504 ff., *δικασπόλοι, οἵτε θέμιστας πρὸς Διὸς εἰρύαται*, *Il.* i. 238 f.), and he himself occupied probably the same position among them which is ascribed to Minos when judging the dead (*Od.* xi. 568 ff.). [Rex.] The same idea which caused these judgments of the king to be attributed to divine inspiration shows itself here and there at a later period in the claim of a divine origin for entire systems of laws. "Do you believe, as Homer says," asks the Athenian of the Cretan Cleinias, "that Minos went every ninth year to converse with Zeus and made laws for your cities in accordance with his sacred words?" "Yes, that is our tradition" (Plat. *Legg.* i. *init.*). According to the tradition of the Spartans preserved by Herodotus (i. 69), Lycurgus introduced the laws of Crete into Sparta: "Some, however," he adds, "said that the Pythia gave him the constitution which still exists in Sparta;" and the latter belief gained general acceptance (Xen.

de Rep. Lac. 8, *πυθόχρηστοι νόμοι*), so that Lycurgus came to be looked upon as *φύσις τις ἀνθρωπίνη μεμιγμένη θείᾳ τινὶ δυνάμει* (Plat. *Legg*. iii. p. 691 E). Zaleucus, too, is made to say that Athene had appeared to him in a dream and given him laws (Plut. *de se ips. laud.* p. 534 A: cf. Arist. *Λοκρῶν πολιτ. fr.* 230). The great fundamental conceptions of morality, common alike to all mankind, the *ἄγραφοι νόμοι*, were also believed to have come from the gods (Soph. *Oed. R.* 864 ff.; Eurip. *Antiop*. fr. 219; Xen. *Memor*. iv. 4, 19); and being derived and having their sanction from heaven, they were considered superior to the enactments of human societies (Soph. *Antig*. 454 ff.; Eurip. *Suppl*. 19, 526, 537; Thuc. iv. 97, etc.). This is the *κοινὸς νόμος—ὅσα ἄγραφα παρὰ πᾶσιν ὁμολογεῖσθαι δοκεῖ*—as opposed to the *ἴδιος νόμος, καθ' ὃν γεγραμμένον πολιτεύονται*, which applies only to the citizens of each individual state (Arist. *Rhet*. i. 10, 3). The *ἴδιος νόμος* did not protect the foreigner (*ἀτίμητος μεταναστής*, *Il*. ix. 648); there never was at Athens a state law *τοὺς ξένους μὴ ἀδικεῖσθαι*, as Petit supposes (*Legg. Attic*. viii. tit. iv. p. 678), but there, as everywhere, *ξένοι* were looked upon as protected by *Ζεὺς Ξένιος* (*οὔ μοι θέμις ἔστ' . . . ξεῖνον ἀτιμῆσαι*, *Od*. xiv. 56, ix. 270; Plat. *Legg*. v. p. 729 E, etc.; *κατὰ τὸν κοινὸν ἁπάντων ἀνθρώπων νόμον ὃς κεῖται τὸν φεύγοντα δέχεσθαι*, Dem. *c. Aristocr*. p. 648, § 85). When aliens became residents (*μέτοικοι*) in Athens, they were admitted to the protection of the law under certain conditions, but were never placed on the same footing as the Athenians, and the special jurisdiction over them was entrusted to the polemarch. (As to the *κόσμος ξένιος* in Gortyn, see *Bull. de Corr. Hellén*. xi. p. 243.) [METOECI.]

The *θέμιστες* of the king were not laws, but single, isolated judgments. Zeus, as Grote says, or the human king on earth, was not a lawmaker, but a judge (the word *νόμος* does not occur in Homer); but, owing to parities of circumstances in the simple conditions of ancient society, awards were likely to follow and resemble each other in the succession of similar cases. Thus a beginning was made of customary law which was fully developed in the era of aristocracies following upon the period of kingly rule. The regal power, though limited, was liable to be abused, and Hesiod complains bitterly of the crooked and corrupt judgments of which the kings were habitually guilty. The nobles, who had originally served as council to the king, superseded him (except in Sparta, where however his power was greatly reduced), and alternated the functions of administration among themselves; and at Athens, as we are told (Pausan. iv. 5, 10, *ἀντὶ βασιλείας μετέστησαν ἐς ἀρχὴν ὑπεύθυνον*: cf. Herod. iii. 80), the archons were made responsible (to the Eupatrids, Schömann, *Jahrb. f. kl. Philol*. 1872, p. 105 ff.). These aristocracies did not claim direct inspiration for every sentence, as the kings had done, but they claimed that they alone possessed the knowledge of the law: this, then, is the epoch of Customary Law, of the unwritten law known exclusively to one class. The Spartans never went beyond this stage. Their *νόμιμα* were held to be as old as their race: "The descendants of Pamphylus and of the Heracleidae who dwell under the brow of Taygetus wish always to retain the *τεθμοὶ* of Aegimius," *i.e.* the son of Dorus and their mythical ancestor (Pind. *P*. vi. 64 f.); and Hellanicus, the most ancient writer on the constitution of Sparta, makes no mention of Lycurgus (for which he is censured by Ephorus, Strab. viii. p. 366), and attributes what are called the institutions of Lycurgus to the first kings, Procles and Eurysthenes. When Herodotus (i. 65) describes the Spartans before the time of Lycurgus as being *κακονομώτατοι*, he can only mean that these *τεθμοὶ* of Aegimius had been overthrown, and that Lycurgus restored them. Lycurgus' laws were not written (the Spartans were forbidden by a rhetra to have written laws); Lycurgus connected the problem of legislation chiefly with education (Plut. *Lyc*. 13, *τὸ γὰρ ὅλον καὶ πᾶν τῆς νομοθεσίας ἔργον εἰς τὴν παιδείαν ἀνῆψε*). Hence we find that the *γέροντες* in Sparta could punish with death and exile (Arist. *Pol*. vi. 7 [iv. 9^b B.], 5; *τὰς φονικὰς δικάζουσιν*, iii. 1, 7) without being responsible (ii. 6 [9 B.], 17) or being bound by a written code. The kings decided disputes about heiresses, and all adoptions were made in their presence (Herod. vi. 57); the ephors decided civil suits (*τὰς τῶν συμβολαίων δίκας*, Arist. *Pol*. ii. 7 [10 B.], 6), and for these Lycurgus did "not prescribe any positive rule or inviolable usage, willing that their manner and form should be altered according to the circumstances of time, and determination of men of sound judgment" (Plut. *Lyc*. 13).—In Crete the position of the *γέροντες* (called there *βουλή*, Arist. *Pol*. ii. 7 [10 B.], 3) was exactly the same as in Sparta: they were not bound in their sentences by a written code; but private law was reduced to writing. In 1884 near Gortyn an inscription was discovered (on part of an inside wall of what was probably the *δικαστήριον*), in twelve columns, written *βουστροφηδόν*, dating from between 450 to 350 (cf. Svoronos in *Bull. de Corr. Hellén*. xii. p. 404 ff. against Comparetti's earlier date), containing an elaborate code of private laws, in which reference is made several times to previous written laws, partly still in force, partly amended by this code, *e.g*. xii. 16 f., *ᾇ ἔγραπτο πρὸ τῶνδε τῶν γραμμάτων*. [COSMI; add to the literature there given Merriam, *Amer. Journ. of Archaeol*. i. 4 and ii. 1.] This brings us to a new epoch: to the era of Codes. The aristocracies seem to have abused their monopoly of legal knowledge, and at all events their exclusive possession of the law was a formidable impediment to the success of the popular movements beginning to be universal. Laws written on tablets and published to the people took the place of usages deposited with the recollection of a privileged class. The first written code, we are told, was that of Zaleucus (Strab. vi. p. 259); it is specially mentioned of him, that whilst it had hitherto been left to the discretion of the judge to settle the punishment for every offence, he fixed the penalty by law (Strab. vi. p. 260), and also gave simple regulations for private suits (Diod. xi. 21, 3: cf. Polyb. xii. 16). In B.C. 621 the archon Draco (Pausan. ix. 36, 8) was appointed to draw up a written code of laws for Athens (Arist. *Pol*. ii. 9 [12 B.], 9); these are usually called *θεσμοί*, and by that name distinguished from the *νόμοι* of Solon, *e.g*. Andoc. *de Myst*. §§ 81, 83; yet Solon uses the term *θεσμὸς* of his amnesty law on the 13th *ἄξων*

(Plut. *Sol.* 19, 3; cf. Dem. *c. Leoch.* p. 1094, § 46); and [Dem.] *c. Euerg. et Mnes.* p. 1161, § 71, speaks of Draco's *νόμοι*. We know very little about Draco's laws with the exception of those on homicide, which Solon retained (Plut. *Sol.* 17), and which were always considered excellent (Antiph. *de caed. Herod.* § 14). They were probably no more than such ancient ordinances reduced to writing as the ephetae had been accustomed to enforce ever since the community had, step by step, put an end to the blood-feud and reduced the pursuit of the murderer and the atonement for murder to legal forms, making the *νόμος* instead of the prosecutor *κύριος* of the murderer (Dem. *c. Aristocr.* p. 642, § 69, *φόνος ἑκούσιος*; p. 643, § 71, *φόνος ἀκούσιος*, etc.). The extreme severity of Draco's punishments, on which Aristotle remarks, was not due to any cruel disposition on his part, but to the spirit of the age: moreover their severity has been somewhat exaggerated (Pollux, ix. 61; viii. 42). At all events the people gained little by the written code except a more perfect knowledge of its severity. In B.C. 594[*] Solon was chosen archon and *διαλλακτὴς καὶ νομοθέτης* (Plut. *Sol.* 14, cf. 16; Herod. i. 29, *Ἀθηναίοισι κελεύσασι νόμους ἐποίησε*). Unfortunately so small are the fragments which have come down to us of Solon's laws (collected by Duncker, *Gesch. d. Alterth.* vi.⁵ p. 198 ff.), and so much has been ascribed to him by the orators, which belongs really to subsequent times, that it is scarcely possible to form a clear opinion respecting his legislation in all its details. Certain it is that it shows a remarkable progress in the Greek mind respecting legislation. No special divine inspiration was claimed for Solon's laws, nothing beyond that divine influence which the Greeks felt to underlie and support every social institution: they were looked upon as the laws of a just and practically wise man (*οὐκ ἔφυγον ἕνα τὸν δικαιότατον καὶ φρονιμώτατον ἐπιστῆσαι τοῖς πράγμασιν*, Plut. *Sol.* 14), who fitted his laws to the existing state of things rather than made things suit his laws (*l. c.* 22), and who, when asked whether he had given the Athenians the best laws, could truly answer, "The best of those which they would accept" (*l. c.* 15),—of a man who, believing in human progress, did not endeavour to secure fixity or finality for his laws (*τοὺς νόμους ἔφη μετακινητοὺς εἶναι*, Plut. *Sept. Sap. Convic.* p. 152 a, as contrasted with Lycurgus' theory in Plut. *Lyc.* 29, *ἀκίνητον ἐς τὸ μέλλον*), but only exacted from the Athenians an oath that they would not rescind any of them for ten years (Herod. i. 29; for a century, Plut. *Sol.* 25), and devised wise regulations for the revision of the code. For, knowing on the one hand that laws consecrated by long usage are more readily obeyed (cf. on this point Arist. *Pol.* ii. 5 [8 B.], 14), and foreseeing on the other that the best legislation would in course of time require adaptation to existing circumstances, he so contrived matters that whilst his laws were subject to constant revision, all attempts at hasty legislation were checked. [NOMOTHETES.] Any law thenceforward added to the code was in fact "a contract of the state according to which it befits all who belong to it to live:" cf. Arist. *Rhet.* i. 15, 21, *καὶ ὅλως αὐτὸς ὁ νόμος συνθήκη τις ἐστίν*; Anaxim. *Ars Rhet.* ed. Spengel, p. 2, 2, p. 13, 12 f.; and the same principle in Plato, *Legg.* i. p. 644 D, *ἐπὶ δὲ πᾶσι τούτοις λογισμὸς ὅ τί ποτ' αὐτῶν ἄμεινον ἢ χεῖρον· ὃς γενόμενος δόγμα πόλεως κοινὸν νόμος ἐπωνόμασται*. For any law which was *ἐπιτήδειος* (Dem. *c. Tim.* p. 722, § 68; *c. Lept.* p. 482, § 83 f.) the proposer could reckon upon ready acceptance; for it was the outcome of practical needs which required only to be duly stated within the prescribed forms. To satisfy a practical need (*ἐκ γὰρ τοῦ πράττεσθαί τινα ὧν οὐ προσῆκεν, ἐκ τούτου τοὺς νόμους ἔθηκαν οἱ παλαιοί*, Aeschin. *c. Tim.* § 13; *ὁ μὲν γὰρ νόμος πέφυκε προλέγειν ἃ μὴ δεῖ πράττειν*, Lyc. *c. Leocr.* § 4), not to build up a system of laws which provided for every conceivable case, was the aim of Greek legislation (Theophr. *π. νόμων*, fr. 1 and 2, in *Journ. of Philol.* vi. p. 1: "jura constitui oportet, ut ait Th.," in his "quae *ἐπὶ τὸ πλεῖστον* accidunt, non quae *ἐκ παραλόγου*," *Digest.* i. 3, 3; *τὸ γὰρ ἅπαξ ἢ δίς*, ut ait Th., *παραβαίνουσιν οἱ νομοθέται*, *Digest.* i. 3, 6).

Solon's laws were inscribed *βουστροφηδὸν* on square wooden tablets (*ἄξονες*) on a pivot (Aristotle in Aul. Gell. *N. A.* ii. 12; Harpocr. *s. v.* *ἄξονι*, Plut. *Sol.* 25). Draco's laws on homicide, which Solon retained, were likewise inscribed on *ἄξονες*, but these were counted by themselves. This is evident from *C. I. A.* i. No. 61, where Draco's law *περὶ φόνου* is mentioned as being inscribed on the *πρῶτος ἄξων* (cf. Dem. *c. Aristocr.* p. 629, § 28, *ἐν τῷ α' ἄξονι*, Cobet, *Var. Lect.* p. 123), whilst the *πρῶτος ἄξων* of Solon's legislation contained quite different laws. From Plut. *Sol.* 24 we learn that it contained a law forbidding the exportation of any native produce except olive oil; and from Harpocr. *s. v.* *σῖτος*, that on it were inscribed regulations for the maintenance of widows and orphans. This first *ἄξων* evidently contained the *νόμοι τοῦ ἄρχοντος*: for the *ἄρχων* was bound, on pain of forfeiting 100 drachmas, to

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[*] A different date for Solon's legislation is fixed by Holzapfel (*Berl. Stud.* vii. 3) and Th. Case (*Class. Rev.* ii. No. 8). The former places it in B.C. 584–3, as Demosthenes does, who in B.C. 343–2 (the date of *de fals. Leg.*) places the era of Solon 240 years back (p. 420, § 251). After Damarias had held the archonship for two years (587–585 B.C.) and was driven by force from office, a compromise was effected, by which four Eupatrids, three *ἄγροικοι*, and two *δημιουργοὶ* should be elected archons. This arrangement lasted only one year (B.C. 585–4), according to Busolt (*Griech. Gesch.* i. p. 544), for in the following year fell Solon's legislation. Th. Case distinguishes Solon's seisachtheia, passed in the year of his archonship, *i.e.* B.C. 594, and his general legislation, which occurred after B.C. 570; in fixing the latter so late he relies especially on Herodotus' remark (ii. 177), that Solon borrowed his law against idleness from Amasis king of Egypt, who succeeded to the throne *c.* 570 B.C. (Wiedemann, *Aegypt. Gesch.* p. 602; *Class. Rev.* ii. No. 9, p. 291.) It is, however, anything but certain that this law was introduced by Solon; a better authority, Lysias (*Lex. Rhet. Cantabr.* p. 665, 20 ff.; cf. Plut. *Sol.* 17), ascribes it to Draco, who ordained death as the penalty (disfranchisement, Pollux, viii. 42), whilst Solon, who retained this law, inflicted a fine of 100 drachmas for the first conviction and disfranchisement only when a person was convicted a third time. According to Theophrastus (*περὶ νόμων*, *fr.* 27), it was Peisistratus who first passed the law: this probably means that he introduced further modifications. Duncker (*l. c.* p. 156 n.), too, is of opinion that one year was not sufficient for carrying out all Solon's reforms.

pronounce solemn curses upon any offender against the law regulating export, and to him was also entrusted the care of widows and orphans (*Att. Process*, ed. Lipsius, p. 57). From this it would appear that Solon's laws were arranged according to the magistrates who had to administer them—an arrangement which seems to have been the usual one at Athens (*Att. Process*, ed. Lipsius, p. 206 f.: *νόμος τοῦ βασιλέως*, Athen. vi. p. 235 c; Pollux, iii. 39; *νόμοι βουλευτικοί*, *lex* in Dem. *c. Tim.* p. 706, § 20, etc.; the *νόμοι ἐπικλήρων*, *τελωνικοί*, *ἐμπορικοί*, etc., were subdivisions, *e.g.* the *νόμοι ἐπικλήρων* of the *νόμοι τοῦ ἄρχοντος*, etc.). According to the scholiast on Plat. *Polit.* p. 298 D, Solon divided his laws into *νόμοι περὶ τῶν ἱερῶν*, *νόμοι πολιτικοί*, and *νόμοι περὶ τῶν ἰδιωτικῶν*, and the third class was placed on the *ἄξονες*, the other two on the *κύρβεις* (cf. *Sol.* 25); but earlier writers knew of no such difference between *ἄξονες* and *κύρβεις* (cf. Eratosthenes in Schol. on Aristoph. *Nub.* 447). According to others, the *ἄξονες* were wooden tablets, whilst the *κύρβεις* were stone pillars (Apollodorus in Harpocr. *s. v.*); but from the passage from Cratinus quoted by Plut. *Sol.* 25 it is clear that the *κύρβεις* were of wood. In all probability, as Aristotle suggests, *ἄξονες* and *κύρβεις* were synonymous terms [AXONES]. Solon's laws were preserved first in the Acropolis, subsequently brought by Ephialtes *εἰς τὸ βουλευτήριον καὶ τὴν ἀγοράν* (Anaximenes in Harpocr. *s. v. ὁ κάτωθεν νόμος*), and ultimately to the prytaneum, where Polemon, *c.* 200 B.C., saw them yet (Harpocr. *s. v. ἄξονι*), and where some remnants (*λείψανα μικρά*) existed even in the days of Plutarch (*Sol.* 25); some sixty years later Pausanias said inaccurately *ἐν ᾧ* (sc. Prytaneum) *νόμοι τε οἱ Σόλωνός εἰσι γεγραμμένοι*, etc. (i. 18, 3). According to Aristotle, copies of the laws were placed in the *στοὰ βασιλεία* (Harpocr. *s. v. κύρβεις*). Whether Aristotle refers to the legislation of B.C. 409 and 403, or to an earlier measure (perhaps to Ephialtes, *l. c.*, *τοὺς κύρβεις εἰς . . . τὴν ἀγοράν*, etc.), it is perfectly clear that for practical use such copies of all the laws on *στῆλαι* were in the court of the basileus in the market-place: cf. *C. I. A.* i. No. 61, *ἀναγραψάντων οἱ ἀναγραφεῖς τῶν νόμων . . . ἐν στήλῃ λιθίνῃ καὶ καταθέντων πρόσθεν τῆς στοᾶς τῆς βασιλείας*, and the psephisma in Andoc. *de Myst.* § 84, *τοὺς δὲ κυρουμένους τῶν νόμων ἀναγράφειν εἰς τὸν τοῖχον*, *i.e.* *εἰς τὴν στοάν* (*l. c.* §§ 85, 82). There were besides, in the offices of the different magistrates, copies of those laws which they had to administer: thus Andocides speaks of a law which he considered Solonian as *ἐν τῇ στήλῃ ἔμπροσθεν τοῦ βουλευτηρίου* (*de Myst.* § 95 f.: cf. the *νόμοι βουλευτικοὶ* in Dem. *c. Tim.* p. 706, § 20); the laws on homicide were engraven on a *στήλη* in the Areiopagus (Dem. *c. Aristocr.* p. 627, § 22; Lys. *de caed. Erat.* § 30; [Lys.] *c. Andoc.* § 15; [Dem.] *c. Euerg. et Mnes.* p. 1161, § 71).*

Within a year after the deposition of the Four Hundred the complete democracy was restored, and a revision of the laws ensued: commissioners (*συγγραφεῖς*, *C. I. A.* i. No. 58: Demophantus was one of them, *τάδε Δ. συνέγραψεν*, Andoc. *de Myst.* § 96) were appointed with *ἀναγραφεῖς* (*C. I. A.* i. No. 61; cf. Lys. *c. Nicom.* § 2) under them to copy the laws within four months after the revision (R. Schöll, *de extraord. quibusd. magistr. Athen.* in *Comment. Philol. in hon. Th. Mommseni*, p. 458 ff.), and from *C. I. A.* i. No. 57 and No. 61 it is evident that the law on the competency of the senate and the popular assembly, and Draco's law respecting homicide, were copied afresh. This revision was interrupted by the unfavourable turn which the war took, and was not resumed until the archonship of Eucleides, B.C. 403. Then it was proposed *χρῆσθαι τοῖς Σόλωνος νόμοις καὶ τοῖς Δράκοντος θεσμοῖς* (Andoc. *de Myst.* § 82; cf. Xen. *Memor.* ii. 2, 42, *τοῖς νόμοις τοῖς ἀρχαίοις*) in the meantime; the senate selected ten *νομοθέται* (*ὁπόσων δ' ἂν προσδέῃ, οἱ δέκα* [Sluiter, *lect. Andoc.* p. 134, *οἳ δε* MSS.] *ᾑρημένοι νομοθέται ὑπὸ τῆς βουλῆς*), who had to write on tablets all proposals for new laws, post them up for public inspection before the statues of the Eponymous Heroes, and hand them over within a month *ταῖς ἀρχαῖς*, *i.e.* to the different magistrates interested, all the laws to be examined first by the senate and then by the 500 nomothetae (after having taken the oath), elected by the *δημόται*, and during the discussion before the senators every private citizen was to have liberty to enter the senate and tender his opinion. All the laws thus approved were written out in the Ionian alphabet (Suid. *s. v. Σαμίων ὁ δῆμος*). At the same time it was enacted that no magistrate should act upon any law not among those inscribed; that no psephisma either of the senate or of the people should overrule any law; that no law should be passed *ἐπ' ἀνδρὶ* unless by the votes of the majority in an assembly at which at least 6000 Athenians were present and voted (secret voting by ballot), *e.g.* in case of naturalisation of a foreigner; and that in future the code as revised in the archonship of Eucleides should be used (Andoc. *l. c.* § 87; cf. Dem. *c. Tim.* p. 713, § 42, *lex*).—After the Lamian war the democratic constitution was overthrown by Antipater; Demetrius of Phaleron, the third *νομοθέτης* of Athens (Syncellus, *Chron.* 273), established again a professedly democratic government (*οὐ μόνον οὐ κατέλυσε τὴν δημοκρατίαν ἀλλὰ καὶ ἐπηνώρθωσε*, Strab. ix. p. 398), but Plutarch's (*Demetr.* 10) description of it as in fact a *μοναρχικὴ κατάστασις* seems more accurate; three years after his death, in B.C. 304–3, a new *ἀναγραφὴ* of the laws took place (*C. I. A.* ii. No. 258).

The magistrates and dicasts were bound by solemn oaths to administer the laws, executive and judicial: the nine archons swore *συμφυλάξειν τοὺς νόμους* (Pollux, viii. 86; cf. Plut. *Sol.* 25), the senators *βουλεύσειν κατὰ τοὺς νόμους* (Xen. *Memor.* i. 1, 18), the dicasts *κατὰ τοὺς νόμους δικάσειν . . . καὶ περὶ ὧν ἂν νόμοι μὴ ὦσι, γνώμῃ τῇ δικαιοτάτῃ κρινεῖν* (Dem. *c. Lept.* p. 492, § 118, etc.). In the decree of Tisamenus the senate of Areiopagus were enjoined to see *ὅπως ἂν αἱ ἀρχαὶ τοῖς κειμένοις νόμοις χρῶνται* (Andoc. *de Myst.* § 84; cf. Plut. *Sol.* 19). As the dicasts performed the functions both of

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* The ancient law respecting the wife of the basileus engraven on a stone pillar *ἀμυδροῖς γράμμασιν Ἀττικοῖς* was preserved in the temple of Dionysus *ἐν Λίμναις*, which was opened only once every year ([Dem.] *c. Neaer.* p. 1370, § 76 f.).

judge and jury, *i.e.* were entrusted with the whole judicial power after the cause was brought into court (they decided upon the law as well as upon the facts without being directed or controlled by a presiding judge), it is evident that the important question how the laws of Athens worked depends on the discretion which in practice they exercised in the interpretation of the written law, or, where there was no written statute, in applying the general principles of law and justice to the case before them. This is only to be discovered by a careful perusal of the Attic orators, and is too wide a question to be discussed here. The materials for a trial were prepared by the parties themselves under the superintendence of the magistrate, and the dicasts had to decide upon the materials thus prepared. Of the five *ἄτεχνοι πίστεις* which Aristotle mentions (*Rhet.* i. 15, *νόμοι, μάρτυρες, συνθῆκαι, βάσανοι, ὅρκος*) we are here concerned only with the first; the parties procured copies or extracts of such laws as were material to the questions to be tried, and brought them before the *ἡγεμὼν δικαστηρίου* at the *ἀνάκρισις*, by whom they were put into the box (*ἐχῖνος*), together with the other evidentiary documents, and produced at the trial to be read to the dicasts by the *γραμματεύς*. To produce a fictitious law is said to have been an offence punishable with death ([Dem.] c. *Aristog.* ii. p. 807, § 24). It was easy for the parties to procure copies, since every citizen had access to the public places where the laws were open to inspection, and to the Metroon which served as state archives (*νομοφυλάκιον*, Suid. *s. v.* *μητραγύρτης*; from the fourth century, according to Wilamowitz-Möllendorf, *Philol. Unters.* i. p. 205 f.) for all kinds of documents: laws (Lycurgus in Harpocr. *s. v.*; Lyc. *c. Leocr.* § 66, etc.), decrees (the originals, Athen. v. p. 214 e; Dinarch. *c. Dem.* § 86), etc., and was in charge of a public servant (*δημόσιος*, Dem. *de fals. Leg.* p. 380, § 129). (C. Curtius, *de Metroon in Ath. als Staatsarchiv.*) There was at Athens no class of persons corresponding to our counsel or attorneys, whose business or profession it was to expound the laws. The office of the *ἐξηγηταί* related only to religious observances. The laws were not complicated; at all events it was considered a requirement of a good law that it should be drawn simply and intelligibly (Dem. *c. Tim.* p. 722, § 68), and nothing seems more directly opposed to Solon's aims than the charge brought against him by Plutarch (*Sol.* 18), that he wrapped his laws in studied obscurity. Every Athenian on coming of age swore to obey the laws (*τοῖς θεσμοῖς τοῖς ἱδρυμένοις πείσομαι καὶ οὕστινας ἂν ἄλλους τὸ πλῆθος ἱδρύσηται ὁμοφρόνως*, Stob. *Flor.* xliii. 48; cf. Pollux, viii. 105 f.), and Pericles pointed to the fear of the laws as the source of every civic virtue (Thuc. ii. 37). But, to use Burke's words (*Reflections on the Revolution in France*, p. 459), "The vice of the ancient democracies, and one cause of their ruin, was, that they ruled . . . by occasional decrees, psephismata. This practice soon broke in upon the tenour and consistency of the laws; it abated the respect of the people towards them, and totally destroyed them in the end." (Hermann, *Ueber Gesetz, Gesetzgebung, etc. im griech. Alterth.*; Maine, *Anc. Law*, ch. 1; Leist, *Graeco-ital. Rectsgesch.*) [H. H.]

NOMO'THETES (*νομοθέτης*), legislator, is a word which may be applied to any person who causes laws to be enacted (*ὁ νόμον καινὸν εἰσφέρων*, Schol. on Dem. *Olynth.* iii. p. 31, § 10). Thus, Pericles and Themistocles are called *νομοθέται*, movers or proposers of laws (Lys. *c. Nichom.* § 28; *c. Phil.* § 27, etc.). It is, however, more commonly given to those eminent men whose laws have been celebrated for their intrinsic merit, or for the important influence which they exercised over the destinies of their country. Such were Minos of Crete (Plat. *Min.* p. 318 C); Zaleucus at Locri; Charondas at Catana, whose laws were adopted by the Chalcidian cities in Sicily and Italy (Arist. *Pol.* ii. 9 [12 B.], 8, praises his laws as superior to all others of his time in accuracy of definition and fineness of discrimination; they were sung *παρ' οἶνον Κατάνῃσι*, *Philologus*, v. p. 421, *i.e.* at Catana, not *Ἀθήνῃσι*, the usual text in Athen. p. 619 b); Draco at Athens (Dem. *c. Tim.* p. 765, § 211); Pittacus of Lesbos; Androdamas of Rhegium (Arist. *Pol.* ii. 9 [12 B.], 9), etc. But the name of *νομοθέτης* is given *κατ' ἐξοχὴν* to Lycurgus and Solon; for they were also founders of *constitutions* (*πολιτεῖαι*, Arist. *Pol.* ii. 9 [12 B.], 1). So high was the esteem in which Solon was held by the Athenians as the founder of their social polity, that although many important reforms were effected at various periods, he still continued to be regarded as *the lawgiver*, and the whole body of laws passed under his name (Meier, *de Bon. Damn.* p. 2).

As pointed out in NOMOS, Solon did not endeavour to secure fixity and finality for his laws. Zaleucus (Dem. *c. Tim.* p. 744, § 139; Polyb. xii. 16) discouraged changes in his laws by the regulation that he who proposed a new law had to bring the matter before the council with a cord about his neck, and was to be put to death if his proposal was negatived (Diod. xii. 17 ascribes this regulation to Charondas). When Lycurgus went on his last journey from which he never returned (so the story runs), he bound his countrymen by an oath to observe all his laws till his return (Plut. *Lyc.* 29). Solon exacted a similar oath of the Athenians for ten years only (Herod. i. 29; for a century, Plut. *Sol.* 25), and devised certain formalities for repealing an existing law and enacting a new one (Dem. *c. Lept.* p. 484, § 89 f., p. 485, § 93; Aeschin. *c. Ctes.* § 38 ascribes them *τῷ νομοθέτῃ τῷ τὴν δημοκρατίαν καταστήσαντι*). Grote (*Hist. of Gr.* iii. p. 123 f.) doubts whether Solon made any such provisions (as we find in operation in the time of Demosthenes), and refers "to post-Solonian matters in the supposed Solonian law, *e.g.* to the regulation (Dem. *c. Tim.* p. 707, § 23) that the proposer had to put up his project of law before the Eponymi." Of course this regulation cannot have proceeded from Solon, but the existence of such post-Solonian matters may be admitted without giving up the main point, viz. that it was Solon who laid down the principle of periodical revision of the laws (Schömann, *Verfassungsgesch. Ath.* p. 57).*

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* In Busolt's opinion (*Griech. Staats. u. Rechtsaltert.* § 195) the mode of enacting laws in the fifth century differed from that in use in the fourth, inasmuch as in

The method of procedure at the *ἐπιχειροτονία νόμων* was as follows:—At the first assembly of the first prytany, *i.e.* on the eleventh of Hecatombaeon, after speeches recommending new laws and defending the old ones had been delivered, the question was put to the vote (*χειροτονία*) whether the laws should be confirmed as they stood or be revised. The laws were submitted in groups, according to Dem. *c. Tim.* p. 706, § 20, *lex*: first *οἱ βουλευτικοί*, *i.e.* those concerning the *βουλή*; secondly, *οἱ κοινοί*, then *οἳ κεῖνται τοῖς ἐννέα ἄρχουσι*, and *οἱ τῶν ἄλλων ἀρχῶν*—evidently arranged according to the different magistrates who had to administer them, though the term *οἱ κοινοὶ νόμοι* is not clear in this connexion. If a revision of one or more groups of the laws was voted for, in the third assembly following, the appointment of *νομοθέται* was taken into consideration (*σκέψασθαι καθ' ὅ τι τοὺς νομοθέτας καθιεῖτε*, *l. c.* p. 707, § 25), viz. their number and the length of their session, and how their pay was to be provided. In the interval those who wished to propose a new law had to put up a copy of it before the statues of the Eponymi (*l. c.* p. 705, § 18; p. 708, § 25; p. 711, § 36), that every one might have an opportunity of seeing it; and to give it still further publicity, they had to hand a copy to the secretary of the senate to have it read out at the intervening assemblies (Dem. *c. Lept.* p. 485, § 94), probably together with the old law which it was intended to replace (*παραναγνούς*, Dem. *c. Tim.* p. 712, § 38). The popular assembly was thus enabled to form an opinion as to the extent and nature of the revision, and accordingly to fix the number of the *νομοθέται* to be selected by lot from among the heliasts, and to determine their term of office; for the nomothetae were not a standing committee of the heliasts with their own *ἐπιστάτης* and *πρόεδροι* (Fränkel, *d. Att. Geschworengerichte*, p. 23 f.), but were chosen *ad hoc*, and their number was probably not uniform (a thousand, as Pollux, viii. 101, says), but seems to have varied according to the importance of the laws under consideration. The number of nomothetae given in Dem. *c. Tim.* p. 708, § 27, is 1001; in Andoc. *de Myst.* § 84, it is 500 (Blass reads here *ἡ βουλὴ οἱ πεντακόσιοι καὶ οἱ νομοθέται* instead of *ἡ βουλὴ καὶ οἱ νομοθέται οἱ πεντακόσιοι*). At the same time as the nomothetae (not at the first assembly, Dem. *c. Tim.* p. 707, § 23) five *συνήγοροι* (*l. c.* p. 711, § 36; Dem. *c. Lept.* ed. Wolf, *Proleg.* p. 145) were chosen to argue in defence of the laws which it was proposed to repeal (not five *συνήγοροι* for each law, as the Schol. on Dem. *c. Tim.* p. 707, § 23, says). Before the nomothetae were called upon to give their final decision, the proposed laws were examined by the senate (*συννομοθετεῖν δὲ καὶ τὴν βουλήν* (*l. c.* p. 708, § 27, *psephisma*); cf. [Xen.] *de Rep. Athen.* iii. 2, *τὴν δὲ βουλὴν βουλεύεσθαι* (*δεῖ*) . . . *πολλὰ* . . . *περὶ νόμων θέσεως*, and Pollux, viii. 101, *τοὺς γὰρ νέους* (sc. *νόμους*) *ἐδοκίμαζεν ἡ βουλή*, etc.); and if we may take the revision of laws in B.C. 403 as an example, the senate performed this duty by themselves, not in conjunction with the nomothetae. The meetings of the nomothetae resembled the assemblies of the people: the prytanes convened them; *πρόεδροι* presided over them, probably appointed in the same way, viz. by lot one from each of the non-presiding tribes, and their *ἐπιστάτης* chosen by lot from among themselves. The statement that the *πρόεδροι* put the question to the nomothetae (Dem. *c. Tim.* p. 710, § 33; p. 723, § 71) is not "a blunder on the part of the compiler;" they are mentioned in *C. I. A.* ii. No. 115^b, *ἐν δὲ τοῖς νομοθέταις τοὺς προέδρους οἳ ἂν προεδρεύωσιν καὶ τὸν ἐπιστάτην προσνομοθετῆσαι*, etc. The law in favour of which the nomothetae voted, whether the established law or the proposed one, was *κύριος*.

Besides this, the thesmothetae (*καλοῦνται δὲ οὕτως, ὅτι τῶν νόμων τὴν ἐπιμέλειαν εἶχον*, Harpocr. *s. v.*) of each year were directed to examine the whole code of laws (*διόρθωσις τῶν νόμων*), and to see if there were any laws contradictory or useless (Aeschin *c. Ctes.* § 38; Dem. *c. Lept.* p. 484, § 90; Harpocr. and Photius, *s. v.*). If they found such, they had to put up copies of them before the statues of the Eponymi, the prytanes had to convene an assembly of the people for the appointment of nomothetae (*ἐπιγράψαντες νομοθέτας*), and the *ἐπιστάτης τῶν προέδρων* had to submit the laws to the decision of the nomothetae. The usual text of the last clause is *τὸν δ' ἐπιστάτην τῶν προέδρων διαχειροτονίαν διδόναι τῷ δήμῳ*: *τῷ δήμῳ* is, however, wrongly repeated from the previous paragraph. It is clear from what follows, *τῶν δὲ πρυτάνεων ἀποδόντων τοῖς νομοθέταις ἀνῄρητ' ἂν ὁ ἕτερος τῶν νόμων*, that the nomothetae, not the assembly of the people, would have repealed the law. (Höffler, *de nomothes. Att.* p. 10, connecting this passage with Photius' explanation of *νομοθέται*, strangely supposes that the whole people when engaged in the revision of the laws might be called *νομοθέται*.) The proceedings in the *ἐπιχειροτονία τῶν νόμων* and in the *διόρθωσις* are therefore only different in this respect, that in the former any citizen so disposed, in the latter the thesmothetae in their official capacity, proposed the repeal of a law.

If, after the repeal of an old law by the nomothetae, it was found that the law proposed in its stead was not expedient (*οὐκ ἐπιτήδειος*) for the Athenian people, or was contrary to any of the established laws (*lex* in Dem. *c. Tim.* p. 710, § 33), the proposer was within the limit of a year liable to prosecution (Dem. *c. Lept.* p. 501, § 144; *argumentum*, p. 543). (Schöll, *Ueber attische Gesetzgebung, Sitzungsber. Akad. München*, 1886.) [PARANOMON GRAPHE.]

These regulations for the revision of laws were not always observed; *e.g.* Demosthenes (*Olynth.* iii. p. 31, § 10 f.) recommended the appointment

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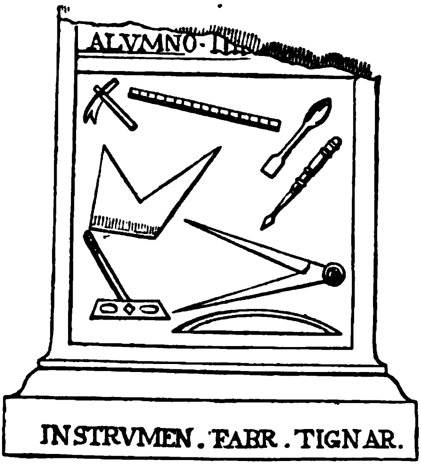
the fifth century certain individuals (*συγγραφεῖς*) were commissioned to draw up the laws which, after having been approved by the senate, were laid before the popular assembly; *συγγραφεῖς* for 450 B.C. in *C. I. A.* iv. No. 22 a, for 446 B.C. in the decree about the *ἀπαρχαί* in *Bull. de Corresp. Hell.* 1880, pp. 225 ff., in March 411 B.C. *ξυγγραφεῖς αὐτοκράτορες* were appointed to prepare a new constitution (Thuc. viii. 67), cf. Xen. *Hell.* ii. 3, 2, 11; *Memor.* i. 2, 31; but immediately after the overthrow of the Four Hundred *νομοθέται* were appointed (Thuc. viii. 97). Hicks (*Greek Hist. Inscr.* 149, A, § 8) gives an interesting inscription, according to which three *νομογράφοι* were commissioned to draw up a new code of laws for Teos after the incorporation of the people of Lebedos with the Teians, the laws of Cos being in the meantime in force.

of nomothetae for the special purpose of repealing the laws concerning the theoric fund; one of the charges against Timocrates was that he induced the people to appoint nomothetae out of the usual time, viz. on the day following the first assembly of the year (p. 706, § 18; p. 708, § 26: cf. *c. Lept.* p. 488, § 91). The practice had grown up of passing legislative measures in the shape of decrees, dispensing with the regular course of law. The mere resolution of the people in assembly was a *ψήφισμα*; such decrees were originally measures of government, relating to individuals, or to particular occasions, *e.g.* for the despatch of an embassy. They had indeed the force of laws so far as regarded the obedience due to them, and sometimes *νόμος* and *ψήφισμα* seem to be used indiscriminately, *e.g.* Ps. Plut. *Vitt. X. Oratt.* p. 481 E f., and Aelian, *V. H.* xiii. 24 (Schömann, *de Comit.* p. 249), but one psephisma might be set aside at any time by another. It was ordained by a decree of the people that no free Athenian could be put to torture, but Peisander urged the Athenians to set it aside (*λύειν τὸ ἐπὶ Σκαμανδρίου ψήφισμα*, Andoc. *de Myst.* § 43: cf. [Dem.] *c. Aristog.* i. p. 784, § 47, *Att. Process*, ed. Lipsius, p. 896, n. 372).

Andocides quotes the law: *ψήφισμα μηδὲν μήτε βουλῆς μήτε δήμου νόμου κυριώτερον εἶναι* (*de Myst.* §§ 87, 89; cf. Dem. *c. Aristocr.* p. 694, § 87; *c. Tim.* p. 709, § 30); as long as this law was observed, the democracy was one of the kind in which (as Aristotle, *Pol.* vi. [iv. B.], 4, 3, says) *κύριος ἦν ὁ νόμος, ἀλλ' οὐ τὸ πλῆθος*: but later on things changed: *κύριον ἦν τὸ πλῆθος, ἀλλ' οὐχ ὁ νόμος*,—a change brought about *ὅταν τὰ ψηφίσματα κύρια ᾖ ἀλλὰ μὴ ὁ νόμος, συμβαίνει δὲ τοῦτο διὰ τοὺς δημαγώγους* (cf. Dem. *c. Lept.* p. 485, § 92, *ψηφισμάτων δ' οὐδ' ὁτιοῦν διαφέρουσιν οἱ νόμοι*: Xen. *Hellen.* i. 7, 12, *τὸ δὲ πλῆθος ἐβόα δεινὸν εἶναι εἰ μή τις ἐάσει τὸν δῆμον πράττειν ὃ ἂν βούληται*: [Dem.] *c. Neaer.* p. 1375, § 88, *ὁ γὰρ δῆμος ὁ Ἀθηναίων κυριώτατος ὢν τῶν ἐν τῇ πόλει ἁπάντων καὶ ἐξὸν αὐτῷ ποιεῖν ὅ τι ἂν βούληται*, etc.; Hermann, *Griech. Staatsalt.* § 67, n. 8). Like other despotic sovereigns, the Athenian people claimed "a dispensing power" of overriding the law upon occasion; and their advisers, the professional statesmen and orators, were as such the "keepers of the royal conscience," and liable to severe punishment if their master's conscience consequently reproached him with what he had done at their bidding (Dem. *c. Androt. et Tim.* ed. Wayte, Introd. p. xxxiv.). The same Athenians who declared it intolerable that the people should not be allowed to do as it pleased them, repented soon of their decree and directed a prosecution of those who had advised it. However, proposing decrees paid the *ῥήτορες* well and was worth some risk: Demosthenes and Demades are said to have made more than 6[illegible] talents each *ἀπ' αὐτῶν τῶν ἐν τῇ πόλει ψηφισμάτων καὶ προξενιῶν* (Hyper. *c. Dem.* col. 23: cf. Dinarch. *c. Dem.* § 41 ff.). [C. R. K.] [H. H.]

NONAE. [Calendarium.]

NORMA (*γωνία*, Plat. *Phileb.* p. 51 C; *γνώμων*, Arist. *Categ.* 14), a square, used by carpenters, masons, and other artificers, to make their work rectangular (Vitruv. vii. 3; Plin. *H. N.* xxxvi. § 172). It was made by taking three flat wooden rulers [Regula] of equal thickness, one of them being 2 feet 10 inches long, the others (called *ancones*, Vitruv. viii. 6) each 2 feet long, and joining them together by their extremities so as to assume the form of a right-angled triangle. (Isid. *Orig.* xix. 18.) This method, though only a close approximation, must have been quite sufficient for all common purposes. For the sake of convenience, the longest side, *i.e.* the hypotenuse of the triangle, was discarded, and the instrument then assumed the form in which it is exhibited among other tools in woodcut at Vol. I. p. 429. A square of a still more simple fashion, made by merely cutting a rectangular piece out of a board, is shown on another sepulchral monument, found at Rome and published by Gruter (p. 229), and copied in the woodcut which is here introduced.



Norma. (Gruter.)

The square was used in making the semicircular striae of Ionic columns [Columna], a method founded on the proposition in Euclid, that the angle contained in a semicircle is a right angle (Vitruv. iii. 5, § 14).

From the use of this instrument a right angle was also called a *normal* angle. (Quintil. xi. 3, p. 446, ed. Spalding.) Any thing misshapen was called *abnormis*. (Hor. *Sat.* ii. 2, 3.)

A rather more elaborate norma made of iron is preserved in the Museum at Zurich. It has another leg added at right angles to the long side of the triangle at one end of it, so that angles of 45°, 90°, and 135° can be measured. (Blümner, *Technol.*, ii. p. 236.) [J. Y.] [G. E. M.]

NOTA CENSO'RIA. [Census.]

NOTAE (*σημεῖα*) in a technical sense means those signs and abbreviations which were used (1) for secret writing, *cipher*; (2) for rapid writing, i.e. *shorthand* or *stenography*.

1. We have frequent mention of the use of cipher, for despatches or letters of an important or compromising nature, at the end of the Republican period. Thus of Caesar's correspondence with Oppius and Balbus we are told by Gallus that there were "litterae singulariae sine coagmentis syllabarum: erat autem conventum inter eos (the writer and his correspondents) clandestinum de commutando situ litterarum." The cipher used by Caesar was, according to

Suetonius (*Jul.* 56), a simple one, and consisted in making D stand for A, E for B, and so on through the alphabet, "si qua occultius perferenda essent." The cipher used by Augustus was on the same principle. (Suet. *Aug.* 88; Becker-Göll, *Gallus*, i. 62.) Whether the words διὰ σημείων in Cic. *ad Att.* xiii. 32 mean, in cipher, or simply with abbreviations of words (*sigla*), or in shorthand, is uncertain. The letter to which he refers (xiii. 30) does not seem to be one which particularly requires secrecy, but it is quite possible that he may have sent it in cipher: on the other hand, he may, though less probably, have sent Atticus the copy taken down in shorthand from his dictation. However that may be, we may feel tolerably certain that in Cicero's correspondence cipher was used at least as frequently as in Caesar's.

2. The whole system of signs for numeration [see LOGISTICA] is no doubt essentially stenography; but it existed quite apart from, and probably was much anterior to, the art of shorthand writing which is usually expressed by that word: the same may be said of signs or letters for money value, weights, coins, &c., which, like the signs for numeration, arose from consideration of economy in space, rather than from any necessity for *rapid* writing. Such a necessity was the origin of the *Notae Tironianae* (called also *Notae Tironis et Senecae*), which we may take as the representative of ancient shorthand writing.

As to the history of this art, it is impossible to say with certainty whether the Romans originated their own shorthand and communicated it to the Greeks, or whether the Greeks had it first. The idea of its earlier use in Greece is started by a passage of Diogenes Laertius (ii. 48), which states that Xenophon took down lectures ὑποσημειωσάμενος τὰ λεγόμενα. It is quite possible that this may, as some think, mean that he wrote in shorthand; but, in the absence of other mention of the art at that time, we should prefer to understand it merely of ordinary note-taking. We have not in fact any direct mention of its use among Greeks or Romans before the time of Cicero. (For a much earlier use in Asia, some adduce the "ready writer" in Psalm xlv., in which sense the LXX. translator possibly took it, when he rendered it ὀξυγράφος.) The use of shorthand at Rome may have been developed from cipher-writing, or more probably from the frequent use of abbreviations, such as *S. C.*, &c. Of its use by Cicero we have abundant record. Plutarch (*Cato Min.* 23) tells us that the speech on the punishment of the Catilinarians was the only speech of Cato that was preserved, and that this was owing to Cicero, "who had previously instructed those clerks who surpassed the rest in quick writing, how to use certain signs (σημεῖα) which in small and brief characters (τύποις) comprehended the force of many letters, and had placed them in many parts of the senate-house. For the Romans at that time were not used to employ, nor did they possess, what are called shorthand writers (σημειογράφοι), but it was on this occasion, as they say, that they first conceived the idea." Dio Cassius (lv. 7) ascribes the invention to Maecenas, which probably means merely that he, or his secretaries, made considerable additions and improvements, and this is exactly the account which Isidore gives in the 7th century, derived, as it seems, from Suetonius. He ascribes the invention of the shorthand in general use (*vulgares notae*) to Ennius, who used 1100 signs: for taking down public speeches or the proceedings in law-courts, there was also a division of labour among several *librarii* (= notarii), who took different portions. He says that Tiro had first used *notae* at Rome, "sed tantum praepositionum:" if that is correct, we must suppose that the actual shorthand of Tiro consisted of abbreviations (*sigla*), with arbitrary signs only for particles of frequent occurrence: he goes on to say that additional signs were added in succession by Vipsanius, Philargyrus and Aquila, the freedman of Maecenas, till at length Seneca reduced the whole to a regular system and increased the number of signs to 5,000. As regards the Ennius here mentioned, whom many writers have taken to be the *poet* (whence they make Isidore assert a much earlier date to Roman stenography), there can be little doubt that he was the *grammarian* Ennius of the Augustan period (see Suet. *de Grammat.* 1; Teuffel, *Hist. of Rom. Lit.* § 178, 4). Indeed the context shows clearly enough that Isidore speaks of Ennius as improving on something which existed in a smaller shape in Cicero's time. From Cicero's account of Tiro (*ad Fam.* xvi. 4, &c.; cf. Gell. vi. 3, 8) it is extremely probable that the real labour of the work was his, not Cicero's, and that the title "notae Tironianae" is just: but the addition "et Senecae" seems to be rejected by Seneca himself, who says, "quid loquar verborum notas, quibus quamvis citata excipitur oratio et celeritatem linguae manus sequitur? vilissimorum mancipiorum ista commenta sunt." The arrangement and additions were, however, probably effected by him through his *notarii*.

From this time its use spread. It served not only for taking down public speeches (as in Plutarch, *l. c.*), but also for the use of students in the lecture-room (Quint. *Inst. procem.* 7), and for any writing from dictation, *e.g.* for the rough draft of wills: "Silius notario testamentum *scribendum notis* dictavit, et priusquam litteris perscriberetur (the full text for signature) defunctus est" (Dig. 29, 1, 40). The same distinction between *notae* and *perscriptio* may be seen in the fragment of Valerius Probus about cipher-writing, "est etiam circa perscribendas vel paucioribus litteris notandas voces studium necessarium." It was taught in schools: see Prudent. Περὶ Στεφάνων, 9.

"Praefuerat studiis puerilibus et grege multo
  Saeptus magister litterarum sederat,
Verba notis brevibus comprendere cuncta peritus,
  Raptimque punctis dicta praepetibus sequi."

So Fulgentius (*Mythol.* iii. 10) divides the writing lesson into the *abecedaria* or regular alphabet, and the *notaria*. Many Romans kept slaves trained for the purpose [NOTARII], and Suetonius tells us that Titus, who prided himself on his skill in writing, and said that he was a "forger spoilt," used to race his secretaries in shorthand writing (Suet. *Tit.* 3). The use was still further developed among the Christians for taking down sermons, episcopal addresses, &c.; and, if it was not as old as Xenophon in Greece, it was at any rate widely employed in early Christian times. The extant examples of Greek shorthand writing are considered to date only from the 10th century (see the article Palaeography in *Encyclop. Brit.*), but we can have no doubt that if the art was originated at Rome it was not much later in reaching Greece. As to its general use in Christian synods, St. Augustine (*Ep.* 141) says that eight *notarii* in relays of two at a time followed the speeches of bishops assembled at Carthage: and we are told by Trithemius (abbot of Wurtzburg in 1506 A.D.) that St. Cyprian added to the original Tironian notes. The words are worth quoting, since the learning and research of the writer make it likely that his account of the development of the notae is correct: "M. Tullius Cicero librum scripsit notarum quem Sanctus Cyprianus multis et notis et dictionibus ampliavit, adjiciens vocabula Christianorum usibus necessaria ut opus ipsum fieret non solum utile paganis sed multo magis etiam fidelibus." The notae fell apparently into disuse for a considerable time, but were revived under the Carlovingian dynasty and used in Capitularies, &c. The MSS. written in the "Tironian" character long remained incomprehensible, till Charpentier deciphered them and published an account of them in 1747.

As to the ancient system itself, we have some contemporary description from the passage of Plutarch cited above (*Cat. Min.* 23), who tells us clearly that arbitrary signs, not merely abbreviations or *sigla*, were used. Compare Manilius iv. 197:

"Hic et scriptor erit velox, cui littera verbum est,
Quique notis linguam superat, cursimque loquentis
Excipiat longas nova per compendia voces."

Auson. *Epigr.* 146:

"Cui multa fandi copia
Punctis peracta singulis
Ut una vox absolvitur."

From the passage of Seneca quoted above, and from Mart. xiv. 208, we can merely gather that the writer could keep pace with the speaker. It is impossible to say how far what we possess under the name of *notae Tironianae* reproduces the system used in the Augustan age. Common sense would suggest what Trithemius states to be the fact, that great additions were made at various times; and the view which he gives may fairly be accepted, that the system of Tiro was much the same in its general outlines as that which is still extant under his name, though far less full and elaborate. The system consists mainly (1) in using an alphabet more or less based on the Roman letters which can be so modified as to facilitate the junction of letters.

(2) In representing terminations by arbitrary signs, such as B. for *bam*, .B for *bant* (or, instead of the regular letters, new characters similarly multiplied by the variation of the point). To this the "punctis" in the passages of Ausonius and Prudentius refer.

(3) In employing all sorts of abbreviations (*sigla*) independently of the character used. (Cf. "cui littera verbum est" above.)

(4) In adopting arbitrary signs, such as Trithemius describes, for words in common use. With this correspond the τύποι πολλῶν γραμμάτων ἔχοντα δύναμιν of Plutarch and the "nova compendia" of Manilius.

For further information on the subject, see Kopp, *Palaeographica Critica*, vol. i.; Ruess, *Tachygraphie*; and especially Jules Tardiff, *Mém. sur Not. Tiron.*, *Acad. des Inscriptions*, sér. 2, vol. iii. 1852, who all give tables of the alphabet and examples of the writing as it has come down to us. [W. S.] [G. E. M.]

NOTA'RII, shorthand writers, were slaves or freedmen (see preceding article) whom wealthy Romans kept in their service and often took about with them on their travels (Plin. *Ep.* iii. 5, ix. 36; Mart. x. 62). They were employed for taking notes in the law-courts (Mart. v. 51, &c.), and were sometimes called *actuarii* (Suet. *Jul.* 55). They were also employed by the emperors (Lamprid. *Alex. Sev.* 28, *Aurel.* 36; Trebell. *Claud.* 14), and in course of time the title of *notarii* was exclusively applied to the private secretaries of the emperors, who, of course, were no longer slaves, but persons of high rank. The shorthand writers were now called *exceptores*. On the re-organisation of the empire by Constantine, the *notarii* were constituted into a kind of imperial chancery, who, in addition to their regular duties, were frequently employed by the emperor on important public missions. The first of them in rank was called *Primicerius Notariorum*, and the second, *Secundicerius Notariorum*. Others were called *tribuni et notarii*, and another class *domestici et notarii*, who probably acted specially as private secretaries of the emperors. Others again who served under the Praefecti Praetorii were called *Notarii Praetoriani* (Cod. Theod. 6, tit. 10; Cassiod. *Var.* vi. 16; Pauly, *Real Encycl.* s. v.; Becker-Göll, *Gallus*, i. 62; Walter, *Gesch. des römischen Rechts*, § 345, 2nd ed.) [W. S.] [G. E. M.]

NOVA'LE. [ARATRUM.]

NOVA'TIO. [OBLIGATIONES.]

NOVELLAE or **NOVELLAE CONSTITUTIONES** (νεαραὶ διατάξεις) are the disconnected enactments of Roman emperors following upon a codification of the existing legislation. The first such codification was that effected A.D. 439 by Theodosius II. [CODEX THEODOSIANUS], and the first Novellae were those issued by Theodosius himself nine years later, and confirmed for the Western Empire by Valentinian III. A.D. 448. Similarly Theodosius' successor, Marcian, made Novellae in co-operation with the Western emperor, and the same was done by Leo, but after him the legislation of the two empires was distinct, and none of the Western enactments seem to have possessed validity in the East. Several collections of the Novellae of Theodosius and his successors on the throne of Constantinople were made at unknown times and by unknown authors, and they have been edited by Haenel (1844): such of them as are of any importance for the modern civil law were of course incorporated in the Code of Justinian, and so lost the character of Novellae.

The Novellae Constitutiones of Justinian were his enactments subsequent to the publication of his second Codex, A.D. 534, and form a portion of the Corpus Juris Civilis. The first was issued on Jan. 1 in A.D. 535, and related to testamentary law: it was followed in the next thirty years (Justinian dying A.D. 565) by over 160 others, though far the greater number were issued before Tribonian's death in A.D. 545. Many consist of but one short chapter, but some of from forty to fifty: most concern ecclesiastical and administrative matters, but some are of great importance in relation to private law, effecting sweeping reforms in the rules of the family, and still more of inheritance. As a rule they are in Greek, but fifteen are in Latin and three in both languages: in this last case it was ordered that the Latin version, that being the official tongue, should be considered the authentic one. Justinian himself contemplated making a special and separate collection of his Novellae (Const. cordi, § 4), but we know that this was never done from a contemporary of his own, Johannes Scholasticus (from A.D. 557 Patriarch of Constantinople), who speaks of them as existing σποράδην. Three private collections have come down to us: (1.) The Epitome Juliani, a Latin condensation of 125 Novellae made by Julianus, a professor in Constantinople, A.D. 556. (2.) The Authenticum or Liber Authenticorum, a collection of 134 Novellae, all in Latin, of unknown origin, largely circulated in Italy in the twelfth century: their genuineness was at first denied by Truerius, but he subsequently retracted his opinion, and this collection was considered by the glossators as having the force of law. (3.) A collection of 168 Novellae in Greek, some of which however are in duplicate, and others were enacted by various successors of Justinian; only 153 are Justinian's own. This was first published in Germany by Haloander in 1531. Besides these, there are other Novellae of uncertain origin and force, including the thirteen so-called "Edicta Justiniani."

The most complete work on the history of the Novellae is by Biener, *Geschichte der Novellen Justinians*, Berlin, 1824: cf. also *Beitrag zur Litterar-Geschichte des Novellen-Auszugs von Julian;* Von Haubold, *Zeitschrift*, vol. iv.; and an excellent account of the history of the various collections and editions of them in Puchta's *Institutionen*, vol. i. § 147. [J. B. M.]

NOVENDIA'LE. [SACRUM; FUNUS.]

NOVI HO'MINES. [NOBILES.]

NOVI O'PERIS NUNTIA'TIO. [OPERIS NOVI NUNTIATIO.]

NOXA. [NOXALIS ACTIO.]

NOXA'LIS ACTIO. Those actions were "noxal" which were brought on the delict (*e.g.* theft, assault, damage to property) or quasi-delict of a slave or child in power, or on damage done by an animal, against the master, paterfamilias, or owner. Primarily they claimed damages for the wrong, but the defendant could escape the pecuniary loss, if he preferred it, by surrendering (*noxae dedere*) the guilty body to the plaintiff: and from *noxa* (meaning that guilty body) the name of the action was (according to Justinian, *Inst.* iv. 8, 1) derived, though by other writers *noxa* is used to express the wrong itself (*e.g.* Liv. xxi. 30) or the punishment (*e.g.* Servius). No action properly lay against the dependent wrong-doer himself under the older law; but the remedy against the dominus or paterfamilias was the ordinary action on the delict, or quasi-delict, to which the edict or statute (*Inst.* iv. 8, 4; Dig. 9, 4, 2, 1; 47, 1, 1, 2) gave the "noxal" character by permitting the defendant to escape damages by surrendering the delinquent to the plaintiff: "Namque erat iniquum" (says Justinian) "nequitiam eorum ultra ipsorum corpora dominis damnosam esse." The true significance of the legal principle involved is admirably expounded in Mr. O. W. Holmes' *Common Law*, chap. i. In practical effect, though not in form, noxal actions were *arbitrariae* [ACTIO]; the defendant, if the judge pronounced against him, being condemned in the alternative, either to pay the damages assessed, or to give up the delinquent: "praetor ait . . . si servus insciente domino fecisse dicetur, in judicio adiciam aut noxam dedere" (Dig. 9, 3, 1, pr.).

It would seem from *Inst.* iv. 8, 7, that daughters were originally as liable to noxal surrender by their paterfamilias as sons in power, but that so far as they were concerned the usage had gone out in the time of the classical jurists, for Gaius (iv. 74, 79) speaks of the *deditio* of filiifamilias and slaves only. By the age of Justinian even the father's right of surrendering sons in his power in this manner had ceased to be exercised, and he expressly took it away, directing that children in power should be suable in person for their own delicts, the damages being paid out of their peculium. The master's right, however, of evading damages by noxal surrender of his slave was explicitly retained in his legislation. It would seem that the property in the slave was transferred by decree of the praetor: sons had been conveyed by mancipation, and stood *in mancipio* to the surrenderee (Gaius, iv. 79), but could demand their release as a matter of right as soon as by the result of their labour or otherwise they contrived to pay the damages assessed in the action (Papinian, *Coll.* 2, 3). This principle, as Justinian remarks in *Inst.* iv. 8, 3, was extended to the case of surrendered slaves. For the *deditio* of animals in a noxal action, see PAUPERIES.

A leading rule in all such cases was "noxalis actio caput sequitur," which apparently became a proverb. The action followed the *noxa*, and had to be brought against the person under whose lawful control he or it was, not at the commission of the wrong, but at the commencement of legal proceedings. Thus, if A's slave stole a purse, and then was sold to B, B was the proper defendant; and if the delinquent were manumitted, he could be sued in person by direct, not noxal action. Similarly, if a free man did the wrong, and then became a slave, the remedy was against his master; and on the same principle, if the slave died before the action had reached the stage of *litis contestatio*, the master's liability terminated, even though his death was not known (Dig. 9, 4, 39, 4). A master had no remedy by action if a delict were committed against him by a slave of his own, even though the latter were manumitted or alienated (*Inst.* iv. 8, 6); and if A's slave stole from B, and then became B's property, B's right of action was absolutely lost (as the law was settled by Justinian), though the Proculian School of jurists had maintained that it was only suspended, recovering its vitality so soon as his ownership over the delinquent determined (Gaius, iv. 78). It has been conjectured that noxal actions were originally the expression of an absolute claim to have the offender delivered up for the exercise of private vengeance, whether his offence were delictual or merely breach of contract. The surrender of Postumius to the Samnites by the Romans with all the forms of *noxae deditio* (Liv. ix. 10) was made as atonement for non-observance of the treaty which he had concluded with them, and from which the Romans wished to release themselves—"ut populus religione solvatur." Under Roman municipal law non-fulfilment of a promise made by sponsio entailed in the end quasi-slavery [MANUS INJECTIO], and the idea was consistently applied by them in international relations. See Mr. Holmes' work already referred to, pp. 8–12, and cf. Ihering, *Geist des römischen Rechts*, i. p. 131.

The chief original authorities for *noxae deditio* are Gaius, iv. 74–79; Paulus, *Sent. rec.* ii. 31, 7-9:—Dig. 2, 9; 9, 4;—Cod. 3, 41; *Inst.* iv. 8 and 9. [J. B. M.]

NUCES. It seems most convenient to include under this head several Greek and Roman games of skill, which were played with nuts, though frequently (and indeed usually in Greece) missiles of other material were used, such as pebbles, shells, knuckle-bones (*ἀστράγαλοι, tali*), or, in some cases, coins. The love of the Roman boy for these amusements makes the phrase *nuces relinquere* = "to pass out of childhood" (Pers. i. 10; cf. Catull. 71, 131). Five of these games (we cannot think Marquardt right in making out six) are given in the poem *Nux*, ascribed to Ovid, and, according to Teuffel, the work of some writer not much later than Ovid. It will be seen that very similar Greek games are mentioned by Pollux and others. It is asserted by some scholars that marked *nuces* were used in the same way as dice by those who could not afford *tali* or *tesserae*. Considering that, even if the trifling cost of these was too great, pieces of wood would make much better dice than the awkwardly rounded nut, this seems antecedently improbable, and the passages adduced from Latin writers do not really support the contention. It is true that if *ocellatis nucibus* is read in Suet. *Aug.* 83 (see below), the obvious sense will be, nuts marked with dots, presumably as dice, but that is not a reading of authority. As regards the passages mainly relied upon, in Mart. iv. 76, "Alea sed parcae sola fuere nuces," the meaning is that nuts are the only property staked and lost, because he played only in the games of *nuces* described below and *not* at dice: if he could have used *nuces* for dicing, the whole point would be lost. In Mart. v. 84, the *nuces* in the first line are one amusement, the *fritillus* in the third are another and a different one; and the case is the same in Mart. xiii. 1, 7. The nuts themselves were won and lost in the games just as marbles are in children's games of the present day, but there is no reason to think that numbers could be thrown as with a gambler's dice, or that they were thrown from a dice-box: except in the game of *par impar*, the games with *nuces* were trials of skill, not of chance.

1. The simplest game of skill played with these materials consisted in pitching the nuts (or, as Pollux gives it, *astragali* or acorns) into a hole, from which the players stood at some distance ("spatio distante," *Nux*, 85). The usual Latin name for this game was probably *orca*, so called because the nuts were pitched into a narrow-mouthed jar which the author of *Nux* calls "vas cavum," Persius (iii. 50) "orca": some indeed assert that Persius in this passage (where there is no direct mention of *nuces*) is using *orca* to mean dice-box. We think this less probable; Persius has finished the subject of dice in the two preceding lines, he now speaks of *nuces*, and of tops in line 51. In this game the Greeks pitched their *astragali* not into a jar, but either (*a*) into a circle drawn on the ground called *ὤμιλλα*, whence the game itself was called *εἰς ὤμιλλαν* (Poll. ix. 102) and *ὤμιλλα* (Schol. Plat. p. 320, Bk.), for Marquardt is, we think, certainly wrong in identifying the *ὤμιλλα* with the *delta* mentioned below: or (*b*) into a hole dug in the ground, called *βόθρος* (Poll. ix. 103) or *βόθυνος*, whence the game, essentially the same as *ὤμιλλα*, was called *εἰς βόθυνον* (Schol. *l. c.*). It is to be noted, however, that Pollux calls this form of the game *τρόπα*, while Hesychius says of *τρόπα* simply, that it is a game *καθ' ἣν στρέφουσι τοὺς ἀστραγάλους εἰς τὸ ἕτερον μέρος*. The explanation by which Becq de Fouquières (p. 115) attempts to make Hesychius and Pollux describe the same game, is forced and unnatural, nor could the words *εἰς ἕτερον μέρος* bear the sense which he gives them. It is stated by Grasberger, apparently on good authority, that in Greece at this day the same game is called *τρούπη, τρύπη*, or *λάκκα* (i.e. *a hole*), and it is ingeniously suggested that the game which in Pollux we find as *τρόπα* should be *τρύπα*. We may offer the further suggestion that Hesychius is not speaking of any game at all similar, but by *τρόπα* is either describing what Pollux calls *στρεπτίνδα*, which consisted in throwing a shell or coin or *ἀστράγαλος* in such a way as to turn over to the reverse side a shell, coin, &c., already lying on the ground, or else is alluding to one branch of the astragali game where the bones are to be reversed in the air before they are caught [TALI]. The name *ἐφετίνδα* (from *ἐφίημι*) might probably be applied to any one of the variations of the above-mentioned game: Pollux (ix. 117) makes it the same as *ὤμιλλα*, except that it is played with shells. It is clear that in all these games the nut or other missile which fell outside the jar or hole or circle was forfeited.

2. *Castella.*—In *Nux* 73–76 there is a game which has caused some difficulty, but which may be explained as follows:—Three nuts are placed on the ground with a fourth resting on them, so as to form a pyramid: (when Pliny, *H. N.* xix. § 112, speaks of planting bulbs "castellatim" in *grumuli* or heaps, he follows this meaning.) The first player aims with his nut so as to scatter (*dilaminare*) the pyramid (*rectas*), and having overthrown this he has at most two more shots (*bisve semelve*), in which he *may* win all four, presumably by making two cannons, flipping (*digito*) his nut at them on the ground (*pronas*). If we read *rectus*, *pronus*, which Becq de Fouquières prefers, the sense must be that he takes his first shot standing (*rectus*), his two next kneeling (*pronus*), as in what is called "knuckle-down" at marbles. For the name *castella*, or *ludus castellorum*, we have Trebell. Poll. *Gallien.* 16, 2, "de pomis castella composuit." In the passage of Suet. *Aug.* 83,

where Augustus is described as in his old age playing "modo talis aut ocellatis nucibusque," some read *castellatis nucibus*, which would mean the game of castella as described above. By *ocellati*, which is the authoritative reading, Becq de Fouquières understands agate or onyx marbles, and no doubt *nuces* and marbles would be played in the same way: the dictionaries translate *ocellati* "dice," as being marked with dots, but, if so, they would be coupled with *tali* rather than with *nuces*. Marquardt is certainly wrong in taking lines 75, 76 to describe a separate game: in the sequence of lines the words *alter*, *etiam*, *quoque* obviously mark the transition to different games: nor does his rendering make satisfactory sense, and he confesses that he finds line 74 unintelligible.

3. A variation in aiming at the nuts was introduced by rolling the missile down a sloping board ("tabulae clivus," *Nux*, 77), as is shown by a relief in the Blundell Collection (Rich, s. v. *Tabula*). The kneeling boy is probably arranging the pyramid for a shot.

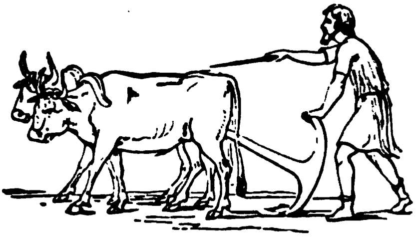
4. *Delta* (*Nux*, 81–84).—This game was played by chalking on the ground a triangle (which the author of *Nux* compares to the Greek letter and the constellation named after it). This triangle is divided by bars or lines drawn parallel to the base and called *virgae* (cf. *virgatus*="striped"): the nut is rolled into the triangle and the player wins as many nuts as he crosses bars, provided he does not roll it out of the triangle. Obviously the best possible throw is to pitch the nut just within the base line and make it stop just within the apex: it will thus in its course have touched all the parallel bars, and will win an equal number of nuts ("quot tetigit virgas, tot rapit inde nuces"). This is, in the main, the view of Becq de Fouquières. Barth, reading *virgo*, gives a strange explanation, imagining a blindfold girl groping for nuts.

5. For the game of chance, odd and even, commonly played with nuts (*Nux*, 79), see PAR IMPAR.

(Becq de Fouquières, *Jeux des Anciens*, 114–126; Grasberger, *Erziehung*, i. 68 ff.; Marquardt, *Privatleben*, 839 f.) [G. E. M.]

NUDIPEDA'LIA. This name was given to a procession of barefooted matrons, as an *obsecratio*, in time of great drought, "cum stupet coelum et aret annus" (Tertull. *de Jejun.* 16; *Apol.* 40; cf. Petron. *Sat.* 44). The magistrates laid aside their insignia, the fasces were reversed, and a sacrifice was offered at the temple of Jupiter, the pontifices bearing at the head of the procession a sacred stone called the *lapis Manalis*, from the temple of Mars outside the Porta Capena. (Non. p. 547; Fest. pp. 2, 128; Marquardt, *Staatsverw.* iii. 261.) [G. E. M.]

NUDUS (*γυμνός*). These words, besides denoting absolute nakedness, which was to be *ἀναμπέχονος καὶ ἀχίτων* (compare Moschus, iv. 98), were applied to anyone who, being without an AMICTUS, wore only his tunic. (Aristoph. *Eccles.* 409; *Lysist.* 150; John xxi. 7.) In this state of semi-nudity, the ancients performed the operations of ploughing, sowing, and reaping. (Hes. *Op. et Dies*, 391; Aristoph. *Lysist.* 1177; Verg. *Georg.* i. 299; Aelian, *V. H.* vi. 11, xiii. 27; Matt. xxiv. 18.) Thus Cincinnatus was found *nudus* at the plough when he was called to be dictator, and sent for his *toga*, that he might appear before the senate. (Plin. *H. N.* xviii. § 20; Aur. Vict. *de Vir. Illust.* 17; Liv. iii. 26.) The accompanying woodcut is taken from an antique gem in the Florentine Collection, and shows a man ploughing in his tunic only.



Man ploughing in his tunic. (From an ancient gem.)

This term applied to the warrior expressed the absence of some part of his armour. Hence the light-armed were called *γυμνῆτες*. [J. Y.]

NU'MERUS, the name of a body of troops in the imperial period. [EXERCITUS, Vol. I. p. 793.]

NUMMULA'RII or **NUMULA'RII.** [ARGENTARII.]

NUMMUS or **NUMUS**, money. The history of Greek money being set forth under PONDERA, and that of Roman money under AS, we will confine ourselves in the present article to the following points:—(1) the names of money in antiquity, and more especially the usage of the word *nummus*; (2) the materials of which it was made; (3) the inscriptions of ancient coins; (4) their types and accessory devices or symbols. We discuss the history of the right of coinage in antiquity, and the regulations and organisation of mints, under MONETA.

(1.) *The ancient Names of Money.*—The term *χρήματα* originally stood for possessions of any kind; in fact, wealth. And hence at a later time, when wealth came to be measured by money, *χρήματα* might vaguely be used for money. But in speaking of money as distinguished from other kinds of property, the Greeks would call it either *ἀργύριον* or *νομίσματα*. Of these terms the former came into use at an early period in Greece proper, where silver rather than the other precious metals was the standard of value. *Νομίσματα* (from *νόμος*, "law") stands for coin which was legal tender in a state, and so for all moneys coined by authority (Hdt. i. 94). In the South of Italy and Sicily the word *νόμος*, or as it was locally written *νοῦμμος*, was applied to coin, and in particular to the standard coin of the district. It thus corresponded in usage nearly to the term *stater*, which was in use in the East [STATER]. And in fact, in the transliterated form *nummus*, it is frequently used by the Roman writers as equivalent to *stater*. Thus Plautus (*Pseud.* iii. 2, 19) uses *nummus* for didrachm, and in other places (*Trin.* i. 2, 115) speaks of the staters of Philip as *nummi*. So the Roman denarius was sometimes called *nummus*; but the term was applied in a special and restricted sense to the Roman sestertius. The reason of this is that the sestertius nearly represented in silver the value of a pound of copper, which among the peoples of Italy and Sicily was the unit of value, and so became the *νόμος* or standard coin. The term *moneta* is only equivalent to money at a late period of Roman literature. The Roman mint (Liv. vi. 20, 13) was connected with the temple of Juno Moneta: thus the word *moneta* came into use in the sense of *mint*, and afterwards in that of money produced by the mint. Among the Greeks, whose currency (except in Asia) mostly consisted of silver, the ordinary word for money was regularly *ἀργύριον*; and *aes* was sometimes used for a parallel reason in the same sense by the Romans.

It used to be disputed whether the Greek and Roman coins which have come down to us were actual money, or rather medals issued on occasions. This controversy is completely closed. It is universally agreed that the only medals of antiquity are the Roman so-called medallions, pieces of unusual size issued at Rome to commemorate various events, which may be distinguished among Roman copper coins by the omission of the letters S. C. (senatus consulto), which regularly distinguish these latter; as well as a few pieces of the Greek Imperial class, struck in imitation of the Roman medallions in cities of Asia Minor, and distinguished by a special formula of inscription. Greek coins and the regular issues of Rome frequently contain allusion to political events, but they were nevertheless fully intended to pass as money, as the uniformity of their weight and other indications abundantly show.

(2.) *Materials of Money in Antiquity.*—An important distinction holds between money of intrinsic value and money of account. Money of the former class consisted merely of ingots, the weight and fineness of which was certified by the state or the ruler who stamped them, and which passed in the market according to their actual value. Money of account, on the other hand, might consist of pieces in themselves nearly worthless, made for instance of tin or leather, but kept in circulation at a fictitious value, either in consequence of their being at will exchangeable for valuable coin, or in consequence of the arbitrary law of some ruler, who obliges people to accept them at a fictitious value under some penalty. In modern phraseology the money of account is said in the one case to be convertible, in the other to be inconvertible. We will speak in order of the two classes of coin:—

(α) Money of intrinsic value. The bulk of this has at all times consisted of gold, silver, and copper, or rather bronze, pure copper not having been used by the ancients except in rare cases. As to the use of these three substances in antiquity, see AURUM, ARGENTUM, and AES. Electrum was also a usual material for money. [ELECTRUM.] In addition, iron is said to have been used as money at Sparta; and although no specimen has come down to us, we may easily account for this fact by the liability of iron to rust away when buried. It is also noteworthy that Sparta had no coinage in any other metal until the reign of Areus. Iron money was also current at Byzantium (Aristoph. Nub. 249). Some specimens of iron money struck in the cities of Peloponnesus are now extant. Greek kings in India issued coins of nickel (*Num. Chron.* 1868, p. 305).

(β) Money of account. The smaller denominations of coin were usually among the Greeks, from the 4th century onward, issued in copper, but for the convenience of the people these coins were seldom of such weight as to be in actual value what they were in nominal value. The subject is a difficult one. Greek copper coins seldom bear marks of value, and it is nearly always uncertain in regard to them what is their real denomination. But when that denomination is fixed by type or inscription, we usually find that they passed at a nominal value greatly in excess of the intrinsic worth of the material. There are exceptions: the Ptolemaic kings of Egypt, for instance, issued copper of full weight; but such a proceeding was as unusual in the Greek as it was usual in the Roman world. The light copper of the Greeks was thus in a sense fiduciary; but it is well known that small change may be fiduciary without affecting trade or credit, and the English bronze coinage is now, strictly speaking, money of account no less than was that of the Greeks. Making this exception, we may state the general rule that the Greeks seldom made any attempt to pass any of their coin at a fictitious rate; usually they were contented to let it find its own level in trade and pass for what it was. The reason of this is not so much the commercial morality of the Hellenic race as their keen sense of business, and the incessant competition which the issues of various cities had to keep up in neutral markets and on the tables of the money-changers. A few important exceptions to this rule should be noted. Thus it is said, though the story is open to doubt (Hdt. iii. 56), that Polycrates passed off as gold on the Lacedaemonians a quantity of leaden coins gilt. We are informed that Dionysius of Syracuse issued coins of tin, which he compelled people to accept as tetradrachms, though they weighed but a drachm (Pollux, ix. 79); also that Perdiccas II. of Macedon paid his mercenaries with copper coins plated with silver (Polyaen. *Strat.* iv. 10, 2). A better attested instance than any of these, because recorded in an inscription, occurred in Boeotia in the 2nd century B.C., drachms of copper, not even plated, being there forced into circulation as the equivalent of silver pieces of the same size and types. The frequency in certain classes of Greek coins of plated specimens which have not the appearance of being the work of forgers, drives us to the supposition that the mints of Greece may have on occasion mingled a certain proportion of plated coins with their regular issues. In fact, that this was done in Rome openly, and in accordance with law, has been completely proved. There were even stringent laws passed at that city to compel citizens to accept these plated pieces as legal tender: and the bad custom may have spread from Rome into Greece. Of course there existed, in Rome and Greece alike, a natural tendency, which especially showed itself in time of poverty and need, to diminish the weight and the fineness of current coin. But in the great commercial cities of Greece this tendency was counteracted by circumstances, and the classes of coin most used in commerce, such as the pieces of Aegina, Athens, and Corinth, retain their excellence to a late period. This does not hold to the same extent in later Greek days. The drachm of Rhodes, for instance, which weighed in the 4th century nearly 60 grains, fell in the course of the 2nd to half that weight; and the coins of the later Ptolemies, though they did not lose in weight, were made of continually baser metal. At Rome, as was natural from the imperious and uncommercial character of the people, laws were frequently passed from the first debasing the coin, and attempting to substitute worse money for better in the public issues. More than once in Roman history this process took a course so rapid and violent that the value of the various denominations of state-coin became entirely confused, and all coin passed only by weight. [See As.] If Seneca is to be believed (*de Benef.* v. 14), the Laconians used pieces of leather stamped with the state-mark as fiduciary coins. This may have arisen from the weight and clumsiness of their iron currency. We hear of a similar practice among the Carthaginians. The subject of the mixture of metals is too complicated to be here treated of. Naturally the alloy used in coining in Greece and in Italy varied greatly, both in quality and quantity. The best account will be found in Lenormant's *Monnaie dans l'Antiquité*, vol. i. pp. 187–206.

(3.) *The Inscriptions of Coins.*—Greek coins bear several kinds of inscriptions; the name of the city or the ruler who issued them, that of the monetary magistrate or magistrates who directed their production, that of the artist who cut the die. Sometimes their inscription is of another kind; stating their denomination or value, explaining the type, or occasionally stating the occasion on which they were issued. It is very difficult to make general statements as to these classes of inscriptions, especially as this has scarcely been before attempted; and the present sketch must be considered as tentative.

(α) Names of rulers and cities. The earliest coins bear no legends; but when by degrees these make their appearance, they at first nearly all contain the name of a city, whether in full or in abbreviated form, or the name of a dynast. The usual civic inscription is in the genitive plural of the ethnic: thus the coins of Syracuse are usually inscribed *Συρακοσίων*, and those of Cos *Κωίων*. Sometimes the adjective in *-κὸν* takes the place of this form, as in the cases *’Αρκαδικόν*, *Σολικόν*, *Πανορμιτικόν*, &c., in which case we must understand some such noun as *ἀργύριον*, *κόμμα* or *νόμισμα*. Sometimes the name of the city occurs in the nominative or genitive, as *Τάρας*, *’Ακράγαντος*. More often still this name is represented by a few letters of it only, more especially in early times; the coin of Athens bears only the letters ΑΘΕ, that of Elis only FA, that of Corinth only the *koppa*. Kings and dynasts, on the other hand, usually inscribe their names in full in the genitive; the money of Alexander I. of Macedon is inscribed *’Αλεξάνδρο*, that struck by Themistocles at Magnesia *Θεμιστοκλέος*. In the coin of Seuthes, king of Thrace, we have the genitive *Σεύθα*, but the words *κόμμα* and *ἀργύριον* are added in some specimens to explain and to govern the genitive. Some of the money of Alexander of Pherae is inscribed with the adjective *’Αλεξανδρεῖος*, with which we must understand *νόμος* or some such word, and a parallel form is not rare among civic coins, *e.g.* *Νεοπολίτης*, *Καταναῖος*. Sometimes, as in early dedicatory inscriptions, the word *ἐμὶ* or *εἰμὶ* is added for explanation. The earliest of inscribed coins, struck probably at Halicarnassus (*Num. Chron.* N.S. 18, 261), has the legend *φανός ἐμι σῆμα*. The proprietary name on a coin, if we may use the expression, is sometimes neither that of a city nor of a ruler, but of a district or tribe, as *Αἰτώλων*, *’Απειρωτᾶν*, sometimes of a religious body or a temple, as in the case of the coins reading *’Αμφικτιόνων*, and *ἐκ Διδυμῶν ἱερή*, the latter being the mintage of the temple of the Branchidae near Miletus.

In regard to the comparative frequency of the names of cities and those of rulers on coins, it should be observed that despots of cities in Greece and the West did not before the age of Alexander place their names on coin. We have no coins stamped with the name of Anaxilaüs of Rhegium, Hiero I. of Syracuse, Pisistratus or even Jason of Pherae. To this rule Alexander of Pherae is an almost solitary exception. On the other hand, kings of Macedon and Thrace, despots of Asiatic cities, and even satraps of the Persian king, very usually place their names on money. After Alexander the custom spread into all the Hellenic world save Greece proper, and even there was adopted at various times by a variety of rulers. Areus of Sparta, Aristotimus of Elis, and a few others place their names on coins; so do Agathocles and all the subsequent kings of Syracuse.

(β) Names of magistrates. The period at which these first appear, and the prominence given to them, vary in a most marked way from city to city, and we are usually without sufficient historical information to enable us to trace the reasons of the variety. At Abdera in Thrace, almost from the foundation of the city (B.C. 543), we have on the coin a succession of magistrates' names in the genitive preceded by the preposition *ἐπί*, or sometimes in the nominative. These were, as the *ἐπὶ* sufficiently proves, the eponymous magistrates of the city, and it may be that they exercised a stronger rule than that of magistrates in other cities. At most Greek cities before the middle of the 4th century, magistrates' names occur only at intervals, and usually in an abridged form. Early in the 4th century the magistrates of Boeotia, whether Boeotarchs or not is uncertain, begin regularly to sign the coin; and about the same time a parallel custom began to obtain at the principal cities of the Asiatic coast—Ephesus, Samos, Miletus, and others. In the regal coinages of later Greece magistrates' names seldom occur, or are concealed in the form of monograms; but in the Greek cities which remained free, whether in Asia or Hellas, the names of officers begin to take a place more regularly and with more evident purpose. Thus at Athens, during the later days of her independence, every coin bears the name of three distinct magistrates, whereof two have been conjectured to be high functionaries of state, and the third the officer specially detailed to control the mintage of the money which bears his name. The later coins of Rhodes, Ephesus, and other cities, as well as the copper money of the Achaean League, and the coins of the Thessalian Epirote and Acarnanian Leagues, bear the name of a single magistrate; the coins of Dyrrhachium and Apollonia those of two magistrates. The most important works on the subject of magistrates' names on coins are Beulé's *Monnaies d'Athènes* and a dissertation on the coins of Apollonia and Dyrrhachium by Dr. Brandis, *Zeitschrift für Numismatik*, vol. i.

(γ) Artists' names. That artists' signatures do occur on coins is rendered certain by the occurrence of the full phrases *Νεύαντος ἐποεῖ* on coins of Cydonia in Crete and *Θεοδότος ἐποεῖ* on coins of Clazomenae. A full list of supposed signatures will be found in Von Sallet's *Künstlerinschriften auf gr. Münzen* (1871), and Lenormant's *Mon. de l'Antiq.* iii. p. 255. Among the more certain and important signatures are those of Aristoxenus at Heraclea in Lucania, of Exacestidas at Camarina, Herakleidas at Catana, and of Euaenetus, Eucleidas, Eumenus, Cimon, Sosion, and Phrygillus at Syracuse. It is to be observed that, save in the two cases already mentioned of Neuantus and Theodotus, we have no certain engraver's name out of Italy and Sicily. They are by far commonest in Sicily; but there, as elsewhere, are only found during a period of about sixty years, from B.C. 410 to 350.

(δ) Explanatory inscriptions. The object of these is to acquaint us with the meaning of the types of a coin, with its value or denomination, or with the circumstances of its issue. The word Σοτερ (Σωτήρ) accompanies the figure of Zeus on a very early coin of Galaria in Sicily, *Νίκα* that of Nike at Terina, *Σελινοῦς* and *Ὕψας* those of the two river-gods at Selinus, *Αἴας* that of a warrior at Locris, *Σώτειρα* that of Artemis at Cyzicus, and so forth. At the Italian Locri a group representing a standing female figure crowning a seated one is explained by the inscription to represent the crowning of Roma (*Ῥώμα*) by Good-faith (*Πίστις*). The denomination of a coin is seldom stated at full-length on it, but often indicated by a few letters or a slight variety in the type (see next head). ΔΙΟ and ΤΡΙΗ occur on the diobols and trihemiobols of Corinth, *Ὀβολὸς* at Metapontum, *Ἡμιοβέλιν* at Aegium, *Δράχμη* and *Δίδραχμον* at Ephesus. On the late coins of Chios the number of *Ἀσσάρια* represented by a coin is regularly marked on it. In the Peloponnese in early times a single letter usually sufficed to mark denomination, H being placed on hemiobols, T on tetartemoria, and so forth. The circumstances of issue are stated in the inscriptions of many coins of Imperial times, especially those which bear the names of the games, Pythia, Actia, Olympia, &c., in connexion with which they were struck, and those with a legend *ὁ δεῖνα ἀνέθηκε*, followed by the genitive or dative of the name of a city. The latter class are supposed to be the result of the munificence of individuals who on some special occasion struck a quantity of coin at their own private cost, but for general use and enjoyment. Even in early times, however, a few inscriptions of the same class may be found, as in the case of the archaic coin of Metapontum, which bears the legend *Ἀχέλοιο ἄεθλον*, and was clearly issued on the occasion of public games. The coin of Locri already mentioned contains in the words *Ῥώμα* and *Πίστις* a clear allusion to the circumstances under which it was issued, some instance of good faith on the part of the Romans towards the people of Locri.

The inscriptions of Roman coins present us with less variety than those of Greek. The earlier gold and silver money bears no inscription save the word ROMA or ROMANO, together with a mark of value. About the time of Sulla (Mommsen, *R. M.* p. 451) the name of the city and the indication of denomination alike disappear. The empire of Rome by that time was so widely extended that her coin was known on every shore, and her system of reckoning in all markets. The place of these simpler legends is henceforth taken by the name of a monetary magistrate, which is usually that of one of the triumvirs appointed to strike the money of the Republic. In a more modest and abbreviated form indeed we find such names as early as B.C. 190, but they appear more prominently as time passes on. About B.C. 100 occurs the first appearance (Mommsen, p. 453) of such formulae as S. C. (Senatus Consulto), ARG. PVB. (Argento Publico). At about the same period first occur legends explanatory of the types of the coins, which first consist of mere initials, as I. S. M. R. (for Juno Sispes Mater Regina), or P. P. (for Penates Publici). Afterwards we have inscriptions like those mentioned under (δ) above in the case of Greek coins; for instance, Numa Pompili beside a figure of Numa Pompilius, and Salus beside a head of that deity. In the case of Roman Imperial coins one side is regularly occupied with the name and titles of the emperor accompanying his effigy; the other side bears sometimes merely a date, as COS III TR P XX, which indicates that the piece was issued in the third consulate and the 20th tribunician year of the emperor: but more usually an inscription containing allusion to a historical event and accompanying a type of similar allusion, such as Fides Militum, when the army presented a loyal address; Fecunditati Augustae, when the empress bore a child; Debellatori Gentt. Barbara(rum), when the emperor reduced a refractory tribe, and so forth.

(4.) *Types and Symbols.*—In the language of numismatists the term *type* is applied to the principal device or subject of either obverse or reverse of a coin; the term symbol is applied to any subordinate or smaller figure which accompanies the type. In the later coinage of Athens, for instance, the type of reverse is always an owl standing on an amphora, but the symbol varies continually, changing indeed every year. The type belongs to the mint-city, and is usually either the figure or head of a deity, some object sacred to a deity, or the effigy of a king or emperor. The symbol, on the other hand, belongs to the monetary magistrate, and is impressed by him to indicate his responsibility for the weight and fineness of any issue of coin. It is usually supposed to be copied from his signet, the signet in antiquity answering in many points of use to the modern signature. [P. G.]

NUNCUPA'TIO. [TESTAMENTUM.]

NU'NDINAE (in an older form *noundinae*), *the market day*, a regular division of the Calendar, and hence the market itself. The Romans had a system of eight-day weeks, which, like our seven-day weeks, ran on from one month to another and from one year to another without breaking, and starting afresh with the new month or year, so that the nundinae was a day "qui nono semper ab orbe redit" (Ov. *Fast.* i. 54). By the ordinary inclusive reckoning the eighth day was counted as the ninth and called *nundinae;* the whole week, or period of eight days, being termed *inter nundinum*, or, in one adjective, *internundinum* (tempus). The days were marked in calendars by the letters A, B, C, D, E, F, G, H, and it would naturally be supposed that H would always be the letter of the nundinae; but this was not so, because the 1st of January always began afresh with A, while the first nundinae of the new year was invariably the eighth day after the last nundinae of December, and consequently, unless the nundinae had fallen on the 31st of December, was marked by a different letter, which belonged to all the nundinae of that year. It may be observed that this system of letters cannot belong to the earliest times, because the letter G was only introduced in the third cent. B.C. But this does not prevent the eight-day division being a very ancient Roman arrangement, as Dionysius (ii. 28) and others describe it. (The Sabines, however, even till the end of the Republic, had a seven-day week, which appears in the *fasti Sabini:* see Marquardt, *Staatsverw.* iii. 281.) The countrymen, having worked seven days in the fields, came into the towns on the eighth for the market (Macrob. i. 16, 33; Verg. *Moret.* 80). The *jus nundinorum*—that is, the exclusive right of the dwellers in a particular spot to hold the periodical markets for a particular district—was granted by the senate (cf. Suet. *Claud.* 12; Plin. *Ep.* v. 4). As to the regulations about law business and comitia on the nundinae, see DIES, Vol. I. p. 636, and COMITIA, Vol. I. p. 506 *b*; as regards school holidays, LUDUS LITTERARIUS, p. 97 *b*.

The expression *trinum nundinum* (whence an adjective *trinundinus*, *trinundino die*, &c.) is disputed, and still open to dispute, both as to its grammar and its meaning. The usual explanation is that it is a genitive from *trinae nundinae*, with an ellipse of a word signifying *space* or *lapse*, and this is agreeable to the rule for the use of numerals in the best Latinity, though the rule is not without exceptions. That Cicero took it as a genitive is clear from *de Dom.* 16, 41; and its use elsewhere is not against this, if we take *trinundino* to be an adjective. The sense, according to this view, is, such a period as to include three nundinae (*i.e.* seventeen days), from the 1st to the 3rd nundinae. That Plutarch and Dionysius so understood it, is clear from their rendering it by ἡ τρίτη ἀγορά (Dionys. vii. 58, ix. 41; Plut. *Coriol.* 18). On the other hand, Mommsen brings instances which seem to show that the period was longer than seventeen days, at any rate in republican times, and he holds that it was a space of three complete *internundina*, i.e. twenty-four days, and, if a genitive at all, stands for *trinorum nundinorum.* He does not seem to us to overthrow beyond dispute the usual interpretation. It might be suggested that, if the required notice had to extend over three nundinae, it was originally a varying length, extending from seventeen days, when notice was given on the nundinae, to twenty-three days, when the notice was given just after a "market day" was past, and therefore the trinundinum may sometimes come before us as a period longer than twenty days (as in the cases cited by Mommsen), sometimes as a conventional term for exactly seventeen days. For the notice required for holding COMITIA, see Vol. I. p. 533 *a*.

Nundinium, a later form of nundinum, is found = nundinae (*C. I. L.* viii. 408), and = internundinum (Macrob. *l. c.*); but a use specially to be noticed is its signification, *the period of consulship.* When, under the Empire, several pairs of consuls were created in one year [CONSUL, Vol. I. p. 537], the period of a single consulship was called *nundinium* (Lamprid. *Vit. Alexand.* 28, 43; Vopisc. *Vit. Tacit.* 9). (Marquardt, *Staatsverwalt.* iii. 289; Mommsen, *Staatsrecht*, ii. 84, iii. 375.) [L. S.] [G. E. M.]

NUNTIATIO. [OPERIS NOVI NUNTIATIO.]

NUPTIAE. [MATRIMONIUM.]

NYMPHAEUM. [DOMUS, Vol. I. p. 678.]

O.

OBAE. [TRIBUS; GEROUSIA.]

OBBA, a bowl either of wood or earthenware, apparently broad at the bottom and narrowing towards the top, used for holding wine, but a cheap ware for common wine (Pers. v. 148). It is said by Gellius (xvi. 7) to be a provincialism used by Laberius. From Tertullian, *Apol.* 13, it appears that it was used also at funeral rites. The shape cannot be regarded as certain. Tertullian need not be speaking precisely of the ~~shape when he~~ says, "Quid differt a simpulo obba?" There is no clear proof for Rich's theory, that it was pointed at the bottom, and in fact Persius's epithet *sessilis*, i.e. squat or dumpy with a firm base, rather makes against it: if the reading "*obbatae* cassides," in Apul. *Met.* x. 234, is correct, we are none the wiser, since we cannot determine the shape of this particular *cassis* except by deciding that of the obba. (Marquardt, *Privatleben*, p. 654; Jahn, *ad* Pers. *l. c.*) [G. E. M.]

OBELISCUS (ὀβελίσκος) is a diminutive of *Obelus* (ὀβελός), which properly signifies a *sharpened thing*, a *skewer* or *spit*, and is the name given to certain works of Egyptian art.* A detailed description of such works would be inconsistent with the plan of this work, but some notice of them is required by the fact that several of them were transported to Rome under the emperors. Ammianus Marcellinus (xvii. 4) says that "an obelisk is a very rough stone in the shape of a kind of land-mark or boundary stone, rising with a small inclination on all sides to a great height; and in order that it may imitate a solar ray by a gradual diminution of its bulk, it terminates in a prolongation of four faces united in a sharp point. It is very carefully smoothed." Most ancient writers consider obelisks as emblematic of the sun's rays. (Comp. Plin. *H. N.* xxxvi. § 64.)

An obelisk is properly a single block of stone, cut into a quadrilateral form, the sides of which diminish gradually, but almost imperceptibly from the base to the top of the shaft, but do

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* Herodotus (ii. 111) uses ὀβελὸς in the sense of an obelisk.

not terminate in an apex upon the top, which is crowned by a small pyramid, consisting of four sides terminating in a point. The Egyptian obelisks were mostly made of the red granite of Syene, from which place they were carried to the different parts of Egypt. They were generally placed in pairs at the entrance to a temple, close to other monuments of proportionate size. But the Romans, as Mr. Burn remarks, viewed them only as trophies, and, except those at the Mausoleum of Augustus, they stood apart from anything of equal height, presenting a naked and forlorn appearance. (*Rome and Campagna*, p. xliv.)

Obelisks were first transported to Rome under Augustus, who caused one to be erected in the Circus and another in the Campus Martius. (Plin. xxxvi. § 71; *Mon. Ancyr.* iv.) The former was restored in 1589, and is called at present the Flaminian obelisk. Its whole height is about 116 feet, and without the base about 78 feet: it now stands in the Piazza del Popolo. The obelisk in the Campus Martius was set up by Augustus as a sun-dial. It stands at present on the Monte Citorio, where it was placed in 1792. (Burn's *Rome and Campagna*, p. 333.) Its whole height is about 110 feet, and without the base about 71 feet. Another obelisk was brought to Rome by Caligula, and placed on the Vatican in the spina of the Circus of Caligula. (Plin. xxxvi. § 74, xvi. § 201.) In drawings of the 16th century it is represented as still standing in its original place. It stands at present in front of St. Peter's, where it was placed in 1586, and its whole height is about 132 feet, and without the base and modern ornaments at top about 83 feet. But the largest obelisk at Rome is that which was originally transported from Heliopolis to Alexandria by Constantine, and conveyed to Rome by his son Constantius, who placed it in the Circus Maximus (Amm. Marc. xvii. 4). Its present position is before the north portico of the Lateran church, where it was placed in 1588. Its whole height is about 149 feet, and without the base about 105 feet. (See Gibbon, *Hist. of Rome*, vol. ii. p. 400.)

There are nine other obelisks at Rome besides those mentioned above, but none of them are of historical importance. Three, however, which were found under and near the church of S. Stefano del Cacco, one as late as 1882, are interesting as remains of the temples of Isis and Serapis on that site. They are now in the Piazza della Rotonda, the Piazza della Minerva, and the Piazza del Collegio Romano. (See Middleton's *Rome*, p. 392.) There are also obelisks in various other places, as at Constantinople, Arles, Florence, Catana in Sicily, &c., some of which are works of Egyptian art, and others only imitations.

The preceding brief account is chiefly taken from Long's *Egyptian Antiquities*, vol. i. cc. 14, 15. [W. S.] [G. E. M.]

OBEX. [JANUA.]

OBLIGATIO LITTERARUM. One of the four modes in which, according to Gaius (iii. 89), contractual obligations could be incurred, was *litteris*. The contract was made by the creditor's entry (Gaius, iii. 137) of so much as *expensum* to the debtor in his account book (*codex accepti et expensi*). The debtor's assent to the entry was necessary (Cic. *pro Rosc. Com.* 1, 5; Val. Max. viii. 2, 2), but apart from that it was immaterial whether he had in fact received the money or not. For the practice of accurate book-keeping, which the Romans very possibly adopted from the system of the bankers in the Greek cities of Campania, reference may be made, in addition to the passages last cited, to Cic. *in Verr.* i. 23, 60; 39, 99;—ii. 76, 186;—*pro Quint.* 4, 11; *pro Font.* 3, 15; *pro Cluentio*, 30, 82; and Pliny, *H. N.* ii. § 7. The items of receipt and expenditure appear to have been entered without distinction, in the order of their occurrence, in a day-book (*adversaria*), and transcribed at the end of each month into a ledger (*tabulae*, *codex accepti et expensi*), the precise form and character of which is much disputed, though most probably it was arranged in two sides or columns after the fashion of an ordinary banker's pass-book. The entry in this ledger (*nomen facere*, Cic. *in Verr.* i. 36, 92; 39, 102;—*ad Att.* iv. 18; Seneca, *de Benef.* iii. 15) made the contract, and bound the debtor to repay the specified sum: it was not merely evidence, admitting of the possibility of rebuttal.

We are told by Gaius (iii. 131) that if an entry were made in the codex of an *actual* money loan, the obligation to repay it arose *re* (MUTUUM), not *litteris*, and the debt was called specifically *nomen arcarium*, the written record serving merely as evidence. It follows that wherever a genuine money debt was created *litteris* it must have been under the fiction of a loan, as appears to have been the case in two instances of debts originally incurred in this manner of which we have a record (Cic. *ad Att.* iv. 18; Val. Max. viii. 2, 2). But it seems clear that the most common purpose for which Expensilatio (as the contract is termed) was used was that of novation (*inf.* p. 259): and there were two modes in which an obligation could be novated *litteris*. By the first ("Transcriptio a re in personam," Gaius, iii. 129) a debt owing on some other ground, such (*e.g.*) as consensual contract or legacy, might be converted into a "literal" debt: for instance, an heir might be given time to pay a legacy on the condition that the legatee should be allowed to enter the money as *expensum* to him. The object of this, beyond a doubt, was to subject the strict action known as *condictio certi*, with its penal wager of a third of the sum in dispute, for an action (usually *bonae fidei*) by which only the actual sum due could be recovered. The old contract and the old action ceased to exist, their places being taken by new ones more favourable to the creditor. The second form of novation ("Transcriptio a persona in personam," Gaius, iii. 130) was employed where it was desired that money owed by one person to a second should be owed to him by a third instead: thus, if A owed money to B, and it was agreed that C should enter it in his codex as *expensum* to A, C would become A's creditor instead of B. In a similar way one debtor could be substituted for another, the creditor remaining the same.

Whether the "literal" contract could be entered into by aliens was disputed between the Sabinian and Proculian schools of lawyers. The latter held that it was too peculiarly *juris civilis* to be available to them at all: the former thought that they could be bound by it *a re in* *personam*, but not otherwise (Gaius, iii. 133). But Gaius says (*ib.* 134) that aliens had a kind of literal contract of their own, differing from Expensilatio materially in form, but similar to it in its operation. This was a species of bond (*chirographa*, *syngraphae*), signed by the debtor, and acknowledging the debt, of Greek origin, as the names denote; and it seems clear, from the language of Gaius, that the bond, like the debt, was or constituted the obligation: it was not mere evidence, like the entry of a *nomen arcarium*.

Although Gaius speaks of Expensilatio as a form of contract actually existing in his own day, there can be little doubt that it had gone out of use, along with the regular keeping of accounts, among the generality of Roman citizens, and was still in vogue only with bankers, who kept their customers' accounts for them. Perhaps no explanation of this need be required beyond the general decay of republican manners under the Empire; but probably the disuse of the literal contract was connected with the introduction of *constitutum*, which secured all the advantages of Transcriptio without the extinction of the prior obligation, and still more with that of the *exceptio doli*, which may be attributed with some certainty to Gallus Aquilius, who was Cicero's colleague in the praetorship. The action for breach of an obligation incurred *litteris* was *stricti juris*, and the law was that fraud was no defence to an action of that kind, so that a defendant was helpless whose consent to the creditor's entry had been obtained by misrepresentation, or by an unfulfilled undertaking to advance money or give credit in consideration of that promise being given. An anecdote told by Cicero (*de Off.* iii. 14, §§ 58–60) puts the matter in a strong light. Pythius, a Syracusan banker, induced Canius to buy a country-house from him by fraudulently inducing him to believe, on the evidence of his own eyesight, that the estate and neighbourhood abounded in spoils for the hunter and the fisherman. Knowing that a consensual contract of sale would be radically vitiated by his dishonesty, he produced his codex, and got Canius to assent to the debt being transcribed on the spot. Canius, says Cicero, had no remedy, for his colleague Aquilius had not yet introduced his *formulae de dolo*. When however that had been done, Expensilatio had virtually ceased to be a contract binding through its form alone; and whenever there had been anything in the nature of chicane or dishonesty on the creditor's part, he could not but fail in his action.

The later history of the literal contract, and in particular of the so-called "literal obligation" of Justinian's Institutes (iii. 21), is intimately bound up with that of Stipulation, the contract made *verbis*. In the Greek provinces of the Empire the old oral stipulation of Rome, and the provincial chirographum or syngrapha, appear to have become merged together in the written and signed memorandum (*cautio*, *instrumentum*), purporting to attest a stipulation actually made by oral question and answer (Paul. *Sent. rec.* v. 7, 2; *Inst.* iii. 19, 17). If such a *cautio* were obtained by the promise of a pecuniary consideration, which in fact had not been given, it could when sued upon be met by the "exceptio pecuniae non numeratae," a specific variety of the *exceptio doli*: and it was enacted in 213 A.D. (Cod. 4, 30, 3) that when this plea was entered by the defendant, the plaintiff should be bound to prove that the alleged consideration had actually been given, unless a certain interval of time had elapsed from the date of the document. It seems that when, in compiling the Institutes, Justinian found that he had no genuine literal contract, corresponding to the old Expensilatio, to describe, he thought the best equivalent would be this *cautio* purporting to evidence a stipulation, and the kindred topic of the "exceptio pecuniae non numeratae." That this is the true significance of the very difficult title (21) in the third book of the Institutes appears clear on a careful examination of the passage in Gaius (iii. 134), upon which it is obviously modelled, and in view of a later paragraph (iv. 13, 2) of the Institutes themselves. But between the old contract, made by entry in the codex, and the *cautio* which Justinian put in its place, there is the same radical difference that there is in English law between a deed under seal and a mere written memorandum of a contract. The entry in the codex *was* the contract; and if its genuineness was not disputed, the party against whom it was made was technically bound, though he might escape judgment by pleading the *exceptio doli*. That the *cautio* was not itself a contract, and never more than evidence of an alleged contract made (expressly or impliedly) by stipulation, which could be rebutted by counter-evidence that the alleged contract had never been made at all, is placed beyond all reasonable doubt by the passage of the Digest (44, 7, 1, 2) in which the sources of contractual obligations in Justinian's time are enumerated. In that passage, which is taken from another work of Gaius, we read "obligationes ex contractu aut re nascuntur aut verbis aut consensu:" and the "aut literis" which Gaius no doubt originally wrote was deliberately suppressed by the compilers of the Digest, so as to bring the extract into agreement with the actually existing law of the day. (Savigny, *Verm. Schriften*, i. 205 *sq.*; Gneist, *Die formellen Verträge*, 321 *sq.*; Rein, *Civilrecht*, p. 677 *sq.*; Voigt, *Jus Naturale*, iv. 74, and his treatise *Ueber die Bankiers, die Buchführung und die Litteralobligation der Römer*; Keller, *Beitrag zu der Lehre von dem röm. Literal-contracte* in *Sell*, Jahrbücher 1; Schüler, *Die literarum obligatio des älteren röm. Rechts*, 1842; Buonamici, *Sulle literarum obligationes in diritto Romano*, *Arch. giurid.* xvi. 3 *sq.*; Padeletti, *History of Roman Law*, ch. 21, note 6.) [J. B. M.]

OBLIGATIONES. *Obligatio* is defined by Justinian (*Inst.* iii. 13, pr.) as "juris vinculum, quo necessitate adstringimur alicujus solvendae rei, secundum nostrae civitatis jura:" a legal bond, with which we are bound by a necessity of performing some act according to the laws of our state. It is thus a legal relation between two ascertained persons, respectively debtor and creditor (using these terms in a wide sense), in virtue of which the latter is entitled to a certain act or forbearance from the former. Sometimes the term is used to denote specifically the right of the creditor (e.g. *Inst.* iii. 28; Dig. 45, 1, 126, 2, &c.) or the duty of the debtor (e.g. Dig. 12, 1, 6, &c.), and it occasionally bears other divergent but cognate meanings: but its proper signification is that which has been stated. It differs from the legal relations exemplified in ownership, servitudes, or possession, in that it involves only what jurists call rights *in personam:* the person who owes the duty is specific and ascertained from the outset, whereas the duty owed to the owner of property, not to interfere with his proprietary rights, is incumbent not on any particular person, but on persons generally: and this contrast is well put by Paulus in Dig. 44, 7, 3, pr.: "Obligationum substantia non in eo consistit, ut aliquod corpus nostrum, aut servitutem nostram faciat, sed ut alium nobis obstringat ad dandum aliquid, vel faciendum, vel praestandum." According to the Roman view, the relation between the two parties is strictly personal: the right is the creditor's, and the duty is the debtor's only: neither debtor nor creditor can be really changed without destroying the existence of the obligation itself: or, as has been said, "The personal relation in an obligatio, according to the Romans, is so essential, that its active or passive transfer—assignment of the right, assumption of the liability by another—cannot in any way be directly effected."

The result of an obligatio is the partial subjection (in law) of one person's will to another, the debtor's freedom of action being partially limited in favour of the creditor: "debitor intelligitur is, a quo invito pecunia exigi potest" (Dig. 50, 16, 108). But even this must not be taken to imply that the creditor can in all cases enforce his right by action at law. In the earlier period of the Roman legal system it was otherwise: obligation and actionability went hand in hand; unless there was an action, the obligation had no legal existence. But when the ideas of equity and the *jus gentium* began to gain ground, the praetor came to recognise other legal incidents to an obligatio than actionability, and would allow the creditor's right to be enforced or realised in other ways. Hence the distinction of obligations into *naturales* and *civiles:* a civil obligation is one enforceable by action; a natural obligation is one which, though not actionable, possesses all the other legal properties of obligationes in general. For instance, though the debtor could not be made to pay, yet if he paid voluntarily, even by mistake, he could not recover the money back on the ground that it was not due (Dig. 46, 1, 16, 4). So, too, a debt "naturally" owed could be set-off against an actionable claim of the debtor against the creditor (Dig. ib. 26), and it could form a sufficient basis for a pledge, a guarantee, or a novation (of which something will be said below). The causes which made obligations natural instead of civil are mainly two: insufficiency of form in contracts, and defective capacity of legal right or legal action in a party. As regards the first, agreements according to Roman law were actionable only if they were expressed in a definite form, or else belonged to one or other of certain specially favoured classes; otherwise they were called *nuda pacta;* no action would lie on them, but yet the promisee might get and retain what was due to him in other ways. As regards the second, there were certain classes of persons between whom there could be no civil obligation. A slave could not be bound *civiliter* to any one, but was capable of natural obligation, and similarly no one could be bound *civiliter* to a slave. So, too, between pater- and filiusfamilias there could be natural obligation only. Lastly, *civilis* obligatio sometimes became *naturalis* by operation of law: *e.g.* through the rules as to limitation of actions, or capitis deminutio (Dig. 4, 5, 2, 2).

Another division of obligations is based upon the character of the legislative organ (so to speak) to which they respectively owe their validity. When that organ was the mouthpiece of the civil law (*e.g.* the comitia, emperor, or custom), the obligatio was said to be *civilis* (in another sense): when it was the praetor or some other magistrate, it was said to be *honoraria* or *praetoria.* And sometimes obligations are classified in a manner more proper to the actions which lie upon them, as either *stricti juris* or *bonae fidei.* Personal actions of the CONDICTIO class were *stricti juris,* others were *bonae fidei;* and these terms were transferred to the obligations which they were brought to enforce. Hence the contracts which were ascribed to the *jus gentium* (with the exception of *mutuum*) are sometimes said to create *bonae fidei* obligations; *e.g.* sale, hire, agency, pledge, deposit, and others.

Finally, modern writers usually divide obligations into *unilateral* and *bilateral.* An obligation is unilateral when only one of the parties is bound, as where A lends B five pounds: the latter alone owes anything. It is bilateral where duties exist on both sides, as in a contract of sale, where the vendor has to convey the thing sold, and the vendee has to pay the price. But, strictly speaking, every obligation is unilateral, for a person cannot play two different *rôles* in the same legal relation: so that the so-called bilateral obligations are in reality two separate obligations regarded as one by reason of the identity of their origin.

The "object" of an obligation is always either an act or a forbearance; the person bound has to do or not to do. If A agrees to sell B a horse, B has in law no right to the horse (for in that case his right would be *in rem,* not *in personam*); all he has a right to is a conveyance from A, which is an act. Of the possible objects of an obligation, in this sense, the Romans have no scientific classification; the nearest approach to one is that suggested in the passage of Paulus cited above into *dationes, factiones,* and *praestationes.* But this originated in the technicalities of pleading under the formulary system, and in the finished law of Justinian is merely a worthless survival of an older and obsolete procedure. But whatever the act or forbearance may be which is owed under an obligation, it is subject to three rules. It must have an appreciable money value in relation to the creditor: "ea enim in obligatione consistere, quae pecunia lui praestarique possunt" (Dig. 40, 7, 9, 2): though whether this rule was in force under Justinian has been denied by modern writers (*e.g.* Windscheid, *Lehrbuch,* § 251, note 3; Ihering, *Jahrbuch für Dogmatik,* xviii. pp. 34–115). It must be lawful, and further possible both in nature and in law: and thirdly it must be, or be capable of being rendered, sufficiently definite; *e.g.* one cannot be bound to do just as much as and no more than one pleases (Dig. 45, 1, 108, 1).

Viewed with reference to the facts on which the law operated so as to give them binding force, obligations arose, according to the Institutes of Gaius, from Contract and Delict: to these he adds in the third book of his Aurei (Dig. 44, 7, 5) "variae causarum figurae," a source which in Justinian's Institutes is represented by the more intelligible heads of quasi-contract and quasi-delict. Justinian's enumeration of the sources of obligations, though hardly exhaustive and not scientifically adequate, is more satisfactory than the classification of Modestinus, who in Dig. 44, 7, 52 says that obligations arise from *res*, *verba*, *consensus*, *lex*, *jus honorarium*, *necessitas*, and *peccatum*. To make Justinian's statement at all a good one, the term *contractus* must be taken to include all agreements, for every agreement, if Savigny is correct, gave rise to at least a "natural" obligation, though by Justinian himself it is used to denote only certain agreements which, owing to their form or nature, were actionable under the civil law. The general Roman terms signifying "agreement" are *conventio*, *pactio*, *pactum*: "et est pactio duorum pluriumve in idem placitum consensus" (Dig. 2, 14, 1, 2). The essential element here is the consent of two (or more) wills, but this was not enough, in the Roman view, to make a *contractus*, a term differentiated from *pactum* by the circumstance that to certain agreements (*pacta*) a "civil" obligation was annexed by the older law in virtue either of their nature, or of their being attended by some other fact besides the mere fact of agreement. An unaccepted promise, or promise without agreement (*pollicitatio*), gave rise to an obligation only in certain cases when made to a municipal corporation (Dig. 50, 12, 3, pr.), and where vows were made to the Deity or pagan gods (Dig. ib. 2, pr. and 1). Actionable *pacta* are called by modern writers *pacta vestita*: they include, firstly, the contracts recognised by the older law:—NEXUM (which is not treated by Gaius or Justinian), and the contracts made *verbis* and *litteris*, *re* and *consensu*: and, secondly, certain agreements which were made actionable at different times by the edict or imperial legislation (*pacta praetoria* and *legitima*). Agreements on which no action lay were termed by the Romans *pacta nuda*: "nuda pactio obligationem non parit, sed parit exceptionem" (Dig. 2, 14, 7, 4): *i.e.* they could be relied upon in defence, *e.g.* for purposes of set-off, and according to Savigny possessed all the incidents of *naturalis obligatio*, but could not be sued upon: "ex nudo pacto inter cives Romanos actio non nascitur" (Paul. *Sent. rec.* ii. 14, 1).

Perhaps the oldest of the Roman contracts was NEXUM, to the article on which reference may be made. But there were two other very old formal contracts which had a longer history, and of which we have far fuller knowledge, viz. Stipulatio and Expensilatio or literal contract. The first is by Gaius and Justinian identified with the obligation made *verbis*, which is usually taken to comprise two other far less important formal promises: *dotis dictio* (Ulpian, *Reg.* 6, 2; Cic. *pro Flacco*, 35, 86; *pro Caec.* 25, 72; Terence, *Andr.* v. 4, 47: see DOS) and *jurata promissio liberti* (Dig. 38, 1, 7: see LIBERTUS). Stipulatio was a form of contract which gave rise only to a unilateral obligation, the promiser binding himself to the *stipulator* or promisee by returning an oral affirmative answer to the oral question of the latter (Cic. *pro Caec.* 3, 7). Originally the only terms which could be used were *spondes? spondeo* (Plaut. *Capt.* iv. 2, 117), and the strictest correspondence between question and answer was insisted upon: moreover in this form no one could contract except Roman citizens, so that *peregrini* could not avail themselves at first of stipulation at all (Gaius, iii. 93, 179). Later, other words became sanctioned by usage: e.g. *promittis? promitto*, *dabis? facies?* &c. (Gaius, iii. 93; *Inst.* iii. 15, 1), by employment of which the form was made accessible to aliens; and in Gaius' time Greek equivalents were permitted. Similarly, by degrees the requirement of strict and literal correspondence between question and answer was dispensed with, and, owing to a constitution of Leo, A.D. 469 (Cod. 8, 38, 10; *Inst.* l. c.), the law allowed in Justinian's age the use of any terms and any language whatever, provided the parties understood one another: by which time, too, it had been discovered to be so inconvenient that the proceedings must be oral, and so necessitated the presence of the parties, that the original solemnities of stipulation had in most cases dwindled down to a written memorandum of a promise fictitiously represented as having been made in answer to a preceding question (*cautio*), upon which an action would successfully lie unless the defendant chose dishonestly to rely upon the defence that the contract had not been made (as, strictly speaking, the law required) by oral question and answer (*Inst.* iii. 19, 17 and 12). The value of such *cautiones* was merely evidentiary: oral stipulations were probably always made in the presence of witnesses (Cic. *pro Rosc. Com.* 5, 13), which, however, were not prescribed by law, as in the case of mancipations and nexum.

Stipulation is not so much a peculiar species of contract as a universal contract form: a form in which any agreement whatever could be concluded, and into which many were thrown, even though actionable in themselves (*e.g.* sales), on account of the superiority of the remedy (*condictio*) that would then be enforced. Justinian (*Inst.* iv. 15, 7) recommends that whenever the object of a stipulation is other than the payment of a sum of money, it should be expressed in the form of a condition to a bond: *e.g.* "If you do not do so and so for me, do you promise me so much?" The advantages secured by this were that the promisee, if the condition was not fulfilled, was not under any necessity of proving what loss he had suffered (*Inst.* l. c.), which perhaps would have given him very inadequate damages ("et ad exiguam summam deducitur," Dig. 46, 5, 11), and that the ground of action was not a promise to do, but a promise to pay, so that until Justinian's time the plaintiff recovered more than the sum actually due by means of the penal wager involved in *condictio certi* [see PER CONDICTIONEM ACTIO].

Various grounds are stated by Gaius (iii. 97–109) and Justinian (*Inst.* iii. 19) on which stipulations were void (*inutiles*), some of which, however, affect all contracts, and not stipulation only. Among the latter are impossibility of performance (Gaius, iii. 97; *Inst.* iii. 19, 1 and 2), impossible conditions (Gaius, iii. 98; *Inst.* ib. 11), and the elementary principle of law that a contract can confer rights and impose duties only on those who are parties to it (Gaius, iii. 103; *Inst.* ib. 3, 4, 19–21). To stipulation alone relate the rules as to the correspondence of question and answer (Gaius, iii. 102; *Inst.* ib. 5), to the incapacity of deaf or dumb persons to be parties (Gaius, iii. 105; *Inst.* ib. 7), and to the necessity of the parties being simultaneously present with one another (Gaius, iii. 138; *Inst.* ib. 12). Something also is said upon the contractual capacity of *pupilli* and *infantes*, as to which see IMPUBES and INFANS.

It was not unusual for the promise to be made on the stipulator's behalf to a second promisee as well as to himself, who was called the *adstipulator*, and was a kind of trustee for the real creditor. He could accept and even sue for performance of the promise (Gaius, iii. 111), but could be compelled by *actio mandati* to deliver up to his principal or the latter's heir anything which thereby came into his hands, and was liable to a penal procedure under the Lex Aquilia (Gaius, iii. 215) if he fraudulently released the promiser. Some peculiar rules as to adstipulatio are noticed by Gaius (iii. 114). Its object was to facilitate representation of the promisee by an agent in an action at a time when attorneys were not generally allowed for that purpose, and to enable a promise to be validly made of performance to a person after his death, which otherwise could not have been done till the time of Justinian (Gaius, iii. 100; *Inst.* iii. 19, 13). In the latter's legislation adstipulatio disappears, both of the purposes which it had served being directly attainable.

Stipulation was also perhaps the commonest mode in which the contract of suretyship was made. [See INTERCESSIO.]

For Expensilatio, or literal contract, see the article on OBLIGATIO LITTERARUM. The "real" contracts, those in which the obligation is generated *re*, i.e. by delivery of property or possession, are four in number, viz. two varieties of loan, MUTUUM and COMMODATUM, Deposit [DEPOSITUM] and Pledge [PIGNUS]. Both Gaius and Justinian also speak of the duty of a man to repay money paid to him in the mistaken belief that he could legally claim it as "real," though (Gaius, iii. 91; *Inst.* iii. 14, 1) they hesitate to attribute to it a contractual character, and later in the Institutes (iii. 27, 6) Justinian enumerates it among quasi-contractual obligations.

The Consensual Contracts, agreements on which an action lay in virtue of the mere consent of the parties (Gaius, iii. 136; *Inst.* iii. 22), apart from all form, are sale [EMPTIO VENDITIO], hire [LOCATIO CONDUCTIO], partnership [SOCIETAS], and agency [MANDATUM]. With regard to the last, it should be observed that where an agent made a contract on behalf of his principal, the Roman law never allowed the latter to sue directly on it; but only as the assignee of his own agent (Dig. 3, 3, 68; 41, 2, 49, 2). The only exception to this was where the agent was the principal's filiusfamilias; and this was due to the rule that, as persons in potestas are incapable of proprietary rights, rights acquired by them *ex contractu* vest immediately in their dominus or paterfamilias. The dominus could not sue on contracts made by his slave, for they gave rise to *naturalis obligatio* only, but he was entitled to any advantage otherwise derivable from them; on those made by his son in power the paterfamilias had an action: the modifications of this principle by the development of the doctrine of *peculium* are described under PATRIA POTESTAS. Manus and Mancipium were also conditions which vested in the superior the benefit arising from contracts made by the inferior: see Gaius, iii. 163–167, and *Inst.* iii. titles 17 and 28.

Among the agreements which were actionable without being termed *contractus* by the Romans, the first place is to be given to the so-called Innominate Contracts, which were a development of the principle—in reality part-performance—involved in the obligations arising *re*. The simple reason why the borrower in a Mutuum (*e.g.*) or the pledgee in a Pignus was bound by a civil obligation was that the other party had first done all he had engaged to do. Apparently owing to the influence of the jurist Labeo, a more general application of this principle shortly after the fall of the Republic gave a great extension to the Roman contract system; and by a gradual development it was at length held that every agreement (even though not belonging to any of the hitherto established classes of contract), in which an act on the one side was the consideration for an act on the other, was enforceable by action at the suit of that party who had done all to which he was bound under its terms (Dig. 2, 14, 7, 2). Such agreements are by modern writers termed Innominate Contracts because they have no specific names, such as Sale, Pledge, &c.; their characteristic marks are mutuality and part-performance: until one of the parties has done what he has engaged to do, no action lies, whereby they are clearly distinguished from the contracts which are actionable in virtue of the mere fact of agreement (Dig. 19, 4, 1, 2). By Paulus they are roughly classified according to the possible acts which might be the consideration for one another respectively ("aut enim do tibi ut des, aut do ut facias, aut facio ut des, aut facio ut facias," Dig. 19, 5, 5, pr.): but the most usual clue to them is the mention of the actio (*civilis in factum*, or *praescriptis verbis*) by which the party who had performed could exact counter-performance or recover damages from the other (e.g. *Inst.* iii. 24, 1 and 2). If the part-performance had consisted in conveyance of property (*dare*), the plaintiff might, as alternative to the *actio praescriptis verbis*, redemand what he had conveyed by the older remedy known as "condictio causa data causa non secuta" (Dig. 12, 14, 3, 2). The commonest examples of Innominate Contract are exchange (*Permutatio*, Inst. iii. 23, 2); *Aestimatum*, the acceptance of property valued at a certain maximum under the condition of either returning it or paying the price at which it is valued (Dig. 19, 13, 1, pr.); *Transactio*, or compromise (Dig. 2, 15; Cod. 2, 4); and *Precarium*, or permissive occupancy (Dig. 43, 26, 19, 2). But the practical value of the *actio praescriptis verbis* is best realised in cases which cannot certainly be regarded as within the principle of any named (*i.e.* Real or Consensual) Contract, and in which the jurists say, "*tutius esse*, praescriptis verbis agere" (Dig. 19, 3, 1, pr.; 4, 3, 9, 3, &c.). This extension was apparently due to juristic action. Other agreements, as has been observed above, were made actionable by the praetor or by the emperor. The chief *pacta praetoria* are Constitutum [INTERCESSIO], Hypotheca [PIGNUS]; Receptum arbitrii, the agreement to refer a dispute to arbitration (Dig. 4, 8); and Receptum nautarum, cauponum, &c., the obligation (*quasi ex contractu* rather than contractual) of innkeepers, shipowners, and others in similar positions, to be answerable for the safe custody and restitution of property put under their charge and control (Dig. 4, 9, 1, pr., &c.). Of the *pacta legitima* first made actionable by the emperors, the chief example is DONATIO: compare also the legislation of Zeno on the subject of EMPHYTEUSIS. It is also usual to enumerate among *pacta vestita* what civilians call *pacta adjecta:* subsidiary conventions annexed to an agreement remedied by *bonae fidei* action, and themselves enforceable by that action if entered into substantially as part of and at the same time with the main agreement (*ex continenti*), even though expressed in the guise of a condition. For instance, if A agreed to buy B's house on condition that the latter put it in repair, this condition would itself be construed as a promise; and an action would lie for its breach, the contract being consensual: had the transaction been Stipulatio or Mutuum (on which the action was *stricti juris*), it would have been otherwise (Dig. 2, 14, 7, 5; ib. 7; 19, 1, 13, 30; 19, 5, 6; 18, 1, 75).

Obligationes arising *quasi ex contractu* are illustrated in the Institutes (iii. 27) and in Dig. 44, 7, 5 by Negotiorum gestio [NEGOTIORUM GESTORUM ACTIO], the relation of guardian and ward [CURATOR, TUTOR], joint-ownership arising from gift, inheritance or legacy, &c. In all these cases the party or parties are bound by an obligation, though not under any express agreement; but the circumstances being more analogous to Contract than to Delict, the obligation is said to be quasi-contractual.

Obligationes arising from Delict denote the *vinculum juris* which the law creates in certain cases of wrong-doing between the injured person and the delinquent. As soon as a "delict," in the Roman sense, is committed, the wrong-doer is "bound" to the man he has wronged, to pay him a penalty; and where the act is one which causes loss of or damage to property, he is also bound to indemnify the person on whom such loss or damage falls. Such delicts are four in number, viz. Theft [FURTUM], Robbery [BONA VI RAPTA or RAPINA], Damage to property [DAMNUM INJURIA DATUM], and Assault, Libel, Slander, &c. [INJURIA]. Quasi-delictual obligations are illustrated in the Institutes (iv. 5) by instances of two kinds: cases of vicarious responsibility, imposed on a man because he employs careless or dishonest servants (e.g. *Inst.* iv. 5, 3), or because it may be difficult to ascertain the real offender (*ib.* 1 and 2), and wrongs which result directly from a man's own *culpa* or *dolus*, but which do not come under the definition of any of the four delicts proper (*ib.* pr.).

Hitherto obligations have been spoken of as existing between two parties only: but to the same obligation there may possibly be two or more debtors, or two or more creditors, all of whom are comprehended under the general name of *rei* (Cic. *de Orat.* ii. 43, 183). Two distinct forms of such plurality of parties are found in the Roman law, called by modern writers Solidarity and Correality. Solidarity is mainly passive: one creditor is entitled against two or more debtors by different obligations, but these obligations, though different from one another, have one and the same act or forbearance as their object: so that when that object is once attained by the performance of one of them, all the rest, having no longer any object, cease *ipso facto* to exist. For instance, where two persons jointly commit a delict—*e.g.* break a man's windows—the obligation to make compensation (though not that to pay the penalty prescribed by law) is of this nature: as soon as one has paid for mending the windows, the other's liability is at an end (Dig. 2, 10, 1, 4; 4, 2, 14, 15, &c.). Other examples of solidary obligation are found in the liability of co-tutors for *dolus* and *culpa* in the discharge of their duties (Dig. 16, 3, 1, 43), and in those cases where two or more persons jointly incur duties *ex contractu* without becoming *correi* (e.g. Dig. 17, 1, 60, 2; 16, 3, 1, 43; 13, 6, 5, 13). Correality resembles Solidarity in the identity of the obligation-object which is owed to one creditor by several debtors, or by one debtor to several creditors; but it differs in that there is also but one obligation: there is but one single *vinculum juris* by which the debtor and the creditors, or the creditors and the debtor, are bound to one another; so that any act or event which extinguishes that single obligation between the creditor and one of the debtors, or between the debtor and one of the creditors, puts an end to it between them all. Correal obligation arose most commonly from contract, usually stipulation in the form described in *Inst.* iii. 16, pr.: but it could also be created in a testament, by the testator charging a bequest on one or other of his heirs in the alternative (Dig. 30, 8, 1), and similarly in a banking partnership the *socii* were liable *correaliter* on all their business transactions, whether entered into by one or all of them (Dig. 2, 14, 9, pr.).

Of the modes in which obligations could be extinguished (which extinction is commonly expressed by *solvere* in the general sense of loosing or releasing, Dig. 42, 1, 4, 7; 50, 16, 47; ib. 176), the first to be noticed is performance ("solutio *stricto sensu*"). So far as the release of the debtor was concerned, it was immaterial from whom performance proceeded—whether from himself or from some third person (Gaius, iii. 168). Whether he was equally discharged by what is called *datio in solutum*, the acceptance by the creditor of something other than what was really owed in lieu of it, had been disputed between the two schools of jurists: the Sabinians, whose view was eventually confirmed by Justinian (*Inst.* iii. 29, pr.), answered in the affirmative, while the Proculians held that in law the debtor remained bound, though if sued he could successfully meet the creditor's action by the plea of fraud (*exceptio doli mali*). Secondly, certain obligations could be properly discharged only by an "imaginaria solutio per aes et libram" (Gaius, iii. 173–175): for these reference may be made to the article on Nexum. A third mode of extinction was Acceptilatio, a formal release from an obligation incurred by stipulation only (Terence, *Adelph.* ii. 1, 10), and expressed in a solemn corresponding form of question and answer—"Quod ego tibi promisi habesne acceptum? Habeo: consentaneum enim visum est," says Gaius (iii. 170), "verbis factam obligationem posse aliis verbis dissolvi." But though Acceptilatio was specialised to the discharge of obligations created *verbis*, a liability incurred in any other way whatsoever could be transformed by Novatio (of which below) into a verbal obligation, and then released in this manner (Gaius, iii. 170; *Inst.* iii. 29, 1): and the jurist Gallus Aquilius devised a comprehensive formula, called the Stipulatio Aquiliana (*Inst.* ib. 2), by which all obligations in which one and the same person was debtor, and another and the same creditor, could be embraced in a single *novatio*, whereby they were converted into a single obligation, which could then, if required, be discharged by Acceptilatio: "Quidquid tibi hodierno die per Aquilianam stipulationem spopondi, id omne habesne acceptum? Habeo, acceptumque tuli" (*Inst.* iii. 29, 2, after Florentinus in Dig. 46, 4, 18, pr. and 1). Novation, which has already been more than once referred to, is the extinction of one obligation by the substitution for it of another (Dig. 46, 2, 1, pr.). Originally this could be effected in two ways: by Transcriptio (Gaius, iii. 128–130: see Obligatio Litterarum) and Stipulation: but the former had gone out of use long before Justinian's time, and perhaps even as early as that of Gaius. The end in view in a Novation was sometimes to change one of the parties to a subsisting obligation, as where A stipulates from B for payment to him of a debt due to himself from C (change of debtor), or where C (with B's consent) stipulates from A for payment to himself of a debt owed by A to B (change of creditor): but more commonly perhaps it was to alter the nature of a subsisting liability by converting a real or consensual into a verbal obligation (so as to substitute a *stricti juris* for a *bonae fidei* action), or by modifying its terms. It was immaterial whether the obligation "novated" was *civilis* or *naturalis*, and the obligation created by the "novating" contract would extinguish the old one even though itself *naturalis* only (Gaius, iii. 176; *Inst.* iii. 29, 3). Whether an absolute obligation was extinguished at once by a conditional novating stipulation was at one time a question: the great jurist Servius Sulpicius had held that extinction ensued even though the condition of the novating contract was never fulfilled, but Justinian confirmed the view upheld by Gaius (iii. 179), that the old obligation subsisted until the condition of the new one was fulfilled, but that if the creditor sued upon it before such fulfilment he could be repelled by *exceptio doli* or *pacti* (Dig. 23, 3, 50; *Inst.* iii. 29, 3). He also enacted that in order to effect a novation the parties to the contract must expressly state this as their intention.

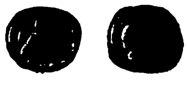
Gaius (iv. 108) tells us that under the old procedure by *legis actio* no second action could ever be brought on the same ground, so that obligations were extinguished by being sued upon: and also (iii. 180) that under the formulary system of procedure the same result ensued from *litis contestatio* or joinder of issue, if the action belonged to the class of Judicia legitima: *litis contestatio* thus having a quasi-novative effect, and substituting for the original obligation a new liability on the defendant to be condemned if the plaintiff proved his case (Gaius, iii. 181); though according to Dig. 12, 6, 60, the old obligation was not really destroyed, but continued to exist *naturaliter*. The judicia which were not *legitima litis contestatio* did not destroy the obligation, but if the plaintiff sued on it a second time he could be defeated by *exceptio rei in judicium deductae* or *rei judicatae* (Gaius, iv. 106). When the formulary system was superseded (A.D. 294), *litis contestatio* ceased to have this operation in any case, though if the action had been decided on its merits the *exceptio rei judicatae* was as powerful to repel a second suit as before (*Inst.* iv. 13, 5). [See the article on Litis Contestatio.] Justinian also observes (*Inst.* iv. 29, 4) that the obligation of a consensual contract could be extinguished by *contraria voluntas*, i.e. by the parties agreeing to be off their bargain, provided neither had done anything in execution of his side of it (*re integra*): such an agreement, when the *res* was no longer *integra*, had not the same effect, but operated as a new contract, which bound the party in whose favour performance had taken place to restore the other *in statum quo*, but which was unable to affect injuriously rights acquired under the original agreement by third persons (Dig. 2, 14, 58).

There were other modes in which obligations were discharged, and of which no mention is made in the Institutional works of Gaius and Justinian: *e.g.* physical impossibility of performance arising *ex post facto* without default of the debtor (Dig. 46, 3, 92): in some cases Confusio (Dig. ib. 95, 2); and sometimes death of one of the parties to a contract, as in societas (*Inst.* iii. 25, 5) and mandatum (ib. 26, 10). The obligation to pay a penalty on a delict was also destroyed by the delinquent's decease, and those involved in the *actiones furti* and *injuriarum* were dissolved *ipso jure* by "pactum de non petendo" or agreement not to sue (Dig. 2, 14, 17, 1).

A few words are necessary on the transfer *inter vivos* of the rights and liabilities in an obligation. The latter could in no way be transferred without the creditor's assent, and then only by means of a novatio, the old obligation being destroyed, and a new one with different parties taking its place. Similarly the creditor's right could be transferred, with the debtor's co-operation, by substituted agreement; but without such novation he had no means of assigning his right so as to enable the assignee to sue in his own name, or indeed to sue at all till the introduction of the formulary procedure. After this the assignee could bring his action as the assignee's agent and in the latter's name (Gaius, ii. 39; iv. 86), but subsequently he was enabled to sue in his own name by *actio utilis* (Dig. 3, 3, 55;—Cod. 4, 15, ult.; 6, 37, 18). The Roman law, however, apparently never recognised a genuine assignment of rights *in* *personam*, by which the assignee simply and actually stepped into the shoes of his assignor, who simultaneously dropped altogether out of the matter.

(Gaius, iii. 88–225; *Inst.* iii. 13—iv. 5; Dig. 2, 14; 44, 7;—Cod. 4, 10; Savigny, *Obligationenrecht;* Unterholzner, *Quellenmässige Zusammenstellung der Lehre des römischen Rechts von den Schuldverhältnissen*, Leipzig, 1840. Reference may also be made to the part on Obligations in the works of the leading modern civilians, such as Vangerow, Windscheid, Ortolan, Thibaut, Arndts, Baron, Puchta, and to Dr. Bruns' article on the modern Roman law in Holzendorff's *Encyclopädie* (4th edit.), pp. 458–509. Compare also for some points only slightly touched on in this article Excursus v., vii., viii. and ix. in Mr. Moyle's edition of the Institutes of Justinian.) [J. B. M.]

O'BOLUS (ὀβολός) was the sixth part of a drachm [see PONDERA, DRACHMA], whether as weight or coin. As a silver coin the obol was in circulation in Greece, Asia, and the West from early times, as well as its multiples the tetrobol, triobol (hemidrachm), and diobol. In the sixth and fifth centuries B.C. the fractions of an obol, the hemiobol, tetartemorion, &c., were issued in silver at Athens and other cities. About B.C. 400 copper coin began to be in use, and the obolus and its parts were issued in that metal. As an instance we figure a copper coin of Metapontum, identified as an obolus by its inscription. The metal value of the obolus varied according to the standard followed in its striking; it would be between one penny and twopence. In Athens the obolus contained 8 χαλκοῖ. [P. G.]


Obulus of Metapontum. (British Museum.)

OBSIDIONA'LIS CORO'NA. [CORONA.]

OBSO'NIUM. [OPSON.]

OCCA'TIO. [AGRICULTURA, Vol. I. p. 63.]

OCCUPA'TIO is the advisedly taking possession of a thing which belongs to no one (*res nullius*), with the intention of appropriating it: the property in it is thereby *ipso facto* vested in him who takes possession (Cic. *de Off.* i. 7, 21): "quod nullius est, id ratione naturali occupanti conceditur" (Dig. 41, 1, 3, pr.). Hence (following Gaius, ii. 66, and also in the passage just cited) Justinian enumerates occupatio in his Institutes as one of the *adquisitiones naturales*, or modes of acquiring property recognised practically among all peoples, as being based on the *jus gentium* or *naturale.* Among the things of which one can become owner in this fashion are wild animals, birds, bees, and fishes (*Inst.* ii. 1, 12–16), enemies' property on Roman soil (*ib.* 17), stones and pebbles found on the sea-shore (*ib.* 18), islands which rise in the sea (*ib.* 22), treasure trove (*ib.* 39), and *res derelictae*, property abandoned by its former owner (*ib.* 47). [J. B. M.]

OCHLOCRA'TIA (ὀχλοκρατία), the dominion of the rabble, or mob-tyranny, a name of later origin than the time of Aristotle, and applied to that perversion of a democracy which extends the idea far beyond that of a state where all have equal legal rights and equal franchise, so that the natural and wholesome inequalities of society were removed or counteracted by the introduction of devices, such as paying citizens for attendance in the popular assembly, or increasing the number and restricting the duration and authority of public offices. Hence the exercise of all the highest functions of government came to be practically in the hands of a mere faction, consisting of the lowest and poorest, though most numerous class of citizens, who were thus tempted to adopt as their avocation that which they would formerly have delegated to others; and the state came to be regarded as a *property* of which each citizen was entitled to an equal share. In some respects therefore it most nearly represents the modern idea of a socialist state. Though, however, as was said above, Aristotle does not recognise the term, we may find perhaps his conception of the ochlocracy in his "extreme democracy" (τελευταία δημοκρατία). He says of this that it corresponds to the extreme oligarchy or δυναστεία (*Pol.* iv. 5, p. 1292 b); and he defines it as a democracy which overrides the constitution: κύριον εἶναι τὸ πλῆθος καὶ μὴ τὸν νόμον (whereas in his other kinds of democracy it is in each case ἄρχειν δὲ τὸν νόμον) τοῦτο δὲ γίγνεται ὅταν τὰ ψηφίσματα κύρια ᾖ ἀλλὰ μὴ ὁ νόμος· συμβαίνει δὲ τοῦτο διὰ τοὺς δημαγωγούς. Here we have no *constitution*, except that which may be formed and re-formed from hour to hour by the hasty legislation of the masses, following impulse or the voice of the popular leaders: it is clear that, if this is not exactly the ὀχλοκρατία described above, it would soon pass into it. [C. P. M.] [G. E. M.]

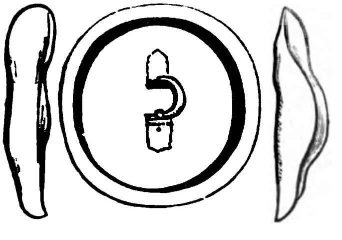
O'CREA (κνημίς), a greave, a legging. A pair of greaves (κνημῖδες) was one of the six articles of armour which formed the complete equipment of a Greek or Etruscan warrior [ARMA], and likewise of a Roman soldier, as fixed by Servius Tullius (Liv. i. 43). The greaves were always put on before the thorax, which made it difficult to bend the body (*Il.* iii. 330, &c.). In the Homeric poems, εὐκνήμιδες is a standing epithet of the Achaeans, and proves the general use of the greave. The Homeric greaves were usually made of bronze (*Il.* vii. 41, χαλκοκνήμιδες). The greaves of Achilles (*Il.* xviii. 613, xxi. 592) are said to be made of tin (κασσίτερος), and "rang terribly" (*Il.* xxi. 593, σμερδαλέον κονάβησε), a statement which has caused difficulty, as tin does not resound when struck. Helbig (*Homerisches Epos*, p. 196) suggests either that tin was an unfamiliar metal to the poet, or that the greaves were made of bronze, plated with tin. The Homeric greaves were sometimes "fitted with silver anklets" (ἀργυρέοισιν ἐπισφυρίοις, *Il.* iii. 331, xi. 18, &c.), which were perhaps the ring-like margins at the bottom of the greave (see illustration below).

In historical times, bronze was the usual material, as shown by the specimens discovered. In poetical passages greaves are described as of orichalc (Hes. *Scut.* 122), silver, electrum, and gold (Verg. *Aen.* vii. 634, viii. 624, xi. 488).

Greaves frequently had a lining, probably of leather, felt or cloth. Traces of leather were found in a specimen from the Crimea (*Antiq. du Bosp. Cimm.*, pl. xxviii., fig. 8; i. p. 195); and many specimens, in the British Museum and elsewhere, have a row of small holes round the edge for the attachment of the lining (cf. the engraving *s. v.* Galea). Another method of fitting the greave to the leg so as not to hurt it was by the interposition of a kind of sponge (ἀχίλλειος), which was also used for the lining of helmets. Aristotle (*Hist. An.* v., xvi.) describes it as of remarkable fineness, closeness, and toughness, and as used for the purpose of deadening a blow.

The greaves were accurately modelled to fit the leg, the two sides meeting exactly at the back of the calf. In order to put them on it was necessary forcibly to open them. How accurately the greave was intended to fit at the back of the leg may be observed in the heroic bronze fragment of which a view is given below.

Greaves thus fitted required in many cases no other fastening than their own elasticity. Often, nevertheless, they were further secured with two straps, as may be seen in the woodcut at Vol. I. p. 189. Their form and appearance will be best understood from the accompanying woodcuts.



Bronze Shield and pair of Greaves. (Brit. Museum.)

This woodcut represents the interior view of a bronze shield and a pair of bronze greaves which were found by Signor Campanari in an Etruscan tomb, and are now in the British Museum. These greaves are made right and left.

Ancient Greave. (British Museum.)

The annexed illustration represents a fragment of a bronze statue of heroic size, found in Magna Graecia, and now in the British Museum. It is the right leg of a warrior, wearing a closely-fitting greave, adorned above the knee with a carefully worked Gorgoneion of the archaic type. (*Journ. of Hellen. Stud.*, pl. lxix.) The top of the greave is seen projecting somewhat above the knee. The illustration shows very clearly the ankle-ring (ἐπισφύριον: see the explanation proposed above). That the Greeks took delight in handsome and convenient greaves may be inferred from Homer's allusions to the subject, and from the extant remains. A specimen of an elaborately adorned Greek greave is engraved in *Antiq. du Bosp. Cimm.*, pl. xxviii. fig. 7 (= Baumeister, *Denkmäler*, fig. 2221).

The modern Greeks and Albanians wear greaves, in form resembling those of their ancestors, but made of softer materials, such as velvet ornamented with gold, and fastened with hooks and eyes (cf. Hobhouse, *Travels*, i. p. 133).

Among the Romans, greaves made of bronze and richly embossed were worn by gladiators. Specimens have been found at Pompeii (Overbeck, p. 458; Baumeister, *Denkmäler*, fig. 2347–9; Gell, *Pompeiana*, 1817, pl. 18). In the time of the Empire greaves had not been entirely abandoned (Lamprid. *Alex. Sev.* 40), but were a distinguishing mark of the centurions. Compare a relief from Verona (Lindenschmidt, *Tracht und Bewaffnung des röm. Heeres*, pl. 1, fig. 6) and the relief from Petronell (Baumeister, *Denkmäler*, fig. 2276, and p. 2060; cf. also Zoega, *Bassirel.* pl. xvi.). At an earlier period the heavy-armed wore a single greave on the right leg, as that which was foremost in close combat (Veget. *de Re Mil.* i. 20). The Roman greaves were further distinguished from those of Greece, by the fact that they only covered the front part of the leg (*προκνημίς*, Polyb. vi. 23, 8).

Leggings of ox-hide or strong leather, probably of the form already described, were worn by agricultural labourers (Hom. *Od.* xxiv. 228; Pliny, *H. N.* xix. § 7; Pallad. *de Re Rustica*, i. 43) and by huntsmen (Hor. *Sat.* ii. 3, 234). The word *κνημίς* was also used in a more general sense (*κνημίς· τὸ ὑπόδημα*, Hesych. *s. v.*). [J. Y.] [A. H. S.]

OCTA'VAE. [Vectigalia.]

OCTO'BER EQUUS. On the Ides of October in each year there was a race of *bigae* in the Campus Martius, after which the off-horse of the winning biga was sacrificed by the flamen Martialis at the altar of Mars: the tail was cut (*offa penita*, Arnob. vii. 24: cf. Plaut. *Mil. Glor.* iii. 1, 165; and *curto equo*, Prop. v. 1, 20) and, taken to the Regia, the blood from it sprinkled on the hearth of Vesta: the blood from the sacrificed horse was kept and stored up within the Regia, for future sacred rites [Parilia]. For the head of the victim there was a struggle between the inhabitants of the Via Sacra and those of the Subura: if the former got it, it was fixed on the walls of the Regia; if the latter, on the *turris Mamilia* in the Subura. This struggle, representing a competition between two halves of the old city, marks the festival as dating from the earliest beginning of Rome (Mommsen, *Hist. of Rome*, i. 53; Burn, *Rome and Campagna*, p. 38). Marquardt sees also in the struggle a form of lustration or expiation, comparing Lobeck, *Aglaoph.* 680. The horse was clearly the appropriate sacrifice to Mars (to whom also the Equiria were sacred), and the fact that the blood was reserved for another ancient lustral rite suggests that we have here the original purely Roman lustration. (See also Marquardt, *Staatsverwaltung*, iii. 334 f.) [G. E. M.]

ODE'UM. [Theatrum.]

OENO'PHORUM, a vessel for holding wine. It had two handles, as is clear from a passage (cited by Marquardt, *Privatleben*, 650) from the comedy *Querolus*, where among dilapidated goods we have "oenophorum exauriculatum." It is described by Isidore (*Or.* xx. 6, 1) as "vas ferens vinum;" much larger than a drinking-cup (Juv. vi. 425), and such that it could be held by the handles and inverted, in pouring the contents into cups, as in the line of Lucilius, "vertitur oenophoris fundus, sententia nobis" (cf. "invertunt allifanis vinaria tota," Hor. *Sat.* ii. 8, 39). It is clear from the above passages that it was *not* (as has often been stated by commentators on Hor. *Sat.* i. 6, 109, and Pers. v. 140) a wine-basket or "cellaret," but a large wine-vessel. The slaves, in these passages of Horace and Persius, carry it outside their luggage, ready for use. The word "oenophorum" in Plin. xxxiv. § 69, adduced by some as from *oenophorus* and meaning "a slave bearing a wine-basket," cannot have anything to do with this subject: if the passage is so read, it is merely a statue of a wine-carrier by Praxiteles—but the true reading seems to be "canephoram." [G. E. M.]

OFFENDIX. [APEX.]

OI'KIAS DIKE (*οἰκίας δίκη*), an action to recover a house (like any other action where property was the subject of litigation, as *χωρίου, ἀνδραπόδων, νεώς, ἵππου δίκη*), belonged to the class of *διαδικασίαι*, *i.e.* actions in which the dispute was *ὅτῳ προσήκει μᾶλλον*, *Lex. Seguer.* 236 = *Etym. M.* p. 267, 7), *e.g.* one claiming it because he had bought it, the other because it had been mortgaged to him. Certain speeches of Lysias, Isaeus, Hyperides, and Deinarchus, which dealt with this subject, are all lost; in some, it would seem, private creditors made claims upon a confiscated estate by this action (Harpocr. *s. v. παρακαταβολή*). By the laws of Zaleucus (Polyb. xii. 16) possession of the property in dispute was secured till after the action to the last *bonae fidei* possessor; Attic law directed probably the same. Such actions belonged to the jurisdiction of the Forty (*Att. Process*, ed. Lipsius, pp. 674–81). The *ἐνοικίου δίκη* was another action to recover a house, not merely the bygone rents, as Hudtwalcker (*Diaet.* p. 143 n.) supposed; cf. Thalheim, *Griech. Rechtsaltert.* p. 84, n. 2. If house-rent was not paid by the tenant, the owner might evict him, but he was not, it seems, assisted by the authorities in so doing: *καθάπερ καὶ ἐξ οἰκίας, φησὶν ὁ Βίων, ἐξοικιζόμεθα, ὅταν τὸ ἐνοίκιον ὁ μισθώσας οὐ κομιζόμενος τὴν θύραν ἀφέλῃ, τὸν κέραμον ἀφέλῃ, τὸ φρέαρ ἐγκλείσῃ* (Stob. *Floril.* v. 67). [C. R. K.] [H. H.]

O'LEA, OLI'VA (*ἐλάα*, or, in older Attic and Trag., *ἐλαία*); **O'LEUM, OLI'VUM** (*ἔλαιον*); **OLE'TUM, OLIVE'TUM** (*ἐλαιών*).

That the cultivation of the olive, and the use of its oil for anointing, for light, and for food, belonged to the earliest recorded life in the south of Western Asia, is clear from mention of it in all parts of the Bible; but there is considerable ground for thinking (1) that it was not cultivated among the Greeks in the earliest times of which we have record, and (2) that after its cultivation began its oil was used at first neither for light nor food, but only for anointing the body. The wood of the olive is used in Homer, as a hard wood readily taking a polish, for axe-handles, clubs, &c. (*Il.* xiii. 612; *Od.* ix. 320), which of course does not prove cultivation: it is used for anointing frequently in the Odyssey, but from the way in which it is spoken of (e.g. *Od.* vi. 79) it seems to be even then somewhat rare and costly, and there is still more indication of its being reserved for gods and heroes in the mention of it in *Il.* xiv. 171, xviii. 350, xxiii. 186 (the commoner use in the Doloneia, *Il.* x. 577, belongs to what is now generally considered the latest part of the Iliad): the same perhaps may be said of its being taken to express the sheen of garments in the idealised pictures of the divinely wrought shield (*Il.* xviii. 596), whereas the commoner animal fat suffices to supply the usual Homeric epithets for *bright* (*σιγαλόεις, λιπαρός*), as also in *ἀποστίλβοντες ἀλείφατος* (*Od.* iii. 408): and the *ἔλαιον* is *ὑγρὸν* in contrast with the thick *ἀλεῖφαρ*. On the whole, there is nothing to exclude Hehn's theory, that in the earliest Homeric period oil was an imported luxury, used as an unguent by the rich instead of the ordinary *ἀλεῖφαρ* of fat. The question when the cultivation of the olive began among the Greeks is affected by the sense given to *φολίη* in *Od.* v. 476. If that is a wild olive (*oleaster*), it follows that the *ἐλαίη* of the Odyssey is a cultivated *olea Europaea*. Hehn thinks it is not, and conjectures, without good reason, that it means a myrtle. It is true that Hesychius himself is uncertain, and suggests three trees; but we should find it hard to oppose the direct statement of Eustathius (*Dios.* i. 138) that it was the older name for wild olive, afterwards called *κότινος* and *ἀγριέλαιος*, with which Pausan. ii. 32, 10 agrees: it is an unsatisfactory comment of Hehn's that this opinion may be based solely on the Homeric line. But the evidence of cultivation in the Odyssey does not depend on that passage; we have the olive as a garden tree in *Od.* vii. 16. The simile in *Il.* xvii. 55 may at first sight seem to claim the cultivated olive for the earliest Homeric poem; but, apart from the question whether the simile is a later introduction, the mention of a solitary tree does not suggest cultivated olive-yards for oil-making, and it is noticed for its beauty and its flower, not for its fruit. On the whole, the reasonable conclusion is that in the time of the earliest Homeric writings the cultivation of the olive had not reached the shores of Asia Minor or Greece, and olive-oil is rare and imported: in the later part of the Iliad and the Odyssey the cultivation is just beginning, and oil is more widely used for anointing, though not for light or food (that the *berry* however was eaten, is implied by the description of Tantalus). In Northern Greece it was certainly later than the time of Hesiod, who does not mention the tree at all (Plin. xv. § 3 is not sufficient evidence to the contrary), though he describes the treatment of vines. When it took so firm a root in Attica, it is impossible to say, but probably not much later than 700 B.C.; for, though Chrysostom says that Peisistratus first introduced it at Athens, the statement of Plutarch (*Sol.* 24), that Solon excepted oil when he prohibited export of Attic produce, postulates a much earlier date for the beginning of the industry. We shall, however, no doubt rightly believe that the wise measures of Peisistratus encouraged and extended the cultivation of the olive in Attica. Attica was possibly its earliest home in Greece, though not, as the tradition in Herodotus v. 82 implies, the earliest in the world. When it became identified with the goddess Athena is equally open to question, but the legends were probably in consequence of the olive becoming a source of wealth in Attica. The epithet *ἱερά*, applied to the olive in the Odyssey, may perhaps imply that it was becoming known as a benefactor, but there is nowhere in Homer a connexion of the tree with Athene. (On the subject, however, of the myths connected with the olive, see Bötticher, *Baumcultus der Athen.* pp. 30, 107.) That the Greek colonists brought the cultivation of the olive to Magna Graecia and Massilia, and that it spread thence over Italy and Provence, is probable: we have mention in Amphis (4th cent. B.C.) of the oil of Thurii as famous. Pliny (*H. N.* xv. § 1) cites the authority of Fenestella for the tradition that there was no olive-tree in Italy until the time of Tarquinius Priscus, which may very well mean that it came in with the Greek colonists about the year 600, and was introduced into Latium from the Campanian Greeks in the time of the Tarquins. (See Buchholz, *Homerische Realien*, ii. § 19; and especially Hehn, *Kulturpflanzen*, pp. 88–104.)

Moriae (*μόριαι ἐλαῖαι* or *μορίαι*). Besides the *ἴδιαι ἐλαῖαι*, which were private property, there were other olives, growing both on public and private lands, which were the property of the state. From these came the oil which was used for prizes in special jars (Phot. *s. v.*; Panathenaea). They were called *μορίαι* from the tradition that they had been propagated (*μεμορημέναι*) from the sacred olive of Athene in the Acropolis: they thus acquired a sacred character, and were placed under the control of the Areiopagus, whence monthly inspectors (*ἐπιμεληταί*) and annual commissioners (*γνώμονες*) were sent to visit them. Anyone who destroyed a moria was punishable with banishment and confiscation. The moria, or stump of one which had been cut, was guarded by a fence (*σηκός*), which word sometimes includes the tree itself or the stump, as well as the fence (Lys. περὶ σηκοῦ, *Or.* 7; Jebb, *Attic Orators*, i. 289 f. and note on Soph. *O. C.* 701).

Varieties.—The *Olea Europaea* is the only species of the natural family of *Oleaceae* which yields the highly valued olive oil, but many varieties are produced by different modes of culture, and by peculiarities of soil and climate. Columella enumerates ten, and this number may be considerably increased from the works of other ancient writers. The following seem to have been the most important:—1. *Pausia* s. *Posea*; 2. *Regia*; 3. *Orchis* s. *Orchitis* s. *Orchita* s. *Orchas*; 4. *Radius*; 5. *Licinia* s. *Liciniana*; 6. *Sergia* s. *Sergiana*. Of these the berry of the *Pausia*, according to Columella, was the most pleasant in flavour (*jucundissima*), but only while it is green, for "vetustate corrumpitur:" hence perhaps the apparent contradiction in Virgil, "amara Pausia bacca"; that of the *Regia* was the finest; while both of these, together with the *Orchis* and the *Radius*, and in general all the larger varieties, were better suited for eating than for oil. The *Licinia*, on the other hand, in the Venafrum district, yielded the finest oil; the *Sergia*, the chief olive of the Sabine district, the greatest quantity. (Cat. *R. R.* 7; Varr. *R. R.* i. 24; Columell. v. 8, *de Arbor.* 17; Plin. *H. N.* xv. §§ 1–20.)

Soil and Climate.—The soil considered most congenial was a rich tenacious clay, or a mixture of clay and sand, a gravelly subsoil being essential in either case to carry off the water. Deep fat mould was found to be not unsuitable, but any land which retained moisture was avoided, and also light, stony ground; for, although the trees did not die in the latter, they never became vigorous. Here again, however, Columella and Virgil are at variance; for while the former observes, "inimicus est ager sabulo macer et nuda glarea," and Columella, followed by Palladius, speaks of "creta figuli quam argillam vocant" as unsuitable, the poet declares:

> "Difficiles primum terrae collesque maligni,
> Tenuis ubi argilla et dumosis calculus arvis,
> Palladia gaudent silva vivacis olivae."
> (*Georg.* ii. 179.)

They may, however, be speaking of different varieties, since Cato (approved by Varro, i. 24) says that "ager crassus et calidus" suits most olives, but the *Liciniana* may be planted in ground which is "frigidior et macrior."

The olive is very impatient of frost, and scarcely any of the varieties known to the ancients would flourish in very hot or very cold situations. In hot localities, it was expedient to form the plantations on the side of a hill facing the north, in cold localities upon a southern slope. The *Sergia* liked a colder exposure than most olives. Neither a very lofty nor a very low position was appropriate, but gentle rolling eminences, such as characterised the country of the Sabines in Italy and the district of Baetica in Spain. (Strabo, iii. p. 144.) Under ordinary circumstances, a western exposure lying well open to the sun was preferred. It is asserted by several classical authors that the olive will not live, or at least not prove fruitful, at a distance from the sea-coast greater than from thirty to fifty miles, and there is no doubt that the shores of the Mediterranean best suit it, but the shores of the Lago di Garda must be mentioned as an exception to the rule. If the olives of Italy held the first place, and especially those of Venafrum, Baetica and Istria came next. The partiality of Martial (xii. 63) alters the order:

> "Uncto Corduba laetior Venafro
> Histra nec minus absoluta testa."

(Cat. *R. R.* 6; Varr. i. 24; Columella, v. 8; Plin. *H. N.* xvii. § 30; Pallad. iii. 18; Theophr. *de C. P.* ii. 5; Geopon. ix. 4.)

Propagation and Culture.—Previous to the formation of an olive-yard (*oletum*, *olivetum*) it was necessary to lay out a nursery (*seminarium*) for the reception of the young plants. A piece of ground was selected for this purpose, freely exposed to the sun and air, and in which the soil was a rich black mould. It was the practice to trench (*pastinare*) this to the depth of three feet, and then to leave it to crumble down under the influence of the atmosphere.

The propagation of the olive was effected in various ways.

1. The method generally adopted was to fix upon the most productive trees, and to select from these long, young, healthy branches (*ramos novellos*), of such a thickness as to be easily embraced by the hand. The branches immediately after being detached from the parent stem, were sawed into lengths of a foot and a half each, great care being taken not to injure the bark; these segments, which were called *taleae* or *clavolae* or *trunci*, were then tapered to a point

at each end with a knife, the two extremities were smeared with dung and ashes, they were buried upright in the ground, so that the tops were a few fingers' breadth below the surface, and each *talea* was placed as nearly as possible in the same position, both vertically and laterally, as the branch had occupied upon the tree. During the first year, the ground was frequently loosened by the sarculum; when the young roots (*radiculae seminum*) had taken a firm hold, heavy hand-rakes (*rastra*) were employed for the same purpose, and in the heat of summer water was regularly supplied. For two years no pruning was resorted to, but in the third year the whole of the shoots (*ramuli*), with the exception of two, were lopped off; in the fourth year, the weaker of the remaining two was detached, and in the fifth year the young trees (*arbusculae*) were fit for being transplanted (*habiles translationi*). This latter operation was best performed in autumn where the ground to which they were conveyed was dry; but if it was moist and rich, in spring, a short time before the buds were formed. In the field which they were to occupy permanently, pits (*scrobes*) four feet every way were prepared, if practicable, a year beforehand, so that the earth might be thoroughly pulverised; small stones and gravel mixed with mould were placed at the bottom to the depth of a few inches, and some grains of barley were scattered over all. The young tree was lifted with as large a ball of earth as possible attached to the roots, placed in the pit surrounded with a little manure, and planted so as to occupy precisely the same position, in relation to the cardinal points, as in the nursery. In rich corn land, the space left between each row was at least sixty feet, and between each tree in the row forty feet, in order that the branches and roots might have full space to spread; but in poorer soil twenty-five feet each way were considered sufficient. The rows were arranged so as to run from east to west, in order that the cool breezes might sweep freely down the open spaces in summer. After the trees had become firmly fixed, and had been pruned up into a proper shape,—that is, into a single stem kept without branches to the height of the tallest ox,—the labour attending upon an olive-yard was comparatively trifling. Evey year, the soil around the roots was loosened with hoes (*bidens*), or with the plough, the roots themselves laid bare (*ablaqueare*, *ablaqueatio*), the young suckers cut away, and the lichens scraped from the bark; every third year, in autumn, manure was thrown in, and *amurca* poured in at the roots was said to be useful for destroying worms; every eighth year the trees were pruned. The system of culture here indicated was followed so generally that it had become embodied in a proverb, "Veteris proverbii meminisse convenit, eum qui aret olivetum, rogare fructum; qui stercoret, exorare; qui caedat, cogere" (Columell. v. 9, § 15). Besides this, the whole surface of the ground was regularly ploughed at the usual seasons, and cropped in alternate years, the manure applied for these crops being altogether independent of that supplied to the trees specially. Moreover, since olives bore fruit, in abundance at least, only once in two years, matters were so arranged that the land should yield a crop in those years when the trees were unproductive.

2. A second method of propagation was to cut the roots of wild olives into small pieces in such a manner that each should contain an eye or rudiment of a lateral fibre (*radicum oculis silvestrium olearum hortulos excolere*), and these pieces were treated precisely in the same manner as the *taleae* described above.

3. A third method is indicated by Virgil in the lines—

> "Quin et caudicibus sectis, mirabile dictu,
> Truditur e sicco radix oleagina ligno,"
> (*Georg.* ii. 30,)

and is still pursued in some parts of Italy, where, as we are told, "an old tree is hewn down and the stock cut into pieces of nearly the size and shape of a mushroom, and which from that circumstance are called *novoli*; care at the same time is taken that a small portion of bark shall belong to each novolo. These, after having been dipped in manure, are put into the earth, soon throw up shoots, are transplanted at the end of one year, and in three years are fit to form an olive-yard." (Cf. Theophr. *Hist. Plant.* ii. 2.)

Grafting or budding (*inserere*, *insitio*, *oculos inserere*) were also resorted to for the purpose of introducing fine varieties or of rendering barren trees fruitful. (Cat. *R. R.* 40, 42, 43, 45; Varr. *R. R.* i. 40; Columell. v. 9, *de Arbor.* 17; Plin. *H. N.* xvii. §§ 125–140; Pallad. iii. 8, 18, x. 1, xi. 8; Geopon. ix. 5, 6, &c.; Blunt's *Vestiges of Ancient Manners, &c., in Italy*, p. 215.)

OLIVE-GATHERING (*Oleitas*, *Olivitas*).—The olive usually comes to maturity, in Italy, about the middle or latter end of December; but, according to the views of the proprietors, it was gathered in various stages of its progress, either while yet green (*alba*), or when changing colour (*varia*), or when fully ripe (*nigra*), but it was considered highly desirable that it should never be allowed to remain so long as to fall of its own accord. The fruit was picked as far as possible with the bare hand, but such as could not be reached from the ground or by the aid of ladders was beaten down with long reeds, which were preferred to sticks as less likely to injure the bark of the branches and the young bearers, a want of attention to this precaution on the part of the gatherers (*leguli*) being in the opinion of Varro the cause why olive-trees so seldom yielded a full crop for two years consecutively. (Varr. *R. R.* i. 55; Plin. *H. N.* xv. § 11; Geopon. ix. 17.)

DIFFERENT USES.—The chronological order in the uses of the olive appears to have been—

1. For anointing (from the Homeric age onwards; see the beginning of this article), and in this use frequently as the vehicle of perfumes.

2. For burning in lamps (post-Homeric).

3. For food: (*a*) as a fruit, either fresh or preserved—the eating of the fresh fruit is implied in *Od.* xi. 588; (*b*) oil as food or for cooking purposes seems to have been absolutely unknown in Homeric times, though afterwards a staff of life in Greece and Italy. On this subject see Hehn (*op. cit.* p. 125), who thinks that wine and oil have long been slowly and gradually spreading from South to North; that, though the use of the vine and olive belonged to the civilised parts of the Roman empire, it was

not always so, but that oil had in Italy and Greece supplanted animal fat alike for unguents and for food, just as still (in his opinion) the uses of wine and oil are gradually extending northwards into the countries of beer and butter: and it may be remarked here that butter, though used by the Greeks only for medical purposes, was known not only as *βούτυρον*, but as *ἔλαιον ἐκ γάλακτος*. (Athen. x. p. 447 d; Blümner, *Privatalt.* 228; BUTYRUM.)

PRESERVING OLIVES. (*Condere oleas, olivarum conditura, conditio.*)

Olives might be preserved in various ways, either when unripe (*albae, acerbae*), or ripe (*nigrae*), or half-ripe (*variae, fuscae*).

Green olives, the *Pausia* being used principally for this purpose, were preserved in strong brine (*muria*), according to the modern practice, or they were beaten together into a mass, steeped in water which was frequently changed, then pressed and thrown with salt into a jar of vinegar, to which various spices or flavouring condiments were added, especially the seeds of the Pistachia Lentiscus, or Gum Mastich tree, and fennel. Sometimes, instead of vinegar, inspissated must (*sapa, defrutum*), or sweet wine (*passum*) or honey, were employed, in which case the olives were preserved sweet, and sometimes salt pickle, vinegar, must and oil, seem to have been all mixed together.

Half-ripe olives (and here again the *Pausia* was the favourite) were picked with their stalks and covered over in a jar with the best oil. In this manner they retained the flavour of the fresh fruit for more than a year.

Ripe olives, especially the *orchitis*, were sprinkled with salt, and left untouched for five days; the salt was then shaken off, and they were dried in the sun. Or they were preserved sweet in defrutum without salt.

The peculiar preparation called *Epityrum* was made by taking olives in any of the three stages, extracting the stones, chopping up the pulp and throwing the fragments into a jar with oil, vinegar, coriander seeds, cumin, fennel, rue and mint, the quantity of oil being sufficient to cover up the compound and exclude the air. In fact, it was an olive salad, and, as the name imports, eaten with cheese. (Cat. *R. R.* 118, 119; Varr. *R. R.* i. 60; Columell. xii. 49; Geopon. ix. 3, 32.)

OIL-MAKING (*Oleum conficere*).—The fruit of the olive-tree consists of two parts, the pulpy pericarp (*caro*) and the stone (*nucleus*).

The *caro* or pulp yielded two fluids: one of these of a watery consistence, dark in colour, bitter to the taste, flowed from the olive upon very slight pressure; it was called *ἀμόργη* by the Greeks, *Amurca* by the Latins, and was extensively used as a manure and for a great number of purposes connected with domestic economy. The other fluid which flowed from the pulp, when subjected to more forcible pressure, was the oil (*oleum, olivum*), mingled however to a certain extent with amurca and other impurities (*fraces, faeces*), and this was of different qualities, according to the state of the fruit and the amount of pressure. The finest oil was made from the fruit before it was fully ripe, and from this circumstance, or from its greenish colour, was termed *Oleum viride*, and by the Greeks *ὀμφάκινον*: the quantity given out was however small, and hence the remark of Cato, "Quam acerbissima olea oleum facies tam oleum optimum erit: domino de matura olea oleum fieri maxime expediet."

A distinction is made by Columella between the oil obtained from the fruit when green (*oleum acerbum s. aestivum*), when half ripe (*oleum viride*), and when fully ripe (*oleum maturum*); and while he considers the manufacture of the first as inexpedient, in consequence of the scanty produce, he strongly recommends the proprietor to make as much as possible of the second, because the quantity yielded was considerable, and the price so high, as almost to double his receipts.

Under ordinary circumstances, the ripe fruit when gathered was carefully cleaned, and conveyed in baskets to the farmhouse, where it was placed in heaps upon sloping wooden floors (*in tabulato*), in order that a portion of the *amurca* might flow out, and a slight fermentation took place (*ut ibi mediocriter fracescat*), which rendered them more tender and more productive, and exactly the same system is pursued for the same reason in modern times. The gatherings of each day (*coactura uniuscujusque diei*) were kept separate, and great care was taken to leave them in this state for a very limited period; for if the masses heated, the oil soon became rancid ("Olea lecta si nimium diu fuit in acervis, caldore fracescit, et oleum foetidum fit"). If, therefore, circumstances did not allow of the oil being made soon after the fruit was gathered, the olives were spread out and exposed to the air so as to check any tendency towards decomposition. It is the neglect of these rules and precautions which renders the oil now made in Spain so offensive, for there the olives are frequently allowed to remain in cellars for months before they are used. Although both ancient and modern experience are upon the whole in favour of a slight fermentation, Cato, whose great practical knowledge entitles him to respect, strongly recommends that it should be altogether dispensed with, and affirms that the oil would be both more abundant in quantity and superior in quality: "Quam citissime conficies maxime expediet."

The olives when considered to be in a proper state were placed in bags or flexible baskets (*fiscis*), and were then subjected to the action of a machine consisting partly of a bruising and partly of a squeezing apparatus, which was constructed in various ways, and designated by various names: *Trapetum, Mola olearia, Canalis et Solea, Torcular, Prelum, Tudicula.* [TRAPETUM.] The oil as it issued forth was received in a leaden pot (*cortina plumbea*), placed in the cistern (*lacus*) below the press. From the cortina it was ladled out by an assistant (*capulator*), with a large flat spoon (*concha*), first into one vat (*labrum fictile*), and then into another, thirty being placed in a row for this purpose. It was allowed to rest for a while in each, and the operation was repeated again and again (*oleum frequenter capiant*) until the amurca and all impurities had been completely removed. In cold weather when the oil remained in union with the amurca notwithstanding these transferences, the separation was effected by mixing a little parched salt with the combined fluids; but when the cold was very intense, dry carbonate of soda (*nitrum*) was found to answer better. The oil was finally poured into jars (*dolia olearia*), which had been previously thoroughly cleaned and seasoned, and glazed with wax or gum to prevent absorption, the lids (*opercula*) were carefully secured, and they were then delivered to the overseer (*custos*), by whom they were stored up in the vault reserved for their reception (*cella olearia*).

After a moderate force had been applied to the press, and a considerable quantity of oil had flowed forth, the bruised pulp (*sampsa*) was taken out of the bags, separated from the kernel, mixed with a little salt, replaced and subjected to the action of the press a second, and again a third time. The oil first obtained (*oleum primae pressurae*) was the finest; and in proportion as additional force was applied by the press-men (*factores*, *torcularii*), the quality became gradually worse ("longe melioris saporis quod minore vi preli quasi lixivium defluxerit"). Hence the product of each pressing was kept distinct, the marketable value of each being very different ("plurimum refert non miscere iterationes multoque minus tertiationem cum prima pressura"). The lowest quality of all (*oleum cibarium*) was made from olives which had been partially damaged by vermin, or which had fallen from the trees in bad weather into the mud, so that it became necessary to wash them in warm water before they could be used.

The quantity of fruit thrown at one time into the press varied from 120 to 160 modii, according to the capacity of the vessels: this quantity was termed *Factus*, the amount of oil obtained from one factus was called *Hostus*, but these words are not unfrequently confounded. (Cat. *R. R.* 7, 64, 65, 66; Varr. *R. R.* i. 24, 55; Columell. xii. 52; Plin. *H. N.* xv. § 23; Geopon. ix. 17; Blümner, *Technologie*, i. 348 ff.) [W. R.] [G. E. M.]

OLIGA'RCHIA (ὀλιγαρχία), *the government of a few*, is a term the application of which by writers on political science is less wide than its etymological signification might have warranted. (See Polyb. vi. 4; Arist. *Pol.* iv. 4, p. 1290, from whom we learn that some writers used Oligarchia as a generic name, including Aristocratia as one of its species.) It is shown elsewhere [ARISTOCRATIA] under what conditions the limitation of political power to a portion of the community was regarded as a proper and regular constitution (ὀρθὴ πολιτεία), whose guiding principle was the common good, not the private interest of those in power (Arist. *Pol.* iii. 6, p. 1279; iv. 2, p. 1289). The term *Oligarchia* was applied to that perversion (παρέκβασις) of an *Aristocratia* into which the latter passed when, owing to the rise of the *demus* [DEMOCRATIA] and the vanishing of those substantial grounds of pre-eminence which rendered an Aristocratia not unjust, the rule of the dominant portion of the community ceased to be the exponent of the general interests of the state, and became the ascendency of a faction, whose efforts were directed chiefly towards their own aggrandisement and the maintenance of their own power and privileges (Arist. *Eth. Nicom.* viii. 12; Polyb. vi. 8, § 4). The preservation of power under such circumstances of course depended chiefly upon the possession of superior wealth and the other appliances of wealth which were its concomitants. Thus it came to be regarded as essentially characteristic of an oligarchy, that the main distinction between the dominant faction and the subject portion of the community was the possession of greater wealth on the part of the former. (Arist. *Pol.* iv. 4, p. 1290 b, δῆμος μέν ἐστιν ὅταν οἱ ἐλεύθεροι κύριοι ὦσιν, ὀλιγαρχία δὲ ὅταν οἱ πλούσιοι. A little further on he says: ὀλιγαρχίαι δὲ ὅταν οἱ πλούσιοι καὶ εὐγενέστεροι, ὀλίγοι ὄντες, κύριοι τῆς ἀρχῆς ὦσιν. Comp. iv. 6, p. 1293; Plat. *de Rep.* viii. pp. 550 C, 553 A.) The case of the wealthy portion being also the more numerous would be a very rare exception. Their dominion, of course, would not be an oligarchy; but neither would it be a democracy (Arist. *Pol.* iv. 4, p. 1290). When an aristocracy passed in the natural development of society into an oligarchy, the oligarchs would, of course, be high-born as well as rich. But high birth was not an essential condition. It very commonly happened that the oligarchs were themselves only a section of the old nobility, having excluded the poorer members of their order from the possession of power.

Aristotle (*Pol.* iv. 5, p. 1292 b) distinguishes various species of oligarchy:—1. Where a certain large amount of property is the only requisite for being a member of the ruling class: 2. Where the property qualification is not large, but the members of the government themselves supply any vacancies that may occur in their ranks by electing others to fill them: 3. Where the son succeeds to the power of his father: 4. Where, besides this being the case, the rulers govern according to no fixed laws, but arbitrarily. (Comp. Plat. *Polit.* pp. 301, 302.) The first kind, where privileges were distributed according to certain gradations of property, especially when the τίμημα was not extravagantly high, so that a considerable number shared political power, though only a few of them might be eligible to the highest offices, was sometimes called τιμοκρατία (Arist. *Eth. Nic.* viii. 12). It approximates closely to the πολιτεία, and hence Aristotle (*Pol.* iv. 11) calls it ὀλιγαρχία πολιτική, that is, an oligarchy so moderate as to be nearly a πολιτεία: where more extensive privileges were given to large property, it was called πλουτοκρατία (Xen. *Mem.* iv. 6, 22): Plato, in *Rep.* viii. p. 547 D, uses τιμοκρατία in a different sense.

To the conditions of 3 and 4, where the rule of the few is both arbitrary and hereditary, or, in other words, where arbitrary power has come into the possession of a few ruling families, the name δυναστεία is given (Arist. *Pol.* iv. 5, 2, p. 1292 b): this is described as the extreme oligarchy and corresponding (ἀντίστροφος) to the extreme democracy [OCHLOCRATIA]. This δυναστεία is described as existing in Boeotia at the time of the Persian invasion, and in Thessaly (Thuc. iii. 62; iv. 78) and sometimes in Crete (Arist. *Pol.* ii. 10, p. 1272 b), and the danger of it is given as one cause for ostracism (Arist. *Pol.* v. 3, p. 1302).

The term *Aristocratia* is not unfrequently applied to what the more careful distinctions of the writers on political science would term *Oligarchia*. (Comp. Thuc. iii. 82; Xen. *Hellen.* v. 2, § 7; Aristoph. *Av.* 125.)

Besides the authorities quoted above, the reader may consult Wachsmuth, *Hellenische Alterthumskunde*, §§ 36, 44, 47, 63, 64; Schömann, *Antiq. of Greece*, p. 98; Hermann, *Lehrbuch der griech. Staatsalterthümer*, §§ 58–61; Thirlwall, *Hist. of Greece*, vol. i. ch. 10. [C. P. M.] [G. E. M.]

OLLA, ant. **AULA** (Plaut. *Aulul.*, passim), a word used much in the same sense as our word "jar" or "pot," and corresponding most nearly perhaps to the Greek *χύτρος*, *χύτρα*: a vase which might be of almost any shape, but which, with a view to capacity, would no doubt usually be of a somewhat bellying form.

The *olla* was made of various materials, according to the purpose for which it was intended: thus of *ollae* which were destined for cooking purposes, the material would be either bronze (*aenum*, Ovid, *Met.* vii. 318) or different kinds of stone which were turned upon the lathe. At Pleurs, a village near Chiavenna to the north of the Lake of Como, the manufacture of vessels from the potstone in a neighbouring mountain is still carried on, and has probably existed there from the time of Pliny, who makes express mention of it (*H. N.* xxxvi. §§ 22, 44). Some of these vessels are nearly two feet in diameter, and, being adapted to bear the fire, are used for cooking. ("Oculis observare ollam pultis, ne aduratur," Varro, ap. Non. Marcell. p. 543, ed. Merceri; Festus, s. v. *Aulas.*)

The most ordinary material was earthenware (*testacea*); and in this material the *olla* would be adapted to various uses, principally no doubt for holding solids or liquids and keeping them in store. Thus we read of an *olla* filled with *denarii* (Cic. *Fam.* ix. 18); with resin (Martial, *Ep.* 12, 32); and with oil (Plin. *H. N.* xxxvii. § 10). Fruit was in this manner preserved (Plin. *H. N.* xv. § 22); and from this circumstance the adjective *ollaris* came to mean "preserved" (*uvae ollares*, Colum. xii. 43; Martial, vii. 20).

The Romans as well as the Greeks used pots for holding and for growing flowers (Cato, *de Re R.* 51: see Vas): those which were intended for growing seeds would have the bottom perforated (Plin. *H. N.* xvii. § 10, where a seed of pine is sown in such a perforated *olla*).

In certain sacrificial rites, hand-made *ollae* continued to be used down to a late period, in memory of the primitive construction of those of the old cult. They remained in an unchanged form, as is shown by the examples which were found in the sanctuary of the Fratres Arvales, which, though of a quite late epoch, are still of rough workmanship and hand-made. (See *Giornale Arcadico*, lviii. Giulio, 1868, tav. iv. Nos. 1–18.)

Another very remarkable use of these vessels of earthenware among the Greeks was to put infants into them to be exposed (Aristoph. *Ran.* 1188, Schol. *ad loc.*; Moeris, s. v. *ἐγχυτρισμός*), or to be carried anywhere (Aristoph. *Thesm.* 512–516; Schol. *ad loc.*). Hence the exposure of children was called *ἐγχυτρίζειν* (Hesych. *s. v.*), and the miserable women who practised it *ἐγχυτριστρίαι* (Suidas, *s. v.*).

The term is also used to indicate both the urn (*urna*) in which the ashes of the dead were put, and also the niche in the tomb or *columbarium* in which the urn was placed. After some days, when the ashes had been dried in the sun, the nearest relatives of the deceased gathered them in an urn of clay, glass, marble, alabaster, other kinds of stone, bronze, silver, or gold: these were called *ollae*. In the large public cemeteries in Rome a poor slave, or a person of limited means who could not afford a special grave, had to buy a niche called *olla* for his urn: these *ollae* were themselves objects of presentation which the poorer classes made amongst one another, as the inscriptions show. Below the single *olla* was placed in this case a small inscription which contained the name of him whose bones lay in the urn, and which would be drawn up on the occasion of the gift and as a record of the gift (see *C. I. L.* i. 1047, &c.). A sepulchre which held several of these niches is called a *schola ollarum* (Reines. class. 16, n. 53).

In the year 1732 were found in a vineyard on the right of the Appian Way an extraordinary number of *ollae* of terracotta in a sepulchral chamber. They were all more or less of the same size, capacity, and form. Some good specimens of cinerary *ollae* are preserved in the British Museum in a small apartment in the basement, so constructed as to exhibit accurately the manner of arranging them.

Olla.

Sometimes the *ollae* were buried up to the neck within the niches, so that the only part which showed was the tile or lid (*operculum*, *ἐπίθημα*), on which the name of the person whose ashes were contained inside was engraved (see Muratori, 1756, 7, *ollae quae sunt operculis et titulis marmoreis*). This lid generally corresponded in the material and the style of ornament with the *olla* itself (Herod. i. 48; Col. *de Re Rust.* xii. 48). Sometimes it was so arranged as to be sliding or movable, and might be depressed or raised so as to cover exactly the contents of the vessel it belonged to, like that now used for snuff and tobacco jars; this form of lid was called *operculum ambulatorium.* The Romans sometimes covered their beehives with lids of this kind, in order that the size of the honeycomb and hive might be exactly proportioned to each other (Plin. *H. N.* xxi. § 47; Rich, *s. v.*). From Olla we have the word *Ollaria*, another name for the niches in the *columbarium* in which the cinerary urns (*ollae*) were placed. [C. S.]

OLY'MPIA (ὀλύμπια), usually called the Olympic games, the greatest of the national festivals of the Greeks. It was celebrated at Olympia in Elis, the name given to a small plain to the west of Pisa, which was bounded on the north and north-east by the mountains Cronion and Olympus, on the south by the river Alpheus, and on the west by the Cladeus, which flows into the Alpheus. Olympia does not appear to have been a town, but rather a collection of temples and public buildings, a full description of which does not come within the plan of this work. The whole district within the abovementioned bounds was holy ground (τέμενος), sacred to Olympian Zeus, within which, on its northern side, was a quadrangular enclosure, of peculiar sanctity, called the Altis. The latter was in historic times adorned with the most exquisite work that Hellenic art could produce in sculpture, painting, and architecture. Within it stood the temples of Olympian Zeus (Ὀλυμπιεῖον), of Hêra (Ἡραῖον), and the treasure-houses of many Hellenic states; while in the centre rose the high altar of Zeus, in sacrifice whereon he revealed his will to his chosen priests, the Iamidae (Pind. *Olymp.* vi.). Many relics of ancient art have been recently discovered in the Altis and the surrounding space, and much light has been thrown on the topography of Olympia, by excavations conducted according to the agreement made in 1874 between the Greek and German governments. For a minute, full, and highly interesting account of the results thus obtained, the reader may be referred to the work of Adolf Boetticher, *Olympia, das Fest und seine Stätte*, 2nd edit., Berlin, 1886.

The origin of the Olympic games is buried in obscurity. The legends of the Elean priests attributed the institution of the festival to the Idaean Heracles, and referred it to the time of Cronos. According to their account, Rhea committed her new-born Zeus to the Idaean Dactyli, also called Curetes, of whom five brothers, Heracles, Paeonaeus, Epimedes, Iasius, and Idas, came from Ida in Crete, to Olympia, where a temple had been erected to Cronos by the men of the golden age; and Heracles, the eldest, conquered his brothers in a foot-race, and was crowned with the wild olive-tree. Heracles hereupon established a contest, which was to be celebrated every five years, because he and his brothers were five in number (Paus. v. 7, § 4). Fifty years after Deucalion's flood they said that Clymenus, the son of Cardys, a descendant of the Idaean Heracles, came from Crete, and celebrated the festival; but that Endymion, the son of Aethlius, deprived Clymenus of the sovereignty, and offered the kingdom as a prize to his sons in the foot-race; that a generation after Endymion the festival was celebrated by Pelops to the honour of the Olympian Zeus; that when the sons of Pelops were scattered through Peloponnesus, Amythaon, the son of Cretheus and a relation of Endymion, celebrated it; that to him succeeded Pelias and Neleus in conjunction, then Augeas, and at last Heracles, the son of Amphitryon, after the taking of Elis. Afterwards Oxylus is mentioned as presiding over the games, and then they are said to have been discontinued till their revival by Iphitus. (Paus. v. 8, § 1, 2.) Most ancient writers, however, attribute the institution of the games to Heracles, the son of Amphitryon (Apollod. ii. 7, § 2; Diod. iv. 14; compare Strabo, viii. p. 355), while others represent Atreus as their founder. (Vell. Pat. i. 8; Hermann, *Pol. Ant.* § 23, n. 10.) But of all the traditions respecting the origin of the Olympic games, far the most interesting to us is that which Pindar adopts. According to him (*Olymp.* xi. 24–77; iii. 14), they were founded by Herakles Amphitryoniades to commemorate his victory over the Moliones and Augeas. We translate freely a passage from the Eleventh Olympic ode:—"Thereupon did the valiant son of Zeus, gathering together in Pisa all his host and all the spoil of oxen which he drave, proceed to measure out a hallowed precinct (ζάθεον ἄλσος) consecrate to Zeus most mighty; and in the open plain with a fence of stakes he marked the Altis off, and appointed the space around it to be a place of rest, whereon the folk might take their evening meal; the while he honoured Alpheus' stream in union with the twelve sovereign gods. Then gave he to Kronos' Hill its name; for heretofore, as long as Oinomaos reigned, nameless it rose and wet with many a snowflake. And at this, the birth-rite of the festival, the Destinies, I ween, stood by, yea and Time, sole test of what is good and true, which as it onward sped did manifest in what wise the hero portioned out, and slew, and sacrificed, as first-fruits, the spoils which war had given him; in what wise too, in sooth, with this, the First Olympiad, and the victories thereat won, he ordained that henceforth, as each term of four years closed, the feast should be renewed." The poet goes on to give a list of the victors at this celebration of the games, and it is worth observing that his record differs entirely from that of Pausanias, both in the names of the victors and in the other particulars (Paus. v. 7, p. 392).

Strabo (viii. pp. 354, 355) rejects all these legends, and says that the festival was first instituted after the return of the Heraclidae to the Peloponnesus by the Aetolians, who united themselves with the Eleans. It is impossible to say what credit is to be given to the ancient traditions respecting the institution of the festival; but they appear to show that religious festivals had been celebrated at Olympia from the earliest times, and it is difficult to conceive that the Peloponnesians and the other Greeks would have attached such importance to this festival, unless Olympia had long been regarded as a hallowed site. The first historical fact connected with the Olympian games is their revival by Iphitus, king of Elis, who is said to have accomplished it with the assistance of Lycurgus, the Spartan lawgiver, and Cleosthenes of Pisa; and the names of Iphitus and Lycurgus were inscribed on a disc in commemoration of the event; which disc Pausanias saw in the temple of Hera at Olympia. (Paus. v. 4, § 4; v. 20, § 1; Plut. *Lyc.* 1, 23.) It would appear from this tradition, as Thirlwall (*Hist. of Greece*, ii. p. 386) has remarked, that Sparta concurred with the two states most interested in the establishment of the festival, and mainly contributed to procure the consent of the other Peloponnesians. The celebration of the festival may have been discontinued in consequence of the troubles consequent upon the Dorian invasion, and we are told that Iphitus was commanded by the Delphic oracle to revive it as a remedy for intestine commotions and for pestilence, with which Greece was then afflicted. Iphitus thereupon induced the Eleans to sacrifice to Heracles, whom they had formerly regarded as an enemy, and from this time the games were regularly celebrated. (Paus. *l. c.*) Different dates are assigned to Iphitus by ancient writers, some placing his revival of the Olympiad at B.C. 884, and others, as Callimachus, at B.C. 828. (Clinton, *Fast. Hell.* p. 409, t.) The interval of four years between two successive celebrations of the festival was called an Olympiad; but the Olympiads were not employed as a chronological era till the victory of Coroebus in the foot-race B.C. 776. [OLYMPIAS.]

The most important point in the renewal of the festival by Iphitus was the establishment of the *ἐκεχειρία* (in the Elean dialect *θέρμα* = *θεσμά*; see Müller, *Dor.* i. p. 252), or sacred armistice, the formula for proclaiming which was inscribed in a circle on the disc mentioned above. The proclamation was made by peace-heralds (*σπονδοφόροι*), first in Elis and afterwards in the other parts of Greece; it put a stop to all warfare for the month in which the games were celebrated, and which was called *ἱερομηνία*. The territory of Elis itself was considered especially sacred during its continuance, and no armed force could enter it without incurring the guilt of sacrilege. When the Spartans on one occasion sent forces against the fortress Phyrcum and Lepreum during the existence of the Olympic truce (*ἐν ταῖς Ὀλυμπιακαῖς σπονδαῖς*), they were fined by the Eleans, according to the Olympic law, 2000 minae, being two for each Hoplite. (Thucyd. v. 49.) The Eleans, however, pretended not only that their lands were inviolable during the existence of the truce, but that by the original agreement with the other states of Peloponnesus their lands were made sacred for ever, and were never to be attacked by any hostile force (Strabo, viii. p. 358); and they further stated that the first violation of their territory was made by Pheidon of Argos. But the Eleans themselves did not abstain from arms, and it is not probable that such a privilege would have existed without imposing on them the corresponding duty of refraining from attacking the territory of their neighbours. The later Greeks do not appear to have admitted this claim of the Eleans, as we find many cases in which their country was made the scene of war. (Xen. *Hell.* iii. 2, § 23, &c.; vii. 4, &c.)

The Olympic festival was probably confined at first to the Peloponnesians; but as its celebrity extended, the other Greeks took part in it, till at length it became a festival for the whole nation. No one was allowed to contend in the games but persons of pure Hellenic blood: barbarians might be spectators, but slaves were entirely excluded. All persons who had been branded by their own states with atimia, or had been guilty of any offence against the divine laws, were not permitted to contend (Lex *apud* Dem. *c. Aristocrat.* p. 631, § 37). When the Hellenic race had been extended by colonies to Asia, Africa, and other parts of Europe, persons contended in the games from very distant places; and in later times a greater number of conquerors came from the colonies than from the mother country. After the conquest of Greece by the Romans, the latter were allowed to take part in the games. The emperors Tiberius and Nero were both conquerors, and Pausanias (v. 20, § 4) speaks of a Roman senator who gained the victory. During the freedom of Greece, even Greeks were sometimes excluded, when they had been guilty of a crime which appeared to the Eleans to deserve this punishment. The horses of Hieron of Syracuse were excluded from the chariot-race through the influence of Themistocles, because he had not taken part with the other Greeks against the Persians. (Plut. *Them.* 25; Aelian, *V. H.* ix. 5.) All the Lacedaemonians were excluded in the 90th Olympiad, because they had not paid the fine for violating the Elean territory, as mentioned above (Thuc. v. 49, 50; Paus. iii. 8, § 2); and similar cases of exclusion are mentioned by the ancient writers.

No women were allowed to be present or even to cross the Alpheus during the celebration of the games under penalty of being hurled down from the Typaean rock. Only one instance is recorded of a woman having ventured to be present, and she, although detected, was pardoned in consideration of her father, brothers, and son having been victors in the games. (Paus. v. 6, § 5[*]; Ael. *V. H.* x. 1.) An exception was made to this law in favour of the priestess of Demeter Chamyne, who sat on an altar of white marble opposite to the Hellanodicae. (Paus. vi. 20, § 6; compare Suet. *Ner.* c. 12.) Women were, however, allowed to send chariots to the races; and the first woman whose horses won the prize was Cynisca, the daughter of Archidamus, and sister of Agesilaus. (Paus. iii. 8, § 1.) The number of spectators at the festival was very great; and these were drawn together not merely by the desire of seeing the games, but partly through the opportunity it afforded them of carrying on commercial transactions with persons from distant places (Vell. i. 8; *mercatus Olympiacus*, Justin, xiii. 5), as is the case with the Mohammedan festivals at Mecca and Medina. Many of the persons present were also deputies (*θεωροί*) sent to represent the various states of Greece;

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[*] It would appear from another passage of Pausanias that *virgins* were allowed to be present, though *married* women were not (*παρθένους δὲ οὐκ εἴργουσι θεάσασθαι*, vi. 20, § 6); but this statement is opposed to all others on the subject, and the reading of the passage seems to be doubtful. (See Valckenaer, *ad* Theocr. *Adon.* pp. 196, 197.)

and we find that these embassies vied with one another in the number of their offerings and the splendour of their general appearance, in order to support the honour of their native cities. The most illustrious citizens of a state were frequently sent as *θεωροί*. (Thuc. vi. 16; [Andoc.] *c. Alc.* § 21.)

The Olympic festival was a Penteteris (*πεντετηρίς*), that is, according to the ancient mode of reckoning, a space of four years elapsed between each and the next succeeding festival, in the same way as there was only a space of two years in a *τριετηρίς*. According to the Scholiast on Pindar (*ad Ol.* iii. 35, Boeckh), the Olympic festival was celebrated at an interval sometimes of 49, sometimes of 50 months; in the former case in the month of Apollonius, in the latter in that of Parthenius. This statement has given rise to much difference of opinion from the time of J. Scaliger; but the explanation of Boeckh in his commentary on Pindar is the most satisfactory, that the festival was celebrated on the first full moon after the summer solstice, which sometimes fell in the month of Apollonius, and sometimes in Parthenius, both of which he considers to be the names of Elean or Olympian months: consequently the festival was usually celebrated in the Attic month of Hecatombaeon. It lasted, after all the contests had been introduced, five days, from the 11th to the 15th days of the month inclusive. (Schol. *ad* Pind. *Ol.* v. 6.) The fourth day of the festival was the 14th of the month, which was the day of the full moon, and which divided the month into two equal parts (*διχόμηνις μήνα*, Pind. *Ol.* iii. 19; Schol. *ad loc.*).

The festival was under the immediate superintendence of the Olympian Zeus, whose temple at Olympia, adorned with the statue of the god made by Phidias, was one of the most splendid works of Grecian art (Paus. v. 10, &c.). There were also temples and altars to most of the other gods. The festival itself may be divided into two parts, the games or contests (*ἀγὼν Ὀλυμπιακὸς, ἀέθλων ἅμιλλαι, κρίσις ἀέθλων, τεθμὸς ἀέθλων, νικαφορίαι*), and the festive rites (*ἑορτή*) connected with the sacrifices, with the processions and with the public banquets in honour of the conquerors. Thus Pausanias distinguishes between the two parts of the festival, when he speaks of *τὸν ἀγῶνα ἐν Ὀλυμπίᾳ πανήγυρίν τε Ὀλυμπιακήν* (v. 4, § 4). The conquerors in the games, and private individuals, as well as the theori or deputies from the various states, offered sacrifices to the different gods; but the chief sacrifices were offered by the Eleans in the name of the Elean state. The order in which the Eleans offered their sacrifices to the different gods is given in a passage of Pausanias (v. 14, § 5). There has been considerable dispute among modern writers, whether the sacrifices were offered by the Eleans and the Theori at the commencement or at the termination of the contests; our limits do not allow us to enter into the controversy, but it appears most probable that certain sacrifices were offered by the Eleans as introductory to the games, but that the majority were not offered till the conclusion, when the flesh of the victims was required for the public banquets given to the victors.

The contests consisted of various trials of strength and skill, which were increased in number from time to time. There were in all twenty-four contests, eighteen in which men took part and six in which boys engaged, though they were never all exhibited at one festival, since some were abolished almost immediately after their institution, and others after they had been in use only a short time. We subjoin a list of these from Pausanias (v. 8, § 2, 3; 9, § 1, 2: compare Plut. *Symp.* v. 2), with the date of the introduction of each, commencing from the Olympiad of Coroebus:—1. The foot-race (*δρόμος*), which was the only contest during the first 13 Olympiads. 2. The *δίαυλος*, or foot-race, in which the stadium was traversed twice, first introduced in Ol. 14. 3. The *δόλιχος*, a still longer foot-race than the *δίαυλος*, introduced in Ol. 15.* For a more particular account of the *δίαυλος* and *δόλιχος* see STADIUM. 4. Wrestling (*πάλη*) [LUCTA], and 5. The Pentathlum (*πένταθλον*), which consisted of five exercises [PENTATHLUM], both introduced in Ol. 18. 6. Boxing (*πυγμή*), introduced in Ol. 23. [PUGILATUS.] 7. The chariot-race with four full-grown horses (*ἵππων τελείων δρόμος, ἅρμα*), introduced in Ol. 25. 8. The Pancratium (*παγκράτιον*) [PANCRATIUM], and 9. The horse-race (*ἵππος κέλης*), both introduced in Ol. 33. 10 and 11. The foot-race and wrestling for boys, both introduced in Ol. 37. 12. The Pentathlum for boys, introduced in Ol. 38, but immediately afterwards abolished. 13. Boxing for boys, introduced in Ol. 41. 14. The foot-race, in which men ran with the equipments of heavy-armed soldiers (*τῶν ὁπλιτῶν δρόμος*), introduced in Ol. 65, on account of its training men for actual service in war. 15. The chariot-race with mules (*ἀπήνη*), introduced in Ol. 70; and 16. The horse-race with mares (*κάλπη*), described by Pausanias (v. 9, § 1, 2), introduced in Ol. 71, both of which were abolished in Ol. 84. 17. The chariot-race with two full-grown horses (*ἵππων τελείων συνωρίς*), introduced in Ol. 93. 18, 19. The contest of heralds (*κήρυκες*) and trumpeters (*σαλπιγκταί*), introduced in Ol. 96. (African. *ap.* Euseb. *Χρον.* I. *Ἑλλ. ὀλ.* p. 41; Paus. v. 22, § 1; compare Cic. *ad Fam.* v. 12.) 20. The chariot-race with four foals (*πώλων ἅρμασιν*), introduced in Ol. 99. 21. The chariot-race with two foals (*πώλων συνωρίς*), introduced in Ol. 128. 22. The horse-race with foals (*πῶλος κέλης*), introduced in Ol. 131. 23. The Pancratium for boys, introduced in Ol. 145. 24. There was also a horse-race (*ἵππος κέλης*) in which boys rode (Paus. vi. 2, § 4; 12, § 1; 13, § 6), but we do not know the time of its introduction. Of these contests, the greater number were in existence in the heroic age, but the following were introduced for the first time by the Eleans:—all the contests in which boys took part, the foot-race of Hoplites, the races in which foals were employed, the chariot-race in which mules were used, and the horse-race with mares (*κάλπη*).

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* Some words appear to have dropped out of the passage of Pausanias. In every other case he mentions the name of the first conqueror in each new contest, but never the name of the conqueror in the same contest in the following Ol. In this passage, however, after giving the name of the first conqueror in the Diaulos, he adds, *τῇ δὲ ἑξῆς Ἄκανθος*. There can be little doubt that this must be the name of the conqueror in the Dolichos; which is also expressly stated by Africanus (*apud* Eus. *Χρον.* I. *Ἑλλ. ὀλ.* p. 39).

The contests of heralds and trumpeters were also probably introduced after the heroic age.

Pausanias (v. 9, § 3) says that up to the 77th Olympiad all the contests took place in one day; but as it was found impossible in that Olympiad to finish them all in so short a time, a new arrangement was made. The number of days in the whole festival, which were henceforth devoted to the games, and the order in which they were celebrated, has been a subject of much dispute among modern writers, and in many particulars can be only matter of conjecture. The following arrangement is proposed by Krause (*Olympia*, p. 106):—On the first day, the initiatory sacrifices were offered, and all the competitors classed and arranged by the judges. On the same day, the contest between the trumpeters took place; and to this succeeded on the same day and the next the contests of the boys, somewhat in the following order:—the Foot-Race, Wrestling, Boxing, the Pentathlum, the Pancratium, and, lastly, the Horse-Race. On the third day, which appears to have been the principal one, the contests of the men took place, somewhat in the following order:—the simple Foot-Race, the Diaulos, the Dolichos, Wrestling, Boxing, the Pancratium, and the Race of Hoplites. On the fourth day the Pentathlum, either before or after the Chariot and Horse Races, which were celebrated on this day. On the same day or on the fifth, the contests of the Heralds may have taken place. The fifth day appears to have been devoted to processions and sacrifices, and to the banquets given by the Eleans to the conquerors in the games.

The judges in the Olympic games, called Hellanodicae (Ἑλλανοδίκαι), were appointed by the Eleans, who had the regulation of the whole festival. It appears to have been originally under the superintendence of Pisa, in the neighbourhood of which Olympia was situated, and accordingly we find in the ancient legends the names of Oenomaus, Pelops, and Augeas as presidents of the games. But after the conquest of Peloponnesus by the Dorians on the return of the Heraclidae, the Aetolians, who had been of great assistance to the Heraclidae, settled in Elis, and from this time the Aetolian Eleans obtained the regulation of the festival, and appointed the presiding officers. (Strabo, viii. pp. 357, 358.) Pisa, however, did not quietly relinquish its claim to the superintendence of the festival, and it is not improbable that at first it had an equal share with the Eleans in its administration. The Eleans themselves only reckoned three festivals in which they had not had the presidency,—namely, the 8th, in which Pheidon and the Piseans obtained it; the 34th, which was celebrated under the superintendence of Pantaleon, king of Pisa; and the 104th, celebrated under the superintendence of the Piseans and Arcadians. These Olympiads the Eleans called ἀνολυμπιάδες, as celebrated contrary to law. (Paus. vi. 22, § 2; 4, § 2.)

The Hellanodicae were chosen by lot from the whole body of the Eleans. Pausanias (v. 9, § 4, 5) has given an account of their numbers at different periods; but the commencement of the passage is unfortunately corrupt. At first, he says, there were only two judges chosen from all the Eleans, but that in the 25th Ol. (75th Ol.?) nine Hellanodicae were appointed, three of whom had the superintendence of the horse-races, three of the Pentathlum, and three of the other contests. Two Olympiads after, a tenth judge was added. In the 103rd Ol. the number was increased to 12, as at that time there were 12 Elean Phylae, and a judge was chosen from each tribe; but as the Eleans afterwards lost part of their lands in war with the Arcadians, the number of Phylae was reduced to eight in the 104th Ol., and accordingly there were then only eight Hellanodicae. But in the 108th Ol. the number of Hellanodicae was increased to 10, and remained the same to the time of Pausanias (Paus. *l. c.*).

The Hellanodicae were instructed for ten months before the festival by certain of the Elean magistrates, called Νομοφύλακες, in a building devoted to the purpose near the market-place, which was called Ἑλλανοδικαιών. (Paus. vi. 24, § 3.) Their office probably only lasted for one festival. They had to see that all the laws relating to the games were observed by the competitors and others, to determine the prizes, and to give them to the conquerors. An appeal lay from their decision to the Elean senate. (Paus. vi. 3, § 3.) Their office was considered most honourable. They wore a purple robe (πορφυρίς), and had in the Stadium special seats appropriated to them. (Paus. vi. 20, §§ 5, 6, 7; Bekker, *Anecd.* p. 249, 4.) Under the direction of the Hellanodicae was a certain number of ἀλύται with an ἀλυτάρχης at their head, who formed a kind of police, and carried into execution the commands of the Hellanodicae. (Lucian, c. 40, vol. i. p. 738, Reitz; *Etym. M.* p. 72, 13.) There were also various other minor officers under the control of the Hellanodicae.

All free Greeks who had complied with the rules prescribed to candidates were allowed to contend in the games. The equestrian contests were necessarily confined to the wealthy; but the poorest citizens could contend in the athletic contests, of which Pausanias (vi. 10, § 1) mentions an example. This, however, was far from degrading the games in public opinion; and some of the noblest as well as meanest citizens of the state took part in these contests. The owners of the chariots and horses were not obliged to contend in person; and the wealthy vied with one another in the number and magnificence of the chariots and horses which they sent to the games. Alcibiades sent seven chariots to one festival, a greater number than had ever been entered by a private person (Thuc. vi. 16), and the Greek kings in Sicily, Macedon, and other parts of the Hellenic world contended with one another for the prize in the equestrian contests.

All persons who were about to contend had to prove to the Hellanodicae that they were freemen, of pure Hellenic blood, had not been branded with atimia, nor guilty of any sacrilegious act. They further had to prove that they had undergone the preparatory training (προγυμνάσματα) for ten months previously, and the truth of this they were obliged to swear to in the Βουλευτήριον at Olympia before the statue of Zeus Ὅρκιος. The fathers, brothers, and gymnastic teachers of the competitors, as well as the competitors themselves, had also to swear that they would be guilty of no crime (κακούργημα) in reference to the contests. (Paus. v. 24,

§ 2.) All competitors were obliged, thirty days previous to the festival, to undergo certain exercises in the Gymnasium at Elis, under the superintendence of the Hellanodicae. (Paus. vi. 26, § 1–3; 24, § 1.) The different contests, and the order in which they would follow one another, were written by the Hellanodicae upon a tablet (λεύκωμα) exposed to public view. (Compare Dio Cass. lxxix. 10.)

The competitors took their places by lot, and were of course differently arranged according to the different contests in which they were to be engaged. The herald then proclaimed the name and country of each competitor. (Compare Plato, *Leg.* viii. p. 833.) When they were all ready to begin the contest, the judges exhorted them to acquit themselves nobly, and then gave the signal to commence. Any one detected in bribing a competitor to give the victory to his antagonist was heavily fined; the practice appears to have been not uncommon from the many instances recorded by Pausanias (v. 21).

The only prize given to the conqueror was a garland of wild olive (κότινος), which according to the Elean legends was the prize originally instituted by the Idaean Heracles. (Paus. v. 7, § 4.) But according to Phlegon's account (Περὶ τῶν Ὀλυμπίων, p. 140), the olive crown was not given as a prize upon the revival of the games by Iphitus, and was first bestowed in the seventh Olympiad with the approbation of the oracle at Delphi. This garland was cut from a sacred olive-tree, called ἐλαία καλλιστέφανος, which grew in the sacred grove of Altis in Olympia, near the altars of Aphrodite and the Hours. (Paus. v. 15, § 3.) Heracles is said to have brought it from the country of the Hyperboreans, and to have planted it himself at the τέρμα of the hippodrome outside the Altis. (Pind. *Ol.* ii. 14; Müller, *Dor.* ii. 12, § 3.) A boy, both of whose parents were still alive (ἀμφιθαλὴς παῖς), cut it with a golden sickle (χρυσῷ δρεπάνῳ). The victor was originally crowned upon a tripod covered over with bronze (τρίπους ἐπίχαλκος), but afterwards, and in the time of Pausanias, upon a table made of ivory and gold. (Paus. v. 12, § 3; 20, § 1, 2.) Palm branches, the common tokens of victory on other occasions, were placed in their hands. The name of the victor, and that of his father and of his country, were then proclaimed by a herald before the representatives of assembled Greece. The festival ended with processions and sacrifices, and with a public banquet given by the Eleans to the conquerors in the Prytaneum. (Paus. v. 15, § 8.)

The most powerful states considered an Olympic victory gained by one of their citizens to confer honour upon the state to which he belonged; and a conqueror usually had immunities and privileges conferred upon him by the gratitude of his fellow-citizens. The Eleans allowed his statue to be placed in the Altis, which was adorned with numerous such statues erected by the conquerors or their families, or at the expense of the states of which they were citizens. On his return home, the victor entered the city in a triumphal procession, in which his praises were celebrated frequently in the loftiest strains of poetry. (Compare ATHLETAE, Vol. I. p. 239 *a*.)

Sometimes the victory was obtained without a contest, in which case it was said to be ἀκονιτί. This happened either when the antagonist, who was assigned, neglected to come or came too late, or when an Athletes had obtained such celebrity by former conquests or possessed such strength and skill that no one dared to oppose him. (Paus. vi. 7, § 2.) When one state conferred a crown upon another state, a proclamation to this effect was frequently made at the great national festivals of the Greeks (Demosth. *de Cor.* p. 265).

As persons from all parts of the Hellenic world were assembled together at the Olympic games, it was the best opportunity which the artist and the writer possessed of making their works known. In fact, it answered to some extent the same purpose as the press does in modern times. Before the invention of printing, the reading of an author's works to as large an assembly as could be obtained, was one of the easiest and surest modes of publishing them; and this was a favourite practice of the Greeks and Romans. Accordingly, we find many instances of literary works thus published at the Olympic festival. Herodotus is said to have read his history at this festival; but though there are some reasons for doubting the correctness of this statement, there are numerous other writers who thus published their works, as the sophist Hippias, Prodicus of Ceos, Anaximenes, the orator Lysias, Dio Chrysostom, &c. (Compare Lucian, *Herod.* c. 3, 4, vol. i. p. 834, Reitz.) It must be borne in mind that these recitations were not contests, and that they formed properly no part of the festival. In the same way painters and other artists exhibited their works at Olympia. (Lucian, *l. c.*)

The Olympic games continued to be celebrated with much splendour under the Roman emperors, by many of whom great privileges were awarded to the conquerors. [ATHLETAE, Vol. I. p. 241.] In the sixteenth year of the reign of Theodosius, A.D. 394 (Ol. 293), the Olympic festival was for ever abolished; but we have no account of the names of the victors from Ol. 249.

Our limits do not allow us to enter into the question of the influence of the Olympic games upon the national character; but the reader will find some useful remarks on this subject in Thirlwall's *Hist. of Greece*, vol. i. p. 390, and Grote's *Hist. of Greece*, iv. pp. 75 ff.

There were many ancient works on the subject of the Olympic games and the conquerors therein. One of the chief sources from which the writers obtained their materials must have been the registers of conquerors in the games which were diligently preserved by the Eleans. (Ἠλείων ἐς τοὺς Ὀλυμπιονίκας γράμματα, Paus. iii. 21, § 1, v. 21, § 5, vi. 2, § 1; τὰ Ἠλείων γράμματα ἀρχαῖα, v. 4, § 4.) One of the most ancient works on this subject was by the Elean Hippias, a contemporary of Plato, and was entitled ἀναγραφὴ Ὀλυμπιονικῶν (Plut. *Numa*, 1). Aristotle also appears to have written a work on the same subject (Diog. Laërt. v. 26). There was a work by Timaeus of Sicily, entitled Ὀλυμπιονῖκαι ἢ χρονικὰ πραξίδια, and another by Erastosthenes (born B.C. 275), also called Ὀλυμπιονῖκαι (Diog. Laërt. viii. 51). The Athenian Stesicleides is mentioned as the author of an ἀναγραφὴ τῶν ἀρχόντων καὶ Ὀλυμπιονικῶν (Diog. Laërt. ii. 56), and Pliny (*H. N.* viii. § 82) speaks of Scopas (?) as a writer of *Olympionicae*.

There were also many ancient works on the Greek festivals in general, in which the Olympic games were of course treated of. Thus the work of Dicaearchus Περὶ Ἀγώνων (Diog. Laërt. v. 47) contained a division entitled ὁ Ὀλυμπικὸς (Athen. xiv. p. 620 d).

One of the most important works on the Olympic games was by Phlegon of Tralles, who lived in the reign of Hadrian; it was entitled Περὶ τῶν Ὀλυμπίων or Ὀλυμπίων καὶ Χρονικῶν Συναγωγή, was comprised in 16 books, and extended from the first Olympiad to Ol. 229. We still possess two considerable fragments of it. The important work of Julius Africanus, Ἑλλήνων Ὀλυμπιάδες ἀπὸ τῆς πρώτης, &c., is preserved to us by Eusebius; it comes down to Ol. 249. Dexippus of Athens, in his χρονικὴ ἱστορία, carried down the Olympic conquerors to Ol. 262.

In modern works much useful information on the Olympic games is given in Corsini's *Dissert. Agonisticae*, and in Boeckh's and Dissen's editions of Pindar. See also Meier's article on the Olympic Games, and Rathgeber's articles on Olympia, Olympieion, and Olympischer Jupiter in Ersch and Gruber's *Encyclopädie;* Dissen, *Ueber die Anordnung der Olympischen Spiele*, in his *Kleine Schriften*, p. 185; Krause, *Olympia oder Darstellung der grossen Olympischen Spiele*, Wien, 1838; and Boetticher, *Olympia*, 1886.

In course of time festivals were established in several Greek states in imitation of the one at Olympia, to which the same name was given. Some of these are only known to us by inscriptions and coins; but others, as the Olympic festival at Antioch, obtained great celebrity. After these Olympic festivals had been established in several places, the great Olympic festival is sometimes designated in inscriptions by the addition of "in Pisa," ἐν Πείσῃ. (Compare Boeckh, *Inscr.* n. 247, pp. 361, 362; n. 1068, p. 564.) We subjoin from Krause an alphabetical list of these smaller Olympic festivals. They were celebrated at:—

Aegae in Macedonia. This festival was in existence in the time of Alexander the Great. (Arrian, *Anab.* i. 11.)

Alexandria. (Gruter, *Inscr.* p. cccxiv. n. 240.) In later times, the number of Alexandrian conquerors in the great Olympic games was greater than from any other state.

Anazarbus in Cilicia. This festival was not introduced till a late period. (Eckhel, *Doctr. Num.* iii. p. 44.)

Antioch in Syria. This festival was celebrated at Daphne, a small place 40 stadia from Antioch, where there was a large sacred grove watered by many fountains. The festival was originally called Daphnea, and was sacred to Apollo and Artemis (Strabo, xvi. p. 750; Athen. v. p. 194), but was called Olympia, after the inhabitants of Antioch had purchased from the Eleans, in A.D. 44, the privilege of celebrating Olympic games. It was not, however, regularly celebrated as an Olympic festival till the time of the Emperor Commodus. It commenced on the first day of the month Hyperberetaeus (October), with which the year of Antioch began. It was under the presidency of an Alytarches. The celebration of it was abolished by Justin, A.D. 521. The writings of Libanius, and of Chrysostom, the Christian Father, who lived many years at Antioch, gave various particulars respecting this festival.

Athens. There were two festivals of the name of Olympia celebrated at Athens, one of which was in existence in the time of Pindar (Pind. *Nem.* ii. 23, &c.; Schol. *ad loc.*), who celebrates the ancestors of the Athenian Timodemus as conquerors in it, and perhaps much earlier (Schol. *ad* Thuc. i. 126). It was celebrated to the honour of Zeus, in the spring between the great Dionysia and the Bendideia. (Boeckh, *Inscr.* pp. 53, 250–252.) The other Olympic festival at Athens was instituted by Hadrian A.D. 131; from which time a new Olympic era commenced. (Corsini, *Fast. Att.* vol. ii. pp. 105, 110, &c.; Spartian. *Hadr.* 13.) [OLYMPIAS.]

Attalia in Pamphylia. This festival is only known to us by coins. (Rathgeber, *l. c.* p. 326.)

Cyzicus. (Boeckh, *Inscr.* n. 2810.)

Cyrene. (Boeckh, *Explicat. Pind.* p. 328.)

Dium in Macedonia. These games were instituted by Archelaus, and lasted nine days, corresponding to the number of the nine Muses. They were celebrated with great splendour by Philip II. and Alexander the Great. (Diodor. xvii. 16; Dio Chrysost. vol. i. p. 73, Reiske; Suidas, *s. v.* Ἀναξανδρίδης.)

Ephesus. This festival appears by inscriptions, in which it is sometimes called Ἀδριανὰ Ὀλύμπια ἐν Ἐφέσῳ, to have been instituted by Hadrian. (Boeckh, *Inscr.* n. 2810; compare n. 2987, 3000.)

Elis. Besides the great Olympic games, there appear to have been smaller ones celebrated yearly. (*Anecdot. Gr.* ed. Siebenk. p. 95.)

Magnesia in Lydia. (Rathgeber, *l. c.* pp. 326, 327.)

Neapolis. (Corsini, *Diss. Agon.* iv. 14, p. 103.)

Nicaea in Bithynia. (Eustath. *ad* Dionys. Perieg. pp. 172, 173, in *Geogr. Min.* ed. Bernhardy.)

Nicopolis in Epeirus. Augustus, after the conquest of Antony, off Actium, founded Nicopolis, and instituted games to be celebrated every five years (ἀγὼν πεντετηρικός) in commemoration of his victory. These games are sometimes called Olympic, but more frequently bear the name of Actia. They were sacred to Apollo, and were under the care of the Lacedaemonians. (Strabo, vii. p. 325.) [ACTIA.]

Olympus in Thessaly, on the mountain of that name. (Schol. *ad* Apoll. Rhod. *Argonaut.* i. 599.)

Pergamos in Mysia. (Boeckh, *Inscr.* n. 2810; Mionnet, ii. 610, n. 626.)

Side in Pamphylia. (Rathgeber, p. 129.)

Smyrna. Pausanias (vi. 14, § 1) mentions an Agon of the Smyrnaeans, which Corsini (*Diss. Agon.* i. 12, p. 20) supposes to be an Olympic festival. The Marmor Oxoniense expressly mentions Olympia at Smyrna, and they also occur in inscriptions. (Gruter, *Inscr.* p. 314, 1; Boeckh, *Inscr. ad* n. 1720.)

Tarsus in Cilicia. This festival is only known to us by coins. (Krause, p. 228.)

Tegea in Arcadia. (Boeckh, *Inscr.* n. 1513, p. 700.)

Thessalonica in Macedonia. (Krause, p. 230.)

Thyatira in Lydia. (Rathgeber, p. 328.)

Tralles in Lydia. (Krause, p. 233.)

Tyrus in Phoenicia. (Rathgeber, p. 328.)

[W. S.] [J. I. B.]

OLYMPIAS (Ὀλυμπιάς), the most celebrated chronological era among the Greeks, was the period of four years which elapsed between any one and the next following celebration of the Olympic games. The Olympiads began to be reckoned from the victory of Coroebus in the foot-race, which happened in the year B.C. 776 (Paus. v. 8, § 3; viii. 26, § 3; Strab. viii. p. 355). Timaeus of Sicily, however, who flourished B.C. 264, was the first writer who regularly arranged events according to the conquerors in each Olympiad, with which he compared the years of the Attic archons, the Spartan ephors, and that of the Argive priestesses (Polyb. xii. 12, § 1). His practice of recording events by Olympiads was followed by Polybius, Diodorus Siculus, Dionysius of Halicarnassus, and sometimes by Pausanias, Aelian, Diogenes Laërtius, Arrian, &c. It is twice adopted by Thucydides (iii. 8, v. 49) and Xenophon (*Hell.* i. 2, § 1; ii. 3, § 1). The names of the conquerors in the foot-race only were used to designate the Olympiad, not the conquerors in the other contests. Thucydides (*ll. cc.*), however, designates two Olympiads by the name of the conquerors in the Pancratium; but this appears only to have been done on account of the celebrity of these victors, both of whom conquered twice in the Pancratium. Other writers, however, adhere so strictly to the practice of designating the Olympiad only by the conqueror in the foot-race, that even when the same person had obtained the prize in other contests as well as in the foot-race, they only mention the latter. Thus Diodorus (xi. 70) and Pausanias (iv. 24, § 2) only record the conquest of Xenophon of Corinth in the foot-race, although he had also conquered at the same festival in the Pentathlum.

The writers who make use of the eras of the Olympiads usually give the number of the Olympiad (the first corresponding to B.C. 776), and then the name of the conqueror in the foot-race. Some writers also speak of events as happening in the first, second, third, or fourth year, as the case may be, of a certain Olympiad; but others do not give the separate years of each Olympiad.

We subjoin for the use of the student a list of the Olympiads with the years of the Christian era corresponding to them from the beginning of the Olympiads to A.D. 301. To save space the separate years of each Olympiad, with the corresponding years B.C., are only given from the 47th to the 126th Olympiad, as this is the most important period of Grecian history; in the other Olympiads the first year only is given. In consulting the following table it must be borne in mind that the Olympic games were celebrated about midsummer [OLYMPIA], and that the Attic year commenced at about the same time. If, therefore, an event happened in the second half of the Attic year, the year B.C. must be reduced by 1. Thus Socrates was put to death in the 1st year of the 95th Olympiad, which corresponds in the following table to B.C. 400; but as his death happened in Thargelion, the 11th month of the Attic year, the year B.C. must be reduced by 1, which gives us B.C. 399, the true date of his death.

B.C.	Ol.		B.C.	Ol.		B.C.	Ol.	
776.	1.	1.	547.		2.	456.	81.	1.
772.	2.	1.	546.		3.	455.		2.
768.	3.	1.	545.		4.	454.		3.
764.	4.	1.	544.	59.	1.	453.		4.
760.	5.	1.	543.		2.	452.	82.	1.
756.	6.	1.	542.		3.	451.		2.
752.	7.	1.	541.		4.	450.		3.
748.	8.	1.	540.	60.	1.	449.		4.
744.	9.	1.	539.		2.	448.	83.	1.
740.	10.	1.	538.		3.	447.		2.
736.	11.	1.	537.		4.	446.		3.
732.	12.	1.	536.	61.	1.	445.		4.
728.	13.	1.	535.		2.	444.	84.	1.
724.	14.	1.	534.		3.	443.		2.
720.	15.	1.	533.		4.	442.		3.
716.	16.	1.	532.	62.	1.	441.		4.
712.	17.	1.	531.		2.	440.	85.	1.
708.	18.	1.	530.		3.	439.		2.
704.	19.	1.	529.		4.	438.		3.
700.	20.	1.	528.	63.	1.	437.		4.
696.	21.	1.	527.		2.	436.	86.	1.
692.	22.	1.	526.		3.	435.		2.
688.	23.	1.	525.		4.	434.		3.
684.	24.	1.	524.	64.	1.	433.		4.
680.	25.	1.	523.		2.	432.	87.	1.
676.	26.	1.	522.		3.	431.		2.
672.	27.	1.	521.		4.	430.		3.
668.	28.	1.	520.	65.	1.	429.		4.
664.	29.	1.	519.		2.	428.	88.	1.
660.	30.	1.	518.		3.	427.		2.
656.	31.	1.	517.		4.	426.		3.
652.	32.	1.	516.	66.	1.	425.		4.
648.	33.	1.	515.		2.	424.	89.	1.
644.	34.	1.	514.		3.	423.		2.
640.	35.	1.	513.		4.	422.		3.
636.	36.	1.	512.	67.	1.	421.		4.
632.	37.	1.	511.		2.	420.	90.	1.
628.	38.	1.	510.		3.	419.		2.
624.	39.	1.	509.		4.	418.		3.
620.	40.	1.	508.	68.	1.	417.		4.
616.	41.	1.	507.		2.	416.	91.	1.
612.	42.	1.	506.		3.	415.		2.
608.	43.	1.	505.		4.	414.		3.
604.	44.	1.	504.	69.	1.	413.		4.
600.	45.	1.	503.		2.	412.	92.	1.
596.	46.	1.	502.		3.	411.		2.
592.	47.	1.	501.		4.	410.		3.
591.		2.	500.	70.	1.	409.		4.
590.		3.	499.		2.	408.	93.	1.
589.		4.	498.		3.	407.		2.
588.	48.	1.	497.		4.	406.		3.
587.		2.	496.	71.	1.	405.		4.
586.		3.	495.		2.	404.	94.	1.
585.		4.	494.		3.	403.		2.
584.	49.	1.	493.		4.	402.		3.
583.		2.	492.	72.	1.	401.		4.
582.		3.	491.		2.	400.	95.	1.
581.		4.	490.		3.	399.		2.
580.	50.	1.	489.		4.	398.		3.
579.		2.	488.	73.	1.	397.		4.
578.		3.	487.		2.	396.	96.	1.
577.		4.	486.		3.	395.		2.
576.	51.	1.	485.		4.	394.		3.
575.		2.	484.	74.	1.	393.		4.
574.		3.	483.		2.	392.	97.	1.
573.		4.	482.		3.	391.		2.
572.	52.	1.	481.		4.	390.		3.
571.		2.	480.	75.	1.	389.		4.
570.		3.	479.		2.	388.	98.	1.
569.		4.	478.		3.	387.		2.
568.	53.	1.	477.		4.	386.		3.
567.		2.	476.	76.	1.	385.		4.
566.		3.	475.		2.	384.	99.	1.
565.		4.	474.		3.	383.		2.
564.	54.	1.	473.		4.	382.		3.
563.		2.	472.	77.	1.	381.		4.
562.		3.	471.		2.	380.	100.	1.
561.		4.	470.		3.	379.		2.
560.	55.	1.	469.		4.	378.		3.
559.		2.	468.	78.	1.	377.		4.
558.		3.	467.		2.	376.	101.	1.
557.		4.	466.		3.	375.		2.
556.	56.	1.	465.		4.	374.		3.
555.		2.	464.	79.	1.	373.		4.
554.		3.	463.		2.	372.	102.	1.
553.		4.	462.		3.	371.		2.
552.	57.	1.	461.		4.	370.		3.
551.		2.	460.	80.	1.	369.		4.
550.		3.	459.		2.	368.	103.	1.
549.		4.	458.		3.	367.		2.
548.	58.	1.	457.		4.	366.		3.

B.C.	Ol.		B.C.	Ol.		B.C.	Ol.	
365.		4.	286.		4.	4.	194.	1.
364.	104.	1.	284.	124.	1.			
363.		2.	283.		2.			
362.		3.	282.		3.	A.D.	Ol.	
361.		4.	281.		4.	1.	195.	1.
360.	105.	1.	280.	125.	1.	5.	196.	1.
359.		2.	279.		2.	9.	197.	1.
358.		3.	278.		3.	13.	198.	1.
357.		4.	277.		4.	17.	199.	1.
356.	106.	1.	276.	126.	1.	21.	200.	1.
355.		2.	275.		2.	25.	201.	1.
354.		3.	274.		3.	29.	202.	1.
353.		4.	273.		4.	33.	203.	1.
352.	107.	1.	272.	127.	1.	37.	204.	1.
351.		2.	268.	128.	1.	41.	205.	1.
350.		3.	264.	129.	1.	45.	206.	1.
349.		4.	260.	130.	1.	49.	207.	1.
348.	108.	1.	256.	131.	1.	53.	208.	1.
347.		2.	252.	132.	1.	57.	209.	1.
346.		3.	248.	133.	1.	61.	210.	1.
345.		4.	244.	134.	1.	65.	211.	1.
344.	109.	1.	240.	135.	1.	69.	212.	1.
343.		2.	236.	136.	1.	73.	213.	1.
342.		3.	232.	137.	1.	77.	214.	1.
341.		4.	228.	138.	1.	81.	215.	1.
340.	110.	1.	224.	139.	1.	85.	216.	1.
339.		2.	220.	140.	1.	89.	217.	1.
338.		3.	216.	141.	1.	93.	218.	1.
337.		4.	212.	142.	1.	97.	219.	1.
336.	111.	1.	208.	143.	1.	101.	220.	1.
335.		2.	204.	144.	1.	105.	221.	1.
334.		3.	200.	145.	1.	109.	222.	1.
333.		4.	196.	146.	1.	113.	223.	1.
332.	112.	1.	192.	147.	1.	117.	224.	1.
331.		2.	188.	148.	1.	121.	225.	1.
330.		3.	184.	149.	1.	125.	226.	1.
329.		4.	180.	150.	1.	129.	227.	1.
328.	113.	1.	176.	151.	1.	133.	228.	1.
327.		2.	172.	152.	1.	137.	229.	1.
326.		3.	168.	153.	1.	141.	230.	1.
325.		4.	164.	154.	1.	145.	231.	1.
324.	114.	1.	160.	155.	1.	149.	232.	1.
323.		2.	156.	156.	1.	153.	233.	1.
322.		3.	152.	157.	1.	157.	234.	1.
321.		4.	148.	158.	1.	161.	235.	1.
320.	115.	1.	144.	159.	1.	165.	236.	1.
319.		2.	140.	160.	1.	169.	237.	1.
318.		3.	136.	161.	1.	173.	238.	1.
317.		4.	132.	162.	1.	177.	239.	1.
316.	116.	1.	128.	163.	1.	181.	240.	1.
315.		2.	124.	164.	1.	185.	241.	1.
314.		3.	120.	165.	1.	189.	242.	1.
313.		4.	116.	166.	1.	193.	243.	1.
312.	117.	1.	112.	167.	1.	197.	244.	1.
311.		2.	108.	168.	1.	201.	245.	1.
310.		3.	104.	169.	1.	205.	246.	1.
309.		4.	100.	170.	1.	209.	247.	1.
308.	118.	1.	96.	171.	1.	213.	248.	1.
307.		2.	92.	172.	1.	217.	249.	1.
306.		3.	88.	173.	1.	221.	250.	1.
305.		4.	84.	174.	1.	225.	251.	1.
304.	119.	1.	80.	175.	1.	229.	252.	1.
303.		2.	76.	176.	1.	233.	253.	1.
302.		3.	72.	177.	1.	237.	254.	1.
301.		4.	68.	178.	1.	241.	255.	1.
300.	120.	1.	64.	179.	1.	245.	256.	1.
299.		2.	60.	180.	1.	249.	257.	1.
298.		3.	56.	181.	1.	253.	258.	1.
297.		4.	52.	182.	1.	257.	259.	1.
296.	121.	1.	48.	183.	1.	261.	260.	1.
295.		2.	44.	184.	1.	265.	261.	1.
294.		3.	40.	185.	1.	269.	262.	1.
293.		4.	36.	186.	1.	273.	263.	1.
292.	122.	1.	32.	187.	1.	277.	264.	1.
291.		2.	28.	188.	1.	281.	265.	1.
290.		3.	24.	189.	1.	285.	266.	1.
289.		4.	20.	190.	1.	289.	267.	1.
288.	123.	1.	16.	191.	1.	293.	268.	1.
287.		2.	12.	192.	1.	297.	269.	1.
286.		3.	8.	193.	1.	301.	270.	1.

Many of the ancient writers did not consider history to begin till the Olympiad of Coroebus, and regarded as fabulous the events said to have occurred in preceding times. (Censorinus, *de Die Natal.* c. 21; African. *apud* Euseb. *Praep.* x. 10, p. 487 d; Clinton, *Fast. Hell.* vol. ii. Introd. p. ii.)

The old Olympiad era appears only to have been used by writers, and especially by historians. It does not seem to have been ever adopted by any state in public documents. It is never found on any coins, and scarcely ever on inscriptions. There are only two inscriptions published by Boeckh in which it appears to be used (*Corp. Inscr.* n. 2682, 2999). A new Olympiad era, however, came into use under the Roman emperors, which is found in inscriptions and was used in public documents. This era begins in Ol. 227. 3 (A.D. 131), in which year Hadrian dedicated the Olympieion at Athens; and accordingly we find Ol. 227. 3 spoken of as the first Olympiad, Ol. 228. 3 (A.D. 135) as the second Olympiad, &c. (Boeckh, *Corp. Inscr.* n. 342, 446, 1345).

(Krause, *Olympia*, p. 60, &c.; Wurm, *de Pond.*, &c., § 94, &c.) [W. S.]

ONYX. [SCALPTURA.]

OPA. [METOPA.]

OPA'LIA, a Roman festival in honour of Ops (or Opis), which was celebrated on the 14th day before the Kalends of January (Dec. 19), being the third day of the Saturnalia, which in popular usage as a time of holiday extended from the 17th to 23rd December. From the time of Augustus onwards the 17th belonged especially to Saturn, the 19th to Ops, the wife of Saturn. (Macrob. *Sat.* i. 12; Varr. *L. L.* vi. 22, ed. Müller; Festus, s. v. *Opalia.*) The worshippers of Ops paid their vows sitting, and touched the earth, of which she was the goddess (Macrob. *l. c.*), with which may be compared *Il.* ix. 565, Γαῖαν χερσὶν ἀλοία . . . πρόχνυ καθεζομένη: the method of addressing supplications alike to the Earth and to νέρτεροι θεοί. (See Preller, *Röm. Myth.* pp. 416, 417.) [L. S.] [G. E. M.]

OPERIS NOVI NUNTIATIO was a summary extra-judicial remedy provided by the edict against a person who was making an *opus novum*, by which is to be understood the building, altering, or demolishing of some structure attached to the soil (Dig. 39, 1, 1, 12); and its object was either the maintenance of a private right, the prevention of damage, or the protection of the public interest (Dig. *ib.* 1, 16). The right of making the nuntiatio belonged (1) to the owner of land, "qui jus aliquid prohibendi habet:" his right might be founded either on anticipated injury to his own property, on some statutory rule (*e.g.* those relating to the height of buildings), or on a contract or private disposition of his neighbour; (2) to the superficiarius, pledgee, emphyteuta, and bonâ-fide possessor of the land; (3) to any one else who is so endangered by the *opus novum* that he could demand "cautio damni infecti" (Dig. *ib.* 1, 17); and (4) to any full-grown citizen, if the opus is *in loco sacro*, *religioso*, or *publico* (Dig. *ib.* 3, 4). But a lessee, or a person who merely had a servitude over the threatened property, had no right of nuntiatio, and even the usufructuarius could make it only in the name and on behalf of the dominus (Dig. *ib.* 1, 20).

In form the nuntiatio was a notice, given on the spot (Dig. *ib.* 5, 4), to discontinue the opus: it could be made either personally or through an agent (though the latter would have to give the *cautio de rato*, Dig. *ib.* 5, 18), but must be in the presence of the person responsible for the work protested against, or of some subordinate of his from whom he could receive information of it. No application to or assistance from the praetor was requisite (Dig. *ib.* 1, 2), but it was essential that the notice should be given before the opus was completed: after completion it was of no effect (*ib.* 1, 1, "futura opera"), redress being then obtainable only by the interdict "Quod vi aut clam."

If the opus novum consisted in building on the complainant's land, or inserting or causing anything to project into his premises, it was better to apply at once to the praetor, or to prevent it *per manum;* that is (as it is explained) "jactu lapilli," which was a symbolical resort to force for self-protection (Dig. *ib.* 5, 10; 43, 24, 20, pr.).

The result of nuntiatio was that any continuation of the work was unlawful, so that the injured person, in that event, was entitled by the so-called "Interdictum de demoliendo" to be restored *in statum quo* (Dig. *ib.* 20, pr. and 4). It could be extinguished or cancelled in a variety of ways: *e.g.* by waiver on the part of the nuntians, unless made in the public interest (Dig. *ib.* 1, 10; 2, 14, 7, 14); by the death of the nuntians (*ib.* 8, 6), or by his parting with the land which entitled him to raise his voice against the opus; by the person answerable for it giving security that if judgment were delivered against its legality he would at his own cost restore things *in statum quo* (Dig. *ib.* 5, 17), and by the nuntians refusing such security when properly tendered. When the *cautio* was given, or unlawfully rejected by the nuntians, the party was entitled to an "Interdictum prohibitorium" for his protection in prosecuting the work (Dig. *ib.* 20, 9 *sqq.*). Finally, the person to whom notice was given could take legal proceedings (*extra ordinem*, Dig. *ib.* 1, 9) to obtain permission for carrying the work on (*remissio:* "operis novi nuntiationem remiserit," *Lex Gall. Cisalp.* x.), on the ground that the nuntiatio was illegal or had been waived, or that the public interest required its completion; but such *remissio* was not a final determination of the rights of the case, which could be attained only by a real action.

(Dig. 39, 1; 43, 25; Cod. 8, 11. Besides the account given of the law on the matter in the usual text-books on Roman Law, there are express treatises on the subject by Stölzel, Reinhard, Polis, Hesse, Burkhard, and others.) [J. B. M.]

OPI'MA SPO'LIA. [Spolia.]

OPINATO'RES were officers under the Roman emperors who were sent to demand arrears of the *annona militaris.* The regular collector was termed *exactor;* the opinator was an extraordinary official sent to coerce overdue supplies, and was for the army what the *compulsor* was for other tribute. The name is probably derived from *opinari* in the sense of *aestimare*, because they *assessed* what the due amounted to. (Cod. 12, tit. 38, s. 11; *Cod. Theod.* 7, tit. 4, s. 26; Symmach. *Ep.* ix. 49.) [W. S.] [G. E. M.]

OPISTHO'DOMUS. [Templum.]

OPISTHO'GRAPHI. [Liber.]

OPPIDUM, originally the stronghold, commonly overlooking the plain (*ob pedum*), which served as a refuge in times of danger, for the inhabitants of the surrounding district. (The derivation from *opus*, suggested by Mommsen, *H. R.* i. 39, E. T., is impossible, and has been abandoned by him in later editions.) Hence it did not differ essentially from *urbs.* But while the latter word came to be used especially of Rome, *oppidum* became the general name for country towns, including *municipia*, *praefecturae*, and *coloniae* [Colonia]. The term is also commonly used of the towns which possessed Latin rights (*oppida Latina*); for the organisation of these, cf. the Leges Salpensana et Malacitana in *C. I. L.* ii. pp. 253 ff. [A. S. W.]

OPSON (ὄψον: in Latin *obsonium* or *opsonium* corresponds to some extent, but not entirely: see below), by etymology the *non-farinaceous part of a meal* (that which was cooked), but by usage almost restricted in post-Homeric times to *fish.* It must be remarked that in the Homeric age fish does not seem to have been regarded as a proper article of food for those who could get anything else, even when they lived, as in Ithaca, close to the sea: this has been noticed by Plato, *Rep.* iii. p. 404 B, and Plutarch (*de Is. et Osir.* 7; cf. Athen. i. p. 9 d), and the same also is asserted of the old Italians (Ov. *Fast.* vi. 173). It cannot be said that fish was unknown as food, for we have fishermen (*Od.* xii. 251; xix. 113, where it is cheap, *gratuitous* food; xxii. 384: compare the gruesome simile in *Od.* x. 124); and Odysseus and his companions eat fish in Thrinacia; but that is only, as we are told, "under stress of gnawing hunger," when they were wind-bound and had eaten all their provisions. In *Il.* ix. 489, *Od.* iii. 480, &c., ὄψον is cooked meat: in *Il.* xi. 630 the word is used in a sense more like that of later times, of an onion prepared as a "relish" or seasoning, in or with wine. In later times, at any rate at Athens, it is easy to trace its acquired meaning. Those who could afford nothing better had bread in some shape or other as their food and their only staff of life, but all who had the means added something to eat with it, and this naturally took the form of something cooked, ὄψον properly so called: the term, however, became so far conventional that it was *possible* to use it for any dainty which helped to make the bread more palatable (and for which, in default of anything else, λιμὸς is proverbially used, Xen. *Cyr.* i. 5, 12); so Plato, *Rep.* ii. p. 372 C, in describing an imaginary vegetarian diet of a simple people, gives them "salt, olives, cheese, and onions" as ὄψον: but just below, when he returns to ordinary life, he uses ὄψα in the more usual sense of meat, or rather fish. What we should call "butcher's meat" played a comparatively small part in the Athenian diet; it was of course eaten (in early times chiefly when a sacrifice had been offered: Athen. v. p. 192 b; Juv. *Sat.* xi. 85); and birds and game of various kinds (especially thrushes and hares) appeared at the dinner table: still, however, Professor Mahaffy rightly notices (*Social Life in Greece*, p. 306) that "the Attic people ate little meat, and lived chiefly on fish and vegetables." Hence it was that ὄψον is used almost exclusively of fish, and the derivatives ὀψωνεῖν, &c. of buying fish, &c., so that in the words of Athenaeus (vii. p. 276 e; cf. Plut. *Symp.* iv. 2, p. 667 f.), πάντων τῶν προσοψημάτων ὄψων καλουμένων ἐξενίκησεν ὁ ἰχθὺς διὰ τὴν ἐξαίρετον ἐδωδὴν μόνος (*solely*) οὕτω καλεῖσθαι. The ὀψοφάγος is an epicure in fish (τὸν οὐ κρέας ἀλλὰ θάλασσαν τιμῶντα, *Anth. Pal.* i. 287; cf. Plut. *l. c.*): and in Hellenistic Greek ὀψάριον (like the modern Greek ψάρι) may be used as absolutely = ἰχθύς. (At Sparta, however, according to Athenaeus, iv. p. 141 b, the ὄψον was commonly boiled pork.) As regards the cost, one obol for a simple dinner of fish and vegetables, see Boeckh, *Staatshaus.* i.³ pp. 128, 141. As to the fish supply, the commonest were the ἀφύαι, caught off their own shores, which were so abundant that Athenaeus (vii. p. 285 b) says that, though a delicacy elsewhere, they were looked down upon at Athens as the ὄψον of the poor: Lake Copais produced the eels, regarded as the greatest of luxuries (Aristoph. *Acharn.* 880, &c.): otherwise fresh-water fish were despised (Athen. vii. p. 228 f). We may notice especially the great consumption of salt fish (τάριχος), whence ταρίχους ἀξιώτερον became a proverb. Of this supply the Euxine was the chief source (Athen. iii. p. 119 b): there were ταριχεῖαι (establishments for curing fish) at Byzantium (Dem. *Lacrit.* p. 993, § 32; Strab. vii. p. 310; cf. ταριχόπωλος Βόσπορος, Athen. iii. p. 116 b) and at various places at the mouths of rivers running into the Euxine, and as far as the Sea of Azov (Strab. xi. p. 493): abundance also came from Egypt, Sardinia, and Spain (Poll. vi. 48; cf. Herod. ii. 215; Boeckh, *Staatshaus.* i. 128). From these places the salt fish was sent to Athens in jars (κεράμια, Dem. *Lacrit.* p. 934, § 34, or ἀμφορῆς). The most useful fish for salting were various sorts of tunny; the ἀντάκαιος also was used, which seems to be a sturgeon. The roe was made into a sort of caviare in early times: it is stated by Gell (*Pomp.* i. 178) that a jar containing caviare was found at Pompeii: fish sauce or pickle was made principally from the σκόμβρος. A long list of the names of the favourite fish will be found in Athen. vi. p. 281 f., which need not be given here: and indeed translating most Greek and Latin names for fish, like Greek and Latin names for nearly all birds and flowers, is very hazardous guess-work. (For the fish-market at Athens, see AGORA; MACELLUM.)

As regards the Latin use of obsonium (or opsonium), it must be observed that among the Romans there was no such common abstention from butcher's meat as among the Athenians, and consequently no such limitation, in the ordinary use of the word, to one kind of food. In the adapters or translators of Greek comedy, we naturally find the word chiefly, though not exclusively, in the Greek sense (*e.g.* Ter. *And.* ii. 2, 23 and 32), and so in Plautus and Terence *obsonare* (or *obsonari*) is to go to market to buy fish: that, however, it was not exclusively so used, even in these writers, is clear from the *Aulularia* of Plautus, where there is much talk of *obsonium* and *obsonatores*, but in Act. ii. 8 the "macellum" has a choice of fish, veal, lamb, beef, and pork. In Horace, *Sat.* ii. 2, 41, *obsonium* probably refers to the fish which precedes, and in Juv. iv. 64 it certainly does, but we may conclude that in Latin the word could not be used by itself, apart from the context, to distinguish fish from provisions generally: in Mart. xiv. 217 the *obsonator* is clearly the slave sent to market for provisions of any kind required for dinner, which at Rome was certainly not by rule a fish dinner, and in this general sense we may understand *obsonator* where it occurs in inscriptions (*C. I. L.* vi. 6246, 8753). In Pliny, xxxii. 87 and xv. 82, where *obsonium* is used for *salt* and *figs*, we have the Greek idea of it as something added to give a seasoning to the bread, for which sense of sauce or "relish" *pulmentarium* is the correct Latin word, and is used to render the proverbs "hunger the best sauce," &c. in Latin, which the Greeks express by ὄψον: see also Cato, *R. R.* 58, which is wrongly cited sometimes as describing Roman "family" life. Cato speaks of the economies of the slaves (*familia*), and says that you should pickle for them, as the *addition* to their bread (*pulmentarium* = ὄψον), the wind-fallen olives, and then those which will not yield much oil, used very sparingly: if these too are all used up before the year goes round, then the slaves must have the dregs of fish-brine (*allex* or *allec*; *muria* being the clear fish-brine). (For the Roman fish supply, see PISCINA: for further discussion and authorities on the subject of ὄψον, see Becker-Göll, *Charikles*, ii. 316; Blümner, *Gr. Privatalt.* 223 ff.; Marquardt, *Privatleben*, 432 ff.) [G. E. M.]

OPTIMA'TES. [NOBILES.]

OPTIO. [EXERCITUS, Vol. I. p. 801 *b*.]

ORA'CULUM (μαντεῖον, χρηστήριον). In the vast and varied system of practical religion which prevailed in Greece, oracles took the foremost place. An oracle, in the sense in which the word is here used, is some special locality supposed to be chosen by a supernatural power (god, hero, or shade of the dead) as an abode from which he might give answers to his worshippers. (The answer itself is also known as an *oracle*, alike in Greek, Latin, and English.)

Difficult as it is to trace the exact steps by which the oracular system of Greece was formed, it is not difficult to see the general causes which produced it. The Greeks were, excepting the Hebrews, the most sincerely religious race of antiquity; but they differed from the Hebrews in this, that their imaginative powers were far more vivid, but their moral sense was less strong. Hence, while the deep connexion of religion and morality increases steadily in the Greek mind from Homer through Aeschylus and Pindar to Socrates, it is always overshadowed by a set of feelings and conceptions which had not a moral but a naturalistic origin. The early Pelasgian (to take the most ancient of the Greek races) would look with a mixture of trembling and inquiry upon the great features of nature which surrounded him, —the mountains, the rivers, the woods; and while he instinctively personified the powers inherent in these (even before they had well-defined names) and deprecated their anger, he would naturally think that their will was ascertainable through some external feature, motion or sound, especially through any that might be more than usually subtle and recondite. Places of impressive aspect would be to him centres of religious awe. The two most ancient and powerful of the Greek oracles, Dodona and Delphi, were unquestionably created by the operation of this feeling; and it will be well to begin with an account of these two, before approaching those of later origin and inferior importance.

The Oracle of Dodona in Epirus.—Here Zeus himself, the supreme god, was believed to give messages to men through the rustling of the leaves of a lofty oak. We must suppose something notable in the special tree; but the region round about Dodona, besides being mountainous, is said to be the most stormy in the whole of Europe (Mommsen, *Delphika*, p. 4), and would be calculated to excite the primitive feelings of the supernatural in a high degree.

We can trace the oracle of Dodona up to a time of extreme primitiveness, when, it is probable, no other oracle existed in Greece, and before any of the refinements of experimental divination had been systematised. It is first mentioned in one of the most touching passages in Homer, that in which Achilles, before sending out his friend Patroclus to the battle, prays for his safe return. The invocation runs as follows (Hom. *Il.* xvi. 233–235):—

> Ζεῦ ἄνα, Δωδωναῖε, Πελασγικέ, τηλόθι ναίων,
> Δωδώνης μεδέων δυσχειμέρου · ἀμφὶ δὲ Σελλοὶ
> σοὶ ναίουσ' ὑποφῆται ἀνιπτόποδες, χαμαιεῦναι ·

"O king Zeus, Dodonaean and Pelasgian, thou who dwellest afar off, ruler of Dodona the place of wintry storms; and round about thee the Selli thy interpreters dwell, they of unwashed feet, whose couch is on the bare ground . . . . ." Achilles, it is plain, addresses Zeus in these terms because he was believed to stand in a nearer relation to men at Dodona, through his oracle, than elsewhere; but also the passage appears to intimate a difference between the Zeus of Dodona and that more familiar Zeus who quarrelled with Hera on Olympus. And we have other reasons for thinking that the Zeus whom the Pelasgi worshipped in those remote times was something far vaguer than the Zeus of Homer. In the first place, we have the distinct affirmation of Herodotus (ii. 52): "In early times the Pelasgi, as I know by information which I got at Dodona, offered sacrifices of all kinds, and prayed to the gods, but had no distinct names or appellations for them, since they had never heard of any." Herodotus goes on to say that the names of the gods were introduced from Egypt, and that the oracle of Dodona sanctioned their use; statements which are open to criticism. In the next place, Zeus at Dodona was worshipped under a peculiar name, Zeus Naïus (*Ναῖος*), the exact meaning of which is uncertain; and with him was worshipped a goddess, Dione, whose name (as Bouché-Leclercq suggests) is probably the feminine of Zeus. When the worship of Dione was introduced, we do not know; the first mention of it appears to be in Demosthenes (*c. Meid.* p. 531, § 53; *de F. L.* p. 437, § 299): but Strabo (vii. p. 329) tells us that she had a common temple with Jupiter; the researches of Carapanos at Dodona show that votive tablets were dedicated to her jointly with Zeus; and the meaning of her name and antiquity of her worship are testified by the two quaint verses ascribed by Pausanias (x. 12, § 5) to the early priestesses of Dodona:

> Ζεὺς ἦν, Ζεύς ἐστι, Ζεὺς ἔσσεται, ὦ μεγάλε Ζεῦ.
> Γᾶ καρποὺς ἀνίει, διὸ κλῄζετε ματέρα γαῖαν.

Though Dione is not mentioned here, it is difficult not to think that she is identical with the earth (γᾶ) mentioned in the second line; and if so, Zeus and Dione are symbolical of heaven and earth.

We may then in all probability look upon the oracle at Dodona, in its original form, as dedicated to a Zeus who symbolised, simply, Heaven, and the power that dwells therein; and either from the first, or at all events at a very early date, a goddess symbolising the Earth, Dione, was associated with him. Such a worship must have been very different from the elaborate mythology which afterwards prevailed; and it will be observed that the ceremonial described by Homer is no less simple and primitive. The interpreters of Zeus are the "Selli with unwashed feet, whose couch is on the bare ground;" and if one is to take the account in the Odyssey as not far removed in time from that in the Iliad, we must suppose that they listened, as they lay, to the rustling of the oak-leaves; for in that poem (xiv. 327–8, xix. 296–7) Ulysses is said (in a feigned story) to have gone to Dodona to hear the counsel of Zeus "out of the lofty foliaged oak:"

> Τὸν δ' ἐς Δωδώνην φάτο βήμεναι, ὄφρα θεοῖο
> ἐκ δρυὸς ὑψικόμοιο Διὸς βουλὴν ἐπακούσαι.

Further, these Selli appear to have been originally not a caste of priests, but a tribe: Aristotle (*Meteor.* i. 14) speaks of them as such, and brings them into close connexion with the original Hellenes. It is therefore probable that they are the same as the Helli mentioned by Pindar, and that their district in those early times was called Hellopia; for "at the end of Hellopia," says Hesiod (*Fragm. ap. Schol.* Sophocl. *Trach.* 1169), "is the city of Dodona, which Zeus chose to be his oracular seat, and where he lived in the trunk of an oak-tree (φηγοῦ)."

So far the accounts of Dodona testify to a native origin, and to great rudeness of character. But the next step in its history brings it into contact with a foreign country; namely, Egypt. Herodotus, who gives the account referred to (ii. 54–57), professes it to be a narrative of the *foundation* of the oracle. Few will think this probable: but it may very well mark a period when the oracle received a more systematic form, and, above all, when the institution of priestesses began. These are not mentioned by Homer; and though they might have risen from a native source, there is no improbability in their foreign derivation. The priests at the Egyptian Thebes, then, told Herodotus that "two of the sacred women were once carried off from Thebes by the Phoenicians, and they had learnt that one of them had been sold into Libya and the other into Greece; and these women were the first founders of the oracles in the two countries." The Dodonaean story, also told to Herodotus, is the exact counterpart of the above, except that the women are represented as doves. "Two black doves," said the priestesses of Dodona, "flew away from the Egyptian Thebes, and, while one directed its flight to Libya, the other came hither: she alighted on an oak, and sitting there began to speak with a human voice, and said that on the spot where she was, there should henceforth be an oracle of Zeus .... The dove which flew to Libya bade the Libyans to establish there the oracle of Ammon." The correspondence between these narratives, current in localities so distant from one another as the Egyptian Thebes and Dodona, is too great to have come by chance; and when we find from Strabo (vii. *Fragm.* 1 and 2) that the words for "old woman" and for "dove" in the Molossian language are similar, and from Sophocles (*Trachin.* 171–2) and Pausanias (x. 12, § 5) that the priestesses at Dodona were actually called "doves," all objection to the Dodonaean story, on the ground of the seeming miracles, surely vanishes. And it is a further confirmation that Herodotus (ii. 57) tells us that the Dodonaean oracle resembled in character that at Thebes; to which may be added that Strabo (vii. *Fragm.* 1) tells us that the oracles of Dodona and Ammon were similar. Moreover, the quaint verses of the Dodonaean priestesses, quoted above from Pausanias, must remind us (*longo intervallo*) of the celebrated inscription on the temple of the veiled Isis.

It will then appear that at a certain early period of the Dodonaean oracle, an important change took place owing to Egyptian influence; a change which at any rate involved the appointment of priestesses. It is possible that the worship of Dione was introduced at the same period, and so Strabo seems to imply (vii. p. 329): but this is altogether uncertain. When priestesses were once introduced as ministrants of the oracle, the male interpreters of the divine will sank into the background. Sophocles indeed (*Trach.* 1167) speaks of the Selli: but the passage applies to remote antiquity.

Herodotus seems to have met with none; and they are ignored by Plato (*Phaedr.* 244 B). Strabo, however (ix. p. 402), tells us that, owing to a certain tragical occurrence, men and not women communicated the divine messages to Boeotians; though all other nations received them from the priestesses. At the same time the priestesses were under the control of a council of men; and Carapanos has found at Dodona inscriptions bearing the name and title of the president (*ναίαρχος*) of this council, and of one of its officers (*προστάτης*). (Carapanos, *Dodone*, pp. 50, 56.) Strabo tells us that the priests referred to by Homer were called *τομοῦροι*, and that some affirmed this to be the true reading in Hom. *Od.* xvi. 403, in place of *θέμιστες*.

Certain changes in the method of divination employed by this oracle must now be noted. The original method was by the interpretation of sounds (viz. the rustling of leaves); but in Plato's time we find (Plat. *Phaedr.* 244 B) that the priestesses, like those at Delphi, prophesied in a state of divine frenzy. This might be a direct imitation of Delphi; but the imitation would probably be disguised by an intermediate stage, dream-inspiration. Lycophron tells us (ap. Eustath. *ad Iliad.* xvi. 233) that this mode of divination existed at Dodona; and it would be quite natural for the priests or priestesses to listen to their rustling oak-tree by preference at night (and Homer's word *χαμαιεῦναι* suggests this). Again, we learn from Cicero (*Divin.* i. 34, 76) that divination by lots was practised at Dodona; it was an ill omen, he tells us, for the Spartans before Leuctra, that a monkey overturned the vessel in which were the lots that they had sent to the oracle. In later times brazen vessels were used to produce sounds of prophetic import: a circle of such vessels was suspended, which being moved by the wind struck against one another: for the same purpose a present was made by the Corcyraeans of a metal basin with a statue of a man placed over it, in the hand of which was a brazen scourge of three thongs, from which small bones (*ἀστράγαλοι*) were suspended, which being moved by the wind struck against the basin. (Steph. Byz. *s. v.* *Δωδώνη*: Suidas, *s. v.* *Δωδωναῖον χαλκεῖον*: Philostr. *Imag.* ii. p. 830; Strabo, vii. *Fragm.* 3.) This "Corcyraean scourge" was seen in the early part of the 2nd century B.C. by Polemon the geographer (cf. L. Preller, *Polemonis periegetae fragmenta*, Lips. 1838). At a still later date we have mention of a marvellous fountain at Dodona, which kindled torches when applied to it, and whose murmurings had also a prophetic quality (Plin. ii. § 228; Serv. *ad Aen.* iii. 466).

No mention has been made above of a mode of divination which, in times when Dodona had fallen into decay, was thought to have been formerly practised there; namely, by the observation of the flight of doves. Dionysius of Halicarnassus (i. 15) mentions this; as also Strabo (vii. *Fragm.* 1), who however regards it as a misinterpretation of the fact that the priestesses were called "doves." And a misinterpretation it was, no doubt, and one which would very naturally be caused by the original narrative of the foundation of the oracle in Herodotus; or by the expression *δισσῶν πελειάδων* in Soph. *Trach.* 172. But it had a hold on the imagination of the Roman poets, which was increased by the fact that Dione, spoken of by Homer as the mother of Aphrodite (*Il.* v. 371), was afterwards identified with Aphrodite herself (Theocr. *Idyll.* vii. 116; Ovid. *Art. Am.* iii. 3, 769; *Fast.* ii. 461, v. 309), to whom doves were particularly sacred, whence Servius (*ad Aen.* iii. 466) actually speaks of the oracle as dedicated "Jovi et Veneri," and in the Clementine Homilies (iv. 16, v. 13) Dodone is used as synonymous with Aphrodite. But all these are late and inaccurate representations, and receive no support whatever from any author contemporary with the period when the oracle was flourishing.

A curious phrase may here be mentioned, with which Ephorus (*ap.* Macr. *Saturn.* v. 18, 8) tells us the oracles emanating from Dodona always terminated—"Sacrifice to Achelous:" the origin and exact meaning of the injunction is unknown.

Dodona, though the most ancient of the oracles (as Herod. ii. 52 says, and as everything leads us to believe) was of course very inferior in political importance to Delphi, during the historical period. Croesus consulted it (Herod. i. 46), but was dissatisfied with its answer. The Athenians were unfortunately encouraged by it in their Sicilian expedition (Pausan. viii. 11, § 6; Suidas, *s. v.* *Ἀννίβας*). On the other hand, it proved itself incorruptible to the bribes of Lysander, when he wished to make himself king of Sparta (Plut. *Lysand.*); and it may be that Delphi had shown itself less scrupulous (though it also is said to have refused the bribe), for we find that Agesilaus, when meditating his expedition into Asia, gave a most marked preference to Dodona over Delphi (Plut. *Apophth. Lacon. Agesil.* 10). Demosthenes in the *Meidias* (l. c.) appeals to the two as equal authorities; in the *de Falsâ Legatione* (l. c.), however, he refers to Zeus and Dione, but not to Apollo. We read of honours paid by the Athenians to the oracle of Dodona at a still later date (Hyperid. *pro Euxenippo*, § 35). The discoveries of Carapanos prove that the official documents of the Epirotic assembly were kept in the temple of Dodona (*Dodone*, pp. 48–68). But in B.C. 219, Dorimachus, the Aetolian general, razed the temple to the ground, and in B.C. 167 the Roman general Paulus Aemilius devastated and ruined Epirus. The oracle never recovered these blows. Seneca (*Herc. Oet.* 1623) speaks of it as deserted. Hadrian appears from the inscriptions to have been a benefactor to Dodona (Carapanos, *op. cit.* p. 171), and probably even rebuilt the temple; but the restoration, to judge both from probability and from the testimony of Lucian (*Icaromen.* 24), had little vitality; and the oracle may be said to have died under the destructive invasion of Dorimachus.

The actual site of Dodona, which long had been unknown, was discovered in the year 1876 by a Greek explorer, M. Constantin Carapanos, in the valley of the Tcharacovitza, about eleven miles south-west of the town and lake of Janina. Bp. Chr. Wordsworth, however, had already fixed upon the same spot (*Greece*, p. 249). The foundations of the temple and of the sacred enclosure were laid bare; and numerous inscriptions on leaden tablets render this one of the most important antiquarian discoveries ever made. Out of the mass of the votive tablets one inscription of more than ordinary historical interest may be quoted here: that in which the distracted Corcyraeans beg the oracle to tell them "to what god or hero they must pray and sacrifice, in order to agree together for the common good."

It will suffice just to mention the fact that a line of Homer (*Il.* ii. 750) mentions another Dodona in Thessaly, which has been by some supposed to be the original of the Epirotic oracle. The supposition, however, is otherwise entirely unsupported, and may be discarded without any great risk of error.

Special works on Dodona are given at the end of this article.

The Oracle of Delphi.—The site of Delphi—the victorious rival of Dodona, and the centre of Greek religion—has never been in the same doubt as the site of Dodona. The remains have never been so completely covered; and the natural features of the place—the rocky wall of the Phaedriades overhanging the town, the fountain of Castalia issuing from a great cleft in this wall, the double peak in which the rocks culminate, and the Corycian cave on the heights above leading to the summit of Parnassus—are too striking and have been too well described by ancient authorities for their identity to be mistaken. But for a complete account of the geography of Delphi reference must be made to the *Dictionary of Greek and Roman Geography* (art. DELPHI). Anyone who considers the position of Delphi in relation to the Peloponnesus, Boeotia, and Attica, will see how great an advantage it had in its situation; which, without being absolutely under the rule of any of the chief Greek states, was yet at no great distance from any of them, and was at once isolated and accessible.

If the Iliad were to be taken as a poem composed in its entirety as it stands, we should be compelled to say that Delphi was at least as ancient as even Dodona. For in the ninth book, *vv.* 404–5, Achilles speaks of it, under the name of Pytho, as a proverb for wealth; he would not barter his life, he says, for all that is contained within the stone threshold of Apollo at Pytho:

> Οὐδ' ὅσα λάϊνος οὐδὸς ἀφήτορος ἐντὸς ἐέργει
> Φοίβου Ἀπόλλωνος Πυθοῖ ἔνι πετρηέσσῃ.

It is impossible that such wealth can have arisen in any other way but that in which history tells us that the temple of Delphi did grow rich; namely, by the gifts of those who consulted the oracle. Hence the oracle of Delphi was in full vigour when the ninth book of the Iliad was written. But that book was probably not part of the original Iliad; the arguments of Grote on this point (*Hist. of Greece*, vol. ii. pp. 240–246) are almost impossible to controvert. (See also Jebb, *Homer*, pp. 155–170.) And if Apollo, when the greater part of the Iliad was written, had been so distinctly the Pythian god as the 9th book implies that he was, it is scarcely possible that more trace of the connexion should not be found in the poem. It is true that in the Odyssey (viii. 79–82) there is one mention of the Pythian oracle; but the passage is no doubt later than the Iliad generally, and may be much later. On the whole, in spite of the assumption of the tragedians that the Delphic oracle was the source of spiritual guidance to Greece from the remotest past, the probability is that it was still in its infancy when the greater part of the Iliad was written. It must be particularly noticed that the word Delphi does not occur either in the Iliad or in the Odyssey.

To trace the rise of the oracle is a problem of equal interest and difficulty. The persistent tradition among the Greeks was, that it had first been an oracle of the Earth (γαῖα): so say Aeschylus (*Eumen.* 1, 2) and Euripides; the latter even speaking of a certain conflict for possession between Earth and Apollo (*Iph. in T.* 1249, and 1261–1283). It is clear how the rocky chasm at Delphi, in which the oracle was believed to reside, would suggest the notion of Earth as a supernatural power; and though it may be less clear to us why a close association should have been thought to exist between Earth and Themis (*i.e.* Law or Right Order), as Aeschylus (*l. c.*, and compare *Prom.* 209) intimates, still there is a meaning in such alliance. In those dim early ages, the divine agent would receive various names, as chance or the character of the speaker might direct; and hence we may consider it a part of the same tradition, that Night (Νύξ) was sometimes thought to take the place of Earth. (Plut. *de Sera Numinis Vindicta*, c. 22; *Argum.* Pind. *Pyth.*) But how and why did the transition from these vague powers to the clearly conceived and radiant god, Apollo, take place? It would be idle to affirm positively; but it seems better here to desert our oldest authority, Aeschylus, who (*Eumen.* 6, 7) makes a certain Titaness, Phoebe, the intermediary; which sounds like a poetical contrivance. There is really more support for, and more probability in, the view which regards Poseidon as the intermediary. This is practically affirmed by Pausanias (x. 5, § 3, and 24, § 4), by Pliny (vii. § 203), and others; the mention of Poseidon in connexion with Delphi by Aeschylus (*Eumen.* 27) and Euripides (*Ion*, 446) adds strength to this view; still more does the fact that he had an altar in the Delphic temple itself (Pausan. *l. c.*); and it is plain how Poseidon in his quality of Earthshaker (*ἐννοσίγαιος*) would naturally be thought of as a more personal power than the abstract Earth, especially as the region about Parnassus suffers from earthquakes. The proximity of the sea, again, would suggest Poseidon as the presiding deity; and the name Delphi furnishes another ground. But this brings in some intricate points.

What is here affirmed is this: that when men first desired to personify the Delphic divinity (more than by the vague terms Earth or Night), Poseidon was the deity first selected. The dolphin (δελφίς) would manifestly be a symbol of Poseidon; and consequently an altar with the figure of a dolphin sculptured on it (δέλφειος βωμός, *Hymn. ad Pyth. Apoll.* 319) would mark the first site of the city of Delphi, and would be the reason for the name of that city. And when afterwards the votaries of the more youthful, more splendid Apollo—the god to whom the prophetic art was assigned—succeeded in expelling the rude and ungraceful Poseidon (who was not specially believed to be a prophet) from the oracular seat, the altar would still bear its symbol, the dolphin, and legends drawn from that symbol would be invented appropriate to the victorious deity. Whereas, if the worship of Apollo came to Delphi without the previous worship of Poseidon, it is not easy to say why there should be any connexion between Apollo and the dolphin. It is true, we find the temple of Apollo Delphinius at Athens (Plut. *Theseus*); but that is likely to be named after Delphi, as the temple of Apollo Pythius (in the same neighbourhood) after Pytho. And we find that at Anticyra, close by Delphi, Pausanias (x. 36, § 4) saw a temple of Poseidon with a statue of the god, in which he was represented as setting one foot on the back of a dolphin; which, though it may be a mere accident, yet in such a locality suggests a reminiscence of an old tradition. If Delphi had been a large city, we might have expected more evidence than we have; but for a long time it was but small: hence all the earliest records speak of Pytho, the district, not of Delphi, the town. The meaning of the name Pytho, and of the celebrated legend of Apollo, on his advent, slaying the dragon Python, are difficult points; it may even be that some conflict between Apollo and his predecessors is shadowed out by the legend (Eur. *Iph. in T.* *l. c.*).

Whatever may be thought of the claims of Poseidon, the principal fact is, that the Delphic oracle had a complex, and not, like the Dodonaean oracle, a simple origin. The aspect of the place had from immemorial time suggested that a power of divine prophecy was inherent in it; and this in the course of ages was taken possession of by that god, Apollo, in whom the chief prophetic power had been believed to dwell, even before any definite oracular seat was assigned to him. Two currents of strong religious feeling met, and produced the most powerful religious influence that Greece knew.

And there were yet other currents of feeling, and passionate aspirations, which imprinted on the Delphic oracle its exact form. The peculiar influence of the oracle was exerted through the frenzy of the Pythian prophetess. The god was believed to mould her accents, to speak with her voice; an awe-striking phenomenon! much more than when the devout inquirer listened to the rustling of leaves or to the rattling of bronze basins. Such inspiration was a novelty; it may have been imitated afterwards, and the idea of it was always attached to those impalpable personages, the Sibyls (Verg. *Aen.* vi. 44 *sqq.*), one of whom, Herophile, was said to have been closely connected with Delphi (Pausan. x. 12). But at Delphi it was more than an idea: and whatever may have been the exact date or manner in which it arose, there can be little doubt that it was but one form of that religious exaltation which prevailed so strongly in central Greece in the early times, and which sent the Bacchanals to wander and rave on the heights of Parnassus itself (Eurip. *Ion*, 714–718; *Iph. in T.* 1243, 4). Indeed, this identification of the Pythian with the Bacchic frenzy, this close alliance between Apollo and Dionysus, has the authority both of Aeschylus and Euripides, according to Macrobius, *Saturn.* i. 18; who quotes from Aeschylus the line *ὁ κισσεὺς* Ἀπόλλων ὁ Καβαῖος (? Βακχεῖος or Σαβαῖος) *ὁ μάντις*, "the ivy-crowned Apollo" (*fr.* 383), and from Euripides, Δέσποτα φιλόδαφνε Βάκχε, Παιὰν Ἄπολλον εὔλυρε (*fr.* 480). Conversely, Euripides attributes prophetic power to the Bacchic enthusiast: *τὸ γὰρ βακχεύσιμον καὶ τὸ μανιῶδες μαντικὴν πολλὴν ἔχει* (*Bacchae*, 298, 9). We must indeed not quite go the length of these expressions; no doubt there was a difference between the worship of Apollo and the worship of Dionysus, between the Pythia and the Bacchante; but it is important to notice the resemblance too. Delphi and the region round were full of memorials of Dionysus (Plut. *Quaest. Graec.* 12; Pausan. x. 33, § 5); but the traditions do not go so far as to make Dionysus the actual possessor, at any period, of the Delphic oracle.

Conjointly with these religious causes of the Pythian frenzy must be noticed a physical cause supposed by all the later writers on the subject to have co-operated or even to have been the leading agency in the matter. This was an exhalation from the cavernous chasm over which the tripod, or prophetic seat, was placed. Now, an attentive examination of the evidence will show that in all probability this supposed exhalation was a mere product of the imagination. Had it been a real smoke or gas, it is incredible that no mention of it should be found in those descriptions of the temple and shrine which Aeschylus and Euripides have given us. Whereas even the later writers generally speak of it as something abstract and impalpable: Strabo

(ix. 3, § 5) calls it *πνεῦμα ἐνθουσιαστικόν*: Cicero (*de Divin.* i. 36) calls it *terrae vis*. Plutarch, who uses the word *ἀναθυμίασις* to denote it, does indeed treat it as material; but the single sensible quality which he ascribes to it is one unlike a natural product of the earth: he says that a ravishingly sweet smell was sometimes perceived by visitors to the oracle to proceed from the shrine (*Defect. Orac.* 50). These worthy persons had doubtless not inquired if the burning myrrh to which Euripides refers (*Ion*, 89) had been used more freely than usual.

It is of course not to be questioned that Aeschylus and Euripides believed that an influence, causing prophetic frenzy, did ascend from the Delphic chasm. But the materialising of that influence, so as to make it definitely sensuous, was the work of a later day. The story of Diodorus (xvi. 26) and others, that the oracular power was first made known by the fact that some goats, on approaching the chasm, became intoxicated in a marvellous way—an intoxication which the goatherd afterwards experienced—forms a natural transition to the more material view. Pausanias, who when recounting this story uses the very material word *ἀτμὸς* to describe the influence (x. 5, § 3), afterwards (x. 24, § 5) says that it is the water of the fountain Cassotis, flowing through the chasm, which "makes the women prophetic."

Special solemnities accompanied the promulgation of an oracle. Not on every day could a consultant inquire of the god. Plutarch tells us (*Quaest. Graec.* 9), on the authority of Callisthenes and Anaxandrides, that originally only one day in the year was assigned for these deliverances, the 7th of the month Bysius (our March). This is hard to believe of any historical period; and even the after-regulation of which he speaks, permitting consultation once a month, seems hardly adequate. We may suppose, in practice, more frequent possibilities of consultation, though by what rule we do not know. That there were unlucky days (*ἀποφράδες*) when no consultation was permissible, is clear from the anecdote about Alexander seeking to force the Pythia to reply on such a day (Plut. *Alex.* 14). (Her involuntary cry, "My son, thou art invincible," was seized on by him as a true answer.) But a powerful and friendly state, seeking to consult the oracle, would hardly be left very long without an opportunity of doing so. No doubt there were distinctions made, the knowledge of which is quite lost to us. The 7th of the month Bysius was, it may be observed, regarded as the birthday of Apollo.

Three days before the day of oracular utterance, the Pythia is said to have begun her preparation for the solemn act by fasting and bathing in the Castalian spring (Schol. *ad* Eurip. *Phoen.* 223). This last statement has been doubted, but hardly with good reason; at all events to bathe in the fountain of Castalia would seem to have been a duty for all who either asked for or who assisted in giving out the oracular reply (Eurip. *Ion*, 94–101; *Phoen.* 222–225; Pindar, *Pyth.* v. 39, and compare iv. 290; Heliod. *Aeth.* ii. 26). It is just possible that the fountain of Cassotis, which flowed through the actual shrine (Pausanias, *l. c.*), may have been included under the term Castalia; but it is not likely; and the remains of a rock-hewn bath are still to be seen near the Castalian spring. The Pythia herself was chosen from among the virgins of Delphi (Eurip. *Ion*, 1323); she was not allowed to marry, and in early times was always a young girl; but after the Thessalian Echecrates had seduced a Pythia, women above fifty were selected for the office, though they were still dressed as young maidens (Diod. *l. c.*). How strictly these rules were kept, we do not know. In early times there was but one Pythia; later on there were two, and even a third if need were (Plut. *Defect. Orac.* 8); then again in Plutarch's time a single prophetess sufficed for the reduced *clientèle* of the oracle.

When the day arrived, the various consultants determined by lot their precedence in inquiring; except in the case of certain favoured individuals or states, to whom in return for special services a right of precedence (*προμαντεία*) had been accorded; as, *e.g.* to Croesus and the Lydians (Herod. i. 54), the Lacedaemonians (Plut. *Pericl.* 21), and to Philip of Macedon (Demosth. *Phil.* iii. p. 119, § 32). That a certain payment was made to the oracle, appears from the fact that *ἀτέλεια* as well as *προμαντεία* was granted to the Lydians. But, however propitious in itself the day might be, it was necessary that the omens should be taken before the votary could actually put his question to the god. In the earliest times it is probable that the flight of birds would furnish an augury (cf. *Hymn. ad Herm.* 540); but in the historical times a sacrifice was invariably offered,—a goat, an ox, a sheep, or a wild boar (Eurip. *Ion*, 229; Plut. *Defect. Or.* 49). Extraordinary pains were taken to see that the victim was sound in all respects. An ox was fed on barley, a wild boar on chick-peas, to see whether they ate them with appetite; water was poured on the goats, and it was necessary that they should tremble all over (and not merely move the head, as in other sacrifices) for the omen to be good.

If the omen were not good, to consult the oracle was dangerous; nor was this a mere idle fancy; for Plutarch (*Defect. Orac.* 51) records one such case in which the Pythia (overwrought doubtless in the highest degree by the imaginations connected with her office) leaped from the tripod, fell into convulsions, and within a few days died.

But if the omens were good, the Pythia, after burning laurel leaves and flour of barley (Plut. *Pyth. Orac.* 6), or perhaps myrrh (Eurip. *Ion*, 89), in the never-dying flame (Aesch. *Choeph.* 1036) on the altar of the god, and dressed in a costume which recalled that of Apollo Musagetes (Plut. *ib.* 24), mounted the tripod, the three-legged stool, which was suspended over the chasm. Close beside her was a golden statue of Apollo (Pausan. x. 24, § 4). What are we to say about the state of frenzy into which she then fell? Was there true uplifting of the spirit in it, and a mixture of real inspiration? Was the question put to her understood by her, and did her mind, however frenzied, really attempt an answer? Or was she in any degree instructed beforehand? Or was the whole an exhibition of pure raving nonsense? None of these elements would probably be wholly absent; it is but human nature that the inferior should have predominated; but the higher are not quite to be excluded. Of course, the general history of the oracle must guide our opinion.

By the side of the Pythia stood the prophet (Herod. viii. 36; Plut. *Defect. Orac.* 51), whose office was to interpret her vague and wild cries, and put them into ordered language. His proximity, it may be noted, is clear proof that there was not really any intoxicating vapour in the shrine; else he must inevitably have been infected as well as the Pythia. Sometimes more than one official of this sort attended (he seems to have been called "prophet" or "priest" indifferently—the latter is the general term in the inscriptions discovered at Delphi), but no doubt the duty would be discharged by only one at one time. The determination of those who were to serve was made by lot (Eurip. *Ion*, 416), the whole number of the noble families of Delphi being apparently eligible. Besides these prophet-priests, another band of functionaries must be noticed—the "Saints" (*ὅσιοι*), of whom there were five in number, chosen from the most ancient families of Delphi who claimed to be descended from Deucalion (Plut. *Quaest. Graec.* 9). The victim sacrificed at the time of the appointment of a *ὅσιος* was called *ὁσιωτήρ*. It is not quite certain that these "Saints" were not identical with the "priests," "Saints" and "priests" being alike distinguished from the "prophets"; but in any case the two (or three) classes assisted each other in the whole cycle of duties pertaining to the oracle. Three names of these Deucalionic families are known to us: Cleomantids, Thracids (Diodor. xvi. 24; Lycurg. *c. Leocr.* § 158), and Laphriads (Hesych. *s. v.*). (It has been ingeniously conjectured that the "Saints" were a remnant of old forms of worship, anterior to the arrival of Apollo at Delphi.)

Before proceeding to characterise, as far as can be done, the final upshot of these elaborate schemes of divine guidance, a few minor points may be noted. The responses of the oracle, as delivered to the consultant by the prophet, were at first always in hexameters. It was said that this metre was invented by the first Pythia, Phemonoe; but Dodona set up a rival claim: no doubt both were wrong. The verses, composed on the spur of the moment, were often rough enough; nevertheless, when the oracle betook itself to prose, many regretted the change. Plutarch wrote a treatise in which he tried to make the best of the matter; but it must be admitted, that the main cause of the change, the decline in the dignity of the questions which the oracle was called on to solve (seeing that it no longer had high points of government to deal with), might well excite the regret of its votaries (Plut. *Pyth. Orac.* 28).

It is implied in various ways, and especially in the accusation against the Pythia Perialla (of having been bribed by king Cleomenes), that the Pythia was not a mere idle instrument in the matter, but really directed, in part, the answers. Some have thought that there were means of divination at Delphi independent of the Pythia; but, in spite of the *ἔμπυρα* (Eur. *Andr.* 1213) and the dreams (*Iph. Taur.* 1263), all oracular utterances in historical times seem to have been derived from prophetic frenzy. The presence of the *ὀμφαλὸς* or sacred stone in the temple served to put the oracles under the highest guarantee, that of Zeus himself; who, it was believed, had determined this stone to be the earth's centre by sending from the remotest east and west a pair of eagles; they met in this point (Pindar, *Pyth.* iv. 131; iv. 3).

What, in fine, was the good or ill of the Delphic oracle? The general impression that we receive from history is, that it acted for good; and that in the freedom of its own action and the freedom of action of its consultants, it had a great advantage, enabling the Greek race to combine the sense of religious mystery in a rare degree with individual energy; but that it failed, when the Greek race had reached a certain degree of development, in guiding and controlling power. The causes that produced this failure were: the non-reality of the creed of Apollo, whereby intelligent minds were alienated; the attempt on the part of the oracle to be wiser than it could be, and the consequent recourse to evasion and deception; and the lack (not the entire absence) of positive moral force. In private life, it had various beneficent functions, of which the chief perhaps was the aid that it gave in the manumission of slaves [LIBERTUS]: the advice which it gave to individuals could not probably, except where the moral principle involved was clear (*e.g.* Herod. vi. 86), rest on any sure ground.

In treating of the oracle in its public aspect, the idea that it had any extraordinary prophetic power, or second sight, must be laid aside; not that there are not some things in the history that may puzzle us as regards this, especially the *first* oracle given to Croesus; but the second oracle to Croesus, being plainly an evasion, demolishes the effect of the first oracle. The miraculous defence of Delphi against the Persians (Herod. viii. 37–39) is one of the best attested of heathen miracles; the similar defence against the Gauls (Pausan. x. 23, § 3 *sqq.*) has less evidence: but in the first case a natural explanation is open to us; the second is more frankly legendary.

The real good which the oracle did, and especially in the earlier days, lay in the courage which it imparted through the supernatural blessing of which it was believed to be (and perhaps was) the minister. Sincerity of intention, and the belief in a presiding divine power, were elements of value which, on the whole, it impressed strongly on society. Whether we can rely or not on the statements that it supported the great legislators, Lycurgus and Solon (Herod. i. 65; Plutarch, *Solon*, 148), it unquestionably directed and encouraged the colonising spirit of the Greeks. The most remarkable instance of this is the case of Cyrene, the foundation of which appears to have been entirely due to the Delphic oracle (Herod. iv. 150–159): "King Apollo sends thee," are the words of the oracle to Battus (*ib.* 155). But Syracuse (Suid. *s. v.* Ἀρχίας), Crotona (Strabo, vi. p. 262), Rhegium (*ib.* p. 257), Magnesia (Athen. iv. p. 173 e), and probably Metapontium (Strabo, vi. p. 264), are also instances in point; and the remark which Herodotus makes (v. 42) that Dorieus did *not* consult the oracle in his colonising effort shows how exceptional such a case was. There is indeed some likelihood in the supposition that the Delphic oracle had, through its numerous correspondents, real information of the state of foreign countries, such as a private individual could not possess (this is one explanation of the successful reply to Croesus, Herod. i. 47); if so, force would be added to its spiritual encouragement. In the internal relations of Greeks to each other, the oracle was not faultless in its directions, yet sometimes beneficent: *e.g.* we read (Thucyd. i. 103) that it sent word to the Lacedaemonians to spare the captive Helots at Ithome; on the other hand, it countenanced the futile and rapacious attempt of Cylon (Thucyd. i. 126). It is not said that the Amphictyonic council (whose laudable intention to promote peace among Greeks had so little result) was founded from Delphi; but it had close connexions with the oracle (Strabo, ix. p. 420; Pausan. x. 8, § 1; Aeschin. *de Fals. Leg.* § 121). Undoubtedly, however, the most important act of the Delphic oracle, as regards the internal affairs of the Greek states, was the command which it issued to Sparta to liberate Athens from the despot Hippias; a command issued to an unwilling but dutiful agent, and successfully carried out (510 B.C.). Few deeds in the world's history have been more fruitful of great consequences; but it was too great a service to be rewarded with gratitude. The Athenians declared that the Pythia had been bribed (Herod. v. 63), and falsely attributed their own liberation to Harmodius and Aristogeiton. The 6th century B.C., in which the last-named event was one of the closing scenes, is that which shows Delphi at the height of its power. It begins with the first Sacred war, in which Delphi was delivered from the rival pretensions and aggressions of Cirrha and Crissa; yet the severity exercised towards those cities is a blot on its fair fame. In the middle of the 6th century the great gifts of Croesus were made; shortly after which (548 B.C.) the temple at Delphi was burnt down, but rebuilt with great splendour by the Alcmaeonidae. Inside this temple the sayings of the seven wise men (of which γνῶθι σεαυτόν, "know thyself," is the most famous) were inscribed (Pausan. x. 24, § 1).

The Persian wars show, though almost imperceptibly, a turn in the tide of greatness of Delphi. The oracle perhaps knew too much about the power of the Persians; at all events its tendency was to counsel submission, or, what was tantamount, inactivity. This was the effect of its utterances to the Cnidians (Herod. i. 174), to the Argives (Herod. vii. 148), and to the Cretans (Herod. vii. 169, 171). But such advice was not given through mere cowardice; and in the romantic history of the Persian war, few things are more interesting than the clash of sentiment between the fiery and resolute Athenians and the timid but clear-sighted oracle (Herod. vii. 140–143). The counsel that was hammered out, as it were, between these two contending (but not hostile) forces—the counsel that the Athenians should betake themselves to their "wooden walls"—was in fact the very best that could have been given; though, had it failed, the oracle would have no doubt sheltered itself under the ambiguity of the term.

The disastrous Peloponnesian war marks the first point in Greek history in which the Delphic oracle sinks below the level required by the situation. Not that it was unnatural, or wholly wrong, for it to support the Spartans (Thucyd. i. 118, 123); but it had no real command over the combatants. The authority of Aelian (*V. H.* iv. 6) is hardly sufficient for what we would gladly believe, that at the end of the war the oracle pleaded on behalf of Athens. After the beginning of the 4th century B.C. its influence falls. Agesilaus (Plut. *Apophthegm. Lacon. Agesil.* 10) set it below Dodona; and Epaminondas seems not to have consulted it when Messina was made a state (Pausan. iv. 27, §§ 3–6): though he made it gifts after the battle of Leuctra, as Lysander had done at the close of the Peloponnesian war (Plut. *Lysander*).

As the first Sacred war ushered in the highest fame of the Delphic oracle (B.C. 600–590), so the second Sacred war (B.C. 357–346) marks the beginning of the definite decline, alike of Greece and of Delphi; for it introduced Philip of Macedon into Central Greece. Nor only that; but it was marked by the dispersion of the vast Delphian treasures seized by the Phocians. In the preceding century, such a sacrilege would have been impossible. And though neither Philip nor Alexander intended harm to Delphi, yet the enormous conquests of the latter dispersed the Greek race over many lands, and (what was perhaps of still greater moment) transferred the centre of public interest and of power away from Greece altogether. With the saying of Demosthenes, ἡ Πυθία φιλιππίζει, and the exclamation extorted by Alexander from the Pythia, "My son, thou art invincible," the public career of the Delphic oracle may be said to close.

Yet it must not be dismissed without one word more. When it declared Socrates "the wisest of men," it not only uttered the most remarkable of its deliverances, but also transmitted the sign of its great authority to a moral power that was far to transcend its own, and gave the greatest of its vital impulses exactly when its own apparent force was beginning to wane.

For the names of special works on Delphi, see the end of this article.

On the Oracular System generally.—Delphi and Dodona stand apart. These having been treated of, the occasion is the best for some general remarks on all the oracles.

It must not be forgotten that oracles were only the most highly organised form of the general effort to obtain supernatural knowledge and power; that isolated diviners, unconnected with any oracle, abounded throughout Greece: that modes of divination by sacrifice, the flight of birds, the casting of pebbles, were known and practised in all quarters; and that, even when diviners united into a college, there was no oracle, properly speaking, unless the place itself through some known feature, as a tree or a rocky cleft, co-operated. For lack of this, the college of diviners at Telmessus in Lycia cannot be held to constitute an oracle (Herod. i. 78). A scarcely less necessary feature of an oracle was that it should have an organised body of ministers. This is sometimes wanting in a so-called oracle, but never in an oracle of importance. Without priests and sacrifice, there could be no solemnity of approach to the divine power. In an oracle, the intercourse between God and man was thought to be at its highest.

A curious incidental fact is the excessive abundance of oracles in Boeotia, their entire absence from Attica. The Attic temperament was too keen-witted, seemingly, for an oracle to be able to flourish under its close inspection; though, at a distance, the Athenians were very reverential to oracles. On the other hand, the Boeotians were not content unless they had a divinity close by.

The fact that Apollo, not Zeus, is the god who generally presides over oracles, must be noted and understood. It was not meant in disparagement of Zeus. Zeus was so great, that the human mind could not come in immediate contact with him; an intermediary was necessary; and such was Apollo. But what Apollo declared, Zeus had first conceived and intended. (Aesch. *Eum.* 19, 616–618.) Yet this idea was not invariable, for the most primitive oracle, Dodona, belonged to Zeus simply; and two others will immediately be described.

The chief distinction of class between oracles, as respects the method by which the prophecy was procured, was this: some were called artificial, in which signs of future events were derived from external appearances intellectually interpreted; others natural, in which, either through dreams or through a prophetic frenzy, the divine intention was implanted directly in the mind of the seer, and uttered by him (or generally by *her*) in involuntary phrases. Dodona originally belonged to the first class, Delphi to the second. But Dodona, as has been said, resorted afterwards to the method of inspiration. Oracles of Apollo may be generally assumed to have some tinge of the prophetic frenzy, though often softened down. Oracles to which the sick resorted, generally made use of dreams (cf. Tertull. *de Anim.* 46); the patient slept a night in the temple (*incubatio*).

The two most important oracles, after Delphi and Dodona, are the oracle of Zeus Ammon in Libya, and that of Apollo at Branchidae. Those who wish to know the experiences of a consultant of the minor oracles may refer to the discourses of Aelius Aristides (an abstract is given by M. Bouché-Leclercq, vol. iii. pp. 299–307).

The oracles will now be set down according to their several classes.

Oracles of Zeus (other than Dodona).

1. Oracle of Zeus at Olympia. This is an instance of a true and very ancient oracle, slowly metamorphosed under the influence of a system of divination which had grown up under the shelter of the oracle, but yet was not strictly oracular. Pausanias saw at Olympia an enclosure sacred to Zeus the Thunderer (*Ζεὺς Καταιβάτης*), close to the great altar; and also an altar dedicated to Earth, and another to Themis, close by the mouth (*στόμιον*) of a hollow chasm. Here we have something that sounds like the primary form of the Delphic oracle; perhaps a still nearer reminiscence of Dodona. But a family of priestly diviners, the Iamidae, whose origin is far removed in the legendary past, in which their first father Iamus was said to have been a son of Apollo (Pindar, *Olymp.* vi. 47–121), introduced methods of divination unknown to the earliest times; by the observation of the entrails of victims (Herod. i. 59; viii. 134) and of the flames of sacrifices (Pindar, *Olymp.* viii. 4); and the true oracle gave way before the new-comers. With the Iamidae were joined the Clytiades (Pausan. vi. 17, § 6). The divination, according to these rites, was performed before the altar of Zeus Olympius (Pindar, *Olymp.* vi. 118, 119). Yet the oracle did not cease to be called an oracle; Sophocles (*Oed. Tyr.* 900) assigns to it a high dignity; and the change was perhaps not distinctly recognised by most. From what Strabo says (viii. p. 353), and Lucian. *Icar.* 24, we conclude that it was hardly consulted at all on ordinary occasions, in the historical period; this impression is, however, removed by the interesting story in Xen. *Hell.* iv. 72.

2. Oracle of Zeus Ammon, in an oasis of Libya, in the north-west of Egypt. This oracle came immediately after Delphi and Dodona in importance and fame; and there is this point of great interest about it, that it was in all probability founded by Egyptians, and then refined and humanised through the Greek inhabitants of Cyrene. Two distinct national cults united to produce it.

Zeus, in this oracle, was represented as having a ram's head (*κριοπρόσωπος*, Herod. iv. 181, ii. 42). Such a representation cannot rationally be supposed to have had any origin but one; namely, in the Egyptian Thebes, where the chief god, Ammon (Amun), was also represented with a ram's head. The derivation of the oracle of Ammon from the Egyptian Thebes has already been spoken of in treating of Dodona; and though the story of captive Egyptian women, given by Herodotus, could not fairly be expected to have left any trace recognisable by modern research, the other parts of the account of Herodotus do receive confirmation from recent discoveries very remarkably. What Herodotus says (ii. 42) is, that the inhabitants of the oasis of Ammon were descended from a joint colony of Egyptians and Ethiopians, and he implies that the Egyptians were from Thebes, and gives a fanciful story why the Thebans and other Egyptians gave their chief god (whom he calls Zeus) a ram's head. Now, R. Lepsius (in the *Zeitschrift für aegyptischen Sprache und Alterthumskunde*, 1877, pp. 8–23) has shown from the monuments that it was precisely under the Ethiopian dynasty that the god Ammon of Thebes (Amun) was first represented with a ram's head, he having been previously depicted with a human head surmounted by two large feathers; and that it was under a king of that dynasty, Teharqou (692–664 B.C.), that the oasis of Ammon was colonised and the oracle founded, a short time before the colonisation of Cyrene by the Greeks. This fixes the origin of the Ammonian oracle very precisely, and entirely in accordance with Herodotus.

The Cyreneans embraced the worship of Zeus Ammon with eagerness, and extended it among their kindred in Greece, the Spartans and Thebans (Pausan. iii. 18, § 2; ix. 16, § 1). Nevertheless, there was always some little hesitation among the Greeks in identifying this deity absolutely with their own Zeus. The ram's head naturally stood in the way; and hence sometimes only the ram's horns were attributed to him, the head and face being those of a man, and this would appear to have been the case in a statue of him at Megalopolis in Arcadia (*ἄγαλμα Ἄμμωνος, κέρατα ἐπὶ τῆς κεφαλῆς ἔχον κριοῦ*, Pausan. viii. 32, § 1). We may hope, and perhaps believe, that it was so also in the statue of Ammon dedicated in a temple of the god at Thebes by the poet Pindar (Pausan. ix. 16, § 1). Pindar completely identifies Ammon with Zeus (*Pyth.* ix. 89), and, as we learn from the Scholiast on that passage, addressed to him a hymn, hailing him as "master of Olympus"; which hymn was engraved on a pillar by Ptolemy the First, king of Egypt, and seen by Pausanias (*l. c.*). On the other hand, in Plato, Ammon is always Ammon, never Zeus. Few more quaint stories are preserved than the complaint of the Athenians to this oracle as to their own military failure in spite of their splendid sacrifices; while the Lacedaemonians, who troubled themselves little about those things, won their battles ([Plato], *Alcib.* ii. 148, 149). It is scarcely necessary to say that Alexander the Great identified Ammon with Zeus.

We know but little of the methods of divination employed at this oracle; but from Diodorus (xvii. 50, 51) we gather that one was, to carry the statue, flashing with emeralds, in solemn procession, and judge by the changing appearances which it presented: 80 priests joined in this ceremonial. The spring of water in the oasis must have furnished another means; for when the oracle had fallen into decay, the priests provided themselves with a supply of water from it, which they carried about and sold as possessing qualities of divination (Juv. vi. 553–555). The oracle had been nearly deserted long before Juvenal's time (cf. Strabo, xvii. p. 814).

Oracles of Apollo (other than Delphi).

The oracles of Apollo will here be taken in a geographical order: namely, first, those in Boeotia and the neighbouring parts (Phocis and Euboea); next, those in Asia Minor and the adjacent islands; lastly, the few (of which Delos is the most important) scattered elsewhere.

But it is necessary to say, in a few words, the order in which these oracles actually grew. The peculiarity of the case is, that the oracular impulse first came to birth in Greece, while the worship of Apollo (as appears from the legends, from Homer, and from general considerations) originated on the coasts of Asia Minor. The prophetic god was separated from the chief oracular seats. But gradually, the worship of Apollo crossed over the Aegean; and, at Delphi, found the seat that fulfilled all that the imagination required. Then, the centre having been found, the oracular impulse was flashed back over the Aegean; and created on the Ionian coasts those oracular seats which could not have originated there, but which were resorted to and honoured, as soon as their pretensions were understood.

1. Oracle at Abae, in the N.E. of Phocis. This oracle is first mentioned in the 6th century B.C., when Croesus included it among the seven oracles which he tested as a preliminary to his intended inquiry concerning the expediency of making war on Cyrus. It was therefore an oracle of distinction, though it proved unequal to satisfying the test imposed by Croesus (Herod. i. 46, 47). It pretended to great antiquity. Shortly before the Persian wars it received from the Phocians a great number of shields and other booty won in battle from the Thessalians, an equal number being sent to Delphi. After the battle of Thermopylae, the Thessalians determined to take their revenge; they led a Persian army into Phocis, and destroyed among other places the temple of Abae (Herod. viii. 33). Pausanias (x. 35, § 2) tells us that the Greeks passed a resolution to leave in their ruins all temples that had been destroyed in this invasion, as a memorial of undying hatred. But this cannot have been carried out here: it must be inferred from Sophocles (*Oed. Tyr.* 899) that the temple of Abae was fully existent in the latter half of the 5th century B.C. Moreover, we find it predicting victory to the Thebans before the battle of Leuctra (Pausan. iv. 32, § 5): in spite of which, those same Thebans burnt it, and 500 Phocians in it, in the Sacred or Phocian War (B.C. 346). And though the town of Abae, at the end of that war, was exempted from the ruin that fell on the rest of Phocis (Pausan. x. 3, § 2), the temple and oracle were irretrievably gone. Centuries afterwards, Hadrian built a smaller temple close by, and the Romans, from a feeling of piety towards Apollo, allowed the people of Abae to govern themselves. (Pausan. x. 35, § 2.)

2. Oracle of Tegyra. This lay not far from Abae, but just within the Boeotian frontier. Plutarch tells us that it flourished chiefly in the Persian wars, when it had a high priest Echecrates (*Pelopid.* 16), and promised the Greeks the victory over the Persians (*Defect. Orac.* 5). Tegyra was on one occasion declared by the Pythia herself to have been the birthplace of Apollo (Plutarch, *Pelopid.* 16; *Defect. Orac.* 5; Steph. Byz. *s. v.* *Τεγύρα*).

3. Oracle of Mount Ptoon, near Acraephia, in the territory of Thebes. Mythology affirmed that Tenerus, son of Apollo and Melia, was the first prophet here (Strabo, ix. p. 412). More interesting is it to know, on the same authority, that Pindar sang of this oracle. When Mys the Carian was sent by Mardonius to consult it, at the time of the Persian wars, the prophet answered him in the Carian language, so that the Thebans who accompanied him could not write down the reply, and Mys was obliged to do this himself (Herod. viii. 135). This oracle also was consulted by the Thebans before Leuctra (Pausan. iv. 32, § 5), but was destroyed in the general ruin of the Theban territory by Alexander (Pausan. ix. 23, § 3). In the time of Plutarch the whole district was desolate (Plut. *Defect. Orac.* 8).

4. Oracle of Apollo Ismenius, south of Thebes. This was the national sanctuary of the Thebans, and oracles were given here, as at Olympia, by inspection of the entrails of victims (Herod. viii. 134) and by the shape of altar-flames (Soph. *Oed. Tyr.* 21). A stone at the entrance of the temple was pointed out as the seat on

which Manto, the daughter of Tiresias, had prophesied. In this oracle a boy of good family and handsome appearance was selected yearly as priest and termed *δαφνηφόρος* (laurel-bearer); and if in more than usually good position, dedicated a tripod before his year of office was over. (Pausan. ix. 10, §§ 2–4; and compare Pindar, *Pyth.* xi. 7–10.) Herodotus saw three such tripods, inscribed with ancient Cadmean characters (v. 58–61). One was inscribed with the name of Amphitryon, and Pausanias (*l. c.*) says that it was dedicated on behalf of Heracles, and was the most remarkable of all the tripods he had seen. Possibly it was from this collection that a yearly tripod was sent to Dodona (Strabo, ix. p. 402). Before the disastrous conflict with Alexander, the Thebans are said to have asked of this oracle the meaning of a certain cobweb in the temple of Demeter, and to have received an ambiguous answer (Diodor. xvii. 10).

5. Oracle of Apollo Spodios, also at Thebes. Here divination by voice-omens was practised, as at Smyrna. (Pausan. ix. 11, § 5.) This oracle, like the last, was of course destroyed by Alexander.

6. Oracle of Hysiae, at the foot of Cithaeron, near Attica. The temple was unfinished: the mode of inspiration was by drinking from a sacred well. (Pausan. ix. 2, § 1.)

7. Oracle of Eutresis, between Thespiae and Plataea, in the neighbourhood of Leuctra. (Steph. Byz. *s. v.* *Εὔτρησις*: Schol. *ad Il.* ii. 502.)

8. Oracle of Apollo Didymaeus, usually called the oracle of the Branchidae, in the territory of Miletus. This oracle was, as has been intimated, the fourth in importance of all in the Grecian world; and the legends respecting its foundation are highly picturesque. (Conon. *Narrat.* 33; Varr. *ap.* Lutat. *ad* Stat. *Thebaid*, viii. 198.) The antiquity of it has, however, been much doubted, and C. W. Soldau (in the *Zeitschrift für Alterthumswissenschaft*, 1841, pp. 546–584) endeavours to show that it was founded somewhere about the last quarter of the 7th century B.C. But his arguments, though highly ingenious, hardly seem to countervail these two facts: first, that Herodotus calls it "an oracle founded in ancient time" (*μαντήιον ἐκ παλαιοῦ ἱδρυμένον*, i. 157); and, secondly, that Pharaoh-Necho (who died in B.C. 601) sent to Branchidae, "as an offering to Apollo," his military dress (Herod. ii. 159), which he would hardly have done to a quite recent institution. It is true that it is suggested that the temple was more ancient than the oracle; but no one supposes that the family of the Branchidae were more ancient than the oracle; and their arrival (in the person of the head of the family, Branchus) could hardly have been a fact unknown to Herodotus if it had taken place only a century and a half before his own time. Branchus is probably a mythical person; the only argument to the contrary being the obscure reference in Diogenes Laertius (i. 3, 5 [72]), in which he is set side by side with the sage Chilon as a person of brief terse speech.

The oracle, however, is quite unmentioned by Homer or the Homeric hymns, and various points in the myths of its foundation indicate that it was an offshoot from Delphi; to which conclusion the reference in Strabo (xvii. p. 814) also leads. But at the beginning of the 5th century B.C., the sentiments of the Delphic oracle towards Branchidae were the reverse of friendly (Herod. vi. 19). It was the oracle chiefly consulted by the Aeolians and Ionians of Asia Minor; and it was one of the seven selected by Croesus to answer his test question; and though it appears not to have solved his puzzle satisfactorily, he gave it, says Herodotus (i. 92), "offerings, as I learn, equal in weight and similar to those which he made to Delphi." This, under all the circumstances, may be doubted; but Croesus must have been liberal to the Branchidae, to render such a statement possible.

The meaning of the word Didymaeus (*Διδυμαῖος* or *Διδυμεύς*) is not quite certain; but if we accept the statement of Stephanus of Byzantium (*s. v.* *Δίδυμα*) that the temple and oracle were dedicated to Zeus and Apollo, "the twin Apollo" (*i.e.* twin with Zeus) seems the natural interpretation: though "twin with Artemis" cannot be discarded as impossible, if *Διδυμεὺς* has this meaning. In any case, if Stephanus be right, such a dedication suggests an oracular foundation (cf. Aesch. *Eum.* 19), and goes some way to show that the oracle is coeval with the temple.

Of the constitution of the oracle of Branchidae only a few traces are left. As its name implies, it was administered by a sacerdotal family, and this appears further from its later history; for in the unfortunate close of the history of the Branchidae, far away in the Sogdiana, we find them preserving their cohesion and identity. Other families are also mentioned in connexion with this oracle, especially the Evangelides (cf. Conon. *Narrat.* 44); but what their relation to it exactly was we do not know. Perhaps they only entered on the scene after the Branchidae had disappeared. Though Strabo (*l. c.*) describes this oracle as similar to Delphi, in the fact of its replying by words and not by signs, we cannot certainly infer that it had a tripod and a prophetess in the early times; though it had in the times of Iamblichus (*de Myst.* iii. 2). But it had a sacred spring more marvellous than Castalia, which rose in the promontory of Mycale, then (it was said) dived under the sea and reappeared near the temple of Apollo (Pausan. v. 7, § 5; and cf. Euseb. *Praep. Ev.* v. 15).

The Branchidae failed in patriotism (Schol. Aristoph. *Plut.* 1002; Zenob. v. 80); yet the impression which the few stories that have come down to us about them leave, is not wholly unfavourable. When we find the historian Hecataeus proposing to take the treasure of their temple, and to derive thence a fund for repelling the Persians (Herod. v. 36), their coolness for the Greek cause, if not admirable, is intelligible. About the beginning of the 5th century B.C. a catastrophe overwhelmed them. Darius, after capturing Miletus, burnt their temple (Herod. vi. 19, 20) and, we must infer, appropriated its treasures; and when the historian goes on to say that Darius "carried away the Milesians to Ampe on the Tigris," we should suppose that the Branchidae were at any rate among those carried off. But a different story was current in Greece in later days; namely, that it was Xerxes, not Darius, who carried away the Branchidae; that they voluntarily surrendered their treasures to him, bargaining for a safe home in Persia, since they dared not dwell among the Greeks, and that they were accordingly settled in Sogdiana (Curtius, vii. 23; Aelian, *ap.* Suid. *s. v.* Βραγχίδαι: Strabo, xi. p. 518, xiv. p. 634; Plut. *de ser. num. vindicta*, 12); and Strabo says, finally, that it was Xerxes who burnt their temple. Amid this contradictory evidence, it is impossible for us now to decide how the case lay; but the easiest supposition is, that Herodotus was not aware of the exact place to which the Branchidae were transported, and that on this point the four later historians are right; that the four historians, on the other hand, are mistaken in saying that Xerxes had anything to do with the matter (since Herodotus could hardly have erred here); and that the story of the treachery of the Branchidae was the exaggerated shape which the sense of their want of patriotism took in the minds of after-generations. Be that as it may, the final upshot, as reported by the four above-named historians, was tragical. Alexander the Great, in his wild arrogance regarding himself as the avenger of the past wrongs of Greece, slew the descendants of the Branchidae, in their peaceable remote retreat in Sogdiana.

The oracle of Apollo Didymaeus, no longer the oracle of the Branchidae (though still sometimes called so), revived from the ruins in which the Persians had left it; though how soon, we do not know. In the time of Alexander we find it under the direction of the authorities of Miletus (cf. O. Rayet, *Rev. Archéol.* 1874, ii. pp. 106, 107); the priests were chosen annually by lot from among the principal families of the city (cf. *C. I. G.* 2884, 2881): the chief of the priestly body was called *στεφανηφόρος*, "crown-bearer," and it seems possible that he combined with his religious office, either sometimes or always, the position of chief magistrate of the city, for we find him in one case admitting certain persons to citizenship (O. Rayet, p. 108); besides these, there was a prophet, also annually ordained. The temple had been rebuilt, but on a scale so grand that the roof was never put on (Strabo, xiv. p. 634). The oracle flattered Alexander, and after him Seleucus Nicator, from whom it received gifts; and from this time onwards it rapidly became rich. In the year 74 B.C. it was pillaged by pirates, yet Strabo in his visit still found it in a condition of great magnificence. It seems (like the other Asiatic oracles) to have been less affected by a decline in *prestige* than the oracles in Greece proper; and the Roman senate included it among those religious institutions which it was legally permissible to endow with inheritances (Ulpian, *Fragm.* xxii. 6). It shared in the oracular revival of the 3rd and 4th centuries A.D., but after the death of Julian fell irretrievably into ruin.

9. Oracle of Claros. This was situated north of Miletus, near Colophon. It was said to have been founded by Cretans under Rhacius, who were joined afterwards by a Theban colony sent out under the auspices of the Delphic oracle, at an extremely early date. Manto, daughter of Tiresias, was among the Thebans; she married Rhacius, and their son was the prophet Mopsus, from whom the prophets of Claros may have traced their descent; but this is doubtful. (Pausan. vii. 3, §§ 1, 2.) In later times, the prophets were generally taken from Miletus (Tac. *Ann.* ii. 54). The oracle at Claros had its centre in a cave with a beautiful clear pool in it, near a sacred wood, in which, it was said, there were no serpents (Aelian, *Hist. Anim.* x. 49). We hear but little of this oracle in early times: Alexander was said to have been encouraged by it in a design he had of rebuilding Smyrna (Pausan. vii. 5, § 1). A prophet, who drank the sacred water, was the revealer of the divine will (Tac. *l. c.*) and pronounced oracles in verse, answering the questioner without even having heard the question. The cynic philosopher Oenomaus of Gadara (in the 2nd century A.D.) was, however, by no means impressed with the truthfulness of the replies (Oenom. *ap.* Euseb. *Praep. Evang.* v. 2). Germanicus consulted this oracle, which was said to have prophesied his death (Tac. *l. c.*); it was sometimes consulted by letter (Ovid, *Fast.* i. 20); and it was patronised by Apollonius of Tyana (Philostr. *Vit. Apoll.* iv. 1) and Alexander of Abonotichos (Lucian, *Pseudom.* 29). Inscriptions prove that its fame extended even to Britain. Porphyry (*ad Aneb.* p. 3) and Iamblichus (*Myst.* iii. 11) speak of it, but after that time it is unmentioned.

10. Oracle of Patara, in Lycia. The story (not of course likely to be approved of at Delphi) was that Apollo spent six months of the year here (the winter time) and the six summer months at Delos. (Tzetz. *ad* Lycophr. 401; Servius *ad* Verg. *Aen.* iv. 143: cf. Herod. i. 182.)

11. Oracle at Cyaneae, in Lycia. (The *town* is mentioned in Pliny, v. § 101.) Here was an oracle of Apollo Thyrxeus (perhaps = *θυραῖος*: cf. Tertull. *de coron. mil.* 354), near which was a well, into which any one looking saw "all that he desired" (*πάντα ὁπόσα θέλει*, Pausan. vii. 21, § 6).

12. Oracle at Seleucia, in Cilicia (cf. Steph. Byz. *s. v.* *Σελεύκεια*). Here Apollo was invoked as "Sarpedonius" (from the neighbouring promontory, dedicated to the hero Sarpedon). The people of Palmyra, in the height of their pride under Zenobia, asked this oracle if they could conquer the empire of the East. It is not surprising that they were repelled (Zosim. i. 57). It would seem that this is the oracle called by Strabo the oracle of Artemis Sarpedonia (xiv. 5. § 9).

13. Oracle at Hybla, near Magnesia (cf. Athen. xv. § 13). Possibly the true name of this oracle is *Hylae* (Pausan. x. 32, § 6). It seems from its situation to be the same as that of *Hiera Kome*, mentioned in Liv. xxxviii. 13.

14. Oracle at Gryneia or Grynium. The principal oracle among the Aeolic cities of Asia Minor. (Strabo, xiii. p. 622; Verg. *Eclog.* vi. 72; *Aen.* iv. 345; Pausan. i. 21, § 7; Athen. iv. p. 149 d; Hecat. *Fragm.* 211.) The town itself is mentioned in Herodotus (i. 149), and appears from Strabo to have been dependent on Myrina: and as Myrina sent tribute to Delphi (Plut. *Pyth. Orac.* 16), the Grynean oracle was no doubt an offshoot from Delphi. (For an instance of a consultation of this oracle, cf. *C. I. G.* 3538.)

15. Oracle of Apollo Napaeus (Ναπαῖος), near Methymna in Lesbos. (Steph. Byz. *s. v.* Νάπη; Schol. Arist. *Nub.* 144; Macrob. i. 17, 45: cf. Strabo, ix. p. 426.)

16. Oracle of Apollo Actaeus and Artemis at Adrastaea, in the north of the Troad. (Strabo, xiii. p. 588.)

17. Oracle at Zeleia, in the same neighbourhood (Tzetz. *ad* Lycophr. 315).

18. Oracle at Chalcedon (Dion. Byzant. *Anaplus Bospori, Fragm.* 67: cf. *C. I. G.* 3794).

19. Oracle of Delos. The singularity of this oracle is why it should not have existed in times when oracles were most important. It appeared to have every advantage; the Homeric hymn to the Delian Apollo (*v.* 81) shows that from the first it was designed to be an oracle; the island itself had the highest celebrity for its sacredness, and the religious ceremonials with which it was honoured were scarcely surpassed in Greece: yet an oracle it was not. When one asks why this was, the answer must be conjectural. Probably the reason was, that it lay out of the reach of those Greek races who had the disposition suitable for originating oracles (the Boeotians and Phocians), and was peculiarly under the thumb of that race (the Athenians) which was devoid of any such disposition. Under some circumstances, it might have been a religious centre for the Ionians and Aeolians of Asia Minor; but they probably found the sea-voyage a deterrent, and they had their own highly celebrated oracles (see above) derived from Delphi. Not till the 2nd century B.C. is any reference made (outside the brief allusion in the Homeric hymn) to an oracle in the island. Then Zeno of Rhodes speaks of the Rhodians having inquired of this oracle (cf. Diod. v. 58). But Virgil (*Aen.* iii. 90–93) gave it a far higher reputation; though, considering the looseness of the Roman poets in such points, his reference has hardly any historical authority. The satirical allusion in Lucian (*Bis accus.* 1) is, however, real evidence; and in a still later age Julian consulted it (Theodoret. *Hist. Eccles.* iii. 16). When one asks whether the oracle, such as it was, was situated in the temple near the sea-shore or on the top of Mount Cynthus, in the really ancient shrine discovered by M. Lebègue (*Récherches sur Delos*), the testimony of Himerius (*Orat.* xviii. 1) seems to decide the point in favour of the latter. The story that Apollo spent the six summer months of the year at Delos, has already been referred to under the head of the Oracle of Patara.

20. Oracle at Abdera. (Pindar, *ap.* Tzetzes, Lycophr. 445.)

21. Oracle of Apollo Deiradiotes, at Argos. This is stated to have been an offshoot from Delphi (Pausan. ii. 24); but in one point the ceremonies differed remarkably from those of Delphi: the priestess once a month sacrificed a lamb during the night, and tasted the blood, in order to obtain the prophetic ecstasy. This appears to show that the oracle had a higher antiquity than belonged to its Delphic origin, and was in the first instance an oracle of the dead. It was kept alive by the patriotism of the Argives, always mindful of their primaeval renown, and was still active in the time of Pausanias.

22. Oracle of Apollo Lycius, also at Argos. The prophetess is said to have warned Pyrrhus, just before his death (Plut. *Pyrrh.* 31). Pausanias, however, does not mention this oracle, and some doubt consequently attaches to it. Except the two at Argos, there was no oracle of Apollo in Peloponnesus: the neighbourhood of Delphi overpowered minor establishments.

23. Oracle of Daphne, near Antioch in Syria. A very late oracle, and of no good repute. The prophetic fountain had here the name of Castalia, and a bay-tree grew close by. Hadrian obtained from this oracle a prophecy that he should be emperor; but on his becoming such in reality, he destroyed the fountain, lest any one else should draw from it a similar augury. Julian attempted to restore it, but the temple was burnt down (accidentally, it seems) during the struggle which he waged against the Christians, and this practically meant the end of the oracle. (Strabo, xv. p. 750; *C. I. G.* 1693; Sozom. *Hist. Eccles.* v. 19; Amm. Marcell. xxii. 12, 8.)

Oracles of other Gods.

Though the overwhelming *prestige* of Apollo, as the revealer of the will of his father Zeus to men, tended to extinguish the prophetic function of other divinities in the eyes of their adorers, it could not quite succeed in doing so. To be a god, and not to be able to predict the future, was to fall so seriously beneath the divine level, that the worshipper of Athene or Hermes would never admit that the object of his worship was reduced so low. Hence, scattered through Greece, though few in number by comparison, were the oracular seats of the other supernatural powers of the upper or nether world; the rites by which they were approached being sometimes of a very singular nature.

The Earth, as has appeared already, was to the primitive populations almost the chief discloser of the future (thus, originally, at Delphi). The oracle of Earth (γαῖα) at Aegira in Achaia, mentioned by Pliny (xxviii. § 147), may be a mistake of that writer (cf. Pausan. vii. 25, § 13); but at Patrae, not far from Aegira, Earth, associated with Demeter (*i.e.* Γῆ μήτηρ) and Persephone, gave oracles respecting the sick. A mirror was let down by a rope into a sacred well, so as to float upon the surface. Prayers were then performed and incense offered, whereupon the image of the sick person was seen in the mirror either as a corpse or in a state of recovery. (Pausan. ii. 24, § 1.)

A vague tradition of an oracle of the Nymphs called Sphragitides existed on Mount Cithaeron (Plut. *Aristid.* 11; Pausan. ix. 3, § 9). A tradition of an oracle of Poseidon Hippios, at Onchestus in Boeotia, is preserved in the Homeric hymn to Apollo (230–238), with which compare Pausan. ix. 26, § 5, and, as emphasising the word Hippios, Hom. *Il.* xix. 405–417. An oracle of Ino-Pasiphae, who seems to represent the moon, existed in Laconia between Oetylus and Thalamae; the revelation being made through dreams (Pausan. iii. 26, § 1). The other oracle of this deity mentioned by Pausanias, at Epidaurus Limera, seems hardly rightly so called. [INOA.]

There was an oracle of Pluto and Core (Persephone) at Acharaca, between Tralles and Nysa, in Asia Minor, in the basin of the Maeander. A large grove, a temple, and a cave called the

Charonium, were the seat of the oracle. "The sick resort thither, and live in the village near the cave, among experienced priests, who sleep at night in the open air and direct the mode of cure by their dreams. The priests invoke the gods to cure the sick, and frequently take them into the cave, where they remain in quiet without food for several days. Sometimes the sick themselves observe their own dreams, but apply to the priests to interpret them. To others the place is interdicted and fatal." (Strabo, xiv. p. 650, abridged.) The singular ceremony which Strabo proceeds to narrate has no direct bearing on the oracle. There appears to have been an oracle of Pluto at Eana in Macedonia (cf. L. Henzey, *Mission archéol. de Macédoine*, Inscr. N, 120).

An oracle of Dionysus existed at Amphicaea or Amphicleia, in Phocis, to the north of Parnassus. Like the oracle at Acharaca, its function was limited to the cure of the sick, and its mode of operation was by dreams interpreted by an inspired prophet (Pausan. x. 33, § 11). Another oracle of Dionysus was at Satrae in Thrace, and the prophets were called Bessi (Herod. vii. 111). The oracles, however, were given by a prophetess, "as at Delphi, and are not more recondite," says Herodotus. The oracle of Dionysus in Thrace, mentioned by Pausanias (ix. 30, § 9), may perhaps be the same as the one just mentioned.

Oracles of Pan were to be found at Troezen (Pausan. ii. 32, § 6), and in the cave at Paneas, one of the principal sources of the river Jordan (*C. I. G.* 4539); the oracles were given through dreams. An oracle of Aphrodite existed at Paphos in Cyprus, and was consulted by Titus (Tac. *Hist.* ii. 3, 4). An oracle of Hera Acraea (*i.e.* the goddess of the hill-tops) was between Lechaeon and Pagae, on the gulf of Corinth (Strabo, viii. p. 380).

Hermes, from his close connexion with Apollo, was a god that might be expected to give oracles: this power, however, in the Homeric hymn to Hermes, 552 *sqq.*, is only accorded to him in a limited degree by the more exalted deity. He had an oracle at Pharae in Achaia, where his altar stood in the middle of the market-place. Incense was offered there, oil lamps were lighted before it, a copper coin was placed upon the altar, and after this the question was put to the god by a whisper in his ear. The person who consulted him immediately left the market-place. The first remark that he heard made by any one after leaving the market-place was believed to imply the answer of Hermes (Pausan. vii. 22, § 2). This mode of oracular disclosure was so much associated with Hermes that he received the name of Κλεηδόνιος from it; as we learn from an inscription found at Pitane, near Smyrna (Le Bas et Waddington, *Voyage archéol.* v. 1724^{a}). Hence it is probable that the *Κληδόνων ἱερὸν* at Smyrna, mentioned by Pausanias (ix. 11, § 7), was an oracle of Hermes.

Athene, the goddess of rational valour, had scarcely any oracles; though Plato, identifying her with the Egyptian Neith, says that she introduced into Greece "prophecy and medicine" (Plato, *Tim.* p. 24 C). Characteristically enough, the only oracle attributed to her is to the effect of "Help thyself, and heaven will help thee." (Zenob. *Cent.* v. 93; Diogenian. *Cent.* viii. 11; Suidas, *s. v.* *τὴν χεῖρα*: cf. Babr. 20.)

Oracles of Heroes.

Asclepius (Aesculapius) lies almost half-way between gods and heroes; still he may be more properly reckoned among the latter. And the oracular seats where he was believed to instruct men are of peculiar interest, because they furnish the meeting-point between religion and science, as those were conceived in the classical Greek world. For, on the one hand, he was thought of as the god of healing, the son of Apollo, begotten by Apollo that he might heal bodily sicknesses (Menand. *Rhet. Epidict.* p. 327; Olympiod. *Vit. Plat.* p. 4, 42); in whose temples the sick would spend a night in hope of being miraculously relieved by the morning (Pausan. ii. 27, § 2). This aspect of him had a tendency to gain ground; to Aeschylus (*Agam.* 1022) and Pindar (*Pyth.* iii. 96) he is a faulty man; Aristophanes (*Plutus*, 662 *sqq.*), with all his mockery, treats Asclepius as a god. But, on the other hand, Asclepius was the legendary father of a crowd of descendants, the Asclepiadae, who, in whatever degree they considered religious communications important for success in the healing art, had genuinely scientific qualities (Plato, *Rep.* iii. p. 405 *sqq.*; MEDICINA). These two phases of the doctrine and practice connected with the name of Asclepius were so intermingled, that they cannot now be separated. Epidaurus was the chief seat of the religious worship; there Asclepius had a temple and a grove, and a magnificent gold and ivory statue, and innumerable votive tablets on the walls attested the cures wrought on sick persons by the method of incubation (Pausan. ii. 26, 27). But at Cos the medical school culminated, and there Hippocrates, the first great light of medical science, lived and wrote. Yet Epidaurus and Cos were not hostile to one another, and we read of an embassy sent by the Epidaurians to the Asclepius of Cos (Pausan. iii. 23, § 6). We must assume that in the generality of the shrines of Asclepius (of which nearly a hundred are reckoned: cf. Th. Panofka, *Asclepios und die Asclepiaden*, pp. 271–361) the religious element, the prophecy by dreams and incubation, greatly outweighed the scientific. It is a question of much interest why, in view of the paucity of oracles of ordinary gods, other than Apollo, so remarkable an exception should be found in the case of Asclepius. The *theory* was (Menand. *Rhet.* and Olympiod. *l. c.*) that Apollo committed to Asclepius this part of his functions; but it is impossible to suppose that persons erecting a temple to Asclepius had any clear theory of delegation. No doubt the truth is, that the worship of Asclepius was antecedent to the worship of Apollo, and his emblem, the snake, had an origin quite distinct from the Apolline worship; and his affiliation to Apollo was a device of the worshippers of Apollo, in order that they might appropriate a power that they could not expel. At Pergamus, another great seat of Asclepius, the celebrated physician Galen, starting from pure faith in the oracular cures, taught himself principles of more exact medical science. In the year 293 B.C. the Sibylline books commanded the Romans to "seek Asclepius at

Epidaurus." They did so, and brought away a mysterious serpent; then, on the spot where this serpent disappeared, they built a temple to Asclepius (Aesculapius). Oracles were given there through dreams, and miracles performed (*C. I. G.* 5977, 5980). Serapis was joined with Aesculapius in the worship at this temple (Suet. *Claud.* 25). This also was the case at Pergamus. F. A. Wolf (*Vermischte Schriften*, pp. 382 *sqq.*) endeavours to show that mesmerism was used in the curative rites of Asclepius; but the experiences of Aelius Aristides hardly bear this out.

Oracles of Heracles. One was at Hyettus in Boeotia (Pausan. ix. 36, § 6); another at Bura, in Achaia. Those who consulted it prayed and put their questions, and then cast four dice painted with figures, and the answer was given according to the position of these figures (Pausan. vii. 25, § 6). Another oracle of Heracles was at Gades (Dio Cass. lxxvii. 20). Like Asclepius, Heracles was almost to be reckoned as a god; had he been merely the Greek son of Zeus and Alcmena, this would not have been so: but he was identified with foreign deities, such as Melkart.

Oracle of Trophonius at Lebadea. One of the most celebrated of the Greek oracles, and in a place of sombre and impressive aspect, in Boeotia. There were different versions of the legend of Trophonius: the most dignified (found in Plut. *Consol. ad Apoll.* 14) tells us that Trophonius and Agamedes built the temple of Delphi, and, upon desiring a reward of the god, he told them that he would give them one on the seventh day; on which day they were found dead. Apollo made Trophonius a prophet; and the Boeotians were bidden to consult him at Lebadea on the means to put an end to a drought that afflicted the land. A swarm of bees led them to the sacred cave, and the oracle was established (Pausan. ix. 40, 1, 2). The rites necessary before consulting it were complicated and terrifying. First, the consultants had to purify themselves by spending some days in the sanctuary of the good spirit and good luck (Ἀγαθοῦ *Δαίμονος καὶ ἀγαθῆς* Τύχης); to live soberly and purely; to abstain from warm baths, but to bathe in the river Hercyna; to offer sacrifices to Trophonius and his children, to Apollo, Cronos, king Zeus, to Herè who holds the reins (Heniocha), and to Demeter Europe, who was said to have nursed Trophonius; and during each of these sacrifices a soothsayer examined the entrails of the victim. On the last night, the consultant had to sacrifice a ram to Agamedes. Only in the event of all the signs being favourable was admission to the cave granted. If it were granted: two boys, 13 years old, led the consultant again to the river Hercyna, and bathed and anointed him. The priests then made him drink from the well of Lethe, that he might forget all his former thoughts, and from the well of Mnemosyne, that he might remember the visions he was about to receive. They showed him an ancient statue of Trophonius, which he adored; led him to the sanctuary, dressed him in linen garments, with girdles and a peculiar kind of shoes (κρηπῖδες); and bade him descend a ladder into the cave. Close to the bottom was an opening into which he put his foot; some invisible power then drew his whole body through the opening. In each hand he held a honeycake to appease the subterranean deities. The vision then seen by him was carefully remembered, and told to the priests on his remounting to the light; and when he had recovered from his fears, the priests informed him of the meaning of the oracle. (Pausan. ix. 39, § 3 *sqq.*: cf. Philostr. *Vit. Apoll.* viii. 19.) But the vision sometimes left men melancholy for a long time. Epaminondas consulted this oracle just before the battle of Leuctra, and received from it the shield of Aristomenes, the Messenian hero (Pausan. iv. 32, §§ 5, 6). It preserved a certain reputation even down to the time of Plutarch (*de Orac. Defect.* 5), though Sulla had plundered it. It was much consulted by the Romans (Origen, *c. Celsus*, vii. p. 355). *Lebadea* is the origin of the modern *Livadia*.

Oracle of Tiresias at Orchomenus. (Plut. *de Orac. Defect.* 44.)

Oracles of Amphiaraus. Thebes and Oropus (on the Euripus) contended for the honour of possessing the spot in which the hero Amphiaraus was swallowed up by the earth. Hence there were two oracles at which he was invoked: one between Thebes and Potniae, the other in a narrow valley close to the sea, between Oropus and Psaphis (Strabo, ix. 1, § 22). The first was the one consulted by Croesus; it was among the seven to which he proposed his test question, and it was even said to have given an answer not altogether wrong (Herod. i. 46, 49). Hence the Thebans possessed the golden shield and spear presented by Croesus (Herod. i. 52) to this oracle; they placed these gifts, however, not in the temple of Amphiaraus, but in the temple of Apollo Ismenius. Moreover, the Thebans would not themselves consult this oracle; they affirmed that the hero was their ally, and that they would not disturb his impartiality (Herod. viii. 134). This looks like a pretext to cover a feeling of hostility; Amphiaraus had fought against the Thebans. Pausanias (ix. 8, § 2) tells us that the grass round this temple, and the columns of it, were the scene of a perpetual miracle; cattle would not crop the one, nor birds settle upon the other: doubtless as a proof of the genuineness of the tradition attached to the spot. The oracles were given through dreams to persons sleeping in the temple (Herod. viii. 134): they had to prepare themselves for this *incubatio* by fasting one day, and by abstaining from wine for three days (Philostr. *Vit. Apoll.* ii. 37).

At the other oracle, that of Oropus, were two sacred wells and an altar of elaborate workmanship (Pausan. i. 34, §§ 2 *sqq.*). It was especially consulted by the sick, who had to purify themselves and sacrifice a ram; on the skin of which they afterwards slept in the temple. The means of recovery was then supposed to be intimated to them in dreams. If they recovered, they had to throw some pieces of money into the well within the sanctuary. The sacred ground alleged to belong to this oracle was the subject of a curious controversy, which occasioned the speech of Hyperides *pro Euxenippo*.

Oracle of Hemithea, at Castabos in the Carian Chersonese. (Diodor. v. 62, 63.)

Oracle of Mopsus, otherwise called the oracle of Amphilochus, at Mallos in Cilicia. The two rival seers, Mopsus and Amphilochus, had slain each other, and their oracles, which were adjacent, had great celebrity in times succeeding the commencement of our era, and one of the most curious stories connected with oracles is told of that of Mopsus by Plutarch (*de Orac. Defect.* 45. See also Pausan. i. 34, § 3; Lucian, *Pseudom.* 28; Tertullian, *de An.* 46; Dio Cass. lxxii. 7).

Oracles of Calchas and Podalirius, on Mount Drion, in South Italy (Daunia). The character and ceremonial of these oracles were similar to each other, and also to the oracle of Amphiaraus at Oropus (see above). (Strabo, vi. p. 284.)

Oracle of Protesilaus, at Elaeus, in the Thracian Chersonese. This oracle is not mentioned till the 3rd century A.D. by Philostratus (*Heroic.* ii. 6), and probably was of recent date then.

Oracle of Autolycus (an Argonaut, and *not* the celebrated thief) at Sinope. (Strabo, xii. p. 545.)

Oracle of Odysseus, in Aetolia. (Tzetz. *ad* Lycophr. 799.)

Oracle of Menestheus, the companion of Aeneas, near Gades, in Spain. (Strabo, iii. p. 140.)

Oracles of Neryllinus, in the Troad, and of *Proteus* at Parium (Athenagor. *Supplic. pro Christ.* 26). The oracles are said to have been localised in statues.

The oracle which Alexander of Abonotichos endeavoured to found in the age of the Antonines can hardly be reckoned among the number, as it died with him.

Oracles of the Dead.

It was thought that at certain places, where deep openings were seen in the solid earth, the shades of the dead could rise from their subterranean abode, and give answers to the living. Such a place was called νεκυομαντεῖον or ψυχοπομπεῖον. The most ancient oracular seat of this kind was near lake Aornos among the Thesprotians. (Herod. v. 92, § 7; Diodor. iv. 22; Pausan. ix. 30, § 3.) Periander, the sage and tyrant, had recourse to this. Another celebrated Greek, Pausanias the Spartan king, sought relief for his troubled spirit at Phigalia in Arcadia, by summoning the shade of Cleonice (Pausan. iii. 17, §§ 8, 9). Taenarus, in the south of Laconia, presented in its cave another such oracular seat; thither the slayer of Archilochus, the poet, was sent by the Delphic oracle (Plut. *de sera num. vind.* 17). Heraclea on the Propontis was another seat of the kind (Plut. *Cimon*, 6). As at other oracles, sacrifice was necessary before the shade could be moved to appear; and also prayers (Hom. *Od.* xi. 23–37).

Italian Oracles.

Generally speaking, Oracles, in the sense of special places where divine answers were given to men, were not known to the Italian nations. Their modes of divination were different. (Of course, such oracles as those of Calchas and Podalirius mentioned above, or that of Aesculapius at Rome, were of Greek origin.) Yet if we could trust the poets, there were true oracular seats of Faunus at Albunea (Verg. *Aen.* vii. 81 *sqq.*) and on the Aventine (Ovid, *Fast.* iv. 650 *sqq.*). Virgil was so imbued with Greek models that his historical authority on such a point is very small. That of Ovid is better; but on the whole there is no sufficient proof of anything that can be called an oracular seat of Faunus. It is noticeable, that while Virgil makes his oracle complete by bringing in a priest, this essential mark of a fixed place of revelation is absent in Ovid. Moreover, in the somewhat similar passage, *Fast.* iii. 295 *sqq.*, Numa sacrifices, not to Faunus, but to the fountain; and certainly here it can hardly be thought that an oracular seat of Faunus is indicated. Similarly, the tradition preserved by Dionysius of Halicarnassus (i. 14), that at Tiora Matiene, one of the aboriginal cities of Italy, a woodpecker used to perch on a wooden column and pronounce oracles given by Mars, cannot be considered as evidence of a real historical oracular seat.

But the temples of Fortune at Praeneste and Antium were real oracles, and the only instances in Italy. The story of the foundation of the Praenestine oracle is told by Cicero, *de Div.* ii. 41, 85. A noble Praenestine, Numerius Suffucius, was bidden by a dream to cleave open a rock; upon his doing so a large number of wooden "lots" (*sortes*) fell out, inscribed with antique characters. At the same time honey flowed out of an olive-tree near; and at the bidding of the haruspices, the olive-tree was carved into a wooden box, and the lots were enclosed in it. This took place near an image of the infant Jupiter, who was represented (with Juno) as sucking the breast of Fortune (who must be regarded, not as in our sense of the word, but as Primigenia, the origin of life. The Romans borrowed this characterisation of Fortune: cf. Liv. xxix. 36, xxxiv. 53). Once a year, in the month of April, a two-days' festival was held at Praeneste in honour of Fortune and Jupiter, the box was opened, and a child drew out the lots at random (Cic. *l. c.*; *Kal. Praenest.* iii. Id. April). See, for further mention of the "lots" of Praeneste, Propert. ii. 32, 3; Suet. *Tib.* 63, *Domit.* 15; Strabo, v. p. 238.

The temple of Fortune at Antium has been made famous by Horace (*Od.* i. 29, 1). Two sister Fortunes were represented, and were said to give the oracles by bending their heads (Macrob. *Sat.* i. 23, 13: compare Suet. *Calig.* 57, and Ernesti's note on the passage). Martial calls them *veridicas sorores* (v. 1, 3).

At Caere (Liv. xxi. 62) and Folerii (Liv. xxii. 1) there appear also to have been "lots" from which omens were derived.

On the Roman oracles, Niebuhr, *Hist. of Rome*, vol. i. p. 508, &c.; Hartung, *Die Relig. der Römer*, vol. i. p. 96 (besides Bouché-Leclercq's work mentioned below), may be consulted.

Egyptian and Syrian Oracles.

A brief mention may be made of these, in so far as they touch Greek or Roman history.

The connexion of Serapis with Asclepius has been already mentioned. But the oracles of Serapis himself at Alexandria (Tac. *Hist.* iv. 81–84; Suet. *Vesp.* 7; Dio Chrysost. *Orat.* xxxii.), at Canopus (Strabo, xvii. p. 801), and probably at Memphis (see Bouché-Leclercq, vol. iii. pp. 385–6), had great fame. So had the oracle of Apis at Memphis (Diog. Laert.

viii. 90; Amm. Marcell. xxii. 14; Plin. viii. § 46; Dio Chrysost. *Orat.* xxxii. 13), and of Isis at Philae (*C. I. G.* 4894–4947).

Of Syrian oracles, that of Heliopolis (Baalbek) is mentioned by Macrobius (*Sat.* i. 23, 13, and i. 17, 66), that of Hierapolis by Lucian (*Dea Syr.* 36): in each of these the Sun was the revealing deity. At Nicephorium on the Euphrates an oracle of Zeus is mentioned in the Augustan history (*Hadrian*, 2); how far the oracle was Greek, how far Syrian, is uncertain. It will suffice to mention the oracles at Apamea (Dio Cass. lxxviii. 8 and 40), at Gaza (Steph. Byz. s. v. Γάζα, and *Act. Bolland.* Februar. iii. p. 654), and Aphaca (Zosim. i. 58). A reference to the singular story related by Gregory of Nyssa respecting the oracle at Neocaesarea in Pontus (Greg. Nyss. iii. pp. 915, 916, Migne) may conclude this article.

The most complete work on the subject of oracles is Bouché-Leclercq's *Divination dans l'Antiquité* (Paris, 1879–1882). Great use of this work has been made in the present article; the whole subject is elucidated by it in a very remarkable manner. The author's proofs of his views are sometimes rather scattered, and there are some inaccuracies in the quotation-references in the notes. His disposition is to be somewhat too severe on the Delphic oracle; and his views respecting the origin of the Peleiades at Dodona, and the antiquity of the oracle of Branchidae, have not been followed in this article. His work, however, must always be an authority.

Other works on oracles that may be mentioned are Wachsmuth, *Hellen. Alterthum.* ii. p. 585, &c.; Klausen, in Ersch and Gruber's *Encyclop.* s. v. *Orakel*; A. Maury, *Histoire des Religions de la Grèce antique*, vol. ii. ch. xiii. Paris, 1857; K. F. Hermann, *Lehrbuch der griechischen Antiquitäten*, ii.^{2} (1858), §§ 37–41; E. Curtius, *Die Hellenische Mantik* (Göttingen, 1864); L. H. de Fontaine, *De divinitatis origine et progressu*, Rostock, 1867; and an interesting essay by F. W. H. Myers, in *Hellenica*, pp. 425–492, London, 1880, since republished among the author's essays.

On Dodona specially, the important works of C. Carapanos (*Mémoire sur Dodone et le Culte de Jupiter Naios*, 1877, and *Dodone et ses ruines*, Paris, 1878) take the first place. Besides these, may be mentioned Cordes, *de Oraculo Dodonaeo*, Gröningen, 1826; J. Arneth, *Ueber das Taubenorakel von Dodona*, Wien, 1840; L. von Lassaulx, *Das Pelagische Orakel des Zeus zu Dodona*, Würzburg, 1840; L. Preller, *Dodona*, 1842, in Pauly's *Real-Encyclop.* ii. pp. 1190–1195; F. D. von Gerlach, *Dodona*, Basel, 1859; G. Perthes, *Die Peleiaden zu Dodona*, Merseb. 1869; H. R. Pomtow, *Die Orakelinschriften von Dodona*, in Fleckeisen's *Neue Jahrbücher für Philologie*, for 1883, pp. 305–360. This last work is, it will be seen, subsequent to the discoveries of M. Carapanos.

On Delphi specially, it is impossible to quote a quarter of the works written during this century. But these may be mentioned: C. F. Wilster, *De Religione et Oraculo Apollinis Delphici*, Hafniae, 1827; H. Piotrowski, *De gravitate Oraculi Delphici*, Lipsiae, 1829; R. H. Klausen, in Ersch und Gruber's *Encyclopädie*, s. v. *Orakel*; D. Hüllmann, *Würdigung des Delphischen Orakels*, Bonn, 1837; W. Götte, *Das Delphische Orakel*, &c., Leipzig, 1839; L. Preller, art. *Delphi*, 1842 (Pauly's *Real Encyclopädie*, ii. pp. 909–919); J. Kayser, *Delphi*, Darmstadt, 1855; P. Foucart, *Mémoire sur les Ruines et l'histoire de Delphes*, Paris, 1865; A. Mommsen, *Delphika*, Leipzig, 1878.

Other works on oracles in general, and the particular oracles, will be found referred to in the above-mentioned treatise of Bouché-Leclercq. [J. R. M.]

ORARIUM. [SUDARIUM.]

ORATIO'NES PRI'NCIPUM. Many of the *orationes* of the Roman emperors, such as are quoted by the *Augustae historiae scriptores*, are merely communications to the senate, *e.g.* the announcement of a victory (Capitol. *Maxim. duo*, 12, 13), but those which are the subject of this note relate to legislation only. Under the earlier emperors the orationes were *projets de loi* submitted by the princeps either personally or by memorandum (*epistola*, *libellus*: e.g. Dig. 5, 3, 22; 24, 1, 32; 27, 9, 1) to the senate, which in appearance, though not in reality, still possessed legislative power: the consuls, as presidents of the assembly, would then open a discussion on the proposal (*e.g.* Dig. 5, 3, 20, 6), which we cannot doubt was invariably embodied in a senatusconsultum with little or no alteration, and so constitutionally invested with the force of law. Instances are found in Gaius (ii. 285), "ex oratione divi Hadriani senatusconsultum factum est;" and in Dig. 23, 2, 16 (Paulus), "oratione divi Marci .... quam senatusconsultum secutum est."

But the fact that, either through his *jus edicendi*, or in virtue of the Lex Curiata de Imperio, the emperor's own ordinances had the force of law, and the ostentatious unwillingness of the senate to make even a false show of independence by pretending to discuss his legislative proposals, gradually led to the recognition of the oratio as itself law, apart from the senatusconsultum which was founded on it: so that the two are often cited indifferently by the classical jurists—the oratio as containing the reason or grounds of the law, the senatusconsultum for its particular terms and provisions (*e.g.* Dig. 2, 15, 8; 23, 2, 60; 5, 3, 20, 22, 40; 11, 4, 3: so too "divi Pertinacis oratione cautum est," *Inst.* ii. 17, 7): and the actual consultation of the senate gradually sank into a merely formal acclamation. As to the mode of communication, unless the emperor delivered the oratio in person, which seems not to have been very usual, it was embodied in an epistola or libellus (Dig. 5, 3, 20, 22), which was read to the senate by one of the quaestors (Dig. 1, 13): for instance, Suetonius (*Tit.* 6) says that Titus sometimes read his father's orationes in the senate "quaestoris vice," and the practice is frequently referred to: *e.g.* Suet. *Aug.* 65; Tac. *Ann.* iii. 52, xvi. 7; Dio Cass. liv. 25, lx. 2. The mode of proceeding upon the receipt of one of these orationes may be collected from the preamble of the senatusconsultum in Dig. 5, 3; and when it was drawn up with much regard to detail, the subsequent senatusconsultum was clearly a simple reproduction of its terms.

It is not quite clear when the practice of formally giving the force of law to orationes by embodying them in senatusconsulta went out of use. Senatusconsulta originating in this manner are found in the reigns of Septimius Severus and his son Caracalla (*e.g.* Dig. 24, 1, 32), but under the Christian emperors the oratio appears simply as one of the modes of publishing or promulgating emperor-made law, by addressing it to the senate ("leges, quae missae ad venerabilem coetum oratione conduntur," Cod. 1, 14, 3: cf. Cod. Theod. 4, 1, 1): if addressed to a magistrate, it would rather be called mandatum or rescriptum; if "ad populum" or "ad omnes populos," an edictum or edictalis constitutio. Genuine senatusconsulta now occur only in relation to the senatorial games or other burdens which the senate had to bear as a corporation (Symmach. x. 28, 10).

There has been much discussion on the amount of the influence exercised by these orationes on the legislation of the senate. But it seems to be tolerably clear, from the evidence that we have and from the nature of the case, that the oratio might recommend generally some legislative measure and leave the details to the senate, or it might contain all the details of the proposed measure, and so be in substance, though not in form, a senatusconsultum: and it would become a senatusconsultum on being adopted by the senate, which, in the case supposed, would be merely a matter of form. [SENATUSCONSULTUM.] In the case of an oratio expressed in more general terms, there is no reason to suppose that the emperor's recommendation was less of a command: it was merely a command in more general terms. (See Dirksen, *Ueber die Reden der röm. Kaiser und deren Einfluss auf die Gesetzgebung*, in *Rhein. Mus. für Jurisprudenz*, vol. ii., and *Vermischte Schriften*, part i., No. vi.) [G. L.] [J. B. M.]

ORA'TOR. Cicero remarks (*Or. Part.* c. 28, 100) that "a certain kind of causes belong to Jus Civile, and that Jus Civile is conversant about statutes (*lex*) and custom (*mos*) appertaining to things public and private, the knowledge of which, though neglected by most orators, seems to me to be necessary for the purposes of oratory." In his treatise on the Orator, and particularly in the first book, Cicero has given his opinion of the duties and requisite qualifications of an orator in the form of a dialogue, in which Lucius Licinius Crassus and M. Antonius are the chief speakers. Crassus was himself a model of the highest excellence in oratory; and the opinions attributed to him as to the qualifications of an orator were those of Cicero himself, who in the introductory part of his first book (c. 6) declares that "in his opinion no man can deserve the title of a perfect orator unless he has acquired a knowledge of all important things and of all arts: for it is out of knowledge that oratory must blossom and expand, and if it is not founded on matter which the orator has fully mastered and understood, it is idle talk, and may almost be called puerile." According to Crassus, the province of the orator embraces everything: he must be able to speak well on all subjects. Consequently he must have a knowledge of the Jus Civile (i. 44, 197), the necessity for which Crassus illustrates by instances; and he should not only know the Jus Civile, as being necessary when he has to speak in causes relating to private matters and to privata judicia, but he should also have a knowledge of the Jus Publicum, which is conversant about a state as such, and he should be familiar with the events of history and instances derived from the experience of the past. Antonius (i. 49, 213) limits the qualifications of the orator to the command of language pleasant to the ear and of arguments adapted to convince in causes in the forum and on ordinary occasions. He further requires the orator to have competent voice and action and sufficient grace and ease. In i. 58, 246, he contends that an orator does not require a knowledge of the Jus Civile, in support of which he instances himself, for Crassus allowed that Antonius could satisfactorily conduct a cause, though Antonius, according to his own admission, had never learnt the Jus Civile, and had never felt the want of it in such causes as he had defended.

The profession then of the orator, who with reference to a client's case is also called *patronus* (*de Orat.* i. 56, 237; *Brut.* 38, 143), was quite distinct from that of the consulting lawyer [JURISCONSULTI], and also from that of the *advocatus*, at least in the time of Cicero (ii. 74, 301), and even later (*de Orat. dial.* 34). The advocatus assisted a party with legal advice, and accompanied him into court, though there his assistance was not active, being limited to the effect which might be produced by the mere fact of his reputation; but after the fall of the Republic the functions of advocatus and patronus or orator are confused, as the greater jurists ceased to go into court. An orator, who possessed a competent knowledge of the civil law, would have thereby an advantage, as Antonius admits (i. 59, 251); but as there were many essentials to an orator, which were difficult of attainment, he says that it would be unwise to distract him with other things. Some requisites of oratory, such as voice and gesture, could be acquired only by discipline: whereas a competent knowledge of the law of a case (*juris utilitas*) could be got at any time from a jurisconsult or from books. Antonius thinks that in this matter the Roman acted more wisely than the Greek orators, who, being ignorant of law, had the assistance of low fellows who worked for hire, and were called Pragmatici (i. 45): the Roman orators entrusted the maintenance of the law to the high character of their professed jurists.

So far as the profession of an advocate consists in the skilful conduct of a cause, and in the supporting of his own side of a question by proper argument, it must be admitted with Antonius that a very moderate knowledge of law is sufficient; and indeed even a purely legal argument requires not so much the accumulation of a vast store of legal knowledge as the power of handling the matter when it has been collected. The method in which this consummate master of his art managed a cause is stated by himself (*de Orat.* ii. 72, 292); and in another passage (*Brut.* 37, 129) Cicero has recorded his merits as an orator. Servius Sulpicius, who was the greatest lawyer of his age, had a good practical knowledge of the law; but others had this also, and what distinguished him from all his contemporaries was something else: "Many others as well as Sulpicius had a great knowledge of the law: he alone possessed it as an art. But the knowledge of law by itself would never have helped him to this without the possession of that art which teaches us to divide the whole of a thing into its parts, by exact definition to develop what is imperfectly seen, by explanation to clear up what is obscure: first of all to see ambiguities, then to disentangle them, lastly to have a rule by which truth and falsehood are distinguished, and by which it shall appear what consequences follow from premisses, and what do not" (*Brut.* 41, 152). With such a power Sulpicius combined a knowledge of letters and a pleasing style of speaking. As a forensic orator then he must have been one of the first that ever lived: but still among the Romans his reputation was that of a jurist, while Antonius, who had no knowledge of the law, is put on a level as an orator (*patronus*) with L. Crassus, who of all the eloquent men of Rome had the best acquaintance with the law.

How serious a study oratory was among the Romans is attested by Cicero, who (*Brut.* 91, &c.) tells us by what painful labour he achieved excellence. Roman oratory reached its perfection in the century which preceded the Christian era: its decline dates from the establishment of the imperial power under Augustus and his successors: for though there were many good speakers and more skilful rhetoricians under the Empire, the oratory of the Republic was rendered by circumstances unsuitable for the senate, for the popular assemblies, or for cases of crime and high misdemeanour. Upon this subject, see Savigny, *History of the Roman Law in the Middle Ages*, i. p. 25.

In the Dialogue *de Oratoribus*, which is attributed (no doubt rightly) to Tacitus, Messala, one of the speakers, attempts (c. 28, &c.) to assign the reasons for the low level of oratory in the time of Vespasian (when the Dialogue was written) compared with its condition in the age of Cicero and his predecessors. He attributes its decline to the neglect of the discipline under which children were formerly brought up, and to the practice of resorting to *rhetores*, who professed to teach the art of oratory. This gives occasion to speak more at length of the early discipline of the old orators, and of Cicero's course of study as described in the *Brutus*. The old orators (c. 34) learnt their art by constant attendance on some eminent orator, and by actual experience of business: the orators of Messala's time were formed in the schools of Rhetoric, and their powers were developed by exercises on fictitious matters. These however, it is obvious, were only secondary causes. The immediate causes appear to be indicated by Maternus, another speaker in the Dialogue, who attributes the former flourishing condition of eloquence to the political influence which oratory conferred on its possessor under the Republic, and to the party struggles and even the violence that are incident to such a social condition. The allusion to the effect produced by the establishment of the Empire is clear enough in the following words, which refer both to the Imperial and the Republican periods: "Cum mixtis omnibus et moderatore uno carentibus, tantum quisque orator saperet, quantum erranti populo persuaderi poterat."

The memorials of Roman oratory are the speeches of Cicero: but they are only a small portion of the great mass of oratorical literature. The fragments of the Roman orators, from Appius Caecus and M. Porcius Cato to Q. Aurelius Symmachus, have been collected by H. Meyer, Zürich, 1 vol. 8vo, 2nd edit., 1842. [G. L.] [J. B. M.]

ORBUS. [Leges Juliae, p. 45 *a*.]

ORCA. [Sitella.]

ORCHE'SIS (ὄρχησις). [Saltatio.]

ORCHESTRA. [Theatrum.]

ORCI'NUS LIBERTUS. [Manumissio.]

ORCI'NUS SENATOR. [Senatus.]

ORDINA'RIUS JUDEX. [Judex Pedaneus.]

ORDINA'RIUS SERVUS. [Servus.]

ORDO, "properly 'the row,' appears most clearly in its original concrete signification in the banks of oars in a ship, in the tiers of tiles on a roof, or in the benches of a theatre" (Mommsen, *Staatsrecht*, iii. p. 459).

In a military sense the word *ordo* (or its Greek equivalent τάγμα, Polyb. vi. 24, 5) is used of the manipulus of two centuries (see Liv. viii. 8); *ordinem ducere* means "to be a centurion," two of whom held joint command in each maniple (Cic. *Phil.* i. 8, 20; cf. Liv. xlii. 34, 5), and *ordinarius* is said (Festus, *s. v.*) to be equivalent to *manipularis* in the sense of "a man in the ranks." From this military usage is doubtless derived the phrase *in ordinem cogere*, which must originally have meant "to reduce a man to the ranks," but which is generally used of one who treats with contempt the person or office of a magistrate (Liv. xxv. 3, 19; xliii. 16, 9). It is doubtful whether the word *ordo* in Cicero's descriptions of the Servian Comitia Centuriata ("pecunias aevitates ordines partiunto equitum peditumque," "descriptis ordinibus classibus aetatibus," "omnium aetatum ordinumque suffragiis") is to be explained with Mommsen (*Staatsr.* iii. p. 253, n. 1) as meaning "century," or whether it is to be taken (as seems more probable) merely to indicate the two great categories of horse and foot.

In a less technical sense the word is used of any distinct class of persons, as by Cicero (*Verr.* ii. 6, 17), "si cuiquam ordini sive aratorum sive pecuariorum sive mercatorum probatus sit," especially when, as in these cases (*ib.* 55, 137), the class has a common interest and habits of common action. But it seems to have been felt that it was an improper use of the word, when the category so designated had nothing else in common save the single characteristic indicated in its appellation. Cicero, for instance (in the passage last referred to), seems to deny that the term can be correctly applied to the collective censors of the Sicilian states, or again (*Phil.* vi. 5, 14) to all the persons who have ever served as military tribunes. It is possibly on this ground that the word does not appear to signify the Roman magistrates taken collectively, nor the various grades in the senate,—consulares, praetorii, &c.; though, in a more general sense, Livy (xxiii. 23, 4) can use it of the categories of persons chosen into the senate—"ut ordo ordini, non homo homini praelatus videretur." It seems improbable that we can speak of the Roman priests collectively as *ordo sacerdotum*; if these words had habitually borne any such meaning, Festus (*s. v.*) would hardly have used them in an entirely different sense ("the table of precedence among the priests"). The inscription (*C. I. L.* vi. 2010) in which *ordo sacerdotum* occurs merely shows that certain officials of the imperial household formed themselves into a religious guild which they thought fit to call by this name. It is very rare again to find *ordo* designating either of the great classes of "patrician" and "plebeian," though there are exceptions, as where Capito (in Aul. Gell. x. 20) implies it of the patriciate, "quoniam in populo omnis pars civitatis omnesque ejus ordines contineantur, plebs vero ea dicitur in qua gentes civium patriciae non insunt," or where Pliny (*H. N.* xxxiii. § 29) says, "anuli plane tertium ordinem mediumque plebi et patribus inseruere."

On the other hand, the word is constantly applied to the two great dominant classes in the Roman state, the Senate and the Equites, and likewise to the corresponding classes in the municipia, the *ordo decurionum* and the *ordo Augustalium.* At Rome the senate and equites are not unfrequently called *uterque ordo*, just as if no other portion of the state had a claim to this designation. The senate having no fixed meeting-place, a Roman senator did not refer to a speech made therein as being delivered "in this house," but *in hoc ordine* (Sall. *Cat.* 52, 13). While the word *ordo*, as applied to the Roman senate, requires a qualifying pronoun, as *hic* or *noster*, or a qualifying adjective, as *amplissimus*, in the municipia *ordo* written alone indicates the town-council, and is its distinctive appellation as contrasted with the *senatus* of Rome, just as the local *decurio* is distinguished from the Roman "senator" (Mommsen, *Staatsr.* iii. p. 842).

It is more difficult to decide what, exactly, is meant in each passage by the *equester ordo.* It is undoubtedly used in some places of the eighteen centuries of Knights, as by Cicero in *Phil.* vi. 5, 13, "altera ab equitibus Romanis equo publico, qui item adscribunt 'patrono.' Quem unquam iste ordo patronum adoptavit?" Under the Principate this is its common meaning; it is the only sense which will serve in any passage where we find the *ordo* taking action as a formal and legally constituted corporation (*e.g.* Tac. *Ann.* ii. 83, 5). If Mommsen be correct in his supposition that the right of sitting on juries was confined to these *equites equo publico* [see EQUITES], then the phrase is very frequently applied to them in republican times, for the jury-courts are repeatedly said to have been in the possession of the *equester ordo.* This interpretation is, however, more than doubtful. In very many cases, on the other hand, *ordo* is used of the *equites Romani* in the wider sense; of all, that is, who not being senators possessed the qualifying property of 400,000 H. S., and were therefore eligible for the eighteen centuries. We know from Horace (*Ep.* i. 1, 62) and from Juvenal (iii. 159) that it was a pecuniary qualification which gave a man the right, under Roscius Otho's law, to sit in the front rows of the theatre: but Cicero says of Roscius (*Mur.* 19, 40), "equestri ordini restituit non solum dignitatem sed etiam voluptatem." The wider sense is also far more probable in passages where Cicero speaks of the policy or temper of the order, as (*Verr.* iii. 41, 94) "quum aliquid contra utilitatem ejus ordinis fecisset," and again, "qui unum equitem Romanum contumelia dignum putasset, ab universo ordine malo dignus judicaretur." Quintus Cicero (*de Pet. Cons.* 8), speaking of the young men who composed the equestrian centuries, distinguishes them from the *ordo* in its wider sense—"quod equester ordo tuus est, sequentur illi auctoritatem ordinis." (See against this Mommsen, *Staatsrecht*, iii. pp. 484 and 497.)

The other classes to which the term is applicable can be ascertained only by observing the practice in books and in inscriptions. The expression is very frequently used of the *tribuni aerarii*, of the *libertini* (e.g. in Cic. *Verr.* i. 47, 124, and repeatedly in Livy) and of the *publicani* (e.g. Liv. xxv. 3, 12). We have likewise occasionally mentioned an *ordo lictorum* and an *ordo scribarum* in Rome (see ref. in Mommsen, *Staatsr.* i. p. 342, n. 4), and in the municipia an *ordo Seviralium* (Orelli, *Inscr.* 2229). In later times men of any calling who choose to unite themselves into a guild seem to adopt this appellation. Two such guilds are described (*C. I. L.* xiv. 251 and 252) with different adjectives of uncertain meaning (*tabulariorum* and *pleromariorum*), but both as "ordo corporatorum lenunculariorum auxiliarium (lighter-men) Ostiensium." In *C. I. L.* xiv. 2408 we have an *ordo adlectorum* at Bovillae, referring apparently to the *adlecti scaenae*, who seem to have been "licensed" or "certificated" actors. An *ordo haruspicum* is mentioned in *C. I. L.* vi. 2161 and 2162: from the first of these we should infer that the order was not strictly localised; for while the donees appear to be at Rome (where the tablet was found), the donor is not only *haruspex Augustorum* and *magister publicus haruspicum*, but likewise Pontifex and Dictator of Alba.

It remains to notice some peculiar uses of the words *extra ordinem.* "Praeturae extra ordinem" are said by Tacitus (*Ann.* ii. 32, 1) to have been granted to certain informers. This may mean that extra praetorships were specially invented to suit them, or more probably (as Nipperdy supposes) that these persons were allowed to anticipate their regular turn for holding that office. In the Lex de Imperio Vespasiani we find that the recommendation of candidates by the emperor is made effective, by the privilege granted them that "eorum extra ordinem ratio habeatur;" that is to say, they are not to take their chance among the general list of candidates, but to have their case considered specially and first of all [see NOMINATIO]. In criminal procedure, a trial which was to have precedence of all others is said to be taken *extra ordinem*, and the accused in such a case is *extraordinarius reus* (Cic. *ad Fam.* viii. 8, 1). In civil procedure, *judicia ordinaria* are those tried under the formulary system, where the points at issue are referred to a single juror subject to instructions given him by the praetor. When the praetor himself decides without this reference to a judex, we have a *cognitio extra ordinem* (Tac. *Ann.* xiii. 51); and when (as frequently happened under the principate) such suits became too numerous for the personal attention of the magistrate, the substitute to whom he delegated the task without binding him down by a formula was called *judex extra ordinem datus.* (See Mommsen, *Staatsrecht*, ii.^{3} p. 980, n. 1.) [J. L. S. D.]

O'RGANON. [Machina.]

O'RGIA. [Mysteria.]

ORGYI'A (ὀργυιά), a Greek measure of length, derived from the human body, was the distance from extremity to extremity of the outstretched arms, whence the name from ὀρέγω. (Xen. *Mem.* ii. 3, 19; Pollux, ii. 158.) It was = 6 πόδες or 4 πήχεις, and was $\frac{1}{100}$ of the stadium (Herod. ii. 149). It may be expressed nearly enough in English by the word *fathom*. (Compare Mensura and the Tables.) [P. S.]

ORICHAL'CUM (ὀρείχαλκος). During the first three centuries of the Roman Empire, and probably as early as the second century B.C., this word appears to have been used to indicate brass—*i.e.* an artificial alloy of copper and zinc. The chief extant objects made of this metallic compound are the *sestertii* and *dupondii* (sometimes known by coin-collectors as "first" and "second" brass coins) of Augustus and the earlier emperors. Of coins of this class Dr. Percy (*Metallurgy*, i. 521–523) quotes the following analyses:—(i.) Sestertius of Nero (Rome): Copper, 81·07; zinc, 17·81. (ii.) Dupondius of Vespasian (Rome): Copper, 81·97; zinc, 18·68. (iii.) Titus, brass coin (Rome): Copper, 83·04; zinc, 15·84. (iv.) Trajan (Greek Imperial coin of Caria): Copper, 77·590; zinc, 20·700. (v.) Hadrian, brass coin: Copper, 85·67; zinc, 10·85. (vi.) Caracalla (Greek Imperial, large size): Copper, 74·24; zinc, 14·42. Most of the above coins also contain small quantities of tin, lead, and iron. (Cp. Mommsen, *Monn. rom.* iii. 37, 47; Lenormant, *La Monnaie dans l'Ant.* i. p. 202; Plin. *H. N.* xxxiv. 2, 4.) The coins of the Roman Republic—other than those in gold and silver—are, on the other hand, not of brass, but mainly an alloy of copper and tin, *i.e.* bronze.

Orichalcum, though not a costly metal, had the appearance of gold (Cic. *de Off.* iii. 23, 92); hence the mistaken orthography *aurichalcum* and the derivation from *aurum*, which are sometimes found (cp. Fest. 9, 4; Isid. xvi. 20, 3). Orichalcum is the Greek ὀρείχαλκος, apparently "copper found in the mountains." The word ὀρείχαλκος first occurs in [Hom.] *Hymn. in Ven.* 9, where earrings of it are mentioned. It is also found in Hesiod, *Sc. Herc.* 122 ("greaves"); Plat. *Critias*, p. 114 E, p. 116 B (described as a metal no longer existent);—Ps.-Aristot. *Mir. ausc.* 58, p. 834 B, 22; 49, p. 834 A, 1; 62, p. 835 A, 9;—Callim. *Lavacr. Pall.* 19 ("mirror"); Apoll. Rhod. 971–978, and Schol.; Strabo, xiii. p. 610; Anon. *Peripl. m. Eryth.* 6 (Müller, *Geog. Gr. Min.* i. p. 262); Paus. ii. 37, 3; Hesychius, Photius, Suidas, *s. v.* ὀρείχαλκος; *C. I. G.* vol. i. p. 286; 'Αθήναιον (periodical), vii. (1879), p. 87, No. 2, line 24 f. (στλεγγὶς ὀρειχαλκίνη). For a discussion of the meaning of ὀρείχαλκος in individual passages, the reader must be referred to the commentaries and to the pages of Rossignol and Blümner. Generally, it may be said that by ὀρείχαλκος the Greek writers intended a bright metal resembling gold in appearance, and one of which the exact nature was uncertain or unknown to them. Probably in some instances a mixture (whether artificial or natural cannot be determined) of copper and zinc (*i.e.* brass) was indicated by the word.

In the Latin writers, from Plautus onwards, the word *orichalcum* is frequently found; generally, it would seem, with the meaning of brass. The chief passages are as follows:—Plaut. *Curc.* i. 3, 46 (202); *Mil.* iii. 1, 69 (660); *Pseud.* ii. 3, 22 (688); Cic. *de Off.* iii. 23, 92 ("Si quis aurum vendens, orichalcum se putet vendere"); Verg. *Aen.* xii. 87 ("Auro squalentem alboque orichalco Circumdat humeris"). Blümner supposes this "white orichalcum" to have been an alloy, like prince's metal, and compares the χαλκὸς λευκὸς of Theoph. *Fr.* 4, 71; *Etym. M.* p. 630, 51; Tzetz. *ad* Hes. *Scut.* 122; Hor. *A. P.* 202 ("Tibia non ut nunc orichalco vincta"); Plin. *H. N.* xxxvii. § 126; Stat. *Theb.* x. 660 (arms of orichalcum); Suet. *Vitell.* 5 ("Proque auro et argentum stannum et aurichalcum supposuisse"), &c.

(For copious references to ancient and modern writers on the subject, see Rossignol, *Les Métaux dans l'Antiquité*, Paris, 1863; and Blümner, *Technologie*, iv. p. 91; p. 192, note 4; and p. 193 ff.) [W——k W——h.]

ORIGINA'RII. [Coloni, Vol. I. p. 472 *a.*]

ORNAME'NTA TRIUMPHA'LIA. [Triumphus.]

ORNA'TRIX. [Coma.]

ORNI'THON. [Agricultura, Vol. I. p. 80.]

O'RPHICA. Whatever is to be said in any summary of the Orphic doctrines must start from Lobeck's great section on the subject in his *Aglaophamus* (233–1104). Like the Phanes of the Orphic legend, he must be absorbed by any one who coming after him essays, however feebly and imperfectly, to play the part of the ordering Zeus.

1. *Orpheus.*—In early times, the difference between prophet or poet and priest hardly existed, so that it is not surprising that the Thracian Orpheus, who is so well known as a poet, should appear also as a priest. An important passage of Aristophanes (*Ran.* 1032) says that what Orpheus gave the Greeks towards civilisation was τελετάς φόνων τ' ἀπέχεσθαι. But far more in later times came to be attributed to him; viz. the invention of writing, music, medical art, oracles, heroic versification, and other things (Lobeck, 233–243). But it was chiefly as the founder of a mystic brotherhood that he was known. The first mention of him is in Ibycus, 530 B.C. (Bergk, iii. p. 241); but already to Pindar (*Pyth.* 177) he was of older date than Homer, and from the position assigned to him in the passage of Aristophanes cited above the comic poet would seem to have held the same opinion; indeed this belief was so strong that Herodotus (ii. 53) felt called upon to express his entire dissent from it. We have shown in Eleusinia that, during the seventh and sixth centuries B.C., there was a great influx into Greece of Thracian and Oriental worships (cf. Lobeck, 304 ff.), consisting of purificatory and mystic rites—which were all quite foreign to the ordinary Hellenic ideas. For example, the ancient Scholiasts (see Schol. Venet. on *Il.* xi. 680) did not fail to notice that there was no trace of purification for murder in Homer. The earliest instance of such is in the *Aethiopis* of Arctinus, wherein Ulysses purifies Achilles for the murder of Thersites (cf. Grote, i. 25). Now it was round the name of Orpheus that these Thracian and Oriental ideas clustered; he was held to be the founder of the sect, and as time

went on and as it grew in importance, he came to be considered the actual author of the various works written by the members of the sect,—in fact, "eine litterarische Collectivperson," as Preller puts it; and so Aristotle (Cic. *N. D.* i. 38, 107) and a grammarian Dionysius (Suid. *s. v.* Ὀρφεύς) could boldly declare that Orpheus never existed at all; and again others could say that there were two, three, or even six Orpheuses (Lobeck, 351–357). But the sect continued to exist, and did not fail to make its mark in classical Greek times; it continued during the Alexandrine era on into Roman times, gradually gathering round it all sorts of accretions, superstitions without number, and every kind of nonsense in its speculations, which was, however, allegorised away into metaphysical conceptions, till in the third and fourth centuries A.D. it was the Orphic theology and the Orphic life that made the last intellectual struggle against the victorious doctrines of Christianity. It was a recognised theory that all the philosophers had derived their systems from the Orphic school, and even at the Renaissance there were the most extravagant views held of this fount of original wisdom (Lobeck, 407–410). Let us see then, firstly, what the Orphics practised.

2. *The Orphic Life.*—That this was the regular expression is plain from Plato (*Legg.* vi. 782 D). It enjoined abstinence from certain foods,—meat, fish, beans (*Ἶσον τοι κυάμους τε φαγεῖν κεφαλάς τε τοκήων*, as the precept ran)—possibly on account of beans being used at funerals, and on the same ground the votaries appear to have abstained from eggs (Lobeck, 254, 477); they used to wear white garments (Eur. *Frag. Cretens.*—"luculenta vitae Orphicae descriptio," *ib.* 622), but were not allowed to use linen clothes either during religious worship nor as a winding sheet for the corpse—all this on account of certain religious reasons set forth in the Orphic books (cf. Herod. ii. 81). No bloody sacrifices were allowed (Plat. *l. c.*; Plut. *Conviv. Sept. Sap.* 159, 20), for transmigration of souls was a cardinal feature of their doctrine. They believed in the original sin of man, sprung as he was from the ashes of the Titans, and that the human soul passed from one body to another—that is, from one charnel-house to another (*σῶμα, σῆμα*)—till the ingrained taint was washed out and the purified soul was translated to the stars. We can hardly help feeling a connexion between this doctrine and the Buddhist passage from Sansara to Nirvana. Besides, there was specially the taint of guilt in certain families (cf. Plat. *Phaedr.* 244 E); purifications were absolutely necessary for such (Diog. Laert. viii. 33), and purifications according to Orphic rites of course alone availed. Here came the scandal in the eyes of the ordinary Greeks, especially as a certain class of religious beggars, called Orpheotelestae or Metragyrtae or some such title bespeaking their foreign ritual, went about with an ass carrying their sacred utensils (*ὄνος ἄγων μυστήρια*, Aristoph. *Ran.* 159), with great strings of books (*βίβλων ὁρμαθόν*), promising expiations from crimes both for those alive and for the dead by "certain sacrifices and pleasurable amusements," and otherwise trading on the superstitious feelings of the community (Plat. *Rep.* ii. 364 B). Paradise was open to the true votary if he performed the true ceremonial, and a precious paradise it sometimes was—perpetual drunkenness (*ib.* 363 C; Plat. *Comp. Cimon. et Lucull.* 1; Lobeck, 807). But there was no lack of votaries among the superstitious: the *δεισιδαίμων* of Theophrastus (xvi.) goes with wife and child once a month to an Orpheotelestes. The Phrygian worship of Sabazius, too, was full of purifications and superstitious magic; it was celebrated with great wildness both of grief and horror, and thus, highly ecstatic in its nature, was much affected by women and the lower orders (Aristoph. *Lys.* 388)—in all which points it is very similar to Orphic rites (Lobeck, 695). Priestesses appear to have played an important part (cf. Menand. *Frag.* 530, 21, Kock); they were called *περιμακτρίαι* or *ἐγχυτριστρίαι* (Schol. Aristoph. *Vesp.* 289). A priestess called Ninus was put to death for magic (Schol. on Dem. *Fals. Leg.* 431, § 281); and Aeschines's mother, Glaucothea, officiated at most vulgar Sabazian ceremonies, according to Demosthenes (*de Coron.* 313, § 259; Lobeck, 646 ff., 652 ff.). Then, too, there were the Corybantes, who were supposed to cause madness (Eur. *Hipp.* 142), which was cured by exorcisings and purifications according to the rites of these divinities (Schol. on Aristoph. *Vesp.* 119), rites which consisted of elaborate ceremonies, with ecstatic dances and clashing of cymbals round the patient, who sat enthroned (*θρόνωσις, θρονισμός*) in the midst of those officiating (Plat. *Euthyd.* 277 E; *Legg.* vii. 790, 791; Lobeck, 116, 640 ff.). The anxious ceremonial of the genuine Orphics, their abstinences and fastings, their scrupulousness about clothes and so forth, made them appear all of a piece with these pettifogging impostors, and so utterly contemptible in the eyes of the strong-minded Athenian man of the world (cf. the speech of Theseus in Eur. *Hipp.* 952). This genuine Orphic life, however, which was practised by an ascetic religious brotherhood, must not be charged with all the excesses of the impostors who traded on its name, nor with the calumnies which the ordinary pleasure-loving Greek was only too ready to fling against it. It does not appear to have made any mark that we can appreciate till the Pythagorean brotherhood broke up in Italy. This was an ascetic religious society, very similar in some points to the Orphics; and accordingly the scattered Pythagoreans joined naturally to the Orphics, and introduced into their doctrines the more highly-developed speculative principles which their master had taught them: and we take it that it was this influx of Pythagorean members that gave the most important impetus to the development of Orphic doctrine and increased prominence to the Orphic life. To the Orphic speculations we now turn.

3. *The Orphic Authors generally.*—Before the Pythagorean league was broken up, during that period at Athens after the murder of Cylon when the Athenian people were a prey to religious terrors and recourse had to be taken to various foreign methods of purification, it was only natural that the Orphic religion should appear. Onomacritus, who lived at the court of Pisistratus, was a *χρησμολόγος* and *διαθέτης* (arranger and editor) of the Oracles of Musaeus (Herod. vii. 6). He performed the same office for the works attributed to Orpheus (Tatian,

adv. Graecos, xli. 275, p. 885 Migne; Clem. Alex. *Strom.* i. 332, Pott), but at the same time he forged several works and attributed them to the names of Orpheus and Musaeus, which must have been venerable at the time (Herod. *l. c.*; Plut. *Pyth. Resp.* 25; Paus. i. 22, 7; Suidas, *s. v.* Ὀρφεύς). So Aristotle always speaks of τὰ καλούμενα Ὀρφέως ἔπη, τὰ Ὀρφικὰ καλούμενα ἔπη, and such like (Lobeck, 339). A celebrated passage in Pausanias (viii. 37, 5) shows that we are to attribute to Onomacritus the introduction of the Zagreus legend (see below, § 6). Pherecydes of Athens (Suid. *s. v.*) is also credited with the same functions as Onomacritus. Then, after the Pythagorean influence became predominant, we have writings from men called Cercops, Brontinus, Zopyrus, Persinus, from a woman Arignote, and many other Pythagoreans. The Orphic poems gained considerable popularity and were recited by the rhapsodists at the public games (Plat. *Ion*, 536 B), but it was specially by the priestly family of the Lycomidae that the Orphic *ritual* was used (Paus. ix. 27, 2; 30, 5); they introduced Orphic speculations and rites into the Eleusinian worship [ELEUSINIA]. The Peripatetic Eudemus did good service in collecting and editing an Orphic theogony, and we hear of one Epigenes occupying himself with the grammar and criticism of the Orphic poems (Lobeck, 340). For the long succession of writers who busied themselves with Orphic treatises, it will be sufficient to refer to Lobeck, 341–347, and to point out the goodly collection of them there was in Neo-Platonic times. Then we find Charax, Syrianus, and Hierocles occupied chiefly in harmonising Orpheus, Pythagoras, and Plato, and one Asclepiades actually writing a Harmony of All the Theologies (τῶν θεολογιῶν ἀπασῶν τὴν συμφωνίαν), though this was mere child's play compared with later Byzantine efforts (Lobeck, 346). But we must come to the actual writings attributed to Orpheus.

4. *The Orphic Literature specially.*—Preller (in Pauly, iv. 999) divides the Orphic literature into (1) Theological, (2) Liturgical, (3) Theurgical—an excellent division, which introduces order into the chaos of the catalogues given by Clement (*Strom.* i. 397) and Suidas (*s. v.* Ὀρφεύς). This classification we shall follow, giving up any pretence, except in a very few cases, of attempting to discover who were the actual authors of the separate works.

i. *Theological.*—(1) *Theogonia* or *Theologia* (see § 5). (2) Κρατῆρες (there were two works, a greater Crater and a less)—a title taken from the two mixings in Plato wherein the Deity constructed the universal soul and the individual souls, according to Lobeck, p. 736, though his reasons are not very plain. The fragments of the work only speak of the Unity of the Gods (*ib.* 731, 735). (3) Φυσικά, attributed to both Brontinus and Onomacritus, treats of how the individual soul is breathed into or inhaled by the body, after having been carried thereto by the winds (cf. τὴν ψυχὴν ἐκ τοῦ ὅλου εἰσιέναι ἀναπνεόντων, φερομένην ὑπὸ τῶν ἀνέμων, Aristot. *de Anim.* i. 5, 13). The guardians of the winds, or the winds themselves, are called Tritopatores, whatever be the true interpretation of that word, perhaps that they are our ancestors (τρίτοι πάτερες, *proavi* in the general sense of "ancestors"): for further, see Lobeck, 753–773, especially 763. Here, too, may have come in the wide-spread theory of the transmigration of souls, of the circle of births which it should be our aim to get free from: κύκλου τ' αὖ λῆξαι καὶ ἀναπνεῦσαι κακότητος (*ib.* 800). (4) Ἱεροὶ λόγοι—besides the Theogony, which is often so styled (*ib.* 508), there were certain treatises under this name on the mystic import of numbers in Pythagorean style. Pythagoras wrote ἱεροὶ λόγοι in prose on this subject, but he acknowledges his obligations to Orpheus (*ib.* 717, 725, 726). (5) Τριαγμὸς may be mentioned here, a work on the number Three, in prose, and therefore not written by an Orphic, but by Ion the tragedian, or perhaps Epigenes (*ib.* 388). (6) Κατάβασις εἰς Ἀΐδου—concerning the descent of Orpheus to Hades to recover Eurydice, ascribed to Prodicus. It seems to be older than Plat. *Symp.* 179 D; Eurip. *Med.* 557. The detailed description of Hades attributed to Orpheus doubtless came in here (Diod. i. 96; Lobeck, 811, 812). (7) Διαθῆκαι (cf. Justin, *Cohort.* 15) was the testament of Orpheus to Musaeus. It is a sort of palinode in that he reduces the 360 gods he had formerly allowed back to *one* god (Lobeck, 364). See an extensive fragment on this subject in Hermann's *Orphica*, p. 447, and much the same poem, only lengthened, on p. 450 ff. It was written by Alexandrine Jews, as the plain allusions to Abraham and Moses show. On the monotheism of the mysteries, see, besides Lobeck, 460–5, some remarks in MYSTERIA. (8) Δίκτυον appears to have had reference to the formation of the human frame, which is compared to the weaving of a net (Aristot. *de Generat. Anim.* ii. 1 = 734 a. 20, Lobeck, 381). (9) Κτίσις κόσμου: geographical. (10) Πέπλος, attributed to Zopyrus or Brontinus (Suid. *s. v.* Ὀρφεύς), seems to have been a treatise on cosmogony, πέπλος being the heavens (cf. Psalm civ. 2, "who stretchest out the heavens like a curtain;" also Pherecydes, Ζᾶς ποιέει φᾶρος μέγα τε καὶ καλὸν καὶ ἐν αὐτῷ ποικίλλει γᾶν τε καὶ Ὤγηνον καὶ Ὠγήνου δώματα). (11) περὶ σεισμῶν, also attributed to Hermes Trismegistus; but as a portion of a verse is preserved, it is best to give it to an Orphic source, as Hermes wrote in prose. (12) Ἀργοναυτικὰ (still extant) was written in late Christian times, and was an effort to dress up Greek mythology on Orphic principles. (13) Τελεταί, composed by Onomacritus (Suidas, *s. v.* Ὀρφεύς). Of its contents we know nothing for certain. Schuster (*De veteris Orphicae Theogoniae indole atque origine*, p. 54) thinks that it was probably in this work that Onomacritus published the Zagreus legend.

ii. *Liturgical.*—(1) Ὕμνοι to the gods (cf. Paus. ix. 27, 2; 30, 5). They were φυσικοὶ ὕμνοι, τίς ἡ τοῦ Ἀπόλλωνος φύσις, τίς ἡ τοῦ Διὸς παρατιθέμενοι, as Menander, *de Encom.* ii. 30, says; and he justly considers them liable to parody (cf. Lobeck, 390, 745 f.), and they were parodied by the New Comedy. In one of them the Sun is said to be father of everything (Macrob. *Sat.* i. 23, 22). They were composed by one man, in late Christian times, who had some knowledge of the old poets and of mystic theology. The Neo-Platonists do not use them, though they might have, to support their θεοκρασία and extensive allegorising. These hymns are first mentioned in the 12th cent A.D. The elaborate proof of these conclusions by Lobeck is one of the finest arguments in the *Aglaophamus* (389–410). (2) *Θρονισμοὶ μητρῷοι καὶ βακχικά*—prayers and hymns sung at the *θρόνωσις* of votaries in the worship of Cybele and Bacchus: similar to those used in the worship of the Corybantes, § 2. (3) *Ὅρκοι.* A few lines of this poem referring to the Mosaic cosmogony are found in Justin, but they are also attributed to Hermes Trismegistus (Lobeck, 737, 738). (4) *Σωτήρια*—prayers and thanksgivings for safety, attributed to authors called Timocles or Perginus (*ib.* 383). (5) *Ὀνομαστικά,* lists of names of the gods, sometimes with interpretation, possibly like the lists in the *Κρατήρ* (*ib.* 731), or the various names of one and the same god, as in Ov. *Met.* iv. 11 ff. (6) *Νεοτευκτικά,* forms of service for the dedication of temples (*ib.* 375). (7) *Θυηπολικόν.* This was perhaps one of the kind of books the Orphic impostors used to carry about (§ 2).

iii. *Theurgical.* (1) *Ἔργα καὶ ἡμέραι.* These were really separate works at first. That called *ἔργα* is also called *περὶ γεωργίας,* and Lobeck (414–5) quotes some verses from it. This poem has been supposed by Tyrwhitt to have been the same as the *περὶ καταρχῶν* of Maximus, the preceptor of Julian, but the fact is Maximus plagiarised from it (*ib.* 418–424). To it was added an astrological poem called *Δωδεκαετηρίδες.* The *ἡμέραι* is also called *ἐφημερίδες,* a kind of superstitious astrological diary (cf. Juv. vi. 569; Plin. *H. N.* xxix. § 9), treating of what days were lucky and what unlucky, concerning which Lobeck collects a vast mass of learning (428–434), and also of the days on which it was considered that the gods were born. (2) *περὶ φυτῶν, βοτανῶν, φαρμάκων*—concerning the healing properties of certain plants, animals and drugs, which degenerated into absurd magic. We also hear of books written by Orpheus called *περὶ ἐπῳδικῶν καὶ μαγικῶν,* and such like—Orpheus the poet and minstrel, who stayed rivers by his song, and with his lute made trees and the mountain tops that freeze bow themselves when he did sing, being transformed into Orpheus the magician (*ib.* 751–2). (3) *Λιθικά,* on the magical properties of stones. This poem is still extant (Hermann's *Orphica*, pp. 359–442). It was not known to Proculus. Suidas (*s. v.* *Ὀρφεύς*) says that a poem on this subject, called *Ὀγδοηκοντάλιθος,* was composed by Onomacritus, and included in his *Τελεταί,* and this is probable enough, as the virtue of rings is a very old superstition (cf. the story of Gyges in Plato; yet see Lobeck, 377). (4) *Ἱεροστολιστικὰ* and *Καταζωστικά,* concerning the dress and especially the girdles of the initiates and of the statues. Purple bands round the waist were essential in the Cabirian worship [CABIRIA]. Some verses are quoted in Macrob. *Sat.* i. 18, 22, describing the dress as having sun and stars represented on it, very much like the dress we should associate with a magician. Also some verses in Eusebius and Nicephorus (Lobeck, 728 ff.), concerning the special symbols or insignia to be put on statues; *e.g.* lizards round the statue of Hecate, just as the bow was the symbol of Apollo, and the winged sandals of Hermes. Such a statue was said to be *συμβολικῶς ἱδρυμένον.* For superstition in this direction, see Lobeck *l. c.* (5) *Ἀμνοσκοπία* (or *ἀνεμοσκοπία*), *ᾠοσκοπικά,* and *ᾠοθυτικὰ* treated, as their names indicate, of various kinds of divination (*ib.* 410).

5. *The Orphic Theogony.*—The multifarious theogonies which existed among the Greeks are very confusing, and their history has yet to be written, especially in the light of an extensive knowledge of Oriental literature. The philosophical value of these theogonies is that they, at any rate, asked the question of cosmogony. The not very definite evidences of an actual work, called *Θεογονία,* attributed to Orpheus, is given by Lobeck (367, 368). Under what are called the Orphic Theogonies, we have four, which must be mentioned separately.

(1) That systematised under the name of Eudemus, the pupil of Aristotle. It began with Night (*ἀπὸ δὲ τῆς Νυκτὸς ἐποιήσατο τὴν ἀρχήν,* says Damascius, *ap.* Lobeck, 488). Further than this we cannot go with certainty. We can neither with Zeller (*Die Philosophie der Griechen*, i. 99, Eng. trans.) infer from Plato (*Tim.* 40 D) that, according to Eudemus, "beside Night are placed Earth and Sky, both of which apparently proceeded from Night, as with Hesiod the Earth came forth from Chaos; Night being here substituted for Chaos. The children of Uranus and Gaea are Oceanus and Tethys"—this would be to beg the question that Plato used the Eudemian theogony. Nor suppose with Schuster (*op. cit.* p. 16 ff.) that the system of Eudemus which posits *one* first principle (cf. Aristot. *Met.* xii. 6, *οἱ θεολόγοι οἱ ἐκ νυκτὸς γεννῶντες*) is identical with that referred to by Lydus (*de Mens.* ii. 7) which posits *three*—viz. Night, Earth, Sky; however great may be the resemblance (cf. Lobeck, 494). This is well shown by Otto Kern, *De Orphei Epimenidis, Pherecydis theogoniis quaestiones criticae*, pp. 53–55).

(2) That given by Apollonius Rhodius (*Argon.* i. 494 ff.), where Orpheus is introduced as singing how Earth, Sky, and Sea were all commingled together in the beginning, but afterwards separated "by reason of destructive Strife" (*νείκεος ἐξ ὀλοοῖο*); how sun, moon, and stars got their fixed courses in heaven; how mountains arose and sounding rivers with their nymphs, and how all creeping things were produced. And in those primeval days did Ophion and Eurynome rule in heaven, till they were cast into the ocean by Kronos and Rhea, who ruled for a time over the happy gods the Titans (*μακάρεσσι θεοῖς Τιτῆσιν*), while Zeus was still a child and did not wield the thunderbolt. The first part of this cosmogony is unquestionably derived from Empedocles: the Sphairos being divided by Neikos is a cardinal point of his doctrine. But to whom the story about the rule of Ophion and Eurynome is due is not yet decided. Preller (*Ausgewählte Aufsätze*, ed. Köhler, p. 358) says Pherecydes, but this is most probably not the case: see Kern (*op. cit.* pp. 57–61, and chap. 3 on Pherecydes). Preller (*l. c.*) quotes a number of passages where allusion is made to this dynasty (Lycophr. *Alex.* 1192, and Tzetzes *ad loc.*; Schol. on Aristoph. *Nub.* 247, on Aesch. *Prom. Vinct.* 955; Lucian, *Tragopod.* 99 ff.). In Claud. *Rapt. Proserp.* iii. 348, Ophion is a giant.

(3) *ἡ κατὰ τὸν Ἱερώνυμον φερομένη καὶ Ἑλλάνικον, εἴπερ μὴ καὶ ὁ αὐτός ἐστιν* (Damasc. *op.*

Lobeck, 484). Zeller (*op. cit.* p. 103) shows that this Hieronymus was probably the Egyptian who was author of a Phoenician Antiquities (ἀρχαιολογία φοινικική), and mentioned by Josephus (*Ant.* i. 3, 6, 9), not the Peripatetic philosopher; and this is rendered almost certain from the fact that in much (*e.g.* the notion of water and primitive slime at the beginning) this theogony agrees with the Phoenician cosmogonies (Schuster, *op. cit.* 90–98). He it was who probably attributed to Hellanicus a work of his own called Αἰγυπτιακά (Epictet. *Diss.* ii. 19, 14)—for there were many books on foreign nations which were falsely ascribed to Hellanicus—and both in the Αἰγυπτιακὰ and in the Phoenician Antiquities he may have expressed the same view of the Orphic theogony. This view posits water and primitive slime, from which came Earth by solidification. From these two, Earth and Water, comes a dragon with the heads of a bull and a lion, and between the two the visage of a god, and he had upon his shoulders wings, and his name was Never-Aging Time (Χρόνος ἀγήραος), and the same was Heracles. And with him did consort Necessity, and she was none other than the incorporeal Adrastea, who is spread abroad throughout all space and reacheth to the ends of the world, and she is both male and female. Then did Time generate a gigantic egg, and filled by the might of its generator it burst in twain, and its top was Heaven and its bottom Earth (Lobeck, 487). Again, there is mention of another god, though it is not plain whether he belongs to this theogony or not (*ib.* 486), and he was incorporeal, yet he had golden wings on his shoulders, and to his flanks were united heads of bulls, and on his head was a mighty dragon, like unto the manifold forms of beasts, and his name was Protogonos or Zeus or Pan, for he arranged the whole world. Not very different to this is—

(4) The theogony called that of *the Rhapsodists*, which was the one ordinarily in vogue, and which was regarded by both Christians and Neo-Platonists as the genuine Orphic theogony. This is important when we remember that they considered Orpheus as the real author of all the Greek mythologies and disregarded Hesiod (Lobeck, 466). Orpheus was supposed to have learned it from the Sun. According to it, Chronus is the first of all, and he produces Aether and Chaos, by the agency of which two he produces further a silver egg, from which bursts a god called Phanes or Metis or Ericapaeus, also called Protogonos and the cosmogonic Eros. This god contains the germs of everything, so is male and female, has the heads of numerous animals, and so forth. The upper part of the egg becomes Heaven and the lower Earth. Phanes then proceeds to create the Sun of the natural world, and afterwards the Moon with its mountains and cities and palaces (Lobeck, 499). From himself Phanes produces Night, and afterwards a horrid monster called Echidna: from Night Phanes begets Uranus and Gaea. Then follow the generations of these two, pretty much the same as in Hesiod,—the Parcae, Centimani, Cyclopes, Titans, till Cronus dethrones Uranus and later Zeus dethrones Cronus. Then it is that Zeus devours Phanes, and so becomes the sum of all things, but only that he may once more reproduce them in accordance with the dictates of Justice (Δίκη). Then follow accounts of a few of the other gods—Apollo, Athena, Aphrodite, and others, though often with considerable blending of the gods together,—*e.g.* Demeter and Rhea; Persephone, Artemis, and Hecate. But the chief story in this part of the theogony is that of Zagreus, which we reserve for the next section.

It would be trifling to inquire whence came the very obvious idea of the world-egg, whether it was derived from the Semites, whether it was an old Aryan idea or was arrived at independently by the Greeks (Lobeck, 476). As to the derivation of the name Ericapaeus, *quot etymologici tot sententiae.* Delitzsch says it is a Semitic name, *Arik Anpen* (אֲרִיךְ אַנְפִּין), "long-visaged," the first of the ten Sephiroth; so too Schelling, that he is *Erek Appayim* (אֶרֶךְ אַפַּיִם), "long-suffering." Zoega, from Egyptian roots *eri* and *keb*, and that it means "the multiplier;" for Malela interprets him as ζωοδότηρ. Göttling thinks of ἔαρ and κάπυς, the breath of vernal winds; Visconti, of ἐρι and κάπτειν, the fierce devourer (though it is he who is devoured); while Kern (p. 22) with great complacency assures us that he was so called because he was devoured in the morning, just as Eos is called ἠριγένεια, because she is early born. Here again, though for other reasons, we think *quaerere ludicrum esse.* Phanes appears to have been interpreted by the Platonists as the Sun of the intelligible world, creator of the Sun of the natural world, and so the name of Dionysus is given to both (Lobeck, 499). We pass on to Night, who is the Orphic Night, a venerable goddess, the nurse of Cronus, a prophetess, the avenger of the crimes committed by Cronus, the guide of Zeus in the ordering of the world, she who prompts him to devour Phanes, &c.—quite different from the mere personification of the time of darkness in Hesiod. This is well developed by Kern, pp. 17–19, as also his proof (29–31), quite certain, that Echidna was not, as Lobeck supposed (493), another name of the Orphic Night, who was not a monstrous divinity at all, and had no likeness to a serpent. The swallowing of Phanes is the great feature of the Orphic theogony: it leads to the numerous pantheistic hymns in the Orphic collection (cf. Lobeck, 519 ff.).

The lateness of the theogony "according to Hieronymus" is proved by Zeller (*op. cit.* p. 101) with cogent arguments. It must be later than the syncretism of the Stoics. The symbolism so highly developed, the abstract ideas (Time, Necessity), the distinction of corporeal and incorporeal, the spreading of Adrastea through the world, like that of the Platonic world-soul, the pantheistic conception of Zeus—all point to a late origin: and Kern urges that it is much later than the theogony of the Rhapsodists and was borrowed from them. The latter is comparatively plain and simple, the former a medley of philosophical and theological ideas, collected from all sides and run pell-mell together. Why has Chronus-Heracles his multiform attributes?—he does but produce an egg (27): if Earth is solidified from mud, why is the egg introduced at all (28), and why is a regress made from Earth to Chaos (32)? and why is Adrastea, who does nothing, given as a consort to Chronus?

The simpler legend, Kern says (28), is obviously the more ancient. But we cannot follow Lobeck (611) and Kern (35 ff.) in supposing that the theogony of the Rhapsodists was known to Plato, and is to be referred to the age of Onomacritus. Zeller's arguments (*op. cit.* 105–108) to prove that this theogony is later than the syncretists appear to us to have great weight. He urges against Lobeck: (*a*) That the first definite evidence of this theogony appears in the Pseudo-Aristotelian treatise *De Mundo*, c. 7; Plato, *Legg.* iv. 715 E, proves nothing [see MYSTERIA]. (*b*) Plato in *Symp.* 178 B does not mention Eros-Phanes of Orpheus as proof of the antiquity of Eros. (*c*) The Aristotelian evidence, *Met.* xiv. 4 (*Οἱ δὲ ποιηταὶ οἱ ἀρχαῖοι ταύτῃ ὁμοίως ᾗ βασιλεύειν καὶ ἄρχειν φασὶν οὐ τοὺς πρώτους οἷον νύκτα καὶ οὐρανὸν ἢ χάος ἢ ὠκεανὸν ἀλλὰ τὸν Δία*), only points to Eudemus's theogony. (*d*) Apollonius would have hardly made Orpheus sing what was quite different to the ordinary received theogony. (*e*) The peculiar Pantheism points to a late origin: that Zeus is the ultimate origin and support of all things is quite different from supposing him the complex of all things. (*f*) The story of Phanes is an attempt to reconcile the idea of Zeus as the complex of all things with the mythological idea that he is the founder of the last generation of gods. (*g*) The Hesiodic myth of Zeus swallowing Metis is used in such a way that Metis is combined with the Helios-Dionysus of the earlier Orphic theology, with the creative Eros of the Cosmogonies, and with Oriental divinities into the form of Phanes. This could only have happened in the age of the syncretists. It may be perhaps a mere imitation of the theory that the Deity from time to time took all things back into himself, and again put them forth. Preller (in Pauly, iv. 999) sees evidences of Egyptising Gnosticism in it. Even though some of these arguments may be overthrown—as, for example, (*c*) on linguistic grounds by Kern (p. 56); and though such lines as the well-known ones of Aeschylus (or Euphorion), *Ζεύς ἐστιν αἰθήρ, Ζεὺς δὲ γῆ, Ζεῦς δ' οὐρανός, Ζεύς τοι τὰ πάντα χὤτι τῶνδ' ὑπέρτερον*, have as pantheistic an air about them as one could desire—still the bulk of the arguments are untouched; and though it is true that the passages of Plato wherein this theogony is supposed to be alluded to (*Crat.* 402 B; *Tim.* 40 D; *Legg.* iv. 715; *Phaedr.* 248 C; *Phil.* 66 C; *Soph.* 242 D) are too vague to guarantee anything more than the barest probability, yet the absence of all allusion to Chronus, and to such striking features as the World Egg (though this may be alluded to by Aristoph. *Aves*, 695 ff.) and to Phanes, makes us pause before we can feel quite certain that Plato was acquainted with this elaborate story.

6. *The Zagreus-legend* is the most important feature of the later part of the Orphic theogony (Lobeck, 547–593). Zeus violates Proserpina (his own daughter by Deo or Demeter) under the form of a serpent. She bears Zagreus, "the great hunter," a mighty god with a bull's head, destined to become the king of Heaven, whom even as a child Zeus seated on his throne and entrusted with his thunderbolts. He appointed Apollo and the Curetes to guard the child. But Hera in jealousy urged the Titans against the god; who, after beguiling him with a mirror and other toys, slew him, though he resisted violently, cut him in pieces, boiled him, and finally ate him. His heart alone they left intact; it was taken up and preserved by Pallas. Hecate brings news of the murder to Zeus, who strikes down the Titans with his thunderbolt, and gives the heart to Apollo to bury at Delphi (cf. Aesch. *Eum.* 24). It was buried under the tripod (or, according to other accounts, under the omphalos), and from it rose again Dionysus in all his glory. There were probably mystic rites to Semele and Dionysus at Delphi (Lobeck, 619–20), but they are not recorded in any Orphic book. Other accounts tell that Zeus swallowed the heart dissolved in a drink, or gave the drink to Semele, who thereby conceiving bore the Theban Dionysus. From the blood of the Titans who ate Zagreus sprang men, who are as such mainly foes to the gods, but have also something Dionysiac and god-like in their nature, even as had the Titans (Dio Chrys. XXX. 550 R.). For further, see Lobeck, 567–8, though he thinks (580) that this may have been merely a poetical representation of an assumed relationship between men and gods.

This legend, certainly known to Callimachus (*Etym. M.* s. v. *Ζαγρεύς*), is attributed by Pausanias (viii. 37, 5) to Onomacritus. Nor is there any reason to question this statement. Well acquainted as he was with the Pythagorean philosophy, it was Onomacritus who did much to give expression and a kind of rational order to the wild and coarse fancies and practices which had been invading Greece for the previous century. For it is plain that this legend of the passion (*παθήματα*) of the god came from the East. There is a certain similarity between it and that of Soma in the Rig Veda (Maury, *Religions de la Grèce antique*, iii. 325), that of Osiris in Egypt, of Atys in Phrygia, and of Adonis or Thammuz in Phoenicia. Now by the time of the syncretists, from about the 3rd century B.C., all these Eastern religions had got blended together in the Greek mind. Clement (*ap.* Lobeck, 588) says that these Orphic rites of Zagreus came from Phrygia, and Lobeck seems to agree (cf. 655, "Itaque omnia eodem nos deducunt vestigia sacra Orphica a Phrygiis nihil diversa fuisse"). Diodorus says expressly (v. 75) that the Cretans were the first who gave Dionysus as son to Proserpina, though indeed Cretan and Phrygian forms of worship were so confused in his mind that he actually says (iv. 4) the Cretan Dionysus was called Sabazius (Maury, *op. cit.* 328). Yet confirmatory evidence of its Cretan origin can be seen by the Chorus in the *Cretans* of Euripides (cf. § 2). Lobeck (624) is perhaps too cautious in thinking that this is no evidence: a poet would naturally choose the chief votaries of a divinity as the characters into whose mouth to put an account of that divinity's ritual. Now the Cretan religion was mainly Phoenician (Movers, *Die Phönizer*, i. 27–32), and it is from them that we may principally derive the story of Zagreus. For further evidence on this point, see Fr. Lenormant in the *Gazette Archéologique* for 1879, pp. 22, 23, 34. But the rites of Zagreus became blended with ecstatic rites of Dionysus, introduced from Thrace, where the worship of Dionysus was indigenous (Herod. v. 7, vii. 111; Grote, i. 23 ff.), and from whence the Dionysic worship originally came into Greece.

In this legend Zeus and Zagreus are considered as Chthonian gods, Zagreus being sometimes said to be the son of Hades, sometimes Hades himself (Lobeck, 621). Cicero says he was son of Jupiter and the Moon (*Nat. Deor.* iii. 23, 58): cf. Diodorus (iii. 73), who says Zeus and Io were his parents. Lenormant (*op. cit.* p. 19), after Maury (p. 323), sees in him a personification of the vital force in nature. Hence his title *πρωτόγονος* in the Orphic Hymn (xxx. 2), his many names, and many forms (xlvi. xlvii.), and that he unites the attributes of the Hellenic Zeus and the Thracian Sabazius. But we must recollect that he is always called Dionysus, never Sabazius, in Orphic works (Lobeck, 621). As to the date of the introduction of the Zagreus legend into Greek ritual, Lenormant (*op. cit.* 23) places it at the time when Clisthenes substituted the recitations of the passion of Dionysus for that of Adrastus, himself an heroic personage, representing a divine Adrastus, who virtually is identified with Adonis (cf. Apoll. iii. 6, 1; Hygin. *Fab.* 69; and Maury, iii. 327, cf. p. 197). When the Orphic doctrines insinuated themselves into the Eleusinian mysteries, Zagreus came to be identified with Iacchus [ELEUSINIA]. A cardinal feature of this Zagreus worship was the *ὠμοφαγίαι* (Eur. *Bacch.* 139), which point distinctly to savage rites, and do not harmonise at all with the purer and higher Orphic life which abstained from all live creatures, though Euripides (*l. c.*) and Plutarch (*Symp.* viii. 8) and Porphyrius (*V. P.* ii. 28, *γευσάμενοι μόνον πρὸς ἀλήθειαν ἄθικτοι τῶν λοιπῶν ζῴων*) seem to think they do (Lobeck, 623). That the sacrifices were originally human (cf. Porphyr. *Abst.* ii. 55), and that the remembrance thereof was not entirely extinct in 480 B.C., is proved by Themistocles's sacrifice of three Persian prisoners to Dionysus Omestes (Plut. *Them.* 13), but later they were replaced by the lower animals. Thus Dionysus was called **Ταυροφάγος** and **Μοσχοφάγος** (Soph. *Frag.* 602, ed. Nauck, Schol. *ad* Aristoph. *Ran.* 357). Sacrifices called *ὠμοφαγίαι* were also celebrated at Chios, Lesbos, Tenedos, and, as originally, at Crete. (Porphyr. *l. c.*; Clem. Alexandr. *Protr.* ii. 36, Pott.; Ael. *V. H.* iii. 42, *Nat. Anim.* xii. 34; Firmic. Matern. p. 9.) The rite was supposed to be a representation of Zagreus himself, torn in pieces by the Titans (cf. Schol. on Clem. Alex. iv. p. 119, ed. Klotz, *ὠμὰ γὰρ ἤσθιον κρέα οἱ μυούμενοι Διονύσῳ, δεῖγμα τοῦτο τελούμενοι τοῦ σπαραγμοῦ ὃν ὑπέστη Διόνυσος ὑπὸ τῶν Μαινάδων*—the last words showing a strange confusion of Zagreus and Orpheus. A vase from Vulci gives scenes from the *ὠμοφαγίαι*: and these as well as many other vase-pictûres bearing on the Zagreus legend are described by Lenormant (*op. cit.* 24–37). Plato (*Legg.* ii. 672 D) thinks that perhaps the whole story may have arisen from the natural inclination of the undeveloped mind to excited dancing, wild shouting, and generally mad behaviour, and as a subject for such indulgences feigned the passion of the god. This is a very prosaic theory, but we think as near the truth as the unsatisfactory allegorising and symbolising which the later Greek authors applied to the whole story; some (rationalists) supposing that it represented the cultivation of the vine, its pruning, and the pressing of the grapes; others (metaphysicians) seeing therein the necessary discerption of the divine element when it enters into matter (*τὴν θείαν δύναμιν μερίζεσθαι εἰς τὴν ὕλην*); while again the more religious section, such as Plutarch, saw in it a symbol and a testimony of the rebirth of the soul (*μῦθος εἰς τὴν παλιγγενεσίαν*): cf. Lobeck, 710–714.

Besides Lobeck, the following are a few of the works on the Orphic doctrines:—Zoega, *Ueber den uranfänglichen Gott der Orphiker*, in his *Abhandlungen*, 211–265; K. O. Müller, *Prolegomena zu einen wissenschaftlichen Mythologie*, pp. 369–379; Preller in Pauly, s. v. *Orpheus*; Schömann, *Griechische Alterthümer*, ii. 370–377; Gerhard, *Ueber Orpheus und die Orphiker*; Maury, *Les Religions de la Grèce antique*, iii. 300–337; Zeller, *Die Philosophie der Griechen*, i. 83–108, Eng. trans.; P. R. Schuster, *De veteris Orphicae Theogoniae indole atque origine*; Otto Kern, *De Orphei Epimenidis Pherecydis theogoniis quaestiones criticae*, 1–61; Fr. Lenormant, in the *Gazette Archéologique*, 1879, 18–37.

[L. C. P.]

ORTHODO'RON. [MENSURA, p. 161.]

OSCHOPHO'RIA (*ὀσχοφόρια* or *ὠσχοφόρια*), an Attic festival, which as a vintage festival paid honour to Dionysus and Athena, the givers of wine and oil, and at the same time honoured the memory of Theseus, and according to some of Ariadne also (Plut. *Thes.* 23). The time of its celebration was the 7th and 8th of the Attic month Pyanepsion (Plut. *Thes.* 22). It is said to have been instituted by Theseus. Its name is derived from *ὦσχος*, *ὄσχος*, or *ὄσχη*, a branch of vines with grapes, for it was a vintage festival; and on the day of its celebration two youths, called *ὀσχοφόροι*, whose parents were alive, and who were elected from among the noblest and wealthiest citizens (Schol. *ad* Nicand. *Alexiph.* 109), carried, in the disguise of women, branches of vines with fresh grapes from the temple of Dionysus in Athens, to the ancient temple of Athena Sciras in Phalerus. These youths were followed by a procession of persons who likewise carried vine-branches, and a chorus sang hymns called *ὠσχοφορικὰ μέλη*, which were accompanied by dances (Athen. xiv. p. 681). In the sacrifice which was offered on this occasion, women also took part; they were called *δειπνοφόροι*, for they represented the mothers of the youths, carried the provisions (*ὄψα καὶ σιτία*) for them, and related stories to them. During the sacrifice the staff of the herald was adorned with garlands, and when the libation was performed the spectators cried out *ἐλελεῦ, ἰοὺ, ἰού* (Plut. *Thes.* 22). The ephebi taken from all the tribes had on this day a contest in racing from the city to the temple of Athena Sciras, during which they also carried the *ὄσχη*, and the victor received a cup filled with five different things (*πεντάπλοος, πενταπλόα,* or *πενταπλῆ*), viz. wine, honey, cheese, flour, and a little oil (Athen. xi. p. 495). According to other accounts, the victor only drank from this cup. The story which was symbolically represented in the rites and ceremonies of this festival, and which was said to have given rise to it, is related by Plutarch (*Thes.* 22, 23) and by Proclus (p. 388, ed. Gaisford). (Compare Bekker's *Anecdot.* p. 318; *Etymol. Magn.* and Hesych. *s. v.* *Ὦσχοι*; Suidas, *s. v.* *Ὠσχοφόρια* and *ὠσχοφόρος*; Preller, *Griech. Myth.* i. 165; Bötticher, *Baumcultus*, p. 399; A. Mommsen, *Heortol.* p. 271.) [L. S.]

OSCILLA were small figures or masks, representing either the whole human figure or a part of it, generally the face, which is no doubt its original meaning, for we may assume the etymology to be a diminutive of *os*, "a face," through *osculum*. A less acceptable derivation is suggested from *Osci*, on the theory that the custom was derived from that nation—a theory which has no value except so far as it records a belief, that the custom was indigenous in Italy. These figures or masks were hung up as offerings in various ways, and in connexion with various rites. We may notice especially (1) the figures like woollen dolls hung up to Mania = Larunda, the Mother of the Lares [see COMPITALIA]. An account of this deity is given under the name Mania in the *Dictionary of Biography and Mythology*, but it must be observed that there is an error in the statement that these were figures of Mania, for which the authority of Macrobius (i. 7) is cited. Marquardt is undoubtedly right in saying that, in the passage "effigies Maniae suspensae," *Maniae* is the *dative*. The true account is that, as Mania and the Lares were invoked to protect the household, images of this sort, one to represent each member of the family, were hung up as propitiatory (or expiatory) offerings at the cross ways and at the house-doors (Macrob. i. 7, 34). These images were also themselves sometimes called *maniae*, not because they were figures of Mania, but because they were used in her worship. In some parts of Scotland (perhaps of England also?) there is or was not long ago a custom, possibly of similar origin, of hanging up in cottages wheat and oats from the last harvest-loads, tied up with ribbons into some sort of doll-shape and called "Maidens:" it may perhaps be a question whether this name signifies dedicated to the Virgin, or figures of maidens like the *pupae;* and again whether the custom dates since the introduction of Christianity or is an older pagan survival. One form of Roman oscilla was also called *pila*, as in the fragment *ap.* Non. p. 538, 14, "Suspendit Laribus manias, molles pilas;" and in Festus, "pilae et effigies muliebres ex lana compitalibus suspendebantur in compitis, quod hunc diem festum esse deorum inferorum, quos vocant Lares, putarent, quibus tot pilae quot capita servorum, tot effigies quot essent liberi ponebantur, ut vivis parcerent et essent his pilis et simulacris contenti." This passage has important bearing on the expiatory significance, of which more will be said further on, and it also suggests that the *pilae* were not, as Marquardt says, the same as *maniae*, but were a ruder sort of woollen bundle, perhaps signifying a human being, but not so carefully shaped—the use of these *pilae* stuffed with wool in the amphitheatre is well known—in the Compitalia then the members of the family are represented by *effigies* as oscilla, the slaves by the ruder *pilae*.

(2.) Oscilla were hung up at the Feriae Latinae, and we are told also that *oscillatio* (swinging) was a part of the ceremony. The explanations given are rather suspicious. In *Schol. Bob.* p. 256 we are told that there was a reminiscence of the fact that, the bodies of Aeneas and Latinus being undiscoverable, their *animae* were sought in the air. Festus (*s. v.*) says that swinging was called *oscillatio* because persons who indulged in "this sort of amusement" masked themselves "propter verecundiam." We may surmise that this was a comparatively modern addition, and that the swinging of the old religion was not of living persons amusing themselves, but of *oscilla*, which represented, as is explained below, rites of expiation and purification. If, however, from the first those who partook in the festival really did swing themselves (as some assert of the wholly distinct Greek festival AEORA), we may assume that the significance was still that of purification (as in Verg. *Aen.* vi. 740), and not that of a search after the bodies of Aeneas and Latinus.

(3.) The oscilla at the festival of Sementivae and in the country Paganalia are perhaps the best known, from the famous lines of Virgil (*Georg.* ii. 382–396). These masks or figures, whether in honour of Bacchus, Liber pater, or any deity connected with the fruits of the

Offerings at a rustic festival. From an ancient engraved cup. (Bötticher.)

earth, were hung upon the boughs of trees—not always the fruitful vine or olive, for Virgil speaks of a pine—offerings were made below, and songs were sung, like those of the Ambarvalia. The whole scene, as described in Virgil, appears very well in the representation on the onyx cup, figured above. It should be observed that though there can be little doubt that the oscilla here also, as in the festivals before mentioned, represented sacrifices, yet the custom had arisen of making the mask a face of the deity himself to whom it was offered.

(4.) On the Saturnalia presents were made of little pottery figures or faces (Macrob. i. 11, 1).

As regards the ordinary material of the oscilla, that depended no doubt on the wealth of the household: oscilla in marble and in pottery may be seen in the British Museum, the former with a metal loop for the suspension (the metal is ancient also), the latter with holes at the sides of the mask: but these durable oscilla were not the commonest: the epithet *mollia* in Virgil probably refers to the material. Surely we may reject the views cited by Conington *ad loc.*, that *mollia* = *mobilia*, or that it is "because of the beautiful, mild expression:" the expression of many of the oscilla in museums is neither one nor the other. Ladewig's suggestion that it means "waxen" is nearer the truth, and no doubt the ordinary mask-shapes were of wax, but many also were, as has been seen from the passage of Festus quoted above, figures of wool: the word *mollia* would express either: it is likely that wood also was a less common material.

Marble Mask of Bacchus, in the British Museum.

The true significance is a more important point, and there can be no doubt that we have in these oscilla a relic of human sacrifice, either expiatory or propitiatory, or both together. This is stated distinctly by Macrobius (*l. c.*), who says that in the time of Tarquinius Superbus (the date is immaterial) human sacrifices were offered to the Lares and Mania, "ut pro capitibus capitibus supplicaretur...ut pro familiarum sospitate pueri mactarentur Maniae deae, matri Larum;" and he proceeds to say, that in later times the images hung up at each door sufficed instead "periculum expiare:" and the words of Festus, quoted above, show even more clearly the appeasing of a dreaded power by a simulated atoning sacrifice. The same substitution for human sacrifice appears in the rush images of the Argei thrown from the bridge [ARGEI; PONS], and in the customs and traditions connected with the somewhat similar Greek Aeora [AEORA], where no doubt the images swung represented atoning human sacrifices of earlier times. (It may be doubted, as in the Feriae Latinae, whether there was really originally any "swinging" at these rites except of these images.)

As Dionysus was in the older times propitiated by the real bodies sacrificed, life offered for life, so he was afterwards by the unreal, and this is precisely the view of Macrobius in the similar rite, "ut faustis sacrificiis infausta mutarent inferentes Diti, non hominum capita, sed oscilla ad humanam effigiem arte simulata."

We have then the propitiation by human sacrifice, once real and afterwards simulated, at festivals of Jupiter and of gods connected with death, Saturnus (to whom human sacrifice especially belonged, Lactant. *Inst.* i. 21, 6) and the Lares. Further, in the supplication of country or fruit-giving deities, we have a combination of several superstitions: we have the actual tree worship (on which see Bötticher, *Baumcultus*, passim) and the worship of the deities who presided over trees and crops in general, and could give or withhold the fruits; and there is moreover a double symbolism in the swinging images, not only the *symbolical* sacrifices for the *real* sacrifices, mentioned before (with which we may suppose the tree-divinities as well as the personal deities to have once been propitiated), but also a symbolical purification by air, which is the doctrine of Verg. *Aen.* vi. 640, "aliae panduntur inanes suspensae ad ventos:" on which Servius says that there are three modes of purification, "either by fire or water, or by air, which was the mode in the sacred rites of Liber;" that is, by the oscilla. [See also LUSTRATIO.] Hence the swinging images were a lustration of the crops, as well as a propitiation of the Powers, who could give fruitfulness, by an expiatory offering. If the actual swinging of those who partook in the festival was originally part of the Feriae Latinae and the Aeora, then there was also in them a symbol of purification by air; and, at least in the latter case, there was (as Bötticher remarks, citing Serv. *ad* Verg. *Aen.* xii. 603) a *parentatio*.

Olive-tree with oscilla, fistula, and pedum. (From an engraved gem.)

Whether the Italian rite was indigenous or borrowed from Greece, must be regarded as uncertain. Probus (*ad* Verg. *Georg.* l. c.) says that it came from Attica: at the same time there is so much suggestion of antiquity in the expiatory sacrifice to the Lares, that one is inclined to regard both this and the offerings to trees and gods of the country as older than the introduction of the Greek rites, and to think that the similarity with the Aeora is accidental. The hanging up of propitiatory offerings or thank-offerings in the form of waxen limbs, figures, &c., is common enough in many religions and many countries to allow such a coincidence. The chain of connexion afterwards with Liber, Bacchus, and the Aeora is easy; and it must be recollected that the oscilla, which we have surviving, represent not only Bacchus, but various rustic deities. It should be stated also that in the oscilla of collections there may be some confusion between the oscilla properly so called and representations of masks hung up by players in the festival, not as a symbolical sacrifice, but merely as a dedicatory offering along with other articles used, such as a thyrsus or syrinx: we find also many discs with figures in relief; but though Bötticher treats these also as oscilla, it must be a question whether they are not merely offerings placed on the walls of shrines. The theory that the name *oscilla* could be applied to the heads of the sacrificed animals, hung up on the trees, is also put forward, but is hardly consistent with the precise definitions of the word which we have: we see them so hung in ancient works of art, and they may have been compared to oscilla (as in a passage cited by Bötticher), but the true oscilla were probably always manufactured.

In the illustrations given (1) is from an onyx-cup in the Paris collection; (2) is a marble oscillum of Bacchus in the British Museum (described in *Guide to Greek and Roman Sculpture*, 1873, Part ii. 131); (3) is from a gem (Maffei, *Gem. Ant.* iii. 64). (Marquardt, *Staatsverw.* iii.^{2} 192, 200; Preller, *Röm. Myth.* 105, &c.; Bötticher, *Baumcultus der Hellenen*, pp. 80–91; Hermann, *Gr. Alt.* § 27.) [G. E. M.]

O'SCINES. [Augur.]

OSTIA'RIUM, one form of *Tributum Capitis* [see Vectigalia]. A tax imposed in Cilicia, Syria, and perhaps some other provinces, upon doorways, whose number was probably regarded as a sign of the value of the property. (Compare the English window-tax.) Nothing is known of the amount. The word *ostiarium* is found in Caesar, *B. C.* 3, 32. Cic. *Fam.* iii. 8, 5, speaks of *exactio ostiorum.* [F. T. R.]

OSTIA'RIUS. [Domus.]

O'STIUM. [Janua.]

OSTRACINDA (*ὀστρακίνδα*), a game which Greek boys played as follows:—Two sets stand opposite, divided by a line drawn on the ground: a boy throws up a shell or a dish, white on one side and coloured black with pitch on the other, and each set of boys has one or other of these colours allotted to them. As he throws the shell, he calls *νὺξ ἡμέρα*: and if the white (*i.e.* day) side falls uppermost, the set which represents the day pursues, and the other set runs away; if the "night" side falls uppermost, the fugitives and pursuers are reversed. As soon as any boy is caught he is called *ὄνος*, and is out of the game (*ὄνος κάθηται*, Plat. *Theaet.* p. 146 A: see also Basilinda). It is not precisely stated whether the game went on until all the fugitives were caught, nor whether there was a point of safety to be reckoned, but it is very likely that the game was played with varying rules at different times and places. It is not probable that there was the slightest political symbolism in the game, as Becq de Fouquières somewhat too fancifully suggests. The connexion of *ὀστρακίνδα* and *ὀστρακισμός*, as in Aristoph. *Eq.* 855, is merely verbal punning.

The expression *ὀστράκου περιστροφή* seems to have become proverbial for a turn of fortune: see especially Plat. *Rep.* vii. p. 521 C; where there is also an allegory formed from the idea of *νὺξ ἡμέρα.* The game itself supplies an allegory in Plat. *Phaedr.* p. 241 B. Our authorities for *ὀστρακίνδα* are Pollux, ix. 111; Eustath. *ad Il.* xviii. 543; Plato, Com. in Meineke, *Fr. Com.* ii. 2, 664: see also Becq de Fouquières, *Jeux des Anciens*, p. 79; Grasberger, *Erziehung*, p. 57; Becker-Göll, *Charikles*, ii. 37. [G. E. M.]

OSTRACISMUS. [Exsilium.]

O'STRACON (*ὄστρακον*). [Fictile.]

OVA'TIO, a lesser triumph; the terms applied by the Greek writers on Roman history are *πεζὸς θρίαμβος*, *εὐαστής* or *εὔας θρίαμβος*. It was distinguished from Triumphus in the following particulars:—The general did not enter the city in a chariot drawn by four horses, but on foot; he was not arrayed in the gorgeous gold embroidered robe, but in the simple toga praetexta of a magistrate; his brows were encircled with a wreath not of laurel but of myrtle; he bore no sceptre in his hand; the procession was not heralded by trumpets, headed by the senate and thronged with victorious troops, but was enlivened by a crowd of flute-players, attended chiefly by knights and plebeians, frequently without soldiers; the ceremonies were concluded by the sacrifice not of a bull but of a sheep. (Plut. *Marcell.* c. 22; Dionys. v. 47; Gell. v. 6; Liv. iii. 10, xxvi. 21.) We must, however, reject, alike on the grounds of form and probability, the theory of Plutarch (and of some modern writers) that the word *ovatio* is derived from this sacrifice of an *ovis.* It cannot be said that the etymology is certain, but the most probable is that (which Fick holds) from a root *av*, which appears in *αὔω*, "to shout," &c.; hence the views of Festus that it came from saying repeatedly O! in gladness, and of Dionysius that it came from *εὐοῖ*, have at least an element of truth. At least we may surmise that the word *ovo* meant "to rejoice" before it was connected with sacrifice at all. Dionysius is mistaken in assigning a laurel chaplet to the conqueror on these occasions, since all the Roman writers agree with Plutarch in representing that the myrtle crown, hence called *ovalis corona*, was a characteristic of the ovation. (Festus, s. v. *Ovalis Corona;* Pliny, *H. N.* xv. § 125; Plut.; Gell. *ll. cc.*) Compare Corona.

In later times, the victor entered upon horseback (Serv. *in* Verg. *Aen.* iv. 543), and the ovations celebrated by Octavianus, Drusus, Tiberius, &c., are usually recorded by Dio Cassius by a reference to this circumstance (Dio Cass. xlviii. 31; xlix. 15; liv. 8, 33; lv. 2).

Strictly speaking, neither a triumph nor an ovation was granted except to the victor in a *bellum justum:* that is to say, it could not be claimed upon the defeat of revolted citizens or slaves in a *bellum civile.* (Val. Max. ii. 8, 7, "neque *aut ovans*, aut curru;" Dio Cass. xlii. 18, 43; Tac. *Hist.* iv. 4.) This explains Lucan, i. 12, "Bella geri placuit nullos habitura triumphos." This rule held with regard to triumphs, but was relaxed for ovations from an early time, so that Gellius does not mention this as precluding an ovation (v. 6). Thus, for instance, M'. Aquillius had an ovation, *not* a triumph, after the Servile war B.C. 100 (Cic. *de Orat.* ii. 47, 195); see also the instance of Crassus below, and Octavian's two ovations for the civil wars, Suet. *Aug.* 22. (Cf. Mommsen, *Staatsrecht*, i.^{3} 133.)

An ovation was granted when the advantage gained, although considerable, was not sufficient to constitute a legitimate claim to the higher distinction of a triumph, or when the victory had been achieved with little bloodshed, as in the case of Postumius Tubertus, who first received this honour (Plin. *H. N.* xv. § 125); or when hostilities had not been regularly proclaimed (Festus, Gell. *ll. cc.*); or when the war had not been completely terminated, which was one of the ostensible reasons for refusing a triumph to Marcellus on his return from Sicily (Plut. *l. c.*; Liv. xxvi. 21); or when the contest had been carried on against base and unworthy foes: and hence when the servile bands of Athenion and Spartacus were destroyed by Perperna and Crassus, these leaders celebrated ovations only (Florus, iii. 19; Plin. *l. c.*; Gell. *l. c.*), although the latter by a special resolution of the senate was permitted to wear a laurel crown. [W. R.] [G. E. M.]

OVI'LE. [COMITIA, Vol. I., p. 508*a*.]

OU'SIAS DIKE. [ENOIKIOU DIKE.]

OXY'BAPHUM. [ACETABULUM; CYMBALUM.]

P.

PA'CTIO, PACTUM. [OBLIGATIONES.]

PAEAN, strictly a hymn relating to relief from plagues and sickness, but extended also so as to refer to safety from danger of any kind. No doubt it was originally connected with the ancient god of healing; in epic poetry Παιήων, but transferred to Apollo, who, as the god of light, among other attributes, took to himself the especial function of healing—it would be out of place here to discuss that point further: reference may be made to the *Dictionary of Mythology*; Preller's *Griech. Myth.* i. 212; A. Mommsen, *Delphica*, &c. In fact it follows the extended meaning of the personified Paean; under which name we find *Apollo* (Aesch. *Ag.* 146; Soph. *O. T.* 154); *The Sun* (Orph. viii. 12); Dionysus, and even Death as the deliverer from pain and disease (Eur. *Hipp.* 1373). It then became associated with victory, traditionally because it was the song of triumph for the victory of Apollo over the Python, which after all came to the same thing, if the Python symbolised deadly maladies: and hence, lastly, was sung before or after victories in general. With this agrees the statement of Proclus cited by Phot. p. 321, 11, εἶδος ᾠδῆς εἰς πάντας νῦν γραφόμενον θεούς, τὸ δὲ παλαιὸν ἰδίως ἀπενέμετο τῷ Ἀπόλλωνι καὶ τῇ Ἀρτέμιδι ἐπὶ καταπαύσει λοίμων καὶ νόσων ᾀδόμενος. It should be noticed that the paean is a hymn (1) of supplication or propitiation during the pain or danger; (2) a thanksgiving after it is past. Of the first kind is the hymn in *Il.* i. 472, Soph. *O. T.* 5, and also the paean *before* the battle (Thuc. i. 50, iv. 96, &c.): of the second, the hymn *after* victory or deliverance (*Il.* xxii. 391). Though, however, it might be essentially a prayer, yet words and tune expressed, as Müller says, courage and confidence, even if the cure or the victory was still in anticipation. "All sounds of woe (*αἴλινα*) cease when Ie Paean is heard" (Callim. *Apoll.* 20). It was sung by several persons, one of whom probably led (ἐξῆρχε) the others, and the singers either sat at table (Plat. *Symp.* p. 176; Xen. *Symp.* ii. 1; Plut. *Conv.* 5), or marched onwards in a body, as the Cretans, after a happy voyage, at Delphi (Hom. *Hymn. Apoll.* 514). Hence the term among the Spartans παιὰν ἐμβατήριος, of the paean sung by those marching to battle (Plut. *Lyc.* 22). It was sung at festivals of Apollo, especially at the Hyacinthia (εἰς τὰ Ὑακίνθια ἐπὶ τὸν παιᾶνα, Xen. *Hell.* iv. 5, § 11; *Ages.* ii. 17), and was also sung from very early times in the temples of the god (Hom. *Hymn. ad Apoll.* 514; Eurip. *Ion*, 125, &c.).

In later times, paeans were sung in honour of mortals. Thus Aratus sang paeans to the honour of the Macedonian Antigonus (Plat. *Cleom.* 16); a paean composed by Alexinus was sung at Delphi in honour of the Macedonian Craterus; and the Rhodians celebrated Ptolemaeus I., king of Egypt, in the same manner (Athen. xv. p. 696, e, f). The Chalcidians, in Plutarch's time, still continued to celebrate in a paean the praises of their benefactor, Titus Flaminius (Plut. *Flam.* 16).

The practice of singing the paean at banquets, and especially at the end of the feast, when libations were poured out to the gods, was very ancient. It is mentioned by Alcman, who lived in the 7th century B.C. (Strabo, x. p. 482). (Müller, *Hist. of Greek Literature*, p. 27; Bode, *Gesch. der lyrisch. Dichtkunst der Hellen.* vol. i. pp. 9 ff.) [L. S.] [G. E. M.]

PAEDAGO'GIA. [PAEDAGOGUS.]

PAEDAGO'GUS (παιδαγωγός), a slave, to whose care in an Athenian family the sons of the house were committed when they reached the age of six. His duty was rather to guard them from evil, both physical and moral, than to instruct them, though it is probable that before they went to school he gave some home instruction, as did the paedagogi at Rome: this is indicated by Plutarch, when he calls Phoenix the paedagogus of Achilles (*de Educat. Puer.* 7). His chief duty, however, was to accompany them to and from the school, the gymnasium, and out of doors generally: he was responsible for their safety and for their avoidance of bad company (see Plato, *Lysis*, p. 223; Aeschin. *c. Timarch.* § 10). It is probable that he sat with them in the schools; and though it is not certain, it is on the whole most likely that the seated figures with sticks in the Duris vase (shown on page 96) are paedagogi (see Blümner, *Privatleben*, p. 221). Usually they are represented as wearing a short-sleeved chiton, and a small rough himation, bearded, and holding a walking-stick with a crook. (See woodcut under FUNUS, Vol. I. p. 886.) Further account of their duties is given under LUDUS LITTERARIUS, p. 95. We gather from Plutarch (*l. c.*) that in most, or at least in many, households those slaves who were no use for anything else were employed as paedagogi; a carelessness of which he disapproves as much as Tacitus does of something similar at Rome (*Dial.* 29). This was, however, perhaps a bad fashion of later times. We should gather from Plato's manner of speaking about them that they were trustworthy; and it seems best to assume that, in the better age and in well-ordered houses, they were trusted servants (cf. Herod. viii. 75), who were sometimes retained when they grew old as faithful attendants on the ladies of the family. This view is given especially by Euripides, who (as Mr. Verrall remarks on *Med.* 49) assigns a more conspicuous and honourable part to slaves. (See the plays *Medea*, *Phoenissae*, *Ion*, and the *Bacchides* of Plautus, and notice especially the expressions in *Ion*, 853 ff.) Being slaves, they were of course foreigners, Thracian (Plato, *Alcib.* i. p. 122 B) or Asiatic, and therefore speaking Greek with a foreign accent (*ὑποβαρβαρίζοντες*, Plato, *Lysis*, l. c.).

At Rome the custom of having a paedagogus, instead of only a *custos*, was borrowed from Greece towards the end of the Republic, when it became common to teach children to speak Greek. For his duties, see LUDUS LITTERARIUS, p. 97 *b*. An early instance of this custom is seen in the Greek Gorgias, who is called *pedisequus puerorum* (Auct. *ad Herenn.* iv. 52, 65). Antonius has an attendant called *παιδαγωγὸς* in Dio Cass. xlvi. 5, and under the Empire the office was common in all houses which could afford it. The care of the paedagogus lasted till the *toga virilis* was assumed (Stat. *Silv.* v. 2, 68). The feminine paedagoga occurs in inscriptions (*C. I. L.* vi. 6631, 9758; viii. 1506), and was (like the Greek *ancilla* of Tac. *Dial.* 29) a teacher of Greek to the very young children, and perhaps an attendant upon the daughters afterwards.

A different meaning attached to the name in the further development of the slave household in imperial times. Young slaves, whether born in the house or purchased as boys, were trained up under slave instructors. Something of the same sort existed of course in earlier times; *e.g.* we hear of the elder Cato having the slave boys taught useful arts in order that they might be sold at a profit (Plut. *Cat.* 21): but the term *paedagogus* as applied to the teaching of slave boys belongs to a later time than Cato's, and denotes especially the trainer of the ornamental attendant boys, cupbearers at banquets, &c., in rich houses, under the Empire or shortly before: the earlier date may be deduced from Cic. *pro Rosc. Am.* 41, 120; *pro Mil.* 10, 28. Such page boys, who are sometimes called *capillati* (Mart. iii. 58, 29), lived together in a page's room or hall called *paedagogium*, having over them *paedagogi*, *subpaedagogi*, and *decani* (see Spartian. *Hadr.* 2, and numerous inscriptions cited by Marquardt, *Privatl.* 158): hence they were called *pueri paedagogiani* (Ammian. xxvi. 6, 15; xxix. 3, 3). The name of the place in which they were taught was transferred to the boys themselves, and we often find slave boys of this class themselves called *paedagogia* (Senec. *de Vit. beat.* 17; *Ep.* 123; Plin. *H. N.* xxxiii. § 40; Dig. 33, 7, 12), whence it is easy to see the development of the mediaeval *page* (see Littré, *s. v.*). (Becker-Göll, *Charikles*, ii. 46; *Gallus*, ii. 80, 146; Marquardt, *Privatl.* 112.) [J. Y.] [G. E. M.]

PAEDO'NOMUS (*παιδονόμος*) was a magistrate at Sparta (and in some other Doric states) who had the general superintendence of the education of boys, which in Doric states was concerned with little else besides bodily training [LUDUS LITTERARIUS, p. 94]. His office was honourable; the appointment by election. He had control over the discipline and moral conduct of the boys, at Sparta after the age of 7; he inspected them and punished those who were negligent or disobedient. For this purpose *μαστιγοφόροι* were assigned to him by Lycurgus. The more immediate inspection of the gymnastic exercises belonged to magistrates called *βιδιαῖοι* or *βιδέοι* [BIDIAEI]. In Crete also we find *παιδονόμοι* (Strabo, x. p. 483; Schömann, *Antiq.* p. 303), but boys there did not come completely under their control till the age of 17. At Teos (see inscriptions in Gilbert, *Staatsalterth.* ii. 338), the *παιδονόμος* shared with the *γυμνασίαρχος* the charge of education. (Xen. *Rep. Lac.* ii. 2, iii. 10, iv. 6; Plut. *Lyc.* 17; Krause, *Gymnastik u. Agon.* pp. 254, 677; Gilbert, *op. cit.* i. 67.) [W. S.] [G. E. M.]

PAEDOTRIBAE. [PALAESTRA.]

PAE'NULA. [An inscription (Gruter, 646, 5), GN. COSSVTIVS PAENVLARIVS, shows that this is the correct spelling. The derivation of the word is unknown; it certainly is not from *φαινόλης*, which only occurs in late writers, as a translation of the Latin; *μανδύη* being also used.] The paenula was a sleeveless cloak of thick cloth, worn by the Romans as a protection against rain and cold: hence Horace takes a "paenula solstitio," an overcoat, during the dog-days as a telling instance of discomfort. It is frequently mentioned in the literature of all periods, from Plautus down to the Fathers of the Latin Church. The paenula was worn by country-folk who did not wear the TOGA over their tunics, and, although not so fashionable as the LACERNA, was used by all classes when on a journey. (Cic. *pro Mil.* 10, § 20; *ad Att.* xiii. 33;—Quint. *Inst.* vi.; Sen. *Ep.* 87.) It was also part of the dress of slaves (Plaut. *Most.* iv. 2, 74), and at times did them good service in warding off awkward blows (Plaut. *loc. cit.*). Under the Empire we hear of sedan-chairmen (*lecticarii*) clad in what seems to have been a livery of it (Mart. ix. 22, 9; Suet. *Nero*, 30; Sen. *de Ben.* iii. 28, 5).

A *paenula mulionica* is mentioned by Cicero, and we know from other authors that it was occasionally used by soldiers (Sen. *de Ben.* v. 24, 1; Suet. *Galba*, 6). In Imperial times its use seems to have been much extended, and it was worn in Rome as a protection against the rai (Juv. *Sat.* v. 79). Tribunes (Spart. *Hadr.* 3), orators (Tac. *Dial.* 39), and grammarians eve went so far as to adopt it as their special gar in cold weather, though it was considered belo the dignity of the higher magistrates to wear i at all. Spectators at the games, especially n doubt those who could not afford the mor expensive LACERNA, found it convenient (D Cass. lxxii. 21), and Tertullian takes this as it original use, accusing the Lacedaemonians inventing it to satisfy their desire for theatric performances in the winter. Women wore it less than men, for Ulpian (Dig. 34, 2, 23, speaks of it as a *commune vestimentum*; and th this fashion goes back as far as Cicero's time shown by a jest of his, recorded by Quintili (viii. 3, 54). These *paenulas matronales* (Tr bellius, *de quieto Tyr.* 14, 4; cf. Suet. *Cal* 52) were probably of a special cut. Th material used in its manufacture was thi woollen stuff; that from Tarentum and Can sium and, after its introduction, GAUSAP being preferred (cf. Plin. *H. N.* viii. § 193 Mart. xiv. 145). Leather, or more probabl fur (for *scortea* may mean either), was also us (Mart. *l. c.* 130; Sen. *Nat. Quaest.* iv. 6, 21) Its colour was dark (*rufa* or *fusca*), as o would expect a cloak for bad weather to be, and it was perhaps on account of its dingy appearance that it was worn at funerals and formed part of the *munera funebria* (Cic. *in Vatin.* 12, 30; Dio Cass. lxxii. 21, l. 27; Suet. *Tib.* 7, *Claud.* 2).

The notices in literature do not give any very definite information about its shape, or the manner of wearing it, except that it was sleeveless, fitted closely to the body, was drawn over the head, and was sometimes provided with a hood (Plin. *H. N.* xxiv. § 88). [See woodcut under CUCULLUS.] In Christian times it was adopted as a vestment, but in this use is better known as the *casula* or chasuble (see *Dict. Christ. Antiqq.* s. v. "Casula").


Paenula. (From statuette in British Museum.)


Figure wearing Paenula. (From Trajan's Column.)

The paenula occurs but seldom on monuments, chiefly no doubt because its shape does not admit of an artistic arrangement of folds, but also because it is not a garment characteristic of any calling or mode of life. The monuments representing it were first collected by Bartholinus in his admirable *Commentarius de Paenula*, and comparatively few examples have been since added to his list (see, however, Hübner in *Program zum Winckelmannsfest*, Berlin, 1866). All agree in showing a cloak coming down to the knees, very like a long cape, except that it is closed all round, the head passing through a slit in the centre, exactly in the same way as in the *poncho* of Spanish-America. The variety in shape is very considerable, the cloak appearing sometimes square, sometimes round, and sometimes of a bell-shape. In most cases a tuckered seam runs down the centre in front, enabling the wearer to hitch up one side over his shoulder, and to keep his arm free. However, even so, it is plain that the paenula could not be worn when free movement of the arms was necessary; and this is the point which Cicero makes in Milo's favour, when he pleads that he was *paenulatus*, which he assumes really meant *paenula irretitus*. It also explains why it is that out of the numerous figures of soldiers on Roman reliefs so very few wear this cloak. One of these few is the *cippus* of L. Duccius Rufinus Signifer of the Ninth Legion, found and preserved at York. (Wellbeloved, *Eboracum*, plate xiii. fig. 1.) There is no monumental evidence for Marquardt's theory that Cicero's expression *scindere paenulam* (*ad Att.* l. c.) refers to a custom by which the host unbuttoned his guest's cloak on his arrival; none of the representations show anything like buttons. (Besides Bartholinus' work, above mentioned, the best edition of which is that contained in Graevius' *Thesaurus*, tom. vi., see Marquardt, *Privatleben*, ed. 2, pp. 564 f.; and Becker-Göll, *Gallus*, iii. p. 125 f.) [W. C. F. A.]

PAGA'NI, PAGANA'LIA. [PAGUS.]

PAGA'NICA. [PILA.]

PAGUS, a canton. The meaning of this word cannot be given in precise and absolute terms, partly because we can have no doubt that its significance varied greatly between the earliest and the later times of Roman history, partly because its application by Latin writers to similar, but not identical, communities outside Italy (especially in Gaul) and their comparison of *pagi* with the Greek δῆμοι tend to complicate the question. Latium was anciently divided into a number of clan-settlements or villages which were an aggregate of dwellings gathered round a central enclosed or fortified space, an *arx* or *castellum* [cf. OPPIDUM]. As regards the terms *vicus* (οἶκος) and *pagus* in reference to these ancient settlements, we may gather from various passages that *vicus* meant houses closely connected, and so a small village or hamlet of a continuous street, *pagus* a district including scattered houses or scattered hamlets (Varro, *L. L.* v. 145; Festus, p. 371; Ammian. xxxi. 2, 17; VICUS). This will hold good, whether we. take its etymology (*pango*) to signify "buildings" or "fixed boundary" (cf. Mommsen, *Roman Hist.* vol. i. p. 38, with *Staatsrecht*, iii. p. 116). Old writers have connected it with πηγή, the central village well, or with πάγος, *i.e.* a hill-fort (Festus, *s. v.*; Serv. *ad Georg.* ii. 381; Dionys. iv. 15): but the first would rather suit the *vicus* or hamlet, since the *pagus* would have many wells, and the second would do better for the *arx* than for the district round it. In speaking of clan-settlements, we must guard against the notion that the gens and pagus could be identified the one with the other: the pagus was purely local and would remain, if the main body of the gens dwelling in it migrated elsewhere: so long only as they dwelt there, they would be pagani of that pagus. We cannot even assume that the inhabitants of a pagus were, except perhaps in altogether prehistoric times, members of the same gens. It is probable indeed that originally they were so, and that afterwards in some cases two or more gentes might have joined in the same pagus; in others some portions of the old gens or gentes may have left the district, and their places have been filled up by others. Accordingly we find the names of pagi mostly local with the termination *-anus*, but some few gentile, as *pagus Valerius*, *pagus Julius*, or the Roman pagus Lemonius for instance (see Mommsen, *Staatsr.* iii. 113): and even where pagi have gentile names, we cannot always say whether the name belonged to it, as the original clan-settlement, or was given in honour of some member of the gens afterwards connected with it.

Politically, as both Mommsen and Marquardt are careful to point out, the pagus did not form an independent community. Here again, however, we cannot say that this was always true, and the original pagi may have been purely independent clan-settlements: such an opinion would, after all, be in accord with a dictum in Mommsen's *Rome*, "All history begins, not with the union but with the disunion of a nation." But whatever the pre-historic condition of these cantons, we know them as only single members of an aggregate state called *civitas* or *populus*, which gathered together in *fora* or *conciliabula* for markets or for legislation, and, as one people, combined for defensive or offensive warfare. This is indeed clearly indicated by Isidore (*Orig.* xv. 2, 11). The stages were, probably, first the pagus with its own centre of refuge and its own sovereign rights, then several pagi gathering round a common centre for refuge—such, for instance, as Tusculum, which became the urbs or oppidum of the combined pagi, and then a league of various canton centres, such as Alba.

Though, however, the pagus was not (unless in primitive times) an independent state, it had an organisation analogous to that of a collegium: we find that *magister pagi*=*aediles pagi* (sometimes a single *magister pagi*)—whom Dionys. ii. 76, ascribing the institution to Numa, calls *πάγων ἄρχοντας*—are annually elected with priestly functions, to look after the sacred rites of the pagus, with some police control also of local matters, such as the roads (Siculus Flaccus, p. 146), and perhaps of water-supply (cf. Festus, s. v. *sifus*): a power of fining the members of the pagus appears in inscriptions (*C. I. L.* ix. 3513), and a common council for such local business (*C. I. L.* i. 571). It is clear that their administrative importance, whatever it had been once, dwindled to almost nothing,—to nothing in fact, apart from the religious rites, but what necessarily followed on the pagus having common as well as private property,—but to a late period it remained as a geographical term for the district of woodland and tillage outside a town and attached to it for all real administration, containing within itself villages (*vici*), country houses (*villae*), and farms (*fundi* or *praedia*): often several pagi attached to one large town, as for instance 11 pagi to Beneventum (see Isid. *Orig.* xv. 2, 11; and the inscriptions cited by Marquardt, *Staatsr.* i. p. 11).

It may be seen from the above description that the pagi resembled in many respects village *communes* or *Gemeinde*, particularly those in Switzerland [cf. DEMUS], and they have often been compared to the Attic *δῆμος*. It is highly probable that the primitive *δῆμος* and the primitive pagus were essentially the same, but it would be misleading to regard them as identical in historic times, as may be readily seen by comparing the accounts in the separate articles. One salient point of difference was that the connexion with the *δῆμος* was retained whether the members of it dwelt in Athens or not, whereas the contrary was the case with the pagus. Hence Mommsen in his *Staatsrecht* deprecates the comparison with the *δῆμος*, and prefers to compare the pagus with the Egyptian *νόμος* or the subdivision *τοπαρχία* (for an account of which see Marquardt, *Staatsverw.* i. pp. 447 f.): it must be observed, however, that the extent and the administrative importance of the *nome* were much greater than those of the Italian pagus.

At Rome the inhabitants of the old city (for which see SEPTIMONTIUM) were called *montani*; the accretion of other settlements, or *pagi*, later included in the city, furnished the *pagani*. Hence in the age of Cicero *montani et pagani* would come to mean all the inhabitants of the city, as in Cic. *de Domo*, 27, 74; Q. Cic. *de pet. Cons.* 8, 30 (if the reading *montium* for *omnium* is adopted). So the Capitol, the Aventine, and the Janiculum were *pagi*, not *montes*; and the terms *pagus Janicolensis*, *pagus Aventinensis* lasted down to the year B.C. 7, when Augustus re-arranged the city.

The Celtic pagus, at the time of the Roman conquest, had at once a greater extent than the Italian, and a greater power from the fact that these cantons were not in the same way changed from their primitive condition and absorbed into a regularly constituted state, but still retained their own clan government with generally a somewhat loose combination in the *civitas* (closer, however, among the Belgae than among other Gallic tribes). The political state to some extent represents what Aristotle gives as *ἔθνος* in contradistinction to *πόλις*—a people dwelling *κατὰ κώμας κεχωρισμένοι*. From the direct information which we possess about Gaul, we see that a certain number of pagi made up a *civitas* (Liv. *Ep.* 65): of the Helvetii there were four pagi which made up the *civitas Helvetica* (Caes. *B. G.* i. 37): and four was probably the normal number, though Caesar (iv. 1) tells us of the nation which he calls the Suevi with 100 pagi, each contributing 1000 warriors in a national war. The most powerful of the Helvetic pagi was the pagus Tigurinus, whose chief place was Aventicum (Avenches, near the Lake of Morat; *C. I. Helvet.* 159). It would seem that the Pays de Vaud to some extent geographically represents the *pagus Tigurinus*, as etymologically pagus is represented by *pays*. After the Roman conquest and the dissolution of the Helvetic *civitas*, the political and administrative importance of the pagus ceases, and it retains only its religious functions (*inscr. cit.*): that the *vici* subsequently had the power of making decrees is seen in several Helvetic inscriptions (149, 241, &c.). Perhaps some indication of the nature and origin of the Celtic pagus may be found in the fact that Strabo (iv. p. 193) calls it *φῦλον*, and Mommsen (*Hermes*, xix. p. 316) considers that it resembles a Roman *tribus* in its original composition. In the same article he shows that the clue to the real nature and constitution of these cantons may be found in the account of the Galatian state given in Strabo. The *τετραρχία* of the Galatians is one-fourth of the *cicitus* or *ἔθνος*: each tetrarchy had for matters of justice or for command in war a head-man (*τέτραρχος*): the office is for life and hereditary (Strabo, xii. p. 547, *πατρῴα τετραρχία τῶν* Γαλατῶν: cf. p. 541, *τοῖς ἀπὸ γένους τετράρχοις*); under the tetrarch are officials called *δικαστὴς* and *στρατοφύλαξ*, and two *ὑποστρατοφύλακες*. There was a national council of the three *ἔθνη* or *cicitates* who occupied Asia, composed of the twelve tetrarchs and three hundred senators; but except for cases of murder and the national concerns of peace and war, the twelve tetrarchies or pagi had independent local government. For national interests the three *ἔθνη* at various periods had separate princes, whom Strabo calls *ἡγεμόνες* or a single *ἡγεμὼν* for the three combined (Strabo, xii. pp. 566, 567). It is not improbable that we have here an organisation belonging to the Celts in Gaul as well as in Asia. The fourfold division may be traced in the four "kings," or tetrarchs, of the Cantii (Caes. *B. G.* v. 22), whom we see acting together in a national war under the leadership of "Cassivellaunus," but apparently having rule over their respective tetrarchies.

Paganalia.—The Italian pagi had their tutelary deities and sanctuaries, which are mentioned even in Christian times (as in a conservative decree of Constantine, Cod. Theod. xvi. 10, 3). Here were celebrated in January at the end of seed-time, "semente peracta," the country *paganalia*, which corresponded to the *feriae sementivae*. (Preller, however, believes in a festival at the beginning as well as the end of seed-time: the evidence for his view is not satisfactory.) An offering was made to Tellus (in later times to Ceres) of cakes of meal and a pregnant sow. At this festival also masks or small images were hung up [Oscilla], and there were games and rustic songs. (Ov. *Fast.* i. 667 ff.; Dionys. iv. 15; Verg. *Georg.* ii. 385; Hor. *Ep.* i. 1, 49; ii. 1, 140.) The *lustratio pagi* at this festival was a rustic Ambarvalia, which, besides its religious significance, had the advantages of fixing the boundaries of the pagus. [Ambarvalia; Lustratio.] At the festival of the Paganalia the *magister pagi* presided, and his wife (*magistra*) assisted.

Pagani.—It remains only to remark on special acquired senses of this word, which strictly meant only those who for the time being dwelt in any pagus. We find *pagani* used in contradistinction to *milites* or to *armati* (Juv. xvi. 33; Plin. *Ep.* vii. 25, x. 86; Suet. *Aug.* 27, *Galb.* 19; —Tac. *Hist.* i. 53; ii. 14, 88; iii. 24, 43, 77; iv. 20; Dig. 48, 19, 14). From these passages, and especially from Tacitus, taking also notice of the date when the usage began, it is tolerably clear that the original distinction was between the regularly enrolled soldiers and the irregular undrilled half-armed bands of rustics who in the Roman campaigns fought sometimes against them for their country like the rustics in Verg. *Aen.* vii. 505 or modern *francs-tireurs*, sometimes in the ranks of one Roman army against another in times of civil war. The famous "Vos nisi vincitis pagani" (Tac. *Hist.* iii. 24) is not the same as Caesar's use of "Quirites": the word "yokel" might be used, but "militiamen," *i.e.* rustic levies, would more nearly express the taunt which Antonius Primus addressed to his soldiers. The more general opposition of the word to *miles* followed. The modern use of the word "pagan," from the fact that the old religion lingered most in the rural districts, first appears in a law of Valentinian A.D. 368, when the old religion is called *religio paganorum* (Cod. Theod. xvi. 2, 18; cf. Isid. viii. 10).

(For the *pagus*, see Mommsen, *Rom. Hist.* i. 37–40; *Staatsrecht*, iii. pp. 112–119; Marquardt, *Staatsverwaltung*, i. pp. i. 3–15; —for the Gallic *pagi*, Mommsen in *Hermes*, xvi. 449 ff., xix. 316 ff.;—for the *paganalia*, Marquardt, *Staatsverw.* iii. 199; Preller, *Röm. Myth.* 404.) [G. E. M.]

PALA (probably = *σκαπάνη*, *σκαφεῖον*), a spade. The spade was comparatively little used in ancient husbandry, the implements used besides the plough for breaking up and cleaning the ground being mostly of the pick-axe or hoe shape [see Bidens, Ligo, Marra, Sarculum]. The *pala* was used, like our spade, for *digging*, not *picking*: it was of iron (Colum. x. 45), with a broad cutting edge curved at the end. Pliny (*H. N.* xviii. § 46) speaks of it as useful for breaking up rushy ground (*juncosus*), whereas he recommends the *bidens* for stony ground and for loosening the soil before planting slips (xvii. § 123): and this was probably one of its uses in the olive-yard. Cato (*R. R.* 10), in his list of implements requisite for an olive-yard of 240 jugera, gives only 4 *palae*, but 6 *aratra* and 8 *sarcula*: it was used too for digging a trench (Liv. iii. 26), and in gardening (Colum. *l. c.*). The woodcut below, taken from a funeral monument at Rome (Fabretti, *Inscript. Ant.* p. 574), exhibits a deceased countryman with his falx and bidens, and also with a pala, modified by the addition of a strong cross-bar, by the use of which he was enabled to drive it nearly twice as deep into the ground as he could have done without it. In this form the instrument was

Pala, falx, and bidens. (From an ancient relief.)

called *bipalium*, being employed in trenching (*pastinatio*), or, when the ground was full of roots to a considerable depth, in loosening them, turning them over, and extirpating them, so as to prepare the soil for planting vines and other trees. By means of this implement, which is still used in Italy and called *vanga*, the ground was dug to the depth of two spades or nearly two feet. It is clear, however, from Columella, xi. 3, 10, that the cross-bar was placed higher when a deeper spit was required: he speaks of digging three feet deep, but says that in other cases it will be sufficient to dig "*non alto* bipalio, id est minus quam duos pedes;" where the various reading *bipedalio* is clearly a misconception from the "duos pedes." (Plin. *H. N.* xviii. § 230; Cat. *R. R.* vi. 45, 151; Varro, *R. R.* i. 37; Colum. *R. R.* v. 6.)

Cato (*ib.* 11) mentions wooden shovels (*palas ligneas*) among the implements necessary to the husbandman. One principal application of them was in winnowing. The winnowing-shovel, also called in Latin *ventilabrum* (Varro, *R. R.* i. 52), is still generally used in Greece, and the mode of employing it is exhibited by Stuart in his *Antiquities of Athens*. The corn which has been threshed lies in a heap upon the floor, and the labourer throws it to a distance with the shovel, whilst the wind, blowing strongly across the direction in which it is thrown, drives the chaff and refuse to one side. So Isid. *Or.* xx. 14, 10, "pala quae ventilabrum vulgo dicitur, a ventilandis paleis nominata" (the etymology need not be accepted); and Tertull. *Praescr.* 3, "palam in manu portat ad purgandam arcam suam." According to Schol. *ad* Aristoph. *Av.* 806, this was called *σκάφιον* as well as *πτύον* or *λικμητηρίς*. The fruit of leguminous plants was purified and adapted to be used for food in the same manner. (Hom. *Il.* v. 499–502; xiii. 588–592.)

The term *pala* was applied anciently, as it is in modern Italian, to the blade or broad part of an oar. [REMUS.] In a ring the broad part, which held the gem, was called by the name of *pala*. [ANULUS.] [J. Y.] [G. E. M.]

PALAESTE. [PALMUS; MENSURA, p. 161.]

PALAESTRA (*παλαίστρα*). The upshot of a controversy which lasted for many years as to the difference between a *παλαίστρα* and a *γυμνάσιον* is that as a general rule the *παλαῖστραι* were the ordinary schools kept by private individuals, where boys were trained and got regular instruction in physical exercises: while the *γυμνάσια* were the public establishments to which the grown-up young men, and even adults (Plat. *Rep.* 452 B; Xen. *Symp.* 2, 18), resorted for exercise, but where there was no regular instruction given except to those who were training either for the games or to become professional athletes. This distinction was made by K. F. Hermann in his additions to Becker's *Charikles*, ii. 186, 189, and has been accepted by Guhl and Koner,^{4} 256–7, Grasberger (*Erziehung und Unterricht*, i. 252), Göll (*Charikles*, ii. 239), Blümner (*Privatalterthümer*, 336, and in Baumeister's *Denkmäler*, s. v. *Gymnastik*), Mahaffy (*Old Greek Education*, p. 25, note), and Iwan Müller (*Handbuch der klass. Alterthümswissenschaft*, iv. 451 c, 1887).

Becker in his *Charikles* (Eng. trans. p. 294) had maintained "that the Gymnasium was a place including grounds for running, archery, javelin-practice, and the like, along with baths and numerous resorts for those who only sought amusement; while the Palaestra, on the other hand, was the regular wrestling-school, where, originally, wrestling (*πάλη*) and the pancration were principally taught and practised;" and that "the distinction which Krause had attempted to establish that the Palaestra was chiefly for the use of boys is quite untenable." He bases his conclusion on Aristoph. *Av.* 140, *παῖς ὡραῖος ἀπὸ γυμνασίου*: on Plat. *Legg.* vi. 794 D, who wishes for *γυμνάσια καὶ διδασκαλεῖα* for girls as well as boys, proving, he thinks, that *γυμνάσια* were used for boys; on Lucian, *Nav.* 4, where the young men go to the palaestra; and on Theophr. *Char.* vii. (Jebb), which speaks of gymnasia where the ephebi practise, which implies, Becker thinks, that there were gymnasia where the boys practised. But neither in this passage nor in that from Plato is *γυμνάσια* used otherwise than generically in the sense of "places for exercise," with no idea of any distinction from *παλαίστραι*: and as to the passage from Aristophanes, Göll (*op. cit.* 234) shows from Theocritus (*Idyll.* xxiii. 60, 61) and Lucian (*Amor.* 26) that *παῖς* is a term that can be applied to youths up to twenty years of age; while the passage from Lucian represents the young men as setting out in search of Adimantus, who had gone to the palaestra to look for a favourite boy, and not with any idea of exercising. But, again, there is the much-discussed passage in Antiphon (*Tetral.* ii. 2, 3; 3, 6), where a boy (*παῖς*), answering a summons from his *παιδοτρίβης*, crosses the range and is killed by a spear shot by a youth (*μειράκιον*), who is said to be *μελετῶν μετὰ τῶν ἡλίκων ἀκοντίζειν ἐπὶ τῷ γυμνασίῳ*. But this can be explained by supposing either that the *παῖς* was a spectator, or more likely was practising for the games, and the presence of the *παιδοτρίβης* seems an additional proof of this. It is better to explain the passage thus than to force the sense of *ἐπί*, "in the neighbourhood of," with Grasberger, i. 269.

A striking passage to show that palaestrae were for boys, gymnasia for young men, is Theocritus (*Idyll.* ii. 80), where the young men Delphis and Eudamippus come from the gymnasium (*ὡς ἀπὸ γυμνασίοιο καλὸν πόνον ἄρτι λιπόντων*), compared with *vv.* 8, 97, where Delphis is represented as staying about the palaestra of Timagetus to see his boy favourite. It also shows that the palaestrae were called after their proprietor (or perhaps their founder): compare also the palaestrae of Taureas (Plat. *Charm.* 153 A), Timeas (*C. I. A.* ii. 445, l. 22), Antigenes (*ib.* 446, l. 61), Sibyrtius (Plut. *Alc.* 3). The master of the palaestra was called *παιδοτρίβης*: he was regularly paid by the parents of the boys he taught, and the conducting a palaestra was an ordinary private speculation. Sometimes, indeed, we find certain quarters of the town building palaestrae ([Xen.] *Rep. Ath.* 2, 10), probably by subscription, but even these were private undertakings, as the state, as such, had nothing to do with them. That regular instruction was given in the palaestrae can be proved from Theophrastus (*Char.* xix.), where the Loquacious man goes into the *παλαίστραι* and prevents the boys getting on with their work by his endless gossip with the παιδοτρίβαι and διδάσκαλοι.

As to the actual *building*, a palaestra required for wrestling and jumping a smoothly-floored, fairly large room. Throwing the spear and discus and running required indeed a very considerable space; but the palaestra in a strict sense, *i.e.* place for wrestling, was generally separated from the course for running (δρόμος): cf. Herod. vi. 128, Κλεισθένης καὶ δρόμον καὶ παλαίστρην ποιησάμενος εἶχε. In the smaller palaestrae there probably was no δρόμος, only a comparatively small room for wrestling. This was doubtless the chief exercise practised in the palaestra; since instruction would be more necessary for wrestling than for running. Besides this main school-room, there were smaller adjacent rooms: one for holding oil, with which the wrestlers rubbed themselves; another for sand, which was necessary to enable them to get grips; and a third for a bath—unless a river happened to be close by. The elaborate *Palaestra* described by Vitruvius (v. 11) is really a *Gymnasium*, and is fully treated of under that head.

There are many vase-paintings of athletic exercises; a good example is in Baumeister's *Denkmäler*, fig. 671. In these paintings, besides those actually exercising who are naked, there is generally a clothed bearded figure, who carries a rod in one hand and often a staff in the other. He is the παιδοτρίβης, and the rod is used for punishment (cf. Aelian, *Var. Hist.* ii. 6). Corporal punishment was much resorted to in ancient schools. Occasionally a statue of a bearded Hermes is depicted (cf. Gerhard, *Auserlesene Vasenbilder*, Taf. lxvi.). Along with Apollo (Lucian, *Anach.* 7), Hermes was the god who principally presided over athletics (Hor. *Carm.* i. 10, 4; cf. Orelli, *Inscript.* 1417), and he was said by mythologists to have been the father of the goddess Palaestra (Philostr. *Imagg.* ii. 32, p. 433, Kayser).

The παιδοτρίβης was the ordinary trainer in gymnastics (Plat. *Lach.* 184 E; Aristoph. *Nub.* 973, *Eq.* 1238), just as the γραμματιστής was the ordinary schoolmaster in our sense of the word; and the two are often mentioned in connexion (Plat. *Protag.* 312 B; Dio Chrys. *Or.* xiii. 426, Reiske). He trained all the boys who did not want either to compete in the games or to become professional athletes. The latter were trained by the γυμναστής, who had more special scientific knowledge, and who also possessed a greater acquaintance with physiology, which enabled him to tell the effect on the constitution of this or that exercise (Galen, *de sanit. tuend.* ii. 12, vol. vi. pp. 156–7, ed. Kuhn). The παιδοτρίβης was not expected to have a scientific knowledge of the exercises: he had just the knack and trick (τὴν ἐμπειρίαν τε ἅμα καὶ τριβήν, Galen, *op. cit.* ii. 9 = p. 143: cf. Plat. *Gorg.* 463 A), and was only expected to know how to do the exercises and to show his pupils how to do them, but not to determine any special exercises to be assigned to each separate pupil. Just like the ordinary preparatory schoolmaster of the last generation, he put his pupils through a traditional course; believing, like the proverbial unscientific cook, that what was sauce for the goose was sauce for the gander. Indeed the cook is his very analogue, according to Galen (*l. c.*), who says that the παιδοτρίβης is to the γυμναστής as the cook (we should perhaps say the apothecary) is to the physician; that is, that he carried out the directions given by the γυμναστής: and this was the function a παιδοτρίβης performed when he acted in concert with the γυμναστής. However, it must be remembered, on the one hand, that the great mass of Greek boys were never subjected to the training of the γυμναστής: and, on the other, that we are not to suppose *all* παιδοτρίβαι merely gave routine and rule-of-thumb instruction. We hear that Herodicus of Selymbria was quite scientific (Plat. *Rep.* 406 B). But in Plato's time the distinction of παιδοτρίβης and γυμναστής was not marked, as he ranks now the one, now the other, on a level with the physician (*Crit.* 47 B; *Protag.* 313 E). It gradually grew up in after-times (there is a hint of it in Aristotle, *Eth. Nic.* x. 9, 15), owing to the greater number of boys who wished to attain first-rate excellence in athletics; perhaps we may compare the increasing number of schools which with us hire cricket professionals. But though the distinction was certainly made and is much insisted on by Galen and others, still in all the Catalogues of the ephebi coming from Roman times we almost always find the παιδοτρίβης given, often the ὑποπαιδοτρίβης, but there is no mention of the γυμναστής. (See the Catalogues of the ephebi in *C. I. A.* iii. 1077–1275.)

We cannot fix with certainty the details of the instruction. For example, the time of day at which the physical training took place, whether *all* the boys went to their gymnastic exercises in the afternoon, as Grasberger (*op. cit.* i. 292 ff.) maintains, or whether the younger and the older went at different times—the one in the morning, the other in the afternoon—as Stark and Göll hold. The arguments on both sides rest on *à priori* grounds; Grasberger insisting on the whole tenor of ancient life being to work the brains in the morning and the body in the afternoon, and that such is the natural course, while Stark (notes to Hermann's *Privataltertümer*, § 36, note 13) is satisfied with showing against Grasberger that his reference to Plato, *Lysis*, 223 A, proves nothing, as that passage refers to the special occasion of a feast. Certain it is that children went to some sort of school very early in the morning (Plato, *Legg.* 808 C; Thucyd. vii. 29; LUDUS, p. 95).

The actual exercises practised in the palaestra were running, jumping, wrestling, throwing the spear and the discus—which formed what was called the Pentathlon [PENTATHLON]; boxing and the pancration were mostly confined to the gymnasium (I. Müller, *l. c.*), though in a milder form they were perhaps practised by the boys too (Blümner in Baumeister, *l. c.*). But, besides these athletic exercises, the παιδοτρίβης was expected to train the boys in what we would call calisthenics, so that they should walk properly without any swaggering (σοβεῖν, Dio Chrys. *Or.* xxxi. 651, Reiske: cf. Alexis, *Frag.* 263, Kock) and generally have a graceful carriage. It is possibly in this respect that we are to explain what Isocrates says (*de Antid.* § 181) that γυμναστική is a part of παιδοτριβική. The general aim of the exercises was that the boys should be fair and strong in body, as the παιδοτρίβης is represented as saying in Plato, *Gorg.*

452 B, *τὸ ἔργον μού ἐστι καλούς τε καὶ ἰσχυροὺς ποιεῖν τοὺς ἀνθρώπους τὰ σώματα.* There is a very interesting passage in Clement of Alexandria (*Strom.* pp. 823, 4, ed. Potter) in which he tells how the *παιδοτρίβης* directed each several motion of beginners (*σχηματίζειν* and *διαπλάσσειν* are the words used); more forward pupils he instructed by showing (*ἐπιδεικνὺς*) himself how the exercise was done, while to the most advanced pupils he simply told (*προστάττοι ἐξ ὀνόματος*) what exercise was to be performed.

In early times the state exercised a police control over the palaestrae in the interests of morality, Solon enacting that the schools should not be opened before sunrise or kept open after sunset, and forbidding grown men to visit the palaestrae (Aeschin. *Timarch.* §§ 9–12): but this law soon fell into abeyance, as may be seen from the *Lysis* and *Charmides* of Plato, and from Theophrastus's account of the Loquacious man.

The Greek exercises of the palaestra never took any great hold on the Romans. They disapproved of them as leading to idleness, and, owing to the nakedness of those who took part in the exercises, to immorality; and besides, they were no good for war (Plut. *Quaest. Rom.* 40 = 274, 25, Reiske; Senec. *Epist.* 88, 18; Plin. *Epist.* x. 40, 2). But still they were practised a good deal by the Romans, sometimes as a preparation for the bath, but generally by young men who wished for some, but not for very violent, exercise (Hor. *Sat.* ii. 2, 8 ff.: cf. *Carm.* i. 8, 8; iii. 12, 7; and Strabo, v. 236): cf. Marquardt, *Privatleben der Römer*, 120.

But the word "palaestra" has other senses than the one we have treated of. Haase (in Ersch and Gruber, s. v. *Palaestra*) shows that it is used as a special part of a gymnasium, as (at least in Roman times) synonymous with gymnasium, and also in a metaphorical sense. That it was used for part of a gymnasium, probably the part where wrestling was practised, can be proved from Hyperides (*Orat. Att.* ii. p. 404, ed. Didot), Plut. (*Vit. X. Oratt.* 841, 27), and perhaps Lucian (*Parasit.* 51). That it was synonymous with gymnasium in Roman times can be proved from Vitruvius (v. 11), who describes a gymnasium and calls it a palaestra; Plutarch, too (*Sympos.* ii. 4 = 638, 21), says that the place where *all* the athletes exercise is called a palaestra; and Pausanias tells us (v. 15, 8; vi. 21, 2) that there were at Olympia palaestrae especially devoted to athletes. The wealthy Romans often had private palaestrae or gymnasia added to their houses (Cic. *Att.* i. 10, 3; *Verr.* v. 72, 185). For the metaphorical use of "palaestra," as signifying rhetorical academic oratory as opposed to real public speaking, see Cic. *de Orat.* i. 18, 81; and for elegance in composition as opposed to an uncouth and uncultivated style, Cic. *de Leg.* i. 2, 6.

The chief works to consult for further information on the exercises of the Palaestra are Haase's article on *Palaestrik* in Ersch and Gruber; Krause in Pauly, s. v. *Gymnasium;* Grasberger, *op. cit.* i. 244 to end; Hermann-Blümner, *Gr. Privatalterthümer*, 341–351: and Mahaffy, *Old Greek Education*, chap. iii. Detailed accounts of the different exercises will be found in separate articles summarised in the Index. [L. C. P.]

PALI'LIA. [PARILIA.]

PALLA. The *palla* and its Greek counterpart, the *πέπλος*, were identical in shape with the *pallium* or *ἱμάτιον*, being square or rectangular shawls or plaids; but while the *pallium* was worn by both sexes, the *palla* was, originally at any rate, confined to women. It was worn as it came from the loom, generally with the addition of embroidery, but without any alteration in shape at the hands of tailor or sempstress. It is usual to divide the modes of wearing such garments into two great divisions: first, those in which they are loosely thrown round the body [AMICTUS]; and, secondly, those in which they are fastened more closely and securely by means of pins and brooches [FIBULA], and at times a girdle [ZONA]. To the latter class is given, with somewhat questionable correctness, the name *indumenta.* It is unwise to press this division too far, and the failure to perceive that the same garment might be worn either way has led to much needless controversy as to the use of words. The actual modes of wearing dictated by fashion, or suggested by the needs of life, were truly endless, as were also the differences in size, material, and pattern required to suit the wants of woman and girl, matron and maid, rich and poor, mourner and reveller, in all the varied pursuits and on all the many occasions which demand a special dress. These manifold uses are reflected in language, but the difficulty in determining what they were is increased by the fact that, as fashions changed and life became more complex, old words became obsolete or changed their meaning, while new words were applied to garments known formerly by other names. In no case is it so truly necessary to bear this in mind as in that of the *πέπλος*. Its derivation is uncertain, but Studniczka's conjecture that it is a reduplicated form of the root seen in *palla, pallium*, and *pellis*, is at once plausible and satisfactory.

In Homer it is used of the chief dress of women, which is also called *ἑανός* (*Il.* iii. 385; xiv. 178; xxi. 507) or *εἱανός* (*Il.* xvi. 9); but from their use in other passages these would seem to be merely epithets (*Il.* v. 734; viii. 385; xviii. 352, 613; xxiii. 254), *πέπλος* being the distinctive name. It was worn next the skin, for Hera on leaving her bath put it on first (*Il.* xiv. 178); and Athene, when she dons the shirt (*χιτὼν*) and armour of Zeus, has first to loose the brooch at her shoulder and let the *πέπλος* fall from her (*Il.* v. 734). The latter passage shows that the garment was not a sewn one, like the shirt which the men wore (*χιτών*), but one which could be thrown off in an instant (*κατέχευεν*). Everything in fact goes to show that it was worn in the same way as the Doric shift [TUNICA], but fastened below the shoulder just above the breast (cf. *χρυσείῃς δ' ἐνετῇσι κατὰ στῆθος περονᾶτο*, *Il.* xiv. 180); a mode of wearing which is admirably illustrated by the figures on many early Greek vases (*v. infra*). This method of wearing a dress, as heavy as one's chief garment must be, has the obvious defect that it throws the whole weight on the shoulders. This was met by the use of the girdle [ZONA], which had the further advantage of keeping the open side of the *πέπλος* in some degree closed. The girdle was worn universally, and is always mentioned when details of the toilet are given. Even such apparent exceptions as in the case of

Athena (*Il.* v. 734; viii. 385) do not imply that it was not worn; nor is it necessary to suppose that when Aphrodite protected Aeneas from the Greek darts with the πτύγμα of her gown that she necessarily was without a girdle (*Il.* v. 315), for πτύγμα may well have a different meaning (*v. infra*). In many cases the open side was no doubt held together by a row of brooches, for it is impossible to assume that the twelve golden περόναι that accompanied the πέπλος which Antinous presented to Penelope had any other use (*Od.* xviii. 292). Whether the πέπλος still further resembled the Doric shift in being doubled at the top, into a fold falling over the breast, is not clear, though this is very possibly the meaning of πτύγμα in the passage quoted above.

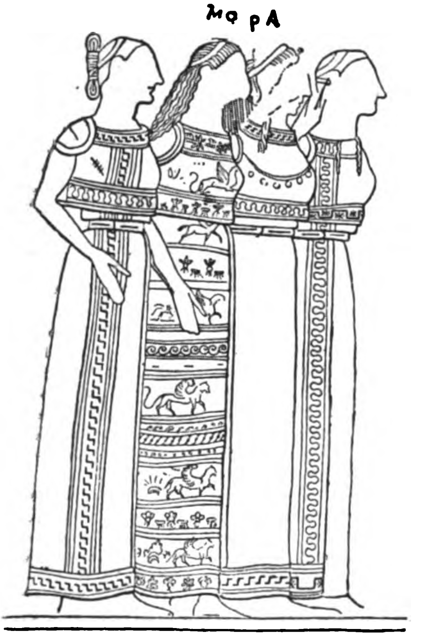
What little knowledge we have of the fashions of the ladies of Epic times, and the way in which they wore their gowns most becomingly, is given by the epithets which the bard applies to fair women. We learn, for instance, that even though their robes were long and swept the ground (ἑλκεσιπέπλοι, *Il.* ii. 442; x. 185), they did not hide the charms of a neat ankle (εὔσφυρος, Hesiod. *Theogn.* 254, 961; *Scut. Herc.* 16, 86;—καλλίσφυρος, *Il.* ix. 557, 560, xiv. 319; *Od.* v. 333, xi. 603, &c.;—and τανύσφυρος, *Hymn. in Cer.* 2, 77) any more than those of their snow-white arms (λευκώλενος, *passim*). Epithets referring to the nice adjustment of the girdle are common, but are, with the exception of εὔζωνος and καλλίζωνος, very obscure, and those cannot be said to give us any very definite information. Βαθύζωνοι is difficult to explain, though it certainly cannot mean that the Homeric ladies wore their gowns with thick folds, hanging over a low-girt girdle, in the style of a later age (best seen in the Parthenon marbles). It very probably refers to slimness of waist, which was beyond any doubt looked on as beautiful. (This is possibly the point of the comparison of the waist of Agamemnon to that of Ares, *Il.* ii. 479.) Neither does βαθύκολπος refer to the fashion mentioned above, as seen in the Pheidiac statues, but rather expresses the poet's admiration for a well-moulded bust (*Il.* xviii. 122; xxiv. 315, &c.). The πέπλος was sometimes richly embroidered (*Il.* vi. 294; *Od.* xv. 107); indeed, to judge by the frequency of the epithets ποίκιλος and παμποίκιλος, it was seldom without this kind of ornament. The cloth from which it was made seems to have been of the brightest colours,—saffron (Ἠὼς κροκόπεπλος, *Il.* viii. 1 *et passim*), purple (*Hymn. in Cer.* 182, 360; Hesiod. *Theogn.* 406), and flaming red (if we may trust the description of Aphrodite's robe, φαεινότερος πυρὸς αὐγῆς, *Hymn. in Ven.* 86). The material cannot have been anything else but wool, for no other stuff would be sufficiently warm for such an important garment, neither is it likely that linen would be embroidered as the πέπλος was. Besides, if we may take the goddesses Calypso and Circe as examples of the fashions of the time, the linen mantle (φᾶρος), which the men of Epic times wore as an over-garment, was used as a dress girded round the waist, and probably was also pinned at the shoulders in the same fashion as the πέπλος (*Od.* v. 230, x. 543; cf. Hesiod, *Op.* 198). Even if this passage does not allow us to argue that the women of the time wore the φᾶρος, we have the account of the dancing maidens on the shield of Achilles (*Il.* xviii. 597), who wore linen raiment, though we are not told in what way.

Besides being a lady's garment, the πέπλος appears in the Homeric poems as a covering for chariots (*Il.* v. 193) and seats (*Od.* vii. 96), and also as the purple pall in which the golden urn that contained the ashes of Hector was wrapped (*Il.* xxiv. 795). It was for these reasons and for the richness of their ornament that the πέπλοι form such a large part of the treasures of the household, and that they were acceptable presents (*Od.* xvii. 292; cf. *Il.* xiv. 178), forming part of Hector's ransom (*Il.* xxiv. 229), and being the choicest gift that could be offered by the Trojan women to the patron goddess of the town (*Il.* vi. 90, 271). [DONARIA.]

Of the changes which Greek dress underwent during the ages which followed that of the Epic, we can learn but little from literature. We gather from the occasional protests of the lyric poets and the rigorous measures of the lawgivers that the influence of Oriental luxury was ever on the increase. It is not, however, until this luxury had given way to the healthy reaction which followed the Persian wars that we can get contemporary information about the costume of the times. Then we find that the πέπλος was no longer an every-day garment, but the characteristic robe of hero and god on the stage, or in poetry. It occurs very frequently in the Attic tragedians, but always with an indefinite meaning, as indeed we might gather from the frequency with which the plural and the word πέπλωμα are used. In Aeschylus, for instance, we find that not only is a woman's robe, be it woollen or linen (*Choeph.* 25; *Suppl.* 111; *Pers.* 125), called πέπλος, but that men's clothing also bears the name. Sophocles uses the word with equal laxity, while Euripides makes it a word for clothes in general, using it for the over- not less than the under-garments of both men and women. In all literature subsequent to the tragedians the word occurs in the same loose way, with one very important exception; that of the πέπλος which was each year carried in the Panathenaic procession on a mast to the Parthenon, where it was solemnly presented to Athena Parthenos. [ARRHEPHORIA; PANATHENAEA.] This robe was embroidered with scenes from the battles between the gods and the giants, in which Athena took a prominent part (Eur. *Hec.* 466–474, cf. *Ion*, 184 ff.). There can be no doubt whatever that this robe, as is usual in the case of such ancient cults, went back as regards texture to very early ages, in fact in all probability prior to the Homeric.

By a fortunate coincidence we are able to date approximately the disappearance of the πέπλος at Athens. Herodotus (v. 87, 88) tells us that the women of Athens gave up the archaic dress of Greece, which resembled the Doric, and adopted the Ionian, in order to be able to dispense with the use of the fibula. The occurrence which brought this change about was the murder of the only man who returned from the disastrous expedition against Aegina; and as this took place in the first half of the sixth century B.C., we have an approximate date for the change in question, even if we discard the story as a fiction. This rough date is moreover borne out by the monuments. As to the monuments: it has so far been impossible to recognise the *πέπλος* in any of the objects found at Hissarlik, Mycenae, Archomenos, and Tiryns; but this does not preclude the possibility of its having been worn at that age, for the objects are in most cases of a foreign origin. The fact, however, that no fibulae were among the numerous ornaments found in the graves at Mycenae would seem to cast a doubt on it.

In the graves of a later date, such as those of the Dipylon and Phaleron at Athens, and of Assarlik in Caria, fibulae have been found in large quantities. Unfortunately the figures on the pottery of this age are too rude to give us any idea of the costume of the time in which they were used. It is in fact on the early "black-figured" ware from Athens and Corinth that we are first able to find a garment answering to the Homeric description. This is, perhaps, best seen on the figures of the famous François vase (now in Florence), which represent the women as wearing an archaic form of the Doric shift, which, in most cases, is their only garment. It is fastened not above, but below, the shoulder (*κατὰ στῆθος*) with a large fibula of archaic pattern. This is well shown by the representations of Moirae. Other vases prove that this garment was open down the side; for instance, a cylix of the vase-painter Xenocles, showing Polyxena as she flies from Achilles, with the whole leg displayed. The style of these vases proves that this costume was at least as old as the seventh century B.C., and it continues to appear in all the vase-paintings of the "black-figured" style. When this style was given up and the "red figure" was adopted, other forms of female garments are seen in the paintings, and this archaic *πέπλος* disappears. If the latest system of dating is correct, this change of style in vase-ornamentation took place not later than the middle of the sixth century B.C.; and as this agrees exactly with what Herodotus tells us, we may accept it as certain that it was then that the *πέπλος*, or archaic dress, was given up by the women of Athens. The statues of the latter half of the sixth century lately discovered on the Acropolis, and the vase-paintings of the same period, show clearly enough how the transition took place. The characteristic of all these statues and figures is that they wear over their linen chiton a mantle, which is pinned or fastened at one shoulder and passes under the left arm. It fits closely to the form, and the top is doubled over into a fold, so that it is nothing but a Doric shift, with the brooch at one shoulder loosened and the arm shoved out. It is in fact the *πέπλος* worn over the linen or Ionic shift, and without a girdle. The resemblance is made still greater by the fact that it is generally richly embroidered. However, in this form it has lost its old name, and was known as *ἱμάτιον* [PALLIUM]. It was noted above that the *πέπλος* of Athena was retained in the original meaning of the word throughout the whole of antiquity, and this is strikingly borne out by the artistic tradition seen in the statues of Athena. In nearly all the oldest representations (*e.g.* in the metope from the oldest temple at Selinus and on the Burgon vase) she is clothed in the garment described in Homer and shown on the vases. The same type was adopted by Pheidias for his Athene Parthenos, as we see by the numerous reproductions of it that have come to light. The best of these is the statuette found at the Varvakeion, near Athens, an accurate Roman copy of the great original. Even in Hellenistic art it is often retained as the characteristic garb of Athena (*e.g.* "Minerve au collier" in the Louvre).



Moirae. (From François vase.)

[The view as to the nature of the *πέπλος* taken above is that first propounded by Franz Studniczka in his *Beiträge zur Geschichte der altgriechischen Tracht*, p. 92 *seq.* (Wien, 1885). It has been accepted by Helbig in *Das Homerische Epos* (Leipzig, 1887), and by Iwan Müller, *Handbuch der klassischen Alterthumswissenschaft*, Band IV. (Nordlingen, 1887).]

Statuette of Athene Parthenos.

Palla, though it denotes a genuinely Roman garment, is used as the translation of *πέπλος* (Serv. *ad Aen.* i. 479), for *peplus* and *peplum* are artificial forms which were never naturalised. Used as a translation, it is *par excellence* the garb of heroic personages on the tragic stage (cf. Hor. *A. P.* 279, "personae pallaeque repertor honestae;" Aeschylus; and Milton, *Il Penseroso*, "Tragedy in sceptred pall"). Closely connected with this is its use in poetry, where it is worn not only by gods and goddesses, but by mythical figures in general. In both cases its meaning is quite as vague as that of πέπλος in Attic tragedy (*v. supra*). The garment itself was a rectangular piece of cloth (Isidor. xix. 25), which could be worn either as a dress or a shawl, which at times served the purposes of a curtain (Sen. *de Ira*, 22, 2).

The notices in literature give us but little satisfactory information as to the various ways in which it was worn, owing to the fact that in very many cases (*e.g.* in Plautus) it is impossible to say whether a Greek or a Roman garment is meant. This difficulty has given rise to a controversy which has raged since the time of Rubenius and Ferrarius, and cannot be said to have yet come to an end. That the original way of wearing it was practically the same as that of wearing the Doric shift, may be regarded as certain, for Varro includes it among the garments *quae indutui sunt* (*L. L.* v. 131), and there is good reason to believe that it took the place of an archaic garment of somewhat the same shape, but of a smaller size, which survived until classical times in a ceremonial dress called the RICINIUM. Whether the *palla* continued to be worn as a shift after the introduction of the tunica, must, at the present state of our knowledge, remain undecided. Marquardt (*Privatleben*, p. 579) maintains that it did, supporting his view by an appeal to the phrases *tunico-pallium*, *tunicae pallium*, and *tunica palliata*, and to statues found at Herculaneum. The statues, however, are Greek, not Roman, while the phrases are only used by late commentators, and must be referred to *pallium* and not to *palla*. Even the *palla picta* which was sent by the senate *cum amiculo purpureo* (Liv. xxvii. 4) does not prove that even at that time it was worn at Rome as an undergarment, for it is probable that it was a περονατρὶς of the style then so fashionable at Alexandria. However this may be, it is as a shawl, covering the *stola*, that we hear of it in classical times, when it took the same place in the dress of women as the *toga* did in that of men. When thus worn, it was thrown over the left shoulder, drawn across the back, brought either over or under the right shoulder, and tucked round the body. This manner of wearing it is well described by Apuleius (*Met.* xi. 3): "Palla nigerrima splendescens atro nitore quae circumcirca remeans et sub dextrum latus ad umerum laevum recurrens, umbonis vicem dejecta parte laciniae multiplici contabulatione dependula ad ultimas oras nodulis fimbriarum decoriter confluebat." Worn thus, it was practically identical with the ἱμάτιον [PALLIUM], and was the outdoor dress of all respectable women (Hor. *Sat.* i. 2, 97; Sen. *Troad.* 91: cf. Mart. xi. 104, 7, where it is called *pallium*), as well as by girls (Tib. iv. 2, 11). As a woman's shawl it seems to have, like the toga, become unfashionable under the Empire; and we find that, even in the time of Tiberius, Caecina inveighed against the change (Tertull. *de Pall.* 4). In the third century it seems to have gone out of use entirely as a garment, for it is not mentioned by Ulpian, nor is it in the list given in the edict of Diocletian. The garments which supplanted it were more especially the *dalmatica* and the *colobium*. [DALMATICA.] On the monuments of all kinds, especially the portrait statues of the Empire, it frequently appears used as a shawl, wrapped round the body as described above. Nowhere, however, do we find any support for the assumption that it was sometimes girded, which some base on the use of *succincta* in Hor. *Sat.* i. 8, 23; Verg. *Aen.* vi. 555. On the monuments the palla is easily recognised in the mantle worn by Roman women, though, except in the case of certain portrait statues and reliefs, there must be always a doubt whether the garment is Greek or not.

Statue of Livia wearing the Palla.

The modes of wearing it are very numerous; but in all a third part is thrown over the left shoulder from behind, and the garment drawn round the body, covering or leaving free the right arm. Sometimes it is wrapped so tightly round the body that the end is thrown once more over the left shoulder from the front. Sometimes it is drawn over the head, to serve either as a veil or as a protection against the weather. In nearly all cases it is a rectangular piece of cloth, the dimensions varying very considerably. In some few instances, however, it resembles the toga in having one of its sides cut in a circular form.

Palla is also one of the names given to the χιτὼν ὀρθοστάδιος (*tunica talaris*), which with the χλαμὺς formed the conventional costume of the Citharoedus (cf. Auctor *ad Herenn.* iv. 47, 60; Apuleius, *Florid.* 2, 15). This had no real connexion with the *palla*, being a long sleeved tunic girded high above the waist; it was also known as stola and *σύρμα*. Statues and reliefs representing citharoedi (especially Apollo Citharoedus) are clad in this robe. The best known of these works is the statue of Apollo Citharoedus in the Vatican. Martial (i. 93) mentions a *gallica palla*, but this is a short jacket ("Dimidiasque nates gallica palla tegit"), which seems to have been peculiar to Gaul, and is described by Strabo, iv. p. 196, (κέλται) ἀντὶ δὲ χιτώνων σχιστοὺς χειριδωτοὺς φέρουσι μεχρὶ αἰδοίων καὶ γλουτῶν.

Apollo Citharoedus. (From the Vatican.)

[References to the earlier literature will be found in Marquardt, *Privatleben*, p. 576 ff. A criticism of Marquardt is given in Göll's edition (1882) of Becker's *Gallus*, p. 258 ff. The best account of palla = χίτων ὀρθοστάδιος is in Stephani, *Compte-Rendu*, 1875, pp. 102–153. For the monuments, see Müller in Baumeister's *Denkmäler des klassischen Alterthums*, s. v. Toga.] [W. C. F. A.]

PA'LLIUM. At all periods of Greek life the characteristic outdoor garment, both of men and women, was a mantle or shawl, consisting of a rectangular piece of cloth. Such mantles were known generally as ἐπιβλήματα or περιβλήματα, or more specially as ἱμάτια. Ἱμάτιον is derived from the root Ϝες or ἑς (cf. *vestis*). The cognate word εἷμα is used in Homer of clothes in general, and Ϝεμα occurs in the celebrated inscription from Gortyn in the same sense. The early form εἱμάτιον is found in an inscription from Andania (Dittenberger, No. 388, 16), with which ἑμάτιον in another inscription (Roehl, *I. G. A.* 395 a) may be compared. The older sense of the word, meaning "raiment," was retained in the plural at all periods of Greek literature.

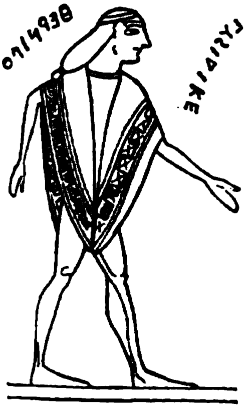
Apart from the name, the use of the cloak or shawl is, as has been shown in the article PALLA, as old as the art of weaving. The garments of men no less than women were woven on the domestic loom, τετυγμένα χερσὶ γυναικῶν, and all of the same rectangular shape. As a consequence the sole difference between the dress of men and that of women lay in the size and material, but not in the shape of their garments. The earliest method of wearing such clothes is undoubtedly as a cloak fastened round the body with a pin or clasp and a girdle. This was the dress of women in the Homeric age [PALLA], but men had already at that time adopted the linen shirt as an under-garment. Some attempt has of late been made to gather, from the representations on objects found at Mycenae and other early sites, the nature of pre-Homeric dress, but the Greek character of those which are clear enough to give definite information is too doubtful to allow of even the most general conclusions. Other attempts to settle the question by an appeal to Egyptian, Assyrian, and Phoenician monuments have been made, but have, at the present state of our knowledge, no claim to serious consideration. In Homer, the dress for men is a mantle, worn over a shirt of linen (χιτών; TUNICA), which is called either χλαῖνα or φᾶρος. The women, on the other hand, are clad in the πέπλος, but the veils which are worn over this cannot be classed as shawls or mantles. There can be no doubt that both the χλαῖνα and φᾶρος were rectangular pieces of cloth, worn without being altered in shape by any cutting or sewing.

Figure of Peleus, from a vase. (Helbig.)

The χλαῖνα [LAENA] was of wool, and had a thick nap (οὔλη, *Il.* x. 134). Those worn by great folk were dyed red (*Il.* loc. cit.; *Od.* xiv. 500, xxi. 118), or purple (*Od.* iv. 115, 154; xix. 225), but it was the dress of the poor man no less than the rich, for it was worn by the swineherd Eumaeus (*Od.* xiv. 529) and by the servants of Penelope's suitors (*Od.* xv. 331). It was fastened round the neck with a brooch or pin (*Od.* xix. 226), and, as the brooch is not always mentioned, it is possible that it may also have been worn without, simply wrapped round the body. Two forms of it are mentioned, the first the ἁπλοΐδες χλαῖναι (*Il.* xxiv. 229), the latter the χλαῖνα διπλῆ (*Il.* x. 134; *Od.* xix. 225). There can be little, if any, doubt that the latter form is the same as the δίπλαξ, a garment often mentioned (*Il.* iii. 126, xxii. 440; *Od.* xix. 245); the only difference between the δίπλαξ and the χλαῖνα being that the former is the latter doubled. That the older commentators were wrong in understanding the difference to be one of pattern is shown by a passage in the Odyssey (xiii. 224), where Athene, disguised as a youthful shepherd, is described as δίπτυχον ἀμφ' ὤμοισιν ἔχων εὐεργέα λώπην, which shows that it lay in the folding. It might be thought perhaps that the δίπτυχος λώπη is a different garment, but there is no reason to suppose that it has any more definite meaning than the later λῶπος: it is in fact a general word for clothing. The δίπλαξ may have been larger than the simple χλαῖνα: but from the analogy of the use of shawls it seems reasonable to suppose that the same garment could be used either way. The larger size would be a simple explanation of the fact that the δίπλαξ was occasionally highly ornamented. Thus Helen (*Il.* iii. 125):

> μέγαν ἱστὸν ὕφαινε
> Δίπλακα μαρμαρέην· πολέας δ' ἐνέπασσεν ἀέθλους
> Τρώων θ' ἱπποδάμων καὶ Ἀχαιῶν χαλκιχιτώνων·

and Andromache (*Il.* xxii. 440) wove a δίπλαξ with a pattern of θρόνα ποίκιλα, though what these were it is impossible to determine.



δίπλαξ. (From François vase.)

Φᾶρος is a word of disputed origin. Curtius derives it from φέρω, but Studniczka, following Krall, prefers to derive it from the old Egyptian *p(h)aar*, meaning "a winding sheet," while Fraenkel proposes the Semitic root *ắfar* (or *ắfar*), but these are from the nature of the case only conjectures. Whatever its derivation may be, the word is used in Homer in a general sense, referring to a textile fabric for women's garments, swaddling clothes, winding sheets, and as a substitute for sails (and in a more special sense for a man's garment). These different uses lead us irresistibly to the conclusion that the material was of linen, not wool; and this is fully confirmed by the epithets ἀργύφεος, λεπτός, νηγάτεος, and ἐΰπλυνής applied to it, all of which are appropriate for linen, but not for wool.

The description of the φᾶρος which Penelope weaves (*Od.* xxiv. 147) is also only applicable to linen. As a man's garment it was worn in place of the χλαῖνα, by the princes and men of rank, never by the poor or ordinary folk. It is also worn by both Calypso and Circe, and it is a moot point whether this implies that ladies ever wore it. The epithet μέγα would seem to imply that it was larger than the χλαῖνα. It does not seem to have been worn double. It was dyed purple in *Od.* viii. 221.

Of the way in which the mantle was worn in the ages which followed the Homeric, literature gives us but little information. The garments, however, mentioned in Hesiod and the Hymns, are the same as in Homer, and there is nothing to lead one to suppose that the fashion of wearing them had changed in any essentials. The sad want of any notices, except the most general, in the Lyric poems, is much to be lamented, for they lived in an age when great changes in costume were taking place, as may be learned from many protests against the growing luxury, and from the repressive enactments of early codes. It is not indeed until Thucydides that any clear account of the nature of this change is to be found. He, in his prefatory sketch of Greek civilisation (i. 6), distinguishes broadly three periods: (1) that when weapons were worn in ordinary life (τοῦ σιδηροφορεῖν); (2) that of a leisurely mode of life, when ease and luxury were possible (τῆς ἀνειμένης διαίτης); (3) that of moderation in dress (τῆς μετρίας ἐσθῆτος). The Athenians, he says, were the first to give up wearing arms and to adopt the leisurely mode of life, while it was the influence of the Spartans that brought about the revolt against luxury and the return to simplicity of the third period,—a reform which took place in the middle of the fifth century; for he adds that it was not long since elderly gentlemen in easy circumstances gave up the long linen shirt (which the Ionian still wore) with the archaic head-dress—a remark which is borne out by the mockery in the Knights of Aristophanes (425 B.C.) of the ancient costume (Ar. *Eq.* 1323 and 1331). This of course only applies to the dress of men, but Herodotus (v. 87, 88) informs us that about the middle of the sixth century the Athenian women gave up the old woollen shift and adopted the linen one.

In both cases it is very important to remember that the changes described took place only within a restricted area, some of them in fact only at Athens. Thus the old πέπλος of wool was still worn in the Peloponnese in the sixth century, and that of linen in Ionia during the fifth; while in the more out-of-the-way parts of Greece, in Aetolia and Thessaly, the costumes were probably almost the same as in the times of Homer and Hesiod. All these changes can be traced with the greatest distinctness in the monuments of the art of the seventh and sixth centuries B.C.

The most important of these remains, both as being the most numerous and as giving the best representations, are the vases of the black-figured and early red-figured styles. Next to these come statuettes of bronze and terra-cotta, and reliefs in stone or metal plate. Least important are the statues in the round; for these, if male, are mostly nude, and, in any case, are of a too conventional type to be good evidence. In the earliest of these monuments we find the men clad either in a long shirt with a mantle, with its ends hanging in front at an equal length from each shoulder, or without shirt and in a mantle folded double and thrown over the shoulders in the same symmetrical way. The former is worn by old men generally, and by others in a time of peace; the latter is the costume of youths and warriors.

There can be little doubt that the long mantle is the χλαῖνα, most probably worn in the same way as in Homeric times. The doubled mantle may perhaps be the δίπλαξ, but this is by no means the way of doubling it. The Homeric χλαῖνα was fastened with a brooch or clasp, but nothing of the kind is shown by the vase-paintings. This, however, does not necessarily disprove its use, for it is very rare to find the *fibula* of a woman's πέπλος shown, and yet it was absolutely indispensable. It is besides difficult to see in what other way than by a clasp the χλαῖνα can have been kept in place in this symmetrical style of wearing it.

Figures from Frieze of the Parthenon.

The women on vases of this class are clad in the πέπλος, and wear a veil, which falls from the head symmetrically over the shoulders, and down the back is practically a shawl. Both this and the symmetrical mantles of the men are well shown on the François vase at Florence.

On vases rather later than these one finds that the women assume the mantle, probably owing to the adoption of the linen shift, which made a warm shawl an absolute necessity. The way in which the change came about is shown by the characteristic fashion in which the shawl appears fastened with a brooch or brooches, but only at one shoulder, leaving the other shoulder and arm free and the breast bare; the mantle being in fact a πέπλος with the brooch at the closed side loosened. This is by far the commonest costume on archaic statues and statuettes, in marble, terra-cotta, and bronze from Rhodes, Athens, Magna Graecia, Etruria, and in fact all the places where objects of archaic art are found. It is peculiarly well-suited for the formal elegance of the period, the Ionic shift of linen showing at the bared breast and shoulder, in contrast with the folds of the woollen shawl, which hangs diagonally down in artificially arranged plaits. It is well seen in many of the statues discovered on the Acropolis in 1886 (Rhomaidis-Cavvadias, *Les Musées d'Athènes*), on the Athene of the Aeginetan East Pediment, and in countless vase-paintings. (Cf. Furtwängler in Roscher's *Lexicon of Mythology*, s. v. Aphrodite.) In Graeco-Roman times, this costume is important, because adopted as an archaic trait by the archaistic artists of that time. Instances of its use in this way are very numerous: the Artemis from Pompeii (cf. Studnizcka, in *Bulletino del Inst.* 1888), the Dresden Pallas, and the Minerva from Herculaneum. It is generally known as the "Spes" costume, early archaeologists having wrongly imagined that it was peculiar to Roman statues of that goddess.

Scarcely less characteristic of archaic and archaistic art is the symmetrical wearing of the χλαῖνα. This is seen on the Hermes Kriophoros of Wilton House, Oinomaos in the East Pediment from Olympia, on the figures of Athene on late Panathenaic vases, and of Poseidon on various coins. It is also a common motive on the flying statues, and reliefs of the Hellenistic time, and is usually wrongly explained as being a χλαμύς.

Early in the sixth, if not in the seventh century B.C., the manner of wearing the cloak which prevailed in classical times begins to appear in works of art. In it the symmetrical fashion, in which the ends are thrown over the shoulders, has been given up, and the cloak is wrapped round the body, being thrown over the left shoulder across the back, and under or over the right arm, according to the desire of the wearer to cover or keep his arm free. At first this fashion was confined to men, but by the fifth century it had become almost universal for women. The cloak thus worn is generally known as the ἱμάτιον: but, as will be shown further on, this is but a very special use of the term, the sole difference between cloaks wrapped round the body in this fashion and cloaks worn in other fashions (*e.g.* the τρίβων) being the immaterial one of size.

At this period, as indeed at every other, such a ἱμάτιον was the indispensable outdoor dress of the Greek; and to appear without it in one's under-garment was indecent, and anyone so dressed was spoken of as naked (γυμνός). In primitive times the cloak had probably been the sole garment of both sexes, and it remained so among some of the Dorians and the poorer working classes down to the close of Greek history. In Homer's time men of quality had already adopted a shirt (χιτών), and we have seen that women followed their example somewhere in the sixth century. By the fifth century, however, it had become so much the exception to wear a cloak without an undergarment that to do so (to be ἀχίτων ἐν ἱματίῳ, Diod. xi. 26) was a sign either of great poverty or determined asceticism. This of course does not apply to warriors or hunters, who wore the old garb, even to late times.

In Athens much importance was attached to the nice adjustment and elegant wearing of the ἱμάτιον. Indeed the way in which it was worn was regarded as an infallible guide to the character of its owner. To leave the left shoulder free instead of the right was a true sign of a barbarian, as can be seen from the horror with which Poseidon in Aristophanes' *Birds* (1567) greets the outlandish god Triballos, who had put it on ἐπ' ἀριστερά, instead of ἐπὶ δέξια. Even Plato, in the *Theaetetus* (p. 175), speaks of one who is not a gentleman as ἀναβάλλεσθαι οὐκ ἐπισταμένου ἐπὶ δεξιὰ ἐλευθέρως. The length it ought to be worn was considered a point of great nicety; and though Quintilian (xi. 3, 143) says that it was customary in antiquity to wear the cloak long enough to touch one's boots, yet Alcibades offended many by wearing it down to his ankles (Plut. *Alc.* 1; cf. Demosth. *F. L.* p. 442, § 314). Theophrastus decides that it must come down as low as the knees. In the time of the early Attic orators it was apparently the custom to keep the right hand wrapped in the folds of the ἱμάτιον when speaking, an attitude which is seen in the well-known statue of Sophocles. Aeschines says (*c. Timarch.* § 27) that the custom had disappeared in his time; Cleon being, according to Plutarch (*Nicias*), the first to disregard it.

We must beware of assuming that the *ἱμάτιον* was a distinct garment, differing specifically from the *χλαῖνα* and other forms of cloak. The word originally was perfectly general, denoting clothes of all kinds; and even when its meaning grew more restricted in classical times, it only meant a cloak or over-garment as opposed to the shirt or under-garment. Fashion, however, only recognised one peculiar mode of wearing it as worthy of a gentleman, and this particular mode has in the usage of modern times usurped the name.

Among the specific garments worn at this time, the *χλαῖνα* [LAENA] is the most important. It was still made of thick woollen stuff (Arist. *Ac.* 493), and was used as a winter cloak (*ἱμάτιον χειμέρινον*, Hesych.) or as a blanket, though it was finer than the *σισύρα*, which was also used for this purpose (Ar. *Vespae*, 1138; *Ranae*, 1459). It is frequently mentioned and its compounds are numerous.

The *χλανίς* was a much finer garment and of Milesian wool; it was worn in hot weather by men, at other times by ladies, old men (Arist. *Eccl.* 848), and effeminate persons. It is first mentioned by Simonides, but *χλάνδια* (= *χλανίδια*, which are among the festival robes in Arist. *Lys.* 1188) and *χλάνισκα* are among the robes in the Komos of the Heraeum at Samos (cf. C. Curtius, *Inschriften und Studien zur Geschichte von Samos*).

The *ληδάριον* was also a summer garment, as we see from Arist. *Av.* 715, where the swallow is said to announce *ὅτε χρὴ χλαῖναν πωλεῖν καὶ ληδάριον πρίασθαι*. The word is a diminutive of *λῆδος* (cf. *λῄδιον* in an Attic inscription, *C. I.* 155, 45).

The *ξυστίς* was also a garment of fine quality worn by women of quality at festivals (Arist. *Lys.* 1189), which would have been intended rather to complete a gorgeous costume than to form an essential part of it. In Theocr. ii. 74, however, it is an ordinary over-garment. It was also worn by men (Arist. *Nub.* 70), especially on state occasions, and seems to have been used on the stage for the attire of heroic personages.

The *ἐφεστρίς* was somewhat similar to the *ξυστίς*, and also worn by both men and women. In Xen. *Symp.* 4, 38, it has the epithet *παχεῖα*, from which it would appear that it was not so light as the *ξυστίς*.

The *ἐφαπτίς*, according to the Scholiast on Clemens Alexandrinus (iv. 128, ed. Klotz), is a more costly form of the *χλαῖνα*, was used by hunters and warriors, and is very probably the garment which is often seen wrapped round a hunter's arm. Polybius uses it (quoted by Athen. 194 f) as a translation of the Latin *sagum*.

The *ἀμπέχονον* (Theocr. xv. 39), *ἀμπεχόνη*, and *ἀμπεχόνιον* do not seem to refer to any special form of *ἐπίβλημα* or mantle, but to be quite general. The same is the case with *λώπη* and *λῶπος*.

Pollux (vii. 47) divides *χλαῖναι* into *ἁπληγίδες* and *διπληγίδες* (cf. *C. I. Afr.* i. 405). The varieties of the *ἱμάτιον* hitherto described come under the former head, while under the latter are grouped varieties in which the mantle was worn folded double and pinned by a clasp or brooch round the neck. Such forms were the natural dress of poor folk and those who led an active life. Lycurgus (*c. Leocr.* § 40) tells how, in the panic which followed Chaeronea, aged citizens went about with their mantles doubled and pinned (*διπλᾶ τὰ ἱμάτια ἐμπεπορπημένους*). For the TRIBON, see that article.


Statue of Sophocles, in the Lateran.

It is only necessary to mention in this place that the *τρίβων*, though not regarded strictly as a *ἱμάτιον* (inasmuch as it was not an over-garment, but a sole garment, supplying the place of *χίτων* and *ἱμάτιον*), yet belongs in form to the cloak and not to the shirt.

The dress of the common people was probably not very different from this, but often consisted of skins or of the *ἐξωμίς*. The *ἐξωμίς* is a hybrid garment, at once cloak and shirt (*χιτὼν ὁμοῦ καὶ ἱμάτιον*, Hesych.), worn by men in much the same way as the Doric shift or *πέπλος* [TUNICA] was by women, only being much shorter, barely reaching to the knees. The right arm, how-


Lady in outdoor dress. (From a terra-cotta in the British Museum.)

ever, was left free by loosing the clasp at the shoulder. On this account it has been generally described as a *χιτὼν ἑτερομάσχαλος*, in contrast to the ordinary *χιτών*, which was *ἀμφιμάσχαλος*. It was essentially the garb of servants (*σχῆμα οἰκετῶν*: cf. Arist. *Vesp.* 444), whereas the *χιτὼν ἀμφιμάσχαλος* was the garb of freemen (*σχῆμα ἐλευθερῶν*, Poll. vii. 47). An immense number of *ἐξωμίδες* were exported from Megara (cf. Blümner, *Gewerbliche Thätigkeit*, p. 71, n. 4). In art the *ἐξωμὶς* is, after the fourth century, the characteristic garb of Odysseus, Hephaestos, and Daedalus, and at all periods is peculiar to handicraftsmen, labourers, seafaring folk, and beggars. In such cases the *πῖλος* is generally worn with it. [EXOMIS.]

Other names for mantles denote colour and texture, but apparently no characteristic difference in the manner of wearing. The *κροκωτὸς* is a good instance of this; it is an over-garment worn exclusively by women (Arist. *Thesm.* 253; *Eccles.* 1332); and when it is adopted by men, as by Agathon in the Frogs (Arist. *Ran.* 46), a joke is always intended. The *βατραχὶς*, a frog-coloured cloak, was on the contrary a man's garment.

Of the cloaks and shawls worn in the Hellenistic age but little that is definite can be said, for, though the material is not scant, no writer of authority has treated of the subject. The old Greek *χλαῖνα*, *ἐξωμίς*, *τρίβων*, and *χλαμὺς* still survived, doubtless in much the same forms as before, but they were no longer fashionable, except perhaps with philosophic Romans, who were more Greek than the Greeks themselves. The cosmopolitan spirit of the age had led to the adoption of many foreign garments; and where Roman dress was not worn, Oriental was to be found. The Greeks had, even in the time of Aristophanes, a liking for Persian dress, but it was not until the third century that garments like the Lydian *μανδύη* or the *καπυρὶς ἀκταῖα* or *σαραπὶς* of Persia were adopted wholesale from the East, and nationalised all over the Greek world. With the exception of the terra-cottas and a few reliefs which unfortunately have, as yet, not been systematically studied, the art of this age gives only the faintest idea of the costume actually worn. In sculpture the love of the nude figure was continually growing, and, with it, the drapery became more and more conventional. On the vases, on the other hand, the costumes, though varied and elaborate, are only too evidently theatrical or idealised. Next to the terra-cottas, which are a perfect mine for garments of every conceivable size and shape, worn in the most diversified ways, the Pompeian wall-paintings are perhaps the most useful guides, though the information they give is rather as to the gaudy colours which were regarded as tasteful, than the actual shape of the dresses. In Rome itself the Greek mantle never became naturalised, though, under the name *pallium*, it was well known to them as the distinctive mark of a Greek. Indeed *palliatus* is used as meaning Greek, in opposition to *togatus*, meaning Roman, not only in the well-known division of comedies into *palliatae* and *togatae*, but apparently in ordinary speech. Conservative Romans regarded it as beneath their dignity to wear a *pallium*, and we find it cast up as a reproach against Scipio Africanus (Liv. xxix. 19) and Rabirius (Cic. *pro Rab.* 9, 25) that they did so. Cicero speaks with indignation of Verres (*in Verrem*, v. 33, 86), "stetit soleatus praetor populi Romani pallio purpureo tunica talari," and even under the Empire Germanicus offended some people by adopting a "par Graecis amictus" (Tac. *Ann.* ii. 59).

Palliolum is frequently used as an equivalent for *τρίβων* or *ἐξωμίς*, but is also found in the more general sense.

(See Hermann - Blümner, *Lehrbuch*, Pt. iii.; Iwan Müller, *Handbuch*, 1887, Pt. iv. p. 396 *seq.*; Baumeister, *Denkmäler*, s. v. *Himation*; and for Homeric and early history of subject, Studniczka, *Beiträge zur Geschichte der altgriechischen Tracht*, Vienna, 1886, the main results of which have been incorporated by W. Helbig in the 2nd edition of *Das homerische Epos*, 1887.) [W. C. F. A.]

PA'LMIPES, i.e. *pes et palmus*, a Roman measure of length, equal to a foot and a palm; or a foot and a quarter, or 15 inches, or 20 digits. (Plin. *H. N.* xvii. § 32; Vitruv. v. 6.) [MENSURA.] [P. S.]

PALMUS (also *palma*, Plin. vii. § 28), properly the width of the open hand, or, more exactly, of the four fingers, was used by the Romans for two different measures of length: namely, as the translation of the Greek *παλαιστή*, or *δῶρον* in old Greek, and *σπιθαμὴ* respectively. In the former sense it is equal to 4 digits, or 3 inches, or 1–4th of a foot, or 1–6th of the cubit. (Varro, *R. R.* v. 1; cf. Colum. v. 1; Frontin. *Aq.* 24.) This was the only sense in Latin of the best age, but a later sense appears (first in ecclesiastical writers, Jerome, *Ezech.* 40, &c.), in which palmus = *σπιθαμή*, a span of 9 inches. It is a mistake to suppose that this measure existed earlier in Latin as "palmus major." The Romans had no special word in earlier times for *σπιθαμή*, but expressed it as *dodrans* ($\frac{3}{4}$ of a foot): "ternas spithamas, hoc est ternos dodrantes" (Plin. vii. § 26). In the passage sometimes quoted from Varro, *R. R.* iii. 7, the ordinary palmus of 3 inches is meant. (Hultsch, *Metrologie*, p. 15, note.) [P. S.] [G. E. M.]

PALUDAMENTUM. The root of this word and its cognate adjective is undoubtedly that contained in *pallium* and *palla*, though it is not possible to trace any real connexion. Varro tells us that Ennius speaks of Minerva as "virago paluda," but does not explain its special meaning (*L. L.* vii. 37). He also remarks that *paludamentum* was used originally of any kind of military decoration, and this statement is borne out by a passage of Veranius given by Festus (*s. v.*). In the extant literature it is only employed to denote the SAGUM or military cloak, and in writers of the best age is applied only to the *sagum purpureum* worn by the Imperator, as distinguished from the *sagum gregale* of the common soldier. The cases in which it is used in the former and more general sense are rare. Lucilius, for instance, if we may trust Nonius, spoke of it as the garb of the *rorarii*, and Sabidius (in the *scholium* in the Veronese MS. on Verg. *Aen.* x. 241) gives it to the *pedites* no less than the *equites*. Livy is the author who uses it most frequently in this way, doubtless from his love of archaeological detail. Thus we find that as the survivor of the Horatii returns from the triple duel his sister recognises the *paludamentum* she had wrought for his slain foe (i. 26, 2); so, too, when Gracchus prepares to die, it is "paludamento circum laevum bracchium intorto." Two other passages in which Livy speaks of a consul being accompanied by "paludatis lictoribus" (xli. 10, 7; xlv. 39, 11) gave the commentators much trouble, but are easily explained by comparing Cic. *in Pis.* 23, 55, with Sil. Ital. ix. 420, the former telling us that the lictors wore the sagum, the latter giving it the epithet *rubens*. [LICTOR.]

With such rare exceptions the *paludamentum* is the cloak which was put on by the Roman general when leaving the city invested with the *imperium*, and was doffed when he re-entered and became once more an ordinary citizen. (Varro, *loc. cit.*; Caes. *B. C.* i. 6; Liv. xli. 10;—Cic. *in Pis.* 13; *ad Att.* iv. 13; *ad Fam.* xv. 17.) Hence we find that the insignia of a consul which the senate sent as a present to Masinissa included "sagula purpurea duo" (Liv. xxx. 17, 13), and that *paludatus* is regularly used to denote a general in command of an army on active service (Cic. *Verr.* ii. 7, 13; Juv. vi. 399). Such phrases as "togam paludamento mutare," meaning to get peace for war (Sallust), are not uncommon (cf. Pliny, *Paneg.* 56, 4).

Figures wearing Paludamentum. (Trajan's Column.)

Purple, though the favourite (Hirt. *de B. Afr.* 57; Plin. *H. N.* xxii. §§ 2, 3, and more especially the customs dues, *C. I. L.* viii. 408) colour, was not the only one, as is shown by the story told by Valerius Maximus (i. 6, 11), of how Crassus on the fatal morn of Charrae went out in a dark-coloured and not in a purple or white *paludamentum*. It was worn regularly by the emperors (Suet. *Claud.* 31), and was, by some who were careful to observe old constitutional forms, laid aside on entering the city (Tac. *Hist.* ii. 89; Suet. *Vitell.* 11). Pliny (*H. N.* xxxiii. § 63) says that at the great sea-fight exhibited by Claudius, Agrippina wore a *paludamentum* of cloth of gold ("indutam paludamento aureo textili sine alia materia"), and Tacitus (*Ann.* xii. 56) describes the same garment as "chlamys aurata;" while Dio Cassius has the expression χλαμύδι διαχρύσῳ ἐκοσμεῖτο (lx. 33). It is not impossible that Pliny may have made a slip in giving Agrippina's cloak the specific name, but there certainly were *paludamenta* embroidered or woven with gold thread in the later days of the Empire (Aurel. Vict., *Epit.* 3). It was probably this form which was adopted as a vestment at Milan, where the Bishop wore a *paludamentum baptismale* (Muratori, *Antiq. It. med. aev.* iv. 897). The monuments which represent it are generally portraits of the emperors; and these show that, while there was no distinction in shape, the *paludamentum* was larger and of thicker and better material than the ordinary *sagum*. It is frequently fringed, and is worn as a rule with the clasp at the right shoulder, though cases occur where it is at the left. In the famous statue of Augustus in the Vatican, it is unclasped, thrown round the loins, and hangs over the left arm. This is of course owing to the difficulty of treating such a one-sided garment in the round,—a difficulty which the Hellenistic sculptors got over in the case of the *chlamys* by letting it hang from the left shoulder. In the case of busts a compromise is made by hitching the *paludamentum* over the left shoulder and leaving both arms free.

Roman Emperor in Paludamentum. (Maffei.)

The origin of this cloak has been the subject of some guesswork, many following Florus (i. 5, 6), and deriving it, like the other insignia of authority, from Etruria; while others prefer to connect it with the *chlamys*, which is worn in the same way. There is, however, surely no need to suppose that the Romans required to be taught the use of a garment which is so obvious, and so universally found all over the world; neither is it very unscientific to assume that, however alike in shape, there must always be a distinction between the dress of the general and those under him. (Marquardt, *Privatleben*, p. 567.) [W. R.] [W. C. F. A.]

PALUS, a pole or stake, was used in the military exercises of the Romans. It was stuck into the ground, and the tiro, armed with a heavy wicker shield and a wooden sword, had to attack it as if it were a real enemy.' Vegetius (i. 11) gives a full account of the drill. This kind of exercise is sometimes called *palaria* (Sosip. Charis. i. p. 11). It was used for exercise (*e.g.* before the bath) as well as for military drill. So Martial (vii. 32, 8) speaks of "nudi stipitis ictus hebes," where the *stipes* = *palus*, and the "ictus *hebes*" expresses the *wooden* sword, which Juvenal (vi. 247) renders by *sudes*, when he is speaking of women taking to these manly exercises (*vulnera pali*). See Becker-Göll, *Gallus*, iii.³ 185 f. [W. S.] [G. E. M.]

PAMBOEO'TIA (παμβοιώτια), a festive panegyris of all the Boeotians, which the grammarians compare with the Panathenaea of the Atticans, and the Panionia of the Ionians. The principal object of the meeting was the common worship of Athena Itonia, who had a temple in the neighbourhood of Coronea, near which the panegyris was held (Strabo, ix. p. 411; Paus. ix. 34, § 1). From Polybius (iv. 3, ix. 34) it appears that during this national festival no war was allowed to be carried on, and that in case of a war a truce was always concluded. This panegyris is also mentioned by Plutarch (*Amat. Narrat.* p. 774 f.). It is a disputed point whether the Pamboeotia had anything to do with the political constitution of Boeotia, and with the relation of its several towns to Thebes. The question is discussed in Sainte-Croix, *Des Gouvernements fédérat.* p. 211, &c.; Raoul-Rochette, *Sur la Forme et l'Administr. de l'État fédératif des Béotiens*, in the *Mém. de l'Acad. des Inscript.* vol. viii. (1827), p. 214. It seems probable that its object was religious, not political, though, as at other panegyreis, there were no doubt political harangues [PANEGYRIS]. The state and constitution of Boeotia is discussed under BOEOTARCHES. (See also Gilbert, *Staatsalterthümer*, ii. 53.) [L. S.] [G. E. M.]

PANATHENAEA (τὰ Παναθήναια) was a very ancient festival in honour of Athena Polias and Erechtheus (A. Mommsen, *Heortologie der Athener*, 14 ff., 37 ff.), said to have been founded by Erechtheus or Erichthonius 729 years before the first Olympiad (*C. I. G.* 2374, cf. p. 325), called at first Athenaea, but after the συνοικισμὸς by Theseus Panathenaea (Plut. *Thes.* 24; Suid. *s. v.* Παναθήναια). Pisistratus renewed it with increased splendour, and attached more especial importance therein to the worship of his protecting divinity, Athena.

1. *The Greater and Lesser Panathenaea.*—The Greater Panathenaea was a πεντετηρίς celebrated every fourth year, and was merely an extended and more magnificent performance of the Lesser Panathenaea, which was always from of old held every year (cf. Hom. *Il.* ii. 551). As each fourth year came round the Lesser was incorporated in the Greater. The procession and the hecatomb always remained the basis of the latter, but the chariot-race also appears to have been considered as belonging to the original festival. Erechtheus is said to have ridden at it himself (*C. I. G.* l. c.). Pisistratus may be virtually considered as the second establisher of the Greater Panathenaea (Schol. on Aristid. p. 323), though we hear that the performance under the Archon Hippoclides in 566 B.C. was attended by a large concourse of strangers and was widely celebrated, especially as on that occasion gymnastic contests were first introduced. Indeed Marcellinus (*Vit. Thuc.* § 3) says the Panathenaea was established in the archonship of Hippoclides. The increased splendour of the Greater festival of course diminished the importance of the Lesser: so, though the adjective μεγάλα is often found attaching to the Greater (*C. I. G.* 380, 1068; Boeckh, *Staatshaushaltung*, ii.³ 513), still generally Παναθήναια alone is used for the Greater, the Lesser one being styled μικρά.

The statement in the Arg. to Dem. *Mid.* 510, that the Lesser festival was a trieteris, is disproved both by such evidence as τὰ Παναθήναια τὰ κατ' ἐνιαυτόν (Rangabé, 814, 32) and also by the fact that inscriptions on vases point to Panathenaea having been held in every single Olympic year (Mommsen, pp. 119, 125). The Greater Panathenaea were celebrated every third Olympic year (e.g. *C. I. G.* i. 251, by the Archon Charondas in 110. 3; Lys. *Accept. Mun. Def.* § 1, by the Archon Glaucippus in 92. 3: see other confirmatory arguments in Mommsen, pp. 120, 121); therefore they were held in the same years as the Pythian games. Solon, we know, took a Pythian calendar to regulate the Athenian one, and Pisistratus in many points followed closely in Solon's steps (Mommsen, 122).

2. *The date of the Panathenaea.*—The principal day was the third from the end of Hecatombaeon (about August 13th). Proclus (in Plat. *Tim.* p. 9) says so expressly of the Greater: and this agrees with Schol. on Hom. *Il.* viii. 39, where Athena is said to have been born on that day. But Proclus says that the Lesser Panathenaea came immediately after the Bendideia [BENDIDEIA], accordingly on the 21st of Thargelion (about June 8th). But the Greater and Lesser Panathenaea are undoubtedly connected in that the former is but an amplification of the latter so that *à priori* there is a presumption tha they are held at the same time. Further *C. I. G.* 157 obviously follows the calendar, an it puts the Panathenaea after the sacrifice t Eirene on Hecatombaeon 16th. According t Demosthenes (*Timocrates*, p. 709, § 28), th Panathenaea are just approaching on Hecatom baeon 11th; but these are certainly the Less Panathenaea (Schaefer, *Demosth.* i. 334; Wa on Dem. *Tim.* § 26), as the year is Ol. 106. not 106. 3. The argument that the list Lysias (*op. cit.* § 4) is necessarily in chronolog order is disproved by such lists as Isaeus *Dicaeog. hered.* § 36), and [Andoc.] *contr.* § 42, which can be seen from comparison to certainly not both in chronological order.

The evidence for a Panathenaea in the spr is Himerius, who gives as a title to his th speech, εἰς Βασίλειον Παναθηναίοις, ἀρχομέ τοῦ ἔαρος: cf. [Verg.] *Ciris*, 21 ff. (probably c posed in Hadrian's time); but this refers to Roman Quinquatria, which were called P thenaea after the disappearance of the o festival (Dionys. Hal. ii. 70).

3. *The Musical Contest.*—This was only at the Greater Panathenaea. Pisistratus of the *gens* of the Philaidae, who lived Brauron, where there was a contest of rhaps

from of old (Schol. on Aristoph. *Av.* 873). Hence he but transferred to the capital the custom of his village. He introduced recitations of the Homeric poems, which were better regulated by Hipparchus: cf. Plat. *Hipp.* 228 B; Ael. *V. H.* viii. 2. (For the meaning of *ἐξ ὑποβολῆς* and *ἐξ ὑπολήψεως*, see Mahaffy, *Hist. of Greek Literature*, i. 29, note.) The poems were now sung in much longer portions than before, and probably *both* the Iliad and the Odyssey as the Neleidae are especially celebrated in the latter (cf. Mommsen, p. 138). In later times other poets (*e.g.* Choerilus of Samos, fl. 420 B.C.) obtained the privilege of being recited at the Panathenaea (Suidas, *s. v.* *Χοίριλος*).

The musical contest proper was introduced by Pericles, who built the new Odeum for the purpose (Plut. *Pericl.* 13). Previously the recitations of the rhapsodes were in the old unroofed Odeum. There is a very important inscription (*C. I. A.* ii. 965 = Rang. 961) concerning these musical contests. The part referring to the rhapsodists is probably lost. Then follow five prizes for the *κιθαρῳδοί*. For the first an olive crown set with gold (*στέφανος θαλλοῦ χρυσοῦς*), value 1000 drachmas and 500 drachmas in silver: for the second, probably a crown value 700, for the third 600, for the fourth 400, and for the fifth 300 (see Rangabé, ii. p. 673). Next two prizes *ἀνδράσι αὐλῳδοῖς*: for the first a crown value 300, for the second one value 100. Next *ἀνδράσι κιθαρισταῖς*: for the first it appears a crown valued at 500 drachmas, or 300 drachmas in money; for the second probably 200, and for the third 100. The fact that we find *ἀνδράσι* added proves that there were contests of boys too (cf. *C. I. G.* 2758, Col. i.). The *αὐληταί* also got prizes, but the inscription does not record what they were. Note that the prizes in the musical contests are reckoned in money, not in kind, as in the older gymnastic and equestrian contests. The first who won a victory in these musical contests was Phrynis in Ol. 83. 3 (446 B.C.): see Schol. on Aristoph. *Nub.* 971 (alter *Καλλίου* to *Καλλιμάχου*). Plutarch appears to have written a treatise on the Panathenaic music (*de Mus.* 8). There were not any dramatic representations at the Panathenaea. When we consider the long recitations of the rhapsodes and the musical contests proper, we may allow perhaps three days for this part of the ceremony on a liberal computation, certainly not less than one and a half days (Mommsen, p. 202).

4. *The Gymnastic Contest.*—There is frequent mention of this contest at the Greater Panathenaea (*C. I. G.* 251, Rang. 849, 18; Dem. *de Cor.* p. 265, § 116—a passage, by the way, which shows that proclamations in honour of benefactors were made at the Greater Panathenaea at the gymnastic contest), none for the Lesser: besides, it had nothing to do with the ritual; it was a purely secular and late addition, said to have been first made by the Archon Hippoclides in 566 B.C., or perhaps Pisistratus himself (cf. § 1). The inscription referred to above, *C. I. A.* ii. 965 (= Rang. 960), also gives details as to the gymnastic contests. The competitors were divided into *παῖδες*, *ἀγένειοι*, and *ἄνδρες*, the *παῖδες* being those from 12 to 16 years of age, the *ἀγένειοι* from 16 to 20, and the *ἄνδρες* above 20. Thus neither a *παῖς* nor an *ἀγένειος* could compete as such twice. In later times (Rang. 964) the *παῖδες* were still further divided, *e.g.* into *τῆς πρώτης ἡλικίας*, *τῆς δευτέρας* (cf. *C. I. G.* 1590, *παίδων τῶν πρεσβυτέρων*, *παίδων τῶν νεωτέρων*), the *παῖδες τῆς τρίτης* being doubtless the *ἀγένειοι*. There is then an event *ἐκ πάντων*, which means an all-comers' race, but for boys, as is plain from its position before *ἄνδρας*. The boys and striplings had their events first: then there was an interval (if a whole night did not intervene); and on re-assembling the men's events took place. According to *C. I. A.* ii. 965, the *παῖδες* and *ἀγένειοι* have five contests,—*στάδιον*, *πένταθλον*, *πάλη*, *πυγμή*, *παγκράτιον*. According to Rang. 963 (belonging to the late period of the Diadochi), the *παῖδες* have six, while the *ἀγένειοι* still have only five. Perhaps the *δόλιχος*, which was added, was for all below the class of *ἄνδρες*. The men's contests were, according to *C. I. A.* 966 (= Rang. 962), of 190 B.C., *δόλιχος*, *στάδιον*, *δίαυλος*, *ἵππιος* (= a double *δίαυλος*), *πένταθλον*, *πάλη*, *πυγμή*, *παγκράτιον*, *ὁπλίτης* (= race in armour). Note the order of the events, though in Plato's time the *στάδιον* came first (*Legg.* viii. 833 A): cf. *C. I. A.* ii. 965. The races were run in heats (*τάξεις*) of four each (Paus. vi. 13, 4); the victors in the heats afterwards running together. There were prizes for the first and second in the deciding heat in the ratio of 5 : 1 (= ox : sheep, cf. Plut. *Sol.* 23): see *C. I. A.* l. c. The prizes consisted of oil from the *μορίαι* in the Academia [OLEA, p. 263 *a*], given in special prize amphorae, which were called *ἀμφορεῖς Παναθηναϊκοί* (Athen. v. 199). The oil was meant to be sold, and could be exported free of duty (*οὐκ ἔστι δ' ἐξαγωγὴ ἐλαίου ἐξ Ἀθηνῶν εἰ μὴ τοῖς νικῶσι*, Schol. on Pind. *Nem.* x. 64). The number of amphorae given, according to the inscription referred to, was about 1450, and the value (1 amphora worth 6 drachmas) about 1 talent 2700 drachmas (see Rangabé, ii. p. 671). The gymnastic games probably lasted two days, certainly not less than one (Mommsen, 202).

5. *The Equestrian Contest.*—There is plenty of evidence for an equestrian contest at the Greater Panathenaea, none for the Lesser; though there may have been a kind of ceremonial race, more as a matter of worship than as a contest in which the victors got substantial prizes. None of the evidences for Athlothetae (cf. § 11) at the Lesser Panathenaea are absolutely conclusive, yet we may perhaps suppose that there was an equestrian contest on a small scale at this festival (Mommsen, 124–127). To understand thoroughly the many events of this division at different times, the reader must study the inscriptions in *C. I. A.* 965 b = Rang. 960 (380 B.C.), 966 = Rang. 962 (190 B.C.), 968 (166 B.C.), 969 (162 B.C.), *C. I. G.* 1591 (250 B.C.), and above all the elaborate table of the comparison of these inscriptions in Mommsen (Taf. IV.). The multifarious details can only be set forth in such a table, and any one who wants to study them very closely must be referred to it. Here we can merely give an idea of the plan, noticing that the events appear to have increased in number as time went on. The first and chief event, the one which legend said Erechtheus introduced, was that of the *ἀποβάτης* (cf. *τῆς ἀπήνης καὶ τῆς κάλπης δρόμος* at Olympia in Paus. v. 9, 1 and 2).

A charioteer (*ἡνίοχος ἐγβιβάζων* or *ζεύγει ἐγβιβάζων*) and a companion, as in the Iliad, occupy the chariot. The companion (here called *ἀποβάτης*, not *παραιβάτης*) leaps out (hence his name) and again up (hence sometimes we find him also called *ἀναβάτης*), partly helped by the driver (who thus gets his title *ἐγβιβάζων*), partly by kinds of wheels called *ἀποβατικοὶ τροχοί* (Mommsen, p. 154). The son of Phocion (Plut. *Phoc.* 20) took part in this contest, so it must not be inferred from its absence in *C. I. A.* ii. 965 that it did not exist in 380 B.C. It is really broken off the inscription. The second division in Mommsen's table is ordinary riding and driving, without any relation to ritual or war. Here the horses are divided into foals and full-grown horses; they are yoked either singly, or two or four together; and the races are divided into *δίαυλοι* and *ἀκάμπιοι*. Then there are various permutations and combinations that may be made of these (e.g. *συνωρίδι πωλικῇ*, *κέλητι τελείῳ*, *ἅρματι τελείῳ* in *C. I. A.* ii. 968): but there is no *δίαυλος* ever for a single horse, only for a yoke or a pair, and not even for these in the case of foals. The third division consists of what we may call military competitions, and they are much the same as the second division, only there do not appear so many combinations (e.g. *ib.* *ἅρματι πολεμιστηρίῳ*, *ἵππῳ πολεμιστῇ*). There is no need to suppose that these contests were exclusively confined to the cavalry (Mommsen, 161–2). The fourth refers to the procession in honour of Athena, and always consisted of four horses *ζεύγει πομπικῷ δίαυλον* or *ἀκάμπιον*. The fifth was of javelin-throwers from horseback, a contest which soon disappeared. Notice further that several events are for all comers (*ἐκ πάντων*): cf. *C. I. A.* 968, 42 ff., as opposed to those for Athenians only (*τῶν πολιτικῶν*).

The inscription *C. I. A.* ii. 965 b, of which the beginning is lost containing the *ἀποβάτης*, gives the following, which Mommsen classifies thus:—

1st Class. [*ἀποβάτης.*]
2nd Class. *ἵππων πωλικῷ ζεύγει* (40 : 8).
ἵππων ζεύγει ἀδηφάγῳ (140 : 40); i.e. *τελείῳ* (see Hesych. *s. v.* *ἀδήφαγος*); was probably a slang word for the great expense such splendid race-horses entailed.
3rd Class. *ἵππῳ κέλητι νικῶντι* (16 : 4).
ἵππων ζεύγει νικῶντι (30 : 6).

(It is specially noted in the inscription that these are *πολεμιστηρίοις*.)

4th Class. *ζεύγει πουπικῷ νικῶντι* (4 : 2,
5th Class. *ἀφ' ἵππων ἀκοντίζοντι* (5 : 1).

(In brackets we have given the number of jars of oil awarded for first and second prizes.) The amateurs who took part in the contests of the second class are the best rewarded; and it was to encourage them to spend their money on keeping horses that these events were made the most distinguished. In *C. I. A.* ii. 966, 41, king Ptolemy Epiphanes appears as victor among them in the *δίαυλος* with a chariot.

The place for both the gymnastic and equestrian contests was perhaps the Eleusinium (Köhler to *C. I. A.* ii. 2, p. 392), or the deme Echelidae, W. of the Piraeus (Steph. Byz. *s. v.* *Ἐχελίδαι*: *Etym. M.* s. v. *Ἐνεχελιδῶ*, 340, 53; Mommsen, 152. Yet cf. Milchhöfer in Baumeister's *Denkmäler*, s. v. *Peiraieus*, p. 1200). It took up a day probably, though possibly only half a day (*ib.* 202).

6. *The Smaller Contests.*—(*a*) That called *Euandria* (*εὐανδρία*) was a means by which the leaders of the procession were chosen. It was a *λειτουργία*, [Andoc.] *in Alcib.* § 42, and he who performed it chose out of his tribe a certain number — perhaps about twenty-four, the number of a chorus—of the tallest and best looking members, and arrayed these with proper festal garments. A member of another tribe did the same, and probably only two tribes contended, as no second prize appears in *C. I. A.* ii. 965. From this contest strangers were expressly excluded (Bekk. *Anecd.* 257, 13). Sauppe and Köhler consider that there were two companies who contended in each case in the Euandria, one of seniors, the other of juniors; perhaps the contest of the seniors was called *εὐανδρία* in the special sense, and that of the juniors *εὐοπλία*: cf. Rang. 964 and Mommsen, 168.

(*b*) The *Pyrrhic* dance [PYRRHICA], performed at both the Greater and Lesser Panathenaea (Lys. *Accept. Mun. Def.* §§ 1, 4). With the Euandria and the Lampadedromia it belonged to the more strictly religious part of the festival (cf. Aristoph. *Nub.* 988 and Schol.). Athena was said to have danced the Pyrrhic dance after her victory over the Giants (Dionys. Hal. vii. 72). As belonging to the religious part of the festival, the prize was an ox for sacrifice, and bore the special title of *νικητηριον* (cf. Xen. *Cyr.* viii. 3, 33, where the ox alone is called *νικητήριον*, not the goblets: also Mommsen, 163; Rangabé, ii. p. 671). There were Pyrrhic dancers of all three ages—*παῖδες*, *ἀγένειοι*, and *ἄνδρες*. A relief published by Beulé (*L'Acropole d'Athènes*, ii., last plate but one) presents eight armed youths performing the Pyrrhic dance. A full body of Pyrrhicists would then be twenty-four, the number of a comic chorus. They wear a light helmet, carry a shield on their left arms, but are otherwise naked. How the victory was gained in the Pyrrhic dance and the Euandria is not stated; probably by decision of a judge. The figure on the left of the relief may be perhaps the judge.

(*c*) The LAMPADEDROMIA, the prize of which in *C. I. A.* ii. 965 was a hydria of oil (cf. Schol. in Pind. *Nem.* xv. 61), value 30 drachmas.

7. *The Pannychis.*—This was the night of the 28th (the day being reckoned from sunset to sunset). The Lampadedromia was the first event in it. Then followed during the greater part of the night litanies (*ὀλολύγματα*) by the elder priestesses, which were originally prayers and thanksgivings for the harvest, and subsequently songs of joy for the birth of Athena. Mommsen (p. 171, note) thinks that possibly the conclusion of the *Eumenides* may have reference to the ceremonies of the Panathenaic pannychis. There were also dances by the younger priestesses, and towards morning songs by cyclic choruses (cf. Lys. *op. cit.* § 2) of youths and men (*νέων τ' ἀοιδαὶ χορῶν τε μολπαί*, Eur. *Heracl.* 779, a passage comprising many features of the Panathenaea, which, however, must not be taken as expressing the order in time, only the order in importance of the several

events). The kind of songs the men sang may perhaps be partly seen in the dithyramb of Lamprocles in Bergk (*Lyr. Graec.* iii. p. 554: cf. Aristoph. *Nub.* 967 and Schol.). The ἱεροποιοὶ got next to nothing for the expenses of the Pannychis, only 50 drachmas, and this had to compensate much other outlay besides (Rang. 814, 27–30, and his note).

8. *The Procession and Sacrifices.*—The procession was most splendid. It comprised the victors in the games of the preceding days, the πομπεῖς or leaders of the sacrifices, both Athenian and those of strangers (for the colonies and cleruchies used to send sacrifices to the Panathenaea, *e.g.* Brea, *C. I. A.* i. 31), a large quota of cavalry (for Demosthenes, *Phil.* i. p. 47, § 26, speaks of ἵππαρχοι: cf. Schol. on Aristoph. *Nub.* 386), the chief officers of the army, ταξίαρχοι and στρατηγοί, dignified elders (θαλλοφόροι, Xen. *Symp.* 4, 17), bearing olive branches (θάλλοι), doubtless with their μέτοικοι as σκαφηφόροι following, in later times the ephebi splendidly equipped: while of women there was a long train of κανηφόροι [CANEPHOROS], with the wives and daughters of the μέτοικοι as their σκιαδηφόροι and διφροφόροι [METOECI]: then the Athenian people, generally marshalled according to their demes. Though the frieze of the Parthenon reproduces some points, especially the genuine Athenian element of the Panathenaic festival, still it must not be supposed that it reproduces all the details; *e.g.* the μέτοικοι, of whom we have most specific evidence, do not appear. For another service of the female μέτοικοι at the Panathenaea, see HYDRIAPHORIA.

One of the most striking features of the procession was the *Peplus*, worked by ἐργαστῖναι, superintended by two ἀρρηφόροι and certain priestesses, which was destined for the ancient statue of Athena Polias, according to certain prescriptions of the Delphic god. Pisistratus probably intended that a new peplus should be brought every four years; the Elean maidens wove a peplus for the goddess only once in every four years (Paus. v. 16, 2); but in republican Athens a new peplus was made each year (Schol. Aristoph. *Eq.* 566). In the time of the Diadochi portraits of some of these were placed where the figures of the gods should have been (Plut. *Demetr.* 10). The peplus was suspended like a sail from the yards on the mast of the Panathenaic Ship (Schol. on Hom. *Il.* v. 734), which was an actual ship, very large and beautiful. The marvellous appearance of a ship going through the streets was effected by subterranean machines (Philostr. *Vit. Soph.* ii. 1, 5, p. 236 Kayser; Paus. i. 29, 1), of which we should very much like to have further information. The Athenians had become a seafaring people, and they wished to signify it: the time of the agrarian Athena was passed (Mommsen, 188). On the peplus were represented the ἀριστεῖα of the goddess, especially her victory over Enceladus and the Giants (Schol. on Eur. *Hec.* 466; Suidas, *s. v.* Πέπλος). It was considered a great sight for the populace (Plaut. *Merc.* prol. 67).

The procession, marshalled mainly in the outer Ceramicus, partly inside the town, passed through the market-place to the Eleusinium at the east end of the Acropolis (cf. Schol. to Aristoph. *Eq.* 566), turned round this to the left, and passed along the Pelasgicon, north of the Acropolis, and so reached the Propylaea (Philostr. *l. c.*; cp. Xen. *Hipp.* 3, 2). Then some of the members performed the sacrifice to Athena Hygiaea, while others offered a preliminary sacrifice on the Areopagus. Prayers accompanied these offerings, and we hear of prayers being offered for the Plataeans at the Greater Panathenaea (Herod. vi. 111). On entering the Acropolis, which was only allowed to genuine Athenians, there was the sacrifice of one cow to Athena Nike (Rang. 814, 20); after this followed the hecatomb to Athena Polias, on the large altar in the eastern part of the Acropolis. In earlier times the hecatomb was offered at the Erechtheum. After the procession followed the ἑστίασις. The flesh of the victims was given, according to demes, to a certain fixed number out of each deme. The σκαφηφόροι supplied bread and cakes.

9. *The Boat-race* was a supplementary event on the 29th of Hecatombaeon, the day on which ships are to be drawn down to the sea (Hes. *Op.* 815). It was held every four years in the Piraeus in honour of Poseidon (identified with Erechtheus) and Athena. The difference of locality forbids our associating it with the Sunian regatta, though this was also held only once in four years (Herod. vi. 87; Lys. *op. cit.* § 5). In connexion with this part of the festival the orator Lycurgus, in whose family was the priesthood of Poseidon Erechtheus, established three cyclic choruses (Westerm. *Biogr. Min.* 273, 50) in honour of that god, with valuable prizes.

10. *The Calendar of the Panathenaea.*—For the Lesser Panathenaea (which was the nucleus of the Greater) the chief day of the festival was the 28th of Hecatombaeon; it comprised the pannychis, the procession, the sacrifices, and the feasting: and the 27th sufficed for the horse-races (when there were any), the Euandria and the Pyrrhic dances. At the Greater Panathenaea these days were allotted to the same events. But the day on which the festival began will vary according as we allow a longer or shorter period for the three chief contests: thus the Musical contest might last three days or 1½ days, the Gymnastic two days or one day, and the Equestrian one day or half a day. According, then, to the longer period, the Panathenaea would begin on the 21st; according to the shorter, on the 24th. The longer period has the advantage that it leaves the afternoons free for prelections (K. F. Hermann, *Gr. Alt.* 54, 24) or dinner-parties (Xen. *Symp.* init.). The shorter will suit Thucyd. v. 47 better; cf. Mommsen, 204, 205.

11. *The Officials of the Festival.*—(1) The ten *Athlothetae*, one chosen from each tribe. They held office for four years, and their function, as Pollux says (viii. 93), was to arrange the musical, gymnastic, and equestrian contests at the Panathenaea. We find in inscriptions that they received subsidies from the ταμίας of the sacred chest of Athena (*C. I. A.* i. 188). (2) The *Hieropoioi* [HIEROPOIOI], who managed the Lesser Panathenaea (Rang. 814, 32). They appear to have had nothing to do with the specially Greater festival (*Etym. M.* p. 469, 4). (3) The *Gymnasiarchae* [GYMNASIUM], who

especially superintended the LAMPADEDROMIA. (4) The *Demarchs* [DEMARCHI], who marshalled the people in demes for the procession and for the ἑστίασις (Schol. on Aristoph. *Nub.* 37; Suidas, *s. v.*). Concerning those who had perquisites in connexion with the festival, such as the μάντεις and archons in the κρεανομίαι, see Rang. 814.

12. *Panathenaea outside Athens* may perhaps be inferred from Παναθήναια ἐν Ἀθήναις in *C. I. G.* 1068. We are told that Themistocles established Panathenaea in Magnesia (Ath. xii. 533), and in Teos there was a guild of Panathenaistae (*C. I. G.* 3073). The cleruchs no doubt celebrated the festival abroad.

(The principal works on the Panathenaic festivals are Meursius, *Panathenaea*, in Gronovius's *Thesaurus*, vii. p. 83 ff.; H. A. Müller, *Panathenaica*, 1837; M. H. E. Meier, *Panathenaea* in Ersch and Gruber, iii. 10, 277–294; K. F. Hermann, *Gottesd. Alt.* § 54, pp. 358–367; Krause, s. v. *Panathenaea* in Pauly, v. 1105–1111; August Mommsen, *Heortologie der Athener*, 116–205; and Rangabé, ii. pp. 667–696.) [L. C. P.]

PANCRATIASTAE. [PANCRATIUM.]

PANCRA'TIUM (παγκράτιον) is composed of πᾶν and κράτος, and accordingly signifies an athletic game, in which all the powers of the fighter were called into action. The pancratium was one of the games or gymnastic contests which were exhibited at all the great festivals of Greece; it consisted of boxing and wrestling (πυγμή and πάλη: cf. Schol. on Plat. *Rep.* 338 C, D), and was reckoned to be one of the heavy or hard exercises (ἀγωνίσματα βαρέα or βαρύτερα), on account of the violent exertions and great weight of body it required, and for this reason it was not much practised in the gymnasia; and where it was practised, it was probably not without modifications to render it easier for the boys. According to the ancient physicians, it had very rarely a beneficial influence upon health (H. Mercurial. *de Art. Gymnast.* v. 7).

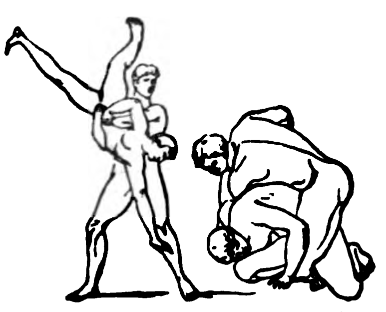
At Sparta the regular pancratium was forbidden, but the name was there applied to a fierce and irregular fight not controlled by any rules, in which even biting and scratching were not uncommon, and in which, in short, everything was allowed by which one of the parties might hope to overcome the other. In Homer we neither find the game nor the name of the pancratium mentioned; and as it was not introduced at the Olympic games until Ol. 33 = 648 B.C. (Paus. v. 8, § 8), we may presume that the game, though it may have existed long before in a rude state, was not brought to any degree of perfection until a short time before that event. It is scarcely possible to speak of an inventor of the pancratium, as it must have gradually arisen out of a rude mode of fighting, which is customary among all uncivilised nations, and which was kept up at Sparta in its original state. But the Greeks regarded Theseus as the inventor of the pancratium, who for want of a sword was said to have used this mode of fighting against the Minotaurus (Schol. *ad* Pind. *Nem.* v. 49). Other legends represented Heracles as having been victor in the pancratium (Paus. v. 8, § 4), and later writers make other heroes also fight the pancratium (Lucan, *Pharsal.* iv. 613, &c.); but these are mere fictions. After the pancratium was once introduced at Olympia, it soon made its way into the other great games of Greece also, and in the times of the Roman emperors we also find it practised in Italy. In Ol. 145 = 200 B.C. the pancratium for boys was introduced at the Olympic games, and the first boy who gained the victory was Phaedimus, a native of a town in Troas (Paus. v. 8, *in fin.*). This innovation had been adopted before in others of the national games, *e.g.* in the Nemean (Pind. *Nem.* v.); and in the 61st Pythiad (Ol. 108 = 348 B.C.) we find a Theban boy of the name of Iolaidas as victor in the pancratium at the Pythian games (Paus. x. 7, § 8). At the Isthmian games the pancratium for boys is only mentioned in the mythical age (Paus. v. 2, 4) till quite late times, but it may have been practised during the Greek classical period.

Philostratus (*Imag.* ii. 6) says that the pancratium of men was the most beautiful of all athletic contests; and the combatants must certainly have shown to the spectators a variety of beautiful and exciting manœuvres, as all the arts of boxing and wrestling appeared here united (Aristot. *Rhet.* i. 5; Plut. *Sympos.* ii. 4, p. 638, 27).

The first person who is said to have fought the pancratium artistically was Leucaros of Acarnania (Schol. to Pind. *Nem.* iii. 27). It was partly fought standing, partly was a rough and tumble on the ground (ἀλίνδησις, κύλισις). This twofold nature explains why the term παγκρατιάζειν is used somewhat variously, sometimes for simple boxing (τὸ παίειν ἀλλήλους ὀρθοστάδην, Lucian, *Anach.* 8); but the idea of *violent* combat seems to be generally associated with it (cf. Aeschin. *Tim.* § 26). Boxing was certainly considered the chief element (Lucian, *Anach.* 8, 24; Pind. *Nem.* iii. 17; Schol. on Pind. *Isthm.* iv. 75; Schol. on Dem. *Mid.* p. 537, § 71), where allusion is specially made to the *blows* received in the pancratium. The fact too that the "successors of Heracles" had to win their victory in wrestling (not boxing) and the pancratium tends to show that boxing must have been a principal part of the latter, for we cannot suppose it to have been disregarded. But still the ἀλίνδησις on the ground was a highly important feature of the pancratium. It is to be noticed that the fist does not appear to have been closed; the usual way to hold the hands was with the fingers curved (see the cuts). The *caestus* [CAESTUS] were not used, for Pausanias never mentions them in any of his accounts of the pancratium, nor are they found on any statues or pictures; further, Paus. vi. 15, 3 seems to show that they were not used, for no *wounds* are anticipated from the pancratium: cf. Artemid. *Oneir.* i. 64, τὸ δὲ παγκράτιον τὰ αὐτὰ τῇ πυγμῇ σημαίνει πλὴν βλάβης. Nor were the lighter gloves called μειλίχαι used, for they would have impeded the movements of the fingers.

The name of these combatants was παγκρατιασταί or πάμμαχοι (Pollux, iii. 150; cf. Plat. *Euthyd.* 271 D). Other predicates applied to the pancratium are ἄμαχος, ἄλειπτος, ἀήττητος, ἀπρόσμαχος, ἀσυνέξωστος, περισθενής, μεγαυχής: cf. Krause, *Gymnastik und Agonistik*, p. 536. The combatants fought naked, and had their bodies anointed and covered with sand, by which they were enabled to take hold of one another (Philostr. *l. c.*; Aristoph. *Pax*, 897).

When two pancratiastae began their contest, they stood with outstretched arms: and the first object which each of them endeavoured to accomplish was to gain a favourable position and grip, each trying to make the other stand so that the sun might shine in his face, or that other inconveniences might prevent his fighting with success (cf. Gell. xiii. 27, §§ 3, 4). This struggle was only the introduction to the real contest, though in certain cases this preparatory struggle might terminate the whole game, as one of the parties might wear out the other by a series of stratagems, and compel him to give up further resistance (*ἀπαγορεύειν*). Sostratus of Sicyon had gained many a victory by such tricks (Paus. vi. 4, § 1). When the real contest began, each of the fighters might commence by boxing or by wrestling, accordingly as he thought he should be more successful in the one than in the other. The using the teeth and butting with the head were considered unfair fighting (*κακομαχεῖν*) and contrary to the law of the games (*νόμος ἐναγώνιος*): cf. Lucian, *Demon.* 49; Philostr. *l. c.* The victory was not decided until one of the parties was killed, or lifted up a finger, thereby declaring that he was unable to continue the contest either from pain or fatigue (Philostr. *l. c.*). It usually happened that one of the combatants, by some trick or other, made his antagonist fall to the ground, and the wrestling which then commenced was called *ἀνακλινοπάλη*, and continued until one of the parties declared himself conquered or was strangled, as was the case at Olympia with Arrhichion or Arrachion of Phigalia, in Ol. 54 (= 564 B.C.), who, however, was declared victor, as his opponent gave up at the last moment from the pain of a broken toe (Paus. viii. 40, § 1, &c.; Euseb. *Chron.* p. 150, Scalig.). A lively description of this struggle is given by Philostratus (*l. c.*). Sometimes one of the fighters fell down on his back on purpose that he might thus ward off the attacks of his antagonist more easily, and this is perhaps the trick called *ὑπτιασμός*. The usual mode of making a person fall was to put one foot behind his, and then to push him backward, or to seize him round his body in such a manner that the upper part being the heavier the person lost his balance and fell. Hence the expression *μέσον λαμβάνειν*, *μεσολαβεῖν*, *μέσον αἱρεῖν*, *τὰ μέσα ἔχειν*, *διὰ μηρῶν σπᾶν*, &c. (Scalig. *ad Euseb. Chron.* p. 48). The above woodcut represents two pairs of pancratiastae; the one on the right hand is an example of the *ἀνακλινοπάλη*, and that on the left of the *μεσολαβεῖν*. They are taken from Krause's *Gymnastik und Agonistik d. Hellen.*, Taf. xii. b, Fig. 35 b, 31 b, where they are copied respectively from Grivaud, *Rec. d. Mon. Ant.* vol. i. pl. 20, 21, and Krause, *Signorum vet. icones*, tab. 10.



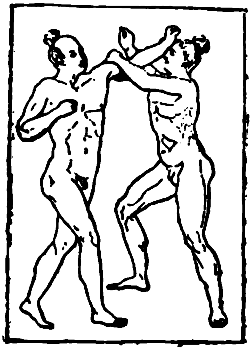
Wrestlers in the Pancratium. (Krause.)

As the contest was in a large measure wrestling, many of the tricks of wrestlers—*ἀκροχειρισμός*, *ἄγχειν*, *λυγίζειν*, *στρεβλοῦν* or *στρέφειν*—were often used. Violently to throw oneself on one's opponent (*ἐνάλλεσθαι*) was a common feature (cf. Pollux, *l. c.*; Philostr. *l. c.*). Many of the recognised figures and movements of the pancratium were imitated in the gymnopaedic dance (Athen. xiv. 631). As an essential part of the pancratium was a struggle on the ground, and as regular battle with an enemy was a standing not a lying combat, Plato (*Legg.* viii. 832 E, 834 A, B) banished the pancratium from his State, and substituted the contest of light-armed warriors (*πελταστική*).

The contests of pancratiastae at Olympia took place about mid-day: for in 472 B.C., beginning rather late, they continued on that occasion into the night (Paus. vi. 24, 1: cf. v. 9, 3; viii. 40, 3).

At Rome the pancratium is first mentioned in the games which Caligula gave to the people (Dio Cass. lix. 13, 9). After this time it seems to have become extremely popular, and Justinian (*Novell.* cv. c. 1, provided *πάγκαρπον* be, as some suppose, a mistake for *παγκράτιον*) made it one of the seven solemnities (*πρόοδοι*) which the consuls had to provide for the amusement of the people.

Several of the Greek pancratiastae have been immortalised in the epinician odes of Pindar, namely Timodemus of Athens (*Nem.* ii.), Melissus and Strepsiades of Thebes (*Isth.* iv. and vii.), Aristoclides, Phylacides and Cleander of Aegina (*Nem.* iii., *Isth.* v. and vi., viii.), and a boy Pytheas of Aegina (*Nem.* v.). But besides these the names of a great many other victors in the pancratium are known. (Compare Fellows, *Discoveries in Lycia*, p. 313, Lond. 1841.) A victor in both wrestling and the pancratium on the same day at Olympia was especially honoured, and considered to be the successor of Heracles. His name was regarded as worthy of being recorded for posterity. The first successor of Heracles (Paus. v. 8, 4) was Caprus of Elea, in 204 B.C. (*ib.* v. 21, 10, where a long list of similar victors in after-times is given). They appear to have been sometimes called *παραδοξονῖκαι* (Plut. *Comp. Cim. et Lucull.* 2). For a distinguished pancratiast to win a victory in one of the races was almost unheard of, the training required in either case being so



Pancratium. (Krause.)

very special (cf. Epictet. iii. 1; Diod. iv. 14), yet the pancratiast Theagenes won the long race at Phthia (Paus. vi. 11, 5). Other celebrated pancratiastae were Polydamas (vi. 5, 4–8), Promachus, Timasitheus (vi. 8, 6–7), Clitomachus (vi. 15, 3–5), &c.

The diet and training of the pancratiastae were the same as those of other athletae. [ATHLETAE.] They generally wore their hair in a bunch (*cirrus*, Suet. *Nero*, 45) on the top of the head; see the preceding cut taken from Krause (*op. cit.* Taf. xviii. Fig. 68).

(Compare Hieron. Mercurialis, *de Arte Gymnastica;* J. H. Krause, *Die Gymnastik und Agonistik der Hellenen*, vol. i. pp. 534–556; also in Pauly, iii. 1019–1021, s. v. *Gymnastica*, sect. xiv.) [L. S.] [L. C. P.]

PANDECTAE or **DIGESTA.** Justinian, having determined at the beginning of his reign to reduce the entire body of Roman law to a new and more compendious form, first caused a compilation or codex to be made of imperial statute law (*lex*), and then proceeded to the more ambitious project of digesting the law contained in the writings of the jurists (*jus*). The difficulty of ascertaining the law from this latter source, owing to the number of books to be consulted, the scarcity of copies of them, and their want of agreement, had long been regarded as a great practical evil. An imperfect remedy for it had been supplied by an enactment of Theodosius II. and Valentinian III. A.D. 426, who had declared that only the writings of five eminent jurists and of other jurists cited by them should have legal authority; and they at the same time laid down rules for determining questions upon which these jurists disagreed [JURISCONSULTI]. It was left to Justinian to carry out a complete measure of reform, though it was one which had long been contemplated. In the last month of A.D. 530, this emperor, in a constitution called from its first words *Deo auctore*, addressed to Tribonian, who had been employed in preparing the Codex Constitutionum, empowered him to name a commission of which he was to be the head, for the purpose of making a Digest from the writings of those jurists to whose works legal authority had been given by emperors, *e.g.* by the law of citations, or, as it is expressed by Justinian, "Antiquorum prudentium quibus auctoritatem conscribendarum interpretandarumque legum sacratissimi principes praebuerunt." The Digest, however, contains extracts from Hermogenianus and Arcadius Charisius, and possibly from one or two other jurists, who were subsequent in date to the classical jurists. The compilers were not bound by the rules of the law of citations for settling cases of dispute, but had full power to declare the law as they thought fit. Many controversies had been previously settled by Justinian in his *quinquaginta decisiones*, which were subsequently embodied in the *Codex repetitae praelectionis.* The instructions of the Emperor were, to select what was useful, to omit what was antiquated or superfluous, to avoid unnecessary repetitions, to get rid of contradictions, and to make such other changes as should produce out of the mass of ancient juristical writings a useful and complete body of law. The work was to be distributed into fifty books, and the books were to be subdivided into titles (*tituli*). The compilation was to be named *Digesta*, a Latin term indicating a collection or arrangement of the works of an author (Mommsen, *Zeitsch. f. Rechtsgesch.* vii. 480), or *Pandectae*, a Greek word expressive of the comprehensiveness of the work. The name *Digesta* had been used by Salvius Julianus for the title of his chief work, and also by the jurists Celsus and Marcellus. The word *Pandectae* had also been applied to compilations which contained various kinds of matter (Gell., Praef.) Thus the Pandects of Ulpian and of Modestinus are spoken of. Justinian strictly prohibited any commentaries being written on the Digest, so as to prevent his work being buried under a mass of interpretation. Permission, however, was given to make *paratitla* or references to parallel passages, with a short statement of their contents (*Const. Deo auctore*, s. 12: cf. Heimbach, *Proleg. ad* Basil. vol. vi. p. 4). It was also provided that abbreviations (*sigla*) should not be used in forming the text of the Digest. The writings of the jurists were deprived of all independent authority, and were not to be used for the purpose of elucidating the meaning of the text. Thus the Digest, together with the other parts of Justinian's legislation, was to be the exclusive source of law. The work was completed in three years, as appears by a constitution both in Greek and Latin, which confirmed the work, and gave to it statutory authority (*Const. Tanta* and *Δέδωκεν*). It became law on the 30th Dec., A.D. 533. The rapidity with which the compilers completed their work is remarkable, though in estimating it we should remember that they had not to draft a code of new rules, but were mainly occupied in selecting and co-ordinating ancient materials. Besides Tribonian, who had the general conduct of the undertaking, sixteen other persons are mentioned as having been employed in the work, among whom were Constantinus, an official of high rank, the professors Dorotheus and Anatolius, who had been invited for that purpose from the law school of Berytus, and the professors Theophilus and Cratinus, who taught at Constantinople. Besides these, there were eleven practising lawyers. The vast extent of the work of the compilers is shown by the statement that they made use of nearly 2,000 different treatises, which contained 3,000,000 lines (*versus*, *στίχοι*), but the amount inserted in their compilation was only 150,000 lines, according to the statement of Justinian. Tribonian procured this large collection of treatises, many of which had fallen into oblivion, and a list of them with the names of their authors was prefixed to the work, pursuant to the instructions of Justinian (*Const. Tanta*, &c. s. 16). Such a list is at present only found in the Florentine MS. of the Digest, written in Greek. Although it is not exact, containing some treatises from which no extracts were taken and omitting others which were used, it is probably a copy of the Index mentioned in the *Constitutio Tanta*. The Index comprises 381 authors, 207 treatises, and 1544 books. Salvius Julianus and Papinian head the list, otherwise the order of names is intended to be historical, and, as a general rule, is so.

In accordance with the instructions of Justinian, the Digest is distributed into fifty books, which with the exception of three books are divided into Titles, of which there are 432. The books 30, 31, and 32 are not divided into Titles, but have one common title, *De legatis et fideicommissis.* Under each Title are placed the extracts from the several jurists, numbered 1, 2, 3, and so on, with the writer's name and the name and division of the work from which the extract is made. These extracts amount to 9,142. No name corresponding to Liber or Titulus is given to these subdivisions of Tituli, which are formed by the extracts from the several writers, but Justinian (*Const. Tanta,* i. 7) has called them *leges,* and they are often designated by this term; another common term used to denote them is *fragmenta.* The fifty books differ materially both in bulk, number of titles, and number of extracts.

Various ways of citing passages from the Digest have been in use at different times and countries. The Byzantine writers gave first the number of the book (βι=βιβλίον), then that of the title (τι), and lastly the extract (διγ). The Glossators simply gave the rubric of the title and the first words of the extract, as also of the paragraph or section. Subsequently the number of the fragment and section was substituted for the first words. Modern writers frequently give the number of the book and title as well as of the fragment and paragraph. Among German civilians it has been usual to put the number of the fragment and paragraph before the rubric, and in modern times to insert after the rubric the number of the book and title: *e.g.* l. or fr. 1, § 5, de obligationibus et actionibus, 44, 7. It has become usual among English writers to cite in the reverse order, and to leave out the rubric: *e.g.* D. 44, 7, 1, § 5. The Glossators and their followers, in referring to the Digest, sometimes indicate the work by P, p, or π (for Pandectae) and sometimes by D or ff.—ff. being derived from a mode of writing Đ with a line through it (*Zeitsch. f. Rechtsgesch.* xii. 300). The oldest printed English work in which the Digest is cited is Bracton's *Treatise on the Law of England,* and his mode of citation is naturally that of the Glossators from whom his knowledge of Roman law was derived. (*Two Discourses* by G. Long, London, 1847, p. 107.)

Justinian divided the whole fifty books into seven large masses, called *partes,* which perhaps corresponded with the seven main divisions of the works on the Edict, and had also a special reference to the course of instruction then established. (For the mystical significance which may attach to the numbers adopted by Justinian, cf. *Const. Tanta,* §§ 1, 2, "Et in septem partes eos digessimus, non perperam neque sine ratione, sed in numerorum naturam et artem respicientes et consentaneam eis divisionem partium conficientes;" and see Hofmann in *Zeitsch. f. Rechtsgesch.* xi. 340, &c.; Roby, *Introd.* p. xxix.) The first part (πρῶτα) comprises the first four books; the second (*de judiciis*), six, *i.e.* from the fifth to the eleventh; the third (*de rebus*), seven, *i.e.* from the twelfth to the nineteenth; the fourth (the *umbilicus Pandectarum,* or central part), from the twentieth to the twenty-seventh; the fifth (*de testamentis*), nine, *i.e.* from the twenty-eighth to the thirty-sixth; the sixth, seven, *i.e.* from thirty-seventh to forty-fourth; and the seventh, five, from the forty-fifth to the fiftieth.

The number of writers from whose works extracts were made is thirty-nine, comprehending those jurists from whom extracts have been erroneously supposed by Gibbon and others to have been made at secondhand, as G. Mucius Scaevola, the Pontifex, from whom four fragments were, and Aelius Gallus, from whom one fragment is taken, whose name is omitted from the Florentine index; but omitting Servius Sulpicius Rufus, who is represented by his pupil Alfenus, distinguishing Aelius Gallus from Julius Aquila, Venuleius from Claudius Saturninus, assuming that there is only one Pomponius, and omitting Sabinus, whose name is erroneously inserted in the Florentine Index. (Zimmern, *Gesch. des röm. Privatrechts,* p. 224.)

The following is the list of jurists from whose writings the Digest was constructed, as it was given in the *Palingenesia* of Hommel, who has arranged the matter taken from each writer under his name, and placed the names in alphabetical order. (The new *Palingenesia* by Lenel is not sufficiently advanced to make it available for this purpose.) The dates of the jurists and the other facts appended are to a great extent taken from Mr. Roby's *Introduction to the Digest.* The figures in the third column indicate the proportions contributed to the Digest by each jurist, estimated in the pages of Hommel. (*a*) denotes that the contribution is under one page of the Palingenesia. The extracts from many of the writers are few and short: those from Ulpian are more than a third of the whole; and next to these the extracts from Paulus, Papinian, Julianus, Pomponius, Q. Cervidius Scaevola, and Gaius, are the largest.

	DATE.	
Sextus Caecilius Africanus	Hadrian and the Antonines	23½
Alfenus Varus	A pupil of Servius Sulpicius and contemporary of Cicero	9
Furius Anthianus	Unknown, last but two in Florentine Index	(*a*)
Julius Aquila	In Florentine Index, Gallus Aquila; unknown; in Index between Marcianus and Modestinus	(*a*)
Aurelius Arcadius Charisius	Constantine	2½
Callistratus	Severus and Caracalla	15
Juventius Celsus	Domitian and Hadrian	14
Florentinus	Unknown, but cf. Dig. 41, 1, 16	4
Gaius	Hadrian and the Antonines	63
C. Aelius Gallus	A contemporary of Cicero	(*a*)
Claudius Hermogenianus	Constantine the Great	9½
Priscus Javolenus	Trajan and Hadrian	23
P. Salvius Julianus	Hadrian	68
M. Antistius Labeo	Augustus	10
Aemilius Macer	Alex. Severus	10
Lucius Volusius Maecianus	Antoninus Pius	7
Lucius Ulpius Marcellus	The Antonines	21
Aelius Marcianus	Caracalla and Alexander Severus	36
Junius Mauricianus	Antoninus Pius	(*a*)
Rutilius Maximus	Unknown; in the Index last but one.	(*a*)
Arrius Menander	Caracalla	2

	DATE.	
Quintus Mucius Scaevola	Pontifex Maximus, Consul B.C. 95	(*a*)
Herennius Modestinus	A pupil of Ulpian	40
Priscus Neratius	Trajan and Hadrian	7½
L. Aemilius Papinianus	Severus and Caracalla	92
Justus Papirius	Commodus.	2
Julius Paulus.	Alex. Severus.	268
Sextus Pomponius	Hadrian and the Antonines	70
Proculus	Tiberius and his successors	6
Licinius Rufinus	Caracalla	1
Claudius Saturninus	The Antonines	1
Q. Cervidius Scaevola	The Antonines	74½
Paternus Tarrentenus	Commodus.	(*a*)
Clemens Terentius	Antoninus Pius	3½
Q. Sept. Florens Tertullianus	The Antonines	1
Claudius Tryphoninus	Caracalla	18
Salvius Aburnus Valens	Hadrian and Antoninus Pius	3
Venuleius Saturninus	The Antonines	10
Domitius Ulpianus	S. Severus and Alex. Severus	610

It follows from the instructions of the Emperor and the object of his work that the extracts from the jurists are not always given in their exact words, alterations and additions being required in them in order that inconsistencies and repetitions might be avoided and the law brought up to date. The presence of these interpolations, called by civilians *emblemata Triboniani*, is not indicated by the compilers, and hence we frequently cannot be sure of the extent to which extracts represent what the jurists to whom they are attributed actually wrote (cf. Gradenwitz, *Interpolationen in den Pandekten*).

In some cases we have the means of comparing extracts with their originals (for such a comparison see Roby's *Introd.* ch. v.), but for the most part the writings of the Roman jurists only exist in the form in which they were adopted by Justinian. The compilers appear to have frequently obscured the meaning of passages by their interpolations; they have in some cases admitted antinomies, and have inserted many repetitions. (On the latter subject, cf. Bluhme, *Dissertatio de geminatis et similibus quae in Digestis inveniuntur capitibus.*)

But the chief defect of the Digest consists in its want of systematic arrangement, subjects belonging to the same department of law being sometimes separated in the most arbitrary way. It will be remembered that the compilers were fettered by the Emperor's instructions, which required them to arrange (*digerere*) the whole body of the law comprised in the Digest according to the Code and the Edictum Perpetuum. Thus the books and titles of the Digest were, generally speaking, arranged after the pattern of the Edict, for the Code also followed the Edict in its arrangement. (For the probable order of topics in the Edict, see Lenel, *Das Edictum Perpetuum.*) This order of subjects, though extremely confusing to a modern reader, would have been familiar to the lawyers of Justinian's time from the commentaries on the Edict, and was no doubt regarded by them as a convenient one for practical purposes.

It has long been a matter of dispute whether the compilers of the Digest were guided by any, and, if any, by what principle in the arrangement of the several extracts under the respective titles. The subject is examined in a very learned essay by Bluhme, entitled *Die Ordnung der Fragmente in der Pandektentiteln* (*Zeitschrift für Rechtsgesch.*, vol. iv.). The investigation is of course founded on the titles of the several works of the jurists, which as already observed are given at the head of each extract: thus, for instance, in the beginning of the third book, the first seven extracts are headed as follows: "Ulpianus Libro sexagesimo quarto ad Edictum;" "Idem Libro primo Fideicommissorum;" "Idem Libro quarto ad Sabinum;" "Idem Libro quinto ad Sabinum;" "Paulus Libro primo ad Sabinum;" "Julianus Libro trigesimo tertio Digestorum;" "Paulus Libro secundo ad Sabinum." These will serve as samples of the whole, and will explain the following remarks from Bluhme, whose conclusions are these:—"The compilers separated all the writings from which extracts were to be made, into three parts, and formed themselves into three committees. Each committee read through in order the books that had fallen to its lot, yet so that books which were closely related as to their contents were extracted at the same time. The books were compared with the Code of Justinian, and what was selected for the new compilation was placed under a title taken either from the Code, the Edict, or in case of necessity from the work itself which was extracted. What came under the same title was compared; repetitions were erased, contradictions were got rid of, and alterations were made, when the contents of the extracts seemed to require it. When the three committees had finished their labours, the present Digest was formed out of the three collections of extracts. In order to accomplish this, they made that collection the foundation of each title which contained the most numerous or at least the longest extracts. With these they compared the smaller collections, striking out, as they had done before, repetitions and contradictions, making the necessary additions, and giving more exact definitions and general principles. What remained over of the smaller collections without having had an appropriate place assigned to it, was placed after the first collection, and its place in the series after the first collection was generally determined by the number of extracts."

"The Digest does not seem to have been subjected to any further revision."

Bluhme remarks that, although the Constitutions *Deo Auctore*, *Imperatoriam*, *Tanta*, and *Cordi* contain much information on the economy of the Digest and the mode of proceeding of the compilers, only the two following facts are distinctly stated:—1. That the extracts from the writings of the jurists were arranged according to the titles of the Code and the Edict. 2. That the extracts were compared with the Code. Accordingly everything else must be proved from an examination of the work itself, and this is the object of Bluhme's laborious essay. He observes that if a person will examine the extracts in the titles De Verborum Significatione and De Regulis Juris (50, tit. 16, 17), he will find a regular order observable in the titles of the juristical works from which the extracts are taken. Generally, the series of the books quoted shows that the original order of the works from which the extracts were to be made has not been altered; and the several works generally follow in both these titles in the same order. A similar remark applies to the title De Verborum Obligationibus (Dig. 45, tit. 1), though there is a variation in all the three titles as to the relative order of the three masses, which are presently to be mentioned. "In the remaining titles of the Digest," adds Bluhme, "at first sight it appears as if one could find no other distinction in the titles of the extracts than this, that one part of them has a certain kind of connexion, and another part merely indicates a motley assemblage of books out of which the extracts have been made. But on a closer comparison not only are three masses clearly distinguishable, but this comparison leads to the certain conclusion, that all the writings which were used in the compilation of the Digest may be referred to three classes. The Commentaries on Sabinus (Ad Sabinum), on the Edict (Ad Edictum), and Papinian's writings are at the head of these three classes. We may accordingly denote these three masses respectively by the names Sabinian, the Edict, and Papinian. In each of these classes the several works from which extracts are made, always follow in regular order." This order is shown by a table which Bluhme has inserted in his essay.

This article, if read in connexion with the articles CODEX and INSTITUTIONES, will give some general notion of the Legislation of Justinian, the objects of which cannot be expressed better than in the following words:—"Justinian's plan embraced two principal works, one of which was to be a selection from the Jurists and the other from the Constitutiones. The first, the Pandect, was very appropriately intended to contain the foundation of the law: it was the first work since the date of the Twelve Tables, which in itself, and without supposing the existence of any other, might serve as a central point of the whole body of the law. It may be properly called a Code, and the first complete Code since the time of the Twelve Tables, though a large part of its contents is not Law, but consists of Dogma and the investigation of particular cases. Instead of the insufficient rules of Valentinian III., the excerpts in the Pandect are taken immediately from the writings of the Jurists in great numbers, and arranged according to their matter. The Code also has a more comprehensive plan than the earlier codes, since it comprises both Rescripts and Edicts. These two works, the Pandect and the Code, ought properly to be considered as the completion of Justinian's design. The Institutiones cannot be viewed as a third work, independent of both: it serves as an introduction to them or as a manual. Lastly, the Novellae are single and subsequent additions and alterations, and it is merely an accidental circumstance that a third edition of the Code was not made at the end of Justinian's reign, which would have comprised the Novellae which had a permanent application." (Savigny, *Gesch. d. röm. Rechts*, i. p. 14.)

For the editions of the Digest, see Teuffel, *Hist. of Rom. Lit.* § 480, 11, 12; and compare CORPUS JURIS. [G. L.] [E. A. W.]

PA'NDIA, a festival celebrated at Athens after the Dionysia, in the middle of the month Elaphebolion (Dem. *Meid.* p. 517, § 9). Its origin has been a matter of dispute even among the ancients, as may be seen by reference to *Etym. M.* and Photius *s. v.*, where three origins are assigned.—Pandia, the moon-goddess, the Attic king Pandion, and Zeus. Hermann takes it to be a general feast of the old tribe Dias, and Welcker as an "all-Zeus" festival; but probably the right view is that of A. Mommsen and Preller, that it was a *full-moon feast* in honour of Pandia, an equivalent name for Selene, or of Artemis when her worship was afterwards identified with that of Selene. It is not impossible that in course of time the tribe Pandionis may have regarded themselves as specially connected with this festival, though we have no clear evidence of it, nor again that Zeus, as Preller thinks, may afterwards have been associated in the worship. The exact date seems to be the 14th of Elaphebolion, if the 13th ended the Dionysia. (See DIONYSIA, Vol. I. p. 640; A. Mommsen, *Heortol.* pp. 61, 389, 396; Preller, *Griech. Myth.* i. 347.) [L. S.] [G. E. M.]

PANE'GYRIS (πανήγυρις) signifies a meeting or assembly of a whole people at fixed periods, varying in the different cases, for the purpose of worshipping at a common sanctuary. But the word is used in three ways:—1. For a meeting of the inhabitants of one particular town and its vicinity [EPHESIA]; 2. For a meeting of the inhabitants of a whole district, a province, or of the whole body of people belonging to a particular tribe [CARNEIA, DELIA, PAMBOEOTIA, PANIONIA]; and 3. For great national meetings, as at the Olympic, Pythian, Isthmian, and Nemean games. Such in its origin also was the great Amphictyonic meeting, which assumed more political importance than other panegyreis. Although, in all panegyreis which we know, the religious character forms the most prominent feature, the spectacles and amusements were the attraction to the larger number, nor were political discussions and resolutions excluded, though they were perhaps more a consequence of the presence of many persons than objects of the meeting. As regards their religious character, the panegyreis were real festivals in which prayers were performed, sacrifices offered, processions held, &c. The amusements comprehended the whole variety of games, gymnastic and musical contests, and entertainments. Every panegyris, moreover, was made by tradespeople a source of gain, and it may be presumed that such a meeting was never held without a fair, at which all sorts of things were exhibited for sale. (Paus. x. 32, § 9; Strabo, x. p. 486; Dio Chrysost. *Orat.* xxvii. p. 528.) In later times, when the love of gain had become stronger than religious feeling, the fairs appear to have become a more prominent characteristic of a panegyris than before; hence the Olympic games are called *mercatus Olympiacus* or *ludi et mercatus Olympiorum*. (Cic. *Tusc.* v. 3, 9; Justin. xiii. 5; Vell. Pat. i. 8.) Festive orations were also frequently addressed to a panegyris, whence they are called λόγοι πανηγυρικοί. The Sophists made this the occasion for epideictic addresses (Quinctil. iii. 4, 14) to the assembled Greeks; as when Gorgias or Lysias at Olympia preached national unity. To the Greeks the speech of Peter the Hermit at Clermont would have been a "panegyric." The Panegyricus of Isocrates, though it was probably never delivered, is an imaginary discourse of this kind. (See Jebb, *Attic Orators*, i. 203 f.; ii. 150.) In later times any oration in praise of a person was called *panegyricus*, as that of Pliny on the Emperor Trajan.

Each panegyris is treated of in a separate article. For a general account see Wachsmuth, *Hell. Alt.* i. p. 149, &c.; Boeckh, *ad* Pind. *Ol.* vii. p. 175, &c.; Hermann, *Staatsalterth.* § 10. [L. S.] [G. E. M.]

PANHELLE'NIA (*πανελλήνια*), a festival, or perhaps rather a panegyris of all the Greeks, which seems to have been instituted by the Emperor Hadrian, with the well-meant but impracticable view of reviving a national spirit among the Greeks. (Philostr. *Vit. Soph.* ii. 1, 5; Boeckh, *Corp. Inscrip.* i. p. 789, ii. p. 580.) [L. S.]

PANIO'NIA (*πανιώνια*), the great national panegyris of the Ionians on Mount Mycale, near Priene and between Ephesus and Miletus (from which Grote conjectures that these towns were the primitive centre round which the other Ionian settlements gathered, forming gradually the confederation of twelve cities), where their national god Poseidon Heliconius had his sanctuary, called the Panionium (Herod. i. 148; Strabo, viii. p. 384; Paus. vii. 24, § 4). One of the principal objects of this national meeting was the common worship of Poseidon, to whom splendid sacrifices were offered on the occasion (Diodor. xv. 49). As chief priest for the conduct of the sacrifices, they always appointed a young man of Priene, with the title of king. But religious worship was not the only object for which they assembled at the Panionium; on certain emergencies, especially in case of any danger threatening their country, the Ionians discussed at these meetings political questions, and passed resolutions (Herod. i. 141, 170), as was usual at an amphictyonic panegyris [see PANEGYRIS].

Diodorus (xv. 49) says that in later times the Ionians used to hold their meeting in the neighbourhood of Ephesus instead of at Mycale. Strabo, on the other hand, who speaks of the Panionic panegyris as still held in his own time, not only does not mention any such change, but appears to imply that the panegyris was at all times held on the same spot, viz. on Mount Mycale. Diodorus therefore seems to consider the Ephesian panegyris [EPHESIA] as having been instituted instead of the Panionia. But both panegyreis existed simultaneously, and were connected with the worship of two distinct divinities, as is clear from a comparison of two passages of Strabo, viii. p. 384, xiv. p. 639. The truth probably is that the more splendid festival of the Ephesia attracted a larger concourse than the real Panionia and threw it in later times into the shade; and although the old festival continued, yet as early as Thuc. iii. 104 the Ephesia was looked upon as the representative Pan-Ionic gathering.

(Compare Tittmann's *Griech. Staatsv.* p. 668, &c.; C. F. Hermann, *Lehrb. der Gottesd. Alterth.* § 66, n. 2, 3; Grote's *Hist. of Greece*, iii. p. 229 ff.) [L. S.] [G. E. M.]

PANOPLIA. [ARMA.]

PANTOMI'MUS (*παντόμιμος*) was the performer in that kind of dramatic piece in which a story was represented by mere dancing and rhythmical movement by a single dancer. The word *pantomimus* is never, like *mimus*, applied to the piece represented, but only to the performer. The custom of pantomimic dancing is almost entirely confined to the time of the Roman Empire.

When the public lost interest in the full acting out of tragedies, the separate parts of those dramas used to be acted, especially those parts which were *cantica*, i.e. what were not mere iambic dialogues (*diverbia*), and among the *cantica* chiefly monologues and choruses. Here by increase of the expression in two directions the action became dancing and the speech became song; with the necessary result that the two performances could not be combined by a single actor, but had to be separated (Lucian, *de Salt.* 30). The result was artistically absurd, that one person should sing and the other dance (not more absurd, however, than say the chorus of bathers in the *Huguenots*); but none the less the practice became fashionable, especially when Pylades of Cilicia and Bathyllus of Alexandria, both very skilled dancers, about 22 B.C. (cf. Roth's *Suetonius*, p. 301, 25; Lucian, *op. cit.* 35) succeeded in making this kind of dancing (called afterwards Ἰταλικὴ ὄρχησις) a fully recognised species of amusement at Rome. It was honestly enjoyed by the cultivated of all classes: the rhetorician Seneca (*Contr. excerpt.* iii. *praef.*) calls it his "weakness" (*morbum meum*); Lucian (if it is Lucian) has an enthusiastic encomium on it (*op. cit.* § 35 to end), and Libanius has a long treatise on it. Lucian finds all excellences in this kind of dancing, even that it makes the spectators know themselves better and leave the theatre with clearer ideas of what to do and what not to do; in fact, altogether morally improved (*op. cit.* 69, 72, 81)—but this is the judgment of an advocate, not of a sober critic.

We hear (Athen. i. 20: cf. Plut. *Quaest. Convic.* vii. 8, 3 = 711, 44; Senec. *l. c.*) that the style of Pylades was of a sedate and tragic nature, but that of Bathyllus more joyful (*ἱλαρωτέρα*), representing a kind of *ὑπόρχημα* [CHORUS], which was a generic name for any expressive dance (Athen. i. 15; xiv. 628): and so not without reason we may in a measure infer with Sommerbrodt (*De triplici genere pantomimorum*, in his *Scaenica*, p. 49) that the different styles of dancing in the Greek theatre were further developed by these performers (Lucian, *op. cit.* 26 ff.), the tragic *ἐμμέλεια* by Pylades, and the satyric *σίκιννις* and possibly the comic *κόρδαξ* by Bathyllus; the art of the latter being, as Plutarch (*l. c.*) says, more commonplace (*πέζαν*) and not so pretentious (*ὀγκώδη*) as that of Pylades. But probably the *κόρδαξ* was not acted by the pantomimes; it would rather belong to the mimes, for the pantomimes, though very licentious, do not appear to have been coarse, and the subjects of the art of Bathyllus are mostly satyric subjects. Even in the passage from Plutarch the subjects are satyric, and he only says that the comic style of dancing is *related to* the cordax (*τοῦ κόρδακος ἁπτομένην*). The striking scenes in the dramas came then to be acted for the most part by mere dancing. This required on the part of the spectator a considerable degree of knowledge in the first place, so as to be fairly familiar with the story acted, and in the second place a certain power of imagination to piece the scenes together and a fineness of taste to appreciate the refinements of the art, which was nothing if not refined and full of delicate points. So that this pantomimic dancing, and especially the dancing of subjects from tragedy, became the fashionable exhibition for the upper and more cultivated classes to frequent, the lower classes preferring the coarser mimes when they went to the theatre at all. The rage for exhibitions of dancing that arose about the time of the Empire cannot be better exemplified than by the fact that poems of Ovid's, not written for the theatre at all, were "pantomimised" (just as our second-rate novels are dramatised), and actually orations were set to music and adapted for dancing (Ov. *Trist.* ii. 519, v. 7, 25; Plin. *Paneg.* 54; Tac. *Dial.* 26).

But the best poets wrote pieces specially for the pantomimes—*fabulae salticae*, as they were called; *e.g.* Silo (Senec. *Suas.* ii. 19), Lucan (*Vit. Vaccae*, in Teuffel, § 298, 4), Statius (Juv. vii. 92), which artistically were probably about on a level with the libretti of our Italian operas. The subjects were most various, but were generally love adventures—Mars and Venus (Lucian, *op. cit.* 63), Jupiter and Leda (Juv. vi. 63), Cinyras and Myrrha (Joseph. *Antiq.* xix. 1, 3), Phaedra and Hippolytus (Lucian, 49), Seleucus and Stratonice (*ib.* 58); but sometimes others, Hercules Furens (*ib.* 41), Isis and Osiris (*ib.* 59), Polycrates (*ib.* 54), Turnus (Suet. *Nero*, 54), Glaucus (Vell. ii. 83). Lucian (37–61) indeed says that all mythical and historical subjects, from Chaos to the death of Cleopatra, were fit subjects for pantomimes; and he gives in immense detail a number of appropriate stories. The dancing was performed by a single actor; it was only very rarely that there was a second (cf. Quint. vi. 3, 65). The actor would appear successively as (say) Atreus, Thyestes, and Aegisthus or Aerope—all in the one piece (Lucian, *op. cit.* 67). There were sometimes as many as five characters to be acted (*ib.* 66). A chorus sang *cantica*, accompanying the various dances. The text to bind together the various scenes consisted probably in a sort of recitative (Friedländer says, like that of our oratorios) sung by the chorus, while the actor had time to change his dress. When there was no change of dress, the actor was said *palliolatim saltare* (Fronto, p. 157, 3, ed. Naber), in which the dancer with a single cloak used to represent the most varied things — *caudam cygni*, *capillum Veneris*, *Furiae flagellum*, &c. Friedländer compares the shawl-dancing of Lady Hamilton, as described by Goethe in his *Italienische Reise* (at Caserta, March 16, 1787). The accompaniment to the dancing and the chorus was performed by an orchestra (which Pylades introduced instead of the single flute accompaniment), consisting of pipes and cymbals, harps and zithers (Lucian, 68; Ov. *Rem. Am.* 753 ff.: cf. Macrobius, *Sat.* ii. 7, 18, where Pylades is said to have declared that the music suited to dancing was *αὐλῶν συρίγγων τ' ἐνοπὴν ὅμαδόν τ' ἀνθρώπων*, Hom. *Il.* x. 13). The music appears to have been of a florid and showy description (Lucian, *op. cit.* 2). The time was given by *scabillarii*, who beat with their feet a kind of wooden or iron instrument, called *scabillum* or *scabellum* (*κρούπεζα*): cf. Lucian, *ib.* 2, 68, 83; Suet. *Cal.* 54; Poll. vii. 87; Liban. iii. 385, 13. There is a celebrated statue of a Satyr with cymbals beating the *scabillum* in the Tribune of the Uffizi Gallery at Florence. In the absence of any definite evidence to the contrary, we may assume that the scenery of the pantomimes was much the same as that of the Greek tragedies.

The real charm lay in the performance of the dancer. The art of dancing has sunk to such a low level with us, and we are naturally so incapable of appreciating the meaning of slight looks and gestures, that it is only when very forcibly brought before us that we can get a faint idea of what "the poetry of motion" means, and understand what the Romans implied by "speaking hands" (*manus loquacissimae, linguosi digiti*, Cassiod. *Var.* iv. 51: cf. Lucian, *op. cit.* 63, 69) and "the eloquence of dancing" (*saltare diserte*, Tac. *Dial.* 26). But the value of action is great to the Southern nations; to them it can signify most things without words (Quint. xi. 3, 65). How important it was to the orator we know from the story of Demosthenes, who said that action was the first, second, and third requisite of an orator; and Quintilian (*l. c.*) devotes a great many pages to the subject, full of injunctions which at times cannot be appreciated by us, though we are not on that account to accuse Quintilian of pedantry. But the pantomimi in some cases aimed at representing even the very words of their texts, a practice justly reprobated by Quintilian (*ib.* 88, 89) and the better pantomimi themselves (cf. Macrob. *Sat.* ii. 7, 13 ff.). The whole art, however, came to be as conventional as possible, neither performer attempting nor audience desiring originality of treatment, but only excellence of execution. This is shown by the story in Lucian (*op. cit.* 80) of an actor who had to dance the devouring of his children by Cronos, and danced the traditional steps of the eating of the children of Thyestes, misled by the similarity of the subject; another danced the steps for the burning of Glauce by Medea's poisoned robe when representing the burning of Semele. But with all the artificiality the effect of the performances of the pantomimi on the audience was most powerful; "so fascinating is the dancing," says Lucian (*op. cit.* 79), a passage well worth reading, "that the lover seeing the bitter end of love is cured of his passion, and one who enters the theatre in depression leaves it brighter and happier just as if he had drunk Homer's nepenthe." Splendid robes (*ib.* 2, 63), attractive masks (which had the mouth shut, not the huge gaping things the actors in the drama had to wear, *ib.* 29; see illustration in Baumeister's *Denkmäler*, fig. 1351, 1352), generally splendid dress, the *tunica talaris* and the *palla* (Suet. *Cal.* 54), all the grace and beauty of youth which necessarily attached to the most famous of the performers (their form, says Lucian, *op. cit.* 75, should be that of the canon of Polycletus), and which were enhanced by careful training; the movements of the dance, now soft, delicate and voluptuous, presently rising into wild passionate outbursts, must have made the whole exhibition most sensuously seductive and intoxicating; and we can well believe the many stories of the passions inspired in the Roman ladies by the pantomimi, and of the disastrous effect the exhibitions had on the morals of the community (cf. Juv. vi. 63 ff.; Plin. *H. N.* vii. 184; Dio Cass. lvii. 21). The introduction of the pantomimes at the commencement of the Empire was the beginning of the moral corruption of the world, according to Zosimus (i. 6); and St. Augustine considered the pantomimes a far more insidious and destructive disease sent by Satan than the more savage pest of the circus (*de Civ. Dei*, i. 32).

But it was not on this ground that the law generally proceeded against the actors, though it was sometimes (Dio Cass. *l. c.*) put forward; it was owing to the disorder caused by the rival factions of the different performers. The actors (in Imperial times *histrio* virtually means one who acts pantomimes) were banished from Italy by Tiberius and Nero, and Domitian only allowed them to perform in private (Suet. *Tib.* 37; *Nero*, 16; *Dom.* 7). But for the most part the emperors were wise enough to let the people busy themselves with the actors (Macrob. *Sat.* ii. 7, 19), and thereby be kept clear of politics. As to the legal position of the actors, they were always *infames* (Cic. *Rep.* iv. 10; Nepos, *Proem.* 5; Tert. *Spect.* 22; Vopisc. *Car.* 16, 7; Dig. 3, 2, 1); in the municipalities they were not eligible to magistracies (Lex Jul. Munic. l. 125). Their children could not form legal marriages with members of the senatorial families (Dig. 23, 2, 42, 44). The soldier who became an actor was punished with death (*ib.* 48, 19, 14). For further on this point, see Mayor on Juv. viii. 188; Marquardt, *Staatsr.* iii. 516 ff. Augustus only allowed the magistrates power to scourge the actors during the games and inside the precincts of the theatre (Suet. *Aug.* 45; Tac. *Ann.* i. 77), though any violation of public morals he visited on them most severely. The actors were mostly slaves or freedmen, and, if free-born, foreigners; and the nominal feeling of the age as to the meanness of their calling may be seen from the scathing satire of Juvenal (viii. 183 ff.) on the Roman nobles who became actors: it was much as if one in high circles were to become a professional jockey. But still the celebrated pantomimi were flattered and petted (Senec. *Q. N.* vii. 32, 3; *Ep.* 47, 17). Flowers and perfumes were strewn over the place where Paris lay murdered (Dio Cass. lxvii. 3), and Martial composed (xi. 13) a beautiful epitaph for him. They became men of considerable wealth and influence (Plut. *Tranquill. Anim.* 13 = 473, 10), especially when they were court favourites like Mnester (Suet. *Cal.* 56), Paris (Dig. 12, 4, 3, 5; Tac. *Ann.* xiii. 19–22, 27), another Paris (Juv. vii. 87), Apolaustus, and Pylades (Dio Cass. lxviii. 10). A very noticeable feature about the *noms de théâtre* of these pantomimi (and indeed of many other kinds of artists also) is that they were assumed from those of famous predecessors; see Friedländer, ii.^{3} 608 ff. It is needless to say that in the clubs and guilds of the actors celebrated performers obtained the highest positions, and were supported at the common expense (Wilmanns, 2619 ff.); but also, at least in later times, we find an actor made a decurio (*e.g.* Acilius at Lanuvium in 187 A.D., Wilm. 2625), another set over the army in Armenia (Dio Cass. lxxvii. 21), a third made praefectus praetorio (Lampr. *Heliog.* 12, 1)—though, to be sure, this was only by the worst emperors. The pay given to the performers, even in the time of Tiberius, was thought too high, and M. Aurelius had to fix a maximum (Capit. *M. Aurel.* 11, 4): yet Pylades, in the time of Tiberius, made so much money that he was able to give games on his own account (Dio Cass. lv. 10, 11), and Pliny (*H. N.* vii. § 128) says that slave actors with their gains often bought their liberty for considerably over 700,000 sesterces (more than £7,000). There do not appear generally to have been regular competitions of pantomimi, their art forsooth being, according to Lucian (*op. cit.* 32), too high for rivalry. But the jealousies and squabbles of the actors were very great (Tac. *Ann.* i. 54; Dio Cass. lvii. 14, 10). The wealthy Romans (*e.g.* Quadratilla in Plin. *Epist.* vii. 24) used to keep troops of *pantomimi* and *pantomimae* (Senec. *ad Helv.* 12) for private exhibitions; but *pantomimae* did not appear on the public stage till later times, *e.g.* in Justinian's time an actress Helladia danced the Hector (cf. *Anthol. Pal.* iv. 75, ed. Jacobs), though even then the performance was mostly by men (Liban. iii. p. 372, 31, ed. Reiske).

The chief works to consult on the pantomimes are Salmasius on Vopiscus, *Carinus*, c. 19 (= *Hist. Aug. Script.* ii. 828–844); Sommerbrodt in his *Scaenica*, 35–50; Arnold in Baumeister's *Denkmäler*, s. v. *Pantomimus*, pp. 1158–1160; and especially Friedländer, *Darstellungen aus der Sittengeschichte Roms*, ii.^{3} 427–442. [L. C. P.]

PAR IMPAR LUDERE (*ἀρτιασμός, ἀρτιάζειν, ἄρτια ἢ περιττὰ* or *ζυγὰ ἢ ἄζυγα* or *ζυγὰ μόνα παίζειν, ποσίνδα*). The game at odd and even was a favourite game among the Greeks and Romans. A person held in his hands a number of astragali, or other things (Pollux, ix. 101, says beans, nuts, almonds, or coins), and his opponent had to guess whether the number was odd or even. The amount to be won or lost, whether merely the articles played with or money staked upon the guess, may have been variously arranged: but probably the usual practice was only to stake what was played with, not to bet on the guess besides. Apollonius (iii. 115) represents Cupid and Ganymede playing, and the winnings are simply the astragali of the opponent: hence the playing with coins is a greater risk (Aristoph. *Plut.* 816): the passage in Suet. *Aug.* 71, however, implies staking a sum of money on the guess at odd and even as well as on the tali. The game *ποσίνδα* differed slightly, as it was necessary to guess the number held in the hand, not merely whether it was odd or even (Xen. *Eq. Mag.* 5, 10; cf. Aristoph. *Plut.* 1055). For further mention of *par impar*, see Plat. *Lys.* p. 206 E; Lucian, *Dial.* 4; Hor. *Sat.* ii. 3, 248; *Nux*, 79;—Becker-Göll, *Charikles*, ii. 40; *Gallus*, iii. 477;—Marquardt, *Privatleben*, p. 849. [W. S.] [G. E. M.]

PARABASIS. [CHORUS, Vol. I. p. 422.]

PARA'BOLON (*παράβολον, παραβόλιον ἀδόκιμον τοῦτο*, *Phrynichus*, ed. Lobeck, p. 238), a fee paid by the appellant party, on an appeal (*ἔφεσις*), as Pollux (viii. 62 f.) states, "from an arbitrator, or a magistrate or the *δημόται* to the dicasts, or from the Senate of Five Hundred to the popular assembly, or from the popular assembly to a Heliastic court, or from such a one to a foreign court." An appeal from a public arbitrator was allowable in all cases except when ἡ μὴ οὖσα δίκη had to be resorted to; *i.e.* when the loser could prove that it was not owing to negligence on his part that judgment had gone by default. Cf. Harpocr. *s. v.* διαιτητής: (οἱ δικασταὶ) καὶ τὰς ἀπὸ τῶν διαιτητῶν ἐφεσίμους ἔκρινον, and Dem. *c. Boeot. de Dote*, p. 1024, § 55; (Meier, *Privatschiedsrichter*, etc. p. 28, n. 3, reads in Pollux, viii. 127, τὰς πίστεις ἐμβ. ἰδ. ἑκατέρων τάς τε τοῦ φευγ. καὶ τὰς τοῦ διώκ. instead of τὰς ψήφους ἐμβαλόντες ἰδίᾳ ἑκατέρας τοῦ φεύγοντος καὶ διώκοντος.) An appeal from a magistrate might arise when the ἐπιβολὴ imposed by him was objected to by the person fined; for then the magistrate had to lay the case before a court [EPIBOLE]. When on the occasion of a διαψήφισις a person was struck off the lists of δημόται and wished to upset such a decision, he might appeal to a court (δίκην λαγχάνειν τῷ κοινῷ τῶν δημοτῶν), or to a public arbitrator (Isae. *pro Euphil.* § 11; Schömann *ad l. c.* p. 479). The next two kinds of appeal referred to by Pollux are very doubtful indeed; when a matter was referred to the popular assembly by the Senate of Five Hundred, or to a Heliastic court by the popular assembly, because the latter were either unable or unwilling to decide it themselves, this might be called ἔφεσις, inasmuch as ἡ βουλὴ ἐφίησι τὸ πρᾶγμα εἰς τὸν δῆμον or ὁ δῆμος ἐφίησι τὸ πρᾶγμα εἰς τοὺς δικαστάς, but in that case ἔφεσις is not used in its strictly technical sense of appeal. As to appeals from an Athenian court to a foreign court, cf. SYMBOLON DIKAI APO. We are uninformed as to the amount to be paid, and as to the occasions when such a sum was to be paid. (*Att. Process*, ed. Lipsius, pp. 986–991.) [C. R. K.] [H. H.]

PARACATA'BOLE (παρακαταβολή), a sum of money required of a plaintiff or petitioner in certain cases, as a security that his complaint or demand was not frivolous, or made on slight and insufficient grounds. Such was the deposit made in certain inheritance causes, viz. not only by a person who claimed an inheritance already adjudged ([Dem.] *c. Macart.* p. 1054, § 16; Isae. *Hagn.* §§ 13, 27; Bunsen, *de jure hered. Ath.* p. 92, limits the paracatabole to such causes, and Boeckh, *Sthh.*³ i. p. 430, explains Harpocr. *s. v.* in the same sense), but also by a person who entered a διαμαρτυρία μὴ ἐπίδικον εἶναι τὸν κλῆρον (Isae. *Philost.* § 12, etc.), or who claimed an inheritance as having a better title than others by having been adopted (Dem. *c. Leoch.* p. 1090, § 34) or by testament (Isae. *Nicostr.* § 4): cf. Pollux, viii. 32, ὅστις ἀντιλέγει ὡς αὐτὸς δικαιότερος ὢν ἔχειν τὸν κλῆρον ἐξ ἀγχιστείας ἢ διαθηκῶν. The amount of the deposit in such causes was a tenth part of the value of the property claimed: it was returned to the petitioner, if successful; otherwise it went to the opponent, or in case of rival claims to an inheritance to the state (Isae. *Nicostr.* § 11). In the proceeding termed ἐνεπίσκημμα, which was a suit instituted against the public treasury by a creditor to obtain payment out of his debtor's confiscated goods ([Dem.] *c. Timoth.* p. 1198, § 46), a fifth part of the value was deposited (Harpocr. *s. vv.* παρακαταβολὴ and πρόκεμματα), which sum went to the state in case the petitioner was not successful (*C. I. A.* ii. No. 777). From this inscription it is likewise evident that the term ἐγγύης καταβολὴ was used in the sense of παρακαταβολὴ in this proceeding (cf. Suid. *s. v.* ἐνεπισκήψασθαι καὶ ἐγγύην καταβαλεῖν = *Etym. M.* p. 340, 38, etc.). The money was deposited either on the commencement of the cause or at the ἀνάκρισις. The word παρακαταβολὴ signifies both the paying of the deposit and the money deposited; and being a word of more general import, we find it used to denote other kinds of deposits, as the πρυτανεῖα and παράστασις (cf. Isocr. *c. Leoch.* § 2); it is probably used in this wider sense in Dem. *c. Pantaen.* p. 978, § 41, in a δίκη βλάβης. (*Att. Process*, ed. Lipsius, pp. 800, 814–822.) [C. R. K.] [H. H.]

PARACATATHE'CE (παρακαταθήκη, παραθήκη: cf. Rutherford, *New Phrynichus*, p. 367) generally signifies a deposit of something valuable with a friend or other person, for the benefit of the owner. Thus, if I deliver my goods to a friend, to be taken care of for me; or if I give a creditor something valuable as a pledge; or if I deposit money with a banker (ἀφορμή, Harpocr. *s. v.*; *argum.* Dem. *pro Phorm.* p. 944), to receive interest for it and to draw on him (Dem. *c. Callip.* p. 1236, § 4; Blümner, *Griech. Privatalt.* p. 454 f.), such delivery or *bailment*, or the gods bailed or delivered, or the money deposited, may be called παρακαταθήκη (Herod. vi. 86; Dem. *pro Phorm.* p. 946, § 5 f., and *c. Stephan.* i. p. 1110, § 29 f.); and the word is often applied metaphorically to any important trust committed by one person to another (Dem. *c. Aphob.* ii. p. 840, § 15; Aeschin. *c. Tim.* § 7; Dem. *c. Mid.* p. 572, § 177, etc.). As every bailee is bound to restore to the bailor the thing deposited, either on demand (in case of a simple bailment) or on performance of the conditions on which it was received, the Athenians gave a παρακαταθήκης δίκη against a bailee who unjustly withheld his property from the owner, ἀπεστέρησε τὴν παρακαταθήκην (Pollux, vi. 154; Schol. to Aristoph. *Plut.* 373, etc.), or who used it without the owner's permission for his own benefit. Examples of such an action are Isocr. *Trapez.* and *c. Euthyn.*: a subject of Satyrus, king of Bosporus, sues Pasion the banker for money alleged to have been placed in his hands (*Trapez.* §§ 11, 27, etc.); Nicias had deposited three talents with Euthynus, and, when he applied to him for the money, Euthynus repaid only two and disclaimed knowledge of the third (*c. Euthyn.* §§ 3, 7, 9, etc.). A pledge given to a creditor could not be recovered, except on payment of the money owed to him; but, after selling the article and satisfying his debt out of the proceeds, he would of course be bound to restore the surplus (if any) to the pledgor. It is not known whether beyond restoring the thing deposited any penalty was inflicted on a defendant who fraudulently denied that he had ever received the deposit; so much is certain from Dem. *c. Mid.* p. 528, § 44, that ἀτιμία was not inflicted, as Meursius, *Them. Attica*, ii. c. 23, p. 120 (τὸν μὴ ἀποδιδόντα τὴν παρακαταθήκην ἄτιμον εἶναι) supposed (Thalheim, *Griech. Rechtsalt.* p. 48, n. 5). The difficulty of procuring safe custody for money, and the general insecurity of movable property in Greece, induced many rich persons to make valuable deposits in the principal temples, such as that of Apollo at Delphi (Plut. *Lysand.* 18), of Artemis at Ephesus (Dio Chrysost. xxxi. 54; cf. Xenoph. *Anab.* v. 3, 6, and Plaut. *Bacch.* ii. 3, 78), of Hera at Samus (Cic. *de Legg.* ii. 16, 41), etc. (Büchsenschütz, *Besitz. u. Erwerb.* p. 508 f.: cf. Posidon. Apam. *fr.* 48, in *Fragm. Hist. Graec.* iii. p. 48.) It may be observed that παρακατατίθεσθαι, *in the middle voice*, is always used of a person making a deposit *for his own benefit*, with the intention of taking it up again, and παρακατακεῖσθαι of the thing thus deposited; κομίζεσθαι is to recover your property (Isocr. *c. Euthyn.* § 4; *Trapez.* § 8, etc.). (*Att. Process*, ed. Lipsius, pp. 700 ff.) [C. R. K.] [H. H.]

PARADI'SUS (παράδεισος) was the name given by the Greeks to the parks or pleasure-grounds which surrounded the country residences of the Persian kings and satraps. They were generally stocked with animals for the chace, were full of all kinds of trees, watered by numerous streams, and enclosed with walls. (Xen. *Anab.* i. 4, § 10; *Cyr.* i. 3, § 14, 4, § 5; *Hell.* iv. 1, § 33; *Oec.* iv. 13; Diod. Sic. xvi. 41; Curt. viii. 1, §§ 11, 12; Gell. ii. 20.) These paradises were frequently of great extent; thus Cyrus on one occasion reviewed the Greek army in his paradise at Celaenae (Xen. *Anab.* i. 2, § 9), and on another occasion the Greeks were alarmed by a report that there was a great army in a neighbouring paradise (*Id.* ii. 4, § 16). In many respects, except as regards their being larger and used for hunting, they were like the Latin *vivarium*, which was a park, warren, or preserve. "Vivaria quae nunc vulgus dicit, quos παραδείσους Graeci appellant, quae leporaria Varro dicit, haud usquam memini apud vetustiores scripta...;" but Scipio, the writer goes on to say, called them *roboraria*, because they were fenced round with wooden palings (Gell. ii. 20; cf. AGRICULTURA, Vol. I. p. 80). In Greece they were first borrowed from the East in the time of the Diadochi (Iwan Müller, *Handbuch*, iv. p. 468).

Pollux (ix. 13) says that παράδεισος was a Persian word, and there can be no doubt that the Greeks obtained it from the Persians, whether its origin etymologically is to be found in Indo-European or Semitic languages. [W. S.] [G. E. M.]

PARAGAUDA. [VESTIS.]

PARA'GRAPHE (παραγραφή). This word does not exactly correspond with any term in our language, but may without much impropriety be called "a plea." It is an objection raised by the defendant to the admissibility of the plaintiff's action: "exceptio rei adversus actorem, actionemve, querentis aut de foro haud competente, aut de tempore, modove procedendi illegitimo." (Reiske, *Index Gr. in Oratt.*) Sir William Jones, in the preface to his translation of Isaeus, compares it with a *demurrer*. But this is not so correct; because a demurrer is an objection arising out of the adversary's own statement of his case: whereas the παραγραφὴ was an objection depending on facts stated by the defendant himself, and therefore rather resembles a plea, or (more strictly) a special plea. This appears from the παραγραφικοὶ λόγοι of Demosthenes, in which we find the defendant introducing new allegations into the cause, and supporting them by proof. Thus, in the speech against Nausimachus and Xenopithes, the ground of objection is, that the father of the defendants having obtained a release from the plaintiffs, it was no longer open to the plaintiffs to bring an action for the same cause (p. 984, § 1; p. 986, § 5, cf. *pro Phorm.* p. 951, § 23; p. 952, § 25;—*c. Pantaen.* p. 966, § 1; p. 972, § 19). But the first mention of this release is made by the defendants in their plea. In the speech against Zenothemis the defendant objects, that the ἐμπορικὴ δίκη does not lie, because there was no written contract between him and the plaintiff; and this (says he) appears from the declaration itself (ἐν τῷ ἐγκλήματι, p. 882, § 1 f.; cf. *c. Apatur.* p. 892, § 2; see also *c. Pantaen.* p. 976, § 35; *c. Lacrit.* p. 939, § 45 f.). As parties could not be defeated at Athens by a technical objection to the pleadings, the defendant in the above case, notwithstanding the defective statement of the plaintiff in the declaration, was compelled to bring forward his objection by plea, and to support it before the jury. In the speech against Phormio, the plaintiff says that as the defendant only denies that he has committed a breach of the contract, there was no occasion for a παραγραφή: the question merely was, whether the plaintiff's charge was true (p. 908, § 4 f.). It seems that a παραγραφὴ might be put in, not only when the defendant could show that the cause of action was discharged, or that it was not maintainable in point of law; but also when the form of action was misconceived, or when it was commenced at a wrong time (*pro Phorm.* p. 952, § 26 f.), or brought before the wrong magistrate (*c. Pantaen.* p. 976, § 33 f.). In the last case the παραγραφὴ would answer to our *plea to the jurisdiction.*

The παραγραφή, like every other answer (ἀντιγραφή) made by the defendant to the plaintiff's charge, was given in writing, as the word itself implies (Dem. *c. Phorm.* p. 912, § 17; *c. Pantaen.* p. 976, § 34; π. ἀντιλαγχάνειν or δοῦναι, or παραγράφεσθαι). If the defendant merely denied the plaintiff's allegations, or (as we might say) *pleaded the general issue*, he was said εὐθυδικίᾳ εἰσιέναι or εἰσέρχεσθαι (Isae. *Philoct.* §§ 3, 43, 52; Dem. *c. Stephan.* i. p. 1103, § 6; εὐθυδικίαν εἰσιέναι occurs only *c. Phorm.* p. 908, § 4, and ἡ εὐθεῖα instead of εὐθυδικία is late, *argum.* Dem. *c. Zenoth.* p. 881).* In this case a court was at once held for the trial of the cause. If, however, he put in a παραγραφὴ (παρεγράψατο μὴ εἰσαγώγιμον εἶναι τὴν δίκην), and the plaintiff acquiesced in the ground of objection raised, the action was either brought before a different magistrate or in a different form (*i.e.* not as δίκη ἐμπορική, but as δίκη βλάβης or χρέως), or it was dropped altogether: if, however, the plaintiff did not acquiesce, a court was held to try the preliminary question, whether the cause could be brought into court or not. Upon this previous trial the defendant was considered the *actor* (Pollux, viii. 58), and hence is said by Demosthenes (*c. Phorm.* p. 908, § 4) κατηγορεῖν τοῦ διώκοντος: he began and

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* Aeschylus (*Eum.* 433) similarly uses the term εὐθεῖα δίκη as opposed to the oath of one or the other party on which they might have agreed to rest the issue (429): see Aesch. *Eum.* ed. Müller, p. 159 f. Linwood (Lex. to Aesch. *s. v.*) wrongly translates, "pass a righteous sentence."

had to maintain the ground of objection which he relied upon (Dem. *c. Stephan.* i. p. 1103, § 5 ff.). If he succeeded, as Phormio did, by bringing witnesses that he had obtained a release from the plaintiff, the whole cause was at an end; if however the objection was only to the form of action, or some other such technicality, the cause was recommenced in the proper manner. If, however, the plaintiff succeeded, the jury merely decided *εἰσαγώγιμον εἶναι τὴν δίκην*, and then the original action, which in the meantime had been suspended, was proceeded with (Dem. *c. Zenoth.* p. 888, § 22 f.; *c. Lacrit.* p. 939, § 45). Both parties on the trial of the *παραγραφὴ* were liable to the *ἐπωβελία*, on failure to obtain a fifth part of the votes (Isocr. *c. Callim.* 2; Dem. *c. Stephan.* i. p. 1103, § 6). [Epobelia.]

The course of proceeding on a *παραγραφὴ* was obviously calculated to delay the progress of the cause, and was therefore not looked on with favour by the dicasts. *Ὑπωμοσίαι καὶ παραγραφαὶ* (*c. Mid.* p. 541, § 84) and *σοφίσματα καὶ παραγραφαὶ καὶ προφάσεις* (*c. Lacrit.* p. 924, § 2) are classed together by the orator as being the manœuvres of defendants to defeat justice (cf. *c. Euerg. et Mnes.* p. 1151, § 39; p. 1153, § 45; *Lex. Rhetor. Cantabr.* p. 673 ff., and Meier *ad l. c.*; Pollux, viii. 60). Hence we find in the extant *παραγραφικοὶ λόγοι*, that the defendant, in order to remove the prejudice of the dicasts against himself, not only supports the ground of the *παραγραφή*, but discusses the general merits of the cause, and endeavours to show that there is no foundation for the plaintiff's complaint. And there is no doubt that the dicasts were materially influenced by such discussion, however in strictness irrelevant (*argum. pro Phorm.* p. 944; *c. Zenoth.* p. 881).

There was no such thing as this proceeding by *παραγραφή*, where the defendant had the advantage of beginning, until after the expulsion of the Thirty Tyrants, when a law was passed on the proposal of Archinus, *ἄν τις δικάζηται παρὰ τοὺς ὅρκους, ἐξεῖναι τῷ φεύγοντι παραγράψασθαι, τοὺς δὲ ἄρχοντας περὶ τούτου πρῶτον εἰσάγειν, λέγειν δὲ πρότερον τὸν παραγραψάμενον, ὁπότερος δ' ἂν ἡττηθῇ, τὴν ἐπωβελίαν ὀφείλειν*, originally only for the special case that an action was brought in violation of the amnesty, but later on extended to other grounds of defence. Before the time when this law was passed, all special objections to the adversary's course of proceeding seem to have been called by the general term of *ἀντιγραφαί*. Thus when Pancleon was summoned before the polemarch by the speaker of the 23rd speech of Lysias, as being a resident alien, he put in a "plea to the jurisdiction" on the ground that he was a Plataean by birth, and that therefore the action ought not to have been brought before the polemarch (§ 5, *ἀντεγράψατο μὴ εἰσαγώγιμον εἶναι*, cf. § 10; Jebb, *Att. Oratt.* i. p. 302, gives *πρὸς παραγραφὴν* as title of the speech, but it ought to run *πρὸς τὴν Π. ἀντιγραφήν*); and in this case it is clear from the tenor of the speech, that the defendant did not address the court first [cf. Exomosia, 3]. (*Att. Process*, ed. Lipsius, pp. 849–854, 948.) [C. R. K.] [H. H.]

PA'RALUS. [Theoris.]

PARANOIAS DIKE (*παρανοίας δίκη*). This proceeding may be compared to our commission of lunacy, or writ *de lunatico inquirendo.* It was a suit at Athens that might be instituted by a son or other relative for a son against one who, by reason of madness or mental imbecility, had become incapable of managing his own affairs. The intention was to take the management of property out of the hands of such a person—hence the suit might only be instituted by the next heir, *i.e.* sons in the first instance (Plat. *Legg.* xi. p. 928, D f.)—and not to provide for his confinement (Aristoph. *Nub.* 845; Xen. *Memor.* i. 2, § 49; Aeschin. *c. Ctes.* § 251). Pollux (viii. 89) states that this *δίκη* came before the archon (as *ἡγεμὼν δικαστηρίου*), which is very probable, as being a matter connected with family rights, and from other sources we learn that a court of dicasts decided the case. The anonymous author of the Life of Sophocles alone states that the decision of such a suit rested with the phratores of the accused (*καί ποτε ἐν δράματι εἰσήγαγε τὸν Ἰοφῶντα αὐτῷ φθονοῦντα καὶ πρὸς τοὺς φράτορας*, etc.); yet this story of a prosecution of Sophocles by his son on account of mental imbecility is extremely doubtful. It would seem that a comic poet introduced an arraignment of the aged Sophocles by his son before the phratores in a contemporary comedy, the name of the poet being lost (G. Hermann conjectured *καί ποτε Ἀριστοφάνης ἐν Δράμασιν εἰσήγαγε*, etc.). This invented trial, Jebb suggests (Soph. ed. Jebb, ii. p. xl. f.), was accepted by Satyrus, a collector of biographies, whence Cicero (*de Sen.* 7, 22) and later writers (Plut. *Moral.* p. 785 B; Lucian, *Macrob.* 24), directly or indirectly, derived their accounts. (*Att. Process*, ed. Lipsius, p. 566 ff.) [C. R. K.] [H. H.]

PARA'NOMON GRAPHE (*παρανόμων γραφή*). An indictment instituted against a person who had proposed or carried an illegal, or rather unconstitutional, psephisma or law. The illegality might consist either in its form or in its contents, or in both. Thus a psephisma might be impugned for matter of form, if it was *ἀπροβούλευτον*, *i.e.* had not been submitted to the senate: such was the proposal of Androtion (Dem. *c. Androt.* p. 594, § 5), to award a crown to the outgoing senators as usual in spite of their having failed to build the necessary number of triremes (*l. c.* p. 596, § 10 f.), of Aristogiton against Hierocles ([Dem.] *c. Aristog.* i. p. 767, *argum.*), of Thrasybulus to confer citizenship upon Lysias ([Plut.] *Vit. X. Oratt.* p. 835 F);—or a proposal to restore an *ἄτιμος* or release a public debtor or admit him to composition with the state was illegal, if permission (*ἄδεια*) had not first been granted by an assembly at which not less than 6,000 Athenians had voted (Dem. *c. Timocr.* p. 715, § 46). As regards a law, it was illegal if the rules had not been complied with which regulated the introduction of new laws: thus Timocrates had not put up his law in the usual way for public perusal nor observed the regulations as to the time when the nomothetae should be appointed (Dem. *c. Timocr.* p. 708, § 26: cf. *c. Lept.* p. 485, § 94). As to the contents, a psephisma was illegal if inconsistent with a law, for *ψήφισμα μηδὲν μήτε βουλῆς μήτε δήμου νόμου κυριώτερον εἶναι* (Andoc. *de Myst.* § 87: cf. Dem. *c. Aristocr.* p. 649, § 87, and *c. Lept.* p. 485, § 92, *ἀλλὰ ἐναντιώτεροι* [*νεώτεροι* MSS.] *οἱ νόμοι, καθ' οὓς* *τὰ ψηφίσματα δεῖ γράφεσθαι*), and it is clear that this point was capable of very wide interpretation, from the fact that a proposal to confer citizenship on a foreigner might be impugned if the deserts of the foreigner could be called in question, since the law stipulated that this honour should be bestowed only on one deserving it, *δι' ἀνδραγαθίαν εἰς τὸν δῆμον τὸν Ἀθηναίων* ([Dem.] c. *Neaer*. p. 1375, § 89). A law might be impugned as being inconsistent with some other law that had not been repealed (Dem. c. *Timocr*. p. 711, § 34;—c. *Lept*. p. 485, § 93; p. 486, § 96): since a special law provided that new laws should come into operation from the day on which they were passed (unless a date was expressly mentioned, usually the beginning of the year following), Timocrates should have repealed this law, Demosthenes argues (p. 714, § 43; p. 723, § 73), before proposing his own with retrospective action. Some writers have maintained that the *γραφὴ παρανόμων* lay not merely against unconstitutional legislation, but against bad legislation in general, so that a law or psephisma might be assailed on the charge of inexpediency (*μὴ ἐπιτήδειον*, Dem. c. *Timocr*. p. 711, § 33, *lex*; cf. Pollux, viii. 56 and 44). Madvig takes a different view (*Kleine phil. Schriften*, p. 378 ff.). In his opinion a *γραφὴ παρανόμων* only lay against unconstitutional legislation, *i.e.* against a law or psephisma in proposing which certain regulations had not been complied with (*ὡς παρὰ τοὺς νόμους τὸ ψήφισμα εἴρηται*, Dem. c. *Aristocr*. p. 626, § 18 f., cf. p. 653, § 100; c. *Timocr*. p. 721, § 66: these laws which had been contravened the prosecutor wrote in parallel columns with the law or psephisma indicted, *παραγράφεσθαι*, Dem. c. *Androt*. p. 604, § 34, etc., cf. Dem. c. *Aristocr*. ed. Weber, p. 221), and any arguments as to the expediency of the law or psephisma in itself, which in practice played an important part, were beside the legal point at issue, being cited merely as additional reasons for rejection. Lipsius adopts Madvig's view, only separating objections based on the contents, *e.g.* that a psephisma is inconsistent with a law, from objections of a purely formal nature: cf. Gilbert, *Handb. d. gr. Staatsalt.* p. 284, n. 1, and Busolt, *Staats- u. Rechtsalt.* § 193. Wayte (Dem. c. *Androt*. and c. *Timocr*. p. xxxv.), on the other hand, holds that any law, "however carefully all constitutional forms had been observed, might be assailed on the vague charge of inexpediency. The *γραφὴ παρανόμων* lay, therefore, not merely against unconstitutional but against bad legislation in general; and any law might be pronounced 'bad' against which a majority, however small, could be obtained in a court where the last thing expected of the jurors was to leave their politics behind them." Schöll, too (*Sitzungsber. d. k. b. Akad.*, München, 1886, p. 136 ff.), contends that a law (not a psephisma) might be impugned by means of a *γραφὴ παρανόμων* on the ground of inexpediency, relying especially upon Pollux, viii. 87, *οἱ μὲν θεσμοθέται . . . . εἰσάγουσι καὶ τὰς τῶν παρανόμων γραφὰς καὶ εἴ τις μὴ ἐπιτήδειον νόμον γράψειεν*.

Against the proposer of a psephisma a *γραφὴ παρανόμων* might be preferred either before the taking of the votes (*e.g.* against Aristocrates and Ctesiphon: hence their motions are called *προβουλεύματα*, Dem. c. *Aristocr*. p. 625, § 14, etc.; *de Cor*. p. 228, § 9, cf. Xen. *Hellen:* i. 7, 12), or after the voting had taken place and the people had approved of it (Dem. c. *Androt*. p. 594, § 5, etc.; [Dem.] c. *Neaer*. p. 1347, § 5, etc.). Any citizen might prefer this indictment; if he declared in the popular assembly on oath (*ὑπωμοσία, ὑπομόσασθαι*, Xen. *Hell*, i. 7, 34, and Schömann, *de Comit*. p. 161 f., whose explanation of the passage Grote, *Hist. of Gr.* vii. p. 445 n., does not accept; *Lex. Rhet. Cantabr*. p. 665, 3, etc.) that he intended to proceed against the proposer by means of a *γραφὴ παρανόμων*, such a declaration necessitated the postponement of the voting, or had the effect of suspending the validity of the psephisma, until the court had given its decision. The indictment which Aeschines preferred against Ctesiphon's proposal in B.C. 336 was not brought to trial till six years later; since Ctesiphon's proposal was a *προβούλευμα* of the senate, it remained in force only a year (*ἐπέτειον*, Dem. c. *Aristocr*. p. 651, § 92), but, as Schaefer (*Dem. u. s. Zeit*, iii. p. 207 f.) suggests, it was renewed in B.C. 330 (hence Ctesiphon's personal responsibility), and now Aeschines was compelled to proceed with his indictment to escape the fine of 1000 drachmas (Dem. c. *Theocr*. p. 1323, § 6). The same proceeding might be instituted against the proposer of a law, not, however, whilst the law was in due form under consideration on the part of the nomothetae (Schömann, *Opusc*. i. p. 258 f.), but only when an attempt was made to rush it through the popular assembly, or when the law had been approved of by the nomothetae to prevent its becoming *κύριος*: thus Leptines' law had not come into operation in consequence of Bathippus's indictment: cf. Dem. c. *Lept*. p. 497, § 134; p. 499, § 139; p. 501, § 143 (Schömann, *Opusc*. i. p. 239 f.).

The indictment was directed against the mover personally, who, if the court decided against him, incurred more or less punishment: death (Dem. c. *Timocr*. p. 743, § 138) or a fine, 10 talents (c. *Mid*. p. 573, § 182; c. *Theocr*. p. 1332, § 31), 1 talent (instead of the 15 proposed by the prosecutor, [Dem.] c. *Neaer*. p. 1348, § 8), 25 drachmas (Hyp. *pro Eux*. col. 31); and the law or the psephisma was repealed. A person thrice so convicted lost the right of making proposals in the popular assembly in future (Dem. *de Cor. trierarch*. p. 1231, § 12; Meier, *de Bon. Damnat*. p. 130, n. 435). Aristophon was seventy-five times indicted for having moved illegal decrees, and every time acquitted; whilst Cephalus could boast that, though he had proposed more decrees than any one else, he had not once been indicted (Aeschin. c. *Ctes*. § 194). The prosecutor who failed to obtain one-fifth of the votes at the trial, as Aeschines did (Plut. *Dem*. 24), incurred a fine of 1000 drachmas, and lost the right of instituting a *γραφὴ παρανόμων* in future (Theophr. *π. νόμων*, *Lex. Rhet. Cantabr.* p. 677, 8). After the expiration of a year from the day when the psephisma or the law was proposed or passed, the mover was free from personal responsibility: this was the case with Leptines (Dem. c. *Lept*. p. 501, § 144; *argum* p. 453, *νομὸς γὰρ ἦν τὸν γράψαντα νόμον* *ψήφισμα μετὰ ἐνιαυτὸν μὴ εἶναι ὑπεύθυνον*) though, as we learn from this instance, the law itself might still be impeached before a jury and in such case the people appointed advocate to defend it (five *σύνδικοι*, Leptines himself an the four named, p. 501, § 146; cf. Wolf, p. cxxxvi.).

In Grote's opinion the *γραφὴ παρανόμων* "was probably introduced by Pericles at the same time as the formalities of law-making by means of specially delegated Nomothetae" (*Hist. of Gr.* v. p. 430): cf. Gilbert, *Handb. d. gr. Staatsalt.* i. p. 150, n. 2; Busolt, *Gr. Staats- u. Rechtsalt.* § 138. Mahaffy (*Hermath.* vii. 1881, p. 87 f.) places it later: "Though it may have long existed in the special form of an action against direct verbal contradictions of particular laws by new enactments, its importance dates only from the disuse of ostracism (417 B.C.), and was even a direct consequence of this disuse." In B.C. 411 it must have been firmly established as a bulwark of the democratic constitution, or the Four Hundred would not have repealed it before proposing their revolutionary changes (Thuc. viii. 67; Dem. *c. Timocr.* p. 748, § 154; Aeschin. *c. Ctes.* § 191). (*Att. Process*, ed. Lipsius, pp. 428–437.) [C. R. K.] [H. H.]

PARANYMPHUS. [MATRIMONIUM, p. 136.]

PARAPETASMA. [VELUM.]

PARAPHERNA. [DOS.]

PARAPRESBEIA (*παραπρεσβεία*) signifies any corrupt conduct, misfeasance, or neglect of duty on the part of an ambassador; for which he was liable to be called to account and prosecuted on his return home (Dem. *F. L.* p. 430, § 278 f.; p. 342, § 4 f.; *c. Mid.* p. 515, § 5). Ambassadors were usually elected by the people in assembly (*C. I. A.* ii. No. 17, l. 72 ff.; iv. No. 27 a, l. 45 ff.; Aeschin. *F. L.* § 18 f., etc.), on rare occasions by the senate (Heydemann, *de Sen. Athen.* p. 37; cf. Dem. *F. L.* p. 380, § 126). At the time of the Peloponnesian war and before, only men above fifty years of age were eligible as ambassadors (Plut. *Per.* 17; *C. I. A.* i. No. 40, l. 16; cf. Plat. *Legg.* xii. p. 950 D); later on this restriction was removed, for Demosthenes had not reached that age when he was sent to Philip in B.C. 346. Persons fit for the post (*ἄξιοι πίστεως*, Aeschin. *F. L.* § 23; *λέγειν δυνάμενοι*, *c. Ctes.* § 139) and *personae gratae* to the state to which the embassy was to be sent (*l. c.* § 138 f.; Thuc. v. 44, etc.; usually the *πρόξενοι*, Schubert, *de prox. Attic.* p. 78) were proposed by their friends (Aeschin. *F. L.* § 18) or might even propose themselves (Din. *c. Dem.* § 81; Lys. *c. Agor.* § 9). In most cases the ambassadors received definite instructions (*C. I. A.* i. No. 40, l. 16 ff.; Dem. *F. L.* p. 352, § 37; p. 392, § 162; Aeschin. *F. L.* § 98, etc.); but sometimes this was, from the nature of the case, not possible, and they had to act according to their own judgment. Hence such instructions as Aeschin. *F. L.* § 104, *πράττειν δὲ τοὺς πρέσβεις καὶ ἄλλ' ὅ τι ἂν δύνωνται ἀγαθόν*: cf. *C. I. A.* ii. No. 17, l. 74, and as an instance of independent action on the part of ambassadors may be cited the steps taken by Learchus and Ameiniades against the Lacedaemonian envoys (Thuc. ii. 67). Ambassadors who were empowered to make peace or conclude an alliance without further reference to the popular assembly were called *αὐτοκράτορες* (Andoc. *de Pac.* § 33, *αὐτοκράτορας γὰρ πεμφθῆναι εἰς Λακεδαίμονα διὰ τοῦθ', ἵνα μὴ πάλιν ἐπαναφέρωμεν*, as contrasted with Thuc. v. 41, *πρὶν τέλος τι αὐτῶν ἔχειν, ἐς τὸ Ἄργος πρῶτον ἐπαναχωρήσαντας αὐτοὺς δεῖξαι τῷ πλήθει, καὶ ἢν ἀρέσκοντα ᾖ, ἥκειν ἐς τὰ Ὑακίνθια τοὺς ὅρκους ποιησομένους*); yet such ambassadors had no power to settle the conditions on which peace was to be made, etc., these having been determined upon before they were despatched. Egger's definition (*Mémoire histor. sur les Traités Publics*, p. 8) is therefore too wide: "Les ambassadeurs prenaient quelquefois le titre de plénipotentiaires, quand on les dispensait formellement d'en référer à leurs commettants pour la conclusion du traité." That the power of the *πρέσβεις αὐτοκράτορες* was such as described above is borne out, *e.g.* by Lysias' (*c. Agor.* § 8 ff.) and Xenophon's (*Hell.* ii. 2, 11 ff.) accounts of Theramenes' embassy to Sparta. The Athenians had proposed to Agis to become allies of Sparta, retaining their walls and the Peiraeus, and Agis referred the ambassadors to the ephors at Sparta. This they reported to the popular assembly, by whom they were despatched to Sparta. On the frontier the ephors asked what their propositions were; and hearing that they were the same as those made to Agis, they desired them to go back and come prepared with something more admissible, informing them at the same time that no proposition could be received which did not include the demolition of the Long Walls for a continuous length of ten stadia. With this answer the envoys returned to Athens; a senator advised the acceptance of the terms, but was thrown into prison, and a resolution was passed forbidding any such motion in future. Then Theramenes offered to go as envoy to Lysander, to find out the real intentions of the Spartans as regards Athens; and when after three months' delay Lysander referred him to the ephors, Theramenes returned to Athens. He was now chosen *πρεσβευτὴς αὐτοκράτωρ* to Sparta, together with nine others, *i.e.* empowered to conclude peace if the Spartans accepted the conditions which he was prepared to offer, these having been agreed on by the people (*Θηραμένης . . . λέγει ὅτι . . . ποιήσειν ὥστε μήτε τῶν τειχῶν διελεῖν μήτε ἄλλο τὴν πόλιν ἐλαττῶσαι μηδέν*, etc. Lys. *l. c.* § 9). At Sellasia these envoys informed the ephors that they were *αὐτοκράτορες*, and were therefore permitted to come to Sparta; but when the Spartans insisted upon the demolition of the Long Walls, etc., the envoys could do nothing but refer (*ἐπαναφέρειν*, Xen. *l. c.* § 21) these terms to the Athenians; in the popular assembly they strongly recommended submission to Sparta, and the terms were accepted by a large majority. It is clear that if Theramenes and his colleagues had been plenipotentiaries in the usual sense of the word, *i.e.* empowered to make peace on the best terms they could secure, they would have done so at once at Sparta. See also Diod. xii. 4, *διόπερ οἱ περὶ τὸν Ἀρτάβαζον καὶ Μεγάβυζον ἔπεμψαν εἰς τὰς Ἀθήνας πρεσβευτὰς τοὺς διαλεξομένους περὶ συλλύσεως· ὑπακουσάντων δὲ τῶν Ἀθηναίων καὶ πεμψάντων πρέσβεις αὐτοκράτορας ὧν ἡγεῖτο Καλλίας ὁ Ἱππονίκου ἐγένοντο συνθῆκαι περὶ τῆς εἰρήνης*, etc. In Dem. *F. L.* p. 395, § 173, *αὐτοκράτωρ* has of course a different sense (Schäfer, *Dem. u. s. Zeit*, ii. p. 227, n. 1).

For ambassadors to act contrary to their instructions (*παρὰ τὸ ψήφισμα πρεσβεύειν*, Dem. *F. L.* p. 346, § 17) was a high misdemeanour

(Plat. *Legg.* xii. *init.* p. 941 A). On their return home they were required immediately to make a report of their proceedings (*ἀπαγγέλλειν τὴν πρεσβείαν*), first to the senate (*ἐπὶ κεφαλαίων*, Aeschin. *F. L.* § 45) and afterwards to the people in assembly (*l. c.* §§ 17, 25, 45 ff.; Dem. *F. L.* p. 342, § 4, etc.).* If the report made to the senate seemed satisfactory and no complaint was made against the ambassadors, a member of the senate moved a vote of thanks to the envoys and an invitation to dinner in the Prytaneum, and this motion was afterwards submitted to the popular assembly. Thus, after the return of the first embassy to Philip, Demosthenes moved in the senate *στεφανῶσαι θαλλοῦ στεφάνῳ ἕκαστον καὶ καλέσαι ἐπὶ δεῖπνον εἰς τὸ πρυτανεῖον εἰς αὔριον*, and in the popular assembly *ἐπαινέσαι καὶ καλέσαι ἐπὶ δεῖπνον*, etc. (Aeschin. *F. L.* §§ 45, 53; cf. Dem. *F. L.* p. 414, § 234). When objections were raised to the conduct of the ambassadors, as happened after the second embassy, no such vote of thanks, etc. was proposed in the senate (Dem. *F. L.* p. 350, § 31; cf. p. 355, § 45, etc.). This vote of thanks had in course of time become a mere formality (*τὸ νόμιμον ἔθος ποιῶν*, Dem. *F. L.* p. 414, § 234, and *argum.* p. 338; cf. Aeschin. *c. Ctes.* § 178), and to judge from the case of Timagoras, a person, though thus honoured, might later on be severely punished if misconduct in the embassy could be proved against him (Xen. *Hellen.* vii. 1, 38;—Dem. *F. L.* p. 400, § 191; p. 383, § 137). Since it was forbidden by law *στεφανοῦν τοὺς ὑπευθύνους* (Aeschin. *c. Ctes.* § 11), such a motion probably always contained the clause *ἐπειδὰν τὰς εὐθύνας δῷ* (cf. *C. I. A.* ii. No. 114 A; Rangabé, *Ant. Hell.* ii. No. 425). For that the ambassadors had to render an official account of their conduct in the embassy in the usual way [EUTHYNE] is clear (Aristotle in Harpocr. *s. v.* *εὔθυνοι*: Pollux, viii. 45, etc.). At the anakrisis held by the logistae, their *κήρυξ* asked, if any one intended to accuse the functionary who was rendering his account (*τίς βούλεται κατηγορεῖν*; Aeschin. *c. Ctes.* § 23; cf. Dem. *F. L.* p. 341, § 2). If an accuser appeared, he had to establish his complaint and reduce it to the form of a *γραφή*, and the prosecution would be conducted in the usual way, stopping the proceedings of the *εὔθυναι*. (This explains why Aeschines had not rendered his account before Demosthenes brought him to trial, Dem. *F. L.* p. 374, § 104 f.) We do not know within what time this account had to be rendered, whether ambassadors were bound to render it thirty days after their return, as most magistrates had to do after the expiration of their term of office. Thirlwall (*Hist. of Greece*, vi. p. 31) can scarcely be right in saying that the time for doing it was left to their discretion; for the instance from which he draws this inference must be explained differently. From the way in which Demosthenes had attacked him on his return from the second embassy to Philip both in the senate and in the popular assembly, Aeschines had reason to fear that charges would be made against him on the occasion of his rendering his account. He therefore tried at first to escape it altogether; and with a view to that, when Demosthenes wished to render his account in due form, he presented himself before the logistae and argued that there was no occasion to render an account of this second embassy, as it was for a matter of form only, viz. to receive the oath of Philip (Aeschin. *F. L.* § 123). This objection was overruled, and Demosthenes went through the necessary forms and received his discharge, no one complaining of his conduct, and probably some other envoys likewise (Dem. *F. L.* p. 377, § 118; Aeschin. *F. L.* § 178). Now Aeschines changed his tactics, and professed to be eager to render his account (*c. Tim.* § 168), and Demosthenes and Timarchus brought charges of neglect of duty against him (Dem. *F. L.* p. 343, § 8). Aeschines, however, gained time by proceeding against Timarchus: he demanded a judicial scrutiny into Timarchus' character, and thus in a summary way got rid of one of his accusers (*ἠτίμωσεν ὑπακούσαντά τιν' αὑτοῦ κατήγορον*, Dem. *F. L.* p. 423, § 257). At last, more than three years after the embassy (Dion. Halic. *Epist.* i. *ad Amm.* 10, *ἄρχων Πυθόδοτος*, *i.e.* B.C. 343–2. . .*καὶ τὸν κατ' Αἰσχίνου συνετάξατο λόγον, ὅτε τὰς εὐθύνας ἐδίδου τῆς δευτέρας πρεσβείας τῆς ἐπὶ τοὺς ὅρκους*), Demosthenes brought Aeschines to trial, when he, it is said, was acquitted by a majority of only thirty votes (Plut. *Dem.* 15; [Plut.] *Vitt. X. Oratt.* p. 840 B, C). The *γραφὴ παραπρεσβείας* which might be brought only on occasion of the *εὔθυναι* was a *τιμητὸς ἀγών* (Aeschin. *F. L.* § 5, etc.): and as it might comprise charges of the most serious kind, such as treachery and treason against the state, the defendant might have to apprehend the heaviest punishment. Callias (Dem. *F. L.* p. 428, § 273) had to pay a fine of fifty talents *ἐν ταῖς εὐθύναις* (on his embassy: cf. Duncker, *Abh. a. d. Griech. Gesch.* p. 121 ff.). Aelian's story (*V. H.* vi. 5), that the Athenian ambassadors sent to Arcadia, though successful in the object of their mission, were condemned to death because they had not travelled by the prescribed route, wants confirmation. Besides this *γραφή*, an *εἰσαγγελία* might be brought against an ambassador (Dem. *F. L.* p. 374, § 104 f.), *e.g.* against Epicrates (Dem. *F. L.* p. 429 f., § 276 ff.), and probably against Philon (Isocr. *c. Callim.* § 22; *ἐνδειχθέντα* can scarcely be

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* Boeckh (*Sthh.* i.^{3} p. 393) states that the state paid the ambassadors their *ἐφόδια in advance*, quoting *C. I. G.* No. 107 = *C. I. A.* ii. No. 311, *Ephem. arch.* No. 407 = *C. I. A.* No. 64 (*C. I. G.* 2556 is a Cretan inscr.), and Fränkel adds (vol. ii. p. 67, App.) that sometimes the ambassadors received their pay *after* their return. It would seem that to about the middle of the fourth century the ambassadors received their *ἐφόδια after* their return (*C. I. A.* ii. No. 156, p. 423; No. 64 = Olymp. 105, 4; No. 89 = Olymp. 106, No. 108 c. b. l. 24 = c. Olymp. 107, 4, fifty drachmas), so much per day; Aristophanes (*Acharn.* 66, cf. 602) speaks of two drachmas, and the scholiast's remark is to the point, *καθάπτεται γὰρ τῶν πρεσβευτῶν ὡς ἐπίτηδες χρονοτριβούντων ἐν ταῖς πρεσβείαις ὑπὲρ τοῦ πλείονα μισθὸν λαμβάνειν*. From Dem. *F. L.* p. 390, § 158, we may conclude that the amount was less: each of the ten ambassadors received a hundred drachmas for ninety days, but in fact the journey lasted only seventy days. At a later period the *ἐφόδια* were paid in advance: thus for a journey to Byzantium fifty drachmas (*C. I. A.* ii. No. 251 = Olymp. 118–120), cf. *C. I. A.* ii. No. 311 = Olymp. 123, 3; *τὸ τεταγμένον*; and the Avaricious Man in Theophrastus (*Char.* 26, ed. Jebb=30) leaves the money allowed to him by the state at home and borrows of his colleagues in the embassy.

used here in its technical sense). (*Att. Process*, ed. Lipsius, p. 459 ff., p. 290.) Aeschines (*F. L.* § 139) says that Demosthenes had threatened to bring an eisangelia (*εἰσαγγεῖλαι παραπρεσβεύσασθαι*) against him for going as ambassador to Philip and to the Amphictyonic council, without being appointed as such (cf. Dem. *F. L.* p. 379, § 125 ff.); it is true that Aeschines, when elected to go on the third embassy, declined under the pretext of ill-health (Dem. *F. L.* p. 379, § 124), but the election was renewed by a decree which Demosthenes passed over (Aeschin. *F. L.* § 94, *ψήφισμα τὸ μὲν ἀνέγνως*, scil. Dem. *F. L.* p. 381, § 130, *τὸ δὲ ὑπερέβης*: cf. Dem. *F. L.* p. 395, § 172, *ἐπὶ τὴν τρίτην πρεσβείαν δίς με χειροτονησάντων ὑμῶν δὶς ἐξωμοσάμην*); cf. Plat. *Legg.* xii. p. 941 A. Antiphon and Archeptolemus were proceeded against by an *εἰσαγγελία προδοσίας* ([Plut.] *Vitt. X. Oratt.* p. 833 E, F), and the impeachment of Philocrates was not *παραπρεσβεία* (Schömann, *de Com.* p. 195), but *ῥήτορα ὄντα λέγειν μὴ τὰ ἄριστα τῷ δήμῳ τῷ Ἀθηναίων* (Hyper. *pro Eux.* c. 39). [C. R. K.] [H. H.]

PARASANGA (*παρασάγγης*). According to Herodotus, the parasang was the name given by the Persians to a distance of 30 stades (*παρασάγγας, τοὺς καλέουσι οἱ Πέρσαι τὰ τριήκοντα στάδια*, vi. 42). It was never, properly speaking, a Greek measure, but was simply employed by Greek writers such as Herodotus and Xenophon, who wrote about distances from one place to another in Asia, just as Strabo employed the word *μίλιον* when describing distances in Italy, and as the Romans, on the other band, at times employed the term *στάδιον* to describe distances in Greece. The origin of the measure is not very clear: some have sought to explain it as the distance traversed by an active walker in an hour of equinoctial time, during which the sun traverses a distance in the heavens equal to thirty times his own diameter. According to those metrologists therefore, the Persians simply borrowed the parasang from the Babylonians. But it is probable that it had a much more simple and rude origin, and is rather to be compared with the Gallic *leuga* (league) = 1½ Roman miles, and the German *Rasta* = 2 Roman miles. It will hardly be maintained that the latter were based on astronomical observations. It is more reasonable to suppose that the parasang as well as the *leuga* and *Rasta* were multiples of some native unit of land measure, such as the length of the furrow [MENSURA]. This view is supported by the fact that the Persians used the parasang as their unit of measurement when dealing with large tracts of country. (Herod. vi. 42, *καὶ τὰς χώρας σφέων μετρήσας κατὰ παρασάγγας, κ. τ. λ.*) The scientific theory of its origin is also rendered doubtful by the fact that the parasang varied considerably in extent in different times and places. For instance, Agathias (ii. 21), who quotes the testimony of Herodotus and Xenophon to the parasang being 30 stades, says that the Iberi and Persians in his own time (A.D. 570) made it only 21 stades. Strabo also states (xi. p. 518) that some writers reckoned it at 60 stades, others at 40, and others at 30. The evidence of Pliny is to the same effect, as he complains of the difficulty of giving accurate statements of distances (*H. N.* vi. § 30). Distances in Asia are still reckoned in *parasangs* (Persian *farsang*). Modern travellers variously estimate it at from 3½ to 4 English miles, which agrees closely with the calculations of Herodotus. [W. RI.]

PARASEMON (*παράσημον*). [INSIGNE.]

PARASI'TI (*παράσιτοι*) properly denotes those who dine with, or beside, others: of whose position Athenaeus (vi. p. 34), commenting on the later degradation of the word, says that it was formerly *ἱερόν τι χρῆμα καὶ τῷ συνθοίνῳ παρόμοιον*. From the general sense of "dining beside," we have in the earlier times two senses of the word, civil and sacred, and later a quite different sense. It must be observed that *παράσιτος* differs from *σύσσιτος* in that it implies a difference of rank and status; and, whereas the *σύσσιτοι* are those who dine together *ex officio*, the *πάρασιτοι* are those who are invited to join them. Hence in the original *civil* meaning the *παράσιτοι* were those who dined in the Prytaneum (or in the Tholos) not being magistrates, but invited guests: that this was originally the case is shown by the fact that Solon forbade the same parasite *σιτεῖσθαι πολλάκις* (Plut. *Sol.* 25). After the separate official dinners in the Tholos were instituted, the terms *παράσιτοι* included those subordinate clerks, &c. ("parasites" of the Prytaneis) who were, some time after the Roman conquest, termed *ἀείσιτοι*. [PRYTANEUM.] The *παράσιτοι* of the priests were ministers in the temples above the rank of mere temple servants who assisted the priests in the sacred rites, and dined with them after the sacrifice; and when the word is used to denote a distinct office, it has this meaning. Athenaeus (*l. c.*) in his account quotes various laws and decrees, but he is clearly not quite certain of their meaning. From the obscurely-worded law on p. 235 c, we should infer that the *παράσιτοι* had, besides their ritual duties, to collect (as if sacred *ἐκλογεῖς*) certain dues of corn for their temple, that they stored the offerings of corn in a *παρασίτειον* (which, however, from analogy we should have expected to mean the lodgings of parasiti in the temple precincts), that they were charged with providing food therefrom for those who came for religious purposes to the temple, and that out of funds committed to them they had to pay for repairs of the temple buildings. What the sense of *ἐκ τῆς βουκολίας ἐκλέγειν* can be, it is impossible to say. There is no warrant for giving to *βουκολία* the sense of a "country district," attached to the temple, whence corn was due, which might give an intelligible meaning. Schweighäuser's emendation *ἐκτὸς βουκολίας*, "absque dolo malo," is ingenious, but not a probable expression. Various deities are mentioned in the passages cited by Athenaeus, in whose temples there were parasiti, but there is no reason to suppose that their employment was limited to those temples. When it is said that the archons are to choose parasiti from the demes, the civil parasiti are probably meant (as in *ἄρχοντες καὶ παράσιτοι ἀνέθεσαν*, p. 234, f.). From the analogy of *πάρεδροι*, the assistants of magistrates, we may imagine that the priest of the temple chose his *παράσιτοι*.

From the fact that the priest received one-third of the victim and the *παράσιτοι* the same amount, it is clear that there was always more than one *παράσιτος* in a temple, since the priest's share would certainly be larger than his subordinate's.

Parasites in the modern sense no doubt existed in early times: the comedies of Aristophanes testify to them, and Philippus, who is introduced in the *Symposium* of Xenophon, is a good specimen of the class (cf. Epicharm. *ap.* Athen. vi. p. 235); but the name *παράσιτος* was only so applied in writers of Middle and New Comedy (the first who so used it is said to have been Alexis), upon which the honourable sense gradually fell into disuse. In these later comedians (from whom numerous passages are quoted by Athenaeus, vi. pp. 236–248) the parasites are standing characters.

The features common to all these parasites are importunity, love of sensual pleasures, and above all the desire of getting a good dinner without paying for it. According to the various means which they employed to attain this object, they may be divided into three classes. The first are *γελωτοποιοί*, or jesters (cf. Theophrast. xi. 4; Jebb *ad loc.*), who, in order to get an invitation, not only tried to amuse, but endured the grossest insults and even personal maltreatment (Alciph. *Ep.* iii. 6, 7, 49). This profession of voluntary enslavement was so systematic that they had note-books with a collection of jests (Plut. *Stich.* iii. 2, 1; Pers. iii. 1, 67). Among these we may class Philippus in the *Symposium* of Xenophon, Ergastilus in the *Captivi*, and Gelasimus in the *Stichus.* The second class are the *κόλακες* or flatterers (see Athen. vi. p. 248 d), who by praising vain persons endeavoured to obtain an invitation. Such were Gnatho in the *Eunuchus*, and Artotragus in the *Miles Gloriosus.* The third class are the *θεραπευτικοί*, or the officious, who by service even of the lowest and most degrading description tried to win favour (Plut. *de Adul.* 23; *de Educat.* 17). Characters of this class are the parasites in the *Asinaria* and *Menaechmi*, and especially Curculio in the *Persae* and Saturio in the *Phormio.* We find the parasites haunting the market, the palaestrae, the baths, and other public places in search of a patron. Some examples of the disgusting humiliations which parasites endured are mentioned by Athenaeus (vi. p. 249) and Plutarch (*Symp.* vii. 6; cf. Diog. Laert. ii. 67; Epictet. iv. 1, § 55; Dio Chrys. vi. p. 602, *ῥαπιζόμενοι καὶ αἰσχρὰ λέγοντες*). Under the Roman empire the parasite seems to have been constantly at the tables of the wealthy Roman, and to have been treated in much the same way. (Hor. *Sat.* ii. 7, 102; Mart. ii. 18, 53, 72; Lucian, *de Parasit.* 58.) Their position is described particularly in Juvenal, *Sat.* v. (where see Mayor's notes), and Plin. *Ep.* ii. 6. (Becker-Göll, *Charikles*, i. 157; Blümner, *Privatalt.* 502; Hermann, *Gr. Alt.* ii.^{2} 36.) [L. S.] [G. E. M.]

PARA'STADES. [ANTAE.]

PARA'STASIS (*παράστασις*), a fee of one drachm paid to an arbitrator by the plaintiff, on bringing his cause before him, and by the defendant, on putting in his answer; likewise on making an application for delay, and probably also on making a counter-affidavit (Pollux, viii. 39, 127; Harpocr. *s. v.*: cf. [Dem.] *c. Timoth.* p. 1190, § 19; Photius and *Etym. M.* s. v. *παρακατάστασις*). Meier (*Privatschiedsrichter*, etc. p. 13 f.) is of opinion that the state received these fees, and out of them paid the public arbitrators a drachm for every day they were engaged in their official duties; yet both Pollux and Harpocration use the expression *λαμβάνειν* of the arbitrator.

The same name was given to the fee (probably a drachm) paid to the state by the prosecutor in certain public causes. Aristotle (in Harpocr. *s. v.*) mentions as *γραφαὶ* to be laid before the thesmothetae those in which this fee had to be paid, viz. *ξενίας*, *δωροξενίας*, *ψευδεγγραφῆς*, *ψευδοκλητείας*, *βουλεύσεως*, *ἀγραφίου* and *μοιχείας*: and from Andoc. *de Myst.* § 120, we learn that *παράστασις* had to be paid by one who claimed an heiress in marriage as having a better title than another. On the other hand, this fee was not paid in an *εἰσαγγελία κακώσεως ἐπικλήρων* (Isae. *Pyrrh.* § 45), nor probably in a *γραφὴ ὕβρεως* (Isocr. *Lochit.* § 2). (*Att. Process*, ed. Lipsius, p. 813 f.) [C. R. K.] [H. H.]

PARA'STATAE. [HENDECA.]

PARAZO'NIUM. [ZONA.]

PARE'DRI (*πάρεδροι*), *assessors*, whom we find attached to the three superior archons, the euthyni, and the Hellenotamiae. Each of the three superior archons was at liberty to have two assessors (*πάρεδροι*) chosen by himself, to assist him by advice and otherwise in the performance of his various duties. (Aeschin. *c. Tim.* § 158; Poll. viii. 92.) That the magistrates who had a right to *πάρεδροι* appointed them, and that it was not an appointment by lot, appears from Pollux, *l. c.* and ch. 101, on which see Boeckh's comment (*Staatsaush.* i.^{3} p. 245) and Phot. *s. v.* The assessor, like the magistrate himself, had to undergo a *δοκιμασία* in the Senate of Five Hundred and before a judicial tribunal, before he could be permitted to enter upon his labours. He was also to render an account (*εὔθυναι*) at the end of the year. The office is called an *ἀρχή* ([Dem.] *c. Neaer.* p. 1369, § 72). The duties of the archon, magisterial and judicial, were so numerous, that one of the principal objects of having assessors must have been to enable them to get through their business. We find the *πάρεδρος* assisting the archon at the *λῆξις δίκης.* ([Dem.] *c. Theoc.* p. 1332, § 32.) He had authority to keep order at public festivals and theatres, and to impose a fine on the disorderly (Dem. *c. Mid.* p. 572, § 179). As the archons were chosen by lot (*κληρωτοί*), and might be persons of inferior capacity, and not very well fitted for their station, it might often be useful, or even necessary for them to procure the assistance of clever men of business. ([Dem.] *c. Neaer.* p. 1372, § 81.) And perhaps it was intended that the *πάρεδροι* should not only assist, but in some measure check and control the power of their principals. They are spoken of as being *βοηθοί*, *σύμβουλοι καὶ φύλακες.* Stephanus is accused of buying his place of the *Ἄρχων Βασιλεύς* (*c. Neaer.* p. 1369, § 72). It was usual to choose relations and friends to be assessors; but they might at any time be dismissed, at least for good cause (*ib.* p. 1373, § 84). The Thesmothetae had no assessors: if they chose to have unofficial advisers (*σύμβουλοι*) as in [Dem.] *c. Theoc.* p. 1330, § 27, it was their own private affair, and had no state recognition. (Schömann. *Antiq. of Greece*, p. 413.) The office of *πάρε-*

δρος was called *παρεδρία*, and to exercise it *παρεδρεύειν*.

Each of the Hellenotamiae had a *πάρεδρος* to assist him (*C. I. A.* i. 180–183): for the assessors of the *εὔθυνοι*, see EUTHYNE, Vol. I. p. 763 *b*. (Gilbert, *Staatsalterthümer*, i. p. 240 ff.; Boeckh, *op. cit.*; Schömann, *op. cit.*) [C. R. K.] [G. E. M.]

PARENGRAPTOI (*παρέγγραπτοι*, Aeschin. *F. L.* § 177, or *παρέγγραφοι*, Philoch. *fr.* 90) is the term applied to those who had their names enrolled in the register of citizens without being such either by birth or special grant (*φύσει* or *δωρεᾷ*). Such a one was liable to a *γραφὴ ξενίας* which any Athenian citizen might institute against him; and if condemned, his person and property was forfeited to the state and he was sold for a slave (Dem. *Epist.* iii. p. 1481, § 28; Schol. on *c. Timocr.* p. 741, § 131) [XENIAS GRAPHE], or he might be proceeded against by *εἰσαγγελία* (Dinarch. *c. Agasicl.*: cf. Hyper. *pro Eux.* c. 19; Dinarch. *c. Pyth.* etc.). Moreover the *δημόται* might by their *διαψήφισις* eject any person who was illegally enrolled among them. If he acquiesced in the verdict, his name was simply struck from the register, and he himself was degraded to the rank of an alien; if he did not acquiesce, but appealed to a court of dicasts, a heavier punishment awaited him if the dicasts confirmed the decision of the *δημόται*: he was sold as a slave, and his property confiscated by the state (Dem. *c. Eubul.* p. 1317, § 60 f.; Isae. *pro Euphil.* § 11, and *argum.*). [DIAPSEPHISIS.] Plutarch (*Pericl.* 37) says that in consequence of a law of Pericles, when the Egyptian king Psammetichus sent grain to Athens as a present, proceedings were taken against the *νόθοι*, and that nearly 5,000 were sold as slaves. In Duncker's opinion (*Ber. ü. d. Sitz. d. Berl. Akad.* 1883, p. 935 ff. = *Abhandl. a. d. Griech. Gesch.* p. 124 ff.) this Periclean law is a mere invention of the rhetors, and was confounded with Pericles' proposal of a *διαψήφισις* (Müller-Strübing, *Aristoph. u. d. hist. Krit.* p. 89), occasioned by the distribution of grain sent from Egypt, when 4760 were found to be fraudulently enrolled as citizens (Philoch. *fr.* 90 = schol. Aristoph. *Vesp.* 718). As stated above, not all persons struck off the registers were sold as slaves, but only those who unsuccessfully appealed to a court of dicasts; hence Plutarch's statement cannot possibly be correct. The larger number does not allow us to think of *γραφαὶ ξενίας* (as Philippi, *Beitr. z. Gesch. d. Att. Bürgerr.* p. 34 ff., suggests); and supposing that a *διαψήφισις* was instituted, it is inconceivable that so large a number should have appealed unsuccessfully to the courts. The idea of such a large number of persons having been struck off the registers is probably due to the following calculation:—The total number of citizens was taken at 19,000; according to Philochorus, 14,240 citizens received a share of the grain: thus 4,760 remained over who were looked upon as *παρέγγραφοι*. Yet 14,240 does not represent the total of citizens that remained after the *διαψήφισις* (Fränkel, *Att. Geschworenger.* p. 3 ff.), but only the number of those who received the grain, and the 4,760 includes not only the spurious citizens, but also all those citizens who for reasons of their own did not apply for a share (Busolt, *Griech. Gesch.* ii. p. 574 ff.). The term *παρεισγραφῆς δίκη* (Plut. *Amator.* 13, p. 756 D) is not Attic. (*Att. Process*, ed. Lipsius, p. 438 ff., 1030 f.) [C. R. K.] [H. H.]

PARENTA'LIA. [FUNUS.]

PA'RIES (*τοῖχος*), the wall of a roofed building, in contradistinction to MURUS (*τεῖχος*), a fence wall, and *maceria*, the wall of a small enclosure, such as a garden or courtyard. For the methods of construction of the more solid sorts of *parietes*, see MURUS.

The wall of the primitive huts, used by many races at an early stage of development, were formed of wattled osiers daubed with clay (*paries cratitius*). (See CRATES: also cf. Festus, s. v. *solea*; Pliny, *H. N.* xxxv. § 169; Vitruv. ii. 1; and Ovid, *Fast.* iii. 183 and vi. 261.) In later times thin party-walls were sometimes made of wood framing covered with reeds, and then stuccoed, like a modern lath-and-plaster partition. Walls of sun-dried bricks (*paries lateritius*) have been mentioned under MURUS: a variety of this method, used for humbler purposes, was to make the wall in one mass of beaten earth, *paries formaceus*: see FORMA. In some districts where timber was plentiful, log houses were built: very curious representations of these structures occur, carved in stone, in many of the tombs of Lycia and Lydia: cf. Herod. iv. 108; and Viturv. ii. 1 and 9. Many of these show carpentry of the most elaborate and skilful kind, with long carefully formed tenons, passing through the mortises and secured by wooden pins or wedges. Even under the Roman Empire wood was very largely used for the upper stories of houses, which were frequently built projecting over the ground-floor, like a mediaeval half-timbered structure. Many examples of this have been traced at Pompeii, though in most cases the charred beams fall to pieces as soon as they are exposed to air. In one instance, however, it has been possible to prop up and preserve an example of this overhanging upper story,—*tabulatus* or *maenianum pensile*. The metropolitan building acts of Nero, Trajan, and other emperors were specially framed so as to prevent the use of these highly combustible structures in the city of Rome, where constant fires committed the most fearful devastation (Suet. *Nero*, 38; Aur. Victor, *Epit.* 13; and Vitruv. ii. 8).

The *paries solidus* was a wall unbroken by openings for doors or windows: as in modern language, it was also called "a blind wall" (Verg. *Aen.* v. 589). The *paries communis* was the party-wall common to two houses (Ovid, *Met.* iv. 66): the *κοινὸς τοῖχος* of Thucyd. ii. 3. The party-wall was also called *intergerinus* or *intergerivus* (see Festus, *s. v.*; and Plin. *H. N.* xxxv. § 173); and in Greek *μεσότοιχος* or *μεσότοιχον* (Athen. vii. p. 281, and Ephes. ii. 14). Cross walls for separating the rooms of a house were called *parietes directi*. Cicero (*Topica*, 4) distinguishes four kinds of wall—the *paries solidus* as opposed to the *paries fornicatus*, a wall pierced with arches; and the *communis* or party-wall as distinguished from the *directus* or private-room wall.

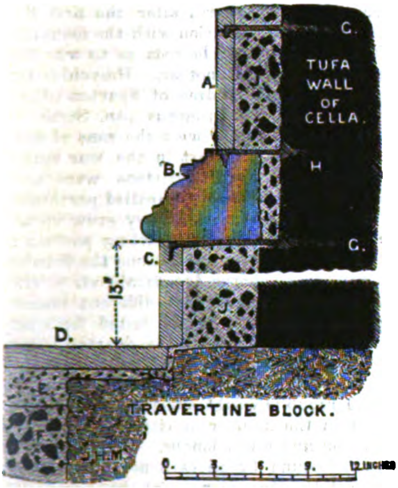
The decoration of the *paries* was very varied and elaborate: for painting and mosaic, both of which were very largely used for Roman mural decoration, see PICTURA: cf. also DOMUS and

MURUS, and *Encyc. Brit.* s. v. "Mural Decoration."

Stucco (*opus tectorium*) was very largely used by the Romans, both for exterior and internal walls. Great care and skill were expended in producing a hard durable substance, quite unlike the soft friable material which we now call stucco. Vitruvius (vii. 2–6) gives an elaborate description of the various methods of preparing and applying stucco: as Pliny's remarks on this subject are copied from Vitruvius, it is needless to refer to what he says about it. Existing examples agree closely with Vitruvius' advice. For internal work, three to five coats of stucco were laid on. If the wall were thought likely to be damp, it was often covered with flanged tiles, fixed with iron T-shaped cramps (Vitruv. vii. 4). Many examples of this have been found in Rome. The first coat was of lime and coarse pozzolana (*lapis Puteolanus*), exactly like the mortar used in the joints of brick facings. Over this, another rough coat was spread, frequently composed of lime, sand, and pounded pottery (*testae tunsae*), which set as hard as rock, and was impervious to moisture. The third coat was of lime and coarsely pounded marble; the finishing coat was of pure white lime or gypsum, mixed with marble ground to an impalpable powder, which usually had some glutinous substance, size made of parchment or tree-sap, mixed with it. The earlier coats were mixed with water only. In some cases one or more intermediate coats of similar composition were added, the composition always growing finer in grain as it approached the surface. The finished surface of this stucco set to a very hard consistency, and had a beautiful ivory-like texture, capable of receiving a high degree of mechanical polish. The final coats were called *opus albarium* or *caementum marmoreum* (Vitruv. vii. 16).

For external work, the same beautiful marble cement was used, but as a rule with fewer undercoats. A wall so treated was called *paries dealbatus.* Brick and concrete buildings were in this way made to look like white marble, and the deception was increased by the common Roman custom of forming incised lines in the stucco, so as to imitate the joints of the blocks of a solid marble wall. The application of the coats of stucco (*trullissatio*) was managed by a small square board at the end of a long handle, just like the modern plasterer's "float." This is shown in a painting from Pompeii representing a plasterer at work (see *Ann. Inst. Arch. Rom.*, vol. for 1881). The use of iron or bronze nails and marble plugs to form a "key" for the stucco is mentioned in the article MURUS (see also Middleton, *Ancient Rome,* pp. 36 and 412 *seq.*). Reliefs modelled in this fine stucco were very largely used by the Romans as a decoration for their walls and vaults. Some examples of extraordinary beauty were recently discovered in a house in the Farnesina gardens by the Tiber, and then destroyed by the works carried on during the formation of the new river embankment in Rome. These reliefs, which dated early in the first century A.D., were modelled with marvellous spirit and refined taste, executed rapidly by the artist in the quick-setting wet stucco, which he applied in lumps to the flat plaster ground, and then rapidly, before it had time to harden, moulded the figures into shape with his fingers and thumb, aided by a few simple wooden tools. The decision and unerring skill with which every touch on the wet stucco was applied is most admirable, and the result is that an amount of vigour and life appears in these hastily-executed reliefs, such as could hardly have been equalled by the slower process of chiselling a hard substance. The only guide which the sculptor had to help him was a mere sketch in outline, incised on the flat background, on to which he was applying the reliefs. Scenes of very great beauty occur among these reliefs: many are Dionysiac, with fauns and nymphs playing and singing. Some figures of winged Victories are marvels of delicate grace in their pose, floating lightly on large wings, with their onward movement skilfully indicated by the flowing curves of the drapery. The modelling of the nude is very skilful, showing complete knowledge of the human form: the play of the muscles under the supple skin being rendered with perfect taste, free from any of the usual Roman exaggeration. These reliefs, and others of the same class, are of pure Hellenic style, and most probably were executed by Greek workmen; in fact, one Greek artist had signed his name *Seleukos* on the walls of the Farnesina house, and other Greek artists' names occur in similar cases. Mouldings of elaborate character were formed in the marble cement by the use of long wooden stamps, the work being finally touched up with the modelling tool. Not only cornices of rooms were made in this way, but very often the whole wall-surface was divided up into panels framed with enriched mouldings—the central space being decorated by figure reliefs or by painting on the flat. Gold, silver, and colours of all kinds were used to increase the decorative effect of the reliefs, which seem very rarely, if ever, to have been left white.

The use of marble for decorative purposes in Rome did not begin before the first century B.C. Its introduction, especially into private houses, was at first regarded as a thing savouring of Greek luxury and unbecoming the stern republican simplicity of a Roman citizen. The earliest example of the use of thin marble wall-linings (*crustae*), according to Cornelius Nepos, quoted by Pliny, *H. N.* xxxvi. § 48, was in the house of a knight named Mamurra, one of Caesar's officials in Gaul. A few years later, marble became very common, in the reign of Augustus, who did all he could to make Rome magnificent (Suet. *Aug.* 29); and all throughout the imperial period immense quantities of the most varied coloured marbles were poured into Rome from countless quarries in Northern Africa, Greece, Asia Minor, Arabia, and other countries. Immense wall-surfaces were covered with costly marbles, and in some cases even by the hard basalts which only diamond or corundum could work. The usual scheme was to have a moulded plinth, a dado above that, and at the top of the wall a richly-moulded cornice; marbles of different colours being used for all the various parts. The main surface, between the dado and the cornice, was often divided into panels of different coloured marbles, each panel being framed with a moulded strip, projecting in front of the general surface like the frame of a picture. These marble linings were fixed with great care. They were backed with a thick coating of cement or mortar, made of lime and pozzolana, and each piece of marble was then tied to the wall behind by long hook-like clamps of iron or bronze, the ends being run with melted lead, or wedged into joints of the brick facing of the wall. Extraordinary skill was shown by the extreme thinness to which many of these marble slabs were sawn. This was done with iron saws and sand and water, or, in the case of the harder marbles, with emery from Naxos (see Pliny, *H. N.* xxxvi. § 51). The use of jewel-tipped drills, both solid and tubular, was introduced into Rome from Egypt, along with the Egyptian granites and basalts (see Pliny, *H. N.* xxxvii. § 200). The Temple of Concord and the House of the Vestals in Rome still have on their walls well-preserved examples of these elaborate linings. A list of the various ornamental marbles used for the walls of Rome is given in Middleton, *Ancient Rome*, pp. 13–19 and p. 39. The annexed woodcut shows the method of fixing the marble linings in the Temple of Concord, which was rebuilt in the reign of Augustus by Tiberius and Drusus (Suet. *Tib.* 20). The slabs used in this building and others of the same period are from 1 inch to 1½ inches thick. It was not till later times that a mere veneer, in some cases not more than ⅛ inch thick, was used.



Marble lining, from the Cella of the Temple of Concord.

A. Slabs of Phrygian marble.
B. Plinth moulding of Numidian *giallo*.
C. Slab of cipollino (Carystian marble).
D. Paving of Porta Santa.
E, F. *Nucleus* and *rudus* of concrete bedding.
G G. Iron clamps run with lead to fix marble lining.
H. Bronze clamp.
J J. Cement backing.

In Italy, where the quarries of Luna supplied unlimited quantities of white marble, the wall-linings were usually of foreign coloured marbles; but in Britain and other Roman provinces, where white marble was rare or absent, we find it treated in the same economical way. At Silchester and other Roman sites wall-linings of white marble only half an inch thick have been found. This use of veneers to make a great show with a small expenditure seems to have specially commended itself to the degraded taste of the Romans, who loved shams of every kind, and in their common building used the most tawdry and meretricious style of decoration that can possibly be imagined. Sham marbling, painted on stuccoed walls, was a favourite method of decorating ordinary houses; and even public buildings and temples, not in Rome itself, but in the provincial towns, such as Pompeii, were daubed with this trashy style of decoration. [J. H. M.]

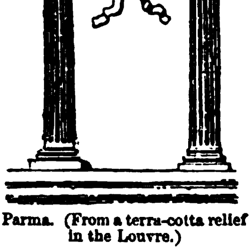
PARI'LIA or **PALI'LIA**, a festival celebrated at Rome and in the country on the 21st of April, in honour of Pales. As regards the form of the word, there is no doubt that *Parilia* is more correct than *Palilia* (Marius Victorinus, p. 25; Prob. *ad* Verg. *Georg.* 3, 1; Calend. Maff.; *Ephem. Epigr.* iii. 7): the derivation, however, is not, as some ancient writers imagined, from *parere, a partu pecoris*, but from Pales, the substitution of Parilia for Palilia being by "dissimilation" to prevent the repetition of the letter *l*, just as popul*aris*, &c. are written instead of *-alis*, or as *caeruleus* is formed from *caelum*. (Roby, *Latin Grammar*, i. § 176; Peile, *Lat. Etymology*, p. 280; Corssen, *Lat. Sprache*, i. 80.) The festival was a lustral rite at the opening of spring, for the lustration of the flocks and herds, over which Pales presided. The 21st of April was the day on which, according to tradition, Romulus began the building of the city, and the festival was therefore also solemnised as the *dies natalitius* of Rome (Fest. *s. v.* Parilibus; Cic. *de Div.* ii. 47, 98; Varro, *R. R.* ii. 1; Plin. *H. N.* xviii. § 247; Dionys. i. 88); and some of the rites customary in later times were said to have been performed by Romulus when he fixed the pomerium. Ovid (*Fast.* iv. 731–805) gives a description of the rites of the Parilia, which clearly shows that he regarded it as a shepherd festival, as it must originally have been when the Romans really were shepherds and husbandmen, and still continued to be among the country people (Dionys. *l. c.*; Varro, *ap. Schol.* Pers. i. 72), for in the city itself it must have come to be regarded principally as the birthday feast of Rome (cf. Ov. *Fast.* iv. 106).

The sacred rites were in old times directed by the king, who made offerings for the people: afterwards his place was taken by the Pontifex Maximus. The first part of the solemnities, as described by Ovid, was a public purification by fire and smoke. The things burnt in order to produce this purifying smoke were the blood of the *October-horse* [OCTOBER EQUUS], the ashes of the calves sacrificed at the FORDICIDIA, and bean-straw, which were all fetched from the Atrium Vestae. The people were also sprinkled with water; they washed their hands in spring-water, and drank milk mixed with must. (Ovid, *Fast.* l. c.; compare Propert. v. 1, 20.) When towards the evening the shepherds had fed their flocks, laurel-branches were used as brooms for cleaning the stables, and for sprinkling water through them, and lastly the stables were adorned with laurel-boughs. Hereupon the shepherds burnt sulphur, rosemary, fir-wood, and incense, and made the smoke pass through the stables to purify them; the flocks themselves were likewise purified by this smoke. The sacrifices which were offered on this day consisted of cakes, millet, and milk. The shepherds then offered a prayer to Pales. After this heaps of hay and straw were lighted, and the sheep were more effectually purified by being compelled to run through the fire, and the shepherds themselves did the same. The festival was concluded by a feast in the open air. (Tibull. ii. 5, 87; compare Propert. v. 4, 75.)

The ludi circenses on this day (mentioned in the Calendars) were not properly a part of the Parilia, but were instituted in honour of the battle of Munda, fought on March 17th, B.C. 45, the news of which reached Rome on April 20th: these games were discontinued (Dio Cass. xlv. 6), and, having been re-instituted by Hadrian, were held annually till the fifth century (Mommsen, *C. I. L.* i. 391). On this day also Hadrian dedicated the temple of Rome and Venus, and, as it was more than ever connected with the birthday of the city, we find the festival called Ῥωμαΐα (Athenaeus, viii. p. 361 f).

There is to this day in Rome a ceremony of blessing the animals and sprinkling them with lustral water; but, though there is a certain resemblance, it would be an error to treat it as a survival of the Parilia. The Christian ceremony is on St. Anthony's Day, in the middle of January, nor is there any trace of continuity, such as has been noticed in the case of the Lupercalia. [L. S.] [G. E. M.]

PARMA, *dim.* **PA'RMULA** (Hor. *Carm.* ii. 7, 10), a round shield, three feet in diameter, carried by the *velites* in the Roman army. Though small compared with the CLIPEUS, it was sufficiently large and strong to be a very effectual protection (Polyb. vi. 22). This was probably owing to the use of iron in its framework. In the Pyrrhic dance it was raised above the head and struck with a sword so as to emit a loud ringing noise (Claud. *de VI. Cons. Honor.* 628). The parma was also worn by the EQUITES (Sallust. *Frag. Hist.* iv.); and for the sake of state and fashion it was sometimes adorned with precious stones (Propert. v. 10, 21). We find the term *parma* often applied to the target [CETRA], which was also a small round shield, and therefore very similar to the parma (Propert. v. 10, 40; Mela, i. 5, § 1; Verg. *Aen.* x. 817). Virgil, in like manner, applies the term to the clipeus of the Palladium, because, the statue being small, the shield was small in proportion (*Aen.* ii. 175). The annexed woodcut shows a votive parma, suspended in a portico, represented on a terra-cotta relief in the Louvre. [J. Y.] [A. H. S.]



Parma. (From a terra-cotta relief in the Louvre.)

PA'ROCHI were certain people who were paid by the state to supply the Roman magistrates, ambassadors, and other official persons, when they were travelling, with those necessaries which they could not conveniently carry with them. They existed on all the principal stations on the Roman roads in Italy and the provinces, where persons were accustomed to pass the night. But as many magistrates frequently made extortionate demands from the parochi, the Lex Julia de Repetundis of Julius Caesar, B.C. 59, defined the things which the parochi were bound to supply, of which hay, fire-wood, salt, and a certain number of beds appear to have been the most important. (Hor. *Sat.* i. 5, 46; Cic. *ad Att.* v. 16, xiii. 2; Heindorf, *ad* Hor. *l. c.*; Marquardt, *Privatleben*, 199.) [W. S.]

PAROPSIS. [CATINUS.]

PARRICI'DA, PARRICI'DIUM. [LEX CORNELIA, Vol. I. p. 38; LEX POMPEIA, p. 50.]

PARTHE'NIAE (παρθενίαι) are, according to the literal meaning of the word, children born from unmarried women (παρθένιοι, Hom. *Il.* xvi. 180). The partheniae, as a distinct class of citizens, appear at Sparta after the first Messenian war and in connexion with the foundation of Tarentum; but the legends as to who they were differ from one another. Hesychius says that they were the children of Spartan citizens and female slaves; Antiochus (*ap.* Strab. vi. p. 278) states that they were the sons of those Spartans who took no part in the war against the Messenians. These Spartans were made Helots, and their children were called partheniae, and declared ἄτιμοι. When they grew up, and were unable to bear their degrading position at home, they emigrated, and became the founders of Tarentum. Ephorus (*ap.* Strab. vi. p. 279), again, related the story in a different manner. When the Messenian war had lasted for a considerable number of years, the Spartan women sent an embassy to the camp of their husbands, complained of their long absence, and stated that the republic would suffer for want of an increase in the number of citizens if the war should continue much longer. Their husbands, who were bound by an oath not to leave the field until the Messenians were conquered, sent home all the young men in the camp, who were not bound by that oath, that they might cohabit with the maidens at Sparta. The children thus produced were called partheniae. On the return of the Spartans from Messenia, these partheniae were not treated as citizens, and accordingly united with the Helots to wage war against the Spartans. But when this plan was found impracticable, they emigrated and founded the colony of Tarentum. (Compare Theopomp. *ap.* Athen. vi. p. 271; EPEUNACTAE.) Modern writers have differed in their preference for one or other of these accounts. Grote prefers to follow Antiochus, while Gilbert gives more weight to the narrative of Ephorus, remarking with truth that the action of the husbands, shocking to our ideas, would be less so to Spartans of that age (see MATRIMONIUM, p. 132). No doubt, as he says, Ephorus stands higher as an authority than Antiochus; but, in dealing with an ancient tradition, this does not go for much. Aristotle (*Pol.* viii. 7), who is a better authority than either, does not enter into the circumstances of the birth of the partheniae at all. His statement, however, that they were born *ἐκ τῶν ὁμοίων* would lead us to reject Antiochus's version; but, on the other hand, it favours the simpler story of Hesychius rather than that of Ephorus. It may be added that the somewhat similar account of degrading marriage in the colonists of Locri Epizephyrii (Polyb. xii. 5) might incline us to suspect the traditions. Thus much seems certain that the partheniae at Sparta, whether illegitimate or not, were debarred from the rights of full citizens, probably from the land-portions, by the exclusive Spartiatae, and, as they formed a dangerous faction, were forced into an emigration, which proved successful and of considerable historical importance. (See *Histories of Greece:* Thirlwall, i. p. 332; Grote, iii. p. 519; Curtius, i. 218, E. T.;—Schömann, *Antiquities*, p. 200; Gilbert, *Staatsalterthümer*, i. 19.) [L. S.] [G. E. M.]

PA'SCUA PU'BLICA. [Scriptura.]

PASSUS (from *pando*), a measure of length, which consisted of five Roman feet. (Colum. v. 1; Vitruv. x. 14.) [Mensura.] The *passus* was not the single step (*gradus*), but the double step; or, more exactly, it was not the distance from heel to heel, when the feet were at their utmost ordinary extension, but the distance from the point which the heel leaves to that in which it is set down. The *mille passuum*, or thousand paces, was the common name of the Roman mile. [Milliare.] In connecting the Greek and Roman measures, the word *passus* was sometimes applied to the *extension of the arms*,—that is, the Greek *ὀργυιά*, which, however, differed from the true *passus* by half a foot; and, conversely, the *gradus* was called by Greek writers *βῆμα*, or *τὸ βῆμα τὸ ἁπλοῦν*, and the *passus τὸ βῆμα τὸ διπλοῦν*. [P. S.]

PASTILLUS, PASTILLUM, strictly a small round cake of fine meal (Plin. *H. N.* xviii. § 102), used in sacrificial offerings (Fest. p. 250). Festus (p. 222) takes it to be a diminutive of *panis*. For the making of these there was a guild of *pastillarii* (*C. I. L.* vi. 9765, 9766). In the masculine form the word was used for small round lozenges (*τροχίσκοι*), compounded from herbs or fruits, and used for medicines (Plin. xx. § 3) or sweetmeats (Id. xii. § 131); and especially scented lozenges of aromatic herbs, eaten to make the breath sweet. (Hor. *Sat.* i. 2, 27; i. 4, 92;—Mart. i. 87; Becker-Göll, *Gallus*, iii. 367; Blümner, *Technologie*, i. 86.) [G. E. M.]

PASTO'PHORI were Egyptian priests, so called because they carried in processions small shrines (*παστοί*) of their deity. They formed an inferior order of the priesthood: according to Diodorus (i. 29), the Egyptian *ἱερεῖς* corresponded in rank to the Eumolpidae, the *παστοφόροι* of Isis to the *κήρυκες* of the Eleusinian worship. They were introduced into Italy along with the worship of Isis, and formed into collegia in various towns. Apuleius (*Met.* xi. 17), speaking of pastophori, says, "quod sacrosancti collegii nomen est." In an inscription (*C. I. L.* v. 2806) the tablet seems to be dedicated by a "perpetuus sacerdos Isidis Augustae pastophorus;" and in another (*C. I. L.* v. 7468) we have a tablet of Industria in the plain of the Po, dedicated to their patronus, the Curator calendarii in that town, by the "Collegium Pastophorum Industriensium." Their lodgings, attached to the temple which they served, were called *παστοφόριον*, whence this name was sometimes given by the LXX. and by Josephus to the priests' apartments attached to the Jewish temple. (Jer. xxv. 4; Joseph. *B. J.* iv. 12.) [J. Y.] [G. E. M.]

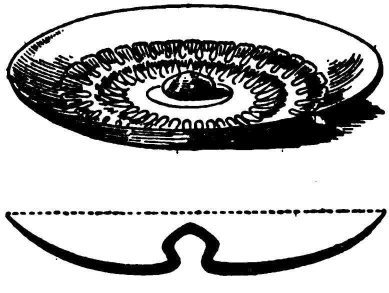
PATELLA (*λεκάνιον, λεκανίς, λεκανίδιον, λεκανίσκη, λοπάδιον*), a small dish or plate. The word is a diminutive of Patina: a supposed connexion with *patera* has been a source of error to some writers [Patera]. 1. The patella was used for holding solid food, meat or vegetables, either in cooking (Plin. *H. N.* xix. § 171, xxx. § 68), or for serving up at table (Hor. *Ep.* i. 5, 2; Mart. v. 78, xiii. 81; Juv. v. 85). It was usually of earthenware (Mart. xiv. 114), but sometimes of metal (Juv. x. 64). Marquardt (*Privatleben*, p. 651) takes the patella used for cooking to be identical with the *sartago:* it seems more probable that, though of the same flat shape, it was smaller. [For the deeper cooking vessels, see Aenum, Lebes, Olla.] 2. The patella was also a sacred vessel of the same shape as the ordinary patella, but reserved for domestic sacred rites, especially for the offering of food to the Lares, *lances* being used when a larger dish was needed [Lanx]. Hence it is called *cultrix foci* (Pers. iii. 26; cf. Ov. *Fast.* vi. 310); and hence, too, every household ought to have one kept solely for religious uses, and Cicero (*de Fin.* ii. 7, 22) notes it as a mark of profanity, "ut edint de patella," meaning of course the patella used for offerings. This sacred dish was, if possible, of silver; even in comparatively poor households it was customary to have at least a patella, patera, salinum, and censer of silver (Cic. *Verr.* iv. 21, 46); and in B.C. 410, as is mentioned by Liv. xxvi. 36, in the general contribution of silver plate, it was provided that the householder should retain a salinum and patella of silver "deorum causa" (cf. Plin. *H. N.* xxx. § 153; Val. Max. iv. 4, 3; Marquardt, *Privatl.* p. 318). Of this offering Varro says, "Quocirca oportet bonum civem legibus parere et deos colere, in patellam dare *μικρὸν κρέας*" [see further under Lararium], and the Lares are thence called by Plautus *patellarii dii* (*Cist.* ii. 1, 46). [G. E. M.]

PATER FAMILIAE. [Patria Potestas.]

PATER PATRATUS. [Fetiales.]

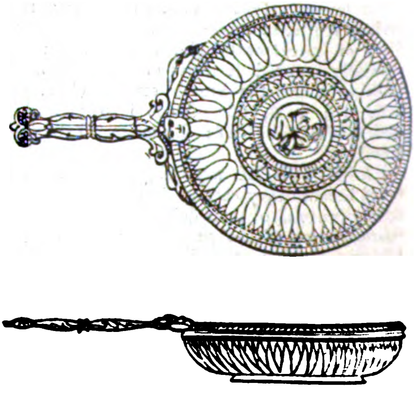
PA'TERA (*φιάλη*), a round shallow vessel like a large saucer, but somewhat deeper than our ordinary saucer. Varro (*L. L.* v. 122) and Macrobius (*Sat.* v. 21) derive its name from its flat, expanded shape ("planum ac patens"). It had neither the foot and stem nor the two handles which belonged to the cylix [Calix; Vas]. It must be observed that alike in sacred and common use it served only for liquids, and those writers who have described it as also used for solids have confounded it with *patella*, which they have erroneously taken to be a diminutive of patera. Another error to be avoided is the confusion of the Homeric *φιάλη* with the later *φιάλη*, which was identical with the Latin patera. As Curtius points out (*Etym.* 498), the Homeric *φιάλη* was not used for drinking, but as a kind of smaller *λέβης* or kettle, which could be placed on the fire (whence the epithet *ἀπύρωτος* for a *new φιάλη*, *Il.* xxiii. 270), and also as an urn for ashes. Aristarchus teaches this in the words *ὅτι φιάλην* (of Homer) *οὐ τὸ* παρ' ἡμῖν ποτήριον, ἀλλὰ γένος τι λέβητος ἐκπέταλον. From these words and from its use in Homer we may conclude that, though shallower than the λέβης and probably smaller, it was still a deep vessel and not of that saucer shape which belongs to the familiar patera. The epithet ἀμφίθετος of the Homeric φιάλη was a puzzle to Athenaeus, a solution of which cannot now be given with confidence. It is not possible in etymology to accept the view that it means *round*, nor the suggestion of Athenaeus himself that it may mean "excellently made." We are left with the view of Aristarchus that it was a vessel which could stand on either end. Heyne understands this to mean a double cup of the hour-glass or dice-box shape: more probably it was so called because, whereas the ordinary Homeric λέβης was rounded at the bottom so that, if otherwise unsupported, it could only stand inverted, the Homeric φιάλη had a flat bottom, and could stand either way (for the discussion, see Athen. xi. p. 501).

The post-Homeric φιάλη was of the shape described at the beginning of this article; it never had a handle (differing in that respect from *one* form of the Italian patera mentioned below), nor any stem, but often, as in the examples given below, a low base; sometimes, as we are told, it had knobs or supports, which were called ἀστράγαλοι: the φιάλη with these knobs at the bottom was called βαλανωτή or καρυωτή (Athen. xi. 502 b), the knobs being compared to nuts or acorns. Another feature very common in φιάλαι and paterae was the ὀμφαλός. This was a hollow boss in the centre of the interior or upper side, as shown in the woodcut. Athenaeus distinguishes φιάλαι ὀμφαλωτοί, and gives an equivalent name φθοῖς. The φιάλη or patera was usually held in the flat of the hand (though not always, as may be seen in the famous Sosias-cylix, Baumeister, *Taf.* xcii.), and it is easy to understand that the ὀμφαλός gave a better hold, the fingers catching in the hollow of the boss underneath. The material was either earthenware or metal, bronze, silver and gold (ἀργυρίς and χρυσίς): the φιάλαι in Plat. *Crit.* 120 A are of gold. (Examples of gold and silver paterae found in Cyprus are given in Cesnola, pp. 316, 337.) The φιάλη of post-Homeric times was used for drinking (Plat. *Symp.* 223 C; Pind. *Nem.* ix. 121), and so classed among ἐκπώματα (Herod. ix. 80); but its most characteristic use was for pouring libations (Herod. ii. 151; Plat. *Crit.* l. c., &c.). The φιάλη for libations, held by the officiating person, was usually filled by an attendant from an οἰνοχόη: in the passage cited from Plato's *Crit.* the wine seems to be dipped in the φιάλη from the κρατήρ.



Φιάλη ὀμφαλωτός. (From the British Museum.)

Patera, from Hadrian's Villa.



Patera, from Pompeii.

The usual Italian *patera* was identical with the φιάλη in shape. [see SIMPULUM]. One of white marble found at Hadrian's villa is now in the British Museum. It is 14 inches in diameter and 1¾ high. It is cut with skill, the marble being not much more than a quarter of an inch thick. In the centre is a female bucchante with a long tunic and a scarf floating over her head, encircled by a wreath of ivy. The decorations indicate a patera dedicated to Bacchus. Some paterae, however, had one handle (which the φιάλη never had), as in the woodcut below, a bronze patera found at Pompeii. This seems to have been commoner in Etruscan paterae, of which there are several in bronze and terracotta in the British Museum with the single handle. An Etruscan relief in Inghirami, *Mon. Etrus.* vi. pl. M, shows a youth bringing for libation the two vessels, an oinochoe and a patera, the latter having a handle. It is possible that the addition of the handle may be an Etruscan invention. The material was often only earthenware (Hor. *Sat.* vi. 116); but often also silver (Mart. iii. 41, vi. 13, viii. 33; Plin. xxxiii. § 156); sometimes gold (Mart. xiv. 95; Juv. v. 39—in both, the word *phiala* is used; Verg. *Aen.* i. 729). It was originally used as a drinking cup (Varro, *L. L.* v. 122), but afterwards especially for libations (Hor. *Od.* i. 31, 2; iv. 5, 34;—Ov. *Met.* ix. 160), whence it became the *insigne* of the EPULONES, though often it served both purposes, as in the passage cited from Virgil. A representation of the libation, from Trajan's Column, is given under PAENULA. [For libations, see SACRIFICIUM.] [J. Y.] [G. E. M.]

PATI'BULUM, from *patere*, seems to have originally denoted any beam placed horizontally; as the cross-bar of a door (Titin. *ap.* Non. p. 366, 16), or of a trellis for vines (Plin. *H. N.* xvii. § 212), or the transverse beam of the cross (CRUX, p. 568 *a*). The word, however, is almost always used of an instrument of punishment, and loosely as an equivalent to *crux* or *furca*. According to Marquardt (*Privatl.* 183), it was a wooden collar in two pieces, opened to receive the neck of the culprit and then closed upon it, while his hands might be bound or nailed to its extremities. This, he admits, is nowhere expressly stated; it is rather an inference from the etymology of the word; and he has produced no passage which does not point more clearly to the *furca* than the patibulum. (Compare the accounts of the slave driven through the Circus, whereby the games were profaned, in Dion. Hal. vii. 69, and Plut. *Coriol.* 24.) Others explain the "opening" as a fork-shaped piece of wood, such as was undoubtedly used for the same purposes, as a prop for vines and a pillory for the necks of criminals [FURCA]. It is scarcely necessary to prove that *patere* is often applied to simple lateral extension, to stretch or spread as well as to be open ("Helvetiorum fines . . . patebant," Caes. *B. G.* i. 2; "qua terra patet," Ov. *Met.* i. 241); and on the whole it seems likely that the patibulum was a straight piece of wood, an explanation which covers all its varieties of meaning. [W. W.]

PA'TINA (*τρύβλιον*), a deep dish used alike for cooking ("patinarius," *stewed*, opposed to "assus," *roast*, Plaut. *Asin.* i. 3, 27) and for serving up food, as is seen from Plaut. *Pseud.* iii. 2, 51, whence we gather also that it was sometimes a covered dish: probably this was generally the case when the food was brought up in the patina in which it had been cooked (cf. Hor. *Sat.* ii. 8, 43). The patina was, however, often the dish for serving up what had been cooked in other vessels. This is clear from our finding silver patinae, *e.g.* a "patina argentea hederata" (with ivy-leaf chasing: cf. *filicata*) in Trebell. Poll. *Claud.* 17, and the patina of Aesopus valued at 100,000 sesterces (Plin. *H. N.* xxxv. § 163). Among costly patinae that of Vitellius holds the first place; not, however, from its material, as it was of earthenware, but because it was so large that a special oven had to be built for it at a cost of a million sesterces (Plin. *l. c.*; Suet. *Vitell.* 13).

As regards the Greek equivalents, the *τρύβλιον* perhaps comes nearest in shape and use (Aristoph. *Av.* 77): it was of earthenware (Id. *Eccl.* 252) and also of silver (Athen. vi. 230 e): the *λοπὰς* was used both for cooking and serving food, but it was flatter and more like the *patella*: the *χύτρα*, on the other hand, was deeper and (serving also both purposes) is equivalent to OLLA. The *λεκάνη* is often given as the equivalent of patina, and it was probably of much the same shape, but its uses were different: a basin *ἵνα ἐξεμοῦσι* (Poll. x. 76; cf. Ar. *Nub.* 907); a trough for brick-makers (LATER, p. 8). [J. Y.] [G. E. M.]

PATRES. [PATRICII; SENATUS.]

PATRIA POTESTAS. Potestas in its original meaning signified "mastery," "dominion" (Curtius, *Gr. Etym.* iii. 265), and hence it came to mean a legal power or authority to which a person was entitled. "Potestas," says Paulus (Dig. 50, 16, 215), "has several significations: when applied to magistratus, it is imperium; in the case of children, it is the patria potestas; in the case of slaves, it is dominium." According to Paulus, then, potestas, as applied to magistratus, is equivalent to imperium. Thus we find potestas associated with the adjectives *praetoria*, *consularis*. But potestas is applied to magistratus who had not the imperium [IMPERIUM], as, for instance, to quaestors and tribuni plebis (Cic. *pro Cluent.* 27, 74); and potestas and imperium are often opposed in Cicero. Both the expressions *tribunicium jus* and *tribunicia potestas* are used (Tac. *Ann.* i. 2, 3). Thus it seems that this word *potestas*, like many other Roman terms, had both a wider signification and a narrower one. In its wider signification it might mean all the power that was delegated to any person by the state, whatever might be the extent of that power. In its narrower signification, it was on the one hand equivalent to imperium, and on the other it expressed the power of those functionaries who had not the imperium. Sometimes it was used to express a magistratus as a person (Sueton. *Claud.* 13; Juv. x. 100); and hence in the Italian language the word *podestà* signifies a magistrate. Potestas is also used to express the authority of the head of a family over his children and slaves, which was an authority analogous in some respects to that of a magistrate. The potestas is *dominica*, as exhibited in the relation of master and slave [SERVUS]; or *patria*, as exhibited in the relation of father and child.

The earliest and most comprehensive term for the patriarchal power of the head of a Roman family appears to have been *manus*, which came to be more specially applied to express the power to which a married woman might be subject in her husband's family. The *mancipium*, or power over persons in a semi-servile state, was framed after the analogy of the dominica potestas. The tutela, in its origin an offshoot of the patria potestas, was itself a kind of potestas (Inst. i. 13, 1; Cic. *pro Mur.* 12, 21, "mulieres—majores in tutorum potestate esse voluerunt"). Patria potestas, then, signifies the power of a Roman paterfamilias over his children and descendants through males in his familia (*filiifamilias*, *filiaefamilias*). [FAMILIA.] It is to be borne in mind that grown-up children were subject to this power as well as those who were of tender years. The government of the family was concentrated in the hands of its head, whose powers were originally more like those of a supreme magistrate than of a father at the present time. Thus the paterfamilias had originally absolute power over the persons of filiifamilias, having the right of inflicting on them the punishment of death (*jus vitae necisque*) or any lesser punishment. It was customary for him only to inflict capital or other serious punishment on a filiusfamilias after the latter had been condemned by a family tribunal (*judicium domesticum*). (Cf. Münster, *de domestic. familiarum judicio;* v. Walree, *de antiq. juris parricidi*, &c.; Geib, *Cr. Pr.* 82, &c.; Zumpt, *Crim. Recht*, i. 349). F. Voigt (*Zwölf Tafeln*, ii. 94) enumerates the following instances of persons being punished in this way:—

a. 245 A.U.C. L. Junius Brutus put his sons to death (Plut. *Popl.* 6, 7).

b. 531–536 A.U.C. M. Fabius Bruteo put his son to death as a punishment for theft (Oros. iv. 13).

c. 651 A.U.C. Q. Fabius Maximus Eburnus punished his son by sending him into exile (Oros. v. 16; Val. Max. vi. 1, 5).

d. 691 A.U.C. A. Fulvius Nobilior inflicted the punishment of death on his son for taking part in the Catiline conspiracy (Val. Max. v. 8, 5; Sal. *Cat.* 39; Dio Cass. xxxvii. 36).

e. Julius Arnus banished his son for attempted parricide (Sen. *de Clem.* i. 15, 2).

f. Pontius Aufidianus put his daughter to death for immorality (Val. Max. vi. 1, 3); as did also

g. P. Alilius Philiscus (Val. Max. vi. 1, 6).

h. A father, named Tricho, put his son to death (Sen. *de Clem.* i. 15, 1).

i. 752 A.U.C. Augustus punished the immorality of his daughter Julia by sending her into exile (Suet. *Aug.* 65; Dio Cass. lv. 10).

The paterfamilias was not criminally responsible on account of the abuse of his powers. But though the power of the father over the persons of his children was almost unlimited in early law, the *nota censoria* and religious censure being the only sanctions to prevent its tyrannical exercise, custom and public opinion kept it within due bounds. As has been frequently remarked, it would be a mistake to infer from the legal absolutism of the head of a Roman family, that his children were treated like slaves. The fact of the long continuance of the patria potestas without complaint seems to show that this could not have been the case.

Under the Empire the occasional cruelty of fathers was punished, and the powers of the father over the persons of his children were curtailed. Thus, in 112 A.D., Trajan compelled a father who had treated his son with cruelty to emancipate him (Val. Max. v. 8), and Hadrian banished a father for killing a son out hunting, who had committed adultery with his stepmother ("patria potestas in pietate debet non in atrocitate consistere").

It became the rule that a father could not kill his son unless the latter had been tried before the praefectus or praeses and convicted (Dig. 48, 8, 2). Under Constantine a father was punished for killing a son, as if he had committed parricide. The power of the father was limited in the later period of Roman law to moderate chastisement. The father might sell his son into slavery or mancipium (Cic. *de Or.* i. 40, 181; *pro Caec.* 34, 98). The provision of the Twelve Tables, that a son sold by his father three times should be free, was directed against the abuse of this power. The sale of children was obsolete in the time of the classical jurists, except as a mere formality, and in the case of children surrendered by the paterfamilias on account of their delicts (*noxae datio*); for, in the case of delict by a filiusfamilias, *noxales actiones* were allowed against the father (Gaius, iv. 75). But Justinian abolished the *noxae datio* in the case of a filius- or filiafamilias (Inst. iv. 8, 7; Dig. 43, 29, 3, § 4). According to early custom, the father had the right of repudiating a new-born child. The child was placed at the feet of the father immediately after birth; and if, instead of being lifted up by the father (*liberum tollere, suscipere, recipere*), he was left on the ground, he was excluded from the familia (Voigt, § 97). Even under the legislation of Justinian, it was lawful to sell new-born children "propter nimiam paupertatem egestatemque" (Cod. 4, 43, 1, 2). The father was a party to the betrothal, marriage, or divorce of his children in early times, and the consent of the father was always an essential condition of a valid marriage [MATRIMONIUM]. If a marriage was accompanied with the *in manum conventio*, his wife came into the power of the father and not into the power of the son. The father could substitute another person as heir to his son, if the latter died before attaining puberty, [HERES], and he could by his will appoint him a tutor. The father could give his child in adoption and emancipate him. The father could recover possession of the person of his son by *vindicatio in patriam potestatem*, or by *interdictum de liberis exhibendis*.

The patria potestas did not interfere with the public rights and duties of filiifamilias. Thus a son could vote at the Comitia Tributa; he could fill a magistratus; and he could be a tutor, for the tutela was considered a part of jus publicum (Dig. 6, 9; Liv. xxiv. 44; Gell. ii. 2).

The child had conubium and commercium like any Roman citizen who was *sui juris*, but these legal capacities brought to him no power or ownership. Thus, although he had commercium, and so could be witness to a transaction *per aes et libram*, he could not hold property, being a mere instrument of acquiring for his paterfamilias. A conveyance to him, or an inheritance acquired by him, or an obligation in his favour, would give rights, not to himself, but to the person who had potestas over him, just as in the case of a slave. The property of which the filiusfamilias had actual enjoyment was his peculium, and of this the paterfamilias was owner. Having no property, the filiusfamilias could maintain no actions which implied that he was owner of property, e.g. *vindicatio;* there were, however, some exceptions to this rule, probably introduced by the praetor under the form of *actiones in factum* [ACTIO]. But a filiusfamilias could maintain actions, such as the *actio injuriarum*, which were not based on proprietary claims. A filius pubes could incur obligations and be sued like a paterfamilias, though perhaps this was not so till about the time when the principle of giving him independent rights in his peculium was first established. Between the paterfamilias and filiusfamilias, or between filiifamilias of the same familia, no actionable obligations could exist; neither of them could have a right of action against the other. But natural obligations could be established between them. [OBLIGATIO.]

The rule as to the incapacity of a filiusfamilias for acquiring property was first varied about the time of Augustus, when the son was allowed to dispose of by will whatever he had acquired in active military service, and after a time to treat such acquisitions as his own for all purposes. This was the *castrense peculium*, with respect to which the son was treated as a person *sui juris* (Juv. xvi. 51; Gaius, ii. 106). But if the filiusfamilias died without making any disposition of this peculium, it came to the father as peculium, *i.e.* as his own property, and not as inheritance: this continued to be the law till Justinian altered it (*Nov.* 118). The privileges of a filiusfamilias miles as to the acquisition of property were extended under Constantine to his acquisitions made during the discharge of civil and ecclesiastical offices; and as this new privilege was framed after the analogy of the *castrense peculium*, it was designated by the name *quasi-castrense peculium*.

By changes in the law carried out by Constantine and his successors, a filiusfamilias became capable of acquiring property for himself in ordinary cases. It was first enacted that a filiusfamilias should acquire the inheritance of his mother (*bona materna*) for himself and not for his father; this rule was then extended so as to apply to property derived from the maternal line (*bona materni generis*), and finally under Justinian to property derived from any one except the paterfamilias himself, which was not *peculium castrense* or *quasi-castrense*. According to this new law, property which a filiusfamilias derived from third parties, called *bona adventicia*, belonged to him, but his paterfamilias had a life-interest (*ususfructus*) in it, and the administration of it. The filiusfamilias could not dispose of it by will, and thus his rights in *bona adventicia* were subject to restrictions which did not apply to *peculium castrense* and *quasi-castrense*. The person from whom the filiusfamilias acquired, might exclude the paterfamilias from the usufruct and administration of his property by an express provision to that effect. In property derived from his paterfamilias (*ex re patris*), the filiusfamilias had no independent rights; such property is called *peculium profectitium*.

Thus by the imperial legislation, and especially by that of the early Christian emperors, the extent of the patria potestas was much reduced. The patria potestas was acquired by the birth of a child in a Roman marriage (*justae nuptiae*). Children born of parents who had not conubium, *i.e.* the capacity of entering into a Roman marriage with one another, were not subject to patria potestas; but in the time of the classical jurists, if a Roman had by mistake married a woman with whom he had no conubium, thinking that conubium existed, he was allowed to prove his case (*causae erroris probatio*), upon doing which the child that had been born and the wife also became Roman citizens, and from that time the son was in the power of the father (Gaius, i. 67). Other instances of the *causae probatio* are mentioned by Gaius.

Patria potestas could be acquired by either of the modes of adoption [ADOPTIO]. Patria potestas could be acquired under the Christian emperors by legitimation of children born out of lawful wedlock.

1. *Per subsequens matrimonium.*—Constantine introduced the rule that children born in concubinage [CONCUBINA], whose parents might have been lawfully married at the time of the birth of such children, should be legitimated by the subsequent marriage of the parents. Even at an earlier time it seems to have been the fashion for the emperor as an act of grace to place such children on the same footing as legitimate children.

2. *Per oblationem curiae.*—In the time of Theodosius II. the rule was established by which a child was legitimated who was made a member of a municipal senate by his father [DECURIO].

3. *Per rescriptum principis.*—To these two modes of legitimation, Justinian added that of imperial rescript.

The patria potestas was dissolved in various ways. It was dissolved by the death of the father, upon which event the grandchildren, if there were any, who had hitherto been in the power of their grandfather, came into the power of their father, who was now *sui juris*. It could also be dissolved in various ways during the life of the father. A *maxima*, *media*, or *minima capitis deminutio*, either of the pater- or filiusfamilias, dissolved the patria potestas; though in the case of either party sustaining a *capitis deminutio* by falling into the hands of an enemy, the relation might be revived by *postliminium*. A father who was arrogated, and consequently sustained a *minima capitis deminutio*, came, together with children who had hitherto been in his power, into the power of his adoptive father. [ADOPTIO.]

The commonest mode of dissolving the patria potestas was by emancipation, which was a *capitis deminutio minima*, having the effect of making the emancipatus the head of a new familia distinct from that of his father's. It is probable that in early Roman law the emancipation of children was not possible, but in course of time a circuitous mode of effecting it was established by the ingenuity of lawyers. For an account of the forms of emancipating a filiusfamilias, which consisted of three mancipations, followed by vindicta, see Gaius, i. 132. The process was simplified by the law of Justinian (Inst. i. 12, 6). The parent could emancipate his child at his pleasure, and thus deprive him of the rights of agnation without his own consent; but the law in this respect was altered by Justinian (*Nov.* 89, c. 11), who made the consent of the child necessary. The child had no means of compelling his father to emancipate him.

(Savigny, *System*, ii. 49, &c.; Mommsen, *Röm. Gesch.* i. 59, &c.; Ihering, *Geist des Röm. Rechts*, ii. 1, 151–155;—Voigt, *Jus Naturale*, ii. 228; *Zwölf Tafeln*, ii. § 93;—Mandry, *Fam. Güterrecht*; Rossbach, *Röm. Ehe*, 1–41; Lange, *Röm. Alterthüm.* §§ 29, 30; Kuntze, *Inst.* i. §§ 741–747, ii. §§ 505–507;—Maine's *Ancient Law*, ch. v.; *Early Law and Custom*, ch. vii. and p. 122, note a.) [G. L.] [E. A. W.]

PATRI'CII. The authorised version of Roman History, as given in the narrative of

Livy and Dionysius and by Cicero in the *de Republica*, represents the state as divided from the first into ordinary citizens and a privileged class who are generally described as *patricii*. These are further stated to have been the families of one hundred persons selected by Romulus for his senate: "Patres certe ab honore, patriciique progenies eorum appellati" (Liv. i. 8, 7). On the other hand, we find in Festus a second tradition: "Patricios Cincius ait in libro de Comitiis eos appellari solitos, qui nunc ingenui vocentur." It is connected with a strange etymological guess, that the patricii were originally those "qui patrem ciere possent;" that is to say, all freeborn persons (Liv. x. 8, 10). The word has, of course, really no connexion with *ciere*, but is simply the adjectival form of *pater*. Nevertheless, it is certain that the explanation of Cincius is right in referring *patricius* to *pater*, not in its sense [illegible] senator, but in its original meaning of father and head of a family. On no other supposition can we account for the fact that the word *patres* is sometimes used of the whole order as synonomous with *patricii* (so in Liv. iv. 4, 5, "ne conubium patribus cum plebe esset"). The true explanation is summed up by Mommsen (*Staatsrecht*, iii. p. 13): "They are called either *patres*, inasmuch as they and [illegible] are or can be fathers, or else in adje[illegible] *patricii*, inasmuch as they and they alo[illegible] a father." If there ever were a time [illegible] when the word *patricius* was strictly and etymologically significant, so that no one but a patricius had a lawful father or could himself become a paterfamilias, then at that time the patricii were the only real citizens of Rome. It is impossible to count as a full burgess anyone who is incapable of becoming as paterfamilias a person of the civil law, able to hold property and to sue and be sued in his own right. The old story, which represents the patricians as from the first a nobility among their fellow-citizens, appears however in a somewhat different light, when we read that Romulus assigned the whole of the plebs as clients to one or other of the patres. According to this, there would be in the state as originally constituted no one but the patricii and their clients; as a client was at first in a position hardly distinguishable from that of a slave, this brings us round again to the proposition that "patrician" and "freeborn man" were originally synonymous.

The development of the rights and capacities of citizens outside the patriciate will be discussed elsewhere [see PLEBS]. It is sufficient here to say that in process of time certain outsiders won their way to the position of patresfamilias. By analogy these persons, or at any rate their children, should have been able to claim the title of *patricii*. But this logical conclusion was never drawn. The word *patricius* survived as a token of an arrested development: it was confined to the descendants of those who once exclusively possessed the qualifications on which the title rested. From the moment when plebeian patresfamilias come into existence the patricii must be counted as a nobility among their fellow-citizens. It is possible that the power to vote in the assemblies [see POPULUS] was for a time a privilege reserved to these nobles. But such a situation, if it ever existed, did not last long enough for the patricians to consolidate into a corporation with a general assembly and officers and powers of separate action. The patriciate as a body never gets free from the body of the Roman people. "Magistratus patricius" and "auspicia patriciorum" are always precisely the same as "magistratus" and "auspicia Populi Romani" [see MAGISTRATUS]. It may be noticed that this fact in itself gives us strong reason to conclude that the patricii were the original stock on which the other branches of the Roman people were grafted.

For a long time the patricians alone were eligible to the great offices of the state. The struggle over this question of eligibility lasted on into historical times. When it finally closed about the year 300 B.C., the members of the two orders were not left in a position of absolute equality. The patrician was weighted in the race for office with certain disqualifications, which had been originally imposed as a means of breaking the ancient monopoly of the order. Both places in the consulship and the censorship were open to plebeians, but only one to patricians. The patricians were likewise, as a matter of course, excluded from the offices of tribune and plebeian aedile. On the other hand, the great colleges of pontiffs, augurs, and *decemviri sacris faciundis* were divided as equally as possible between the two orders (in favour, therefore, of the chances of a member of the less numerous one), and certain other functions still remained for which patricians alone were qualified. The best list of these is derived from Cicero's description (*pro Domo*, 14, 38) of what will happen if the patriciate suffers extinction (a description closely followed by Liv. vi. 41): "Ita populus Romanus brevi tempore, neque Regem sacrorum, neque flamines, neque salios habebit, nec ex parte dimidia reliquos sacerdotes, neque auctores centuriatorum et curiatorum comitiorum: auspiciaque Populi Romani, si magistratus patricii creati non sint, intereant necesse est, quum interrex nullus sit, quod et ipsum patricium esse et a patriciis prodi necesse est."

There are other passages which casually confirm what Cicero here says about the exclusively patrician character of the interregnum. For instance, in Liv. vi. 41, Ap. Claudius says, "sed nos quoque ipsi sine suffragio populi auspicato interregem prodimus;" and again we have in Liv. iv. 43, "prohibentibus tribunis patricios coire ad prodendum interregem," and in later times in Asconius (*ad* Cic. *pro Mil.*), "Tribuni plebis referri ad senatum de patriciis convocandis non essent passi." On the other hand, the elaborate descriptions of the first interregnum by Livy (i. 17) and Dionysius (ii. 57) attribute the whole proceeding to the senate, and the same is distinctly stated by Appian (*Bell. Civ.* i. 98), *τῇ δὲ βουλῇ προσέταξεν ἑλέσθαι τὸν καλούμενον Μεταξὺ βασιλέα*: and above, *βουλευτὴς ἕτερος παρ' ἑτεροῦ ἐπὶ πέντε ἡμέρας ἦρχεν*, &c. There seems no way of reconciling these very clear statements on either side except by adopting Mommsen's hypothesis that the powers of the interregnum were vested in the patrician members of the senate, who met on such occasions unsummoned and without the co-operation of their plebeian brethren.

The same theory must serve to explain the *patrum auctoritas*. The words are sometimes used in a general sense for the approval or recommendation of the senate (*e.g.* Liv. vii. 15, 12; 17, 9; xxxiii. 24, 4; xxxv. 7, 5), and the single word *auctoritas* likewise bears the meaning of a resolution of the senate which has been vetoed by a magistrate. But *patrum auctoritas* in its technical sense is quite distinct from this later usage. It is a confirmatory act necessary to give legal validity to the decrees and elections made by the populus Romanus, and it survived as a form down to the Augustan age. Livy (i. 17), in speaking of the election of king Numa, attributes the confirmation to the senate which had just conducted the interregnum; and we may trust him here, for he appeals to the practice of his own time: "Hodie quoque in legibus magistratibusque rogandis usurpatur idem jus vi adempta; priusquam populus suffragium ineat in incertum eventum comitiorum patres auctores fiunt." Cicero likewise (*Rep.* ii. 32), after beginning with the words "Tenuit igitur in hoc statu senatus rempublicam," proceeds to adduce, amongst other points, "quodque erat ad retinendam potentiam nobilium vel maximum, vehementer id retinebatur populi comitia ne essent rata nisi ea patrum approbavisset auctoritas." On the other hand, we have passages in which the established phrase "patres auctores fiunt" is altered into "patricii:" *e.g.* Liv. vi. 42, "quia patricii se auctores futuros negabant;" and Sallust, *Fragm.* 82, 15, "libera ab auctoribus patriciis majores vostri suffragia paravere"—and Cicero, as we have seen, distinctly says that the *auctoritas* will lapse with the patriciate. The difficulty then is precisely the same as in the case of the interregnum, and may be solved by the same hypothesis of a "patrician senate."

Since the *auctoritas patrum* was reduced to a mere form by being put before instead of after the voting (as was ordered by the Lex Publilia of B.C. 339 and the Lex Maenia), it can never have amounted to the power of rejecting a measure on its merits: such a power could be exercised as easily, perhaps more easily, on a bill before it came to the assembly. If, however, the *patrum auctoritas* was limited to a confirmatory certificate that the law had been passed in due form, it would be rendered nugatory if it had to be given before any objections could possibly be raised to the procedure. (For Mommsen's view, which differs slightly from this, see *Röm. Forsch.* i. p. 242, and *Staatsrecht*, iii. p. 1041.)

In spite of the decay of their political privileges, the patricians retained to the end of the Republic the dignity which attached to the oldest and purest blood in Rome. The number of families known from the lists of magistrates of the later Republic amounts to about 30 (Mommsen, *Staatsr.* iii. p. 12). Dionysius, however, gives 50 as the number of "Trojan families" which remained to his day. It would seem to follow that outside the ranks of the nobility of office there remained a certain number of patricians in equestrian station, though their ancient birth was fully recognised. Their position would somewhat resemble that of the more obscure Scottish peers in our time. Like the Scottish peerage, the patriciate could not be recruited. With the doubtful exception of the Claudii, no instance is known in Republican times of any man or family attaining the patriciate.

When Caesar as Dictator wished to increase their numbers, there appears to have been no machinery by which the patricians could act as a body in admitting fresh members. This admission was accomplished by a special law (Lex Cassia) of the sovereign people, whose mandate was of course absolute in all matters. The same precedent was followed by Augustus, who was authorised by the Lex Saenia to create a fresh batch of patricians. Claudius seems to have made such creations on the strength of his power as censor (Tac. *Ann.* xi. 25), and after him the emperors conferred the rank freely. [Mommsen's view of the patrician senate (*Röm. Forsch.* vol. i. p. 218 *seq.*; *Staatsrecht*, iii. p. 1037 *seq.*), which is maintained in this article, is disputed by Willems, *Sénat de la République*, vol. ii. i. §§ 1–5.] [J. L. S. D.]

Period from the time of Constantine to the Middle Ages.—From the time of Constantine the dignity of patricius was a personal title, which conferred on the person to whom it was granted a very high rank and certain privileges. Hitherto patricians had been only genuine Roman citizens, and the dignity had descended from the father to his children; but the new dignity was created at Constantinople, and was not bestowed on old Roman families; it was given, without any regard to persons, to such men as had for a long time distinguished themselves by good and faithful services to the Empire or the emperor. This new dignity was not hereditary, but became extinct with the death of the person on whom it was conferred; and when during this period we read of patrician families, the meaning is only that the head of such a family was a patricius. (Zosim. ii. 40; Cassiodor. *Variar.* vi. 2.) The name *patricius* during this period assumed the conventional meaning of father of the emperor (Ammian. Marcellin. xxix. 2; Cod. 12, tit. 3, § 5), and those who were thus distinguished occupied the highest rank among the *illustres;* the consuls alone ranked higher than a patricius. (Isidor. ix. 4, 1, 3; Cod. 3, tit. 24, s. 3; 12, tit. 3, s. 3.) The titles by which a patricius was distinguished were *magnificentia*, *celsitudo*, *eminentia*, and *magnitudo*. They were either engaged in actual service (for they generally held the highest offices in the state, at the court, and in the provinces), and were then called *patricii praesentales*, or they had only the title and were called *patricii codicillares* or *honorarii*. (Cassiod. viii. 9; Savaron. *ad* Sidon. Apoll. i. 3.) All of them, however, were distinguished in their appearance and dress from ordinary persons, and seldom appeared before the public otherwise than in a carriage. The emperors were generally very cautious in bestowing this great distinction, though some of the most arbitrary despots conferred the honour upon young men and even on eunuchs. Zeno decreed that no one should be made patricius who had not been consul, praefect, or magister militum. (Cod. 3, tit. 24, s. 3.) Justinian, however, did away with some of these restrictions. The elevation to the rank of patricius was testified to the person by a writ called diploma. (Sidon. Apollin. v. 16; Suidas, *s. v.* *Γραμματείδιον*; compare Cassiodor. vi. 2, viii. 21, &c.)

This new dignity was not confined to Romans or subjects of the Empire, but was sometimes granted to foreign princes, such as Odoacer, the chief of the Heruli, and others. When the popes of Rome had established their authority, they also assumed the right of bestowing the title of patricius on eminent persons and princes, and many of the German emperors were thus distinguished by the popes. In several of the Germanic kingdoms the sovereigns imitated the Roman emperors and popes by giving to their most distinguished subjects the title of patricius, but these patricii were at all times much lower in rank than the Roman patricii, a title of which kings and emperors themselves were proud. (See Gibbon, vols. ii. 109, vi. 158; Bryce, *Holy Roman Empire*, p. 40; Rein, in Ersch und Gruber's *Encyclopädie*, s. v. *Patricier*.) [L. S.]

PATRI'MI ET MATRI'MI, also called *Patrimes et Matrimes*, were those children whose parents were both alive (Festus, s. vv. *Flaminia*, *Matrimes;* called by Dionysius, ii. 22, *ἀμφιθαλεῖς*), in the same way as *pater patrimus* signifies a father whose own fatner is still alive (Festus, p. 234). Servius (*ad* Verg. *Georg.* i. 32), however, confines the term *patrimi et matrimi* to children born of parents who had been married by the religious ceremony called *confarreatio*, and who were still alive; it appears probable that this is the correct use of the term. We know that the *flamines majores* were obliged to have been born of parents who had been married by *confarreatio* (Tac. *Ann.* iv. 16; Gaius, i. 112); and as the children called *patrimi et matrimi* are almost always mentioned in connexion with religious rites and ceremonies (Cic. *de Har. resp.* 11; Liv. xxxvii. 3; Gell. i. 12; Tac. *Hist.* iv. 53; Macrob. *Saturn.* 6; Vopisc. *Aurel.* 19; Orelli, *Inscr.* n. 2270), the statement of Servius is rendered more probable, since the same reason which confined the office of the *flamines majores* to those born of parents who had been married by *confarreatio*, would also apply to the children of such marriages, who would probably be thought more suitable for the service of the gods than the offspring of other marriages. If this restriction ceased when *confarreatio* fell into disuse, it was at least still necessary that the mother should not have been divorced: in such a case the children would obviously cease to be *patrimi et matrimi*. There is, however, reason to think that the rite of *confarreatio* was retained so far as to provide persons qualified for priestly office [MATRIMONIUM, p. 140 *b*], and so the *patrimi et matrimi* of late times may still have been born from parents so married, though it is clear, from the statement of Macrobius (*l. c.*) that after the 3rd century B.C. the service was no longer *restricted* to *patrimi et matrimi*, since the children of *libertini* served also. For the religious functions which required attendance of *patrimi et matrimi*, see CAMILLUS; ARVALES; MATRIMONIUM, p. 143 *b*. (Rein, *Das röm. Privatrecht*, p. 177; Göttling, *Gesch. d. röm. Staatsverf.* p. 90; Marquardt, *Staatsverw.* iii. 227; *Privatleben*, p. 70.) [W. S.] [G. E. M.]

PATRONOMI (*πατρονόμοι*) were magistrates established by Cleomenes III. at Sparta in his reformed constitution, when he abolished both the *γερουσία* and the ephorate, and set up the *πατρονόμοι* to exercise, as it were, a paternal control over the whole state (Pausan. ii. 9, 1). His constitution came to an end after the battle of Sellasia, B.C. 221; and we find ephors and *γερουσία* again (Pausan. iii. 11, 2), but with diminished powers; for the *πατρονόμοι* were retained as the chief magistrates (called *συνάρχοντες τῆς πατρονομίας*, *C. I. G.* 1356). Apparently they were six in number; the chief, or *πρέσβυς τῶν πατρονόμων*, was the *ἐπώνυμος* of the state,—that is, he gave his name to the year, which the first ephor had formerly done. (Compare Philostr. *Vit. Apoll.* iv. 32; Plut. *An seni sit resp. ger.* 24; Gilbert, *Staatsalterth.* i. 24, 26.) [W. S.] [G. E. M.]

PATRO'NUS. The act of manumission gave birth, as it were, to a free person, and created a new relation between the manumissor and the slave, which was analogous to that between father and son. In respect of this new relation the manumissor was called *patronus* (from *pater*), and the manumitted person *libertus* or *liberta*. If the manumissor was a woman, she became *patrona;* and the use of this word instead of *matrona* appears to be explained by the want of a special word to distinguish her position in respect of her freedmen. Viewed with reference to the early ages of Rome, this patronal relation must be considered a part of the ancient *clientela;* but from the time of the Twelve Tables at least, which contained legislative provisions generally on the subject of patronal rights, we may consider the relation of patronus and libertus as the same both in the case of patrician and plebeian manumissores.

The libertus was attached to the family, and adopted the gentile name of his manumissor (Lactant. *Inst.* iv. 3, "servus liberatus patroni nomen accipit tamquam filius"). Cicero's freedman Tiro was called M. Tullius Tiro. [NOMEN.] The patronus and libertus owed reciprocal duties to one another, the one being bound to afford protection and support (cf. Twelve Tables, "Patronus si clienti fraudem fecerit, sacer est"), the other to show loyalty (*obsequium et reverentia*) to and render such other services as were due. In early times it is probable that the libertus was represented by his patronus in courts of justice, suits being maintained by the latter on his behalf. The patron was the statutory guardian (*tutor legitimus*) of his freedman who was under age. It was the duty of the patron to support his freedman in case of necessity, and, if he did not, he lost his patronal rights: the consequence was the same if he brought a capital charge against him.

The libertus owed respect and gratitude to his patron, and had to perform all services which were regarded as tokens of this duty (*opera officiales*). In ancient times he was subject to kind of domestic imperium, and might be punished in a summary way by his patron, wh frequently made a tyrannical use of his autho rity. In later times the patron had the power of relegating an ungrateful freedman to a certain distance from Rome, under a law probably passed in the time of Augustus (Tac. *Ann.* xiii. 2 Dio Cass. lv. 13). In the time of Nero it was proposed to pass a senatusconsultum which should give a patron the power of reducing h freedman to slavery, if he misconducted himse towards his patron. The measure was not enacted, but this power was given by a constitution of Commodus, A.D. 180–192. (Dig. 25, 3, 6, § 1: "Cum probatum sit, contumeliis patronos a libertis esse violatos, vel illata manu atroci esse pulsatos, aut etiam paupertate vel corporis valetudine laborantes relictos: primum eos in potestatem patronorum redigi et ministerium dominis praebere cogi; sin autem nec hoc modo admoneantur, vel a Praeside emptori addicentur, et pretium patronis tribuetur.") The right of a patron to prosecute his freedman for ingratitude (*ut ingratum accusare*), and so to revoke his manumission, appears to have been recognised by the Lex Aelia Sentia (Dig. 40, 9, 30: cf. Inst. i. 16, 1). An ingratus was also called *libertus impius*, as being deficient in *pietas*. If the libertus brought an action against the patronus (*in jus vocavit*) without the leave of the praetor, he was himself liable to a special action on the case; and he could not, as a general rule, institute a capital charge against his patron. Disputes between patrons and freedmen were subject to the extraordinary jurisdiction of the praetor. [JURISDICTIO.] The libertus was bound to support the patron and his children in case of necessity, and to undertake the management of his property and the tutela of his children; if he refused, he was *ingratus* (Dig. 37, 14, 19). If a slave were the property of several masters, and were manumitted by all of them and became a Roman citizen, all of them were his patroni.

In early times freedmen were instruments of acquiring property for their patrons, like slaves. P. Rutilius Rufus provided that in cases of dispute between them as to property they should be regarded as co-proprietors of it (Dig. 38, 2, 1); but the oath of a freedman by which he bound himself to share his property with his manumissor was subsequently declared void. The manumissor could, however, secure to himself certain rights over his libertus by taking an oath from him (see H. Brocher, *de Operis Libertorum*, pp. 38–42), and by *stipulationes*. The subjects of such promises were gifts from the libertus to the patronus (*dona et munera*) and services (*operas*). The oath was not legally valid, unless the person was a libertus when he took it. If then he took the oath as a slave, he had to repeat it as a freeman, which seems to be the meaning of the passage of Cicero, in which he speaks of his freedman Chrysogonus (*ad Att.* vii. 2; compare Dig. 38, 1, 7). These *operae* were of two kinds: *officiales*, which consisted in customary tokens of respect and affection, which were due apart from contract; and *fabriles*, which are explained by the term itself, and which required an express stipulation. The *officiales* determined by the death of the patronus unless there was an agreement to the contrary; but the *fabriles*, being of the nature of money or money's worth, passed to the heredes of the patronus, like any other property. The patronus, when he commanded the *operae* of his libertus, was said *ei operas indicere* or *imponere* (Gaius, iv. 162; Dig. 38, 2, 29).

The patron could not command any services which might have the effect of imposing a burden on the liberty of the slave (Dig. 38, 2, 1, § 1: 38, 1, 2, § 1), or any services which were disgraceful (*turpes*) or dangerous to life, such as prostitution or fighting in the amphitheatre; but if the libertus exercised any art or calling (*artificium*), even if he learned it after his manumission, *operae* in respect to it might be reserved for the benefit of the patron. The Lex Julia et Papia Poppaea released freedmen (except those who followed the *ars ludicra*, or hired themselves to fight with beasts) from all obligations as to gifts or *operae* (imposed *libertatis causa*), who had begotten two children and had them in their power, or one child five years old (Dig. 38, 1; *de Operis Libertorum*, i. 37).

If liberty was given directly by a testament, the testator was the manumissor, and his patronal rights would belong by the law of the Twelve Tables to his children; if it was given indirectly—that is, *per fideicommissum*—the person who performed the act of manumission was the patronus. In those cases where a slave obtained his freedom under the S. C. Silanianum for having discovered his master's murderer, the praetor could assign him a patronus; and if this was not done, that person was the patron of whom the libertus had last been the slave (Dig. 38, 16, 3).

The patronal rights were somewhat restricted, when the act of manumission was not altogether the free act of the manumissor. For instance, a person under a trust to manumit [FIDEICOMMISSUM] had all the patronal rights, except the power to prosecute for ingratitude, the right to be supported by the libertus, and to stipulate for *munera* and special *operae*; his rights against the property of the libertus were, however, the same as those of any other manumissor. (*Frag. Vat.* § 225; Dig. 38, 2, 29.) If a slave had given money to another person in order that this other person might purchase and manumit him, the manumissor had no patronal rights, and he lost even the name of patron, if he refused to perform the act for which he had received the money, and allowed the slave to compel him to perform his agreement, which the slave could do by a constitution of M. Aurelius and L. Verus (Dig. 40, 1, 4 and 5). If a master manumitted his slave in consideration of a sum of money, he retained all patronal rights, but he could not stipulate for special *operae*. A person who purchased a slave, and on the occasion of the purchase agreed to manumit him, had all patronal rights, except the right of prosecuting for ingratitude, in case the slave compelled him to manumit pursuant to the constitution of M. Aurelius and L. Verus (Dig. 40, 9, 30).

A *capitis deminutio*, either of the patron or the libertus, dissolved the relation between them [CAPUT]. (See Tac. *Hist.* ii. 92, where "jura libertorum" means *jura patronorum* or *jura in libertos*.) The relation was dissolved when the libertus obtained *ingenuitas* by the *natalium restitutio*, but not when he merely obtained the *jus aureorum anulorum* [INGENUUS]. Justinian gave *jus anulorum* and the *natalium restitutio* to all freedmen (*Nov.* 78, 1, 2, 5.) The children of a freedman were *ingenui*.

The most important of the patronal rights related to the property of liberti who died intestate or having made a will. The subject, so far as concerns the ante-Justinian period, may be distributed under the following heads:—1. The rules of the old civil law (Jus Civile); 2. The rules of praetorian law, comprehending the *bonorum possessio intestati* and the *bonorum possessio contra tabulas;* and 3. The rules of the Lex Papia Poppaea relating to the rights of patrons.

1. By the law of the Twelve Tables, if a freedman died intestate, without *sui heredes*, the patronus was his heir. A freedman could have no agnates except children, but his patron was in the position of an agnate as regards his succession. The *legitima patronorum tutela* was not expressly mentioned in the Twelve Tables, but it was a legal consequence of the rule as to inheritance (Ulp. *Fragm.* xi. 3). In the case of an intestate liberta, as she could not have a *suus heres*, the patron was her heres in any event. The Senatusconsultum Orfitianum, which was passed after Gaius wrote his Institutes (iii. 51), and in the last year but one of the reign of Marcus Aurelius, made an alteration in this respect, since it gave children a right to the succession of their mother, whether the latter was ingenua or libertina (Dig. 38, 17, 1). These patronal rights belonged both to a patronus and a patrona, and to the liberi of a patronus (Ulp. xxvii.), whether natural or adoptive. It seems that the children of a patrona had not by the Twelve Tables the same rights as the children of a patronus, since they were not in her power; but the Lex Papia Poppaea probably made some change in this respect (Unterholzner, *Zeitsch. f. R. G.* p. 43, &c.). The succession to the property of a freedman belonged to the liberi of a patronus according to proximity of degree, as in the agnatic order of succession. Thus a son of a patron excluded a grandson. If there were several patroni or patronae, they divided the inheritance equally, though their shares in the libertus, when a slave, might have been unequal. These patronal rights resembled a joint tenancy in English law, for the survivor or survivors of the patroni had all the patronal rights to the exclusion of any children of a deceased patronus. If the patroni were all dead, leaving several children, the hereditas was divided among all the children equally (*in capita*), pursuant to the law of succession in the case of agnation (Gaius, iii. 16, 59, &c.). If the patron left no liberi, and the freedman died intestate without *sui heredes*, the inheritance of the latter probably devolved on the gens of the patronus. A freedman had free power of disposing of his property by will, according to the Twelve Tables, and so of excluding his patron from the succession (Gaius, iii. 40). A patron could not transfer his interest in the patronatus by will or otherwise, except that by a senatusconsultum, which was passed in the time of Claudius, he was entitled to assign his patronal rights to the inheritance of a libertus, to any of his children he had in his power, to the exclusion of the rest (Dig. 38, 4, *de assignandis libertis*). In order that the above patronal rights should exist, it was necessary that the libertus should have been made free by a Roman citizen, and have become a Roman citizen by the act of manumission. Accordingly, if a free person obtained the citizenship, it was necessary that he should have a special grant of the *jus patronatus*, in order that he might have these patronal rights against his freedmen who had been previously manumitted, and it was necessary that they should have become Roman citizens at the time of manumission (Plin. *Ep.* x. 6). A *capitis deminuti* loss of citizenship or change of familia, either the patron or the libertus, destroyed the patron rights to the inheritance, as already observe (Gaius, iii. 51).

2. The law regulating the succession to th property of deceased freedmen was supplement and amended by the edict of the praetor, wh extended the rights of patrons. The edict calle to the succession (*bonorum possessio*) of liber who died intestate: (1) the liberi of th deceased freedman (*bonorum possessio unde liber* [but if the deceased only left adoptive childre or a wife *in manu*, the patron had *bonor* *possessio* to one-half the property against the *sui heredes*]; (2) the patron and his agnat descendants (*bonorum possessio unde legitimi*) (3) the cognatic descendants of the decease freedman (*bonorum possessio unde cognati*); (the agnates of the patronus and patrona (*bonoru* *possessio tamquam ex familia*); (5) the patronu patrona, liberi, *et parentes patroni patronaeq* i.e. the patron of the patron, in case the patr was himself a freedman, the children of th superior patron, and the parents of the im mediate patron, if the latter had been man mitted from their mancipium; (6) the husban or wife of the freedwoman or freedman (*unde v* *et uxor*); (7) the cognates of the patronus patrona to the sixth, or in one case to th seventh, degree (*bonorum possessio unde cogna* *manumissoris*).

A manumissor of a person *ex causa mancip* was quasi-patronus of the manumissus and ha the same rights of succession to his property a patronus; but if a filiusfamilias was man mitted by an extraneus manumissor instead by his own father, the praetor postponed th claims of the manumissor, giving a preferen to the father and certain other near relations the manumissus (*bonorum possessio unde dec* *personae*). [Mancipii Causa.]

We have seen that by the law of the Twel Tables, if the freedman made a will, he cou pass over his patron altogether. But by th edict, unless he left his patron as much as ha of his property, the patron or his male childr could obtain *bonorum possessio contra tabulas* one-half of the property, from any perso instituted heirs by him, other than children his own blood (*naturales*). An adopted child the freedman or his wife in his manus could n defeat this claim of the patron. The patr was not excluded if the children of the freedm were exheredated (Gaius, iii. 40; Dio Cass. 15, and the note of Reimarus).

3. The Lex Papia Poppaea further extend the rights of patrons by providing that, if freedman had a property amounting to a hundr thousand sestertii and fewer than three childre the patronus should have an equal share wi the children, whether the freedman died testa or intestate. A patrona, before the Lex Pap was passed, had only the same rights as patronus under the Twelve Tables, not havi been allowed by the praetor the *bonorum posse* *dimidiae partis contra suos non naturales* in ca of intestacy, or the *bonorum possessio cont* *tabulas*. By this lex a patrona ingenua wi had two children, or a patrona libertina havi three children, were given nearly the sa

rights as a patron had under the edict: and a patrona ingenua having three children, was given the same privileges as belonged to a patron under the statute. The lex also gave to patrona filia, mother of three children, the same rights as the patron had by the edict; that is, a right to half the property of the freedman against any heirs except *naturales liberos*. The son of a patrona who had a child was put in almost the same position as a patronus (Gaius, iii. 42, &c.).

According to the old law, as the liberta was in the legitima tutela of her patron, she could make no disposition of her property by will without his sanction (*patrono auctore*). The Lex Papia freed a liberta from this tutela, if she had four children, and she could consequently then make a will without the sanction of her patronus, but the law provided that the patronus should have an equal share (*pars virilis*) with her surviving children. In the case of a liberta dying intestate, the Lex Papia gave no further rights to a patrona who had children (*liberis honoratae*) than she had before; and therefore if there had been no capitis deminutio of the patrona or the liberta, the patrona inherited the property, even if she had no children, to the exclusion of the children of the liberta. If the liberta made a will, the Lex Papia gave to the patrona, who had the number of children required by that law, the same rights which the edict gave to the patronus *contra tabulas liberti*. It is to be noticed that though rights of patronatus under the Twelve Tables were put an end to by capitis deminutio, this was not the case with rights given by the Lex Papia Poppaea (Inst. iii. 4, 2).

By the actio Fabiana or Faviana and actio Calvisiana the claims of patrons to the succession of their freedmen were protected against alienation *inter vivos* on the part of freedmen. Under the later emperors the above rules as to the succession of freedmen were considerably changed, more especially by Justinian. According to his legislation, if a freedman or freedwoman died intestate, their natural children succeeded to the entire exclusion of the patron. In default of children of the freedman or freedwoman, came (1) the patron or patroness, (2) their children, (3) their collateral relations to the fifth degree.

If a freedman left a will, and had property of less value than 100 aurei, his power of passing over his patron was unrestricted. If he had property of this amount and was childless, or had disinherited his children, the patronus or patrona and their descendants to the fifth degree had a right to a third of his property.

The rules of law as to the succession of the patronus to the property of Latini liberti differed in various respects from those that have been explained respecting liberti cives. Their property was regarded as peculium on their death, and so belonged to the patron as if he had previously been owner of it, and not by title of inheritance. Hence it came to his extranei heredes, not to his exheredated children, who would have taken it if the freedman had been civis Romanus. If there were several patrons, it came to them in proportion to their interests in the former slave, and it was consistent with this doctrine that the share of a deceased patronus should go to his heir. A Latinus Junianus could not make a will (*tamquam servus moritur*). The Senatusconsultum Largianum, which was passed in the time of Claudius, assimilated to some extent the devolution of the property of Latini with that which took place in the case of cives liberti. It enacted that the property of Latini should go first to those who had manumitted them; then to their liberi who were not expressly disinherited, according to proximity; and then, according to the old law, to the heredes of the manumissor. The only effect of this senatusconsultum was to prefer liberi who were not expressly disinherited to extranei heredes.

As to the lowest class of freedmen, called *dediticii*, there were two rules. The property of those who on their manumission would have become Roman citizens but for their having suffered some infamous punishment, came to their patroni as if they had been Roman citizens. The property of those who on their manumission would have become Latini but for the impediments thereto, came to their patroni as if they had been Latini. In the time of Justinian all freedmen were cives Romani.

As to the other meanings of patronus, see CLIENS, COLONUS, ORATOR. (Gaius, iii. 39–76; Ulpian, *Frag.* xxvii., xxix.;—Dig. 37, 14, 15; 38, 1, 2, 3;—Institutes, iii. 8; Unterholzner, *Ueber das patronatische Erbrecht. Zeitsch.*; Huschke, *Studien des Röm. Rechts*, i. 59, and in *Rhein. Mus.* vi. 95, &c.; A. Schmidt, *Das Pflichttheilsrecht des Patronus*, &c.; Walter, *Geschichte des Röm. Rechts*, §§ 494–500; Rein, *Das Röm. Privatrecht*, 597, &c.; Kuntze, *Cursus des Röm. Rechts*, i. §§ 801–805, ii. §§ 531–533; Keller, *Inst.* § 254; Puchta, *Inst.* ii. § 215, iii. § 296.) [G. L.] [E. A. W.]

PAVIMENTUM. [DOMUS, Vol. I. pp. 656, 685; PICTURA.]

PAVONA'CEUM. [TEGULA.]

PAUPE'RIES was the legal term for damage to property done to a person by a domesticated animal belonging to another person, contrary to the nature of the animal causing the damage and without any fault of its owner. According to the law of the Twelve Tables, the animal must be a *quadrupes pecus*, to be able to give rise to pauperies; but a Lex Pesulania extended the law to dogs, and the praetorian law comprised under this head all domesticated animals. If the damage done by such animal was due to the fault of the owner, it was not pauperies, but unlawful damage to property [DAMNUM INJURIA DATUM]. Pauperies excluded the notion of unlawful conduct; it is defined as "damnum sine injuria facientis factum," for an animal "quod sensu caret" could not be said to have done a thing *injuria*. It was required that the damage should be contrary to the ordinary nature of the animal: thus, if a horse was incited by some one, as by his striking it, or kicked by another animal, the damage it did to a person in consequence was not pauperies on its part. In case of pauperies arising, the law of the Twelve Tables gave the injured person an action against anyone who was owner of the animal at the time of action being brought, the liability passing to a transferee if the animal was alienated after it had done the damage (*noxa caput sequitur*). The right of action ceased if the animal died. By this action the owner of the animal was required either to give up the animal to the injured party (*noxae dare*), or to pay the full amount of damages. Thus the *actio de pauperie* belonged to the class of *noxales actiones*—such as were brought against a house-father on account of the delicts of his sons and slaves. (There was probably a special action of pauperies called *actio de pastu pecoris*, on account of cattle grazing on a neighbour's crops.) The *actio de pauperie* and other noxal actions seem to have been first given in order to prevent an injured party taking the law into his own hands, as he was likely to do if he had no other remedy. Noxal surrender originated in an archaic state of society, and traces of it are widespread. (Cf. the Greek *βλάβη τετραπόδων καὶ ἀνδροπόδων*, Meier and Schömann, *Att. Proc.* 477; Platner, *Proc.* ii. 371; Voigt, *Zwölf Tafeln*, ii. § 143, n. 2; and see Holmes's *Common Law*, Lecture I., as to the suggestion that noxal liability arose out of a primitive notion of vengeance.)

Wild animals could not make their owner liable for pauperies, but an owner of such animal was liable under the Aquilian law for any damage it caused owing to his negligence, while in his custody; but if a wild animal got away from his master, he was not liable according to Jus Civile, because, when the animal got away, it ceased to be his property. The aedile's edict, however, made a person liable to an *actio popularis* for damage done in a place of public resort to a free person by a dog, boar, wild boar, bear, or lion, which he had neglected to keep under proper control (Inst. iv. 9; — Dig. 21, 1, 40, § 1; 41, 42, *de aed. Ed.*).

(Inst. iv. 9; Dig. 9, 1, *si quadrupes pauperiem fecisse dicatur*; Thibaut, *Versuche*, ii. 8; Zimmern, *System der römischen Noxalklagen*, 79–117; Gesterding, *Zeitsch. f. Civilrecht und Proc.* iv. 261–288; Vangerow, iii. § 689; C. Sell, *Aus dem Noxalrechte der Römer*; Voigt, *Zwölf Tafeln*, § 143.) [G. L.] [E. A. W.]

PAUSA'RIUS. [Portisculus.]

PECTEN (*κτείς*). The use of the comb is almost universal, for it is known to all tribes who have learnt to weave. It is of pre-historic origin, since combs have been found in the cave-dwellings of the early Stone Age (Boyd Dawkins, *Early Man*, p. 267); while specimens made of bone, horn, and wood turn up in considerable numbers in the remains of the Swiss lake-villages (Keller, *Lake Dwellings*, pp. 119, 385, and 638, E. T.). Most of these early combs seem to have been used for weaving, or for the subsidiary processes of carding wool or heckling flax, and it would seem that they were employed for such purposes at least as soon as, if not sooner than, for dressing the hair. For its use in weaving, see Tela. It was also used for carding, a process which is mentioned by Homer (*εἴρια ξαίνειν*, *Od.* xxii. 423; and *εἴρια πείκειν*, *Od.* xviii. 316), as one of the ordinary household occupations. Naturally enough, mention of such menial every-day work is not common in literature, but there can be no doubt about the use of the comb for these purposes throughout the whole of antiquity. Thus Pliny says that it was used for working flax (*H. N.* xix. § 17) and silk (*ib.* xviii. § 297), and from inscriptions (Gruter, 648, 2) we learn of the existence of a guild of *pectinarii lanarii sodales*. Elsewhere the heckler or carder is called *pectinator* (*κτενιστής*), or *carminator*.

Combs used for heckling and carding do not seem to have been as yet discovered in Greece or Italy, but iron heckling combs with a large number of sharp teeth have been found in Egyptian graves (Wilkinson, iii. 140, No. 537). Much more common are the combs for hair-dressing, which have been found in considerable numbers on almost every ancient site. Literature gives but little information of their use, except that it was considered a mark of boorishness to go about with uncombed hair (Juv. xiv. 194). The elaborate head-dresses shown on works of art, both Roman and Greek, are, however, in themselves quite sufficient to prove that the comb was an indispensable article of the toilet, especially in early times, when both men and women wore their hair long and carefully dressed. For the Spartan custom of combing their hair before a battle, see Herod. vii. 208.

Combs are not often shown on the monuments, but appear on some Roman portrait busts of ladies stuck as an ornament into an elaborate head-dress (Kurz and Weisser, *Lebensbilder*, pl. ix. fig. 17). On a sepulchral slab in Gori, *Inscript.* pl. i. p. 10 (Baumeister, *Denkmäler*, fig. 827), a double fine-toothed comb is shown along with other toilet articles. Such combs have been found in great numbers in Greece proper, the Crimea, Etruria, Pompeii, &c., made of wood, bone, and ivory, all of the same pattern, being precisely similar to those found in Egypt, and to those used in the present day. Boxwood was a favourite material, and the comb is frequently spoken of as *buxum* simply (Ovid. *Fast.* vi. 229; Juv. *l. c.*). Ivory, however, and bronze were also used; but this latter, at any rate, in most cases only for combs with one row of teeth, which had highly-decorated handles, and were evidently intended to be worn in the hair. These are not unlike combs used for the same purpose now, but have, as a rule, triangular or semicircular handles. Barbers were in the habit of cutting hair *per pectinem*, to ensure its not being too short (Plaut. *Capt.* ii. 2, 18).

Dictionaries will supply some other meanings of the words *κτείς* and pecten which need not be specified here. (See also Marquardt, *Privatleben*, p. 601; Baumeister, *Denkmäler*, p. 775; Coma.) [W. C. F. A.]

PECUA'RII. [Scriptura.]

PECULA'TUS is the misappropriation or theft of public or sacred property, whether it was done by a public functionary or by a private person. Labeo (Dig. 50, 9, 2) defines it thus: "pecuniae publicae aut sacrae furtum, non ab eo factum cujus periculum est," the qualifying part of the definition meaning that there could not be peculatus in respect of property entrusted to an official to hold at his own risk. The person guilty of this offence was *peculator*. Cicero (*de Off.* iii. 18, 73) enumerates *peculatores* with *sicarii*, *venefici*, *testamentarii* (forgers of wills), and *fures*. Peculatus, derived from *pecus*, a term which originally denoted that kind of movable property which was the chief sign of wealth [Pecunia], seems to have signified in early times the theft of cattle, peculatus publicus having been the offence of stealing cattle from a magistratus which he had taken as *multa* or as *poena sacramenti* (Voigt, *Zwölf Tafeln*, ii. § 137, n. 17; cf. Varro, *L. L.* v. 19, 95, "hinc [*i.e.* a pecude] peculatum publicum primo tum, cum pecore diceretur multa et id esset coactum in publicum, si erat aversum;"—Festus, 237 a, 13;

211 a, 18; 202 b, 13;—Paul. Diac. 75, 11). Peculatus was punished in early times by the infliction of a heavy *multa* on the offender (Liv. i. 37, xxv. 37, xxxvii. 58; Gell. vii. 19). Originally trials for peculatus were before the populus or before the senate (Liv. v. 32, xxxvii. 51, xxxviii. 54). In the time of Cicero matters of peculatus were one of the *quaestiones perpetuae* (*pro Cluent.* 53, 147; *pro Mur.* 20, 42), which implies some Lex de Peculatu, though there is no mention of such a lex in our sources.

Two leges relating to peculatus are cited in the Digest, Lex Julia peculatus and Lex Julia de residuis, but these may perhaps be two chapters of the same lex, just as the Lex Julia de adulteriis comprised a provision *de fundo dotali*, which chapter is often quoted as if it were a separate lex. The Lex de residuis applied to those who had received public money for public purposes, and had retained it when they ought to have paid it over ("apud quem pecunia publica resedit"). The offence differs from ordinary peculatus in that it is constituted by a mere omission. The penalty under this lex on conviction, borrowed from the Lex Silia, was a third part of the sum retained besides liability to restitution. Sacrilegium is treated as a kind of peculatus under the Lex Julia, a sacrilegus being one who plunders sacred property of a public kind (so excluding *sacra privata*). For an account of the special punishments with which this offence was visited, see art. Sacrilegium. The Lex Julia peculatus embraced or was extended by interpretation to various species of public frauds, some of which also belong to the *crimen falsi*, as certain coinage offences, falsification of public accounts or of documents of title to public land, &c. The punishment for peculatus, which under the Lex Julia was *aquae et ignis interdictio*, was subsequently changed into *deportatio:* the property of the offender was forfeited. Special punishments were inflicted in the case of particular species of peculatus. (Dig. 48, 13, *ad legem Juliam peculatus et de sacrilegis et de residuis;* Cod. 9, 28; Inst. iv. 18, 9; Paul. *Sent.* 5, 27; Rein, *Das Criminalrecht der Römer*, p. 672; Rudorff, *Römische Rechtsgeschichte*, ii. § 118; Walter, *Römische Rechtsgeschichte*, § 813.) [G. L.] [E. A. W.]

PECU'LIO, ACTIO DE. [Servus.]

PECU'LIUM. [Servus.]

PECU'LIUM CASTRENSE. [Patria Potestas.]

PECU'NIA. In the use of this word for "money," we have a record of the fact that in primitive times in Greece and Italy values were calculated in sheep and oxen. Stamped money was introduced into Asia Minor and Greece in the 7th century; into Rome in the 5th. For the history of Greek coins, see Pondera; for that of Roman coins, see As; while a few general remarks as to the use of money in antiquity will be found under Numus. [P. G.]

PECU'NIA CERTA. [Obligationes.]

PECU'NIAE REPETUNDAE. [Repetundae.]

PEDA'NEUS JUDEX. [Judex Pedaneus.]

PEDA'RII. [Senatus.]

PEDI'SEQUI, a class of slaves, whose duty was to follow their master when he went out of his house, while the anteambulo preceded him. The pedisequi seem to have formed a special class of slaves, which was almost the lowest of all (Nep. *Attic.* 13; Plaut. *Mil. Glor.* iv. 2, 18; Ter. *Andr.* i. 1, 96; Cic. *ad Att.* ii. 16). There was a similar class of female slaves, called *pedisequae* (Plaut. *Asin.* i. 3, 31). Several inscriptions bearing on this point are cited in Marquardt, *Privatleben*, p. 148; compare Becker-Göll, *Gallus*, ii. 154. [W. S.] [G. E. M.]

PEDUM (*κορύνη*, Theoc. vii. 43), a crook. The accompanying woodcut is taken from a painting found at Civita Vecchia (*Ant. d'Ercolano*, vol. iii. tav. 53). It shows the crook in the hand of a shepherdess. (See also woodcut to Oscillum.)

Pedum. (From a painting.)

The crook is continually seen in works of ancient art in the hands of Pan (Sil. Ital. *Pun.* xiii. 334), and is also the usual attribute of Thalia, as the Muse of Pastoral poetry. The *λαγωβόλον* (Theoc. iv. 49, vii. 128, prob. = *καλαῦροψ*, *Il.* xxiii. 841) was a stick thrown to collect cattle (originally to kill hares, &c.), somewhat like a "boomerang" (Stephani, *Compte Rendu*, 1867; Fritzsche *ad* Theoc. *l. c.*). [J. Y.] [G. E. M.]

PEGMA (*πῆγμα*), a structure of planks joined together, and so in its simplest form shelves in the atrium for *imagines* (Auson. *Epigr.* 26, 10) or book-shelves (Cic. *ad Att.* iv. 8); but in a special sense the origin of our word *pageant*, an edifice of wood consisting of two or more stages (*pegmata* of four stages appeared in the triumph of Titus: Jos. *B. J.* vii. 5, 5), which were raised or depressed, expanded or closed at pleasure by means of weights acting with ropes and pulleys ("ponderibus reductis," Claudian, *de Mall. Theod. Cons.* 323—328; Senec. *Ep.* 89; Prudent. *περὶ Στεφ.* x. 1016). These great machines were used in the Roman amphitheatres, and for spectacles in general, and to some extent resembled the contrivances for transformation scenes in a modern pantomime (Juv. iv. 121; Mart. i. 2; Suet. *Claud.* 34). They were moved on wheels: sometimes they were richly decorated; overlaid with silver (Plin. *H. N.* xxxiii. § 53). At other times they exhibited a magnificent, though dangerous, display of fireworks (Claudian, *l. c.*; Vopisc. *Carin.* 15). Gladiators or other performers were borne aloft upon them, and some editors give *pegmares* as signifying hence *gladiators;* but in the passage of Suetonius (*Calig.* 26), where alone the word is supposed to occur, the reading *paegniaris* is more probable. Strabo saw in the forum a Sicilian brigand-chief placed on a pegma representing Aetna. The machine was so constructed as suddenly to fall asunder and precipitate him among the wild beasts (Strab. vi. p. 273; Mayor on Juv. *l. c.*). Phaedrus (v. 7, 7) mentions an accident to a tibicen on a pegma. [J. Y.] [G. E. M.]

PE'LANOR (*πέλανορ*) is mentioned by Hesychius (*s. v.*) as a coin in use at Sparta, equivalent to four *χαλκοῖ* or half an Attic obol. Plutarch (*Apophtheg. Lacon.* p. 903) says that it was an iron coin of the weight of an Aeginetan mina (20 Troy ounces). These cumbrous coins seem to have constituted the coinage of Sparta down to the time of Alexander the Great; at least, no gold, silver, or copper coins of Sparta of an earlier date than B.C. 310 are extant. (*Brit. Mus. Catalogue of Coins*, Peloponnesus, p. xlvii.) [P. G.]

PE'LATAE (*πελάται*) are defined by Pollux (iii. 82) and other authorities to be free labourers working for hire, like the *θῆτες*, in contradistinction to the Helots and Penestae, who were bondsmen or serfs, having lost their freedom by conquest or otherwise. Aristotle (*ap.* Phot. *s. v.* Πελάται) thus connects their name with *πέλας*: Πελάται, he says, from *πέλας, οἷον ἔγγιστα διὰ πενίαν προσιόντες*: *i.e.* persons who are obliged by poverty to attach themselves to others. Timaeus (*Lex. Plat.* s. v.) gives the same explanation. Πελάτης, *ὁ ἀντὶ τροφῶν ὑπηρετῶν καὶ προσπελάζων*. Its origin is therefore something like that of *ἱκέτης*, but it has more completely the notion of *dependence*, for sustenance as well as for protection. This will explain how some later Greek writers came to use it to translate the Latin *cliens*, though the relations expressed by the two words are by no means similar (*Dionys.* i. 83; Plut. *Rom.* 13). The work of the *πελάτης* was probably as a rule, if not always, field labour: whether a groom who was *μισθωτός*, not a slave, as in Plat. *Lys.* p. 208 A, could rightly be called *πελάτης*, cannot be determined. In Plat. *Euthyphr.* p. 4, we find a *πελάτης* working in the fields along with the slaves, and the word *θητεύειν* is applied more than once in that dialogue as the proper term for his labour [cf. THETES]. Its proper sense of *free* labour was not, however, always preserved in later Greek. Plutarch (*Ages.* c. 6) also uses the word rather loosely for Helots, and we are told of a nation of Illyrians (the Ardiaei) who possessed 300,000 prospelatae, compared by Theopompus (*ap.* Ath. vi. p. 271, d, e) with the Helots of Laconia. (Müller, *Dor.* iii. 4, § 7; Wachsmuth, *Hellen. Alterthumsk.* vol. i. pp. 361, 811, 2nd ed.; Hermann, *Griech. Staatsalterth.* § 101, n. 9; Becker-Göll, *Charikles*, iii. 46.) [R. W.] [G. E. M.]

PELLEX. [CONCUBINA.]

PELLIS. There can be no doubt that the oldest inhabitants of Italy and Greece, no less than those of the rest of Europe, were clad mainly, if not entirely, in skins. The period, however, when skins were thus universally worn, though the ancients assumed its existence just as we do (cf. Varro, *R. R.* ii. 11, 11; Propert. v. 1, 12), has left no trace in literature or art, except perhaps in the costume of certain gods, who, like Herakles with his lion-skin, remained true to primitive fashion. In Homeric times skins were worn as a mantle over the shirt by the poor,—Odysseus, for instance, dons a hairless deer-skin over the rags of a beggar (*Od.* xiii. 436; cf. Hesiod. *Op.* 545),—by archers (Paris, *Il.* iii. 16), and by warriors when reconnoitring, as by the Greeks in the Doloneia (*Il.* x. 23, 29, 197, 334). The manner in which such skins were worn is very possibly shown by the figure of Hermes on the François vase, where he wears a skin fastened closely and symmetrically on his body by two clasps, the fore-legs at his shoulders, the hind-legs hanging down his thighs.


Figure of Hermes.
(From François vase.)

Besides their use as garments, skins of wild and domestic animals, especially fleeces, were used as rugs and bedding. Leather, too, of some kind or other was employed for the manufacture of shoes, caps, harness, armour, and the other manifold uses to which leather is put.

The picture given by the literature of classical times is not far different from the Epic, for there, too, the use of skins as garments is confined to shepherds or folk in out-of-the-way parts. Pausanias tells of people in Euboea and Phocis who wore tunics of pig-skins (viii. 1, 2), and says that the Ozolian Locrians owed their name to the evil smell of the undressed skins which they wore (x. 38, 2).

A number of the *σκύτιναι ἐσθῆτες* are catalogued and described by Pollux (vii. 68, 70). The best known are those which are mentioned in Aristophanes, where they occur as the garments of the poor, or as bed-clothes and rugs. They are:—

(1) The *διφθέρα*, which was a shepherd's cloak or coat of goat-skins sewn together (Aristoph. *Nub.* 71: cf. *Eccl.* 80; Plato, *Crit.* p. 53). According to Pollux (vii. 70), it had a hood and could be pulled over the head. The garment worn by the shepherd in the *Museo Pio Clem.* iii. 34 seems to answer to this description and to be a *διφθέρα*.

(2) The *σισύρα*, according to Pollux, was a tunic with sleeves of skins, with the hair turned inwards (*σίσυρνα χιτὼν σκύτινος ἔντριχος χειριδωτός*). It seems, however, to have been more of a cloak than a tunic, and was worn for warmth (Arist. *Ran.* 1459), but was apparently even more frequently used to sleep in (Id. *Av.* 122) as a blanket (Id. *Eccl.* 421). The *βαίτη*, the cloak of shepherds in Sicily (Theoc. iii. 25; v. 15), and elsewhere, seems to have been practically identical with the Attic *σισύρα* (cf. Schol. *ad* Arist. *Vesp.* 738), both being doubtless of goat- or sheep-skin. In late authors the term *σισύρα* may possibly mean a piece of cloth (Lucian, *Rhet. Praec.* 16; Longus, *Past.* ii. 3).

(3) The *κατωνάκη* was a coarse tunic trimmed with sheep-skin, and was worn by slaves and labourers in the country (Arist. *Lys.* 1151, 1155; Athen. vi. p. 271). Slaves at Sicyon went by the name of *κατωνακοφόροι* (Theopomp. *Hist.* 195).

(4) The *σπολὰς* was a leather jerkin worn by slaves over their tunic (*θώραξ ἐκ δέρματος, κατὰ τοὺς ὤμους ἐφαπτόμενος*, Pollux, vii. 70; cf.

Arist. *Av.* 933, 935, 944). It was also worn by soldiers (Xen. *Anab.* iii. 3, 20; iv. 1, 18).

Besides these garments, Dio Chrysostom mentions (ii. 382) the *κοσσύμβη* as a shaggy shepherd's coat, and Hesychius says *κόσσος* was used with the same meaning.

Greek art gives very little information about the use of skins. Herakles appears in early art closely enveloped in his lion-skin, in later art wearing it hanging from his arm or shoulder, and Dionysus and his train are represented in spotted fawn-skins [Nebris]; but there is nothing in either case to lead one to suppose that the costume represented is one of ordinary use. In the same way the skins which cover chairs in mythological scenes, like the assembly of the gods on the Sosias cylix of the Berlin Museum (*Mon. d. Inst.* i. 25), do not seem to occur in representations borrowed from actual life. In fact, the only articles of dress of this material which may reasonably be considered actual are the fox-skin caps which some of the riders on the Parthenon frieze wear, and the hunting-boots, which show the paws and tail of the skin from which they were roughly made.

In Roman literature garments made of skins are not very often mentioned. Yet the shepherds and goat-herds wore, as they do to this day (particularly in the malarious regions of the Campagna), skin coats with sleeves (*pelles manicatae*, Colum. *R. R.* i. 89). The specific names of such garments have not survived except in the case of the *mastruca*, a sheep-skin coat worn in Sardinia (Quinct. i. 5, 8).

Keller has collected several passages illustrating the use of bear-skins. They are worn by Arcadian auxiliaries in the first Messenian war, and by the *signiferi* in the later Roman army (Veget. ii. 16, borne out by many monuments): in Statius (*Theb.* iv. 304) the Arcadians have a bear's head on their shields: in Silius Ital. iv. 558, an Apulian horseman in the Second Punic War wears a bear-skin instead of a cuirass; so, too, Ancaeus the Arcadian (Orph. *Argon.* 199; cf. Acestes in Verg. *Aen.* v. 37): according to Strabo, xvii. p. 828, the people of Mauritania wore skins of lions, panthers, and bears: for beds we have bear-skins mentioned in Verg. *Aen.* viii. 368, Ov. *Met.* xii. 319.

One of the most important uses of skins at Rome was as a covering for military tents [Tabernaculum], whence *sub pellibus*, "under canvas" (Caes. *B. G.* iii. 29, &c.). The *pelliones* (Plaut. *Men.* ii. 3, 54, 400), *pelliarii* (Varro, *L. L.* viii. 55), and *pellionarii* were important enough to form guilds, for a *collegium pellionariorum* is mentioned in an inscription (Reines. i. 283; Donat. p. 235, 2). These craftsmen probably, even in early times, prepared furs as well as goat-skins and sheep-skins.

The custom of using furs, both as rugs (*stragula pellicia*, Dig. 34, 2, 25) and as articles of dress (*pelles indutoriae*), though furriers' shops are spoken of by Varro (*L. L.* viii. 55), did not become customary until the time of the Empire, when contact with fur-wearing peoples, such as the Germans (cf. *rheno*, a German coat of reindeer skin afterwards adopted at Rome: Caes. *B. G.* vi. 21) brought them in. They speedily were recognised as ordinary articles of dress ("vestis etenim ex pellibus constabit," Dig. 34, 2; 23, § 3), and the growing demand for them supported a lively trade at the factories in Southern Russia (*e. g.* Tanais on the Don, Strab. ii. p. 493), as well as in Cappadocia (*Tot. Orbis Descr.* § 40). The importance of furs as an article of commerce is shown by the Edict of Diocletian, in which skins of oxen, goats, sheep, lambs, deer, wild sheep, stags, martens, beavers, bear, wolves, foxes, leopards, hyaenas, lions, and seals are enumerated, as well as Morocco leather of different kinds. Tanning, or at any rate the careful dressing of skins, was known as early as the Homeric age, when we find various kinds of leather in use for harness, armour, and clothing. Even in the case of skins used as bed-clothes it was apparently the exception to have any not tanned, for the *ἀδέψητος βοέη* on which Odysseus slept (*Od.* xx. 2, 142) was used by poor folk.

Among the common people many doubtless, like Eumaeus (*Od.* xiv. 34: cf. Hes. *Op.* 519), made their own shoes and garments from raw hide, dressing them roughly with oil to render them soft. However, there were even at this period professional workers in leather, such as was Tychios, *σκυτοτόμων ἄριστος* (*Il.* vii. 322), who made Ajax's shield. Shoe-making and tanning seem to have been carried on by the same man even in classical times (Aristoph. *Eq.* 314, 869; Theophr. *Char.* 16). [For the process of tanning, see Coriarius.]

Literature.—Blümner, *Technologie*, i. p. 254 *sq.*; Hermann-Blümner, *Lehrbuch*, iv. pp. 175–6; Iwan Müller, *Handbuch*, iv. pp. 396, 806, 880, 931; Albert Müller, *Bühnenalterthümer*, pp. 237, 250, 252; Becker-Göll, *Charikles*, iii. 260. f.; Marquardt, *Privatleben*, p. 587; Keller, *Thiere des klass. Alterth.* 1887. [W. C. F. A.]

PELO'RIA (*πελώρια*), a festival celebrated by the Thessalians, which is compared to the Roman Saturnalia. Its origin was traced to the ancient Pelasgian times. Sacrifices were offered to Zeus Pelorios; and to the splendid banquets any strangers were admitted, prisoners were set free, slaves enjoyed the greatest liberty and were even waited upon by their masters. (Athen. xiv. p. 639; cf. Panofka, *Abhandl. der Berlin. Akad.* 1839, p. 35.) [L. S.]

PELTA (*πέλτη*), a small shield. Iphicrates, observing that the ancient Clipeus was cumbrous and inconvenient, introduced among the Greeks a much smaller and lighter shield, from which those who bore it took the name of *peltastae* [Exercitus, Vol. I. p. 776]. It consisted principally of a frame of wood or wickerwork (Xen. *Anab.* ii. 1, § 6), covered with skin or leather, without the metallic rim. [Antyx]. (Timaeus, *Lex. Plat.* s. v.) Light and small shields of a great variety of shapes were used by numerous nations before the adoption of them by the Greeks. The round target or *cetra* was a species of the pelta, and was used especially by the people of Spain and Mauretania. [Cetra.] The pelta is also said to have been quadrangular (Schol. *in* Thuc. ii. 29). A light shield of similar construction was part of the national armour of Thrace (Thuc. ii. 29; Eurip. *Alces.* 498, *Rhes.* 410; Max. Tyr. *Diss.* xix. 1, xxiii. 2) and of various parts of Asia, and was on this account attributed to the Amazons, in whose hands it appears on the works of ancient art sometimes elliptic, as in the bronzes of Siris (woodcut, p. 79), and at other times variously sinuated on the margin, but most commonly with a semicircular indentation on one side ("lunatis peltis," Verg. *Aen.* i. 490, xi. 663). Varro, *L. L.* vii. 43, compares this to the *ancile.* [SALII.] A vase fragment in the British Museum (No. E 793) shows clearly the form and construction of the *lunata pelta;* two Persians exhibit the two sides of the shield. [W. S.] [A. H. S.]


Peltae, from a vase in the British Museum.

PELTASTAE. [EXERCITUS, Vol. I. p. 776.]

PELVIS (ποδανιπτήρ), a vessel for washing the feet. Thus much is clear from Varro's derivation, "pedelvis a pedum lavatione" (*L. L.* v. 119), though etymologically the word should be connected with πέλλις; to which Pollux (x. 78) gives much the same meaning (see Lexicons, *s. v.* πέλλα). It was sometimes of earthenware (Schol. *ad* Juv. iii. 277), but probably more often of bronze (Juv. x. 64); also of the more costly Corinthian bronze (Orell. 3838; see AES, p. 39): in Petron. 70 we find a silver pelvis; but that is for holding ointment. The words *pelluvia* and *pelluvium* are other names for the same vessel (Fest. p. 161; Id. *Ep.* 207); but the *pollubrum* was used either for hands or feet: in Fest. p. 247 it = pelvis; in Livius And. and Fabius Pict. (*ap.* Non. 544) it is used to express the Greek χέρνιψ (or χερνίβιον) and = *trulleum,* a basin for washing the hands (Non. 547): no doubt, like the Greek λέβης (*Od.* i. 137, xix. 386), it might be used for either purpose. It must be observed that in both cases the water was ordinarily poured from the jug (πρόχους, *urceolus*) over the feet or hands into the basin. As a special name for the wash-hand basin, we have the *malluvium* (Fest. p. 161) = χειρόνιπτρον (Poll. x. 90). The pelvis was also used for washing up cups and dishes (Non. 544). As regards the ordinary shape of the pelvis, we may gather from the *patulae pelves* of Juv. iii. 167 that it was wide and shallow. The relief of the washing of Ulysses' feet (Baumeister, *Denkmäler*, fig. 1257) shows a somewhat deeper vessel. The *malluvium* in the Aldobrandini marriage picture (*ib.* 946) is like a washing-basin of the present day. (Becker-Göll, *Gallus*, ii. 371; Mayor on Juv. x. 64.) [G. E. M.]

PENA'TES. See *Dict. of Gr. and Rom. Biogr. and Myth.*

PENESTAE (πενέσται), Thessalian serfs. The word is no doubt from the root of πένομαι, πόνος, πένης (Dionys. ii. 9; Curtius, *Gr. Etym.* 272), and we must reject the ancient derivation quoted below. The Penestae of Thessaly were old inhabitants of the land conquered and reduced to villenage by the Thesprotians: according to Theopompus, they were Perrhaebians and Magnetes (Athen. vi. p. 265); but Aristotle (*Pol.* ii. 9, 3) distinguishes these tribes from the Penestae, speaking of them rather as Perioeci than as serfs. Others call them Pelasgi, or, in other words, regarded them as the primitive indigenous people of Thessaly; while Archemachus (*ap.* Athen. vi. p. 264) gives the following account of them:—"The Aeolian Boeotians who did not emigrate when their country Thessaly was conquered (compare Thuc. i. 12), but from love of home surrendered themselves to serve the victors, on condition that they should not be carried out of the country (whence, he adds, they were formerly called Μενέσται, but afterwards Πενέσται), nor be put to death, but should cultivate the land for the new owners of the soil, paying by way of rent a portion of the produce of it; and many of them are richer than their masters." It appears, then, that they occupied an intermediate position between purchased slaves and freemen, being reduced to serfdom by conquest, and they are generally conceived to have stood in the same relation to their Thessalian lords as the Helots did to the Spartiatae; but this is not exactly the case, for they were apparently not, like the Helots, serfs of the state, but belonged each to some family for whom the personal service was performed, for which reason they were sometimes called Θετταλοικέται (Athen. vi. p. 264 a). They were very numerous, for instance, in the families of the Aleuadae and Scopadae (Theoc. xvi. 35; Müller, *Dor.* iii. 4, § 6), but they were not only tillers of the soil; they formed the retainers of these great families, and served under their masters as cavalry: a body of 300 Penestae under Menon of Pharsalus assisted the Athenians in the Peloponnesian war (Dem. *c. Arist.* p. 687, § 199; [Dem.] περὶ Συνταξ. p. 173, § 23). They resembled the Helots, however, in the fact that they often rose against their masters (Arist. *Pol.* l. c.). (See also Grote, *Hist. of Greece*, ii. pp. 373–376; Gilbert, *Staatsalterthümer*, ii. 16 f.) [R. W.] [G. E. M.]

PENICILLUS. [PICTURA.]

PENTACOSIOMEDIMNI. [CENSUS, Vol. I. p. 403.]

PENTADO'RON. [LATER.]

PENTAETE'RIS (πενταετηρίς). [OLYMPIA.]

PENTA'LITHUS. [TALUS.]

PENTASPASTON. [MACHINAE, p. 108.]

PENTA'THLON (πένταθλον, *quinquertium*). The pentathlon was one of the competitive games of the great festivals of Hellas, in which, as the name denotes, the competitors entered for a group of five contests. These five were leaping (ἅλμα), the foot-race (δρόμος), throwing the quoit (δίσκος), throwing the spear (ἄκων or ἀκόντιον), and wrestling (πάλη). They are included in the compact and convenient pentameter of Simonides:

ἅλμα, ποδωκείην, δίσκον, ἄκοντα, πάλην.

And Eustathius, commenting on Hom. *Il.* xxiii. 621, quotes the following distich:—

ἅλμα ποδῶν δίσκου τε βολὴ καὶ ἄκοντος ἐρωὴ
καὶ δρόμος ἠδὲ πάλη, μία δ' ἔπλετο πᾶσι τελευτή.

In these lines the contests are placed in a slightly different order, the foot-race being last but one, instead of second. This is also the order given by the Scholiasts on Pindar (*ad Isthm.* i. 35) and on Sophocles (*ad Elect.* 691), who are not trammelled by metre. We may therefore, and for other reasons to be touched on later, suppose this order to be the right one.

Of these five contests the *δίσκος*, *δρόμος*, and *πάλη* are described elsewhere (see DISCUS, STADIUM, and LUCTA). The leaping (*ἅλμα*) was what we call "the long jump," measured by distance on the ground, and not by height. The jumper habitually aided himself by holding in his hands **ἁλτῆρες**, weights of metal or stone, something like our dumb-bells (see art. HALTERES), which he dropped when he took off, thereby gaining additional impetus. But even if we take these **ἁλτῆρες** into account, and even imagine the further assistance of a spring-board (for which there is no authority), we can never feel absolutely satisfied as to the enormous leaps mentioned by Greek writers. The greatest is that attributed to Phaÿllus of Kroton, who is said to have cleared a distance of fifty-five feet. The Scholiast on Lucian (*ad Somn. s. Gall.* 6) writes: *τῶν πρὸ αὐτοῦ σκαπτόντων ✓ πόδας καὶ τούτους πηδώντων, ὁ Φαΰλλος ὑπὲρ τοὺς ✓ πάνυ ἐπήδησεν.* Among modern athletes the longest jumps recorded scarcely attain to even half this distance (the Hellenic foot differing little from ours: see MENSURA), without the use of artificial aid. With the assistance of weights (**ἁλτῆρες**), a leap of 29 ft. 7 in. was made at Chester in 1854. We are almost driven to think that the **ἅλμα** must have been rather a succession of bounds than a single one—possibly such a contest as that known in modern sports as "the hop, step, and jump," where each foot touches the ground once between taking off and alighting finally. The best "hop, step, and jump" on record is 49 ft. 3 in., which closely approaches the feat of Phaÿllus.* But this is of course a purely conjectural inference, and a somewhat bold one, though not without considerable plausibility.

In the passage quoted above from the Scholiast on Lucian the word *σκαπτόντων* will be observed. So Pindar (*Nem.* v. 19, ed. Boeckh) writes:

μακρά μοι
δὴ αὐτόθεν ἅλμαθ' ὑποσκάπτοι τις· ἔχω γονάτων ἐλαφρὸν
ὁρμάν.

It will hardly do to say with the Scholiast on this passage that *τὰ ἐσκαμμένα* are the scratches on the ground marking the length of the other competitors' leaps, for it would seem that they are to be made before the leaps are taken—as indeed the words of the Scholiast on Lucian imply: *τὰ ἐσκαμμένα*, then, were probably a space of broken-up soil prepared in order to break the shock of alighting, besides giving the jumpers a mark to jump towards, and facilitating the after-measurement of the distance cleared.

The **ἀκόντιον**, a spear or javelin, was probably thrown at a mark, but definite details of this contest are wanting. In vase representations the weapon is thrown by a thong (see figure in article HASTA), which gave it a rotatory motion and thus increased the steadiness of its flight, on the principle of our rifled guns.

There remains the perplexing question of how the total competition of the pentathlon was regulated and decided; and with this is connected the question, already touched on, of the order of the five distinct but component events. We may say with some confidence that the order was that accepted above,—viz. leaping, throwing the quoit, throwing the spear, the foot-race, wrestling. This order is supported not only by the authority of Eustathius and the Scholiasts already quoted, but also by the following most important passage in an ode of Pindar (*Nem.* vii. 70–73), written in honour of a boy who had won the prize in this competition at the Nemean Games. The passage contains, according to a habit of Pindar's, a simile allusive to the victory celebrated. He writes:

ἀπομνύω
μὴ τέρμα προβὰς ἄκονθ' ὥτε χαλκοπάραον ὄρσαι
θοὰν γλῶσσαν, ὃς ἐξέπεμψεν παλαισμάτων
αὐχένα καὶ σθένος ἀδίαντον, αἴθωνι πρὶν ἁλίῳ γυῖον
ἐμπεσεῖν.

("I swear that without overstepping the bound I have sent forth the swift speech of my tongue as it were a bronze-headed javelin, such as saveth from the wrestling the strong neck sweatless yet, or ever the limbs be plunged in the sun's fire.") This seems plainly to imply that if a competitor proved himself the best man in the three first contests he was then exempt from contending in the two last (which would also naturally be the most exhausting of the five). Of two matched competitors, therefore, the winner was the one who "scored the odd event." This leads to the further conclusion that at the beginning the competitors were drawn in ties—A against B, C against D, E against F, and so on. Then suppose A, C, and E each to have won three out of five contests in their respective matches; these winners would be drawn again. Suppose A to be drawn against C; then E would be an **ἔφεδρος**, or bye, and would be matched with either A or C for the final heat (or *τάξις*). This is illustrated by the story in Pausanias (iii. 2, 6) of Tisamenos, a descendant of the Eleian seer Iamos, who settled among the Lacedaemonians. Misinterpreting an oracle which promised him success "in five glorious contests," he thought himself destined to win the pentathlon, and trained and entered for it accordingly, but **ἀπῆλθεν ἡττηθεὶς· καίτοι τὰ δύο γε ἦν πρῶτος· καὶ γὰρ δρόμῳ τε ἐκράτει καὶ πηδήματι Ἱερώνυμον Ἄνδριον, καταπαλαισθεὶς δὲ ὑπ' αὐτοῦ καὶ ἁμαρτὼν τῆς νίκης**—he came to understand that the oracle had foretold his success not in games, but in battles. Here it is implied, though Pausanias thinks it needless to say, that though Tisamenos won in the leap and the foot-race, he was beaten in the two throwing competitions, and therefore lost the total match by being finally beaten also in the wrestling (*καταπαλαισθείς*).

Of course, if there were many entries for the pentathlon, the labour for the best competitors would be very great, and also the successive ties would take a long time. Probably, however,

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* This suggestion was made to the writer of this article by Mr. J. B. Martin, then President of the London Athletic Club. According to a recent traveller, the "hop, step, and jump" is practised by modern Greek youths.

the first consideration would make the field small, and the second accounts for the fact that in the Olympian games three Hellanodikai were appointed to judge in the pentathlon. Thus three matches could be going on at once.

The pentathlon was highly esteemed in Hellas for its influence on both health and comeliness, as promoting a completer development of the body than any of the single contests; and it was in especial favour among the Spartans, who disapproved the injuries and disfigurements incidental to boxing and the pancration. [A full and able discussion of most of the points here touched on will be found in an article by Prof. P. Gardner in the *Journal of Hellenic Studies*, vol. i. p. 210. Some further remarks by the writer of the present article occur in the next volume of the *Journal*, vol. ii. p. 217. For explanations differing from those here given, see A. Holwerda's *Zum Pentathlon* (*Archaeol. Zeitung*, 1881, p. 206); and Fedde's *Der Fünfkampf der Hellen.* may be consulted.] [E. M.]

PENTECOSTE (πεντηκοστή), a customs-duty of 2 per cent. levied probably upon all exports and imports at Athens (Harpoc. *s. v.*). It is known to have been levied on woollen cloth and other manufactured goods (Demosth. *Meid.* p. 558, § 133), on ruddle (*C. I. A.* 2, 546 = Hicks, No. 108), on cattle (*C. I. A.* 2, 814 a, A 39 = Dittenberger, No. 70; Hicks, No. 82), and on corn [Demosth.] *Neaer.* p. 1353, § 27. Corn, however, could only be imported, exportation being prohibited (Plut. *Solon*, 24). On imports the duty was payable on the unloading (Demosth. *Lacrit.* p. 932, § 29); on exports, probably when the goods were shipped. In paying the duty the merchant was said πεντηκοντεύεσθαι (Demosth. *l. c.*). The customs were farmed out, probably from year to year. They were let to the highest bidders by the πωληταί [POLETAE] acting under the authority of the senate. The farmers were called τελῶναι [TELONES], and were said ὠνεῖσθαι τὴν πεντηκοστήν. The chairman or principal of a company of τελῶναι was called ἀρχώνης (Andoc. 17. Boeckh, *Staatshaushaltung*, is apparently wrong in Bk. iii. 6 about the ἀρχώνης τῆς πεντηκοστῆς in this passage of Andocides; the πεντηκοστή meant must be the import-duty, as Bk. iii. 4 takes it). Whether the customs on different articles of merchandise were farmed together or separately does not appear. The corn-duty, at least, was kept distinct ([Demosth.] *Neaer.* l. c.). But Andocides speaks (p. 17) as if all the πεντηκοστή was farmed at once. The collectors of the duty (πεντηκοστολόγοι) kept books, to entries in which (ἀπογραφή) Demosthenes appeals (*Phorm.* p. 909, § 7). For calculations as to the amount of revenue derived at Athens from this source, or in Macedonia, Thrace, or Rhodes, the reader may consult Boeckh, vol. i. pp. 384–7. Pollux (viii. 132) appears to identify the πεντηκοστή with a charge called the ἐλλιμένιον; but it is more probable that the latter was merely a duty paid for the use of the harbour. Another tax at the Piraeus was the ἑκατοστή, or 1 per cent. (cf. Xen. *Rep. Ath.* i. 17), but it is impossible to discover what the tax was. It may have been identical with the ἐλλιμένιον, but there is no proof. For the speculations on its nature of Boeckh and of his editor Fränkel, see the *Staatshaushaltung*, edit. 3, vol. i. p. 390, and vol. ii. p. 77*. Aristophanes (*Vespae*, 658) mentions *many* taxes of 1 per cent. Smuggling was practised in Attica at the φωρῶν λιμήν (Demosth. *Lacr.* p. 932, § 28): see *Dict. Geog.* i. 325 b. [ELLIMENION; TELONES.]

Nothing seems to be known of customs-duties imposed by the Athenians by land. [F. T. R.]

PENTECOSTYS (πεντηκοστύς). [EXERCITUS, Vol. I. p. 769 *a*.]

PEPLUS. [PALLIUM.]

PER CONDICTIO'NEM. This form of statute process (*legis actio*), says Gaius (iv. 18), was so called because the plaintiff gave notice to the defendant to be present in court on the thirtieth day after the notice, in order that a judex might be appointed ("condicere autem denuntiare est prisca lingua:" compare Gell. x. 24; Paul. ex Festo, s. v. *condicere*; Bruns, p. 239). It was a form of personal action, that is, an action founded on an obligation between the parties to it, and applicable in those cases in which the plaintiff claimed that the defendant was bound to transfer to him ownership of a thing (*qua intendit dari oportere*). This legis actio was introduced by a Lex Silia, the date of which is uncertain (according to Voigt it was between 325 and 329 A.U.C.; see on this subject Muirhead's *Intr.* 1, § 40, n. 3), in the case of a money debt, and by a Lex Calpurnia, the date of which is also uncertain, in the case of any other definite thing (*certa res*). Gaius, who wrote long after the legis actio had ceased to be the ordinary procedure, observes that it does not appear why this form of action was needed, for in the case of an obligation to transfer (*dari oportere*) there were the forms of action by sacramentum and per judicis postulationem. The best conjectural explanation of this difficulty seems to be that the judicis postulatio was only applicable to particular obligations defined by statute, and was not, like the legis actio per condictionem, a general action for the recovery of a debt, and that the process of condictio was less formal and more convenient to suitors than that by sacramentum.

According to Keller (*Civ. Proc.* 2, § 18, ed. Wach) and some other modern writers (cf. Eisele, *Except.* p. 158; Bekker, *Act.* 1, 75), the notice in condictio was an informal proceeding executed out of court, the parties being thus saved the preliminary appearance before the magistrate, and the necessity of using solemnia verba. But that the notice did not require the presence of the magistrate seems improbable, considering the formal character of the legis actio, and the statement of Gaius (iv. 29) that in all legis actiones except pignoris capio, the proceedings took place "apud praetorem praesente adversario" (for other reasons, see Keller, *op. cit.*, note by Wach). The denuntiatio would, however, be a summary proceeding; and when the parties reappeared on the thirtieth day to receive a judex, the plaintiff would simply state that he claimed certa pecunia or certa res from the defendant without giving the ground of his claim at this stage, and thus the action would be allowed, not only on account of money lent (*pecunia credita*), but in all cases where the property of the defendant had been unjustifiably increased at the expense of the plaintiff (see Baron, *Die Condictionem*, and Muirhead, *Intr.*

p. 234). But it was necessary that certa pecunia or certa res should be claimed, and thus the plaintiff ran the risk of plus petitio. [ACTIO, Vol. I. p. 19.]

A party to condictio escaped the liability of having to pay a summa sacramenti to the magistratus [SACRAMENTUM]; but it seems probable that a sponsio and restipulatio, a kind of judicial wager, had to be entered by the parties when they came to receive a judex, at least in the case of pecunia credita; the sum staked was a third part of the object of contention. Sir Henry Maine (*Early Inst.* Lecture ix.) regards the sponsio and restipulatio as the essential feature of condictio, and the sponsio and restipulatio as a means adopted by litigants of settling disputes, instead of having recourse to violence. According to his view of the condictio, the wager was entered into by the parties immediately on notice being given, and not, as is generally supposed, on the appearance of the parties before the magistrate to receive a judex. The action called condictio under the formulary procedure developed out of the legis actio per condictionem, but the notice whence the legis actio took its name was discontinued. The condictio was either an actio de certa pecunia with a sponsio tertiae partis, or an actio de certa re, called *condictio triticaria*, an expression probably in use in the legis actio period, or, which was an extension of the action, condictio incerti, *i.e.* where the obligation was not in respect of certa pecunia or certa res. The condictio was the ordinary personal action when the formulary system was established, and was considered in later times as the typical actio in personam. As actio stricti juris, condictio was opposed to actio bonae fidei. (Keller, *Der röm. Civilprocess*, ed. by Wach; Bethmann-Hollweg, *Der röm. Civilprocess*; Karlowa, *Der röm. Civilprocess zur Zeit d. Legis actiones*; Baron, *Die Condictionen*; Muirhead, *Introduction to the Private Law of Rome*, §§ 40, 41.) [E. A. W.]

PER JU'DICIS POSTULATIO'NEM was one of the legis actiones. The passage in Gaius (iv. 17) is wanting in which this form of action is described, and the only direct reference to it is the following note of Valerius Probus (iv. 8):—"T. PR. I. A. V. P. V. D.;" that is—te, praetor, judicem arbitrumve postulo uti des; I pray you, praetor, to appoint an arbiter or judge (for the technical meaning of *postulare*, see art. ACTIO). The procedure probably derived its name from the fact that when the parties to it first appeared before the praetor they might request the immediate appointment of a judex, instead of having to wait till the thirtieth day for such appointment, as the Lex Pinaria required in the process of sacramentum (Gaius, iv. 15), and the Lex Silia in that of per condictionem (Gaius, iv. 18).

Judicis postulatio must have been used in actions under the Twelve Tables to which sacramentum was inapplicable, as would be the case in arbitria as opposed to judicia, *e.g.* actio familiae erciscundae, de arboribus succisis, actio fiduciae. We may infer, however, from a remark of Gaius (iv. 20) that it was to some extent an alternative proceeding to the actio sacramenti in personam. Its application was, perhaps, limited by statute to certain cases of contract and delict. [PER CONDICTIONEM.] (Keller, *Der röm. Civilprocess*, § 17; Bethmann-Hollweg, *Der röm. Civilprocess*, i. p. 62; Bekker, *Die Aktionen*, &c. i. pp. 18–74; Karlowa, *Der röm. Civilprocess zur Zeit. d. Legis Actiones*; Schmidt, in *Zeitsch. der Sav. Stift.* 2, 155, &c.; Voigt, *Zwölf Taf.* 1, § 62; Muirhead, *Intr. to Private Roman Law*, § 35.) [E. A. W.]

PER PI'GNORIS CAPIO'NEM. This legis actio, or form of statute process, was a legal mode of self-redress, by which certain privileged creditors could distrain on the property of their debtors who were in default. The obligations mentioned by Gaius (iv. 27, 28) as being enforceable in this way, were of a religious or public character, and probably did not give rise to any civil action (for a Greek parallel to pignoris capio, see Plato, *Legg.* xii. p. 54; Poste's Gaius, iv. §§ 26–29, comm.).

Pignoris capio, Gaius says, depended in some cases on custom (*moribus*), and in others on statute (*lege*). 1. It was founded on custom in obligations relating to military service. A soldier might seize as a pledge (*pignus capere*) anything belonging to his paymaster or person who had to furnish the aes militare (*qui stipendium distribuebat*), in case he did not make the proper payments (Gell. vii. 10; cf. Bruns, *Cession*, p. 36; Karlowa, *Der Civilproc.* p. 208 f.; Huschke, *Multa*, 401 f.): he might also make a seizure in respect of the money due to him for the purchase of a horse (*aes equestre*) (Fest. s. v. *Equestre*; Liv. i. 43; Cic. *Rep.* ii. 20, 36), and also in respect of the allowance for the food of his horse (*aes hordearium*, Fest. s. v. *Hordearium*) upon what belonged to the person whose duty it was to make the payment. Originally such payments were fixed upon particular persons, and not made out of the aerarium (Liv. i. 43; Gaius, iv. 27).

2. The law of the Twelve Tables made liable to pignoris capio, on default of payment, the buyer of a victim (*hostia*), and the hirer of a beast of burden, when the hire money was intended for a sacrifice (*in dapem*) (Huschke, *Multa*, p. 402). By a lex censoria the publicani had the right pignoris capionis in respect of vectigalia publica which were due by any lex. (Cic. *Verr.* iii. 11, 28; cf. Degenkolb, *Lex Hieronica*, 93; Karlowa, 212, &c.)

Some modern writers think that pignoris capio was also the process in the case of damnum infectum (Gaius, iv. 31; Bethmann-Hollweg, i. 204, Anm. 13; Karlowa, p. 216). The thing was seized with certain formal words (as to the importance of the formalities by which the right of distraint had to be carried out and the wide extent of distress in primitive law, see Maine's *Early Inst.* Lecture ix.), and for this reason pignoris capio was generally considered to be a legis actio; but Gaius adds, that some doubted whether it was so, since it was performed out of court ("extra jus id est non apud praetorem"), and in most cases in the absence of the debtor, and moreover it could take place on a dies nefastus, or day on which a legis actio could not be carried on.

Thus the distress itself was not an action in the ordinary sense, but a kind of self-redress; it must, however, have very frequently given rise to an action in court, where the right to distrain was disputed. Ihering even suggests that the distrainer was bound in all cases to justify his proceeding before the praetor. Thus it is possible that this subsequent action in court may have been the actual legis actio per pignoris capionem, and not the preliminary distress.

There is no statement in Gaius or elsewhere as to the rights of the distrainer in the thing he had taken as a pledge. Most modern writers suppose that if the debtor did not redeem the pignus (*reluere*) within two months (Dig. 42, 1, 31) it became the property of the distrainer, or that the latter had the right to sell it (*caedere pignus*, Cic. *de Or.* iii. 1, 4; Tib. iv. 13, 17). This right of distress came to an end with the abolition of the legis actio procedure. The pignus in causa judicati captum of later times was a means of execution carried out by officials under an order of the court. (Gaius, iv. §§ 26–29, 32; Keller, *Der röm. Civilprocess*, § 20; Bethmann-Hollweg, vol. i. 95; Karlowa, *Der röm. Civilprocess*, 201, &c.; Bekker, *Akt.* 1, 44; Voigt, *Zwölf Taf.* i. 502; Ihering, *Geist. d. r. R.* 1, § 11 c; Muirhead, *Introduction*, &c. § 37.) [E. A. W.]

PERA (πήρα), a wallet for carrying provisions and a drinking cup, worn either slung over the shoulder and under one arm, or hanging from a belt. It was used by travellers and country-folk (Hom. *Od.* xiii. 437, xvii. 197, &c.), and was part of a beggar's outfit (part of the garb of Telephus, Arist. *Nub.* 923). In later Greek times it was adopted, along with the beggar's staff (βακτηρία) and rags, as their professional costume by the Cynics (Mart. iv. 53, 3, "cum baculo peraque senex:" cf. Diog. Laert. vi. 13; Brunck, *Analect.* i. 223, ii. 22, 28; Auson. *Epig.* 53). A similar wallet was worn by the sower, who slung it over his right shoulder and under his left arm (Brunck, *Anal.* ii. 215); though a basket (*cophinus*) hanging from the left arm (cf. vase of Nikosthenes in Berlin Museum: Blümner, *Leben und Sitten*, iii. p. 150) was used for this as well as the other purposes which the wallet served.

In art the *pera* is most often seen in representations of Perseus slaying the Gorgon (cf. British Museum Vases, Nos. 548 and 641*). The wallet he wears was given him by the daughters of Phorcys, and is called by Hesiod (*Scut.* 224), Pindar, and other authors κίβισις, meaning, according to Apollodorus (*Biblioth.* ii. 4, 2, 4), πήρα: the word being explained as Cypriote by Hesychius. [W. C. F. A.]

PERDUELLIO. [MAJESTAS, p. 114.]

PERDUELLIO'NIS DUOVIRI (or, as Mommsen shows, more correctly called *duoviri perduellioni judicandae*) were two officers or judges appointed for the purpose of trying persons who were accused of the crime of *perduellio.* Niebuhr held that they were the same as the *quaestores parricidii;* but this view is undoubtedly erroneous, arising from the mistaken view that the latter term was the title for an office distinct from the ordinary quaestorship, whereas it was really only the full official title of that magistracy (Mommsen. *Staatsr.* ii. 525). But while the *quaestores* were elected annually, the *duoviri perduellionis* were appointed only for a special occasion. We have very little information as to the duoviral process: only three cases of its employment are recorded; and there are difficulties attaching to all of them. In the first, the trial of P. Horatius under Tullius Hostilius (Liv. i. 26), while Livy expressly mentions the nomination of *duo viri* by the king, the account given from Ulpian in the Digest (i. 13) assumes that they were quaestors, named by him after a vote of the people; while Festus, s. v. *sororium*, p. 297 M., agrees with Livy. In the second, that of M. Manlius, in B.C. 384, Livy (vi. 20), while describing it as a prosecution by the tribunes before a *concilium plebis*, adds, "sunt qui per duoviros qui de perduellione anquirerent creatos auctores sint damnatum." Lange (i. 278) proposes to reconcile the accounts, by supposing that the tribunes were elected to prosecute. Mommsen (*Hermes*, v. 253) assumes that Livy's second alternative rests on the older tradition. In the third case, the prosecution of C. Rabirius in B.C. 63 for the murder of Saturninus, thirty-six years before, we have an attempt to revive a long-disused procedure, in the interests of the democratic party, led by Caesar. Other cases of *perduellio* were conducted by tribunes or quaestors, but it is not expressly mentioned that they acted as *duo viri.* Whether *duo viri* were appointed, appears to have been determined in each instance by a special resolution of the people (Mommsen, *Staatsr.* ii. 599). Sometimes they were elected by the people (cf. Dio Cass. xxxvii. 27); but in the case of Rabirius the praetor appointed two taken by lot, but from what body we are not told, doubtless by the direction of the law specially enacted (Cic. *pro Rab. perd. reo*, 4, 12). The *duo viri* received a commission to try the case of *perduellio*, and to pass sentence if they found the prisoner guilty: both Livy, and still more strangely Cicero, seem to think that this commission assumed the guilt of the accused, and excluded the possibility of an acquittal,—an impossible view. But the sentence passed was liable to an appeal to the people, and in this case the *duo viri* appeared to support their decision, viz. virtually to act as prosecutors.

Trials for *perduellio*, if not previously obsolescent, as Mommsen thinks, in consequence of the growing practice of the tribunes to impeach before the centuries, certainly became quite obsolete after the more convenient *quaestio perpetua* dealt with offences of the same nature, under the more precise definition of *majestas.* But the term *perduellio* is found even in the Digest, though as a loose expression for the more serious kinds of *majestas.* (Cf. Mommsen, *Staatsr.* ii. 598 ff.; Clark, *Early Roman Law*, § 12, and especially Cicero's oration *pro Gaio Rabirio perduellionis reo*, with Heitland's introduction and notes.) [A. S. W.]

PEREGRI'NUS. [CIVITAS, Vol. I. p. 449.]

PE'RGULA was a kind of annexe to a house, whether at the top or the side. We find it therefore resembling (1) our verandah, roofed but open at the sides: hence used as a painter's studio (Plin. *H. N.* xxxv. § 84; Lactant. i. 22, 13; Cod. Theod. xiii. 4, 4). Being not very different from a *taberna*, or booth, it was also used to express the same things, viz.: a shop for selling wares (Auson. *Epist.* iv. 6) and a school (Juv. xi. 137; Suet. *de Gram.* 18), both being in open sheds or verandahs; and so we find "*magistrales* pergulae" (Vopisc. *Saturn.* 10). But (2) the pergula was also raised above the ground-floor, like a covered balcony, resting on the top of the tabernae ("tabernae cum pergulis suis," *C. I. L.* iv. 138; or quite on the top of the house, not as an upper room, but an erection with roof and open sides on the house-top, and used for painting (Tertull. *adv. Valent.* 7; Dig. 9, 3, 8, § 12), or as an observatory where astrologers taught (Suet. *Aug.* 94). (3) An *arbour* or trellised walk with open ends (Plin. *H. N.* xiv. § 11, xix. § 69; Colum. iv. 21); whence the modern Italian *pergola*. This sense is illustrated by the word *pergulana* (a vine trained over a trellis; Colum. iii. 2.) (4)=the *cella lupanaria*, partly open to the street (Plaut. *pseud.* i. 2, 78). All these uses probably came from *pergo*, in the sense of something continued or projecting forward from the main building. (Marquardt, *Privatl.* 93.) [L. S.] [G. E. M.]

PERIACTOS. [Theatrum.]

PERIDEIPNON. [Funus.]

PERIDRO'MIDES. [Xystus.]

PERIMERI'DIA, or **PARAMERI'DIA** (περιμηρίδια, Arrian. *Tact.* 4; παραμηρίδια more usually), armour for the thighs, *cuisses*. These articles of armour, though not in common use in the ordinary Greek panoply, are shown sufficiently often on the monuments as occasionally employed by Greek warriors at least as far back as the fifth century B.C. The accompanying illustrations show what may be gathered as to their general form. They seem to have been adapted to the shape of the thigh, clasping it round in the same way as the greave clasped the leg. The lower edge is in some cases curved out in such a way as to allow room for that part of the greave which protected the knee (see fig. 1). Like the greave, too, the parameridia seem to have been constructed of metal, as is probable both from the character of the decorations traced upon them in the vase pictures, and also from the fact that they are usually there coloured like the greave. In the British Museum is a bronze object which from its form would be adapted to the parameridion, and may have been actually intended for this purpose.

Παραμηρίδιον. (From a vase in British Museum.)

For instances of its occurrence in vase-paintings, see *Brit. Mus. Cat. of Vases*, Nos. 473, 557, 591, 608; vase in Brit. Mus. B 50; Gerhard, *Aus. Vas.* ii. pl. cxxii.; *Mon. Inèd.* vi. 78; and *Mus. Greg.* ii. liii.

Παραμηρίδιον. (From *Mus. Greg.*)

All these instances occur upon black-figured vases; at present no illustration of these weapons is known in art later than the fifth century B.C. In Greek writers, however, of the third century B.C. and downwards, they are frequently mentioned, but here almost exclusively as employed by cavalry, both for the rider and his horse. Xenophon (*Anab.* i. 8, 6) describes the armour of the 600 horsemen with Cyrus as consisting of thorax, parameridia, and helmet. The same writer (*de Re Eq.* 12, 8 and 10) speaks of them as among the necessary equipment of a cavalry soldier: cf. especially Id. *Cyr. Inst.* vii. 1, 2, where they are described as of bronze, alike for horses and riders; and Arrian, *Tact.* 4, where the riders have περιμηρίδια, the horses παραπλευρίδια. For parameridia as part of the protective armour of the horse in action, see also Xen. *de Re Eq.* 12, 8, and Pollux, i. 140. Xenophon (*Cyr. Inst.* vi. 4) makes a further distinction of παραπλευρίδια for horses driven in chariots and παραμηρίδια for those ridden by the cavalry. [C. S.]

PERIOECI (περίοικοι). This word primarily denotes the inhabitants of a district lying around some particular locality, but is generally used to describe a dependent population, living without the walls or in the country provinces of a dominant city, and, although personally free, deprived of the enjoyment of citizenship and the political rights conferred by it. The words σύνοικοι and μέτοικοι are in some degree analogous; like περίοικοι, they imply co-residence with a population of higher position and generally of different nationality. Of the three words, however, μέτοικοι, meaning "resident aliens," has the most definite connotation attached to it, while σύνοικοι is the most indeterminate [Metoeci]. It was probably from the Spartan use of the term Perioeci that the notion of "subject population" became so closely attached to it. We have no evidence to show that this word was employed by any other state than Sparta to denote its local dependencies, a great deal to show that it was not. But the Lacedaemonian system of Perioeci was so much the most marked in Greece, that writers often translated the titles given to other subject populations into this Lacedaemonian nomenclature.

A political condition such as that of the Perioeci of Greece, in some measure resembling the vassalage of the Germanic nations, could hardly have originated in anything else than foreign conquest; and the Perioeci of Laconia furnish a striking illustration of this. The question of their origin as a subject population is intimately connected with the question of their nationality; and as the two main accounts of the origin of the Perioeci which have come down to us, that of Ephorus and that of Isocrates, differ both in the description of the causes of their subjection and in the statements as to their original nationality, we must be content to accept the modified conclusions which scholars have supposed may be drawn from such accounts, from other chance notices, and from the probabilities of the case. Ephorus (*ap.* Strab. viii. p. 364) states that they were the original Achaean inhabitants of the territory, which the Lacedaemonian branch of the Dorians had invaded; that, during the first generation which followed on the invasion, they not only remained possessed of all private rights, but even shared the political franchise of the invaders. In the next generation, however, these political privileges were taken from them; they were made into a dependent population, and even forced to pay tribute to the dominant Dorians. Isocrates (*Panath.* § 177) draws no such distinction of race between the Spartans and the Perioeci. On the contrary, he represents the Perioeci as in their origin the *δῆμος* of the Spartan state, which, expelled after a period of *στάσις*, was reduced to the grade of a subject population by the victorious oligarchy, and scattered through the many small townships of Laconia. These accounts agree in representing the condition of the Perioeci as having been originally better than it was in historic times. The different accounts of their nationality also give us a clue to the fact, which Grote has so strongly insisted on, that in historic times there was no recognisable difference between the nationality of the Perioeci and that of the Spartans themselves. The suggestion, however, that the Perioecic population was in a large degree tinged with the old Achaean element is more than probable; and perhaps the safest theory to accept as to the origin of this people is that stated by E. Curtius in his *History of Greece* (bk. ii. ch. 1); namely, that, on the first Dorian immigration into Laconia, the Dorians mingled with the original Achaean populations, with whom they continued to live for some time, the original Hexapolis which they established in Laconia not being peculiarly Dorian. The second stage of Dorian history is marked by two of the ruling families (the originators of the double Spartan kingship) "succeeding in gaining over to their side the central body of the Dorian people, in eliminating it from its intermixture with the rest of the population, collecting its scattered elements at one point, and, supported by the power of the Dorians, establishing this point as the centre of the district and the seat of their government" (Curtius, *l. c.*). With this reaction to pure Dorism the Perioeci originate, and their nationality would thus be a mixed one, their civilisation in particular being affected by the strongly impressive character of Dorian life, precisely in the way in which Herodotus tells us that the original population of Cynuria, which was Ionian, had been "Dorised by the Argives and by time" (Herod. viii. 73). The Perioeci of Laconia in historical times were of still more varied nationality than this mixture of race implies. Amongst them we must class the Cynurians, and possibly the Sciritae, the inhabitants of the mountainous country of South Arcadia (Hesych. *s. v.* *σκεῖρα*: Arnold, in Thuc. v. 67); and, although the latter are sometimes called *σύμμαχοι* of the Spartans, and thus distinguished from the Perioeci, perhaps they were only distinguishable from the main body of the Perioecic population as a higher from a lower grade, and would have been included in the widest meaning of this term, which is a dependent population, not sharing in the political rights of the state on which it is dependent.

After this reduction of the larger part of the population of Laconia from freedom to partial dependence on the central state, we are told that it was forced to pay tribute to Sparta (Ephorus, *ap.* Strab. *l. c.*, *συντελεῖν τῇ Σπάρτῃ*). Of the nature of this tribute we know nothing: but a reference of Aristotle's to the *εἰσφοραὶ* or property taxes of the Spartans, which, though understood to exist, were not paid by the pure Spartans themselves, has been interpreted as meaning that the tax which the Perioeci paid was merely of this nature, a land tax to the state, also understood as affecting the Spartans but evaded by them, and not therefore a tribute paid in token of subservience by a dependent population (Arist. *Pol.* ii. 6, 23). Sir G. C. Lewis, on the other hand, held that this tax was based on the theory of territorial sovereignty; that the land was supposed to belong to the Spartans by right of conquest; and that the Perioeci paid a revenue to them for the right of *possessio* (*Phil. Mus.* vol. ii.). Other tokens of dependence were the absence of all civic privileges in the central state, and the fact that no *jus conubii* existed between them and Spartan citizens. So entirely were they regarded as something external to the Spartan state, that it is even said that the Ephors could put Perioeci to death without trial (Isocr. *Panath.* § 181). This is on the whole what we should expect from the characteristic disregard of the Spartans for rights other than civic, but the statement is rendered improbable from the difficulty of reconciling it with their general treatment of this subject population. For it does not appear that the Perioeci (especially in historic times) were generally an oppressed people, though kept in a state of political inferiority to their conquerors. They served in the Spartan armies as heavy-armed soldiers of the line, and not like the helots, as light-armed only; while at the battle of Plataea we find each of these Perioecic hoplites furnished with an attendant helot (Herod. viii. 61). Again, at Sphacteria 292 prisoners were taken, of whom 120 were Spartans, and the rest in all probability περίοικοι (Thuc. iv. 38). We also read of καλοὶ κἀγαθοί, or "accomplished and well-born" gentlemen, amongst the Perioeci serving as volunteers in the Spartan service (Xen. *Hell.* v. 3, 9). We occasionally find a Perioecus in high command (Thuc. viii. 6), and on one occasion we find one filling the responsible post of admiral, so highly esteemed by Spartans as a source of power during the closing years of the Peloponnesian war (Id. viii. 22). But we never find a Perioecus in command of a Spartan; in the above case, for instance, in which the Perioecus held a high naval command, the fleet he commanded was not a Spartan but an allied fleet from Chios. But, in spite of these possibilities of attaining to high position within their own circle, it was not to be expected that men competent to the discharge of high functions in a state, and bearing its burdens, should patiently submit to an exclusion from all political rights. Accordingly we find that on the rising of the Helots in B.C. 464, some of the Perioeci joined them (Thuc. i. 101). When the Thebans invaded Laconia (B.C. 369), the Perioeci were ready to help them (Xen. *Hell.* vi. 5, 25). In connexion with the insurrection of Cinadon we are told that the Perioeci were most bitter against the ruling Spartans (Id. iii. 3, 6). From these and other facts (Clinton, *F. H.* Append. 22) it appears that the Perioeci of Laconia, if not an oppressed, were sometimes a disaffected and discontented class; though in cases of strong excitement, or of general danger to the whole of Greece, they identified themselves with their conquerors. The very relation, indeed, which subsisted between them, was sufficient to produce in Sparta a jealousy of her subjects, with corresponding feelings on their part. Nor can we suppose that the Dorians would willingly permit the Perioeci to acquire strength and opulence, or even to settle in large towns. In fact, it is stated by Isocrates (*Panath.* § 177) that the Spartan Dorians intentionally weakened the other inhabitants of Laconia by dispersing them over a great number of hamlets (μικροὶ τόποι) which they called πόλεις, though they were less powerful than the country parishes of Attica, and were situated in the most unproductive parts of Laconia, the best land of which was reserved for the Spartans. This last statement probably has some reference to the land distribution of Laconia attributed to Lycurgus (Plut. *Lyc.* 8). The 30,000 allotments which, we are told, were made to the Perioeci, are probably as mythical as the 9,000 equal allotments said to have been made to the Spartans (Grote, *Hist. Gr.* ch. 6); but Isocrates' statement points to the fact that, while the Spartans possessed the rich plateau of the interior, the lands of the Perioeci were mostly in the rugged territory that fringed this plain.

Still, the grievances of the Perioeci were not after all intolerable, nor do they seem to have been treated with wantonness or insolence. The distance at which many of them lived from Sparta must have rendered it impossible for them to share in the administration of the state, or to attend the public assemblies: a circumstance which must in some measure have blunted their sense of their political inferiority: nor were they subjected to the restraints and severe discipline which the necessity of maintaining their political supremacy imposed upon the Spartans (Sosib. *ap.* Athen. xv. p. 674). By way of compensation, too, the Perioeci enjoyed many advantages (though not considered as privileges) which the Spartans did not. The trade and manufactures of the country were exclusively in their hands, and carried on by them with the more facility and profit as they occupied maritime towns. Similarly the island of Cythera, the nucleus of the maritime trade of Laconia, and the port at which the merchants trading from Egypt and Libya usually touched, was a Perioecic settlement (Thuc. iv. 53; vii. 57). The cultivation of the arts, also, as well in the higher as in the lower departments, was confined to the Perioeci, the Spartans considering it beneath themselves; and many distinguished artists, such as embossers and brass-founders, were found in the Laconian schools, all of whom were probably Perioeci (Müller, *Dor.* iii. 2, 3). Nor is there wanting other evidence, though not altogether free from doubt, to show that the Spartan provincials were not in the least checked or shackled in the development of their intellectual powers (Müller, *l. c.*). Moreover, it seems natural to suppose that they enjoyed civil rights in the communities to which they belonged, and which otherwise would scarcely have been called πόλεις: but whether or no these cities had the power of electing their own chief magistrate or magistrates, what was the form of their constitution or whether it was in all cases uniform, can only be a matter of conjecture. It has been thought possible that the 20 harmosts mentioned by the Scholiast on Pindar (*Ol.* vi. 154) were Spartan governors sent to preside over Perioecic districts (Schömann, *Antiq. jur. publ. Gr.* iv. 1, 5). [HARMOSTES.] From the single instance of Cythera, to which we know a magistrate was sent from Sparta with the title κυθηροδίκης (Thuc. iv. 53), no general conclusion can be drawn; but in any case it is probable that, if governors were appointed from Sparta, they were governors, not of the several πόλεις, but of districts amongst which these πόλεις were distributed for administrative purposes. Such a theory does not necessarily imply that the internal administration of each πόλις was not in the hands of its Perioecic inhabitants themselves.

The number of Laconian (as they are called) or subject cities is said to have formerly amounted to 100 (Λακεδαίμων ἑκατόμπολις, Strab. viii. p. 557; Steph. Byz. *s. vv.* Αἴθαια and Αἰτωλία). Several of these lay on the coast, as Gythium, the port of Sparta, whence the whole coast of Laconia is called ἡ περιοικίς (Thuc. iii. 16). Many, however, lay more inland, as Thyrea, the chief town of the Thyreatid as it is often called, a part of Cynuria, which was a comparatively late acquisition of the Spartans, not having been finally wrested from Argos until about the year 550 B.C. It was a long and fertile strip of territory east of the Eurotas, extending down to Cape Malea, and including the island of Cythera (Herod. i. 82). But besides the fact, known to historic times, of the late acquisition of Cynuria, there is a great deal of evidence to show that the possession of the Perioecic territory by Sparta was a slow and gradual process. It has been noticed that some of the towns mentioned by Strabo as belonging to the Lacedaemonian *ἑκατόμπολις* were in Messenia, and cannot therefore have been settled until after the conquest of that territory, about 635 B.C. (Schömann, *l. c.*). When we remember further that it was not until the reign of king Teleclus, about three centuries after the original foundation of Sparta, that such towns as Amyclae, Pharis, and Geronthrae on the Eurotas were conquered (Paus. iii. 2, 6), it is impossible to believe that the distribution of the Perioecic territory was such a rapid and easily completed process as the statements of Ephorus and Isocrates would lead us to believe.

Connected with the accounts of the conquest of the Perioecic territory, there are some statements which would lead us to conjecture that there was some difference of status amongst the Perioecic towns themselves. Amyclae, Pharis, and Geronthrae, for instance, are said to have been colonised from Sparta (Paus. iii. 22, 5). Boeae, which Curtius supposes to have been one of the cities forming the original Hexapolis of Laconia, was said to have been founded by a Heracleid chief (Strabo, viii. p. 364). Whether such considerations led to a difference of political status in the case of such towns, it is impossible to say; but still it seems probable that a town like Amyclae, in which was the temple of the Hyacinthian Apollo, and which was one of the great religious centres of Dorian worship (Thuc. iv. 18), would claim a preference, based on religious sentiment, over other Perioecic towns; and there is some evidence to show that the inhabitants of such towns received more considerate treatment than the general mass of Perioeci (Xen. *Hell.* iv. 5, 11).

The number of the Perioecic population of Laconia is not known; but an attempt has been made by Clinton to determinate it approximately at one stage of its history: namely, at the time of the Persian war (*F. H.* App. c. 22). He says, "At the battle of Plataea in B.C. 479, the Perioeci supplied 10,000 men. If we assume this proportion to be the same as that which the Spartan force bore to the whole number on the same occasion, or five-eighths of the whole number of citizens, this would give 16,000 for the males of full age, and the total population of this class of the inhabitants of Laconia would amount to about 66,000 persons." It will be seen, however, that this conclusion, somewhat doubtful in itself, is based on the supposition that the 10,000 Lacedaemonians who served with the Spartans at Plataea were all Perioeci. It seems more probable, however, on a comparison of two passages in Herodotus (ix. 11 with 61), that the 5,000 whom it is so difficult to account for, and who are only mentioned as making up the total sum, were Helots, and that each Perioecic hoplite was attended by one light-armed helot, just as each Spartan hoplite was attended by seven of the same class.

In the later times of Spartan history, the Perioecic towns of the coast (*Laconicae orae castella et vici*) were detached from Sparta by T. Quinctius Flaminius, and placed under the protection of the Achaean league (Müller, *Dor.* iii. 2, 1; Liv. xxxiv. 29, 30, and xxxviii. 31). Subsequently to this the Emperor Augustus released 24 towns from their subjection to Sparta, and formed them into separate communities under laws of their own. They were consequently called Eleuthero-Lacones (Paus. iii. 21, 6). But even in the time of Pausanias some of the Laconian towns were not *αὐτόνομοι*, but dependent upon Sparta (*συντελοῦσαι εἰς Σπάρτην*).

From the account given above of the probable origin of the Perioeci of Sparta we should naturally expect to find a subject population of this kind existing in most Greek states, which are known to have experienced immigrations not resulting in a total change of population, but in a combined residence of populations of different nationality. Immigrations of this kind, which resulted in combined settlements, were in a high degree the characteristic of Dorian movements; and accordingly we should expect to find a Perioecic population as the basis of the early Dorian states. This is in the main verified by facts. In Argos, for instance, we have an undoubted Perioecic population; and although no true Perioeci can be identified in cities like Sicyon and Corinth, or most of the later Dorian colonies, this is easily explained by the fact that these states were created after the movement of the great Dorian migration was over. The Perioeci of Argos were called Orneatae from the town of Orneae, apparently the first or the most important town reduced to this condition by the Argives (Herod. viii. 73). These Orneatae are called *σύμμαχοι* of the Argives by Thucydides (v. 67, and Arnold's note), and with them are classed the inhabitants of Cleonae; but that they were Perioeci appears from the passage of Herodotus, in which he is evidently translating the less familiar Argive term Orneatae into the more familiar Spartan one Perioeci, to show the status of the Cynurian population he is describing. How large the Perioecic population of Argolis was we do not know. A large part of it, Cynuria, was taken by the Spartans (Herod. i. 82); and the two great Achaean townships, Mycenae and Tiryns, were certainly not Perioecic towns at the time of the Persian war (Id. vii. 102, ix. 28). After their destruction by Argos about 468 B.C. (Diod. xi. 65), they may possibly have been reduced to this condition.

Amongst Dorian states outside Greek proper, we find Perioeci on the largest scale connected with the cities of Crete, which resembled Sparta in having a large subject population. But whether the so-called "Perioeci" of Crete were closely analogous to those of Sparta is an open question. [See COSMI.] Amongst the later Dorian foundations there is some evidence of the existence of Perioeci in Leucadia and Anactorium (Thuc. ii. 81, *οἱ μετὰ τούτων*, Arnold); and in a non-Dorian country, but one that resembled a Dorian state in its foundation, namely Elis, we have evidence of a Perioecic population (Thuc. ii. 25).

There were various other classes of dependent communities in Greece, which we find described as Perioeci; and others that bear a strong resemblance to the Perioeci of Laconia in being permanent dependencies on other states: but neither of these are we quite justified in calling "Perioeci" in the Dorian sense. Of the former class, for instance, are the native populations surrounding Greek colonies like Cyrene (Herod. iv. 159); and among dependent populations of the latter kind we may class many of the states of Thessaly. These are called *ὑπήκοοι* (Thuc. iv. 78; Arist. *Pol.* ii. 9, 3), and include the populations of what was in historical times Thessaly, such as the Perrhaebi, Magnetes, and Achaeans (of Phthiotis), which were subdued after the Thessalian migration.

[References for fuller particulars on this question may be made to Arnold's Thucydides, vol. i. app. ii., "On the Constitution of Sparta," and to a review of this work by Sir G. C. Lewis in the second volume of the *Philological Museum*, p. 39. The most exhaustive treatment of the subject will be found in O. Müller's *History of the Dorians*, bk. iii. See also Schömann, *Antiquit. Juris Pub. Graec.* iv. 1, § 5; A. Kopstadt, *De rerum Laconicarum Constitutionis Lycurgeae Origine et Indole;* Gilbert, *Staatsalterth.* i. 37. The nationality of the Perioeci is discussed chiefly in Curtius, *Hist. of Greece*, bk. ii. ch. 1, and Grote, *Hist. of Greece*, part ii. ch. 6.] [R. W.] [A. H. G.]

PERI'POLI. [EPHEBUS.]

PERI'PTEROS. [TEMPLUM.]

PERI'SCELIS. Greek and Roman women, like those in the East of to-day, wore anklets and bangles. These are frequently shown on the monuments, appearing not only on vase- and wall-paintings (cf. the following illustration from a Pompeian wall-painting, *Museo Borbonico*, vi. tav. xxxiv.), but on statuettes (cf. two bronze statuettes of the Portici Collection, Barré, *Herc. and Pomp.* vi. pl. 13). In literature the custom of wearing them is spoken of by the Scholiast on Horace, *Ep.* i. 17, 56, and by Isidorus (xix. 31, "crurum ornamenta mulierum quo gressus earum ornantur"); while, as late as the third century after Christ, Cyprian inveighs against it (*Hab. Virg.* 16).

Pompeian painting showing Periscelides.

Pliny (*H. N.* xxxiii. §§ 39, 152) says that the plebeian women wore anklets of silver, whereas the patricians wore them of gold. Such anklets were sometimes called *compedes* (Plin. *l. c.*), but the Romans borrowed also the Greek name *περισκελίς*,—a word which occurs in inscriptions as part of the catalogue of the jewellery of a temple (Dittenb. Nos. 367–401), as well as in Menander (*Incert.* 405) and other passages (Longus, i. 5; Plut. ii. 145 C). *Periscelis* is mentioned in Horace (*Ep.* i. 17, 56) and Petronius (67, 4), and *periscelium* in Tertullian (*de Cultu Fem.* ii. 13). A certain amount of confusion as to the meaning of the word has been caused by the use of the kindred words *περισκελῆ* and *περισκέλια*, which were interpreted by the lexicographers as being *βράκκια φεμινάλια*, *i.e.* drawers reaching from the navel to the knee (cf. Hieron. *Epist. ad Fabiol.*), a use which is found in the Septuagint (Exod. xxviii. 42, xxxix. 28; Levit. vi. 10, xvi. 4), but the two words are distinct in meaning. These ornaments are also called *περισφύρια* (Clem. Al. *Paed.* ii. 12, 122; cf. Herod. iv. 176), but elsewhere are referred to by more general names, such as *πέδαι* (Aristoph. *Fragm.* 320, 11 K.), or *ἀμφιδέαι* (Hesych. *s. v.*). [Cf. Iwan Müller, *Handbuch*, iv. p. 435; Marquardt, *Privatleben*, p. 705; Hübner in *Hermes*, i. p. 354.] [W. R.] [W. C. F. A.]

PERISTY'LIUM or **PERISTY'LUM.** The Greek adjective *περίστυλος* is applied either to a court surrounded by colonnades on the inside, or to a building surrounded by them on the outside, as a temple. It is then used alone, in all three genders, with a substantive understood, for a court with colonnades: hence the Latin *peristylum*, or more commonly the substantive form *peristylium*. It is especially used for the courts of a Greek dwelling-house, and for that introduced into Roman houses in imitation of them. [DOMUS, Vol. I. p. 671.] [E. A. G.]

PERO. The boots worn by shepherds and labourers in rough and muddy weather were usually of untanned leather and made at home. The Greek *ἀρβύλη* was of this kind, for the epithet *πηλοπατίς* is given to it (Hipp. *Art.* 828), and it was used by travellers, hunters, and country-folk. It was apparently a low boot, or, at any rate, not so high as the *ἐνδρομίδες*, which were worn by horsemen and hunters and covered the calves. The *ἀρβύλη* in Eur. *Hippol.* 1189 is merely a boot of this kind (see Monk *ad loc.*). The Roman *pero* was much the same; it was of untanned leather (*crudus*, Verg. *Aen.* vii. 690), worn by ploughmen (*peronatus arator*, Pers. v. 102) and by country-folk in general (Serv. *ad* Verg. *l. c.*). Cato (in Fest. p. 142) says that they were used by the old Romans. Sidonius Apollinaris describes the boots worn by Sigismer, a royal youth of Gaul, as being made with the hair remaining upon them (*Ep.* iv. 20, "primi pedes perone setoso talos adusque vinciebantur"), but it seems unlikely that these were identical with the *perones* of classical times. On the monuments, among the many varieties of boot shown, several roughly answer to the description given above, but no satisfactory identification seems possible. (Cf. Daremberg and Saglio, *Dict. d. Antiq.* s. v. Arbylé; Mayor on Juv. xiv. 186.) [W. C. F. A.]

PERPENDI'CULUM (*κάθετος, μολυβδίς, στάθμη*), *a plumb-line*, a string with a piece of metal attached, used by masons, carpenters, &c. to test the correctness of their perpendicular lines (Vitruv. vii. 3, 5; Isid. *Or.* xix. 18): hence the expression *ad perpendiculum* of the correct line (Cic. *Verr.* i. 51, 133; Caes. *B. G.* iv. 17, &c.). Cicero (*ad Qu. Fr.* iii. 1, 2) distinguishes it from *linea* (=*κανών*), the line for measuring horizontally. This *linea* was called in Greek also *σχοῖνος* and *σπαρτίον*, and, from its being coloured to make a mark, *μιλτεῖον*. Blümner, wrongly we think, excludes *στάθμη* from this sense, and makes it altogether equivalent to *perpendiculum*. There is no doubt that it was sometimes a plumb-line, as in *Anth. Pal.* vi. 103, στάθμην μολιβαχθέα: but that it was also (perhaps more commonly) a horizontal line is clear from its use to make a straight τάφρος in Hom. *Od.* xxi. 121. It was probably a line getting the true direction either way; and the expressions παρὰ στάθμην, ἐπὶ στάθμην would come from either use. We have also the phrases πρὸς κάθετον, εἰς κάθετον = *ad perpendiculum*. (Blümner, *Technologie*, ii. 235.) [G. E. M.]

PERPE'TUA ACTIO; PERSECUTORIA ACTIO. [ACTIO.]

PERSO'NA (*larva*, πρόσωπον or προσωπεῖον), a mask. Masks were worn by Greek and Roman actors in nearly all dramatic representations. This custom arose undoubtedly from the practice of smearing the face with certain juices (Hor. *ad Pis.* 277) and colours, and of appearing in disguise, at the festivals of Dionysus [DIONYSIA]. The red colouring was appropriate to that worship (Paus. ii. 2, 6; vii. 26, 11). But leaves were also used as coverings for the face before masks (Suidas, *s. v.* θρίαμβος: cf. Athen. xiv. 622); and we hear, too, of masks made of tree-bark (Verg. *Georg.* ii. 387). Now, as the Greek drama arose out of these festivals, it is highly probable that some mode of disguising the face was as old as the drama itself. Thespis (Suidas, *s. v.* Θέσπις) is said to have smeared the face with white lead (ψιμυθίῳ), afterwards with purslane (ἀνδράχνῃ); and finally to have introduced the linen mask. Choerilus of Samos, however, is said to have been the first who introduced regular masks (Suid. *s. v.* Χοιρίλος). The invention of masks is elsewhere attributed to Aeschylus (Suid. *s. v.* Αἴσχυλος: Hor. *ad Pis.* 278), though the latter had probably only the merit of perfecting and completing the whole theatrical apparatus and costume. Phrynichus is said to have first introduced female masks (Suid. *s. v.* Φρύνιχος). Aristotle (*Poët.* 5=1449 b, 4) was unable to discover who had first introduced the use of masks in comedy. Some masks covered, like the masks of modern times, only the face, but they appear more generally to have covered the whole head like a visor, fastened with bands under the chin, for we find always the hair belonging to a mask described as being a part of it; and this must have been the case in tragedy more especially, as it was necessary to make the head correspond to the stature of an actor which was heightened by the cothurnus. The terms for having a mask put on are περιτίθεσθαι, ἐπικεῖσθαι, περικεῖσθαι: for putting off, ἀποτίθεσθαι, ἀφελεῖν (Lucian. *Tim.* 28, *Nigr.* 11, *de Salt.* 27, *pro Merc. Cond.* 5, *Icaromenipp.* 29). The masks were made by σκευοποιοί. Aristotle (*Poet.* 6=1450 b, 19) notices how important their art was for the stage effect.

I. TRAGIC MASKS. It may at first seem strange to us, that the ancients, with their refined taste in the perception of the beautiful in form and expression, should by the use of masks have deprived the spectators in their theatres of the possibility of observing the various expressions of which the human face is capable, and which with us contribute so much to theatrical illusion. But it must be remembered that in the large theatres of the ancients it would have been impossible for the greater part of the audience to distinguish the natural features of an actor. The features of the masks were for this same reason very strong and marked. Again, the *dramatis personae* of most of the ancient tragedies were heroes or gods, and their characters were so well known to the spectators, that they were perfectly typical. Every one therefore knew, immediately on the appearance of such a character on the stage, who it was, and it would have been difficult for a Greek audience to imagine that a god or hero should have had a face like that of an ordinary actor. The use of the cothurnus also rendered a proportionate enlargement of the countenance absolutely necessary, or else the figure of an actor would have been ridiculously disproportionate. Lastly, the solemn character of ancient tragedy did not admit of such a variety of expressions of the countenance as modern tragedies; the object of which seems to be to exhibit the whole range of human passions in all their wild and self-devouring play. How widely different are the characters of ancient tragedy! It is, as Müller (*Hist. of the Lit. of Anc. Greece*, i. p. 298) justly remarks, perfectly possible to imagine, for example, the Orestes of Aeschylus, the Ajax of Sophocles, or the Medea of Euripides, throughout the whole tragedy with the same countenance, though it would be difficult to assert the same of a character in any modern drama. But there is no necessity for supposing that the actors appeared throughout a whole piece with the same countenance: for if circumstances required it, they might surely change masks during the intervals between the acts of a piece. Whether the open or half-open mouth of a tragic mask also contributed to raise the voice of the actor, as Gellius (v. 7) thinks, cannot be decided here, though we know that all circumstances united to compel a tragic actor to acquire a loud and sonorous voice. The κωφὰ πρόσωπα appear to have had masks (Lucian, *Toxar.* 9; *de hist. conscr.* 4), also the chorus in Comedy (Schol. on Ar. *Nub.* 344; Theophr. *Char.* 6), and most probably the chorus in Tragedy, both because it was likely that all the performers should be fairly uniform in appearance, and also we are told that the Eumenides in Aeschylus's play had masks with snakes in their hair (Paus. i. 28, 6). Yet in certain illustrations, such as in Baumeister's *Denkmäler*, fig. 910, the κωφὰ πρόσωπα appear without masks.

The masks used in ancient tragedies were thus, for the most part, typical of certain characters, and consequently differed according to the age, sex, rank, and other peculiarities of the beings who were represented. Pollux, from whom we derive most of our information on this subject, enumerates (iv. 133, &c.) 28 typical or standing masks of tragedy: six for old men, eight for young men, eleven for females, and three for slaves. The number of masks was indefinite, which were not typical, but represented certain individuals with their personal peculiarities, such as the horned Actaeon, the blind Thamyris with one eye black and the other grey, the myriad-eyed Argus, Tyro with cheeks all bruised from the blows of Sidero; the representations of River and Mountain Gods, Centaurs, Titans, Giants, Indians, Tritons, the Minotaur, &c.; and such allegorical figures as Justice, Death, Madness, Drunkenness, Deceit, &c. See Pollux, iv.

141, 142, who mentions many more such *ἔκσκευα πρόσωπα*, as they were called. The only example of an *ἔκσκευον πρόσωπον* which we possess is from a very beautiful wall-painting from Pompeii, reproduced in Baumeister's *Denkmäler*, fig. 1947, p. 1851. It is Perseus with his Cap of Darkness and its griffin crest. The standing masks of tragedy are divided by Pollux (iv. 133–140) into five classes.

1. *Tragic masks for old men* (133–135).—The mask for the oldest man on the stage was called *ξυρίας ἀνήρ*, from the circumstance of the beard being smoothly shaved. The hair, which was in most cases attached to the masks, was white, and hung down with the exception of a part above the forehead, which was raised by a projection on the mask. This projection rose either into an acute angle (*λαβδοειδὲς* is the word Pollux uses), or was rounded at the top. It was called *ὄγκος*. The size of it varied chiefly according to the social position of the person represented. The chin of this mask was close shaved, the cheeks flat and hanging downwards. This would be the mask worn by Cadmus, and perhaps Priam (Suidas, *s. v. πριαμωθῆναι*). 2. A second mask for old men, called *λευκὸς ἀνήρ*, had grey hair, floating around the head in locks, the beard fixed to the mask and immovable (*γένειον πεπηγός*). It had drooping eyes and a palish colour (*παράλευκος*). This was perhaps the mask Tiresias would wear or the *παιδαγωγὸς* in Sophocles' *Electra* (43). 3. A third mask, called *σπαρτοπόλιος*, had black hair interspersed with grey, and was somewhat pale. It probably represented a hero of from 40 to 50 years, perhaps the mask of Oedipus (cf. Soph. *O. T.* 742 f.). 4. The fourth mask, *μέλας ἀνήρ*, represented a hero in his full vigour, with dark curly hair and beard, strong features and a high *ὄγκος*. This was probably the mask for most of the tragic heroes who were not very much advanced in age. 5, 6. For a secondary class of heroes there were two other masks, the *ξανθὸς* and the *ξανθότερος ἀνήρ*: the former represented a fair man with floating locks, a low *ὄγκος*, and a good colour in his countenance; the second or fairer man was pale and of a sickly appearance.

2. *Tragic masks for young men* (135–137).—Among these are mentioned: 1. The *νεανίσκος πάγχρηστος*, a mask intended to represent a man who had just entered the age of manhood, and was yet unbearded, but of a blooming and brownish complexion, and with a rich head of black hair. This is the mask to be given to such a character as Achilles in the *Iphigenia in Aulis*. The word *πάγχρηστος*, "all-excellent," is used possibly for the virtuous hero of the piece. 2. The *νεανίσκος οὖλος*, a fair youth of a haughty character; his hair was curly and attached to a high *ὄγκος*: his character was indicated by his raised eyebrows. A specimen of the *οὖλος νεανίσκος* is given above from a statue of Melpomene (*Mus. Borb.* xi. Tav. xlii.). 3. *Νεανίσκος πάρουλος*: resembled the preceding mask, but was somewhat younger. The counterpart of these two was (4) the *ἁπαλός*, a young man of a delicate and white complexion, with fair locks and a cheerful countenance, like that of a youthful god. 5, 6. *Πιναρός*. There were two masks of this name, both representing young men of a severe appearance, of yellow complexion and fair hair, gloomy and squalid (*κατηφής, δυσπινής*); the one, however, was thinner and younger. 7. *'Ωχρός*, a mask quite pale, with hollow cheeks and fair floating hair. It was used to represent sick or wounded persons. 8. The *πάρωχρος* might be used for the *πάγχρηστος* if this character was to be represented in a suffering condition or in love.

Mask of a young man. (*Mus. Borb.* xi. Tav. xlii.)

3. *Tragic masks for male slaves.*—Pollux (137, 138) mentions three—viz.: 1. The *διφθερίας*, "leather jerkined," which had no *ὄγκος*, but some sort of a covering (*περίκρανον*) round the smoothly-combed white hair. The countenance was pale, the beard grey, the nose sharp, the eyebrows raised, and the expression of the eyes gloomy. Perhaps like the *θεράπων* in the *Bacchae*. 2. The *σφηνοπώγων*, "wedge-like-bearded," represented a man in the prime of life with a high and broad forehead, a large *ὄγκος*, broad and rounded inwards at the top (*κοιλαινόμενον ἐν τῇ περιφορᾷ*), hard-featured and red like a messenger. 3. The *ἀνάσιμος*, or snub-nosed, had a high *ὄγκος* (*ὑπέρογκος*) with fair hair rising up on it; had a reddish face and no beard. He, too, acted as a messenger.

4. *Tragic masks for female slaves* (139).—Of these five specimens are given. 1. *Πολιὰ κατάκομος* (*i.e.* with long grey hair), originally called *παράχρωμος* (with altered colour). It represented an old woman with long grey hair, a small *ὄγκος*, pale and dignified to indicate one who had seen better days. 2. *Τὸ ἐλεύθερον γραΐδιον*, an old freed-woman with fair hair turning grey, hanging over a small *ὄγκος* down to the shoulders. She was apparently in mourning. 3. *Τὸ οἰκετικὸν γραΐδιον* had a covering for the head of sheep-skin instead of an *ὄγκος*; was very wrinkled. 4. *Τὸ οἰκετικὸν μεσόκουρον* ("with a tonsure," like that of monks) had a small *ὄγκος*, white skin, rather pallid; was not quite grey-haired. 5. *Διφθερῖτις* represented a young slave-girl without any *ὄγκος*.

5. *Tragic masks for free women* (140, 141).—Of these seven specimens are given. 1. *Κατάκομος ὠχρὰ* represented a pale lady with long black hair and a sad expression. She generally shared the sufferings of the principal hero in the play. On the next column is an example taken from Baumeister, *op. cit.* fig. 1945, p. 1849. 2. *Μεσόκουρος ὠχρὰ* resembled the former, only that she had a tonsure and was pale, as well acquainted with sorrow. 3. *Μεσόκουρος πρόσφατος* probably represented one who was just new to some great sorrow. Hence it had the tonsure for mourning,

but not the paleness of 2. 4. Κούριμος παρθένος had no ὄγκος, but hair smoothly combed down on each side of the head with a little cut off in front (καὶ βραχέα ἐν κύκλῳ περικέκαρται). This was the mask of Antigone and Electra (see Brunck, *Analect.* i. 500). 5. Ἑτέρα κούριμος παρθένος, like the other, except that her hair was floating about as if she was in the most violent grief. 6. The κόρη, or beautiful young girl, *e.g.* a daughter of Danaus.

Woman's Tragic Mask. (From a painting at Herculaneum.)

The account which Pollux gives of the tragic masks comprehends a great number, but it is small in comparison with the great variety of masks which the Greeks must have used in their various tragedies; for the distorted masks with widely open mouths, which are seen in great numbers among the paintings of Herculaneum and Pompeii (see the annexed woodcut from *Museo Borbon.* vol. i. tab. 20), would give but a very inadequate notion of the masks used at Athens during the most flourishing period of the arts. All the representations of tragic masks belonging to this period do not show the slightest trace of exaggeration or distortion in the features of the countenance, and the mouth is not opened wider than would be necessary to enable a person to pronounce such sounds as *oh* or *ha*. In later times, however, distortions and exaggerations were carried to a very great extent, but more particularly in comic masks, so that they in some degree were more caricatures than representations of ideal or real countenances (Philostr. *Vit. Apollon.* v. 9, p. 89, Kayser; Lucian, *de Saltat.* 27, *Anach.* 23, *Nigrin.* 11).

Mask, from a painting at Pompeii.

Masks, Tragic and Comic, from Pompeii.

The annexed woodcut represents some masks, one apparently comic and the other tragic, which are placed at the feet of the choragus in the celebrated mosaic found at Pompeii (*Museo Borbon.* vol. ii. tab. 56; Gell, *Pomp.* vol. i. pl. 45). The ὄγκος is fairly well represented.

II. Comic Masks.—In the Old Attic Comedy, in which living and distinguished persons were so often brought upon the stage, it was necessary that the masks, though to some extent they may have been caricatures, should in the main points be faithful portraits of the individuals whom they were intended to represent, as otherwise the object of the comic poets could not have been attained (Platon. *de Diff. Com.* p. xiv. v. 80, Dübner; Aristoph. *Eq.* 230, and Schol.). We know that no σκευοποιὸς ventured to make Cleon's mask; Aelian (*V. H.* ii. 13) says that the mask of Socrates in the *Clouds* was a faithful representation. Of course, the chorus of Birds and Clouds and such like had peculiar masks of their own, as also such out-of-the-way characters as Pseudartabas in the *Acharnians*. The masks of the characters in the Old Attic Comedy were therefore, on the whole, faithful to life, and free from the burlesque exaggerations which we see in the masks of later times. A change was made in the comic masks when it was forbidden to represent in comedy the archon by imitating his person upon the stage (Schol. *ad* Aristoph. *Nub.* 31); and still more, shortly after, by the extension of this law to all Athenian citizens (Schol. *ad* Aristoph. *Ach.* 1150, *Av.* 1297; Suid. *s. v.* Ἀντίμαχος). The consequence of such laws was, that the masks henceforth, instead of individuals, represented classes of men, *i.e.* they were masks typical of men of certain professions or trades, of a particular age or station in life, and some were grotesque caricatures. A number of standing characters or masks was thus introduced in comedy. In the New Comedy they were very ridiculous and unnatural-looking, with enormously wide and distorted mouths (Platon. *de Diff. Com.* p. xiv. 83–91), at least for the characters representing the lower orders and old men. Platonius says the reason was fear of caricaturing any influential Macedonian. Pollux gives a list of such standing masks, which are divided, like those of tragedy, into five classes.

1. *Comic masks for old men* (143–145).—Nine masks of this class are mentioned. The mask representing the oldest man was called πάππος πρῶτος: his head was shaved to the skin, he had a mild expression about his eyebrows, his beard was thick, his cheeks hollow, and his eyes melancholy. His complexion was pale, and the whole expression of the countenance was mild. 2. The πάππος ἕτερος was of a more emaciated and more vehement appearance, sad and pale; he had hair on his head and a beard, but the hair was red and his ears broken from boxing. 3. The ἡγεμὼν πρεσβύτης, likewise an old man, with a thin crown of hair round his head, an aquiline nose, and a flat countenance. His right eyebrow was higher than the left. (Cf. Quintil. xi. 3, 74: "alter erecto alter composito est supercilio; atque id ostendere maxime latus actoribus moris est quod cum iis quas agunt partibus congruat.") An example of the ἡγεμὼν πρεσβύτης is given below from Müller, fig. xxi. 1 = Baumeister, fig. 905 a. 4. The πρεσβύτης μακροπώγων had a long and floating beard, and likewise a crown of hair round his head; his eyebrows were raised, but his whole aspect was that of a dull man. 5. The Ἑρμώνειος was that

of a man getting bald (ἀναφαλαντίας, different from φαλακρός, actually bald, Bekk. *Anecd.* 16, 31), but it had a beard and raised eyebrows and was of a grim appearance. The name of the mask was derived either from an actor or a σκευοποιός, as was also that called Λυκομήδειος, No. 7. 6. The σφηνοπώγων, or wedge-like bearded mask, was likewise bald, had raised eyebrows, and looked rather ill-tempered (ὑποδύστροπος). 7. The Λυκομήδειος (cf. No. 5) had a thick long beard and had one eyebrow raised, as if absorbed in business. 8. The πορνοβοσκὸς was somewhat like the latter, but his lips were contorted to a grin, his eyebrows contracted, and his head either bald or getting bald. 9. The δεύτερος Ἑρμώνειος had a pointed beard, but otherwise no hair.


Ἡγεμὼν πρεσβύτης. (From a terra-cotta mask found at Vulci.)

The annexed comic mask, representing an old man, is taken from the *Museo Borbon.* vol. i. tab. A.


Comic Mask for an old man.

2. *Comic masks for young men* (146–148).—Pollux enumerates eleven masks of this kind. 1. The πάγχρηστος formed the transition from the old to the young men; he had but few wrinkles on his forehead, showed a muscular constitution (γυμναστικός), was rather red in the face, and slightly sun-burnt (ὑποκεχρωσμένος); the upper part of his head was bald, his hair was red, and his eyebrows raised. 2. The νεανίσκος μέλας was younger than the preceding one, and with low eyebrows. He represented a young man of good education and fond of gymnastic exercises. 3. The νεανίσκος οὖλος, or the thick-haired young man, was young and handsome, and of a blooming countenance, his eyebrows were extended, and there was only one wrinkle upon his forehead. 4. The νεανίσκος ἁπαλός: his hair was like that of the πάγχρηστος, but he was the youngest of all, and represented a tender and effeminate youth. 5. The ἄγροικος, or rustic young man, had a dark complexion, broad lips, a pug-nose, and a crown of hair round his head. 6. The ἐπίσειστος στρατιώτης was of dark complexion, and had long dark hair waving about. This would be the mask of the Miles Gloriosus. 7. The ἐπίσειστος δεύτερος was the same as the preceding, only younger and of a fair complexion. 8. The κόλαξ or the flatterer, and 9. the παράσιτος or parasite, were dark (compare Athen. vi. p. 237), and had aquiline noses. Both presented a luxurious and well-fed appearance (εὐπαθεῖς); the parasite, however, had broken ears, was merry-looking, and had a wicked expression about his eyebrows. 10. The εἰκονικός (*i.e.* like a statue) had a few grey hairs spread over his head, a close-shaved chin: the wearer was got up in splendid attire (εὐπάρυφος) and represented a stranger. He could also act a kind of parasite. Böttiger thinks we should read Σικυωνικός. 11. The Σικελικὸς was a third kind of parasite.

3. *Comic masks for male slaves* (149, 150).—Of this class seven masks are mentioned. 1. The mask representing a very old man was called πάππος: it had grey hair, and indicated that he had obtained his liberty. 2. The ἡγεμὼν θεράπων had his red hair plaited, raised eyebrows, and a contracted forehead. He was among slaves the same character as the πρεσβύτης among freemen. 3. The κάτω τριχίας, or κάτω τετριχωμένος, was half bald-headed, had red hair and raised eyebrows. 4. The οὖλος θεράπων, or the thick-haired slave, had red hair and a red countenance; he was without eyebrows, half-bald, and with squinting eyes. 5. The θεράπων Μαίσων was bald-headed and had red hair. Μαίσων was a character in a farce, like Maccus in the Atellanae, though Athenaeus (xiv. 659) and Festus (s. v. *Moeson*) say he was an actor. 6. The θεράπων τέττιξ was bald-headed and dark, but had two or three slips of hair on his head and on his chin, and he also had squinting eyes. Why he was called τέττιξ is not plain. Athenaeus (*l. c.*) says, ἐκάλουν οἱ παλαιοὶ τὸν μὲν πολιτικὸν μάγειρον Μαίσωνα, τὸν δ' ἐκτόπιον Τέττιγα. 7. The ἐπίσειστος ἡγεμὼν, or the audacious slave, resembled the ἡγεμὼν θεράπων with the exception of the hair.

4. *Comic masks for old women* (150, 151).—Pollux mentions three, viz.: 1. The γραΐδιον ἰσχνὸν or λυκαίνιον, the wolfish old woman, who was tall with many but small wrinkles, pale, and with squinting eyes. 2. The παχεῖα γραῦς, or the old woman with large wrinkles, and a band round her head keeping the hair together. 3. The γραΐδιον οἰκουρόν, or the domestic old woman. Her cheeks were hollow, and she had only two teeth on each side of her mouth.

5. *Comic masks for young women* (152–154).—Pollux mentions fourteen, viz.: 1. The γυνὴ λεκτική, or the talking woman; her hair was smoothly combed down, the eyebrows rather raised, and the complexion white. 2. The γυνὴ οὔλη was distinguished from the preceding only by the way she wore her hair. 3. The κόρη had her hair combed smoothly, had high and black eyebrows, and a white complexion. 4. The ψευδοκόρη had a whiter complexion than the former, her hair was bound up on the top of the head, and she was intended to represent a young woman who had been lately married. 5. Another mask of the same name was only distinguished from the former by the fact that the hair was not divided (τῷ ἀδιακρίτῳ τῆς κόμης). 6. The σπαρτοπόλιος λεκτική, an elderly woman who had once been a prostitute, and whose hair was partly grey. 7. The παλλακὴ resembled the former, but had a better head of hair (περίκομος). 8. The τέλειον ἑταιρικὸν was more red in the

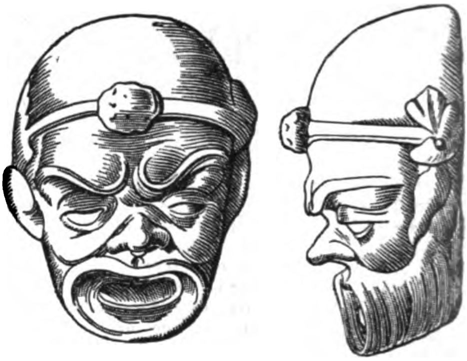
face than the *ψευδοκόρη*, and had locks about her ears. 9. The *ὡραῖον ἑταιρίδιον* was less got up (*ἀκαλλώπιστον*), and wore a band fastened round her head. 10. The *διάχρυσος ἑταίρα* derived the name from the gold with which her hair was adorned. 11. The *διάμιτρος ἑταίρα*, from the variegated band wound around her head. 12. The *λαμπάδιον*, from the circumstance of her hair being dressed in such a manner that it stood upright upon the head in the form of a lampas. 13. The *ἁβρὰ περίκουρος* represented a young female slave with her hair cut round (*περικεκαρμένον*), wearing only a white tucked-up chiton. 14. The *παράψηστον* (with straight hair) was that of a slave distinguished by her hair, and by a somewhat snub-nose: she wore a crocus-coloured chiton and represented an hetaera's servant.

It will be seen from the foregoing list that the chief points of distinction in the masks lay in the colour of the face, in the colour and arrangement of the hair, in the size of the *ὄγκος*, and in the eyebrows. It is to be noticed that the iris as well as the whites of the eyes must have been represented in the mask, as *e.g.* the *διφθερίας* (i. 3, 1) is said to have had *ὀφθαλμοὺς σκυθρωπούς*, the *πάππος πρῶτος* (ii. 1, 1) to have been *τὴν ὄψιν κατηφής*, the *γραΐδιὸν ἰσχνὸν* (ii. 4, 1) to have had squinting eyes, &c. Also it is to be noticed that the teeth are very rarely found in masks, and only once mentioned in Pollux's list (the *γραΐδιον οἰκουρόν*, ii. 4, 3).

Numerous as these masks are, the list cannot by any means be considered as complete, for we know that there were other standing masks for persons following particular kinds of trade, which are not mentioned in Pollux. Maeson of Megara, for example, is said to have invented a peculiar mask called after his own name *μαίσων*, another for a slave, and a third to represent a cook (Athen. xiv. p. 659). Compare Lucian, *Salt.* 27, for reference to special masks for cooks. These were a most prominent class in the New Comedy. From Athenaeus (*l. c.*) we also learn that Stephanus of Byzantium wrote a work *περὶ προσώπων*.

III. MASKS USED IN THE SATYRIC DRAMA (141).—The masks used in this species of the Greek drama were intended to represent Satyrs, Silenus, and similar companions of Dionysus, whence the expressions of the countenances and the form of their heads may easily be imagined. The other characters wore the ordinary tragic masks. Pollux only mentions the grey-headed Satyr, the bearded Satyr, the unbearded Satyr, and the *Σειληνὸς πάππος*. The latter (who perhaps occurs in the *Cyclops*) represented an old man, probably bald (Eur. *Cycl.* 227), rather like a brute (*θηριωδέστερον*). There appear to have been more than one kind of Silenus (Xen. *Symp.* 4, 19). All the Satyric characters appear to have had the ordinary snub-nose and pointed ears of Satyrs. The dress of the Silenus was called *χορταῖος* (Poll. iv. 118). A grotesque mask of a Satyr, together with one of the finest specimens of a tragic mask, is contained in the Townley Gallery in the British Museum, and is represented here. Another Satyric mask, probably that of the Silenus, is also reproduced from Müller, fig. 20, i. = Baumeister, fig. 1630.

Masks in British Museum.



Satyric Mask in front and profile, found in a grave at Vulci.

As regards the earliest representations of the regular drama among the Romans, it is expressly stated by Diomedes (i. 489, 10 Keil), that masks were not used, but merely the galerus or wig, so that the colour of the hair alone indicated in a way who the character was, according as it was white (for the old), black (for the young), or red (for slaves). In the time of Terence there appear to have been no masks used [cf. such a scene as Ter. *Phorm.* i. 4, 32 ff., and the numerous passages in which a remark is said to be made *voltu laeto* or *moesto* (e.g. *Andr.* iii. 3, 20) given by Hoffer, *de personarum usu in Terentii Comoediis*, 23–30, cf. 34]; and it was not till about 110 B.C. that Roscius, as he was not good-looking and had a squint, and his manager Minucius Prothymus, introduced them into tragedy. One Cincius Faliscus is said to have introduced them into comedy (Diomed. *l. c.*: Donat. *de Com. et Trag.* p. 10, 1, Reiff.); it was some time, however, before they met with approval (Cic. *de Orat.* iii. 59, 221). Aesopus sometimes acted without a mask (Cic. *de Div.* i. 37, 80). It should, however, be remembered that masks had been used long before that time in the Atellanae (Fest. s. v. *Personata*), so that the innovation of Roscius must have been confined to the regular drama; that is, to tragedy and comedy. As for the forms of Roman masks, it may be presumed that, being introduced from

Greece at so late a period, they had the same defects as those used in Greece at the time when the arts were in their decline, and this supposition is confirmed by all works of art, and the paintings of Herculaneum and Pompeii, in which masks are represented; for the masks appear unnaturally distorted and the mouth always wide open. The expressions of Roman writers also support this supposition. (Gellius, v. 7; Juv. iii. 175.) We may mention here that some of the oldest MSS. of Terence contain representations of Roman masks, and from these MSS. they have been copied in several modern editions of that poet, as in the edition published at Urbino in 1726, fol., and in that of Dacier. The cut annexed contains representations of four of these masks prefixed to the *Andria.*

Masks from the *Andria.*

When actors at Rome displeased their audience and were hissed, they were obliged to take off their masks; but those who acted in the Atellanae were not obliged to do so (Fest. s. v. *Personata fabula;* Macrob. *Sat.* ii. 7). The Roman mimes never wore masks. [Mimus.] (Compare Ficoroni, *Dissertatio de Larvis scenicis et Figuris comicis ant. Rom.*, Rome 1786 and 1750, 4to; Fr. Stieve, *Dissertatio de rei scenicae apud Romanos Origine;* Witzschel in Pauly, v. 1373–1380, s. v. *Persona;* F. Wieseler, *Theatergebäude und Denkmäler des Bühnenwesens;* Sommerbrodt, *Scaenica*, pp. 199–205; A. Müller, *Die Griechischen Bühnenalterthümer*, 270–289; Bernard Arnold in Baumeister's *Denkmäler*, s. vv. *Lustspiel, Satyrspiel, Schauspieler und Schauspielkunst,* and *Trauerspiel.*) [L. S.] [L. C. P.]

PE'RTICA. [Mensura, p. 162; Decempeda.]

PES. [Mensura, pp. 161, 162.]

PESSI (πεσσοί). [Latrunculi.]

PE'SSULUS. [Janua.]

PETALISMUS. [Exsilium, Vol. I. p. 819.]

PE'TASUS. [Pilleus.]

PETAURISTAE. [Petaurum.]

PETAURUM (πέταυρον, πέτευρον) was, firstly, *a pole* or *perch* upon which fowls roosted (Theoc. xiii. 13; Pollux, x. 156): hence the better known use, *a spring-board* for acrobats (*petauristae*); in its simplest form a board balanced like a seesaw, from which the performers threw themselves ("corpora jactata petauro," Juv. xiv. 265; cf. Lucil. *fr.* 100); but it might be greatly elaborated, so that they sprang off through hoops, and performed as on a trapeze. The hoops were sometimes on fire, to increase the sensational character of the feat (Petron. 53). On Manilius v. 439–443 Professor Mayor says, "Perhaps a wheel hanging loose in the air, seated on which two jugglers keep the wheel in motion, alternately rising and falling: if either were thrown off, he must leap through flames and burning hoops." This does not give a very plain sense, and it seems pretty clear that the petaurum was not itself a wheel. In the lines referred to we seem rather to see two acrobats springing from an oscillating board, as above described, through the "flammas orbesque" (= the "circulos flammantes" of Petronius): when one has thus leapt off, the other remains for a moment with no one to balance him, while the board is just swinging back, and then he also leaps off. In Mart. xi. 21 one end of the springboard rests on a revolving wheel ("rota *impacta* petauro"), and the acrobat has apparently to pass on to the wheel, which may be the "graciles viae petauri" of Mart. ii. 86. Pollux (*l. c.*) seems to compare the πέταυρον to the contrivance in which Socrates appeared aloft in the *Clouds* of Aristophanes. This will favour the connexion suggested with μετέωρος. (See further authorities in Mayor's note on Juvenal, *l. c.;* Grasberger, *Erziehung*, i. 120.) [W. S.] [G. E. M.]

PETI'TOR. [Actor.]

PETO'RRITUM or **PETORITUM,** a four-wheeled carriage, which, like the Essedum, was adopted by the Romans in imitation of the Gauls (Quint. i. 5, 57; Plin. *H. N.* xxxiv. § 163; Gell. xv. 30). Its name is with probability derived from the Celtic *petvar* or *petwar*, "four," and *rit*, "a wheel." Festus (*s. v.*) observes that *petor* meant "four" in Oscan and in Aeolic Greek. There is no reason to question this statement; but it is probable that Gellius is right in saying that the name as well as the fashion came from Gaul. Ginzrot (who curiously confuses *ducenda* with *ducenta* in Hor. *Sat.* i. 6, 104) asserts that the *petorritum* was a two-wheeled carriage, on the ground that Ausonius (*Ep.* 8, 5) uses the expression "*imposta* petorrita:" he omits to notice that the same author in *Ep.* 5, 35 writes, "*subjuncta* petorrita." In truth, the carriage can be said to be *impostum* through the yoke as well as through the shafts; and the evidence from Festus, who derives the word from *four*, is conclusive. It differed from the Reda in being of rougher and commoner construction and in having no cover. From its less luxurious make, it was intended specially (though probably not exclusively) to convey the household of servants on journeys, while the master travelled in a reda (Schol. Cruq. *ad* Hor. *Ep.* ii. 1, 192). It was perhaps generally drawn by a pair of mules, as in both the passages cited from Ausonius. (Ginzrot, *Wagen der Alten Völker*, i. 224; Becker-Göll, *Gallus*, iii. 21; Marquardt, *Privatleben*, 734.) [J. Y.] [G. E. M.]

PEZETAERI (πεζέταιροι). [Exercitus, Vol. I. p. 777.]

PHAECA'SIA. [Calceus, Vol. I. p. 333.]

PHALANGAE (φάλαγγες), any long cylindrical pieces of wood, such as trunks of trees (Herod. iii. 97; Plin. *H. N.* xii. § 17), truncheons (Plin. *H. N.* vii. § 200). Hence it had two special meanings: (1) poles used to carry burdens, being supported on the shoulders of the carriers with the burden hanging below by ropes. The carriers were called *phalangarii*, and also *hexaphori*, *tetraphori*, &c., according to their number (*C. I. L.* vi. 1785; Non. p. 163, 26; Vitruv. x. 8). (2) The word also signified *rollers* placed under ships to move them on dry land, so as to draw them up on shore (*subducere*) or down into the water (*deducere*). They are the *machinae* of Hor. *Od.* i. 4. 2 (cf. δουράτεοι κύλινδροι, Brunck, *Anal.* iii. 89; Apoll. Rhod. i. 375-389). The rollers were aided by levers (for which the oars were sometimes used) and ropes, often doubled so that the sailors pressed with their breasts, as in ordinary towing (Orph. *Arg.* 239-273). They were employed in the same manner to move military engines (Caes. *Bell. Civ.* ii. 10). [W. S.] [G. E. M.]

PHALANX. [Exercitus, Vol. I. pp. 768-779.]

PHALA'RICA. [Hasta.]

PHA'LERAE. The Latin word is probably derived from its Greek equivalent, φάλαρα (τά). Oddly enough, the singular, both in Latin and Greek, only occurs once in literature, φάλαρον, in Aeschylus, *Persae*, 661, and *phalera*, in a quotation from an old annalist given by Pliny (*H. N.* xxxiii. § 8). (Some commentators regard it as neut. plur.; others amend the text.)

The only passage in Homer where τὰ φάλαρα are mentioned is in the description of the Trojan attack on the Achaean ships (*Il.* xvi. 105). The poet says that the helm of Ajax rang out, as it was struck ever and anon, κὰπ φάλαρα εὐποίητα,—a use of the word very different from that of classical Greek, where it is only used of the ornaments of horses' harness. The old grammarians understood the meaning to be somewhat the same as in later times, and interpreted it as denoting disks worn as ornaments on the vizor of the helmet. Buttmann, however, maintained that they ornamented the strap of the helmet; but this, as Helbig shows (*Das homerische Epos*, ed. 1887, p. 305), assumes a form of helmet not known to Homer. Commentators since Buttmann have been inclined to connect the word, as synonymous, with φάλοι, meaning the ridges to which the crest was fixed; but as the same helmet could be τετραφάληρος and yet ἀμφίφαλος, this must be wrong. Helbig, from the analogy of ancient Italian and Phoenician helmets, decides (*op. cit.* p. 307) that they were studs or bosses, not on the vizor, as the grammarians said, but on the lower part of the casque near the cheek-pieces. There may possibly be a reminiscence of this old meaning in Aeschylus (*Pers.* 661), when he speaks of the φάλαρον of the tiara of the great king. With these exceptions, the word is always used of the metal disks or crescents with which a horse's harness was ornamented. These ornaments, which were used not only in Greece but all over the ancient world, are frequently mentioned, and received different names according to the part of the harness to which they were attached. Thus, the προμετωπίδια (=*frontalia*) were on the brow (Xen. *Cyrop.* vi. 4, 1; vii. 1, 2), the παρήια (Hom. *Il.* iv. 141) and the παραγναθίδες on the cheeks, the ἀνθήλια and παρώπια near the eyes, while the προστερνίδια (Xen. *Anab.* i. 8, 7; *de Re Eq.* 12, 8) and προστηθίδια were on the breast. They were occasionally worn by other animals, as, for instance, by the asses and bulls in the great *pompa* of Ptolemy II. and by the elephants of Antiochus (Liv. xxxvii. 40; and Plin. *H. N.* viii. § 12). They were made not only of bronze, but of silver (Liv. xxii. 52), and even of gold (Herod. i. 215, speaking of the Scythians). They were sometimes jewelled (Appian, *Mithrad.* 115), and were as a rule covered with most artistic designs, so that they were often of great value (cf. Cic. *in Verr.* iv. 12, 29). One of the most favourite ornamentations was the well-known Gorgon's head (Eur. *Rhesus*, 306).

Phalerae, from statue of Alexander. (Naples Museum.)

The Romans attached even more importance to *phalerae* than the Greeks, and Juvenal sarcastically describes the soldier of the old school who cut up masterpieces of chased work "ut phaleris gauderet ecus" (*Sat.* xi. 103). This was no doubt, to a large extent, owing to the Roman custom of bestowing them as *dona militaria*, not only to the cavalry, but also to the infantry. Polybius (vi. 29) says that φιάλαι were given to the infantry and φάλαρα to the cavalry, the difference being probably that the former were without, the latter with ornament. In any case, though there is no distinction in Latin, it would be straining Greek usage to apply the word to ornaments worn by a soldier. However this may be, both kinds of *phalerae* were worn by the soldiers themselves along with the *torques*, *armillae*, *catellae*, *fibulae*, and other military decorations, and as such are mentioned frequently in Latin literature (Verg. *Aen.* ix. 359; Florus, iii. 10, 26; Liv. ix. 46). These, like the Greek φάλαρα, were made of gold and silver no less than bronze (Polyb. xxxi. 3; Plin. *H. N.* xxxvii. § 74). Necklaces worn by women were also occasionally called *phalerae* (P. Syrus quoted by Petronius, 55), as were, too, those worn by the slaves of rich Romans (Suet. *Ner.* 30). In later writers it was used of any kind of external ornament (cf. Pers. iii. 21; Symmach. *Ep.* init. § 222).

In art not only are φάλαρα and *phalerae* shown on monuments of all ages, but the actual ornaments have been frequently found all over the ancient world. The most important of these finds have been made in the Crimea, where, at Great Blisnitza alone, no less than four complete sets of harness were found. The *phalerae* consisted of 20 round disks (ἀσπιδίσκοι, Pollux and Suidas), four lenticular plates, and several crescents. All are of the same make, consisting of a bronze plate, to the top of which a thin piece of metal with a design in hammered work is soldered. In spite of their being crushed, the beauty of the designs, representing Greeks and Amazons and gods and giants in single combat, is very apparent. As a rule, however, such phalerae are ornamented with busts of Aphrodite, Athene, and other deities. The Gorgon's head is the most favourite design, and is interesting as showing that the figures were intended to be *prophylactic* (ἀποτρόπαια). The crescents which are frequently found with the other forms have doubtless the same purpose. One of the most curious varieties is that in which two boar's or other curved teeth are joined together at the base, forming a crescent. This is not only common on monuments and in the graves, but is mentioned in literature, as when Statius (*Theb.* ix. 689) speaks of "niveo lunata monilia dente" (for other references see Stephani, *Compte Rendu*, 1865, p. 180). These crescents of teeth are also seen in antique necklaces, have been found in Saxon graves, and are still in use for the same purpose in parts of Europe, Africa, and Asia. The monuments show that the *phalerae* were worn not only at the joints of the harness, but in long strings round the breast of the horse. The horse of the celebrated bronze equestrian statue from Herculaneum in the Naples Museum, generally known as Alexander the Great, is one of the best instances, showing particularly well the Gorgon's head at the horse's breast. There is a fine chain of pendent *phalerae* (pensilia) in the British Museum, and a very similar one in Vienna (see Arneth, *Die antiken Gold u. Silber Monumente*, S. 1, 1; Vienna, 1850).

String of Phalerae. (From British Museum.)

Roman *phalerae* as worn by soldiers are shown on many gravestones of veterans, who are represented as seated on rearing chargers with enormous *phalerae*, or as wearing the *phalerae* on their breast, with the other *dona militaria*. These were of considerable weight, and were worn on a framework of leather straps, which hung from the shoulders, was braced across the chest with three or four straps, and supported the *phalerae*. On many coins these leather frameworks are represented without a wearer. The best examples of such ornaments are those found near Lanersfort, now in the Museum at Berlin. Like the Greek, they consist of bronze disks covered with a thin plate of hammered silver, ornamented with heads of deities and genii, in high relief; the space underneath the silver being filled up with bitumen. On the back is a stout hasp, by which they were attached to the harness or the leather framework just mentioned. In many cases *phalerae* of this description have pendants in the shape of leaves hanging from them, and specimens of these are very numerous. Besides these undoubted *phalerae*, there are many brooches and necklaces of so similar a description that there seems to be no good reason to refuse them the name, since we know that women occasionally wore them.

Cippus of M. Cælius.

The custom of giving *phalerae* as rewards for good service seems to have been discontinued in the time of Caracalla, who began the custom of giving large gold medals with the emperor's bust in relief instead, especially to the semi-barbarous chieftains on the Danube frontier.

[The best account of φάλαρα, both literary and monumental, is given by Stephani in the *Compte Rendu de la Commission Impériale* for 1865 (St. Petersburg, 1866); the best of the Roman *phalerae* in Otto Jahn's *Die Lanersforter Phalerae*, Bonn, 1860, and Marquardt, *Handbuch*, vii. p. 655 foll., where references to the later literature will be found. The best illustrations are in the *Atlas* of the *Compte Rendu* and in Lindenschmidt's *Tracht und Bewaffnung des römischen Heeres während der Kaiserzeit*, 1882.] [W. C. F. A.]

PHARETRA (φαρέτρα, *ap.* Herod. φαρετρεών), a quiver. A quiver, full of arrows, was the usual accompaniment of the bow. [ARCUS.] It was consequently part of the attire of every nation addicted to archery. Virgil applies to it the epithets *Cressa*, *Lycia* (*Georg.* iii. 345; *Aen.* vii. 816); Ovid mentions the *pharetratus Geta* (*Epist. de Ponto*, i. 8, 6); Herodotus represents it as part of the ordinary armour of the Persians (vii. 61). The quiver, like the bow-case (*corytus*), was principally made of hide or leather (Herod. ii. 141), but also of wood or metal. It was adorned with gold (Anacr. xiv. 6; Verg. *Aen.* iv. 138, xi. 858), painting (Ovid, *Epist. Her.* xxi. 173), and braiding (πολύρραπτον, Theocr. xxv. 265). It had a lid (πῶμα, Hom. *Il.* iv. 116; *Od.* ix. 314). Among the Scythians the quiver and bow-case formed one object (cf. *Antiq. du Bosp. Cimm.* i. pl. 33).

Scythians with bow-case and quiver.

The form of the Greek quiver is shown in the cut below. It was suspended from the right shoulder by a belt [Balteus], passing over the breast and behind the back. Its most common position was on the left hip, in the usual place of the modern sword, and consequently, as Pindar says, "under the elbow" (*Ol.* ii. 151, s. 92) or "under the arm" (ὑπωλένιον, Theocr. xvii. 30). It was worn thus by the Scythians (Schol. *in* Pind. *l. c.*) and by the Egyptians, and is so represented in the preceding figure of the Amazon Dinomache, copied from a Greek vase (Hope, *Costume of the Ancients*, i. 22). The left-hand figure in the same woodcut is from one of the Aegina marbles. It is the statue of an Asiatic archer, probably Paris, whose quiver (fractured in the original) is suspended equally low, but with the opening towards his right elbow, so that it would be necessary for him in taking the arrows to pass his hand behind his body instead of before it. To this fashion was opposed the Cretan method of carrying the quiver, which is exemplified in the woodcut, Vol. I. p. 416, and is uniformly seen in the ancient statues of Artemis. [J. Y.] [A. H. S.]

Pharetrae. (Left-hand figure from the Aeginetan Marbles; right-hand figure from a Greek vase.)

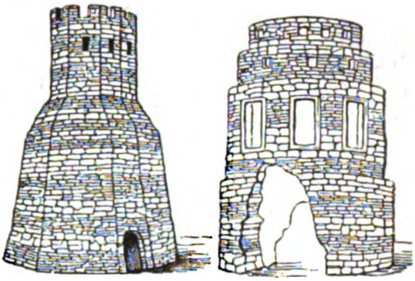
PHARMACON GRAPHE (φαρμάκων γραφή, Dem. *c. Aristocr.* p. 627, § 22, etc.; φαρμακείας κατηγορία, only in *argum.* Antiph. *c. Noverc.*), an indictment against one who caused the death of another by poison, given either by himself or by another person at his instigation (Dem. *c. Aristocr.* p. 628, § 24= p. 627, § 22 *lex*, and Andoc. *Myst.* § 94, τὸν βουλεύσαντα ἐν τῷ αὐτῷ ἐνέχεσθαι καὶ τὸν τῇ χειρὶ ἐργασάμενον: it was under this latter law that the charge of poisoning was brought against the stepmother (Antiph. *Or.* i.: cf. § 20, ἡ δὲ αἰτία ἤδη, καὶ ἐνθυμηθεῖσα καὶ χειρουργήσασα, *i.e.* ἡ πέμψασα τὸ φάρμακον καὶ κελεύσασα ἐκείνῳ δοῦναι πιεῖν, § 26). It was tried by the court of Areiopagus (Dem. *l.* c., and Pollux, viii. 117). That the malicious intent (πρόνοια) was a necessary ingredient in the crime follows from Arist. *Magn. Mor.* i. 17, p. 1188 b, 31, whence we learn that the Areiopagus once acquitted a woman who had given a love potion with fatal results to a man, ὅτι τὴν δόσιν τοῦ φίλτρου οὐ μετὰ διανοίας τοῦ ἀπολέσθαι αὐτὸν ἐδίδου (the woman in Antiph. *c. Nov.* § 20 was put to death for the same offence, but she was a slave). Hence the case in Antiph. *sup. Choreut.* is not an instance of the indictment under discussion, for the boy Diodotus was poisoned by a draught given him to improve his voice (εὐφωνίας χάριν ἔπιε φάρμακον καὶ πιὼν τέθνηκεν, *argum*). The punishment was death (Aelian, *V. H.* v. 18; Plut. *de Ser. Numin. vindic.* 7, p. 552 D). Poisonous drugs were frequently administered as love potions or for other purposes of a similar nature (Alciphr. *Ep.* i. 37). Men whose minds were affected by them were said φαρμακᾶν. Wills made by a man under the influence of drugs (ὑπὸ φαρμάκων) were void at Athens (Dem. *c. Steph.* p. 1133, § 16). Women who practised sorcery were called φαρμακίδες or φαρμακεύτριαι (Lucian, *Dial. Mer.* 4; Theocr. ii.). Demosthenes, as we learn from Philochorus (Harpocr. *s. v.* Θεωρίς), brought a γραφὴ ἀσεβείας against the Lemnian Theoris; she was put to death (Plut. *Dem.* 14; [Dem.] *c. Aristog.* i. p. 793, § 79), and Ninus suffered a like fate (Dem. *F. L.* p. 431, § 281) on a charge brought by Menecles, ὡς φίλτρα ποιούσης τοῖς νέοις (Schol. to Dem. *l. c.*; cf. *c. Boeot.* i. p. 995, § 2; ii. p. 1010, § 9); see also Plat. *Legg.* xi. p. 933 D. (*Att. Process*, ed. Lipsius, p. 382 f.) [C. R. K.] [H. H.]

PHARMACOPO'LA (φαρμακοπώλης), quack doctors and drug-sellers who not only kept shops or booths for their goods, but also hawked them about. Lucian (*pro Merc. Cond.* 7) describes one as hawking (ἀποκηρύττων) his cough-mixture in the streets, and promising an immediate cure to all sufferers (cf. Aristoph. *Thesm.* 504). Plutarch (*de Prof. in Virt.* 8) distinguishes the ἰατρεύων, or trained physician, from the mere charlatan, τὰ φάρμακα ἢ τὰ μίγματα πωλῶν. From Aristoph. *Nub.* 766, and Lucian, *Amor.* 39, we gather that they sold other wares also. In Rome there were many quacks of this sort, who, besides the sale of drugs, professed to cure patients also, whence Pliny complains of the want of a law to punish ignorance in doctors (*H. N.* xxix. § 18; Medicus). Regular medicines under the Empire were sold with a label (ἐπαγγελία) affixed, which specified the name of the drug, of its inventor, the illnesses which it cured, the component parts, and the method of taking it. These were no doubt generally written in a perishable form, but some for eye medicines, engraved on stone, have been preserved (Mommsen, *Epig.* ii. 450). The drugs for compounding the medicines were often brought from distant places (see Marquardt, *Privatleben*, p. 781) and obtained from drug-sellers (whom Galen, xii. 587, calls *μυροπῶλαι* as well as *φαρμακοπῶλαι*, since a great part were cosmetics). The physicians, however, commonly bought not merely the materials but the drugs ready compounded, and the pharmacopola traded on his own account, selling to the public his own compounds, often no doubt counterfeit, inducing the credulous to put themselves under his treatment (Hor. *Sat.* i. 2, 1; Gell. i. 15, 9), and carrying his drugs about to country towns as the *pharmacopola circumforaneus* of Cic. *pro Cluent.* 14, 40, who is not scrupulous about selling poisons as well. (Becker-Göll, *Charikles*, iii. 59; Marquardt, *Privatleben*, 780; Blümner, *Technologie*, i. 354; Friedländer, *S. G.* i. 317.) [G. E. M.]

PHAROS or **PHARUS** (*φάρος*), a lighthouse. The most celebrated lighthouse of antiquity was that situated at the entrance to the port of Alexandria. It was built by Sostratus of Cnidos on an island, which bore the same name, by command of one of the Ptolemies, and at an expense of 800 talents (Plin. *H. N.* xxxvi. § 83; Steph. Byz. *s. v.* *Φάρος*; Achill. Tat. v. 6). It was square, constructed of white stone, and with admirable art; exceedingly lofty, and in all respects of great dimensions (Caesar, *Bell. Civ.* iii. 112). It contained many stories (*πολυώροφον*, Strabo, xvii. p. 791), which diminished in width from below upwards (Herodian, iv. 3). The upper stories had windows looking seawards, and torches or fires were kept burning in them by night in order to guide vessels into the harbour (Val. Flacc. vii. 84; see Bartoli, *Luc. Ant.* iii. 12).

Pliny (*l. c.*) mentions the lighthouses of Ostia and Ravenna, and says that there were similar towers at many other places. They are represented on the medals of Apamea and other maritime cities. The name of Pharos was given to them in allusion to that of Alexandria, which was the model for their construction (Herodian, *l. c.*; Sueton. *Claud.* 20). The Pharos of Brundusium, for example, was, like that of Alexandria, an island with a lighthouse upon it (Mela, ii. 7, § 13; Steph. Byz. *l. c.*). Suetonius (*Tiber.* 74) mentions another pharos at Capreae. Trajan's breakwater at Centum Cellae (Civita Vecchia) had a lighthouse at each end (Plin. *Ep.* vi. 31), to which Merivale (*Hist.* vii. 253) seems to refer the "Pharos Tyrrhena" in Juv. xii. 75. This is, however, probably the lighthouse at the *Portus Romanus* or *Portus Augusti* formed by Claudius two miles N. of Ostia and improved by Trajan (Suet. *Claud.* 20; Dio Cass. lx. 11; Mayor's note *ad* Juv. *l. c.*).

The annexed woodcut shows two phari remaining in Britain. The first is within the precincts of Dover Castle. It is about 40 feet high, octagonal externally, tapering from below upwards, and built with narrow courses of brick and much wider courses of stone in alternate portions. The space within the tower is square, the sides of the octagon without and of the square within being equal, viz., each 15 Roman feet. The door is seen at the bottom (Stukeley, *Itin. Curios.* p. 129). A similar pharos formerly existed at Boulogne, and is supposed to have been built by Caligula (Sueton. *Calig.* 46; Montfaucon, *Supplem.* vol. iv. L. vi. 3, 4). The round tower here introduced is on the summit of a hill on the coast of Flintshire (Pennant, *Par. of Whiteford and Holywell*, p. 112).



Roman Lighthouses in Britain.

Baumeister (*Denkmäler*, fig. 1688) shows a relief from the Torlonia Museum of the lighthouse at the Roman Port, a round tower at the edge of the quay with beacon flames rising from its summit. A tower without flames is shown on a denarius of Sext. Pompeius as the lighthouse at Messina (Id. *ib.* p. 957). [J. Y.] [G. E. M.]

PHASIS (*φάσις*) was often used in a general sense to denote any kind of information (Pollux, viii. 47, *κοινῶς δὲ φ. ἐκαλοῦντο πᾶσαι αἱ μηνύσεις τῶν λανθανόντων ἀδικημάτων*), but technically it was one of the various methods by which public offenders at Athens might be prosecuted (Andoc. *de Myst.* § 88, *ἢ γραφαὶ ἢ φάσεις ἢ ἐνδείξεις ἢ ἀπαγωγαί*: cf. [Dem.] *c. Aristog.* i. p. 793, § 78, etc.). The charge, as in the *γραφή*, was made in writing (also called *φάσις*), with the names of the prosecutor and defendant, the proposed penalty (*τίμημα*), and the names of the *κλητῆρες* affixed (Pollux, *l. c.*; [Dem.] *c. Theocr.* p. 1323, § 5 ff.). The peculiarity by which the *φάσις* was distinguished from other methods of prosecution seems to have been that, if the prosecution was one of a purely public nature, *i.e.* where the offence immediately affected the state, the prosecutor received half the penalty (*τὰ ἡμίση τῶν φανθέντων*, [Dem.] *c. Theocr.* p. 1325, § 13;—*C. I. A.* ii. No. 203 b; cf. No. 17, l. 41 ff.; No. 546, ll. 18, 28;—Plat. *Legg.* v. p. 745 A). According to Pollux (*l. c.*), it might be brought against five classes of offenders: viz. 1st, against those who committed offences against the mining laws,—*e.g.* those who encroached in their mining operations on the district reserved by the state as its own (*ἐντὸς τῶν μέτρων*, Hyper. *pro Eux.* c. 44 f.; *Att. Process*, ed. Lipsius, p. 1020 f.), those working unregistered mines (*ἀναπόγραφα μέταλλα*, Hyper. *l. c.* c. 43; Heffter, *Athen. Gerichtsverf.* p. 188); cf. Photius, *s. v.*; *Lex. Rhet. Cantabr.* p. 676, 23, emended by Meier, etc.;—2nd, against those who committed offences against the laws and customs,—*e.g.* those who conveyed corn anywhere but to Athens, or lent money for any other mart but Athens ([Dem.] *c. Lacr.* p. 940, § 50 f.; Dem. *c. Phorm.* p. 918, 37; Lyc. *c. Leocr.* § 27; Dem. *c. Dionysod.* p. 1284, § 6, cf. Platner, *Proc.*

u. Klag. ii. p. 358 ff.), or who contravened the regulations of import and export (*C. I. A.* i. No. 31, i. A; ii. No. 546) by importing goods from hostile countries (Aristoph. *Acharn.* 819 f., 908 f.; Isocr. *Trap.* § 42), or exporting arms and ship-building material to the enemy (Dem. *F. L.* p. 433, § 286; Aristoph. *Eq.* 278, *Ran.* 362) or by defrauding the customs (Aristoph. *Eq.* 300);—3rd, against those who appropriated state property *sine justo titulo* (Isocr. *c. Callim.* § 6; *Lex. Rhet. Cantabr.* p. 676, 23. Harpocration's definition is too narrow, *ὅταν τις ἀποφαίνῃ τῶν δημοσίων ἔχοντα μὴ πριάμενον*: see also Bekk. *Anecd.* 315, 16, *κατὰ τῶν ἀδικούντων χωρίον ἢ οἰκίαν ἤ τι τῶν δημοσίων*);—4th, against *συκοφάνται*—*i.e.* those who brought false accusations against others, not in general, but for the offences enumerated above (Schömann, *de Com.* p. 178, n. 19):—5th, against guardians who wronged their wards (Dem. *c. Naus. et Xen.* p. 991, § 23; Harpocr. *s. v.*). Pollux (*l. c.*) goes on to say, *ἐφαίνοντο δὲ πρὸς τὸν ἄρχοντα*: here as in the following paragraphs *ἄρχων* is used in a more general sense, denoting any magistrate to whom a jurisdiction belonged. Before the archon only a *φάσις* against guardians might be preferred; but the *σύνδικοι* were the presiding magistrates in all cases of appropriation of public property *sine justo titulo* [SYNDIKOI, 2], and the *ἐπιμεληταὶ τοῦ ἐμπορίου* in all cases of offences against the import and export laws, whilst offences relating to the mines and customs and cases of false accusations came before the thesmothetae. All *φάσεις* were *τιμητοὶ ἀγῶνες*. In prosecutions against fraudulent guardians the *τίμημα* went to the wards (Pollux, *l. c.* *τὸ τιμηθὲν ἐγίγνετο τῶν ἀδικουμένων εἰ καί τις ἄλλος ὑπὲρ αὐτῶν φήνειεν*: Schömann, *Antiq. Jur. Publ.* p. 271, n. 4, the prosecutor probably receiving a share of it); in other cases it was shared by the state and the prosecutor; sometimes a severer punishment than a fine was inflicted (Dem. *c. Phorm.* p. 918, § 37, *τὰ ἔσχατα ἐπιτίμια*: cf. Lyc. *c. Leocr.* § 27), and the cargoes and ships of those contravening the export and import laws were confiscated (Boeckh, *Seeurk.* p. 230; cf. Dem. *c. Mid.* p. 558, § 133). The prosecutor was probably liable to the payment of *πρυτανεῖα*, inasmuch as he might reap advantage from the result; if he failed to obtain a fifth part of the votes, he was subject to the fine of a thousand drachmas and partial disfranchisement (Dem. *c. Theocr.* p. 1326, § 6; *Lex. Rhet. Cantabr.* p. 677, 10). Pollux (*l. c.*), it is true, says that in that case he was liable to the *ἐπωβελία*, but he very probably confounds the two fines. We have no speech left us by the Orators on the subject of a *φάσις*, but only mention of a lost speech of Lysias, *πρὸς τὴν φάσιν τοῦ ὀρφανικοῦ οἴκου* (Harpocr. *s. v.* = *fragm.* 203).

The proceedings taken against those who cut down more olive-trees than the law permitted resembled much those of the *φάσις*: the offender had to pay for each tree a fine of a hundred drachmas to the state, and a like sum *τῷ ἰδιώτῃ τῷ ἐπεξιόντι*, and the prosecutor had to pay *πρυτανεῖα τοῦ αὐτοῦ μέρους* ([Dem.] *c. Macart.* p. 1074, § 71, *lex*). (*Att. Process*, ed. Lipsius, pp. 294–302, 812). [C. R. K.] [H. H.]

PHEIDI'TIA. [SYSSITIA.]

PHE'NACE (*φενάκη*). [COMA, Vol. I. p. 498 *b*.]

PHERNE (*φερνή*). [DOS.]

PHI'ALA. [PATERA.]

PHONOS (*φόνος*), homicide. The feelings and customs of the Greeks with regard to homicide in general underwent a great change during the early historical period. From the Heroic age downwards, two primitive notions may be traced at work, yielding in different degrees to more modern and civilised ideas: the right and duty of private revenge, passing subsequently into public prosecution and punishment; and the feeling that all homicide, however justifiable or accidental, required a ceremonial purification (cf. Antiph. *de Caed. Herod.* § 11; DICASTERION). Both these institutions are common to primitive societies in general; they are represented by the "avenger of blood" and the "cities of refuge" in the Mosaic law; and the former, at least, is not yet extinct where society fails in the duty of repressing violence. There are still, in America, "parts of the Southern States in which homicide goes unpunished, except by the relatives of the slain" (Bryce, *Amer. Commonwealth*, iii. 150). The parallel between early Greece and early Germany, whether as described by Tacitus or in the post-Roman Teutonic codes, is instructively worked out by Grote (pt. i. ch. 20 = i. 483 ff.).

At Athens the right of private vengeance was discountenanced and driven into the background as early as the Draconian legislation. It survived only in a few special cases: the adulterer caught in the act might be put to death by the injured husband; and personal chastity might be defended, even by bloodshed, against the worst form of *ὕβρις*. The kinsmen of the deceased were no longer allowed to take the law into their own hands, but they were the legitimate and authorised prosecutors.

By the Attic law of historic times, homicide was either *ἐκούσιος* or *ἀκούσιος*, a distinction which corresponds in some measure, but not exactly, with our *murder* and *manslaughter*; for the *φόνος ἐκούσιος* might fall within the description of justifiable homicide, while *φόνος ἀκούσιος* might be excusable homicide (*Att. Process*, pp. 377–8, Lips.). According to the different circumstances under which the homicide was committed, the tribunal to which the case was referred, and the modes of proceeding at Athens, varied. All *φονικαὶ δίκαι* belonged to the jurisdiction of the *ἄρχων βασιλεὺς* as *ἡγεμὼν δικαστηρίου*. He was anciently the sole judge in cases of unintentional homicide; for such an act was considered in a religious point of view, as being a pollution of the city; and it became his duty, as guardian of religion, to take care that the pollution (*ἄγος*) was duly expiated. On the *ἐφέται*, by whom the *ἄρχων βασιλεὺς* was assisted, see EPHETAE in Vol. I. In discussing this subject we have to consider the various courts established at Athens for the trial of homicide, the different species of crime therein respectively prosecuted, the manner of proceeding against the criminal, and the nature of the punishment to which he was liable.

Solon, who seems to have remodelled the court of Areiopagus, enacted that this court should try cases of murder and malicious wounding, besides arson and poisoning (Dem. *c. Aristocr.* p. 627, § 22). One would be deemed a murderer who instigated another to commit the deed, provided the purpose were accomplished (Dem. c. *Conon.* p. 1264, § 25; Matthiae, *de Jud. Ath.* p. 148). Besides the court of Areiopagus, there were four other courts, of which the ἐφέται were judges: τὸ ἐπὶ Παλλαδίῳ, τὸ ἐπὶ Δελφινίῳ, τὸ ἐπὶ Πρυτανείῳ, and τὸ ἐν Φρεαττοῖ (Harpocr. et Suid. *s. v.* Ἐφέται). To the court ἐπὶ Παλλαδίῳ belonged cases of accidental homicide, manslaughter, and attempts to commit murder (βουλεύσεις). Such a case as that mentioned by Demosthenes (*c. Neaer.* p. 1348, § 9), of an unlawful blow followed by death, would be manslaughter. It seems also that this court had a concurrent jurisdiction with the Areiopagus in charges of murderous conspiracy, which was carried into effect. The law perhaps allowed the prosecutor to waive the heavier charge, and proceed against the offender for the conspiracy only. (Harpocr. *s. v.* Βουλεύσεως: Antiph. *Tetral.* iii. β, § 5; Matt. p. 150.) As to the supposed origin of this court, see Harpocr. *s. v.* Ἐπὶ Παλλαδίῳ: Pollux, viii. 118. To the court ἐπὶ Δελφινίῳ were referred cases where the party confessed the deed, but justified it; ἄν τις ὁμολογῇ μὲν κτεῖναι, ἐννόμως δὲ φῇ δεδρακέναι. Demosthenes calls it ἁγιώτατον καὶ φρικωδέστατον (*c. Aristocr.* p. 644, § 74; Harpocr. *s. v.* Ἐπὶ Δελφινίῳ: Pollux, viii. 119). In the court ἐπὶ Πρυτανείῳ the objects of prosecution were inanimate things, as wood, stone, or iron, which had caused the death of a man by falling on him (Apsychon Diké; add to references *Att. Process*, p. 131, Lips.; Suidas, *s. v.* Νίκων: Aeschin. c. *Ctes.* § 244). Matthiae (p. 154) thinks there was an ulterior object in the investigation, viz. that, by the production of the instrument by which death was inflicted, a clue might be found to the discovery of the real murderer, if any. The court ἐν Φρεαττοῖ was reserved for a peculiar case; where a man, after going into exile for an unintentional homicide, and before he had appeased the relations of the deceased, was charged with having committed murder. He was brought in a ship to a place in the harbour called Φρεαττώ, and there pleaded his cause on board ship, while the judges remained on land. If he was convicted, he suffered the punishment of murder; if acquitted, he suffered the remainder of his former punishment. The object of this contrivance was to avoid pollution (for the crime of the first act had not yet been expiated), and at the same time to bring the second offence to trial. (Dem. c. *Aristocr.* p. 646, §§ 77–79; Harpocr. *s. v.* Ἐν Φρεαττοῖ: Pollux, viii. 120; Matth. p. 155.)

To one or other of these courts all φονικαὶ δίκαι were sent for trial; and it was the business of the ἄρχων βασιλεὺς to decide which. The task of prosecution devolved upon the nearest relatives of the deceased; and in case of a slave, upon the master. To neglect to prosecute, without good cause, was deemed an offence against religion; that is, in any relation not further removed than a second cousin (ἀνεψιαδοῦς). Within that degree the law enjoined the relations to prosecute, under penalty of an ἀσεβείας γραφή, if they failed to do so. (Dem. c. *Androt.* p. 593, § 2; c. *Macart.* p. 1069, § 57; c. *Everg. et Mnes.* pp. 1160, 1161, §§ 68–73; Antiph. *de caede Herod.* § 48.) They might, however (without incurring censure), forbear to prosecute, where the murdered man had forgiven the murderer before he died (Dem. c. *Pantaen.* p. 983, § 59); or, in cases of involuntary homicide, where the offender gave the satisfaction which the law required; unless the deceased had given a special injunction to avenge him. (Lysias, c. *Agor.* §§ 41, 78; Matth. p. 170.) The meaning of the phrase ἐντὸς ἀνεψιαδῶν in these cases has been disputed, some thinking that the limit was drawn at a first cousin's son, or what is usually called a first cousin once removed. It is simpler and better to take it as including second cousins, *i.e.* all the descendants of a common great-grandfather. The distinction is not noticed in L. and S. *s. v.* (Cf. Thalheim, *Rechtsalterth.* p. 59; *Att. Process*, p. 199, n. 10, Lips.)

The first step taken by the prosecutor was to give notice to the accused to keep away from all public places and sacrifices. This was called πρόρρησις, and was given at the funeral of the deceased (Antiph. *de caed. Her.* §§ 10, 88; *de Chor.* §§ 4, 34;—Dem. c. *Lept.* p. 505, § 158; c. *Aristocr.* p. 632, § 38; c. *Everg. et Mnes.* p. 1160, § 69). After this, he gave a public notice in the market-place, warning the accused to appear and answer to the charge: here he was said προειπεῖν or προαγορεύειν φόνου (Dem. c. *Macart.* p. 1068, § 69; [Dem.] c. *Neaer.* p. 1348, § 9). The next thing was to prefer the charge before the king-archon. To such charge the term ἐπισκήπτεσθαι or ἐπεξιέναι was peculiarly applied (Pollux, viii. 33, 118; Harpocr. *s. v.* Ἐπεσκήψατο: Antiph. *de Venef.* § 1). The charge was delivered in writing; the prosecutor was said ἀπογράφεσθαι δίκην φόνου (Antiph. *de Chor.* § 36). The king-archon having received it, after first warning the defendant ἀπέχεσθαι τῶν μυστηρίων καὶ τῶν ἄλλων νομίμων (Pollux, viii. 66, 90), proceeded in due form to the ἀνάκρισις. The main thing to be inquired into was the nature of the offence, and the court to which the cognisance appertained. The evidence and other matters were to be prepared in the usual way. Three months were allowed for this preliminary inquiry, and there were three special hearings, one in each month, called διαδικασίαι, or (as now read after Pollux, viii. 24) προδικασίαι (Antiph. *de Chor.* § 42); after which, in the fourth month, the king-archon εἰσῆγε τὴν δίκην (Matth. p. 160). The defendant was allowed to put in a παραγραφή, if he contended that the charge ought to be tried in one of the minor courts (Pollux, viii. 57).

All the φονικὰ δικαστήρια were held in the open air, in order that the judges might not be under the same roof with one suspected of impiety; nor the prosecutor with his adversary (Antiph. *de caed. Her.* § 11). The king-archon presided, with his garland taken off (Pollux, viii. 90; cf. Lycurg. c. *Leocr.* § 122; Boulé, Vol. I. p. 310 *a*). The parties were bound by the most solemn oaths: the one swearing that the charge was true, that he bore such a relationship to the deceased, and that he would in conducting his case confine himself to the question at issue; the other declaring the charge to be false (Antiph. *de caed. Herod.* §§ 11, 90; *de Chor.* §§ 14, 16;—Dem. c. *Everg. et Mnes.* p. 1161, § 73; Matth. p. 163). The witnesses on both sides were sworn in like manner(Antiph. *de caed. Herod.* §§ 12, 15; *Att. Process*, pp. 884–7, Lips.); and slaves were allowed to appear as witnesses (*Att. Process*, p. 875, Lips.). Either party was at liberty to make two speeches, the prosecutor beginning, as may be seen from the *τετραλογία* of Antiphon; but both were obliged to confine themselves to the point at issue (Lys. *c. Simon.* § 46; Antiph. *de Chor.* § 16). Advocates (*συνήγοροι*) were not admitted to speak for the parties anciently, but in later times they were (Matth. p. 164). Two days were occupied in the trial. After the first day the defendant, if fearful of the result, was at liberty to fly the country, except in the case of parricide. Such flight could not be prevented by the adversary, but the property of the exile was confiscated (Pollux, viii. 117; Dem. *c. Aristocr.* p. 634, § 45; p. 643, § 69; Matth. p. 167). On the third day the judges proceeded to give their votes; for which two boxes or urns were provided (*ὑδρίαι* or *ἀμφορεῖς*), one of brass, the other of wood; the former for the condemning ballots, the latter for those of acquittal. An equal number of votes was an acquittal; a point first established (according to the old tradition) upon the trial of Orestes (Aeschyl. *Eumen.* 752; Matth. p. 165).

As the defence might consist either in a simple denial of the killing or of the intention to kill, or in a justification of the act, it is necessary to inquire what circumstances amounted to a legal justification or excuse. We learn from Demosthenes (*c. Aristocr.* p. 637, § 54) that it was excusable to kill another unintentionally in a gymnastic combat, or to kill a friend in battle or ambuscade, mistaking him for an enemy; that it was justifiable to slay an adulterer if caught in the act, or a paramour caught in the same way with a sister or daughter, or even with a concubine, if her children would be free. (As to an adulterer, see Lys. *de caed. Eratosth.* §§ 25, 26; Plut. *Sol.* 23.) It was lawful to kill a robber at the time when he made his attack (*εὐθὺς ἀμυνόμενος*), but not after (Dem. *c. Aristocr.* p. 639, § 60). By a special decree of the people, made after the expulsion of the thirty tyrants, it was lawful to kill any man who attempted to establish a tyranny, or put down the democracy, or committed treason against the state (Lycurg. *c. Leocr.* § 125; Andoc. *de Myst.* § 96). A physician was excused who caused the death of a patient by mistake or professional ignorance (Antiph. *Tetral.* § 5). This distinction, however, must be observed. Justifiable homicide left the perpetrator entirely free from pollution (*καθαρόν*). That which, though unintentional, was not perfectly free from blame, required to be expiated. See the remarks of Antiphon in the *Tetralogia*, B. § 11. (Cf. Thalheim, p. 42; *Att. Process*, p. 377 ff.)

It remains to speak of the punishment.

The courts were not invested with a discretionary power in awarding punishment; the law determined this according to the nature of the crime. Wilful murder was punished with death (Antiph. *de caed. Her.* § 10; Dem. *c. Mid.* p. 528, § 43). It was the duty of the Thesmothetae to see that the sentence was executed, and of the Eleven to execute it (Dem. *c. Aristocr.* p. 630, § 31; Meier, *Att. Proc.* p. 84; Schömann, *Ant. Jur. Publ.* p. 246). We have seen that the criminal might avoid it by flying before the sentence was passed. Malicious wounding was punished with banishment and confiscation of goods (Lys. *c. Simon.* § 42; Matth. p. 148). So were attempts to murder (*βουλεύσεις*). Ho far incitements to murder, by one who did no strike the blow himself, were liable to a *φόνο γραφή*, is a point of some difficulty. Of a cas of this kind Demosthenes says (*c. Conon.* p. 126 § 25), *ἐξέβαλεν ἡ βουλὴ ἡ ἐξ Ἀρείου πάγο* The usual explanation of *ἐξέβαλεν* is "banished (A. Schaefer, *Dem. u. seine Zeit*, iii. 2, 114 n. Sandys *ad loc.*; Meier, in *Att. Process*); Lipsiu pronounces this a mistake, and insists that th word means only "expelled," *i.e.* not from th country, but from the Areiopagus. Probabilit as it seems to us, from the analogy of Athenia practice and its well-known aversion to crim of violence, is all in favour of the former view Whenever such a crime was treated as murde it might be punished with death, at least if was tried in the Areiopagus; for it is doubtf whether the minor courts (except that *Φρεαττοῖ*) had the power of inflicting capit punishment (Matth. p. 150; Schömann, *An Jur. Publ.* p. 294; *Att. Proc.* p. 386, Lips.). the criminal who was banished, or who avoide his sentence by voluntary exile, returned to th country, an *ἔνδειξις* might forthwith be lai against him, or he might be arrested and take before the Thesmothetae, or even slain on th spot (Suidas, *s. v.* *Ἔνδειξις*: Matth. p. 168) The proceedings by *ἀπαγωγὴ* (arrest) mig perhaps be taken against a murderer in the fir instance, if the murder was attended with rob bery, in which case the prosecutor was liable t the penalty of a thousand drachmas if he faile to get a fifth of the votes (Dem. *c. Aristocr* p. 647, § 80; Meier, *Att. Proc.* p. 278, Lips.) But no murderer, even after conviction, coul lawfully be killed, or even arrested, in a foreig country (Dem. *c. Aristocr.* p. 631, § 35; p. 63 § 38). The Greek notion of humanity forbad such a practice; it was a principle of inter national law that the exile had a safe asylum i a foreign land. If an Athenian was killed by foreigner abroad, the only method by which hi relations could obtain redress was to sei natives of the murderer's country (not mo than three), and keep them until the murde was given up for judgment. [ANDROLEPSIA.]

Those who were convicted of unintenti homicide, not perfectly excusable, were c demned to leave the country for a year. T were obliged to go out (*ἐξέρχεσθαι*) by a cert time, and by a certain route (*ταὐτὴν ὁδόν*), to expiate their offence by certain rites. Th term of absence was called *ἀπενιαυτισμ* which probably does not mean, as the gr marians took it, banishment for a year only, for a longer period [EXSILIUM, p. 817 *a*]. was their duty also to appease (*αἰδεῖσθαι*) relations of the deceased, or, if he had n within the prescribed degree (*ἐντὸς ἀνεψι* see above), the members of his clan (*φράτορ* either by presents or by humble entreaty submission. If the convict could prevail them, he might even return before his time expired. The word *αἰδεῖσθαι* is used not only the criminal humbling himself to the relati but also of their forgiving him (Harpocr. *Ὑποφόνια*: Demosth. *c. Pantaen.* p. 983. § *c. Macart.* p. 1069, § 57; *c. Aristocr.* p. § 72;—Matth. p. 170). The property of suc criminal was not forfeited, and it was unla to do any injury to him either on his lea the country or during his absence (Demosth. *c. Aristocr.* p. 634, § 44).

Such was the constitution of the courts, and the state of the law, as established by Solon, and mostly indeed by Draco; for Solon retained most of Draco's *φονικοὶ νόμοι* (Demosth. *c. Everg.* p. 1161, § 71; *c. Aristocr.* p. 636, § 51). But it appears that the jurisdiction of the *ἐφέται* in later times, if not soon after the legislation of Solon, was greatly abridged [EPHETAE]; and that most of the *φονικαὶ δίκαι* were tried by a common jury. With the progress of democratic ideas, the ordinary method of trial was, as has been seen under EPHETAE, preferred to the ancient aristocratical constitution of that court. In an inscription of the year 409–8 B.C. we find that *δικάζειν* (here meaning the *ἡγεμονία δικαστηρίου*) is the function of the *βασιλεύς*, *διαγνῶναι* (i.e. to give a verdict, the ordinary sense of *δικάζειν*) that of the *ἐφέται* (*C. I. A.* i. 61; *Att. Process*, pp. 16, 17, Lips.). Their jurisdiction in the courts *ἐν Φρεαττοῖ* and *ἐπὶ Πρυτανείῳ* was, no doubt, still retained; and there seem to have been other peculiar cases reserved for their cognisance (Pollux, viii. 125; Matth. p. 158; Schömann, *Ant. Jur. Pub.* p. 296). Whether the powers of the Areiopagus, as a *criminal court*, were curtailed by the proceedings of Pericles and Ephialtes, or only their administrative and censorial authority as a *council*, has been discussed under AREIOPAGUS. The strong language of Demosthenes (*c. Aristocr.* p. 641, § 65) inclines one to the latter opinion. See also Dinarchus (*c. Aristog.* init.), from which it appears there was no appeal from the decision of that court (Matth. 166; Platner, *Proc. und Klag.* i. 27; Schömann, *Ant. Jur. Pub.* p. 301; Thirlwall, *Gr. Hist.* vol. iii. c. 17, p. 24).

No extraordinary punishment was imposed by the Athenian legislator on parricide. Suicide was not considered a crime in point of law, though it seems to have been deemed an offence against religion; for by the custom of the country the hand of the suicide was buried apart from his body. (Aeschin. *c. Ctes.* § 244; Aristot. *Eth. Nic.* v. 15 (11) = p. 1138 a, 12; Becker-Göll, *Charikles*, iii. 164 f.; *Att. Process*, p. 381, Lips.)

Little is known as to the *φονικοὶ νόμοι* of other states. At Sparta, it would seem, the law of *φόνος ἀκούσιος* was more severe than at Athens: one Dracontius is mentioned as banished for life for an involuntary homicide committed when a boy (Xen. *Anab.* iv. 8, § 25; cf. Grote, pt. i. ch. 20, p. 486 n.).

(Thalheim, *Rechtsalterth.* pp. 42 f., 106, 109, 125. The references in *Att. Process* are spread through the whole work, and must be found from the Index.) [C. R. K.] [W. W.]

PHOROS (*φόρος*), the tribute paid to Athens by her allies in the 5th century B.C. Upon the formation of the Confederacy of Delos in B.C. 476, the Asiatic and insular allies undertook, with a view to carrying on the war with Persia, to pay to the Confederacy a fixed amount of ships, money, or men, as settled by Aristeides. It is not clear whether states which sent ships and men were also to send money. [Thuc. i. 96 speaks as if some were to supply the one, and some the other; so in vi. 85, vii. 57. But in vii. 57 we find states which supplied money also sending contingents (compare the inscription in *C. I. A.* suppl. to vol. i. p. 10, given in Mr. Hicks' *Manual of Greek Historical Inscriptions*, No. 28): and if the important states which at first certainly supplied ships be deducted, how could the remaining states have made up so large a sum of money as Aristeides imposed?) Be that as it may, the total annual *φόρος* was fixed at starting at no less than 460 talents (Thuc. i. 96); and this amount, as apportioned between the allies, seems to have been thought a fair one (Thuc. v. 18. Plut. *Arist.* 24 says that the allies called the *φόρος* so arranged *εὐποτμία τις τῆς Ἑλλάδος*). The treasury was to be at Delos (an old religious centre, Thuc. i. 104), where also the delegates of the Confederation were to meet. But the delegates soon ceased to meet anywhere; the League was kept together by the firmness of Athens, the strongest state in it; and the treasury was removed to Athens on the suggestion of the Samians, probably the next strongest state (Plut. *Aristid.* 25; Diod. xii. 38). Delos was probably not thought a safe place for the accumulation of bullion. The date of the removal is said to have been 461 (Justin. iii. 6); but it seems more likely to have been about 454, when the stone tables of accounts, to be mentioned below, begin. The Hellenotamiae and Logistae took charge of the funds at Athens [HELLENOTAMIAE].

Athens now of course, if not earlier, charged herself with collecting the tribute. Many states were now sending money instead of their original contingents (Thuc. i. 99; Plut. *Cimon*, 11). The League was complete in numbers and in organisation by 454; and the only states which were then still sending contingents of ships and men on the original footing were probably Samos, Chios, and Lesbos. We may fairly say that by that time the Confederacy of Delos under the hegemony of Athens had been changed into an empire of Athens (*τυραννίδα γὰρ ἔχετε τὴν ἀρχήν*, Thuc. ii. 63). Aristophanes (*Vesp.* 707) speaks of 1000 allies; the names of states actually learnt from inscriptions or other sources only amount to about 300; but many little states may have been grouped into *συντέλειαι*. The empire pretty well enclosed the Aegean. It included more or less completely the coasts of Asia Minor (from the Propontis to Lycia), Macedon, and Thrace, and most of the Aegean islands. Loosely connected with it were the Western islands of Cephallenia, Corcyra, and Zacynthos (Thuc. vi. 85), and the Peloponnesian states of Troezen and Achaia (Thuc. i. 111, 115): to these, however, the organisation of the League or empire hardly applies, nor does it seem that they paid *φόρος*.

More states joined the League, as more states were set free from Persia, and states were presently allowed to send money instead of ships, or even (as Thasos) compelled to do so after the failure of attempts to secede. In these ways, as the gross amount of the *φόρος* remained the same, the quotas of single states fell, till a re-assessment in 442 cancelled most of such abatements and so raised the total. That this was the policy of Pericles may perhaps be inferred from Plut. *Arist.* 24.

At the time of the outbreak of the Peloponnesian War (B.C. 431) the *φόρος* amounted to an average of 600 talents (Thuc. ii. 13). With this fund Athens had triumphantly brought the

Persian wars to an end, and had since expended a great deal of money in embellishing the city. The money was at first brought by the allies; later, probably collected by ἀργυρολόγοι νῆες. The tribute, for such it had now become, was no doubt thought a grievance (Aristoph. *Pax*, 621): but (except in accidental cases) it cannot really have been oppressive, if a 5 per cent. tax on exports and imports was thought likely to produce more than even a double φόρος (Thuc. vii. 28). In 425 the sum was doubled, and the φόρος raised to 1200 talents or more (Andoc. *de Pace*, § 9; Aeschin. *F. L.* § 175, confirmed by inscriptions; 1300 talents, Plut. *Arist.* 24). The assessments, however, of each state do not seem to have been uniformly doubled; some were raised more, some less.

Certain stone tables of accounts, found in pieces at Athens and since put together, give us a great deal of information on the constitution of the empire, and especially on the φόρος. They have been printed in the *C. I. A.*, and edited with explanation by U. Köhler, *Urkunden und Untersuchungen zur Geschichte des delisch-attischen Bundes*, 1870: see, too, Mr. Hicks' *Manual*. The accounts only register a percentage of the whole amount received, which percentage was handed over to Athene Parthenos, at the rate of 1 mina per talent: but we can reconstruct from them a tolerably complete table of what each ally or subject paid. The League or Empire was divided into five financial provinces, and we hear of the Ionic φόρος, the Hellespontine, the insular, Carian, and Thracian. (See the language of Thuc. ii. 9, and of Plut. *Perikles*, 17, for traces of this arrangement.) Thuc. iii. 31 speaks as if the Ionic were the most productive. The tribute was re-assessed every four years (cf. Xen. *de Rep. Ath.* iii. 5), with elaborate forms apparently borrowed from the process of legislation, and the allies affected by proposed changes were heard in defence of their interests (see Hicks' *Manual*, p. 79).

In B.C. 413 the direct tribute was turned into an indirect one, and an εἰκοστὴ or tax of 5 per cent. was imposed on all exports and imports, to be collected by Athenian agents in the harbours of the allies. By this the Athenians, then pressed for money, expected to make more (Thuc. vii. 28); but the arrangement, if ever properly carried out, did not last long. [EICOSTE.]

When an Athenian league or empire was revived about B.C. 378, the term σύνταξις was used instead of φόρος for the contributions of the allies (Harpocrat. Σύνταξις). The necessity of enforcing these again made the empire unpopular.

Ἐπιφορὰ was an extra charge which could be imposed under the first empire.

(On the φόρος generally, see Boeckh's *Staatshaushaltung der Athener*, edit. 3.) [F. T. R.]

PHRA'TRIA. [CIVITAS; TRIBUS.]

PHTHORA TON ELEUTHERON (φθορὰ τῶν ἐλευθέρων) is only mentioned in a spurious law in Aesch. *c. Tim.* § 12, according to which the γυμνασιάρχαι who did not keep those above the age of boys out of the palaestra at the celebration of the Hermaea were liable to this charge; cf. § 10 (*Att. Process*, ed. Lipsius, p. 411). This very feast was the occasion on which Socrates was introduced to the young Lysis (Plat. *Lys.* p. 206 D f.). [C. R. K.] [H. H.]

PHYLARCHI (φύλαρχοι, φυλάρχαι). In ancient times the tribal system prevailed everywhere in Greece; the Dorians having a threefold, the Ionians a fourfold, division of this kind. [TRIBUS.] This institution remained till the latest period, with certain modifications. The phylarchs seem originally to have been the chiefs of the various tribes (φυλαί), whether in peace or war. We have direct proofs that they discharged civil functions, from the case of Epidamnus, a colony of Corcyra. The latter as a Dorian city had the three Dorian tribes, and we may infer that its colony retained them likewise. In earlier times Epidamnus was oligarchic in constitution. The strength of the oligarchy lay in the phylarchs of the three Dorian tribes, and accordingly, when the revolution came, the oligarchic phylarchs were supplanted by a democratic boule (Aristot. *Pol.* 1301 b, 22). They probably were the same as the πρόβουλοι, whom Aristotle (*Pol.* 1299 b, 31) describes performing under an oligarchy the functions discharged by the boule under a democracy. How many of these phylarchs there were, we have no means of deciding. There were probably several from each tribe, possibly the representatives of the γένη within each tribe. We know that at Ilion each tribe had several phylarchs (*C. I. G.* 3599). When the phylarchs in the change from oligarchy t democracy lost their important civil functions, they not unnaturally retained a remnant of their military importance. As they were oligarch they naturally represented that branch of th military organisation which was especially oligarchic, and thus it is that we find them still appearing as the commanders of the cavalry o the tribes. At Athens we do not know how many there were in early times, but probably each o the four old tribes had originally several phylarchs, but subsequently had only one each unde the constitution of Solon. When Cleisthene made his ten new tribes, he increased the numbe of the phylarchs from four to ten, according t Herodotus (v. 19). It has been thought tha the historian should have said ten phylarch instead of the old phylobasileis, who were fou in number, one for each of the old tribes (Tittmann, *Staatsv.* 274–5). But as Herodotus probably identified phylobasileis with phylarchi there is no difficulty in the passage. Under th constitution of Cleisthenes there were ten phylarchi: one tribe (Pollux, viii. 94) commande the cavalry contingent (100 men) of each trib (Cf. αἱ φυλαὶ τῶν ἱππέων, Xen. *Hipp.* 3. 11 They were under the control of the two hipparchi. According to Pollux (viii. 94), the were chosen from each tribe by the archons collectively. This can hardly be regarded as conclusive even on his great authority. It is mor probable that they were elected by Cheirotoni like the strategi, hipparchi, and taxiarchi. A the cavalry were citizens of the two highe classes (pentacosiomedimni and hippeis), we ma infer that the phylarchs always belonged t either of these classes. The office also existed a Cyzicus (cf. Inscription in *Rev. Arch.* xxx. 93 and is mentioned as next in order after th strategi.

At Methymna likewise each tribe has i φυλάρχης (inscript. in *Bull.* iv. 439). [W. Ri.]

PHYLOBASILEIS (φυλοβασιλεῖς). Th origin and functions of the Athenian officia called "tribe-kings" are involved in gre obscurity. Unfortunately the data are exceedingly scanty; all that we know about the office being drawn from the four or five meagre references here given. Our oldest notice is that contained in Plutarch (*Sol.* 19), who quotes the words of the Thirteenth Axon of Solon, *ἐπιτίμους εἶναι πλὴν ὅσοι ἐξ Ἀρείου Πάγου ἢ ὅσοι ἐκ τῶν Ἐφετῶν ἢ ἐκ Πρυτανείου καταδικασθέντες ὑπὸ τῶν βασιλέων ἐπὶ φόνῳ ἢ ἐπὶ σφαγαῖσιν ἢ ἐπὶ τυραννίδι ἔφυγον.* Next comes the *ψήφισμα* of Patrocleides, quoted by Andocides (*de Myst.* § 11), the wording of which is evidently framed after the Solonian law, *ἢ ἐξ Ἀρείου Πάγου ἢ τῶν Ἐφετῶν ἢ ἐκ Πρυτανείου ἢ Δελφινίου ἐδικάσθη ἢ ὑπὸ τῶν βασιλέων, ἢ ἐπὶ φόνῳ τίς ἐστι φυγή, ἢ θάνατος κατεγνώσθη, ἢ σφαγεῦσιν ἢ τυράννοις.* There can be no doubt that the *βασιλεῖς* mentioned in these two passages cannot refer to the Archon Basileus; for in the same passage Plutarch calls them by the name *πρυτάνεις*: and in the decree of Patrocleides, when reference is made to the *ἄρχων βασιλεύς*, he is called in the singular *ὁ βασιλεύς*. That these *βασιλεῖς* are the same functionaries as the *φυλοβασιλεῖς* will be made clear by Pollux, viii. 111, *οἱ δὲ φυλοβασιλεῖς, ἐξ εὐπατριδῶν ὄντες, μάλιστα τῶν ἱερῶν ἐπεμελοῦντο, συνεδρεύοντες ἐν τῷ βασιλείῳ τῷ παρὰ τὸ βουκολεῖον*: and further (viii. 120), *τὸ ἐπὶ Πρυτανείῳ δικάζει περὶ τῶν ἀποκτεινάντων, κἂν ὦσιν ἀφανεῖς, καὶ περὶ τῶν ἀψύχων τῶν ἐμπεσόντων καὶ ἀποκτεινάντων. προειστήκεσαν δὲ τούτου τοῦ δικαστηρίου φυλοβασιλεῖς, οὓς ἔδει τὸ ἐμπεσὸν ἄψυχον ὑπερορίσαι.* Finally, Hesychius says, *φυλοβασιλεῖς· ἐκ τῶν φυλῶν αἱρετοί, οἱ τὰς θυσίας ἐπιτελοῦντες.*

The connexion between the *βασιλεῖς* of Solon and the *φυλοβασιλεῖς* of Pollux is proved by the connexion of the *βασιλεῖς* in the one case, and that of the *φυλοβασιλεῖς* in the other, with the Prytaneion. We have no information as regards their number; but as they existed before the time of Cleisthenes and were elected from the tribes, and as the name itself implies that there was only one for each tribe, it is not unreasonable to infer that they were four in number. As regards their functions, we may gather something from the lex of Solon and the decree of Patrocleides. In the former three distinct tribunals are mentioned—Areopagus, Ephetae, and Basileis; and also three distinct crimes—murder, manslaughter, and aiming at sovereignty. As the Areopagus tried murder cases, and the Ephetae in the courts called Delphinion and Palladion) cases of manslaughter, it would seem that the crime which specially fell under the jurisdiction of the *βασιλεὺς* was that of attempting to become a despot. The same three tribunals and the same three crimes are mentioned in the same order in the decree of Patrocleides. Solon had left to the Ephetae the duty of sitting as judges in certain ancient courts,—the Delphinion, the Palladion, the Court at Phreatto, and the Prytaneion. In the Prytaneion the Ephetae solemnly tried inanimate objects which had taken a human life, and over the Ephetae in this court the Phylobasileis presided; and if the object was found guilty, it was their duty to convey the polluted object beyond the frontier. This, of course, was much more a religious than a legal function. Similarly, too, they acted as assessors to the Archon Basileus, sitting along with him in the Basileion. Now, as the Archon Basileus dealt with all cases of blood-guiltiness, whether murder or homicide, it is evident that the functions of his assessors would be priestly rather than judicial. The fact that the Phylobasileis were Eupatrids is of importance, when we recollect that in cases of death by violence members of certain Eupatrid families were consulted as *ἐξηγηταί* (cf. Plato, *Euthyphro*, p. 4, D). From the priestly nature of their functions it was natural that they were left untouched, both by the reforms of Solon and of Cleisthenes. Whether their number was increased to ten by Cleisthenes when he made his ten new tribes, we cannot now tell. Hesychius seems to refer merely to their office of offering sacrifices on behalf of their tribes. That such sacrifices were offered on behalf of the tribe (just as they were offered for the phratry and genos) is very probable. With reference to their origin we may suggest that just as the Archon Basileus [cf. REX SACRORUM] represented the religious functions of the ancient king of united Attica, so these "tribe-kings" represented the priestly functions of the ancient chieftains of the several separate tribes which were ultimately fused into a single community. In Homer the title *βασιλεὺς* seems given to the chief of a tribe or clan; so, for instance, Antinous and Eurymachus and other suitors are called *βασιλῆες* (*Od.* i. 394). Many traces of these ancient chieftains can be found elsewhere in Greece as well as in Athens. For example, at Elis, there were magistrates called *βασιλᾶες* (*I. G. A.* 112), who had plainly judicial functions. So also at Cyme there was a body called *βασιλεῖς* under the aesymnetes with judicial functions. Similar bodies likewise existed in the islands of Mitylene and Siphnos, but as regards their numbers we have no information. [W. RI.]

PHYLON (*φῦλον*). [TRIBUS.]

PICTU'RA (*γραφή, γραφική, ζῳγραφία*), painting. 1. *Definition of terms.*—The word *γράφω* originally implies the engraving of signs of any kind, and from this it came to be used both for painting and writing: as in Greece the art of painting was known long before the introduction of writing, it is probable that the second meaning was derived from the first, the pictorial origin of writing being an obvious connexion. The same double usage was applied to *γραφὴ* and *γράμμα*: while *γραφικὴ* indicated painting as art in the abstract. As the representation of the living thing is the farthest removed from the mere signs which constitute writing, painting as distinguished from writing came to be called *ζῳγραφία* (*ζῷα γράφειν*) or *ζωγραφική*: with special names for the various branches of the art, as *μεγαλογραφία*, for large subjects; *ῥωπογραφία*, for trivial or miniature subjects; *εἰκονογραφία*, portraiture; and *σκηνογραφία*, scene-painting. In Latin we have not these distinctive terms, *pingere* and its derivatives (originally applied to embroidery) doing duty for all requirements.

It is evident that the rooted idea of the word *γράφω* includes both the elements of *drawing* and also that of colouring: of the two it seems natural to suppose that drawing is the earlier in point of origin, seeing that it forms the basis of painting: and this abstract idea is probably what we are intended to understand by the ancient legends of the origin of painting in

Greece. These legends, to which we shall presently refer, seem to suggest that the earliest "paintings" were really only outline drawings, —a fact which is, however, not borne out by the evidence of the monuments. It has been suggested that what Pliny (xxxv. 15) alludes to as the earliest form of art,—"Monochrome painting," *monochromaton*,—consisted in the filling in of such outline drawings with colour, and thus forming a silhouette, similar in idea to the paintings on the earliest vases. Donner, on the other hand, suggests that the art of writing preceded that of drawing; tablets of wax, *pugillares*, and the *stilus* may be traced, he says, back to the time of Homer. Pliny states (xxi. § 85) that the wax was coloured black with paper ash, and red with *anchusa*. From writing on these tablets people took to drawing: this, in Donner's view, is the explanation of the earliest form of art, Pliny's *monochromaton*. This explanation is obviously untenable: for one thing we have no evidence to show that such red and black drawings existed in early times: the theory that writing preceded drawing is contrary to all our preconceived notions of development; and, besides, another statement of Pliny (xxxiii. § 117; xxxv. § 64) proves that in his time *monochromata* meant something quite different, the pictures being executed in various tones of the same colour. Blümner suggests that the mere outline drawings should rather be called *monogrammata*, because *μονόγραμμος* is the term for a very lean man.

Another word which indicates outline rather than complete drawing is *περιγραφή*: and since outline must to a certain extent be said to underlie all design, it is further called *διαγραφή*, *ὑπογραφή*. Pollux gives *σκιαγραφία*, but in such terms as to leave it in doubt as to whether the word implies the actual shadow, or merely the outline of a shadow: in some instances it means certainly the outline of a shadow; more usually, when referring to the art of a good period, it applies to painting in strong light and shade, or is another expression for *σκηνογραφία*. A special word for a hasty, inefficient shadow outline or sketch is *σκιαριφησμός*. What we in painting call the "drawing" as opposed to the "colouring," the Greeks called *γραμμή*: hence *γραμμὰς ἑλκύειν*, *ἀποτίνειν*, &c. (Blümner, iv. pp. 414–24).

The importance of deciding the exact application of these various terms will be seen when we approach the question of the early history of painting as given in the ancient authorities: where, as we shall see, there is good reason for supposing that the various stages of development as described by Pliny are partly at least based on his interpretations of the terms used in the Greek authorities which formed his sources of information.

In Latin, the art of drawing in the abstract was *graphica*, and the practice of it *adumbrare* or *delineare*: what we call outlining was *circumscribere*. The outline of a picture, or even the drawing, was *linea* (hence *lineas ducere*, *lineamenta*); outline drawing, *linearis pictura*.

For the practice of drawing, various materials were used: the most general would be the tablet of wood, which was covered with wax, and the *stilus*, *γραφίς* or *γραφεῖον*: *γραφίς* was also used for a fine brush, the *penicillus*, which was employed either on wood, such as box or cedar, or on parchment: the silver point seems alluded to in Pliny (xxxiii. 98); and the usage of red pencil and of charcoal is likewise attested.

By the addition of *colour*, drawing becomes painting. For colouring matter, the ancients spoke of *φάρμακον*, *medicamentum*, *pigmentum*, as distinguished from *χρῶμα*, *color*, the actual colour prepared for use. Pollux speaks further of *ἄνθη*, *χρώματα ἀνθηρά*: a further distinction is made in the art writers between *colores floridi* and *colores austeri*. The laying on of colour is *χρώζειν*, *χραίνειν* (with compounds); also *ἄνθεσι φαιδρύνειν*. In a bad sense of "daubing," *καταποικίλλειν* and *ἐναλείφειν*, *inlinere*: the Latin word, however, need not always signify the derogatory sense. *Circumlinere* is the working-up of the background from which the subject stands out.

For shading, Pollux gives *σκίαν ὑποτυπώσασθαι* or *σκιάζειν*. In artistic criticism we find *lumen et umbra* used in the modern sense: *splendor*, probably for strong gleaming lights or reflexion: *τόνος*, the "assistance of light and shade, perhaps the general ground tone of the picture:" *ἁρμογή*, *commissurae et transitus colorum*, the toning of one colour into another. These terms will give some idea of the kind of effects which an ancient art-critic would probably have had principally in his mind.

2. *Technique.*—With a view to a clearer understanding of the usage of terms in the descriptions which follow, it will be well to define first of all those terms mentioned in connexion with the various classes of ancient painting; to describe the technical processes which distinguish these classes; and to enumerate the materials used, as far as they can be identified either from ancient literature or from the actual monuments.

The most convenient division of the subject is that which depends on the ground upon which the painting is laid: the principal headings will be as follows, viz. *Wall Painting*, *Easel Painting*, and *Encaustic*. Of these the first two may be treated together, inasmuch as in both we have the employment of water-colour and the brush. The subject of encaustic, in which wax and a metal tool, the *cestrum*, are the distinguishing materials, involves numerous difficult and complicated questions, and will be best treated separately in connexion with the monuments which illustrate this branch of art.

For wall and easel painting the materials of the artist in antiquity were very much the same as those of a modern painter: of brushes, *γραφεῖον*, *γραφίς*, *penicillus* (or *-um*), he would have every variety at his disposal, the coarser ones made of bristles, *saeta*, the finer of a close-textured sponge; a larger piece of sponge would serve to erase errors or wash out the brush: a palette, or set of palettes, of which the existence is proved by numerous representations of ancient studios, but of which the ancient name is not known; and lastly, an easel precisely similar to those of to-day, called *ὀκρίβας* or *κιλλίβας*: the Latin equivalent is *machina*, but this word is also applied to the scaffold on which the fresco-painter worked.

3. *Wall Painting.*—The practice of decorating walls with coloured designs in fresco obtained in Greece long before the time at which actual

authentic records may be said to begin. The excavations at Tiryns and Mycenae, which illustrate a civilisation of origin probably considerably earlier than the poems of Homer, have brought to light specimens of wall-painting which show us that at that period, whenever it was, artists on these sites were working in a technique very similar to that of the Egyptians. The walls were plastered with clay, and covered with a coating of lime; over this a design in spirited freehand has been drawn *al fresco*. In the Tiryns specimens five colours were used, as against six which are found in Egyptian art; but the omission of the green may here be merely accidental, and in point of fact the use of green seems to be indicated in the specimens found more recently at Mycenae. Of fresco-painting in Greece proper we hear nothing further until the time of Polygnotos: that it was kept up, however, in Italy at least, we know from the wall-paintings of the tombs in some of the early Etruscan sites, such as Veii, which must date from the end of the seventh century B.C.: some of these paintings show a decided connexion with Mycenaean art, both in the style and in the character of their ornamentation. It was not until the fifth century that the great historical compositions of Polygnotos and his contemporaries raised this art to its highest level; so that in this era we hear very little of any other kind of painting. In the fourth century, the work of the greater artists, such as Zeuxis and Parrhasios, lay almost entirely in the execution of easel pictures, and henceforward wall-decoration was reduced to a subordinate position, from which it never again rose.

In the literary accounts of ancient pictures it is often extremely difficult to decide whether the description refers to a wall- or an easel-picture, because the writers have no system of terminology to distinguish the two methods. The words *πίναξ* and *tabula*, which originally applied to an easel-painting on wood, came in course of time to be loosely applied to the general meaning of "picture," without distinction of species; and to increase the difficulty, we know that the ancients both hung pictures on, and also let them into, their walls: so that *γράφειν ἐπὶ τοίχου* or *ἐπὶ τοίχῳ* can and certainly does mean any of these methods; on the other hand, it seems probable that *τοιχογραφία* is strictly only applied to fresco. The real distinction between fresco and other methods is in reality the fact that fresco demands a "fresh" or wet surface; and this is indicated by the expression *ἐφ' ὑγροῖς ζωγραφεῖν*, *udo* (*tectorio*) *pingere* or *illinere*.

The following account of the preparation of the wall and of the method of fresco-painting is taken from Blümner (iv. p. 432).

The groundwork for fresco-painting is formed by a wet stucco, *κονίαμα* or *tectorium*, laid on the wall. This stucco for fresco was specially prepared: both ancient literature and modern research show that the ancients expended greater care on this than we do in modern times. Pliny says that three layers of sand mortar and two of marble stucco were employed; but Vitruvius gives the process in fuller detail. The wall is first treated with a rough-cast of coarse mortar; then follow three layers of sand mortar, so arranged that with the aid of ruler, plummet, and square, the due level is preserved; each fresh layer being put on when the lower one is dry. On these three layers of sand mortar follow three of marble mortar (*i.e.* mortar mixed with pounded marble in such a way as to detach freely from the trowel), varying in degree from coarse to fine. This is pressed down and smoothed with wood; special care being taken that it should be durable and not liable to crack, and, above all things, that the colours laid on it while wet should bind firmly with the lime. For the adhesion of these colours depends on a chemical process, in which the water of the water-colours, combining with that already existing in the mortar, releases a part of the hydrate of lime (into which the lime in the mortar has changed by slaking); and pressing through all the layers of colour, after an interval returns to the surface; here it attracts to itself carbonic acid from the air, changes again into carbonic acid lime, and is deposited over the colours in the form of a thin crystal skin, which is hard to dissolve, and strengthens and protects them in such a way that washing (without friction) causes no injury.

The thickness of the mortar has yet another advantage. The modern fresco-painter, who works on a much thinner layer of mortar, is obliged every morning to have only just so much fresh mortar laid on as he expects to cover in the day: when he breaks off his work, he cuts away all that he has not painted on, and next morning the mason must bring his new mortar up to this mark. This system involves all sorts of inconveniences: the artist cannot work so freely as on a large space; the seams remain visible, and the new stucco has never the same surface as the old. The ancient method avoided these difficulties, since the thick mortar lasted damp much longer. The researches into the wall-paintings of Pompeii, where fresco is certainly used, show that the walls there are not made with so much care as Vitruvius prescribes; but they are nevertheless generally thicker and more carefully constructed than the modern examples.

On this surface the painting was laid with a brush and water-colours. Certain colours, however, do not suit the fresco method; in such cases, a binding medium was necessary which was otherwise not employed in fresco, such as milk or gum: thus, for *purpurissum* it is expressly stated that the ground must be painted *al fresco* with red sandyx or blue, and the purpurissum is laid on this with egg as a binding, *a tempera*. Another special process for cinnabar, which readily sets up chemical action and changes colour in sunlight, was the *καῦσις*, which will be described under *Encaustic*. In Pompeii the cinnabar does not seem to have undergone this treatment, and consequently changes colour rapidly in the sunlight. A peculiar process, which has not been rightly understood, is attributed by Pliny to Panaenus: in the decoration of the temple of Athene at Elis he is said to have mixed the stucco ground with milk and saffron; but whether the saffron had also binding properties does not appear.

4. *Easel Pictures.*—The generality of easel pictures (excluding of course those painted in the encaustic method) were probably executed on a

dry ground *a tempera* in water-colours. The materials for this ground were various: the most usual was a thin slab of wood (*πίναξ*, *πινάκιον*, sometimes *σανίς*, *tabula*, *tabella*), usually of box or cedar, also of cypress, pine, or larch; this was carefully dried, and, as a rule, constructed in several pieces, so as to guard against warping; finally it was primed with whitening (*λελευκωμένος*).

Canvas such as we now employ was probably rare; but that the ancients both knew of and used it, we see from the mention in Pliny, xxxv. § 51, of a colossal portrait which Nero ordered to be painted of himself on "linen" (*pingi in linteo*). Blümner suggests that this was either a unique instance, where the unwonted size of the portrait rendered some such material necessary, or that the portrait may have been executed in embroidery, to which the term *pingi* would equally apply. We have however, among the mummy portraits from the Fayoum, which were executed under Greek influence and date from the second and third centuries A.D., undoubted instances of paintings executed on canvas: in these cases the canvas appears to be primed with whitening of a similar character to that which was used in preparing the wood. The canvas in one case has been stretched upon a wooden panel; in another case it is formed of several sheets stuck one over the other: these instances are both painted in tempera; but the material seems also to have been in requisition for encaustic.

Lastly, we have stone and marble: the colouring of architectural mouldings and reliefs may have suggested the substitution of these members in colour alone: at any rate we have instances as early as the first half of the sixth century B.C., in which the decoration of a funeral stele is indicated in colour alone, and consists of a portrait of the deceased or other scenes which would otherwise have been chiselled. That this work was not always delegated to mere handicraftsmen we see from a statement of Pausanias (vii. 22, 6), who says that the painter Nicias executed the picture on a stele which in his time was to be found at Triteia in Achaia. The Florence sarcophagus from Corneto (*Hellenic Journal*, iv. p. 354, pll. 36–38) is an instance in which painted scenes are introduced in lieu of sculpture; on the sides are contests of Greeks and Amazons painted with great beauty in tempera directly upon the unsmoothed surface of the marble, but with only a plain tinted background. Pictures on marble or stone were used in the decoration of rooms, where they were either hung or inserted in the walls: and to this practice we owe some of the finest examples which have come down to us from Herculaneum.

The *colours* of the ancients were kept in a dry and firm condition, and when required for use would be pounded (*φάρμακα τρίβειν*, *colores terere*) in a stone mortar by the assistants, in preparation for the mixing (*χρώματα κεράσασθαι*, *συμμίξασθαι*, *colores miscere*), done by the master himself according to the tints he required. [COLORES.]

A binding material was necessary for fixing the colours· for this purpose they employed gum (Pliny, xiii. § 67, "Gummis fit e sarcocolla . . . utilissima pictoribus"), glue (*ib.* xxviii. § 236, "Rhodiacum glutinum fidelissimum"), and egg, which was also used in fresco for the same purpose.

Undoubtedly the ancient paintings in water-colour lacked durability, so that we meet with frequent complaints in literature of their fading and destruction: varnish as a protection of the surface was unknown, so was also the use of glass. Pliny tells us that Apelles used to lay a very fine coating of "atramentum" over his pictures after their completion: this toned down the over-bright colours, and lent reflexion to the outward appearance of the picture, besides protecting it against dust. What exactly this atramentum was, is uncertain, as it cannot imply here the ordinary sense of the word, "lampblack": Pliny says that it was a secret of Apelles, which no one after him was able to discover. Possibly he is merely repeating studio gossip, as he certainly is when he relates of Protogenes, that this artist painted his celebrated picture of Ialysos four times over, "in order that if by age or by any other injury one of the upper strata of colouring were lost, the under stratum would replace it!" The only method of protection for pictures which is known to have existed was the practice of constructing folding doors, which fitted over the picture like the triptychs of early Italian art; on Pompeian paintings the open doors of such pictures are frequently represented in perspective.

5. *Encaustic.* — If the brilliant effects and deeper tones of our modern oil-paintings were beyond the sphere of the ancient artist in tempera and fresco, these qualities were more nearly accessible to the encaustic painter; but unfortunately it happens that this branch of ancient art is precisely the method of which we know least. When Donner wrote his great work on the wall-paintings of Campania, he was unable to point to a single specimen of ancient painting which could be definitely attributed to encaustic; while, on the other hand, the statements of ancient authors, which show us how extensive and developed the practice was, leave us in doubt as to important details. It is only within the last two years that a considerable series of encaustic mummy-portraits of the Roman period have been found in Egypt, which have enabled us to examine these statements with some hope of solution.

The principal sources of our literary authorities on this subject are two passages in Pliny, *H. N.* xxxv. In the first of these (§ 122) he says, "It has not been ascertained who first devised the art of painting in wax-colours and of burning in the painting" (*ac picturam inurere*). Donner takes this as implying two distinct operations, *i.e.* first the painting with variously coloured wax; and when this is done, the burning-in of that which has been painted, from which latter process originated the name of encaustic, *i.e.* burned-in painting. If this is so, then heat was not employed in the actual painting, and the wax must have been rendered ductile by the admixture of some solvent.

The second passage is in § 149, and runs as follows: "Encausto pingendi duo fuere antiquitus genera, cera, et in ebore, cestro id est vericulo, donec classes pingi coepere. Hoc tertium accessit resolutis igni ceris penicillo utendi, quae pictura navibus nec sole nec sale ventisque corrumpitur." This Donner, in keeping with his theory, translates, "There have been, time out of mind, two kinds of encaustic painting: with wax—also on ivory—by means of the *cestrum*, i.e. until men began to paint also the ships of war; then was adopted the third kind, that of causing the wax colours to melt over the fire, so as to lay them on with the brush." By this he understands that in the first two processes—viz. (i.) on wood (the ordinary material, and therefore not here specified), and (ii.) on ivory—ductile wax and the *cestrum* alone are employed, no heat being required; also that in these the brush was not used, because he thinks that Pliny lays special stress on the fact that it was only in the third process that liquid wax colour melted over the fire was employed and laid on with the brush.

The wax paste, he thinks, is laid on with the *cestrum*. This word has usually been described as a cutting or graving instrument (from *caedo*, "to cut" or "engrave"). Donner, however, takes it as the Latinized form of *κέστρον* or *κέστρος*, the Greek term for the betony plant, named by the Latins *serratula*, i.e. "finely dentated," because it has a lancet-shaped, dentated leaf with a long stalk. The alternative word in Pliny, *ver(r)iculum*, which had been interpreted as "a small spit" (*veruculum*), he derives from *verro*, "to furrow" or "scrape." The *cestrum* is therefore, according to him, "a lancet-shaped spatula, with a finely dentated edge and rather long handle, the point somewhat curved. The toothing of this instrument enables any agglomeration of the wax pastes to be equalised and smoothed by furrowing or scraping."

Pliny and Vitruvius (vii. 9) both describe a process which Donner thinks has some bearing on the present question, viz. the so-called *καῦσις*, by which the vermilion fresco paint on walls was protected from damage by sun or air. The painting was spread with a mixture of olive-oil and "Punic wax" melted, and, this done, the burning (*καῦσις*) took place: a *cauterium*, filled with hot wood-ashes, or a heated metal rod (*ῥαβδίον*), was passed over the surface to level it (*ut peraequetur*).

Here, Donner thinks, we have the key to the burning-in: it is merely required for the purpose of levelling down the surface of the wax, which, whether laid on with brush or *cestrum*, would present an uneven appearance; in his *cestrum* painting, moreover, it would soften the tones into one another. What "Punic wax" was, Pliny tells us (xxi. § 84): it was obtained by boiling the natural yellow beeswax three times in sea-water with an addition of a little *nitrum*, i.e. natural mineral soda, and then skimming it. The addition of the olive-oil prevents the wax from too rapidly congealing. But here comes the difficulty: too much oil would prevent the wax from drying, while a little would not render the wax sufficiently ductile. If Donner's theory is to hold good, there must have been something further added in order to make the wax in a cold state soft enough to lay on in the form of paste, while possessing at the same time the quality of hardening in a given time. This volatile matter he assumes to have been balm of Chios, the liquid resin of the *Pistacia terebinthus*, well known to the ancients. But for this assumption he can adduce no proof whatever.

It will be seen that Donner's somewhat far-fetched and elaborate explanations arise out of his supposition that Pliny's statement in xxxv. § 149 precludes the use of the brush and of heat in the first two processes there described: he therefore is forced to imagine a kind of painting in which a pasty compound is laid on with a sort of spatula, a clumsy method at best. Now, it so happens that the evidence of the mummy-portraits goes entirely against his theory; for in these pictures it is absolutely certain that the brush was used, and that the wax was laid on in a melted condition.

The difficulty is surmounted if we interpret the passage in Pliny somewhat differently. The key to its solution seems to lie in another statement of the same author. In xxxv. § 147, or only a few lines previously, he has been discussing the works of the lady painter Jaia (or Laia): "Et penicillo pinxit et cestro in ebore imagines mulierum maxume et Neapoli anum in grandi tabula, suam quoque imaginem ad speculum." Here there is no question but that the words *cestro in ebore* are to be taken together as opposed to *penicillo*: her two methods of portrait-painting are (i.) with the brush, *i.e.* probably in tempera, as Pliny elsewhere uses *penicillum* in this application; and (ii.) with the cestrum on ivory. It seems obvious that the usage of *cestro in ebore* in § 147 is the same as that of *in ebore cestro* in § 149, and that Welcker was so far right in supposing that these words in both cases must be taken together. We thus, in the two passages, have three methods of painting mentioned, viz. (i.) *cera*, i.e. encaustic painting proper; (ii.) *cestro in ebore*, encaustic painting on ivory; (iii.) *penicillo* or *tempera*. None of these terms as used by Pliny can possibly be taken as exclusive: the classification is merely popular, according to the prominent feature of each method; thus, though (i.) is called "wax," it does not necessarily imply that wax was not used in (ii.), just as the cestrum may be used in both (i.) and (ii.), and so *penicillum* may equally be used in (i.) and (iii.)*

The following account of the process adopted for the Egyptian portraits is given by Mr. Petrie (*Hawara*, &c., p. 18) as the result of close examination of over sixty originals, and consultation with various experts and artists:—"The colours in powder were ground in thoroughly with the wax (which may have been bleached by heating it to boiling-point, as I have found), and they were then placed out in the sunshine when required, so as to fuse them, or a hot-water bath may have been used in cooler weather. The wooden panel was of cedar

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* This explanation renders unnecessary the assumption of Klein (*Mittheil. aus Oest.* 1887, p. 219) that Pliny, in xxxv. § 149, did not understand his own statement. Klein considers "with wax and also on ivory" as implying only one method, and that the simplified mode of painting is nothing more than the abandoning of the *cestrum* and therewith of the *tarda picturae ratio* (Pliny, xxxv. § 124). He takes the passage about Jaia as meaning, "Jaia painted both in tempera (*penicillo*) and also in encaustic (*cestro*); in encaustic, she painted both in ivory, smaller pictures, and also larger" (*in grandi tabula*, i.e. on wood).

usually, sometimes of a pine wood, and about $\frac{1}{16}$ inch thick, or occasionally as much as $\frac{1}{4}$ inch; it was about 9 × 17 inches in size. On this was laid a priming of distemper; then a grounding varied in tint, lead colour for the background and draperies, and flesh colour for the face; and then the surface colour was worked on, sometimes in a pasty state, more usually creamy and free-flowing. These details are shown by an unfinished attempt on a panel, which was afterwards turned and re-used; now at South Kensington. The broad surfaces of flesh were often laid on in thick creamy colour with zigzag strokes of the brush, about $\frac{1}{8}$ inch apart, just joining up and uniting in an almost smooth surface: the draperies were usually laid on freely in very flowing colour, with long strokes of a full brush; in one case we see where the full drop of purple wax at the first touch of the brush thinned out as it went down, until at the end of the long stroke the brush was pressed flat out, and every hair has left its streak of wax on the panel. In Egypt one sees white beeswax not only softened, but fused on its surface by the ordinary sun of April and May: it is therefore evident that the wax used in painting might be worked in a flowing state without any artificial means during nearly half the year, by the mere heat of the sun. It is needless to suppose a solvent of the wax to have been used, such as turpentine or oils: and the perfect freedom from yellowing in the well-preserved pictures, or indeed of any change in the tints beyond superficial decomposition, makes it apparently impossible for any changeable organic material to have been added to the wax."

It will be observed, then, that in these Egyptian examples both the brush and a stump, possibly the *cestrum*, are used: the wax is laid on in a fluid condition; and apparently no solvent or drying compound is added. This method, as Mr. Petrie points out, would answer in the hot sun of Egypt; but for the cooler climate of Italy and Greece artificial substitutes for the sun's heat would have to be adopted. In these climates it was necessary, as Varro (iii. 17, 4) says, for the encaustes to have large boxes divided into compartments (*loculatas magnas arculas*) in which the different coloured waxes were kept, doubtless in a fluid condition, as Varro's simile of the fish-ponds (*ibid.*) shows. No wonder that under such difficulties encaustic painting was looked upon as a tedious process (*tarda ratio*), that only small pictures were attempted in it, and that the portrait of a boy by Pausias was esteemed as a wonderful feat and was known as "Hemeresios," from the reason that it was painted in a single day.

The fact is, that this technique probably originated in Egypt, a climate where it presented little difficulty; and here throughout antiquity it was principally practised. The Egyptians made use of preparations of wax at least as early as the Eighteenth Dynasty for preserving paintings; and so we find that the names of most of the encaustic painters of antiquity may be traced to Alexandria or an Egyptian origin. We find a mention of the process in Greece proper in the ode, of doubtful date, falsely attributed to Anacreon: "Paint me my mistress with her soft black tresses, and, if the *wax* can do it, paint them breathing of myrrh." Otherwise it does not seem to have been mentioned in literature until the conquests of Alexander had opened a closer communication between East and West. The practice continued in use late into mediaeval times: in Eusebius it is called *κηρόχυτος γραφή*; but from the ninth century downwards its usage seems to have declined.

To return to the *preparation of the wax*: we saw that Pliny, describing the application of encaustic to walls, spoke of "Punic wax melted on the fire and mixed with a little oil." What was this oil? Pollux (*Onom.* vii. 128) describes the implements of the painter as consisting of wax, colours, *φάρμακα*, and pigments: this word *φάρμακον* is described by Suidas, *s. v.*, as *ὅπερ Μῆδαι νάφθαν καλοῦσι, Ἕλληνες δὲ Μηδείας ἔλαιον*: and it may be that in Greece and Italy it was usual to add some such material as naphtha to the compound, so as to enable the colours and wax to combine more readily.

As to the *colours used*, Mr. Petrie found in one grave at Hawara a set of six paint saucers, which seemed to have been the *χρώματα* of an artist, and are now in the British Museum: although these are water colours, it is probable that they would be similar to the pigments used by the encaustic painter (*Hawara*, p. 11). According to Dr. Russell's examination, they consist of (1) a *dark red*, oxide of iron with a little sand; a good burnt sienna: (2) *yellow*, ochre, oxide of iron, with hardly any alumina; becomes dark-reddish brown on heating: (3) *white*, sulphate of lime, amorphous powder: (4) *pink*, organic colour in a medium of sulphate of lime; probably madder, and can be exactly matched by that: (5) *blue*, glass coloured by copper: (6) *red*, minium, oxide of lead, with apparently some alumina.

In some of the Egyptian pictures Donner notes that a process is adopted which is a mixture of the pure wax-encaustic and egg-distemper: here he thinks the wax has been mixed with the yolk and a little white of egg, also a drop of olive-oil; and this enables the artist to add finishing strokes to the encaustic by means of the ordinary egg-distemper.

As regards the *encaustic painting on ivory*, our knowledge is very limited: it may be assumed that such pictures were small, and possibly, as has been suggested, in the nature of our miniature painting. The instance already quoted of the lady painter Jaia is the only mention of this technique in antiquity. There again the use of ivory seems to point to Africa, and the only specimen of work which it has as yet been proposed to identify with this technique is an ivory box from Egypt now in the British Museum. On the panels of this box are designs which are formed by engraving or hollowing out certain portions and filling in these spaces with a wax paste in various tones of colour. The specimen is rough in execution, but it shows that the process, if well treated, could be made very attractive. Donner thinks that this cannot be called encaustic, but that the second encaustic process attributed by Pliny to Jaia must have been something of which at present we have no representation.

The use of encaustic for the *painting of ships* was referred to in the statement quoted above from Pliny. In spite of the late date that he assigns to its use, there is no doubt that the colouring of ships is alluded to in Homer's frequent epithet of ships as *μιλτοπάρῃοι*: a fragment of Hipponax (Bergk, *Poet. Lyr. Gr.* p. 519) alludes to a serpent painted along the whole length of a trireme; and in a fragment of the Myrmidons of Aeschylus (130 Dind.), according to one interpretation of a corrupt passage, the poet describes how in the burning of a vessel the sign, a Hippalektryon painted with much trouble in wax colours, drops off. The wood was probably first treated with pitch and tar, and then had the wax colours laid on. Pliny states that Protogenes was a painter of ships until his fiftieth year; whence it is argued that this was not a mechanical process: but see p. 415.

6. *Encaustic of Statues.*—After the marble statue left the sculptor's hands, it was usually handed over to an assistant or another artist to undergo the processes of waxing and colouring. In the description of the process for protecting wall-painting by Vitruvius (vii. 9, 3) already quoted, the remark is added that "it is the same process as is adopted for the preservation of nude marble statues (*uti signa marmorea nuda curantur*), and which in Greek = *γάνωσις*." As to this *γάνωσις*, Plutarch (*Quaest. Rom.* ch. 98, p. 287 B) remarks that the first duties of the Roman Censors were to provide for the feeding of the sacred geese and the *γάνωσις* of the statue in the temple of Capitoline Jupiter: "for the vermilion with which statues were anciently coloured quickly fades." Blümner thinks that the process of waxing is therefore separate from that of colouring, and intended to preserve it; or in cases where no colour is used, to soften the tone of the marble: the word *nuda* implying that only the flesh of statues, and not the drapery, was so treated. He thinks that the colouring of the flesh was a habit only found on the older statues, or, if on the later statues at all, only in isolated cases: while Von Rohden (in Baumeister's *Denkmäler*, p. 1345) denies altogether the colouring of the flesh. With regard to the mere toning of the marble by means of wax, it is pointed out that the "Punic" wax ordinarily used, as Vitruvius (vii. 9, 3) says, for the *γάνωσις* of statues, had undergone a special bleaching process; such wax would therefore not perceptibly affect the gleaming whiteness of marble. Treu, who has made a special study of the subject, considers that the toning of the marble by wax alone is out of the question; that the alternative lies between a dazzling whiteness, or, as is more probable, a transparent or opaque tone of colour for the flesh: these tones may be sometimes found side by side, or even one over the other, on the same statue. We shall have to consider this question further under the head of

7. *Polychromy of Sculpture.* — The question, formerly much discussed, as to whether the Greeks coloured their statuary, is no longer open to doubt: it is generally admitted that a statue in flawless white marble could never have suited Greek ideas, and that the chill and staring effect of modern sculpture is mainly due to the fact that the ancient originals which inspired the art of the Renaissance had, at the time of their discovery, retained no evidence of their former colouring. But while the Greeks certainly employed colour, this was only done within the strictest limits of artistic requirement, and never with the idea of aping nature or a wax figure. The surface of marble, as they treated it, presented a warm transparency of effect which recalled, without imitation, the human skin, a slight toning indicating the difference between the various surfaces of the body. It is evident that the prudent application of these laws demanded an artistic sense and experience of high order. Hence we can understand the point of the remark attributed to Praxiteles, who, when he was asked which of his statues he most admired, answered, "Those to which Nicias (the great painter) had lent his hand" ("quibus Nicias manum admovisset"); so highly, says Pliny (xxxv. § 133), did Praxiteles esteem the *circumlitio* of that painter. We know from other passages that this word *circumlitio* implied, not a process like *γάνωσις*, the mechanical treatment of the entire surface alike, but the decoration of details such as the borders of dress, &c. (Quintil. i. 11, 6). Plato (*de Republ.* iv. p. 420 C) speaks of *οἱ ἀνδριάντας γράφοντες*, "the statue painters," as a well-known profession: the word *ἀνδριὰς* no doubt implied originally any kind of portrait, but in the time of Plato it could only have meant a statue; and the scope of the art is well defined in the remarks which follow: he says that it is not by applying a rich or beautiful colour to any particular part, but by giving its local colour to each part that the whole is made beautiful (ἀλλ' *ἄθρει εἰ τὰ προσήκοντα ἑκάστοις ἀποδιδόντες, τὸ ὅλον καλὸν ποιοῦμεν*). The colouring was in fact applied only to certain parts, such as the lips, eyes, hair, and decoration of the dress, while the remaining surface of the flesh was treated with a toning of wax; and this is borne out by the dialogue in Lucian (*Imag.* 5–8), where it is clearly, though indirectly stated, that the Cnidian Aphrodite of Praxiteles, and other celebrated statues, were not coloured, although they were ornamented in parts and covered with an encaustic varnish. In *Anthol. Pal.* vii. 730, *γραπτὸς τύπος* evidently refers to a painted relief; and there are frequent passages in ancient literature in which certain parts of a statue are mentioned as coloured.

The distinct process of toning, *γάνωσις*, is alluded to in Plutarch (*de Gloria Ath.* 6) as *ἀγαλμάτων ἔγκαυσις*: where it is expressly distinguished from the colouring, *ἀγαλμάτων ἐγκαυσταὶ καὶ χρυσωταὶ καὶ βαφεῖς*, *i.e.* "the waxers, gilders, and painters of statues." That a sculptor sometimes did the waxing himself we see from the inscription of an artist Aphrodisios (in Loewy, *Inschr. Gr. Bildh.* No. 551), who signs his name as *ἀγαλματοποιὸς ἐγκαυστής*.

Turning now to the monuments, we see that the earliest traditions of the Greeks, strongly influenced as they were by the gay colouring of the East, were naturally in favour of a system of polychromy; and further, that the meanness of the materials in which the earliest sculptures were executed, such as wood, terra-cotta, and limestone, rendered necessary a scheme of colour which should conceal this inferiority. A third important reason was the close connexion that existed between the arts of the sculptor and the architect. Greek architecture, as we shall show, was invariably coloured, more or less; and in order to adapt a statue or relief to the temple or other building for which it was intended, it was necessary to bring it also into the general scheme of the colouring of its surroundings. One result of this was an entirely conventional system of colour for sculpture, often far removed from that of nature: thus in the early pedimental sculptures in *poros* stone recently discovered on the Acropolis, the beards of two of the figures are coloured a bright blue, and the iris of their eyes green. Herein the advantages of colour were manifold: thus, for figures intended to stand in the background, painting often took the place of the more detailed modelling; and on reliefs such as the frieze of the Parthenon, details of dress, weapons, &c., could be indicated in this method. The sculptor was thus enabled to dispense with trivialities, and his work gained proportionately in breadth of style. The colouring of architectural marbles was necessarily subject to strict laws, dependent upon that of the architecture of the time: in these cases probably even the flesh was usually coloured, and the general effect was very much what we have in the terra-cotta statuettes of Tanagra. In case of independent sculpture, which had no tectonic intention, the artist had freer scope; and here probably, in the best period at any rate, most sculptors were content with *circumlitio*: thus the Hermes of Praxiteles, when it was first discovered, showed only traces of red and gold on the sandals.

The scale of colours employed in sculpture, originally restricted, became enlarged in later times, especially when under the Ptolemaic rule intercourse with the East became more established; and in Roman times it was no longer restrained by the prudent reserve of the Greeks. In Etruria, again, where from the earliest period sculpture had principally been executed in terra-cotta, a separate scheme of colours obtained; the more Oriental tastes of the Etruscans leading them to prefer lively primary colours, as we see in their wall-paintings and in the series of sarcophagi with reliefs which have come down to us from them. While for the γάνωσις a wax process was employed, it seems clear that the colour was laid on usually in tempera; and this probably accounts for the fact that so few traces of it have survived. The surfaces intended for this colour were generally left unpolished; thus in the head of Athene (*Ant. Denkm.* Taf. 3) the white skin is left unpainted and is polished smooth, while the coloured portions are worked with the tool and left rough. Gilding played an important part in polychromy; some have gone so far as to say that in the Parthenon, for instance, all the colour was laid on a ground which had been gilt. Probably the work of the χρυσωτής (see above) lay principally with bronzes, but certain portions of the marble, such as jewellery, as we see also in the Tanagra statuettes, were gilded: the Eros of Thespiae by Praxiteles had gilt wings; and we read frequently of the renewal of faded gilding on cult-statues, the cost of which had been borne as an *ex voto* by some pious devotee. Polychrome effects in bronzes were produced principally by this method, or by inlaying; and here only to distinguish those parts from one another which demanded it, such as the decoration of dress, the lips, and the eyes. The stories in the classics bearing on this point are misleading; thus we cannot credit the statement of Plutarch (*Qu. Conv.* v. 1, 2), who says of the statue of Iocasta that the face was rendered so as to represent a dying person, by the admixture of silver with the bronze: such stories were probably due to a misunderstanding of the terms applied to plating or inlaying. In sculpture also, inlaying was sometimes applied to give polychrome effect: the chryselephantine statues of gold and ivory had early given the idea of a mixture of materials, and we find in the marble statues such details as wings and armour sometimes added in metal. In Roman times realistic effects were frequently attained by composition in marbles of different colours; so that, as in a cameo, the helmet of a figure might be in one marble, the flesh in a second, and the drapery in a third: such processes did more credit to their ingenuity than to their taste.

8. *Polychromy of Architecture.*—As in the previous subject, so here also the main difficulty lies in the lack of material: one thing only seems certain, that while no Greek temple was left uncoloured, the colouring was applied only to certain parts and under strict laws of distribution. As in sculpture too, the usage differed considerably according to period and locality: in the best period, when marble was the principal material employed, very little colour was added; in the early period, and again in the later when stucco was freely introduced, colour was necessary in order to conceal the poverty or dissimilarity of materials. Broadly speaking, colour was reserved throughout for those members which projected from the surface, such as the cymatium, triglyphs, &c., and for those parts of the actual surface which gave a background for the sculptures: the background of a frieze or tympanum of a pediment being usually either red or blue. In the interior, the wooden roof was certainly coloured; but what these colours were, we cannot now judge, except from the imitations in stone which have come down to us, principally in Athens. Of the colouring of Ionic architecture still less is known than that of Doric; in such few traces as have survived, it seems to accord mainly with the principles of Doric. The colouring serves principally as a background for moulding; and as the moulding grows richer and higher in relief, the more compensation in colour is demanded. In Corinthian architecture, with its richer capitals due possibly to the Egyptian palm capitals, the colouring is still further enriched: a tendency which in Roman architecture shows itself in the use of mosaics, wall-paintings, and variously coloured marbles. The colours were probably for the most part laid on in the encaustic process: in the inscription from Athens which records the building accounts of the Erechtheion (*C. I. A.* i. 324 *a*, l. 42) occurs the entry of a sum paid to the encaustic painters for having painted the cymatium on the epistylium of the interior: ἐγκαυταῖς· τὸ κυμάτιον ἐγκέαντι τὸ ἐπὶ τῷ ἐπιστυλίῳ τῷ ἐντός.

9. *Mosaic.*—This subject is most naturally included under the head of Painting, for it is upon the major art that it depends for its inspiration as well as its intention, which is the representation of decorative and pictorial effects in floors and walls by the arrangement in them of coloured stones and glass.

In Greek we meet with no term for this branch of art until quite a late period, descriptions of mosaics in Greek authors usually showing, by the roundabout phrases employed, that there was no such term known. In Roman writers we find the words ἔμβλημα and λιθόστρωτον, which they seem to have adopted, with the process, from the Greeks; but it is a question whether these were not specially applied to distinct classes of mosaic.

The best known term is *opus musivum* or *pictura de musivo* (also *museum* or *musium*, hence *musiarii*, *musivarii*, and our "mosaic"); but this does not appear until late, and its derivation is unknown.

Of the history of mosaic little is known: the Romans certainly borrowed the idea from the Greeks, probably in the time of Sulla; but there is no evidence as to whence, or when, the Greeks themselves adopted the process. It is natural to connect it with the brick and tile constructions of Egypt and Mesopotamia. Inlaying in various coloured glazes was of course known to the Egyptians from an early period, as the tiles of Tell el Yahoudiyeh show (Birch, *Anc. Pottery*,² p. 50): it was equally familiar to the Assyrians and the Persians. The recent researches into the architecture of Persepolis have moreover shown that the bricks in these buildings were made in two tones of colour, and so disposed as to form a literal mosaic pattern. In all probability, then, Greek mosaic was inspired from the East, after the conquests of Alexander. The evidence for this date rests upon the fact that neither in literature nor the monuments can we prove the existence of any mosaic in Greece before this time. The earliest mosaic as yet known is that which decorates the floor of the pronaos of the temple of Zeus at Olympia, which, as has been shown (*Arch. Zeit.* 1879, p. 153), cannot be earlier than the first half of the fourth century B.C., and is probably considerably later. An anecdote of the cynic Diogenes mentioned by Galen (i. p. 19 k) refers to a floor in which the likenesses of gods were represented by arrangements of different kinds of *tesserae* (ἔδαφος ἐκ ψήφων πολυτελῶν . . . θεῶν εἰκόνας ἔχον ἐξ αὐτῶν διατετυπωμένας); but probably this, in common with most of the anecdotes of Diogenes, is a late invention. On the other hand, most of the literary notices of mosaic point to the period of the Diadochi: we hear of it in connexion with the names of Demetrius Phalereus and Hieron II., and with the Pergamene empire. In Greece proper a noted instance is given at Delphi: the Scholiast to Lucian περὶ ὀρχήσεως, 38, says that beside the *omphalos* at Delphi two eagles were represented in mosaic (γεγράφθαι ἀπὸ συνθέσεως λίθων); and Wieseler has suggested with great probability that this decoration must have originated at the restoration of the shrine after the Phocian War, when the golden eagles that formerly stood there had been looted and the ground torn up by treasure-seekers. Everything then points to the third century B.C. for the introduction of mosaic into Greece: probably it was never practised to any great extent there; we do not even know whether the Greeks were familiar with the various classes of mosaic which the Romans distinguished from each other.

The only artist in mosaic whose name is mentioned in ancient literature is Sosos of Pergamon (probably about the middle of the third century B.C.; Pliny, xxxvi. § 184), who made a mosaic which became famous as the *οἶκος ἀσάρωτος*, "the unswept house," representing a floor covered with the remnants of a banquet: several reproductions of this have come down to us; one of these, now in Rome, is signed by the artist, *Ἡράκλειτος ἠργάσατο*. It is possible that representations of the objects likely to be found on an actual floor may have led to the imitation of figured scenes in mosaic: one such mosaic in the British Museum represents strewn leaves. On the other hand, it has been suggested that these floor pictures were due to another reason: in the time of the Diadochi in Alexandria the practice grew up of decorating the walls with marble slabs of different colours; and as there was in this case no space for pictures on the walls, these were supplied in the floor. One of the finest Pompeian mosaics, signed by Dioscorides of Samos, reproduces a wall-painting found at Pompeii; and the great mosaic at Naples of the Battle of Issus was probably inspired by the painting by a Graeco-Egyptian lady Helena. The Egyptian origin of the art is further marked by the occurrence of Egyptian landscapes reproduced in ancient mosaics: the finest is the Palestrina mosaic, ascribed to the first century A.D.

The connexion between wall-painting and tapestry hanging is obvious: and the same connexion may be traced between mosaic and textiles; both directly, from carpets, and indirectly, as at Pompeii, through wall-paintings. This connexion is further illustrated when we examine the Egyptian textiles, of which the design, colouring, and even the treatment are often exactly parallel to those of mosaic work.

The successive stages of the development of mosaic are well illustrated at Pompeii: the simplest kind is that in which different geometric or floral patterns of white rectangular stones are set in a floor of pounded brick and lime; gradually the inlaid portion becomes larger and richer, the *tesserae* smaller and more coloured, and less of the actual floor is seen; until finally the ground, as well as the design, is constructed also of mosaic *tesserae*.

The simplest kind of mosaic consisted in laying in a simple pounded cement a *pavimentum testaceum* or *opus signinum*, i.e. a series of patterns, figures, or inscriptions in white or coloured *tesserae* or *tessellae*. These *tesserae* are in later Greek called ψῆφοι, ψηφῖδες (hence ψηφολόγημα, a mosaic pavement; ψηφοθέτης, a mosaic worker): we also have ἀβακίσκοι, which however seems to correspond more to *abaculi* or *crustae*, i.e. slabs of marble for inlaying. They were made of all kinds of material: besides marble, stone of different kinds and colours, terra-cotta of various degrees of baking and mixed with other substances, glass of all shades of colour; the gilding of glass *tesserae*, frequent in Byzantine work, was only rarely employed in Roman mosaic. In the earlier and simpler kind they are as a rule square in form, but the imitation of elaborate designs made special cutting necessary.

In preparing the ground, Vitruvius recommends the employment of three layers, viz. (i.) the lowest foundation, *statumen*; (ii.) on this a rough mass of mortar, *rudus;* and (iii.) topmost of all, the cement proper, *nucleus*, of pounded brick and lime, in which the *tesserae* are laid: this seems to have been mixed further with a binding material such as bitumen.

Of the ordinary mosaic, the finest kind was the *opus vermiculatum*, so called probably because in this work *tesserae* of the minutest proportions are arranged in long wavy lines suggesting the movement of worms, *vermes*. Possibly the Greek λιθόστρωτον corresponds to this finest work, inasmuch as the passages in which it occurs invariably refer to a luxurious pavement. It was used not only for floors, but also for walls, columns, and even vaults, where the difficulty of attachment made special preparations necessary.

Opus sectile was, broadly speaking, a mosaic made of slabs of different coloured marbles: these slabs were of different sizes, and cut in triangles, shields, squares, and other geometric forms. A special kind of this class was the *opus Alexandrinum*, in which only two kinds of marble were used, generally speaking red and green, porphyry and Lacedaemonian marble. This is said to have been introduced by Alexander Severus, and to have been named after him; but there is no doubt that it was of much older origin: probably it came originally from Alexandria. Under this head is also included a process of mosaic in which figures, &c., are imitated, not with *tesserae*, but with variously coloured slabs: the flesh for instance of a figure being cut out in one stone, the clothes in another, and the hair in another. A notable instance of this class is given in a mosaic representing the Rape of Hylas, from the Basilica of Junius Bassus (Consul A.D. 317), engraved in the *Archaeologia*, xlv. (1880), pl. 47.

10. *Mosaic reliefs.* — Raoul-Rochette, in his *Peintures antiques*, pl. xii., gives a specimen of a mosaic figure in relief, said to have been found at Metapontum: he pronounces it to be of pure Greek style, intended for insertion in a wall. A similar specimen is in the Wilton House Collection, of which Michaelis (*Ancient Marbles*, p. 678) remarks: "After the thorough disquisition of R. Engelmann (*Rhein. Mus.* xxix. pp. 561–589) it can no longer be doubted that mosaic relief is an invention of the last century only, and that all the known examples are impostures, forged at that period. Again, the style of the setting of the several stones, so that broad white seams of cement are to be seen between them, is not antique."

11. *Vase Painting.*—The art of painting fictile vases with decorative subjects was in antiquity a separate art, peculiar to the Greeks; although the idea may have been in the first place borrowed from the Egyptians, it was never extensively practised except among the Greeks, and may be said to have lived and died among that people. The Etruscans, it is true, were large importers of Greek vases, and produced occasional imitations of their ware; and recent evidence seems to show that, for a brief period, Latin (possibly Roman) artists were following their example: but these imitations were as a rule clumsy or vulgar, and can be readily distinguished from the ware to which they owed their origin. The figured scenes on Greek vases commence towards the end of the seventh century B.C., and continue down to the first half of the third century B.C.; and within this period we now have, scattered in the different museums and private collections, many thousands of examples, which form a most important running commentary on every conceivable phase of Greek life and thought. Of the mine of information thus afforded, much yet remains to be explored: and the history of Painting, in the earlier stages at any rate, looks to ceramography as its principal witness. While therefore we must fully recognise the importance of this branch of the subject, it must not be forgotten that vase-painting among the Greeks was only a subsidiary art, or rather a handicraft; and that, of the century or so of vase-painters whose signed works we possess, there is not one name mentioned in the whole field of classic literature. Their works were mainly intended for the temple, for sacred or semi-sacred functions such as the great games, and for the tomb: vase artists and painted vases alike were a class apart. For this reason, and in order to prevent overcrowding this article with a separate voluminous subject, Greek ceramography is treated in a distinct article, VAS; to which the reader must be referred for the numerous allusions which will be found in the course of the present article.

12. *Vases painted in Encaustic.*—There is, however, one class of vase-paintings mentioned in Athenaeus (v. 200 b), which, if the passage is rightly understood, seem to have been a separate class, distinct from the true ceramography of the Greeks. That writer, in describing the *pompa* of Ptolemy Philadelphus, says that among other elements of the procession were 300 boys carrying κεράμια κεκηρογραφημένα χρώμασι παντοίοις (vessels painted in wax with colours of all kinds). It does not seem at all clear, however, what these vessels were. Birch (*Hist. of Pottery*, p. 427) proposes to identify them with a fabric of which specimens were found at Centorbi and elsewhere: the specimen he describes is of terra-cotta, "the colours on which are prepared in wax and laid upon a rose-coloured ground: it is ornamented with gilding, and is of a late style and period." Raoul-Rochette (*Peintures antiques*, p. 430, pl. xiii.) gives a specimen of this fabric: but even supposing that this process is really encaustic, it is not likely that it was ever extensively practised, nor does it seem certain that these examples illustrate the passage in Athenaeus: the "vessels" there alluded to are probably of wood; the habit of painting polychrome decorations on vases of wood was common in Egypt in later times, and the encaustic process would be more appropriately applied to wood than to terra-cotta. Blümner suggests that the κηραγγέες of Maneth. iv. 332 are to be explained as the painters of such vessels.

13. *Drawings on other Materials: Bronze.*—The outline drawings on bronze must be referred to here, as giving important evidence of the ancient art of design, although the subject is more fully treated under SCALPTURA. The earliest examples of engraved design on bronze are the celebrated swords found at Mycenae, of which the blades are decorated with lion-hunts and other scenes in engraving. These, however, form a class by themselves, being inlaid as well

in various metals; a process which as yet is unknown in subsequent Greek art. Of engraved design pure and simple we have a fine specimen of Greek work of the sixth century B.C. in the bronze cuirass (*Bulletin de Cor. Hell.* vii. pp. 1–5, pll. 1–3), and smaller specimens from Olympia: there is no doubt that the art flourished in Greece, although very few examples have been found there, while great numbers have come from Etruria. These Etruscan specimens consist mainly of mirrors and *cistae* dating from the fourth century B.C. downwards; principal among the latter being the Ficoroni *cista*, of which an engraving is given in Vol. I. p. 440, Vol. II. p. 213: the subjects represented on these mirrors are for the most part of Greek origin, though treated in an Etruscan dress and accompanied by Etruscan inscriptions. Probably, if more specimens of the pure Greek engraving had survived, we should recognise the qualities of spirited and firm drawing which are reflected in the best Etruscan specimens, and which ancient critics admired in the works of the great Greek artists.

14. *Boxwood.*—Pliny tells us that the great painter Pamphilus gave lessons in drawing on boxwood; and the words πυξίον (named by Pollux, x. 59, among the implements of the painter) and πυξογραφεῖν (Artemid. i. 53) are referred to as further evidence of this process: but neither of these words in themselves necessarily imply reference to a distinct art; they may allude merely to the tablet of box which, as was before mentioned, was one of the principal grounds on which the easel painter worked. In a tomb in the Crimea (*Ant. de Bosp. Cimm.* pl. 79) certain slabs were found which were engraved with fine drawings in the style of the early part of the fourth century B.C., the lines being filled with colour. The material of these slabs was supposed to be boxwood, and they were adduced as illustrations of the process of Pamphilus: but Stephani (*Compte Rendu*, 1866, p. 6; n. 2) says that this is an error, and that they are in reality slabs of ivory. It is quite possible that the Greeks practised the art of engraving designs on boxwood, just as they did graving upon ivory (see also above under *Encaustic*) and on bronze; but it does not seem necessary at present to consider that the teaching of Pamphilus meant more than the rudiments which every easel painter would have to know as a preliminary to painting on boxwood.

15. *Parchment.*—It would appear from a statement of Pliny that sketches or cartoons for pictures were sometimes executed by the great masters on parchment, and, as in the subsequent history of art, were handed down for the tuition and profit of successive ages of artists (xxxv. § 68: "et alia multa graphidis vestigia extant in tabulis ac membranis ejus, ex quibus proficere dicuntur artifices;" see *infra*, p. 412). Here also belongs the subject of illustrated MSS.: unfortunately, we have scarcely any illustrated classical MS. which does not date from a debased age: "although we know that doctors and architects were in the habit of adding explanatory illustrations to their scientific works, and that M. Varro, for instance, adorned his great biographical work the *Imagines* with 700 portraits of Greek and Roman celebrities."

16. *History.*—The history of Painting in classical antiquity is one which is difficult to treat comprehensively within the limits of an article like the present, on account of the wide field of speculation which it offers, and with which a close student of the subject must necessarily be familiar. As in the case of Sculpture, so here, our knowledge must be based upon the examination of the statements of ancient authors in the light of modern remains: but whereas in the study of Sculpture we have before us an almost complete series of the works of the greatest masters, in that of Painting we are met by the fact that no single example of a great masterpiece has come down to us; nay more, that of one great branch of the art, that of easel-painting, not a single specimen (if we except a few late Roman portraits) has survived. And yet we have every reason to believe that the Greeks achieved as signal success in Painting as they had done in the sister art: the art critics of antiquity, whose judgment we can test in the light of the actual monuments, are no whit less enthusiastic, nor less explicit, about their painting; and although in some branches the ancient painters may not have attained to the technical perfection of modern times, yet we may be sure that, within the limits which they set themselves, the masterpieces of the Greek painters were worthy to rank beside the marbles of Pheidias or the bronzes of Lysippus.

In default therefore of any evidence at first hand, we are forced to accept such other monumental evidence as we can collect of objects which illustrate or reflect the major art. Of such fortunately a fairly large supply has come down to us. This secondary evidence consists of painted vases, painted works in stone or marble, mosaics, and principally the large store of mural paintings which have been rescued, mainly from the buried cities of Pompeii and Herculaneum. It is true that the great majority of these echoes of Greek painting are of a late date and were executed under Roman influence; but as both in sculpture and in painting the art of the Romans is hardly separable from that which Greek artists had taught and were still teaching, it will be convenient in this article to treat the two nationalities together.

With regard to the other peoples of Italy, such as the Etruscans, the same system will equally hold good. If Etruscan painting had for a brief period an independent existence, it was nevertheless subject to much the same influences, and exhibits a similar development during this period to that of the Greeks; while in any case the time soon came when it was first impregnated, and finally absorbed, in the influence which spread abroad from the Greek colonies in Magna Graecia: and though both in Italian and Etruscan art there are certain local elements always separable, these are not of sufficient importance to demand a separate treatment here.

In studying ancient painting, it is necessary to keep constantly in view the parallel between it and sculpture. The problems which are involved in the questions as to which was the earlier art of the two, and as to how much the Greeks borrowed from the Egyptians and Assyrians, are out of the present sphere, and not much is gained by their elucidation. It is sufficient to know that the Greeks were the first people to raise to the level of independent arts what had previously been merely descriptive and decorative processes; and though in Greece sculpture may be said to have reached its culminating point more than a century sooner than painting, yet both are throughout closely allied, and are constantly acting and reacting upon each other. In reliefs especially painting plays a prominent part, and in statuary even of the best period its growing influence is clear: painting was in fact of the sister arts that which led the way in the whole history of Greek development; and when Winckelmann, following Pliny's statement that there was no painting in Greece at the time of the Trojan War, says that sculpture has the earlier origin, this statement is true only in so far that painting did not attain its full development until the end of the fourth century, whereas the bloom of sculpture is assigned to the middle of the fifth century B.C.

The great difficulty of our inquiry is that of reconciling the literary records with the monumental remains, and of establishing accurately the continuous connexion between them. The wealth of new material which has accumulated, especially during the past ten years, and the more scientific methods of investigation which have thus been rendered possible, have together produced this result—that we are now in many respects in a better position to judge of Greek art than were the art critics and historians of antiquity. The literary records of painting indeed, scanty as they are, are not to be accepted without the closest scrutiny: thus it is now generally accepted that Pliny, our chief informant as to the early history of Painting, adopted without criticism and often without understanding the statements of his authorities; these authorities being apparently for the most part certain Greek works περὶ εὑρημάτων: that he seems to ignore everything but easel pictures: and that his historical arrangement is altogether untenable. Pliny connects each successive improvement in the early history of Painting with the name of a master: even when these names have an appearance of reality, it is probable that they represent, not the inventors of definite steps, but pictures associated with their names which showed the first instances of these improvements.

Under these circumstances, it is obvious that the traditions of ancient writers as to the commencement and earliest development of the art of painting in Greece must not be taken as literal contributions to the history of our subject: in some points, indeed, it is quite impossible to reconcile them with the evidence of the monuments of this period which are before us. The principal authority is Pliny in his *H. N.* xxxv. § 15 foll., who himself acknowledges the uncertainty of his subject. "The Egyptians," he says, "falsely claim to have invented painting 6000 years before it crossed into Greece: of the Greeks, some ascribe the invention to Sicyon, others to Corinth, but all agree that the first step consisted in tracing the shadow of a man with lines. This was followed by the introduction of single colours, so called *menochromaton;* and even after the art had advanced, this style was still carried on. Linear drawing was invented by Philocles the Egyptian or Cleanthes of Corinth, and was first practised by Aridices of Corinth and Telephanes of Sicyon: even these made no use of colour, but scattered lines within their paintings (*spargentes lineas intra*), and attached the names to the figures of their paintings. It was Ecphantus of Corinth who first invented those (pictures?) of the colour of pounded potsherd: this was not the Ecphantus who is said by Cornelius Nepos to have followed Demaratus into Italy."

Painting had already an independent footing in Italy. "Even to this day there are pictures in the temples of Ardea of which the date is earlier than the foundation of Rome; also at Lanuvium are two pictures of Atalante and Helena by the same artist; and at Caere some still earlier: so that the connoisseur may well say that no art was more speedily brought to perfection (*consummata*), seeing that in Trojan times it appears to have had no existence." Pliny then proceeds briefly to note celebrated painters or works of art: the picture of Bularchus, in which was a battle of the Magnetes, of such merit that Candaules paid for it its weight in gold (*repensam auro*): the painters of monochrome (*monochromatis*) Hygiainon, Dinias, Charmadas, who must have lived shortly before, but whose period is not given: Eumarus of Athens, who first in painting distinguished male from female and dared to imitate every sort of figure ("qui primus in pictura marem a femina discreverit, ... figuras omnis imitari ausum"): and lastly, Cimon of Cleonae, who developed the inventions of his predecessor: he found out "catagrapha, hoc est obliquas imagines, et varie formare voltus, respicientis, suspicientisve vel despicientis. Articulis membra distinxit, venas protulit praeterque in veste rugas et sinus invenit." (The difficulties of this passage will be referred to later on.)

In *H. N.* vii. § 205, Pliny says further, that painting was a discovery of the Egyptians, but was in Greece invented by Eucheir, kinsman of Daedalus: so also says Aristotle: Theophrastus, however, ascribes it to Polygnotus of Athens. Athenagoras (*Leg. pro Chr.* 14, p. 59, ed. Dechair) relates how in the days before sculpture and painting and statuary were Saurias of Samos, and Craton of Sicyon, and Cleanthes of Corinth, and a Corinthian maiden: shadow-pictures, σκιαγραφία, were invented by Saurias of Samos, who traced the outline of his horse in the sun: and painting (γραφική) by Craton, who smeared in (ἐναλείψαντος) the shadow of a man and woman on a whitened slab (ἐν πινάκι λελευκωμένῳ). The legend of the "Corinthian maiden" is referred to by him (*ibid.*) as the origin of the koroplastic art; and Pliny (*H. N.* xxxv. § 151) refers to the same story: the legend related how the daughter of a certain Butades, a Sicyonian potter at Corinth, struck by the shadow of her lover's face cast by her lamp upon the wall, drew its outline (*umbram ex facie lineis circumscripsit*) with such force and fidelity that her father cut away the plaster within the outline and took an impression from the wall in clay, which he baked with the rest of his pottery.

The main difficulty which confronts us in these various descriptions is that of distinguishing between linear (*i.e.* outline) drawing and silhouette. It will be best to take the statements as to the inventions first, and afterwards to examine in detail the artists' names. We may for the present disregard the reference to Egypt: the name Philocles being a Greek and not an Egyptian name, it is suggested that the author of this statement had seen the work of an

Egyptising Greek, possibly that of an inhabitant of Naucratis, a Greek colony founded in Egypt in the seventh century; or that some such work, originally painted by Philocles in Greece, had been exported to Naucratis, and, being still on view there, had caused the mistake of describing the artist as an Egyptian. We may also disregard the name of Polygnotus in this connexion, wrongly introduced here by Pliny: Theophrastus only meant that Polygnotus was the first who developed monumental painting. The remaining list of inventors points almost exclusively to Corinth and Sicyon: this is in keeping with the intimate connexion which we know existed between these two cities, and the importance of their art, in the sixth century B.C.; they lay close together, and used almost identical alphabets; and the rule of a powerful dynasty of tyranni in each place gave scope for the artistic activity of the "Daedalidae" to flourish there. The extensive spread of this Corinthian-Sicyonian art may well account for such legendary wanderings of artists as that of Eucheir, Eugrammus, Diopus, and Ecphantus (Pliny, *H. N.* xxxv. § 152) into Italy: on the other hand, there is no reason why these artists should belong wholly to legend: we know of the actual existence of a Eucheir in antiquity; and the other names present no further difficulty. There is no reason to suppose the priority of either city: in fact the Butades legend suggests an attempt to compromise this question, by making him a potter of Sicyon working at Corinth.

Pliny says, "All agree that the first step consisted in tracing the shadow of a man with lines": it is evident that in the various accounts no distinction is intended as to the priority of drawing over painting or *vice versâ*; on the other hand, the expression *umbra lineis circumducta* certainly seems to imply outline drawing; and all the accounts except that of Craton seem to refer to the priority of linear drawing, a fact which is not borne out by the evidence of the monuments. The best suggestion for the explanation of this difficulty is that of Klein, who points out that the real distinction between these various "inventions" lies, not in the *method*, but in the *subject* adopted by the legendary artists; and shows that each legend may be respectively traced to one of the different terms applied in Greek to "painting." Thus, the existence of a term *σκιαγραφία* would suggest a general basis for the various shadow-theories: *ζωγραφία*, as distinguished from *γραφική*, might mean the drawing of animals, *ζῷα*, as opposed to the drawing of the human figure, and hence the legends of the horse of Saurias, and the man and woman of Craton. The story of the Corinthian maiden is really more connected with fictile art than with painting, though drawing is doubtless equally at the basis of such works in terra-cotta as are here referred to: the elements of this legend are all supplied in the term for terra-cotta modelling, *κοροπλαστική*. As to this Corinthian maiden, we have two conflicting accounts: Athenagoras says that the lover was asleep, and that the terra-cotta was in his time still preserved in Corinth: whereas Pliny describes the lover as departing, says that the face only was outlined, and that it fell a victim in the sacking of Corinth in B.C. 146: it has been thought, therefore, that the source of Athenagoras' information must have been earlier, that of Pliny later, than B.C. 146: but probably there is no need for supposing the work to have existed except in legend: the circumstantial character of the narrative, as is demonstrable in other similar cases, proves nothing.

With the names of Cleanthes, Aridices, and Telephanes, we come to more definite ground, apparently of the seventh and sixth centuries; before however we approach this period, wherein literary and monumental evidence are both available, we must first go back to the far earlier period which we know only from the actual monuments.

As to the actual origin of painting in Greece, various theories have equally been advanced in modern times. One critic argues that the idea was originally suggested by polychrome embroidery or textile work, and points to the fact that in Homer no mention of painting occurs, while on the other hand mention is more than once made of scenes woven on garments, such as the robe of Helen and of Odysseus, and the veil of Hera; and that two of the earliest recorded names of artists are those of Acesas and Helicon, weavers of Salamis in Cyprus. In this connexion we shall see that the influence of Oriental tapestries is largely felt in the Greek paintings, especially of the coast and islands of Asia Minor, but this probably did not take effect until the end of the seventh century B.C. [see VAS].

Another theory is that of Klein and Milchhöfer, who suggest that both sculpture and painting are jointly preceded by coloured relief. Klein says, "Sculpture and painting are in the earliest period united in a coloured and flat style of relief, which Greece received from Asia Minor and developed (*e.g.* the Cypselus chest and the throne at Amyclae). Painting is at first intended to do no more than replace the actual colour of the metal or wood stuff, in the character of a surrogate. The technical process of engraving (where this is unnecessary) of the painted figure and its surroundings, points still more clearly to an imitation of the hammered, beaten out, and inlaid work: and this explains the striving after gaudiness;" herein referring to the class of "Protocorinthian" paintings in which these characteristics occur, and which he suggests are the result of imitation of inlaid metal. The suggestion may be perfectly true of this particular class of paintings: but these by no means represent the first beginnings of the art in Greece.

Strictly speaking, the subject of Painting embraces every material, even to the humblest, to which it is applied; and for the earliest beginnings of the art, we may accept the evidence of vases where other evidence fails. The earliest painted vases in Greece are a class which come at the end of the Hissarlik and at the commencement of the Mycenae period [VAS]. These show the first introduction of painted ornament, at the point where it takes the place of the primitive engraved patterns with which the decoration of Greek pottery begins. First it occupies itself with decorative devices borrowed from marine fauna and flora; afterwards, in the bloom of Mycenaean art, a wonderful dexterity is attained, which leaves little in the range of nature unattempted. In Mycenaean art we see for the first time the elements of that artistic selection and dramatic force which it was the mission of the Greeks first to introduce; we see these qualities strongly marked in the scenes inlaid and engraved on the famous bronze swords found at Mycenae: especially on one which represents a scene of panther-like animals chasing birds by a river-side; although executed in metals, this is a complete picture of animal life, of which even the requisite colours are indicated by the various metals employed. But the more recent excavations at Tiryns and Mycenae have given us still clearer evidence of the pictorial art of this period. In both these sites fragments have been discovered of wall-paintings which seem to have formed parts of extensive compositions in fresco. The largest fragment represents a bull charging, coloured white with red spots on a blue background: above the bull's back is the figure of a man, whose peculiar position has been explained as that of an acrobat, but is more probably due to a defect of perspective. Besides this are on other fragments part of a frieze of figures with animals' heads, warriors, female figures, &c. The range of subjects is that which we are accustomed to meet with on the so-called "island gems" which begin in this period [SCALPTURA], and which perhaps more than anything show us the connexion between Mycenaean art and the art of later Greece. These subjects are marked by a strong native originality, tinged with the influence partly of Egypt, partly of Asia Minor: in the bronze swords and the wall-paintings the influence of Egypt is especially noticeable, both in point of technique and in the treatment of subject; so that perhaps Pliny's authority was unconsciously correct when he asserted that the art of painting had crossed from Egypt into Greece; though it is certain that his information could never have extended so far back as the times of Mycenae and Tiryns.

With the downfall of the Mycennaean power, the progress of art in Greece doubtless received a check. We see this especially in the vases: the brilliant ware of Mycenae gives place to the rude Geometric system of the conquerors, and survives only in a degraded ware which represents the decadence of the earlier art. In Greece proper the heritage of Argos and Mycenae was doubtless passed on to the neighbouring towns of Corinth and Sicyon; a process which is reflected in the legends narrated by Pliny and others referred to above. On the other hand, the traditions of Mycenae had passed to Asia Minor and the islands: the early pottery of Rhodes shows that late down into the seventh century B.C. vase-painters were still employing a floral system which was a direct survival from Mycenae; and the Euphorbus pinax found at Camirus in Rhodes shows, in the Argive inscriptions which it bears, a direct connexion of this style with Argolis. Unfortunately, we know as yet very little of the early painting in the Greek cities of Asia Minor; but the little evidence which we do possess seems to show that in the seventh century B.C. this style of painting was practised throughout an extensive area of Eastern Hellas. Probably, as the early Greek sites of Asia Minor become more thoroughly explored, we shall see that the painting of this period, like the sculpture and the poetry, centred in some one or more of these cities of the border. Recent excavations at Naucratis, a city in Egypt colonised principally from this district, have shown us what the conditions of this art were in the end of the seventh century; and we have still further important evidence from the locality in question. From Clazomenae has come a series of terra-cotta sarcophagi painted with figured decorations in the style of these schools. These sarcophagi are of various dates, which cover a considerable period; the earliest was probably not made before the first half of the sixth century B.C.; but it seems to represent a tradition which traces its origin back to a period considerably earlier. In these paintings the reddish clay is first covered with a yellowish white pigment, upon which the design is first outlined, and afterwards filled in, in a brownish black. The subjects are for the most part friezes of animals, combats of warriors, and hunting scenes.

The technique of the sarcophagi corresponds with that of the earliest class of the so-called Protocorinthian and Corinthian vases, in which, if their attributions to Corinth are correct, we may trace an unbroken line of connexion between the art of Corinth and that of Mycenae. The most important evidence of this art is afforded by the painted *pinakes* found at Penteskuphia [FICTILE]. Here we have a series of actual pictures, painted as pictures and not as mere decoration, which throw an interesting light on the various branches of art in the seventh century, and illustrate the close connexion then existing among them. These, dedicated principally to Poseidon, are the combined product of the painter and the potter; one of them is signed by an artist already otherwise known to us as a vase-painter; some of the plaques have moulded decoration; and the scenes represent episodes in the arts of the potter, the painter, the sculptor, and possibly also the bronze worker. This close connexion is very much what is reflected in the versatility imputed to the Daedalidae in the early traditions respecting the first art-workers, wherein the members of one family furnish the representatives of all the various branches of art. The range of myths here depicted is as yet small, as in the Hesiodic shield; the time is not yet come for that fulness of mythological material which is set forth in the famous description of the Chest of Cypselus [STATUARIA], equally a work of Corinthian origin.

With the end of the seventh century we reach a more definite standpoint, and it is here that we seem for the first time to find a historical background for the early artists of literary record. Again, in the absence of other evidence, we are obliged to turn to vase-paintings; but inasmuch as vase-painting in its later history certainly reflects the influence and the progress of the major art, we may take this analogy as true of the earlier periods also.

After the invention of linear drawing, Pliny mentions ARIDICES of Corinth and TELEPHANES of Sicyon, *spargentes lineas intra*, and who also attached the names to their figures; the term *lineas* has usually been misunderstood as an allusion to the inner markings of the figure, giving the "drawing of the eyes, nostrils, all in short which goes beyond mere silhouette." We cannot, however, suppose that all previous artists drew their figures as blind; and it is obvious moreover from vases, that inner markings must have been adopted long before the practice of writing in the names. Klein therefore suggests that this expression in Pliny refers to the linear ornaments, borrowed probably from the imitation of textile fabrics, which fill in the background in the designs of the end of the seventh and beginning of the sixth centuries B.C. And though this explanation upsets the chronological sequence of Pliny's statements, we need not reject it on that ground, for in this, as well as many other points, Pliny is demonstrably incorrect.

Next comes **Ecphantus** of Corinth, with whose name are associated the pictures of the colour of pounded potsherd: probably this expression merely refers to the deep purple colour which is added in the earliest vase-paintings of Corinthian style, and which to Pliny's authority may have seemed their most striking characteristic: that writer may have seen some early painting signed by Ecphantus, and was thus led to connect this improvement with his name. Like Eucheir and Eugrammus, he is said to have come out of Corinth with Demaratus. Pliny tries to explain away this difficulty by the stock method of imagining two Ecphanti; but while the journey is of course legendary, there is no reason why we should not accept Ecphantus as a real personality; it is even possible that we possess a monumental record of this very artist in the Columna Naniana (Löwy, *Inschr. Gr. Bildh.* No. 5), of which the inscription runs thus:—

Παῖ Διός, Ἐκφάντῳ δέξαι τόδ᾽ ἀμεμφὲς ἄγαλμα
Σοὶ γὰρ ἐπευχόμενος τοῦτ᾽ ἐτέλεσσε γράφων.

It seems likely that this column, which was found at Melos, and which, from its inscription, dates from the seventh century, supported a painting; possibly this was a Melian vase-painting, by the artist Ecphantus, who thus dedicates his own handiwork.[*]

Cleanthes of Corinth is by Pliny ranked among the inventors of linear drawing; but Pliny's order cannot be accepted here, for it seems clear that the place of Cleanthes is at least posterior to that of Ecphantus. In this case we are not left to Pliny's information alone. Strabo (viii. 343) notes two works by this master in the temple of Artemis Alpheia: an Iliupersis, and a Birth of Athene. Of the first of these pictures we know nothing more: the Birth of Athene, however, is further mentioned by Athenaeus (viii. 346 c), who describes in this picture the figure of Poseidon "offering a tunny fish to Zeus in travail." This is of course an error, the tunny is merely the attribute of Poseidon, whose type is thus distinguished on the Penteskuphia pinakes; and the whole description seems to point to a votive pinax of this kind, dating probably from the seventh century. In all probability it was one among many in this temple. Strabo couples with this picture another from the same temple by **Aregon**, representing Artemis on a Gryphon; this type, however, seems inconsistent with what we know of the methods of this period, and it is likely that either Aregon was of a much later date, or that Strabo's information was incorrect.

Craton of Sicyon painted a man and woman on a whitened pinax; we are naturally led to think of the vase-paintings in black figures on a white ground: the term λελευκωμένος, however, need not imply more than the practice common to all the paintings of this period, which obtains equally in the Penteskuphia tablets and in the Clazomenae sarcophagi, of preparing the ground of the design with a yellowish-white pigment. The "man and woman" of Pliny's statement suggests the symmetrical pairs of figures which are commonly mentioned in the descriptions of works of this period, such as the Chest of Cypselus and the Spartan basis.

Of **Hygiainon**, **Dinias**, and **Charmadas**, Pliny tells us that his information supplies no date; they are painters in "monochrome," a technique which is mentioned nowhere except in Pliny, and which he himself does not seem to understand: if it means anything, it may mean that the colouring of their pictures had faded, or else that they worked in one colour with the natural background, as in the vases with black or red figures. In the latter case, these artists must necessarily range much later in date.

Among the painters of this period we may now include those whose names we know from monuments which they have signed, and who are apparently Corinthian artists of the first half of the sixth century,—**Bias**, **Chares** the son of Bias, and **Timonidas**, who signed one of the Penteskuphia pinakes.

Eumarus of Athens was the first who distinguished male from female, and who "dared to imitate every sort of figure." On the vases with black figures we can trace the epoch at which a white colour is gradually introduced to indicate the flesh of female figures. It is not necessary that this should be precisely the change initiated by Eumarus, but it must evidently have been something analogous to this.[*] The two facts we are told of Eumarus thus lead us naturally to think of the early Athenian vases with black figures. While the Corinthian and Chalcidian painters probably went on using their creamy white background, the Athenians used for background the natural brilliant red of their clay, and laid the white in their design on a surface of black paint. The white on these vases is a feature sufficiently striking to have attracted Pliny's informant; and the wealth of mythological material lavished on the François vase by **Clitias** and **Ergotimus**, and their boldness in attempting difficult motives, may well have justified his expression *figuras omnis*. Like these two artists, Eumarus was also an Athenian; and in the recent excavations on the Acropolis an inscription has been found which seems to mention his name, and fixes his date, if this identification be correct, at the Solonic period in which Athenian art is beginning to take a foremost place. The vases and pinakes show us the influence of Corinthian painting on Athens at this period.

Pliny's description of **Cimon** of Cleonae presents grave difficulties. Most critics agree to the general conclusion that the inventions ascribed to him are represented broadly by what we see in the red-figured vases of the

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[*] No. 25 *ibid.* is the fragment of a similar dedication by a Melian (vase) painter Ka – – –.

[*] See, however, Murray in *Hellenic Journal*, x. p. 243.

school of EPICTETUS, the date of which is now assigned to the age of the Peisistratidae. With the growing popularity of the athletic exercises of the palaestra, comes in the preference for representation of the nude figure, in attitudes and movements hitherto untried; the innovations in the drawing of dress, the improved treatment of the eye, the fine inner markings indicating veins and muscles, are all to be traced to these vases.

Catagrapha in this connexion is difficult to explain. Pliny's interpretation, which represents Cimon as the inventor of profile drawing, seems altogether untenable; in early sculptures in relief, figures which would naturally be in profile are frequently represented in full face; but there is no evidence of any such priority of full-face treatment in Painting. On the other hand, it is probable that the great paintings of this time must have consisted of outline drawings with washes of colour, as on the alabastos of Pasiades in the British Museum. One explanation refers it to linear perspective, or what we should term "projection!" The most generally accepted interpretation refers it to the practice, common in the vase-paintings of this period, of indicating the outline of the body underneath the dress, which adapts itself to the movements of the figure.

A notable monument of this period is the Stele of Lyseas, an inscribed marble shaft of about 550–525 B.C., with an inscription stating that it is the tombstone and portrait of Lyseas; on the front is painted the full-length figure of the deceased, holding in one hand a cantharus, in the other the twigs of lustration; the chiton is purple, the himation white with a coloured edge, the twigs green, the cantharus black. The outline was first drawn in a dark colour, and the background is red. Below is a minute figure of a galloping horseman. The similarity of this figure to the carved stele of Aristion shows the close connexion that then existed between marble painting and marble relief. Probably such paintings were much in vogue, though naturally very little beyond mere fragments of them have come down to us. The technique corresponds most nearly to that of the black-figured vases. Loeschcke has tried to show that the change from black to red figures in vase-painting was brought about by the influence of marble paintings, such as the Stele of Lyseas; but this suggestion has been generally opposed (see Klein, *Euphronios*,^{2} p. 30, and *Arch.-Epig. Mitth.* 1887, p. 209). We referred above to the statement of Pausanias (vii. 22, 6) that the great artist Nicias painted a sepulchral stele at Triteia: this is important as showing that, even if the Stele of Lyseas is not by a great master, it belongs to a class of work which was not beneath the dignity, and probably reflects the methods, of the great masters.

Another interesting monument, which may probably be referred to this period, has recently been discovered in or near Athens; it is a disk of white marble pierced with two bronze nails for attachment to a wall; on it is painted* a bearded man seated in a chair, and around the picture is an archaic inscription recording that this is the monument of the excellent physician Aineos or Aineios. The name is an uncommon one, and has been identified with that of the great uncle of the famous Hippocrates; assuming this to be a contemporary portrait, the date would thus fall at about 520 B.C.

The decoration of walls by designs painted on them had probably a direct descent in Greece from the time of Mycenae; unfortunately we have no Greek Pompeii to tell us in what this decoration in early times consisted. There have recently been found at Athens two fragments of a marble painting intended for insertion into the wall, probably of a tomb, which give us, perhaps better than anything else, an idea of the methods employed in decorative painting previously to Polygnotos; it also offers strong confirmation of the close connexion between those methods and the methods of vase-painters. The groundwork is a creamy yellow, on which is painted a warrior charging; his figure is drawn in outline, and filled in with different-coloured washes for the various parts and for the drapery. The drawing is strong and spirited, though still retaining traces of archaism; in the field is an inscription which seems to connect it with the vase-painters of the last quarter of the sixth century (Ἐφ. Ἀρχ. 1887, pl. 6).

But if wall-paintings are thus seldom found in Greece, this lack of material is in some degree compensated for when we turn to Italy. It is true that, here again, the actual houses and temples of early times have not survived; but the Etruscans were accustomed to decorate the chamber of their dead as much as possible to resemble that of the living; and the tombs of Veii, Caere, and Tarquinii have given us valuable series of early wall-paintings. These paintings, if not always the work of Greeks, are the living reflection of Greek art. All internal evidence goes to show this, and it further enables us to control the statement of Pliny. In order to show that the Ecphantus of Cornelius Nepos cannot be the same as that early painter of Corinth, he says that already (in the time of Demaratus) painting had attained an independent footing in Italy, and mentions a series of fully-coloured paintings at Ardea, Lanuvium, and Caere, which existed before the foundation of Rome. Pliny's statement is here affected by his sense of patriotism; the vases found in Italy show us beyond a doubt that the earliest Italian paintings were executed under foreign influence. The wall-paintings of Italy are the only class of remains beside vases which enable us to trace the development of the art continuously through all phases; allowance being of course made for the time which must elapse before each innovation of the Greeks could make way among the tomb decorators of Italy.

It is generally accepted that the earliest examples of the art in Italy are the wall-paintings from tombs at Veii; these consist principally of friezes of animals, conventionally or fantastically drawn with long bodies and long slender legs,—a style of art which we know to be essentially Oriental, and which is doubtless connected with the tapestry work of Mesopotamia. In keeping with this textile idea, the groundwork is filled in with conventional designs, which at Veii take the

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* In the Ἀρχ. Δελτίον, 1889, p. 151, this portrait is said to be painted in *encaustic*, but this is certainly an error; it is probably painted in tempera, like the Stele of Lyseas.

form of floral devices: these floral devices are drawn in many respects identical with the flora of Mycenaean art; it seems therefore that the art of Veii represents the same stage as that which we saw in the vase-paintings of Eastern Hellas at the end of the seventh century B.C., in which the traditions of Mycenae were being combined with the lessons derived from Oriental tapestry. The presence of Mycenaean elements may imply that this form of art traced its origin to a much earlier date, as it certainly also lasted down to a much later period in Etruria. In the Polledrara tomb at Vulci were found a series of imported objects of Egyptian character, including a scarab of Psammetichus I., which probably fixes the date to B.C. 656–611. Among these objects was a large amphora painted in a developed form of the Veii style, and a hydria of a ware which is apparently Graeco-Egyptian, painted in red and blue with a Graeco-Egyptian rendering of the Minotaur legend; a connexion with the Egyptian town of Naucratis, which this same Psammetichus gave to the Greek traders, seems an obvious deduction. The Naucratian traders came principally from the coasts of Asia Minor; so that we have, at the end of the seventh century, evidence of a combined Egypto-Asiatic influence on Italian art. It is this influence which we may suppose reflected in Pliny's statement about Philocles quoted above, p. 400.

The same influence was also communicated through another channel, that of Phoenician trade. The site of Caere in Etruria marked a Phoenician settlement, and had been known in earlier times by the Phoenician name Agylla; and the general character of Phoenician importations would be very much what is found in the Polledrara tomb. At present the earliest paintings which we have from Caere are certain terra-cotta slabs, of which a series of five is in the British Museum; another series, somewhat later in date, is in the Louvre. These slabs served as the wall-decorations of a tomb, so that they may be considered in reality as wall-paintings. The surface is covered with a white slip, on which the design is laid in outline, with washes in reds and blacks; the white ground is left to stand for the flesh of women, while that of the men is coloured red. The technique is thus very much the same as that which we have on the Corinthian vases of the seventh century. The subject consists of a frieze of figures who seem to represent mourners, and carry various offerings to the dead. On each side of the doorway stood a slab painted with a large Sphinx, the drawing of which bears an analogy to that of the animals of Veii, while that of the human figures seems to show the artist's want of familiarity with this class of subject. It would seem then that these slabs must be very little, if at all, later than the Polledrara hydria, and in publishing them Mr. Murray suggests B.C. 600 as an approximate date for them (*Hellenic Journal*, x. p. 247). This date brings us to the period when Etruscan art may have been stimulated by the advent of the artists escaping from the rule of the Cypselidae at Corinth, always supposing that this journey had any ground in fact. In any case, these artists probably chose Etruria as being a district already advanced in art; and this would be some ground for crediting Pliny's statement (xxxv. § 17) as to the antiquity of the art at Caere. In the details of these paintings Mr. Murray finds traces of a marked Asiatic influence, which, coming primarily from Assyria and Chaldaea, was communicated either by the Asiatic Greeks settled in Egypt, or, more directly, from the Greeks of Asia Minor. The Etruscans themselves claimed a Lydian origin, and some such influence is at least apparent in their early art. Dümmler has tried to establish a connexion with Aeolis in the early pottery of Caere. From this site has come a series of vases which are closely related to certain fragments from Cyme, and which seem to have been imported, possibly from Phocaea; in Etruria they gave rise to a local fabric [VAS], which represents the decadence of this imported style.

Though Etruscan art is everywhere characterised by a certain sturdy realism which is unmistakable, it is always based upon the conceptions and technique which it borrowed principally from the Greeks; it has justly been compared with the art of the Tuscan School of the Renaissance, "which sought to bring its own realistic feeling for form into harmony with the results of a renewed study of classical antiquity." The transition from native realism to Greek idealism is especially marked in the comparison between the earlier and later paintings of Corneto (Tarquinii), the best of which seem to point to a period corresponding to, though not necessarily contemporary with, the art of Polygnotus. Of this painter, and of the school of Greek painters who followed him, an account will be found below on pages 407 and 408.

From the dawn of the fifth century we begin to hear the names of painters in Italy, but at first, at any rate, these are exclusively Greeks. In the time of the kings at Rome, painting seems to have been principally in use for the decoration of works in terra-cotta, an example of which has been already mentioned, the vermilion-coloured Jupiter of the Capitol. The earliest painters named in connexion with Rome are DAMOPHILUS and GORGASUS (Plin. *H. N.* xxxv. § 154): these were both painters and modellers, and decorated in both branches of their art the temple of Ceres at the Circus Maximus; this temple was dedicated in 493 B.C., and this date has consequently been assigned to them; Urlichs, however, thinks that Damophilus is to be identified with the teacher of Zeuxis (mentioned *ib.* § 61), and in this case his date would be about 460 B.C., or contemporary with Polygnotus. Pliny's description leaves us uncertain as to the nature of the paintings of Damophilus and Gorgasus: he says that when the temple was restored *crustas parietum excisas tabulis marginatis inclusas esse*, an expression which certainly seems to imply that they were wall-paintings which were at a later date cut out and framed. That this plan of preserving the works of old masters was not unusual in antiquity we know from examples at Pompeii and elsewhere. From this time forward we hear little of painting in Rome: there were no local artists of any importance, and communication with the outside world was cut off on the one hand by the wars with Veii, on the other by the Volsci. Nothing further is heard of

Roman painting until the middle of the third century B.C.

Returning now to the history of the art among the Greeks themselves, we have seen that in the sixth century B.C. the most important centres were in, or bordering upon, Asia Minor, and that it was only towards the end of this century that Athens began to take a foremost part. This is borne out in the little that we know from literary sources of the painters of the sixth century. Candaules, king of Lydia (died B.C. 708), is said to have purchased at a high price a painting of **Bularchus**, which represented a Battle of the Magnetes (xxxv. § 55). It would appear from the expression of Pliny (vii. § 126) that Candaules paid the painter as much gold as would cover the picture (*repensam auro*). The tradition, however, is very doubtful: it was probably borrowed without understanding from a book by Cornelius Nepos, and is mentioned by Pliny on account of the correspondence between the dates of the death of Candaules and that of Romulus.

The old Ionic or Asiatic painting, the "genus picturae Asiaticum," as Pliny terms it, most probably flourished at the same time with the Ionian architecture, and continued as an independent school until the middle of the sixth century B.C., when the Ionians lost their liberty. Herodotus (i. 164) mentions that when Harpagus besieged the town of Phocaea (B.C. 548) the inhabitants collected into their ships all their valuables, their statues and votive offerings from the temples, leaving only their *paintings*, and such works in metal or of stone as could not easily be removed, and fled with them to the island of Chios; from which we may conclude that paintings (probably wall-paintings) were not only valued by the Phocaeans, but were also common among them. Long, however, before the conquest of Ionia, Samos seems to have become a prominent seat of the arts (Herod. iii. 60, iv. 152). We know that a school of sculpture was early in existence there; and although the so-called "invention" of Saurias of Samos is legendary, he may well have had a real existence as a painter. Painting and sculpture went hand in hand in those early times, and the island that boasted the sculptor Theodorus would probably have made its mark in painting as well. Pausanias indeed twice mentions cursorily a celebrated Samiote painter **Calliphon**, who painted the Homeric battle of the ships in the Artemision at Ephesus: the terms used by Pausanias clearly point to the art of the first half of the sixth century B.C. In the temple of Hera at Samos was the celebrated picture dedicated by Mandrocles, a native of the place; we are not told the name of the (doubtless local) artist; it was painted for Mandrocles, who had constructed for Darius Hystaspes the bridge of boats across the Bosporus, and represented the passage of Darius' army, with the king seated on a throne reviewing the troops as they passed. Such a dedication would be quite in keeping with what we know of Samian art tradition, and there is nothing in the epic character of the subject which would make it impracticable. The date of the bridging of the Bosporus must fall between 516–514 B.C., and the picture must have been nearly contemporary with this date. Another painter, possibly also a Samian,[*] is mentioned by Athenaeus (v. p. 210 *b*)—**Sillax of Rhegium**, whose pictures in the Stoa at Phlius had been described by Polemo; his importance is marked by the fact that his name is recorded in the poetry both of Epicharmos and Simonides; and this fact would mark his date at about B.C. 470. The contemporary sculptor Pythagoras of Samos (Rhegium) is stated to have begun life as a painter (*ab initio pictor*); another instance of the close connexion then existing between the arts. We may conclude the list of Samian painters in the fifth century with the name of **Agatharchus, son of Eudemus**: unfortunately of this painter not a single work is described in literature, and we know no more of him than what can be inferred from the three anecdotes which different writers associate with his name. The first is given in Vitruvius (vii. praef. 10), who says that Agatharchus "primum Athenis, Aeschylo docente tragoediam, scaenam fecit et de ea commentarium reliquit." From this it has been supposed that this artist invented scene-painting, and that from him, therefore, dates the feeling for landscape in art and the striving after pictorial illusion. On the other hand, this statement does not coincide with that of Aristotle (*Poet.* 4), that Sophocles invented scene-painting; nor with what we know of the later painter Apollodorus. Klein proposes, in the light of recent discoveries as to the history of the Greek theatre, to refer *scaenam fecit* to the innovation brought about by the addition of the *σκηνή* (the stage proper) to the old dancing ring: this expression might well have been misunderstood by Vitruvius, whose references to treatises left by artists and architects are rarely to be trusted. The second anecdote represents him as set down by a reply of the celebrated younger master Zeuxis, to whom he had boasted of his rapid rate of work (Plut. *Pericl.* 13). The third anecdote relates how Agatharchus, refusing on the score of overwork to decorate the house of Alcibiades, was locked up by him until the decoration was completed; or, according to another version, until the artist escaped. We thus see, at any rate, that Agatharchus was a contemporary of Aeschylus, of Zeuxis, and of Alcibiades; Aeschylus died in B.C. 456, and the speech of Andocides recording the Alcibiades story was probably delivered in B.C. 416. It has therefore been supposed that there must have been two Agatharchi (see *Dict. Biogr.* s. v.), but this supposition is not generally accepted.

Here for the present ends our information about the Samian School: between this time and the period of the Diadochi, when Theon comes forward, Samos is only represented by one or two insignificant names. But that Samos preserved always the tradition of a great school of painting, we see from the fact that the famous contest between Parrhasius and Timanthes took place there; moreover, the temple of the Samian Hera was a perfect storehouse of pictures, which lasted even down to the time of Strabo (xiv. p. 637 C), who says, "The ancient shrine and

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[*] Klein (*Arch.-Epig. Mitth.* xii. p. 87) claims Sillax as a Samian, but on no very strong grounds. He is contemporary with Pythagoras and Clearchus, both of whom are called "of Rhegium," but are in reality of Samos.

large temple of Hera is now a picture gallery [PINACOTHECA]; and besides the quantity of pictures here exhibited, there are also other galleries and little shrines which are full of specimens of ancient art." We saw that Agatharchus' sphere of activity lay in Athens, and it is to Athens on the one hand, to Colophon and Ephesus on the other, that the heritage of Samian painting is now passed.

The art of the sixth century at Athens has unfortunately offered hitherto but little direct monumental evidence either to the ancients or ourselves. The recent excavations on the Acropolis have brought to light, however, monuments which, fragmentary as they are, yet throw a brilliant light upon a period of which the ancients knew but little. The sack of the Acropolis by the Persians in B.C. 480 must have destroyed most of what would otherwise have served for the art history of pre-Persian times. Possibly some scattered pieces were saved from the wreck, and may have been set up at the time of Cimon's administration in the pinacotheca of the Propylaea; and on these chance survivals the knowledge of the ancients was principally based. "If therefore such a painter as Clitias is not named by Pliny as well as Eumarus, this is merely owing to the chance that the father of art history found no picture by this artist on the Acropolis." Art and handicraft are originally, as we have seen at Corinth, not separated; and probably the early red-figured vases, made at Athens and exported thence to various sites, reflect the art of the painters of Peisistratid times; a developed drama did not yet exist; and it would appear that these artists, both great and small, drew their inspiration from the Cyclic and the Lyric poets. As time went on, the gulf between art and handicraft gradually widened; and the genius of **POLYGNOTUS**, in the middle of the fifth century, finally raised painting to a level far above that of the handicraftsmen.

With Polygnotus the history of Greek painting as an independent art may be said to begin, and in this sense we may accept the statement of Theophrastus (*ante*) that this artist was the "inventor" of painting. It is the period of the great reaction at Athens succeeding to the Persian wars, and for the first time we hear of great historical compositions, and of painters recognised as public characters. The limited space of this article necessarily precludes anything like a general notice of all the various productions of Greek painters incidentally mentioned in ancient writers. With the exception, therefore, of occasionally mentioning works of extraordinary celebrity, the notices of the various Greek painters of whom we have any satisfactory knowledge will be restricted to those who, by the quality or peculiar character of their works, have contributed towards the establishment of any of the various styles of painting practised by the ancients. A fuller account of each artist will be found under their respective names in the *Dictionary of Greek and Roman Biography*.

The fame of Polygnotus is chiefly associated with Athens; he was born at Thasos, and came of a family of Thasiote artists; his father Aglophon, and his brother Aristophon, being both recorded as painters of note. Of the details of his life we know very little; just as his great contemporary Pheidias started life as a painter, so Polygnotus is spoken of as having had some experience in sculpture: an association between the two arts which is clearly reflected in the sculpture of the time. His period of activity seems to have lain between B.C. 475 and 430. Attracted to Athens among the artists whom Cimon was employing for the reconstruction and adornment of the city, he won for himself the freedom of that city, and a special honour from the Amphictyons, by his gratuitous work at Athens and at Delphi. He became the leader of a school of painters who worked on the same monuments, and probably much in the same manner, as himself; principal among these were Panaenus, a relation of Pheidias, and Micon, like his leader both sculptor and painter, and, like him too, of Ionic origin.

Unfortunately, in many cases where these artists were employed conjointly, we cannot always decide which subjects to assign to each of the respective masters. In all probability, the earliest works which can with certainty be attributed to Polygnotus were the large compositions with which he decorated the Lesche or assembly hall of the Cnidians at Delphi, representing the Sack of Troy and the Vision of Hades. These paintings are celebrated in an epigram of Simonides: now we know that in B.C. 477 the poet went to Sicily, and that in B.C. 467 he died; so that the paintings were probably executed at least before B.C. 470. Pausanias devotes seven chapters (x. 25–31) to their description, and from this we can gather a very fair idea of the general character of the compositions. The figures were arranged in an extended form of frieze, but grouped on different levels, and lacking that pictorial unity which a definitive background supplies in modern painting. Each figure had the name written over it, and the wall was covered with distinct groups, each telling its own story, but all contributing together to relate the tale of the general composition. They were in fact painted histories, and each group was no further connected with the contiguous groups, than that they all tended to illustrate different facts of the same story. Intended as they were for the decoration of architecture, they were subservient to tectonic laws; as in sculpture in relief, what was not absolutely necessary to illustrate the principal object was indicated merely by symbolism: thus, in default of more elaborate scenery, locality was suggested rather than expressed,—a tree, a house, or a piece of water representing what the knowledge of each spectator would easily supply for himself.

If we consider the narrow limits thus imposed on Polygnotos by his obedience to ancient laws and canons not yet broken through, we shall expect to find his real claims to the advancement of art more set forth in the details of his style and treatment of his subject; and this is precisely what is most noted of him by ancient writers. While he inherits the strength and firmness of his more archaic predecessors, he adds a breadth of style and an æsthetic beauty which is less external than inherent within the character of his subject. This is what Aristotle means when he (*Poet.* c. 6) speaks of him as an ἀγαθὸς ἠθογράφος, an excellent delineator of moral character, and assigns to him in this respect a complete superiority over Zeuxis; and again (*ibid.* c. 2), speaking of imitation, when he remarks that it must be either superior, inferior, or equal to its model, illustrating his point by the cases of three painters: "Polygnotus," he says, "paints men better than they are, Pauson worse than they are, and Dionysius as they are."

Pliny says (xxxv. § 58) that he was "the first to paint women with translucent drapery, and to decorate their heads with various coloured head-dresses; but that his greatest contributions to painting were those of opening the mouth, showing the teeth, and that he gave expression to the countenance by altering its archaic stiffness." It is in these last characteristics that we see the revolution brought about by Polygnotus; he endeavours, in the whole treatment of the body, to impart an individual character; especially in the face, so that a poet of the Anthology (*Anth. Gr.* iii. 147 B) might say of his Polyxena that "in her eyelids lay the whole of the Trojan war." It is probably more than a coincidence that in his works we have the first glimpse of portrait painting in the modern sense. The artist loved Elpinice, the sister of the great Cimon; and her portrait, as Laodice, figured among the Trojan women represented by him in the Stoa.

With Polygnotus the art of Painting was in point of conception and spiritual beauty at its zenith; but, unlike sculpture, it was as yet lacking in technical power; as Woermann (p. 43) says, "It truly entered into possession of its full technical means in a later generation, when the arts of Greece were no longer bent upon their ideal mission in the same high earnest as of old." The range of colours was scanty;[*] and though we hear of special local tints being applied (*e.g.* the Eurynomus in the Nekyia coloured blue-black, like a carrion fly, as Pausanias says), there is no suggestion of a transition of tones or of local light and shade. Indeed, this is the more natural when we remember that no determinate background was used, but probably the figures stood out on the white ground of the wall.

If we wish to realise the spirit of Polygnotus' paintings, it is principally to the sculptures of the time that we must look; and specially to the series of reliefs upon the marble lekythi and sepulchral stelae, which breathe the same qualities of pathos that underlay the paintings of this master, and the bloom of which art falls just in his time. Possibly even the motives of these sculptures may suggest the types which Polygnotus had created for his great picture of Hades. The influence which his art exercised upon sculpture is best shown in the frieze of the Graeco-Lycian monument of Gjölbaschi, where more than one motive (*e.g.* the Slaying of the Suitors by Odysseus) is directly inspired by the painting of the same subject. But as far as mere types are concerned, much is probably still to be obtained from the study of vases. The gulf between art and handicraft is widening, and "the polychrome vase-paintings (on a white ground) are a last attempt to keep pace with the greater art, but for the most part are not worthy of the simple colouring of Polygnotus." On some red-figured vases, however, of the time of Meidias,[*] it is now shown that the scenes depicted have a close relationship with the painter,—a fact borne out by the inscriptions which they bear, and which are written in the Parian-Thasian, and not the Attic, alphabet. Dümmler has collected as many as six such instances, and more will doubtless be now identified.

For a list of the various works of Polygnotus and his contemporaries, we must refer the reader to Overbeck's *Schriftquellen.* It is sufficient to say here that their principal sphere seems to have been Athens, and the wealth of Athenian local myths supplied them with the most varied and extensive themes. It was a time when the luxuriance of Ionic art was taking a hold upon Athens, not in painting alone, but in the whole range of Attic culture; and this movement is continued in the greatest of the colleagues of Polygnotus, Micon and Panaenus.

Both had, like their leader, strong instincts in the direction of sculpture. Panaenus was of the family of Pheidias; MICON was himself a sculptor. He is the only great painter of whom we have as yet a direct monumental record; and, curiously enough, this record is concerned, not with a picture, but with a statue. At Olympia a square base was found (Löwy, *Inschr. Gr. Bildh.* No. 41) which had supported a bronze statue; the inscription showed that this statue had recorded the victory in the pancration of "Callias, son of Didymion, an Athenian;" and added *Μίκων ἐποίησεν Ἀθηναῖος.* This very statue is described by Pausanias (vi. 6, 1), who gives further in another passage (v. 9, 3) the date of Callias' victory as the 77th Olympiad (B.C. 472–469); the statue must have been set up soon after this date. Another inscribed base (Löwy, No. 42), found at Athens, records a statue made by "Micon, son of Phanomachus," thus correcting the form of the name (Phanochus) given in the Scholiast to Aristoph. *Lysist.* 679. These statues of Athletes remind us of Pliny's statement that Micon was specially esteemed for this class of work ("Micon athletis spectatur").

Of Micon's birth and life we know otherwise very little. In spite of the evidence afforded by the Olympia base, he has usually been considered as of un-Attic origin, on account of the Ionic character of his writing. But the evidence of his work all points to his being an Athenian: the subjects both of his sculpture and of his painting are Attic, and it is here that his activity was chiefly displayed. Six of his works are known to us, viz. (1) Battle of Amazons, and (2) Battle of Marathon, both in the Stoa Poikile; (3) an Argonautic scene, possibly the funeral games of Pelias, in the Anakeion; (4) Battle of Amazons, (5) Battle of Centaurs, and (6) The Recognition of Theseus, all in the Theseion. In describing this last, Pausanias goes on to relate the end of Theseus; and this has generally been considered as the description of a seventh picture: Klein, however, shows good reason for the opinion that this is merely an excursus of the garrulous topographer, and must not be included among Micon's paintings. The

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[*] Cicero says he used only four colours; Plutarch names *ὤχρα, σινωπίς, μέλας, μηλιάς.*

[*] It is worth noting that one vase-painter of this period is named Polygnotus: a vase signed by him is in the British Museum.

close connexion existing between the great artists of this period, and the probable similarity of their style, is shown in the fact that the Marathon ascribed to Micon (No. 2) was probably painted by Panaenus, and that some of the works in the Theseion are in one author attributed to Polygnotus.

Panaenus, if, as is nearly certain, he was the brother[*] of Pheidias, probably in that case began his training under their father Charmides, who must have been also a painter. His personality is overshadowed somewhat by the superior claims of his greater brother; but the fact of his being chosen to paint the Battle of Marathon, and to decorate the throne rails and walls of the great temple of Olympian Zeus, show the high esteem in which his art was held. From the description which Pausanias gives (v. 11, 5) of his Olympian paintings, it is evident that his method corresponded to that of his contemporaries already described. With him we hear for the first time of those contests of painters which seem to have attracted the great masters in subsequent times to exhibit competitive works usually at the great games or religious festivals. Panaenus is recorded by Pliny (xxxv. § 58) as having been defeated in such a competition at the Pythia by Timagoras of Chalkis, an Ionic master who is otherwise unknown. Probably Pliny had derived this story from a copy that he may have seen of a metrical inscription of Timagoras, and this would explain the "Timagorae vetusto carmine" in the passage of Pliny.

Of **Aristophon** the brother of Polygnotus, and by Plato reckoned as his equal, some well-known pictures are quoted in Pliny and Plutarch: of these a *numerosa tabula* is probably to be identified as the principal scene of an Iliupersis, in which Priamus, Helena and Πειθώ, Ulixes and 'Απάτη, and Deiphobus appear, possibly (as *numerosa* would seem to imply) as an excerpt from a large composition. Besides this, we have an Astypalaea grieving for her son Ancaeus, wounded by a boar (suggestive of Adonis and Aphrodite); a Philoctetes (probably the same which Pliny saw in the Pinacotheca of the Propylaea at Athens); and a picture commemorating the agonistic victories of Alcibiades. This last subject has given rise to much discussion; one author (Satyrus) makes of it two pictures, the one representing Olympias and Pythias crowning Alcibiades, the other Nemea sitting with Alcibiades in her lap. The other authority (Plutarch) names simply Nemea seated with Alcibiades in her arms, and adds that it caused quite a *furore* in Athens; but "the elders took it ill, as savouring of tyrannia and lawlessness (*παρανόμοις*)." Klein explains the *παρανόμοις* as referring to a psephisma of the Athenians forbidding any one from attaching to a female slave or hetaira the name of a Penteteris. The terms of the description make it clear that it was one picture. Satyrus says that the painting was *'Αγλαοφῶντος γραφήν*: if this is so, we must imagine an Aglophon the second, for it is not possible that the father of Polygnotus could have lived so long. Probably either Satyrus or his quoter (Athenaeus) must have omitted the name of the son, and the quotation should run *'Αριστοφῶντος τοῦ] 'Αγλαοφῶντος*.

Two more painters must be named here, the tragedian **Euripides** (B.C. 480–406), who began life in this profession, and whose pictures were to be seen at Megara; and **Pauson**, whose name is thrice mentioned by Aristophanes in plays which give for him a margin of date between B.C. 426–389; only one work of Pauson is recorded, a horse painted to order, which from one aspect appeared to be galloping, and when inverted seemed to be rolling in the dust; but he is brought by Aristotle into comparison with Polygnotus in the passage already quoted (*Poet.* 2), where he says that Polygnotus painted men as better, Pauson as worse than reality, while **Dionysius** (of Colophon) represented them as they are. Of this last painter, we learn from Aelian (*Var. Hist.* iv. 3) that he imitated the technique and style of Polygnotus in everything except its grandeur (*μεγέθους*); while from Plutarch (*Timol.* 36) it would seem that his method was lacking in ease.

With **Apollodorus** of Athens a new epoch is commenced, of such importance that Pliny says of him that he was "the first to give the appearance of reality to his pictures (*exprimere species*), and to bring the brush into just repute." The great discovery here alluded to is the invention of aërial perspective, the treatment of different planes, the right management of chiaroscuro and the fusion of colours (Plut., *de gloria Ath.* 2, *ἐξευρὼν φθορὰν καὶ ἀπόχρωσιν σκιᾶς*), so that he earned the title of *σκιαγράφος*, and Pliny can say that before him no easel picture (*tabula*) had existed fit to charm the eyes of the spectator. Doubtless the school of Polygnotus had paved the way for this change: such a detail as that in the "Vision of Hades" by Polygnotus, representing the river of Acheron with fish and pebbly bed seen through the water; his practice of placing his figures on different levels; and the figures on upper levels half hidden by a line of hill,—these seem to bespeak a step immediately preceding that of true perspective; and it was Apollodorus who took this step. The scarcity of actual records of his works prevents our knowing whether his great fame (*ὁ κλεινὸς ἀν' 'Ελλάδα πᾶσαν*, says Nicomachus the painter-historian) is due to their individual excellence as much as to the value of his new discovery. Two of his works are recorded; a priest in prayer, and an "Ajax struck by lightning, at Pergamon." This last picture has been quoted as an example of the pictorial treatment of Apollodorus; as if it had shown Ajax in his ship, with startling effects of light and shade. Furtwängler, however, is probably right in suggesting that it was not Ajax, but the picture itself, that had suffered disaster; the same thing had happened to a painting of Parrhasius: Pliny records (xxxv. § 69) that a painting of this artist at Rhodes had been thrice struck by lightning and not consumed (*miraculo*). Possibly the Ajax picture also contained the picture of Odysseus, of which the Scholiast to *Il.* x. 265 says that this artist was the first to represent him wearing a seaman's cap, *pilos* (*πρῶτος ἔγραψε πῖλον*

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[*] Strabo calls him the ἀδελφιδοῦς, which would seem to mean "nephew," of Pheidias. Pausanias, Pliny, and Plutarch, on the other hand, call him the "brother;" and this would seem better to suit the chronology, seeing that he painted in the Stoa Poikile contemporaneously with Polygnotus and Micon.

'Οδυσσεῖ). His date is specially given by Pliny (xxxv. § 60) as the 93rd Olympiad (B.C. 408–405); but if we may judge from his relations with Zeuxis, it must go back considerably before that time. It is from this age that the establishment of easel-painting may be supposed to date; for although paintings on slabs of marble and terra-cotta were naturally in vogue from early times, it is only now that they begin to occupy the front place, hitherto held by the monumental paintings of Polygnotus; and this is the meaning of Pliny's statement, "neque ante eum tabula ullius," &c.; apart from which, Pliny's sources of information seem to deal with easel pictures alone, and to practically ignore the great epoch of monumental painting.

During the period which now terminates, Athens takes the lead in painting, under Polygnotus and Apollodorus, as she had done under Pheidias in sculpture. Though the artists who brought this about were not all Athenians by birth, Athens was the chief seat of their industry; and even afterwards, when by the Peloponnesian wars Athens had lost her supremacy, she still continued an important centre, although the art of painting now branches off into other directions, and is no longer so centralised. It has been customary to consider the sequence of the new schools as (1) Ionian, (2) Sicyonian, and (3) Theban-Attic. But since Athens continues to have an important share, it is better to accept two main branches only, viz. (1) the Helladic, of which Athens is the centre, as opposed to (2) the Asiatic.

Chief of the successors of Apollodorus was **Zeuxis** of "Heraclea." Of the many towns of this name, we cannot be sure which one is meant. Most critics have explained it as the town in Lucania, on account of the subsequent connexion of Zeuxis with that region, the pictures he painted for Agrigentum and Kroton, and because his teacher is named Damophilus of Himera. Klein, however, points out that this Heraclea was not founded until B.C. 432, whereas Aristophanes already in the *Acharnians* (l. 991) names a picture by Zeuxis; the date of this play is B.C. 426, so that the picture mentioned must have been painted in the seventh year of his age. Klein thinks that the Heraclea in Pontus is referred to, the "Heraclea" *par excellence*, and that would account for his being taught by a Thasian, Neseas. At any rate, he came early to Athens, and Xenophon tells us of the warm interest which Socrates felt in the young artist. In the *Protagoras* of Plato he is spoken of as a *νεανίσκος*, just arrived at Athens from Heraclea; this would give us a date for the youth of Zeuxis as between Ol. 89–90 (B.C. 424–417). Pliny, following some chronological authority, says that Zeuxis "entered the doors of art which had been opened by Apollodorus in Ol. 95. 4; ... others assert falsely Ol. 89."* It is evident at any rate that he belongs to the last years of the fifth and beginning of the fourth century. That he adopted and extended the improved methods of Apollodorus is evident; and that he won for his art a social standing far above what had hitherto been attained, is shown by the anecdotes recorded of him: how that he gave away his works as being beyond all price (usually, it is true, to the most influential patrons); how he composed an epigram *μωμήσεταί τις μᾶλλον ἢ μιμήσεται*, "easier to carp than to copy;" and how he acquired so much wealth "ut in ostentatione earum (opum) Olympiae aureis litteris in palliorum tesseris intextum nomen suum ostentaret." This has usually been explained as implying that Zeuxis wore at Olympia a robe in which his name was woven in gold letters. Such an interpretation involves a difficulty, both in the ablative *ostentatione* of the MSS. (which must then be altered to the accusative), and also in the plural *palliorum*. Klein's explanation gets rid of this difficulty: Zeuxis really exhibited his treasures at Olympia, and the *pallia* allude to the curtains hung in front of his pictures there. That curtains were thus used is shown by the well-known story of the curtain painted by Parrhasius, and by the passage in Lucian where Zeuxis, indignant at the dull comprehension of his picture by the public, tells Miccion his pupil to draw the curtain over it (*περίβαλε ἤδη τὴν εἰκόνα*).

Of the style of Zeuxis we have one excellent criterion in the detailed description of one of his paintings by Lucian, a Centauress nursing her young upon a meadow: the Centaur, half seen upon an elevation overlooking the scene, looks smilingly down, holding in his right hand, uplifted above his head, a lion cub to frighten the children. Two monuments have come down to us, which, though they do not bear out the actual words of this passage, yet seem undoubtedly inspired by the style of Zeuxis, and possibly by some such picture. The one, a Centauress suckling her young, is known only from the description of Philostratus, ii. 3; the other is a fine mosaic of the Alexandrine time from the villa of Hadrian (*Mon.* iv. 50). This also represents a scene from Centaur life, but in this case we have, as it were, the antithesis of Zeuxis' picture: a lion and tiger have overthrown and killed the Centauress; the Centaur, rushing up, has killed the lion, and swings over his head with both hands a mass of rock to strike the tiger which growls over its victim. On a rocky ledge above the scene on the left is a second tiger couched ready to spring. The mixture of idyllic and heroic motive combined in these pictures, in a strikingly novel situation, corresponds perfectly with what we can otherwise gather of the method of Zeuxis.

The most famous perhaps of his paintings was the Helena, executed for the temple of Hera Lakinia at Croton; in Cicero's time this picture was in Rome. Urlichs thinks that Pyrrhus must have removed it from Croton to Ambracia, that Fulvius Nobilior brought it thence to Rome (cf. Pliny, xxxv. § 66), and that it was removed from the temple of Hercules there by Philippus, and placed in the colonnade (*porticus*) built by him, where in Pliny's time it still was standing. In Cicero (*de Invent.* ii. 1, 1) we have the story in full. Zeuxis wished to paint a consummate pic-

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* The same idea in a poetic form is expressed in a verse of Babrius (see *Rhein. Mus.* 1850, p. 479). Klein suggests that the Apollodorus mentioned in the second part of Pliny's passage, "in eum Apollodorus supra scriptus versum fecit," was not the painter, but the chronologist of that name; this does away with the necessity of supposing personal relations to have existed between the painter Apollodorus and Zeuxis, and disposes of the grave difficulties which remain in the passage even if we accept the emendation *ipsi* for *ipsis*.

ture, and asked the Crotoniates for the five most beautiful of their maidens, in order that he might combine the fairest qualities of each in his picture. Like Rosalind, his Helena

> "of many parts
> By heavenly synod was devised;
> Of many faces, eyes and hearts,
> To have the touches dearest prized."

He was therefore allowed to choose out of all the maidens the five whose names, Cicero says, "many poets have handed down to memory." In Cicero's account there are apparently two versions combined; in the one case Zeuxis inspects all the maidens, in the other he only sees their brothers in the palaestra. Probably both stories are legendary. Klein suggests that they may have arisen in this way. We cannot, he says, suppose that the Helena picture was a solitary figure; no one woman, however composed, could represent her adequately to the Greek mind; in the Iliupersis of Polygnotus Helena is accompanied by five women (Paus. x. 25, 4); and on a vase-painting from Kertch, which is certainly influenced by the style of Zeuxis (*Compte Rendu*, 1861, pl. v. 1), we have a representation of her among her women, who are drawn in various stages of nudity. "If we imagine some such picture painted for the people of Croton, if we think of names written over the figures of the maidens, if we conceive them clothed as in the Kertch vase, we have the elements together of which the Crotoniate legend might be, I might almost say, must be, composed."[*]

It seems certain that there existed a second Helena by Zeuxis, which stood in the Corn Exchange (*στοὰ ἀλφίτων*) at Athens (Eustath. *ad Il.* p. 868, 37); and it is difficult to say to which of the two some of the references in literature, which are not distinctly specified, apply. It was doubtless the Athenian picture which was exhibited for gate-money, and which therefore received the nickname "Hetaira:" such an exhibition would certainly be better suited to a *stoa* than to a temple; and it was this to which Plutarch and Aelian must allude in the anecdote of the carping critic who did not admire the picture, and was set down by the reply of Nicomachus, "Take my eyes, and the godhead will be manifested to you." Brunn suggests that the Athenian picture was a copy, or else a replica by Zeuxis of the original at Croton; at any rate we have no means of deciding whether it was different in any particular.

In Pliny, xxxv. § 62, an Alcmene is mentioned which the artist gave to the people of Agrigentum; and an Infant Heracles strangling the snakes. Most critics had been led to make two distinct pictures out of this sentence, especially on the strength of a Pompeian painting of the latter subject (*Arch. Zeit.* 1868, Taf. 4). The question seems to be finally settled, however, by a vase-painting recently acquired by the British Museum (see Murray in the *Classical Review*, 1888, p. 327), which represents the infants and snakes, the Zeus (*magnificus Juppiter*), the assembly of gods (*adstantibus dis*), and the Alcmene who throws one arm around the neck of Zeus and with the other points vigorously down to the scene below, an action which may well correspond with the *matre pavente* of Pliny. The *magnificus Juppiter in throno* at first sounds out of keeping with the homely natural touch of Zeuxis; but in the vase-painting the Olympus is treated with just this absence of stiffness which we may well imagine is inspired by the painting of Zeuxis.

From other pictures mentioned as of Zeuxis, the Pan, Marsyas, and Eros crowned with roses, Brunn seeks to show that his easel pictures seem to have been confined to a few figures and isolated situations. But there is nothing to prove that these figures are not merely extracts from larger subjects; and this would suit better the method of the artist as we know it from the few pictures already identified, and also the vase-paintings of the time, in which as a rule preference is shown for elaborate compositions. When Zeuxis first reached Athens, the traditions of Polygnotus were giving place to the more purely pictorial technique of Apollodorus; to an imaginative genius such as his, a new world of art was disclosing itself; it was natural that he should open up new paths, new ways of looking at the real and at the unreal. Lucian says that he did not paint *τὰ δημώδη καὶ τὰ κοινὰ πᾶντα*, such as his predecessors had done, heroes, or gods, or wars, but was always trying some new creation, *ἀεὶ δὲ καινοποιεῖν ἐπειρᾶτο*. Aristotle sets him up as an instance of the *πιθανὸν ἀδύνατον*: the old fantastic creations of mythology, which had existed as little more than abstract ideas either in poetry or in art, have henceforward imparted to them a new life of their own; the same idyllic treatment will soon be applied to the world of gods as of men; and in Zeuxis we see already the germ of the ideas which are later to blossom out into the art of the Alexandrine age.

Beside the other painted works of Zeuxis, Pliny mentions specimens of his work in two other classes of art: his *monochromata ex albo*, which probably simply means pictures from which the colours had perished, leaving only the outlines sketched in; the same mistake had been made in modern times. At Herculaneum were found a series of drawings in red upon stone, the finest of which is signed by Alexander, an Athenian. It was always supposed that these represented a special technique, but in 1872 a similar slab was found at Pompeii, which showed within red outlines the perfectly distinct remains of a complete painting in colours: these colours have since almost entirely vanished. Besides these *monochromata*, Pliny also mentions certain plastic works of Zeuxis (*figlina opera*), which were alone left behind in Ambracia when Fulvius transferred the other art treasures thence to Rome (cf. Liv. xxxviii. 9, and xxxix. 5). Klein thinks that these were probably paintings on terra-cotta slabs, let into the wall, and therefore difficult to remove. They may have been, like the picture of Pan, painted for the decoration of the palace of Archelaus at Pella, and taken by Pyrrhus to Ambracia when he became master of Macedonia.

The greatest rival of Zeuxis was **PARRHASIUS** of Ephesus. It is true that some late authors represent him as an Athenian, but there seems no ground for supposing that, like Polygnotus, he obtained the freedom of Athens. He began

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[*] A vase in the British Museum (E 241) of this period shows ΕΛΕΝΗ at her toilet assisted by a small Eros and seven maidens.

life at Ephesus under his father's (Euenor's) tuition, and went early to Athens, which was the principal sphere of his activity. It was doubtless here that he came into contact with Zeuxis; their rivalry, which is by some authors declared to have been in favour of Parrhasius, appears to have been based principally on the difference in their methods of art. After the Peloponnesian wars, he seems to have left Athens, for we hear of him at Rhodes and Samos. About twenty pictures in all are attributed to him, among which some appear to have been of the character of genre, others mythological; in the latter class he seems to have come under the influence of Euripidean tragedy (Robert, *Bild und Lied*, 35); as, for instance, in the pictures representing the Healing of Telephus, the Madness of Odysseus, and Philoctetes on Lemnos.

In the personal traits recorded of Parrhasius, his Ionian character is strongly marked. His genial self-consciousness comes out in his love of luxury, in his purple mantle and gold crown; his wit, and his gift of poetry In his own verse he calls himself *ἀβροδίαιτος ἀνήρ;* which is turned by a contemporary into *ῥαβδοδίαιτος*, "living by his pencil": and he says that he is *Apollinis radice ortum*, that is, through Ion, founder of the Ionian race, sprung from the god. As to his artistic style, Brunn thinks that he can trace a radical contrast to that of Zeuxis: in Zeuxis the pictorial element had predominated; Parrhasius displayed a treatment of form highly finished in the drawing and modelling. Milchhöfer draws attention to his partiality for subjects depicting the emotion of pain, and points out the peculiar power which such a picture as his "Demos of Athens" must have demanded, of representing in one and the same figure the most contrary psychological effects.

In Pliny, xxxv § 68, it is stated that Parrhasius left behind "et alia multa graphidis vestigia in tabulis ac membranis eius ex quibus proficere dicuntur artifices."[*] The passage has given rise to much discussion; that traces of the *graphis* should remain in the easel pictures does not surprise us, but what are the *membrana?* Klein proposes to refer them to the sketches which Parrhasius is known to have made for works of toreutic art; from Pausanias and Athenaeus we learn that more than one metal-worker were occupied in reproducing in his craft the designs of this artist. Athenaeus further gives (xi. p. 782 b) the epigram on a skyphos of Heraclea, which represented the Illupersis:

> *Γράμμα Παῤῥασίοιο, τέχνα Μυός, ἐμμὶ δὲ εἰκὼν*
> *Ἰλίου αἰπεινᾶς ἃν ἕλον Αἰακίδαι.*

Moreover Pausanias (i. 28, 2), in describing the work on the shield of Athene Promachos, says that it was executed by Mys (*τορεῦσαι Μῦν*): "the designs of Mys for this and all other of his works were drawn by Parrhasius son of Euenor." It is clear, then, that there was a close connexion between the great painter and the toreutic art, and it is probable that the emphatic stress laid on the excellence of Parrhasius' drawing is mainly due to the existence of these *graphidis vestigia.* Pliny especially praises his skill in terms which would suit drawings of this nature, and quotes as his authority two writers who are known to have published books on the toreutic art. It is therefore highly probable that the eulogia bestowed upon Parrhasius for his drawing refer specially to this branch, and are not to be taken as detracting from his merit in the other branches of his profession. The evidence indeed is rather to the contrary. Of his colouring we learn from Diodorus (xxvi. 1) that "Apelles and Parrhasius in the skilful mixing of colours brought Painting to its highest point;" Parrhasius is in fact the immediate predecessor of the perfected colouring of Apelles; not yet indeed absolutely perfect himself, so that he is not included among those *in quibus iam perfecta sunt omnia;* but, on the other hand, not to be classed in this respect with Zeuxis, Polygnotus, and Timanthes, "who did not use more than four colours" (Cicero, *Brutus*, 18, 70).

Quintilian, in a comparison between Zeuxis and Parrhasius, says of the latter that "he so circumscribed everything that they call him the Lawgiver, because the types which he has handed down of gods and heroes are followed, as of necessity, by all other artists." Klein seeks to show that gods and heroes were in fact his principal theme; his heroes, in the mentions of them that have come down to us, appear to have been mainly single portrait figures; of his gods, only two are named, a Dionysus with Arete (the artist's favourite patroness) and a Hermes. Whether or no this Hermes was painted by the artist from his own portrait, it shows us at any rate the close relation which obtains now between the portrait and the ideal type.

The main difficulties of technique are now overcome, and the period of struggling with material is well-nigh past; with the new facilities opening out, it is natural that we should now hear of a number of new claimants to fame: principal among these stand the representatives of the Sicyonian school. We saw already that Sicyon had been one of the earliest afoot in the field of Painting; and there seems no doubt that the tradition had been carried on there uninterruptedly: but it is in the age following Zeuxis and Parrhasius that its sphere of activity is most strongly marked. The great sculptor Polycleitus had been a Sicyonian, and doubtless had left his mark on the character of the training which was imparted, for high prices, at the Sicyonian school.

In this school we may include the name of **TIMANTHES**, who is indeed expressly called "the Sicyonian painter" by Eustathius (*ad Il.* p. 1343, 60).[*] Pliny tells us that he successfully competed at Samos (doubtless at one of the annual art exhibitions already mentioned) with Par-

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[*] Brunn thinks that this was the reason why Pliny includes Parrhasius in the list of authors which he gives in the 35th Book, since no writing by him is otherwise alluded to. Klein supposes that Pliny must have had in mind the verses which Parrhasius wrote about himself and his works, and for this reason considered him as an author.

[*] Quintilian (*Inst. Orat.* ii. 13, 12) speaks of him as *Cythnius*, which Brunn and others have taken to mean that he originally hailed from Cythnos; Klein suggests that this writer misread his authority, taking ΣΕΚΥΟΝΙΟΣ for ΚΥΘΝΙΟΣ. It is possible that the painter Timanthes of Sikyon recorded in Plut. *Arat.* 32, 3, and who must have lived towards the end of the third century B.C., was a descendant of this artist.

rhasius. Parrhasius' picture on this occasion represented the contest between Ajax and Odysseus for the arms of Achilles; and when beaten, he complained that Ajax had again been defeated by an unworthy opponent (*i.e.* in Homer, by Odysseus, and at Samos, by Timanthes). We are not told what was the subject of Timanthes' picture on this occasion; but it is clear that it could not have been, as Brunn supposes, the same as that of Parrhasius. Of the four other pictures ascribed to him, the Palamedes is uncertain, the "hero" in the temple of Pax at Rome tells us nothing, and the Sleeping Cyclops is probably not by him: Pliny (xxxv. § 74) describes it as "a Cyclops sleeping, a tiny picture; to bring out the colossal size of the monster, the artist inserted figures of Satyrs, measuring his thumb with a thyrsos." The whole idea of this picture seems out of keeping with the age of our artist, and to belong rather to that idyllic time which treats the Cyclops from the idyllic point of view as the lover of Galatea. The "Timanthes" therefore who painted this may have been some much later artist of the same name.

We are thus left, for our estimate of Timanthes, to the most famous of his pictures, the Sacrifice of Iphigeneia, and the one with which he overcame in competition Colotes of Teos. The maiden was represented standing before the altar on which she was about to be offered up, and grief is exhibited in the faces of the bystanders. The intensity of emotion is graduated in the different faces, culminating in the climax with the father Agamemnon, whose head is veiled from view. More than one monument has come down to us which seems to have been inspired by this picture (see *Wiener Vorlegebl.* v. 8–10; the mosaic in *Arch. Zeit.* 1869, pl. 14; and Overbeck, *Her. Bildw.* p. 314 fol.): the most important of these is the Pompeian wall-painting (Overbeck, *ib.* pl. xiv. 10), which agrees in most of the important details with the description. The detail which appears constant throughout, the veiled grief of Agamemnon, is what seems most to have caught the fancy of the ancients; and it is possibly this fact which has inspired Pliny's estimate of his *ingenium*, so that he says of Timanthes that in his works the spectator sees more than is actually there (*intelligitur plus semper quam pingitur*). Apart, however, from oratorical gush, we may obtain a real idea of the grandeur of Timanthes' conception, which would seem to place him on a level higher than that of his contemporaries.

Eupompus of Sicyon is named by Pliny as belonging to this period (*hac aetate*), but that he was later than Timanthes we see from the fact that his pupils belong to a considerably later date. Of his pictures we know scarcely anything; but his importance is emphasised by the statement of Pliny, who says that "on his account" the schools of painting were now reckoned as three—viz. Ionic, Sicyonic, and Attic. It is evident from what has gone before that this cannot mean that Eupompus "founded" the Sicyonic school; it had existed from time immemorial; it merely means that from this time the Sicyonic painters begin to raise themselves as a separate class above the level of the rest of the "Helladic" school. The fame of the Sicyonic training spread so much that under **Pamphilus** the fee was raised to a talent for twelve years' instruction, and even the great Apelles was among his pupils. It is difficult to say wherein this great local superiority consisted, which tempted, moreover, wealthy amateurs like Ptolemy II. and Attalus to purchase at enormous prices galleries of specially Sicyonian old masters. Plutarch uses a special term for it, *χρηστογραφία*, which is usually explained as indicating the reaction in art against the methods of Zeuxis and his contemporaries. Klein thinks that the special revolution effected by the Sicyonic masters was their development of the encaustic method. It is certain, at any rate, that it was only from the time of Pamphilus that encaustic took its place on equal terms beside the ordinary methods. We have seen that under the Ptolemies the method found favour in Egypt; and that it took a lasting hold there we saw on p. 392 in the large series of such pictures which have been found in the Fayoum. It is thus that we shall understand the tirade of Petronius against the *audacia* of the Egyptians, which invented a shortened method (*compendiariam*) of obtaining the effects belonging to the great art of painting. This shortened method Klein understands as the abandonment of the use of the *cestrum*, and therewith of the *tarda picturae ratio* which encaustic had hitherto involved. If this is so, it is natural that the fame of these first reformers should rest more upon their method and their teaching powers than on their actual paintings. Of Pamphilus we only know four works, and these only by the barest mention of their subjects.

The same estimate is true also of his pupil **Melanthius**, whose superiority in composition is said to have been conceded by his fellow-pupil Apelles: of him, again, we only know one picture, which represented Aristratus, the Tyrant of Sicyon in Philip's time, standing beside the chariot of Nike: when under Aratus all effigies of Tyrants were subsequently destroyed, the figure of Aristratus was scraped out, and a palm-tree inserted in its place.

Another of the pupils of Pamphilus, **Pausias**, may be considered to have done most to develop the capabilities of the new method (Pliny, xxxv. § 123, "primum in hoc genere nobilem"). Striking effects of transparency, such as the face of his Methe visible through the glass out of which she drank; of gradations of single colours, so that in his famous Sacrifice picture the entire body of a bull seen in foreshortening was coloured black: such were the features of his work; which, moreover, seems to have been limited in other directions by the tediousness of the encaustic method; so that his pictures were almost all on a small scale, and occupied with subjects appropriate to the size, such as scenes of child life (*pueri*) and even (for the first time) flower subjects. Pliny tells a story of his restoring the mural paintings of Polygnotus at Thespiae, and adds that he was not very successful, "quoniam non suo genere certasset." We have, however, seen that Pliny neither knew nor cared anything about the great mural paintings; the "Thespiae" here is a mistake for Delphi, so that we can place no reliance on this evidence of Pausias' practice with the brush.

From this point the history of Painting seems to branch off. Brunn, and most critics following him, have thought to be able to trace a new school existing side by side with the Sicyonian, of which the name of Aristeides stands at the head, and which includes Nicomachus, Euphranor, and Nicias. This school was termed the "Theban Attic," for this reason: Aristeides is frequently termed Thebanus, and we hear of a picture by him in Thebes; after the decline of Theban power the school is supposed to have taken root at Athens; and a contrast is drawn between the "severe academic exactness and thoroughness" (*χρηστογραφία*) of the Sicyonian school, and the "greater ease and versatility, and invention more intent upon the expression of human emotion" of the Theban-Attic. This conclusion, which has been generally accepted, certainly appears to rest on very insufficient grounds, and it leaves us with an impression of the narrowness and one-sidedness of the Sicyonic school which is hardly warrantable in fact. Klein, who has subjected each of the artists of the period now succeeding to a searching examination, advances a theory which seems to do away with the difficulty. He traces the whole of these artists back in two pedigrees to the tutelage of the two artists, Aristeides and Pausias; he finds that Aristeides the "Theban" belongs no less to the Sicyonic school than Pausias or than Pamphilus "of Amphipolis;" that most of these artists can be more or less directly associated with Sicyon. "The powerful reaction which tradition, intelligibly enough, connects with Sicyon, . . . is only comprehensible by the knowledge that it was preceded by a freshening and permeation of the ancestral parent stock with Northern Greek blood. From North Greece it acquired the technique of encaustic, which it developed to the highest perfection; and thence arose the idea that Aristides and Pamphilus were the first artists in encaustic." From what we know of these artists it would appear that all spheres of art, from the highest to the lowest, were handled by them; but there is no reason to suppose that the traditions of technique and style which marked the Sicyonic school were not preserved in painting as they were in sculpture.

The most important figure is now ARISTEIDES, *Thebanus*. The facts which Pliny gives point to two masters of this name, of whom the one is the father (formerly read as Aristiaeus), the other the son, of Nicomachus. The statements in Pliny concerning these two Aristeidae are so hopelessly confused that it is impossible to distinguish between them with any certainty. If the grandfather can be identified with the pupil of Polycleitus, we may take about B.C. 330 as a convenient date for him, and about B.C. 280 for that of his grandson. It is possible that the epithet *Thebanus* is intended to distinguish the older Aristeides; but even here Pliny is confused, for he sometimes calls one and the same person *Thebanus* and contemporary with Apelles. The same confusion is probably traceable in his estimate of style: "is omnium primus animum pinxit et sensus hominis expressit, quae vocant Graeci ethe, item perturbationis (*πάθη*)." Perhaps we should assign to the elder the quality of ethos, to the younger that of *πάθος* and of being *durior paulo in coloribus*; and according to these qualities we may assign some of the pictures. The Dionysus was probably painted by the older and more famous of the two; its great estimation is shown by the fact that Attalus is said to have paid 100 talents for it, and Mummius afterwards sent it to Rome: also the picture of a sacked town, which Alexander acquired at the looting of Thebes, and of which one episode represented a dying mother, with her infant still suckling her breast. To the younger may be assigned the Battle with Persians, the *Leontion Epicuri* and the *anapauomene* (see *Arch. Zeit.* 1883, p. 41).

Of NICOMACHUS, the son of the elder Aristeides, we know very little. He painted, like Melanthius and his pupils, for the Tyrant Aristratus of Sicyon, who was a contemporary of Philip of Macedon; also a portrait of Antipatros, probably about Ol. 115. Among his other works we read of a Rape of Persephone; a Sleeping Maenad surprised by Satyrs (*Arch. Zeit.* 1880, p. 149); a Victory driving a quadriga heavenwards; and other pictures of gods and mythological scenes.

EUPHRANOR, the Isthmian, is mentioned as a pupil of Aristeides (probably about B.C. 360), and, like others of his predecessors, worked both in sculpture and painting; according to Pliny (XXXV. § 128), he was *docilis ac laboriosus ante omnis*, and in both branches of art excelled all his contemporaries. Of his pictures we hear specially of three great compositions for a stoa in the Ceramicus, representing the charge of the Athenians against the Thebans before the battle of Mantineia, pictures of the twelve gods, and a Theseus. Of this last, Pliny says *in quo dixit* that "the Theseus of Parrhasius looked as though fed on roses, while that of Euphranor seemed fed on beef." The *dixit* is usually taken as alluding to Euphranor; Klein suggests that it was a remark more appropriate to Parrhasius; the same confusion of Pliny comes out in his attribution of a "madness of Odysseus" to Euphranor in the same passage. After describing the three works in the Stoa, he adds, "nobilis eius tabula Ephesi est, Ulixes . . ." Now we know from Plutarch that Parrhasius painted a picture of this subject, and it seems absurd to suppose that Euphranor would have painted the same idea for the home of Parrhasius, Ephesus. The *eius* should properly refer to Parrhasius, who alone painted this subject, and the whole passage has been inserted here by Pliny in error. Of Euphranor's style we cannot judge; we only know that he devoted his attention to the canon of proportions, and is said to have written on this subject; but it remains uncertain whether or no he is to be considered as the predecessor of Lysippus in this study.

With NICIAS of Athens we are brought fully into the Alexandrine age. Plutarch narrates a story of his having refused to sell one of his pictures (the Nekyia) at sixty talents to king Ptolemy; on the other hand, we hear of him as a contemporary of Praxiteles: so that his sphere of activity must have lain between about B.C. 340–300. From a statement in Demetr. Phaler. (*de Elocut.* 76) we gather that he tried to bring about a reaction in style against the follies of contemporary artists, who "frittered away their art in painting birds and flower pieces;" and laid down the principle of the importance of choosing a fine subject, such as a battle-piece. Following this principle himself, we find him occupied with more than one subject of the Polygnotan school: the Nemea, probably a personification of the Nemean games, whom he represented bearing a palm and seated on a lion; and a Vision of Hades (Pliny, xxxv. § 132, *necyomantea Homeri*), the picture which he refused to Ptolemy and presented to Athens. It is interesting in connexion with this last to note that an ancient treatment of this subject has come down to us in the famous Odyssey landscapes excavated on the Esquiline in 1848–50 (Woermann, *Antiken Odysseelandschaften*): these six pictures are almost exact illustrations of the Homeric text (*Od.* x. 80 to xi. 600), and though decorative in idea are examples of complete landscape painting, showing due observance of aërial perspective. Their execution dates, as the masonry of the walls on which they were found shows, from the last years of the Republic; but from their style the designs may probably be referred to the Hellenistic period. Among the *grandis tabulas* of Nicias, Pliny mentions an Io, a subject of which several replicas exist at Pompeii; it is probable that the largest and finest of these, found on the Palatine, reproduces the general form of the composition of Nicias (see Woltmann, p. 56). Besides his large pictures, principally of heroines ("diligentissime mulieres pinxit"), he seems to have worked in encaustic; the Nemea was a specimen of this technique, on which the artist inscribed the statement that he had "burned it in" (*inussisse*); and to this style we may perhaps refer his pictures of animals and dogs, as well as the chiaroscuro and quality of relief for which he is praised. Connected also with his encaustic work was doubtless the *circumlitio* of the statues of Praxiteles which has already been dealt with on p. 395; and the painted scene on the sepulchral monument at Triteia which Pausanias describes (vii. 22, 6).

We now enter definitely upon the new phase of Hellenistic life in Greece, and among the many painters of this epoch one stands unquestionably at the head, APELLES, son of Pytheas of Colophon. His father was apparently not a painter, for he was sent to receive his first instruction from Ephorus of Ephesus; at a later age, when he was already beginning to be famous, he went to Sicyon, attracted there by the fame of the teaching of Pamphilus. Under Philip of Macedon he took up his residence at Pella, and continued as "court painter" under Alexander; when Alexander started on his Asiatic campaigns, he returned again to Ephesus. After this we hear of him at various times in Rhodes, where he is brought into contact with Protogenes; at Alexandria, at the court of Ptolemy Soter; and possibly at Cos. The numerous anecdotes and sayings attributed to him, such as *manum de tabula*, *nulla dies sine linea*, *ne sutor ultra crepidam*, must be considered merely as indications of his extensive popularity rather than as detailed evidence of his style. We cannot with certainty connect any picture by him with the material that has come down to us, so that we are left to the scraps of art criticism in ancient authors for an estimate of his style. As might be expected, by far the majority of his works seem to have been in the sphere of portraiture. Pliny says that it is useless to try and enumerate the many portraits by him of Alexander and Philip: besides these we hear of a Cleitos putting on his helmet; an Archelaus in a family group; an Antigonus arranged in profile, so that his defective eye was not seen; besides many others, principally of people connected with the Macedonian court. Perhaps most characteristic of him were the series of personifications of abstract ideas of the mind, represented generally as female figures in action. Such a picture was the Calumnia, which he painted at the court of Ptolemy in Alexandria, in punishment of his detractors there, and of which we have a detailed description in Lucian. To the same category may be referred the pictures of Charis and of Tyche; and the allegorical personifications of the phenomena of nature, as Bronte (thunder), Astrape (lightning), and the thunderbolt, Keraunobolia. His mythological pieces are comparatively few; by far the most important was doubtless the Aphrodite Anadyomene painted for the people of Cos: she was seen rising from the water, a type which may be compared with numerous marbles which have come down to us. Augustus carried the picture to Rome, remitting to the Coans a hundred talents of the tribute due, as compensation; by the time of Nero it had suffered so much that it had to be restored, a work which was carried out by a certain Dorotheus. As we should expect from an artist whose bent lay in portraiture, his talent lay less in large or elaborate compositions than in refinement and the complete study of nature. The stories that we are told of him seem to point to a great dexterity and lightness of touch, with the charm and grace of manner which was the natural outcome of his period.

His greatest contemporary was PROTOGENES of Caunus, an insignificant town on the Carian coast, subject to Rhodes, where the artist took up his abode (see *supra*, p. 395). Mr. Torr (*Classical Review*, 1890, p. 231) suggests that the artist had been accustomed to paint pictures of ships, as thank-offerings for escapes at sea. At any rate, it was probably mainly due to Apelles that his work came to be known and appreciated: on the other hand, this seems inconsistent with the fact that Pliny places him among those who practised sculpture as well as painting. Besides a few portraits, of Philiscus, Antigonus, and the mother of Aristotle, and one work in Athens, his chief themes seem to have been drawn from the local traditions of Rhodes; an often repeated anecdote records his presence at the sacking of Rhodes by Demetrius in B.C. 304, which we may take as a central point of his chronology. Demetrius spared the town from burning in order to save the picture by Protogenes of the Rhodian hero Ialysus. In this picture occurred the dog, the effect of whose foaming mouth was said to have been attained by Protogenes throwing his sponge in desperation at the picture; and the partridge, which though a mere detail attracted so much attention that the artist, in annoyance, erased it. To attain this high degree of realism, he is said to have worked very slowly, and it was against this impression of laboriousness that the criticisms of Apelles were directed.

ANTIPHILUS was by birth an Hellenistic Egyptian, who was already established at Alexandria when Apelles went there. Quintilian calls him *facilitate praestantissimus*, and his versatility is shown in the subjects of his works: these included large pictures in tempera, genre pictures, such as a boy blowing the fire (probably encaustic), and even caricature. The type of one of his works, a Satyr probably dancing, with a panther-skin, and snapping his fingers (*quem aposcopeuonta appellant*), is probably reflected in statuary, for example in the bronze "Dancing Faun" found in the "Casa del Fauno" at Pompeii (Overbeck, *Pompeii*,^{4} p. 550).

The principle of illusion was now becoming an end in itself, and the higher aims of art were neglected in the reproduction of ignoble and unworthy themes: a representative of the age was **Theon** of Samos, of whose *phantasies* the most famous is described by Aelian; it represented a warrior fully armed, charging out of the panel; when exhibiting this picture, the artist would have a flourish of trumpets sounded, and then draw the curtain. Other painters of this time are: **Aëtion**, who painted a marriage of Alexander and Roxane,* which has been fully described by Lucian; in this picture little Erotes are introduced, playing with the king's armour, a motive thoroughly characteristic of the Hellenistic age;—**Helena**, daughter of Timon the Egyptian, said to have painted the Battle of Issos which has inspired the famous Pompeian mosaic; and the school of painters in little, which, like the Dutch school of the same kind, occupied itself with genre and still life. Chief of these was **Peiraïcus**, whose speciality was "barbers' shops, cobblers' booths, asses, eatables," and the like, from which he received the nickname *rhyparographos* (i.e. rag and tatter painter, a parody on *rhopographos*, a painter of small and trivial objects): in spite of the contempt felt for such art, it seems to have commanded high prices, probably on the score of technical finish.

In the centuries following B.C. 300 few artists stand out with any individuality: to study the ideas of this time, we must look at the Hellenistic reliefs, and at the wall-paintings, as they are reflected in Roman imitations. The only artist of the period who won considerable fame is **Timomachus** of Byzantium, of whom Pliny says that Julius Caesar paid a large sum for two of his pictures; but we cannot follow Pliny in making Timomachus contemporary with Caesar: he probably belongs to an earlier century. The most famous of his pictures were: the Madness of Ajax, a Medea about to kill her children, and his Orestes and Iphigeneia in Tauris. Of the Medea picture, celebrated in antiquity no less than the Aphrodite of Apelles, we have several suggestions in wall-paintings, sarcophagi, and elsewhere; perhaps the finest is the picture of Medea herself in *Mus. Borb.* x. 21, in which the conflict of emotions in the mother's mind is admirably represented. It is this power of expressing the emotions and character with delicacy and depth that seems to characterise the works of Timomachus, and probably earned him his fame.

With Timomachus the history of Greek painting proper may be said to have come to an end. Under the successors of Alexander, the art had become cosmopolitan, and under the Romans the chief interest was finally transferred to Italian soil. During the last years of the Republic, and under the Emperors, the art treasures of ransacked Greece poured with a steady flow into Italy, and it is here that we must study its latest developments. But throughout antiquity, painting continued to be an essentially Hellenic art. It is true that we hear occasionally the names of Roman artists:—**Fabius Pictor** (B.C. 304), a member of the illustrious *Fabia gens* whose wall-paintings in the temple of Salus are praised, but whose profession was considered to have degraded his caste; **Pacuvius**, the tragedian (B.C. 219–129); **Jaia** or **Lala**, whose work in encaustic has been already mentioned (about B.C. 100); **Turpilius**, who painted with his left hand; **Titidius Labeo**, a former praetor and proconsul, who made himself ridiculous with his *parvis tabellis*; Q. **Pedius**, a boy of good family, who, being born dumb, was put to learn painting—he became proficient, but died young; and, lastly, **Fabullus** (Amulius), who lived in the time of Nero, and whom Pliny describes as *gravis ac severus idemque floridus pictor*. But even in Roman times the majority of the names are Greek in form, and it is quite certain that the majority of the subjects painted are referable to pictorial originals of Greek and Hellenistic art. It is true that in only a very few instances we are able to trace these Italian paintings back to an original described in literature; but Helbig's researches have proved beyond a doubt that such an origin is to be sought for them. The Greek creations were everywhere circulated and reproduced, in the form of cheap frescoes, and occasionally as the leading motive in works of sculpture.

The large number of scenes from daily life which occur in Italian paintings are divided by Helbig into two main classes, the Hellenistic genre pictures and the Romano-Campanian realistic scenes. The Hellenistic group, the most charming of all these pictures, are probably the nearest reflections we have of the genre spirit of the painters of the Alexandrine period. The subjects are ideal treatments of daily life, principally of women, youths, and children; girls with Erotes, or with Pan; toilet scenes and love scenes; much the same range of subjects in fact as those which we have in the idyllic poetry of the time, and in the terra-cotta statuettes; and filled with the same fresh and simple beauty.

The other class, which represent more directly the art of the time to which they belong, were subjects apparently inspired by the fancy of the handicraftsman; mechanics at their occupations, incidents of the market, bakers, fishmongers, gladiatorial scenes, usually appropriate to the locality in which they stand, and painted with a certain rough realistic dexterity. In these two classes we see reflected the two main styles of the Alexandrine painters, the ideal sensual style of Aëtion and the *rhyparography* of Peiraicus.

Of mythological scenes in Italian painting we have not many examples. The most important of these have been already noted in connexion

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* It is natural to think of the so-called "Aldobrandini marriage," one of the most famous of the ancient paintings which have come down to us; but the conception and style of this picture seem to reflect an original type belonging to a time far earlier than the period of Aëtion.

with the Greek artists whom they illustrate; we may specially mention here the series of four paintings on marble slabs from Herculaneum (Helbig, *Wandgem.* Nos. 170 b, 1241, 1405, 1464), of which the colours have faded, but the fine drawing in red outlines still survives (see *ante*, p. 411). On the finest of these, which represents five maidens inscribed with mythical names, of whom two are kneeling at the game of *astragali*, the artist has inscribed his name, Ἀλέξανδρος Ἀθηναῖος ἔγραφεν.[*] Marble paintings such as these (and possibly also paintings on wood) were at one period of Italian art used in the decoration of walls, being let into the surface of the wall amidst the other purely decorative designs; sometimes, as in the Roman house on the Palatine, with the object of imitating real views seen through open windows in the wall.

The majority of the mythological scenes now in use are chosen principally from the point of view of their affording scope for the insertion of *landscape:* such as Mount Ida, with the Judgment of Paris; the Caucasos, with the Freeing of Prometheus; Ariadne on Naxos; the Icarian Sea, with Daedalus and Icarus; and the Odyssey landscapes already quoted. The gradual growth of a feeling for landscape has been traceable through the history of the Greek painters. The tectonic, semi-sculptural painting of Polygnotus, with its anthropomorphic ideas and formulae of suggesting locality, had given way to the introduction of a definitive background, until finally, in the Hellenistic time of the Diadochi, landscape had become an end in itself. We see how strong this growing influence was, in the effect it had upon sculpture: from the pictorial scenes on the Gjölbaschi frieze to the Hellenistic reliefs, and such wall-decorations in sculpture as the Destruction of the Niobides, or the Apotheosis of Homer, both in the British Museum: in both these cases the side of a mountain is represented, with the figures, of diminutive size, placed at various levels. The art of landscape painting, first made possible by Apollodorus, was brought into repute by Antiphilus. Commencing with such mythological subjects which easily lent themselves to it, it soon came to the idyllic scenes of mere decoration; shrines in the open air, from the simple tree hung with dedications, to great temples and elaborate buildings, vistas of city architecture thronged with people, village landscapes with goatherds and sheep, and coast scenes; among which, as a reminiscence doubtless of the originals by the Greek painters of Alexandria, Egyptian landscapes also occur. As an instance of this last, we may quote the celebrated Palestrina mosaic; here, in a bird's-eye view, is a town flooded by the Nile, with a background of desert; negroes hunting fabulous monsters, islands with palms and cypresses, and covered with buildings of all kinds, hippopotami and crocodiles. In this connexion we have the name of a Roman painter, contemporary of Augustus, in an interesting passage of Pliny (xxxv. § 116); he says that LUDIUS (or Sextus Tadius?) was "the first[*] to bring in a singularly delightful fashion of wall-painting; villas, colonnades, examples of landscape gardening, woods and sacred groves, reservoirs, straits, rivers, coasts, all according to the heart's desire; and amidst them passengers of all kinds on foot, in boats, driving in carriages or riding on asses to visit their country properties; furthermore, fishermen, bird-catchers, hunters, vintagers; or again, he exhibits stately villas, to which the approach is through a swamp, with men staggering under the weight of the frightened women whom they have bargained to carry on their shoulders; and many another excellent and entertaining device of the same kind. The same artist also set the fashion of painting views, and that wonderfully cheap, of seaside towns in broad daylight." The name of Ludius has a special interest in the fact that he is the only artist mentioned in antiquity of whose painting a specimen has probably come down to us. In the Villa of Livia at Rome were found in 1863 the four walls of a room on which taken together the entire plan of a garden is painted (one of the walls is given in colours in *Antike Denkmäler*, i. Taf. 11; another in outline, *ib.* Taf. 24). "As this kind of garden piece is emphatically attributed to Ludius by Pliny, and as the villa belonged to the Imperial family in his time, and would doubtless therefore have been put into the hands of the decorator most in repute; and lastly, as the technical finish of the work surpasses that of all other existing antique wall-paintings, the opinion advanced by Brunn, that it is from the hand of Ludius himself, must not be hastily set aside" (Woltmann).

If we examine ancient landscapes in the light of our modern knowledge, the great difference that strikes us is the ancient lack of feeling for the charm of atmosphere. As a rule the horizon was placed abnormally high, and the various parts of the subject were distributed over the space in clear and equable light: this is generally toned off towards the sky-line, but special effects of light are rare. In an Endymion subject we have rays of moonlight; in the Odyssey underworld a special ray of light is introduced through an aperture in the rock; and in one case we have a sunset effect: but these are isolated instances. Moreover, the perspective, both aërial and linear, is seldom perfect. But in all these cases we must remember that the specimens before us are merely the work of decorators and handicraftsmen, usually executed in fresco, and that possibly in the works of the great Greek masters these criticisms would not apply.

It will be seen that almost all the paintings by which we can test the Hellenic art were executed in Italy. Very few have as yet been found there of the Republican period. In Rome the pictures found mostly belong to one style. In Pompeii the majority belong to the last ten years before the destruction of the city in A.D. 79,

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[*] Helbig points out that this signature may possibly refer to the original painter who designed the composition: it is clear, at any rate, that all four of these paintings are copies of earlier pictures, possibly by the same hand.

[*] Pliny's zeal for the honour of his countrymen has led him into an exaggeration here: Ludius was certainly not the first; he may have revived the art in Rome, and perhaps have invented some of the motives which Pliny mentions and which Vitruvius (vii. 5) does not allude to as belonging to the "ancient" style of decoration. The translation of the Pliny passage is taken from Woltmann and Woermann.

but within this limit of date there is great variety of style. Vitruvius (vii. 5), writing at about the time of Augustus, gives a sketch of the history of mural decoration from the Alexandrian age. Formerly, he says, the ancients used to imitate marble incrustations* in combination sometimes with architectural members. Later, it had been customary to paint upon the walls imitation buildings, columns and pediments, landscapes and mythological subjects: such as "harbours, promontories, shores, rivers, fountains, aqueducts, temples, groves, mountains, herds and herdsmen; or in some places specimens of *Megalographia*, such as mythological scenes, Trojan battles, or *wanderings of Odysseus arranged in panels*" (see the Odyssey landscapes above quoted). All these subjects were suitable, "because Painting is the representation of what exists or might exist." But now subjects taken from reality are despised. "We see upon our walls nowadays not so much copies of actual things, as fantastic monstrosities: thus reeds take the place of columns in a design; ribboned and streamered ornaments, with curling leaves and spiral tendrils, take the place of pediments; diminutive temples are supported upon candelabra; vegetable shapes spring from the top of pediments and send forth multitudes of delicate stems, with twining tendrils and figures seated meaninglessly among them; nay, from the very flowers which the stalks sustain are made to issue demi-figures having the heads sometimes of human beings and sometimes of brutes."

Assisted by this criticism of Vitruvius, we are able to trace differences of style in the development of wall decoration, corresponding to the different epochs. (1) The regular and stable painted semi-columns and pilasters, the *topia* of Vitruvius, like the Odyssey scenes. (2) Reed-like supports, which are gradually developed until (3) a network of these constructions covers the whole intermediate space, the structural idea being lost sight of.

Taken all in all, our direct monumental evidence of Greek painting is very small; for our literary evidence, we have mainly to rely on Pliny, who, as we have seen, is as a recorder of bare facts often untrustworthy, and as an independent art critic deplorable. The true art critic of antiquity, Lucian, who in matters of taste and understanding shows excellent judgment, has left a few precious descriptions which give a real insight as far as they go. If Pliny had been gifted with the critical faculty and insight of Lucian, we should now be better able to decide the question as to how far the standard of painting of the ancients was worthy to compare with that of their sculptures. If in technical correctness they were imperfect, we may be sure that their artistic instinct would have served in a great measure to cover this defect, and that in drawing and composition, at least, they did not fall short of the greatest masterpieces of modern times.

17. *Authorities.* — The principal literary sources of information upon the history, methods, and achievements of ancient painting are Pliny the elder, in his *Naturalis Historia*, Pausanias, and Quintilian; the writings also of Lucian, Plutarch, Athenaeus, Aristotle, Aelian, Cicero, the elder and younger Philostratus, and Vitruvius, contain many incidental remarks which are of great value in the history of a subject like Painting, in which so little has survived to us from antiquity.

The whole of the ANCIENT PASSAGES relating to Painting are catalogued under the names of the artists or of the period to which they refer, in Overbeck's *Die antiken Schriftquellen*, Leipzig, 1868.

Of the numerous tracts which have been devoted to the elucidation and emendation of these texts, we may select the following:—Urlichs, *Chrestomathia Pliniana*, 1857, and the same author in *Rhein. Mus.* xxv. p. 507, &c.; Oehmichen, *Plinianische Studien*, Erlangen, 1880; Furtwängler in Fleckeisen's *Jahrbücher für d. Ph.* Spbd. 9; Kroker, *Gleichnamige Künstler*, Leipzig, 1883; Robert, *Archäologische Märchen*, Berlin, 1887; Holwerda in *Mnemosyne*, "De Pictorum historia apud Plinium," 1888; and especially Klein's two articles in *Arch.-Epig. Mittheilungen aus Oesterreich-Ungarn*, xi. pp. 193-233, "Die Sikyonische Schule," and xii. pp. 85-127, "Die Helladische und Asiatische Schule."

In the following works a more or less GENERAL TREATMENT of the subject has been attempted:—Raoul-Rochette, *Peintures antiques Inédites*, Paris, 1836 (somewhat out of date); Brunn, *Geschichte der Griechischen Künstler*, 2nd edit., vol. ii., 1889; Woltmann and Woermann, *History of Painting* (English edition, edited by Sidney Colvin), 1880; and the article "Malerei" in Baumeister's *Denkmäler*.

For the study of individual details, see the following:—

TECHNIQUE.—Blümner, *Technologie und Terminologie der Gewerbe und Künste bei Griechen und Römern*, 1874–87, esp. iv. p. 414 fol.; the article in Baumeister, already quoted; and Helbig und Donner, *Untersuchungen über die Campanische Wandmalerei*, 1873.

ENCAUSTIC.—Helbig und Donner, *loc. cit.*; Blümner, *loc. cit.* iii. p. 200 fol.; Cros et Henry, *L'Encaustique*, 1884; Donner in *Beilage zur Allgemeine Zeitung* (Munich), 1888, pp. 2641-3, Petrie, *Hawara, Biahmu, and Arsinoe*, 1889, pp. 17–21, 37–46.

POLYCHROMY OF SCULPTURE AND ARCHITECTURE.—Baumeister's *Denkmäler*, s. v. "Polychromie;" Boeckler, *Die Polychromie in der antiken Sculptur*, 1882; Treu, *Sollen wir unsere Statuen bemalen?* Berlin, 1884, and in *Arch. Jahrbuch*, 1889, p. 18.

MOSAIC.—Raoul-Rochette, *loc. cit.* pp. 345-6; Engelmann in *Rhein. Mus.* xxix. pp. 561-89; Blümner, *loc. cit.* iii. p. 323; and Baumeister's *Denkmäler*, s. v. "Mosaik."

HISTORY.—Studniczka in *Arch. Jahrb.* 1887, pp. 135–168; Dümmler in the same, 1887, pp. 168–178 (on Polygnotus); *Wiener Vorlegeblätter* for 1888, pll. x.–xii. (for restorations of the Iliupersis of Polygnotus); Schreiber, *Die Hellenistischen Reliefbilder*, 1890; Wustmann, *Apelles' Leben und Werke*, Leipzig, 1870; Woermann, *Die Landschaft in der Kunst der antiken Völker*, 1876; Helbig und Donner, *Wandgemälde der vom Vesuv verschütteten Städte*, 1868; Urlichs, *Die Malerei in Rom vor Cäsar's Dictatur*, Würzburg, 1876; Woermann, *Die antiken Odysseelandschaften* (six plates in colour), Munich, 1875; Mau, *Geschichte der decorativen Wand-*

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* *Crustas parietum*; the marble slabs with paintings, which were let into walls.

malerei in Pompeii, 1882; Niccolini, *Le Case ed i Monumenti di Pompeii*, 1854, fol.; Overbeck, *Pompei*, 4th edition. For the Galleries of the Philostrati, see Fleckeisen's *Jahrbücher*, Spbd. 4, pp. 179–306, and Spbd. 5, pp. 135–181; *Philologus*, xxxi. p. 585; Bougot, *Philostrate l'ancien*; and *Magazine of Art*, v. p. 371. For reproductions of Mural Paintings, see *Monumenti dell' Inst. Arch.* throughout; Bartoli and Bellori, *Le Pitture antiche della Grotta di Roma*, 1706; Bartoli, *Gli antichi Sepolcri*, 1727; Barré et Roux, *Pompei et Herculaneum*, 1840, &c. (7 vols.).

For a fuller bibliography of the subject, see Brunet's *Manuel du Libraire*, tom. vi. pp. 1688–9, and especially E. Hubner's *Bibliographie der klassischen Alterthumswissenschaft*, Berlin, 1889. [C. S.]

PIGNUS. A thing is said to be pledged to a man when it is made security to him for the satisfaction of some debt or obligation due to him, the creditor acquiring a right in the thing pledged available against third parties as well as against the pledger, though the latter remains owner of the thing. Thus the right of pignus or pledge belongs to the class of *jura in re alienâ.*

The progress of the Roman law of pledge can be clearly traced. In the law of the Twelve Tables there was no independent right of pledge as distinct from a right of ownership, the only mode of giving security in early times being by a transfer of Quiritarian ownership of the thing to the creditor by mancipation or *in jure cessio*, on condition of its being re-conveyed when the debt was paid (*ut remancipetur, in jure cedatur*). [FIDUCIA.] The creditor who failed to re-convey when the debt was paid might be sued by a personal action, called *actio fiduciae*, for breach of faith; but as the debtor had parted with the ownership of the thing, he had no real action against third parties in respect of it. The first step in advance from this clumsy contrivance of a conveyance and a re-conveyance was the establishment of pignus, using this term in its strict sense: pignus was constituted by the simple delivery of a thing to the creditor as security for his debt without conveying the ownership of it to him. The creditor acquired by the delivery legal possession of the thing, being protected by possessory interdicts, but he had no real action (*actio in rem*) against third parties; moreover he could not dispose of the pignus to obtain satisfaction of his claim, nor could he make use of it while in his possession, but had simply a right of retention. It was a common practice, however, for the parties to a pledge to make a condition, called Lex Commissoria, by which, if the debt was not paid, the thing became the property of the pledgee. It will be seen that this form of security was less advantageous to a creditor than that of a conveyance with a fiducia, and that, on the other hand, it did not interfere so much with the rights of the debtor, since he remained owner of the pignus and was able to vindicate it from any third party. Ultimately the praetor made a great reform in the law of pledge by allowing a pledge to be constituted by simple agreement (*nuda conventio*); thus making delivery a matter of form, and by giving an *actio in rem* to a pledgee without depriving the pledger of his ownership. This change was first instituted to enable a landlord to recover the property (*invecta et illata*) of his farming tenant (*colonus*) which had been pledged to him for his rent (*pro mercedibus fundi*), the remedies for this purpose being the *interdictum Salvianum* [INTERDICTUM] and the *actio Serviana in rem*. The latter remedy was extended under the name of *actio quasi-Serviana* or *hypothecaria*, generally to creditors who had things pignerated or hypothecated to them, whether by delivery or simple agreement. The creditor also acquired the power of selling the thing pledged if his debt was not satisfied.

The term *pignus* may signify generally a thing pledged in any way, but in a strict sense it means a thing pledged by delivery, hypotheca being the proper term for a thing pledged by mere agreement (Dig. 13, 7, 9, § 2; Isid. *Orig.* 5, 25; see also Cic. *ad Fam.* xiii. 56). Gaius (Dig. 50, 16, 238) says that pignus is derived from pugnus "quia quae pignori dantur, manu traduntur." This is one of several instances of the failure of the Roman jurists when they attempted etymological explanation of words [MUTUUM]. The element of pignus (pig) is contained in the word *pa[n]go* (Gr. πήγνυμι) and its cognate forms.

Having traced the history of pledge, we proceed to give some account of the law on the subject as it appears in Justinian's legislation. A right of pledge or mortgage cannot arise or continue unless there is some principal obligation to which it is accessory. The principal obligation may be of any kind, as for money borrowed (*mutua pecunia*), or for dos, letting and hiring, mandate; it may be conditional or unconditional, for part of a sum of money as well as for the whole (Dig. 20, 1, 5). It could be one not enforceable by action, but only binding *naturaliter* (Dig. 20, 1, 14, § 1). [OBLIGATIO.] The amount for which a pledge was security depended on the agreement: it might be for principal and interest or for either; or it might comprehend principal and interest, and all costs and expenses which the pledgee might be put to on account of the thing pledged (Dig. 13, 17, 8, § 25). Anything could be the object of pignus which could be an object of commerce (Dig. 20, 1, 9; Dig. 20, 3, "quae res pignori vel hypothecae datae obligari non possunt"), movable as well as immovable things, even things which are consumed by the use. It might be a thing corporeal or incorporeal, a single thing or an entire property. If a single thing was pledged, the thing with all its increase was the security, as in the case of a piece of land increased by alluvio. If a shop (*taberna*) was pledged, all the goods in it were pledged; and if some of these were sold and others bought in, and the pledger died, the pledgee's security was the shop and all that it contained at the time of the pledger's death (Dig. 20, 1, 34). If all a man's property was pledged, the pledge comprehended also his future property, unless such property was clearly excepted. A man might also pledge any claim or demand that he had against another. It is to be noticed that the objects of pledge were much extended by the establishment of the principle of hypotheca, since previously only such property could be pledged as was capable of delivery. The act of pledging required no particular form. Nothing more was requisite to establish the validity of a pledge than proof of the agreement of the parties to it. It was called *contractus pigneratitius* when it was a case of pignus; and *pactum hypothecae*, when it was a case of hypotheca: in the former case, as we have seen, delivery was necessary. A man might also by his testament make a pignus (Dig. 13, 7, 26). A man could only pledge a thing when he was the owner and had full power of disposing of it. If a man pledged a thing which was not his, he did not make the thing a pignus, but the creditor had the right of bringing an actio Publiciana for its recovery, if the pledger could maintain this action. If the pledger afterwards became owner of the thing, the pledge became a valid one under certain circumstances (Dig. 13, 7, 20; 20, 2, 5: cf. Windscheid, *Pandekten*, 1, § 230).

A pignus might be created by law; that is, there was among the Romans an implied hypothec (*tacita hypotheca*, *pignora tacite contracta*), which existed not by consent of the parties but by rule of law (*ipso jure*), in respect of particular kinds of obligations (Dig. 20, 2, "In quibus causis pignus vel hypotheca tacite contrahitur"). These hypothecae had either for their object some particular things belonging to the debtor—special hypothec; or his entire property, present and future—general hypothec.

The following are instances of special hypothecae:—1. The lessor of a building or land not intended to be used for agricultural purposes had a hypotheca, in respect of his claims arising out of the contract of hiring, on everything which the lessee (*inquilinus*) brought upon the premises for constant use (*invecta et illata*). 2. The lessor of agricultural land had an hypotheca on the farm as soon as they were collected by the lessee (*colonus*) for claims arising from the lease (Dig. 20, 2, 7; 19, 2, 24. From this rule of Roman law the old Scotch law of hypothec seems to have been derived). 3. A person who lent money to repair a ruinous house had an hypotheca on the house for the amount of his money which had been laid out on such repair. (This hypothec was established by a senatusconsultum under the Emperor Marcus.) 4. Pupilli had a hypotheca on things which were bought with their money, but not in their name. (Constitution of Severus and Caracalla.) 5. A legatee had a hypothec on any property which the person charged with the legacy had derived from the estate of the testator.

The following are the cases of general hypothecae:—1. The fiscus had a general hypotheca on the property of its debtors in respect of all claims for penalties. (For the history of the law on this subject, see Dernburg, i. §§ 41, 43.) 2. The Emperor personally and the Empress on goods of their debtors (Dig. 49, 14, 6, § 1). 3. The husband on the property of him who promised a dos. 4. The wife on the property of her husband for recovery of dos and parapherna in her husband's possession, and in respect of claims arising from *donatio propter nuptias*. 5. Minors and lunatics on the property of their guardians. 6. Children under certain circumstances against the estates of their father or mother (Windscheid, *Pandekten*, ii. § 232). 7. Churches on the property of their emphyteutic tenants for enforcing liabilities on account of waste (Nov. 1, c. 3, 2).

Pignus might be created by a judicial sentence, as for instance by the decree of the praetor giving to a creditor power to take possession of his debtor's property (*missio creditori* *in bona debitoris*); either a single thing or all hi property, as the case might be. But the permission or command of the magistratus did no effect a pledge, unless the person actually too possession of the thing. The following ar instances:—The *immissio damni infecti caus* [DAMNUM INFECTUM]; *legatorum servandoru* *causa*, which had for its object the securing of legacy which had been left *sub conditione* or *di* (Dig. 36, 4); *missio ventris nomine in possessionem*, when the pregnant widow was allowe to take possession of the inheritance for the protection of a postumus. The right which a perso obtained by such *immissio* was called *pign* *praetorium*. *Pignus judiciale* was when the jude ordered the goods of a person to be taken a security for the satisfaction of a judgment (*e* *causa judicati*).

The person who had given a pledge was stil owner of the thing that was pledged. He coul therefore use the thing and enjoy its *fructus* if he had not given up possession. But th agreement might be that the creditor shoul have the use or profit of the thing instead o interest, which kind of contract was calle *antichresis* or mutual use: if there was n agreement as to use, the creditor could not us the thing even if it was in his possession. Th pledger could also sell the thing pledged, unles there was some agreement to the contrary, but such sale could not affect the right of th pledgee (Dig. 13, 7, 18, § 2). If the pledger sold and delivered a movable thing that was pignerated or was specially hypothecated, without the knowledge and consent of the creditor, he was guilty of furtum (Dig. 20, 1 13, 2; 47, 19, 6; 66, 4). If the pledger at the time of a pignus being given was not the owner of a thing, but had the possession of it he could still acquire the property of the thing by usucapion, while it was in the possession of the pledgee, for the pledging was not an interruption of the usucapion [POSSESSIO]. Th pledgee might either have possession of th thing from the first by delivery, or might hav taken possession subsequently on account of th default of the debtor. In either case he wa entitled to keep possession till his demand wa fully satisfied. For the purpose of obtainin possession of the pledge he had the actio hyp thecaria or actio quasi-Serviana against eve person who was in possession of it; his ri to recover in this action was derived from title of the person who had pledged the thing him. If a pledgee could not obtain posses of the thing pledged, or was evicted on acco of some defect in the title of the pledger, only remedy was a personal action against latter. A creditor who had a pignus had a a right to the *interdicta retinendae et recu* *randae possessionis*. [INTERDICTUM.]

A pledgee could pledge the thing that pledged to him; that is, he could transfer pignus (Dig. 20, 1, 13, § 2). In case his dem was not satisfied at the time agreed on, pledgee had a right to sell the thing and himself out of the proceeds (*jus distrahendi* *vendendi pignus*). (Dig. 20, 5; Cod. 8, 27, This power of sale might be qualified by terms of the agreement; but the creditor co not be deprived of all power of sale, nor could he be compelled to exercise his power of sale. Gaius (ii. 64) illustrates the proposition that a person who was not owner of a thing could in some cases alienate it, by the example of the right of a pledgee to sell the thing pledged; but he adds that the right of sale in this case may perhaps be referred to the consent of the debtor or owner, who by entering into a contract of pledge agreed that the pledgee should have such right. In case of a sale the creditor, according to the later law, must give the debtor three separate notices of his intention to sell; and after the last of such notices, he must wait two years before he could legally make a sale. If anything remained over after satisfying the creditor, it was his duty to give it to the debtor; and if the price was insufficient to satisfy the creditor's demand, his debtor was still debtor for the remainder. If no purchaser at a reasonable price could be found, the creditor might become the purchaser, but still the debtor had a right to redeem the thing within two years on condition of fully satisfying the creditor (Cod. 8, 34, 3).

An agreement that a pledge should be forfeited in case the demand was not paid at the time agreed on was originally very common; but it was declared by Constantine, A.D. 326, to be illegal. [COMMISSORIA LEX.]

A pledgee who had acquired possession of a pignus was under an obligation to restore it to the pledger on payment of the debt for which it had been given; and up to that time he was bound to take such care of it as a careful person would take. On payment of the debt, he might be sued by the pledger in a personal action called *actio pignoratitia*, for the restoration of the thing, and for any damage that it had sustained through his neglect. The remedy of the pledgee against the pledger for his proper costs and charges in respect of the pledge, and for any dolus or culpa on the part of the pledger relating thereto, was by an *actio pignoratitia contraria*.

If there were several creditors to whom a thing was pledged which was insufficient to satisfy them all, he whose pledge was prior in time had a preference over the rest ("potior est in pignore qui prius credidit pecuniam et accepit hypothecam," Dig. 20, 4, 11). There were some exceptions to this rule: for instance, when a subsequent pledgee had lent his money to save the thing pledged from destruction, he had a preference over a prior pledgee (Dig. 20, 4, §§ 5, 6). This rule has been adopted in the English law as to money lent on ships and secured by bottomry bonds. Certain hypothecae had a preference or priority (*privilegium*) over all other claims. Of these claimants, the Fiscus came first in respect of taxes and contracts; then the wife in respect of her dos; and then those who had been put to some expense in repairing or restoring a thing. In the case of unprivileged creditors, the general rule, as already observed, was that priority in time gave priority of right. But a hypotheca which could be proved by a writing executed in a certain public form (*instrumentum publice confectum*), or which was proved by the signatures of three reputable persons (*instrumentum quasi publice confectum*), had a priority over all those which could not be so proved. If several hypothecae of the same kind were of the same date, he who was in possession of the thing had a priority. The creditor who had for any reason the priority over the rest was entitled to be satisfied to the full amount of his claim out of the proceeds of the thing pledged. A subsequent creditor could obtain the rights of a prior creditor in several ways. If he furnished the debtor with money to pay off the debt, on the condition of standing in his place, and the money was actually paid to the prior creditor, the subsequent creditor stepped into the place of the prior creditor (Dig. 20, 3, 3). Also if he purchased a thing on the condition that the purchase money should go to satisfy a prior creditor, he thereby stepped into his place. A subsequent creditor could also, without the consent either of a prior creditor or of the debtor, pay off a prior creditor, and stand in his place to the amount of the sum so paid. This arrangement, however, did not affect the rights of an intermediate pledgee (Dig. 20, 4, 16).

The pledge was extinguished by a release of it on the part of the creditor, also by the destruction of the thing, for the loss was the owner's; it was also extinguished if the thing was changed so as no longer to be the same, and not capable of being restored to its former state (Dig. 13, 7, 18, § 3); further, it was extinguished by confusio—that is, when the right of ownership and right of pledge were merged in the same person, and lastly by a prescription of ten or twenty years under certain conditions.

(Dig. 20; Cod. 8, 14–35; Gesterding, *Die Lehre vom Pfandrecht*, &c.; Sintenis, *Handbuch des gemeinen Pfandrechts;* Bachofen, *Das römische Pfandrecht*, &c.; Dernburg, *Das Pfandrecht nach den Grundsätzen des heutigen römischen Rechts;* Windscheid, *Pandekten*, § 224, &c.; Puchta, *Inst.* i. § 246, &c. There is an English treatise entitled *The Law of Pledges or Pawns as it was in use among the Romans*, &c., by John Ayliffe, London, 1732, &c.) [E. A. W.]

PILA, PILA LUSORIA (σφαῖρα), a *ball*. In this article it is proposed to include an account, not merely of the different kinds of balls, but of the exercises and also the games for which they were used by the Greeks and Romans. The subject has been somewhat complicated in modern treatises by regarding as *games* what what were merely gymnastic or medico-gymnastic exercises. It will be more convenient to keep them apart. Exercise merely for the sake of bodily health and vigour and grace of movement was more commonly sought at all times of life among these nations than exercise primarily for the sake of amusement, whereas the converse is now the case: and there can be no doubt that the majority of Greeks and Romans who indulged in so-called "games" at ball were practising and exercising their muscles, not, as we should say, "playing": still, there were some notable exceptions, which will be classed as games.

As regards the historical view of these exercises and games, we find the earliest mention in two passages of the Odyssey (vi. 100; viii. 370). In the former, where Nausicaa is playing with her attendant maidens, the ball is merely tossed from one to the other, as a graceful and healthy exercise, while (probably) they danced in measured time (Athen. i. p. 14 d): in the passage of Apollonius (iv. 952), who no doubt had this scene in his mind, he speaks of maidens playing *σφαίρᾳ περιηγέϊ*, where Becq de Fouquières is certainly right in taking the adjective to mean, not round, but circulating from hand to hand. In the other passage of the Odyssey we have two performers dancing rhythmically, throwing up a ball, and catching it as they danced: in fact, they may be classed as jugglers. As far as we can trace the earliest Greek ball-play, it seems to have been of the nature above described, a sort of adjunct to the dance and music, forming, in fact, part of what we may call the figures of the dance. According to Athenaeus, the practice long remained; for he cites (i. 24 b) Carystius of Pergamum as saying that it was still in vogue among the women of Corcyra. It seems likely that the name *βαλλαχράδαι*, applied to Argive boys keeping festival, had something to do with this choric ball-play (see Krause, *Gymnastik*, i. p. 300; Grasberger, *Erziehung*, i. p. 89). It is useless to discuss the question whence came these amusements or exercises to the Greeks: various opinions are given in Herod. i. 68, Athen. i. 14 d. Without, however, accepting as better than any other the theory that the Spartans invented it (Athen. *l. c.*), we may notice that it early had a strong hold, with other gymnastic exercises, at Sparta. This is also indicated by the term *σφαιρεῖς* applied to Spartan youths, *i.e.* those who were passing out of the stage of *ἔφηβοι*, and were not yet reckoned as *ἄνδρες*. The name was, no doubt, applied to them because the ball-play formed an important element in the gymnastic training at that precise age, probably accompanied with music, as part of the *choric* exercise of the Spartans (Pausan. iii. 14; *C. I. G.* 1386, 1432; Gilbert, *Staatsalt.* i. 68; Schömann, *Antiq.* 264). From whatever country it was introduced the exercise was highly regarded by the Athenians, who recognised the value for general bodily health and development, afterwards elaborately insisted upon by Galen and other medical authorities. The gymnasia had therefore a special room (*σφαιριστήριον*) for the purpose [Gymnasium]; and Athenaeus (i. 19 a) tells of the distinction given to Aristonicus of Carystus, the *συσφαιριστής* of Alexander, who was made a citizen of Athens and honoured with a statue. The fondness of Dionysius of Syracuse for the exercise is noticed by Cicero (*Tusc.* v. 20, 60).

That it took root quite as strongly at Rome is abundantly shown in Latin literature. It was, as Krause, Becker, and many others particularly notice, played by all ages: men, and even old men, as well as boys, "without loss of dignity." This fact cannot, however, at any rate now, be made, as even recent writers make it, a point of distinction between ancient and modern customs. Among notable instances we may mention Augustus, who took exercise with the *pila* and *folliculus*, until he was too old for anything but the litter or a gentle walk (Suet. *Aug.* 83). (For similar record of other emperors cf. Suet. *Vesp.* 20; [Capitol.] *M. Ant.* 4; Lamprid. *Alex. Sev.* 30.) Pliny (*Ep.* iii. 1, 8) tells us of Spurinna, who made this exercise one of his careful methods for preserving a green old age: Seneca (*de brev. Vit.* 13) complains that many made such exercises the main object of their life. In the well-known line of Horace (*Sat.* i. 5), when Maecenas goes to play at ball, Horace and Virgil do not join him, on the ground that "pila lippis inimicum et ludere crudis." It is a curious comment on this passage, that Galen specially notes that those who use other gymnastic exercises become, "like the Litae of Homer, *χωλοί τε ῥυσοί τε παραβλῶπές τ' ὀφθαλμώ*, while those who play judiciously at ball escape such maladies." It is necessary to point out that the exercise was not indigenous at Rome. The old Roman followed the severer exercises of hunting and riding: the *pila* came in with Greek customs (Hor. *Sat.* ii. 2, 10). The Byzantine emperors combined the two in a sort of "polo," which will be described below. The Thermae at Rome had their *sphaeristerium* for games at ball [Balneae, Vol. I. p. 283 *a*]: this exercise was taken *before* the bath (Hor. *Sat.* i. 6, 125; Mart. vii. 32, xiv. 163). Attached to large country-houses there was a similar court (cf. Plin. *Ep.* ii. 17, v. 6; Villa). Where greater space was wanted, the play was in the Campus Martius.

The Apparatus for playing.—In Oribasius, i. p. 529, we find five kinds of balls mentioned, *μικρά, μέση, μεγάλη, εὐμεγεθής, κενή*. Mistakes have been made in the endeavour to construe the description which is there given of the uses of these balls as though they were games, whereas they are merely medical gymnastics: in many cases something like extension exercises with dumb-bells, since the ball does not leave the hand at all. It is probable, however, that we may assume the five sizes of balls to have been used in different games as well as for exercises, and may *possibly* take five Roman names for balls—(i.) *harpastum*, (ii.) *pila trigonalis* or *trigon*, the pila *par excellence*, (iii.) *arenaria*, (iv.) *paganica*, (v.) *follis* to correspond; but it is more probable that *arenaria* is only another name for the *harpastum*, the name being given because the rules of the game permitted taking it at the rebound, which was not allowed in trigon. Martial, in the *Apophoreta*, mentions only the other four without naming the arenaria. The ordinary ball was stuffed with hair; see *Anth. Pal.* iv. 291:

> λίην ἔντριχός εἰμι· τὰ φύλλα δ' ἐμοῦ κατακρύπτει
> τὰς τρίχας· ἡ δὲ τρύπη φαίνεται οὐδαμόθεν.
> πολλοῖς παιδαρίοις ἐμπαίζομαι· εἰ δέ τίς ἐστιν
> εἰς τὸ βαλεῖν ἀφυὴς ἵσταται ὥσπερ ὄνος.

The last line does net, as some writers state refer to a term belonging especially to *σφαιριστική*: the word *ὄνος* is used of the vanquished in many trials of skill. [Basilinda; Ostrakinda.] The "quarters" or lappets (here called *φύλλα*) were often coloured (Ov. *Met.* x. 262, *pictae*; Petron. 27, *prasina*). Seneca uses the word *commissurae* for the seams where they were sewn together (*Q. N.* iv. 11). The hair-stuffed ball was no doubt either of the two smallest sizes: the *μικρὰ σφαῖρα* was the smallest and hardest of the balls, and is in Latin the *harpastum* (Pollux, ix. 105); and the pila arenaria probably = the "pulverulentum harpastum." The next in size, also a hard ball, is the especial pila, the *pila trigonalis*; and then follows the *paganica* (probably the *μαλάκη* of Pollux), which was stuffed with feathers, and according to Martial (xiv. 45) was "tighter" (*i.e.* harder as well as smaller) "than the *follis* and less so than the *pila*." Its name was probably, as Marquardt thinks, derived from its being used at games between the country *pagani*, though it was not confined to them (Mart. vii. 32). Lastly we have the follis, the *κενή*, or air-blown ball, in its construction like our football, but not so used; for there is no trace of football among the Romans.*

Beyond the balls and the court, or the measured space out of doors, and perhaps arm-guards for the follis, neither Greeks nor Romans had any apparatus for ball-play, as far as we know, until the late Byzantine age. There is no trace of any sort of racquet or bat; for in the passage of Ovid, *Art. Am.* iii. 361, the *reticulum* is a network bag holding balls. Galen in his treatise *περὶ τῆς σμικρᾶς σφαίρας* makes a special point of its economy as needing nothing *πλὴν σφαίρας μόνης*, and in contrasting the amusements which require more apparatus he does not mention any game at ball: all our accounts speak of striking with the hand or arm; and Martial, if any sort of bat had existed, would have mentioned it in the *Apophoreta*. It may also be noticed that the game of tennis was called "lusus pilae cum palma" in 1356 (Littré, s. v. *paume*), whence our deduction would be that the use of the racquet is later, and that the name (*cum palma*) was given to the game when "fiving," or striking with the palm, was the only stroke, to distinguish it from those in which catching was allowed. Possibly the arm-guards, before referred to, may have been the genesis of a bat in later times; but whether the "polo" which existed at Byzantium before the 11th century (see below) was the first game in which the ball was struck with any implement, it is impossible to say.

Technical Words.—It is necessary to explain shortly certain words used technically of these exercises in Greek and Latin, and the more so because many writers have imagined separate games in words which are merely descriptive of the method in which the ball was thrown, whatever game might be played. Many terms also which are distinguished should really be taken as synonymous. Thus, to *throw* a ball to another is *διδοναι, βάλλειν, ἀφιέναι, dare, mittere, jactare:* to *catch* it, *λαμβάνειν, δέχεσθαι, accipere, excipere, captare:* and so *datatim ludere* means "to play at catch," *i.e.* merely toss backwards and forwards (Plaut. *Curc.* ii. 13, 17; Naev. *ap.* Non. 96, 15). The words *remittere* and *reddere* (*ἀντιπέμπειν, ἀνταφιέναι*) mean to *throw* the ball back to the sender. But there is a totally different stroke when the ball is "fived;" that is, is struck with the palm of the hand and either returned or sent sideways, without being first caught and then thrown: in Latin this is expressed by *repercutere* (Sen. *de Ben.* ii. 17); when the ball is "fived" back to the sender—(Marquardt in the *Privatleben* wrongly, we think, renders it *zurückwerfen*)—and when the ball is struck sideways to a fresh player, by the words *expulsare* (Mart. xiv. 56) or *expellere* (Petron. 27). One would naturally suppose that the Greek word *ἀπόρραξις* had the same meaning; and though Pollux (ix. 105) and Eustathius (*ad Od.* ix. 376) limit its use to making the ball rebound from the floor, it seems to us that there can be little doubt that the *primary* technical sense was *striking* with the hand instead of throwing, and that it belonged to that sort of stroke applied variously in various games or exercises, whether making the ball rebound against floor or wall, or "fiving" it to other players. We must also differ from other writers who limit the words *expulsim ludere* to this striking against a wall. (Johann Marquardt is still further from the truth in making it = the *βαλεῖν εὐτόνως* of Galen, for that is simply a strong throw.) *Expulsim ludere* expresses the stroke with the palm or the fore-arm: in its simplest form it is the hitting repeatedly against a wall (one sort of *ἀπόρραξις*); as in the picture given by Varro (*ap.* Non. 104, 27), "videbis Romae in foro ante lanienas pueros pila expulsim ludere": but it refers to the *method* of the stroke, not to the game, and it means therefore to strike the ball in that way of which the words *expulsare* or *expellere* and also *repercutere* are used. Similarly "*raptim* ludere" merely expresses the method of play adopted by one who (like the *medicurrens* in *harpastum*) *rapit* or *ἁρπάζει*: that is, catches the ball while it is flying between two other players. Lastly, the feint of pretending to throw the ball to one person and actually throwing it to another is probably expressed by the word *φενίνδα* (which also gave one name to a game: see below), and also by *ἐκκρούειν* (Athen. i. p. 15 a), and in Latin by *fallere* (Prop. iii. 4, 5). In the lines of Saleius Bassus (?), *de laud. Pis.* 172 (*Poet. Lat. Min.* i. 233), "volantem aut geminare pilam juvat aut revocare cadentem, Et non sperato fugientem reddere gestu," the *geminare* must = *repercutere*, to return to the sender by a stroke with the hand (cf. Ter. *Ad.* ii. 1, 19); the "revocare cadentem" to catch it near the ground, and the last line to *throw* it back after a difficult catch when the return had not been expected (*not* = *φενίνδα*, where *mittere* rather than *reddere* would be used).

Ball-exercises.—Here we must class (i.) *οὐρανία*, *datatim ludere*, which is the simple practice of "catch," and has its name because the ball is usually thrown high in the air (Pollux, ix. 106; Eustath. *l. c.*; Phot. *s. v.*), just as a high throw is now sometimes called a "skier": it might or might not be made a rhythmical exercise by accompanying music and dance, as often is the Greek *οὐρανία*; (ii.) various forms of making the ball rebound against a floor or wall, as described above; (iii.) various kinds of posturing with the ball or throwing it forward with no object, except muscular exercise and extension, which Antyllus describes (*ap.* Oribas. i. p. 528: see Becq de Fouquières, *Jeux des Anciens*, 195.)

Sphaeromachiae or *games at ball:* i.e. those in

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* For the use of this ball, see FOLLIS: probably its fitness for the old (Mart. xiv. 47) depended on the fact that there was little running about, and no grappling (as in the harpastum), and not so quick a return (since the ball was much less elastic) as in the trigon. Though absolute proof is lacking, it is probable that the game was played with an arm-guard, as shown on a coin of Gordian; and it is a fair inference that the modern *pallone*, played with similar *blown* balls and with arm-guards, is a descendant of the *follis*, though possibly with altered and more elaborate rules. For an account of *pallone*, see Story, *Roba di Roma*.

which there are *sides* which win or lose. (i.) The game called *ἐπίσκυρος* (also *ἐφηβική* and *ἐπίκοινος*: Poll. ix. 104, Eustath. *l. c.*). In this game the ground was marked by two base lines (*γραμμαὶ κατόπιν*) and another line drawn parallel to them through the middle of the ground, presumably more than a stone's throw from them, which was called *σκῦρος* or *λατύπη*, because it was marked with finely-broken stones. The ball was placed upon this line (whence the name *ἐπίσκυρος*), and the players started at the same moment from their respective base lines. The player who could first seize the ball threw it as far as he could towards the enemy's base line[*]: the object was to force the line of enemies back by constantly returning the ball further and further over their heads until they were driven over their own base line. Clearly, getting the first throw by fast running at the start must have been an enormous advantage (cf. Schol. *ad* Plat. *Legg.* i. p. 633 C). It is not improbable, though there is no proof of it, that the contest of the pagani (whence the name *paganica* for the third-sized Roman ball) was a game of this kind. It seems to have been regarded as a game for the young (*ἐφηβική*), and for large numbers (*ἐπίκοινος*). Nothing can have been less like golf, to which Becq de Fouquières (p. 203) seems to compare it, when he says, "on le retrouve encore en Écosse."

(ii.) *Harpastum* (or, by the older name, *Phenínda*; in Athen. and Eustath. *φαινίνδα*; in Clem. Alex. *φενίνδα*; in *Etym. Mag.* *φεννίς, φενίνδα, φενακίνδα*).—This game cannot with certainty be reconstructed, but the following seems to us an outline most consistent with our authorities. (Galen, *περὶ τῆς σμικρᾶς σφαίρας*: Sidon. Apoll. v. 17; Mart. iv. 19, vii. 32, xiv. 48; Athen. i. p. 25; Eustath. *l. c.*; Poll. ix. 105.) We have clearly two sides (*i.e.* it was a *sphaeromachia*), for Galen lays stress on the fact that there is emulation (*φιλοτιμία*), which exercises the *ψυχή*, as well as movements which exercise the limbs and the eye: there are presumably base lines as goals, without which it is hard to understand what he says about generalship (*στρατηγία*), and positions won and lost (*φυλάττειν τὸ κτηθὲν ἢ ἀνασώζειν τὸ μεθεθέν*). The ground was then probably rectangular, the two ends being base lines, and it was divided by a line in the centre (the *trames* of Sidonius) into two equal camps. There was always one "middle player," a special feature of the game, called *medicurrens* (Sidon.), or *ὁ μεταξύ* (Galen: cf. *vagus*, Mart. vii. 32), each side being probably so represented in turn: how the "innings" of the medicurrens ended, we do not know, but perhaps he gave up his place to one of the other side whenever a point was scored against his side. One would fain imagine *two* "middle players," one for each side, but the persistent use of the singular both in Greek and Latin authorities would seem to preclude this, and to necessitate some such explanation as is here attempted. It is probable that (as also in the quite distinct modern *pallone*) a ball dropping *dead* (*i.e.* falling again after the first rebound) was a point against that side in whose camp it dropped, and that a point was scored by that side which could send it so as to drop over the base line of the enemy: whether a certain number of points, or the highest score in a given time, decided the victory, we do not know. That the ball could be caught, either as a volley or at the first rebound, is clear from Mart. xiv. 48, and agrees with the epithets *pulverulenta* and *arenaria.* The ball was, no doubt, started from one of the base lines, and the object of the medicurrens was to catch it as it went past ("praetervolantem aut superjectam," Sidon.), in which case he would have a great advantage in either throwing it over the enemies' line or into some unguarded spot of their camp, where it would fall dead, or throwing it to some friend who was advantageously posted. The *feint* of throwing, expressed by *φενίνδα*, would clearly often be employed, as also the *φυγή* (Eustath.) or *καταστροφή* (Antiphanes and Sidon.), *i.e.* turning hastily back after an advance, so as to defend an unguarded spot; for, as seems clear from Galen, the rest of the players could post themselves forward or back as seemed best. They were also permitted to rush upon the medicurrens, and grapple or wrestle with him, or one another, in any way they chose, one side trying to spoil his catch, the other to protect him and foil his assailants (cf. Galen, *ὅταν συνιστάμενοι πρὸς ἀλλήλους καὶ ἀποκωλύοντες ὑφαρπάσαι τὸν μεταξύ, κ.τ.λ.*). For this purpose they may use *τραχηλισμός, ἀντιλήψεις παλαιστρικαί*, &c. The *τραχηλισμὸς* [LUCTATIO, p. 84] explains Martial's description of the game, "grandia qui vano colla labore facit." The view here proposed will explain Galen's words when he eulogises this game for *all ages*, on the ground that you can choose what sort of muscles, and to what amount, you wish to exert:—"It exercises one set of muscles in the advance, another in the retreat, another in the spring sideways . . . also the hands when they try in various postures to catch the balls . . . it also practises the eye, for if one does not accurately mark the course of the ball one must miss the catch . . . while in the wrestling part of it the *θώραξ, ὀσφύς*, &c., are exerted, or you can take running . . . but if you are old and want milder exercise (*τὸ πρᾷον*) you may exercise your arms and rest your legs by throwing from a distance" (*i.e.* by playing *back*), "and you can take as little of the wrestling as you please." The *σφοδρότατον*, which involves throwing, running and wrestling, is the place of medicurrens; the wrestling alone is the part of those who try to thwart him: for the rest of the players the advance and the *καταστροφή* supply the running, without much throwing, while others can stand almost at rest near their base and merely throw when the ball comes to them. It is illustrated by the description of Sidonius, where a bystander at the side is jostled into the middle of

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[*] This is clearly the sense of *προανελόμενοι ῥίπτουσιν* in Pollux, which Johann Marquardt misunderstands; he is also in error when he says that the players might *kick* the ball as well as throw it (he strangely cites as his authority Becq de Fouquières, though that writer quotes no passage to prove it). We must repeat that we cannot discover any trace of "football" in Greek or Latin writers; and, further than this, Galen speaks of the exercise in these games, to the muscles *of the arms by throwing*, but *of the legs by running:* had kicking the ball been within the rules, he would certainly have mentioned it.

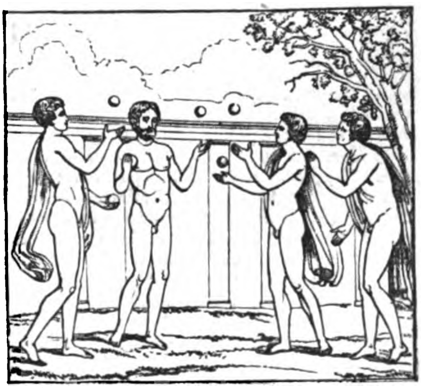
the game, "medicurrentis impulsu," and then knocked over by a rush in the *catastropha*. We have ventured to differ altogether on this point from Johann Marquardt, who imagines three distinct games for three ages and strengths: Galen's language points to one game in which different parts are taken; and it is clear from Pollux ix. 105 and from Clem. Alex. *Paed.* iii. 10, 50, that ἡ μικρὰ σφαῖρα is regarded as a definite well-known game, not several games. As to the identity of pheninda with harpastum we have the positive statement of Athenaeus that it was the old name of harpastum, the belief of Pollux that it was, and the fact that in some places (Clem. Alex., *l. c.*) it still went by that name; and, moreover, no writer mentions both games as distinct. It is no doubt possible that the harpastum which Athenaeus played may have been more elaborate in its rules than the pheninda, of which he quotes a description from Antiphanes. It seems sometimes to be forgotten that the interval between these two writers was as long as between Chaucer and our own time. The play in Antiphanes seems to be as follows:—

There are several players; A (possibly = medicurrens) has caught the ball and intends to throw it to B, which he eventually does, but meantime he slips away from C (τὸν δ' ἔφευγε), misleads D (τὸν δ' ἐξέκρουσε), and calls E's name as a feint (πλαγκταῖσι φωναῖς), though he has no intention of throwing it to him: the last two lines express the flight of the ball passing over and beside the medicurrens, and the verbs should probably be imperatives, giving the actual cries of the players. It gives only a fragmentary view of the game, but so far as it goes might be describing a portion of the harpastum of later authors. For the spelling φενίνδα and its connexion with φενακίζω, see Johann Marquardt, p. 15, note; *Hermes*, iii. p. 455; Grasberger.

(iii.) *The Trigon.* — This favourite Roman game was not strictly a sphaeromachia (cf. Stat. *Silv.* praef.), since there were not *sides*, but each played for himself; still it was a legitimate game, played for winning and losing. The following description may, as it seems to us, best meet the accounts which we have. There were three players standing in the form of an equilateral triangle: each player had one ball to start with, and played for his own score; he would wish both his fellow-players to miss their strokes, and drop the ball as often as possible. He might send his ball to either player (presumably there was some rule about sending it fairly within their reach), and he might do so either by catching the ball which came to him and throwing it, or by "fiving" it, so as either to strike it back to the sender (*repercutere*) or sideways to the third player (*expulsare*). Obviously the most disastrous position would be receiving three balls nearly at the same time—if, for instance, his own ball is smartly "fived" back to him, and almost simultaneously the two others have been sent to him; obviously, also, his easiest position was to receive only one ball at a time with a fair interval before the next. This may explain the vexed passage of Mart. xii. 82 about the flatterer Menogenes—

"Captabit tepidum dextra laevaque trigonem
Imputet acceptas ut tibi saepe pilas."

To say, with Becker, that Menogenes was showing off *his own* skill must be wrong; that would be the worst flattery; but, by catching right and left two balls (not, of course, simultaneously, but as nearly so as possible), instead of returning them sharply he could throw them gently at certain intervals to his patron, so giving him time to deal with the stroke of the third player, without dropping any of them. It is an often repeated error, founded on a misconception of Mart. vii. 72, xiv. 46, that the stroke in the trigon was necessarily left-handed. The left-handed strokes are merely the test of a good player. Probably all players who can make a good stroke left-handed, can do so also with the right hand, but the converse does not hold good. In this game the *pilicrepus*, or juggler (see below), was employed somewhat like a marker at tennis or racquets, to count the won and lost strokes at the end of a "rest" or "rally" ("non quidem eas quae inter manus lusu expellente vibrabant, sed eas quae in terram decidebant," Petron. 27). The inference is that the catches had not a positive value, but the winner was he who least often allowed the ball to drop. As is the case with our markers, the pilicrepus, whose profession led him to exhibit in the Thermae, often gave instruction to the inexperienced; and in games he was probably the umpire of doubtful strokes. This is, we think, the true explanation of the cut from the baths of Titus, which represents four players and six balls. It is not a game at all, but the pilicrepus, who alone is a bearded man, is teaching the art of playing trigon to three young players, throwing in balls in succession, to practise hand and eye; one of his pupils is learning to catch two balls "dextra laevaque." The game would be much faster than this lesson to tirones, and the pilicrepus would stand aside, and count the failures aloud. Seneca, complaining of the noise of ball-play at the baths, says, "Si vero pilicrepus supervenit et numerare coepit, actum est."



Lesson in Trigon. (From the Baths of Titus.)

(iv.) *The Equestrian Sphaeromachia.*—From Cinnamus (*Hist.* vi. 4) it will be seen that the game played on horseback by the Byzantine princes differed little from polo as it is now played. The Emperor Manuel Comnenus (A.D. 1143–1180) plays at this game, "an exercise customary for emperors and princes for a long time past" (ἀνέκαθεν), in which a number of mounted players, divided into two equal sides, throw down a leathern ball, "about the size of an apple," into a measured ground. The ball is placed in the middle: the players start at full speed from their base lines towards it, "each holding in his right hand a long stick of a certain length, with a broad curved end" (*καμπή*); this *καμπὴ* has a network of catgut; the object is to strike the ball over the base line (*πέρας*). The game is "dangerous, as the rider has to stoop low (*ὑπτιάζειν*) from his horse and turn quickly according to the turns of the ball." Manuel's horse fell and rolled upon him, and, though he tried to remount and continue the game, he was forced to take to his bed and defer an intended campaign. [See also FOLLIS.]

It remains only to speak of the *pilicrepus*, or juggler with balls (also called *pilarius*), who, as shown above, also acted as marker. We have many representations of single performers, male and female, tossing up several balls; even throwing and catching them with the feet ("reddere planta," Manil. v. 165). A misunderstanding of this has perhaps caused the utterly erroneous notion that the Romans played football. Ursus Togatus (Momms. *Ephem. Epigr.* i. 55) was a juggler of this kind ("vitrea qui primus pila lusi decenter"). It is an error of Krause (*Gymnastik*, p. 303) to deduce (with Burette) from this passage that the pilicrepus merely = "joueur de paume;" and a still greater error to suppose that the *games* of trigon, &c., could be played with glass balls. Ursus Togatus (as Marquardt and Becq de Fouquières rightly point out) was a juggler who introduced glass balls in his performance as a novelty. As a pilicrepus he tells us that he not only showed off his skill in the Thermae, but also taught the art of playing at ball.

[On this whole subject many different opinions may be found in Krause, *Gymnastik*, 299–315; Grasberger, *Erziehung*, 88 ff.; Marquardt, *Privatleben*, 841–847; Becker-Göll, *Gallus*, iii. 169–183; Becq de Fouquières, *Jeux des Anciens*, 176–211; Johann Marquardt, *de Sphaeromachiis Veterum* (1876).] [G. E. M.]

PILA. [MORTARIUM.]

PILENTUM, a state four-wheeled carriage with cushions, which conveyed the Roman matrons, *flamines*, and Vestals in sacred processions and to the public games (Verg. *Aen.* viii. 666; Hor. *Ep.* ii. 1, 192; Claudian, *de Nupt. Hon.* 285; Isid. *Or.* xx. 12). It had a covered roof (as a *currus arcuatus*) similar no doubt in shape to that which is represented in the woodcut of LECTICA on p. 15 (see also under CARPENTUM and CAMERA); but it was open all round. The well, or body of the carriage, was called *arca* (Macrob. *Sat.* i. 6, 15), or *capsus* (Vitruv. x. 9, 2; Isid. *l. c.*), which corresponds to the Gallic word *ploxenum* of the small Gallic carriage [CISIUM]: here were placed cushions for the occupants, and also any sacred vessels which they were conveying. This explains the account in Macrob. *l. c.*, of a boy looking at the procession out of a garret window and seeing how the *secreta sacrorum* were set out *in arca pilenti*. The distinction of using the pilentum was granted to the Roman matrons by the senate on account of their giving gold and jewels to the state at the time of the fall of Veii (Liv. v. 25; cf. CARPENTUM). As regards the use of it by the flamines, see Liv. i. 21; for the Vestals, Prudentius, *contra Symm.* ii. 1089. The pilentum is distinguished from the carpentum by having four wheels (Isidore, *l. c.*) and by its not being covered in with curtains at the sides, as was, at any rate sometimes, the case with the carpentum. The two-wheeled carriage drawn by lions which Rich gives as a pilentum from a medal of the Empress Faustina must be a carpentum; and its explanation may be found in the fact that in the *pompa circensis* the figures of deceased empresses were taken in a carpentum (Marquardt, *Staatsverw.* iii. 511). Suetonius (*Claud.* ii.) mentions that Livia's was drawn by elephants. It is possible, however, that the lions may be merely a fanciful emblem. (Ginzrot, *Wagen*, cap. liv.; Marquardt, *Privatleben*, 735; Becker-Göll, *Gallus*, iii. 17.) [J. Y.] [G. E. M.]

PILI'CREPUS. [PILA.]

PILL'EUS or **PILL'EUM.** The art of making felt by beating hair or flocks of wool into a compact mass seems to be at least as old as the art of weaving. It was practised in antiquity by the peoples of Greece and Italy, and in fact seems to have been known over the greater part of both Europe and Asia. No details of the processes of manufacture itself have come down to us, though the products are frequently mentioned by Greek and Roman writers from the earliest time. The art (*ἡ πιλητική*, Plato, *Polit.* p. 280 C; *ars coactilaria*, Capitol. *Pertin.* 3, 3) was a recognised industry for a "maker of woollen felt" (*lanarius coactilarius*, Orelli, 4206 [*I. R. N.* 6848]; *lanarius coactor*, Gruter, 648, 3) and is mentioned in Roman inscriptions.

Felt was put to a large number of different uses, such as to provide not only a covering for the sheds of military engines (Aen. Tact. 33), but also garments (cf. Plato, *Polit.* l. c.; Pliny, *H. N.* viii. § 191), as Caesar's soldiers did when they were in need of arrow-proof jerkins (*B. C.* iii. 44). Boots or socks [UDONES] were also made from felt. By far the most important use of it, however, was to provide a covering for the head in the shape of hats and caps. Among the Greeks and Romans of the classical period it was most unfashionable to wear anything, except perhaps a helmet, when out-of-doors, at any rate in a town. Doubtless this was partly due to the prevailing custom of taking a siesta or remaining in the shade during the hottest time of the day, but the reason Lucian puts in the mouth of Solon seems still more plausible. Anacharsis had complained that, wishing not to appear a stranger at Athens, he had left his hat at home and was feeling the heat (*de Gymn.* 16, *τὸν γὰρ πῖλόν μοι ἀφελεῖν ἔδοξεν, ὡς μὴ μόνος ἐν ὑμῖν ξενίζοιμι τῷ σχήματι*), and Solon explains that it was their gymnastic training which enabled the Greeks to do without any head-gear.

The practice, however, of going bare-headed was, as we shall see, far from universal, and apparently characteristic of the well-to-do and leisured rather than of the labouring classes, who for the most part wore caps. Even the upper classes, when hunting or travelling, or otherwise exposed to rough weather, resorted to them, as did sickly or delicate folk. The general name for all such hats was *πῖλος* or *κυνῆ*, both words being applied not only to caps of felt and skin respectively, but even to helmets of metal.

In Homer πῖλος is used of the felt which lined the helmet (κυνέη) of hide which Odysseus wore. Elsewhere the κυνέη is of bronze, or, if nothing else, strengthened and protected with it (cf. Liddell and Scott, *s. v.*); but in the Odyssey we find Laertes wearing a κυνέη of goatskin while working on the farm (*Od.* xxiv. 231). This was probably not far different from the πῖλος ἀσκητὸς which Hesiod recommends for rainy weather (*Op.* 546), and indeed peasants of every period wore caps of this kind often of skin, but also of felt. (Cf. Athen. vi. p. 274: the Romans wore προβατέων δερμάτων πίλους δασεῖς).

They were like a fez, of a conical or sugar-loaf shape, with a crown like the end of an egg, and were loose enough to be dragged over one's ears to keep off the cold or rain (Hesiod, *l. c.*). A sower in the painting of a cylix of Nicosthenes in the Berlin Museum (Catalogue, No. 1806; cf. Gerhard, *Trinkschalen u. Gefässe*, Taf. 1; Blümner, *Leben u. Sitten*, iii. fig. 48) is represented in a hat of this description. The celebrated cylix by Sosias in the same collection (Catalogue, No. 2278; *Mon. d. I.* i. 24, 25; Blümner, *ib.* iii. fig. 22) shows the wounded Patroclus, who has taken off his helmet, wearing a skull-cap of felt, which unmistakably acts as a lining, reminding one irresistibly of the πῖλος in the κυνέη of Odysseus.

This sugar-loaf or fez-like shape of felt cap seems to have been known as the πιλίδιον (= *pilleolum*), though modern archaeologists are in the habit of giving it the name πῖλος, which, when we consider the very general way in which this word is used, can scarcely be said to have classical warrant.

The cap itself was worn universally by artisans and sailors, along with the ἐξωμίς, and accordingly appears with it in art as their characteristic costume; and, in the case of mythological persons, is worn by Hephaestus and Daedalus as craftsmen and by Charon and Odysseus as seafarers (cf. preceding cut from a statuette in Winckelmann's *Mon. Ined.* ii. 154). In the case of Odysseus, we are told by Pliny that Nicomachus was the first to give him the πῖλος (*H. N.* xxxv. § 109, "Ulixi primus addidit pilleum"); but Schöne maintains (*Hermes*, vi. 125) that this was to represent him feigning to be mad, and not necessarily as a sailor. However this may be, it is difficult, with the evidence of vase-paintings of the perfect Attic style before us, to believe that there can have been any novelty in giving him a cap at such a late date.

Odysseus offering wine to the Cyclops.

Sailors with πιλίδιον. (From a vase-painting.)

The πιλίδιον or fez-shaped πῖλος was frequently worn with a band, which made it fit tighter on the head. Below the band there is naturally a piece of the edge left free, and by a perfectly natural process this becomes a brim. As a result we see on the monuments hats with brims of every conceivable width, from those that are little more than a fez, with a band tied round, to the broadest of wide-awakes.

Those with the incipient brim are frequently seen on the monuments as worn by warriors, but it is in most cases difficult to say if it was really of felt and not of bronze. Both were worn, for we hear of πῖλοι Λακωνικοὶ ἢ Ἀρκαδικοί, which were doubtless of felt, as were the πῖλοι, which protected the Spartans at Pylos so badly from the Athenian arrows (Thuc. iv. 34, 3: cf. Iwan Müller, *Handbuch*, iv. p. 254); while, on the other hand, a πῖλος χαλκοῦς is mentioned in Aristophanes (*Lys.* 562). A good instance of a πῖλος worn by a warrior which might possibly be felt is the relief from a tomb in *Bullet. de Corr. Hell.* pt. 7 (cf. Blümner, *ib.* i. fig. 6), while brazen πῖλοι are worn by the soldiers on the frieze from Xanthus in the British Museum (Nos. 32 and 37).

Warrior in πῖλος and ἐξωμίς, from a relief. (Blümner.)

The wide-awake was known by the distinctive name of *πέτασος*, and the fashion of wearing it came from Thessaly along with the *χλαμύς*, which it accompanies almost as invariably as the *ἐξωμὶς* does the *πιλίδιον*, the two forming the characteristic costume of the Athenian youth when serving in the cavalry. Many of the *ἔφηβοι* in the Panathenaic procession on the Parthenon frieze wear this dress, which is also one of the commonest in Greek vase-paintings of the perfect style, a figure from one of which is given in the accompanying cut.

πέτασος and χλαμύς.
(From a vase.)

From the earliest time the *πέτασος* was the constant attribute of Hermes in art, though frequently its brim is so narrow that it scarcely deserves its name. In Greek art of the later part of the fifth century Hermes' hat is occasionally winged, in later times more frequently and in Roman art invariably so. In early art it is only the *κυνέη αΐδου* worn by Perseus that is winged. From a passage in the *Oedipus Coloneus* of Sophocles, where Ismene wears a *θετταλὶς κυνῆ*, which can only mean a *πέτασος*, it would seem as if women occasionally wore it when travelling.

The *πέτασος*, as worn by travellers and hunters, had not only a band which fastened it tightly round the head, but a strap which passed under the chin, and enabled the wearer, who, not being accustomed to it, naturally felt its weight, to let it hang down his back. This is very frequent in works of art, often doubtless because it enables the artist to show the outline of the head more sharply. The Hermes on the celebrated drum of a column from the temple of Artemis at Ephesus is a familiar instance of the fashion.

The brim of the *πέτασος* was usually not even all round, but cut into various convenient or fantastical shapes, of which examples from ancient vase-paintings are here given, after Blümner, the most common being one of *quatrefoil* shape, in which the two side leaves, if one may use the term, could be used as lappets tied over the ears by a chin strap. The brim could also be turned up behind, at one or both sides, giving it quite as many picturesque forms as a *sombrero* or other modern felt hat.

In Hellenistic times a Macedonian variety of the *πέτασος*, called *καυσία*, was worn, but chiefly as an emblem of power [CAUSIA].

The *pilleus*, which was practically identical with the conical *πῖλος*, was worn by the Etruscans, and frequently appears both on men and women on their monuments. (Cf. for this and other detailed information, Helbig in *Sitzungsberichte der phil. Classe der Münchener Akad.*, 1880, pp. 487–554.)

It must have been used in very early times at Rome, for it was the characteristic headgear of the Pontifices, Flamines, and Salii on solemn occasions. It is, however, even better known as the symbol of Liberty, occurring as such on many coins, but especially on the denarius of Brutus and L. Plaetorius Cestianus, where it is represented on the reverse standing between two daggers, with the inscription EID. MAR. below (cf. Dio Cass. xlvii. 25). This use must not be confounded with the pair of *pillei* surmounted by twin stars which also appear on coins, but as the attributes of Castor and Pollux (*pilleati fratres*, Catullus, 37, 2). The symbol is doubtless derived from the fact that it was the garb of slaves who had been freed, on leaving the temple (cf. Serv. *ad Aen.* viii. 564: "(Feronia) etiam libertorum dea est in cuius templo capite raso pilleum accipiunt"). Hence *pilleum capere* (Plautus, *Amph.* 462) means to gain freedom. Saturninus raised a *pilleum* in *modum vexilli* (Val. Max. viii. 6, 2) as a signal for the slaves to take up arms, and *vocare ad pilleum* (Liv. xxiv. 34, 9; Sen. *Ep.* 47; Suet. *Tib.* 4) was a recognised expression for raising a revolt. Gladiators on being discharged were given the *pilleus*, two years after they had received the *rudis* (Ulpian, *Coll. leg. mos.* tit. 11, leg. 7). It was in fact so well understood to be a symbol of recovered liberty that foreign kings like Prusias (Liv. xlv. 44), who wished to display themselves as *liberti* of the Roman people, appeared in public with shaven head wearing the *pilleus* (cf. Plut. *de Alex. fort.* 2, 3). So too, after the death of Nero, the whole plebs wore it (Suet. *Nero*, 57), just as they were accustomed to, during the Saturnalia (Mart. xi. 6, 4; xiv. 1, 2). Among other customs connected with the *pilleus* is the curious one of selling slaves whom the master did not wish to warrant with it on (Gell. vii. 4, 1).

The meaning of *pilleus* was a very general one, like *πῖλος*, not confined to felt caps alone. Thus, Suetonius (*ap.* Serv. *ad Aen.* ii. 683) says that the *apex tutulus* and *galerus* worn by the priests were all *pillei*. *Pilleolum*, however, like πιλίδιον, was the specific name for ordinary caps. [Apex.] As to caps of skin, apart from the *galerus*, Vegetius tells us that soldiers, when not using their helmets, wore *pillei pannonici* of skin (*Milit.* i. 20), and Polybius (*v. supra loc. cit.*) mentions the same. Caps of cloth made from old cloaks (Statius, *Silv.* iv. 9, 13, "usque adeone defuerunt caesis pillea suta de lacernis") seem to have been the pillei worn at the Saturnalia; and Martial sends a friend one as a present, with the jocular regret that he cannot afford to give away the whole cloak (xiv. 132).

The Romans, like the Greeks, seldom wore any covering on the head, though this is truer of the upper than the lower classes. Horace, for instance, speaks of a tribesman carrying his slippers along with his cap on the way to a feast ("ut cum pilleolo soleas conviva tribulis," *Ep.* i. 13, 15); and Nero used to wear one as a disguise at night (Suet. *Nero*, 26). In Imperial times the custom of using hats became much more common; and Augustus in his later life never went out of doors without a *petasus* (Suet. *Aug.* 82), and Caligula allowed them to be worn in the theatre as a protection against the sun (Dio Cass. lix. 7). Even in Cicero's time messengers wore the Greek *petasus* (*ad Fam.* xv. 17, 1), which, as well as the *causia*, is mentioned in Plautus, so that the Greek forms must have been well known, even if not worn, at Rome.

There does not seem to be anything to show that the *pilleus* differed in shape from the πιλίδιον, except the fact that those shown on Etruscan monuments are longer and more peaked than the Greek forms. The varieties seen on coins with the *virga* and chin-straps are the ceremonial caps of priests, rather than those worn in every-day life. [Apex.]

(Becker-Göll, *Charikles*, iii. 262, and *Gallus*, iii. p. 224; Hermann-Blümner, *Privataltherth.* p. 180; Marquardt, *Privatleben*, p. 554; Iwan Müller, *Handbuch*, iv. pp. 405, 805, 879, and 929; Daremberg and Saglio, arts. *Causia* and *Cilicium;* Helbig in *Sitzungsberichte d. Bayr. Akad. d. Wissensch.*, *Hist. phil. Klasse*, 1880, iv. p. 487; Blümner, *Technologie*, i. p. 211 f.; Yates, *Textrinum Antiquorum*, pp. 388–411; Blümner in Baumeister, *Denkmäler*, art. *Kopfbedeckung*.) [W. F. C. A.]

PILUM. [Hasta.]

PINACOTHE'CA (πινακοθήκη, Strab. xiv. p. 367), a picture-gallery. Marcellus, after the capture of Syracuse, first displayed the works of Greek painters and sculptors to his countrymen, whose taste for the fine arts was gradually matured by the conquests of L. Scipio, Flamininus, and L. Paullus, and grew into a passion after the spoils of Achaia had been transported by Mummius to Rome. Objects of this description were at first employed exclusively for the decoration of temples and places of public resort (Cic. *Verr.* i. 21, 55); but private collections were soon formed, and towards the close of the Republic we find that in the houses of the more opulent a room was devoted to the reception of paintings and statues (Varro, *R. R.* i. 2, 59; Cic. *Tusc.* v. 35, 102). In the time of Augustus, Vitruvius includes the pinacotheca among the apartments of a complete house for a rich man, and gives directions that it should be large and lofty, facing the north, in order that the light might be equable and not too strong (Vitruv. i. 2; vi. 5, 7; cf. Plin. *H. N.* xxxv. § 4). The pictures were either let into the wall or hung against it (Cic. *Verr.* iv. 55, 122; Plin. xxxv. §§ 26, 118). A special attendant, called *a pinacotheca*, was employed to look after the collection in great houses (*C. I. L.* x. 692, 6638). (Becker-Göll, *Gallus*, ii. 275; Marquardt, *Privatleben*, 611; Friedländer, *S. G.* ii. 168.) [W. R.] [G. E. M.]

PIPER (πέπερι) was used as a seasoning both by Greeks and Romans, though not, as far as our evidence goes, among the former before the period of the Middle Comedy, and it is unlikely that we should hear nothing of it in Aristophanes if it was in common use in his time. The Romans probably began to use it after their conquest of Greece. It was brought from India (Plin. *H. N.* xii. §§ 26–29), but by way of Alexandria, where it was transferred from camels and sent by sea to Rome (Pers. v. 136; Mayor on Juv. xiv. 293). The two kinds of pepper, black and white, were obtained merely by different treatment of the berry (Plin. *l. c.*; cf. Hor. *Sat.* ii. 4, 74). The pepper-box (*piperatorium*) is mentioned by Paulus (*Sent.* iii. 6, 86) among *vasa argentea*. The woodcut represents a small silver piperatorium, probably of the 2nd century A.D. (see *Gazette Archéologique*, 1885, p. 335) found at Chaourse in France, and recently (1889) acquired by the British Museum. It is formed of the figure of a negro slave clad in a *paenula* with a hood, having small holes drilled in the head. [G. E. M.]

Piperatorium. (British Museum.)

PISCATO'RII LUDI. [Ludi Piscatorii.]

PISCI'NA (κολυμβήθρα, δεξαμενή) is properly a fish-pond, either of salt water or of fresh; see the passages in Forcellini and the Dictionaries. It denotes also any kind of reservoir, especially those connected with the aqueducts and the baths (Aquaeductus, p. 149 *a*; Balneae,

p. 275 *b*, note). Conversely, the Greek κολυμβήθρα was by no means confined to its original meaning of a swimming-bath, but included the various senses of *piscina*.

Reservoirs were made, as in modern times, by damming up the lower end of a valley. One of the largest and finest was constructed at Agrigentum and is described by Diodorus (xi. 25), though in his time it had ceased to exist; it was seven stadia in circumference, twenty cubits deep, an ornamental sheet of water abounding with fish and swans: he calls it κολυμβήθρα, a good example of this use of the word. The hollow of the hill which this reservoir occupied is still plainly to be distinguished, especially from the Temple of Castor and Pollux (cf. EMISSARIUM).

The Romans, with their unbounded command of water-tight cement, were particularly successful in the excavation of underground reservoirs; and having to deal with the highly-calcareous water from the Apennines, they had learnt how to get rid of the sedimentary deposits. In the so-called *Sette Sale* on the Esquiline, a still existing reservoir attached at first to the Golden House of Nero, afterwards to the Baths of Titus, the water was made to flow through no less than eighteen subdivisions, in as devious a course as possible, so that any sediment it contained might be deposited on the way (Middleton, *Anc. Rome in* 1885, p. 352).

An unrivalled work of this description is the *Piscina Mirabile* as it is now called, on the road between Baiae and the promontory of Misenum, and still in perfect preservation. This reservoir is excavated out of the tufa rocks on the sea-coast, and was used for watering the fleet in days when the naval head-quarters were at Misenum; it is not mentioned by Pliny or any other Latin writer, but it is referred by Winckelmann with great probability to the time of Augustus, and to Agrippa as its constructor. It is 223 feet long and 83 broad, with a vaulted roof of massive masonry, supported by 48 large cruciform pilasters, arranged in regular lines of 12 each, and forming 5 distinct galleries or compartments. It is entered at the two extremities by stairs of 40 steps each, one of which has been repaired and made accessible. In the middle of the piscina is a depression or sink, extending nearly from wall to wall, for collecting the sediment from the water. The roof is perforated by square openings, which probably served for ventilating the interior. The walls and pilasters are covered with a calcareous deposit as high as the spring of the arches. It was supplied by the Julian aqueduct from Lake Serino in the Apennines, whose waters have within the last few years been re-introduced into Naples; the traces of the aqueduct entering the piscina may be seen near the entrance.

(Murray's *Handbook of Southern Italy*, ed. 1883, p. 330; *Handbook of Sicily*, s. v. *Agrigentum;* personal observation.) [W. W.]

PISTILLUM. [MORTARIUM.]

PISTOR (ἀρτοποιός), a baker. Both with the Greeks and Romans the bread was originally prepared and baked at home. In large households this practice was long continued. In the Hellenistic period and under the Roman Empire there were numerous slaves skilled as bakers and confectioners (cf. Athen. iii. 112 c); and several of the private houses at Pompeii have baking-rooms on the premises (see Overbeck-Mau, *Pompeii*, 4th ed., pp. 301, 385, Casa di Sallustio; pp. 328 f., 386, Casa di Pansa; p. 343, Casa del Laberinto) There is no mention of the baker's trade in Homer. The flour mentioned in the Homeric poems is of two kinds: coarse barley-flour (ἄλφιτα) and wheat-flour (ἀλείατα = ἄλευρα). It was from the latter that bread was generally made (see Buchholz, *Die hom. Realien*, ii. pt. 1, p. 108 f.; ii. pt. 2, p. 168 f.; cp. Riedenauer, *Handwerk in den hom. Zeiten*, § 5). Schliemann (*Troja*, p. 44; *Ilios*, pp. 234, 235) appears to assert that grain could not have been made into bread into Homeric times, but it is difficult to see the grounds for such a view. The Homeric words for bread are σῖτος, ἄρτος, and πύρνον (specially wheaten-bread). Ἄρτος seems to signify the baked loaves; σῖτος is a more general term, used *e.g.* for food in opposition to drink.

At Athens as early as the 5th century B.C. we find working-bakers (ἀρτοκόποι) who sold their wares in the market and streets through female vendors (ἀρτοπώλιδες), who enjoyed a reputation for abusive language (Aristoph. *Ran.* 858; *Vesp.* 1389, &c.). At Rome (according to Pliny, *H. N.* xviii. § 107) there was no baker's trade till about B.C. 172. Many freedmen are found engaged in the trade, and under the Republic it was one of the duties of the aediles to see that the bread was properly prepared and correct in weight. A bakers' guild (*corpus* or *collegium pistorum*), which long existed, was organised by Trajan, and this body, through its connexion with the *cura annonae*, became of much importance and enjoyed various privileges. There were guilds of *pistores* and *clibanarii* at Pompeii (Overbeck-Mau, *Pompeii*, 4th ed., p. 470). A great increase in the number of bakeries (*pistrinae*, *officinae pistoriae*) afterwards took place at Rome, owing probably to the action of Aurelian in introducing a daily distribution of bread instead of the old monthly distribution of grain that had been usual since the time of the Gracchi. This daily distribution also took place at Constantinople. The businesses of the miller and baker were usually combined: cf. Serv. *ad Aen.* i. 179 (*pistores*, *pinsores*, from *pinsere*, to pound the grain); and authorities in Blümner, *Technol.* i. p. 16, note.

Confectioners and makers of the finer kinds of bread-stuff are distinguished by various names, as πλακουντοποιός, πεμματουργός, ποπανοποιός, *pistores candidarii* (Orelli, 4263), *siliquiarii* (*C. I. L.* vi. 22), *clibanarii* (*C. I. L.* iv. 677), (*pistor*) *Persianus* (Orelli, 4264; cf. Plin. *H. N.* xviii. § 105), *dulciarii* (Mart. xiv. 222, &c.), *libarii*, *crustularii* (Senec. *Ep.* 56, 2), *fictores* (makers of sacrificial cakes), &c. The cakes and confectionery of the pastrycooks had already a literature of their own in antiquity, and are described in Athenaeus, xiv. 643 e, f, and Pollux, vi. 75 ff. Some were made specially for religious festivals and sacrifices (see Lobeck, *De Graecorum placentis sacris*).

A Pompeian painting (Jahn, *Abh. der Sächs. Ges. der Wissensch.* v. pl. 3 = Baumeister, *Denkmäler*, "Bäckerei," fig. 225) shows us a baker's shop-table or counter, and shelves behind piled with loaves of circular form. The shopman sits raised up behind the counter, giving a loaf to a customer. A baker's shop at Pompeii has as its sign a relief of a mill turned by a mule (Overbeck-Mau, *op. cit.*, p. 379, fig. 186). The plan of a bakery at Pompeii is given in Overbeck-Mau, *op. cit.*, p. 386, fig. 189 (cf. also the view, *ib.* p. 385, fig. 188). The working-rooms are there situated in the back part of a tolerably large building. Four large mills have been found there, and on the right is the oven, connected with two rooms, in one of which the kneading of the dough probably took place. Other rooms in the house are shops, sleeping-apartments, &c.

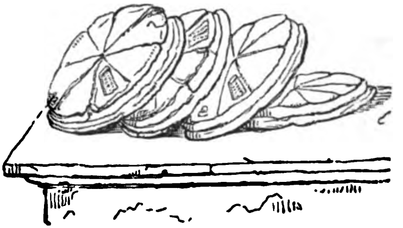
Wheat was the grain chiefly used for bread by the Greeks and Romans. Barley was also used, but at Rome barley-bread (*panis hordeaceus*) was the food only of slaves, soldiers, and barbarians (cf. Plin. *H. N.* xviii. § 74). Spelt (*ζειά*, *far*) was also sometimes used for bread, especially by the Romans at an early period A coarse bread was made from *alica*, a kind of spelt (corresponding to the Greek *χόνδρος*), which was grown in Verona, Campania, and many parts of Italy (cf. Plin. *H. N.* xviii. § 106). Rye (*secale*) was considered unwholesome by the Romans.

As with us, several kinds of flour were produced from the same grain, differing according to the action of the mill and the use of sieves (*κόσκινα*, *κρησέραι*, *cribra*) of greater or less fineness. Bread made of pure and finely sifted wheat-flour was called by the Greeks *ἀλευρίτης*, *γυρίτης*, *κρησερίτης*, &c., and was described as "white" bread (*λευκός*, *καθαρός*). By the Romans the bread made of pure wheat-flour (*simila*, *similago*) was called *panis siligineus*. If the bran was mixed with the wheat-flour, the bread was called by the Greeks *συγκομιστός*, *αὐτόπυρος*, *πύρνον* (or *πιτυρίας* = bread of bran only), and was spoken of as *ἀκάθαρτος*, *ῥυπαρός*, &c. By the Romans, bread made of coarse flour or of flour with the bran was called *panis cibarius*, *plebeius*, *castrensis*, *sordidus*, *rusticus*, *secundus*, *furfureus*, &c.

The dough was prepared by moistening the flour with water (Senec. *Ep.* 90, &c.), by adding salt, and by careful kneading (*μάττω*, *φυράω*, *subigo*, *depso*) in a kneading-trough (*μάκτρα*, *μαγίς*, *σκάφη*, *κάρδοπος*, *alveus*), which was generally made of wood, but sometimes of stone or pottery (Phot. p. 243, 17, *s. v. μάκτρα*). The kneading seems usually to have been done with the hand, though from some monumental representations (see Blümner, *Technol.* i. p. 63) it would appear that a simple machine worked by men or by an animal was sometimes used for the work.

Both fermented and unfermented bread were known to the ancients, but the fermented was the kind usually made. The leaven (*ζύμη*, *ζύμωμα*, *fermentum*) for mixing with the dough was produced in several ways (see Plin. *H. N.* xviii. § 102, &c.). If required in small quantities for immediate use, it was prepared from cakes of barley and water which were roasted on the hearth, and then put in covered vessels till the fermentation took place; or, the baked dough from the previous day's baking was taken and kneaded with salt, and a decoction made from it, which was allowed to stand till it became fermented. Leaven in large quantities, which could be kept for a year, was made during the vintage time by kneading millet with must, or by kneading wheat-bran with must and drying it in the sun. The dough when prepared was placed on a board and shaped, generally with the hand, but sometimes in moulds (*artoptae*). It was then by means of a shovel (*pala*) placed in the oven (*ἰπνός*, *furnus*: for the shape cf. an oven at Pompeii, Overbeck-Mau, 4th ed., fig. 192; Blümner, *Technol.* i. 65, 66). The dough was occasionally baked on the hearth among the embers, or on a spit; or it was sometimes placed in a vessel (*κλίβανος* or *κρίβανος*), usually of pottery, provided with a cover and pierced with small holes. Hot embers were then heaped up round it till the heat penetrated.

The loaves of the Greeks and Romans were usually flat, circular, and indented into four or more parts (*ἄρτος βλωμιαῖος*, *τετράτρυφος*, *panis quadratus*). Loaves were also made in other forms, such as cubes (*κύβοι*). The shape of the Roman loaf is well known to us from the Pompeian paintings, and from actual specimens discovered at Pompeii (Baumeister, *Denkmäler*, "Bäckerei," fig. 225; Overbeck-Mau, *op. cit.*, p. 385).


Loaves found at Pompeii.

A representation of the bread-making processes is to be found on the relief of the tombstone of Eurysaces, a large baker at Rome of the Augustan period or earlier (*Monum. d. Inst.* ii. 58; O. Jahn, *Annali*, x. p. 231 ff.; *C. I. L.* i. n. 1013–1017). Here is shown the grinding of the corn, the sifting of the flour, the kneading and shaping of the dough, the depositing of the dough in the oven, and finally the bringing out of the loaves in baskets to be weighed.

(*Authorities.*—Full references to the ancient authorities are given in an excellent chapter of Blümner's *Technologie*, i. 1 ff.; see also Mommsen-Marquardt, *Handbuch der röm. Alt.* vii. p. 398 ff., and Blümner, art. "Bäckerei" in Baumeister's *Denkmäler.*) [W——K W——H.]

PISTRI'NUM. [MOLA; MORTARIUM.]

PITHUS (*πίθος*). [DOLIUM.]

PLAGA. [RETE.]

PLA'GIUM. This crime was the subject of a Lex Fabia, which is mentioned by Cicero (*pro Rabirio Perd.* 3, 8), and is assigned by some writers to the consulship of Quintus Fabius and M. Claudius Marcellus, B.C. 183; but without sufficient reason. The chief provisions of the lex are collected from the Digest (48, 15, 6: cf. Paul. *Sent. Rec.* v. 30, 13): "If a freeman concealed, kept confined, or knowingly with dolus malus purchased an ingenuus or libertinus against his will, or participated in any such acts; or if he persuaded another person's male or female slave to run away from a master or mistress, or without the consent or knowledge of the master or mistress concealed, kept confined, or purchased knowingly with dolus malus such male or female slave, or participated in any such acts, he was liable to the penalties of the Lex Fabia." The penalty of the lex was pecuniary, and the consequence was infamia; but this fell into disuse, and persons who offended against the lex were punished, either by being sent to work in the mines or by crucifixion if they were *humiliores*, or with confiscation of half of their property or perpetual relegation if they were *honestiores*. These punishments were imposed by the praefectus urbi and the praesides provinciarum (Paul. *l. c.* and *Coll.* xiv. 2, 2: "Et olim quidem hujus legis poena nummaria fuit; sed translata est cognitio in praefectos urbis; itemque praesidis provinciae extra ordinem meruit animadversionem"). The crime of kidnapping men became a common practice, and required vigilant pursuit (Suet. *Aug.* 32). For a remarkable instance, which has been introduced in modern romance, see Socrates, *Hist. Eccl.* v. 8, cited by Marquardt. A senatusconsultum ad legem Fabiam did not allow a master to give or sell a runaway slave, which was technically called *fugam vendere;* but the provision did not apply to a slave who was merely absent. A bonâ-fide possessor of a slave or freeman could not be made liable on account of plagium. The name of the senatusconsultum by which the Lex Fabia was amended, does not appear. The word *plagium* is said to have come from the Greek πλάγιος, "oblique," "indirect," *dolosus*. But this is doubtful. Schrader (*Inst.* iv. 18, § 10) thinks that the derivation from *plaga* (a net) is more probable. He who committed plagium was *plagiarius*, a word which Martial (i. 53) applies to a person who falsely gave himself out as the author of a book; and in this sense the word has come into common use in our language. (Dig. 48, 15; Cod. 9, 20; Paulus, *ll. cc.*; Geib, *Das Röm. Strafrecht*, p. 52; Rein, *Das Criminalrecht*, p. 386; Rudorff, *Rom. Rechtsg.* ii. § 117; Mizerski, *de Crimine Plagii*, Berol. 1865; Marquardt, *Privatleben*, i. 168.) [G. L.] [E. A. W.]

PLANETAE, s. STELLAE ERRANTES (πλανῆται s. πλανώμενοι ἀστέρες as opposed to τὰ ἀπλανῆ τῶν ἄστρων). The popular astronomy of the early Greeks was chiefly confined, as is pointed out elsewhere [ASTRONOMIA], to a knowledge of the morning and evening risings and settings of the brightest stars and most remarkable constellations, since upon these observations the formation and regulation of the primitive calendars in a great measure depended. No single star was more likely to attract attention under such circumstances than the planet Venus, and accordingly *The Morning Star* ('Εωσφόρος) is placed first among the stellar progeny of Erigeneia in the *Theogony* (381)—

> τοὺς δὲ μέτ' (sc. ἀνέμους) ἀστέρα τίκτεν 'Εωσφόρον
> 'Ηριγένεια
> ἄστρα τε λαμπετόωντα τά τ' οὐρανὸς ἐστεφάνωται,

while both the *Morning Star* ('Εωσφόρος) and the *Evening Star* ("Εσπερος) are named in the Homeric poems (*Il.* xxii. 318, xxiii. 226: cf. *Od.* xiii. 93), where they are evidently regarded as distinct from one another, and there is no hint that they are unlike the other stars in their nature. According to Apollodorus, in the second book of his work Περὶ θεῶν, Pythagoras (about B.C. 612) was the first who surmised that Φωσφόρος and "Εσπερος were one and the same, but by Favorinus the honour of this discovery is ascribed to Parmenides. The latter certainly looked upon this body, which he called both 'Εῷος and "Εσπερος, as altogether different in its nature from the fixed stars, for he placed it in his highest region, or aether; below it, but also in the aether, was the sun, and below the sun, in the fiery region (ἐν τῷ πυρώδει) which he calls οὐρανός, were the fixed stars. Achilles Tatius assigns the discovery to Ibycus (circ. B.C. 540). The term πλανῆται seems, if we can trust Plutarch and Stobaeus (*Ecl. Phys.* i. 24), to have been recognised as early as the epoch of Anaximander, according to whom the sun stood highest in the universe; next below was the moon, and then the fixed stars and the planets (ὑπὸ δὲ αὐτοὺς τὰ ἀπλανῆ τῶν ἄστρων καὶ τοὺς πλανήτας). Empedocles supposed the fixed stars to be imbedded in the crystalline sphere which, according to his system, enveloped all things, but the planets to be detached from it, thus implying the necessity felt for some theory which should account for their erratic course. Democritus wrote a treatise Περὶ τῶν πλανητῶν, among which he reckoned the sun, the moon, and Φωσφόρος, but, as yet, their number had not been determined. This is expressly affirmed by Seneca (*Quaest. Nat.* vii. 3), "Democritus subtilissimus antiquorum omnium suspicari ait se plures stellas esse quae currant; sed nec numerum illarum posuit, nec nomina, nondum comprehensis quinque siderum cursibus. Eudoxus ab Aegypto hos motus in Graeciam transtulit." But, although Eudoxus may have been the first to communicate scientific details with respect to the orbits and movements of the planets, Philolaus, a Pythagorean, who flourished more than a century earlier, was certainly acquainted with the whole five, for he maintained that there was a central fire around which the ten heavenly bodies (δέκα σώματα θεῖα) revolved. Of these, the most remote from the centre was οὐρανός, that is, the sphere containing the fixed stars, next in order were the planets, then the sun, then the moon, then the earth, and, below the earth, the Antichthon (ἀντίχθων, see Arist. *de Caelo*, ii. 13), thus completing the number ten if we reckon the planets as five. In the *Timaeus* of Plato (p. 38), the planets are mentioned specifically as five in number (ἥλιος καὶ σελήνη καὶ πέντε ἄλλα ἄστρα ἐπίκλην ἔχοντα πλανητά), and, in the same passage, we for the first time meet with the name *Hermes* as connected with one of these ('Εωσφόρον δὲ καὶ τὸν ἱερὸν 'Ερμοῦ λεγόμενον). It is not, however, until we come down to the Epinomis (p. 987), the work of some disciple of Plato, that the whole five are enumerated, each with a distinguishing appellation derived from a god: τὸν τοῦ Κρόνου, τὸν τοῦ Διός, τὸν τοῦ "Αρεος, τὸν τῆς 'Αφροδίτης, τὸν τοῦ 'Ερμοῦ. In the tract Περὶ κόσμου, found among the writings of Aristotle, although probably not from his pen, we are furnished with a second set of names (p. 392a, 23)—Φαίνων for the star of Kronus; Φαέθων, for that of Zeus; Πυρόεις, for that of Ares; Φωσφόρος, for that of Aphrodite; Στίλβων, for that of Hermes: and these seem to have been the ordinary designations employed by men of science. It is here stated also, that Πυρόεις was by some termed the star of Herakles, and that Στίλβων was by some termed the star of Apollo. Pliny gives additional variations, for in his list they are catalogued as SIDUS SATURNI, JOVIS, MARTIS s. HERCULIS, VENERIS s. JUNONIS s. ISIDIS s. MATRIS DEUM (*Lucifer*, *Vesper*), MERCURI s. APOLLINIS; and these may be still further increased from Achilles Tatius, the grammarians and the lexicographers.

The Pythagoreans, regarding the earth as the centre of the universe, assumed the place of the five planets to be between that of the fixed stars on the one hand, and the sun and moon on the other, a doctrine followed by Plato (cf. Martin, *Timée de Platon*, ii. p. 64), Eudoxus and Aristotle (cf. Proclus, *in Tim.* p. 257 F). Archimedes, however, employing a fuller knowledge of mathematics (Macrob. in *Somn. Scip.* i. 19, § 2), assigned the following order:—1. Saturn; 2. Jupiter; 3. Mars; 4. The Sun; 5. Venus; 6. Mercury; 7 The Moon; and this order was generally adopted, *e.g.* by Cicero (*de Div.* ii. 43, 91), Manilius (i. 803, 6), Pliny (*H. N.* ii. § 6), &c. Macrobius says that the Pythagoreans learnt their doctrine from the Egyptians, whereas the latter was the view of the Chaldaeans (cf. Lewis, p. 246 f.).

Saturnus was believed to perform a complete revolution in thirty solar years, Jupiter in twelve, calculations approaching very nearly to the truth. The period of Mars was fixed at two years, a determination less accurate than the two former, but not very wide of the truth. As to Venus and Mercury, not even an approximation was made, for they were both believed to perform their revolution in exactly or very nearly the same time as the sun (cf. Cicero, *Somn. Scip.* 4). Pliny, who affects great precision in this matter, fixes 348 days for Venus and 339 days for Mercury, the true period being nearly 225 days for the former, and about 88 days for the latter.

Saturnus being thus removed to a great distance from the source of heat was naturally viewed as possessing a cold and icy character (*gelidae ac rigentis naturae; frigida stella Saturni*); Mars, on the other hand, as of a hot and fiery nature; while Jupiter, which lay between them, enjoyed a temperature made up by the combination of the extremes. The astrologers caught up these notions, and, uniting them with the legends of mythology, adapted them to their own purpose, uniformly representing the influence of Saturnus as malign, and that of Jupiter as propitious.

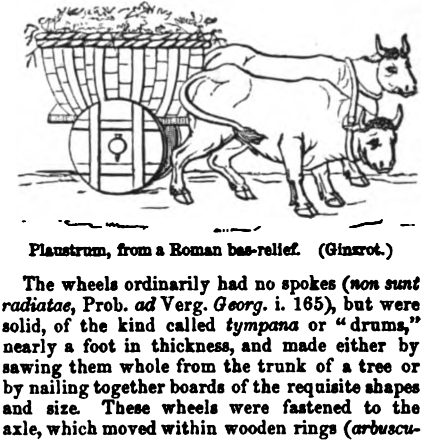
> "Haec tamen ignorat, quid sidus triste minetur
> Saturni."—(Juv. vi. 569.)
>
> "Saturnumque gravem nostro Jove frangimus una."
> (Pers. v. 48.)
>
> "Te Jovis impio
> Tutela Saturno refulgens
> Eripuit."—(Hor. *Carm.* ii. 16, 22.)

It must be understood that, in the above remarks, we have confined ourselves entirely to the popular notions which prevailed among the ancients, without attempting to trace the progress of scientific observation, a subject which belongs to a formal history of astronomy, but does not fall within our limits. (Plut. *de Placitis Philos.* ii. 14–16; Stob. *Ecl. Phys.* i. 23, § 1; 25, § 1; Diog. Laert. viii. 14, ix. 23; Arat. *Phaen.* 454; Gemini, *Elementa Astron.* c. 1; Achill. Tat. *Isag. ad Arat. Phaen.* xvii.; Lydus, *de Mens.* v., &c.; Cic. *de Nat. Deor.* ii. 20, 51–54, with Mayor's notes; Plin. *H. N.* ii. 6, 8; Tac. *Hist.* v. 4; Macrob. *Somn. Scip.* 4; cf. Lewis, *Astronomy of the Ancients*, pp. 62, 144, 152, 245, &c.) [W. R.] [A. S. W.]

PLANIPES. [MIMUS, p. 172.]

PLA'STICA. [STATUARIA.]

PLAUSTRUM or **PLOSTRUM**, a cart or waggon. The plaustrum, strictly so called, was a heavy two-wheeled cart (Isid. *Or.* xx. 12): the four-wheeled waggon was properly distinguished as *plaustrum majus* (Cato, *R. R.* x. 2; Varro, *R. R.* i. 20). The plaustrum was of simple construction—a platform of boards, with a strong pole projecting from it, fastened upon the pair of wheels and axle. The blocks of stone or other things to be carried were either laid upon this platform without any other support, or were secured by upright boards forming sides to the platform (ὑπερτερία, Hom. *Od.* vi. 70; Plat. *Theaet.* p. 270 A), or open-work rails (*palae*, Varr. *L. L.* v. 140); or a large wicker basket was fastened on the platform (*scirpea*, πείρινς). The annexed woodcut shows a cart the body of which is supplied by a basket.



Plaustrum, from a Roman bas-relief. (Ginzrot.)

The wheels ordinarily had no spokes (*non sunt radiatae*, Prob. *ad* Verg. *Georg.* i. 165), but were solid, of the kind called *tympana* or "drums," nearly a foot in thickness, and made either by sawing them whole from the trunk of a tree or by nailing together boards of the requisite shapes and size. These wheels were fastened to the axle, which moved within wooden rings (*arbusculae*, ἁμαξόποδες) attached to the under-side of the platform (Vitruv. x. 20, 14; Varro, *R. R.* iii. 5; Verg. *Georg.* ii. 444). Although these wheels were excellent for the preservation of the roads, they turned with a long circuit, and advanced slowly and with a creaking sound (*stridentia*, *gementia*, Verg. *Georg.* iii. 536, *Aen.* xi. 138). They were drawn usually by oxen, but sometimes by mules (Oppian. *Hal.* v. 20). They could, of course, upon a necessity, be used for transporting people as well as goods, but we are not to conclude from Liv. v. 40, that it was constructed for that purpose, nor (as Ginzrot does) that the plaustrum there mentioned differed from the ordinary kind. The *plaustrum majus*, or four-wheeled waggon, had sometimes solid wheels, sometimes spoked wheels, and sometimes also a body of open-work rails (*palae*), as shown in the cut under AMPHORA, representing part of a plaustrum majus carrying wine-skins.

The Greek ἅμαξα corresponded both to the plaustrum and the plaustrum majus. The four-wheeled ἅμαξα is mentioned in *Od.* ix. 241; Herod. i. 188: but the word also was used to express a vehicle to convey people (Herod. i. 31, &c.). [HARMAMAXA.] Probably it had usually four wheels, differing little from the ἀπήνη [APENE], used for travelling (*e.g.* Diog. Laert. viii. 73), for the use of the bride in weddings (Poll. x. 33, &c.), in processions [DIONYSIA, Vol. I. p. 639]. Baumeister (*Denkm.* Taf. xc.) shows boat-shaped ἅμαξαι, which he conceives to have been used at some time in processions. (Ginzrot, *Wagen*, i. 166, 228; Guhl and Koner, 277; Marquardt, *Privatleben*, 732; Becker-Göll, *Charikles*, ii. 16.) [J. Y.] [G. E. M.]

PLEBE'II LUDI. [LUDI PLEBEII.]

PLEBES or **PLEBS, PLEBE'II.** The word *plebes* is formed from the same root as appears in *compleo, impleo, plenus*, πλῆθος, &c. It properly signifies "the multitude," "the common people," as opposed to any eminent or privileged classes. This, its natural sense, was to a certain extent obscured (as in the case of our own "Commons") by the circumstance that many of the noblest and most powerful men in Rome belonged to the plebeian order, in its technical sense of non-patrician: this order was indeed in later days the whole state less two or three score of families. Nevertheless the natural sense of the word survives, as when Livy says (xxxix. 17, 6) that certain of the Bacchanalian ringleaders were "ex plebe Romana," or when Cicero speaks of Verres as "solitus virgis plebem Romanam concidere" (*in Verr.* i. 47, 122). Under the Empire, after the functions of the plebs as a political corporation had fallen into disuse, the word was used very nearly in its etymological sense of the poorer citizens who were qualified to receive corn largesses (*plebs frumentaria*), as when Augustus is said by Tacitus (*Ann.* i. 8) to have bequeathed money "populo et plebi" (*i.e.* partly to the state-chest, partly to the needy citizens); and again more generally of the common people in distinction from senators and knights, as when Pliny (*H. N.* xxxiii. § 29) says, "anuli distinxere alterum ordinem a plebe," and Horace (*Ep.* i. 1, 57), "Si quadringentis sex septem millia desunt, Plebs eris."

The origin of such a multitude of non-privileged citizens at Rome is wrapped in obscurity. Our ancient authorities, on the one hand, give us a plebs as coeval with Romulus, and, on the other hand, represent it as consisting wholly of the clients of the patricians. Now the term *plebs* implies citizens, but citizens excluded from a privileged class. It is therefore not applicable to the days when the word *patricius* actually meant what it says, and a patricius alone was capable of becoming a paterfamilias. In those days the patricius was the only citizen, because he alone could exercise the rights of a father over his legitimate child, or of a master over his property, and he alone was recognised as having a standing in the Roman law-courts. The client while he remains in his original position, though he may be protected by religion or custom from the actual treatment of a slave, is not really a free man, but rather to be assimilated to those informally emancipated persons who in later times were said "domini voluntate in libertate morari, et tantum metu serviendi liberari" (from the "Consultatio veteris Jurisconsulti," quoted by Ortolan, *Inst. Just.* ii. § 55).

The subsequent process is best described in the words of Mommsen (*Staatsr.* iii. p. 66): "Out of a condition destitute of rights there was developed a capacity for rights, a guaranteed freedom, which was recognised by the state and its courts, ordinarily with the co-operation of the patron, but which in the last resort was enforced even against him. It was a legal status which, though at every given moment definite, seems as we look back on it continually in flux. Even though we had fuller knowledge of it, we could only characterise it as wavering between two extremes, so that the element of servitude, the clientship, is always waning; that of freedom, the plebeiate, always increasing; until the process ends with the conversion of the half-free into the full freeman." If we reckon up all the legal capacities which the freeman possesses while they are denied to the slave, the acquisition of each will serve to mark a possible stage in this development. The freeman has a legal right to property, whereas the slave holds a peculium merely on the sufferance of his lord. A corollary to the possession of property is the power to alienate it, and to make binding contracts regarding it. The next step is a recognised standing in the law-courts, the power to sue and be sued in one's own person. On another line we have the power to contract a legal marriage; from this would follow the patria potestas over the children born of such a marriage, and from thence the agnatic relationship and the rights of succession bound up with it. Next comes the right and duty of serving in the armies of the state, and probably in close connexion with this the right to vote in the comitia. Last of all we have the eligibility to office. It is possible that, in spite of the hereditary nature of clientship, these rights were acquired first of all by clients who had been born in that station, and that they were only afterwards claimed by those who had been themselves released from actual slavery or who had placed themselves as homeless strangers under the protection of a citizen. It is possible likewise, as Mommsen suggests, that some of these privileges may have been exercised first in fact, and only afterwards have obtained formal recognition. In any case it is difficult to draw the line, and to lay down that here a man ceases to be a client and becomes a free plebeian. Perhaps we may say, that in the sphere of private rights the most distinctive characteristic of independence is the capacity to sue and be sued in one's own person, and that of public rights the most significant indication of citizenship is that of voting as a member of the sovereign populus. We have no means of ascertaining when the descendants of the clients attained to the first of these privileges, but of the second we can say with confidence that it was assured to them at least as early as the era known by the name of Servius Tullius, when the Comitia Centuriata with its elaborate grades of military service was organised. The arrangement of the infantry, at least, recognises no distinction in fighting or in voting between patricians, plebeians, and clients.

Though the clients undoubtedly won their way to the position of plebeians, it does not follow that the clients were the only or the most important element of the plebs. We find in very early times two relationships established amongst the kindred communities of Latium, the *jus commercii* and the *jus exulandi*. The first relates to the privileges mutually accorded to the citizens of the contracting states, when trading or temporarily sojourning in each other's territory. The second grants the right of permanent settlement and transfer of civic allegiance to those who wish to renounce their old state and to migrate to a new home ("solum vertere exilii causa"). The legal position of such an *exul* after his transfer of domicile is a matter of dispute, and the question will best be considered in connexion with the privileges enjoyed by such persons before their migration. A Praenestine, while he remains a Praenestine, has the full right of commercium with Rome. This right is explained by the clause in the second Treaty of Rome with Carthage (Polyb. iii. 24, 12), regarding the Romans who go to trade in Sicily: πάντα καὶ ποιείτω καὶ πωλείτω ὅσα καὶ τῷ πολίτῃ ἔξεστιν· ὡσαύτως δὲ καὶ ὁ Καρχηδόνιος ποιείτω ἐν Ῥώμῃ. The privileged foreigner then has the same right to acquire property and the same standing in the lawcourts as a citizen. He is thus in a different position from the *hostis* in the old sense of the word (Varr. *L. L.* v. § 3), "peregrinus qui suis legibus uteretur." The latter has a status only under the laws of his own country, which of course are not enforceable at Rome (see, however, the contrary view in Mommsen, *Röm. Forsch.* i. p. 349): he is incapable of using Roman law, and if he is wronged can sue only in the name of some citizen. He must secure this representation either by entering into an equal contract of hospitality with a Roman, in case he can promise him in turn similar assistance in his own home, or else by subjecting himself to the protection of the Roman, if he be a homeless outcast (see Mommsen, *Röm. Forsch.* i. p. 357). From any such necessities the privileged foreigner who has an independent standing in the Roman law-courts is free. Now let us suppose that our Praenestine by virtue of his *jus commercii* has acquired land in Roman territory, which he can hold, alienate by Roman methods, and defend in his own person in a lawsuit. Suppose next that the Praenestine afterwards finds it convenient to exercise his *jus exulandi*, to renounce his connexion with Praeneste, and to settle in Rome. Are we to believe that he thereby forfeits all his previous rights? Mommsen answers the question in the affirmative (*Staatsr.* iii. p. 58). The rights, he contends, belonged to the man as a guest of the community, and "a domiciled guest is an absurdity." What the *jus exulandi*, he argues above (p. 50, n. 1), guarantees to the fugitive is not the full citizenship, but protection. This may be true in the sense that political as distinct from private rights would not necessarily accrue to the *exul;* but it seems difficult to uphold that the granting of protection consisted in the withdrawal of the privileges which he had previously possessed. Mommsen holds (*ib.* p. 64) that every such *exul* would be obliged to put himself under the protection of a Roman citizen as his client. He defends this view (*ib.* p. 57) by the well-known passage from Cicero, *de Or.* i. 39, 177: "quid quod item in centumvirali judicio certatum esse accepimus, qui Romam in exilium venisset, cui Romae exulare jus esset, si se ad aliquem quasi patronum applicavisset, intestatoque esset mortuus . . . . nonne in ea causa jus applicationis," &c. Now this passage shows that *applicatio* was possible for an *exul*, not that it was obligatory. "Si se applicavisset" is put parallel to the death without a will, as something which might, not which must occur, and the phrase "quasi-patronum" seems to indicate something irregular in the transaction. It is probable that the legal controversy in this case turned on the inconsistency between *exilium* and *applicatio*, and that it was this which made the patron's claim to the inheritance doubtful. As the deceased had the *jus exulandi*, which guaranteed him the rights of a freeman in Rome, was not his act in placing himself in the quasi-servile position of a client void *ab initio?* or, on the other hand, was his voluntary *applicatio* to be taken as a valid renunciation of his rights as an *exul?* Cicero does not inform us what was the answer.

If Mommsen's view be correct, the *exules* would merely swell the numbers of the clients: if the opposite theory be maintained, we have here an independent and more honourable source for the plebs. While the mass of fugitives who come from whence no man knew, would arrive in Rome without rights, and could gain protection only by subjecting themselves to a citizen, those who were openly exercising the *jus exulandi*, secured to them by the common law of Latium, would be under no such necessity. They might set up at once as patresfamilias on their own account, and we must consider them as from the first citizens, though citizens of an inferior order. It is obvious that the existence of such a class, distinct from and yet personally independent of the ruling citizens, would render more easy the acquisition of a similar status by the clients of the latter.

The same question occurs with regard to the people of conquered towns deported to Rome. One of the best attested facts of the Regal period is the destruction of Alba and the transfer of its inhabitants to Rome. Mommsen believes (*Staatsr.* iii. pp. 57 and 67) that in such cases the new comers would necessarily undergo an *applicatio* to some Roman citizen of their choice. This seems hardly probable. The existence of such families as that of the Julii shows that some Albans were, as Livy (i. 28, 7) says, admitted to the patriciate, and it is difficult to believe that the *civitas* which he ascribes to the rest was nothing more than the choice of a master.

Closely connected with the question, whether the original plebeians were all clients, is the question whether a plebeian can be a *gentilis*. According to Scaevola's definition (Cic. *Top.* 6, 29), the descendant of a slave (or client), though he may belong to a gens and so have gentiles, can never himself be a gentilis: he is excluded by the clause "quorum majorum nemo servitutem serviret" (see Ortolan, *Inst. Just.* iii. § 1038). But Scaevola's definition says nothing about the patriciate as a qualification for gentilitas. Many of the later plebeian families could trace a descent in which there was no taint of servile blood. Marius could never (according to the definition) attain to gentilitas, because his family had been clients of the Herennii (Plut. *Marius*, 5); but there is no reason why Cicero (who claimed to spring from a Volscian royal family) should not have been a gentilis. We have the undoubted cases of the plebeian Minucii, who had a right to gentile inheritances (Cic. *in Verr.* i. 45, 115), and of the plebeian Popillii, who supplied the leading case (Cic. *de Leg.* ii. 22, 55) in the law of gentile sepulchre. There seems no reason to follow Mommsen (*Staatsr.* iii. pp. 66 and 74) in ascribing only a quasi-gentilitas to these plebeian houses, and in asserting that they had only a *stirps* and not a real gens of their own. If the view maintained above as to *exilium* be correct, the descendants of the first *exul* would satisfy every point of Scaevola's definition. They would therefore have a gens of their own; and if their house ever came in turn to have its own freedmen and clients, its pure-born members would be gentiles to the descendants of these, and have rights of succession and guardianship over them. The same would be the case with those patricians who had renounced their birthright and had been admitted as members of the plebeian order (see below). When Livy (x. 8, 9) makes Decius Mus say, "Semper ista audita sunt eadem . . . . vos solos gentem habere," he is not to be taken as admitting the claim, but rather as illustrating the insolence of the patricians, who spoke as if all the plebeians were their clients and ignored the more respectable origin which belonged to many of them. The famous lawsuit mentioned in Cicero, *de Or.* i. 39, 176, "Quum Marcelli ab liberti filio stirpe, Claudii patricii ejusdem hominis hereditatem gente ad se rediisse dicerent," illustrates an exception which proves the rule. When there was a patrician and a plebeian family of the same name, it seems to have been the legal presumption that the latter had once been the clients of the former. The Claudii Marcelli had of course long ago extinguished their clientship by attaining to curule office (Plut. *Marius*, 5), but the original taint in their blood precluded the possibility of their ever being gentiles. It is obvious from Cicero's statement that the Marcelli lodged no claim to succeed *patronatus jure*, as they would undoubtedly have done had the deceased been their freedman. The right of the patron to inherit extended in the later Republic only over the actual freedman or applicant, not over his descendants (see Ortolan, *op. cit.* iii. § 1045). The inheritance of the son of a freedman would therefore be determined by the *legitima successio* of the Twelve Tables, which provided, "si agnatus nec sit gentiles familiam habento." The patrician Claudii were clearly the only persons who could claim *gente*, but the Marcelli seem to have maintained that, when they attained to independence of their patrician namesakes, they founded a *stirps* which had rights of inheritance similar to those of the gens over the descendants of their own clients. It is not known whether the patricians in this case made good their claim; but even if they did, it would prove nothing against the gentilitas of plebeians in whose case no ancestral clientship could be established.

It was probably owing to the admixture of servile blood in their order, that the plebeians were so long debarred from the right of intermarriage with the patricians. The prohibition of conubium is first mentioned as part of the law of the Twelve Tables; but there can be no doubt that this law only formulated and confirmed a more ancient disqualification. Marriage between the orders was soon afterwards legalised by the Lex Canuleia of B.C. 445.

The struggle of the plebeians for admission to the magistracies of the Roman People occupies a large portion of the internal history for the first two centuries of the Republic. The quaestorship was held for the first time by a plebeian in B.C. 409, the consulship in B.C. 366, the dictatorship in B.C. 356, the censorship in B.C. 351, and the praetorship in B.C. 337. The priestly colleges were not opened to plebeians till B.C. 300. From that time onwards, though certain disqualifications survived on the one side and on the other [see PATRICII], the members of the two orders were on a footing of practical equality, and the distinction between them remained only as an historical reminiscence with the smallest possible effect upon practical politics.

But in the meantime the plebeians had formed themselves (on their secession to the Mons Sacer in B.C. 494) into an exclusive order, with magistrates and assemblies and powers of corporate action of their own. From that time to the end of the Republic *plebs* generally means not so much the vague and lowly multitude as this clearly defined body, which comprised families as honourable and powerful, though not as ancient, as those of the purest patrician stock. The constitution and political powers of the plebs in its corporate capacity will be more conveniently discussed in the articles PLEBISCITUM and POPULUS. Here it will be sufficient to say a few words on the qualifications for membership.

Every Roman who was not a patrician belonged to this order, so that, unlike the patriciate, the plebeiate was constantly being recruited. All newly-made citizens, whether they had formerly been slaves or foreigners, passed at once and without any special act of admission into this body. A person born a patrician became a plebeian if he underwent the "minima capitis deminutio" by being dismissed from his ancestral house by *emancipatio*. The same result would of course occur if he became by adoption the son of a plebeian. But besides these indirect methods of transfer, the plebeians had (unlike the patricians) a corporate assembly of their own, and so were able to admit new members by their own act. This is the process properly called "transitio ad plebem," by which a patrician renounces his old order and sues for admission to a new one. It is best described by Zonaras (vii. 15), *εἰ δέ τις τὸ τοῦ γένους ἀξίωμα ἐξωμόσατο καὶ πρὸς τὴν τοῦ πλήθους μετεστη νόμισιν, ἀσμένως αὐτὸν προσεδέχοντο. καὶ συχνοὶ τῶν σφόδρα εὐπατριδῶν ἀπείπαντο τὴν εὐγένειαν ἔρωτι τοῦ μέγα δυνηθῆναι καὶ ἐδημάρχησαν.* As far as can be gathered from the somewhat obscure notices, Clodius at first attempted to become a plebeian in this way: but finding opposition too powerful, he afterwards effected his object by the machinery of adoption. Some genealogi[illegible] the time of Augustus invented for the plebeian Octavii a history of this sort, which the emperor himself was sensible enough to ignore; see Suet. *Aug.* 2: "Ea gens a Tarquinio Prisco rege inter minores gentis adlecta in senatum, mox a Servio Tullio in patricias traducta, procedente tempore ad plebem se contulit."

(The best modern authorities on the points discussed in this article are Mommsen, *Römische Forschungen*, vol. i., and *Staatsrecht*, vol. iii.; and Ortolan, *Explication historique des Instituts de l'Empereur Justinien.* The principal references have been given *passim.*) [J. L. S. D.]

PLEBISCITUM is the name for the decrees passed by the corporation of the plebs in answer to the *rogatio* of one of their own magistrates. When in later times these decrees acquired the force of law, the term *lex* was likewise applied to them: so we have repeatedly in the Agrarian Law of B.C. 111 (*C. I. L.* i. p. 175), "ex lege plebive scito quod C. Sempronius Ti. f. tr. pl. rog." But, though sanctioned by official usage, this identification was always recognised as not strictly correct: "ne leges quidem proprie sed plebiscita appellantur, quae tribunis plebis ferentibus accepta sunt" (Laelius Felix in Aul. Gell. xv. 27).

The plebs as a self-governing corporation asserted from the first the power to pass decrees binding on all its members: "evenit ut plebs in discordiam cum patribus perveniret et secederet sibique jura constitueret, quae jura plebiscita vocantur" (Pomponius in Dig. 1, 2, 2, 8). The most important of these were the *leges sacratae* by which the plebeians affirmed the *sacrosanctitas* of their officers, and bound themselves every man to avenge instantly any outrage directed against them. Another clause of the same shows that the plebeians claimed from the first a recognition from the whole state that obedience to these rules must override the ordinary course of law: "Nam lege tribunicia prima cavetur 'Si quis eum qui eo plebiscito sacer sit, occiderit, parricida ne sit.'" (Festus, p. 318, s. v. *Sacer.*) These ordinances were held to have binding force down to the last days of the Republic, for Cicero (*post Red. in Sen.* 13, 33) complains that Clodius and he were not fighting on equal terms: "tribuniciique sanguinis ultores esse praesentes, meae mortis poenas judicio et posteritati reservari." The plebeians also claimed to be judges in their own quarrels and to direct the vengeance of their order against its enemies. The story of Coriolanus represents the tribunes as attempting at first to try him for his life before the plebeian assembly, and there are several instances later on where consuls who have opposed its interests are fined by the plebs after they go out of office (Liv. ii. 52, 54, 61; v. 12). All such matters may be held to come within the somewhat elastic category of self-regarding acts, and in the earliest times the plebs seems not to have gone beyond this, and never to have claimed the right to legislate in matters relating to the whole nation.

The history of the later Roman republic presents us with a widely different picture. We find that by the time of the Punic wars the whole power of sovereignty has been delegated to the plebeian assembly. Side by side with the old sovereign, the populus, a new sovereign, the plebs, exercises in its exclusive concilium, under its own magistrates and with its own forms of procedure, precisely the same powers of legislation as the first: "et ite factum est ut inter plebiscita et legem species constituendi interesset, potestas autem eadem esset" (Pomponius, *ib.*). All the legal writers, our best authorities on such a point, ascribe the delegation of these enormous powers to a law of the dictator Hortensius, B.C. 287, "pro legibus placuit et ea observari lege Hortensia" (Pomponius, *ib.*), and "lex Hortensia lata est, qua cautum est ut plebiscita universum populum teneret, itaque eo modo legibus exaequatu sunt" (Gaius, *Inst.* i. 3).

The difficulty is that Livy gives us, beside the Hortensian law, two previous enactments to precisely the same effect, "ut plebiscita omnes Quirites tenerent," or "ut quod tributim plebs jussisset populum teneret" (Liv. iii. 55, viii. 12). These are attributed to the consuls Valerius and Horatius, B.C. 449, and to the dictator Publilius Philo, B.C. 339.

Mommsen (*Röm. Forsch.* vol. i. p. 211) has sufficiently disposed of the theory that the decrees of the plebs were equal to those of the populus from the consulship of Valerius and Horatius onwards, and that the Lex Publilia and the Lex Hortensia were mere re-enactments of the ordinance of B.C. 449. Mommsen's own conjecture is that the laws of B.C. 449 and of B.C. 339 should be struck out of the history of plebiscita altogether: he thinks that they really referred to the "comitia populi tributa," and were applied to the plebs by a mere blunder of Livy [see COMITIA]. This hypothesis seems very hazardous. Such a blunder on Livy's part is not indeed impossible, but there is not a particle of evidence that he was actually guilty of it.

Apart from the respect due to the ancient authority, we should expect from the nature of the case to find successive enactments on this subject, and to see some share in legislation for the community allowed to the plebs under checks and conditions, before it attained the unlimited power conferred by the Lex Hortensia. This opinion is confirmed by a glance at the history. We find numerous laws called by the names of the tribunes who proposed them (which they could only do of course in a plebeian assembly) which nevertheless relate to matters obviously of national concern. Such, to take a single instance, was the proposal to remove the habitation of the Roman people to Veii. Most of these laws fall in the century between the Valerio-Horatian and the Publilian Law (B.C. 449–339); but two—the Terentilian proposal *de legibus conscribendis*, which led to the codifying of the Roman law in the Twelve Tables, and the Lex Icilia *de Aventino publicando*—are previous to the earliest of our three epochs. The protracted contests over these laws seem, however, to point to some power possessed by the patricians of checking and limiting the force of the decrees which originated with the tribunes.

The "answer to the riddle" is to be found, according to Mommsen (*Röm. Forsch.* i. 311), in the words in which Appian describes Sulla's law about the powers of the tribunes (*Bell. Civ.* i. 59): *εἰσηγοῦντο μηδὲν ἔτι ἀπροβούλευτον ἐς τὸν δῆμον ἐσφέρεσθαι, νενομισμένον μὲν οὕτω καὶ πάλαι παραλελυμένον δ' ἐκ πολλοῦ.* He takes this to mean that, in forbidding for the future any measures to be brought before the plebs without consent of the senate, Sulla revived a definite law which had existed in early times; that is to say, before the dictatorship of Hortensius. "It is probable," says Mommsen (*Staatsr.* iii. p. 157), "that (we know not when, but some time previous to the law of the Twelve Tables) it was enacted by a decree of the populus analogous to that afterwards carried by Hortensius, that a bill brought before the plebs with the assent of the senate, if accepted by the former, bound the whole body of the citizens just as if the populus had commanded it in its comitia." This view is accepted by Soltau, and with some modifications by Willems and Borgeaud. It seems, however, to rest on a very slight foundation. The historical reference in the passage of Appian (*νενομισμένον μὲν οὕτω καὶ πάλαι*, &c.) applies more naturally, not to the days of the early Republic, but to the century of the Punic wars. During this period the senate had asserted, not by positive enactments, but by indirect means, a customary and constitutional right to be consulted before any magistrate proposed a measure for the acceptance of the popular assemblies. For generations this claim was enforced by means of the tribunician veto; but Sulla had been taught by the record of Gracchus, of Saturninus, and of Sulpicius, that the employment of the veto was an insufficient sanction. It had repeatedly failed to guard this most necessary prerogative of the senate against the attacks of a popular tribune. Sulla therefore naturally wished to establish the constitutional claim of the senate on the firmer basis of definite enactment. Appian's reference to an ancient precedent being thus abundantly justified by the usage of which we have ample independent evidence, it seems wrong to invent for its explanation a supposed legal right otherwise unknown to us. The silence of Cicero in the passage of the *de Legibus* (iii. 11, 26) in which he criticises the tribunician power, is a strong negative argument against the existence of any such legal right of the senate over plebiscita.

Nor does the assumption of the modern historians seem to be necessary in order to explain the historical development of plebeian legislation. The known powers of the sovereign populus, of its officers the consuls, and of their advisers the senate, supply sufficient material for a probable answer to the question how the legislative capacity of the plebs may have been gradually established.

A record of the process of tribunician legislation in early times has fortunately been preserved to us in a single case, in which Dionysius has followed the account derived by him from an ancient document. The case is that of the Lex Icilia *de Aventino publicando* (B.C. 456), which was preserved on a brazen column in the temple of Diana on the Aventine. "Icilius," says Dionysius (x. 31), "approached the consuls then in office and the senate, and requested them to pass the preliminary decree for the law that he proposed, and to bring it before the people." By threatening to arrest the consuls he compelled them to assemble the senate, and Icilius addressed it on behalf of his bill. Finally the senate consented; *ἔδοξε διδόναι τῷ δήμῳ τὸν τόπον* (Dionys. x. 32). Then, after auspices and sacrifices, "the law was passed by the Comitia Centuriata which were convened by the consuls." Where, then, does the vote of the plebs come in? It is not mentioned by Dionysius, nor is there any place for it in the proceedings after Icilius has approached the consuls. It seems to follow that it must be placed at the very beginning before the detail of Dionysius' story begins. Icilius must have been armed already with the petition of the plebs when he demanded to plead their cause before the senate.

In this order of proceedings, the formal legislative power lies solely with the populus Romanus. The vote of the corporation of the plebs is not then in early times a legislative act at all. It is merely a strong and formal petition, an appeal to the sovereign assembly to grant their request. But this sovereign assembly can be convened and the question put to it only by a consul. The consul may refuse to put any such bill to the vote, or even so much as to entertain the question as an open one, by taking the opinion of his authorised advisers, the senate, as to how he ought to act. Thus the consultation of the senate, not as a legally necessary preliminary, but as a means of stimulating the official action of the consul, becomes a point on which the reformers are bound to insist; and to bring it about the tribunes must use their powers of compulsion over the consul.

After the matter has been thus forced on the consideration of the senate, an adverse vote in that body would of course justify the consuls in their resistance, and the delay might be prolonged until the plebeians were reduced to their last resort, the threat of secession. In practice the senate commonly yields before this crisis is reached. The petition of the plebs is backed by the recommendation of the senate; and the consuls, though under no legal obligation, cannot, without grave responsibility, now refuse to put the question to the populus. By this time the controversy has been long ago threshed out. All the powers which the nobles could bring to bear against the carrying of the proposal in a popular assembly, whether by tribunician intercession, or by alarms of war, or by violent interference, or by their own influence with the voters (Liv. v. 30), would naturally have been exhausted at an earlier stage of the proceeding while the proposal was still before the plebeian assembly. No instance is recorded of the sovereign populus negativing a bill so brought before it.

The chief objection to our accepting this as the order of proceeding is that Livy seems sometimes (cf. iv. 1, 6 with 6, 4) to represent the conflict over the tribunician bills, the negotiations with the senate, and the compromises frequently arrived at, as all matters which occurred before the voting of the plebs. It may be replied that in Liv. v. 30 we have a proposal, which had certainly not received the sanction of the senate, actually brought to the vote of the plebs and rejected by them; in another case (iv. 49) the refusal of the senate to approve a measure gains effect only by means of the *intercessio* of a tribune. It may also be urged that Dionysius repeatedly speaks of the efforts made to induce the senate *προβουλεῦσαι τὸν νόμον* (x. 26, 48, 52; xi. 54, 59, 60), and that he cannot be understood to mean that such a προβούλευμα was to be followed by a vote in the plebeian assembly, because he has clearly laid down (ix. 41) that no προβούλευμα was necessary for that assembly as organised by Publilius Volero in B.C. 471. The truer answer, however, probably is that neither Livy nor Dionysius really intend to commit themselves at all definitely regarding the legal procedure. They seem rather to desire to reproduce as far as possible in their picture of these early contests a copy of the dissensions between optimates and populares which vexed the later Republic. This tendency may have led them somewhat to mix up the order of events, and so to leave it doubtful whether the vote of the plebs was, or was not, in the earlier time final and conclusive.

If the process of legislation before the age of the decemvirs were really such as has been sketched in the preceding paragraphs, it is not difficult to see that it might be assisted by a series of laws which rendered one or other of its stages more easy. Any of these laws might be roughly described as giving legislative power to the plebs. What precise obstacles were removed by each law can only be conjecturally determined. We may perhaps say that the mere right of petitioning required no legal sanction, and that the powers of the tribunate were sufficient (as the story of Icilius makes them) to force the consuls to advise with the senate about the petition. Possibly the law of Valerius and Horatius formally recognised this position, and laid down that the consul must so consult the senate, or it may even have forbidden him arbitrarily to disregard a recommendation of the senate (should such be obtained) that he should put the question to the populus. It is a reasonable conjecture likewise that the law of Publilius Philo (B.C. 339) may have struck out the intervening consultation of the senate, and may have required the consul to bring the petition of the plebs at once before the populus. If such were the tenor of the Publilian law, it would be only a very slight inaccuracy to describe it as conferring legislative power on the plebs. The majority in the two assemblies being substantially the same persons, the reference to the one of a proposal already affirmed by the other would be little more than the repetition of a foregone conclusion. The Hortensian law, which formally transferred the sovereign power to the plebs, would thus be a change greater *de jure* than *de facto*. In formal law it was a mighty revolution. It was natural and even necessary that the jurists should refer to this law as the source of the legislative power of the plebs. On the other hand, historians and politicians might with equal reason refer the change to the time when it practically took place—to the time, that is, when a vote of the plebs really decided the fate of a measure beyond the possibility of effective appeal. This power, if the theory here put forward be correct, was placed within the reach of the plebeians by the law of Valerius and Horatius, and was fully secured to them by the law of Publilius Philo.

(The view of plebiscita maintained in this article is more fully explained in the *English Historical Review*, Nos. 2 and 19. The question is fully discussed in Mommsen's *Römische Forschungen*, vol. i., and in the *Staatsrecht*, vol. iii. It has been the subject of special treatises by Soltau, *Gültigkeit der Plebiscite*, and by Borgeaud, *Histoire du Plébiscite*.) [J. L. S. D.]

PLECTRUM. [Lyra.]

PLEMO'CHOAE. [Eleusinia, Vol. I. p. 720.]

PLETHRON. [Mensura, p. 162.]

PLINTHUS (πλίνθος), a brick or tile [Later], or a squared stone for building; so of the marble blocks for the walls of the Erechtheum (*C. I. G.* 160, l. 10). The word is especially used by Vitruvius (also *plinthis*) and in modern architectural works, to denote the square block that sometimes forms the lower member of the base in the Ionic and Corinthian orders. In the best known Attic instances of the Ionic order no plinth exists. See Spira, Columna. [E. A. G.]

PLUMA'RII were understood by Becker (whom Göll now corrects) to be persons who made stuffs of feather embroidery, presumably like those for which the Aztecs were famous: but Marquardt has shown that the *opus plumatum* or *opus plumarium*, which these workers made, was embroidery of needlework in plain stitch as opposed to the embroidery of the *Phrygiones*, which was in cross stitch. In the *opus plumatum* the stitches were laid lengthwise, so that they seemed to overlap one another, like the feathers in the plumage of a bird: it might therefore be translated "feather-stitch work" (Rock, *Textile Fabrics*, 116). An analogous use of *pluma* appears in Verg. *Aen.* xi. 770, of the lorica "*in plumam* squamis auro conserta." The idea of Georges (*Philolog.* xxxii. 530) that it was woven work is founded on certain passages where the words *texere*, *textrina* are used loosely, and is disproved by an edict of Diocletian (xvi. 38), where the plumarius works at stuffs already woven, obviously embroidering them by hand. The work is mentioned first by Varro (*ap.* Non. p. 162, 27): it was often, though not necessarily, in gold thread, as "pars auro plumata" (Lucan, *Phars.* x. 125; cf. Procop. *Just.* iii. 1, p. 53). The plumarii (ποικιλτὴς ὃν λέγομεν πλουμάριον, Schol. *ad* Aeschin. *Tim.* § 97) are mentioned in many inscriptions (*C. I. L.* vi. 9813, &c.). (Marquardt, *Privatleben*, p. 538; Blümner, *Technologie*, vol. i. p. 210; Becker-Göll, *Charikles*, vol. ii. p. 338.) [W. S.] . [G. E. M.]

PLUMBUM ALBUM, PLUMBUM NIGRUM. [Metallum, p. 168 *a.*]

PLU'TEUS signified in general any kind of upright, unroofed protection or shelter, and was hence used in the following special significations. 1. A fixed breastwork, whether of planking or of wicker work, and sometimes covered with hides to prevent it from catching fire. These breastworks, *mantlets*, or *blinds* were used to shelter combatants *on board ship* (= παραρρύματα), Caes. *Bell. Civ.* iii. 24: *on towers*, where they sheltered the soldiers in the various *tabulata*, or stories, the battlements or shelter on the top being, strictly, *pinnae* (Caes. *B. G.* vii. 25): *on ramparts*, as in Caes. *B. G.* vii. 41 and 72. In the latter passage the plutei include the whole breastwork of loricae and pinnae and the vallum behind them, the whole shelter in fact placed on the agger, and the *commissurae pluteorum* are the points where this work of wood and wattles rose from the earthen agger. 2. A movable shelter for the besiegers, distinguished from the *vineae* and *musculi* by being unroofed (Liv. xxi. 61, xxxiv. 17; Fest. *s. v.*; Ammian. xxi. 11; Isid. *Or.* xviii. 18). It is particularly described in Veget. iv. 15, as being semicircular (in the form of an apse), of wicker work covered with hides, and with three wheels, one in the forepart or middle of the curve, and two at the extremities: it was thus rolled towards the walls, the working party advancing under its cover (cf. Marquardt, *Staatsverw.* ii. 530). 3. The board at the side of a bed [LECTUS, p. 18]. 4. Some kind of shelf for holding busts and other ornaments (Juv. ii. 7), or books (Sidon. Apoll. *Ep.* ii. 9): it probably had a high ledge to prevent the article placed there from falling off, and so gained its name. Some refer the "*pluteum* caedit" of Pers. i. 106 to a bookshelf or a desk, but it is probably merely the ordinary pluteus of the reading couch [LECTUS, p. 19]. 5. A low wall like a breastwork, closing up spaces between columns (Vitruv. iv. 4). [W. S.] [G. E. M.]

PLYNTE'RIA (*πλυντήρια*), a festival celebrated at Athens in the month Thargelion, in honour of Athena (Phot. *s. v.* Καλλυντήρια: Plut. *Alcib.* 34; Harpocr., Suid. *s. v.*). Dodwell (*de Cyclis*, p. 349) gives the 22nd of the month as the day: A. Mommsen, with more probability, takes the *ἕκτῃ φθίνοντος* of Plutarch to mean that the 25th was the great day of a festival which lasted several days, probably from the 21st to the 25th, as the 20th was the torch-race of Bendis. (He conjectures a date about three weeks earlier, at the rising of the Pleiads, for the prehistoric Plynteria, as a festival for the beginning of the corn harvest: *Heort.* p. 11.) The festival, traditionally connected with the death of Agraulos, who had during her life performed these duties for the goddess, was really a rite partly of purification, partly of expiation, at the beginning of the harvest, to propitiate the favour of the goddess. The temple (Erechtheum) was shut off by a rope (Poll. viii. 141, *περισχοινίσαι*), to guard it from profane entrance; the sacred image of Athena Polias (*τὸ παλαιὸν βρέτας* or *ἄγαλμα, τὸ ἀρχαῖον ἕδος*, Müller, *Eum.* p. 171) was stripped, the *πραξιεργίδαι* taking off the helmet and spear (Hesych. *s. v.*), and the two female attendants called *λουτρίδες* or *πλυντρίδες* (Phot.) removing the dress (*πέπλος*), which it was their duty to wash, and covering over the statue in the meantime (cf. Plut. *Alcib.* 34, where the *πραξιεργίδαι* have the general direction of the whole ceremony). The image itself was bathed,—some think within the Erechtheum, others at the fountain of Callirrhoe—but against this we have the statements of Suidas (*s. v. νομοφύλακες*), who says that the nomophylaces arranged the procession *ὅτε κομίζοιτο τὸ ξόανον ἐπὶ τὴν θάλασσαν*, of Xenophon (*Hell.* i. 4, 12), and of an inscription (*Ephem.* 4098) cited by Mommsen, which gives Phalerum as the place. The statue and the clothes were taken in a chariot attended by the priests and priestesses and followed by *ephebi* and the general crowd: late in the evening it was brought back by torchlight. In the procession strings of figs were carried (*παλάθη ἡγητηρία* or *ἡγητορία*), which may merely symbolise fruitfulness, or may, as Mommsen thinks, have also a more mystical reference to an ancient sacrifice of maidens to Athena, as in the Thargelia the victims were garlanded with figs. The pedestal of the image was washed by a *κατανίπτης* (*Etym. Mag.*). We hear also of a *πλυντήρια* at Paros (*C. I.* 2265); and we may compare also the Argive *λουτρὰ Παλλάδος* in the Inachus, described by Callimachus, and the later Roman ceremony of the Megalesia. The day of the procession at Athens was one of the *ἡμέραι ἀποφράδες* (*dies nefasti*), on which no legal business could be done, as though the city were on that day without its protecting deity. (A. Mommsen, *Heort.* 436 f.; Preller, *Gr. Myth.* i. 166.) [L. S.] [G. E. M.]

PNYX. [ECCLESIA.]

PO'CULUM. [CALIX.]

PO'DIUM is the name given to the continuous base that forms the lower part of a wall or building. Thus it is used for the side of the substructure on which a temple is raised (Vitruv. iii. 3), for the marble panelling or "dado" round the lower part of a wall (Vitruv. vii. 4; Plin. *Ep.* v. 6, 22), for the lower part of the scena-wall in a theatre, on which columns rested (Vitruv. v. 7), or for the wall surrounding the arena in an amphitheatre, and forming a basis for the seats of the spectators [AMPHITHEATRUM]. [E. A. G.]

POENA. The original sense of this word, which is derived from the Greek *ποινή* (Curtius, *Gr. Etym.* No. 373), seems to have been composition paid by a delinquent to the party injured by him, or to his kinsmen, in order to escape vengeance (Dig. 50, 16, 131 pr., "poena est noxae vindicta;" cf. the expressions "poenas solvere, pendere"). (Rubino, *Untersuchungen über röm. Verfassung*, p. 460; Ihering, *Geist. d. R. R.* i. 126.) When crimes came to be visited with punishment by the state, the word *poena* meant a penalty or punishment threatened by the law on account of offences, whether such penalty was exacted at the suit of the injured party, as in the case of theft, or was a consequence of a judicium publicum.

The conception of poena differs from that of *multa*, as Ulpian exclaims in a well-known passage of the Digest (Dig. 50, 16, 131, § 1). *Multa* or *mulcta* was a pecuniary penalty ("cujus animadversio hodie pecuniaria est"), though by the law of the Twelve Tables it had been pecuaria or a certain number of oxen and sheep. (Plin. *H. N.* xviii. § 12; Festus, s. vv. *Multam, Peculatus.*) It was one of the modes of punishment by which the higher magistrates enforced their supreme executive authority, but the right of imposing a multa on offenders was extended to inferior magistrates, and in Ulpian's time belonged to every person who was invested with judicial power in civil or administrative matters, such as municipal magistrates and praesides provinciarum ("item multam is dicere potest, cui judicatio data est"). A multa was imposed according to the discretion of the magistrate, and its amount was determined by the pleasure of him who imposed it, unless a maximum amount was fixed by law. On the other hand, a poena was only inflicted when it was imposed by some lex or some other legal authority (*quo alio jure*). (Cf. Paulus in Dig. 50, 16, 244 (Labeo): "Si qua poena est, multa est; si qua multa est, poena est." (Paulus): "Utrumque eorum falsum est; namque harum rerum dissimilitudo ex hoc quoque apparet, quod de poena provocatio non est. Ex hoc quoque earum rerum dissimilitudo apparere poterit, quia poenae certae singulorum peccatorum sunt, multae contra, quia ejus judicis potestas est, quantum dicat, nisi cum lege est constitutum quantum dicat.") A poena was not necessarily pecuniary, but might affect a person's caput and existimatio. Cicero enumerates the following kinds of poenae, viz. *damnum*, *vincula*, *verbera*, *talio*, *ignominia*, *exilium*, *mors*, and *servitus* (Cic. *de Leg. Aug. C. D.* xxi. 12; *de Or.* i. 43, 194; *de Off.* iii. 5, 23; *pro Caec.* 34, 100). A poena might be inflicted by any one whose function it was to take cognisance of crimes. When no poena was imposed, then a multa might be the punishment. [G. L.] [E. A. W.]

POLEMARCHUS (*πολέμαρχος*). There is probably no official title which was more widely diffused in Greece than that of Polemarchus. It is known at Athens as the name of the third archon [ARCHON], among the Dorians of Sparta, the Aeolian peoples of Thessaly and Boeotia, in Aetolia, Arcadia, and Euboea. It does not appear to have existed (at least, we have no evidence as yet) in any of the cities of Magna Graecia on the one hand, or in those of Asia Minor on the other; in other words, the title does not seem to have struck root in colonies. As its name implies, it originally meant a leader in war (cf. *πολέμαρχος Ἀχαιῶν*, Aesch. *Cho.* 1072); and, as we shall see, probably was an offshoot of the office of the king in his capacity of commander-in-chief of the forces of the state. Everywhere alike we see its original military character continuing to attach itself to the office, for we find the polemarchs either holding actual commands in war, or superintending the military organisation and defence of the state in time of peace. As the polemarch at Athens was the survival of the military side of the ancient kingly office, so we find at Sparta the polemarchs playing an important part in its organisation. When we first hear of them, they appear as forming the immediate military staff of the king. They have no particular body of men under them; for the *λόχος* is under its *λοχαγός*. But in cases where a force took the field, of which the king in person did not hold the command, one of the polemarchs was appointed to lead it in his place. Thus the Spartan force sent to Tempe before the advance of Xerxes was commanded by Evaenetus, one of the polemarchs (*ἐστρατήγεε δὲ τῶν Λακεδαιμονίων Εὐαίνετος ὁ Καρήνου, ἐκ τῶν πολεμάρχων ἀραιρημένος, γένεος μέντοι ἐὼν οὐ τοῦ βασιληΐου*, Herod. vii. 173). From this passage we may likewise infer that it was not usual to appoint any of the polemarchs to such a command unless they were of the blood royal, and at the same time that, whilst the polemarchs were usually members of the kingly house, they were not necessarily so. It was natural that, when the duties of the kings as commanders-in-chief increased, they would find it necessary to have lieutenants or adjutants to aid in organising the forces, and for such important duties they would naturally employ persons connected with themselves by the close tie of clanship. The polemarchs continued in this position until the reorganisation of the Spartan army into six *morae* in 404 B.C. Thus Thucydides (v. 66), when describing the organisation of the Spartan army when in the field, says that the supreme command was vested in the king if he was with the troops; the king gave the necessary orders to the polemarchs, and they in turn gave them to the *lochagi*. Thus they evidently came next to the king, and were superior to the *lochagi*, over whom they were placed to command *lochi* on important occasions. Thus, at the battle of Mantinea (418 B.C.), we find two polemarchs in command of two *lochi*, doubtless detailed by king Agis for this special occasion (Thuc. v. 71). From this occasional supersession of the *λοχαγοί* by the polemarchs, the change to the new organisation (in 404 B.C.) is the natural step, when the polemarchs are now made the regular commanders of the new *morae* (six in number), each *mora* containing two *lochi* under *lochagi*. Thus we find the polemarch Praxitas with his *mora* garrisoning Sicyon (Xen. *Hell.* iv. 4, 7). Xenophon (*Resp. Lac.* 12, 6) speaks of a *πρῶτος πολέμαρχος*, who may possibly be the same officer whom he calls (*op. cit.* 13, 7) *πρεσβύτατος τῶν περὶ δαμοσίαν*. That they formed part of the damosia, or king's body-guard, we may perhaps infer from Xen. *Hell.* vi. 4, 14.

The polemarch was assisted by officers called *συμφορεῖς* (Xen. *l. c.*) When not in active service, the polemarchs had to superintend the Phiditia or public messes at home. We infer from Xenophon (*Resp. Lac.* 13, 6) that they were six in number under the organisation which existed in his time, as there was one for each *mora*. As the Spartans of the same *lochi* messed together, we may infer that the polemarch exercised a general control over the commissariat of the men who formed his own *mora*. In the various cities of Boeotia the office of polemarch was universal. There were usually three in number, though in some cases two only appear. For instance, at Thebes, at the time when Phoebidas the Spartan general got possession of the Cadmeia (482 B.C.) by the aid of Leontiades, one of the polemarchs, Xenophon speaks as if there were only two (*πολεμαρχοῦντες μὲν ἐτύγχανον Ἰσμηνίας τε καὶ Λεοντιάδης, διάφοροι δὲ ἀλλήλοις καὶ ἀρχηγὸς ἑκάτερος τῶν ἑταιριῶν*, *Hell.* v. 2, 25).

We can infer from Xenophon (*Hell.* v. 4, 30) that the polemarchs had the control of the military organisation, having under them the *λοχαγοί*, who commanded the *λόχοι*, into which, as we know from Thucydides (iv. 91), the army was divided. The *πολέμαρχος* had a secretary (*γραμματεύς*, *ὁ γραμματίδδων*, Xen. *Hell.* v. 4, 2; Plut. *Pelop.* 7; Larfeld, *Inscript.* 169). At Thebes the polemarchs had the power of arresting any one who had done an act worthy of death (Xen. *Hell.* v. 2, 30). We know of the existence of *πολέμαρχοι* at Thespiae from Plutarch (*Demetr.* 39), and from an inscription (*Bullet.* viii. 413). At Acraephium there were three *πολεμαρχίοντες* and their *γραμματίδδων* (Larfeld, 184), and a similar board at Hyettus (Id. 144); at Copae (Id. 170), where there were only two in number; at Orchomenus (Id. 13, 17, 18, 21, 22); and at Chaeronea (*Mittheil.* viii. 355). They seemed to have had certain financial duties at Orchomenus, and to have presided in the popular assembly. They commanded the contingents from their several towns, being under the control of the boeotarchs, who were the highest officers of the League.

There were also polemarchs at Aegisthena and Megara, at the latter place probably representing the *στραταγοὶ* of an earlier date. We likewise find three *πολέμαρχοι* at Eretria in Euboea (*C. I. G.* 2144). In Thessaly the League (*τὸ κοινὸν τῶν Θετταλῶν*) consisted of four ancient divisions called *τετράδες*. Each *τετρὰς* had its polemarch, who with the *πέζαρχοι* under him commanded the contingent of infantry which his *τετρὰς* contributed to the army of the League. We may infer the existence of the office of polemarch (or polemarchs) at Phlius from the existence in that city of a *πολεμάρχειος στοά* (Müller, *Fragm. H. G.* iii. 133). The office also existed at Phigalia (*τὸ πολεμάρχειον*, Polyb. iv. 79), at Mantinea (Thuc. v. 47), and at Cynaetha, where their functions were described by Polybius (iv. 189): *κλείειν τὰς πύλας καὶ τὸν μεταξὺ χρόνον κυριεύειν τῶν κλείδων, ποιεῖσθαι δὲ καὶ τὸ καθ' ἡμέραν τὴν δίαιταν ἐπὶ τῶν πυλώνων*). In the days of the Achaean League there were still *πολέμαρχοι* at Dyme, whilst there is also evidence for the office at Thuria in Messenia. That there was a polemarch in the island of Paros, we know from inscriptions (*C. I. G.* 2374, 2379).

Finally, the office seems to have existed both in Ambracia (*C. I. G.* 1797) and in Aetolia (Polyb. iv. 79). As in many of these places above specified we find mention likewise of an archon, we may, on the whole, infer that the duties of the polemarchi corresponded very closely to those of the strategi at Athens, and, in fact, we saw that at Megara they were called *στραταγοὶ* at an earlier period. [W. Ri.]

POLENTA. [Puls.]

POLE'TAE (*πωληταί*). The poletae at Athens were a board of ten officials or magistrates which formed one of the departments of the Treasury. They were chosen by lot, one from each tribe (Harpocration, *s. v.* *πωληταί*). They were under the supervision of the Boule of Five Hundred, and its ratification was required to give validity to their proceedings. It was their duty to let out to farmers by a kind of auction the revenues arising from all tolls, customs, and taxes; to let on lease public lands, and plots of ground for mining purposes at Laurium. They superintended the Architecton in giving out the contracts for works to be done for the state, such as the building and repairing of the walls (*C. I. A.* ii. 167). They likewise put up to public sale the property of public debtors who had failed to discharge their obligations to the state within the appointed time, and of those who were in arrears with their income-tax (*εἰσφορά*), as well as the property and persons of such aliens who had been convicted on a *γραφὴ ξενίας* of usurping the rights of citizenship, and of metoeci, who had been convicted on a charge of not having enrolled themselves under a *προστάτης* (*γραφὴ ἀπροστασίου*), or on a charge of having failed to perform their obligations to their *προστάτης* (*γραφὴ ἀποστασίου*), and for not having paid the resident alien tax of 12 drachms (*τὸ μετοίκιον*). [Metoeci.] They likewise put up for sale all property confiscated (*δημιόπρατα, δημευόμενα*). They had also the duty of setting up public inscriptions (*στῆλαι*, *C. I. A.* i. 61), and under the direction of the Archon Eponymus, who supervised the property of orphans, let out on leases the property of minors. They elected a president (*πρύτανις*); and their office, where they put up for auction the various kinds of property, was called *τὸ πωλητήριον* (cf. [Dem.] c. *Aristog.* 787, § 57, *τῷ πωλητήριον τοῦ μετοικίου*).

We find the office of *πωλητὴς* in other parts of Greece, as, for instance, at Halicarnassus (*Bullet.* v. 212), where there seems to have been but a single poletes instead of a board; whilst at Cos we find on an inscription a board of poletae letting out the contract for the setting up of a proxenia-decree on a pillar (Cauer,[2] 160), and a similar board of poletae giving out a contract for the engraving of a similar pillar accords to the agreement drawn up by the Architecton (Cauer,[2] 181). Finally, we find at Epidamnus, the colony of Corcyra, a functionary called poletes, elected annually. Plutarch (*Quaest. Gr.* 29) says that the Epidamnians being neighbours of the Illyrians, and finding that their citizens became corrupted in their trading with the barbarians, elected a poletes through whom all bargains and barterings were carried out. [W. Ri.]

POLITEIA, POLI'TES (*πολιτεία, πολίτης*). [Civitas.]

POLITOPHY'LACES. [Tagus.]

POLLICITA'TIO. [Obligationes.]

POLLINCTOR. [Funus.]

POLUS (*πόλος*), a word of various meanings, all however connected in some way with a sphere of revolution, the root of the word being the same which appears in *πολέω* and *πέλομαι*, which implies motion, especially motion round a centre. It is only the scientific meanings which will here be noticed, of which the best known is that which has reference to astronomy; the other, much rarer and derived from the former, referring to a part of the sun-dial [Horologium]. In astronomy, again, by far the most common meaning of *polus* or *πόλος* is the heavenly sphere or spheres, or vault of the sky, originally conceived of as solid: thus in the earliest passage in which *πόλος* occurs (Aesch. *Prom.* 427) Atlas is represented as supporting this sphere on his shoulders. Probably the word was not very ancient in the time of Aeschylus, for in Aristophanes (*Av.* 179–182) there is a formal explanation of it, and it is in his contemporary, Euripides, that it first becomes frequent (*Orest.* 1685; *Ion*, 1154, &c.). The account of the heaven accepted among Greek philosophers generally (though with variations) represented it as formed of concentric spheres, the outside sphere being that which contained the fixed stars, while the inner spheres, each having its own proper motion, contained the sun, moon, and five principal planets (which alone are visible to the naked eye). See Plato, *Timaeus*, p. 38, and the second book of Aristotle, *de Caelo;* in which book, especially in the latter half, are to be found acute observations, mixed with obscure reasonings. But it is to be remarked that both in *Timaeus*, 40 B, and *de Caelo*, ii. 14, *πόλος* is used, not for the entire heaven, but for the axis of heaven and earth, around which the whole revolved. Again, in the *de Caelo*, ii. 2, the *πόλοι* are the poles, north and south, in our sense of the word; and the same meaning is common in Latin, when the entire heaven is not intended (Plin. *H. N.* ii. § 63). Another meaning altogether, the *orbit* of a star, is found in [Plat.] *Epin.* 986 C. (Cf. [Plat.] *Axioch.* p. 371 B; Alex. *ap.* Athen. p. 60 a; Ukert, *Geog. d. Griech. u. Röm.* vol. i. pt. ii. p. 115: and for the conception of heaven among the Greeks, Whewell, *Hist. of the Inductive Sciences*, vol. i. pp. 153 *sqq.*; Cornewall Lewis, *Astronomy of the Ancients*, which moreover takes notice of the point next to be mentioned.)

Connected with the most common astronomical meaning of πόλος, the revolving heavenly sphere, is the use of the word to mean a dial. The first scientific attempt to mark the time of day with exactitude was by constructing a hollow hemisphere, so placed as to catch the sun's rays on its interior surface, the axis of the hemisphere being parallel to the polar axis of the heavens. Then on this interior surface the path of the sun was marked by means of the shadow of a bead fixed on the axis of the hemisphere, or (which comes to the same thing) by the extremity of an index (γνώμων) reaching to the same point. The simple index or γνώμων, in the sense of an upright rod, had no doubt been used from very early times as a means of roughly measuring the time of day, by the length and direction of the shadows. But when to the γνώμων was added the above-described hemisphere, or πόλος as it was naturally called, from its being the counterpart of the heavenly πόλος, the result was a scientific sun-dial. Herodotus (ii. 109) uses the two words, πόλον καὶ γνώμονα, together, to describe the compound instrument, and he tells us, no doubt correctly, that the Greeks derived it from the Babylonians. (See Ideler, *Handbuch der Chronologie*, vol. i. p. 233, referred to by Grote, vol. ii. p. 155, in editions after the first; also Bahr's note on Herodotus *ad loc.*, with his references to Bailly, Delambre, Letronne, and Creuzer.) Vitruvius (ix. 9) tells us that this form of sun-dial (*hemicyclium*) was invented by Berosus, who lived at Babylon at the end of the fourth, and during the first part of the third, century B.C. But this, considering the passage in Herodotus, can hardly be correct; though Berosus may no doubt have improved the instrument, and his bust is represented on the base of a dial found at Palestrina. Besides Herodotus, Aristophanes mentions the πόλος in a fragment of the Gerytades, where it clearly means a sun-dial, and is explained as such (ὡρολόγιον) by Pollux (ix. 46), to whom we owe the fragment. Lucian (*Lexiphan.* 4) speaks of the γνώμων as overshadowing the middle of the πόλος, which shows clearly the relation between the two. (See also Alciphron, *Ep.* iii. 4.) Some interesting remarks on ancient sun-dials, with pictures in which the πόλος and its hour-lines are well illustrated, and another of a different make of dial, will be found in Mrs. Alfred Gatty's *Book of Sun-dials* (London, 1889), pp. 1-13, 391-404. [P. S.] [J. R. M.]

POLY'MITA. [TELA.]

POME'RIUM or POMOE'RIUM. As regards the spelling of the word, the latter, which accords more nearly with the etymology, is retained by Madvig, but most modern authorities have agreed that *pomerium* is the more correct (see Mommsen in *Hermes*, x. 40). The pomerium was a space left vacant on the inner side of a city wall (*post-moerium*): it did not, however, necessarily run parallel with the line of fortification; where it did not do so, and preserved only a religious significance, it was marked by a line of stone pillars (*cippi pomerii*, Varro, *L. L.* v. 143; *lapides*, Tac. *Ann.* xii. 24), which indeed, no doubt, were placed at intervals over its whole course. The original pomeria, it may be conjectured, followed the original ring-walls of associated bodies of citizens: hence if by conquest or federation new citizens were brought in and a larger *urbs* became necessary, the ring-wall, and with it the pomerium, was enlarged. It is probable that the first intention was to leave a clear space immediately within the walls for military reasons, that the defenders might have freedom of movement: and that what had become an invariable custom in the builders of walled cities, became a religion. The custom was common to Latins and Etruscans, and a town in the earliest times was founded as follows:—a bullock and a heifer were yoked to a plough, and a furrow was drawn round the place which was to be occupied by the new town, in such a way that the clods fell inwards: the furrow marked the ditch, the mound the ring-wall within it, and within that again was a certain space called the pomerium, its width marked by *cippi*, upon which no buildings could be erected. It is true that Livy (i. 44) states the pomerium to have been a space left vacant *both within and without* the wall; but Mommsen has shown good reason for rejecting this view, which rests on Livy alone, and for imagining that author to have been misled about a point of antiquarian knowledge (Mommsen in *Hermes*, x. 40; *Röm. Forschung.* ii. 23; *Staatsrecht*, i.^{2} 63). The language of Varro, "qui (orbis) *quia erat post murum*," &c., is decidedly against Livy's view; and so is the "per totius urbis circuitum pone muros" of Gellius, xiii. 14: the word itself can be only naturally explained on the theory that it was something "behind" the walls, *i.e.* protected by them (with which postliminium is probably to be compared); and moreover the fact that the Aventine, though within the Servian walls, remained outside the pomerium, can hardly allow us to conceive the pomerium as on the outer side of the fortifications.

Whatever may have been its first intention, the aspect in which the pomerium comes before us is its religious aspect. The space within it was called *ager effatus*, so named, according to Varro, vi. 53, "because the augurs have declared thereby where the limit for urban auspices should be in the direction of the fields without the city" (such is Mommsen's rendering), *i.e.* beyond what point the auspices would no longer be *urbana auspicia* (cf. Gell. xiii. 14; Varro, v. 143). The distinction is seen in the auspices for Comitia Curiata being within the pomerium, those for Comitia Centuriata outside, because this in its origin was a military levy: the general starting for a campaign must take them within the pomerium, but the bellica auspicia *after* his imperium began must be taken outside, in the camp, on the field of battle, &c. Crossing the pomerium did away with the effect of the military auspices; hence, if he came back to Rome, he must take the urbana auspicia over again for his return, and the bellica auspicia after he reached his army. This explains the obscure expression in Tac. *Ann.* iii. 19 (see Mommsen, *Staatsrecht*, i.^{2} 99; AUSPICIA). The pomerium then included in its circle the dwellings of the urbs proper, but practically Rome soon went further, and was expressed technically by "urbs et urbi continentia aedificia."

The *antiquissimum pomerium.*—This ran within the old walls of the Palatine city, taking therefore a somewhat square form, and Mommsen is of opinion that this shape belonging to the templum was to some extent preserved in the subsequent pomeria, from their connexion with auspices; so that, when the Servian walls became more circular, the *cippi* left wider spaces here and there, even excluding great portions (such as the Aventine), and gave a more rectangular shape to the ager effatus. Tacitus (*Ann.* xii. 24) describes the pomerium of Romulus by four points—Ara Maxima, Ara Consi, Curiae veteres, and Sacellum Larium: the first three seem to mark the S.E., S.W., and N.E. corners of the Palatine (O. Richter). There is some difficulty in the "sulcus" including the Ara Maxima which seems to be outside the actual walls of the Palatine city; and it is also strange that if Servius extended the pomerium, he left the old cippi standing. Mommsen inclines to the opinion in Jordan, *Top.* ii. 26, that the cippi which Tacitus describes were placed later, to show the boundaries used for the lustration of the Palatine [LUPERCALIA]. Of the Servian cippi we have neither remains nor record, except that they did not include the Aventine, though his walls did: Gellius (xiii. 14) says that Remus made the Aventine unlucky for auspices: Varro (v. 43), that on this hill stood the temple of Diana common to Latins and Romans: Mommsen's theory, mentioned above, suggests another cause.

Enlargement of the Pomerium.—The *jus proferendi pomerii* belonged to the king who had added territory to Rome, and, even if this passed theoretically to dictator or consuls who "auxerunt fines imperii," it was never exercised after Servius until the dictatorship of Sulla (Dionys. iv. 13; cf. Liv. i. 44). It is true that some Latin writers speak as if we might expect it after any conquest (Sen. *de brev. vit.* 3; Tac. *Ann.* xii. 23; Gell. xiii. 14): but Tacitus himself in the next chapter mentions Sulla as the only conqueror under the Republic who did so. What his extension was, we do not know. Caesar professed to follow his example (Cic. *ad Att.* xiii. 20), but, if we believe Tacitus, did not do so, prevented perhaps by death. Detlefsen (*Hermes*, xxi. 513) takes Gell. *l. c.* and Dio Cass. xliii. 50, xliv. 49, to show that he carried out his proposal: see, however, on the other side, Mommsen, *Staatsrecht*, ii.^{3} 738. The same writer (ii.^{3} 1072) gives good reasons for holding that Augustus did not enlarge the pomerium: if so, it may have been from reluctance to assume the *kingly* state; and so he instead constituted the fourteen regions. Of the emperors:—1. Claudius, after adding Britain and Commagene to the Empire, proceeded to enlarge the pomerium, including within it the Aventine, probably with a view of determining afresh the *templum* of the city (cf. Hulsen in *Hermes*, xxii. 615). Four of his cippi have been discovered (*C. I. L.* vi. 1231): they seem to bring his line nearly up to Mons Testaceus, to the inner border of the Campus Martius, and to the Porta Salaria. An inscription gives his claim "auctis populi Romani finibus pomerium ampliavit terminavitque." 2. Nero (Vopisc. *Aurel.* 21). 3. Vespasian and Titus, two of whose stones have been found with a similar inscription and numbered xxxi. and xlvii., one beyond the Pincian gate, the other near the Porta Ostiensis (*C. I. L.* vi. 1232). Hadrian did not extend the pomerium, but only marked it afresh (*C. I. L.* vi. 1233); one of his cippi was found not far from that of Claudius on the edge of the Campus Martius, and another near the Pantheon: it would appear that the Campus Martius was, at least till after Hadrian, outside the pomerium. The inscription tells us that the limits of a pomerium were arranged by the college of augurs, which agrees with Cic. *de Div.* ii. 35, 75. It will be seen that these extended pomeria, from Claudius onwards, were an ideal unwalled city; their limits were in some places beyond even the site of the later Aurelian walls, though in others considerably short of it. (Jordan, *Topog.* i. 323 ff.; Mommsen in *Hermes*, x. 40 ff.; *Röm. Forsch.* ii. 23 ff.; *Staatsrecht*, ll. cc.; O. Richter in Baumeister, *Denkmäler*, s. v. *Rom.*) [L. S.] [G. E. M.]

PO'NDERA (σταθμοί). In recent years the subject of Greek and Roman weights has received much attention, especially in connexion with the history of the coinage; and the researches of Boeckh, Hultsch, Mommsen, and Brandis have thrown light over what was before their time a most obscure field. The method of these inquirers, especially that of the two latter, has been scientific induction. In the ancient world coins were always struck on one or another of the weight-standards in use for commercial purposes, and in Greece the stater of gold or silver always bore a simple and definite relation to the talent and mina in use in the state where they were struck. In Rome the as was originally merely a pound of copper. Thus it is by weighing great quantities of coins that we are enabled to recover the weights in use in Greece and Italy, and trace the historical succession and the derivation of the various standards. When we have thus reached definite results, we can turn to the works of ancient writers on metrology with better hope of understanding them.

Weights of Babylon.—It is known from the testimony of cuneiform inscriptions that at a very remote period the people of that city developed an elaborate and scientific system of numerical notation, and applied it to the reckoning of time, of weights, and of measures. The basis of this system of notation was neither decimal nor duodecimal, but sexagesimal; that is to say, the first figure in the line represented units, the second sixties, the third 60 × 60, three thousand six hundreds, and so forth. The convenience of this system will be clear if we consider that sixty is divisible by both ten and twelve.

Of the sexagesimal division introduced by the Babylonians into the reckoning of time, traces remain to our own day: still sixty seconds make a minute and sixty minutes an hour. We also inherit from the Babylonians the division of a foot into twelve inches. This system of division was used by the Babylonians, and after them by the Greeks in the case of weights.

For the verification of Babylonic standards, we are not left to conjecture. Mr. Layard brought from the ruins of Nineveh a number of weights, some in the shape of a lion and some in that of a goose or duck. These weights bear upon them complete and satisfactory legends, stating what they are, partly written in the cuneiform character, and partly in the Aramaic character which was commonly used in Asia Minor at the time of the Assyrian dominion. The name of the king in whose reign they were made is added, so that our information regarding them is of the most definite character.

A detailed account of these weights is given by Mr. E. Norris in the *Journal of the Royal Asiatic Society*, vol. xvi., by Dr. Brandis (pp. 43 *sqq.*), and in the ninth *Report of the Warden of the Standards*. The facts established by them may be briefly put. They show that under the Assyrian Empire there were in use in Mesopotamia, Syria, and Asia Minor two principal standards of weight. The minas of these two standards were related one to the other in the proportion of 2 to 1. The mina of the heavier standard weighed about 1010 grammes or 15,600 grains troy; the mina of the lighter standard, 505 grammes or 7,800 grains. Whether the two standards had different origins, or represent only a different mode of calculation, is obscure.

It can scarcely be a coincidence that the sixtieth parts of these two minae, the heavier sixtieth weighing 260 grains (16·8 grammes) and the lighter weighing 130 grains (8·4 grammes), were the weights according to which many of the earliest gold coins of Asia Minor were struck. This fact seems to prove that the weights in question had long been in use in that district for the precious metals, before coins were invented. According to the view of Brandis, accepted by Mr. Head, the heavier sixtieth was the accepted unit in Phoenicia; whereas the lighter travelled overland to Lydia, and thence reached the Greek colonies of the coast of Asia Minor.

On the ground of Homer's mention of the talent, which mention proves at any rate that fixed standards of weight for gold and other metals were in his time current, Mr. Ridgeway has maintained (*Journal of Hellenic Studies*, viii. 133) that by the Greeks, even in the Homeric age, gold bars of the weight of 130 grains were regarded as the equivalent of an ox, and gold bars of 260 grains as the equivalent of a yoke of oxen. But granting the probability of the fact, it seems most likely that the Greeks did not arrive at the gold bar of 130 grains by an empirical process, but derived it directly from some metrological system in force among their neighbours, and perhaps arbitrarily regarded it as equivalent to an ox under ordinary circumstances. If either gold or oxen became abnormally scarce, of course the equation would no longer hold good.

From the gold shekel of 130 or 260 grains, whencesoever the weight was derived, the peoples of Asia Minor and of Syria seem to have formed metrological systems. By multiplying by 50, they formed minae of 6,500 and of 13,000 grains, and from these minae again talents of sixty times those weights. All this appears to have taken place before coins were in use, while the currency of the precious metals consisted only of bars or rings.

It is clear that in the circulation of the precious metals two plans might be adopted. Either bars both of gold and of silver might be current of the weight of the shekel, which would exchange against one another at any time or place according to the proportion between the value of silver and that of gold; or else different standards of weight might be adopted for the two metals, and bars of gold and of silver issued of such weight that a round number of the silver bars would exchange for one of the gold. In point of fact, both these courses were adopted at various periods in the countries of Western Asia and Europe.

In his list of the Persian tribute (iii. 89 *sqq.*), Herodotus reckons the proportionate value of gold to silver as 13 to 1. This proportion seems to have been fixed by custom, and not to have changed during the Assyrian and Persian empires. Mommsen and Brandis, however, agree that the relation would be more exactly expressed by the figures 13⅓:1 or 40:3. In practice the rule of Herodotus might be maintained in small transactions, but there seem to be grounds for holding that in dealing with large sums the fraction was taken into account. Had the fixed proportion been 12:1 or 10:1, bars of gold and silver of the same weight would have exchanged conveniently one against the other. Indeed, in Greece at various periods, this did take place. But the awkwardness of the relation 13 or 13⅓ to 1 necessitated in Asia the adoption of a different standard for silver, in order that a round number of the current bars of silver should exchange for one of gold.

According to the theory of Brandis the Phoenician standard for silver, which was certainly in use from early times to late times, was formed on this principle from bars of gold weighing 260 grains. Multiply 260 by 13⅓, and we get the weight of the silver equivalent of this unit, 3466 grains. Dividing this again by 15, we get a convenient bar of silver of the weight of 231 or 230 grains of the value of the fifteenth part of a gold shekel. Thus four gold shekels would be equivalent to 60 bars of silver formed on this new unit. We have reason to believe that the silver currency in Syria and Phoenicia before the invention of coining was, in accordance with the standard afterwards followed in the earliest coins, composed of bars of metal of about 230 grains each, of which fifteen went to a gold shekel.

In Asia Minor and Lydia the ordinary unit of value in gold weighed but half this amount, 130 grains. Its silver equivalent was 1720 or 1730 grains. This sum was represented in the currency by ten bars of about 172 grains each, which would together be equal in value to a bar in gold. From this new silver unit, 172 grains, were formed, by multiplying by 50, a mina of about 8,600 grains and a talent of 516,000 grains, which were known among the Greeks as the Babylonian silver talent and mina. Dr. Brandis tries to show that these were in use in Mesopotamia as early as the 16th century before our era. In any case, it is clear from the testimony of Herodotus that they were in use in Persia for estimating the tribute paid in silver by subject nations. The passage, indeed, in which Herodotus sums this tribute (iii. 89) is perplexing, and certainly corrupt, since his totals do not represent the sum of his items. As the passage stands, the Babylonian talent is said to be equivalent to 70 Euboic minae. But Mommsen, by an emendation universally accepted (*Röm. Münzwesen*, p. 22), alters the figures to 78, so making Herodotus consistent. 78 Euboic minae give a weight nearly equal to that above attributed to the Babylonic silver talent.

In Egypt, in early times, the weights used were the *kat* and the *outen* or *ten*, which was its tenfold. Various metrologists have given different values of the kat; and as existing Egyptian weights vary considerably in force, no accurate determination is possible. The generally received values are, for the kat about 9 grammes or 140 grains, and for the ten 90 grammes or 1400 grains. Various attempts have been made to derive from these Egyptian weights those current in historical times in Greece. And in fact the smallness of the difference between the kat and the lighter shekel of Babylon seems to indicate that they had either a common or a parallel origin. We cannot, however, prove that Egyptian weights were used out of Egypt, while the Aramaic inscriptions on the Assyrian weights prove that they were in use in countries where the Aramaic writing was used; that is to say, in Asia Minor or N. Syria. Brandis also has argued that when certain weights of precious metal are recorded in Egyptian inscriptions as paid by way of tribute by the peoples of Syria, the sum, though expressed in Egyptian weights, almost always consists of a round number of Babylonish shekels. So far therefore as research has at present gone, it would seem that the monetary systems of Syria, Asia Minor, Greece, and Italy were derived rather from Babylon than from Egypt.

	Part of Talent.	HEAVY SYSTEM.				LIGHT SYSTEM.			
		Grammes.	Grains.	Avoirdupois. lbs.	oz.	Grammes.	Grains.	Avoirdupois. lbs.	oz.
I. Babylonic Talent for weighing goods.									
Talent.	1	60,600	936,000	$133\frac{5}{7}$		30,300	468,000	$66\frac{6}{7}$	
Mina	$\frac{1}{60}$	1,010	15,600	2	$3\frac{2}{3}$	505	7,800	1	$1\frac{5}{6}$
Sixtieth	$\frac{1}{3600}$	16·83	260		$\frac{3}{5}$	8·41	130		$\frac{3}{10}$
II. Babylonic Gold Talent.									
Talent	1	50,490	780,000	$111\frac{3}{7}$		25,245	390,000	$55\frac{5}{7}$	
Mina	$\frac{1}{60}$	841·5	13,000	1	$13\frac{5}{7}$	420·7	6,500		$14\frac{6}{7}$
Shekel.	$\frac{1}{3000}$	16·83	260		$\frac{3}{5}$	8·41	130		$\frac{3}{10}$
III. Babylonic Silver Talent.									
Talent	1	67,320	1032,000	$147\frac{3}{7}$		33,660	516,000	$73\frac{5}{7}$	
Mina	$\frac{1}{60}$	1,122	17,200	2	$7\frac{2}{7}$	561	8,600	1	$3\frac{2}{3}$
Shekel.	$\frac{1}{3000}$	22·4	344		$\frac{4}{5}$	11·2	172		$\frac{2}{5}$
IV. Phoenician Silver Talent.									
Talent *	1	44,700	690,000	$98\frac{4}{7}$		22,350	345,000	$49\frac{2}{7}$	
Mina	$\frac{1}{60}$	745	11,500	1	$10\frac{2}{7}$	372·5	5,750		$13\frac{1}{7}$
Shekel	$\frac{1}{3000}$	14·9	230		$\frac{1}{2}$	7·45	115		$\frac{1}{4}$

* Brandis (p. 103) reckons the Phoenician talent at 43,650 grammes, remarking that the Phoenician standards were somewhat debased from those of Babylon; but as a matter of fact the coins struck on the Phoenician standard often weigh for the shekel 230 grains.

The silver talent in use among the Jews was that of the Phoenicians in its heavier form. To quite a late date the Jewish mina weighed 11,500 grains and the shekel 230. This is sufficiently proved by the statements of Epiphanius (Hultsch, *Metrolog. Script. reliqq.* p. 265) as well as from the testimony of a Jewish stone weight with the legend PONDO . CXXV. TALENTVM SICLORVM III.: whence it appears that the Jewish talent weighed even in Roman times as much as 125 Roman pounds, 637,500 grains, which is but a little below the heavy Phoenician standard (see table); and contained 3,000 shekels.

We have reason to believe that the Phoenician weight was in use also at Carthage; having doubtless accompanied the emigrants from the mother-country. For the coinage of Carthage, which does not however begin at an early period, is chiefly struck on the Phoenician standard, and slightly heavier than the money of Tyre and Sidon. And no doubt the Carthaginians, like the Phoenicians, applied the same standard they used for money in weighing other articles.

Derivation of Greek Monetary Standards.—We have already seen what were, before the invention of coinage, the principal monetary standards in use in Western Asia. These we will briefly recapitulate, and assign them names, in order that we may cite them with more convenience hereafter. First, there was the heavy Babylonian gold standard, with its shekel of 260 grains. Next there was the light Babylonian gold standard, with its shekel of 130 grains. Next there was the Babylonian silver standard, of which the unit weighed 172 grains. Last, there was the standard called by Brandis Graeco-Asiatic, but which, as it originally spread from Phoenicia, we shall prefer to call the Phoenician. It was used only for silver, and its unit weighed about 230 grains. It is probable that from one or other of these four units all monetary systems, except those of the ancient Chinese and the modern French, have been derived.

Considering the vigorous commercial activity of the Phoenicians in the eighth and ninth centuries before our era, it cannot appear surprising if the standards adopted by them spread more rapidly and obtained wider currency than the standards which were transmitted by land only. In particular they spread to the Greek cities of the Asiatic coast, which were at this time far superior in wealth and splendour to the cities of Greece proper. Ephesus and Miletus, Phocaea and Smyrna, learned to accept as units of value the heavy Babylonian gold shekel of 260 grains, and the Phoenician silver shekel of 230 grains. And from Ephesus and Smyrna the Phoenician silver standard passed to Sardis, the wealthy capital of the Lydian kings, though the greater part of the Lydian money was minted on the Babylonian standard which reached the country by land.

The credit of inventing the idea of money—that is, of stamping an ingot of metal of fixed weight with an official die, which should guarantee its quality and value—belongs to the Lydians. Herodotus (i. 94) states that this people were the first to strike coin in gold and silver. But probably the earliest coins were neither of gold nor of silver, but of electrum, which is a natural mixture of those two metals, found in the bed of the Pactolus and other rivers of Asia Minor, and reckoned by the Greeks as a separate metal. [See ELECTRUM.] Whether ingots of electrum unstamped had previously been current, we cannot say; but it is likely. If we are to suppose, with Brandis, that by a fixed convention the value of the Lydian electrum was regarded as ¾ of that of gold, gold standing to silver in the relation of 13⅓ to 1 as regards value, electrum would appear to have stood to silver in the relation of 10 to 1. In this proportion recent metrologists have found an explanation of the fact that the electrum was struck upon the standard used for silver and not that used for gold, each of the new coins of electrum passing for ten of the previously used bars of silver. We must, however, observe that the proportion of value between gold and electrum cannot be regarded as ascertained fact.

The claim of the people of Lydia to have invented money is usually allowed by numismatists. The invention appears to belong to the seventh century, when Lydia was ruled by the Mermnadae. It spread to the towns of the Ionian coast, and thence with decreased rapidity south and west. The great bulk of the early electrum coins are struck on the Phoenician silver standard. In their division the duodecimal system prevails; the third, fourth, sixth, twelfth, and twenty-fourth parts of the stater being usual. Some of the early coins of Lydia are on the Babylonic silver standard. This, however, was not used out of Lydia. Electrum pieces on the Phoenician standard, on the contrary, were struck in a host of cities; including Sardes, Miletus, Chios, Samos, Lampsacus, and even the distant Aegina. A few cities, such as Samos and Eretria, seem in the earliest times to have struck electrum coins on the Babylonic gold standard. For further details as to the early electrum coinage, see ELECTRUM and the authorities there cited.

The city of Phocaea, which enjoyed great wealth and prosperity during the half-century previous to its destruction by Harpagus, the general of Cyrus, issued at that period coins of dark electrum, containing a considerable proportion of gold, minted on the heavy Babylonian gold standard,—coins which seem during the earlier half of the sixth century to have pushed their way on the Asiatic coast, and in many places to have taken the place of the Milesian electrum. (Head, *Numismatic Chronicle*, xv. 272.)

The supersession in Asia of the electrum coinage by one of gold and silver has been generally regarded as the work of Croesus. This able and wealthy monarch is supposed to have recognised the fact that electrum, in consequence of its varying purity and value, is ill-fitted to be a measure of value, and so to have stopped the issue of electrum coins in the mint of Sardes, and in the place of them to have substituted pieces of pure gold struck on the light Babylonian gold standard (126 grains) and pieces of fine silver struck on the Babylonian silver standard (168 grains). Of these coins, which bear as type the head of a lion and the head of a bull, many specimens survive to our day. Ten of the silver pieces were equal in value to one of the gold, being considerably heavier. It is, however, the view of M. Six that this monetary reform was the work not of Croesus, but of his Persian conqueror, Cyrus (Head, *Historia Numorum*, p. 546). Darius, son of Hystaspes, regulated the internal affairs of the Persian Empire, and introduced a state coinage on the model of that of Lydia, which continued unchanged until the overthrow of the Persian Empire by Alexander the Great.

The coinage of gold he claimed as his own peculiar privilege, and insisted on his exclusive right in this matter with so much vigour that it became a settled principle of Persian rule that no power in Asia, save the Great King only, had the right to issue money of gold. The staters of Darius were in weight identical with those of Croesus (128–130 grains). They were called Darics, perhaps from the king who instituted them; also *τοξόται*. [See DARICUS.] Darius issued also silver coin, in shape and type similar to the gold. He adopted as his monetary unit the half of that of Croesus, at the same time somewhat raising the standard. Thus the silver pieces called *σίγλοι* or shekels weighed about 86 grains, and twenty of them were equivalent in value to a Daric. [See SIGLUS.] But the right of issuing silver money was not reserved exclusively to the king. Satraps, especially when in command of military expeditions, were allowed to strike in silver, to adopt any types or devices they might think proper, and even to place their names on the coin. The cities of the Asiatic coast, of Lycia, and of Cyprus were allowed to have coins of their own. In these cases the standard was the same as that of the siglos, but the pieces issued were usually of the weight of two sigli (about 172 grains). The cities of Phoenicia, on the other hand, which issued silver coin in great abundance, retained, Aradus excepted, their ancient silver standard. Such was the general nature of the Asiatic issues of coin until the Persian Empire fell.

But we must now trace the rise of coining in Greece proper; and for this purpose return to a period before the date of Darius. We have already mentioned that, probably as early as the seventh century B.C., the cities of Euboea minted electrum on the Babylonian gold standard (130 grains), and Aegina on the Phoenician silver standard (230 grains). At this period the cities of Euboea, together with Corinth and Aegina, were the great commercial states of Greece. So it is not surprising that with these issues in electrum all the coinage of Greece proper took its rise. A coinage in electrum, however, could not exist long in Greece, for the substance of which it was formed had to be imported from Asia Minor. Silver, on the contrary, was abundant in Hellas, being procured in large quantities and many places, especially in Thrace. [See ARGENTUM.] It was therefore natural that the cities of Greece proper should have adopted silver for their currencies. But in so doing they adhered in the main, as we shall see, to the standards which had reached them from Asia.

Herodotus states that it was Pheidon, king of Argos, who regulated the measures of the Peloponnese (Herod. vi. 127); and Ephorus, quoted by Strabo (viii. pp. 358 and 376), says that he struck *νόμισμα τό τε ἄλλο καὶ τὸ ἀργυροῦν* at the island of Aegina. Certainly some of the earliest of the coins of Greece proper were the electrum and silver money of Aegina, bearing the type of a tortoise. According to Herodotus (vi. 127), Pheidon's son was one of the suitors of Agariste, daughter of Cleisthenes of Sicyon. If this be true, his date must be brought down to that of Cleisthenes, about 600–580 B.C.; and we agree with Unger, who has discussed the whole question of the date of Pheidon in the *Philologus* (vols. 28, 29), that there is good reason to believe that there was a Pheidon ruling in Argos at that period. The testimony of Herodotus is too clear and explicit to be rejected. And this king it must certainly have been who introduced coins into Greece. It is contrary to all evidence to place that introduction at so early a period as the eighth Olympiad.

Whether it was this Pheidon who also regulated the measures of the Peloponnese may be considered more doubtful. That the same ruler regulated the weights also is not stated by Herodotus, but is probable. That there was an earlier Pheidon is proved by a mass of testimony; and the explicit statement of Pausanias (vi. 22, 2) that he presided at the eighth Olympic festival appears too definite to be disputed. The conjecture of Weissenborn, who wishes to substitute twenty-eighth for eighth, is rightly rejected by Unger, and has indeed nothing in its favour, besides being quite inconsistent with the testimony of Herodotus; and it may be this earlier Pheidon who regulated Peloponnesian weights and measures.

In any case we may allow the truth of the tradition that silver coin was first struck in Hellas proper in the island of Aegina. Of this very primitive coinage we possess many specimens. Their type is a turtle, the emblem of the Phoenician goddess of trade. One specimen in the British Museum weighs 211 grains, but few weigh more than 200 grains. It is difficult to determine whence the Aeginetans or Argives derived this standard, which is called the Aeginetan. It is possible that it is merely a slightly degraded form of the Phoenician. Argos had been from early times in constant commercial intercourse with the Phoenicians, and long before the invention of coinage the Argives must have been in the habit of using bars of metal of fixed weight. It is possible that Pheidon, in regulating the weight of the Aeginetan stater, thought best to adapt it to the Babylonic gold standard, which was already in use, as we shall see, in some parts of Greece for silver. The Babylonic stater weighing 130 grains, he may have lowered the standard of Phoenicia (supposing that to have been in use at Argos) so that his new staters should weigh 195 grains, and two of them exchange for three of the Babylonic staters. Of late years attempts have been made to deduce the Aeginetic mina from the water-weight of the cube of the Olympic foot, and so to connect it with Hellenic systems of metrology.

These, however, are speculations; what is certain is, that the scale of the coins with the tortoise on them, a scale henceforward called Aeginetan, spread with great rapidity over Greece. It was in the sixth century used everywhere in Peloponnesus except at Corinth, and was the customary standard in the Cyclades; in Thessaly, Boeotia, and the whole of Northern Greece, except Euboea; and some parts of Macedon. Its weights are as follows:—

	Grammes.	Grains.
Talent . . .	37,800	585,000
Mina . . .	630	9,750
Stater (didrachm) .	12·60	195
Drachm . .	6·30	97
Obol . . .	1·05	16

It will be seen that we here reach new terms,—stater, drachm, and obol. The first is but a rendering of the Semitic word *shekel* [see STATER]. But the other terms are of Greek origin. The drachm became in Greece the unit in which calculations of weight and of money were made, and the obol, which was the sixth part of the drachm, was the coin used for small payments. [See DRACHMA.]

The only other standard in use in Greece proper before the time of Solon was the Euboic. This was identical with the light Babylonian gold standard. The silver staters struck on the Euboic standard at Chalcis and Eretria weighed about 130 grains. This Euboic standard obtained currency in some other parts, such as the island of Chios. Herodotus in his account of the tribute paid by the Persian Satrapies (iii. 89) states that the gold was measured by the Euboic standard, clearly identifying it with the Persian official standard according to which the Darics were coined. In the course of the fifth century B.C. we find Cumae in Campania and other Euboean colonies striking on a standard which is apparently the Euboic, the coins weighing from 120 to 110 grains. But about the middle of the sixth century B.C. the Attic standard arose, and it is impossible to distinguish henceforth the history of the Euboic from that of the Attic standard.

In the time of Solon the standard used at Athens for weighing both merchandise and the precious metals was the Aeginetan. Whether actual coins were minted then at Athens is uncertain; at all events, none survive to our day. It is probable that Athens was still trading with bars of silver of Aeginetan weight, or adopting the rude coins issued in quantities by Aegina and copied in all parts of Greece. Solon, as we are told by Plutarch (*Solon*, 15), introducing his laws for the relief of debtors, the celebrated *σεισάχθεια*, ordered that the standard of the drachm should be lowered to $\frac{73}{100}$ of what it had previously been; that is to say, that the weight of the drachm should be lowered from 95 grains to 68, but that debts contracted in the old currency might be discharged in the new, the debtors thus gaining 27 per cent. The Aeginetan mina was still retained as a weight for merchandise, as we know both from several surviving specimens of Athenian weights, and from the testimony of a popular decree of later time (Boeckh, *C. I.* 123), which reckons the commercial mina at 138 silver drachmas. Further, Priscian states the larger Attic (commercial) talent, which was of course equal to 60 of its own minae, to be equivalent to 83⅓ of the ordinary minae. These three testimonies agree then accurately as to the relations of the pre-Solonic and the Solonic weights of Attica; and as the coins of Athens of the Solonic standard survive in great quantities, there is nothing in the above account which admits of any doubt. It may indeed excite surprise that Solon should have lighted on so strange a proportion as $\frac{73}{100}$ for the reduction of the coin. Most recent writers have supposed that his motive was to assimilate the new standard to the Euboic, which it only slightly exceeds in weight; but there is here room for doubt. For it does not appear why, if such were his intention, he should not have at once adopted a depreciation of 33 per cent. If he had issued the new coin of two-thirds the weight of the old coins or bars, he would have given greater ease to debtors, have lighted on an easy and simple proportion, and almost exactly adopted the existing Euboic weight. Attention is due to an ingenious suggestion put forth by Mr. Poole (*Dict. of the Bible*, art. "Weights and Measures") that the new Solonic standard is more likely to have been borrowed from Egypt than from Asia Minor. We have already seen that the Egyptian unit of weight, the kat, weighed about 9 grammes or 140 grains, and the Solonic drachms of Athens are thus nearly of the weight of half a kat. The intercourse between Egypt and Attica was in Solon's time very close; and it is far from improbable that in departing from the national standard of the Greeks he should adopt that of Egypt.

The weights of the units of the Solonic standard, henceforward known as the Attic, are as follows:—

	Grammes.	Grains.
Talent . . .	26,400	405,000
Mina . . .	440	6,750
Drachm . . .	4·40	67·5
Obol . . .	·73	11·25

The ordinary coin was the tetradrachm of about 270 grains.

The only remaining standard early used in Greece proper was the Corinthian. This has the same unit of value as the Euboic; namely, a stater of 130 grains, the weight of which rises under Athenian influence to 135 grains. But in the subdivisions of this stater the Corinthian mint took a line peculiar to itself. With it the drachm was not half but a third of this unit, and the obol again a sixth part of that:—

	Grammes.	Grains.
Stater . . .	8·80	135
Drachm . .	2·93	45
Obol . . .	·49	7·5

As many of the Corinthian coins bear marks of value, this fact cannot be disputed. Also Thucydides (i. 27) mentions the Corinthian drachm as a thing apart. The reason of this method of division has been disputed. Mommsen (p. 61) is inclined to see in it a reminiscence of the Asiatic origin of the weight. But it is not improbable that the Corinthian drachms of 45 grains were intended to pass as Aeginetan hemidrachms, of which the weight was about the same. The money of Aegina and Athens would naturally meet in the market of Corinth; and the Corinthian coin seems to have been specially adapted to mediate between the two.

We must now follow the course of the invention of money westwards to Italy and Sicily. It is almost certain that when the people of Phocaea migrated to Velia in Italy, about B.C. 543, they took with them the art of coinage. But at about this period the Achaean cities of Southern Italy—Sybaris and Poseidonia, Rhegium and Caulonia, with Croton, Tarentum, and other towns—were already issuing money much of which still remains in our Museums, and is remarkable for bearing the same type on both sides; on one side in relief, on the other in intaglio. This money is apparently struck on the Euboic standard which the people of Chalcis and Corinth had already introduced in these regions. At some cities the drachm is half the stater, as in Euboea; in some a third of it, as at Corinth. Its date is certain, for we have specimens minted at Sybaris and Siris, which were destroyed not later than B.C. 510. At about the latter date Syracuse as well as Zancle, Naxos, and other Chalcidian colonies in Sicily began to issue coin. The Chalcidian cities, for some unexplained reason, began by issuing pieces weighing about 90 grains, which must therefore either be drachms of the Aeginetan, or, more probably, didrachms of the Corinthian standard. But they soon adopted—as Syracuse, Gela, and Leontini did from the first—the Attic standard, and struck coins as follows:—

Tetradrachm . . .	270	grains.
Didrachm . . .	135	„
Drachm	67·5	„
Hemidrachm . . .	33·75	„
Obol	11·25	„

But, in addition to the obol, we find at Syracuse a litra weighing about 13½ grains. In order to explain its relation to the other coins, it is necessary to give some account of the systems of weighing and the monetary systems of Italy and Sicily. (See below, p. 455.) Among the purely Greek cities of these regions we do not find, until a comparatively late period, any standards in use for money except the Euboic and the Attic.

Monetary Standards of Greece at the time of the Peloponnesian War.—If we attempt a general survey of the standards employed by the Greeks for money, say at about the year B.C. 420, we must confine ourselves carefully to generalities. The monetary history of each city is a study, sometimes an intricate one, and we might often fail to find reasons for the adoption of this or that standard in turn. But a more general survey is not impossible. In Sicily, as has already been stated, the Attic standard was universal; the ordinary coin was the tetradrachm; didrachms, hemidrachms, and obols were in use, and decadrachms occasionally struck. [See DAMARETEION.] In Italy, that is, the Greek colonies of S. Italy, the Euboic standard, appreciably lower than the Attic, was in general use; but the standard coin was not the tetradrachm, but the didrachm, which is said at Tarentum to have been called *νοῦμμος*. [See NUMMUS.] In Hellas proper, including Epirus and Thessaly, the Aeginetan standard was almost universal. The exceptions were Athens, where the Attic standard prevailed; and Corinth, together with the Corinthian colonies in Acarnania, which minted as was natural on the Corinthian standard. The iron money of Laconia was of Aeginetan standard, the *πέλανορ* being of the weight of an Aeginetan mina. Crete and the islands near the European coast also used the Aeginetan weights. In Macedonia several standards were in use. The kings of Macedon in the fifth century used the Persian silver standard for their coins; but the cities of Chalcidice mostly used the standard of their Euboean mother-city, somewhat raised, in fact raised nearly to the Attic level; and the rude tribes of Mount Pangaeum, who coined very largely, used a somewhat degraded form of the Persian or Babylonian silver standard, their staters not weighing more than 160 grains.

On the shores of the Black Sea the Persian standard was almost universally in use; Sinope, Amisus, and other cities issuing large numbers of coins of the weight of the Persian siglus,—that is, of about 86 grains. Probably three of these prices went in exchange for an Attic tetradrachm. In other parts of Asia Minor, in some of the Ionian cities, as Colophon, in Lycia and Cyprus, the same Persian standard was in use; but in the southern district the double siglus of 170 grains or thereabouts was more usual than the single one. Some of the great cities of the west coast retained the Phoenician silver standard, which, however, varied somewhat from place to place. At Ephesus the stater sometimes exceeded 230 grains; at Samos it seldom weighed more than 205 grains. The Samian standard ruled in the African colony of Cyrene. The cities of Phoenicia about this time began to strike coins on their original standard. At this time no gold coin except the Persian Darics was anywhere current. But electrum coin was issued in great quantities by the city of Cyzicus. The standard used by that city was the Phocaic of 260–250 grains, and the denominations issued were the stater and the hecte or sixth. [See STATER and HECTE.] Lampsacus also issued electrum coin.

History of Coinage in the Levant after B.C. 420.—In 408 B.C. the city of Rhodes was founded. The origin of this city coinciding so nearly with the humiliation of Athens by Lysander, the commerce of Rhodes spread rapidly over all seas. The Rhodians adopted from the first a standard of their own, which seems to have been a variety of the Phoenician. Their tetradrachm weighed at first 240 grains, though in the course of a century it sank to 220 grains. This standard made its way in the fourth century rapidly among Greek states. King Mausolus of Caria adopted it. And even the distant Olynthus, head of the Chalcidian league, struck money on the same standard: thence it was adopted by Philip of Macedon for his silver coin.

The early years of the fourth century saw a copper or rather bronze coinage spring up in most cities of Greece proper and the Greek colonies in Italy and Sicily. Hitherto for small change the Greeks had used minute pieces of silver. Pieces of the weight of two grains troy, representing two chalci or the fourth part of an obol, were commonly used at Athens, and survive to our day. Copper money was at first scouted, as we see from the language of Aristophanes (*Eccles.* 818), but it gradually made its way by its superior convenience. At about the same time gold was first minted by Greeks. Small pieces first make their appearance in Sicily; but before the middle of the fourth century gold staters struck on the Attic standard were issued in considerable numbers by Olynthus, Panticapaeum, Athens, Lampsacus, Cius, Rhodes, and other cities, eventually driving out of circulation the electrum money of Cyzicus and Lampsacus.

When Philip of Macedon acquired the gold mines of Thrace, he began issuing large quantities of gold coins with his own types. And as in the case of his issues in silver, so in those in gold, he adopted the standard already current in Chalcidice, the wealthiest and most civilised part of his dominions. That is to say, he minted gold didrachms of the Attic standard, those didrachms which soon became notorious all over the world. They opened to Philip the gates of many a Greek city, they constituted the greater part of the wealth of the capitalists in Greece and Italy, and they were copied by the barbarous nations on the northern frontiers of Greece and even by the remote tribes of Gaul and Britain.

But, as in other departments of Greek activity, so in the coinage, the greatest of epochs is furnished by the life of Alexander the Great. Alexander adopted throughout his vast dominions the Attic standard of weight for both silver coins and gold. We must pause for a moment to consider his objects in taking this measure. Hitherto almost all cities which issued both gold and silver, Athens excepted, had used a different standard for the two metals. The ratio of value between gold and silver being, as we have above seen, as 13⅓ to 1, it was necessary that the standards should be different in order that a round number of silver staters should exchange for one gold stater. In Asia the Euboic standard was in use for gold, and either the Babylonic silver standard or the Phoenician for silver. Gold was seldom minted in Europe; but the states, such as the Olynthian league and Macedon, which did issue gold coin, minted it of Attic weight, at the same time that they adopted for their silver one of the Asiatic standards. This procedure was obviously desirable so long as the old relation of value between gold and silver was maintained. But in the time of Philip of Macedon, consequently on the active use made by that king of the rich gold mines of Thrace, the value of gold in proportion to that of silver fell. Alexander seems to have perceived that in consequence it was impossible to maintain a double standard and to secure that a certain number of silver staters should always pass for a gold one. He therefore minted both metals on one standard, in order that when the ratio of value of silver to gold was 1:12 a gold didrachm should exchange for six silver tetradrachms, when the ratio was 1:10 a gold didrachm should exchange for 5 tetradrachms, and so forth. It was no doubt stated or else implied in all promises of payment whether gold or silver was to be the metal employed.

GREEK COINAGE.

	No. of drachms or part of a drachm.	Phoenician, Rhodian.	Babylonic, Persian.	Samian.	Aeginetan, Cistophoric.	Euboic.	Attic.	Corinthian.
Dodecadrachm.	12	690						
Decadrachm .	10	575					675	
Octadrachm .	8	460						
Tetradrachm .	4	230		210		260	270	
Tridrachm .	3							135
Didrachm . .	2	115	172	105	194	130	135	
Trihemidrachm	1½							67·5
Drachm . .	1	57·5	86	52·5	97	65	67·5	45
Tetrobol . .	⅔	38·3	57·3	35		43·3	45	
Hemidrachm .	½	28·7	43	26·2	48·5	32·5	33·7	22·5
Diobol . . .	⅓	19·2	28·6	17·5	32·3	21·6	22·5	15
Trihemiobol .	¼	14·3	21·5	13·1	24·2		16·8	11·2
Obol . . .	⅙	9·6	14·3	8·7	16·1	10·8	11·2	7·5
Tritartemorion	⅛	7·2	10·7		12·1		8·4	
Hemiobol . .	1/12	4·8	7·1	4·3	8	5·4	5·6	3·7
Tetartemorion	1/24	2·4	3·6		4		2·8	1·8

	Attic Standard.								
	Gold.			Electrum.			Silver.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
Talent . . .	3375	0	0	2631	5	0	210	18	9
Mina . . .	56	5	0	42	3	9	3	10	3¾
Decadrachm .	5	12	6	4	4	4½	0	7	0½
Tetradrachm .	2	5	0	1	13	9	0	2	9¾
Didrachm . .	1	2	6	0	16	10½	0	1	5
Drachm . .	0	11	3	0	8	5¼	0	0	8½
Hemidrachm .	0	5	7½	0	4	2½	0	0	4¼
Obol . . .	0	1	10½	0	1	5	0	0	1½
Hemiobol . .	0	0	11¼	0	0	8½	0	0	0¾

	Aeginetan.			*Phoenician.*					
	Silver.			Electrum.			Silver.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
Talent . . .	303	2	6	2156	5	0	179	13	9
Mina . . .	5	1	0½	35	18	9	2	19	10¾
Decadrachm .	0	10	1¼	3	11	10½	0	6	0
Tetradrachm .	0	4	0½	1	8	9	0	2	4¾
Didrachm . .	0	2	0¼	0	14	4½	0	1	2½
Drachm . .	0	1	0	0	7	2¼	0	0	7¼
Hemidrachm .	0	0	6	0	3	7	0	0	3½
Obol . . .	0	0	2	0	1	2½	0	0	1¼
Hemiobol : .	0	0	1	0	0	7¼	0	0	0½

	Persian (silver standard).								
	Gold.			Electrum.			Silver.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
Talent . . .	4300	0	0	3225	0	0	268	15	0
Mina . . .	71	13	4	53	15	0	4	9	7
Decadrachm .	7	3	4	5	7	6	0	8	11½
Tetradrachm .	2	17	4	2	3	0	0	3	7
Didrachm . .	1	8	8	1	1	6	0	1	9½
Drachm . .	0	14	4	0	10	9	0	0	10¾
Hemidrachm .	0	7	2	0	5	4½	0	0	5½
Obol . . .	0	2	4⅔	0	1	9½	0	0	1¾
Hemiobol . .	0	1	2⅓	0	0	10¾	0	0	0¾

Gold continued to be minted in the name and with the types of Alexander in many cities of Asia for many years after his death, and silver for more than a century longer.

The successors of Alexander coined in their various cities immense quantities of money in gold and silver. The Ptolemies of Egypt used the Phoenician standard for both gold and silver, but the Attic standard was the one in general use by the kings of Macedon, Syria, Pergamus, Bithynia, Bactria, and India, as well as by the Parthians. But it would be a mistake to suppose that all issues except regal ones came to an end, either in Asia or Europe. In Asia we find cities like Ephesus, Miletus, Colophon, and Rhodes, continuing their old coinages, with types and even standards unchanged. In European Greece some cities, such as Athens, Corinth, and Elis, continue their issues as of old, altering the style of their coins to suit the taste of the age. But a new feature is presented by the federal coinages of the new political leagues. The cities of the Achaean league issue a uniform series of coins, only bearing at each city a different monogram or mint-mark. Their silver coins are Aeginetan hemidrachms, or, which is the same thing, Corinthian drachms. The Acarnanian and Aetolian leagues follow the Aeginetan standard.

The only great innovation which takes place after this in the coinage of Asia Minor is the introduction of the coins called Cistophori, on account of their type, which is the *cista mystica* of Dionysiac worship. These coins were first struck in the times of the later kings of Pergamus, and were peculiar to the West and Interior of Asia Minor. They follow the Aeginetan standard, with the variety that what was called a didrachm in the case of the Aeginetan coins was usually called a tetradrachm in the case of the Cistophori. The Cistophoric drachm was therefore equivalent to an Aeginetan hemidrachm, or a Corinthian drachm. How this standard originated is not known, but the coins struck on it formed the main part, together with the drachms of Rhodes, of the currency of Asia Minor during the first century B.C., and pieces of the same class were issued even under the earlier Roman emperors. And by this time the drachms of Rhodes had sunk to the weight of the quarter of a Cistophoric tetradrachm.

When the Romans conquered Asia, they introduced a tariff according to which the various coins in circulation exchanged against the denarius.

The first set of the preceding tables gives the approximate weights of the Greek coins in general use; the others give the values of those coins, roughly, in English money; reckoning gold at the value of 2*d*. a grain Troy, silver at 5*s*. an ounce Troy, and electrum at 1½*d*. a grain: for although as a matter of fact electrum seldom contains ¾ of gold, yet it is supposed that the ancients valued it on that basis.

In this way we get the *metal* equivalents of the ancient coins. Their equivalents in purchasing power cannot be determined. We can only say quite roughly that in many respects a silver drachm in Greece would go almost as far as a sovereign with us. The daily pay of a mercenary in later Greece was four Attic obols, equal in weight to a sixpence. The younger Cyrus gave his soldiers a daric (£1 1*s*. 6*d*.) a month. Probably these mercenaries were able after a few years' service to retire on a competency. Any attempt at closer comparison between ancient and modern prices can only serve to mislead.

Greek Systems of Weight for Commodities.—The history of the weights used by the various states of Greece can thus be established by induction. From the testimony of a few coins we can easily discover the weight of the talent and mina according to which they were minted. And as a rule the talents and minae used for coins were those used for other goods. But to this rule the exceptions were very numerous. There is no reason to think that peculiar monetary standards, such as those of Rhodes and of Samos, were ever applied to the weighing of merchandise. And there are reasons for supposing that whereas the standard used for coins had at all times a tendency to fall, the standard used for merchandise had often a tendency to rise. So even if originally at any place money and merchandise were governed by the same weights, a process of differentiation would soon set in.

There is indeed, for determining the weights in use in the Greek markets, a mass of material available in the shape of extant Greek weights of lead or bronze. But hitherto this material has not been used in a sufficiently methodical manner. And there are very great difficulties inherent in its use. Firstly, weights of lead, unlike gold and silver coins, lose weight in the course of ages by decay or gain weight by oxidation or accretion, so that the original weight of any extant specimen is very hard to determine. Secondly, very few existing weights have inscriptions sufficiently exact to determine their date, locality, and denomination. And, thirdly, we have reason to believe that the standards which prevailed in any city or district were not carefully adhered to by the shopkeepers, who used considerable licence.

The statements of ancient writers on metrology are useful to us in the case of two cities, Athens and Alexandria. But they are of little authority unless we can verify them by an appeal to extant monuments, since the authority of these writers is small, and numbers are notoriously liable to alteration and corruption in the MSS.

Under these circumstances we shall venture to do little beyond giving a sketch of the metrological systems of Athens and Alexandria. Lists of extant weights will be found in the papers of Schillbach (*Annali dell' Instituto*, 1865), Murray (*Numismatic Chronicle*, 1868), Longpérier (*Annali dell' Inst.*, 1847), R. S. Poole (*Dict. of the Bible*, art. "Weights"), and elsewhere.

Athens.—In the case of this city we know from existing inscriptions and extant weights what standards were used for weighing various articles.

First, there was the usual Attic or Solonic standard, corresponding in use to our Troy weight. This is the standard on which all the coins of Athens from first to last were struck. It was also used for weighing all precious articles of gold and silver. This we know from the lists of the treasure stored in the Parthenon, which are still preserved. The same standard was used for their drugs, not only by the physicians of Attica, but by those of Alexandria and other cities. In the writings of Galen, for example, the weights are given according to the Solonic standard. Of the extant leaden weights of Athens, many conform to this standard.

Others among the existing weights of Athens are regulated according to a standard just double the weight of the Solonic. One of them marked ΤΡΙΤΗ weighs 4,440 grains, one marked ΤΕΤΑΡΤ 3,218 grains, and one marked ΗΜΙΤΕΤΑΡΤ 1770 grains. These are clearly fractions of a weight equal to two minae of Attic standard, but used as a unit for certain purposes (12,800 to 14,200 grains). The excess in case of the heavier specimens need not trouble us; it is extremely common to find Greek weights somewhat above the standard; and an inscription quoted below may partially explain the fact. What is important at present is the use at Athens of a standard of double weight. Probably it was used for certain specified kinds of goods only. It is not mentioned by writers or in inscriptions.

The third standard in use at Athens was the Commercial or Emporic. This also is followed in many extant weights. It was identical with the Aeginetan standard for coins of which we have already spoken, with a mina of about 9,700 grains (628·5 grammes). It corresponded in use to our weight avoirdupois, being the ordinary weight in use in the market. There is a very important Athenian inscription (*C. I. G* 123) which throws much light on the use of the Solonic and the Emporic standards at Athens, as well as on other matters connected with weights. It runs thus:—"The Emporic mina (*μνᾶ ἐμπορικὴ*) shall weigh 138 drachms of the Stephanephoros, according to the weights preserved at the mint, and there shall be added (thrown in) twelve drachms of the Stephanephoros; and all bargains shall be regulated by this mina, except in cases where silver-weight is specially mentioned, the scales being balanced so that the rod is level, against a weight of 150 drachms of the Stephanephoros." The inscription goes on to say that in every Emporic *πεντάμνουν* (5 minae) one Emporic mina shall be thrown in, and in every Emporic talent five minae.

From this inscription, the date of which is somewhat doubtful, but must be as late as the third century B.C., and is probably not later than the first, we learn (1) that the Solonic mina and drachm were called *τοῦ Στεφανηφόρου*. The Stephanephoros was an Attic hero or daemon in whose temple the mint was in early times placed; thus the drachms called after him were drachms of money: on the weights the Solonic mina is called *μνᾶ δημοσία*: (2) that the proportion between the Aeginetan or Attic commercial mina and that of the mint remained at 138·100 (just as it had been fixed by Solon) throughout Athenian history: but (3) that Greek weights were sometimes arbitrarily raised by authority, at least in democracies. In this case it is acknowledged that the commercial mina does not exceed 138 drachms; yet all sellers are ordered to act as if it weighed 150 drachms. This will account in part for the curious fact that ancient weights so often exceed their nominal standard. The *ῥοπή*, or weight thrown in, is less in proportion in the higher denominations. In the case of the *πεντάμνουν* 20 per cent. is to be added; in the case of the talent, only 8 per cent. The democratic origin and intention of this distinction are obvious.

That the Emporic mina was also called the mina of the Agoranomi is shown from the inscription of a weight found at Athens which weighs 335 grammes, ΗΜΙ ΑΓΟΡΑΝΟ (*Ann. dell' Inst.*, 1865, p. 199).

A fourth talent of quite a different character was in use at Athens in later times. It is mentioned by the poet Philemon, who writes (*Etym. M.* s. v. *τάλαντον*), *Δύ' εἰ λάβοι τάλαντα, χρυσοῦς ἓξ ἔχων ἀποίσεται.* From which it appears that this talent was made up of three Attic gold staters or didrachms. Six drachms of gold may very well have been equivalent to a talent of copper of 6,000 drachms.

In Greece proper it is very probable that the Attic and Aeginetan standards were in general use from early times to late. Indeed the Aeginetan was for most classes of goods probably almost universal. But as we have few or no weights bearing marks of value which we can with certainty attribute to cities of Hellas, we are unable to establish this by the satisfactory method of induction.

Alexandria.—The only city of the Levant besides Athens in which we can fully trace the systems of weight in use is Alexandria. In this case our guides are less existing weights than the statements of late writers. As these generally use for their standard the weight of the Roman denarius, which is certain, their meaning can usually be fixed with accuracy. By comparing the table which bears the name of Cleopatra, but really belongs to a later date (Hultsch, *Metrolog. Script. Reliqq.* p. 109), with that of Galen, the eminent physician (Hultsch, p. 79), and with others, we reach the following results:—(1) The standard in most general use at Alexandria seems to have been based on the Attic mina. In the prescriptions of doctors this was universal until a late time. The table of Cleopatra calls it *ἡ μνᾶ par excellence.* Its weight was 16 Roman ounces or 6,800 grains. (2) For money and perhaps other things the standard usually employed was the Ptolemaic. The Ptolemaic mina contained the weight of 100 Ptolemaic drachms, which, as we have seen, were struck on Phoenician weight. After the time of Nero this mina was sometimes called the Attic, because it contained 100 of the denarii of Nero, which were commonly considered as Attic drachms. Its weight was that of 12½ Roman ounces or 5,500 grains. Besides these two minae and the Roman libra, three other systems of weight were in use. (3) That also called Ptolemaic, which was, as Hultsch points out, an Egyptian weight of great antiquity. Its mina contained 18 Roman ounces, 7,650 grains, and it is apparently nothing but the old native Egyptian standard. (4) That called Alexandrian. Its mina contained 20 ounces (8,500 grains), and it is identical with the [Babylonian or] Persian silver standard. (5) *Τάλαντον ξυλικόν*, used for wood only, and said to be ⅕ heavier than the Ptolemaic standard. It was a local weight, *τάλαντον ἐπιχώριον*. It was very nearly equivalent to the Attic weight.

The following table gives the values of the weights thus in ordinary use in Greece and in Egypt during the age of their autonomy:—

	Part of Mina.	Attic—Solonian.		Attic—Double.		Aeginetan, Attic commercial.		Ptolemaic, Late Attic.	
		Grammes	Grains	Grammes	Grains	Grammes	Grains	Grammes	Grains
Talent	60	26,436	408,000	52,872	816,000	37,700	582,000	21,384	330,000
Pentamnoun. . .	5	2,203	34,000	4,406	68,000	3142·5	48,500	1,782	27,500
Dimna	2	881·2	13,600	1762·4	27,200	1257	19,400	712·8	11,000
Mina	1	440·6	6,800	881·2	13,600	628·5	9,700	356·4	5,500
Hemimnaion . .	½	220·3	3,400	440·6	6,800	314·2	4,850	178·2	2,750
Tritemorion . . .	⅓	146·9	2,266	293·8	4,532	209·5	3,233	118·8	1,833
Tetartemorion . .	¼	110·2	1,700	220·4	3,400	157·1	2,425	89·1	1,375
Pemptemorion . .	⅕	88·1	1,360	176·2	2,720	125·7	1,940	71·2	1,100
Hemitetartemorion	⅛	55·1	850	110·2	1,700	77·6	1,212	44·5	687
Tetradrachm . .	1/25	17·6	272	35·2	544	25·1	388	14·2	220
Drachm	1/100	4·4	68	8·8	136	6·2	97	3·5	55
Hemidrachm . .	1/200	2·2	34	4·4	68	3·1	48	1·7	27
Obol	1/600	·7	12	1·4	23	1·0	16	·6	9

When we pass from Athens and Alexandria to Asia Minor, Syria, and other parts of the Levant, we find insurmountable difficulties in the way of ascertaining the standards of weight in general use. The number of published weights coming from those regions and bearing inscriptions, sufficiently clear and satisfactory to enable them to be used as the basis of induction, is very small. And even of these it is very difficult to determine how far the actual weight has been diminished or increased by burial in the ground and consequent chemical action. It is probable that in obscure collections and museums in Europe and the Levant there may be many unpublished weights which would help us to reach a securer standing ground. But this is of course mere matter of conjecture. At present we can quote little more than the weights mentioned by M. de Longpérier (*Ann. dell' Inst.* for 1847), by Brandis (pp. 154–6), and by Schillbach (*Beiträge zur Gewichtskunde*). All of these appear to belong to the period subsequent to the expedition of Alexander. We add a table of the most important specimens.

Various inscribed Greek Weights.

Place.	Date B.C.	Inscriptions.	Weight.	*Mina.*	
			Grammes.	Grammes.	Grains.
1. Antioch in Syria.	194	ΜΝΑ ΑΝΤΙΟΧΕΙΑ	498·6	498	7,700
2. ,, ,, .	175–164	ΜΝΑ	516	516	7,960
3. ,, ,, .	57	ΜΝΑ ΔΗΜΟΣΙΑ	1068·2	1,068	16,490
4. ,, ,, .	62–29	ΗΜΙΜΝΑΙΟΝ ΔΗΜΟΣΙΟΝ	535·1	1,070	16,520
5. Seleucia . . .		ΤΕΤΑΡΤΟΝ	109·4	437	6,740
6. Antioch in Caria.		ΤΕΤΑΡΤΟΝ	122	488	7,530
7. Chios		ΔΥΟ ΜΝΑΙ	1124·1	562	8,680
8. ,, ...		ΜΝΑ	547	547	8,450
9. Lampsacus . .		Η[ΜΙ]	270	540	8,340
10. Cyzicus . . .		ΚΥΞΙ ΜΝΑ	466·5	466	7,200
11. Smyrna . . .		ΤΕ]ΤΑΡ[ΤΟΝ	180	720	11,110
12. Alexandria Troas		ΑΛΕ Τ[ΕΤΑΡΤΟΝ	99·8	400	6,200
13. Bisanthe . . .		ΒΙΣΑΝ ΜΝΑ	556	558	8,590

It will be at once seen that these weights fall into different categories and belong to various systems. Nos. 3 and 4 give very clear and decisive evidence as to the market weights in use at the Syrian Antioch at the period when they were cast. They give a *μνᾶ δημοσία* of about 1070 grammes, or 16,520 English grains. All the other weights, except No. 11, coming from several parts of Asia Minor and Syria, appear to belong to the same system. The mina of this system would appear to have weighed some 540–560 grammes, and therefore to have been as nearly as may be half as heavy as that according to which 3 and 4 were regulated. On referring to the table of Babylonian weights (p. 446), we shall see that in the Babylonian system for weighing silver the two minas, according to heavy and light standard, respectively are 1122 and 561 grammes. These two weights are certainly strikingly like those which we have just reached. Induced by this correspondence, Brandis (p. 155) suggests that the mina of our weights is that of the Babylonian silver standard. This standard was adopted by the Persian kings for their silver money, as has already been mentioned. After the conquest of Persia by Alexander it ceased, except in some outlying parts of the Empire, such as the Euxine Sea and India, to be used for money, but Brandis supposes that it still persisted as a weight for goods. As in many parts of the Persian Empire it was somewhat lowered, a mina of 1070 grammes might very well belong to this standard. But in this case the term Δημόσιος would still remain to be explained; as things changed very slowly in the East, it is scarcely likely that the Persian silver standard which belonged in an especial degree to silver coin or bars should so have superseded the original Babylonian weights which were used for the weighing of goods other than silver in Mesopotamia and Syria, as to become the usual or normal standard.

Referring again to our table (p. 446), we shall see that of this ordinary Babylonian system for general weighing the minas weighed respectively 1010 and 505 grammes. It is *à priori* far more probable that a mina called *δημοσία* should belong to this standard than to another. And further it is to be observed that although weights used for coin have a strong tendency to fall, yet weights used for other purposes do not experience this tendency in anything like the same force. Indeed, the instance above quoted from the laws of Athens shows that the interest of the purchaser tended sometimes successfully to raise weights in market use. And further, weights of lead which have been long buried vary decidedly from their normal strength. It is then best, on the whole, to leave it undecided whether the public mina of Antioch was derived from the Babylonian system for weighing silver or that used for other articles.

Weight No. 11 in the Museum of Smyrna was probably in use not far from that city, and appears to follow the Phoenician standard.

We learn from an anonymous Alexandrian writer (Hultsch, *Metrologici*, i. p. 301) that wood was at Antioch weighed on a system of its own, by a *ξυλικὸν τάλαντον*, which appears from its equivalent of 375 Roman librae to have been considerably heavier than any of the talents above mentioned. Hultsch reckons it at 128,400 grammes (*Metrologie*, p. 591). The existence of this weight is interesting, as showing that in ancient times bulky articles were sometimes weighed on a different scale from lighter goods: and in fact this custom has held in most countries.

In late Imperial times most of the weights in use in the Levant gave way to the Roman libra, inscribed specimens of which are found in Asia Minor and Syria.

It is thus clear that the cities of Syria, Asia Minor, and Mesopotamia did not, in adopting the Attic system for their coinage, as they did mostly in or soon after the time of Alexander, adopt the same system for weighing goods, but adhered to their ancient standards. For a general review of the systems of weighing actually in use, materials entirely fail.

Italian Systems of Weight.—The Roman libra or pound was from the earliest times used alike for money and for other commodities. It remained unchanged in standard to a very late period. At first pieces of copper were cast in all Roman parts of Italy of the weight of a pound, and of the various fractions of a pound. Soon, as we have seen (under As), the standard of the coins fell rapidly. But the weight continued unchanged. When, at a far later period, the coinages of silver and gold were introduced at Rome, the gold and silver pieces were struck so many to the pound. Even to the time of Diocletian and Constantine the Roman *libra* as a weight remained undiminished; and the late metrologists of Alexandria appeal to it as an unchangeable standard, testing by reference to it the weight of the various Greek talents and minas.

The dominion then of the *libra* as a weight is as durable and extensive as the dominion of Rome herself. Of the *libra* of money we have spoken under As. The weight of the Roman *libra* has been investigated by Boeckh, Mommsen, and Hultsch. The materials for ascertaining it are threefold: (1) existing weights, (2) copper coinage, (3) gold and silver coinage. It is the latter alone which gives consistent and satisfactory results; for the weights vary unaccountably, and the copper coinage very soon sank in weight to a lower level. Letronne made a calculation of weight on the basis of gold coin; and his results with slight modification are accepted by the three metrologists above named. We may safely accept their results. They fix on 327·453 grammes, about 5050 grains, as the true or normal standard. The weights of the fractions of the *as*, with their signs in Roman notation, are as follows:—

Denomination.	Part of *libra*.	Part of *uncia*.	Weight. Grammes.	Weight. Grains.	Sign in notation.
Libra or As	1	12	327·45	5,050	|
Deunx	$\frac{11}{12}$	11	300·16	4,629	S = = –
Dextans	$\frac{5}{6}$	10	272·88	4,208	S = =
Dodrans	$\frac{3}{4}$	9	245·59	3,787	S = –
Bes	$\frac{2}{3}$	8	218·30	3,366	S =
Septunx	$\frac{7}{12}$	7	191·02	2,946	S –
Semis	$\frac{1}{2}$	6	163·73	2,525	S
Quincunx	$\frac{5}{12}$	5	136·44	2,104·1	= = –
Triens	$\frac{1}{3}$	4	109·15	1,683·3	= =
Quadrans	$\frac{1}{4}$	3	81·86	1,262·5	= –
Sextans	$\frac{1}{6}$	2	54·58	841·6	=
Sescuncia	$\frac{1}{8}$	$1\frac{1}{2}$	40·93	631·2	– £
Uncia	$\frac{1}{12}$	1	27·28	420·8	–
Semuncia	$\frac{1}{24}$	$\frac{1}{2}$	13·64	210·4	£, Σ
Sicilicus	$\frac{1}{48}$	$\frac{1}{4}$	6·82	105·2	Ͻ
Sextula	$\frac{1}{72}$	$\frac{1}{6}$	4·54	70·1	Ɩ, ~
Scripulum	$\frac{1}{288}$	$\frac{1}{24}$	1·13	17·5	℈, ΣΣ

The only modification which ever took place in this system occurred in connexion with the weighing of drugs in Imperial times. As we have seen, at Alexandria and in the Levant generally, drugs were regulated by Attic weight. But under Roman influence the denarius was regarded as the equivalent in weight of the Attic drachm. The denarius, as we have shown under As, weighed $\frac{1}{84}$ of a pound from the time of the Punic wars to those of Nero, and $\frac{1}{96}$ of a pound after that. The Greek divisions of the drachm were applied to the denarius as a weight. We thus obtain two systems of weight for drugs.

Denomination.	First System.			Second System.		
	Part of *uncia*.	Weight. Grammes.	Weight. Grains.	Part of *uncia*.	Weight. Grammes.	Weight. Grains.
Uncia	1	27·28	420·8	1	27·28	420·8
Sicilicus	$\frac{1}{4}$	6·82	105·2	$\frac{1}{4}$	6·82	105·2
Drachma	$\frac{1}{7}$	3·90	60·1	$\frac{1}{8}$	3·41	52·6
Scripulum				$\frac{1}{24}$	1·14	17·5
Obolus	$\frac{1}{42}$	·65	10	$\frac{1}{48}$	·57	8·7
Siliqua				$\frac{1}{144}$	·19	2·9
Chalcus	$\frac{1}{336}$	·08	1·25	$\frac{1}{384}$	·07	1·1

It is a remarkable fact that, although at Rome the *as* was probably never minted of the full weight of a pound of twelve ounces, yet in some of the Roman colonies, such as Ariminum and Hatria, it was issued of the weight of 14 ounces (5,900 grains). It is doubtful how this change may be accounted for. But it is noteworthy that this heavier weight comes near the standard (5,750 grains; see above, p. 446) of the silver talent of Phoenicia. We are inclined to think, then, that the Roman pound, which, as Hultsch has shown, was not in its origin in any way connected with the Roman measures of length, was derived from the Phoenician mina, as was probably the national or Aeginetan standard in Greece. In both cases a considerable reduction took place, before the weight was fixed for all future time in Greece by Pheidon of Argos, and at Rome by the Decemviri.

Of the Roman librae which have come down to us, many are considerably above standard. One in the Museum of Smyrna, for instance, weighs 374 grammes; others as much as 390 grammes. After what has been above observed as to the tendency of weights to rise in use, this need not surprise us.

It must not be supposed, however, that either in earlier or later times the Roman libra possessed anything like a monopoly in the markets of Italy. There, as in Greece and Asia, local customs largely prevailed. The Greek colonies in South Italy used, until they were absorbed by Rome, the weights which they had brought with them from Greece, the standards of Phocaea, of Athens, and of Corinth. At a later time we find proof of the use of various Italian minae (Hultsch, *Metrologie*, p. 672):—A mina of 16 Roman ounces, 436·6 grammes, which seems to govern the extant weights of Pompeii and Herculaneum. A mina of 18 Roman ounces, 491·2 grammes, called in an ancient metrological table Ἰταλικὴ μνᾶ. A mina of 20 Roman ounces, 545·8 grains, the existence of which is proved by a Roman inscribed weight found in the Danube. A mina equal to two Roman pounds, mentioned by Vitruvius, x. 21. Compared, however, with the libra, these minae had but little historical importance.

Sicilian Weights.—In Sicily the pound of copper was the unit of value in very early times, and was adopted to some extent by the Greek colonies. These, however, as we have above seen, adopted late in the sixth century B.C. the Attic standard for coinage, and struck silver on it of the denomination of tetradrachm, didrachm, drachm, hemidrachm, and obol. Into this system by a peculiar process they incorporated the *litra* or pound of copper. The weight of this litra is not known from direct testimony. But we have means of fixing the weight of its equivalent in silver. The silver litra was a coin in use at Syracuse and other Sicilian cities; and its weight was a tenth part of that of the Corinthian stater (135 grs.), which was called δεκάλιτρος στατήρ (Pollux, iv. 174), and a fiftieth part of that of the Damareteion (*q. v.*). Hence it is safe to assume that the weight of the silver litra was 13·5 grains. Multiplying this amount by 250, which represents the proportion in Italy and Sicily between silver and copper, we reach a sum of 3,387 grains. This is just half the weight of the Attic silver mina. Mommsen (p. 80) concludes on this basis that the weight of the Sicilian litra was 3,387 grains or 217·5 grammes, nearly the weight of 8 Roman ounces. And since he wrote, the researches of Deecke (*Etruskische Forschungen*, Part II.) have made it probable that the same system of the litra in silver and copper passed in the fifth century from Syracuse into Etruria, and is the base of the whole of the later Etruscan coinage. The Etruscan silver pieces which bear marks of value, are all multiples of a litra of the Sicilian weight (13·5 grains), and the Etruscan *aes grave* is of the standard of eight Roman ounces, 3,366 grains. This latter fact seems of sufficient importance to finally establish the theory of Mommsen as to the litra. The Athenian origin of the latter is more than probable. It was divided, like the Roman libra, into twelve parts; but the names of the parts were different, a fact which must have caused some confusion in the minds of the Italians. The names of these parts are given by Aristotle as quoted by Pollux, iv. 174.

	Grammes	Grains	Written	Corresponds to Roman
Litra . .	219·5	3,387	λίτρα	libra
Hemilitron .	109·75	1,693	ἡμιλίτρον	semis
Pentuncium	91·5	1,410	πεντώγκιον	quincunx
Tetras . .	73·2	1,128	τετρᾶς	triens
Trias . . .	84·9	846	τριᾶς	quadrans
Hexas . .	36·6	564	ἑξᾶς	sextans
Uncia . .	18·3	282	οὐγκία	uncia

Thus the tetras corresponds to the Latin triens, and the trias to the Latin quadrans; a most confusing correspondence. The talent, if equal to the Athenian, contained 120 litrae originally. But we are able to trace its rapid degradation. For Aristotle (Pollux, ix. 87) speaks of the older Sicilian talent (τὸ μὲν ἀρχαῖον) as equivalent to 24 nummi, and the later as equal to 12. The nummus here stands for the litra. By the time of Aristotle, then, there had been two reductions in the weight of the litra as applied to money, and it had fallen to a tenth of its early value. But analogy bids us suppose that this reduction did not affect the litra except as money. [P. G.]

PONS (γέφυρα), a bridge. One central idea, round which many curious beliefs and pieces of ritual are grouped, is that the erection of a bridge is an impious act—an injury done to the god of the river, who, by the substitution of a safe method of crossing instead of the primitive fording or swimming, is robbed of a certain number of victims—travellers who without a bridge would have been drowned. This belief has existed among many different races at an early stage of their religious development, and, vaguely understood, still survives in many parts of Europe and Asia. In Greece, Albania, and other countries traditions even now exist of the offering of human sacrifices at the founding of a new bridge; and in many parts of the Moslem world the inhabitants look upon the erection of a bridge as an extremely impious act. Mr. J. G. Frazer, in the *Journal of Philology*, xiv. pp. 156–7, has collected a curious list of examples of this wide-spread belief. Thus, in Germany, when a man is drowned the people say, "The river-spirit is getting his annual victim" (see Grimm, *Deutsche Mythologie*, p. 499); and in part of England the superstition exists that the spirit of the Ribble receives and is satisfied with a human victim every seven years (see Henderson, *Folk-lore of the Northern Counties*, p. 265). Thus, in ancient Rome, the most primitive duty of the *pontifex* or bridge-builder was to propitiate Father Tiber by regular annual sacrifices; and also by special extra sacrifices whenever the one early bridge of Rome, the Pons Sublicius, required repairs (see Varro, *L. L.* v. 15; Dionys. iii. 45; and Plut. *Num.* 9). In early times human victims were offered annually by being flung into the Tiber from the Sublician bridge; but in later times thirty figures or dummies called ARGEI, made of rushes, were solemnly thrown into the Tiber by the Pontifices and Vestal Virgins on the Ides of May, as is recorded by Ovid (*Fast.* v. 622):

> "Tunc quoque priscorum virgo simulacra virorum
> Mittere roboreo scirpea ponte solet."

Another notion, connected with the same class of ideas, is that a light and, as it were, temporary structure is less offensive to the river-god than a more permanent bridge. Hence the primitive reason for building the Sublician bridge of wood, not fastened together with iron in any form, having, as Pliny records, its "contignatio sine ferreis clavis" (*H. N.* xxxvi. § 100). Dionysius (iii. 45) goes further, and speaks of it as *τὴν ξυλλίνην γέφυραν, ἣν ἄνευ χαλκοῦ καὶ σιδήρου θέμις ὑπ' αὐτῶν διακρατεῖσθαι τῶν ξύλων*: but in sacred matters the use of iron was often specially prohibited, as being a more recent invention than bronze, and therefore devoid of its hieratic associations (cf. Plutarch's Life of Numa). Thus the college of the Fratres Arvales were obliged to offer an expiatory sacrifice if ever an iron tool were used within the precincts of their sacred grove, near Rome (see Marquardt, *Römische Staatsverwaltung*, iii. p. 459, ARVALES). In a similar way the use of flint knives for sacrificial purposes survived long ages after the Stone period had passed away.

It should be observed that the Romans themselves had, by the first century B.C., forgotten what appears to be the main reason for the rules and ritual connected with their ancient bridge, and explain its unsubstantial character by the risk of attack; as had happened when Horatius Cocles with so great difficulty held the Etruscan army at bay while the bridge was being demolished. And this may possibly have been at one time a secondary reason for the same thing, though not the chief one.

The oldest bridge of which we have any record, that at Babylon, was also of wood, though built on stone piers. This, according to Herodotus (i. 178-186), was built across the Euphrates to unite the two portions of Babylon by Queen Nitocris, *c.* 606 B.C. The piers were of large blocks of stone fixed with iron clamps, run with lead; and the river is said to have been temporarily diverted from its course during their construction. The superstructure was of wood, part of which was arranged so as to be removed every day at nightfall. The same queen also built a massive river embankment made of burnt brick.

Temporary floating bridges (*σχεδίαι*) for military operations appear to have been used in very early times, boats being used for the points of support, with cables of twisted flax (*λευκολίνου*) and papyrus (*βυβλίνων*), tightly strained by the help of windlasses, to support the intermediate planking. A bridge of this kind was thrown across the Thracian Bosporus by Darius; its engineer being a Samian Greek, named Mandrocles (see Herod. iv. 83, 85, 87, and 88). A similar bridge, constructed for Xerxes across the Hellespont between Sestos and Abydos, was immediately destroyed by a storm (Herod. vii. 34, 35). Xerxes decapitated its constructors, and ordered another bridge to be made of more careful construction. This was done by the help of 674 triremes and penteconters, moored by anchors, and united by six strong cables tightly strained from ship to ship. On these cables the roadway rested, made of thick planks covered with brushwood and earth beaten down. On each side was a high bulwark to prevent the horses from being frightened at the sea (see Herod. vii. 36). The Persian army crossed safely on this second bridge; and thus Xerxes was enabled to accomplish, for a time, his projected invasion of European Greece.

In Greece, partly owing to the insignificant size of the rivers, permanent bridges do not appear to have been constructed till after the Roman conquest. No remains now exist which can be attributed to the period of Hellenic autonomy. And yet it appears probable, from the mention of bridges by various Greek writers, that in some form wooden structures for crossing streams when swollen by rain were of no uncommon occurrence. Simple trestles with movable boarding are even now used in some parts of Italy for temporary emergencies; and most of the Greek bridges were probably structures of this light and unsubstantial class. The religious ideas already described may have tended to prevent any more solid structures from being erected in Greece during its most flourishing period.

Throughout the Roman dominions, especially during the Imperial period, stone bridges with wide-spanning arches of the most massive kind were erected in great numbers. Many of these bridges were of remarkable size, and show in a very striking way the great constructional skill of the Roman engineers. The bridge over the Acheron, which was a thousand feet in length (Plin. *H. N.* iv. 1), and that which united the island of Euboea to the mainland, must have been striking examples of this. The Roman bridges were as a rule rather narrow in proportion: the central roadway for horses and vehicles was called the *iter;* at the sides were slightly raised foot-paths (*decursoria*), defended on the outside by a low parapet wall. In the more handsome bridges, such as the Pons Aelius in Rome, pedestals for statues or honorary columns were set at regular intervals along the parapet. The main arches were decorated with simple mouldings adapted from Greek buildings; and between them, over each pier, a smaller arch was very frequently introduced to relieve the pressure of water during flood-time. Rows of corbels were very commonly inserted at the springing of each arch, the use of which was to support the wooden centering while the arch was being built; thus doing away with the necessity of tall supports resting in the water. In most cases these corbels were not cut away at the completion of the bridge, but were left, so that repairs or rebuilding could be easily carried out. This very useful system was applied not only to bridges, but to all lofty arched structures, such as aqueducts or tall palaces, like that of Severus on the Palatine hill in Rome. In many cases a gate-tower was built as a defence at each end of the bridge: this was the case with more than one of the bridges in Rome, though no remains of these towers now exist.

The chief Roman bridges were built either of brick and concrete, or of solid stone masonry, carefully fixed with iron clamps and lead. In many cases, as for example in Rome itself, a hard "weather stone" was used for the facing, the inner masonry being of some softer and less expensive stone.

Under the later Roman Empire the city of Rome possessed the following bridges:—

1. The *Pons Sublicius*, so called from the *sublicae* or wooden beams of which it was constructed. Till the second century B.C. this was the only bridge in Rome: some of the sacred rites which were connected with it have already been described. According to tradition, the Sublician bridge was originally erected by Ancus Martius, its special purpose being to connect the main city with the long walls which led from the right bank of the river up to the isolated fortress on the Janiculan hill, where the church of S. Pietro in Montorio now stands. The approach to the bridge on the other side was close by the Porta Trigemina, just inside the line of the Servian wall. No traces of it now exist: the ruined piers visible in dry summers by the Marmoratum, under the Aventine hill, belong most probably to the "bridge of Probus," the last mentioned in the Catalogue of the *Curiosum*. The epithet *roboreo*, used by Ovid in the passage quoted above, shows that even in the time of Augustus the bridge was still of oak. In A.D. 69 it was carried away by a flood (Tac. *Hist.* i. 86), and appears not to have been rebuilt. The mistaken notion that the Pons Sublicius was identical with that known as the Pons Lapideus or Aemilius arose from the misunderstanding of a passage in Plutarch (*Num.* 9), and from the statement of the spurious Publius Victor, whose catalogue is a mediaeval forgery. The Roman bridges appear to have been a favourite resort for beggars (see Senec. *de Vita beata*, 15): hence Juvenal (xiv. 134) uses the phrase *aliquis de ponte*, as meaning a beggar (cf. Juv. iv. 116).

2. The first stone bridge in Rome, called on that account the *Pons Lapideus*, was also known as the *Pons Aemilius*. It was begun in 179 B.C. by M. Fulvius Nobilior and the censor M. Aemilius Lepidus, when the conquest of Etruria and the defeat of Hannibal had put an end to all fears of invasion. It was not, however, completed till the time of the censors Publius Scipio Africanus and L. Mummius (Achaicus): see Liv. xl. 51; Juv. vi. 32; and Plut. *Num.* 9 The *Fasti Capranici* describe it as being "ad theatrum Marcelli;" and the *Cosmographia* of Aethicus as "ad Forum Boarium." These indications, and the recent discovery of an ancient basalt-paved road leading up to the mediaeval Ponte Rotto, show that the last-named bridge occupies the site of the Pons Aemilius. The three arches which still exist of the "broken bridge" appear not to be older than the thirteenth century; the present bridge having been mainly rebuilt after its destruction by a flood during the pontificate of Honorius III., 1216–1227. In 1598 about half was swept away by another flood, and the gap is now bridged over by a modern iron structure. The name *Palatinus*, as applied to the Pons Aemilius, appears to be a mediaeval invention.

3. The *Pons Fabricius*, which unites the Insula Tiberina to the left bank of the river, was built in 62 B.C. by L. Fabricius, one of the *curatores viarum*, as is recorded in inscriptions deeply cut in large letters across the face of its arches. Part is now illegible, but the full inscription (repeated over both arches) is given by Pirro Ligorio in his MS. notes on Ancient Rome, *c.* 1570 (Bodleian, *Cod. Canoniciani Ital.* 138): L. FABRICIVS C. F. CVR. VIAR. FACIVNDVM COERAVIT EIDEMQVE PROBAVIT; and in smaller letters over the intermediate arch for storm-water, Q. LEPIDVS M. F. M. LOLLIVS M. F. COS. S. C. PROBAVERVNT. This last inscription records its restoration by the consuls Q. Aemilius Lepidus and M. Lollius in 21 B.C. Like the other existing bridges of Rome, this is built of peperino and tufa, faced on both sides by massive blocks of travertine, which is also used for the corbels at the springing of each arch. A fragment still exists of the parapet; namely, a marble pilaster crowned by a quadruple head, *Janus quadrifrons*, from which the bridge takes its modern name of the *Ponte dei quattro capi*. The pilaster is grooved to receive an open bronze screen or *cancellus*, which formerly filled up the intermediate spaces between the pilasters. This bridge is shown on the reverse of a contemporary denarius, *c.* 62 B.C., with the *legend* L. FABRICIVS, and a snake to indicate the proximity of the Temple of Aesculapius on the Tiber island. It is also represented on a bronze medallion of Antoninus Pius (see Froehner, *Med. Rom.* p. 52; also Dio Cass. xxxviii. 45). During the Middle Ages this bridge was often called the *Pons Judaeus*, from its proximity to the Ghetto or Hebrew quarter.

4. The *Pons Cestius*, which joins the Insula Tiberina to the right or Janiculan side of the Tiber, was probably built by L. Cestius, Praefect of the City in 46 B.C. (see Dio Cass. xxxvii. 45). On one of the large marble slabs which form the parapet is a long inscription recording the restoration of the bridge in A.D. 370 by Valentinianus, Valens, and Gratian. The Pons Cestius consists of one arch only, with an opening for flood-water on each side of it. At present it is called after the adjacent church of S. Bartolommeo, which probably stands on the site of the Temple of Aesculapius.

5. The *Pons Aelius*, modern *Ponte di S. Angelo*, was built in A.D. 135 by Hadrian to connect his mausoleum and circus with the Campus Martius (see Dio Cass. lxix. 23; and Spartian, *Hadr.* 19). It is shown on bronze coins of Hadrian dated from his third consulship. The Einsiedeln MS. gives its dedicatory inscription, which is now lost, IMP. CAESAR DIVI TRAIANI PARTHICI FILIVS DIVI NERVAE NEPOS TRAIANVS HADRIANVS AVG. PONT. MAX. TRIB. POT. XVIIII.

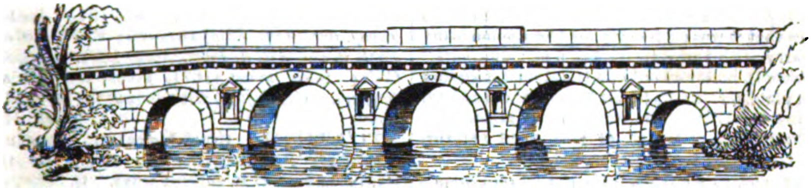
(A.D. 135) COS. III. P. P. FECIT. The name of the bridge was derived either from Hadrian's family name Aelius, or else from his son Aelius Caesar, who died before his father. The five arches of this noble bridge are of peperino faced with travertine; near it, along the left bank, are extensive remains of the ancient embankment wall, built of massive blocks of peperino, now doomed to destruction for the sake of the new quay. This is the bridge mentioned by Dante, *Infer.* xviii. 28–33, as being thronged with pilgrims in the Jubilee year 1300.

6. The *Pons Aurelius*, mentioned in the *Notitia*, was probably on the site of the modern Ponte Sisto. The date of its foundation is not known, but Marlianus (*Topogr. Rom.* cap. cxxi.) gives an inscription (now lost) which recorded its restoration in the reign of Hadrian. The names *Janicularis* and *Antoninianus*, which are sometimes given to this bridge, appear to be inventions of the mediaeval topographers. This is possibly the bridge which, in a recently discovered inscription, is called the *Pons Agrippae*; see *Bull. Com. Arch. Rom.* 1888, p. 92.

7. The *Pons Neronianus* or *Vaticanus* was begun by Caligula and completed by Nero, to give access to the *Horti Agrippinae* and the great circus which stood by the present Basilica of St. Peter. The foundations of its piers still exist, and are visible in summer a little way below the Pons Aelius. It is probable that this is the bridge to which the title *Pons triumphalis* was sometimes applied.

8. The *Pons Mulvius*, modern *Ponte Molle*, is about a mile and a half outside the Aurelian wall of Rome, higher up the river, where the Via Flaminia crosses the Tiber. It was built by the censor M. Aemilius Scaurus, 109 B.C. (see Aur. Victor, *de Viris illust.* xxvii. 8). It was on this bridge that Cicero arrested the ambassadors of the Gaulish Allobroges during the Catiline conspiracy (Cic. *in Cat.* iii. 2). And in A.D. 312 it was the scene of the utter defeat of Maxentius by Constantine. As at the present day, the Pons Mulvius was under the Empire a favourite pleasure resort for the lower classes of Rome (see Tac. *Ann.* xiii. 47).

A very large number of fine stone bridges still exist throughout the greater part of the Roman empire, in various states of preservation. One of the most perfect in Italy is that at Ariminum (modern Rimini), consisting of five massive stone arches, as is shown in the annexed cut. An inscription on it records that it was begun by Augustus and completed by Tiberius.

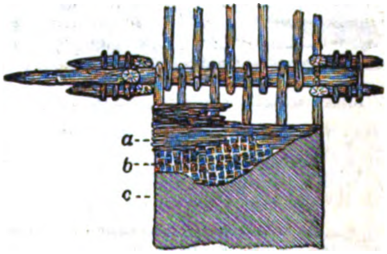


Bridge at Rimini.

The bridge over the Nera, at the modern town of Narni, to the north of Rome, though partly destroyed, is still a very noble piece of engineering. The arches are more than 100 feet high, and their spans are of unusual width. The combined aqueduct and bridge which crosses the river Gard near Nîmes (Nemausus), commonly called the *Pont du Gard*, is remarkable for its size and stately height, consisting of three superimposed tiers of arches, still well preserved, to a height of 190 feet. Another fine Roman bridge still exists near Brioude, over the Allier; it consists of one arch with a very wide span, and 70 feet high from the water to the soffit of the arch.

In Spain remains exist of a very magnificent bridge across the Tagus at Alcantara, which when perfect consisted of six arches, reaching nearly 200 feet in height and 670 feet in length.

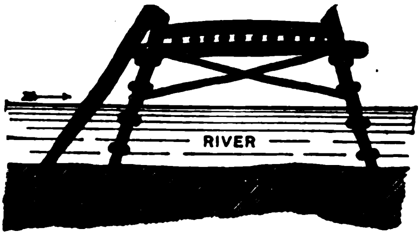
The temporary bridges of the Romans, built for military purposes, were no less remarkable for the engineering skill shown in their construction. Julius Caesar describes (*Bell. Gall.* iv. 17) a wooden bridge which he constructed across the Rhine in the almost incredibly short space of ten days. It was supported on a series of double piles, formed of two baulks of timber, each 18 inches square (in section), pointed at one end, and driven into the bed of the river by machines called *fistucae*; they were set in a sloping direction, so as to resist the force of the current. A corresponding parallel row of piles was driven in at a distance of 40 feet, thus forming a very wide roadway for the Roman army. The cross-pieces were 2 feet thick, and were supported by cross struts so as to diminish the bearing. A



PLAN

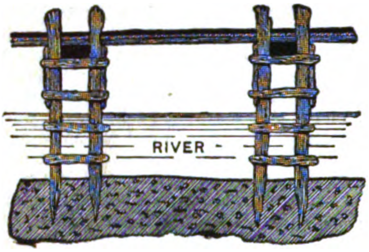
Caesar's Bridge over the Rhine.

(a) Rough joists.
(b) Wattle-work.
(c) Roadway of earth.



TRANSVERSE SECTION

little higher up the stream a third row of piles was fixed to support "fenders," to secure the main structure from injury in case the enemy set heavy trees to float down the river and strike against the supports of the bridge. Fra Giocondo of Verona, Palladio, and other architect-scholars of the sixteenth century have published drawings of this bridge, devised from Caesar's description; but not as a rule with much success (see Giocondo's edition of the *Commentaries*, dedicated to Giuliano de' Medici in 1510; and Palladio, *Architettura*, Venice, 1570, lib. iii. cap. 6).

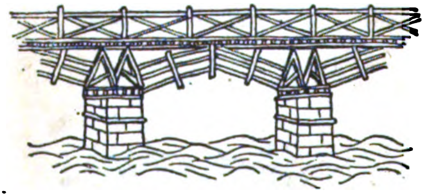


LONGITUDINAL SECTION.

Other temporary bridges were supported on floating casks (*dolia* or *cupae*): see Herodian, viii. 4, 8; and Lucan, iv. 420. Vegetius (iii. 7) states that it was customary for the Roman army to carry with them small boats or "dug-outs" (*monoxyli*), hollowed out of a tree-trunk, together with planks, ropes, and nails to form the roadway. During the Mithridatic war Pompey crossed the Euphrates on a bridge of this kind (Florus, iii. 5). [RATIS.]

The annexed woodcut, from a relief on Trajan's Column, shows the construction of this sort of floating bridge. Another relief on the same column shows a more permanent kind of military bridge, which was constructed by Trajan across the Danube (Dio Cass. lxviii. p. 776, and Plin. *Epist.* viii. 4). This bridge consists of stone piers supporting very skilfully designed trusses of wood, framed like a low-pitched roof. Much ingenuity is shown by the way in which the engineer has spanned wide spaces with short pieces of timber. The engineer who designed this bridge was the celebrated Apollodorus of Damascus, whose criticism on Hadrian's design for the Temple of Venus and Rome by the Sacra Via is said to have irritated the emperor so much that he put the critic to death (see Dio Cass. lxix. 4).

Bridge on boats. (From Trajan's Column.)



Part of the Bridge across the Danube. (From Trajan's Column.)

There appears to be no truth in this story: on the contrary, it is evident that Hadrian had the good sense to adopt the suggestions of Apollodorus. According to Dio Cassius, Hadrian demolished Apollodorus' bridge on the pretence that it might facilitate the incursions of the barbarians into the Roman provinces, but really from jealousy at the success of so great an undertaking. This latter supposition is probably quite untrue.

The reverses of many *first brasses* of the Empire have representations of important bridges: as, for example, one of Gordianus III. with the bridge over the Maeander at Antiochia ad Maeandrum in Caria (see Head, *Num. Hist.* p. 520).

The word *pons* was also applied to any sort of wooden gangway, such as the *pons suffragiorum* by which the file of voters at the Comitia passed into the enclosure (*ovile* or *saepta*); and also to the movable gangway used to give access to the deck of a ship: hence in modern Italian *ponte* has come to mean the deck itself. (See Mayerhöfer, *Die Brücken im alten Rom*, 1884; Zippel, *Jahrbücher für klass. Phil.* 1886, p. 481; Becker, *De Romae vet. muris*, &c., 1842; Jordan, *Topog. der Stadt Rom*, 1875–80; Piale, *Antichi Ponti* in the *Atti d. Pont. Acad.* 1831. Urlichs, *Codex Rom. topog.* 1871, gives the various *Regionary Catalogues*, with lists of the bridges in Rome. [J. H. M.]

PO'NTIFEX (*ἱεροδιδάσκαλος, ἱερονόμος, ἱεροφύλαξ, ἱεροφάντης*). The origin of this word is explained in various ways. Q. Scaevola, who was himself pontifex maximus, derived it from *posse* and *facere*, and Varro from *pons*, because the pontiffs, he says, had built the Pons Sublicius, and afterwards frequently restored it, that it might be possible to perform sacrifices on each side of the Tiber. (Varro, *L. L.* v. 83, ed. Müller; Dionys. ii. 73.) This statement is, however, contradicted by the tradition which ascribes the building of the Pons Sublicius to Ancus Martius (Liv. i. 33), at a time when the pontiffs had long existed and borne this name. Göttling (*Gesch. d. Röm. Staatsv.* p. 173) thinks that *pontifex* is only another form for *pompifex*, which would characterise the pontiffs only as the managers and conductors of public processions and solemnities. Others have suggested (cp. Plut. *Num.* 9) that the word is formed from *pons* and *facere* (in the signification of the Greek *ῥέζειν*, to perform a sacrifice), and that consequently it signifies the priests who offered sacrifices upon the bridge. The ancient sacrifice to which the name in this view alludes, is that of the Argeans on the sacred or Sublician bridge, which is described by Dionysius (i. 38; cf. ARGEI). But as the word *pons* originally meant "way" (Curtius, *Princ. Etym.* i. 323), it is very probable that *pontifex* meant "those who make the roads and bridges" (cp. Lange, *Röm. Alt.* i.^{3} 371), and are therefore possessed of mathematical and engineering skill (Mommsen, *R. H.* i. 178: cf. Jordan, *Topog. Roms*, i. 1, 397). Marquardt prefers to regard the name as coming from the root *pu*, "to purify," in a participial form. No explanation is satisfactory which does not account for the fact that the title was used in many other Italian towns besides Rome.

The Roman pontiffs formed the most illustrious among the great colleges of priests. Their institution, like that of all important matters of religion, was ascribed to Numa. (Liv. i. 20; Dionys. ii. 73; Cic. *de Orat.* iii. 19, 73.) According to Livy (x. 6), the original number of pontiffs were four: it has been commonly assumed that this was exclusive of the pontifex maximus, and that Cicero (*de Rep.* ii. 14, 26) is including him when he says that Numa appointed five pontiffs. But it seems probable that there was no pontifex maximus under the monarchy, the king himself discharging the functions, which afterwards were fulfilled by him. Besides, the number three seems to have been attached to this office as well as to that of the augurs, being retained in the case of colonies, which often keep faithful to the earliest type. Hence we must assume that Livy is in error in the account which he gives of the changes made by the Ogulnian law; and instead of supposing with Niebuhr that *four* pontiffs represent the two earliest tribes, the Ramnes and the Tities, it will be better to assume that the six, including the king, represent the *three* tribes. But we really cannot get beyond conjectures on this point. In the year B.C. 300, the Ogulnian law raised the number of pontiffs to eight, or, more probably according to the researches of Bardt, to nine, and four of them were to be plebeians (Liv. x. 6). The pontifex maximus, however, continued to be a patrician down to the year B.C. 254, when Tib. Coruncanius was the first plebeian who was invested with this dignity (Liv. *Epit.* xviii.). This number of pontiffs remained for a long time unaltered, until in 81 B.C. the dictator Sulla increased it to fifteen (Liv. *Epit.* lxxxix.), and Julius Caesar to sixteen (Dio Cass. xlii. 51). In both these changes the pontifex maximus is included in the number. During the Empire the number varied, though on the whole fifteen appears to have been the regular number.

The mode of appointing the pontiffs was also different at different times. It appears that after their institution by Numa, the college had the right of co-optation; that is, if a member of the college died (for all the pontiffs held their office for life), the members met and elected a successor, who after his election was inaugurated by the augurs (Dionys. ii. 22, 73). This election was sometimes called *captio* (Gellius, i. 12; cf. FLAMEN). But at some time in the course of the third century B.C. the practice sprang up, we do not know more precisely how or when, that the choice of the pontifex maximus from the other members should be made by the votes of seventeen of the tribes, a minority of the whole number, determined by lot. This was the case with the election after the death of L. Lentulus in B.C. 212 (Liv. xxv. 2, 5), and with other later instances (Liv. xxxix. 46, 1; xl. 42). The ordinary pontiffs were still co-opted. An attempt to deprive the college of its right of co-optation, and to transfer the power of election to the people, was made in the year B.C. 145, by the tribune C. Licinius Crassus; but it was frustrated by the praetor C. Laelius. (Cic. *de Am.* 25, 96; *Brut.* 21, 43; *de Nat. Deor.* iii. 17, 43.) In 104 B.C. the attempt was successfully repeated by the tribune Cn. Domitius Ahenobarbus: and a law (Lex Domitia) was then passed, which transferred the right of electing the members of the great colleges of priests to the seventeen tribes; that is, the people elected one from a list of candidates approved by the college, who was then made a member of the college by the *cooptatio* of the priests themselves, so that the *cooptatio*, although still necessary, became a mere matter of form. (Cic. *de Leg. Agr.* ii. 7, 18; *ad Brut.* i. 5; Vell. Pat. ii. 12, 3; Suet. *Nero*, 2.) The Lex Domitia was repealed by Sulla in a Lex Cornelia de Sacerdotiis (81 B.C.), which restored to the great priestly colleges their full right of *cooptatio*. (Liv. *Epit.* lxxxix.; Pseudo-Ascon. *in Divinat.* p. 102, ed. Orelli; Dio Cass. xxxvii. 37.) In the year 63 B.C. the law of Sulla was abolished, and the Domitian law was restored by a plebiscite of Labienus, which prescribed that in case of a vacancy the college itself should nominate two candidates, and the people elect one of them (Dio Cass. xxxvii. 37). This mode of proceeding is expressly mentioned in regard to the appointment of augurs, and was, no doubt, the same in that of the pontiffs (Cic. *Philip.* ii. 2, 4). Julius Caesar modified but slightly this Lex Domitia, but M. Antonius is said to have again restored the right of *cooptatio* to the college (Dio Cass. xliv. 53). Mommsen (*Staatsr.* ii.^{2} 29) doubts the accuracy of this statement. Under the Empire the right of appointment belonged formally to the senate, but virtually to the emperor.

The college of pontiffs had the supreme superintendence of all matters of religion, and of things and persons connected with public as well as private worship. A general outline of their rights and functions is given by Livy (i. 20) and Dionysius (ii. 73). This power is said to have been given to them by Numa; and he also entrusted to their keeping the books containing the ritual ordinances, together with the obligation to give information to any one who might consult them on matters of religion. They had to guard against any irregularity in the observance of religious rites that might arise from a neglect of the ancient customs, or from the introduction of foreign rites. They had not only to determine in what manner the heavenly gods should be worshipped, but also the proper form of burials, and how the souls of the departed (*manes*) were to be appeased; in like manner what signs either in lightning or other phenomena were to be received and attended to. They had the judicial decision in all matters of religion, whether private persons, magistrates, or priests were concerned; and in cases where the existing laws or customs were found defective or insufficient, they made new laws and regulations (*decreta pontificum*) in which they always followed their own judgment as to what was consistent with the existing customs and usages (Gell. ii. 28; x. 15). They watched over the conduct of all persons who had anything to do with the sacrifices or the worship of the gods; that is, over all the priests and their servants. The forms of worship and of sacrificing were determined by the pontiffs, and whoever refused to obey their injunctions was punished by them, for they were "rerum, quae ad sacra et religiones pertinent, judices et vindices." (Fest. s. v. *Maximus pontifex;* cf. Cic. *de Leg.* ii. 8, 12.) The pontiffs themselves were not subject to any court of law or punishment, and were not responsible either to the senate or to the people. The details of their duties and functions were contained in books called *libri pontificii* or *pontificales*, *commentarii sacrorum* or *sacrorum pontificalium* (Fest. s. vv. *Aliuta* and *Occisum*), which they were said to have received from Numa, and which were sanctioned by Ancus Martius. These were preserved under the charge of the pontifex maximus in the regio. Ancus is said to have made public that part of these regulations which had reference to the *sacra publica* (Liv. i. 32); and when at the commencement of the Republic the wooden tables, on which these published regulations were written, had fallen into decay, they were restored by the pontifex maximus C. Papirius (Dionys. iii. 36). One part of these *libri pontificales* was called "Indigitamenta," and contained the names of the gods as well as the manner in which these names were to be used in public worship (Serv. *ad* Verg. *Georg.* i. 21). A second part must have contained the formulas of the *jus pontificium* (Cic. *de Rep.* ii. 31, 54). The original laws and regulations contained in these books were in the course of time increased and more accurately defined by the decrees of the pontiffs, whence perhaps their name *commentarii* (Plin. *H. N.* xviii. 3; Liv. iv. 3; Cic. *Brut.* 14, 55). Another tradition concerning these books stated that Numa communicated to the pontiffs their duties and rights merely by word of mouth, and that he had buried the books in a stone chest on the Janiculum. (Plut. *Num.* 23; Plin. *H. N.* xiii. 27; Val. Max. i. 1, 12; August. *de Civit. Dei*, vii. 34.) These books were found in 181 B.C., and one-half of them contained ritual regulations and the *jus pontificium*, and the other half philosophical inquiries on the same subjects, and were written in the Greek language. The books were brought to the praetor urbanus Q. Petilius, and the senate ordered the latter half to be burnt, while the former was carefully preserved. Respecting the nature and authenticity of this story, see Hartung, *Die Relig. d. Röm.* i. p. 214. The *annales maximi* were records of the events of each year kept by the pontifex maximus, from the commencement of the state to the time of the pontifex maximus P. Mucius Scaevola, B.C. 133 (Cic. *de Orat.* ii. 12, 52).

As to the rights and duties of the pontiffs, it must first of all be borne in mind that the pontiffs were not priests of any particular divinity, but a college which stood above all other priests, and superintended the whole external worship of the gods (Cic. *de Leg.* ii. 8, 20). One of their principal duties was the regulation of the *sacra* both *publica* and *privata*, and to watch that they were observed at the proper times (for which purpose the pontiffs originally had the whole regulation of the calendar: see CALENDARIUM, Vol. I. p. 342 *b*, &c.), and in their proper form. In the management of the *sacra publica* they were in later times assisted in certain performances by the tres viri epulones [EPULONES], and had in their keeping the funds from which the expenses of the *sacra publica* were defrayed [SACRA].

The pontiffs convoked the assembly of the curies (Comitia Calata or Curiata) in cases where priests were to be appointed, and flamines or a rex sacrorum were to be inaugurated; also when wills were to be received, and when a *detestatio sacrorum* and adoption by *adrogatio* took place. (Gell. v. 19, xv. 27; ADOPTIO.) Whether the presence of the pontiffs together with that of the augurs and two flamines were necessary in the Comitia Curiata also in cases when other matters were transacted, as Niebuhr thinks (i. p. 342, ii. p. 223), does not appear to be quite certain. The curious circumstance that after the decemvirate the pontifex maximus was commanded by the senate to preside at the election of tribunes of the people, is explained by Niebuhr (ii. p. 359: cf. Schwegler, iii. 66, and Mommsen, *Röm. Staatsr.* ii. 34, note).

As regards the jurisdiction of the pontiffs, magistrates and priests as well as private individuals were bound to submit to their sentence, provided it had the sanction of three members of the college (Cic. *de Harusp. Resp.* 6, 12). In most cases the sentence of the pontiffs only inflicted a fine upon the offenders (Cic. *Philip.* xi. 8, 18; Liv. xxxvii. 51, xl. 42), but the person fined had a right to appeal to the people, who might release him from the fine. In regard to the Vestal Virgins and the persons who committed incest with them, the pontiffs had criminal jurisdiction and might pronounce the sentence of death (Dionys. ix. 40; Liv. xxii. 57; Fest. s. v. *Probrum*). A man who had violated a Vestal Virgin was according to an ancient law scourged to death by the pontifex maximus in the comitium, and it appears that originally neither the Vestal Virgins nor the male offenders in such a case had any right of appeal. Incest in general belonged to the jurisdiction of the pontiffs, and might be punished with death (Cic. *de Leg.* ii. 19, 47). In later times we find that even in the case of the pontiffs having passed sentence upon Vestal Virgins, a tribune interfered and induced the people to appoint a quaestor for the purpose of making a fresh inquiry into the case; and it sometimes happened that after this new trial the sentence of the pontiffs was modified or annulled (Ascon. *ad Milon.* p. 46, ed. Orelli). Such cases, however, seem to have been mere irregularities founded upon an abuse of the tribunician power. In the early times the pontiffs were in the exclusive possession of the civil as well as religious law, until the former was made public by C. Flavius. [ACTIO.] The regulations which served as a guide to the pontiffs in their judicial proceedings, formed a large collection of laws, which was called the *jus pontificium*, and formed part of the *libri pontificii*. (Cic. *de Orat.* i. 43, 193; iii. 33, 134; *pro Domo*, 13, 34: JUS.) The new decrees which the pontiffs made either on the proposal of the senate, or in cases belonging to the *sacra privata*, or that of private individuals, were, as Livy (xxxix. 16) says, innumerable. (Compare Cic. *de Leg.* ii. 23, 58; Macrob. *Sat.* iii. 3; Dionys. ii. 73.)

The meetings of the college of pontiffs, to which in some instances the flamines and the rex sacrorum were summoned (Cic. *de Harusp. Resp.* 6, 12), were held in the *domus regia* on the Via Sacra, to which were attached the offices of the pontifex maximus and of the rex sacrorum. (Suet. *Jul.* 46; Serv. *ad Aen.* viii. 363;

Plin. *Epist.* iv. 11.) As the chief pontiff was obliged to live in a *domus publica*, Augustus, when he assumed this dignity, changed part of his own house into a *domus publica* (Dio Cass. liv. 27). All the pontiffs were in their appearance distinguished by the conic cap called *tutulus* or *galerus*, with an apex upon it, and the toga praetexta.

The pontifex maximus was the president of the college and acted in its name, the full rights of the king in religious matters having descended to him (Mommsen, *R. Staatsr.* ii. 17–70). He was generally chosen from among the most distinguished persons, and such as had held a curule magistracy, or were already members of the college (Liv. xxxv. 5; xl. 42). Two of his especial duties were to appoint (*capere*) the Vestal Virgins and the flamines [VESTALES; FLAMEN], and to be present at every marriage by *confarreatio*. When festive games were vowed or a dedication made, the chief pontiff had to repeat over before the persons who made the vow or the dedication, the formula with which it was to be performed (*praeire* or *praefari verba*, Liv. iv. 27, v. 41, ix. 46). During the period of the Republic, when the people exercised sovereign power in every respect, we find that if the pontiff on constitutional or religious grounds refused to perform this solemnity, he might be compelled to do so by the people.

A pontifex might, like all the members of the great priestly colleges, hold any other military, civil or priestly office, provided the different offices did not interfere with one another. Thus we find one and the same person being pontiff, augur, and decemvir sacrorum (Liv. xl. 42); instances of a pontifex maximus being at the same time consul are very numerous. (Liv. xxviii. 33; Cic. *de Harusp. Resp.* 6, 12; cf. Ambrosch, *Studien und Andeutungen*, p. 229, note 105.) But whatever might be the civil or military office which a pontifex maximus held besides his pontificate, he was not allowed to leave Italy. The first who violated this law was P. Licinius Crassus, in B.C. 131 (Liv. *Epit.* 59; Val. Max. viii. 7, 6; Oros. v. 10); but after this precedent, pontiffs seem to have frequently transgressed the law, and Caesar, though pontifex maximus, went to his province of Gaul.

The college of pontiffs continued to exist until the overthrow of paganism (Arnob. iv. 35; Symmach. *Epit.* ix. 128, 129); but its power and influence were considerably weakened as the emperors, according to the example of Caesar, had the right to appoint as many members of the great colleges of priests as they pleased (Dio Cass. xlii. 51, xliii. 51, li. 20, liii. 17; Suet. *Caes.* 31). In addition to this, the emperors themselves were always chief pontiffs, and as such the presidents of the college; hence the title of pontifex maximus (P. M. or PON. M.) appears on several coins of the emperors. If there were several emperors at a time, only one bore the title of pontifex maximus; but in the year A.D. 238, we find that each of the two emperors Maximus and Balbinus assumed this dignity (Capitol. *Maxim. et Balb.* 8). The last traces of emperors being at the same time chief pontiffs are found in inscriptions of Valentinian, Valens, and Gratianus (Orelli, *Inscript.* n. 1117, 1118). The last formally renounced the title in A.D. 382. From this time the emperors no longer appear in the dignity of pontiff; but at last the title was assumed by the Christian bishop of Rome.

There were other pontiffs at Rome who were distinguished by the epithet *minores*. Various opinions have been entertained as to what these *pontifices minores* were. Niebuhr (i. p. 302, n. 775) thinks that they were originally the pontiffs of the Luceres; that they stood in the same relation to the other pontiffs as the *patres minorum gentium* to the *patres majorum gentium*; and that subsequently, when the meaning of the name was forgotten, it was applied to the secretaries of the great college of pontiffs. This supposition is contradicted by all the statements of ancient writers who mention the *pontifices minores*. Livy (xxii. 57; compare Jul. Capitol. *Opil. Macrin.* 7), in speaking of the secretaries of the college of pontiffs, adds, "quos nunc minores pontifices appellant;" from which it is evident that the name *pontifices minores* was of later introduction, and that it was given to persons who originally had no claims to it; that is, to the secretaries of the pontiffs. The only natural solution of the question seems to be this. At the time when the real pontiffs began to neglect their duties, and to leave the principal business to be done by their secretaries, it became customary to designate these scribes by the name of *pontifices minores*. Macrobius (*Sat.* i. 15), in speaking of minor pontiffs previous to the time of Cn. Flavius, makes an anachronism, as he transfers a name customary in his own days to a time when it could not possibly exist. The number of these secretaries seems to have been, at least after the time of Sulla, three (Cic. *de Harusp. Resp.* 6, 12). The name cannot have been used long before the end of the Republic, when even chief pontiffs began to show a disregard for their sacred duties, as in the case of P. Licinius Crassus and Julius Caesar. Another proof of their falling off in comparison with former days, is that about the same time the luxurious living of the pontiffs became proverbial at Rome (Hor. *Carm.* ii. 14, 26, &c.; Mart. xii. 48, 12; Macrob. *Sat.* ii. 9). (Cf. Bouché-Leclercq, *Les Pontifes de l'anc. Rome*, Paris, 1871; Marquardt, iii. 227–238; Madvig, *Verf. u. Verw.* ii. 612–633; Mommsen, *R. Staatsr.* ii. 18–70.) [L. S.] [A. S. W.]

PONTIFICA'LES LUDI. [LUDI PONTIFICALES.]

PONTIFI'CIUM JUS. [JUS.]

POPA. [CAUPONA; SACRIFICIUM.]

POPI'NA. [CAUPONA.]

POPLIFU'GIA or **POPULIFU'GIA**, the day of the people's flight, was celebrated on the 5th of July, according to Varro (*L. L.* vi. 18), in commemoration of the flight of the Romans, when the inhabitants of Ficuleae and Fidenae appeared in arms against them, shortly after the burning of the city by the Gauls; the traditional victory of the Romans, which followed, was commemorated on the 7th of July (called the *Nonae Caprotinae* as a feast of Juno Caprotina), and on the next day was the *Vitulatio*, supposed to mark the thank-offering of the pontifices for the event. Macrobius (*Sat.* iii. 2), who wrongly places the Poplifugia on the nones, says that it commemorated a flight before the Tuscans, while Dionysius (ii. 76) refers its origin to the flight of the people when Romulus disappeared from the earth. (Marquardt, *Staatsverw.* iii. 325.) [W. S.] [G. E. M.]

POPULA'RES. [NOBILES.]

POPULA'RIA. [AMPHITHEATRUM, Vol. I., p. 112 *a.*]

PO'PULUS. Populus is the collective name for the whole citizens of Rome, of whatever rank and class. There was probably a time when the ancestors of those who retained to the end the title of *patricii* were the only persons who possessed the rights of citizens. At that time the assemblies (*comitia*) of the populus would consist wholly of patricians. It is possible, likewise, that the outsiders, after they had attained to the rights of citizens in private law, were for a time excluded from active participation in the assemblies of the populus. They would then be in the position of the *cives sine suffragio* of later days. It is not impossible (though here we come into dangerous collision with the ancient authorities) that the non-patrician Romans were admitted to a vote when the populus assembled in its military capacity (*comitia centuriata*) before the same privilege was accorded to them when the populus met in peaceful fashion within the walls (*comitia curiata*). But all this relates to pre-historic times. There is no evidence that, from the expulsion of Tarquin onwards, the plebeians were ever excluded from any kind of assembly of the populus Romanus. In all the history of the contest of the orders, we never hear of this privilege as a thing which remained to be fought for.

The populus Romanus is in theory sovereign in all matters. Every difficulty can be solved in the last resort by its interposition, and its command is law: "Lex est quod populus jubet atque constituit" (Gaius, i. 3). It cannot be bound even by its own previous decisions: "quod populus postremum jussisset, id jus ratumque esto" (Law of Twelve Tables). It may ordain and alter what it pleases in its own constitution, or in the powers and tenure of its magistrates, or in the delegation of rights to other persons or bodies, or finally in the ordinances of religion itself. This very omnipotence necessitated caution in the use of such unlimited authority. Especially the Roman people must be careful not to ordain anything which is likely to cause the withdrawal of the blessing of heaven on their actions. The populus by its own act (for there is none above it) protects itself against its own possible mistakes by attaching to each decree a saving clause, "si quid sacrosancti est, quod non jure sit rogatum, ejus hac lege nihil rogatur" (see for references and explanation Mommsen, *Staatsr.* iii. p. 43, n. 3, and p. 335, n. 2). In order to determine what may safely be commanded in the sphere of religion, the people naturally takes the advice of learned men, pontiffs and augurs, who are supposed to have special knowledge in these subjects.

In order to utter its supreme command the people must be properly summoned and have the question properly put to it ("consul populum jure rogavit"). The Romans always recognised the necessity for order and discipline: "ubicunque multitudo esset, ibi et legitimum rectorem multitudinis censebant debere esse" (Liv. xxxix. 15, 11). The magistrate, selected by the community to be its leader and to consult the gods on its behalf, is the only person who can elicit its sovereign will by putting the question with the proper solemnities (*auspicato*). The initiative residing in the magistrate is thus of the highest practical importance. The assembly can only answer Yes or No to his *rogatio*. But while fully admitting the great influence of the magistrate in the comitia, we must be careful not to exaggerate his formal attributes, or to forget that he does not ordain, but only requests the people to ordain ("Velitis jubeatis, Quirites"). We can hardly hold then, with Mommsen (*Staatsr.* iii. 304, 312), that it is of the essence of a *lex rogata* to be an agreement between two independent powers, the magistrate and the people. Other writers have gone further than this. Borgeaud, for instance, approves the doctrine that sovereignty legitimately resides in the magistrate rather than in the people, and that law in its truest conception is something imposed on the people from above: "The fact that the magistrate of ancient Rome, elected though he may be, does not hold his power from the assembly of the people, is a truth which criticism establishes each day more and more. We think that it will establish, likewise, that the law is on the same footing" (*Hist. du Plébiscite*, p. 114). "In the time when the magistrate and the law are by divine right there is no other sovereign than the magistrate, consecrated by the auspices of heaven and clothed with the imperium" (*ib.* p. 167). Such theories are in admitted contradiction with the ideas which the Romans of historical times entertained as to the basis of their own institutions. These institutions are represented as given indeed by the first king, who was also the founder of the state. Before Romulus, the Roman people did not exist, so that it could not of course be depicted as electing its first king or instituting its own senate or assembly. But with this exception, the Roman tradition is essentially republican in spirit. If the Romans had believed in the divine right of monarchy, they would certainly have enshrined it (as did the Spartans) in a heroic family. If they had imagined that the magistrate was inspired to dictate laws to them, they would have ascribed to him and not to the comitia the authority to override the sentence of the law in favour of a condemned criminal, and to undertake an offensive war, and to enable the citizen to dispose of his property to persons other than his natural heirs. It is just in such extreme cases that we can see where sovereignty really resides. Because the power of the magistrate is limited, the unlimited power of the people has to be called upon to intervene in such circumstances.

The practical activity of the populus is at every stage of Roman history hampered and restricted. In early times there was little to be done in the way of government beyond the command in war and the administration of justice, both of which were included in the imperium of the magistrate. The authorised body of advisers attached to the magistrate would likewise make the frequent consultation of the people unnecessary. Later on, the difficulties in the way of a magistrate who wished to put a question to the people were ever on the increase, and every such difficulty might be an obstacle between the people and the utterance of its will. In the presence of this practical nullity the persistence of the doctrine that the People is the fount of power and the fount of law becomes the more remarkable. The magistrate (even the king) is represented as having not a co-ordinate but a derived power. His ministerial functions are necessary for the proper utterance of the voice of the people, but it is the people and the people alone whose commands are absolute. The *sic volo sic jubeo* which is the essential characteristic of sovereignty is to be found here alone. It is open, of course, to the critic to point out that our authorities for this presentation of the Roman constitution are of late time, and that they may have read into the early history ideas which belonged to a subsequent period. This may be a reasonable ground perhaps for scepticism, but hardly for setting up by conjecture a system of doctrines which were unknown to the Romans themselves. We can only present the Roman constitutional theory as it appeared to the Romans of historical times.

The assemblies of the populus Romanus are occasionally called by the general name of *concilia*, but their distinctive title is *comitia*. *Concilium* is more appropriately used of those assemblies which have no right to the more dignified and specific title of *comitia*. The populus Romanus assembles in historical times in three ways,—by curies, by centuries, and by tribes. The most concise account is that of Laelius Felix in Aul. Gell. xv. 27: "Is qui non universum populum sed partem aliquam adesse jubet, non comitia sed concilium edicere debet. Tribuni autem neque advocant patricios neque ad eos ferre ulla de re possunt . . . . Cum ex generibus hominum suffragium feratur curiata comitia esse, cum ex censu et aetate centuriata, cum ex regionibus et locis tributa." [See Comitia.]

From the time of the secession to the Mons Sacer, the populus Romanus has side by side with it another great corporation, that of the plebs. The two corporations, though consisting in the main of the same persons, remained to the end of the Republic distinct in law. But the fact that the assemblies of both are popular assemblies, and that both the words *populus* and *plebs* may be used in a loose and general as well as in a technical sense, causes much confusion when we are dealing with the expressions, not of lawyers, but of politicians or historians. The confusion may best be illustrated by a passage of Livy (xxvii. 5, 16) where the distinction is alternately remembered and forgotten: "Decrevit senatus ut consul, priusquam ab urbe discederet, populum rogaret, quem dictatorem dici placeret, eumque quem populus jussisset, diceret dictatorem; si consul noluisset, praetor populum rogaret: si ne is quidem vellet, tum tribuni ad plebem ferrent. Quum consul se populum rogaturum negasset, quod suae potestatis esset, praetoremque vetuisset rogare, tribuni plebis rogarunt plebesque scivit, ut Q. Fulvius . . . dictator diceretur." So far the words are used with absolute correctness; but immediately afterwards he makes the senate send for the other consul "ut diceret, quem populus jussisset, dictatorem."

By the Hortensian law of B.C. 287 the decrees of the plebs received equal force with those of the populus [see Plebiscitum]. Those writers who view even the legislative capacity of the populus as a setting aside of ancient doctrine, and as an usurpation by the secular power in the province of divine right, consider the power accorded to the decisions of the plebs as a further step on the path of impiety. "Religion," says Borgeaud (*op. cit.* p. 154), "lends its force to the consular or praetorian law, made under the auspices of Heaven. The spear makes the plebiscite equal to the law." "In setting itself up as equal to the holy Law, it a lay and profane thing, the plebiscite secularises law; it emancipates it definitely from religion; it makes it human" (*ib.* p. 192). There is little to justify this contrast. The plebeians were as religious as they knew how to be. Their magistrates are not indeed qualified to take the auspices of the patricians which are those of the Roman people, and so their assemblies cannot be held *auspicato*. The plebs came into existence in an age when it was not at all easy for them to invent auspices of their own and fresh augurs to interpret them. But they went as near to this as possible. They had their consecration of the Sacred Mount, their solemn oaths in the presence of Heaven, the *sacrosanctitas* conferred on their magistrates. These rites were doubtless acquiesced in with contempt by the patricians, much as Sudra rites would be despised though not disallowed by Indian Brahmins, but they were none the less religious. Even supposing that we deny any religious sanctity to the decrees of the plebs as such, it must be remembered that since the Lex Hortensia they could claim a derived right. The law of Hortensius was an enormous act of sovereignty on the part of the populus Romanus. The populus saw fit in the plenitude of its power to decree that an *alter ego* should be set up in the person of the plebs. Whoever then denies the competence of the plebs, limits the power of the populus, and sets at nought all the sanctity which the law may have acquired from the regal prerogatives of the dictator's office, and from the auspices and prayers with which doubtless Hortensius commenced the business of the day.

The equivalence of the powers of the two corporations naturally increased the tendency to use indiscriminately the technical terms belonging to each; and the contrast between *populus*, *comitia*, *lex*, *jubere* on the one hand, and *plebs*, *concilium*, *plebiscitum*, *sciscere* on the other, is practically disregarded. This confused usage has led in one instance to a serious difficulty of interpretation. The corporation of the plebs, which before the law of Publilius Volero in B.C. 471 probably assembled by curies, after that date assembled by tribes, and by tribes only. Thus, while in the case of a curiate or a centuriate assembly we know at once that the body which is meeting must be the populus, in the case of a tribute assembly it is not always clear whether the populus or the plebs is intended. Some modern writers (*e.g.* Madvig, *Verfassung des röm. Staates*, 3, § 5) have imagined that not only was there a confusion of expression, but that there was actually only one such assembly. The ancient authorities seem, however, conclusive on this point. The assembly by tribes which is called together by the tribunes cannot be an assembly of the populus Romanus, for "populi appellatione universi cives significantur, connumeratis etiam patriciis" (Gaius, i. 3), and "tribuni neque advocant patricios neque ad eos ferre ulla de re possunt" (Laelius in Aul. Gell. xv. 27). On the other hand, the assembly of the plebs cannot be that tribute assembly which confers the lesser *auspicia patriciorum* [see MAGISTRATUS], which is presided over by a patrician magistrate (see Cic. *ad Fam.* vii. 30, "Caesar, qui tributis comitiis auspicatus esset," &c.), and which passes laws on the *rogatio* of a consul. (See the preamble to the law in Frontinus, *de Aquis*, ch. 129: "T. Quinctius Crispinus consul populum jure rogavit populusque jure scivit in foro pro rostris aedis divi Julii pri. k. Julias. Tribus Sergia principium fuit, pro tribu Sex. L. f. Varro primus scivit.") There seems no escape from Mommsen's conclusion that the two corporations remained distinct; though the plebs always, and the populus sometimes, assembled by tribes.

Each of the two corporations had of course the election of its own officers, and by a special regulation of the Twelve Tables the populus, and the populus assembled in centuries, was alone competent to hear an appeal from the sentence of a magistrate affecting the life of a citizen. With these exceptions the assembly of the populus by way of tribes or of centuries and the assembly of the plebs were equally competent to pass sovereign decrees in all matters, and there are both leges and plebiscita relating to all manner of subjects of legislation. Even in the few reserved matters, the two approach each other as nearly as possible. The plebs may not indeed elect a consul or a praetor, but it may appoint a man to act *pro praetore* or *pro consule* (Liv. xxxi. 50, 11). It may not deprive a citizen of his *caput*, but it may decree that he shall be held to have deprived himself ("videri eum in exilio esse," Liv. xxv. 4, 9), or it may authorise the senate to try him (Liv. xxvi. 33, 12), or it may itself pronounce a capital sentence against him, conditionally on the finding of a jury. It is a tribune of the plebs, Fufius, of whom Cicero (*Paradox.* iv. 2, 32) says to Clodius: "Familiarissimus tuus de te privilegium tulit, ut si in opertum Bonae Deae accessisses exulares."

The distinction between populus and plebs, all important for the antiquarian and the constitutional lawyer, was practically of no significance for the statesman. Polybius in his elaborate account of the working of the Roman constitution does not so much as mention it. The practical effect of doubling the sovereignty was merely to commit the initiative to the tribunes as well as to the consuls and praetors. This parcelling out of power was probably a convenience as long as the senate kept a firm hand over all the magistrates; it added one more element of anarchy when this constitutional control was set aside. [J. L. S. D.]

PORISTAE (*πορισταί*). Very little has come down to us concerning the constitution and functions of this magistracy. All that we know is that it was at Athens a sort of financial board, appointed probably only from time to time when necessary for the purpose of raising extraordinary supplies (*πόρους πορίζειν*). The office is thus described: *περισταί εἰσιν ἀρχή τις Ἀθήνησιν ἥτις πόρους ἐζήτει* (Bekker, *Anecd.* 294, 19). From this we may infer that they were a kind of committee who discussed how the money required for a special purpose might best be raised (by some special means). They were evidently regarded as belonging to the Treasury department, as we find the term united with *ταμίαις* in Demosthenes (*Philipp.* i. 49, § 33), and in like manner Antiphon classes them with the poletae [POLETAE] and practores [PRACTORES]. (*De Chor.* § 14.)

They were probably a committee of ways and means appointed to deal with such an emergency as that which forms the subject of the First Philippic. Hence it is that Demosthenes urges the Athenians to become their own poristae and treasurers. If such an institution no longer existed at Athens, there would have been no force in the allusion. We may also infer from an allusion in Aristophanes (*Ran.* 1505) that the office existed in his time. It is likewise not improbable that the assumption by robbers of the euphemistic name poristae arose from an allusion to an actual official body of that name (Arist. *Rhet.* iii. 2, 10. *οἱ λῃσταὶ αὑτοὺς ποριστὰς*—commissioners of ways and means—*καλοῦσι νῦν*). Hitherto no record of the existence of a like board elsewhere in Greece has reached us, either in the ancient texts or inscriptions. [W. Ri.]

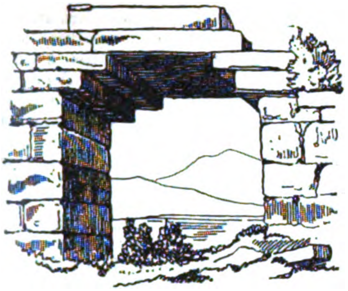
PORNAE (*πόρναι*). [HETAERAE.]

PORPE (*πόρπη*). [FIBULA.]

PORTA (*πύλη*), the gate of a city, citadel, or other open space enclosed by a wall, in contradistinction to JANUA, which was the door of a house or any covered edifice. The word *πύλη* is often found in the plural, even when applied to a single gate, because it consisted of two leaves (Thuc. ii. 4, &c.).

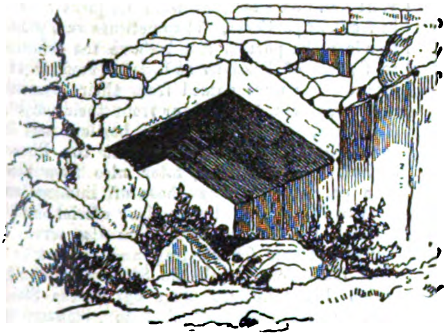
In tracing out the walls of an Italian city with the ceremony described under POMERIUM, the plough was lifted and carried across the openings to be left for the gates. The number and position of city gates in ancient Greece and Italy naturally varied according to circumstances. The old Etruscan custom was to give three gates to a walled city, dedicated to the three chief deities of the Etruscans: the same custom may possibly be seen in the three gates of Roma Quadrata (Plin. *H. N.* iii. § 66, where an alternative tradition of four gates is mentioned): two of these were the Porta Mugonia and Porta Romanula (Varro, *L. L.* v. 164). The ancient walls of Paestum, Sepianum, and Aosta enclose a square: in the centre of each of the four walls was a gate; the arrangement, however, was obviously affected by the nature of the ground, and the size of the city. Thus Megara had five gates; Thebes seven; others, as Rome, many more.

The gates in ancient Greek walls were formed in various ways, showing progressive art in building. We may give, from Reber (*Gesch. d. Baukunst*, 231), four distinct methods:—1. The simple straight lintel, consisting of a long and massive block, as in the "Lion" Gate of Mycenae (see woodcut on p. 185). 2. Stones projecting one beyond another in a step form from each side, and so gradually approaching till they can be topped by a flat lintel: an example is afforded by a gate at Phigalia. 3. A gable shape, formed



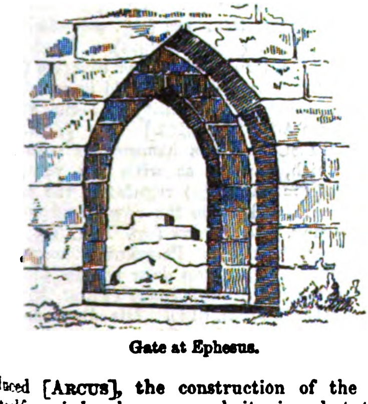
Gate at Phigalia.

by two massive stones meeting in an angle, as shown in a gate at Delos. 4. A refinement on



Gate at Delos.

No. 2, where the stones approach gradually, cut into shape, sometimes with a slight curve, till they join at the apex: they sometimes begin their slope from the ground, as in the gates of Missolonghi and Thoricos, shown by Baumeister (*Denkm.* Taf. xv.), or, in a more developed form, they are straight in their lower part, as the gate of Ephesus. When the arch was intro-



Gate at Ephesus.

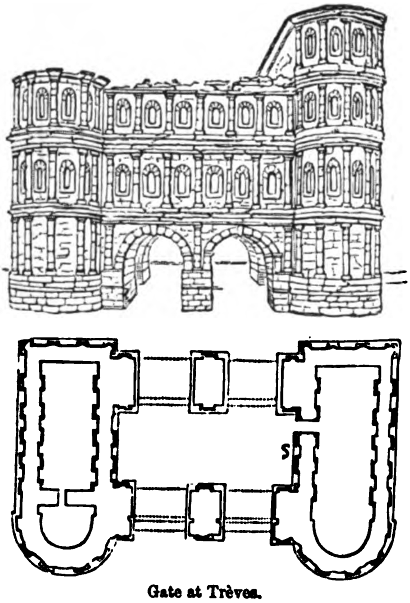
duced [ARCUS], the construction of the gate itself varied only as regards its size: but there were many differences and improvements as regards its defence. From early days the importance of flanking bastions had been seen; these were at first simple projections of the wall at right angles (see an example of the gate at Orchomenus in Guhl and Koner, p. 64), from the summit of which the defenders could shoot, and this developed into bastions formed by circular swellings of the wall on each side of the gate, and thence into regular flanking towers, round or square [TURRIS], often with additional defences, such as are shown in the gate of Posidonia, or Paestum [MURUS, p. 186]. An additional security to the entrance was given by a double gateway, having an outer and inner gate with a space between. At Messene the space between was circular, so that the wall at that part had the shape of a round tower pierced by two opposite openings (see plan in Guhl and Koner, p. 65). This system of double gates was very early, as in the second and third gateways of the fortress at Tiryns (see Plan, Vol. I. p. 655); and it is instructive also in this early fortress to see how the besiegers were exposed to fire when they forced one gateway and passed round to the next. Care was taken here, and elsewhere, that the right or unshielded side should be towards the wall in their approach.

At Como, Verona, and other ancient cities of Lombardy, the gate contains two passages close together, the one designed for carriages entering, and the other for carriages leaving the city. The same provision is observed in the magnificent ruin of a gate at Trèves. (See woodcut.) In other instances we find only one gate for carriages, but a smaller one on each side of it (παραπυλίς, Heliodor. viii. p. 394) for foot-passengers. Each of the fine gates which remain at Autun has not only two carriage-ways, but exterior to them two sideways for pedestrians. (Millin, *Voyage dans les Départemens*, &c., vol. i. ch. 22; Atlas, Pl. 18, figs. 3, 4.) Such sideways are well seen in the Porta d'Ercolano of Pompeii, of which there is a woodcut in Vol. I. p. 384. When there were no sideways, one of the valves of the large gate sometimes contained a wicket (*portula*, πυλίς: ῥινοπύλη), large enough to admit a single person. The porter opened it when any one wished to go in or out by night. (Polyb. viii. 20, 24; Liv. xxv. 9.)

The contrivances for fastening gates were in general the same as those used for doors [JANUA], but larger in proportion. The wooden bar placed across them in the inside (μοχλὸς) was kept in its position by the following method. A hole, passing through it perpendicularly (βαλανοδόκη, Aen. Tact. 18), admitted a cylindrical piece of iron, called βάλανος, which also entered a hole in the gate, so that, until it was taken out, the bar could not be removed either to the one side or the other (Thuc. ii. 4; Aristoph. *Vesp.* 200; βεβαλάνωται, *Aves*, 1159). Another piece of iron, fitted to the βάλανος and called βαλανάγρα, was used to extract it (Aen. Tact. *l. c.*). When the accomplices within, for want of this key, the βαλανάγρα, were unable to remove the bar, they cut it through with a hatchet (Thuc. iv. 111; Polyb. viii. 23, 24), or set it on fire (Aen. Tact. 19). [For the portcullis, see CATARACTA.]

The gateway had commonly a chamber, either on one side or on both, which served as the residence of the porter or guard. It was called πυλών (Polyb. viii. 20, 23, 24). Its situation is shown in the following plan. (See woodcut.)

The Porta Ostiensis, the finest and best-preserved of the gates in the Aurelian wall, affords an instance of the more elaborate kind:—"The central part of the gate with its arched doorway is of travertine, the outer arch is grooved, to receive a portcullis [CATARACTA], and from the inner and higher arch two travertine corbels project, which received the upper pivots of the doors, the lower ones being let into holes in a massive travertine threshold. Above this stone archway is a battlemented wall of brick-faced concrete, pierced with a row of 7 arched windows, opening into a gate chamber with similar windows on the inside. On each side are two brick-faced towers with semicircular projections on the outside." (Middleton, *Rome*, p. 494.) In the gates of Como and Verona the gatehouse is three stories high. At Trèves it was four stories high in the flanks, although the four stories remain standing in one of them only, as may be observed in the annexed woodcut. The length of this building is 115 feet; its depth 47 in the middle, 67 in the flanks; its greatest height, 92. All the four stories are ornamented in every direction with rows of Tuscan columns. The gateways are each 14 feet wide. The entrance of each appears to have been guarded, as at Pompeii, first by a portcullis, and then by gates of wood and iron. [CATARACTA.] The barbican, between the double portcullis and the pair of gates, was no doubt open to the sky, as in the gates of Pompeii. The gate at Trèves was probably erected by Constantine. (Compare also Guhl and Koner, i. 62, ii. 48; Baumeister, *Denkm.* 804; Reber, *Hist. of Ancient Art*, 189, E. T.) [J. Y.] [G. E. M.]



Gate at Trèves.

PORTENTUM. [PRODIGIUM.]

PO'RTICUS (στοά) is a building of which the roof is supported at least on one side by columns; it is thus open to the air, but protected from sun and rain. The simplest form of portico has one row of columns on the outside, and a wall at the back; in this form στοαί frequently surround temples or enclose an open space, such as an ἀγορά: especially in Ionia these porticoes surrounding the ἀγορά were erected with great magnificence. A στοά might also have one or two interior rows of columns, dividing it into two or three aisles, and thus an extensive covered space was provided; in this case it was usual for the intervals between the interior columns to be double that between the exterior ones. Another form was divided by a wall instead of a row of columns, and thus two single porticoes were produced, set back to back (Paus. vi. 24). Στοαί were frequently adorned with paintings, either on the back wall or affixed to it; hence the name ποικίλη is applied to one at Athens, and another at Olympia: this last, as well as one at Hermione, had also the name of the Echo-stoa from its acoustic properties (Paus. v. 21; ii. 35). Statues were frequently placed in front of porticoes, and sometimes were placed, to adorn the portico itself, above the columns; so figures of Persians at Sparta (Paus. iii. 11). Greek stoae were named from their character, ποικίλη, μακρά, Περσική, or from their purpose, βασίλειος, where the archon basileus held his court, ἀλφιτόπωλις, probably at the Piraeus (Schol. Ar. *Ach.* 547); later also from those who erected them, as those of Eumenes and Attalus in Athens. Beside their official or commercial uses, στοαί in Athens also served as covered resorts for meeting and conversation; thus Zeno frequented the Stoa Poecile, after which his followers were called the Stoics. Porticoes were also attached to gymnasia and to baths.

The numerous porticoes in Rome were erected in imitation of the Greek, and served similar purposes, both public and private. Some were already erected during the later centuries of the Republic (*e.g.* Octavia, 168 B.C.; Metelli, 146 B.C.). But especially in imperial times they were constructed of extraordinary extent and richness. They were also a favourite addition to the private houses of rich Romans. Porticoes in Rome were usually named after their founder, the temples or other buildings they were near, their use (e.g. *argentaria*) or their decoration (*argonautarum*). When they surrounded a forum, Vitruvius observes (v. 1) that the intercolumniation should be wider than in Greek examples, for facility in seeing spectacula. [See AGORA; DOMUS.] [E. A. G.]

PORTI'SCULUS, a hammer or truncheon with which, as well as with his voice, the *pausarius* (=κελευστής) regulated the motion of the oars, and made the rowers advance or stop rowing. So Ennius (*ap.* Non. 151, 26): "tonsamque tenentes Parerent, observarent, portisculu' signum quum dare coepisset." The pausarius is also called *hortator* (Plaut. *Merc.* iv. 2, 5; cf. Ov. *Met.* iii. 618). His duties and his station in the stern of the ship are thus described by Silius Italicus (vi. 360):

> "Mediae stat margine puppis
> Qui voce alternos nautarum temperet ictus
> Et remis dictet sonitum."

[W. S.] [G. E. M.]

PORTITO'RES. [PORTORIUM; PUBLICANI.]

PORTO'RIUM. 1. Transit-dues or tolls on goods carried through a country or over a bridg or a toll on travellers (Suet. *Vit.* 14; Seneca, *de Const. Sap.* 14; Digest. 19, 2, 60).

2. Duties paid on goods imported, and no doubt on goods exported too. (Our evidence here is very defective; but see Cic. *Verr.* ii. 74, 182, and perhaps *pro Leg. Manil.* 6, 14.) According to legends the duty was levied under the kings, and removed by T. Valerius Poplicola as a means of attaching the plebs to the new order of things (Liv. ii. 9; Dionys. v. 22; Plut. *Popl.* 11). It must, however, have been restored before long, and in a more historical age the censors of B.C. 179 instituted *portoria et vectigalia multa* (Liv. xl. 51). G. Gracchus extended the system further (Vell. Pat. ii. 6). It was, of course, spread over Italy by Roman conquest; see *e.g.* Liv. xxxii. 7 for dues paid at Capua and Puteoli in B.C. 199. In B.C. 60 all portoria were done away with in Italian harbours by a Lex Caecilia of the praetor Q. Metellus Nepos (Dio Cass. xxxvii. 51; Cic. *Att.* ii. 16, 1); but Caesar *peregrinarum mercium portoria instituit* (Suet. *Jul.* 43), apparently for foreign goods only, *i.e.* goods imported from outside the Empire. The triumvirate introduced new τέλη (Dio Cass. xli. 34), which may mean *portoria* (but see under Vectigalia), and Augustus introduced further new ones and increased some of the old. The subsequent emperors increased or diminished this branch of the revenue as necessity required.

Like other vectigalia, the portorium was farmed out by the censors to the publicani, who employed portitores to collect it [Vectigalia; Publicani]. Later, we hear of imperial procuratores for portoria [see Stationes Fisci].

As a rule, the Romans took over in the provinces the existing import (and export?) duties; but they tended to group the provinces into more or less natural unions each of which reckoned as one customs-district, on whose frontiers duties were paid. The following districts (among which Sicily and Asia were specially productive, Cic. *Verr.* ii. 75, 185; *pro Leg. Man.* 6, 14) are known to us—Italy, Sicily, Gaul (including Alpes Cottiae and Alpes Maritimae), Spain, Britain, Illyricum, Asia, Bithynia (with Pontus and Paphlagonia), Africa, and Egypt. In some few cases the Romans allowed a town or island to raise portoria for its own benefit, stipulating that Roman citizens and socii Latini should be exempted from payment; *e.g.* Ambracia (Liv. xxxviii. 44) and Rhodes (Cic. *Q. F.* i. 1, 33); cf. *C. I. L.* i. 204 on Termessus. But this is perhaps rather to be looked on as an octroi than as a customs-duty.

As regards the articles subject to duty, the rule was that all commodities (including slaves) which were imported to be sold again paid the portorium; whereas things which a person brought with him for his own use were exempt. A list of taxable articles is given in the Digest (39, 4, 4, 16; cf. Cic. *Verr.* ii. 72, 176). Many things, however, which were rather luxuries than necessities, such as eunuchs and handsome youths, had to pay import-duty, even though they were imported by persons for their own use (Suet. *de clar. Rhet.* 1; Cod. 4, 42, 2). Things imported for the use of the state were exempt. But the governors of provinces, when they sent persons to purchase things for the use of the public, had to write a list of the things for the portitores, to enable the latter to see whether more things were imported than were ordered (Dig. 39, 4, 4). Respecting the right of portitores to search travellers and merchants, see Publicani. Such goods as were duly stated to the portitores were called *scripta*, and those which were not, *inscripta*. The latter were confiscated on discovery (Dig. 39, 4, 16).

As to the amount of the duty we have but few statements in ancient writers. The Sicilian portorium in the time of Cicero was 5 per cent. (*vicesima*) of the value of the taxable articles (Cic. *Verr.* ii. 75, 185); and, as this was a familiar rate in Greece (see Eicoste, and Boeckh's *Staatshaushaltung der Athener*, ed. 3, bk. 3, 6), it may have been the sum levied in other provinces too. But the amount may have varied with the place and time. We hear of 2 per cent. (*quinquagesima*) in Spain (*C. I. L.* 2, 5064), 2½ per cent. (*quadragesima*) in Gaul (Wilmanns, *Exempla Inscriptionum Latinarum*, 1295, 1398) and Asia (Suet. *Vesp.* 1). There are traces also of a fixed tariff for single wares (Wilmanns, 2738, for Africa). At a late period the exorbitant sum of one-eighth (Cod. Just. 4, 42, 2) is mentioned as the ordinary import-duty, but it is uncertain whether this was the duty for all articles of commerce, or merely for some (possibly for articles of luxury or for articles imported from or exported to places beyond the Roman empire).

The nature of the *portorium circumvectionis* (Cic. *Att.* ii. 16, 4) is not clear. [F. T. R.]

PORTUNA'LIA (a more correct spelling than *Portumnalia*), a festival celebrated in honour of Portunus on the 17th of August. It is called also *Tiberinalia* (Fast. Philocal.), and Mommsen thence deduces that Portunus = Tiberinus (*C. I. L.* i. p. 399); but Marquardt is probably right in taking Portunus not to be the River God, but the protecting deity of the wharves on the Tiber at Rome and of those at Ostia. He was "deus portuum" (Cic. *de Nat. Deor.* ii. 26, 66; cf. Verg. *Aen.* v. 241). The festival was celebrated in two places: at Rome by the Pons Aemilius (*Cal. Amit.*), and at Ostia (Varro, *L. L.* vi. 19). The connexion of Portunus with Tiberinus, the son of Janus, and therefore of his worship with that of Janus, may explain his being also termed "deus portarum" (Fest. *Ep.* p. 56, 6). [L. S.] [G. E. M.]

POSCA, vinegar mixed with water, was the common drink of the lower orders among the Romans (Suet. *Vitell.* 12), of slaves (Plaut. *Mil.* iii. 2, 23), and of soldiers on service (Spart. *Hadr.* 10). As to the theory that the celebrated *acetum* of Liv. xxi. 37 was *posca* (see Capes *ad loc.*), it is well known that some rocks, as limestone, can be split by any cold liquid poured over them when they are hot, and so more easily cut into a roadway (see Blümner, *Technol.* iii. 71). Hennebert (*Annibal*, ii. p. 253; Paris, 1878) tries elaborately to establish an explosive property for some composition called ὄξος or *acetum*. [W. S.] [G. E. M.]

POSSE'SSIO. Paulus (Dig. 41, 2, 1) gives the following account of the etymology of this word:—"Possessio appellata est a sedibus, quasi positio, quia naturaliter tenetur ab eo, qui ei insistit." We shall probably be right in taking as the elements of *possidere* the Latin equivalent of the preposition προτί (πρός) and *sedes* (see Corssen, *Beitr.* 87; Curtius, *Gr. Etym.* 286). Possessio, in its primary sense, is the control which a man has over a corporeal thing, so that he is able to deal with it at his pleasure, and to exclude other persons from meddling with it. Such possession becomes possessio in a juristical or legal sense, when it is protected by certain legal remedies in case of interference with it. Still even in this sense possessio is not in any way to be confounded with ownership. A man may have possession of a thing in the legal sense without being the owner; and a man may be the owner of a thing without having possession (Dig. 43, 17, 1, § 2: "separata esse debet possessio a proprietate; fieri etenim potest, ut alter possessor sit, dominus non sit, alter dominus quidem sit, possessor vero non sit; fieri potest ut et possessor idem et dominus sit"). Ownership is the legal right to exercise control over a thing according to a man's pleasure, and to exclude everybody else from doing so; but though the owner has the *jus possidendi* or right to the possession, he has not possession unless he is actually exercising his right. Whether control of a thing gives a person possession in the legal sense depends on the intention of the person exercising it. If his intention is to hold the thing for himself (*animus sibi habendi*), then as a rule he has such possession; but if he intends to hold for another, as is the case with a person who borrows a thing, and with one who holds a deposit, he has not possessio but only detention (Dig. 41, 2, 18 pr.: "Nec idem est possidere et alieno nomine possidere; nam possidet, cujus nomine possidetur, procurator alienae possessioni praestat ministerium"). The Greek expression signifying the intention of a possessor to hold the thing for himself or as owner is *ψυχὴ δεσπόζοντος* (Theoph. *ad* Inst. ii. 9, 4, iii. 29, 2; Basil. 50, 2, 7), for which *animus domini* has been used as an equivalent by later commentators.

To have possession in the legal sense, the *animus domini* is generally required, though "in certain exceptional cases a person who held a thing for another, and who therefore had not the *animus domini*, was possessor in the legal sense (see *infra*). A possessor who has a thing under his control exercises a right of ownership, whether he is entitled to exercise such right or not. The legal notion of possession implies a thing which can be an object of ownership, and it also implies that the possessor has a capacity of ownership, which explains why a person in the power of another could not possess on his own account (Dig. 41, 2, 49, 1: "Qui in aliena potestate sunt, rem peculiarem tenere possunt, habere, possidere non possunt quia possessio non tantum corporis, sed et juris est"). Actual control being involved in the notice of possession, it follows that only one person at a time can possess a thing as a whole, but a number of persons can hold a thing in common, sharing the advantages of possession, though not the possession itself.

Though incorporeal things are not strictly speaking capable of possession, yet the actual enjoyment of them, as for instance in the case of servitudes, is sometimes equivalent to possession of a corporeal thing, and is called *juris quasi possessio*. The objects of this *juris quasi possessio* are certain real and personal servitudes and some *jura in re aliena*, which do not belong to the class of servitudes, of which SUPERFICIES is the only proper instance.

A man who has possession or even the bare detention of a thing has the advantage attached to the position of a defendant (*commodum possessoris*) in being free from the burden of proof, and in being entitled to retain the thing as a lien for certain claims. Thus in a vindicatio the defendant is named possessor, though he has not necessarily possession in a legal sense, the plaintiff being called *petitor*. The procedure by the vindicatio was also adapted to the case of an hereditas; and here also the term *possessor* was applied to the defendant.

The rights attached to possession in the legal sense were the following:—

(1) Such possession gives a right to the possessor to the protection of the possessory interdicts (*interdicta retinendae—recuperandae possessionis*) against interference with his possession and dispossession. The right to these interdicts is simply founded on legal possession, in whatever way it may have originated, as even by an act of theft, except that it must not have originated *vi*, *clam*, or *precario* with respect to the person against whom the interdict is claimed. [INTERDICTUM.] Thus, simply by virtue of being possessor, the possessor has a better right than anyone who is not possessor, and is only obliged to surrender the thing to the owner who proves his superior title in the proprietary action called *vindicatio*. In the possessory interdict itself the owner was not allowed to set up his title as a defence, and hence an interdict might be successfully maintained against him. The protection of the interdicts is also extended to *juris quasi possessio*.

(2) Possession for a certain time may give a title to ownership by usucapion, but usucapion requires, besides *possessio* in a legal sense (*i.e.* interdict possession), other circumstances to be present, as that the possession must have been *boná fide*—that is, acquired by a person without knowing that any one else has a better right to possess than himself—and that it must have been *justa causa*. He who buys a thing from a man who is not the owner, but whom he believes to be the owner, and obtains possession of the thing, is a *bonâ fide* possessor with a *justa causa*. [USUCAPIO.]

(3) Possession of a *res nullius* gives rise to ownership at once by title of occupancy.

The term *possessio* occurs in legal writings in various senses. There is possessio generally and possessio civilis and possessio naturalis. Possessio civilis is possession when it has the conditions necessary for acquiring ownership by usucapion, and all other possessio as opposed to *civilis* is *naturalis*. Hence possession as the foundation of the interdicts is possessio naturalis in this sense, as well as mere detention, which is not protected by any possessory remedies. Interdict possession is always expressed by *possessio* simply: and this is the meaning of *possessio* when it is used alone and yet in a technical sense. There is therefore a twofold possessio in the legal sense: possessio civilis, or possession for the purpose of usucapio; and possessio or possession for the purpose of the interdicts. Possessio is included in possessio civilis, which only requires more conditions than possessio. If, then, a man has possessio civilis, he has also possessio, that is, interdict possession, but the converse is not true. Possessio naturalis has two significations, but they are both negative, and merely express in each case a logical opposition; that is, they are respectively not possessio civilis or possessio (ad Interdicta). The various expressions used to denote bare detention are "tenere," "esse in possessione," "corporaliter possidere." Some eminent modern writers reject the above explanation of the terms, which is that of Savigny. Thus, according to Vangerow and Windscheid, possessio civilis and possessio are identical in meaning, signifying interdict possession as opposed to naturalis possessio, which is mere detention (Vangerow, i. § 199, Anm.; Windscheid, i. § 149, n. 12).

We have next to consider how interdict possession is acquired and lost. In order to acquire possessio, apprehension (*corpus*) and intention (*animus*) are necessary (Dig. 41, 2, 3, § 1: "adipiscimur possessionem corpore et animo neque per se animo, aut per se corpore"). The apprehension of a corporeal thing is such a dealing with it as enables the person who intends to acquire the possession to exercise control over the thing to the exclusion of all other persons. Actual corporeal contact with the thing is not necessary to apprehension; it is enough if there is some act on the part of the person who intends to acquire the possession, which gives him the physical capacity to control the thing at his pleasure. Thus in the case of a field he who enters upon part is considered to have entered upon the whole. A man may acquire possession of what is contained in a warehouse or granary by delivery of the key which gives him access to the contents (Dig. 18, 1, 74). The delivery of the key is not a symbolical delivery, as some have supposed, but it is the delivery of the means of getting at the thing. (Compare Lord Hardwicke's remarks on this matter, *Ward* v. *Turner*, 2 Ves.)

The question whether there is sufficient to constitute apprehension can only be determined by reference to particular circumstances, which vary in different cases. If a thing is in the possession of some one, possession of it can be acquired either by his voluntary act of delivery (*traditio*) or by depriving him of it against his will. It was a positive rule that possession of land in the legal sense was not acquired by a secret act of dispossession. The animus consists in the will to treat as one's own the thing that is the object of apprehension (*animus domini*). But persons who are legally incompetent to will—such as infantes, furiosi, and juristic persons—could acquire the rights of possession by means of their representatives. If a man has merely detention of a thing, he can acquire the possessio by the animus alone, for the other condition has been already complied with. Possessio could be acquired without the *animus domini*, so that a person holding property from another was entitled to the possessory interdicts, in the following exceptional cases:—

1. When a thing was delivered to a creditor as security for his debt.
2. When a person held a thing at the leave of another (*precarium*).
3. When a thing was deposited with a person to hold as *sequester*.
4. When a person held land as emphyteutic tenant (*jus in agro vectigali*, *emphyteuta*), though this case is a doubtful one.

In these cases of derivative possession the usucapion possession belonged to the person for whom the interdict possessor held the property, except in case of sequestration, which interrupted possession. In all the cases of *juris quasi possessio*, the acquisition and the continuance of quasi-possessio depend on the corpus and animus; and the animus is to be viewed in exactly the same way as in the case of possession of a corporeal thing, though the intention here is not to control the thing as a whole, but only in certain limited respects (Randa, *Der Besitz*, §§ 24–36). A person might acquire possession by means of those who were subject to his power (*potestas*), what was delivered to such persons being considered as delivered to their superior, since they were incapable of possessing for themselves.

An extraneous agent acquired possession for his principal, if the agent did the necessary acts, and with the intention of acquiring the possession for the other, and not for himself, but there had always to be the animus on the part of the principal to acquire possession. In order to show such animus it was not necessary that the principal should expressly commission the agent to take possession of a thing, or that he should know of the fact of possession having been taken on his account. It was enough that the agent took possession for the principal, and that his act was within the scope of his commission (cf. Inst. ii. 9, 5: "per procuratorem etiam ignoranti acquiritur;" Windscheid, i. § 155). A person who is already the representative of another, and has the possessio of a thing, may by the animus alone cease to have the possessio for himself and have it for that other, retaining only the bare detention.

Every possession continues so long as the corpus and the animus continue. If both cease or either of them ceases, the possession is gone (Dig. 41, 2, 44, § 2). The animus or the corpus can, however, only be put an end to by a contrary act (Dig. 50, 17, 153: "ita nulla amittitur, nisi in qua utrumque in contrarium actum [est]"). Hence possession may continue under circumstances which could not have given rise to its acquisition. As to the corpus, the possession is not lost because there is not the present and immediate possibility of operating on the thing at pleasure, but only by the existence of some circumstance which prevents any further operating on it: *e.g.* possession of land is not lost by the possessor having ceased for a time to exercise acts of ownership over it, but only by adverse possession on the part of some one else. In the case of land there was also a positive rule of Roman law that, if in the absence of the possessor another occupied his land without his knowledge, he was not to use possession till he had knowledge of the occupation, and did not thereupon put an end to it.

In the case of movable things, the possession is put an end to when another person has got hold of them, either by force or secretly, or if they are lost. In the case of possession being lost by the animus only, there must be a determination on the part of the possessor no longer to hold the thing for himself. This determination may either be expressly declared or it may be implied from conduct. The possession is lost *corpore et animo*, when the possessor gives up a thing to another to possess as his own or when he abandons it (*derelictum*). In the case of a *juris quasi possessio*, as well as in that of possessio proper, the continuance of the quasi-possessio depends on the corpus and animus together. There can be no such possessio without the *animus possidendi;* and if there be merely an *animus possidendi*, the *juris quasi possessio* must cease. Possessio can be lost by means of a person who represents the possessor. It may be thus lost either by the person represented ceasing to have the intention to possess or by the representative ceasing to intend to hold the things for the person he has previously represented, or by his ceasing to have the thing under his control. It was, however, ultimately settled by Justinian after some question that the mere abandonment of a thing by a representative did not deprive the person he had previously represented of the possession.

It was necessary that the intention of the representative to hold the thing for himself or for some one else should be expressed in some way, in order to change the possession. According to a prevalent opinion, the possession of a movable thing was not affected unless there was a handling of the thing (*contrectatio*) on the part of the representative for himself or another.

Possession, as a legal relation concerning objects of ownership, has a close connexion with proprietary relations, and so in many of the systematic treatises of Roman law is properly treated as introductory to the theory of ownership. [DOMINIUM.] Savigny regards possession both as a fact and a right—a fact in so far as *de facto* control of a thing apart from any right to possess is the foundation of it, a right in so far as rights are connected with the existence of such control; the only right arising from bare possession is a right to the interdicts. On what ground, he asks, is bare possession protected by the law, when the possessor has not a right to possess? The answer he gives is, that possession cannot be disturbed except by force, and force is not allowed. The fundamental notion then is this: a violent disturbance of possession is an attack on a man's personality, on his freedom; hence engendering an *obligatio ex delicto*.

Another explanation is, that possession is presumptive ownership, *i.e.* the law protects the possessor because he is probably owner. Ihering in an exhaustive treatise on the subject tries to prove that the ground of the possessory interdicts is the proper protection of ownership. As a rule, he says, the possessor is owner, and possessory remedies are more beneficial to an owner than proprietary, since in making use of them he is not called on to prove his title, often a difficult matter to prove; but this benefit of possessory remedies cannot be given to a possessor who is owner without also being given to a possessor who is not owner.

Again the protection of possession by interdicts is often based on the general ground that it is a consequence of the freedom of the will, each man being entitled to exercise his will as he pleases in respect of external objects without interference, until it is shown that his individual will is in conflict with the general will, *i.e.* with the law. (For an examination of these and other theories on this subject, see especially Ihering, *Ueber den Grund des Besitzesschutzes.*)

It is shown in the article AGRARIAE LEGES, that the origin of the Roman doctrine of possession may probably be traced to the possessio of the ager publicus. *Possessio*, *possessor*, and *possidere* are the proper technical terms used by the Roman writers to express the possession and enjoyment of the public lands. A person who occupied such lands by lease of the state had not quiritarian ownership, the ownership being in the state; but it is probable that he was maintained in his possession against third parties by interdicts. The Interdicta uti possidetis and unde vi, which relate only to land, may have been first established in respect of such possession.

The nature of the precarium is explained, when we know that it expressed originally the relation between the patronus and the cliens who occupied the possessio of the patronus as a tenant at will, and could be ejected by the Interdictum de precario if he did not quit on notice. Property in provincial soil came to be called *possessio;* such property was not quiritarian ownership, but it was a right to the exclusive enjoyment of the land [PROVINCIA]. Thus the word *possessio*, which properly means the fact of possession, sometimes signifies a right to the possession of land, *i.e.* a right of property; it is also used to signify the object of the right: ager was a piece of land which was the object of quiritarian ownership, and possessio was of land that could not be the object of quiritarian ownership, such as provincial land (Javolenus, Dig. 50, 16, 115) and the old ager publicus. The expression *bonorum possessio* does not mean the actual possession of property, but the peculiar character of the praetorian as opposed to the civil inheritance. [HEREDITAS.]

(Dig. 41, 2; Cod. 7, 32; Savigny, *Das Recht des Besitzes;* Bruns, *Das Recht des Besitzes im Mittelalter und in der Gegenwart;* Lenz, *Das Recht des Besitzes und seine Grundlagen;* Puchta, art. *Besitz* in Weiske's *Rechtslexicon;* Windscheid, *Pandekten*, i. § 148; Büchel, *Ueber die Natur des Besitzes;* Ihering, *Ueber den Grund des Besitzesschutzes*, and *Der Besitzwille*, i.) [G. L.] [E. A. W.]

POSSE'SSIO CLANDESTI'NA. [INTERDICTUM.]

POSTI'CUM. [JANUA.]

POSTLIMI'NIUM, JUS POSTLIMI'NII. "There are," says Pomponius (Dig. 49, 15, 14, pr.), "two kinds of Postliminium, for a man may either return himself, or recover something;" and similarly Paulus says (Dig. *ib.* 19, pr.) that Postliminium "is the right of recovering a lost thing from an *extraneus* and of its being restored to its former status, which right has been established between us (the Romans) and free peoples and kings by usage and statutes (*moribus ac legibus*): for what we have lost in war or even apart from (*citra*) war, if we recover it, we are said to recover *postliminio:* and this usage has been introduced by natural equity, in order that he who was wrongfully detained by strangers should recover his former rights on returning to his own territories (*in fines suos*):" and Paulus adds, "A man seems to have returned by postliminium when he returns into our territory, just as he is lost when he leaves it; and even if he has come into a state in alliance or friendship with Rome, or to a friendly or allied king, he appears to have at once returned by postliminium, because he then first begins to be safe under the name of the state." These extracts are given in order to clear up the etymology of the term, which was derived by Scaevola from *post* and *limen*, a derivation accepted by Festus, Boethius, and Isidorus, but questioned by Servius Sulpicius: for "what has been lost by us and has come to an enemy, and as it were gone from its own *limen*, and then has afterwards (*post*) returned to the same *limen*, seems to have returned by postliminium" (Cic. *Top.* 8, 36; Inst. i. 12, 5). According to this explanation, the *limen* was the boundary or limit within which the thing was under the authority of Rome and her law: similarly Servius (on Verg. *Aen.* xi. 267) speaks of the *limen imperii*. Mr. Poste (in his note on Gaius, i. 129) suggests that the word is derived from *pot*, the root of *potestas* or *possessio*, and *limen* or *stlimen* = *ligamen*, and therefore would denote the bridging over of the interval of captivity by a fiction of continued capacity or possession, as a doorway is bridged over by a lintel (*limen*): but this begs the question as to the derivation of *limen* itself, and we cannot discover that this etymology is favoured by any consensus among modern scholars. There is a fanciful explanation of the subject by Plutarch (*Quaest. Rom.* 5) in his answer to the question, Why those who have been falsely reported to have died in a foreign land are not received into the house through the door in case of their return, but are let down through an opening in the roof?

As a principle of law, postliminium seems in origin to have been derived from the Jus feciale, as indeed is suggested by the passage of Paulus in Dig. 49, 15, 19, cited above. Speaking generally, it relates to the rights of Roman subjects who were captured in war and subsequently returned to their own country, and to ownership (or analogous rights) over things or persons who after similar capture were recovered from the enemy. As Pomponius remarks, it has two aspects—one active, and the other passive.

As regards the former—if a Roman citizen during war came into the power of an enemy, he underwent *capitis deminutio maxima*, and all his civil rights were in abeyance, because he thereby became a slave. But if he returned to his own country, he was held (subject to certain conditions) to recover by postliminium all the rights which belonged to him at the time of his capture or which had accrued to him since; a doctrine which was based on the fiction that he had never been absent from home: "perinde omnia restituuntur ei jura ac si captus ab hostibus non esset" (Dig. 49, 15, 5, 1). Thus he recovered his freedom and civitas (Cic. *pro Balbo*, 11, 12, 27–30; *de Orat.* i. 40, 181), his own property and rights over the property of others, and his potestas over children who would have been in his power had he never been captured. If he died a captive, it was a question in Gaius' time (i. 129) whether the filiifamilias dated their release from power from the capture or the decease: Justinian, following Ulpian, decided in favour of the former (Inst. i. 12, 5). Originally marriage was dissolved by the capture of either party, and it could not be restored by postliminium, a fresh consensus being required if the captive returned (Dig. 49, 15, 14, 1), but eventually captivity was regarded as in no way differing from ordinary absence, proof being required of the absent party's death before the other could lawfully marry again (*Nov.* 117, 11). These rights, however, were none of them recovered by a returned captive unless he had been taken with arms in his hands, or if he returned during an armistice; and their recovery must have been intended (Dig. 49, 15, 5, 3). Finally, if a man made a will before he was taken prisoner, and afterwards returned, the will was upheld by postliminium notwithstanding his intermediate slavery: if he died in captivity, it was held good by the *fictio* of the Lex Cornelia, a statute passed by Sulla B.C. 80, which imposed penalties on those who forged wills of persons who died in captivity, and thus implicitly recognised their validity (Inst. ii. 12, 5; Dig. 28, 1. 12). If a Roman was ransomed by another person, he became free, but he was in the nature of a pledge to the ransomer, and the *jus postliminii* had no effect till he had repaid the ransom money.

Sometimes a man was given up bound to an enemy by an act of the state; and if the enemy would not receive him, it was a question whether he had the *jus postliminii*. This was the case with Sp. Postumius, who was surrendered to the Samnites, and with C. Hostilius Mancinus, who was given up to Numantia: the latter was restored to his civic rights by a lex, so that the better opinion was that postliminium had no operation (Cic. *de Orat.* i. 40, 141; *de Off.* iii. 30, 109; *Top.* 8, 36; *pro Caec.* 34, 98;—Dig. 49, 15, 4; 50, 7, 18).

The Romans acknowledged capture in war as the source of ownership in other nations, as they claimed it in their own case. Accordingly things taken by the enemy lost their Roman owners: but (in its passive aspect) postliminium operated to subject certain things and persons to the dominion and power under which they had been at the time of capture if recovered. Thus free persons in potestas, if they returned from captivity, fell again under the power of their paterfamilias (Dig. 49, 15, 14, pr.; Inst. ii. 1, 17); and the same principle was applied to land, slaves, ships, horses and mules (Cic. *Top.* l. c.; Dig. 49, 15, 2, 3: cf. Festus, s. v. *Postliminium*). Arms were not included, for it was a maxim that they could not be honourably lost (Dig. *l. c.*). In analogy with a rule already stated, the owner of a thing (*e.g.* a slave) which was ransomed by another person was not entitled to it till he had repaid the ransom; but there may seem to be some difficulty in adjusting the rights of the parties if we suppose that one civis recaptures property subject to the rule of postliminium which had belonged to another Roman citizen. But this may be solved by the observation that in time of war no civis could individually be considered as acting on his own behalf under any circumstances; whatever he did was the act of the state. The rule of the *jus gentium* that enemies' property is *res nullius*, and belongs to him who first seizes on it, only applied to hostile property within the territory of the other belligerent (Dig. 41, 1, 51): what was taken from the enemy on his own soil belonged to the state, and vested in individuals only by sale or grant (Dig. 49, 15, 28; Dionys. vii. 63). From this principle, however, the things subject to postliminium which have been enumerated above, were excepted (Liv. v. 16;—Dig. 49, 15, 19, 10; ib. 28, 30); the actual taker was regarded as the agent of the state, and the state itself restored them to their previous owners.

The law of Postliminium applied to times of peace as well as of war, when the circumstances were such that the person or thing could become the property of another nation (Dig. 49, 15, 5), as, for instance, of a nation which had neither an *amicitia*, *hospitium*, or *foedus* with Rome: for it might be thus related without being *hostis;* for a nation was not *hostis*, in the later acceptation of the term, till either it or Rome had declared war against the other. Robbers and pirates were not *hostes*, but they had no political organisation, so that capture by them did not change the legal position of the person or property seized: the persons continued free in law, and the property never ceased to belong to its rightful owners, so that no occasion arose for the application of postliminium.

[The best treatises on this subject are those of Hase (Halle, 1851) and Bechmann (Erlangen, 1872), both called *Das jus Postliminii und die Fictio legis Corneliae.* For the influence of the principle in International Law the reader may refer to an article on the subject by F. Brockhaus in Holtzendorff's *Rechtslexicon.*] [J. B. M.]

POSTSIGNA'NI. [Exercitus, Vol. I. p. 807 *b.*]

PO'STUMUS. [Heres.]

POTESTAS. [Patria Potestas.]

PRA'CTORES (*πράκτορες*), officers who collected the fines and penalties (*ἐπιβολὰς* and *τιμήματα*) imposed by magistrates and courts of justice, and payable to the state. There seems little doubt that at Athens there were ten *πράκτορες*, chosen by lot, one from each tribe. It has been objected that an inscription of Imbros gives *three* as the number (Kirchhoff, *Monatsber. d. Berl. Akad.* 1865, 121); but Fränkel justly points out in his note on Boeckh (*Staatshaush.* ii.^{3} 39*) that this refers to a *cleruchia*, which was Athens on a reduced scale, with fewer officials, just as it had only three proedri. The Athenian *πράκτορες* were not, as seems to be implied by Pollux, viii. 114, mere subordinates; for they formed an *ἀρχή*. (Arist. *Pol.* vii. 8; Bekker, *An.* 190, 26.) The magistrate who imposed the fine, or the *ἡγεμὼν δικαστηρίου*, gave notice thereof in writing to the *πράκτορες*. He was then said *ἐπιγράφειν τὸ τίμημα τοῖς πράκτορσιν*, and the debtor's name *παραδοθῆναι τοῖς πράκτορσιν*. If the fine or any part thereof was to go to a temple, the like notice was sent to the *ταμίαι* of the god or goddess to whom the temple belonged. (Aesch. *c. Timarch.* § 35; Andoc. *de Myst.* § 73; [Dem.] *c. Theocr.* p. 1328, § 20; 1337, § 47; Dem. *c. Macart.* p. 1075, § 71.) The name of the debtor, with the sum which he was condemned to pay, was entered by the *πράκτορες* in a tablet in the Acropolis. Hence the debtor was said to be *ἐγγεγραμμένος τῷ δημοσίῳ*, or *ἐν τῇ ἀκροπόλει*. It was the business of the *πράκτορες* to demand payment of this sum, and, if they received it, to pay it over to the *ἀποδέκται*, and also to erase the name of the debtor in the register (*ἐξαλείφειν* or *ἀπαλείφειν*). Such erasure usually took place in the presence of some members of the senate. An *ἔνδειξις* lay against any man who made or caused to be made a fraudulent entry or erasure of a debt. (Harpoc. and Suidas, *s. v.* *ἀγραφίου, ἀποδέκται, ψευδεγγραφή*: Andoc. *l. c.*; [Dem.] *c. Aristog.* i. p. 778, § 28; *c. Theocr.* p. 1338, § 52.) The collectors took no steps to enforce payment; but after the expiration of the ninth *πρυτανεία* of the year [*i.e.* during the tenth] (or in case of a penalty imposed on a *γραφὴ ὕβρεως*, after the expiration of eleven days), if it still remained unpaid, it was doubled, and an entry made accordingly. (Aesch. *c. Timarch.* § 16; Dem. *c. Pant.* p. 973, § 22; [Dem.] *c. Theocr.* p. 1322, § 1; *c. Neaer.* p. 1347, § 7.) Thereupon immediate measures might be taken for seizure and confiscation of the debtor's goods; but here the *πράκτορες* had no further duty to perform, except perhaps to give information of the default to the senate. There were no doubt in many, if not most, Greek states officers bearing this title with similar duties. We find them in inscriptions at Tenos, Sikinos, and Ios. (*C. I. G.* 202, 2447; *N. Rhein. Mus.* xxii. p. 294.) In the Phocian cities Medeon and Stiris the form of the word is *πρακτῆρες*. (*Bull. Cor. Hell.* v. 45.) (Gilbert, *Staatsalt.* i. 228; Boeckh, *Staatshaush.* i.^{3} 189.) [Epibole; Timema.] [C. R. K.] [G. E. M.]

PRAECI'NCTIO. [Amphitheatrum, Vol. I. p. 110 *b.*]

PRAECO, a crier. Of these there were two distinct kinds—those in private employment, and those employed and paid by the state as subordinate attendants. The *praecones* of the former kind were (1) criers of lost goods (Plaut. *Merc.* iii. 4, 78; Petron. 97), and (2) especially auctioneers: they were not, it is true, the chief superintendents of the auction [see Auctio]; but besides advertising the time, place, and conditions of sale, they also acted the part of a modern auctioneer so far as calling out the biddings and amusing the company, though the property was knocked down by the *magister auctionis.* (Hor. *Ars. Poet.* 419; Cic. *ad Att.* xii. 40; *de Off.* ii. 23, 83.) The official *praecones* were those whose duty it was to attend (*apparere*) certain magistrates, for purposes mentioned below. We have evidence from inscriptions of a *collegium* with three decuriae of *praecones*, to attend on consuls and censors (the first, or "Julian," decuria for consuls): also for curule aediles, quaestores aerarii, and tribunes (*C. I. L.* vi. 1944, 1945, 1869, 1847; cf. Liv. xliii. 16; Auct. *ad Herenn.* iv. 55, 68): perhaps also for other magistrates, since, as Mommsen remarks, their low status may account for slighter mention of them in inscriptions. They attended the same magistrates in the provinces (Cic. *in Verr.* ii. 10, 27; Liv. xlv. 29).

Their duties were to act in all cases required as the voice through which the magistrate on whom they attended conveyed his orders or remarks to the people: therefore (1) to summon the people to comitia or contiones (Liv. i. 59; vii. 4; xxiv. 8, &c.); (2) to proclaim silence (Auct. *ad Herenn.* l. c.; Liv. xxviii. 27, &c.); (3) to announce the bill which was to be voted on, when the *scriba* dictated [*subicit*] the words already written down which the *praeco* was to announce aloud (*pronuntiare*: Ascon. *in Cornel.*

58): we often find the scribe alone mentioned as reading (Appian, *B. C.* i. 11), but, according to Mommsen, we are to understand that he reads through the voice of the *praeco;* (4) to announce the votes of different sections at an election (Cic. *de Leg. agr.* ii. 2, 4) or the decision of the majority (Cic. *pro Mil.* 35, 96; Gell. xii. 8, 6); (5) to summon the senators to the senate-house (Liv. i. 47; Suet. *Claud.* 36); (6) to make known the orders of the magistrate, the *edictum* being "spoken out" by the *praeco,* and so, for instance, in ordering slaves to quit the theatre or foreigners the city (Cic. *de Harusp. Resp.* 12, 26; Liv. ii. 37). (7) In trials they summoned the accuser, the accused, and the witnesses (Suet. *Tib.* 11; Liv. viii. 32; Cic. *pro Flacc.* 15, 34): they announced the conclusion of the pleadings, gave the dismissal of the judices (by the word *ilicet*), and ordered the executioner to do his office (Liv. xxvi. 15). (8) At the public funeral (*funus indictivum*) they summoned those who were to take part with the formal words: "Ollus Quiris leto datus: exsequias ire, cui commodum est, jam tempus est. Ollus ex aedibus effertur." It is clear that the *praeco* comes in here because it is a *state* funeral, by order of the senate and arranged by a quaestor or praetor. (See Fest. p. 106; Cic. *de Leg.* ii. 24; Becker-Göll, iii. 496; Marquardt, *Privatl.* 351.)

The official dress of the *praeco* was marked by the *angustus clavus* (see Mommsen, *Staatsrecht,* iii. 218). The *praecones* were of a low grade, with little education (Mart. v. 56, 10), as far as can be gathered from inscriptions, of the freedman class: and the contempt in which their office (*praeconium*) was held is seen not only from such passages as Juv. iii. 33, vii. 6 (cf. κῆρυξ, Theophrast. xvi. 10, and Jebb's note), but also from the law (Lex Julia) forbidding those who had exercised it to hold office in the municipia (Tab. Heracl. 54 = *C. I. L.* i. 206; Cic. *ad Fam.* vi. 18, 2). Nevertheless the office (probably the auctioneering part of it) was often very profitable, and made it possible for the *praeco* to become a rich man: for instances, see Mayor's note on Juv. vii. 6; among them the Gallonius mentioned in Hor. *Sat.* ii. 2, 47. (Mommsen, *Staatsrecht,* i.^{3} pp. 363–366.) [W. S.] [G. E. M.]

PRAECO'NIUM. [PRAECO.]

PRAEDA signifies movable things taken by an enemy in war: when captured by a Roman army, they were either distributed by the general among the soldiers (Liv. ii. 42, vi. 13; Sallust, *Jug.* 68), or sold by the quaestors, the proceeds being paid into the Aerarium:—

> "istos captivos duos,
> Here quos emi de praeda de quaestoribus."
> (Plaut. *Capt.* i. 2, 1.)

Property so acquired was regarded by the early Romans as belonging to the individual who had purchased it, or to whom it had been awarded, by the highest and most indefeasible of titles: "Maxime sua esse credebant," says Gaius (iv. 16), "quae ex hostibus cepissent."

The difference between Praeda and Manubiae is explained by Gellius (xiii. 24) to be this: Praeda denotes the things themselves that are taken in war, while Manubiae is "pecunia per quaestorem populi Romani ex praeda vendita contracta:" nor can any objection to this explanation be derived from the words of Cicero (*de Lege agrar.* ii. 22, 59). The etymology of praeda may perhaps be *prae-hida* from *praehendere, prendere* (root *hed*), which would form a connecting link between the term and many other primitive Roman legal words, such as mancipium: see Pott, *Etymologische Forschungen auf dem Gebiete der Indo-Germanischen Sprachen,* i. pp. 142, 199.

When prisoners were sold, they were said to be sold *sub corona;* the true explanation of which expression is probably that given by Gellius (vii. 4). The mode of sale of other things than slaves was at first probably in detail, but afterwards in the lump: that is, the whole praeda might be sold to the highest bidder, or it might be sold in large lots or aggregates which contained a great number of separate things, in which cases the whole or minor aggregate would pass to the purchaser as a universitas, and he might retail it if he chose. This mode of sale was called *sectio* (Cic. *de Invent.* i. 45, 85), and the purchaser was called *sector.* It was the practice to set up a spear at such sales, which was afterwards used at all sales conducted by a magistratus in the name of the people [SECTIO].

Corresponding to the acquisition of movable things in warfare, and their becoming private property, is the transfer of ager Publicus, which was acquired in war, to individuals, by a Lex Agraria de Coloniis deducendis, or by a sale by the quaestors (*ager quaestorius*). [G. L.] [J. B. M.]

PRAEDIA'TOR. [PRAES.]

PRAEDIATO'RIUM JUS. [PRAES.]

PRAE'DIUM etymologically seems to be derived from the root *hed* (PRAEDA), through either *praes* or *praeda:* with the first it is connected by Varro, who says that it originally signified any property which was made security to the state by a *praes* ("praedia dicta, item ut praedes, a praestando, quod ea pignori data publice mancupis fidem praestent," *L. L.* v. 40): by others it is brought into relation with *praeda:* "quod antiqui agros quos bello ceperant ut praedae nomine habebant" (Gromat. Veter. ed. Lachmann, i. p. 369). Subsequently the term was limited to signify land generally, being used in contrast with *fundus* or *solum* especially when the situation of the land, or the purpose for which it was used, was in contemplation: thus *praedia rustica* are parcels of land devoted to tillage or pasture, even though they may be partly built upon, while *praedia urbana* are those which are not used for the production of the fruits of the earth, but for residence and commercial ends: though from different points of view a piece of land might be considered at once both *urbanum* and *rusticum* (Dig. 20, 2, 4, 1; 50, 16, 198). Rights over land which, though less in orbit than dominium, are yet real in their nature (*e.g.* rights of way), were mostly called *jura praediorum:* see SERVITUTES.

Provincialia praedia were called either *stipendiaria* or *tributaria,* because the land tax was termed *stipendium* in those provinces which were considered to belong to the populus, and *tributum* in the provinces of the emperor (Gaius, ii. 21: cf. Dig. 50, 16, 27, 1). This distinction, however, was merely nominal even in Gaius' time, and ceased entirely about the end of the second century. [J. B. M.]

PRAEFECTU'RA. [Colonia, Vol. I. p. 483.]

PRAEFECTUS, a title given to various officials, appointed, not directly by the people, but by the delegation of some magistrate, to discharge special functions. Hence the *praefectus* was not included in the lists of magistrates, although in certain cases he enjoyed the insignia of a magistrate. The most important are as follows. [A. S. W.]

PRAEFECTUS AEGYPTI. Egypt was not included by Augustus either in the senatorial or in the imperial provinces, but was reserved for his more immediate control. None of the senators or *equites illustres* were allowed to set foot in it without the special permission of the emperor (Tac. *Ann.* ii. 59; Dio Cass. li. 17); it was governed for him by a *procurator* of equestrian rank, who, however, as holding a superior position to that of an ordinary procurator and an *imperium ad similitudinem proconsulis* (Dig. 1, 17, 1), was entitled *praefectus Aegypti* (Tac. *Hist.* ii. 74, &c., and often in inscriptions), or in Greek ἡγεμών. His staff consisted of freedmen of the emperor. Everything but the fixing of the revenues and the right of appointment to certain posts was in his hands: the administration of finance, the judicial authority, and the supreme military command. He reported directly to the emperor, and the tenure of his office depended on the emperor's pleasure. Thus Seius Strabo, the father of Seianus, held this post for only a few months, but his successor, Vitrasius Pollio, for sixteen years. (Marquardt, *Röm. Staatsv.* i. 285.) This praefectus held rank second in the scale of the non-senatorial dignities, coming after the praefectus praetorio, but before the praefectus annonae. (Mommsen, *Staatsr.* ii. 997, 2.) [A. S. W.]

PRAEFECTUS AERA'RII. [Aerarium.]

PRAEFECTUS ALIMENTORUM. [Alimentarii.]

PRAEFECTUS ANNO'NAE. Livy (iv. 12, 13) relates that in B.C. 440 L. Minucius was appointed praefectus annonae to deal with the difficulties arising in a time of scarcity, either for a year, being re-elected the next, or for an indefinite period: "Nihil enim constat, nisi in libros linteos utroque anno relatum inter magistratus praefecti nomen." Nothing more is heard of such an appointment under the Republic, and hence it has been not unreasonably argued that Licinius, from whom Livy is here drawing (*Hermes*, v. 266), introduced the title by mistake.

The superintendence of the corn-market throughout the whole Republic was at a later period entrusted to Pompey for a period of five years (Dio Cass. xxxix. 9; Cic. *ad Att.* iv. 1; Liv. *Epit.* 104); and in accordance with this example Augustus took the same superintendence upon himself, and commanded that two persons who had been praetors five years before should be appointed every year for the distribution of the corn. (Dio Cass. liv. 1; *curam frumenti populo dividundi*, Suet. *Aug.* 37.) Subsequently Augustus assigned this duty to two persons of consular rank (Dio Cass. lv. 26, 31). But he also created an officer under the title of *praefectus annonae* to take charge of the more important duty of seeing to the due supply of the corn-market. Under him worked *procuratores* in the provinces and at Ostia, and a large staff of clerks (*tabularii*) and superintendents of granaries (*horrearii*). This office was a permanent one, and only held by one person at a time: he had jurisdiction over all matters appertaining to the corn-market, and, like the praefectus vigilum, was chosen from the Equites, and was not reckoned among the ordinary magistrates. (Tac. *Ann.* i. 7; Dio Cass. lii. 24; Dig. 1, 2, 2, 33; 14, 1, 1, 18; 14, 5, 8; 48, 2, 13.) The praefectus annonae continued to exist till the latest times of the Empire: respecting his duties in later times, see Walter, *Gesch. des röm. Rechts*, § 360, 2nd ed. Cf. Frumentariae Leges, and Hirschfeld in *Philologus*, xxix. 1–96. [W. S.] [A. S. W.]

PRAEFECTUS AQUA'RUM. [Aquae Ductus.]

PRAEFECTUS CASTRO'RUM, praefect of the camp, is first mentioned in the reign of Augustus. There was one to each legion. Hence there were often more than one in a camp. (Vell. Pat. ii. 112; Tac. *Ann.* i. 20, xiv. 37.) We learn from Vegetius (ii. 10) that it was his duty to attend to all matters connected with the making of a camp, such as the vallum, fossa, &c., and also to the internal economy of it. He seems to have taken rank between the tribunes and the centurions. (Cf. Wilmanns in *Eph. Epig.* i. 81 ff.) [W. S.] [A. S. W.]

PRAEFECTUS CLASSIS. This title was frequently given in the times of the Republic to the commander of a fleet (Liv. xxvi. 48, 7, xxxvi. 42, 1, as contrasted with *praefecti navium*, the commanders of the several ships); but Augustus appointed two permanent officers with this title, one of whom was stationed at Ravenna on the Adriatic and the other at Misenum on the Tuscan sea, each having the command of a fleet. (Suet. *Aug.* 49; Veget. iv. 32; Tac. *Ann.* iv. 5, *Hist.* iii. 12.) These were also of equestrian rank, in some cases even freedmen (Tac. *Ann.* xiv. 3; *Hist.* ii. 100). [W. S.] [A. S. W.]

PRAEFECTUS FABRUM. [Fabri.]

PRAEFECTUS JURE DICUNDO. [Colonia, Vol. I. p. 483.]

PRAEFECTUS PRAETO'RIO was the commander of the troops who guarded the emperor's person. [Praetoriani.] This office was instituted by Augustus, and was at first only military, and had comparatively small power attached to it (Dio Cass. lii. 24, lv. 10; Suet. *Aug.* 49); but under Tiberius, who made Seianus commander of the praetorian troops, it became of much greater importance, till at length the power of these praefects became second only to that of the emperors. (Tac. *Ann.* iv. 1, 2; Aurel. Vict. *de Caes.* 9.) The relation of the praefectus praetorio to the emperor is compared with that of the magister equitum to the dictator under the Republic. (Dig. 1, 11.) He was, as the officer of highest rank, always present at court, the natural medium through which the emperor issued his orders and carried out his decisions, although his actual influence would naturally depend mainly on his personal character. From the reign of Severus to that of Diocletian, the praefects, like the vizirs of the East, had the superintendence of all departments of the state, the palace, the army, especially in Italy, the finances, and the law: they also had a court in which they decided cases (Dig. 12, 1, 40), mainly as the representative of the emperor in appeals from the provinces. (Mommsen, *Staatsr.* ii. 932.) Hence the office of praefect of the praetorium was in later times not confined to military officers; it was filled by Ulpian, Papinian, Paulus, and other distinguished jurists.

Originally there were two praefects (Dio Cass. lv. 10); afterwards sometimes one and sometimes two; from the time of Commodus sometimes three (Lamprid. *Commod.* 6), and even four. (Mommsen, *Staatsr.* ii. 831, 3.) They were as a regular rule chosen only from the equites (Dio Cass. lii. 24; Suet. *Tit.* 6; Lamprid. *Commod.* 4); but from the time of Alexander Severus the dignity of senator was always joined with their office (Lamprid. *Alex. Sev.* 21).

Under Constantine the praefects were deprived of all military command, and changed into governors of provinces. He appointed four such praefects: the one (praefectus Orientis) who commonly attended on the imperial court had the command of Thrace, the whole of the East, and Egypt; the second (pr. Illyrici) had the command of Illyricum, Macedonia, and Greece, and usually resided first at Sirmium, afterwards at Thessalonica; the third (pr. Italiae) of Italy and Africa, residing usually at Milan; the fourth (praefectus Galliarum), who resided at Trèves, of Gaul, Spain, and Britain. (Zosimus, ii. 33.) These praefects were the proper representatives of the emperor, and their power extended over all departments of the state: the army alone was not subject to their jurisdiction. They were co-ordinate with the praefects of the two capital cities of Rome and Constantinople. (Walter, *Gesch. des röm. Rechts*, §§ 269, 341; Gibbon, *Decline and Fall*, c. 17.) [W. S.] [A. S. W.]

PRAEFECTUS SOCIO'RUM. (Exercitus, Vol. I., p. 786.]

PRAEFECTUS VI'GILUM. [Exercitus, Vol. I., p. 795.]

PRAEFECTUS URBI, the title given to the deputy who, under the kings, was named to represent the supreme authority during his absence in war, or for any other reason. Lydus (*de Magistr.* i. 34, 38) says that he was originally called *custos urbis;* but this name is inappropriate to the office in its earlier stages, and is probably incorrectly applied (Mommsen, *Staatsr.* i. 639). The office is said by Dionysius (ii. 12) to have been held along with that of Princeps Senatus, and the same statement appears in a still more incorrect form in Lydus (*de Mens.* i. 19), but is quite erroneous. Whether he had the right to convoke the assembly of the populus, is doubtful, but on any emergency he might take such measures as he thought proper; for he had the imperium in the city. (Tac. *Ann.* vi. 11; Liv. i. 59, iii. 24.) Romulus is said to have conferred this dignity upon Denter Romulius, Tullus Hostilius upon Numa Marcius, and Tarquinius Superbus upon Sp. Lucretius. The statement of Lydus (*de Magistr.* i. 38) that in 487 B.C. it was elevated into a magistracy, to be bestowed by election, is wholly to be rejected; his evidence is worthless, and such a notion is foreign to the very nature of the office. All good authorities speak of the praefectus as nominated by the consul who last left the city (Liv. iii. 3, 5, 24; Dionys. vi. 13, viii. 64, x. 23, 24; Tac. *Ann.* vi. 11). Persons of consular rank were alone eligible; and down to the time of the Decemvirate every praefect that is mentioned occurs previously as consul. The only exception is P. Lucretius in Livy (iii. 24), but recent editors here read L. Lucretius, holding the MS. reading an error for this very reason. (Cf. Niebuhr, ii. p. 120, note 255.) In the early period of the Republic the praefectus exercised within the city all the powers of the consuls, if they were absent: he convoked the senate (Liv. iii. 9; Gell. xiv. 7, § 4), held the comitia (Liv. iii. 24), and, in times of war, even levied civic legions, which were commanded by him.

When the office of praetor urbanus was instituted, the wardenship of the city was swallowed up in it (Lydus, *de Mens.* 19, *de Magistr.* ii. 6), or rather became needless, as in the absence of the consuls the praetor acted for them. Mommsen believes that the right of nominating a *praefectus urbi* was expressly taken away by the Licinian law (i. 644). But as the praetor himself was absent during the Latin festivals, which lasted for several days, a *praefectus urbi feriarum Latinarum* was still annually appointed, solely for this period, and thus held a mere shadow of the former office. This praefectus had neither the power of convoking the senate nor the right of speaking in it; as in most cases he was a person below the senatorial age, and was not appointed by the people, but by the consuls. (Gell. xiv. 8.) When Varro, in the passage of Gellius here referred to, claims for the praefectus urbi the right of convoking the senate, he is probably speaking of the power of the praefect such as it was previously to the institution of the office of praetor urbanus. Of how little importance the office of praefect of the city had gradually become, may be inferred from the facts, that it was always given to young men of illustrious families (Tac. *Ann.* iv. 36), and that Julius Caesar even appointed to it several youths of equestrian rank under age (Dio Cass. xlix. 42; xliii. 29, 48). During the Empire such praefects of the city continued to be appointed so long as the Feriae Latinae were celebrated, and even assumed, though perhaps hardly seriously, some kind of jurisdiction. (Tac. *Ann.* vi. 11; Suet. *Nero*, 7, *Claud.* 4; Dio Cass. liv. 17; J. Capitol. *Antonin. Phil.* 4.) On some occasions, however, no praefectus urbi was appointed at all; and then his duties were performed by the praetor urbanus. (Dio Cass. xli. 14, xlix. 16; comp. Marquardt, *Staatsverw.* iii. 285; Mommsen, *Staatsr.* i. 638–649.)

An office very different from this, though bearing the same name, was instituted by Augustus on the suggestion of Maecenas (Dio Cass. lii. 21; Tac. *l. c.*; Suet. *Aug.* 37), and because a permanent post of great importance under Tiberius. This new praefectus urbi was a regular magistrate, whom Augustus invested with all the powers necessary to maintain peace and order in the city, which he exercised even when a praetor or indeed a consul was present at Rome. But his functions were inactive when Augustus was in Italy. It was only during the long absence of Tiberius during the last eleven years of his reign, that the praefectus urbi became a permanent official of great power. He came to be included among the magistratus, and even imperium was accorded to him (Dig. 2, 4, 2). None but consulars were appointed to the office, and it was often the crowning point of a distinguished political career, answering somewhat to the censorship of the Republic. He had the superintendence of butchers, bankers, guardians, theatres, &c.; and to enable him to exercise his power, he had distributed throughout the city a number of *milites stationarii*, whom we may compare to a modern police. These composed the cohorts x., xi., and xii. of the *cohortes urbanae*, their number being afterwards increased. He also had jurisdiction in cases between slaves and their masters, between patrons and their freedmen, and over sons who had violated the *pietas* towards their parents (Dig. 1, 12, 1, 5–14; 37, 15, 1, 2). His jurisdiction, as being based upon a general duty of looking after the peace and prosperity of the city, thus became gradually extended; and as the powers of the ancient republican praefectus urbi had been swallowed up by the office of the praetor urbanus, so now the power of the praetor urbanus was gradually absorbed by that of the praefectus urbi; and at last there was no appeal from his sentence, except to the person of the princeps himself, while anybody might appeal from a sentence of any other city magistrate, and, at a later period, even from that of a governor of a province, to the tribunal of the praefectus urbi. (Vopisc. *Florian.* 5, 6; Suet. *Aug.* 33; Dio Cass. lii. 21, 33; Dig. 4, 4, 38.) His jurisdiction in criminal matters was at first connected with the *quaestiones* (Tac. *Ann.* xiv. 41, with the note of Lipsius), and to avoid collisions with the praetor it was decided that that court should hear a case before which it might first have been brought; but from the third century he exercised it alone, and not only in the city of Rome, but at a distance of one hundred miles from it, and he might sentence a person to *deportatio in insulam.* (Dig. 1, 12, 1, 3 and 4.) During the first period of the Empire and under good emperors, the office was generally held for a number of years, and in many cases for life (Dio Cass. lii. 21, 24, lxxviii. 14; J. Capitol. *Antonin. Pius*, 8; Lamprid. *Commod.* 14; Vopisc. *Carin.* 16); but from the time of Valerian a new praefect of the city occurs almost every year.

At the time when Constantinople was made the second capital of the Empire, this city also received its praefectus urbi. The praefects at this time were the direct representatives of the emperors; and all the other officers of the administration of the city, all corporations, and all public institutions were under their control. (Cod. 1, tit. 28, s. 4; Symmach. *Epist.* x. 37, 43; Cassiod. *Variar.* vi. 4.) They also exercised a superintendence over the importation and the prices of provisions, though these subjects were under the more immediate regulation of other officers. (Cod. 1, tit. 28, s. 1; Orelli, *Inscript.* n. 3116.) The praefects of the city had every month to make a report to the emperor of the transactions of the senate (Symmach. *Epist.* x. 44), where they gave their vote before the consulares. They were the medium through which the emperors received the petitions and presents from their capital. (Symmach. *Epist.* x. 26, 29, 35; Cod. 12, tit. 49.) At the election of a pope the praefect of Rome had the care of all the external regulations. (Symmach. *Epist.* x. 71–83.) [L. S.] [A. S. W.]

PRAEFERI'CULUM was clearly some sort of brazen dish or bowl used in sacrifices, our only definition being, "vas aeneum sine ansa patens summum velut pelvis quo ad sacrificia utebantur" [perhaps in the original *utuntur*] (Fest. *Ep.* p. 248): it was part of the apparatus for sacrifice belonging to the state-priests, and was kept in the Regia in the Sacrarium of Ops (Fest. p. 246; cf. Jordan, *Topog.* i. p. 427). It is strange that, in spite of the distinct *sine ansa*, many should identify it with the jug *with* a handle, used for pouring wine into the patera, as shown among the sacrificial utensils, on a relief from the Arcus Argentariorum (so Guhl and Koner, ed. 5, pp. 721, 733). We think Baumeister rightly doubts this (*Denkm.* p. 1109), and suggests that the shield-like object on the same relief, which is combined with the axe [see cut under SECURIS], is more probably the praefericulum. [The same writer, p. 1384, however, interprets the similar jug (probably the CAPIS), which appears on a coin of Pompey with an augur's staff opposite it, as being a praefericulum.] It may be suggested that its connexion with *ferculum* indicates its use, whether for offering the firstfruits or the cakes (*fercta;* cf. Fest. 85, "ferctum, genus libi dicitur quod ad sacra ferebatur, nec sine strue .... quae qui afferebant strufertarii appellabantur"), or, lastly, to carry the mola salsa for the sacrifice of the victim at a state festival (cf. the formula "Jupiter, macte isto *ferto* esto," Serv. *ad Aen.* ix. 641). It may be conjectured that the "niger catinus" of Numa (Juv. vi. 343) was an ancient earthenware praefericulum. [G. E. M.]

PRAE'FICAE. [FUNUS.]

PRAEFU'RNIUM. [BALNEAE, Vol. I. p. 273; FORNAX.]

PRAEJUDI'CIUM. This word, as appears from its etymology, has a certain relation to Judicium, to which it is opposed by Cicero ("de quo non praejudicium, sed plane jam judicium factum," *Div. in Caecil.* 4, 12) and P. Syrus, 248, 249: "grave judicium est, quod praejudicium non habet: grave praejudicium est, quod judicium non habet." The commentator who goes by the name of Asconius observes on the words cited from Cicero, that a praejudicium is something which when established becomes an *exemplum* for following judges (*judicaturi*, to be guided by): but this leaves us in doubt whether he means something established in the same cause, by way of preliminary inquiry, or something established in a different but similar cause, which would be what we call a precedent. Quintilian (*Inst. Orat.* v. 1, 2) states that the word is used in two senses: in that of a precedent, in which case it is rather *exemplum* than *praejudicium* ("res ex paribus causis judicata"); and in that of a preliminary inquiry and determination about something which belongs to the matter in dispute ("judiciis ad ipsam causam pertinentibus"), whence also comes the name Praejudicium. This latter signification, which is in conformity with the meaning of *praejudicialis actio* or *formula* (Inst. iv. 6, 13; Gaius, iv. 44), appears to be that which the term properly bears in Roman legal language. A "prejudicial" action was one whose object was merely to judicially ascertain facts which were of legal importance, or the existence of alleged legal relations, and whose formula (in the formulary period of Roman civil procedure) consisted consequently simply of an Intentio, by which the judex was instructed to inquire into the truth of the alleged fact, or the existence of the alleged legal relation (Gaius, *l. c.*): there was no condemnation or absolution, as in other actions, but the judge simply declared his conclusion on the matter in a *pronuntiatio* (e.g. Dig. 40, 12, 27, 1): cf. Aurel. Victor. *Ars rhet.* iii. 5, "simplex petitio, cum quaeritur, in quo jure sit res aut persona." The name of the action was derived from the fact that the decision of the judge formed, or might form, the basis of subsequent litigation (*e.g.* it having been ascertained by praejudicium that So-and-so is the illegitimate child of A, the mother can proceed by action against A for its maintenance); as to its legal character, the lawyers seem to have doubted. Justinian says (Inst. iv. 6, 13), "praejudiciales actiones *in rem* esse videntur": they are real, not personal, because there is no *obligatio* between the person who sets the law in motion and his adversary, or, as Gaius would perhaps have said, because the latter is not named in the Intentio: but in Dig. 6, 1, 1, 2; 44, 7, 37, praejudicia are opposed to *vindicationes* or real actions, and in Dig. 3, 3, 35, 2, to *actiones* in general.

Among the questions which were raised in the form of a praejudicium were whether a man was free or not (Inst. *loc. cit.*), or a libertus or not (Gaius, iv. 44; Dig. 2, 4, 8, 1): whether he was the child of So-and-so (Dig. 25, 3, 3, 2): whether he had given to the sureties he was taking for such and such a debt the information required by the Lex Cicereia (Gaius, iii. 123): what was the amount of So-and-so's *dos*, &c. Some *praejudiciales actiones* belonged to the civil law, though Justinian says, in the paragraph already referred to, that perhaps the only one in his time which had a *legitima causa* was that in which a man's freedom was in question, and which we know (from Dig. 1, 2, 2, 24) was older than the Twelve Tables: the rest, according to him, were praetorian in origin.

The *pronuntiatio* of the judge in a prejudicial action was binding on, and conclusive against, not merely the person who in it played the *rôle* of defendant, but on all persons generally (Dig. 1, 5, 25; 25, 3, 2, 3, pr.): but (at any rate in those relating to status) the decision could be disputed by any one within five years on the ground of collusion (Dig. 40, 16), and by persons actually wronged by it at even a longer interval of time (Dig. 40, 12, 42).

The reason why praejudicium is sometimes opposed to *actio* is probably that sometimes the term was used in the sense of a defence, the defendant pleading that the suit ought not to be proceeded with because its decision would prejudge a more important cause. Such a plea was originally expressed in the form of a PRAESCRIPTIO (*pro reo*), but later was formulated as an *exceptio* (Gaius, iv. 133). Examples may be found in the allegation that a single judex is trying a suit which ought to go before the centumviri (Cod. 3, 31, 12, pr.), or recuperatores trying a matter which ought to be made the subject of a criminal prosecution (Cic. *de Invent.* ii. 20, 59; *in Verr.* iii. 65, 152; Dig. 47, 10, 7, 1): cf. also Plin. *Ep.* vii. 6. This seems to be the signification of the term *praejudicium* from which has arisen our own legal phrase "without prejudice to other matters in the cause." (Gaius, iii. 123, iv. 44; Paul. *Sent. rec.* v. 9, 1;—Dig. 22, 3, 8; 43, 30;—Inst. iv. 6, 13; and Theophilus, *Paraphr.*) [G. L.] [J. B. M.]

PRAELU'SIO. [GLADIATORES.]

PRAENO'MEN. [NOMEN.]

PRAEPETES. [AUGUR, Vol. I. p. 250.]

PRAEPO'SITUS, which means a person placed over, was given as a title in the later times of the Roman Empire to many officers: of these the most important was the *Praepositus Sacri Cubiculi*, originally a freedman (cf. Suet. *Dom.* 16), but afterwards of high rank as chief chamberlain in the emperor's palace (Cod. 12, tit. 5; Cod. Theod. 6, tit. 8). Under him was the Primicerius, together with the Cubicularii and the corps of Silentiarii, commanded by three decuriones, who preserved silence in the interior of the palace. (Cod. 12, tit. 16; Friedländer, *S. G.* i. 54; Walter, *Gesch. des röm. Rechts*, § 340, 2nd ed.) [W. S.]

PRAEROGATI'VA. [COMITIA.]

PRAES. According to Ausonius (*Idyll.* xii. 9), Vas was one who gave security or went bail for another in a *causa capitalis*, and he who gave security for another in a civil action was called Praes: similarly Festus (s. v. *Vadem*) says that Vas is a sponsor in a *res capitalis*. But the application of the word Vadimonium in civil causes (*e.g.* Gaius, iv. 184–187) shows that this distinction is not perfectly accurate, and Varro (*L. L.* vi. 74) defines Vas as any person who promised Vadimonium or security for another in any legal proceeding: so that possibly Vas may have both a general and a specific sense, in the latter of which it is occasionally (as by Ausonius and Festus) contrasted with Praes (cf. Sallust, *Jug.* 35, 61; Hor. *Sat.* i. 1, 11, and Heindorf's note). Praes really seems to be a contraction of *prae-vas* (Rivier, *Untersuchungen über die cautio praedibus praediisque*, p. 14), and Vas itself may relate to the freedom which the party obtains by means of the security given ("Vades ideo dicti quod qui eos dedit potestatem vadendi id est discedendi habet," Acron *ad* Hor. *loc. cit.*: cf. Gellius, vii. 19), or more probably, as Rivier holds, it is connected with the old Norse *ved* and high German *wetti*, words denoting "pledge," so that *vas* would mean a surety, and *prae-vas* perhaps a surety who besides pledging his person pledges his property [PRAEDA; PRAEDIUM] for the discharge by another of his obligations, or his appearance in court. Another but very dubious etymology of the word is given by Festus (s. v. *Manceps*), who says that Manceps signifies him who buys or hires any public property, and that he is also called Praes because he is bound to make good his contract (*praestare quod promisit*) as well as he who is his Praes (see also Varro, *l. c.*), so that according to this Praes is a surety of one who is under some liability to the state. The passage of Festus explains some lines in the life of Atticus (Cornelius Nepos, 6), in which it is said that he never bought anything at a public auction (*ad hastam publicam*), and never was either Manceps or Praes. The use of Praes as a surety in a civil action occurs under the Legis actio as well as the formulary procedure: in the Sacramentum the defendant, to whom interim possession of the property in dispute was awarded, had to give "praedes litis et vindiciarum" (Gaius, iv. 16); and under the later formulary system, when a real action was tried *per sponsionem*, the security given by the defendant was called "pro praede litis et vindiciarum" (Gaius, iv. 91, 94 *a*): so too in some MSS. of Dig. 10, 3, 6, 7, the reading is *praedibus* or *praediis cavere*, but in the latest edition of Krüger and Mommsen *pro dedibus* is adopted as correct. According to the Pseudo-Asconius (*in Verr.* i. 54, 142) the goods of a Praes were called Praedia (see PRAEDIUM), and in Cicero (*l. c.*) and Livy (xxii. 60) "praedibus et praediis" come together (Rivier's treatise on the topic has been already referred to): but it is clear from Varro that this use of *praedia* is confined to the case of a debtor to the state, whose sureties were liable both in their persons (*praedibus*) and their property (*praediis*). If, in such a case, the debtor did not pay, the property of the surety was sold by auction under the authority of the state, and the purchaser (*praediator*, Gaius, ii. 61) became owner *ex jure Quiritium*, though the surety might recover it by an anomalous form of usucapio (Gaius, *l. c.*). The chief authority on the *jus praediatorium* is now the Lex Municipalis Malacitana, cap. 63–65. [J. B. M.]

PRAESCRIPTIO. In its original signification, as a legal term of art, this word seems to denote a component part in the formulae of some Roman actions at law, the name being derived from the fact that this part stood first and before all others: "praescriptiones appellatas esse ab eo quod ante formulas praescribuntur plus quam manifestum est" (Gaius, iv. 132). Such praescriptiones might be inserted in a formula in the interest either of the plaintiff (*actor*) or of the defendant (*reus*). "Praescriptiones pro actore" occur in the formulae of actions in which the plaintiff is entitled from the defendant to a number or variety of acts *primâ facie* hanging together, but of which one only, or at least not all, are claimed in the present suit: and by the praescriptio beginning "*ea res agatur*, let the present trial relate exclusively to so and so," the plaintiff reserved his right of action upon the other acts, or those subsequently to fall due, it being a presumption of Roman law (capable, however, of being rebutted by the insertion of a praescriptio in the formula) that when a man instituted an action, it comprised all his claims against the defendant, prospective no less than present, so far at least as they related to the present ground of action, and already had at least a potential existence. Two examples are given by Gaius (iv. 131). In the one, a man to whom an annuity is payable, say every six months, sues for a half-year's instalment, using the praescriptio "ea res agatur cujus rei dies fuit" (cf. Cic. *de Orat.* i. 37, 168); in the other, the purchaser of an estate, claiming its conveyance to him by the form of Mancipatio, reserves to himself the right of subsequently demanding its bare traditio by a praescriptio in the form "ea res agatur de fundo mancipando." Such "praescriptiones pro actore" seem to have been in use throughout the formulary period of Roman civil procedure, from *circ.* 170 B.C. to 294 A.D.

"Praescriptiones pro reo" were the mode of expressing in the formula of an action certain defences against the plaintiff's case. These defences resembled exceptiones in that they were not allowed to be urged at the hearing of the cause unless they had been embodied in the formula of the action, and also in their nature as the allegation of a countervailing right, vested in the defendant, not a direct traverse or denial of the plaintiff's argument: they resembled "praescriptiones pro actore" in being prefixed to the formula, and also apparently in always being introduced by the same words "ea res agatur" (Gaius, iv. 133–137). Among them were the pleas that the suit in question ought not to be tried at all, because its decision would prejudge a *causa major*, Gaius, iv. 133 [PRAEJUDICIUM], and that the action was beyond the jurisdiction of the court ("praescriptio fori," Dig. 2, 8, 7, pr.), or barred by lapse of time ("praescriptio temporis"). It is difficult to see why the Roman law required some defences by way of countervailing right to be stated in the form of a praescriptio and others in that of an exceptio. The difference between them was partly formal, partly material. An exceptio was placed in the formula between the Intentio and the Condemnatio: a Praescriptio, as Gaius observes, was prefixed to and stood at the head of the formula, its object being to indicate to the judex that he was first to examine into the truth or falsehood of the defence advanced, and if he found it well grounded to suspend the hearing either altogether, or at any rate (*e.g.* in praescriptio praejudicii) until the obstacle was removed. Consequently in practical result an exceptio was more favourable to a defendant than a praescriptio; for if a defence so formulated was established, the defendant was entitled to judgment in his favour, and the plaintiff could not sue again (Gaius, iv. 123), whereas in the case of a praescriptio the trial of the action was only suspended, so that the defendant might possibly be condemned after all. But even as early as the time of Cicero (*de Invent.* ii. 20, 59), the practice had commenced of expressing in the form of an exceptio defences which strictly should have been formulated as praescriptiones, the praetor perhaps himself favouring the change because "facilius reis succurrit quam actoribus" (Gaius, iv. 57); and Gaius says (*ib.* 133) that in his time "praescriptiones pro reo" were entirely obsolete: "in speciem exceptionis deducuntur." The result was that the original difference in meaning between the terms exceptio and praescriptio was gradually forgotten, so that they came to be used as practically synonymous, and in the Corpus Juris of Justinian this is shown by Savigny to be the case (see *e.g.* Dig. 5, 1, 52, 3; 31, 34, 3; 44, 2, 29; 46, 3, 91; 48, 5, 15, 7), though for some defences one of them was more commonly and consistently employed than the other. (See Savigny, *System*, iv. 309; v. 163.)

One of these praescriptiones, the original nature and history of which have thus been briefly sketched, has furnished general jurisprudence with one of its most famous terms, viz. the Praescriptio temporis, or plea by the defendant that an action is barred or prescribed by lapse of time. Under the older Roman law all suits were, as it was said, *perpetuae;* there being no Statute of Limitations, to use an English phrase, or other rule of law providing that rights of action should be barred unless sued upon within a definite period from their accrual. The praetor, however, ordained that many of the new actions which he introduced through the Edict should lie only within an *annus utilis* from the moment at which the right of bringing them first accrued (Gaius, iv. 110; Justin. *Inst.* iv. 12, pr.). Far the most important of these *annales actiones* were the praetorian penal actions, with the exception of that on *furtum manifestum* [FURTUM], which was *perpetua* because it substituted a pecuniary penalty for capital punishment (Gaius, iv. 111): though even these were *perpetuae* so far as they were *rei persecutoriae*, i.e. were brought only to deprive the delinquent of any benefit he had derived from his wrong (Dig. 44, 7, 35, pr.). Praetorian actions which merely compensated the plaintiff at the cost of the defendant's pocket (*e.g.* the *actio doli*) were prescribed in a year if *contra jus civile* (Dig. *l. c.*): interdicts, so far as they were penal, were similarly limited: actions for the recovery of property which had been for a defined time in the hands of a bonâ-fide possessor with *justus titulus* without being acquired by usucapio were barred in ten or sometimes twenty years [USUCAPIO], and certain actions on sales, which were introduced through the Edict of the curule aedile, had a prescription of twelve or six months (*actiones redhibitoria* and *aestimatoria:* see EMPTIO VENDITIO). In course of time, too, a period of prescription was fixed by disconnected legislation for other suits, especially one of five years for the *querela inofficiosi testamenti* [TESTAMENTUM] (Cod. 3, 28, 36, 2); and in Gaius' time (iv. 110) actions which fell under the original rule of non-limitation were called *perpetuae*, those which were limited by any of these periods *temporales.*

More systematic legislation upon the subject commenced with Constantine, who enacted that all real actions which were not already limited might be repelled by an exceptio unless brought within forty *anni continui* (Cod. 7, 39, 2), which subsequently seem to have been reduced to thirty (Symm. *Epist.* v. 52). Theodosius II. (A.D. 424) subjected to this same thirty years' limit all actions whatsoever, with a few exceptions, which had hitherto been *perpetuae* (Cod. *ib.* 3); and his law was retained by Justinian, the only actions of importance which were not governed by it being *vindicatio in libertatem* (Cod. 7, 22, 3), fiscal claims for unpaid taxes (Cod. 7, 39, 6), and the *actio hypothecaria*, to which last an additional ten years only was allowed. Consequently, in Justinian's compilations *actio perpetua* means not what it did in Gaius' time, but an action which is barred in not less than thirty years.

For the history of the "Praescriptio longi temporis," which gradually developed into a mode of acquisition, and so gave rise to our term "Prescription" as a title to property and "real" rights less than ownership, see USUCAPIO. (Savigny, *System*, v. §§ 237–255; Puchta, *Institutionen*, § 208.) [J. B. M.]

PRAESES. [PROVINCIA.]

PRAESUL. [SALII.]

PRAETE'RITI SENATO'RES. [SENATUS.]

PRAETEXTA. [TOGA.]

PRAETOR. This title, which Cicero (*de Legg.* iii. 3, 8) connects with *praeire*, is found among the Latin races, and is used by Livy as equivalent to that of strategus with the Achaeans. Among the Romans we first read of it immediately after the expulsion of the kings: for a single hereditary ruler they substituted two annually elected magistrates, first known as Praetors, and only later as Consuls; whence Cicero, in the passage referred to, represents the title as properly descriptive of the Consuls as leaders of the armies of the state; and the familiar use of "Praetorium" in connexion with military command, and the meaning which it bears in Livy of the period and powers of the consular office, are also indicative of the original character of this magistracy.

As distinct from the consulship, the praetorship proper is said by Livy (vi. 42, vii. 1) to have been instituted B.C. 366, though the truth would seem to be that so long as the military tribunate was in existence two consuls were from time to time elected in lieu of tribuni militares, and that when this was the case a third magistrate was always appointed, called praetor, to assist them in their duties. However this may be, the praetor, probably even at this period called praetor *urbanus* in allusion to the older magistracy of the custos urbis whom he superseded (Joan. Lydus, *de Mens.* 19; *de Magistr.* ii. 6), was, as soon as the office became permanent, elected annually from the patricians only, who secured a monopoly of the new office as a compensation to themselves for being compelled to share the consulship with the plebeians (Livy, *l. c.*), none of the latter attaining the praetorship till B.C. 337; he was termed "collega" of the consuls, and was elected with the same auspices at the Comitia Centuriata (Liv. vii. 1, xlv. 44; Gellius, xiii. 15). His chief functions were judicial (*jus in urbe dicere*, Liv. vi. 42; *jura reddere*, ib. vii. 1), it being to relieve the consuls (who according to the passage of Cicero referred to were called *judices a judicando*) of this class of business that his office was established; but the consuls in the earlier Roman history being so constantly engaged on active military service, he frequently had to take their place in the city (Liv. xxiv. 9; Cic. *ad Fam.* x. 12; Dio Cass. xlvi. 14, cix. 24), in the senate (Gell. xiv. 7; Liv. viii. 2, &c.), and in the Comitia (Liv. xxii. 33, xxv. 27), and in some cases of emergency even commanded the Roman armies. He was a curule magistrate and had the imperium, though in a less degree than the consuls (Gell. xiii. 15; Liv. xliii. 14; Val. Max. ii. 8, 2; Cic. *ad Att.* ix. 9), to whom he owed obedience and all the external marks of reverence (Liv. x. 25, xxvii. 5; Dio Cass. xxvi. 24; Polyb. xxiii. 1; Aurel. Victor, *de Vir. illust.* 72). His insignia of office were six lictors (Appian, *de reb. Syr.* 15), whence he is called by Polybius *ἡγεμὼν* or *στρατηγὸς ἑξαπέλεκυς*, and sometimes simply *ἑξαπέλεκυς*. Plutarch (*Sulla*, 5) uses the expression στρατηγία πολιτική. At a later period the praetor had only two lictors in Rome (Censorinus, c. 24). As appears from Livy, the praetorship was at first given to a consul of the preceding year, and L. Papirius was praetor after being consul (Liv. x. 47).

Unlike the consulship, the office was one to the number of whose holders additions might be constitutionally made as circumstances required (Cic. *de Legg.* l. c.), and accordingly in B.C. 246 a second praetor was created, who for distinction's sake was called Praetor Peregrinus, for the administration of justice in all disputes between peregrini or peregrini and cives (Dig. 1, 2, 2, 28; Joan. Lydus, *de Magistr.* i. 38, 45; Liv. *Epit.* 19), and from this time onward the two offices seem to have been regularly divided between the patricians and plebeians (Niebuhr, *Röm. Geschichte*, iii. 177), it being determined by lot which of the two should be urbanus and which peregrinus, though if either was required for military command the functions of both within the city were discharged by the other (Liv. xxiv. 44, xxv. 3, xxvii. 36). When the territories of Rome were extended beyond the limits of Italy, new praetors were created for the government of the provinces: two in 227 B.C. for the administration of Sicily and Sardinia (Liv. *Epit.* 20; Dig. 1, 2, 2, 32) and two thirty years later for the Spanish provinces (Liv. xxxii. 27): it being settled by lot which of the praetorian provinces each of the four praetors who went abroad was to govern. Later it became common for the praetor urbanus or peregrinus, after he had discharged his judicial functions for one year, to be sent to govern a province for another; a period which in many cases was prolonged until by the Lex Julia of Caesar it was provided that no governor should administer a praetorian province for more than one year (Cic. *Phil.* i. 8, 19). In connexion with the institution of *quaestiones perpetuae* for the trial of crimes, Sulla increased the number of praetors from six to eight, all of whom as a rule exercised judicial functions at Rome during their proper year of office, becoming propraetors in the provinces for the following year: under Caesar the number was raised successively to ten, twelve, fourteen, and sixteen (Sueton. *Jul.* 41; Dio Cass. xlii. 51, xliii. 47, 49, 51; Dig. 1, 2, 2, 32), and by Augustus reduced to twelve and earlier to ten (Dio Cass. liii. 32, lvi. 25); but under Tiberius there were as many as sixteen (Dio Cass. lviii. 20, lix. 20). Subsequently additional praetors were created for special departments of legal business: two by Claudius (reduced by Titus to one) for all suits relating to fideicommissa, when the business in this department of law had become considerable (Dig. *l. c.*; Sueton. *Claud.* 23), and one by Nerva for the hearing of actions between the fiscus and subjects of the Empire (Dig. *ib.*): so that, as Pomponius (speaking of his own time), says in Dig. 1, 2, 2, 34, "eighteen praetors *jus dicunt* in the state." According to Capitolinus (*Marc.* 10), M. Aurelius added a nineteenth praetor for matters relating to guardianship, upon whose duties Ulpian wrote a *liber singularis* (Dig. 27, 1, 3, 5, 9).

It will be clear from what has been said that the main business of the praetors was judicial; the praetors urbanus and peregrinus had the control of the whole system of Roman civil judicature, in connexion with which their work is sufficiently described under other articles, especially those on Edictum, Judex, and Jurisdictio. Sometimes, however, extraordinary duties were imposed on them: *e.g.* in B.C. 144 the praetor peregrinus was commissioned by a senatusconsultum to look after the repair of certain aqueducts and prevent the improper use of the water (Frontinus, *de Aquaeduct.* lib. i.): so too, though the appointment of guardians was no constitutional part of the praetor's province (Dig. 26, 1, 6, 2), it was conferred, within the city of Rome, on the praetor urbanus and the majority of the tribuni plebis by a lex Atilia (Gaius, i. 185). It was part of the same magistrate's duties to superintend the Ludi Apollinares, and so close an application to business was required from him that he was permitted to leave the city for only ten days at a time. With criminal prosecutions he had originally no more to do than any other magistrate; but when in 149 B.C. (Cic. *Brut.* 27, 106) L. Calpurnius Piso established the first *quaestio perpetua* for the trial of extortion (*repetundae*), one of the praetors was permanently entrusted with its supervision, and the same practice was followed with the *quaestiones* instituted by Sulla and others for the trial of Ambitus, Majestas, Peculatus, Falsum, Parricidium, &c. Though a praetor presided over the criminal proceedings in these cases, the judges were selected from the senators, knights, or tribuni aerarii at different periods of history, the condemnation or acquittal of the accused being determined by a majority of their votes. [Judicium.]

Any place in which the praetor might by law or custom exercise his magisterial functions was called *jus* (Dig. 1, 1, 11). Some of these, however, could never be performed elsewhere than *pro tribunali*, where his curule chair was set upon the comitium, the patrician portion of the Forum, and where he sat with his friends and assessors: contrasted with the tribunal were the *Subsellia*, or part occupied by the judices or other persons who were present (Cic. *Brut.* 84, 290).

Other judicial acts, however, could even tolerably early be performed by him anywhere (Gaius, i. 20), viz. acts of the *voluntaria jurisdictio*, such as legitimation of manumissions, *in jure cessio*, &c. In such cases he was said to exercise jurisdiction *de plano*, and the volume of business so transacted increased so steadily that at length regular *sessiones de plano* were held (fragm. Vat. 161), at which the praetor sometimes heard and adjudicated upon disputes: the rule as to what occasions required him to sit *pro tribunali*, and for what a *de plano* jurisdiction sufficed, may be gathered from Dig. 38, 1, 3, 8; 38, 15, 2, 1; 1, 16, 9, 1.

The office of the praetor continued to exist throughout the imperial period, though his activity in the issue of annual edicts must have slackened considerably at the fall of the Republic, and ceased altogether on the publication of the Edictum perpetuum of Salvius Julianus [Edictum]. In the Eastern Empire there were at first two praetors only, which number was gradually raised to eight, and then reduced to three, each of whom was distinguished by a special name, *e.g.* Constantinianus, triumphalis (Cod. Theod. 6, 4, 5, 13, &c.); they were selected by the senate, but the selection had to be confirmed by the emperor (Cod. Theod. 6, 4, 8, 9, 10, &c.). They still possessed *jurisdictio*, though their importance in the earlier imperial period was greatly diminished by the development of the emperor's own jurisdiction and of a regular system of appellate courts: under Justinian, and in fact from the abolition of the formula (A.D. 294) onward, the office seems to be merely that of a judge of first instance.

A person who had been ejected from the senate could recover his rank by being made praetor (Dio Cass. xxxvii. 30; Plut. *Cicero*, 17). Sallustius was made praetor ἐπὶ τῷ τὴν βουλὴν ἀναλαβεῖν (Dio Cass. xlii. 52). [J. B. M.]

PRAETORIA COHORS. [EXERCITUS, Vol. I. p. 791.]

PRAETORIANI. [EXERCITUS, Vol. I. p. 793.]

PRAETO'RIUM in its primary sense was the tent of the general (*praetor*), the head-quarters in the camp (Mommsen, *Staatsrecht*, ii.³ 74) [CASTRA, Vol. I. p. 373]. Hence we find it used for the palace of a provincial governor, not only when his official title was praetor (as in Cic. *Verr.* iv. 28, 65), but also when the residence of a proconsul or even of a procurator is meant (cf. John xviii. 28): for the palace of a foreign prince, as Prusias (Juv. x. 161), or Herod (Acts xxviii. 35). It was used also for any large country-house (Juv. i. 75; Mart. x. 79; Suet. *Aug* 72, *Tib.* 39, *Calig.* 37), but it would not rightly be used of a house at Rome, however "palatial" it might be. It is no doubt the case (as Professor Mayor points out in his note on Juv. *l. c.*) that the original idea of head-quarters on active service is retained. The *villa* was the whole property, dwelling-house, gardens, farm, &c.; the house itself, as the head-quarters of the owner, was the praetorium. The word may, however, also be applied (as Bishop Lightfoot shows on *Ep. ad Philipp.* pp. 101 ff.) to a body of men forming the council of war which met in the general's tent (Liv. xxvi. 15; xxx. 5), and later to the imperial body-guard, the attendants on the holder of the imperium, who represented the praetor or general of an earlier period (Tac. *Hist.* ii. 11; Suet. *Ner.* 9). A legionary is said to serve *in legione*, a guardsman *in praetorio* (Plin. *H. N.* xxv. § 17; Tac. *Hist.* i. 20, iv. 46). These *praetoriani* or praetorian guardsmen [EXERCITUS, Vol. I. p. 793] were by Tiberius concentrated in a camp outside the Colline gate (Tac. *Ann.* iv. 2; Merivale, *Rom. Hist.* v. 221); but this camp was not, as has sometimes been stated, called praetorium, but *castra praetoria*, *castra praetorianorum*, or *castra praetorii* (Tac. *Hist.* i. 31; Plin. *H. N.* iii. § 67). These quarters of the praetorian guard were destroyed by Constantine, when he disbanded the guard itself; but he left the outer walls of the camp, because they had been made part of the Aurelian Wall (Burn, *Rome and Campagna*, p. 61). [W. S.] [G. E. M.]

PRAEVARICA'TOR. [SENATUSCONSULTUM TURPILIANUM.]

PRA'NDIUM. [CENA, Vol. I. p. 395.]

PRECA'RIUM. [INTERDICTUM.]

PRELUM, part of the oil and wine press [TORCULAR]. The name is also given to other presses, as (1) that used in making paper (Plin. xiii. § 77; cf. LIBER): (2) the press for clothes used at the end of the fuller's process [FULLO], when the clothes were sprinkled (Sen. *Q. N.* i. 3, 2) and laid in presses, whence they were taken out ready to send home (Ammian. xxviii. 4, 19). The prela in Mart. ii. 46, 3; xi. 8, 5; Claud. *Epithal. Pal.* 101, are similar presses in the houses for keeping the clothes smooth and ready for wear. The Greek name was ἶπος (Poll. x. 135; cf. vii. 41); and a later synonym was *pressorium* (Ammian. *l. c.*; Blümner, *Technologie*, i. 173). [L. S.] [G. E. M.]

PRIMICE'RIUS, a name given to various officers and dignitaries under the later Roman empire, is explained by Suidas (*s. v.*) to be the person who holds the first rank in anything. The etymology of the word is doubtful: it is supposed that a person was called *Primicerius* because his name stood first in the wax (*cera*), that is, the tablet made of wax, which contained a list of persons of any rank.

The word Primicerius does not seem to have been always applied to the person who was at the head of any department of the state or army, but also to the one second in command or authority; as, for instance, the *Primicerius Sacri Cubiculi*, who was under the *Praepositus Sacri Cubiculi*. [PRAEPOSITUS.] Various Primicerii are mentioned, as the *Primicerius Domesticorum* and *Protectorum* (Cod. 12, 17, 2), *Fabricae* (Cod. 11, 9, 2), *Mensorum* (Cod. 12, 28, 1), *Notariorum* (Cod. 12, 7), &c. [W. S.]

PRIMIPILA'RES. [EXERCITUS, Vol. I. p. 800.]

PRIMIPI'LUS. [EXERCITUS, Vol. I. p. 799.]

PRINCEPS (Gk. ἡγεμών: *Mon. Anc. Gr.* vii. 9, ἐμοῦ ἡγεμόνος), the title of courtesy customarily given to the Roman emperors of the first century, and less commonly to those of the second and third. The use of the term, as one which conveniently expressed the pre-eminence of a single citizen, was familiar to the writers of the later Republic, and the term itself is thus applied to both Pompey and Caesar. [The ideal "princeps civitatis" sketched by Cicero (Augustin. *de Civ. Dei*, vi. 13), in a lost book of the *de Republica*, was evidently drawn with a direct reference to Pompey: cf. *ad Att.* viii. 11. Comp. also *ad Att.* viii. 9, "nihil malle Caesarem quam principe Pompeio sine metu vivere"; Sallust, *Hist.* iii. fr. 81, ed. Kritz, "Pompeium malle principem volentibus vobis esse, quam illis dominationis socium." And for Caesar, Cic. *ad Fam.* vi. 6, "esset hic quidem clarus in toga et princeps"; Suet. *Jul.* 26, "difficilius se (Caesarem) principem civitatis a primo ordine in secundum detrudi."] Its significance as accorded by popular consent to Augustus and his successors was the same. It was not an official title, and formed no part of the official designation of the emperors. It did not connote the tenure of any special office or prerogative, nor was it conferred by any formal act of senate or people. It was a title of courtesy pure and simple; marking out its bearer as the "first citizen" (*princeps civium*, Mommsen, *Staatsr.* ii. 733, note 3), or rather as the "foremost man of the state" (*princeps civitatis;* see the passages quoted above), and implied not only a general pre-eminence, as distinct from a specific magisterial authority (Tac. *Ann.* iii. 53, "non aedilis aut praetoris aut consulis partes sustineo, majus aliquid et excelsius a principe postulatur"), but a constitutional pre-eminence among free citizens as opposed to despotic rule. (Tac. *Hist.* iv. 3, "ceterum ut princeps loquebatur, civilia de se, de republica egregia;" Plin. *Paneg.* 55, "sedem obtinet principis ne sit domino locus;" Dio Cass. lvii. 8, *δεσπότης τῶν δούλων, αὐτοκράτωρ τῶν στρατιωτῶν, τῶν δὲ δὴ λοιπῶν πρόκριτός εἰμι.*) For the objections to the view, once commonly held, that the title is only an abbreviation of "princeps senatus," see Mommsen, *Staatsrecht*, ii. 733, notes; Pelham in *Journ. Phil.* viii. p. 323. This view is, however, restated in a modified form by Herzog, *Gesch. u. System d. röm. Verfass.* ii. p. 133.

Principatus.—The title princeps exactly expressed the characteristic features of the position occupied by the emperor, under the Augustan system—a position which depended, not on the tenure of any one great office, still less of any newly-created office, but on the fact that certain powers had been conferred upon an individual citizen by senate and people, in virtue of which he was for the time raised above the heads of his fellows. It was moreover a position created by constitutional means for each holder in turn, and involved an explicit recognition of the continued existence of a free commonwealth.

The principate dates, properly speaking, from January B.C. 27. The summer of B.C. 29 found Octavian the undisputed master of the Roman world (*Mon. Ancyr.* vi. 14); nor probably by any section of Roman society was it considered either desirable or possible that he should literally resign the wide authority he wielded. But while the experience of the last fifty years had amply shown that some concentration of the executive authority was imperatively necessary, if the empire was to hold together, it was scarcely less important in the interests of peace and order that this authority should be legitimised, and as far as possible harmonised with republican institutions and traditions. After twenty years of anomalous or provisional rule, public opinion demanded a government which should be not only strong, but outwardly at least regular and constitutional. The first step towards satisfying this demand was taken by Octavian, when in his sixth consulship (B.C. 28) he put an end by edict to the provisional régime of the triumvirate, laid down the extraordinary authority he had held since B.C. 43, and formally gave back the government of the Commonwealth to the senate and people (*Mon. Ancyr. Lat.* vi. 13; Tac. *Ann.* iii. 28; Dio Cass. liii. 2; cf. Suet. *Aug.* 28). This restoration of the Republic was followed in Jan. B.C. 27 by a settlement of Octavian's own position, a settlement planned unquestionably by himself. By a vote of the senate and people, he was legally re-invested with the essential elements of his former authority. He was given a command, limited indeed both in area and duration, but which yet in both points was unprecedentedly wide. The "province" now assigned to him included with one exception the important frontier provinces. It carried with it the sole command of all the armies of Rome, and the exclusive right of levying troops, of concluding treaties, and of making war and peace (Dio Cass. liii. 12, 17; Suet. *Aug.* 47, "provincias validiores ipse suscepit, ceteras proconsulibus permisit;" Lex Vespasiani, Wilmanns, 917: cf. Strabo, p. 840; PROVINCIA). Finally, it was given to him for a period of ten years, at the expiry of which it was renewable (Dio Cass. liii. 13, 16). But had Octavian rested content with this "consulare imperium" alone, he would have been merely a powerful proconsul, with wider powers indeed than even those held by Pompey under the Gabinian and Manilian laws, but still only a proconsul. As such he would have had no *locus standi* in Rome, and would have been only the equal and not the superior of the proconsular governors of the provinces not included within the area of his own imperium. Nor could the old difficulties arising from the separation between the chief military command abroad and the highest magistracies at home have failed to reappear. (The proconsul lost his imperium on re-entering the city, Cic. *ad Fam.* i. 9; Dig. 1, 16, 16; cf. also Vell. Pat. ii. 31, of Pompey's imperium in B.C. 67, "imperium *aequum* in omnibus provinciis cum proconsulibus.") These disadvantages and difficulties Octavian escaped by retaining the consulship, and by wielding his imperium as consul. As consul he was chief magistrate of the state, with precedence, not only over all other magistrates at home, but over all proconsuls and propraetors abroad (Cic. *Phil.* iv. 4, 9; *ad Att.* viii. 15); while unlike any consul of later times, excepting only Pompey in B.C. 52, the province of his imperium was not confined to Rome and Italy, but extended over a great portion of the Empire. It was a return, in a sense, to the practice of the early Republic, when the consuls were at once the highest civil and the highest military authorities of the state. His control of the administration at home was further confirmed by his retention of the *tribunicia potestas*, granted to him for life in B.C. 36 (Dio Cass. xlix. 15), though it is doubtful what use, if any, he made of the prerogatives attached to it at this stage (Tac. *Ann.* i. 2, "posito iiiviri nomine, consulem se ferens, et ad tuendam plebem tribunicio jure contentum"). Finally, in recognition of his great services, and to mark his pre-eminent dignity, he was invested by senate and people with the cognomen of Augustus (*Mon. Ancyr. Lat.* vi. 16; *C. I. L.* i. p. 384; Ov *Fast.* i. 590).

For four years Augustus continued to exercise the primacy at home and abroad assigned to him in the restored Republic, under the old constitutional form of the consulship. But in B.C. 23 a change was made which gave to the principate a somewhat different shape, and one which in the main it retained down to the time of Diocletian. (See esp. Herzog, *op. cit.* ii. p. 141; Pelham, in *Journ. Phil.* xvii. p. 37.) On June 27 in that year Augustus laid down the consulship which he had held year after year since B.C. 31 (Dio Cass. liii. 32; *C. I. L.* vi. 2014). His "consulare imperium," with its wide province, he still retained, but he now held it only *pro-consule;* and it therefore ceased at once to be valid in Rome and Italy, *i.e.* within the sphere assigned to the actual consuls. He further lost both the precedence (*majus impe-*

rium) over all other magistrates and pro-magistrates which a consul enjoyed, and the various rights in connexion with senate and assembly attached to the consulship. He had, lastly, no further claim to the consular dignity and insignia. These losses, which would have seriously impaired the reality and completeness of his "primacy," were now made good by the following measures:—(*a*) He was exempted from the disability attaching to proconsular tenure of the imperium, and was allowed, though no longer consul, to retain consular imperium in Rome (B.C. 23) as proconsul. (*b*) His imperium was to rank as "majus" over that of proconsuls abroad (B.C. 23). (*c*) He was given the consul's prior right of convening the senate (B.C. 22), and of introducing business (B.C. 23), though the latter extended only to one "relatio," περὶ ἑνός τινος (Dio Cass.), "jus primae relationis." (*d*) He was granted (B.C. 19) equal rank in Rome with the actual consuls by the bestowal of the twelve fasces, and by the permission given him to sit between the consuls on an official seat (Dio Cass. liii. 32; Liv. iii. 10; Lex Vespasiani (Wilm. 917), ll. 4 *sqq.*; Dig. 1, 16, 8). But Augustus seems to have been unwilling openly to rest his position in Rome on that "proconsular imperium" which, until the exemption made in his own favour, had only been exercised abroad, and was associated with the absolute methods of rule prevalent in the camps and the provinces. Hence he brought forward into special prominence his *tribunicia potestas*. This now appears for the first time among his titles, and appears sometimes alone ("summi fastigii vocabulum: qua cetera imperia praemineret;" Tac. *Ann.* iii. 56; Dio Cass. liii. 32; Cohen, *Médailles*, i. Nos. 342 *sqq.*; Mommsen, *Staatsr.* iii. 752). A number is appended indicating for how many years it has been held, and the thirty-seven years of the tribunician power of Augustus are reckoned from B.C. 23 (*Mon. Anc. Lat.* i. 29; Tac. *Ann.* i. 9). On this power Augustus declared that he relied for carrying out the administrative reforms pressed for by the senate, and on this ground refused the extraordinary offices which were offered him (*Mon. Ancyr. Gr.* iii. 19). Henceforward the tribunician power ranked highest among the prerogatives voted to the princeps; higher even than the imperium itself (Mommsen, *Staatsr.* ii. 1050; Dio Cass. liii. 32, liv. 12). To sum up the results of these changes. The "consulare imperium" voted in B.C. 27 gave Augustus the immediate and exclusive control of the frontier provinces, the troops, and the foreign relations of the Empire. From B.C. 27 to B.C. 23 he wielded this imperium as consul, and thus united with this military command that general primacy in the state which belonged of right to the consuls. From B.C. 23 onwards he held it not as consul, but *pro-consule;* and hence the designation of it afterwards current, as *imperium proconsulare*. But he was nevertheless allowed to hold it in Rome, and was, moreover, specially granted the consul's rights of precedence over other magistrates. As if, however, to conceal the startling fact, that there was now in Rome, by the side of the annual consuls, a holder of consular imperium, fully their equal in rank and power at home, and vested besides with a wide command abroad, the *tribunicia potestas* was put forward as the outward sign and symbol, at least in Rome, of the pre-eminence of the princeps. The new form thus given to the principate it retained as long as it lasted: for the future the position of princeps is only occasionally and accidentally connected with the tenure of what continued to be in theory the chief magistracy of the state; and the princeps is, strictly speaking, not a magistrate at all; he stands by the side of the consuls and over the heads of all other magistrates, with a definite province of his own, but vested also with a pre-eminent authority in all departments of state. One more result of importance may be assigned to this resettlement of the principate in B.C. 23: the prerogative of Augustus was now determined by a series of grants conferring upon him various powers, privileges, and exemptions; and so in the case of each succeeding princeps, the question was not one of electing him to an established office with well-understood prerogatives, but of conferring upon him certain powers. Of these a customary list was gradually formed; and embodied in a single statute, under the terms of which the citizen designated for the principate received from the hands of the senate and people the powers, honours, and privileges once voted to Augustus, and after him to each successor in turn. (Of this statute a fragment survives in the so-called Lex Vespasiani: see Pelham in *Journ. Phil.* xvii. pp. 45–51.)

This "Augustan settlement" was in form, possibly in intention, a compromise, which aimed at securing the needed centralisation of the executive authority with the least possible disturbance of the traditional machinery of the Republic. But it was a compromise, which was from the first unreal. The powers vested in Augustus were too wide to make the existence of any other substantial authority possible, and the independence of consuls and senate was even in his own lifetime a fiction, which it became increasingly difficult to respect. Though, however, there is from the first a gravitation of all administrative work towards the princeps as the one real power in the state, yet even in the latter half of the third century the original theory of his position was not entirely discarded. The princeps of the time of Ulpian was still in strictness only a citizen invested by senate and people with certain powers. His position remained always extra-magisterial, and was created only for each princeps for his life. No constitutional provision was ever made for the transmission of his powers to any successor, nor was any one method of selecting a successor legally recognised. The principate died with the princeps: necessity alone determined that some citizen must be selected to fill the position first given to Augustus: accidents, such as kinship by blood or adoption to the last princeps, military ability, or popularity with the senate, determined the selection; and even the invitation "suscipere imperium" might come indifferently from distant legions, from the praetorian guards, or from the senate. Once, however, selected and designated, the citizen received the powers which legally made him princeps, from senate and people, according to the form handed down from the days of Augustus (Mommsen, *Staatsr.* ii. 1038; *Vita Hadr.* 6, "esse respublica sine imperatore non potest;"

Vit. Taciti, 3, "imperator est deligendus quia cogit necessitas:" cf. Tac. *Hist.* i. 16; Mommsen, *l. c.* 1039; *Journ. Phil.* xvii. 47).

But, although the principate remained so far true to its original character, it underwent in other respects important changes during the three centuries which separated the accession of Augustus from that of Diocletian. These changes may be conveniently summed up under the following heads:—(1) The enlargement of the area placed directly under the control of Caesar: (2) the transformation of his *majus imperium* into a direct control even over those departments of administration not properly included within his province: (3) the subordination to him of the originally co-ordinate authority of the regular magistrates and the senate: (4) the increasingly monarchical character not only of the methods of government employed by Caesar, but also of the outward accessories of his position. Of these changes the first two were mainly brought about by the necessities of administration, and are sufficiently explained by the words of Ulpian when describing the institution of the *praefectura vigilum*. Dig. 1, 15, "Salutem reipublicae tueri nulli magis convenire ... nec alium sufficere ei rei quam Caesarem." The two last were the inevitable result of this process of centralisation which at once rendered impossible the existence of any independent authority by the side of that possessed by Caesar, and elevated Caesar himself to a position where the limitations imposed by republican usage and tradition fell away of themselves.

To the "consulare imperium" as held by Augustus was assigned, according to established custom, a definite area or province, within which he was as exclusively supreme as Cicero in Cilicia, or Pompey in Asia. It included (*a*) the command-in-chief of all the forces of the state, and with this the sole right to levy troops and promote or discharge soldiers. [That the taking of a census in the provinces was from the first a prerogative of Caesar is almost certain (Mommsen, *Staatsr.* ii. 945), and it was probably directly connected with the levying especially of auxiliary troops (*ib.* ii. 393; Henzen, 6453; Plin. *H. N.* iii. § 28).] (*b.*) The sole right to declare war and peace, and to conclude treaties. (*c.*) The right to coin gold and silver. (*d.*) The "jus edicendi": *Lex de Imp. Vesp.* 6. (*e.*) The government of certain specified provinces.

The distinction between the department properly belonging to Caesar, and those left to the care of other authorities, had not wholly disappeared even by the close of the third century: but Caesar's province from the first steadily increased in extent. After the transference of Illyricum to Augustus in B.C. 11, and the separation of Numidia from the proconsular province of Africa in 37 A.D. (Strabo, p. 840; Dio Cass. liii. 12, lix. 20; Tac. *Hist.* iv. 48), even the immediate command of regular troops passed absolutely into the hands of Caesar's officers. The senatorial provinces are with Tacitus the "provinciae inermes." In the time of Dio Cassius the proconsuls were even forbidden to wear the military *paludamentum* (Dio Cass. liii. 17), and Gallienus finally excluded senators from all posts in the army (Aurel. Vict. *Caes.* 33). There is some reason for thinking that under the earlier emperors, a census, though ordered by Caesar, was in provinces other than his own carried out by the proconsul; but after Hadrian there is no trace of this distinction, and the whole work throughout the Empire is in the hands of Caesar's servants. The unimportance of the copper coinage was probably the reason why in this case the limits originally imposed upon the emperor were retained until the time of Aurelian (Schiller, *Gesch. d. Kaiserzeit*, i. 867).

The number of provinces originally assigned to Caesar was eight. But inasmuch as all provinces created subsequently were also placed under his authority, the number rose rapidly. At the close of the first century there were already twenty-five provinces of Caesar, including the most populous and wealthy districts of the Empire, and stretching in an almost unbroken line along its frontiers. Outside this area, in the so-called senatorial provinces, and in Rome and Italy, Caesar laid his hand on one department after another. In the case of the former, Caesar possessed from the first exclusive control over the troops, over foreign relations, and over the census. But the proconsul's area of authority was further limited by the appropriation to Caesar of a certain portion of the revenues drawn from his province; and the amount of these steadily increased [FISCUS]. Their collection and management were entrusted to imperial procuratores [PROCURATOR], who from being at first merely private agents, with no official status or powers, gradually came to form a distinct financial executive, virtually independent of the proconsul, with which he is recommended by Ulpian (Dig. 1, 16, 9) to have as little as possible to do. To Caesar lastly belonged the right, even in senatorial provinces, of founding colonies, of granting charters of incorporation to communities, of raising or lowering their status, and of conferring both Latin rights and the Roman franchise. (See CIVITAS, and Mommsen, *Staatsr.* ii. 828 *sqq.* That in the first century questions affecting the status of communities had not yet passed wholly into Caesar's hands may be inferred from the occasional mention of senatusconsulta and of discussions in the senate respecting them: Suet. *Tib.* 37; Tac. *Ann.* xi. 23, xii. 58, 61.)

Rome and Italy lay, like the senatorial provinces, outside the proper province of Caesar, but here too one department of administration after another was brought within the area of his authority, at the cost either of the magistrates in Rome or of the municipal officials. In some cases the transfer was made directly, in others the change was broken by the creation in the first instance *ex senatusconsulto* of senatorial *curatores*. But these curatores were all sooner or later either replaced by imperial praefecti and procuratores, or made so dependent upon Caesar as to differ only in name from his actual servants. The care of the corn supply (ANNONA; Hirschfeld, *Verwaltungsgesch.* 139), of the aqueducts (Id. 164), of the public buildings, the banks of the Tiber, and the cloacae (Id. 149–161), had all by the time of Claudius passed into Caesar's hands. The *praefectura vigilum* [PRAEFECTUS] dates from A.D. 6. The far more important *praefectura urbis* became a permanent office in the reign of Tiberius; and as early as the reign of Domitian, its holder exercised a wide criminal jurisdiction in Italy as well as within the city [PRAEFECTUS URBI].

In Italy the area of direct Imperial government widened more slowly than in Rome. The exclusive military authority vested in Caesar from the first made him, it is true, responsible not only for the levying of troops (Mommsen, *Staatsr.* ii. 797) and for the protection of the Italian coasts and harbours (the fleets at Misenum and Ravenna date from Augustus, and Ostia and Puteoli were special objects of imperial care: Suet. *Claud.* 25), but also for the suppression of such disorders as required the intervention of military force. (Cf. *milites stationarii*, Suet. *Aug.* 32, *Tib.* 37; Tac. *Ann.* xiv. 17.) But Septimius Severus first quartered a legion (II. Parthica) in Italy; and the imperial *correctores*, for the maintenance of order in the various districts of the peninsula, do not appear as a regular institution before the reign of Aurelian. [For further details on this subject, see PROVINCIA.] Closely connected with the maintenance of order in Italy was the care of the main roads [VIAE], the lands of Caesar, and other revenues accruing to him [FISCUS; PROVINCIA]: as regards his control by means of the *curatores reipublicae* over the local government of Italian towns, see PROVINCIA and COLONIA.

Enough has been said to show how enormously the area assigned to the direct imperium of Caesar had expanded since B.C. 23. Outside the limits, wide as they were, of the imperial provinces, in the provinces of the senate and people, and in Rome and Italy, there were prerogatives reserved exclusively for Caesar, and departments of administration controlled absolutely by himself and his own officials.

The settlement of B.C. 23 declared that the *imperium* of Augustus should rank as *majus* over that exercised by all other holders of imperium; excepting only, it is probable, the consuls; and the use made of this *majus imperium* did even more than the extension of Caesar's own proper domain to make him absolute, and to render little more than nominal the distinction between Caesar's department and those of the regular magistrates of the state. The possession of this "greater authority" entitled Caesar to claim from the praetors and lower magistrates in Rome, and from the proconsuls abroad, the deference due in republican times to the consul; and as Caesar became stronger, and the need for administrative unity increased, this deference was easily transformed into a complete subordination, which placed praetors and proconsuls almost as entirely under Caesar's control, as his own legates, prefects, and procurators. The effectiveness of this weapon is best illustrated by the relations between the emperor and the proconsular governors of the senatorial provinces. The proconsul, as holding an independent magisterial authority, derived ultimately from senate and people, was in theory and at first in practice in a wholly different position to the imperial legate. In particular he was responsible not to Caesar, but, like Caesar himself, to the consuls, senate, and people of Rome. And there are instances in which the earlier emperors almost ostentatiously abstain from exercising authority over proconsuls and proconsular provinces outside the limits of the rights specially reserved to them. Deputations from such provinces sent to Caesar are by him referred to consuls and senate (Suet. *Tib.* 31). Administrative questions affecting them are discussed in the senate, and decided by senatusconsulta (Tac. *Ann.* ii. 47, iii. 60; Plin. *Ep. ad Traj.* 72; Mommsen, *Staatsr.* iii. 1211). Nero declared that appeals from these provinces should go to the judgment-seat of the consuls (Tac. *Ann.* xiii. 4). A proconsul charged with extortion was as late as the reign of Trajan ordinarily tried by consuls and senate; and finally the instances in which the maladministration of a proconsular province led to its transference to Caesar, or to the sending thither of a special imperial legate, indicate that down at least to the end of the 1st century Caesar's control over these provinces was less absolute and direct than over his own (Mommsen, *Staatsr.* ii. 227; Plin. *Ep.* 8, 24; *C. I. L.* iii. 567; Wilmanns, *Exempla*, 874). But in the course of the second century the distinction, though retained in form, gradually ceased to have any practical importance; and on the strength of his *majus imperium* Caesar's control over proconsuls was virtually as complete as his control of his own legates. The appeal to consuls and senate disappeared in favour of the appeal to Caesar. Instances of the trial of a proconsul before the senate are rare after the time of Trajan (Mommsen, *Staatsr.* ii. 110). Dio Cassius represents the exercise of this jurisdiction by the senate as a concession on the part of the emperor (Dio Cass. lxxi. 28; *Vita Marci*, 10). Under Commodus, a proconsul of Sicily was tried by the imperial praefectus praetorio. Septimius Severus heard such cases himself (*Vit. Sev.* 4, 8), and Ulpian clearly contemplates Caesar's tribunal as the only one in question. It is no less certain that at least after Hadrian the proconsul was, equally with the imperial legate, controlled, directed, and instructed in the work of administration by the rescripts, edicts, and constitutions of Caesar. The right to do so, derived from the *majus imperium*, and confirmed apparently by a special clause of the Lex de Imperio (see *Lex de Imp. Vespas.* 6; *C. I. L.* vi. 930; Mommsen, *Staatsr.* ii. 843 *sqq.*), was both possessed and exercised by Augustus; but while by the earlier emperors it was sparingly used, in the second and third centuries there is a marked and rapid increase in the numbers of imperial edicts, and in the Digest they are the authorities mainly quoted on points affecting the government of senatorial no less than imperial provinces (Dio Cass. lxx. 3; Euseb. *Hist. Eccl.* 4, 8; Dig. 1, 16, 4, 6, 10; 48, 6, 5, 8, 4, &c.). For the recognition in earlier times of the quasi-independent authority of the proconsul, see the decree of Norbanus (Joseph. *Ant.* xvi. 6, 6).

The increasing intensity and force of Caesar's *majus imperium*, coupled with the rapid extension of the area placed directly under his authority, told with equal effect upon the regular *magistratus cum imperio* in Rome. Their degradation from their original position as the chief executive officers of the state to that of municipal officials of the city of Rome began under the Republic, with the practice of assigning the commands of legions and provinces to proconsuls and propraetors, and was only completed by the transference to Caesar of one department of administration after another even in Rome and Italy. But this process, the converse of that which gradually raised Caesar's private servants to the rank of state officials, scarcely involved so marked a departure from the ancient constitution, or even from the principles of the Augustan system, as the virtual transformation of these theoretically independent colleagues of Caesar into subordinate officials. The two changes were indeed closely connected; for, with the increasing restriction of consuls and praetors to unimportant or purely departmental work, while the general administration and to a great extent the higher jurisdiction both in the city and in Italy was transferred to Caesar and to his officers, the theory of their supremacy and even of their equality with Caesar became an untenable fiction.

The Augustan system left the consulship still the supreme magistracy of the state, and this pre-eminence was formally recognised throughout the first century (Tac. *Ann.* iv. 19, "consulis, cujus vigiliis niteretur ne quod respublica detrimentum caperet:" cf. Suet. *Tib.* 31; Plin. *Pan.* 59, "summa potestas"). Even in the third century there was no appeal to Caesar from the jurisdiction of consuls and senate (Ulpian, Dig. 49, 2, 1), and one right at least attaching to their old position, that of giving their names to the year, remained with the consuls (*i.e.* with the *consules ordinarii:* see CONSUL, and Mommsen, *Staatsr.* ii. 86) in post-Diocletian times. But the Augustan system, in placing by the side of the consuls a holder of consular imperium, brought the nominal supremacy of the consuls into unequal conflict with the wide authority of the princeps. The course of events robbed the consuls of all but purely domestic duties, while it entrusted to the princeps the general guardianship and government of the Empire. Even Tiberius could claim for the princeps a general control, distinct from the limited sphere belonging to the consul (Tac. *Ann.* iii. 53). In Pliny's panegyric the older and newer views of the relative position of the two are both represented. On the one hand, the consulship is still regarded as the "highest authority" and as on a level with that of Caesar (*Pan.* 59); on the other, it is merely the highest post open to a private citizen (*Pan.* 64; *Ep.* ii. 1) as distinct from the sovereign dignity of the principate, and the limited and domestic character of its duties is contrasted with the wider imperial sphere belonging to Caesar (*Pan.* 79). Rather more than a century later in the Digest the subordination of the consulship is complete. The consuls have only specific departmental duties to perform, and the duties are not infrequently spoken of as assigned to them by the emperor (Mommsen, *Staatsr.* ii. 96; CONSUL), while not only Caesar, but Caesar's prefect of the city, ranks above them (Ulpian, Dig. 49, 1, 1, 3; cf. Dig. 5, 1, 12; PRAEFECTUS). In the case of the praetorship there was from the first no question of equality with Caesar, for to the consular rank and imperium of Caesar the praetor owed deference as to the actual consuls. We consequently find the praetors, even under the early emperors, filling a strictly subordinate place. Their jurisdiction was gradually restricted to certain well-defined departments marked out for them by Caesar (Mommsen, *Staatsr.* ii. 204, 206; PRAETOR); and such titles as *praetor tutelaris* and *praetor hastarius* clearly indicate the purely departmental nature of their duties.

This transformation of the originally supreme "magistratus cum imperio" into subordinate officials, with limited and almost entirely municipal duties, was assisted by the control which the emperors obtained over their appointment, and which reduced them to the position of imperial placemen. This control, based as it was on the right of nomination, which the emperor's consular imperium gave him co-ordinately with the consuls (Tac. *Ann.* i. 81), and on that of "commendation" (*ib.* i. 15. It was formally granted to Vespasian, *Lex de Imp.* 4; whether it was ever used in the case of the consulship is doubtful: Mommsen, *Staatsr.* ii. 865 *sqq.*), was already well established and frankly recognised in the time of Trajan. [Plin. *Pan.* 77, "ipsum (sc. Caesarem) qui consules facit:" cf. Id. *Ep.* iv. 15, *ad Traj.* 12. The election of the lower magistrates was still something of a reality, and involved canvassing (Id. *Ep.* ii. 9), corruption (Id. *Ep.* vi. 19), and even disorderly contests (Id. *Ep.* iii. 20).] In the third century the whole business of appointing the "magistrates of the Roman people" is treated by Ulpian as one which concerned Caesar alone (Dig. 48, 14).

The final change by which these magistracies were, with the exception of the consulship, robbed of all imperial significance, by losing their value as qualifications for high provincial and military commands, was not completely carried out until after Diocletian.

For the gradual change in the relations of the emperor and the senate, see SENATUS: by the end of the second century the senate had lost all importance as Caesar's partner; by the end of the third it was virtually discarded even as an instrument of his government.

The changes described above, the extension of the area of government, assigned directly to Caesar, and the complete subordination to him of all other constituted authority within the state, brought about a corresponding change in his personal position. The more absolute he became in fact, the more difficult it was to treat him as anything but a monarch. This natural tendency to clothe the Caesar with the attributes and surround him with the accessories of a legitimate monarchy shows itself even under Augustus; but it was undoubtedly strengthened by a growing feeling that the exceptional and provisional nature of his authority was a real source of weakness, both at home and abroad. The organisation of the principate as a regular and permanent office, with a settled mode of succession, was desirable not only in the interests of good government, but as a check upon the ambition of pretenders; while in the East, at any rate, it was important that the Roman Caesar should be able to challenge comparison in personal splendour and majesty with the kings of Parthia or Persia. To secure the first of these ends was the aim of the ablest emperors of the second century. The endeavour to secure the second lies at the root of much in the policy of Aurelian and Diocletian. It was a policy so far similar in its motives to that which created the Queen of England Empress of Hindostan, and it was encouraged not only by the language and maxims of lawyers, like Ulpian, of Eastern birth, but by the ever-increasing influence of Oriental habits and beliefs in the imperial court and in Roman society.

The original theory that the princeps is nothing but a citizen on whom definite powers have been conferred by senate and people for a limited time, was one never strictly carried out in practice; and by the close of the third century little remained to witness to it, but the formal "lex de imperio" and the absence of any recognised mode of succession. The history of this change it is impossible to follow in detail, and only the main outlines can be traced here.

The limitation of time, observed in form throughout the reign of Augustus, disappeared at his death. Tiberius and his successors received the imperium for life, and only the celebration of the decennalia preserved the memory of the original arrangement [IMPERIUM]. The distinction between the various powers and privileges granted to the princeps, as well as the purely individual nature of the grant, were easily obscured when, as was done first in the case of Gaius, they were not only conferred *en bloc* at one time, but transferred with little or no alteration from one emperor to another (Mommsen, *Staatsr.* ii. 744, and the references given there). The notion thus developed of a single and permanent authority wielded by each emperor in turn, and consequently of a prerogative inherent in the principate, was strengthened when the functions of the censorship were, after the time of Domitian, exercised in virtue only of the general authority belonging to the princeps (Mommsen, *Staatsr.* ii. 1013; CENSOR). The authority conferred upon Augustus was not only built up out of various distinct powers, but was limited by the extent of these, and was subject to the laws, except where its holder had been specially exempted from their operation. In this latter respect also a change took place. At any rate at the close of the second and in the third century the authority of the princeps was regarded not only as single, but as plenary and absolute. The emperors are exempted from the laws (Dio Cass. liii. 18), and it is their privilege to give laws, not receive them (*Vit. Caracall.* 10); a view springing naturally both from the virtual irresponsibility of Caesar as a life ruler and from his monopoly of the work of law-making, and which was finally and authoritatively adopted in the fifth century (Justin. *Nov.* 105, 4; Mommsen, *Staatsr.* ii. 714, note. It appears, however, as early as Pliny, *Paneg.* 65, "ipse te legibus subjecisti, quas nemo principi scripsit").

But it is not only in this unrepublican theory of his prerogative that the tendency to transform Caesar into a monarch is observable. It is as clearly seen in the elevation of his family and friends above the level of private persons, and of his personal servants and agents to that of state officials. These changes, which involved a complete departure from republican principles, commenced with Augustus and were completed in the fourth century. The family of Caesar (*domus Caesaris*) had not properly, any more than that of an ordinary magistrate, any public rank or privileges. Augustus set his face against attempts to pay them honour as a royal house; and though provincials even in his reign coupled with Augustus himself his wife, children and family (Wilm. *Ex.* 104), there was no regular public recognition of the *domus Caesaris* till later. That in the time of Nero the praetorian guards already took the oath to the "whole house of Caesar," is implied by Tacitus (*Ann.* xiv. 7). Under the Flavian emperors the *domus* is associated with Caesar in the *vota publica* (Mommsen, *Staatsr.* ii. 776). The phrase "domus Augusta" occurs in an inscription of the year 159 A.D (Orelli, 4092). "Domus divina" appears first under Commodus (Wilm. 120), and is frequent afterwards (see Orelli-Henzen, *Indices*, p. 57). A similar tendency is observable in the treatment of the individual members of Caesar's house. In the case indeed of the males, republican usage was so far adhered to, that for the most part they have only the rank which followed legitimately from the tenure of public office, though permitted to hold these offices at an earlier age and in more rapid succession than ordinary citizens (Mommsen, *Staatsr.* ii. 772 *sqq.*). To the females, for whom these more legitimate marks of distinction were out of the question, honours of a distinctly royal character were given. The title of "Augusta," first given to Livia, was by the end of the first century commonly granted not only to the wife of the reigning princeps, but to his sisters and daughters. The "empress," as she now became, was in the second century further distinguished by the appellation "mater castrorum," first borne by the younger Faustina. Julia Mammaea in the third century is "mater castrorum et senatus et patriae et universi generis humani" (Wilmanns, 1005). The honour of deification, for which also the first precedent was set in the case of Livia, was freely granted in the second century (Mommsen, *Staatsr.* ii. 780, 781), and after the time of Domitian the heads of the wife and even of other female members of Caesar's house appear frequently on the coins. (For other marks of honour, *e.g.* the special body-guard, the torch-bearers, &c., see Mommsen, *Staatsr.* i. 346, ii. 775.)

More significant is the manner in which not only blood-relationship with Caesar, but even the tie of friendship came in time to confer a definite public status, and ultimately official authority. Augustus himself was obliged to check the tendency to place his "friends" above the laws (Suet. *Aug.* 56: cf. Tac. *Ann.* ii. 34, of Urgulania, "supra leges amicitia Caesaris extulerat"). Under Tiberius the "cohors amicorum" assumed a definite shape. It was divided into classes, with varying privileges; admission to it was a formal act (Tac. *Ann.* vi. 9), expulsion from it a penalty equivalent in its consequences to exile (Suet. *Tib.* 56; Tac. *Ann.* iii. 12, 24). At Rome it constituted a court, with a regular ceremonial and scale of precedence (Plin. *H. N.* xxxiii. § 41; Sen. *de Benef.* vi. 34, *de Clem.* i. 10). From this body were usually chosen the travelling companions (*comites*) of Caesar, to whom fixed allowances were given (Suet. *Tib.* 46), and also the trusted advisers with whom Caesar took counsel (Suet. *Tib.* 55, *Tit.* 7). Val. Max. ix. 15 uses the phrase "cohors Augusta:" the office *a cura amicorum* existed as early as A.D. 51 (Orelli, 1588). In the second century the term *amici* denoted broadly the regular frequenters of the imperial court, and more specially the innermost circle of these, whether chosen confidants or high dignitaries whom the emperor honoured with this title. A more definitely official position was acquired by the *comites*. These "companions" were carefully selected for each expedition; distinct quarters were assigned them in the camp, and in rank they stood above the provincial governors To have been selected as a *comes* was an honour duly recorded on inscriptions along with the legitimate *honores*, such as the consulship. Finally not only Caesar himself, but other members of his family had also their circle of "friends," and their retinue of chosen "companions." (See for a full discussion of the question, Friedlaender, *Sittengeschichte*, i. 118 *sqq.*; Mommsen, *Hermes*, iv. 120 *sqq.*) The *comites* of post-Diocletian times no doubt differed widely in position from those of the second and third centuries; but the fact that high state officers bore this as their distinctive title significantly marked the complete identification of the service of the state with the personal service of Caesar.

The monarchical tendency shown in the elevation of Caesar's family, friends, and companions from a private to a public and quasi-official position, reappears in the similar promotion which awaited both his household servants and his subordinate agents. The household service of Caesar was, like that of private persons, limited at first to slaves and freedmen. But even under the early emperors, and especially under Claudius, some at least of the household offices rose, as regards the extent and importance of the duties connected with them, to the level of the highest magistracies of state (*e.g.* the *liberti a rationibus*, *a libellis*, *ab epistulis:* see Friedl. *Sittengesch.* i. 160; Hirschfeld, *Verwalt.-gesch.* 30). In the second century the freedmen are replaced in the principal of these *ministeria principatus* by free-born Roman knights [PROCURATOR]; while among those which still continued to be filled by "liberti," one at least, the post of chamberlain, acquired an importance, savouring strongly of Eastern monarchies; and which grew, as Oriental fashions gained a greater hold, till it reached its highest point in the "praepositus sacri cubiculi" of the later Empire [PRAEPOSITUS]. (Friedl. i. 99 *sqq.*) But no change did so much at once to consolidate Caesar's power, and to invest his rule with a genuinely monarchical character, as the gradual organisation and diffusion throughout the Empire of a strictly imperial service, distinct from that of the state, and which finally ousted the latter from all but an insignificant share in the administration of the Empire. The history of the growth of this new official hierarchy has been traced elsewhere. (PROCURATOR: see also Hirschfeld, *Verwalt.-gesch.* passim, esp. pp. 240 *sqq.*; Liebenam, *Die Laufbahn d. Procuraturen*, Jena, 1886.) But the fact must be noted here that by the close of the second century we find spread over Rome, Italy, and the provinces an army of officials, who are in the strictest sense the servants only of Caesar. From this service senators were excluded; its members, except in the lowest ranks, were "equites Romani." There was a regular system of promotion upwards from the less important *procurationes* to the procuratorship *a rationibus*, and finally to the coveted prefectures of Egypt or the praetorian guard; and throughout promotion came from Caesar alone. This theoretically private service constituted the really effective part of the machinery of government. It attracted the ablest men; and even emperors, as for instance Pertinax, rose from its ranks (*Vit. Pertin.* 1, 2).

It only remains to notice how even the outward attributes and accessories of monarchy were gradually assumed. The designation of the early emperors adhered tolerably closely to republican usage, except that the gentile nomen was dropped by Augustus, Tiberius, and Gaius. But from the Flavian emperors onwards the case was otherwise. On the one hand the personal majesty of Caesar was magnified by the gradual multiplication of high-sounding cognomina; and on the other there was an evident attempt to disguise the real nature of the principate and to give it the appearance of a permanent office, handed on in legitimate succession from one holder to another, partly by the conversion of originally proper names into official titles (*e.g.* Caesar, Pius), partly by the recitation of a fictitious descent through several generations. Under the Flavian emperors "Imperator Caesar" took the first place, and the only official cognomen was that of Augustus. Trajan set the precedent of assuming cognomina commemorative of his victories; "Pius," originally the proper cognomen of Antoninus, was subsequently adopted as part of the permanent titulature. "Felix" was added by Commodus. "Invictus" first appears under Septimius Severus. By the middle of the third century the regular form was "Imperator Caesar—Pius Felix Invictus Augustus." "Semper Augustus" is found on an inscription of Claudius Gothicus, and towards the close of the third century "dominus noster" frequently preceded "Imperator Caesar;" while the addition of complimentary epithets, such as "pacificator orbis," "restitutor orbis," &c., became more common. The recitation of descent from preceding emperors began with Trajan, the adopted son of Nerva, and had a basis in the fact of adoption, in the case of the Antonine Emperors. It was continued as a useful fiction by Septimius Severus and Caracalla. [With the simple "Imperator Caesar divi filius Augustus," compare the lengthy titles of Caracalla (Wilmanns, 994): "Imp. Caesar (M. Aurelius Severus Antoninus) pius felix Augustus Parthicus maximus, Britannicus maximus, Germanicus maximus . . . divi Septimi Severi . . . filius divi M. Antonini nepos divi Antonini Pii pronepos divi Hadriani abnepos divi Trajani et divi Nervae adnepos dominus noster invictissimus Augustus."] In the list of *honores* the only change of importance was the significant insertion, dating from Septimius Severus, of the title "proconsul," which occurs occasionally in inscriptions of Trajan, Hadrian, and Marcus Aurelius (Mommsen, *Staatsr.* ii. 736, notes): Diocletian first used it on coins: it emphasised the extraordinary character of Caesar's imperium as distinct from that of the regular magistrates, and, as used in Italy, implied that this imperium was paramount there, as in the provinces.

The language used in addressing the emperor, or in speaking of him, departed even more rapidly and widely from republican practice. The use of the term "dominus" as a mode of address, against which Augustus and Tiberius protested, was rapidly becoming common in the time of the younger Pliny. It first found its way into official documents under Severus, and its use was definitely sanctioned by Aurelian (Mommsen, *Staatsr.* ii. 721, 722). By Greek writers and on Greek inscriptions the emperor is not unfrequently styled *βασιλεύς*, as early as the commencement of the second century. The Graeco-Oriental training of Ulpian and a century later of the Scriptores Hist. Augustae introduced such epithets as "regia," "regale" (imperium) into Latin literature (Mommsen, *ib.* 724, note 3). The influence of Caesar-worship is seen in the phraseology even of the time of the Antonines. Trajan is described as "sacratissimus princeps" (Wilm. 693). Rescripts of Antoninus Pius are "caelestes literae" (Wilm. 693). Somewhat later we find "indulgentia sacra" (cf. Severus Alexander, *C. I. L.* v. 1837), "auctoritas sacra" (Wilm. 100, A.D. 244), "appellationes sacrae" (Wilm. 1220, A.D. 253). But not until the time of Aurelian was the emperor directly and officially styled "deus" ("deus et dominus" on coins: Eckhel, vii. 482; Mommsen, *Staatsr.* ii. 720, and note).

Even in the ceremonial and general arrangements of the court the emperors at least of the third century approached very nearly to the semi-Oriental state of the age of Constantine. While the households of the earlier emperors differed from those of great Roman nobles mainly by their greater numbers and magnificence, and the best emperors at any rate eschewed the elaborate ceremonial with which Eastern monarchs fenced round their persons, the courts of Caracalla, of Elagabalus, and even of Severus Alexander are genuinely Oriental in character. We have already the host of court officials, chamberlains, cup-bearers, keepers of the imperial robes, &c., the jealously guarded royal chamber, with its hanging curtains and attendant guards, and even the prostration of the subject before his royal master. (Elagabalus suffered himself "adorari regum more Persarum," *Vit. Sev. Alex.* 18. It is mentioned as a proof of Severus Alexander's moderation that he allowed himself to be saluted "quasi unus e senatoribus *patente velo admissionalibus remotis*," *ib.* 4. He also limited the extravagance of the imperial establishment, *ib.* 41: cf. generally Friedlaender, i. chap. 11, and the Appendix, pp. 177 ff.)

The dress and insignia of the emperors of the first two centuries are all of republican origin, and only became distinctive in so far as the emperor was exempted in the use of them from the restrictions which bound the regular magistrate, or as their use was reserved for him alone. The consular chair and lictors were granted to Augustus in B.C. 23. The right to wear the ordinary magisterial toga was probably conferred at the same time, and down to the close of the second century this was the regular dress of the emperor when in Rome or Italy. (*Vit. Hadr.* 22. In this point, as in others, Severus Alexander returned to the practice of earlier times: *Vit. Sev. Alex.* 40.) On the other hand, the triumphal robes which Augustus was authorised to wear in Rome on special occasions (Dio Cass. liii. 26) became, with the right of celebrating a triumph, the monopoly of Caesar, and were commonly worn by later emperors at public festivals and games in the capital. Domitian wore them in the senate (Dio Cass. lxvii. 4). The purple *paludamentum* belonged from the first to Caesar, in virtue of his exclusive and supreme military authority; and this "imperial purple" was in the first century distinctive of the emperor. In the third century it was frequently worn, even in Rome and Italy, and its assumption was the recognised symbol of accession to the principate (Herodian, ii. 8; Eutrop. 9, 26; Mommsen, *Staatsr.* i. 349). The laurel wreath, of the *vir triumphalis*, was possibly from the first reserved, like the triumphal robe, for Caesar alone; and only he had the right to wear in Rome and Italy the sword and dagger of military authority. But not until the close of the third century did the Roman Caesar openly copy in his dress the fashions of Eastern monarchs. The *corona radiata*, occasionally found at an earlier period, regularly appears on coins after the time of Aemilianus (A.D. 249). The more distinctively Oriental diadem was, according to Victor (*Epit.* 35), first worn by Aurelian [DIADEMA]. Mommsen, however, *Staatsr.* i. 345, rejects the statement: Caligula, the Elagabalus of the first century, is credited with a premature attempt to introduce both the *corona radiata* and the diadem (Suet. *Cal.* 22). Gallienus anticipated the Eastern splendour of the Byzantine emperors, by appearing in Rome with a barbaric display of gold and precious stones (*Vit. Gall.* 16, "gemmatis fibulis aureisque, tunicam auratam, caligas gemmeas"), and much the same is said of Aurelian (Victor, *Epit.* 35). By Eutropius, however (ix. 26), the introduction of these unrepublican and un-Roman novelties is ascribed to Diocletian: "Ornamenta gemmarum vestibus, calceamentique indidit, nam prius imperii insigne in chlamyde purpurea tantum erat." [H. P.]

PRINCEPS JUVENTU'TIS. [EQUITES.]

PRINCEPS SENATUS. [SENATUS.]

PRINCIPA'LIS PORTA. [CASTRA, Vol. I. p. 372.]

PRI'NCIPES. [EXERCITUS, Vol. I. p. 784.]

PRINCI'PIA. [EXERCITUS, Vol. I. p. 784.]

PRIVILE'GIUM. [LEX, Vol. II. p. 33 *a*.]

PROAGOGEIAS GRAPHE (*προαγωγείας γραφή*), a prosecution against those persons who performed the degrading office of pimps or procurers (*προαγωγοί*: cf. Plat. *Theaet.* p. 150 A). By the law in Aeschin. *c. Tim.* the heaviest punishment (*τὰ μέγιστα ἐπιτίμια*, § 14), viz. death (§ 184), was inflicted on such a person (*ἐάν τις ἐλεύθερον παῖδ' ἢ γυναῖκα προαγωγεύῃ*). According to Plutarch (*Sol.* 23), Solon imposed a penalty of twenty drachmas for the same offence. To reconcile this statement with that of Aeschines, Platner (*Proc. u. Klag.* ii. p. 216) supposed that the law mentioned by Plutarch applied only to prostitutes. This is very unlikely; more probably the punishment was at a later period made more severe, as in the *δίκη βιαίων* (Plut. *Sol.* 25, a hundred drachmas; but Lys. *de caed. Erat.* § 32, *διπλῆν τὴν βλάβην ὀφείλειν*: cf. Dem. *c. Mid.* p. 528, § 44). A prosecution of Patrocles *ἐπὶ προαγωγείᾳ* by Hyperides is mentioned in Pollux, viii. 27; cf. Hyp. ed. Blass,^{2}

fr. 141–8. The charge brought against Aspasia by Hermippus in his prosecution for *ἀσέβεια*, of getting freeborn women into her house for the use of Pericles, was *προαγωγεία* (Plut. *Per.* 32: cf. Aristoph. *Acharn.* 527), and probably also that against Euthymachus, who was put to death for taking an Olynthian girl to a brothel (Din. *c. Dem.* § 23). (*Att. Process*, ed. Lipsius, p. 410 f.) For the low state of morality amongst the Byzantines, cf. Aelian, *V. H.* iii. 14, and Athenaeus, x. p. 442 c. [C. R. K.] [H. H.]

PRO'BOLE (*προβολή*), an accusation of a criminal nature, preferred before the people of Athens in assembly, with a view to obtaining their sanction for bringing the charge before a judicial tribunal. It may be compared in this one respect (viz. that it was a preliminary step to a more formal trial) with our application for a criminal information; though, in regard to the object and mode of proceeding, there is not much resemblance. The *προβολὴ* was reserved for those cases where the public had sustained an injury, or where, from the station, power or influence of the delinquent, the prosecutor might deem it hazardous to proceed in the ordinary way, without being authorised by a vote of the sovereign assembly. In this point it differed from the *εἰσαγγελία*, that in the latter the people were called upon either to pronounce final judgment or to direct some peculiar method of trial; whereas in the *προβολή*, after the judgment of the assembly, the parties proceeded to the trial in the usual manner. The court before whom they appeared, however influenced they might be by the *praejudicium* of the people, were under no legal compulsion to abide by their decision; for the view of Libanius (*argum.* Dem. *c. Mid.* p. 509), whom Bake (*Schol. Hypomn.* iii. p. 43 ff.) and in a modified form Hermann (*Quaest. de prob.* p. 8 ff.) follow, viz. that the court merely fixed the penalty (*περὶ ὑποτιμήσεως*), is proved to be erroneous by passages like Dem. *c. Mid.* p. 546, § 97, p. 578, § 199, p. 580, § 204 ff., which speak of the possibility of an acquittal; and by p. 562, § 151, which distinguishes the two votes of the court (*καταψηφίζεσθαι* and *τιμᾶν*). The complainant was not bound to follow up the judgment of the popular assembly by proceeding to trial; this is evident from Aeschin. *c. Ctes.* § 52: on the other hand, it seems doubtful, though Platner is of a different opinion (*Proc. u. Klag.* i. p. 382), whether, if the people refused to give judgment in favour of the complainant, he might still proceed against his adversary by a *γραφὴ* or a private action, according to the nature of the case.

The cases to which the *προβολὴ* was applied were complaints against magistrates for official misconduct or other wrong-doings (Harpocr. *s. v.* *καταχειροτονία*; Bekk. *Anecd.* p. 268, 27 ff.); against those public informers and mischief-makers who were called *συκοφάνται* (Isocr. *de Permut.* § 314; Aeschin. *F. L.* § 145, and Schol. *ad l. c.*; Pollux, viii. 46), and against those who outraged public decency at certain religious festivals. This probably does not exhaust the list of cases in which the *προβολὴ* might be resorted to; however, the beginning of Pollux's (viii. 46) paragraph, *προβολὴ ἡ κλῆσις εἰς δίκην κατὰ τῶν κακόνως πρὸς τὸν δῆμον διακειμένων*, cannot be taken to mean that disaffection to the state was one of the cases, as the following words show, *προβολαὶ δὲ γίγνονται*, etc., and *Lex. Rhet. Cantabr.* p. 676, 24 f., *κατὰ τῶν τὰ δημόσια μέταλλα ὑπορυττόντων*, etc., refers to *φάσις* (Meier *ad l. c.*).

With respect to magistrates, Schömann (*de Comit.* p. 231 f.) thinks that the *προβολαὶ* could only be brought against them at those *ἐπιχειροτονίαι* which were held at the first *κυρία ἐκκλησία* in every prytany, when the people inquired into the conduct of magistrates, with a view to continuing them in office or deposing them, according to their deserts. An example of magistrates being so deposed occurs in [Dem.] *c. Theocr.* p. 1330, § 27 f. The people (says Schömann) could not proceed to the *ἐπιχειροτονία* except on the complaint (*προβολὴ*) of some individual; the deposed magistrate was afterwards brought to trial, if the accuser thought proper to prosecute the matter further. Platner (*l. c.* p. 385) objects to limiting the *προβολὴ* against magistrates to these particular occasions. It seems more probable, however, that this kind of *προβολὴ* against magistrates never existed at all, there being no need for it by the side of the *ἐπιχειροτονίαι*, and the grammarians who mention it in all probability use the term inaccurately.

An example of a *προβολὴ* against sycophants is that which the people, discovering too late their error in putting to death the generals who gained the battle of Arginusae, directed to be brought against their accusers (Xen. *Hell.* i. 7, § 34; cf. Fränkel, *Att. Geschworenger.* p. 88). Another occurs in Lys. *c. Agor.* § 65, where the words *καὶ ἐν τῷ δήμῳ καὶ ἐν τῷ δικαστηρίῳ συκοφαντίας αὐτοῦ κατέγνωτε* describe the course of proceeding in this method of prosecution.

But the *προβολὴ* which has become most celebrated, owing to the speech of Demosthenes against Meidias, is that which was brought against persons who had been guilty at certain festivals of such an offence as would fall within the description of *ἀδικεῖν περὶ τὴν ἑορτήν* (p. 514, § 1, less technically *ἀσεβεῖν*, p. 578, § 199; p. 587, § 227; and Schol. Aeschin. *F. L.* § 145: cf. the instances in Dem. *c. Mid.* p. 571, § 175 ff.: p. 584, § 218). The *προβολαὶ* were enjoined against such persons by special laws: thus the *νόμος περὶ τῶν Διονυσίων* was not yet in force at the time when Alcibiades acted as choregus (p. 562, § 147), and the same enactment was later on extended to the Mysteries (p. 571, § 175), and probably to other festivals. (Pollux says in general, *περὶ τῶν ἐξυβρισάντων ἢ ἀσεβησάντων περὶ τὰς ἑορτάς*.) The law inserted in p. 517, § 10, which Foucart (*Sur l'Authenticité de la Loi d'Evegoras*, *Revue de Philol.* 1877) defends as genuine against Westermann's (*de litis instrum. quae extant in Dem. or. in Mid.*) criticisms, enumerates *τὰ Διονύσια ἐν Πειραιεῖ, τὰ Λήναια, τὰ Διονύσια ἐν ἄστει* and *τὰ Θαργήλια*, thus omitting the Anthesteria from, and mixing up the Thargelia with, the *νόμος περὶ τῶν Διονυσίων* (cf. Philippi, *Adnot. ad leg. form. quae in Dem. Mid. extant*). A riot or disturbance during the ceremony, an assault, or other gross insult or outrage, committed upon any of the performers or spectators of the games, whether citizen or foreigner, and even upon a slave, much more upon a magistrate or officer engaged in superintending the performance; an attempt to imprison by legal process, and even a levying of execution upon the goods of a debtor, during the continuance of the festival, was held to be a profanation of its sanctity, and to subject the offender to the penalties of these statutes.

The complaint was made (*προβάλλεσθαί τινα*), probably in writing, to the Proedri, who had to bring forward the charge as soon as possible at an assembly of the people (that of misbehaviour at the Dionysia, at an assembly held in the theatre of Dionysus, *μετὰ τὰ Πάνδια*, Dem. *c. Mid.* p. 517, § 9; *C. I. A.* ii. No. 554 b; *τῇ ὑστεραίᾳ τῶν Πανδίων*, *lex* in Dem. *l. c.* § 8; cf. also Aeschin. *F L.* § 61), those cases excepted for which the senate was empowered to impose a fine (*ὅσαι ἂν μὴ ἐκτετισμέναι ὦσιν*, *lex l. c.*). Both parties were heard (Dem. *c. Mid.* p. 580, § 206), and then the people proceeded to vote by show of hands. Those who voted in favour of the prosecution were said *καταχειροτονεῖν*: those who were against it *ἀποχειροτονεῖν*. The people having given their sentence for the prosecution, the complainant might either drop the prosecution, if content with having gained his point before the popular assembly, or bring the case into the court of Heliaea. In certain cases of a serious nature the defendant might be required to give bail for his appearance, or (in default thereof) go to prison (Xen. *Hell.* i. 7, 34). The persons on whom the *ἡγεμονία δικαστηρίου* devolved were, according to Pollux (viii. 87), the Thesmothetae: that this information is correct is evident from Dem. *c. Mid.* p. 524, § 32 (*τῶν θεσμοθετῶν τούτων*). The dicasts had to pronounce their verdict on the guilt of the party, and, after this, probably the complainant proposed a penalty (death or a fine), which they had to assess. The trial, it seems, was attended with no risk to the prosecutor, who was considered to proceed under the authority of the popular decree. (*Att. Process*, ed. Lipsius, pp. 335–344; p. 229, n. 81.) [C. R. K.] [H. H.]

PROBOULEUMA (*προβούλευμα*). [Boule, Vol. I. p. 311 *b*.]

PROBOULI (*πρόβουλοι*), a name applicable to any persons who are appointed to consult or take measures for the benefit of the people. Thus, the delegates who were sent by the twelve Ionian cities to attend the Panionian council, and deliberate on the affairs of the confederacy, were called *πρόβουλοι* (Herod. vi. 7). So were the deputies sent by the several Greek states to attend the congress at the Isthmus, on the occasion of the second Persian invasion (Herod. vii. 172); and also the envoys whom the Greeks agreed to send annually to Plataea (Plut. *Arist.* 21). The word is also used to denote an oligarchical body, which in oligarchies performed the functions discharged by the *βουλή* in democracies, being a sort of committee for initiating measures. Where it co-existed with the *βουλή*, it was established as a check upon it to prevent more democratic tendencies. (Arist. *Pol.* vi. 15, 11 = p. 1299; vii. 8, 17 = p. 1322.) Such was the government at Corinth after the fall of the Cypselids (Müller, *Fr. Hist. Gr.* iii. 394). A body of men called *πρόβουλοι* were appointed at Athens, after the end of the Sicilian war, to act as a committee of public safety (Thuc. viii. 1; Aristoph. *Lysist.* 467; Lys. *c. Erat.* § 65). Thucydides calls them *ἀρχήν τινα πρεσβυτέρων ἀνδρῶν, οἵτινες περὶ τῶν παρόντων ὡς ἂν καιρὸς ᾖ προβουλεύσουσι*. They were ten in number (Suidas, *s. v.* *Πρόβουλοι*). Whether their appointment arose out of any concerted plan for overturning the constitution, is doubtful. The ostensible object at least was different; and the measures which they took for defending their country and prosecuting the war appear to have been prudent and vigorous; it is clear, however, from the words of Lysias, that their appointment was regarded by him as tending to oligarchy. Their authority did not last much longer than a year; for a year and a half afterwards Pisander and his colleagues established the council of Four Hundred, by which the democracy was overthrown. (Thucyd. viii. 67; Wachsmuth, vol. i. pt. 2, p. 197.) There is no sufficient ground for the conjecture that the *ξυγγραφῆς αὐτοκράτορες* were the same persons as the *πρόβουλοι*. (See Grote, *Hist. of Greece*, viii. 46; Gilbert, *Staatsalt.* ii. 90, 315.) [C. R. K.] [G. E. M.]

PROCHEIROTO'NIA (*προχειροτονία*). [Boule, Vol. I. p. 312.]

PRO'CHOUS (*πρόχους*). [Urceus.]

PROCLE'SIS (*πρόκλησις*). [Diaetetae, Vol. I. p. 622.]

PROCONSUL. The office of proconsul was one resting on the theory of delegated authority. Delegation of the powers exercised by the supreme magistracy of Rome, for certain specific purposes, was a theory always recognised by the Roman commonwealth; although, after the supreme magistracy had been limited, such delegation was not permitted within Rome itself, the *imperium domi* being always vested in a duly elected magistrate. Without the walls, however, this principle did not extend, and consequently, for purposes of administration outside Rome itself, the full consular imperium, on the condition that it did not extend to administrative duties within the city, might for a temporary purpose be conferred on an individual, who was then said to act in the consul's stead (*pro consule*). But, although the theory of the proconsulate was one of delegated authority, in practice this delegation usually assumed the form of a prolongation of existing command (*prorogatio*). Such a prolongation was really a dispensation from the existing term of office recognised by the constitution; and, although such a dispensation was not permitted within the city walls, outside the walls the consul's imperium might, for some purpose, be regarded as indefinitely prolonged: and the proconsulate was, as a rule, such an indefinite prolongation of a pre-existing consular imperium (*prorogare imperium*), recognised by the powers of the state, and extended, as regards its exercise, to the world outside the Roman *pomerium* (Mommsen, *Hist. Rome*, i. pp. 261, 326). It is true that the earliest instance of a magistrate with the title *pro consule* shows us, not a prolongation, but a direct delegation of office by its possessor. It is applied by Livy (iii. 4) to the commander of the reserve of the Roman army as early as the year 464 B.C.; and Dionysius (ix. 12), who calls this magistrate *ἀντιστρατηγός*, says that the appointment was in the hands of the consuls for the year (viii. 64). This is probable enough, but Niebuhr (*Hist. Rome*, ii. p. 123) supposes that the title *pro consule* as applied to this office is an anachronism, and that the real proconsulate did not commence until many years later. The first instance of the proconsulate as a delegation of the full consular powers outside Rome that we meet with was effected by the prolongation of the consular imperium. In 327 B.C. at the commencement of the second Samnite war the consul Q. Publilius Philo had his imperium prolonged, in order that he might continue the conduct of the war, after he had ended his usual term of office (Liv. viii. 23, 12). As a mere recognition of imperium existing in his person, the office was not conferred by the usual elective comitia, but by the really sovereign body, the *comitia tributa plebis* (loosely called *populus* by Livy), on the motion of the tribunes, who themselves acted on the advice of the senate. This was the usual constitutional procedure, originally observed in the *prorogatio:* but in the very next instance of the proconsular command that we meet with, that of the consul L. Fabius Maximus in 308 B.C. (Liv. ix. 42, 2), the senate alone is mentioned as giving its sanction to the *prorogatio*, without a plebiscitum: and Mommsen regards this as having been the constitutional practice from this time forward (*Hist. Rome*, i. p. 326). Subsequently to this, however, when the proconsulate was conferred on L. Volumnius in 296 B.C., the plebiscitum and the senatusconsultum are both mentioned as having been employed for the purpose (Liv. x. 22). It is possible, therefore, that the proconsulate of 308 B.C. was the first in which the senate had definitely taken the initiative, and that the plebiscitum was passed so entirely as a matter of course, on the advice of the senate, that Livy regards the case as practically a prolongation by the senate alone. The senate was, no doubt, constitutionally the proper body for taking the initiative in this matter, as in all matters of foreign administration; but during the second Macedonian war (197 B.C.) we find a tribune interfering with the senate's provisions, insisting that a new consul should not be sent out, and getting the consul's imperium prolonged (Liv. xxxii. 28).

A proconsul thus appointed had only the military imperium, which was incapable of exercise, and therefore of recognition, within the city walls. But for a Roman commander to triumph he must be invested with the imperium domi: otherwise he has no legal status as a magistrate within the walls. For the consul to triumph, during his year of office, a simple decree of the senate was sufficient, recognising his full possession of the imperium with which he was already invested. But the proconsul had no imperium within the walls; consequently, for him to triumph, a special decree of the people was necessary, conferring the imperium on him for the occasion. The constitutional procedure in this case was for the senate, on recognising the proconsul's claim to a triumph, to ask the tribunes of the people to propose the matter to the concilium plebis, and get a plebiscitum sanctioning the arrangement (Liv. xxvi. 21): this was done *ex auctoritate senatus;* and sometimes the senate committed the duty of making the request of the tribune to one of the other magistrates, such as the praetor (Liv. xlv. 35).

Previous possession of the consular imperium, however, was not necessary to qualify a man for the exercise of proconsular powers. In theory it was a delegated authority; and although the system of *prorogatio* was usually adopted and had become the constitutional manner of creating a proconsul, it did not exclude the procedure of delegation. When this office was delegated to a person who did not possess the imperium at all, the procedure was one of election. Thus, in the first known case of the proconsulare imperium being vested in a person who had exercised no previous imperium, the proconsul was elected in the Comitia Centuriata, the regular comitia for consular elections. P. Cornelius Scipio was created proconsul in this way, in 211 B.C. (Liv. xxvi. 18); the case was altogether exceptional ("extraordinaria cura deligendum esse," Liv. *ib.*), constitutional precedent was set aside, and a definite election to the proconsulship was made by the populus. The extraordinary nature of the imperium so conferred was felt especially when a triumph was to be decreed to a proconsul elected in this manner, "quia neminem ad eam diem triumphasse, qui sine magistratu res gessisset, constabat" (Liv. xxviii. 38: cf. xxxi. 20). These difficulties were not, however, felt when the proconsulship was conferred on a magistrate who was not a consul, but had yet exercised the imperium as praetor, of which there are several instances; among them that of M. Marcellus in 216 B.C. (Liv. xxiii. 30) and Ti. Claudius in 177 B.C. (Liv. xli. 12). At a later period of the Republic we find a propraetor, in the exercise of provincial duties, invested with the title of Proconsul, because he governed a proconsular province, as in the case of Q. Metellus Celer, governor of Cisalpine Gaul in 62 B.C. (superscription to Cic. *ad Fam.* v. 1).

Proconsular appointments, such as those mentioned above, were originally created only for a temporary purpose, such as the necessity of prolonged command in war. But with the creation of the Roman provinces outside Italy the prolongation of proconsular command became a definite constitutional necessity. Special administrators (*praetores*) were appointed for the first four transmarine provinces of Rome: but no more were created for this purpose; and, when the number of provinces increased, their administration was divided between the four home offices, the two consuls and the two city praetors. But such a combination of home and foreign functions was impossible without a regular prolongation of their imperium for the purpose of foreign administration; and so, in the interval between the second Punic war and the reforms of Sulla, we find the proconsulship becoming an annual institution, created for the purpose of administering those provinces where the largest military forces were required, but with no definite legal rules to regulate it, either in defining the length of its tenure, or in establishing any complete separation between home and foreign commands. With the institution of the proconsulate as a regular magistracy, the right of the senate to confer it and to assign its functions became unquestioned, and the necessity for the plebiscitum originally required to sanction its creation had entirely disappeared. (For the arrangement of proconsular provinces and for proconsular administration within the provinces, see PROVINCIA.) But there had always been a formal sanction on the part of the whole people, required for the conferring of this kind of imperium, which still continued in force. This was the Lex Curiata, a law passed in the assembly of the curies: which was originally, as Cicero believed, in the nature of a vow of allegiance tendered to the "magistratus cum imperio," when entering on their office, as it had been tendered to the king (Cic. *de Rep.* ii. 13, 25); it was thus required by formal law as a recognition of the imperium vested in the proconsul, as well as in any of the other magistrates who possessed the imperium (Cic. *de Lege Agr.* ii. 11, 26; ii. 12, 30;—Mommsen, *Staatsrecht*, i. pp. 51, 54, 55, notes). It has been supposed from a passage in Cicero's letters (*ad Fam.* i. 9, 25) that the law of Sulla *de provinciis ordinandis* dispensed with the necessity of this law in the case of proconsular appointments confirmed by the senate. The proconsular provinces were always fixed by the senate previously to the election of the consuls who were to fill them by a Lex Sempronia (C. Gracchi) passed in 123 B.C. (Cic. *de Prov. Cons.* 2, 3). Sulla confirmed this enactment; and although he did dispense with the *necessity* of a Lex Curiata where the proconsular provinces were so conferred, he did not do away with its *constitutional advisability* ("legem curiatam consuli ferri opus esse, necesse non esse," Cic. *ad Fam.* i. 9, 25). As the formal popular recognition of the imperium, it still continued down to the end of the Republic; although its necessity seems to have been still further diminished by the senatusconsultum of 52 B.C. (Dio Cass. xl. 30 and 46), by which a proconsul was not assigned a province until five years after he had held office at Rome (Caes. *Bell. Civ.* 1, 6).

The proconsular imperium, since it was exercised without the walls, was unlimited by any of the restrictions—such as the right of appeal, the veto, and even the definite limit of time—that were imposed on it within Rome itself. Outside the walls it maintained all its original *regal* character (Cic. *de Rep.* i. 40, 63; *de Leg.* iii. 3, 6). It was necessarily limited in the proconsul's provincial administration by the definite rights of the *civitates* with which he came into contact (Cic. *ad Att.* v. 11, 2; Tac. *Ann.* ii. 53, 3). But in the field it was unlimited, and hence the extreme severity of the old martial law, from which there was no appeal (Cic. *de Leg.* iii. 3, 6). But between the time of the Second Punic War and the war with Jugurtha, a considerable mitigation of this martial law is known to have taken place; the right of appeal (*provocatio*) seems to have been extended to Roman citizens on service (Sall. *Jug.* 69): and it is not improbable that this limitation of the summary military jurisdiction of the proconsul was brought about by the direct extension of the law of C. Gracchus, "ne de capite civis Romani injussu populi judicetur," to Roman citizens on military service.

After the creation of the provinces, the duration of the proconsulate had been fixed generally at one year, for the purpose of provincial government: and so, although there was no definite regulation respecting it before the time of Sulla, the usual separation of command had been one year in Rome as consul, a second in the provinces as proconsul. Sulla (in 81 B.C.) defined this arrangement by law (Lex Cornelia de provinciis ordinandis), and so established a complete separation betweeen home and foreign commands. Another constitutional rule that had settled itself was that a provincial governor should retain his command until relieved by his successor; this was also recognised by Sulla's law, with the additional enactment that he should leave his province within thirty days after the arrival of his successor, and that he should retain his imperium until he re-entered Rome (Cic. *ad Fam.* xii. 4, 2; i. 9, 25). Really, however, at this time Italy itself was the boundary of a proconsul's exercise of his imperium, through the large extension of the Roman franchise. Pompey, coming from the East, disbanded his army as soon as he reached Italy, and Caesar's crossing the Rubicon with an armed force was practically a declaration of war.

The duration of proconsular government was, after Sulla, annual (Cic. *ad Fam.* ii. 7, 4); this rule continued until the time of Caesar, who fixed the tenure of consular provinces at two years (Cic. *Phil.* i. 8, 19; B.C. 46). Augustus restored the original limit of one year (Tac. *Ann.* iii. 58), and this rule remained in force. The date at which the proconsul entered on his office during the Republic is uncertain: Caesar's second command in Gaul began on March 1st (Cic. *de Prov. Cons.* 15), and this may have been theoretically the proper date for a proconsul to go to his province, being regarded as the commencement of the official year. The date of the actual commencement of his official functions never really corresponded to this date; but depended partly on the time at which he quitted the consular office at home, which from the year 153 B.C. ended with Dec. 31st, partly on the time at which he chose to go out within the year after his consular office had expired (Cic. *ad Att.* v. 16, 4); for the previous governor had to retain the command, or delegate it to an officer within the province, until his successor arrived (Dig. 1, 16, 10; Cic. *ad Att.* vi. 6, 4). Before the year 51 B.C. the two consuls never went out to the provinces assigned them before their election, until ten months after their nominal tenure of them. For instance, in the ordinary course of things the proconsular command which commenced on March 1st, 49, would be assigned to the consul designate for 49 (elected in 50); he, however, could not actually *enter* on the province until his year of office as consul had come to an end, that is, until Jan. 48: his predecessor meanwhile holding the province until his arrival. Hence arose Caesar's dispute with the senate. After the senatusconsultum of 52 B.C. by which proconsular governorships were not filled up until five years after the consulship was held, a proconsul might be sent out at any time: Cicero's government of Cilicia began on July 31st (*ad Att.* v. 16, 2); and from this power of filling up proconsular governments at the earliest date at which they were legally vacant, Caesar would have had to resign his province before March 1st, 49, instead of before Jan. 1st, 48 B.C.: which he refused to do, appealing to the pre-existing constitutional custom (Caes. *Bell. Civ.* 1, 85; Cic. *de Prov.*

Cons. 15). Under the Empire the date varied from time to time, but there was a fixed date for the filling up of such commands. Under Tiberius this date was June 1st, under Claudius April 1st (Dio Cass. lvii. 14, 60, 11;—Mommsen, *Hist. Rom.* iv. p. 350; *Staatsrecht*, ii. p. 255).

With the Empire, and the new division of the provinces into senatorial and imperial that accompanied it [PROVINCIA], there came certain alterations in the mode of appointment and powers of the proconsul. The regulation as to the five years' interval between home and foreign commands, originating in 52 B.C., was enforced by Augustus (Dio Cass. liii. 14), but not strictly adhered to. Some consulares were set aside by the senate, others by the emperor (Tac. *Ann.* iii. 71; iii. 32), while the "jus liberorum" gave the preference to some over others (Dio Cass. liii. 13, 2). Proconsuls were now confined to the senatorial provinces, and the governors of these provinces had the title, even though they may only have been praetors (Dio Cass. liii. 13, 3). This title carried with it in one respect only a formal *proconsulare imperium*, because the provinces were non-military, but within the province they had *majus imperium* over everyone except the princeps. The two great senatorial provinces, Asia and Africa, were always given to consulares, and hence the title *proconsul consularis;* the other proconsuls were only *praetorii.* In Africa, as one of the corn-supplying provinces, the senatorial proconsul had a legion, sometimes two; but when real military power was to be conferred on him, the appointment, instead of being regulated as usual by allotment among the senior consulares, was thrown on the princeps (Tac. *Ann.* iii. 35, 74). Each senatorial proconsul had three *legati pro praetore*, nominally chosen by himself, but approved by the emperor (Dio Cass. liii. 14, 7); he had a salary from the treasury (*salarium proconsulare*, Tac. *Agr.* 43, 3), first given to provincial governors by Augustus; he was attended by lictors, and had the other insignia of his rank, but "did not wear the sword nor the military dress" (Dio Cass. liii. 13, 3), to show that his command was not a military one, and in deference to the full proconsular imperium vested in the emperor, although technically, as the possessor of the proconsular imperium, he was the colleague of the emperor.

Subordinate command is incompatible with the idea of the proconsular imperium. A praetor may have this imperium, in republican times, as in the cases quoted above, or in imperial times, if sent to govern one of the minor senatorial provinces; but never, in either case, when he goes as a subordinate to another official. For this reason the consulares who governed the imperial provinces were never called proconsuls, but *legati pro praetore*, because their command was not an independent one. The only exception to this rule is where, for a special purpose, a proconsul is granted imperium majus over other proconsular governors (Cic. *ad Att.* iv. 1, 7; Tac. *Ann.* ii. 43, 2). Hence, under the Empire, a commander gifted with proconsular imperium, together with full power to exercise it in a military capacity, was a colleague of the emperor (*collega imperii*), and the conferring of this honour was one of the most distinctive modes of nominating a successor to the principate. The proconsular imperium was the legitimised basis on which the emperor's position as commander of the military forces rested; but it was more or less legitimate according to the way in which it was assumed. As conferred by the senate, it was a strictly constitutional power: it was so conferred on Tiberius, and on his colleagues in the Empire, Germanicus and Drusus (Tac. *Ann.* ii. 43, 2; i. 14, 4), and Vitellius also dated his *dies imperii accepti* from the date at which the *soliti honores* were conferred on him by the senate (Henzen, *Act. Fr. Arv.* p. 64). As conferred by the legions, it was less legitimate. Vespasian, for instance, dated his *dies imperii* from the day of his salutation by the legions as Imperator (Suet. *Vesp.* 6), which was equivalent to a recognition of his right to this imperium. The proconsular imperium of the emperor was unique, in that it did not lapse from the fact of his presence within the walls (Dio Cass. liii. 17, 6; 32, 5). But this privilege did not extend to his colleagues: Germanicus, who had held it in Germany, had to have it conferred again before going to the East, because he had been within the city walls (Tac. *Ann.* ii. 43, 2; cf. i. 14, 4), and Drusus could not hold it while he was within the walls as consul designate (*Ann.* i. 14, 5). (Mommsen, *Römisches Staatsrecht*, ii.^{1} 90, 233, 238–246, 257; ii.^{2} 811 *sq.*; *Die Rechtsfrage zwischen Caesar und dem Senat.*) [A. H. G.]

PROCURA'TOR. The term *procurator* signifies agent, and is used to denote the transaction of agency of almost any description. It was applied chiefly to the managing agents of property at Rome, and is often used in a sense almost equivalent to *vilicus* or *calculator* (Senec. *Ep.* 14, 16); although the procurator had more freedom of action than the former, and more extended functions than the latter. While one entrusts a commission to a procurator, one gives direct commands to a bailiff, or *vilicus* (Cic. *de Orat.* i. 58, 249). It is used especially of the managers of the landed property of a *dominus* or owner, who transacts business with others, manages his slaves, and directs his agricultural operations through a procurator; such an agent had the management and control, subject to direction, of one or more estates (Plin. *Ep.* iii. 19, 2). They were generally freedmen, or even favoured slaves, and, if slaves, might be transferred to another party with the sale of the house or estate to which they were attached (Cic. *ad Att.* xiv. 16).

As a term denoting a legal personality, in the civil law of Rome, procurator is a parallel term to *cognitor;* and is almost equivalent to the modern attorney [ACTIO]. Like the cognitor, he was the person through whose agency a legal action, not primarily his own, might be undertaken; the appointment was simple, only depending on the expression of will on the part of the procurator so appointed. The presence of neither of the parties to the dispute was necessary to his taking up the case; and he was thus able of himself to represent the *persona* of an absent litigant, and to become an *actor* in the legal sense (Festus, s. v. *cognitor*).

The political sense of the word *procurator* originated with the Empire, and the personal government that it brought about. In that division of state administration which was managed by the princeps, he himself was the one supreme head; certain state functions he delegated to praefecti; most, however, were managed by the imperial agents, the *procuratores Caesaris*. They were in a strict sense the servants of the emperor, with no independent but only representative authority, appointed to perform the lesser administrative duties of the Empire (*ministeria principatus*, Tac. *Hist.* i. 58, 1). Like other parts of the emperor's household, they were originally slaves or freedmen, generally of the latter class, as is shown by Tacitus (*Ann.* iv. 6, 7), and especially by inscriptions. The holders of offices about the emperor's person, such as are described in the expressions *a libellis*, *a rationibus*, auditors and accountants, would be procurators. Pallas, for instance, one of the favourite freedmen of Claudius, was his *procurator a rationibus*. Gradually, however, as the administrative duties of the princeps extended, these posts came to be of more importance, and there came to be gradations of rank connected with them. The more responsible procuratorships were subsequently given, not to freedmen, but to equites: and this change, due in the first instance to the Emperor Vitellius (Tac. *Hist.* i. 58, 1), was more thoroughly carried out by the Emperor Hadrian (Hirschfeld, *Untersuch.* i. p. 32). The lower grades were held, without distinction, either by equites or freedmen (Dio Cass. lii. 25). The filling of the higher procuratorships gradually became one of the marks of a permanent equestrian career: so much so, that Tacitus expressly calls this office the *equestris nobilitas*. No senator, or man who had a senatorial career in view, could be a procurator; for, in the Roman world of the Empire, there were two distinct patents of nobility. The quaestorship, and certain lower offices that led to it, formed the road to senatorial nobility: a procuratorship in the emperor's household was the stepping stone to a prefecture, which was the crown of equestrian nobility. The original powers with which the procurator Caesaris was supposed to be invested are well defined in the words of Tiberius (Tac. *Ann.* iv. 15, 3), that "his procurator's rights only extended over his slaves and personal property." This reference is only to the emperor's private pecuniary agent in a senatorial province; but, as no real distinction can be drawn between the original legal relations of the fiscus and patrimonium respectively to the emperor, so the distinction between the emperor's private agent and one connected with his public concerns is a difference more of position and importance than of fact or law. It was found impossible, however, to confine the imperial agents to the limits of authority that Tiberius thus lays down. Disputes sprang up between them and the senatorial or other authorities, in the provinces; and it is given as an instance of Claudius's moderation that he requested all decisions to be confirmed that his procurator had awarded (Suet. *Claud.* 12). This points to the judicial authority that the procurators soon gained. As there was no convenient court of arbitration in the provinces that could decide on the rights of the procurator, he was, without being recognised as a proper court for the trial of private claims, empowered to settle disputes that might arise from the exercise of his financial duties (Cod. 1, 13, 1). His duties, as regards the emperor, were strictly limited and defined; he was altogether accountable to him for the use he makes of his finances or any portion of his property; he could not give, sell or transfer it, and his duties are defined as careful management of it (*diligenter gerere*) within the prescribed bounds (Dig. 1, 19, 2); but, while he keeps within these bounds, his acts have all the authority of those of the emperor himself (*ib.* 1, 19, 1).

There were several classes of procurators; most of them, however, being purely finance officers, may be classed under the head of *procuratores fisci*. The officer connected with the fiscus at Rome was originally a procurator, as well as the agent for collecting the Roman or Italian dues for the fiscus. A *procurator summarum* is found in an inscription of Nero's time (Henzen, 6525), who was a freedman; officials may also have been of this class, called *procuratores rationum summarum*, their position being that of keepers and auditors of the imperial accounts, although the latter title seems later to have had a restricted signification. They were originally, perhaps, the highest officers connected with the fiscus; later we find a praefectus of the fiscus, and, under Nerva, a *praetor fiscalis*. We find other names given to officials of this class who may be identified as procurators, such as *rationalis summae rei* (Cod. 3, 26, 7), *dispensator* or *dispensator summarum* (Suet. *Vesp.* 12; Henzen, 6396) and *vilicus summarum* (*C. I. L.* 5, n. 737). We find from a Greek inscription a procurator (*ἐπίτροπος*) appointed for the collection of Roman and Italian dues to the fiscus, such as the *vicesima hereditatium* (*C. I. G.* 2980).

It is difficult to determine the precise importance attaching to the various offices held by the procurators whose titles we know from inscriptions; and this is especially the case with the agents of the fiscus at Rome, the officers attached to it and their titles varying with each reconstruction of the imperial system of finance. It seems certain that from the time of Claudius the title *a rationibus* was reserved for the central director of the fiscus. After Hadrian it became regularly an equestrian post (Hirschfeld, *Untersuch.* i. p. 32), while the members of this central bureau, which was now completely organised, had a higher standing than their provincial colleagues. The title *procurator rationum summarum*, belonging to the second century A.D., undoubtedly denotes some high official connected with the fiscus. As it does not seem to be identical with the title *a rationibus*, it has been supposed to represent a subordinate director of the fiscus, perhaps established for the first time by Marcus Aurelius (Hirschfeld, *l.c.* p. 35). The title *rationalis*, which often in the earlier imperial times was used indiscriminately with *procurator*, and still had this wide sense in the third century A.D. (Dig. 1, 19, tit. "De officio procuratoris Caesaris vel rationalis"), seems at some period within this century to have supplanted the title *a rationibus* as the designation of the chief officer of the fiscus (Hirschfeld, *op. cit.* p. 37; Liebenam, *Beiträge zur Verwaltungsgesch.* p. 32).

Another class of procurators were confined to the imperial provinces alone; they were the finance officers in these provinces, like the quaestors in the senatorial provinces. They were connected, therefore, with the branch of the imperial treasury in the province (*fiscus provincialis*), and managed the collection of taxes due to it as well as their disbursement. There was another treasury connected with the military station in such a province (*fiscus castrensis*), with a corresponding agent (*procurator castrensis*), who superintended the payments made to the soldiers in the district (Strabo, iii. p. 167) and military expenses in general: the title *a copiis militaribus* is found in inscriptions (Orelli, 2922, 3505): and an agent of the mint (*procurator monetae*) is found, in connexion apparently with the provincial fiscus (*C. I. L.* 2, n. 4206). Other provincial procurators are found for the collection of the imperial dues that were imposed on all the provinces alike. The vectigalia with which the provincial fiscus was supplied were collected by various means; some, such as the portoria, were in the hands of the publicani, others were directly collected: and amongst these were certain perquisites which belonged exclusively to the imperial exchequer, whether they were collected in an imperial or a senatorial province: such were lapsed legacies (*bona caduca*) and the property of condemned persons (*bona damnatorum*): others were the *vicesimae manumissionum* and *hereditatium*, after the latter had been extended to the provinces, and the *centesima rerum venalium*. These dues were all collected by the imperial procurators, and accordingly we find in inscriptions such titles as *procurator a caducis* (*C. I. L.* 3, n. 1622), and other procurators connected each with the collection of a separate kind of imperial revenue. Agents of this kind were by the nature of their functions not confined to the imperial provinces: and we find, in senatorial provinces, frequent evidence of dues that fell to the emperor, and of the presence of his agents as their collectors (Tac. *Ann.* ii. 47, 3; iv. 15, 3). These imperial revenues, that extended over the provinces generally, may be divided into three classes. Firstly, there were the dues mentioned above, the *bona caduca* and the like, that fell of right to the fiscus. Secondly, there were dues that went directly to pay for certain responsibilities (*curae*) undertaken by the emperor for Rome and all the provinces,—such was the *annona* or corn-supply for Rome; the supervision of this duty was at Rome delegated to a praefectus of the emperor: and, consequently, in the provinces, the business connected with its supply must have been in the hands of an imperial agent or procurator. Again, the military defences, and the expenses consequent on them, the cost of the transport of troops and the like, fell entirely on the imperial exchequer: and the revenues necessary for the defraying of such expenses were managed by procurators in the provinces, whether senatorial or imperial, that were directly benefited by such administration. Lastly, among the imperial dues that affected all the provinces alike, comes the *patrimonium* of the emperor. The mention of a *procurator patrimonii* or *patrimonii privati* is found in inscriptions (Orelli, 3180). They would have the management of the vast imperial estates in the provinces; and together with the *procurator patrimonii* we find a *procurator rerum privatarum* of the emperor. At first sight they appear identical, and originally they were so. The institution of the twofold procuratorship does not arise until the time of the Emperor Severus (Marquardt, *Staatsverw.* ii. p. 311). There had, in all probability, always been a distinction between the *res privatae* and the *patrimonium*; the former consisting mainly of legacies that had been left to the emperor. Hence the duties of the imperial procurators as regards inheritances (Dig. 1, 19, 2; Orelli, 2921, "servus exactor haereditatum legatorum peculiorum"); but in the early Empire this distinction between *res privatae* and *patrimonium* was not recognised by any formal division of the office of procurator, and in inscriptions (Orelli, 3180) the two are found combined. There were several other unimportant posts recorded in inscriptions as being held by procurators, such as the posts of librarians, managers of spectacles and stores, of daily household expenses, and the like.

Besides the numerous procuratores fisci there was another class of procurators connected with the imperial administration of the provinces. These were the *procuratores Caesaris pro legato*, who were governors of outlying and comparatively unimportant districts, that were classed with the imperial provinces. Such a district was Cappadocia in the reign of Tiberius (Tac. *Ann.* ii. 56; Dio Cass. lvii. 17, 7), which was at first put under the government of an eques as procurator; and Judaea, which was similarly under the government of Pontius Pilate, its procurator pro legato. These procurators were more or less under the control of the nearest imperial legate (*legatus pro praetore*); Judaea, for instance, was attached to the larger province of Syria, and Pilate was deposed from office by Vitellius the governor of Syria (Jos. *Antiq. Jud.* xviii. 4, 2).

Other provinces that are known to have been placed at various times under imperial procurators are the Alps, Raetia, Noricum, Thrace, and Mauretania (Liebenam, *l. c.* p. 26).

The imperial procurators were continued in office for terms of indefinite length; and had fixed salaries from the treasury (Dio Cass. liii. 23, 1). The words *trecenarius*, *ducenarius*, and *centenarius* denote the value of these posts, according as the salary varied from one hundred to three hundred sestertia (Orelli, 946; Suet. *Claud.* 24). The salaries of the civil procurators at Rome were probably higher than those of the same grade in the provinces. Thus the *procuratio rationis privatae* was probably in Rome a *trecenaria*; in the provinces a *ducenaria*: in Italy, where it would be merely a branch-office from Rome, a *centenaria procuratio* (Liebenam, *l. c.* p. 55). The grades of rank through which the various procurators passed, their position in the imperial organisation, and the status of the individuals chosen for these offices, cannot be expressed with any certainty. The scale of rank was often broken through by sudden and extraordinary promotions, which were made through the favour of the princeps or the personal fitness of the individual promoted. Thus we find in one instance a procurator *a memoria* promoted to a praefecture

(*Script. Aug. Nigr.* 7). A more regular promotion is that of Ti. Cl. Bibianus Tertullus, who rose from the procuratorship *ab epistulis Graecis* to that *a rationibus*, and was from this second post promoted to the *praefectura vigilum* (*C. I. G.* iii. 6574); or that of Sex. Var. Marcellus, who rose through the successive grades of *procurator aquarum* and *procurator Britanniae* to the post of *procurator a rationibus*, and was then promoted to be *vice-praefectus praetorio* (Orelli, 946). The political influence of the procurators at various periods of the Empire, and the classes from which they were chosen, changed with the changing conditions of imperial government. The Empire began by being a strictly personal rule marked by undivided responsibility on the part of the *princeps*. At this time the procurators were naturally freedmen, acting as mere servants of the central head of the Roman state; and even after the change initiated by Vitellius, a return to this principle of selection might be made, as it was by the Emperor Domitian (Suet. *Dom.* 7). But with the development of the Empire, the political organisation itself began to replace in part the personal responsibility of the princeps; and we get the order of the equestrian aristocracy filling these posts. The definite political routine lessened the personal influence of these agents, which had been very great under a weak prince like Claudius, in the half-organised earlier Empire. In the later period of the Empire we find a new influence arising—that, namely, of the emperor's personal household. In the fourth and fifth centuries freedmen of the household, such as the chamberlain (*cubicularius*), had the power which in the time of Claudius was possessed by the freedmen filling the great fiscal offices (Friedländer, *Sittengesch.* i. p. 67).

(Mommsen, *Staatsrecht*, ii.^{2} pp. 836 ff., 934; Marquardt, *Staatsverwaltung*, v. p. 296 ff.; Hirschfeld, *Untersuchungen auf dem Gebiete der römischen Verwaltungsgeschichte*, i. p. 30 ff.; Liebenam, *Beiträge zur Verwaltungsgeschichte des römischen Kaiserreichs*, i. p. 52 ff.; Friedländer, *Sittengeschichte*, i. p. 59 ff.) [A. H. G.]

PRODI'GIUM in its original meaning differs little from *ostentum*, *monstrum*, *portentum*. "Quia enim ostendunt, portendunt, monstrant, praedicunt, ostenta, portenta, monstra, prodigia dicuntur" (Cic. *de Div.* i. 42, 93). [It should be observed, however, that *prodigium* cannot be derived from *praedico*.] In its widest acceptation the word denotes any sign by which the gods indicated to men a future event, whether good or evil, and thus includes omens and auguries of every description (Verg. *Aen.* v. 638; Servius *ad loc.*; Cic. *in Verr.* iv. 49, 107). It is, however, generally employed in a more restricted sense to signify some strange incident which was supposed to herald the approach of misfortune, under such circumstances as to announce calamities impending over the nation rather than over private persons.

Hence the distinction of "prodigium quod in privato loco," or "quod in peregrino factum est" (Liv. xliii. 13): the rites and offerings which would in his judgment afford a *procuratio privati portenti* depended upon the owner of the house where it occurred (Liv. v. 15); so, too, as regards the Roman senate a prodigy in a colonia would be looked upon as *in peregrino loco*, and left to the magistrates of the town where it occurred. A common instance of private procuration was when anything in private property was struck by lightning [see BIDENTAL].

Such prodigies were viewed as manifestations of the wrath of heaven and warnings of coming vengeance; it was believed that the wrath might be appeased and the vengeance averted by the proper rites and sacrifices. Although it was impossible to provide for every contingency, rules for expiation applicable to most cases were laid down in the sacred books of the Etruscans (Cic. *de Div.* i. 33, 72); and when the prodigy was of an unprecedented character, recourse might be had not only to the haruspices, but to the Sibylline books or even the Delphic oracle [HARUSPICES; SIBYLLINI LIBRI]. When the senate received information of a prodigy happening *in publico loco*, the first process was either themselves to examine witnesses (Liv. xxii. 1), or to commit the examination and decision to the pontifices (Liv. i. 20). If the fact was proved, and also judged important to the state, then they were said *suscipere procurationem*: when the wrath of heaven was clearly connected with some known crime, the first necessity was atonement by punishing the criminal (cf. Liv. ii. 42; Dionys. ix. 40): the next point was to settle what deities were pointed out by the prodigy as needing appeasement: *e.g.* when the spears of Mars are shaken in the sacrarium regiae, then sacrifices of *hostiae majores* to Jupiter and Mars are indicated (Gell. iv. 6)—where no god was specially pointed to, there was a sacrifice in general terms, "deo aut deae" (Gell. ii. 28): finally, when the offended deity was, if possible, ascertained, it remained to determine what claim (*postilio*) for atonement he made. (See Cic. *de Harusp. Resp.* 10, 20; 14, 31; Varro, *L. L.* v. 148; Arnob. iv. 31, who instances *postiliones* for neglect, perhaps accidental, of duties and ceremonies.) An edict then declared how the expiation should be made, by *hostiae majores* or *novendiale sacrum* or *obsecratio*; and the matter was entrusted to the consuls. Marquardt gives abundant instances of these cases (*Staatsverw.* iii. p. 260), but he gathers from Philarg. *ad Verg. Georg.* ii. 162, that the carrying out of the atonement was sometimes committed to the Pontifices instead of the consuls. When in doubtful and difficult cases, as mentioned above, the haruspices or the Sibylline books were consulted, it usually followed that a greater solemnity, a SUPPLICATIO or a jejunium, was ordered (Liv. xxxvi. 37). (Müller, *Die Etrusker*, ii. 191; Hartung, *Die Religion der Römer*, i. 96; Bouché-Leclercq, *Hist. de la Divination*, p. 181; Marquardt, *Staatsverw.* iii.^{2} pp. 259–264.) [W. R.] [G. E. M.]

PRO'DOMUS. [DOMUS; TEMPLUM.]

PRODO'SIA (*προδοσία*). Under this term was included not only every species of treason, but also every such crime as (in the opinion of the Greeks) would amount to a betrayal or desertion of the interests of a man's country; especially the attempt to subvert the constitution (*κατάλυσις τοῦ δήμου*) and to establish a despotism (*τυραννίς*). Thus Lycurgus (*c. Leocr.* § 127) speaks of the psephisma of Demophantus (*κτενῶ . . . . ὃς ἂν καταλύσῃ τὴν δημοκρατίαν τὴν Ἀθήνησι, καὶ ἐάν τις ἄρξῃ τιν' ἀρχὴν κατα-*

λελυμένης τῆς δημοκρατίας τὸ λοιπόν, καὶ ἐάν τις τυραννεῖν ἐπαναστῇ ἢ τὸν τύραννον συγκαταστήσῃ, Andoc. *de Myst.* § 97) as directed against traitors (τὸν τὴν πατρίδα προδιδόντα), yet there is no instance recorded of an attempt to subvert the constitution ever having been dealt with as προδοσία, and the νόμος εἰσαγγελτικὸς clearly distinguishes between the two crimes. In the eye of the law only the betrayal to the enemy of the state or part of the state, such as a town, a watch-post, a gate, a dockyard, a fleet, an army (Lys. *c. Philon.* § 26; Lyc. *c. Leocr.* § 59; Dem. *c. Lept.* p. 481, § 79; Aeschin. *c. Ctes.* § 171; Hyp. *pro Eux.* 18), or the entering into any kind of treasonable communication with the enemy (cf. the case of Antiphon and Archeptolemus, [Plut.] *Vitt. X. Orat.* p. 833 E), amounted to προδοσία [Eisangelia]; unless when a special decree of the people extended the meaning of προδοσία, *e.g.* to the leaving the state in time of danger (as after the battle of Chaeroneia, Lyc. *c. Leocr.* § 53: ἐνόχους εἶναι τῇ προδοσίᾳ τοὺς φεύγοντας τὸν ὑπὲρ τῆς πατρίδος κίνδυνον), or when it was resolved on the motion of Critias to prosecute Phrynichus, who had been murdered by Apollodorus and Thrasybulus (τὸν νεκρὸν κρίνειν προδοσίας), and also to subject his defenders to the punishment of traitors in case of a conviction (Lyc. *c. Leocr.* § 112 ff.).

The ordinary method of proceeding against those who were accused of treason or treasonable practices was by εἰσαγγελία (only Pollux, viii. 40, speaks of a γραφὴ προδοσίας), as in the case of Gylon, the maternal grandfather of Demosthenes (προδοὺς τοῖς πολεμίοις Νύμφαιον, Aeschin. *c. Ctes.* § 171), Timomachus (προδοὺς Κότυϊ τὴν Χερρόνησον, Schol. Aeschin. *c. Tim.* § 56), Leosthenes (Diod. Sic. xv. 95), Philon, Theotimus (ὁ Σηστὸν ἀπολέσας, Hyp. *pro Eux.* 18), Chabrias and Callistratus (Schol. Dem. *c. Mid.* p. 535, § 64; Aristot. *Rhet.* iii. 10, p. 1411, B 6, and i. 7, p. 1364, 19), etc.: cf. Plut. *Coriol.* 14, Ἄνυτος προδοσίας περὶ Πύλου κρινόμενος, etc. and Diod. Sic. xiii. 64. Leocrates, who left Athens after the defeat at Chaeroneia, was prosecuted by Lycurgus seven years later for desertion of his country. The defence of the accused was, that he did not leave Athens with a traitorous intention (ἐπὶ προδοσίᾳ), but for the purposes of trade (ἐπὶ ἐμπορίᾳ, § 55 and *argumentum*); he was acquitted, the votes being even (Aeschin. *c. Ctes.* § 252). A special decree of the people pronounced those traitors who fled from Athens after the battle, and empowered the council of Areiopagus to bring them to justice by a summary method (Lyc. *c. Leocr.* § 52 ff.): thus we read in Aeschin. *c. Ctes.* § 252, that they seized and put to death *on the same day* a person that tried to sail away to Samos.

The regular punishment appointed by law for treason appears to have been death, refusal of burial within Attic territory, and confiscation of property (Xen. *Hellen.* i. 7, 22: cf. Dem. *de Cor. Trier.* p. 1230, § 8 f.); and when we find instances of treason being punished by a fine, we must either suppose that the Athenians distinguished between high treason and less heinous kinds of προδοσία (the latter τιμητός), or that the writers employ the term in the respective passages not in its proper technical sense (Dem. *c. Timocr.* p. 740, § 127; *c. Theocr.* p. 1344, § 70). The sentence passed on Antiphon and Archeptolemus is preserved in [Plut.] *Vitt. X. Oratt.*: "that they be delivered to the Eleven; that their property be confiscated, and the goddess have the tithe; that their houses be razed and boundary-stones be placed on the sites with the inscription A. καὶ A. τοῖν προδόταιν;—that it shall not be allowed to bury A. and A. at Athens or in any land of which the Athenians are masters; that A. and A. and their descendants shall be ἄτιμοι, and he who adopts any one of the race of A. and A. shall be ἄτιμος: that this decree be written on a bronze column, and put in the same place where the decrees about Phrynichus are set up" (cf. Lyc. *c. Leocr.* § 117 f.; *Journal of Philol.* viii. 1–13). The bones of Themistocles, who had been condemned for treason, were brought over and buried secretly by his friends (Thuc. i. 138, 6; Marcell. *Vit. Thucyd.*). Traitors might be proceeded against even after their death, as we have done in modern times. Thus the Athenians resolved to prosecute Phrynichus; judgment of treason was passed against him, his bones were dug up and cast out of Attica. (*Att. Process*, ed. Lipsius, pp. 419–424.) [C. R. K.] [H. H.]

PROEDRI (πρόεδροι). [Boule.]

PROEI'SPHORA. [Eisphora.]

PROEI'SPHORAS DIKE (προεισφορᾶς δίκη). At first, after the institution of the new census and the introduction of the συμμορίαι in the archonship of Nausinicus in B.C. 378–7 (Harpocr. *s. v.* συμμορία), the state collected the εἰσφορὰ directly from those liable to it, and those who fell in arrear were proceeded against in the same way as all debtors to the state (Lys. *c. Philocr.* § 9;—Dem. *c. Androt.* p. 609, § 54; p. 615, § 70; *c. Timocr.* p. 752, § 166). To avoid the delay necessarily arising from this, the προεισφορὰ was introduced, viz. certain individuals had to pay the whole tax at once and to recover the sum advanced afterwards from the others liable to the tax. Fränkel (Boeckh, *Sthh.*^{3} ii. p. 123, App. n. 838) supposes that at first each demus appointed one of the δημόται and ἐγκεκτημένοι to pay the whole tax at once for the demus; that, to save time, in B.C. 362–1, it was resolved that the senate (instead of the demi) should return the names of those who were to pay the taxes in advance (Dem. *c. Polycl.* p. 1208, § 8; cf. § 6, διὰ τάχους), and that after this date the first class of the census, the 300 richest men, had to make this advance (Dem. *c. Phaenipp.* p. 1046, § 25; cf. Schol. Dem. *Olynth.* ii. p. 26, § 29, εἰσέφερον γὰρ οἱ πλουσιώτεροι ὑπὲρ αὐτῶν καὶ προετέλουν, καὶ ἐδέχοντο ταῦτα ὕστερον κατὰ σχολήν . . . . οὗτοι δὲ ἦσαν οἱ τριακόσιοι οἱ πάνυ πλούσιοι οἱ πρῶτοι, οἵτινες προεισέφερον, etc. Dem. *de Cor.* p. 285, § 171). By this means the possibility of taxes falling into arrears was prevented. To recover money thus advanced was called προεισφορὰν κομίζεσθαι, εἰσπράττεσθαι (Dem. *c. Pantaen.* p. 977, § 37; *c. Polycl.* p. 1209, § 9), and all actions arising from it belonged to the jurisdiction of the strategi. Koehler (*Mitth. d. d. a. Inst. Ath.* vii. 1882, p. 98 ff.) discusses an inscription dating from the first half of the 4th century, referring to the actions (διαδικασίαι) brought to decide who were liable to the *προεισφορά*: the names are arranged according to demi, and the sanctuaries of the demi are not exempted (cf. *C. I. A.* ii. No. 947).

The fact that the *προεισφορὰ* was introduced some time after the archonship of Nausinicus (it is first mentioned in Dem. *c. Polycl.* p. 1208, § 8; *i.e.* B.C. 362–1) throws a new light on Dem. *c. Androt.* p. 606, § 44, *ὑμῖν παρὰ τὰς εἰσφορὰς τὰς ἀπὸ Ναυσινίκου, παρ' ἴσως τάλαντα τριακόσια ἢ μικρῷ πλείω, ἐλλείμματα τέτταρα καὶ δέκα ἐστὶ τάλαντα.* Grote (*Hist. of Gr.* ix. p. 333) is of opinion that "a total sum of 300 talents or thereabouts had been levied by all the various property-taxes imposed from the archonship of N. down to the date of the speech," a period of about twenty-three years; but Lipsius (*Jahrb. f. cl. Phil.* 1878, p. 297 ff.) points out in the first place that the sum of 300 talents is too small, as the aggregate of all property-taxes imposed for twenty-three years; and, secondly, that since the introduction of the *προεισφορὰ* arrears could not possibly accrue. Hence, he concludes, the commission appointed at the instigation of Androtion to collect all outstanding arrears could only collect such arrears as had accrued between the archonship of N. and the introduction of the *προεισφορά*, and the sum of 300 talents represents the total sum of taxes called for within that period only. Boeckh (*Sthh.* i.^{3} p. 607) thought that the 300 talents here mentioned were levied in the single year of N.; yet *ἀπὸ Ναυσινίκου* cannot have this meaning. Fränkel (*ad l. c.* ii. p. 120, App.), not accepting Lipsius' explanation, suspects that the reading of the passage is corrupt. [SYMMORIA.] [C. R. K.] [H. H.]

PROERO'SIA (*προηρόσια*), called also *προαρκτούρια* (Paus. x. 15), a festival in the month Boedromion, celebrated by a procession to Eleusis and offerings there to Demeter It was held by the Athenians on behalf of all Greece, before the land was ploughed for sowing, to entreat for a plentiful harvest. (Suid., Hesych., *Etym. Mag.* s. v.; Arrian, *in Epictet.* iii. 21; Mommsen, *Heortol.* 218, Preller, *Gr. Myth.* i. 608.) [L. S.] [G. E. M.]

PROFESTI DIES. [DIES.]

PROGAMEIA (*προγάμεια*). [MATRIMONIUM, Vol. II. p. 136 *a*.]

PROIX (*προίξ*). [DOS.]

PROLETA'RII. The state, according to the Servian constitution, was divided into those who had property (*locupletes*) arranged in classes, and those who had not and were outside these classes; these unclassed citizens were called *capite censi*, i.e. "reckoned by heads," or *proletarii*, i.e. "begetters of children" (Cic. *de Rep.* ii. 22, 40; Gell. xvi. 10). These included all who were assessed at not more than 1500 asses: the distinction in civil matters is marked by the law of the Twelve Tables, that for a proletarius any one might act as *vindex*, while for the *adsiduus* (or *locuples*) an adsiduus was required [ACTIO]. As to their military service, see EXERCITUS, Vol. I. p. 781. (Mommsen, *Rom. Hist.* i. 196; *Staatsrecht*, iii. 238.) [G. E. M.]

PROMETHEIA (*προμήθεια*). [LAMPADEDROMIA.]

PROMISSOR. [OBLIGATIONES.]

PROMNE'STRIAE (*προμνήστριαι*). [MATRIMONIUM, Vol. II. p. 136 *a*.]

PROMULSIS. [CENA, Vol. I. p. 396.]

PROMUS. [CELLA.]

PRONA'OS. [TEMPLUM.]

PRO'NUBA. [MATRIMONIUM, Vol. II. p. 143 *a*.]

PROPHE'TES. [ORACULUM.]

PROPLASMA (*πρόπλασμα*), the first sketch for a work in clay, preparatory to its execution in bronze, marble, or other materials. We are told that the proplasmata of Arcesilaus, an artist of the end of the Roman republic, were sold to artists for higher prices than others' finished works; and Pasiteles spoke of "plasticen matrem statuariae," &c. This was, however, a late practice. It was after the time of Lysistratus, the brother of Lysippus, that it was so general that "nulla signa statuaeve sine argilla fierent." Even then, however, the artist did not, as in modern times, leave the execution of the statues themselves to skilled workmen. (Plin. xxxv. § 45.) [E. A. G.]

PROPNIGE'UM. [BALNEAE, Vol. I. p. 279.]

PROPRAETOR. The propraetorship was, like the proconsulate, technically a delegation of the praetorian imperium where alone such delegation was constitutionally allowable—that is, outside the pomerium; but, instead of the delegation of a new *imperium militiae*, the course usually adopted was the prolongation of an imperium already existing (*prorogatio*). The title *pro praetore* seems really to be an older title than that of *pro consule*. As the title *praetor* belonged originally to all magistrates who demanded obedience from the army in virtue of their imperium (Pseud.-Ascon. *in Verrin.* p. 168; Festus, p. 161), so the title *pro praetore* was applied to an officer who had this authority delegated to him; and accordingly Dionysius (ix. 12) calls the military delegate appointed by the consuls for the command of the reserve force *ἀντιστρατηγός* (propraetor), which is more likely to have been the original title than proconsul, given by Livy (iii. 4). This view of the propraetorship as a delegated military imperium never died out. When, for instance, the military imperium was to be conferred on an individual who had held no magistracy, or only a minor one, it is generally conferred with the title *pro praetore*. M. Antonius, while still tribune, had this title granted him by Caesar, for the purpose of military command in Italy (Cic. *ad Att.* x. 8 a); and Octavian, who had held no magistracy, had the title *propraetor* conferred on him by the senate for the purpose of acting against Antony (Suet. *Oct.* 10).

But the propraetorship, as a standing office, originated with the necessities of provincial government. When the number of the Roman provinces increased beyond the four original provinces, for which special praetors were appointed, the prolongation of the imperium of the two city praetors became usual. Provincial government was subsequently divorced from the administration of the praetors, and the provinces divided between the past consuls and praetors, the propraetors obtaining those provinces where least military forces were required. As provincial governors they were invested with the imperium with the same ceremonies with which the imperium for military service had been confirmed: among which were especially the religious ceremonies of the *vota* and *auspicia*

(Cic. *in Verr.* v. 13, 14; Festus, *l. c.*) and the Lex Curiata, or popular sanction for all the *magistratus cum imperio* (Cic. *de Lege Agr.* ii. 11, 26). The tenure of his imperium by the praetor was now, as a rule, biennial, one year being spent in office at home, the other as governor of a province; this separation of commands was first formally recognised by Sulla (Lex Cornelia de provinciis ordinandis), and the limit of the propraetor's government of a province fixed at one year. (For the administration of the provinces by propraetors, see PROVINCIA.) The senatusconsultum of 52 B.C. affected the propraetor as it affected the proconsul [PROCONSUL]. The propraetor did not now leave Rome to take command of a province until five years after he had ended his period of office at home (Dio Cass. xl. 30, 1; 46, 2). Although the division of the provinces between the propraetors and the proconsuls was regulated by constitutional usage, and the interval between home and foreign commands regulated by law, yet the senate might by a decree interfere with the ordinary arrangements. In 51 B.C. a senatusconsultum was passed by which the senate commanded that all the praetorii who were qualified for foreign command should be sent to provinces, and that, if there were not sufficient praetorii of five years' standing, those of less standing should be sent out in the order of seniority (Cic. *ad Att.* viii. 8, 8). The effect of this decree was to debar from government consulares duly qualified by the five years' interval (Caes. *Bell. Civ.* 1, 6).

When, under the Empire, the provinces were divided into senatorial and imperial, the republican system was reversed; the military provinces were given to governors with the title *pro praetore*, the non-military to proconsuls. In the latter, however, we find the senatorial proconsuls accompanied by *legati proconsulis pro praetore*. They were assessors (πάρεδροι, Dio Cass. liii. 14, 7) of the senatorial governor, and were all alike called propraetors, though some might be consulares. For a senatorial province of the higher class, such as Asia and Africa, which were governed always by consulares, three such legati pro praetore were selected; to one of the lower class, such as Sicily and Baetica, which were governed by a proconsul who had been praetor, one such legatus accompanied the governor. They were selected by the proconsuls themselves, subject to the approval of the princeps: in the lower senatorial provinces these propraetors might be praetorii; in the higher they might be consulares (Dio Cass. *ib.*).

The title *quaestor pro praetore* is connected with senatorial government. It may mean one of three offices. During the Republic, a magistrate with this title was either (i.) one who replaced an absent or dead superior in a province for the purpose of temporary government (Sall. *Jug.* 103; cf. *ib.* 36), and, from the instances referred to, we see that the quaestor took this title, although he might be commanding in the room of a proconsul; or (ii.) one who, though still only a quaestor, was appointed to an independent command by senate or people. Cato bore this title when sent to annex Cyprus in 58 B.C. (Vell. 2, 45; cf. *C. I. L.* i. 4, 598); and (iii.) in a senatorial province, during the Empire, the quaestor, who is the finance officer in such a province, had this title, as we know from inscriptions, in which the title *quaestor pro praetore* appears by the side of that of his superior the proconsul (Orelli, 151). Two explanations of this are possible. He may have been *adlectus inter praetoris* because the other leading members of the staff, the legati, were propraetors: or, more probably, the title was given him because he was the provincial representative of the finance officer of the aerarium at Rome, which, under the Empire, was in the hands, not of a quaestor, but of a praetor.

The governors of the imperial provinces, under the Empire, were all *legati Caesaris pro praetore*. Their government was not an independent command; they were legati of the Emperor: hence they could not have the proconsulare imperium, which was vested in the princeps, and could not therefore be proconsuls. The imperial provinces, like the senatorial, were divided into a higher and a lower class. To the higher, such as Syria and the two Germanies, consulares were sent; to the lower, such as Aquitania and Galatia, praetorii; but the governors of both were called propraetors (Dio Cass. liii. 13, 5), those who had been consuls adding the title *vir consularis* or *consularis legatus*. These propraetorial governorships had no definite limit of time, and their tenure depended on the emperor's discretion (Dio Cass. liii. 13, 6; Tac. *Ann.* i. 80), their holders having fixed salaries from the imperial treasury (Dio Cass. lii. 23, 1). The imperial provinces all involved military commands; and hence the legati Caesaris wore the military dress and sword (Dio Cass. liii. 13, 6), which were not worn by the proconsuls of senatorial provinces. [A. H. G.]

PROPYLAEA (*προπύλαια*: also occasionally in the singular, *προπύλαιον*), properly the space before the gate, is the name usually applied to a porch or entrance of elaborate architectural construction. Thus it is applied by Herodotus to the "Pylons" of Egyptian temples (ii. 101, 121, &c.). The name is, however, by ancient writers used almost exclusively with reference to the great entrance of the Acropolis at Athens, built by the architect Mnesicles under Pericles (Plut. *Pericles*, 13; Suidas, *s. v.* &c.): this was begun in 437 B.C., and was provisionally completed in five years, though its original plan was never fully carried out, and though 2012 talents were spent. The Propylaea of Mnesicles took the place of an earlier building, of which the foundations and part even of the walls may still be seen. The kernel of the whole structure is a wall pierced by five doors. Of these the central is largest, and admits a carriage-way; the two on each side are raised upon five steps, as approached from the west; those at the extreme sides are smallest. The wall is of white Pentelic marble, with a base of black Eleusinian marble, such as may also be seen beneath other walls, columns, and windows in the Propylaea. On the east of this central wall, facing the Acropolis, was a Doric portico of six columns, projecting from two antae which terminate on the east the two walls which bound the entrance-way on the north and south: to the west of the five doors, there is between these two walls a rectangular court, of which the roof is borne by six Ionic columns in two rows parallel to the north and south walls; to the west of this, again, is a portico of six Doric columns, corresponding to that upon the east face: this west portico is flanked upon the north and south by wings, fronting one another with a face of three smaller Doric columns between antae. The north wing is complete, consisting of a small hall behind the columns and a large chamber opening by a door and two windows into the hall. This chamber contained pictures by Polygnotus and others (Paus. i. 22), and is therefore sometimes called, in modern works, the Pinacothece; no trace of appliances for fixing pictures to the wall has been found. The south wing was originally intended to match this, being, however, open to the west, to face the bastion with the temple of Νίκη: but for some reason, probably priestly objections to infringement on the temenos of Artemis Brauronia, the plan was curtailed. The north face was left as originally designed, but the N.W. corner anta with its architrave was left isolated, and the roof only continued as far as the third column towards the west: the southern portion also was omitted, and a wall built to enclose a portion only of the intended hall. The principal west portico was crowned by a pediment; above this rose a second pediment, resting on the central wall, of the same height as that over the east front. The north and south wings of the west front were covered by hip roofs running down to the western corner. These wings on the west were, in the original intention, to be overlapped by two great porticoes facing the east, and occupying the whole breadth of the hill: part of the foundations of these, as well as the antae to face their columns and the arrangements for their roofing, may still be traced, but they were never erected; nor were the blocks left rough in the stones of the completed walls, to facilitate transport and fixing, ever worked off.

Character of work.—The completed parts of the Propylaea offer perhaps the most perfect example, for execution and finish, of Doric architecture of the best period. The architrave is slightly curved, as usual; not so the stylobate, because it is cut in the middle of the two principal fronts by the road, which also necessitates an exceptionally broad intercolumniation in the middle. The Ionic columns of the central hall have the most perfect specimens of the Attic Ionic capital, and served as a pattern for later examples. They are of a quite different character from those of the Erechtheum. The Propylaea are entirely without architectural sculpture. They contained, however, the statue of Hermes Propylaeus and the Charites of Socrates.

Approach.—The sacred way led from the south side of the Acropolis close under the bastion on which stands the little temple of Νίκη ἄπτερος: thence in the earliest times in a zigzag track first to the S.W. corner of the north wing (where the pedestal of Agrippa was afterwards erected), and thence to the central gate. In Pericles' time the direction was still the same, though the road was terraced up to a higher level. A broad flight of steps, with a roughed path for beasts in the middle, was added in later Roman times. The present steps are modern, and at a lower level. Probably the approach was shut off on the west by a wall, which formed the real barrier, at the foot of the slope; that now visible in this position, with a gate, is of late construction.

Imitation.—A work of such wide fame naturally gave rise to imitations; the best known are the two, the smaller and the greater, at Eleusis. Pausanias (ii. 3) also mentions one at Corinth.

(Bohn, *Die Propyläen du Akropolis zu Athen*, Berlin and Stuttgart, 1882, where earlier authorities will be found; Dörpfeld, in the *Mittheilungen d. deutschen Institut zu Athen*, 1885, x. 38 ff., 131 ff., where the original plan of Mnesicles is discussed; Penrose, *Principles of Athenian Architecture*, London, 1888; a good short account in Baumeister's *Denkmäler des klassischen Altertums*, pp. 1414–1422, with plans and elevations after Bohn and Dörpfeld.) [E. A. G.]

PROSCE'NIUM. [THEATRUM.]

PROSCLE'SIS. [DIKE.]

PROSCRI'PTIO. The word *proscriptio*, signifying primarily the "writing up" of anything, was generally used to denote a written public notice of sale; *proscriptio bonorum* was thus applied to the notice of property sold by auction: and amongst goods disposed of in this way would be the confiscated goods of persons who were declared public enemies by the state. It was this last meaning, that of the sale of goods forfeited by the outlawry of their possessors, that became specially attached to the word after the occupation of Rome by Sulla in 82 B.C. Since, however, a decree of outlawry by the state included not only the forfeit of property, but the forfeit of life ("de capite civis et de bonis proscriptio," Cic. *pro Sest.* 30, 65), the word involved both significations; and the special connotation that attached to it was that of the absence of all protection to the lives of persons so outlawed, who were themselves called *proscripti*. Sulla was the first to "proscribe" in this new sense, and to make a declaration of outlawry against political enemies a definite political measure (Vell. ii. 28, 3; App. *Bell. Civ.* i. 95). The form which the measure took was the posting up of a list setting forth the names of the victims, with certain decrees necessary for its execution attached. Thus this notice did not merely give the passive permission to take the lives of the persons so outlawed, which was recognised by the Roman law (Festus, s. v. *sacer*), but offered rewards, both for information which might lead to their death, and for their execution at the hands of either citizens or slaves; while it imposed penalties on those who should seek to protect them (App. *Bell. Civ.* i. 95). This proscription of large numbers of Roman citizens by Sulla, although an act of individual policy, and in part perhaps an act of vengeance, was yet supported by a political pretext. This was a declaration that they were *hostes*, or enemies to the state, through their complicity with its foreign foes; and enemies besides that had forfeited all claims to protection, through the breach of the covenant that Sulla had made with the consul Scipio, and which, he maintained, bound all the Marian party. All connivance with his enemies subsequent to the date of this treaty was sufficient to place a man's name on the list (App. *ib.*), and the confiscation of property was applied not only to those proscribed at Rome, but to all who had fallen in the ranks of his opponents (Cic. *pro Rosc. Amer.* 43, 126). The fact that those proscribed were regarded as *hostes* naturally affected the status of their children and descendants who suffered a *capitis deminutio.* This loss of status was not rigorously carried out, however, and they were only disfranchised for certain purposes which were specified (Plut. *Sulla,* 31). They were debarred from all public offices in the state, but yet not entirely degraded from their social position, for one of the ordinances declared that the sons of senators, while excluded from the privileges of their order, should yet undertake its burdens (Vell. ii. 28, 3). They seem also to have been forbidden certain private rights, such as the acceptance of legacies; and the spirit, if not the letter, of the law that sanctioned Sulla's arrangements seems even to have cut them off from all active assistance at the hands of their fellow-citizens (Cic. *in Verr.* i. 47, 123). The effect was to debar them as far as possible from all chances of a public career ("a republica summoveri," Cic. *ap.* Quinct. ii. 1, 85), which, considering the hereditary policy of Roman houses, was no doubt the deliberate design of Sulla, to further the permanence of his constitution. The authorities on the Sullan proscriptions agree generally that the proscription list was published before the dictatorial power was conferred on Sulla (Plut. *Sulla,* 32; App. *Bell. Civ.* i. 97). When it was conferred, a retrospective sanction was given to his acts, and a special clause granted him the power to adjudicate on the lives and property of the citizens (Plut. *ib.*; Cic. *de Leg. Agr.* iii. 2, 7). The law which conferred these powers on Sulla was the Lex Valeria, passed by the interrex L. Valerius Flaccus (App. *Bell. Civ.* i. 98): a law, however, which was so entirely the work of Sulla, and so intimately bound up with his own subsequent legislation, that Cicero calls it indifferently the Lex Valeria or Cornelia (Cic. *in Verr.* i. 47, 123). These acts may, however, have received a further legal sanction from Sulla himself, and Cicero's language rather implies that they did (Cic. *ap.* Quinct. ii. 1, 85). The legality of these regulations was never questioned; Cicero, while affirming their injustice, never doubts their legality (*de Leg.* i. 15): and the disabilities imposed on the children of the proscribed still remained in force after many of Sulla's laws had been repealed, and was the one point in his legislation which neither the democratic nor the moderate aristocratic party ventured to assail. The number actually put to death in the Sullan proscriptions is variously given: subsequent additions were continually being made until the list was complete (App. i. 95; Plut. *Sulla,* 31), but the total of 4,700, that is given by Valerius Maximus (ix. 2, 1), of which 2,000 were senators and equites, is probably not above the mark. This proscription of Sulla was merely the legalised form of the massacre and confiscation which his opponents, the Marians, had conducted in a hardly less destructive, though more informal, manner. It was no doubt regarded by its author as necessary to his work of re-organisation; and was almost an inevitable result of the first use of the military power for this purpose. So far as it was a necessity of the times, it was rendered so by the absence of the punishment of death in Roman law, and by the growing extent of the Roman Empire, which rendered the exiling of opponents useless and even dangerous. In Sulla's case it was rendered more desirable by the necessity he was under of raising revenues to recompense his soldiers. After Sulla it was regarded as the natural, and almost necessary consequence, of any violent restoration. Had Pompey been victorious in the civil war, his victory would almost certainly have been followed by a proscription (Cic. *ad Att.* ix. 10, 6; xi. 6, 2); while the same fears were entertained, by the moderate party at Rome, of the probable conduct of Caesar, if he became master of the city (Cic. *ad Att.* ix. 7, 5; x. 8, 2). The assassination of Caesar by those whom he had spared gave an impetus to the next proscription, and a plausible excuse for its advisability (App. *Bell. Civ.* iv. 8). The precedent set by Sulla was taken up with still more vigour by the triumvirs Antony, Octavian, and Lepidus, in 43 B.C. (Suet. *Oct.* 27; App. *Civ. Bell.* iv. 5). The number of the upper classes now proscribed exceeded that of Sulla. For the party chiefly aimed at by the triumvirs was that of the *optimates* (*οἱ δυνατοί*, App. iv. 5), the strict constitutional party, whose power it was necessary to break down; and accordingly 2,000 equites and 300 senators were in the list. The proscription was carried out from motives of personal hatred, except perhaps on the part of Octavian, quite as much as from such considerations of political necessity as were recognised by Sulla. The motive of raising money by confiscation was still more present in this proscription, while private enmity and private greed played a large part in it (App. *Bell. Civ.* iv. 5). But in other respects this second proscription was directed by stricter adherence to the forms of law. It did not definitely commence until the triumvirs had been invested with their extraordinary powers *reipublicae constituendae* (Liv. *Ep.* 20, 24; App. *Bell. Civ.* iv. 7), although a preliminary proscription of sixteen persons, amongst whom was Cicero, had been carried out by the consul Pedius, on a mandate from the triumvirs. In other respects the proscription resembled that of Sulla, and was directed by the same supposed necessities, but, in that it aimed more definitely at the dissolution of a specific party in the state, its effects were more permanently felt; it assisted in destroying a section of the community that had united interests opposed to those of the rising monarchy (Tac. *Ann.* i. 2, 1). [A. H. G.]

PROSTAS. [Domus, Vol. I. p. 662 *b.*]

PROSTATES. [Libertus; Metoeci.]

PRO'STATES TOU DEMOU (*προστάτης τοῦ δήμου*) "denotes the leader of a popular party, as opposed to an oligarchical party (see Thuc. iii. 70 [82], iv. 66, vi. 35), in a form of government either entirely democratical, or at least in which the public assembly is frequently convoked and decides on many matters of importance." (Grote, *Hist. of Gr.* vii. p. 304 n.) Its meaning is practically the same as *δημαγωγός* (Stephan. Byz. *δῆμος· δημαγωγὸς ὁ προεστηκὼς δήμου*: cf. Plat. *Rep.* viii. p. 565 C. *οὐκοῦν ἕνα τινὰ ἀεὶ ὁ δῆμος εἴωθε διαφερόντως* προίστασθαι ἑαυτοῦ: thus Pericles, whom Thucydides (i. 127) describes as δυνατώτατος τῶν καθ' ἑαυτὸν καὶ ἄγων τὴν πολιτείαν, is called δημαγωγὸς by Isocrates (*de Pace*, § 126; *de Permut.* § 234), and προστάτης τῆς πόλεως by Xenophon (*Memor.* i. 2, 40). Thucydides applies the word to Theramenes (viii. 89; cf. viii. 65, 'Ανδροκλέα—τοῦ δήμου μάλιστα προεστῶτα, and vi. 28, 'Αλκιβιάδῃ ἐμποδὼν ὄντι σφίσι μὴ αὐτοῖς τοῦ δήμου βεβαίως προεστάναι), Xenophon to Archidemus (*Hellen.* i. 7, 2; cf. Aristoph. *Ran.* 417), Aristophanes (*Ran.* 569) to Cleon, Plutarcy (*Cim.* 15) to Ephialtes, Aeschines (*F. L.* § 176) to Thrasybulus and Archinus, etc. And just as the person who had placed himself at the head of the people was called προστάτης τοῦ δήμου, the most influential member of the senate might be said to be προστάτης τῆς βουλῆς (Dem. *c. Androt.* p. 591, *argum.*).—In O. Müller's opinion (*Dorians*, ii. p. 149) προστάτης was also the title of a particular magistracy which existed in all the Dorian states in which the government was democratical, and G. C. Müller (*de Corcyr. Rep.* p. 49 ff.) considers as public officers the προστάται τοῦ δήμου in Corcyra (Thuc. iii. 70, 75; iv. 46), in Megara (Thuc. iv. 66), in Elis (Xen. *Hellen.* iii. 2, 27, 30), in Mantineia (*ibid.* v. 2, 3), in Argos and Heraclea (Aen. *Pol.* 11), in Syracuse (Thuc. vi. 35). Wachsmuth (*Hell. Altert.* i. 2, p. 435 ff.), on the other hand, thinks that the term is a general one, sometimes implying a particular office and sometimes not, but that even in the former case the title of the magistrate was not δήμου προστάτης, but something else, such *e.g.* as δημιουργός, which is lost to us in the general appellation. Wachsmuth is no doubt right in denying that the term always denoted a particular officer; thus Athenagoras was evidently not one, as the connexion shows: ἐν τῷ παρόντι πιθανώτατος τοῖς πολλοῖς (Thuc. vi. 35); but he goes too far in saying that προστάτης τοῦ δήμου was not the official title where a magistrate was denoted. That this was the case is evident from inscriptions; thus in a Tegean decree conferring proxenia there occur προστάται τοῦ δάμου, three in number, στραταγοί (eleven), ἵππαρχος, γραμματεύς, and ἱερεὺς τῆς 'Αθηνᾶς (Dittenberger, *Syll. I. Gr.* No. 317), and Sauppe (*Comm. de Tit. Tegeat.* p. 4) expresses an opinion that in Argos too it was the title of a magistrate. Προστάτης was the official title of functionaries of the most different kinds. The Chaonians, whom Herodotus (ii. 56, v. 127) considers as Hellenic, whilst Thucydides (ii. 80) calls them βάρβαροι, had in the time of the Peloponnesian war two presidents (ὧν ἡγοῦντο ἐπ' ἐτησίῳ προστασίᾳ ἐκ τοῦ ἀρχικοῦ γένους Φ. καὶ Ν., Thuc. *l. c.*), whilst other tribes of Epirus, such as the Molossians, had kings; when afterwards these tribes were united probably by Tharypas ("primus leges et senatum annuosque magistratus et rei publicae formam composuit," Justin. 17, 3; cf. Plut. *Pyrrh.* 1). προστάται were the annual magistrates of the single tribes under the king, *e.g.* of the Molossians: ἐπὶ προστάτα Λευχάρου . . . . ἔδοξε τοῖς Μολοσσοῖς (Dittenberger, No. 322); ἐπὶ βασιλέος Νεοπτολέμου 'Αλεξάνδρου, ἐπὶ προστάτα Δέρκα Μολοσσῶν (*l. c.* No. 324), and these προστάται continued even after the abolition of royalty, *e.g.* στραταγοῦντος 'Απειρωτᾶν Λυσυνία Καρώπου προσστατεύοντος Μολοσσῶν 'Εχελάου Παρώρου (*l. c.* No. 442; cf. No. 443).—The symmories of Teos (which were analogous rather to the *gentes* than to the phratries of Athens, as Grote suggests, *Hist. of Gr.* iii. p. 186) had each four προστάται, who held office one year (*C. I. G.* No. 306).—In some states the προστάται seem to have been a kind of executive of the βουλή, analogous to the Athenian πρυτάνεις, who drew up the decrees: thus in Calymna the decrees of politeia are usually headed, ἔδοξε τᾷ βουλᾷ καὶ τῷ δήμῳ, γνώμα προστατᾶν (*Brit. Mus. Gk. Inscr.* ii. No. 232, 233, 235, etc.); a decree of the people of Cnidus which appears to relate to the purification of a temple of Dionysus begins, ἔδοξε Κνιδίοι[ς γν]ώμα προστατ[ᾶν] (Newton, *Halicarn., Cnid. and Branch.*, p. 753, No. 36); γνώμα προστατᾶν stands in the heading of a decree of Cos about the public proclamation of a crown, etc. (Cauer,[2] No. 165). In Calymna the προστάται were charged with inscribing decrees and setting them up (*Brit. Mus. Inscr.* ii. No. 242); they had to assign by lot the new citizens to the phylae and demi (*ibid.* No. 242, 253), and kept the public seal (*ibid.* No. 299), just as the ἐπιστάτης τῶν πρυτανέων at Athens. In the decree of Iulis concerning the export of red ochre, denunciations of those contravening were to be made to the προστάται (*C. I. A.* ii. No. 546 = Hicks, *Manual*, No. 108), just as the impeachment against the corn-dealers was in the first instance laid before the πρυτάνεις at Athens (Lys. *adv. Frument.*). In other states, however, the προστάται had apparently different functions. Thus in Iasus, where πρυτάνεις were the executive of the senate, they were in Hicks' opinion "a board concerned with the admission of strangers to the citizenship, and the keeping of a register of citizens" (*Journ. Hell. Soc.* viii. p. 107). Hence the προστάται were enjoined in a decree (γνώμη πρυτανέων) to bring a proposal before the βουλή for the admission of certain strangers of Priene to citizenship (*Brit. Mus.* iii. 1, No. 420; cf. the Iasian decree in *Journ. Hell. Soc.* viii. p. 112, where the προστάται and στρατηγοί together propose the grant of honours to Teleutias), and were charged in another decree (*C. I. G.* No. 2676) to select the place where a decree of politeia should be inscribed (cf. *C. I. G.* No. 2008 = Hicks, *Manual*, No. 98, Amphipolis); hence they had to seal the boxes supplied to the six νεωποῖαι (one from each tribe), who collected the vouchers of those who attended the popular assembly, the προστάται at the close of the meeting examining the vouchers and authorising the payment of the *ecclesiasticon*. In a Thasian decree, too, a προστάτης is mentioned, who is evidently concerned with the restoration of outlawed members of the oligarchical party to civic rights upon their return (*Journ. Hell. Soc.* viii. p. 401 ff.), and Newton (*Brit. Mus.* ii. p. 114) sees in the προστάται τοὶ σὺν Χαρίνῳ in a Rhodian inscription a board "whose function was to take care of strangers and of those who had no civic rights," and similarly explains the fifteen προστάται in the epigram on the base of a statue of Hermes found by him at Cnidus (*Halicarn., Cnid. and Branch.*, p. 749, No. 31), though the Cnidian inscription No. 36 (referred to above) would rather point to προστάται having had the function of the Athenian *πρυτάνεις*.—A decree of Dyme conferring citizenship mentions a *βούλαρχος*, a *προστάτας*, and a *γραμματιστὰς δαμοσιοφυλάκων* (Dittenberger, No. 316=Cauer,^{2} No. 267): here *προστάτας* seems to denote the president of the popular assembly, just as two *προστατεύοντες τῆς ἐκκλησίας* occur in an inscription from Hypata (Rhangabé, No. 748). Two *προστάται* presided over the council (*συνέδριον*) of the Aetolian league (Rhangabé, No. 692 =Cauer,^{2} No. 239 *sub fin.*). (Gilbert, *Staatsalterth.* ii. *passim.*) [H. H.]

PROSTIME'MA (*προστίμημα*). [TIMEMA.]

PROSTO'ON. [DOMUS, Vol. I. p. 662.]

PROSTY'LOS. [TEMPLUM.]

PRO'THESIS. [FUNUS.]

PROTHE'SMIA (*προθεσμία*) means generally an appointed time: thus in Aeschin. *c. Tim.* § 39, *εἴ τις ἄλλη πώποτε τοιαύτη γέγονε προθεσμία*, the scholiast explains the term *καταχρηστικῶς ἀντὶ τοῦ χρόνου*. The term is specially applied (1) to the time which was allowed by law to a defendant for paying damages, after the expiration of which, if he had not paid them, he was called *ὑπερήμερος* (Harpocr. *s. v.*; or *ὑπερπρόθεσμος*, Suid. *s. v.*; or *ἐκπρόθεσμος*, Schol. Dem. *c. Mid.* p. 540, 22); the accuser might allow the defendant a longer time than the law fixed (*ἀναβάλλεσθαι τὴν ὑπερημερίαν*, [Dem.] *c. Everg.* p. 1154, § 49 f., etc.).

(2) Prothesmia denotes the term limited for bringing actions and prosecutions at Athens. In all systems of jurisprudence some limitation of this sort has been prescribed for the sake of securing possession, and preventing vexatious litigation (cf. Isocr. *Archid.* § 26, *τὰς κτήσεις καὶ τὰς ἰδίας καὶ τὰς κοινάς, ἂν ἐπιγένηται πολὺς χρόνος, κυρίας καὶ πατρῴας ἅπαντες εἶναι νομίζουσιν*). The Athenian *τῆς προθεσμίας νόμος* corresponds to our Statute of Limitations. The time for commencing actions to recover debts,[*] or litigation with guardians, appears to have been limited to five years at Athens (Dem. *pro Phorm.* p. 952, § 26 f., in a *δίκη ἀφορμῆς*—*c. Nausim.* p. 989, § 17 f.; p. 993, § 27; cf. Plat. *Legg.* xi. p. 928 C, *μέχρι πέντε ἐτῶν ἐξηκούσης τῆς ἐπιτροπῆς ἔστω δίκην λαχεῖν ἐπιτροπίας*). Inheritance causes stood on a peculiar footing. When an estate had been adjudged to a party, he was still liable to an action at the suit of a new claimant for the whole period of his life (Isae. *Dicaeog.* §§ 7, 35, etc.) and his heir for five years afterwards (Isae. *Pyrrh.* § 58, and Schömann *ad l. c.* p. 257 and p. 432; cf. Dem. *c. Macart.* p. 1055, § 16, *lex*). We do not know the limit of time for claiming an *ἐπίκληρος* who had been already adjudged by the archon, but Caillemer's suggestion is very probable that she could not be claimed after having given birth to a son (*Le Droit de Succession Légit.* p. 42). The liability of bail continued only for a year, according to Dem. *c. Apatur* p. 901, § 27 (*τὰς ἐγγύας ἐπετείους εἶναι*); Caillemer (*La Prescription*, etc. p. 18 ff.) limits this law to commercial transactions, and Thalheim (*Rechtsaltert.* p. 92, n. 2) quotes *C. I. A.* ii. No. 565, l. 3, No. 1056, No. 1058, l. 20, to show that the liability of sureties for leases continued longer.[*] It is doubtful whether any period was prescribed for bringing criminal prosecutions,[†] at least for offences of the more serious kind, though of course there would be an indisposition in the jury to convict, if a long time had elapsed since the offence was committed. A charge of wounding with intent was brought four years after the affair (Lys. *c. Sim.* §§ 19, 39); Lycurgus proceeded against Leocrates nearly eight years after the latter's flight; we know from Lys. *pro Sacra Olea*, § 17, that there was no fixed time after which the liability of one who had uprooted a moria ceased, but on the other hand Lipsius concludes from Dem. *c. Aristocr.* p. 646, § 80, that there was a limit of time in a *γραφὴ φόνου*. The *γραφὴ παρανόμων* could only be brought against the proposer of a law or psephisma within a year after the propounding of it (Dem. *c. Lept.* p. 501, § 144; cf. *argum.* p. 453); and the *εὔθυναι* against magistrates were limited to a certain period (Pollux, viii. 45), viz. thirty days according to Boeckh, *Sth.* i.^{3} p. 242. (*Att. Process*, ed. Lipsius, p. 963 ff., p. 838 ff.) [C. R. K.] [H. H.]

PRO'THYRON. [DOMUS, Vol. I. p. 661.]

PROTRYGAEA (*προτρύγαια*), a festival celebrated in honour of Dionysus and Poseidon (Hesych. *s. v.*; Aelian, *V. H.* iii. 41; cf. *θεοὶ προτρύγαιοι*, Poll. i. 24). The origin and mode of celebration of this festival at Tyre are described by Achilles Tatius (ii. *init.*). On the association of Poseidon, see Plut. *Symp.* 5, 1; Preller, *Gr. Myth.* i. 554. [L. S.] [G. E. M.]

PROVI'NCIA. This term had originally no geographical signification, but denoted the functions prescribed for a Roman magistrate by law, custom, or agreement (e.g. *urbana provincia*, Liv. xxxi. 6). Whether it is derived from *provincere* (as is suggested by Festus) or is an abbreviated form of *providentia*, is a moot point among scholars and need not be discussed here. Naturally enough it was employed to express a hostile district or territory assigned to a Roman general as the field of his operations, and thence acquired its special geographical meaning as a country outside Italy under Roman dominion and governed by a magistrate of Rome.

The Roman State, in its complete development, consisted of two parts with distinct organisations, Italy and the Provinces. Its provincial dominions commenced with Sicily, which became a Roman province B.C. 241 (Cic. *in Verr.* ii. 1, 2): Sardinia was added six years later, and the two Spains B.C. 179: by the time at which the Republic gave place to the Empire the Roman sway had been extended over Gaul, Illyricum, Macedonia, Greece, parts of Africa, and most of Asia: in B.C. 50 there were fourteen provinciae, a list of which is given by Mr. Watson in his edition of Cicero's Letters, p. 287, note. The

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[*] In king Antigonus' letter to the Teians one year is fixed as limit (Dittenberger, *Syll. I. Gr.* No. 126, l. 38 ff.; Hicks, *Manual*, No. 149 A, § 7).

[*] For Ephesus, see Dittenberger, *Syll. I. Gr.* No. 344, l. 42 ff.; cf. the Lebadean building contract, *ibid.* No. 353, l. 25 ff. In Heraclea bail is renewed every five years (*C. I. G.* No. 5774, l. 140=Cauer,^{2} No. 40, l. 140).

[†] In a Teian inscription (Dittenb. No. 349, l. 50 ff.) misappropriation of certain public moneys is put on a level with *ἱεροσυλία*, and consequently *προθεσμίᾳ δὲ μηδὲ ἄλλῳ τρόπῳ μηθενὶ ἐξέστω τῶν δικῶν τούτων μηδεμίαν ἐγβαλεῖν*.

organisation of a new territory, on its conquest, did not proceed upon uniform and inflexible lines. The conquering general as a rule sketched its main principles, subject to the approval of the senate (Plut. *Marcell.* 23; Appian, *de Bell. Civ.* ii. 9), though in very important cases the latter sent a commission of its own members, usually ten in number, with instructions for his guidance (Liv. xlv. 17; Appian, *de reb. Hisp.* 99, *de reb. Pun.* 135; Sallust, *Jug.* 16; Plut. *Lucull.* 35, 36). The *forma provinciae* was thus given either by a magisterial decree issued by the commanding consul or other magistrate in virtue of his imperium, or by a senatusconsultum, which in both cases was loosely known as a *lex* and named after its immediate author. The first regulations for Sicily, for instance, were made by Marcellus (Liv. xxv. 40), but more comprehensive and minute provisions were laid down B.C. 131 by P. Rupilius (Cic. *in Verr.* ii. 16, 39; Val. Max. vi. 9, 8): similarly we read of a Lex Pompeia in Pontus and Bithynia (Plin. *Ep.* x. 83, &c.), a Lex Lentuli in Cyprus (Cic. *ad Fam.* xiii. 48), and a Lex Mummia in Achaia. The arrangements made by such ordinances concerned primarily the fields of finance and judicature, and invariably comprised a very minute division of the country into districts for purposes of taxation. But when they had secured themselves against rebellion by extinguishing leagues and combinations which might endanger their supremacy, and provided for the collection of the revenue, the Romans, so far as they found it possible, left pre-existing institutions intact. In Sicily, for instance, the Lex Hieronica, the judicial and financial regulations established by Hiero the ally of Rome, were maintained in their entirety, and no Roman governor, according to Cicero (*in Verr.* iii. 6, 12–15), was known to violate them till the time of Verres. [DECUMAE.] The same policy was followed in Egypt (Marquardt, *Röm. Staatsverwaltung*, i. 279–296) and in the Greek East. It is of the organisation of Sicily that we have the fullest knowledge, from the large notices of the subject in the Verrine orations of Cicero. The island was divided into an eastern and a western district, with Syracuse as the capital of the former and Lilybaeum of the latter: a quaestor resided at each, receiving from the Roman Aerarium the sums necessary for the administration of his district, and collecting the taxes, except those which were let out by the censors at Rome. The towns were not all treated in the same manner. Messana, Tauromenium, and Netum were made FOEDERATAE CIVITATES and retained their land. Five other cities, among them Panormus and Segesta, were "Liberae et Immunes,"—that is, they paid no tithe; but it does not appear whether they were free from the burdens to which the *foederatae civitates* as such were subject by virtue of their *foedus* with Rome. Seventeen conquered towns forfeited their land, which was restored (as Possessio, not in absolute ownership) on condition of their paying the *decumae* and *scriptura*. The towns which paid tithe were called by the general name of Stipendiariae. The settlement of the municipal constitutions of the towns was generally left to the citizens; but in some instances, as in that of C. Claudius Marcellus and Alesa, a constitution was given by some Roman, at the request, as it appears, of the town. The Senate and the People still continued as the component parts of the old Greek cities. Cicero (*in Verr.* ii. 55, 137, &c.) mentions a body of 130 men, called Censors, who were appointed to take the census of Sicily every five years after the Roman fashion. The island was also bound to furnish and maintain soldiers and sailors for the service of the state, and to pay *tributum* for the carrying on of wars; and Rome also appropriated the Portoria or harbour dues, which were let out to persons in the metropolis to farm. The governor might take provisions for the use of himself and his cohors on condition of paying for them. In the condition of the two Spanish provinces there was greater diversity. Pliny (*H. N.* iii. § 7) mentions Coloniae, Municipia or Oppida Civium Romanorum, Latini veteres or towns "Latio antiquitus donata," Foederati, and Oppida Stipendiaria. The distribution of the provincial territory into *fora* or *conventus* for judicial purposes, which is spoken of below, seems to have sometimes caused great confusion, especially in the East. Strabo remarks (xiii. p. 629) that the boundaries of Phrygia, Lydia, Caria, and Mysia were confused, and that the Romans had added to the complication by not attending to the subsisting national divisions, but making the administrative divisions (*διοικήσεις*) different, in which are the Fora (*ἀγοράς*, MS.) and the administration of justice. The word *ἀγορὰ* probably represents *conventus* (as to the reading, see Casaubon's note).

The first provincial governors were praetors specially created for the purpose, in addition to the two praetors who administered justice at Rome (Liv. *Epit.* 20). They held office for a year only, except in Spain, where a Lex Baebia for some while extended their tenure of it to two years. Between the settlement of Spain and the Sullan reforms five new provinces were created, viz. Macedonia, Africa, Asia, Narbonensis, and Cilicia, and the government of these was provided for by "proroguing" for a year the imperium of the consuls and the two praetors whose functions properly lay in the city, two ex-consuls and two ex-praetors being thus annually available for provincial command. The "prorogation" was effected by a special plebiscitum. The Lex Sempronia of C. Gracchus (Cic. *de Prov. Cons.* 2 and 7; *pro Balb.* 27, 61) enacted that the senate should each year determine before the election of the consuls what provinces they were to govern, the object of this being to prevent intrigue and favouritism. Sulla added two praetors to the six already in existence, and enacted that all of them should administer justice in the city during their proper year of office: the provinces, of which there were now ten, were thus in future governed by proconsuls and propraetors, the two former as a rule obtaining those in which the largest number of troops was required (Liv. xli. 8). The exact province of each was determined by lot, though the distribution was sometimes arranged by agreement among the persons entitled to them. Sulla's statute made these governorships strictly annual, and required the holder to leave the province within thirty days after the arrival of his successor (Cic. *ad Fam.* iii. 6); but the first of these rules was practically infringed by the extraordinary commands conferred successively on Pompey and Caesar, and by the failure of the senate to provide a successor in time: thus Verres, Fonteius, and Q. Cicero were three years each in Sicily, Gaul, and Asia respectively (Cic. *Div. in Caec.* 4, 11; *pro Font.* 10, 32; *ad Qu. Frat.* 1, 1). A law of Pompey (Sueton. *Jul.* 28; Dio Cass. xl. 56), passed B.C. 52, enacted that provinces should be given only after an interval of five years from a man's original tenure of office in Rome: this was re-enacted by Augustus after its repeal by Julius Caesar (Dio Cass. xlii. 20, liii. 14), who also ordained that a consular province should be held for two, a praetorian for one year only (Cic. *Phil.* i. 8, 19; ii. 42, 109, &c.; Dio Cass. xliii. 25). The governor might not leave Rome until he had been invested with the imperium in the ordinary manner, and had offered the usual prayers and sacrifices (Cic. *ad Fam.* i. 9, 25; *in Verr.* v. 13, 34; Caesar, *Bell. Civ.* i. 6): he could display the insignia of his rank, especially the fasces, as soon as he was outside the city gates (Dio Cass. liii. 13), but might not exercise any actual powers until he reached his province (Dig. 1, 16, 1, 4, 6). When once he had arrived there, he united in his single person both civil and military authority. The first thing he did was to issue his edict, by which, like the praetor at Rome, he stated the rules of law which he intended to apply and enforce during his year's administration. To a large extent this was based on the *lex* by which the province had received its original constitution and on the edicts of the governor's predecessors (Cic. *ad Att.* v. 21, 11, vi. 1, 2; *ad Fam.* iii. 8, 4); but large portions of the Edictum Urbanum gradually crept into the provincial edicts, and the law of the provinces was thus slowly but steadily Romanised. Cicero, for instance, when proconsul of Cilicia, says that as to some matters he framed an edict of his own, and as to others he referred to the Edictum Urbanum, on which he proclaimed that he should base his decisions where no regulations of his own had been made (*ad Att.* vi. 1, 15); so, too, he observes (*in Verr.* i. 46, 118) that the rules established by the praetor urbanus as to inheritance had been regularly transferred into their annual edicts by the governors of Sicily long before the time of Verres. Other topics with which the edict of a provincial governor dealt were the position of the publicani, and the law of civil procedure, debt, and usury.

So far as we can judge from Cicero's Letters and from Caesar's work on the war in Gaul, the former of which in particular are a storehouse of information upon the affairs with which a provincial governor was occupied, he was principally engaged with matters military and judicial. At one time he was administering justice at various centres, at others he was busy with an army exterminating bands of robbers or reducing a rebellious population. Even when the province was in profound peace he would find enough to do, as commander-in-chief, in filling up his legions with fresh levies, or directing the arrangements for billeting his troops during the winter. But the less he was occupied with active military operations, the more time could he give to the administration of justice. For judicial purposes each province was divided into a number of departments called Fora or Conventus, which latter term also denoted the chief city or place "in quem conveniebant" as well as the assize or court over which the governor presided, and which was attended by the Romans who resided in the district, and generally by all persons who had any business to settle there. It may perhaps be doubted whether this organisation was at all precise during the republican period, though even then certain towns seem to have been regarded as centres where the governor might conveniently spend some time and hold a court (*forum* or *conventum agere*, Liv. xxxi. 22;—Cic. *in Verr.* v. 11, 28; *ad Att.* v. 16). Before the time of Gaius *conventus* had also acquired the meaning of the time during which the assize lasted (Gaius, i. 20). In Cilicia, during Cicero's administration, Tarsus and Laodicea were *conventus*; in Baetica there were four, in Lusitania five. The procedure in civil causes seems to have been much the same as that in vogue at Rome during the formulary period [ACTIO]; at least the governor appointed a judex or judices to try each cause, usually from the Roman citizens who attended the assize; for him to hear and decide the case in person, so far as we can judge from the instance of Verres, was considered improper or unconstitutional (Cic. *in Verr.* v. 9, 22). Within the free and allied towns the governor had not strictly any civil jurisdiction; they had their own law, their own courts, and their own municipal magistrates, though it not unfrequently happened that these privileges were set at nought. For instance, Cicero tells us (*in Verr.* ii. 22, 53) that Verres treated with contempt an apparently well-founded claim on the part of the citizens of Bidis in Sicily to have their legacy cases determined by their own municipal law. The relations between the jurisdiction of the governor and that of the local magistrates were usually defined by the Lex Provinciae: by the so-called lex of Rupilius, Sicilians who belonged to the same town had their disputes settled according to its laws: citizens of different towns had theirs decided by judices appointed by the governor: in case of differences between an individual and a community, the senate of any Sicilian town might act as judices, if the parties did not choose to have as judices the senate of their own town: if a Roman sued a Sicilian, a Sicilian was judex; if a Sicilian sued a Roman, the judge was a Roman: but no one could be judex who belonged to the governor's cohors. Disputes between the lessees of the tithe and the Aratores were decided according to the Lex Hieronica (Cic. *in Verr.* ii. 13, 32). By the Lex Rubria de Gallia Cisalpina the magistrates of the municipia were authorised to decide all civil suits in which the sum involved did not exceed 15,000 sesterces, and the same provision occurs in the Lex Julia municipalis. The governor's judicial assistance was also largely needed for the legitimation of certain dispositions, such as manumissions, adoptions, and emancipations (*jurisdictio voluntaria*). His criminal jurisdiction was in the nature of that exercised under martial law: he decided in person on the guilt or innocence of the accused, though under the advice of a consilium formed from the leading Roman citizens of the neighbourhood (Cic. *in Verr.* i. 29, 73; ii. 29, 71; v. 21, 55), and over a condemned criminal he had power of life and death, though if he were a Roman citizen he enjoyed the right of *provocatio* to the tribuni plebis, which enabled him to remove the matter to Rome (Plut. *Caesar*, 4).

The nature of the taxes paid by the provincial subjects of Rome has been alluded to in speaking of the organisation of Sicily, but this subject cannot be understood without some knowledge of the tenures by which land in the provinces was held. The general principle was that provincial soil belonged, as a whole, to the Roman state (*ager publicus*), and could not be owned *ex jure Quiritium* by individuals, but only "possessed" (Cic. *ad Att.* vi. 1, 12; Gaius, ii. 7). The great bulk of the taxes was levied on these "possessions" in the hands of the provincials, who from this point of view are termed *Stipendiarii;* though some of the *ager publicus* was differently treated, being either sold outright by the state, which imposed a nominal tax in order to show that it did not waive its right of property in the soil (*ager privatus vectigalisque*), or let out by the censors at Rome to tenants for life, who paid both *decumae* and *scriptura* (grazing tax, Varro, *de Re Rust.* ii. 1, 16). The tax levied on the Stipendiarii was either tithe (*decumae*) or stipendium. The first was not common, being found only in Sicily and Sardinia, and for some little while in Asia. The second was charged both on the land (*tributum soli*), in which case it was sometimes paid in money, as in Macedonia; sometimes in kind, as in Pontus and Cyrene; and on persons (*tributum capitis*), who were taxed on account of their incomes, trades, and professions. Besides these sources of income, the Romans derived large sums from the customs' dues (*portoria*), ship-money, mines, &c. No taxes were paid to the state by the free and allied towns, but this exemption does not seem to have extended to the Roman colonies and municipia or the "oppida Latio donata."

The practice of letting out the taxes to publicani to farm is well known, and it often happened that a firm of these capitalists engaged to pay the state a fixed sum per annum for five years in exchange for all the taxes of a province—vectigal, decimae, scriptura, portoria, &c. In such cases it would seem that the publicani paid the money over directly to the quaestors at Rome: but all taxes which were not farmed were collected by and paid to the quaestor of the province or its districts, an officer who was assigned to his province by lot, and not appointed by the governor. In theory the quaestor had the entire management of financial matters, though he was often largely interfered with by the governor, who decided, according to his own view of the local requirements, what sums should be transmitted to Rome, and who had power to remit taxation (Cic. *in Verr.* iv. 9, 20; *ad Fam.* iii. 7). Though properly a financial officer, he had jurisdiction in matters which fell under his official cognisance, like the aediles at Rome (Gaius, i. 6) and the early Exchequer authorities in England; and he had to give a full account of his receipts and expenditure on his return from the province (Cic. *in Verr.* i. 14, 36). After the passing of a Lex Julia (B.C. 61) the governor was bound to deposit two copies of his accounts in the two chief cities of his province, and to forward one (*totidem verbis*) to the Aerarium (Cic. *ad Fam.* ii. 17, v. 20; *ad Att.* vi. 7). The governor might even delegate his own powers to a quaestor, either *in toto* (*e.g.* Cic. *ad Att.* vi. 6, 3) or for a special purpose, such as the administration of justice (*e.g.* Suet. *Jul.* 7).

The *personnel* of a provincial administration comprised also (1) *legati*, of whom there were usually three in a consular, one in a praetorian province: they were appointed by the senate, very often on the nomination of the governor, who would entrust them with minor military commands or assign them a district to look after, with civil jurisdiction; (2) *comites*, appointed by the governor himself, and maintained at the public charge, presumably on the supposition that they discharged secretarial functions and employed their time in learning the business of administration; (3) *praefecti*, three in number, whom the governor seems to have employed principally as military lieutenants; and lastly a large miscellaneous body of lictors, praecones, scribae, haruspices, &c., whose duties are too unimportant to be here detailed.

Those who have read the Verrine orations of Cicero will remember what a gloomy picture he draws of the condition of the provinces under Roman rule. "It is difficult," he says in his speech for the Lex Manilia (c. 22), "to describe into what hatred we have been brought by the wrongdoing and lust of the governors whom we have sent among foreign peoples during these years." Pay was first attached to the office of proconsul or propraetor by Augustus (Dio Cass. liii. 15; Sueton. *August.* 36), so that under the Republic the governor had to pay himself as best he could during his tenure of power; and the boast of Verres recorded by Cicero (*in Verr.* iv. 1, 14) is ample proof that a magistrate whose conscience was not over-tender found numerous opportunities of filling his own pockets. The old rule that a governor and his retinue must pay for their lodging and entertaiment was seldom observed, and his progresses through the province, to say nothing of the Legationes liberae, entailed vast expenditure on its inhabitants: the extortions practised by himself and his subordinates were even outdone by those of the publicani, who farmed the taxes, and the negotiatores or money-lenders; and in many of the provinces, especially in Greece and Asia, protracted wars had inflicted miseries on the people from which they could hardly hope for recovery. Practically no remedy for all these evils was afforded by the nominal control of the senate, which had the right of deciding on the number of troops which a governor should have under his command, and of altering or overriding his policy, and which, if he did not follow its instructions, could refuse to sanction his arrangements, or to grant him a triumph or supplicatio even after a successful war. But, towards the end of the Republic, it is patent that, so far from controlling the provincial governors, the senate was itself ruled by such men as Sulla, Pompey, and Caesar. The strongest check upon the misconduct of a governor ought in reality to have been found in statutory enactments. A number of these (a Lex Valeria, a Lex Julia, and Leges Porciae) were designed to protect

Roman citizens residing in the provinces from ill-treatment by him. The Lex Calpurnia (B.C. 149), the first statute against *repetundae* or extortion, was followed by a Lex Acilia (B.C. 125) and a Lex Servilia (B.C. 111) dealing with the same offence, the former of which was especially severe; and the Lex Julia defined the requisitions which a governor might make upon the inhabitants of his province without payment. The laws on the subject of Majestas and Peculatus were also weapons which on occasion might be turned against governors who abused the trust confided to them. But when we consider the condition of things described to us by Cicero, we cannot but be struck by the smallness of the result obtained by prosecutions under these statutes. There can be little doubt that this is to be explained by the political use which was made of the judicia. Between the times of C. Gracchus and Sulla, while the knights were sole judges in criminal trials, their sympathies with the publicani would prejudice them against the cause of the provincials: the venality of the senators, whom Sulla substituted for the knights, was shameless and notorious, though according to Appian (*de Bell. Civ.* 122) not more so than that of the knights themselves: in any case the senate would do its best to screen a governor for whom it was itself mainly responsible, and whose condemnation would in a way condemn itself. Some improvement was perhaps effected by the Lex Aurelia (B.C. 46), which divided the judicia between the senators, knights, and tribuni aerarii: but it was in the Empire that the provincials first found relief from oppression, and redress for wrong inflicted on them by Roman magistrates.

In the year 43 B.C. Gallia Cisalpina ceased to be a province: it was incorporated with Italy, though the term Italia was sometimes improperly used to describe it even before this date (Caesar, *Bell. Gall.* i. 54, v. 1, vi. 44, &c.; Cic. *Phil.* v. 12, 31), and a new organisation was given to it by the Lex Rubria, by which in particular jurisdiction in certain classes of suits was conferred on the municipal magistrates [RUBRIA LEX]. With the establishment of the imperial power under Augustus a considerable change was made in the administration of the provinces, the control of some of which he reserved absolutely to himself, while the rest remained under the nominal management of the senate; this being the origin of the distinction drawn by Gaius (ii. 21) and others of the older jurists between those provinces which are "propriae populi Romani" and those which are "propriae Caesaris." The division was modelled in principle upon the older one between consular and praetorian provinces: the "Imperial" provinces were those in which the chances of invasion from without or rebellion within necessitated the presence of considerable forces, especially those which formed the frontiers of the Empire; those in which peace was assured were ostensibly left to the senate (Sueton. *August.* 47; Dio Cass. liii. 12, 14, liv. 4; Strabo, xvii. p. 840). Subject to frequent interchange of provinces (Tac. *Ann.* i. 76, 80; Sueton. *Claud.* 25; Dio Cass. lx. 24; Capitol. *Marc.* 22), these arrangements subsisted until the third century. Strabo, in the passage referred to, gives the division into provinces (ἐπαρχίαι) as constituted by Augustus. The provinces of the Populus (δῆμος) were two consular (ὑπατικαί) and ten praetorian provinces (στρατηγικαί); the rest of the eparchies, he says, belong to the Caesar. Lusitania is not enumerated among the eparchies of the Populus, and if it was a distinct province it must have belonged to the emperor. The list of provinces in the "Demonstratio Provinciarum" (*Mythog. Vat.*, Bode) mentions the province of Asturia et Gallaeca Lusitania. Dio Cassius (liii. 12) states the distribution of the provinces by Augustus thus: the provinces of Africa, Numidia, Asia, Hellas (Achaia), with Epirus, Dalmatia, Macedonia, Sicilia, Crete with the Cyrenaica, Bithynia with Pontus, Sardinia and Baetica, belonged to the senate and people (δῆμος and γερουσία). Tarraconensis, Lusitania, all Gallia, Coele Syria, Phoenice, Cilicia, Cyprus, and Egypt belonged to Augustus, who afterwards took Dalmatia from the senate and gave it Cyprus and Gallia Narbonensis in exchange, while Tiberius appropriated Achaia and Macedonia without any compensation (Tac. *Ann.* i. 76), though they were restored by Claudius (Sueton. *Claud.* 25). Bithynia became definitely imperial under Hadrian. The *provinciae populi* were administered for one year according to usage (Dio Cass. liii. 12, 14; Strabo, *loc. cit.*; Sueton. *August.* 4) by the old republican magistrates; two of them, viz. Africa and Asia, by ex-consuls; and the rest by ex-praetors. The two oldest consulares cast lots for the consular, the praetors also by seniority for the praetorian provinces, though the title of proconsul belonged generally to these governors without reference to the offices which they had actually held at Rome (Dig. 1, 16). They enjoyed imperium, including unlimited jurisdictio, and the administration of justice must have been their main business, as owing to the nature of the case their military duties must have been quite inconsiderable. In the "provinciae Caesaris" the emperor was himself proconsul, but conducted their government through lieutenants, a "legatus Augusti pro praetore" having in effect the same power and authority here as a proconsul in the provinces of the people (Dig. 1, 18). These legati were selected by the emperor from those who had been consuls or praetors (whence they were called *consulares* or *praetorii*) or sometimes from senators of less rank (*e.g.* Dio Cass. liii. 13: Appian, *de reb. Hisp.* 102; Sueton. *August.* 23): they held their office at the emperor's pleasure, being mere delegates of his authority. Thus Agricola governed Aquitania for three years, in accordance with Maecenas' advice to Augustus (Dio Cass. liii. 23); but Galba was in Spain eight years (Plut. *Galba*, 4), Sabinus in Moesia seven, and Silius in Gaul apparently at least ten (Tac. *Ann.* i. 31, iv. 18). The theory of delegated authority was not, however, consistently observed; the jurisdiction of a legatus, for instance, not being regarded as *mandata*, but as belonging to him independently, so that he could himself delegate it to one of his subordinates (Dig. 1, 21, 5, pr.). These imperial governors are in the inscriptions always designated as "legati pro praetore;" but when not viewed as the emperor's agents, they were termed "provinciarum praesides" (Sueton. *August.* 23, *Tib.* 42; Vopisc. *Prob.* 13; Dig. 1, 18, 8, 20, 1, 16, 9, 6); like the praefectus urbi or praetorio, they were magistrates, but magistrates of the princeps, not of the populus (Dig. 4, 2, 3, 1), though it is true that as all the provinces tended more and more to fall under the emperor's direct control the term *praeses* came to be applied also to the governors of senatorial provinces (Dig. 1, 18, 1; Sueton. *Claud.* 17; Lamprid. *Alex. Sever.* 46). No quaestors were sent to the Imperial provinces, in which the functions entrusted to these officers in districts administered on the old system were discharged by "procuratores Caesaris" (Dig. 1, 19), selected from the knights or the emperor's freedmen, who had jurisdiction in financial matters (Cod. 3, 13, 1): and such procuratores are even found in provinces of the people for the purpose of guarding the interests of the Fiscus in connexion with inheritances, legacies, &c., where too they had in such concerns a jurisdiction concurrent with that of the proconsul. Sometimes an unimportant province, or an outlying portion of a considerable one, was governed by a procurator with the powers of an ordinary governor, as *e.g.* Judaea by Pontius Pilate (Joseph. *Ant. Jud.* xvii. 13, 5; xviii. 1, 1, &c.). Egypt received a peculiar organisation from Augustus (Tac. *Hist.* i. 11; Dig. 1, 17). He placed it under the government of a praefectus Augustalis, who took the place of the Egyptian king with the powers of a Roman magistrate; but the old division of the country into *νομοὶ* administered by native *νόμαρχοι* was retained (Plin. *H. N.* v. § 49), and a special magistrate for judicial purposes called *juridicus*, with the powers of a provincial governor, was assigned to Alexandria.

But notwithstanding the epithet "Senatorial" applied to those provinces which were governed by a proconsul, they were in reality hardly less under the control of the emperor from the beginning than those which were "propriae Caesaris:" from him the proconsuls as well as the "legati pro praetore" received instructions and mandata as to the administration (Dio Cass. liii. 15; Plin. *Ep.* x. 64), and in all important matters not already provided for they had to apply to him for advice. Their position in fact was so different from that of a provincial governor under the Republic or of a legate in an imperial province that, according to Tacitus (*Ann.* vi. 27), Tiberius found it difficult to get competent men to accept the office, which was one of great responsibility, and could be valued only on account of the salary which Augustus attached to it.

The "Romanisation" of the law of the provinces continued to be carried on by edicts, statutes (Ulpian, *Reg.* xi. 18;—Gaius, i. 183, 185; iii. 122), imperial enactments (Plin. *Ep.* x. 71, 72), and senatusconsulta (*ib.* 77); and even some laws passed for the citizens of Rome were expressly extended to the provincials (*e.g.* Gaius, i. 47; Ulpian, *Reg.* x. 20; Dig. 30, 41, 6;—Cod. 7, 9, 3; 7, 71, 4): but the local laws still remained outside Italy the foundation of private rights and duties until the celebrated edict of Caracalla, by which the Roman civitas was early in the third century bestowed upon all free subjects of the Empire. With the fall of the Republic more substantial alterations took place in the matter of taxation. Julius Caesar abolished the decumae in Asia and probably also in Sicily, and under Augustus a complete survey was made of the provinces, extending over more than twenty years, and a census taken of their inhabitants; both of which were of the greatest value in adjusting the taxes upon an equitable basis. The vectigal of the *ager publicus* or domain land was paid into the Aerarium or the Fiscus, according as the province belonged to the senate or to the emperor, until the time of Vespasian, who took the whole of the domain land under his charge. All the provinces seem now to be charged also with *annona*, a payment from the land in kind, which was applied to supporting the civil and military officials within them; in this form Africa and Egypt supplied in addition enough corn to feed Rome during one-third of the year (Josephus, *Bell. Jud.* ii. 16, 4). The old revenue from poll-tax (*tributum capitis*), mines, and portoria still continued: to them were added under Augustus new imposts in the 5 per cent. duty on legacies, though this was paid only by Roman citizens in Italy, until the edict of Caracalla, the centesima on *res venales*, levied apparently throughout the Empire, and a tax of 4 per cent. on all purchases of slaves. The system of farming the taxes was still followed, though with most of its abuses corrected. The emperor also derived large sums from the "patrimonium Caesaris," or his private estates in the provinces, which were of vast extent; Augustus owned all Egypt, and the Thracian Chersonese belonged to the emperors up to Trajan. The property of condemned criminals was in some cases forfeited to the Aerarium, and later to the Fiscus; and the same was done with *bona vacantia* and *bona caduca* under the Leges Julia and Papia Poppaea. But the Aerarium, though nominally the Senatorial Exchequer, was really under the control of the emperor (Dio Cass. liii. 16; cf. Tac. *Ann.* vi. 2, "bona Sejani ablata aerario ut in fiscum cogerentur, *tanquam referret*"), by whom its officials were appointed; and when the distinction between imperial and senatorial provinces ceased to exist in the time of Severus, it became the treasury of the corporation or municipality of Rome. The really heavy expenses of the State were paid from the Fiscus, which bore the costs of the naval and military forces, the civil organisation, the construction and maintenance of public works, such as roads and aqueducts, the supply of corn to Rome, &c.

After the edict of Caracalla (A.D. 215), little reason remained for preserving the old distinction between Italy and the provinces, which now entailed a grave injustice on the latter, which became liable to the vicesima on legacies and inheritances besides having to pay the old land-tax. Accordingly within half a century Italy itself was subdivided into provinciae, and had to pay tributum equally with the most distant parts of the Empire. Towards the end of the third century Diocletian completely remodelled the provincial organisation by dividing the whole Roman world into twelve *διοικήσεις*, each of which comprised a number of provinces with new geographical limits: thus in the *διοίκησις* of Britain there were four provinciae, in that of the Oriens sixteen: the total number was 101. Each *διοίκησις* was under the administration of a new officer called Vicarius, who was answerable only to the praefectus praetorio as lieutenant of the emperor: the governors of the provinciae were proconsuls, consulares, or praesides, and enjoyed different ranks in the hierarchy or peerage of the Empire. The administration of justice was in a way revolutionised by Diocletian's abolition of the formulary procedure in civil causes, which applied to the provinces no less than to Rome, the magistrates being directed to hear and determine all suits in person. The Empire was resurveyed for financial purposes, and all taxation, so far as it affected the land, being based on a division of the soil into *juga*, each of which, though differing in acreage from others according to its fertility, being rated in the same value; the customs' dues were increased, and the *tributum capitis* was taken off the towns and levied chiefly on the new class of Coloni. Constantine made further administrative changes by completely separating the civil and military powers, so that the governors of provinces even on the frontiers of the Empire had nothing to do with the troops stationed in them, which were under the command of a general without any civil authority: but Justinian re-united the two sets of functions, at any rate in those provinces in which Constantine's arrangements had not worked satisfactorily (*Nov. Just.* viii. 2, 5; xxiv.—xxxi.; cii., ciii.).

It remains to give a short account of the condition and organisation of the provincial towns. In the republican period the vast majority of these were subjected absolutely to the power of the governor, and had no free municipal constitution or independent jurisdiction: these citizens were under the same authorities, financial, judicial, and military, as the purely rural population. Some of them, however, were privileged, though in their immunities there were various degrees. *Foederatae civitates*, such as Messana and Tauromenium in Sicily, and Gades in Spain, owed no duties to Rome beyond those imposed on them by their treaty with her, though these were often oppressive (*e.g.* Cic. *in Verr.* v. 19–24, §§ 48–61). Some towns were after their conquest declared free again by a lex or senatusconsultum (*populi liberi*, such as Termessus in Pisidia, Strabo, xvii. p. 839, &c.), whereby their citizens became capable of owning land within their territory, and acquired rights of self-government, especially in matters of taxation and legislation: others were *liberae et immunes*, being released from the taxes usually paid to Rome, and from the liability to have troops quartered on them during the winter months. In many provinces, again, there were colonies, either Latinae or civium Romanorum, for whose relation to the ordinary provincial administration reference should be made to the article on COLONIA; and sometimes towns, without being made to receive a colony, were endowed with the "jus Latii" (*e.g.* in Gallia Transpadana by Cn. Pompeius, Strabo, B.C. 89), which freed them from the control of the Roman governor (Strabo, iv. p. 187) and gave them the rights of self-government and having their own coinage, and other privileges described under COLONIA and LATINITAS. Under the Empire we find also numerous municipia in the provinces, *i.e.* towns on which the Roman civitas had been bestowed —*e.g.* on Gades and other Spanish towns by Julius Caesar (Liv. [illegible]; Dio Cass. xli. 24, xliii. 39), whose example was followed by Augustus (Suet. *Aug.* 4[illegible]; Dio Cass. liv. 25) and his successors. Th[illegible] that the ordinary free municipal constitution of Italian towns, with elected duoviri or quattuorviri, who possessed a tolerably extensive civil and criminal jurisdiction, aediles, quaestors, an ordo decurionum, and assemblies for their citizens: in fact, their condition was much the same as that of the "coloniae civium Romanorum," except that the latter ranked above them in dignity (Gellius, xvi. 13). Finally there were towns endowed with the "jus Italicum," the conception of which arose after the Social war and the statutes it occasioned, and which led to the familiar opposition between municipia, coloniae, and praefecturae of Roman citizens in Italy and all other towns whatsoever (*e.g.* Lex Julia municipalis, ll. 142, 143). It does not seem to have been granted with any great freedom (Plin. *H. N.* iii. § 25; Dig. 50, 15, 1, 6–8), and apparently only to coloniae and municipia, not to oppida which were merely "stipendiaria" or had the "jus Latii" only; though this is a disputed matter, Puchta (*Institutionen*, § 95) and Zumpt (*Comm. Epigraph.* i. pp. 477–491; *Studia Romana*, pp. 337, 338) denying its possession by municipia in any case, and the latter maintaining that it was sometimes given to mere peregrini. As to its nature also there are considerable differences of opinion. Conceivably it affected the soil, the municipal constitution, the taxes, and the persons of those who inhabited the towns on which it was conferred. The soil would be released from tributum, and subjected to Quiritarian ownership with all its legal incidents. In relation to finance, the citizen of a town possessed of "jus Italicum" would have his name entered in the local census with the formula employed at Rome, and the lists would be incorporated with those of Rome herself (Lex Julia munic. ll. 142–160; Huschke, *Census*, p. 62); he would further be discharged from the payment of all taxes not paid in Italy, including tributum, annona, and the poll-tax on trades and professions. It would affect the person of the citizen by giving him the benefit of certain laws which applied to Italy alone, or at any rate conferred on persons domiciled in Italy advantages over those domiciled elsewhere (*e.g.* the rewards given to those who contracted a fruitful marriage by the Lex Papia Poppaea, and the benefits of the Lex Furia de sponsu). These consequences, and these only, are ascribed to a grant of "jus Italicum" by Schwartz (*de jure Italico*, Exerc. Academ. 1783, 1–37) and Walter (*Geschichte des röm. Rechts*, § 319); but Savigny (*Ueber das Jus Italicum*, Verm. Schriften. i. 29–80) and Puchta (*loc. cit.*) deny the last of the three, and affirm as one of the chief consequences of the "jus Italicum" a free municipal constitution, which, according to Schwartz and Walter, must have belonged to the town already.

Provincial towns which belonged to none of these privileged categories (*civitates stipendiariae*) had some sort of municipal constitution, and the Romans as a rule interfered but little with arrangements which they found already established, provided they were not a menace to their own supremacy. But such constitutions were not *free*: they did not exclude the jurisdiction of the governor of the province. The towns had their own magistrates of various denominations: in Temnos there were praetors, quaestors, and mensarii (Cic. *pro Flacco*, 19, 44), names which doubtless are intended to represent Greek titles: in Thyatira there were στρατηγοί: in fact the names of the local magistrates are legion, but their functions are regarded as burdens (*munera*) rather than as privileges (*honores*), and there was no local jurisdiction, the administration of justice, civil as well as criminal, being in the hands of the governor alone. Most provincial towns seem to have had elective senates (*curiae*), an arrangement encouraged by Rome herself, who was adverse to democracies; but to be a "decurio" or senator was burdensome and expensive, and the citizens had to be expressly rewarded for undertaking or getting others to undertake the office. [For details see DECURIONES; DECEM PRIMI.] Under the Empire the electorate was controlled from Rome, no one being permitted the full local franchise unless his income reached a certain minimum; thus Dio Chrysostom (ii. 43 R) says that at Tarsus, besides the βουλὴ and the πλῆθος, "there was no small multitude which stood, as it were, outside the constitution." The provincial towns had no independent right of legislation, even in relation to municipal affairs, but were obliged to resort to the emperor, as is shown by the number of Rescripts on the subject; and upon nearly all matters which with us are transacted by the corporation or vestry of a town, such as the construction and maintenance of public works, they had to refer to the governor. It does not appear that the religion of the provincials was ever interfered with, nor had it been put under any restraint in the republican period.

The constitution of the provincial towns was affected in the second half of the fourth century by the establishment in all of them of a new office, that of *defensores civitatis*, *plebis*, or *loci*. These magistrates were chosen for five years, which Justinian reduced to two, by all the citizens of the town who possessed the franchise, but no decurio could be elected: their chief function was the protection of the town and its citizens against oppression and injustice at the hands of the imperial officials, as to which they were to address complaints to the governor of the province, or, if he were himself the offender, to the emperor or praefectus praetorio; by reason of their independence in relation to the governor they ranked above all the other municipal magistrates (Cod. i. 55, *de Defensoribus*). They were even invested with a limited jurisdiction in civil causes, which Justinian extended from matters of the amount of 50 to those of 300 solidi, and from which there was an appeal to the *praeses* (*Nov.* 15, 5); and they could appoint tutors where the property of the ward did not exceed a certain minimum in value (Inst. i. 20, 5). In the fifth or sixth century they also acquired a small jurisdiction in criminal matters (Cod. i. 55, 5; Cod. Theod. i. 29, 7; *Nov.* 15, 6).

The most complete treatment of the Roman provincial organisation and its history is that of Marquardt, *Römische Staatsverwaltung*, i. pp. 90–425. English readers will find a careful and accurate account of the matter, based upon the best authorities, in Mr. W. T. Arnold's *Roman Provincial Administration* (Macmillan, 1879), which the writer of this article has found of the greatest service. Reference may also be made to Walter's *Geschichte der römischen Rechts*, §§ 233–248, 308–320, 387–392; Puchta, *Institutionen*, §§ 66–69, 93, 94, 122, 123; Sigonius, *de Antiquo Jure Provinciarum*, lib. i.–iii.; Savigny, *Geschichte des röm. Rechts im Mittelalter*, vol. i.; and Goettling's *Geschichte der römischen Staatsverfassung*. [J. B. M.]

PROVOCA'TIO. [APPELLATIO.]

PROVOCATO'RES. [GLADIATORES.]

PROXE'NIA, PRO'XENUS. [HOSPITIUM.]

PRUDENTES. [JURISCONSULTI.]

PRY'TANES. [BOULE, Vol. I. p. 310.]

PRYTANE'UM (πρυτανεῖον). The nearest approach that modern usage makes to the Prytaneum of a Greek state may be found in the town-hall or *hôtel de ville*; but the religious character attaching to it gave it a much higher significance, and it had also state purposes which were peculiar to cities of ancient Greece, being non-existent even at Rome, where, as will be pointed out, we have a near parallel on the religious side. The Prytaneum, so far as our evidence goes, was a requisite for every Greek state (Paus. i. 43; v. 15); but only in the capital, not in *demes* or villages attached to it. Its archaic history appears to be as follows. Every Greek tribal settlement of primitive times (and probably the same holds good for most nations of the world) had a common hearth in the chief's house, where the fire was scrupulously preserved, because of the difficulty in those days of procuring fire at all. To pursue this question further is unnecessary here: any book on the folk-lore and customs of almost any primitive nation will supply examples: numerous references are given in a paper on the Prytaneum by Mr. Frazer (*Journal of Philology*, xiv. 28, 1885). The perpetual maintenance of this fire was the duty of the chief, but delegated by him to daughters or slaves; in Rome, no doubt, to daughters, who reappear in history as the Vestals [VESTALES]. If the settlement was moved, the firebrand was taken carefully from the hearth and carried onward, a custom which Parkman has particularly noted in the Indian tribes of America; and similarly, if a swarm of colonists went out to settle elsewhere, they took fire with them.

What had in early times been a necessity became afterwards a religious ceremony, and accordingly we find practically the same usage—even, as it seems, the *shape* of the primitive chief's dwelling—surviving in civilised Greek and Roman states. When one state or πόλις absorbed others, which had previously had separate πρυτανεῖα, the chief town alone retained a πρυτανεῖον common to all: that is to say, a single βασιλεὺς replaced the many chiefs, and his single palace contained the common hearth for the sacred fire. That this is not mere surmise may be seen from Thucyd. ii. 15; Plut. *Thes.* 24, where we are told of the abolition of the separate πρυτανεῖα, and the establishment of the common πρυτανεῖον in the ἄστυ: and though the single ruler at Athens became βασιλεύς, and not πρύτανις, yet even this latter title in some states, as at Rhodes, continued to be the title of the chief magistrate. It is reasonable then to assume that the Prytaneum in Greek states was originally the house of the king or chief magistrate, and that similarly at Rome the temple of Vesta was once part of the king's house or Regia (see Middleton, *Rome*, p. 181; Frazer, *op. cit.*).

At Athens it is probable that there were several changes in the position of the Prytaneum before the building which Pausanias knew by that name under the northern side of the Acropolis (Paus. i. 18). Full discussions of these migrations of the state hearth will be found in E. Curtius, *Attische Studien*, and in an article by Schöll in *Hermes*, v. 340. We have little doubt, though it cannot be proved, that the original Prytaneum of the "Cecropian" city was upon the Acropolis, but of that no trace in the ground, and little, if any, in literature, has been discovered (Pollux, ix. 40, however, seems to allude to this Prytaneum). It may, we think, be now considered as fairly established that the historical Prytaneum was in the *old* Agora of the "Theseian" city, *i.e.* of the city formed by the aggregation mentioned above; and this Agora must be placed to the south of the Acropolis. Here it is likely that there were both the Prytaneum or state hearth and dining-place for those state-guests who will be described hereafter, and also an original Thesmothesion for the archons to dine in.

Later on, when the city spread, and the Agora was shifted (perhaps, as Curtius thinks, by Pisistratus), the Ceramicus quarter having become the centre of Athenian life and business, the *θόλος* was built near the *βουλευτήριον* (Paus. i. 57); and there the Prytanes thenceforth dined, for the obvious reason that they could not quickly pass from their business to their meals; and in that neighbourhood also, for the convenience of the Archons, was their dining-place, the Thesmothesion: here too was the *στοὰ βασίλειος*, the office of the Archon Basileus, which to some extent represented the old *βασιλεῖον* of kingly times. A very fair inference has been drawn from the shape of the Tholus, a round building with a pointed "umbrella-shaped" roof, that it preserved the orthodox shape of the old Prytaneum; and so, further, that *πρυτανεῖα* represented the primitive circular wattled huts, with peaked roof and hearth in the centre, where dwelt the chief of the tribe: if this theory is correct, it will apply also to the circular temples of Vesta. At a later time, probably after the Roman conquest, the larger building was constructed which Pausanias (i. 18) describes as the Prytaneum on the northern side of the Acropolis, containing the statue of Hestia, to represent the sacred hearth of the state, the statue of Peace and the remains of Solon's tables of law [NOMOS] which denoted its sovereign character, and some other statues.

There were then probably three Prytanea of different dates: (1) the oldest in the Acropolis of prehistoric times; (2) that in the old Agora, south of the Acropolis, which, even after the Tholos took part of its duties, remained as the Prytaneum of the classical age, and was still the state hearth from which fire was taken for colonies, having itself supplied the sacred fire kept also for the altar in the Tholos; and (3) the Prytaneum of Pausanias, which seems to have supplanted the older Prytaneum (No. 2) for all purposes, unless we are to conclude from the way in which Pausanias speaks of *τὸ ἐν πρυτανείῳ καλούμενον δικαστήριον* (i. 28), that the judicial court [see PHONOS] of that name was not transferred to the new building. It may be noted that in this court, as well as in the general term of *πρυτανεῖα* for court fees, we seem to have a relic of the old royal or palace jurisdiction.

At Athens the *πῦρ ἄσβεστον* was, according to Plut. *Num.* 9, as also at Delphi, kept up not by vestal maidens, but by aged widows (*γυναῖκες πεπαυμέναι γάμων*), who perhaps represented the female slaves of the primitive chief, as the Roman Vestals represented the daughters. As regards the supply of sacred fire for colonists starting to found a new state, see above, and compare COLONIA, Vol. I. p. 474.

Sitesis.—It will be convenient to describe here all the classes of persons who were entertained at the cost of the state, though it must be understood that it is entirely erroneous to suppose that they all dined in the Prytaneum —at any rate before the Roman conquest; whether they did so later is open to dispute. We cannot doubt that in the invitation to dine in the Prytaneum we have a relic of the custom that the *γέροντες* or chief counsellors should dine at the king's table, and that the hospitality should be extended to other honoured citizens or distinguished visitors. This custom was not peculiar to Athens; for we have record of entertainment in the Prytaneum as belonging to various Greek towns. Athenaeus mentions it in Thasos, Naucratis, and Mitylene (i. p. 32; iv. p. 149; x. p. 425): we hear of it also at Tenedos (Pind. *Nem.* xi. 8), Rhodes (Polyb. xxix. 5), Cyzicus (Liv. xli. 20), and to this list many additions can be made from inscriptions. In fact, we are brought to the conclusion that if *πρυτανεῖα* as state hearths were probably universal in Greek capital towns, the public entertainment of certain officials, citizens, or foreign guests was at least general.

As regards the regulations of this entertainment at Athens, we are able still to gather a good deal of evidence. Plutarch (*Symp.* iv. 4, 1) tells us that Celeus first had a daily entertainment of *εὐδόκιμοι καὶ ἀγαθοὶ ἄνδρες*. Looking to the connexion of Celeus with the Eleusinian rites, we may conjecture that this tradition is the attempt to explain the right of the Eleusinian priests to partake in the *σίτησις*. There is at any rate little doubt that the early rulers of Athens thus entertained three classes of persons, viz. magistrates, priests, and unofficial guests, alike distinguished Athenians and foreign princes or envoys. Those who *by right of office* dined with the king (or, after the end of the monarchy, dined together) were *σύσσιτοι* (also *ἔνσιτοι*): those unofficial persons, who were invited to dine besides, were *παράσιτοι* (cf. Plat. *Lach.* p. 179 C), but this word became limited to the subordinates of the priests [PARASITI]. The word *ἀείσιτοι* or *αἴσιτοι* is of later times (see below). We must carefully notice also a threefold division of *place* in historical times: I. the Prytaneum, in which the unofficial guests dined; II. the Thesmothesion, where the Archons dined; III. the Tholos. It is of course not impossible, as Schöll thinks, that the Archons had a separate Thesmothesion for dining in the old Agora as well as in later times; but on the whole it seems more likely that before the alteration of the Agora all alike dined together in the Prytaneum; but when, as stated above, the government offices were transferred along with the busy life of Athens to the inner Ceramicus, the division of meals began, and the Archons dined thenceforth in the Thesmothesion.

I. The meals in the Prytaneum continued as before, for (*a*) foreign princes and envoys of other states, the formula for whose invitation is *καλέσαι τοὺς πρέσβεις ἐπὶ δεῖπνον* (or *ἐπὶ ξένια*) *εἰς τὸ πρυτανεῖον εἰς αὔριον*, *i.e.* for the day following their audience in the assembly, and as the conclusion of their mission (Poll. viii. 138; Dem. *F. L.* p. 350, § 31; [Dem.] *de Halon.* p. 81, § 20): the invitation ran in the name of the senate, *ἡ βουλὴ καλεῖ* (Aristoph. *Ach.* 124; Dem. *l. c.*) or the *δῆμος* (Dem. *Polycl.* p. 1210, § 13): Demosthenes says *ἐκάλεσα* (*F. L.* p. 414, § 234), as being the member of the senate who proposed it: (*b*) citizens who had done good service; *e.g.* who had returned from a successful embassy: (*c*) citizens honoured with this entertainment for life, the honour to which Socrates refers in his *Apology*. Such were (1) Olympic victors (Plat. *de Rep.* v. p. 465 D; Plut. *Arist.* 27; Athen. vi. p. 237) and victors in the other great games (*Insc. Ephem.* 29, 2). Schöll appears to be right in his view that this honour was given to an Athenian who won the chariot-race at Olympia, *or* the gymnic contest at any of the four games; (2) distinguished generals or statesmen (Aristoph. *Eq.* 709; Aeschin. *F. L.* § 80; Dem. *Aristocr.* p. 663, § 130); and lastly (3) the representatives of certain families, in which the honour was hereditary: thus we find it a privilege for the nearest representatives for the time being of Harmodius and Aristogeiton (Isae. *de Dic. her.* § 47); the nearest representatives of Demosthenes (Plut. *Dem.* 31).

Schöll (in *Hermes*, xxii. p. 561, 1887) shows that the daughters of such persons were dowered by the state.

II. The meals of the Archons, as mentioned above, were transferred to the Thesmothesion in the New Agora.

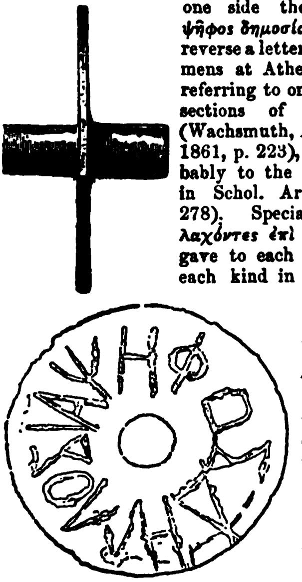
III. In the *Tholos* or *Skias*, for the same reason which made the Archons dine in the Thesmothesion, that they might be near their business, the Prytanes and certain other officials, *during their tenure of office*, took their meals together, after sacrifice offered at the state hearth; for the sacred fire was now in the Tholos as well as in the Prytaneum. Who these officials were may be gathered from the account of the ἀείσιτοι, though it is possible that the number of offices so privileged may have been greater in the period to which our extant lists belong than in earlier times.

The ἀείσιτοι (or *αἴσιτοι*) are not found under that name before the second century A.D.; and, though we cannot say when they were first so called, it is clear from Athen. vi. p. 435 that παράσιτοι was used in that sense by a pupil of Aristotle. It must be particularly observed that ἀείσιτοι does not, as is often supposed, mean, those who had this privilege for life: the element ἀεὶ in the word means *for the time of his office*: for example, ὁ ἀεὶ γραμματεύων was ἀείσιτος. No one who studies the lists of ἀείσιτοι preserved in inscriptions can doubt this for a moment. We have a number of Prytany lists dating from the middle and latter half of the second century A.D. In these we find a list of the Prytanes, and then a separate heading ἀείσιτοι, under which came, first the Eleusinian priests, *ἱεροφάντης, δᾳδοῦχος, ὁ ἐπὶ βωμῷ, ἱεροκήρυξ, πυρφόρος* (for these offices, see ELEUSINIA, Vol. I. p. 721); then the lay officials connected with the Prytaneis, viz. the clerk of the *βουλή*, the clerk of the Prytanes (*ὑπὲρ τὸ βῆμα*), the keeper of records (*ἀντιγραφεύς*), the under-clerk, the custodian (or priest) of the Tholos (*ὁ ἐπὶ τῆς Σκιάδος*) = apparently the priest of the Phosphori, and lastly the flute-player at the sacrifices (*ἱεραύλης*). Now in these lists it is noticeable that, whereas the Eleusinian priests, who held office beyond the year, appear under the same name in various years, this is not the case with the lay ἀείσιτοι. Take for instance the inscriptions, *C. I. A.* iii. 1029–1032, which range from the years 165 to 169 A.D., the four lists being shown to fit these four different years. The Hierophant Flavius of 165 appears in 166; a Julius replaces him in 167 and reappears in 168; the daduchus and hieroceryx bear the same name in all four lists. But when we come to the various clerks, we find that the same name never appears in two different years —(the inscriptions 1032 and 1034 are for the same year, 168 A.D.). The same holds good of the sacred officials of the Prytanes, the *ἐπὶ σκιάδος* and *ἱεραύλης*. It may be well, however, to say a word about the former. He was apparently both the custodian of the Tholos or Skias, and also the priest who offered the daily sacrifice at the state hearth for the Prytanes. In an inscription of 180 A.D. (*C. I. A.* iii. 1042) he is called *ἱερεὺς τῶν φωσφόρων καὶ ἐπὶ τῆς Σκιάδος*. Schöll explains the Phosphori as = Dioscuri, but surely it is more likely that the word should mean the Light Deities who were honoured in the torch-race [LAMPADEDROMIA], and from whom the sacred fire was derived.

The only point remaining for consideration is the condition of things in the newer Prytaneum which Pausanias describes in the second century A.D., the larger and more elaborate building north of the Acropolis, of which we have spoken above. Did the union of the separate meals follow the erection of this larger Prytaneum, so that those who were fed in the old Prytaneum and in the Tholos thenceforth amalgamated? Curtius declares that it did; Köhler (in *Hermes*, v. 340) denies it, and refers to the lists of the age of Pausanias, which seem to imply that the Prytanes and the ἀείσιτοι still dined apart in the Tholos. It cannot be said, however, that the lists distinctly prove this; and the view of Curtius may, after all, be correct. In other words, it is possible that the Tholos was still a sacred place for the offering on behalf of the Prytanes, with the ἐπὶ σκιάδος, as before, in charge of it, but was no longer used for their meals. (On the subject of the Prytaneum and the *σίτησις*, see Frazer in *Journal of Philology*, xiv. 28; Curtius, *Att. Stud.* ii.; Schöll in *Hermes*, v. and xxii.) [G. E. M.]

PSEPHISMA [Boule; Ecclesia; Nomothetes, p. 243.]

PSEPHUS (ψῆφος). In voting by ballot the Greeks used, according to Pollux (viii. 16 f., 123), sea-shells (χοιρῖναι) or imitations of such in metal, beans (φρυκτοί), σπόνδυλοι of metal (φασὶ δέ τινες τῶν ἐξηγησαμένων ὅτι ἀπὸ χοιρείων ὀστῶν αὗται ἐγίνοντο, Schol. Dem. *c. Tim.* p. 747), and ψῆφοι of metal (τετρυπημέναι and ἀτρύπητοι). At Athens in early times sea-shells were in use (Aristoph. *Eq.* 1332 and Schol. on 1147; *Vesp.* 332, 349), and probably also beans (Aristoph. *Eq.* 41: cf. Schömann, *Opusc.* i. p. 269 ff.), and pebbles (Aristoph. *Vesp.* 110; black ones for condemnation and white ones for acquittal, Plut. *Alcib.* 22, cf. Schol. Aeschin. *c. Tim.* § 79); in the times of the orators, however, the dicasts used ψῆφοι of metal. These were not balls of metal, but discs with a cylindrical axis (αὐλίσκος) running through the centre and projecting on either side, and this cylinder was either solid (πλήρης ψῆφος) for acquittal, or pierced (τετρυπημένη) for condemnation (Aeschin. *c. Tim.* § 79; Arist. in Harpocr. *s. v.* τετρυπημένη, cf. *C. I. A.* ii. No. 778). Rusopulos (Ἀρχ. Ἐφημ. 1862, p. 305) gives the following measurements of the two specimens preserved in the Collection of the Athen. Arch. Soc. Of the pierced one the diameter of the disc is 0·062 French met., thickness 0·001, length of cylinder 0·043, diameter of cylinder 0·013 at one end and 0·012 at the other. The measurements of the solid one vary but slightly: diameter of the disc 0·061, and of the cylinder 0·01. The specimen described by Vischer (*Epigr. u. Archäol. Kleinigk.* p. 16 ff.), which is reproduced below, has a somewhat smaller diameter of the disc (0·060) and shorter cylinder (0·0375). The disc bore on one side the inscription ψῆφος δημοσία, and on the reverse a letter (in the specimens at Athens Γ and Κ), referring to one of the ten sections of the dicasts (Wachsmuth, *Archäol. Anz.* 1861, p. 223), or more probably to the court (Arist. in Schol. Aristoph. *Plut.* 278). Special officers (οἱ λαχόντες ἐπὶ τὰς ψήφους) gave to each dicast one of each kind in sight of the parties, when both sides had spoken (Harpoc. *l.c.*), and the dicasts walked up to the βῆμα (Dem. *F. L.* p. 441, § 311) where two[*] boxes (κάδοι, καδίσκοι) stood, into each of which they placed one ψῆφος (the remark of the Schol. Aristoph. *Vesp.* 750, τοῦ κήρυκος τὴν κληρωτρίδα προσφέροντος, ἔβαλον (οἱ δικασταὶ) τὰς ψήφους, is contradicted by Aristophanes' words, κἀπισταίην ἐπὶ τοῖς κημοῖς ψηφιζομένων ὁ τελευταῖος). Of these καδίσκοι one, called κύριος (because the dicast put into it the ψῆφος by which he gave his vote), was made of metal; the other, called ἄκυρος, was made of wood, and into this he dropped the second ψῆφος. In this way that absolute secrecy was secured (κρύβδην ψηφίζεσθαι, in an eisangelia, Lyc. *c. Leocr.* § 146; in a γραφὴ φόνου, Lys. *c. Erat.* § 91; in a γραφὴ ἀστρατείας, Lys. *c. Alcib.* ii. § 10) which was considered a guarantee for the freedom of voting (Dem. *F. L.* p. 415, § 239). For since the old funnel-shaped top of the καδίσκος made of wickerwork (σχοίνινος ἠθμός, Cratinus, fr. 260; Schol. Aristoph. *Eq.* 1147; Bekk. *Anecd.* 275, 25; and Photius, *s. v.* κημός) had been replaced by a top of lead (*Lex. Rhet. Cant.* s. v. κημός), with an opening filed through large enough to admit one ψῆφος only (διερρινημένον ἐπίθημα εἰς τὸ αὐτὴν μόνην τὴν ψῆφον καθίεσθαι, Schol. Aristoph. *l. c.*), and with a rim running round (*Lex. Rhet. Cant.* l. c. μετέωρα εἶχε χείλη ὥστε ἐπισκοτεῖν), it is evident that if the dicast held the ψῆφος sideways by the two ends of the cylinder with thumb and second finger, lowered it to the opening in the lid and pushed it in with the first finger (Hesych. κόγξ . . . . καὶ τῆς δικαστικῆς ψήφου ἦχος: the φιληλιαστὴς gets up in the morning τοὺς τρεῖς ξυνέχων τῶν δακτύλων through being accustomed to hold the ψῆφος, Aristoph. *Vesp.* 94 f.), it was not possible for anyone to see if he put in the pierced or the solid one. After all had voted, the κύριος καδίσκος was emptied out on to a table, and the ψῆφοι were counted (cf. Aristoph. *Vesp.* 331 f.).[*] Even votes amounted to an acquittal (Antiph. *de caed. Her.* § 51; Aeschin. *c. Ctes.* § 252; Aristotle in *Lex. Rhet. Cant.* s. v. Ἴσαι αἱ ψῆφοι, etc.). Euripides (*Elect.* 1269; *Iph. Taur.* 1470 f.) connects this principle with the trial of Orestes before the court of Areiopagus, when Athena proclaimed νικᾷ δ' Ὀρέστης κἂν ἰσόψηφος κριθῇ (Aesch. *Eum.* 741). As Kirchhoff (*Monatsber. d. K. Pr. Akad.* 1874, p. 105 ff.) shows, in trials for murder the βασιλεὺς had a vote (Pollux, viii. 90); hence Athena, who acted as ἡγεμὼν in Orestes' trial, having taken off her crown, voted after the eleven dicasts, and by giving her vote to Orestes brought about evenness of votes, and thus his acquittal. A heliastic court always consisted of some multiple of a hundred, + 1, to prevent even votes (Schol. Dem. *c. Tim.* p. 702, § 9): thus Pollux (viii. 48) mentions four hundred and one, two hundred and one, as the numbers of dicasts in two different cases of φάσις (cf. *Lex. Rhet. Cant.* s. v. λογισταί, Boeckh, *Secur.* p. 464, etc.); the common way, however, of indicating the number was, for brevity's sake, to mention the variable constituent, omitting the invariable one. Even votes could therefore only come about by the default of individuals at the last moment (Schömann, *de Com.* p. 153). The total of votes in *C. I. A.* ii. No. 778 is four hundred and



Ancient ψῆφος.

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[*] Pollux (viii. 123 = Schol. Aristoph. *Eq.* 1150) alone speaks of there having been one κάδος into which the dicast put whichever of the two ψῆφοι he pleased.

[*] Hippodamus suggested a different way of taking the verdict, viz. by means of πινάκια (Arist. *Pol.* ii. 5, 35).

ninety-nine; on the voting in Socrates' trial, cf. *Att. Proc.* ed. Lipsius, p. 169 n. A similar system of balloting was employed when the dicasts voted on the question of penalty (Dem. *c. Aristocr.* p. 676, § 167; [Dem.] *c. Neaer.* p. 1347, § 6); hence the verdict on the question *guilty or not guilty* or *for the plaintiff or defendant* is called *πρώτη ψῆφος* (Aeschin. *c. Ctes.* § 197; Dem. *F. L.* p. 434, § 290; [Dem.] *c. Aristog.* i. p. 795, § 83). In the time of Aristophanes a curious custom was in vogue. Each dicast had a waxen tablet (*πινάκιον τιμητικόν*, Aristoph. *Vesp.* 167; Pollux, viii. 16), on which, if he awarded the heavier penalty, he drew a long line (vertically on the tablet); if the lighter penalty, a short line (horizontally on the tablet): cf. *τιμᾶν τὴν μακράν*, sc. *γραμμήν*, Aristoph. *Vesp.* 106, and Photius, *s. v.* *μακρὰν τιμῆσαι*, etc.

A different system of voting was in use in the time before the archonship of Eucleides, and this seems in some cases to have been continued also in the fourth century: viz. there were two boxes, one for condemnation and the other for acquittal (*ὁ ἀπολλὺς καδίσκος* and *ὁ ἀπολύων* in Phrynichus, **Μοῦσαι**, B.C. 405; *τὸ αἱματηρὸν τεῦχος* and *τὸ ἐνάντιον κύτος*, Aesch. *Agam.* 788 f.; *ὁ θανάτου κ.* and *ὁ ἐλέου*, Scholiast. Aristoph. *Vesp.* 985), and each dicast had one *ψῆφος* only, which received its meaning from the box into which it was put. The two boxes were, we must suppose, so placed that the nearer one (*ἡ προτέρα*) was that of condemnation, the further one (*ἡ ὑστέρα*) that of acquittal: thus in Aristoph. *Vesp.* 987 ff., Philocleon acquits Labes by throwing his vote into the second (*ὕστερον*) cup (cups being here used instead of urns, 855); cf. also Xen. *Hell.* i. 7, 9. It is difficult to understand how secrecy was possible with this method of voting, and yet we are clearly told that it was so. Lysias (*c. Agor.* § 37) complains of the irregular mode of voting introduced by the Thirty in the senate: the *ψῆφοι* had to be placed on the two tables—this at once makes it open voting—instead of being put into the *καδίσκοι*, and, further, the vote of condemnation had to be placed on the further table, *i.e.* on that nearest the seats of the Thirty. The voting in Orestes' trial, too, is conceived of as secret, for the result is not known before the counting of the votes takes place. Schömann and Sauppe (*de Athen. ratione suffr. in iudic. fer.* p. 9) suppose that secrecy was secured by the two urns being so placed that the people standing around could not see into which of them the *ψῆφος* was thrown; but this explanation is insufficient, inasmuch as voting could only be said to be secret if even the other dicasts did not know how each had voted. To meet this difficulty, Lipsius suggests that each dicast had, besides his *ψῆφος*, some other token to put into the second box. It has not yet been fully established to what extent this mode of voting continued in the fourth century. Lipsius quotes two instances of it, viz. the eisangelia against Leocrates and a *δίκη ψευδομαρτυριῶν* in Isae. *Dicaearch.* § 18. As regards the former, the words of Lycurgus have been differently explained: *ὑμῶν δ' ἕκαστον χρὴ νομίζειν τὸν Λεωκράτους ἀποψηφιζόμενον θάνατον τῆς πατρίδος καὶ ἀνδραποδισμὸν καταψηφίζεσθαι καὶ δυοῖν καδίσκοιν κειμένοιν τὸν μὲν προδοσίας τὸν δὲ σωτηρίας εἶναι καὶ τὰς ψήφους φέρεσθαι τὰς μὲν ὑπὲρ ἀναστάσεως τῆς πατρίδος τὰς δὲ ὑπὲρ ἀσφαλείας καὶ τῆς ἐν τῇ πόλει εὐδαιμονίας.* Whilst Schömann, whom Lipsius follows, identifies the *προδοσίας καδίσκος* with the *ἀπολύων*, and the *σωτηρίας καδίσκος* with the *ἀπολλύς*, Sauppe supposes that the orator alludes to the *κύριος καδίσκος* and the *ἄκυρος*. Directions as to voting may be given in two ways: either the dicast is told which of the two *ψῆφοι* he is to put into the *κύριος καδίσκος*, as in Aeschin. *c. Tim.* § 79, viz. the pierced one, if he thinks Timarchus guilty, the solid one if not; or he is directed into which of the two urns to place the pierced one. Thus in the trial of Leocrates, if he places it in the *κύριος*, he condemns Leocrates and votes for the safety of the state; if on the other hand he places it in the *ἄκυρος*, he acquits Leocrates and betrays the state: and these urns may thus in a rhetorical manner be called *σωτηρίας καδίσκος* and *προδοσίας* respectively.* As for the second instance (a *δίκη ψευδομαρτυριῶν*), there the dicast had clearly but one *ψῆφος*. For when on the *ψῆφοι* being taken out of the urns it was evident that the defendant had been found guilty, the prosecutor allowed the archon *μὴ συναριθμεῖν ἀλλὰ συγχέαι τὰς ψήφους*, *i.e.* to mix up the *ψῆφοι* of the two urns (of the plaintiff and the defendant respectively), not to count those in each; if two kinds of *ψῆφοι* had been used, and therefore some of each had been placed in the *κύριος*, it would have been rather a question of *διαριθμεῖν* (Szanto, *Wiener Stud.* 1881, p. 28 f.). The same system seems to have been regularly in use, when, as in inheritance cases, there were several parties before the court, to one of whom an estate or some other thing was to be adjudged, and where it was customary to have as many boxes as there were parties, or at least parties in distinct interests ([Dem.] *c. Macart.* p. 1053, § 10, *καὶ αἱ ψῆφοι ὀλίγαις πάνυ ἐγένοντο πλείους .... ἐν τῷ Θεοπόμπου καδίσκῳ ἢ ἐν τῷ τῆς γυναικός*: cf. Isae. *Hagn.* § 21 f.). (*Att. Process*, ed. Lipsius, p. 934 ff.)

As regards the senate, Pollux (viii. 19) says, *ἡ βουλὴ οἱ πεντακόσιοι φύλλοις ἀντὶ ψήφων ἐχρῶντο.* This refers to the expulsion of an unworthy member by this body, the votes being written on leaves (Harpocr. *s. v.* *ἐκφυλλοφορῆσαι*); it was followed by a second vote where *ψῆφοι* were used (Aeschin. *c. Tim.* § 111 f. and Schol. *ad l. c.*), when the person expelled might be restored to his place in the senate (*Att. Process*, ed. Lipsius, p. 246 f.). The *Etym. Magnum*, s. v., says that beans were used at first in voting, and that leaves were substituted on account of a fraud practised with the beans. When an eisangelia was laid before the senate, they gave their verdict by secret ballot, whether the defendant was guilty or not; and if he was found guilty, they voted on a second day by show of hands (*διαχειροτονία*) whether they should sentence him to a fine of 500 drachmas, which it was competent for them to impose, or hand him over to a court ([Dem.] *c. Euerg. et*

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* In public trials it would seem that only one method of voting was in use after the archonship of Eucleides, viz. that with two *ψῆφοι*.

Mnes. p. 1152, § 42 f.; Aeschin. *c. Tim.* § 35, *lex*). Secret voting in deciding the question *guilty or not guilty* was here the rule, and Lysias complains of the irregularity introduced by the Thirty, viz. that the votes should be placed, not in boxes, but openly on tables (*c. Agor.* § 37). Similarly the Thirty introduced open voting in the popular assembly (Xen. *Hell.* ii. 4, 9: cf. the action of the oligarchs in Megara in B.C. 424, Thuc. iv. 74). Here the usual method of voting was by show of hands (χειροτονία); but on the occasions when the ballot was employed, it was deemed important that the voting should be secret, and that the numbers should be accurately counted. Thus to pass a psephisma for the naturalisation of a foreigner ([Dem.] *c. Neaer.* p. 1375, § 89), or to grant liberty (ἄδεια) to speak concerning a disfranchised person or a state debtor (Dem. *c. Tim.* p. 715, § 46), it was necessary that 6,000 persons should vote in secret (not a majority of 6,000). The same regulation applied to ostracism [EXSILIUM], both as regards number of voters and secrecy of voting (στρέφοντες τὴν ἐπιγραφήν, Philochorus in *Lex Rhet. Cant.* s. v.). When the assembly acted in a judicial capacity, the proceedings were probably the same as those detailed in the προβούλευμα concerning the generals in Xen. *Hell.* i. 7, 9: διαψηφίσασθαι Ἀθηναίους ἅπαντας (*i.e.* the 6,000 necessary for νόμοι ἐπ' ἀνδρί, Fränkel, *Att. Geschworenger*, p. 18) κατὰ φυλάς, θεῖναι δὲ εἰς τὴν φυλὴν ἑκάστην δύο ὑδρίας· ἐφ' ἑκάστῃ δὲ τῇ φυλῇ κήρυκα κηρύττειν, ὅτῳ δοκοῦσιν ἀδικεῖν οἱ στρατηγοὶ .... εἰς τὴν προτέραν ψηφίσασθαι, ὅτῳ δὲ μή, εἰς τὴν ὑστέραν. This mode of voting was in no way irregular, as Löschcke shows (*Jahrb. f. Philol.* 1876, p. 755 f.); the irregularity consisted, among other things, in the fact that it was proposed to vote upon the case of all the accused persons at once (μιᾷ ψήφῳ, Xen. *l. c.* 26, or ἀθρόοι, Plat. *Apol. Socr.* 23 B; cf. Lys. *c. Eratosth.* § 52), not κατὰ ἕνα ἕκαστον (Xen. *l. c.* 23, 34). This was, however, not specially ordained by the psephisma of Cannonus, as Grote thinks (*Hist. of Gr.* vii. p. 438 n.), but was a generally recognised principle of Attic law (Bamberg, *Herm.* 1878, p. 509 ff.; Philippi, *Rh. M.* 1880, p. 607 ff.).

Secret voting was also practised when the members of a phratry registered a new-born child or an adopted son in the φρατερικὸν γραμματεῖον (Dem. *c. Macart.* p. 1078, § 82; cf. the continuation of *C. I. A.* ii. No. 241 b, published in *Berl. Philol. Wochenschr.* 1889, No. 7, p. 225); when the demotae entered the name of the youth in the ληξιαρχικὸν γραμματεῖον (Dem. *c. Eubul.* p. 1318, § 61; Euxitheus learned the fact of Eubulides not having voted against him only from the circumstance that all had voted for him), and in a διαψήφισις (Suidas, *s. v.*; Dem. *c. Eubul.* p. 1302, § 13 f. speaks of ψῆφοι: Pollux, viii. 18, says that φύλλα were used on such occasions); cf. also *C. I. A.* ii. No. 578, l. 16 ff., τῷ δὲ εὐθύνῳ μὴ ἐξεῖναι ἐξελεῖν τὴν εὔθυναν ἐὰν μὴ τοῖς πλέοσιν δόξει τῶν δέκα τῶν αἱρεθέντων διαψηφιζομένοις κρύβδην.

The people or senate or jury were said ψηφίζεσθαι, ψῆφον φέρειν or τιθέσθαι or διαφέρειν (Thuc. iv. 74; Xen. *Symp.* 5, 8), *to vote, or give their vote or judgment* (ψῆφον τιθέναι in Dem. *de Cor.* p. 304, § 229, is *to cast accounts*). The presiding magistrate or officer, who called on the people to give their votes, was said ἐπιψηφίζειν or τὴν ψῆφον ἐπάγειν or διδόναι (Lys. *c. Alcib.* ii. § 2; Dem. *c. Mid.* p. 542, § 82, etc.), the people ἐπιψηφίζεσθαι: ψηφίζεσθαί τινι (Isae. *Cleon.* § 38, etc.) is *sententiam ferre pro aliquo* = τὴν ψῆφον διδόναι or φέρειν τινί (Dem. *c. Mid.* p. 575, § 188, etc.). Ψηφίζεσθαι, *to vote, to resolve*, ἀποψηφίζεσθαι, *to acquit*, and other derivations from ψῆφος, are often used metaphorically, where the method of voting was χειροτονία, and conversely (Schömann, *de Com.* p. 123 f.). [C. R. K.] [H. H.]

PSEUDENGRAPHES GRAPHE (ψευδεγγραφῆς γραφή). It is shown under PRACTORES that the name of every state debtor at Athens was entered in a register by the practores, whose duty it was to collect the debt, and erase the name of the party when he had paid it. The entry was usually made upon a return by some magistrate, to whom the incurring of the debt became officially known; as, for instance, on a return by the πωληταί, that such a person had become a lessee of public lands, or farmer of taxes, at such a rent or on such terms. In case, however, the authorities neglected to make the proper returns, any individual might, on his own responsibility, give information to the registering officers of the existence of the debt; and thereupon the officers, if they thought proper, might make an entry accordingly, though it would probably be their duty to make some inquiry before so doing. If they made a false entry, either wilfully or upon the suggestion of another person, the aggrieved party might institute a prosecution against them. It would lie also, where a man was registered as a debtor for more than was really due from him. In the case of debts to a sacred fund, where the penalty for non-payment was tenfold, the like remedy would doubtless be open to one who was falsely recorded as a debtor by the ταμίαι τῆς θεοῦ. Such prosecution was called γραφὴ ψευδεγγραφῆς, and was brought before the Thesmothetae. If the defendant were convicted, the name of the complainant was struck out of the register and that of the defendant was entered in his stead, as debtor for the same amount (Boeckh, *P. E.* p. 390 = *Sthh.*³ i. 460). It is also probable that he had to pay a like sum as damages to the plaintiff; a conclusion to which Boeckh was led by the very precise language of an inscription (*C. I. A.* ii. 811 c, line 147; cf. *Seeurk.* p. 537 ff.; Fränkel, n. 607 on Boeckh; Thalheim, *Rechtsaltertk.* p. 46 n.).

Some questions connected with this action have already been discussed under the very similar BOULEUSEOS GRAPHÉ (Vol. I. p. 314): (1) whether the atimia of the state debtor was in abeyance while this action was pending; and (2) against what class of persons it would lie. The conclusion there arrived at, that it lay only against the public officer who had made the false entry, not against the informer who had misled him, may be regarded as definitely established by the inscription already referred to (*Seeurk.* p. 538; Platner, p. 118; *Att. Process*, p. 417 n. Lips.). We may presume that on such a charge it was necessary to prove fraudulent or malicious motives; but it is reasonable also to suppose that, in any case of gross negligence, fraud or malice might (as matter of course) be presumed by the dicasts. (Pollux, viii. 40, 43; Harpocr. and Suid. *s. vv.* *βουλεύσεως, ψευδεγγραφή, ψευδέγγραφος δίκη*: Boeckh, *P. E.* pp. 349, 390 = *Sthh.*³ i. 419, 460; Platner, *Klagen und Process*, ii. 117 f.; *Att. Process*, p. 515 ff. Lips.) [C. R. K.] [W. W.]

PSEUDOCLETEIAS GRAPHE (*ψευδοκλητείας γραφή*), a prosecution against one who had falsely appeared as a *κλητὴρ* or *κλήτωρ*, *i.e.* a witness to prove that a defendant had been duly summoned, and who had thereby enabled the plaintiff to get a judgment by default. To prevent fraud the Athenian law directed that the names of the witnesses (usually two in number; CLETERES) who attended the summons should be subscribed to the bill of plaint or indictment (*ἔγκλημα*), so that the defendant, if he had never been summoned and judgment had nevertheless been given against him by default (*ἐρήμη δίκη*), might know against whom to proceed. A good example of the practical necessity for legislation on this point occurs in Dem. *c. Nicostr.* p. 1251, § 14, where we read of *ἀπρόσκλητον ἐξ ἐμφανῶν καταστάσεως ἐπιβολήν*, "a fine for non-production of property in court demanded (and even registered) without formal citation" (cf. Sandys *ad loc.*; *Att. Process*, p. 976 Lips.). The false witness (*κλητὴρ*) was liable to be criminally prosecuted, and punished at the discretion of the court. Even death might be inflicted in case of gross conspiracy (Dem. *op. cit.* p. 1252, § 18). A person thrice convicted of this offence was, as in the case of other false testimony, *ipso jure* disfranchised; and even for the first offence the jury might, if they pleased, by a *προστίμησις* inflict the penalty of atimia upon him (Andoc. *de Myst.* § 74; Meier, *de Bon. Damn.* p. 125). Here we may observe this distinction, that the proceeding against the false witness to a summons was of a criminal nature, while the witness in the cause (*μάρτυς*) was liable only to a civil action. The reason may have been that the former offence was more likely to do mischief. The magistrates before whom the defendant neglected to appear, when by the evidence of the witness it was shown that he had been duly summoned, had no discretion but to pronounce judgment against him; whereas the dicasts, to whom the witness gave evidence at the trial, might disbelieve him and find their verdict according to the truth. If the fraud was owing to a conspiracy between the plaintiff and the witness, it is probable that an action at the suit of the defendant would lie against the former to recover compensation; for, though the conviction of the witness would lead to a reversal of the judgment, still he (the defendant) might have suffered damage in the meantime, which the setting aside of the judgment would not repair. Such action might, it would seem, be a *δίκη συκοφαντίας* (*Att. Process*, p. 413, Lips.) or *κακοτεχνιῶν* (*ib.* 492–3). If the name of the witness had been fraudulently used by the plaintiff, and the witness had thereby been brought into trouble, there is evidence, as well as probability, that he had a *δίκη βλάβης* against the plaintiff (*ib.* 415; Dem. *c. Aphob.* iii. p. 849, § 16). The *γραφὴ ψευδοκλητείας* came before the Thesmothetae, and the question at the trial simply was, whether the defendant in the former cause had been summoned or not. Theopompus, in a passage which is perhaps a libel upon the Athenians, says that Athens was full *λωποδυτῶν ψευδομαρτύρων καὶ συκοφαντῶν καὶ ψευδοκλητήρων* (*ap.* Ath. vi. p. 254 b). (Pollux, viii. 40; Harpocr. *s. v.*; Bekk. *Anecd.* 317; Boeckh, *Kl. Schriften*, iv. 120 ff.; Platner, *Klagen u. Process*, i. 417; K. F. Hermann, *Staatsalterth.* § 140; *Att. Process*, p. 414 f., Lips.) [C. R. K.] [W. W.]

PSILO'THRUM (*ψίλωθρον*), in Latin authors sometimes spelt *psilotrum*, an application for removing superfluous hair, a depilatory. The favourite kind was made of heated arsenic and unslaked lime (Theophr. *H. P.* ix. 20, § 3); the arsenic is mentioned by Pliny (*H. N.* xxxiv. § 178). The roots and juices of various pungent plants were also used; the root of the wild vine, Theophr. *l. c.*: on the other hand, *lacrima vitium*, Plin. *H. N.* xxiii. § 3; *lacrima hederae*, id. xxiv. § 79; other vegetable substances, xx. § 90, xxi. § 118, xxii. § 134, xxiv. § 58, xxvii. § 72; animal matters, xxviii. §§ 46, 250, 255, xxx. § 132, xxxii. § 76. Several receipts are given (*H. N.* xxxii. §§ 135–6), with the remark appended that the hairs must first be pulled out [VOLSELLAE], when psilothrum will prevent their growing again. Pitch-plaster (*δρῶπαξ*) was used for the same purpose (Mart. iii. 74, x. 65; Phrynich. p. 405 Lobeck = 488 Rutherford).

The practice of getting rid of hairs from the body (*παρατίλλεσθαι, λεαίνεσθαι*) was at first peculiar to women (Aristoph. *Ran.* 516, *Lysistr.* 82, 151; a Roman lady's toilet in Mart. vi. 93), but in later times extended to men of effeminate habits. (See quotations from Theopompus *ap.* Athen. vi. 260 e, xii. 518 a; Clearchus, *ib.* xii. 522 d; Antigonus of Carystus, *ib.* xiii. 565 f; and cf. Plin. *H. N.* xxvi. § 164.) The foppish and obscene excesses of the later Romans are well known (Suet. *Jul.* 45; Mart. iii. 74, viii. 47, x. 65; Pers. iv. 35–41; Juv. ii. 12; Clem. Alex. *Paedag.* iii. p. 261 P.). Cf. ALIPILUS; VOLSELLAE. (Hermann-Blümner, *Privatalterth.* p. 209 n.; Marquardt, *Privatl.* p. 581; Becker-Göll, *Gallus*, iii. 241.) [W. W.]

PSYCTER (*ψυκτήρ*), a vessel for cooling wine or water. Wine was also cooled more simply by putting it in wells (Athen. iii. p. 124 d; Plut. *Quaest. Conv.* 6, 4), or mixing it with snow (Athen. iii. p. 125 c), or, less commonly, with ice (Sen. *Ep.* 78). These special wine-coolers were introduced to keep the snow separate from the wine. The vessel bore various names, in Greek usually *ψυκτὴρ* or *ψυγεύς*, but also *βαύκαλις* (*Anth. Pal.* xi. 244) and *κάλαθος* (Hesych.); in Latin *calathus* (Verg. *Ecl.* 5, 71; Mart. xiv. 107) or *gillo*. In Plat. *Symp.* p. 214 A, the *ψυκτήρ*, which Alcibiades substituted for a drinking-cup, contained two quarts, but this was a small size; on the other hand the enormous *ψυκτῆρες* mentioned in Athen. v. 199 as carried in a procession and containing from 18 to 54 gallons were clearly not for ordinary use. The material was metal (silver or bronze, Athen. *l. c.* and iv. p. 142 d) as well as earthenware, and therefore the cooling cannot have depended on evaporation through a porous substance. As regards the shape, an example is given by Baumeister (*Denkm.* p. 1989), but it is not likely that they were all of one type. Pollux (vi. 99) says that it was a *δῖνος*, which implies that it was rounded at the bottom (Schol. Aristoph. *Nub.* 1474, *Vesp.* 618; cf. Athen. iv. p. 142, where it is on a tripod), and he adds that it was distinguished from the ACRATOPHORUS by having no pedestal, but standing on little knobs (*ἀστραγαλίσκοι*), with which Ussing compares a vessel figured in *Mus. Borbon.* iii. 14. It is not improbable that the rounded shape was found convenient for the inner vessel in the double *ψυκτήρ*. The name *calathus* also may be descriptive of one of the shapes which it took (perhaps most commonly), like the ordinary pail-shape, larger at the top and diminishing towards the base. [CALATHUS.]

The name Psycter might probably be given to any vessel in which wine was cooled, even when the process was merely putting in snow, but the contrivance specially so called consisted of a smaller vessel placed within a larger one. Sometimes the wine (or water) to be iced was placed in the smaller and plunged into the larger vessel which contained snow, sometimes the snow was placed in the smaller vessel and let down into the larger vase of wine. When the wine was sufficiently iced, the smaller vessel was no doubt removed, and the wine ladled out with a *cyathus* (Athen. xi. p. 503): we have no reason to suppose that a tap was used, as seems to have been sometimes the case in the AUTHEPSA for hot drinks. A contradiction has been imagined between Suidas, who derives the name *ἀπὸ τοῦ ψύχεσθαι ἐν αὐτῷ θᾶττον τὴν κρᾶσιν*, and Pollux, who says, *ἐν ᾧ ἦν ὁ ἄκρατος*: but there is no difficulty in assuming that the wine was sometimes mixed before it was cooled, and sometimes afterwards.

Iced water, the *gelida* of Juv. v. 63 (*frigida*, Tac. *Ann.* xiii. 16), which, like the *calida*, was handed round to mix with the wine, or was used as a drink by itself (Athen. iii. p. 121 e, 122 f), was prepared in a *ψυκτήρ* as above described (in Mart. xiv. 116, *lagona nivaria*), and a special term *decocta* belongs to it, because it was boiled first in order that it might more readily be iced afterwards (Plin. xix. § 55; Juv. v. 50, and Mayor *ad loc.*). Pliny (xxxi. § 40) says that this *decocta* was an invention of Nero's (cf. Suet. *Ner.* 48), and that the water, which had sometime previously been boiled, was placed in a glass vessel and so plunged into a larger vessel of snow, that it might escape any impurities (*vitia*) of the snow. The word *δηκόκτα* was borrowed by some Greek writers (Galen, x. p. 467; cf. Athen. iii. p. 121).

The snow for this purpose, or for use in the *colus* or *saccus nivarius*, was kept through the summer in pits covered over with chaff and woollen cloths (Plut. *Symp.* vi. 6; Augustin. *de Civ. Dei*, xxi. 4): compare the narrative of Chares (*ap.* Athen. iii. p. 124 c), who tells us that Alexander preserved snow in India by putting it in trenches and covering it with oak boughs. The method of Antiochus stated below (p. 124 e), when *ὑδρίαι κεράμεαι* were placed on straw on the top of the house at night, seems to have been the method of freezing by evaporation which is common in Persia at the present time. (See also Ussing in *Annal. d. Inst.* 1849; Beckmann, *Hist. of Inventions*, iii. 322; Becker-Göll, *Charikles*, ii. 346; *Gallus*, iii. 430; Marquardt, *Privatleben*, 333.) [J. Y.] [G. E. M.]

PUBES, PUBERTAS. [CURATOR; IMPUBES.]

PUBLICA'NI. The name was applied to the farmers-general of the Roman revenues; the word *publicum* denotes both state revenue and state service (Dig. 39, 4, 1; Tac. *Ann.* xiii. 51; Livy, xxiii. 49, 1), and publicani, which is derived from it, combines both these ideas, in its meaning of persons who served the state in the collection of its revenues. The mode of collection is shown further by the definition of publicani in the Digest as "contractors for the public vectigalia" (Dig. 39, 4, 12). From a very early period the Roman state employed a peculiar mode of getting in a very large amount of its revenues. It was a system of indirect collection by means of middlemen, a class of individuals intermediate between the government itself and the subjects of governmental taxation. Such a system was probably employed for the collection of the old port-dues of Ostia on goods exposed for sale (*promercale*), and certainly for the working of the salt monopoly, which originated as early as the year 508 B.C. (Livy, ii. 9, 6). The system was simply that of the purchase or lease by a publicanus of a prospective source of revenue, which he farmed at his own risk and for his own profit. This was the general principle, as illustrated by all the sources of revenue to which the system was applied; but its application was different, as the sources of revenue themselves differed; and we can distinguish two methods of tax-farming, which were regarded as distinct both in law and in fact. In one of these the publicanus is not directly employed in working the source of revenue, in the other he is; in the one case, therefore, the publicanus is not the *possessor* or occupant of the land, or other source of wealth, from which the revenue is derived: in the other case the *possessor* and *publicanus* are identical. It is only to the first of these two classes of tax-farmers—to those, that is, who are regarded as collecting *vectigal* from *possessores* other than themselves—that the name *publicanus* is strictly applied; the latter class are regarded in law not as publicani, but as *publicanorum loco* (Dig. 39, 4, 12, 13), although, in the current literature of Rome, they were, equally with the former class, called *publicani*.

It will be more convenient to treat the latter class of publicani first; their relations to the state were simpler, and their sphere of action more limited. To this class belong the revenue-farmers who worked certain fixed sources of wealth, such as mines, salt-works, fisheries and the like, which belonged wholly to the state, and which the state, for purposes of revenue, leased directly to the publicanus as a contractor. The publicanus is, in this case, a contractor (*conductor*) for supplying a fixed revenue to the state from such property. The terms of his contract are fixed by a *lex censoria* made with the censor as the representative of the state; and the *lex censoria*, besides specifying the revenue that the state requires him to pay, also states certain conditions under which the contract is to be undertaken. To this class of fixed sources of revenue directly contracted for by the publicanus belong fisheries (Dig. 43, 14, 7), amongst which the right of fishing in the Lucrine lake was a monopoly vested in a publicanus; salt-works, perhaps the oldest of this class at Rome (Livy, ii. 9, 6; Dig. 50, 16, 17), the monopoly of which was continued down to a very late period of the Empire [SALINAE]; mines, in connexion with which we find certain conditions stated in the *lex censoria*, as, for instance, that not more than five hundred workmen should be employed in the gold mines of Vercellae (Pliny, *H. N.* xxxiii. § 78) by the contractor who worked them; and forest-land (*silva caedua*), which was also let to a contractor who paid a fixed revenue to the state. These were all in the nature of state monoplies; either wholly so, as in the case of the mines and salt-works, or partially, as in the case of certain fisheries retained by the state; while new monopolies might be artificially created, as were the quarries in Crete, by forbidding the exportation of such goods to any one but the government contractor (Dig. 39, 4, 15). The reason of their being worked by this class of middlemen can only be found in the incapacity of the Roman government, as it was constituted, to work them for itself. The rapid succession of magistrates and the singular absence of permanent officials at Rome accounts for its putting such sources of wealth into the hands of publicani, to the equal injury of the consumer and loss of the state. Before the powers of the senate were firmly established and distinctly recognised there was no really permanent administrative body in Rome; and when the powers of the senate were established, the system of middlemen was found established too. But this system of direct farming was not applied to remunerative monopolies only; it was applied, in certain exceptional cases, to Roman domain-land. The only land in Italy believed to have been so dealt with was the Campanian land, which, for this reason, was specially exempted from the agrarian legislation of the Gracchi (Cic. *de leg. Agr.* ii. 29, 81; *ad Att.* ii. 16, 1). Certain lands in the provinces, which had been royal domains of the kings whom Rome had either conquered or supplanted, were also dealt with in this way; such were the royal domain-lands in Bithynia, the lands of Attalus in the Chersonnese, those which had been the private property of the Macedonian kings Philip and Perseus, and which were, in Cicero's time, *a censoribus locati* to the publicani (Cic *de leg. Agr.* ii. 19, 50); in the same way certain portions of confiscated territory were leased to *conductores*, among which we find mentioned the territory round Corinth (*ib.* ii. 19, 51).

But, as a whole, we find the public land of Rome (*ager publicus*) dealt with in quite a different manner by the state. The greater part of the land over which the Roman state claimed dominion was either tilled land (*ager*) or pasture (*silva pascua*, *saltus*, Dig. 50, 16, 30; Varro, *L. L.* 5, 36). As such it was enjoyed, if tilled land, by the *possessor*; if pasture land, by the *pastor*: but the state makes no fixed bargain with either of these, it only tolerates them, and the possessor in this case is not the publicanus. The publicanus is the man who has a right to collect *vectigal* (ἀποφορά, App. *Civ. Bell.* i. 7; Plut. *Tib. Gracch.* 8) from the person who uses the land. The revenue to be paid is determined by the *lex dicta*, under which the censor sold the right to the publicanus (Lex Agraria, § 85, *ex lege dictâ, quam censores deixerunt, publicano dare oportuit*). The conditions of sale with the publicanus obviously determine what the possessor or pastor has to pay. The possessor according to Appian, paid one-tenth of the produce of sown land, one-fifth of the produce of planted (*Bell. Civ.* i. 7), although the vectigal actually collected seems to have been in most cases less. The pastor paid a vectigal, which in this case was called *scriptura* (Festus, s. v. *scriptuarius ager*). The relations between the publicanus and the occupants of the land were regulated by the *lex dicta* of the censor. The third great class of revenues collected in this manner were the custom-dues (*portoria*), which were similarly leased to the publicanus by the censor, who fixed the conditions under which they were to be collected.

A very great extension was given to the system of tax-farming by the adoption of this method in provincial administration. The first province to which the system was directly applied was the province of Asia. In Sicily and Sardinia it had been found already in force on the Roman occupation, and by the Lex Sempronia (C. Gracchi) this method of raising revenues, with a nearer approximation to the Italian system, was applied to Asia (C. Gracch. *ap.* Gell. xi. 10; Cic. *in Verr.* iii. 6, 12–14). The theory which this system implied was that most of the provincial land was *ager publicus*, and that the dominium had therefore passed to the Roman people; that its occupiers were only possessores, and should therefore pay the customary revenues, the *decumae* and *scriptura* on the land, as well as the *portoria*, all included under the generic name *vectigal* (Cic. *pro lege Man.* 6, 15), which were paid in Italy [see PROVINCIA]. While, however, in Sicily the existing Lex Hieronica was adhered to, and the tenths of the soil (*decumae*) were sold in Sicily itself (Cic. *in Verr.* ii. 25, 63; ii. 60, 147; iii. 7, 16), Asia was subject to a *lex venditionis*, which enjoined that the Asiatic taxes should be put up for sale for the province as a whole and in Rome (*in Verr.* iii. 6, 14).

For the collection of such provincial taxes the publicani made a fixed contract with the state, and then farmed the taxes at their own risk (Cic. *ad Quint. Fr.* i. 1, 11; *ad Att.* v. 13, 1); sometimes they over-estimated the resources of the province, with the result that they farmed them at a loss (Cic. *ad Att.* i. 17, 9; ii. 1, 8). The connexion of the publicani with the provinces, especially with that of Asia, was much closer than that of being merely its tax-farmers. They invested their money largely in the province (Cic. *de leg. Man.* 7, 17), and themselves carried on business as *negotiatores* there (Id. *ib.* 7, 18). This double character of public contractors and private investors gave them an opportunity for unfair exactions. The provincials were often in arrears with the publicani, either from bad years or the peculations of their own magistrates (Cic. *ad Att.* vi. 2, 5), and would have to borrow from these same publicani in their character of bankers. Another source of unfair dealing was the interest provincial governors sometimes had in these exactions. Interference with the customary modes of collection might be sanctioned, and more or less legalised by the governor's edictum perpetuum. Thus Verres' edicts in Sicily were altogether in favour of the tax-farmers (Cic. *in Verr.* iii. 10, 24), and he is accused by Cicero of sharing the profits with the decumani; and although it was illegal, or at least considered highly improper, for a Roman governor or magistrate to be a member of a society of publicani (*ib.* iii. 56, 130), yet, by collusion with a decumanus, and with the large powers a governor had of making new rules in his edict, indirect interference and profit were easily possible (*ib.* iii. 30, 71). In Asia we know that considerable interference with the conditions of the *lex dicta* was permitted, nominally for the convenience of both parties (Cic. *ad Quint. Fr.* i. 1, 12), and with this permission it is clear how the publicani could increase their exactions, when backed up by the representative of Roman authority in the province. Instances of what the additional charges of a provincial publicanus might be are given by Cicero (*in Verr.* iii. 78, 181). In this case there were charges made for the examination of the corn-dues (*pro spectatione*), for discount on foreign money (*pro collybo*), for writing materials and stamp (*pro cerario*), four per cent. (*binae quinquagesimae*) for the secretary, and six per cent. (*ternae quinquagesimae*) for an additional present to the collector. The difficulty of a Roman governor was to be in favour both with the publicani and the provincials at once (Cic. *ad Quint. Fr.* i. 1, 12); Cicero boasts to have effected this as proconsul of Cilicia (*ad Att.* vi. 25), and remarks how much easier matters were made for him, on his arrival in the province, by the fact of the arrangements between the publicani and the provincials having been already concluded (*ad Att.* v. 13, 1). Other injuries were inflicted, without the cognisance of the publicani themselves, by the lower officials employed for the actual work of collection, especially in the case of the *portoria* (Dig. 39, 4, 12; Cic. *ad Quint. Fr.* i. 1, 11).

With the Empire came a great restriction of the operations of the publicani. Tax-farming as a general mode of raising provincial revenue had ceased [PROVINCIA], and private enterprise in the working of monopolies was also largely restricted (Suet. *Tib.* 49). But publicani are still found employed for a great many public purposes in the reign of Tiberius; for the working of the *publici fructus*, such as mines, forests and the like, and for the supply of corn to the army (Tac. *Ann.* iv. 6; xiii. 51). They still, in Nero's time, collected the *portoria* (*ib.* xiii. 50); and we find, in much later inscriptions, the *conductores* mentioned by the side of the *procuratores*, for the collection of different sorts of revenue from the same province (Henzen, 6648, 6650). But they were, from this time, subject to much greater scrutiny than formerly. Nero issued an edict that the laws which regulated their several contracts should be formally published, and increased the powers of the praetors at Rome and the governors of the provinces, of dealing summarily with such matters (Tac. *l. c.*). The title in the Digest that treats of the publicani (Dig. 39, tit. 4, *De publicanis et vectigalibus et commissis*) shows us a number of laws made by later emperors on the subject, the object of most of them being to restrain the illegal exactions of the publicani: as, for instance, that the penalty for illegal claims was double the amount so exacted; or, if force had been used, quadruple (Dig. 39, 4, 9, 15); and that the publicanus was to be held responsible for the misdeeds of his slaves who were employed in collecting the revenue (*ib.* 39, 4, 12, 1).

From the earliest times we find that the publicani do not undertake their contracts singly; the extent of the undertakings, and the amount of security which the state required them to deposit, would have rendered it impossible. They worked in companies (*societates publicanorum* or *socii publicorum vectigalium*), which were composed of shareholders (*socii*), who might have a greater or smaller share in the concern (*partes* or *particulae*). These companies had a legal representative (*manceps*) who acted for the *societas* as its formal head (*princeps publicanorum*, Ps.-Asc. *in Div.* p. 113). The manceps bid for the contract, agreed to the terms imposed by the censor, saw that security (*praedia*) was deposited by the sureties (*praedes* or *fidejussores*, Ps.-Asc. *in Verrin.* p. 196: Dig. 39, 4, 9), and undertook the risk of the contract on behalf of the company. Polybius (vi. 17) mentions three stages in the business of a company of publicani: the bidding for the contract, the depositing of the security, and finally the handing of the vectigal due into the treasury. He mentions the manceps and praedes as distinct persons; they were very often so in fact, but the *manceps* himself was called *praes*, inasmuch as he was equally responsible for the fulfilment of the contract (Festus, s. v. *manceps*). The word *lustrum*, primarily denoting the ceremonies attending the taking of the census, was applied to the period during which the contract ran (Cic. *ad Att.* vi. 2, 5), which was usually a period of five years. Fresh contracts were made at the close of each lustrum, and open competition invited; the contract was purely voluntary,—no state contract was compulsory; and consequently any company that outbid all the others, when the vectigalia were put up to auction, might undertake their collection, provided it could find sufficient security (Dig. 39, 4, 9, 1, 2). The conditions of the contract were contained in a *lex censoria* or *lex dicta*, of which frequent mention has been made, and which was also called a *lex locationis* (Lex Julia Municip. l. 72). Occasionally, however, the people or senate modified the terms fixed by the census, in the interest of the publicani (Plut. *Flamin.* 19; Polyb. vi. 17; Liv. xxxix. 44), and in some cases even the tribunes of the people interfered to effect this object (Liv. xliii. 16). Each company of publicani had a central manager and banker at Rome, called *magister societatis*; these magistri were appointed annually, and handed over their accounts at the end of each year to their successors (Cic. *ad Att.* v. 16, 3; *in Verr.* ii. 74, 182). They had under them a staff of subordinate officials who were said *operas dare publicanis* or *in operis esse publicanorum* (Cic. *ad Fam.* xiii. 65), and who were also called the *familia* of the publicani, this term including not only slaves, but all subordinate officials (Dig. 39, 4, 1). Where the business of the publicani was extended to the provinces, they had a deputy in each local centre called *pro magistro*, with a corresponding *familia* under his direction (Cic. *in Verr.* ii. 70, 171; *de leg. Man.* vi. 16). There was an organised system of communication kept up between the provinces and Rome by means of letter-carriers (*tabellarii*), of whose services general correspondents frequently availed themselves (Cic. *ad Att.* v. 15, 3; Ter. *Phorm.* i. 2, 100). The companies of publicani received their names from the respective dues it was their business to collect. Thus the collectors of *decumae* were called *decumani;* they ranked highest, and are described by Cicero as "the chiefs and, as it were, senate of the publicani" (*in Verr.* ii. 71, 173). The collectors of *scriptura* were called *pecuarii*, *scriptuarii* or *pascuarii* (Ps.-Asc. *in Divin.* p. 113); and the contractors for salt-works and the collectors of *portoria* were termed *socii salarii* and *portitores* respectively. There is, however, some doubt about the meaning of *portitores.* The Pseudo-Asconius classes them with pascuarii as a division of the publicani (*in Divin.* p. 113); elsewhere they are spoken of as though they were the servants or lower officials of this branch of the publicani (Plaut. *Asin.* i. 3, 7; Cic. *Off.* 1, 42, and perhaps Cic. *ad Quint. Fr.* i. 1, 11). It is not, however, impossible to reconcile these two meanings, and to suppose that the staff (*familia*) of a certain company of tax-farmers might themselves be called by the name applicable to this company. Usually each company seems to have collected but one kind of revenue; but we find an instance in which two kinds, the *portoria* and the *scriptura*, were farmed by the same company (Cic. *in Verr.* ii. 70, 171).

It only remains to touch briefly on the political position and importance of the publicani. They had always been the great capitalists of Rome, and whenever capital was needed for state purposes they were always to the front. As early as the Second Punic War we see them coming forward to offer their assistance, when the state was in pressing pecuniary difficulties; after the battle of Cannae (Liv. xxiv. 18), and again in 215 B.C., when the Scipios wrote from Spain for supplies, which the state was unable to afford them (Liv. xxiii. 48). As the representatives of capital, Cicero calls them the *firmamentum ceterorum ordinum* (*pro leg. Man.* 7, 17), and maintains that their claims should be primarily regarded in any act of state administration. Their political importance was heightened by the organisation of the capitalists of Rome as the body of Equites, probably brought about by C. Gracchus. In one respect this political organisation reacted on the administration of their provincial functions; for, between the times of C. Gracchus and Sulla (123 to 81 B.C.), the Equites formed the judicial body at Rome; and, as they consisted in great part of publicani, they had the power of approving, by their treatment of provincial governors accused of extortion, the regulations of these governors connected with the position of the provincial tax-farmers. In Cicero's letters *publicani* is used almost indiscriminately with *equites*, to denote a political power in the state (Cic. *ad Att.* i. 17, 9; ii. 1, 8). Many political actions that had the most important consequences were brought about by a representation of their claims backed by their influence, as, for instance, the passing of the Manilian law (B.C. 66): and in one instance the neglect of the claims of the publicani was the cause of a breach between the equites and the senatorial government (Cic. *ad Att.* ii. 1, 8), that helped to accelerate the downfall of the Republic. [A. H. G.]

PUBLICIANA IN REM ACTIO is the action granted by the Praetor's Edict to a person who had commenced the usucapion of a thing, and by which he was enabled to recover possession of it if lost before that usucapion was completed. Possibly the Publicius by whom it was introduced was the one who was praetor in Cicero's time (*pro Cluentio*, 45, 126). The terms of the Edict are given in Dig. 6, 2, 1, pr., and the formula of the action by Gaius (iv. 36), from whom it appears that the ground upon which the recovery proceeded was a fiction that the period of time required for a complete usucapion had run its course: "dicit (actor) rem se usucepisse, et ita vindicat suam esse" (Inst. iv. 6, 4). The action was open to the bonitarian owner [DOMINIUM] as well as to the bonâ-fide possessor, though it is disputed whether this was so under the original Edict of Publicius, or whether it was not extended to the former, with a distinct formula, by a later edict; it being in fact a moot point among civilians whether the true and original principle on which the action rested was inchoate ownership or bonâ-fide possession: in favour of the former are Huschke and Schirmer, of the latter Brinz and Bruns. Probably the first view is correct, with the proviso that a person who had commenced to acquire by *longi temporis possessio* (a merely praetorian title) was no less able to institute the action than one who had entered upon the civil law usucapion (Dig. 6, 2, 11, 1; *ib.* 12, 2): though the fact that usucapio extraordinaria was proceeding (*e.g.* of a res furtiva) was not sufficient basis for it (Dig. *ib.* 9, 5). By the classical jurists it was disputed (Dig. *ib.* 4; *ib.* 7, 2; 41, 2, 16) whether the action could be founded on a *titulus putativus*, i.e. where the possessor was mistaken as to the ground on which he had acquired possession (*e.g.* Inst. ii. 6, 11), though in the modern civil law this is generally admitted. But in no case would it lie against the real owner of the property in question (Dig. 6, 2, 16, 17), unless the latter, had he brought a real action against the possessor for its recovery, could have been himself repelled by a justa exceptio (*e.g.* doli, rei venditae et traditae, or rei judicatae); in this case, on the actio Publiciana being met by the exceptio justi dominii, the plaintiff could retort with replicatio doli, rei venditae et traditae, &c. Nor could the Publician action be effectually brought against another bonâ-fide possessor of the same property, unless the latter derived his possession from the same "auctor" as the former, but by a later act of traditio (Dig. 6, 2, 9, 4).

Even though it be admitted that the sole condition of the action was usucapion possession (civil or praetorian), it cannot be denied that it found a very large application in cases of bonitary ownership, especially where a res mancipi had been merely tradita, so that ownership in it was not transferred. Upon Justinian's abolition of the distinction between res mancipi and nec mancipi, it became useless for any other purpose than a case of bonâ-fide possession, and this seems to explain why the words "non a domino" appear in the Edict as cited in the Digest, as it seems clear from Dig. 6, 2, 7, 11 (cf. Gaius, iv. 36) that they did not originally form part of it.

The action was further extended, from the recovery of a feigned ownership, to the establishment of servitudes which could not be claimed by a civil law actio in rem (Dig. 6, 2, 11, 1), and of other jura in re aliena: emphyteusis (Dig. 6, 2, 12, 2), superficies (Dig. 43, 18, 1, 3, 6) and pignus (Dig. 20, 1, 18). So, too, the bonâ-fide possessor and other persons who could bring the actio Publiciana directly could bring an actio negatoria in Publician form against persons claiming servitudes over the property in question.

(Dig. 6, 2; Gaius, iv. 36; Inst. iv. 6, 4 and 31; Huschke, *Das Recht der publicianischen Klage*, Stuttgart, 1874; Schirmer and Schulin, *Krit. V. J. Schrift.* xviii. pp. 347–362, 526–545; Brinz, *Lehrbuch*, i. §§ 178, 179; Windscheid, *Lehrbuch*, § 199; Vangerow, *Pandekten*, § 335.) [J. B. M.]

PUGILA'TUS (πύξ, πυγμή, πυγμαχία, πυγμοσύνη), boxing. The fist being the simplest and most natural weapon, it may be taken for granted that boxing was one of the earliest athletic games among the Greeks. Hence even gods and several of the earliest heroes are described either as victors in the πυγμή, or as distinguished boxers, such as Apollo, Heracles, Tydeus, Polydeuces, &c. (Paus. v. 7, § 4; Theocrit. xxiv. 113; Apollod. iii. 6. § 4; Paus. v. 8, § 2). The Scholiast on Pindar (*Nem.* v. 89) says that Theseus was believed to have invented the art of boxing. The Homeric heroes are well acquainted with it (Hom. *Il.* xxiii. 691, &c.; compare *Od.* viii. 103, &c.). The contest in boxing was one of the hardest and most dangerous, whence Homer gives it the attribute ἀλεγεινή (*Il.* xxiii. 653). Boxing for men was introduced at the Olympic games in Ol. 23, and for boys in Ol. 37 (Paus. v. 8, § 3). Contests in boxing for boys are also mentioned in the Nemea and Isthmia (Paus. vi. 4, § 6).

In the earliest times boxers (*pugiles*, πύκται) fought naked, with the exception of a ζῶμα round their loins (Hom. *Il.* xxiii. 683; Verg. *Aen.* v. 421); but this was not used when boxing was introduced at Olympia, as the contests in wrestling and racing had been carried on here by persons entirely naked ever since Ol. 15 [cf. LUCTATIO, p. 82 *b*]. Respecting the leathern thongs with which pugilists surrounded their fists, see CAESTUS, where its various forms are illustrated by woodcuts.

The boxing of the ancients appears to have resembled the practice of modern times. It was a point of skill, we are told, not to attack the antagonist, but to remain on the defensive, and thus to wear out the opponent, until he was obliged to acknowledge himself to be conquered (Dio Chrysost. *Melanc.* ii. *orat.* 29; Eustath. *ad Il.* p. 1322, 29). It was considered a merit in a boxer to conquer without *receiving* any wounds, so that the two great points in this game were to inflict blows, and at the same time not to expose oneself to any danger (πληγή καὶ φυλακή, Dio Chrysost. *Serm.* vii. 1; Plut. *Sympos.* ii. 5; compare Paus. vi. 12, § 3). As regards the position of the hands, no doubt it varied according to circumstances, then as now. In art representations we see sometimes the right arm guarding and the left striking, sometimes the contrary: the blows were directed against the upper parts of the body, and the wounds inflicted on the head, especially when the μύρμηκες [CAESTUS] were worn, were often severe (Hom. *Od.* xviii. 96; Apollon. Rhod. ii. 785; Theocrit. ii. 126; Verg. *Aen.* v. 469; Aelian, *V. H.* x. 19). The ears especially were exposed to great danger, and with regular pugilists they were generally much mutilated and broken (Plat. *Gorg.* p. 516; *Protag.* p. 342; Martial, vii. 33, 5). Hence in works of art the ears of the pancratiasts always appear beaten flat, and, although swollen in some parts, are yet smaller than ears usually are. In order to protect the ears from severe blows, little covers, called ἀμφωτίδες, were invented (Pollux, ii. 82; *Etymol. Mag.* s. v.). But these ear-covers were undoubtedly never used in the great public games, but only in the gymnasia and palaestrae, or at most in the public contests of boxing for boys; they are never seen in any ancient work of art.

Pugilists, from a tomb at Chiusi. (Dennis.)

Two points of distinction between ancient and modern pugilists may be noticed: (1) that, as we gather from vase-pictures, the fist was not constantly doubled, as with us, but the fingers were often merely curved over, sometimes almost extended; in some representations, however, the fists are fairly clenched: probably the differences are due to the caestus;—(2) the inarticulate sounds emitted by the boxers, instead of the modern silence: this, according to Cicero, was to add force to the blow (*Tusc.* ii. 23, 54; cf. Sen. *Ep.* 57).

The game of boxing, like all the other gymnastic and athletic games, was regulated by certain rules. Thus pugilists were not allowed to take hold of one another, or to use their feet for the purpose of making one another fall, as was the case in the pancratium (Plut. *Symp.* ii. 4; Lucian, *Anach.* 3). Cases of death, either during the fight itself or soon after, appear to have occurred rather frequently (Schol. *ad* Pind. *Ol.* v. 34); but if a fighter wilfully killed his antagonist, he was severely punished (Paus. viii. 40, § 3; vi. 9, § 3). If both the combatants were tired without wishing to give up the fight, they might pause a while to recover their strength; and in some cases they are described as resting on their knees (Apollon. Rhod. ii. 86; Stat. *Theb.* vi. 796). The contest did not end until one of the combatants was compelled by fatigue, wounds, or despair, to declare himself conquered (ἀπαγορεύειν, Paus. vi. 10, § 1), which was generally done by lifting up one hand (Plut. *Lycurg.* 19).

The Ionians, especially those of Samos, were at all times more distinguished pugilists than the Dorians, and at Sparta boxing is said to have been forbidden by the laws of Lycurgus (Paus. vi. 2, § 4; Plut. *Lycurg.* 19; PANCRATIUM). But the ancients generally considered boxing as a useful training for military purposes, and a part of education no less important than any other gymnastic exercise (Lucian, *Anach.* 3; Plut. *Cat. Maj.* 20). Even in a medical point of view, boxing was recommended (Aretaeus, *De Morb. diut. cur.* i. 2).

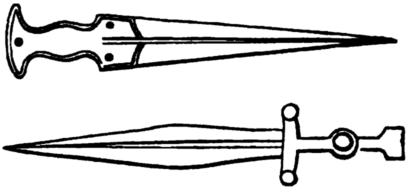
In Italy boxing appears likewise to have been practised from early times (Liv. i. 35; Dionys. vii. 72). It continued as a popular game during the whole period of the Republic as well as of the Empire (Suet. *Aug.* 45; Cic. *de Leg.* ii. 15, 38; Suet. *Calig.* 18). We gather, especially from the passage in Suet. *Aug.*, that the Greek pugilists were regarded as much more skilful than the Latin. Besides the "legitimi pugiles," there was a peculiarly Italian institution of *catervarii pugiles*, who fought, not in pairs, but in a general *mêlée* (Suet. *l. c.*; *C. I. L.* x. 1074, where they are distinguished from *pyctae*). See Krause, *Die Gymnastik und Agon. d. Hellenen*, pp. 497–534; Blümner in Baumeister, *Denk.* p. 523; Grasberger, *Erziehung*, p. 205. [L. S.] [G. E. M.]

PUGILLA'RES. [TABULAE.]

PU'GIO (μάχαιρα, *dim.* μαχαίριον; ἐγχειρίδιον), a dagger; a two-edged knife, commonly of bronze, with the handle in many cases variously ornamented or enriched, sometimes made of the hard black wood of the Syrian terebinth (Theophr. *H. P.* v. 3, § 2). The accompanying woodcuts show three ancient daggers. The first was found in Italy, and belongs to a primitive period. The blade is attached to the handle by eight studs (cf. the Homeric epithet of a sword, ἀργυρόηλος). The second and third are copied from Beger (*Thes. Brand.* iii. pp. 398, 419). The handle of the second is fitted to receive a plate of wood on each side, attached by three rivets.


Ancient Dagger.

In the Heroic ages the Greeks sometimes wore a dagger suspended by the sword on the left side of the body [GLADIUS], and used it on all occasions instead of a knife (Hom. *Il.* iii. 271, xix. 252; Athen. vi. p. 232 c). The custom is continued to the present day among the Albanians, who are descended from the ancient Illyrians. The Romans (see woodcuts, Vol. I. pp. 3, 884) sometimes wore the dagger as the Persians did [ACINACES], on the right side, and consequently drew it with the thumb at the upper part of the hilt, the position most effective for stabbing. The terms *pugio* and ἐγχειρίδιον denote both its smallness and the manner of grasping it in the hand (πύξ, *pugnus*).


Ancient Daggers.

On some of the Roman monuments, although the arrangement appears to be inconvenient, the long sword was worn by the right side, while the shorter dagger was by the left hand. (Cf. the sepulchral reliefs of Roman Legionaries, Baumeister, *Denkmäler*, figs. 2266, 2267, 2269.) In the same way we must understand "the two swords" (*duos gladios*, Gell. ix. 13) worn by the Gallic chieftain, slain by Manlius Torquatus; and the monuments of the Middle Ages prove that the custom long continued in our own and in adjoining countries. (See Stothard, *Mon. Effigies of Gt. Britain.*) Among some of the northern nations of Europe, a dirk was constantly worn on the side, and was in readiness to be drawn on every occasion (Ovid, *Trist.* v. 7, 19, 20). The Chalybes employed the same weapon, stabbing their enemies in the neck (Xen. *Anab.* iv. 7, § 16). For the Greek horsemen the dagger was considered preferable to the long sword as a weapon of offence (Xen. *de Re Equest.* xii. 11). [J. Y.] [A. H. S.]

PULLA'RIUS. [AUGUR.]

PU'LPITUM. [THEATRUM.]

PULS was a thick gruel or porridge made of spelt (*far*, *ador*): as regards this grain, see AGRICULTURA, Vol. I. pp. 64 f. We are told that this porridge formed the staple of Roman food in early times in place of bread (Varro, *L. L.* v. 105; Plin. *H. N.* xviii. § 83): Pliny adds that for this reason puls was still used in sacred rites (cf. Juv. xvi. 39; Arnob. ii. 21). As it was a national dish of the early Romans, we find *pultiphagus* in Plaut. *Mostell.* 818, used to describe a Roman, or "barbarus" (cf. Id. *Poen. prol.* 54). It remained a common food for the poorer class or those who affected homely fare (Juv. xiv. 170; Mart. v. 78, xiii. 8; Ammian. xxv. 2, 2). This dish of puls must be distinguished from the later introduction *polenta*, which was made of barley-meal (Plin. xviii. § 72), and was borrowed from Greece, "videtur tam puls ignota Graeciae fuisse, quam Italiae polenta" (Id. *ib.* § 84). It was, in fact, the Greek μᾶζα in its more fluid state. The name *polenta* has now been transferred to a different substitute for puls. It is a stiff porridge of Indian meal, and is at the present time a principal food of the peasants in North Italy. (Marquardt, *Privatleben*, p. 415; Becker-Göll, *Gallus*, iii. 313; *Charikles*, ii. 312.) [G. E. M.]

PULVI'NUS (also *pulvinar*, *culcita*, *προσκεφάλαιον*), a cushion, used for beds, couches, and litters, whether a *cervical*, to support the head in beds, or a *cubital*, to support the arm on couches. The stuffing was usually of feathers [LECTUS, p. 18 *b*]; the covering often of bright coloured silk (Hor. *Epod.* 8, 15; Mart. iii. 82). The pillow was supported on a raised framework (which is shown in the woodcut on p. 15), sometimes being merely the end of the torus, or mattress, passed over this framework. Mr. Anderson (*Class. Review*, iii. 323) has shown good reason for thinking that *fulcrum*, *fulcra*, usually taken to mean *legs* of the bedstead, really meant this support of the pillow, often richly carved (Juv. xi. 95: cf. Prop. iii. 5, 5; Ov. *Pont.* iii. 3, 14). For the sacred pulvinar, see LECTISTERNIUM. [J. Y.] [G. E. M.]

PUPA (*κόρη*, *νύμφη*), a doll. Greek and Roman children commonly had dolls, made often of terra-cotta, but also of other substances,—wood, ivory, wax, &c. Wax dolls were by no means uncommon, and for these the Greeks had special names, *δάγυνον* or *δαγὺς* and *πλαγγών* (Phot. *s. v.* *πλαγγών*: Schol. *ad* Theocr. ii. 110). They were frequently made with movable limbs, as in the example given by Baumeister (*Denkm.* p. 778) from the Crimea. The Greek girls before their marriage dedicated their dolls to Artemis (*Anth. Pal.* vi. 280); at Rome girls dedicated their dolls to the Lares, as boys did their *bullae*, or to Venus (Pers. ii. 70): but if they died as children, the dolls were buried with them; many have been found in tombs. Those whose limbs were moved by strings were called *νευρόσπαστα*, and figures so constructed were exhibited as regular marionettes on a stage, or for entertainment in private houses. (Xen. *Symp.* iv. 55; Athen. i. p. 19; cf. Hor. *Sat.* ii. 7, 82.) [Becq de Fouquières, *Jeux des Anciens*, p. 27 ff.; Becker-Göll, *Charikles*, i. 282; *Gallus*, ii. 34; Blümner, *Technologie*, ii. 123.] [G. E. M.]

PUPILLUS. [IMPUBES; TUTELA.]

PU'TEAL, the stone kerb round the mouth of a well. This was sometimes nearly flush with the ground, a flat stone with a circular opening, of which there is an example in the Capitol (figured in Baumeister, *Denkm.* p. 5): it is carved in relief of a late period with scenes from the life of Achilles. But in most cases it was an enclosure surrounding the opening, high enough to protect persons from falling into it, about three or four feet from the ground, and either round or square. There is a round one in the British Museum made of marble, which was found among the ruins of one of Tiberius's villas in Capri; it has five groups of fauns and nymphs, and on the edge at the top may be seen marks of the ropes used for drawing water. Such putealia were no doubt common in Roman villas, and the *putealia sigillata*, which Cicero (*ad Att.* i. 10) wanted for his Tusculan villa, must have been of the same kind as the one in the British Museum; the word *sigillata* refers to its being adorned with figures. From its resemblance to a well-enclosure, that which surrounded a place struck by lightning, and therefore consecrated, was sometimes called *puteal* [BIDENTAL; PRODIGIUM]. At Rome we have (without referring to the Lacus Curtius) two sacred putealia, erected over places struck by lightning, one in the Comitium (Cic. *de Div.* i. 17, 33; Liv. i. 36), another in the Forum, of which the remains are thought to have been discovered between the temples of Vesta and Castor. This was the *Puteal Libonis* or *Puteal Scribonianum*, consecrated probably by L. Scribonius Libo, which is often shown on coins of the Scribonian gens, and of which an example is given below. The puteal is on the reverse of the coin, and is adorned with laurel wreaths and two lyres. It must be noticed that the puteal here has taken distinctly an altar shape. Tongs have been traced below the wreaths, and are understood to symbolise Vulcan as the maker of lightning. Libo erected in the neighbourhood of this puteal a tribunal for the praetor, in consequence of which the place was frequented by those who had lawsuits, money-lenders, &c. (Comp. Hor. *Sat.* ii. 6, 35; *Ep.* i. 19, 8;—Ov. *Remed. Amor.* 561; Cic. *pro Sest.* 8, 18; O. Richter in Baumeister, *Denkm.* p. 1468; Burn, *Rome and Campagna*, p. 86; Middleton, *Rome*, p. 178.) [W. S.] [G. E. M.]

Coin of the Scribonian Gens.

PYANE'PSIA (*πυανέψια*, *πυανόψια*, *πανόψια*), a festival celebrated at Athens every year on the 7th of Pyanepsion in honour of Apollo (Harpocr., Hesych., Suidas, *s. v.* *πυανέψια*). It was said to have been instituted by Theseus after his return from Crete (Plut. *Thes.* 22; cf. EIRESIONE; OSCHOPHORIA). The true account is probably that given by A. Mommsen, that the old Pyanepsia, in the age of Solon, was a festival, at the close of the vintage, in honour of Apollo and Athena Skiras, and that the worship of Bacchus and of Theseus was a later association with it of the ceremonies of the OSCHOPHORIA in the time of Cimon, when the worship of Theseus was introduced at Athens. The festival as well as the month in which it took place are said to have derived their names from *πύαμος*, another form for *κύαμος*, *i.e.* pulse or beans, which were cooked at this season and carried about (Harpocr. and Suid. *l. c.*; Athen. ix. p. 408). A procession appears to have taken place at the Pyanepsia, in which the *εἰρεσιώνη* was carried about. This *εἰρεσιώνη* was an olive-branch surrounded with wool and laden with the fruits of the year; for the festival was in reality a harvest feast. It was carried by a boy whose parents were still living, and those who followed him sang certain verses, which are preserved in Plutarch (*l. c.*; compare Clem. Alex. *Strom.* iv. p. 474; Eustath. *ad Il.* xxii.; Suid. *s. v.* Εἰρεσιώνη: and *Etym. Mag.*, where a different account is given). The procession went to a temple of Apollo, and the olive-branch was placed at its entrance. According to others, every Athenian planted, on the day of the Pyanepsia, such an olive-branch before his own house, where it was left standing till the next celebration of the festival, when it was exchanged for a fresh one. (Schol. *ad* Aristoph. *Plut.* 1050; comp. Preller, *Gr. Myth.* i. 203, ii. 297; A. Mommsen, *Heort.* pp. 57, 270.) [L. S.] [G. E. M.]

PYCNOSTY'LOS. [TEMPLUM.]

PYELUS (πύελος). [FUNUS.]

PYGME, PYGON. [MENSURA, Vol. II. p. 161.]

PYLA'GORAE (πυλαγόραι). [AMPHICTYONES, Vol. I. p. 104 *a*; HIEROMNEMONES.]

PYRA. [FUNUS.]

PYRGUS (πύργος), a tower. 1. The towers used in fortification and in war are spoken of under TURRIS and HELEPOLIS. 2. In Homer πύργος, πυργηδὸν are used of an army in close column (*Il.* iv. 434; xiii. 152; xv. 618). 3. A dice-box, so called from its resemblance to a tower [FRITILLUS]. 4. The territory of the town of Teos was distributed among a certain number of towers (πύργοι), to each of which corresponded a symmory or section of the citizens, compared to the Attic demes (see Boeckh, *Corp. Inscr.* No. 3064; and the elucidations of Grote, *Hist. of Greece*, vol. iii. pp. 247, 248). Scheffer, however (*de rebus Teiorum*, p. 35 ff.), takes them to be regions or quarters of the town of Teos, and Gilbert is disposed to agree with him (*Staatsalt.* ii. 38). [W. S.] [G. E. M.]

PY'RRHICA (πυῤῥίχη) among the Greeks was properly the military dance of the Lacedaemonians and Cretans—dance, that is, in the sense of rhythmical marchings and evolutions, which became stereotyped afterwards into a kind of ornamental parade. There is the greatest divergence among the authorities as to the inventor; a Cretan called Pyrrhicus, or Pyrrhus son of Achilles, or the Dioscuri, or the Curetes, or Athena, being assumed by different authors (Krause, *Gymnastik und Agonistik*, ii. 836). Plato says the pyrrhic dance "imitates the modes of avoiding blows and darts by dropping, or giving way, or springing aside, or rising up, or falling down; also the opposite postures, which are those of action, as, for example, the imitation of archery and the hurling of javelins, and of all sorts of blows" (*Leg.* vii. 815, Jowett's translation). Athenaeus (xiv. 631) calls it προγύμνασμα τοῦ πολέμου, and that it required the best music and most stirring strains. It was practised at Sparta by children when they were as young as five years. Exhibitions of pyrrhic dancers also took place at the Panathenae at Athens, and it was a common λειτουργία to furnish them (Isaeus, *de Dicaeog. hered.* § 36; Lysias, *Accept. Mun. Def.* § 1); also at Aphrodisias (*C. I. G.* 2758) and Teos (3089). There is a lively account of a πυῤῥίχη danced by a woman in Xenophon (*An.* vi. 1, 12). Grasberger (*Erziehung und Unterricht*, iii. 297) says that the youths used to strike the shields with their daggers, and, forming into two opposing lines, used to strike their daggers against the shields of those of the opposite line. The Romans sometimes gave somewhat similar exhibitions, which they called *pyrrhicae militares* (Spart. *Hadr.* 19; cf. Amm. xvi. 5, 10, xviii. 7, 7; Herodian, iv. 2, 9). It is a mistake to suppose that this is the same as the Ludus Trojae, as is stated by Servius (*ad Aen.* v. 602). But with the Romans pyrrhica for the most part signified a dramatic representation by several dancers, male and female, like our ballet, with all kinds of marching, evolutions, and groupings (Apul. *Met.* x. 29). There were also kinds of sham fights; an epigram on the pyrrhica (*Anthol. Lat.* 959, ed. Meyer) says, "In spatio Veneris simulantur praelia Martis Cum sese adversum sexus uterque venit." The subjects were most various: the Judgment of Paris, Icarus and Pasiphae (Suet. *Ner.* 12); but a very common one was something connected with Bacchic worship, as it lent itself so well to picturesque treatment, the dancers being got up with fawn-skins, thyrsi, &c. Thus we hear of the invasion of India by Bacchus and Pentheus being subjects (Ath. xiv. 631). Boys and girls for this kind of dance were imported from Asia Minor (cf. Suet. *Caes.* 39). They were sometimes free, and given citizenships if they gave satisfaction (Suet. *Ner.* 12), but generally they were slaves (Wilm. 222). The pyrrhica was sometimes danced by criminals in the amphitheatre (Dig. 48, 19, 8, 11; Plut. *de sera Numinis vind.* i. 9 = 554 ed. Reiske). The dancers had masks and splendid purple cloaks (*ib.*). Pliny (*H. N.* viii. 5) tells us that elephants were taught to dance the pyrrhica, and Lucian (*Pisc.* 36) mentions a ballet of monkeys. An elaborate account of a pyrrhica representing the Judgment of Paris is given by Apuleius (*Met.* x. 30–34). It was very like our ballets. We may notice especially the characteristic music, solemn with the entrance of Juno, the martial Doric mood as Minerva appears, and voluptuous Lydian strains accompanying Venus (c. 31); also the elaborate scenery, Mount Ida with real living bushes and trees, real goats browsing on it, and real water in its many fountains (c. 30). These at the end shot up a stream of crocus and wine just before, at the end of the performance, the mountain sank (c. 34). The machinery used in such ballets must have been most elaborate; and it is doubtless to a pyrrhica that Juvenal

Pyrrhic dancer, from a tomb at Chiusi. (Dennis.)

(iv. 122) alludes when he speaks of *pegma et pueros inde ad velaria raptos* (cf. Mayor *ad loc.*).

(Most that is to be known about the Roman pyrrhicae is given in Friedländer, *Sittengeschichte Roms*, ii.^{3} 443–445.) [L. C. P.]

PY'THIA (πύθια), one of the four great national festivals of the Greeks. It was celebrated in the neighbourhood of Delphi, anciently, and always by Herodotus, called Pytho, in honour of Apollo, Artemis, and Leto. The place of this solemnity was the Crissaean plain, which for this purpose contained a hippodromus or race-course (Paus. x. 37, § 4), a stadium of 1000 feet in length (Censorin *de Die Nat.* 13), and a theatre, in which the musical contests took place (Lucian, *adv. Indoct.* 9). A gymnasium, prytaneum, and other buildings of this kind, probably existed here, as at Olympia, although they are not mentioned. Once the Pythian games were held at Athens, on the advice of Demetrius Poliorcetes (Ol. 122. 3; see Plut. *Demetr.* 40; Corsini, *Fast. Att.* iv. p. 77), because the Aetolians were in possession of the passes around Delphi.

The Pythian games were, according to most legends, instituted by Apollo himself (Athen. xv. p. 701; Schol. *Argum. ad* Pind. *Pyth.*); other traditions referred them to ancient heroes, such as Amphictyon, Adrastus, Diomedes, and others. They were originally, perhaps, nothing more than a religious panegyris, occasioned by the oracle of Delphi, and the sacred games are said to have been at first only a musical contest, which consisted in singing a hymn to the honour of the Pythian god with the accompaniment of the cithara (Paus. x. 7, § 2; Strab. ix. p. 421). Some of the poets, however, and mythographers represent even the gods and the early heroes as engaged in gymnastic and equestrian contests at the Pythian games. But such statements, numerous as they are, can prove nothing; they are anachronisms in which late writers were fond of indulging. The description of the Pythian games in which Sophocles, in the *Electra*, makes Orestes take part, belongs to this class. The Pythian games must, on account of the celebrity of the Delphic oracle, have become a national festival for all the Greeks at a very early period; and when Solon fixed pecuniary rewards for those Athenians who were victors in the great national festivals, the Pythian agon was undoubtedly included in the number, though it is not expressly mentioned (Diog. Laërt. i. 55).

Whether gymnastic contests had been performed at the Pythian games previous to Ol. 47, is uncertain. Boeckh supposes that these two kinds of games had been connected at the Pythia from early times, but that afterwards the gymnastic games were neglected; but, however this may be, it is certain that about Ol. 47 they did not exist at Delphi. Down to Ol. 48 the Delphians themselves had been the agonothetae at the Pythian games; but in the third year of this Olympiad, when after the Crissaean war the Amphictyons took the management under their care, they naturally became the agonothetae (Strab. ix. p. 421; Paus. x. 7, § 3). Some of the ancients date the institution of the Pythian games from this time (Phot. *Cod.* p. 533, ed. Bekker), and others say that henceforth they were called *Pythian games.* Owing to their being under the management of the Amphictyons, they are sometimes called Ἀμφικτυονικὰ ἆθλα (Heliod. *Aeth.* iv. 1). From Ol. 48. 3, the Pythiads were occasionally used as an era, and the first celebration under the Amphictyons was the first Pythiad. Pausanias (*l. c.*) expressly states that in this year the original musical contest in κιθαρῳδία was extended by the addition of αὐλῳδία, *i.e.* singing with the accompaniment of the flute, and by that of flute-playing alone. Strabo (*l. c.*) in speaking of these innovations does not mention the αὐλῳδία, but states that the contest of cithara-players (κιθαρισταί) was added, while Pausanias assigns the introduction of this contest to the eighth Pythiad. One of the musical contests at the Pythian games in which only flute and cithara-players took part, was the so-called νόμος Πυθικός, which, at least in subsequent times, consisted of five parts, viz. ἀνάκρουσις, ἄμπειρα, κατακελευσμός, ἴαμβοι καὶ δάκτυλοι, and σύριγγες. The whole of this νόμος was a musical description of the fight of Apollo with the dragon and of his victory over the monster (Strabo, *l. c.*). A somewhat different account of the parts of this νόμος is given by the Scholiast on Pindar (*Argum. ad Pyth.*) and by Pollux (iv. 79, 81, 84).

Besides these innovations in the musical contests which were made in the first Pythiad, such gymnastic and equestrian games as were then customary at Olympia were either revived at Delphi or introduced for the first time. The chariot-race with four horses was not introduced till the second Pythiad (Paus. x. 7, § 3). Some games on the other hand were adopted which had not yet been practised at Olympia, viz. the δόλιχος and the δίαυλος for boys. In the first Pythiad the victors received χρήματα as their prize, but in the second a chaplet was established as the reward for the victors (Paus. and Schol. *ad* Pind. *l. c.*). The Scholiasts on Pindar reckon the first Pythiad from this introduction of the chaplet, and their system has been followed by most modern chronologers, though Pausanias expressly assigns this institution to the second Pythiad. (See Clinton, *F. H.* p. 195; Krause, *Die Pyth. Nem.*, &c. p. 21, &c.) The αὐλῳδία, which was introduced in the first Pythiad, was omitted at the second and ever after, as only elegies and θρῆνοι had been sung to the flute, which were thought too melancholy for this solemnity. The τέθριππος, or chariot-race with four horses, however, was added in the same Pythiad. In the eighth Pythiad (Ol. 55. 3) the contest in playing the cithara without singing was introduced; in Pythiad 23 the foot-race in arms was added; in Pythiad 48 the chariot-race with two full-grown horses (συνωρίδος δρόμος) was performed for the first time; in Pythiad 53 the chariot-race with four foals was introduced. In Pythiad 61 the pancratium for boys, in Pythiad 63 the horse-race with foals, and in Pythiad 69 the chariot-race with two foals were introduced (Paus. *l. c.*). Various musical contests were also added in the course of time; and contests in tragedy as well as in other kinds of poetry, and in recitations of historical compositions, are expressly mentioned (Philostr. *Vit. Soph.* ii. 27, 2; Plut. *Sympos.* ii. 4). Works of art, as paintings and sculptures, were exhibited to the assembled Greeks, and prizes were awarded to those who had produced the finest work (Plin. xxxv. § 35). The musical and artistic contests were at all times the most prominent feature of the Pythian games, and in this respect they even excelled the Olympic games.

Previous to Ol. 48 the Pythian games had been an *ἐνναετηρίς*, that is, they had been celebrated at the end of every eighth year; but in Ol. 48. 3, they became, like the Olympia, a *πεντετηρίς*, *i.e.* they were held at the end of every fourth year, and a Pythiad therefore, ever since the time that it was used as an era, comprehended a space of four years, commencing with the third year of every Olympiad (Paus. *l. c.*; Diod. xv. 60; compare Clinton, *F. H.* p. 195). Others have, in opposition to direct statements, inferred from Thucydides (iv. 117, v. 1) that the Pythian games were held towards the end of the second year of every Olympiad. Respecting this controversy, see Krause, *l. c.* p. 29, &c. As for the season of the Pythian games, they were in all probability held in the spring, and most writers believe that it was in the month of Bysius, which is supposed to be the same as the Attic Munychion. Boeckh (*ad Corp. Inscript.* n. 1688), however, has shown that the games took place in the month of Bucatius, which followed after the month of Bysius, and that this month must be considered as the same as the Attic Munychion. The festival was probably timed to coincide with the spring meetings of the Amphictyons at Delphi (Aeschin. *c. Ctes.* § 254). The games lasted for several days, as is expressly mentioned by Sophocles (*Elect.* 690, &c.), but we do not know how many. When ancient writers speak of *the day* of the Pythian agon, they are probably thinking of the musical agon alone, which was the most important part of the games, and probably took place on the 7th of Bucatius. It is quite impossible to conceive that all the numerous games should have taken place on one day.

The concourse of strangers at the season of this panegyris must have been very great, as undoubtedly all the Greeks were allowed to attend. The states belonging to the amphictyony of Delphi had to send their theori in the month of Bysius, some time before the commencement of the festival itself (Boeckh, *Corp. Inscr.* l. c.). The theories sent by the Athenians were always particularly brilliant (Schol. *ad* Aristoph. *Av.* 1585). [For the meaning of the word Πυθαϊσταί, Strab. ix. p. 404, see THEORI.] As regards sacrifices, processions, and other solemnities, it may be presumed that they resembled in a great measure those of Olympia. A splendid, though probably in some degree fictitious, description of a theoria of Thessalians may be read in Heliodorus (*Aeth.* ii. 34).

As to the order in which the various games were performed, scarcely anything is known, with the exception of some allusions in Pindar and a few remarks of Plutarch. The latter (*Symp.* ii. 4; comp. Philostr. *Apoll. Tyan.* vi. 10) says that the musical contests preceded the gymnastic contests, and from Sophocles it is clear that the gymnastic contests preceded the horse and chariot races. Every game, moreover, which was performed by men and by boys, was always, as at Olympia, first performed by the latter (Plut. *Symp.* ii. 5).

We have stated above that, down to Ol. 48, the Delphians had the management of the Pythian games; but of the manner in which they were conducted previous to that time nothing is known. When they came under the care of the Amphictyons, especial persons were appointed for the purpose of conducting the games and of acting as judges. They were called Ἐπιμεληταί (Plut. *Symp.* ii. 4, vii. 5), and answered to the Olympian Hellanodicae. Their number is unknown. There must, however, have been at least three: one for the musical, gymnastic, and equestrian contests respectively (Krause, *l. c.* p. 44). In later times it was decreed by the Amphictyons that king Philip with the Thessalians and Boeotians should undertake the management of the games (Diod. xvi. 60), but Krause thinks this was a purely honorary office, the real work of presiding remaining in the hands of the Amphictyons; and afterwards, even under the Roman emperors, the Amphictyons again appear in the possession of this privilege (Philostr. *Vit. Soph.* ii. 27). The ἐπιμεληταὶ had to maintain peace and order, and were assisted by *μαστιγοφόροι*, who executed any punishment at their command, and thus answered to the Olympian ἀλύται (Luc. *adv. Indoct.* 9, &c.).

The prize given to the victors in the Pythian games was from the time of the second Pythiad a laurel chaplet (*τὸ φυτὸν τῆς δάφνης*); so that they then became an *ἀγὼν στεφανίτης*, while before they had been an *ἀγὼν χρηματίτης*. The laurel sprays of which the chaplet was composed were brought by boys whose parents were both alive (παῖδες ἀμφιθαλεῖς) from the Vale of Tempe, accompanied on the way by a flute-player (Plut. *περὶ μουσ.* c. 14). (Paus. x. 7, § 3; Schol. *in Argum. ad* Pind. *Pyth.*) In addition to this chaplet, the victor here, as at Olympia, received the symbolic palm-branch, and was allowed to have his own statue erected in the Crissaean plain. (Plut. *Symp.* viii. 4; Paus. vi. 15, § 3, 17, § 1; Justin. xxiv. 7, 10.) That sometimes apples were presented to victors in the great Pythian games as prizes is clear from many passages in later writers. (Cf. Luc. *Anach.* 9, 10, 13, 16; Liban. *Eloqu. Rom.* t. ii. 716 R.; Paus. vi. 9, 1; Schol. Pind. *Pyth.* Arg. p. 298 B.)

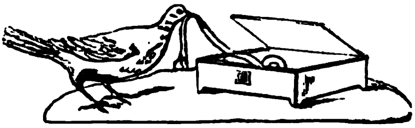
The time when the Pythian games ceased to be solemnised is not certain, but they probably lasted as long as the Olympic games, *i.e.* down to A.D. 394. In A.D. 191 a celebration of the Pythia is mentioned by Philostratus (*Vit. Soph.* ii. 27), and in the time of the Emperor Julian they still continued to be held, as is manifest from his own words (Jul. *Epist. pro Argiv.* p. 35 a).

Pythian games of less importance were celebrated in a great many other places where the worship of Apollo was introduced; and the games of Delphi are sometimes distinguished from these lesser Pythia by the addition of the words ἐν Δελφοῖς. But as by far the greater number of the lesser Pythia are not mentioned in the extant ancient writers, and are only known from coins or inscriptions, we shall only give a list of the places where they were held:—Ancyra in Galatia, Aphrodisias in Caria, Antiochia, Carthaea in the island of Ceos (Athen. x. pp. 456, 467), Carthage (Tertull. *Scorp.* 6), Cibyra in Phrygia, Delos (Dionys. *Perieg.* 527), Emisa in Syria, Hierapolis in Phrygia, Magnesia, Megara (Schol. *ad* Pind. *Nem.* v. 84, *Ol.* xiii. 155; Philostr. *Vit. Soph.* i. 3), Miletus, Neapolis in Italy, Nicaea in Bithynia, Nicomedia, Pergamus in Mysia, Perge in Pamphylia, Perinthus on the Propontis, Philippopolis in Thrace, Side in Pamphylia, Sicyon (Pind. *Ol.* xiii. 105, with the Schol.; *Nem.* ix. 51), Taba in Caria, Thessalonice in Macedonia, in Thrace, Thyatira, and Tralles in Lydia, Tripolis on the Maeander in Caria. (Krause, *Die Pythien, Nemeen und Isthmien*, pp. 1–106.) [L.'S.] [J. I. B.]

PY'THIA. [Oraculum.]

PY'THII (πύθιοι), called also Ποίθιοι (Phot. *s. v.*), were four officers at Sparta who were chosen by the kings, two by each king, as their assistants in their religious and priestly functions. Their most important duty was to go as envoys to Delphi, to receive the oracles committed to writing, and to take charge of them when they had been delivered to the kings. They were in immediate attendance on the kings, and messed with them, boarded at the public expense. [Damosia.] (Herod. vi. 57; Plut. *Pelop.* 21; Xen. *de Rep. Lac.* xv. 5; Suid. *s. v.*; Schomänn, *Antiq.* p. 246; Gilbert, *Staatsalt.* i. 48.) [W. S.] [G. E. M.]

PYXIS (πυξίς), a casket, a jewel-box (Mart. ix. 38); also a small box for holding drugs or poisons (Cic. *pro Cael.* 25, 61; Quintil. vi. 3, 25). Quintilian (viii. 6, § 35) produces this term as an example of catachresis, because it properly denoted that which was made of box (πύξος), but was applied to things of similar form and use made of any other material. In fact, the caskets in which the ladies of ancient times kept their jewels and other ornaments were made of gold, silver, ivory, mother-of-pearl, tortoise-shell, &c. The pyxis, in which Nero dedicated the cuttings from his beard to Jupiter, was of gold, studded with pearls (Suet. *Ner.* 12). They were also much enriched with sculpture. A silver coffer, 2 feet long, 1½ wide, and 1 deep, most elaborately adorned with figures in bas-relief, is described by Böttiger (*Sabina*, vol. i. pp. 64–80, plate iii.). The first woodcut (from *Ant. d'Ercolano*, vol. ii. tav. 7) represents a very plain jewel-box, out of which a dove is extracting a riband or fillet: the second is of terra-cotta, from Etruria. The word is also used for the iron cap at the end of a pestle (Plin. *H. N.* xviii. § 112). [J. Y.] [G. E. M.]



Pyxis.

Terra-cotta Pyxis. (Dennis.)

Q.

QUADRAGE'SIMA. (1.) The fortieth part of the imported goods, or 2½ per cent., was the amount of the portorium in some provinces [Portorium]. Separate *stationes fisci* seem to have looked after this tax in each province, under the Empire (see Wilmanns, *Exemp. Inscr. Lat.* 1397, 1398; and see Stationes Fisci).

(2.) *Quadragesima litium* (Suet. *Cal.* 40); a tax imposed by Caligula of the fortieth part of the value of all property about which there was a lawsuit.

In what sense does Tacitus (*Ann.* xiii. 51) mean that Nero abolished *quadragesima?* Not (1), for that tax is heard of later (see Symmachus, *Ep.* v. 62; and perhaps Suet. *Vesp.* 1); nor (2), because Claudius had already abolished the new taxes of Caligula (Dio Cass. lx. 4; though many persons think that the *quadragesima litium* was not abolished before Galba's principate), and also because a *quadragesima litium* could not well be farmed, whereas the context shows that the tax spoken of by Tacitus was farmed. It is therefore probable that Tacitus is speaking of charges otherwise unknown to us and (as *alia*, &c. in the passage would show) illegal. [F. T. R.]

QUADRANS. [As, Vol. I. p. 202; Pondera.]

QUADRANTAL, or **AMPHORA QUADRANTAL,** or **AMPHORA** only, was the principal Roman measure of capacity for fluids. (*Amphora* was the later name for the quadrantal, and is not found as a measure earlier than Cic. *pro Font.* 9, 19; cf. Fest. p. 258, "quadrantal vocabant antiqui, quam ex Graeco amphoram dicunt"; so also Volus. Maecian. *Dist. Part.* 79, "quadrantal, quod nunc plerique amphoram vocant." This was in the middle of the 2nd century A.D.) All the Roman measures of capacity were founded on weight, and thus the *amphora* was originally the space occupied by eighty pounds of wine.

There is also preserved to us by Festus (s. v. *Publica Pondera*, p. 246) a plebiscitum [Lex Silia] of unknown date, regulating the weights and measures, to the following effect:—"Ex ponderibus publicis, quibus hac tempestate populus oetier (uti) solet, uti coaequetur sedulum, uti quadrantal vini octoginta pondo siet: congius vini decem p. (i.e. *pondo*) siet: sex sextari congius siet vini; duodequinquaginta sextari quadrantal siet vini:"—that is, that the *quadrantal* should contain 80 pounds of wine,* and the *congius* 10; and that the *sextarius* should be 1-6th of the *congius*, and 1–48th of the *quadrantal*. The quadrantal was subdivided into 2 *urnae*, 8 *congii*, 48 *sextarii*, 96 *heminae*, 192 *quartarii*, 384 *acetabula*, 576 *cyathi*, and 2304 *ligulae*. As compared with the Roman dry measure, the *quadrantal* was three times the

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* The Romans were aware that there is a difference in the specific gravity of wine and of water, and in the different sorts of each, but, for the sake of simplicity, they regarded them as the same specific gravity: when, however, they wished a very exact determination, they used rain-water. (Boeckh, c. 3.)

modius. The only measure larger than the *quadrantal* was the *culleus* of 20 amphorae, which was used, as well as the amphora itself, in estimating the produce of a vineyard. [CULLEUS: comp. AMPHORA, *sub fin.*]

The quadrantal was connected with the measures of length, by the law, that it was the cube of the foot, whence its name *quadrantal*, or, as other writers give it (using the Greek κύβος instead of the Latin *quadrantal*) *amphora cubus.* (Cato, *R. R.* 57; Gell. i. 20; Auct. *Carm. de Mens. et Pond.* vv. 59–63:—

> "Pes longo in spatio latoquè altoque notetur:
> Angulus ut par sit, quem claudit linea triplex
> Quatuor et medium quadris cingatur inane:
> Amphora fit cubus, quam ne violare liceret,
> Sacravere Jovi Tarpeio in monte Quirites.")

A standard model of the *amphora* was kept with great care in the temple of Jupiter in the Capitol, and was called *amphora Capitolina* (*Carm. de Mens.* l. c.; Capitol. *Maximin.* 4). It was under the charge of the aediles (*C. I. L.* vi. 1520, x. 8067; Polyb. iii. 26; cf. Mommsen, *Staatsrecht*, ii.^{3} p. 500). There still exists a *congius* which professes to have been made according to this standard. [CONGIUS.] For a full account of this congius, see H. Hase, *Abhandl. d. Berl. Akad.* 1824.

There are two questions connected with the Roman *quadrantal:* namely, (1) whether the equality to the cubic foot was originally exact, or only approximate; and (2) whether there was any exact ratio between the Roman and the Grecian measures. The full discussion of these questions would be inconsistent both with the limits and with the chief object of this work. A general statement of the matters in dispute will be found under MENSURA, pp. 160, 161. It may here be added that, whether there was or was not originally any precise ratio between the Greek and Roman measures of capacity, they were at least so nearly related to one another, that, when the two systems came to exist side by side, it was found easy to establish the following definite ratios. Of the liquid measures: the Roman *amphora*, or *quadrantal*, was 2–5ths of the Aeginetan, and 2–3rds of the Attic *amphora* or *metretes;* and the *congius* of the Roman system was equal to the χοῦς of the Attic. Again, comparing the Roman liquid with the Greek dry measures, the *quadrantal* was 1–3rd of the Aeginetan, and one-half of the Attic, *medimnus.* Consequently, of the dry measures, the *modius* (which was 1–3rd of the *quadrantal*) was 1–9th of the Aeginetan, and 1–6th of the Attic, *medimnus.* The connecting subordinate unit in all these sets of measures is the Roman *sextarius*, or *sixth part of the congius*, which was introduced into the Greek system under the name of ξέστης, and which stands to the several measures now mentioned in the following relations:—

1. *Liquid Measures.*

The Roman *quadrantal*	=	48	sextarii
,, Attic *metretes*	=	72	,,
,, Aeginetan ,,	=	120	,,

2. *Dry Measures.*

The Roman *modius*	=	16	sextarii
,, Attic *medimnus*	=	96	,,
,, Aeginetan ,,	=	144	,,

The ξέστης, or Roman *sextarius*, is not to be confounded with the genuine Attic ἑκτεὺς or *sixth of the medimnus*, which was equal to the Roman modius.

From the preceding remarks it will be seen that the only safe mode of computing the content of the amphora in terms of our own measures of capacity is by deducing it from the value already assigned to the Roman pound, on the authority chiefly of the coins. That value may be taken, in round numbers, at 5050 grains. [PONDERA, Vol. II. p. 455.] Now the imperial gallon contains 70,000 grains. Therefore the Roman amphora $= \frac{5050 \times 80}{70000} = 5\cdot77$ imperial gallons, *i.e.* a very little over 5 gallons and 6 pints. It is clear, therefore, that for rough calculations, at any rate when the numbers dealt with are not very large, if we reckon the sextarius as a pint (instead of ·96 of a pint) and the quadrantal or amphora at 6 gallons, it will be a close enough approximation. (Boeckh, *Metrol.* 167; Hultsch, *Metrol.* pp. 112 ff., ed. 2, 1882.) [P. S.] [G. E. M.]

QUADRI'GAE. [CURRUS.]

QUADRIGA'TUS. (Denarius with quadriga as type.) [AS, Vol. I. p. 205.]

QUADRIRE'MIS. [NAVIS, Vol. II. p. 221 *a.*]

QUA'DRUPES. [PAUPERIES.]

QUADRUPLA'TOR, a professional accuser in cases involving a pecuniary penalty (Plaut. *Pers.* i. 2, 18; Cic. *Verr.* ii. 8, 22; *Div. in Caecil.* 7, 24; Liv. iii. 72; Fest. p. 259). The *index* was one who was himself involved in the crime or conspiracy, and, by coming forward as informer, gained immunity for himself and a reward paid by the state treasury (Liv. ii. 5, iv. 45, xxii. 33, xxxii. 26, xxxix. 19; Cic. *Cat.* iv. 5; Suet. *Jul.* 17). The quadruplator differed from the index in the nature of the cases involved, in the fact that he was not himself liable but took up the accusation as a means of making money, and thirdly because he derived his gains from a share of the penalty, and so from the property of the accused, not from the state. [For a later development of the professional accuser under the Empire, see DELATOR.] Several emperors tried to get rid of quadruplatores (Capitol. *Anton. P.* 7; *M. Ant. Phil.* 11): in the later Empire the term disappears.

As to the origin and strict meaning of the word, there is some controversy. Ps.-Ascon. (*in Cic.* l. c.) gives two opinions. As to the first—that the quadruplator received one-fourth of the accused person's property—this scarcely agrees with the etymology, which should mean *fourfold*, and is probably a confusion arising from the fact that the later delatores received one-fourth. So far as we know, this began with the Lex Julia de majestate. The second view is probably more correct—that the quadruplator had to do with cases where the penalty was four times the damage; as, for instance, violation of the laws of usury (Liv. vii. 28; Cato, *R. R.* init.; FENUS], and it is probable that the condemnation to pay fourfold was not uncommon in other cases: we find it as the penalty for provincials who kept back the corn tribute (Cic. *Verr.* iii. 13, 34), and the term *quadruplator* applied, in Sidon. *Ep.* v. 7, to one who farmed the tolls, is perhaps derived from his exacting fourfold from defaulters. Possibly, as Mommsen thinks, the quadruplator originally received the whole penalty (*quadruplus*) from the accused; afterwards only a proportion, large or small. The *locus classicus* in Plaut. *Pers.* i. 2, 18 does not lay down the actual law, but only what the poet wishes to be the law, that the quadruplator should, if he made good his accusation ["*si*—damnet"], pay half the penalty to the treasury, receiving only half for himself; and that, on the other hand, he should himself be condemned in the fourfold penalty if he failed in his proof.

[Geib, *Criminalprocess*, 106; Walter, *Gesch. d. röm. Rechts*, § 860; Rudorff, *Röm. Rechtsgesch.*, 463; Mommsen, *Staatsrecht*, ii.^{3} 599; and (for the passage of Plautus) Götz, in *Rhein. Mus.* xxx. 167.] [W. S.] [G. E. M.]

QUADRUPLICA'TIO. [Actio, Vol. I. p. 20 *a*.]

QUAESTIO'NES, QUAESTIONES PERPETUAE. [Judicium.]

QUAESTOR, the name of a class of Roman officers. The origin of the quaestorship is somewhat uncertain. The best authorities know nothing of it in the time of the kings. Cicero (*de Rep.* ii. 35, 60) mentions it in connexion with the trial of Sp. Cassius in B.C. 485. Livy (ii. 41) refers to it first on the same occasion, and in a chronological enumeration of the magistrates places it between the tribuneship of the commons (B.C. 493) and the decemvirate (B.C. 451). Dionysius mentions quaestors incidentally in speaking of the sale of booty in B.C. 507 (v. 34), and speaks also of their action in the case of Sp. Cassius. Tacitus (*Ann.* xi. 22) ascribes them to the time of the kings, but on grounds which plainly do not bear out his view. The silence of our earlier authorities on occasions like the trial of Horatius makes it evident that there was no good reason for believing that the office was then in existence; and this view is confirmed by the fact that the quaestors were elected in the comitia of the tribes. It cannot be upset by the assertions of later writers, such as Ulpian (in Dig. 1, 13, 1 pr.) and Lydus (*de Mag.* i. 24). Further, the quaestors were at first two in number; and this of itself makes it highly probable that the office came into being along with the consulship, as a part of the earliest republican constitution. When the consulship was suspended under the decemvirate, the quaestorship ceased along with it.

As early as B.C. 421 the number was raised to four, one being assigned to each consul for domestic affairs and one for war. In B.C. 267, or perhaps not until B.C. 241, four more were added to take part in the administration of Italy. The number probably steadily increased with the addition of new provinces; but we are only told that Sulla raised the annual total to twenty (Tac. *Ann.* xi. 22; cf. *C. I. L.* i. p. 108). Julius Caesar increased it to forty, but there is reason to believe (Mommsen, *Staatsrecht*, ii. 516, note 1) that Augustus reduced it again to twenty.

The quaestorship was the first of the ordinary magistracies to be thrown open to the plebeians: in B.C. 421 it was agreed that patricians and plebeians should be eligible without distinction (Liv. iv. 43), and in B.C. 409 three of the four were actually plebeians (Liv. iv. 54). Tacitus asserts (*Ann.* xi. 22) that the quaestors were at first nominated by the consuls, and that it was only sixty-three years after the expulsion of the kings that they were elected by the people: that is, probably in consequence of the Valerio-Horatian laws of B.C. 449. This is at variance with the view of Junius Gracchanus (in Dig. 1, 13, 1 pr.), that they were elected by popular vote, even under the kings; but that we have already seen to be erroneous, and, though Livy does not mention the introduction of popular election, the probabilities of the case are decidedly in favour of the statement of Tacitus. The quaestors were elected in the comitia of the tribes (Mommsen, *Röm. Forsch.* i. 159 ff.), and their elections came off last in the annual series. The office was held for one year: but when the custom sprang up that the consul should govern a province as proconsul in the year after his consulate, it came to be usual that his quaestors should accompany him with an extension of powers as proquaestors. The quaestors had the usual insignia of magistrates, but a *sella* which was not *curulis*, but one with straight legs, such as that used by the *judex quaestionis*, if he was not a curule magistrate. They were attended by *scribae*, *viatores*, and *praecones*.

The provinces of the various quaestors were determined by a resolution of the senate each year, before the new quaestors entered upon office. The number of the posts to be filled probably exceeded that of the new quaestors before their number was increased by Sulla, seventeen being known to us. Deficiencies seem to have been made good by continuing some in office as proquaestors; perhaps also by giving governors of provinces the right of choosing their proquaestors. Under the Empire the number of posts appears to have exactly equalled that of the annual appointments.

When the *provinciae* had been determined by the senate, they were distributed among the quaestors, partly by selection by the superior magistrates, to whom they were severally attached (Liv. xxx. 33; Cic. *ad Att.* vi. 6, 4), confirmed by the senate, partly by lot (Cic. *pro Mur.* 8, 18; *Div. in Caec.* 14, 46, and elsewhere). Under the Empire the selection was made by the emperor and by the consuls (Plin. *Ep.* iv. 15).

The duties of the quaestors will be best discussed under the head of the various *provinciae*.

1. *Quaestores urbani.* This was the official designation, frequently occurring in inscriptions, of the two quaestors whose duty required them to remain in Rome during their year of office. Their primary function was to be officials subordinate to the consuls, the only other magistrates in existence at the time of the creation of the office. Hence such duties as the latter could discharge by deputy commonly fell to the quaestors. They had no functions in connexion with civil jurisdiction; the superintendence of this naturally lay with the supreme authority, while the decision of details was committed to a private *judex*. But in criminal jurisdiction they took an important part, from which indeed they originally derived their name. The title *quaestor* is only another form of *quaesitor* (cf. *sartor* by the side of *sarcitor* from *sarcire*), and denotes "investigator." In the Twelve Tables they appear under the full title of *quaestores parricidii* (cf.

Pomponius in Dig. 1, 2, 2, 23; Festus, p. 221, "parricidi quaestores appellabantur qui solebant creari causa rerum capitalium quaerendarum:" cf. p. 258). When this part of their functions fell into desuetude, the term *parricidii*, at first necessary for distinctiveness, was dropped, or replaced by some other phrase, a fact which led some late authorities into the error of supposing that the term *quaestores parricidii* denoted an obsolete office, distinct from the later quaestorship. That this is an error is proved indirectly by the silence of Livy, Dionysius, and Tacitus, and explicitly by the language of Varro (*L. L.* v. 81, "quaestores a quaerendo, qui conquirerent publicas pecunias et maleficia"). Modern scholars have been misled by the statement of Pomponius (Dig. l. c.), which must certainly be rejected. But the quaestors never had the *imperium*, nor the right of convoking the centuries on their own account. It is therefore necessary that we should regard them as acting by virtue of a mandate from the consuls. It is a reasonable conjecture that under the kingship, as an appeal from a capital sentence to the judgment of the people was allowed, the king, in order to avoid the appearance of a conflict between his authority and the rights of the community, exercised his jurisdiction through a representative; and that the consul, after the institution of the quaestorship, was bound by tradition to choose a quaestor as his representative. Thus, through the action of the right of appeal, the power of criminal jurisdiction came to attach itself to the quaestorship. This accounts for the fact that originally this jurisdiction extended only to capital offences, where the accused had a right of appeal, if condemned. It did not, however, include the offences against the state, included under the head of *perduellio*: these were tried, not by the standing magistrates, the quaestors, but by special commissioners [PERDUELLIONIS DUO VIRI] appointed specially for the purpose. It is probable that in cases of less gravity, where the punishment was not capital, the quaestors had no right of jurisdiction, as no appeal was allowed; but when an appeal came to be permitted in cases of fine above a fixed maximum, these too fell under their cognisance.

We hear very little of the criminal jurisdiction of the quaestors, because they had nothing to do with political prosecutions, almost the only prosecutions of which history takes notice. A formula preserved by Varro (vi. 91) proves that it was in operation in the latter part of the third century B.C. We know further that there was no authority which could have taken their place until a century after this date. The tribunes prosecuted only political offences; the aediles only offences against special laws entailing a fine for their violation: the *tres viri capitales* acted as police magistrates, and in cases of ordinary offences, where individual citizens were the complainants. Hence it seems clear that the quaestors must have tried cases of murder and arson until these were brought under the jurisdiction of the *quaestiones perpetuae*.

The second main branch of the duties of the quaestors likewise devolved upon them as subordinates of the consuls. The same consuls who passed the Valerio-Horatian law of appeal (*provocatio*), founded th[illegible]found in the [illegible]puli *Romani*; and it is probable under the first quaestors were *quaestores aerarii* [illegible]l as *parricidii*. The consuls indeed retained, subject to the senate, the supreme control of the treasury, but the quaestors had the actual charge of the money and kept the accounts, receiving the former from the consuls and paying it out on their order. They held the keys of the treasury in the temple of Saturn (cf. Polyb. xxiii. 14, where Scipio threatens, as consul, to take the keys and open it himself), and had charge of all that was in it, including not only coin and bullion, but also the military standards (Liv. iii. 69; iv. 22; vii. 23). State papers of all kinds were also preserved there, not only account-books, contracts, and lists of persons who had claims on the treasury, but (after the institution of the curule aedileship) decrees of the senate, and (after the Lex Licinia Junia of B.C. 62) all laws and proposals of laws. Lists of magistrates and senators, who had taken the oaths of office, of jurymen, and of other official appointments were also preserved there, and it seems to have been the duty of the quaestors to satisfy themselves as to their genuineness and accuracy (Plut. *Cat. Min.* 17; Cic. *Phil.* v. 4, 12).

It was further the duty of the quaestors to see to the payment of arrears of taxation (Liv. xxxiii. 42), probably through the *tribuni aerarii*, and to keep lists of defaulters; to receive the sums due from the *publicani* (Cic. *pro Flacc.* 32, 79), the balances in the hands of ex-governors of provinces, fines due on a legal sentence to the treasury, and the war indemnities exacted from a conquered enemy (Liv. xxxii. 2; xlii. 6).

In cases of default the quaestors had the right to proceed against the debtor *per manus injectionem*; but we hear nothing of any state-debtors being sold into slavery, or serving as *nexi*: hence it seems that the custom of proceeding against the debtor's property and not his person established itself earlier here than in private legal actions. The property was seized and sold by auction (*sectio*).

The quaestors also had to conduct the ordinary sales of state property, so far as these were not managed by the censors, including prisoners of war and booty, and also estates coming to the nation by will or by confiscation.

We know very little about the details of the receipt of taxes and payments from the exchequer: but there is evidence that there were distinct treasuries attached to different departments. The payment of the soldiers, for instance, was made through the tribuni aerarii: the few salaries paid under the Republic, and the cost of maintenance for the public slaves, were defrayed directly from the treasury. So were the expenses of entertaining distinguished strangers, in connexion with whose visits we often find the quaestors mentioned (Val. Max. v. 1, 1; Liv. xlv. 13, 12; 44, 7, &c.).

Contracts were only managed by the quaestors in comparatively unimportant cases. They naturally took a part in discussing financial questions in the senate, like that of our Chancellor of the Exchequer (Auct. *ad Herenn.* i. 12, 21). It seems strange to us that such important duties should be assigned to young and inexperienced magistrates, changing yearly;

but the duty per s, the quadr ake the perma our pen te offices. It was onl battle Actium that Augustus gave of the treasury to two ex-praetors (calle *fecti aerarii Saturni*), elected annually by senate (Tac. *Ann.* xiii. 29; Sueton. *Aug.* 36): subsequently, to avoid the excitement of elections, it was committed to two of the praetors chosen by lot. Claudius in A.D. 44 gave it back to two of the quaestors, selecting himself those who were to fill this office, which now was held for three years, under the title of *quaestores aerarii Saturni*. Finally Nero, in A.D. 56, restored it to ex-praetors, again holding the title of *praefecti aerarii Saturni*, but now appointed by the emperor for three years at a time (Tac. *Ann.* xiii. 28, 29), sometimes extended, as we see from the case of Pliny (see *Hermes*, iii. 90). *Quaestores urbani* continued to be elected late into the third century; possibly their functions were restricted to the charge of such state papers as were not of a financial nature.

The duties of criminal prosecution and of the charge of the treasury were the main, if not the sole duties of the *quaestores urbani:* and they were both of a nature to make their continuous presence in the city necessary. On the other hand, the

2. *Quaestores*, not distinguished as *urbani*, nor by any special appellation, were regularly attached, each to some general or governor of a province, as his adjutant. The dictator alone was not required to have any such assistant. Nor were quaestors attached to the praetors who remained in the city to preside in the courts. But the magistrates who had quaestors at all, always had them. If the term of office of the quaestor expired before that of his superior, it was extended by *prorogatio:* if the quaestor died or left the province, the governor nominated some one, usually one of his *legati*, to be *pro quaestore* (Cic. *in Verr.* i. 4, 12). It was only in Sicily, where the province was divided into an eastern and a western district, that more than one quaestor was ever assigned to a governor: in that case there were two. The praetor was supposed to hold a kind of parental relation to his quaestor (Cic. *pro Planc.* 11, 28; *ad Fam.* xiii. 10, 1, and often), even after the term of office had expired.

The special duties of what may be termed (somewhat loosely) provincial quaestors were financial. As the consul could only draw upon the state treasury through the quaestores urbani, so the generals and governors were similarly restricted. Receipts and payments passed through his hands, and he seems to have been in charge of the military stores (Polyb. vi. 31). Even when coins were stamped by a general, the quaestor's name often appears alone upon them (Mommsen, *Röm. Münzwesen*, p. 374). The accounts of the campaign had to be given in by him, although the commander shared the responsibility. But the booty was disposed of by the commander at his pleasure; and if he sold it, he often did so through inferior officers, especially the *praefecti fabrum*.

But even from a military point of view the quaestor ranked next to the commander: he had three sentinels, and the legati only two, nd the *quaestorium* was an important centre in e camp [CASTRA]. In case of the death of commander, he succeeded to the vacancy; d if the former left the camp, it was usually he quaestor whom he chose to replace him *pro praetore* (Cic. *ad Fam.* ii. 15, 4). Similarly, in judicial business, as the governor exercised the jurisdiction of the praetor in civil business, the quaestor exercised that of the aediles, and issued the appropriate edicts (Gaius, i. 6). Under the Empire no quaestors were sent to imperial provinces (*ib.*); but a senatorial proconsular governor had attached to him a *quaestor pro praetore*.

While no quaestor was specially attached to a consul for his duties in the city, each would receive one as a military adjutant when he took the field, and doubtless he would use his services also in the city as he had occasion for them: for instance, for the organisation of a consular army. So, at the time of the conspiracy of Catiline, P. Sestius, the quaestor attached by lot to the consul C. Antonius, was sent with an armed force to Capua, to remove the danger of a rising there (Cic. *pro Sest.* 4, 9). When the custom came in for a consul to proceed at the end of his year of office to govern a province as proconsul, it was the regular thing for his quaestor to accompany him as *pro quaestore:* thus Sestius followed Antonius to Macedonia in B.C. 6. From B.C. 38 each consul had two quaestors, selected by himself (Dio Cass. xlviii. 43), who assisted him, among other things, in his duties of presiding in the senate. Nothing is known as to the disuse of this practice. Under the Empire we meet with *quaestores principis* or *Augusti;* they were two in number, assigned to the emperor as holding proconsular power, and employed by him, when he thought fit, to read in the senate any written communication to that body (Ulpian, Dig. 1, 13, 1, 2). But the duty did not necessarily fall upon them: Augustus in his later years employed the services of Germanicus (Dio Cass. lvi. 26), Nero the consuls (Suet. *Nero*, 15), and Vespasian one of his sons (Suet. *Tit.* 6). The

3. *Quaestores classici* were four in number, established after the reduction of Italy in B.C. 267, originally subordinates of the consuls, charged especially with the defence of the coast. Their stations were at Ostia, at Cales,* the oldest Latin colony in Campania, and doubtless the centre of the Roman administration of that district [*Calles*, in Tac. *Ann.* iv. 27, can be hardly anything but a corruption for *Cales*], in Cisalpine Gaul about the Po (ταμίας τῆς περὶ Πάδον Γαλατίας, Plut. *Sert.* 4), probably at Ariminum, and at a fourth place, nowhere mentioned, but possibly Lilybaeum in Sicily. Their duties were generally those of the provincial quaestors: but as they had no resident superior, they had in practice more independent powers, including certainly military authority, as we see from Tac. *Ann.* iv. 27. They had also the duty of seeing that the allies furnished the proper contingents for the fleet, and the quaestor at Ostia had important and onerous functions in connexion with the corn supply, which made it an unpopular office (Cic. *pro Mur.* 8, 18). If the quaestorship at Lilybaeum ever belonged to this

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* Willems, *Le Sénat*, ii. 603, rejects this view.

group, its character must have been changed, after Sicily became a province; and that at Cales seems to have been suppressed soon after A.D. 24 (the date of the events mentioned by Tacitus, *l. c.*), for when Claudius in A.D. 44 transferred again to the quaestors the charge of the treasury, he suppressed the other two, and none were then left. There are references to a *provincia aquaria*, discharged by one of the quaestors (Cic. *in Vatin.* 5, 12), which had probably reference to the water-supply, but we know nothing of it definitely.

The quaestors, as a body, were charged, probably at an early date under the Empire, with the expense of paving roads, but we do not know to what extent: this seems to have been a device for making them "pay their footing" when entering the senate. Claudius substituted for this the duty of giving a gladiatorial show (Suet. *Claud.* 24, "collegio quaestorum pro stratura viarum gladiatorium munus injunxit:" cf. Tac. *Ann.* xi. 22, xiii. 5). This is the only instance of common action on the part of the college.

(The above account follows closely that given by Mommsen, *Römisches Staatsrecht*, ii.^{2} 511–537. The account in Becker, *Handbuch*, ii. 2, 327–358, is confused by an attempt to distinguish two different kinds of quaestors from the first, following, as usual, the theories of Niebuhr. Madvig, *Verf. u. Verwalt.* i. 438 ff., also shares this view, rightly rejected by Bouché-Leclercq, *Manuel*, p. 75; Willems, *Droit Public*, p. 303: cf. Lange, *Röm. Alt.* i.^{3} 881–897; Herzog, *Gesch. d. Röm. Verf.* i. pp. 814–826.) [A. S. W.]

QUAESTO'RIA MU'NERA. [Ludi, Vol. II. p. 87 *a*.]

QUAESTO'RIUM. [Castra, Vol. I. pp. 373, 381.]

QUALUS. [Calathus.]

QUANTI MINO'RIS, or AESTIMATO'RIA A'CTIO. A seller of a thing was not liable to the buyer by the rules of Jus Civile for any faults or defects in the thing sold, unless he was aware of such defects and did not disclose them, or unless he had warranted their absence. But the curule aediles, who had jurisdiction over the market, promised in their edict to give actions to buyers against sellers on account of any non-apparent faults or defects, even if the seller was not aware of them.

The actions which the aediles framed for the purpose of thus extending the liabilities of sellers were the actio redhibitoria [Redhibitoria Actio] and the actio quanti minoris. The object of this latter action was to obtain an abatement in the purchase-money proportionate to the decrease in the value of the thing at the time of the sale, owing to its defects. This action was to be brought within a year (*annus utilis*). [Emptio et Venditio.]

(Cic. *de Off.* iii. 16, 17; Dig. 21, 1, *de aedilicio edicto et redhibitoria et quanti minoris;* Cod. 4, 58, *de aediliciis actionibus;* Neustetel, *Röm. Rechtliche, Untersuchungen*, 155, &c.; Keller, in Gell's *Jahrb.* iii. 86, &c.; Walter, *Gesch. des röm. Rechts*, § 602; Windscheid, *Pandekten*, iii. § 393.) [E. A. W.]

QUARTA'RIUS, a Roman measure of capacity, one-fourth of the *sextarius*, and consequently a little less than a quarter of a pint imperial. It is also found in the Greek system of liquid measures under the name of *τέταρτον*. [P. S.]

QUASILLA'RIAE. [Calathus.]

QUASILLUM. [Calathus.]

QUATUORVIRI JURI DICUNDO. [Colonia, Vol. I. p. 482 *b*.]

QUATUORVIRI VIARUM CURANDARUM. [Viae.]

QUERE'LA INOFFICIO'SI TESTAMENTI. [Testamentum.]

QUINA'RIUS. [Denarius.]

QUINCUNX. [Pondera, Vol. II. p. 455.]

QUINDECIMVIRI. [Decemviri, Vol. I. p. 601 *b*.]

QUINQUAGE'SIMA. (1.) A tax of the fiftieth part, or 2 per cent., upon the value of all slaves who were sold; instituted by Augustus (Dio Cass. lv. 31).

In A.D. 56 the rate was 1–25th, or 4 per cent. (*vectigal quintae et vicesimae venalium mancipiorum*, Tac. *Ann.* xiii. 31). Marquardt (*Staatsverwaltung*, ii. 270) would reconcile the two passages by reading, with Lipsius, *πεντεικοστῆς* for *πεντηκοστῆς* in Dio Cassius.

(2.) Tacitus (*Ann.* xiii. 51) speaks of Nero abolishing a *quinquagesima*. But the charge on slaves was now 1–25th, not 1–50th; Nero, therefore, must have abolished some different tax. It may have been one of Caligula's taxes (Suet. *Cal.* 40), though Claudius seems to have repealed these (Dio Cass. lx. 4); or similar to the charges of quinquagesimae mentioned by Cicero (*Verr.* iii. 49, 78) as made by publicani on the aratores of Sicily; or it may have been some other illegal exaction (see under Quadragesima, and Marquardt's *Staatsverw.* ii. 184).

A duty of 2 per cent. was levied at Athens on exports and imports [Pentecoste]. [F. T. R.]

QUINQUATRUS (fem. plur.) or **QUINQUATRIA** (neut. plur.), a festival which was celebrated on the 19th of March. The word signified the fifth day after the Ides, just as *triatrus*, *sexatrus*, *septimatrus*, *decimatrus* signified the third, sixth, seventh, and tenth days. (See Varro, *L. L.* vi. 14; Fest. p. 254; Gell. ii. 21; Roby, *Lat. Gr.* § 902.) A false etymology led to its being afterwards regarded as a five-days' festival (Ov. *Fast.* iii. 809; *Trist.* iv. 10, 13; Liv. xliv. 20), and as such it was observed under the later Republic and the Empire from March 19–23. Strictly it was (as appears in the Calendars, and as its name really implies) a one-day's festival, celebrated originally as a *lustratio* of the *arma ancilia*, when the arms were brought out to be ready for the campaigning season, just as the Armilustrium on the 19th of October was the inventory, so to speak, before they were put away again (Charis. 81, 20). A sacrifice was offered, and there was a dance of the Salii in the Comitium, the ceremony being under the direction of the Pontifices and Tribuni Cel. (*Cal. Praen.*; Varro, *L. L.* v. 85). [Salii.]

The day acquired a fresh significance from being selected for the dedication of the temple of Minerva on the Aventine, and, instead of being purely military, became the festival of various trades (Ov. *Fast.* iii. 809–834; *artificum dies*, *Cal. Praen.*) and of arts. Hence it became also a holiday for the schools, extending over the whole five days, which now became included under the name Quinquatrus or Quinquatria (Hor. *Ep.* ii.

2, 197; Juv. x. 115; Ludus Litterarius, p. 97): hence also it was a day of receipts for fortunetellers (Plaut. *Mil. Glor.* iii. 1, 98); and for the same reason Domitian, who claimed Minerva as his guide, gave prizes, at his Alban villa, at this time to orators and poets, and established a collegium, the members of which should exhibit venationes and stage-plays (Suet. *Dom.* 4; Dio Cass. lxvii. 1).

The first and regular day of the festival was marked by the offerings, &c., as above mentioned, and the commemoration of the temple dedicated to Minerva; on the other four days there were shows of gladiators, and a season of general merrymaking (Suet. *Aug.* 71, *Ner.* 34; Tac. *Ann.* xiv. 4). On the fifth day, March 23, was the *tubilustrium* (Fest., Varr. *s. v.*), sacred to Mars and Nerio (Lyd. *de Mens.* iv. 42; Porphyr. *ad* Hor. *Ep.* ii. 2, 209), for whom Ovid (*Fast.* iii. 849) substitutes Pallas. On this day the trumpets used in the sacred rites were passed in review, and purified by the Salii Palatini and the *tubicines sacrorum populi Romani* (Gell. i. 12; *C. I. L.* ix. 3609, x. 5394).

There was a festival called Quinquatrus Minusculae on the 13th of June, when the tibicines went through the city in procession to the temple of Minerva, and observed a sort of carnival for three days (Liv. ix. 30; Ov. *Fast.* vi. 651; Varro, *L. L.* vi. 17; Val. Max. ii. 5, 4); they were masked and gaily dressed (Censorin. xii. 2). The "collegium tibicinum et fidicinum, qui sacris publicis praesto sunt," is mentioned in several inscriptions (*C. I. L.* vi. 3696, 3877; ix. 3609; x. 6101). As this festival was on the Ides, it is clear that the name was not given on any etymological principle, but, as Varro says, from a connexion of ideas with the greater Quinquatrus.

It has been observed that the March school festival reappeared in Christian times as the festival of St. Gregory (Gregory the Great, a founder of schools), and was kept in some places on March 12th, in others on March 19th.

(Marquardt, *Staatsverw.* iii.^{2} 434; Mayor on Juv. x. 115.) [W. S.] [G. E. M.]

QUINQUENNA'LIA were games instituted by Nero A.D. 60, in imitation of the Greek festivals, and celebrated like the Greek πεντετηρίδες at the end of every four years; they consisted of musical, gymnastic, and equestrian contests, and were called *Neronia*, or *Agon Neroneus*. (Suet. *Ner.* 12; Tac. *Ann.* xiv. 20; Dio Cass. lxi. 21.) Suetonius and Tacitus (*ll. cc.*) say that such games were first introduced at Rome by Nero. The *Quinquennalia*, which had previously been instituted both in honour of Julius Caesar (Dio Cass. xliv. 6) and of Augustus (Id. li. 19; Suet. *Aug.* 59, 98), were confined to the towns of Italy and the provinces. The Quinquennalia of Nero appear not to have lasted long, but they were revived by Gordian III. (Friedländer, *Sittengeschichte*, ii.^{5} 436 f.; Marquardt, *Staatsverw.* iii.^{2} 566.) For the *Agon Capitolinus* of Domitian, see Ludi, p. 85 *b*. [W. S.] [G. E. M.]

QUINQUENNA'LIS. [Colonia, Vol. I. p. 483 *a*.]

QUINQUERE'MIS. [Navis.]

QUINQUE'RTIUM. [Pentathlon.]

QUINQUEVIRI, or five commissioners, were frequently appointed under the Republic as extraordinary magistrates to carry any measure into effect. Thus *Quinqueviri Mensarii*, or public bankers, were occasionally appointed in a financial crisis, to manage loans and other banking business [Argentarii, Vol. I. p. 181]; the same number of commissioners was sometimes appointed to superintend the formation of a colony, though three (*triumviri*) was a more common number. [Colonia, Vol. I. p. 479 *b*.] We find, too, that Quinqueviri were created to superintend the repairs of the walls and of the towers of the city (Liv. xxv. 7), as well as for various other purposes.

Besides the extraordinary commissioners of this name, there were also permanent officers, called *Quinqueviri cis Tiberim* (Liv. xxxix. 14), who were responsible for the safety of the city after sunset, especially to guard against fires, as it was inconvenient for the regular magistrates to attend to this duty at that time: they were first appointed soon after the war with Pyrrhus. (Dig. 1, 2, 2, 31.) Mommsen (*Staatsrecht*, ii. 611) suggests that these were originally four, one for each of the old regions, and that the fifth was added for the Transtiberine region. The title *cis Tiberim* was still retained, and they were also called collectively Cistiberes (Dig. *l. c.*). [W. S.] [G. E. M.]

QUINTA'NA. [Castra.]

QUIRINA'LIA, a festival sacred to Quirinus, which was celebrated on the 17th of February, on which day Romulus was said to have been carried up to heaven. (Ovid, *Fast.* ii. 457; Festus, *s. v.*; Varro, *L. L.* vi. 13, and Calendars.) This day was also called *Stultorum Feriae*, for the meaning of which see Fornacalia. (Marquardt, *Staatsverw.* iii. 117, 570.) [W. S.] [G. E. M.]

QUIRINA'LIS FLAMEN. [Flamen.]

QUIRI'TES, QUIRI'TIUM JUS. [Jus.]

QUOD JUSSU ACTIO. [Jussu Quod.]

QUORUM BONORUM, INTERDICTUM. The object of this interdict was to give a person who had a primâ-facie claim to an inheritance interim possession of things belonging to it, until a suit respecting the inheritance was determined. Thus it was an interdict for acquiring possession (*adipiscendae possessionis causa*). [Interdictum.] The Interdictum quorum bonorum was originally the only means by which the bonorum possessor or praetorian heir could obtain possession of the property of the inheritance, since such successor, not being heres, could not claim by hereditatis petitio, nor by vindicatio, since he was not civil owner; in course of time, however, when bonitarian ownership (*in bonis*) was established, this kind of equitable ownership was attributed to the bonorum possessor, and so he might be able to maintain vindicatio utilis. Moreover, if the bonorum possessor lost possession, he could in many cases recover it by the possessory interdicts. If he continued in possession for the period of usucapion, he became civil owner. Only property of which a person could have possession or quasi-possession was the object of the interdictum quorum bonorum, but in the matter of obligations the praetor put the bonorum possessor in the same position as the heres by allowing him to sue in respect of the claims that the deceased had, and allowing any person to sue him in respect of claims against the deceased, in an actio utilis (Ulp. *Fr.* 28, § 12; Gaius, ii. 52–58). Ultimately the bonorum possessio was put on the same footing in respect of actions as the hereditas, the possessoria hereditatis petitio being given to the bonorum possessor, corresponding to the hereditatis petitio of the heres.

The new form of procedure co-existed with the interdict, and a person might avail himself of either mode of proceeding, as he thought best, the two remedies differing not only in their extent but also in the fact that the one was a provisional remedy pending an action, while the petitio was an action definitively determining the right to the inheritance. Thus in the legislation of Justinian we find both forms of procedure mentioned. Some writers maintain that the p. p. her. was recognised in the Edictum Perpetuum of Hadrian, while others think that it must have been of later origin (see Leist, i. 295; Lenel, *Das Edictum Perpetuum*, xv. § 67).

The name of the Interdictum quorum bonorum is derived from its introductory words, and it runs as follows: "Ait Praetor: quorum bonorum ex edicto meo illi possessio data est: quod de his bonis pro herede aut pro possessore possides, possideresve si nihil usucaptum esset: quod quidem dolo malo fecisti, uti desineres possidere, id illi restituas." ("The Praetor declares: Whatever portion of the property granted in pursuance of my edict to be possessed by such and such a one, thou possessest as heir or as unentitled occupant, or wouldest so possess but for usucapion, or hast fraudulently ceased to possess, such portion do thou deliver up to such a one.") (Poste's *Gaius*, iv., §§ 138–170 comm.)

Accordingly he was entitled to this interdict when he had obtained a grant of bonorum possessio from the praetor, if any one of the following conditions applied to the defendant:—

1. That he was in possession claiming to be heir.
2. That he was in possession without any title.
3. That he had acquired ownership by usucapio pro herede.
4. That he would be in possession, if he had not fraudulently made away with the property.

The third condition requires some explanation.

According to the old law, any malâ-fide possessor could acquire the ownership of a thing belonging to the hereditas, in the interval between the death of the deceased person and the entrance (*aditio*) of his heres on the inheritance. But Hadrian (Gaius, ii. 57) by the SC. Juventianum changed the law so far as to protect the heres against the usucapion of an improbus possessor, and to restore the thing to him. Hence the words relating to usucapion were introduced into the formula of the interdict. In the legislation of Justinian these words have no meaning, since usucapio lucrativa pro herede forms no part of it; yet the words have been retained in the compilation of Justinian, like many others belonging to an earlier age, though they had lost their practical significance. According to another explanation, a title by lucrativa usucapio pro herede was not a defence to the Interdictum quorum bonorum, even before the enactment of the SC. Juventianum, the effect of this law being only to allow the heres to recover by hereditatis petitio from a person who had acquired property of the inheritance by such usucapion. [HERES; BONORUM POSSESSIO.] (Dig. 43, 2; Gaius, iv. 144; Savigny, in *Zeitsch. für gesch. Rechtsw.* v. 1, and vi. 239; Francke, *Das Recht der Notherben*, c. 97, &c.; Fabricius, *Ursprung und Entw. der B. P.* 158, &c.; Leist, *Bonorum Possessio*, i. 342; Huschke, in Richter's *Jahrg.* iii. pp. 19, 20, 26, &c.) [E. A. W.]

R.

RA'DIUS. 1. A straight pointed rod used by geometricians and astronomers for describing figures on their abacus, a table covered with sand. (Cic. *Tusc.* v. 23, 64, "a pulvere et radio," of Archimedes; cf. Cic. *N. D.* ii. 18, 48, "eruditum illum pulverem," of geometry; Pers. i. 131; Aristoph. *Nub.* 177.) In Verg. *Ecl.* iii. 41, *Aen.* vi. 850, it is probably the actual rod (as above) used for the actual drawing of terrestrial and celestial globes on the abacus, rather than, as Conington says, a mere "phrase for scientific delineation." [See also ABACUS, III. *a.*]

2. Used in weaving. [TELA.]

3. Of a wheel. [CURRUS.] [G. E. M.]

RAMNES. [PATRICII.]

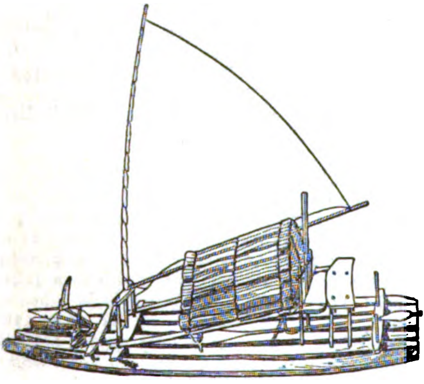
RAPI'NA. [FURTUM.]

RASTRUM, RASTRI, RASTELLUS. In this word the neuter form belongs to the singular; the masculine, as though from *raster*, to the plural. As regards its use, it seems to us necessary to make a clear distinction between (1) the rastrum quadridens, which is a rake; and (2) the rastrum bidens, which is a hoe or mattock. When rastrum stands alone, the quadridens or rake is usually meant, but not always in poetry; for instance, in Verg. *Georg.* i. 94, *Aen.* ix. 608, the bidens is to be understood. (1.) The quadridens or four-toothed rake (in Greek probably λίστρον) was sometimes of iron; it is mentioned by Cato in his list of *ferramenta*, for an olive garden (Cat. *R. R.* 10), and for a vineyard (*ib.* 11); but in Colum. ii. 11, 4, *lignei rastri* are used to rake the earth over seeds. The diminutive *rastellus* is nearly always a rake, and, as far as its material is stated, a wooden rake, for raking sown ground (Colum. ii. 12, 6), for raking up straw (Varr. *R. R.* i. 49). In Suet. *Ner.* 19, however, the rastellus is a light bidens.

(2.) The two-pronged rastrum, *rastrum bidens* (nearly always *bidens* alone), was used as a hoe or mattock for breaking up the ground (= Greek δίκελλα or σμινύη). It was probably always of iron (as in Pallad. viii. 5), so as to be driven forcibly into the ground, "fossores *jactant* bidentes" (Colum. iii. 13): the farmer uses it in the vineyard, turning up the earth "vel aratro vel bidente"; "fossor qui crebris bidentibus soli terga *comminuit*" (id. iv. 14). It is used for stony ground, while the *pala* or spade suits marshy ground (Plin. *H. N.* xviii. § 46). The woodcut under PALA shows a bidens with curved prongs; cf. *curvi rastri* in Catull. 64, 39. [J. Y.] [G. E. M.]

RATIO'NIBUS DISTRAHENDIS A'CTIO. [TUTELA.]

RATIS (*σχεδία*), a raft. Its nature is roughly described by Festus, p. 136, "rates vocantur tigna colligata quae per aquas aguntur," and by Hesych. *ξύλα ἃ συνδέουσι καὶ οὕτω πλέουσι*: it was used in early times or among primitive people for voyages across narrow straits or from island to island (Thuc. vi. 2; Plin. *H. N.* vii. § 206; compare the "catamaran" of the Pacific islands, in the Torres straits, and off the coast of New Guinea, McGillivray, *Voyage of the Rattlesnake*, ii. 256); but in all times for crossing rivers, whether as a moving raft (Liv. xxi. 28), or as a fixed pontoon bridge (Liv. xxi. 27 and 47; Herod. iv. 97), or as a bridge of boats, we find *rates* and *σχεδίαι* mentioned. We have, in Lucan iv. 420, a description of a large movable raft supported on casks (*cupae*), such as were used also for pontoon bridges (Veget. iii. 7). The account of the raft in *Od.* v. has a peculiar interest and value, both as explaining fully the construction of the *σχεδία*, and also as throwing light on some terms of the ancient shipwright's art.



Modern Catamaran.

Ulysses was to leave Ogygia upon a raft, *ἐπὶ σχεδίης πολυδέσμου* (l. 33), an epithet which recurs l. 338: the "many fastenings" are the chief problem of the construction; cf. Herod. ii. 96, *περὶ γόμφους πυκνοὺς καὶ μακροὺς περιείρουσι τὰ διπηχέα ξύλα.* Calypso had pointed out the place where the material for the raft was to be found in the shape of trees, standing long withered and dry, which would float lightly.

Of those named, the floating power is very different, viz.:—

Alder	·20	specific gravity,		·80
Poplar	·62	,,	,,	·38
Fir	·53—·40	,,	,,	·47—·60

Alder is a very heavy wood, and not fit for shipbuilding. It might, however, be used for the *σταμῖνες* and the dowels. Poplar and fir, but chiefly the latter, would furnish the floor of the raft. Twenty trees are thrown, and trimmed with the axe, the branches and knobs hewn off. Then the adze comes into play, and the skilful shipwright makes two smooth surfaces which are straight to the line. The timbers, thus shaped, will touch all along their inner surfaces when laid together (*ἀντίξοα, vide infra*).

Next comes the process of tying them together. For this the goddess brings him borers, or augers (*τέρετρα*, plur.), doubtless of different diameters. In tying heavy timbers together, where metal is not available or suitable for the purpose, two kinds of fastenings are necessary, commonly called trenails (*γόμφοι*), and dowels or coaks, which are here represented by the *ἁρμονίαι*. The trenail (tree-nail) is a long peg of tough wood tapering from an inch or inch and a half in diameter, to three-quarters of an inch at the thin end. The holes into which this is driven run through both pieces of timber, and of course they must correspond exactly on the inner surface when the two timbers are laid alongside of each other. Trenails, however, are not thick enough in diameter to stand a vertical strain tending to wrench one timber from the other. To make them of a greater diameter would weaken the timbers themselves dangerously; and so in order to meet a vertical strain, such as the rise and fall of the waves under the bottom of a raft, shipwrights join the timbers not only with trenails but with dowels, or coaks, as they are also called. These are short pieces of hard wood, from three to four inches in diameter and four to five inches long, according to the size of the spars. These are let in at intervals between the trenails with shallow holes bored to correspond in each timber. Being short and of hard wood, they will take a great vertical strain, as long as they remain fast. Hence Ulysses makes up his mind to remain on the raft—

> *ὄφρ' ἂν μέν κεν δούρατ' ἐν ἁρμονίῃσιν ἀρήρῃ.*

When once the timbers had slipped outside the dowels, the trenails would not be of much use in holding the raft together.

As for *ἁρμονίαι*, the word occurs in Ar. *Eq.* *τῶν θ' ἁρμονιῶν διαχασκουσῶν*, where, if a flute is the instrument spoken of, it would mean the joints gaping, *i.e.* the sockets opening from the pieces that fitted into them. A little above the expression *τέκτονες εὐπαλάμων ὕμνων* occurs, so that it is probable that the metaphor of joiners' work is being kept up. The joints of the flute are not unlike the dowel and its socket. The word *ἁρμὸς* is also noticeable in this connexion, meaning a peg or stop: cf. Eur. *Fr. Erechth.* *ἁρμὸς πονηρὸς ὥσπερ ἐν ξύλῳ παγείς.*

Ulysses having planed his spars with the adze and bored them all and fitted them exactly, then (read *ἄρασσεν*: cf. Ap. Rhod. ii. 615, *εὖτε μιν Ἄργος γόμφοισιν συνάρασσεν*, with Aristarchus) knocks them together, so that trenails and dowels fit into their respective holes and the inner surfaces of the spars meet together. This work of knocking the timbers together is well described by Ap. Rhod. *Arg.* ii. 79:—

> *ὡς δ' ὅτε νήϊα δοῦρα θοοῖς ἀντίξοα γόμφοις*
> *ἀνέρες ὑλῃουργοὶ ἐπιβλήδην ἐλάοντες*
> *θείνωσι σφύρῃσι.*

The raft thus constructed is compared as to size and shape to the setting out of the floor of a wide merchant vessel in design by a skilled shipwright.

The word *τορνώσεται* seems to imply the curvature of the lines of a vessel in plan rather than of those in section, which would not be so applicable to a raft. The breadth of the raft is that to which attention is chiefly called, though from the expression *τορνώσεται* we might perhaps infer the rounding off of the ends (cf. *Il.* xxiii. 255).

The floor completed, the next work was the raising of the deck according to the goddess's suggestion. This was a matter of some time and labour, as the imperfect *ποίει* implies. First of all, he had to set up his *σταμῖνες*, many in number and pretty close together. The *τέρετρα* would here come into play again. The *σταμῖνες*, uprights, would be let into holes bored in the floor of the raft, and the deck timbers also bored and fitted on to the tops of them. With regard to the word *σταμίς*, there can be hardly any doubt as to its meaning. Hesychius gives *τὰ ἐπὶ τῆς σχεδίης ὀρθὰ ξύλα.* Eustathius, *οἱ παλαιοί, ἑρμηνεύοντες ἐπιμήκη ξύλα, τὰς σταμίνας φάσιν, ἃ στημόνων τρόπον ἔχοντα, παρατιθέμενα τοῖς ἰκρίοις ἑκάτερθεν ἑστάναι αὐτὰ ποιοῦσιν.*

But they must not be confused with the ribs of a ship, with which they have nothing in common, being straight and not curved. Compare *στημόνιον*, the upright sticks in wickerwork round which the osier twigs were twined. Hence Aristarchus interpreted *σταμῖνες* as being *ὀρθὰ ξύλα οἷον στήμοσιν ἐοικότα.*

Upon these uprights the deck timbers were laid and fastened. There can be no doubt as to *ἴκρια* meaning "deck, platform." The attempt to translate it as "bulwarks," seems perverse in the face of the well-known passage of Herod. v. 16. Eustathius gives clearly *κατάστρωμα νεώς.* After setting up his platform or deck by fitting these cross-beams upon the uprights, he finishes off and makes fast his *ἴκρια* by long gunwales (*ἐπηγκενίδες*). These laid lengthwise on either side would prevent the timbers of the deck from jumping, and would so finish the deck as such (*τελεύτα*). The interpretation of the word given in *Etym. Mag.* *τὸ ἐπὶ μῆκος παρατεταμένον μακρὸν ξύλον* is misleading if taken to imply a planking alongside of the *σταμῖνες*. The raft is open, and the water would wash freely through the front and sides of the stage carrying the deck.

The carpentering is concluded with the fashioning of mast and yard and paddle for steering. There still remained the construction of a bulwark to protect the sailor from the wash of the wave. This is effected by a wattle-work of osiers set up on the *ἴκρια* as a fence all round. Not being very strong in itself, it is backed by piles of brushwood (*ὕλη*), which, bound up in the shape of fascines or faggots, would be light, and at the same time offer a good resistance. The idea of "ballast" for the raft seems absurd, and out of place altogether. [E. W.]

RECEPTA; DE RECEPTO ACTIO. The praetor declared that he would allow an action against *nautae*, i.e. against *exercitores* or shipowners (Dig. 14, 1, 2, 4; see EXERCITORIA ACTIO), *caupones* (innkeepers), and *stabularii* (livery stable keepers), in respect of any property which they had taken under their charge if they did not restore it ("quod cujusque salvum fere receperint, nisi restituent"). At first sight there seems no reason for this special action on account of the receiving of goods, which is called *actio de recepto*, as a person who had sustained loss would either have an *actio locati* (in case a whole ship were let for transport it would be *actio conducti*), where payment had been agreed on, or an *actio depositi*, where the goods were received without any promise of payment; but the reason was this, as explained by the jurist Pomponius (Dig. 14, 1, 3, 1). Under a contract of letting and hiring (*locatio, conductio*), the receiver was only answerable for loss when he was guilty of negligence (*culpa*); and under a contract of deposit, only when he was guilty of dolus malus; but a *nauta, caupo*, or *stabularius* who received goods in the course of his business was liable to the *actio de recepto* if the thing were lost or injured, even without any negligence on his part, and he was only excused in case of *damnum fatale*, such as shipwreck, piracy, and so forth, or in case of negligence on the part of the person from whom he had received the property. The ground of imposing this special liability is explained to be that there is, generally speaking, a necessity of entrusting property to the care of the classes of person in question (Dig. 14, 1, 1). It was possible to exclude this liability by special agreement between the parties. English law follows the example of Roman law in making innkeepers and common carriers, on account of the public nature of their employment, absolutely responsible for the safety of property which they are given the custody of, unless the loss arises from the negligence of the owner, or is caused by *vis major* or the act of God.

The praetor also gave a penal action against *nautae, caupones*, and *stabularii* on account of any property which he had received, if such loss or damage was due to the dishonesty or negligence of those in their employment, &c.; but an innkeeper was not responsible in this action for delicts of a mere traveller. In this action the plaintiff recovered double the value of the property he had lost, whereas the object of the *actio de recepto* was simply the recovery of damages. This penal action could not be maintained against the heir of the *nauta, caupo*, and *stabularius*. Both the *actio de recepto* and the penal action were *in factum conceptae* [ACTIO]. (Dig. 4, 9; 47, 5; Inst. iv. 5, 3; Arndts, *Pandekten*, § 289; Windscheid, *Pandekten*, § 384.)

There is a title in the Digest (4, 8), "De Receptis, qui arbitrium receperunt ut sententiam dicant." When parties who had a matter to litigate, had agreed to refer it to an arbitrator, which reference was called *compromissum*, and a person had accepted the office of arbitrator (*arbitrium receperit*), the praetor would compel him to pronounce a sentence, unless he had some legal excuse. The praetor could compel a person of any rank, as a consularis for instance, to pronounce a sentence after taking upon him the office of arbiter; but he could not compel a person who held a magistratus or potestas, for he had no imperium over them. The arbitration involved a judicial inquiry and award. It was usual for the parties to enter into mutual penal stipulations (*poena, pecunia compromissa*: hence the term *compromissum*), which would secure a right of action for the penalty to the successful party, but effect might be given to an arbitration in certain other ways, so as to give a right of action for damages. (Dig. 4, 8; Windscheid, *Pandekten*, §§ 415–417; Arndts, *Pandekten*, § 270.) [G. L.] [E. A. W.]

RECI'NIUM. [RICINIUM.]

RECISSO'RIA A'CTIO. [INTERCESSIO.]

RECUPERATO'RES. [JUDEX.]

REDA, a large carriage with four wheels (Isid. xx. 12; Cod. Theod. viii. 5, 8, where it is distinguished from a *birota*): used as a travelling carriage (Cic. *pro Mil.* 10, 28; 20, 54; *ad Att.* v. 17; Hor. *Sat.* i. 5, 86, ii. 6, 42; Helv. Cinna *ap.* Gell. xix. 13). It is clear from the above passages that it was the carriage commonly used by the Romans who could afford it for rapid travelling, and that it held several persons: probably it had several seats like a *char-à-bancs:* it also carried luggage (Juv. iii. 10; Mart. iii. 47; Cod. Theod. *l. c.*). Like the Covinus and Essedum, it was of Gallic origin (Quintil. i. 5, § 68; Caes. *B. G.* i. 51): but it had been completely adopted by the Romans and possibly modified in shape. It probably had a cover. It was drawn by two horses usually (or mules, Varr. *R. R.* iii. 17), but sometimes by four horses for greater speed. Venantius Fortunatus writes in the 6th century—

> "Curriculi genus est, memorat quod Gallia redam,
> Molliter incedens orbita sulcat humum,
> Exsiliens duplici bijugo volat axe citato,
> Atque movet rapidas juncta quadriga rotas."

There were also redae as hired carriages (*redae meritoriae*, Suet. *Jul.* 57); and in the later Empire as government stage-coaches (*fiscalis reda*, Sulp. Sever. *Dial.* ii. 4): Cod. Theod. *l. c.* speaks of these as carrying 1000 lbs. of goods. *Epiredia* were probably traces, though the Schol. on Juv. viii. 66 calls them "ornamenta redarum." Quintil. *l. c.* mentions the word as a mixture of two languages, Greek and Gallic; Professor Mayor (*ad loc.*) however remarks that *ῥέδα, ῥαιδίον* occur in late Greek (e.g. *Apocal.* xviii. 13), and this word may of course have been compounded after it became a Greek word and the compound borrowed by the Romans. (Marquardt, *Privatl.* 733; Becker-Göll, *Gallus*, iii. 19; Baumeister, *Denkm.* 2082.) [W. S.] [G. E. M.]

REDEMPTOR. [Locatio; Manceps; Publicanus.]

REDHIBITO'RIA A'CTIO was an action given by the edict of the curule aediles to a buyer against a seller for rescinding a sale, when the thing sold turned out to be defective, the seller not having known of the existence of the defect. If the seller was aware of the defect, or if he had warranted the thing to be free from defects, he was liable at civil law; but in case the defect was unknown to both parties at the time of the sale, and there had been no warranty, there was only a remedy under the edict of the aediles. "*Redhibere*," says Ulpian, "is so to act that the seller shall have back what he had, and because this is done by restoration; for that reason it is called *redhibitio*, which is as much as to say *redditio*." The effect of the *redhibitio* was to rescind the bargain and to put both parties in the same position as if the sale had never taken place. The time allowed for prosecuting the actio redhibitoria was "sex menses utiles." The buyer had an alternative remedy to the actio redhibitoria, viz. the actio quanti minoris, for an explanation of which see the article on the subject. (Dig. 21, 1; Cod. 4, 58; Windscheid, *Pandekten*, § 393.) [G. L.] [E. A. W.]

REDIMI'CULUM. [Mitra.]

RE'GIA (in Greek historians *τὸ βασίλειον, ῥηγία*), at first the building in which the king, as head of the state religion, performed the functions belonging to it: after the overthrow of the monarchy, when the continuity of the king's religious functions was preserved, it supplied the offices of the Pontifex Maximus, and perhaps also of the Rex sacrorum (Mommsen, *Staatsr.* ii.^{3} 15). [For the apparent connexion of the king's or chief's house with the state hearth, see Prytaneum, p. 513 *b*.] But, though many even of the most recent writers have thought otherwise, there appear to us strong reasons for maintaining that the Pontifex Maximus and the Rex sacrorum had each his official dwelling-house elsewhere in the Via Sacra. The Regia was said to have been built and occupied by Numa (Ov. *Trist.* iii. 1, 28; *Fast.* vi. 263; Tac. *Ann.* xv. 41) [but the words of Plut. *Num.* 14 imply that it was never his dwelling-house]: it was partly destroyed by the Gauls, 391 B.C., and again in great part burnt B.C. 210 (Liv. xxvi. 27). Julius Caesar as Pontifex Maximus had his offices by day for religious functions in the Regia, and lived in the house in the Via Sacra which was assigned to the Pontifex[*] (Suet. *Jul.* 48; Plut. *Caes.* 10). It is usually said that, when Augustus became Pontifex Maximus in B.C. 12, he gave the Regia to the Vestals because it adjoined their house (*ὁμότοιχος ἦν*, Dio Cass. liv. 27): but the historian there speaks of the house *τοῦ βασιλέως τῶν ἱερῶν*, and we see no reason for assuming that he mistook the Pontifex Maximus for the Rex sacrorum: on the contrary we have the express testimony of Pliny (*Ep.* iv. 11) that the Pontifex used the Regia as an office in the reign of Trajan. The Vestals pulled down most of the buildings given up to them, and rebuilt their house on an enlarged scale upon the same site.

Besides the above-mentioned use, the Regia contained a sacrarium of Mars, in which were the sacred spears (Gell. iv. 6) [but *not* the ancilia: see Salii], and a sacrarium of Ops, containing a Praefericulum and Secespita, perhaps also of Janus and of Jupiter (Varro, *L. L.* vi. 21; Marquardt, *Staatsverw.* iii. 250). In one or other of these sacraria were preserved the libri pontificum and the Calendars. (For the topography and the construction of the Regia, see Middleton, *Rome*, p. 185; Richter in Baumeister, *Denkm.* 1465; and compare Pontifex, Rex Sacrorum, Vestales.) [G. E. M.]

REGIFU'GIUM, an annual festival at Rome on the 24th of February. On this day the Rex Sacrorum offered sacrifice in the Comitium, and

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[*] The view here expressed is mainly that followed by Jordan (*Topog.* i. 426), who remarks that the Regia had the character of a *fanum*, not of a dwelling for mortals. We may add to his arguments the following considerations:—1. *A priori*, it is unlikely that any part of the Regia could be altogether given over to the custody of women, as was Caesar's house for the rites of Bona Dea (Plut. *Caes.* 10). 2. Since in all Latin writers the name Regia is always given to the building described in this article, and in Plutarch always *ῥηγία*, it is surely impossible that, when they speak of the house which Caesar occupied as Pontifex Max., they should never mention it as part of the Regia, if such it was, but as "domus Pontificis Maximi" (Cic. *pro Dom.* 39, 104; *de Harusp. Resp.* 3, 4); "domus publica" (Suet. *l. c.*); "domus" (Plin. *H. N.* xix. § 23); *ἡ τοῦ Καίσαρος οἰκία, οἰκία μεγάλη* (Plut. *Cic.* 28, *Caes.* 10). The "visum in regia" of Cic. *ad Att.* x. 3 we regard as an ironical use of "palace" for Caesar's house. For the explanation of the passage in Dio Cass. xliii. 44, see Salii.

after the sacrifice hastily fled from the spot (Plut. *Q. R.* 63; cf. *Cal. Praen.* March 24). That this was a symbolical flight is plain enough, but of what it was a symbol is not so certain. The convenient interpretation of some Roman writers, that it commemorates the expulsion of Tarquin (Ov. *Fast.* ii. 685; Fest. *s. v.*), we should probably reject, as an idea started by the apparent meaning of the word. It is, we think, more correct to assume that the ceremony is an old one belonging to the times of the monarchy, and that the offering by the Rex sacrorum is one which was originally made by the king himself. It is suggested by some, not without probability, that the offering was an atonement and purification for the city; that the victim received, like a scapegoat, the guilt upon itself; and that the officiating minister therefore fled from it, as from something polluted (Hartung, *Rel. d. Römer*, ii. 35; Marquardt, *Staatsverw.* iii. 324). If so, there may be a reason for this sin offering near the end of February, as the month of purification, and perhaps as marking the close of the most ancient year. Mr. Warde Fowler has suggested that we should seek for the origin of this custom in the connexion of Mars with Apollo (see Roscher, *Lexicon*), and the flight of Apollo as one guilty of bloodshed [see DAPHNEPHORIA; THEOPHANIA]. In two other months, March and May, the 24th was marked by an offering of the Rex in the Comitium. These days are indicated by the letters Q. R. C. F. = *quando rex comitiavit fas* (Varro, *L. L.* vi. 31; Ovid's first conjecture in *Fast.* v. 727 is more correct than his second). They were probably, as Marquardt says, the two days for making wills at the Comitia Calata under the authority of the king, the day involving *nefas* before the offering and *fas* after it (cf. Gell. xv. 27; Mommsen, *Staatsrecht*, ii.^{3} 38; TESTAMENTUM). It must be observed, however, that the name Regifugium belongs to the 24th of February alone. (Marquardt, *Staatsverw.* iii.^{3} 323 f.; Mommsen, *Staatsrecht*, ii.^{3} 4.) [L. S.] [G. E. M.]

REGILLA. [TELA; MATRIMONIUM, Vol. II. p. 142 *b*.]

RE'GIO. The topographical description of Rome and Italy does not belong to this work, and, for the definition in that sense of the Roman and Italian regions, reference may be made to the *Dictionary of Greek and Roman Geography*, articles ROMA and ITALIA; also to Middleton, *Rome*, pp. 243–246, and Richter, in Baumeister's *Denkm.* s. v. *Röm.* It is only necessary here to point out generally the different meanings and purposes of regiones. The word *regio* meant merely a district, or *μοῖρα*, of land, and signified thus the *territorium* round the Italian towns and subject to the same jurisdiction: "regiones dicimus intra quas singularum coloniarum et municipiorum magistratibus jus dicendi coercendique est libera potestas" (Sic. Flacc. p. 135). The whole regio so attached might comprise several pagi. [PAGUS, p. 309.]

At Rome we have, after the extension of the Palatine city, four regions which dated from a period older even than the "Servian" city, since the area is less than that contained by the Servian walls: its limits correspond with the pomerium of republican times until the age of Sulla [POMERIUM, p. 444], and mark the settlement of the four city tribes. For the administration in early times of these four regions, see QUINQUEVIRI, TRIBUNI AERARII, and TRIBUS. In religious observances we may recognise these ancient districts in the sacraria of the ARGEI (Vol. I. p. 179). The regions of Rome with which we are more often concerned in Latin literature are those of Augustus, who did not enlarge the pomerium, but divided the whole inhabited city within and without the walls into 14 regions, and each region into vici of a varying number according to its size [VICUS]. These regions were each under the immediate control of a magistrate chosen by lot from the praetors, aediles, and tribunes (Suet. *Aug.* 30; Dio Cass. lv. 8): one cohors vigilum was assigned to each two regions [EXERCITUS, Vol. I. p. 794 *b*].

Distinct from these are the eleven regions into which Augustus divided Italy (Plin. *H. N.* iii. § 46), Rome forming in this category the 12th region. These do not seem to have been administrative units, but only intended for convenience of denomination. The "regio Aemilia," in Mart. iii. 4, vi. 85, is one of them. The *regiones annonariae* and *urbicariae* were a later division under Maximian, who in A.D. 286, residing himself at Milan, made a *regio annonaria* in the country north of the Rubicon, which supplied his court, and *regiones urbicariae* or *suburbicariae* to supply Rome. The disputed question as to the precise limits of these regions is beyond our scope here: on that point see Marquardt, *Staatsverwalt.* i. 231. [G. E. M.]

RE'GULA (*κανών*), the ruler used by scribes for drawing right lines (Brunck, *Anal.* iii. 69, 87); also the rule used by carpenters, masons, and other artificers, for drawing straight lines on plane surfaces, whereas the perpendiculum or *στάθμη* was used for a vertical direction [PERPENDICULUM]. (Aristoph. *Ran.* 798; Vitruv. vii. 3, § 5; cf. Plat. *Phileb.* p. 56 B; Aeschin. *c. Ctes.* § 199; Plin. *H. N.* xxxvi. § 188.) That it was marked with equal divisions, like our carpenters' rules, is manifest from the representations of it among the "Instrumenta fabrorum tignariorum," in the woodcut at p. 243. The substance with which the lines were made was raddle or red ochre (*μίλτος*, Brunck, *Anal.* i. 221; *φοίνικι κανόνι*, Eurip. *Herc. Fur.* 925). The *linea* (*σχοῖνος, σπάρτον, μιλτεῖον*, *Anth. Pal.* vi. 103, 205; Poll. x. 186) was a line or cord for the same purpose, either red or chalked (Cic. *ad Qu. Fr.* iii. 1, 2; Vitruv. vii. 3; Pallad. iii. 9, 10). Regula is also the *thread* of the screw [COCLEA]: see Vitruv. x. 11, 2; Blümner, *Technologie*, iv. 124. For the regula of a wine or oil press, see TORCULAR. [J. Y.] [G. E. M.]

REI UXO'RIAE or DOTIS A'CTIO. [DOS.]

RELA'TIO. [SENATUS.]

RELEGA'TIO. [EXSILIUM.]

REMANCIPA'TIO. [EMANCIPATIO.]

REMULCUM (*ῥῦμα, ῥυμουλκεῖν τὰς ναῦς*), a rope for towing a ship ("*Remulcum*, funis, quo deligata navis magna trahitur vice remi," Isid. *Orig.* xix. 4, § 8; "*Remulco* est, quum scaphae remis navis magna trahitur," Festus, *s. v.*; comp. Caes. *B. C.* ii. 23, iii. 40; Hirt. *B. Alex.* 11; Liv. xxv. 30, xxxii. 16; Polyb. i. 27, 28, iii. 46). Looking to the form of the word *ῥυμουλκεῖν*, and the frequent use of *ῥῦμα* for the tow-rope (Polyb. i. 26, 14, &c.), we can hardly doubt that the word *remulcum* is borrowed from the Greek, and that the connexion with *remus* is false. The ships were no doubt often towed by boats with oars, but this word would be used whatever might be the method of towing. In Latin of the best age it is found only in the ablative. [W. S.] [G. E. M.]

REMU'RIA. [Lemuria.]

REMUS. [Navis, Vol. II. pp. 212, 215.]

REPA'GULA. [Janua.]

REPETUNDAE, or PECUNIAE REPETUNDAE. Repetundae pecuniae in its widest sense was the term used to designate such sums of money as the socii of the Roman state or individuals claimed to recover from magistratus, judices, or public curatores, which they had improperly taken or received in the Provinciae or in the Urbs Roma, either in the discharge of their jurisdictio, or in their capacity of judices, or in respect of any other public function. Hence the word *repetundae* came to be used to express the illegal act of officials in extorting or taking money from those subject to them, as in the phrase "repetundarum insimulari, damnari;" and *pecuniae* meant not only money, but anything that had value. The expression which the Greek writers use for repetundae is *δίκη δώρων* (Plut. *Sulla*, 5). The crimen repetundarum, then, is the crime of official corruption and oppression, an offence which became more frequent as the Roman dominion extended, and was therefore made the subject of various penal enactments.

It is stated by Livy (xlii. 1) that before the year B.C. 173 no complaints were made by the socii of being put to any cost or charge by the Roman magistratus. Subsequently, when complaints of exactions came to be made, an administrative inquiry was instituted into this offence by extraordinary commissions of the senate, as appears from the case of P. Furius Philus and M. Matienus, who were accused of this offence by the Hispani (Liv. xliii. 2). Regulations respecting donations to governors of provinces by their subjects were prescribed by the Lex Porcia (Liv. xxxii. 27), but the first lex repetundarum was the Calpurnia, which was proposed and carried by the tribunus plebis, L. Culpurnius Piso (B.C. 149), who was distinguished also as an historical writer. The Lex Calpurnia established for the first time a perpetua quaestio to try persons charged with this offence, a special praetor being appointed to conduct the trial (Cic. *de Off.* ii. 21, 75; *Brut.* 27, 106). The lex only applied to provincial magistrates, because in the year B.C. 141, according to Cicero (*de Fin.* ii. 16, 53), the like offence in a magistratus urbanus was the subject of a *quaestio extra ordinem.* It seems that the penalties of the Lex Calpurnia were merely pecuniary, being recovered by the actio sacramenti, and at least did not comprise exsilium, for L. Cornelius Lentulus, who was censor B.C. 147, had been convicted on a charge of repetundae in the previous year. The sum to be restored was ascertained after conviction by the proceeding of *litis aestimatio*, or taking an account of all the sums of money which the convicted party had illegally received. Various leges de repetundis were passed after the Lex Calpurnia. The Lex Junia was passed probably about B.C. 126, on the proposal of M. Junius Pennus, tribunus plebis. We have no information respecting its contents, but it may possibly be the lex under which C. Cato, Proconsul of Macedonia, was living in exile at Tarraco (Cic. *pro Balbo*, 11, 28; Vell. Pat. ii. 8); for at least exsilium was not a penalty imposed by the Calpurnia Lex. The Lex Servilia Glaucia was proposed and carried by C. Servilius Glaucia, tribunis plebis B.C. 100. This lex applied to any magistratus who had improperly taken or received money from any private person; but a magistratus could not be accused during his year of office. It perhaps only included provincial magistrates, being extended to urban by a subsequent statute (Cic. *pro Rabir. Post.* 6, 13). The Lex Servilia enacted that the praetor peregrinus should annually appoint 450 judices for the trial of this offence: the judices were not to be senators. The penalties of the lex were pecuniary and exsilium; the law allowed a comperendinatio (Cic. *in Verr.* i. 9, 26). Before the Lex Servilia there was simple restitution of what had been wrongfully taken, and also the summa sacramenti forfeited to the state: this lex seems to have raised the penalty to double the amount of what had been wrongfully taken; and subsequently by the Lex Cornelia it was made quadruple. Under this lex were tried M. Agillius, P. Rutilius, M. Scaurus, and Q. Metellus Numidicus. The lex gave the civitas to any person on whose complaint a person was convicted of repetundae (Cic. *pro Balbo*, 23, 24).

The Lex Acilia, which is of uncertain date (probably B.C. 101), was proposed and carried by M'. Acilius Glabrio, a tribunus plebis. It made some changes in the procedure of trials for repetundae, enacting that there should be neither ampliatio nor comperendinatio. It is conjectured that this is the Lex Caecilia mentioned by Valerius Maximus (vi. 9, 10), in which passage, if the conjecture is correct, we should read Acilia for Caecilia (Cic. *Act.* i. *in Verr.* 17, 50). It is a subject of dispute whether the Acilia or Servilia was first enacted, but it appears that the Acilia took away the comperendinatio which the Servilia allowed.

The Lex Cornelia was passed in the dictatorship of Sulla, B.C. 81, and continued in force to the time of C. Julius Caesar. It extended the penalties of repetundae to other illegal acts committed in the provinces, and to judices who received bribes, to persons abetting the crime into whose hands the money came (*quo ea pecunia pervenerit*, Cic. *pro Rab. Post.* 4, 7), and to those who did not give into the Aerarium their proconsular accounts (*proconsulares rationes*). The praetor who presided over this quaestio chose the judges by lot from the senators, whence it appears that the Lex Servilia was repealed by this lex, at least so far as related to the constitution of the court. This lex also allowed ampliatio and comperendinatio. The penalties were pecuniary (*litis aestimatio*), and the form of banishment called *aquae et ignis interdictio.* Under this lex were tried L. Dolabella, Cn. Piso, C. Verres, C. Macer, M. Fonteius, and L. Flaccus, of whom the last two were defended by Cicero. In the Verrine Orations Cicero complains of the comperendinatio or double hearing of the cause, which the Lex Cornelia allowed, and refers to the practice under the Lex Acilia, according to which the case for the prosecution, the defence, and the evidence were only heard once, and so the matter was decided (*in Verr.* 1, 9). The last Lex de repetundis was the Lex Julia passed in the first consulship of C. Julius Caesar, B.C. 59 (Cic. *in Vat.* 12). This lex consisted of numerous heads (*capita*), which have been collected by Sigonius (Cic. *ad Fam.* viii. 8). It repealed the penalty of exsilium, but, in addition to the *litis aestimatio*, it enacted that persons convicted under it should lose their rank, and be disqualified from being witnesses, judices, or senators. This is the lex which was commented on by the jurists, whose expositions are preserved in the Digest (48, 11) and in the Code (9, 27). The Lex Julia was an act embodying provisions that existed in previous laws, as, for instance, that by which the money that had been improperly retained could be recovered from those into whose hands it could be traced. It contains provisions prohibiting governors of provinces from contracting debts and entering into other legal transactions within their provinciae, with which Mr. Justice Stephen compares (*Hist. of Criminal Law*, i. p. 22, 1st ed.) the rules prevailing in India, which prevent civilians from holding land in their own districts and from receiving presents.

The Lex Julia had been passed when Cicero made his oration against Piso, B.C. 55 (*in Pis.* 21, 50). A Gabinius was convicted under this lex. Many of its provisions may be collected from the oration of Cicero against Piso. Cicero boasts that in his proconsulship of Cilicia there was no cost caused to the people by himself, his legati, quaestor, or anyone else; he did not even demand from the people what the Lex (Julia) allowed him.

Under the Empire the offence was punishable with exile (Tac. *Ann.* xiv. 28, and the note of Lipsius). It was treated under the Antonines as a crimen extraordinarium, except in very grave offences, when it was punished with death. (Walter, *Geschichte d. röm. Rechts*, ii. § 814; Rudorff, *Geschichte d. röm. Rechts*, ii. § 120; Rein, *Criminalrecht*, 604, &c.; Geib, ii. 40–42; Zumpt, *de legg. judiciisque repetundarum in republica Romana.*) [G. L.] [E. A. W.]

REPOTIA. [MATRIMONIUM, Vol. II. p. 144 *b*.]

REPU'DIUM. [DIVORTIUM.]

RES. [DOMINIUM.]

RESCRIPTUM. [CONSTITUTIONES.]

RESTITU'TIO IN I'NTEGRUM signifies the rescinding of an act by the magistratus in order to prevent the legal consequences which ordinarily attach to such act from taking effect, the parties affected by it being restored to the same position which they occupied before it took place. Such restitution is founded on the edict and given by the magistratus on grounds of equity in cases of contractual and other relations, which are not in their nature or form invalid; for if they are such as not to be valid according to the Jus Civile, this restitutio is not needed. The *in integrum restitutio* is an extraordinary remedy (*extraordinarium auxilium*), available in cases of conflict between strict law and equity (*jus strictum*, *aequitas*), which are determined by the magistratus in accordance with the principles of the latter through his imperium as distinguished from his JURISDICTIO.

In order to entitle a person to the restitutio, he must have sustained some injury in consequence of the contract or act in question, and not through accident or any fault of his own; except in the case of one who is *minor* xxv *annorum*, who was protected by the restitutio against the consequences of his own carelessness. The injury also must, as a rule, be one for which the injured party has no other remedy. Further it was necessary that there should be some ground of restitution (*justa causa*) recognised by the equity of the magistratus, though not by strict law. The grounds of restitutio were those expressed in the praetor's edict, in the case of restitutio against a positive act, such as entering into a contract, or any which appeared to the praetor good and sufficient, in the case of restitutio as a remedy against the consequences of omissions: "item si qua alia mihi justa causa esse videbitur in integrum restituam quod ejus per Leges, Plebiscita, Senatusconsulta, Edicta, Decreta Principum licebit" (Dig. 4, 6, 1).

The following are the chief grounds on account of which a restitutio might be decreed:—

Vis et metus (Dig. 4, 2; Cod. 2, 20). If a man were induced to enter into a legal transaction or act through duress, the proceeding was not for that reason invalid, since his assent was not considered to be wanting (Dig. 4, 2, 21, § 5), and his motives for assenting were in strict law immaterial; but it was *contra bonos mores* to allow such an act to have legal effect, and so it having been done under the influence of force or reasonable fear ("metum non vani hominis, sed qui merito et in hominem constantissimum cadat") an *in integrum restitutio* was allowed. An alternative and generally preferable remedy to this mode of restitution was after a time established by the praetor in the *actio quod metus causa*, by which restitution or a fourfold penalty could be obtained against the party who was the wrongdoer, and also against an innocent person who was in possession of anything which had been got from him, and also against the heredes of the wrongdoer in so far as they were enriched by the wrong (*quantum ad eos pervenit*). If a person was sued in respect of a transaction which he had entered into under duress, he was allowed to defend himself by an *exceptio quod metus causa*. The *actio quod metus* was first given by the Praetor L. Octavius, a contemporary of Cicero (formula Octaviana, Cic. *in Verr.* iii. 65).

The case of *dolus* (Paul. 1, 8; Dig. 4, 3; Cod. 2, 21). When a man was induced to enter into a legal transaction by the fraud of the other contracting party, he was bound according to *jus strictum*, but was entitled to an *in integrum restitutio*. Redress could also be obtained by means of the *actio de dolo malo* or *doli* against the guilty person and his heredes, so far as they were made richer by the fraud, for restitution or damages. Against a third party who was in bonâ-fide possession of the thing obtained by dolus, he had no action. If he was sued in respect of the transaction, he could defend himself by the *exceptio doli mali*. As the *actio doli* entailed infamia, it could only be brought in case the injured party had no other actio, and even the extraordinary remedy of *in integrum restitutio* would frequently be given by the praetor in preference to it. The *actio doli* was instituted by C. Aquilius Gallus in 688 A.U.C., when he was praetor (Cic. *de Off.* iii. 14, 60; *de Natura Deor.* iii. 30, 74).

The case of *minores* XXV *annorum* (Paul. 1, 9; Dig. 4, 4; Cod. 2, 22). A person above the age of puberty could bind himself by a legal act, but the Lex Plaetoria imposed a penalty on account of the overreaching and circumventing persons below the age of twenty-five, and subsequently the praetor promised in his edict to give *in integrum restitutio* to such persons, when the circumstances of the case seemed to him to require this remedy. In order to obtain restitutio it was not necessary for the minor to show that he had been defrauded; it was sufficient that an improper advantage had been taken of his inexperience. A minor was not prevented from claiming an integrum restitutio by the fact that his curator had assented to the transaction in question. A legal transaction which a pupillus had entered into, to which the auctoritas of his tutor had been given, could also be rescinded in this way on sufficient ground being shown. If the auctoritas of the tutor had not been given, and the act of the pupillus was one which required it, no restitutio was necessary, since the act would not be legally binding.

There were cases in which minores could claim no restitutio: for instance, when a minor with fraudulent design gave himself out to be *major vigintique annis;* or when he confirmed the transaction, and in other cases. The benefit of this restitutio belonged to the heredes of the minor. The claim to it could only be made, as a general rule, against the person who had circumvented the minor and his heredes. The time for making it was limited. The praetor also gave restitutio to municipal corporations on account of the injurious acts of their representatives (Dig. 49, 1, 29;—Cod. 2, 54, 4; 1, 50, 1; 11, 29, 3).

The case of *capitis deminutio* through *arrogatio* [ADOPTIO] or *in manum conventio* [MATRIMONIUM], which according to the Jus Civile was followed by the extinction of all the debts of the person arrogated or brought into the power of her husband. On account of the injustice to creditors thus occasioned the praetor restored them to their former rights, giving them *actiones fictitiae* or *in factum* (Gaius, iii. 83; iv. 38).

The case of *absentia* (Dig. 4, 6; Cod. 2, 54). Owing to the shortness of the time of acquiring property by usucapion, and to the fact that the right of bringing many praetorian actions was limited to a year, it must frequently have happened that rights were lost owing to a person's absence or to some other cause, which entitled to relief. In such cases the praetor gave *in integrum restitutio*, if sufficient cause was shown. Absence of the plaintiff on account of metus or on state service (*reipublicae causa*), or his imprisonment (*in vinculis*), or his capture by the enemy (*in hostium potestate*), and also absence of the defendant, are the chief causes mentioned in the edict; but there are others referred to, as loss of action owing to delay in appeal from one magistratus to another, or by refusal of an action within the time prescribed, and also causes not specified in the edict, which seemed to the praetor sufficient. If the absence or delay of the plaintiff was avoidable, or if his action could have been maintained by a procurator on his behalf, and he was blamable for not having appointed one, he could not claim restitutio.

The doubtful case of *alienatio judicii mutandi causa facta* (Dig. 4, 7; Cod. 2, 55), which occurs when a man alienates a thing for the purpose of injuring a claimant by substituting for himself another against whom the plaintiff cannot so easily prosecute his right. Though the alienor has here only made use of his legal right, the praetor perhaps at one time granted restitutio, if the exercise of such right operates unfairly on the plaintiff; though this may be questioned (Windscheid, *Pandekten*, 1, § 116, n. 2), he certainly gave an *actio in factum* for damages in such case. The rule that a vindicatio would lie against a person who had fraudulently parted with possession of the thing claimed, on the fiction that he was still in possession, had a similar object with this actio. If a man assigned a claim or right with the view of injuring his adversary by giving him a harder claimant to deal with, the adversary could meet the assignee, when he sued, with an *exceptio judicii mutandi causa.*

The case of alienation by an insolvent (*non solvendo*) to the injury of creditors (Inst. iv. 6, 6), though some writers would bring this case under the head of *restitutio* on the ground of fraud (Schröter, *l. c.* 131–142; Vangerow, 1, § 177). The praetor gave an action called Pauliana against alienees, by which the creditors destroyed the effect of an illegal alienation. The creditors were also entitled to an Interdictum Fraudatorium in order to get possession of the thing that had been fraudulently aliened (Dig. 36, 1, 67; 42, 8).

The case of error or mistake. A person who had bound himself by a legal act might sometimes obtain restitutio in respect of it on the ground of mistake. Restitutio was principally given on account of mistakes in procedure. Gaius (iv. 57; cf. Suet. *Claud.* 14) gives an example, when he says that if too large an amount was inserted in the condemnatio of the formula, the matter is set right by the praetor, or, in other words, "reus in integrum restituitur"; but if too little was inserted, the praetor would not make any alteration; "for," he adds, "the praetor more readily relieves a defendant than a plaintiff."

It is thought by some writers that restitutio was sometimes given in order to avoid the effect of the SC. Velleianum, but there is not sufficient evidence for this view. (Vangerow, 1, § 177.)

The application for a restitutio could only be made to a magistratus with imperium, who held an inquiry into the case (*causa cognitio*), and decided the matter by his decree (*decretum sententia*). Thus the proceeding did not belong to his ordinary jurisdiction (*cognitio ordinaria*), but to his *extraordinaria cognitio*, by which he decided certain cases himself without a judicium. Restitutio could be sought by the person injured, and by his singular or universal successors, and it could be maintained against anyone who had immediately benefited by the act which had injured the plaintiff, and against his heres or universal successor. It could only be maintained against a third person to whom the right had been assigned, if he had notice of the ground for restitutio at the time when he acquired his interest, and in certain other cases where great injury would result to the plaintiff if he were not allowed this remedy.

When a restitutio was decreed, each party restored to the other what he had received from him, with all its accessions and mesne profits, except in so far as the mesne profits on one side might be set off against the interest of money to be returned on the other side. If the object of the restitutio was a right, the injured party was restored to his right; or if he had incurred a duty, he was released from the duty. When restitutio consisted in the recovery of a right, a judicium might be granted at the same time as the decree, which is called *judicium rescissorium* or *actio restitutoria*, but the decree itself was always the act of the magistratus. The application for restitutio must as a general rule be made within four years (*quadriennium continuum*) of the time of the injury being discovered, and of the party being capable of bringing his action; in the case of minores, the four years were reckoned from the time of their attaining their majority. According to the law of the classical jurists, the application had to be made within an annus utilis.

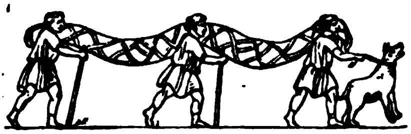
In the imperial times the term *restitutio* was also applied to the remission of a punishment (Tac. *Ann.* xiv. 12; Plin. *Ep.* x. 64, 65; Dig. 48, 19, 27), which could only be done by imperial grace. (Paul. 1, 7, 8, 9; Cod. Gregor. ii. 1–4; Dig. 4, 1; Cod. 2, 20–55; Burchardi, *Die Lehre von der Wiedereinsetzung*, &c.; Schröter, *Ueber Wesen und Umfang der In Integrum Restitutio* in *Zeitschr. für Civ. und Pr.* 1883, vi. 3; Schneider, *Die allgemeiner subsidiären Klagen*, &c.; Savigny, *System*, vii. §§ 317–343; Vangerow, *Pandekten*, 1, §§ 175–188; Windscheid, *Pandekten*, 1, § 114, &c.) [G. L.] [E. A. W.]

RESTITUTO'RIA ACTIO. [Intercessio.]

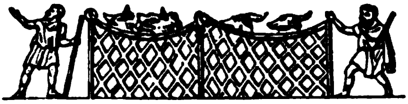
RETE; *dim.* **RETI'CULUM** (δίκτυον), a net. Nets were made most commonly of flax from Egypt, Colchis, Spain, and some other places (Poll. v. 26; Artem. *Oneir.* iii. 56; Plin. *H. N.* xix. § 10). Occasionally they were of hemp (Varro, *R. R.* iii. 5; Plin. xix. § 174): sometimes also of *σπάρτος* or broom (Xen. *Cyn.* 9, 13); and of fibres of palm leaves (Theophr. iv. 2, 7). They are sometimes called *lina* (λίνα) on account of the material of which they consisted (Hom. *Il.* v. 487; Brunck, *Anal.* ii. 494, 495). The meshes (*maculae*, Ovid, *Her.* v. 19; Cic. *Verr.* v. 11, 27; Varro, *R. R.* iii. 11; Nemesianus, *Cyneg.* 302; *βρόχοι*, Xen. *Cyn.* 2, 5; Eur. *H. F.* 729) were great or small according to the purposes intended; and these purposes were very various. But by far the most important application of net-work was to the three kindred arts of fowling, hunting, and fishing: and besides the general terms used alike in reference to all these employments, there are special terms to be explained under each of these heads.

I. In fowling the use of nets was one among many methods (Aristoph. *Av.* 528); thrushes were caught in them (Hor. *Epod.* ii. 33, 34); and doves or pigeons with their limbs tied up or fastened to the ground, or with their eyes covered or put out, were confined in a net, in order that they might allure others into the snare (Aristoph. *Av.* 1083). The ancient Egyptians, as we learn from the paintings in their tombs, caught birds in clap-nets (Wilkinson, *Man. and Cust.* vol. iii. pp. 35–38, 45). [Auceps.]

II. In hunting it was usual to extend nets in a curved line of considerable length, so as in part to surround a space into which the beasts of chase, such as the hare, the boar, the deer, the lion, and the bear, were driven through the opening left on one side (Aelian, *H. A.* xii. 46; Tibullus, iv. 3, 6 *sq.*; Plin. *H. N.* xix. § 10). This range of nets, which was called *indago*, was flanked by cords, to which feathers dyed scarlet and of other bright colours were tied, so as to flare and flutter in the wind. The hunters then sallied forth with their dogs, dislodged the animals from their coverts, and by shouts and barking drove them first within the *formido*, as the apparatus of string and feathers was called, and then, as they were scared with this appearance, within the circuit of the nets. Descriptions of this scene are given in some of the following passages, all of which allude to the spacious enclosure of net-work:—Verg. *Georg.* iii. 372 *sq.*, *Aen.* iv. 121, 151–159, x. 707–715; Ovid, *Her.* iv. 41, 42; Lucan, iv. 435 *sq.*; Oppian, *Cyn.* iv. 120–123; Eurip. *Bacchae*, 866–876. The accompanying woodcuts are taken from two bas-reliefs in the collection of ancient marbles at Ince-Blundell in Lancashire. In the uppermost figure three servants with staves carry on their shoulders a large net, which is intended to be set up as already described (Tibullus, i. 4, 49, 50; Sen. *Hippol.* i. 1, 44; Propert. v. 2, 33). The foremost servant holds by a leash a dog, which is eager to pursue the game. In the middle figure the net is set up. At each end of it stands a watchman holding a staff (Oppian, *Cyneg.* iv. 124). Being intended to take such large quadrupeds as boars and deer (which are seen within it), the meshes are very wide (*retia rara*, Verg. *Aen.* iv. 131; Hor. *Epod.* ii. 33). The net is supported by forked stakes (*στάλικες*, Oppian, *Cyneg.* iv. 67, &c.; Pollux, v. 31; *amites*, Hor. *Epod.* ii. 33; *ancones*, Gratius, *Cyneg.* 87; *vari*, Lucan, iv. 439). To dispose the nets in this manner was called *retia ponere* (Verg. *Georg.* i. 307), or *retia tendere* (Ovid, *Art. Amat.* i. 45). Comparing it with the stature of the attendants, we perceive the net to be between five and six feet high. For deer they should be somewhat higher. The upper border of the net consists of a strong rope, which was called *σαρδών* (Xen. *Cyn.* 6, 9). This *σαρδὼν* in some nets had loops (*στρόφια*) or rings (*κρίκοι*) which attached it to the *περίδρομος* or



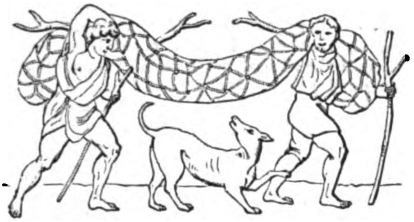
Servants carrying net. (From ancient relief.)



Indago.

ἐπίδρομος (cf. Plin. *H. N.* xix. § 11), *i.e.* the drawing cord, which was itself supported on the forked stakes (Pollux, v. 26–31). The figures in the following woodcut represent two men carrying the net home after the chase; the stakes for supporting it, two of which they hold in their hands, are forked at the top, as is expressed by the terms for them already quoted, *ancones* and *vari*, and δίκροι in Pollux.

Besides the nets used to enclose woods and coverts or other large tracts of country, two additional kinds are mentioned by those authors who treat on hunting. All the three are mentioned together by Xenophon (δίκτυα, ἐνόδια, ἄρκυες, ii. 4), and by Nemesianus (*Cyneg.* 299, 300).



Servants bearing home *retia* and *amites*.

The two additional kinds were placed at intervals in the same circuit with the large hunting-net or haye. The road-net (*plaga*, ἐνόδιον) was much less than the others, and was placed across roads and narrow openings between bushes (Poll. *l. c.*). The purse- or tunnel-net (*cassis*, ἄρκυς) was made with a pouch (κεκρύφαλος, Xen. *de Venat.* vi. 7), intended to receive the animal when chased towards the extremity of the enclosure. Within this pouch were placed branches of trees, to keep it expanded and to decoy the animals by making it invisible.

III. Fishing-nets (ἁλιευτικὰ δίκτυα, Diod. xvii. 43) were of six different kinds, which are enumerated by Oppian (*Hal.* iii. 80–82) as follows:—

> Τῶν τὰ μὲν ἀμφίβληστρα, τὰ δὲ γρῖφοι καλέονται,
> Γάγγαμα τ', ἠδ' ὑποχαὶ περιηγέες, ἠδὲ σαγῆναι
> Ἄλλα δὲ κικλήσκουσι καλύμματα.

Of these by far the most common were the ἀμφίβληστρον, or casting-net (*funda*, *jaculum*), and the σαγήνη, *i.e.* the drag-net, or sean (*tragum*, Isid. *Orig.* xix. 5; *tragula*, Plin. *H. N.* xvi. § 34; *verriculum* or *everriculum*, Ulp. Dig. 47, 10, 13, § 7; cf. Cic. *Verr.* ii. 14, 24). Consequently these two are the only kinds mentioned by Virgil in *Georg.* i. 141, 142, and by Ovid in *Art. Amat.* i. 763, 764. Of the κάλυμμα we find nowhere any further mention. We have no distinct information about the form of the γρῖφος, but it seems that it was made of rush-work, and therefore probably was sometimes a fishing-creel, but, when classed with nets, was a sort of eel-pot or lobster-pot = the ἐκ σχοίνων λαβύρινθοι of Theocr. xxii. 11. It is easy to connect the sense of *riddle* in γρῖφος with the intricacies of the eel-pot (cf. Poll. vi. 107), and it may be conjectured that *scirpus* and *scirpiculus* correspond to all three meanings of γρῖφος (cf. Plaut. *Capt.* iv. 2, 36; Gell. xii. 6). We know no more of the γάγγαμον (Hesych. *s. v.*; Aeschyl. *Agam.* 352): but from the fact that the word was also used for the *omentum* of the human body, it may be surmised that it was a circular net. The ὑποχὴ was a landing-net, made with a hoop (κύκλος) fastened to a pole (Oppian, *Hal.* iv. 251). That ἀμφίβληστρον denoted a casting-net may be concluded both from its etymology and from the circumstances in which it is mentioned by various authors (Hesiod, *Scut. Herc.* 213–215; Herod. i. 141; Is. xix. 8; Hab. i. 15–17, LXX. and Vulgate versions; St. Matt. iv. 18; St. Mark i. 16).

The English term *sean* (which is also in the south of England pronounced and spelt *seine*, as in French; cf. Littré, *s. v.*) has been brought into our language by a corruption of the Greek σαγήνη through the Vulgate Bible (*sagena*, Ezek. xxvi. 5, 14, xlvii. 10; St. Matt. xiii. 47, 48; St. John xxi. 6–11). This net, which, as now used both by the Arabians and by our own fishermen in Cornwall, is sometimes half a mile long, was probably of equal dimensions among the ancients, for they speak of it as nearly taking in the compass of a whole bay (Hom. *Od.* xxii. 384–387; Alciphron, i. 17, 18). This circumstance well illustrates the application of the term to describe the besieging of a city: to sweep a country of its population by an uninterrupted line of soldiers was called σαγηνεύειν (Herod. iii. 145, vi. 31; Plato, *Legg.* iii. *sub fin.*). The use of corks (φελλοί, *cortices suberini*, Sidon. Apollin. *Epist.* ii. 2; Plin. *H. N.* xvi. § 34) to support the top, and of leads (μολιβδίδες) to keep down the bottom, is frequently mentioned by ancient writers (Ovid, *Trist.* iii. 4, 11, 12; Aelian, *H. A.* xii. 43; Pausan. viii. 12, § 1), and is clearly exhibited in some of the paintings in Egyptian tombs. Leads, and pieces of wood serving as floats instead of corks, still remain on a sean in the collection of Egyptian antiquities at Berlin.

The *nassa* (κημός, κυρτίς, κυψέλη) was especially used for catching the murex used for purple dye. It was sometimes a small net in the shape of a bag with thick close meshes of cord, but apparently more usually a sort of basket of rushes or osiers. Bait was placed in it, for which, according to several writers, bivalves were used; these closed on the murex attacking them, and so kept it imprisoned till the net or basket was drawn up (Ael. *A. N.* vii. 34; Plin. *H. N.* ix. § 132; Oppian, *Hal.* v. 600). Others describe the nassa in more ordinary fashion, as constructed like an eel-pot, narrowing after the entrance and then widening again, with the rushes or osiers so projecting inside as to make the return more difficult than the entrance (Sil. v. 43; Poll. i. 47, where it is called κυψέλη). Hesych., *s. v.* κημός, compares the shape to a strainer (ἠθμός). (See Yates, *Textrinum Antiquum*, Appendix C; and, for the material of nets, Blümner, *Technol.* i. 229, 292 ff., may also be consulted.) [J. Y.] [G. E. M.]

RETIA'RII. [GLADIATORES.]

REUS. [ACTOR; OBLIGATIONES.]

REX (βασιλεύς), king. 1. GREEK. Derivation possibly root βα, "make to go," and λευ = λαο, "people" (cf. Λευτυχίδης). Government by a single king was perhaps the rule in the towns of pre-historic Greece (cf. Dionys. v. 74, κατ' ἀρχὰς μὲν γὰρ ἅπασα πόλις Ἑλληνικὴ ἐβασιλεύετο, πλὴν οὐχ ὥσπερ τὰ βαρβαρικὰ ἔθνη δεσποτικῶς, ἀλλὰ κατὰ νόμους τε καὶ ἐθισμοὺς *πατρίους*). Where, as so often, state and town were almost synonymous terms, the "king" was probably no more than the senior member of the most distinguished family, and these petty *βασιλῆες* or chieftains must have been very numerous. Thus we find traces of kings, many of them more or less mythical, in Thebes, Athens, Argos and Mycenae; in Chalcis of Euboea (Hes. *Op.* 654 f.), Phlius (Paus. ii. 13, 1), Corinth (Paus. ii. 4, 3), the towns of Achaia (Paus. vii. 6, 1; Polyb. ii. 41), possibly Tegea (Paus. viii. 45, 1; Herod. ix. 26), Orchomenus (Theoph. in Müll. *Frag. Hist. Gr.* iv. 515), the dodecapolis of Ionia (Herod. i. 147; Paus. vii. 3, 10), Samos (Herod. iii. 59), Chios (Paus. vii. 4, 9, 10), Cyme (Heracl. in Müll. *op. cit.* ii. 216), Tenedos (Aristot. in Müll. *op. cit.* ii. 157, 213), Ialysus (Paus. iv. 24, 2), towns of Cyprus (Diod. xvi. 42; Herod. v. 109, 110; Aristot. in Müll. *op. cit.* ii. 166, 203), and Cyrene (Herod. iv. 155), besides many others. In other cases we find kings of a district rather than of a town, *e.g.* Minos, king of Crete and the Cyclades (Thuc. i. 4); the Theban kings dominate Boeotia; the Athenian, Attica; the Spartan, Laconia.

According to Aristotle (*Pol.* i. 12), the relation of a king to his subjects is precisely analogous to that of Zeus to the other gods, or to that of a father to his children. In the earliest times, when every action of life, private or public, had a religious significance, his sacerdotal functions were doubtless the most important part of the king's duties. As the house-father was priest in his own house, so the king, the state-father, was priest of the greater household—the state; he offered sacrifice for the city, his virgin daughters tended the city's *ἑστία*. The king appears to have been called indifferently *ἄρχων*, *πρύτανις*, or *βασιλεύς*. See Arist. *Pol.* vii. (vi.) 8, *ἀπὸ τῆς κοινῆς ἑστίας ἔχουσι τὴν τιμὴν καλοῦσι δ' οἱ μὲν ἄρχοντας τούτους οἱ δὲ βασιλεῖς οἱ δὲ πρυτάνεις*: Aesch. *Supp.* 371, *πρύτανις ἄκριτος ὢν κρατύνεις βωμὸν ἑστίαν χθονός*. Charon of Lampsacus gave to his treatise on the Spartan kings the title *Ἄρχοντες καὶ πρυτάνεις Λακεδαιμονίων*.

Absolute monarchy, in the modern acceptation of the term, appears to have been unknown among the Greeks. The nearest approaches to it were the *τυραννίς*, which was, in origin at least, a weak imitation of Persian despotism, and the Macedonian military kingship. It is true that Aristotle in his classification of *βασιλεῖαι* (*Pol.* iii. 14–17) discusses what he terms *παμβασιλεία* or *βασιλεία κυρία*, but he treats the question rather from the theoretical than the practical point of view; such a *βασιλεία* is only justified by the *ἀρετὴ* of the individual or family being far in excess of that of any other individual or family (*Pol.* iii. 17).

Aristotle (*Pol.* iii. 14) classifies *βασιλεῖαι* as follows: (1) the *heroic* (*ἡ κατὰ τοὺς ἡρωϊκοὺς χρόνους*), (2) the *barbaric* (*ἡ βαρβαρική*), (3) the *αἰσυμνητεία*, or elective tyranny (*αἱρετὴ τυραννίς*), (4) the *Laconian*, or hereditary life-generalship (*στρατηγία κατὰ γένος ἀΐδιος*).

The *Heroic king*, the king as represented in Homeric poetry, is far from possessing absolute power. Every chieftain bears the title of *βασιλεύς*: in Phaeacia alone there are thirteen *βασιλῆες* (*Od.* viii. 390). [In the Iliad, Agamemnon is *βασιλεύτατος* (ix. 69), suzerain of the rest, only as commander of the Trojan expedition, not in virtue of any territorial sovereignty.] The obedience of his people is voluntary; his rights are subject to definition (*ἑκόντων μὲν ἐπί τισι δ' ὡρισμένοις*, Ar. *Pol.* iii. 14). Thucydides defines the heroic kingships as *ἐπὶ ῥητοῖς γέρασι πατρικαὶ βασιλεῖαι* (i. 13), and Aristotle is expressing the same idea when he calls them *ἑκούσιαί τε καὶ πάτριαι γινόμεναι κατὰ νόμον* (*ib.* iii. 14). Sometimes an oath was interchanged between king and subjects (*τοῦτο δ' ἐποίουν οἱ μὲν οὐκ ὀμνύοντες οἱ δ' ὀμνύοντες*, *ib.* iii. 14; see also below, remarks on the Macedonian kings). The same author regards the origin of the kingship as a gift of a grateful people for services conferred; cf. Id. *ib.* *διὰ γὰρ τὸ τοὺς πρώτους γενέσθαι τοῦ πλήθους εὐεργέτας κατὰ τέχνας ἢ πόλεμον, ἢ διὰ τὸ συναγαγεῖν ἢ πορίσαι χώραν, ἐγένοντο βασιλεῖς ἑκόντων καὶ τοῖς παραλαμβάνουσι πάτριοι.*

The heroic kingship was hereditary: see Thuc. and Aristot. above, and *Il.* ii. 186, *σκῆπτρον πατρώϊον, ἄφθιτον αἰεί*. Each successor was hailed by the approving voice of the *πλῆθος*. The office was of divine institution, and the kings are, in a certain sense, children of Zeus, the king of the gods. Thus they are *διοτρεφεῖς* and *διογενεῖς* (cf. Hes. *Theog.* 96, *ἐκ δὲ Διὸς βασιλῆες*), and even *θεῖοι*, as partaking of the divine nature (*Od.* iv. 691). The genealogies of both the royal lines at Sparta are traced back to Heracles, son of Zeus (Herod. vii. 204; viii. 131). Aeneas was son of Aphrodite, Nestor grandson of Poseidon, Ajax Telamonis and Odysseus were great-grandsons of Zeus. The king's office is derived from Zeus (*τιμὴ δ' ἐκ Διός ἐστι*, *Il.* ii. 197); he is king to whom Zeus grants it (*εἷς βασιλεύς, ᾧ ἔδωκε Κρόνου παῖς ἀγκυλομήτεω*, *ib.* 205); the sceptre of Agamemnon descends from Zeus in direct line (*ib.* 101). The kings in Homer are characterised by personal beauty; vigour of body and mind is a condition of the maintenance of the office (*Od.* xi. 174, 184, 495). Manual employments are often part of a king's accomplishments. "Odysseus, in the island of Calypso, is a wood-cutter and ship-builder (*Od.* v. 243, 261); Odysseus on his throne was the carpenter and artisan of his own bed (*Od.* xxiii. 195–201); Odysseus in disguise challenges Eurymachos the suitor to try which of them would soonest mow a meadow, and which drive the straightest furrow down a four-acre field (*Od.* xviii. 366–375)." (Gladstone, *Juvent. Mundi*, p. 420.) Laertes has a passion for gardening (*Od.* xxiv. 226 f.), Achilles and Paris for the lyre (*Il.* iii. 54).

The king succeeds to certain royal possessions and goods, termed his *τέμενος*. These were granted for signal services in war or elsewhere, and passed from father to son. Cf. *Il.* ix. 578 (of Meleager), vi. 193 f. (of the Lycians and Bellerophon); *Od.* xi. 184 (of Telemachus), xvii. 299 (of Odysseus), xxiv. 205 (of Laertes); *Il.* xii. 313; *Od.* vii. 150; Herod. vi. 161, where a corresponding *τεμενος* is given to Battus, the founder of Cyrene. It is thought that this was the solitary instance of private property in land, which was otherwise managed on the common-field system, held in temporary tenure (Ridgeway in *Journ. Hell. Stud.* vi. 319).

The heroic king inherited the threefold functions of *general*, *judge*, and *high-priest* (*στρατη-*

γὸς γὰρ ἦν καὶ δικαστὴς ὁ βασιλεὺς καὶ τῶν πρὸς τοὺς θεοὺς κύριος, Ar. *Pol.* iii. 14).

As *general*, he had supreme control of matters in the field, and power of life and death during expeditions: *ἐξελθόντων δὲ καὶ κτεῖναι κύριος ἦν· λέγει γοῦν ὃν δέ κ' ἐγὼν ἀπάνευθε μάχης . . ., οὔ οἱ ἄρκιον ἐσσεῖται φυγέειν κύνας ἠδ' οἰωνούς· πὰρ γὰρ ἐμοὶ θάνατος*, Ar. *Pol.* iii. 14, but the last sentence does not occur in the existing texts of Homer (*Il.* ii. 391 f.); see, however, *Il.* xv. 348. As *high-priest* he performed, on behalf of the state, all such functions as were not specially assigned to other priests: *κύριοι δ' ἦσαν . . . καὶ τῶν θυσιῶν ὅσαι μὴ ἱερατικαί* (Ar. *Pol.* iii. 15); cf. also *Il.* ii. 402 f. As *judge*, the king dispensed the *θέμιστες* or "dooms," which were divinely suggested to him by Θέμις, the assessor of Zeus: thus it was in his judicial capacity that the king gave chief evidence of his divine connexion and origin; cf. *Il.* ix. 97 f., *οὕνεκα πολλῶν λαῶν ἐστὶ ἄναξ καί τοι Ζεὺς ἐγγυάλιξεν σκῆπτρόν τ' ἠδὲ θέμιστας, ἵνα σφίσι βουλεύησθα*: *Il.* i. 238, *δικασπόλοι, οἵτε θέμιστας πρὸς Διὸς εἰρύαται*: Hes. *Theog.* 85, *οἱ δέ νυ λαοὶ πάντες ἐς αὐτὸν ὁρῶσι διακρίνοντα θέμιστας ἰθείῃσι δίκῃσι.* The regal symbol was the *σκῆπτρον*, which was transmitted from father to son (*Il.* ii. 100 f.): Odysseus bears the *σκῆπτρον* as Agamemnon's representative (*Il.* ii. 186 f.). The crown is unknown in Homer as a distinctly regal symbol, and only becomes so in later times, because worn by the king in his character of priest; garlands always being associated with sacrifice and other joyful occasions.

The king convoked the Council of the Elders (*βουλὴ γερόντων*, *Il.* ii. 53) to deliberate on all matters of policy, military as well as civil (*Il.* ix. 89; vii. 382 f.). There seems to have been no obligation upon the king to consult the *βουλή*, or to take its advice if consulted, but none the less was it his duty to do so (*Il.* ix. 100–108). The decisions of the king, or of the king and council, were made known to the general assembly of adult male citizens (*ἀγορά, ἀγών*). No debate was allowed; the multitude received the will of the king with silence or with applause; objections were summarily dealt with. It is not till the Odyssey that any special regard is paid to the *δήμου φῆμις* (cf. vi. 273; xiv. 239); though promises like those of Agamemnon, to give seven cities as his daughter's portion (*Il.* ix. 149), or of Menelaus, to sack one of his own cities in order to establish Odysseus therein, are either poetical exaggerations or proceed from those who are *βασιλεύτεροι τῶν ἄλλων βασιλέων*.

The title *ἄναξ ἀνδρῶν*, forty-four times applied to Agamemnon in the Iliad, and applied also to five other sovereigns—Aeneas (*Il.* v. 311), Euphetes (xv. 532), Anchises (v. 268), Augeias (xi. 701), and Eumelus (xxiii. 288)—is regarded by Gladstone (*Juv. Mundi*, p. 151) as of foreign rather than Hellenic colour, patriarchal rather than Greek, savouring of serfdom and absolutism. Jebb, on the other hand (*Homer*, p. 47), denies this; and, regarding *ἄναξ* merely as a descriptive epithet, suggests a metrical reason for its use in the passages quoted. Grote (*Greece*, ch. xx.) seems to incline to the former view.

The *αἰσυμνητεία* or *αἱρετὴ τυραννίς* is stated by Aristotle to have existed *ἐν τοῖς ἀρχαίοις Ἕλλησιν*. It differed from *βαρβαρικὴ βασιλεία* not in being constitutional (*κατὰ νόμον*), but simply in being not hereditary. The office lasted sometimes for life, sometimes for a specified time, or during the performance of a specified duty. As far as its power was concerned, the office was "tyrannical;" it is classified as a *βασιλεία*, as being *αἱρετὴ καὶ ἑκόντων* (Ar. *Pol.* iii. 14). Solon was practically *αἰσυμνήτης* of Athens during his revision of the constitution, though the title is not applied to him by any Greek writer.

The Laconian kingship is defined by Aristotle (*l. c.*) as *στρατηγία τις αὐτοκράτωρ καὶ ἀΐδιος*, to which he afterwards adds the fact that it is hereditary (*κατὰ γένος*). The king's authority is by no means supreme (*οὐκ ἔστι κυρία πάντων*), although eminently constitutional (*μάλιστα τῶν κατὰ νόμον*); his power only begins when he is outside Laconian territory. This view of the Spartan kingship is clearly drawn from its position in times nearly approximating to Aristotle's own. Weakened by the encroachments of the *γερουσία*, the *ἔφοροι*, and the *ναυαρχία*, it preserved only the shadow of its ancient power. Thus the Spartan kingship is really the "exception which proves the rule," that kings disappeared from Greece before historic times. For the duties, position, &c., of the Spartan kings, see GEROUSIA.

Some of the kingdoms which lay outside the circle of Greek politics lasted much longer than those within it. The Molossian kingdom of the Pyrrhidae, which derived its origin from the son of Achilles, extended its sway over the whole of Epirus shortly after the Peloponnesian War: cf. Thuc. i. 136; ii. 80. It was no doubt due to the strictly constitutional nature of its rule that the Molossian kingdom lasted until the latter half of the third century B.C. (Ar. *Pol.* viii. (v.) 11 *init.*). The kings every year, after sacrificing to Zeus Areius, swore to govern Epirus according to the laws, and the people for their part swore to protect the kings according to the laws. Transgression on the part of the king relieved the people from their oath, and thus we find that the king was sometimes removed and another appointed (Plut. *Pyrr.* v. Diod. xv. 13).

The Macedonian kings traced back their origin to the Heracleid race of Argos. Perdiccas I. was the founder of the monarchy (Herod. viii. 137, 138; v. 22). Originally established at Edessa, the dynasty extended the area of its sway by the conquest of the Briges, the Pierians, the Bottiaeans, and the inland tribes. The succession was hereditary. The Macedonian monarchy of Philip and Alexander approaches more nearly to the military imperialism of Rome than any other Greek institution. It is true that Arrian (*Exp. Alex.* iv. 11) asserts that *Μακεδόνων ἄρχοντες οὐ βίᾳ ἀλλὰ νόμῳ διετέλεσαν*: but this was probably more the result of a prudent policy than of any definite circumscription of the royal power. The king and the army appear to be the sole instruments of government, the army even acting as a criminal court. (See Quint. Curt. vi. 32, 2 "de capitalibus rebus vetusto Macedonum more inquirebat exercitus; in pace erat vulgi: nihil potestas regum valebat nisi prius valuis auctoritas.") This, however, probably bears reference only to military offences. We hear of a Macedonian assembly ("ad contionem vocato populo," Just. xiv. 6), but it "appears to have been summoned chiefly as a mere instrument to sanction some predetermined purpose of the king or military leader predominant at the time." There is "no evidence of co-ordinate political bodies or standing apparatus, either aristocratical or popular, to check the power of the king" (Grote).

See G. Gilbert, *Griechische Staatsalterthümer*; Grote, *Greece*, part i. ch. 20; Thirlwall, *Greece*, chaps. 6, 8, and 10; Freeman, *Comparative Politics*, Lect. iv.; De Coulanges, *La Cité Antique*, p. 203 f., 283 f.; Jebb, *Homer*, p. 46 f.; Gladstone, *Juventus Mundi*, p. 413 f.; Auerbach, *de Lacedaemoniorum regibus*; Meier und Schömann, *Attische Process*, p. 6 f.; Busolt, *Griechische Geschichte*, vol. i. p. 376 f.; Schömann, *Antiquities of Greece*, tr. by Hardy and Mann, vol. i. p. 114 f.; Duncker, *History of Greece*, tr. by Alleyne and Abbott, vol. i. p. 469 f., ii. p. 3 f.; Id. *Gesch. des Alterthums*, v. (1881), p. 334 f. [A. H. C.]

2. ROMAN.—That Rome was once governed by kings, and that the later republican constitution was a development, traceable in its outlines, of an original regal rule, was the universal belief of Roman antiquity itself, and has never been doubted, even by those scholars who have expressed most disbelief in the details of such accounts of the kingship as have been handed down to us. Some consideration of the nature of the evidence on which the Roman monarchy rests is clearly necessary for an appreciation of its real nature and character. Of the evidence in this question there are two main lines. One is that of tradition; for the literary accounts we have of this period cannot be considered as other than traditional, since the earliest historical records from which our present sources were derived were not, so far as we know, composed until some 300 years after the expiration of this period, and there is little or no original documentary evidence of a credible nature on which we can suppose even the earliest of these accounts to have rested (Lewis, *Credibility of Early Roman History*, vol. i. ch. iii. p. 70; Seeley, *Livy*, Introd. p. 17). The other and surer line of evidence is to be found in the manifest survivals of an original kingly rule which meet us everywhere in the Roman republic, and which enable us partly to supplement the accounts of tradition, but more often to correct them where it seems likely that they have transferred to this early period the constitutional usages of the later republic. Some of these survivals, such as the *rex sacrorum* and the *interrex*, throw considerable light on some points of the regal constitution; while others are merely traces of the past monarchy indelibly imprinted on the later republican community. Such are the existence of the REGIA, or kingly palace, on the Sacra Via (Becker, *Topogr.* § 223), the festival of the Regifugium on Feb. 24th (Festus, *s. v.* p. 137 and p. 230; Orelli, *Inscr.* ii. p. 384; Ov. *Fasti*, 2, 685), and the days marked by the formula Q R C F [see REGIFUGIUM]. Finally, if we were to seek evidence, beyond tradition and such survivals, for the original existence of a Roman Rex, it would be found in the probabilities of a constitution such as that of Rome, so peculiar in the conception of its supreme magistracy, with its different personal representatives, each possessing in theory a single indivisible imperium, having been the development of a constitution in which the imperium was really indivisible because vested in a single person. That this form of constitution was in no degree peculiar to Rome, but that in this, as in other respects, Rome was merely a typical Italian community, there is every reason to believe. A distinct survival of an original kingly power is found in the standing dictatorship of certain Latin-towns, such as Lanuvium (Cic. *pro Mil.* 10, 27).

The theory on which the Roman monarchy rested is not quite paralleled in any ancient or modern state. The Roman state has been aptly described by Mommsen as a "constitutional monarchy inverted" (*Hist. of Rome*, i. p. 84): that is, the ultimate sovereignty resided not with the king, but with the community he represented, and the constitutional limitation was not that of personal rule by the people, but of the people by personal rule. The Roman monarchy rested on authority delegated by the people; and this is true whatever we consider the immediate basis to have been on which the king's power rested, whether we regard it as elective, hereditary, or held by right divine. It is shown by the fact that the sovereign attribute of pardon rested with the people in the last resort (Liv. i. 26; Cic. *de Rep.* ii. 31). Secondly, by the fact which is stated by tradition, and rendered probable by the later theory of republican legislation, that the Roman people was the sole source of law, which, though elicited by the king through his sole right of initiative, could only be rendered valid by the assent of the burgesses (Dionys. ii. 14); and finally that tradition affirms it to have been the source of honour. We are told at least that the regal insignia of Etruria, which the Roman kings adopted, were only assumed after ratification by the senate and people (Dionys. iii. 6, 2; Cic. *ib.*); and it is possible that the appointment of special officers of state, though in theory they were merely delegates nominated by the king, had to be ratified by similar *leges curiatae*. Such at least seems to be implied by the account given by Tacitus of the institution of the earliest quaestores (*Ann.* 11, 22; cf. Dig. 1, 13, "quaestores quos ipsi populi suffragio crearent").

To such a personal representative had the Roman people transferred the whole of the executive, and so much of the legislative power as is implied in the sole right of initiative, without, however, forfeiting certain ultimate rights of their own. The personal head thus constituted possessed a variety of titles which marked the various aspects of the collective authority he exercised; and which, when this administrative authority was differentiated in republican times, were applied to different individuals. As supreme judge he would be *judex*, as leader in war *praetor* (*prae-itor*: cf. Varro, *L. L.* v. 80); while the title *dictator*, which signified a temporary, though incomplete, resumption of the kingship in republican times, and the title *magister populi* which was applied to this office (Festus, p. 198), were probably originally mere appellatives of the king, applied according to the aspect in which his power was viewed. The title that marked him out as supreme head of the state, and summed up all his other powers, was that of Rex, the "orderer" of the state, the regulator of all things human and divine (Mommsen, *Staatsr.* ii.^{3} p. 5); and this title of Rex, when it had ceased to apply to civil duties, and had gained the connotation not of ordered administration but of absolutism, was still applied to the Rex sacrorum, the orderer of religion, who had inherited that branch of the kingly functions. Similarly the position of the Rex as supreme head of the state was denoted by the word *regnum* (Cic. *de Rep.* ii. 27); but the powers with which the king was invested were summed up under the word *imperium*. While *regnum* denotes the position of the monarch, *imperium* denotes the powers on which this position was based (Mommsen, *l. c.*; Cic. *de Rep.* i. 26).

The unique position in the state which the Roman king thus held, and which has been compared to the position which the Roman paterfamilias held in the family (Mommsen, *Hist. of Rome*, i. p. 61), was expressed by certain special marks (*insignia*), which distinguished him from the rest of the burgesses. The question as to what were the special insignia of the Roman monarchy is rendered difficult by the fact, that while they must necessarily have borne a close relation to the insignia of the supreme magistrates of the Republic, they yet in all probability differed in some degree from the latter; but to what extent it is almost impossible to determine, for the tendency of tradition is, on the one hand to assimilate the two, on the other, while assuming the consular and praetorian insignia to be an inheritance from regal times, to attribute to the monarchy other special marks of royalty which it derives mainly from a foreign source. The chief marks of the regal as of the later consular imperium were the *fasces* and *lictores*. (As regards the number of the king's lictors, see **Lictor**, p. 65.) That the king could have the axe borne within the fasces, even while remaining within the walls, we must believe, if we admit that he was exempt from the necessity of admitting the provocatio, and could exercise the same full jurisdiction *domi* and *militiae*. Next, the wearing of the purple must have been wholly reserved for the king, but whether merely in the form of the later consular *praetexta* (Liv. i. 8) or of the full purple robe besides the praetexta attributed to him by Dionysius (iii. 61) is uncertain; the latter, however, is more probable: for in the later consulship we probably see throughout a limitation of the insignia which accompanied the limitation of the powers of the supreme magistracy. The purple robe which Dionysius assigns along with the *toga praetexta* to a foreign origin, must, however, be identical with one variety of the *trabea*, undoubtedly one of the insignia of the king, and said to have had a purely Latin origin. It is connected with the name of Romulus (*Quirinalis trabea*, Verg. *Aen.* vii. 612), and is associated in the later Republic chiefly with the officers of religion. If the distinction between the three kinds of trabea (Servius *in Aen.* vii. 612)—the purple one for the priestly office, that of purple and saffron for the augurs and of purple striped with white for the king—existed in this early period, they must have been all worn by the king for the performance of the several functions of his office. The trabea is probably an inheritance the Roman republic owed to the kingship: and it is difficult to see how the idea could have originated of differences in this dress being appropriate to difference of functions, had the distinction not originated in a period when all these functions were united in the king (cf. Serv. *in Aen.* vii. 187. xi. 334; Plin. *H. N.* viii. § 48, ix. § 39; Ov. *Fast.* ii. 503). The eagle-headed sceptre and the golden crown tradition also attributes to the king, as well as the *solium* or throne (Cic. *de Fin.* ii. 21, 69; Dionys. iii. 61, *θρόνον ἐλεφάντινον*) and the chariot within the walls, from which the *sella curulis* was derived (Festus, p. 49). Most of the regal insignia, the crown, the *toga picta* and the chariot especially, reappear in the Roman triumph, and render probable the statement that the triumphal insignia of the Roman magistrate were but the revival of those of the monarchy (Dionys. iv. 74).

Amongst the privileges of the king must be counted that portion of the public domain ("arvi et arbusti et pascui lati atque uberes," Cic. *de Rep.* v. 2, 3; Liv. ii. 5) set apart exclusively for the king's use. Though in a sense the owner of the whole state, and as such capable of commanding the *munera* of the burgesses (Liv. i. 56), he was peculiarly the owner of these royal domains, which he might employ for his own support; and in a peculiar degree also would he be master of the services of that large *clientela*, the body of half-free citizens that helped to make up the *plebs*, which were only connected with the community through him its personal representative, but which he might make more closely dependent, as *clientes*, on other leading families of the community, if it was his pleasure (Cic. *de Rep.* l. c.).

The mode in which the Roman kings entered on their position in the state is one of the most difficult questions connected with the monarchy. It is true that tradition is unanimous in representing it as elective—depending, that is, on free popular election, or on such election guided by the senate (Liv. i. 17; Cic. *de Rep.* ii. 17, 31)—and in representing the procedure as being conducted in every case with the regular formalities of the *comitia*, the *auctoritas patrum*, and the *interregnum*: the last of which, though in the republican period an extraordinary office, is represented as having been a part of the invariable constitutional procedure in the transmission of the kingly power (Liv. i. 47). When, however, we consider the manner in which such a tradition may have grown up,—that the conception probably arose with the Roman jurists, who had before their eyes the mode in which the consuls and other curule magistrates were appointed to their office; when further we consider that what seems the alternative, the hereditary principle, was never represented by tradition as having been strictly recognised in the transmission of the Roman monarchy, we see how inevitable it was that they should have concluded it to be purely elective. But there are many considerations which throw doubt on such a theory. In the first place, the election was regarded as free in a far wider sense than the election of the higher magistrates at Rome; since, if we are to trust the traditional accounts, Roman citizenship was not a necessary qualification for the monarchy. Thus the non-burgess Numa, the foreigner Tarquin, the slave's son Servius, are all represented as having been elected kings of Rome (Liv. i. 18, 35, 42, 46): although Roman citizenship must have been a necessary qualification, even if patrician descent was not; and it is unlikely that while the *interrex* had, down to the latest republican times, to be a patrician, the king might have been not only a plebeian but a non-citizen (Mommsen, *Staatsr.* ii. p. 7, n. 2). The absence of any mention of a qualification for election throws suspicion on the circumstantial accounts given of the king's election, and the suspicion is increased by an examination of the legends of Rome's foundation so far as they refer to the institution of the monarchy. To bear out the juristic theory of election, we should expect to find the first king of Rome an elected monarch. But, on the contrary, we find the community organised through the king rather than the king through the community. There is no trace in the best tradition of a first election to the kingship; for the account of Dionysius, that Romulus was chosen to be the supreme head by a vote of the people, chiefly through his character of founder of a colony, belongs to Greek sentiment, not to Roman: and the *salutatio* mentioned by Livy (i. 7) on his successful taking of the auspices, represents merely the recognition of his imperium as favoured by heaven. From the traditional accounts of the earliest kings, which represent Romulus as the son of a god, as awaiting the verdict of heaven before he assumes his rule, and Numa his successor as insisting that the same verdict should be appealed to (Liv. i. 7 and 19), a conclusion might be drawn that the Roman monarchy rested on divine right (cf. Rubino, *Untersuchungen über römische Verfassung*, p. 107); but, as will be shown in considering the question of the inauguration of the king, this theory raises into a material what was probably merely a formal element in the monarchy: and there is nothing in Roman history or sentiment that could give colour to the idea of such a pure theocracy. That the monarchy was hereditary is contradicted by the facts of the traditional history of the period, and expressly denied by other authors, as by Cicero (*de Rep.* ii. 12, 24) and Appian (*Bell. Civ.* i. 98), who state that the early Romans in the choice of their kings had more regard to merit than to birth; and when the hereditary principle is first realised in the last king, the monarchy comes to an end. On the other hand there are considerable difficulties, besides those mentioned above, in the way of assuming, as the Roman constitutional thinkers did, that the king's position depended on free election by the people; for, in what must be regarded as definite survivals of the Roman monarchy, such election was not recognised. The *Rex sacrorum* was not elected, but nominated by the Pontifex Maximus (Dionys. v. 1; Liv. xl. 42, 8); and it is probable that, at the close of the monarchy, when the religious functions of the priest were first separated from the secular functions of the magistrate, the older method of regal appointment would have been retained for the former, the new principle of election introduced for the latter. Again, the Dictatorship, which was practically a re-establishment of the kingship for a temporary purpose in republican Rome, also dispensed with election. Perhaps another piece of evidence against the theory that the kingship was purely elective is to be found in the fact that the king was not bound to allow the *provocatio* any more than the early dictator was (Liv. ii. 18 and 30; Dionys. v. 75; Mommsen, *Staatsr.* ii.^{3} p. 163). Now it seems to have been a principle in republican Rome that when there was election, then the provocatio was demanded as a right; and if we consider this principle to be applicable to the earliest period of Roman constitutional history, the fact that the people had no standing right of provocatio against the king will be an argument against their having the free power of electing to this office. If we are led by these considerations to regard the monarchy as not purely an elective office, we must consider that it was the right, and perhaps the duty, of the king of Rome to nominate his successor; that this *nominatio*, which became only a form under the Republic, but which was again revived with some of its old material force in the election to office under the principate (Dio Cass. liii. 21, 7; lviii. 20, 3; Tac. *Ann.* i. 14, 81), was the chief mode of transmission of office in the regal period. The survival of the interrex into historic times as a factor in an elective process is no proof that the Roman monarchy was purely elective (cf. Seeley, *Livy*, Introd. p. 56). Had there been no due nominatio, and consequently no distinctly marked-out successor to the monarchy, the duty of providing such a successor would naturally have lapsed to the senate, from which body the interrex was appointed (Liv. i. 17: see INTERREX and SENATUS); and it is probable that the *Interregnum*, in the time of the monarchy, as in that of the Republic, was an extraordinary measure, only resorted to when the regular line of succession had been broken and the regular procedure interrupted, through some unforeseen cause. But although the monarchy cannot be regarded as depending on free election on the part of the people, there are certain quasi-elective processes connected by tradition with the appointment of the king, both on the part of senate and people, which there is no reason to discredit. That the authority of the senate (*auctoritas patrum*) was constitutionally necessary for the appointment of a successor to the monarchy is stated by Livy in connexion with all the transmissions of the supreme power (Liv. i. 17, 22, 32, 41, 47); and, even if we do not hold the theory of a definite election, will still be a natural outcome of the constitutional necessity the king was under of consulting the senate in all important measures that affected the popular welfare, one of the most important of which would be the nomination of a successor. Such a procedure would not spring from any theory of the senate's possessing elective power, but simply from the principle that underlay the whole Roman community, both in its public and private relations, that no man in authority should act without taking advice of his *concilium*. The other principle is that of the formal ratification of the king's power by the people, which continued into the Republic under the title of the Lex Curiata; and was the formal sanction always required for the ratification of an imperium already assumed (Cic. *de leg. Agr.* ii. 10, 26; ii. 11, 28; *ad Fam.* i. 9, 25: see LEX CURIATA and PROCONSUL). That it was a merely formal ratification in the time of the monarchy is stated by Cicero as being shown by the fact that the king himself proposed the Lex Curiata which was to sanction his own power (Cic. *de Rep.* ii. 13, 25: "Numam—qui quamquam populus curiatis eum comitiis regem esse jusserat, tamen ipse de suo imperio legem curiatam tulit"), as was indeed necessary, since no other power but the king had the right of putting the question to the people; and it might undoubtedly be legally, though not perhaps constitutionally, withheld by the king, as we are told it was withheld by king Servius during the early part of his reign (Liv. i. 42). It is thus carefully distinguished from the election to the monarchy, and the people were supposed by the Roman jurists to have performed two distinct acts in the creation of a king first in the way of election, and next in the way of formal ratification of such an election (Cic. *de Rep.* ii. 17, 31, "Tullum Hostilium populus regem, interrege rogante, comitiis curiatis creavit, isque de imperio suo—populum consuluit curiatim"). That such a formal sanction, however, should have been required where free popular election had preceded, seems unlikely; and the Lex Curiata is a far more explicable procedure if we suppose the king to have first been nominated independently of the people, and then to have challenged their allegiance in this manner: and although in the Republic this Lex was taken by magistrates already elected, as a necessary preliminary to the exercise of the full imperium, yet there it was a mere constitutional survival, with its meaning partly lost, and far more a matter of form apparently than it had been in its origin. That an exercise of the regal imperium, which was not sanctioned by these two acts of senate and people, the expressed will of the one and the declared allegiance of the other, was regarded by the later authorities as unconstitutional, is shown by the language of Cicero, where he says (*de Rep.* ii. 24, 44) that the last *injustus dominus* of Rome ruled "neque populi jussu neque auctoribus patribus."

But the king's assumption of his power was regarded as incomplete until a religious act had been performed which showed that the gods sanctioned the rule which he had assumed. The ceremony of taking the auspices which had this meaning was observed by magistrates of the Republic before entering on the exercise of their office [AUSPICIA; AUGUR]; but the religious act performed by the king is represented by our authorities as having been, not merely this taking of the auspices, but a special inauguration. There is a difference between these two acts. In the ordinary form of the auspicia the official entering on office had himself the right of *spectio* which belonged to Roman magistrates as such, was never regarded as a merely priestly function, and still continued to be possessed by magistrates under the Republic, even when their office had been completely divorced from that of the priesthood. In the special inauguration, on the contrary, the *spectio* is taken by some other than the person inaugurated; as in the case of Numa, the first who is represented as being thus inaugurated, a specially appointed augur is employed to watch for signs (Liv. i. 18, "de se deos consuli jussit"); unlike Romulus, who is represented as taking his own auspices on the Palatine (Liv. i. 6). This ceremony of inauguration by one of the priesthood other than the person so inaugurated is represented as having been from the time of Numa the standing procedure in the act of entering on the regal office (Liv. i. 18). If we can argue in this case from survivals, some support is given to the assertion by the fact that the Rex Sacrificulus had, as we know, a special inauguration (Labeo, *ap.* Gell. xv. 27, 1; Liv. xl. 42, 8). But this resulted from the fact of his purely priestly character; and if we suppose that the inauguration as well as the taking of the auspices existed for the early kings, we must suppose that already at this period there was a separation, in idea at least, between the functions of the king as priest and his functions as magistrate: the special inauguration through the spectio of another attaching to him in his first character, the taking of the auspices through his own spectio belonging to him in his other character as magistrate (Mommsen, *Staatsr.* ii. 1, p. 8); but that so marked a separation of functions existed in the regal period is unlikely, and it seems more probable that the inauguration of the Rex Sacrorum, who represented the priestly side of the king's functions, was but a continuation of the first act of taking the auspices performed by the king.

There was no separation in fact, and probably none in idea, between the position of the king as priest and his position as magistrate. The Roman state was by no means a theocracy. It united the civil and religious powers as closely as possible, but employed the latter not as an infallible guide to, but as a test of the effectiveness of, the former. Thus in the personal head of the state the two were indissolubly combined. The king was first priest as he was first magistrate (Dionys. ii. 14, iv. 74; Plut. *Tib. Gracch.* 15); and as he possessed the nomination of all subordinate magistrates, so he possessed that of all subordinate priests. Thus tradition tells us that the three great Flamines, the Salii, and the Pontifex were instituted by Numa, although most of the important ceremonies of religion were performed by himself personally (Liv. i. 20), as the augurs had been appointed by that "best of augurs" Romulus (Cic. *de Rep.* ii. 9, 16; *de Div.* i. 2, 3); and the appointment of special individuals to fill these priesthoods must have been likewise a part of his office; as, for instance, the nomination of the flamines that belonged to the Latin dictator must have been likewise in the hands of the king (Ascon. *in Mil.* p. 32); and all the powers that, with the secularisation of the Roman civil magistracy passed to the Pontifex Maximus as the head of the Roman priesthood may without hesitation be attributed to the king. In republican times the Rex Sacrorum himself was nominated by the Pontifex Maximus, the reason being that, since the theory of nomination was carried on in his person, he could only be nominated by the greatest member of the priesthood; but the nature of his duties gave him precedence even over the Pontifex Maximus as well as over the three great Flamines in the *ordo sacerdotum* (Festus, *s. v.* p. 185; Labeo, *ap.* Gell. xv. 27, 1; Ov. *Fasti*, ii. 21), and points to the position of the king as priest, while his regularly recurring sacred duties, his sacrifices on the day of the new month and at the festival of the *Agonalia* (Varro, *L. L.* v. 3, 54; Festus, s. v. *Agonium*, p. 9), point to the fact that the king's sacred functions were a regular *cultus*, not the occasional religious duties of a Roman magistrate. [REX SACRORUM.]

The task of determining what were the civil powers possessed by the Roman kings is easier than that of deciding what were the precise modes of their exercise. That they possessed the sole executive power of the state, without any of the limitations with which the magistrates of the Republic were hampered, appears in the traditional accounts of the kingship, and in the more general notices of ancient writers. That the Roman kings possessed *πᾶσα ἀρχή* (Plut. *Tib. Gracch.* 15), and exercised the imperium at their own discretion (Tac. *Ann.* iii. 26), follows naturally from the fact that we can in no way imagine them bound by the definite restraints which shackled the Roman consul or praetor in the exercise of his imperium. These restraints were the limitation of office by time, and the collegiate principle which carried with it the right of intercession. The king held office for life; he had no colleague, and could therefore be trammelled by no veto. Again, he was freed from the necessity of allowing the appeal, and from the necessity of delegating his power to other officials or appointing special standing offices for special purposes. As the dictatorship could suspend for a time the free action of offices at Rome, so the monarchy, which was a standing dictatorship, was not bound to permit such offices to exist. The regal imperium being thus unshackled, there was no room for the distinction, recognised in republican times, between its exercise *domi* and *militiae*; and the fact that the full power exercised over the lives and persons of the citizens, which the Roman magistrate possessed until a late period of the Republic without the walls, was possessed by the king within them, was the most characteristic aspect of the king's position in the state. But, legally free from restraint as the king's power undoubtedly was, it could not have been free from the limitations imposed by custom and constitutional usage. The acts of one king must have bound the acts of his successor, and the assertion of Tacitus that Servius Tullius was the author of laws "meant to bind even the kings themselves" (*Ann.* iii. 26), may be taken in its least sense to mean that it was hardly possible for a king to overstep the constitutional usages of his predecessor. Such usages are said to have been those embodied in the *leges regiae* collected by Papirius (Dig. 1, 2, 2), the earliest customary public law of Rome. Amongst such constitutional obligations was that of consulting the senate in any important matter. The formula of the Fetiales, which is said to have dated from their institution, either by Tullus Hostilius (Cic. *de Rep.* ii. 17) or by Ancus Martius (Liv. i. 32), contains the clause, "but on these matters we will consult the elders at home, how we may obtain our rights" (Livy, *l. c.*); and, as the king was expected to consult the senate in matters affecting the international relations of the state, so no doubt in the most important of these—in declarations of war—it was the custom that the people should be consulted (Dionys. ii. 14). But there were other manifestations of his power as general over which the people would have no control. Such was the disposal of the booty taken in war and of the conquered lands (Dionys. ii. 28 and 62; Cic. *de Rep.* ii. 9, 14), a right which belonged subsequently to the Roman imperator in the field, limited only by the constitutional necessity of consulting his [illegible]*nsilium*, and of subsequent ratification by the senate; the first of which may also have been requisite in the regal period. Such also was the right of making treaties with conquered states (*foedus*), which would have been a part of his administrative duties in the field, over which the community could have no control. Not only was the senate consulted as a body on matters of state, but the special *consilia*, we are told, which the king chose to advise him in special matters, as in the exercise of his jurisdiction, were taken from this body (Dionys. ii. 14); again, we are told that regular delegates were appointed by the king for the exercise of special functions, and that some of the names of offices we meet with in republican or imperial times go back to the regal period. Of these the *praefectus urbis* was the most important; he was an *alter ego* left behind by the king for the control of the capital, when himself absent on foreign service; he is defined by Tacitus as one "qui jus redderet ac subitis mederetur" (*Ann.* vi. 11; Liv. i. 59; Dionys. ii. 12), and must have had delegated to him the whole of the executive power of the king, except perhaps the right of questioning the people. This office was, from its nature, merely occasional; but there were others to which portions of the king's power were more regularly delegated. The collective imperium of the king may be described by its three sides—of command in war, jurisdiction, and the *jus rogandi*. That assessors or delegates were chosen for the first two there is reason to believe; but that the last power was or could be delegated is improbable, although both Livy and Dionysius represent the *tribunus celerum* as summoning the assembly (Liv. i. 59; Dionys. iv. 71). For military command the king possessed delegates such as the *tribuni celerum* (Liv. i. 59). In the matter of jurisdiction there are abundant statements to the effect that such power was delegated, but whether to standing or to specially appointed officials is uncertain. We are told that a distinction was made between cases brought before the king, the more important being tried by himself in person, the less important transmitted to judges chosen from the senate (Dionys. ii. 12); and again of Servius Tullius, that, while public suits were tried by him, private suits were entrusted to special judges, the king giving the formula (*νόμους—ὅρους καὶ κανόνας*, Dionys. iv. 25) under which the case was to be tried. In the only detailed instance we have of a public suit, that of Horatius for *perduellio* (Liv. i. 26), delegates were appointed in the shape of *duumviri perduellionis*, the king giving the formula within which the case is to be decided. The duumviri mentioned in this passage are probably to be identified with the *quaestores* ("examiners" or "inquirers"), the institution of whom is ascribed to the regal period and especially to the reign of Tullus Hostilius (Tac. *Ann.* xi. 22; Dig. 1, 13, "ita Tullo Hostilio rege quaestores fuisse certum est"), and who are said originally to have performed the duties afterwards exercised by the *triumviri capitales* (Varro, *L. L.* v. 11). That it became the duty of the king in the more important cases—those especially involving the *caput* of a Roman citizen—to employ a consilium of some sort is stated in the charge brought by Livy against Tarquinius Superbus (Liv. i. 49, "cognitiones capitalium rerum sine consiliis per se solus exercebat"); but whether such a consilium is to be identified with the judices, such as the duumviri, to whom the king relegated a case, or whether they were a board summoned to advise him when he exercised his own personal jurisdiction, cannot be determined. We are told further that all civil jurisdiction was performed in the king's courts (*judiciis regiis*, Cic. *de Rep.* v. 2, 3), and that these were generally relegated to judices along with a formula such as that given in criminal jurisdiction we may well believe (Dionys. iv. 25). From the trial of Horatius given by Livy (i. 26) two further facts appear which have been noticed already, and are important as showing both the limits and the powers the Roman jurists assigned to the king's jurisdiction, both of which are amply borne out by such revivals of the kingly power as meet us in later Roman history. One is the fact that the king has no power to pardon; pardon resides with the people, the ultimate sovereign. The other is the fact that, though the provocatio existed in the regal period (Livy, *l. c.*; Id. viii. 33;—Cic. *pro Mil.* 3, 7; *de Rep.* ii. 31; Festus, s. v. *sororium tigillum*, p. 297), yet the citizens have no standing right of appeal against the king like that secured by the Lex Valeria. The king Tullus Hostilius *allows* the appeal (Liv. i. 26, "Si a duumviris provocavit provocatione certato;" Id. § 8, "auctore Tullo 'provoco' inquit"); and the fact that the appeal might not have been so allowed, and was a matter not of law but of constitutional usage, is shown by the similar freedom of the early dictatorship from the necessity of allowing the appeal (Liv. ii. 18, iii. 55; Dionys. v. 75. In Liv. viii. 33, where the dictator is appealed against, the instance of Horatius is taken to show that the king had allowed, and therefore the dictator should allow, the appeal). The limitations of the king's power came here, as elsewhere, not from the force of law, but from the necessity of observing formalities once established. The existence of the senate and the custom of the provocatio formed the two permanent checks on the capricious exercise of his power. His rights, too, were everywhere balanced by duties which precedent had established, and which are especially apparent in matters of religion, of which we know most from the survival of these duties in the person of the REX SACRORUM (see that article). Although in the civil organisation of republican Rome a continuity is traceable with that of the monarchy (and indeed, if it were not, we could not hope in any degree to reconstruct the latter), yet it is none the less true that the abolition of the monarchy was an act of revolution not justified by the theory of the constitution. The justification is usually found by Roman writers in the character of the last king, who had broken through the constitutional usages of the monarchy (Liv. i. 49, 4), and above all had never challenged the allegiance of the people (Cic. *de Rep.* ii. 24, 44). That there was some fearful abuse of the kingly power by one of its representatives is shown not merely by the fact of the revolution, but by the associations which immediately gathered round the words *rex* and *regnum*, and remained connected with them to the close of the Republic (Cic. *de Rep.* ii. 30), these names becoming still more hateful as contact with the outer world made the Romans realise in single rule only the evils of Oriental despotism (cf. Liv. ii. 8; Plut. *Poplic.* 12; Dionys. v. 19). The mere charge of *regnum adfectatum* often proved the ruin of eminent men in Rome, such as Sp. Maelius and Tib. Gracchus (Cic. *ib.* 27), and lastly of the dictator Caesar (Cic. *ad Fam.* xi. 27, 8: cf. *ad Qu. Fr.* i. 2, 16; *ad Att.* viii. 11, 3).

(Mommsen, *Staatsrecht*, ii. pp. 1–17; Id. *Hist. of Rome*, bk. i. ch. iv. pp. 66–70; Walter, *Gesch. d. röm. Rechts*, § 17, 2nd edit.; Becker, *Handbuch der röm. Alterthümer;* A. Schwegler, *Römische Geschichte*, vol. i. pp. 1–127; Sir G. C. Lewis, *op. cit.* vol. i. ch. iii.; and Seeley, *Livy*, bk. i. Introd.) [A. H. G.]

REX NEMORENSIS, the priest of Diana in the grove by the lake of Nemi, near Aricia. Tradition speaks of Virbius, an ancient king of Aricia (in legend identified with Hippolytus), as founder of this priesthood (Verg. *Aen.* vii. 761; Serv. *ad loc.*; cf. Ov. *Met.* xv. 497, *Fast.* vi. 756; Pausan. ii. 27). The peculiarity of the office lay in the fact that it was gained by killing the holder of it: the aspirant must be a fugitive; according to Pausanias, a runaway slave: he must pluck the golden bough from a tree (the oak?) in this grove (Serv. *ad Aen.* vi. 136), and then fight with the priest, whom Strabo (v. p. 239) describes as going about ever on guard with a drawn sword. If he wins in this duel, he takes the office and title of the slain: if he falls, the priesthood is unchanged, till a stronger assailant comes (cf. Suet. *Cal.* 35). There were probably vestal attendants on Diana (for she is spoken of as "Vesta," Orell. *Inscr.* 1453), and the grove was sought by women wishing to bear children, who hung garlands and votive tablets (Ov. *Fast.* iii. 266; Stat. *Silv.* iii. 1, 56): at an annual purification, perhaps a harvest feast, there was a procession with blazing torches. Over all this the Rex presided, perhaps, as some think, in early times with human sacrifices akin to those of the Tauric Artemis; perhaps himself, in the last combat, the only victim. Mr. Frazer, in his *Golden Bough*, has with great learning and ingenuity offered an explanation of the myth. He conceives this Rex not to have been (like the REX SACRORUM) the survival, in priesthood alone, of a monarchy both temporal and priestly; but to have been originally regarded as divine, the incarnate spirit of the wood, whose office and fertilising power passed by a violent death to his successor, because his death by natural decay would have implied the wasting of the vegetable world. The golden bough is taken to be the mistletoe (cf. Plin. *H. N.* xvi. § 249), therefore pointing to this grove as the seat of a primitive Aryan worship, like that which the Druids of Gaul preserved. Whether the fugitive slave represents the flight of Orestes, or some older symbolism like that of the scapegoat, is a further question, as also whether the conjunction of Diana and Virbius is to be compared with that of Isis and Osiris. For full discussion, see Frazer, *The Golden Bough* (1890): his arguments, by the nature of the case, must fall short of positive demonstration, but at least afford the most probable explanation which has yet been presented. [G. E. M.]

REX SACRO'RUM. In this form, or as *rex sacrûm*, the title is always found in inscriptions (*C. I. L.* vi. 2122, &c.), and so in Plut. *Q. R.* 63, *τῷ καλουμένῳ ῥῆγι σακρώρουμ*, and in Dionys. iv. 74, *ἱερῶν βασιλεύς*. The title *rex sacrificulus* is used in some post-Augustan writers (Liv. ii. 2, xli. 9; Gell. x. 15, &c.); *rex sacrificus* (Liv. xl. 42); *rex sacrificiorum* (Liv. ix. 34). Cicero speaks of him simply as *rex* (Mommsen, *Staatsrecht*, ii.^{3} 15).

When the monarchy came to an end, the chief sacred functions of the king, and all that was particularly important on the religious side, passed to the Pontifex Maximus [PONTIFEX], but a certain part fell to the Rex Sacrorum, a priest who preserved the name of king much as the *βασιλεὺς* did at Athens. The Romans seem to have wished to preserve a continuity in religious matters, and not to deprive the gods of the service of the king by their change of constitution, while they carefully assigned him nothing that could give him political weight, and precluded him from holding any other office in the state. It is probable that the ceremonies described below, which fell specially to him, were regarded as marking particularly the royal priesthood. The office was not peculiar to Rome; there was a Rex Sacrorum at Tusculum, Lanuvium, Velitrae, Bovillae, and perhaps at other places (Orell. 2279; *C. I. L.* vi. 2125, x. 8417; Wilmanns, 1773).

The Rex Sacrorum belonged to the collegium of which the Pontifex Maximus was the head, and the pontifices and flamines were also members [PONTIFEX]. (Cf. Cic. *de Dom.* 52, 135; *de harusp. Resp.* 6, 12; Marquardt, *Staatsverw.* iii.^{2} 243.) In the *ordo sacerdotum* he stands first, above the three chief flamines, and at the priestly banquet he sat in the first place, and next to him the flamen dialis (Gell. x. 15, cf. Fest. p. 185; Serv. *ad Aen.* ii. 2; Gell. xv. 27). It is probable that this was the place originally reserved for the king; and perhaps also the appearance of his wife as assistant in the sacrifices which fell to him, with the title *regina sacrorum* (Fest. p. 113; Macrob. i. 15, 19; *C. I. L.* vi. 2123), was a remnant of the king's priestly office under the monarchy: the wives of flamines, however, also took part in sacrifices. His traditional royalty appears, too, in the fact that the pontifices received the februa for the purification from the Rex and the flamen dialis, and perhaps also, as Mommsen thinks, in his official residence [see REGIA]. In spite, however, of these shadows of ancient supremacy, he ranked below the Pontifex Maximus in real dignity as well as in political importance (Liv. ii. 2) [compare SACERDOS], and this is marked by the mode of his appointment; and indeed, though, as was said above, standing first in the *ordo sacerdotum*, the Rex was practically only a subordinate member of the College of Pontifices, nominated by them, appointed by the Pontifex Maximus, and inaugurated by the augurs. It appears that when a vacancy occurred, out of certain persons nominated by the College of Pontifices, the Pontifex Maximus selected the Rex Sacrorum, who was then inaugurated by the augurs at the Comitia Calata (Liv. xl. 42; Gell. xv. 27; Marquardt, *Staatsverw.* iii. 322, note). His office was for life (Gaius, i. 112; Serv. *ad Aen.* viii. 646), and he was always a patrician (Cic. *de Dom.* 14, 38; Liv. vi. 41).

His duties, so far as our information goes, were as follows: on the calends of each month, the state of the moon having been announced to him by one of the pontifices, he summoned the people in Comitia Calata to the Curia Calabra on the Capitol, and announced when the nones of that month would fall, and offered sacrifice there to Janus, while his wife offered in the Regia (Macrob. i. 15); on the nones the people were again gathered in the Arx to learn from his declaration (*edictum*) what festival days fell in that month, and he offered the *sacra nonalia in arce* (Varro, *L. L.* vi. 28); on Jan. 9 [AGONIA] he offered a ram to Janus in the Regia (Fest. p. 10; Varro, *L. L.* vi. 12; Ov. *Fast.* i. 317). For other ceremonies specially attributed to the Rex Sacrorum on Feb. 24, March 24, and May 24, see REGIFUGIUM.

It was, as has been said, carefully provided, from jealousy of the royal power, that the Rex Sacrorum should be cut off from political power and incapable of holding any other office (Liv. xl. 42; Plut. *Q. R.* 63; Dionys. iv. 74). This disability (which did not exist in other priestly offices) was not always maintained under the Empire, for we find Cn. Pinarius Severus Rex Sacrorum and Consul under Trajan (*C. I. L.* xiv. 3604, 4246); but still the office being, as will be seen from the above account, purely ceremonial, and regularly divorced from power and influence in the state, it became less and less coveted (cf. Liv. xxviii. 6; xl. 42), though it remained till a late period, at any rate till the middle of the 3rd century A.D. (Trebell. Poll. *Valer. duo*, 6, 6). (See further in Marquardt, *Staatsverw.* iii.^{2} 321–324; Mommsen, *Staatsrecht*, ii.^{3} 13–15. A general survey of the changes in the relative importance of priestly offices will be found under SACERDOS.) [L. S.] [G. E. M.]

RHETO'RICE GRAPHE (*ῥητορικὴ γραφή*). The interpretations of this expression offered by the grammarians differ widely. The *Lex. Rhet. Cantabr.* p. 667, 14, has *τὰς γρώμας* (*γραφάς*, Sauppe, *Oratt. Att.* ii. p. 436) *ἃς εἰσῆγον εἰς τὸ δικαστήριον μετὰ ψηφίσματος· καὶ Ὑπερίδης ἐν τῷ κατὰ Αὐτοκλέους προδοσίας, ῥητορικῆς ἐκ δήμου. ἔστι γὰρ καὶ ἐκ βουλῆς· οἷον εἰ τὰ αὐτὰ ἔδοξε τῷ δήμῳ καὶ τῇ βουλῇ.* Meier reads: (*διὰ ταύτας*) *τὰς γνώμας, ἃς* (*εἶπεν ἐν τῷ δήμῳ, ῥητορικὴν γραφὴν*) *εἰσῆγον εἰς τὸ δικαστήριον* μετὰ ψηφίσματος (τῆς βουλῆς καὶ τοῦ δήμου). Καὶ Ὑπερίδης ἐν τῷ κατὰ Αὐτοκλέους προδοσίας (μέμνηται γραφῆς) ῥητορικῆς ἐκ δήμου, etc. Harpocration, *s. v.*, gives two interpretations of the term: either it is a γραφὴ κατὰ ῥήτορος γράψαντός τι ἢ εἰπόντος ἢ πράξαντος παράνομον, and he adds by way of explanation ὥσπερ λέγεται καὶ πρυτανικὴ ἡ κατὰ πρυτάνεως καὶ ἐπιστατικὴ ἡ κατ' ἐπιστάτου (cf. Suidas, *s. v.*, and Bekker, *Anecd.* p. 299, 21); or some γραφαὶ were so called ὅτι κατὰ διαφόρους νόμους αἱ κατὰ (this κατὰ is not in the MSS., but was inserted by Petitus, *Legg. Attic.* iii. 2, p. 347) τῶν ῥητόρων γραφαὶ εἰσάγονται (cf. Suidas, *s. v.*). Suidas, *s. v.*, offers a third explanation: ἣν ἠγωνίζοντο οἱ ῥήτορες· οὐ γὰρ πάσας ἠγωνίζοντο τὰς δίκας τῶν παλαιῶν οἱ ῥήτορες, ἀλλ' ἐνίας, and the first gloss of ῥήτωρ seems also to bear on the term in question: καὶ πολλοῖς ψηφίσμασι παραγέγραπται ῥητορικὴ ἐκ βουλῆς, εἰ εἰσφέρει τις γνώμην ἀλλὰ μὴ αὐτὸς ἰδίαν γνώμην εἰσηγούμενος (Bernhardy; τύχην ἡγούμενος, MSS.). Modern scholars differ as widely: in Meier's opinion the ῥητορικὴ γραφὴ is the same as the παρανόμων γραφὴ or the δοκιμασίας ἐπαγγελία (cf. Wachsmuth, *Hellen. Alterth.* ii. pt. 1, p. 294 n.); Sauppe supposes it to be the same as the προβολή (this is not likely to be correct on account of ἔστι γὰρ καὶ ἐκ βουλῆς, *Lex. Rhet. Cantabr.*, l. c.); and Lipsius (*Att. Process*, p. 248, n. 123: cf. p. 325, n. 358) identifies it with the εἰσαγγελία: all however agreeing in interpreting the term as meaning a proceeding *against* an orator, as in Harpocration's first definition. Yet it may seem strange that, if ῥητορικὴ γραφὴ is merely another name for an εἰσαγγελία against a ῥήτωρ, the term should not occur in any of the speeches delivered in such a trial, and that the expressions πρυτανικὴ and ἐπιστατική, which Harpocration quotes by way of explanation, are not found anywhere else. When Socrates as ἐπιστάτης (Xenoph. *Mem.* i. 1, 18) refused to put the motion to the vote, his opponents threatened ἐνδεικνύναι καὶ ἀπάγειν (Plat. *Apol.* p. 32 B). The prytaneis were frequently charged with venality, *e.g.* Andocides is said to have bribed them, [Lys.] *c. Andoc.* § 29; cf. Aristoph. *Pax*, 905, and Schol. *Thesmoph.* 936, etc.; but nowhere is a γραφὴ πρυτανικὴ mentioned. A different meaning of ῥητορικὴ γραφὴ may be deduced from Harpocration's second explanation (without Petitus' κατὰ before τῶν ῥητόρων) taken in connexion with the corrupt gloss (1) of Suidas, *s. v.* ῥήτωρ, and the *Lex. Rhet. Cantabr.*, l. c., viz. that by it a γραφὴ (in its wider sense "public trial;" cf. [Dem.] *c. Stephan.* ii. p. 1131, § 9; [Xenoph.] *de Rep. Ath.* 3, 2) is meant which was brought before a court (for this use of εἰσάγειν cf. Dem. *c. Mid.* p. 527, § 39) by ῥήτορες, not in their private capacity, but μετὰ ψηφίσματος, and on that account κατὰ διαφόρους νόμους. The ῥήτορες were not a distinct class, elected and invested with a kind of public authority, as Petitus supposed; they were "public men" who made it their business to lead the deliberations of the people, οἱ δήμῳ συμβουλεύοντες καὶ ἐν τῷ δήμῳ ἀγορεύοντες (Suidas, *s. v.*; cf. Dem. *c. Mid.* p. 575, § 189, and Schol.), and as such they were distinguished from the ἰδιῶται, *e.g.* in the νόμος εἰσαγγελτικός, and *C. I. A.* i. No. 31, l. 21, etc. Sometimes, however, they were invested with a kind of official authority, viz. when they were elected by the people to represent them in court in a prosecution of importance, wherein the state was materially interested [SYNEGORI]. Thus when the Areiopagus, by command of the people, instituted an inquiry (ζητεῖν, ζήτησιν ποιεῖσθαι) and reported (ἀποφαίνειν, ἀπόφασιν ποιεῖσθαι) to the popular assembly, the people elected, if they thought fit, men to bring the case before a court (Dinarch. *c. Dem.* § 51; Hyper. *c. Dem.* col. 37); and that such συνήγοροι, or κατήγοροι (as they were officially styled), belonged to the class of ῥήτορες, *i.e.* men skilled in speaking and experienced in the conduct of lawsuits, is natural (Suidas, ῥήτωρ· συνήγορος, δικολόγος καὶ ὁ τὴν ἰδίαν ἀποφαίνων γνώμην). Pericles was chosen for this office (Plut. *Per.* 10), Alcibiades ([Andoc.] *c. Alcib.* § 16; cf. Dem. *c. Mid.* p. 561, § 145. λέγειν ἐδόκει πάντων, ὥς φασιν, εἶναι δεινότατος), Demosthenes (Plut. *Demosth.* 10), in the Harpalian cause Hypereides, Pytheas, Menesaechmus (Ps.-Plut. *Vitt. X. Oratt.* p. 846 C), etc. Now the question arises, were such official prosecutors liable to a fine in case they did not obtain one-fifth of the votes at the trial, as was the rule in all criminal suits (except in an εἰσαγγελία κακώσεως, and for a time in an εἰσαγγελία for political offences; cf. also Lys. *pro Sacr. Olea*, § 37)? and this case did occur: cf. Dinarch. *c. Dem.* § 54, ὡς ἄρα πολλοὺς ἡ βουλὴ ἀποπέφαγκεν ἀδικεῖν τὸν δῆμον οἳ ἀποπεφεύγασιν εἰσελθόντες εἰς τὸ δικαστήριον καὶ ἡ βουλὴ ἀπ' ἐνίων τὸ πέμπτον μέρος οὐ μετείληφε τῶν ψήφων. Demosthenes, to discredit the ἀποφάσεις of the Areiopagus, on which the popular assembly relied in ordering the prosecution, had emphasised this point. Since the complainant in a προβολή, who had merely obtained the *praejudicium* of the people, was not liable if he did not obtain one-fifth of the votes at the trial (*Att. Process*, ed. Lipsius, p. 344), ῥήτορες, when chosen to act as public prosecutors, are still less likely to have been liable to a fine (*l. c.* p. 952), and to this Harpocration may be supposed to point: κατὰ διαφόρους νόμους αἱ τῶν ῥητόρων γραφαὶ εἰσάγονται. [C. R. K.] [H. H.]

RHETRA (ῥήτρα). This word is variously explained by both ancient and modern writers. Hesychius, *s. v.*, defines it συνθῆκαι διὰ λόγων: cf. Photius, *s. v.* συνθῆκαι, λόγοι, ὁμολογίαι. Gilbert (*Stud. z. altspart. Gesch.* p. 140) considers this to have been the original meaning (*e.g.* the covenant of the nature of a wager in *Od.* xiv. 393; the treaty between Eleians and Heraeans, Röhl, *Inscr. Gr. Ant.* No. 110 = Hicks, *Manual*, No. 8; cf. *I. G. A.* No. 118), from which that of "law" was deduced, whilst Wilamowitz (*Homer. Untersuch.* p. 280) looks upon "covenant" as its only meaning. Yet it would seem that ῥήτρα meant "law" (*Etym. M.* p. 703, ῥ. γὰρ κατὰ Δωριεῖς ὁ νόμος: Photius, *s. v.* Ταραντῖνοι δὲ νόμον καὶ οἷον ψηφίσματα) in *I. G. A.* No. 112 = Cauer,^{2} No. 253, regulating the prosecution for witchcraft, and "decree" in No. 113, conferring citizenship on Deucalion; in Xen. *Anab.* vi. 6, 28, it means a "revolution" of the army (cf. § 2, δημόσιον ἔδοξεν εἶναι); and king Agis' proposal for cancelling all debts and making a new distribution of lands is called ῥήτρα by Plut. *Agis*, 8, 9, as well as that of Epitadeus for changing the law of inheritance (*l. c.* 5).

In *Lyc.* 13 Plutarch identifies *ῥῆτραι* with *χρησμοί*: *τὰ μὲν οὖν τοιαῦτα νομοθετήματα ῥήτρας ὠνόμασεν, ὡς παρὰ τοῦ θεοῦ νομιζόμενα* (*κομιζόμενα*? cf. 6, *ὥστε μαντείαν ἐκ Δελφῶν κομίσαι περὶ αὐτῆς, ἣν ῥήτραν καλοῦσιν*) *καὶ χρησμοὺς ὄντα*: cf. Photius, *s. v.*, *παρὰ Λακεδαιμονίοις ῥήτρα Λυκούργου νόμος, ὡς ἐκ χρησμῶν τεθέμενος*. In this Plutarch is followed by Göttling (*Verh. d. Leipz. Ges. d. Wissensch.* i. p. 136 ff.), Oncken (*Staatsl. d. Arist.* ii. p. 332 f.), etc.; since, however, oracles were usually in verse (Plut. *de Pyth. Orac.* 19 specially states that these were given *καταλογάδην*), Göttling restores the verse form, whilst Bergk (*Poet. Lyr.* ii.^{4} p. 10 n.) looks upon them not as the oracles themselves, but as the prose explanations of the oracles given by the Delphian priesthood. *Ῥήτρα* (from root *ἐρ*, *Fερ*, Curtius, *Gk. Etym.* i. p. 428, transl.) may easily bear all these meanings; in NOMOS instances are given of *νόμος* being explained by *συνθήκη*, as something agreed on by a community, and it is shown how of old a divine origin was claimed for law as *εὕρημα καὶ δῶρον θεῶν*: see also Grote (*Hist. of Gr.* ii. p. 346 n.).

Plutarch (*Lyc.*) gives four *ῥῆτραι*, the first in c. 6, the other three in c. 13 (but see *Ages.* 26, *ἐν ταῖς καλουμέναις τρισὶ ῥήτραις*, and *de Esu Carn.* p. 997 C, *ἐν ταῖς τρισὶ ῥήτραις*). The first runs: *Διὸς Ἑλλανίου* (some MSS. *Συλλανίου*: for the numerous alterations of the name, see Thumser, *Staatsalterth.* i. p. 166, n. 4) *καὶ Ἀθηνᾶς Ἑλλανίας ἱερὸν ἱδρυσάμενον, φυλὰς φυλάξαντα καὶ ὠβὰς ὠβάξαντα, τριάκοντα γερουσίαν σὺν ἀρχαγέταις καταστήσαντα, ὥρας ἐξ ὥρας* (*ὥραις ἐξ ὡρᾶν*, Wilamowitz, *Isyllos v. Epid.* p. 10, since Isyllus has *ὥραις ἐξ ὡρᾶν* in B, l. 16) *ἀπελλάζειν μεταξὺ Βαβύκας τε καὶ Κνακιῶνος, οὕτως εἰσφέρειν τε καὶ ἀφίστασθαι· δάμῳ δὲ τὰν κυρίαν ἦμεν* (Sintenis, *δάμῳ δ' ἀγορὰν εἶμεν*, Coray, etc. MSS. *γαμωδαν γοριανημην*) *καὶ κράτος*. These directions, which Lycurgus is said to have received from Delphi, are fully explained by Plutarch, who seems to have largely drawn on Aristotle's *Λακεδαιμονίων πολιτεία*. They are: the building of a temple to Zeus Hellanios and Athena Hellania; the division of the people into *φυλαί* (*i.e.* the local *φ.*, Pausan. iii. 16, 9) and *ὠβαί* (O. Müller connects *τριάκοντα* with *ὠβάς*, but it would be strange if the number of the *ὠβαί* were given and that of the *φυλαί* omitted); the establishment of the *γερουσία*, consisting of 28 *γέροντες* (cf. c. 5, *sub fin.*) with the two kings (Ulrichs, *Rhein. Mus.* 1848, p. 210, adds *πρεσβυγενέας* after *τριάκοντα* from Plut. *an seni*, etc. 10: *διὸ τὴν μὲν ἐν Λακεδαίμονι παραζευχθεῖσαν ἀριστοκρατίαν τοῖς βασιλεῦσιν ὁ Πύθιος πρεσβυγενέας, ὁ δὲ Λυκοῦργος ἄντικρυς γέροντας ὠνόμασεν*. Göttling, *l. c.* p. 342, and Curtius, *Gr. Gesch.* i.^{6} p. 654, n. 31, consider *τριάκοντα* a late addition); the calling together of the people at the time of the full moon (Schol. Thuc. i. 67, *τὸν εἰωθότα λέγει ξύλλογον ὅτι ἐν πανσελήνῳ ἐγίγνετο ἀεί*) between Babyca and Cnacion (Aristotle and the other commentators do not agree as to the locality meant; but see ECCLETI). *Εἰσφέρειν* evidently refers to the function of the gerousia "to bring forward proposals," but the meaning of *ἀφίστασθαι* is not so clear; Göttling (*l. c.* p. 339) and Ulrichs (*l. c.* p. 231) refer *ἀφίστασθαι* too to the gerousia, and translate it "withdraw a proposal;" Grote (*l. c.* p. 346 n.) takes it to mean "to put the question for decision;" Meyer (*Rhein. Mus.* 1887, p. 84 n.), following one part of Plutarch's explanation (*διαλύειν τὸν δῆμον*), translates it "to dissolve," whilst Gilbert (*l. c.* 135 f.), accepting the other part (*μὴ κυροῦν*), explains it "to refuse," so that it refers to the function of the *ἀπέλλα*, viz. to their power of rejecting the proposals of the gerousia.

Later on the kings Polydorus and Theopompus added, according to Plutarch, *εἰ δὲ σκολιὰν ὁ δᾶμος ἕλοιτο, τοὺς πρεσβυγενέας καὶ ἀρχαγέτας ἀποστατῆρας εἶμεν*, and managed to represent this clause as likewise ordained by the god. To prove this, Plutarch quotes three distichs, which he ascribes vaguely to Tyrtaeus (*ὥς που Τυρταῖος ἐπιμέμνηται*); Diodorus, who follows Ephorus (vii. 14, 5), quotes the second and third of them with slight verbal discrepancies (he has *εὐθείην ῥήτραις ἀ.* instead of *εὐθείαις*), but does not assign them to Tyrtaeus; besides, his first is different from the one given by Plutarch, and he adds two more. There is, therefore, very slight reason for considering these three distichs quoted by Plutarch as a fragment from Tyrtaeus' *Εὐνομία*, and dating so far back the notion of the Delphian origin of the Spartan constitution (cf. Herod. i. 65).

Triebner (*Forschungen z. spart. Verfassungsgesch.*) declares this rhetra, as well as Aristotle's commentary on it, to be a late forgery; but that it was generally known as a genuine document of Lycurgus in the beginning of the third century is evident from the allusion to it in Isyllus of Epidaurus (*l. c.* p. 23 E, l. 14 f.): when Philip marched against Sparta, Asclepius promised to help the Lacedaemonians,

> *οὕνεκα τοὺς Φοίβου χρησμοὺς σώζοντι δικαίως*
> *οὓς μαντευσάμενος παρέταξε πόληϊ Λυκοῦργος.*

Grote (*l. c.* p. 355 n.) calls this rhetra "the primitive constitutional rhetra of Sparta," which Lycurgus brought with him from Delphi. Gilbert (*l. c.* p. 140 ff.) sees in it the covenant made by the three communities—the Agiadae, Eurypontidae, and Aegidae—on uniting into one community (*συνοικισμός*), viz. Sparta. Wilamowitz (*Homer. Unters.* p. 280 f.) considers it to have been the covenant between the king (he takes "the king," not Lycurgus, as Plutarch does, to be the subject of *ἱδρυσάμενον*, etc.) and the *δᾶμος*, *i.e.* the aristocracy. Busson (*Lykurgos u. d. grosse Rh.* p. 21) connects it with a constitutional change effected by Lycurgus, through which the state was made to include all those of Dorian blood, whether of noble birth or not. Meyer's view (*l. c.* p. 85 f.) seems the most probable, viz. that this rhetra was not the basis on which the Spartan constitution has been built up, but was simply the main features of that constitution reduced to a formula about half a century before the time of Aristotle.

This explanation applies also to the other *ῥῆτραι*, which were merely general formulae, and by no means explicit laws. The 2nd rhetra runs, *μὴ χρῆσθαι νόμοις ἐγγράφοις*, *i.e.* the Lacedaemonians had no written code of laws, never going beyond the stage of customary law [NOMOS]; the 3rd, *ὅπως οἰκία πᾶσα τὴν μὲν ὀροφὴν ἀπὸ πελέκεως εἰργασμένην ἔχῃ, τὰς δὲ* *θύρας ἀπὸ πρίονος μόνου καὶ μηδενὸς τῶν ἄλλων ἐργαλείων*: and the 4th forbade *ἐπὶ τοὺς αὐτοὺς πολεμίους στρατεύειν, ἵνα μὴ πολλάκις ἀμύνεσθαι συνεθιζόμενοι πολεμικοὶ γένωνται.* [H. H.]

RHOMBUS. [Turbo.]

RHOMPHAEA. [Gladius.]

RHYTHMICA. The sources from which our knowledge of Greek rhythm is to be drawn are the following: the remains of Greek poetry and music, and the extant Greek and Latin writings on rhythm and metre. None of these, however, are altogether trustworthy or complete. The most important is the first mentioned, and, in regard to the simpler kinds of metres, the form of a metrical composition is generally sufficient for the determination of its approximate rhythmical value; but with lyrical poetry this is not usually the case, for the same combination of long and short syllables may be capable of different rhythms, and, even where the feet into which a metrical composition falls are sufficiently obvious, there is still a further question, not to be determined by the metrical form alone, as to the larger groups ("sentences," "periods," &c.) formed by combination of the feet.

The existing remains of ancient music consist of three "hymns," none of them probably earlier than the middle of the second century A.D., and a few fragments of instrumental music (apparently of the nature of exercises) preserved by an unknown writer of uncertain date [see Musica]. These, though they furnish some important data, are yet too fragmentary and too late to throw much light on the rhythms of the classical period of Greek music. Of the writers on *rhythm* whose works have been at all preserved, the first in order of time and importance is Aristoxenus (fourth century B.C.). Though he lived more than a century later than the time at which Greek poetry and music attained their highest development, he was still thoroughly acquainted with the music of that time; but, unfortunately, his rhythmical works are preserved only in a fragmentary condition. The writings of later theorists are chiefly valuable in so far as they are based on Aristoxenus. The writers on *metre* (i.e. that species of rhythm which is exhibited in the measurement of syllables) are all of late date, and are for that reason to some extent untrustworthy. They are not acquainted with the music of the classical period, and their purely metrical point of view is inapplicable to the less obvious forms of metre in which the long syllable is not invariably equal to two short syllables, and in which feet of apparently different values (*e.g.* trochees and dactyls) are mixed together. The most important of the extant treatises on metre is the *ἐγχειρίδιον* of Hephaestion (second century A.D.).

Rhythm in its strict sense consists of a continuous succession of short equal intervals of time, marked off from one another as separate groups by the alternation of an accentuated and an unaccentuated element.* These intervals may be marked in different ways, *e.g.* by musical sounds, or by syllables, or, as in dancing, by the motions of the body (appealing to the eye rather than the ear). In order that a sense of rhythm may be produced it is not enough for the sounds to occur simply at equal intervals: thus there is, strictly speaking, no rhythm in the ticking of a clock, for each tick being equal in intensity the ear by itself does not necessarily divide the sounds into groups or rhythmical divisions.

The groups into which a succession of sounds fall are clearly recognised only when a sound more intense than its neighbours occurs at equal intervals of time. This accentuated part of each group is called by Aristoxenus *βάσις*, by the earliest writers after Aristoxenus *θέσις*. The unaccentuated part is called *ἄρσις*. Other names are for the "thesis," *ὁ κάτω χρόνος* or *τὸ κάτω*; for the "arsis," *ὁ ἄνω χρόνος* or *τὸ ἄνω* (so in Plato, *Rep.* 3, p. 400, and in Aristoxenus, p. 288, ed. Mor.). All these terms originated in the fact that the accentuated portion of the group was marked by setting down the foot, the unaccentuated by lifting it up. Confusion is, however, caused by later writers using the terms "arsis" and "thesis" in different senses. Sometimes they are applied to the raising and lowering of the *voice*, so that "arsis" denotes the accentuated, and thesis the "unaccentuated" beat. This, which is the exact opposite of the original meaning of the terms, is the sense given to them by most modern writers, following the example of Bentley. In Marius Victorinus, p. 2482, the two meanings are given, apparently without any sense of their incongruity, "est enim arsis sublatio *pedis* sine sono, thesis positio *pedis* cum sono: item arsis elatio temporis soni *vocis*, thesis depositio et quaedam contractio syllabarum." Sometimes a wholly different meaning is given to the terms, "arsis" denoting the first element of the foot in order of succession, "thesis" the second; then the "arsis" of the iambic is the short syllable, the "thesis" the long, and *vice versâ* with the trochee (so *e.g.* in Marius Victorinus, p. 2487). In this article the words are used in their original senses.

The Syllable.—Rhythm when applied to language is marked by an alternation of accentuated and unaccentuated syllables. In Greek and Latin there is a further distinction between long and short syllables. The rhythmical groups or "feet" are generally, but not invariably, marked by an alternation of long and short syllables, the "ictus" falling more frequently on the long than on the short syllable. The long syllable in its normal value is equal to two short syllables, but there is evidence that this was not the only value of the long syllable. The anonymous writer *περὶ μουσικῆς*, who has preserved the musical exercises already referred to, states (§ 1, ed. Bellermann) that the long syllable has sometimes the value of three, four, and even five

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* We are not here concerned with the more general sense of the word (as *e.g.* when we speak of the rhythm of prose), in which it is used of a combination of longer and shorter sounds, which produces on the ear a general impression of proportion and orderly arrangement. It must further be noticed that the word "accent" is ambiguous. It is here applied to the *stress* or *ictus* upon a syllable or sound, which is produced with greater force or intensity than its neighbours. Properly, however, the term denotes *pitch*. The Greek accent is a pitch accent: thus the acute accent marks the syllable on which it is placed as being pronounced on a higher pitch than the other syllables in the word. The "ictus" is in Greek independent of the pitch accent.

short syllables, the symbols of these values being as follows:—

⏗ for the long syllable which = three short syllables.
⏘ „ „ = four „
⏙ „ „ = five „

The short syllable being regarded as the usual unit of time, not further divisible (called by Aristoxenus *χρόνος πρῶτος*, later *σημεῖον*), the long syllable may be either *δίχρονος* (or *δίσημος*), *τρίχρονος* (*τρίσημος*), *τετράχρονος* (*τετράσημος*), or *πεντάχρονος* (*πεντάσημος*). According to Pseudo-Euclid, *εἰσαγωγὴ ἁρμονική*, p. 22, ed. Meibom., it appears that the name *τονή* was applied to the prolongation of the long syllable beyond its usual value (*τονὴ δὲ ἡ ἐπὶ πλείονα χρόνον μονὴ κατὰ μίαν γινομένη προφορὰν τῆς φωνῆς*). The Anonymus (§ 3) also refers to *pauses* (*κενοί*, sc. *χρόνοι*) as constituent elements in rhythm, and enumerates four kinds—viz. the

∧, *κενὸς βραχύς* (or *λεῖμμα*, Arist. Quint. *de Mus.* pp. 40, 41, ed. Meibom. = one short syllable).

$\overline{\wedge}$, *κενὸς μακρός* (or *πρόσθεσις*, *ibid.* = one long syllable).

$\overset{⏗}{\wedge}$, *κενὸς μακρὸς τρίχρονος* = three short syllables.

$\overset{⏘}{\wedge}$, *κενὸς μακρὸς τετράχρονος* = four short syllables.

From the musical notation of the "hymns," already referred to, it appears that the long syllable equal to three short syllables is sometimes noted by a pause ∧ placed after the note on which the long syllable falls.

Aristoxenus (p. 292, ed. Mor.) also speaks of a quantity which is intermediate between the normal long and the normal short, which, if the short syllable be taken as = 1, will be represented by 1½. A foot in which the thesis is to the arsis in the "irrational" proportion of 2 : 1½ is called by Aristoxenus *χορεῖος ἄλογος*, and is probably to be identified with the spondee, which is often found in trochaic and iambic metres in the even and odd places respectively. If this be so, the long syllable in the arsis of trochaic and iambic feet is of abnormal value = 1½ instead of 2. According to Bacchius (*εἰσαγωγὴ τέχνης μουσικῆς*, p. 23, Meibom.) the exact measurement of the *ἄλογος χρόνος* is difficult to determine, but it is shorter than the normal long, and longer than the normal short.

The Foot.—The smallest rhythmical groups marked by alternation of thesis and arsis are called "feet" (*πόδες*, *pedes*). These feet are divided into three genera, according to the relation between the thesis and the arsis. Feet in which thesis : arsis : : 2 : 1, as *e.g.* the trochee, belong to the *γένος διπλάσιον* or *ἰαμβικόν*; those in which thesis : arsis : : 2 : 2, as *e.g.* the dactyl, to the *γένος ἴσον* or *δακτυλικόν*; those in which thesis : arsis : : 3 : 2, to the *γένος ἡμιόλιον* or *παιωνικόν*. The genera are further divided into species according to the relative position of thesis and arsis. Thus the *γένος διπλάσιον* comprises the species of the iambus ⏑–́ in which the arsis precedes the thesis, and the trochee –́⏑ in which the thesis precedes the arsis; the *γένος ἴσον* comprises the anapaest ⏑⏑–́ and the dactyl –́⏑⏑.

The *γένος παιωνικόν*, according to Hephaestion, c. 13, comprises three species—the cretic –⏑–, the bacchiac ⏑––, and the palimbacchiac ––⏑. The latter, however, is said to be unfitted for use in music (*ἀνεπιτήδειόν ἐστι πρὸς μελοποιίαν*, *ibid.*) Moreover, as will be seen, the scholiast on Hephaestion (page 125, ed. Westphal) asserts that the paeonic genus was not subdivided into species. There seems, therefore, to be some confusion and contradiction in the doctrines of the metricians on this subject. As to the relation of thesis to arsis it appears from Marius Victorinus (p. 2483) that the thesis was to the arsis sometimes as 3 : 2, sometimes as 2 : 3, *i.e.* either $\overset{\text{thesis}}{\overline{\smile\smile\smile}} \mid \overset{\text{arsis}}{\overline{\smile\smile}}$ or $\overset{\text{arsis}}{\overline{\smile\smile\smile}} \mid \overset{\text{thesis}}{\overline{\smile\smile}}$. From the analogy of the *paeon epibatus* (see below), and from the fact that the paeon is sometimes combined with the trochaic dipodies, it may be inferred that the foot was sometimes treated as if in compound time (see below), *i.e.* –́⏑ | ⏑́⏑. Bacchius (p. 25, Meibom.) says that the paeon is *σύνθετος ἐκ χορείου* (= trochee –⏑) *καὶ ἡγεμόνος* (= pyrrich ⏑⏑).

Those species of feet which contain an equal number of units of time are classed together, and the union under one class is called *ἐπιπλοκή* (Schol. to Hephaest. p. 136, ed. Westphal, *ἐπιπλοκή ἐστι τοῦ μέτρου τὸ ἀνώτατον γένος ἐξ ἧς τὰ μέτρα γίνεται*). Of these *ἐπιπλοκαί*, according to the same passage, there are at least three, viz.:—

(1) The *ἐπιπλοκὴ τρίσημος δυαδική*, *i.e.* that of the trochee and the iambus in the *γένος διπλάσιον*, called *τρίσημος* because each foot = three units of time, and *δυαδική* because the genus contains two species.

(2) The *ἐπιπλοκὴ τετράσημος δυαδική*, *i.e.* that of the dactyl and the anapaest in the *γένος ἴσον*.

(3) The *ἐπιπλοκὴ ἑξάσημος τετραδική*. This comprises the *ἰωνικὸν ἀπὸ μείζονος* –́–⏑⏑, the *χοριαμβικὸν* –́⏑⏑–, the *ἰωνικὸν ἀπ' ἐλάσσονος* ⏑⏑–́–, and the *ἀντισπαστικὸν* ⏑––⏑. The "antispast" is due to a mistaken interpretation of certain metres, founded on their apparent metrical value. This *ἐπιπλοκή* may be regarded as another form of the *γένος διπλάσιον*, the thesis being to the arsis as 4 : 2 = 2 : 1.

In this classification of the *ἐπιπλοκαὶ* the *γένος παιωνικὸν* is omitted, and this omission is shown not to be accidental by the assertion of the Schol. to Hephaestion (p. 125, ed. W.), *τὸ δὲ παιωνικὸν ἐπιπλοκὴν οὐκ ἔχει*.

The metres which are combined in each genus, as *e.g.* the trochaic and the iambic, are said to be opposed to one another, *ἀντιπαθῆ* (Schol. to Hephaest. p. 155, ed. W.). Those feet which are composed of two or three syllables, *e.g.* –⏑, ⏑–, and –⏑⏑, ⏑⏑–, are said to be *τῆς πρώτης ἀντιπαθείας*: those which are composed of four syllables, *e.g.* ––⏑⏑, ⏑⏑––, *τῆς δευτέρας ἀντιπαθείας* (Schol. to Hephaestion, p. 208, ed. W.).

As to the notation of the metres which fall under these genera, it must be observed that even those species which begin with the arsis are in modern books often noted as if the foot began with the thesis, just as in modern music the "bar" begins with the accentuated note. Thus the iambic dipody is noted ⏑ | –⏑ | –. In such metres the first arsis was by Hermann called the "anacrusis," a name which has been adopted by other modern writers.

Some of the feet given above are usually combined in couples, the ictus on one foot being stronger than the ictus on the other with which it is combined. The feet which are usually thus combined are the trochee, the iambus, and the anapaest: –́ ⏑ –́ ⏑, ⏑ –́ ⏑ –́, ⏑ ⏑ –́ ⏑ ⏑ –́. Dactyls were sometimes so combined (Schol. Hephaest. p. 174 W.), but more frequently treated as single feet. The combination of the two feet differs from the single foot as in modern music compound from simple time. Thus, if the trochee be regarded as = the ¾ time of modern music, the combination of the two trochees = 6/8 time. A verse which is scanned in double feet is said *κατὰ συζυγίαν βαίνεσθαι*, and the combination of two feet is called a *διποδία*, *βάσις*, or *μέτρον*. Hence the iambic line of six feet is called a trimeter, the anapaestic line of four feet a dimeter, &c. When two feet are thus combined, the strongest ictus may fall either upon the first or upon the second, *e.g.* either –́ ⏑ –́ ⏑ or –́ ⏑ –́ ⏑. When iambi or trochees are thus combined, except in certain cases at the close of a line, a long syllable can be substituted for the short syllable at the end of each couple of feet in the trochaic verse, at the beginning of each couple in the iambic, thus: – ⏑ – ⏒, ⏒ – ⏑ –. The combination – ⏑ – – was in metrical treatises called *ἐπίτριτος*, because the relation of the second foot to the first *appeared* to be in the proportion of 4 : 3 (*ἐπίτριτος λόγος*). In reality, as has been seen, it is probable that the relation was that of 3½ : 3, the effect of the long syllable instead of the short syllable being that it was slightly and almost imperceptibly prolonged beyond the value required if strict time was kept. In verses intended for mere recitation and not for singing, it is unlikely that in any case the reciter would give each syllable its exact metrical value.

Besides the feet already enumerated, there are some feet of rare occurrence which are of longer duration. These are the *σπονδεῖος μείζων* or *διπλοῦς*, *ὄρθιος*, *τροχαῖος σημαντός*, and *παιὼν ἐπιβατός* (Aristides Quintilianus, i. pp. 36–39, ed. Meibom.). The *σπονδεῖος μείζων* consisted of a thesis = 4 and an arsis = 4, *i.e.* ⊔́ ⊔; the *ὄρθιος* of an arsis = 4 and a thesis = 8, *i.e.* ⊔ ⊔́ ⊔́; the *τροχαῖος σημαντὸς* of a thesis = 8 and an arsis = 4, *i.e.* ⊔́ ⊔́ ⊔, and the *παιὼν ἐπιβατὸς* of five long syllables, viz. a long syllable in thesis + a long syllable in arsis + two long syllables in thesis + a long syllable in arsis, *i.e.* –́ – –́ –́ –, altogether a foot in ten time. The dialogue *περὶ μουσικῆς* which bears the name of Plutarch (chapters 28 and 33) gives some information as to the originators of these long feet. The *παιὼν ἐπιβατὸς* is said to have been used by Archilochus and Olympus, and it has been conjectured that the exclamation *ἰηπαιήων* is an instance of this rhythm. The invention of the *ὄρθιος* and of the *τροχαῖος σημαντὸς* is attributed to Terpander, and it is possible that the fragments of a hymn quoted as the composition of Terpander and of two others conjecturally assigned to Terpander by Bergk (*Lyr. Graec.* frag. 1, 3, 4), which are composed in long syllables alone, may have been sung to one of these rhythms. It appears at first sight that the *ὄρθιος*, the *τροχαῖος σημαντός*, and the *σπονδεῖος μείζων* differed from the ordinary iambic, trochee, and spondee, only in being slower in *tempo* (*ἀγωγή*). It is, however, just possible that each long note in the vocal part may have been combined with an instrumental accompaniment, which would show that the long note corresponded to a foot, thus:—

Vocal, ⊔́ ⊔
Instrumental, –́ ⏑ ⏑ – ⏑ ⏑, &c.

If this was so, these long feet were in reality combinations of feet, *i.e.* *κῶλα*.

The Sentence (*κῶλον*).—A series of feet recurring without a break, in which the thesis always had an ictus of equal intensity and which did not form larger groups, would soon become monotonous. Hence the feet are combined in larger groups called *κῶλα* or "sentences." The structure of these "sentences" is similar to that of the feet. There are three genera of *κῶλα* as there are of feet; like the feet, they fall into two portions bearing a definite relation to one another, and, like the feet, they are strictly limited in extent. In consequence of this analogy they are sometimes called *πόδες*. The single foot is a *ποὺς ἁπλοῦς* or *ἀσύνθετος*: the *κῶλον*, or combination of feet, is a *ποὺς σύνθετος*. The number of feet combined in a *κῶλον* is never more than six, and seldom more than four. A *κῶλον* of two or four feet belongs to the *γένος ἴσον* or *δακτυλικόν*, being composed of feet bearing an equal relation, viz. either 1 : 1 or 2 : 2. A *κῶλον* of three or six feet belongs to the *γένος διπλάσιον* or *ἰαμβικόν*, being composed of feet bearing the relation 2 : 1 or 4 : 2. A *κῶλον* of five feet belongs to the *γένος ἡμιόλιον* or *παιωνικόν*, the relation of the feet of which it is composed being 3 : 2. As to the extent of the *κῶλον* it is stated by Aristides Quintilianus, i. p. 35, and by Psellus, *προλαμβανόμενα*, § 12 (apparently an extract from Aristoxenus), that a *κῶλον* of the *ἴσον γένος* cannot exceed sixteen units of time; a *κῶλον* of the *διπλάσιον γένος* cannot exceed eighteen units of time; and a *κῶλον* of the *ἡμιόλιον γένος* cannot exceed twenty-five units of time. In these calculations the short syllable is taken as the unit of time. Applying these canons to the different *πόδες ἁπλοῖ*, it appears that the iambic or the trochee may form *κῶλα* of two, three, four, five, or six feet:—

⏑ – | ⏑ – } = 6
– ⏑ | – ⏑
⏑ – ⏑ – | ⏑ – ⏑ – } = 12
– ⏑ – ⏑ | – ⏑ – ⏑
} γένος ἴσον.

⏑ – ⏑ – | ⏑ – } = 9
– ⏑ – ⏑ | – ⏑
⏑ – ⏑ – ⏑ – ⏑ – | ⏑ – ⏑ – } = 18
– ⏑ – ⏑ – ⏑ – ⏑ | – ⏑ – ⏑
} γένος διπλάσιον.

⏑ – ⏑ – ⏑ – | ⏑ – ⏑ – } = 15 γένος ἡμιόλιον.
– ⏑ – ⏑ – ⏑ | – ⏑ – ⏑

The dactyl or anapaest may form *κῶλα* of two, three, four, or five feet:—

– ⏑ ⏑ | – ⏑ ⏑ } = 8
⏑ ⏑ – | ⏑ ⏑ –
– ⏑ ⏑ – ⏑ ⏑ | – ⏑ ⏑ – ⏑ ⏑ } = 16
⏑ ⏑ – ⏑ ⏑ – | ⏑ ⏑ – ⏑ ⏑ –
} γένος ἴσον.

– ⏑ ⏑ – ⏑ ⏑ | – ⏑ ⏑ } = 12 γένος διπλάσιον.
⏑ ⏑ – ⏑ ⏑ – | ⏑ ⏑ –

– ⏑ ⏑ – ⏑ ⏑ – ⏑ ⏑ | – ⏑ ⏑ – ⏑ ⏑ } = 20 γένος ἡμιόλιον.
⏑ ⏑ – ⏑ ⏑ – ⏑ ⏑ – | ⏑ ⏑ – ⏑ ⏑ –

The paeon or cretic may form *κῶλα* of two, three, or five feet:—

$$\left.\begin{array}{r|l} \text{– ⏑ ⏑ ⏑} & \text{– ⏑ ⏑ ⏑} \\ \text{– ⏑ –} & \text{– ⏑ –} \end{array}\right\}=10\ \text{γένος ἴσον.}$$

$$\left.\begin{array}{r|l} \text{– ⏑ ⏑ ⏑ – ⏑ ⏑ ⏑} & \text{– ⏑ ⏑ ⏑} \\ \text{– ⏑ – – ⏑ –} & \text{– ⏑ –} \end{array}\right\}=15\ \text{γένος διπλάσιον.}$$

$$\begin{array}{r|l} \text{– ⏑ ⏑ ⏑ – ⏑ ⏑ ⏑ – ⏑ ⏑ ⏑} & \text{– ⏑ ⏑ ⏑ – ⏑ ⏑ ⏑} \\ \text{– ⏑ – – ⏑ – – ⏑ –} & \text{– ⏑ – – ⏑ –} \end{array}=25\left\{\begin{array}{l}\text{γένος}\\ \text{ἡμιό-}\\ \text{λιον.}\end{array}\right.$$

The ionic or choriambic may form *κῶλα* of either two or three feet:—

$$\left.\begin{array}{r|l} \text{– – ⏑ ⏑} & \text{– – ⏑ ⏑} \\ \text{⏑ ⏑ – –} & \text{⏑ ⏑ – –} \\ \text{– ⏑ ⏑ –} & \text{– ⏑ ⏑ –} \end{array}\right\}=12\ \text{γένος ἴσον.}$$

$$\left.\begin{array}{r|l} \text{– – ⏑ ⏑ – – ⏑ ⏑} & \text{– – ⏑ ⏑} \\ \text{⏑ ⏑ – – ⏑ ⏑ – –} & \text{⏑ ⏑ – –} \\ \text{– ⏑ ⏑ – – ⏑ ⏑ –} & \text{– ⏑ ⏑ –} \end{array}\right\}=18\ \text{γένος διπλάσιον.}$$

It is probable that the unity of the *κῶλον* was marked by its having one ictus stronger than the rest and dominating the group, and that this ictus might fall on any foot in the *κῶλον*, so that *e.g.* a trochaic tetrapody might be accentuated in any of the following ways:—

–́ ⏑ – ⏑ – ⏑ – ⏑ ‖*

– ⏑ –́ ⏑ – ⏑ – ⏑ ‖

– ⏑ – ⏑ –́ ⏑ – ⏑ ‖

– ⏑ – ⏑ – ⏑ –́ ⏑ ‖

In each of the *κῶλα* hitherto considered the feet are all of the same metrical value, *i.e.* all trochees, iambics, dactyls, anapaests, paeons, ionics, choriambics, or their equivalents, *e.g.* tribrachs, spondees, cretics. The only exception is that of the "irrational" spondee in trochaic and iambic metres, *e.g.* – ⏑ – – for – ⏑ – ⏑. There is, however, a class of metres of very frequent occurrence in which feet of different metrical value, viz. trochees and dactyls (or iambics and anapaests), *e.g.* – ⏑ | – ⏒ | – ⏑ ⏑ | – ⏑ | – ⏑ ‖ are combined in the same *κῶλον*. These metres are called "mixed" (*μικτά*), or logaoedic (*λογαοιδικά*). The latter name was probably given to these metres because, from their apparent irregularity, they seemed to be intermediate between prose (*λόγος*) and poetry or song (*ἀοιδή*). The explanation of this union of trochee and dactyl, and the rhythmical relation between them, is uncertain, though it is generally admitted that the time occupied by the trochee and the dactyl must have been equal. The popular theory, adopted by J. H. H. Schmidt in his *Kunstformen der griechischen Poesie*, is that the long syllable and the first short syllable in the dactyl both lost something of their normal value, the long syllable being in this case = $1\frac{1}{2}$ and the first short syllable = $\frac{1}{2}$, so that the dactyl = $1\frac{1}{2} + \frac{1}{2} + 1 = 3 =$ the trochee = $2 + 1$. This value, which is represented in modern books by the symbol –⏑ ⏑, is supposed to be confirmed by two passages in Dionysius of Halicarnassus, *de Comp. Verb.* chapters 17 and 20, and the foot is usually called the "cyclic" dactyl, because Dionysius (*ibid.* c. 17) says that the rapid dactyl of which the long syllable loses something of its normal value is parallel to the anapaest with an "irrational" long syllable, which is called *κύκλος*. Westphal, however, has shown that the passages in Dionysius cannot be used in support of the so-called "cyclic" dactyl in logaoedics, because Dionysius is speaking of mere recitation, not of singing. The rhythm was probably always less exact in the former than in the latter, just as in the case of modern poetry the rhythm of recitation is less exact than that of singing. It is more probable that the long syllable and the short syllable in the logaoedic dactyl retained their normal relation to each other, viz. that of 2 : 1, but that the long and short syllables were each pronounced more rapidly than the long and short syllables in the trochee. This may be expressed in figures as follows: If in the trochee the long syllable = 2 and the short syllable = 1, then in the dactyl the long syllable = $\frac{6}{4}$, the short syllable = $\frac{3}{4}$. Then the trochee = $2 + 1 = 3 =$ the dactyl = $\frac{6}{4} + \frac{3}{4} + \frac{3}{4} = \frac{12}{4} = 3$. Possibly, however, it should rather be supposed that the equality between the trochee and the dactyl was not thus accurately defined, but that the ear was satisfied if the time occupied by the two feet was approximately equal, the difference between them being imperceptible, without any obvious violation of the usual proportion between long and short syllables.

The limits of the logaoedic *κῶλον* seem to be the same as those of the iambic or trochaic. It may consist of either two, three, four, five, or six feet; the six-feet *κῶλα* are, however, apparently rare, and it is possible that what seem to be six-feet *κῶλα* are a combination of two *κῶλα* of four feet and two feet respectively.

If the account of the logaoedic *κῶλον* here given is correct, the time occupied by all the feet which compose it is the same; but there is one peculiar metre, the dochmiac, the *κῶλα* of which are probably composed of feet which differ from one another in duration. The normal form of the dochmiac is ⏑ – – ⏑ –, but as all the long syllables admit of resolution into two short syllables, and the first (as well as occasionally the second) short syllable may be long, it assumes very various forms. It is doubtful whether the chief ictus is on the first or on the second long syllable, *i.e.* ⏑ –́ – ⏑ – or ⏑ – –́ ⏑ –. The dochmiac seems to consist of a union of feet in which there is a real change of rhythm, one foot being in three time, the other in five time, *i.e.* ⏑ – | – ⏑ – or ⏑ – – | ⏑ –. Westphal (*Metrik*, ed. 3) supposes that either there is a pause equal to one long syllable at the end of each dochmiac, or the final syllable is lengthened by *τονή*, *i.e.* ⏑ – – ⏑ – ∧ or ⏑ – – ⏑ ⊔. In this case the dochmiac would fall into two equal portions, each containing five units of time $\overset{1}{\smile}\,\overset{2}{-}\,\overset{2}{-}$. But this view seems inconsistent with the fact that occasionally a dochmiac ends with two short syllables in the middle of a word.

A *κῶλον* may be either completely filled by the syllables used in their ordinary metrical value, or it may require for its completion a pause (*λεῖμμα, πρόσθεσις*) or a prolongation (*τονή*) of a syllable beyond its ordinary value. An instance of a *κῶλον* which is complete without either pause or prolongation is the trochaic tetrapody – ⏑ | – ⏒ | – ⏑ | – ⏑ ‖, while the *κῶλον* – ⏑ | – ⏑ | – ⏑ | – ‖ is incomplete and requires either a pause – ⏑ | – ⏑ | – ⏑ | – ∧ ‖ or a prolongation – ⏑ | – ⏑ | – ⏑ | ⊔ ‖ for its completion.

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* ‖ is the symbol for the end of a *κῶλον*,]] for the end of a "period" (see below).

When the *κῶλον* is complete without these devices, it is called *acatalectic* (*ἀκαταληκτικόν*), *i.e.* not stopping (*καταλήγω*) before its proper end; when it is incomplete, it is called *catalectic* (*καταληκτικόν*). When a *κῶλον* is scanned *κατὰ συζυγίαν*, *i.e.* in couples of two feet, if, according to the metrical form, the last foot is wanting, as in – ⏑ | – ⏑ | – ⏑ ⊔∧ ‖, it is said to be *brachycatalectic* (*βραχυκατάληκτον*). When a *κῶλον* which is scanned *κατὰ συζυγίαν* has one apparently superfluous syllable exceeding the last dipody in the *κῶλον*, as *e.g.* in ⏑ – ⏑ – | ⏑ – ⏑ – | ⏑, it is said to be *hypercatalectic* (*ὑπερκατάληκτον*). Cases of this latter kind are, however, probably more apparent than real. A *κῶλον* of the apparent form – ⏑ – ⏑ | – is usually a trochaic tripody – ⏑ – ⏑ ⊔ or – ⏑ – ⏑ – ∧, and a *κῶλον* of the apparent form ⏑ – ⏑ – | ⏑ may be found where the next *κῶλον* begins with a thesis, and where therefore the arsis of the preceding *κῶλον* combines with the thesis of the following *κῶλον* to form a single foot, or where the *κῶλον* before it ends with a thesis, and therefore the arsis of the apparently *hypercatalectic κῶλον* combines with the thesis of the preceding *κῶλον*.

It is not always possible to divide a metrical composition into its *κῶλα* with certainty. In the simpler forms of metre the divisions are usually obvious, but in the more elaborate kinds of lyrical poetry this is not so. One criterion by which it has been sought to determine the length of the *κῶλα* in such doubtful cases will be considered under the next head, viz. that of the "period."

The Period.—As a combination of feet forms a *κῶλον*, so a combination of *κῶλα* forms a *περίοδος*. It has been seen that the unity of the *κῶλον* was probably marked by its having one ictus stronger than the rest; the unity of the period was marked probably by the modulation of the voice varying in pitch and intensity with the beginning, middle, and end of the period, and certainly by the admission of a distinct pause at the end of the period, separating it from what follows. This pause is indicated in three ways. (1) Each period ends with the end of a word: a word cannot be divided between two periods as it can be between two *κῶλα* (Hephaest. c. 4, p. 16, ed. W., *πᾶν μέτρον εἰς τελείαν περατοῦται λέξιν*). (2) Hiatus is allowed at the end of a period; *i.e.* a period may end with a vowel, and the following period begin with a vowel without elision taking place. (3) The last syllable of each period may be either long or short (*συλλαβὴ ἀδιάφορος*, *syllaba anceps*) without reference to the quantity strictly required by the rhythm. This is explained by the pause at the end of the period. As there is a pause, it does not matter whether the last syllable is long or short: if it is long where the rhythm otherwise would require a short syllable, this is immaterial, because the short syllable would in this case be followed by a pause; if it is short where the rhythm otherwise would require a long syllable, the pause makes up the required length. Where the same period recurs frequently, as in the odes of Pindar, the observance of these three conditions makes it possible to determine the places at which the period ends, in most cases with complete certainty. The odes of Pindar were first divided into periods by the help of these criteria by Boeckh, in his edition of Pindar (Leipzig, 1811). The pause may occur at the end of a single *κῶλον*: in this case the *κῶλον* is a period. The word *period* is the most general term for a *κῶλον*, or a combination of *κῶλα*, after which a distinct pause is admissible. There are, however, other terms which are used to distinguish certain species of periods. When a *κῶλον*, or a combination of *κῶλα*, consists of not less than three *συζυγίαι* (six feet), and not more than four *συζυγίαι* (eight feet), it is called a verse (*στίχος*, *versus*) (Hephaest. *περὶ ποιήματος*, c. 1, p. 64, ed. W.).

On this principle the iambic trimeter (six feet) and the dactylic hexameter (six feet) are both called *στίχος*. Another name for a period not exceeding eight feet is *μέτρον*. The *μέτρον* must not exceed thirty units of time, according to Hephaestion (c. 13, pp. 42, 43, W.), where it is said that the paeonic *μέτρον* (of which each foot contains five units ⏓⏓ ⏑⏑⏑) may extend to six feet, which will not exceed the thirty units; but the scholiast on this passage (p. 199, ed. W.) asserts that, according to other metricians, the *μέτρον* might extend to thirty-two units. It is probable that the anapaestic tetrameter (⏑⏑–⏑⏑–⏑⏑–⏑⏑– ‖ ⏑⏑–⏑⏑–⏑⏑–– ⟧) was the longest verse (*στίχος* or *μέτρον*) recognised by the metricians, and that this was regarded as containing thirty-two or thirty *χρόνοι*, according as the penultimate syllable was lengthened by *τονή* (= ⊔) or not. A period which exceeds thirty-two *χρόνοι* is a *ὑπέρμετρον*.

The commonest form of the "verse" in non-lyrical poetry is that which is formed by two *κῶλα*: this structure is illustrated by the dactylic hexameter and the trochaic tetrameter:—

– ⏔ – ⏔ –, ⏔ ‖ – ⏔ – ⏔ – ⏓ ⟧
– ⏑ – ⏒ – ⏑ – ⏒ : ‖ – ⏑ – ⏒ – ⏑ ⏓ ∧ ⟧

The comma and the colon in this notation indicate the end of a word. When a verse of two *κῶλα* is divided in such a way that the arsis of the first *κῶλον* is formed by the beginning of a word belonging to the second *κῶλον*, it is said to have a *caesura* (*τομή*); when the end of the first *κῶλον* coincides with the end of a word, it is said to be divided by *διαίρεσις*. The dactylic hexameter has caesura, marked by the comma; the trochaic tetrameter has diaeresis, marked by the colon.

In these verses the *κῶλα* belong to the same species; there are, however, verses or periods in which the combined *κῶλα* belong apparently to different genera. Such rhythms are called *μέτρα ἐπισύνθετα* (Hephaest. c. 15, p. 56, W., and Schol. to Hephaest. pp. 201, 202, W.). Such is the verse – ⏑ ⏑ – ⏑ ⏑ – – ‖ – ⏑ – ⏒ – ⏑ – ⏒ ⟧, which appears to be a combination of the *κῶλα* contained in the dactylic hexameter and the trochaic tetrameter. These episynthetic metres are also called *dactylo-trochaic* or *dactylo-epitritic*, according as the trochees are pure (*e.g.* – ⏑ – ⏑), or admit the "irrational" syllable (– ⏑ – –). There is a difficulty in determining the rhythmical value of these metres, similar to that which has already been discussed in connexion with logaoedics, and, as in the former case, two different solutions of the difficulty have been proposed. The popular explanation is, that in the apparent trochee the value of the long syllable is longer by half than its normal value, *i.e.* = three instead of two units; then –⏑ = ⊔⏑ = 3 + 1 = 4 = the dactyl = 2 + 1 + 1. The more probable explanation is that in the trochee the long syllable retains its normal proportion to the short syllable, but that the long syllable and the short syllable in the trochee are each pronounced more slowly than the long syllable and the short syllable in the dactyl. Thus, if the long syllable and the short syllable in the dactyl = 2 and 1 respectively, the long syllable and the short syllable in the trochee = $\frac{8}{3}$ and $\frac{4}{3}$ respectively; hence the dactyl = 2 + 1 + 1 = 4 = the trochee = $\frac{8}{3} + \frac{4}{3} = \frac{12}{3}$ = 4. In the third edition of Rossbach and Westphal's *Metrik*, vol. 3 (1889), it is argued that episynthetic metres are in three time, the spondee being "irrational" = 2 : 1½, and the dactyl being "cyclic" = 3.

There is another term for certain combinations of *κῶλα* in periods the meaning of which is doubtful. This is the word *asynartete*, of which Hephaestion (c. 15, p. 47, W.) gives the following explanation: *γίνεται δὲ καὶ ἀσυνάρτητα, ὁπόταν δύο κῶλα μὴ δυνάμενα ἀλλήλοις συναρτηθῆναι μηδὲ ἕνωσιν ἔχειν ἀντὶ ἑνὸς μόνου παραλαμβάνηται στίχου.* He then proceeds to give instances of "asynartete" verse, and his account is supplemented by the Scholia on the chapter (pp. 201 ff. W.). It is obvious that the definition given by Hephaestion is little more than verbal, and the meaning must be sought by comparing the different instances which he gives and observing what they have in common. The first modern scholar who brought the word to light, and attempted an explanation of it, was Bentley, in his edition of Horace. In a note on the 11th Epode he arrives at the conclusion that asynartete verses are those in which there is a combination of *κῶλα* belonging to different rhythmical genera, *e.g.* dactylic and trochaic, as in the verse –⏒⏒–⏒⏑–⏒⏑–⏑⏑ ‖ –⏑–⏑–⏓]], and in which, although the two *κῶλα* coalesced to form a verse, the preceding *κῶλον* was separated by a pause from the following, so that hiatus and "syllaba anceps" were allowable, as in the lines of Horace:—

arguit et latere petitus imo spiritus
–⏑⏑–⏑⏑⏓ ‖ ⏑–⏑ –– –⏑⏓]]
Epod. xi. 10.

fervidiore mero ‖ arcana promorat loco
–⏑⏑–⏑⏑– ‖ ––⏑ ––– ⏑–]]
Epod. xi. 14.

It has, however, been shown by Westphal that Bentley's theory is applicable only to one of the seventeen asynartete verses quoted by Hephaestion. His own view is that asynartete verses are those in which there is catalexis in the first of the two *κῶλα*, as *e.g.* in the dactylic pentameter.

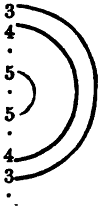
–⏒⏑–⏒⏑– ‖ –⏑⏑–⏑⏑–]]

The rhythm in such a case may be completed either by *τονή* or by a pause, thus:—

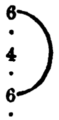
–⏑⏑–⏑⏑⊔ ‖ –⏑⏑–⏑⏑–⋀̄]]
–⏑⏑–⏑⏑–⋀̄ ‖ –⏑⏑–⏑⏑–⋀̄]]

This explanation is applicable to the majority of the asynartete verses quoted by Hephaestion, but it is certainly not applicable to all the "episynthetic" asynartetes, of which Hephaestion quotes seven kinds, and it cannot be applied to any of them without the unwarrantable assumption that the apparent dactylic tripody –⏑⏑–⏑⏑–– is really "brachycatalectic," *i.e.* = –⏑⏑–⏑⏑⊔⊔ or –⏑⏑–⏑⏑⊔–⋀̄. It appears, therefore, that the meaning of the term asynartete cannot be determined with certainty.

The word *period* is used by J. H. H. Schmidt in his *Kunstformen der griechischen Poesie* in a sense different from that of the ancient writers on rhythm and metre. He understands by it a combination of *κῶλα* or verses, which are bound together by a definite principle of arrangement or symmetry. According to this theory, in the majority of lyrical compositions, every *κῶλον* (with certain definite exceptions) corresponds to some other *κῶλον*, and contains precisely the same number of feet as the *κῶλον* with which it corresponds. Any set of *κῶλα* which is bound together by such correspondences is called by him a "period." These periods are variously constructed. The simplest form of period is that in which one *κῶλον* is followed by another containing the same number of feet, as *e.g.* in the dactylic hexameter –⏒⏒–⏒⏑–⏒⏑ ‖ –⏒⏑–⏒⏑–⏓]]: the period is divided into two *κῶλα*, each consisting of three feet; such a period he calls "stichic." A more developed form is that in which a *κῶλον* of the same number of feet is repeated more than once, *e.g.* a period consisting of three dactylic tripodies; such a combination he calls a repeated "stichic" period. A "palinodic" period is one in which, instead of a single *κῶλον*, two *κῶλα* forming a group are answered by two *κῶλα* forming a similar group: thus, *e.g.*, if a group of two *κῶλα*, consisting of six feet and five feet respectively, were followed by a second group consisting of a hexapody and pentapody. If the group were repeated a second time, the result would be a repeated "palinodic" period. If the period be such that the correspondence is between the first *κῶλον* and the last, between the second and the last but one, Schmidt calls it "antithetic"; such would be a period of the annexed form, where the dot denotes the end of a verse, and the numbers the number of feet in each *κῶλον*.



The first verse would contain two *κῶλα* of three and four feet respectively, the second verse a single *κῶλον* of five feet, and so on. If in a period of this kind the central *κῶλον* has no correspondence, it is called "mesodic." A simple instance of such a period would be the annexed form.



Such are the outlines of Schmidt's theory, which has been adopted by some modern editors of Greek dramatists and Pindar. The general principle, which demands correspondence between one *κῶλον* and another, is called by Schmidt "eurhythmy," and it is chiefly by the assistance of this principle that he determines the division into *κῶλα* of any lyrical composition. There is no doubt that there is often a correspondence of this kind: the elegiac couplet, for example, is an instance of two periods, each formed by two tripodies, the tripodies being acatalectic in the hexameter and catalectic in the so-called pentameter. But it has not been shown that such "eurhythmy" is invariably present, and it cannot therefore be accepted as a criterion for determining the length of the κῶλα where it is not otherwise obvious. The limits of this article do not admit of a detailed discussion of the theory, but some objections to it may be pointed out.

(1) The ancient writers on rhythm and metre do not show the slightest acquaintance with "eurhythmy" of this kind.

(2) The symmetry produced by Schmidt's method is often a symmetry for the eye, not for the ear; there is no reason to think that the ear could take in the rhythmical structure of many of his periods, even with the assistance of a musical accompaniment and the movements of the dance.

(3) Modern music and poetry do not offer any real analogy for the more elaborate forms of his periods, although modern poetry has in the rhyme a special means of emphasising the correspondence between κῶλα, while, on the other hand, they show that a sense of rhythmical proportion may be produced without exact correspondence between the κῶλα.

(4) The fact that Schmidt has been able to arrange the odes of Pindar and the lyrical portions of the great dramatists, in such a way as to exhibit "eurhythmy,". is no proof of the truth of his theory; for as soon as it is granted that the long syllable admits of different values, that *e.g.* it may be either – or ⏗ or ⏘, it is obvious that the same combination of syllables may admit of being interpreted as containing a different number of feet. Thus –⏑–⏑–⏑ may be either an acatalectic tripody or a catalectic tetrapody = –⏑–⏑⏗⏓. Moreover, even if the number of feet in a series be determined, it may often be divided into κῶλα in more ways than one. As, therefore, the same metrical form admits of different interpretations, it is not difficult to manipulate it so as to produce the assumed "eurhythmy."

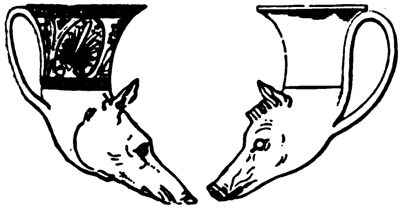
This theory of "eurhythmy" was first suggested in the first edition of Rossbach and Westphal's *Metrik;* in the second edition it was rejected by Westphal, but it has been revived by Rossbach in the third edition.

The Strophe.—When either a single rhythmical period (in the ancient sense of the word), exceeding the limits of a "verse," or a combination of periods, is repeated in the same form, such a period, or a combination of periods, is called a *strophe*, and, if it is repeated only once, it is called on its recurrence an *antistrophe*. A simple instance is the strophe formed by the dactylic hexameter and "pentameter," a strophe of two verses, each consisting of two tripodies, which, however, are different in form in the two lines, being acatalectic in the first and catalectic in the second. Other familiar examples are the Alcaic and Sapphic strophes, each consisting of four lines. In the odes of Pindar a further development is found. The strophe and antistrophe are here usually succeeded by a strophe of another metrical form, which is then called an *epode* (ἐπῳδός). The triad formed by strophe, antistrophe, and epode, is then repeated. The metrical structure of the fourth Pythian ode of Pindar is formed by a strophe, antistrophe, and epode, each of which occurs thirteen times. In Pindar and the dramatic poets there is, as a rule, an exact syllabic correspondence between strophe and antistrophe; and where the correspondence is not thus exact, except in certain limited deviations which are admitted to be permissible, it has been in most cases supposed that there is some corruption in the text. It is, however, possible that the assumption of exact syllabic correspondence has been carried too far, and that there was more licence in this respect than is generally recognised.

Metrical compositions are either κατὰ στίχον or κατὰ συστήματα (συστηματικά), and in the latter case they fall into further subdivisions, of which the most important are τὰ κατὰ σχέσιν and τὰ ἐξ ὁμοίων (Hephaest. περὶ ποιήματος, pp. 59 ff. W.). They are κατὰ στίχον when they are composed in "verses" of the same length, which do not fall into definite groups; the Greek epics in hexameter verse are an example of this form of composition. They are κατὰ σχέσιν when they contain strophes and antistrophes, as the odes of Pindar and most of the lyrical portions of the drama. They are ἐξ ὁμοίων when they are composed of a series of κῶλα of the same metre, forming groups which are unequal in extent, and each of which exceeds the limits of a "verse." Such are the anapaestic hypermetra used often in tragedy, consisting mainly of groups of anapaestic dimeters acatalectic, *e.g.* ⏑⏑–⏑⏑–⏑⏑–⏑⏑– terminated by a catalectic dimeter, *e.g.* ⏑⏑–⏑⏑–⏑⏑–⏓ I. Sometimes a lyrical passage is composed of periods of different metrical form and length without antistrophic responsion. In this case it is called ἀπολελυμένον. Instances of this may be found in melodies sung by actors on the stage (τὰ ἀπὸ σκηνῆς) in the Greek drama. Sometimes a composition contains all these different forms of metrical structure (as *e.g.* a Greek play), in which case it is called μικτόν.

It would be beyond the scope of the present work to give any detailed account of the metres employed by the Greek and Roman poets; on that subject, as well as on the general principles of rhythm as applied to language, reference may be made to the following authorities among the more recent writers:—Rossbach and Westphal, *Metrik der Griechen*, the third edition of which is published under the title *Theorie der musischen Künste der Hellenen*, Leipzig, 1885–1889; J. H. H. Schmidt, *Die Kunstformen der griechischen Poesie*, 4 vols., Leipzig, 1868–1872; Christ, *Metrik der Griechen und Römer*, 2nd edition, Leipzig, 1879; Gleditsch, *Metrik der Griechen und Römer* in Iwan Müller's *Handbuch der klassischen Alterthumswissenschaft*, vol. ii., Nördlingen, 1885. The value of the rhythmical principles of Aristoxenus, in their application to modern music, has been very ingeniously shown by Westphal in his *Allgemeine Theorie der musikalischen Rhythmik seit J. S. Bach*, Leipzig, 1880. The remains of the Greek writers on rhythm have been collected by Westphal in *Die Fragmente und die Lehrsätze der griechischen Rhythmiker*, Leipzig, 1861, the text of which is reprinted in the second edition of Rossbach and Westphal's *Metrik der Griechen*, vol. i., Leipzig, 1867. The rhythmical fragments of Aristoxenus are translated and explained in Westphal's *Aristoxenus von Tarent*, Leipzig, 1883. The most modern edition of the text of Hephaestion with the Scholia is that of Westphal, Leipzig, 1866; but a new edition, discriminating as far as possible the sources of the various scholia, is much required. The so-called "Scholia A" have been edited by Studemund, in his *Anecdota varia*, Berlin, 1886; the "Scholia B" by Hoerschelmann, Dorpat, 1882. [C. B. H.]

RHYTON (*ῥυτόν*), a drinking-horn (*κέρας*), by which name it was originally called (Athen. xi. p. 497 b). Athenaeus adds that it was introduced into the statues of Arsinoë by Ptolemy Philadelphus, and this may be seen on the coins of Arsinoë [*Dict. of Biogr.* ARSINOË]. It is impossible that by *ὑπὸ πρώτου* [*τοῦ*] *Φιλαδέλφου Πτολεμαίου Βασιλέως*, Athenaeus can have meant to assert that Ptolemy invented the *ῥυτόν*, since he himself cites the passage of Demosthenes (*Meid.* p. 565, § 158) where it is mentioned. It is probable that the word *πρώτου* merely distinguishes the earlier Philadelphus from the later (Attalus II.). The oldest and original form of this drinking-horn was probably the horn of the ox, but one end of it was afterwards ornamented with the heads of various animals and birds. We frequently find representations of the *ῥυτὸν* on ancient vases depicting symposia. Several specimens of these drinking-horns have also been discovered at Pompeii (*Museo Borbonico*, vol. viii. 14, v. 20): representations of two of these are given in the annexed cut.



Drinking-horns from Pompeii.

Etruscan *rhyta*. (Dennis.)

The *ῥυτὸν* had a small opening at the bottom, which the person who drank put into his mouth, and allowed the wine to run in: hence it derived its name (*ὠνομάσθαι τε ἀπὸ τῆς ῥύσεως*, Athen. xi. p. 497 e). We see persons using the *ῥυτὸν* in this way in ancient paintings (*Pitt. d'Ercol.* v. tav. 46; Zahn, *Ornam. und Wandgem.* taf. 90). Martial (ii. 35) speaks of it under the name of *rhytium*. (Becker-Göll, *Charikles*, vol. iii. p. 91; Guhl u. Koner, p. 164.) [W. S.] [G. E. M.]

RICA. [FLAMEN; MIMUS.]

RICA. [RICINIUM, *ad fin.*]

RICINIUM. Before the *palla* came into use at Rome, a mantle of a smaller size, the *ricinium*, was worn by women, and occasionally, it would seem from certain ceremonial survivals, by men. It was a rectangular piece of cloth (Fest. p. 274 b, 32, "Ricinium omne vestimentum quadratum ii qui xii interpretati sunt esse dixerunt"), and (though we cannot doubt its connexion with *rica*), according to Varro and the grammarians, it got its name from the fact that it was worn with one-half thrown back over the shoulder (Varro, *L. L.* v. 132, "Antiquissimis amictui ricinium. Id, quod eo utebantur duplici, ab eo quod dimidiam partem retrorsum jaciebant, a rejiciendo ricinium dictum." Cf. Isid. *Orig.* xix. 25, 4; Non. 542, 1; Serv. *ad Aen.* i. 282). The word occurs as early as the Twelve Tables, where it is used of the cloth with which funeral pyres were decorated (Schöll, *Legis XII. Tabularum Reliquiae*, p. 57; cf. Cic. *de Legg.* ii. 23, 59).

In classical times it was only used for ceremonial purposes, and was worn by the *magister* of the Fratres Arvales at the Ludi Circenses (Henzen, *Acta fr. Arv.* p. 37), by the boys who attended them (Id. *ib.* 38;—Marini, *Atti d. fr. Arvali*, xxiv. 2, 9, 21; xxxii. 3, 12; xxxvii. 7), and, to judge from the monuments, by the Camilli in general. (Cf. Henzen in *Annali dell' Inst.* xxx. (1858), p. 9; Daremberg and Saglio, s. v. *Camilli*, p. 859.)

The *ricinium* was also, according to Varro, worn by women at funerals before the burial, whereas after it they put on black *pallae* (quoted by Nonius, p. 549, 31, "ut dum supra terram essent riciniis lugerent, funere ipso ut pullis pallis amictae"), a passage which clearly shows that there was an essential difference between the *ricinium* and the *palla*. Of the material of the *ricinium* nothing is known except that Lucilius speaks of one embroidered with gold (Lucil. *Fragm.* p. 246).

Sacrificial attendant (camillus) wearing the Ricinium. (From a relief.)

Owing no doubt to its having disappeared from ordinary use at an early date, the monuments give no representations of it on women. On certain Roman sarcophagi, however, Camilli wearing over one or both shoulders a piece of cloth fringed and with a long nap (cf. Clarac, ii. p. 218, n. 310; Daremberg and Saglio, *l. c.* and fig. 1053) are shown; and this very probably is closely connected with the *ricinium*, but not identical with it, for they are mentioned together in a fragment of Novius as the *ricinium* and the *rica* or *ricula* (cf. Ribbeck, edit. 2, p. 265, 71), which was also rectangular. The *Flaminica*, or wife of the Flamen Dialis, wore one of purple and fringed, apparently not as a cloak (Fest. *Epit.* p. 288, 10), for the garment is of smaller size and worn as a kerchief on the head (Id. p. 277a, 5; FLAMEN), a use which is referred to in Aulus Gellius (vi. 10), and would seem to be akin to that of the FLAMMEUM.

[Marquardt, *Privatleben*, p. 575; Becker-Göll, *Gallus*, iii. p. 264; Iwan Müller, *Handbuch*, vol. iv. (Schiller), pp. 805 and 807. Many references to monuments where Camilli wearing what is almost certainly the *ricinium* are to be found in Daremberg and Saglio, s. v. *Camilli*, p. 859.] [W. C. F. A.]

ROBIGA'LIA, a public festival in honour of the god Robigus, to preserve the fields from mildew, is said to have been instituted by Numa, and was celebrated on April 25th (Varro, *L. L.* vi. 16; *R. R.* i. 1, 6; Fest. p. 267; Plin. *H. N.* xviii. § 285). A procession was made to the grove of Robigus (or *Robigo*, according to Ovid and Columella), five miles out of Rome on the Via Claudia (*Cal. Praen.*), where sacrifices were offered by the Flamen Quirinalis, a sheep and a dog, fancifully explained as averting harm to the crops from the dog-star (Ov. *Fast.* iv. 907 *sq.*; Colum. x. 342; Fest. p. 285). It is probable that the deity Robigus represents Mars Rusticus (Cato, *R. R.* 141; Tertull. *de Spect.* 5; Mommsen, *C. I. L.* i. p. 392; Marquardt, *Staatsverw.* iii.^{2} p. 574). [W. S.] [G. E. M.]

ROBORA'RIUM. [PARADISUS.]

ROBUR. [CARCER.]

ROGA'TIO. [LEX, p. 33.]

ROGATO'RES. [DIRIBITORES.]

ROGUS. [FUNUS.]

RORA'RII. [EXERCITUS, Vol. I. pp. 782–784.]

ROSTRA was the name applied to a stage or platform at Rome, first between the Comitium and Forum, afterwards in the Forum, from which orators addressed the people [CONTIO]. This platform was originally called *templum* (Liv. ii. 56; iii. 17; viii. 14), because it was consecrated by the augurs (Cic. *in Vat.* 10, 24) [TEMPLUM]; but it received the name of Rostra at the conclusion of the great Latin war, when C. Maenius adorned it with the beaks (*rostra*) of the ships taken from the Antiates (Liv. viii. 14; Flor. i. 11; Plin. *H. N.* xxxiv. § 20). The Greeks also mutilated galleys in this way for the purpose of trophies: this was called by them *ἀκρωτηριάζειν*. [ACROTERIUM.]

From the mention of the *volcanal* as the speakers' platform in early times (Dionys. vi. 67; vii. 17; xi. 39), some have inferred that the Rostra was not merely adorned with ships' beaks in the year B.C. 338, but was then first built; the fact, however, that the Twelve Tables were placed on the Rostra (Diod. xii. 26) would lead us to conclude that it was an older structure which received this adornment and a new name in the 4th century. The language of Livy will bear either interpretation.

The Rostra lay, as has been said, between the Comitium, or place of meeting for the curies, and the Forum, or place of meeting for the whole people, so that the speaker might turn to the one or the other. No doubt the custom of turning towards the Comitium and addressing the curies from that spot originated in an age when that assembly was of importance alike in legislation and in judicial appeals, and it became a mark of democratic principles to turn the back on the Comitium and speak towards the Forum. According to Cicero (*Lael.* 25, 96), C. Licinius Crassus (tribune B.C. 145) first began "in forum versus agere cum populo;" a practice of which Plutarch makes C. Gracchus the originator (*C. Gracch.* 5). Julius Caesar transferred the position of the Rostra to the western side of the Forum (Cic. *Phil.* ix. 2; Dio Cass. xliii. 49). A description of the Rostra will be found in Middleton, *Rome*, pp. 157–164, and in still greater detail in O. Richter's *Gesch. der röm. Rednerbühne.* It was reached by steps from the back, and was a rectangular platform, 78 feet long, 33 feet broad, and 11 feet above the pavement of the Forum, with end and side walls of tufa blocks; the upper floor was supported on travertine piers; along the front, facing the Forum, there were marble railings (*cancelli*), except in the centre, where the speaker stood (the marks of the railings being still apparent): in this central portion, which occupied one-fifth of the whole length, it is probable, as Richter thinks, that there was originally a lower stage, the *locus inferior* (see below), 5½ feet beneath the level of the higher platform, or Rostra proper, and as many above the pavement of the Forum. At each end were colossal seated figures, as apparently was also the case in the older Rostra (cf. Cic. *Phil.* ix. 2, 5). In the remains of the Rostra holes and metal pins may still be seen where the ships' beaks were fixed, 19 in the lower and 20 in the upper tier. A representation of the emperor speaking from the Rostra is given on the Arch of Constantine.

Rostra, from the Arch of Constantine. (Middleton's *Rome*.)

The *rostra Julia*, so called to distinguish them from the Rostra proper, formed the projecting podium of the Aedes Divi Juli, built by Augustus, on which were fixed the beaks of ships taken at Actium. The lower platform, or *locus inferior*, is traced by Richter alike in the Rostra and in the rostra Julia. In the latter it was a semicircular depression in the central portion, reaching back to half the width of the platform, and was at a later time filled up to the higher level: in the Rostra the depression was a square piece of the central portion

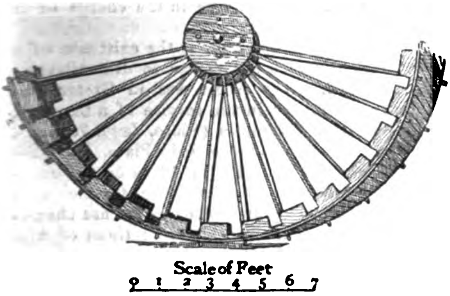
reached by steps from above; but this also was filled and levelled up, so that on the Arch of Constantine the *locus inferior* does not appear at all, and in this later phase of the Rostra the entrance was by steps from the Forum instead of from the back. The distinction of Rostra and *locus inferior* seems to correspond with the distinction of place in the arrangement of the *tribunal* (see Mommsen, *Staatsr.* iii.^{3} p. xii.), and perhaps was primarily devised for the lower station of the appellant in a judicium populi [JUDICIUM]. As contrasted with the station of the magistrate, it was the place whence a *privatus* could speak in the suasio or discussion of a rogation. Though, however, men of magisterial rank might expect to speak from the Rostra, it was in the power of the superior magistrate who convened the assembly to order anyone to speak from the lower platform (*ex inferiore loco*), as did Caesar to Catulus, possibly by way of a studied slight to the optimates, while to Vettius on another occasion he gave the higher place (*in rostra eum produxit*, Cic. *ad Att.* ii. 24, 3; cf. Sueton. *Jul.* 15); and Papirius sent Fabius, as though he were an appellant and not a magistrate, into the lower platform (Liv. viii. 33). In Cic. *de Or.* iii. 6, 23, the contrast of *ex inferiore loco*, *ex aequo*, and *ex superiore loco* is not precisely to our point, because he is speaking there of three classes of orators, viz. pleaders in court, senators, and magistrates on the Rostra; but the Rostra with its *locus inferior* attached was adapted in principle for the first as well as the third of these classes. When the judicium populi passed away, this use, probably the original purpose, of the *locus inferior* ceased, and in process of time the Rostra was altered in structure, so as to have only one platform. (See on this point Mommsen, *Staatsr.* iii.^{3} 383, and note on p. xii.: and, for the locality and construction of the Rostra, the writings of Middleton and O. Richter cited above; Nichols, *Notizie dei Rostri.*)
[W. S.] [G. E. M.]

ROSTRA'TA COLUMNA. [COLUMNA, Vol. I. pp. 494, 495.]

ROSTRA'TA CORO'NA. [CORONA, Vol. I. p. 548 *b*.]

ROSTRUM. [NAVIS, pp. 217, 220.]

ROTA. The various kinds of wheels are described under CURRUS, MACHINA, MOLA, TYMPANUM; and the *rota aquaria* for raising water under ANTLIA: but, as regards the last, it is necessary to add a few words in explanation of the cut here given, showing the portion of an actual Roman water-wheel, lately (1889) acquired by the British Museum. It was found in the Rio Tinto mines in the south of Spain, which were worked by the Romans for silver and copper: its excellent preservation, though entirely of wood, and perhaps dating from the time of Nero, is accounted for by the action of the cupreous water with which it was saturated. The water was taken up in the boxes at the outer circumference (which are covered, but with an opening at the side) and discharged into a trough, when the wheel had nearly completed its half-revolution. The water is then lifted into a channel about fifteen feet above the original level: another wheel (or pair of wheels, for they are found in pairs) then raises it to a higher channel, and so by a succession of stages it is removed from the mine. The wheels were probably turned by slaves by means of ropes, of which some remains have been found attached to the wheels, and in such a position that they could be worked with the feet, as a treadle, as well as with the hands (Stevenson in *Archaeologia Aeliana*, vii. 279). As was stated under ANTLIA, Vitruvius describes three kinds of water wheels (x. 4): this kind is not exactly like any of the three, but is an improvement upon No. 2 (that with the *modioli* attached), because that wheel could only raise water to a height equal to half its diameter, whereas the wheel shown in this article could raise it to a height nearly equal to the whole diameter, which in this example is little short of fifteen feet. [G. E. M.]



Wooden wheel, for raising water from mines. (British Museum.)

RUDENS. [NAVIS, p. 217.]

RUDIA'RII. [GLADIATORES.]

RUDIS. [GLADIATORES.]

RU'FULI. [EXERCITUS, Vol. I. p. 797 *a*.]

RUNCI'NA (ῥυκάνη), a plane (Tertull. *Apol.* 12; Plin. *H. N.* xvi. § 225), is delineated among joiners' tools (*Instrumen. Fabr. Tignar.*) in the woodcut at p. 243. Another example of similar form, but with the wooden box also shown, may be seen in Blümner: in both these we see two holes for the passage of the shavings, one on each side of the handle, instead of one, as in modern planes. The Latin and Greek names for this instrument gave origin to the corresponding transitive verbs *runcino* and ῥυκανάω, meaning "to plane." (Varro, *L. L.* v. 96; Poll. x. 146; *Anth. Pal.* vi. 204; Blümner, *Technol.* ii. 227.) [J. Y.] [G. E. M.]

RUTILIA'NA ACTIO. [BONORUM EMPTIO.]

RUTRUM, *dim.* **RUTELLUM,** a kind of hoe, probably of iron (and so in one reading of Cato, *R. R.* 11, "inter ferramenta"), which had the handle fixed perpendicularly into the middle of the blade, thus differing from the RASTRUM. It was used before sowing to level the ground, by breaking down any clods which adhered too long together (Non. Marc. p. 18). This operation is described by Virgil in the following terms, which also assign the derivation of the name: "Cumulosque *ruit* male pinguis arenae" (*Georg.* i. 105). See Festus, *s. v.*; Varro, *L. L.* v. p. 137. The same implement, made of wood, was used in mixing lime or clay with water and straw to make plaster for walls (Cato, *R. R.* 128; Pallad. i. 15; Plin. *H. N.* xxxvi. 23, § 55).

The word *rutabulum* ought to be considered as another form of *rutrum*. It denoted a wooden hoe or rake of the same construction, which was used by the baker in stirring the hot ashes of his oven (Festus, *s. v.*). A wooden rutabulum was employed to mix the contents of the vats in which wine was made (Colum. xii. 20, 4; cf. xii. 23, 2). [J. Y.] [G. E. M.]

S.

SACCUS, besides being the general word in Latin (as in all other Indo-European languages) for a bag of any material, shape or size, has special significations which may be noticed here. 1. A form of head-dress. [COMA, Vol. I. p. 499.] 2. A strainer, *saccus vinarius*. This was a linen bag, and often appears simply as *linum* (Hor. *Sat.* ii. 4, 54; Mart. xiv. 103), or *lintea* (*ib.* 104). As will be seen from these and other passages, it was regarded as a bad substitute for the COLUM, because it gave a flavour of its own to the wine. In Greek, *σάκκος* was thus used (Poll. vi. 19). The saccus was often filled with snow to cool the wine, though this was not the most approved method. [PSYCTER.] [W. S.] [G. E. M.]

SACELLUM, a diminutive of *sacer*, signifies a small place consecrated to a deity with an altar in it (Trebon. *ap.* Gell. vii. 12). Festus further defines it as being without a roof (p. 318). Often besides the altar there was a shrine [AEDICULA], as in the line "aram constitui signaque parva deum" (Ov. *Fast.* v. 130), whence the whole would ordinarily be spoken of as a sacellum, though in *Fast.* i. 275 the ara and sacellum are distinguished. The sacred spot, whether it contained merely an altar or an altar and a shrine, was often, and probably most usually, protected by a fence: "uti locus ante eam aram . . . . stipitibus robustis saepiatur" (*C. I. L.* xi. 1420; cf. ix. 5019). This fence was called *cancelli* (*ib.* vii. 83), *concameratio ferrea* (*ib.* vi. 543), *maceria* (*ib.* x. 2066), according to the material of the fence. The word *caulae*, properly used of sheep-hurdles, is used often as a general term for this fence, as of Janus: "quia bello caulae ejus patent" (Macrob. *Saturn.* i. 9, and similarly in Serv. *ad Aen.* vii. 610), whence, in Serv. *ad Aen.* ix. 60, "in sacris aedibus et in tribunalibus saepta quae turbas prohibent, *aulas* vocamus," is, no doubt rightly, altered to *caulas*. The Greek term for this fence is *μάνδραι* (Charis. p. 549), or simply *περίβολος*. These sacella, if they were publicly consecrated, were strictly distinguished as *sacella publica*—we find "curator sacellorum publicorum" (Ephem. *Ep.* iv. 863; cf. MAGISTER VICORUM, p. 110 *b*)—and, with *luci* and *delubra*, were included under the general term *fana* [FANUM]. Such was the sacellum of Hercules in the Forum Boarium, of the Lares (Tac. *Ann.* xii. 24), of Naenia (Fest. p. 161), Pudicitia (Liv. x. 23), Ruminae (Varro, *R. R.* ii. 11), and we may suppose that they represent the oldest kind of consecrated spots before the more costly aedes or templum was built, though many such smaller shrines were of recent construction also. The Romans dedicated also *privata sacella* on their own properties, regarding which Festus (p. 321) quotes Gallus Aelius as saying, "quod privati suae religionis causa deo dedicent, id pontifices Romanos non existimare sacrum." That is to say, its sanctity would derive from the feeling of those who instituted it and would not depend on any state law of religion: hence that which Cicero dedicated to his daughter was not really *consecratum*, but only so regarded by him—"quantum fieri poterat" (Cic. *ad Att.* xii. 18). (See also Marquardt, *Staatsverw.* iii.^{2} 152.) [L. S.] [G. E. M.]

SACENA. [DOLABRA.]

SACERDOS, SACERDOTIUM. A priest among the Greeks and Romans was a person whose duty was to perform on behalf of a state, or of some organic group within the state, a certain ritual, the object of which was to maintain the proper salutary relations between the state or group and the local gods. This definition, it will be seen, implies a fully developed state. That a priesthood did indeed exist before the state, both in Greece and Italy, there can hardly be a doubt; but of its nature and history we have scarcely any knowledge. Nor, indeed, do we certainly know at what point in the development of a people the priest proper first appears. Roughly, it may be said that an organised priesthood is found wherever the relation of God to man is believed to have a certain stable personal character on which the worshippers can calculate and act. (See W. Robertson Smith in *Encycl. Brit.* s. v. *Priest.*) In Greece and Italy this stability of relation seems to have gone with a corresponding stability of human society, *i.e.* a certain amount of social and political development. In the following sketch of the priesthoods of Greece and Rome such development is assumed, and no attempt is made to unravel the earliest history of the growth of a priesthood.

Priests in Greece.—The most general word for a priest is *ἱερεύς* (for a priestess *ἱέρεια*). This word is found in Homer, and lasted throughout Greek history. At all periods its meaning is in the main the same; it denotes a person charged with regular and permanent duties towards a particular deity on behalf of a particular community, and thoroughly acquainted with the traditional mode of performing those duties, whether they consisted of prayer, sacrifice, purification, prophecy, or all of these. He is one "skilled in the rules of sacrifice, prayer, purification," &c. (Stobaeus, *Ecl. Eth.* vi. 5, 122; Gaisf. vol. ii. p. 562). These rules, too technical for the ordinary individual, by which the gods could be in a sense controlled and their goodwill secured, must necessarily be in the charge of a specialist.

The word *ἱερεῖς* also implies the existence of a holy place to which the person so denominated was attached. The priest was in Greece essentially a minister in the service of a temple; this is his true differentia (Plato, *Legg.* 759 A). He was the servant of the god (Plato, *Pol.* 290 C; Eur. *Ion*, 94, 309; Poll. i. 14, *οἱ δὲ τῶν θεῶν θεραπευταὶ ἱερεῖς*) to whom the temple was sacred. His history and development are therefore in each case inseparable from those of the temple itself. In some places, we may suppose, which had become famous for a sacred fountain, tree, or cavern, it became convenient to build the local god a house for his own habitation, and a keeper would be assigned to the house from among the members of the community interested in the worship. This person, who devoted his life, or a certain portion of it, to the care of the god's house and its ἱερά, would be the ἱερεύς. He would thus be a priest of a simple deity, for each temple was the dwelling of one only. To the Greek, a priest was not a priest in a general sense, but the priest of some local Zeus or Apollo, and was almost always so distinguished in Greek literature. (See Nägelsbach, *Nachhomerische Theologie*, p. 207.)

Thus the word is far from containing the idea of a sacred caste, and suggests no settled distinction between clergy and laity. The ἱερεύς was indeed, as compared with the ordinary Greek citizen, a man of professional knowledge, but only in respect of the ritual of his own temple. As every temple had its own strict rules, there was no opportunity for any combined action which might produce a common professional interest. Nor was there at any time a common school of the priesthood, for each priest could learn his duties in his own temple only. And it must be borne in mind that the priests were by no means the only persons who exercised priestly functions; for the king or other magistrate of a state, as well as the heads of families and gentes, could, and did, all offer sacrifices and prayers on behalf of their respective communities. How far the aid of the priest was necessary in any such sacrifice is an obscure question (see Martha, *Les Sacerdoces Athéniens*, p. 73 foll.); but Aristotle clearly distinguished between those sacrifices which were ἱερατικαί, *i.e.* could only be performed by a priest (probably in a temple), and those which were undertaken by the lay head of the community (*Pol.* iii. 14, 12 = p. 1285 b, 10). Thus much is certain, that the Greek mind did not connect the word ἱερεύς with any exclusive prescriptive right of exercising liturgical functions, such as at the present day we are apt to associate with the word *priest*, save only in respect of those which he exercised in his own temple. It is essential to remember this in studying the Greek idea of a minister of religion; but in the present article it is necessary to limit the subject by confining our attention to its more technical aspect.

Not much is to be gathered from Homer as to the position and duties of the priest in the age represented in the poems. Homer describes a state of war and disturbance in which local priesthoods would naturally play no part; and what we hear of them is chiefly from passages of incidental reference. They are not mentioned among the prophets, poets, physicians, &c., in the catalogue of δημιόεργοι in *Od.* xvii. 382 foll.: and this may show (1) that they were not a trained professional body or guild; (2) that they were distinguished from the μάντεις, or wandering diviners. Their duties seemed to have been chiefly, as in later times, those of prayer and sacrifice; hence the names ἀρητὴρ (*Il.* i. 11; v. 78) and θυόσκοος (*Il.* xxiv. 221). They were held in high honour: of the priest of Scamander it was said that he was honoured as a god by the whole people (*Il.* v. 78; cf. xvi. 605). On one occasion only do we hear of insult offered to a priest; *i.e.* at the opening of the Iliad, by Agamemnon to the priest Chryses: and this was so startling as to rouse the anger of the army and bring down the wrath of Apollo in the form of a pestilence. The local priest is represented in *Il.* v. 10 as wealthy and important, a fact quite in keeping with the feeling of later times that priests should be of high descent and substantial means. In *Od.* ix. 200 we hear of a local priest dwelling in a house in close proximity to his temple, with his wife and children; a glimpse of old Greek life which is confirmed, as we shall see, by the evidence of a later age. But further details of the Homeric priests are wanting, even in the Odyssey, and it cannot be assumed that they played an important part in the civilisation which the poems represent. (See Buchholz, *Hom. Realien*, vol. iii. pt. 2, § 178; Gladstone, *Homer and the Homeric Age*, iii. 279 ff., where, however, the Trojan priests are wrongly considered as belonging to a separate civilisation.)

Our information about priests in *historic times* is not only scattered about in a great number of authors and inscriptions, but naturally refers to a great variety of the cities of the Hellenic world, in which the usages varied considerably. It extends also over a period of several centuries, down to the age of the Roman empire; and it is unfortunately the last half of this long period, and not the age of genuine Greek civilisation, which has yielded by far the greater part of our results. It is, therefore, difficult to present a consistent picture of the position and duties of the Greek priest in the centuries which may more properly be called those of Greek history. Under the heads, however, of the qualifications, mode of appointment, duties, and privileges of the priesthood, some account may be given of certain features of special interest.

Qualifications.—In the first place, it was essential that a priest, if a man, should be a full citizen of the state to which the temple belonged of which he had charge; and so also, if that worship were the peculiar property of a gens or family within the state, he must be a full member of that gens or family. Thus, at Athens, no μέτοικος could hold a priesthood; *e.g.* in the case of the priesthood of Heracles, we learn from Demosthenes that no foreigner or metoec could qualify, or anyone who was not a member of a phratria (at that time the test of true citizenship); and he speaks of the priesthood as under the same conditions as the magistracy (Dem. *Eubul.* p. 1313, §§ 46–48). In general terms Plato expresses the same necessity (*Legg.* 759 C), when he lays it down for his ideal state that the priest should be ὁλόκληρος καὶ γνήσιος, *i.e.* sound in all respects, including birth. So also an inscription of Chalcedon (probably of the 2nd century B.C.) forbids a priesthood to be sold to anyone who was not thus sound and in full possession of civic rights (Dittenberger, *Syll. Ins. Gr.* 369). These regulations, however, did not exclude women from priesthoods, and priestesses are met with in all parts of Greece. At Athens a priestess seems to have enjoyed at least some rights of a citizen; *e.g.* she could plead before the council, sign documents, &c. (Martha, *op. cit.* p. 22). For priestesses persons of rank and substance seem to have been preferred; thus in an inscription from Halicarnassus we find that the priestess must be of aristocratic descent for three generations at least (Dittenberger, No. 371). And Aristotle insists that no husbandman or mechanic should be a priest; the gods should receive honour from the citizens only (*Pol.* vii. 9, 8 = p. 1329 a, 29). The Pythia of Delphi seems to have been an exception to this rule, as she was chosen at large from among all the women of Delphi (Eur. *Ion*, 1323: cf. Plut. *Pyth. Or.* 22; Hermann, *Gr. Alterth.* ii. p. 256). This was perhaps for reasons of state, or because it was difficult to procure a woman of the peculiar temperament required by the office.

The second chief qualification was that of purity, bodily and mental. This is also explicitly laid down by Plato in the passage just quoted from the Laws, and is partly implied in the word ὁλόκληρος already mentioned. As all approach to the gods without purification was a sin even in the ordinary worshipper, *à fortiori* it was so in the priest. At Athens no one could hold a priesthood who had led a vicious life (Aeschines, *Timarch.* § 19), or who had neglected his parents (Xen. *Mem.* ii. 2, 13). Bodily purity was equally essential. Strict regulations were often posted at the doors of temples for the guidance of worshippers in keeping themselves pure, which applied even more to the priest; and the highest state of purity was to have a healthy mind, free from guilty conscience, in a healthy body (Newton, *Art and Archaeology*, p. 156). All contact with a dead body, for example, defiled a man; and if a priestly family were temporarily defiled by the death of one of its own members, the priesthood was sometimes forfeited. Thus the death of a child of a priest of Messene is said by Pausanias to have caused a vacancy (Paus. iv. 12, 4). In the same way we find that many priesthoods could only be filled by virgins; and Pausanias mentions one at Calauria where a girl must resign the priesthood of the temple of Poseidon when of age to marry (ii. 33, 3). On the other hand, all the priests of the Ephesian Artemis were eunuchs (Roscher, *Myth. Lex.* s. v. *Artemis*, p. 501 a); and the priest and priestess of Artemis Hymnia at Orchomenus, in Arcadia, were not only cut off from all bodily impurity, but from all intercourse with the world (Paus. viii. 13, 1). Such exaggerated asceticism, however, was not truly Greek in character, and was undoubtedly of Oriental origin. There was no general rule against the marriage of a priest. The regulations suggested by Greek thinkers were also more moderate; both Aristotle and Plato recommend only that priests should be of advanced age (Ar. *Pol.* vii. 9, 9; Plato, *Legg.* 759 D). Old men and women actually occur, as at Delphi and Athens, instead of virgins, for the care of the perpetual fire; but this may have been a later custom, arising from the difficulty of getting virgins to serve (Plut. *Num.* 9). Boy-priests are occasionally mentioned, who served until the age of puberty (Paus. vii. 24, 2, where the boy must be of remarkable beauty; and *C. I. G.* 6206). In these examples of priesthoods filled by persons of old age or extreme youth, we may also perhaps see the call for purity combined with the Greek feeling that a man in the prime of life was required for the service of the state.

Mode of appointment.—This was by no means uniform; but we may discern three principal methods, which in rough chronological order would be—(1) by hereditary descent, *i.e.* by devolution or selection out of a gens or family; (2) by public election, either by means of open voting or the lot; (3) by purchase.

1. As regards the first of these, we have abundant evidence that many priesthoods descended in the same family or gens, though we know little of the method by which the priest was chosen from among its members. The reason of such hereditary right is not far to seek. A cultus which had been peculiar to a family or gens before its absorption in a state, retained, even after that absorption, the right to be served by a member of that minor group only; the perfect performance of its ritual being in this way better secured. Thus the family of Gelo of Syracuse claimed to be hereditary hierophants of Demeter and Persephone in the city of Gela, because their ancestor Telines had brought the *sacra* of that worship from Cnidos (Herod. vii. 153). At Athens the Eumolpidae held the office of hierophant of the Eleusinian mysteries, the Eteobutadae the priesthood of Athene Polias, the Gephyraei that of the Achaean Demeter, the Hesychidae that of the Eumenides, the Phytalidae that of Demeter, Poseidon and Theseus, &c. (see for these and other instances, Maury, *Rel. de la Grèce*, vol. ii. 387 foll.). So too, at least in later times, it was not uncommon for a state to grant a hereditary priesthood to one who had been a benefactor of the cult (*C. I. G.* 2448; Martha, *op. cit.* p. 38). Maeandrius of Samos proposed to establish in his family a perpetual priesthood of Zeus, as compensation for giving up the tyranny, on the ground that he had built the temple of the god (Herod. iii. 142). As to the mode of succession to the office in these cases, we know of instances in which the eldest son succeeded (*C. I. A.* ii. 410; *C. I. G.* 2448; Martha, *l. c.*); and a Halicarnassian inscription informs us of a priesthood in which the succession was not from father to son, but from brother to brother, devolving to sons of the eldest brother in order of seniority, then to sons of the next brother, and back again to the grandsons of the eldest brother (Newton, *op. cit.* p. 152). In other cases the lot seems to have been used. Thus in the family of the Eteobutadae a priest is mentioned as λαχὼν ἐκ τοῦ γένους τὴν ἱερωσύνην: in this case, however, he was able to hand on the office to his brother, and perhaps too much stress should not be laid on the word λαχών (Plut. *Vit. X. Oratt.* 38. 39, p. 843 F; Schömann, *Gr. Alt.* ii. 405). But our knowledge on this point is still scanty.

2. Of appointment by voting we hear little. An instance seems to occur as early as Homer (cf. *Il.* vi. 300, τὴν γὰρ Τρῶες ἔθηκαν Ἀθηναίης ἱέρειαν, with the note of the Scholiast in *Cod. Venet. Marc.* 453). Another is recorded in *C. I. G.* 2270, 18, from Delos; but this seems to have been a preliminary selection of candidates only, and not the final election, which was by means of the lot. At Athens, as elsewhere in Greece, the commonest practice seems to have been to elect by lot; and it is recommended by Plato on the ground that the lot was an indication of he divine will (*Legg.* 759 C). Virgil was aware of the Greek custom, and describes Laocoon as "ductus Neptuno *sorte* sacerdos"

(*Aen.* ii. 201). Examples are found in inscriptions (see *C. I. A.* 352 b and 567 b; and a paper by Boeckh in *Phil. Museum*, vol. ii. p. 453; also Dittenberger, No. 356, 9 = *C. I. A.* 489 b.). In some cases at least, this sortition seems to have been preceded by some kind of selection of candidates for whom the lot might be cast. Thus in the case of the priesthood of Hercules, mentioned in Demosth. *Eubul.* l. c., it was counted an honour to Eubulides to have been among those so selected. A somewhat similar practice is mentioned in Paus. vii. 25, 13, in the case of a priestess at Aegae in Achaia; and the Delian inscription quoted above (*C. I. G.* 2270; Martha, p. 32) mentions a priest of Dionysus who was both chosen by the people and also by lot, and points therefore in the same direction. But it does not appear whether the selection was always by voting, or in some other way.

3. As to the practice of purchasing priesthoods, we have only in recent years gained any adequate information. A passage of Dionysius of Halicarnassus (ii. 21) had indeed suggested it, in which Romulus is described as appointing to the Roman priesthoods neither by *putting them up for sale* nor by the lot, but in another way. In 1830 Boeckh published an inscription from Halicarnassus (*C. I. G.* 2656; Dittenberger, No. 371) which contains a decree affecting the priestess of Artemis Pergaea, who had purchased her priesthood; and it became evident that Dionysius was alluding to a practice of his own city. Since that time several other inscriptions have come to light, which show that Halicarnassus was by no means the only place where priesthoods were sold, and the practice is now proved for Chalcedon, Erythrae, Andros, and Myconos (see Dittenberger, Nos. 369, 370, 371; Le-Bas Waddington, *Asie Mineure*, pp. 408 and 457). The details of the transaction are still imperfectly understood, and further light is needed. The inscription from Erythrae, however (Ditt. 370), is an extremely interesting document, giving a very long list of these purchases, and the prices paid for the priesthoods, which ran as high as 4,600 drachmas in the case of that of Hermes Agoraios, while others fetched comparatively small sums. These priesthoods seem to have been put up for sale at the same time, and could hardly have been held for life (see Lehmann, *Quaest. Sacerdot.* p. 52, Königsberg, 1888; cf. also Herbrecht, *de Sacerdoti apud Graecos venditione*, Strasb. 1885); but these questions are still under discussion. It is to be noticed that the practice, so far as we know, was confined to Asia Minor and the islands of the Archipelago; no instance is known at Athens, nor any of earlier date than the 3rd century B.C. (Herbrecht, p. 6). It is probable, therefore, that the custom arose under the financial pressure caused by the wars among the successors of Alexander (Droysen, *Hellenismus*, ii.² p. 355; iii. 191 foll.), and was found a sufficiently lucrative source of revenue to spread rapidly (Lehmann, p. 53 foll.). It points not only to the material advantages of the priest's position in later Greek history, but also to a great multiplication of priesthoods, and to a serious degeneracy in the popular estimation of the priestly office. (The literature of this still obscure subject will be found quoted, up to date, in Lehmann, *op. cit.* p. 7.)

Duties.—These may be described as partly liturgical, partly administrative. In no case did they include education, either moral or intellectual. The liturgical duties would include the whole of the temple-service: viz. the conduct of sacrifices, both those which were public (*i.e.* on behalf of the state) and those offered by individuals on their own account (see SACRIFICIUM and Dittenb. No. 371), including the offering of the proper prayers and invocations. How far the priest had the *exclusive* right of sacrifice and prayer in his own temple is uncertain; but there is no doubt that it was usual for him to superintend private as well as public worship, as being expert in the proper ritual and formulae. Thus in the parody in Aristoph. *Av.* 864 foll. it is the priest who leads the prayer, selecting the proper epithets of the supposed gods. (Cf. Aesch. *in Ctes.* § 18, where the proper function of the priests is described as to pray to the gods on behalf of the people; cf. also Dittenberger, 369, 371.) To these duties may also be added that of the care of the statue of the deity to whom the temple was dedicated, which, in some cases at least, had to be constantly washed, dressed, and served with repasts on τράπεζαι (Martha, *op. cit.* p. 45, foll.), in accordance with the survival of the primitive belief that the god actually resided in the statue. Thus the priest was essentially the servant of the god (Serv. *ad Aen.* i. 73, "dicatus est numini, hoc est ad obsequium datus est"; cf. Eurip. *Ion*, 131; Poll. i. 14).

Under the head of administration may be included in the first place the charge of the fabric and contents of the temple. In the Chalcedonian inscription already quoted, the priest is directed κοσμεῖν τὸν ναὸν καθ' ἡμέραν, and to see that the stoa in front of it is swept clean. He had also to see that the regulations of the temple in respect of the conduct of worshippers were thoroughly carried out, as we learn, *e.g.*, from an inscription of Ialysus in Rhodes containing a law relating to the sacred precinct round the temple of Alectrona (Newton, *Trans. Royal Soc. Lit.* xi. 443). From Athens we have also an inscription (*Ephem. Arch.* 3139) containing a proclamation issued by the priest of the temple of Apollo, who, in conjunction with the demarch, is to exact a fine from anyone taking timber or firewood from the ἱερόν (Newton, p. 156). The priest was thus in this case, as no doubt in many others, joined with the civil authority in the protection of the temple from sacrilege. But with him, as with the dean of a modern cathedral, lay the immediate responsibility: thus we find the priestess of Athene on the Acropolis personally withstanding Cleomenes the Spartan king when he tried to force an entrance into her temple (Herod. v. 73). In enforcing these rules they were in larger temples assisted by vergers and constables under various names (ῥαβδοφόροι, κλειδοῦχοι, ζάκοροι, νεωκόροι, &c.; see Martha, *op. cit.* p. 88 foll.; for slaves and diaconi, Newton, *Essays*, p. 165). With the more important management of the revenues, repairs, &c., and the general administration of the property of the temple, the priest in historical times seems to have had little to do. The union of all functions, liturgical and other, survived no doubt in smaller temples in country districts (see esp.

Arist. *Pol.* vi. 8, 18); but in all large cities of which we possess detailed information, the management of sacred property had passed almost entirely into the hands of the state by the time when inscriptions begin to be instructive on this subject (*i.e.* from the latter half of the 5th century B.C.). As the temples developed into public and also private banks, it became impossible to make the priests responsible for their treasures; under various names (*ταμίαι, ἱεροποιοί, ναοποιοί, ἐπιμέληται*, &c.) public officers were appointed for the purpose not only of taking charge of the treasures and other property, executing repairs, &c., but for providing victims and disposing of their skins. [On this subject, which lies outside of the scope of this article, see articles ARGENTARII, DERMATICON, SACRIFICIUM, and VECTIGALIA TEMPLORUM; Schömann, *Gr. Alth.* ii. 397; Homolle in *Bull. Corresp. Hell.* vi. pp. 1–167 (for Delos); Martha, *op. cit.* pp. 88–114, and Hicks, *Gr. Hist. Ins.* p. 88 foll. (for Athens); Dittenberger, No. 294 (for Delphi); Newton, p. 154.]

On the whole it may be concluded that the later the age the more strictly ritualistic do the priest's duties become; and it is significant that in one inscription, of a date not long before the Roman empire, the conditions under which the priesthood is sold include a rule that even the fees paid in by worshippers in the temple of Artemis are to be under the charge, not of the priestess, but of *ἐξετασταί*, *i.e.* auditors (Dittenb. No. 371, line 30, foll.).

Privileges.—In return for their duties, the advantages of the priests were considerable. At all times they were held in high honour, and their persons were deemed inviolable. Homer, as we saw, describes them as honoured by the people like gods (*Il.* v. 78, xvi. 605). When Cleomenes insulted a priest at Argos, he was considered mad (Herod. vi. 81 and 84). When Alexander sold the Thebans into slavery, he excepted the priests only (Aelian, *Var. Hist.* xiii. 7). At Athens, where we know most about their position, they were reckoned as equal to the magistrates, accompanied them in public processions, and had seats of honour with them at the dramatic representations (*C. I. A.* ii. 410, 589; Martha, p. 128 f.); facts which are not astonishing if it be remembered that the distinction between magistrate and priest was not clearly conceived in the earliest times, nor at any time so sharp as that to which we are ourselves used. Decrees of special honours awarded them are not uncommon in inscriptions (*C. I. G.* 1063, 2270, 2462; *C. I. A.* ii. 410, 589). In many cases they enjoyed a house adjoining the temple (*Od.* ix. 200; Paus. ii. 11, 6; x. 34, 7); whether this was so, however, at Athens and in large cities, may be doubted (Martha, p. 119). Lastly, they had certain perquisites arising from sacrifices, which must have formed a considerable source of income. These are described in many inscriptions from various parts of Greece, and show a great variety of usage in respect of the portion of the victim which fell to the priest; generally, however, these were the skin and legs, and often the tongue (Dittenb. 373, 376, 379; *C. I. A.* 610, 631; *Journ. of Hellenic Studies*, vol. ix. p. 328; and article SACRIFICIUM). These perquisites were apparently universal in the case of private sacrifices, and fees paid on these occasions are also mentioned (*C. I. G.* 2656; Newton, p. 158); but at Athens, when public sacrifices of a great number of victims were offered at one time, the skins were sold for the state (Martha, p. 123 foll.; Boeckh, *Staatsh.* Appendix viii. and viii. b; DERMATICON). They were also enriched by the offerings of fruits, cakes, &c., constantly brought by worshippers for the use of the god, which, believed by primitive man to be consumed by the god himself, had gradually come to be regarded in Greece, as elsewhere, as the priest's perquisite (see esp. Aristoph. *Plut.* 676). In some few cases, but apparently only in later times, they were empowered to collect money (Dittenb. 369, 371, 393; for the priests of Cybele, Cic. *de Leg.* ii. 9, 21). They must, therefore, have had ample means of amassing wealth; and this is confirmed both by the monetary value of priesthoods noticed above, by the competition for them, and by the evidence we possess from inscriptions of valuable endowments presented by some of them to their temples (Newton, p. 161).

In conformity with their general character as a part of the community, and not distinct from it, the Greek priests wore no dress that can be called distinctive. The wreath on the head, with which the priest always appears in vase-paintings and sculptures, was worn by all persons when sacrificing, and was as much the mark of the magistrate as the priest. These wreaths seem to have been often taken from the tree sacred to the deity to whom the sacrifice was made; thus the laurel was used in the worship of Apollo (Bötticher, *Baumkultus*, p. 313). The hierophant and daduchus of Eleusis wore also a *στρόφιον* or head-band (Arrian, *Epictet.* iii. 21, 16), and also wore their hair long, a practice which seems to have been not uncommon (Plut. *Arist.* 5). On the monuments priests generally appear in a long chiton, of the old-fashioned kind discarded by the Athenians in the Periclean age; so the priest and priestess of Athene appear in the frieze of the Parthenon. Such a chiton would seem also to have been worn by the Pythia of Delphi, as appears from a vase-painting of which a cut is given in Baumeister's *Denkm.* p. 1110. These garments were certainly as a rule white. This is what Plato enjoins in the Laws (956 A); and it is also enjoined on the initiated in the mysteries of Andania (Dittenberger, 388, 17). Thus Plutarch, writing of the son of Aratus offering sacrifice at his father's grave, mentions, as an exception to the general rule, that he wore a *στρόφιον* which was not entirely white (Plut. *Arat.* 57; Id. *Arist.* 21). A more ornamental dress, both as to colour and adornment, seems to have been occasionally worn in later times, *e.g.* at the Eleusinian mysteries (Maury, *op. cit.* ii. 400), and purple is mentioned as early as Aeschylus (in the cult of the dead: *Eum.* 982; cf. Schömann, *Gr. Alt.* ii. 412). But in most cases where the dress is peculiar, we may suspect that the priest or priestess is *personating* the deity to whom sacrifices are offered. This may be so in the case of Iphigeneia as priestess of Artemis represented on a vase (Baumeister, p. 757; cf. Paus. x. 24, 4). The aegis of Athene was worn on certain occasions by her priestess at Athens (Suidas, *s. v.* αἰγίς). For this class of practices, which in some cases seems to have a totemistic origin, see F. Back, *de Graecorum caerimoniis in quibus homines deorum vice fungebantur*, Berlin, 1883; Hermann, *Gr. Alth.* ii. sec. 35.

There remains the question whether the Greek priest was consecrated to the service of his deity by any kind of ceremony. If such ceremony existed, we hear nothing certain of it. Lucian, indeed, mentions the ὁσίωσις of the hierophant and daduchus of the Eleusinian mysteries (*Lexiph.* 10); and in the Chalcedonian inscription already quoted the word ἄνθεσις = ἀνάθεσις indicates some kind of dedication of the priest; either an inauguration only, as Dittenberger thinks (p. 524 note), or a dedication to the god of the kind by which slaves at Delphi and elsewhere were made over to the service of the temple (Herbrecht, *op. cit.* p. 33). Whatever was the ceremony at Chalcedon, it is at least significant that the word ἀνατιθέναι is habitually used of dedicating objects by way of gift in the temples, and the inference would seem to be that the priest himself was reckoned as the property of the god; a notion which falls in sufficiently well with the other facts which have been already mentioned in the foregoing account.

Priests at Rome.—An account of the several Roman priesthoods will be found in the articles on **Pontifices**, **Augures**, **Flamines**, &c.; it will be sufficient here to give a brief outline of the history of the Roman priesthood generally, in order to compare it with the Greek sacerdotal system. In the earliest times it is probable that the Roman idea of a priest and his duties differed but little from that of the Greeks; he was assigned to the worship of a particular god and exercised no direct political influence. The general name for such priests was flamen (*i.e.* kindler of sacrificial fire), and they continued in existence with gradually decaying importance to the latest times. But their influence was steadily overshadowed by that of those great colleges which we always associate with religious government in Roman antiquity, especially the pontifices and augurs; and thus a new element was introduced which is quite foreign to anything we have met with in Greece. It is a curious fact that at the very time (the end of the monarchy and first age of the Republic) when Rome was becoming penetrated by Greek religious ideas, the simple and unpolitical priestly system which survived in Greece was giving way to a new development which was distinctly Roman and political. It is the history of this change which we must be content to trace here.

Period of the Monarchy.—Every Roman was the priest of his own household [Sacra], and every action of the household had its religious aspect. In the state we see the same leading feature, that the rex was priest for the whole people. This is sufficiently proved (1) by the appointment of the rex sacrorum when the monarchy came to an end, in order to keep up the virtue of certain sacrifices which had been performed by the king; (2) by the position of the pontifex maximus from the outset of the Republic: his office was in the king's house [Regia], the flamens and vestals were in his *patria potestas*, and it was he who succeeded the rex in most of his religious functions.

To maintain, then, the full rights of the god as against the state, *i.e.* to fulfil in the minutest detail the state's duties towards the gods, was a most important part of the king's sphere of action; and here we get at once the germ of the whole Roman conception of a public cult, which was maintained consistently throughout Roman history. The gods are always in direct relation to the state and to its magistrates. They are regarded as interested in the state as a state, and as calling for the fulfilment of duty from the state in the person of its appointed rulers. (This point may be illustrated by reference to the significant fact that the property belonging to the temples was not managed by the priests, but by the magistrates. See Mommsen, *Staatsrecht*, ii.^{2} 1, 60 foll.)

In the earliest form of the state the king and his household may have sufficed for the performance of these duties. His unmarried daughters were the vestals who attended to the sacred fire of the state in the king's house (Frazer, *Journal of Philology*, vol. xiv. 154 foll.); and the origin of flamines may be traced to the king's sons, whose duties were to kindle the sacrificial fire for the worship of particular deities, *e.g.* Jupiter, Mars, Quirinus, &c. Such at least is a fair inference from the fact that, as was mentioned above, both flamens and vestals were in the *patria potestas* of the rex, as afterwards of the pontifex maximus. This was the earliest form of state worship so far as we can guess it; for further details as to the religious duties of the king, see Rex.

It is obvious that as the state increased in size and began to come into collision with its neighbours, *i.e.* as the judicial and military duties of the king grew more complex, he would find it more difficult to fulfil with the necessary precision the state's duties towards the gods. Thus already in the regal period we hear of the introduction, generally ascribed to Numa by the Romans themselves, of certain colleges of priests besides the vestals and flamens. Dionysius (ii. 64, 70 foll.) mentions the **Augures**, **Pontifices**, **Salii**, **Fetiales**, and **Tribuni Celerum**, to which may certainly be added the **Fratres Arvales** and **Sodales Titii**. He also mentions the thirty curiones or priests of the Curiae (see **Curia** and **Sacra**), but these were not state priests in the strict sense of the word.

None of these priesthoods, however, had any great influence on Roman history, or contributed to the great change in the religious system which took place in the period of the Republic. In order to understand this, we must turn to the Pontifices and the Augurs.

It is not possible to determine with certainty what part was played by these two colleges under the monarchy, or to what extent they were, strictly speaking, *sacerdotes* at all (Mommsen, *Hist.* i. 177). They may have formed bodies of advisers of the king on religious matters of importance; and the king was probably at the head of each of them, and chose them himself from the patrician gentes, to which all priesthoods then and for long afterwards were confined (Marquardt, iii.^{2} 240 foll.; Mommsen, *Staatsrecht*, ii.^{3} 24 foll.). The Augurs, we may presume, advised the king, or acted for him in all the minute lore of the old Italian ritual of dedication and inauguration [see TEMPLUM and AUSPICIA]; the Pontifices, in all matters of the *jus divinum*, i.e. of the laws of marriage, burial, portents, and general religious supervision (Liv. i. 20). For detailed information about these colleges, references may be made to the separate articles. It is easy to see how with the rapid development of the state under the last two kings, and with the admission of the Plebs to a voice in the government, the increase of territory and the consequent admission of new cults, the administration both of the *auspicia* and the *jus divinum* must have tended to pass more and more from the king into the hands of these experts. And it is in this way that we must explain their rapid rise to power when the Republic came to an end.

Period of the Republic.—Three great, though gradual, changes are to be noted in this period. The first of these is the natural development of the influence of the Pontifices and Augurs, which was already on the increase towards the close of the Monarchical period, and the corresponding decay of the purely sacrificial priesthoods. So long as the king was the centre of all state religion, appointing and controlling the priests, and being himself of their number, it had been impossible for them to acquire any overpowering political influence; but when the state came to be governed by yearly elected magistrates, who could not be specially trained in religious law or lore, a great opportunity was offered to the experts both in the *jus divinum* and in the *ritus auspiciorum*, of which full advantage was taken. The Pontifices became the advisers of the republican magistrates on all technical matters relating to religious law, and thus gained a permanent hold on the state machinery as well as on the private life of individuals.

Secondly, we have to note the rise to power in this period of a third great priesthood, already instituted by the last king, which henceforth ranked with the Pontifices and Augurs as one of the three great religious collegia,—the *decemviri* (at first *duoviri*, later *quindecimviri*) *sacris faciundis*. [See DECEMVIRI, Vol. I. p. 601; SIBYLLINI LIBRI.]

Thirdly, the decay of the older priesthoods in this period is hardly less striking than the gradual development of the power of the three great colleges. So long as the Romans retained something of their native religious feeling, these priesthoods no doubt kept a certain hold on the popular mind; but as new forms of religion came in, as the pontifical theology adapted itself to them, and as Rome advanced in conquest and the absorption of foreigners, they were left, as it were, stranded, and void of meaning. Towards the close of the Republic they began to disappear altogether, and we have the singular historical phenomenon of obsolete curiosities like the Flamen Dialis and the Fratres Arvales being restored at the beginning of the Empire, when once more the general supervision of the state religion was concentrated in the hands of a monarch. One only of these priesthoods retained its life and prestige almost undiminished throughout the whole of Roman history—that of the Vestal virgins; a fact that can be explained partly by its feminine character, which kept it out of all competition for political influence, and still more by the nature of the worship of Vesta as the religious focus of the state-life, and the legends which in the popular fancy connected it with the foundation of the city.

There were other changes of a more technical character in this period, besides those which immediately affected the relative importance of the several priesthoods. While the offices of Rex sacrorum and the older sacrificial priesthoods were always confined to patricians, the three great collegia were in course of time thrown open to plebeians also. With the gradual equalisation of the orders, it was found that those had grown too politically important to escape the plebeianising of the secular magistracy. The democratic changes first in the number of members in these collegia and the admission of plebeians, and secondly in substituting election for the more exclusive cooptation, have been detailed in the articles AUGUR, DECEMVIRI, and PONTIFEX. Thus the great Roman priesthoods were in this period steadily carried along by the full force of the political current to which they owed their power, while the more antiquated ones left the centre of the stream and were gradually stranded. And thus also it came about that the Roman religion and its ministers, though having to deal with matters so technical and a sacred law so minute as apparently to offer every chance for the growth of a powerful priestly caste, never became dissociated from the state, or from the public life and interests of the individual citizen; and Cicero could boast with truth that there was no grander principle in the constitution than that which placed the best men in the state at the head at once of the religious system and of the political machinery (*de Dom.* 1, 1). And this in spite of the fact that the priesthood and the magistracy were as such entirely dissociated from each other in Roman constitutional law; no priest having by virtue of his office any direct hold upon the state-machinery, and no magistrate having any part in the state's religious functions (Mommsen, *op. cit.* pp. 17 foll.). This was the republican theory; and though towards the end of that period there were signs of its collapse (as in the details of the new system of election), it maintained itself on the whole until further great changes took place on the establishment of the Empire.

(For the relation of the *haruspices* to the priesthoods during the Republic, see Marquardt, *Staatsverw.* iii. 410; they were not properly a priesthood, and are here omitted from consideration. For what little is known of the municipal priesthoods of Italy in this period, see the same work, pp. 475 foll.)

Period of the Empire.—The history of the priesthood under the Empire is a subject of great difficulty, and as yet imperfectly investigated. It must suffice here to give a brief outline, which may partly be filled up from the works of Mommsen and Marquardt already quoted, Henzen's *Acta Fratrum Arvalium*, and especially from a tract by P. Habel, *de pontificum Romanorum inde ab Augusto usque ad Aurelianum condicione publica.* Popular accounts of particular aspects will be found in Boissier, *Religion Romaine*, vol. i., and Friedländer, *Sittengeschichte*, vol. iii. Cp. also Bouché-Leclercq, *Les Pontifes*. But no work can be done in this period without constant reference to the *Corpus Inscriptionum*, and the best works on coins of the period.

The subject falls into three divisions: 1. The union of the existing priesthoods in the person of the emperor; 2. The new priesthoods connected in Italy and the provinces with the worship of the emperors; 3. The priesthoods of the foreign worships introduced in the period.

1. Julius Caesar was already pont. max. when he attained to supreme power. Augustus waited until the death of Lepidus, who had succeeded Julius, and was not elected till B.C. 11 (*Mon. Ancyr.* ed. Mommsen, p. 28). From that time onwards the office was not only an invariable accompaniment of the imperium, but was reckoned at the head of all the other offices (Mommsen, *Staatsr*. ii. 19), and in the title followed the *cognomina* immediately. With this the emperor also held the augurship, and was a member of the other two great collegia of the *quindecimviri* and the *epulones* (Marquardt, 222); and the same policy was pursued, in a greater or less degree according to the standing of the individual, with regard to his sons or other male relatives (Habel, *Caesares*, p. 60 f.). In his hands also, directly or indirectly, was the power of filling up vacant places in these colleges (Dio Cass. xlii. 51); and thus it may be said without exaggeration that the days of the early monarchy had returned, and that the union of the secular and religious powers in the state was complete. It must, however, be remembered that these great priesthoods had by this time done their work, and that we rarely find instances of their being put by their imperial holders to any important practical use. They served to increase the *dignitas* rather than the *potestas* of the emperor, who was seldom present at meetings of the collegia, and the actual work, such as it was, was probably done by substitutes (*promagistri*, Habel, 90). Even in the case of the supreme pontificate, which alone might be regarded as exercising a great influence over the life of Roman citizens so long as questions of adoption, sepulture, &c., could arise, it is hard to prove this influence by actual examples (see, however, Tac. *Ann.* iv. 16, vi. 12; Plin. *Epp. ad Traj.* 68). We must in fact regard them as little more than useful ornaments; but as ornaments which increased their prestige, and carried it into the remotest parts of the Empire. In the same way the right of filling up the *collegia* became a powerful source of patronage, and served to secure the goodwill and allegiance of important personages and their families, without giving them burdensome duties. (*Agricola*, e.g., was many years absent from Rome after his appointment to the pontificate: Tac. *Agr.* 9.) Thus it was an object of ambition to secure one of these priesthoods, and we have the evidence, both of historians and inscriptions, that they were valued at a higher rate even than magistracies (Habel, 88, and reff.). Thus the greater priesthoods of the Republic were absorbed into the personal equipment and patronage of the emperors, and so continued, gradually losing more and more of their original use and meaning, until Christianity became the state religion. Meanwhile the more antique priesthoods, which we left in a state of decay at the end of the republican period—the Rex Sacrorum, Flamines, Fratres Arvales, Salii, Sodales Titii, &c. [see under the separate articles]—had been revived indeed by Augustus, according to his policy of renovating and completing the religious outfit of the state, and thus satisfying the popular feeling for a better service of the gods; but in most cases they survived, not so much by pursuing their original ritual as by transforming it to suit the worship of their patrons (Marquardt, iii. 438), and may thus be better noticed under the next heading.

2. The most striking feature of the religious history of the Empire, viz. the deification of the emperor, naturally produced new priesthoods, the importance of which, both in regard to society in the capital and organisation in the provinces, forms a complete study in itself, and can only be very briefly alluded to here. In Rome and Italy, it was the policy of Augustus to discourage his own worship (Suet. *Oct.* 52; Dio Cass. lii. 35); but inscriptions show that in spite of this there was an unauthorised cult of him even in his lifetime in several Italian cities, presided over by *flamines* or *sacerdotes* (flamen being the general word in use in municipia), *e.g.* in Pisa, Praeneste, Pompeii, Beneventum (Marquardt, iii. 465, note 1). Later on this cult was organised in all the municipia of Italy, in conjunction with that of other emperors, and was maintained by *flamines* together with *Augustales*, a kind of sacred guild belonging chiefly to the inferior classes, but invested apparently with a certain priestly character (*C. I. L.* v. 3386; AUGUSTALES). After the death of Augustus, Tiberius pursued the policy of declining divine honours for himself, while on the whole he encouraged the worship of his predecessor; and in the first year of his reign (A.D. 14) was established the famous priesthood which was specially intended in Italy to maintain the cult of Augustus [AUGUSTALES], which reckoned thenceforward as one of the great priesthoods, and received as its symbol the *bucranium*, answering to the *simpulum* of the pontifices, the *patera* of the *epulones*, &c. In its sphere was included the worship of Claudius, the next emperor who was deified, and then we hear of Sodales Augustales Claudiales; later on again of a new priesthood on the same model for the worship of Vespasian, and afterwards of Titus (Sodales Flaviales Titiales), and so also with that of Hadrian and Antoninus Pius, so that the number of these priesthoods became eventually four, the last established serving for the cult of later emperors (Marquardt, iii. 479 foll.; Dessau in *Eph. Epigr.* iii. 205 f.; Desjardins, in *Revue de Philologie*, iii. 33 f.). Thus, even in Rome and Italy, not only did the emperors absorb into their own persons and families the dignity and prestige of the great existing priesthoods, but they enjoyed the advantage arising from an organised priestly worship of their predecessors, with the anticipation of the same honour for themselves after death. And, with the same object as was mentioned under the last head, the ancient sacrificial priesthoods revived by Augustus were made to contribute, so that throughout the whole range of priestly functions the new political system

and the new turn given to religion were alike everywhere present. Thus the name of Augustus was included in the *Saliare Carmen* used by the Salii (*Mon. Ancyr.* p. 27), and this honour was also paid to several later emperors and members of the imperial families. The LUPERCI had a new collegium gentilicium added to them in B.C. 44, that of the Luperci Julii, which continued far into the Empire. The Sodales Titii numbered Augustus and Claudius among their members, and were under obligations to Vespasian (Marquardt, 447). But it is from the fortunate discovery of the inscriptions of the Arval Brotherhood that we gain far the most insight into the way in which all kinds of religious ceremony were pressed into the service of the Empire; and a study of Henzen's *Acta Fratrum Arvalium* is perhaps the best introduction to a study of the new system [see ARVALES FRATRES]. Thus the odour of sanctity adhering to the oldest rural priesthood of the primitive Romans was made to contribute to the lustre of the latest imperial system, even down to the time of Constantine and his sons, and after Christianity had become the recognised religion of the Empire (Marquardt, 462).

In the *provinces* the priesthoods of the new worship came to be of very great importance. It was here the policy of Augustus to associate his own cultus with that of *Dea Roma;* and this conjunction was steadily retained and systematised, and is to be carefully distinguished from all other forms of the apotheosis which made their way into the provinces. (See Desjardins, in *Rev. de Philol.* 1879, pp. 42, 63.) In almost every province we find a *sacerdos* (or *flamen*) *Romae et Augusti provinciae;* the priestly title is found in numberless inscriptions under various forms, both in Latin and Greek (ἀρχιερεύς), and occurs in a shortened form as simply *sacerdos provinciae.* This great priest was elected yearly (in most provinces, but for Asia see W. M. Ramsay in *Classical Review,* vol. iii. p. 175) by the general meeting of representatives from the various cities of the province (*communia, concilia, κοινά*), from persons of consideration among the provincials, and was charged with important duties, such as the collection and management of the funds for the temples of the cult, the presidency of the games, and also of the assemblies of *legati* just mentioned [NEOCORI]. Of this assembly he was also the immediate representative in all communications with the emperor, and was thus independent even of the provincial governor. His importance in the development of the imperial system can hardly be over-estimated. (Desjardins, *l. c.*; P. Giraud, *Les Assemblées Provinciales,* Paris, 1888; Marquardt, *Staatsv.* i. 366; *Ephem. Epigr.* i. 200 f.)

The cities of the provinces, as well as the *communia* or *κοινά*, possessed priests of the worship of Rome and Augustus: this was at least the case in the African provinces, where they constantly occur in inscriptions under the titles of "flamen Augusti," "flamen Augusti perpetuus," or "flamen" simply. As these appear to have been elected yearly, it is probable that the epithet "perpetuus" indicated an honorary rank conferred in some cases on the holder. *Flaminicae* also occur, as in the worship of the *Divi* in Italy. The word *sacerdos* is also found in these inscriptions, but it is uncertain whether these were identical with the flamines. These municipal priesthoods may be considered as a subordinate part of the main provincial organisation of the worship of Rome and the emperors, and distinct from that of the Divi, which is found in the provinces also (Desjardins, *op. cit.* 55 f.; FLAMEN).

In the 4th century A.D., after the establishment of Christianity by the state, these titles, under the forms of *sacerdotales* and *flamines perpetui,* constantly occur, though their original meaning had vanished; and it is supposed that they indicated some dignity or honorary rank in the Ordo or Senate of a municipium (Desjardins, *l. c.*); i.e. they are no more than the civil survival of a once living religious organisation. It was in fact in the first three centuries of the Empire that these priesthoods were working realities in the imperial system; and both the nature of the cult and of their duties would enable them easily either to survive as non-religious titles or to disappear entirely. But the process by which these changes were effected is not yet fully investigated.

3. Some reference must be made here, in general terms, to the priests of the foreign worships which found their way to Rome and Italy in the first three centuries of the Empire. In a priesthood are usually found expressed the leading characteristics of a religion, as we have already seen both in Greece and Italy; and the success of a new form of priesthood indicates the presence of a new type of religious feeling. The Roman world, now become cosmopolitan, had outgrown the narrow formulae of the native religion, and the Roman priesthood had become first political, then imperial, in its character. Ever since the attempted introduction of the Bacchic rites in the 2nd century B.C., it had been obvious that there was a growing desire in Italy for some more emotional form of worship, which that priesthood could not supply, and which could not be satisfied even with the continuous invasion of Greek rites under the influence of the Sibylline books and their keepers. The Roman priests had little or no desire or opportunity of inculcating virtue; the notions of sin, penitence, regeneration, brotherhood, were wholly foreign to their worship, or at best were present there in a fossilised form, and had reference to the state rather than the individual. These were exactly the ideas which ruled in the Oriental forms of religion which the Romans met with as their empire extended itself in the East; and these, transported to Italy and even further west, found there a congenial soil. It is the tendency of all such worships to magnify the influence and mystic power of the priesthood; and thus the last type of priest which we find in the ancient world before the final victory of Christianity was, in its relations with individuals, the most powerful and efficacious of all the series. So much was this the case, that the priestly defenders of the old religion against Christianity frequently found it politic to clothe themselves also with the attributes of one of these more effective priesthoods (Boissier, *Religion Romaine,* i. 445).

Among these may be mentioned—1. The priests of Cybele or the Magna Mater, whose worship was introduced as early as 208 B.C., but did not take its most emotional form till the period we are now dealing with [see MEGALESIA]. Of the same character were the famous TAUROBOLIA, where the priest (*taurobolus*) underwent a baptism in the blood of the victim, the virtue of which he then communicated to others.

2. Another cult in which the priestly power was great was that of the Cappadocian *Bellona*, who even in republican times had usurped the place and name of an old Italian goddess. The priests and priestesses of this deity walked the city robed in black (Mart. xii. 57), wounding themselves as a sacrificial act: "ipsi sacerdotes non alieno sed suo cruore sacrificant" (Lact. *Inst.* i. 21, 16; cf. Tibull. i. 6, 45).

3. But the most striking of all these priesthoods was that of Isis and other Egyptian deities, especially noticeable for the important share obtained in it by women (one of the characteristic features of the religion of the age); for the licence practised in its rites, as described by Juvenal (vi. 522 foll.); and on the other hand for the asceticism it preached, and its doctrines of conviction of sin and the necessity of purification and atonement. There can hardly be a doubt that these priests really believed their initiations and fastings to have a real power of bringing the worshipper nearer to a knowledge of the divine nature, and of leading him "ad portum quietis et aram misericordiae" (Apul. *Met.* xi. 15); and it is only thus that the marvellous spread of this cult even to the western provinces of the Empire can be accounted for (see Marquardt, iii. 77; Boissier, *R. R.* i. 398, 418). The same tendencies are also seen in the cults of Jupiter of Heliopolis, and especially in that of the Persian sun-god Mithras, so famous in the third and fourth centuries of the Empire. In all the priests are all-powerful and all-persuasive; working privately and independently of the state; having a definite yet mystic doctrine to preach, and preaching it to all comers without respect of persons; and lastly with a graduated process of initiation, amounting to a veritable discipline. As all these features were almost wholly absent from the Roman notion of a priesthood, there arose by degrees and spread over the whole Empire an entirely new idea of the priestly office and its duties; and this, eventually coinciding with the old Roman idea of a state religion, pointed out earlier in this article, paved the way for an official recognition in the fourth century of an organised Christian hierarchy. [W. W. F.]

SACRA (the plural of *sacrum* = anything dedicated to the gods) is the general Roman term for worship, including the ritual observed in it, the utensils used in it (Ov. *Am.* iii. 13, 28), and even the documents which preserved the memory of the ritualistic usages prescribed for it (cf. e.g. Cic. *de Legibus*, ii. 8, 19 and 20; Varro, *L. L.* v. 50, "in sacris Argeorum scriptum est sic").

Roman writers distinguish two kinds of *sacra* within their own state, viz. *sacra publica* and *sacra privata*. As the limits of the state became extended, many foreign worships were introduced into Rome, while the inhabitants of *municipia* retained their own *sacra* under Roman protection (Festus, s. vv. *peregrina sacra* and *municipalia sacra*); but as all these were included in the *sacra publica*, the rapid growth of the Empire and the social changes accompanying it did not affect the validity of the main distinction, which may be recognised as holding good for all periods of Roman religious history. It may be succinctly explained in the words of Festus (p. 245 a), which were probably themselves drawn by Verrius Flaccus from the books of the *pontifices*: "Publica sacra quae publico sumptu pro populo fiunt, quaeque pro montibus, pagis, curiis, sacellis. At privata quae pro singulis hominibus, familiis, gentibus fiunt." From this definition it seems probable that under the head of public worship were reckoned all rites undertaken by the state as a collective whole, or by such divisions of the state as worshipped collectively (Marquardt, *Staatsverwaltung*, iii.^{2} 120, note 1 and reff.); while private worship was understood as including all other rites, whether on behalf of individuals, households, or even *gentes*. The *sacra gentilicia* have indeed by some been considered to belong to the public worship (Savigny, *Vermischte Schriften*, i. p. 173 foll.; but cf. p. 203, where this view is retracted); but the worship of the *gens* must undoubtedly be taken as analogous to that of the *familia* (Liv. v. 52, 4), as in neither case was there any rite in which the whole number of familiae or gentes took part at one and the same time. It will be sufficient to give some illustrations of the nature of the rites included under the two main divisions, following the indications afforded by the passage of Festus quoted above. We begin with the *sacra privata*, as first in time, though not in importance.

SACRA PRIVATA.—Festus distinguishes three kinds: *pro singulis hominibus*, *pro familiis*, and *pro gentibus*.

1. *Pro singulis hominibus.*—It is by no means clear what rites are to be reckoned under this category. All *sacra solennia* would naturally in early times have as their object the welfare, not of the individual, but of some organic group of individuals. Of prayers and sacrifices however, performed by an individual for his own benefit, we have examples (*e.g.* in Verg. *Aen.* vi. 51, viii. 71; Plin. *H. N.* xxviii. § 10; cf. Arnobius, *adv. Nat.* iii. 43); but these as a rule refer to worship in the field or under peculiar circumstances, in which the individual was temporarily separated from his family, gens, or state, and the remarkable prayer of Scipio in Liv. xxix. 26 is of this kind; yet it is to be noticed that he is here representing not only himself, but his army and the whole Roman people. With prayers are constantly associated *vota*, as in *Aen.* vi. 56–75: these are more natural to the individual, and may be illustrated abundantly by the votive tablets of the later Roman age (see Wilmanns, *Exempla Inscr. Lat.* vol. ii. p. 498 foll.).

2. *Pro familiis.*—Each family was a religious unit of which the paterfamilias was the priest, and the special gods were the Lares (or more properly the singular Lar) and the Penates; the former probably representing the primeval ancestor of the family, and the latter being the protecting deities of the *penus* or store-room of the household. To these daily invocations were offered and also libations at meals; and on all *feriae privatae*, such as the anniversaries of births, the kalends, nones, and ides, and on the Saturnalia, their images were adorned with garlands. The family also had its festivals of mourning, such as the Caristia and the Parentalia in February,

when the tombs of deceased members were visited and certain rites performed there. Lastly, for the benefit of the family and its property, the greater gods were invoked, as may be seen in the form of domestic field lustration preserved in Cato (*de Re Rustica*, 141), where Janus, Jupiter, and Mars, especially the latter, are besought to protect the crops and herds.

All *sacra pro familiis* were imperishable except by the extinction of the family: hence in Roman law the inheritance of a dead man's property involved the acceptance of his sacra, and the phrase *hereditas sine sacris* became a proverb for extraordinary good luck. Accurate rules were supplied in the *jus pontificium* for the devolution of the sacra to heirs of various degrees under various circumstances (see Cic. *de Legibus*, ii. 19–21; Savigny, *op. cit.* p. 153 foll.). The general principle of their succession is thus stated by Cicero (*Legg.* ii. 19): "De sacris autem . . . . haec sit una sententia, ut conserventur semper et deinceps familiis prodantur, et, ut in lege posui, perpetua sint sacra."

3. *Pro gentibus.*—Though familia and gens are words loosely used and often interchanged in Roman literature (cf. Marquardt, *Staatsverw.* vol. iii. ed. 2, p. 130), it is not difficult to distinguish the *sacra gentilicia* from those of the family. They belonged, however, only to patrician gentes (Liv. x. 8, 9), which were the only groups properly so called; and as these gradually died out, their sacra disappeared with them. Thus Gaius (iii. 17) writes of the whole jus gentilicium as obsolete in his day. But there is little doubt that in early times each gens had its own particular place and day for the performance of its sacra: *e.g.* the gens Fabia had a fixed day for a sacrifice on the Quirinal, which was performed by a leading member of the gens (possibly called flamen) *in cinctu gabino* (Liv. v. 46, xxii. 18; Dion. Hal. 9, 19; Cic. *Harusp. Resp.* 15, 32). Each gens originally no doubt had also a common burial-place (Cic. *de Legibus*, ii. 22, 55; *Offic.* i. 17, 55; *de Domo*, 13, 35). It should be added that certain gentes had special worships in their charge ("sacra certis familiis attributa"; Festus, p. 253, where *familiis* is used for *gentibus*): thus the gens Nautia had the care of the sacrae Minervae, the Potitii and Pinarii of those of Hercules, the gens Julia of that of Apollo; but these worships were rather of a public than a private character, *i.e.* they were state worships entrusted to a particular gens (Mommsen, *Staatsrecht*, iii. 19). All sacra privata, it should be noticed, were under the supervision of the pontifices, who were the sole referees in all questions arising out of the jus familiare and the jus gentilicium (Cic. *de Legibus*, ii. 12, 30). See GENS.

SACRA PUBLICA.—In the passage of Festus already quoted these are defined as "quae publico sumptu pro populo fiunt, quaeque pro montibus, pagis, curiis, sacellis." In this definition we see a twofold division: *i.e.* into 1. The public festivals of the calendar, conducted on behalf of the state by its priestly colleges; and 2. Those in which the local communities which had at one time formed divisions of the city took part as a collective whole, though worshipping independently of each other. In each case it should be noted that the rites thus called sacra publica are distinguished from sacra privata, in that they do not belong to independent groups united by real or supposed kinship, but to political divisions of the state or to the state as a whole.

1. *Sacra pro populo.*—Of these, which comprise the whole cycle of the religious festivals of the year, with the exception of one or two to be mentioned under the next head, nothing need be said here, and the student is referred to the various articles which treat of them more particularly. Their distinctive features as compared with the other division of sacra publica are—1. That they were maintained at the expense of the state (*publico sumptu*). 2. That they were conducted in the earliest times by the rex or by the ministers of religion who acted for him, and in later times by the rex sacrificulus, the flamines, or by one or other of the four principal religious colleges.

2. *Sacra popularia* (Festus, ii. 5, 3).—These, as we have seen, are described by Festus as being "pro montibus, pagis, curiis, sacellis." A brief account may be here given of the sacra belonging to each of these divisions, so far as their nature can be ascertained.

a. Pro montibus.—One of the ancient and obscure local divisions of the early state was that into Montes and Pagi, *i.e.* the dwellers in the original seven hill settlements on the Palatine and Esquiline, and the dwellers in the open country belonging to the state (Cic. *de Domo*, 28, 74; Mommsen, *Staatsr.* iii. 112 f.). The common festival of the former was called Septimontium, or Septimontiale sacrum (Suet. *Domit.* 4), and appears in the ancient calendars as Agonalia; it took place on Dec. 11 (*C. I. L.* vol. i. 407). Of the sacrum itself we only know that the flamen Palatualis made an offering on this day, doubtless to Pales, on the Palatine hill; and according to Plutarch, *Quaest. Rom.* 69, that no vehicles were allowed to be used in the old city during the festival,—a survival which is doubtless explained by reference to the crowded and narrow alleys of the town as compared with the open character of the pagi. As festivals of the Montani may perhaps be reckoned also the Laralia or feast of the Lares compitales (cf. LARES) and the Parilia of April 21, the festival of the foundation of the Palatine city: cf. Festus, p. 253.

b. Pro pagis.—These, as might be expected, are of an agricultural character; but it should be noted that what we know of sacra paganalia is derived not from the accounts of the ancient Roman pagi, but from information as to the Italian pagi of later times. To the sacra of these belong the *Sementivae*, varying in date according to the season (Ovid, *Fasti*, i. 657 f.); the *Ambarvalia*, at the end of May, otherwise called Lustratio pagi (cf. AMBARVALIA and LUSTRATIO); and the *Terminalia* or feast of boundaries, at the end of the year (Feb. 23). There can be little doubt that these festivals or their equivalents were among the sacra of the ancient Roman pagi, and were presided over as in Italy generally by a magister pagi, together with his wife the magistra pagi (cf. Marquardt, *Staatsverw.* iii. 198).

3. *Pro curiis.*—For the two festivals which specially belong to the Curiae, see articles FORDICIDIA and FORNACALIA.

4. *Pro sacellis* [see ARGEI].—These sacella can hardly be other than the sacella or sacraria argeorum, which were probably twenty-four or twenty-seven chapels or shrines situated at various points in the four Servian regions of the city.

That these sacella were the centres of ancient divisions of the city, possibly for religious purposes, is highly probable; all we know of them is in the form of citations by Varro (*L. L.* bk. v. 45 foll.) from the "Sacra Argeorum," which was apparently a processional itinerary, and probably also a rule of ritual performance. What was done at the sacella we do not know: a procession seems to have gone round them on March 16 and 17; but it had become so obscure by Ovid's time that he could dispose of it in his *Fasti* in two lines, leaving it somewhat uncertain whether it took place on one day or two. Nor can we be at all sure as to the relation of these rites to the better known Argean procession of May 15. (See ARGEI; and Mommsen, *Staatsrecht*, iii. 122 foll.; Jordan, *Topographie der Stadt Rom*, ii. 237 foll.) [W. W. F.]

SACRAMENTUM. [JUSJURANDUM; VINDICIAE.]

SACRA'RIUM was, according to the definition of Ulpian (Dig. 1, 8, 9, § 1; cf. Serv. *ad Aen.* xii. 199), a place in which sacred things were deposited and kept, whether this place was a part of a temple or of a private house. (Cf. Cic. *Verr.* iv. 3, 5; *ad Fam.* xiii. 2; Suet. *Tib.* 51.) In a temple it was probably, as Marquardt thinks, directly behind the wall of the *cella*, and only the priests could enter it (*Staatsverwaltung*, iii. 168). Thus in the sacrarium of the Capitoline temple the *thensa Jovis Opt. Max.* was kept (Suet. *Vesp.* 5); the *hastae Martis* in the sacrarium of the REGIA; the lituus of Romulus and the ancilia (probably) in the *sacrarium Martis* or *curia Saliorum* on the Palatine [SALII]. Sacrifices also were offered in the sacrarium of Ops Consiva (in the Regia), but they were not open to the public, since into this as into other sacraria those only could enter who held a sacred office. We may perhaps attach a similar significance to the fact that Varro (*L. L.* v. 45) calls the twenty-four chapels of the Argei *sacraria*, not *sacella*. They were chapels covered in from the public gaze, in which the sacred figures were kept, and into which in the processions *ad Argeos* the priests alone entered. Livy (i. 21) gives the same name to a shrine of Fides, to which it appears that he in his priestly office and the flamines alone had access: Tacitus alone uses it of the shrine in which an image was kept for the cult of Augustus at Bovillae (cf. Stat. *Silv.* v. 1, 240). Respecting the sacrarium or lararium of private houses, see LARARIUM. [L. S.] [G. E. M.]

SACRIFICIUM (θυσία) = that largest part of ancient worship which usually consists in presenting to a deity some object on which human life is supported, or even human life itself. Both the Greek and Latin words exclude the idea of the presentation of gifts in the shape of *inanimate* objects, however valuable; the reason for this probably being, as we shall see, that there is in this latter case no notion of communion between the god and the giver, as in the case of the gift of a meal. It will serve, however, to clear the ground, if we briefly indicate the nature of these inanimate votive offerings. Such were, *e.g.*, the treasures of all kinds deposited in Greek temples, and including especially the objects of art so frequently described by Pausanias. These are mentioned in Homer (*Od.* xii. 347), and are found throughout Greek history, though it should be observed that by a natural process, as temples became treasures of a state, they lost their character as the property of the god, and became rather (except in the temples common to all Hellas, *e.g.* at Olympia and Delphi) the property of the state under the god's guardianship. So too, at Rome, the word *sacrum* = "quidquid est quod deorum habetur" (Macr. iii. 3, 2), and *sacrificium* in its widest sense meant the dedication of such objects as altar, statues, land, money, utensils, the bodies of criminals, &c.; but the word generally used for this is *consecratio*.

In the same category may be reckoned the dedication of human beings to the service of a god, as at Delphi and Delos (Sir C. Newton, *Essays*, p. 165), or of models of parts of the human body in which disease has been cured (*C. I. G.* 497, foll. 2439, 6332); of coins dropped into wells by convalescent persons, or to procure rain (Paus. i. 34, 3; cf. Tylor, *Primitive Culture*, ii. 195); of children's hair (reff. in Hermann, *Griech. Alt.* ii. 143; cf. Tylor, ii. 364, who suggests that this is a form of substitution, like the models of limbs). Here too may perhaps be mentioned the Athenian Eiresione and the ὄσχοι (vine-branches) of the OSCHOPHORIA, and lastly, though these approach more nearly to the real nature of sacrifice, the offerings of first-fruits and tithes, whether of freewill or under compulsion as a fine (see Hermann, *Griech. Alt.* ii. 142; *C. I. A.* 191, 482; Newton, 115). At Rome also the first-fruits were probably offered in the oldest cults, *e.g.* by the Vestals (Marquardt, *Staatsverw.* iii. 169). All these various gifts are made the property of the god under the primitive idea that he, like kings, could be pleased and appeased by attention, and that to ask him for a favour without a gift was hopeless (*Il.* ix. 493: στρεπτοὶ δέ τε καὶ θεοὶ αὐτοί). The motive, therefore, underlying them is the same as in the sacrifice proper; but the idea of communion is not present in the case of such gifts, and it is his which best differentiates the true sacrifice from the votive offering. Only in the case of piacular sacrifices, which closely resemble the votive offerings, though accompanied by the idea of purification or atonement, does the idea of communion appear to be absent.

Turning to sacrifices in the restricted sense of the word, we find it difficult to arrange them systematically, so as to give the student a clear view at once of their various objects and details. The old division into bloody and unbloody sacrifices is clearly insufficient, since it leaves the object out of view; and it should be noted that in the last few years much progress has been made towards a right understanding of the inner meaning of sacrificial ritual. The best plan is perhaps to follow in the main the division adopted in the *Encyclopaedia Britannica* by Professor Robertson Smith, as being itself based on a wide acquaintance with such ritual among a great variety of peoples, by which alone the ritual of individual races can be interpreted; and as being easily accessible to English readers. We will therefore treat of sacrificing, both in Greece and Italy, as—A. *Honorific*, i.e. meant to please and do honour to the gods, either by way of enforcing a petition, or expressing gratitude (the *Bitt-* and *Dankopfer* of German writers). This class covers by far the greater part of the field. B. *Piacular* sacrifices, which contain the idea of *expiation* and include most cases of human sacrifice known to us in classical antiquity. C. *Sacramental* or mystical sacrifices, which are, however, rare and obscure both in Greece and Italy. An account of the ordinary features of the ritual observed, especially in animal sacrifices, will be reserved for the conclusion of the article.

A. *Honorific Sacrifices.*—These, whether their object were petition or thanksgiving, were originally regarded as a meal for the god in which the worshippers shared, and therefore included edibles only. (For general evidence from a variety of races, see Tylor, *op. cit.* ch. xviii.) That the older Greeks believed that their gods did enjoy the meal is quite apparent in Homer (*Il.* iv. 48, vii. 201; *Od.* iii. 435, *ἦλθε δ' Ἀθήνη ἱρῶν ἀντιόωσα*), and is illustrated in the vase-paintings by the presence of the deity at the sacrifice. Even then, however, it was rather the sweet savour or the pleasant sight (as when the horns are gilt to please Athene, *Od.* iii. 437) that they enjoyed, and the savage idea that they actually devoured the food was left to survive among the wholly rural populations. (Cp., however, *Od.* vii. 201.) Aristophanes, in the *Pax*, could still ridicule the popular belief, which is seen in the offerings to the dead in tombs, and in Italy also to the Lares and Penates (cf. also Lucian, *de Sacrificiis*, 14). But the notion of the communion of god and man in the meal left very distinct traces long after the actual belief had faded; and from the Homeric age, where a big feast and a sacrifice are almost synonymous (*e.g.* in *Od.* iii. 1 foll.), down to the great city festivals of later times, which supplied the population with food at the expense of the state, it is this firmly-rooted idea that governs the whole character of the ritual.

Honorific sacrifices might be either *occasional* or *regularly recurring*. In Homer, where the undisturbed life of family or city is not represented, the sacrifices are occasional and with a definite temporary object. Such too are found in historical times, and at Athens were called *θυσίαι κατὰ ψηφίσματα* (Dem. *de Cor.* p. 301, § 217): they were often suggested by an oracle, or sometimes were the result of a public vow, as before Marathon (Plut. *de Malign. Herod.* 26). At Rome the sacrifices at *supplicationes* would belong to their class [SUPPLICATIO], and also those *ex voto* and those which occurred in family life on birthdays, at admission into the phratria, at funerals, &c. But in Italy the extraordinary sacrifices were most commonly undertaken for the purpose of divination (*hostiae consultatoriae*), according to the lore of the Etruscan Haruspices [DIVINATIO]. These are also found in Greece, but far less frequently, and it has been doubted whether the art was native with the Greeks (Schömann, *Alt.* ii. 275; *Herm.* ii. 241 foll.) or whether it can be traced in Homer. The idea on which this peculiar turn given to sacrifice appears to be based, is that the god was thought to show his goodwill in the victim: *i.e.* the perfection of the parts of the animal was a sign of the god's satisfaction; their imperfection, of his hostility—he refuses the gift. The same idea is seen in the scrupulous exactness, to be described later on, in the choice of the victim for ordinary sacrifice, and in the belief that it was a bad omen if it came *unwillingly* to the altar.

Where honorific sacrifices are regular and recurring on fixed days of the year, they indicate a higher civilisation, and produce a regulated calendar of city life, such as we are pretty fully acquainted with at Athens and Rome; sacrifice forming at all times the chief part of ancient worship. This city sacrificial system is, however, itself developed out of the regular religious life of the family and the gens. In the Roman family, not only on certain days, *e.g.* on kalends and ides, were sacrifices offered to Lares and Penates, but at every meal some portion was cast into the fire as an offering [LARARIUM], and also at birth, marriage, and funerals. The same was the case with the agricultural operations of the family and gens at certain seasons, *e.g.* at the time of sowing, ploughing, and harvest, and especially at the time, as at Rome in May, when the crops were in danger and needed special religious care (LUSTRATIO; Cato, *R. R.* 141), and at the summer and winter solstices. Thus the ancient sacrificial celebrations corresponded generally with the seasons, and have left their mark in this respect on the modern Christian Calendar.

This regular sacrificial system had, we may note, two results, which are important for the religious history of antiquity:—1. The necessity of a trained priesthood to carry on the tradition of ritual. 2. The gradual destruction of the simple and primitive ideas of sacrifice: the age of formality sets in, and the formalism of the cult gradually destroys its original meaning.

These honorific sacrifices consisted either of drink offerings, incense offerings, or of animal and vegetable food. The use of incense, or sweet-smelling herbs, may have been a comparatively late introduction; but of the rest, there is no sufficient ground for supposing one to be older than another, though some ancient authors, and many modern ones, have imagined these animal sacrifices to be of later date than the unbloody (Plato, *Legg.* vi. 782 C; Ov. *Fast.* i. 337; Plin. *H. N.* xviii. § 7; Plut. *Num.* 8; cf. Pauly, *Real. Encycl.* vol. vi. p. 658). The question would be one rather of the practice in each locality, and would depend on the wealth, and the nature of the wealth, in each; *e.g.* in Boeotia, Copaic eels were an article of sacrifice (Athen. vii. p. 297), and Spartan poverty was in some cases content with fowls (Plut. *Inst. Lac.* 25). Anthropological research does not seem to show that the sacrifice of animals is of later origin; and all we can fairly assume is that in Greece and Italy, as wealth increased and bloody sacrifices became more and more synonymous with feasts, these tended to increase both in number and variety. All these kinds of offerings, it should be noticed, are found in use together as well as separately.

Drink offerings.—These include libations of all kinds; which from Homer downwards we find performed, at meals to domestic deities, or on special occasions, *e.g.* the entering into any treaty or engagement (*Il.* iii. 295; cf. ii. 341), by throwing a few drops from the drinking vessel on the hearth and the ground. So also the Greek, before going to rest, poured a libation to Hermes, the god of sleep (*Od.* vii. 136; Buchholz, *Homerische Realien*, iii. 293). Here also belong the Greek χοαί, or libations to the dead (*Od.* x. 518; cf. Verg. *Aen.* v. 77), and the Roman practice of *profusiones*, i.e. pouring libations on the grave, of wine, water, milk, oil, &c. (Marquardt, iii. 312), on stated occasions, such as the Parentalia in February. Libations consisted usually of unmixed wine in historical times; but when wine could not be had, water would suffice, as in *Od.* xii. 363; and in Greece some deities preferred no wine (Aesch. *Eum.* 107), and Hermes liked a mixture (Schol. Aristoph. *Plut.* 1132). The oldest libations, *e.g.* the χοαί, were probably of milk and honey mixed (μελίκρατον) or of milk alone (Eustath. *ad Od.* x. 519; Soph. *El.* 895), or of oil, if the anointing of sacred stones can be reckoned under this head (Paus. x. 24, 5; Theophr. *Char.* 16; Tylor, ii. 151). So too in the worship of the oldest Roman deities *milk* was used, *i.e.* in that of Rumina, Cunina, the Camoenae, Faunus, Silvanus, Pales (Schwegler, *R. G.* i. 421, note and reff.).

Incense offerings.—Originally, as we saw, the gods were thought to be pleased by the sweet savour of the sacrifice; and this notion was acted on as early as the Homeric age in Greece, by employing sweet-smelling wood (θύον, *Od.* v. 59: a species of cedar wood, cf. *Il.* vi. 269, ix. 495; Hesiod, *Op.* 338) for the fire, and at Rome by the burning of sweet-smelling garden herbs (Verg. *Ecl.* viii. 65, and especially Ov. *Fast.* i. 339). The real incense offering was both rare and costly. Incense, however, became an object of trade in later times, when it was the constant accompaniment of animal sacrifices (Arnob. vii. 26). It is said to have come from Phoenicia by way of Cyprus, where it was used in the cult of Aphrodite Ourania (Empedocles in Athen. xii. p. 510; Hesych. *s. v.* θύα).

Offerings of fruits and cakes.—Fruits were offered in Greece chiefly as tithes or toll of the harvest of some crop (ordered by a Delphic oracle, Theopomp. fragm. 283), not only to Demeter and Dionysus (Paus. viii. 42, 5), the especial deities of corn and wine culture, but to others, according to the local belief in their efficacy. At Athens, and probably elsewhere, there were in most temples tables, near the statue of the god, laid out with fruits of all kinds, as well as with cakes, honey, &c. (Aristoph. *Plut.* 678 and Schol.). This practice, the origin of the Roman lectisternia, is also represented on monuments (Martha, *Les Sacerdoces Athéniens*, p. 50; *Bull. Corr. Hell.* ii. 74). Fruits also figure conspicuously in some Athenian festivals, *e.g.* at the OSCHOPHORIA and the THARGELIA, and boys are seen carrying baskets of fruits and cakes in the northern frieze of the Parthenon (Baumeister, *Denkm.* 1382: hence the names κανηφόροι, κερνηφόροι, &c., for bearers of such utensils in various rites; Lobeck, *Aglaoph.* 26 foll.). So also at the PYANEPSIA, or festival of beans (the cheapest food at Athens), not only were these carried about in pots (χύτραι), but an olive-branch (εἰρεσιώνη), laden with various fruits hung on it, was carried in procession, and fixed at the door of the temple of Apollo. At Rome fruits are less often mentioned (for "primitiae frugum" in a general sense, cf. Tibull. i. 1, 13 foll.), but at least, as a rule, the grain or fruit was cooked. Cakes of all kinds were used in abundance both in Greece and Rome, whether combined with animal sacrifices or independently. In Greece these were called πέλανοι, and πέμματα or πόπανα (Lobeck, *Aglaoph.* 1050 foll.), and were especially used in the cult of Apollo, *e.g.* at Delphi and Delos (Müller, *Dorians*, E. T. i. 343); also in that of Zeus at Athens, at the Erechtheia in the Acropolis (Paus. i. 26, 6), and that of Trophonius (a honeycake, μελιτοῦττα, Ar. *Nub.* 506; Paus. ix. 39); and at the Athenian Munychia and in the worship of Artemis a special kind of cake was used, which was surrounded with torches called ἀμφιφῶντες (A. Mommsen, *Heort.* 404). At Rome, cakes were also in common use, especially in the form of the *mola salsa*—i.e. salt-cakes prepared by the Vestal Virgins from the first ears of each harvest, and used at the Vestalia, Lupercalia, and on the Ides of September (Serv. *ad Ecl.* viii. 82)—and of the *liba*, for the making of which under various forms Cato gives receipts (*R. R.* 75 foll.). So important was the making of these on the right method that special *fictores* were employed for this purpose under the orders of the pontifices (Marquardt, iii. 429).

Both in Greece and Italy the practice was common of making substitutes for animal sacrifices out of dough, paste, wax, &c., as we see in the worship of Zeus Meilichios at Athens (Thuc. i. 126), and in the Roman *maniae*, which Aelius Stilo (Fest. p. 129) described as "ficta quaedam ex farina in hominum figuras" (Lobeck, *Aglaoph.* 1080 foll.). These will be referred to later.

Offerings of animals.—These were of great variety, both as regards the animals themselves and the ritual used. It is not necessary to do more than allude at this point to human sacrifices, which for the most part belong either to our second chief division of piacular offerings, or to our third division of mystic or sacramental sacrifices. To this latter class probably belong those rare examples which seem to be survivals of cannibalism, *e.g.* in the worship of Zeus Lycaon in Arcadia and of Dionysus in Chios, and the occasional sacrifice of captives, as when Themistocles sacrifices Persian prisoners at Salamis to Dionysus Omestes (Plut. *Themist.* 13; *Pelop.* 21). The ordinary honorific animal sacrifices consisted mainly of those animals which had been already tamed by man, and used for food, *e.g.* the ox, sheep, goat, pig, and fowl; thus bearing out the theory that the original idea of such sacrifice is that it was a meal shared in by god and man. Where the victim is not one eaten by man, the sacrifice is almost sure to be piacular or sacramental. The local customs as to the choice of animals were of endless variety, and are hard to explain: it was a complete science to learn the predilections of the gods, which varied even at particular periods of the year. As the temple-priesthood developed [SACERDOS], so no doubt the ritual became more complicated, and had, in larger temples at least, to be fixed in writing: of this we have traces in inscriptions both of Italian and Greek origin (see Dittenberger, *Sylloge Inscr. Graec.* 373, 388, and especially the sacrificial calendar from Cos published in *Journal of Hellenic Studies*, vol. iv. p. 323; for Italy, the great ritual inscription of Iguvium, ed. Bücheler, *Umbrica*, and the *Fasti diurni* in *C. I. L.* vol. i.).

The following general principles may be traced amid a crowd of details. 1. As to *sex*. Male victims were usually sacrificed to male deities, and female to goddesses, both in Greece and Italy (Arnobius, vii. 19, "Diis feminis feminas, mares maribus hostias immolare, abstrusa et interior ratio est, vulgique a cognitione remota," &c. This rule held good in Greece so widely (though not without exceptions: see Stengel, *Quaest. Sacrif.* pp. 1–6) that an exception to it at Aulis in the worship of Artemis, which often exhibits abnormal features, gave rise to an explanatory myth (Paus. ix. 19, 5). The same kind of symbolism is seen in the kindred custom of sacrificing a barren cow to the dead (*Od.* xi. 30), with which may be compared the offering of a pregnant cow to Tellus at the Roman Fordicidia (Ov. *Fast.* iv. 631), and of a pregnant sow to Demeter at Mykonos and Andania (Ditt. 373, 388). 2. As to *colour*. White animals were offered to heavenly deities, black to those of the under-world (Arnob. *l. c.*). Thus in *Il.* iii. 103 a white sheep is to be offered to the Sun, a black one to Earth (cf. inscription from Mykonos, Ditt. 373): in *Od.* xi. 33, to Teiresias in the under-world, black sheep. Black victims were offered to Poseidon in *Od.* iii. 1 foll.: but we find also white ones offered him in later times (Ditt. 373). So at Rome, where the importance and difficulty of getting a white victim for Jupiter led to whitening with pipe-clay (Juv. x. 65, "cretatum bovem"). 3. As to *soundness*. This was always demanded, though it could not be always complied with. It is expressly laid down in one of the most valuable ritual inscriptions we have (Ditt. 388, from Andania, line 70) that the animals are to be *εὔιερα, καθαρά, ὁλόκληρα* (cf. Ditt. 373, line 20, and Pollux, i. 26). Hence the elaborate organisation in some cities to secure the proper selection; of which more at the end of this article. 4. *Animals sacred to a deity were not usually sacrificed to that deity*. This principle, which has a totemistic origin, and is found in full working order in many antique religions (*e.g.* the Egyptian and Mexican), probably was a ruling one in Greece in early times, but can now only be traced in survivals which are often obscure. One or two exceptions may be mentioned. No pig, in some places at least, could be offered to Aphrodite (Hermann, p. 150, note 3; Aristoph. *Ach.* 793): at Athens the goat might not be offered to Athene (Athen. xiii. p. 592), whose aegis or goat-skin points to the goat as the totem of the Aegidae or goat-clan, which had the care of her worship. To her were usually sacrificed bulls and sheep, to Zeus bulls or heifers, to Demeter pigs. For a list of the predilections of Roman deities, see Marquardt, iii. 173. In these and other cases of predilections, it is probable that the practice arose from the well-known rule that a totem-clan did not kill or eat its own totem: but as regards Italy and Greece the subject needs further investigation (A. Lang, *Myth, Ritual and Religion*, ii. 70 foll.; Robertson Smith in *Encycl. Brit.* l. c. p. 135). Instances of the sacrifice of the sacred animal to the god to whom it is sacred are probably of the mystical order of sacrifices, and will be mentioned under that head.

These general principles may be said to have held good both in Greece and Italy. Before leaving this subject we may notice that combinations of animals for sacrifice were not uncommon. The best known example is that of the SUOVETAURILIA at Rome, where the ox, sheep, and pig were combined in the worship of Mars (Cato, *R. R.* 141): with this may be classed the *τριττὺς* of the Greeks, a combination of animals, but not always of the same three. (See *Od.* xxiii. 277: ram, bull, and bear, to Poseidon; and cf. Eustath. *ad Od.* xi. 130; Hermann, § 26, note 2.) Lastly, where the proper victims could not be had, substitutes in the form of cakes were sometimes used, as has been already mentioned (Thuc. i. 126, and Schol.: cf. Herod. ii. 47). In Thebes apples with wooden feet and horns to imitate sheep were used in the cult of Apollo (Pollux, i. 30), and a like practice is recorded of the Locrians (Schömann, 219). Such substitution was also known at Rome, and is enunciated clearly by Serv. *ad Aen.* ii. 116, "Sciendum est in sacris simulata pro veris accipi; unde cum de animalibus quae difficile inveniuntur est sacrificium, de pane vel cera fiunt, et pro veris accipiuntur:" cf. Tylor, ii. 367. But these substitutes are more common as survivals of human piacular sacrifice (see below).

B. *Piacular Sacrifices.*—The general idea of the honorific sacrifice was that the gods might be propitiated with gifts, without any sense of sin being present in the worshipper's mind. From these must be distinguished (though the distinction is not always an easy one) those which have as their object the expiation of some sin, generally in early ages blood-guiltiness *within a group of kin*, or of purification from pestilence, &c., brought about by some sin (*Encycl. Brit.* s. v. *Sacrifice*, p. 136; Tylor, ii. 350). The original idea was that this was inexpiable for the defiled kin, save by the death of the slayer. As the practice of substitution was extended, it came to be applied to such cases, and thus we find not only the sacrifice of human beings by no means uncommon both in Greece and Italy, but survivals of it in the form of substitutes, either of animals or of some kind of puppet, or of symbolic actions which indicate an originally real sacrifice. Further, piacular sacrifices for lesser offences, usually a part of a ritual of lustration, are found in later times, especially in Italy. Some examples must be given of each of these classes of expiatory sacrifice.

That the idea of guilt demanding a human life as expiation was not strange to the Greek mind is plainly seen in the myths, *e.g.* in those of Theseus, Orestes, and Iphigeneia (cf. also Eur. *Phoen.* 914, *El.* 1024; Plut. *Pelop.* 21; Verg. *Aen.* ii. 118: where the blood-guiltiness is, however, not in each case clear). At Athens we find it surviving in the THARGELIA, when two men called *φάρμακοι* (Harpocr. *s. v.*) were driven out of the city and stoned; and in a rite found also at Ephesus at a Thargelia of that neighbourhood (cf. Tzetzes, *Chil.* v. 726

foll.; Hipponax, *Fragm.* 4 foll.; Mannhardt, *Myth. Forsch.* 126 foll.). At Rhodes a public victim was sacrificed at the beginning of the month Metageitnion, for whom a criminal was afterwards substituted (Porph. *de Abst.* ii. 54, where other similar cases are given). At Leucas a criminal was sacrificed to Apollo by being cast from a rock: an age of greater humanity supplied him with feathers to break the descent, and rugs to fall on (Strabo, p. 452). A very similar case, as an expiation for pestilence, is recorded from Massilia by Servius (*ad Aen.* iii. 57; Petron. 141). In this case, as in the Mexican and other savage rites, the victim was cherished ("alendus anno integro publicis et purioribus cibis"); and in all these examples they seem to have been adorned with garlands, &c., on their way to death. Sometimes an animal was substituted for the human victim, as at Potniae, where a goat was substituted for a boy in the bloom of youth (Paus. ix. 8, 1; cf. vii. 19, 2 and 3). Occasionally we meet with the rite surviving only in a symbolic act, as in the well-known case of the whipping of Spartan boys at the altar of Artemis Orthia till the blood was drawn. With this may be compared the striking passage, in Eur. *Iph. T.* 1458, where Athene orders the human sacrifice in expiation for the death of Iphigeneia to be commuted for the drawing of blood by a sword. So too, at the Roman LUPERCALIA, the young men were smeared with the victim's blood, which was then wiped off with wool dipped in milk (cf. a curious parallel in Apollon. Rhod. iv. 700 foll., where purification for a murder is effected by smearing the murderer's hands with the blood of a young pig, and then wiping it off). Examples of the substitution of puppets are not wanting, especially at Rome, where the rush-puppets cast into the Tiber in May [ARGEI] are described by Dion. Hal. as resembling men tied hand and foot, and were generally believed to be substitutes for old men (see especially Mannhardt, *Antike Wald- u. Feldkülte*, 265 foll.); and according to Macrob. i. 7, 34, the oscilla or "effigies maniae suspensae" were substitutes for the sacrifice of boys [OSCILLA]. The meaning of these Roman rites is not, however, fully ascertained.

In the Roman religion proper we have no trace of a regularly recurring human sacrifice without substitution, which is doubtless partly owing to the practical sense of the people, to the value attached to human life, and to the bargaining character of their religion, so well illustrated in the story of Numa in Plutarch, *Numa*, 15. It may probably be traced, however, in the *ver sacrum*, in which the first-born of a tribe were devoted to a god, and sent forth from the city (Nissen, *Templ.* 154; Fest. 379); in the rite of *devotio* (Liv. xxii. 57; Marquardt, iii. 279 and reff.); in the spilling of the blood of a gladiator at the feriae Latinae (Tertull. *Apol.* 9; Marquardt, 297); in the *consecratio* of a criminal, who was thus made *sacer* and the property of the gods (Id. 257); and possibly in the *ritus humanus* of the Vejovis cult (Preller-Jordan, *Röm. Myth.* i. 265, and Macrob. iii. 9, 10, where it is noticeable that the formula of *devotio* includes Vejovis) as well as in the examples above given. In Etruria, and perhaps in other parts of Italy, human sacrifice was well known: see Müller-Deecke, *Etrusker*, ii. 20, and Dennis, *Cities and Cemeteries*, i. 422, 478, ii. 506; Gardthausen, *Mastarna*, plate at end of volume.

It is at Rome, however, that the ordinary piacular sacrifices which do not appear to represent substitution for human victims are best seen. There they form a distinct class, and their immediate object was to expiate, even by anticipation, any error or omission in the performance of ritual, or some sacrilege, however slight, such as the bringing of iron into the sacred grove of the Fratres Arvales (Henzen, *Acta Fratr. Arv.* 22, 136–140; ARVALES). Of this kind were the *hostiae praecidaneae*, offered before the main sacrifice, in order to ensure the efficacy of the latter (Gell. iv. 6, 7; Fest. p. 223: the *προθύειν* of Greek ritual seems to have a different sense). Here also belong the piacula of the supplications [SUPPLICATIO], and all sacrifices ordered to be performed after the occurrence of prodigia. It is difficult to say how far the Italian sacrifices of lustration belong to this class, *e.g.* the suovetaurilia; but the *pihaklu* of the Iguvians (Bücheler, *Umbrica*, p. 314) seem to offer a parallel and to bring them within the class (compare the language of the ritual in Cato, *R. R.* 141). Greek examples of piacular sacrifices not substitutes for human offerings are the *χοιροκτόνοι καθαρμοί* of Aesch. *Eum.* 273; the Bouphonia at Athens, of which more hereafter; the holocaust to Zeus Meilichios in Xen. *Anab.* 7, 8; and many others may be found collected in Hermann, ii. § 23, note 19 and foll., and § 28, note 19, and in Schömann, ii. 239. It should be noted that the piacular sacrifices can in general be distinguished from honorific by the fact of the victim being burnt *whole* or not cooked at all, and at Rome by the fact of its not being used for divination. They did not constitute a meal, but were whole burnt offerings, and, unlike the honorific sacrifices, did not always consist of edible animals, but included horses, asses, dogs (to Hecate), &c. See Stengel, *Quaest. Sacr.* pp. 23 foll.

C. *Mystic or Sacramental Sacrifices.*—This is a class which it is hard to deal with, because the sacrifices here had in historical times lost their original meaning, being survivals from an age of which the culture is only to be studied among other races. They are believed to have their origin in the age of totemistic religion, in which gods are formed out of the totem animals. In that age we find—1. That the totem is not sacrificed to the god out of which it was developed, except on certain solemn occasions. 2. That on these occasions the sacrifice is of the nature of a sacrament, the totem being (as in Mexico) eaten by all the worshippers, who thus in a sense partook of the substance of their god. (J. G. Frazer, *Totemism*, reprinted from *Encycl. Brit.*; W. R. Smith, article *Sacrifice*, p. 137; A. Lang, *Myth, Ritual and Religion*, passim.) Here and there a sacrificial rite in Greece indicates a descent from this age: and others, which are less distinctly to be referred to it, may be noticed under the same head.

In the myth of Dionysus Zagreus, the god when captured by the Titans was torn asunder in the form of a bull (cf. Paus. viii. 37, 3.) This myth reflected the nature of his sacrifices. In these, living animals were torn to pieces—

bulls or fawns—and eaten raw by all the celebrants (Lobeck, *Agl.* 653 foll.). The god, as the animal, was once probably the totem of a tribe; and the worshippers danced about dressed up in the skins, *i.e.* took the god-nature upon them. Cf. for a similar practice of tearing to pieces in Chios, Porph. *Abst.* ii. 55; but here the victim was human, and the origin probably cannibalistic. A Roman parallel may probably be found in the Lupercalia, where, after the ceremony of smearing above alluded to, the priests girt themselves with the victims' skins, and, *before* running round the Palatine, partook of a luxurious feast, which may be a substitutory survival of the old god-eating rite. Somewhat similar in character is the well-known worship of Zeus Lycaon in Arcadia (Paus. viii. 2; 38, 5; Plato, *Rep.* 565 D); where the worshippers tasted the sacrifice, but he who ate the morsel of flesh contained in it was changed into a wolf. Cf. the Hirpi Sorani of Soracte (Mannhardt, *Antike Wald- u. Feldkülte*, 330), where another totemic feature is apparent, *i.e.* the wolves were said to have carried off the flesh from the altar. Again, in the Diipolia at Athens, the sacred bull was sacrificed, but the skin was sewn up and stuffed, and all partook of it, "the life of the victim being renewed in those who ate of it" (Porph. *Abst.* ii. 29). This, as Prof. R. Smith (*l. c.*) has pointed out, is perhaps a relic of a form of blood covenant; for the legend of the festival connects the origin with the adoption of a new family by the Athenian citizens.

In this festival of the Diipolia we notice another feature which suggests a totemistic origin, and of which there are one or two other examples in Greek and Roman ritual. Among totemistic peoples it is the deadliest crime to kill the totemistic animal. Where this animal is sacred, the slayer would pay for its death with his life. Thus not the priest indeed, but the axe which slew the bull at the Athenian Zeus-feast, was solemnly tried and condemned (Paus. i. 24, 4). At Tenedos the sacrificer of the booted-calf (Lang, ii. 233) was stoned and driven into the sea (Aelian, *H. N.* xii. 34). Perhaps with this curious ritual may be compared the story of Apollo flying in terror after slaying the python (Lang, ii. 195). Here also probably belongs the mysterious ritual of the Regifugium at Rome, which has been so strangely confused by many. [REGIFUGIUM.]

Another mystical totemistic feature, already alluded to, is the wearing of the skin of the sacred animal. This, which is a very common feature among totemistic peoples, has also left its traces in Greece, *e.g.* in the Bacchic rites, and in Rome at the Lupercalia at least. As in Mexico, the priest frequently also wore the attributes of the god: examples will be found collected in Back, *De Graecorum caerimoniis in quibus homines deorum vice fungebantur*, Berlin, 1883.

RITUAL.—1. *Greek.* The ordinary ritual of honorific sacrifice must now be more exactly described. Unbloody sacrifices, it should be noted, naturally did not call for the same exactness of observance as those in which animals were offered; while piacular sacrifices, in which the victim was almost always a whole burnt offering, or at least was not shared as a meal (holocaust), were not only comparatively rare, but also needed a simpler ritual than the meal-sacrifice, or followed the ordinary ceremony, at least in its earlier stages. The process to be described is found in all its main features in the Homeric poems. In later times, an endless variety of local usage arose, as the detail was developed partly through the influence of the temple priesthood, partly through the increasing wealth (and consequent ceremonial) of cities as well as temples. We will first describe the Homeric ritual, and then indicate some points in which its leading features became afterwards developed. The student who desires to study the local variation must refer to the works of Hermann, Schömann, Maury, and Martha, already frequently quoted; but more especially to Pausanias, and to the *C. I. G.* and *C. I. A.*

In Homer (see esp. *Od.* iii. 418–463; *Il.* i. 446 foll.) the rite is as follows. The victim, for the choice of which there seems to have been no precise rule, though it must be in a general sense *τέλειος* (*Il.* i. 66; *i.e.* free from blemish), and of a kind appropriate to the god, was led to the altar, where, if an ox, its horns were or might be gilded, to gratify the eyes of the deity. Then follow certain preliminary rites of consecration. Water for lustration was brought, together with a basket of grain (*οὐλαί*: whether ground or not is uncertain): with the former the hands at least of the bystanders were sprinkled, and the latter was cast on the victim and the altar (*χερνίψαντο δ' ἔπειτα καὶ οὐλοχύτας ἀνέλοντο*, *Il.* i. 449; cf. *Od.* iii. 445). When this was done, the chief sacrificer, whether priest or not, offered his prayer (*Il.* i. 451), and at the same time cut some hair from the victim's head and cast it into the flame. This hair, if the sacrifice had relation to a treaty or compact, was divided among the parties concerned (*Il.* iii. 271). Then followed the slaughter of the victim either with axe or knife or both; it was killed kneeling, as it is often represented on sacrificial vases, with its head turned upwards if the sacrifice were to celestial deities, downwards if to those of the under-world (*Od.* iii. 453). During the act of slaughter the bystanding women, if any, cried aloud (*ὀλόλυξαν*)—for what reason is not very clear; perhaps this noise, like the flute-music of later times, was meant to hide the cries of the animal, all unwillingness on its part being held of ill omen. Lastly, the flesh was cut up, the thighs were sliced, and the slices wrapped in double layers of fat and placed on the altar to be wholly consumed for the god, after wine had been poured on them. The entrails were then tasted, and arming themselves with long spits, such as are often seen in vase-paintings (see *e.g.* Baumeister, *Denkm.* p. 1107), and with five-pronged forks (*πεμπώβολα*), the sacrificers set to work to roast the rest of the meat for their own enjoyment. In *Il.* i. 472, this feasting is accompanied by hymns to the god.

This ritual remained practically the same throughout the history of Greek religion. In all Greek literature, down to Lucian, we find the same notions prevalent about the part taken by the god, and the same main features, *e.g.* the lustral water, the grain, the clipping of the hair, and the distribution of flesh between deity and sacrificers. See especially Aristoph. *Pax*, 820 foll.; Lucian, *de Sacrificiis*, 14. The monumental evidence bears this out fully (see Martha, p. 67, note 5). But, apart from the great variety of local usage already referred to, we may note at least three points in which a general development took place in the way of elaborate regulations, and especially as regards—1, the choice of victims; 2, the ceremonial adornments; 3, the apportionment of flesh and skins. A brief reference to each of these is all for which space can here be found.

1. The tendency of temple-worship and priestly influence was to create a number of artificial requirements in respect of the colour, sex, purity and perfectness of victims, especially on great public occasions. This is most singularly illustrated in an inscription from Cos, lately discovered, and edited by Mr. Hicks (*Journ. Hell. Stud.* vol. ix. No. 2, p. 334 foll.). The selection of the ox for sacrifice to Zeus Polieus, on the 19th day of the Coan month Batromius, was a matter of the utmost solemnity and difficulty. A holocaust or piacular offering of a pig had been made on the previous day with a view to good-luck in the selection; but it is obvious from the inscription that the Hieropoioi, who sat at a table with the priest and inspected the oxen as they were driven past, had often great difficulty in choosing. When a second herd was driven in, an ox was to be sacrificed to Hestia, apparently as a further aid; cf. Dittenberger, 338, 70, whence we learn that at Andania (and probably at many other places) the victims underwent an examination by the priest or other official, who affixed a seal (*σημεῖον*) to them if approved of. On the other hand, such elaborate selection must have been well-nigh impossible in the case of the great hecatombs at Athens: there the chief function of the officials seems to have been rather the procuring than the selection of victims. (For the duties of *βοῶναι* and *ἱεροποιοί* at Athens, see Dittenb. 388; Martha, pp. 70 and 71; [BOONAE; HIEROPOEI.]) In the case of private sacrifices, as distinguished from those undertaken by the state, it was no doubt the business of the priest of the temple where the sacrifice was to take place to examine the victim; but so long as it was of the right kind, colour, &c., it is not probable that further rigidity of rule was insisted on.

2. In regard to ceremonial adornment, we find a development chiefly in two particulars, viz. the wearing of wreaths, and the use of instrumental music. Wreaths and garlands, which on the monuments invariably adorn the sacrificer as well as the victim, are not mentioned in Homer (Schömann, p. 228). A few exceptions to this rule are mentioned in later literature, *e.g.* at Paros, in the worship of the *Χάριτες*, and on occasions of domestic grief (Apollodorus, iii. 15, 7; Diog. Laert. ii. 54). The place of the wailing of the women, as represented by Homer, at the moment of slaughter, is taken by the playing of the flutes (in Argos of a trumpet, Pollux, iv. 87), as is often to be seen on sacrificial vase-paintings (Martha, p. 84). The passage of Apollodorus just quoted shows plainly that the absence of these accompaniments of sacrifice at Paros was a very unusual feature, and needed a legend to explain it. Other details, such as the use of oil and honey, the sprinkling of the altar with the blood of the victim, &c., may probably have been at all times in vogue in the temples, though unnoticed in the Homeric accounts of sacrifice. For the development of hymn-singing and dancing in relation to sacrifice, see Duncker, *Hist. of Greece*, vol. ii. ch. 14.

3. In regard to the apportionment of the victim's flesh, which in Homer, as we have seen, was a simple matter, we have in later times, chiefly from inscriptions, a vast number of details and regulations, showing the importance attached to it. Most of these define the portion which is the perquisite of the priest (*θεομοιρία* : *γέρη* : *ἱερώσυνα*). This differed in different worships: frequently it is the legs and skin; sometimes the tongue and shoulder; in *Fragm. Com. Graec.* p. 265 (Didot), the thighs, flank, and left side of the head are mentioned. (See Dittenberger, Nos. 373, 376, 379, and 388, line 85. Also *Journal of Hell. Stud.* l. c. p. 328 and note; Stengel, *op. cit.* p. 15 foll.) The rest of the animal might, in the case of private sacrifices, be taken home by the sacrificer to be used for a meal (the survival of the Homeric practice), or even sent in the form of presents to friends (Schömann, 231). This was, of course, impossible in the case of holocausts, which were rarely honorific sacrifices: *e.g.* it is expressly forbidden, in the inscription from Cos already quoted, to take away any part of the pig which was burnt the day before the Zeus festival. But in public sacrifices undertaken by the state, the disposal of the carcases, which at Athens at least were sometimes counted by hundreds, came to be an important matter of public revenue, about which full information will be found in Boeckh-Fränkel, *Staatshaushaltung*, vol. ii., appendices viii. and viii. b. *Dermaticon* was the general name for this source of revenue; the skin being retained as the special property of the state, while the flesh, after the magistrates had received their portions, was distributed among the whole number of demes, for purposes of feasting (*C. I. A.* ii. 163, 305). In B.C. 334 the revenue arising from the sale of these skins was no less than 5,500 drachmas. Thus the simple primitive sacrifice, with its genuine meaning, came to be developed into a state detail, whose importance was much more material than spiritual.

Greek sacrifice, from a vase-painting (Blümner). The emblematical figure of Nike filling the *φιάλη* shows that it is a sacrifice for victory.

2. *Roman.* The introduction of Greek religious practice at an early period overlaid the true Roman cult, and by degrees almost extinguished it, though a distinction was always maintained by the learned between the *ritus Romanus* and

the *ritus Graecus* (Marquardt, iii. 186). What features of ritual are to be understood by the former term, it is hard to say, except the veiling of the head of the worshipper, which is expressly mentioned by Macrobius (i. 8, 2; iii. 6, 17; Plut. *Q. R.* 10), and the use of laurel or other wreaths (Marquardt, *l. c.*, note 4). It may also be noted that the use of music and dancing at sacrificial rites, which in Greece had such momentous literary results, never developed at Rome into more than the mere accompaniment of *tibicines*, the object of which was to preclude all ill-omened sounds from reaching the ears of the worshippers (Plin. *H. N.* xxviii. § 11). This, however, need not exclude the supposition that rude hymns, such as those which we still possess of the SALII and the FRATRES ARVALES, were at one time in use (R. Peter, *de Romanorum precationum carminibus;* contained in the *Commentationes in honorem Reifferscheidii*, Breslau, 1884, p. 67 foll.). But we know enough to discern that the leading characteristic of the *ritus Romanus* was its solemnity and stillness, especially at the time when the prayer, which was a more essential feature of it than with the Greeks, was being led by the priest. This stillness is indicated, not only by the veiling of the head, but by the fact that the prayer was often not spoken aloud, but only muttered. Thus, in the elaborate and genuinely Italian ritual of the Fratres Atiedii, at Iguvium, we meet with the phrase "tases persnimu" = tacitus precator (Bücheler, *Umbrica*, p. 60, note); which is to be explained as a direction to the priest to murmur below his breath. (See reff. in Marquardt, 178, note 4, and Bücheler, *l. c.*) The more strictly religious, if not spiritual, character of the worship in Italy is also shown by the absence of revelry after sacrifice; or at least of the development of the rite into a matter of public feasting, as at Athens. Another characteristic which was more strongly marked in Italy than Greece was the extreme and superstitious precision required in the whole ritual. The form of prayer which the priest led and the worshippers repeated after him must be gone through without the slightest error; if such error were committed, the whole had to be repeated again. The same rule applied to the ritual of sacrifice itself (Bücheler, *l. c.* p. 81; Arnob. iv. 31; Plut. *Coriol.* 25); and in all such cases the error had to be wiped out by a piacular sacrifice in addition. The same precision was observed in regard to the posture of the worshipper, which differed in different cults: in the *ritus Romanus* it is likely that this posture was a kneeling one in the act of prayer (Marquardt, 179, note 4), while usually the person praying stood with outstretched arms, and looking to the east. In the cult of Tellus and Ops, he touched the earth with his hands (Macrob. i. 10, 21; iii. 9, 12). But to gain an adequate idea of the extraordinary lengths to which this precision in all respects was carried by Italian custom, and maintained by written rules, the student should not fail to consult the Iguvian inscription so often quoted, with the translations and commentaries of Bréal or Bücheler (Bréal, *Les Tables Eugubines;* Bücheler, *Umbrica.* The first and sixth tables afford the best illustrations).

A succinct description of an ordinary Roman sacrifice may be given in conclusion; in which it will now be easy for the student to distinguish some at least of the Greek and Italian elements. For further detail he is referred to Marquardt, 180 foll. (in the new French translation, vol. i. pp. 216 foll.); and for an immense collection of variety of detail, which is however wrongly used as if belonging to a single act of sacrifice, to the article in Pauly's *Encyclopädie*, vol. vi. pt. i. pp. 671 foll.

The victim (*victima* is used of the larger, *hostia* of the smaller animals) was led to the altar adorned with fillet and ribbons (*infulae* and *vittae*); the gilding of the horns in the case of an ox is also mentioned (Henzen, *Act. Fratr. Arv.* 144). On great occasions of lustration, *e.g.* of an army by a general, or of the people by a censor, the leaders of the victims must have names of good omen. The Greek rule held good here also, that the victim must come willingly. Then followed the *immolatio*, also a counterpart of the Greek ritual, which consisted in dedicating the animal by strewing on its head the *mola salsa* or prepared cake (Serv. *ad Aen.* iv. 57); wine and incense were also used for this purpose, and in Verg. *Aen.* vi. 245 the Greek practice is alluded to of cutting hair from the victim's head and casting it into the fire. The beast was then slain, the larger ones with axe or hammer, the smaller with the knife: this was the business, in public honorific sacrifices at least, not of the priest, but of assistants (*cultrarii, popae, victimarii*). When the victim was dead, the most important part of the ceremony began: viz. the extraction and examination of the *exta* and the preparation for burning them on the altar. By *exta* is to be understood the liver, gall, lungs, and heart, with the interior skin. These, and especially the liver, were in all sacrifices except piacular ones subjected to a careful inspection, with a view to ascertain whether the god was pleased; the idea being, as has been already pointed out, that he showed his good and ill will in the organs of the victim. (For the complicated science of augury which grew out of this idea in Italy, see article DIVINATIO; Bouché-Leclercq, *Divination dans l'Antiquité*, vol. iv.) If the inspection were satisfactory (*litare* is the technical word), the priest proceeded to prepare the *exta* either by boiling or by roasting on spits; the latter practice seems to have been confined to the sacrifices of sheep and lambs (Varro, *L. L.* v. 98). They were then laid on a dish, together with certain other parts of the flesh (Arnob. vii. 24), and in this form were called *prosecta* (for other forms of the word see Marquardt, 183; in the Iguvian inscription it is *proseseto*); on this again the *mola salsa* was sprinkled and wine poured (Cic. *Div.* ii. 16, 37), and it was then ready to be placed on the altar (*exta porricere* or *reddere*). That this preparation of the *exta* was the leading feature in the rite, is well shown in the fact that on the *dies intercisi* of the calendar, the slaughter of the victim took place in the morning, and the placing of the *exta* on the altar was delayed till the evening. The additions to the *exta* from other parts of the victim were called *augmenta*; the *magmenta* (Marquardt, 184) sometimes mentioned appear to have been separate dishes, also placed on the altar for consumption. The rest of the flesh, or *viscera* (Serv. *ad Aen.* v. 253), was eaten by those offering the sacrifice, or by the priest in the case of piacular sacrifices (*ib.* iii. 231), where the victim was not burnt whole (cp. Arvales; *C. I. L.* vi. 2104). But we hear very little of priests' portions or of sacrificial feasting; the Romans were never so lavish of their victims as the Greeks, and the absence of a regular temple-priesthood enabled them to dispense with perquisites as a means of securing the priests a livelihood. The inspection and preparation of the *exta* remained the chief object and feature of sacrifice; and thus, in spite of the predominance of the *Graecus ritus*, the peculiar characteristics of the Italian religious temperament were preserved till late times in the Roman ceremonial. (In the foregoing description of the Roman ritual, Marquardt's excellent account has been closely followed.) [W. W. F.]

SACRILE'GIUM, the robbery of sacred things (Sen. *de Ben.* 7, 7; Isid. *Orig.* v. 26), is that form of peculatus which affects sacred property not in private hands: *i.e.* it is the robbery of anything publicly dedicated to the service of the gods. Hence the theft of anything from a private dwelling, though it might be dedicated to the gods, would be a *furtum*, not a *sacrilegium* (cf. Cic. *de Invent.* 8, 11). According to the Twelve Tables, "Sacrum sacroque commendatum qui cleperit rapsitque parricida esto" (Cic. *de Leg.* ii. 9, 22), which does not mean that it was reckoned as parricidium, but that the sacrilegus was tried by the quaestores parricidii. In later times there were changes both in the procedure and in the definition of the crime. It was tried under the *quaestiones perpetuae* [Peculatus; cf. Cic. *Verr.* i. 5, 14), and the crime of sacrilege, besides meaning robbery of temples, was extended to include damage or insult to anything consecrated, and so was made to refer to damage of the city walls, which were sacred (Cic. *N. D.* iii. 40, 94; Plut. *Rom.* 11), and even to climbing over them (Dig. 1, 8, 11); and further, under the Empire, to want of respect for the emperor or his appointments (Capit. *Ant. Phil.* 18; Cod. 9, 21, 1), though such offences were sufficiently dealt with under the law of Majestas. For the conception of what was *sacrum*, see Macrob. iii. 3, 2; Dig. 1, 8, 6, § 3. The punishment of sacrilegium under the Lex Julia was interdictio aqua et igni, for which banishment (*deportatio*) was substituted: under the Empire heavier penalties were affixed—for breaking into temples by night, *damnatio ad bestias* or burning alive; for the same act by day, labour in the mines or banishment (Dig. 48, 13, 6). Compare Rein, *Criminalrecht*, 691; Rein in Pauly, *Real Encyclop.* s. v. *Sacrilegium.* (For sacrilege among the Greeks, see Hierosylia.) [L. S.] [G. E. M.]

SACRO'RUM DETESTA'TIO. [Gens, Vol. I., p. 911 *a.*]

SAECULA'RES LUDI. [Ludi Saeculares.]

SAE'CULUM. [Ludi Saeculares, p. 92.]

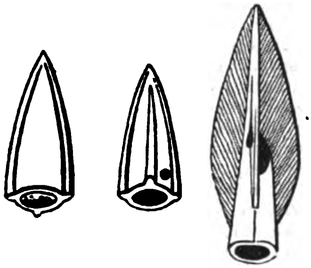
SAGARII. [Sagum.]

SAGITTA (*ὀιστός, ἰός*; Herod. *τόξευμα*), an arrow. The account of the arrows of Hercules (Hesiod, *Scut.* 130–134) enumerates and describes three parts, viz. the point, the shaft, and the feather. Pollux (i. 137) says that the feathered end was called the head of the arrow.

I. The point was denominated *ἄρδις* (Herod. i. 215, iv. 81), whence the instrument, used to extract arrow-heads from the bodies of the wounded, was called *ἀρδιοθήρα.* [Forceps.] Great quantities of flint arrow-heads are found in Celtic barrows throughout the north of Europe, in form exactly resembling those which are still used by the Indians of North America (Hoare's *Anc. Wiltshire, South*, p. 183). Nevertheless the Scythians and Massagetae had them of bronze (Herod. *ll. cc.*).

A large number of flint arrow-heads, some of them finely shaped, have also been found in Italy, in deposits of the Stone age. Specimens may be seen in the prehistoric galleries of the British Museum. The Aethiopians in the army of Xerxes tipped their arrows with a sharpened stone, which they also used for engraving gems (Herod. vii. 69). Mr. Dodwell found black flint arrow-heads in the large tumulus of Marathon, and concludes that they had belonged to the Persian army (*Tour through Greece*, vol. ii. p. 159). Those used by the Greeks were commonly bronze, as is expressed by the epithet *χαλκήρης*, "fitted with bronze," which Homer applies to an arrow (*Il.* xiii. 650, 662). Herodotus, however (vii. 69), speaks as if iron was the natural material to be employed.

The Homeric arrow-head was "three-tongued" (*τριγλώχις*, *Il.* v. 393) and had barbs (*ὄγκοι*, *Il.* iv. 151, 214). Its form is shown by the annexed woodcuts.



Arrow-heads found in Attica.

The two smaller, one of which shows a rivet-hole at the side for fastening it to the shaft, are from the plain of Marathon (Skelton, *Illust. of Armour at Goodrich Court*, i. pl. 44). The third specimen was also found in Attica (Dodwell, *l. c.*). Some of the Northern nations, who could not obtain metal, barbed their arrow-heads with bone (Tac. *Germ.* 46).

The use of poisoned arrows (*venenatae sagittae*) is always represented by the Greek and Roman authors as the characteristic of barbarous nations. It is attributed to the Sauromatae and Getae (Ovid, *Trist.* ii. 10, 63, 64; *de Ponto*, iv. 7, 11, 12); to the Scythians (Plin. *H. N.* xi. 53, § 115), and to the Arabs (Pollux, i. 138) and Moors (Hor. *Od.* i. 22, 3). When Ulysses wishes to have recourse to this insidious practice, he is obliged to travel north of the country of the Thesprotians (Hom. *Od.* i. 261–263); and the classical authors who mention it do so in terms of condemnation (Hom. Plin. *ll. cc.*; Aelian, *H. A.* v. 16). The poison applied to the tips of arrows having been called *toxicum* (*τοξικόν*), on account of its connexion with the use of the bow (Plin. *H. N.* xvi. 10, § 20; Festus, *s. v.*; Dioscor. vi. 20), the signification of this term was afterwards extended to poisons in general (Plaut. *Merc.* ii. 4, 4; Hor. *Epod.* xvii. 61; Propert. i. 5, 6).

II. The excellence of the shaft consisted in being long and at the same time straight, and in being well polished (Hes. *Scut.* 133). The arrows of the Carduchi were more than two cubits long, and were used as javelins by the Greeks (Xen. *Anab.* iv. 2). But the shaft often consisted of a smooth cane or reed (*Arundo donax* or *phragmites*, Linn.: cf. Plin. *H. N.* xvi. 36, § 65), and on this account the whole arrow was called poetically either *arundo* in the one case (Verg. *Aen.* iv. 73, v. 525; Ovid. *Met.* viii. 382), or *calamus* in the other (Verg. *Buc.* iii. 13; Ovid, *Met.* vii. 778; Hor. *Od.* i. 15, 17; Juv. xiii. 80). In the Egyptian tombs reed arrows have been found, varying from 34 to 22 inches in length. They show the slit (γλυφίς, Hom. *Il.* iv. 122; *Od.* xxi. 419) cut in the reed for fixing it upon the string (Wilkinson, *Man. and Cust. &c.* vol. i. p. 309).

III. The feathers are shown on ancient monuments of all kinds, and are indicated by the terms *alae* (Verg. *Aen.* ix. 578, xii. 319), *pennatae sagittae* (Prudentius, *Hamart.* 498), and πτερόεντες ὀϊστοί (Hom. *Il.* v. 171), but it is doubtful if the Homeric epithet has any reference to the feathers. The arrows of Hercules are said to have been feathered from the wings of a black eagle (Hes. *l. c.*).

Besides the use of arrows in the ordinary way, they were sometimes employed to carry fire. Xerxes captured the Acropolis in this manner (Her. viii. 52). Julius Caesar attempted to set Antony's ships on fire by sending βέλη πυρφόρα from the bows of his archers (Dio Cass. l. 34; cf. Pollux, i. 137). A head-dress of small arrows is said to have been worn by the Indians (Prudentius, *l. c.*), the Nubians, and the Aethiopians of Meroe (Claudian, *de Nupt. Honor.* 222; *de III. Cons. Honor.* 21; *de Laud. Stil.* i. 254).

In the Greek and Roman armies the *sagittarii*, more anciently called *arquites*, i.e. archers, or bowmen (Festus, *s. v.*), formed an important part of the light-armed infantry (Caesar, *Bell. Civ.* i. 81, iii. 44; Cic. *ad Fam.* xv. 4). They belonged, for the most part, to the allies, and were principally Cretans. [ARCUS; CORYTUS; PHARETRA; TORMENTUM.] [J. Y.] [A. H. S.]

SA'GMINA were the same as *verbenae*, sacred herbs, especially those which were torn up by their roots from the enclosure of the Capitol, and given by the consul or praetor to the Fetiales when they went to demand reparation or to make a treaty [FETIALES]. They were carried by one of the body called *Verbenarius*, and served to mark the sacred character of the ambassadors: Varro (*ap.* Non. 528) compares them to the caduceus or κηρύκειον (cf. Plin. *H. N.* xxii. § 5; Liv. i. 24, xxx. 43; Dig. 1, 8, § 8; Festus, *s. v.*). There can be no doubt that any herb so gathered would answer the purpose if the true verbena could not be procured: indeed Servius (*ad Aen.* xii. 120) says, "abusive *verbenas* vocamus omnes herbas sacratas ut est laurus oliva vel myrtus." The true verbena or *vervain* is the *verbena officinalis*, which suits Pliny's description of the plant and his comparison of the leaf to an oak-leaf (xxv. § 105). It was used for lustrations, for sweeping the tables of the gods at the Epulum Jovis or at the lectisternia (Id. *ib.*); it was used also for decking the altar (Ter. *And.* iv. 3, 11; Hor. *Od.* i. 19, 14, iv. 11, 7; Ovid, *Met.* vii. 242). The Greek name seems to be ἱερὰ βοτάνη, or περιστερεών, but the Greek equivalent for lustration or for decking the altar was rather the myrtle: cf. Eurip. *Ion*, 120, μυρσίνας ἱερὰν φόβαν ᾇ σαίρω δάπεδον θεοῦ: and Servius, *l. c.*, notes that Terence in using the word *verbena* translates a line (quoted in a corrupt state by Donatus) where it is a myrtle bough (see Wagner *ad* Ter. *l. c.*). Lastly we find a curiously widespread use of the plant in divination and magic: for this purpose it is burnt in Verg. *Ecl.* viii. 65, and Pliny (*l. c.*) speaks of the same use among Eastern nations (cf. Suet. *Vesp.* 7) and among the Celts, where the superstition lingers to this day (*e.g.* in Brittany).

Whatever the etymology of sagmen may be, we must reject the connexion with *sanctus* or *sacer*, which Festus favours. Corssen (*Lat. Spr.* ii. 212) proposes a connexion with *seges* by the root *sag* (σεσαγμένος), but, as it certainly was not used for food, this is not satisfactory. Looking to its use for divination and magic, which we may judge from its being common to so many nations to have been its oldest use, we might suggest rather a connexion with *saga* and *sagire*. [W. S.] [G. E. M.]

SAGUM, a thick woollen cloak or plaid fastened round the neck with a brooch, was the distinctive garb of the Roman citizen in time of war. It was worn not only on the field, but was put on by the whole male population of the city on the occasion of a *tumultus* or other sudden alarm, the consuls alone retaining the toga (Cic. *Phil.* v. 12, 31; viii. 11, 32; xiv. 1, 1). Hence it is contrasted with the toga, the dress of peace, in such phrases as *saga sumere*, *in sagis esse*, and *ad saga ire*. As one would expect in the case of militia providing their own equipment, the sagum was in no sense a uniform, and was worn by country-folk (Plin. *H. N.* viii. § 54) and slaves (Dig. 34, 2, 23, § 2), and was chosen by soldiers as allowing the arms full play. It is shown on countless monuments, the most important being Trajan's Column and the many grave-reliefs found on the banks of the Rhine. These show that it was put on and fastened in the same manner as the *paludamentum*, which was in fact the special sagum which the Imperator wore. The word *sagum* has, besides this, a wider and more general meaning, and is applied to the varieties of cloak known as *birrus*, *laena*, *lacerna* (cf. Martial, viii. 58; Juv. ix. 28), and *abolla* (cf. note in Marquardt, *Privatl.* p. 567). Besides this, the national dress of the Germans (Tac. *Germ.* 17), Gauls (Caes. *B. G.* v. 42), Ligurians (Strabo, iv. p. 202), and Spaniards (Val. Max. iii. 2, 21; Liv. xxix. 3, 5), which still survives in the plaid of the Scotch Highlander and the cloak of the Spaniard, not only went by the same name, but was believed by the Romans to be the original form of the garment, even the name being borrowed from the Celtic. However this may be, cloaks fastened at the neck with a pin are known all the world over; the Greek χλαμὺς being, for instance, as much akin to the sagum as the German varieties. In fact, in later Latin *chlamys* in ordinary use supplanted the old word. There was naturally much variety in shape, cut, and material in saga; and we know that while the Gauls preferred cloth of a check pattern ("*virgatis* sagulis," Verg. *Aen.* viii. 660: cf. Tac. *Hist.* ii. 20, v. 23), the Spaniards were fond of black (Strabo, iii. p. 155). In the late Empire the excellence of the Gallic and Spanish cloth made it popular at Rome, and we hear of *saga Atrebatica* and *Nervica* even in the fourth and fifth centuries A.D. It would further seem that sometimes the sagum was worn with a hood, and also that, as in many Gallic instances, the fibula was occasionally dispensed with (cf. Trebell. *XXX. Tyr.* 10).

The sagum being made for the roughest usage, was of stout stuff, and, like all cloaks which are fastened with a pin, served many other purposes, the most interesting being perhaps that of the "blanket" in which a person was "tossed," this pastime being known as *sagatio.* (Marquardt, *Privatleben*, pp. 561–6; Becker-Göll, *Gallus*, iii. 220; Baumeister, *Denkmäler*, s. vv. *Toga* and *Waffen.*) [W. F. C. A.]

SALAMI'NIA. [Theoris.]

SALA'RIUM, allowance of salt for soldiers and officers; then allowance for salt; and so (though not earlier than the Empire) = stipendium or military pay generally (as in Plin. *H. N.* xxxi. § 89), though the word still included rations. (Salt was once more supplied in kind later: see *Hist. Aug.*, *Claud.* 14, *Prob.* 4.)

Augustus instituted in B.C. 27 a further salarium for governors of provinces, senatorial or imperial. The outfit and travelling expenses of governors (*vasarium*) had previously been voted them by the senate. But though the supply of outfit and necessaries, in money or kind, by no means came to an end, Augustus also paid a fixed money-allowance or "salary" to provincial governors (Dio Cass. lii. 23, liii. 15; Suet. *Aug.* 36). The amounts varied with their rank (Dio Cass. liii. 15), but are not known to us. Dio Cassius (lxxviii. 22) says that in the time of Macrinus a million sesterces were paid; but the provincial governor here mentioned was never allowed to visit his province; and the million sesterces may therefore, it has been thought, have included compensation for the honours and advantages lost, and consequently may be much more than the regular amount. Salaria were also given by various emperors to other persons: the *comites* of the emperor (Suet. *Tib.* 46); legal assessors (*Hist. Aug.*, *Alex. Sev.* 46); poor senators (Suet. *Nero*, 10); rhetoricians and philosophers in all the provinces (*Hist. Aug.*, *Ant. Pius*, 11; cf. Suet. *Vesp.* 18); grammarians, doctors, haruspices, engineers, architects (*Hist. Aug.*, *Alex. Sev.* 44). The various curatores and procuratores were divided according to amount of salary into *sexagenarii* (60,000 sesterces), *centenarii* (100,000), *ducenarii*, and *trecenarii*. Respecting the pay which certain classes of priests received, see Sacerdos and Vectigalia Templorum. [F. T. R.]

SALIENTES. [Fons.]

SALII. These were an ancient guild of priests, traditionally first instituted by Numa for the service of Mars and the guardianship of the sacred shields (Liv. i. 20; Cic. *de Rep.* ii. 14, 26; Dionys. ii. 70; Plut. *Num.* 13; Ov. *Fast.* iii. 378; Fest. p. 131); other traditions represented them as derived from Greece (Fest. p. 320; Plut. *l. c.*; Serv. *ad Aen.* ii. 325, viii. 285); but we should rather regard these rites as a primitive Italian religion, very possibly a relic of superstitions inherited alike by the Greek and Italian stocks, but not borrowed from Greece after the Greeks and Italians were separate nations. It is at least probable that the Salii date from an earlier and ruder state than the age of Numa. They were at any rate widely spread through Italy, for we find them at Alba, Lanuvium, Tibur, Tusculum, Anagnia, Verona (Macrob. iii. 12, 7; Serv. *l. c.*; *C. I. L.* i. 150, v. 4492, vi. 270, x. 5925; see also other inscriptions cited by Marquardt, *Staatsverw.* iii. 428); nor was the name restricted to the priests of a single deity: at Tibur they belonged to the worship of Hercules Victor. In Rome (*i.e.* in the Palatine city) there were originally twelve, forming a collegium with officials, a *magister*, *praesul*, and *vates*: they assembled at the Curia Saliorum on the Palatine, and were called *Salii Palatini* to distinguish them from the other similar guild of twelve *Salii Collini* (called also *Agonales* or *Agonenses*), who were supposed to have been instituted by Hostilius, and had their sacrarium in the Quirinal (Liv. i. 27; Dionys. ii. 70, iii. 32; Serv. *l. c.*). We can scarcely doubt that these two guilds existed in their separate localities when the Palatine and Quirinal were distinct communities, and the doubling of the Salii, like the doubling of the Luperci, tells of the amalgamation of the Quirinal with the Palatine city (compare Mommsen, *Rom. Hist.* i. 56; *Staatsrecht*, iii. 111: Luperci).

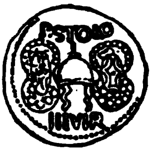
The Salii were patricians (Cic. *de Dom.* 14, 38; Lucan, ix. 477; cf. Lucian, *de Salt.* 20), chosen (by co-optation of the college) from *patrimi et matrimi* in early youth, but, as they held the appointment for life, the colleges contained *seniores* and *juniores* ("hic juvenum chorus, ille senum," Verg. *Aen.* viii. 285): if however one of them became a flamen, augur, pontifex or consul, he passed out of the college of Salii by *exauguratio* (*C. I. L.* vi. 1978); but the assumption of the praetorship and consulship did not *necessarily* vacate the Salian priesthood, as may be seen from the case of Scipio (Liv. xxxvii. 33) and others (Val. Max. i. 1, 9; Macrob. iii. 14). The distinguishing dress of the Salii was an embroidered tunic, a brazen breast-plate, the trabea and the priestly cap [Apex], a sword girt at the side, on the left arm the *ancile* or sacred shield, and in the right hand a short staff with which the shield from time to time was struck. It is significant of their function that in dress they were half-priests, half-warriors. The two collegia were distinct not only in name: the Palatini had their sanctuary on the Palatine hill and were consecrated to Mars; the Collini had their sanctuary on the Quirinal and were consecrated to Quirinus (Liv. v. 52; Stat. Silv. vi. 29), both deities alike presiding over Roman warfare. Each collegium had charge of twelve ancilia. That both guilds had shields is not only the natural view, but is also distinctly stated by Livy (v. 52) in the words "quid loquar de ancilibus *vestris*, Mars Gradive tuque Quirine pater."

The great festival season of the Salii began with March, as the beginning alike of the campaigning and the agricultural season, and occupied the greater part of the month (Dionys. ii.

20; Polyb. xxi. 10, 12; cf. Huschke, *Das alte röm. Jahr*, p. 362). On the 1st of March they were said *arma movere* (τὰ ὅπλα κινεῖν, Lyd. *de Mens.* iii. 15), of which we must conceive the meaning to be that they brought forth the shields from their sacraria: then, equipped as above described, they went through the city in a procession which was continued for several days. They were preceded by trumpeters, and they themselves as they walked beat the shields with their staves, the *praesul* leading their dance in three-time (*tripudium*) and being said *amptruare*, while his followers *redamptruabant*, and the vates leading the Salian chant (see below). There were various stations (*mansiones*) for the annual processsion, at each of which successively the ancilia were deposited for one night (*C. I. L.* vi. 2158), and there the Salii feasted (Fest. p. 329); [for these banquets and their luxury see Hor. *Od.* i. 37, 2; Cic. *ad Att.* x. 9; Suet. *Claud.* 33:] on the next day the procession passed to another mansio. It seems to us possible that in this is to be found the explanation of the fact that "arma moventur" is stated of three days,—March 1st (Lyd. iii. 15), March 9th (Cal. Philoc.), and March 23rd (Lyd. iv. 42): we may suppose that the ceremonies which marked the shields being brought forth from the Curia Saliorum on March 1st, were repeated on the other two days when they were moved from two special mansiones, one probably being the sacrarium of the Regia. The exact progress of the procession cannot be traced out: we know that they offered sacrifice in the Regia (Fest. *l. c.*), where the Pontifex Maximus also and the *Saliae virgines* officiated (the latter, so far as we know, on that day only); they visited the Comitium (Varro, *L. L.* v. 85), the Capitol (Dionys. ii. 70), the Pons Sublicius (Serv. *ad Aen.* ii. 165, which explains the allusion in Catull. 17, 5), in each place with the characteristic dance and chant; probably in each there was a mansio. [For the special March festivals, in which the Salii officiated, see EQUIRRIA; AGONIA; QUINQUATRUS.] It is not certain whether we are to understand from the "30 days" mentioned by Polybius (xxi. 10) that not only the whole month of March was *religiosus* on this account for the Salii, but a whole month in autumn also. The 24th is the last day in March on which their functions are distinctly mentioned; and either immediately after this day, or at the end of the month, the shields were replaced (*condita*) in their sacrarium. As March opened the campaigning season, so October closed it (theoretically, not in practice), and this was marked on the 19th by an *armilustrium*, when the Salii again brought out the ancilia (Varr. vi. 22), and then stored them in their sacrarium till the next season. It is clear from a comparison of Tac. *Hist.* i. 89, Suet. *Oth.* 8, Liv. xxxvii. 33, and Polyb. xxi. 10, that the words *arma moventur* and *arma condita* apply equally to the spring and the autumn ceremonies: the first two passages refer to an expedition in March, the last two to the autumn; in each period for all the days (whatever their true number may have been) between the *arma mota* and the *arma condita*, no member of a Salian college could rightly travel from the place where he was for any expedition. Thus we find Scipio stopped in the autumn, and Otho regarded as unconventional because he refused to be stopped in the spring, "motis necdum conditis ancilibus." We have no precise information as to the parts taken in these ceremonies by the two colleges respectively: we should probably be right in assuming that the 24 Salii of both colleges together joined in the processions above mentioned, which signified the beginning and ending of the war season, with which both were equally concerned; on the other hand, we can have no doubt that on certain days specially belonging to one of the two deities or one of the two localities the chief, if not the sole, part fell to one of the colleges. In the Equirria, for instance, we must suppose the Salii Palatini to have taken the lead or officiated alone as the special priests of Mars, and so also in the tubilustrium, which was on the Palatine; but the Agonia on March 17 would naturally belong to the Salii Collini, who thence derived one of their names.

Carmen Saliare.—This chant, led by the vates of each Salian college, belonged to a very ancient ritual, and was in Quintilian's time scarcely intelligible (Quintil. i. 6, 40: cf. Hor. *Ep.* ii. 1, 86; Varro, *L. L.* vii. 3; Cic. *de Orat.* iii. 51, 197); the surviving portions may be seen in Wordsworth, *Fragments of Early Latin*, 564–566. The verses were called *axamenta*, which is itself a word of disputed origin, probably *not*, as some have said, akin to *axis*, like the Greek *ἄξονες*, inscribed tablets, but rather, as Curtius, Corssen, and Vaniçek agree, it came from the root *ag*, to which belong both ἠμί and *aio*, and therefore signified *utterances*. In their chant the Salii sang not only of Mars, to whom they seem to appeal as the averter of evil influences (perhaps in agriculture as well as in war), and Mamurius, who is doubtless the same as Mars, but also of Janus (Janus Quirinus), Jupiter (Lucetius), Juno and Minerva (Macrob. i. 9, 14, and 15, 14; Varro, *L. L.* vii. 26; Fest. pp. 3 and 122); and afterwards, as though it were a sort of "state prayer," they included the names of the reigning emperor and imperial princes (*Mon. Ancyr.* ii. 21; Tac. *Ann.* ii. 83, iv. 9; Capitol. *M. Anton. Phil.* 21). [For the effect of political changes and developments in the priesthoods, see SACERDOS.]

Ancilia.—These sacred shields were, according to the legends, at first twelve, viz. the shield which fell from heaven and the eleven copies. It is clear that these twelve were in the charge of the Salii Palatini, and, though some (as Ambrosch and Preller) have said that they were kept in the sacrarium of the Regia, we should rather follow Marquardt and Jordan (*Top.* ii. 271) in holding that they were kept in the Curia Saliorum on the Palatine. It was into this *sacrarium Martis* that the praetor or consul setting out for war entered, when, touching the shields, he said, "Mars vigila." With this corresponds the custody of the other twelve *shields* by the Salii Collini in the sacrarium on the Quirinal (Dionys. ii. 70). The *ancile* (for *ancidile*, *amcaedo*, i.e. cut on both sides) was an oblong shield, which would have been a complete oval but for a curved indentation on each side (ἐκτομὴ γράμμης ἑλικοειδοῦς, Plut. *Num.* 13; cf. Varro, *L. L.* vii. 43, "ab utraque parte, ut Thracum, incisa." See PELTA). It is probable that this pattern of shield was handed down from a time when the shields were slung at the back, as is seen in vase-paintings as late as 500 B.C. The indentations then in these "figure of eight" shields were to allow for the free movement of the arms, when drawn back, especially in riding. It is, we think, probable that *ancile* was originally an adjective, and that the full name was *arma ancilia*, as in the calendar for March 9. The shape is clearly shown in the coin of the Licinii representing two ancilia and the priestly cap with the apex.



A representation is often relied upon from a gem in the museum of Florence, which shows two figures bearing ancilia (of the correct shape) hung on a staff. This has an Etruscan inscription, and may safely be pronounced not Roman; even its antiquity is now questioned (see Marquardt, p. 431; Baumeister, *Denk.* p. 1546), but it is likely that it is a correct representation of what did happen—*not* of the Salii in procession, for they carried each his own shield, in warrior-fashion, on the left arm, but of two attendants (Dionys. ii. 70) bearing on a pole the shields (which probably they were not allowed to touch), to deposit them either in their permanent sacrarium, or in one of the *mansiones* for the night. A coin has been found which represents a round shield. This may possibly be, as Marquardt suggests, the special form of the shields borne by the Colline Salii: his other suggestion, that it was a later form adopted for all ancilia, seems to be negatived by the fact that the coin is Domitian's, and therefore was struck at the time when Plutarch was writing of the shape as quoted above. The relief at Anagnia which shows perfectly oval ancilia may represent, as Benndorff says (*Annal. d. Inst.* 1869), a *local* variation in shape, differing from that of Rome. The common-sense view seems to us to be that the type of shield familiar in the time and place where each guild took its origin, was perpetuated and handed down in that guild. In this relief the staves are about as high as a man's shoulder, and have a knob at each end. We cannot agree with Marquardt that Ovid's words (*Fast.* iii. 377) necessarily imply a *round* shield: they only exclude an angular one; and it is clearly impossible that Ovid should not know the shape of the shield carried in his own time by the Salii.

It is beyond the scope of this work to discuss at length the mythological meaning of these rites, but it will be useful to notice briefly one or two considerations which affect the date and order of the ceremonies described above, and also to indicate the authorities for several interesting and some very probable theories about their origin which have been recently put forward. There can be no doubt that the reason why the month of March was the great ceremonial period for the Salii was that it was regarded as the birth month of Mars and the time for resuming warfare; but we may notice as perhaps more than probable the view that this Mars was in primitive Italian religion regarded not only as the giver of victory in war, but also as the deity who drove away the darkness of winter and death, and who, by his reappearance with spring, introduced not only the campaigning, but also the agricultural season. Roscher, in dwelling on the connexion of Apollo and Mars, further maintains with considerable force that a parallel is to be found between the singing and dancing of the Salii and the songs and dances in the worship of Apollo, whose birth-time also is in spring: he compares the ceremonies of the THEOPHANIA at Delphi, the Curetes at Ortygia, and their clashing of arms to avert a hostile power (cf. Strab. xiv. p. 640), and deduces, not of course that the Italian rites were borrowed from the Greek, but that the idea originally underlying both was the same—a new birth of the year or of light, the averting of evil influence, and protection in the future. Closely connected with this is the fact that the Flaminica Dialis showed at this period signs of mourning in her attire, just as she did at the ceremonies of the *Argei* [FLAMEN, Vol. I. p. 866 *a*], and also that it was pronounced an unlucky time for marriages; for it is more probable that this was originally because it was a period of striving against evil powers, than, as Ovid suggests (*Fast.* iii. 373), from associations with war.

We cannot, indeed, accept the view of Usener that the twelve ancilia symbolised twelve new-born suns, nor the less puzzling theory that they represented twelve moons. These theories arise from an idea, which we conceive to be erroneous, that the Salian priests were created for the shields, and were twelve because that was the number of the shields. It is more likely that there were twelve shields for each guild because each guild had twelve priests. In the Palatine city there were accordingly only twelve, but in historic Rome altogether twenty-four. As to the number twelve, whether of Etruscan origin or derived merely from three tribes and four regions, we need not here inquire.

While, however, we venture to dissent from these interpretations of the ancilia, we think that weight should be given to the interesting suggestion of Usener that "Mamurius Veturius" in the Equirria or Mamuralia [see EQUIRRIA], (when, according to Lydus, iv. 36, a man clothed in skins was driven out of the city with peeled rods,) was "old Mars," and that the rite symbolised the old season driven out by the new. It might rather, perhaps, be said that the man driven out represented in scapegoat fashion the darkness of winter and death, who were expelled, not Mamurius himself, and that the Salian cry to Mamurius is merely for his aid in the expulsion; but in any case there seems good reason for comparing these rites with others which have the above symbolical meaning. (See Grimm, *Mythol.* vol. ii. p. 764, E. T. For the references on the mythology in the latter part of this article, the present writer is indebted to unpublished notes of Mr. Warde Fowler: a full discussion will be found in Roscher, *Mars und Apollon*, pp. 25 ff., and Usener, in *Rhein. Mus.* xxx. pp. 215 ff. For the history of the Salii and their functions, see Marquardt, *Staatsverw.* iii. 427–438; Preller, *Röm. Myth.* i. 350; Jordan, *Topog.* ii. 271; and for the ancilia, besides the above, Baumeister, *Denkm.* p. 1546; Benndorff, *l. c.*) [W. S.] [G. E. M.]

SALINAE, sc. *fodinae* (ἅλαι, ἁλοπήγιον), a salt-work. The ancients had many ways of procuring salt, of which Pliny, *H. N.* xxxi. §§ 73–92, gives a summary. They were acquainted with rock-salt (Herod. iv. 181–185; *ἅλες ὀρυκτοί*, Arrian, *Exped. Alex.* 3, 4; *sal nativus*). They obtained salt also from inland lakes (Herod. vii. 30), from natural springs or brine-pits (Cic. *N. D.* ii. 53, 132), and from coasts where the sun dried it out of the sea-water (as the *ἅλες αὐτόματοι* at the mouth of the Borysthenes: Herod. iv. 53 and Dio Chrys. *Or.* 36; Pliny, *l. c.*). But they obtained their largest supplies from works constructed on the seashore where it was adapted for the purpose by being low and easily overflowed by the sea. In order to aid the natural evaporation, shallow rectangular ponds (the *multifidi lacus* of Rutil. *Itin.* i. 478) were dug, divided from one another by earthen walls, and probably like the old salt-pans still visible on many points of the English coast. The sea-water was admitted by channels which could be closed by sluices (CATARACTA; Rutil. i. 481). As the water flowed from one evaporating-pond to another, it became more strongly impregnated with salt (Rutil. i. 475–490). When the brine began at last to crystallise, the maker (*salinator*, *ἁλοπηγὸς*) raked out the salt and left it to drain (Nicander, *Alex.* 519). Works of this kind gave the name of Ἅλαι or *Salinae* to several places in Attica (Steph. Byz.; see Boeckh, *Staatshaushaltung der Athener*, i. 126, ed. 3), Britain (Ptol.), and elsewhere. Cato, *R. R.* 88, gives directions for further purifying common salt.

Brine made as above (*coacto humore*, Plin. *H. N.* xxxi. § 73) was called by the Greeks *ἅλμη*, by the Latins *salsugo* or *salsilago*, and by the Spaniards *muria* (Plin. xxxi. § 83). It was used by the Egyptians to pickle fish (Herod. ii. 77), and by the Romans to preserve olives, cheese, and meat (Cato, *l. c.*). From *muria*, which may be connected with *ἁλμυρίς*, "brine," victuals cured in it were called *salsa muriatica* (Plaut. *Poen.* i. 2, 31).

Under Roman government salt-works were common public property, and were let to the highest bidder. Ancus Martius is said to have established the first salt-work at Ostia (Liv. i. 33; Plin. xxxi. § 89). In Liv. ii. 9 (B.C. 508) we find the government interfering with the price, and the sale of salt becoming a state-monopoly. In B.C. 204 (Liv. xxix. 37) a new *vectigal* was raised out of salt. Livy apparently means that a tax was put on, in addition to the revenue derived from the manufacture, but he is far from being clear. The price of salt was at the same time limited. The *modius* (about a peck) was to be sold for a *sextans* at Rome; but dearer in other parts of Italy, no doubt to cover the cost and risks of transport. In the provinces salt-works were sometimes left to their former owners (persons or towns), who had merely to pay Rome a fixed rent; but the commonest plan was to lease them to *publicani*. The Roman government seems to have been anxious to keep the price of salt down; but still its monopoly was maintained under the Empire (Cod. Just. iv. 61, 11). [F. T. R.]

SALI'NUM, *dim.* **SALILLUM**, a salt-cellar. Among the poor a shell served for a salt-cellar (Hor. *Sat.* i. 3, 14; Schol. *ad loc.*); but all who were raised above poverty had one of silver which descended from father to son (Hor. *Carm.* ii. 16, 13; Liv. xxvi. 36), and was accompanied by a silver *patella*, which was used together with the salt-cellar in the domestic sacrifices (Pers. iii. 24, 25). These two articles of silver were alone compatible with the simplicity of Roman manners in the early times of the Republic (Plin. *H. N.* xxxiii. § 153; Val. Max. iv. 4, § 3). The salt-cellar was no doubt placed in the middle of the table, to which it communicated a sacred character, from the offering of the *mola salsa* to the Lares. [Compare LARARIUM; PATELLA; Becker-Göll, *Gallus*, iii. 398.] In shape the salinum was probably in most cases a round shallow bowl. Probably some of the small silver bowls from Montcornet (Aisne), in the British Museum (referred to under PIPERATORIUM), are salt-cellars. [J. Y.] [G. E. M.]

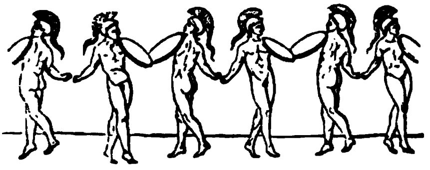
SALTA'TIO (*ὄρχησις*), dancing. The dancing of the Greeks as well as of the Romans had very little in common with the exercise which goes by that name in modern times. It may be divided into two kinds, gymnastic and mimetic; that is, it was intended either to represent bodily activity, or to express by gestures, movements, and attitudes certain ideas or feelings, and also single events or a series of events, as in the modern ballet. All these movements, however, were accompanied by music; but the terms *ὄρχησις* and *saltatio* were used in so much wider a sense than our word "dancing," that they were applied to designate gestures even when the body did not move at all (Plat. *Legg.* vii. pp. 814, 816; Ovid, *Ars. Am.* i. 595, ii. 305; *saltare solis oculis*, Apul. *Met.* x. p. 251; cf. Grote, *Hist. of Greece*, vol. iv. p. 114).

We find dancing prevalent among the Greeks from the earliest times. It is frequently mentioned in the Homeric poems (*Il.* ix. 186; xiii. 637): the suitors of Penelope delight themselves with music and dancing (*Od.* i. 152, 421; xviii. 304); Ulysses is entertained at the court of Alcinous with the exhibitions of very skilful dancers, the rapid movements of whose feet excite his admiration (*Od.* viii. 265); and from *Od.* xxiii. 134 we may gather that the dancing of the guests was then an ordinary part of a wedding festival.

But a broad distinction must be made between the custom of the heroic age in this particular and of later times, especially as regards Attica. In Sparta, and probably in Doric states generally, the dance was regularly taught both as a gymnastic training and with a view to religious festivals, and boys and girls danced together (see below, *ὅρμος*); but even in Doric states we do not gather that it was, as in the Homeric poems, an ordinary amusement in domestic life, or that it took the place which dancing now does. At Athens, in the age of Pericles and afterwards, we find dances used in certain religious festivals and in the drama [DIONYSIA; CHORUS]; but as regards dancing for amusement in private houses the custom differs altogether from that of the older and simpler times described in the Homeric poems. The dancers are hired to amuse as a spectacle, and when the guests dance themselves it is a sign that they are excited by wine (cf. Alex. *ap.* Athen. iv. p. 134 A; Theophrast. *Char.* 9; Xen. *Hier.* 6, 2). Social dances of men and women together were wholly precluded by the customs regulating the appearance of women in society [MATRIMONIUM, p. 137]; and, when Plato advocates the dancing of young men and maidens together (*Legg.* vi. p. 771), we must notice that he is expressing a desire, not describing what existed. It seems, however, that women in private houses danced together at family festivals such as the Amphidromia (Eubul. *ap.* Athen. xv. p. 668; cf. Aristoph. *Lys.* 408). Still, there was even in this restricted amount of dancing a difference between Greek and Roman habits, which is noticed by Cornelius Nepos (*Epam.* 1), and moreover, as time went on, dancing for mere amusement (though still with separation of the sexes) became commoner again in Greece than it had been in the time of the great Greek writers (cf. Athen. xiv. p. 628 c).

The lively imagination and mimetic powers of the Greeks found abundant subjects for various kinds of dances, and accordingly the names of no less than 200 different dances have come down to us. (Meursius, *Orchestr.*; Athen. xiv. pp. 627–630; Pollux, iv. 95–111; Liban. *ὑπὲρ τῶν ὀρχ.*) It would be inconsistent with the nature of this work to give a description of all that are known; only the most important can be mentioned, and such as will give some idea of the dancing of the ancients.

Dancing was originally closely connected with religion: Plato (*Legg.* vii. pp. 798, 799) thought that all dancing should be based on religion, as it was, he says, among the Egyptians. The dances of the Chorus at Sparta and in other Doric states were intimately connected with the worship of Apollo, as has been shown at length elsewhere [CHORUS; HYPORCHEMA]; and in all the public festivals, which were so numerous among the Greeks, dancing formed a very prominent part. All the religious dances, with the exception of the Bacchic and the Corybantian, were very simple, and consisted of gentle movements of the body with various turnings and windings around the altar: such a dance was the *γέρανος*, which Theseus is said to have performed at Delos on his return from Crete (Plut. *Thes.* 21). The Dionysiac or Bacchic and the Corybantian were of a very different nature. In the former the life and adventures of the god were represented by mimetic dancing [DIONYSIA]; the dance called *Βακχική* by Lucian (*de Salt.* 79) was a Satyric dance, and chiefly prevailed in Ionia and Pontus. The most illustrious men in the state danced in it, representing Titans, Corybantians, Satyrs, and husbandmen; and the spectators were so delighted with the exhibition, that they remained sitting the whole day to witness it, forgetful of everything else. The Corybantian was of a very wild character: it was chiefly danced in Phrygia and in Crete; the dancers were armed, struck their swords against their shields, and displayed the most extravagant fury; it was accompanied chiefly by the flute. (Lucian, *ib.* 8; Strab. x. p. 473; Plat. *Crit.* p. 54 D.) The preceding woodcut, from the *Museo Pio Clementino* (vol. iv. pl. 2), is supposed to represent a Corybantian dance. Respecting the dances in the theatre, see CHORUS.



Corybantes, from a relief. (Krause.)

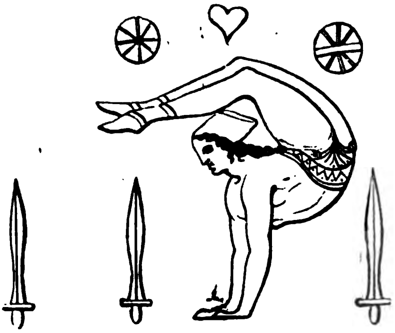
Dancing was applied to gymnastic purposes and to training for war, especially in the Doric states, and was believed to have contributed very much to the success of the Dorians in war, as it enabled them to perform their evolutions simultaneously and in order. Hence the poet Socrates (Athen. xiv. p. 628 f) says:

> οἱ δὲ χοροῖς κάλλιστα θεοὺς τιμῶσιν, ἄριστοι
> ἐν πολέμῳ.

There were various dances in early times, which served as a preparation for war: of such dances the most celebrated was the Pyrrhic (ἡ Πυῤῥίχη), of which *πρύλις* was said to be the name in Crete. For a full account of the Pyrrhic dance in Greece and at Rome, see PYRRHICA.

Another important gymnastic dance was performed at the festival of *γυμνοπαιδίαι* at Sparta, where the chief object, according to Müller (*Dor.* iv. 6, § 8), was to represent gymnastic exercises and dancing in intimate union. Respecting the dance at this festival, see GYMNOPAEDIA.

There were other dances, besides the Pyrrhic, in which the performers had arms; but these seem to have been entirely mimetic, and not practised with any view to training for war. Such was the *Καρπαία* peculiar to the Aenianians and Magnetes, which was performed by two armed men in the following manner: one lays down his arms, sows the ground, and ploughs with a yoke of oxen, frequently looking around as if afraid; then comes a robber, upon which the other snatches up his arms and fights with him for the oxen. All these movements are rhythmical, accompanied by the flute. At last the robber binds the man and drives away the oxen, but sometimes the husbandman conquers. (Xen. *Anab.* vi. 1, §§ 7, 8; Athen. i. pp. 15 f, 16 a; Maxim. Tyr. *Diss.* xxviii. 4.) Similar dances by persons with arms are mentioned by Xenophon on the same occasion. These dances were frequently performed at banquets for the entertainment of the guests (Athen. iv. p. 155 b). At banquets likewise the *κυβιστητῆρες* or tumblers were frequently introduced. These tumblers, in the course of their dance, flung themselves on their heads and alighted again on their feet (*ὥσπερ οἱ κυβιστῶντες καὶ εἰς ὀρθὸν τὰ σκέλη περιφερόμενοι κυβιστῶσι κύκλῳ*, Plato, *Symp.* p. 190 A). We read of *κυβιστητῆρες* as early as the time of Homer (*Il.* xviii. 605; *Od.* iv. 18). They were also accustomed to make their somersault over knives or swords, which was called *κυβιστᾶν εἰς μαχαίρας* (Plato, *Euthyd.* p. 294 D; Xen. *Mem.* i. 3, § 9, *Symp.* ii. 14; Athen. iv. p. 129 d; Pollux, iii. 134). The way in which this feat was performed is described by Xenophon, who says (*Symp.* ii. 11) that a circle was made quite full of upright swords, and that the dancer *εἰς ταῦτα ἐκυβίστα τε καὶ ἐξεκυβίστα ὑπὲρ αὐτῶν*: and it is well illustrated by the following cut taken from the *Museo Borbonico*, vol. vii. tav. 58. (Becker-Göll, *Charikles*, i. 164; Baumeister, *Denkmäler*, p. 584 f.) We learn from Tacitus (*Germ.* 24) that the German youths also used to dance among swords and spears pointed at them.



Tumbler. (*Museo Borbonico.*)

An even more remarkable performance is represented on a vase-painting (*Bull. Napol.* v. tav. 7 = Baumeister, fig. 631), where the performer in a similar position is shooting an arrow with her feet, and another (Tischbein, i. 60 = Baum. 632) is filling from a large amphora a cup which she holds in her foot by means of a cyathus which she holds in the other. It may be noted that Krause in his representation of this last vase-painting wrongly gives three distinct scenes as if they were connected in one whole.

Other kinds of dances were frequently performed at entertainments, in Rome as well as in Greece, by courtesans, many of which were of a very indecent and lascivious nature (Macrob. *Sat.* ii. 10; Plaut. *Stich.* v. 2, 11). The dancers seem to have frequently represented Bacchanals: many such dancers occur in the paintings found at Herculaneum and Pompeii in a variety of graceful attitudes. (See *Museo Borbonico*, vol. vii. tav. 34–40; vol. ix. tav. 17; vol. x. tav. 5, 6, 54.)

Among the dances performed without arms one of the most important was the *ὅρμος*, which was danced at Sparta by youths and maidens together: the youth danced first some movements suited to his age, and of a military nature; the maiden followed in measured steps and with feminine gestures. Lucian (*de Salt.* 12) says that it was similar to the dance performed at the Gymnopaedia. (Compare Müller, *Dor.* iv. 6, § 5.) Another common dance at Sparta was the *Bibasis* (*βίβασις*), which was much practised both by men and women. The dance consisted in springing rapidly from the ground, and striking the feet behind; a feat of which a Spartan woman in Aristophanes (*Lysistr.* 28) prides herself (*γυμναδδομαί γα καὶ ποτὶ πυγὰν ἅλλομαι*). The number of successful strokes was counted, and the most skilful received prizes. We are told by a verse which has been preserved by Pollux (iv. 102), that a Laconian girl had danced the bibasis a thousand times, which was more than had ever been done before. (Müller, *Dorians*, iv. 6, § 8.)

In many of the Greek states the art of dancing was carried to great perfection by females, who were frequently engaged to add to the pleasures and enjoyment of men at their symposia. These dancers always belonged to the hetaerae. Xenophon (*Symp.* ix. 2–7) describes a mimetic dance which was represented at a symposium where Socrates was present. It was performed by a maiden and a youth, belonging to a Syracusan, who is called the *ὀρχηστοδιδάσκαλος*, and represented the loves of Dionysus and Ariadne.

Dancing was common among the Romans in ancient times in connexion with religious festivals and rites, and was practised, according to Servius (*ad* Verg. *Ecl.* v. 73), because the ancients thought that no part of the body should be free from the influence of religion. The dances of the Salii, which were performed by men of patrician families, are spoken of elsewhere. [SALII.] For the Pyrrhic dance at Rome, see PYRRHICA. There was another old Roman dance of a military nature, called *Bellicrepa Saltatio*, which is said to have been instituted by Romulus, after he had carried off the Sabine virgins, in order that a like misfortune might not befall his state (Festus, *s. v.*). Dancing, however, was not performed by any Roman citizen except in connexion with religion; and it is only in reference to such dancing that we are to understand the statements that the ancient Romans did not consider dancing disgraceful, and that not only freemen but the sons of senators and noble matrons practised it (Quintil. *Inst. Orat.* i. 11, § 18; Macrob. *Sat.* ii. 10). In the later times of the Republic we know that it was considered highly disgraceful for a freeman to dance: Cicero reproaches Cato for calling Murena a dancer (*saltator*), and adds, "Nemo fere saltat sobrius, nisi forte insanit" (*pro Muren.* 6, 13; *in Pison.* 10, 22; *pro Deiot.* 9, 26; cf. Hor. *Od.* iii. 621).

The mimetic dances of the Romans, which were carried to such perfection under the Empire, are described under PANTOMIMUS. Respecting the dancers on the tight-rope, see FUNAMBULUS. (Meursius, *Orchestra*; Burette, *De la Danse des Anciens*; Krause, *Gymnastik und Agon. d. Hell.* p. 807; Schömann, *Antiq.* p. 58; Becker-Göll, *Charikles*, i. 166; Blümner, *Privatleben*, p. 505; Marquardt, *Privatleben*, p. 109.) [W. S.] [G. E. M.]

SALVIA'NUM INTERDICTUM. [INTERDICTUM.]

SALUTATIO, the name given to one of the forms of attention (*officia*) expected from clients by their patrons at Rome. The client would wait even before daybreak (cf. Mayor on Juv. iii. 127 and v. 19) in the vestibule until the doors of the atrium were opened. There he attended until the patron appeared, and the nomenclator announced the name of the dependent, who brought his morning greeting (*ave*). The callers were commonly divided into various *admissiones*, according to their rank and intimacy, and even men of good position found themselves in the number (Juv. i. 100; Sen. *de Ben.* vi. 33). The clients who were invited to do so, accompanied the patron wherever he might be going. Others, after receiving the dole [SPORTULA] at one house, would hurry off to another, to be similarly rewarded there (Mart. x. 74). The name *salutatores* was used of the clients who earned their living by these attentions. (Cf. Friedländer, *Röm. Sitteng.* i.^{6} 382 ff.; Becker, *Gallus*, ii.^{3} 159 ff.) [A. S. W.]

SAMBU'CA. 1. (*σαμβύκη*, or *σαβύκη*, Arcadius, *de Accent.* p. 107), a harp. The preceding Latin and Greek names are with good reason represented by Bochart, Vossius, and other critics, to be the same as the Hebrew סַבְּכָא (sabbeca), the "sackbut," which occurs in Daniel (iii. 5, 7, 10). The performances of *sambucistriac* (σαμβυκιστρίαι) were only known to the early Romans as luxuries brought over from Asia (Plaut. *Stich.* ii. 3, 57; Liv. xxxix. 6). The *chordae obliquae* which Juvenal (iv. 64) mentions among Asiatic innovations at Rome denote the sambuca. The Athenians considered them as an exotic refinement (Philemon, p. 370, ed. Meineke); and the Rhodian women who played on the harp at the marriage-feast of Caranus in Macedonia, clothed in very thin tunics, were introduced with a view to give to the entertainment the highest degree of splendour. Some Greek authors expressly attributed the invention of this instrument to the Syrians or Phoenicians (Athen. iv. p. 175 d). The opinion of those who ascribed it to the lyric poet Ibycus can only authorise the conclusion that he had the merit of inventing some modification of it, the instrument as improved by him being called Ἰβύκινον (Athen. *l. c.*; Suidas, *s. vv.* Ἰβύκινον, Ἰβυκός, Σαμβῦκαι). Strabo, moreover, represents σαμβύκη as a "barbarous" name (x. 3, § 17). [See also LYRA.]

An illustration is given below of an Egyptian harp, which perhaps represents the sambuca. It is from a painting on an Egyptian tomb. Under the Roman emperors the harp appears to have come into more general use (Pers. v. 95; Spartian. *Hadr.* 26).

Ancient Egyptian harp. (Bruce.)

2. *Sambuca* (σαμβύκη or σανδύκη: see Wescher, *Poliorcet.* p. 61) was also the name of a military engine used in sieges. For its use and construction the authorities are Polyb. viii. 2; Veget. iv. 17; Plut. *Marcell.* 15; Athen. xiv. p. 634 b; Onosand. *Strat.* 42; and an elaborate, but not perfectly clear, description in Bito (ed. Wescher, *l. c.*), where a plan is given. It was a movable bridge for passing either from the ships or the towers of the besiegers on to the walls. The σανδύκη of Bito was a bridge with sheltering bulwarks supported on a high column or cylinder made as a screw, which was turned in any direction by a capstan; the whole being fixed on a platform with wheels, so that it combined tower and bridge. The bridge had a weight at one end to assist in keeping it horizontal, and a ladder at the other by which the soldiers climbed up to it; it was turned with the column upon its screw in the required direction, and raised to a level with the top of the wall by the screw (and probably also by pulleys). The sambuca of Vegetius passed from the besieging tower to the walls, being raised by pulleys; the same tower might have a ram in its lower story. That of Polybius passed on to the walls from two ships anchored together; it was raised by pulleys on the masts, and the soldiers mounted to it by a ladder sheltered with δρύφακτοι. The name (as Vegetius, Polybius, and Athenaeus notice) was given because of a fancied resemblance of the machine, with its upright masts or supports and the ropes from its pulleys, to the harp described above. (See also Rüstow and Kochly, *Gr. Kriegsw.* 312; Marquardt, *Staatsverw.* ii. 312; A. Müller in Baumeister, *Denkm.* p. 542.) [J. Y.] [G. E. M.]

SAMNI'TES. [GLADIATORES, Vol. I. p. 918 *b*.]

SANDA'LIUM. [SOLEA.]

SANDA'PILA. [FUNUS, Vol. I. p. 892 *a*.]

SAPO. Pliny (*H. N.* xviii. § 191) mentions this as a Gallic invention; it was not, however, our soap, but a sort of pomade or wash ("duobus modis spissus ac liquidus"), made of fat and ashes, and used to give a golden tint to the hair. Pliny adds that it was used in Germany, and even more by men than women of that country (cf. Tac. *Hist.* iv. 61; Juv. xiii. 161, and Mayor *ad loc.*). In fact, most other writers seem to connect it rather with the Germans than the Gauls: Martial calls it "spuma Batava" (viii. 33 = *caustica spuma*, xiv. 26) and "Mattiacae pilae," *i.e.* balls of this composition from Mattiacum in Germany (xiv. 27). Ovid speaks of "Germanae herbae" for dyeing the hair, where the word *herbae* may be applied in ignorance of the materials used to make the dye. The *flavus cinis*, of which Servius (*ad Aen.* iv. 698) says that Cato makes mention, is probably this *sapo*. For the equivalents to our soap used by Greeks and Romans, see FULLO, Vol. I. p. 161. (Becker-Göll, *Gallus*, iii. 161; Marquardt, *Privatleben*, 787; Blümner, *Technologie*, i. 161.) [G. E. M.]

SA'RCINAE. [EXERCITUS, Vol. I. p. 807.]

SARCO'PHAGUS, properly an epithet of *lapis*, a flesh-eating stone from Assos in the Troad, in which Pliny (*H. N.* ii. § 211; xxxvi. § 161) says bodies were buried, and consumed all but the teeth within forty days. The word has come to be commonly used for any coffin (*e.g.* Juv. x. 172), and especially for a coffin in stone with sculptural decorations. The introduction of these into Greece and Rome was due to foreign influence; and they are not found in either before the period of decline. In Egypt they existed from the earliest period, and they were thence introduced into Phoenicia. But the object among these people, as well as in Greece and Rome, was to preserve the body, not to destroy it; hence the name "sarcophagus" is peculiarly inappropriate.

We may distinguish the coffin for the reception of the body, inside the tomb, often plain and sometimes cut in the solid rock, from the ornamental erection of a similar shape placed in a conspicuous position to serve as a monument. But the ornamentation of the one was naturally enough often transferred to the other.

The Egyptian sarcophagus was, as the dwelling of the deceased, sometimes made in the form of a house; and a similar architectural form is found in Greece and Rome. The earliest sarcophagus showing the influence of Greek style comes from Cyprus; here we see the myth of the Gorgon and a hunting scene, on other sides a banquet and a chariot group. Unfortunately, there is no trustworthy record of its discovery. In Lycia, the tomb often takes the form of a large sarcophagus mounted on a base; scenes of life, such as fights and banquets, are favourite subjects. In Greece we do not find sarcophagi till the Hellenistic period, when foreign influences were common. They were at first, like those of Asia Minor, intended as visible monuments outside the tomb; and accordingly we find that the reliefs are never allowed to interfere with the lines of the architectural form (fig. 2). The subjects are often purely decorative; often children are represented in various employments, perhaps because their short and plump figures best suit the field to be filled. Mythological subjects also occur, such as the combat with the Amazons, and a few other scenes.

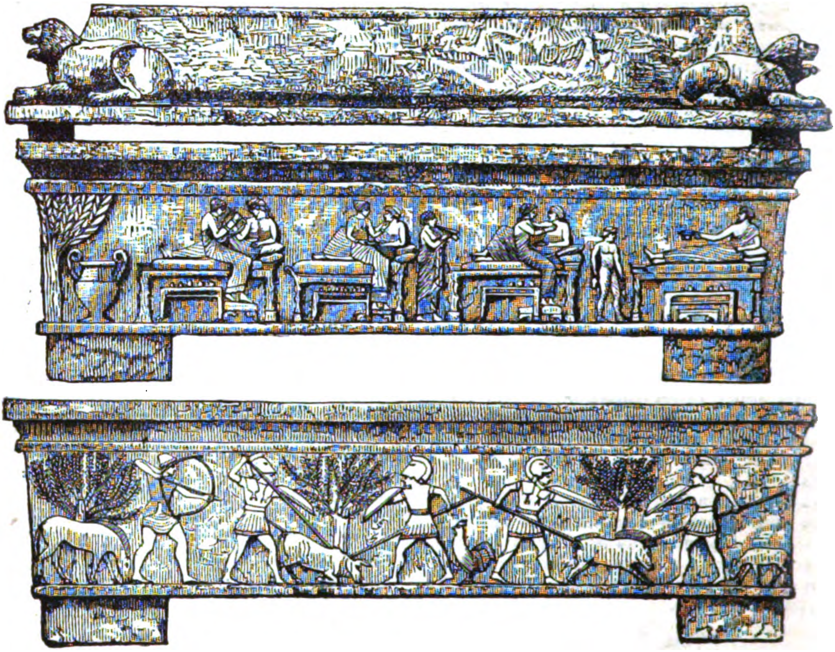


Fig. 1. Sarcophagus from Golgoi in Cyprus. (Cesnola.)

Fig. 2. Sarcophagus found at Patras. (*Arch. Zeit.* 1872.)

Sarcophagi of stone with architectural decoration were made in Rome as early as the third century (*e.g.* the famous ones from the tomb of the Scipios); but the marble ones with scenes in relief belong to imperial times, and are not common till the second century A.D. These form by far the most numerous class of sarcophagi, and are usually meant when the word is used. Partly because they were usually inside the tomb, partly from want of artistic feeling, the reliefs are less subordinate to the structural form; they are often crowded with figures, and even the corners are not clear (fig. 3). The back is usually plain. The execution of these varies from fair Graeco-Roman work to the last and worst attempts of classical art; but the style does not rise above that of handicraft, and figures and groups are repeated from conventional models. The variety of subject is such that it can only be touched on here. A most extensive gallery of mythological scenes, Dionysiac and other processions, Muses, and Cupids may be found on them; also scenes from daily life, and sometimes a succession of scenes, often representing the various ages of man. Sometimes the same is represented by mythological or mystical symbolism.

Here sarcophagus has been taken to mean stone coffin, but the word is often loosely used for a coffin of other material, especially of terra-cotta. Fine painted terra-cotta coffins, of archaic period, have been found in Asia Minor; and also in Etruria they are frequent, ornamented with painting or reliefs. A figure of the deceased often reclines on the top, as in the smaller Etruscan urns or boxes for the ashes of

Fig. 3. Front of Sarcophagus from Genzano. The labours of Hercules. (Brit. Mus.)

the dead, in stone, which may also be regarded as a variety of sarcophagus.

(No complete work on the subject exists, but one has been undertaken by the German Institute. Meanwhile, isolated articles must be consulted, *e.g.* Matz, *Arch. Zeitung*, 1872, p. 11 *sqq.*; Milchhöfer, *Annali d. Inst. Arch.* 1879, p. 87 *sqq.*; Overbeck, *Geschichte der griechischen Plastik*, ii. pp. 475 *sqq.*) [E. A. G.]

SA'RCULUM (*a sarriendo*, Varro, *L. L.* v. 31, σκαλίς, σκαλιστήριον), a hoe. (Hor. *Od.* i. 1, 11; Ovid, *Met.* xi. 36, *Fast.* i. 699, iv. 927; Plaut. *Truc.* ii. 2, 21; Cato, *de Re Rust.* 10; Columella, x. 21.) It was lighter than the Marra (compare Plin. *H. N.* xvii. § 146, xix. § 241), and was sometimes a simple blade, sometimes two-pronged (Pallad. i. 43). It was also used like the Rastrum to cover the seed when sown (Columella, ii. 11), and in mountainous countries it served instead of a plough (Plin. *H. N.* xviii. 19, § 178). Directions for using it to clear the surface of the ground (σκάλλειν, Herod. ii. 14; σκαλεύειν, Schol. *in* Theocrit. x. 14) are given by Palladius (*de Re Rust.* ii. 9). See also Juv. xv. 166, and Mayor's note. [J. Y.] [G. E. M.]

SARISSA. [Exercitus, p. 488 *a*.]

SARO'NIA, a festival celebrated every year at Troezen in honour of Artemis; no particulars are known. (Paus. ii. 32, 9; Spanheim on Callim. *Hymn. in Delum*, 42, p. 414.) [L. S.]

SARRA'CUM, a kind of common cart or waggon, which was used by the country people of Italy for conveying the produce of their fields, trees, and the like from one place to another (Vitruv. x. 1; Juv. iii. 254). Its name, as well as the fact that it was used by several barbarous nations, shows that it was introduced from them into Italy (Sidon. *Epist.* iv. 18; Amm. Marc. xxxi. 2). That persons also sometimes rode in a sarracum, is clear from a passage of Cicero quoted by Quintilian (viii. 3, § 21), who regards the word *sarracum* as low and vulgar. Capitolinus (*Anton. Philos.* 13) states that during a plague the mortality at Rome was so great that it was found necessary to carry the dead bodies out of the city upon the common sarraca. Several of the barbarous nations with which the Romans came in contact used these waggons also in war, and placed them around their camps as a fortification (Sisenna, *ap.* Non. iii. 35), and the Scythians used them in their wanderings, and spent almost their whole lives upon them with their wives and children, whence Ammianus compares such a caravan of sarraca with all that was conveyed upon them to a wandering city. The Romans appear to have used the sarracum for all purposes for which the plaustrum was employed [Plaustrum], and Juvenal (v. 22) even applies it to the constellation which was generally called Plaustrum; but that there must have been some difference in the build is clear from the fact that plaustrum and sarracum are mentioned together in Juvenal and Vitruvius. What the difference was cannot be positively decided: both alike were formed with two wheels as well as with four (*Ed. Diocles.* 15, 23–28); from a general survey of the passages cited it may, however, be surmised that the sarracum was larger and heavier than the plaustrum. (Scheffer, *de Re Vehic.* ii. 31; Marquardt, *Privatl.* 732.) [L. S.] [G. E. M.]

SARTA'GO (τήγανον, τάγηνον), a frying-pan (Juv. x. 63), "a strepitu soni vocata quando in ea ardet oleum" (Isid. xx. 8); the oil being used for frying, as we use butter or fat. In Pliny (*H. N.* xvi. § 55) it is used for melting resin. The shape of a sartago which has been found at Pompeii is exactly like that of a modern frying-pan (see *Mus. Borbon.* iv. tav. 12; Guhl and Koner, ii. 188). For the Greek equivalent, see Athen. vi. pp. 228, 229. [L. S.] [G. E. M.]

SA'TIRA or **SA'TURA**. The word, it would appear, originally meant a mixture or medley. Varro, quoted by Diomedes, p. 486 (Keil), defined *satura* as a dish or compound of various ingredients: "satura est uva passa et polenta et nuclei pinei mulso conspersi; farcimen . . . multis rebus refertum saturam dicit Varro vocitatum." Festus, p. 314 (Müller), and Isidore, *Orig.* xx. 2, 8, say much the same thing. The phrase *per saturam* thus meant "promiscuously," "without distinction," "in no definite order:" thus Lactantius says (*Inst.* i. 21, 13), "Pescennius Festus in libris historiarum per saturam refert," ("he says, among a number of other things, that," &c.); Charisius, p. 194 (Keil), "adverbium . . . omnia in se capit quasi collata per saturam" ("the adverb contains everything in a miscellaneous collection"). As a technical term of law, *per saturam* or *in saturam* denoted a bill the various provisions of which were proposed and voted on, not separately, but in a lump. Thus at the close of a *lex* the words were added, "neve per saturam abrogato aut derogato" (Festus, p. 314); Fronto says (p. 212, Naber), "non sparsa nec sine discrimine aggerata, ut quae per saturam feruntur." As applied to voting, *per saturam* seems to have meant "promiscuously;" in other words, that the voting was taken not individually, but by show of hands, acclamation, or some other rough and ready method. C. Laelius, quoted by Festus, p. 314, says, "quasi per saturam sententiis exquisitis." A number of other passages might be quoted to the same effect.

In literature, *satura* perhaps meant *satura fabula*, a story or piece of writing of miscellaneous contents. If we may trust Livy, who is probably merely reproducing and abridging information derived from some older authority, the word was originally applied to a rude form of drama (perhaps merely a scene) without a plot, which dealt with a miscellaneous variety of subjects. When Livy describes the origin of dramatic performances at Rome (vii. 2, 4), he seems here to have meant by *satura* a simple scene without a plot, acted at first without, but afterwards (under Etruscan influence) with, a regular musical accompaniment and corresponding gestures. This scene or dialogue with musical accompaniment never developed into a play with a regular plot. Livius Andronicus was the first artist who gave up *saturae*, and, under Greek influence, introduced a regular drama: "ab saturis ausus est argumento fabulam serere."

The *fabula*, or regular play, drove the *satura* from the sphere of acted drama, and the word was then applied to a literary composition not written for acting, dealing with a miscellaneous variety of subjects or characters, and composed sometimes in prose and verse, sometimes in verse only, but verse in a variety of metres. (Diomedes, p. 485, "olim carmen quod ex variis poematibus constabat satura vocabatur, quale scripserunt Pacuvius et Ennius;" cf. Isid. *Orig.* v. 16, 1, "saturas scribere est poemata varia condere.")

History of the literary Satura.—Ennius (born 239 B.C.) is mentioned by Horace as the founder of this form of composition (*Sat.* i. 10, 66, "rudis et Graecis intacti carminis auctor"). He wrote several books of *saturas*. Six are mentioned by the ancient grammarians, but in all probability there were more, as some are quoted not by their numbers but by their titles. Of the subjects of the first and second books nothing is known; of the fragments of the second, one is written in trochaic, the other in hexameter verse. The third book, entitled *Scipio*, may have been dedicated to the achievements of the younger Africanus. Some fragments of it remain, written in hexameters, iambics, and trochaics. The titles and fragments of some of the other *saturae* may give some clue to their contents. The *Hedyphagetica* must have treated of gastronomy; the *Epicharmus* and *Euhemerus* of philosophy and mythology. Aulus Gellius (*Noctes Atticae*, ii. 29, 3) preserves a notice that Ennius, in one of his *saturas*, versified, with great success, the fable of the lark and its young ones; but in which book he did this is unknown. Scanty as they are, these fragments clearly show what the *satura* was in the hands of Ennius. It was a literary conversation composed in various metres, the epic hexameter as well as the ordinary metres of the comic drama—whether with an admixture of prose, we do not know. Its subjects might be serious or otherwise, according to the author's fancy. It was, in short, a talk with cultivated society at Rome on the topics of the hour. Pacuvius (about 220–132 B.C.) wrote *saturae* of which nothing remains, and we therefore pass on to the author whose name was inseparably associated with this form of composition, and who was generally accounted, in Latin antiquity, its greatest master. Lucilius (180 or 167–103 B.C.) appears to have devoted himself exclusively to the *satura*. He wrote at least thirty books of *saturae*, each of which, probably, contained several pieces. Of these books the first seems to have been written in hexameters, the rest partly in hexameters or elegiacs, partly in iambics or trochaics. Thus, in external form, the *satura* of Lucilius did not differ much, if at all, from that of Ennius. It was still a brief narrative or picture of life, with an element of dialogue. So much is clear, if only from the remains of the third book, from which Horace copies his *Journey from Rome to Brundisium;* from the scene in the fourth book between Aeserninus and Pacideianus, the rustic supper in the fifth book, and the convivial scenes of the fourteenth and twentieth. The range of his subjects is a very wide one: philosophy, philology, literary criticism, war, contemporary life in all its phases—all find a place in his *saturae*. But an important point of difference must be noticed between Lucilius and his predecessors, which had not escaped the notice of the ancients. Diomedes (p. 485) speaks of the *satira* which was "carmen maledicum et ad carpenda hominum vitia archaeae comoediae charactere compositum, quale scripserunt Lucilius et Horatius et Persius." Lucilius was the first writer who impressed on the *satura* the character of invective which it to a great extent preserved in the hands of Albucius ("cuius Luciliano charactere sunt libelli," as Varro says, *L. L.* iii. 2, 17), Horace, Persius, and Juvenal. With Lucilius the *satura* underwent a new Greek influence, that of the Old Attic Comedy, and became the instrument not only of personal reflection or advice or expostulation, but also of personal attack. The reason of this must be sought, no doubt, partly in the character of Lucilius himself, partly in the circumstances of his age. The period of corruption among the ruling classes at Rome had begun, and was to continue until the end of the Republic. There was plenty of room for a preacher or a satirist or a comedian; but Roman feeling would not allow the stage to be used for political attack, and the Roman Aristophanes was driven back to his ink and paper.

The remains of Lucilius's *saturae*, whatever else they bear witness to, attest beyond doubt an extraordinary vigour, which breathes in almost every surviving line. This was, probably, the main source of his popularity, which never waned so long as Latin literature was alive. Even in the time of Tacitus (*Dial. de Orat.* 23) there were readers who preferred him to Horace. He makes strong protestations of sincerity, nor does there seem any reason to doubt that he was sincere. Horace, in the fourth and tenth satires of his first book, finds fault with his style as slovenly and careless. But this defect was either not discovered or was passed over, not only by Cicero and Varro, but by Quintilian. To Cicero Lucilius is *doctus* and *perurbanus* (*de Orat.* i. § 72); to Varro he was *gracilis*, or elegant (Aulus Gellius, *Noctes Atticae*, vi. 14, 6). Quintilian altogether refuses to subscribe to the censures passed upon him by Horace (*Inst. Or.* x. 1, 93). Fronto (p. 62, Naber) calls him "elegans in cuiusque artis ac negotii propriis." It is probable, then, that the hastiness and imperfection of his workmanship, which are undeniable, blinded Horace to his merits.

The original form of *satura* was adopted by Marcus Terentius Varro (116–27 B.C.) in his *saturae Menippeae*, or *saturae* in the style of the Cynic philosopher Menippus. Quintilian (x. 1, 95) says, "alterum illud etiam prius saturae genus, sed non sola carminum varietate mixtum condidit Terentius Varro;" Probus, on Verg. *Ecl.* vi. 31, "Varro . . . Menippeus, non a magistro . . . nominatus, sed a societate ingenii, quod in quoque omnigeno carmine saturas suas expoliverat." Of the *saturae* there was a very large number, as Quintilian says (*l. c.*), "plurimos hic libros (i.e. *saturarum*) et doctissimos composuit, peritissimus linguae Latinae et omnis antiquitatis et rerum Graecarum nostrarumque." To judge from the scanty fragments which remain, Varro's *saturae* seem to have been pictures of life and society, tinged with a dash of common-sense philosophy, and embracing almost every conceivable point of social, moral, religious, or literary interest. For the ninety titles which have survived, see the edition by Riese, or that by Bücheler, at the end of his Petronius. They give a striking idea of the variety of subjects over which Varro ranged. These pieces are mixtures of prose and verse. The fragments are very brief and inadequate, having been in most cases only preserved by grammarians as giving instances of rare words or forms of words; but, even so, they give a vivid idea of the immense loss which Latin literature has sustained in the disappearance of Varro's *saturae*.

Between Marcus Varro and Horace comes Publius Varro of Atax, whose works are lost, but who, according to Horace, attempted something in the same style as himself, but did not succeed (*Sat.* i. 10, 46, "hoc erat, experto frustra Varrone Atacino Atque quibusdam aliis, melius quod scribere possem").

The *satura* or *sermo* (for so he calls it) is treated by Horace in a way of his own. He does not like the rudeness, as he thinks it, of Lucilius; he looks for more polish of style, more flexibility, more softness of tone, to suit the complexity of life. But, like Lucilius, he writes in hexameters, though often preserving the form of a dialogue. This, so far as it goes, is a mistake, for the hexameter is the metre least of all suited to dialogue. In all other respects the *satura* or *sermo* of Horace seems to be true to the sound tradition; it is a conversation with the age on the topics that interest it.

We now come to the age of Nero, in which the *satura* is represented by two writers of a very different character, Persius (34–62 A.D.) and Petronius (died perhaps 66 A.D.). Persius is a devoted admirer of Horace, but he has not Horace's geniality or lightness of hand. Like his master, he attempts to write *saturae* in hexameters; but he only succeeds in making his natural slowness and obscurity of utterance still more conspicuous. His subjects, too, are exclusively serious: he is not at home out of the region of philosophy and religion; and he is a young student, ignorant of the world. Petronius is a man of the world and a writer of genius. His *satura*, of which unfortunately only fragments remain, is constructed in the manner of Varro, and is a narrative of adventures in a town of Southern Italy, so contrived as to introduce a number of leading types of character—a poet, a freedman, a ship's captain, and others. Each character is so conceived, and represented in a manner so lifelike, as to make Petronius's book something unique of its kind in classical literature. The *dramatis personae* all speak in appropriate style and idiom. The body of the narrative is in prose, but it is interspersed with verse, put mainly into the mouth of the poet Eumolpus, and intended, it is nearly certain, as a parody of Lucan and Seneca.

In the hands of Juvenal (about 47–130 A.D.) the *satura* almost loses its original character; indeed, his satires might with more propriety be called epistles, as the element of dialogue has vanished except in the third and ninth satires. Juvenal writes in hexameters of the most conventional form, and treats his themes in the tone of rhetorical invective. He is entirely dominated by the angry spirit of Lucilius, and in the monotony of indignation forgets that humour and play of sympathy were an essential element of the genuine *satura*; yet, far as he is removed from Ennius, Varro, and Petronius, nay even from Horace, his moral force and mastery of his chosen style are so commanding that he has come to be regarded in literature as the prince of Roman satirists; and it is no doubt largely owing to his influence that the words *satire* and *satirical* have come in English to imply severe, if not ill-natured raillery.

The proper form of the *satura*, a mixture of prose and verse, was adopted in the 4th century by Martianus Capella and in the 6th by Boetius (died 525 A.D.) in his *de Consolatione Philosophiae*, of which an ancient biography (p. xxxi., Peiper) says: "Hos libros per saturam edidit, imitatus scilicet Martianum Capellam, qui prius libros de Nuptiis Philologiae et Mercurii eadem specie poematis conscripserat."

(See Anton Funck, *Satur und die davon abgeleiteten Wörter*, Kiel, 1888; H. Nettleship, *The Roman Satura*, Oxford, 1878; Leo, *Varro und die Satire*, in the *Hermes*, Berlin, 1889. The author of the latter essay is very sceptical as to the independent value of the evidence given by Livy and the Latin authorities.) [H. N.]

SATISDATIO. [ACTIO.]

SATURNA'LIA, the festival of Saturnus, to whom the inhabitants of Latium attributed the introduction of agriculture and the arts of civilised life. Falling towards the end of December, at the season when the agricultural labours of the year were fully completed, it was celebrated in ancient times by the rustic population as a sort of joyous harvest-home, and in every age was viewed by all classes of the community as a period of absolute relaxation and unrestrained merriment. During its continuance no public business could be transacted, the law courts were closed, the schools kept holiday, to commence a war was impious, to punish a malefactor involved pollution. (Macrob. *Sat.* i. 10, 16; Martial, i. 86; Suet. *Aug.* 32; Plin. *Ep.* viii. 7.) Special indulgences were granted to the slaves of each domestic establishment; they were relieved from all ordinary toils, were permitted to wear the *pilleus* the badge of freedom, were granted full freedom of speech, partook of a banquet, attired in the clothes of their masters, and were waited upon by them at table. (Macrob. *Sat.* i. 7; Dio Cass. lx. 19; Justin. xliii. 1, 3; Hor. *Sat.* ii. 7, 5; Martial, xi. 6, xiv. 1; Athen. xiv. 44.)

The public festival began with a *sacrificium publicum* in front of the temple of Saturn in the Forum (Dionys. vi. 1), and then followed the *convivium publicum*, at which senators and knights wore the dinner dress [SYNTHESIS]. In private the day began with the sacrifice of a young pig (Mart. xiv. 70; Hor. *Od.* iii. 17, 14); all ranks devoted themselves to feasting and mirth, presents were interchanged among friends, and crowds thronged the streets, shouting *Io Saturnalia* (this was termed *clamare Saturnalia*). (Catull. 14; Senec. *Ep.* 18; Suet. *Aug.* 75; Martial, v. 18, 19, vii. 53, xiv. 1; Plin. *Ep.* iv. 9; Macrob. *Sat.* i. 8, 10; Serv. *ad* Verg. *Aen.* iii. 407.)

Many of the peculiar customs exhibited a remarkable resemblance to the sports of our own Christmas and of the Italian Carnival. Thus on the Saturnalia public gambling was allowed by the aediles (Martial, v. 84, xiv. 1, xi. 6), just as in the days of our ancestors the most rigid were wont to countenance card-playing on Christmas-eve; the wearing of the *synthesis* and of the *pilleus* (Martial, xiv. 141, vi. 24, xiv. 1, xi. 6; Senec. *Ep.* 18) may find their counterpart in the dominoes, the peaked caps, and other disguises worn by masques and mummers; the *cerei* were probably employed as the *moccoli* now are on the last night of the Carnival; and lastly, one of the amusements in private society was the election of a mock king (Tac. *Ann.* xiii. 15; Arrian, *Diss. Epictet.* i. 25; Lucian, *Saturn.* 4), which at once calls to recollection the characteristic ceremony of Twelfth-night.

Saturnus being an ancient national god of Latium, the institution of the Saturnalia is lost in the most remote antiquity. In one legend it was ascribed to Janus, who, after the sudden disappearance of his guest and benefactor from the abodes of men, reared an altar to him, as a deity, in the forum, and ordained annual sacrifices; in another, as related by Varro, it was attributed to the wandering Pelasgi, upon their first settlement in Italy, and Hercules, on his return from Spain, was said to have reformed the worship and abolished the practice of immolating human victims; while a third tradition represented certain followers of the last-named hero, whom he had left behind on his return to Greece, as the authors of the Saturnalia (Macrob. *Sat.* i. 7). Records approaching more nearly to history referred the erection of temples and altars, and the first celebration of the festival, to epochs comparatively recent, to the reign of Tatius (Dionys. ii. 50), of Tullus Hostilius (Dionys. iii. 32; Macrob. *Sat.* i. 8), of Tarquinius Superbus (Dionys. vi. 1; Macrob. *l. c.*), to the consulship of A. Sempronius and M. Minucius, B.C. 497, or to that of T. Larcius in the preceding year (Dionys. vi. 1; Liv. ii. 21). These conflicting statements may be easily reconciled by supposing that the appointed ceremonies were in these rude ages neglected from time to time, or corrupted, and again at different periods revived, purified, extended, and performed with fresh splendour and greater regularity. (Comp. Jordan, *Topog.* i. 360.) The festival was, no doubt, an old Italian rite of prehistoric date, but the adoption of the *ritus graecus* in its ceremonies, as shown by the uncovered head [SACRIFICIUM, p. 586] and the lectisternium, was due to the order from the Sibylline books in the year 217 B.C. (Liv. xxii. 1, 19). It is suggested by Marquardt that the feasting of slaves, which the Romans took to be a tradition from the golden age when all were equal, may have really originated with the lectisternium in that year; since such general feasting of all ranks was part of the lectisternia (Macrob. i. 6, 13; LECTISTERNIUM).

During the Republic, although the whole month of December was considered as dedicated to Saturn (Macrob. i. 7), only one day, the XIV. Kal. Jan., was set apart for the sacred rites of the divinity: when the month was lengthened by the addition of two days upon the adoption of the Julian Calendar, the Saturnalia fell on the XVI. Kal. Jan., which gave rise to confusion and mistakes among the more ignorant portion of the people. To obviate this inconvenience, and allay all religious scruples, Augustus enacted that three whole days, the 17th, 18th, and 19th of December, should in all time coming be hallowed, thus embracing both the old and new style (Macrob. i. 10). A fourth day was added, we know not when or by whom, and a fifth, with the title *Juvenalis*, by Caligula (Dio Cass. lix. 6; Suet. *Cal.* 17); an arrangement which, after it had fallen into disuse for some years, was restored and confirmed by Claudius (Dio Cass. lx. 2).

But although, strictly speaking, one day only, during the Republic, was consecrated to religious observances, the festivities were spread over a much longer space. Thus, while Livy speaks of the first day of the Saturnalia (*Saturnalibus primis*, Liv. xxx. 36), Cicero mentions the second and third (*secundis Saturnalibus*, *ad Att.* xv. 32; *Saturnalibus tertiis*, *ad Att.* v. 20); and it would seem that the merry-making lasted during seven days, for Novius, the writer of Atellanae, employed the expression *septem Saturnalia*, a phrase copied in later times by Memmius (Macrob. i. 10), and even Martial speaks of *Saturni septem dies* (xiv. 72), although in many other passages he alludes to the five days observed in accordance with the edicts of Caligula and Claudius (ii. 89; xiv. 79, 141).

Among the presents of all kinds which were made at this season (Suet. *Aug.* 75; Plin. *Ep.* iv. 9, 7; Lucian, *Cronosol.* 14–16; Mart. iv. 46, vii. 53, and all book xiv.), we must notice especially the *cerei* and the *sigillaria*. The *cerei* were wax tapers (*funiculi* or *funales* cerei) and were the most ordinary gift (Macrob. i. 7, 33; Varro, *L. L.* v. 64; Mart. v. 18), which may possibly, as some think, have a symbolical reference to the festival of waning light in the season of *bruma*; it may be noticed also that candles were the light of primitive times before oil lamps were known (Varro, *L. L.* v. 119), and so may have belonged to a primitive festival. The *sigillaria* or *sigilla*, which were especially characteristic of the Saturnalia (Sen. *Ep.* xii. 3; Suet. *Claud.* 5; Macrob. i. 11, 49; Spartian. *Carac.* 1, *Hadr.* 17; Mart. xiv. 182), were small figures of terra-cotta and possibly sometimes of dough baked hard (Lobeck, *Aglaoph.* 1079). Some regarded them as relics of a human sacrifice to Saturn (Macrob. i. 11, 48; comp. OSCILLA). Hence the name of the street *Sigillaria* (Gell. v. 4), and the sale or "fair" of statuettes which lasted for four days after the 17th of December was called *sigillaria*; there is no ground for the supposition that certain of the festal days bore that name. (Marquardt, *Staatsverw.* iii. 586 ff.; Preller, *Röm. Myth.* p. 413.) [W. R.] [G. E. M.]

SCABELLUM. [CYMBALUM.]

SCALAE (*κλῖμαξ*). 1. A ladder. These, whether scaling-ladders or ladders for other purposes, had nothing in their construction which calls for comment. 2 (*ἀναβαθμοί*). The staircase of a house [cf. DOMUS, Vol. I. pp. 663 *b*, 665 *b*]. The stairs in ordinary houses were like ladders, except that they had flat steps instead of rungs: they sometimes led directly into the street (Liv. xxxix. 14). *Scalae graecae* differed from these ladder staircases in having the under side of the step enclosed, so that the feet of a person going up them would not be visible from below. The Flaminica was not allowed to ascend a high flight of stairs unless they were of this construction (Gell. x. 15; Serv. *ad Aen.* iv. 646). Compare Becker-Göll, *Gallus*, ii. 223; Nissen, *Pompeii*, 602. [L. S.] [G. E. M.]

SCALPELLUM. [CHIRURGIA.]

SCALPRUM was the name which might no doubt be applied to any instrument which could be said *scalpere*, and so it includes both cutting and chiselling tools. Under the former head we have:—

1. The shoemaker's knife for cutting leather = the Greek *σμίλη* or *σμιλίον* (Hor. *Sat.* ii. 3, 106; Pollux, vii. 83; Plat. *Rep.* i. p. 353 A, *Alc.* i. p. 129 C). There is a distinction between the *σμίλη*, which has a straight blade like an ordinary knife blade, and the *τομεὺς* or *περιτομεύς*, also used by leather-cutters, which had a crescent-shaped blade (Olympiodor. p. 210). Blümner (*Technol.* i. 273) identifies the scalprum with the straight-bladed *σμίλη*, and the *culter crepidarius* with the rounded *τομεύς*.

2. *Scalprum librarium* (*καλαμογλύφος*), a penknife (Tac. *Ann.* v. 8; Suet. *Vit.* 2) = *σμίλη δονακογλύφος* (*Anth. P.* vi. 295), which was used to make the point of the reed-pen. [CALAMUS.]

3. A grafting-knife for gardeners (Plin. *H. N.* xvii. § 119).

4. A surgeon's knife (Cels. viii. 3): both *σμίλη* and *τομεὺς* are names of *ἰατρῶν ἐργαλεῖα* (Poll. iv. 181). [See woodcut under CHIRURGIA.]

As a chisel we have the *scalprum fabrile* (Liv. xxvii. 49), alike for wood and stonê, in form resembling a modern chisel (see cut under CIRCINUS) and = the Greek *γλύφανον*: it was struck with a mallet (*malleus*), for which the Greek equivalent is *κολαπτήρ*, for Rich and Liddell and Scott are probably mistaken in understanding the *κολαπτὴρ* to be a chisel. (See Blümner, *Technologie*, ii. 211, iii. 93.) [G. E. M.]

SCALPTURA (*γλυπτικὴ σφραγίδων*, Poll. vii. 209), the art of engraving gems or hard stones (for the uses of the words *γλύφειν*, *χαράσσειν*, *κολάπτειν*, *scalpere*, *sculpere*, &c., see Blümner, *Technol.* ii. 167 ff. and Lexicons).

The present article deals only with the methods and history of the art of gem engraving. Some account of the minerals employed will be found *s. v.* GEMMA; and of the manner in which gems were worn, *s. v.* ANULUS.

The technical Methods of Gem Engraving.

The gems first employed were of soft materials, such as steatite, and could be engraved either with metal tools, or with pieces of harder stones, such as obsidian. The Ethiopians tipped their arrows with a sharpened stone, *τῷ καὶ τὰς σφρηγῖδας γλύφουσι* (cf. Herod. vii. 69). But nearly all engraved gems were too hard for instruments of metal; cf. Pliny, of the topaz: "sola nobilium limam sentit" (*H. N.* xxxvii. § 109). Accordingly, the different methods of gem engraving are methods for applying minute fragments of a very hard material, in order to produce the desired effect on the gem to be engraved. The ancient modes of procedure were very similar to those of the modern engraver.

The diamond was sometimes used set in a pencil. Thus, Pliny, *H. N.* xxxvii. § 60: minute diamond splinters "expetuntur scalptoribus ferroque includuntur nullam non duritiem ex facili cavantes." So also Solinus says of the hyacinth, "adamante scribitur et notatur" (c. 30, p. 152). Sometimes minute dust of diamonds or Naxian emery powder was mixed with oil, and applied by friction (cf. Dioscor. v. 165, *σμύρις λίθος ἐστίν, ᾗ τὰς ψήφους οἱ δακτυλιογλύφοι σμήχουσι*. Cf. Hesych. *s. v.*, and Blümner, *Technologie*, iii. p. 287).

This might be done by rubbing the mixture on the stone either with a blunt metal pencil worked with the hand, or by a mechanically revolving tool. This tool might either be a drill worked with a bow (like the modern watchmaker's drill; cf. *Cat. of Gems in the British Museum*, Pl. E, No. 305) or might consist of a minute revolving wheel, such as is used by the modern dentist, but fixed in a lathe. The various methods are briefly indicated by Pliny, *H. N.* xxxvii. § 200, "tanta differentia est ut aliae (gemmae) ferro scalpi non possint" (cannot be carved with a metal tool), "aliae non nisi retunso" (only with a blunt pencil, to rub in emery), "omnes autem adamante" (with the diamond point); "plurumum vero in iis terebrarum proficit fervor" (the use of the drill).

A knowledge of the different methods above enumerated is a considerable help in distinguishing the periods of gems, as different kinds of technique prevailed at different times. The drill is much used in the early "island gems" and in the Etruscan scarabs, further described below. It had either a pointed end, which made hemispherical depressions, or a tubular end which produced ring-like grooves. The latter form only occurs in the gems of the islands. On a larger scale it may be traced on the architectural sculptures from Mycenae. (Cf. also *Class. Review*, 1889, p. 374.)

In gems of the later Greek period the drill was supplanted by the wheel, which bit into the stone with its cutting edge. At the best time the whole of the interior of the design was afterwards carefully worked over with the blunt point (*ferrum retunsum*) and emery powder, so as to obliterate the traces of the drill or of the wheel. In late Roman gems, executed hastily with the wheel, the cuts are very apparent. It is often possible to count the number of cuts that have been taken with the wheel. The diamond pencil was only used for the finest work, such as the hair and for the minute final touches. Splinters of ostracias, a word of unknown meaning, were also employed like the diamond point (Plin. *H. N.* xxxvii. § 177). For a full account of the gem engravers' methods, with illustrations, see Mariette, *Traité des Pierres gravées*, vol. i. p. 195; Natter, *Méthode de graver en Pierres fines;* Blümner, *Technologie*, iii. p. 279.

History of Gem Engraving.

In taking a historical survey of Greek gems, we first have to consider the stones associated with the Mycenaean period of culture. These gems are usually known by the inappropriate title of "gems of the islands" (German, *Inselsteine*). They are found at Mycenae (Schliemann, *Mycenae*, figs. 539–541; 'Εφ. ἀρχαιολογική, 1888, pl. 10), and in the closely-allied deposits of Menidi (Lolling, *Kuppelgrab bei Menidi*, pl. vi.) and Spata (*Bull. de Corr. Hellén.* ii. 1878, p. 224). They are also found in the islands of the Aegean, as Melos (*Mittheilungen des Inst. Athen.* 1886, pl. vi.) and at Ialysos in Rhodes (*Cat. of Gems in the Brit. Mus.* Nos. 104–8). The stones are for the most part of one of two forms, either *lenticular* (*i.e.* bean-shaped) or *glandular* (in the form of the sling-bolt). The material most frequently used is steatite, which is comparatively soft; but instances occur of the use of jasper, agate, crystal, and similar hard stones. Figs. 1–3 represent three "island gems." Figs. 1 and 2 are from Menidi, and represent respectively a gryphon and two lions. Fig. 3 is from Melos, and represents a winged Triton and a fish.

Fig. 1.

Fig. 2.

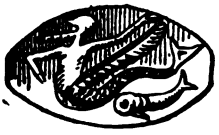


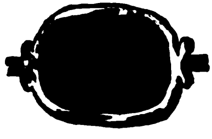
Fig. 3.

The importance of this class of gems lies in the fact that they show a continuity of development between the periods of Mycenae and of historical Greece. On the one hand, they are found in Mycenaean graves, and occasionally reproduce the characteristic motives of Mycenaean sculpture (comp. the gems, *Brit. Mus. Cat.* pl. A, 106, and 'Εφ. ἀρχ. 1888, pl. 10, fig. 2, with the Gate of Lions); on the other hand, gems of the same style and forms as the preceding are found with Greek mythological types, which, it is to be noted, do not occur at Mycenae. (See above, fig. 3.) Among the types that occur are figures of Pegasos (*Brit. Mus. Cat.* 21–26, pl. A); of a winged Gorgon (*Mittheil. des Inst. Athen.* Abth. 1886, pl. vi. fig. 13); Heracles and Nereus (*Brit. Mus. Cat.* pl. A, 82); a Centaur (*Brit. Mus. Cat.* 84; *Arch. Zeit.* 1883, pl. xvi. fig. 16); and Prometheus (?), on a gem of the late Admiral Spratt. Moreover, these gems are found at Melos, in company with early Greek inscriptions, vases, and terra-cottas, which fix the date of the tombs in which they are found as from the seventh to the fifth century. Until the place is ascertained where the gems in question were manufactured, the question must remain somewhat doubtful; but it seems possible that we have in the "island gems" the products of an art which was able to resist the injury commonly supposed to have been caused by Dorian invaders to the more ambitious arts of Mycenae. It is to be observed that the hardest materials are most frequent at the earliest period—a fact that suggests an art passing through a period of decadence. (Cf. Milchhoefer, *Die Anfänge der Kunst in Griechenland*, p. 39; Furtwaengler and Loeschcke, *Mykenische Vasen;* Duemmler, in *Mittheil. des Inst. Athen.* 1886, p. 170.)

Though the class of gems just described was continuous till historical times, yet it survived as an isolated phenomenon; and for the general history of Greek and Etruscan gem engraving we start from an independent origin.

When the Greeks and Etruscans in historical times were brought into contact with Oriental customs, by the agency of the Phoenicians, they were introduced to two forms of gems which were of great antiquity; namely, the cylinder of Babylonia and Assyria, and the scarabaeus of Egypt. The cylinder was perforated longitudinally for suspension by a cord, or more rarely mounted on a swivel, and had a device engraved round it. It had been used in Babylonia as a seal from time immemorial; but the form did not attract the Greeks or Etruscans, and instances are very rare in which it occurs. We find it principally in deposits immediately subject to Oriental influences, as at Camiros, in Rhodes (*Brit. Mus. Cat.* 132); in Cyprus (Cesnola, pl. iv. 1, 2); and at Tharros, in Sardinia (*Brit. Mus. Cat.* 191). No instance can be quoted by the present writer in which the cylinder has been found in Etruria. The only Greek example known to him was found at Kertch, in a grave of the fourth century (*Compte-rendu*, 1868, pl. 1). King (*Antique Gems and Rings*, i. p. 48) describes a cylinder in the Hertz Coll. (*Sale Cat.* No. 407) engraved by a Greek artist, but immediately under Persian influence.

The scarabaeus, on the other hand, is intimately connected with the history of Greek gem engraving, and still more so with that of Etruscan gem engraving. It owes its origin to Egyptian theology, in which the Egyptian beetle, *Scarabaeus sacer*, with a ball of mud containing its eggs, was emblematic of the deity Kheper, the principle of light, and the creative power of nature. Plutarch (*de Iside*, x.) mentions the beetle, adding that it was worn as a seal by warriors, as being only of the male sex. From its religious significance the scarab became a sacred emblem and amulet, and from early times was buried with the Egyptian dead. As a rule the base of the scarab, in Egypt, contains some simple hieroglyphic inscription, such as the name of a king or of a private person. The materials most commonly used were steatite or porcelain. But we are only concerned with the scarab when it had been adopted as a conveniently shaped object for the engraver outside Egypt, and when all idea of its sacred significance had been forgotten.



When worn, the scarab was either strung on a string, or set in a ring with a swivel (cf. cut, *s. v.* ANULUS, and the account of the ring of Gyges, Plat. *Rep.* ii. 359); or it was set in an immovable box-setting of gold, and formed part of a ring. They were also set, in large numbers, in necklaces and jewellery.

The form of the scarab was probably communicated to the Western nations by the Phoenicians, although recent discoveries at Naucratis suggest that the Greeks were also agents. At Camiros, in Rhodes, a considerable number of scarabaei have been discovered, probably of Phoenician import. They are made principally of porcelain, and are distinguished from their Egyptian prototypes by the blundered hieroglyphics, frequently meaningless, and by remarkable instances of the introduction of Assyrian elements.

The same characteristic indications of Phoenician work present themselves among the scarabaei of Tharros, in Sardinia; but there the hieroglyphics are fewer in number: a new material, green jasper, is introduced, and Greek mythological subjects occur. The scarabs of Tharros are therefore of Phoenician (or rather, of Carthaginian) style, combined with Greek elements. It is moreover probable that they belong to a late date, in many instances to the second century B.C. (*Brit. Mus. Cat.* Introd. p. 13). When the scarabaeus had been imported into Etruria by the Phoenicians, it took firm hold of the national taste — for what precise reasons cannot be explained, but probably only because the form was convenient and attractive. It enters largely into the designs of their jewellery, *e.g.* necklaces, and is worn on rings. Thus the recumbent figure of Seianti Thanunia in the British Museum (*Antike Denkmäler*, i. pl. 20) has her fingers loaded with rings, set with scarabs, as already described.

In the earliest Etruscan tombs only the imported Egyptian or Phoenician scarabaeus of steatite or porcelain occurs. Thus the celebrated Polledrara tomb (near Vulci), whose contents are now in the British Museum, contained, among other Phoenician wares, several porcelain scarabaei. One in particular has the cartouche of king Psammetichos I. (611 B.C.), and fixes the earliest possible date of the tomb. It also gives a date earlier than the Etruscan scarabs proper, which were not represented in the tomb. Etruscan scarabs are most commonly of red sard. The beetle form of the scarab is often carved with care and realistic accuracy. The subjects are usually taken from Greek mythology. The inscriptions are in Etruscan, and generally give in Etruscan form the names of the persons represented, though not always correctly. The name of the artist never occurs, and that of the owner seldom. An example occurs in the British Museum (*Cat.* No. 341), inscribed *Tarchnas* (Tarquinius). The Etruscan scarabs may be divided according to their technique (see above) into two classes: (1) gems principally engraved with the blunt tool and with emery powder, often with much refinement and delicacy. These works are hard to distinguish, apart from the inscriptions, from early Greek work. A celebrated early Etruscan gem, now at Berlin, is here engraved. The design represents, with the true feeling of archaic art, a council of five of the heroes who fought against Thebes. The names are added, viz. *Phylnice* (Polynices), *Tute* (Tydeus), *Amphtiare* (Amphiaraos), *Atresthe* (Adrastos), and *Parthanapaes* (Parthenopaios). (Winckelmann, *Hist. de l'Art*, book iii. chap. 1; Toelken, *Preuss. Gemmensammlung*, 75, 76.) (2) The second kind of Etruscan gems is executed almost entirely by the drill making small hemispherical depressions in the intaglio, or bossy projections in the impression. The resulting design, usually some simple subject, such as a horse, is very rough and is often hard to distinguish. The gems are known as gems *a globolo tondo*.

Gem found at Perugia.

As we have seen, the native Etruscan scarabs are probably not older than 600 B.C. The question which of the two classes above described is the older has been a subject of dispute; but the records of the finds, scanty though they are, seem to show that the gems *a globolo tondo* are the latest. The scarab carefully engraved with the point is found in graves with vases of the black-figured and early red-figured styles; that is, during the fifth century. The rougher gems *a globolo tondo* are found with vases of the fourth century and later. Thus, at Vulci, a gem of this style, representing a satyr with a horse's tail, was found with three red-figured vases of the fourth century; at Tharros a similar gem was found in a tomb of the third century.

Gem Engraving in Greece.—We now turn to the history of gem engraving in historical Greece; and, before discussing gems actually extant, we may review the meagre information contained in ancient literature.

That which has given the strongest impulse to the art of the gem engraver has always been the use of gems for seals. We have already seen that gems were used for seals by Oriental nations long before the time of Homer, and also that engraved rings and stones, such as might well be used for seals, were found amongst the Mycenaean and analogous deposits. But it had been already observed by Pliny (*H. N.* xxxiii. § 12) that the use of seals was unknown to Homer, as they are not used in cases where they seem required, as in *Il.* vi. 169, *Od.* viii. 447.

The question, therefore, when the Greeks began to use seals is one that cannot be answered from literary sources, which are also silent with respect to the beginnings of gem engraving. There are indications, however, that in the beginning of the sixth century B.C. a considerable degree of proficiency in the art had been reached. Thus Solon is said to have made a law, doubtless as a precaution against fraud, that no engraver (*δακτυλιογλύφος*) should retain an impression of a ring that he had sold (Diog. Laert. i. 57). It has been suggested [see ANULUS] that this regulation referred to seals carved in metal rings (*e.g.* Schliemann, *Mycenae*, fig. 530) rather than in gems. But there is independent evidence that gems were in use about the time of Solon (cf. fragment of Solon, *ap.* Stob. 45, 9; and Theogn. *Sentent.* l. 19).

The first gem engraver known by name was Mnesarchos of Samos, father of Pythagoras. He must have lived about 580 B.C., and was a gem engraver of great skill, who sought credit, rather than wealth, from his art (Diog. Laert. viii. 1; Apul. *Florid.* ii. 15, 3). Something may be inferred as to the character of subjects already prevalent for engraving, from the fact that it was a special mark of the followers of Pythagoras not to wear a god in their rings (Diog. Laert. viii. 17).

The second gem engraver known by name was Theodoros, son of Telecles, an artist noted for his versatility, and author of the famous ring of Polycrates. Pliny (*H. N.* xxxvii. §§ 4, 8) describes a stone which had been placed by Augustus in the Temple of Concord at Rome, and which was reputed to be the gem of Polycrates; he states that it was an uncut sardonyx. According to Herodotus (iii. 41), the stone was an emerald. It has been maintained that the stone was uncut, and that the value lay in the material. This was the theory of Lessing (*Ant. Briefe*, 21). But on this question the statements of Pliny are obviously no authority, as he was merely describing a stone supposed in his time to be that of Polycrates. The phrase of Herodotus, *σφρηγὶς χρυσόδετος* (Her. iii. 41; cf. i. 195), distinctly implies an engraved seal, mounted in gold, and was so understood by Pausanias (viii. 14), Tzetzes (*Chil.* vii. 210), and Strabo (xiv. p. 638, *δακτύλιον λίθου καὶ γλύμματος πολυτελοῦς*). Clement of Alexandria (*Paedag.* iii. 246; p. 289 in Potter's ed.) states, on what authority we do not know, that the subject was a lyre. Theodoros seems to have been represented as a gem engraver in a portrait statue made by himself. It is stated (Pliny, *H. N.* xxxiv. § 83) that in this statue he held in the right hand a file, in the left hand "quadrigulam tantae parvitatis ut miraculo pictam (fictam) eam, currumque et aurigam integeret alis simul facta musca." This passage has been brilliantly explained by Benndorf (*Zeitschr. für Oest. Gymnasien*, 1873, p. 406) to mean that Theodoros held a scarabaeus in his hand, with a *quadriga* and charioteer engraved on its base. There is such a scarabaeus in the British Museum (*Cat. of Gems*, pl. D, 254). It should be observed that the same story is told in almost the same words of Myrmecides—in a context which suggests that Pliny himself did not understand the meaning of what he was reporting: "Myrmecides quidem .... inclaruit, quadriga ex ebore, quam musca integeret alis fabricata, et nave quam apicula pinnis absconderet" (*H. N.* vii. § 85, xxxvi. § 43; cf. Aelian, *Var. Hist.* i. 17; Plut. *adv. Stoicos*, 44). Choeroboscos, in Bekker's *Anecd.* ii. p. 651, tells the story in a corrupted form, in which the fly drew the chariot, as well as covered it, with its wings. If we omit an uncertain allusion to one Trausias, in a fragment of a speech by Lysias, *περὶ τοῦ τύπου*, and the amateur productions of Hippias, the sophist (Apul. *Flor.* ii.), there is a break in the literary history till the time of Alexander. The inscriptions, however, sufficiently indicate the common use of rings and seals, and the practice of dedicating them as worthy offerings to a deity. Compare the entries in the treasure list of the Parthenon for 398 B.C.: *σφραγὶς χρυσοῦν δακτύλιον ἔχουσα, Δέξιλλα ἀνέθηκε* ... *σφραγῖδε ὑαλίνα ποικίλα* (coloured glass pastes), *περικεχρυσωμέναι, ἀλύσεις χρυσᾶς ἔχουσαι· ὄνυξ σφραγίς, κ.τ.λ.* (*C. I. G.* 151 B, l. 50).

The employment of a public seal also makes its appearance. So in the Parthenon inventories, early in the fourth century, *γραμματεῖον ὑπὸ τῆς βουλῆς τῆς ἐξ Ἀρείου πάγου σεσημασμένον* (Michaelis, *Parthenon*, p. 298). Cf. *C. I. G. Addenda*, 2152*b*, from Carystus, *τὸν τα]μίαν ἀποσ[τεῖλαι ἀντί]γραφον τοῦδε τοῦ ψηφίσματος σημανθὲν τῇ δημοσίᾳ σφραγεῖδι.* So also *C. I. G.* 2265, 2332, 2347*c*, 2557, 3053. The public seal seems to have served as the seal of an official witness, or to mark an official copy of a document. Such a seal, with the design of a dolphin and a club, frequently occurs among a large deposit of clay impressions of seals, found at Selinus (*Atti dei Lincei, Notizie degli Scavi*, 1883, pl. vii.). The clay seals in question served to secure wooden tablets, and the supposed public seal is in the middle, with the seals of the parties at each side. Before the thread fastening the tablet was severed, the contracting parties admitted the authenticity of the seal (Cicero, *in Cat.* iii. 5, 10; Paulus, *Sententiae*, v. tit. xxv.).

The next engraver after Theodoros, of whom literary record is preserved, is Pyrgoteles. He was chief of his craft in the time of Alexander, as that king issued an edict, "quo vetuit in hac gemma (zmaragdo) ab alio se scalpi, quam a Pyrgotele, non dubie clarissimo artis eius"

(Pliny, *H. N.* xxxvii. § 8). Pliny also states, in more general terms, that Alexander decreed that Apelles alone should paint his portrait and Pyrgoteles engrave it, and Lysippos cast it in bronze (*H. N.* vii. § 125). It may be conjectured that the passage first quoted combines a prohibition and a command, and that Alexander (if there was any truth in the story) ordered that only Pyrgoteles should engrave his portrait, and that Pyrgoteles should engrave it on an emerald.

The remaining engravers known to us are Apollonides and Cronius, who were renowned, in succession to Pyrgoteles; and Dioscorides, who made an excellent portrait of Augustus, used as a seal by Augustus himself and by his successors (Pliny, *H. N.* xxxvii. § 8; Suet. *Aug.* 50).

The foregoing summary of our literary information sufficiently shows that, in writing a history of gem engraving among the Greeks, we are obliged almost exclusively to study the gems themselves, and get little help from the ancient writers.

Greek Gem Engraving before Alexander.

Few Greek examples, comparatively speaking, have been discovered of the scarab; and this form, which was so universally employed by the Phoenicians and the Etruscans, seems to have been but little used by the Greeks. As regards the archaic period, this fact should probably be interpreted as indicating the limited practice of the art among the Greeks in early times, rather than as showing any special distaste for this particular form: for if we except the gems described above, which seem to carry on the tradition of the "gems of the islands," early Greek gems are almost unknown in any form except the scarab, and its immediate derivative the scaraboid.

A few of the most important instances of scarabs proved to be Greek by the inscriptions, as well as by the fact that they were found on Greek soil, may here be quoted. The stones in question are inscribed either with a sentence that admits of no ambiguity; or simply with a proper name in the nominative or genitive case, which may be either the signature of the artist or the name of the owner. There has been much discussion as to the distinction between the two classes. But, while some cases must remain doubtful, the general principle is clear. An owner's name is naturally almost a part of the design, intended readily to catch the eye, in the impression. An artist's signature, on the other hand, is usually unobtrusive, and only visible if sought for. A parallel may be found in the contrast between the conspicuous legends and the minute signatures on a signed coin of Syracuse, or on an English sovereign.

Early Stones inscribed with the names of the Owners.—1. A stone found at Aegina, with an intaglio design of a scarabaeus with wings spread, and inscribed Κρεοντίδα εἰμί (*Bull. dell' Inst.* 1840, p. 140). 2. Scarab: Dolphin, and inscription Θέρσιος ἠμὶ σῆμα, μή με ἄνοιγε: from Greece (*Arch. Zeit.* 1883, pl. 16, fig. 19). 3. A plasma scarab from Pergamon contains a lioness about to attack; above is the inscription Ἀριστοτείχης. Furtwaengler takes Aristoteiches for an artist, contemporary with Semon (see below), and working about 500 B.C. But, according to the principle enunciated above, he seems rather to have been the owner of the seal, as the inscription is very prominent, along the top of the field. The gem is of fine archaic work (*Jahrb. des Inst.* 1888, p. 194; pl. 8, fig. 2). 4. An agate scaraboid in the British Museum (*Cat. of Gems*, No. 482) contains nothing except the name of the owner Isagoras in large letters.

Early Gems inscribed with the names of the Artists.—The gem engravers earlier than the time of Alexander who are known by their works have been recently enumerated and discussed by Furtwaengler (*Jahrb. des Inst.* 1888, p. 194). We quote some of the most important.

(1) The oldest gem known with an artist's signature is a modification of the scarab form, having a satyr's head engraved in relief, in place of the beetle. The stone in question is a steatite, in the British Museum (*Cat. of Gems*, pl. F, No. 479; *Jahrb. des Inst.* 1888, pl. 8, fig. 1). On the base is a draped and bearded citharist, and the inscription Συρίης (or Συρίας) ἐποίησε. Furtwaengler (*ib.* p. 195) ascribes the work on epigraphic ground to Euboea, and proposes a date as early as 550 B.C., *i.e.* between Mnesarchos and Theodoros.

(2) The true scarab form is preserved in a black jasper, found near Troy, and now at Berlin. A nude woman kneels at a fountain, with a spout in the form of a lion's mouth, filling her pitcher. It is inscribed Σήμονος. Semon has been taken for an owner's name by Stephani and Brunn. But Furtwaengler is probably right in taking it, on account of its inconspicuousness, for an artist's signature. The stone is a fine specimen of archaic work on the point of gaining full freedom. Furtwaengler places it about 500 B.C., and it is certainly not much later than this date (*Jahrb. des Inst.* 1888, p. 116, pl. 3, fig. 6).

Among the Greeks the details of the scarab were abandoned early, probably in the fifth century; but the general form was retained, which is known as the scaraboid. Scaraboidal gems have the flat base and convex back of a scarab, but there is no attempt whatever to suggest the details of the beetle. The scaraboid form already occurs amongst Phoenician products at Camiros.

There are few instances in which it seems to have been adopted by the artists who produced the "gems of the islands" (see above). The most common subjects are figures of animals, of somewhat archaic style but worked with great study of detail (*Brit. Mus. Cat.* pl. B, 113, 114, &c.). The most important work on scaraboids belongs, however, to a rather later period, some of the finest of the Greek gems of the fifth and fourth centuries being also engraved on scaraboids.

The scaraboid form was that employed by the most distinguished of Greek gem engravers, known to us from his works, namely, Dexamenos of Chios. The extant works of Dexamenos are (1) Chalcedony scaraboid from Kertch, now in the Hermitage. Flying heron. Inscribed, ΔΕΞΑΜΕΝΟΣ ΕΠΟΙΕ ΧΙΟΣ (*Compte rendu*, 1861, pl. 6, 10; *Jahrbuch des Inst.* 1888, pl. 8, fig. 9). (2) Agate scaraboid from South Russia, now in the Hermitage. Heron standing on one leg, and grasshopper. Inscribed, ΔΕΞΑΜΕΝΟΣ (*Compte rendu*, 1865, pl. 3, fig. 40; *Jahrbuch des Inst.* iii. pl. 8, fig. 7). (3) Chalcedony scaraboid, from Greece (?), now in the Fitzwilliam Museum at Cambridge. A woman seated at her toilet; before her an attendant with mirror and wreath. Inscribed, ΔΕΞΑΜΕΝΟΣ, and with the owner's name ΜΙΚΗΣ (*Jahrb. des Inst.* 1888, pl. 8, fig. 6). (4) A Jasper scaraboid, now at Athens. Contains a male portrait head. Inscribed, ΔΕΞΑΜΕΝΟΣ ΕΠΟΙΕ (*Jahrb. des Inst.* 1888, pl. 8, fig. 8). The authenticity of this gem has been denied. Dexamenos appears to have worked towards the close of the fifth century. He engraved animal forms, as shown by the first two in the above list, with admirable delicacy and grace. In his figures, as seen in No. 3, he is not free from a certain degree of archaic stiffness. His period therefore is that of transition to complete freedom. He is fortunate in the fact that three at least of his reputed works are entirely free from doubt.

The remaining artists, known to us by their signatures, who are assigned by Furtwaengler with fair probability to a period earlier than Alexander, are Athenades, Olympios, Onatas (?), Pergamos, Phrygillos. For a discussion of the works of these artists see Furtwaengler's articles in the *Jahrbuch des Inst.* 1888, pp. 119, 197. Athenades is known only by an intaglio in gold from Kertch (*ib.* pl. 8, fig. 3). Olympios is identified by Furtwaengler with the author of certain signed Arcadian coins, of about 370 B.C. (Gardner, *Types*, pl. viii. fig. 32); and Phrygillos with the author of certain coins of Syracuse of the end of the fifth century (Weil, *Künstlerinschriften der Sicilischen Münzen*, pl. 1, figs. 9, 10).

A good example of a scaraboid inscribed with the owner's name occurs among the Cesnola gems from Curium (Cesnola, *Cyprus*, pl. 40, fig. 14). Above a figure of a horse the name ΣΤΗΣΙΚΡΑΤΗΣ is engraved in such bold and conspicuous characters that it cannot be mistaken for the name of an artist.

Towards the close of the early period, forms for gems other than the scarab and the scaraboid begin to come into use. Thus, one of the finest early gems in the British Museum, with a figure of a citharist, is engraved on a section of a truncated gland (*Cat. of Gems*, pl. F, 555). By the close of the fifth century the Greeks were beginning to discover that a thin slice of stone produced effects by its translucency, and economised material. The scarab and the scaraboidal form were therefore abandoned in Greece, though adhered to in Etruria, at Tharros, and elsewhere.

We have now reviewed the early period of Greek gem engraving. In this art, more than in any other, those characteristics are seen which attract the student in all archaic work. The early gems are distinguished by a certain dainty minuteness and precision—not because the artist is trying to be minute, but because he is taking pains with his work, and devoting patient attention to every detail. Nor is the work minute in the sense that the artist tries to conceal his methods, and to obliterate all trace of the tool. When an archaic gem is highly magnified, it is seen to be a gem enlarged and not a group of sculpture. Further, this dainty minuteness is combined with a measured restraint, characteristic of all archaic work, but particularly of gems. A limited subject is concisely rendered, and no vague compositions are attempted, filled with floating draperies, landscapes, and objects made small by distance.

Gem Engraving from the time of Alexander.

Early in the fourth century the engraver had obtained complete mastery over his materials, and those characteristics which clearly distinguish the earlier gems are henceforth wanting; and accordingly it becomes difficult (with certain notable exceptions) to assign gems with precision to a definite point in a period of several centuries. Moreover, in the case of gems reputed to be signed by the artist, the matter is complicated by difficult questions as to the authenticity of the gems and of the signatures. The course of history is marked more by the introduction of new features, such as the cameo and portraiture, than by a marked development of style. To some extent, however, the gems show the influence of the spirit prevailing in the greater arts. The artist Athenion is well known by a sardonyx cameo, now at Naples: Zeus advances in his chariot, drawn by four horses, and overwhelms two snake-legged giants with the thunderbolt. Signature, ΑΘΗΝΙΩΝ, [ʼΑ(θ)ηνίων] (*Jahrb. d. Inst.* 1888, pl. 8, fig. 19). Athenion may well have worked at Pergamon, and have shared or imitated the spirit which inspired the great Pergamene frieze. This is confirmed by another work of Athenion, preserved in two copies in paste, of each of which only a fragment survives. The two are combined in one sketch in *Jahrb. des Inst.* 1889, p. 85. The subject may be, as Furtwaengler suggests, Eumenes II. of Pergamon driven in a triumphal chariot by Athena.

Portraits.—The development of portraiture on gems was, for the most part, subsequent to the reign of Alexander, though a few earlier examples can be quoted. For example, the disputed gem of Dexamenos, referred to above, contains a characteristic male portrait head. Alexander himself prescribed the manner in which his portrait was to be engraved by Pyrgoteles (see above). But, no doubt, the custom of engraving portraits on the coins, introduced by the early Diadochi at the end of the fourth century, tended to develop the art of portraiture. In later times we hear of portraits used so frequently, and for such various purposes, that there is no occasion for surprise at the number of unidentified portraits in all collections of gems. The portrait of Alexander was used as a signet by Augustus (Plin. *H. N.* xxxvii. § 10), and as a family crest on the rings and other property of the Macriani (Treb. Poll. *de Quieto*). A man might have a portrait engraved on a gem as being that of an ancestor (Val. Max. iii. 5; Cic. *in Cat.* iii. 5, 10), or of a teacher (Cic. *de Fin.* v. 2, 4; cf. Juv. *Sat.* ii. 6), or of a kingly patron (Plin. *Ep. ad Traj.* 74, ed. Keil), or of a predecessor (Plin. *H. N.* xxxvii. § 8), or of a friend (Ovid, *Tristia*, i. 7, 6), or of himself (Suet. *Aug.* 50). The finest examples of portraiture were not engraved in intaglio for seals, but were those occurring on the great cameos described below.

Cameos. — Cameos are works engraved in relief; intaglios have a sunk design. Early Greek cameos seldom occur, because the main object of the engravers was to produce seals. The form occasionally occurs, however, in early Etruscan work: compare certain *gorgoneia* and figures of harpies, in low relief, on sard (*Brit. Mus. Cat.* 244–248; King, *Antique Gems*, i. p. 117). The cameo form also occurs in the satyr's head engraved on the back of the scarab signed by Syries (see above, p. 605). The large onyx, representing a *tragelaphos*, which is mentioned in the Athenian treasure list of 398 B.C. (*C. I. A.* ii. 652 B, 12; cf. GEMMA) was probably a cameo. But it was not till after the time of Alexander that cameo-cutting became an art of importance. There is a remarkable series of portrait cameos which marks the rise of the art. Unfortunately, there is much doubt as to the personages represented, although archaeologists are for the most part agreed that they are members of the lines of the Seleucidae and Lagidae, between 300 and 150 B.C. The cameos in question usually represent the busts of a male and female figure, presumably a sovereign and his consort. The sovereign is usually in full armour. Among the best examples are—(1) The Gonzaga cameo, now at St. Petersburg: subject, Ptolemy Philadelphos and Arsinoe (Visconti); or Ptolemy I. and Eurydike (Müller, *Denkm. der alten Kunst*, i. No. 226 *a*). (2) The Vienna cameo: subject, Ptolemy Philadelphos and Arsinoe, daughter of Lysimachos (Müller, *Denkm. der alten Kunst*, i. No. 227 *a*). See also the Berlin cameo (Müller, i. No. 228), and the cameo in the De Luynes Collection in the French Bibliothèque Nationale (*Gaz. Arch.* 1885, pl. 42, p. 396). These regal cameos are in some instances of a considerable size, and they are worked in fine style, with great wealth of detail. It has been suggested by C. Lenormant (*Trésor de Numismatique*, pl. viii.) that they are the productions of a school of engravers at Alexandria. Such a school seems very possible, though evidence is wanting. We have seen above that Athenion was an artist in cameo who may well have worked at Pergamon in the reign of Eumenes II. (197–159). At about this time, also, the sardonyx was introduced at Rome by Scipio Africanus (Plin. *H. N.* xxxvii. § 85).

At the beginning of the Roman Empire the great cameos appeared which are a development of the regal cameos already described. The imperial cameos are distinguished by their great size, and by the admirable skill with which the artist employs the differently coloured strata of his material, and arranges his composition so as best to fill the space at his disposal.

Cameo of the Sainte-Chapelle.

We may mention some of the finest extant examples. That which was formerly reputed the largest of the series, the Carpegna cameo, formerly in the Vatican and now in the Louvre, has been shown to be made of glass (Buonarroti, *Medaglioni*, p. 427; Müller-Wieseler, *Denkmäler der alten Kunst*, ii. No. 116, and text). The next largest cameo is that of the Sainte-Chapelle, now in the French Bibliothèque Nationale. This magnificent gem is a sardonyx of three layers, and measures 12 in. by 10½ in. It was given by Baldwin II. to Louis IX., and passed into the treasures of the Sainte-Chapelle, from which it was transferred to its present resting-place in 1791. The subject, once interpreted as Joseph in Egypt, is probably Livia and Tiberius enthroned, receiving Germanicus on his return from his campaign in Germany in A.D. 17. Above is a group of deified members of the Julian house, and below a group of barbaric captives. Antonia is seen to the right of Germanicus, Agrippina and Caligula to the left: the group in the heavens contains, according to Bernoulli, the figures of the older Drusus (with the shield), Augustus (with the sceptre), Aeneas (with the sphere), and Germanicus, led by a genius and mounted on Pegasus. (Bernoulli, *Röm. Ikonogr.* ii. pl. xxx. p. 275; Müller, *Denk. der alten Kunst*, i. No. 378; Chabouillet, *Catalogue*, No. 188; Baumeister, *Denkmäler*, fig. 1794.)

Next in importance to the French cameo is the *Gemma Augustea* of Vienna. This is an onyx of two layers, measuring 8⅝ by 7½ inches. This gem was, in the fifteenth century, at the abbey of St. Gernin, at Toulouse, where it had been placed, according to tradition, by Charlemagne. Since 1619 it has been at Vienna. The subject is the Pannonian triumph of Tiberius, 12 A.D. Augustus and Roma are enthroned; they observe Tiberius stepping from his chariot, which is driven by Victory. Germanicus stands beside Roma. Allegorical figures complete the composition on the right; below, Roman soldiers are engaged erecting a trophy and bringing barbarian prisoners. (Bernoulli, *Röm. Ikonogr.* ii. pl. xxix. p. 262; Müller, *Denkm. der alten Kunst*, i. No. 377; Chabouillet, *Gaz. Arch.* 1886, pl. 31; Baumeister, *Denkmäler*, fig. 1793.)

The cameo in the British Museum, with a head of Augustus (*Cat. of Gems*, 1560 and frontisp.), is somewhat of the same order, though a much smaller work than the foregoing. This gem was at first identified as Constantine the younger, and has a considerable resemblance to the bust of that emperor as treated on the coins; but the work seems that of the early Empire, and the features are those of Augustus.

Akin to the great cameos are the vessels carved in precious stones of surprising magnitude, with designs in relief (Cic. *in Verr.* iv. 27, 62: "Vas vinarium, ex una gemma pergrandi, trulla excavata"). First among these is the cup of Oriental sardonyx, known as the cup of St. Denys, or cup of the Ptolemies, and now preserved in the French Bibliothèque Nationale. It is a cup 4¾ inches high, 5⅛ inches in diameter, elaborately carved with Dionysiac emblems and attributes in low relief (Chabouillet, *Catalogue* No. 279; Baumeister, *Denkmäler*, fig. 478). Another famous cup is the Tazza Farnese, now in the Museum at Naples. This is a large shallow cup of onyx. In the interior is an allegorical design relating to Egypt; on the exterior is a Gorgoneion (Millingen, *Anc. Unedited Monuments*, ii. pl. xvii.; *Mus. Borb.* xii. pl. 47). On a vase of onyx at Berlin, see Thiersch, *Abh. d.* 1. *Cl. d. k. Bayer. Akad.* ii. 1, p. 63.

The costliness of the material, and the difficulty of obtaining the effects of layers on different colour on any other than a plane surface, led to the production of the *torcumata vitri*, of which the Portland Vase, exhibited in the British Museum, is the most noted specimen. This is a specimen of true cameo engraving, only distinguished by the fact that the material to be carved is glass. This vase was found in the sixteenth century near Rome. The material consists of a ground of dark blue glass, and an upper layer of opaque white glass, in which the design was engraved, as in a sardonyx. It is supposed that the subjects of the scenes are taken from the myth of Peleus and Thetis (Millingen, *Anc. Unedited Monuments*, p. 27, pl. A; *Brit. Mus. Cat.* 2312; cf. VITRUM). The great Carpegna cameo mentioned above belongs to this class of objects. It closely resembles a sardonyx cameo of five layers, and represents a triumphal procession of Dionysos and Demeter, in a car drawn by Centaurs. It measures 16 by 12 inches. On such glass imitations of sardonyx, see King, *Precious Stones*, p. 308.

Intaglios of the Roman Empire.

For the first two centuries of the Empire, intaglio-engraving maintained a high degree of excellence, especially in its technical qualities and in its power of rendering portraits. After that period the falling away becomes conspicuous. The chief indication of decline is a continually increasing use of the wheel for executing the whole of the design—a method of working which necessarily implies carelessness and want of finish. Pietramari, an authority quoted by King (*Antique Gems*, i. p. 28), thought he had observed indications of wheel-cut work for the first time about the period of Domitian. It is very obtrusive in a gem which can be dated with tolerable accuracy as about 250 A.D. (*Brit. Mus. Cat.* 1106). Another symptom of the decay of gem-engraving is the introduction of gold coins set in jewellery, in the place of gems, a practice dating from about the time of Caracalla. The only gem-engraver of the imperial period whose name is recorded in literature is Dioscorides, the author of a portrait of Augustus, which succeeding princes used as a seal (Plin. *H. N.* xxxvii. § 8; Suet. *Aug.* 50). A considerable number of gems, purporting to be signed by Dioscorides, have been preserved. We also learn from the gem inscriptions, that Dioscorides had sons or pupils named Eutyches and Herophilos. A large number of other gem-engravers are also known from their signatures. The subject is discussed below.

Inscribed Gems.

There are numerous gems extant which purport to be inscribed with the names of the artists. The antiquity of nearly all these inscriptions has been called in question, and it is certain that in a great number of cases either a modern inscription has been added to an ancient work, or else both engraving and inscription are equally recent. The greatest difficulty that attends the study is that of distinguishing the different classes of inscribed gems. And since we have to deal with the frauds of four centuries, there is no branch of archaeological study where it is more important to know something both of the history of taste since the revival of learning, and of the personal characters of the persons who have been collectors.

With the fall of the Roman Empire, gem-engraving became ruder and finally died out. Like many other arts, it only lived on at Byzantium to be communicated again to the West at the revival. Meanwhile the ancient gems were regarded either with reverence or superstition; the best were preserved in reliquaries, and the less important were used as seals. (See S. Thompson's *Photographs from the Collections in the Brit. Mus.* No. 1024.) With the revival of learning the art was again practised, and ancient gems became objects of interest from the antiquarian and artistic points of view. The first beginnings of the revival date from early in the fourteenth century (King, *Handb. of Engr. Gems*, p. 121). Cyriac of Ancona gave attention to gems as well as to other branches of antiquity. In 1445 he describes a gem with a half-length figure of Athena, and quotes, not quite accurately, the inscription ΕΥΤΥΧΗC | ΔΙΟCΚΟVΡΙΔΟV | ΑΙΓЄΑΙΟC ЄΠΟΙ | ЄΙ (Furtwaengler, *Jahrb. des Inst.* 1888, p. 304, pl. 10, fig. 3).

Paul II. (1471) and Lorenzo de' Medici were enthusiastic collectors and patrons. But the gem-engraving of the Cinque Cento period is more easily distinguished from the antique than is that of later times. The artists adhered less minutely to classical models, and as a rule their compositions are more full of detail and more fanciful. There is also a different range of subjects, stories from Roman history being frequently chosen for illustration.

In the sixteenth century antiquarian studies began to influence the subject. In 1570 Fulvius Ursinus published at Rome the first edition of *Imagines Illustrium ex Bibliotheca Fulvi Ursini*. This work contains a collection of portraits, supposed to be authenticated by inscriptions. In the first edition it contains (pll. 21, 23, 53) gems inscribed with the names of Homer, Hesiod, Plato, and also (pl. 49) a head now called Maecenas, and inscribed CΟΛΩΝΟC. The second edition, published at Antwerp in 1598, omits the gems inscribed with the names of Homer, Hesiod, and Plato, and contains the above-mentioned head of Maecenas, and also No. 64 ("Antinous"), inscribed ΕΛΛΗΝ; No. 75 (female head), inscribed ΥΛΛΟΥ (*Jahrb. d. Inst.* 1888, pl. 10, fig. 1); No. 87 (cameo with head of Germanicus), inscribed ΕΠΙΤΥΓΧΑΙΝΟC ЄΠΟΙЄΙ) (*Brit. Mus. Cat. of Gems*, 1859); No. 141 (head ,of Themistocles, inscribed ΘΕΜΙCΤ). In every case the names are explained as those of the persons represented; *e.g.* No. 75 is Hylas. The first edition of this work, with a commentary, appeared at Antwerp in 1606: Faber, *In Imag. Illustr. ex F. Ursini Bibl. Commentarius*. Here there are the same plates of inscribed gems that occur in the previous edition; also a mention of a portrait by Mycon (pref. p. 4; cf. Stosch, *Gemmae*, p. 58); an allusion to Epitynchanos and Zosimos as artists (p. 52), and a discussion of the authorship of certain unsigned gems (Nos. 39, 79, 87). There is also (p. 52) a mention of an Augustus with a radiate crown, signed by Dioscorides, of which nothing is known. On p. 66, the Heracles, signed ΓΝΑΙΟC, is referred to (*Brit. Mus. Cat.* pl. H, No. 1281), and on p. 67 a Cupid and butterfly of Aulos.

During the close of the sixteenth century, and through the seventeenth century, numerous signed gems were becoming known, besides those already mentioned. A list of the most important here follows, stating summarily the date, the subject, the artist, the best publication, and the manner in which the gem first became known. *Jahrb.* 1888 or 1889 refers to Furtwaengler's articles in the *Jahrbuch des Arch. Institutes*, 1888 and 1889.

1585. Artemis of Apollonios (*Jahrb.* 1888, pl. 10, fig. 8), and Hermes of Dioscorides (*Jahrb.* 1888, pl. 8, fig. 22). Seen by Montjosieu (*Gallus Romae Hospes*, in Gronov. *Thes.* ix. p. 790). The Hermes afterwards formed part of the collection belonging to the Duke of Marlborough.

About 1600. Rape of Palladion, by Solon (*Jahrb.* 1888, pl. 8, fig. 29). Seen by Chaduc.

1605. Maecenas of Dioscorides. Seen by Peiresc (Gassendi, *Vita Peirescii*, p. 90). This was probably not identical with the stone now at Paris.

1606. Bearded head with name of Aetion (*Jahrb.* 1888, pl. 11, fig. 12). In possession of Peiresc (Gassendi, *op. cit.* lib. ii. p. 95). Probably modern.

1625. Julia Titi of Euodos (*Jahrb.* 1888, pl. 11, fig. 4). Enumerated among the treasures of the Abbey of St. Denys, where it was attached to a reliquary said to have been given by Charles the Bald. (Doublet, *Hist. de l'Abbaye*, p. 335.)

1627. Medusa of Sosos (?). (*Jahrb.* 1888, pl. 8, fig. 18.) Published by Stefanoni. Now in the British Museum (Carlisle Collection).

Before 1646. Rape of Palladion, by Felix (*Jahrb.* 1888, pl. 10, fig. 7). A part of the Arundel Collection.

1657. Apollo of "Allion" (Stosch, *Gemmae*, pl. viii.). Published by Agostini (ed. of 1657, i. pl. 32, p. 6). Correct reading, ΔΑΛΙΟΝ. Meaning doubtful.

1669. Athena of Aspasius (*Jahrb.* 1888, pl. 10, fig. 10). Published by Canini, *Iconografia*, pl. xcii.

1669. Athena, with name of Apollodotus (Stosch, *Gemmae*, pl. x.). Published by Canini, *op. cit.* pl. xciii. This is probably an owner's name. It was first explained as an artist's signature by Baudelot de Dairval (*De l'Utilité des Voyages*, 1686, i. p. 311).

About 1680. Achilles of Pamphilus (*Jahrb.* 1888, pl. 10, fig. 4). Presented to Louis XIV. (Mariette, *Traité*, ii. p. viii.).

1686. Eros on lion, of Protarchus (*Jahrb.* 1888, pl. 8, fig. 20); and Muse of Onesas (*Jahrb.* 1888, pl. 8, fig. 16). Published by Agostini (ed. of 1686, ii. pl. 55, 7).

Before 1694. Augustus, by Herophilus, son (or pupil) of Dioscorides (*Jahrb.* 1888, pl. 11, fig. 2). In the monastery of Echternach. Described in the *Luxemburgum Romanum* of Wiltheim, who died in 1694. (See Brunn, *Gr. Künstler*, ii. p. 506.)

Before 1701. Heracles and Cerberus of Dioscorides (*Jahrb.* 1888, pl. 3, fig. 1). Published by Beger, *Thes. Brand.* iii. p. 192.

1709. Portrait head of Agathopus (*Jahrb.* 1888, pl. 8, fig. 15). Published by Maffei, *Gemme Antiche*, i. pl. 6.

1709. Strozzi Medusa of Solon (*Brit. Mus. Cat.* pl. H, 1256). Published by Maffei, *op. cit.* iv. pl. 28. Inscription probably modern.

1709. Adonis of Coenus (*Jahrb.* 1888, pl. 10, fig. 20). Published by Maffei, *op. cit.* iv. pl. 20.

In 1712 Orleans (afterwards Regent) suggested that the Solon of the Strozzi gem was its author, and that it was he who had engraved the gem of Fulvius Ursinus previously known as Solon and afterwards as Maecenas. This theory, published by Baudelot de Dairval in 1717 (*Lettre sur le prétendu Solon*), attracted much attention in France to the subject of artists' signatures. But in Italy the Florentine Andreini had already been engaged for several years collecting gems with artists' signatures. By the testimony of Gori (*Columb. Liviae*, 1727, p. 154) it was Andreini who first brought signed gems into high esteem.

In 1724 Philip von Stosch published his *Gemmae antiquae caelatae, Scalptorum nominibus insignitae*, giving all the gems which he considered genuine, inscribed with proper names; all of which he claimed as artists' signatures. From this time onwards there was a great demand for gems with artists' signatures; and it is certain that after this period forgeries became frequent.

Bracci (*Memorie degli Antichi Incisori*, 1784) and others made lists of artists, whose number was continually increasing. At length in 1830 the climax was reached when Prince Poniatowski had formed a collection of signed gems which had been manufactured to meet his order; and so brought the subject for a time into contempt.

The first critical examination of the accumulated material was that of H. K. E. Köhler, whose essay was edited by Stephani, in Köhler's *Gesammelte Schriften*, vol. iii. (1851). Köhler's inquiry was carried on in such a sceptical spirit that he only admitted five gems as having authentic signatures (Köhler, iii. p. 206). The subject has since been reviewed by Stephani, *Ueber einige angebliche Steinschneider: Mém. de l'Académie de Pétersbourg*, vi^e sér. Sciences polit., vol. viii. p. 185; Brunn, *Gesch. der griech. Künstler* (1859), ii. p. 441; Chabouillet, *Gaz. Arch.* 1885–6; and Furtwaengler, *Jahrb. d. Inst.* 1888, 1889. Stephani and Chabouillet are sceptical, while Brunn and Furtwaengler admit a large number of signatures.

Having completed our review of the materials available, we make the following observations.

1. A certain number of signatures may be accepted without the least hesitation. These gems are:—(*a*) Early Greek gems only recently discovered and in a style quite unknown to the forgers; as the gems signed by Dexamenos and Syries. (*b*) Gems whose history can be traced back beyond the revival of art; as the gem of Eutyches and probably that of Euodos. (*c*) Cameos of certain authenticity where the inscription stands out in relief, as in the Gigantomachia of Athenion.

2. A considerable number may be rejected without hesitation. (*a*) Where the inscription is illiterate or impossible, or where ΕΠΟΙΕΙ is shortened to ΕΠ. (*b*) Where the gem is an exact replica of another already famous. (*c*) Where the material is one to which the ancients had no access, e.g. *Brit. Mus. Cat.* 985. (*d*) Where the work appears modern, and the motive of the forger is manifest, as in the Alexander of Pyrgoteles: *Brit. Mus. Cat.* 2307. (*e*) (As a rule) where the source is utterly corrupt, as in the case of the Poniatowski collections.

3. A name on a gem may be genuine, but may be supposed not to represent the artist's signature—(*a*) If it obviously relates to the subject, as Hyacinthus on a gem with a discobolos: *Brit. Mus. Cat.* pl. G, 742. (*b*) If it obviously relates to the person represented, as Aristippus: *Brit. Mus. Cat.* pl. I, 1518. (*c*) If it is found on a late and rudely-cut work, as Thamyras: *Brit. Mus. Cat.* 660. (*d*) If the conspicuousness of the inscription proves it to be an owner's name: see above, p. 605.

4. The various categories above enumerated include a large number of gems; but many remain to be considered. They are of the highly-finished style of the beginning of the Roman Empire, which has been very accurately imitated by modern engravers; and it is in dealing with these that the chief difficulties arise. It must be confessed that much depends on the opinion of the critic, which has to be exercised on a class of objects as to which it is exceptionally difficult to form a judgment based on style. When Furtwaengler selects six gems as genuine out of nearly forty purporting to be signed by Dioscorides, of which Köhler and King accept none, it is obvious that certainty is unattainable.

5. In this state of uncertainty it would be a great aid if we could feel sure that forged names were very rare before the time of Stosch, and that a gem signature known before 1724 had a strong *primâ facie* claim to be considered genuine. It is from this point of view that the list of gems given above is of high importance. Unfortunately, however, it seems to have been a practice to interpolate names of illustrious persons on gems supposed to be portraits. Thus Homer, Hesiod, and Themistocles occur in the first ed. of the *Imagines* of Ursinus. Moreover, a motive for forging artists' names was not wanting from an early time. Already in 1606, it appears from Faber's commentary, quoted above, that the question of authorship excited interest, and the discussion had begun whether unsigned gems could be attributed to the artists whose names were current. When gems are regarded from this point of view, the temptation to forge a signature begins.

In 1686 Baudelot de Dairval (*De l'Utilité des Voyages*, i. p. 399) gives a warning against forged gems, though without specifying the manufacture of inscriptions in particular. The prevalence of fraud in the first half of the eighteenth century is attested by statements of Stosch in 1724 (*Gemmae*, p. xxi., 29), of Gori in 1727 (*Columb. Liv.* p. 155), of Vettori in 1739 (*Dissertatio Glyptographica*, p. 97), and of Bracci (*Memorie*, i. p. 147). In 1754 Natter naïvely confessed (*Traité de la Méthode ant. de graver*, &c. p. xxix.) that he occasionally added artists' names when requested.

6. It is therefore necessary, even with gems published at an early period, to scrutinise closely the forms of the inscriptions. This subject has been most recently investigated by Furtwaengler, in the papers quoted above. The main results of his investigations are the following. The present writer accepts them on the whole, though occasionally differing in opinion as to individual gems.

Genuine inscriptions (*a*) before Alexander. The strokes are usually of an even width; the nom. form is more frequent than the genitive; the earliest inscriptions follow the margin of the stone, while they are in a straight line after about 400 B.C. (*b*) Of the Hellenistic period. The inscriptions are rough and careless; in cameos the letters are in relief; occasionally there are "cups" at the ends of the strokes such as become universal in the next period. (*c*) Of the close of the Republic and beginning of the Empire. The inscriptions are minute and elegant; cameos are inscribed in intaglio; the letters are formed with small cup-like hemispherical depressions at the ends of the strokes, the cups being produced with a drill, and the strokes of the letters with the diamond point.

This method of work was not adopted by modern engravers, according to Furtwaengler, before the time of Sirleti (died 1737). On the operations of Sirleti, cf. Bracci, *Memorie*, i. p. 147. From this the important rule is deduced, that if the inscription has the "cups," and if it was known before 1730, it is genuine. Unfortunately this rule is not quite without exception, the gem with the name Hellen, in the *Imagines* of Ursinus, being rejected by Furtwaengler, though the cups are present (*Jahrb.* 1889, p. 76).

7. From the year 1730 onwards those gems which do not fall within the categories given above can only be judged from their style. Here there is a wide field of difference of opinion among critics, and the subject is in a bewildering state of uncertainty. It is plain, however, that the only way of making progress is systematically to collect certainly authentic and certainly false specimens, and so by degrees to establish standards on which a methodical judgment can be based.

Literature.—A full critical account of engraved gems has not been written. In addition to the works dealing with particular parts of the subject, quoted in the foregoing pages, the following may be mentioned:—Mariette, *Traité des Pierres gravées*, 1750; C. W. King, *Handbook of Engraved Gems*, 1866, and *Antique Gems and Rings*, 1872; A. S. Murray, art. *Gems* in *Encycl. Brit.* 9th ed., vol. x., and Introduction to *Cat. of Gems in the Brit. Mus.* Catalogues have been published of some of the chief public collections: namely, of the Berlin Collection by Winckelmann, *Descr. des Pierres gravées du feu Baron de Stosch* (1760), and Toelken (1835); of the British Museum Collection, by A. S. Murray and A. H. Smith (1888); of the Collection in the Bibliothèque Nationale, at Paris, by Chabouillet (1858); of the cameos at Vienna, by Eckhel (1788) and V. Arneth (1849). A great number of gems in various collections are described by R. E. Raspe, in *A descriptive Catalogue of Gems cast in coloured pastes by James Tassie*, 1791. [A. H. S.]

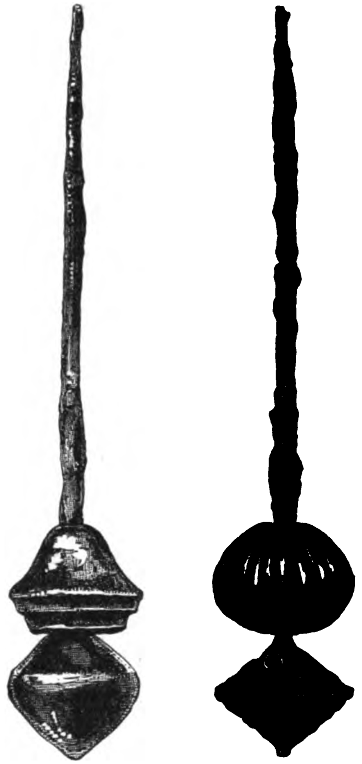
SCAPHEPHORIA. [HYDRIAPHORIA.]

SCAPHIUM (*σκάφιον*), a shallow vessel without a handle, so called because it was shaped something like a boat (cf. CYMBIUM and the English "sauce-boat"), used as a drinking cup (Plaut. *Stich.* iv. 5, 11; *Bacch.* i. 1, 37); sometimes earthenware, sometimes metal; *e.g.* of brass (Lucret. vi. 1045), of silver (Athen. iv. p. 142 d; Cic. *Verr.* iv. 17, 37). It was used also for dipping and pouring water over the body in the bath (Athen. xi. p. 501 e; Plaut. *Pers.* i. 3, 43). In Plut. *Num.* 9 a brazen *σκάφιον* (or *σκαφεῖον*) is used to relight the sacred fire [PRYTANEUM, p. 514], being doubtless a primitive substitute for a concave mirror or burning-glass, and retained by religious conservatism.

Scaphium also = a *matella* of the same shape (Juv. vi. 264, &c.). For the explanation of *σκάφιον κείρεσθαι*, see COMA, Vol. I. p. 498 *a*. [G. E. M.]

SCENA. [THEATRUM.]

SCEPTRUM. In Homer the king carries a sceptre as a badge of his power (cf. *Il.* ii. 86, *σκηπτοῦχοι βασιλῆες*; *ib.* 206, *βασιλεὺς ᾧ ἔδωκε Ζεὺς σκῆπτρον τ' ἠδὲ θέμιστας*), but it is not distinguished by name from other staves, since *σκῆπτρον* is used not only of those borne by men of rank and heralds, but of a beggar's cudgel (cf. *Od.* xvii. 195 and 199, where it is synonymous with *ῥόπαλον*). The king's sceptre, however, was richly ornamented, being covered with gold foil (*χρύσεον*, *Il.* i. 15, &c.) and studded with gold nails (*χρυσείοις ἥλοισι πεπαρμένον*, *Il.* i. 245), which were doubtless for the purpose of attaching the gold plating to the wood. Among the objects found at Mycenae are the head and butt of a staff of this kind, of beaten gold and decorated with a spiral and a leaf pattern (Schuchhardt, *Schliemann's Ausgrabungen*, Leipzig, 1890, p. 285, fig. 251). In classical times, when kings were but little known in Greece, the chief bearers of sceptres were the gods, goddesses, and heroes in works of art. A good instance is the sceptre of the Zeus Olympios of Pheidias, which was adorned with all manner of metals, and surmounted by an eagle (*τῇ δὲ ἀριστέρᾳ τοῦ θεοῦ χειρὶ ἔνεστι σκῆπτρον μετάλλοις τοῖς πᾶσιν διηνθισμένον. ὁ δὲ ὄρνις ὁ ἐπὶ τῷ*



Sceptres of silver plated with gold. (Schliemann's *Mycenae*.)

σκήπτρῳ καθήμενος ἐστὶν ὁ ἀετός, Paus. v. 11, 1). Flowers and fruit are even more common as badges, the sceptres of the gods being in fact strangely like those of men of rank in Assyria described by Herodotus (i. 195), surmounted by an apple, a rose, a lily, or some such thing (cf. Murray, *Journal of Hellenic Studies*, 1889, vol. x. p. 251).

In the Tragedians the word *σκῆπτρον*, though often used metaphorically of royal power (*e.g.* Soph. *O. C.* 426), is still quite general in meaning, the old man's staff or the wayfarer's stick being both so called (Soph. *O. T.* 456; *O. C.* 84; Aesch. *Agam.* 75). The staff, however, that was in everyday use in the fourth and fifth centuries, was plain, and seems only in such exceptional cases as that of Parrhasius to have been of Homeric magnificence (*σκίπωνί τε ἐστηρίζετο χρυσᾶς ἕλικας ἐμπεπαισμένῳ*, Athen. xii. p. 543 c).

At Rome, even more than in Greece, the sceptre, whose Latin name is *scipio* (a word originally borrowed from the Greek), was unknown except as a relic of the heroic and kingly age (cf. Verg. *Aen.* xii. 206) and an attribute of the gods. There is one important exception, that of the magistrate, who appeared in triumphal costume in the *processus consularis* at the games, bearing in his hand a sceptre of ivory, surmounted by an eagle (Juv. x. 43; Prudent. *Peristeph.* 148, "aquila ex eburna sumit arrogantiam gestator ejus ac superbit belluae inflatus osse, cui figura est alitis"). This, however, was an emblem of apotheosis, and, unlike the other *ornamenta triumphalia*, was never worn on other occasions during the life of the *triumphator*, nor was it carried at his funeral. Even when the emperors are represented on coins as bearing it (cf. Antoninus and Volusian's coins), the sceptre is the token of their triumph and not of supreme power.

Livy's story (v. 41) of M. Papirius, the senator, striking the Gaul *scipione eburneo*, is held by Mommsen to be at variance with the usages of after-times and to be a poetic exaggeration, as are the many descriptions which late authors give of the costume of the early Romans. (Buchholz, *Die homer. Realien*, ii. p. 8; Helbig, *Das homerische Epos*, 1887, p. 378; Daremberg and Saglio, *Dict. Antiq.* art. *Baculum;* Mommsen, *Staatsrecht*, 2nd edit., i. 140; *Staatsverwaltung*, ii. p. 587; Marquardt, *Privatleben*, 2nd edit., p. 742; Mayor *ad Juv.* x. 35 foll.) [W. C. F. A.]

SCHOENUS. [Mensura, p. 163.]

SCHOLA. [Ludus Litterarius.]

SCIROPHO'RIA (*Σκιροφόρια*), a festival celebrated at Athens on the 12th of Skirophorion, at which the priestess of Athena and the priests of Poseidon and Helios, overshadowed by a large white umbrella, proceeded from the Acropolis to a place called Skiron. According to some, the solemnity was performed in honour of Athena; according to others, of Demeter and Kore. The umbrella was the symbol of the protection of the Attic soil against the scorching heat of the sun, and was carried by the priest of Erechtheus or a member of the family of the Eteobutadae. (Schol. *ad* Aristoph. *Eccl.* 18; Harpocrat. pp. 168 and 270; Paus. i. 36, § 3; Suid. *s. v.* *Διὸς κῴδιον*; Clemens Alex. *Protrept.* p. 11: cf. A. Mommsen, *Heortol.* p. 440 fol.) [L. S.]

SCI'RPEA. [Plaustrum.]

SCIRPI'CULA. [Calathus.]

SCOBIS, sawdust, was sprinkled over the floor, especially in dining-rooms, so that the dust and any impurities might be swept up with it (Hor. *Sat.* ii. 4, 81; Juv. xiv. 67; cf. Plin. *H. N.* xxxvi. § 184). In smarter houses the sawdust was dyed with saffron or vermilion (Petron. 68). Heliogabalus is said to have had his portico strewn with gold dust, or gold filings (*scobe auri*), and to have regretted that he could invent nothing more costly for the purpose (Lamprid. *Elagab.* 31; for this *scobis*=*ῥίνημα* from metal-working, cf. Plin. *H. N.* xxxiv. § 111; Blümner. *Technologie*, iv. 256). [G. E. M.]

SCOPAE, a broom (*scopae virgeae*, Cato, *R. R.* 156: cf. Hor. *Sat.* ii. 4, 81). These brooms were made commonly of the "wild myrtle" or butcher's broom (*ruscus*) and of the tamarisk (Plin. *H. N.* xxiii. § 166, xvi. § 108), but also of myrtle (Eur. *Ion*, 121), and in richer houses at Rome of palm-twigs. (Hor. *Sat.* ii. 4, 83; Mart. xiv. 82; cf. Juv. xiv. 60; Becker-Göll, *Gallus*, i. 35.) [G. E. M.]

SCORDISCUS. [Ephippia.]

SCORPIO. [Tormentum.]

SCRIBA, a title given to the clerks, or rather secretaries, who formed the highest class of the officials attached to a Roman magistrate. The *scriba* was much more than a mere *librarius* or copyist; thus Cicero, *pro Sull.* 15, 42, 44, distinguishes sharply the *librarii* who copied out the confessions of the Catilinarian conspirators from the *scribae*, the four senators who had taken them down. The compound expression *scriba librarius* is used to denote a superior kind of *librarius:* hence the quaestorian clerks often appear as *scribae librarii.* These were divided into three decuries, presided over by the *sex primi* (Cic. *de Nat. Deor.* iii. 30, 74; Wilmanns, *Inscr.* 1297, 1298, 1809), and had as their especial charge the administration of the treasury (whence they are sometimes called *ex aerario*, *C. I. L.* vi. 1816) and the keeping of the public books. Every governor of a province had two of these treasury-clerks assigned to him to keep his accounts (Liv. xxxviii. 55, 5), and to draw up the statement which he had to give in upon his return (Cic. *in Pis.* 25, 61). Besides them, he would naturally have his own clerks for his private accounts. As the treasury contained the state archives, all the business connected with them, especially the registration of the decrees of the senate, passed through the hands of the *scribae.* There is no definite reference to *scribae* attached to the consuls; but the praetors and the judicial authorities generally were regularly aided by *scribae*, who read the documents laid before the court (Cic. *in Verr.* iii. 10, 26), and drew up the decisions and sentences in due form (Cic. *pro Cluent.* 53, 147). The censors especially were during their term of office in need of such clerical assistance, and sometimes they appear as the authorities in charge of the whole body of public clerks (Liv. iv. 8, 4). Most of the clerks may have belonged to the class of public slaves; but others, again, must have been officials holding a respectable position, for, in the formula of the census, they are mentioned after the censors but before the other magistrates (Varro, vi. 87). At least the more important of the clerks must have been taken from the decuries of the *scribae quaestorii:* the nominations were usually made by the quaestors, but here, as always, a superior magistrate could interfere by the exercise of his overruling powers when he pleased. We learn from the case of Horace that appointments could be, in some cases at least, obtained by purchase. The number of the quaestorian clerks was 27 before the time of Sulla, and was raised by him to 36. As there were probably 11 provincial governors sent out after Sulla's re-arrangements, this left 14 for duty at home. The clerks of the curule aediles, mentioned by Cicero (*pro Cluent.* 45, 126) and Livy (xxx. 39, 7), and often in inscriptions (*e.g.* Wilmanns, 1296, 1300, 1302, 1303, &c.), formed one decuria, presided over by 10 head clerks (*C. I. L.* vi. 1840). They were not much inferior in standing to the former class. We also find mention of clerks to the plebeian magistrates, the tribunes, the plebeian aediles, and the Cerial aediles; but little is known of their functions, and they do not appear to have been important. On the other hand, the first two classes contained men of great knowledge of business and even of law (*C. I. L.* vi. 1819), and these may be compared to the permanent officials of our own public offices. Their services must have been quite necessary to the annually elected magistrates, often young and inexperienced. They formed collectively an *ordo* (Cic. *Verr.* iii. 79, 184), claiming to rank with that of the *equites* (Schol. *in* Juv. v. 3), and it was the gradual establishment of a claim to lifelong tenure of office that led to the sale of posts which the incumbents were willing to vacate. In the provinces they ranked immediately after the staff officers of the governor; but the fact that they received pay (under the Republic called *merces*, under the Empire *salarium*) drew a sharp line between them and the officers who were not *mercenarii.* Hence, as in the well-known case of Cn. Flavius, a *scriba* was not allowed to stand as a candidate for office until he had laid down his *scriptus* or official position. Cicero (*de Off.* ii. 8, 29) mentions another case of a man who had been a clerk under Sulla becoming praetor urbanus under Caesar. In Horace (*Sat.* ii. 5, 56) we have an instance of an inferior magistrate, one of the quinqueviri, turning clerk; he also speaks of the order, to which he himself belonged, in *Sat.* ii. 6, 36, as possessed of influence. In Tacitus they are apparently included in the decuriae, which were largely composed of *libertini* or their descendants. (Cf. Mommsen, *Röm. Staatsrecht*, i.^{3} 331–339.) [A. S. W.]

SCRIPTU'RA, the oldest form of revenue from *ager publicus* (according to Pliny, *H. N.* xviii. § 11), was that portion of the revenue of the Roman commonwealth which was derived from letting out part of the *ager publicus* as pasture-land (Cic. *pro Flacco*, 8, 18). Such parts were called *pascua publica*, *saltus*, or *silva* (cf. Verg. *Georg.* iii. 323), the last name pointing to the feeding of swine on acorns. They were let, like other sources of vectigalia, by the censors to publicani; and the persons who grazed cattle on the pastures (*pecuarii*) had to pay a certain duty to the publicani according to the number and size of the cattle. For fines levied on the pecuarii who evaded this payment, see Liv. x. 23, xxxiii. 42, xxxv. 10; Ovid, *Fast.* v. 283–294. The leges Liciniae of 367 (App. *B. C.* i. 8) and the agrarian law of B.C. 111 set limits to the number of cattle which any one person might graze on the public land: but it is hard to see why a limit should have been imposed, when fees were regularly paid to publicani, and when the publicani were therefore able to pay a large contract-sum into the treasury; the more grazing, the higher the contract.

The amount of the duty is unknown, but the state revenue hence derived through the publicani seems to have been very considerable. From registering the cattle on the lists of the publicani (*scribere*) came the name of the duty itself; the land itself was called *scripturarius ager* (Festus, *s. v.*), and the publicani and their servants *scripturarii.* Cattle sent on the pastures without registration (*pecus inscriptum*) were probably forfeited to the publicani (Plaut. *Truc.* i. 2, 48; Varro, *R. R.* ii. 1). Public pastures were found in Italy (especially in Samnium, Lucania, and Apulia; Varro, *l. c.*; Liv. xxxix. 29) and in the provinces (in Sicily, Cic. *Verr.* ii. 3, 6; *ib.* 70, 171;—in Asia, Cic. *pro Leg. Manil.* 6, 14; *ad Fam.* 13, 65;—in Cyrene, Pliny, *H. N.* xix. § 39).

Scriptura disappeared in Italy as the pasture-land was assigned by agrarian laws to individual owners, and the treasury thus lost a great source of revenue. Even in the provinces the scriptura disappears under the Empire, the emperors taking to themselves the nearly exclusive management and even use of the pascua (Cod. Theod. *de Pasc.* 7, 7; *de Greg. Domin.* 10, 6). [F. T. R.]

SCRU'PULUM, or more properly SCRIPULUM or SCRIPLUM (*γράμμα*), the smallest denomination of weight among the Romans. It was the 24th part of the UNCIA, or the 288th of the LIBRA, and therefore about 18 grains English, which is about the average weight of the scrupular aurei still in existence. [AURUM.]

As a square measure, it was the smallest division of the jūgerum, which contained 288 scrupula. [JUGERUM.] Pliny (*H. N.* ii. § 48) uses the word to denote small divisions of a degree. It was in fact to be applicable, according to the use of the As and its parts, to the 288th part of any unit.

Though the scrupulum was the smallest weight in common use, we find divisions of it sometimes mentioned, as the *obolus* = ½ of a scruple, the *semi-obolus* = ½ of an obolus, and the *siliqua* = ⅓ of an obolus, = ⅙ of a scruple, which is thus shown to have been originally the weight of a certain number of seeds. (*Carmen de Pond.* v. 8–13:—

"Semioboli duplum est obolus, quem pondere duplo
Gramma vocant, scriplum nostri dixere priores.
Semina sex alii siliquis latitantia curvis
Attribuunt scriplo, lentisve grana bis octo,
Aut totidem speltas numerant, tristesve lupinos
Bis duo.")

[PONDERA, p. 455.] [P. S.]

SCULPO'NEAE (*κρούπεζαι*) were wooden shoes, made, as the name implies, each in one piece and hollowed out. They were worn only by peasants and slaves in country work (Cato, *R. R.* 59, 135; Plaut. *Cas.* ii. 8, 59; Trebell. Poll. *XXX. Tyr.* 22; Isid. *Orig.* xix. 34). It seems that there were also wooden shoes called *calones* (Paul. p. 46, 15; cf. Isid. *l. c.*). The Greek *κρούπεζαι, κρούπαλα, κρουπέζια* were, perhaps, originally merely wooden shoes, worn, as Pollux intimates, particularly by the Boeotian peasants, and so called because of the noise which they made (Poll. vii. 87, x. 153). Photius (*s. v.* *κρούπαλα*) says that they were used for treading out olives. But the name belongs especially to the wooden instrument of a double block of wood with a hinge fitted to the feet and used by flute-players to beat time = Latin *scabellum* or *scabillum* [see under CYMBALA, and for illustration see Baumeister, *Denkm.* fig. 1350]. For Greek and Roman shoes in general, see CALCEUS. [G. E. M.]

SCULPTU'RA. [SCALPTURA: for *sculpture*, see STATUARIA.]

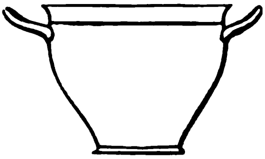
SCUTELLA (Cic. *Tusc.* iii. 19, 46) is rightly explained by Rich as a small tray or salver on which cups could be placed, and not a saucer or dish like its French derivative *écuelle*: for in Ulp. *Dig.* 34, 2, 20, § 10, scutellae are defined as "quae aliquid sustineant," and are specially distinguished from vessels "quae aliquid in se recipiant edendi bibendive causa paratum." (Cf. Becker-Göll, *Gallus*, iii. 395.) [G. E. M.]

SCU'TICA. [FLAGRUM.]

SCUTUM (*θυρεός*), the Roman shield worn by the heavy-armed infantry after 340 B.C., instead of being round like the Greek CLIPEUS, was adapted to the form of the human body, by being made either oval or of the shape of a door (*θύρα*), which it also resembled in being made of wood or wicker-work, and from which consequently its Greek name was derived. Two of its forms are shown in the woodcut at p. 80. That which is here exhibited is also of frequent occurrence, and is given on the same authority: in this case the shield is curved so as in part to encircle the body. The terms *clipeus* and *scutum* are often confounded; but that they properly denoted different kinds of shields is manifest from the passages of several ancient writers (Liv. viii. 8; Plut. *Rom.* 21). In like manner Plutarch distinguishes the Roman *θυρεὸς* from the Greek *ἀσπὶς* in his life of T. Flaminius (p. 688, ed. Steph.). In *Eph.* vi. 16 St. Paul uses the term *θυρεὸς* rather than *ἀσπὶς* or *σάκος*, because he is describing the equipment of a Roman soldier. These Roman shields are called *scuta longa* (Verg. *Aen.* viii. 662; Ovid, *Fast.* vi. 392). Polybius (vi. 23) says their dimensions were 4 feet by $2\frac{1}{2}$, or slightly more. The shield was held on the left arm by means of a handle, and covered the left shoulder. [J. Y.] [A. H. S.]

Scutum. (Bartoli's *Arcus Triumphalis.*)

SCYPHUS (*σκύφος*), a drinking cup with two straight handles on the rim, much deeper than the *κύλιξ* or *calix* and of ruder shape, as may be seen from the woodcut below. It was said to be the cup of Heracles, both as more rustic in form and as holding more, while the CANTHARUS is given to the more refined Dionysus (Macrob. *Sat.* v. 21; Athen. xi. p. 500 a; Serv. *ad Aen.* viii. 288; cf. Plut. *Alex.* 75). This tradition agrees with the fact that it is consistently ascribed by Greek writers to peasant life and the use of herdsmen and shepherds (Athen. xi. p. 498 f, g; *Od.* xiv. 112; Eur. *Cycl.* 390; Theocr. i. 143), and represented as originally of wood, *faginus* (Tibull. i. 10, 8); *δουράτεον* (Athen. *l. c.*), "ingens ligneum poculum" (Serv. *l. c.*). The material was changed to earthenware (Athen. p. 500 a), and then to silver (Varr. *ap.* Gell. iii. 14; Cic. *Verr.* iv. 14, 32), or even gold (*ib.* iv. 24, 54), and in Latin we find it a drinking cup at the tables of the rich, having lost its rustic character (Hor. *Od.* Ep. i. 27, &c.), but no doubt retaining its shape as in the annexed cut. The example given by Marquardt (*Privatleben*, p. 652) is nearly the same, but the sides are straighter.



Ordinary Scyphus. (Dennis.)

Later form of Scyphus. (Dennis.)

Dennis gives as a later and more elaborate form a scyphus with incurved handles (*Cities and Cemeteries of Etruria*, i. cix.). [G. E. M.]

SCY'RIA DIKE (*Σκυρία δίκη*) is thus explained by Pollux (viii. 81): *Σκυρίαν δίκην ὀνομάζουσιν οἱ κωμῳδοδιδάσκαλοι τὴν τραχεῖαν, ἣν οἱ φυγοδικοῦντες ἐσκήπτοντο εἰς Σκῦρον ἢ εἰς Λῆμνον ἀποδημεῖν.* By *τραχεῖα δίκη* is meant one beset with difficulties, in which the plaintiff had to encounter every sort of trickery and evasion on the part of the defendant. On the appointed day of trial (*ἡ κυρία τοῦ νόμου*, commonly the thirtieth day after the commencement of the action, Dem. *c. Mid.* p. 529, § 47, *lex*; cf. *c. Timocr.* p. 720, § 63, *lex*; but the trial might be postponed by agreement between the parties [Dem.] *c. Phaenipp.* p. 1042, § 13 [EMMENOI DIKAI]) both parties were required to be present in court. If the plaintiff was not there, he was non-suited; if the defendant did not appear, judgment was given against him by default. If, however, either party had some good excuse to offer, such as illness, the death of a relative, or inevitable absence abroad (Hyp. *fr.* 204 = Schol. Aristoph. *Plut.* 725; Schol. Dem. *c. Mid.* p. 541; Pollux, viii. 60), judgment was not given. Cause was shown by some friend on his behalf, supported by an affidavit called *ὑπωμοσία*

(Harpocr. *s. v.*; Dem. *c. Olymp.* p. 1174, § 25 f., *ὑπωμοσάμεθα ἡμεῖς τουτονὶ* 'Ολυμπιόδωρον *δημοσίᾳ ἀπεῖναι στρατευόμενον*, etc.; *c. Theocr.* p. 1336, § 43), in answer to which the opponent was allowed to put in a counter-affidavit (*ἀνθυπωμοσία, Lex. Rhet. Cantabr.* s. v.), and the court decided whether the excuse was valid. No *ὑπωμοσία* was allowed in an eisangelia *ἐάν τις τὸν δῆμον τὸν* 'Αθηναίων *καταλύῃ* (Hyp. *pro Eux.* col. 22). It seems to have become a practice with persons who wished to put off or shirk a trial, to pretend that they had gone to some island in the Aegean Sea, either on business or on the public service; and the islands of Scyrus (Photius, *s. v. Σκυρίαν δίκην*), Lemnos, and Imbrus (Hesych. *s. vv.* Ἴμβριος *καὶ* Λήμνιος: Photius, *s. v.* Ιμβριοι) were particularly selected for that purpose. Shammers of this kind were, therefore, nicknamed Lemnians and Imbrians. (*Att. Process*, ed. Lipsius, p. 908 ff.) [C. R. K.] [H. H.]

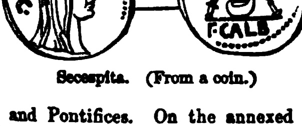
SCY'TALE (*σκυτάλη*, also *κουτάλη*; from *σκῦτος, κύτος*, leather or hide; see Curtius, *Gr. Etym.* § 683) is the name applied to a secret mode of writing by which the Spartan ephors communicated with their kings and generals when abroad (Plut. *Lysand.* 19; Schol. *ad* Thucyd. i. 131; Gell. xvii. 9; Schol. *ad* Aristoph. *Av.* 1283; Cornel. Nep. *Pausan.* 3). When a king or general left Sparta, the ephors gave to him a staff of a definite length and thickness, and retained for themselves another of precisely the same size. When they had any communication to make to him, they wound round their staff a narrow strip of leather (whence the name), and then wrote upon it the message which they had to send to him. When the strip of writing material was taken from the staff, nothing but single or broken letters appeared, and in this state the strip was sent to the general, who, after having wound it around his staff, was able to read the communication. Ausonius (*Ep.* 23), after suggesting to his friend writing with milk for secrecy, continues:

> "Vel Lacedaemoniam scytalen imitare, libelli
> Segmina Pergamei tereti circumdata ligno
> Perpetuo inscribens versu, qui deinde solutus
> Non respondentes sparso dabit ordine formas."

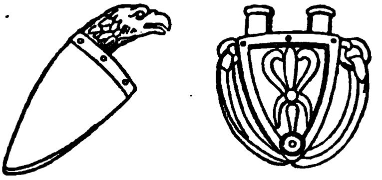
In later times, the Spartans used the scytale sometimes also as a medium through which they sent their commands to subject and allied towns (Xen. *Hell.* v. 2, § 37). [L. S.] [G. E. M.]

SCYTHAE. [DEMOSII.]

SECE'SPITA, an instrument used by the Roman priests in killing the victims at sacrifices (Suet. *Tib.* 25). According to the definition of Antistius Labeo, preserved by Festus (p. 348, ed. Müller), and Servius (*ad* Verg. *Aen.* iv. 262), it was a long iron knife (*culter*) with an ivory handle, used by the Flamines, Flaminicae, Virgines, and Pontifices. On the annexed coin of the Sulpicia gens, the obverse is supposed to represent a culter, a simpuvium, and a secespita. Its proper purpose seems to have been for opening the body of the victim which had been slain—if a larger victim, with the *securis* or *malleus*; if a smaller, with the *culter*. It is therefore appropriated to the higher order of priests, to whom this function belonged, but who did not themselves slay the victim [SACRIFICIUM]. The sacrifical implements shown below are rightly distinguished (cf. Guhl and Koner, ii. 320) as (1) a *secespita* in its sheath, (2) *cultri* in their case. [W. S.] [G. E. M.]



Secespita. (From a coin.)



Secespita and cultri. (From the Arcus Argentariorum.)

SECRETA'RIUM. [AUDITORIUM.]

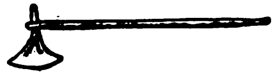
SECTIO. "Those are called Sectores who buy property *publice*" (Gaius, iv. 146; Gellius, iii. 154; Festus, s. v. *sectores*), and property was said *venire publice* when a man's whole belongings were sold by the state; which occurred when he was condemned for certain crimes for which forfeiture was part of the penalty, in cases of *proscriptio* (Cic. *pro Rosc. Am.* 43, 125; Liv. xxxviii. 60; Cic. *in Verr.* i. 20, 52), and lastly, when the state had an unsatisfied claim against a wrongdoer (Liv. xxxviii. 58, 60; Cic. *pro Rabirio Post.* 4, 8), especially for payment of a fine inflicted by way of penalty. For instance, Livy tells us in the passage referred to, that L. Scipio was condemned to pay a fine for misappropriating public moneys, and that the praetor gave notice that unless the fine was paid he should order Scipio to be imprisoned; upon this a tribune put his veto, and the praetor was driven to put the quaestors in possession of his property for purposes of sale. Upon being put in possession (for which the expression *bona publice possidere* is used, Lex Acilia repet., line 9; Lex Servilia, c. 17), the usual course was for the quaestors to give notice of the sale (*sectio*), which took place *sub hasta* (Cic. *Phil.* ii. 26, 64) and transferred Quiritarian ownership, the property being sold in the lump, and the purchaser taking it with all its liabilities (Ascon. *in Verr.* ii. 1, 23, 61, p. 177 Orelli; Dig. 48, 23, 2, 3). That the purchaser here became Quiritarian owner, whereas under a private bankruptcy (*bonorum venditio*) he merely became bonorum possessor, is probably the substance of what Gaius says in a mutilated passage (iii. 80: cf. Varro, *R. R.* ii. 10, 4; Tac. *Hist.* i. 20). The names *sector* and *sectio* are explained by the subsequent breaking up of the property into lots, by the sale of which the sector made his profit (Pseudo-Ascon. *in Verr.* i. 20, 52; *ib.* 23, 61); sometimes, indeed (*e.g.* Tac. *Hist.* i. 90), the things sold by the quaestor are called *sectio* themselves. The sector had a special interdict (Interdictum Sectorium, Gaius, iv. 146) for obtaining possession of the property. Inheritances which fell to the fiscus were sold in the same way, and the sector was here entitled to bring *hereditatis petitio* (Cod. 4, 39, 1). [G. L.] [J. B. M.]

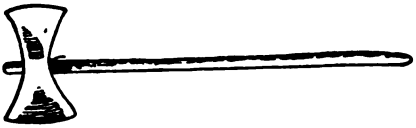
SECTOR. [SECTIO.]

SECTORIUM INTERDICTUM. [INTERDICTUM; SECTIO.]

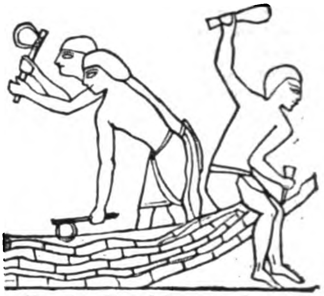
SECU'RIS (*πέλεκυς, ἀξίνη*), an axe. Under this head are included (1) the workman's axe, (2) the battle-axe, (3) sacrificial axe, (4) the axe of the lictors, equivalent to the headsman's axe.

1. The workman's axe, when used for felling trees, is spoken of in general terms as *πέλεκυς* (*Il.* xxiii. 114; Xen. *Cyrop.* vi. 2, 36, &c.) and *securis* (Verg. *Aen.* vi. 180; Plin. *H. N.* xvi. § 192, &c.); but of these woodcutters' axes there were two patterns, the single-headed and the double-headed. Of these the former (when the distinction was marked) was called *πέλεκυς ἑτερόστομος* (Poll. i. 137) or *ἡμιπέλεκκον* (*Il.* xxiii. 851), and is perhaps distinguished as the *securis simplex* (Pallad. i. 43); the double-headed axe was called *πέλεκυς ἀμφίστομος* or *δίστομος* (Poll. *l. c.*; Eur. *fr.* 534) or *ἀξίνη*, which is strictly used only of the double axe (Hesych.): in Latin it is the *bipennis* (Hor. *Od.* iv. 4, 57; Isid. *Orig.* xix. 19). [Blümner, *Technol.* ii. 202.]


Securis simplex. (Trajan's Column.)


Bipennis. (From a vase-painting.)

The carpenters' or shipwrights' axes are distinguished in Greek as the heavy *πέλεκυς* for rough-hewing the wood, and the small *σκέπαρνον* for afterwards shaping it more finely (*Od.* ix. 391; ASCIA). The following cut of Egyptian shipwrights is worthy of notice, since the form of the *πέλεκυς* there depicted explains what is meant by "shooting through the axe-heads," in *Od.* xx. 574. The difficulties which commentators have found under the idea that the arrow passed through the rings which fastened the axe to the handle, &c., all disappear, if we see that the *πέλεκυς* of the Odyssey had a ring-shaped head. (See Dr. Warre's *Raft of Ulysses*, in *Journ. of Hellen. Studies*, 1883.) A somewhat similar axe, but with two circular holes in the blade, was found in 1889 in the Peloponnesus (*Ephem. Arch.* 1889). [For the Roman carpenter's axe, see ASCIA; DOLABRA.]

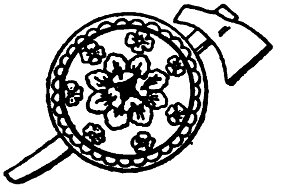

Egyptian shipwrights, with the axe.

2. The use of the axe in war was especially an Asiatic practice. We find the Trojan Peisander (*Il.* xiii. 612) armed with a double axe (*ἀξίνη*), and again in the fight at the ships the combatants fight with double and single battle-axes (*πελέκεσσι καὶ ἀξίνῃσι*): it is possible that there also it is to be understood of the Trojans alone. In agreement with this we find the battle-axe regarded as the characteristic weapon of the Asiatic Amazons, who use both the single and the double (or Carian) axe, as in the scene of Penthesilea's death on the sarcophagus from Thessalonica; and so Horace speaks of the Amazonian battle-axe (*Od.* iv. 4, 20), and Virgil consistently represents the Italian shepherds and Camilla as fighting with this weapon (*Aen.* vii. 184; xi. 696; xii. 306), whether he is merely following Homer, with Trojans substituted for Greeks and Italians for Asiatics, or is hitting upon the truth that the primitive races both in Italy and in Northern Europe fought with the axe, which was in fact a weapon which they had ready to hand for other purposes. (See A. Müller in Baumeister, *Denkm.* p. 2043.) Horace notices it specially of the barbarous tribes in Rhaetia, as though it were a weapon not common in the Roman experiences of warfare with other Teutonic tribes; and it is remarkable that on the scabbard of the so-called "sword of Tiberius" in the British Museum (figured in Vol. I. p. 920 *b*), which was discovered at Mayence, we have a relief of an Amazon armed with a *bipennis*. It would,


Death of Penthesilea. (Relief on a sarcophagus.)

however, be pressing conjectures too far (as A. Müller points out) to say, with Orelli and others, that this figure necessarily symbolises the conquered Vindelicia, and was the sword of honour of Tiberius. We may be content to take it as an additional evidence of the "Amazonian" battle-axe being used among German nations, and regarded as characteristic of them, whereas it had long before been disused in Italy.

3. The sacrificial axe (*securis*, *πέλεκυς*) was used by the attendant ministers (*popae*) for the slaughter of the larger victims. (The distinction, whether always preserved or not, was axe or hammer, *malleus*, for slaughtering cattle, a stone for swine, and a knife for sheep: see Marquardt, *Staatsverw.* iii. 181.) The sacrificial axe figured below is from the relief on the Arcus Argentariorum, and is combined with a vessel which is very likely the Praefericulum.



Sacrificial axe. (From the Arcus Argentariorum.)

4. For the axe of the lictors, see Lictor and Fasces. [G. E. M.]

SECUTO′RES. [Gladiatores, Vol. I. p. 918 *b*.]

SEISACHTHEIA (*σεισάχθεια*), a disburdening ordinance, was the first and preliminary step in the legislation of Solon (Plut. *Sol.* 15). The real nature of this measure was a subject of controversy even amongst the ancients. Philochorus (*fr.* 57; Suid. and Photius, *s. v.*) explains it as *χρεωκοπία*, and this opinion is widely held: Heracl. Pont. ed. Schneidewin, p. 4, 9, *Σόλων . . . καὶ χρεῶν ἀποκοπὰς ἐποίησε τὴν σεισάχθειαν λεγομένην*: Dion. Halic. *Antiq. Rom.* v. 65, *ἄφεσις χρεῶν*: Plut. *Sol.* 15, *τῶν χρεῶν ἀποκοπὴ —τῶν συμβολαίων ἀναίρεσις*: Dio Chrysost. xxxi. 69: Diog. Laert. i. 45; Suid. *s. v.* etc.; cf. also Arist. *Ἀθην. πολ.* papyrus *fr.* i.^{6} l. 14, *τὴν [τῶν] χρεῶν ἀποκοπήν· συμβεβήκει γὰρ αὐτοῖς γενέ[σθαι ταπεινοῖς] καὶ πένησιν.* Only Androtion and some others, whose names Plutarch does not give, describe it as a mere reduction of the rate of interest (*τόκων μετριότης*), a view accepted by Boeckh, *Sthh.* i.^{3} p. 159; Hermann, *Griech. Staatsalterth.* § 106; Curtius, *Griech. Gesch.* i.^{5} p. 318. But such results as Solon claims for his measure, viz. that the mortgage pillars were removed, and that the debtors were liberated, even those sold to foreign countries (*fr.* 36, and Arist. *Ἀθην. πολ.* i.^{6} l. 7 ff.), could not have been brought about by a reduction of the rate of interest (see, moreover, his law, *τὸ ἀργύριον στάσιμον εἶναι ἐφ' ὁπόσῳ ἂν βούληται ὁ δανείζων*, Lys. *c. Theomn.* i. § 18), even when coupled with a lowering of the silver standard. To achieve this, all those contracts in which the debtor had borrowed on the security either of his person or of his land had to be cancelled, and to prevent the recurrence of similar social evils it was forbidden henceforth *ἐπὶ τοῖς σώμασι δανείζειν*, and a limit was fixed beyond which no one was allowed to buy up land (Arist. *Pol.* ii. 4 (7 Bk.) 4). This measure of Solon (*ὁμοῦ βίην τε καὶ δίκην συναρμόσας*, *fr.* 36) seems, no doubt, hard on the rich—yet their riches were ill-gotten (*fr.* 4)—but it was demanded by the circumstances; he did not disturb owners in the possession of the land they had bought, and did not go nearly as far as the Megarians on a similar occasion (Plut. *Quaest. Graec.* 18, p. 295 D, *παλιντοκία*). At the same time Solon effected a reform in measures and in the coinage (Plut. *l. c.* *ἡ ἅμα τούτῳ γενομένη τῶν δὲ μέτρων ἐπαύξησις καὶ τοῦ νομίσματος τιμή*). This reform was, however, not made with a view to assisting debtors by reducing their debts 27 per cent., since 73 old drachmas were worth 100 new drachmas (Grote, *Hist. of Greece*, iii. p. 100 f.). Solon's object clearly was, as Köhler shows (*Mitth. d. d. arch. Inst.* 1885, p. 151 ff.), to open up new fields for Athenian trade. Hitherto the coinage of Athens had been on the Aeginetan system, which prevailed on the mainland of Greece, and on the Cyclades; now the Euboic system was adopted, which was confined to that island and Corinth. The trade to the Black Sea and to Egypt was in the hands of Aegina and Megara, and with these flourishing towns Athens could at that time not compete. The Chalcidians and Corinthians, on the other hand, had planted colonists north of Chalcidice and in Sicily, and thus opened up new districts to Greek trade. With these the Athenians might hope successfully to compete, and, as the result showed, their hope was well founded; hence their coinage system was adopted. From these districts they could import what Athens stood most in need of, viz. timber and grain; and thither they could export oil, which alone of all produce Solon allowed to be exported (Plut. *l. c.* 24), and manufactures, which he encouraged in every possible way. [L. S.] [H. H.]

SELLA. The customs and associations which the Greeks and Romans connected with the attitude of sitting were so different from ours that any account of the seats they used must involve some mention of the ceremonial meaning and etiquette which had grown up round it. Most strange to a modern is the religious and ceremonial use of the posture. To sit at or on a sacred spot or object was in itself an act of supplication (cf. Aesch. *Suppl.* 224, 265; Soph. *O. T.* 2), not merely in the heroic age, but, as we see from the story of Themistocles seating himself on the household hearth of Admetus (Thuc. i. 135), in classical times. In art it is very often shown: for instance, Priam seated on the altar of Zeus at the taking of Troy, Telephos on the hearth of Agamemnon, and Orestes at the omphalos at Delphi (cf. Baumeister, *Denkmäler*, arts. *Iliupersis*, *Telephos*, and *Oresteia*). So too, when being purified from the stain of blood, the sinner sat on the altar, possibly on the skins of the victims, as the novice did when being initiated, and the sorcerer when summoning the spirits of the dead (cf. Vase-painting of Odysseus and the Ghost of Teiresias, *Mon. d. Inst.* iv. 19). In taking omens from birds, the seer, both among Greeks and Romans, was seated (cf. Soph. *Antig.* 999; Serv. *ad Aen.* ix. 4). Chairs also formed an important part of the sacred furniture in many ceremonial processions (cf. Aristoph. *Eccl.* 734; *Av.* 1552), as in the well-known instance of the central group of the East Parthenon frieze, where the priestess is attended by maidens carrying chairs on their heads.

Of the place seats took in the civil life of antiquity it is needless to speak, for the customs by which difference of rank, dignity, or authority was typified by the prominence and magnificence or the reverse of seats, are easily comprehended and too numerous to mention [cf. THRONUS]. It is enough to point to such words as *συνεδρία*, *προεδρία*, *consessus praesidium*, or *sessio*, to show how deeply such ideas had sunk into the national life and language. Nor again does the contempt which in social life the leisured classes felt for the artisans and others who pursued a sedentary occupation (cf. Xen. *Rep. Lac.* i. 3, *οἱ πολλοὶ τῶν τὰς τέχνας ἐχόντων ἑδραῖοί εἰσιν*) call for explanation. The etiquette, too, which regulated such matters, was not unlike our own, for even in the Homeric age it was part of the welcome of a guest to bid him be seated (e.g. *Od.* i. 130). It was also considered an act of necessary politeness to rise in the presence of an older or more honoured man (cf. Cic. *de Sen.* 18, 63, "*assurgi:*" cf. Juv. xiii. 55; Mayor *ad loc.*); and Caesar was accused of aiming at royal power, when he refused to rise in presence of the senate (Liv. *Ep.* cxvi.; Suet. *Caes.* 78; Dio Cassius, xliv. 8), and the emperors showed their authority by sitting between the consuls.

At banquets when men reclined it was considered becoming for boys to sit (Xen. *Symp.* i. 8; Suet. *Claud.* 32), and the rule for women was originally the same (Val. Max. ii. 1, 2), though disregarded in later times. In art even the goddesses are represented as seated, while the gods recline (cf. Baumeister, *Denkmäler*, art. *Zwolfgötter*, fig. 2401); and while the latter were honoured by *lectisternia*, the former were only given *sellisternia*. Many grave reliefs representing a banquet of the deified dead show the same custom, which was by no means confined to the Greeks, for it may be seen on the Assyrian bas-relief of Sardanapalus feasting, now in the British Museum.

On the monuments, especially the vase-paintings, the personages in a mythological scene who are merely spectators are often depicted as seated, especially when they are deities. The most familiar instance is the assembly of gods beholding the Panathenaic procession, on the east frieze of the Parthenon. In *genre* scenes, the use of chairs often shows that the scene takes place indoors, and in many cases helps us to distinguish the mistress from her maids, or the master from his followers.

Seats in antiquity were of almost as many forms as nowadays, but for practical purposes it is sufficient to divide them into three classes: (1) those which have a straight back and arms; (2) those with a back, but no arms; and (3) those which have neither a back nor arms. The first class is described under THRONUS, the second under CATHEDRA, while the present article gives an account of seats in general and the third class in particular.

In Greece, before Homer, seats both with and without backs were used, as is shown by carvings on ivory which have been found at Mycenae (cf. Ἐφημερίς, 1888, Πίναξ B. 3, 2, and 4, 29). These were no doubt not unlike the Assyrian and Egyptian thrones and chairs, which are plainly the ancestors of those used in Greece in historical times. In Homer the general term for seats of all kinds is *ἕδρη*: but, with the exception of the *θρόνος* [THRONUS], which is of the first class mentioned above, and may be assumed to be identical with the thrones on which the gods of later times were seated, there is no information given about the distinctive shapes of the different varieties.

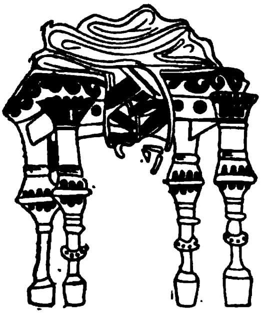
The *κλισμός*, which came next in honour to the *θρόνος*, was apparently used for ease and comfort, since Penelope sat in it spinning (*Od.* xvii. 97), and Telemachus rested in it after a bath (*Od.* xvii. 90). This seems to imply that it had a back, but no arms. It must have been of some height, for a footstool (*θρῆνυς* = later *ὑποπόδιον*) was sometimes used with it (*Od.* iv. 136). The *κλισμὸς* was decorated with metal plates and inlaying, as is shown by the epithets *χρύσειος* (*Il.* viii. 436) and *ποικίλος* (*Od.* i. 132), and was only used by people of rank.

There is a good deal of difficulty in deciding whether the word is always used in a specific sense, and Helbig on account of *Il.* xxiv. 515 and 597 (cf. *Il.* xi. 623, 645), where *κλισμὸς* and *θρόνος* are synonymous, maintains that the usage of the word is not consistent throughout. This would account for the fact that Helen works seated on a *κλισίη* (*Il.* iv. 123). The *κλισίη* is exclusively a woman's chair, and is possibly identical with the *κλιντήρ*,—an easy chair in which one could, like Penelope (*Od.* xviii. 189), take a nap.

The commonest kind of seat was the *δίφρος*: it was for instance given to Odysseus, when he appeared in beggar's rags (*Od.* xix. 97), and it formed part of the furniture of the Thalamos (*Il.* vi. 354), being meant for use, not ornament. It was doubtless, like the *δίφρος* of classical times, merely a stool, without back or arms. Owing to the indefiniteness of the mentions in Homer, it is impossible to identify these various forms with those shown on Assyrian, Egyptian, Phoenician, or early Greek monuments.

In the classical period the generic name for chairs and stools was *καθέδρα* (to be distinguished from the Latin CATHEDRA, which was only used for one kind, the *κλισμός*). For the different varieties, the Homeric names remained in use, the difference in meaning being expressed as follows by Athenaeus (v. 192 e): *ὁ γὰρ θρόνος αὐτὸ μόνον ἐλευθέριός ἐστι καθέδρα σὺν ὑποποδίῳ . . . ὁ δὲ κλισμὸς περιττοτέρως κεκόσμηται ἀνακλίσει, τούτων δὲ εὐτελέστερος ἦν ὁ δίφρος.* Our information, however, on the subject is given by the monuments rather than by literature, and on them we have the great variety of forms shown. The simplest is that of the *δίφρος*, which is of the third class, being without arms or back. It was besides called *σκίμπους*, though this name is also given to benches (*βάθρα* or *χαμαίζηλοι*, i.e. *δίφροι χαμαίζηλοι*), which were sometimes long enough to serve as a bed (cf. Plato, *Prot.* p. 310 C). These chairs are seen on the earliest monuments, and are of every variety of make, from simple four-legged stools to chairs with richly-turned legs, ornamented with inlaying and chased or embossed metal work. They were a most important part of household furniture, especially in the women's rooms (cf. Pollux, x. 47), where they were used not only for sitting at work or the toilet, but as a substitute for tables and shelves on which to lay clothes, vessels, or instruments.

This was also one of the uses to which the chairs, which were carried in sacred processions with the holy vessels, were put (cf. the *διφροφόροι* on the east side of the Parthenon frieze, and Aristophanes, *Eccles.* 734). The *δίφρος* was also used much in workshops by shoemakers, carpenters, smiths, painters, potters, and others of a sedentary employment. [See cut under FICTILE, Vol. I. p. 844 *a.*] It was also part of the furniture of a school, where the master sat on a higher and more dignified seat and the pupils on chairs or benches (*βάθρα*: cf. Plato, *Prot.* p. 315 C, and see cut from vase of Duris in Berlin Museum on page 96). The *δίφρος* was also used out of doors, and it was the custom for well-to-do gentlemen of the old school to have a boy carrying one in attendance as he walked about (Arist. *Eq.* 1384–6: cf. Athen. xii. 512 c). For this purpose a camp-stool (*δίφρος ὀκλαδίας*) was used. The shape, however, was a favourite one, and chairs were often made in it which could not possibly fold up and were meant for ordinary use. The legs were either straight or curved (Inscr., *Hermes*, v. 346).

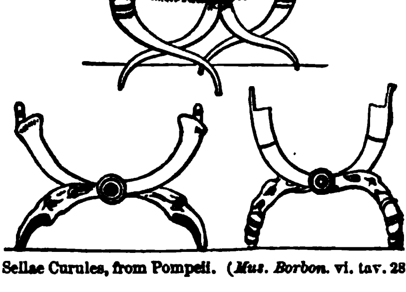

Δίφρος, from a vase-painting. (Baumeister.)

Chairs of all kinds were covered with skins and fleeces in the Homeric age, and at all periods with shawls and coverlets. Cushions (*κνέφαλλα, τύλαι*) were also used, but upholstery was unknown.

The manufacture of chairs flourished, especially in Thessaly, Miletus, and Chios (cf. Critias quoted by Athen. i. p. 28 b). Maple and beech were the woods chiefly used, but harder and more expensive sorts were necessary for those which were inlaid with ivory. Wicker-work chairs are also mentioned (Theophr. v. 3, 4; Plin. *H. N.* xvi. § 174; Cato, *R. R.* 33, 5), and are shown on some monuments (as on the sarcophagus in British Museum; see Baumeister, 1610). The fixed chairs which were set up in theatres or other public places, for certain officials or as a special honour, are described in the article THRONUS.

The Romans made use of all the forms of chair known to the Greeks, and do not seem to have had any peculiar shapes of their own. The general term in Latin is *sedile* (= *καθέδρα*) for all kinds of seats, while the varieties are the *scamnum* or *subsellium* (= *βάθρον*), the *sella* (= *δίφρος*), the *cathedra*, and the *solium*. [THRONUS.]

The *sella* was the commonest form, and was used by all classes, both men and women; whereas the *cathedra* was specially an easy chair for ladies, children, and sickly folk. It was used no less in private houses than in workshops (Cic. *Cat.* iv. 8, 17; *Verr.* iv. 25, 56), and in schools, though whether the pupils were allowed to use it, or were confined to the *subsellia*, has been disputed: Göll, in Becker's *Gallus*, ii. p. 347, maintains, with good reason, against Marquardt, that the pupils had only *subsellia*. [LUDUS LITTERARIUS, p. 97.] Like the *δίφρος*, it might be plain or very highly ornamented, and was covered when in use by a cushion (*pulvinus*), but never upholstered. It was made not only with four upright legs, but in the form of a campstool; and this shape, though in common use for every-day purposes, is best known as peculiar to the *sellae curules* of the higher Roman magistrates, the office they held being on this account called a *magistratus curulis*. The derivation of *curulis* is uncertain, but that from *currus*, which was given by the ancients (cf. Gavius Bassus, quoted by Gellius, iii. 18, and Festus, *Ep.* p. 49), seems best to accord with the customs connected with the magistrate's chair, which was originally, it would seem, placed in the magistrate's chariot. The actual carrying of the chair is not mentioned in historical times; but the underlying idea, that the right of moving the *sella curulis* betokened a jurisdiction that was not confined to any one place, like a *tribunal*, but extended wherever the magistrate had a right to drive, is clear enough (cf. Liv. iii. 11, "consules in conspectu eorum positis sellis delectum habebant"). Even out of Rome, the magistrate brought with him, as symbol of his rule, a *sella castrensis* (Suet. *Galba*, 18). The importance of being seated when acting officially runs through the whole of Roman ceremonial etiquette, subordination being expressed when the people stood before the seated magistrate, equality when the senate sat in his presence. The same was the rule in social life; for the *paterfamilias* received visitors sitting, and younger people or those of lower rank rose in the presence of an older or more honourable man. So, too, the public rose when the magistrate entered the amphitheatre during the games (Suet. *Claud.* 12). The difference in the position of magistrates was also shown by the fact that the *sella curulis* was confined to the consuls and praetors, all magistrates with the consular or praetorian *imperium* (*e.g.* decemviri and tribuni militares: cf. Liv. iii. 44, 9, iv. 7), the Dictator, the Magister Equitum, the Censor, and the Flamen Dialis.


Sellae Curules, from Pompeii. (*Mus. Borbon.* vi. tav. 28.)

The *sella curulis* was a campstool, which, when open, had a square seat and was without a back or arms. Its legs were curved, whence it is called *δίφρος ἀγκυλόπους* by Greek writers (Plut. *Mar.* 5), a form which is shown on numerous monuments, especially coins: cf. a gravestone in the Museum at Avignon (Cahier and Martin, *Mélanges d. Arch.* i. p. 166), where it is shown having a seat of straps, covered with cushions. The *sella castrensis* is shown on the coins of the praetors and quaestors of the Cyrenaica (cf. Longperier, *Rev. Arch.* 1868, p. 106), and is of simpler shape with straight legs.

Sella Castrensis.

The *sella curulis* was also used by magistrates in the municipia (cf. Mommsen, *Staatsrecht*, i. 384). Other magistrates had chairs of office, that of the quaestor having four straight legs, but not arranged for shutting together (cf. Longperier, *Rev. Arch.* 1868, p. 58; called by him *subsellium*), while the tribunes and other colleges had a bench (*subsellium*).

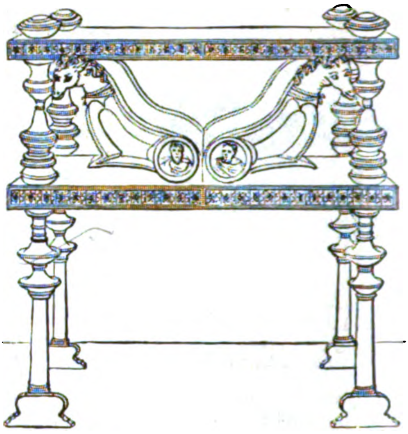
Sella Quaestoris.

The *bisellium* is not a magistrate's seat, and its use was confined to the municipia, where it was given as an honour to the Augustales. It was in this case a double seat, set apart in the amphitheatre and theatre (Orelli, 4044, 4046). The decuriones seem to have had it by right of their office, as the *biselliatus honor* is not given among their titles on inscriptions. Some of the inscriptions are accompanied by a representation of a seat, but it is not at all certain that this is intended to be a *bisellium,* and in one case it is more like a *sella curulis* (cf. Jordan, *Annali d. Inst.* 1862, p. 293; and Castellani, *Bullettino della Commissione Arch. Municip.* 1874, p. 22). In any case there does not seem to be the slightest reason (Varro, *L. L.* v. 128, is not definite) for giving the name *bisellium* to a class of *sellae* found at Pompeii, and represented in the accompanying cut, taken from the specimen in the Hamilton Collection at the British Museum, in which it is to be noted that the supports on which the cushions rested have been wrongly restored as supports below instead of above the seat. [PULVINUS.]

Sella Quaestoris.

Subsellium.

Sedan chairs were known as *sellae gestatoriae*, *portatoriae*, or *fertoriae*, and are contrasted with the litter (*lectica:* cf. Mart. x. 10, 7; xi. 98, 10), though occasionally the distinction is not observed (cf. Mart. iv. 51, where the *ingens hexaphoron* can only be a *lectica*, and yet is called *sella*). These were known in Greece as an Oriental innovation, and were at Rome used by ladies, senators' wives having, it would seem, a special sort (Dio Cass. lvii. 15), but under the Empire their use became common with men. Thus they were used by Augustus (Suet. *Aug.* 53) and Claudius (Dio Cass. lx. 2, *δίφρῳ καταστέγῳ πρῶτος Ῥωμαίων ἐχρήσατο*), and in later times almost universally. They were often large enough to hold two persons (Plin. *Ep.* iii. 5, 15), and were either open (*apertae*) or covered over (*opertae*), and could be shut close (cf. Juv. i. 124), sometimes with windows of "bull's-eye" glass (Juv. iv. 21). Another variety of sedan chair is the *cathedra*, which is probably the same as the *sella muliebris* in Suetonius, *Oth.* 6, and in any case was covered, for Seneca regards it as one of the scandals of his time that women went about in open chairs (*de Benef.* i. 9, 3). The roof of the *sella* was called *arcus* (cf. Tac. *Ann.* xv. 57, where a woman hangs herself from the *arcus*). (Buchholz, *Die hom. Realien*, ii. 138; Helbig, *Das hom. Epos*, 1887, p. 118; Hermann-Blümner, *Lehrbuch*, p. 158; — Becker - Göll, *Charikles*, iii. p. 82; *Gallus*, ii. p. 347, iii. p. 7; —Mommsen, *Staatsrecht*, i. pp. 370 ff., 380 ff.; Marquardt, *Privatleben*, 1886, p. 725; Blümner, *Techn.* v. Index, s. v. *Sessel; Kunstgewerbe*, ii. p. 29; Iwan Müller, *Handbuch*, iv. pp. 379, 381, 386, 509, 519; Daremberg and Saglio, *Dict. Antiq.*, art. *Bisellium*, *Cathedra;* Baumeister, *Denkmäler*, art. *Sessel;* Mayor, *Juvenal*, notes on i. 124, iv. 21.) [W. F. C. A.]



Sella. (British Museum.)

SELLAE EQUESTRES. [EPHIPPIUM.]

SEMENTIVAE. [FERIAE.]

SENATUS. The "senate" or "council of elders" (*seniores:* comp. the Greek *γερουσία*) ranked with the kingship, and the assembly of burgesses among the oldest of Roman institutions, and, like the two latter, existed also among the kindred communities of Latium (Mommsen, *Staatsr.* iii. 836, note 2). Its creation is ascribed by tradition to Romulus (Liv. i. 8). The members of the senate were *senatores*. The collective appellation *patres* (= "chiefs" rather than "fathers") belonged of right to the purely patrician senate of the earliest days, but was transferred to the mixed patricio-plebeian body of later times (Cicero, Sallust, and Livy, *passim*), and used as equivalent to *senatus*. Similarly the two functions inherited by the mixed senate from its patrician predecessor, the appointment of the interrex, and the ratification of votes given by the assembly, are always spoken of as acts of the *patres*, though in fact performed by the senate as a whole. [For this and for Mommsen's rival theory, that *patres* in these cases always meant only the patrician members of the senate, see below.] The fact that the patrician *patres* had once formed the whole senate, and that plebeians were not admitted until a later time, was possibly commemorated by the official term *patres conscripti*; the *conscripti* denoting originally the plebeian members called up by the magistrate (Festus, p. 254; Liv. ii. 1; ~~Mommsen, *Staatsr.*~~ iii. 839; Madvig, *Verfass.* i. 125. Willems, *Le Sénat*, i. 37 *sqq.*, maintains on the contrary that the term means simply "assembled fathers." For Mommsen's view of the inferior position of the plebeian *conscripti*, see below).

I. *Number of the Senate.*—Roman tradition represents the senate as consisting originally of 100 members (Liv. i. 8), and as having been gradually enlarged to 300, though of the steps by which this increase was effected it gives no consistent account. That 300 remained the normal number down to the time of Sulla is generally agreed. From 81 B.C. to the dictatorship of Caesar, the nominal maximum was 600. Under Caesar the numbers rose to 900 (Dio Cass. xliii. 47); under the triumvirs to over 1000 (Suet. *Aug.* 35, "erant enim super mille:" cf. *Mon. Ancyr.* 5, 6). Augustus reduced them once more to 600 (Suet. *l. c.*; Dio Cass. liv. 13); but there is no proof that either by himself or his successors was this limit strictly observed. [The advice given by Maecenas to Augustus not to be particular as to the number of senators (μηδὲν περὶ τοῦ πλήθους αὐτῶν ἀκριβολογούμενος, Dio Cass. lii. 19) may be taken, with Mommsen, to represent the practice of Dio's own time. See Mommsen, *Staatsr.* iii. 850, note 3.]

II. *Admission and expulsion of Senators.*—It was a distinctive peculiarity of the Roman senate, that admission to its ranks was always given, not by popular election or by cooptation, but by the act of the magistrate, who has for the time being the authority *legere in senatum*; and though, as will be shown, his freedom of choice was under the later Republic so restricted by law as to reduce the *lectio senatus* to little more than the formal enrolment of persons with a legal claim to be enrolled, yet his action continued to be indispensable (Val. Max. ii. 3, 1), and under the Empire regained much of its original liberty. The two principles that the senate was only a council of advice for the magistrate, and that the magistrate selected his councillors, though modified in practice by the anxiety of the senate to assert its independence, were never formally abandoned, and were successfully re-asserted by the Caesars. Prof. Mommsen indeed has a theory that in pre-historic times the case was otherwise, and that the original senate, as consisting of the assembled heads (*patres*) of the patrician gentes, was independent as to its composition of the authority of the magistrate (Mommsen, *Staatsr.* iii. 844, 854). That the early senate was composed exclusively of patricians may be safely assumed. It is, moreover, probable that from this original and close connexion with the *gentes* were derived the claims which the patrician senate bequeathed to its patricio-plebeian ~~successor to~~ be the special guardians of the auspicia, and of the ancient order of things bound up with them. But of a strictly representative gentile council there is, as Mommsen himself confesses, no evidence. The senate as first known to us appears as a council composed of patricians, but of patricians selected by the chief magistrate [Liv. i. 8, "Romulus centum *creat* senatores." Willems' theory (*Le Sénat*, i. 26) that the senate was originally a "réunion de tous les *patres familiarum seniores* des familles patriciennes," and that subsequently "le choix royal succéda au droit d'hérédité," is an equally unfounded and a less plausible conjecture].

Starting from the earliest system known to us, that under which the senators were chosen by the magistrate, we have to consider, (1) to what magistrates this right of choice was successively granted; (2) by what conditions, legal or customary, the choice was limited; and (3) the mode in which the *lectio senatus* was carried out.

(1.) [The prerogative of choosing senators belonged at first to the king.] From the king it passed to the consuls, and was during a brief period granted to their temporary substitutes, the *tribuni militum consulari potestate* (Festus, p. 246, "ut reges sibi legebant, sublegebantque quos in consilio publico haberent, ita post exactos eos consules quoque et tribuni militum consulari potestate conjunctissimos sibi quosque patriciorum et deinde plebeiorum legebant"). The date at which it was transferred to the censors is uncertain. That the change was not made before 387 A.U.C. = 367 B.C., the last year in which consular tribunes were appointed, is implied in the passage quoted above from Festus; and it was not therefore coeval with the institution of the censorship itself (443 B.C.). According to the same passage, it was effected by a Lex Ovinia tribunicia: "donec Ovinia tribunicia intercessit qua sanctum est ut *censores* ex omni ordine optimum quemque curiatim (*sic*) in senatum legerent;" and may be assumed to have been, as such, made in the interest of the plebs. We may consequently place it after the passing of the Lex Publilia (339 B.C.), which enacted that one censor must be a plebeian (Liv. viii. 12), since a tribune of the plebs at that period would not have been likely to entrust the choice of senators to patrician magistrates. The first recorded *lectio senatus* by censors is the famous one in the censorship of Appius Claudius Caecus (312 B.C.; Liv. ix. 29), so that the Lex Ovinia and the transference of the *lectio senatus* to the censors may be assigned to some date between 339 B.C. and 312 B.C. (Mommsen, *Staatsr.* ii. 395; Willems, i. 155). With the censors the duty remained down to the close of the Republic, though on two occasions it was entrusted, as an exceptional measure, to a dictator. In 216 B.C., after the battle of Cannae, M. Fabius Buteo was created dictator for this purpose (Liv. xxiii. 22, "qui senatum legeret"); and Sulla exercised the prerogative as dictator in 81 B.C. (Appian, *B. C.* i. 100). Both Julius Caesar and the triumvirs "selected senators" in virtue of the extraordinary powers vested in them. Augustus, true to his general policy, made a partial return to the old practice. Although the censorship proper ceased to exist, and the creation of senators devolved upon the princeps, the old connexion between this act and the censorial authority was not entirely lost sight of. Of the three regular *lectiones senatus* held by Augustus (*Mon. Ancyr.* ii. 1, "senatum ter legi"), the first certainly and the two others probably coincided with the three *census* of Roman citizens taken by him in 28 B.C., 8 B.C., and 14 A.D. Moreover, though under Augustus and his successors both the calling up into the senate of persons legally qualified by the tenure of the quaestorship, and the removal from the list of the names of such senators as had died or proved themselves unworthy, took place annually and quite independently of any censorial authority, the direct admission (*adlectio*) of men freely selected by Caesar was a power only occasionally exercised in the first century and always in virtue of the censorial authority, *e.g.* by Claudius, Vespasian, and Titus (*C. I. L.* v. 3117; Orelli, 3659; Mommsen, *Staatsr.* ii. 877, iii. 857). Domitian, as censor for life, first exercised it continuously. From his time onwards the right was possessed and used by all emperors at their discretion, and without any reference to censorial authority as a power inherent in the imperial prerogative (Mommsen, *Staatsr.* iii. 857).

(2.) The old constitution left the king or consul free to choose as senators the men he thought best fitted for the post. [Full citizenship, free birth (*ingenuitas*), and good character were no doubt always indispensable for a seat in the senate as for a magistracy; but although custom may have limited the choice of the king to patricians, there is no proof that he was prohibited by law from admitting plebeians; and the admission of the latter is represented in tradition as the free act of the king or consul, not as the consequence of special legislation. [Liv. ii. 1. Mommsen's theory, that originally a seat in the senate was an exclusively patrician privilege (*Staatsr.* iii. 870), must stand or fall with his hypothesis mentioned above, of a time when the senate was a representative council of the gentes. As he confesses himself, no traces are discoverable of any formal representation in the senate of the gentes or curiae.] The classical passage in Festus describes the kings and consuls as choosing freely: "conjunctissimos sibi quosque . . . legebant;" so that to be passed over inflicted no disgrace, "praeteriti senatores in opprobrio non erant" (Id. *ib.*). Even by the Lex Ovinia the censors were directed to choose "ex omni ordine optimum quemque;" and Cicero declares (*pro Sest.* 65, 137) that the original intention of the constitution was, that the senate should be open "omnium civium industriae ac virtuti." But this early freedom of choice was gradually restricted. It is probable that the consuls at the end of their year of office had always a claim to be enrolled as senators, and we may assume that this privilege was conceded from the first to *praetores*. When, owing to the transference of the *lectio senatus* to the censors, the revision of the senatorial list took place not annually but quinquennially, the ex-magistrates who had a claim to be enrolled were permitted, after the end of their year of office and while waiting for the next quinquennial *lectio*, to enter the senate-house, and though not yet senators to give their *sententiae* with the rest. Hence the distinction drawn between "senatores" and those "quibus in senatu sententiam dicere licet." (Liv. xxiii. 32; Fest. p. 339; Varro, *ap.* Gell. iii. 18, "qui nondum a censoribus in senatum lecti, senatores non erant, sed quia honoribus populi usi erant, in senatum veniebant, et sententiae jus habebant.") The number of magistracies carrying this privilege increased as time went on. By 216 B.C. it had evidently been extended to the curule aedileship, since Livy, in describing the *lectio* of that exceptional year, plainly includes the curule aedileship among the offices which entitled their holders to a seat in the senate (Liv. xxii. 49, "unde in senatum legi deberent," xxiii. 23; and Mommsen, *Staatsr.* iii. 860, note 3). On the other hand, the minor magistracies, the plebeian aedileship, tribunate, and quaestorship gave no such right as yet; although, as we might expect, former holders of these offices were selected next to ex-curule magistrates, and before such private citizens as had distinguished themselves in war: "primum in demortuorum locum legit, qui post L. Aemilium, C. Flaminium censores curulem magistratum cepissent, necdum in senatum lecti essent . . . tum legit qui aediles, tribuni plebis, quaestoresve fuerant: tum ex iis qui magistratus non cepissent, qui spolia ex hoste fixa domi haberent aut civicam coronam accepissent" (Liv. xxiii. 23). By Sulla's time, if not before, the customary preference hitherto given to ex-holders of the plebeian aedileship and tribuneship had been exchanged for a legal claim both to the provisional seat and *jus sententiae* in the senate, pending the next censorial *lectio*, and to formal enrolment as senators when the time for the *lectio* arrived. [These privileges were apparently given to the tribunes by the plebiscitum Atinium (Gell. xiv. 8, 2, "senatores non essent ante Atinium plebiscitum"), the date of which must fall, according to Mommsen, between 123 B.C. and 102 B.C. (Mommsen, *Staatsr.* iii. 862, note 2). When the plebeian aediles obtained them is uncertain. Mommsen infers, from their inclusion in the Lex Acilia among those "quei in senatu sient," that they had done so before 122 B.C. (*ib.* 861, note 2).] Finally, the same rights were attached to the quaestorship by Sulla (Tac. *Ann.* xi. 22, "viginti quaestores creati supplendo senatui"). But these rights had long lost all value for the holders of the higher offices; since, owing to the gradual establishment of a fixed order of succession to these posts, a man was presumably already a senator by the time that he reached even the lowest curule magistracy. After Sulla, they were of importance only for the quaestorship, which was then legally established as the first step in the ladder of promotion. As a rule even the tribunate was taken after the quaestorship, and its holders were consequently already senators. The effect of these changes was practically to destroy the magistrate's freedom of choice. He still created senators, but as a rule the number of ex-quaestors awaiting his call, and with a legal claim to be called, must have been sufficient to fill the vacancies, and have left no room for others. Of senators admitted by free selection of the magistrate, there is no trace after 70 B.C., until we reach the dictatorship of Caesar. The votes of the people in Comitia in fact gave admission to the senate. (Cic. *pro Cluent.* 56, 154 "judicio populi Romani in amplissimu [illegible] pervenire.") But the "call" of the n [illegible] was still indispensable; and with the [illegible] became once more a reality. The qua [illegible] still retained its right to give a seat; [illegible] true that the transference of the elect [illegible] the quaestorship to the senate by Tibe [illegible] that body in appearance a complete cor [illegible] its own composition, and substituted c [illegible] both for the free choice of the magis [illegible] and for the votes of the people. But it wa [illegible] in appearance; for, apart from the influen [illegible] which his control of the quaestorian elections g [illegible] im, the emperor possessed and exercised [illegible] old right of direct admission, now known as [illegible]ctio, possibly to distinguish it from the old periodic *lectiones* of republican times (Mommsen, *Staatsr.* ii. 877, note). This right, used occasionally (see above) by the earlier emperors, was from the reign of Nerva onwards constantly exercised. The person so admitted was assigned a definite place on the roll, usually "inter tribunicios," occasionally "inter praetorios," and in the 3rd century even "inter consulares;" this titular rank counting as equivalent to the actual tenure of the office itself. The increasing frequency of these *adlectiones* indicates the use of the method as a means of strengthening the emperor's hold over the senate, and of promoting his friends and *protégés* (Mommsen, *Staatsr.* ii. 877 *sqq.*; *Vita Pert.* 6, "cum Commodus adlectionibus innumeris praetorios miscuisset;" *Vita Marci*, 10, "multos ex amicis adlegit").

No qualification of age or property was originally fixed by law for a seat in the senate; but from the time when election to the quaestorship became the normal mode of entry into the senate, the legal age for this office became practically that for the senate also. Under the later Republic it was consequently thirty; from the time of Augustus onwards, twenty-five (Dio Cass. lii. 20; QUAESTOR). A property qualification was first introduced by Augustus, who fixed it at one million sesterces (Dio Cass. liv. 17; Suet. *Aug.* 41; Tac. *Ann.* i. 75, ii. 37). Under Trajan, all candidates for office, and therefore for a seat in the senate, were compelled to invest a third of their property in Italian land (Plin. *Epp.* vi. 19). This proportion was reduced to a fourth by M. Aurelius (*Vit.* 11).

It should lastly be mentioned that in the early days of the Empire the Roman franchise was given to Gauls (Tac. *Ann.* xi. 23), and possibly to other provincials, without the right of standing for office in Rome (*jus honorum*); and to such men, therefore, unless directly admitted by the emperor, the senate-house was closed. But of this special disability no trace is found after the reign of Claudius.

With the right of creating senators was closely connected that of removing them (*loco movere*), or omitting them from the revised list (*praeterire*). Of the mode in which it was exercised by the kings and consuls we know nothing beyond the statement in Festus, that, inasmuch as the magistrate then drew up the list as he chose, no stigma attached to those whose names were left out (Festus, p. 246: see above). It is easy to understand that the senate would resent being [illegible]pletely at th [illegible] trate's mercy; and [illegible] Ovinia, carr [illegible] was when the sena [illegible] lowly establis [illegible] ascendancy (339–312 B.C.), seems to have given greater security to the senator's tenure of his seat. By transferring the "revision of the list" to the censors, it substituted a quinquennial for an annual revision; and though the removal or omission of a name henceforward inflicted disgrace, this was probably due in part to the fact that the censors, possibly under a clause of the law, were obliged not only to be agreed in doing so (App. i. 28; Liv. xl. 51; Cic. *pro Cluent.* 43, 122), but to state in writing their reasons for inflicting the penalty (Ascon. *in tog. Cand.* p. 84; Liv. xxxix. 42, "adscriberent notas"). The power was no doubt abused more than once for party or personal purposes, but in the main the evidence points to the conclusion that the arrangement gave a senator fixity of tenure, unless he were guilty of some act, or had incurred some public disgrace, which by law or custom disqualified him for sitting in the senate (*e.g.* deprivation of his office for misconduct, loss of civic rights, conviction in certain cases in a court of justice, gross immorality, extravagance, &c.). After 70 B.C., when the censors expelled a number of the unworthy members placed on the list possibly by Sulla, the power of expulsion or omission remained in abeyance (Sall., *Cat.* 23, gives an instance, belonging to 70 B.C.), though Cicero in the Laws advocates its revival ("probrum in senatu ne relinquunto," *de Legg.* iii. 3, 7). Under the Empire it came again into exercise. The thorough "purgings" of the overgrown senate by Augustus in 29–28 B.C., and again in 18 B.C., were no doubt exceptional (Suet. *Aug.* 35; Dio Cass. lii. 42, liv. 12), as was that carried out by Vespasian after the civil wars of 69 A.D. (Suet. *Vesp.* 9, "summotis indignissimis"). But alike at the periodic *lectiones* held by Claudius, Vespasian, and Titus as censors, and at the yearly revision of the senatorial list, not only were the names removed of those who had vacated their seats by death, by loss of the necessary property qualification (unless the loss, as frequently happened, was made good by the emperor: Tac. *Ann.* i. 75, ii. 37, xiii. 34; Suet. *Nero*, 10), or by condemnation in a cou[illegible] of law; but those were also expelled who for o[illegible] reason or another were held by the emperor [illegible] be unworthy (*Ann.* ii. 48, "prodigos et [illegible] flagitia egentes;" iv. 42, "quod in acta [illegible] Augusti non juraverat;" xi. 25, "famosos; Suet. *Domit.* 8, "quod gesticulandi saltandiq[illegible] studio teneretur:" the alternative of volunta[illegible] withdrawal was sometimes given, *Ann.* ii. 48[illegible] This power of removal, exercised as it was wi[illegible] increasing freedom and even arbitrariness as ti[illegible] went on, combined with the more frequent [illegible] of the right of *adlectio* completely to destr[illegible] that practical independence of magisterial cont[illegible] which the republican senate had gradually w[illegible] for itself. The senate under the Principa[illegible] became again what it must have been in ear[illegible] days—a body of councillors, largely selected [illegible] the chief magistrate at his discretion, and r[illegible]taining their seats at his good pleasure.

(3.) The mode in which the *lectio* or rev [illegible] the list was carried out has next to be de [illegible] Our knowledge of t[illegible] mences w[illegible] period when the revi [illegible] the senat[illegible] the hands of the cens[illegible] t the earli [illegible] 339 B.C. Although [illegible] *senatus* [illegible] apparently an integra [illegible] f the cen[illegible] the *recognitio equitum* (Mommsen, *Staatsr.* ii. 396, and so Willems), it seems to have immediately preceded it (Liv. xxiv. 18; xxvii. 11, &c.). It was conducted usually by both censors jointly (Liv. xxxii. 7, xl. 50; Willems, i. 241), though on one occasion at least it was decided by lot which of the two should undertake the work (Liv. xxvii. 11, "sors legendi"). The first point, down to 81 B.C., was to select the senator whose name should stand at the head of the list as "princeps senatus" and enjoy the privilege of giving his *sententia* first. This honour belonged by ancient custom to the oldest patrician *censorius* (Liv. *l. c.*; Mommsen, *Staatsr.* iii. 970). After 209 B.C. any patrician *censorius* might be chosen irrespective of seniority. From the time of Sulla onwards, it is not clear that any *princeps senatus* in the old sense was appointed: the list in the Ciceronian age was possibly headed by the senior consular, and at any rate the post, if it survived at all, must have been deprived of most of its importance by the change made in the order of taking the *sententiae*, which took away from the princeps the privilege of being asked first (Varro, *ap.* Gell. xiv. 7; Willems, i. 114, maintains not only that *principes senatus* existed after Sulla, but that they were no longer necessarily patricians. Indeed, the three whose names he gives—Q. Lutatius Catulus, P. Servilius Vatia, and Cicero—were all plebeians. But his arguments are not conclusive). Under the Empire, the emperors, following the example of Augustus (*Mon. Anc. Gk.* 4, 2, *πρῶτον ἀξιώματος τόπον τῆς συνκλήτου*), placed their own names at the head of the list, though only in the case of Pertinax (Dio Cass. lxxiii. 4) was the old title *princeps senatus* revived. The *princeps senatus* chosen, the old list of the senate was gone through, the names of deceased members or of those legally disqualified struck out, those who had risen to higher office in the interval placed in their proper position; and finally, any whom the censors judged unfit, struck off the roll. [In the *lectio* of 216 B.C. there were no such erasions, but this was exceptional (Liv. xxiii. 23).] The vacancies were then filled up according to the order described above, though here again the censors might pass over one or more of the legally qualified claimants. In the completed list the senators were arranged according to their official rank, from the *dictatorii* and *censorii* down to the *quaestorii*; those, if there were any, who had held no office, being no doubt placed last. Down to the time of Sulla, the patricians in each magisterial category took precedence of the plebeians; in the post-Sullan period, the members of each category were arranged simply by official seniority (Mommsen, *Staatsr.* iii. 968; Willems, i. 259). Under the Empire a senator might obtain precedence by the grant of the *jus trium liberorum*, and earlier still by the successful prosecution in a public court of a senator higher in rank than himself, whose place he took (Mommsen, *l. c.* 971; Dio Cass. xxxvi. 40). Those persons directly admitted (*allecti*) by the emperor, among the praetorii or tribunicii, were properly placed below the genuine ex-praetors or ex-tribunes (*Vit. Pertin.* 6). The list when made up was in Republican times read aloud from the rostra (Liv. xxiii. 23); under the Empire it was regularly published (Dio Cass. lv. 3). It held good until the next revision, *i.e.* under the Republic, until the next censors came into office. Under the Empire the revision was annual (Dio Cass. *l. c.*). The official name for the list, "album senatorium," first occurs in Tacitus (*Ann.* iv. 42).

III. *Composition and Character of the Senate.*—The first important change in the composition of the senate must have been effected by the admission of plebeians—a measure ascribed by tradition to Brutus, and certainly anterior to their admission to the consulship. With the opening of the magistracies to plebeians, and the additions made to the list of magistracies giving a legal claim to a seat, the plebeian element in the senate grew in strength; and at the close of the Punic wars largely outnumbered the patrician. (See the calculations made by Willems, i. pp. 265 *sqq.*) The question then arises, how far any distinction was maintained as regards rights and privileges between these two elements? That the interrex was necessarily, and the princeps senatus customarily, a patrician, is certain (see above and art. INTERREX), as also that on the roll patrician senators took precedence of plebeian senators of equal official rank. But on two points there is a division of opinion: (1) Were the functions of appointing the interrex (*prodere interregem*) and of ratifying votes of the assembly (*patrum auctoritas*) reserved exclusively for patrician senators? (2) Were plebeian senators at any time without the right *sententiam dicere?* The first question is answered in the affirmative by Mommsen (*Röm. Forschungen*, i. 218; *Staatsr.* iii. 871) and Madvig (*Verfass.* i. 233, 496); in the negative by Willems (ii. 1 and 33. See also INTERREX). The difficulty in the way of a decision is increased by the ambiguous sense in which the term *patres* is used by ancient writers, and by the fact that while the appointment of interreges had become extremely rare during the period to which our best authorities (Cicero, Livy) belong, the *patrum auctoritas* had long before that time been reduced to a meaningless form (by the Lex Publilia, 339 B.C.). The most probable view on the whole seems to be that, while both acts belonged originally to the senate as a purely patrician body, they were in later times performed by the patricio-plebeian senate as a whole. [Cf. the extension of the term *patres* to cover the whole senate, and the retention of the phrase *patricii magistratus* for the curule offices long after these had been opened to plebeians (Cic. *ad Brut.* i. 5). It is only in connexion with the three earliest interregna under the Republic that Livy speaks of *patricii* (iii. 40, iv. 7, iv. 43; 421 B.C.). On later occasions he speaks always of *patres*, as does Cicero throughout. The *patrum auctoritas* is never expressly connected with the *patricii*. For a full discussion, see Willems, *l. c.*, and INTERREX.] The second question admits of a more confident answer. It is agreed on all hands that in post-Sullan times no distinction is traceable between patricians and plebeians as regards the right *sententiam dicere*, and that the term *pedarii* had no legal value, but merely denoted the lower ranks of senators (*i.e.* in fact the *non-curules*), whose names, from want of time, were rarely reached in taking the *sententiae*, and who were therefore, as a rule, obliged *pedibus ire in sen-*

tentiam, i.e. to cross to one side or the other of the senate-house. [Gell. iii. 18, "qui in alienam sententiam pedibus irent." The explanation of the term quoted in the same passage from Gavius Bassus (1st century A.D.), "Senatores qui magistratum curulem nondum cepissent *pedibus itavisse* in curiam," though in fact *non-curules* and *pedarii* coincide, is a bad guess, which, strangely enough, Willems accepts (*op. cit.* i. 137). The confusion which follows between the *pedarii* and the ex-curule magistrates "nondum a censoribus lecti" is probably due to Gellius himself. The latter class were not senators, but had the *jus sententiae dicendae*; the *pedarii* were senators, but in practice were unable *sententiam dicere*. The confusion is repeated in Lewis and Shortt's Latin Dict. The sense of inferiority associated with the *pedarii* in the senate sufficiently explains the "equites pedarii" of Varro (=common or inferior equites).]

But Mommsen, while agreeing that in the Ciceronian age *pedarius* was merely a conventional epithet describing the actual but not the legal position of the lower senators, holds that in earlier times the term had a statutable meaning, and denoted "plebeian senators directly admitted by consuls or censors, as distinct from those qualified by office"—a class which ceased to exist after 81 B.C. These plebeian senators were, he thinks, legally incapable of delivering *sententiae*, and only allowed to vote (*pedibus ire*). The objections to this theory are: (1) That no such distinction can be drawn between the right *sententiam dicere* and the right to vote. For the Roman senator, the *sententia* and the vote were the same thing, though the *sententia* might be given in different ways, of which the *pedibus ire* was one [see below under Procedure]. (2) That though there were certainly at one time men in the senate with the *jus sententiae* who were not senators, there is no evidence of the existence at any time of senators without this right. (3) There is no proof that there was ever a legally distinct class of *pedarii*, or that the term had ever any other meaning than that which it bore in the Ciceronian age.

The admission of plebeians has been assigned to the early days of the Republic; the period from the Lex Ovinia to the dictatorship of Sulla witnessed another change which stood in close connexion with the growing ascendancy of the senate in the political system. The class of senators freely chosen by the magistrate as distinct from those whom election to office had given a legal claim on his call, gradually disappeared (Cic. *de Legg.* iii. 12, "neminem in summum locum nisi per populum venire"), and the senate came to be composed entirely of actual and ex-officials, to the exclusion of lay interests and opinions — an exclusiveness intensified by the extent to which from 200 B.C. onwards the official class was recruited from a single section of Roman society, that of the *nobiles*. In Cicero's day the only working classification of senators was classification by official rank.

Further changes followed under the Empire. The class of those who, while awaiting the [illegible] *lectio*, were permitted t[illegible] the senate [illegible] give *sententiae* (see abc [illegible] must have ce[illegible] to exist, when the year[illegible]vision enabled emperor to call them i[illegible]mediately on th[illegible] expiry of their year of office. On the other hand, though the official classification continued, and even those directly *adlecti* by Caesar were placed in one official category or another, and though the majority of senators as a rule entered by the old official door, the quaestorship, the increasing number of the *adlecti* unquestionably served not only to strengthen the emperor's control over the senate, but to widen the area from which its members were drawn. The effect of Vespasian's admission of numerous Italians and provincials is specially noticed by Tacitus (*Ann.* iii. 55, "novi homines e municipiis et coloniis atque etiam provinciis—domesticam parsimoniam intulerunt." Senators from the eastern provinces are very rare before the 2nd century). But while in this way the senate became in its composition more representative of the whole Empire, a narrowing effect was exercised by the tendency to confine the senatorial dignity to a particular class, by making it hereditary. The way for this latter change was prepared in the last century of the Republic. In the time of Cicero, the male members of the great families passed into the senate through the quaestorship, almost as a matter of course. The son of a senator was expected and as a rule did thus qualify himself for senatorial rank; and Cicero contrasts the senatorial and official career proper to young nobles, with the quieter and less ambitious course marked out by custom for members of the equestrian order (Cic. *pro Cluent.* 56, 153). But as yet the son of a senator had no legal claim to be himself a senator, nor did he as such enjoy any legal distinctions or privileges. Even the phrase *ordo senatorius* is usually limited in meaning to the actual senate (Mommsen, *Staatsr.* iii. 459). Julius, it is true, extended the restriction on foreign travel from senators to their sons (Suet. *Jul.* 42); but from Augustus dates the first attempt to make the senatorial dignity formally hereditary, and to give the *ordo senatorius*, as distinct from the senate, a legal existence. According to his regulations, the sons of senators were authorised to assume the broad stripe (*latus clavus*) on the assumption of the toga virilis, and to attend meetings of the senate (a revival of an ancient custom, Gell. i. 23). They entered the army as *tribuni militum* or *praefecti alarum*, and were distinguished from other young officers as *laticlavii* (Suet. *Aug.* 38, "liberis senatorum, quo celerius reipublicae assuescerent, protinus a virili toga, latum clavum induere et curiae interesse permisit, militiamque auspicantibus non tribunatum modo legionum, sed et praefecturas alarum dedit ... binos plerumque laticlavios praeposuit singulis alis." The ordinary *trib. mil.* were *angusticlavii*, Suet. *Otho*, 10). From military service they passed on to the quaestorship and a seat in the senate. That under the earlier emperors this career was morally incumbent both on senators' sons and on other young men, to whom the emperor had granted the latus clavus, seems certain (they are described as *honores petituri*: Plin. *Ep.* viii. 14; Dio Cass. lix. 10, *ἐπὶ τῇ τῆς βουλῆς ἐλπίδι*), but there is no proof that in the 1st century A.D. it was legally necessary. [We hear of several cases in which a man either declines to assume the latus clavus, or dis-cards it after a time. Suet. *Vesp.* 2, "latum clavum diu aversatus" (Vespasian); Tac. *Ann.* xvi. 17, "Mela petitione honorum abstinuerat;" *Hist.* ii. 86, "prima juventa senatorium ordinem exuerat;" Ovid, *Trist.* iv. 10, 35. Claudius, however, as censor took a strict view of the obligation (Suet. *Claud.* 24, "senatoriam dignitatem recusantibus equestrem quoque ademit." Augustus, at the *lectio*, in B.C. 13, compelled qualified persons under 35 "βουλεῦσαι" (Dio Cass. liv. 26).] A further illustration of the same policy is the enactment due to Augustus prohibiting both senators and their sons from marriage with *libertinae* (Lex Papia Poppaea, Dig. 23, 2, 23). The development of the policy by the emperors of the 2nd century cannot be traced in detail. At the close of that century, however, we find the two orders, senatorial and equestrian, clearly and sharply distinguished. Each has its own privileges. The careers appropriate to the members of each order are different, and the passage from one to the other difficult and rarely made. [EQUITES; PRINCIPATUS; PROCURATOR.] Suetonius already contrasts "senatoria et equestria officia," *Galb.* 15; cf. *Vita Commodi*, 4, "per laticlavi honorem a praefecturae (sc. *praetorio*, an equestrian office) administratione summovit." By the lawyers of the early part of the 3rd century senatorial rank is treated as strictly hereditary. Not only the sons, but the grandsons of senators are born into the senatorial order, and cannot escape either the honours or the burdens attached to the *dignitas senatoria*. Neither posthumous birth, nor adoption into a family of lower rank, affects their position (Dig. 7, 35, 9, 7). As Mommsen has well said (*Staatsr.* iii. 467), the senatorial order took the place as a hereditary nobility of the *nobiles* of the later Republic, as they had in their turn superseded the patriciate. [For the distinctive privileges and liabilities of the senatorial order as thus constituted, see the next section;—for its general position, cf. Mommsen, *Staatsr.* ii. 865, iii. 466; Madvig, *Verf.* i. 123 *sqq.*; Friedländer, *Sittengesch.* i. 197 *sqq.*]

IV. *Insignia, Privileges, &c.*—In Republican times the senator bore no distinctive title, for "senator Romanus" was never like "eques Romanus" in official use. The title of courtesy *clarissimus*, though not unfrequently applied to senators at an early date, was first formally assigned to them in the 2nd century A.D. (Mommsen, *Staatsr.* iii. 565), and then or soon afterwards extended not only to their sons, but to their wives and daughters. The outward insignia of the senator were always the broad purple stripe on the tunic (*latus clavus*) and the red sandals (*calcei*) with the crescent-shaped buckle (*luna*), and the leathern thongs wound round the leg (*lora*). The former of these insignia was possibly not older than the Gracchan period (*sero*, Plin. *H. N.* xxxiii. § 29); the latter were originally the distinctive mark of the patrician. Under the Empire the latus clavus was assumed by a senator's son on reaching manhood; while the red sandals were worn even in childhood (Stat. *Silv.* v. 2, 28). Separate seats in the theatre were first assigned to senators in 194 B.C. (Liv. xxxiv. 44), and at the shows in the circus by Claudius (Suet. *Claud.* 21). A variety of fresh distinctions were conceded as the senatorial order under the Empire increasingly assumed the character of a hereditary peerage, *e.g.* the right of *entrée* to the imperial presence (Dio Cass. lvii. 11), and of banquets at the public cost (Suet. *Aug.* 35), the use of covered carriages by their wives (Dio Cass. lvii. 15), of silver plating upon their own vehicles (*Vit. Sev. Alex.* 43), and of running footmen (cursores, *Vit. Aurel.* 49). In the 3rd century A.D., and probably earlier still, they were exempt from all burdens, though still eligible for *honores* in their own municipia (Dig. 50, 1, 23, "municeps esse desinit senatoriam adeptus dignitatem, quantum ad munera: quantum vero ad honorem, retinere creditur originem;" cf. the omission in inscriptions of senators of their place of domicile; see Mommsen, *Staatsr.* iii. 2, 887, note 1). Though subject, like other citizens, to the ordinary law, they were outside the jurisdiction of municipal authorities. From Hadrian dated the custom for the emperor to summon only senatorial assessors to sit with him in judgment on a senator (*Vit. Hadr.* 8), a practice revived by Severus Alexander (*Vit.* 21, "ne quis non senator de Romano senatore judicaret"). But the increased outward dignity of their position under the Empire brought with it not only increased risk under the worse emperors, but increased liabilities and restrictions. Their exclusion from trade and from taking state contracts, as also their liability and that of their sons to prosecution under the *leges de repetundis*, date from republican times (Lex Claudia, Liv. xxi. 63: cf. Dig. 50, 5; Lex Acilia de pec. repet. 2; Bruns, *Fontes jur. Rom.* 54; Cic. *pro Cluent.* 55, 150). In addition, Severus Alexander forbade them to lend money except at a low rate of interest (*Vit.* 26). The prohibition issued in Tiberius' reign against intercourse with stage-buffoons (*Ann.* i. 77) was, like that against marriage with *libertinae*, intended to preserve the dignity of the order. But Claudius's edict forbidding praetorian guardsmen to attend the morning levees of senators (Suet. *Claud.* 25) was no doubt provoked by the same jealousy of senatorial interference with the army, which finally led to their exclusion from military commands and from the camps by Gallienus (Victor. *Caes.* 33). The separate taxation of senators did not exist as a system before Diocletian (Mommsen, *Staatsr.* iii. 2, 900 f.). The costly obligation of providing games was a magisterial rather than a senatorial burden. [LUDI; PRAETOR; QUAESTOR. For the privilege originally enjoyed by senators of voting in the *equitum centuriae*, and for their duty of serving as judices in the *quaestiones perpetuae*, see COMITIA; JUDEX; QUAESTIO.]

V. *Procedure.*—The right to hold a meeting of the senate (*senatum habere*), to consult it (*consulere, referre, relationem facere*), and to carry a decree (*senatusconsultum facere*) belonged in the Ciceronian age to consuls, praetors, and tribunes of the plebs; but if all were present in Rome together, they could only exercise it in the above order of precedence. The right no doubt attached to the consulship and praetorship from the moment of their establishment. It was acquired by the tribunate at some period previous to the plebiscitum Atinium (? before 133 B.C.). The right was also given to the dictator, interrex, and praefectus urbi. [See the classical passage, Gell. xiv. 7, 8, "Primum ibi ponit (Varro) per quos more majorum senatus haberi soleret, eosque nominat, dictatorem, consules, praetores, tribunos plebi, interregem, praefectum urbi . . . tribunis plebi senatus habendi jus erat quamquam senatores non essent ante Atinium plebiscitum."] Any one of these magistrates could be prevented from exercising the right by the interference of a colleague, or of a superior, or of a tribune. [INTERCESSIO; TRIBUNUS.] In the earlier times, when the consuls were frequently absent from Rome in the field, the duty of convening the senate constantly developed upon the praetor urbanus (Liv. xxii. 7; xxvi. 21; xlii. 8, &c.). In the Ciceronian age, it is regularly performed by the consuls (Cic. *ad Fam.* xii. 28; CONSUL). Augustus in 23 B.C. was specially empowered to hold a senate as often as he would, even when not consul (Dio Cass. liv. 3), and the power was continued to his successors (Lex de Imp. Vesp. 2, "utique ei senatum habere . . . . liceat, ita uti licuit divo Augusto," &c. Tiberius before he was formally invested with this power convened the senate "tribuniciae potestatis praescriptione sub Augusto acceptae," Tac. *Ann.* i. 7). But even under the emperors it was usually the consuls who convened the senate and presided at its meetings (Plin. *Epp.* ii. 11, "princeps praesidebat erat enim consul;" cf. Id. *Paneg.* 76).

The magistrate who convened the senate determined also the place of meeting, subject, however, to certain conditions. A lawful senate could only be held in a *templum*, and, except in special cases, within the pomerium (Gell. xiv. 7, "in loco per augurem constituto, quod templum appellaretur:" see TEMPLUM). Among the ordinary meeting-places of the senate in republican times were the Curia Hostilia and the temples of Concord, of Castor, of Jupiter Stator, and of Tellus. The senate could be convened outside the pomerium, but "intra milia passuum," if either embassies from states not in alliance with Rome or a pro-magistrate [PROCONSUL; PROPRAETOR] were to take part in the proceedings (Mommsen, *Staatsr.* iii. 930. As meeting-places outside the pomerium, the temples of Apollo and of Bellona are mentioned: Liv. xxxiv. 43; Cic. *ad Fam.* viii. 4; Plut. *Sull.* 30).

The senate could not be summoned to meet before sunrise or sit after sunset (Gell. xiv. 7). But under the Republic there were no fixed days for its meetings any more than for those of the Comitia. Augustus first enacted that there should be two regular meetings held in each month (Suet. *Aug.* 35, "ne plus quam bis in mense legitimus senatus ageretur Kal. et Idibus," Dio Cass. lv. 3). Nor is it clear that in early times there were any days on which a senate could not be lawfully held. But by a Lex Pupia, the date of which Mommsen fixes at about 154 B.C., the magistrates were apparently forbidden to hold a senate upon any day actually appointed for Comitia, or possibly upon any of the days on which Comitia might legally be held (*dies comitiales*, Cic. *ad Fam.* i. 4, "senatus haberi ante Kal. Febr. per legem Pupiam . . . non potest;" Id. *ad Q. Fr.* ii. 2, "consecuti sunt dies comitiales per quos senatus haberi non potest:" cf. *ad Fam.* viii. 8; Mommsen, *Staatsr.* iii. 921–923).

The usual mode of summoning the senate (*cogere senatum*) was by a proclamation issued by one or both the consuls, naming the date and place of meeting, and occasionally stating the special business to be considered (Liv. xxviii. 9, "praemisso edicto ut triduo post senatus ad aedem Bellonae adesset;" Suet. *Caes.* 28, "edicto praefatus se summa de republica relaturum;" Cic. *ad Fam.* xi. 6, "quam edixissent . . . senatus adesset"). The procedure was the same if the magistrate concerned was a praetor or tribune. The magistrate was empowered, if necessary, to compel the attendance of senators by taking pledges for their attendance, or by fining those who failed to appear (Gell. xiv. 7; Cic. *de Legg.* iii. 4, *Phil.* i. 12); but this power was, it would seem, sparingly exercised under the later Republic, and the increased numbers of the senate after 81 B.C., added to the fact that no quorum was required by law, gave little occasion for its use. Under the Empire it was otherwise. Augustus found it necessary not only to fix a quorum (Dio Cass. lv. 3: see below), but to increase the penalties for non-attendance (Dio Cass. liv. 18), and Claudius did the same (Dio Cass. lx. 11: cf. Tac. *Ann.* xvi. 27, "patres arguebat (Nero) quod publica munia desererent").

On the assembling of the senate, usually in the early morning, the senators took their seats, as they chose, upon the benches (*subsellia*) ranged in rows to the right and left of the curule chairs of the presiding magistrates; the latter being so placed as to face the door of the house. [Mommsen, *Staatsr.* iii. 932, has shown that under the Republic neither the ordinary senators nor, as Willems (ii. 173) maintains, the magistrates generally, had any special or fixed seats.] Under the Empire the emperor's chair was placed between those of the consuls (this seat was first assigned to Augustus in 19 B.C.: Dio Cass. liv. 10); and separate seats were assigned to the praetors, tribunes, and possibly to the other magistrates (Mommsen, *op. cit.* p. 934). The proceedings opened with a sacrifice, followed by the inspection of the victim's entrails (Gell. xiv. 7; Mommsen, *op. cit.* p. 935).

(The magistrate who summoned the senate also presided at its meetings, and it is he who, subject to certain customary rules, determines what business shall be laid before the house and in what order. It was his duty, in the first place, to communicate to the senate any news of importance, to read despatches received from officials abroad, and to introduce provincial or foreign deputations (Caesar, *B. C.* i. 2; Cic. *ad Fam.* x. 12, 3; Liv. xliv. 20, 21). On his demand, or with his permission, any individual senator might similarly read letters, communicate information, or make a statement to the house. The same privilege belonged to praetors and tribunes, as having the right to consult the senate, even when not actually presiding.

The magistrate might follow up these preliminary communications by referring one or more of the points raised to the senate for its opinion, and the senate not unfrequently demanded by acclamation that such a reference should be made. It rested, however, with the magistrate to decide whether or not this further step should be taken (Liv. xxx. 21, "conclamatum ex omni parte curiae est, uti referret

P. Aelius praetor;" *ib.* xlii. 3, "ex omnibus partibus postulabatur ut consules eam rem ad senatum referrent;" Cic. *ad Fam.* x. 16; Caes. *B. C.* i. 1, "ut ex litteris ad senatum referretur, impetrari non potuit").

The formal consultation of the senate (*relatio*) was governed by a variety of customary rules. After, usually, an explanation of the business in question ("verba facere," Cic. *ad Fam.* viii. 8; *Phil.* viii. 14, &c.), the magistrate asked the senate "quid de ea re fieri placet," without himself submitting a definite proposition (Sall. *Cat.* 30; Cic. *Cat.* i. 10, iii. 13). Occasionally the magistrate indicated his own view (Liv. xxxix. 39, "sibi nisi quid aliud eis videretur in animo esse . . . comitia habere." For instances of a definite proposition, see Suet. *Caes.* 28, "rettulit ad senatum ut ei succederetur;" Cic. *Phil.* i. 1, "scriptum senatusconsultum quod fieri vellet attulit;" cf. Cic. *Phil.* x. 17). It is significant of the more dependent position of the senate in relation to the emperor that the latter, when consulting the senate, usually made at the same time a definite proposal (see below). The reference to the senate might either be general ("infinite de republica," Gell. xiv. 7; cf. Liv. xxvi. 10, "de summa republica consultatum") or special ("de singulis rebus finite," Gell. xiv. 7; Cic. *Phil.* vii. 1, "de Appia Via et de Moneta"), and the senators might, in giving their *sententiae*, express a wish for the separate reference of some particular question (Cic. *Phil.* x. 24, "de M. Appuleio separatim censeo referendum," *ad Fam.* viii. 8, "ne quid conjunctim referatur"). Custom again prescribed in general terms the order in which the business should be taken: "de rebus divinis priusquam humanis ad senatum referendum esse" (Gell. xiv. 7; cf. Liv. xxii. 9, "ab diis orsus—tum de bello deque republica"); but here again the practice at least of the later Republic allowed a certain weight to the wishes of the senators themselves, who might either directly demand urgency for a particular question (Cic. *ad Fam.* x. 16, "flagitare senatus institit . . . ut referret *statim*"), or indirectly force the magistrate's hand by refusing to give opinions upon any matter until the desired point had been submitted to them (Cic. *ad Att.* iii. 24, "senatum nihil decernere, antequam de nobis actum esset;" *in Pison.* 13, 29, "quum quacunque de re verbum facere coeperatis aut referre ad senatum, cunctus ordo reclamabat, ostendebatque, nihil esse vos acturos, nisi prius de me rettulissetis"). The right of reference (*jus referendi, consulendi senatum, cum patribus agendi*) belonged, exclusively of extraordinary magistrates, to consuls, tribunes of the plebs, and praetors; the latter, however, do not appear to have exercised it except in the absence of the consuls. As between consuls and tribunes, the consul's business took precedence, though it would seem from Cic. *Phil.* vii. 1, that if the questions were small ones, the references of both consuls and tribunes might be put conjointly to the house ("de Appia Via et de Moneta consul; de Lupercis tribunus plebis refert"). To the emperors a special right of reference, as of convening the senate, was granted by statute, in addition to that which they possessed in virtue of the *tribunicia potestas*. This right, granted to Augustus in 23 B.C. on his resignation of the consulship (Dio Cass. liii. 32), and confirmed to his successors (Lex Vespas. 2. Bruns, 128), invested him with the power of making the first *relatio* (περὶ ἑνός τινος, Dio Cass. *op. cit.*) at each meeting of the senate, and was afterwards extended so as to enable him to make four and even five *relationes* before the regular magistrates took their turn ("jus quartae relationis," *Vit. Pert.* 5; "quintae relationis," *Sev. Alex.* 1; cf. Pelham, *Journal of Philology*, xvii. pp. 41, 42). At first at any rate the emperor, like the consul, made his *relatio* in person; or, if unable to do so, communicated it in writing through the consuls (Tiberius, Dio Cass. lviii. 11; Nero, Suet. *Nero*, 15). But from the close of the first century onwards the practice, occasionally adopted by Augustus (Dio Cass. liv. 25) and by Claudius (Id. lx. 2), of employing the *quaestor principis* as the emperor's mouthpiece, became the regular one (QUAESTOR: cf. Digest 1, 13, 1, "quaestores . . . libris principalibus in senatu legendis vacant;" *ib.* 4, "quique epistulas eius in senatu legunt"). The *relationes* of the emperor thus took the form of written "speeches" (*orationes*) or "letters" (*litterae, epistulae*), and are usually referred to as such (Suet. *Tit.* 6; Dig. 23, 2, 16, &c.).

The formal introduction of the business was followed, not by a debate, in the modern sense of the word, but by the taking of the *sententiae* (*sententias rogare, perrogare*) of the individual senators in order. Just as the senate was in theory only a council of advice consulted by the magistrate, so the senator's one duty was to give his opinion (*sententiam dicere*), and technically in this one act both speech and vote were included. But, as we shall see, considerations of convenience, as well as the growing tendency to treat the senate's expression of opinion as a positive decision, developed in practice a process of counting votes actually, though not theoretically, distinct from the taking of *sententiae*.

The magistrate, in taking the *sententiae*, was expected to follow a well-established order of precedence, corresponding in the main to that observed in the official roll (see above). Down to the time of Sulla, the first *sententia* taken was that of the *princeps senatus*. In the Ciceronian age the magistrate might select for this honour any consular, subject only to two restrictions, as (1) he was expected to adhere to the order adopted by him on his first day of office; (2) after the consular elections, *i.e.* during the latter half of the year, he was bound to give the priority to the consuls-designate. The other consulares were taken next, usually in order of seniority; after them the praetorii, aedilicii, &c. [It is possible that in earlier times, before senatorial ascendancy was well established, the magistrate's discretion in this respect was wider (Mommsen, *Staatsr.* iii. 974). The classical passage on the *ordo sententiarum* is Varro, *ap.* Gell. xiv. 7, "singulos autem debere consuli gradatim, incipique a consulari gradu, ex quo gradu . . . antea primum rogari solitum qui princeps in senatum lectus esset, tum autem cum haec scriberet . . . ut is primus rogaretur, quem rogare vellet qui haberet senatum, dum is tamen ex gradu consulari esset;" cf. *ib.* iv. 10; Suet. *Caes.* 21, "post novam adfinitatem Pompeium primum rogare sententiam coepit" (Caesar). For the *consules designati*, comp. Sall. *Cat.* 50: "Silanus primus sententiam rogatus quod eo tempore consul designatus erat;" and Cic. *ad Fam.* viii. 4; Tac. *Ann.* iii. 22.] The right to give an opinion, *jus sententiam dicendae*, belonged to all senators, excepting only the magistrates of the year; the latter being in theory the consulting and not the consulted parties (Liv. viii. 20; Willems, ii. 189). It was only when the emperor made a *relatio* in virtue of his special powers, that the *sententiae* of magistrates were taken (Tac. *Ann.* iii. 17; *Hist.* iv. 41). But every magistrate could at any moment interpose with a speech on the subject in hand. [Mommsen, *Staatsr.* iii. 943. The same author holds that in earlier days plebeians directly admitted to the senate by consuls or censors, without having held a qualifying magistracy, had no *jus sententiae dicendae* (*Staatsr.* iii. 963), but could merely take part (*pedibus eundo*) in the final *discessio*. Of this, however, there is no sufficient evidence.] The question was put to each senator in turn in the simple form "dic M. Tulli (quid censes)" (Liv. i. 32; Cic. *ad Att.* vii. 1), but the modes of reply were various. (1) The senator might rise, discuss the question in a set speech, and close with a formal statement of his opinion, so worded as to form the basis of a decree ("stantem sententiam dicere," Liv. xxvii. 34; Cic. *ad Att.* i. 14, "surrexit, ornatissimeque locutus est." For the form of the closing statement of opinion, comp. *Phil.* xiv. 29, "decerno igitur," &c.; *ib.* x. 25, "quod consul ... verba fecit de litteris de ea re ita censeo;" *ib.* v. 46, "ita censeo decernendum"). It was occasionally drafted in writing beforehand (*Phil.* iii. 20). This method was that which, in cases of any importance, consulars and other prominent senators were expected to adopt (Liv. xxvii. 34). (2) He might, without rising, express his agreement with some previous *sententia*, either *verbo* (Cic. *ad Att.* vii. 3, "dic M. Tulli: σύντομα, Cn. Pompeio adsentior"), or by a nod, or by holding up his hand ("verbo assentiebatur;" Liv. xxvii. 34; cf. Sall. *Cat.* 52, "sedens assensi;" Cic. *ad Fam.* v. 2). (3) He might cross over to the side of a senator with whose opinion he agreed ("pedibus ire in sententiam," Liv. xxvii. 34; Cic. *ad Q. Fr.* ii. 1, 3; *Vit. Aureliani*, 20, "interrogati plerique senatores sententias dixerunt ... deinde aliis manus porrigentibus, aliis pedibus in sententias euntibus, plerisque verbo consentientibus"). By this method, a senator who had already given his *sententia* at length, might indicate that he had changed his mind (Sall. *Cat.* 50, "Silanus ... primus sententiam rogatus ... decreverat: isque postea permotus oratione G. Caesaris pedibus in sententiam Tiberi Neronis iturum se dixerat").

In strictness this orderly taking of opinions on business introduced by a magistrate precluded both the introduction of fresh matter by those consulted, and also any debate in the modern sense of the word. But, in the Ciceronian age, custom sanctioned a freedom of speech really inconsistent with the theory of the procedure. For a senator, when asked for his opinion on a particular point, to seize the opportunity to deliver a lengthy oration on some wholly irrelevant matter, was a privilege thoroughly well recognised and frequently exercised ("egredi relationem," Gell. iv. 10; Tac. *Ann.* ii. 38; Cic. *ad Fam.* x. 28, "quum tribuni plebis...de alia re referrent, totam rempublicam sum complexus"). It was indeed the only means open to the senator of forcing upon the attention of the senate subjects which the magistrates were unwilling formally to bring before it (Cic. *Phil.* vii. 1, "parvis de rebus consulimur ... tamen animus aberrat a sententia, suspensus curis majoribus"). That the presiding magistrate could not compel a senator to speak to the question is clear, and it is doubtful how far he was able to limit the duration of his speech. According to Ateius Capito (Gell. iv. 10), a senator could say, "quicquid vellet ... et *quoad* vellet;" and several instances are recorded in which a measure was, as we should say, "talked out" (Cic. *ad Att.* iv. 3, "calumnia dicendi tempus exemit;" Gell. iv. 10, "eximebat dicendo diem;" cf. Cic. *ad Att.* iv. 2, *ad Q. Fr.* ii. 1, 3). One instance only is recorded in which the presiding magistrate exercised his authority to check this abuse, and then the feeling of the house was decidedly against him (Caesar's arrest of Cato, Gell. iv. 10). On another occasion the senate by resolution decided that the speeches should be brief (Cic. *ad Fam.* i. 2). The *altercationes*, which were not infrequent in the Ciceronian age, were certainly out of order, but were as certainly tolerated (Mommsen, *Staatsr.* iii. 947; Willems, ii. 191).

The theory of the procedure unquestionably implied that the magistrate took the sense of the house on the matter which he had laid before them, by asking each senator in turn to give his opinion (*perrogare sententias*); and there is no evidence that he could, by any form of closure, abridge the process (Mommsen, *Staatsr.* iii. 983, as against Willems, i. 194). It is also possible that in the early days, when the senate was still a subordinate and purely consultative body, the sense of the house as expressed in the course of this process was taken as sufficient, and that no formal division (*discessio*) followed. But when the senate became in fact the governing council, the business before it increased in amount and complexity, and the importance of its decisions increased also. These changes, coupled with the rise in its numbers from 300 to 600, modified the character of the *perrogatio sententiarum*, and necessitated a more exact method of "taking a vote," *i.e.* of determining where the majority of *sententiae* lay. (But the "voting" was not technically distinct from the "giving an opinion;" nor is it conceivable that, as Mommsen holds, there were senators who could vote but who were legally unable *sententiam dicere*.) The accounts we have of the procedure in the senate during the Ciceronian age, make it clear that *sententiae*, in the ~~shape of~~ formal proposals explained and advocated in speeches, were as a rule only given by the highest category of senators, the consulares and praetorii, and that the rest contented themselves with a brief assent (*verbo*), or ranged themselves behind the speaker they agreed with (*pedarii*. The cases of Cato in 63 B.C., who, though only tribunus designatus, gave the *sententia* which was ultimately adopted, and of P. Servilius Isauricus, Cic. *ad Att.* i. 19, were no doubt exceptional). On the *perrogatio* followed, at least in Cicero's time, the *pronuntiatio sententiarum:* where only one definite proposal had been made; or when the sense of the house was clearly in favour of a particular *sententia*, the case was simple. But where, as in the debate on the restoration of Ptolemy Auletes (Cic. *ad Fam.* i. 1 and 2), several conflicting *sententiae* had been given, and there was a real division of opinion, the difficulty was considerable. It rested with the magistrate who had made the *relatio* to take the division on such *sententiae*, and in such order as he thought best; and he might decline to put such as seemed to him inexpedient (Willems, ii. 194; Cic. *Phil.* xiv. 22), or to be covered, or better expressed by others (Cic. *ad Att.* xii. 21, "cur ergo in sententiam Catonis, quia verbis luculentioribus et pluribus rem eandem comprehenderat"). As a rule, however, the *sententiae* were put to the vote in the order in which they had been given. If the first was carried, the rest, if inconsistent with it, naturally fell to the ground. A single *sententia* might lastly be divided and put as two (Cic. *pro Mil.* 14, "divisa est sententia;" cf. *ad Fam.* i. 2). The difficulties involved in the putting a variety of *sententiae* to the house so as to get a clear decision are well described by Pliny (*Epp.* viii. 14, "quae distinctio pugnantium sententiarum quae executio prioribus addentium," &c.). The *sententia* once put (*pronuntiata*), the magistrate took the division by bidding the "ayes" cross to the side of the senate-house on which its author sat, the "noes" to the other (Plin. *l. c.*, "qui haec sentitis in hanc partem, qui alia omnia in illam partem ita . . . in hanc partem, id est in eam in qua sedet qui censuit;" cf. Cic. *ad Fam.* i. 2, "frequentes ierunt in alia omnia;" Festus, p. 261). He then declared on which side the majority was ("haec pars major videtur," Senec. *de Vit. beat.* 2. There is no evidence of any actual counting of heads, any more than when the Speaker in the English House of Commons declares that the "ayes" have it: Mommsen, *Staatsr.* iii. 993).

Such was the regular order of procedure. But in certain cases the *perrogatio sententiarum* might be dispensed with, and a division taken at once (*senatusconsultum per discessionem facere*). This, however, was only allowable where the business was formal, or where no difference of opinion existed (Varro, *ap.* Gell. xiv. 7, "senatusconsultum fieri duobus modis aut per discessionem si consentiretur, aut si res dubia esset, per singulorum sententias exquisitas;" cf. Cic. *Phil.* iii. 24).

The republican order of procedure was maintained with comparatively little change throughout the first three centuries of the Empire (cf. Plin. *Epp.* viii. 14; *Vit. Aurel.* 20); nor can the "lex, quae nunc de senatu habendo observatur" (Gell. iv. 10), possibly the work of Augustus, have effected many alterations of importance. The special *jus referendi* granted to the emperor has been mentioned above. He had also the right as a senator to give his *sententia*, and to give it when he would, usually either first or last (Dio Cass. lvii. 7; Tac. *Ann.* i. 74. The emperors after Tiberius seem never to have exercised this right: Mommsen, *Staatsr.* iii. 977). The claim of the consuls designate to be asked first disappears early in the second century A.D. (*ib.* iii. 976); and lastly, by Augustus, a certain quorum was fixed as necessary for a valid *discessio*. (The exact number required is unknown: *ib.* iii. 990; Dio Cass. lv. 3; Suet. *Aug.* 35). In practice, however, the declining independence of the senate led to a frequent disregard of the elaborate routine of earlier days. A body which met to accept submissively an imperial proposal, to pass a complimentary vote, or decide some trivial point, willingly dispensed with the routine of the *perrogatio*, and its place was taken by the undignified *adclamationes* [Plin. *Epp.* viii. 14, "priorum temporum (sc. under Domitian) servitus . . . etiam juris senatorii oblivionem quandam et ignorantiam induxit," cf. *Paneg.* 54, 75, 76; "consulti omnes atque etiam dinumerati sumus" (under Trajan). For the *adclamationes*, cf. Mommsen, *op. cit.* iii. 951, note 2, and the Script. Hist. Aug. passim, especially *Vit. Alex. Sev.* 6, 7; *Vit. Taciti*, 5].

The *relationes* of the magistrates once disposed of by the *perrogatio* and *discessio*, the presiding magistrate dismissed the senate with the words "nihil vos teneo" or "tenemus patres conscripti" (Cic. *ad Q. Fr.* ii. 2, or "nihil vos moramur," *Vit. Marci*, 10). The resolution or resolutions were then formally drafted as senatusconsulta by the magistrate who had made the *relatio* and taken the division ("senatusconsultum perscribere," Cic. *Cat.* iii. 6; *ad Fam.* viii. 8) in the presence of two or more senators ("scribendo adfuerunt," Cic. *ad Fam.* viii. 8; *ad Att.* iv. 17). If the interference of a tribune prevented the "making" of a senatusconsultum, the resolution was nevertheless drafted as a "senatus auctoritas" (Cic. *ad Fam.* viii. 8; TRIBUNUS). The regular form of the senatusconsultum ran as follows:—"Pridie Kal. Oct. in aede Apollinis scribendo adfuerunt . . . quod consul verba fecit de provinciis consularibus, de ea re ita censuere, uti," &c. (Cic. *ib.*). The older decrees commence with the formula "consul (or praetor, tribunus pl.) senatum consuluit" (*e.g.* Senatusconsultum de Bacchanalibus, *C. I. L.* i. 196; de Tiburtibus, *ib.* i. 201). Under the Empire, if the proposal carried had been introduced by the emperor, the words were inserted "auctore Claudio," &c. (Senatusconsultum Hosidianum, Orelli, 3115). Occasionally in the second century a private senator is named as the author of the *sententia* on which the decree is based (Mommsen, *op. cit.* iii. 1009). The number of senators present at the division, but not the numbers for and against, is often stated ("in senatu fuerunt C." *C. I. L.* viii. p. 270). The senatusconsultum thus written out was then entrusted to the quaestors, by them placed in the aerarium and entered in the *tabulae publicae* ("ad aerarium deferre," Tac. *Ann.* iii. 51; Cic. *ad Att.* xiii. 33, "liber in quo sunt senatusconsulta," *C. I. L.* viii. p. 270; "senatusconsultum descriptum et recognitum ex libro sententiarum in senatu dictarum," 138 A.D. [TABULARIUM]. The entry of spurious senatusconsulta was not uncommon in the last days of the Republic: Cic. *Phil.* v. 4, xii. 5). Although the terms of a senatusconsultum were communicated to the individuals or communities interested, and occasionally to the public, by the presiding magistrate (Liv. xlv. 20; Mommsen, *op. cit.* iii. 1014), no official record of the proceedings in the senate was published until Caesar's first consulship in 59 B.C. The *acta senatus* instituted by him on the model of the *acta urbana* were published after each sitting of the senate, and contained, besides the decrees passed, some account of the various *sententiae* given, &c. (Suet. *Caes.* 20, "ut tam senatus quam populi diurna acta confierent et publicarentur." These *acta* were distinct from the *commentarii* or notes kept by magistrates or private senators: Mommsen, *op. cit.* iii. 1015; Hübner, *de senatus Populique R. actis*, Leipzig, 1860). *Acta senatus* continued to be regularly compiled under the Empire, but Augustus discontinued their publication (Suet. *Aug.* 36). The duty of compiling them was by him entrusted to one of the younger senators (curator actorum senatus, later "ab actis senatus;" Tac. *Ann.* v. 4, "componendis patrum actis delectus a Caesare;" Orelli, 5447, "curat(or) actorum senatus (Domitian) 2273 ab actis" (Trajan). The "commentarii senatus" (Tac. *Ann.* xv. 74) are identical with the *acta*. Extracts from the *acta* were occasionally published by order of the senate (Plin. *Paneg.* 75), and the acta themselves could be consulted by privileged students. Mommsen, *op. cit.* iii. 1021).

VI. *Powers of the Senate.*—The patricio-plebeian senate inherited from its patrician predecessor two important prerogatives,—those of ratifying votes of the assembly (*patrum auctoritas*), and of appointing an interrex. The first of these had been reduced to a meaningless form by 287 B.C. (Lex Publilia, 339 B.C; Liv. viii. 12; Lex Maenia, B.C. 338; Cic. *Brut.* xiv. 55; Lex Hortensia, B.C. 287), though as such it long survived (Liv. i. 17). The second retained its reality, but the opportunities for its exercise became rare as the number of the magistrates with the imperium increased, and the necessity for declaring an interregnum more remote [INTERREX]. Apart from these prerogatives, the senate had constitutionally no right or duty whatsoever but that of advising the magistrate when consulted by him.

Its members were, strictly speaking, chosen by him, and he could remove them. Subject to certain restrictions, he convened it when and where he would. He determined what business should be laid before it, and the duty of the senators was merely to give their opinion on the point submitted to them. The "senatusconsultum" was technically nothing more than a recommendation to the magistrate (comp. the phrase in senatusconsulta "si iis videretur"), and its force depended on his adoption of it (so the magistrate was said "facere senatusconsultum;" cf. Mommsen, *op. cit.* iii. 995, for the older use of the term *decretum* as implying a magisterial act). It is clear, in short, that even in Cicero's time the senate was formally dependent on the magistrate. It had no direct relation with any department of administration, and the extent to which it controlled affairs depended, not upon any prerogatives of its own, but upon the readiness of the magistrate to ask its advice and to accept it when asked. The result was that even in the period of its assured ascendancy, and still more in the days of Cicero, the area of its activity alternately contracted or expanded, as the attitude of the executive magistrates was friendly and deferential or the reverse. (Comp. Cicero's description of Antony's change of front in 44 B.C., *Phil.* i. 1: "praeclara tum oratio, egregia voluntas . . . ad hunc ordinem res optimas deferebat . . . . ce . . . Kalendis Juniis . . . mutata omnia: nihil per senatum, multa et magna per populum.") We may safely assume (Mommsen, *op. cit.* iii. 1023) that under the monarchy, and even under the early Republic, the dependence of the senate upon the magistrature was as great in practice as in theory, and its control of affairs proportionately limited. But throughout the period of the great wars (300–146 B.C.) the case was otherwise. It was by the senate that the policy and the administration of the state were really directed; and the magistrates were, with rare exceptions, its obedient servants, consulting it at every step, and conceding to its advice the force of a command ("quasi ministros gravissimi consilii," Cic. *pro Sest.* 65, 137). The causes of the change were various. The constant wars by keeping the chief magistrates constantly in the field threw the responsibility for the safe conduct of affairs upon the senate; the growing complexity of political and administrative questions rendered the senate rather than either the assembly or the magistrate the fittest authority to discuss and settle them; the increase in the numbers of the magistracy, while it gave the senate additional importance as the one body which could so organise and direct them as to secure effective co-operation, weakened the power and diminished the self-reliance of the individual magistrate. To these causes must be added the support afforded to the senate by its intimate connexion with the nobility (Mommsen, *Röm. Gesch.* bk. 3, cap. II). The precise steps by which the senate gained this ascendancy cannot be followed in detail. In some cases where in earlier times the magistrate had consulted the people as well as the senate, the reference to the former was quietly dropped, and a decree of the senate was accepted as sufficient (*e.g.* in the case of the *prorogatio imperii*: see art. IMPERIUM, and Mommsen, *Staatsrecht*, iii. 1091). In others (*e.g.* the arrangement of the *provinciae*; see PROVINCIA), a point originally settled by the magistrates among themselves was regularly submitted to the senate for decision. Naturally, too, where an established custom of consulting the senate grew up, the tendency was to claim for the senate a constitutional right to have its advice both asked and followed. A conspicuous instance of this was the assertion confidently made by senatorial advocates that no measure could legally be introduced into the assembly which had not received the previous sanction of the senate (Liv. xlv. 21, "praetor novo maloque exemplo rem ingressus erat, quod non ante consulto senatu . . . rogationem ferret"). It is also clear that as the senate grew stronger, and the magistrates weaker, the original theory of the nature and force of its senatorial decrees, as nothing but expressions of opinion on particular cases, was lost sight of, or rather was put aside in favour of one better suited to the facts of the case. The replacement of the older *decretum* by *senatusconsultum*, of the phrase *de senatus sententia* by *ex senatusconsulto*, and the introduction of the custom that the magistrate should in making his *relatio* abstain from anticipating the decision of the senate by any definite proposal, are significant illustrations of the change (see *supra*, pp. 628 f.; Mommsen, *Staatsr.* iii. 994 ff.). Not less so was the tendency to regard the senate as capable by decree of suspending or invalidating a law (*e.g.* the suspension of the Republic, eal by the senatusconsultum ultimum; cf. Sallust, *Cat.* 29), or of enacting general regulations for the future (Mommsen, *Staatsr.* iii. 2, 1230), as distinct from special provisions for particular cases. Nor is it surprising that the growth of senatorial ascendancy should have been accompanied by attempts formally to emancipate the senate from the magisterial control which, if no longer effective, was yet irksome. Thus, as we have seen, the magistrate's freedom of choice in the *lectio senatus* was gradually destroyed (see *supra*, pp. 622 f.), the infliction of penalties for non-attendance fell into disuse (Mommsen, *Staatsrecht*, iii. 2, 916), and the licence *egredi relationem* (see *supra*, p. 629) became an established privilege.

The limits of the authority of the senate, at the period of its most complete ascendancy (*circa* 300–133 B.C.), are not easy to define. There were indeed certain things with which the senate had no concern (*e.g.* the election of magistrates), as falling wholly and exclusively within the domain of the people. There are others where its interference was limited properly to a preliminary consideration, while the final decision rested with the assembly (*e.g.* alterations in the constitution, the declaration of war, the ratification of a formal treaty); though in these cases the tendency was to depreciate the importance of, and even to omit the second stage in, the proceeding. Finally, the ordinary routine business of each department was as a rule left entirely to the magistrate in charge of it. But within these limits, there were hardly any administrative questions which the senate might not be called upon to discuss and decide. In the first place, the growing amount and variety of the work to be done necessitated a more systematic division and assignment of departments than had been required in earlier days, and for this delicate business only the senate was fitted. Year after year, from the commencement of the Second Punic war onwards, the consuls consulted the senate *de provinciis;* and the senate decided what these should be, which of them should be consular and which praetorian. [This division was, before 122 B.C., made at the first meeting of the senate in the year: Liv. xxxii. 28 and xxxix. 38. The Lex Sempronia de provinciis consularibus (122 B.C.) enacted that the point must be settled before the consular elections: Sallust, *Jug.* 27; Cic. *de Prov. Cons.* 17. In settling what the provinces should be, the senate varied the arrangements as necessity required: *e.g.* Liv. xlv. 16, "duas provincias Hispaniam rursus fieri quae una per bellum Macedonicum fuerat," Willems, *op. cit.* ii. 544.] It decided further in what cases a *prorogatio imperii* was desirable (Liv. xxvi. 28 and *passim*); and occasionally not only determined whether a province should be consular or praetorian, but assigned it *extra sortem* to a particular individual (apparently only in the case of praetorian provinces, Willems, ii. 273, 545). When, as was the case in the post-Sullan period, all the provinces abroad were taken by promagistrates, whose imperium had been prolonged, the duration of each command was also fixed by the senate's willingness or the reverse to renew the prolongation at the close of each ye[illegible] (Cic. *de Prov. Consul.*, passim; cf. *ad A*[illegible]*essio.* [illegible] "ne provincia nobis prorogetur:" see IMPERIUM; PROVINCIA.) But the control of the senate did not end here. It had also to determine what equipment (*ornatio*) in the way of troops, money, staff, &c., should be granted to each magistrate or pro-magistrate (Cic. *ad Att.* iv. 18, "in ornandis provinciis consularibus;" *ad Q. Fr.* ii. 3, "de ornandis praetoribus;" *in Pison.* 57, "provinciam senatus auctoritate exercitu et pecunia instructam et ornatam"), a right of supply which should have been a more effective check upon the executive than in practice it proved to be. Finally, it may be noted that the actual administration of the various departments was, in a variety of ways, subject to senatorial supervision. Alike at home and abroad, not only was the frequent reference of special points to the senate required from the magistrate by custom, but general regulations were made by senatorial decree for his guidance. In three cases especially the control of the senate was of great importance: in the management of the finances, in the government of the transmarine provinces, and in the regulation of foreign affairs. (1) The income of the Roman state was derived partly from the state property,—the public lands, mines, fisheries, &c.,—partly from taxation. As regards the first, although the alienation of public land by assignation required the sanction of the people, its management was under the supervision of the senate, which authorised surveys of its boundaries, the leasing of lands or mines on certain conditions, and the collection of the dues payable by the lessees. As to taxation, the imposition of a new tax upon Roman citizens was indeed beyond the power of the senate; but inasmuch as after 167 B.C. the burden of taxation fell on the provincials, the restriction was unimportant. On the other hand, it was the senate which determined what a province should pay, and in what form; which granted exemptions, increased the amount, or altered the mode of collection. (Comp. the senatusconsultum as to Macedonia in 167 B.C. Liv. xlv. 18: see also Cic. *Verr.* iii. 16, 42; Mommsen, *op. cit.* iii. 1120 *sqq.* The Lex Sempronia de provincia Asia, which altered the mode of collecting the tithes of Asia, was an infringement of the customary rights of the senate.) The case was much the same with regard to the public expenditure. It was the senate which sanctioned the expenditure, which directed the payments to be made from the treasury—except where these were in a few cases fixed by law,—and which authorised the striking and issue of coins in Rome. (Mommsen, *op. cit.* iii. 1126 *sqq.*; Polyb. vi. 13, *καὶ γὰρ τῆς εἰσόδου πάσης αὕτη κρατεῖ καὶ τῆς ἐξόδου παραπλησίως*; Cic. *in Vat.* 15, 36, describes the "aerarii dispensatio" as a prerogative of the senate.) (2) The organisation, in the first instance, of a new province was usually carried out by a commission of senators in accordance with a decree of the senate [PROVINCIA]; and it was by the senate, as a rule, that any subsequent modifications in its constitution were made, and regulations laid down as to the methods of its administration (Mommsen, *op. cit.* iii. 2, 1211 *sqq.*; Liv. xliii. 2; Cic. *Verr.* ii. 39, *ad Att.* v. 21). It was to the senate that the provincial governor addressed his despatches, and before the senate that provincial deputations appeared.) (3) In foreign relations, it is not easy to define exactly the functions of the senate, as distinct on the one hand from the constitutional rights of the people, and on the other from the authority wielded on the spot by the magistrate or pro-magistrate, vested with the imperium and in command of troops. For a formal declaration of war against a previously friendly power, the consent of the people was constitutionally necessary; while the repulse of invaders and the chastisement of insurgents were matters within the authority of the magistrate himself. But for military expeditions on any considerable scale, or for expeditions outside his province, or against friendly peoples within it, he was expected to obtain the sanction of the senate (Liv. xxxix. 3, 55, xliii. 1; Appian, *Hisp.* 81). The ratification of a formal and permanent treaty of peace, like the formal declaration of war, was properly the act of the people [Polyb. vi. 14, *ὑπὲρ εἰρήνης οὗτος βουλεύεται καὶ πολέμου.* Livy, xxx. 44, describes the conditions of peace with Carthage (201 B.C.), arranged by Scipio, as requiring confirmation "patrum auctoritate populique jussu;" comp. Id. xxix. 12; Sall. *Jug.* 39, "senatus decernit suo atque populi injussu nullum potuisse foedus fieri"]; the arrangement of a temporary truce that of the magistrate. But the terms of a proposed treaty were discussed and settled in the senate. It was before the senate that foreign ambassadors appeared, and by the senate's authority that Roman legati were sent out (Polyb. vi. 13). Of the numerous alliances by which communities were admitted to the status of dependent allies of the Roman people, the majority seem to have been ratified by the senate only. [Mommsen, *op. cit.*, iii. 1172. The ratification by law of Pompey's arrangements in Asia (59 B.C.) was an exception to the rule (Dio Cass. xxxviii. 7).] If to the senate's control of the finances, of the administration of the provinces, and of foreign relations we add its general supervision of matters touching public peace and order in Rome and Italy (described by Polyb. vi. 13), the justice of its claim to be considered the actual ruler of the Roman state will be evident.

But this claim did not pass unchallenged in the last century of the Republic, and during the latter half of that century (70–49 B.C.) it was weakened by the growing ineffectiveness of senatorial control in the very case where it was most needed, in the government of the provinces. The attacks made upon the ascendancy of the senate by the Gracchi, and by the leaders of the popular party after them, were directed in the first place against the claim put forward on behalf of the senate that its *auctoritas* was necessary for any measure which a magistrate wished to bring before the assembly. The question of the legality of this claim, raised by the opposition which the senate offered to the Sempronian agrarian laws, was answered by the successful passing of those laws "contra auctoritatem senatus." Sulla indeed endeavoured to reassert the claim by making the *senatus auctoritas* legally necessary (88 B.C.; Appian, *Bell. Civ.* i. 59, *μηδὲν ἔτι ἀπροβούλευτον ἐς τὸν δῆμον ἐσφέρεσθαι*), but his work was undone in 70 B.C., and thenceforward the independent right of the magistrate to propose and of the people to pass any law, though denied in theory by senatorial advocates (Cic. *de Rep.* ii. 36; *de Legg.* iii. 12), was allowed in practice and was repeatedly exercised. Similarly the summary condemnation of the elder Gracchus' adherents drew from the popular party an emphatic repudiation of the principle that the senate by decree could authorise the consuls to suspend the law of appeal (Plut. *C. G.* 5; Cic. *pro Rab. perd.* 4, 12; *pro Cluent.* 55, 150), and the execution of the Catilinarians in 63 B.C. led to a second reassertion of the inviolability of the law by Clodius in 58 B.C. (Vell. Pat. ii. 45; for a statement of the senatorial view of the force of the decree in this case, comp. Sallust, *Cat.* 29).

More dangerous to senatorial ascendancy was the policy pursued by Gaius Gracchus, who, taking his stand on the legislative independence of magistrate and people, invited the latter to deal by law with a variety of questions, long left by custom to the decision of the senate, such as the distributions of corn, the conditions of military service, the taxation of the provincials, and even the mode of assigning the provinces. [LEGES SEMPRONIAE.] The precedent set by Gracchus was followed by his successors, and in particular the interference of the assembly in the assignment of provincial commands struck at the very roots of the power of the senate (comp. Gabinian and Manilian laws, 67-66 B.C.; Lex Vatinia, 59; Lex Clodia, 58; Lex Trebonia, 55).

But the ascendancy of the senate might have survived these attacks, had it been able to retain its hold over the great officers who led the legions and governed the provinces abroad. While, however, the senate from 81 onwards showed itself increasingly anxious to retain in its own hands the control of the provinces and of foreign relations (see, for instances, Mommsen, *op. cit.* iii. 1171, 1222), the virtual independence of the proconsuls, and the impotence of the senate to enforce the observance by them of its own decrees or of laws, became daily clearer. And this was so not only in the case of great autocratic officers, such as Pompey or Caesar, holding important commands by the direct vote of the people, but of the ordinary provincial governor. (Comp. the advice given by Cicero to Lentulus Spinther to restore Ptolemy Auletes on his own responsibility: *ad Fam.* i. 7, 4.) It was finally in a conflict, not with the popular assembly and its leaders, but with the powerful proconsul of the Gauls, that the senate was decisively defeated.

VII. *The Senate under the Emperors.*—The changes effected by the emperors in the composition and procedure of the senate have been already described. It remains to consider the share it took in the work of government. The restoration of the Republic professedly accomplished by Augustus formally replaced the senate in its ancient position as the recognised council of advice for the executive magistrates. The decay of the *comitia* removed an ancient rival; it transferred to the senate the election of magistrates, and substituted senatorial decrees for laws. In conjunction with the consuls the senate exercised throughout the first century a criminal jurisdiction, such as it had only claimed before in exceptional cases, and, since 122, only under protest from the popular party. The growing insignificance of the old magistracies increased its prestige as the surviving representative of the old Republic, and the one constitutional check on the power of Caesar. And when, on the death or deposition of an emperor, the principate for the moment ceased to exist, it was to consuls and senate that its powers in theory reverted, and from them came constitutionally the proposal to confer them anew upon a successor. [PRINCIPATUS.]

But the political and administrative ascendancy of the senate was gone for ever, and even the partnership with Caesar in the government often claimed for it was unreal and delusive. [For a different view, see Mommsen, *Staatsrecht*, ii. 709; as to the supposed *Dyarchie* of Caesar and senate, comp. *ib.* iii. 1252, "Der souveräne Senat des Principats:" see also PRINCIPATUS.] The period of its real supremacy had been marked by a gradual restriction of the magistrates' control over its composition and procedure. How far-reaching on the other hand was the authority of Caesar in these respects has been shown above. Moreover, under the system established by Augustus, the senate had a double part to play. On the one hand it was still as of old the council which advised, instructed, and even directed the ordinary executive officials, the consuls, praetors, &c., in Rome, and the governors of all provinces other than those of Caesar abroad. Under this aspect it had a sphere of activity conterminous with theirs, covering nominally the administration of affairs in Rome, Italy, and the public provinces. But in the first place this sphere of activity was not only restricted by the wide area originally assigned to Caesar, but became continually narrower as Caesar laid his hand on one after another of the departments properly belonging to the regular magistrates (see for details PRINCIPATUS). Even within these limits the power and influence of Caesar made themselves increasingly felt, to a degree which deprived the action of the senate of all real independence. In the discussion of matters within this sphere, brought forward by the consuls or other magistrates, Caesar, if present, took part as an ordinary senator, but his *sententia* carried a weight which was usually decisive. (Tac. *Ann.* i. 74; ii. 36. This is especially clear in the case of trials before the senate, where Caesar's *sententia* is sometimes treated as equivalent to a judicial verdict, e.g. *Ann.* iv. 31.) In virtue, moreover, of his *tribunicia potestas*, Caesar could and did interfere at any stage of the proceedings: to prevent the making of a *relatio*, the taking of *sententiae*, or the passing of a decree. (In Tac. *Ann.* i. 13, Tiberius is thanked "quia relationi consulum jure tribuniciae potestatio non intercessisset;" comp. *ib.* iii. 70, xiv. 48.) It is evident also that, even under the early emperors, the consciousness of Caesar's overwhelming strength disinclined the senate to discuss or decide any but the most ordinary and unimportant questions except at his suggestion or with his approval, and made it anxious to transfer all serious responsibility to him. (Tac. *Ann.* ii. 35, iii. 32, 52, xiii. 26, "consules non ausi relationem incipere ignaro principe." Plin. *Epp.* vi. 19, "senatus sententiae loco postulavit ut consules desiderium universorum notum principi facerent;" *ib.* vii. 6, "consules omnia integra principi servaverunt." Tac. *Hist.* iv. 4, "eam curam consul designatus ob magnitudinem oneris . . . principi reservabat." Nero thought it necessary to profess his intention of respecting the supposed division of labour between himself and the senate. *Ann.* xiii. 4, "teneret antiqua munia senatus . . . consulum tribunalibus Italia et publicae provinciae adsisterent.") A glance at the three departments of finance, of provincial government, and of foreign relations, over which under the Republic the senate exercised a real authority, will sufficiently illustrate its altered position under the emperors. In that of finance, a limit was at once placed to the senate's control by the existence of the fiscus, which was from the first wholly under Caesar's management [FISCUS]. Over the old state chest, "aerarium populi Romani," the senate retained a nominal supervision, but of its independent management by the senate there is little trace. The expenditure of money from it, or remissions of payments due to it, were indeed, as late as the second century, authorised by senatusconsulta, but on the initiative of the emperor (Tac. *Ann.* ii. 47, iv. 13. A natural exception was the occasional outlay on temples in the emperor's honour). Its custody was by Nero transferred to imperial officers (*praefecti aerarii*, Tac. *Ann.* xiii. 29); and though the fiscus and aerarium remained for long formally distinct, Dio Cassius pronounces the distinction to be at once unreal and difficult to define (Dio Cass. liii. 16, 22). As regards the government of the provinces, the control of the senate was similarly at once restricted in area, and shorn of all real independence [PRINCIPATUS; PROVINCIA]. Over two-thirds of the empire Caesar was sole master, and over the rest he exercised a *majus imperium* which ultimately gave him all that he wanted. Of its old duties in connexion with the assignment even of the so-called "senatorial provinces" all that remained was the formal selection of the same two provinces each year as "consular." In the first century it is true that the responsibility of proconsuls to the senate rather than to Caesar, and the right of the senate to supervise their administration, was recognised in theory and occasionally in practice; but, as has been shown elsewhere [PRINCIPATUS], in the second century even this partial authority disappeared. Over foreign relations the senate retained no independent control whatever, even in name. Although announcements as to foreign affairs were constantly made in the senate or communicated to it by the emperor (Tac. *Ann.* i. 52, ii. 52, iii. 32, 47; Mommsen, *op. cit.* iii. 1107, 1264), and though foreign embassies were sometimes introduced to it by him (Tac. *Ann.* xii. 10; *Hist.* iv. 51), yet the exclusive command of all troops, and the plenary authority to declare war and conclude treaties given to Augustus and his successors, deprived the senate of all real power (Strabo, xvii. p. 840, *καὶ πολέμου καὶ εἰρήνης κατέστη κύριος.* Lex Vespasiani, Bruns, p. 128, "foedusve cum quibus volet facere liceat"). It is lastly significant of the growing dependence of the senate upon Caesar, even within its own sphere, that by the close of the second century even the criminal jurisdiction seems to have been exercised only at the invitation or by direction of the emperor (Mommsen, *op. cit.* ii. 110).

But the senate was also the council of advice for Caesar himself, who possessed by statute a special right of convening it, of laying matters before it, and of carrying *senatusconsulta* (Lex Vespasiani, "utique ei senatum habere, relationem facere remittere, senatusconsulta per relationem discessionemque facere liceat"). Here there was no question of divided authority; from this point of view the activity of the senate was determined by the willingness or reluctance of Caesar to consult it, and to use its decrees, as instruments of his own government, within the sphere assigned to him.

Such a use of the senate had obvious advantages. It was in accordance with republican tradition; it gave an appearance of constitutionalism to imperial rule, without involving any real sacrifice of power; and it divided responsibility. By nearly all the emperors of the first and second centuries the usefulness of the senate in this capacity was fully recognised. The list of questions submitted to the senate by Caesar and of decrees promoted by him (*auctore principe*) is a long one; and besides non-political matters, such as changes in the civil law, regulations as to the theatre and gladiatorial shows, restrictions on luxury, or the expulsion of astrologers (for instances, see Haenel's useful work, entitled, rather inaccurately, *Corpus legum ab Imperatoribus latarum*, Leipzig, 1857, and art. SENATUSCONSULTUM), it includes a variety of subjects directly connected with the general administration of the Empire. (Suet. *Tib.* 30, "de vectigalibus et monopoliis ... etiam de legendo vel exauctorando milite ... denique quibus imperium prorogari aut extraordinaria bella mandari, quid et qua forma regum litteris rescribi placeret;" Tac. *Ann.* xi. 23, grant of *jus honorum* to the Aedui; *ib.* xii. 61, grant of *immunitas* to Cos: comp. Haenel, *op. cit.*)

The usefulness of the senate as a subordinate instrument of Caesar's government outlasted its importance as an independent administrative authority: but even in this capacity it ceased after a time to fill any but a quite insignificant place. By the time of the younger Pliny, the emperor's *relationes*, whether oral or written, were assuming the form of definite proposals, accepted by the senate as a matter of course, and sometimes without even a formal taking of *sententiae*; and the imperial *oratio* or *epistula*, rather than the senatusconsultum which followed, is quoted as authoritative (see *supra*, under PROCEDURE, p. 628). In the third century even this purely formal reference to the senate became rare; and from the reign of Septimius Severus onwards, government by imperial edicts, constitutions, and rescripts is the rule. (Even in the department of civil law, the references to orationes, epistulae, and senatusconsulta rapidly dwindle in number, while those to constitutions and rescripts as rapidly increase. See Haenel, *op. cit.*; Rein, *Privatrecht*, p. 86.)

On two or three occasions during the third century, accident seemed to revive the importance of the senate. The formal investiture of the person chosen to be *princeps*, with the customary powers, had always been accomplished by decree of the senate followed by a vote of the people [PRINCIPATUS], though only rarely had the senate exercised a voice in the selection itself. But both Maximus and Balbinus and Tacitus were actually chosen by the senate, the responsibility of choosing being in the latter case entrusted to the senate with the consent of the army. It is clear, however, that with this delicate and hazardous duty, thrust upon it by the force of circumstances, the senate's renewed activity began and ended; and in spite of the magniloquent language used in the senate on the accession of Tacitus, and of some trifling concessions to its vanity made by that emperor, there was in no sense any revival of senatorial authority. [Schiller's phrase, "Senatskaiserthum," is misleading (*Gesch. d. Kaiserzeit*, i. 795, 872), as also is his description of the reign of Severus Alexander as a "Restauration der Senatherrschaft." With the language used in the senate (*Vit. Tac.* 12), "in antiquum statum redisse rempublicam," &c., compare the naive admission of the consul himself (*ib.* 3), "quare agite, patres conscripti, et principem dicite, aut accipiet enim exercitus quem elegeritis, *aut, si refutaverit, alterum faciet.*"]

The senate of the Republic, and even of the early Empire, was emphatically the central deliberative council of the Empire, and "senators" are the members of this council, with seats and votes in the Curia. But the tendency of imperial policy in the second and third centuries was, on the one hand, to exclude the senate from any effective share in imperial policy, and limit its activity to local Roman or Italian matters; on the other, to create outside it a senatorial order (see *supra*, p. 625). This policy was carried to its extreme point by Diocletian, Constantine, and their successors. The abandonment of Rome by the emperors, and the creation of a second Curia at Byzantium, destroyed the significance of the senate as an imperial institution; while the extension given to the senatorial order, and its importance as a numerous class represented in every part of the Empire, formed an effective contrast with the quasi-municipal councils which at Rome and Constantinople jointly inherited the name of "senate."

Admission to the order—that is, to senatorial rank—was gained either by birth, as the son or grandson of a senator, or as in old times by election to the quaestorship, or lastly as under the early emperors by imperial *adlectio*. But admission by *adlectio* was now attached to the tenure of certain offices in the imperial service. The senatorial order of the fourth and fifth centuries, is in consequence a numerous body, and includes all but the subordinate officials and ex-officials of the Empire. Within this body further degrees of rank were gradually established. The title *clarissimus*, originally common to the whole order, had been by the time of Justinian restricted to the lowest class within it, and above the *clarissimi* stood the *spectabiles*, and highest of all the *illustres*: a classification which was based entirely on the scale of precedence established for the various offices of state. The members of this order enjoyed certain common privileges (*e.g.* the right of being tried on criminal charges before the *praefectus urbi*, and special seats at games), and were liable to certain special burdens,—a liability which extended to their wives and children. (See, for these, Kuhn, *Verf. d. röm. Reichs*, i. 204.) But of this numerous body only a minority actually sat and voted in the senate-house at Rome or Constantinople, for the *jus sententiae*, once the right of every senator, was now limited to the highest class in the senatorial order, that of the *illustres*;

i.e. to the holders and ex-holders of the great offices of state, including ex-consuls, *consulares.* [Mommsen, *Ostgothische Studien*, pp. 487, 488. Schiller, *Gesch. d. Kaiserzeit*, ii. 41, would include also *consulares* in the wider and later use of the term (see CONSUL; CONSULARIS), but allows that the point is doubtful. Among the lower of the offices which gave the "jus sententiae," "honorum lege" (Cassiod. *Var.* v. 41), were those of the "comes rerum privatarum," the "quaestor sacri palatii," and the "vicarius urbis Romae."] To this select consistory of high officials and ex-officials, all appointed by the emperor, were still entrusted a few duties which though robbed of all importance served to connect them with the great past of the senate. They still chose the *consules suffecti*, the praetors, and quaestors,—offices of purely municipal importance, but their choice required confirmation by the emperor. They still passed decrees as to the public games and the schools of the city, and managed an aerarium which was now only a city chest. On rare occasions the emperor submitted to them an edict or constitution, or entrusted to them the trial of a case of treason. But nothing more clearly shows how low this later senate had fallen than the fact that the official president at its meetings, who kept the senatorial roll, admitted new members, and submitted its decisions to the emperor, was not one of the consuls, but the imperial prefect of the city. (See, for the senate of this period, *Cod. Theod.* vi.; *Nov. Just.* 62; Kuhn, *Verf. d. röm. Reichs*, i. 174–226; Schiller, *Gesch. d. Kaiserzeit*, ii. 36–43; Mommsen, *Ostgothische Studien*, pp. 485–493; Lécrivain, *Le Sénat Romain depuis Dioclétien*, Paris, 1888.) [H. F. P.]

SENATUSCONSULTUM. The powers of the senate have been described in the preceding article (pp. 631–635), and it has been seen that the senatusconsultum under the Republic expressed the advice of the senate to the magistrate who sought advice: the carrying out of the resolution so expressed rested with the magistrate: the reference to the senate was a matter of custom, not of definite obligation. The binding character of the advice embodied in the SC. not only varied according to the strength or weakness of the magistrate (though a conflict was rare), but was greater at certain periods (for which see p. 632), when the administrative power left in the hands of the senate gave to its resolutions much greater weight than mere advice would seem to have; and with the change of the constitution under Augustus (see pp. 634, 635), legislation by the emperor through the senate, as expressed in SC^a, superseded the older practice of enacting leges and plebiscita in the Comitia, and continued for about two centuries. Hence senatusconsulta came themselves to be termed leges (Gaius, i. 83–86), though Gaius (i. 4) indicates the constitutional controversy: "Senatusconsultum est quod senatus jubet atque constituit: idque legis vicem obtinet, *quamvis fuerit quaesitum.*" But we must guard against any such idea of their *legislative* force for republican times, and must certainly reject the view of Theophilus (*Paraphr. Inst.* i. 5) that even after the Lex Hortensia SC^a had the force of law.

The senatusconsultum differed from the lex partly in its scope, but especially in its effect. As regards its scope, it concerned chiefly administration, and only exceptionally attempted to regulate public and private rights, as for instance debts (Liv. xxxv. 7; Cic. *ad Att.* v. 21, 13). As regards its effect, whether its object was administrative or partook of the legislative character, as in the exceptional cases alluded to, still it was not law, for its execution depended on the will of the magistrate. It is true that it was not as transitory in historical times as in the early period mentioned by Dionysius (ix. 37; see Mommsen, *Staatsr.* iii. 987); for, if the magistrate neglected to execute it, it remained valid for the next year and until the senate repealed it [Willems however thinks that a fresh relatio was needed, and cites Liv. xlii. 10; Cic. *in Pis.* 2, 4]: but if it became the direction for the succeeding magistrate, it equally depended on his will, and if SC^a were to be made obligatory they were transformed into laws by a rogatio (cf. Cic. *ad Att.* i. 18, 3; *pro Mur.* 32, 67; Liv. xxxix. 19). The Lex Cornelia of B.C. 67, "ne quis nisi per populum legibus solveretur" [LEX, p. 40*b*], is sometimes adduced as a proof of previous legislative power in the SC. which could dispense from the action of the law: but this dispensation without the sanction of the people had been a usurpation by the senate and was checked by the above-mentioned law. It was, as Willems remarks (*Le Sénat*, ii. 117), not exercised till after the time of the Gracchi (cf. Liv. x. 13, xxxi. 50; *Ep.* lvi.). Again, the cases of a resolution "populum ea lege non teneri," or "placere legem abrogari," alluded to in Cicero (*de Legg.* ii. 6, 14; fr. *Corn.* § 11; *Phil.* v. 4, 10, xii. 5, 12; *de Dom.* 16, 41), are not a repeal of laws by the senate, but merely a declaration that the law in question was never rightly passed, either because it contradicted an existing law, or as *contra auspicia*, and therefore to be referred to the augurs (cf. Cic. *in Vat.* 6, 14). As regards the effect of a senatusconsultum on the magistrate, the obligation to carry it out was moral, not legal; yet it must be noticed that the senate could bring certain influences to bear on the magistrate, who either neglected to consult them *more majorum*, or, having consulted, refused to execute the resolution. They might in the earlier period appoint a dictator; they might invoke the interference of the tribunes (Liv. xlii. 21), and a plebiscitum might follow; they might inconvenience him by refusing to entertain any other matters until this was settled (Cic. *in Pis.* 13, 29); lastly, there was always the consciousness that his office was for a year, theirs for life. As a matter of fact conflicts seldom arose, but for an instance see Liv. xlii. 9, 10. The following instances of SC^a under the Republic may be instructive: a SC. "ne quis in urbe sepeliretur;" the SC. de Bacchanalibus, hereafter more particularly mentioned; a SC. de libertinorum tribu (Liv. xlv. 15); a SC. de Macedonia (*ib.* 18); a SC. relating to the costs of the Ludi Megalenses (Gell. ii. 24); a SC. "ne homo immolaretur" (Plin. *H. N.* xxx. § 12); a SC. de provinciis Quaestoriis; a SC. made "M. Tullio Cicerone referente," to the effect "ut legationum liberarum tempus annuum esset;" various SC^a de collegiis dissolvendis; an old SC. "ne liceret Africanas (*bestias*) in Italiam advehere," which was so far repealed by a plebiscitum proposed by Cn. Aufidius, tr.

pl., that the importation for the purpose of the Circenses was made legal (Plin. *H. N.* viii. § 64); and an old SC. by which "quaestio (servorum) in caput domini prohibebatur" (Tac. *Ann.* ii. 30), a rule of law whose foundation Cicero (*pro Milon.* 22, 59) refers to *majores*. The general character of these senatusconsulta shows that, though not equivalent to laws under the Republic, they exercised a control in matters which concerned administration, the maintenance of religion, the rights of the Aerarium and the Publicani, and the treatment of the Italians and Provincials (cf. Liv. xxvi. 34; xxxix. 3; xli. 9).

The resolutions of the senate were called *consulta*, because the magistrate (Consul, Tribune, or Praetor) summoned it to consult upon some special matter which he wished to lay before it (*referre*, *relatio*): thus in the SC. de Bacchanalibus we have "Marcius L. F. S. Postumius L. F. Cos Senatum consoluerunt," and in the SC. de Philosophis et de Rhetoribus (Gell. xv. 11) the Praetor "consuluit." In the enacting part of a lex the populus was said *jubere*, and in a plebiscitum *scire;* but in senatusconsulta the senate is usually said *censere* (e.g. "ita exdeicendum censuere," SC. de Bacch.), though in ordinary language *decernere* is used of it (*e.g.* Cic. *ad Fam.* viii. 8; *ad Att.* i. 19), and the words *decretum* and *senatusconsultum* are often used indiscriminately and with little precision (Gell. ii. 24: cf. Aelius Gallus *ap.* Fest. s. v. *senatus decretum*, and the article on DECRETUM). On this point see also Mommsen, *Staatsrecht*, iii. 994 ff.; B. Pick, *de Senatusconsultis*, ch. i. (Berlin, 1884). The view of Herr Pick, that the clause of the SC. which conveyed the actual resolution was sometimes distinguished as the *decretum*, explains Fest. p. 339.

For the procedure in consulting the senate and obtaining the resolutions thence called senatusconsulta, see SENATUS, § v. The resolution was not reduced to writing until it had been voted (cf. Cic. *Cat.* iii. 6, 13). It was written down (*perscriptum*, less often *scriptum*) in the place of meeting soon after the vote, always on the same day, by the *scribae*. The presiding magistrate retained witnesses for the draft to prevent fraudulent misrepresentation (Cic. *Phil.* v. 4, 12; *ad Att.* iv. 8). These were usually the *auctor sententiae*, some of the supporters of the vote, or in the case of a complimentary vote the friends of the person honoured (Cic. *ad Fam.* xv. 6, 2). The phrase expressing the witnesses is *scribendo adfuerunt* (SC. ARF. in the *de Bacchanalibus*), in Greek versions *γραφομένῳ παρῆσαν*. It is a mistake to suppose that the witnesses were called "auctoritates." In the passage relied on (Cic. *ad Fam.* viii. 8) the preliminary words (which Mommsen, *St.* iii. 1008, needlessly discredits), *SC. Auctoritates*, are descriptive of the two classes of resolutions which follow: the first is a senatusconsultum, the others are auctoritates, since there was an intercessio against them. It is natural and easy to give the same meaning to the word in Cic. *de Or.* iii. 2, 5. [For the text of the former passage, see Tyrrell and Purser, *ad loc.*, critical note.]

The form in which the resolution was drafted is as follows: 1 (often omitted). SC. (or auctoritas, as the case might be). 2 (up to B.C. 47). The *praescriptio*, "senatum consuluit," with name of the *relator*. 3. The date. 4. The place of assembly, *e.g.* "in aede Apollinis." 5. The witnesses, "scribendo adfuerunt." 6. The *relatio*, as a preamble, "quod verba fecit" so and so. 7. The decree "d. e. r. i. c." (de ea re ita censuerunt) "uti," &c.; to this might be added the reason "cum ita se res habeat." After the time of Augustus the number of senators was added. The document often concludes with C. or "censuere." On the authority of Val. Max. ii. 2, 7, some (as B. Pick, *de Senatusconsultis*, p. 21) hold that the tribune affixed the letter T to the resolution against which there was no intercession, when it was drafted and about to be deposited in the tabularium; and, on that theory, the disputed letters in Cic. *ad Fam.* viii. 8, 5, might be TR; but Mommsen takes them to represent C[*ensuere*], referring to the senators, and this is borne out by the fact that in Greek versions we find *ἔδοξεν* so placed. The view of Willems (*op. cit.*) seems probable, that when the SC. was not voted as a whole in one discessio, but each clause (*particula*, Fest. p. 339) separately, we find "censuere" or *ἔδοξεν* at the end of each clause on which a vote was taken; but when it was voted as a whole, the words d. e. r. i. c. sufficed. Lastly, if it was necessary to obtain a law, a clause was added, "ut de ea re ad populum ferretur" (Cic. *ad Fam.* viii. 8, 5). [For the custody of the document, see TABULARIUM, and SENATUS, p. 630 *b*.] As regards the title of the SC. it was named in reference to its contents, "SC. de Bacchanalibus," "SC. ne quis in urbe sepeliretur," &c.; it was never named after the *relator* until the imperial period (see examples below); the SC. Sempronianum in Cic. *ad Fam.* xii. 29 is probably = SC. de Sempronio.

A measure which it was proposed to submit to the senate might be stopped by the *intercessio* of a tribune, who could put a veto on the *relatio* (Polyb. vi. 16): and not only tribunes, but any magistrate of higher or equal rank with the *referens*, might exercise the right of intercessio at the voting (Varro *ap.* Gell. xiv. 7, 6; Cic. *de Legg.* iii. 3, 10), and, though they could not prevent the resolution from being carried (Val. Max. ii. 2, 7; Tac. *Hist.* iv. 9; Cic. *ad Fam.* x. 12, 3), might deprive it for the present of administrative force. A proposal so carried, and invalidated by intercessio, was called "senatus auctoritas" (a term which is also loosely used to denote any expression of opinion by a majority of the senate, whether it became a senatusconsultum or not, Cic. *de Legg.* ii. 15, 37; *de Orat.* iii. 2, 5; *ad Fam.* i. 2, 7, viii. 8). In Livy the technical distinction disappears (see Mommsen, *St.* iii. 1033). [For the totally different *patrum auctoritas*, see p. 631.] It was formally drawn up and recorded, in the hope that, the veto being subsequently removed, it might acquire validity by reference back to and confirmation by the senate, but without being rediscussed (cf. the clause in the SC^{a} in Cic. *ad Fam.* viii. 8: "Si quis huic SC^{o} intercessisset, senatui placere auctoritatem perscribi et de ea re ad hunc ordinem referri;" compare also *ad Fam.* i. 2, 4; i. 7, 4; *ad Att.* iv. 16, 6; Dio Cass. lv. 3). This right of intercessio belonged to the tribunes against one another, the consuls, and praetors; and to consuls against one another and the praetors, but not against the tribunes: but in the later period of the republican history it seems to have been exercised by tribunes only.

If the SC. referred to Latin-speaking communities, nothing beyond the original wording was required; but if it referred to Greeks, a version in Greek was made. The style shows that it was translated in a conventional form at Rome and sent to Greece or elsewhere: no pains are taken to turn such Latinisms as *ἐν Κομετίῳ πρὸ ἡμερῶν ἕπτα εἰδυιῶν Ὀκτωβίων*. Of the SC^a which are known to us of the republican period, some have come down in the original form. They may be classed (following Willems) as 1. Those of which the *Latin text* remains, wholly or in part, engraved in bronze: fragment of *de Bacchanalibus*, in a letter of the consuls "ad Teuranos," B.C. 186 (*C. I. L.* i. 43): part of SC. *de Tiburtibus*, in a letter written by the praetor to the Tiburtes (*C. I. L.* i. 201); the date of this, as Mommsen finally decides, is B.C. 159, and consequently Niebuhr erred in making it the oldest document: fragment of the Latin text of the *de Asclepiade*, B.C. 87 (*C. I. L.* i. 111). 2. *The Greek engraved versions:* fragment of the *de Delphis*, B.C. 198—the oldest existing SC.—(Le Bas, 852*b*): SC., or rather two SC^a, de Thisbis, B.C. 170 (*Ephem. Epig.* i. 278, ii. 102): a fragment *de Prienensibus et Samiis*, B.C. 135 (Le Bas-Waddington, 95, 196); the Greek text *de Asclepio* (*C. I.* i. 112); a fragment *de Aphrodisiensibus*, B.C. 56 (Le Bas-Waddington, 1627); *de Stratonicensibus*, B.C. 39 (*Bull. Corr. Hell.* 1887, 225). 3. *Latin texts or Greek versions preserved in literature:* SC. *de philosophis et rhetoribus*, B.C. 161 (Suet. *Rhet.* i.; Gell. xv. 11); *de hastis Martiis*, B.C. 99 (Gell. iv. 6); *de provinciis consularibus* (Cic. *ad Fam.* viii. 8); three SC^a *de Judaeis*, dated B.C. 139, 133, 44 (Joseph. *Ant.* xiv. 8, xiii. 9, xiv. 10). Besides this we have SC^a about aqueducts in Frontinus, book ii., and various others preserved in more or less the original form in the Digest. [G. L.] [G. E. M.]

The following list of senatusconsulta contains, perhaps, all of them which are distinguished by the personal name of a consul or other magistrate. Numerous SC^a passed under the Empire are referred to in the Latin writers, for which we find no distinctive name, though it is probable that, like Leges, they all had a title; but many of them, being of little importance, were not much cited or referred to, and thus their names were forgotten. Tacitus, for instance, often speaks of SC^a without giving their names, though in some cases we are able to affix the titles from other authorities.

Afinianum: mentioned in Cod. 8, 48, 10, 3; Inst. iii. 1, 14 (where some of the MSS. read Sabinianum, Papinianum, and Fabianum). According to the paraphrase of Theophilus, it enacted that when a man gave one of three sons in adoption the pater adoptans should be bound to leave the adopted son at least a fourth of his property.

Apronianum: probably passed in the time of Hadrian; it enables civitates (*i.e.* municipal corporations) to take an hereditas by way of fideicommissum (Dig. 36, 1, 26; cf. Ulpian, *Reg.* 22, 5). In the same passage Ulpian says that civitates had been enabled by a senatusconsultum to be directly instituted heirs by their freedmen (cf. Dig. 38, 3, 1, 1). Both enactments were occasioned by the want of testamentifactio in civitates, as being *incertae personae* (Ulpian, *l. c.*; Pliny, *Ep.* v. 7); but there does not seem to be any ground for supposing them to be one single senatusconsultum. By construction they were held to entitle municipal corporations instituted as heirs to demand *bonorum possessio secundum tabulas* (Dig. 38, 3, 1, 1). Nerva made it lawful for them to take legacies (Ulpian, *Reg.* 24, 28), a right extended to lawful collegia by a senatusconsultum under Marcus Aurelius (Dig. 34, 5, 20).

Articuleianum (A.D. 101) enabled provincial governors to declare a slave free to whom liberty had been bequeathed by a fideicommissum when the master was domiciled in a different province (Dig. 40, 5, 51, 7).

De Bacchanalibus (B.C. 186): discovered on a bronze tablet, which is now at Vienna, in Calabria, A.D. 1640. The text is given by Mommsen, *C. I. L.* i. No. 196, and in facsimile in the first volume of the inscriptions edited by the Royal Prussian Academy, 1862, Tab. xviii. Its main enactment was the prohibition of the Bacchanalia throughout all Italy (Liv. xxxix. 18): see the article on BACCHANALIA, Vol. I. p. 265. Bynkershoek has written a treatise on this SC. (*de Cultu Religionis peregrinae apud veteres Romanos*, Opusc. i. 412), with which may be compared *Senatusconsulti de Bacchanalibus, &c. Explicatio*, auctore Matthaeo Aegyptio, Neapol. 1729, and Lewald, *de Religionibus peregrinis apud veteres Romanos paulatim Introductis*, Heidelberg, 1844. There appears to be no ancient authority for the name Marcianum sometimes given to this SC., for, though this might have been its proper title if it had been named after one of the consuls of the year, that practice, as we have seen, first came in under the Empire.

Calvitianum: passed under Nero, and confirming the SC. Persicianum (*q. v.*) against a presumption based on a senatusconsultum of Claudius. It enacted that neither a man under sixty years of age, nor a woman over fifty, who intermarried with one another, should be relieved from the disabilities of caelibatus: see JULIA ET PAPIA POPPAEA LEX (Ulpian, *Reg.* 16, 3; Suet. *Claudius*, 23; Plin. *Ep.* viii. 28; Cod. 5, 4, 27).

Claudianum: this enactment, passed by the Emperor Claudius A.D. 52, introduced certain exceptions to the rule of the Jus Gentium, that the status of children is determined by that of their mother, after referring to which Gaius says (i. 83), "We must observe, however, whether the law of nations in any given instance is overruled by a statute or ordinance having the authority of a statute." These exceptions of the SC. Claudianum (in addition to two others stated by Ulpian, *Reg.* 5, 8) are three in number:—

(1) If a female citizen of Rome cohabited or had intercourse with a servus alienus with the consent of the latter's master, the children born of the connexion were to be slaves and the property of the father's owner, though by agreement with the latter she could remain free herself: such agreement, it would seem, might be inferred from the master's not giving her the notice referred to under (3) below. This exception was repealed by Hadrian as "inelegans," who "restituit juris gentium regulam, ut cum ipsa mulier libera permaneat, liberum pariat" (Gaius, i. 84). It appears, however, from Tac. *Ann.* xii. 53, and Paul. *Sent. Rec.* iv. 10, 1, that the woman herself was degraded from the

status of ingenua (if she were freeborn) to that of liberta. Perhaps we should connect with this the anomalous rule, stated in the Codex Theodosianus (iv. 9, 3), that children of a free woman by a servus fiscalis were born Latini.

(2) The children of a free man by a slave woman whom he believed to be free, were to be freeborn if males, slaves and the property of the mother's master if females. This exception, again, was repealed as *inelegans*, and the rule of the Jus Gentium restored, by Vespasian (Gaius, i. 85).

(3) If a free woman cohabited with a servus alienus (known to her to be such) without the master's sanction to the connexion, and persisted in the intercourse after a notice (*denunciatio*) thrice repeated to her to withdraw by the master (or his tutor, curator, or agent, and even without any such notice if the slave belonged to a municipal corporation), the master could have her adjudged to himself as a slave by the magistrate, along with the children born of the intercourse, whether before or after this adjudication. Her property passed with her by a universal succession [Successio] (Paul. *Sent. Rec.* ii. 21 a; Gaius, i. 86). This part of the senatusconsultum was first repealed by Justinian, as "indignum nostris temporibus" (Inst. iii. 12, 1; Cod. 7, 24). It appears from Gaius (i. 91) that some jurists went so far as to maintain that if a woman, being pregnant, was reduced to slavery under the senatusconsultum, the child became a slave on birth, even though actually conceived in civil wedlock (*justis nuptiis*); but this opinion was counter to the rule stated by Gaius (i. 88, 92), Ulpian (*Reg.* 5, 10), and Neratius in Dig. 50, 1, 9, that children born of *justae nuptiae* took the status of the father at the time of conception.

There is some doubt whether the last two exceptions (so far as relates to the status of the children) were established by the SC. Claudianum or by some statute whose name is unknown to us. The latter view is supported by Rein, Huschke, and Bethmann-Hollweg, on account of Gaius' language in i. 85, 86, where he says, "ex *lege* . . . . sed illa pars ejusdem *legis*." In the earlier editions of this work this unknown statute was assumed to be the Lex Aelia Sentia, which, however, does not seem to have dealt with the children born of intercourse between free persons and slaves, but rather with the subjection to patria potestas of children born of marriage between cives and Latinae or peregrinae, after *erroris causae probatio* (Gaius, i. 65, 75). But there seems to be more reason in the view of Zimmern and Rudorff, who held that the term *lex* is in these paragraphs loosely used by Gaius as synonymous with senatusconsultum, and it is difficult to believe that the rules stated under (1) and (3) were not established by the same enactment.

There are other senatusconsulta named after the Emperor Claudius, in particular one which exempted from the disabilities of caelibatus men over sixty who married wives under fifty years of age (Ulpian, *Reg.* 16, 3; Suet. *Claud.* 23): possibly also his enactments relating to "revocatio libertorum in servitutem" and bestowing freedom on slaves abandoned by their masters (Suet. *ib.* 25) were made through the senate. Upon these less known senatusconsulta of Claudius, see Jo. Augusti Bachii *Historia Jurisprudentiae Romanae.*

De Collusione Detegenda: passed in the time of Domitian to restrain fraudulent acquisition of the status of ingenuitas by collusion between masters and slaves, patrons and freedmen (Dig. 40, 16, 1; *ib.* 4). It is sometimes called the SC. Junianum.

Dasumianum: passed under Trajan, and enabling the magistrates to declare free slaves to whom liberty had been bequeathed by fideicommissum, but whose masters were prevented from performing the act of manumission by absence on reasonable grounds: in this case the master was to be patronus (Dig. 40, 5, 22, 2; *ib.* 36, pr.; *ib.* 51, 4–6; cf. Rudorff in Savigny's *Zeitschrift*, xii. pp. 307–311, *Das Testament des Dasumius*).

Hadriani Senatusconsulta. Of the senatusconsulta made on the proposal of Hadrian (*e.g.* Gaius, i. 47, ii. 285; Dig. 5, 3, 20, 6, &c.), and of which a considerable number are enumerated in the work of Bachius referred to at the end of the remarks on the SC. Claudianum, none seem to have been called by the name Hadrianum. [See Juventianum.]

Hosidianum: enacted A.D. 47, and referred to in the SC. Volusianum (see Orelli's *Inscriptiones*, No. 3115). It appears to have prohibited, under severe pecuniary penalties, the pulling down of houses in order to sell the site for more than one gave for it, or to make money in other ways, and is well explained by Bachofen, *Ausgew. Lehren*, pp. 185–227.

Juncianum (A.D. 182) related to the manumission of slaves belonging to other persons than the testator, to whom the latter had bequeathed liberty by a fideicommissum (Dig. 40, 5, 28, 4; *ib.* 51, 8; cf. Zimmern, *Geschichte des römischen Privatrechts*, i. § 203).

Junianum (Dig. 40, 16). [See De Collusione Detegenda.]

Juventianum is the title given by civilians to the senatusconsultum passed at the instance of Hadrian (A.D. 129) after the name of one of the four consuls (two ordinarii and two suffecti) mentioned in connexion with it in Dig. 5, 3, 20, 6; but the real proposal seems to have come from the consules suffecti, who were Titius Aufidius and Oenus Severianus. It enacted that hereditatis petitio should lie for the recovery not merely of res hereditariae from those in whose possession they were, but for restitution of fruits and accessions, and of any gain which a possessor, whether in good or in bad faith, had made thereby (*e.g.* by the sale of a res hereditaria): in fact, its main object seems to have been to settle some old points of dispute relating to things belonging to inheritances which had been sold by persons other than the heir (see Dernburg, *Hereditatis Petitio*, 1852, p. 20 *sq.*): "post senatusconsultum omne lucrum auferendum esse bonae fidei possessori quam praedoni dicendum est," Dig. 5, 3, 28. Another result of the enactment was to make usucapio pro herede revocable by the heir [Usucapio: cf. Gaius, ii. 57; Cod. 3, 31, 7]. Hereditatis petitio (to the article on which reference should be made) thus became a species of "mixed" action; originally "in rem," it now lay for "praestationes personales" as well as for the recovery of property: cf. Cod. 3, 31, 12, 3.

LARGIANUM regulated the succession to the property of Latini Juniani by providing that where the actual manumitter was dead it should not go necessarily to his heres, but to such of his children as were not expressly disinherited by him: "eo SC^{o} actum esse, ut manumissoris liberi, qui nominatim exheredati non sint, praeferantur extraneis heredibus" (Gaius, iii. 64–71; Inst. iii. 7, 4; Cod. 7, 6, pr. and 12; Nov. 78: cf. PATRONUS). The date sometimes assigned to this senatusconsultum (A.D. 42) is wrong; for, though a Largus was consul in that year, his colleague was not called Lupus. It must necessarily fall later than the Lex Junia Norbana, generally supposed to have been enacted A.D. 19, and not later than the death of the jurist Cassius (Gaius, iii. 71), who was consul in A.D. 29.

LIBONIANUM (A.D. 16): enacted that where a man's will was written out for him by another person, any disposition which it contained in the latter's favour should be void and taken *pro non scripto*: for illustrations, see Dig. 48, 10, 6, 1 and 2; *ib.* 22, 7, 6 and 7; Dig. 26, 2, 29. It was added by an edict of the Emperor Claudius that such person should, in addition, incur the penalties of the Lex Cornelia de falsis, though this provision is ascribed to the senatusconsultum itself in the *Collatio Leg. Mos. et Rom.* viii. 7, 1 (Dig. 48, 10, 15, pr.). See FALSUM; and Dig. 48, 10; Cod. 9, 23; Suet. *Nero*, 3.

DE LUDIS SAECULARIBUS (B.C. 18). See Gruter, *Inscr.* p. 326, and Haubold (Spangenberg), *Monumenta Legalia*, p. 163.

MACEDONIANUM: passed according to Tacitus (*Ann.* xi. 13) under Claudius, according to Suetonius (*Vesp.* 11) under Vespasian, and enacting that no action should lie on a loan of money made to a filiusfamilias. It seems, however, that the praetor was in the habit of granting an action where the facts were doubtful, leaving the defendant, if he could prove his title to the benefit of the law, to repel the plaintiff by exceptio SC^{i} Macedoniani. Theophilus says that the name of the enactment was derived from one Macedo, who committed the crime of parricide in order to extricate himself from his pecuniary embarrassments, a story to which some colour is lent by Inst. iv. 7, 7; but other writers affirm that Macedo was a notorious money-lender and usurer, though Dig. 14, 6, 1, which is commonly cited in support of this, makes more for the derivation of Theophilus. The SC. related to no contracts except pecuniary loans, and to these it applied even though veiled beneath some other transaction, such as a loan of wine which the borrower immediately converted into money by sale (Dig. 14, 6, 7, 3); and the rank or age of the filiusfamilias by whom the money was borrowed was immaterial (Dig. *ib.* 2). Such loans, however, were not declared void by the law, so that the "natural" duty [OBLIGATIO] to repay it remained; and if payment was actually made, the *condictio indebiti* was excluded, unless made by the son with money of the father's.

There were certain cases in which the operation of the SC. was excluded: as where the filiusfamilias was a soldier at the time of borrowing the money (Cod. 4, 28, 7, 1), or had a peculium castrense or quasi castrense of his own (Dig. 14, 6, 2), or ratified the contract after becoming *sui juris* (Cod. 4, 28, 2); or if the lender had reason to believe the filiusfamilias to be independent (Dig. 14, 6, 3, pr. and 1). Even the father could be sued if he had assented to the loan either expressly or by implication, or had subsequently ratified it (Cod. 4, 28, 2; *ib.* 7, pr.), or so far as the money had been expended in his interest ("in rem patris versum," Dig. 14, 6, 7, 12 and 13). (Dig. 14, 6; Cod. 4, 28; Inst. iv. 7, 7; Paul, *Sent. Rec.* ii. 10; Loebenstern, *de SC^{o}. Macedoniano*, Marburg, 1828; Dietzel, *Das SC. Macedonianum*, Leipzig, 1856.)

MEMMIANUM: the name usually given to a senatusconsultum passed in the time of Nero to prevent evasion of the disabilities of orbitas [JULIA ET PAPIA POPPAEA LEX], by adopting a child and then emancipating him immediately the inheritance or legacy had been acquired. It appears from Tacitus (*Ann.* xv. 19) that the same device was resorted to in order to escape public burdens (*e.g.* tutela: see Inst. i. 25, pr.), and that this also was in future put a stop to by this enactment—"ne simulata adoptio in ulla parte muneris publici juvaret."

NERONIANUM DE LEGATIS (Gaius, ii. 197, 212, 218, 220; Ulpian, *Reg.* 24, 11^{a}; *Fragm. Vat.* 85). [See LEGATUM.]

NERONIANUM (Paul. *Sent. Rec.* iii. 5, 5): also called Claudianum (Dig. 29, 5, Rubr.) and Pisonianum (Dig. *ib.* 8, pr.), because enacted in the consulship of Nero and L. Calpurnius Piso, A.D. 57. Among its provisions Tacitus (*Ann.* xiii. 32) states the following: "Ut si quis a suis servis interfectus esset, ii quoque, qui testamento manumissi sub eodem tecto mansissent, inter servos supplicia penderent:" to which Paulus adds (*Sent. Rec.* iii. 5, 5 and 6), "sed et hi torquentur, qui cum occiso in itinere fuerunt," and "ut occisa uxore etiam de familia viri quaestio habeatur, idemque ut juxta uxoris familiam observetur, si vir dicatur occisus." In Dig. 29, 5, 8, pr., we find the further provision, "ut si poenae obnoxius servus venisset, quandoque animadversum in eum esset, venditor pretium praestaret, ne emptori injuriam fecisse videatur senatus."

ORFITIANUM: passed under M. Aurelius and Commodus, perhaps A.D. 178 (Ulpian, *Reg.* 26, 7; Capitolinus, *Marc.* 11), and relating to the right of children to succeed to the property of their mother on her decease intestate. Under the law of the Twelve Tables they were excluded, as a woman could have no *sui heredes*, and in the sole case in which they were her agnates (*i.e.* where she was *in manu mariti*) she, as a rule, could leave no property to inherit. By the praetorian bonorum possessio the children were admitted next in succession to agnates (Gaius, iii. 30), but by this senatusconsultum they were preferred even to the latter, and so succeeded in the first rank, though, if the mother had been a freedwoman, the patron was entitled to a share equal to that taken by each child (Dig. 38, 17, 1, 9). The illegitimacy of the children was immaterial (Dig. *ib.* 1, 2; Inst. iii. 4, 3), nor was their right to succeed affected by their undergoing capitis deminutio minima (Inst. *ib.* 2; Dig. *ib.* 1, 8). It is uncertain whether the Senatusconsultum Orfitianum referred to by Paulus (*Sent. Rec.* iv. 14, 1) is the same enactment. This explained the rule of the

Lex Fufia Caninia, that slaves could be manumitted in a will only by name (*nominatim*), by allowing the same effect to an unmistakable description: "officiorum enim et artium appellatio nihil de significatione nominum mutat, nisi forte plures sint, qui eo officio designentur." (Inst. iii. 4; Dig. 38, 17; Cod. 6, 57; Ulpian, *Reg.* 26, 7; Paul. *Sent. Rec.* iv. 10.)

Pegasianum: passed under Vespasian, perhaps in A.D. 73 (Gaius, ii. 254–259; Inst. iii. 23, 5 and 6; Ulpian, *Reg.* 25, 14–16). Its principal provisions are noticed under Fideicommissum and Legatum. Another part of it (or possibly a different senatusconsultum passed by the same consuls Pegasus and Pusio) modified the Lex Aelia Sentia in reference to the capacity of a Latinus Junianus to become a civis (Gaius, i. 31).

Persicianum: passed under Tiberius, A.D. 34. It took away the exemption from the penalties of caelibatus, without exception, from all males over sixty and all females over fifty years of age, who appear till then not to have been subject to the rules of the Lex Julia et Papia Poppaea on this subject: Suet. *Claudius*, 23; Ulpian, *Reg.* 16, 3 (where the reading is Pernicianum).

Pisonianum. [Neronianum.]

Plancianum: assigned by some writers to the time of Vespasian, and making an addition to a rule of law either contained in the Lex Julia et Papia Poppaea, or grafted upon it by construction or some amending enactment, that any fideicommissum which a heres or legatarius bound himself by a written instrument or in any other secret mode to pay or give to a person who was legally incapacitated from taking it should be forfeited to the fiscus (Dig. 30, 103; 34, 9, 10 and 18; 49, 14, 3). Such a fideicommissum was called "tacitum," and was said to be "in fraudem legis," as designed to evade the statute; but if the promise to execute the trust was made openly (*palam*, Dig. 49, 14, 3), there was no *fraus;* and though the fideicommissum would fail by reason of the incapacity of the fideicommissarius to take it, the rights of the fiscus would not necessarily attach, other persons benefited by the will being preferred in such a case of lapse. It would seem that, even where a "tacit" trust had been undertaken, the fiduciarius was entitled to retain his quarta under the SC. Pegasianum [Fideicommissum]; but the SC. Plancianum altered this by denying him the quarta, and also disabled the fraudulent fiduciarius from claiming the fideicommissum as *caducum*, which he could naturally have done if he had children [Legatum; Bona Caduca]: Ulpian, *Reg.* 25, 17; cf. Dig. 34, 9, 11; 35, 2, 59 (where the name of the senatusconsultum is given, and where it is added that the fourth thus forfeited was given to the fiscus by a rescript of Antoninus Pius). The penalty for the fraud applied only to that part of the property to which the fraud itself extended; and if the heres had a larger share in the inheritance than the property tainted with the fraud, he had the benefit of the Lex Falcidia (or more precisely, of the SC. Pegasianum) in respect of the residue: or, as it is expressed by Papinian (Dig. 34, 9, 11), "sed et si major modus institutionis quam fraudis fuerit quod ad Falcidiam attinet, de superfluo quarta retinebitur."

There was a senatusconsultum which enabled a woman who had been divorced to establish the status of her child, even though yet unborn, by a judicial denunciatio addressed to the father within thirty days of the divorce, and which by some writers (*e.g.* Bethmann-Hollweg, *Civil Process*, ii. p. 341; and Windscheid, *Lehrbuch des Pandektenrechts*, ii. § 520, note 5) is called Plancianum; but there seems to be no authority for this in the passages (Dig. 25, 3, 1, 1 and 12) to which they refer.

Rubrianum: enacted *circ.* A.D. 101, and empowering the magistrate to declare free slaves to whom liberty had been bequeathed by fideicommissum, but whose masters attempted to evade the obligation to manumit them by absence (Dig. 40, 5, 26, 7 *sqq.*: cf. Savigny, *Zeitschrift*, &c. xii. pp. 307–311).

Sabinianum. [Afinianum.]

Silanianum. The first senatusconsultum which we definitely know to have been entitled after its proposer, was passed under Augustus, probably A.D. 10, in the consulship of P. Cornelius Dolabella and C. Junius Silanus. In a way it made slaves answerable for their masters' lives, by providing that, where a man was murdered, all his slaves who were in the house with him at the time, or with him elsewhere, should be examined under torture as to the perpetrators and counsellors of the crime, and then put to death for not having rendered him assistance (Dig. 29, 5, 1, pr. and *sq.*; *ib.* 6; —Paul. *Sent. Rec.* iii. 5, *passim*). It would seem from Tacitus (*Ann.* xiv. 42, in his note on which Lipsius refers to Cicero, *ad Fam.* iv. 12) that this was merely an old usage which the senatusconsultum made compulsory in all cases of murder; but slaves who were under the age of puberty did not fall under the enactment, by which, too, freedom was bestowed as a reward on any slave who discovered his master's murderer (Dig. 40, 8, 5; 38, 2, 4, pr.; 38, 16, 3, 4; Cod. 7, 13, 1). It was further provided that, in all cases where it was suspected that a man had been murdered by persons belonging to his own establishment, acceptance of the inheritance before the examination of the slaves should cause its forfeiture to the fiscus from the heres as *indignus* (Paul. *Sent. Rec.* iii. 5, 1, 2 and 10;—Dig. 29, 5, 3, 29; *ib.* 5, 2;—Cod. 6, 35, 3): the same penalty attached to merely opening the will, or applying for the bonorum possessio, and a heavy fine was inflicted in addition. A senatusconsultum passed in the consulship of Taurus and Lepidus (A.D. 11) enacted that the penalty for opening the will of a murdered person could not be inflicted after the lapse of five years, unless it was a case of parricide, to which this *temporis praescriptio* did not apply (Paul. *Sent. Rec.* iii. 5; Dig. 29, 5; Cod. 6, 35).

Tertullianum: stated by Justinian (Inst. iii. 3, 2) to have been passed under Hadrian, but in reality enacted in the reign of Antoninus Pius, who succeeded Hadrian A.D. 138, and was himself succeeded by M. Aurelius, A.D. 161: its precise date seems to have been A.D. 158 (Zonaras, xii. 1). It related to the succession of children, on their dying intestate, by the mother, who had no right to inherit by the Twelve Tables, and whose position was only partially improved in this respect by the Edict (which gave her a title among cognates, postponing her to all agnati) and the Lex Julia et Papia Poppaea. By this senatusconsultum she became entitled to succeed her issue intestate if, being freeborn, she had three, or being libertina she had four children (Paul. *Sent. Rec.* iv. 9; Ulpian, *Reg.* 26, 8; Inst. iii. 3, 2); but she was postponed to children of the deceased (Inst. *ib.* 3; Dig. 38, 17, 2, 9; —Cod. 6, 57, 1, 4; 6, 55, 11), to the father (Ulpian, *loc. cit.*), and to the frater consanguineus (Inst. *ib.*); while other relations were allowed a certain share in the inheritance with her (Inst. and Ulpian, *ll. cc.*). Justinian (Inst. *ib.* 4) did away with the necessity of the *jus liberorum* as a title to the benefits of this enactment, and also with the deductions made in favour of other relations; he preferred the mother to all other persons having a statutory title (*legitimi*), except that brothers and sisters of the deceased shared the inheritance with her: if there were brothers only, or brothers and sisters, it was divided in equal shares between them and her; if sisters only, she and they took in moieties. By Nov. 22, 47, he modified the rule last stated, enacting that even where there were sisters only the division should be *in capita*. As under the SC. ORFITIANUM, the rights of the mother were not affected by her undergoing capitis deminutio minima, or by the illegitimacy of the deceased child.

TREBELLIANUM: *circ.* A.D. 62. Its provisions are described under FIDEICOMMISSUM. (Gaius, ii. 253–258; Inst. ii. 23, 4 *sq.*; Ulpian, *Reg.* 14–16; Paul. *Sent. Rec.* iv. 2; Dig. 36, 1; Cod. 6, 49.)

TURPILIANUM: enacted under Nero, probably in A.D. 61, for the purpose of preventing *praevaricatio*, the fraudulent or collusive abandonment of a criminal charge once preferred. The penalty is described by Tacitus (*Ann.* xiv. 41): "qui talem operam emptitasset vendidissetve, perinde poena teneretur ac publico judicio calumniae [CALUMNIA] condemnatus." [Dig. 38, 2, 14, 2; 47, 15, 3, 3; 48, 16 (ad Senatusconsultum Turpilianum); Cod. 9, 45 (ad SC. Turp.).]

DE USUFRUCTU earum rerum quae usu consumuntur [USUSFRUCTUS].

VELLEIANUM: enacted according to Ulpian (in Dig. 16, 1, 2, 1) in the consulship of M. Silanus and Velleius Tutor. There was a M. Silanus consul with Valerius Asiaticus in A.D. 46 (Dio Cass. lx. 27), and one of the same name with L. Norbanus Balbus in A.D. 19 (Tac. *Ann.* ii. 59): if a Velleius Tutor was consul at all with a Silanus, it was with L. Junius Silanus in A.D. 27; but this would seem to be too early for this senatusconsultum, which, from Ulpian's language in the Digest, cannot well be placed before the reign of Claudius, so that if any date must be assigned to it the first of those given is apparently the most probable. It provided that no action should lie upon any contract of suretyship entered into by a woman as *promissor*; at any rate this was its main effect, as interpreted by responsa of the jurists and imperial constitutions (Dig. 16, 1, 1, pr.; *ib.* 2, 4). It would seem, however, to have been the common practice (as in the case of the SC. Macedonianum) for the praetor to grant the action where there was any doubt as to the facts of the case, leaving the defendant to protect herself by a plea (*exceptio*) based on the senatusconsultum, which is frequently mentioned in the texts, and which could be pleaded against execution even after judgment had been delivered adversely to the woman (Dig. 14, 6, 11). Unlike the SC. Macedonianum, this enactment did not allow of the creation of even a "natural" obligation by the contracts against which it was directed; so that, if a woman paid the debt of another person for which she had made herself answerable in ignorance of her rights under the senatusconsultum, she could recover the money back by *condictio indebiti* (Dig. 12, 6, 40, pr.). There were, however, a variety of cases in which she was disentitled to the protection of this enactment: *e.g.* where she had been guilty of *dolus* towards the creditor (Dig. 16, 1, 2, 3); where the latter had no reason to believe the surety to be a woman (Dig. *ib.* 12); where the guarantee was given for valuable consideration (Cod. 4, 29, 23, pr.), or for a liability which practically was the woman's own; or where the creditor was a minor, and the principal debtor insolvent (Dig. 4, 4, 12).

As to the history of the principle expressed in the senatusconsultum, there are two views. According to one, which is supported by the actual terms of the enactment preserved in the Digest ("tametsi ante videtur ita jus dictum esse, ne eo nomine ab his petitio neve in eas actio detur, cum eas virilibus officiis fungi et ejus generis obligationibus obstringi non sit aequum," Dig. 16, 1, 2), women had been forbidden to become sureties for other persons even by the old Jus Civile, whose rules on this subject had ceased to be operative, and were merely re-enacted by the senatusconsultum; according to the other, the law was no older than edicts of Augustus and Claudius, prohibiting wives from becoming answerable for the debts of their husbands (Dig. 16, 1, 2, pr.), and the greater stringency and extent of the senatusconsultum were due to the recklessness with which women, after Claudius had abolished the tutela legitima of agnati over them, exercised their rights of administering and disposing of their property on behalf of other persons.

[Dig. 16, 1; Cod. 4, 29; Bachofen, *Das Velleianische Senatusconsult, Ausgewahlte Lehren*, pp. 1–58; Hellfeld, *de Intercessione Mulierum et Senatusconsulto Velleiano* (Op. Min. No. 4); Vangerow, *Lehrbuch der Pandekten*, § 581: see also the article on INTERCESSIO.]

VITRASIANUM: by some writers assigned to the reign of Vespasian, by others to that of Hadrian; but without any very substantial reason in either case: it provided that if the owner of a slave to whom a third person had bequeathed freedom of fideicommissum was an infans, and so unable to manumit, the act might be performed on his behalf by the praetor (Dig. 40, 5, 30, 6).

VOLUSIANUM (A.D. 56): penalising the pulling down of houses for the sake of profit (Dig. 18, 1, 52; Orelli, *Inscript.* No. 3115: cf. SC. Hosidianum). Tacitus (*Ann.* xiii. 28) mentions a senatusconsultum passed in this year, and presumably entitled after the consuls (Q. Volusius Saturninus and P. Cornelius Scipio), which limited the powers of the aediles in respect of taking pignora and inflicting fines. Another SC. Volusianum, mentioned in Dig. 48, 7, 6, contained a rule similar to the English law of champerty, that persons who joined in the suit of another, with the bargain that they should share with him the damages awarded by the condemnatio, should incur the penalties of the Lex Julia de vi privata. [G. L.] [J. B. M.]

SENIO'RES. [Comitia, Vol. I. p. 505.]

SEPTA. [Comitia, Vol. I. p. 507.]

SEPTIMONTIUM. [Sacra, p. 578.]

SEPTUNX. [As.]

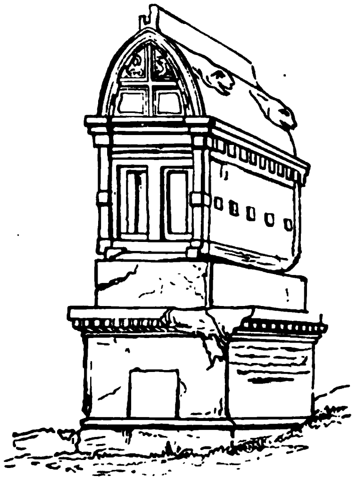
SEPULCRUM. — I. Greek. Sepulchral chambers cut in the rock are found at all periods and in all parts of the Greek world. The so-called "prison of Socrates" at Athens is a well-known example of this kind of grave (Curtius, *Atlas von Athen*, vii. 4). The form and arrangement of these rock-cut tombs are very various. They consist sometimes of a single chamber, sometimes of an assemblage of chambers forming a small catacomb. Generally one or more shelves are cut in the rock, at the side of each chamber, for the reception of the bodies, and for the vases and other objects which are placed beside them. (For accounts of rock-cut graves in Cyprus, at and near Paphos, *J. H. S.* [*Journal of Hellenic Studies*], 1888, p. 264 ff.; at Rhodes, Ross, *Arch. Ztg.* 1850, p. 209; at Selinus in Sicily, Cavallari, *Bullet. Sicil.* v. 1872, p. 10 ff.; in Karpathos, Bent, *J. H. S.* vi. 236.)

In the greater part of the Hellenic world rock-tombs are rather the exception than the rule, and were probably a luxury of the rich; but in Asia Minor, and especially in Phrygia and Lycia, they are found in enormous numbers, and often of elaborate and ornate kinds.

(1) The commonest type of ornate rock-tomb in Lycia is a very close imitation of a wooden structure, in which a framework of beams, the intervening spaces being filled with wooden panels, supports a flat roof with projecting eaves. The minutest details of wood-construction are reproduced in stone. Sometimes the façade only of such a house is cut in a wall of rock; sometimes it stands cornerwise, with two sides free; sometimes it is attached to the rock at the back only; and sometimes it stands entirely free (Benndorf and Niemann, *Reisen in Lykien und Karien*, p. 95 ff.). The interior consists of a small low chamber, generally furnished with three stone couches upon which to place the bodies. In some cases a pointed arch is found above the flat roof, similar to that which forms the top of the sarcophagus tombs (see below). In the later examples the whole façade is gradually assimilated to the typical façade of orthodox Greek architecture, with columns and architrave. The pointed arch then becomes converted into a pediment.

(2) The sarcophagus tombs are very numerous. Benndorf estimates that there are some two thousand of them in Lycia. The following woodcut of a tomb at Antiphellus, taken from Fellows' *Excursion in Asia Minor*, p. 219, gives a typical example; and two specimens may be seen in the British Museum.

In the earlier examples the peculiarities of wood-construction are very closely followed. The arched covering seems to represent a tent-like erection upon the flat roof of the house. As in the case of the rock-tombs already mentioned, there is some assimilation to ordinary Greek architecture in the later examples. This assimilation has been carried some way in the tomb represented in the woodcut.



Tomb in Lycia.

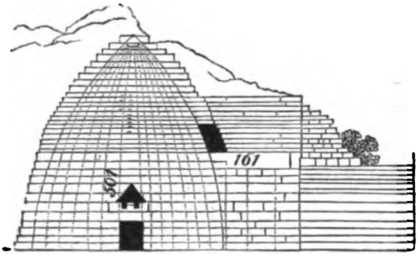
(3) Tombs in the shape of a high square column or pedestal, with a projecting cornice at the top, are found at Xanthos and elsewhere. Benndorf (*op. cit.* p. 108) enumerates eleven of them. The best known example is the "Harpy Tomb"—the sculptures from which are now in the British Museum (*Excursion in Asia Minor*, pp. 126, 231 ff.; *Discoveries in Lycia*, p. 168 ff.).

In Phrygia many rock-tombs are found. In some cases the façade is architectural in character, and ornamented with geometrical patterns (as the "Midas" tomb; Ramsay, *J. H. S.* ix. 380; Perrot and Chipiez, *Histoire de l'Art dans l'Antiquité*, v. p. 82, pl. 48); in other cases the ornament is sculptural, as at the "Lion Tomb" and the "Broken Lion Tomb" (*J. H. S.* ix. 361, 363, 368, &c. For Phrygian tombs, see Ramsay, *J. H. S.* iii. 1, 256, v. 241, ix. 350, x. 147; and Perrot and Chipiez, *op. cit.* pp. 81–147).

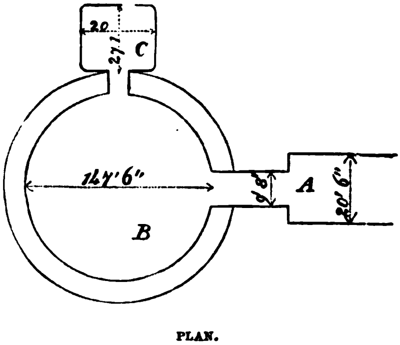
Large temple-tombs or *heroa* are found in various parts of Asia Minor. A central chamber stands upon a high basis or *podium*, and is surrounded by a colonnade. The "Nereid Monument" at Xanthus was of this type, and was probably sepulchral. A somewhat similar tomb at Mylasa in Caria is represented by Fellows (*Discoveries in Lycia*, p. 76). This type found its highest development in the Mausoleum at Halicarnassus in Caria [Mausoleum], which was so widely celebrated in the ancient world that the word *Mausoleum* was used by the Romans in the meaning of a splendid tomb. Large stone or marble structures of this type are seldom found in Greece proper; perhaps to some extent on account of the sumptuary laws, which restrained expenditure upon monuments. Thus, at Athens, it was provided by one of Solon's laws that no one should erect a monument which could not be completed by ten men in the course of three days; and Demetrius

Phalereus forbade the erection of any funeral monument more than three cubits in height (Cic. *de Legg.* ii. 26, 66).

An early and very remarkable form of tomb is that known as the bee-hive, or domed tomb. The best known example of this type is the so-called "Treasury of Atreus" at Mycenae, which is shown in section and plan below. A large circular chamber is built of courses of stones, which gradually overlap until they meet at the apex, so as to form a dome-shaped building, but not a true dome. The space for this chamber is excavated in the side of a hill, so that the whole projects very little above the natural level of the ground. It is approached by a stone-lined passage or δρόμος cut into the slope of the hill. The lintel of the door to which the δρόμος leads is formed of a single enormous block of stone. A door at one side of the domed chamber leads into the small sepulchral chamber cut in the rock. (*Athen. Mittheil.* iv. pp. 177–182; Helbig, *Das homerische Epos*, p. 53.)



SECTION.



PLAN.

A, entrance; B, principal chamber; C, small side chamber.

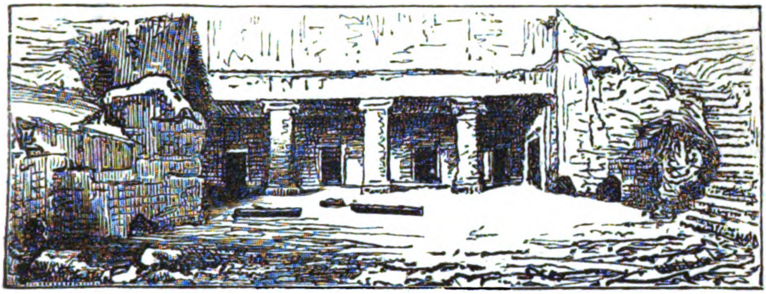
Other graves of a similar type have been found at Mycenae, and at many other places on the eastern shores of Greece; for example, at Menidhi (Acharnae) (Köhler, Lolling, and others, *Das Kuppelgrab bei Menidi*), Spata in Attica, Orchomenos, Nauplia, near the Heraeon in the neighbourhood of Argos, and at Volo in Thessaly. It seems probable that these tombs represent a later stage of the same civilisation which produced the graves excavated by Dr. Schliemann upon the Acropolis at Mycenae; but it is impossible here to discuss the questions which arise in connexion with them. (For references to literature upon the subject, see Helbig, *l. c.*)

The normal form of Greek grave may be considered to be a hole or trench in the ground, whether dug in earth or cut in rock. These are generally found in groups; forming, in fact, cemeteries. They are often marked with a monument; and they contain many objects besides the body. We have therefore to consider (1) the position in which graves were placed; (2) the form of the grave; (3) the monument placed above the grave; (4) the contents of the grave.

1. *Place of Burial.*—In the earliest times it was the custom, in Attica at any rate, for the dead to be buried in their own houses (Plat. *Minos*, 315 D); and traces of graves inside houses have been found at Athens (Curtius, *Atlas von Athen*, p. 19). At Mycenae the very early graves excavated by Dr. Schliemann are within the circuit of the citadel walls; and at certain places the burial of the dead within the city was not forbidden in historical times; as at Sparta (Plut. *Lyc.* 27: [Lycurgus] ἐν τῇ πόλει θάπτειν τοὺς νεκροὺς καὶ πλησίον ἔχειν τὰ μνήματα τῶν ἱερῶν οὐκ ἐκώλυσε), Megara (Paus. i. 43, 3), and Tarentum (Polyb. viii. 30). As a general rule, however, the places of burial were outside the city walls, and frequently by the side of roads and near the gates of the city. Thus at Athens the place of burial for those who had fallen in war was the outer Kerameikos, outside the Dipylon gate, on the road leading to the Academia (Thuc. ii. 34; Aristoph. *Av.* 395; Paus. i. 29, 4); and the common place of burial was outside the Itonian Gate, near the road leading to the Piraeus (Ἠρίαι πύλαι, *Etym. Mag.* and Harpocr. *s. v.*; Theophr. *Char.* 14); while burial within the walls was strictly forbidden (Cic. *ad Fam.* iv. 12, 3). At Tanagra the tombs are outside the ancient town; the three chief cemeteries being on the E., N., and S. (Haussoullier, *Quomodo sepulcra Tanagraei decoraverint*, p. 3), and the groups of tombs chiefly cluster round the roads (*ib.* p. 69).

2. *The Forms of Graves.*—At the Necropolis of Myrina, far the commonest form of grave was an oblong trench cut in the tufa, corresponding in size with the body to be buried. This sometimes had a covering of stone plaques, but often was merely filled in with earth (Reinach and Pottier, *La Nécropole de Myrina*, p. 59). This form of grave was also common at Tanagra; but when it was covered, tiles were used instead of stone plaques, and the trenches are for the most part dug in the earth, not cut in rock (Haussoullier, *op. cit.* p. 60). At Tanagra round pits, 1 ft. 6 in. to 5 ft. in diameter, are also found. At both places the graves are sometimes lined with stone slabs. In Cyprus, in the neighbourhood of Paphos, the tombs consist almost entirely of vaulted chambers, cut in the rock or earth, sometimes with niches radiating from a central chamber. The cut below shows one of the more elaborate rock-tombs (*J. H. S.* ix. p. 264 ff., for a description of the different varieties).

There are various statements in ancient authors as to the orientation of tombs (Plut. *Solon*, c. 10; Aelian, *V. Hist.* v. 14; Diog. Laert. i. 2, 48); but in cases in which careful observations have been made, no uniformity of direction has been found. (Myrina, *La Nécropole* *de M.*, p. 57; Tanagra, Haussoullier, *op. cit.* p. 69; Leontari Vouni, in Cyprus, *J. H. S.* ix. p. 156.)



Tombs at Paphos. (Cesnola.)

3. *Outer Adornment or Monument.* — The earliest kind of mark placed over a grave was probably the simple tumulus. In later times a grave-stone of some kind was generally set up. The shapes of these grave-stones are extremely various. They are divided by Koumanoudes (Ἀττικῆς ἐπιγραφαὶ ἐπιτύμβιοι, p. 18 ff.; cf. Von Sybel, *Die Sculpturen von Athen*, i. p. ix. ff.) into the following classes: — (1) *κιονίσκοι*. Small round columns, often with a simple moulding near the top, below which is the inscription. This is the commonest shape. (2) *πλάκες*, rectangular slabs, lying upon the ground. (3) *στῆλαι*. [See STELA.] (4) *Aediculae* or shrine-shaped stones. The top is generally of pedimental form, supported by pilasters or free columns. The space thus enclosed is filled by a sculptured representation, in very high relief in the later examples. (5) *Mensae* (a term used by Cicero, apparently for monuments of this class). Large rectangular blocks of stone, with architectural ornament at the base and on the cornice. (6) *Hydriae*. Large marble vases, in the shape of a lekythus, or of a tall amphora, of the kind used for funeral purposes [FUNUS], were sometimes set up as funeral monuments. Eustathius (ad *Il.* xxiii. 141) says that *τοῖς πρὸ γάμου τελευτῶσιν ἡ λουτροφόρος, φασίν, ἐπετίθετο κάλπις, εἰς ἔνδειξιν τοῦ ὅτι ἄλουτος τὰ νυμφικὰ καὶ ἄγονος ἄπεισι.* Koumanoudes argues from this passage that these marble vases were *λουτροφόροι*, and marked the graves of unmarried persons, and confirms his view by the fact that out of 171 cases in which the tombstone is a vase or bears a representation of one, all but five are certainly to be referred to unmarried persons. Other passages, however (Demosth. *adv. Leoc.* p. 1086, § 18; Pollux, viii. 66; Harpocr. *s. v.*), seem to show that the *λουτροφόρος* was a figure bearing a vase: as, indeed, the formation of the word would indicate. (7) *θῆκαι*, stone receptacles, for the ashes after cremation; round or square, with a lid. (8) Sarcophagi. The word *στήλη* is also used in a more general sense to include most kinds of funeral monuments; and a fuller discussion of the artistic ornament of funeral monuments will be found in the articles STELA and SARCOPHAGUS.

This classification of Attic monuments will apply with little modification to other parts of Greece. Thus at Tanagra we find classes (1), (3), (4), and in addition tombstones in the shape of altars (Haussoullier, *op. cit.* p. 15 ff., pll. ii.–v.). Altar-tombs are also common in Delos.

4. *The Contents of the Grave.*—It was the universal custom, at all periods and in all parts of the Greek world, to bury objects, of a great variety of kinds and often in great numbers, with the corpse. Our knowledge of the minor Greek arts—pottery, vase-painting, jewellery, terra-cotta work, gem-engraving, &c.—is almost entirely due to this custom. The scores of thousands of vases and terra-cottas contained in the Museums of Europe were, with few exceptions, discovered in tombs.

That the custom goes back to very early times is shown by the rich contents of the Mycenaean graves, now in the Polytechnic Museum at Athens. These include gold and silver cups and ornaments; bronze caldrons and other vessels; bronze sword-blades and other weapons, sometimes decorated with inlaid work of gold or other metals; and other objects, too numerous to mention here.

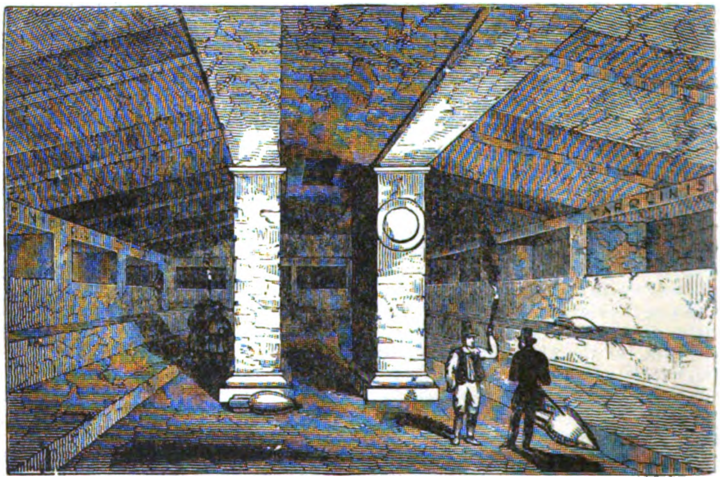
The objects usually placed in tombs may be thus classified (*La Nécropole de Myrina*, p. 105): —(*a*) The vase which contained the ashes, if the body had been burnt. This was most often of pottery, but sometimes of gold, silver, or other precious material. If the body had not been burnt, a coffin was often used. This was either of wood (as in some Greek graves in the Crimea, Stephani, *Compte Rendu*, 1865, pl. vi. 4, 5, p. 9; 1866, pll. i. and ii. p. 6 ff.; 1869, p. 177 ff.; 1875, pl. i. p. 5 ff.), or of earthenware, or of stone. Some forms of earthenware coffins are shown in the accompanying woodcut, taken from Stackelberg, *Die Gräber Hellenen*, pl. 7. (*b*) Objects which apparently belonged to the dead, and were used by him when alive: such as strigils, mirrors, perfume bottles, needles, &c.; rings, brooches, and other personal ornaments, including wreaths and diadems, which were often made of flimsy material for funeral purposes. (*c*) Vessels intended to hold meat and drink for the dead. Sometimes remains of food are found in these vessels. The number of them is sometimes very large; in some tombs at Myrina as many as sixty or seventy earthenware

Earthenware coffins. (Stackelberg.)

bottles and vases were found. (*d*) Small terracotta figures. The reason for placing these in the tomb has been much discussed. (For reff. to literature upon the subject, see *La Nécropole de Myrina*, p. 107, note.) They are specially frequent in Boeotia, and are usually named after Tanagra, the place where they were first found in large numbers. They were sometimes intentionally broken before being placed in the tomb (Haussoullier, *op. cit.* p. 79). Some connexion may be traced between the subject represented and the owner of the grave. Statuettes of women and of female divinities are more common in the graves of women; male divinities, as Dionysus, Heracles, Atys, in those of men; and toys in those of children (*La Nécropole de Myrina*, p. 107; TERRA-COTTA). (*e*) Charon's coin [see FUNUS]. To these must be added a variety of miscellaneous objects, such as engraved gems, earthenware lamps, small objects of bronze, glass bottles and cups, so far as they are not included under the first category.

[The more important books have been frequently referred to in the course of the article. For Greek graves in S. Russia, *Compte Rendu*, 1865, pp. 9 ff.; 1859, pll. v. and vi. For an account of the graves at Poli tes Chrysochou in Cyprus, see *Journal of Hellenic Studies*, vol. xi. 1. For a general account of the subject, Stackelberg, *Die Gräber der Hellenen*; Becker, *Charikles*, 4th English edit., pp. 383–402 = Becker-Göll, iii. 114–167; Hermann-Blümner, *Privatalt.* pp. 373–387, where will be found references to the literature of the subject, which is large and scattered.]

II. ITALIAN. Among the nations of Italy the Etruscans are remarkable for the care which they gave to their graves. These graves are almost always subterranean. The more sumptuous tombs consist of chambers hewn in the rock; either beneath the surface of the ground, or penetrating horizontally into a cliff. A large number of such tombs are described and represented in Dennis's *Etruria*, and the accompanying woodcut of the Tomb of the Tarquins at Cervetri is taken from that work (i. 242).



Tomb of the Tarquins.

It will be observed that this tomb is hewn in imitation of wood-construction; and in fact the sepulchral chambers generally imitate the abodes of the living. For example, a tomb at Corneto (Micali, *Antichi Monumenti per servire alla Storia*, &c. lxiv. 3; Baumeister, *Denkm.* pl. xi. 663) has its roof cut in the form of a *cavaedium displuviatum*. In these tombs the bodies were generally placed upon stone couches, accompanied by numerous vases and other objects (see below). The walls also are frequently adorned with paintings, representing scenes of the cult of the dead, and of daily life, and, in some of the late examples, scenes from Greek mythology. (Baumeister, *Denkm.* p. 512, and figs. 554, 555; Micali, *op. cit.* pll. lxv.–lxx.)

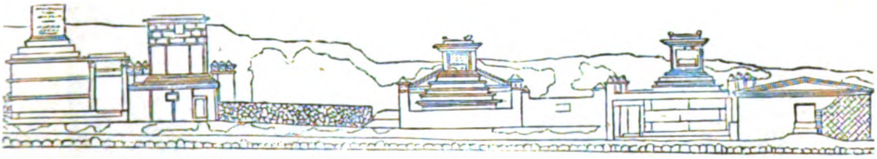
But, as in Greece, so in Italy, rock-tombs are not the most common form. Extensive and careful excavations in the neighbourhood of Bologna, at Falerii, and in other places, have given us full knowledge of several Italian cemeteries. The objects found in graves at Bologna are admirably arranged in the Museo Civico at that place. The results obtained from comparison of them are, shortly, as follows (E. Brizio, *Guida del Museo Civico di Bologna*). The graves may be divided into three classes. (1) *Umbrian.* The graves are oblong, polygonal, or square holes lined with stone. In each tomb is a large earthenware vase, containing the ashes of the burnt body. In a few of the later tombs unburnt skeletons are found, but these are very rare. Arms, knives, and ornaments are found in great numbers; in the earlier tombs of bronze only, in the later of iron also. Vases, spindles, and whorls of pottery also occur in great numbers. In the later tombs a great advance is shown in the skill with which the potter varies the forms and adornment of the vases. (2) *Etruscan.* The earliest Etruscan tombs appear to be of about the same date as the latest Umbrian: possibly of the 6th century B.C. They are distinguished from the Umbrian tombs partly by the method of burial, — two-thirds of the bodies are buried without burning, and one-third only are burnt,—partly by the tombstones, often bearing representations of Etruscan religious scenes, which are placed above the graves, and partly by the contents. The shapes of the bronze objects found are characteristic and varied; and the pottery is almost all of Greek workmanship, or imitated from Greek models. The Greek vases are for the most part red-figured; but vessels of the "Corinthian" style, and an amphora partly black-figured and partly red-figured, have been found in the earlier tombs. (3) *Gallic.* A certain number of graves, of a rather late period, appear to be Gallic in character.

The collection of objects found at Falerii is now displayed in the new museum at the Villa Giulia, outside the Porta del Popolo at Rome. An account of it, by E. Brizio, is published in the *Nuova Antologia* (Dec. 1889, p. 419 ff.). The graves at Falerii consist for the most part of chambers furnished with a number of niches, and so capable of receiving the remains of a number of persons. This peculiarity makes the investigation of the chronological sequence of the graves difficult; for the interments in each chamber extend over a considerable period. It is impossible here to discuss in detail the questions involved. It must suffice to mention one remarkable method of burial. In several cases coffins have been found made of the trunk of a tree, cut in half and hollowed. A similar coffin has been found near Gabii; and at Rome, beneath the *agger* of Servius, a terra-cotta sarcophagus has been discovered, resembling in form the trunk of a tree. This form of tree-coffin appears frequently in Northern Europe, especially in Westphalia.

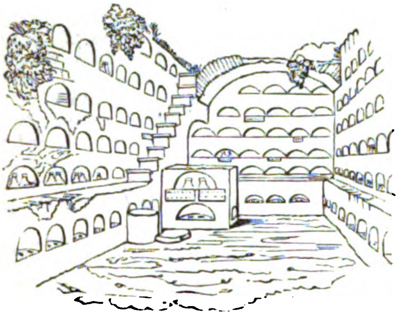
At Rome, it has been shown by recent excavations that a large cemetery lay on the east side of the city, outside the Porta Viminalis, and that it was still in use in the latest times of the Republic. This was the place of burial for slaves and poor people (Hor. *Sat.* i. 8, 8). The graves are of various kinds; among others *puticuli* or well-graves; that is to say, pits which served as a common grave for the bodies of those who could not afford the expense of separate burial. (Varro, *L. L.* 5, 25: "a puteis puticuli, quod ibi in puteis obruebantur homines, nisi potius, ut Aelius scribit, puticulae, quod putescebant ibi cadavera projecta. Qui locus publicus ultra Exquilias." Festus, *Ep.* p. 216; Com. Cruq. *ad* Hor. *Sat.* i. 8, 10, &c.) Here, too, the bodies of executed criminals were thrown unburied (Hor. *Sat.* i. 8, 17; *Epod.* 5, 99; Dionys. xx. 16). This cemetery was disused from the time of Augustus onwards, and was turned into gardens, to the great improvement of the sanitary condition of the district (Hor. *Sat.* i. 8, 14; Porphyrio and Com. Cruq. *in loc.*).

Burial within the city was forbidden, from the time of the Twelve Tables; but exceptions might be made in the case of specially distinguished persons—as, for example, in the case of C. Fabricius (Cic. *de Legg.* ii. 23, 58) and Valerius (Plut. *Q. R.* 79), and generally in the case of those who had celebrated a triumph (Plut. *ib.*). The Vestal Virgins and the emperors were buried in the city, according to Servius (*ad Aen.* xi. 205), because they were not bound by the laws, but Eutropius (8, 5) tells us that Trajan was the only emperor for whom the privilege was used. By a rescript of Hadrian, those who buried a person in the city were liable to a penalty of 40 aurei (Dig. 47, 12, 3, § 5). The practice was also forbidden by Antoninus Pius (Capitol. *Anton. Pius,* 12) and Theodosius II. (Cod. Theod. 9, 17, 6). A similar prohibition was in force elsewhere (*Lex Coloniae Genetivae,* lxxiii.; *Ephem. Ep.* iii. p. 94).

The customary place for the tombs of well-to-do families was by the side of the roads leading out of the city. Many such tombs are still preserved by the side of the roads leading out of Rome, especially the Appian Way, and many more have been destroyed in comparatively recent times. A row of them also stands outside the Herculanean gate at Pompeii. Part of this Pompeian street of tombs is represented in the accompanying woodcut, taken from Mazois, *Pompeiana,* part i. pl. 18. These private tombs vary very widely in arrangement and architecture. In some cases we have underground chambers, similar to those found in Etruria; as, for instance, the tomb of the Scipios on the Via Appia. But generally the tomb consists of a building enclosing a chamber; and in this chamber are placed the urns containing the ashes of the dead. Some not uncommon forms are shown in the above representation of tombs at Pompeii. Other forms are the pyramid, as in the case of the tomb of C. Cestius, near the Porta Ostiensis; the round tower, as in the well-known tomb of Caecilia Metella; and the conical turret, as in the so-called tomb of Virgil near Naples, and the so-called tomb of Aruns or of the Horatii and Curiatii near Albano. This last shape seems to follow an Etruscan model, for conical turrets are the chief feature of the tomb of Porsenna, as described by Pliny (*H. N.* xxxvi. §§ 91–93; Fergusson, *J. H. S.* vi. 207–232). One of the most splendid sepulchral edifices was the Mausoleum of Hadrian (see pp. 149 ff.). (For an enumeration of tombs outside Rome and for references to literature concerning them, see Marquardt, *Privatleben,* pp. 361, 362.)


The Street of Tombs at Pompeii.

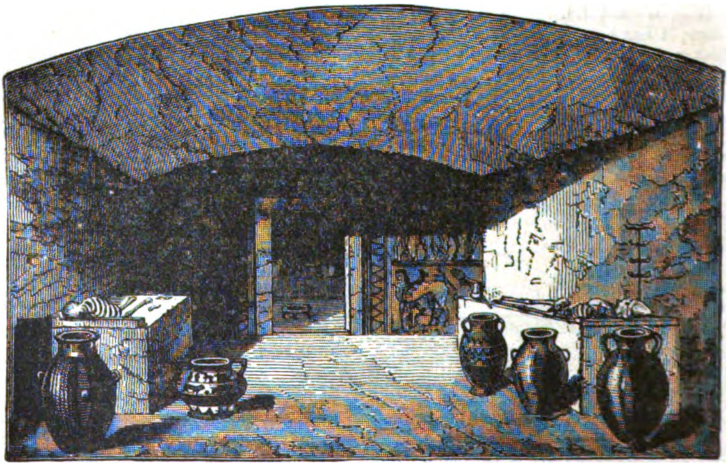
Another form of grave is the *columbarium.* This is found not unfrequently at Rome, but is hardly known elsewhere; probably because land at Rome was much more valuable than at any other place. It consists of a building provided on the inside with a large number of niches, flat at the bottom, arched at the top. Each niche, as a rule, is intended to hold two urns [Ollae], in which the ashes were placed. The name *columbarium* was given to such graves because of the resemblance which these niches bear to the holes of a pigeon-house. The general arrangement of a *columbarium* is shown in the above woodcut, which represents one found in the year 1822 at the Villa Rufini, about two miles beyond the Porta Pia. Columbaria were sometimes provided by great families as a burying-place for their slaves, freedmen, and dependents: *e.g.* by the Statilii Tauri (*Bull. della Commissione arch. municip.* 1875, p. 151 ff.; *C. I. L.* vi. p. 994 ff.), by the Volussi (*C. I. L.* vi. p. 1043), and by Livia (Gori, *Columbarium Liviae Augustae*, 1727; Ghizzi, *Camere sepolcrali de' liberti e liberte di Livia Augusta e de' altri Cesari*, 173; *C. I. L.* vi. p. 877). But most frequently they were erected by burial societies, formed by persons who were too poor to purchase a place of burial for themselves. Considerable light has been thrown upon the constitution and arrangement of these societies by inscriptions, and especially by those found in the year 1852 in a columbarium upon the Via Appia, not far from the tomb of the Scipios (*C. I. L.* vi. p. 939 ff. The inscriptions are given in full, with comments and a description of the columbarium, by Wilmanns, pp. 125–146; Marquardt, *Privatleben*, p. 372). The inscriptions from columbaria are collected in *C. I. L.* vi. p. 875 ff. (cf. Wilmanns, p. 117 ff.); and further references to literature upon the subject are given by Marquardt, *op. cit.* pp. 135, 371, 372.



Columbarium at Rome.

An account of Roman tombs would not be complete without some mention of the Catacombs; but as they were almost exclusively used by the Christians, it must suffice here to refer to the *Dictionary of Christian Antiquities* and the authorities there cited.

Contents of Tombs.—If the body was not burnt, it was placed in the tomb either enclosed in a coffin or sarcophagus [Sarcophagus], or unenclosed. In the latter case in Etruscan tombs it is generally placed upon a couch of stone, as is shown in the accompanying representation of a tomb at Veii (from Birch, *Anc. Pottery*, p. 149). If the body was burnt, the ashes were placed in an urn or pot (*urna*, *olla*).



Tomb at Veii. (Birch.)

The urn takes many forms. The hut-urns found at Albanos [see cut under Tugurium] are made of earthenware, and represent a primitive hut, with a peaked straw roof, similar apparently to the contemporary dwellings of the living (Ghirardini, *Notizie degli Scavi*, 1881, p. 354 ff., pl. v.; Marquardt, *Privatleben*, p. 216; Dennis, *Etruria*, i. lxix.). The urns also in the Bolognese cemeteries and in the columbaria are generally of earthenware. In Etruria a favourite form is a miniature sarcophagus of earthenware or stone, with a recumbent figure upon the lid. Marble, stone, and alabaster are commonly used; and the next woodcut represents a sepulchral urn of marble in the British Museum. The inscription shows that it contained the ashes of Cossutia Prima. It is of an upright rectangular form, richly ornamented with foliage and supported at the side by pilasters. Its height is 21 inches, and its width about 15. Other materials used are glass, and various metals,—lead, bronze, silver, and even gold.

Roman Sepulchral Urn. (Brit. Mus.)

A large number of other objects (of which some mention has been made above) were generally placed in the tomb, apparently with the intention of supplying the dead with the customary apparatus of life. Thus in the early tombs weapons and armour frequently occur. Later, agricultural implements and tools are often found; and in the case of women, articles of the toilet, scent-bottles, ornaments, and so forth. Clothes, money, food and drink, and vessels for containing them, were often added. The last purpose may explain to some extent the large number of vases which are often found in tombs. Several are to be seen in the picture of a tomb at Veii given above. In Etruria Greek vases and native imitations of Greek vases were used in very large numbers for this purpose; and it is from Etruscan tombs that the majority of extant Greek vases comes. With the exception of those which were found at Pompeii, nearly all the objects of daily use in our Museums have been taken from graves. We must add lastly altars, lamps and candelabra, intended for ritual purposes. (For references on this subject, see Marquardt, *Privatleben*, p. 365 ff.)

(Marquardt, *Privatleben*, pp. 340–385; Becker, *Gallus*, 4th English edit., pp. 505–523 = Becker-Göll, iii. 481–547; Raoul-Rochette, *Troisième Mémoire sur les Antiquités chrétiennes des Catacombes*, in *Mém. de l'Acad. des Inscriptions*, vol. xiii. 1838, pp. 529–788; Guhl and Koner, *Life of the Greeks and Romans*, pp. 375–387; Baumeister, *Denkmäler*, art. *Gräber*. For Etruscan tombs, Dennis, *Etruria*. For Pompeian tombs, Overbeck and Mau, *Pompeji*, 4th edit., pp. 396–422. The more important sepulchral inscriptions are conveniently collected by Wilmanns, *Exempla Inscriptionum Latinarum*, cap. ii. vol. i. pp. 49–173.) [FUNUS.] [H. B. S.]

SEQUESTRES. [AMBITUS.]

SERA. [JANUA.]

SE'RICUM (*σηρικόν, βομβύκια*). Silk appears in Roman literature under three different names—*vestes Coae*, *bombycinae*, and *sericae*—though in strict usage only the last was what we should recognise as true silk. For the passages descriptive of the first, see COA VESTIS: it is mentioned by no writer later than Pliny, and we may suppose this industry to have died out early in the Empire. Though Isidore (*Orig.* xix. 22) makes the *Coae* and *bombycinae* identical, there can be no doubt that he was mistaken. The difference was not merely that the one was manufactured in Cos, the other in Assyria (Aristot. *H. A.* v. 19, p. 551; Plin. *H. N.* xi. §§ 76–78; Propert. ii. 3, 15, where *Arabius* is loosely used for "eastern"), but the worms themselves were different. The bombyx of Cos was a species living on the oak, the ash, and the cypress; that of Assyria was the true mulberry silkworm: the material therefore was originally different, but was treated in the same way; for in both districts the insect was allowed to develop itself, and the *pierced* cocoons were used. These were impossible to unwind, because the continuity of the threads had been broken; so they were carded, and then spun like cotton, and gave a coarser silk which is called *galette*. The fact of the worm being left in its wild state to spin on trees whence the deserted cocoon was gathered (cf. Verg. *Georg.* ii. 121; Petron. 119; Plin. *H. N.* vi. § 54; Sil. Ital. vi. 4, xiv. 664; Dionys. Perieg. 752) gave rise to the notion, which we find expressed even in Strab. xv. p. 693, that the silk grew on the leaves, and was scraped off them. Pausanias (vi. 26), however, gives the true account.

The distinction between *vestes sericae* and *bombycinae* is marked in Ulp. *Dig.* 34, 2, 23, 1; Apul. *Met.* viii. 27 (where the priests wear *bombycina:* the image of the goddess is "serico contecta amiculo"). As will be seen from what has already been said, the essential difference lay not in the silkworm (since the produce of the mulberry silkworm was used at all times in India, Persia, and Assyria), but in the fact that the Chinese alone discovered the method of unwinding the cocoon while it was entire, and cultivated the silkworm for that purpose instead of carding the pierced cocoons. This true silk was therefore imported from China, usually overland through Samarcand to the Persian Gulf, thence to Phoenicia or Egypt, and finally to Rome (Procop. *Anecd.* 25; [Arrian,] *Per. M. Eryth.* 56). It is stated by most modern writers (Blümner, Marquardt, Becker-Göll) that the Chinese silk was imported at first in woven pieces (*ὀθόνια σηρικά*), that these were laboriously unravelled, and the silken thread thence obtained re-woven with an admixture of wool. We must confess that this theory, which is antecedently unlikely, seems to us to rest on very slight evidence. Pliny (who merely translates Aristotle), when he speaks of the "redordiri rursusque texere" (xi. § 76) and of the "geminus feminis labor redordiendi fila rursusque texendi," is, like Aristotle, speaking only of carding out cocoons whence to spin a thread and then to weave.

The theory, then, rests on the lines of Lucan (x. 140):

> "Candida Sidonio perlucent pectora filo,
> Quod Niliotis acus percussum pectine serum
> Solvit et extenso laxavit stamina velo,"

which Marquardt takes to mean that the stuff was woven in China, dyed at Sidon, and then unpicked and re-woven in Egypt. But it is dangerous to trust in so technical a matter to poetical description, and moreover the version of Mr. Haskins in his recent edition of Lucan is more probable, "loosened the threads by stretching the fabric;" *i.e.* the material was close-woven by the Chinese and thinned out, so as to be transparent, by the Egyptians: the word *acus*, perhaps, also implies embroidery. If this view is correct, the mixed fabrics which were worn under the earlier Empire must (when made of Chinese silk as *sericae*, not *bombycinae*) have been made of the silk thread (*νῆμα σηρικὸν*) or of the raw silk (*μέταξα*) interwoven with flaxen or cotton thread into a cheaper, lighter, and more transparent dress than the Chinese silk stuffs. This material became more and more fashionable. Even men dressed in silk; and hence the senate, early in the reign of Tiberius, enacted "ne vestis serica viros foedaret" (Tac. *Ann.* ii. 33; Dio Cass. lvii. 15). In the succeeding reigns we find the most rigorous measures adopted by those emperors who were characterised by severity of manners, to restrict the use of silk, while others, like Caligula, encouraged it (Suet. *Cal.* 52; Dio Cass. lix. 12: cf. Joseph. *B. J.* vii. 5; Mart. xi. 9, 27, xiv. 24).

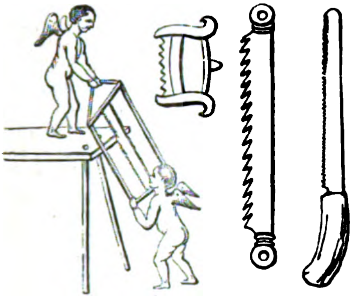
This mixed fabric, based on Chinese silk, was generally called *sericae vestes*, but received a distinct name when the Romans began to import the pure woven silk stuffs, which were called *holosericae* and were introduced by Elagabalus (Lamprid. *Heliog.* 26): the silk flags on the Parthian standards, which struck the eyes of the Romans in the battle of Carrhae more than two centuries earlier, were doubtless of this material (Flor. iii. 11). The expense of it was so great that the successor of Elagabalus, Alexander Severus, never wore it (Lamprid. *Alex. Sev.* 40), and it was said to have been sold for its actual weight in gold (Vopisc. *Aurelian.* 45). Thenceforth, though the general name *sericum*, or *sericae vestes*, included both kinds, and naturally more often means the less costly mixed silk, there was strictly the distinction between *holosericae* (pure silk) and *subsericae* (or *tramosericae*), in which the woof was silk, and the warp of flax or wool (Isid. *Orig.* xix. 22). The increasingly common use of both holosericae and subsericae may be seen as time went on (Solin. p. 202; Vopisc. *Tacit.* 10, *Carin.* 19; Ammian. xxiii. 6; Symmach. *Ep.* iv. 8). Christian writers condemn it (Clem. Alex. *Paedag.* ii. 10; Tertull. *de Pall.* 4); St. Jerome (*ad Marcell.*) says that those who did not wear it were taken for monks: actors were forbidden to wear figured and gold-embroidered silks, but were allowed plain silks (Cod. Theod. 15, 11, 7). We find among trades the sericarii, holosericopratae, and metaxarii (*C. I. L.* vi. 9678, 9893; Cod. Just. 8, 13, 27), and a *σηρικοποιός* (*C. I. G.* 5834).

The production of raw silk (*μέταξα*) in Europe was first attempted under Justinian, A.D. 530. The eggs of the silkworm were conveyed to Byzantium in the hollow stem of a plant from "Serinda," which was probably Khotan in Little Bucharia, by some monks, who had learnt the method of hatching and rearing them. The worms were fed with the leaf of the Black or Common Mulberry (*συκάμινος*: Procop. *B. Goth.* iv. 17; Glycas, *Ann.* iv. p. 209; Zonar. *Ann.* xiv. p. 69, ed. Du Cange; Phot. *Bibl.* p. 80, ed. Roth). The cultivation both of this species and of the White Mulberry, the breeding of silkworms, and the manufacture of their produce, having been long confined to Greece, were at length in the twelfth century transported into Sicily, and thence extended over the South of Europe. (Otto Frisingen, *Hist. Imp. Freder.* i. 33; Man. Comnenus, ii. 8.) The progress of this important branch of industry was, however, greatly impeded even in Greece, both by sumptuary laws restricting the use of silk except in the church service or in the dress and ornaments of the court, and also by fines and prohibitions against private silk-mills, and by other attempts to regulate the price both of the raw and manufactured article. It was at one time determined that the business should be carried on solely by the imperial treasurer (*praefectus thesauro*). Peter Barsames, probably a Phoenician, held the office, and conducted himself in the most oppressive manner, so that the silk trade was ruined both in Byzantium and at Tyre and Berytus; whilst Justinian, the Empress Theodora, and their treasurer amassed great wealth by the monopoly (Procop. *Hist. Arcan.* 25).

(The best treatment of this subject will be found in Pariset, *Hist. de la Soie*, vol. i. pp. 1–90: see also Marquardt, *Privatleben*, pp. 491–499; Blümner, *Technol.* i. 192; Becker-Göll, *Gallus*, iii. 283; Yates, *Textrinum*, p. 160 ff.) [J. Y.] [G. E. M.]

SERRA, *dim.* **SE'RRULA** (*πρίων*), a saw. It is not improbable, as Virgil says (*Georg.* i. 144, a line rejected by some critics), that it was an invention which superseded the primitive use of wedges, but it is at any rate very ancient, and its origin is lost in the mythical ages, being attributed either to Daedalus (Plin. *H. N.* vii. § 188; Sen. *Epist.* 90), or to his nephew Perdix (Hygin. *Fab.* 274; Ovid, *Met.* viii. 246) [CIRCINUS], also called Talos, who, having found the jaw of a serpent and divided a piece of wood with it, was led to imitate the teeth in iron (Diod. Sic. iv. 76; Apollodor. iii. 15). Hyginus and Isidore (*Orig.* xix. 19) make the backbone of a fish the original pattern. In a bas-relief published by Winckelmann (*Mon. Ined.* ii. fig. 94), Daedalus is represented holding a saw approaching very closely in form to the Egyptian saw delineated below. The iron blade of the saw was called *τάρσος* in Greek (Opp. *Hal.* v. 201), *lamina* in Latin (Verg. *Georg.* i. 143); the teeth, *ὀδόντες* and *dentes*. The form of the larger saw used for cutting timber is seen in the woodcut below, which is taken from a miniature in the celebrated Dioscorides written at the beginning of the sixth century (Montfaucon, *Pal. Graec.* p. 203). It is of the kind which we call the frame-saw, because it is fixed in a rectangular frame. It was held by a workman (*serrarius*, Sen. *Epist.*

57) at each end. The line was used to mark the timber in order to guide the saw (Sen. *Epist.* 90); and its movement was facilitated by driving wedges with a hammer between the planks (*tenues tabulae*) or rafters (*trabes*). (Corippus, *de Laud. Just.* iv. 45–48.) A similar representation of the use of the frame-saw is given in a painting found at Herculaneum, the operators being winged genii, as in this woodcut (*Ant. d'Ercol.* i. tav. 34); but in a bas-relief published by Micali (*Ital. av. il Dom. dei Rom.* tav. 49) the two sawyers wear tunics girt round the waist like that of the ship-builder in the woodcut under ASCIA. The woodcut here introduced also shows the blade of the saw detached from its frame, with a ring at each end for fixing it in the frame, and exhibited on a tomb-stone published by Gruter.



Serrae.

On each side of the last-mentioned figure is represented a hand-saw adapted to be used by a single person. That on the left is from the same monument as the blade of the frame-saw; that on the right is the figure of an ancient Egyptian saw preserved in the British Museum. These saws (*serrulae manubriatae*) were used to divide the smaller objects. Some of them, called *lupi*, had a particular shape, by which they were adapted for amputating the branches of trees (Pallad. *de Re Rust.* i. 43). It is not unlikely that these were saws with a wide "set" to the teeth. The primitive saws, no doubt, had teeth running in the same line as the blade: it must have been an improvement to have what is called a "set," *i.e.* the alternate teeth bent sideways in opposite directions to prevent the saw from getting jammed in its passage, and the *lupi* for sawing trees would naturally be improved by having a wide "set." This is what Pliny (*H. N.* xvi. § 227) must mean by *alterna inclinatio*.

Pliny (*H. N.* xxxvi. § 159) mentions the use of the saw in the ancient Belgium for cutting white building-stone: some of the oolitic and cretaceous rocks are still treated in the same manner both in that part of the Continent and in the south of England. In this case Pliny must be understood to speak of a proper or toothed saw. The saw without teeth was then used, just as it is now, by the workers in marble, and the place of teeth was supplied, according to the hardness of the stone, either by emery or by various kinds of sand of inferior hardness (Plin. *H. N.* xxxvi. § 51). In this manner the ancient artificers were able to cut slabs of the hardest rocks, which consequently were adapted to receive the highest polish, such as granite porphyry, lapis-lazuli, and amethyst. [MOLA; PARIES.] The *serrula* in Cic. *pro Cluent.* 64, 180, with which the bottom of a chest was cut out, has given rise to some discussion. In a recent number of the *Classical Review* (Oct. 1889) Mr. Owen suggests that it was "a round saw, shaped like a tea-cup inverted, which worked on the bottom of the chest by means of a handle moving on the principle of a brace and bit." A drawing of such a tool is given in the article referred to. We are assured by a working carpenter that, though nothing of the kind is known in the modern trade, it would act efficiently and also more silently than a saw drawn backwards and forwards, assuming that it has a pivot to work on; and moreover that it would not be difficult to make such an implement with a thin "ribbon" saw. We think, therefore, that the suggestion is plausible: otherwise there is no difficulty in imagining a hole first bored in the natural way with a centrebit [see TEREBRUM] and the piece cut out with a small saw, like our "key-hole" saw, with a thin end, toothed on both sides and capable of being turned round. Cicero was, of course, not describing anything that he had seen: the only necessary condition is that it should *not* be of the patterns in most ordinary use. (On the general subject, see Beckmann, *Hist. of Inventions*, i. 361; Blümner, *Technologie*, ii. 216–221.) [J. Y.] [G. E. M.]

SERRA'TUS. Tacitus says of the Germans (*Germania*, 5), "pecuniam probant veterem et diu notam, serratos bigatosque." These were denarii struck under the Roman Republic; the serrati having a serrated edge, the bigati bearing the type of a biga. (Here we have a quadriga.) That the Germans should prefer these coins of the Republic to those of the Empire, inferior in weight and purity, was natural; and treasures found in Germany have confirmed Tacitus's testimony. (Mommsen, *Röm. Münzwesen*, p. 771.) [P. G.]

Denarius serratus.

SERTA. [CORONA, Vol. I. p. 545.]

SERVIA'NA ACTIO. [PIGNUS.]

SE'RVITUS. [SERVUS.]

SERVITU'TES. Where one person has a right over property of another, which he can assert by legal remedy against any one who interferes with its exercise, and not merely against the owner of the property, he is said to have a *jus in re aliena*, and his right belongs to those which are "real" or *in rem*. By the existence of such a right the legal position of the owner is diminished in value: his ownership, which otherwise would be unrestricted, is curtailed, not in duration, but in extension. The presumption of law was in favour of the freedom of property, and the burden of proving his right over it lay on the other party: hence, when a thing was sold as *optima maxima*, this was legally understood to mean that it was warranted free from any real rights in persons other than the owner (Dig. 50, 16, 90 and 169: cf. Cic. *de Leg. Agr.* iii. 2, 7). Two classes of such *jura in re aliena* are known to Roman law: one recognised by the old Jus Civile, and termed *servitutes;* the other of praetorian origin, and known by specific names, viz. EMPHYTEUSIS, PIGNUS, and SUPERFICIES.

The term *servitus* properly denotes the *quasi* non-free condition of an object over which rights are enjoyed by a person other than its owner (Dig. 39, 1, 5, 9), but more commonly it is used to express the deducted right itself. As to such rights in general, there are a few fundamental rules admitting of very brief statement. No one can have a servitude over property of his own ("nulli res sua servit," Dig. 8, 2, 26), so that a servitude will be extinguished *ipso facto* as soon as the person in whom it is vested becomes owner of the property over which it is exercisable (*res serviens*) or *vice versâ.* No one servitude can be the object of another, for "servitus servitutis esse non potest" (Dig. 33, 2, 1); but there can be servitudes over other incorporeal things, *e.g.* over an emphyteusis or a superficies (Dig. 43, 18, 1, 6, 7, 9). Being created solely for the benefit of a determinate subject, servitudes are intransferable, or inseparable from the subject itself (Dig. 10, 2, 15; 8, 4, 12); and, lastly, a servitude must not merely limit the rights of the owner of the *res serviens,* but must confer a positive advantage on the other party (Dig. 8, 1, 15).

These rights may be classified in various ways. They are divided, with reference to the owner of the *res serviens,* into affirmative and negative. If he has to allow the other party to do something from which otherwise he could legally hinder him (*e.g.* to walk across his field), the servitude is affirmative, and is said to consist *in patiendo;* if he is obliged himself to refrain from doing some act which otherwise he would be at perfect liberty to do (*e.g.* to add a story to his house), the servitude is negative, and is said to consist *in non faciendo.* But no servitude can consist *in faciendo,* in the sense of the owner of the *res serviens* being compellable to perform some positive duty: for to this would correspond only a right *in personam,* whereas a servitude is a right *in rem* (Dig. 8, 1, 15, 1). He may owe a positive act in respect of the *res serviens* (*e.g.* to keep a road in repair over which his neighbour has a right of way), but a violation of this duty would generally be redressed by a personal action, not by the real action arising from the servitude. Where the owner of a wall on which his neighbour had the right of support for his house (*servitus oneris ferendi*) undertook to keep the wall in repair, this duty could be enforced (according to Servius Sulpicius, whose view prevailed over that of Aquilius Gallus) by action on the servitude; but the legal principle last stated was so far observed that the owner of the wall was able to release himself from the duty by abandonment (*derelictio*), and could not be compelled to support the house by other means while the wall was being repaired (Dig. 8, 5, 6, 25; *ib.* 8, pr. and 2; 8, 2, 33).

But the current Roman classification of servitudes is into praedial and personal (Dig. 8, 2, 1). A praedial servitude can belong to a man only as being owner or tenant of a parcel of land or a house (*praedium*), whereas he can have a personal servitude without any such restriction. Again, the latter can be enjoyed over any object of property; the former only over another *praedium* (Inst. ii. 3, 3) adjoining (Dig. 8, 3, 5, 1) that in whose favour it exists, and to which it is appurtenant. Thus there can be no praedial servitude without both a *praedium serviens* and a *praedium dominans.* The right must be of such a nature that by it the use and enjoyment of the latter are enhanced or rendered more complete and effectual (Dig. 8, 2, 8, pr.; *ib.* 15, pr.); it is consequently inseparable therefrom, passing with it when conveyed, and its extension is determined only by the requirements of the *praedium dominans* itself (Dig. 8, 3, 5, 1). But the latter's owner must exercise his right with proper regard for those of the owner of the *praedium serviens* ("civiliter modo," Dig. 8, 1, 9), who must himself permit the former to do all acts necessary for its due enjoyment (*e.g.* repairs, Dig. *ib.* 10). The rule "omnes servitutes praediorum perpetuas causas habere debent" (Dig. 8, 2, 28) signifies that the servitude must permanently benefit the *praedium dominans* (whence "neque ex lacu neque ex stagno concedi aquaeductus potest," Dig. *ib.*, and "servitutes [praediorum] ipso quidem jure neque ex tempore, neque ad tempus, neque sub condicione, neque ad certam condicionem constitui possunt," Dig. 8, 1, 4), and also that no right can be a praedial servitude whose enjoyment necessitates constant action on the part of the owner of the *praedium serviens.*

A personal servitude (*servitus personarum,* Dig. 8, 2, 1; *personalis servitus,* Dig. 34, 3, 8, 3) is one which belongs simply to a man *as such,* and not as owner or tenant of this or that land or house: it is limited in duration at least by that of his own lifetime, and, as has been already remarked, can exist over any object of property whatever. All servitudes of this class are affirmative; praedial servitudes can be either affirmative or negative, as will be seen by reference to those of which an account is given below.

Personal servitudes are four in number, viz. USUS, USUSFRUCTUS, *habitatio,* and *operae servorum sive animalium.* Whether the last two were distinct rights from use and usufruct was for a long time a question among the Roman jurists (Dig. 7, 7, 5; 7, 8, 10; Cod. 33, 3, 13: cf. Gaius, ii. 32), but eventually the distinction was admitted. *Habitatio* is the right of living in another person's house, and differs from *usus aedium* in the person who possesses it being entitled to let it out to others (Inst. ii. 5, 5), and from both use and usufruct in the fact that it was not extinguished by his capitis deminutio or by non-user (Dig. 7, 8, 10, pr.). If created by a *donatio inter vivos,* it could be set aside by the heirs of the grantor. *Operae servorum* or *animalium* consisted in a man's having a right to the use and services of another's slave or beast, so long as he or it lived. It differed from a mere *usus* or *ususfructus* in the same respects as *habitatio.*

Praedial servitudes are either rustic or urban (*jura praediorum rusticorum, urbanorum*); a distinction as to the precise rationale of which there are differences of opinion. It is clear that not all servitudes in towns are urban, nor all in the country rustic, for "urbana praedia omnia aedificia accipimus, non solum ea quae sunt in oppidis, sed et si forte stabula sunt vel alia meritoria in villis vel in vicis vel si praetoria voluptati tantum deservientia, quia urbanum praedium non locus facit sed materia" (Dig. 50, 16, 198). Many of the praedial servitudes are referred to by Cicero, *pro Caec.* 13, 19 and 26. Of the urban class the following are the most important:—1. *Oneris ferendi:* the right which a man has to use the wall or edifice of his neighbour as a support for his own (Inst. ii. 3, 1;—Dig. 8, 2, 33; 8, 5, 6, 2). The owner of the servient property had to keep it in repair, but could escape this liability by derelictio. 2. *Tigni immittendi:* the right of planting a beam in or upon a neighbour's wall (Dig. 8, 2, 2 and 6; 8, 6, 18, 2; 8, 5, 8: cf. Tac. *Ann.* xv. 43; Cic. *de Orat.* i. 38, 173). 3. *Protegendi* or *projiciendi:* the right of throwing a balcony or verandah out from one's own house so as to project over one's neighbour's land (Dig. 8, 2, 2; 43, 17, 3, 5, 6, &c.). 4. *Stillicidii:* the right to have the rain-water drip in its natural course from one's roof on to a neighbour's land. A sub-variety is the *servitus fluminis recipiendi, immittendi,* or *avertendi,* the right of throwing such water on adjoining land from a pipe (Dig. 8, 2, 17, 3; *ib.* 20, 3–6;—Varro, *L. L.* iv. 5;—Cic. *de Orat.* i. 38, 173; *Top.* 4, 22;—Vitruv. *de Architect.* ii. 1, vi. 3, vii. 5). 5. *Cloacae immittendae:* the right of emptying a drain into or conducting it through a neighbour's premises (Dig. 8, 1, 7; 43, 23, 1, 4). 6. *Fumi immittendi:* the right of sending one's smoke through the chimney of one who lives above or next door (Dig. 8, 5; 8, 5–7). 7. *Latrinae sive sterculinii:* the right of having a dung-heap against a neighbour's wall (Dig. 8, 5, 17, 2). 8. *Altius non tollendi:* the right of preventing a man from building (or raising buildings already standing) above a certain height (Dig. 8, 2, 2; *ib.* 4 and 11, &c.). 9. *Ne luminibus* and *ne prospectui officiatur:* the right of having one's supply of daylight and one's view uninterfered with by any act of one's neighbour, such as planting of trees or erections of any kind (Dig. 8, 2, 3, 12, 15–17, &c.; Cic. *de Orat.* i. 39, 179; Gaius, ii. 31). 10. *Servitus luminum* or *luminis immittendi:* the nature of which is disputed, but which probably consisted in the right of making windows in a neighbour's wall in order to procure oneself more daylight (Dig. 8, 2, 4, 40; Cod. 3, 34, 8).

We read in the authorities also of a *servitus stillicidii* and *fluminis non recipiendi* (Inst. ii. 3, 1; Dig. 8, 2, 2), a *servitus altius tollendi* (Dig. *ib.*), and a *servitus officiendi luminibus vicini* (Gaius, ii. 31, iv. 3; Inst. iv. 6, 2, &c.), of the nature of which, however, no explanation is given. Such rights are not properly servitudes at all, but were ordinary incidents of ownership, and this treatment of them has caused no little difficulty. According to Theophilus and others, these expressions are simply intended to denote the condition of a praedium after the extinction of a *servitus stillicidii,* &c., to which it was previously subject. Others explain them by reference to local regulations prohibiting buildings above a certain height, &c. (*e.g.* Cod. 8, 10, 12 and 13), which they suppose could be overridden by the establishment of servitudes to the contrary; but this hypothesis seems untenable by reason of the aphorism, "jus publicum privatorum pactis mutari non potest." A third school holds that the object of a grant of a *servitus altius tollendi,* &c., was *partially* to extinguish a *servitus altius non tollendi,* &c. (cf. Dig. 44, 2, 26, pr.).

Of rustic servitudes the following are the most important:—1. *Iter* (or *jus eundi,* Gaius, iv. 3): the right of walking or riding along a footpath on another man's land, and of being carried over it in a litter (Inst. ii. 3, pr.; Dig. 8, 3, 7 and 12); though either of the latter rights might be excluded by express provision (Dig. 8, 1, 4, 1). 2. *Actus* (which includes *iter*): a similar right of driving cattle or vehicles (Isidor. *Orig.* xv. 16;—Dig. 8, 3, 1, pr.; *ib.* 7, pr. and 12, &c.), though the last could be excluded (Dig. 8, 1, 13). 3. *Via* (which includes both *iter* and *actus*): the right of using a regular road (*via munita*) over another's land for heavy traffic with highly-laden waggons ("hastam rectam ferre," Dig. 8, 3, 7, pr.), so that the owner of the *praedium serviens* must lop the trees. The road, in the absence of express agreement, must be at least eight feet where straight, and sixteen where it curved (Dig. 8, 3, 8: cf. Varro, *L. L.* iv. 4; *R. R.* i. 2, 14; Isidor. *Orig.* l. c.). 4. *Aquaeductus:* the right of conducting water on another's land away to one's own in pipes, or over another's land on to one's own by a leat, *e.g.* for the purposes of a mill (Inst. ii. 3, pr.;—Dig. 8, 3, 1, pr.; *ib.* 9). The exercise of this servitude might be limited to the summer or the winter, in which case it was called *aqua aestiva* or *hiberna* in opposition to *aqua quotidiana* (Dig. 43, 20, 1, 2 and 3); or it might be restricted by measure or time (*aqua diurna, nocturna,* Dig. *ib.* 2 and 5, pr.). 5. *Aquae haustus:* the right of taking water in vessels from another's land (Inst. ii. 3, 2;—Dig. 8, 3, 1; *ib.* 3, 3; *ib.* 9), and admitting of the same limitations as those just mentioned (Dig. 8, 3, 2, 1). 6. *Pecoris ad aquam appulsus:* the right of watering one's cattle on the land of a neighbour (Dig. 8, 3, 1, 1; *ib.* 4 and 6). 7. *Jus pascendi:* the right to pasture cattle there (Dig. *ib.* 3, pr., 4 and 6). Besides these, there are mentioned *jura silvae caeduae, cretae eximendae, lapidis eximendi, arenae fodiendae, calcis coquendae,* and other rights without specific names, in Dig. 8, 3, 3, 1 and 2; *ib.* 6; 8, 1, 15, pr.; 43, 20, 1, 28. If a *locus publicus* or *via publica* intervened, no *servitus aquaeductus* could be imposed; but it was necessary to apply to the emperor for permission to form an aquaeductus across a public road. The intervention of a *locus sacer* or *religiosus* was an obstacle to imposing a *servitus itineris* or other right of way, for land of such a character could not by law become "servient."

The modes in which servitudes were created or acquired are six in number, viz.:—1. A disposition *inter vivos* by or in pursuance of a contract. The general form of this was originally *in jure cessio,* though rustic servitudes over *solum Italicum* could be created also by *mancipatio* (Gaius, ii. 29, 30). As provincial soil, not being *in commercio,* could not be conveyed by either of these methods, so neither could servitudes over it be so created (Gaius, *ib.* 31); and its occupiers took refuge (Gaius, *ib.*) in formless agreements, subsequently expressed in a solemn contract (*stipulationes*), by which the owner of the land over which the right was to be created bound himself to allow its enjoyment, or in default to pay a penal sum (*e.g.* Dig. 45, 1, 2, 5). Such agreements would not, however, in themselves bind an alienee of the *praedium serviens*, nor would they confer any right on one of the *praedium dominans;* but the praetors introduced a *utilis actio* by which the latter owner and all his successors in title were enabled to assert the right against the owner of the *praedium serviens* and similar successors of his, so that in this way it acquired a "real" character. In the time of Justinian both *in jure cessio* and *mancipatio* had disappeared, and *pactio et stipulatio*, having apparently been for some time used for this purpose even on *solum Italicum*, remained the universal mode of contractually creating servitudes (Inst. ii. 3, 4). It is contended by many writers that, besides the contract (*pactio et stipulatio*), a *quasi-traditio* or figurative delivery of the right was necessary; but their argument is based on analogy rather than on any real textual authority. 2. In a conveyance of land, whether in Italy by *in jure cessio* or *mancipatio*, or in the provinces by *traditio*, a servitude over it might be reserved (*deductio:* Gaius, ii. 33; Inst. ii. 4, 1;—Dig. 8, 2, 34, 35; 8, 3, 30 and 33), and the same might be done when the land was bequeathed by will. 3. Testamentary disposition. An owner of property might either directly bequeath a servitude over it (which was a very common mode of creating those of the personal class), in which case the right to it was acquired when the "dies legati cessit" [LEGATUM], or he might direct his heir duly to constitute it in favour of a third person as legatee (Paul. *Sent. Rec.* iii. 6, 17; Dig. 8, 4, 16; Inst. ii. 4, 1). 4. *Adjudicatio:* the judge (*a*) awarding to one party in a *judicium divisorium* or partition action a servitude over the whole or a portion of the property which he adjudged to the other (Dig. 7, 1, 6, 1; 10, 2, 22, 3); or (*b*) declaring a servitude duly constituted as against a contumacious defendant who refuses to create it himself; or (*c*) reviving by "in integrum restitutio" [RESTITUTIO] a servitude which had been lost (Dig. 8, 5, 8, 4). 5. Prescription, or enjoyment of the right for a prescribed period of time. Servitudes could not properly be thus acquired apart from the *praedia* to which they were appurtenant (Dig. 41, 3, 10), though it would seem that this principle was at one time not fully admitted (see Cic. *ad Att.* xv. 26), for a Lex Scribonia of uncertain date forbade usucapion of servitudes, except the anomalous class (e.g. *altius tollendi*) spoken of above (Dig. 41, 3, 4, 29). Other writers hold that the principle never applied to urban servitudes, in which there is a greater semblance of uninterrupted possession than in those of the rustic class, and that it was to the usucapion of the former that the Lex Scribonia related. Servitudes over provincial soil could, however, be acquired by *longa quasi-possessio*—actual exercise of the right for ten years if the owner of the *praedium serviens* lived in the same province, for twenty if in another (Dig. 8, 5, 10, pr.; 8, 6, 25); and this title gradually came to be recognised in Italy also, and under Justinian was in full operation (Cod. 7, 33, 12). 6. *Lex:* e.g. the acquisition by a paterfamilias of a usufruct in the *peculium adventicium* of his son (Inst. ii. 9, pr.).

The following are the chief modes in which servitudes were extinguished:—1. Destruction of the *res serviens*, or its withdrawal from *commercium* (Inst. ii. 4, 1; Dig. 7, 1, 2); but if it was restored the right revived (Dig. 8, 2, 20; 8, 6, 14). Personal servitudes perished also if the *res serviens* underwent a complete and essential transformation (Dig. 7, 4, 5, 2 and 3). 2. Praedial servitudes were extinguished by the destruction of the *praedium dominans* or by its ceasing to be *in commercium* (Dig. 8, 2, 20, 2), but were revived by its restoration within the period of usucapio: *e.g.* if a building to which a servitude was appurtenant was pulled down in order to be rebuilt, and was rebuilt in the same form, the servitude revived (Dig. *l. c.*). Similarly, personal servitudes determined with the decease of the person entitled (Inst. ii. 4, 3; Dig. 7, 4, 3, 3), and under the older law *usus* and *ususfructus* were destroyed also by his *capitis deminutio* (Gaius, iii. 83); but by an enactment of Justinian (Inst. *l. c.* and iii. 10, 1; Cod. 3, 33, 16, 2) *capitis deminutio minima* ceased to have this effect. If a personal servitude belonged to a juristic person, it perished with the dissolution of that person (Dig. 7, 4, 21), and also with the lapse of 100 years from its creation in the absence of express provision to the contrary (Dig. 7, 1, 56). 3. Release of the right by the person entitled to the owner of the *res serviens* (Inst. ii. 4, 3), in the form either of bequest (Dig. 30, 86, 4) or of contract: for the latter *in jure cessio* or *mancipatio* was the proper form under the older law (Gaius, ii. 30; Paul. *Sent. Rec.* iii. 6, 28, 32), but under Justinian a bare agreement (*cessio* or *concessio*) sufficed without any formal surrender, and in some cases a tacit release was presumed from conclusive acts (*e.g.* Dig. 44, 4, 4, 12; 8, 6, 8, pr.). There is some ground for supposing that abandonment (*derelictio*) extinguished usufruct, but not other servitudes: its real effect, however, seems to have been to destroy not the usufructuary's rights, but only his liabilities. 4. *Confusio:* in praedial servitudes the vesting of ownership over the *res dominans* and the *res serviens* in the same person; in personal servitudes a similar union of the dominium and the servitus (Dig. 7, 4, 17; 8. 6, 1). Where the right was a usufruct, this was termed specifically *consolidatio* (Inst. ii. 4. 3). If the separate owners of two separate estates jointly acquired a *praedium* which was servient to both, the servitudes were not extinguished; but it was otherwise if the joint owners of a *praedium dominans* jointly acquired the *praedium serviens* (Dig. 8, 3, 27). 5. Non-exercise of the right for a prescribed time: rustic servitudes being lost by non-exercise for two years, personal servitudes by non-user for one year or two according as the *res serviens* was *mobilis* or *immobilis* (Paul. *Sent. Rec.* iii. 6, 30). For the loss of an urban servitude mere non-user was not enough, it being necessary that the owner of the *praedium serviens* should do some positive act, such as raising his house or building up the hole in which his neighbour's beam had rested (Dig. 8, 2, 6). For the loss of servitudes over provincial soil the periods were ten years *inter praesentes*, twenty years *inter absentes*, and these were retained for servitudes of all kinds by Justinian, whether over movables or immovables (Cod. 3, 33, 16, 1; 3, 34, 13). *Habitatio* and *operae*, as has been observed above, were never liable to extinction by non-exercise.

As possession is the actual exercise of the rights of ownership, so the enjoyment or exercise of a right of servitude may be conceived as a quasi-possession, though the Roman jurists sometimes explicitly deny the applicability to them of the conception (*e.g.* Dig. 43, 3, 8; 41, 3, 4, 27; 8, 2, 32, 1), and sometimes speak plainly of *possessio* or *quasi-possessio juris* (Dig. 43, 26, 2, 3; 43, 19, 7; 46, 23, 2) in contrast with *possessio corporis*—the possession of a tangible thing—while Javolenus goes so far as to describe specifically the exercise of servitudes as a taking of possession (Dig. 8, 1, 20). The extension to them of the conception of possession was important when we consider the legal remedies by which they were protected: for, as an owner can assert his dominium in its legal aspect by an action, and protect its actual exercise (*possessio*) by an interdict, so servitudes came by analogy to be the subject of both kinds of remedies. The action by which a person entitled to a servitude was protected against its infringement by any person whatsoever was called *confessoria in rem* (Dig. 8, 5, 2, pr.), its objects being judicial acknowledgment of the plaintiff's right, removal of any impediment to its exercise, compensation for interference, the entering into by the defendant of a "cautio de non amplius turbando" (Dig. 7, 6, 5, 6; 8, 5, 7). In Publician form [PUBLICIANA ACTIO] it could be brought by any person who *bonâ fide* possessed the *praedium dominans*, or in whose favour the *bonâ fide* possessor of property had in good faith constituted a servitude over it. If a servitude was unjustly claimed over property, its owner could take the offensive by bringing an *actio negatoria in rem* against the claimant; its object being to establish the freedom of the property from the alleged right, damages, and security against future disturbance. The plaintiff had, of course, to prove the freedom of his property (Gaius, iv. 3; Dig. 8, 5). The quasi-possessor of a personal servitude, who had "detention" of the object over which it existed, could use the interdicts *utrubi* and *de precario* (Dig. 43, 26, 2, 3) in their original, and *uti possidetis* and *de vi* in their *utilis* form (Dig. 43, 17, 4; *ib.* 16, 3, 15–17). So far as rustic servitudes are concerned, the various rights of way and water were protected by special interdicts—*de itinere actuque privato* (Dig. 43, 19), *de aqua* (Dig. 43, 20), *de rivis* (Dig. 43, 21), *de fonte* and *de fonte reficiendo* (Dig. 43, 22). As to the application of interdicts to urban servitudes, there is a difference of opinion; but the better view would seem to be that only affirmative rights of this class were thus protected (Dig. 43, 17, 3, 6; 43, 23).

Some limitations were imposed on the exercise of ownership at Rome, either upon religious grounds or in the interest of neighbours or of the public generally, and these are sometimes called "legal servitudes," though the name is inappropriate because the property can hardly be termed "servient" in the sense of a genuine servitude. To considerations of religion were due the rules relating to *finis*, a space of five feet in width between adjoining estates, which it was not permitted to cultivate, but which was held sacred and was used by the owners of the adjoining lands for sacrifice. To this class also belong the rules that if a man had buried a dead body on the land of another without his consent, he could not as a general rule be compelled to remove the body, but was bound to make recompense (Dig. 11, 7, 2, 7, 8); and that the owner of a burial-ground to which there is no other access may demand a way to it over adjoining land upon paying reasonable compensation to the owner of the latter (Dig. 12, 7, 12, pr.). Among restrictions imposed upon the exercise of ownership in the interests of adjoining proprietors are the following:—1. A man's duty to fell, at his neighbour's request, trees which grow in his own land, but which hang over the other's house or other building (Dig. 47, 27, 1, pr.–6), and to cut branches, less than fifteen feet from the ground, which hang over any adjoining land which is not his own (Dig. *ib.* 1, 7–9). 2. The rule permitting a man to go on his neighbour's premises to gather the fruits which had fallen thereon from his own trees: with this limitation, that he could go only "tertio quoque die" (Dig. 43, 28). 3. The limitations described under the head of AQUA PLUVIA.

"Legal servitudes" established in the interest of the public at large comprise:—1. A man's obligation to allow any one to come on his land in search of or for the removal of his property (Dig. 10, 4, 15; 39, 2, 9, 1; 19, 1, 25). 2. The obligation of an owner of the bank of a navigable river to allow persons in charge of boats, &c. to land thereon, make fast their vessels, and do all other acts required by their business (Inst. ii. 1, 4; Dig. 1, 8, 5, pr.). 3. According to the Twelve Tables, every owner of land in Rome was required to leave a vacant space two feet and a half in width round any building that he erected (*legitimum spatium*, *legitimus modus*): consequently between two adjoining houses there must be an interval of five feet. This law was doubtless often disregarded, for after the fire in Nero's reign (Tac. *Ann.* xv. 43) it was forbidden to build houses with a common wall (*communio parietum*), and the old *legitimum spatium* was required to be observed: see Dig. 8, 2, 14, where it is referred to in a rescript of Antoninus and Verus. 4. Rules as to the height and form of buildings. Augustus (Suet. *Aug.* 89) fixed the height at 70 feet, and after the great fire Nero made some regulations on the same subject: by Trajan the maximum height was fixed at 60 feet. 5. The owner of land adjoining a public road must, if the latter is partly destroyed by floods or otherwise, surrender a portion of his estate in lieu thereof (Dig. 8, 6, 14, 1; 43, 8, 2, 21). 6. Under the later Roman law a landowner was compelled to allow explorations on his land for minerals in consideration of a royalty of one-tenth the wealth extracted (Cod. 11, 6, 3, 6); and the rule declared that the owners of lands adjoining public aqueducts must permit materials to be taken therefrom for these public purposes upon receiving proper compensation. 7. The owner of timber which another had built into his house or vineyard (*tignum junctum aedibus vineaeve*) could not claim it by action until permanently severed, though when severed he could recover it, and in the meanwhile was entitled to demand double its value (Inst. ii. 1, 29;—Dig. 41, 1, 7, 10; 47, 3, 1). 8. The Twelve Tables forbade the burning or burial of a dead body within the city; a rule which was enforced by a Lex Duilia, and which in the time of Antoninus Pius prevailed both in Rome and other cities.

(Gaius, ii. 28–33; Inst. ii. tits. 3–5; Dig. 7 and 8; Cod. 3, 33 and 34. The best treatises on the subject, apart from the ordinary Manuals of Roman law, are Luden, *Die Lehre von den Servituten*, Gotha, 1837; Hoffmann, *Die Lehre von den Servituten nach röm. Rechte*, 2 vols., Darmstadt, 1838, 1843; Zielonacki, *Kritische Erörterungen über die Servitutenlehre nach röm. Rechte*, Breslau, 1849; Elvers, *Die röm. Servitutenlehre*, Marburg, 1854–1856; Schonemann, *Die Servituten*, 1866; Molitor, *La Possession ... et les Servitutes en Droit romain*, Gand, 1851, pp. 291 *sqq.* For the so-called Legal Servitudes, cf. Dirksen's essay, *Ueber die gesetzlichen Beschränkungen des Eigenthums*, &c. in the *Zeitschrift für gesch. Rechtswiss.* p. 16 *sq.*) [J. B. M.]

SERVUS, 1 (GREEK). The Greek *δοῦλος*, like the Latin *servus*, corresponds to the usual meaning of our word "slave." Slavery existed almost throughout the whole of Greece; and Aristotle (*Pol.* i. 3=p. 1253 b, 4) says that a complete household is that which consists of slaves and freemen (*οἰκία δὲ τέλειος ἐκ δούλων καὶ ἐλευθέρων*), and he defines a slave to be a living instrument, a living chattel (*ὁ δοῦλος ἔμψυχον ὄργανον*, *Eth. Nic.* viii. 13=p. 1161 b, 4; *ὁ δοῦλος κτῆμά τι ἔμψυχον*, *Pol.* i. 4=p. 1253 b, 32). None of the Greek philosophers ever seem to have objected to slavery as a thing morally wrong: Plato in his perfect State only desires that no Greeks should be made slaves by Greeks (*de Rep.* v. p. 469 C), and Aristotle defends the justice of the institution on the ground of a diversity of race, and divides mankind into the free (*ἐλεύθεροι*) and those who are slaves by nature (*οἱ φύσει δοῦλοι*): under the latter description he appears to have regarded all barbarians in the Greek sense of the word, and therefore considers their slavery justifiable.

There was a tradition that in the most ancient times there had been no domestic slaves in Greece, but that the women in all ranks did the house-work themselves (Herod. vi. 137; Pherecrat. *ap.* Ath. vi. p. 263 b=*fr.* 5, M.). We find them, however, in the Homeric poems, our earliest evidence for social conditions in Greece: usually prisoners taken in war (*δοριάλωτοι*), but also kidnapped, and freely bought and sold (*Od.* xv. 483). They were, however, at that time mostly confined to the houses of the wealthy. As on the one hand there were then none of the scruples of later times about enslaving Greeks, so on the other the condition of slavery brought no disgrace with it. The fortune of war levelled all distinctions; men and women of good and even princely birth accepted slavery as part of the chances of life; there are indications, however, as Prof. Mahaffy has pointed out, that such a well-born slave might be treated as "socially his master's equal . . . a member of the same caste society" (*Social Life in Greece*, ed. 3, p. 57). Eumaeus the swineherd and Eurycleia the nurse of Ulysses, with their loyal adhesion to the cause of their absent master, are among the most charming figures in the Odyssey; at the same time they enjoy, as confidential upper servants, all the comforts of life: the inevitable dark side of the institution is shown in the fate of Melanthius and the erring handmaids (*Od.* xxii. 433–477).

Predial slavery does not seem to have existed in the Homeric age; the *θὴς* was in all probability a free man, though a poor and despised one (HELOTES, Vol. I. p. 940 *a*; THETES). But not long afterwards we find serfs *ascripti glebae*, mostly, as in mediaeval times, the result of conquest and migration. Such were the Helots of Sparta [HELOTES], the Penestae of Thessaly [PENESTAE], the Aphamiotae or Clarotae of Crete (Callistr. *ap.* Ath. vi. 263 f; COSMI). To these may be added, although they are little more than names to us, the Bithynians at Byzantium (Phylarch. *ap.* Ath. vi. 271 b; called *προύνικοι*, Poll. vii. 132), the Mariandyni at Heraclea in Pontus (Posidon. *ap.* Ath. vi. 263 d; Strabo, xii. p. 542), and the Cyllyrii at Syracuse (*Κυλλύριοι*, Herod. vii. 155; *Καλλικύριοι*, Suid. *s. v.*, Zenob. *Cent.* iv. 54; *Κιλλικύριοι*, Phot. *s. v.*). Domestic slaves acquired by purchase (*ἀργυρώνητοι* or *χρυσώνητοι*, cf. Isocr. *Plataic.* § 18; Callistr. *ap.* Ath. vi. 263 e) were entirely the property of their masters, and could be disposed of like any other goods and chattels: these were the *δοῦλοι* properly so called, and were the kind of slaves that existed at Athens and Corinth. In commercial cities slaves were very numerous, as they performed the work of the artisans and manufacturers of modern towns. In poorer republics which had little or no capital, and which subsisted wholly by agriculture, they would be few: thus in Phocis and Locris there are said to have been originally no domestic slaves. (Timae. *ap.* Ath. vi. p. 264 c; Clinton, *F. H.* vol. ii. pp. 411, 412.) The majority of slaves were purchased; few comparatively were born in the family of the master, partly because the number of female slaves was very small in comparison with the male, and partly because the cohabitation of slaves was discouraged, as it was considered cheaper to purchase than to rear slaves. A slave born in the house of a master was called *οἰκότριψ*, in contradistinction to one purchased, who was called *οἰκέτης*. ([Dem.] *de Synt.* p. 173, § 24; Ammon. and Suid. *s. v.*) If both the father and mother were slaves, the offspring was called *ἀμφίδουλος* (Eustath. *ad Od.* ii. 290): if the parents were *οἰκότριβες*, the offspring was called *οἰκοτρίβαιος* (Pollux, iii. 76).

It was a recognised rule of Greek national law that the persons of those who were taken prisoners in war became the property of the conqueror (Xen. *Cyr.* vii. 5, § 73), but it was the practice for Greeks to give liberty to those of their own nation on payment of a ransom. Consequently almost all slaves in Greece, with the exception of the serfs above mentioned, were barbarians. It appears to follow from a passage in Theopompus (*ap.* Ath. vi. p. 265 b) that the Chians were the first who carried on the slave trade; and there the slaves were more numerous in comparison with the free inhabitants than in any other place except Sparta (Thuc. viii. 40). In the early ages of Greece, a great number of slaves was obtained by pirates, who kidnapped persons on the coasts, but the chief supply seems to have come from the Greek colonies in Asia Minor, who had abundant opportunities of obtaining them from their own neighbourhood and the interior of Asia. A considerable number of slaves also came from Thrace, where the parents frequently sold their children (Herod. v. 6).

At Athens, as well as in other states, there was a regular slave market, called the *κύκλος* (Harpocrat. *s. v.*), because the slaves stood round in a circle. They were also sometimes sold by auction, and appear then to have been placed on a stone called the *πρατὴρ λίθος* (Pollux, iii. 78): the same was also the practice in Rome, whence the phrase *homo de lapide emptus.* [AUCTIO.] The slave market at Athens seems to have been held on certain fixed days, usually the first day of the month (*νουμηνία*, Aristoph. *Eq.* 43, with Schol.). The price of slaves naturally differed according to their age, strength, and acquirements. "Some slaves," says Xenophon (*Mem.* ii. 5, § 2), "are well worth two minas, others hardly half a mina; some sell for five minas and others even for ten; and Nicias the son of Niceratus is said to have given no less than a talent for an overseer in the mines." Boeckh (*P. E.* p. 67 ff. = *Sthh.*^{3} i. 85 ff.) has collected many particulars respecting the price of slaves; he calculates the value of a common mining slave at from 125 to 150 drachmas. The knowledge of any art had a great influence upon the value of a slave. Of the thirty-two or thirty-three sword-cutlers who belonged to the father of Demosthenes, some were worth five, some six, and the lowest more than three minas; and his twenty couch-makers together were worth 40 minas (*in Aphob.* i. p. 816, § 9). Considerable sums were paid for courtesans and female players on the cithara; twenty and thirty minas were common prices for such (Ter. *Adelph.* iii. 1, 37, iii. 2, 15, iv. 7, 24; *Phorm.* iii. 3, 24): Neaera was sold for thirty minas (Demosth. *c. Neaer.* p. 1354, § 29).

The number of slaves was very great in Athens. According to the census made when Demetrius Phalereus was archon (B.C. 309), there are said to have been 21,000 free citizens, 10,000 metoecs, and 400,000 slaves in Attica (Ctesicles, *ap.* Ath. vi. p. 272 c). This statement was formerly criticised on account of the immense disproportion between the slave population and the free (Hume, *Essays*, i. 419, ed. Green and Grose; Niebuhr, *Hist. of Rome*, vol. ii. note 143). It is now admitted, with Boeckh (*P. E.* p. 36 = *Sthh.*^{3} i. 47) and Clinton (*F. H.* ii. p. 391), that in computing the citizens and metoecs the object was to ascertain their political and military strength, and hence the census of only males of full age was taken; while in enumerating slaves, which were property, it would be necessary to compute all the individuals who composed that property. Boeckh's estimate, of a total population of 500,000, made up of 90,000 citizens, 45,000 resident aliens, and 365,000 slaves, is regarded as approximately correct (Büchsenschütz, Göll, Fränkel). During the occupation of Decelea by the Lacedaemonians more than 20,000 Athenian slaves escaped to that place (Thuc. vii. 27). From Hypereides (*fr.* 33, Sauppe, *ap.* Suid. *s. v.* *ἀπεψηφίσατο*) it appears that there were at least 150,000 adult male slaves in Attica; we know that the numbers of females and children were relatively small (see above); and these figures are not inconsistent with the estimate just given for the total slave population (cf. note in Boeckh, *Sthh.*^{3} i. 38). Two other statements in the same passage of Athenaeus must be pronounced far more open to criticism; that of Timaeus, that Corinth once had possessed 460,000, and that of Aristotle, that Aegina had contained 470,000 slaves (Ath. vi. 272 b, d; Schol. Pind. *Ol.* viii. 30). These numbers can only be understood, especially in relation to Aegina, of the early times before Athens had obtained possession of the commerce of Greece. Bursian has further pointed out that they may include the crews of an immense fleet of ships, and the slaves belonging to merchants settled abroad (*Geogr. von Griechenl.* ii. 13 and 79): nevertheless, we hold that Boeckh, in his later editions, is right in pronouncing them exaggerated (*Sthh.*^{3} i. 51). We need not suspect corruption in the texts of these authors; but the best minds among the Greeks were without the evidence which statistics now afford of the limits of population that can be supported on a given area. The Corinthian territory was much smaller than Attica, and at least as mountainous; while that of Aegina does not exceed 42 English square miles, only half of which is capable of cultivation. No doubt slaves were closely packed as regards space; but they would require their choenix of corn a day (at Corinth, *χοινικομέτραι* was a name for the slaves, Ath. *l. c.*); and with the supposed numbers, Aegina would have been dependent upon importation for almost the whole of her food. The light soil of Attica grew about five-sevenths of the corn required for its population [SITOS]; and it is unlikely that the subsistence of any Greek state was on a more artificial footing than this, or that ancient commerce, particularly in those early times, was sufficiently organised to be equal to the strain.

At Athens even the poorest citizen had a slave for the care of his household (Aristoph. *Plut.* init.), and in every moderate establishment many were employed for all possible occupations, as bakers, cooks, tailors, &c. The number possessed by one person was never so great as at Rome during the later times of the Republic and under the Empire, but it was still very considerable. Plato (*de Rep.* ix. p. 578 D, E) expressly remarks, that some persons had fifty slaves and even more. This was about the number which the father of Demosthenes possessed (*in Aphob.* i. p. 823, § 31); Lysias and Polemarchus had 120 (Lys. *in Eratosth.* § 19), Philemonides had 300, Hipponicus 600, and Nicias 1000 slaves in the mines alone (Xen. *de Vect.* 4, §§ 14, 15). It must be borne in mind, when we read of one person possessing so large a number of slaves, that they were employed in various workshops, mines, or manufactories: the number which a person kept to attend to his own private wants, or those of his household, was probably never very large. And this constitutes one great distinction between Greek and Roman slaves, that the labour of the former was regarded as the means by which an owner might obtain profit for the outlay of his capital in the purchase of the slaves, while the latter were chiefly employed in ministering to the wants of their master and his family, and in gratifying his luxury and vanity. Thus Athenaeus (vi. p. 272 e) remarks, that many of the Romans possess 10,000 or 20,000 slaves and even more, but not, he adds, for the sake of bringing in a revenue, as the wealthy Nicias.

Slaves either worked on their masters' account or their own (in the latter case they paid their masters a certain sum a day); or they were let out by their master on hire either for the mines or any other kind of labour, or as hired servants for wages (ἀποφορά). The rowers on board the ships were usually slaves (Isocr. *de Pace*, § 48); it is remarked as an unusual circumstance that the seamen of the Paralos were freemen (Thuc. viii. 73). These slaves either belonged to the state or to private persons, who let them out to the state on payment of a certain sum. It appears that a considerable number of persons kept large gangs of slaves merely for the purpose of letting out, and found this a profitable mode of investing their capital. Great numbers were required for the mines, and in most cases the mine-lessees would be obliged to hire some, as they would not have sufficient capital to purchase as many as they wanted. Generally none but inferior slaves were confined in these mines: they worked in chains, and numbers died from the effects of the unwholesome atmosphere (Boeckh, *On the Silver Mines of Laurion*). We cannot calculate with accuracy what was the usual rate of profit which a slave-proprietor obtained. The thirty-two or thirty-three sword-cutlers belonging to the father of Demosthenes produced annually a net profit of 30 minas, their purchase value being 190 minas, and the twenty couch-makers a profit of 12 minas, their purchase value being 40 minas (Demosth. *in Aphob.* i. p. 816, § 9). The leather-workers of Timarchus produced to their masters two, the overseers three, oboli a day (Aeschin. *in Tim.* § 97): Nicias paid an obolus a day for each mining slave whom he hired (Xen. *de Vect.* 4, § 14). The rate of profit upon the purchase-money of the slaves was naturally high, as their value was destroyed by age, and those who died had to be replaced by fresh purchases. The proprietor was also exposed to the great danger of their running away, when it became necessary to pursue them and offer rewards for their recapture (σῶστρα, Xen. *Mem.* ii. 10, § 1, 2; Plat. *Protag.* p. 310 C). Antigenes of Rhodes was the first who established an insurance of slaves. For a yearly contribution of eight drachmas for each slave that was in the army, he undertook to make good the value of the slave at the time of his running away (Pseudo-Arist. *Oecon.* ii. 35). Slaves who worked in the fields were under an overseer (ἐπίτροπος), to whom the whole management of the estate was frequently entrusted, while the master resided in the city; the household slaves were under a steward (ταμίας), the female slaves under a stewardess (ταμία). (Xen. *Oecon.* 9, § 11; 12, § 2.)

The Athenian slaves did not, like the Helots of Sparta and the Penestae of Thessaly, serve in the armies; the battles of Marathon and Arginusae, when the Athenians armed their slaves (Pausan. i. 32, § 3; Schol. *ad* Aristoph. *Ran.* 33), were exceptions to the general rule.

The rights of possession with regard to slaves differed in no respect from any other property; they could be given or taken as pledges (Dem. *c. Aph.* i. p. 821, § 24; *c. Onet.* i. p. 871, § 27; *c. Pantaen.* p. 967, § 4), and in cases of distraint were among the first "cattle" or "chattels" seized (Dem. *c. Androt.* p. 610, § 56; *c. Timocr.* p. 762, § 197). Nevertheless, Greek slavery, above all at Athens, will compare favourably with the same institution at Rome, or as practised by Christian nations in the New World. Plutarch thought the Spartan slaves the most unhappy in Greece (*Lyc.* 28); but the Helots were by many degrees better off, and more humanely treated, than the droves of slaves who tilled the *latifundia* of the Romans, or pastured their flocks in Calabria and Sicily (cf. CRUX, Vol. I. p. 567 *b*). At Athens, again, they were allowed a degree of liberty and indulgence which seemed surprising to other Greeks. There was no slave costume regulated by law, and differing from the dress of the citizens; the slaves were not to be distinguished externally from the lower class of citizens, and in the richer houses were often better clothed than these; only the wearing of long hair was not allowed them, which, however, was only worn by a few of the citizens. They did not make way in the street; they could not be struck, for fear of assaulting a freeman; and they enjoyed a saucy freedom of speech (ἰσηγορία). The writer of the tract on the Athenian polity, in Xenophon's works, notices these points as characteristic of a commercial state: the slaves were often employed in making money for their masters ([Xen.] *Rep. Ath.* 1, §§ 10–12). They were excluded from the gymnasium (Aeschin. *c. Timarch.* § 138; Plut. *Sol.* 34) and the ecclesia (Aristoph. *Thesm.* 294; Plut. *Phoc.* 34); but they were not forbidden to enter the temples and shrines, or to assist at sacred rites, whether public or private ([Dem.] *c. Neaer.* p. 1374, § 85). On the reception of a newly-purchased slave into a house at Athens, it was the custom to scatter sweetmeats and nuts (καταχύσματα) over him, to be scrambled for by his fellow-servants; but this was rather for the sake of a good omen than on the slave's own account (Aristoph. *Plut.* 768, with Schol.; Dem. *c. Steph.* i. p. 1123, § 74, with Sandys' note; Hermann-Blümner, *Privatalterth.* p. 82).

The denial of legal rights to a slave led to a state of things "almost grotesque in its absurd cruelty" (Mahaffy, p. 241), which however, at least in the time of Demosthenes, was considerably mitigated in practice; the law, namely, by which the taking of slaves' evidence was regulated. When it is said that such evidence in courts of justice was always taken with torture, this does not mean that it was the rule to torture slaves who gave evidence to a fact, but only if they denied any knowledge or appeared to suppress it in the interest of their master. The giving of independent evidence was a personal privilege of freemen, whether citizens or aliens, but excluding women and ἄτιμοι [MARTYRIA, *init.*]; hence the testimony of slaves could not be resorted to in the first instance with the honest desire of getting at the facts of a case. What happened was this. It was assumed that slaves through dread of their master's vengeance would always support his view of the case, but that the truth might be elicited if they were tortured by the other side. Hence we find that in any dispute between two citizens about the most trifling sum of money, or if (as in the speech of Antiphon *de Choreuta*) it was attempted from vindictive motives to import a criminal charge into a case which was *primâ facie* accidental, either might challenge (*προκαλεῖσθαι*) the other to give up his slaves for torture, or tender his own to be similarly examined, on the mere chance that something might be proved. To call for the production of slaves in this way was *ἐξαιτεῖν*, to comply with the demand *ἐκδιδόναι* (Dem. *c. Onet.* i. p. 874, §§ 35, 36). We see this theory in its most repulsive shape in Antiphon, the oldest of the extant orators (cf. Antiph. *de caed. Herod.* § 49, *de Choreut.* § 25; Mahaffy, *l. c.*); in the prosperous days of the Peloponnesian war the Athenians seem to have been harder-hearted than they afterwards became under the influence of misfortune; and in the time of Aristophanes the torture was an every-day or at least frequent incident in the law courts (*στρεβλοῦτε καὶ δικάζετε, Nub.* 620). Afterwards, though the law remained the same, a stronger feeling of humanity sprang up, which finds its expression in many passages of Demosthenes (e.g. *c. Nicostr.* p. 1253, § 22; *c. Conon.* p. 1265, § 27); excuses were made for not complying, though the other side made a strong point of the refusal; the challenge was put forward as a manoeuvre to gain time, or with the hope of scoring a point with the jury, but with no serious expectation that it would be complied with. The Private Orations in general leave the impression that, in this one respect, Athenian practice was more humane than the theory. In his action against his guardian, Demosthenes himself demands the torture of three *female* slaves on the point whether Onetor's sister has really (and not, as he contends, collusively) been divorced by Aphobus; Onetor, who ultimately lost his cause, has the grace to refuse the demand (Dem. *c. Onet.* l. c.; for another example, see Lysias, *Or.* 4, *περὶ τοῦ τραύματος*, § 12). Other questions connected with the torture of slaves are discussed under TORMENTUM. In his relations with his master a slave might naturally expect corporal chastisement, which was the last mode of punishment inflicted on a freeman (Dem. *c. Timocr.* p. 752, § 167); but in the case either of extreme cruelty or of outrage against his chastity, he could take sanctuary in the temple of Theseus [ASYLUM, Vol. I. p. 235 *b*], and there claim the privilege of being sold away from his oppressor (*πρᾶσιν αἰτεῖν*, Plut. *Thes.* 36; Pollux, vii. 13; Aristoph. *Eq.* 1312 with Schol.; *Att. Process*, p. 625 f., Lipsius). His life, unlike that of Roman slaves in republican times, was safe even from his master; he could not be put to death without legal sentence (Eurip. *Hec.* 291, 292; Antiph. *de caed. Herod.* § 34). But the barbarous rule that if a master were murdered (even, it seems, if his life were attempted), and the perpetrator remained undetected, the whole household should be executed, prevailed also at Athens (Antiph. *op. cit.* § 69; Mahaffy, p. 248). Against assault or outrage by any one else than his master the slave was protected by law. (See HYBRIS, Vol. I. p. 983 *b*, and the references there.)

Notwithstanding the comparatively mild treatment of slaves in Greece, their insurrection was not unfrequent (Plat. *Legg.* vi. p. 777 C): but in Attica these insurrections were mostly confined to the mining slaves, who were treated more harshly than the others. On one occasion they murdered their guards, took possession of the fortifications of Sunium, and from this point ravaged the country for a considerable time (Ath. vi. p. 272 f).

Slaves were sometimes manumitted at Athens, though not so frequently as at Rome; but it seems doubtful whether a master was ever obliged to liberate a slave against his will for a certain sum of money, as some writers have concluded from a passage of Plautus (*Casin.* ii. 5, 7). Those who were manumitted (*ἀπελεύθεροι*) did not become citizens, as they did at Rome, but passed into the condition of metoecs. They were obliged to honour their former master as their patron (*προστάτης*), and to fulfil certain duties towards him, the neglect of which rendered them liable to the *δίκη ἀποστασίου*, by which they might again be sold into slavery [LIBERTUS, p. 62 *a*; APOSTASIOU DIKÉ, APROSTASIOU DIKÉ, in Vol. I.].

Respecting the public slaves at Athens, see DEMOSII.

It appears that there was a tax upon slaves at Athens (Xen. *de Vect.* 4, § 25), which Boeckh (*P. E.* pp. 331, 332 = *Sthh.*^{3} i. 403) supposes was three oboli a year for each slave; it is more probable, however, that this was a tax upon the import of slaves, and their transfer by sale, not a license duty paid annually by their owners (Fränkel, n. 546 on Boeckh).

Authorities.—Boeckh, book i. cc. 7, 13, book iii. c. 7; K. F. Hermann, *Staatsalterth.* § 114; Hermann-Blümner, *Privatalterth.* §§ 12, 13; Schömann, *Antiq.* i. 348–353, E. T.; Gilbert, *Staatsalterth.* i. 163–169; Mahaffy, *Social Life in Greece*, ed. 3, p. 240 ff.; and esp. Becker-Göll, *Charikles*, iii. pp. 1–47; Büchsenschütz, *Besitz und Erwerb*, pp. 104–208. [W. S.] [W. W.]

SERVUS, 2 (ROMAN), SERVITUS. In the writings of the Roman jurists and philosophers slavery appears as the chief, if not the only, instance of an opposition between the *jus gentium* and the *jus naturale*. That it was *contra naturam* is repeatedly stated, as by Justinian, in Inst. i. 3, 2 ("servitus . . . . qua quis dominio alieno contra naturam subjicitur"), following Florentinus in Dig. 1, 5, 4 (cf. Inst. i. 2, 2; Athen. vi. pp. 263, 267; Macrob. *Saturn.* i. 7; Augustin. *de Civitate Dei*, xix. 15; Dig. 12, 6, 64; Cod. 7, 24), though the philosophers had considered some forms at least of slavery as natural (Aristot. *Pol.* i. 2, §§ 15, 18: cf. Cic. *de Rep.* iii. 25, 37). That it was due to the *jus gentium*, or universal practice of mankind, is affirmed by Gaius (i. 52); Ulpian in Dig. 1, 1, 4, pr.; Luctatius, in Stat. *Theb.* v.; Dig. 12, 6, 64: the notion being perhaps based on the hypothesis of a tacit compact between the peoples of the earth, as is suggested by Aristotle—*ὁ γὰρ νόμος ὁμολογία τίς ἐστιν, ἐν ᾧ τὰ κατὰ πόλεμον κρατούμενα τῶν κρατούντων εἶναί φασιν* (*Pol.* i. 2).

The relation of the master to his slave is expressed by the term *dominium*, as in the passage cited above from the Institutes: cf. Dig. 50, 16, 215; Aristot. *Pol.* i. 2, 4, *ὁ δοῦλος οὐ μόνον δεσπότου δοῦλος, ἀλλὰ . . . . ὅλως ἐκείνου*: *ib.* 7, *ὁ μὴ αὑτοῦ . . . . ἀλλ' ἄλλου* (cf. *Eth. Nicom.* iv. 3); Zeno in Diog. Laert. vii. 121, *δουλεία, στέρησις αὐτοπραγίας*: Dion Chrysost. *Or.* 15. The master is *dominus* of his slave just as he is *dominus* of his horses or any other object of property, among which he is classified as a *res mancipi* by Ulpian (*Reg.* 19, 1) and Gaius (ii. 15): the slave is conceived not as a *persona*, but as a *res* [Caput: cf. Dig. 50, 17, 209, "servitutem mortalitati fere comparamus"], and the master may accordingly deal with him just as he may with any other *res* of which he is owner; he may sell him, and has *jus vitae necisque* over his person (Gaius, i. 52: cf. Dionys. vii. 69; Plut. *Cato Major*, 21; Appian, *B. C.* i. 98). But there are points in which the slave stands on a different footing from other *res*. The master is said to exercise *potestas* over him, a term properly descriptive of control only over reasonable beings ("verbum potestatis non solum ad liberos trahimus, verum etiam ad servos," Dig. 24, 1, 3: cf. Inst. i. 8, 1); and between "power" over a filiusfamilias and "power" over a slave there was originally perhaps little difference, though in other respects the former always occupied a very superior legal position to the latter. It was through this *potestas* that the slave became, as it were, a member or limb of the *dominus*, whereby he could act as his agent in commerce, and acquired capacity to be heir or legatee under a will. But a person who had a mere *nudum jus Quiritium* in a slave had no *potestas* over him: he must at least have him *in bonis* (Gaius, i. 54). Again, unlike a mere animal, a slave could become free, and thus a *persona*, and his acts and dispositions entail legal consequences as well on his master as on himself. Lastly, the tie of kinship is recognised; the respect which a child owes to its parents is due even between such relations who have been manumitted (Dig. 2, 4, 4, 3), and who are also debarred from intermarrying if within the degrees prohibited by law (Inst. i. 10, 10; Dig. 23, 2, 14, 2).

The extreme exercise of a master's strict right to deal with the person of his slave in any way he pleased was in practice considerably restrained by usage. In the older times slaves were well treated, and ate frequently at the same table with their masters (Macrob. i. 7, 10, 11; Cato, *R. R.* 5), of whose children they were the instructors, nurses, and playmates (Plut. *Cor.* 24; *Cato Major*, 3, 20, 21; Macrob. *l. c.*; Plin. *H. N.* xxxiii. § 26; Sen. *Epist.* 47); and a master who starved or otherwise ill-treated his slaves was punished as a bad citizen by the censors (Dionys. *fragm.* xx. ed. Mai.). The slaves also shared with the free in many of the privileges and offices of religion (Dionys. iv. 14; Cato, *R. R.* 57). Still, when the Roman national habit had been corrupted by the luxury and brutality of the Empire, it was found necessary to legislate against excessive cruelty. A Lex Petronia, enacted perhaps as early as Augustus, and a number of amending senatusconsulta, forbade the arbitrary sale of slaves for combating wild beasts in the arena, even though they had done some act deserving punishment (Gell. v. 14; Dig. 48, 8, 11, 1 and 2; 18, 1, 42). On the other hand, the old practice of putting slaves to the torture for the purpose of discovering their master's murderer was about the same time made a universal statutory rule by the Senatusconsultum Silanianum, which also punished those who refused assistance to the master (Dig. 29, 5). Claudius bestowed freedom on slaves whom their masters exposed on account of ill-health, and threatened penalties for killing them under such circumstances (Suet. *Claud.* 25); and Hadrian forbade the killing of slaves in any case without judicial sanction (Spartian. *Hadr.* 18; Dig. 1, 6, 18, 2). Antoninus Pius enunciated as a general principle that slaves should be entitled to make complaints to the praefectus urbi or praetorio of ill-treatment at their masters' hands (Dig. 1, 12, 1, 8) and obtain protection therefrom (*Coll. Leg. Mos.* iii. 2; Dig. 1, 6, 2), the master being compelled to sell them to some person more humane: if he caused their death, he was (apart from certain excepted cases, Dig. 48, 5, 24; 48, 8, 1, 4, &c.) subjected to the penalties of the Lex Cornelia de sicariis (Gaius, i. 53; Inst. i. 8, 2). It was also enacted that in sales or divisions of property slaves who were nearly related should not be separated (Dig. 21, 1, 35; Cod. 3, 38, 11), and that praedial slaves upon whom the *tributum capitis* was paid should not be removed from the land to which they were attached (Cod. 11, 47, 7). Yet these enactments must not be supposed to have conferred any legal rights upon the slave: they merely limited the general rights of ownership on grounds of expediency, and their rationale is well expressed by Gaius, who says, "male enim nostro jure uti non debemus: qua ratione et prodigis interdicitur bonorum suorum administratio" (i. 53). Yet in the rule stated by Justinian (Inst. iv. 4, 7), that the damages for an injuria to a slave should vary according to his position and employment, we approach very nearly to the conception of a slave as having a *persona* or *caput*: "hanc enim," it is said, "et servum sentire palam est." If a slave was injured by a third person, the master had his remedy in various civil actions (Gaius, iii. 210, 217, 223; Paul. *Sent.* i. 13, 6;—Dig. 47, 10, 15, 34 and 35; 11, 3, 1), and if he was killed wilfully could prosecute the delinquent under the Lex Cornelia de sicariis.

Slaves were incapable of marriage (*sensu legali*) of any kind, but a permanent connexion between two slaves, or a slave and a free person, was called *contubernium* (Paul. *Sent.* ii. 19, 6; Cod. 5, 5, 3). Here the natural relation of parent and child was to some extent recognised, *e.g.* as a *justa causa manumissionis*, Gaius, i. 19: see Aelia Sentia Lex. Accordingly, as has been remarked above, when slaves had become free, and so acquired capacity of intermarriage, they were held to be within the rules as to prohibited degrees.

A slave was as incapable of proprietary as of other rights, and everything conveyed to him, whether by mancipatio or traditio, became *ipso facto* the property of his master ("etiam invitis nobis per servos adquiritur paene ex omnibus causis," Dig. 41, 1, 32): a rule sometimes supposed to be attributed by Gaius (i. 52) and Justinian (Inst. i. 8, 1) to the Jus Gentium, but instances to the contrary are found in the Helots (Plut. *Lycurg.* 24) and among the Germans (Tac. *Germ.* 25). If one master had over him a *nudum jus Quiritium* and he was *in bonis* to another, his acquisitions belonged to the latter only. If a man *bonâ fide* possessed another man's slave or a free person *bonâ fide serviens*, he only acquired in two cases, being entitled to all that the other gained by means of the possessor's property (*ex re ejus*) or by his own labour (*ex operis suis*): the law was the same with respect to a slave in whom a man had only a usufruct. All other acquisition of such slaves or free men *bonâ fide servientes* belonged, according to their condition, to their master or to themselves. If a slave were instituted *heres*, he could only accept the *hereditas* with the consent of his master, in whom it vested immediately on acceptance; but legacies bequeathed to him became the master's without any necessity for acceptance at all (Gaius, ii. 87, &c.).

A master could also acquire possession through his slaves, and usucapion would begin to run from the moment of its acquisition: but, unless the master possessed the slave himself, the latter could not acquire possession of other things for him; for instance, this could not be done by a slave who was in pledge [PIGNUS]. A *bonâ-fide* possessor, *i.e.* one who believed the slave to be his own, could acquire possession through him in the same cases as those in which he could acquire ownership, which excluded acquisition for the pledgee by a slave in pledge: and a usufructuary acquired possession through the slave in the same two cases as the *bonâ-fide* possessor; but, as he did not possess the slave himself, he could not acquire him by usucapio (Gaius, ii. 93; Inst. ii. 9, 4: cf. Savigny, *Possession*, p. 314, ed. 5).

An almost necessary modification of the above-stated principles resulted from the common employment of slaves by their masters in every variety of service and occupation—as mechanics, artisans, clerks, stewards, business managers, actors, surgeons and physicians, teachers, &c.: in which avocations they might by industry and economy (Dig. 15, 1, 39), and even by pecuniary advances which the master often made them in his own interest (Plut. *Cato Major*, 21), accumulate no small wealth, which they were usually allowed by special permission (*concessio*, Dig. 15, 1, 4, pr. and 2) to administer on their own behalf under the name of *peculium*. The *peculium* technically remained part of the master's property (Dig. 41, 1, 37, 1), and could be resumed or appropriated by him at pleasure (Dig. 15, 1, 8); but this does not appear to have been commonly done, the practice being to promise slaves their freedom if they could accumulate a *peculium* of a certain value (Dionys. iv. 24; Tac. *Ann.* xiv. 42). Generous masters even allowed them sometimes to dispose of it on their death-bed (Plin. *Ep.* viii. 16), and on manumission a slave was by law entitled to retain his *peculium* unless expressly reserved by the master (*fragm. Vat.* 261; Dig. 15, 1, 53; Cod. 7, 23; Inst. ii. 20, 20). The institution of *peculium* made it possible for contracts to be entered into between masters and slave (Dig. 15, 1, 49, 2), from which, it is true, no right of action arose (Gaius, iv. 78; Sen. *de Benef.* iii. 19), but which nevertheless created a "natural" obligation [OBLIGATIO]; so that, if after the slave's manumission the master paid him a debt which had arisen before it, he could not redemand the money on the ground that it was not owed (Dig. 12, 6, 64), and his own debts to the master were discharged by automatic reduction, so to speak, of the *peculium*. In the event of external creditors demanding the *peculium* for distribution among themselves on the ground of the slave's insolvency, debts owing to his master by him were first taken into account and deducted (Dig. 15, 1, 5, 4; *ib.* 9, 2); and, if a free man became surety for the debt of a slave to his master or any one else, a right of action arose and he could be sued (Gaius, iii. 119; Inst. iii. 20, 1). *Servi publici*, who belonged to the state, had the special privilege of disposing of half their *peculium* by will (Ulp. *Reg.* xx. 16).

The contracts which a slave made with third persons gave rise, so far as he himself was concerned, only to "natural" obligations, and, though the master could sue upon them, it was a doctrine of the Jus Civile that in no case could any liability attach to the master upon transactions entered into between other persons and those in his power, whether slaves or children: "melior condicio nostra per servos fieri potest, deterior fieri non potest" (Dig. 50, 17, 133). In this respect, however, a change was made by the praetor, though the extent to which the master became suable varied with the circumstances of the case. Where he had either expressly or by implication directed or subsequently ratified the slave's contract, he was made as fully liable in person as if he had actually been the contracting party, the proper action being *quod jussu* [JUSSU QUOD ACTIO], EXERCITORIA, INSTITORIA, or *quasi-institoria* (Gaius, iv. 70, 71; Inst. iv. 7, 1 and 2). Where the slave engaged in trade with a *peculium* with his master's knowledge, and became so embarrassed as to be unable to satisfy his trade creditors in full, the latter could demand a distribution of the *peculium* among themselves, so far at least as it was invested in the business (*merx peculiaris*), in the ratio of their several claims: the division was made by the master, who was here treated as an ordinary creditor, and consequently could not deduct in full debts owing to himself, though he was entitled to a dividend on all his own claims whether arising out of the business or not (Dig. 14, 4, 5–7); but if any creditor was dissatisfied with his conduct of the liquidation, he could get it judicially reviewed by instituting an *actio tributoria* against him (Gaius, iv. 72; Inst. iv. 7, 3; Dig. 14, 4). If the slave made contracts without the master's knowledge or against his orders, the latter might be liable to an *actio de peculio et in rem verso* (Gaius, iv. 73; Inst. iv. 7, 4), in which the judge had firstly to inquire whether the master had himself derived any material advantage from the contract in question, as, if this were the case (*in rem versio*), his own means were liable to that extent; and the benefit which he had obtained might have been so great that the creditor might conceivably get full payment in this manner, as *e.g.* if the slave had borrowed ten sestertia and spent the whole of it in paying his master's debts. But if the latter had derived no material advantage from the slave's contract, or at least not enough to make him liable to the creditor *in solidum*, the judge had to inquire into the amount of the slave's *peculium* (deducting the master's own claims against it) and to condemn the master to pay the creditor from it what was due to him, so far at least as it extended at the date of the condemnation (Dig. 15, 1, 30, pr.). In deducting the master's own claims, any debt owed by the slave to another slave of the same master, but who was part of the debtor's own *peculium* (as was the case with *servi vicarii*, Dig. 15, 1, 17), was not considered (Dig. 17, 1, 17). The master's liability to the *actio de peculio* lasted for an *annus utilis* after the slave died, or was alienated or manumitted (Dig. 15, 2, 1).

The benefit attaching to a slave's contract belonged entirely to the master, and he could not enforce it by action. If the slave was *bonâ fide* possessed, or held in use or usufruct by a third person, the latter derived advantage from his contracts only so far as they involved the slave's own labour (*ex operis suis*), or were made with reference to or upon the credit of the property of the *bonâ-fide* possessor, usufructuary, or usuary (Gaius, iii. 164, 165; Inst. iii. 18, 1 and 2). The benefit of a contract made by a slave belonging to two or more joint owners belonged to them *pro portione dominii*, unless it was entered into by the directions or in the name of one or some of them only (Inst. iii. 18, 3; *ib.* 28, 3).

For delicts committed by a slave against his master, the latter might inflict punishment himself (Dig. 13, 7, 24, 3; 24, 3, 24, 5; Cod. Theod. 9, 12, 1, 2), though after Hadrian he might not put him to death without magisterial authority; but such delicts in no case gave rise to a legal obligation (Gaius, iv. 78; Inst. iv. 8, 6; Dig. 47, 2, 17, pr.; Cod. 4, 14, 6). The effect of wrongs perpetrated by slaves against third persons is discussed under NOXALIS ACTIO; for those pursuable by a criminal prosecution, they were subject to the ordinary procedure, though sometimes the execution of the sentence was entrusted to the master himself (Plut. *Cato Major*, 21; *Monum. Ancyranum*, tab. ii., ll. 1, 2, 3).

It was strictly forbidden to receive or harbour runaway slaves (*fugitivi*, Dig. 11, 4, 1, 1; Cod. 6, 1, 4, 7), in the pursuit of whom the law co-operated with the master by requiring the authorities to render him every assistance (Dig. 11, 4, 1, 2–8; *ib.* 3 and 4; Paul. *Sent. Rec.* i. 6 a, 3–5; Cod. 6, 1, 2): penalties were also imposed on their alienation and acquisition (Paul. *l. c.*; Dig. 48, 15; Cod. 9, 20, 6), and a special class of persons, called *fugitivarii*, made their pursuit and recapture a regular business (Florus, iii. 19; Dig. 19, 5, 18), which however appears later to have become the means of a great deal of fraud (Cod. Theod. 10, 12, 1). The very running away of the slave was regarded as a stealing of himself (Dig. 47, 2, 60), so that he became a *res furtiva* and could not be acquired by USUCAPIO (Inst. ii. 6, 1), and the possession of him remained in law vested in his master (Dig. 41, 2, 50, 1). The kidnapping or enticing away of slaves was dealt with by a Lex Fabia de plagiariis (Inst. iv. 18, 10) and, apparently at least, two senatusconsulta (Florus, *l. c.*; Varro, *R. R.* iii. 14).

Men were either born slaves or made such by law (*servi aut nascuntur aut fiunt*, Inst. i. 3, 4). It was a general rule of the Jus Gentium that children born out of lawful wedlock followed the condition of the mother, whatever might be that of the father (Dig. 1, 5, 24): thus the children of a female slave (*ancilla*) were slaves themselves (Gaius, i. 82), and if born in their master's house were called *vernae*. In one or two cases, however, the general principle was reversed by anomalous rules of law, it being enacted by the Senatusconsultum Claudianum (Gaius, i. 84–86) (1) that the children of a free man by an *ancilla* whom he believed to be free, should be free if males, slaves if females: but this exception to the rule of the Jus Gentium was repealed by Vespasian: (2) that if a free woman cohabited with a slave with his master's sanction, the issue should belong to the latter, though she remained free herself; this was repealed by Hadrian (Gaius, i. 84): (3) that if a free woman knowingly cohabited with a *servus alienus* without the consent of the latter's master, and persisted in the intercourse after prohibition by him, after three denunciations on his part she should be awarded to him as a slave by the magistrate, her children, whether born before or after this award, sharing her fate, and her property going with her person; this was not repealed till the time of Justinian (Inst. iii. 12, 1). The status of a child was determined by that of the father at the time of conception, if born of lawful wedlock; otherwise by that of the mother at the time of birth (Gaius, i. 89): but the latter rule had by the time of Paulus (*Sent. Rec.* ii. 24, 1–3) been altered so far as to admit the freedom of a child born of a slave-mother who at the time of conception had been free, or who had been free at any moment between conception and the birth (Paulus, *l. c.*; Inst. i. 4, pr.; Dig. 1, 5, 5).

Of the modes in which free persons became slaves, one was attributed to the Jus Gentium, the rest to the Jus Civile. The former was capture by an enemy in war (Inst. i. 3, 4), or capture even without war by a nation between which and the captive's people there was no friendly treaty or intercourse (Dig. 49, 15, 5, 2). Prisoners taken by the Roman armies were sold as slaves by the aerarium (Dionys. iv. 24; Liv. iv. 34, vi. 4) or retained by the state as *servi publici* (Polyb. x. 17; Liv. xxvi. 47): very rarely they were distributed among the soldiers by lot (Dionys. iv. 24, 50; Liv. iv. 34). The practice of selling prisoners with a crown on their heads is alluded to in the common expressions *sub corona venire* and *vendere* (Gell. vii. 4: Liv. v. 22; Caes. *B. G.* iii. 16). Persons, however, who had become slaves by capture in war might recover their freedom by POSTLIMINIUM. In certain cases the law allowed a free person to be sold as a slave: *e.g.* those who attempted to evade public burdens by not having their names entered on the census (INCENSI; Dionys. iv. 15, v. 75, xi. 63; Cic. *de Leg.* iii. 3, 7; *Tab. Heracl.* ll. 142–148), or who shirked military service (Varro, *ap.* Non. Marc. i. 67; Val. Max. vi. 3, 4; Cic. *pro Caec.* 34, 99: but cf. Dig. 49, 16, 4, 10), and the insolvent debtor under the old law of execution by MANUS INJECTIO. According to the old law, a *fur manifestus* [FURTUM] was liable to a *capitalis poena* and was adjudged (*addictus*) to the person whose property he had stolen; but it was doubted whether the effect of the addictio was to make him a servus or to put him in the condition of an *adjudicatus* (Gaius, iii. 189). A free man over twenty years of age who collusively allowed himself to be sold as a slave in order to secretly share the purchase-money with the vendor, was as early as the time of Mucius Scaevola refused his *proclamatio in libertatem* by the praetor, and so in effect adjudged a slave: a usage which was confirmed by senatusconsulta (Dig. 40, 13, 3; Inst. i. 3, 4; Cod. 7, 18, 1). This kind of fraud was practised even in the time of Plautus (Pers. i. 3, 58; iii. 1). The mode in which a free woman might become a slave under the SC. Claudianum has been noticed above. By an enactment of Claudius also (Suet. *Claud.* 25), a freedman who had misconducted himself towards his patron might be *revocatus in servitutem;* but this was not the law in the time of Nero (Tac. *Ann.* xiii. 27): however, in the time of Commodus, and possibly earlier, it was the rule that a freedman who had been convicted of gross ingratitude to his patron might be sold as a slave by the latter, or (later) subjected again to his ownership (Cod. 4, 10, 1). Under the emperors it was established that a free man who was condemned to death, to penal servitude in the mines, or to fight with gladiators or wild beasts, became and died a slave (Inst. i. 12, 3; *ib.* 16, 1; —Dig. 48, 19, 8, 11, 12), and so could not leave a valid will (Dig. 28, 1, 8, 4; 28, 3, 6, 6, 7): he was not a slave of the state or the emperor, but a *servus poenae*, and had no master (Dig. 34, 8, 3), so that inheritances and legacies left to him were taken *pro non scriptis* (Dig. 29, 2, 25, 2, 3; 34, 8, 3, pr.). The condition of the children of those condemned to the mines was ameliorated by Justinian's enactment (Nov. 22, 8), that the criminal's marriage should not be dissolved by his condemnation. Apart from these cases, no man could lose his freedom either by private contract (Cic. *pro Caec.* 34, 99; Dig. 40, 1, 2, 37; Cod. 7, 16, 10) or by usucapio (Gaius, ii. 48;—Cod. 7, 14, 6; 7, 22, 3).

Of the modes in which a slave might become free, the chief were MANUMISSIO and POSTLIMINIUM. There were, however, a number of other ways in which liberty was bestowed by the law, without the master's having anything to say in the matter. Thus by the SC. Silanianum slaves were liberated who discovered their master's murderers (Dig. 40, 8, 5), and the same was done by later enactments as a reward for the detection of certain other crimes, such as abduction (Cod. 7, 13, 3) and offences against the mint (Cod. *ib.* 2). The edict of Claudius giving their freedom to slaves whom their master turned out of doors on account of ill-health (Suet. *Claud.* 25; Dio Cass. lx. 29; Dig. 40, 8, 5; Cod. 7, 6, 3) has been already noticed. An enactment of Vespasian did the same for *ancillas* who were exposed to prostitution against the terms of the disposition under which they were acquired (Dig. 37, 14, 7, pr.), and by one of Marcus and Commodus slaves were declared free who were aliened under a promise to manumit, which the alienee failed to perform (Dig. 40, 8, 1): thus if a slave saved enough money to purchase his freedom through a friend, who refused to manumit him, he became free *ipso facto* (Dig. 40, 1, 4, pr.–3). A number of senatusconsulta beginning under Trajan (SC. Rubrianum, Dasumianum, Articuleianum, Vitrasianum, Juncianum) provided in the same manner for the enfranchisement of slaves to whom liberty was bequeathed under a fideicommissum. Freedom could also be acquired by prescription (Dig. 40, 9, 16, 3; Cod. 7, 22, 1–3; Cod. Theod. 4, 8, 3, 5), from the time of Leo, by the slaves attaining certain high offices at court (*e.g.* becoming a *cubicularius*, Cod. 12, 5, 3); and from that of Justinian, subject to certain conditions, by his becoming a monk or spiritual person (Nov. 5, 2, 1; 123, 7, 35). In times of revolution under the Republic, it was not unusual to proclaim the liberty of slaves to induce them to join in revolt (Plut. *Mar.* 41, 42); but these were irregular proceedings, and neither justifiable nor examples for imitation. [J. B. M.]

The preceding account treats of the legal condition of slaves in relation to their masters. It remains to give an account of the history of slavery among the Romans, of the sale and value of slaves, of the different classes into which they were divided, and of their general treatment.

Slaves existed at Rome in the earliest times of which we have any record; but they do not appear to have been numerous under the kings and in the earliest ages of the Republic. According to Dionysius (ix. 25), in B.C. 476 they cannot have amounted to more than one-eighth of the population, and were probably much less (cf. Dureau de la Malle, *Écon. Pol.* i. 225). The different trades and the mechanical arts were chiefly carried on by the clientes of the patricians, and the small farms in the country were cultivated for the most part by the labours of the proprietor and of his own family. But as the territories of the Roman state were extended, the patricians obtained the right of occupying large portions of the ager publicus (Mommsen, i. 276). These estates required a larger number of hands for their cultivation than could readily be obtained among the free population; and since the free men were constantly liable to be called away from their work to serve in the armies, the lands began to be cultivated almost entirely by slave labour. (Cf. Liv. vi. 12; Appian, *B. C.* i. 7, *γεωργοῖς χρωμένων θεράπουσιν ἀντὶ ἐλευθέρων.*) Through war and commerce slaves could easily be obtained, and at a cheap rate, and their number soon became so great that the poorer class of free men was thrown almost entirely out of employment. This state of things was one of the chief arguments used by Licinius and the Gracchi for limiting the quantity of public land which a person might possess (Appian, *B. C.* i. 7, 9, 10); and we know that there was a provision in the Licinian Rogations that a certain number of free men should be employed on every estate (Appian, *B. C.* i. 8). This regulation, however, was probably of little avail: the lands still continued to be almost entirely cultivated by slaves, although in the latest times of the Republic we find that Julius Caesar attempted to remedy this state of things to some extent, by enacting that of those persons who attended to cattle a third should always be free men (Suet. *Jul.* 42). In Sicily, which supplied Rome with so great a quantity of corn, the number of agricultural slaves was immense: the oppressions to which they were exposed drove them twice to open rebellion, and their numbers enabled them to defy for a time the Roman power. The first of these Servile Wars began in B.C. 134 and ended in B.C. 132, and the second commenced in B.C. 102 and lasted almost four years.

Long, however, after it had become the custom to employ large gangs of slaves in the cultivation of the land, the number of those who served as personal attendants still continued to be small. Persons in good circumstances seem usually to have had only one to wait upon them (Plin. *H. N.* xxxiii. § 26), who was generally called by the name of his master with the word *por* (that is, *puer*) affixed to it, as *Gaipor*, *Lucipor*, *Marcipor*, *Publipor*, *Quintipor*, &c.; and hence Quintilian (i. 4, 26), long before whose time luxury had augmented the number of personal attendants, says that such names no longer existed. Cato, when he went to Spain as consul, took only three slaves with him (Apul. *Apol.* p. 431, ed. Ouden). But during the later times of the Republic and under the Empire the number of domestic slaves greatly increased, and in every family of importance there were separate slaves to attend to all the necessities of domestic life. It was considered a reproach to a man not to keep a considerable number of slaves. Thus Cicero, in describing the meanness of Piso's housekeeping, says, "Idem coquus, idem atriensis: pistor domi nullus" (*in Pis.* 27). The first question asked respecting a person's fortune was, "Quot pascit servos?" (Juv. iii. 141). Horace (*Sat.* i. 3, 12) seems to speak of ten slaves as the lowest number which a person in tolerable circumstances ought to keep, and he ridicules the praetor Tullius for being attended by no more than five slaves in going from his Tiburtine villa to Rome (*Sat.* i. 6, 107). The immense number of prisoners taken in the constant wars of the Republic, and the increase of wealth and luxury, augmented the number of slaves to a prodigious extent. The statement of Athenaeus (vi. p. 272 e), that very many Romans possessed 10,000 and 20,000 slaves and even more, is probably an exaggeration; but a freedman under Augustus, who had lost much property in the Civil Wars, left at his death as many as 4,116 (Plin. *H. N.* xxxiii. § 135). Two hundred was no uncommon number for one person to keep (Hor. *Sat.* i. 3, 11), and Augustus permitted even a person that was exiled to take twenty slaves or freedmen with him (Dio Cass. lvi. 27). The mechanical arts, which were formerly in the hands of the clientes, were now entirely exercised by slaves (Cic. *de Off.* i. 42, 150): a natural growth of things, for where slaves perform certain duties or practise certain arts, such duties or arts will be thought degrading to a freedman. It must not be forgotten that the games of the amphitheatre required an immense number of slaves trained for the purpose. [GLADIATORES.] Like the slaves in Sicily, the gladiatores in Italy rose in B.C. 73 against their oppressors, and, under the able generalship of Spartacus, defeated a Roman consular army, and were not subdued till B.C. 71, when 60,000 of them are said to have fallen in battle (Liv. *Epit.* xcvii.).

Under the Empire various enactments, mentioned above (p. 660), were made to restrain the cruelty of masters towards their slaves; but the spread of Christianity tended most to ameliorate their condition, though the possession of them was for a long time by no means condemned as contrary to Christian justice. The Christian writers, however, inculcate the duty of acting towards them as we would be acted by (Clem. Alex. *Paedagog.* iii. 12); but down to the age of Theodosius wealthy persons still continued to keep as many as two or three thousand (Chrysost. vol. vii. p. 633). Justinian did much to promote the ultimate extinction of slavery; but the number of slaves was again increased by the invasion of the barbarians from the North, who not only brought with them their own slaves, who were chiefly Sclavi or Sclavonians (whence our word *slave*; cf. Gibbon, c. 55), but also reduced many of the inhabitants of the conquered provinces to the condition of slaves. But all the various classes of slaves became merged in course of time into the *adscripti glebae*, or serfs of the Middle Ages.

The chief sources from which the Romans obtained slaves have been pointed out above. Under the Republic one of the chief supplies consisted of prisoners taken in war, who were sold by the quaestores (Plaut. *Capt.* Prol. 34) with a crown on their heads (see above, p. 662 *b*), and usually on the spot where they were taken, as the care of a large number of captives was inconvenient (cf. Liv. x. 42, 46). Consequently slave-dealers generally accompanied an army, and frequently after a great battle had been gained many thousands were sold at once (Caes. *B. G.* iii. 16), when the slave-dealers obtained them for a mere nothing. In the camp of Lucullus on one occasion slaves were sold for four drachmae each. The slave trade was also carried on to a great extent, and, after the fall of Corinth and Carthage, Delos was the chief mart for this traffic. When the Cilician pirates had possession of the Mediterranean, as many as 10,000 slaves are said to have been imported and sold there in one day (Strab. xiv. p. 668). A large number came from Thrace and the countries in the North of Europe, but the chief supply was from Africa, and more especially Asia, whence we frequently read of Phrygians, Lycians, Cappadocians, &c., as slaves (Cic. *pro Flacc.* 27, 65).

The trade of slave-dealers (*mangones*) was considered disreputable, and expressly distinguished from that of merchants (*mangones non mercatores sed venaliciarii appellantur*, Dig. 50, 16, 207; Plaut. *Trin.* ii. 2, 51); but it was very lucrative, and great fortunes were frequently realised from it. The slave-dealer Thoranius, who lived in the time of Augustus, was a well-known character (Suet. *Aug.* 69; Macrob. *Sat.* ii. 4; Plin. *H. N.* vii. § 56). Martial (viii. 13) mentions another celebrated slave-dealer in his time, of the name of Gargilianus.

Slaves were usually sold by auction at Rome. They were placed either on a raised stone (hence *de lapide emptus*, Cic. *in Pis.* 15, 36; Plaut. *Bacch.* iv. 7, 17) or a raised platform (*catasta*, Tibull. ii. 3, 60; Persius, vi. 77; Casaubon, *ad loc.*), so that every one might see and handle them, even if they did not wish to purchase them. Purchasers usually took care to have them stript naked (Sen. *Ep.* 80; Suet. *Aug.* 69), for slave-dealers had recourse to as many tricks to conceal personal defects as the horse-jockeys of modern times: sometimes purchasers called in the advice of medical men (Claudian, *in Eutrop.* i. 35, 36). Slaves of great beauty and rarity were not exhibited to public gaze in the common slave-market, but were shown to purchasers in private (*arcanae tabulata catastae*, Mart. ix. 60). Newly imported slaves had their feet whitened with chalk (Plin. *H. N.* xxxv. § 199; Ovid, *Am.* i. 8, 64), and those that came from the East had their ears bored (Juv. i. 104), which we know was a sign of slavery among many Eastern nations. The slave-market, like all other markets, was under the jurisdiction of the aediles, who made many regulations by edicts respecting the sale of slaves. The character of the slave was set forth in a scroll (*titulus*, Sen. *Ep.* 47) hanging round his neck, which was a warranty to the purchaser (Gell. iv. 2; Propert. v. 5, 51): the vendor was bound to announce fairly all his defects (Dig. 21, 1, 1; Hor. *Sat.* ii. 3, 284), and if he gave a false account had to take him back within six months from the time of his sale (Dig. 21, 1, 19, 6), or make up to the purchaser what the latter had lost through obtaining an inferior kind of slave to what had been warranted (Dig. 19, 1, 13, 4; Cic. *de Off.* iii. 23, 91). The vendor might, however, use general terms of commendation without being bound to make them good (Dig. 18, 1, 43; 21, 1, 19). The chief points which the vendor had to warrant, were the health of the slave, especially freedom from epilepsy, and that he had not a tendency to thievery, running away, or committing suicide (Cic. *de Off.* iii. 17, 71). The nation of a slave was considered important, and had to be set forth by the vendor (Dig. 21, 1, 31, 21). Slaves sold without any warranty wore at the time of sale a cap (*pilleus*) upon their head (Gell. vii. 4). Slaves newly imported were generally preferred for common work; those who had served long were considered artful (*veteratores*, Ter. *Heaut.* v. 1, 16), and the pertness and impudence of those born in their master's house (*vernae*: see above, p. 662) were proverbial (*vernae procaces*, Hor. *Sat.* ii. 6, 66; Mart. i. 42, x. 3).

The value of slaves depended, of course, upon their qualifications: under the Republic slaves were not dear, and Cato never gave more than 1500 drachmae for one (Plut. *Cat. Maj.* 4); but under the Empire the increase of luxury and the corruption of morals led purchasers to pay immense sums for beautiful slaves, or such as ministered to the caprice or whim of the purchaser. Eunuchs always fetched a very high price (Plin. *H. N.* vii. § 129), and Martial (iii. 62, xi. 70) speaks of beautiful boys who sold for as much as 100,000 or 200,000 sesterces each (£885 8*s.* 4*d.* and £1770 16*s.* 8*d.*). A *morio* or fool sometimes sold for 20,000 sesterces (Mart. viii. 13). [NANI.] Slaves who possessed a knowledge of any art which might bring in profit to their owners, also sold for a large sum. Thus literary men and doctors frequently fetched a high price (Suet. *de Ill. Gram.* 3; Plin. *H. N.* vii. § 129), and also slaves fitted for the stage, as we see from Cicero's speech on behalf of Q. Roscius (10, 28). Female slaves who might bring in gain to their masters by prostitution were also dear: sometimes 60 minae were paid for a girl of this kind (Plaut. *Pers.* iv. 4, 113). Five hundred drachmae (perhaps at that time about £18) seem to have been a fair price for a good ordinary slave in the time of Horace (*Sat.* ii. 7, 43), and the average price in the time of the Antonines must have been about the same (cf. Wallin, ii. 172). In the fourth century a slave capable of bearing arms was valued at 25 solidi or aurei (Cod. Theod. 7, 13, 13). In the time of Justinian the legal valuation of slaves was as follows: common slaves, both male and female, were valued at 20 solidi apiece (about £12), and under ten years of age at half that sum; if they were artificers they were worth 30 solidi, if notarii 50, if medical men or midwives 60; eunuchs under ten years of age were worth 30 solidi, above that age 50, and if they were artificers also as much as 70 (Cod. 6, 4, 3, 3). Female slaves, unless possessed of personal attractions, were generally cheaper than male. Six hundred sesterces (about £5) were thought too much for a slave girl of indifferent character in the time of Martial (vi. 66); and two aurei or solidi were not considered so low a price for a slave girl (*ancilla*) in the time of Hadrian as to occasion doubt of her having come honestly into the hands of the vendor (Dig. 47, 2, 76). We have seen that in the time of Justinian the legal value of female slaves was equal to that of males; this may probably have arisen from the circumstance that the supply of slaves was not so abundant then as at earlier times, and that therefore recourse was had to propagation for keeping up the number of slaves. But under the Republic and in the early times of the Empire this was done to a very limited extent, as it was found cheaper to purchase than to breed slaves.

Slaves were divided into many various classes: the first division was into public or private. The former belonged to the state and public bodies, and their condition was preferable to that of the common slaves. They were less liable to be sold, and under less control than ordinary slaves: they also possessed the privilege of the *testamenti factio* to the amount of one-half of their property (see above, p. 661), which shows that they were regarded in a different light from other slaves. Scipio, therefore, on the taking of Nova Carthago, promised 2000 artisans, who had been taken prisoners and were consequently liable to be sold as common slaves, that they should become public slaves of the Roman people, with a hope of speedy manumission, if they assisted him in the war (Liv. xxvi. 47). Public slaves were employed to take care of the public buildings (compare Tac. *Hist.* i. 43), and to attend upon magistrates and priests. Thus the aediles and quaestors had great numbers of public slaves at their command (Gell. xiii. 13), as had also the triumviri nocturni, who employed them to extinguish fires by night (Dig. 1, 15, 1). They were also employed as lictors, jailors, executioners, watermen, &c. (Cf. Gessner, *de Servis Romanorum publicis*, Berlin, 1844.)

A body of slaves belonging to one person was called *familia*, but two were not considered sufficient to constitute a *familia* (Dig. 50, 16, 40). Private slaves were divided into urban (*familia urbana*) and rustic (*familia rustica*): but the name of "urban" was given to those slaves who served in the villa or country residence as well as in the town house; so that the words "urban" and "rustic" rather characterised the nature of their occupations than the place where they served ("urbana familia et rustica non loco, sed genere distinguitur," Dig. 50, 16, 166). The *familia urbana* could therefore accompany their master to his villa without being called *rustica* on account of their remaining in the country. When there was a large number of slaves in one house, they were frequently divided into decuriae (Petron. 47), each under the charge of a *decurio*, whose title often occurs in inscriptions; but independently of this division they were arranged in certain classes, which held a higher or a lower rank according to the nature of their occupation. The distinction drawn by Ulpian (Dig. 47, 10, 15, 44) between *bonae frugi*, *ordinarius*, *dispensator* on the one hand, and *volgaris*, *mediastinus*, *qualis-qualis* on the other, is evidently not meant to be technical, but general in its character; and it is doubtful whether the *litterati* or literary slaves were included in any of these classes. Those called *vicarii* are spoken of above (p. 662).

Ordinarii seem to have been those slaves who had the superintendence of certain parts of the housekeeping. They were also chosen from those who had the confidence of their master, and they generally had certain slaves under them, often called *vicarii* (Dig. 15, 1, 17). To the same class also belong the slaves who had the charge of the different stores, and who correspond to our housekeepers and butlers: they are called *cellarii*, *promi*, *condi*, *procuratores peni*, &c. [CELLA.]

The first place in the *familia urbana* was held by the *procurator*, a term applied generally to the agent of another, but especially to the slave who was placed in charge of the household (cf. Cic. *ad Att.* xiv. 16). The *actor* in the *familia rustica* was almost the same as the *vilicus* or bailiff (Colum. i. 8; Plin. *Ep.* iii. 19). The *dispensator* was the slave in charge of the cash and the accounts, usually but not always, in the *familia urbana* (Dig. 1, 16, 166; Suet. *Galb.* 12; *Vesp.* 22). The *dispensator* was sometimes under the procurator, but at other times was directly in relation with his master. In earlier times the *atriensis* had a general charge of the money and of the household (Plaut. *Pseud.* ii. 2, 15).

Volgares included the great body of slaves in a house who had to attend to any domestic duty, and to minister generally to the wants of their master. As there were distinct slaves or a distinct slave for almost every department of household economy, as bakers (*pistores*), cooks (*coqui*), confectioners (*dulciarii*), picklers (*salmentarii*), &c. it is unnecessary to mention these more particularly. This class also included the porters (*ostiarii*), the bed-chamber slaves [CUBICULARII], the litter-bearers (*lecticarii*) [LECTICA], the *pedisequi*, and all personal attendants of any kind.

Mediastini. [MEDIASTINI.]

Litterati, literary slaves, were used for various purposes by their masters, either as readers [ANAGNOSTAE], copyists, or amanuenses [LIBRARII; AMANUENSIS], &c. Others, again, were employed as MEDICI, CHIRURGI, or IATRALIPTAE.

The treatment of slaves, of course, varied greatly according to the disposition of their masters; but they appear upon the whole to have been treated with greater severity and cruelty than among the Athenians. Originally the master could use the slave as he pleased: under the Republic the law does not seem to have protected the person or life of the slave at all, but the cruelty of masters was to some extent restrained under the Empire, as has been stated above (p. 660), and the legal status of the slave was gradually improved. The general treatment of slaves, however, was probably little affected by legislative enactments. In early times, when the number of slaves was small, they were treated with more indulgence, and more like members of the family: they joined their masters in offering up prayers and thanksgivings to the gods (Hor. *Ep.* ii. 1, 142), and partook of their meals in common with their masters (Plut. *Coriol.* 24), though not at the same table with them, but upon benches (*subsellia*) placed at the foot of the lectus. But with the increase of numbers and of luxury among masters, the ancient simplicity of manners was changed: a certain quantity of food was allowed them (*dimensum* or *demensum*), which was granted to them either monthly (*menstruum*, Plaut. *Stich.* i. 2, 3), or daily (*diarium*, Hor. *Ep* i. 14, 41; Mart. xi. 108). Their chief food was the corn called *far*, of which either four or five modii were granted them a month (Donat. in Ter. *Phorm.* i. 1, 9; Sen. *Ep.* 80), or one Roman pound (*libra*) a day (Hor. *Sat.* i. 5, 69). They also obtained an allowance of salt and oil: Cato (*R. R.* 58) allowed his slaves a sextarius of oil a month and a modius of salt a year. They also got a small quantity of wine with an additional allowance on the Saturnalia and Compitalia (Cato, *R. R.* 57), and sometimes fruit, but seldom vegetables. Butcher's meat seems to have been hardly ever given them.

Under the Republic they were not allowed to serve in the army, though after the battle of Cannae, when Rome was in such imminent danger, 8000 slaves were employed by the state for the army, and subsequently manumitted on account of their bravery (Liv. xxii. 57; xxiv. 14–16).

The offences of slaves were punished with severity and frequently with the utmost barbarity. One of the mildest punishments was the removal from the familia urbana to the rustica, where they were obliged to work in chains or fetters (Plaut. *Most.* i. 1, 18; Ter. *Phorm.* ii. 1, 20). They were frequently beaten with sticks or scourged with the whip (of which an account is given under FLAGRUM), but these were such everyday punishments, that many slaves ceased almost to care for them; thus Chrysalus says (Plaut. *Bacchid.* ii. 3, 131):

> "Si illi sunt virgae ruri, at mihi tergum domi est."

Runaway slaves (*fugitivi*) and thieves (*fures*) were branded on the forehead with a mark (*stigma*), whence they are said to be *notati* or *inscripti* (Mart. vii. 75, 9). Slaves were also punished by being hung up by their hands with weights suspended to their feet (Plaut. *Asin.* ii. 2, 31), or by being sent to work in the Ergastulum or Pistrinum. [ERGASTULUM; MOLA.] The carrying of the furca was a very common mode of punishment [FURCA], and slaves were often flogged while bearing it. The cross [CRUX] was a specially *servile supplicium*. The toilet of the

Roman ladies was a dreadful ordeal to the female slaves, who were often barbarously punished by their mistresses for the slightest mistake in the arrangement of the hair or a part of the dress (Ovid, *Am.* i. 14, 15, *Ar. Am.* iii. 235; Mart. ii. 66; Juv. vi. 498, &c.).

Masters might work their slaves as many hours in the day as they pleased, but they usually allowed them holidays on the public festivals. At the festival of Saturnus in particular, special indulgences were granted to all slaves, of which an account is given under SATURNALIA.

There was no distinctive dress for slaves. It was once proposed in the senate to give slaves a distinctive costume, but it was rejected since it was considered dangerous to show them how numerous they were (Sen. *de Clem.* i. 24). Male slaves were not allowed to wear the toga or bulla, nor females the stola; but otherwise they were dressed nearly in the same way as poor people, in tunics and cloaks of a dark colour (*pullati*) and slippers (*crepidae*), or in the country SCULPONEAE or clogs (*vestis servilis*, Cic. *in Pis.* 38, 93).

The rites of burial, however, were not denied to slaves, for, as the Romans regarded slavery as an institution of society, death was considered to put an end to the distinction between slaves and free men. Slaves were sometimes even buried with their masters, and we find funeral inscriptions addressed to the Di Manes of slaves (*Dis Manibus*). It seems to have been considered a duty for a master to bury his slave, since we find that a person who buried the slaves of another had a right of action against the master for the expenses of the funeral (Dig. 11, 7, 31). In 1726 the burial vaults of the slaves belonging to Augustus and Livia were discovered near the Via Appia, where numerous inscriptions were found, which have been illustrated by Bianchini and Gori and give us considerable information respecting the different classes of slaves and their various occupations. Other sepulchres of the same time have been also discovered in the neighbourhood of Rome (cp. Wilmann's *Ex. Inscr. Lat.* i. 125 ff.).

(Pignorius, *de Servis et eorum apud Veteres Ministeriis;* Popma, *de Operis Servorum;* both in *Poleni Suppl. ad Græv. Thes. Antt. Rom.* vol. iii.; Blair, *An Enquiry into the State of Slavery amongst the Romans*, Edinburgh, 1833; Becker-Göll, *Gallus*, vol. ii. 99–154; Wallon, *Histoire de l'Esclavage dans l'Antiquité*, 2nd ed. Paris, 1879; Marquardt, *Privatleben*, 135–191.) [W. S.] [A. S. W.]

SESTE'RTIUM. [CRUX, Vol. I. p. 568 *b.*]

SESTER'TIUS. This term is a contraction for *semis tertius*, which is the Latin way of expressing 2½. It may be used for various weights and measures: for example, *pes sestertius* is 2½ feet. But it has been more usually applied to coin: the numus sestertius, sestertius, or, as it is rendered in English, sesterce, was the unit according to which sums of money were reckoned by the Romans almost throughout their history. It was expressed on the coins themselves and in documents by the symbol IIS (two units and a semis), or with a line through, ~~IIS~~, a form commonly though incorrectly printed as HS.

According to the view of Mommsen (*Röm. Münzw.* p. 292), when silver coin was first issued at Rome (B.C. 269: As, p. 205) it was based on the equation of the scruple of silver (17·5 grains) to one libral as of 10 ounces, or 2½ of the current reduced asses of 4 ounces. Thus the denarius (10 asses) was equal to 4 sestertii, and the quinarius to 2 sestertii. But this equivalence of the sestertius to 2½ copper asses as current did not last long: in the time of the Hannibalic wars it was decreed that thenceforth 16 asses should go to the denarius and 4 to the sertertius, excepting in case of military pay, in which the old relations were preserved. Up to that time, as the sestertius and the libral as had been equivalent, money had been reckoned in either indifferently; but thereafter the sestertius became the regular unit.

Shortly after its issue the sestertius fell in weight from 17½ to 15 grains. After a time it ceased to be issued as a silver coin, though as a quarter of the denarius it remained as money of account. M. Antony issued sestertii in copper with the marks of value HS and Δ; that is, sestertii of four asses. And Augustus ordained that the sestertius of 4 asses and the dupondius of 2 should be struck in brass (orichalcum), while the as should be minted in copper.

In reckoning sums of money the Romans sometimes, but not often, reckoned by denarii. But far more usually they reckoned either by the libral as (in which case aeris or aeris gravis would be added) or by the sestertius, which was originally the equivalent of the libral as. [As.]

Sestertius of Nero in brass.

Sums up to a thousand sestertii were simply stated in sestertii. But sums of several thousand sestertii were expressed as so many *milia sestertiorum numorum* or *sestertium numum.* Thus *decem milia sestertium* is 10,000 sestertii; and the same amount is sometimes expressed by the formula *decem sestertia*, where sestertia is usually regarded as the plural of a neuter form sestertium (= 1000 sestertii), though to this view there are grammatical objections. Sums of a million sestertii and upwards are expressed by a use of the numeral adverbs in *-ies; centena milia*, a hundred thousand, being expressed or understood. Thus a million sestertii are *decies centena milia sestertium*, a phrase abridged to *decies sestertium.* Similarly, *vicies* and *tricies sestertium* stand for two and three million sestertii, and so on. As an example, we find in Cicero (*Verr.* Act. Sec. i. 39, 100) 2,235,417 sestertii thus expressed: "vicies ducenta triginta quinque milia quadringentos xvii numos" (*i.e.* sestertios). The distinction between units, thousands, and hundreds of thousands of sestertii is conventionally expressed merely by adding lines above or beside the numeral: thus HS X = 10 sestertii; HS $\overline{\text{X}}$ = 10,000 sestertii or 10 sestertia; HS$|\overline{\text{X}}|$ = decies sestertium or 1,000,000 sestertii.

The English equivalent of sums stated in sestertii cannot be accurately ascertained, since different values will be given according to the relation presumed between the value of silver and that of gold; but an approximation sufficient for all purposes will be reached if the metal value of a sestertius or sesterce is taken at twopence, and that of a sestertium at £8 sterling. What was as regards purchasing power the equivalent of a sestertius in modern money, is a different and an insoluble problem. [P. G.]

SEVIR. [AUGUSTALES, Vol. I. p. 259; EQUITES, Vol. I. p. 757.]

SEX SUFFRAGIA. [EQUITES, Vol. I. p. 754.]

SEXTANS. [As.]

SEXTA'RIUS, a Roman dry and liquid measure, which may be considered one of the principal measures in the Roman system, and the connecting point between it and that of the Greeks, for it was equal to the ξέστης of the latter; and there can be little doubt that the ξέστης was not an original Greek measure, but that the word was introduced into the Greek system from the Roman, for the purpose of establishing a unit of agreement. [QUADRANTAL.] It was one-sixth of the *congius*, and hence its name: in the Greek system it was one-sixth of the χοῦς. It was divided, in the same manner as the As, into parts named *uncia*, *sextans*, *quadrans*, *triens*, *quincunx*, *semissis*, &c. The uncia, or twelfth part of the sextarius, was the CYATHUS; its *sextans* was therefore two cyathi, its *quadrans* three, its *triens* four, its *quincunx* five, &c. (Wurm, *de Pond.* &c. p. 118; Hultsch, *Metrologie*, p. 112: cf. the Tables at the end of the volume.) [P. S.]

SE'XTULA, the sixth part of the *uncia*, was the smallest denomination of money in use among the Romans (Varro, *L. L.* v. 171). It was also applied, like the uncia, to other kinds of magnitude. [UNCIA.] [P. S.]

SIBYLLI'NI LIBRI. The books known by this name at Rome down to the destruction of the temple of Jupiter Capitolinus in B.C. 82, were said to have been offered to Tarquinius Superbus (or, according to Varro, to Tarquinius Priscus: cf. Lactant. *Inst. Div.* i. 6, 10; Isid. *Orig.* viii. 8, 5) by a Sibylla, *i.e.* a prophetess, who presented herself before the king with nine books for sale. Upon his refusing to purchase them, she went away and burnt three, and then returning asked the same price for the remaining six. Thinking her mad, the king again declined the purchase; on which she retired once more, burnt another three, and still asked the same price for the three that remained. Tarquin now consulted the augurs, who urged him to buy the books, and give the full price. This he did, and the woman vanished. He then appointed two citizens of rank to keep the books in the temple on the Capitol, with two public slaves to assist them (who were probably Greek interpreters, Zonaras, vii. 11). This is the account given by Dionysius (iv. 62); it is found with slight variations in some other authors (see Marquardt, *Staatsverw.* iii. 353, and notes); Livy, however, does not tell the story. Whatever truth there may be in the details of the legend, it is probable ~~that it was in the reign of the~~ second Tarquin that these books were actually acquired. Tradition is unanimous in ascribing ~~to that~~ reign changes of great importance in the religious history of Rome, the centre point of which changes is the Capitoline temple of Jupiter, where these books were stored. That temple expressed the union in a religious centre of the entire populus of Rome, comprising both patricians and plebeians, and foreshadowed the gradual equalisation of the two orders in all matters of religion, as well as in political rights. (Cf. esp. Ambrosch, *Studien*, p. 196 foll.; Marquardt, iii. 40.) All members of the state, whether Latin, Sabine, or Etruscan, might worship in it; and not only from the sacred triad of Jupiter, Juno, and Minerva, but any god might be the object of worship there. To this Tarquin, then, as well as to his two predecessors, we may ascribe a broad and catholic religious policy, in striking contrast with the narrow civic traditions of the Roman patrician priesthood; and this policy was recognised by the prevailing Roman tradition, which also connected with this king the introduction of the Sibylline books. For these books were not, like some others presently to be mentioned, of Roman or even of Italian origin: they were beyond doubt Greek, and their importance in Roman history is almost wholly concerned with the introduction of foreign and chiefly Greek worship into the Roman religious world.

Whence these books came, and how they were originally compiled, are questions of great obscurity. *Sibylla* was no doubt a Greek word signifying a certain type or ideal of that common phenomenon in antiquity, the inspired prophetess. [See DIVINATIO; ORACULUM.] The earliest mention of a Sibylla is in a fragment of Heracleitus of Ephesus (*ap.* Plut. *Pyth. Orac.* 6; Bywater, fragm. 12, and note), who knew of one only; but in course of time, as in the case of divinities, the type became localised in various cities, and Varro (*ap.* Lact. *l. c.*) knew of no less than ten Sibyllae—Persica, Libyca, Delphis, Cimmeria, Erythraea, Samia, Cumana, Hellespontica, Phrygia, Albunea (or Tiburtina). If we look on these local Sibyllae as merely mythical, but at the same time as suggesting, in some cases at least, localities in which floating prophecy was, as it were, caught and fixed, we cannot be very far wrong; and there is not much doubt as to which of these places it was from which the books came to Rome. The mere tradition that Tarquinius, on his expulsion from Rome, took refuge at Cumae, would in itself be sufficient evidence of an actual connexion between that Greek city and the Roman tyrant (Dionys. vi. 21); and the great majority of ancient authorities directly derive the books from Cumae (cf. Verg. *Ecl.* iv. 4; *Aen.* vi. 42 ff.;—Ov. *Fast.* iv. 158, 257: other references will be found in Schwegler, *Röm. Gesch.* i. 802, note, and Marquardt, iii. 352, note 5). Varro, on the other hand, seems to have believed that their origin was to be found at Erythrae, the reputed home of the most renowned of all the Sibyllae (cf. Serv. *ad Aen.* vi. 36 and 72), arguing that a prophetess who was consulted by Aeneas, according to the Roman form of the legend, could not have lived on till the time of the Tarquinii. The truth seems to be that these oracles came to Rome from Cumae, but had previously found their way thither from Erythrae, in the neighbourhood of which, at Gergis in the Trojan Mt. Ida, we seem to be able, since the researches of Klausen (*Aeneas und die Penaten*, p. 203 foll.), to discern the localisation of the earliest collection of oracles. This collection, according to Heraclides Ponticus (Lactant. *l. c.*; Schol. Plat. *Phaedr.* p. 315; Isid. *Orig.* viii. 8, 6), was formed in the first half of the sixth century B.C., a time when oracles were in great request, and when also the conquest by the Lydians and Persians of the Greek cities of Asia Minor was causing a considerable migration from those parts to Italy and Sicily. For further information on this difficult subject the student may consult Klausen, *l. c.*, and Bouché-Leclercq, *Histoire de la Divination dans l'Antiquité*, vol. ii. pp. 133 ff. The evidence for the Erythraean origin of the Cumaean oracles will be found collected in Marquardt, iii. 352, note 7; the most striking fact in this connexion being the selection of Erythrae, Ilium, and Samos, among other places, for the search for a new collection, after the burning of the Capitoline temple in 83 B.C.

It is naturally impossible to determine how and with what motive these collections were originally formed. At all times in Greece it is likely that there were wandering prophets (χρησμολόγοι) and floating prophecies, in connexion with Dionysiac and Orphic rites, and distinct from the ancient and localised oracles of Dodona, Delphi, and others. It was the theory of Klausen that these were at the height of their influence in the sixth century B.C., and that they represented a kind of "protestant" reaction against the fame, credit, and wealth of the local oracular shrines; and thus came at that time to be collected and arranged. Of late, Bouché-Leclercq, on the ground that the northern coast of Asia Minor is the true home of the Sibylla, has sought to show that the Sibylline type of oracular utterance may be traced to a Trojan origin in the form of Cassandra and Manto, "both victims of Apollo, and both attached by most intimate ties to the worship of that god." But these are no more than hypotheses, and it is not possible to arrive at any certainty in the matter.

As little can be determined about the nature of the collection which found its way to Rome. Something, indeed, is known of the later collection formed after the destruction of the original one, but it is unsafe to argue back from the one to the other. The oracles were said to have been written on palm-leaves (Serv. *ad Aen.* iii. 444), a tree, as Bouché-Leclercq remarks (iv. 289), which was not to be found in Campania; and it is quite possible that this may be merely a fragment of an old mythical tradition of which the substance is lost. Virgil makes use of it when he makes Aeneas urge the Sibylla to foretell his fate in words, instead of committing them to leaves, alluding, however, at the same time to the Roman collection and its guardians:

> "Te quoque magna manent regnis penetralia nostris:
> Hic ego namque tuas sortes, arcanaque fata,
> Dicta meae genti, ponam, lectosque sacrabo,
> Alma, viros: foliis tantum ne carmina manda:
> Ne turbata volent rapidis ludibria ventis."

According to this tradition, it has been supposed that they were referred to in the same way as Eastern nations refer to the Koran and Hafiz: that they did not search for a passage and apply it, but only shuffled the leaves and then drew one (cf. Niebuhr, *Hist. of Rome*, i. 506 foll.). But it is probable that, owing to the secrecy with which all such transactions were guarded by the Roman priests, the method of consultation was unknown even to the Romans themselves. That these prophecies were in the Greek language is almost beyond doubt, and probably they were written in hexameters, like other Greek oracular sayings, and like those of the later collection of which we have remains. Their application to the matter inquired about was no doubt entirely accidental, or subject to the arbitrary dealings of their interpreters; we may perhaps conjecture that it resembled that of the Biblical and Virgilian "sortes" of the Middle Ages, a verse being taken at chance, and twisted in any way so as to suit the circumstances. [SORTES.] And there need be little doubt that the interpreters frequently invented not only the application, but the response itself; as when, in order to drive Hannibal out of Italy, the Magna Mater Idaea was ordered to be brought to Rome (Liv. xxix. 10, 5), or for party purposes, as when Cinna and six tribunes were to be expelled from Italy in order to restore peace and order. (Granius Licinianus, p. 35, Bonn ed.) Another instance occurs in Liv. xxxviii. 45, 3.

They were deposited, as we have seen, in the temple on the Capitol, and placed in charge of *duo viri sacris faciundis*, a title which clearly implies the introduction of new rites (Liv. v. 13, 6). These officials, or priests, were self-electing, retained office for life, were free from military service, and remained patrician until by the Licinian rogations (B.C. 367) their number was increased to ten, and half the number were thenceforth to be of plebeian birth. As was natural, they were the first priesthood opened to the plebeians, their functions having no connexion with the "sacra" of the old patrician gentes (Liv. vi. 37, 12). The number ten held good till towards the end of the Republic, when, probably under Sulla's government, they were again increased to fifteen, which number is first mentioned by Cicero in 51 B.C. (*ad Fam.* 8, 4, 1). [See DECEMVIRI; SACERDOS.] This college of fifteen lasted until the time of Stilicho, who in A.D. 405 burnt the Sibylline books; it is mentioned frequently in inscriptions of the Empire. (See Marquardt, iii. 381, note 7.)

It would seem that the decemviri were not competent to consult the books on their own account, but that every such consultation was ordered by a decree of the senate. The books were the property of the state, the decemviri only their guardians and interpreters; and, like the pontifices and augurs, they were in constitutional practice only the skilled assistants and advisers of the magistrates and senate. (The strictly state character of the oracles is well seen in the story that Tarquin himself punished a duumvir with the death of a parricide for divulging their secrets to a foreigner: Dionys. iv. 62; Val. Max. i. 1, 13.) The senate ordered the decemvirs to inspect (*adire*, *inspicere*) the books, and to interpret the oracle they found applicable, which was rarely if ever made public, but only the general tenor of the reply of the experts. This at any rate seems to have been the case down to B.C. 82, with which period only we are at present dealing; after that time, and the destruction of the original books, the whole system may be said to have become vulgarised. (Marquardt, iii. 382; Liv. vii. 27, xxi. 62; Dionys. iv. 62; Cic. *de Div.* ii. 54, 110.)

It was not on any ordinary occasion that the senate took the important step of ordering a consultation. On examining the passages of Livy in which such consultations are mentioned, it will appear that the books were only had recourse to in the face of alarming prodigies, pestilences, and other such disasters. (Cp. *e.g.* Liv. iii. 10; v. 13; x. 47; xxi. 62; xxii. 1, 9; xxix. 10; xxxvi. 37; xli. 21.) Rarely do we hear of anything like a definite prophecy (Liv. xxix. 10; xxxviii. 45); the result of the consultation is almost always an admonition to adopt a certain *ritual*, in order to expiate evil or avert calamity. It is through this ritualistic authority, and in the corresponding introduction of new forms of worship into the state, that the immense influence on the Roman religion of the Sibylline books, and their interpreters, made itself felt; and it will be necessary here to summarise the innovations due to them.

These momentous changes will be better understood if we recall the character of the purely Italian element in the religion of the early Romans. Their religious ideas were sober, practical, and unimaginative. Their deities were abstract conceptions rather than concrete forms: they were not worshipped in temples with florid ritual, or presented to view in the forms of statues. All worship had an immediate practical object, and the complications of Roman ritual were occasioned by nothing more than the intense desire to make no mistake which might defeat that object. All warmth of religious emotion, such as elsewhere favoured the growth of myth, or choric song and dance, or sacramental mysteries, was absent from the Italian religious mind; the *legal* side of ritual took its place, and at Rome was at all times maintained by the paramount authority of the pontifices. But it was an entirely new aspect of religion which the Sibylline books and their keepers introduced; and though the pontifices were wise in their generation, and antagonism between the two colleges is rarely apparent, they may be regarded historically as rivals—the one as championing the *ritus Romanus*, the other the *ritus Graecus*—through the remainder of Roman history.

First, we have the introduction of a series of new deities: either entirely Greek, as Apollo, Latona, Mater Magna, Aesculapius; or Greek deities attached to a Latin name and a pre-existing Roman idea, as Diana (=Artemis), Ceres (=Demeter), Proserpina (=Persephone), and Hercules, who, originally a form of Jupiter (=Semo Sancus), or possibly the Genius of Jupiter, now absorbed the characteristics of the Greek Hercules. The immediate cause of these introductions was, as we saw, the occurrence of pestilence, famine, or defeat (Liv. v. 13; x. 47; xxi. 62); the motive was the feeling, stimulated by the growing intercourse with foreigners and especially Greeks, that where the home deities did not suffice, or declined their aid, strangers whose worship would be open to all, and not only to patrician gentes, might be found efficacious. Their immediate connexion with the Sibylline books may easily be traced: *e.g.* Apollo is not only the god of prophecy, but a god of *pestilence;* Aesculapius comes in on the same ground; Ceres and Persephone may be connected with the *famines* and distress of the first half of the sixth century B.C., and it may be noted that the worship of the former had always a plebeian character, which illustrates the anti-patrician tendency of the Tarquinian policy, marked as we saw by the introduction of the books. Cybele or the Magna Mater Idaea, the great earth-deity of the original home of the oracles, was invoked to Rome in order to secure the expulsion of Hannibal from Italy, and so end a long series of disasters. (The new cult will be found examined in detail in Marquardt, iii. 358 foll., of which Bouché-Leclercq's account is only an abstract.)

Equally important was the change in *ritual*. This may be traced in the great development, resulting directly or indirectly from the books and the decemviri, in the Roman institution of *ludi*, whether *circenses* or *scenici* [see LUDI]: and especially noteworthy are the two sets of Apolline games, the Ludi Apollinares instituted in time of pestilence in 212 B.C. (Liv. xxv. 12; Macrob. i. 17, 29, "Bello Punico hi ludi ex libris Sibyllinis primum sunt instituti"), and the Ludi Saeculares, the history of which, though obscure, can be distinctly traced to the worship of Dis and Proserpina, and to the influence of these oracles. (Augustine, *Civ. Dei*, iii. 18, writing with Varro before him, so explains their origin. Cf. Marquardt, iii. 387.) The importance of this line of development in the social and religious life of the Romans cannot well be exaggerated. But the character of the new religion is best seen in the *lectisternia*, where the anthropomorphic appearance of the gods, the emotional and individual character of the cult, and the comparative absence of legal restraint and orderly procedure, are in marked contrast with the earlier forms of Roman worship. (See LECTISTERNIUM; and for the details of the Graecus ritus in all these ceremonies, Marquardt, iii. 44 foll., 186 foll.) The student who wishes to understand this contrast fully, should study the accounts of the *lectisternia* carefully, and compare them with the ritual of the Fratres Arvales or that of any of the purely Roman festivals.

The Sibylline books had fairly done their work when they were destroyed by fire in

B.C. 83; in combination with other tendencies and circumstances, they had wrought a revolution in Roman religious ideas, in morals, as well as indirectly in literature and art. The history of the new collection formed in B.C. 76 is far less interesting, and must be briefly summed up here.

While the temple of Jupiter Capitolinus was rebuilding, envoys were sent to various towns in Asia Minor, Greece, and Sicily (and especially to Erythrae, where about 1000 verses were collected), to gather a fresh supply of oracles, which were deposited, like the old ones, in the vaults of the temple on its completion, and given into the charge of the collegium, increased to fifteen previously by Sulla. Whether any fragments of this collection are still imbedded in the "*Oracula Sibyllina*" which have come down to us, is an exceedingly difficult question, and beyond the scope of this article. (Alexandre, *Oracula Sibyllina*, ed. 2, Paris, 1869, with Sibylline bibliography: cf. Bouché-Leclerq, ii. 133, 200;—Marquardt, iii. 351, note 10; 383, note 9. According to Ewald, the earliest extant verses are as early as 124 B.C.; but the great mass are of Jewish and Christian origin. The collection is a strange medley. Cf. also Fabricius, *Bibl. Graec.* i. 227 foll.) Their influence may be traced here and there in subsequent years, as in the famous oracle (real or forged) which forbade Ptolemy Auletes to be restored to Egypt by force of arms (Cic. *ad Fam.* i. 7; Dio Cass. xxxix. 15), or that which prophesied in B.C. 44 that a *rex* was needed to overcome the Parthians (Suet. *Jul.* 79). Augustus, finding spurious verses in circulation, ordered a close inspection, which resulted in the burning of 2000 so-called prophetic books, and in the removal of the genuine ones to the temple of Apollo on the Palatine, which he himself had dedicated (Suet. *Aug.* 31; Tac. *Ann.* vi. 12). Dio Cassius also states that he had some of them, which had faded, written over again by the priests (liv. 17). Others were rejected in the time of Tiberius, who also refused to allow a new volume to be added, as proposed in the senate by Caninius Gallus (Tac. *l. c.*). This later collection was certainly written in Greek hexameters, and, if we interpret Cicero rightly (*de Div.* ii. 54, 111: cf. Varro *ap.* Dionys. iv. 62), some at least of the verses were in the form of acrostics (ἀκροστιχίς); this is not likely, however, to have been the case with all.

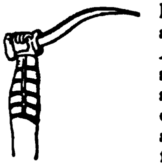
Under the Empire the books were rarely consulted: the duties of the quindecimviri were confined chiefly to the superintendence of the Cybele-worship, which now gained ground rapidly, especially in the month of March (Lucan, i. 599; *C. I. L.* vi. 488 foll.); and their influence was lessened by the arrival of other new cults in which they had no official part, and by the personal supervision of religion by the emperors. Occasional instances, however, of consultation occur. Tiberius, in spite of his proneness to ritual and superstition, had declined to allow an inspection of the books during an inundation of the Tiber in A.D. 15 (Tac. *Ann.* i. 76); but Nero ordered them to be consulted after the great fire in A.D. 64, and the old ceremonies were gone through (*ib.* xv. 44). In the period of intelligent government which followed, we do not seem to hear of them; but in 241, under Gordian, certain serious earthquakes were stopped by their means (Capitolinus, *Gordian*, 26). Again, under Aurelian in 270, when the Marcomanni had crossed the Alps, they were consulted by order of the emperor; and Vopiscus (*Aurel.* 20) gives an interesting account of the manner of this consultation, which shows that the quindecimviri were no longer indispensable, inasmuch as the senators themselves went to the temple of Apollo, and made the necessary search. Julian, as might be expected, was one of the last to make use of them (Ammian. Marc. xxiii. 1, 7). They were in existence in 391 (Symmachus, *Epist.* iv. 34, who was himself a quindecimvir; Claudian, *Bell. Get.* 231); but in the year 400 they were burnt by Stilicho, and Prudentius shortly afterwards alludes triumphantly to the dead superstition of paganism:

> "Mortua jam mutae lugent oracula Cumae."
> *Apoth.* 439 ff.

Lastly, it should be noticed that there are other collections of prophecies mentioned by our authorities, some of which at least were kept with the Sibylline books in the Capitoline temple, and may have been included in the general term *Sibyllini libri*. This was the case with the Etruscan oracles of Begoe or Vegoe (Serv. *ad Aen.* vi. 72), and with the *sortes* of the nymph Albunea of Tibur (Lactant. *Inst.* i. 6, 12). In B.C. 213 the senate ordered the praetor urbanus to investigate a variety of current prophecies, with the result that the *Carmina Marciana* of an unknown Marcius (or of two brothers, according to Cic. *de Div.* i. 40, 89; 50, 115; ii. 55, 113) were declared genuine and given into the charge of the decemvirs. This Marcius was probably a mythical or ideal personage, the name being connected with Mars, in whose worship some of the oldest traces of native Italian oracles are to be found. Livy has preserved the substance of two of these *carmina*, which were probably written in Saturnian verse (Liv. xxv. 12: cf. Macrob. *Sat.* i. 17, 28). All these books and others, such as those of Veii (Liv. v. 15, 11; Cic. *de Div.* i. 44, 100), are included in the general expression "libri fatales," which frequently occurs (Liv. *l. c.*; xxii. 9, 8, where it is synonymous with *libri Sibyllini*; xxii. 57, 6; and other passages). *Libri* alone is almost as common (iii. 10, 7; xxii. 1, 16); and thus it is impossible to draw any distinct line of demarcation between Greek and Italian collections. Even in regard to their usage this is to some extent so; for while, *e.g.*, the Marcian oracles recommend the cult of the Greek Apollo (Liv. xxv. 12), that of genuine Roman deities as well as Greek is found prescribed by the Sibylline books (as in Liv. xxi. 62 and xxiii. 1). The fact seems to have been that the overwhelming prestige of the latter acted by attraction on lesser local collections; and as Rome became the focus of all Italy, so the temple on the Capitol tended more and more to become the centre-point of the floating Italian divination. [W. W. F.]

SICA, a short curved sword, a weapon of the Thracians (*sica Θρακικὸν ξίφος ἐπικαμπές*, *Gloss. Labb.*: cf. Clem. Alex. *Strom.* i. 16, 75; Isid. *Orig.* xviii. 8). It was used therefore by the

Threces in the gladiatorial combats (Suet. *Cal.* 32; Mart. iii. 16): its shape explains the "falx supina" in Juv. viii. 201 (see Mayor *ad loc.*; GLADIATOR, Vol. I. p. 918 *b*). The annexed woodcut, from a terra-cotta lamp, shows a *sica* held by a Thracian (Baumeister, *Denkm.* p. 2099). As being smaller than the ordinary sword, and therefore more easily concealed, and perhaps as being sharp and deadly for a stab, it was the favourite weapon of robbers and murderers (*sicarii*), the *ferrum* with which "grassator agit rem" (Juv. iii. 305: cf. Cic. *Cat.* iii. 3, 8; *pro Mil.* 14, 37); and hence, as a legal term, *inter sicarios* comes to mean "on a trial for murder." [See LEX CORNELIA, p. 39.] [J. Y.] [G. E. M.]



Sica.

SICA'RIUS. [SICA.]

SICI'LICUS. This was the fourth part of the Roman uncia. For its value, see PONDERA, p. 456. [P. G.]

SICLUS (σίγλος or σίκλος) is a transliteration of the word *shekel* used by Semitic nations of West Asia. The shekel was in Syria and Babylon the unit of coinage, and varied in weight according to locality: see PONDERA, *ad init.* The ordinary Persian silver siglos weighed about 86 grains, and was reckoned by Julius Pollux as equivalent to 1½ Attic drachms: the heavy gold shekel of Phoenicia weighed nearly 260 grains. Thus it need not surprise us to find, at a time when the Greek drachma was the universal unit of currency, that the siglos was in some places considered as a tetradrachm, in some places as a didrachm, and in some as a drachm. [P. G.]

SIDA'REUS (σιδάρεος). Julius Pollux (ix. 78) quotes from Strattis a mention of sidarei as small iron coins current at Byzantium. None of these are extant, nor of the celebrated iron coins of Sparta [PELANOR]; but we have several specimens of iron coins issued in the fifth century B.C. at cities of Peloponnesus. [P. G.]

SIGILLA'RIA. [SATURNALIA.]

SIGMA. [TRICLINIUM; MENSA, p. 157 *b*.]

SIGNA MILITARIA. We shall say a few words first on the troops to which the separate standards belonged and the function they fulfilled in the army, and afterwards discuss the form of the standards. The exhaustive, lucid, and learned monograph of A. von Domazewski (*Die Fahnen im römischen Heere*, 1885) must form the basis of any such discussion. In much of what follows, points have been taken for granted which have been supported by evidence in the article EXERCITUS.

Passing over the bundle of hay (*manipulus*) which is said to have been a standard in the time of Romulus (Plut. *Rom.* 8), the principal kinds of military standards may be classed as (1) *signa* (in the special sense), (2) *vexilla*, (3) *imagines*, (4) *aquilae*. It will be advisable to treat the first two together.

(1) and (2) *Signa* and *Vexilla*.—The chief distinctive feature of Roman warfare was that it was mainly carried on with the sword, and that the tactical unit was a small one, viz. the maniple (Varro, *L. L.* v. 88, "manipulos exercitus minimas manus quae unum secuntur signum:" cf. Serv. on Verg. *Aen.* xi. 463). Each of these maniples had a *signum*, Liv. xxvii. 14, 8: "ni C. Decimius Flavus, signo arrepto primi hastati, manipulum ejus signis sequi se jussisset;" but there appears to have been generally, if not always, two *signiferi* in the maniple (Polyb. vi. 24, 6), the second probably to act as a reserve in case the first were disabled or killed; so that we need not suppose that each century had a standard. From thus having a separate standard of its own, each maniple came to be called *signum*, σημαία, *e.g.* Liv. xxv. 23, 16; Polyb. vi. 24, 5.

These *signa* preceded the column on the march, but stood in the hindmost rank of the maniple during the fight. The term *antesignani*, taken together with the fact that where *signa* are spoken of in a battle without any qualification the reference is generally to the *signa* of the hastati (Liv. viii. 11, 7); the insufficiency of the evidence for the existence of other standards to justify the title *antesignani* (e.g. Plin. *H. N.* x. § 16); the probability that the standard-bearers, impeded with the excessively heavy standards, would have been almost sure to have been at once cut down if they stood in the front rank of the sword-fight, and so the rallying-point of the maniple gone (whereas the loss of a standard and its bearer is generally spoken of as an unusual occurrence and a sign of a serious defeat of the division); the fact that the front-rank men could be recalled by the trumpets if they pushed away from the standards—all these points tend to show that the case is not made out, though argued with strong conviction by Domazewski (pp. 10–12), that the standards occupied the front line in the battle. But they undoubtedly were at the head of the column on the march; and their great importance, as the centre-point of the tactical unit, may be shown from the number of phrases in which the word *signa* occurs (*signa tollere*, *signa movere*, *signa ferre*, *signa convertere*, *signa constituere*, *signa obicere*). The word of command was always directed to the standard-bearers (Liv. v. 55, 1; vi. 8, 1), and conveyed to them during the fight by the *tubicines*, who stood near the general, the signal of the *tubicines* being taken up by the *cornicines*.

The *signa* of the legions, then, were the standards of the maniples. Even after the regular introduction of cohorts and centuries as administrative units, the tactical unit remained the maniple consisting of two centuries. Caesar often mentions the maniple and always in connexion with the standards, e.g. *Bell. Gall.* vi. 34, 6, "si continere manipulos ad signa vellet, ut instituta ratio et consuetudo exercitus Romani postulabat:" cf. ii. 15, 1; vi. 40, 1. Even under the Empire the manipular arrangement remained in force as far as the standards were concerned, just as it did as regards the rank of the centurions; and so Tacitus makes mention of maniples (*Hist.* iii. 22; iv. 77, 78), and Dio Cassius, not having a word to express "maniple," renders it by δύο ἑκατονταρχίας (xlviii. 42, 2). In the battle at Forum Gallorum in 43 B.C. there were 22 cohorts and about 60 *signa* lost (Galba *ap.* Cic. *Fam.* x. 30, 5); the numbers show that the *signa* belong to the maniples. In the coins given below we see the legionary *signa* with H(astati) and P(rincipes) on them. But during the Empire the manipular arrangement gradually disappeared, and Vegetius is quite right in saying that in his time (380 A.D.) each century had a *signum*.

That there was no special *signum* for the cohorts may be proved from these considerations: (1) that it would have served no purpose, (2) that there is virtually only one form of legionary *signum* on any representations we know of, and (3) that there is no certain trace whatsoever in the inscriptions or authors of there being two kinds of *signiferi*. When Caesar says (*Bell. Gall.* ii. 25, 1), "quartae cohortis omnibus centurionibus occisis signiferoque interfecto, signo amisso," he is doubtless thinking of the standard-bearer of one of the maniples, probably of that of the hastati: cf. Mommsen in *Eph. Epigr.* iv. 360.

Vexillum (diminutive of *velum*, Festus, p. 377; or perhaps *velum* may be a contraction of *vexillum*, as Cicero says, *de Orat.* 45, 135) was the oldest standard of the Roman army. It was raised on the Janiculum while the Comitia Centuriata were being held (Liv. xxxix. 15, 11; Dio Cass. xxxvii. 28, 1); floating over the general's tent, it gave the signal for battle (Plut. *Fab.* 15; cf. Caes. *Bell. Gall.* ii. 20, 1); it was the rallying-point of the soldiers in the case of a *tumultus* (Serv. *ad* Verg. *Aen.* viii. 1). The *signa* of the maniples during the Republic seem to have had a *vexillum* on them (see the coins below); and, indeed, both the names are applied to the legionary standards by Livy, *secundi hastati signum* (xxvi. 5, 15), *vexilla* [*manipulorum*] (viii. 8, 8), for *vexilla* were the oldest flags in the Roman army. It is probable that the new form of *signum* which had no *vexillum* at all was introduced by Augustus. But *vexilla* were the peculiar standards (1) of those divisions of infantry which were separated from the main division for some special duty, (2) of the troops of discharged veterans called out for further service.

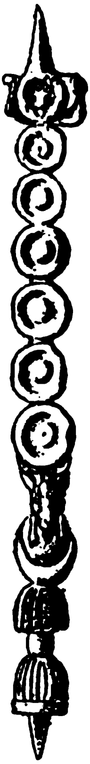
As regards the standards of the cavalry, Domaszewski (pp. 26, 27) draws a distinction between the cavalry of those divisions which consisted of both infantry and cavalry, such as the legions or the *cohortes equitatae;* and those troops which consisted solely of cavalry, such as the *alae* or the *equites singulares*. To the former belonged a *vexillum*, probably because the *signum* was appropriated to the infantry; to the latter both *signa* and *vexilla*—in each case one standard for each *turma*. Where both *signa* and *vexilla* appear, it is to be supposed that the *vexillum* was the original cavalry standard, which was later replaced, when no confusion was likely to ensue, by the more splendid *signum*.

Among the praetorians *signiferi* are found attached, to both the centuries and the cohorts; but, as the praetorians were arranged in maniples (Tac. *Ann.* xii. 56; xv. 33, 58), we may readily suppose from analogy that they were the divisions to each of which a *signum* was allotted.

The *auxilia* and the *numeri* had what we may call *signa*, and we shall speak of these below.

(3) *Imagines.*—In the early Empire *imaginiferi* are found belonging to the legions and to the auxiliary cohorts; each legion and each auxiliary cohort had one *imaginifer*. No evidence is found to prove that they existed among the auxiliary cavalry; yet each *ala* of the latter probably had a *signum* (cf. Tac. *Hist.* ii. 89) on which the emperor's *imago* was fixed. There is an interesting relief of one on a tombstone in Hexham Church, reproduced by Dr. Bruce, *Handbook to the Roman Wall*, p. 79. *Imagines* are never found affixed to the standards of the tactical units except in the case of the praetorians, which was a special body-guard of the emperor. In the legions the *imaginifer* belonged to the first cohort (*C. I. L.* iii. 6178, 20; Veget. ii. 6); in the *cohortes equitatae*, to the cavalry of that body (*C. I. L.* iii. 3256).

(4) *Aquilae.*—From the time of Marius the *aquila* was the standard of the legion. It of course had no tactical significance; but, besides being the sign of union of the whole legion, it marked where the commander happened to be, and accordingly where the main body of the legion was stationed. During the battle it was in charge of the *primus pilus* (Val. Max. i. 6, 11; Tac. *Hist.* iii. 22). In time of peace, during the Republic, it was kept at Rome in the Aerarium with the other standards (Liv. iii. 69, 8). In the camp it was placed in a little shrine (Cic. *Cat.* i. 9, 24; Dio Cass. xl. 18, 1;—Herodian, iv. 4, 5; v. 8, 6); for the standards were held as sacred (Plin. *H. N.* xiii. § 23), and regarded as constituting an asylum (*ib.* i. § 39).



Legionary *Signum* from Mayence.

The Form of the Standards.

(1) *Signa.*—The *signa* of the legions were in the main essentials similar to one another. The pole was a lance with a point at the lower end for fixing into the ground (*οὐρίαχος*, App. *Bell. Civ.* ii. 62; *cuspes*, Suet. *Caes.* 62) and a cross-piece of wood a little above this point to prevent the pole sinking too deep into the ground; sometimes, too, the pole had a handle. The pole was plated with silver (cf. Dexippus *ap.* Müller, *Frag. Hist. Graec.* iii. 682: *ἐπὶ ξύστων ἠργυρωμένων*). Towards the top of the pole was a transverse bar with ribands, sometimes of purple, hanging from it; and these often had at their ends silver ornaments shaped like ivy-leaves. Along this transverse bar there appears to have been placed a plate containing the name of the legion, cohort, and maniple to which the *signum* belonged. Below the transverse bar came a series of discs, probably of silver (Plin. *H. N.* xxxiii. § 58), like the *phalerae*. Hence we can readily believe the statements concerning the

***Signum* from Trajan's Column.**

great weight of the standards: *τὰ τῶν στρατοπέδων σύμβολα . . . , μόλις ὑπὸ τῶν γενναιοτάτων στρατιωτῶν φερόμενα* (Herodian, iv. 7, 7). There were military orders given to the maniple or century; for we know from Zonaras (vii. 21) that these orders were given to whole troops as well as to individuals (*οὐ κατ' ἄνδρα μόνον ἀριστεύσαντα ταῦτα ἐδίδοτο, ἀλλὰ καὶ λόχοις καὶ στρατοπέδοις ὅλοις παρείχετο*). This accounts for the fact that the number of discs varies, sometimes being as many as seven, sometimes only two. We hear that in early times a *φιάλη* was given as a meed of value to a foot-soldier, and *φάλαρα* to a horse-soldier (Polyb. vi. 39, 3); later, that *φάλαρα* were given to both horse- and foot-soldiers; but we may perhaps assume that the *φάλαρα* given to the infantry were of the shape of a *φιάλη*: and just as the *alae* of cavalry got *torques* and were accordingly called *torquata* (Orell. 516; *C. I. L.* vi. 3538), so the *troops* of infantry got saucer-shaped *phalerae*. These discs could be taken off the pole; and poles without them were called *incompta signa*, and appeared as such at military funerals (Tac. *Ann.* iii. 2). *Ornare signa* (Suet. *Claud.* 13) seems to have been the expression used for putting these discs on the pole, though in this passage it is said of the eagle, not of the *signa* properly so called. Below these discs, generally acting as a support, was a crescent moon, which was probably a kind of amulet to avoid ill-luck (cf. Plaut. *Epid.* v. 1, 38 (638); Hesych. *s. v.* *σεληνίς*). Above the transverse box was sometimes a *corona aurea*, sometimes a small shield—both probably kinds of orders, though one cannot feel at all sure in the case of the latter—sometimes a small *vexillum*, which was certainly an order (Sall. *Jug.* 85, 29), sometimes an upstretched hand, the token of fidelity. Again beasts, especially the capricorn, are sometimes found below the discs, chiefly on the military coins of Gallienus, Victorinus, and Carausius. They were of the nature of amulets (cf. Saglio, *Dict. des Antiq.* i. 253). For further details on this point see Domazewski, pp. 54–56.

Two representatives are given above of legionary *signa*. The first is from a tombstone in Mayence (Domazewski, fig. 12): the knobs under the crescent have no special significance. The second (*ib.* fig. 23) is a *signum* taken from Trajan's Column: note the hand and the *vexillum*. The two coins below (*ib.* figs. 34, 35) are consular coins of B.C. 83 and B.C. 49, with an *aquila* between two *signa*.

Signa.

Coin of B.C. 83. Coin of B.C. 49.

The standards of the auxiliary cohorts are so very like those of the maniples that there is no need to give a special representation of them.

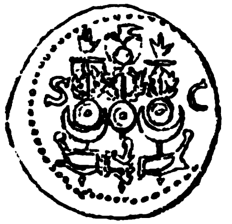
The standards of the *numeri* are, however, noticeable, as they appear to have had figures of animals on the top: cf. Tac. *Hist.* iv. 22, "hinc veteranorum cohortium signa, inde depromptae silvis lucisque ferarum imagines ut cuique genti inire proelium mos est." One surmounted by a bull taken from a relief in the Museum at Chesters (the ancient Cilurnum on the Roman wall) is given by Dr. Bruce (*Lapidarium septentrionale*, 930 = Domazewski, fig. 90).

Praetorian Standard (1).

The standards of the praetorians had, like the *signa* of the legions, the transverse bar and the ribands and their ivy-leaves — sometimes above the bar, occasionally separated by a crown, a *vexillum* or a shield, an upright crown, or an image of a god. The most remarkable difference between these standards and those of the legions was that *crowns* (*aurea*, *muralis*, *classica*, or *vallaris*; see CORONAE) take the place of the *phalerae*. In the middle of the pole was placed a medallion containing a portrait of the emperor, or medallions if there were more emperors than one; the most important crown belonging to the maniples was placed between the medallions if there were two. Above and below the medallions were generally crowns. Above are two praetorian standards from Trajan's Column. On the top of the first is a figure of perhaps Victory before a *vexillum*, then a crown, the eagle surrounded by a crown, the transverse bar and one of its ribands with the ivy-leaf at the end, a crown, an *imago*, a *corona classica* (the beaks are quite plain), a crown, another *imago*, a crown, and a knob as a support. On the top of the other is the point of the lance, next a *vexillum*, crown, eagle surrounded with a crown, transverse bar with ribands, crown, *imago*, *corona muralis*, another crown, another *imago*, a crown, and a knob.

Praetorian Standard (2)

The standards of the *speculatores*, as far as we can make them out, consisted of an upright hand or a crown above the transverse bar. The latter had pendent ribands and ivy-leaves; under it was a *phalera*, a crescent, and the rostrum of a ship: the latter is especially noticeable. The annexed cut is a coin of Galba.

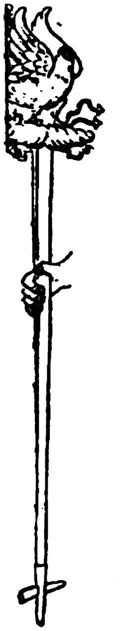


Standards of Speculatores.

(2) *Vexilla.*—The chief feature of the *vexilla* was, that hanging down from the transverse bar was a rectangular fringed piece of cloth which bore the name of the legion and probably that of the emperor. The cloth was sometimes white, sometimes red, sometimes purple (Serv. on *Aen.* viii. 1; Capitol. *Gord.* 8, 3). Occasionally above this piece of cloth, which was the *vexillum* proper, is found a statue of Victory. Annexed is such a *vexillum* from Trajan's Column.

Vexillum, from Trajan's Column.

(3) *Imagines.* — These were medallions of the emperors affixed to poles (*προτομὰς Καίσαρος, αἳ ταῖς σημαίαις προσῆσαν*, Joseph. *Antiq.* xviii. 3, 1: cf. Dio Cass. lxiii. 25, 1, *εἰκόνας*; lxv. 10, 3; Tac. *Hist.* iii. 13, 31), though probably the *imagines* which were destroyed in a revolution are not merely those on the standards, but also the statues and busts of the emperor which were in the camp. That medallions of other emperors than the reigning one—no doubt those of the *divi imperatores*—were carried on the standards, is plain from Tac. *Hist.* iv. 62: "revolsae imperatorum imagines."



Aquila, from a relief at Verona.

(4) *Aquila.* — The eagle was placed on the top of a long pole—sometimes immediately, sometimes resting on a metal plate. It generally held a thunderbolt in its claws, and had its wings extended for flight; we know that it was considered a good omen for an army when starting to see an eagle in flight (Tac. *Ann.* ii. 17; *Hist.* i. 62). Occasionally the eagle was represented as holding an oak-leaf in its beak. It was made generally of silver (Cic. *Cat.* i. 9, 24), sometimes of gold (Dio Cass. xl. 18, 1; Herodian, iv. 7, 7). The pole had a spike, generally a cross-piece of wood above the spike to prevent it sinking too far, and sometimes a handle in the middle for pulling it up. If the legion as a whole had gained any especial distinction or ornament, that ornament was affixed to the pole, as in the case of the *signa*. The annexed *aquila* from the relief at Verona (Domaz. fig. 4) gives a good idea of the standard, though unfortunately the eagle's head is broken off.

Nearly all the material necessary for discussing the *signa* is given by Domazewski, *op. cit.* Besides that, some further assistance may be got from articles by Rein in Pauly, vi. 1179-1182, 2542-3, and Marquardt, *Staatsverwaltung*, ii.^{2} 345, 353-7, 438-9. [L. C. P.]

SIGNI'NUM OPUS. [Pictura.]

SIGNUM. [Exercitus, Vol. I. p. 807; Signa.]

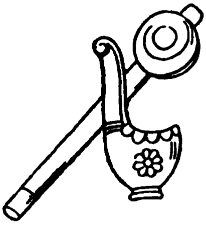
SILENTIA'RII. [Praepositus.]

SILICERNIUM. [Funus, Vol. I. p. 893.]

SI'LIQUA (*κεράτιον*) was the smallest Roman weight, being the sixth part of a scruple, scripulum, or $\frac{1}{144}$ of an ounce. [Pondera.] The siliqua auri is spoken of as a coin in the time of Constantius II.: according to Mommsen (*Röm. Münzwesen*, p. 791), it is represented by the silver coins of the period of the weight of 36 grains, which may have been equivalent to 3 grs., the weight of the siliqua, in gold. [P. G.]

SIMPU'LUM or **SIMPU'VIUM**, a ladle-shaped earthenware vessel, like a cyathus, but of ruder form. Varro (*L. L.* v. 124) tells us that it was supplanted at the dinner table by its Greek equivalent [Cyathus], but retained for sacrifices, and Pliny (*H. N.* xxxv. § 158) notes that it was still, by old custom, made of earthenware. The definition of Festus is, "vas parvum non dissimile cyatho quo vinum in sacrificiis libatur: unde et mulieres rebus divinis deditae simpulatrices dicuntur."

The cut here given is from the relief on the Arcus Argentariorum, and shows the sacred simpulum combined with the malleus used for striking certain victims. [See Securis.]

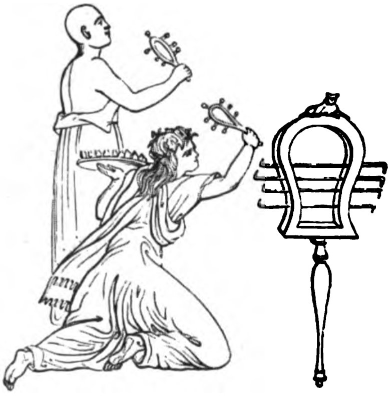


Simpulum and Malleus.

The question naturally presents itself, What was the relation of this vessel to the patera? Representations in Greek art show the wine poured into the patera from a jug. Was the jug similarly used in Roman sacrifices, and filled by means of a simpulum, or was the wine taken from the crater by a simpulum and poured straight into the patera? Our impression is that neither supposition is correct, and that the patera was not used at all in the *ritus Romanus* [see Sacrificium, p. 586], but was introduced along with the *ritus Graecus*, in which the simpulum had no place. The writer has given his reasons for this view in the *Classical Review*, vol. iv. p. 69. It may be observed briefly here: 1. That the patera was the emblem of the Epulones, a comparatively recent order [see Epulones], while the simpulum is the emblem of the Pontifex, who belongs to the old Roman religion (cf. Cic. *de Rep.* vi. 2, 11; Marquardt, *Staatsverw.* iii. 221). 2. That the representation of sacrificial implements in the Arcus Argentariorum shows a simpulum but no patera, which will be intelligible if the two were not used in the same rite. 3. That in the decree relating to silver articles retained for sacred purposes in the year the patella and salinum are mentioned, but not the patera (Liv. xxvi. 36; Patella). This is accounted for if we assume the patera to have been introduced later; the simpulum being always of earthenware would naturally not be mentioned. 4. The words of Varro and Festus cited above tend to show that the simpulum was a form of Roman vessel handed down from primitive times before the introduction of Greek shapes, and with this agrees the mention in Juv. vi. 343 of the *simpuvium* and *niger catinus* of Numa (the latter perhaps a praefericulum) as primitive sacrificial utensils. If the view here taken is correct, we must suppose that the sacrificial simpulum was used in sacrifices *ritu Romano* to take wine from the larger vessel, or crater, and either transfer it to the *capis*, or pour it directly in libation, as appears in the passages of Festus and Pliny. [G. E. M.]

SIPA'RIUM. [Theatrum, p. 821 *b*.]

SISTRUM (*σεῖστρον*), a mystical instrument of music, used by the ancient Egyptians in their ceremonies, and especially in the worship of Isis (Ovid, *Met.* ix. 784; *Amor.* ii. 13, 11, iii. 9, 34; *de Ponto*, i. 1, 38). It was held in the right hand (see woodcut), and shaken, from which circumstance it derived its name (*aera repulsa manu*, Tibull. i. 3, 24). Its most common form is seen in the right-hand figure of the annexed woodcut, which represents an ancient sistrum (cf. Micali, *Mon. ined.* tav. xvii.; Plut. *de Is. et Osir.* pp. 670, 671). Apuleius (*Met.* xi. pp. 119, 121, ed. Aldi) describes the sistrum as a bronze rattle (*aereum crepitaculum*), consisting of a narrow plate curved like a sword-belt (*balteus*), through which passed a few rods, that rendered a loud shrill sound. He says that these instruments were sometimes made of silver or even of gold.


Sistra.

The introduction of the worship of Isis into Italy shortly before the commencement of the Christian era made the Romans familiar with this instrument. The "linigeri calvi, sistrataque turba" (Mart. xii. 29), are most exactly depicted in two paintings found at Portici (*Ant. d'Ercolano*, vol. ii. pp. 309–320), and containing the two figures of a priest of Isis and a woman kneeling at her altar, which are introduced into the preceding woodcut. The use of the sistrum in Egypt as a military instrument to collect the troops is probably a fiction (Verg. *Aen.* viii. 696; Propert. iii. 11, 43).

Sistrum is sometimes used for a child's rattle (Martial, xiv. 54; Pollux, ix. 127). [J. Y.]

SITELLA. [Situla.]

SITO'NAE (*σιτῶναι*). [Sitos.]

SITOPHY'LACES (*σιτοφύλακες*), a board of officers, chosen by lot, at Athens. Their business was partly to watch the arrival of the corn ships, take account of the quantity imported, and see that the import laws were duly observed; partly to control the sales of corn in the market, and take care that the prices were fair and reasonable, and none but legal weights and measures used by the factors; in which respect their duties were much the same as those of the Agoranomi and Metronomi with regard to other saleable articles. Their number, according to the most probable correction of the words of Aristotle (*ap.* Harpocrat. *s. v.*), was the same as that of the other bodies with analogous functions; namely ten, five for the city and five for the Peiraeus (Vömel, *Zeitschr. f. Alterthumsw.* 1852, p. 32; Gilbert, *Staatsalterth.* i. 247; Fränkel, n. 145 on Boeckh). Another reading, followed by Boeckh and the authors of the *Att. Process* (p. 105 Lips.), gives ten for the city and five for the Peiraeus, or fifteen in all. The notion that there were originally only three rests on a false reading in Lysias (*Or.* 22, *κατὰ τῶν Σιτοπωλῶν*, § 8, where Scheibe rightly corrects *τέσσαρες* (δ') for δύο: see his note, and Fränkel *l. c.*). According to Lysias (*ib.* § 16), the *σιτοφύλακες* had *often* been punished with death for mere inability to check the proceedings of the *σιτοπῶλαι*, but the passionate unfairness of this speech indisposes us to accept so extraordinary a statement on its sole authority.

Demosthenes refers to the entry in the books of the Sitophylaces (*τὴν παρὰ τοῖς σιτοφύλαξι ἀπογραφήν*) to prove the quantity of corn imported from Pontus, which (he says) was equal to all that came from elsewhere, owing to the liberality of Leucon, king of the Bosporus, who allowed corn to be exported from Theudosia to Athens free of duty (Dem. *c. Lept.* p. 467. § 32). These books were probably kept by the five who acted for the Peiraeus, whose especial business it would be to inspect the cargoes that were unladen. (Harpocr. *s. v.* Σιτοφύλακες: Boeckh, *P. E.* p. 83 = *Sthh.*^{3} i. 105.)

[C. R. K.] [W. W.]

SITOPO'LAE (*σιτοπῶλαι*). [Sitos.]

SITOS (*σῖτος*), corn. The soil of Attica, though favourable to the production of figs, olives, and grapes, was not so well suited for corn; and the population being very considerable in the flourishing period of the Athenian republic, it was necessary to import corn for their subsistence. According to the calculation of Boeckh, which does not materially differ from that of other writers, there were 135,000 freemen and 365,000 slaves residing in Attica. The country, which contained an area of 64,000 stadia, produced annually about 2,400,000 medimni of corn, chiefly barley. The medimnus was about 1 bushel, 3 gallons, and 5·75 pints, or 48 Attic *χοίνικες*. A *χοῖνιξ* was considered a fair daily allowance of meal (*ἡμερησία τροφή*) for a slave. The consumption of the whole population was about 3,400,000 medimni, requiring therefore an importation of at least a million. It came from the countries bordering on the Euxine Sea (Pontus, as it was called by the Greeks), and more especially from the Cimmerian Bosporus and the Thracian Chersonese; also from Syria, Egypt, Libya, Cyprus, Rhodes, Sicily, and Euboea. The necessities of the Athenians made them exceedingly anxious to secure a plentiful supply, and every precaution was taken for that purpose by the government as well as by the legislator. Sunium was fortified, in order that the corn vessels (σιταγωγοὶ ὁλκάδες) might come safely round the promontory. Ships of war were often employed to convoy the cargo (παραπέμπειν τὸν σῖτον) beyond the reach of an enemy (Dem. *de Cor.* p. 251, § 77; *c. Polycl.* p. 1211, § 17). When Pollis, the Lacedaemonian admiral, was stationed with his fleet off Aegina, the Athenians embarked in haste, under the command of Chabrias, and offered him battle, in order that the corn-ships, which had arrived as far as Geraestus in Euboea, might get into the Peiraeus (Xen. *Hell.* v. 4, § 61). One of the principal objects of Philip in his attack on Byzantium was that, by taking that city, he might command the entrance to the Euxine, and so have it in his power to distress the Athenians in the corn trade. Hence the great exertions made by Demosthenes to relieve the Byzantines, of the success of which he justly boasts (*de Cor.* pp. 254, 307, 326, §§ 87, 241, 302).

As with those commercial states which, in modern times, import a large proportion of their food, a regularly-organised corn trade was a matter of the first necessity to the Athenians. What we learn of this organisation shows the business capacity of the Greeks, which in general was greatly inferior to that of modern Europe or even of the Romans, in a favourable light. The destination of corn-ships was frequently changed by advices after they had sailed (Dem. *c. Dionysod.* p. 1285, § 8 ff.); which could not have been done without a good system of intelligence. This enabled the vendors to sell in the best market, with the natural effect, not merely of raising prices where corn was cheap, but of lowering them where it was dear. Prices were thus brought to an equilibrium: for this, the true sense of συντιμᾶν in the passage just cited, see *Class. Rev.* i. 14. This natural flow of the commodity was checked by the short-sighted selfishness of governments; the Athenian in this respect being in all probability not the worst offender. Athenian legislation aimed at an artificial cheapness at the expense of speculators; exportation was entirely forbidden; and the consignment of corn to any other port than Athens (σιτηγεῖν ἄλλοσε ἢ Ἀθήναζε) was made a capital offence (Dem. c. *Phorm.* p. 918, § 37; Lycurg. *c. Leocr.* § 27). This was the rule for Attic traders, whether citizens or metoecs; while of the corn brought into Peiraeus in foreign bottoms two-thirds were to be carried up into the city and sold there (Harpocr. *s. v.* Ἐπιμελητὴς ἐμπορίου). No one might lend money to a ship that did not sail with an express condition to bring a return cargo, part of it corn, to Athens. If any merchant, capitalist, or other person advanced money or entered into any agreement in contravention of these laws, not only was he liable to the penalty, but the agreement itself was null and void, nor could he recover any sum of money, or bring any action in respect thereof (Dem. *c. Lacrit.* p. 941, §§ 50, 51). Information against the offenders was to be laid before the ἐπιμεληταὶ τοῦ ἐμπορίου [EPIMELETAE, No. 3]. Strict regulations were made with respect to the sale of corn in the market; and the proceedings of the σιτοπῶλαι or middlemen were narrowly watched both by the citizens and the importers (ἔμποροι, Lys. *Or.* 22, § 21). Conspiracies to buy up the corn (συνωνεῖσθαι), or raise the price (συνιστάναι τὰς τιμάς), were punished with death. The statement that they were not allowed to make a profit of more than one obol in the medimnus (*ib.* § 8) is illogical, and contradicted by the whole tenor of the passage: the true reading is δεῖν γὰρ αὐτοὺς κἂν ὀβολῷ μόνον πωλεῖν τιμιώτερον (Fränkel, n. 144 on Boeckh). It was, however, unlawful to buy more than fifty φορμοὶ at a time: the size of this measure is uncertain, but Boeckh supposes it to be nearly the same as a medimnus. These provisions were (or were supposed to be) carried out by the σιτοφύλακες [SITOPHYLACES]. Offences against the corn laws are mentioned by Demosthenes (*c. Timocr.* p. 743, § 136) among those for which no bail was allowed before trial; whether he refers to the σιτοπῶλαι or σιτοφύλακες, or to both, is not clear. These laws were systematically evaded in the pursuit of gain (Lys. *Or.* 22, κατὰ τῶν Σιτοπωλῶν, *passim*; Dem. *c. Dionysod.* l. c.).

In this interference with the natural course of trade, the political economy of the Athenians was scarcely more backward than that of modern Europe, including England, until quite recent times. Our own laws against "forestalling and regrating" were not extinguished until the end of the last century (M'Culloch, n. on Smith's *Wealth of Nations*, p. 237, ed. 1863); in Italy, it appears, bakers and flour-dealers are still liable to summary punishment both from mobs and municipalities. But the wholesale enactment of the death penalty brings out one of the worst features of the Athenian character, and is partly to be accounted for by the fact that the trade was mostly in the hands of aliens, who might be oppressed without remorse. Boeckh, who draws largely from the speech of Lysias *against the Corn-dealers*, seems scarcely aware of the impolicy as well as cruelty of the legislation it describes: an English scholar has criticised it in the true spirit of political economy (Mahaffy, *Social Life in Greece*, ed. 3, p. 403 f.).

We are not surprised to learn that scarcities (σιτοδεῖαι) frequently occurred at Athens, either from bad harvests, the misfortunes of war, or other accidental causes. The state then made great efforts to supply the wants of the people by importing large quantities of corn, and selling it at a low price. Public granaries were kept in the Odeum, Pompeum, Long Porch (μακρὰ στοά), and dockyard at the Peiraeus (Pollux, ix. 45; Dem. *c. Phorm.* p. 918, § 37, where see Paley and Sandys). *Sitonae* (σιτῶναι) were appointed to get in the supply and manage the sale. Demosthenes was appointed on one occasion to that office (*de Cor.* p. 310, § 248). Persons called *apodectae* (ἀποδέκται) received the corn, measured it out, and distributed it in certain quantities (Pollux, viii. 114). Public-spirited individuals would sometimes import grain at their own expense, and sell it at a moderate price, or distribute it gratuitously (Dem. *c. Phorm.* p. 918, §§ 38, 39). We read of the Athenian state receiving presents of corn from kings and princes. Thus Leucon, king of the Bosporus, sent a large present, for which he had the honour of ἀτέλεια (exemption from customs-duties) conferred on him by a decree of the people (Dem. *c. Lept.* p. 467, §§ 33, 34; cf. Isocr. *Trapez.* § 57). Psammetichus, an Egyptian prince, sent a present in Olymp. 83. 4, Demetrius in Olymp. 118. 2; Spartacus, king of the Bosporus, a few years after. In later times, that made by the Roman Atticus is well known. On the whole of this subject the reader is referred to Boeckh (*P. E.* p. 77 ff. = *Sthh.*^{3} i. 97 ff.), where also he will find the various prices of meal and bread at Athens, and other details, copiously explained. As to the duty payable on the importation of corn, see PENTECOSTE.

Σῖτος is strictly *wheat-flour*, ἄλφιτα *barley-flour*, πυροὶ *wheat*, κριθαὶ *barley*, ἄρτος *wheat bread*, μᾶζα *barley-bread*. Σῖτος, however, is often applied to all kinds of corn, and even in a larger sense to provisions in general.

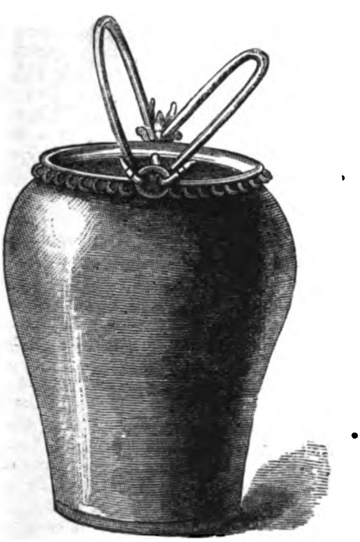
[C. R. K.] [W. W.]

SITOU DIKE (σίτου δίκη). The marriage portion (προίξ) being intended as a provision for the wife, although it was paid to the husband by her father, brother, or other natural guardian (κύριος), if anything happened to sever the marriage contract, or if, after a contract of marriage and after the payment of the marriage portion, the intended husband refused to perform his engagement (Dem. *c. Aphob.* i. p. 811, § 17; ii. p. 839, § 11; iii. p. 854, § 33), the husband or his representative was bound to repay it; or, if he failed to do so, he was liable to pay interest upon it at the rate of 18 per cent. per annum (ἐπ' ἐννέ' ὀβολοῖς τοκοφορεῖν, [Dem.] *c. Neaer.* p. 1362, § 52; 12 per cent., Dem. *c. Aphob.* i. p. 818, § 17). When the property of the husband was seized, the wife's dowry was exempted therefrom [(Dem.] *c. Everg. et Mnes.* p. 1156, § 57; yet see Lys. *de Bon. Aristoph.* §§ 9, 32); but the marriage was not dissolved on that account, as Van den Es (*de Jure Famil.* p. 50) supposes. Caillemer (*La Restitution de la Dot à Athènes*) gives three causes for the dissolution of marriage: (1) death, (2) civil death, and (3) divorce. 1. Upon the death of the husband without children, the wife and her money went back to the natural guardian; but if he died leaving children, she had the option of staying with them or going back to her κύριος. If she did the latter, the children (or their guardian, if they were under age) were bound to pay back the portion to the κύριος, or 18 per cent. interest in the meantime (Isae. *Pyrrh.* § 8 f., § 78); and if she married again, her κύριος was bound in honour to give the same sum to her new husband (Dem. *c. Boeot.* ii. p. 1010, § 7). If she did the former, she renounced thereby her right to her portion, which became the property of the children, who on their part undertook to provide for all her wants (Dem. *c. Phaen.* p. 1047, § 27; *c. Steph.* ii. p. 1135, § 20: cf. also Aeschin. *c. Tim.* § 28). Upon the wife's death without children, her portion went back to her guardian (Isae. *Pyrrh.* §§ 36, 38); but if she died leaving children, and these were of age, their father had to hand over to them their mother's portion, and, if they were not yet of age, he kept it for them until then (Dem. *c. Boeot.* ii. p. 1023, § 50 f.). 2. The law ordains that a person ransomed from the enemy shall become the property of the ransomer if he fails to pay the ransom (Dem. *c. Nicostr.* p. 1250, § 11); such a person would become a slave, and there could be no marriage between a slave and a free woman. There are, however, no instances recorded of this law being set in force and of a marriage being dissolved for that reason. 3. The portion of the wife had to be restored to her κύριος or interest paid upon it as stated above in case of divorce, both when her husband sent his wife away (ἀπόπεμψις, [Dem.] *c. Neaer.* p. 1362, § 52; Isae. *Pyrrh.* § 28: Schömann, *Gr. Alterth.* i.^{3} p. 546, is wrong in supposing that the husband might keep her portion if she had committed adultery), and when the wife left her husband (ἀπόλειψις, Isae. *Pyrrh.* §§ 8, 35, 78; Dem. *c. Onet.* i. p. 866, § 8). Upon the transfer of a woman from one husband to another, which was not uncommon, the προίξ was transferred with her (Isae. *Menecl.* § 9), or the former husband had to pay interest upon it so long as he retained it (Dem. *c. Onet.* i. p. 866, § 7: 10 per cent.).

A woman's fortune was usually secured by a mortgage of the husband's property [HORI]; but whether this was so or not, her guardian, in any of the cases above mentioned, might bring an action against the party who unjustly withheld it—δίκη προικὸς to recover the principal, δίκη σίτου for the interest. The interest was called σῖτος (alimony or maintenance), because it was the income out of which the woman had to be maintained; ἡ διδομένη πρόσοδος εἰς τροφὴν ταῖς γυναιξίν, etc. (Harpocr. *s. v.*; cf. Pollux, viii. 33). In earlier times it was probably customary to pay in kind, *i.e.* in corn or some other sort of provisions (cf. the expression in [Dem.] *c. Stephan.* ii. p. 1135, § 20, τὸν σῖτον μετρεῖν τῇ μητρί, of the son of an ἐπίκληρος who had come of age and taken possession of her inheritance); but it was soon found to be more convenient to commute this for a money payment. The δίκη σίτου was tried before the archon in the Odeum ([Dem.] *c. Neaer.* p. 1362, § 52; Pollux, viii. 33; Bekk. *Anecd.* p. 317; Photius, *s. v.*); in which, according to Boeckh (*Sthh.* i.^{3} p. 110), corn stores were kept, though the passage he quotes (Dem. *c. Phorm.* p. 918, § 37) scarcely bears out this opinion. It is a matter of doubt whether the building of Pericles is meant (Hiller, *Herm.* 1872, p. 391 ff.), or the older one near the spring Enneakrounos (Pausan. i. 14, 1) built by Solon or Pisistratus (Bursian, *Geogr. v. Griechenl.* i. p. 299), the existence of which Wilamowitz denies (*Herm.* 1886, p. 602 n.). This cause, like the δίκη προικός, seems to have belonged to the ἔμμηνοι δίκαι, as it was presumed that the woman could not wait long for the means of her daily subsistence. It was ἀτίμητος, for the damages were clearly liquidated, being a mere matter of calculation, when the payment of the marriage portion was proved (*Att. Process*, ed. Lipsius, pp. 177 f., 510–527).

The regulations about marriage-portions, etc. were different in Gortyna. Whilst at Athens giving a portion, though very usual, was not necessary to establish marriage as such (as distinguished from concubinage), and whilst there the amount of the portion was not fixed, we find that at Gortyna, if the father was willing to give a portion, its amount was regulated by the law of inheritance, viz. it was half a son's share (*φερνὴ δ' ἐστίν, ἂν ἀδελφοὶ ὦσι, τὸ ἥμισυ τῆς τοῦ ἀδελφοῦ μερίδος*, Strab. x. 4, 20), and a daughter thus endowed had no further claim on the inheritance. During marriage the wife's property was regarded throughout as a separate and individual possession. In case of divorce the wife received her own property brought to the marriage, half of the produce of her property, half of what she had "woven," and five staters, if the man was the cause of the divorce (*αἴτιος*, ii. l. 47 ff.). We do not know what the law was if the wife was the cause, *e.g.* if she had been unfaithful; she can scarcely have forfeited her property. There is no reason to suppose it was so at Athens, though it seems from Dittenberger, *Syll. I. Gr.* No. 344, l. 59 f., that at Ephesus in some cases the portion remained with the husband (*γήμαντες καὶ διαλυθέντες μὴ ἀποδεδώκασι τὰς φερνὰς οὔσας ἀποδότους κατὰ τὸν νόμον*). Upon her death without children, the husband had to give to her relatives the same as in a case of divorce, except the five staters (iii. l. 31 ff.); if there were children they inherited her property [HERES, II.]. Upon the husband's death without children, she received her own property, half of what she had "woven," a portion of the produce, and whatever her husband had given her (iii. l. 24 ff.); but if there were children and she married again, she received her own property only and her husband's gifts (iii. l. 17 ff.). Careful provisions were made against her carrying off anything belonging to her husband or children. [C. R. K.] [H. H.]

SI'TULA, *dim.* **SITELLA** (*ὑδρία*), a bucket for drawing water from a draw-well (Dig. 18, 1, 40, § 6) or for carrying it (Plaut. *Amph.* ii. 2, 30; Isid. *Orig.* xx. 15). Those for carrying water were either of earthenware (as in Egypt) and carried two together by a yoke, or of bronze (see Marquardt, *Privatleben*, p. 656). In Plaut. *Cas.* ii. 4, 17, it was a voting-urn; but in this sense we usually find the diminutive form *sitella* (Plaut. *Cas.* ii. 6, 11; Liv. xxv. 3, xli. 18), as also *urna* and *orca* (Verg. *Aen.* vi. 431; Val. Max. vi. 3, 4; Lucan, v. 394; Vopisc. *Prob.* 8). It seems that, as among the Greeks, the urn in which the lots were placed was filled with water; and when this was poured out, the lot which appeared first floating on it was decisive: hence in Plaut. *l. c.*, "Situlam huc tecum afferto *cum aqua et sortes:*" and the expressions in Vopiscus, "qui primum *emergeret*" and "Probi nomen *effusum est*" (cf. Cic. *in Verr.* ii. 51, 127; *in Vatin.* 14, 34; Marquardt, *Privatl.* p. 548). For the difference between *sitella*, the urn from which the names of the tribes or centuries were drawn to determine the order of voting, and *cista* the voting-box, see CISTA. [W. S.] [G. E. M.]



Situla of bronze. (Dennis.)

SMINTHIA (*Σμίνθια*), a festival celebrated at Rhodes (and perhaps elsewhere) in honour of Apollo Smintheus (Athen. iii. p. 74 ff; x. p. 445 a: cf. Hermann, *Gottesd. Alt.* § 67, note 10). As regards the places where Apollo was so named, see Strabo, x. 486, xiii. 604; Schol. *ad Il.* i. 39; Ael. *H. A.* xiii. 5, who speaks of a mouse fed in the temple of Apollo Smintheus. It is beyond our scope to discuss whether the name signifies "mouse-destroyer," and therefore "protector of crops," or whether the mouse symbolised a destroyer of enemies, or whether, as is more recently held, the mouse was a totem: see, however, Lang, *Custom and Myth*, p. 103; Baumeister, *Denkm.* p. 1670 (s. v. *Scopas*), where the subject is illustrated by a representation on a coin. [L. S.] [G. E. M.]

SOCCUS, *dim.* **SO'CCULUS**, denoted a slipper or low shoe, which did not fit closely, and was not fastened by any tie (Isid. *Orig.* xix. 33). Shoes of this description (*e.g.* the *περσικαὶ* and *διάβαθρον*: see CALCEUS) were worn, more especially among the Greeks, together with the PALLIUM, both by men and by women. We find "socci viriles et muliebres" distinguished in *Ed. Diocl.* 9, 25: the latter seem to be usually more ornamented (Plin. *H. N.* xxxvii. § 17; cf. Suet. *Cal.* 52). In the time of the Republic it was considered unbefitting a Roman to wear them (Cic. *pro Rab. Post.* 10, 27), and classed with wearing the pallium instead of the toga.

As was stated under the article BAXA, the soccus was worn by comic actors (Hor. *Ars Poët.* 80, 90), and was in this respect opposed to the COTHURNUS (Ov. *Rem. Am.* 376; Mart. viii. 3, 13; Plin. *H. N.* vii. § 111). The actor of the MIMUS wore neither buskin nor slipper, and

A comic actor wearing Socci.

was therefore called *planipes* (Teuffel, § 7; Mayor, *ad* Juv. viii. 191). The preceding woodcut is taken from an ancient painting of a comic actor, who is dancing in loose yellow slippers (*luteum soccum*, Catull. *Epithal. Jul.* 10). Cf. Marquardt, *Privatleben*, 595; Becker-Göll, *Gallus*, iii. 229. [SOLEA.] [J. Y.] [G. E. M.]

SOCI'ETAS, "partnership," is the name of a contract which arises when two or more persons agree together to conduct for their joint account any lawful business, or to share the profits and loss of any single piece of business, or even of all their havings and doings. According to agreement, the partners may contribute differently either in property or services, and may have different shares in the result. In default of agreement, the shares will be equal. As a rule the share of profits determines also the share of loss, and *vice versâ*; but this also is subject to agreement, only all partners must have some share in the profits. Otherwise, it would be as Cassius used to call it, with an allusion to the fable (cf. Phaedr. i. 5), a "lion-like" partnership (*societas leonina*), and invalid. Mucius (*i.e.* Q. Mucius Scaevola) held that the shares of loss must be the same as the shares of profit, but Servius (*i.e.* Serv. Sulpicius Rufus) held that this was not necessary, and his opinion prevailed (Dig. 17, 2, ll. 29, 30).

Partnership rests on consent, and may either be formed by particular words or inferred from facts ("et re et verbis et per nuntium coiri," Dig. *ib.* 4). It ceases on the death of a partner or on his bankruptcy, or on the extinction of the thing or conclusion of the business which is the object of the partnership, or on the occurrence of the time or condition agreed to, or by notice given by any partner to the others. Civil death (*căpitis deminutio*) in this as in other matters was originally equivalent to natural death; but the later law confined such effect to the loss of liberty or citizenship, while it preserved the theory by holding that in the case of a mere change of status (*min. cap. dem.*) a new partnership arose by the consent of the partners as often as the existing one was dissolved. Notice of retirement is good only if the other partners are not unfairly put to a disadvantage; otherwise the retiring partner has to compensate them, and loses his share in the profits (Gaius, iii. 151–154; Dig. *ib.* 63, 10–65, 14 *sq.*).

A partner must account for all profits made by him in partnership matters, and manage the business as carefully as he does his own. He is liable for losses occasioned by his negligence, and cannot set off against them any profits produced by his exertions (Dig. *ib.* 25, 26). He can recover from his partners any expenses in the conduct of the business which he has properly incurred (Dig. *ib.* 52, 10–15; 60, 61; 67, 2; 72–74). The rights and responsibilities of partners were enforced by a special action, *actio pro socio*; i.e. a suit brought in the character of a partner. It could be brought not only by a partner against his fellows, but by or against a partner's heir, without the heir being himself a partner or being made so by this action (Dig. *ib.* 35–38; 63, 8; 65, 9). It was an action *bonae fidei*, i.e. it took account of equitable considerations on both sides. Hence the judge was called *arbiter* (Cic. *pro Rosc. Com.* 8, 24, 25; Dig. *ib.* 38). Condemnation in such a suit made a man infamous (Gaius, iv. 182; Dig. 3, 2, 1), but, as in other cases of close relationship, was not to be executed with such stringency as to deprive the defendant of the necessary means of subsistence ("in id quod facere potest condemnari oportet," Dig. 17, 2, 63 pr., 3). Other rights of action were not excluded, but their effect was limited to satisfaction in excess of what had been already won by this. It differed from the *actio communi dividundo* by being confined to partners in the strict sense of the term, *i.e.* persons to whom a community of goods has come by their own choice and purpose, and not merely by accident or legal devolution, and by its scope embracing not merely corporeal things, but debts and all kinds of mutual claims and equities (Dig. *ib.* 43; 10, 3, 1–3).

Partnership did not make its members into one legal body: its effects were confined to the members themselves; outsiders were in no way concerned. As a rule a partner bound himself only to third parties; and he could alienate only his own share of the partnership property (68, pr.). But some tendencies towards a different rule are found. From *ad Heren.* ii. 13, 19, it would appear that solidarity among the partners of a bank was sometimes customary ("id quod argentario tuleris expensum ab socio eius recte petere possis"), and the convenience of the public is given as the cause of a similar joint liability in the case of companies of slave-dealers (Dig. 21, 1, 44, 1) and of shipmasters (Dig. 14, 1, 1, 25, 1–4). And when partners appoint a captain of a ship or a manager of a shop, his action makes each and all liable to a suit at the hands of third parties. Of course a person thus singled out would have claims to be reimbursed proportionally by his partner.

As examples of partnerships may be mentioned: between neighbours to buy a field for profit (Dig. *ib.* 52, pr., 31); between an owner of cattle or of land and a farmer to pasture the cattle or till the land (2); trading in cloaks (*sagaria negotiatio*, 4); letting chambers (10); building a common wall (13); contributing horses to make up a team for sale (58, pr.); teaching grammar (71, pr.), &c. One of the Transylvanian wax tablets (A.D. 167) is a record of an agreement for partnership in a banking business (*danistaria*) concluded by stipulation (*C. I. L.* iii. p. 950; also in Bruns, *Fontes*). Two of Cicero's early speeches deal more or less with partnerships. That *pro Roscio Comoedo* relates to a slave belonging to Fannius, whom Roscius agreed to train as an actor, the slave thus trained to be employed for their common profit. The speech *pro Quinctio* relates to a partnership in a grazing farm.

Two special forms of partnership require distinct mention.

1. *Societas universorum bonorum* is often spoken of, and may very probably have originated in the position of brothers who were coheirs (cf. Dig. *ib.* 52, 8; 10, 2, 39, 3; 31, 89, 1), a relationship to which the name of *consortium* seems to have been specially applied (Dig. 27. 1, 31, 4; cf. Gell. i. 9, § 12). In this case all the corporeal property of each partner becomes at once without specific delivery common to both, and their future acquisitions by trade, inheritance, gift, damages for bodily hurt, &c. fell into the common stock (Dig. *ib.* 1–3).

2. *Societates publicanorum.* The companies who farmed the public taxes stood from their magnitude in a different position from ordinary partnerships; but little is known of their legal character. An heir, however, became a partner if accepted by the others, and, if not accepted, still shared in the profits and loss (Dig. *ib.* 59; 63, 8). Such interested persons may be meant by the term *adfines* (Liv. xliii. 16, 2; Kuntze, *Curs.* § 697). The shares (*partes*) in these companies were sold and rose and fell in price (Cic. *pro Rab. Post.* 2, 4; *in Vat.* 12, 29). Some account of their proceedings is given in Cic. *Verr.* ii. 70–77, §§ 170–190. [H. J. R.]

SOCII. The term *socii* is the most general of the many terms used to denote a class of states which, though in partial dependence on Rome and acknowledging to the full the Roman hegemony, were yet, through the possession of certain political privileges, not regarded as subject states, and were therefore strictly outside the circle of provincial administration. It was the most general term, since it denoted the only common bond which united these states with one another and with Rome. The separate relations that Rome might have with these states were manifold, but the basis of this union was the idea of an armed alliance, of which Rome was the head. This is expressed in the word *socius*, and still more clearly in its Greek form of *σύμμαχος*. The socii of Rome were those who were regarded as having entered into a perpetual military alliance with the ruling state; but the term *socius* hardly extends so far as the alliance itself. The original nucleus of this alliance, which embraced the whole of Italy and many states outside Italy, was the Latin league. But the Latins were as a rule distinguished from the socii, chiefly on account of the peculiar privileges they enjoyed in relation to Rome [LATINITAS], which were not shared by the other allied communities. This distinction is shown in such expressions as *socii ac nominis Latini* (Liv. xli. 8, 9), *socii et Latium* (Sall. *Hist.* i. 17), and perhaps in *socii Latini nominis*, if this is to be regarded as an asyndeton (Mommsen, *Staatsr.* iii. p. 661, n. 2 and 3). At the other end of the scale we find socii sometimes used loosely to describe purely subject states. Such usage naturally gained ground after the Social war had merged the Italian states, the original socii, in Rome, and caused a sharp distinction to be drawn between Romanised Italy and the mainly dependent outer world: but the usage is incorrect, and down to the end of the Republic we find the distinction drawn between the socii, whose alliance with Rome necessarily implied some degree of independence, and the purely subject states which fell under provincial rule (Cic. *in Caecin.* 3, 7, "socii stipendiariique." Suet. *Caes.* 25, "omnem Galliam praeter socias civitates in provinciae formam redegit").

The earliest political union under Rome, which formed the type of future unions, was the Latin league. The circle of alliance was subsequently extended outside the bounds of Latium by the break up of confederacies such as the Hernican and the Samnite, and the reception of the states, as well as of the Greek towns of the south of Italy, into the Roman confederacy; while the mixed nationalities of these new acquisitions, and the definite military burdens imposed upon the states so received, gave the alliance a purely military and political significance, in which the older bonds which drew these states together, community of blood and language, were wholly lost. The effect of this extension was to present Italy (Greek, Latin and Oscan) as a united whole, and to create a new nationality, of which the geographical and political significances were coincident, that of the *Italici*. This term was at first coincident with the expression *socii nominisque Latini*; but as the socii soon came to include favoured states in the extra-Italian world, such as Athens and Rhodes, it soon ceased to denote an exclusive political status, and became merely a descriptive expression. To the similar connexion, into which Rome entered with states outside Italy, the already organised Italian alliance gave the form in all its main outlines; there was the same recognition of independence and autonomy which was necessary to constitute alliance, although of necessity certain elements which entered into the Italian were less strongly marked in the extra-Italian union. This was particularly the case as regards the fixed military duties of the allies. In Italy such military requisitions were fixed, regular, and frequent, and the Italians furnished the large portion of the land forces which were Rome's chief source of power: the Greek states, on the contrary, like Neapolis and Rhodes, were generally requisitioned to furnish ships; and as the marine of the Romans attained nothing like the permanent importance of their land army, fixed requisitions on the extra-Italian allies were less frequent, and far less of a ruling element in the bond that connected them with the Romans. But the power to make requisitions always remained an essential part of the theory (Liv. xlv. 25; Polyb. xxi. 1, 4), and this condition was the same for the Italian and the non-Italian socii; it carried with it the idea of subjection as clearly as that of partial independence.

But the notion of subjection was expressed more in the fact than in the legal theory. It was shown most clearly by that intermediate position in which the state in question stood, before the terms of alliance were definitely concluded with it. This was the condition expressed by the word *deditio*. A community that as yet had no definite status in the Roman Empire, and yet sought such a status, had first to surrender itself to the power (*in dicionem*, Liv. xxxvii. 45, 2; *in potestatem*, Liv. xxxix. 54, 7), or the honour (*in fidem*, Liv. viii. 2, 13) of the Roman people, for the expressions "in fidem" and "in dicionem," though they are sometimes distinguished, according as the expectations and desires of the conquered people are considered, express the same condition (Polyb. xx. 9, 12, *παρὰ Ῥωμαίοις ἰσοδυναμεῖ τό τε εἰς τὴν πίστιν αὐτὸν ἐγχειρίσαι καὶ τὸ τὴν ἐπιτροπὴν δοῦναι περὶ αὐτοῦ τῷ κρατοῦντι*). A community that had come into this condition had no legal rights to be considered, and no legal claims to urge. If an alliance was sought and accepted, the terms of this alliance were dictated by the Romans; if such autonomy continued to be possessed by the state as was necessary to constitute it a *socia civitas*, such autonomy was restored to it by the Romans. The international relations that followed this condition of temporary subjection were manifold: and the various relations towards herself that Rome imposed on such communities, as expressed by the terms *foedus*, *libertas*, *αὐτονομία*, cannot be sharply distinguished. These terms, though they may be used to denote different sides of the same status, yet express an ascending scale of rights, *αὐτονομία* involving least, *foedus* most. A state is self-governing (*αὐτόνομος*) in virtue of the enjoyment of its own laws: free (*libera*) in virtue of the nominally sovereign independence it enjoys in relation with Rome. Lastly, *foedus* existed between Rome and any state that had a sworn and therefore binding compact with Rome; but the term *foederati* was apparently not applied to all states that had such a treaty. It was not usually applied to the Latin communities, although strictly speaking they were *foederati* (Cic. *pro Balbo*, 24, 54, "Latinis, id est foederatis"), for the same reason that they did not come under the generic title *socii*, because their position was higher than that of the ordinary socii or foederati. Again the term *foederati* was not employed to denote the dependent kingdoms or dynasties that had terms of alliance with Rome. The standing relations between Rome and these *reges socii* being only regarded as binding during the lifetime of the ruling prince and having to be renewed with his successor, these communities, though regarded as members of the armed alliance, and therefore as *socii*, were not regarded as having their position secured by a lasting and irrevocable alliance, and were not therefore spoken of as *foederati*: and thus we find the *reges* not included in but classed by the side of the *populi liberi* and the *foederati*, in the enumeration of the different kinds of states that stood in any degree of permanent relationship with Rome (Aelius Gallus, *ap.* Fest. s. v. *postliminium*, p. 218, "cum populis liberis et cum foederatis et cum regibus postliminium nobis est ita uti cum hostibus"). The distinction between *liberi* and *foederati* is the distinction between states that were independent of any other sovereign power (Dig. 49, 15, 7, 1, "liber populus est qui nullius alterius populi potestati est subjectus"), and states the independence of which was recognised by a binding treaty. Every *foederata* was of necessity also a *libera civitas*, since no treaty could be concluded with a state that did not possess the sovereign power expressed in *libertas*: but a state might be libera, and have all the advantages which the recognition of independence conferred, without having what was in this case merely a permitted independence, recognised by a treaty the observance of which was guaranteed by the community that dictated it, without being, that is, a *foederata civitas* (ἐπὶ συνθήκαις ἔνορκοι, App. *Bell. Civ.* 1, 102), or as it was sometimes more fully called a *libera et foederata civitas* (Plin. *Ep.* 92; Suet. *Cal.* 3; Niebuhr, *Hist. of Rome*, iii. p. 616; Mommsen, *Staatsr.* iii. pp. 656, 657). In the terms of the foedus concluded between Rome and an Italian or non-Italian state, there was always practically a recognition of semi-dependence in the latter, and an assertion that the fullest hegemony was vested in the central state; but in some of these treaties there was a formal recognition to the same effect contained in the clause that the state to which the treaty was granted "should respect the majesty of the Roman people." A treaty containing this clause did not technically diminish the *libertas* of the state with which it was concluded, but merely asserted—what in every foedus was tacitly implied—the superiority of the state which dictated the treaty (Dig. 49, 15, 7, 1, "hoc adjicitur, ut intellegatur alterum populum superiorem esse, non ut intellegatur alterum non esse liberum." Cic. *pro Balbo*, 16, 35, "ille in foedere inferior cum alterius populi majestas conservari jubetur"). Vague as the expressions *foedus aequum*, *foedus iniquum* are, yet, when strictly employed, they appear respectively to denote a treaty the character of which was determined by the absence or presence of this restrictive clause (Dig. *l. c.*: "is foederatus est item sive aequo foedere in amicitiam venit sive comprehensum est ut is populus alterius populi majestatem comiter conservaret").

Every alliance implies the sacrifice of some rights on the part of the contracting states. The nature of the rights sacrificed on either side shows the equality or inequality of the alliance: and the real dependence of the socii on Rome was strongly marked by the perpetual sacrifice of certain rights on their part which were inconsistent with the hegemony of Rome. Such was the renunciation of the free right of declaring war, which was accompanied by the loss of the parallel right of making independent treaties; the sole exceptions are to be found in the case of the more distant *reges socii*, such as those of Mauritania and Cappadocia, who exercised the right, which was perhaps not formally denied to them, of conducting border wars on their own account. The Roman principle of the separation of interests also insisted on the breaking up of the standing national confederations within the allied states. The merging of the Latin confederacy in Rome had been followed by the break-up of the Hernican and Etruscan leagues, and no hegemony, such as that exercised by Rome over her socii, was permitted to any of these allied states over others, the "octo oppida sub dicione Praenestinorum" mentioned by Livy (vi. 29) being probably an exceptional *clientela* entered into for the purposes of revolt (Mommsen, *Staatsr.* iii. p. 658, n. 1). In the provinces also the ancient *συμμαχίαι* were broken up. This was the case with Athens, whose dependencies when retained became, as the island of Delos did, her actual possessions, which may have been regarded as cleruchies, and which were governed directly by Athenian *ἐπιμεληταί* (Gilbert, *Staatsalterth.* i. p. 425). Similarly, with the entrance of Rhodes into direct *societas* with Rome, her hegemony over Lycia and Caria was lost (Polyb. xxx. 5, 12; Liv. xliv. 15, 1).

The most distinctive duties performed by the allies of Rome were those connected with purposes of war. The idea of the alliance presupposed warlike service, and the position of Rome with respect to her allies no doubt carried with it the right to an indefinite demand for such service whenever occasion required. As regards the Italian allies, there were definite regulations as to the amount of the contingents they were expected to furnish. The same was the case with the Greek states, the usual requisition on which was ships of war. The amount of the contingent was definitely fixed, and in some cases, as in that of the Rhodians, was changed from time to time (Dio Chrysost. *Or.* 31, p. 620), while to some of these states a special exemption from regular service was granted (Cic. *in Verr.* v. 19, 50). But it was from the land army of the Italians, the *togati*, or, as the Roman formula more fully expressed it, the "socii nominisve Latini, quibus ex formula togatorum milites in Italia imperare solent" (*C. I. L.* i. 200), that the main strength of the auxiliary forces was derived. The number of troops required was decreed every year by the senate (Liv. xli. 5, &c.), and the consuls fixed the amount which each allied state was to send, in proportion to its population capable of service. The names of persons so liable were contained in the *formulae* of the several states (Liv. xxii. 57, xxvii. 10, "milites ex formula paratos esse"), service being regulated by the census, which was modelled on that of Rome (Liv. xxix. 15, "censumque in iis coloniis agi ex formula ab Romanis censoribus data"), and under the conditions of the special exemptions from service granted by the treaty ("vacatio rei militaris ex foedere," Lex Jul. Munic. l. 93; *C. I. L.* i. n. 206). The consuls appointed the place and time at which the troops of the socii were to meet him and his legions (Polyb. vi. 21, 4; Liv. xxxiv. 56, xxxvi. 3, &c.). The contingents of the several states remained together in separate cohorts, each under its own commander, and each furnished with its own quaestor (Polyb. vi. 21, 5). The commander was, probably, in most cases the magistrate of the state, as the praetor of Praeneste (Liv. xxiii. 19, 7) and the soldiers of the separate states took the *sacramentum* to their own commander (Polyb. *l. c.*). Besides these separate officers, the consuls appointed twelve prefects, apparently Roman, as commanders of the whole body of the socii, and their power answered to that of the military tribunes in a consular army (Polyb. vi. 26, 5), the whole staff of officers acting in obedience to the consul. These prefects selected ⅓ of the cavalry and ⅕ of the infantry of the socii, who formed a select body called the *extraordinarii*. The remainder were then divided into two large divisions, called the right and the left wing (Polyb. *l. c.*; Liv. xxxv. 5); each of these *alae*, composed of cohorts and commanded by six praefecti, closely resembled a Roman legion, and we find the socii on one occasion organised as legions (Liv. xxxvii. 39). The infantry of the allies, on the occasion of a single levy, was usually more numerous than that of the Romans; their cavalry, which was divided into *turmae*, generally three times more numerous (Polyb. vi. 26). Pay and clothing were given to the allied troops by the states to which they belonged, the quaestors who accompanied each contingent being appointed for this purpose; but Rome furnished them with provisions at the expense of the Republic, the allied infantry receiving the same as the Roman, the cavalry somewhat less [STIPENDIUM]. The right of the allies to share in the distribution of the spoils of war and of conquered lands was freely recognised, and on some occasions they received an equal share with the Romans (Liv. xxxix. 5; xl. 43). But that they had no standing right to such an equal distribution, such as that said to have been possessed in ancient times by the Latin and Hernican confederacies (Dionys. vi. 95; viii. 77), is shown by the fact that on some occasions these proportions were not maintained (Liv. xli. 13). The contingents of the Italian socii are sometimes called *auxilia* (Sall. *Jug.* 39), those of the allies outside Italy being described as *auxilia externa* or *provincialia* (Liv. xxii. 37, 7; xl. 31, 1). After the Social war, however, which merged the Italian allies in Rome, the Italian *auxilia* or *togati* disappear, and the word *auxilia*, during the later Republic and the Empire, always signifies non-Italian contingents, chiefly those which made up the light-armed troops of the Roman forces.

Although the furnishing of regular contingents was not held inconsistent with the autonomy of the states in alliance with Rome, the furnishing of a regular tribute was. It is true that some of the dependent kingdoms paid a tribute (Polyb. ii. 12, 13) which was in the nature of a war-indemnity; but during the early period of the Roman Empire liability to tribute was a token of subjection, and neither the Italian allies nor the *liberae* or *foederatae civitates* in the provinces were subject to it; *foedus* implies *libertas*, and *libertas* (ἐλευθερία) is invariably conjoined with *immunitas* (ἀτέλεια, Paus. viii. 43, ἐλευθερίαν καὶ ἀτέλειαν. Strabo, p. 595, ἐλευθερίαν καὶ ἀλειτουργησίαν. Cic. *in Verr.* iii. 6, 13, "liberae et immunes"). Although this principle was modified to some extent in the later Republic [IMMUNITAS], yet *stipendiarii* was ever the main antithesis to *socii* (Cic. *pro Balbo*, 9, 24; Marquardt, *Staatsverw.* p. 346). This general immunity of the allied states was accompanied by an assertion, such as that contained in the Lex Antonia de Termessensibus of 71 B.C., that their territory was under their own control, and that such public revenues as were raised from it should be raised by their own governments and for their own local purposes (Lex de Term. *C. I. L.* i. n. 204, § i. 10, "quei agri, quae loca, &c., utei antea habeant possideant." Cf. *C. I. G.* 2737, ἔχωσιν κρατῶσιν χρῶνται καρπίζωνταί τε πάντων πραγμάτων ἀτελεῖς ὄντες), and it is on this right that the exemptions from the quartering of troops recognised in the law of Termessus (ii. 5) is based. Rome, however, claimed of her own right to confer exemptions from local burdens on the citizens of such states (Liv. xxiii. 20, 2; *C. I. L.* i. n. 206, l. 93) and to claim exemptions for her own citizens from local dues (Lex de Term. i. 35). The enjoyment of the control of their own territory by the allies was necessarily accompanied by the fullest permission of local administration both in respect to jurisdiction and the power of living according to local ordinances or of making local laws, provided these did not conflict with the terms of the treaty or the conditions expressed in the lex data (Lex de Term. i. 10, "suis legibus utei liceto, quod advorsus hanc legemnon fiat"). As regards jurisdiction, the allied state, if in Italy, was outside the authority of the Roman magistrate; if without the bounds of Italy, of the provincial administrator; and the exercise of jurisdiction by such an official was improper (Cic. *de Prov. Cons.* 3, 6, "omitto jurisdictionem in libera civitate contra legis senatusque consulta;" cf. *pro Domo*, 9, 23). An important fact in the history of the allies is the extent to which they were affected by Roman legislation. A great distinction was observed in this respect between the nearer and the more distinct socii. Circumstances demanded that the near neighbours of the Romans, the *Italici*, should be brought into closer conformity with Roman customs than the more distant allies: and many institutions of the Roman civil law as well as many legislative acts were extended to the former. With regard to the laws mentioned by Cicero, of inheritances, testaments, and "innumerabiles aliae leges de civili jure" which were accepted by the allies ("quas Latini voluerunt adsciverunt," Cic. *pro Balbo*, 8, 21), there is no difficulty, but many others are mentioned as having bound the Italian allies, such as the plebiscitum regulating the *jus creditae pecuniae* (Liv. xxxv. 7) and the sumptuary Lex Didia which was an extension of the Lex Fannia to the Italici apparently against their will (Macrob. *Sat.* iii. 17, 6), in which there is no mention of the usual formula of acceptance, "fundi (*i.e.* auctores, Fest. p. 89) facti sunt." Formal acceptance, however, there may have been in these cases, and this was most distinctly recognised in the important matter of the conferring of the *civitas* [Foederatae Civitates]. As regards this right of acceptance or rejection there was, in accordance with the principle already mentioned, no distinction drawn between a *libera* and a *foederata civitas* (Cic. *pro Balbo*, 8, 20, "foederatos populos fieri fundos oportere non magis est proprium foederatorum quam omnium liberorum"). By far the most striking instance we possess of the direct interference of Rome with the allied states is the Senatusconsultum de Bacchanalibus, which extended penalties to the members of the Bacchanalian conspiracy all over Italy (Liv. xxxix. 19; *C. I. L.* i. n. 190). This was an exceptional assumption of the senate's power even for Rome, and their power, as exercised in this case, was based on their actual control of the Roman world, and does not affect any legal theory of autonomy. The general position of the Roman senate, as regards the allies, was that of a uniting and controlling power. It might revoke grants which, as not being held by a fixed treaty, were terminable at pleasure (Lex de Term. ii. 5, "ne quis magistratus milites introducito nisi senatus nominatim decreverit"), and it adjusted the conflicting claims of states both within and without the bounds of Italy (Liv. xlv. 13; Dittenberger, n. 240): sometimes referring questions respecting the internal difficulties of these states to the decision of Roman *patroni*, with whom they had entered into relations of clientship (Liv. ix. 20; Cic. *pro Sulla*, 21, 60). The senate's control, as it was usually exercised, did not conflict with the amount of autonomy implied in the fact of alliance, since this did not extend to independent international relations. The tenure of independence by a *foederata civitas* lasted theoretically as long as the conditions of the foedus were observed: the autonomy of the states that were merely *liberae* was always from its very nature of a precarious tenure: but the notorious abuse of self-government by a foederata civitas might, during the principate, cause a foedus to be rescinded, and the direct provincial government to replace the misused autonomy (Suet. *Aug.* 47; *Claud.* 25; *Vesp.* 8). The tendency of the imperial administration was towards an equalisation in the position of provincial states, and even when libertas was not taken from the states which possessed it, yet the supervision of these by the διορθωταί or ἐπανορθωταί (*correctores*) and the λογισταί (*curatores*) appointed by the emperor (Mommsen, *Staatsr.* ii.^{2} p. 858; Marquardt, *Staatsverw.* i. p. 358) rendered their position but little different from that of the provincial subject towns: and the libertas, which was the necessary condition of societas, practically disappeared; but the name *liberae* still continued to be applied to certain states even after the extension of the civitas by Caracalla, and down to the time of Constantine (Marquardt, *Staatsverw.* i. p. 359).

(Mommsen, *Staatsrecht*, iii. pp. 645–715; Marquardt, *Staatsverwaltung*, i. pp. 18–89 and pp. 345–353; Walter, *Geschichte des römischen Rechts*, p. 192 ff.) [A. H. G.]

SO'CIUS. [Societas.]

SODA'LES. [Collegium.]

SODALI'TIUM. [Ambitus.]

SOLA'RIUM. [Horologium; Domus.]

SO'LEA. 1. The most primitive form of foot-gear is the sandal. It consists simply of a sole of matting, leather, felt, or wood bound to the foot by thongs and straps. It was not only worn by the Greeks and Romans of all periods, but still survives. In studying its use in classical times, there is great difficulty in distinguishing it from the various forms of boots and shoes which were used side by side with it. Even if we were able to identify the various shapes mentioned in literature with those shown on the monuments, the question would not be settled, for the transition from one class to another is represented by so many intermediate forms that a hard and fast line cannot be drawn.

In the Homeric age the πέδιλα, which were worn by men (*Il.* ii. 44, &c.), are doubtless sandals, for they are called ὑποδήματα (*Od.* viii. 368) and bound to the foot (*Il.* xxiv. 340, &c.). Whether women used them or not is doubtful, though goddesses wore them out-of-doors (*Il.* xiv. 186). The epithets καλά, χρύσεια, ἀμβρόσια, given to them, convey no information as to their shape and make. Those, however, worn by common folk must have been simplicity itself, for we are told how Eumaeus, when setting out for the city, made himself a pair out of a well-dressed ox-hide (*Od.* xiv. 23). Such sandals remained in use in the country, being mentioned by Sappho (*Frag.* 98, Bergk, τὰ δὲ σάμβαλα πεμπεβόηα), and Hesiod's advice to have them lined with felt (*Op.* 541) suggests that they were of the same kind as the sandals, worn over very thick stockings by the peoples of the lower Danube, the form adopted by the Bulgarian army being the best known. Such sandals were made in extremities even out of raw hide, and were known as καρβατίναι (Xen. *Anab.* iv. 5).

In classical times it was not unusual among the Greeks to go barefoot. With the Spartans this was indeed part of their discipline (Xen. *Rep. Lac.* ii. 3, and passages on ἀνυποδησία in Becker-Göll, *Charikles*, iii. 267), and philosophers and others of an ascetic turn adopted the custom of Athens and elsewhere (cf. Theocr. xiv. 5, Πυθαγορικτὰς ὠχρὸς κἀνυπόδητος). Yet even Socrates, the best known of the barefoot philosophers (Aristoph. *Nub.* 103), though he wore no shoes in the snow and ice at Potidaea, put on slippers when going to Agathon's supper (Plato, *Symp.* 174), as was the fashion (Aristoph. *Eq.* 889). The cut and fit of his sandals and shoes was indeed not one of the least of the Greek dandy's anxieties (Plato, *Phaedo*, p. 64 D), and many are the jokes at ill-fitting boots (Aristoph. *Eq.* 321), which were the sure mark of a boor (Theophr. *Char.* 4). The general name for all sandals is *ὑπόδημα*, the word *σανδάλιον* or *σάνδαλον* being also used in the same sense (the old distinction between these words is due to a mistake of Salmasius; cf. Pollux, vii. 84, ed. Kuhn).

The sole of the sandal (*πέλμα, κάττυμα*) was of one piece or several layers of leather. One, for instance, discovered in the Tauric Chersonnese and now at St. Petersburg, has a sole made of eleven or twelve layers of leather, the upper surface being ornamented with gold (Stephani, *Compte Rendu*, 1865; cf. 1881, p. 142, and Taf. iii. 4 and 5). Thick soles were in fact worn, like modern high heels, to give ladies greater height (cf. Xen. *Oec.* 10, 2). Wood was used as well as leather, not only for coarse cheap clogs (*κρούπεζαι, sculponeae*), but for expensive and delicate sandals for ladies' wear (*τυρρηνικά*, Poll. vii. 92; Clem. Alex. *Paed.* ii. 11, 116). A specimen, which however probably belongs to Roman times, was discovered in 1876 near Kertsch in the Crimea. It is formed of three layers, joined together by pegs, the top layer being painted red and covered with leather. Round the edge are a number of pairs of holes for attaching strings or thongs (*Compte Rendu*, 1881, p. 143, with fig.). Cork was also used for soles (cf. Alexis *ap.* Athen. xiii. p. 568).

The most characteristic feature of the sandal was the *ζυγὸς* or *ζυγόν*, a strap which passed across the toes and held it on the foot (Arist. *Lys.* 416, and Schol. *ad loc.*). (In Strabo, vi. p. 259, however, *ἄζυγα σανδ.* certainly means, as Becker takes it in opposition to Bötticher, *odd* sandals, *i.e.* not a pair.) To the *ζυγὸς* was attached a thong, which passed between the great toe and the second toe. This and the other straps which held the other parts of the sole were, as a rule, kept tight by a latchet (*lingula*) over the instep. This was of metal, and of a heart- or leaf-shape. It was part of Parrhasius's magnificence to have had latchets of gold on his slippers (*χρυσοῖς τε ἀνασπαστοῖς ἐπέσφιγγε τῶν βλαυτῶν τοὺς ἀναγωγέας*, Athen. xii. 543 f). The network of straps and thongs was sometimes so thick as to make the sandals practically a shoe, and often reached as far as the calves. Such were doubtless the *ῥαΐδια*, which Pollux (vii. 64) explains as *πολυέλικτον ὑπόδημα*.

Of the different varieties, for the *βλαῦται* see CALCEUS, Vol. I. p. 332. The *βαυκίδες*, which were also fashionable and expensive (Poll. vii. 94), were probably somewhat the same, but only worn by women. Aristophanes also mentions *περιβαρίδες* as a luxurious form of sandal (*Lys.* 45, 47, 53), though Pollux says that it was only worn by slaves. [For the *κρηπίς*, see CREPIDA.]

As we have said, *ὑποδήματα* is a word used vaguely, and, though generally meaning sandals, stands sometimes for shoes. Thus in the Edict of Diocletian we have *ὑποδήματα Βαβυλωνικά*, the Latin equivalents being *soleae Babylonicae* (ix. 17) and *socci Babylonici* (ix. 23). Again, the *περσικαί*, a favourite woman's shoe at Athens (Arist. *Thesm.* 734; *Eccl.* 319), must have had a close upper (cf. Id. *Nub.* 151).

At Rome it was not the custom to go about barefoot, and all freemen wore boots or shoes when out of doors. Sandals and slippers were reserved for indoor use; and to wear them outside, in Greek fashion, was considered effeminate. Indeed, this was the favourite gibe which the Romans of the old school cast at those who found the *pallium* and *crepidae* more comfortable than the *toga* and *calceus*. Scipio the elder (Liv. xxix. 19, 12), Verres (Cic. *in Verr.* v. 33), Antony (Cic. *Phil.* ii. 30), Germanicus (Tac. *Ann.* ii. 59), and Caligula (Suet. *Cal.* 52) scandalised the sticklers at propriety in this way, and the prejudice lingered on even until the age of Hadrian (Gell. xiii. 22, 1).

The wearing of sandals or slippers when going out to supper was, however, quite a recognised one; for as it was the custom to have one's slippers taken off by the slave on reclining at the table (*soleas demere*, Plaut. *Trucul.* 367; *soleas deponere*, Mart. iii. 50, 3), sandals were much more convenient than boots. Hence the phrase *soleas poscere* (Hor. *Sat.* ii. 8, 77, &c.), "to prepare to take leave." Most guests came in a litter, but those who could not afford this walked in boots and carried their *soleae* under their arm (Hor. *Epp.* i. 13, 15). The general name for sandals in Latin is *solea*, *sandalium* being a transliteration which never became naturalised at Rome. [For CREPIDA, see that article.] Of other varieties the *gallicae* are the best known and were longest in use. The Edict of Diocletian mentions a number of different kinds for men and women with single or double soles, for travelling or country wear (*gallicae viriles rusticanae bisoles, gallicae viriles monosoles, gallicae cursoriae, taurinae muliebres bisoles* and *monosoles*, ix. 12), which shows that their use must have been popular and very extended. Of other sorts, those from Patara and Babylon and the Tyrrhenian (v. *ante*) were not peculiarly Roman, but worn all over the Hellenistic world.

The monuments showing Roman sandals do not differ in any important respect from the Greek shapes. (Becker-Göll, *Charikles*, iii. 267, 281; *Gallus*, iii. 227;—Hermann-Blümner, *Lehrbuch*, 181 foll., 196; Guhl and Koner, p. 225; Iwan Müller, *Handbuch*, iv. pp. 404, 409, 427, 432, 806, 880, 930; Marquardt, *Privatleben*, 1886, pp. 322, 595, 705; Baumeister, *Denkmäler*, art. *Fussbekleidung*; Daremberg and Saglio, *Dict. d'Antiq.*, arts. *Blautai*, *Crepida*;—Blümner, *Technologie*, i. 276; *Leben u. Sitten*, i. 60;—Büchsenschütz, *Hauptstätte*, p. 91.) [W. C. F. A.]

2. *Solea*, a shoe for horses or mules. It is a matter for dispute at what date horses were shod for ordinary use in Europe; and a further and different question, when horse-shoes were first attached by nails. In Greek literature of a date before the Roman conquest there is no trace of any shoe for animals at all, except in the case of camels, who, according to Aristotle

(*H. A.* ii. 6 = p. 499 a), on a campaign had a sort of shoe (*καρβατίνη*) bound beneath the foot; but his remark, that this was done because the camel's foot was soft (*σαρκώδης*), makes this passage an argument against the existence of horse-shoes in Greece at that date. It is perhaps hardly necessary to point out that the Homeric epithet *χαλκόπους* (*Il.* xiii. 23), like *χαλκοκρότος* in Aristoph. *Eq.* 551, merely refers to the noise of the horses' hoofs, and is no more an argument as to material than *χαλκεόφωνος*. Further than this we have in Xenophon's *de Re Equestri* not only the argument of his silence about shoes, but also the fact that he gives (ch. 4) directions for the sort of pavement in the stable or stable-yard which would best harden the hoofs. In the *Anabasis* (iv. 5, 36) he describes a practice in the Armenian hill-country of binding bags (*σακκία*: unless we are to read *σακία*, *i.e.* discs, like small shields) under the feet of horses and mules; but this was only in the snow, to prevent them from sinking: some kind of "bog-shoes" is similarly used for horses to this day in Holland and in parts of Scotland (Fleming, *Horse-shoes*, p. 319). Lastly, the evidence of ancient art points the same way. We have no representation of shoes on horses, though on the frieze of the Parthenon, for instance, we should expect to see traces of shoes had they existed, as well as of bridles. It is quite possible that with all their methods for hardening the hoofs, they may have worn out quickly on roads: and as a fact historians note that this happened (Thuc. vii. 27; Diod. xvii. 94).

In Roman literature we find a very slight mention of shoes for mules: the *ferrea solea* left in the mud (Catull. viii. 23): the shoeing of Vespasian's mules (Suet. *Vesp.* 23): the silver shoes of Nero's mules (Id. *Ner.* 30), and the golden shoes of Poppaea's (Plin. *H. N.* xxxiii. § 140; cf. Dio Cass. lxii. 28). Upon these passages it must be remarked (1) that all refer to mules, (2) that they are probably exceptional cases, either for mules with weak or injured feet, or, as in the last two cases, for ostentation. We can have little doubt also that these shoes were not nailed, but bound on as will be described below: Arrian (*in Epict.* 3) speaks of *ὑποδημάτια* for asses.

The use of shoes or sandals made of hemp (*spartei*), bound on injured hoofs, is noticed by Columella (vi. 12), Galen (*de Alim.* i. 9), and Vegetius (i. 26), who gives precise instructions that in case of tender or injured feet they should be *calceati*, the shoes being either iron or hempen and attached by *lemnisci* or *fasciolae*. It is clear that these writers are speaking of use for exceptional cases; and moreover in Columella, i. 73, we find a recommendation that stables should have oak floors, "nam hoc genus ligni equorum ungulas ad saxorum instar obdurat," which implies that he did not mean the horses to be shod. The same deduction, that shoes were only for exceptional cases, may be made from their absence in the list of *ἱππικὰ σκεύη* given by Pollux, x. 56.

As regards nailed shoes, though the lines of Tryphiodorus (Ἰλίου ἅλωσις, 86) *οὐ μὲν ἐπὶ κνήμῃσιν ἀχαλκέες ἔξεχον ὁπλαί*, &c. seems to show that in his time (? 5th century A.D.) it was customary to shoe horses, yet it is impossible to say whether he means nailed shoes or sandals. Beckmann, in the passage which he cites from Leo (*Tactica*, v. 4), is probably right in setting down as the earliest mention of nailed horse-shoes. The words there (describing part of the cavalry equipment) are *σεληναῖα σιδηρᾶ μετὰ καρφίων*, *i.e.* "iron horse-shoes with nails." That this mention in the 9th century A.D. marks the *earliest* use of nailed horse-shoes shaped as they are now, is, we think, a wrong conclusion. Not only have we the relief from Gaul (see Baumeister, *Denkm.* fig. 2322) of a *carruca* drawn by horses with nailed shoes, but also numbers of ancient horses' shoes, not differing in shape from those now in use, have been discovered in France, Switzerland, and Germany, and a few in this country. A description of them with illustration will be found in Fleming (*op. cit.* ch. 3–6). That they are of a high antiquity there is no doubt, but we think him wrong in making some of them as old as the time of Julius Caesar. The evidence from position is not so clear as to necessitate any such belief, and had they been then in use in Gaul we can hardly doubt that they would have been adopted at least to some extent in Italy; and in that case, though it is quite possible that there might be no mention of them in general literature, we should expect it in Vegetius; and still more we should certainly find a forge at Pompeii. It would besides be strange that Caesar does not notice them. We should rather conclude that the Gauls began to nail horse-shoes considerably later than Caesar's time, perhaps after the date of Vegetius, and that the invention spread thence to Italy and Greece. Whether Greece had then, as now, the practice of nailing on iron *plates* with merely a hole in the centre is uncertain: but, inasmuch as it is the Turkish system now, we should judge that this pattern of shoe was brought into the Morea by the Turks, and that the true horse-shoe shape is marked by Leo's word *σεληναῖα*. The objects figured below represent what are often called "Roman horse-shoes." They are found in France and elsewhere: several are in the Museum of Besançon: fig. 1.

Fig. 1.

shows one in the British Museum, found at Reignac (Indre et Loire); another exactly like it

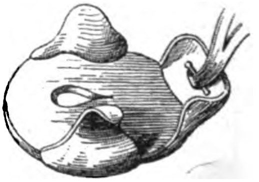


Fig. 2.

Fig. 3.

was found in the Thames among Roman relics, and is described in the *Archaeological Journal*, xi.

p. 416, as a lamp-stand. Fig. 2 (from Fleming) shows one preserved at Besançon. Mr. Fleming (ch. 7) thinks that they are slippers or skids for a wheel [SUFFLAMEN]: but many, if not all, are ill adapted for that purpose. We think that the more correct view is to accept them as "horse-sandals," attached as represented in fig. 3, but used only exceptionally for injured or cracked hoofs. This will account for their not being found more frequently, and also for the fact that they have been discovered close to ancient nailed horse-shoes. (See also Beckmann, *Hist. of Inventions*, ii. 270 ff.; and for still fuller details, Fleming, *Horse-shoes and Horse-shoeing*, ch. 1–7.) [G. E. M.]

SO'LIDUS (*νόμισμα*). The aurei or gold coins issued by the Roman emperors underwent from the time of Nero onwards a gradual but irregular reduction in weight, until they practically ceased to be a measure of value, and gold coin went only by weight. To remedy this state of things, Constantine introduced a new gold coinage, of which the pieces weighed $\frac{1}{72}$ of a Roman libra, about 70 English grains. The importance of this issue and its gradually debased successors is shown by the use in our own time of *soldo*, *sou*, and cognate terms. [P. G.]

Gold Solidus.

SOLITAURIL'IA. [SUOVETAURILIA.]

SOLIUM. [THRONUS.]

SOPHRONISTAE. [GYMNASIUM.]

SORTES, lots. Among the modes of divination practised by the Italian nations, the drawing of lots was one of the most common and most characteristic. We do indeed find it also in Greece (Cic. *de Div.* i. 34, 76), but there it was entirely overshadowed by the prophetic frenzy, and inspiration through dreams. In Italy we must distinguish between the *sortes* which were localised in special temples, and which corresponded more or less to the Grecian oracles [ORACULUM, p. 292], and those which could be drawn by any person and in any place. Of the former kind, we hear specially of the *sortes* at Praeneste (Cic. *de Div.* ii. 41, 85, the *locus classicus* on the subject: cf. Propert. ii. 32, 3; Suet. *Tib.* 63), at Caere (Liv. xxi. 62), at Falerii (Id. xxii. 1), at the temple, celebrated afterwards by Byron, on the Clitumnus (Plin. *Ep.* viii. 8), and at the fons Aponus near Patavium (Suet. *Tib.* 14). It is probable that there were also *sortes* at the oracular seat of Fortuna at Antium, but the evidence is not quite clear that this mode of divination was practised there. The *sortes* were little tablets or counters, made of wood or other materials: after they had been mixed together, a boy would draw one at random, which then was taken as an omen. Some rough verse or proverb was written on each, such as the one mentioned by Livy (*l. c.*), "Mavors telum suum concutit," which appropriately enough is said to have leapt out from the other lots at Falerii when Hannibal was marching towards lake Trasimene. As a prognostication of misfortune, the lots are said to have become miraculously smaller in size (Id. *ib.*). Seventeen lots in bronze, oblong, and pierced with a hole (so that they could be strung together) have been discovered near Padua (and so not far from the fons Aponus above mentioned): the lines written on them are given by Th. Mommsen (*C. I. L.* i. 267–270). As a specimen take the following:—"Est equos perpulcer, sed tu vehi non potes istoc." A peculiar way of drawing the lots, common when more chance was appealed to (without any thought of a prophetic intimation), will be found mentioned under the article SITULA. It is not clear whether the dice mentioned in the passage referred to from Suetonius (*Tib.* 14) would themselves have been called *sortes* or not. The range of prophecy comprised by these "lots" must have been limited, and their application often doubtful; hence we cannot be surprised at what Cicero tells us (*l. c.*), that this kind of divination was in his time obsolete, except at Praeneste. It had, however, been sufficiently famous in its time for the term *sortes* to be a customary name for any kind of oracular deliverance (cf. Cic. *de Div.* ii. 56, 115; Verg. *Aen.* iv. 346, 377. In *Aen.* vi. 72 the word is applied to the Sibylline books). The *sortes* of the fons Aponus had a revival in later times (see the Augustan history, *Claud.* 10; *Firmus*, 3).

While, however, the *sortes* as a branch of official religion died out more rapidly than perhaps any other kind of divination, as an irregular superstition they were the most long-lived of all the elements of heathenism, and lasted far into Christian times. The Sortes Vergilianae were famous (Lamprid. *Alex. Sever.* 14; Spartian. *Hadr.* 2). Just in the same way in which the heathens used Homer or Virgil, and as the Mussulmen of the present day use the Koran and Hafiz, so did Christians use the Bible and Psalter, by opening them at random, and taking the first line on which the eye fell as an indication of future occurrences. (See Augustin. *Confess.* iv. 3; and the very curious sermon *de Auguriis*, numbered cclxxviii. in the appendix to the sermons of Augustine, but probably by Caesarius.) Even the very form of tablets was borrowed from heathenism; they were made either of wood or bread, as we see from their prohibition by the council held at Auxerre (Autissiodurum) about A.D. 578. These *sortes sanctorum* (of which we learn that a volume existed) were frequently condemned by the councils; but so natural was the tendency, that even a conference of orthodox bishops could not help drawing omens from the accidental occurrence of passages in the lessons for the day, and recording them in their minutes (see *Acta Conciliorum*, vol. ii. p. 965. A reference to the words *Sortes* and *Sortilegi* in the index to these Acta will show a number of interesting passages on the subject; cf. also Gibbon, *Decline and Fall*, c. xxxviii., note 51. The curious word *caragi* or *caragii* apparently is used as more or less equivalent to *sortilegi*).

The Sortes Conviviales were tablets sealed up, which were sold at entertainments, and upon being opened or unsealed entitled the purchaser to things of very unequal value; they were therefore a kind of lottery. (Suet. *Aug.* 75; Lamprid. *Heliogabal.* 22.) [W. S.] [J. R. M.]

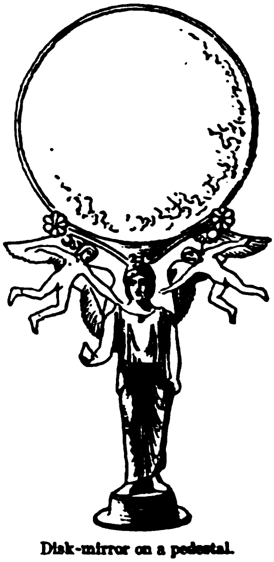
SPECULUM (*κάτοπτρον, ἔσοπτρον, ἔνοπτρον*), a mirror. The mirrors of the Greeks, Romans, and Etruscans consisted almost invariably of small circular disks of metal, which could be placed upright on a table or held in the hand. Mirrors of glass are mentioned by Pliny (*H. N.* xxxvi. § 66) as being made at Sidon, and from a later source (Alex. Aphrod., *Probl.* i. 132 in Ideler, "Physici et medici Graeci minores," i. p. 45) we learn that glass mirrors were coated with tin, not, as with us, with quicksilver (*διὰ τί τὰ ὑέλινα κάτοπτρα λάμπουσιν ἄγαν; ὅτι ἔνδοθεν αὐτῶν χρίουσι κασσιτέρῳ*). No remains of such mirrors exist, however, and they were evidently little used. The usual material was bronze, *i.e.* an alloy of copper and tin, composed, as the analysis of various Roman mirrors has shown (Blümner, *Technologie*, iv. p. 192), of from 19 to 32 per cent. of the latter metal. In Imperial times, the best alloy for mirrors was made at Brundisium (Plin. *H. N.* xxxiii. § 45; xxxiv. § 48). The majority of extant mirrors are of bronze, but some made of silver have also come down to us: see e.g. *Bull. d. Inst.*, 1885, p. 180, a mirror found at Pompeii, and the silver mirror in the tomb of Seianti Thanunia (Brit. Mus.). Silver mirrors came into fashion under the Roman Republic (Pliny, *H. N.* xxxiii. § 45, says in the time of Pompey the Great), and in Imperial times were frequently used, even it is said by maid-servants (Plin. *H. N.* xxxiv. § 48; cf. xxxiii. § 45). They are often mentioned in the Digest (33, 6, 3; 34, 2, 19, § 8). A better reflexion was supposed to be given when the plate of silver was thick (Vitruv. vii. 3). At first, the silver was very pure, but metal of inferior quality was afterwards employed (Plin. *H. N.* xxxiii. § 45). Cheap imitations were manufactured, and some extant mirrors having the appearance of silver are in reality only plated with that metal, or are composed of a mixture of copper and lead (Friederichs, *Berl. ant. Bildw.* ii. p. 86).

There is no mention of mirrors in Homer, and the earliest Greek mirrors extant are not earlier than *circ.* B.C. 500. The prototype of the Greek mirror must, on our present evidence, be looked for in Egypt. The Egyptian mirrors now extant consist of bronze disks of oval or oblate form,—a shape, therefore, nearly the same as that of the Greek mirrors, though somewhat less elegant. They have, like many Greek mirrors, ornamented handles (of wood, stone, or metal), some in the form of the papyrus-sceptre or of a figure of a goddess (see the illustrations in Wilkinson, *Ancient Egyptians*, ed. Birch, vol. ii. pp. 350, 351). From the time of the Attic tragedians onwards mirrors are frequently mentioned in literature (Aesch. in Stob. *Serm.* xviii. 13; Eurip. *Troad.* 1107; *Medea*, 1161; *Orest.* 1112;—Xen. *Cyr.* vii. 1, § 2, &c.), and they are often represented on the monuments. On the vase-paintings female attendants are seen holding them before their mistresses, and among the Greek terra-cottas are figures of women holding circular mirrors while arranging their hair (*Gazette arch.* 1878, pl. 10 = Baumeister, *Denkm.*, art. "Spiegel," fig. 1775; *Gaz. arch.* 1880, p. 39). On the Etruscan terra-cotta sarcophagus of Seianti Thanunia, in the British Museum (from Chiusi), is a reclining female figure holding a mirror. Before dealing with the special characteristics of Greek, Roman, and Etruscan mirrors respectively, it should be stated that wall-mirrors were little used in antiquity. Large metal mirrors were suspended in barbers' shops (Lucian, *adv. Ind.* 29; Vitruv. ix. 9, 2); and we hear, under the Roman Empire, of mirrors large enough to reflect the whole person (Senec. *Quaest. nat.* i. 17, 8, "specula totis paria corporibus;" Ulpian, *Dig.* 34, 2, 19, § 8, "speculum . . . parieti adfixum;" cf. Plin. *H. N.* xxxvi. § 196).

Hand-mirror. (From a relief in the British Museum.)

Greek Mirrors.—Examples of mirrors of Greek workmanship and *provenance* were unknown till recent years, and the number at present discovered (at Corinth and elsewhere) is comparatively small. Like other articles of the toilet, mirrors were buried by the Greeks with the dead. They have two forms: (i.) the disk-mirror with a handle or a stand, (ii.) the box-mirror.

(i.) The disk-mirrors have one side (usually slightly convex) left plain and polished for reflexion. The other side is engraved with a design, or is left plain. The handle is often ornamented, or consists of a statuette—figures of Aphrodite being preferred. Many of these mirrors have a pedestal attached to the statuette, to enable them to be stood upright on the table. Some of the early extant mirrors are furnished with these statuette-stands, and sometimes Erotes, animals, or other ornaments are attached to the lower part of the disk. A good example is figured in the *Arch. Zeitung*,



Disk-mirror on a pedestal.

xxxvii. pl. 12 = Baumeister, *Denkmäler*, art. "Spiegel," fig. 1773.

(ii.) The box-mirror consists of two circular disks shutting into one another, and sometimes united by a hinge. The upper disk or cover is ornamented on the outside with a design in relief, and its interior is polished for reflexion. The lower disk, or box itself, is adorned inside with engraved figures. The reliefs on the box-mirrors and the engraved designs found both on the box- and the disk-mirrors are among the most beautiful and interesting remains of Greek art. The best specimens may be attributed to the 4th century B.C. Good examples may be seen in the Bronze Room of the British Museum. The reliefs usually consist of subjects relating to the cycle of Aphrodite and Dionysos. The relief of "Ganymede carried away by the eagle" (engraved in Collignon, *Man. d'Arch.* p. 351) may be cited as a fine example of this class. Among the finest examples of engravings on mirrors are the Korinthos and Leucas mirror engraved in *Rev. arch.*, N. S., xxiii. (1872), pl. xi. p. 79, and in *Monuments grecs de l'Assoc. des Études grecques*, 1873, pl. iii.; the Genius of the Cock-fights mirror in the Lyons Museum (*Rev. arch.*, N. S., xvii. (1868), pl. xiii. p. 372 ff.); and the Nymph and Pan playing with astragali, in the British Museum (*Classical Review*, vol. iii. p. 86). (On the technique of the "engraved" mirrors, which were perhaps etched as well as engraved, see Blümner, *Technol.* iv. pp. 266, 267.)

Etruscan Mirror. (Dennis.)

ETRUSCAN MIRRORS.—The extant examples, many of which are figured in Gerhard's *Etruskische Spiegel* (continued by Klügmann and Körte), are extremely numerous. They have been found in tombs in Etruria and Latium, some in *cistae*, others placed on the top of vases, or lying separately. They resemble the Greek mirrors in form. Box-mirrors occur, but most of the extant specimens are simple disks with the convex side polished for reflexion and the concave side engraved, and having a handle which was made in one piece with the mirror and sometimes inserted in an outer handle—now often missing—of bone or wood. The Etruscan mirrors that have come down to us are mainly of the fourth and third centuries B.C. The subjects represented are mainly drawn from Greek mythology (especially the Trojan legends), such as the Birth of Minerva, the Birth of Bacchus, Venus and Adonis, Achilles and Thetis, Castor and Pollux, &c. Various scenes from daily life (the toilet, the bath, and the palaestra) are also represented. The names of the personages depicted are nearly always written near them in Etruscan characters (*e.g.* Apul = Apollo; Achle = Achilles; Atunis = Adonis). The designs are nearly always the production of Etruscan copyists of Greek models, especially the vase-paintings. The work is often rough and careless, and the space generally overcrowded with figures. The reliefs on the box-mirrors are much inferior to those on the Greek box-mirrors. Various examples may be seen in the Etruscan Room at the British Museum, among which may be noticed Ganymede carried off by the Eagle, and other figures on the cover of a mirror from Praeneste (*Mon. dell' Inst. arch.* viii. pl. 47, fig. 2). Among the engraved mirrors some elegant and delicately treated designs occasionally occur, such as Semele, &c. on a mirror at Berlin (*Mon. dell' Inst.* i. 56 = Baumeister, *Denkm.* art. "Etrurien," fig. 557); the Healing of Telephus (Gerhard, *Etrusk. Spiegel*, pl. 228 = Baumeister, *Denkm.*, art. "Spiegel," fig. 1774); and the meeting of Helen and Menelaus after the taking of Troy (in the Brit. Mus.: *Mon. d. Inst. arch.* viii. pl. 33).

ROMAN MIRRORS.—These are of little artistic importance, and are usually disk-mirrors provided with an ornamented handle, which is sometimes in the form of a figure. The back of the disk (*i.e.* the side not used for the reflexion) is, if engraved, usually ornamented with decorative patterns and not with a subject-design. Typical examples of various hand-mirrors found at Pompeii may be seen in Overbeck-Mau, *Pompeii*, 4th ed. p. 453, fig. 252.

[*Authorities.*—Friederichs, *Berl. ant. Bildw.* ii. 18 ff.; Blümner, *Technologie*, iv. pp. 192, 194, 265 ff., 403; Blümner, art. "Spiegel" in Baumeister's *Denkmäler*; De Witte, *Les Miroirs chez les Anciens*, Bruxelles, 1873; Stephani, *Compte rendu*, 1870–71, p. 27; Hermann, *Lehrbuch* (ed. Blümner), iv. pp. 170, 171; Collignon, *Man. d'Arch. grecque*, p. 146 ff.; Mylonas, Ἑλληνικὰ κάτοπτρα, Athens, 1876, 8°, reviewed in *Bull. Corr. hell.* i. (1877), p. 108 f.; *Bull. Corr. hell.* viii. pp. 398, 399 (with references to earlier publications); *Rev. arch.* 1868, pl. xiii.; *Collect. Castellani*, Paris, 1884, No. 430; *Collect. Gréau*, Paris, 1885, No. 580. Other Greek mirrors have been published in the *Bull. Corr. hell.*; in the *Gazette archéologique* and other periodicals; E. Gerhard's *Etruskische Spiegel*, Berlin, 1843, &c., continued by Klügmann and Körte; Marquardt - Mommsen, *Handbuch der röm. Alt.* viii. 669, 692, 736; and other authorities cited above in the article.] [W——K W——H.]

SPECUS. [AQUAEDUCTUS.]

SPHAERISTE'RIUM. [GYMNASIUM; PILA.]

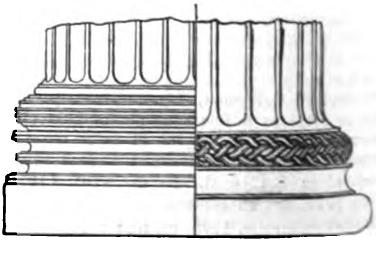
SPHAEROMA'CHIA. [PILA.]

SPHYRE'LATUS (*σφυρήλατος*: or sometimes, as a noun, *σφυρήλατον*, sc. *ἄγαλμα*, or *ἔργον*), "beaten out with the hammer," a simple method of working metal, which was used before the invention of casting, and also, in later times, especially for gold. All the works to which the name is applied by classical authors seem to have been of gold; for instance, the sphyrelatum of Zeus dedicated by Cypselus or the Cypselids (Strabo, p. 376; Plat. *Phaedr.* p. 136 B), a statue made of one of his wives by Darius (Herod. vii. 69), and the close-fitting gold covering made for the body of Alexander the Great (Diod. xviii. 26). And for so soft a material this process was doubtless the best adapted. Hence the comparison by the Pseudo-Theocritus (xxii. 47) of "iron muscles" to a *σφυρήλατος κολοσσὸς* is peculiarly unhappy, and due to an association with *σφυρήλατοι πέδαι*, &c. Though the name *σφυρήλατα* was seldom or never applied to bronze statues (L. and S. quote *χαλκῇ* from *Anth. P.* 14, 2, where the MS. reading is *χρυσῇ*), Pausanias (iii. 17, 6) describes a statue at Sparta made of beaten plates of bronze and riveted together by Clearchus of Rhegium. His statement that it was the earliest of all bronze statues is more consistent with the assertion that Clearchus was the pupil of some primitive artists, such as Dipoenus and Scyllis, than with another that he was the master of Pythagoras of Rhegium. There is, however, no classical authority for giving the name *σφυρήλατον* to a work of this description. [E. A. G.]

SPI'CULUM. [HASTA.]

SPIRA (*σπεῖρα*), *dim.* **SPI'RULA** (Servius in Verg. *Aen.* ii. 217), the base of a column. The word *σπεῖρα* is used in this signification in Greek inscriptions, being applied to the bases of the columns of the Erechtheum and of the temple of Zeus at Labranda (*C. I. G.* 160, l. 64; 2713, 2714). *Spira* is the term regularly used by Vitruvius and other Latin writers in the same signification (see esp. iii. 5, when the forms and proportions are prescribed).

The base, which is absent in Doric columns but always present in those of the Ionic or Corinthian order, may be either *Attic* or *Ionic*; it may be used either with or without a *plinth* beneath it. The *Attic* form [ATTICURGES] consists of an upper and a lower *torus* (*torus superior, inferior*), with a *scotia* (*τροχίλος*) between them, bordered above and below by a *quadra*: it is found in all the Ionic buildings at



Athens, whether they have the Ionic or Attic form of the capital. The example given is from the Erechtheum (see right-hand part of cut). The Ionic consists of an upper torus, and of a lower member and two *trochili*, with double astragali above, between, and below. It is seen in the temple of Athena at Priene (see left half of cut) and elsewhere. That this is the original *Ionic* base is shown by the base of the primitive Ionic column from Naucratis (Petrie, *Naukratis*, i. pl. 3), where the lower part of the base, though not showing the two *trochili*, is of the same general character, and quite different from an *Attic* base.

The upper *torus* is sometimes fluted (ῥαβδωτός), as in the left-hand part of the cut, sometimes ornamented with a plaited ornament, as in the right-hand part; both treatments of the torus of the *Attic* base may be found even in the same building, in the Erechtheum.

In Etruscan columns the base consists simply of a *torus* resting on a *plinth;* in Roman buildings the plinth is almost always present, and all the Greek forms, but especially the *Attic*, are imitated. [E. A. G.]

SPI'THAME (σπιθαμή), *a span*, a Greek measure equal to 3-4ths of the foot. There was no proper Roman measure corresponding to it, but the later writers used *palmus* in this sense; the early writers express the Greek span properly by *dodrans*. [MENSURA, p. 161 *b*; PALMUS.] [P. S.]

SPO'LIA. Four words are commonly employed to denote booty taken in war,—*praeda*, *manubiae*, *exuviae*, *spolia*. Of these, *praeda* bears the most comprehensive meaning, being used for plunder of every description [PRAEDA] *Manubiae* was the money which the quaestor realised from the sale of those objects which constituted *praeda* (Gell. xiii. 24; Cic. *de Leg. Agr.* ii. 22, 59). The term *exuviae* indicates any thing stripped from the person of a foe, while *spolia*, properly speaking, ought to be confined to armour and weapons, although both words are applied loosely to trophies such as chariots, standards, beaks of ships, and the like, which might be preserved and displayed. (See Doederlein, *Lat. Syn.* vol. iv. p. 337; Ramshorn, *Lat. Syn.* p. 869; Habicht, *Syn. Handwörterbuch*, n. 758.)

In the Heroic ages no victory was considered complete unless the conquerors could succeed in stripping the bodies of the slain, the spoils thus obtained being viewed (like scalps among the North American Indians) as the only unquestionable evidence of successful valour; and we find in Homer that when two champions came forward to contend in single combat, the manner in which the body and arms of the vanquished were to be disposed of formed the subject of a regular compact between the parties (Hom. *Il.* vii. 77, &c.; xxii. 258, &c.). Among the Romans, spoils taken in battle were considered the most honourable of all distinctions; to have twice stripped an enemy, in ancient times, entitled the soldier to promotion (Val. Max. ii. 7, § 14); and during the Second Punic War, Fabius, when filling up the numerous vacancies in the senate caused by the slaughter at Cannae and by other disastrous defeats, after having selected such as had borne some of the great offices of state, named those next "qui spolia ex hoste fixa domi haberent, aut civicam coronam accepissent" (Liv. xxiii. 23). Spoils collected on the battle-field after an engagement, or found in a captured town, were employed to decorate the temples of the gods, triumphal arches, porticoes, and other places of public resort, and sometimes in the hour of extreme need served to arm the people (Liv. xxii. 57, xxiv. 21; Val. Max. viii. 6, § 1; Sil. Ital. x. 599), but those which were gained by individual prowess were considered the undoubted property of the successful combatant, and were exhibited in the most conspicuous part of his dwelling (Polyb. vi. 39), being hung up in the atrium, suspended from the door-posts, or arranged in the vestibulum, with appropriate inscriptions (Liv. x. 7, xxxviii. 43; Cic. *Philipp.* ii. 28, 68; Suet. *Nero*, 38; Verg. *Aen.* ii. 504, iii. 286; Tibull. i. 1. 54; Propert. iii. 9, 26; Ovid, *Ar. Am.* ii. 743; Sil. Ital. vi. 446). They were regarded as peculiarly sacred, so that even if the house was sold the new possessor was not permitted to remove them (Plin. *H. N.* xxxv. § 7). A remarkable instance of this occurred in the "rostrata domus" of Pompey, which was decorated with the beaks of ships captured in his war against the pirates; this house passed into the hands of Antonius the triumvir (Cic. *Philipp.* l. c.), and was eventually inherited by the Emperor Gordian, in whose time it appears to have still retained its ancient ornaments (Capitolin. *Gordian.* 3). But, while on the one hand it was unlawful to remove spoils, so it was forbidden to replace or repair them when they had fallen down or become decayed through age (Plut. *Quaest. Rom.* 37), the object being doubtless to guard against the frauds of false pretenders.

Spolia Opima.—This term applied only to spoils which were won in the field of battle by a Roman soldier from the leader of the opposing army. It is usually (though, as will be seen, not invariably) further limited by the condition that the Roman who thus slays and strips the chief opposing general must himself be the actual commander-in-chief of the Roman army (having the *auspicia*). These conditions were only fulfilled on three occasions (Plut. *Marcell.* 8; Propert. v. 11): first, when Romulus took the spolia opima from Acro, king of the Caeninenses; secondly, when A. Cornelius Cossus won them from Lar Tolumnius, king of the Veientes; and thirdly, when Marcellus won them from Viridomarus (or Βριττόμαρτος, as he is called by Plutarch), king of the Insubrians (Liv. i. 10, iv. 20, *Epit.* xx.; Propert. *l. c.*; Plut. *Rom.* 16, *Marcell.* 8; Sil. Ital. i. 133, iii. 587; *C. I. L.* x. 809). We have to notice, however, that Festus, *s. v.*, while he confirms the above limitation, as generally recognised in the use of the term, quotes Varro as saying, "Opima spolia esse etiam, si manipularis miles detraxerit, dummodo duci hostium [sed prima esse utique, quae dux duci. Vetari enim quae a duce recepta] non sint, ad aedem Jovis Feretrii poni." (The reading of Hertzberg, *De Spoliis Opimis* in *Philologus*, i. 331, is here followed.) The quotation from Varro goes on to distinguish the offerings made by the winners of *prima*, *secunda*, and *tertia spolia opima* respectively: and we gather that, though the spolia opima when spoken of without qualification meant rightly the *prima*, i.e. those won by general from general, yet there were also the *secunda*, when they were won by a Roman officer slaying the hostile commander-in-chief, and the *tertia*, when a common soldier performed the same exploit. In the first case *alone* could they be dedicated in the temple of Jupiter Feretrius: in the other two cases, though dignified by the special name, they were no doubt preserved only in the same way as other *spolia*. This view obtains further support from a comparison of Florus, i. 33, 11, with Val. Max. iii. 2, 6; and the probable meaning of Dio Cass. li. 24 is, that when Crassus slew Deldo, king of the Bastarnae, not being *αὐτοκράτωρ στρατηγός*, he could not dedicate the spoils to Jupiter Feretrius, though they *were* opima (*ὡς καὶ ὄπιμα*). It should be observed in conclusion that the term was also used loosely in voting the "spolia opima" to Julius Caesar (Dio Cass. xliv. 4), and by Livy in speaking of the *spolia provocatoria* won in single combat with a subordinate in the hostile army as though they were *spolia opima*, but in this latter case it is probably adopted as the expression of a braggart. The question of *spolia opima* is discussed by Perizonius, *Animad. Hist.* c. 7, and more recently by Hertzberg, in *Philolog.* i. 331: see Marquardt, *Staatsverw.* ii. 579. [W. R.] [G. E. M.]

SPONDA. [Lectus.]

SPO'NDEO. [Obligationes.]

SPO'NGIA (*σπόγγος*), a sponge. The use of sponges has come down from very early times, for the cleansing both of the body (Hom. *Il.* xviii. 414) and of tables (*Od.* i. 111). For the latter purpose, *i.e.* cleaning furniture, walls, and floors, it is more especially noticed in Latin literature (Mart. xiv. 144; Ulp. *Dig.* 32, 7, 12): as regards the use of sponges by invalids in Roman baths, see Balneae, Vol. I. p. 279. Small sponges were often fastened on a stick, and were then called *peniculi* (Ter. *Eun.* iv. 7, 7; cf. Mart. xii. 48; Plaut. *Stich.* ii. 2, 23), and were then used not only with long sticks for cleaning walls, &c., but also with short handles for cleaning boots (Plaut. *Menaechm.* ii. 3, 40; Fest. p. 230). The *penicillus* used for painting was no doubt generally a brush made with hair [Pictura], but for laying on colour broadly and coarsely a *penicillus* made with sponge was also used (Plin. ix. § 148; Blümner, *Technol.* iv. 429). For its use to obliterate writing, see Mart. iv. 10; Liber, p. 59 *a*; Marquardt, *Privatl.* 824; and to this use also we must refer Aesch. *Ag.* 1283. Pliny (*H. N.* ix. §§ 148–150) mentions especially the neighbourhood of Torone, the Syrtes, the Hellespont, and Malea as hunting-grounds for sponges, and the coasts of Lycia for the softest kind. Three kinds are distinguished—the hard and coarse *τράγος*, the softer *μανός*, and the fine *ἀχίλλειον* [cf. Ocrea]. In this he is following Aristot. *H. A.* v. 16, p. 548. The searcher for sponges is called *σπογγοθήρας*, *σπογγοκολυμβητής* or *σπογγεύς* (Poll. i. 96, vii. 137; Athen. vii. p. 282 c; Becker-Göll, *Gallus*, i. 36; Hermann-Blümner, iv. p. 31). [G. E. M.]

SPONSA, SPONSALIA, SPONSUS. [Matrimonium.]

SPONSOR. [Intercessio.]

SPO'RTULA, the diminutive from *sporta* = *σπυρίς*, a wicker basket. In the days of Roman freedom clients were in the habit of testifying respect for their patron by thronging his atrium at an early hour, and escorting him to places of public resort when he went abroad. As an acknowledgment of these courtesies some of the number were usually invited to partake of the evening meal. After the extinction of liberty the presence of such guests, who had now lost all political importance, was soon regarded as an irksome restraint, while at the same time many of the noble and wealthy were unwilling to sacrifice the pompous display of a numerous body of retainers. Hence the practice was introduced under the Empire (probably as early as the time of Nero) of bestowing on each client, when he presented himself for his morning visit, a certain portion of food as a substitute and compensation for the occasional invitation to a regular dinner (*cena recta*); and this dole, being carried off in a little basket provided for the purpose, received the name of *sportula*. Hence also it is termed by Greek writers on Roman affairs *δεῖπνον ἀπὸ σπυρίδος*, which however must not be confounded with the *δεῖπνον ἀπὸ σπυρίδος* of earlier authors, which was a sort of picnic. [Cena, Vol. I. p. 393 *a*.] For the sake of convenience, it soon became common to give an equivalent in money, the sum established by general usage being a hundred quadrantes (Juv. i. 120; Martial, x. 70, 75). Martial indeed often speaks of this as a shabby pittance (*centum miselli quadrantes*, iii. 7; compare i. 60, iii. 14, x. 74), which, however, he did not scorn himself to accept (x. 75), but at the same time does not fail to sneer at an upstart who endeavoured to distinguish himself by a largess to a greater amount on his birthday (x. 26). About the year 87 the practice of inviting clients to the *cena recta* appears to have been revived under the influence of Domitian (cf. Martial, book iii. 7, 14, 60, &c.); but the change was disliked both by patrons and by clients: and a return was generally made to the money dole. The donation in money, however, did not entirely supersede the sportula given in kind, for we find in Juvenal at a somewhat later date a lively description of a great man's vestibule crowded with dependents, each attended by a slave bearing a portable kitchen to receive the viands and keep them hot while they were carried home (iii. 249). If the sketches of the satirist are not too highly coloured, we must conclude that in his time great numbers of the lower orders derived their whole sustenance and the funds for ordinary expenditure exclusively from this source, while even the high-born did not scruple to increase their incomes by taking advantage of the ostentatious profusion of the rich and vain (Juv. i. 95). It is, however, a natural conjecture of Friedländer's, that the small sums of money (less than a shilling a head) so received were regarded by the wealthier as merely formal presents, given by them in turn to their dependents. The custom of rich men receiving such gifts is not mentioned before the death of Domitian. A regular roll was kept at each mansion of the persons, male and female, entitled to receive the allowance; the names were called over in order, the individuals were required to appear in person, and the almoner was ever on his guard to frustrate the roguery of false pretenders (Juv. *l. c.*), whence the proverb quoted by Tertullian (*c. Marcion*, iii. 16), *sportulam furunculus captat*. The morning, as we have seen above (Juv. i. 128), was the usual period for these distributions, but they were sometimes made in the afternoon (Martial, x. 70).

Nero, perhaps imitating the custom of private persons, ordained that, instead of a place at the public banquets (*publicae cenae*) given to the people on certain high solemnities, the poorer citizens should receive a portion of meat, afterwards commuted for a sum of money; but this unpopular regulation was repealed by Domitian (Suet. *Ner.* 16, *Dom.* 7; Martial, viii. 50).

When the Emperor Claudius on one occasion resolved unexpectedly to entertain the populace with some games which were to last for a short time only, he styled the exhibition a *sportula* (Suet. *Claud.* 21), and in the age of the younger Pliny the word was commonly employed to signify a gratuity, gift, or emolument of any description (Plin. *Ep.* ii. 14, x. 118).

(Compare a dissertation on the Sportula by Buttmann in the *Kritische Bibliothek* for 1821; see also Becker-Göll, *Gallus*, ii. 204 ff.; Marquardt, *Privatalt.* i.^{2} 207–212; Friedländer, *Sittengesch.* i. 438–442.) [W. R.] [A. S. W.]

STABULA'RIUS. [RECEPTA ACTIO.]

STA'DIUM (*στάδιον*, pl. in prose most often *στάδιοι*: Doric *σπάδιον*; cf. Lat. *spatium*). **1.** The foot-race course at Olympia and the other places in Greece where games were celebrated. It was originally intended for the foot-race, but the other contests which were added to the games from time to time [OLYMPIA] were also exhibited in the Stadium, except the horse-races, for which a place was set apart, of a similar form with the stadium, but larger: this was called the HIPPODROMUS (*ἱππόδρομος*).

The plan of the Olympic stadium, as discovered by recent excavations, was rectangular. This, however, is exceptional, for most others known to us were terminated at one end by a straight line, at the other by a semicircle having the breadth of the stadium for its base. Round this area were ranges of seats rising above one another in steps.

It was constructed in three different ways, according to the nature of the ground. The simplest form was that in which a place could be found which had by nature the required shape, as at Laodicea. Most commonly, however, a position was chosen on the side of a hill, and the stadium was formed on one side by the natural slope, on the other by a mound of earth (*γῆς χῶμα*), as at Olympia, Thebes, and Epidaurus (Paus. ii. 27, § 6; vi. 20, §§ 5, 6; ix. 23, § 1). Sometimes, however, the stadium was on level ground, and mounds of earth were cast up round it to form seats, and covered with stone or marble. We have two celebrated examples of this construction in the Pythian stadium at Delphi and the Panathenaic at Athens. The former was originally constructed of Parnassian stone, and afterwards covered with Pentelic marble by Herodes Atticus (Paus. x. 32, § 1), who adorned in the same manner the stadium at Athens, which had been originally constructed on the banks of the Ilissus by the orator Lycurgus. The marble covering, which took four years to complete, has now disappeared, but the area is still left, with some ruins of the masonry (Paus. i. 19, § 7; Leake's *Topography of Athens*).

The stadium sometimes formed a part of the buildings of the gymnasium [GYMNASIUM], at other times it was placed in its neighbourhood, and often, as at Athens, stood entirely by itself. That at Olympia was just outside and slightly to the N.E. of the sacred enclosure called Altis.

The size of the Grecian stadia varied both in length and breadth; but this variety is possibly in some cases to be understood of the size of the whole enclosure, not of the length of the part marked out for the race; the latter would naturally have been fixed, while the former differed according to the accommodation to be provided for spectators, or the magnificence which the builder might wish to confer upon the structure. The length of the course, between the pillars which marked the beginning and the end of the race, was always 600 (Greek) feet, but the foot unit varied in size [*vide* MENSURA]. There was a tradition that Hercules measured it out at Olympia originally by his own foot. It is not improbable that Pheidon, who claimed to be a descendant of Hercules, and who presided as agonothete at the Olympic games, may have fixed the length of the stadium according to the standard of measure which he established.

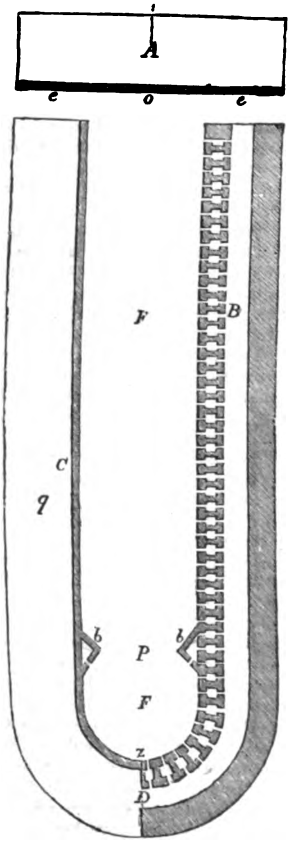
The accounts left by ancient writers of the arrangement of the parts of the stadium are scanty, but from a comparison of them with existing remains of stadia we may collect the following particulars.

At one end a straight wall shut in the area, and here were the entrances, the starting-place for the runners, and (at Olympia) an altar of Endymion. At the other end, at or near the centre of the semicircle, and at the fixed distance from the starting-place, was the goal, which was the termination of the simple foot-race, the runners in which were called *σταδιοδρόμοι*: the race itself is called *στάδιον* and *δρόμος*: in the *δίαυλος δρόμος* the racers turned round this and came back to the starting-place. The starting-place and goal had various names: the former was called *ἄφεσις*, *γραμμή*, *ὕσπληξ*, and *βαλβίς*: the latter *τέρμα*, *βατήρ*, *τέλος*, *καμπτήρ*, and *νύσσα*. The term *γραμμή* is explained as the *line* along which the racers were placed before starting; *ὕσπληξ*, which means *the lash of a whip*, is supposed to have been a cord which was stretched in front of the racers to restrain their impatience, and which was let fall when the signal was given to start; the name *καμπτήρ* was applied to the goal because the runners in the *δίαυλος* and *δόλιχος turned* round it to complete their course. These terms are often applied indifferently to the starting-place and the goal; probably because the starting-place was also the end of all races, except the simple *στάδιον*. The starting-place and goal were each marked by a square pillar (*στῆλαι*, *κίονες κυβοειδεῖς*), and half-way between these was a third. On the first was inscribed the word *ἀρίστευε*, on the second *σπεῦδε*, on the third *κάμψον*. The *δολιχοδρόμοι* turned round both the extreme pillars till they had completed the number of stadia of which their course consisted, which appears to have been different on different occasions, for the length of the *δόλιχος δρόμος* is variously stated at 6, 7, 8, 12, 20, and 24 stadia (Schol. *ad* Soph. *Electr.* 691).

The semicircular end of the area, which was called *σφενδόνη*, and was not used in the races, was probably devoted to the other athletic sports. This *σφενδόνη* is still clearly seen in the Ephesian and Messenian stadia, in the latter of which it is surrounded by 16 rows of seats. The area of the stadium was surrounded by the seats for spectators, which were separated from it by a low wall or podium.

Opposite to the goal, on one side of the stadium, were the seats of the Hellanodicae, for whom there was a secret entrance into the stadium (κρυπτὴ ἔσοδος), and on the other side was an altar of white marble, on which the priestesses of Demeter Chamyne sat to view the games. The area was generally adorned with altars and statues.

Such were the general form and arrangement of the Greek stadium. After the Roman conquest of Greece the form of the stadium was often modified so as to resemble the amphitheatre by making both its ends semicircular, and by surrounding it with seats supported by vaulted masonry, as in the Roman amphitheatre. The Ephesian stadium still has such seats round a portion of it. A restoration of this stadium is given in the following woodcut, copied from Krause.



Stadium at Ephesus, restored.

A is the boundary wall at the Aphesis, 77 feet deep, B C the sides, and D the semicircular end, of the same depth as A; F F the area, including the σφενδονή; *b b* pieces of masonry jutting out into the area; *e e* the entrances; from *o* to *p* is the length of an Olympic stadium; from *q* to *z* the range of amphitheatrical seats mentioned above.

The stadium at Olympia (as distinct from the area which formed the course) was, as has been already mentioned, rectangular, with a breadth of about 32 and a length of 211 metres. The foot of the embankments which enclosed the area was bordered by a ledge of stone. The area itself lay at a depth of about three metres below the level of the adjoining Altis. We may here mention a few details respecting the Olympic stadium restored to view by recent excavations. In the simple course—the στάδιον or δρόμος—the runners merely traversed once the space from the starting line to the goal. But in the double course, or δίαυλος, they traversed this space twice. The judges were stationed at the end where the goal stood. Hence runners in the δίαυλος—and also in the δόλιχος, which always consisted of an even number of στάδια—must be supposed to have started from this end, in order to finish in the immediate presence of the judges. Thus the arrangements for starting were of necessity alike at both ends. At Olympia, accordingly, a row of flags, reaching across the course at either end, formed the common basis on which the competitors took their places before starting. Standing here in a line, they were separated from one another by posts inserted perpendicularly in the stone. The sockets in which these posts stood are still visible. Each is about four Olympia feet distant from the one next to it, thus allowing ample room for that play of arms customary among ancient Greek runners.

Stadia were in later times used for other purposes than running, *e.g.* for wild-beast shows or hunts (κυνηγεσίαι). Hence (as appears from the ruins of the stadium at Ephesus, and from two inscriptions found in the ruins of the stadium at Laodicea) an amphitheatre was sometimes built in connexion with the stadium. The podium was built round the course, and furnished with iron rails as a protection against the wild animals.

Stadia were late in appearing at Rome. Julius Caesar erected a stadium for athletes upon the occasion of his fivefold triumph (Suet. *Jul.* 39). Augustus, too, seems to have built a stadium in the Campus Martius (Id. *Aug.* 43, 45). Domitian also is named as having founded a stadium in which young women competed for prizes in running (Id. *Domit.* 4 and 5). But the exercises of the stadium never attained at Rome the same degree of popularity as those of the circus and amphitheatre.

(Krause, *Die Gymnastik und Agonistik der Hellenen*, p. 131, § 14; Müller, *Archäol. der Kunst*, § 200; OLYMPIA.)

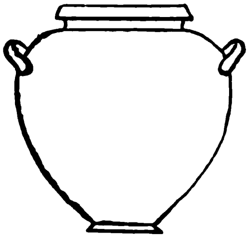
2. The word also signifies the chief Greek measure for itinerary distances, which was adopted by the Romans also, chiefly for nautical and astronomical measurements. It was equal to 600 Greek or 625 Roman feet, or to 125 Roman paces; and the Roman mile contained 8 stadia (Herod. ii. 149; Plin. *H. N.* ii. 23, § 21; Columell. *R. R.* v. 1; Strabo, vii. p. 497). This standard prevailed throughout Greece, under the name of the Olympic stadium, so called because, as above stated, it was the exact length of the stadium or foot-race course at Olympia, measured between the pillars at the two extremities of the course.

As to the length of the Olympic stadium, actual measurement has now put an end to all dispute. From starting-point to goal the distance is 192·27 metres. Divided by 600, this gives ·3205 metre as the length of the Olympic foot. As the Attic and Olympic foot-lengths were considerably less than this, we can understand how the fable obtained credence that the Olympic stadium was originally measured out by the foot of Hêrakles.

Respecting the origin of the stadium as unit of measurement, different opinions have been advanced. A recent view propounded by Prof. Ridgeway [for which see Mensura, p. 161] bids fair to become generally accepted. According to this, the stadium is simply the ancient furrow-length. He traces the institution of this unit back to the time when the Aryan peoples had not yet separated. (*Vide*, in addition to the authors above referred to, Bötticher, *Olympia*,^{2} and *Denkmäler des klassischen Altertums*, Nos. 28, 29, 29^{a}.)

There were multiples of the measure, corresponding to the longer races; thus the δίαυλος was 2 στάδια, and the δόλιχος 6 or more. (See above.) The ἱππικὸν of 4 stadia we may presume to have been the length of one double course in the chariot-race, which would give 2 stadia for the distance between the pillars in the hippodrome. In mathematical geography, the ordinary computation was 600 stadia to a degree of a great circle of the earth's surface. [P. S.] [J. I. B.]

STAMNUS (στάμνος, σταμνίον), an earthenware jar, often with red figures, used to hold wine or oil (Aristoph. *Lys.* 196, cf. *Ran.* 42; Athen. xi. p. 499 e). The word is still so used in Greece. It is sufficiently described by Dennis as "a high-shouldered, short-necked plethoric vase with two small handles." The same writer gives also an "Apulian stamnos," a small and later variety with a lid, probably intended to hold honey or sweetmeats. [G. E. M.]



Stamnos. (Dennis.)

Apulian Stamnos. (Dennis.)

STATER (στατὴρ) was the standard unit both of weight and (more especially) of money, corresponding to the Oriental word *shekel*. As the coins which were the standard units in various districts varied in metal and in weight, the term *stater* was applied in antiquity to a great variety of pieces of money. The Greeks would have called the sovereign, the dollar, and the rupee all staters.

Gold Staters.—The earliest coins struck in gold were the Lydian pieces attributed to Croesus, stamped with the fore parts of a lion and a bull, and weighing about 130 grains. These were called στατῆρες Κροίσειοι: they were succeeded by the Persian gold coins of the same weight, called Darics or στατῆρες Δαρεικοί. About B.C. 400 Athens, Rhodes, Olynthus, and other cities began the issue of gold staters of nearly the same weight (about 133 grains), and this weight was also preserved in the gold staters of Philip and Alexander of Macedon and the successors of Alexander. Thus the gold stater was almost invariably in antiquity an Attic or Euboic didrachm [Pondera] and of the metal value of about 23 shillings. Mr. Ridgeway has in the *Journal of Hellenic Studies* (vols. viii., ix.) produced evidence that the gold stater was originally regarded as representing the value of an ox.

Gold Stater of Alexander.

Silver Staters.—As in Greece proper silver, not gold, was the staple of the currency, the stater was in the cities of that district of silver. Among the Aeginetans the stater, στατὴρ Αἰγιναῖος, was the didrachm of about 194 grains; and among the Corinthians the tridrachm of 135 grains, which was termed in Sicily δεκάλιτρος στατήρ, because it was equal in value to ten Sicilian litrae. But the litra (*q. v.*) was also in Sicily called a stater, as being a local measure of value. In Italy the coins which would elsewhere have been termed staters were called *numi:* as the Tarentine numus, and the Roman denarius and sestertius. At Athens the term stater was applied not only to the gold didrachm, but also to the silver tetradrachm, at all events in later times; and as in the Roman age the Attic drachm was regarded as equivalent to the denarius, and the denarius was the eighth part of a Roman ounce in weight, the stater or tetradrachm was stated to be of the weight of half an ounce. Similarly the Ptolemaic and Hebrew staters were tetradrachms of silver.

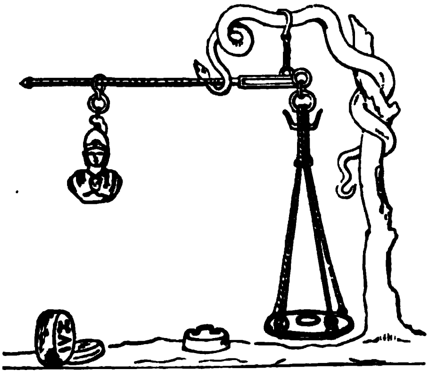
Electrum Staters.—The coins in electrum issued in early times by the Greek cities of Asia Minor were commonly spoken of as staters. Thus we frequently read in Attic inscriptions entries of στατῆρες Φωκαϊκοί, Λαμψακηνοί, and Κυζικηνοί, and Demosthenes speaks of a Cyzicene stater as equivalent in value to 28 Attic drachms (*adv. Phorm.* p. 914): there are reasons for thinking that it was of the same value as a Daric (Gardner, *Numismatic Chronicle*, 1887, p. 185). Cyzicene and Lampsacene staters (weight 248 grains) still exist in great abundance, but few Phocaic staters. Some electrum staters are figured under Electrum.

It has been impossible in this slight summary to quote the passages from ancient writers, Pollux, Hesychius, &c., on which the above statements are based. But by turning to στατὴρ in the index to Hultsch's *Metrologici*

Scriptores, authority will be found for all of them. The common notion that the stater is necessarily a didrachm is erroneous. [P. G.]

STATE'RA, a steelyard. This seems to have been an invention of Italy: according to Isidore (*Orig.* xvi. 24), it was first used in Campania, and was called *trutina campana;* and it may be remarked that in Roman remains generally the steelyard is the commonest form of weighing machine discovered. There can be no doubt that the balance [LIBRA] was a far older contrivance than the steelyard: Blümner (in Baumeister's *Denkmäler*, p. 2078) conjectures as the primitive form a simple bar of wood placed through a ring or loop with the articles to be weighed against each other hung at the two ends. The more elaborate balance was a natural improvement on this, but the steelyard clearly involved more ingenuity and calculation.

An account of the steelyard will be found in Vitruvius, x. 3, 4. The parts defined are the beam or yard (*scapus*) suspended by a hook or chain which is called the handle (*ansa*); in this is the point of revolution (*centrum*), and near it is the *caput*, from which depends the scale (*lancula*): on the other side of the *centrum* the *scapus* is marked with points (*puncta*), which express the weight of objects in the scale as the *aequipondium*, or hanging weight, moves along the beam. This aequipondium was generally adorned with a head divine, human or animal.



Statera. (From Museum at Rome.)

The example here given is from the Museum of the Capitol at Rome. Others differ in having less ornament; and it is common also to find a hook attached to the shorter arm between the *centrum* and the *caput*, which was intended to hold articles whose size and shape made it convenient to hang them on, instead of putting them in the scale, and, as this altered the leverage, there was a double set of *puncta* on the beam to suit either arrangement. A third kind is shown in Baumeister (*Denkm.* fig. 2316), where a weight hangs on one arm of an ordinary balance, this arm being marked with *puncta.* It is clear that this was intended for use either as *libra* or *statera:* in the former case the weight would be detached; in the latter one scale would be detached (or allowance made for it in the *puncta*), and the other would be used as in the steelyard.

It must be observed that, though *statera* is strictly the steelyard, it is often used for a weighing machine of any kind: *e.g.* in Suet. *Vesp.* 25, the *statera* of the dream is clearly a balance with two scales; so also the *aurificis statera* is doubtless a balance of a peculiarly delicate kind contrasted with the *popularis trutina*, or less carefully adjusted balance; for *trutina* is used for any weighing machine, without distinction of form. (An illustration of this goldsmith's balance from an ancient relief is shown in Blümner, *Technologie*, iv. 312.)

The engraving in this article shows various weights (*aequipondia*, *σηκώματα*), such as may be seen in many museums, and of which a large collection may be studied in the British Museum. There was at Rome a special guild of *Sacomarii*, or makers of weights (*C. I. L.* x. 1930; Marquardt, *Privatl.* 713). For a marble altar set up by a guild of Sacomarii at Ostia, see Lanciani, *Ancient Rome*, p. 34, London, 1889. [G. E. M.]

STATIO'NES FISCI. The Fiscus (*q. v.*) was divided into various departments, called *stationes*, according to the different revenues or business belonging to it (Cod. 4, 31, 1; 8, 43, 2; 10, 5, 1). Thus we hear of a *statio hereditatium* (Wilmanns, *Exempla Inscriptionum Latinarum*, 1272); a *statio xx. hereditatium* (Wilmanns, 1272, 1389); a *statio quadragesima Galliarum* (Wilmanns, 1397, 1398; see QUADRAGESIMA); a *statio ferrariarum* (Wilmanns, 1408); a *statio urbana* (Wilmanns, 2810); a *statio marmorum* (Wilmanns, 1377); a *statio annonae* (Orelli, *Inscr.* 4107=4420). We meet also with a *statio privatarum* (Wilmanns, 1277), and a *statio patrimonii Augusti* (Wilmanns, 1353, 2811). Officials connected with a statio are mentioned in the above inscriptions under the names of *procurator*, *praepositus*, *contrascriptor*, *princeps tabularius*, *optio tabellariorum*, *pedisequus.* [F. T. R.]

STATIO'NES MUNICIPIO'RUM. [GRAECOSTASIS.]

STATOR. [EXERCITUS, Vol. I. p. 794 *b*.]

STATUA'RIA ARS. This title will be used in the present article in its widest interpretation, including in fact all that we call by the name "sculpture," whether in relief or in the round, and whatever be the material in which it is executed. For details in various branches of the subject, special articles must be consulted; and for information as to the life, works, and style of the various artists mentioned, see the articles under their respective names in the *Dictionary of Biography and Mythology*. Here will be found—I. a description of the materials and technique of ancient sculpture; and II. a historical sketch of its development and decline, with special reference to the relations and periods of the various schools, and to extant works of sculpture.

I. *Materials and Technique.*

As to materials, we may distinguish (*a*) stone and marble; (*b*) bronze and other metals, such as silver; (*c*) wood, sometimes inlaid and gilded, or with portions in marble (*acrolithi*) or gold and ivory (*chryselephantina*); (*d*) terra-cotta. The technique must be considered in each case separately.

(*a*) *Stone or Marble.*—This is the most important to us, because, from the nature of the materials, nearly all the statues still preserved are of this class. But it must always be remembered that this material had no such preponderance over the others in ancient times as it has in modern museums. But it was at all times very extensively used, and consequently we possess examples of all periods in stone or marble, from the shapeless dolls which show the first rude attempts to represent the human form, through the rise, finest period, and decline of sculpture, to the last decadence of Roman work.

The "invention" of sculpture in marble is traditionally attributed to Melas of Chios and his family, in which Archermus is the best-known name. Like other traditions of "inventions," this must not be insisted upon.

In the earliest period of sculpture, the squareness of the form of the body has often been noticed. Some have wrongly attributed this to an influence of wood technique. It is doubtless due to the fact that the early sculptors, like beginners of to-day, traced first the full aspect or profile of a figure on the front or side of their block, and then worked through at right angles to the surface: traces of this proceeding are clear on some unfinished statues, which have the flat surfaces and corners produced by it not yet rounded off.

Much confusion exists in the opinions of archaeologists as to the extent to which pointing from a finished clay model was used. In some cases points are still visible, not completely worked off the statue. But this is only in the case of late Hellenistic or Roman works, and it may be seriously doubted whether any such practice prevailed in the best times of Greek sculpture. Unfinished Greek statues—of which several exist in Athens—show no sign of it. The block is worked away in successive layers, more delicate instruments being used as the sculpture progressed. For the probable facts as to the use of clay models (*proplasmata*) see *sub voc.*, and also section (*d*) below. The tools mostly used were the punch, with a mallet, and various chisels; in a more advanced stage of the statue a claw chisel was used; it was then finished with an ordinary chisel. Traces of all these processes are clear in unfinished statues. The drill seems to have been used in earlier times only for fixing ornaments, &c. Callimachus is said to have been the first to make sculptural use of it. Later it was extensively used for the hair and the deeper folds of the drapery, and in careless work its marks were never worked off. A very highly polished surface is characteristic of works of the Hellenistic period, and especially of the Pergamene school. The application of colour is a question of great importance, which can now be decided with regard to archaic works, though there is still some difficulty as to statues of later periods. Where rough stone was used, colour was applied to all parts, more or less conventionally—red for the nude parts, and blue for hair, clothes, &c., being the colours most used. But as marble came to be more extensively and afterwards almost exclusively used, the beauty of the material and its exquisite rendering of the texture of the skin naturally precluded the use of colour on the nude parts: this was especially the case with female statues, the white colour for the skin of women being already prevalent on archaic vases. In the best preserved series, the archaic female statues on the Acropolis at Athens, we find the skin and the whole mass of the drapery left uncoloured; red is applied to the hair, lips, and eyes, in the last case with touches in dark purple or brown, and other colours; and the drapery has borders and scattered ornaments painted on it in red, blue, green, and dark purple or brown. A garment is completely coloured only when but a small portion of it shows; *e.g.* the breast and sleeve of a chiton when an outer garment is worn that conceals the rest of it. To judge from this evidence, it seems impossible that in the finest period it was customary to apply colour to the whole or great part of the surface of a statue. (We are, however, told that Praxiteles considered those works to be his best which were improved by the "circumlitio" of the painter Nicias.) Surviving examples of tinted statues of later period —one or two are known—may possibly be either experiments or imitations of terracotta or other materials. But it is impossible to be certain until we have as complete and well-preserved a set of statues surviving from some later period as those on the Acropolis from the time preceding the Persian wars—a discovery perhaps beyond hope.

In the earliest times all kinds of local marble were used; that of Paros, sometimes called lychnites, came early into common use from the fame of local artists, and its excellence made it always remain the favourite. Pentelic marble was extensively used at Athens during and after the fifth century; Hymettic only for inferior work, except in the earliest time. In the Roman period the quarries of Luna, the modern Carrara, were worked very extensively.

(*b*) *Bronze*, *&c.*—Bronze was probably the material most used by the great artists of antiquity, but the ease with which it was destroyed and melted down into useful metal has spared us but few examples. Beside statuettes, which are innumerable, only a few life-size or larger statues remain: among the most important are the archaic bearded head found on the Acropolis at Athens in 1887, a seated statue of a boxer found in Rome in 1886, and the head of Aphrodite in the British Museum. Various mixtures of bronze were known, and preferred by different artists; the Corinthian and Aeginetan were the best known [see AES].

The most primitive method of bronze-working implies no knowledge of casting, but merely hammering plates into the required shape and then riveting them together. Bronze-founding is said to have been "invented" by Rhoecus and Theodorus of Samos, about the middle of the sixth century; the nature and extent of this "invention" are not clear; a colossal bowl of bronze is said to have been made in Samos long before their time. It is doubtful at what period hollow casting of complete statues became usual. This was probably done, as it is now, by the *cire perdue* process. In this process the modelling is finished on a layer of wax over a fire-proof core. A casing is added, and the wax is then melted out and bronze poured in. On a vase, probably of the fifth century, is represented a bronze founder's workshop, where the body, head, and limbs, cast separately, are being finished and inserted into their places by workmen. The final polishing and finish of detail took place after casting, and on the same vase are some workmen employed in these processes, which properly belong to CAELATURA, *q. v.* *Caelatura* also includes all purely decorative work in metal, such as was frequently applied to the details of great statues.

Silver and gold, as well as bronze, were occasionally used for statues; *e.g.* a gold *sphyrelatum* of Zeus was dedicated by the Cypselidae of Corinth at Olympia. Such a work is quite distinct from the *chryselephantina*, which probably are a development of the next material.

(*c*) *Wood*, often gilt and enriched with other materials. This material was extensively used in early times, but naturally has not been preserved: the primitive *ξόανα* were frequently, but not exclusively, of wood; the influence of wood technique on early sculpture has probably been exaggerated. The development of this material is seen in the works of Dipoenus and Scyllis of Crete, and the school they founded in Sparta. First comes the use of ivory and ebony; then the wood is coated with gold, and so the transition is easy to the great chryselephantine works, in which gold and ivory only are seen. Of course such statues must have had a core of wood when small (at Megara the wooden portions of an unfinished gold and ivory statue were preserved): this was replaced by an internal framework when on a large scale. *Acrolithi*, in which the ivory is replaced by marble, and the gold by gilded wood, were a cheap substitute for *chryselephantina*.

(*d*) *Terracotta* was very little used for monumental purposes by the Greeks, though it is said to have been used for temple sculptures at an early period in Italy. But the use of clay-moulding is a question of great importance and difficulty. Figurines in terracotta, mostly made for dedication in temples or burial in tombs, are preserved in very large quantities in all museums. They supply the models of the earliest and rudest art; they reproduce the masterpieces of all periods, and many artists devoted great skill and originality to their manufacture [TERRACOTTA]. These terracottas can only be referred to here for the information they give us as to the larger and more monumental works which form the subject of the present article. But in connexion with this material and the process of modelling it, must be also considered the use of finished clay models in making statues of marble or bronze. The clearest passage concerning this is in Pliny, xxxv. § 156: "Pasitelen, qui plasticen matrem caelaturae et statuariae sculpturaeque dixit, . . . et nihil umquam fecit antequam finxit;" and he makes similar statements as to Arcesilaus. We thus see that the practice was used by the chief artists of the first century B.C. We do not know for certain how much earlier it began. Just above (§ 153), but in confused context, Pliny seems to state that after the time of Lysistratus, the brother of Lysippus, no statues were made without the use of clay models. Thus it seems to be implied that a universal use of finished clay models came in after the end of the fourth century. On the other hand, the famous remark of Polycleitus, who worked mostly in bronze, *χαλεπώτατον τὸ ἔργον, ὅταν ἐν ὄνυχι ὁ πηλός*, seems to imply a use of finished clay models, at least in the case of bronze works, at a considerably earlier date. Great works in gold and ivory also seem to imply a finished clay model after which the scales could be worked. And we hear of one such work (by Theocosmus at Megara) in which, the materials failing, the body was supplied with plaster and clay—doubtless the model prepared for the work. But at least in the case of marble we have seen that execution was more or less free hand in the best period, and that pointing from a finished clay model was certainly not universal till Roman times, if even then. It is at any rate certain that the practice of making first a clay model, whatever was to be the final material, and leaving the rest to copying by more or less mechanical means, was not in use among Greek sculptors, who always carried out the details of practical execution in the final material as far as possible with their own hands. On unfinished works of Greek or even Hellenistic period (*e.g.* the small frieze of Pergamus) puntelli are not usually to be found; they occur on works of the Roman period.

II. *Historical Sketch.*

The beginnings of Greek sculpture may be assigned to about the year 600 B.C. What art existed before in Greece was either purely decorative, or entirely subordinate to foreign influences. It will be well to divide the whole history into periods, for greater facility in its consideration.

1. Before 600 B.C. Earliest traditions; foreign influences.
2. 600 B.C.—480 B.C. Greek archaic—Early schools.
3. 480 B.C.—400 B.C. Greek fifth century—Phidias, Polycleitus.
4. 400 B.C.—320 B.C. Greek fourth century—Praxiteles, Scopas, Lysippus.
5. 320 B.C.—150 B.C. Hellenistic—Asiatic schools.
6. 150 B.C.—300 A.D. Graeco-Roman and Roman.

1. *Before* 600 B.C. *Earliest traditions; foreign influences.*—Before considering Greek tradition, we must first recall the state of foreign arts at this time, and the channels by which they could influence the nascent art of Greece.

Egyptian art had in the seventh century reached a low ebb, having declined since the period of colossal works which accompanied the national revival under the Ramessid dynasty. But another revival took place under the prosperous rule of Psammetichus, marked more by delicacy of execution than greatness of conception. Psammetichus seems to have favoured foreign intercourse, and the first Milesian colony at Naucratis was founded in his reign. The direct influence of Egyptian art on Greece must, however, been less than the indirect, conveyed chiefly through the Phoenicians. The same people probably conveyed to Greece the influence of Assyrian art, which had passed through all the stages of its development before sculpture can be said to have begun in Greece. But at a time when no copies, casts, or drawings of foreign works of art existed, and when artists cannot often have travelled to study foreign masterpieces, the only possible means for conveying foreign influence must have consisted in small and portable articles, arms and utensils, reliefs, statuettes and carvings in ivory, wood, metal, &c., such as could easily be made articles of traffic. Such objects might either be Phoenician imitations, or might be genuine products of the art they represented. With the arts of Asia Minor the case is different. The numerous Greek colonies here superseded any need of Phoenician intermediaries, and intercourse with Phrygia, Lydia, Caria, and Lycia is to be inferred both from tradition and extant remains. Various rock-cut sculptures of Asia Minor, such as the Niobe of Mount Sipylus, were known to the Greeks from early times. Above all, several of the islands served as centres where Oriental and Greek art met: the position of Cyprus in this respect is often misunderstood; the Greek element there was always subordinate, and all arts seem to have lingered and died out, but never to have developed. To Rhodes, on the other hand, may be traced many of the most fruitful influences in early Greece; and it seems probable that a similar position was held in the earliest times by Crete, though this cannot be certainly known till extensive excavations have taken place in that island.

Some vague tradition of the influences just mentioned may be traced in the myths of such creatures as the *Cyclopes*, *Idaean Dactyli*, and *Telchines*—monsters or daemons of superhuman strength and skill. The *Cyclopes* are usually said to come from Lycia; they are usually represented as the builders of colossal walls, such as those of Mycenae and Tiryns; but works of sculpture are attributed to them—a head of Medusa at Argos and the Lions over the gate at Mycenae (which really belong to a Phrygian series). The *Idaean Dactyli*, or Fingers from Mount Ida, are attributed sometimes to Ida in Phrygia, sometimes to Ida in Crete; besides possessing skill in magic, they are said to have invented the working of iron. The *Telchines*, often in later times confused with the Dactyli even in names, seem to belong to Rhodes (Ov. *Met.* vii. 365), but are also connected with Crete and Cyprus. They, too, work in iron and bronze, and also practise magic. To these mythical workmen are attributed such objects as the Trident of Poseidon, the thunderbolts of Zeus, the Sickle of Cronus. It is obviously absurd to look for historical races or persons in such stories; but the countries to which they are assigned may indicate the belief of the Greeks as to the quarters whence were derived the technical appliances of art in the earliest times.

The next step in tradition brings us to *Daedalus* and other names of what is sometimes called the *Heroic period* of art. Late writers describe the improvements made by Daedalus in sculpture, by opening the eyes, separating the legs, and freeing the arms from the body, and ascribe extant works to him, as if he were a historical person. But these statements are obviously mere euhemeristic or rationalistic explanations of old tales of magic; Plato, Euripides, and Aristotle ascribe to him, not only sculptural attainments, but feats of magic, such as are ascribed also to Hephaestus. It is also obvious that statues with eyes shut probably never existed, that the legs are separated in the conventional stride in Egyptian and other imported statuettes, and that the arms remained close to the body far later than any period that could be assigned to Daedalus. In Homer he is only referred to as devising a χορὸς (*i.e.* a dance or dancing-place) for Ariadne—not necessarily as a sculptor; a late misinterpretation identified the actual relief he made with one extant at Cnossus in Crete. But there is no more reason for attributing historical truth to his inventions in the art of sculpture than in that of flying. By the earlier Greeks he was regarded as a mythical inventor and magician, from whom families in Athens and in Crete claimed descent; he became later the personification of early Greek art, and hence, naturally enough, statues of Greek origin and unknown antiquity came to be attributed to him.

One or two other names of artists belong to the heroic period. As the maker of the Trojan wooden horse, *Epeius* has more claim to being mentioned as a sculptor in Homer than Daedalus has; later, at least one extant statue was attributed to him; but his character seems no less legendary. So, too, statues said to have been dedicated by various heroes were probably either imported or native works of unknown antiquity. Even Pausanias notes that a bronze statue said to be dedicated by Ulysses was cast in one piece, and so could not go back to his time. Two or three of the earliest Greek sculptors may perhaps belong to this period before 600 B.C.; but there are as yet no schools, and no regular succession. Some works of decorative relief must, however, be noticed, which, though not properly works of sculpture, are usually included in all books upon the subject. The *Shield of Achilles* is the first of this series. It is not to be imagined that the description in Homer (which, though probably an interpolation, is still as early as 700 B.C.) is derived from any single shield, or even that its individual scenes describe actual reliefs seen by the poet. But though the arrangement is his own, the detailed description of such a work seems to imply that the poet had seen similar subjects similarly treated, though not necessarily by a Greek artist; the nearest analogy is to be found in Phoenician bowls: with these, too, the arrangement in five concentric zones corresponds. The scenes, as in Oriental reliefs, are all from ordinary life. In the *Shield of Heracles*, wrongly ascribed to Hesiod, the same arrangement in zones, but more complicated, is described; but the scenes are already partly mythological.

We may compare these poetical descriptions of imaginary works with the *Chest of Cypselus*, dedicated at Olympia, which Pausanias describes. [ARCA.] Cypselus reigned in Corinth 657–629 B.C.; and as the chest was dedicated by his descendants the Cypselids, it may probably be assigned to the end of the seventh century. (Most authorities place it much earlier, saying that it is the identical chest in which Cypselus was hidden when a child; but even if it were so, the decorations were probably added just before dedication, as their character and the added inscriptions show.) Here the scenes, which were arranged in five friezes along the chest, and were carved in the wood with additions in ivory and gold, are taken entirely from mythology.

The nearest analogy to this work is seen in the Corinthian vases of the sixth century; being a decorative work, it can only be here quoted incidentally, to show the standard attained both in subjects and technical facility at the time when sculpture was first beginning in Greece. It is, however, recorded that certain images of the gods existed even in this earliest period. The only apparent exception to the statement that sculpture is unknown to Homer is offered by the figure of Athena in Troy, upon whose knees the matrons lay a robe. But this need not imply a completely finished statue; those covered in later times with votive drapery were of the rudest and most primitive description. The golden youths bearing torches in the palace of Alcinous, like the golden maidens of Hephaestus, belong to magic rather than to sculpture. Doubtless some of the representations of the gods dated from a very remote period; they are described as mere logs or rough stones, δόκανα or λίθοι ἀργοί, and in some cases are said to have fallen from heaven: these were often ornamented in various ways; often they were wrapped in drapery; sometimes they were plated with bronze: the *Apollo of Amyclae* was a bronze column, with helmeted head and hands and feet attached. Such rude images of the gods exist among all primitive peoples; but it was not the development of these images, of which the type was fixed by religious conservatism, that led to the rise of Greek sculpture. Statues, whether of the worshipper or the god, dedicated in temples, offered freer scope than the temple statue itself; and these were rather enlarged imitations, at first, of imported foreign models, than repetitions of the sacred image.

(For more details as to this period, see ACROLITHI, DAEDALA, DOKANA in Vol. I., and *Dict. Biog. & Myth.*: Cyclopes, Dactyli, Telchines, Hephaestus, Daedalus, Epeius.)

2. 600 B.C.—480 B.C. *Greek Archaic—Early Schools.*—During the rise of Greek sculpture, the artists recorded by literature belong to local schools or even families, which, while they influence one another, preserve a character of their own. It is not always easy to associate these schools with extant works. Tradition assigns various schools, working in various materials, to the islands: Chian marble workers, the family of *Melas*, *Micciades*, *Archermus*, *Bupalus*, and *Athenis;* Samian bronze-founders, *Rhoecus*, *Theodorus*, and *Telecles;* Cretans working in marble and wood, *Dipoenus* and *Scyllis*, the "Daedalids," who worked also in many cities of the mainland, and had scholars in Sparta and elsewhere. Generally we notice the importance of the islands, and not the same islands as in the previous period, except Crete with its tradition of Daedalid masters. Naxos and Paros with their marble quarries, Samos and Chios, in close touch with the art of eastern Asia Minor, and Thasos, are all conspicuous either for recorded artists or actual works that they have yielded.

Among the most primitive statues extant is that of *Hera from Samos*, in Paris (fig. 1), which is merely a round column below, with elaborate drapery. Parts of two similar figures are on the Acropolis at Athens.

From various indications, we are led to believe that what we may best call the Ionic style was in early times of great influence and importance. Several works are still preserved from Asia Minor: the seated statues from the sacred way at Branchidae near Miletus; the earlier temple of the Ephesian Artemis, with sculptured columns, some of them dedicated by Croesus (specimens of both these are in the British Museum); the frieze from the temple of Assos in the Troad (now mostly in the Louvre). A similar character may be noticed in some early Lycian sculptures, probably under Ionic influence — especially the Harpy monument (in the British Museum), and also in works found in some of the islands, and even the N.W. of Greece. Instances are a tombstone relief of a man and a dog (in Naples) from Asia Minor or an island; another tombstone, with a seated lady, a child and attendant (called *Ino Leucothea*, in the Villa Albani at Rome), also from the same region; a relief with Apollo, Hermes and the nymphs from Thasos (in the Louvre), and various tomb reliefs from Thessaly (mostly in Athens). All these works have some characteristics in common, which may be shortly described as softness and laxity of style, as opposed to the hard and precise sculpture of the Peloponnesian schools. Perhaps

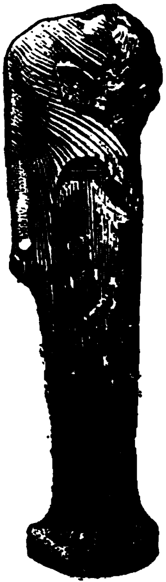


Fig. 1.
Hera, from Samos.
(Louvre.)

Fig. 2.
Winged figure by Archermus. (Athens.)

we may see also the influence of painting in the excellence of composition and general impression, combined with many inadequacies and even carelessness in details, which is often found in the sculpture of Northern Greece and the islands. The artists of the Ionic coast and islands doubtless travelled and exercised a wide influence. It is recorded that the Chian *Archermus* worked at Delos, and a pedestal has been discovered, with his name and that of his father, *Micciades*, to which belongs almost certainly, a female flying figure of very primitive style (fig. 2). It is recorded that *Archermus* was the first to represent Victory with wings, and here is probably the very statue in which he did this. The name of *Archermus*, inscribed in a different alphabet, occurs also on a base on the Acropolis at Athens; in the same place the names of *Endoeus*, *Aristocles*, and many other artists, probably Ionians, have been found. The Ionic influence in Athens is clearly visible in some early architectural sculptures found on the Acropolis, cut in rough stone and entirely coloured. These are mostly the pediments of early temples, and represent in low or high relief the combats of Heracles or Zeus with fish-tailed or snake-tailed monsters—Triton, as at Assos, Typhon, the Hydra, &c., whose tails conveniently fill the angles of the pediment, while the bodies show the heavy and sometimes grotesque forms characteristic of Asiatic Ionic art. The most important series of statues of early Attic art are a set of female figures (similar to others found in Delos and elsewhere), most of which were found in a position where they must have been buried just after the Persian invasion, and therefore date from the period immediately preceding it, say about 550–480 B.C. In these it is possible to trace the gradual development of Attic style, from the rude figures with stiff drapery and grimacing smile inherited from Ionic art, to the graceful drapery and "unconscious" smile noted by Lucian as characteristics of *Calamis*, the representative of this Ionic-Attic school in the fifth century. (The most advanced head of this type is represented in fig. 3.) Such female statues, often dedicated in sacred precincts and representing either a goddess or her worshipper, are the ultimate development of the type first seen in the primitive draped female statuettes found on early Greek sites, and often, doubtless, of foreign origin. A corresponding nude male type was developed into the series of statues commonly called "Apollo," and known by the place where they were found,—the *Apollo of Thera, of Tenea* (fig. 4), &c.

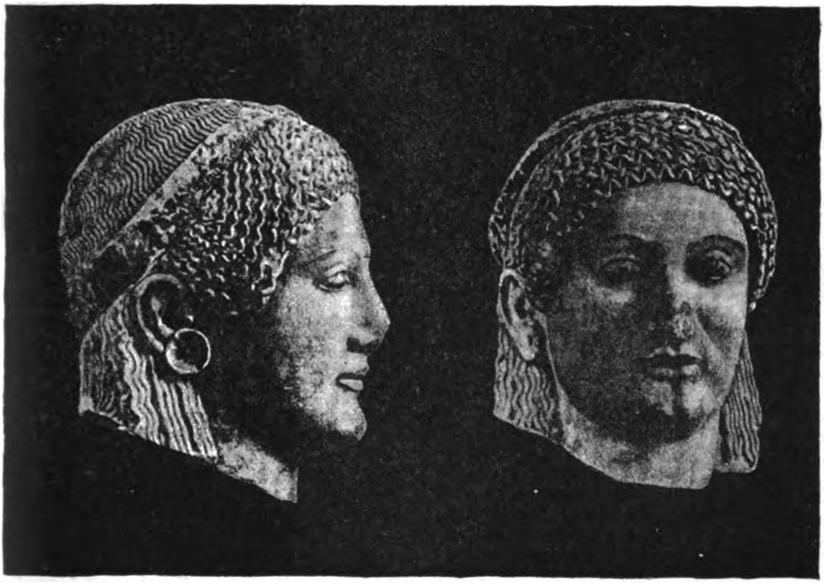


Fig. 3.
Head of statue on Acropolis, Athens.

Discussions have arisen whether these are statues of that god, or portraits of the deceased erected on graves, or athlete statues; the fact is that they simply represent the common male type, and that without special indications, such as attributes or circumstances of finding, it is impossible to decide what was the artist's intention in making them. Here may be quoted especially the *Apollo of Thera*, which may be attributed to an island school. The stela of *Aristocles* also shows the tradition of the Ionic school in Athens. The pictorial and harmonious composition and expression, with the notion of power and rest they convey, offer the greatest contrast to Aeginetan and Peloponnesian works, lively and excellent in muscular detail, but angular and forced in attitude.

In the art of the Peloponnese various influences may be traced; some early grave reliefs from near Sparta, which show the deceased as a hero, with worshippers, are in flat planes with square-cut edges, perhaps a reminiscence of wood technique. The earliest Spartan artists are said to have been scholars of the Cretans *Dipoenus* and *Scyllis*, and to have developed the combination of wood-carving and inlaying into chryselephantine sculpture. The works of this nature by *Theocles*, *Dontas*, and *Doryclidas* were preserved in the treasury of the Megarians and in the Heraeum at Olympia, and some of them were extensive groups. Even into Laconia Ionic influence also penetrated; *Bathycles* of Magnesia was employed to make a "throne" for the *Apollo of Amyclae*, already referred to. This throne must, from the description, have been a kind of carved screen surrounding the statue, ornamented with mythological scenes and statues, including "portraits" of the artist and his assistants. *Gitiadas* of Sparta, whose date relative to the other artists just mentioned is uncertain, made the statue and decorated the temple of Athena Chalcioecus at Sparta; its walls were covered with bronze reliefs of mythological subjects. Perhaps he may represent the Doric style of such decoration, as *Bathycles* does the Ionic; both were to be seen in the treasury of the Sicyonians at Olympia. *Gitiadas* made also statues of Aphrodite and Artemis "under tripods," corresponding to another made by *Callon* of Elis, and this fact is of importance for his chronology.

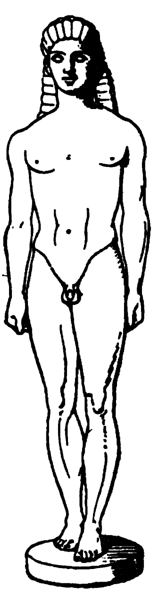


Fig. 4.
Apollo, from Tenea. (Munich.)

Another artist who worked in Sparta was *Clearchus* of Rhegium, also a pupil of Dipoenus and Scyllis, who made a bronze statue of Zeus, beaten in plates and riveted. He was the master of *Pythagoras* of Samos and Rhegium.

Two allied styles, those of Megara and its colony Selinus in Sicily, are known to us by architectural sculptures still preserved. The pediment of the Treasury of the Megarians at Olympia represents a gigantomachy, which both in subject and style strongly resembles the metopes of a Selinus temple of middle period. There is another temple at Selinus considerably older, and probably not much later than the foundation of the colony, and so belonging to the beginning of the sixth century. Its metopes, in high and round relief, but with thick ungainly forms and grotesque subjects and treatment, represent Perseus slaying the Gorgon, Heracles with the Cercopes slung on a stick across his shoulders, and a chariot, the last apparently of a more advanced art. There is also a third and much later temple at Selinus, in which the style of the metopes is graceful, but softer and weaker in composition and execution. In them the nude parts (faces and arms) of female figures are inserted in white marble, the rest being of coarse stone. (All the Selinus sculptures are now in Palermo.)

Many examples of archaic sculpture have been discovered in Boeotia, mostly showing the characteristics of a local school; but a grave relief of a draped man, signed by *Alxenor* of Naxos, shows that here also the influence of Asia Minor and the islands was not unknown; it shows pictorial treatment and remarkable foreshortening. But other works seem to show an independent local style, developing from the most primitive types, as seen in the *grave relief of Dermys and Citylus*, two roughly-shaped male figures, with long hair and no drapery, standing with their backs against a slab and their arms round one another's necks. The most important Boeotian works are a set of nude male statues of the so-called "Apollo" type; the *Apollo of Orchomenus* (fig. 5) has a stolid expression and careful but exaggerated surface rendering of muscles and skin. Several other statues showing similar but more advanced style have been found in the temple of Apollo Ptous. These all show a roundness of waist and conical shape of chest that contrast with Ionic statues. The latest of them has a grimacing smile, perhaps due to Attic or Aeginetan influence, and the forms of the body also approach the Aeginetan style. Similar characteristics may be seen in the Strangford Apollo in the British Museum.

Fig. 5.
Apollo, from Orchomenus. (Athens.)

In the development of the rendering of the nude male figure, the influence of the various athletic games, and of erecting statues of victors in the contests, can hardly be over-estimated. The first portraits of this sort are said to have been dedicated at Olympia about 540 B.C., but some are recorded earlier elsewhere, *e.g.* of Arrachion at Phigaleia, who was victor about 560 B.C., of a most primitive type from its description by Pausanias. But of course the statue need not in all cases be as old as the victory. These statues were doubtless at first mere reproductions of the conventional male type, not to be distinguished from the "Apollo" statues, but a specialisation of the type for various kinds of athletes, and even individual portraits followed: Pliny says that the last were only permitted to those who had been thrice victors. Throughout the course of Greek history the class of athletic statues was especially, but not exclusively, associated with the schools of Argos and Sicyon. In the later archaic period Sicyon is represented by *Canachus*, who made the bronze statue of Apollo at Branchidae, carried off by Xerxes (or Darius). Cicero quotes his works as "rigidiora quam ut imitentur veritatem," and harder than those of *Calamis*. *Canachus*' brother *Aristocles* founded a school of sculptors of athletes that lasted seven generations.

At Argos, *Chrysothemis* and *Eutelidas*, who made athlete statues about 520 B.C., assert in an inscription that they belong to a regular school. But the best known early Argive artist was *Ageladas*, famous as the master of Phidias, Polycleitus, and Myron. He made statues of gods as well as of athletes: his artistic activity was prolonged over an extensive period, from the end of the sixth to the middle of the fifth century or even later; but his style we can only infer from his influence on others. The Argive type was transmitted to and perfected by Polycleitus; but Phidias seems to have added under this influence a Doric earnestness to the Ionic grace of Attic sculpture, and Myron to have developed a different athletic ideal. Other Argive artists are *Glaucus* and *Dionysius*, who made some great groups at Olympia, including an allegorical one of the founder of the games amidst a group of deities and personifications.

The place of Aegina in sculpture seems to be like its geographical position, intermediate between Argos and Athens. Its artists were of wide reputation in early times, and worked at Olympia, Athens, and elsewhere, as well as in their own island. Their favourite material was the Aeginetan bronze. *Smilis* ("the carver"), the earliest Aeginetan artist, is by many regarded as a purely mythical character, like Daedalus, with whom he is sometimes associated; but others regard him as a historical character, quoting the name of Stesichorus as analogous. The Xoanon of Hera at Samos was attributed to him. In historical times *Callon* and *Onatas* are the most prominent names. They flourished about the beginning of the fifth century. Callon is said to have been a pupil of *Tectaeus* and *Angelion*, who themselves were pupils of the Cretan *Dipoenus* and *Scyllis*, and who made the statue of Apollo at Delos. Thus we have two traditional connexions with the primitive sculpture of Samos and Delos. Callon's style is said by Quintilian to be harder than that of Calamis. *Onatas* worked in many places, and several important statues of divinities by him were known to Pausanias. At Olympia he made a group of the heroes before Troy casting lots; and another of the fall of the Iapygian king Opis, for the Tarentines. This last is very similar in subject to the pediments from Aegina now in Munich. Other distinguished artists of Aegina were *Glaukias* and *Anaxagoras*, both of whom worked at Olympia, the former for Gelo of Syracuse and others, and the latter for a common dedication by the Greeks after the battle of Plataea. Even in ancient times, some writers note the distinction between the Aeginetan and Attic styles, as the two best known types of archaic sculpture. The pediments from Aegina, though architectural works and so of marble, not of bronze, supply the most certain evidence as to the Aeginetan style. The composition is not adapted to fill the given field by decorative means, as in the much earlier pediments of the Ionic style, but by a symmetrical and graduated arrangement of the figures. Both pediments are of similar composition, portraying the fight over a fallen warrior in the centre, by warriors standing and kneeling, the corners being filled with other wounded men (fig. 6). The admirable and sculpturesque rendering of all details and the careful study of the nude male form recall the athletic schools. The remains of the east pediment, though more scanty, are the better finished both in details, such as the rendering of veins and in expression of face, the conventional smile being retained but modified; it has been suggested with probability that it was executed by a younger artist, who had to carry out the original design. The names of both *Callon* and *Onatas* have been found on bases on the Acropolis at Athens.

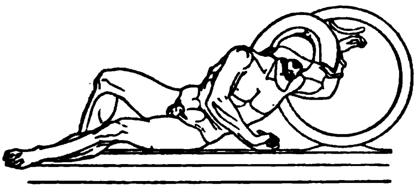


Fig. 6.
Fallen warrior, from Aegina.

Thus it is easy to trace the influence otherwise probably of Aegina upon some classes of Attic sculpture. The influence of athletic sculpture was felt also in Athens, where there was another set of sculptors representing a different tendency from the development of the Ionic style already mentioned. These are *Antenor* and *Critius* and *Nesiotes*. Antenor was employed to make the statues of the Tyrannicides Harmodius and Aristogeiton which were carried off by Xerxes, and replaced by others by Critius and Nesiotes. These statues have been identified on Athenian coins and reliefs, and hence in two marble statues at Naples. It is uncertain whether these reproduce the originals by Antenor or those later made to replace them; but both may probably have represented the same motive. The very fine, but dry and sinewy treatment of the body is remarkable, and more advanced than the treatment of the face (in the one remaining head), drapery, and hair—exactly the reverse of what we find in the Ionic-Attic style. Here may be mentioned also *Hegias*, said to have been the first master of Phidias; he is coupled by Quintilian with the Aeginetan Callon, as harder in style than Calamis.

After these names follow those of the immediate predecessors of Phidias, who belong to the next period. In all the great centres of art local styles and predilections as to subject had already been produced; and it was their rapid development that led up to the great sculpture of the fifth century.

The year 480 B.C., here adopted as the conclusion of the archaic period, forms a convenient boundary. On the one hand, the Persian wars mark the beginning of a new era in Greek art as in Greek history; on the other the expedition of Xerxes has in its material results afforded us the most certain criteria for fixing the age of later archaic and transitional works. On the Acropolis at Athens he defaced all works of art, and the fragments that remained were buried by the Athenians on their return, and replaced by new works, thus affording scope to the artists of the time. But the buried fragments have been recovered, and when pieced together give us an excellent notion of the condition of sculpture immediately before the Persian wars. The same discovery may well be made on other sites that suffered a similar fate. Thus the circumstances of our knowledge as well as the historical crisis make this a fit point at which to review briefly the archaic period, and afterwards to notice the advances that immediately followed.

We have seen that, according to tradition, sculpture took its rise, so far as Greece is concerned, among the islands, Samos, Chios, and Crete; and that it spread on the one hand through Asia Minor, the Aegean Islands, Northern Greece, and Attica, in what we may conveniently name the softer or Ionic style; while on the other hand the Cretan artists had scholars in the Peloponnese, Central Greece, and elsewhere: in most of these regions we find a harder style, which may be named Doric; but even here we sometimes find Ionic artists employed. The two styles concentrated themselves in Argos, Sicyon, and Aegina on the one hand, and in Athens on the other. Towards the close of the archaic period they seem, while retaining their essential characteristics, to have influenced each other to a considerable extent.

(For details as to artists of this period and their works, see *Dict. Biog. and Myth.*:—*Corinth* — Butades (Dibutades). *Samos* — Rhoecus, Theodorus, Telecles. *Chios*—Melas, Micciades, Archermus, Bupalus, Athenis. *Crete*—Dipoenus, Scyllis; their scholars, Tectaeus and Angelion. *Athens*—Simmias, Endoeus, Aristion, Aristocles, Antenor, Amphicrates, Critius and Nesiotes. *Magnesia*—Bathycles. *Sparta*—Hegylus, Theocles, Dontas, Dorycl̆idas, Gitiadas. *Rhegium*—Clearchus. *Sicily*—Perillus. *Aegina*—Smilis, Callon, Onatas, Glaucias, Anaxagoras, Calliteles. *Argos*—Eutelidas and Chrysothemis, Ageladas, Aristomedon, Glaucus and Dionysius. *Sicyon*—Canachus, Aristocles. *Elis*—Callon.)

3. 480 B.C.—400 B.C. *Greek Fifth Century.*—From this period onward it is less necessary to give any connected account, because the style and works of individual artists are far more prominent and better known; and for all such matters the articles in the *Dict. of Biog. and Myth.* must be consulted. Here will be found only such facts of this kind as serve to indicate relation or connexion of different artists and schools, and such notices of extant works as concern more than the individual artists to whom they are assigned.

During the previous period we found all styles of sculpture nearing the perfection of technical development; and we also found that all the artistic centres of Greece had already adopted their own speciality. Hence, in the fifth century, though Aegina disappears in art as in history, Argos and Sicyon remain, as before, noted for athlete statues in bronze, Athens for the variety of its artists and for the use of marble. It was now possible for great artists to express their ideas without the subordination to the difficulties of technical execution, or the constant struggling with those difficulties, that had hitherto been visible even in the highest attainments of sculpture. The attainment of a complete mastery over material difficulties prepared the way for the highest attainments of Greek art. Among the works of this period we meet for the first time with statues that are spoken of with unqualified admiration by classical writers, as of the highest excellence, and not merely interesting for their ancient period or the advance they show on previous attempts. This rapid advance in sculpture corresponds with a similar advance in literature and in thought and feeling, which leads up to the great century of Greece. The expeditions and defeat of the Persians had completely altered the relation of the Greeks to neighbouring peoples. For the ancient nations of the East, vaguely heard of as of unknown power, skill, and wisdom, were substituted the Persians, whom the Greeks hated and could conquer. Hence the feeling of Panhellenic unity, and of the conscious superiority of the Greeks as a race above all other people known to them. The numerous monuments erected from the spoils of the Persians or in commemoration of their defeat gave a new stimulus to all the arts, and the contest itself afforded subjects for both historical and allegorical representation. And in Athens, at least, the constitution was peculiarly favourable for the production of the greatest works; the democratic form of government encouraged that idealisation of the people without which its exploits could not be worthy of the highest artistic commemoration, while the actual predominance of such men as Cimon and Pericles gave the originality, greatness, and continuity of design which a purely popular government could not attain. Moreover, the combination of the Greeks in common dedications, and the successive supremacy of various cities, made larger sums available for artistic expenditure than could have been afforded by isolated states or individuals.

The fittest places for common national dedications were the great religious centres, Olympia and Delphi. Olympia was also noted for the great temple of Zeus, built by the Eleans themselves; both its architectural forms and historical evidence show that it was probably completed about 460 B.C.; and the extant architectural sculptures must be assigned to this period; they consist of metopes over the internal columns of the front and back, representing the labours of Heracles (partly in the

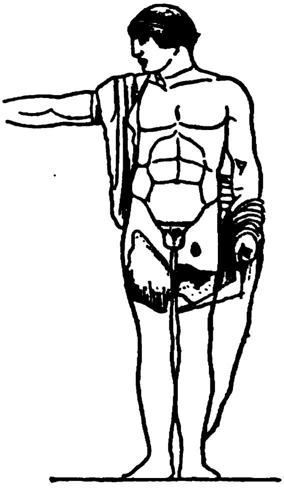


Fig. 7.
Apollo, from Temple of Zeus.
(Olympia.)

Louvre, partly at Olympia), the east pediment with the preparations for the chariot-race of Pelops and Oenomaus, and the west pediment with the battle between the Lapiths and Centaurs. Pausanias ascribes these two pediments to *Paeonius* and *Alcamenes* respectively; and, as Alcamenes is said to have been a pupil of *Phidias*, difficulties have arisen, both as to chronology and as to style. Alternative explanations are that Pausanias was mistaken, or that the pediments were early works, before Alcamenes came under the influence of Phidias. All the sculptures of the temple, beside certain defects of detail that may be due to local execution, show a peculiar style, which is perhaps due to a combination of various influences. They show a breadth and freedom of pictorial composition that contrast strongly with the strict symmetry of the Aegina pediments; but in the execution there is none of the precision and delicacy that mark those groups. The uncertainty of line and carelessness or awkwardness of details must have been remedied to some extent by colour; and the distant effect was more considered than sculptural accuracy. Archaic hardness is thus avoided, and a softness and laxity takes its place. In composition, the pediments are symmetrical, but not monotonously so; they show in many ways an advance towards the perfection we see in the Parthenon; the front or east pediment is quiet, the back or west one full of groups in contorted motion: they have been to a great extent recovered, and are now at Olympia.

Before considering the great architectural sculptures, made under the direction of Phidias, which are the most characteristic surviving specimens of the art of the fifth century, three artists must be mentioned who are, as it were, the forerunners of the highest period,—*Calamis* and *Myron*, who both belong to Athens, and *Pythagoras* of Rhegium (previously of Samos). *Calamis*, as has been said, seems to represent the highest development of the grace and delicacy of treatment properly belonging to the Attic development of the Ionic style, and he is chosen out by Lucian for the expression of face (σεμνὸν καὶ λεληθὸς μειδίαμα, in which we may perhaps see the last relic of the archaic smile) and for the treatment of drapery. Copies of statues by him have been recognised on an altar at Athens. *Myron* inherits the vigour of the athletic Attic school of *Critius* and *Nesiotes*; but as a pupil of *Ageladas* he also fell under Argive influence. Several extant statues after Myron, reproductions of the famous *Discobolus* (see Vol. I. p. 644) and the *Marsyas*, show how completely he had mastered the difficulties of technique. His works even transgress the bonds of sculpturesque treatment in their choice of momentary attitudes and even of contortions,—a natural reaction against the rigidity of early works in the first consciousness of artistic freedom. Myron had scholars in Athens, who seem to have carried these tendencies still farther, and to have selected subjects for the sake of the difficulty or interest of the execution,—the first appearance of "genre" sculpture. The cow by Myron himself, one of the most famous statues of antiquity, seems to belong to the same class of works.

Pythagoras, like Myron, was fond of representing figures in vigorous movement; he also excelled in athlete portrait statues. He is praised by Pliny for symmetry and variety, and he also sought truth to nature in details such as the veins and muscles and hair: his limping Philoctetes was famous for the indication of the effect of his wounded foot on all parts of the body and limbs. Except on gems, no certain copy of a statue by Pythagoras survives, though the attribution to him of extant works, such as the "Choiseul-Gouffier Apollo" in the British Museum (an athlete statue), has been suggested.

Athens was at this time the chief centre of artistic work, and the beautifying of the city, first by Cimon and afterwards by Pericles, attracted foreign artists and encouraged native ones. The delicacy and grace of the Attic-Ionic style was carried to its highest point by *Calamis;* but *Myron* and *Phidias* both studied under Ageladas of Argos, and we find the influence of the Doric schools working strongly in Athens; *e.g.* in a marble head of an athlete and in one of a girl, both on the Acropolis at Athens. It has been suggested that Polygnotus of Thasos, who made many paintings in Athens, may have renewed the N. Ionic influence.

The architectural sculptures of Athens give a good notion of the state of art at this period; they are still to be seen, partly on the Parthenon, the Theseum, the Erechtheum, the temple of Wingless Victory, partly in the Museums of Athens and London. The sculptures of the Parthenon fall into three divisions—the metopes, the pediments, and the continuous inner frieze, which runs round the outside of the cella. It is probable that these three were put up in the order mentioned; and the style is consistent with this supposition. The metopes are of uneven merit, and some of them are the least advanced of the Parthenon sculptures, though others are of the most spirited design. The east pediment represented the birth of Athena; the west, her contest with Poseidon for the land: the surviving statues of these pediments are perhaps the finest works of sculpture extant. The continuous frieze is in very low relief, and shows the most perfect mastery of composition and technique; it represents the Panathenaic procession, horsemen, chariots, men, and women, advancing to the assembly of the gods above the east door. There is no especial reason for attributing the architectural sculptures of the Parthenon to *Phidias*, who is known to have made the chryselephantine statue within the temple, except that he is said to have had the general superintendence of the works of this period in Athens; the Parthenon sculptures show the excellence of those who worked under him. The Theseum sculptures consist of ten metopes at the east front and four on each of the sides adjoining; they show an angular, athletic style which may probably be attributed to the school of *Myron;* they resemble some of the earlier metopes of the Parthenon. The other two friezes of the Theseum, over the second row of columns at the back and front, though continuous, seem to divide themselves into groups derived from the Parthenon metopes. Thus the Theseum and Parthenon seem to be almost contemporary; the Parthenon was probably built between 447 and 434 B.C. The Erechtheum, as it now stands, was later; we know from inscriptions that it was still unfinished in 409 B.C.: a great feature of this building is the portico borne by six *Caryatids;* the Ionic frieze was of white marble figures attached to a background of black Eleusinian marble — a substitute for a coloured background. The temple of Wingless Victory is most famous for its balustrade, with figures of Athena and winged Victories erecting trophies, &c.; they must belong to the close of the fifth century, and show the most beautiful studies of flowing draperies as an accompaniment and background to the figures. But it was not only in temples and public monuments that the perfection of sculpture showed itself at Athens. The influence spread even to the workmen who made tombstones; so that early in the fourth century we find numerous grave-reliefs, votive offerings, headings of decrees, &c., that recall by their style the great period of sculpture of the end of the fifth century.

Outside Athens, Athenian artists were sometimes employed at this time; thus the temple of Bassae near Phigaleia was built by Ictinus, the architect of the Parthenon; and so we may probably see in the frieze of that temple (now in London) the work of his associates. The subjects are the combats with Amazons and Centaurs; but the execution shows an inequality partly due to provincial style; and there is a striving after effect, especially in the treatment of drapery, that seems transitional to the next period.

Similar characteristics may be seen in several other works of this period or slightly later—the acroteria of the temple at Delos, the earlier of the temple sculptures at Epidaurus (both in Athens), the so-called *Nereid monument* from Xanthus in Lycia (now in London), and the reliefs of a tomb at Djölbaschi in Lycia (now in Vienna); but in the pictorial and effective treatment of these works some prefer to see the continuous Ionic tradition, rather than Attic influence. (A similarity is also visible in the Victory at Olympia by *Paeonius*, of the Ionic colony of Mende in Thrace. If he also made the eastern pediment at Olympia, it must have been under very different influence.)

So far works of architectural sculpture have been considered, because they alone survive to show us the style of the Phidian school. But these are only indirectly to be assigned to the master himself or his most distinguished pupils. The great works of which they most carefully superintended the execution were the colossal temple statues of gold and ivory [see CHRYSELEPHANTINA], such as the Zeus at Olympia and the Athena Parthenos at Athens by Phidias, always regarded in antiquity as the highest attainments of sculpture [see cut on p. 316 *a*]. These rich materials were in the fifth century regarded as the most fitting for the execution of great statues of divinities, which embodied a national ideal. The difficulty of technique as well as the expense—the gold alone of the Athena was worth £155,000—prevented the possibility of such works except under favourable circumstances, and in the fifth century alone we find an art with a mastery over material difficulties adequate for the production of such colossal works, and also possessing so noble an ideal of the gods it strove to represent.

Though the Attic school had so wide-spread and so varied an influence, that of the Argive *Polycleitus* was also of the utmost importance; and the narrower and more definite nature of his attainments made them more open to the imitation of subsequent artists than the lofty ideals of Phidias. Many extant works have been recognised as copies of known works of Polycleitus, the *Diadumenus*, the *Doryphorus*, the *wounded Amazon*, &c. It is characteristic of the definite nature of his attainments that he fixed a canon of bodily proportions, which he also embodied in a statue, probably the *doryphorus;* and this canon was accepted by the athlete sculptors of the schools of Argos and Sicyon as fixing a type, till afterwards modified by Euphranor and Lysippus. In details of execution, and especially in the treatment of bronze, his favourite material, Polycleitus is said to have excelled even Phidias; but there was a certain monotony in the conception and even the pose of his works. Though his athletic statues and his canon are his best known works, and most important for their influence on later art, it must not be forgotten that Polycleitus fixed the type of Hera by his chryselephantine statue in the Heraeum at Argos, just as Phidias did those of Zeus and Athena. His school, in Argos and also in Sicyon, numbered many important artists, who seemed to have followed their master closely, and to have held to their traditions with more tenacity than any other school in Greece.

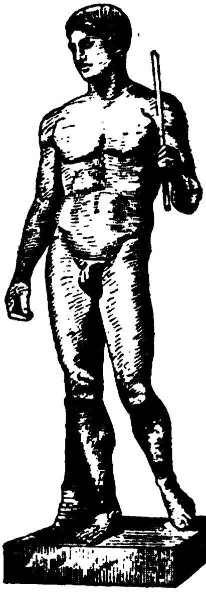


Fig. 8.
Doryphorus, after Polycleitus.
(Naples.)

(For this period, see *Dict. Biog. and Myth.:* Calamis, Myron, Pythagoras; Paeonius of Mende, Phidias, Cimon, Pericles, Polygnotus, Mys. *School of Calamis* — Praxias, Androsthenes. *School of Phidias* — Alcamenes, Agoracritus, Colotes, Thrasymedes, Theocosmus. *School of Myron*—Lycius, Styppax, Cresilas, Strongylion. *Athens* — Callimachus, Demetrius, Pyrrhus, Socrates, Niceratus, Phyromachus (Pyromachus), Dinomenes. *Argos and Sicyon* — Polycleitus, Aristides, Canachus, Periclytus, Antiphanes, Patrocles, Daedalus, Naucydes, Alypus, Polycleitus (younger), Phradmon. *Peloponnese*— Apellas, Nicodamus, Cleoetas, Aristocles. *Megara*—Callicles, Telephanes.)

4. 400 B.C.–320 B.C. *Greek Fourth Century.* —During this period we find that much more depends on the individual character and predilections of the various artists; there is a

tendency, both in choice of subject and in execution, rather to give free scope to the imagination and skill of the artist than to employ him to embody in his works any national ideals or aspirations. The artist was thus more free from any considerations or influences not purely artistic; but already in the fifth century art had risen above the trammels of priestcraft, even in the case of religious sculpture; and it was not an unmixed advantage for the sculptor to be free to work from his own imagination, rather than from those ideals which belonged to the race or the city. Thus in the place of great works like the Olympian Zeus, the Athena Parthenos, or the Hera of Argos, we meet in the fourth century with subtly distinguished impersonations such as the Eros, Pothos, and Himeros of *Scopas*, or the half-human beings of the cycle of Dionysus. Even groups of subordinate divinities before represented, like the Graces, as embodying some attributes of Zeus or other great divinities, are changed to attendants of the cycle of Aphrodite, and treated accordingly. Again, instead of truly sculpturesque representations of permanent character (ἦθος), we notice renderings of more transient passions or excitements (πάθη), as in the raving Maenad of Scopas—subjects obviously not so well adapted to sculpture, though perhaps exhibiting more the skill of the artist.

As might be expected from the freedom and importance of individual artists, we find less limit than before in the number of the schools where artists were trained, and of the centres of their activity. Athens and Argos or Sicyon still remain important, but there are many notable artists who belong to neither; and the statues produced are scattered all over the Hellenic world. Thus Scopas was a native of Paros, and worked in his early years in the Peloponnese, and later in many parts of Asia Minor. The two greatest artists of this period were Scopas and Praxiteles. Scopas, who was probably of Parian origin, and worked in the Peloponnese in his youth and in Asia in his later years, introduced the representation of passionate subjects which afterwards was developed in Pergamus and Rhodes.

Praxiteles represents the highest attainment of the Attic school of marble sculpture, and is famous for the most beautiful forms, as Phidias for the noblest ideals, of Greek sculpture.


Fig. 9.
Head by Scopas, from Tegea. (Athens.)

From the nature of the period, it follows that most of the sculpture surviving which can be assigned to it with certainty may be found under the names of the sculptors: but it should be here stated that recent discoveries have added to these works. Thus there are in Athens two heads (fig. 9) and other fragments from the pediments made by Scopas for the temple of Athena Alea at Tegea, and the basis of the statue of Apollo at Mantinea by *Praxiteles*, with a relief of Apollo Marsyas and the Muses, and above all the Hermes of Praxiteles at Olympia. These are original works, and so superior to the numerous late copies in various museums from the works of these artists. (One of these, a copy of the Faun of Praxiteles, is reproduced in fig. 10.) For the *Mausoleum* sculptures, by Scopas and other artists (now in London), see *sub voc.* In London also are some of the sculptured columns from Ephesus, one of which is recorded to have been carved by Scopas, and the seated statue of *Demeter from Cnidus*, the Mater Dolorosa of ancient sculpture. The group of the Niobids of which copies exist in Florence and elsewhere (fig. 11) belong to this period. Pliny mentions a doubt whether they were by Praxiteles or Scopas; this probably means merely that Roman tradition assigned them to the age when these two masters flourished.


Fig. 10.
Satyr, after Praxiteles. (Rome, Capitol.)


Fig. 11.
Head of Niobe. (Florence.)

Lysippus of Sicyon continued the traditions of the school of Polyclitus; he modified the "canon," so as to make the head smaller in proportion, and the body more slender. These characteristics may be seen in his *Apoxyomenos* (fig. 12). To his school are also attributed certain inventions that imply a tendency towards realism on the one side, and purely academic work on the other — the making of casts from statues, and also the working up of casts made from the living model, both attributed to *Lysistratus*, brother of Lysippus.

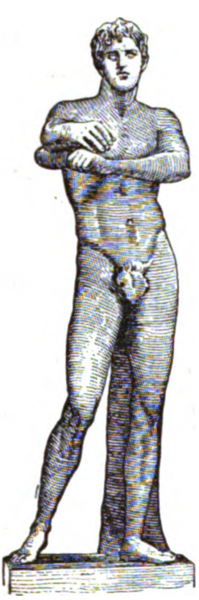


Fig. 12. Apoxyomenos, after Lysippus. (Rome, Vatican.)

Towards the close of this period, the personality of Alexander begins to dominate the art of sculpture. But the influences visible in sculpture were very complicated; and the younger Attic school carried the softness of Praxiteles to an extreme, while elsewhere athletic works tended to harden into anatomical studies; but all these tendencies only developed during the succeeding period.

But besides these tendencies, which ultimately led to the decline of art, we find some artists striving to retain the higher ideals of the fifth century; the most notable is *Damophon* of Messene, who seems in his choice of subjects and of materials to be influenced by the school of Phidias. Thus he may also be regarded as the first instance of a great artist who consciously imitated the style of an earlier period. Fragments of a group by him have been found at Lycosura in Arcadia, and are now in Athens.

(For details concerning sculptors of this period, see *Dict. Biog. and Myth.* *Paros*—Xenophon, Scopas; *Mausoleum*, Leochares, Bryaxis, Timotheus, Pythis. *Athens* — Cephisodotus, Polycles, Euclides, Praxiteles, Cephisodotus the younger, Timarchus, Sthennis, Silanion, Zeuxiades, Apollodorus, Polycrates, Euphranor, Polymnestus, and Cenchramus. *Sicyon*—Lysippus, Lysistratus, Daippus, Euthycrates, Tisicrates, Xenocrates. *Messene* — Damophon. *Thebes*—Hypatodorus and Aristogiton.)

5. 320 B.C.–150 B.C. *Hellenistic; Asiatic Schools.*—The political change which marks the beginning of this period had a great influence upon the history of art as of literature. The conquests of Alexander and their subsequent division opened up the East to Greek enterprise; and it is the new and flourishing cities which thus arose into prominence that form the great art centres of the next period, — Pergamus, Rhodes, Tralles, Ephesus, Alexandria, Antioch: some of these were not of course new cities, but a new era began for all of them with the age of Alexander. In the case of sculpture, the influence of Alexander was in part direct and personal, in part indirect. The numerous portraits of Alexander by *Lysippus* and his followers, in all characters and surroundings, led to a modification of the customary type of face so remarkable that many heads of this period have been misnamed Alexander from their resemblance to him, though the artist probably was merely representing the ordinary type of his school. And other personalities, mostly of the successors of Alexander, came to have almost as great an influence for a time. The courts of these Greek kings in Asia and Egypt formed the chief centres of literature and art, and sculptors as well as others worked under their patronage. Under such influences art strove to make up by the colossal scale of its works and the dramatic effect of its expression for the grandeur and simplicity that were lost; and academic study led to eclecticism, so that we recognise in works of this period methods and characteristics of various earlier schools, united or confused. On the other hand, the artificial life of courts and cities induced a craving for primitive simplicity, which found expression on the one hand in pastoral literature, and in some reliefs with country scenes, under pictorial influence; on the other in representations of child life, which now are more frequently rendered with truth to nature, as in the statue of a boy struggling with a goose, by *Boethus*.

It is an indication of the time that the Rhodians, when they had repelled an invasion, did not seek to honour their god by a statue expressing the national ideal, but to glorify him by erecting the biggest statue known—the colossus of the Sun-god by *Chares*, a pupil of Lysippus, who thus is associated with the new tendencies. A great statue of *Victory from Samothrace* (in Paris) was erected by Demetrius Poliorcetes about 300 B.C.; it shows a spirited treatment, but all the straining after effect that marks the Hellenistic period. But Pergamus was the most important art centre, and the victories of the Greek kings over the Gauls (or Galatians) afforded occasions and subjects for great dedicatory groups. To the period of Attalus I., 241–197 B.C., are to be assigned several statues and groups of Gauls, dying or killing themselves; the best known being the *Dying Gaul* of the Capitol at Rome. Attalus I. also dedicated statues in bronze, half life-size, of contests both between Greeks and Gauls, Persians, or Amazons, and gods and giants on the Acropolis at Athens, of which marble copies exist in many museums. Under Eumenes II., 197–159 B.C., was erected the *great altar at Pergamus*, ornamented with reliefs of the battle of gods and giants (now in Berlin): this, with its struggles, contortions, and dramatic expressions of excitement or pain, is the great example of this style (fig. 13). In the pathetic and dramatic rather than sculpturesque nature of subject and style in all these works we may see the ultimate development of the expression of passion and emotion in marble which Scopas introduced into Asia Minor. An even more extreme instance may be seen in the *Laocoon*, made by *Agesandros* of Rhodes and his companions; another famous group is the *Farnese bull*, or punishment of Dirce, by *Apollonius* and *Tauriscus* of Tralles. Fine specimens of the development of athlete sculpture in the Hellenistic period may be seen in the bronze statue of a boxer found recently in Rome; and a head of another, also in bronze, at Olympia. All these works, and especially those of the Pergamene school, deserve from their magnificent rendering of anatomy and their spirited conception and treatment to be ranked among the greatest achievements of sculpture, though the selection of subjects marks a period of decadence. But some artists still strove to retain the noble ideals and simplicity and breadth of treatment of an earlier time; and the result may be seen in the *Aphrodite of Melos*, which must be assigned to this period. Sometimes the same tendency led to a cold and academic treatment, as may be seen in works like the *Apollo Belvedere* and the *Artemis of the Louvre*. The tendency to local personifications must also be noticed; the first and best known instance is the statue of *Antioch* by *Eutychides*, another scholar of Lysippus.


Fig. 13.
Athena and Giant, from great altar at Pergamus. (Berlin.)


Fig. 14.
Laocoon. (Rome, Vatican.)

The next period is assigned to Graeco-Roman art, but some of the artists who belong to it chronologically may be here mentioned, because they seem to carry on the Hellenistic traditions.


Fig. 15.
Aphrodite, from Melos. (From Murray, *Ancient Sculpture*.)

There is, for instance, an Ephesian family of artists of about 100 B.C., well known for their statues of fighting warriors, especially the so-called *Borghese Gladiator* (in Paris) by *Agasias*, which is unsurpassed as an anatomical study, and a statue from Delos by *Menophilus*. These may be regarded as the last products of the athletic school of Lysippus, though already contemporary with the beginnings of Graeco-Roman sculpture.

(See *Dictionary of Biog. & Myth.*: Alexander, Ptolemaeus, Attalus, Eumenes. *Pergamus* — Phyromachus, Stratonicus, Antigonus. *Rhodes*—Chares, Timocharis, Phyles, Sosipater, Mnasitimus and Teleson, Agesandrus, Polydorus, and Athenodorus. *Asia Minor*—Apollonius, Tauriscus, Apollodorus, Menophilus, Dositheus, Agasias. *Other artists* — Eutychides, Cantharus, Boethus. Other names in this and the succeeding period, for the most part associated only with isolated works, need not be quoted here.)

150 B.C.–312 A.D. *Graeco-Roman and Roman.* —The sack of Corinth 146 B.C.—or, roughly, the middle of the second century—may be regarded as the beginning of the Graeco-Roman era; the era, that is, when Greek artists no more worked either for their art or for their own people, but in order to please the tastes of their conquerors. But it was not only the art of the time that was affected; for from the beginning of this period all the best known works of art already existing were collected at Rome from all quarters, and at the end of it transferred to Constantinople in great numbers; and, thus collected together in great centres, they were more liable to accidents or to wholesale destruction than if scattered in quiet local centres of worship. Obviously no great or original schools are to be looked for in this period; but among the numerous independent Greek artists who worked either in Greece or Rome for the Roman market, some few stand out as of wider influence. Among these are *Arcesilaus* and *Pasiteles*, who both lived in the first century B.C. *Arcesilaus* is said to have sold his proplasmata at higher prices than finished works by others commanded. Of *Pasiteles* and his scholars, *Stephanus* and *Menelaus*, we possess some extant works (fig. 16) which show that he attempted to imitate the severe style of the athlete sculptors of the fifth century. But the majority of sculptors during this period were employed in meeting the enormous demand for sculpture to decorate baths, gymnasia, villas, &c., by the production not so much of original works as of copies of all the favourite statues that had been made by Greek artists of all previous periods,—a process of the utmost importance to us; for now that nearly all the originals have been lost or destroyed, it is this class of copies that now fills the museums of Europe, and more especially of Italy. In addition to copies of statues, sculptors of this age also reproduced as separate works figures from well-known groups or reliefs, and even signed these as the artist, as in the case of the "Farnese" Heracles by *Glycon*, a type originally belonging to the Hellenistic age. Only one branch of sculpture can be said to have had an independent development under Roman influence. Individual and naturalistic portraits had been made in the school of Lysippus, and were continued through the Hellenistic age; such commemoration of the individual was peculiarly pleasing to Roman taste, and Roman portrait statues and busts, especially of the great historical characters of the Augustan age and of the earlier emperors, are of unequalled excellence in their life-like execution and portrayal of personal character.

Fig. 16.
Orestes and Electra, by Stephanus. (Naples.)

In the age of the Emperor Hadrian, who was a great patron of the arts, some revival may be noticed; this is especially associated with the portraits of Antinous, the favourite of the emperor, whose type of face and figure dominates the art of this period almost as those of Alexander dominated that of the Hellenistic age. But after this brief revival, the decline of the art of sculpture was even more rapid than before, until it began a new era in Byzantine times. Under the emperors, sculpture was called upon to commemorate historical events, and especially victories over the barbarians. The reliefs of the Column of Trajan are the finest of these, and represent with spirit and truth to fact the incidents of a Roman campaign. The Column of Antoninus is already very inferior in conception and execution. The various triumphal arches in Rome offered a wide field for decorations of this nature, and in those which still survive it is easy to trace the decline of sculpture from the age of Augustus to that of Constantine. Another favourite field for decoration, in Roman times, was offered by the sculptured *Sarcophagi*, which were covered with reliefs of historical and mythical subjects. The earlier among these show good design and workmanship; but in the later we can see the complete decay of all artistic power and feeling.

A few words may be added as to the preservation and survival of examples of ancient sculpture, and the classes into which they may be divided. When there was no care for the preservation of works of art, either among barbarous invaders or among those in whose possession they remained, it is obvious that only an accident could preserve any statue which was of an intrinsically valuable material, such as bronze or other metal; and though marble statues were not exposed to so great danger, they were constantly burnt for lime or broken up and used for building material. We may roughly assert that the statues that survive owe their preservation to one of three causes—either they were purposely secreted by their worshippers or admirers, as was the case with the *Hermes of Praxiteles* at Olympia and the *Aphrodite of Melos*; or they were accidentally buried amidst the ruins of the buildings that contained them, whether by a sudden destruction, or a gradual decay,—this is the chance that has preserved most of the statues that are recovered by excavation; or they have remained in a conspicuous position, and have been protected by some reverence or superstition, probably mistaken in its origin: thus the bronze statue of Marcus Aurelius on the Capitol was religiously preserved through the dark ages because it was supposed to represent Constantine. In studying the history of ancient sculpture, it is very important to estimate correctly the value of the monumental evidence, and to understand the exact relation of extant statues to the artist or school with which they are associated. In this aspect we may divide all the works of ancient sculpture that survive into four classes, as follows:—

(1) *Originals:* that is to say, statues actually made by the artist to whom they are assigned; but we may here distinguish—(*a*) Originals from the hand of known artists; such works of art as they executed themselves, and which thus show the perfection of their style and execution. Such works are very rare: the *Hermes of Praxiteles* is the finest example. (*b*) Works such as architectural sculptures, which were doubtless designed by some great sculptor, but of which the execution must have been left to assistants; in these, of course, great inequality of execution may be expected. (*c*) Works made in the period and by the artists of the school to which they must be assigned; but merely reproducing the ordinary character and types of that school, by the hand of inferior sculptors or mere artisans: these may vary from very high excellence to careless and inferior work. The best example is offered by the Attic grave reliefs.

(2) *Copies*, as faithful as the artist could make them, from originals by earlier sculptors: to this class belong the great majority of the statues in European museums, and especially in Rome and Italy. These vary very much both in the carefulness of their execution and in their faithfulness to the original from which they are derived. A great deal depends on the period and school of the copyist; if he is not far removed in period or style from the artist who made his original, his copy may very accurately reproduce its character: a Greek copyist is more likely to reproduce the style and spirit of his original, while one of Roman times is more likely to be accurate in the reproduction of details and accessories. Thus the characteristics of the school and period to which the copy must be assigned must always be taken carefully into consideration before any inferences are drawn as to the original from which it is derived.

(3) *Works of Artists who studied or imitated the style of an earlier period.* If these artists succeed completely in catching the spirit and style of the period they study, their works may be difficult to distinguish from those of an earlier period; but in most cases they cannot entirely free themselves from the influences that surround them: thus though in the *Aphrodite of Melos* we see the noble forms and broad treatment of the fifth century, in the artificial arrangement of the drapery the spirit of the Hellenistic age betrays itself. Sometimes we find later artists not merely seeking inspiration from the ideals of an earlier age, but imitating the characteristics of particular schools, as was the case with *Pasiteles* and his associates, who sometimes even made copies that must be assigned to the second class.


Fig. 17.
Dedication to Apollo Citharoedus. (Berlin.)

(4) *Archaistic works:* that is to say, works that imitate the mannerisms and details of execution of the archaic period; it is of course possible for this class in some cases to overlap the last: but the name "archaistic" is commonly applied to more mechanical works, made with an affectation of primitive characteristics. This affectation is introduced either from hieratic influence for dedications; or on decorative principles, the archaic stiffness supplying a conventionality suitable to such use; or, at a late period, from a mere seeking after the quaint or uncouth. Archaistic works must be carefully distinguished from authentic copies of archaic works of art, though sometimes they show the same characteristics as these. In a few cases it is possible to doubt whether a work is really archaic or archaistic, but it is rare to find an archaistic work so free from exaggeration of the mannerisms and quaintnesses of archaic works that any confusion is possible. Thus, in archaistic works the figures walk on tiptoe, and the floating ends of drapery are worked into the stiffest of conventional zigzags, and even curved up in an impossible manner; while in really archaic works, though in some details conventionality may be seen, yet we can also see the attempt of the artist to render nature so far as is possible within the limits of his power of expression. The maker of an archaistic work also betrays himself often by a later treatment of some details, as in the Athena at Dresden, in which, though the folds of the drapery are stiff and conventional, the designs on the border are worked with perfect freedom. But the distinc-

tion always extends beyond details, and the earnest attempt of an early artist to do his best is totally different from the affected mannerisms of a later imitator.

[On special periods or artists, the works published are too numerous to quote, but the following books contain a general treatment of the subject:—Brunn, *Geschichte der griechischen Künstler*, Brunswick, 1853, and Stuttgart, 1859 (the second edition, Stuttgart, 1889, is a mere reprint); Overbeck, *Die antiken Schriftquellen zur Geschichte der bildenden Künste*, Leipzig, 1868 (classical authorities have not been quoted in this article, as they may all be found in this book); Overbeck, *Geschichte der griechischen Plastik*, 3rd edit., Leipzig, 1881-2; Mitchell, *History of Ancient Sculpture*, London, 1883 (excellent for references to the literature of the subject); Murray, *History of Greek Sculpture*, London, 1880-3; Perry, *History of Greek Sculpture*, London, 1882; Paris, *La Sculpture antique*, Paris, 1888; Loewy, *Inschriften griechischer Bildhauer*, Leipzig, 1885. See also the articles on Sculptors and Sculpture in Baumeister, *Denkmäler des classischen Alterthums*, Leipzig, 1885-8.] [E. A. G.]

STELE (στήλη) is the name given to any block (usually of stone or marble) set up for a monumental purpose; thus it is constantly applied in inscriptions to the block on which a public document is to be incised. But the best known use of the term is to denote a monument set up over a tomb, either plain or with merely ornamental decorations, or containing a commemorative inscription, or a portrait of the deceased, painted or in relief, alone or grouped with other figures; combinations of these characteristics are common. The simplest form of stele consists of a plain marble slab or pillar surmounted by an anthemion, and inscribed with the name of the deceased; often two rosettes, side by side, are added—possibly a survival of an anthropomorphic representation. The most common subjects represented on grave reliefs may be thus classified:—

Fig. 1.
Tombstone of Phrasiclea. (Athens.)

(1) *Simple representations of the deceased*, often in some common employment of daily life. Thus the warrior appears fully armed, standing as if on parade (Aristion), or on horseback slaying a prostrate foe (Dexileos). An athlete holds his strigil or exercises, and is attended by his trainer or his slave; a lady sits playing with her jewels, also accompanied by her attendants (fig. 1). A man or child is often represented playing with a pet animal.

(2) *Parting scenes.*—The deceased, standing or seated, takes leave of his or her relatives or friends; family scenes are usually depicted. In later and more elaborate designs a horse appears, as if the deceased were about to start on a journey, and a serpent also is seen as a symbol of the dead. These two symbolic figures are, however, only common in the next class; and in parting scenes of the best period the subject is only indicated by the appearance of melancholy in the faces and attitudes of the persons represented (fig. 2).

Fig. 2.
Parting scene; Stele of Damasistrata. (Athens.)

(3) *Banquet scenes.* — These seem to have originated in a kind of ancestor-worship, as is seen in the very early stelae from Sparta: in them the deceased, as a "hero," holds out a cup as if to require a drink-offering; his wife is seated on another throne behind him, and small worshippers approach with offerings. In later times we find some similar examples; on the painted stele of Lysias at Athens the deceased stands, holding a cup in his hand. In the Spartan reliefs a great serpent coils over the back of the throne, representing, probably, the deceased as the inhabitant of his tomb. In the typical banquet scene of later times the deceased reclines on a couch, and his wife sits on the foot of the couch or on a chair beside it; before them is a feast, of which they partake, and servants with cups or viands take the place of

the worshippers; a snake and a dog are often present; and a horse's head, as a symbol of a journey, often appears in a square at the upper corner (fig. 3). It has been suggested that we should see here the funeral banquet idealised, or the enjoyments of the deceased in another life: the typical succession seems to indicate that we see rather a development of the representation in which the deceased, as a hero, receives offerings from worshippers, and reminds his descendants to give him more; but the enjoyment of those presents in another life is doubtless included. The type of these reliefs is often reproduced in dedications to Asclepius and Hygieia or other minor divinities; and thus we receive a confirmation of the view that the deceased is, originally at least, to be regarded as a deified hero.

Fig. 3.
Tomb-stone with banquet scene. (*Marm. Oxon.*)

Fig. 4.
Marble Stele, found at Sparta. (From Murray, *Ancient Sculpture.*)

The numerous series of Greek stelae which still survive is of great value, not only for their subjects but also for their execution; they were mostly the work of inferior artists or mere artisans, but reflect the style of the greater artists of the place or period to which they belong. The most important are those found in Athens, and preserved either *in situ* in the Outer Ceramicus or in the National Museum at Athens.

The inscription on a grave stele usually gives merely the name of the deceased, with his father's name and his country or deme, and her husband's also in the case of a woman: this simplicity was almost universal in Attica, but simple metrical inscriptions containing the same information are found from the earliest times. Elsewhere, and commonly later, χαῖρε or χρηστὲ χαῖρε is added; but elaborate eulogies are extremely rare, at least before Roman times.

(A complete collection of ancient grave-stelae is now being published by the German Institute, *Die antiken Grabreliefs*, Berlin, 1890. See also Le Bas, *Antiquités figurées*, p. 85; Welcker, *Alte Denkmäler*, ii. p. 232; Stephani, *Der ausruhende Herakles*; Pervanoglu, *Das Familienmahl auf altgriechischen Grabstelen*; Holländer, *De operibus anaglyphis*, &c.; Salinas, *Monumenti Sepolcrali*; *Mittheilungen des deutschen Instituts zu Athen*, ii. p. 459, iv. p. 161, vii. p. 160, &c.; *Journal of Hellenic Studies*, 1884, p. 105; Pottier, *Les Lécythes blancs antiques*; Furtwängler, *Die Sammlung Sabouroff*. A discussion by P. Gardner and references to previous authorities may be found in the *Journal of Hellenic Studies*, 1884, pp. 105–142.) [E. A. G.]

STHE'NIA (σθένια), a festival with contests celebrated by the Argives in honour of Zeus surnamed Sthenius, who had an altar consisting of a large rock in the neighbourhood of Hermione (Hesych. *s. v.* Σθένια: compare Paus. ii. 32, § 7; 34, § 6). Plutarch (*de Mus.* p. 1140 c) states that the πάλη or wrestling, which formed a part of the contests at this festival, was accompanied by the flute; and he also mentions a tradition according to which the festival had originally been held in honour of Danaus, and that it was afterwards consecrated to Zeus Sthenius. [L. S.]

STIBA'DIUM. [MENSA.]

STILLICI'DIUM. [SERVITUTES, p. 653.]

STILUS (γραφίς, γραφεῖον, in late writers στῦλος). There can be no doubt that whatever the origin of the word the correct spelling is *stilus*, not *stylus*, and it is highly probable, if not certain, that the connexion in etymology with στῦλος (whence the spelling *stylus*) is mistaken also: the quantity of the two words is always different, and the root στιγ, whence στίζω, *stimulus*, &c. (Corssen, *Gr. Etym.* 214), suits the meaning better. Since στῦλος is used in this sense only by late writers, it is not improbable that they took it by a false reasoning to represent the Latin word. For the true Greek words *γραφίς* and *γραφεῖον*, see Plat. *Protag.* p. 326 D; Athen. p. 562 c, *πινακίδα καὶ γραφεῖον ἐξηρτημένον* (a line of Macho in 3rd cent. B.C.); Arist. *Phys.* vii. 4, 4; Pollux, x. 59. The stilus signifies—

1. An iron instrument (Ovid, *Met.* ix. 521; Martial, xiv. 21), resembling a pencil in size and shape, used for writing upon waxed tablets (Plaut. *Bacch.* iv. 4, 63; Plin. *H. N.* xxxiv. § 139). At one end it was sharpened to a point for scratching the characters upon the wax (Quintil. i. 1, § 27), while the other end being flat and circular served to render the surface of the tablets smooth again, and so to obliterate what had been written. Thus, *vertere stilum* means "to erase," and hence "to correct," as in the well-known precept *saepe stilum vertas* (Hor. *Sat.* i. 10, 72; Cic. *Verr.* ii. 41, 101). The stilus was also termed *graphium* (Ovid, *Amor.* i. 11, 23; Suet. *Jul.* 82), and the case in which it was kept *graphiarium* (Martial, xiv. 21) or *graphiaria theca* (Suet. *Claud.* 35). The annexed cut is from a picture found in Herculaneum.

Stilus. (*Mus. Borbon.* vol. vi. tav. 35.)

2. A sharp stake or spike placed in pitfalls before an entrenchment to embarrass the progress of an attacking enemy (*Bell. African.* 31; Sil. Ital. x. 415). It was intended to answer the same purpose as the contrivances called *cippi*, *lilia*, and *stimuli* by Caesar (*B. G.* vii. 73).

3. A bronze needle or rod for picking worms off fruit-trees (Pallad. iv. 10, § 20), also a wooden probe employed in gardening operations (Columell. xi. 3, § 53).

Stili were made also of bone or ivory (Isid. *Orig.* vi. 9, 2): a bronze stilus elaborately carved from Orvieto is figured in Baumeister, *Denkm.* 1585. See also Sen. *de Clement.* 1, 14; Augustin. *de Vet. Rel.* 39. The passages cited from Pliny and Suetonius show the possible use of a large-sized stilus as a weapon. [W. R.] [G. E. M.]

STIPENDIA'RII. (1) Persons who received a fixed pay or salary, as *stipendiariae cohortes* (Hirtius, *Bell. Afr.* 43; cf. Livy, viii. 8).

(2) Those peoples in the Roman provinces were so called who had to pay a fixed money tribute, *stipendium*, in contradistinction to the *vectigales* (Cic. *Verr.* iv. 60, 134), who paid *decumae*, or a fixed percentage of the produce of their lands or other income [see VECTIGALIA; PROVINCIAE]. The word *stipendium* was used for "tribute," because it was originally appropriated to the purpose of furnishing the Roman soldiers with pay (*stipendium*, Livy, iv. 36, 60; Tac. *Hist.* iv. 74). All provinces paid stipendium, except Sicily, and except Asia between B.C. 123–48. The money was for the most part raised and paid over by each township.

Later, the lawyers of the Empire distinguished *stipendium* from *tributum*, making both mean a land-tax of fixed amount; but the former was raised in senatorial provinces, the latter in Imperial provinces (Gaius, ii. 21).

(See also under VECTIGALIA, No. 13.)

[F. T. R.]

STIPE'NDIUM (contracted for *stipi-pendium*) is derived from *stips* and *pendo*, from the fact of original payments for service having been made by weight (Varro, *L. L.* v. 36, 50, "Milites stipendia ideo quod eam stipem pendebant;" cf. Plin. *H. N.* xxxiii. § 43): *stips*, of which only the oblique cases are found, meaning a donation in small coin (Dig. 55, 16, 17, "stipendium a stipe—quod per stipes, id est modica aera colligatur;" cf. Festus, pp. 296, 297). Its earliest meaning appears to be that of pay for the army, from which two kindred meanings are derived: that of military service, as in the phrases *facere stipendia*, *emereri stipendia*; and that of a campaign, as in the expressions *semestria*, *annua stipendia*. The sense of a tax or impost is probably a secondary use of the word derived from its primary meaning of military payment, the original taxes being those levied to defray military expenses. (For this meaning, see TRIBUTUM.)

In B.C. 406, at the beginning of the Veientine War, a regular payment (*stipendium*) was first made to the army; previously to this there had been no provision made for the foot-soldiers (*milites*), but each had served at his own cost (Liv. v. 4, "moleste autem ferebat miles de suo sumptu operam reipublicae praebere;" Zonaras, vii. 20, *ἀμισθὶ γὰρ μέχρι τότε καὶ οἰκόσιτοι ἐστρατεύοντο*), although Dionysius says of the year B.C. 466 that a *semestre stipendium* had been given to the army for the supply of provisions (*εἰς ὀψωνιασμόν*, Dionys. v. 47). The more probable date, however, is that of the siege of Veii; the ten years' campaign and the necessity of remaining in winter-quarters making it impossible for the legionaries to furnish their own support (Florus, i. 12, "tum primum hiematum sub pellibus;" Lydus, *de Mag.* i. 46). Previously to this some provision had been made for the equites, not in the way of furnishing them with necessaries during the campaign, but only for the purpose of supplying and maintaining their horses [AES EQUESTRE and AES HORDEARIUM]; but some years after the stipendium had been granted to the infantry we find the equites also receiving a similar support (Liv. v. 7, "equiti certus numerus aeris est assignatus;" Zonaras, vii. 20). This original stipendium, however, was not a regular payment for services (*μισθός*), but an indemnity for the expenses of the soldiers during a campaign; it is described by the expressions *ἐφόδια* (Diodor. iv. 16), *σιτηρέσιον* (Lydus, *de Mag.* i. 45), *ὀψωνιασμός* (Dionys. v. 47); but that it left some margin over as a reward for service seems shown by the words of Livy (v. 4, "miles gaudet nunc fructui sibi rempublicam esse"), as in the time of Polybius, when the stipendium was still regarded as an *ὀψώνιον*, the daily payment certainly exceeded the cost of the provisions supplied (Polyb. vi. 39). The payments were made either half-yearly (Dionys. ix. 59; ix. 17, χρήματα εἰς ὀψωνιασμὸν ἓξ μηνῶν) or yearly (Diodor. xiv. 16), according as the campaign lasted under or over six months. Hence the transference of stipendium from its meaning of "pay" to that of "length of service or campaign." The year of war service began on March 1st, the old official New Year's day, and the six-months' service (*semestre stipendium*) ended with the close of August (Mommsen, *Rechtsfrage zwischen Caesar und dem Senat*, p. 15 *sq.*). Before the creation of the standing army for the purpose of provincial control, a period of service over six months was unusual; but eventually military duties extended over the whole year, a period of service over six months or two periods of six months being regarded as an *annuum stipendium* (Lex Julia Munic. *C. I. L.* 1, n. 206, l. 92, "quae stipendia majorem partem sui quojusque anni fecerit, aut bina semestria, quae ei pro singuleis annueis procedere oporteat"). The usual mode of payment before the time of the dictator Caesar was probably half-yearly; during the Empire, as will be seen in discussing the reforms in the rate of payment, the troops were paid every four months.

The effect of the regular stipendium was that the cost of the provisions given to the Roman soldiers was subtracted from their pay by the quaestor; while the *socii*, who were not paid by the state, had such advances made to them free of charge (Polyb. vi. 39). The allowance for the allies in Polybius' time was, for the infantry ⅔ medimnus of wheat a month, for the cavalry 1⅓ medimni of wheat a month and five of barley. The allowance for the infantry soldier of Rome was the same as that for the infantry soldier of the allied states, but the Roman equites received two medimni of wheat a month and seven of barley. The expenses for fresh supplies of uniform and arms were deducted, like the cost of provisions, from the Roman soldier's pay (Polyb. *l. c.*), and this was still the case in the early Empire. We find, indeed, that C. Gracchus passed a law which gave to the soldiers their uniforms free of charge (Plut. *C. Gracch.* 5); but even if this law was passed, it could not have been permanent, since we find from the complaints of the legionaries in the reign of Tiberius that the cost of uniforms, weapons, and tents was taken from their pay (Tac. *Ann.* i. 17). It is conjectured from two passages in Suetonius (*Jul.* 26 and 68) that in the later Republic corn was sometimes supplied by the state free of charge to the troops, and this certainly seems to be the case in the earlier Empire, since, on the meeting of the legions in the reign of Tiberius, they count among their grievances the fact that the expenditure for arms and uniforms was deducted from their pay, but do not mention the *frumentum*, which, if it had not been supplied gratis, would have been quite the largest item deducted (Tac. *Ann.* i. 17). The praetorian cohorts were first supplied with free corn in Nero's reign (Tac. *Ann.* xv. 72; Suet. *Ner.* 10), and during the later Empire it is known to have been supplied free of charge to the whole army (Lamprid. *Alex. Sev.* 52). The same was eventually the case with arms and uniform, and under the later Caesars the legionary's pay was unburdened by any military expenses (Dig. 49, 16, 14, 1; Lamprid. *l. c.* "non contra eum—Alexandrum—qui annonam, qui vestem, qui stipendia vobis attribuit").

As regards the rate of payment, there is no evidence to show that there was a fixed rate when the stipendium was first introduced. We first hear of regular proportions of pay in the time of Polybius, who tells us that the legionaries received two obols, the centurions four obols, and the equites a drachma a day (Polyb. vi. 39, 12). The drachma is equivalent to the denarius, which was originally worth ten asses; the foot-soldier received two obols, that is ⅓ denarius, or 3⅓ asses a day, which Plautus, leaving out the fraction, calls *tres nummi* (Plaut. *Mostell.* ii. 1, 10). For the year of 360 days this makes for the *annuum stipendium* of the foot-soldier, 1200 asses (360 × 3⅓); of the centurion, who received double this amount, 2400 asses; of the eques, who received a full denarius, 3600 asses. In B.C. 217 the new uncial measurement was introduced, and the denarius is from this time forth worth sixteen instead of ten asses. Pliny, in his account of this lowering of the copper standard, says, "In militari tamen stipendio semper denarius pro decem assibus datus" (*H. N.* xxxiii. § 45): that is, where ten asses (the old denarius) had been given before, the new denarius (sixteen asses) was given now, and "the soldiers received *in silver* as much pay as before" (Boeckh, *Metrol. Unters.* p. 425). The pay, therefore, was still 120 denarii a year, but this, instead of being 1200 asses a year (120 × 10), was 1920 asses a year (120 × 16), or 5⅓ asses a day instead of 3⅓ asses, the former rate of payment. Till the time of Caesar the daily pay of the legionaries was 5⅓ asses; Caesar is said by Suetonius to have doubled the pay (Suet. *Jul.* 26, "legionibus stipendium in perpetuum duplicavit"). If this were strictly true, the pay should have been raised to 10⅔ asses, but we find from Tacitus that it was only raised to ten asses (Tac. *Ann.* i. 17, "denis in diem assibus animam et corpus aestimari"). The true nature of Caesar's reform is explained by Marquardt by reference to a passage in Suetonius, who tells us that Domitian "addidit et quartum stipendium militi aureos ternos." A stipendium is here said to be three aurei; the aureus was twenty-five denarii, and three aurei would be seventy-five denarii or 1200 asses (75 × 16). This shows that 1200 asses were still counted a stipendium in the new coinage as it had been in the old; and since Domitian is said to have added a *fourth* stipendium, Caesar's reform consisted in giving the soldiers three stipendia, reckoned as a stipendium had been in the old coinage (1200 asses) instead of one stipendium reckoned as it had been in the new coinage (1920 asses). The soldiers now, instead of 1920 asses a year, received 3600 asses a year (1200 × 3); that is, as Tacitus says, ten asses a day; or, reckoning the stipendium in denarii, the soldiers from the time of Caesar, instead of receiving 120 new denarii (1920 asses) a year, received 225 new denarii (3600 asses). Domitian increased the pay by three aurei, that is seventy-five denarii, so that after Domitian their pay would have been 300 new denarii a year (225 + 75) (Marquardt, *Staatsverw.* v. p. 93). That Caesar, in raising the pay to three stipendia a year, had made the payments every four months, and that Domitian, although he added a fourth stipendium, still retained this mode of payment, is shown by the passage of Zonaras in which he speaks of Domitian's increase of the pay: *καὶ τοῖς στρατιώταις ἐπηύξησε τὴν μισθοφοράν· πέντε γὰρ καὶ ἑβδομήκοντα δραχμὰς ἑκάστου λαμβάνοντος, ἑκατὸν ἐκέλευσε δίδοσθαι* (Zonar. xi. 29): that is, as Caesar had divided the whole year's pay of 225 denarii into three stipendia of seventy-five denarii each, so Domitian divided the increased year's pay of 300 denarii into three stipendia of 100 denarii each. What the amount of the stipendium was in the time of the old libral as is unknown; but it has been conjectured that it was 240 of these libral asses, which would be about equivalent to 1200 of the later asses, at their value before the year B.C. 217; five of these *asses sextantarii* being, according to Boeckh, equivalent to one libral as (Boeckh, *Metrolog. Unters.* p. 458; Mommsen, *Die römische Tribus*, p. 43). We find in Gaius the mention of an old custom permitting the Roman soldier, in case of his not receiving the stipendium due to him, to distrain on the goods of the officer whose duty it was to administer the pay (Gaius, iv. 26).

Under the Empire the Roman forces were divided into four parts—the legionaries, the home troops (consisting of the urban and praetorian cohorts), the auxilia, and the fleet. Of the strength and rate of payment of these last two branches of the force we know nothing. That the soldiers of the praetorian cohorts received two full denarii—that is, thirty-two asses a day—is implied in the passage of Tacitus (*Ann.* i. 17; cf. 26), where the legionaries claim a full denarius or sixteen asses a day, alleging that the praetorians received *bini denarii*, although it is elsewhere stated that they received double pay (Dio Cass. liii. 11, 5), which, as the legionaries received ten asses a day, would be twenty and not thirty-two asses; and it is possible that this latter statement is strictly true, and that Tacitus makes the legionaries purposely exaggerate the rate of pay of the praetorian. The gross annual amount expended on the legionaries and the home troops in the reign of Tiberius is estimated by Marquardt at 186,840,000 sesterces (*Staatsverw.* v. p. 94), so far as the common soldiers are concerned: for the pay of the higher officers in the period of the early Empire is not known; that of a tribune seems to have been high (Juv. iii. 133), and we find in the third century that it was as much as 250 aurei or 25,000 sesterces (Mommsen in the *Berichte der Kaiserl. Gesellschaft der Wissenschaften*, 1852, p. 240). The historians of the later Empire furnish us with instances of very large annual grants furnished by the emperors, both in money and in kind, to tribunes of the legion (Trebell. Poll. *Claud.* 14, where the grant is called *salarium ex nostro privato aerario:* cf. Vopisc. *Prob.* 4); but these were rather in the nature of private grants made to distinguished officers, such as Aurelian the future emperor, to enable them to maintain more state than their ordinary pay permitted (Vopisc. *Aurel.* 9).

(Marquardt, *Staatsverwaltung*, v. p. 90 *sq.*; Boeckh, *Metrologische Untersuchungen*, p. 423 *sq.*; Dureau de la Malle, *Économie politique des Romains*, i. p. 134 *sq.*; Mommsen, *Die römische Tribus*, p. 31 *sq.*) [A. H. G.]

STIPULA'TIO. [OBLIGATIONES, p. 256.]

STOLA. The *stola* was a garment peculiar to the Roman matron, and was worn as a badge of lawful marriage (cf. Val. Max. vi. 1; Hor. *Sat.* i. 2, 94). It was a *tunica* put on over the shift or *tunica interior*, and reached down to the ankles. There is reason to believe that it was identical with the *tunica recta* or *regilla*, which the bride wore at the marriage ceremony (cf. Becker-Göll, *Gallus*, ii. 27). It was bordered below with a flounce or hem called *instita* (Hor. *Sat.* i. 2, 29), and seems from certain monuments to have also had a purple stripe as a border round the neck. This has been identified with the *patagium*, perhaps correctly, though the passages in which it is mentioned speak of the *patagium* as being of gold (Nonius, p. 540, 4; Tert. *de Pallio*, 3; TOGA), not purple. It had sleeves, reaching down to the elbows, fastened with a row of clasps, and not sewn. If, however, the *tunica interior* had sleeves, the stola was without them, as in the well-known statue of Livia, shown in the accompanying cut.


Statue of Livia.

Like the corresponding Greek garment, the stola was girded (cf. Ennius, *ap.* Non. p. 198, "et quis illaec est lugubri succincta stola;" though this is not conclusive, as is shown below) generally high above the waist, forming a cluster of folds (cf. Martial, iii. 93, 4). This, too, is shown by the monuments on which it appears. The word *stola*, as derived from the Greek *στολή*, had originally a quite general meaning (Nonius, p. 537, 24: "Stolam veteres non honestam vestem solum sed etiam omnem quae corpus tegeret"), and in Ennius it is used of men's as well as women's clothes (*Frag.* ed. Ribbeck, vv. 285, 287, 345). There is no record of the date at which it was adopted by the Roman women, but one cannot be wrong in connecting the change with the transformation which the PALLA had undergone. That is to say, when the palla, which was originally worn like the Doric shift, was used as a shawl or mantle, another undergarment besides the tunica interior became necessary, and that adopted by the matrons was the stola. The disuse of the TOGA, which was in the earliest times worn by women as well as men, is probably not unconnected with this change. However this may be, the *longa vestis* is mentioned as early as the Second Punic War as the privilege of married women (Macrob. *Saturn.* i. 6, 13; cf. *C. I. L.* i. 1194, "ita leibertate illei me, hic me decora[r]at stola"). It remained in use as the garb of the *matronae* (Cic. *Phil.* ii. 18, 44;—Varro, *L. L.* 8, 28; 9, 48; 10, 27) until the time of Tiberius, when it ceased to be fashionable. References to it in literature are, however, none the less frequent in post-Augustan writers (Mart. i. 35, 8, &c.), and in Ulpian it is one of the *muliebria vestimenta:* "quae matris familiae causa sunt comparata" (Dig. 34, 2, 23, 2). Under the Empire, as its use in actual life became less common, it was apparently given a symbolic meaning, and bestowed on matrons who had the *jus liberorum*. Such at least is the most probable explanation of the title *stolata femina*, which occurs as a name of honour on inscriptions, chiefly of the 2nd and 3rd centuries A.D. (Orelli-Henzen, 3030, 7190, note 2; *C. I. L.* iii. 5225, 5283, 6155, p. 998: cf. Hübner, *Hermes*, 1878, xiii. p. 425 *seq.*, and *Comm. phil. in hon. Thes. Mommsenii*, p. 104 *seq.*). Such a stola was doubtless distinguished in some way from that in ordinary use. (Marquardt, *Privatleben*, pp. 60, 573–575, 581; Iwan Müller, *Handbuch*, pp. 803, 876–77; Becker-Göll, *Gallus*, ii. 27, iii. 253; Baumeister, *Denkmäler*, art. *Toga*, p. 1841.) [W. C. F. A.]

STRATE'GUS (*στρατηγὸς*) was the title applied to the chief military commanders in most of the constitutional governments of Greece; as a rule they had the direction of foreign affairs as well as the leadership in war: and, as the control of external relations was the most important part of administration in a Greek state, the *στρατηγία* was practically the chief magistracy in the communities in which it is found.

Strategi were set up in the Ionian states of Asia Minor after the despotisms had been overthrown in 504 B.C. (Herod. v. 38); at Argos we find *οἱ πέντε στρατηγοὶ* who commanded the five Argive lochi (Thuc. v. 59, 72): similar magistrates are also met with at Syracuse (Thuc. vi. 72), in later times in Boeotia (Keil, *Inscrip. Boeot.* p. 114), and in Amorgus (Gilbert, *Staatsalt.* ii. p. 209). They are also found frequently at the head of leagues; after the founding of Megalopolis we find a *στρατηγὸς* at the head of *τὸ κοινὸν Ἀρκάδων* (Xen. *Hell.* vii. 3, 1), and in the third century *στρατηγοὶ* at the head of the *κοινὸν τῶν Ἀκαρνάνων* (Polyb. v. 6; Liv. xxxvi. 11) and the *κοινὸν τῶν Ἀπειρωτᾶν* (Dittenberger, n. 211). They were also the chief military officers of the Achaean and Aetolian leagues [ACHAICUM and AETOLICUM FOEDUS]; and after the reconstruction of the Thessalian alliance in 196 B.C., a strategus appointed yearly is found at the head of this confederacy [TAGUS]. In Egypt, under the Ptolemies and under Roman rule, the *στρατηγοὶ* were the governors of the nomes; over these were the *ἐπιστράτηγοι*, the governors of the three great districts of the Delta, Heptanomis, and Thebais: both these classes of officers being under the authority of the Praefectus Aegypti (Kuhn, *Verfassung des römischen Reichs*, pp. 481–493).

The *στρατηγία* at Athens, according to the unanimous verdict of ancient writers, was the highest political office in the state. Its importance was due to the great extent of the duties of administration which it involved, and to the special power of initiative in legislation with which its holder was invested; while the continuity in the office, due to the possibility of indefinite re-election, rendered possible a continuity of policy on the part of its holder. That this power of permanent administration was actually realised in the history of Athens, there can be no doubt; whether it was definitely contemplated in the theory of the constitution will depend on the view that is taken as to the mode in which the functions of this office were distributed; but in any case it may be asserted that in the *στρατηγία* we have the central point of Athenian administration, and any opinion as to the position of the strategus must inevitably affect our views as to the whole system of executive government at Athens. The strategi formed a college of ten, based on the ten tribes of the Cleisthenean constitution: and the number seems to have continued unaltered, as long as the collegiate principle was observed; it was not until a late period, falling between the years 52 and 42 B.C., that the college of generals was replaced, probably through an act of the dictator Caesar's, by a single magistrate bearing the title *ὁ στρατηγός, ὁ στρατηγὸς ἐπὶ τὰ ὅπλα* or *ἐπὶ τοὺς ὁπλίτας* (*C. I. A.* ii. n. 481, iii. n. 248; Gilbert, *Staatsalt.* i. 156, n. 3).

Amongst the powers of the strategi, the most distinctive was that of summoning the assembly. The debate in the assemblies thus specially convened (*σύγκλητοι*) seems to have been limited strictly to the proposal put before them by the general; and such assemblies took precedence of all other meetings of the *ἐκκλησία* (*C. I. A.* i. 40, l. 57, *ἄλλο δὲ προχρηματίσαι τούτων μηδέ, ἐὰν μήτι οἱ στρατηγοὶ δέωνται*); yet it seems that in convening them the generals could not omit the formality of consulting the *πρυτάνεις*, and that their motions, though standing first on the orders of the day, could only be introduced through the regular standing committee of the *βουλή* (Thuc. iv. 118, *ἐκκλησίαν δὲ ποιήσαντας τοὺς στρατηγοὺς καὶ τοὺς πρυτάνεις, κ.τ.λ.*). An important power, which resulted from this right of convening the assembly on matters of foreign administration, would have been the setting forth of the estimates of the military budget for the year, together with proposals for raising the requisite supplies. Foreign administration and finance must necessarily have gone closely together during the greater part of the history of Athens, and have been united in the same person; but the power of the generals was not limited to initiating measures for such grants; they had the control of the details of expenditure: the moneys voted from the treasuries of Athens for military purposes were placed in their hands (*C. I. A.* n. 273), and there were other extraordinary sources of revenue, such as those from booty (Lys. *c. Ergocl.* § 5), from the payments made by merchant-ships convoyed in time of war (*παρὰ τῶν ναυκλήρων καὶ ἐμπόρων*, Id. *de Bon. Aristoph.* § 50) and from fines imposed at their own discretion, over which they would probably have had entire control. As minister of finance for foreign affairs, it was the strategus who nominated to the trierarchy, in the 4th and probably in the 5th century (Dem. *adv. Boeot.* p. 997, § 8), and who had the *ἡγεμονία δικαστηρίου* in suits arising from it (Suid. *s. v. ἡγεμ. δικαστ.*), as well as a similar presidency in the court constituted for the settlement of disputes arising from the *εἰσφορά* (Suid. *l. c.*). Amongst the special military duties that devolved on the strategi at home were the distribution and command of the home forces, including the *περίπολοι*, and the control of the home defences (*φυλακαὶ κατὰ γῆν καὶ κατὰ θάλασσαν*, Thuc. ii. 24); duties which, after different functions were distributed amongst different members of the college, devolved on the general who bore the title *στρατηγὸς ἐπὶ τῆς χώρας* (Plut. *Phoc.* 32). In the case of certain levies the generals exercised the right of personal selection (Philostr. *Vit. Soph.* i. 23, 1; Lys. *c. Alcib.* i. § 6; Gilbert, *Staatsalt.* p. 303, n. 1). They also had jurisdiction in military matters; the appeals against the levy were made to them (Lys. *de Mil.* § 4), and they had the *ἡγεμονία δικαστηρίου* in the case of the military charges known as the *γραφαὶ ἀστρατείας, λιποταξίου* and *δειλίας* (Lys. *c. Alcib.* i. § 21), which they either undertook in person or remitted to the *ταξίαρχοι* (Dem. *adv. Boeot.* p. 999, § 17). Besides this jurisdiction at home, the general seems to have had the power to punish with death the most serious offences, such as treasonable negotiations with the enemy, and to confer military honours for bravery in the field (Lys. *c. Alcib.* i. § 22; Plut. *Alcib.* 7); while the public funeral for citizens who had fallen in battle (*δημόσιος τάφος*) was proposed by him (Aristoph. *Aves*, 395 *sq.*). The initiative in cases of treason seems also to have been amongst his duties ([Plut.] *Vit. Antiph.* 23); and one of his chief responsibilities was the corn-supply of Athens (*τὴν παραπομπὴν τοῦ σίτου*, Boeckh, *Seeurk.* xiii. p. 423; cf. *C. I. A.* ii. n. 331). The duties of the generals as regards foreign administration must have involved the introduction of most of such business to the assembly; questions arising from treaties or the details of foreign policy must have been usually brought forward by them; while we find that they were responsible for the execution of a treaty, saw that the oath was taken, and that the proper sacrifices were offered on the occasion (*C. I. A.* Suppl. vol. i. p. 10, ll. 67 and 19). The existence of the Athenian Empire also added to the sphere of the general's powers; they must have been the commanders-in-chief of the *φρουραρχοὶ* and the *φρουραί*, which we find in the subject states, as in Erythrae (*C. I. A.* i. 9). They saw to the exaction of the tribute when it was in arrears, by commanding the *ἀργυρολόγοι νῆες* (*C. I. A.* iii. 19); and probably had the levying of contingents from the allies in ships and men (Droysen, *Hermes*, ix. p. 12).

It will be seen from this enumeration of their functions that the generals at Athens were at once leaders in war, ministers of war, foreign ministers, and to a great extent ministers of finance. It is difficult to see how such powers could have been exercised collectively by a college. Distributed they must have been, even in the 5th century B.C., where we as yet meet no trace of the subsequent differentiation of functions; but it is not easy to say how this distribution was effected, whether by agreement amongst the members of the college, or by lot, of the use of which some traces are found (Thuc. vi. 42, 62; viii. 30), or finally by the presidency of one of the members of the college who assigned the duties of the others. It is not until the close of the 4th century, about the year 325 B.C., that we find the practice arising of assigning different spheres of action to the generals on election. As late as the year 306–305 B.C. we find several generals elected for the performance of the same function (*στρατηγοὶ οἱ ἐπὶ τὴν τοῦ πολέμου παρασκευὴν κεχειροτονημένοι*, *C. I. A.* ii. n. 2733); but as early as 349 B.C. a mention is traced of a general with a special competence, the supervision of the *εἰσφορά* (Dem. *Olynth.* ii. p. 26, § 29; Gilbert, *Beiträge*, pp. 35–37), and at a later period we find the functions assigned to the several generals distinctly expressed in the titles borne by each. Such titles are (*ὁ στρατηγὸς*) *ὁ ἐπὶ τὴν Μουνυχίαν καὶ τὰ νεώρια· ὁ ἐπὶ τὸν Πειραιᾶ· ὁ ἐπὶ τὴν χώραν· ὁ ἐπὶ τὴν χώραν τὴν παραλίαν· ὁ ἐπὶ Ἐλευσῖνος· ὁ ἐπὶ τὰς συμμορίας· ὁ ἐπὶ τὴν παρασκευήν· ὁ ἐπὶ τοὺς ξένους· ὁ ἐπὶ τὸ ναυτικόν· ὁ ἐπὶ τὰ ὅπλα* or *ὁ ἐπὶ τοὺς ὁπλίτας*, this last title being borne by the general who stood at the head of the college and was elected to the first place by the people (*χειροτονηθεὶς ἐπὶ τὰ ὅπλα πρῶτος ὑπὸ τοῦ δήμου*, *C. I. A.* ii. 331; Gilbert, *Staatsalt.* i. pp. 221, 222).

The only known insignia of the general were the chlamys or military cloak (Ael. *V. H.* xiv. 10; Plut. *Quaest. Conviv.* i. 4, 2) and the *στέφανος* which was worn by all Athenian magistrates. They had specially reserved seats in the theatre (Theophr. *Char.* 21), and conducted the military processions at the Panathenaea (Dem. *Phil.* i. p. 47, § 26). Their place of business was the *στρατήγιον* (Plut. *Nic.* 5, 15; *Per.* 37; *Phoc.* 8), where they dined at the public cost (Dem. *de fals. Leg.* p. 490, § 190). Special honours were sometimes conferred on successful generals, which took the form of statues ([Andoc.] *c. Alcib.* § 31), of public dinners in the Prytaneum (Aristoph. *Eq.* 709), or of *προεδρία* (*ib.* 575, 702). There is some evidence that the generals received payment on foreign service, and it has been concluded from a passage in Aristophanes (*Acharn.* 602) that the rate was three drachmae a day, which was perhaps given as a *σιτηρέσιον* rather than as a *μισθός*.

There are some difficulties connected with the date at which the generals were elected; but there is almost a consensus of opinion in favour of the view that during the greater part of the 5th century and onwards they were elected towards the close of Munychion, at the beginning of the ninth prytany, and entered office on the first of Hecatombaeon, the beginning of the Attic year (Gilbert, *Beiträge*, p. 7; Beloch, *Attische Politik seit Pericles*, pp. 271–273; Droysen, *Hermes*, ix. p. 16 ff.; K. F. Hermann, *Griech. Staatsalt.* § 148, 7). They would thus have been elected in April or May, and entered office in July, the interval between the two acts being employed no doubt for the purpose of the *δοκιμασία*. But in time of war a general's command might be prolonged beyond his term of office, even though he were not re-elected; thus Laches, who was *στρατηγὸς* during 427–426, was first replaced by Pythodorus, *στρατηγὸς* for 426–425 in the winter of that year (Thuc. iii. 86, 115; Gilbert, *l. c.* p. 14). The generals gave in their names before the nine archons (Poll. viii. 87), and the elections were conducted by them on the Pnyx (Hesych. *s. v.* Πνύξ): election seems to have been preceded by canvassing (Plut. *Phoc.* 8), and was, in the 4th century, not unfrequently tainted by bribery. The generals took an oath on coming into office, a special clause in which was *τοὺς ἀστρατεύτους καταλέξειν* (Lys. *de Mil.* § 15). Besides the ordinary qualifications required for Athenian magistrates, the special qualifications required for the generals were that they should be married and have children, and possess property within the bounds of Attica (Dinarch. *in Demosth.* § 71). There was apparently no qualification of age, but the *στρατηγία* was not usually held before the age of forty (Gilbert, *l. c.* p. 25). Re-election to the office in successive years was frequent; Pericles was general for fifteen years and Phocion forty-five times (Plut. *Per.* 15; *Phoc.* 8). A general might be deposed from office in the 4th century at the *ἐπιχειροτονία* held at the beginning of each prytany, and at the close of his office was subject to the usual audit (*εὔθυναι*), which in his case was conducted before a heliastic jury under guidance of the thesmothetae (Poll. viii. 88). This was mainly concerned with the account of the moneys which had passed through his hands; it was probably on a charge of malversation of funds that Pericles was convicted and fined (Thuc. ii. 65; Plut. *Per.* 23 and 35), but a special *γραφὴ κλοπῆς* might be preferred against him, either at the *εὐθύνη* or after the *ἀποχειροτονία*, together with other charges, such as the *γραφὴ προδοσίας* or *γραφὴ δώρων* [see EUTHYNE; EPICHEIROTONIA].

The question as to what was the precise process of election to the *στρατηγία* is at once the most important of those connected with the office and the most difficult to answer. It is equally doubtful who the electors were, and from what body the elected were chosen; and according to our decision on these points must depend to a large extent our estimate of the position of the *στρατηγὸς* in the state. In the early period of Athenian history the ten generals bore a close relation to the ten tribes; at Marathon each general commanded a tribe (Plut. *Arist.* 5), and Plutarch's language in this passage and in another, where he describes the employment of Cimon and his nine colleagues as judges in the theatre, tends strongly to the view that the general belonged to the tribe which he commanded (Plut. *Cim.* 8, *ἀπὸ φυλῆς μιᾶς ἕκαστον*: but see Gilbert, *Beiträge*, p. 23, who points out that Miltiades, who belonged to the tribe Oeneis, probably commanded the Aeantis). This was, however, certainly not the case at a later period: Pollux tells us that the generals were chosen out of all the citizens (*ἐξ ἁπάντων*, Poll. viii. 86); several instances are found of two generals in the same year belonging to the same tribe; and, as Gilbert says, "It would have violated all considerations of political expediency if the Athenians, through the condition that a general must be taken from each tribe, had robbed themselves of the possibility of employing two gifted and experienced men, because they happened to belong to the same tribe" (*Beiträge*, p. 24). Yet it is known that at the close of the 5th century the generals offered themselves as representatives of special tribes (Xen. *Mem.* iii. 4, 1); and, as they were chosen out of all Athenian citizens, two modes of election have been suggested: either that the generals were elected out of all the Athenian people by the special tribes and for the special tribes, or the view which is held by Droysen, that they were elected for each tribe from all the Athenians by the whole people (*Hermes*, ix. p. 8). The first, though in accordance with modern ideas of representation, is thought to be inconsistent with ancient ideas on the subject (Beloch, *l. c.* p. 279), while the second is contrary to all the analogies of tribal election in Athens (Pastoret, *Histoire de la Législation*, vi. p. 290). A modified view has been put forward by Beloch, which, while it gives a theory of election, contains a definite suggestion as to the distribution of powers within the college. He holds that the college consisted, not of ten equal members, but of a *πρύτανις* and *συνάρχοντες*, on the analogy of the treasurers of Athens and of the Hellenotamiae: the expression *ὁ δεῖνα καὶ συνάρχοντες* being found applied to the *στρατηγία* in an inscription (*στρατηγοῖς Ἱπποκράτει Χολαργεῖ καὶ συνάρχουσιν*, *C. I. A.* n. 273). This president, he considers, was elected by all and out of all, but his nine colleagues each by his own tribe and from his own tribe, one of the ten tribes each year giving up its right to election. Consequently "in nine cases out of ten a general must have belonged to a phyle that was already represented, or conversely, when two generals are found to belong to the same phyle, one of them must be the prytanis" (Beloch, *l. c.* p. 287). This seems confirmed by the fact that between the years 441–0 and 356–5 there are nine certain instances of two generals, but no certain instance of more than two, belonging to the same tribe in the same year (Beloch, *l. c.* p. 276; Droysen, *Hermes*, ix. pp. 3 and 4): this occurs twice when Pericles, once when Laches is general, and one of the names is usually of sufficient eminence for us to consider its bearer a possible president of the college. The *πρυτανεία* of the college he also thinks to be signified by the expression *στρατηγὸς δέκατος αὐτός*, which is twice used in reference to Pericles (Thuc. i. 116; ii. 13). Gilbert had thought that the additions *πέμπτος*, *τέταρτος αὐτὸς* to a general's name signified some superiority of power possessed by that general over his colleagues, and that this power is the same as that expressed in the words *στρατηγὸς αὐτοκράτωρ*: thus *ὁ δεῖνα πέμπτος αὐτὸς* would mean that the general possessed authority over his four colleagues who went on the expedition with him; *ὁ δεῖνα δέκατος αὐτὸς* would signify, not necessarily that the general's nine colleagues went with him on an expedition, but that he possessed the power of an *αὐτοκράτωρ* over the whole college (Gilbert, *Beiträge*, p. 42 *sq.*). It is certain that a general was appointed *αὐτοκράτωρ*, not at the elections, but with reference to a definite service, although it is possible that, in the face of a pressing danger, a general might be elected with autocratic powers at the archaeresia (Plut. *Arist.* 8, *χειροτονηθεὶς αὐτοκράτωρ*). Only the most general instructions were given to such a commander: he was freed from the necessity of consulting the *βουλὴ* and the *ἐκκλησία* on the details of administration, could raise supplies at his own discretion (Thuc. vi. 26), and had perhaps authority over his other colleagues; three generals were so appointed for the Sicilian expedition (Thuc. *l. c.*: *οἱ Ἀθηναῖοι ἐψηφίσαντο εὐθὺς αὐτοκράτορας εἶναι καὶ περὶ στρατιᾶς πλήθους καὶ περὶ τοῦ παντὸς πλοῦ τοὺς στρατηγοὺς πράσσειν ᾗ ἂν αὐτοῖς δοκῇ ἄριστα εἶναι Ἀθηναίοις*: cf. Plut. *Arist.* 8 and 11), and Alcibiades in 408 B.C. was *ἁπάντων ἡγεμὼν αὐτοκράτωρ* (Xen. *Hell.* i. 5, 20). Beloch's theory, on the other hand, is that the *πρύτανις* differed from the *αὐτοκράτωρ* in that a general was appointed *πρύτανις* at the *ἀρχαιρεσίαι*, *αὐτοκράτωρ* with reference to a definite service; that the one had a standing, the other only a temporary superiority over his colleagues; and that the two expressions would have coincided only when one *στρατηγὸς αὐτοκράτωρ* was appointed, in which case the president of the college would undoubtedly have been selected as the general on whom these special exemptions were conferred. If Beloch's theory is valid, this president of the college was the first minister of Athens; and it is no anachronism to speak of "party" government in the sense of "ministerial" government, when we are dealing with Athenian politics.

That this "ministerial" power was realised in later times is shown by an inscription of a *στρατηγὸς ἐπὶ τὰ ὅπλα*, who records that *περιστάντων τῇ πόλει καιρῶν δυσκόλων διεφύλαξεν τὴν εἰρήνην τῇ χώρᾳ ἀποφαινόμενος αἰεὶ τὰ κράτιστα — καὶ τὴν πόλιν ἐλευθέραν καὶ δημοκρατουμένην αὐτόνομον παρέδωκεν καὶ τὰς νομὴς κυρίους τοῖς μεθ' ἑαυτόν* (*C. I. A.* ii. n. 331). For the earlier period of Athenian history, it is difficult to establish a constitutional basis for this power: yet that it existed cannot be doubted. It is shown by the language in which Pericles' position is described (Thuc. ii. 65, *στρατηγὸν εἵλοντο καὶ πάντα τὰ πράγματα ἐπέτρεψαν*: cf. Diod. xiii. 42): he was alone responsible for the conduct of affairs, and had the power to prevent the *ἐκκλησία* from assembling (Thuc. ii. 23, 2). It is true that the expression *ὁ δεῖνα καὶ συνάρχοντες* may only denote a changing presidency; and the expressions *τρίτος*, *τέταρτος*, and even *δέκατος αὐτὸς* may be explained of specially conferred powers, yet something more seems to be demanded for a position such as that of Themistocles at Salamis (Plut. *Arist.* 8), of Pericles during the last fifteen years of his life, and of Nicias in 425 B.C. (Thuc. iv. 28): in these cases a definite leadership of the college seems to be implied, however vague and conjectural may be the powers which we are enabled to attribute to such a presidency.

(Gilbert, *Beiträge zur innern Geschichte Atticus im Zeitalter des Peloponnesischen Krieges*, pp. 1–72; *Handbuch der griechischen Staatsalterthümer*, i. p. 220 ff.;—Beloch, *Die Attische Politik seit Perikles*, Anhang i. pp. 265–330; Droysen, *Hermes*, ix. 1875 (*Bemerkungen über die Attischen Strategen*); K. F. Hermann, *Lehrbuch der griechischen Antiquitäten*, i. *Die Staatsalterthümer* (fünfte Auflage), §§ 123, 2; 129, 9; 148; 152; 166. On minor points see Müller-Strubing, *Aristophanes*, pp. 484 ff.; Müller, *de tempore quo bellum Pelop. initium ceperit*, p. 44.) [A. H. G.]

STRATOR. [EXERCITUS, Vol. I. p. 804 *a*.]

STRENAE (whence the French *étrennes*) were presents given on the 1st of January, as Festus says, "ominis boni causa" (cf. Plaut. *Stich.* v. 2, 24, and the precisely similar French proverb "à bon jour bonne étrenne"). The custom was supposed to be connected with the goddess Strenia, who brought good luck to the household "ab exortu fere urbis strenarum usus adolevit auctoritate Tatii regis, qui verbenas felicis arboris ex luco Streniae anni novi auspices primus accepit" (Symmach. *Ep.* x. 35): these *verbenae* are defined as laurel leaves (Lyd. *de Mens.* iv. 4). The custom is described in Ovid (*Fast.* i. 185 ff.). Some of the actual presents still exist: a cup with the inscription, "Anno novo faustum felix tibi" (Orelli, 4306); a lamp with the same (Id. 4307). Coins also were given, and a gold coin was the best of omens in Ovid's time (*Fast.* i. 221): the poorer client brought a copper coin, and, to represent the gold, a gilded date (Mart. viii. 33, xiii. 27).

New year's gifts were presented to Augustus in the Capitol, even when he was absent (Suet. *Aug.* 57; cf. Dio Cass. liv. 35). [VOTORUM NUNCUPATIO.] The person who received such presents was accustomed to make others in return (*strenarum commercium*); but Tiberius, who did not like the custom on account of the trouble it gave him, and also of the expense in making larger presents in return, frequently left Rome at the beginning of January, that he might be out of the way (Dio Cass. lvii. 8), and also forbade any such presents to be offered him after the 1st of January, as he used to be annoyed by them during the whole of the month (Suet. *Tib.* 34; Dio Cass. lvii. 17). The custom, so far as the emperor was concerned, thus seems to have fallen almost entirely into disuse during the reign of Tiberius. It was revived again by Caligula (Suet. *Cal.* 42; Dio Cass. lix. 24), but abolished by Claudius (Dio Cass. lx. 6); it must, however, have been restored afterwards, as we find it mentioned as late as the reigns of Theodosius and Arcadius (Auson. *Ep.* xviii. 4; Cod. Just. 12, 48; Gothofred. *ad Cod. Theod.* 7, 24, 1).

The festival is inveighed against as pagan by Christian writers (Augustin. *Serm.* 198, 2; Tertull. *de Idol.* 10. Other passages will be found in Graevius, *Thesaur.* xii. p. 409 ff., *strenarum historia*); but it lasted long, and still existed to be condemned by the Quinisextan Council at Constantinople ("Concilium in Trullo"), A.D. 692, if indeed we should not say that the French *étrennes* preserve the custom as well as the name.

On the strenae, see also Marquardt, *Staatsverwalt.* iii. 266; *Privatl.* 251.

[W. S.] [G. E. M.]

STRIAE. [COLUMNA, Vol. I. p. 490 *b*.]

STRIGA. [CASTRA, Vol. I. p. 381.]

STRIGIL. [BALNEAE, Vol. I. p. 278.]

STRO'PHIUM. Greek women wore in place of a corset a large variety of bands and straps, which were bound round the breast either under or over the shift. The names *στρόφιον*, *ζώνιον*, *ἀπόδεσμος*, and even *ταινία* and *μίτρα*, were given to these; but in all the meaning is general, and has no reference to their special purpose. Even *στρόφιον* is used by Athenaeus (xii. p. 543 f.) of the band which Parrhasius wore round his head. Roman matrons seem to have used a kind of corset, the *capitium* (cf. Varro, *L. L.* v. § 131), which, from Juvenal's reference to it (v. 143) as a *thorax viridis*, must have been stiff. Younger ladies wore bands and belts, like the Greek, for the same purpose (Catull. 64, 65). To these the names *amictarium* (Mart. xiv. 149), *taenia* (Apuleius, *Met.* x. 21), *mamillare*, *strophium* (Cic. *de Har. Resp.* 21, 44), and *fascia pectoralis* (Ovid, *A. A.* iii. 274) were given. From Martial (xiv. 65) one may infer that they were usually of leather. The monuments show not only bands girt round the breast of women, but in toilet scenes women bathing are often represented in a short close-fitting vest, which seems to be the *capitium*.

A statuette from Herculaneum shows a nude female figure putting the *fascia* (ταινία) over the breasts (*Ant. di Ercolano*, vi. tav. 17, 3 = Baumeister, *Denkm.* fig. 390).

On many female statues, especially those of the later periods, bands are shown which are not so much for the purpose of supporting the bust, but to keep the folds of a voluminous under-garment from shifting. They pass over the shoulders, cross at the breast, and are brought behind and fastened at the waist. What they were called is not known.

(Becker-Göll, *Charikles*, iii. 226; *Gallus*, iii. 251; Hermann - Blümner, *Privatalterthümer*; Baumeister, *Denkmäler*, art. "Busenband," p. 366; Marquardt, *Privatleben*, p. 484; Iwan Müller, *Handbuch*, pp. 431, 876; Böttiger, *Sabina*, ii. 114.) [W. F. C. A.]

STRUCTOR. [CENA.]

STULTO'RUM FE'RIAE. [FORNACALIA.]

STUPRUM. [ADULTERIUM; INCESTUM.]

SUBLIGA'CULUM. A piece of cloth tied or wrapped round the waist and worn as an apron or loin-cloth is one of the most primitive of garments, and is found in some form or other all the world over. That it was worn in Greece in pre-historic times is shown by the hunters on the inlaid sword-blade from the fourth grave at Mycenae (cf. Schuchardt, *Schliemann's Ausgrabungen*, p. 263, fig. 227; Milchhoefer, *Anfänge*, p. 145) and other monuments of the same age. In later times it is found frequently on archaic bronzes, and on early black-figured vase-paintings, as the dress of smiths and other craftsmen, as well as of labourers (cf. the olive-gatherers on a black-figured vase, in Baumeister, *Denkm.* p. 1047). It was also worn by warriors below their armour, but only in early times, for in later times it was supplanted by the linen shirt or χιτών.

There is some difficulty in tracing the use of the garment in literature. In Homer, for instance, Euryalus the boxer in *Il.* xxiii. 683 wears a ζῶμα, which is undoubtedly a loin-cloth, taking perhaps the shape of bathing drawers; but elsewhere the use of the word is not consistent (being sometimes evidently a kind of belt: cf. Studniczka, *Beiträge*, p. 67 foll.). The fact of the matter seems to be that, owing to the comparative severity of the Greek climate, it was never used, as in the East, as a man's sole garment, except where he was engaged in very violent exercise. Thus, in early times, διαζώματα were worn at the Olympic games (Thuc. i. 6). The custom, however, fell into disuse after Orsippos (Paus. i. 44, 1), who was victor in Ol. 15 (720 B.C.), had run without (cf. *C. I. G.* 1050). In classical times the apron is better known as the characteristic garb of cook (Hegesipp. 'Αδ. i. 7), the general name being περίζωμα or περιζώστρα (see LUCTATIO, and the woodcut on page 82 *b*).

At Rome, as in Greece, the apron or loin-cloth seems to have been an older undergarment than the shirt or TUNICA. It was worn not only by men, but also by women (Mart. iii. 87, 4), and was known as the *subligaculum* (Non. p. 29, 20), *subligar*, or *campestre*. In the Twelve Tables it goes by the name of *licium* (Gaius, iii. 192, 193). Its use in imperial times was chiefly confined to servants (*succincti linteo*, Suet. *Cal.* 26), and it was indeed generally regarded as the characteristic garb of the early Republic. Thus Horace speaks of *cinctuti Cethegi* as models of heroic simplicity (*A. P.* 50; cf. Porphyrion *ad loc.*). So, too, candidates for election had it as part of their old-fashioned costume (Plut. *Coriol.* 14; *Quaest. Rom.* 49, p. 340), while ascetics, like Cato the younger, adopted it as a protest against luxury (Plut. *Cat. Min.* 6; Val. Max. iii. 6, 7). One form of the apron, the *campestre* (cf. Isid. *Orig.* xix. 22, 5), was especially used by soldiers (= περίζωμα, Dionys. Hal.), though it was scarcely sufficient to compete with the *tunica* as a protection from cold (cf. Hor. *Ep.* i. 11, 6), and was doubtless soon given up for the shirt.

Of much the same shape were the drawers worn by actors (Cic. *de Off.* i. 35, 129) and dancers, which were also used by bathers, especially ladies (Mart. *l. c.*). An illustration is given under SALTATIO, p. 594. (Furtwängler, *Archaeologische Zeitung*, 1882, p. 329; 1884, p. 167;—Daremberg and Saglio, *Dict. d'Ant.*, s. v. *Cinctus*, p. 1172; Marquardt, *Privatleben*, pp. 282, 484, 580; Iwan Müller, *Handbuch*, pp. 803, 927; Voigt, *Zwölf Tafeln*, § 169, 31.) [W. F. C. A.]

SUCCE'SSIO is a term employed by the Roman jurists when speaking of the modes in which legal rights are acquired and lost. The relation of person and right, or of right and its subject, varies with the nature of the right itself. In respect of many rights, what is essential and permanent is the person in whom they reside: the rights themselves are merely transitory attributes. But in respect of property (using that term in its widest sense) this relation is reversed. Rights of property can as a rule pass from subject to subject: so far as they are concerned it is immaterial in whom they are vested for the time being, or, as Dr. Bruns has remarked, "as the coat changes its wearer, but itself remains the same, so can the right to the coat change its subject without being changed itself." Successio is the acquisition by one person of a right or rights hitherto vested in another, but not every such acquisition: it is in fact a species of what jurists call "derivative acquisition," of which there are two kinds. In the one a person tranfers to another a portion of his own rights, as where an owner constitutes a *jus in re aliena* [SERVITUTES], such as a usufruct or a right of way, over property of his own in favour of another: here the right of the latter is acquired derivatively, but there is no successio, the owner carving as it were a right differing in orbit from his own out of his own dominium. In the other, which is successio, the right of the one party passes in its integrity to the other, of whom it is said, "Succedit in locum ejus." Here a legal relation is presupposed between the two persons, the one of whom ceases to be invested with the right *eo instanti* that it becomes vested in the other; and to the latter it cannot be (in the eye of the law) a higher, larger, or more valuable right than it was to the former: "non debeo melioris condicionis esse quam auctor meus, a quo jus in me transit," Dig. 50, 17, 175; "nemo plus juris ad alium transferre potest, quam ipse haberet," Dig. *ib.* 54. Thus in the case of the transfer of ownership by traditio, the new ownership begins when the old ownership ceases, and it only arises in case the former possessor of the thing was also owner; that is, prior ownership is a necessary condition of subsequent ownership. Without a legal relation between the two parties, the one of whom intends to transfer his right to the other, there can be no successio. For instance, if A acquires ownership in property hitherto belonging to B by usucapio, B ceases to be its owner, but there is no legal relation between A and B, and therefore no succession: the acquisition by A is original, not derivative. So, too, if B abandons property (*derelictio*) of which A takes possession with the intention of appropriating it, it becomes A's without more ado (Inst. ii. 1, 47): but here again the acquisition is original, and there is no succession. The requirement that the right should vest in the successor contemporaneously with its divestment from the other party is sometimes satisfied by a fiction, as in the succession of a heres: for though there might be a considerable interval between the death and the aditio of the inheritance, yet the latter, when once made, had by a legal fiction relation back to the moment of decease: "heres quandoque adeundo hereditatem jam tunc a morte successisse defuncto intelligitur," Dig. 29, 2, 54; "omnis hereditas, quamvis postea adeatur, tamen cum tempore mortis continuatur," Dig. 50, 17, 138.

Of successio there are two kinds. A man either succeeds to a single right or a number of single rights by themselves, which is called "singular succession:" or he succeeds to the whole property or proprietary relations of another, whereby the individual rights pass also, which is called "universal succession." The Roman phrases are somewhat different. It is said in Dig. 43, 3, 1, 13 (cf. Gaius, ii. 97), "in locum successisse accipimus sive in universitatem sive in rem sit successum:" so too we have "in eam duntaxat rem succedere" (Dig. 21, 3, 3), "in singularum rerum dominium succedere" (Dig. 29, 2, 37), "in rei tantum dominium succedere" (Dig. 39, 3, 24); "in universum jus, in universa bona" (Dig. 23, 3, 3, 1; 39, 2, 1).

In singular succession the person from whom the right passes is called the other's *auctor* (Dig. 50, 17, 175, cited above: "auctorum successio," Dig. 1, 2, 2, 13). As to the rights of which a singular succession is possible, something is said below; but the succession requires an act between the parties capable of transferring the right, whether it be mancipatio, traditio, or mere grant. The object of universal succession is a man's whole property, so far as it exceeds mere life interests, comprising *res incorporales* (*e.g.* what we term "choses in action") no less than *res corporales*, and in most cases his liabilities as well as his rights: the notion upon which it is based being usually a fictitious identity of person between the party hitherto entitled and the successor, so that the former, in relation to the object of succession, is not (as in singular succession) opposed to the latter as a disconnected person, and consequently is not here as a rule termed his *auctor*, though an instance of this (in inheritance) occurs in a constitution of Diocletian in the Codex Hermogenianus. The universal successor may very properly be regarded as and termed successor to a part of the whole, but only because it is such a part: he succeeds to the part because he succeeds to the whole. Of universal succession there is a variety of forms, of which the most important is succession upon death. On a man's decease, his heir or heirs, whether they took by civil (*heredes*) or by praetorian law (*bonorum possessores*), took his property as an ideal whole: "bona autem hic, at plerumque solemus dicere, ita accipienda sunt: universitatis cujusque successionem, qua succeditur in jus demortui, suscipiturque ejus rei commodum et incommodum. Nam sive solvendo sunt bona sive non sunt, sive damnum habent sive lucrum, sive in corporibus sunt sive in actionibus, in hoc loco proprie bona appellabuntur" (Dig. 37, 1, 3, pr.). After the Senatusconsulta Trebellianum and Pegasianum, the same occurred where an heir transferred the whole inheritance to another under a trust [FIDEICOMMISSUM]. In the other cases of universal succession the so-called *passiva* of the person succeeded (*i.e.* his liabilities) did not by the civil law pass to the successor: but by the Edict this was generally so far modified that the latter became answerable for the *passiva* so far as the *activa* (assets) went. They comprise the following:—(1) The passing of a woman in *manum mariti*: "Cum mulier viro in manum convenit, omnia quae mulieris fuerunt viri fiunt dotis nomine," Cic. *Top.* 4, 23:, "cum mulier in manum convenit, omnes ejus res incorporales et corporales quaeque ei debitae sunt coemptionatori adquiruntur, exceptis his quae per capitis deminutionem pereunt. ... ex diverso quod ea debuit quae in manum convenit non transit ad coemptionatorem ... nisi si hereditarium aes alienum fuerit: tunc enim, quia ipse coemptionator heres fit, directo tenetur jure" (Gaius, iii. 83–4); and Gaius goes on to explain that though by the civil law no liability attaches after the coemptio for debts contracted by the woman before it either to herself or the husband, yet the praetor granted *utiles actiones* against her to the creditors, who, unless she were defended, would be put in possession for purposes of liquidation of all property which they might have proceeded against at civil law, but for the coemptio. (2) The giving of an independent person by himself in adrogation: "Si paterfamilias adoptatus sit, omnia quae ejus fuerunt et adquiri possunt, tacito jure ad eum transeunt qui adoptavit" (Dig. 1, 11, 15, pr.). *Mutatis mutandis*, Gaius says precisely the same of this, in respect of debts owed by the adrogatus, as he does of *conventio in manum*. (3) *Bonorum emptio* or bankruptcy, for which see Gaius, iii. 77–81; Inst. iii. 12, pr. (4) The reduction of a free woman to servitude under the Senatusconsultum Claudianum, in which case her whole property passed with her to her new master [SERVUS, 662 *b*]. In many other cases, though the object is to transfer the whole property, it is in fact effected by the transfer of the several things—*e.g.* in gift, in the constitution of a *dos*, in the formation of a *societas*, or the sale of an inheritance by the *heres*.

There are many rights which cannot be acquired by succession at all, and others which can be acquired by universal but not by singular succession. Speaking generally, none can thus pass but proprietary rights: for instance, the rights of *patronatus* over a *libertus civis* could not be bequeathed away to an *extraneus heres*, because, properly speaking, they were personal and based on a fictitious kinship: they devolved on the issue who were in the testator's power at his death, and who were potentially possessed of them even during the ancestor's lifetime

(Gaius, iii. 58). But the *jus patronatus* over a Latinus Junianus could be so bequeathed (Gaius, *ib.*), because it was a mere property right, the freedman becoming a slave again at the moment of his decease (Inst. iii. 7, 4). Yet in some rights there may be a successio which cannot be regarded as of a proprietary nature: *e.g.* the pater can transfer his patria potestas by *datio in adoptionem*, and in some cases the guardian could assign his rights of tutela (Gaius, i. 168 *sq.*).

Real rights, such as ownership, possession, and *jura in re aliena* (with the exception of servitudes), admit of succession of both kinds: they can be transferred by the appropriate mode of conveyance *inter vivos*, and devolve at death on the heir. No servitudes can be succeeded to "singularly," and personal servitudes, being as a rule mere life interests, were generally excluded from universal succession upon death: up to the time of Justinian usus and ususfructus were destroyed by capitis deminutio of every kind, so that they could not, before his change in the law, pass upon a *conventio in manum* or *adrogatio*. Nor can there be any singular succession to obligations or rights *in personam:* if the subject of the right were really changed (by Novatio), the right itself was changed also; and if the right were assigned, there was no real change of subject, but the assignee merely exercised a right of action which remained vested in his assigner: upon this subject see Obligatio.

The terms *successio*, *successor*, *succedere* by themselves have a general meaning and comprise both kinds of succession. Sometimes they denote universal succession without any addition, though where this is so the meaning is usually clear from the context (*e.g.* Gaius, iii. 82), but generally when universal succession is intended the word *universum* or some cognate term is added. *Successio* signifies the inheritance in many passages (*e.g.* "ex testamento successionem obtinere," Cod. 6, 20, 1: cf. Cod. 2, 53, 5, 3; 7, 34, 4; 3, 36, 10), and in some even the heirs (*e.g.* "Nullam ex priore matrimonio habere successionem," Cod. 5, 9, 3, pr.; *ib.* 2): "alienas successiones proprias anteponere" (Cod. 6, 42, 30). In Dig. 28, 2, 23, 1; *ib.* 29, 4, it denotes the substitution of a remoter for a nearer heir (cf. Dig. 38, 9, 1; 50, 17, 194): and in Dig. 20, 3, 3; 20, 4, 3, pr.; *ib.* 12, 9; *ib.* 16, the substitution of a subsequent for a prior mortgagee.

(Savigny, *System*, iii. 8 *sq.*; Puchta, *Institutionen*, § 198; Hasse, *Ueber Universal und Singular-Succession*, "Archiv für civ. Praxis," v. 1; Kuntze, *Die Obligationen und die Singular-Succession im röm. Rechte*, Leipzig, 1856.) [J. B. M.]

SUDARIUM, a linen handkerchief, carried in the hand or in the *sinus*, answering to our pocket-handkerchief, but primarily intended, as the word implies, to wipe the sweat from the brow or face (Quintil. vi. 3, 60; xi. 3, 148). It was a comparatively modern introduction, when fine linen came into use at Rome, which may be placed in the time of Cicero (Cic. *Verr.* v. 56, 146; Hehn, *Kulturpflanzen*, 146): with this agree the mention of the sudarium being used by Vatinius (Quintil. *l. c.*), and the *sudaria Saetaba* (of Spanish linen) spoken of by Catullus (12, 14; 25, 7). The word is borrowed by Hellenistic writers as *σουδάριον* (Luke xix. 20), for which Pollux (vii. 71) says that the older names were *ἡμιτύβιον* (Aristoph. *Plut.* 729) and *καψιδρώτιον*. The later name at Rome was *orarium* (Vopisc. *Aurel.* 48), and other less common names are found, such as *facitergium*, *manupiarium*.

Besides its use for wiping the face, it was worn round the neck (Petron. 67; Suet. *Ner.* 51), and was in the later period (as *orarium*) waved in the circus to signify applause (Vopisc. *l. c.*, cf. *κατασείειν ταῖς ὀθόναις ἐν θεάτροις*: Euseb. *H. E.* vii. 30), for which the lappet of the toga had formerly served (Ov. *Am.* iii. 2, 74). Göll (Becker-Göll, *Gallus*, iii. 268) denies that it was used to wipe the nose, which operation, he says, was performed in "the most primitive fashion." It is difficult to prove or disprove this as a universal rule; and the passage which he cites from Mart. vii. 37 is capable of either interpretation. The word *emungo* may imply the use of a handkerchief or the hand alone, the latter probably in Plautus, and certainly in *Anth. Pal.* vii. 134, Diog. Laert. iv. 46: but it may be questioned whether the use of the pocket-handkerchief was not coming in under the Empire, and the passage in Auct. *ad Herenn.* iv. 54, 67, seems to imply this even for the late Republic: that it was so in the time of Arnobius is clear from the etymology of the word *mucinium*, which (ii. 23) he uses as = *orarium*. [G. E. M.]

SUDATO'RIUM. [Balneae.]

SUFFLA'MEN (*τροχοπέδη*, *ἐποχλεύς*), a drag to check the wheels of carriages or waggons (Juv. viii. 148, xvi. 50). It is defined by the scholiast on the former of these passages as "vinculum ferreum, quod inter radios mittitur dum clivum descendere coeperit reda:" *i.e.* it was usually a simple drag chain which locked the wheel. Rich, however, is mistaken in making the word *τροχοπέδη* an argument for its being a mere "fetter," since Athenaeus (iii. p. 99 c), who quotes that word from Herodes Atticus, and is the only authority for it, says that it was a *ξύλον διαβαλλόμενον διὰ τῶν τροχῶν*, and goes on to state that the same *ξύλον* was called *ἐποχλεὺς* by Simaristus. We must therefore suppose that the ancient drag was sometimes a drag-chain, sometimes a log of wood attached by two chains so as to check the wheel, as may be seen in waggons of the present day. We have no indication of anything like a "slipper" drag. Casaubon reads *ἐποχεὺς* in the passage of Athenaeus, but the occurrence of the word *μόχλος* in the context favours rather the other reading. [G. E. M.]

SUFFRA'GIA SEX. [Equites.]

SUFFRA'GIUM. [Tabella; Civitas.]

SUGGESTUS, SUGGESTUM mean in general any elevated place made of materials heaped up (*sub* and *gero*), and is specially applied: 1. To the stage or pulpit from which the orators addressed the people in the Comitia. [Rostra.] 2. To the elevation from which a general addressed the soldiers (Tac. *Hist.* i. 35; Caes. *B. G.* vi. 3). 3. To the elevated seat from which the emperor beheld the public games (Suet. *Jul.* 76; Plin. *Paneg.* 51), also called *cubiculum*. [Cubiculum.] [W. S.]

SUGGRUNDA'RIUM. [Sepulcrum.]

SUI HERE'DES. [Heres, Vol. I. p. 952.]

SULPURA'TA. [Igniarium.]

SUMPTUA'RIAE LEGES. Sumptuary laws are those by which a state attempts to restrict the expenditure of its individual members. Occasionally regulations of this kind were inherent in the very structure of states of the ancient world, as was the case at Sparta; but more often their necessity was first felt in the later period of a nation's history, when conquest or commercial contact with the outer world had raised the standard of comfort of the people and had created new wants and desires. This is a necessary consequence of advancing civilisation; but, as Roscher says, "There is a limit at which new or intensified wants cease to be an element of higher civilisation, and become elements of demoralisation" (Roscher, *Polit. Econ.* ii. p. 221, E. T.), and this was the standpoint on which the ancient world based its sumptuary legislation. The main object of it was to effect an equalisation, regulated by some standard, in individual life; and although the definite aim at preserving a normal life amongst the citizens was most marked in Greek politics (Arist. *Pol.* ii. 9, 6; v. 11, 8;—Thuc. i. 6, 4), yet this attempt at *exaequatio* was also an element in sumptuary legislation at Rome (Liv. xxxiv. 4). Other objects were to preserve the financial resources of the state, mainly in accordance with the mercantile theory of ancient economic legislation (Tac. *Ann.* ii. 54), to prevent the aggressions of the rich against the poor from the *avaritia* which was a necessary consequence of *luxuria* (Liv. xxxiv. 4), and to banish the jealousies and consequent dangers which the glaring contrast between the lives of rich and poor inevitably fostered in a city state (Arist. *Pol.* iv. 11, 6 and 7; v. 9, 13;—Liv. *l. c.*). Sometimes this legislation attempted to remove definite moral evils, such as drunkenness and other forms of sensuality, from the community, in which they were felt to be growing up (Macrob. iii. 17, 4). The censorship at Rome, and institutions with similar moral functions corresponding to it in the Greek states, were often employed for the restriction of luxury (Arist. *Pol.* iv. 15, 13; Gell. xvii. 21, 39).

The sumptuary legislation of Greece was contained for the most part in the codes of the great lawgivers. A rhetra of Lycurgus is said to have forbidden the Spartans to have their houses made by any more elaborate implements than the axe and the saw (Plut. *Lyc.* 13): simplicity of food and clothing was enjoined to the male members of the population (Plut. *de San.* 12; Arist. *Pol.* iv. 9, 8): iron money was originally the only coinage in use (Plut. *Apophth. Lac. Lys.* 3), and private possession of gold and silver was forbidden even after these metals were employed for public purposes (Xen. *de Rep. Lac.* 7, 6; Plut. *Lys.* 17). By the laws of Zaleucus of Locri, we are told, the citizens of that state were forbidden to drink undiluted wine, except on the order of a physician, under pain of death (Athen. p. 429); while simplicity of dress and a limitation of the number of personal attendants were also enjoined (Diod. xii. 21). The Solonian legislation at Athens contained enactments against expensive female apparel and ornaments, particularly those given in the dowry (φερνή) of a bride (Plut. *Sol.* 20), and against expensive funerals (Plut. *Sol.* 21; Demosth. *in Macart.* p. 1071); there were also laws in force at Athens which limited the number of guests at entertainments (Athen. p. 245). Funeral regulations similar to those of Solon, we are told by Plutarch, existed in his native town of Chaeronea (Plut. *Sol.* 21).

Roman sumptuary legislation was progressive; it did not originate until a comparatively late period in the history of the state, and each law aimed at eradicating some definite and growing evil. The inefficiency of these laws and the extreme difficulty of enforcing them are amply attested (Tac. *Ann.* ii. 55; Gell. ii. 24, 3; Tertull. *Apol.* 6), but, even when recognised, were not sufficient to check further attempts in this direction. The fact that most of these laws dealt with the same subject, namely the expenses of the table, and enjoined very similar restrictions, shows how quickly each of them must have sunk into desuetude.

The earliest sumptuary regulations were those contained in the Twelve Tables limiting the expenses of funerals (Cic. *de Leg.* ii. 23). They were possibly copied from the similar regulations of Solon.

The Lex Oppia, passed in 215 B.C., provided that no woman should possess more than ½ oz. of gold, or wear a dress of different colours, or ride in a carriage in the city or within a mile of it except during public religious ceremonies. This law, which was dictated by the necessities of the Punic war, was repealed twenty years later, in 195 B.C. (Liv. xxxiv. 1–8; Val. Max. ix. 1, 3; Tac. *Ann.* iii. 33).

The Lex Orchia, passed three years after Cato's censorship, and therefore in 181 B.C., was the first law that restricted the expenses of the table. It prescribed a limit to the number of guests that might be invited to entertainments. Cato is said to have opposed its introduction (Festus, s. v. *percemetatum*), but he also opposed its repeal in a speech, fragments of which have been preserved (Macrob. ii. 13, iii. 17; Festus, s. v. *obsonitavere;* Schol. Bob. *in* Cic. *pro Sest.* p. 310; Meyer, *Orat. Rom. Fragm.* p. 91).

This was followed by the Lex Fannia. The date is fixed by Pliny (*H. N.* x. § 71) as 161 B.C., although Macrobius places this law twenty-two years after the Lex Orchia, and therefore in 159 B.C. It was passed in the consulship of C. Fannius and M. Valerius Messala, and grew out of a senatusconsultum, which enjoined that the *principes civitatis* should swear before the consuls that they would not exceed a certain limit of expense in the banquets given at the Ludi Megalenses. Afterwards a consular law was promulgated (Sammonicus Serenus *ap.* Macrob. iii. 17, 4, "ipsi consules pertulerunt"), which went further than the Lex Orchia, in that it prescribed the nature and value of the eatables which were allowed to be consumed. It permitted the expenditure of 100 asses on the Ludi Romani, the Ludi plebeii, and the Saturnalia, and of 30 on some other festival occasions: but on all other days of the year it allowed only 10 asses to be spent. Hence Lucilius speaks of the "Fanni centussis misellos." It further forbade the serving of any fowl but a single hen, and that not fattened. One of its clauses was of a protective character, since it enjoined that only native wines should be consumed (Gell. ii. 24; Macrob. iii. 17; Plin. *H. N.* x. § 71; Tertull. *Apol.* vi.).

The Lex Didia was passed eighteen years later, in 143 B.C. It was a re-enactment of the

Lex Fannia with two alterations. It included in the penalties of the law not only the giver of the feast, which violated its regulations, but also the guests who were present at such a banquet. And it extended the provisions of the Lex Fannia to all the Italici, who had been under the impression that this law applied only to Rome (Macrob. *l. c.*).

The **Lex Licinia** marks the next attempt at sumptuary legislation. It is impossible to assign any certain date to this law. It has been placed by some as late as the second consulship of Crassus and Pompey, 55 B.C. (Meyer, *Orat. Rom. Fragm.*); but Macrobius attributes it to P. Licinius Crassus Dives, and Gellius places it between the Lex Fannia and the laws of Sulla. It probably belongs either to the praetorship or to the consulship of P. Licinius Crassus, and therefore approximately either to the year 103 or to the year 97 B.C. It allowed 100 asses to be spent on the table on certain days, 200 on marriage feasts, and on certain other festivals (such as the Calends, Nones, and Nundinae) 30 asses; it fixed a limit to the amount of meat and fish that was to be consumed on ordinary days, and encouraged the consumption of garden-produce. A senatusconsultum enjoined that the law should come into force as soon as it was promulgated and before it was confirmed. Lucilius and Laevius commemorated the law, and Gellius relates that a Latin orator Favorinus spoke in support of it (Gell. ii. 24, xv. 8; Macrob. *l. c.* On the question of the date see *Dict. of Biog.*, arts. Favorinus and Lucilius).

The general neglect of the preceding laws ("legibus istis situ atque senio obliteratis," Gell. *l. c.*) caused the **Leges Corneliae** of the dictator Sulla to be passed in 81 B.C. He carried a law restricting the expenses on sepulchral monuments (Cic. *ad Att.* xii. 35 and 36) and regulating the cost of funerals, which he violated on the death of his wife Metella (Plut. *Sulla*, 35). Another law restricted the luxury of the table, allowing 30 sesterces to be spent on the Calends, Ides, Nones, the "dies Ludorum," and certain "feriae," three on all other days (Gell. *l. c.*; reading with Gronovius "tricenos" and "ternos." Hertz reads "tricentenos" and "tricenos").

A **Lex Aemilia**, which probably belongs to the consulship of Aemilius Lepidus and Q. Lutatius Catulus, 78 B.C., did not fix a fresh limit to expenses, but laid down regulations as to the kinds and quantities of food. Pliny mentions certain regulations of this kind as being embodied in a sumptuary law which he refers to the consulship of M. Aemilius Scaurus, 115 B.C. (Plin. *H. N.* viii. § 82: cf. Aurel. Victor, *de Vir. ill.* 72); and it is possible that there may have been two Aemilian laws on the subject.

The **Lex Antia**, which was subsequent to the last-named law, but cannot be dated precisely, besides limiting the expenditure on banquets, also limited the class of persons with whom a magistrate might dine out during his time of office (Gell. *l. c.*).

Next came the **Leges Juliae**. The dictator Caesar enforced the former sumptuary laws respecting entertainments, which had fallen into disuse (Dio Cass. xliii. 25; Cic. *ad Fam.* ix. 15, 5); they were not attended to during his absence (Cic. *ad Att.* xiii. 7), but, during his presence in Rome, the enforcement of them was rigorous; guards were placed round the market to seize forbidden luxuries, and sometimes dishes were taken from the tables of private individuals (Suet. *Jul.* 43). He also passed a law prohibiting the use of litters, of purple garments, and of pearls, except in the case of persons of a certain rank or age, or on certain days (Suet. *l. c.*).

The Emperor Augustus, in B.C. 22, passed laws regulating the expenses to be incurred on ordinary and festal days (Dio Cass. liv. 2, 3; Suet. *Aug.* 34). On the former an expenditure of 200 sesterces was permitted, on the latter an expenditure of 300, and on marriage festivals of 1000 sesterces; an edict of Augustus or Tiberius allowed expenses on various festivals to range from 300 to 2,000 sesterces, the increase in the permitted expenditure being allowed in the hope that this concession would secure obedience to the law (Gell. *l. c.*).

Tiberius, in spite of his distrust of the efficacy of sumptuary legislation (Tac. *Ann.* iii. 53, 54), was forced into making regulations to check the inordinate expenses on banquets (Suet. *Tib.* 34; Plin. *H. N.* xxxiii. § 8). To his reign also belongs a senatusconsultum prohibiting the use of gold plate, except in sacred rites, and preventing men from wearing silk (Tac. *Ann.* ii. 33; Dio Cass. lvii. 15, 1). Further sumptuary regulations checking the expenditure on food were made by Nero (Suet. *Nero*, 16); amongst later emperors Antoninus Pius and Marcus Aurelius regulated the expenses of gladiatorial shows (Capitol. *Vit. Antonin.* 12; *Vit. M. Ant. Phil.* 27), and the Emperor Tacitus again prohibited men from wearing silk, and forbade the wearing of gold-embroidered garments (Vopisc. *Vit. Tac.* 10). It was during the later Republic and the early Empire that luxury specially flourished, although the studied simplicity of the courts of Augustus and Tiberius must have had some influence in restraining it. After Galba began a new era of moderation, an effect which Tacitus traces to the decline of private fortunes, to the dangers attending the display of wealth, to the introduction of *novi homines* into the senate and into the best society of Rome, but principally to the influence of Vespasian, a prince "antiquo cultu victuque" (Tac. *Ann.* iii. 55). Other princes whose simplicity of life exercised an influence on the society of their times were Alexander Severus and Aurelian (Lamprid. *Vit. Sev.* 4; *Vit. Aurel.* 49).

(The *loci classici* on Roman sumptuary laws are Gellius, *Noctes Atticae*, ii. 24, and Macrobius, *Saturnalia*, iii. 17. See also Platner, *Exercit. II. de legibus sumptuariis Romanis*, Lips. 1752. On the whole subject of sumptuary legislation, see Roscher's *Political Economy*, ii. p. 220 (E. T.), and his article *Ueber den Luxus*, republished in the *Ansichten der Volkswirthschaft aus dem geschichtlichen Standpunkte.*) [A. H. G.]

SUOVETAURI'LIA, the triple sacrifice of bull, sheep, and pig, in the old Italian ritual of lustration [see Lustratio, Ambarvalia]. The word *solitaurilia* is also found, and was explained at length by Verrius Flaccus (Festus, 293 a) as having the same meaning; see on this question Jordan in Preller's *Röm. Myth.* i. 421. This sacrifice was doubtless of great antiquity in Italy, the three animals representing the most valuable stock of the old Italian farmer. We find it in what was probably its original form in Cato's treatise on Husbandry, where the ritual is given for the lustration of the farm; the animals were driven three times round the fields, and sacrificed with a prayer to Mars. Here we find not only the sacrifice of the three animals when full-grown (*majora*), but also of their young (*lactentia* or *minora*; cf. Henzen, *Acta Fratr. Arv.* p. 143). Next we have the same ritual applied to towns, as in the Amburbia and Ambarvalia, and to the lustration of the people after the census; thus Livy, describing the census of Servius Tullius (i. 44), says, "Ibi (in Campo Martio) exercitum omnem suovetaurilibus lustravit; idque conditum lustrum appellatum, quia is censendo finis erat." The victims were here driven round the host before sacrifice, as in the country round the farm. In each case the ideas lying at the root of the ritual were expiation and purification; the two being inseparable in the old Italian mind, which seems also to have conceived of these religious performances as not only effective in doing away with evil in the past, but as at the same time protective against evil in the future.

The same ritual of the triple sacrifice was applied (in later times only, we may suppose) to other religious ceremonies besides the formal lustration. Thus, in Liv. viii. 10, we find it in the *devotio* of Decius; it is here still in close connexion with Mars, in whose worship it certainly originated (see Cato, *l. c.*). So also, in the sacrifices after the winning of the *spolia opima* (Fest. 189), it is mentioned as taking place in the Campus Martius, and at the altar of Mars. But the connexion with the religion of war gradually extended its use to the worship of other deities in particular aspects: thus we find it in the triumph, offered to Jupiter and other deities (Serv. *ad Aen.* ix. 627; cf. the triumphal sacrifice on the Column of Trajan). It was indeed contrary to the old *jus pontificium* to sacrifice the suovetaurilia to Jupiter (so expressly Ateius Capito in Macrob. iii. 10, 3); and Servius (*l. c.*) mentions the triumph as the only exception to the rule. At the laying of the foundation-stone of the Capitol in Vespasian's reign (Tac. *Hist.* iv. 53) the site of the temple which was to be dedicated to Jupiter, Juno, and Minerva, was previously lustrated by the suovetaurilia; but it does not appear certain that this sacrifice had any direct reference to those deities.

It may be noted that the history of this rite runs in exactly parallel lines with that of the deity with whom it was originally and at all times specially connected. As Mars, the agricultural deity, developed a warlike aspect which eventually became the one by which he was best known; so the suovetaurilia, beginning as an agricultural rite, was later applied to warlike purposes. And as Mars gradually gave way to Jupiter and the Capitoline deities, so his ancient sacrifice came to be transferred to their worship.


Suovetaurilia. (Relief in the Louvre.)

The accompanying cut is from a fine relief now in the Louvre, formerly in Venice. The suovetaurilia is also represented on many other monuments and triumphal arches. [W. W. F.]

SUPERFI'CIES, SUPERFICIA'RIUS. The doctrine of the civil as of our own law, in respect of things attached to the soil, was that they became part of the soil itself, and so the property of its owner: "superficies solo cedit" (Gaius, ii. 73); "omne quod inaedificatur solo cedit" (Inst. ii. 1, 29). Hence, if A built on the land of B, he had no remedy against the latter if he claimed the land by *vindicatio*, unless he was in *bonâ-fide* possession of it himself, in which case, by entering the plea of *dolus malus*, he was entitled to retain possession until B would indemnify him for the expense of building it (Inst. *ib.* 30). If the land were built on land held under a lease, it acquired the name of Aedes Superficiariae (cf. Cic. *ad Att.* iv. 2, "superficies aedium"), but was in no way excepted from the general rule. "Both by Civil and Natural law," says Gaius in Dig. 43, 18, 2, "it belongs to the landowner;" though, if ejected against the terms of his agreement, the builder might of course obtain damages against the latter, but not restitution, by *actio locati*. But owing to historical reasons, as will be seen below, this species of interest became especially common at Rome; and where the right had been conceded by the landowner in perpetuity, or at least for a very long term, the praetor gave it a "real" character by entitling the person to whom it belonged both to real actions and to interdicts; a change based, according to Ulpian, on considerations of public policy: "sed longe utile visum est, quia et incertum erat, an locatio existeret, et quia melius est, possidere potius quam in personam experiri, hoc interdictum perponere et quasi in rem actionem pollieeri" (Dig. 43, 18, 1, 1). The ownership of the proprietor of the soil was not called in question, but superficies, the interest of the other party, acquired the character of a *jus in re aliena*; and in Dig. 30, 86, 4, it is actually termed *servitus*. The right of the superficiarius, whether it extended over the whole house or only over a portion of it (*e.g.* a flat, Dig. 43, 17, 3, 7), was heritable (Dig. 43, 18, 1, 7) and alienable both *inter vivos* and by will: he could assert it against any one by whom it was infringed, and not merely against the owners of the soil (Dig. 30, 86, 4; 39, 2, 19, pr.); had the fullest use of the building and the servitudes annexed to it; could pledge and create servitudes over it available for the duration of his own interest (Dig. 43, 18, 1, 6, 7 and 9; 7, 7, 1, pr.; 13, 7, 16, 2). The duties of the superficiarius were in the main determined by the disposition under which he acquired his right, and usually comprised the payment of a ground-rent (*solarium*) to the landowner (Dig. 6, 1, 74; 20, 4, 13; 43, 8, 2, 17): he also had to pay all rates and taxes with which the building as such was chargeable (Dig. 43, 18, 1, 6). For the recovery of the house, if dispossessed, he could use in their *utilis* forms all the actions which were competent to a dominus, especially vindicatio, actio Publiciana, negatoria, and confessoria (Dig. 43, 18, 1, 1, 3 and 6; 6, 1, 73, 1; *ib.* 74, 75; 6, 2, 12, 3): and against the owner of the soil he could in most cases bring also personal actions on sale or hire (Dig. 43, 18, 1, 1). That he had some sort of possession is proved by his title to interdicts, though as to its precise nature there is a difference of opinion. Some writers maintain that he had representative or derivative possession of the building and the soil as well, but this is disproved by the landowner's capacity to use the interdict Uti possidetis (Dig. 43, 17, 3, 7), for "plures eandem rem in solidum possidere non possunt" (Dig. 41, 2, 3, 5). That he could use the interdicts De vi and De precario in their direct, not *utilis* forms (Dig. 43, 16, 1, 5; 43, 26, 2, pr. and 3), establishes the view of those who attribute to him original possession of the building, and disproves that of others who credit him with a mere *juris quasi-possessio*. The praetor also gave him a special interdict De superficiebus (Dig. 43, 18, 1, pr. and 2), which was *retinendae possessionis causa*, and modelled after Uti possidetis. There is no evidence that the praetor required proof of traditio of the superficies by the dominus to the superficiarius as a condition of granting the latter his real action, though some hold that traditio was essential for the alienation of a superficies already created (cf. Dig. 43, 18, 1, 7). Of the modes in which the right of superficies originated the most important is contract with the owner of the soil, who by gift, exchange, or lease (Dig. 43, 18, 1, pr. and 3; *ib.* 2) might permit the other to build on his land. In Dig. 43, 18, 1, 1, it is said that it might also arise from sale: from which it may be inferred that it did not always originate in the superficiarius' building on *alienum solum*, but that the owner of land with a house on it might sell or let out the latter without the soil for a very long term or in perpetuity: an interest which after *causae cognitio* the praetor might treat as a superficies, it not having been his intention to ascribe civil possession and real rights to any and every lessee: "quod ait praetor .... causa cognita .... sic intelligendum est, ut si ad tempus quis superficium conduxerit, negetur ei in rem actio: et sane causa cognita ei, qui non ad modicum tempus conduxit superficiem, in rem actio competit" (Dig. 43, 18, 1, 3). Besides this, superficies might be created by a legacy in the landowner's testament (Dig. 30, 86, 4) and by adjudicatio in a *judicum divisorium*. Whether it could be acquired by usucapio is disputed: the passages bearing on the point are Dig. 6, 2, 12, 3, and 41, 3, 26.

The modes in which superficies was extinguished are substantially identical with those in which EMPHYTEUSIS determined, though it is a moot point here whether the landowner could evict the superficiarius on non-payment of solarium for two years: see Dig. 19, 2, 54, on which the affirmative opinion is based.

The prominence of superficies at Rome is commonly ascribed to the supposed fact that at one time all land belonged to the state, which refused as a general rule to grant ownership in it to individuals, but was not averse to allowing them to build on a *locus publicus* (Dig. 43, 8, 2, 17), an example of which is found in the assignment of the Aventine to the plebs by the Lex Icilia, B.C. 456 (Dionys. x. 31, 32: cf. Puchta, *Institutionen*, § 244, note e). If this was its origin, there is no doubt that when private property in land was recognised the precedent was largely followed by municipal corporations (of which there is a good instance in an inscription of A.D. 193 in Orelli's *Inscriptiones*, i. No. 39; Bruns, *Fontes*, p. 91: cf. *Zeitschrift für g. R.* xi. 219–238, xv. 335–341) and individuals; so that in later times it was common at Rome for the ground on which Insulae were built to remain the property of the owner of the soil, while other persons had a jus superficiarium in the different stories, in respect of which a rent was paid by them to him.

(Gaius, ii. 73–75; Dig. 43, 18; Niegolewski, *de jure Superficiario*, Bonn, 1848; Rudorff, *Beitrag zur Geschichte der Superficies*, "Zeitschrift für g. R." xi. 219 *sq.*; Schmid, *Handbuch*, ii. pp. 57 *sq.*; Degenkolb, *Platzrecht und Miethe, Beiträge zu ihrer Geschichte und Theorie*, 1867: to these may be added Wächter, *Das Superficiar- oder Platzrecht*, "Abhandlungen der Leipziger Juristen-Facultät," vol. i.) [J. B. M.]

SUPERSTI'TIO. In a certain sense, all Greek and Roman religion may be reckoned as superstition: for none of it was free from error. But it is right to make a distinction between such religious beliefs and practices as were accompanied with lofty thoughts and sound moral tendencies, and others which were merely malevolent or foolish. To the latter alone can the word "superstition" be properly applied. It is impossible, however, to draw any sharp line between religion and superstition; error lies close to truth on these difficult subjects. How far acts positively harmful, such for instance as human sacrifices, were at any time mingled with the official religion of Greece and Rome, is a question not easy to decide, nor does it form the subject of this article. [See SACRIFICIUM; OSCILLA; THARGELIA.]

Our subject here is superstition in the sense of the unlawful and guilty dealing with supernatural powers, a practice which is *ex vi termini* not religion, and of which the popular name is witchcraft. We find, it is true, in early literature the union of medicine with incantation (Hom. *Od.* xix. 457; Pind. *Pyth.* iii. 51), which lasted, though with less credence from educated men, into later times (Plat. *Charmid.* p. 155 E; *Rep.* iv. p. 426 B; Soph. *Aj.* 582, with Jebb's note; Hermann-Blümner, *Privatalt.* 355; MEDICINA): but this was beneficent action and belonged to the medical practice of the day; and moreover it was to some extent connected with a religious idea of prayer to the gods for recovery (cf. Pind. *l. c.*; Plin. *H. N.* xxviii. § 10). Of what would strictly be called witchcraft there is but rarely any mention in the great Greek authors down to the end of the 5th century B.C. There is, of course, the legendary Circe of the Odyssey: but even she is too much a goddess to be a witch; her powers are supposed rightfully to belong to her. Medea comes more near to the idea of a witch (in the ordinary stories of her, which date as early as Pherecydes and Simonides, and the author of the Νόστοι, as at least the argument to the

Medea of Euripides affirms); but Medea also is legendary, and, which also is to be noticed, she comes of a barbarous non-Greek race. The Works and Days of Hesiod is a poem in which we might certainly expect to find notice of witchcraft, if it existed in his day; but there is none. There are indeed some perfectly trivial superstitions in Hesiod, parallel to ours of the unluckiness of "spilling the salt;" but of serious superstition there is none. In Herodotus witchcraft is just mentioned (ii. 33; iv. 105; vii. 191); but in the two former passages it is mentioned in connexion with purely barbarous tribes, in the last passage in connexion with Persia. The Magi of Persia are not, properly speaking, magicians, though the word "magic," is derived from them; they are the priests of a lawful and regular worship, supposed to enjoy certain supernatural powers. Neither in Aeschylus or Sophocles, nor yet in Aristophanes, is there any mention of witchcraft, though in the last-named writer there are passages in which it might most naturally have been introduced; *e.g.* a wizard might have been one of the visitors to Peisthetaerus in the "Birds," just as the oracle-monger is; or again, in the "Clouds," Socrates might have been accused of witchcraft, whereas on the contrary he appears there as a sort of positivist. In Euripides there is mention of the γόης (sorcerer) and the ἐπῳδός (mutterer of incantations, *Hippolyt.* 1038; *Bacch.* 234); and the connexion of incantations with Asia, the "Lydian land," in the last passage, is notable, as pointing to the natural home of magic in the estimation of the Greeks. Yet the mention is of the barest, in both these passages. In Antiphon, at the very end of the 5th century, there is the charge of poisoning brought by a man against his own stepmother; and the stepmother would seem to have defended herself by alleging that she gave the poison as a "philtre," to bring back her husband's love (Antiph. Κατηγορ. Φαρμακ. 9). Here is an approximation to witchcraft, though of a mild sort. Plato, again, mentions sorcerers, *e.g.* in *Symp.* 203 D; but the extraordinarily vague mixture of words in that passage, γόης καὶ φαρμακεὺς καὶ σοφιστής ("sorcerer and poisoner and sophist") is against the view that sorcery was a well-developed or specialised occupation at that date. In another place he speaks (*Gorg.* p. 513 A) of the Thessalian women who "are said" to draw down the moon from heaven. In [Demosth.] *c. Aristogeit.* p. 793, § 79, we have what is perhaps the earliest historical instance (apart from the biblical one, 1 Sam. xxviii. 3, 9) of a woman being condemned to death on the charge of witchcraft; and here, again, the accusation of poisoning is mixed up with the more mysterious offence; though, to the common mind, poisoning was then as mysterious as witchcraft. It will be observed that the close of the 5th century, which is the date when "sorcerers" begin, however vaguely, to be mentioned as moving about *in Greece*, is exactly the era when that sincere religious belief which we find in Aeschylus and Pindar begins to fail, and scepticism, though abhorrent to the multitude, takes a somewhat wide range among inquisitive and thinking men. Pliny, indeed (*H. N.* xxx. § 1), says that a Persian, Osthanes, introduced magic into Greece about the time of the Persian wars; but even if this was so, it was but a seed that was then sown.

The superstition of the "evil eye" is perhaps first mentioned in Aristotle, *Problem.* xx. 34; though the words βασκαίνω and βάσκανος, in the sense of "to envy" or "envious," occur frequently before that date, and in very early writers. (The story of Peisistratus, given by Hesychius, and mentioned under FASCINUM, should, however, be noticed.)

It is not till we come to Theocritus, at the commencement of the 3rd century B.C., that witchcraft appears in full force, as in the well-known second idyll of that writer. (For the remedy of "spitting thrice" for the evil eye, cf. Theocr. vi. 39.) At this period, the mixture of religions over that vast area which was governed by the successors of Alexander, the weakening of each religion as a separate force, and yet the inability of men to do without them, afforded the most favourable possible *nidus* for the birth of irregular superstitions.

At Rome, magical arts are mentioned as early as the laws of the Twelve Tables, which forbid the "charming-away" of another person's crops (cf. Seneca, *Quaest. Nat.* iv. 7, "et apud nos in xii tabulis cavetur ne quis alienos fructus excantassit;" also Apuleius, *de Magia*, 47; Pliny, *H. N.* xxviii. § 17). In B.C. 329, we find a large number of Roman matrons accused and condemned of the practice of poisoning, and perhaps witchcraft as well (Liv. viii. 18: the words *recondita alia* should be noticed): the first time, Livy says, that the offence of poisoning was known in Roman history. He adds, that it was regarded as a prodigy, and as a frenzy on the part of the guilty persons; and to avert similar catastrophes in future, a dictator was appointed, who drove a nail into the right-hand wall of the Temple of Jupiter Optimus Maximus (this *place* is mentioned in vii. 3, where the custom is first recorded),—an ancient rite, originally adopted as a method of computing time, but afterwards employed superstitiously, as a means of warding off diseases bodily or mental. (See also Liv. ix. 28; Plin. *H. N.* xxviii. § 63.)

All through Roman history we find *amulets* worn to avert the malign influence of witchcraft, or of the evil eye [AMULETUM; FASCINUM]: but this difference is noticeable between earlier and later times, that in the earlier times the amulet bears the symbol of the indigenous gods of Italy (Picumnus, Carna, &c.), whereas in the later times all sorts of foreign gods, Oriental and Egyptian, are indicated upon them.

It is when we come to the closing years of the Roman republic, and to the times of the emperors, that we find the most extraordinary development of magical arts which the ancient world affords. The irreligious character of the art is then vividly borne in upon us by the fact that the magician threatens, instead of supplicating, the demons which he invokes (Lucan, vi. 441–492). It is impossible to doubt that at this period attempts were made to injure enemies, and to obtain private advantages, through supernatural means, in such a way as to exhibit magic as a really malevolent, if not also a maleficent, practice. Any injury which it really effected must have been through the fascination which it exerted on its victims; and perhaps such an instance as that in *C. I. L.* viii. 2756 may be of this sort: "Eunia hic sita est Fructuosa. . . . Quae non ut meruit ita mortis sortem retulit. Carminibus defixa jacuit per tempora multa, ut ejus spiritus vi extorqueretur [prius] quam naturae redderetur; cujus admissi vel Manes vel Di caelestes erunt sceleris vindices." It is certain that savage tribes have often supplied examples of the disastrous weakness here supposed. Numerous tablets of contents similar to the above have been found (*C. I. G.* 538, 539, 1034, 5858^b: in Newton's *History of Discoveries at Halicarnassus, Cnidus, and Branchidae*, ii. 719, and others). The method of witchcraft implied in the words "carminibus defixa" in the last-quoted passage speaks for itself. Other methods were, the writing of the name of obnoxious persons on tablets, and marking them with magical signs and characters; the forming of waxen images of a person, and causing them to melt away or destroying them in some other gradual manner, in order that the person himself might share the fate of the image (Verg. *Ecl.* viii. 80; Hor. *Sat.* i. 8, 32); the collection of magical herbs and animal matter: in this last we are at the point where magic touches upon poisoning. Several incantations have been recently found in Cyprus in subterranean tombs (dating probably from the 1st century A.D.), which may now be seen in the British Museum. They consist of thin strips of lead (cf. "plumbeae tabulae," Tac. *Ann.* ii. 69), on which the incantation is scratched, beginning in some such way as "*καταδέω* So-and-so, his shop and all his property." Often words of unintelligible magic jargon are inserted. The strips have been rolled up and nailed on the walls within the tomb: in some cases the material is different, papyrus or a flat piece of talc. It must be observed that the essential point was to effect an entrance into somebody's tomb, no matter whose; since the spirits would then be sure to receive the message, and work the evil. If the tablet could be placed in a temenos of the Furies, it might be laid above ground without so much trouble or risk of fine [see VECTIGALIA TEMPLORUM; TYMBORUCHIA]: but otherwise the interior of a tomb was the only sure place. The same opportunity could doubtless be utilised also for obtaining bones to place under the house of the doomed man (Tac. *l. c.*) or use in other ways (Hor. *Sat.* ii. 8, 22; cf. *Rhein. Mus.* xviii. p. 568; Wessely, *Gr. Zauberpapyrus*). Besides the malevolent aims above indicated, magic also had for its object the obtaining the love of an unwilling person, the search into futurity, and the making of gold (Plin. *H. N.* xxxiii. § 79).

Few Roman writers from Cicero's time onwards are without some mention of witchcraft. The passages in Virgil and Horace are too well known for detailed reference. In Juvenal and Tacitus the astrologers (*mathematici*) are subjects of frequent mention (Juv. vi. 562, xiv. 248; Tac. *Hist.* i. 22, &c.). The death of Germanicus (Tac. *Ann.* ii. 69 *sqq.*) is one of the most curious problems in history for the doubt which it affords as to what exactly caused the fatal result; but, if we are to believe Tacitus (*l. c.*), the enemies of the prince had recourse to magic as one of the means of removing him. The notices of magic in Lucian are well known.

Christian emperors endeavoured, as Pagan emperors had done, to put down all magical arts; but the result was by no means equal to their success in putting an end to the regular heathen worship (cf. Beugnot, *Destruction du Paganisme*, i. 243).

How far the philosophers of Greece and Rome countenanced magic has been a subject of question. Of course such persons as Apollonius of Tyana, whose life is a collection of myths, and Alexander of Abonotichos, who was an arrant knave, are not here in question. But when Pliny, for instance, affirms that Pythagoras practised magic, we must, considering all that we know of Pythagoras from other quarters, withhold our assent. Indeed, the grounds for affirming it of any true philosopher are very slight. Aristotle, according to Origen (*c. Cels.* i. p. 19), clearly rejected it. So also did the celebrated physician Galen (*de Simpl.* vi.), who laments the disposition of a certain Pamphilus to go after sorcery and incantations while picking herbs, and declares that such practices are entirely outside the art of medicine.

The principal writers who may be referred to on this subject are Tiedemann, *Dissertatio quae fuerit artium magicarum origo;* Wachsmuth, *Von der Zauberkunst der Griechen und Römer*, in the *Athenaeum* of Berlin (ii. 209 *sqq.*); Rochas d'Aiglun, *La Science des Philosophes et l'Art des Thaumaturges dans l'Antiquité*, Paris, 1882, &c.; J. A. Hild, *Étude sur les Démons . . . des Grecs*, Paris, 1881; Maury, *La Magie et l'Astrologie dans l'Antiquité*, &c., 1860; and Marquardt, *Staatsverwaltung*, iii. 108–114. To the latter book this article is much indebted. [J. R. M.]

SU'PPARUS. The *supparus*, which by writers of the Silver age was also called *supparum* (cf. Studniczka, *Beiträge*, p. 90, note 68), was a linen garment worn at Rome in the early days of the Republic. It was apparently used by both sexes, though it was a woman's rather than a man's garment (cf. Afranius, *Epist.* p. 180, ed. Ribbeck, "tace, puella non sum supparo si induta sum"). The passage which throws most light on its shape is that of Lucan, where speaking of Marcia, Cato's wife, he says:

> "Humerisque haerentia primis
> Suppara nudatos cingunt angusta lacertos."

This seems to show that the *supparus* was a form of mantle, not a long apron, as a passage in Nonius (p. 540, 8), which is probably corrupt, tells us. Unfortunately it has not yet been recognised on any monument.

From a derivation from the Oscan, which Varro mentions but rejects (*L. L.* 5, 131), it has been thought that it was borrowed from the people of that name. However this may be, there seems little doubt that it is connected with *siparum* and *σίφαρος* (a sail), and through them with *φᾶρος*. This derivation is corroborated by the fact that they are all of linen, and by the curious coincidence that *φᾶρος* also was a name both for mantles, sails, and linen cloth generally. (Studniczka, p. 90 ff.; Iwan Müller, *Handbuch*, pp. 876, 927; Marquardt, *Privatleben*, p. 484.) [W. C. F. A.]

SUPPLICA'TIO. A religious rite, or series of rites, decreed with two different objects: viz., 1, as a solemn act of thanksgiving to the gods on account of a victory or successful campaign; or 2, as an act of humiliation, on account of some calamity, actual or impending, such as pestilence or defeat, or oftener on account of the occurrence of prodigies and portents, which were supposed to threaten evil to the state.

When a supplicatio was decreed in the sense of a thanksgiving, the procedure was as follows:—The senate was consulted by a magistrate, and authorised the consuls to issue an edict fixing the number of days over which it should extend, and other necessary particulars, such as whether it should be confined to the city only, or should take place throughout the extent of the Tribus Rusticae also, or even in the allied Italian communities; and to what god or gods special adoration should be paid (cf. Liv. xxvii. 51, xxxiv. 42, xl. 28, xlv. 3; Cic. *Phil.* xiv. 14, 37, where the senatorial decree is given in full; in this last case in the absence of both consuls, as in many others, the edict is to issue from the Praetor urbanus). This method of procedure was continued even under the Empire (Mommsen, *Staatsrecht*, iii. 2, 1061, note 6).

A supplicatio, in the sense of prayer and expiation, was also set on foot by senatorial decree; but in this case the magisterial edict (*indictio*) was based on the advice of a college of priests (cf. Mommsen, *l. c.*). In simple matters of expiation the senate would refer the question to the pontifices, who decreed the necessary simple *piacula*, according to old Roman custom (Liv. xxiv. 44, 9; xxx. 38, 9), in the form of a novendiale sacrum or obsecratio (Marquardt, *Staatsv.* iii.^{3} 260); but in difficult matters, as for example where the meaning of a portent is doubtful, they refer the question to the keepers of the Sibylline books [DECEMVIRI SACRIS FACIUNDIS], who, after consulting the books, advise a supplicatio, sometimes with the addition of a fast (*jejunium*) or of a novendiale sacrum (Liv. xxxvi. 37). In one instance at least, Livy represents a supplicatio, in this case of one day only, as resulting from a decree of the PONTIFICES (Liv. xxvii. 37; cf. xxxii. 1, where he makes the *haruspices* take the place of the keepers of the Sibylline books). It does not therefore seem certain that in every instance an expiatory supplicatio was the result of an examination of the sacred books; but in the majority of cases it was so, and the ritual of the ceremony must be considered as closely bound up with the Greek forms of religious usage, introduced into Rome through the instrumentality of the books and their interpreters [see LIBRI SIBYLLINI].

The development of the rites of supplicatio in the course of Roman history cannot be traced with certainty. The elaborate ritual of the *Lectisternia*, which formed the chief part of an expiatory supplicatio, as well as (in later times at least) of those which were decreed as thanksgivings (Cic. *Phil.* xiv. 14, 37), belonged to an age in which Greek deities and Greek worship had made their way into the Roman state [see LECTISTERNIA]. All the prominent features of the *Lectisternia* were Greek: the reclining position of the images of the gods; the prostration of the worshippers, and the garlands they wore. Was there a purely Italian germ on which this foreign ritual had engrafted itself? Such a germ may perhaps be found in the Italian piaculum or expiatory sacrifice, which was capable of being extended in length and importance in the case of either periodical lustration or of alarming prodigia, and was often accompanied by processions and other rites, as we see it in the great ritual inscription of Iguvium (Tab. vi. Bücheler, *Umbrica*, pp. 42 foll.). Some even of the features of the *lectisternia* may possibly be traced to an Italian origin (Preller, *Röm. Myth.* i.^{3} 150): Varro, *e.g.*, tells us (*ap.* Serv. *ad Aen.* x. 76) that at the birth of a child a couch was spread in the atrium of the house for Picumnus and Pilumnus—deities whose antiquity is some guarantee for that of the practice; and in the domestic worship of the Lares it was customary to set apart for them a part of each meal, and to use wine, incense, and garlands (Marquardt, iii. 128). Again, the obsecratio, which often formed a part of the general ritual of the supplicatio (as in Liv. iv. 21, 5; xxvii. 11), and which consisted of a formal prayer led by the priests and repeated by the people, in contradistinction to the prayers and prostrations of the *Graecus ritus*, where everyone prayed on his own behalf, betrays a genuine Italian character. But as the Greek spirit entered more and more into religious usage, not only the ordinary features of the *lectisternia*, but elaborate processions of singing virgins, and other such rites as are described in Liv. xxvii. 37, were added to the ordinary ceremony of the supplicatio.

A supplicatio in early times lasted from one to five days (Liv. iii. 63, 5; v. 23; x. 23; xxi. 8). Later on, in proportion as it lost the reality of its religious meaning, its length increased to ten, fifteen, twenty, and even fifty days; but in these cases it seems always to have been a ceremony of thanksgiving, and not of expiation. A supplication of ten days was first decreed in honour of Pompeius at the conclusion of the Mithridatic war (Cic. *de Prov. Cons.* 11, 27), and one of fifteen days after Caesar's victory over the Belgae, an honour which Caesar himself says had never been granted to anyone before (Caes. *B. G.* ii. 35). Later a supplicatio of twenty days was decreed after his conquest of Vercingetorix (*B. G.* vii. 90). From this time the senate seems to have frequently increased the length out of mere compliment to the general (Dio Cass. xliii. 14 and 42; Cic. *Phil.* xiv. 14, 37). In these cases it was of course impossible that all the days should be public holidays [FERIAE]; nor does it seem likely that at any period a supplicatio necessarily implied a holiday (Liv. iii. 5; xl. 28). A supplicatio was in the last age of the Republic usually regarded as a prelude to a triumph, but it was not always followed by one, as Cato reminds Cicero in a letter, after a supplicatio had been decreed in his honour during his proconsulship in Cilicia (Cic. *ad Fam.* xv. 5). The same honour was conferred upon Cicero on account of his suppression of the conspiracy of Catiline; this being the first occasion on which it had been awarded to any one acting in a civil capacity [TOGATUS], as he frequently takes occasion to mention (*Cat.* iii. 6, 10; *in Pis.* 3, 6; *Phil.* ii. 6, 13). [W. W. F.]

SYCOPHANTES (*συκοφάντης*). Plutarch (*Sol.* 24) explains *συκοφαντεῖν* as the informing against a man for exporting figs, and refers to an ancient law forbidding the export. [Different reasons have been suggested for this prohibition: some say that the Athenians wished to keep this fruit to themselves (Ister *fr.* 35=Athen. iii. p. 74 e); others that the law was passed at the time when the fruit had only just been discovered (Schol. Plat. *de Rep.* i. p. 340 D; Photius and Suid. *s. v.* *συκοφαντεῖν*: cf. Schol. Aristoph. *Plut.* 874), probably in order to increase its cultivation in Attica.] Boeckh (*Sthh.* i.^{3} p. 55) prefers to connect *συκοφαντεῖν* with information against the stealing, not the exporting of figs, and suggests that the term may either have arisen out of charges brought by informers against persons who in some time of famine had robbed the sacred fig-trees, or that, since the theft of fruit in general was punished with great severity at Athens (Alciphr. *Epist.* iii. 40), it was in time applied to all those who brought such charges, which came to be looked upon as vexatious and harsh. Lancelot Shadwell (in a commentary on Luke iii. 14) rejects these explanations: "The first and obvious meaning of *συκοφάντης* is not one who shows up them that export figs or steal figs, but one *who discovers figs.*" Starting from Photius' explanation of *σεῖσαι* as *συκοφαντῆσαι*,—*ἀπὸ τῶν τὰ ἀκρόδυα σειόντων. Τηλεκλείδης Ἀμφικτύοσιν· ἀλλ' ὡς πάντων ἀστῶν λῷστοι σεῖσαι καὶ προσκαλέσαντες παύσασθε δικῶν ἀλληλοφάγων* (Mein. *Fr. Comic.* ii. p. 364). *Ἀριστοφάνης Δαιταλεῦσιν· ἔσειον· ἤτουν χρήματ' ἠπείλουν πάλιν ἐσυκοφάντουν* (ii. p. 1040, *fr.* 20),—he supposes "that the usage of *σείειν* in the sense of extorting money was derived from the notion of shaking fruit trees, and that the common notion of *συκοφαντεῖν* was also derived from the same source. *Σείειν καὶ συκοφαντεῖν* (Antiph. *de Saltat.* § 43) describes the operation of one who shakes a fig-tree in order to discover the fruit; for by his shaking the fig-tree, all the ripe figs are made to fall off. When these words are transferred to the business of an informer, *σείειν* means to agitate a man by threatening to inform against him, and *συκοφαντεῖν* means to discover his money; *i.e.* to make him pay a large sum of money in order to escape from the vexation of a lawsuit. Thus a man's money is called his 'figs,' a rich man is said to be 'full of fruit,' one who bleeds easily is said 'to be ripe,' and to extort money from a man is called 'plucking his figs': *e.g.* Aristoph. *Equ.* 324, 259, etc." *

Whatever the term may have signified originally, it came to be applied to all ill-natured, malicious, groundless, and vexatious accusations; it is defined by Suidas, *τὸ ψευδῶς τινὸς κατηγορεῖν*.

Sycophantes, in the time of Aristophanes and Demosthenes, designated a person of a peculiar class, not capable of being described by any single word in our language, but well understood and appreciated by an Athenian. He had not much in common with our *sycophant*, but was a happy compound of the *common barretor*, *informer*, *pettifogger*, *busybody*, *rogue*, *liar*, and *slanderer*. The Athenian law permitted any citizen (*τὸν βουλόμενον*) to give information against public offenders, and prosecute them in courts of justice (Plut. *Sol.* 18). This was done to encourage the detection of crime, and a reward (*e.g.* *τὰ ἡμίση τῶν φανθέντων*, [Dem.] *c. Theocr.* p. 1325, § 13; *C. I. A.* ii. No. 203 b, etc.;—*τὰ τρία μέρη ἃ ἐκ τῶν νόμων τῷ ἰδιώτῃ τῷ ἀπογράψαντι γίγνεται*, Dem. *c. Nicostr.* p. 1247, § 2, etc.) was frequently given to the successful accuser. Such a power, with such a temptation, was likely to be abused, unless checked by the force of public opinion, or the vigilance of the judicial tribunals. Unfortunately, the character of the Athenian democracy—and we may say of any democracy, Plut. *Timol.* 37—and the temper of the judges, furnished additional incentives to the informer (Isocr. *c. Callim.* §§ 9, 10; Xenoph. *Mem.* iv. 8, 5; see, however, Hyper. *pro Eux.* c. 45). Eminent statesmen, orators, generals, magistrates, and all persons of wealth and influence, were regarded with jealousy by the people. The more causes came into court, the more fees accrued to the judges, and fines and confiscations enriched the public treasury. The prosecutor therefore in public causes, as well as the plaintiff in civil, was looked on with a more favourable eye than the defendant, and the chances of success made the employment a lucrative one (*ἐγγλωττογαστόρων γένος*, Aristoph. *Av.* 1695 ff.; *ζῆν ἐκ τοῦ συκοφαντεῖν*, Isocr. *de Permut.* § 164; Xenoph. *Hell.* ii. 3, 12, etc.). It was not always necessary to go to trial, or even to commence legal proceedings. The timid defendant was glad to compromise the cause, to escape the annoyance and anxiety of a public trial, or to save his reputation, for not to have prosecuted nor to have been prosecuted was a much-coveted distinction (Lys. *de Affect. Tyran. Apol.* § 3; Isocr. *c. Euthyn.* §§ 5, 8; Plut. *Comp. Nic. c. Crasso*, 1; Lys. *c. Eratosth.* § 4, *pro Mantith.* § 12; Isae. *Cleon.* § 1; Hyperid. *pro Lycophr.* c. 14, etc.). When Lycurgus bought off an information for a talent, and was charged with this, he said he was much pleased that, after having administered the affairs of the state for so long a time, he was accused rather of giving than of receiving ([Plut.] *Vitt. X. Oratt.* p. 842 B). Rich people who were especially the prey of these informers tried to be on good terms with them (*θεραπεύειν*, Xenoph. *Symp.* 4, 29 f.). When Crito complained to Socrates, that for a man who wished to mind his own business it was difficult to live at Athens,—that at this very time people were bringing actions against him, not because they had suffered any wrong from him, but because they thought that he would rather pay them a sum of money than have the trouble of law proceedings,—Socrates advised him to secure the services of a man skilled in the law, to defend him against them; Crito did so and lived henceforth in peace (Xenoph. *Mem.* ii. 9). There was another source of income for these sycophants: they laid informations against people for money, *e.g.* Cephisius received 1000 drachmas from Callias for laying an information against Andocides (Andoc. *de Myst.* § 121). Thriving informers found it not very difficult to procure

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* A quite different explanation is suggested by Zenodorus (*τῶν περὶ συνηθείας ἐπιτομὴ* in Miller, *Mélanges de Littérature grecque*, p. 412): *φιλοτιμίαν οὖν ἔχοντες οἱ Ἀθηναῖοι εἰς τὸ πρῶτοι* (l. *πρῶτον*) *αὐτοὶ λαβεῖν σῦκον, καὶ πρὸς ἀγαθοῦ οἰωνοῦ τοῦτο τιθέμενοι εἰς τοὺς ἀγροὺς ἐπεσκόπευον καὶ εἰς τὰς συκᾶς ζητοῦντες τί πέπειρόν τις ἴδοι· καὶ τὸ μὲν πρῶτον συκοσκόπος ἐκλήθη ὁ θεωρήσας αὐτὸ πρώτως, ὕστερον δὲ συκοφάντης, ἀπὸ τοῦ φῆναι τὸ σῦκον καὶ ἄλλοις δεῖξαι. ὁ γοῦν περιέργως ἔχων περὶ τοὺς ἀλλοτρίους βίους καὶ σκοπεύων καὶ ἐμφανίζων συκοφάντης ἐκλήθη.*

witnesses: according to Theopompus (Athen. vi. p. 254 b), Athens was full of *διονυσοκολάκων... ἔτι δὲ ψευδομαρτύρων καὶ συκοφαντῶν καὶ ψευδοκλητήρων*. The character of the *συκοφάνται* will be best understood by the examples and descriptions found in the Attic writers. Aristophanes directs the keenest edge of his satire against them. (See particularly *Acharn.* 818 ff.; *Av.* 1410 ff.; *Plut.* 850 ff.) Demosthenes says: *πονηρὸν ὁ συκοφάντης ἀεὶ καὶ πανταχόθεν καὶ βάσκανον καὶ φιλαίτιον* (*de Cor.* p. 307, § 242; cf. *c. Eubul.* p. 1309, § 34). *Συκοφαντεῖν τριάκοντα μνᾶς* in Lysias (*c. Evand.* § 24) signifies "to extort thirty minas by *sycophant*-like practices." (See further Aeschin. *de F. L.* § 145; Dem. *de Cor.* p. 291, § 189, etc.) That the increase of litigation and perjury was in some measure owing to the establishment of clubs and political associations, and the violence of party spirit, may be gathered from various passages of the Attic writers (Thuc. viii. 54, *ξυνωμοσίαι ἐπὶ δίκαις καὶ ἀρχαῖς*; Dem. *c. Boeot.* i. p. 995, § 2 = ii. p. 1010, § 9, *ἐργαστήριον συκοφαντῶν*; cf. *c. Zenoth.* p. 885, § 10; *c. Pantaen.* p. 978, § 39; *c. Theocr.* p. 1335, § 42).

The Athenian law did indeed provide a remedy against this mischievous class of men. There was a *γραφὴ συκοφαντίας* tried before the Thesmothetae (Poll. viii. 88, 46; the title of Lysias' speech against Aeschines was not *περὶ συκοφαντίας*, as Diog. Laert. ii. 63 says, but *περὶ χρέως*: cf. Sauppe, *Oratt. Att.* ii. p. 251). Any person who brought a false charge against another, or extorted money by threat of legal proceedings, or suborned false witnesses to give evidence that a summons had been served (Boeckh, *Kleine Schriften*, iv. p. 4), was liable to this *γραφή*. He might also be proceeded against by *εἰσαγγελία, προβολή*, or *φάσις* (Isocr. *de Perm.* § 314; Poll. viii. 47). The trial was an *ἀγὼν τιμητός* (Lys. *c. Agorat.* § 65, a fine of 10,000 drachmas: cf. Harpocr. *s. v. παλινaίρετος*; *ἄτιμοι ἐκ συκοφαντίας*, Aeschin. *de F. L.* § 177, cf. Hyper. *pro Eux.* c. 44—according to Heraldus, *Anim.* p. 555, capital punishment was the rule, but Andoc. *de Myst.* § 20 applies to a false *μήνυσις*, not to a *γραφὴ συκοφαντίας*).* Besides this, if any man brought a criminal charge against another, and neglected to prosecute it (*ἐπεξελθεῖν*), he was liable to a penalty of 1000 drachmas, and lost the privilege of instituting a similar proceeding in future, which was considered to be a species of *ἀτιμία* ([Dem.] *c. Theocr.* p. 1323, § 5 f.; *Lex. Rhet. Cantabr.* p. 669, 20 ff.; Dem. *c. Mid.* p. 548, § 103: when a *φάσις* against a merchant was not prosecuted, the punishment of the accuser was specially severe, [Dem.] *c. Theocr.* p. 1324, § 10 f., cf. Heffter, *Ath. Gerichtsverf.* p. 199). The same consequence followed if he failed to obtain a fifth part of the votes at the trial (Dem. *c. Androt.* p. 601, § 26; p. 647, § 80, etc.) except in an *εἰσαγγελία κακώσεως* (Isae. *Pyrrh.* § 47; Dem. *c. Pantaen.* p. 980, § 46), in a charge for destroying a sacred olive (Lys. *pro Sacra Olea*, § 37), and in an *εἰσαγγελία* for political offences up to a certain time, after which the unsuccessful accuser was made liable to a fine of 1000 drachmas without incurring *ἀτιμία* (Poll. viii. 53). The time when this change took place can only be approximately fixed. The accuser was *ἀκίνδυνος* at the date of Hyperides' speech *pro Lycophr.* (c. 7, 10); but when Demosthenes was assailed in the period following the disaster of Chaeronea by every kind of legal engine that could be brought to bear upon him, the accuser became liable to a penalty (and this was most likely the one mentioned by Pollux and Harpocration, viz. 1000 drachmas), or Demosthenes' prominent mention of the fact of his accusers having not received *τὸ μέρος τῶν ψήφων* would be pointless (*de Cor.* p. 310, § 250, *οὐκοῦν ἐν μὲν οἷς εἰσηγγελόμην ὅτε ἀπεψηφίζεσθέ μου καὶ τὸ μέρος τῶν ψήφων τοῖς διώκουσιν οὐ μετεδίδοτε*, etc.). The same fine was incurred if any man denounced a scrutiny against an orator and failed to obtain one-fifth of the votes (Dem. *c. Androt.* p. 599, § 21; p. 600, § 23). The *ἐπωβελία* in civil actions was a penalty of the same kind and having the same object: viz. to prevent the abuse of legal process, and check frivolous and unjust actions. Such were the remedies provided by law, but they were found inefficacious in practice; and the words of Aristophanes (*Plut.* 885) were not more severe than true: "There is no charm against the bite of a sycophantes" (Drumann, *d. Arbeiter u. Communisten in Griechenl.* pp. 96–105; Büchsenschütz, *Besitz u. Erwerb*, p. 568 f.; *Att. Process*, ed. Lipsius, p. 297 n. 285, pp. 413 ff., 914 f., 952 f., 245). [C. R. K.] [H. H.]

SYLAE (*σῦλαι*). When a Greek state declared war against another (Xen. *Hell.* v. 1, 1 and Schol.; Dem. *c. Mid.* p. 570, § 173; Dem. *c. Timocr.* p. 703, § 12, and Wayte's note, etc.), or when it or any of its members had received an injury or insult from some other state or some of its members, and the former was unwilling, or not in a condition, to declare open war, it was not unusual to give a commission or grant public authority to individuals (who sometimes formed a kind of company: *οἱ ἐπὶ λείαν οἰχόμενοι*, Dig. iv. *de Coll.* [ERANI]) to make reprisals. This was called *σύλας* or *σῦλα διδόναι τινὶ κατά τινος* (Dem. *c. Lacrit.* p. 931, § 26; Bekk. *Anecd.* p. 303, 27: *σῦλα δοῦναι κατὰ τῆς Χαλκηδονίων πόλεως· ἐπιγράψαι τὴν πόλιν λῃστεῦσαι*) or *λάφυρον ἐπικηρύττειν, ῥύσια καταγγέλλειν τινί* (Polyb. iv. 26, 36, 53, etc.). Suidas explains *σύλας* by *συλλήψεις* (cf. schol. Dem. *c. Lacrit.* p. 927, and *Etym. M.* s. v. *σῦλαι*). Scheibe (*Jahrb. f. class. Philol. Suppl.* i. p. 352 f.) distinguishes thus between *σῦλαι* and *σῦλα*: "*σῦλον* valere praedam ipsam, *σύλας* autem pignora quae ob pecuniam debitam auferantur (fere i. q. *ῥύσια*);" but see [Arist.] *Oecon.* ii. p. 1347 (ii. 10 Didot), *σῦλον ἔχειν κατά τινος*. Thus, when the Lacedaemonians thought the Athenians had broken the treaty with them by making incursions from Pylus, they issued a proclamation that any of their subjects might commit depredations on the Athenians (*λῄζεσθαι τοὺς Ἀθηναίους*, Thucyd. v. 115). In Lys. *c. Nicom.* § 22, we read *Βοιωτοὺς σύλας ποιουμένους*, because the Athenians were unable to repay two talents which the Boeotians had probably advanced to the Athenian exiles (for the support given to these, cf. Lys. *fr.* 78; Dinarch. *c. Dem.*

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* Charondas ordained *τοὺς ἐπὶ συκοφαντίᾳ καταγνωσθέντας περιπατεῖν ἐστεφανωμένους μυρίκῃ* (Diod. Sic. xii 12); and Tennes, *τοῖς τὰ ψευδῆ κατηγοροῦσιν ὄπισθεν παρεστάναι τὸν δήμιον πέλεκυν ἐπηρμένον ὡς ἐλεγχθέντας παραχρῆμα ἀναιρεῖσθαι* (Suid. *Τενέδιος ἄνθρωπος*).

§ 25). Demosthenes (*de Coron. Trierarch.* p. 1232, § 13) declares that the deputy-captains of triremes so misbehaved themselves in foreign countries, plundering everybody they came near, that no Athenian could travel safely *διὰ τὰς ὑπὸ τούτων ἀνδροληψίας καὶ σύλας κατεσκευασμένας*, where *ἀνδροληψίας* refers to the arrest of the person, *σύλας* to the seizure of goods (see also *de Cherson.* p. 96, §§ 25, 28). In the *ναυτικὴ συγγραφὴ* in the speech of Demosthenes (*c. Lacrit.* p. 927, § 93), one of the conditions is that goods may be landed only *ὅπου ἂν μὴ σῦλαι ὦσιν Ἀθηναίοις*, *i.e.* wherever the Athenians have no rights of reprisal, and where therefore Athenian ships in their turn were not in danger. When any booty was taken by Athenian subjects, the people of Athens reserved to themselves the right of determining whether it was lawfully taken, whether it ought to be kept or restored, and what should be done with it (Dem. c. *Timocr.* p. 703, § 12, *ὡς ἀποχειροτονήσαθ' ὑμεῖς μὴ φίλια εἶναι*, cf. *argumentum*, p. 695 f.; Minerva of the Parthenon received the tithe, p. 741, § 129, cf. Lys. *c. Polystr.* § 24; Boeckh, *Sthh.* i.^{3} p. 399). The same practice prevailed in other cities, *e.g.* in Chalcedon: *ὑπὲρ δὲ τῶν συλῶν διεδικάσαντο· τοῖς δὲ μὴ δικαίως συληθεῖσιν ἡ πόλις ἀπὸ τῶν προσόδων ἀπεδίδου*, [Arist.] *Oecon.* ii. p. 1347. It would seem that special treaties were made between states for the protection of property against reprisals: thus the covenant between Oeanthia and Chaleion (Rangabé, *Ant. Hellén.* No. 356 b = Hicks, *Gr. Histor. Inscr.* No. 31) prevented either state from injuring foreign merchants whilst visiting the other's port, and gave moreover certain rules for the court at either city before which a foreigner who had unjustly suffered seizure might get redress (cf. *Bull. d. Corresp. hell.* ix. p. 162). Sometimes as a special privilege *ἀσυλία* was granted to individuals: *C. I. A.* ii. No. 46, cf. *C. I. G.* No. 2056, *εἴσπλουν καὶ ἔκπλουν καὶ πολέμου καὶ εἰρήνης ἀσυλεὶ καὶ ἀσπονδεί*, etc. The theatrical artists enjoyed it: cf. *C. I. A.* ii. No. 551, l. 19 ff.: *μὴ ἐξέστω δὲ μηδενὶ ἄγειν τὸν τεχνίταν μήτε πολέμου μήτε εἰρήνης μηδὲ συλᾶν πλὴν ἐὰν χρέος ἔχων πόλει ᾖ ὑπόχρεως καὶ ἐὰν ἰδίᾳ ᾖ ἰδιώτου ὑπόχρεως ὁ τεχνίτας*: l. 84, *μηδὲ συλᾶν μηδὲ ῥυσιάζειν*: cf. Le Bas, *As. Min.* No. 84, *ἀσυλία καὶ ἀσφάλεια καθὼς καὶ τοῖς Διονυσιακοῖς τεχνίταις*. The Athenian grain fleet was usually accompanied by a convoy of men-of-war to protect them against the privateers (Dem. *de Cor.* p. 251, § 77; c. *Polycl.* p. 1211, § 17). The ancient practice may be compared with the modern one of granting letters of marque. (Salmasius, *de Mod. Usur.* p. 211 ff.; R. Dareste, *Revue des Études Grecques*, 1889, p. 305 ff.; Büchsenschütz, *Besitz und Erw.* p. 543 ff.) [C. R. K.] [H. H.]

SYLLOGEIS (*συλλογεῖς*), collectors, the name of two distinct offices at Athens. 1. The *συλλογεῖς τοῦ δήμου*, or Collectors of the People, seem to have been thirty members of the senate (*βουλευταί*) chosen annually, three from each tribe; the three who were Prytanes for the time being acted as presidents. It is further conjectured with great probability that they were identical with the thirty assistants of the Lexiarchi, mentioned as checking the attendance at the assembly (ECCLESIA, p. 698 *b*; Köhler, *Mitth. des Archäol. Inst.* vii. 102 ff.; Fränkel on Boeckh, notes 394, 430). They had also duties in connexion with the state festivals. In the important inscription of 334 B.C. respecting the DERMATIKON (*C. I. A.* ii. 741, Boeckh, *Sthh.*^{3} ii. 107 ff.) they are associated with the *βοῶναι, ἐπιμεληταὶ τῶν Διονυσίων*, and *ἱεροποιοί*, and recorded to have paid in 721 drachmas from the Olympia (properly *Ὀλυμπίεια*, as in the Inscr.; cf. OLYMPIA, p. 273 *b*). 2. There were also *συλλογεῖς* appointed as special commissioners, like the *σύνδικοι* and *ζητηταί* [SYNDICUS; ZETETAE], to make lists of the confiscated property of oligarchs and bring it into the treasury (Isae. *ap.* Harpocr. *s. v.*; *Lex. Seguer.* p. 304, 4, *οἵτινες ἀπεγράφοντο τὰς οὐσίας τῶν ὀλιγαρχικῶν*). Schömann thinks that they were appointed only on one particular occasion, after the expulsion of the Thirty; and the grammarian who writes *ἀπεγράφοντο* may easily have mistaken this for a general rule (Schömann, *Assemblies*, p. 317 = 301 tr. Paley; Meier, *de Bon. Damn.* p. 206; *Att. Process*, p. 125 Lips.; cf. pp. 310, 759, 959). Boeckh does not distinguish the two kinds of *συλλογεῖς* (*P. E.* pp. 158, 215 = *Sthh.*^{3} i. 192, 272). [W. W.]

SYMBOLAEON, SYNALLAGMA, SYNTHE'CE (*συμβόλαιον, συνάλλαγμα, συνθήκη*) are all words used to signify a contract, but are distinguishable from one another. *Συμβόλαιον* is used of contracts and bargains between private persons, and peculiarly of loans of money: thus *συμβαλεῖν εἰς τἀνδράποδα* is to lend upon the security of the slaves, Dem. *c. Aphob.* p. 822, § 27, cf. Isae. *Aristarch.* § 10;—Dem. *c. Zenoth.* p. 884, § 7; *c. Phorm.* p. 907, § 1; *c. Timoth.* p. 1185, § 2; *c. Dionysod.* p. 1284, § 4). *Συνάλλαγμα* signifies any matter negotiated or transacted between two or more persons, whether a contract or anything else (Dem. *c. Onet.* p. 867, § 12; p. 869, § 21;—*c. Apat.* p. 896, § 12;—*c. Timocr.* p. 760, § 192; p. 766, § 213). *Συνθήκη* is used of more solemn and important contracts, not only of those made between private individuals, but also of treaties and conventions between kings and states (Thuc. i. 40, v. 18, viii. 37; Xen. *Hell.* vii. 1, 2; Dem. *de Rhod. lib.* p. 199, § 20; *c. Aristog.* i. p. 774, § 16, etc.). Here we may observe, that *συνθῆκαι* is mostly used in the plural, instead of *συνθήκη*, the only difference being, that strictly the former signifies the terms or articles of agreement, in the same manner as *διαθῆκαι*, the *testamentary dispositions*, is put for *διαθήκη*, *the will*. *Ξυμβολαὶ* and later *σύμβολα* (Harpocr. *s. v.*) signified originally a compact between two states, in late Greek between two private persons [SYMBOLON, DIKAI APO].

As to the necessity or advantage of having written agreements between individuals, see SYNGRAPHE. National compacts, on account of their great importance, and the impossibility of otherwise preserving evidence of them, were almost always committed to writing, and commonly inscribed on pillars or tablets of some durable material (Thuc. v. 23, 47; see Aristoph. *Acharn.* 727). Upon a breach, or on the expiration, of the treaty, the pillars were taken down (Dem. *pro Megalop.* p. 209, § 27).

For breaches of contract various actions were maintainable at Athens: (1) in a general way *συμβολαίων* (Lys. *de Pec. Publ.* § 3, *λαχὼν ὁ πατὴρ παντὸς τοῦ συμβολαίου Ἐρασιστράτῳ*), or *συνθηκῶν παραβάσεως δίκη* (Poll. vi. 153; viii. 31); (2) more specially *χρέους* (Poll. viii. 31), wherever a debt had become due by reason of some previous contract; (3) *ἀργυρίου* (Bekk. *Anecd.* p. 201, *sub fin.*;—Dem. *c. Boeot.* i. p. 1002, § 25; *c. Olympiod.* p. 1179, § 45); Callippus brought this action against Apollodorus, because the latter's father, the banker Pasion, had paid over a certain sum of money deposited with him by Lycon of Heraclea to Cephisiades instead of to Callippus, the proxenus of Heraclea. (4) *ἀφορμῆς* (Dem. *pro Phorm.* p. 943, *argument.* and p. 948, § 12: cf. Caillemer, *Le Contrat de prêt à Athènes*, p. 28 ff.). Apollodorus brought this suit against Phormio, claiming after his father's death a sum of twenty talents alleged to have been transferred to Phormio by his father as part of the working capital of the business; and (5) *βλάβης*, *e.g.* the action against Dionysodorus for the non-fulfilment of a contract ([Dem.] *c. Dionysod.* p. 1291, § 27). The main point of difference might be this: that in a general action for breach of contract, the plaintiff went for unliquidated damages, which the court had to assess; whereas, upon a claim to recover a debt or certain sum, the court had nothing more to do than to determine whether the plaintiff was entitled to it or not; the *ἀγὼν* was *ἀτίμητος*. All such actions were tried before *οἱ τετταράκοντα* (*Att. Process*, ed. Lipsius, pp. 675 f., 697 f.; p. 220 f.). [C. R. K.] [H. H.]

SY'MBOLON, DIKAI APO (*δίκαι ἀπὸ συμβόλων*). The ancient Greek states had no well-defined international law for the protection of their respective members. In the earlier times troops of robbers used to roam about from one country to another, and commit aggressions upon individuals, who in their turn made reprisals, and took the law into their own hands. Even when the state took upon itself to resent the injury done to its members, a violent remedy was resorted to, such as the giving authority to take *σῦλα*, or *ῥύσια*, a sort of national distress. As the Greeks advanced in civilisation, and a closer intercourse sprang up among them, disputes between the natives of different countries were settled (whenever it was possible) by friendly negotiation. It soon began to be evident, that it would be much better, if, instead of any interference on the part of the state, such disputes could be decided by legal process, either in the one country or the other. Among every people, however, the laws were so framed as to render the administration of justice more favourable to a citizen than to a foreigner; and therefore it would be disadvantageous, and often dangerous, to sue a man, or be sued by him, in his own country. The most friendly relation might subsist between two states, such as *συμμαχία* or *ἐπιγαμία*, and yet the natives of each be exposed to this disadvantage in their mutual intercourse. To obviate such an evil, it was necessary to have a special agreement, declaring the conditions upon which justice was to be reciprocally administered. International contracts of this kind were called *σύμβολα*, in older language *ξυμβολαί* (*C. I. A.* iv. No. 96, l. 4; ii. No. 11, l. 13, etc.), defined by Harpocration (*s. v.*) thus, *συνθῆκαι ἃς ἂν ἀλλήλαις αἱ πόλεις θέμεναι τάττωσι τοῖς πολίταις ὥστε διδόναι καὶ λαμβάνειν τὰ δίκαια*: and the causes tried in pursuance of such contracts were called *δίκαι ἀπὸ συμβόλων*. No such agreement has been preserved to us, and a few casual references by writers and some fragmentary inscriptions afford us but little information concerning the terms usually prescribed. Perhaps the most important passage on this subject is [Dem.] *de Halon.* p. 78, §§ 9–14, from which it appears (1) that such agreements in the case of Athens were ratified by a Heliastic court (under the presidency of the Thesmothetae, Poll. viii. 88; Reiske, *Ind. Graec. Dem.*, and Goodwin in *Amer. Journ. of Philol.* 1880, p. 10 ff., wrongly refer the demand of Philip for the right of *κύρωσις* not to the ratification of the agreement itself, but to a confirmation of the judgments rendered by the Athenian courts). The other contracting state was therefore compelled to send envoys to Athens with power to conclude the treaty as it was drawn up and settled by the Thesmothetae and the Heliastic court. Most of the states with whom the Athenians had to deal were content to acquiesce in this regulation. Philip, however, would not submit to it, and demanded that the terms should receive final ratification in Macedonia. Evidently his reason for this was, as is plainly stated by the orator (Hegesippus), that he might introduce in the treaty an admission on the part of the Athenians of the lawfulness of his holding Potidaea.

(2) That by such agreement there was as between the citizens of the contracting cities (and only these, cf. Polyb. xxxii. 37) reciprocity of suing and being sued (cf. Arist. *Pol.* iii. 1, 3 S., *οὐδ' οἱ τῶν δικαίων μετέχοντες οὕτως ὥστε καὶ δίκην ὑπέχειν καὶ δικάζεσθαι· τοῦτο γὰρ ὑπάρχει καὶ τοῖς ἀπὸ συμβόλων κοινωνοῦσι*; see also iii. 5 (9), 11, *σύμβολα περὶ τοῦ μὴ ἀδικεῖν*: thus the *σύμβολα* contained a special provision that a freeman should not be arrested: *μὴ ἐξεῖναι μήθ' εἶρξαι μήτε δῆσαι*, [Andoc.] c. *Alcib.* § 18).

(3) That the principle of such agreements was *causa sequitur forum rei*, i.e. the decision was given in the court of the defendant's city (Platner, *Proc. u. Klag.* i. p. 109), whilst the laws according to which the causes were decided were not those of the adjudging city, but laws made binding by the *σύμβολα* upon those who sued under them.

(4) That *δίκαι ἀπὸ συμβόλων* had the same sphere as the *δίκαι ἐμπορικαί*, and that commercial people would stand in need of them the most.

There were, however, as we learn from inscriptions, some essential points of difference between *δίκαι ἀπὸ συμβόλων* and *δίκαι ἐμπορικαί*. In the latter the suit was held in the state where the contract was made, i.e. *causa sequitur forum contractus*, and was decided by the general laws of that state, and not by the particular stipulations of the *σύμβολα*: thus a *δίκη ἐμπορικὴ* could be maintained against an Athenian on a contract made in Macedonia only if the Athenian was caught in Macedonia. This follows from *C. I. A.* ii. No. 11: suits on contracts made at Athens with Phaselitans must be tried at Athens before the Polemarch *καθάπερ Χίοις*: for all other contracts made with Phaselitans' suits must follow the terms of the *σύμβολα*, and such *δίκαι ἀπὸ συμβόλων* were under the *ἡγεμονία* of the Thesmothetae (Poll. viii. 88). Fränkel (*de Condic. jure jurisdict. soc. Att.* p. 71) and Gilbert (*Griech. Staatsalt.* i. p. 406) wrongly infer from this inscription that the rule of *σύμβολα* was *causam sequi forum contractus*; for the decree makes a special exception as regards contracts made at Athens by Phaselitans. Again, it is evident from *C. I. A.* iv. No. 61 a, l. 17 ff., that *σύμβολα* provided not only that individual citizens of the contracting states might sue one another, but also that one state might sue an individual citizen of the other state or *vice versâ* (*τοῖς ἰδιώταις πρὸς τοὺς ἰδιώτας ἢ ἰδιώτῃ πρὸς τὸ κοινὸν ἢ τῷ κοινῷ πρὸς ἰδιώτην*). In the case of an individual citizen of one state bringing a suit against another state, resort was probably had to a *πόλις ἔκκλητος* (Stahl, *de Soc. Athen. iudiciis*, p. 10. Goodwin, *l. c.* p. 8, supposes that in the *σύμβολα* as a rule such a *πόλις ἔκκλητος* was appointed; see Hicks, *Manual*, No. 149 A, § 6), *i.e.* the court of a third state was called in to decide the dispute: *e.g.* if a citizen of an allied city brought a suit against Athens, it could hardly be expected that an Athenian court would give judgment against Athens; here therefore, for obvious reasons, the rule *causam sequi forum rei* was departed from, and the decision entrusted to the court of a third city agreed upon by the two parties to the suit. (In a similar manner the claim of thirty talents made by the children of Diagoras against the people of Calymna was decided by a Cnidian tribunal, *Anc. Greek Inscr.* ed. Newton, ii. No. 299.) It was a recognised practice among the Greeks to refer disputes to the tribunal of a third state: thus the Corcyrians proposed to Corinth to refer the question of Epidamnus to any Peloponnesian cities which they both should agree upon: Thuc. i. 28, cf. v. 79, *αἰ δέ τις τῶν ξυμμάχων πόλις πόλει ἐρίζοι, ἐς πόλιν ἐλθεῖν ἅντινα ἴσαν ἀμφοῖν ταῖς πολίεσι δοκείοι*, etc.; and such causes were called *ἔκκλητοι δίκαι* (cf. Hesych. *s. v.* *αἱ ἐπὶ ξένης λεγόμεναι καὶ οὐκ ἐν τῇ πόλει*), and the city chosen by the parties to the suit *ἔκκλητος πόλις* (cf. *C. I. A.* ii. No. 308: *ἐπειδὴ τοῦ δήμου τοῦ Ἀθηναίων καὶ τοῦ κοινοῦ τοῦ Βοιωτῶν σύμβολον ποιησαμένων πρὸς ἀλλήλους καὶ ἑλομένων ἔκκλητον τὴν Λαμιέων πόλιν ἀνεδέξατο καθιεῖν τὸ δικαστήριον*, etc., Plut. *Apophth. Lacon.* p. 215 c; Aeschin. *c. Tim.* § 89, etc.). There is no evidence for Hudtwalcker's (*Diäteten*, p. 124 f.) opinion which makes a *πόλις ἔκκλητος* merely one of the two contracting cities to which a case is carried on appeal from the other, each being a city of appeal for all suits tried in the other's courts, so that *e.g.* a Rhodian in a suit with an Athenian tried at Athens could appeal to Rhodes, while an Athenian in a suit with a Rhodian tried at Rhodes could appeal to Athens. As Platner (*l. c.* i. p. 110) and Goodwin (*l. c.* p. 8) point out, the whole purpose of *σύμβολα* with their appointment of suits to be tried in either country would be frustrated if either party at his pleasure could annul the judgment in any suit and carry the case for trial before the courts of his own country.

According to the grammarians, the name *δίκαι ἀπὸ συμβόλων* was given also to the causes which the subject allies of the Athenians sent to be tried at Athens (Bekk. *Anecd.* i. p. 436, 1: *Ἀθηναῖοι ἀπὸ συμβόλων ἐδίκαζον τοῖς ὑπηκόοις· οὕτως Ἀριστοτέλης.* Hesych. *s. v.* *ἀπὸ συμβόλων· ἐδίκαζον Ἀθηναῖοι ἀπὸ συμβόλων τοῖς ὑπηκόοις, καὶ τοῦτο ἦν χαλεπόν.* Poll. viii. 62, *ἀπὸ συμβόλων δὲ (δίκη ἦν) ὅτε οἱ σύμμαχοι ἐδικάζοντο*). The fact that the Athenians had *σύμβολα* both with autonomous and subject allies is placed beyond doubt by inscriptions; *e.g.* from the words *κατὰ τὰς ξυ[μβο]λὰς αἳ ἦσα[ν πρὸ τούτου τοῦ χρόνου]*, *C. I. A.* iv. No. 96, in a decree referring to the Mytilenaeans after their reduction in 427 B.C. we may conclude that the Athenians had *σύμβολα* with them both before and after the revolt. *C. I. A.* iv. No. 61 a and ii. No. 11 (if Köhler's reading in l. 13 is correct: *κατ[ὰ τὰς πρὶν] ξυμβολάς*) show us *δίκαι ἀπὸ συμβολων* with subject allies; and Thucydides (i. 77) also refers to this class of causes (though Boeckh, *Sthh.* i.^{3} p. 476 n.; Grote, *Hist. of Greece*, v. p. 306 n.; and Goodwin, *l. c.* p. 14 f. are of opinion that *δίκαι ξυμβολίμαιοι* are not *δίκαι ἀπὸ συμβόλων*, but suits about *ξυμβόλαια* or business contracts). But *σύμβολα* involve reciprocity, and trials held under them were maintained in the courts of the defendant's city; in statements, however, like *ἐδίκαζον Ἀθηναῖοι ἀπὸ συμβόλων τοῖς ὑπηκόοις*, there is no mention of this reciprocity. However, as Morris (*Amer. Journ. of Philol.* 1884, p. 306) points out, "it would no doubt practically come to pass that most of such suits would, even by the terms of the treaties, have to be tried in Athenian courts. For in most cases the Athenians would be the defendants. The feelings with which the dominant Athenian demos, as a whole, regarded the subject allies, could hardly fail to exhibit themselves in the dealings of individual Athenians with those with whom they had commercial relations; and so it would come to pass that in the great majority of such cases it would be the citizen of an allied state who was the plaintiff, and he must necessarily, therefore, sue in an Athenian court. We may consider also that suits brought against Athenians by citizens of any one of the subject cities would all be tried at Athens; whereas the suits brought by Athenians against any citizens of their tributary states would be tried one at Rhodes, another at Phaselis, another at Samos, and so on. The judicial range, therefore, of the Athenian courts must have greatly surpassed that of the courts of any one of the allies, perhaps of all of them together; and thus, even without any formal infraction of the reciprocity implied by the existence of *σύμβολα*, the impression may easily have come to exist, which the statements quoted from the grammarians express, that it was the Athenians who decided, in accordance with the terms of the several *σύμβολα*, the commercial suits of their subjects."—Perhaps the grammarians mixed up two different sets of causes tried at Athens: viz. the *δίκαι ἀπὸ συμβόλων*—which were tried in the defendant's city, and as was but natural for the most part at Athens—and the causes of the subject allies, which were carried up for trial to Athens, after the allies had been deprived of most of their independent jurisdiction. Only by degrees did the Athenians claim this supreme jurisdiction over the members of their first confederacy. Thus, after the reduction of Chalcis in 446–5 B.C., the Chalcidians were left their own jurisdiction, with this limitation, that all offences which were punishable by disfranchisement, exile, or death were to be sent to Athens for trial (*C. I. A.* iv. No. 27 a, l. 71 ff., *τὰς δὲ* *εὐθύνας Χαλκιδεῦσι κατὰ σφῶν αὐτῶν εἶναι ἐν Χαλκίδι καθάπερ Ἀθήνησιν Ἀθηναίοις πλὴν φυγῆς καὶ θανάτου καὶ ἀτιμίας· περὶ δὲ τούτων ἔφεσιν εἶναι Ἀθήναζε εἰς τὴν ἡλιαίαν τῶν θεσμοθετῶν*, etc.; for the meaning of *ἔφεσις*, cf. *Att. Process*, ed. Lipsius, p. 990 f., and Wilamowitz-Möllendorff, *Aus Kydathen*, p. 88 f.). In the time of the Peloponnesian war, however, Athenian jurisdiction extended much further, as is evident from [Xen.] *de Rep. Athen.* 1, § 16 f., *τοὺς συμμάχους ἀναγκάζουσι πλεῖν ἐπὶ δίκας Ἀθήναζε* (cf. Athen. ix. p. 407 b). Not only were all charges of treason or hostility against Athens carried thither for trial (*C. I. A.* i. No. 38; Aristoph. *Vesp.* 282 f., *Pac.* 639 f.) and the allied cities interdicted from the power of capital punishment (Antiph. *de caed. Her.* § 47); but as appears from Xenophon's mention of *πρυτανεῖα*, civil suits also were decided by the Athenian tribunals. It is not at all probable that all the private suits between citizens of the allied cities were carried up for trial to Athens, yet with our present information it seems impossible to determine which suits were tried at Athens and which were decided in the local courts; perhaps the amount involved decided the point (see *C. I. A.* iv. No. 22 a). Probably the precise regulations were different in the case of different cities. Thucydides (i. 77) seems to refer to the two sets of causes distinguished above: *καὶ ἐλασσούμενοι γὰρ ἐν ταῖς ξυμβολιμαίαις* (Cobet, *Nov. Lect.* p. 432; Hesych. *s. v.* *ξυμβολιμαίας δίκας· Ἀττικοὶ τὰς κατὰ σύμβολα*) *πρὸς τοὺς ξυμμάχους δίκαις καὶ παρ' ἡμῖν αὐτοῖς ἐν τοῖς ὁμοίοις νόμοις ποιήσαντες τὰς κρίσεις φιλοδικεῖν δοκοῦμεν*: in the former clause he refers to the *δίκαι ἀπὸ συμβόλων* which would be tried in the courts of the defendant's city, and in these the Athenians were at a disadvantage, inasmuch as the courts of their allies usually decided against them; in the latter clause he speaks of the causes of the allies tried in Athenian courts (*παρ' ἡμῖν αὐτοῖς*) on the basis of impartial laws for both of them.

Only one cause of this kind is preserved to us, viz. the speech of Antiphon on the death of Herodes. The defendant (Helus) and the accusers, the relatives of Herodes, were citizens of Mytilene (Blass, *Att. Bereds.* i. p. 162, supposes that Herodes was an Athenian, resident as *κληροῦχος* at Mytilene). We learn nothing from this speech as to the proceedings of such a trial except that the preliminary investigation was made on the spot, as we might expect, but that the trial took place at Athens.

Grote (*Hist. of Greece*, v. p. 307 n.) supposes that *δίκαι ἀπὸ συμβόλων* between Athenians and their allies existed only under the second Athenian empire, and that the passages quoted by grammarians from Aristotle apply only to these; but the term *ὑπήκοοι* is surely inapplicable to the members of the second confederacy. (*Att. Process*, ed. Lipsius, pp. 994–1005.) [C. R. K.] [H. H.]

SYMMO'RIA (*συμμορία*). The *symmories* at Athens were, in the fourth century B.C., groupings of citizens for two main purposes—for the contribution (when required) of the war-tax (*εἰσφορά*), and for the fitting out and general supervision of ships of war (*τριηραρχία*). The obscurity of the subject, which is great, arises partly from the scantiness of the evidence, partly from the doubt how far we can assume that the groupings or symmories for the war-tax were the same as those for the navy.

I. The symmories for the war-tax came first in point of time. They were instituted at an important era of Athenian history, the archonship of Nausinicus in B.C. 378, when Athens renewed the confederacy with the islands in the Aegean, and assumed maritime sway for the second time. Of this date we are informed by Philochorus (as quoted by Harpocration, *s. v.* *συμμορία*); but it is Polybius (ii. 62) who tells us that at this time the Athenians made an entire revision and classification of their landed and personal property. Aristotle, indeed (*Polit.* v. 7, 6), implies that such revisions were frequent in Greek states; but not, clearly, on such a scale as this under Nausinicus, which was a systematisation of taxation of a kind never before attempted at Athens. The fourfold Solonic classification of Athenian citizens into Pentacosiomedimni, Hippeis, Zeugitae, and Thetes, was not necessarily abolished by the symmories; but it seems to have been of little practical importance after this date; though Dem. c. *Macart.* p. 1067, § 54, and Isaeus, *de Apollod. Hered.* § 14 (quoted by Boeckh, iv. 5), imply some retention of the old terms.

The first and most difficult question which meets us in consideration of the war-tax symmories is this. Were the 1200, who undoubtedly constituted the trierarchical symmories, also the main (or perhaps the entire) constituents of the war-tax symmories? The most recent German scholarship has answered this question in the negative; and the present writer on the whole adheres to this decision. Those who desire merely to know results may therefore pass on to the next paragraph; but meanwhile, these are the arguments for and against. For the connexion of the 1200 with the war-tax symmories, Isocrates (*de Antid.* § 145) speaks of "the 1200 who pay the war-tax and perform liturgies" (*τοὺς διακοσίους καὶ χιλίους τοὺς εἰσφέροντας καὶ λειτουργοῦντας*). It must be admitted that this is a strong argument; but Isocrates is a loose rhetorical writer, and, writing at a time when the 1200 were prominent, he may have used the term simply as synonymous with "the richest men." Isaeus, whose career is reputed to have terminated at any rate not long after the institution of the trierarchical symmories, also spoke of "the 1200" in his speech against Ischomachus (as we learn from Harpocration, *s. v.* *χίλιοι διακόσιοι*). Still, the speech against Ischomachus may have been delivered after the establishment of the trierarchical symmories, and the reference may be to these. Lastly, the commentator Ulpian, writing on a passage at the close of the second Olynthiac of Demosthenes, gives an elaborate sketch of the constitution of the war-tax symmories, affirming them to have had 1200 members. But Ulpian is demonstrably wrong in important points; for instance, he affirms that there were *two* bodies of 300 at Athens, making up 600 citizens, accounted the richest. But from the orators it is absolutely clear that there was only *one* body of 300; and Ulpian probably got his 600 from a misinterpretation of the passage on which he was commenting. Hence his authority is but small. Now for the arguments *against* the connexion. Demosthenes (*c. Meid.* p. 564, § 155), speaking after the establishment of the trierarchical symmories, refers to this measure as the first occasion when the Athenians made 1200 associates (*ὅτε πρῶτον μὲν διακοσίους καὶ χιλίους πεποιήκατε συντελεῖς ὑμεῖς*), an expression which certainly seems to imply that 1200 associates did not previously exist in the war-tax symmories. Secondly, the historian Philochorus treated of the symmories formed under Nausinicus in his fifth book, but did not treat of the 1200 till his sixth book (Harpocration, *s. vv. συμμορία* and *χίλιοι διακόσιοι*); it must be inferred that the 1200 were appointed at a later date than the original symmories. Thirdly, it seems undoubted that the whole number of citizens who paid the war-tax was more than 1200: Boeckh (iv. 9) has shown this convincingly; but yet why should 1200 citizens be appointed at all in connexion with the war-tax, if not to be the sole payers of it? They would not be separated in this definite way merely because they paid more than the rest; and they seem too many to have been appointed for the sake of the *προεισφορά*, or prepayment of the tax in times of pressing need. Fourthly, the phrase used by Demosthenes (*c. Euerg. et Mnesib.* p. 1145, § 21), in describing the appointment of the trierarchical symmories, should be noticed: "The law of Periander, in accordance with which the symmories were constituted." If the 1200 had been constituted before the law of Periander, why should they need to be constituted again by the law of Periander? for it is a most farfetched supposition to think that two different bodies of 1200 existed, each designed to contain the wealthiest citizens, one intended for the payment of the war-tax, the other for the trierarchy.

It seems therefore that the 1200 had nothing to do with the war-tax symmories. But there was another body, whose connexion with the war-tax symmories it is impossible to deny; and that is the Three Hundred, who so constantly recur in the pages of the Attic orators; whom from Isaeus (*de Philoct. hered.* § 60) we know to have been established a considerable time before B.C. 364, and who by that orator are spoken of almost as if they were the sole payers of the war-tax; an expression which we may fairly construe by Dem. *c. Phaenipp.* p. 1046, as being the sole persons bound to prepay it on behalf of others, or, in other words, under the obligation of the *προεισφορά*. But what was the connexion? Were they the "leaders of the symmories," *ἡγεμόνες συμμοριῶν*, so often mentioned? So it has often been supposed; and if it was so, then we must hold that the symmories were very large bodies, comprising the whole number of taxpaying citizens. But, though this view of the matter has something to commend it, the evidence on the whole tends to another view. The passage in the *Meidias* in which the "leaders" are mentioned (p. 565) gives the idea that they were a much smaller body than 300; and it is hardly possible to resist the impression which that passage (or rather p. 564) conveys, that Meidias was one of the 300, whereas Demosthenes distinctly states that he was not a "leader" (*ἡγεμών*). If then the Three Hundred were not the *leaders* of the symmories, what were they? Only one other conclusion seems possible; they were, themselves, the symmories. Not, of course, that they were the sole taxpayers; the bulk of the taxpaying citizens would be attached to them (*προσνενέμησθε*, Dem. *2nd Olynth.* p. 26) by the tribal tie (for we must hold true of the war-tax symmories, what from Dem. *de Symm.* p. 184 we know to be true of the trierarchical symmories, that they were tribal bodies); but distinctly, the symmories themselves were small, and not large bodies. Nor is this view at all devoid of evidence. For first, assuming that there were two symmories to each tribe, as we know (Dem. *l. c.*) that there were in the trierarchical symmories, or twenty symmories altogether; then Hyperides (*ap.* Harpocr. *s. v. συμμορία*) tells us that there were 15 men in each symmory; and 20×15=300. (It is true that Harpocration, who is puzzled by the statement of Hyperides, interprets *συμμορία* as equivalent here to *συντέλεια*, or the association of trierarchs who managed a single ship; and Lipsius agrees with this. But the terms *συμμορία* and *συντέλεια* were perfectly distinct; moreover there was no fixity in the numbers of a *συντέλεια*, and it is rather curious that while we have 5, 6, 7, 16 *συντελεῖς* mentioned as taking charge of a ship, the number 15 is nowhere mentioned in this relation.) Again, there is a passage in Dem. *c. Boeot. de Nomine*, p. 997, § 5, which clearly shows that the symmories were bodies of limited extent. The speaker, Mantitheus, who is clearly a person of considerable property, is contending against the claim of a certain Boeotus to assume the name of Mantitheus, and pointing out the inconveniences that will ensue if it be allowed; and he instances this: "In what manner will the generals enrol the name, if they enrol Mantitheus into a symmory, or appoint him trierarch?" (*τίνα δ' οἱ στρατηγοὶ τρόπον ἐγγράψουσιν, ἂν εἰς συμμορίαν ἐγγράφωσιν, ἢ ἂν τριήραρχον καθιστῶσιν;*) It is impossible to say that the war-tax symmory is not here meant, for Mantitheus runs through every possible duty which Boeotus and himself might be required to perform; and if the war-tax is not intended by this expression, it occurs nowhere in the list. Clearly, then, the war-tax symmory was a body to which Mantitheus might be appointed, but to which he did not necessarily, as a taxpaying citizen, belong. What, then, can the war-tax symmories have been, but the Three Hundred? and the form of the expression in Dem. *c. Phaenipp.* p. 1040, § 5 ("the generals were arranging the exchanges for the 300"), does at any rate very aptly correspond with this supposition.

If this be so, then the reform under Nausinicus included, besides a revision of the entire property of Athenian citizens, also the establishment of a body of Three Hundred, thirty from each tribe, every thirty being divided into two symmories of fifteen each, and the whole number being the richest men in Athens. For what purpose, then, were these Three Hundred set apart? Doubtless there would be a convenience in having the richest men in the state catalogued and known, even for the mere payment of the war-tax. But for a specific measure of this kind, some more stringent motive seems needed; and such a motive is found in the need for *pre-*

payment of the war-tax, in order that the state might obtain the money without delay. How important this prompt payment was to the state can be readily understood; and while the Three Hundred were permitted to recover from the less wealthy citizens their share of the tax in due course, the advance of the money was a real burden on themselves. The *προεισφορὰ* (by which name the prepayment was known) cannot be shown to have been in use before B.C. 378: whereas Lipsius (in *Jahrbuch der Philologie*, 1878, pp. 297–299) has given strong reasons for thinking that this advance of the war-tax became the normal method after the reform introduced under Nausinicus. And Dem. *c. Phaenipp.* p. 1046, § 25 (before referred to), is strong authority for thinking that the Three Hundred were the only persons liable to pay this advance of the war-tax. At the same time, when the Three Hundred once became an established institution, it is not necessary to suppose that the original motive which prompted their establishment was always borne in mind: thus there can be little doubt that Demosthenes in his minority (when he would not be required to advance the *προεισφορὰ*) belonged to them, just as in the trierarchical symmories there were many members who could not be called upon to discharge the office of trierarch (Dem. *de Symm.* 182, § 17).

At all events, this view gives an intelligible meaning and purpose to the war-tax symmories; while we need not deny that the reform under Nausinicus may have included other elements, as, perhaps, a fresh estimate of the ratable value of each man's property according to his wealth (in the case of the richest persons the ratable value was one-fifth of the whole, Dem. *c. Aphob.* i. p. 816, § 9); but of this we can say nothing. Nor can we absolutely say that no change was introduced into the war-tax symmories when the trierarchical symmories began (B.C. 358); but there is no evidence to this effect, unless the expression of Isocrates (*l. c.*) be regarded as evidence. At all events the opinion of Harpocration (whatever that may be worth—it occurs *s. v. συμμορία*) may be added to the evidence above given that the symmories were essentially limited bodies.

The difficulty of the whole subject is however so great, that it is desirable that a brief summary of the views previously held about it should be here given.

Ulpian considered that the members of the war-tax symmories were 1200 in number, and that they were the sole payers of the tax.

Boeckh considered that the members of the war-tax symmories were 1200 in number, but that they were not the sole payers of the tax; and apparently he regarded the re-arrangement of degrees of taxation as the real, and a sufficient, reason for the symmories altogether.

Lipsius was the first to suggest (*l. c.*) that the 1200 did not belong to the war-tax symmories at all. In substantial meaning, his view does not differ much from that which has been here given; but in nomenclature it differs. He holds that the symmories comprised the great body of taxpaying citizens, and that the Three Hundred merely stood at their head; whereas here the Three Hundred have been described as being, actually, the symmories. Nor is it clear what Lipsius thinks was precisely the object of the symmories—whether a re-arrangement of taxation, or the convenience of the prompt payment of the tax. Here the latter has been said to be the main object, through the *προεισφορά*.

II. The trierarchical symmories were established in consequence of the attempt of the Thebans upon Euboea in B.C. 358, which occasioned an urgent need for ships of war. That need was for the moment supplied by voluntary efforts (Dem. *de Cor.* 259); but this proved the starting-point of a new system, and a law was introduced by Periander (Dem. *c. Euerg.* 1145) and carried, whereby a new set of symmories, of 1200 members, was constituted expressly for the purpose of furnishing triremes expeditiously. For the working of this law, the article TRIERARCHIA must be consulted; but the constitution of the symmories must be briefly stated here, as far as we know it. First, the Three Hundred formed an important part as leading members of the Twelve Hundred (Deinarch. *c. Demosth.* § 42; and compare Aesch. *c. Ctesiph.* § 222; Hyperides *ap.* Harpocrat. *s. v. συμμορία*; and Dem. *c. Meid.* 564); the intention no doubt was that the Three Hundred should still pay the greater part of the expense of a trireme, but for a long time they managed to escape this, and to keep their own contributions down to the level of the poorer members of the Twelve Hundred, until the reform carried by Demosthenes (Dem. *de Cor.* 260, 261). Secondly, we do know with absolute certainty here that there were altogether 20 symmories (Dem. *de Symm.* 182), 2 symmories to each tribe (Id. p. 184), and 60 members to a symmory; but of the whole number of 1200 many were ineffectives (Id. p. 182). The speech of Demosthenes, *de Symmoriis*, was in part intended to correct this; but it had no practical effect. The members of a symmory (5, 6, 7, or even 16) who provided a single ship were called *συντελεῖς*, or collectively *συντέλεια*, which last word must be carefully distinguished from the *συμμορία* out of which the *συντελεῖς* were taken.

With respect to the tribal relations of the symmories, Boeckh has shown (cf. *See-Urkunden*, p. 185, and the passages there referred to) that members of different tribes might unite in the management of one ship; yet Demosthenes (*de Symm.* 184) seems to show that the tribal relation was always intended to exist, and we must remember that a tribe might sometimes be represented by a citizen not belonging to itself. Thus Demosthenes stood in a relation of peculiar alliance to the tribe Pandionis, of which he was not a member (cf. *c. Meid.* 511, 519).

It remains to say a few words on the officers of the symmories. Every symmory, whether for the war-tax or for the trierarchy, had a leader (*ἡγεμών*). It does not, however, appear that the leader had any formal duties; influence no doubt he had. Probably Boeckh is right in thinking that the person whose name is attached, in inscriptions, to the name of the symmory, was the "leader." Every trierarchical symmory had, besides the "leader," an "overseer" (*ἐπιμελητής*). That the overseer had occasionally very difficult duties in the way of recovering public property, and that he was very inefficiently supported in these duties, is obvious from Dem. *c. Euerg. et Mnesib.* passim. The "overseers" were probably the same as the "twenty," mentioned in an inscription referred to by Gilbert (*Griech. Staatsalterth.* i. p. 352, note 4) as connected with the strategi in the choice of trierarchs. Necessarily also in close connexion with the symmories were the officers called διαγραφεῖς, who drew up lists of property, and of the rates due. (Bekker, *Anecd.* 236, 9; Harpocrat. *s. v.* διάγραμμα.)

The symmories of the resident aliens (μετοικικαὶ συμμορίαι), mentioned by Pollux, viii. 144, must be dismissed with merely a reference; we can hardly be said to know anything about them.

Perhaps the powers, elective and judicial, which the generals (στρατηγοί) exercised over the symmories have not been definitely enough stated in the preceding paragraphs. It is another proof of their tribal character; for the generals were tribal officers.

For the rest, the tenor of this article has been to show that the trierarchical symmories were neither identical with, nor yet wholly distinct from, the war-tax symmories; but a development and enlargement of them. And it is to such a conclusion as this, surely, that *à priori* probability points. We have every reason to suppose that the symmories of both kinds lasted as long as Athens continued an independent state.

The principal works that may be consulted on the subject are: Boeckh, *Staatshaushaltung der Athener* (Berlin, 1886—with Fränkel's notes); the same writer's *See-Urkunden* (Berlin, 1840); Thumser, *de Civium Atheniensium Muneribus* (Vienna, 1880); Lipsius (*Jahrbuch der Philologie*, 1878, pp. 289–299); and Gilbert's *Handbuch der Griechischen Staatsalterthümer* (Leipsic, 1881). [J. R. M.]

SYMPHO'NIA (συμφωνία) is mentioned by Cic. *Verr.* iii. 44, 105; Hor. *A. P.* 574; Liv. xxxix. 10; Polyb. xxvi. 10, 5, xxxi. 4, 8 (Dind.), as being a musical entertainment at banquets. We hear also of specially-trained slaves, who were called *symphoniaci*, and were kept by rich men to provide this music (Cic. *Mil.* 21, 55; *Verr.* v. 25, 64: cf. Gell. xix. 3; Macrob. *Sat.* ii. 4, 28): in Cic. *ad Fam.* vi. 9 symphonia means a dinner so accompanied. It was one of the luxuries introduced from Asia about 187 B.C. (Liv. xxxix. 6; Marquardt, *Privatleben*, 181; Becker-Göll, *Gallus*, ii. 147, iii. 373).

There has been much difference of opinion on the question what the symphonia was, and even whether it was vocal or instrumental music. Some, as Rich, hold that it was a sort of drum. This, which is surely highly improbable when we consider its use at dinner-parties, rests on the authority of Isidore (*Orig.* ii. 21) and the lexicographer Ugutio, who follows him (see Du Cange, *s. v.*). It may be remarked on this that Isidore, writing in the 7th century, is probably interpreting a word which he finds in older writers, not describing an instrument which he had seen. On the other hand, Baumeister (*Denkm.* p. 563) connects it with the Italian *sampogna*, and considers it to be a sort of bagpipe: a view which had previously been taken by some commentators on the passages in Dan. iii., where the LXX. translates by συμφωνία the similar Hebrew word (see *Dict. of the Bible*, s. v. Dulcimer). Dr. Pusey, again, in a learned note on this passage (*Lectures on Daniel*, p. 29), holds positively that in Greek and Latin the word never meant an instrument at all, but only chorus singing; and his view might find support in Jerome on St. Luke xv., who says that some Latin writers have wrongly taken it to be an organ, whereas it means only vocal harmony. We cannot, however, be sure whether Jerome is speaking generally or only in reference to this passage.

It seems to us at any rate reasonable to demand that whatever sense is given to *pueri symphoniaci* should agree with that which we accept for symphonia. If the ordinary view is correct, that these slaves were trained singers (so Marquardt, *Privatl.* p. 337; Becker-Göll, *l. c.*), then it would follow that symphonia meant concerted vocal music. But there is, it seems to us, some evidence against this. In the passages cited above from Cicero, Horace, Livy, and Macrobius, it may safely be asserted that the sense suits vocal or instrumental music equally well; and so they bring us no nearer to a conclusion. But when we read in Cic. *Div. in Caecil.* 17, 55, that a praefectus took possession of some *pueri symphoniaci* for his fleet, it seems absolutely necessary to suppose that these were slaves trained to play the flute and distributed through the fleet, to act each as a τριηραύλης. Further confirmation of this may be gathered from the introduction of the symphonia in naval use by Prudentius (in *Sym.* ii. 527), where the glosses (as also Ven. Fortunat. in the 6th cent.) take it to be a wind instrument, whether = *tuba* or *tibia*. Again, in Plin. *H. N.* ix. § 24, "delphinus symphoniae cantu mulcetur et praecipue hydrauli," it is hard to see how it could be coupled with the hydraulus, unless it was an instrument. (The passage in *H. N.* x. § 84 is not decisive.) The same deduction may be made from Petron. 34, where "symphonia" is clearly distinguished from "chorus cantans," as it seems to be also in Cic. *Coel.* 15, 35. Lastly, in spite of Dr. Pusey's denial, it seems to us necessary, in the two passages of Polybius cited at the beginning of this article, to understand συμφωνία as a band of flute-players (the κεράτιον being distinguished from it as a sort of cornet). Whether the flute so used was a special Asiatic pattern, or whether the point which differentiated it as Eastern consisted in the flutes being so graduated as to perform concerted music, cannot be determined: if the latter, the fact of the flutes being arranged for different parts may have distinguished the symphoniaci from the tibicines. We gather from Dig. 9, 2, 22, 1, that the music was so concerted that the loss of one of the symphoniaci would render the rest comparatively valueless, and therefore the damage was estimated in regard to the depreciation of the other "corpora" also, as in the case of a matched team of horses.

A single member of the συμφωνία was probably the χοραύλης, who appears in Martial, ix. 77, as *choraules*, to avoid the awkward word *symphoniacus*. It is possible, and indeed probable, that symphonia signified also a band composed of different instruments, and not of the flute only, like the private bands in some great houses at the present day: all the evidence seems to us against its meaning a single instrument, except in very late writers (see Du Cange), where the word seems to have been adopted as the term for a flute. In an inscription (Wilmanns, 1344) we find a "Collegium Symphoniacorum" employed for public sacrifices.

The question whether the word *συμφωνία* was adopted as the nearest Greek approach to a Hebrew or Chaldaic word, or whether the Hebrew writer borrowed from the Greek, it is beyond our scope to discuss: reference may be made to *Dict. of the Bible*, and to Dr. Pusey as cited above. [G. E. M.]

SYMPHONI'ACI. [SYMPHONIA.]

SYMPHOREIS (*συμφορεῖς*). [EXERCITUS, Vol. I., p. 772 *a*.]

SYMPO'SIUM (*συμπόσιον, comissatio, convivium*), a drinking-party. 1. GREEK. The *συμπόσιον*, or the *πότος*, must be distinguished from the *δεῖπνον*: for though drinking almost always followed a dinner-party, yet the former was regarded as entirely distinct from the latter, was regulated by different customs, and frequently received the addition of many guests, who were not present at the dinner. For the Greeks did not usually drink at their dinner, and it was not till the conclusion of the meal that wreaths of flowers and wine were introduced, as is explained under CENA [Vol. I. p. 394 *b*]. Thus we read in the Symposium of Plato (p. 176 A) that after the dinner had been finished, the libations made, and the paean sung, they turned to drinking (*τρέπεσθαι πρὸς τὸν πότον*).

The enjoyment of Symposia was heightened by agreeable conversation, by the introduction of music and dancing, and by games and amusements of various kinds: sometimes, too, philosophical subjects were discussed ~~at them.~~ The Symposia of Plato and Xenophon give us a lively idea of such entertainments at Athens. The name itself shows that the enjoyment of drinking was the main object of the Symposia: wine from the juice of the grape (*οἶνος ἀμπέλινος*) was the only drink partaken of by the Greeks, with the exception of water. For palm-wine and beer [CEREVISIA], though known to many of the Greeks from intercourse with foreign nations, were never introduced among them; and the extraordinary cheapness of wine at Athens [VINUM] enabled persons even in moderate circumstances to give drinking-parties to their friends. Even in the most ancient times the enjoyment of wine was considered one of the greatest sources of pleasure, and hence Musaeus and his son supposed that the just passed their time in Hades in a state of perpetual intoxication, as a reward of their virtue (*ἡγησάμενοι κάλλιστον ἀρετῆς μισθὸν μέθην αἰώνιον*, Plat. *Rep.* ii. p. 363 D). It would appear from the Symposium of Plato, that even the Athenians frequently concluded their drinking-parties in rather a riotous manner, and it was to guard against this that such parties were forbidden at Sparta and in Crete. (Plat. *Min.* p. 320 A; cf. Aristoph. *Vesp.* 1253, and the speeches of Dem. *in Conon.* and Lys. *in Simon.*) It is curious that a distinction is preserved in the words *μεθυστικός*, applied to men, and *μέθυσος* to women, a usage which, as Mr. Rutherford remarks (*New Phrynichus*, p. 240), probably originated from an ethical cause: in the man it was more habitual, in the woman more accidental.

The wine was almost invariably mixed with water, and to drink it unmixed (*ἄκρατον*) was considered a characteristic of barbarians (Plat. *Leg.* i. p. 637 E). Zaleucus is said to have enacted a law among the Locrians, by which any one who was ill and drank of unmixed wine without the command of his physician, was to be put to death (Aelian, *V. H.* ii. 37); and the Greeks in general considered unmixed wine as exceedingly prejudicial to physical and mental health (Athen. ii. p. 38). The Spartans attributed the insanity of Cleomenes to his indulging in this practice, which he learnt from the Scythians (Herod. vi. 84). So universal was it not to drink wine unless mixed with water, that the word *οἶνος* is always applied to such a mixture; and whenever wine is spoken of in connexion with drinking, we are always to understand wine mixed with water, unless the word *ἄκρατος* is expressly added (*τὸ κρᾶμα, καίτοι ὕδατος μετέχον πλείονος, οἶνον καλοῦμεν*, Plut. *Conjug. Praec.* 20).

The proportion in which the wine and water were mixed, naturally differed on different occasions. To make a mixture of even half wine and half water (*ἴσον ἴσῳ*) was considered injurious (Athen. *l. c.*), and generally there was a much greater quantity of water than of wine. It appears from Plutarch (*Symp.* iii. 9), Athenaeus (x. p. 426), and Eustathius (*ad Od.* ix. 209, p. 1624), that the most common proportions of water to wine were 3 : 1, or 2 : 1, or 3 : 2. Hesiod (*Op.* 596) recommends the first of these, but it was generally regarded as weak (*ὑδαρής*) and fit *βατράχοις οἰνοχοεῖν* (Athen. x. p. 430 e), and 3 : 2 was the usual proportion for not intemperate drinkers.

The wine was mixed either with warm or cold water: the former, which corresponded to the *Calida* or *Calda* of the Romans [CALIDA], was by far the less common. On the contrary, it was endeavoured to obtain the water as cool as possible, and for this purpose both snow and ice were frequently employed. [PSYCTER.] Honey was sometimes put in the wine (Athen. i. p. 32 a), and also spices (Id. p. 31 e): in the latter case it received the name of *τρίμμα*, and is frequently mentioned by the writers of the New Comedy (Pollux, vi. 18). Other ingredients were also occasionally added (Athen. ii. p. 66; Lucian, *Nigrin.* 31; Aelian, *V. H.* xii. 31).

The mixture was made in a large vessel called the *κρατήρ* [CRATER], from which it was conveyed into the drinking-cups by means of *οἰνοχόαι* or *κύαθοι* [CYATHUS]. The cups usually employed were the *κύλιξ, φιάλη, καρχήσιον*, and *κάνθαρος*, of which an account is given in separate articles. The *ῥυτόν*, or drinking horn, was also very commonly used [RHYTON]. We find several craters on vases representing drinking scenes. (See, for example, *Mus. Borbon.* vol. v. t. 51.)

The guests at a Symposium reclined on couches and were crowned with garlands of flowers, as is explained under CENA. A master of the revels (*ἄρχων τῆς πόσεως, συμποσίαρχος* or *βασιλεὺς*) was usually chosen to conduct the Symposium (*παιδαγωγεῖν συμπόσιον*, Plat. *Legg.* i. p. 641 A), whose commands the whole company had to obey, and who regulated the whole order of the entertainment, proposed the amusements, &c. The choice was generally determined by the throwing of astragali or tali; but we find in Plato (*Symp.* p. 213 E) Alcibiades constituting himself Symposiarch (in Plaut. *Stich.* v. 4, 15, he is called *strategus*). The proportion in which the wine and water were mixed was fixed by him, and also how much each of the company was to drink, and also the size of the drinking vessel. Upon those who disregarded his authority he imposed penalties, often absurd acts of buffoonery to make the victim ridiculous (Lucian, *Saturn.* 4): sometimes he ordained similar absurdities on the company generally, or special members of it with a specified penalty in default of performance (Plat. *Symp.* i. 4, 3). To such cases the "leges insanae" (Hor. *Sat.* ii. 6, 69) refer, and it is not surprising that Plato, in the passage cited from the *Laws*, desires *νήφοντά τε καὶ σοφὸν ἄρχοντα* as Symposiarch. The servants (*οἰνοχόοι* and *οἰνηροὶ θεράποντες*), usually young slaves, who had to mix the wine and present it to the company, were also under his orders; but if there was no Symposiarch, the company called for the wine just as they pleased. The dexterity of a well-trained cup-bearer in presenting the *φιάλη*, held *ἐπὶ τῶν δακτύλων ἀκρῶν*, is noticed by Poll. vi. 95; cf. *τοῖς τρισὶ δακτύλοις*, Xen. *Cyrop.* i. 3, 8. This method of holding the *φιάλη ὀμφαλωτὸς* is explained on p. 350 *a*, and is shown in the following woodcut, but it applies only to the *φιάλη*. Other cups, such as the *κύλιξ*, were often similarly filled at the crater and handed round, as may be seen in vase-paintings (Panofka, xxxiv. 2 = Guhl and Koner, fig. 201): but the more usual practice was that the guest held the cylix and the slave filled it with a small wine-jug (*οἰνοχόη*) which he had dipped in the crater and carried round the table (*Od.* ix. 10; Athen. x. p. 42; Xen. *Symp.* ii. 27; *Mon. Inst.* iii. 12).

Before the drinking commenced, it was agreed upon in what way they should drink (Plat. *Symp.* p. 176, A, B), for it was not usually left to the option of each of the company to drink as much or as little as he pleased, but he was compelled to take whatever the Symposiarch might order. At Athens they usually began drinking out of small cups (*μέτρια ποτήρια*, Athen. x. p. 431 e), but, as the entertainment went on, larger ones were introduced (Diog. Laërt. i. 104). In the Symposium of Plato (pp. 213, 214) Alcibiades and Socrates each empty an immense cup, containing eight cotylae, or nearly four English pints; and frequently such cups were emptied at one draught (*ἀπνευστὶ* or *ἀμυστὶ πίνειν*, *ἀμυστίζειν*, Athen. x. p. 431 b; Lucian, *Lexiph.* 8; Suidas, *s. v.* *'Αμυστί*).

The cups were always carried round from left to right (*ἐπὶ δεξιά*), which Latin writers express by "a summo" (Plaut. *Pers.* v. 1, 19; *Asin.* v. 4, 1), and the same order was observed in the conversation and in everything that took place in the entertainment (*ἐπὶ δεξιὰ διαπίνειν*, Plat. *Rep.* iv. p. 420 E; *ἐπὶ δεξιὰ λόγον εἰπεῖν*, *Symp.* p. 214 B; Athen. xi. p. 463 e). The company frequently drank to the health of one another (*προπίνειν φιλοτησίας*, Lucian, *Gall.* 12; Athen. xi. p. 498 d), and each did it especially to the one to whom he handed the same cup. (Compare Cic. *Tusc.* i. 40, 96, "Graeci in conviviis solent nominare, cui poculum tradituri sunt.") Great men on great occasions often made the cup a present to the guest who so received it (Pind. *Ol.* vii. 5; Athen. xiii. pp. 575, 576), whence the word *προπίνω* acquired a new meaning.

Music and dancing were usually introduced, as already stated, at Symposia, and we find few representations of such scenes in ancient vases without the presence of female players on the flute and the cithara. Plato, indeed, decidedly objects to their presence, and maintains that it is only men incapable of amusing themselves by rational conversation, that have recourse to such means of enjoyment (*Protag.* p. 347 C, D; *Symp.* p. 176 E); but this says nothing against the general practice, and Xenophon in his Symposium represents Socrates mightily pleased with the mimetic dancing and other feats performed on that occasion. The female dancers and the players on the flute and the cithara were frequently introduced at the Symposia of young men for another purpose, and were oftentimes actually *ἑταῖραι* [Hetaerae], as we see clearly represented on many ancient vases (see for example *Mus. Borbon.* vol. v. t. 51). Respecting the different kinds of dances performed at Symposia, see Saltatio. The *σκόλια* were indeed a more refined and intellectual kind of music, as they were usually sung only by selected guests who were known to be skilled in music, and often in poetical composition. The song being started by one singer, was continued by any other to whom he handed the lyre and myrtle bough (Aristoph. *Vesp.* 1219; Athen. xv. p. 694 f; Müller, *Lit. of Ancient Greece*, i. p. 249).

Representations of Symposia are very common on ancient vases. Two guests usually reclined on each couch (*κλίνη*), as is explained in Vol. I. p. 393, and illustrated by the following cut from one of Sir W. Hamilton's vases, where the couch on the right hand contains two persons, and that on the left is represented with only one, which does not appear to have been the usual practice. The guests wear garlands of flowers, and the two who are reclining on the same couch hold a *φιάλη* in the right hand.

Symposium, from a vase-painting.

Sometimes there are four or five persons on one couch, as in the following woodcut, taken from Millin (*Peintures de Vases Antiques*, vol. ii. pl. 53). Three young and two older men are reclining on a couch (*κλίνη*), with their left arms resting on striped pillows (*προσκεφάλαια* or *ὑπαγκώνια*). Before the couch are two tables. Three of the men are holding a *calix* or *κύλιξ* suspended by one of the handles to the forefinger, the fourth holds a *φιάλη*, and the fifth a *φιάλη* in one hand and a *ῥυτὸν* in the other. [Calix; Patera; Rhyton.] In the middle Comos is beating the tympanum.

Respecting the games and amusements by which the Symposia were enlivened, it is unnecessary to say much here, as most of them are described in separate articles in this work. Enigmas or riddles (*αἰνίγματα* or *γρῖφοι*) were among the most usual and favourite modes of diversion [AENIGMA]. The Cottabos was also another favourite game at Symposia, and was played at in various ways [COTTABOS]. The other games at Symposia, which require mention, are the *ἀστραγαλισμὸς* and *κυβεία*, explained under TALI and TESSERAE; the *πεττεία*, spoken of under LATRUNCULI; and the *χαλκισμός*. The latter consisted in turning round a piece of money placed upright on its edges, and causing it suddenly to stop while moving by placing a finger on its top (Pollux, ix. 118; Eustath. *ad Il.* xiv. 291, p. 986).

Symposium, from a vase-painting.

Lest some of the details above given should convey the idea that a Greek Symposium was a mere drunken revel, we must point out that, as Blümner remarks (*Leben und Sitten der Gr.* ii. 42), it differed in its essential nature from the drinking bout "of the Middle Ages and up to the seventeenth century" (we might put it later); for the main object and usual result was intellectual conversation, as described by Plato, Xenophon, and later writers, although it might sometimes end in excess and disorder. On the other hand, the extreme on this side also must be avoided; we must not suppose that the high philosophic level of Plato's Symposium was universal or indeed anything but exceptional. Socrates was not always of the party, and besides it must be recollected that Plato's scene is designed to introduce philosophy, not primarily to leave an exact picture of manners. On this point there is a chapter by Professor Mahaffy (*Social Life in Greece*), in which he suggests a University supper-party as the standard; and there is much truth in this, for at the universities too we have in an intellectual centre among diverse sets of people all degrees of social converse,—high philosophy, literature, aestheticism, sporting topics (as various as from Olympic games to quail-fights), and sometimes also the riotous ending. (See also Becker-Göll, *Charikles*, ii. 335 ff.; Blümner, *Privatalt.* 245 ff.; Mahaffy, *Social Life in Greece*, ch. xi.) [W. S.] [G. E. M.]

2. COMISSATIO.—That this word (doubtless connected with *κῶμος*) was the strict equivalent at Rome to the Greek symposium (*i.e.* that it was a wine-party quite distinct from the *cena* which preceded it) is clear from several passages. In the *Mostellaria* Callidamates, who has dined elsewhere, says, "me ibi male convivii sermonisque taesum est, Nunc comissatum ibo ad Philolachem;" and so also Demetrius in Liv. xl. 7, at the end of the *cena*, says, "Quis comissatum ad fratrem imus?" (cf. Id. xl. 9.) The above passages relate to Greek life, and it must be observed that this going after dinner from one house to another for the wine-party seems to have been a Greek custom, rather than Roman (it appears, however, in Petron. 65): but at Rome also the distinct break between the cena and the comissatio is noticeable, so that there might be the one without the other, as in Suet. *Dom.* 21, "convivebatur . . . nec ut postea comissaretur;" and there is a passage of St. Ambrose (*de El. et Jejun.* 13) which is worth quoting as a description of manners precisely the same at a much later date, "Cernas poculorum diversorum ordines, vasa exposita aurea et argentea: deinde procedente potu longius contentiones et certamina quis potu praecellat: nota gravis si quis se excuset, si quis temperandum forte vinum putet: et haec donec ad mensas perveniatur secundas: at ubi consummatae fuerint epulae, et putes jam esse surgendum, tunc de integro potum instaurant et cum consummarunt tunc inchoare se dicunt: tunc deferuntur phialae, tunc maximi crateres: mensura proponitur, certatur sub judice; sub lege decernitur." Besides the regular term *comissatio*, Cicero uses sometimes the word *compotatio*; and *convivium*, being a general term for any "convivial" meeting (Cic. *de Sen.* 13, 45), may signify the wine-party as well as the dinner, unless it is contrasted with comissatio: it is used in this sense in Cic. *Tusc.* i. 40, 96.

It is not certain how far *comissatio* was a genuine Roman custom and how far borrowed from the Greeks. The passage of Cic. *de Sen.* 14, 46, implies a custom of social conversation over wine after dinner in old times, but does not, as Marquardt rather fancifully argues, imply a *magisterium* of the wine-party; for Göll is certainly right in saying that the two sentences refer to totally different things. There is, as will be seen, a slight indication of a *magister bibendi* in early times, but not a certainty. The probable account is that the *Graecus mos* brought in the *regular organisation* of the comissatio, on much the same lines as the Symposium described above. We may therefore venture to set down as the "Graecus mos bibendi" at Rome (1) the wreaths and perfumes [CORONA; UNGUENTUM], which were not as a rule worn during dinner, but marked the beginning of the *συμπόσιον* or the comissatio (Plut. *Symp.* iii. 1, 1; Athen. xv. p. 685 d; Mart. x. 19), and were Greek in origin. The gradual rise of this custom is perhaps marked in Pliny's notice of two persons punished for wearing flowers towards the end of the Second Punic War (*H. N.* xxi. § 8). (2) The appointment by the dice of one among the company as president, = the Symposiarch, and called *rex* (Macrob. *Sat.* ii. 1; Hor. *Od.* i. 4, 18), *arbiter bibendi* (Hor. *Od.* ii. 7, 25), and *magister* (Varro *ap.* Non. 142, 8; cf. Hor. *Sat.* ii. 2, 123). From this passage of Varro we may perhaps infer, what is natural enough, that the older Romans had some such president of the party; but the magister here also, like the magisterium of Varro, *L. L.* v. 122, may possibly refer only to a "publicum convivium," and we shall probably be right in regarding as mainly derived from Greece the duties of this post described in the first part of the article—settling the proportions of wine to water, making rules for the entertainment and enforcing penalties (Cic. *Verr.* v. 11, 28); while at those parties which had no such ruler appointed, any guest could follow his own fancy as to drinking much or little, being, as Horace expresses it, "solutus legibus insanis" (*Sat.* ii. 6, 69: the same absence of Symposiarch is signified by the "culpa magistra" of *Sat.* ii. 2, 123). (3) In particular the method of drinking healths (*propinatio*), which is specially noted as *Graeco more bibere* (compare Cic. *Verr.* i. 26, 66, and Ps.-Ascon. *ad loc.*, with Cic. *Tusc.* i. 40, 96). This consisted in naming some person, and then, after touching the wine with the lips, handing the cup to him to drain. Before the general *propinatio* there was a custom, whether widely prevalent or not, of naming some deity. We see this in Plaut. *Asin.* iv. 1, 35, and connected with it is probably the "da Lunae propere novae" of Hor. *Od.* iii. 19, if we reject the very ingenious, but, as it seems to us, too fanciful interpretation which Mr. Verrall (*Studies in Horace*) has given to that passage. In imperial times there was the formal toast to the emperor (Ov. *Fast.* ii. 637; Dio Cass. li. 19); and then the propinatio of different persons according to the fancy of individual guests.

There are, however, some intricate questions connected with the Roman health-drinking which need discussion, especially as regards the number of cyathi. There is, of course, no doubt that the *rex* or *arbiter* fixed the proportions of wine and water just as in the Greek symposium; but it is probably an error to understand the passages, which mention such and such a number of cyathi, as referring to this proportion: it is, we have little doubt, more correct to explain them as specifying the amount of the mixture, whatever its strength, which each cup was to receive. If the drinking was to be hard, large cups were called for (Cic. *Verr.* i. 26, 66; Hor. *Sat.* ii. 8, 35; Plaut. *Curcul.* ii. 3, 81), so that whatever number was imposed might be received by each guest in his cup and drained either at one draught (like the Greek *ἀμυστὶς*) or not, according to the injunctions of the "leges insanae" (cf. Plin. *H. N.* xiv. § 145). Accordingly we find the specified numbers ranging from one cyathus (Mart. i. 106) upwards; and when a man drinks a "septunx" (Mart. iii. 82) or "septeni cyathi" (Plaut. *Pers.* v. 1, 19), it means that he had seven cyathi, *i.e.* a little over half a pint, poured into his cup at once: if he drinks a "bes," it means that he has 8 cyathi in his cup, and so forth. Marquardt has declared for this view, and Göll inclines to it: it appears to us that it should be adopted for the following reasons:—1. The other theory would involve a perpetual change of the mixture in the crater for each *name* that was proposed. 2. In this case the proportions of wine and water would be regulated by the proposer of the toast, instead of, as is commonly believed, by the *rex*. 3. It involves us in difficulties of numbers: is it conceivable that when Martial speaks of drinking "one cyathus" he means a mixture of which $\frac{11}{12}$ was water? (and if he does, what is the use of adding "diluti"?) and again in *Id.* 11 of Ausonius, which well illustrates a vexed passage of Horace:

> "Ter bibe, vel totiens ternos; sic mystica lex est,
> Vel tria potanti, vel ter tria multiplicanti
> Imparibus novies ternos contexere cubum,"

the suggestion of 27 cyathi as a possibility excludes the idea of fractional numbers where the unit = 12 cyathi. No doubt it is seldom that the number does exceed 12, but, as 12 cyathi = about 1 pint, it is natural that the amount allowed to each cup was generally much less: the poet in Hor. *Od.* iii. 19 prefers 9 (rather under a pint) for each draught, the moderate man only 3. In Ovid, *Fast.* iii. 532, this is expressed by "ad numerum bibunt;" and the suggestion (of course a poetical exaggeration) that in drinking *ages* of the guests they might arrive at Nestor's (*i.e.* 90 cyathi) strengthens the argument drawn above from Ausonius.

Similarly, in the fanciful adaptation of the number of cyathi to the name mentioned in each toast, as many cyathi are ordered as there are letters in the name (see Mart. i. 71; xi. 36, where Gaius gives 5 cyathi, Julius 6, and Proculus a *bes* = 7 cyathi); or the different names of the same man taken singly or combined, in the nominative or the vocative, might allow great variety, "Det numerum cyathis Instantis litera Rufi," &c. (Mart. viii. 51).

[For the vessels used, and the means of cooling or warming, see CALDA, COLUS, CRATER, PSYCTER.] The amusements at these parties are mentioned under CENA in Vol. I. p. 397 *b*: that the Romans, as a less witty and refined people than the Greeks, depended more on such amusements and less on conversation, is certainly the case; but it is a matter of degree: the only essential difference lay in the fact that at Rome wives and children might possibly be present at these entertainments, which were often unedifying orgies (cf. Cic. *Verr.* i. 26, 66; Plut. *Quaest. Conv.* vii. 8, 4; Sen. *Ep.* 95; Juv. vi. 425). See further on this subject Marquardt, *Privatleben*, 331–340; Becker-Göll, *Gallus*, i. 203–211. [G. E. M.]

SYNALLAGMA (*συνάλλαγμα*). [SYMBOLAEON.]

SYNDICUS (*σύνδικος*), *an advocate*, is frequently used as synonymous with the word *συνήγορος*, to denote any one who pleads the cause of another, whether in a court of justice or elsewhere. *Συνδικεῖν* also is used indifferently with *συνηγορεῖν* or *συναγωνίζεσθαι* or *συνειπεῖν* (Andoc. *de Myst.* § 150;—Dem. *c. Zenoth.* p. 885, § 12; *c. Steph.* i. p. 1127, § 84; *de Coron. Trierarch.* p. 1232, § 16, etc.; *c. Onet.* i. p. 872, § 31; *c. Mid.* p. 576, § 190;—Hyper. *pro Eux.* c. 25; [Dem.] *c. Dionysod.* p. 1298, § 50, etc.). The state or a corporation or a private individual might be represented by them. Thus, the five (Dem. *c. Timocr.* p. 707, § 23, *lex*) public advocates, who were appointed to defend the ancient laws before the Nomothetae, when new laws in their stead were proposed, are called *σύνδικοι* (Dem. *c. Lept.* p. 501, § 146; only four names are given, but as Wolf, *Proleg.* p. 145, suggests, that of Leptines must be added) or *συνήγοροι* (Dem. *c. Timocr.* p. 711, § 36). The same name was applied to those orators who were sent by the state to plead the cause of their countrymen before a foreign tribunal. Aeschines, for example, was appointed to plead before the Amphictyonic council on the subject of the Delian temple, but for some reason (Philostr. *Vitt. Soph.* i. 18, 4) the council of Areiopagus removed him, and appointed Hypereides in his stead (Dem. *de Cor.* p. 271, § 134, *σύνδικος*: [Plut.] *Vitt. X. Oratt.* p. 840 E, *συνήγορος*). These extraordinary advocates are not to be confounded with the Pylagorae, or ordinary Amphictyonic deputies (Schömann, *de Com.* p. 321). To such *σύνδικοι* refers the law (Dem. *c. Lept.* p. 503, § 152): *μὴ ἐξεῖναι ὑπὸ τοῦ δήμου χειροτονηθέντα πλέον ἢ ἅπαξ συνδικῆσαι*: see also Aeschin. *c. Tim.* § 19, *ἄν τις Ἀθηναίων ἑταιρήσῃ . . . μηδὲ συνδικησάτω τῷ δημοσίῳ*.—The Demarchus and *σύνδικοι* appear as accusers of defaulters before a court of Demotae (Lolling, *Mitth. d. d. archäol. Inst.* iv. p. 203: cf. p. 196). *Σύνδικοι*, annually elected, took part in the *δοκιμασία* of new members of an *ἔρανος* (*C. I. A.* iii. No. 23).—A private individual either chose such advocates himself or his fellow-tribesmen chose them for him (Andoc. *de Myst.* § 150, *οἱ φυλέται οἱ ᾑρημένοι μοι συνδικεῖν*; Dem. *c. Aristocr.* p. 689, § 206; Hyper. *pro Eux.* c. 26, *δέκα συνηγόρους ἐκ τῆς Αἰγηΐδος φυλῆς ᾐτήσω*).

Σύνδικοι was also the name of extraordinary functionaries at Athens, appointed soon after the overthrow of the Thirty Tyrants, who exercised jurisdiction in disputes concerning confiscated property (Harpocr. *s. v. πρὸς οὓς τὰ δημευόμενα ἀπεφέρετο*, etc.), *e.g.* when an information was laid against a man for having in his possession goods which were liable to be seized in execution on behalf of the state (Lys. *de Bon. Aristoph.* § 32), or when somebody's property having been confiscated, a claim was made by a mortgagee or other creditor having a lien thereupon, to have his debt satisfied out of the proceeds (Lys. *de Pecun. publ.*), or by the wife to have her dowry returned (*Att. Process*, ed. Lipsius, p. 525, n. 127). Such a claim was called *ἐνεπίσκημμα*, and to prosecute it *ἐνεπισκήψασθαι* ([Dem.] *c. Timoth.* p. 1197 f., § 45 f.; Harpocr. *s. v.*, etc.). One of the duties of these *σύνδικοι* was to receive informations from the *φύλαρχοι* against those persons who had served in the cavalry under the Thirty Tyrants, and who by a special decree of the people were ordered to restore to the treasury the *κατάστασις*, *i.e.* the sum paid to them by the state for their equipment (Lys. *pro Mantith.* § 7); from this passage it would appear that such money was as a rule not paid back (Boeckh, *Sthh.* i.^{3} p. 319 f.; Grote, *Hist. of Gr.* viii. p. 106, differs from this view). (*Att. Process*, ed. Lipsius, p. 921, n. 443; pp. 123–125;—Schöll, *Quaest. Fisc. Jur. Att.*)

About the *σύνδικοι* in Orchomenus, see Keil, *Syll.* i. B, p. 15: in Sparta, Boeckh, *C. I. G.* i. p. 610; Marquardt, *Röm. Staatsverw.* i. p. 522. [C. R. K.] [H. H.]

SYNE'GORUS (*συνήγορος*) may be translated an advocate or counsel, though such translation will convey to the English reader a more comprehensive meaning than the Greek word strictly bears.

According to the ancient practice of the Athenian law, parties to an action were obliged to conduct their own causes without assistance (Quint. *Inst.* ii. 15, 30); but on the increase of litigation the sciences of law and rhetoric began to unfold themselves, and men who had paid no attention to these were unable to compete with more experienced opponents. To consult a friend before bringing an action, or about the best means of preparing a defence, were obvious expedients. It was but another step to have a speech prepared by such friend out of court, to be delivered by the party himself when the cause was brought to trial. A class of persons thus sprang up, somewhat in the nature of chamber counsel, who received money for writing speeches and giving legal advice to those who consulted them (Isocr. *de Perm.* § 41). [LOGOGRAPHI.] Antiphon was the first who made a profession of it ([Plut.] *Vitt. X. Oratt.* p. 832 C; according to Paus. vi. 17, 8, it was Tisias). Still, whatever assistance the party might have received out of court, the law which compelled him to appear in person at the trial remained in force; although the prohibition to speak by counsel was so far relaxed, that if the party was labouring under illness, or through any physical or mental debility was unable to conduct his own cause without manifest disadvantage, he might (by permission of the court) procure a relation or friend to speak for him. Thus, when Miltiades was impeached for treason, and by reason of a gangrene in his hip was unable to plead his own cause, he was brought on a litter into court, and his brother Tisagoras addressed the people on his behalf (Corn. Nep. *Milt.* c. 7). So, when Isocrates was ill, his son Aphareus spoke for him in the cause about the *ἀντίδοσις* ([Plut.] *Vitt. X. Oratt.* p. 839 C). And in the speech of Demosthenes against Leochares we see that the son conducts his father's cause (p. 1081, § 4). As a general rule, the party was expected to address the court himself; for the judges liked to form an opinion of him from his voice, look, and demeanour; and therefore, if a man distrusted his own ability, he would open the case himself by a short speech, and then ask permission for his friend or friends to come forward (Hyper. *pro Eux.* c. 25 f.; *pro Lycophr.* c. 8 f.; [Dem.] *c. Phorm.* p. 922, § 52; *c. Neaer.* p. 1349, § 14; Aeschin. *c. Ctes.* § 202, etc.: cf. SYNDICUS). This was seldom refused; and in the time of the orators the practice was so well established, that the principal speeches in the cause were not unfrequently made by the advocate. The defence by Demosthenes of Ctesiphon against Aeschines may be cited as an example. In this it will be seen that Demosthenes was as much interested as the defendant himself; and it is further to be observed, that the advocate was looked upon with more favour on this very account; for as no fees were allowed to be taken, a speaker was regarded with suspicion who had no apparent motive for undertaking the cause of another person. Hence we find in most of the *συνηγορικοὶ λόγοι*, that the speaker avows what his motives are; as, for instance, that he is connected by blood or friendship with the one party, or at enmity with the other, or that he has a stake in the matter at issue between them. (See the opening of the speeches of Isaeus *de Nicost. her.* and *de Philoct. her.*; Isocrates, *c. Euthyn.*; and Demosthenes, *c. Lept.* and *c. Androt.*: cf. Lyc. *c. Leocr.* § 138, *ἐκπέπληγμαι μάλιστα ἐπὶ τοῖς μήτε γένει μήτε φιλίᾳ μηδὲν προσήκουσι, μισθοῦ δὲ συναπολογουμένοις ἀεὶ τοῖς κρινομένοις*, etc.) In the cause against Leochares above cited, it is evident that the son had an equal interest with his father in preserving the inheritance, and therefore he would be considered in the light of a party. The law which prohibited the advocate from taking fees, under peril of a *γραφή* before the Thesmothetae ([Dem.] *c. Steph.* ii. p. 1137, § 26; cf. Plat. *Legg.* xi. 15, p. 937 E f.), made no provision (and perhaps it was impossible to make an effective provision) against an influence of a more pernicious kind, viz. that of political association, which induced men to support the members of their club or party without the least regard for the right or justice of the case (*ξυνωμοσίαι ἐπὶ δίκαις καὶ ἀρχαῖς*, Thucyd. viii. 54). Hence the frequent allusions by the orators to the *ἐργαστήρια συκοφαντῶν, μοχθηρῶν ἀνθρώπων συνεστηκότων, παρασκευὰς λόγων, μαρτύρων, συνωμοτῶν*, all which expressions have reference to that system of confederation at Athens, by which individuals endeavoured to influence and control the courts of justice. (See ERANI; SYCOPHANTES; Reiske, *Index in Orat. Att.* s. vv. *Ἐργαστήριον* and *παρασκευή*.) That friends were often requested to plead, not on account of any incapacity in the party, but in order that by their presence they might exert an influence on the bench, is evident from an attentive perusal of the orators. In some cases this might be a properly legitimate course, as where a defendant charged with some serious crime called a man of high reputation to speak in his behalf, and pledge himself thereby that he believed the charge was groundless. (For this reason Lycurgus was in great request as *συνήγορος*: [Plut.] *Vitt. X. Oratt.* p. 841 E; Rutil. Lup. *de Fig.* ii. 4.) With such view Aeschines, on his trial for misconduct in the embassy, prayed the aid of Eubulus and Phocion, the latter of whom he had previously called as a witness (Aeschin. *F. L.* sub fin.).

In cases of dispute concerning the amount of tribute to be paid, the members of the confederacy might either plead their cause themselves (Antiph. *fr.* 48 ff.) or through *συνήγοροι* (Id. *fr.* 13). Five *συνήγοροι* were chosen to represent the *οἶκος Δεκελειῶν* in the assembly of the phratry (*C. I. A.* ii. No. 841 b, l. 31 ff.).

Συνήγοροι (or *κατήγοροι*) was also the name given to the public advocates appointed to manage the prosecution in causes of importance, wherein the state was materially interested, more especially in those which were brought before the court upon an *εἰσαγγελία* (in the fifth century, Lipsius, *Leipz. Stud.* vi. p. 320). Thus, Pericles was appointed, not at his own desire, to assist in the impeachment of Cimon (*εἷς τῶν κατηγόρων ὑπὸ τοῦ δήμου προβεβλημένος*, Plut. *Pericl.* 10). The generals might choose from the senate *συνήγοροι*, not more than ten in number, to assist in prosecuting Antiphon, Archiptolemus, and Onomacles for treason ([Plut.] *Vitt. X. Oratt.* p. 833 E). Public prosecutors were chosen by the people to bring to trial Demosthenes, and others charged with having received bribes from Harpalus (ten *κατήγοροι*, Dinarch. *c. Dem.* § 51; *c. Aristog.* § 6: see also Jebb, *Att. Orators*, i. p. 222). [RHETORICE GRAPHE.] The fee of a drachm (*τὸ συνηγορικὸν*) mentioned by Aristophanes (*Vesp.* 691) was probably the sum paid to the public advocate *per diem* whenever he was employed on behalf of the state.

In ordinary cases, however, the accuser or prosecutor (*κατήγορος*) was a distinct person from the *συνήγορος*, who acted only as auxiliary to him. It might be, indeed, that the *συνήγορος* performed the most important part at the trial, as Anytus and Lycon are said to have done on the trial of Socrates, wherein Meletus was prosecutor; or it might be that he performed a subordinate part, making only a short speech in support. But, however this might be, he was in point of law an auxiliary only, and was neither entitled to a share of the reward (if any) given by the law to a successful accuser, nor liable, on the other hand, to a penalty of a thousand drachmas, or the *ἀτιμία* consequent upon a failure to get a fifth part of the votes. Here we must distinguish between an advocate and a joint prosecutor. The latter stood probably precisely in the same situation as his colleague, just as a co-plaintiff in a civil action. The names of both would appear in the bill (*ἔγκλημα*), both would attend the *ἀνάκρισις*, and would in short have the same rights and liabilities; the elder of the two only having priority in certain matters of form, such as the *πρωτολογία* (*argum.* Dem. *c. Androt.* p. 592). In the proceeding against the law of Leptines, there were two prosecutors, Aphepsion and Ctesippus the son of Chabrias; each addressed the court, Aphepsion first, as being the elder; each had his advocate, the one Phormio, the other Demosthenes (*argum.* p. 453 f.).

There seems to have been no law which limited the number of persons who might appear as advocates, either in public or private causes. There was, however, this practical limitation, that as the time allowed for speaking to either party was in most cases measured by the clepsydra, if either chose to employ a friend to speak for him, he subtracted so much from the length of his own speech as he meant to leave for that of his friend, and the whole time allowed was precisely the same, whatever the number of persons who spoke on one side (this applied also to the public advocates, Dinarch. *c. Dem.* § 114; *c. Aristog.* § 6; for an exception, see HERES, iv.). Both parties were usually (not always: cf. Dem. *F. L.* p. 407, § 213) allowed to make two speeches, the plaintiff beginning, the defendant following, then the plaintiff replying, and lastly the defendant again. These are often called *λόγοι πρότεροι* and *ὕστεροι* respectively, but are not to be confounded with the *συνηγορίαι* or *δευτερολογίαι* which immediately followed the speech of the party in whose favour they were made. (*Att. Process*, ed. Lipsius, pp. 920–925, 759.)

With respect to the custom of producing friends to speak in mitigation of damages or punishment, see TIMEMA. As to the public advocates appointed to defend the old laws before a Heliastic court, see SYNDICUS, NOMOTHETES.

It has been shown clearly by Schömann, that Petitus was wrong in supposing that the orators or statesmen who spoke in the assembly are called *συνήγοροι* (*Legg. Attic.* iii. 3, p. 344 f., "Quamquam inter Magistratus censendi non sint Oratores, tamen *ἐν τοῖς ἰδιώταις* non sunt numerandi, cum expressis verbis distinguantur ab iis in Aeschinis *Or. adv. Tim.* (§ 8), *τρίτον δ' ἐφεξῆς τοὺς περὶ τῶν ἄλλων ἡλικιῶν, οὐ μόνον περὶ τῶν ἰδιωτῶν ἀλλὰ καὶ περὶ τῶν ῥητόρων* . . . Nemo autem temere huic Oratorum albo adscribebatur, sed quotannis decem sorte legebantur, qui drachmam de publico accipiebant, eo, quo orabant, die docet Aristoteles ap. Schol. Aristoph. ad hunc e *Vespis* versum (689): *ἐλάμβανον γὰρ οἱ ῥήτορες δραχμήν, ὅτε συνηγόρουν ὑπὲρ τῆς πόλεως ἢ ὑπὲρ ἄλλου τινός. ἐκ τούτου δὲ φαίνεται ὅτι μισθοφόρος ἦν ἡ ἀρχή. κληρωτοὺς δὲ γενομένους δέκα συνηγόρους Ἀριστοτέλης φησίν.* Qui enim *συνήγοροι* hic dicuntur, ii sunt *ῥήτορες*," etc.). The speakers in the popular assembly are always distinguished by the title of *ῥήτορες* or *δημήγοροι*, or, if they possessed much influence with the people, *δημαγωγοί*: and it is not to be supposed that they constituted a distinct class of persons, inasmuch as any Athenian citizen was at liberty to address the assembly when he pleased; though, as it was found *in practice* that the possession of the *βῆμα* was confined to a few persons who were best fitted for it by their talent and experience, such persons acquired the title of *ῥήτορες*, etc. (Schömann, *de Comit.* pp. 107–109, 210; *Journ. of Philol.* iv. p. 90 f.). There appears, however, to have been a regular appointment of *συνήγοροι*, ten in number, with whom the Scholiast on Aristoph. *l. c.* confounded the *ῥήτορες* or orators, viz. the officers who assisted the Logistae in auditing magistrates' accounts: cf. Bekk. *Anecd.* i. p. 301, 4, *συνήγοροι ἄρχοντες ἦσαν κληρωτοὶ οἳ τοῖς λογισταῖς ἐβοήθουν πρὸς τὰς εὐθύνας τῶν ἀρξάντων τινὰ ἀρχήν*: and *Lex. Rhetor. Cantabr.* p. 672, 24, *Λογιστὰς αἱροῦνται δέκα . . . καὶ ἄλλους δέκα συνηγόρους οἵτινες συνανακρίνουσι τούτοις*: Photius, *s. v. οὐ μόνον οἱ τοῖς ἰδιώταις συναγορεύοντες, ἀλλὰ καὶ ἄρχοντες Ἀθήνησιν.* See also the oath of the *συνήγοροι* of the Myrrhinusians in *C. I. A.* ii. No. 578; R. Schöll, *de Syneg. Att.* p. 30 ff. Aristotle (*Polit.* vii. 5 (8 B), § 10) says that the authorities to whom magistrates rendered their accounts were called in some of the Greek states *εὔθυνοι* (*e.g.* in Teos, Dittenberger, *Syll.* No. 349, 58 ff.), in others *λογισταί* (*e.g.* in Ephesus, Dittenberger, *Syll.* No. 253, 29 ff.; Issa, *C. I. G.* No. 1834, etc.), in others *ἐξετασταί* (*e.g.* in Erythrae, Dittenberger, *Syll.* No. 370, 25; in Nesos, Hicks, *Manual*, No. 138, etc.), and in others *συνήγοροι* (*e.g.* in Iasus, Dittenberger, No. 77, 11; Gilbert, *Handb. d. Griech. Staatsalt.* ii. p. 336). (*Att. Process*, ed. Lipsius, p. 115.) Three *συνήγοροι* are mentioned in a decree of Zelea, to be chosen by lot from amongst nine citizens elected to act as *ἀνευρεταὶ τῶν χωρίων τῶν δημοσίων*, etc. (Dittenberger, *Syll.* No. 113, l. 30 ff.) [H. H.]

SYNGRAPHE (*συγγραφή*) signifies a written contract (*γραμματεῖον*); whereas *συμβόλαιον* does not necessarily import that the contract is in writing; and *ὁμολογία* is, strictly speaking, a verbal agreement (Valesius on Harpocr. *s. v. ἀσυνθετώτατον*); *χειρόγραφον* is a term foreign to Attic law (it first occurs Polyb. xxx. 8, 4).

No particular form of words was necessary to make the instrument valid in point of law, the sole object being to furnish good evidence of the parties' intention. The agreement itself was valid without any writing; and would form the ground of an action against the party who broke it, if it could be sufficiently proved. Hence it was the practice to have witnesses to a parol agreement. The law declared *κυρίας εἶναι τὰς πρὸς ἀλλήλους ὁμολογίας, ἃς ἂν ἐναντίον μαρτύρων ποιήσωνται* ([Dem.] *c. Phaenipp.* p. 1042, § 12; *c. Everg. et Mnes.* p. 1162, § 77; *c. Dionysod.* p. 1283, § 2; Plat. *Symp.* p. 196 C). This was especially the practice in early times (*ἁρμονίαι*, *Il.* xxii. 255; *συνημοσύναι*, *Il.* xxii. 261; or *ῥῆτραι*, *Od.* xiv. 393; Platner, *Notion. juris et just. ex Hom. et Hes. carm. expl.* p. 142 f.; see also Solon's law in Bekk. *Anecd.* i. p. 242, 20 ff.). But as the art of writing became more widely known, parol agreements grew rarer, and contracts were as a rule reduced to writing;* and it seems that for the maintenance

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* It seems that such contracts were written either on wax tablets or on papyrus. In Dem. *c. Dionysod.* p. 1283, § 1, the borrower has in every respect the advantage over the money-lender: he gets from him money "in hard cash and in sterling coin," and leaves him for it his agreement—*ἐν γραμματειδίῳ δυοῖν χαλκοῖν ἐωνημένῳ καὶ βιβλιδίῳ μικρῷ πάνυ.* Salmasius rightly distinguishes between *γραμματείδιον* and *βιβλίδιον* as regards the material; but his view that by *γραμματείδιον* the *συγγραφὴ* was meant, and by *βιβλίδιον* the *χειρόγραφον*, is not correct, since *χειρόγραφον* is a term foreign to Attic law (*de Mod. Usur.* p. 403: "per *γραμματείδιον* intelligit tabulas syngrapharum, per *βιβλίδιον* chirographa, quia ut syngraphae in tabulis ceratis perscribebantur, ita chirographa in chartaceis, quo *βιβλίδια* appellabantur." *Συγγραφὴ* might be called either *γραμματείδιον* or *βιβλίδιον*, according to the material it was written on. Thus Orus distinguished the two words (*Etym. Magn.* p. 240 *sub fin.*): *ἰστέον ὅτι τινες γραμματεῖον λέγουσι τὸ μικρὸν βιβλίον· ὁ δὲ Ὦρος λέγει ὅτι οὐ λέγεται τὸ μικρὸν βιβλίον γραμματεῖον ἀλλ' ἡ μικρὰ δέλτος*: cf. Birt, *d. antike Buchwesen*, p. 21, "by *βιβλίδιον* we must understand one or more leaves of papyrus." The above explanation given by Gneist (*d. formellen Verträge des neueren röm. Obligationsrechts*, etc., p. 478), by which *καὶ* is taken in a disjunctive sense, is more probable than his suggestion that *βιβλίδιον* was the wrapper or cover of the *συγγραφή*. *Γραμματεῖον* occurs in the newly discovered speech of Hyper. *c. Athenog.* (of which columns 3 and 4 are published in the *Revue des Études Grecques*, 1889, by Revillout, p. 1 ff., and by Reinach, p. 160 ff.), c. 4: *ἦσαν δὲ αὗται συνθῆκαι πρὸς ἐμέ· ὧν ἐγὼ ἀναγιγνωσκομένων μὲν ἤκουον . . . καὶ σημαίνεται τὰς συνθήκας εὐθὺς ἐν τῇ αὐτῇ οἰκίᾳ, ἵνα μηδεὶς τῶν εὐφρονούντων ᾖ ἀκοῦσαι τὰ ἐγγεγραμμένα, προσεγ-*

of an *ἐμπορικὴ δίκη* it was necessary to have a written contract (Dem. *c. Zenoth.* p. 882, § 1). Such contracts were leases (*μισθώσεις*: cf. Dem. *pro Phorm.* p. 945, § 4, *αἱ συνθῆκαι καθ' ἃς ἐμίσθωσε Πασίων τὴν τράπεζαν τούτῳ*: *c. Steph.* i. p. 1111, § 31; *c. Pantaen.* p. 968, § 5), loans of money (Dem. *c. Phorm.* p. 908, § 6; *συγγραφαὶ ναυτικαὶ* and *ἔγγειαι*, *c. Lacrit.* p. 932, § 27, and Bekk. *Anecd.* i. p. 283, 9 f., or *συμβόλαια ναυτικὰ* and *ἔγγεια*, Dem. *c. Apatur.* p. 893, § 3), and all executory agreements, where certain conditions were to be performed. *Ἐκδιδόναι ἀνδρίαντα κατὰ συγγραφὴν* is to give an order for the making of a statue of certain dimensions, of a certain fashion, at a certain price, etc., as specified in the agreement (Dem. *de Cor.* p. 268, § 122; cf. [Andoc.] *c. Alcib.* § 17; Xenoph. *de Re Equest.* 2, 2: see also Dem. *c. Apatur.* p. 897, § 14 f.; *c. Olympiod.* p. 1170, § 10 f.; Lyc. *c. Leocr.* § 23; Aeschin. *c. Tim.* §§ 160, 165, etc.). The rent, the rate of interest, with other conditions, and also the penalties for breach of contract ([Dem.] *c. Nicostr.* p. 1249, § 10; *c. Dionysod.* p. 1291, § 27, etc.), were particularly mentioned in these agreements, and the names of the witnesses ([Dem.] *c. Olympiod.* p. 1170, § 11, etc.) and of the sureties (if any, Dem. *c. Apatur.* p. 904, § 35) were specified. The agreements themselves were sealed by the parties (also by the surety, Dem. *c. Lacrit.* p. 928, § 15), and deposited, before witnesses (p. 927, § 14), with some person (or persons in case of duplicate copies, Dem. *c. Phorm.* p. 916, § 32), mutually agreed on between the parties (*C. I. A.* ii. No. 573; Dem. *c. Phorm.* p 908, § 6; *c. Apatur.* p. 904, § 36; Lyc. *c. Leocr.* § 23, etc.). An example of a contract on a bottomry loan (*ναυτικὴ συγγραφὴ*) will be found in Dem. *c. Lacrit.* p. 926, § 10 ff., where the terms are carefully drawn up, and there is a declaration at the end, *κυριώτερον δὲ περὶ τούτων ἄλλο μηδὲν εἶναι τῆς συγγραφῆς*, "which agreement shall be valid, anything to the contrary notwithstanding" [Fenus] (cf. Dareste, *Bull. de Corresp. Hellén.* 1884, pp. 370–376). Bankers were often chosen as the depositaries of agreements and other documents, having peculiar confidence reposed in them. Money was put into their hands without any acknowledgment, and often without witnesses. They entered these and also the loans made by themselves to others in their books (*γράμματα* or *ὑπομνήματα*), and such entries served practically the same purpose as a *συγγραφή*, being accepted as evidence in courts of justice (Isocr. *Trapez.* §§ 2, 53; Dem. *pro Phorm.* p. 950, § 20; p. 956, § 36, etc. Philippi, however, denies these bankers' books any special authority, *Jahrb. f. class. Philol.* 1866, p. 611 ff.).—In Sparta such agreements were called *κλάρια* (Plut. *Agis.* 13) or *σκυτάλαι* (Photius, *s. v.*); for the peculiar formalities observed in drawing them up, see Schol. Aristoph. *Av.* 1284, and Suid. *s. v. σκυτάλη*. Amongst the Locrians *συγγραφαὶ* were not allowed (Zenob. v. 4). (*Att. Process*, ed. Lipsius, p. 675 ff.)

For *συγγραφαὶ* (*C. I. A.* IV. No. 22 a; Lys. *c. Nicom.* § 17 f.) in the sense of bills prepared by special committees (*συγγραφεῖς*), "ordonnances, une catégorie de mesures législatives qui est distincte des lois et des décrets," see Foucart, *Bull. de Corresp. Hellén.* 1880, p. 248 ff.; Sauppe, *Attica et Eleus.* p. 10 ff. [Nomothetes.] [C. R. K.] [H. H.]

SYNOI'KIA (*συνοικία*) differs from *οἰκία* in this: that the latter is a dwelling-house for a single family; the former is adapted to hold several families, a lodging-house, *insula*, as the Romans would say. The distinction is thus expressed by Aeschines (*c. Tim.* § 124): *ὅπου μὲν γὰρ πολλοὶ μισθωσάμενοι μίαν οἴκησιν διελόμενοι ἔχουσι, συνοικίαν καλοῦμεν, ὅπου δ' εἷς ἐνοικεῖ, οἰκίαν.* The lodging-houses were let mostly to foreigners who came to Athens on business, and especially to the *μέτοικοι*, whom the law did not allow to acquire real property, and who therefore could not purchase houses of their own (Dem. *pro Phorm.* p. 946, § 6). As they, with their families, formed a population of about 45,000, the number of *συνοικίαι* must have been considerable. Pasion, the banker, had a lodging-house valued at 100 minas ([Dem.] *c. Steph.* i. p. 1110, § 28). Xenophon recommended that the *μέτοικοι* should be encouraged to invest their money in houses, and that leave should be granted to the most respectable to build and become house-proprietors (*οἰκοδομησαμένοις ἐγκεκτῆσθαι*, *de Vect.* 2, 6). The *ἰσοτελεῖς* laboured under no such liability; for Lysias and his brother Polemarchus, who belonged to that class, were the owners of three houses (*c. Eratosth.* § 18). The value of houses must have varied according to the size, the build, the situation, and other circumstances. Those in the city were more valuable than those in the Peiraeus or the country, *caeteris paribus*. Two country-houses are mentioned by Isaeus (*Hagn.* § 42) as yielding a return of a little less than 8½ per cent. interest on the purchase-money. But this probably was much below the average. The summer season was the most profitable for the letting of houses, when merchants and other visitors flocked to Athens. The rent was commonly paid by the month. Lodging-houses were frequently taken on speculation by persons called *ναύκληροι* or *σταθμοῦχοι*, who made a profit by underletting them, and sometimes for not very reputable purposes (Isae. *Philoct.* § 19). Hesychius explains the word *ναύκληρος· ὁ συνοικίας προεστὼς σταθμοῦχος*; and Harpocration (*s. v.*), and *Lex. Rhet. Cantabr.* p. 673, 20, remark that Hyperides used the word in a peculiar sense for *ὁ μεμισθωμένος ἐπὶ τῷ τὰ ἐνοίκια ἐκλέγειν ἢ οἰκίας ἢ συνοικίας.* (Boeckh, *Sth.* i.³ pp. 49, 84, 176 ff.) [C. R. K.] [H. H.]

SYNOI'KIA (*συνοίκια* or *συνοικέσια*), a festival celebrated every year at Athens on the 16th of Hecatombaeon in honour of Athena. It was believed to have been instituted by Theseus to commemorate the concentration of the government of the various towns of Attica and Athens (Thucyd. ii. 15; Steph. Byz. *s. v.* *Ἀθῆναι*). According to the Scholiast on Aristophanes (*Pax*, 1019), an unbloody sacrifice was on this day offered to the goddess of peace (*εἰρήνη*)

γράψας μετ' ἐμοῦ Νίκωνα τὸν Κηφισιέα. ἐλθόντες δ' ἐπὶ τὸ μυροπώλιον, τὸ μὲν γραμματεῖον τιθέμεθα παρὰ Λυσικλεῖ Λευκονοεῖ ... τότ' ἤδη τοὺς φίλους καὶ τοὺς οἰκείους συνήγαγον καὶ τὰ ἀντίγραφα τῶν συνθηκῶν ἀνεγιγνώσκομεν, etc. This same speech in c. 3 and 4 has twice mention of πληρωταὶ τῶν ἐράνων.

[*C. I. A.* i. 157]. This festival, which Plutarch (*Thes.* 24) calls *μετοίκια*, is mentioned both by him and by Thucydides as still held in their days. It must not be connected with the Panathenaea (which was a far more ancient festival), as has been done by some writers, but must be regarded rather as a separate peace festival. (A. Mommsen, *Heortol.* p. 114.) [L. S.]

SYNTAXIS (*σύνταξις*), a contribution, assessment. Under the revived Athenian empire in the 4th century B.C. the PHOROS of the 5th century was euphemistically called by this name. The reassertion of maritime supremacy by the Athenians dates formally from the archonship of Nausinicus (B.C. 378–7); but there are indications that the levying of tribute had begun as early as 380, the date of the *Panegyricus* of Isocrates (*τοὺς νησιώτας δασμολογεῖν*, § 132; *τῶν Κυκλάδων νήσων ἀμφισβητοῦμεν*, § 136). The pretence of equal and honourable alliance was soon dropped, and the new confederacy became as unpopular as the old. These *συντάξεις* are frequently mentioned by the Orators (Isocr. *Areop.* § 2; *de Pace*, § 36; *Antid.* § 113;—Dem. *de Pace*, p. 60, § 13; *de Cor.* p. 305, § 234; *συντάξεις καὶ φόρους*, Isocr. *Panath.* § 116): occasionally in inscriptions (*C. I. A.* ii. 62 and 108; *Mitth. d. Inst.* ii. 142). In Plutarch we find an illustration of the more or less considerate way in which such contributions might be levied (*Phoc.* 7); and of the Athenian habit of calling unpleasant things by soft names (*ὑποκορίζεσθαι*, *Sol.* 15: *τοὺς δὲ φόρους συντάξεις* is one of his instances).

(Boeckh, book iii. ch. 17, "On the Tributes and Allies of Athens after the Anarchy," esp. *P. E.* p. 418 ff. = *Sthh.*³ i. 494 ff., with Fränkel's notes; Grote, cc. 75, 77, vol. vii. pp. 38, 90, ed. 1862, and note on *συντάξεις*, p. 91.) [W. W.]

SY'NTHESIS. The synthesis was a costume specially made for wearing at dinner, and was also known as *vestis cenatoria* (*στολὴ δειπνῖτις*) or *cenatorium* alone. It seems, from the other uses of the word *synthesis*, to have been a suit rather than a single garment, and was apparently easily put on and off, for we hear of dandies wearing several changes of attire at the same dinner (Mart. v. 79, 2). It was most in vogue during the Saturnalia (Mart. xiv. 1, 1, &c.); and it cannot have been altogether a fashion of the times of the Empire, for the Arval brothers wore it at their feasts (*Acta*, 27 [Mai, 218, 219], 17 [Mai, 241]). In their case, as befitted a solemn festival, the synthesis was white; but for ordinary occasions green (Mart. x. 29, 4), purple (Petron. 30), and other bright colours (Mart. ii. 46) were preferred. (Marquardt, *Privatleben*, pp. 322, 371; Iwan Müller, *Handbuch*, pp. 875, 928; Becker-Göll, *Gallus*, i. 15.) [W. C. F. A.]

SYRINX (*σύριγξ*), any sort of pipe or tube (see Dictionaries), but especially the Pan's Pipe, or Pandean Pipe. This was the appropriate musical instrument of the Arcadian and other Grecian shepherds, and was regarded by them as the invention of Pan, their tutelary god (Verg. *Ecl.* ii. 32, viii. 24), who was sometimes heard playing upon it (*συρίζων*: see Theocr. i. 3, 14, 19; Schol. *in loc.*; Longus, iv. 27), as they imagined, on Mount Maenalus (Paus. viii. 36, § 5). It is similarly attributed to Faunus (Hor. *Od.* i. 17, 10). When the Roman poets had occasion to mention it, they called it *fistula* (Verg. *Ecl.* ii. 36, iii. 22, 25; Hor. *Od.* iv. 12, 10; Ovid, *Met.* viii. 192, xiii. 784; Mart. xiv. 63; Tibull. i. 6, 30; Cic. *de Orat.* iii. 61, 225). It was also variously denominated according to the materials of which it was constructed, whether of cane (*tenui arundine*, Verg. *Ecl.* vi. 8; Hom. *Hymn. in Pana*, 15; *ποιμενίῳ δόνακι*, Brunck, *Anal.* i. 489), reed (*calamo*, Verg. *Ecl.* i. 10, ii. 34, v. 2; *κάλαμος*, Theocr. viii. 24; Longus, i. 4), or hemlock (*cicuta*, Verg. *Ecl.* v. 85). In general seven hollow stems of these plants were fitted together by means of wax, having been previously cut to the proper lengths, and adjusted so as to form an octave (Verg. *Ecl.* ii. 32, 36); but sometimes nine were admitted, giving an equal number of notes (Theocr. viii. 18–22). Another refinement in the construction of this instrument, which, however, was rarely practised, was to arrange the pipes in a curve so as to fit the form of the lip, instead of arranging them in a plane (Theocr. i. 129). A syrinx of eight reeds is shown in the gem figured on page 305. The inference from Athen. iv. p. 184 is that the syrinx of joined reeds was an improvement on the single reed-pipe, which he calls *μονοκάλαμος σῦριγξ*: in the tradition there cited Hermes invented the single *σῦριγξ*, Silenus the *πολυκάλαμος*, and Marsyas the method of joining with wax. The annexed woodcut is taken from a bas-relief in the collection at Appuldurcombe in the Isle of Wight (*Mus. Worsleyanum*, pl. 9). It represents Pan reclining at the entrance of the cave, which was dedicated to him in the Acropolis at Athens. He holds in his right hand a drinking-horn [RHYTON] and in his left a syrinx, which is strengthened by two transverse bands.

Pan with Syrinx. (From a bas-relief.)

The ancients always considered the Pan's Pipe as a rustic instrument, chiefly used by those who tended flocks and herds (Hom. *Il.* xviii. 526; Apoll. Rhod. i. 577; Dionys. Perieg. 996; Longus, i. 2, 14–16, ii. 24–26); but also admitted to regulate the dance (Hes. *Scut.* 278). This instrument was the origin of the organ [HYDRAULA].

The *σῦριγξ μονοκάλαμος* was played like our flute, not by a mouthpiece like the *αὐλός* [see TIBIA]: hence the Schol. *ad* Pind. *Pyth.* xii. says that Midas, having broken the mouthpiece, played on the rest of the *αὐλὸς* as if it were a flute, *i.e.* by blowing across the *τρυπήματα*. The *σῦριγξ* of the *αὐλός*, in Plut. *Mus.* 21 and Aristox. p. 28, was probably a *τρύπημα* near the mouthpiece (cf. Baumeister, *Denkm.* p. 561; Tibia). [J. Y.] [G. E. M.]

SYSSI'TIA (*συσσίτια*). The custom of taking the principal meal of the day in public prevailed extensively amongst the Greeks from very early ages. It existed not only with the Spartans and Cretans, amongst both of whom it was kept up till comparatively recent times, but also at Megara in the age of Theognis (*v.* 309), and at Corinth in the time of Periander, who, it seems, abolished the practice as being favourable to aristocracy (Aristot. *Pol.* v. 11 = p. 1313 a, 41). At Athens the practice survived in the public meals for official persons, for which see Prytaneum. Nor was it confined to the Hellenic nation: for according to Aristotle (*Pol.* vii. 10 = p. 1329 b, 7) it prevailed still earlier amongst the Oenotrians in the south of Italy, and also at Carthage, the political and social institutions of which state resembled those of Sparta and Crete (*Pol.* ii. 11 = p. 1272 b, 26). The origin of the usage cannot be historically established; but it seems reasonable to refer it to infant or patriarchal communities, the members of which, being intimately connected by the ties of a close political union and kindred, may naturally be supposed to have lived together almost as members of the same family. But however and wherever it originated, the natural tendency of such a practice was to bind the citizens of a state in the closest union; and accordingly we find that at Sparta Lycurgus availed himself of it for this purpose, though we cannot determine with any certainty whether he introduced it there, or merely perpetuated and regulated an institution which the Spartans brought with them from their mother-country and retained at Sparta as being suitable to their position and agreeable to their national habits. The latter supposition is perhaps the more probable. The Cretan usage Aristotle (*Pol.* vii. 10 = p. 1329 b, 6) attributes to Minos; this, however, may be considered rather "the philosopher's opinion than as an historical tradition:" but the institution was confessedly of so high antiquity, that the Peloponnesian colonists may well be supposed to have found it already existing in Crete, even if there had been no Dorian settlers in the island before them (Thirlwall, *Hist. Gr.* i. 287).

The Cretan name for the Syssitia was Ἀνδρεῖα or Ἄνδρια (Aristot. *Pol.* ii. 10 = p. 1272 a, 3; Ephor. *ap.* Strab. x. p. 483). This title affords of itself a sufficient indication that the public meals were confined to men and youths (cf. Plat. *Legg.* vi. p. 780 E, 781 A); the women and children were supported out of the same revenues, but at their own homes (Aristot. *Pol.* ii. 10 = 1272 a, 17; Dosiadas *ap.* Ath. iv. p. 143 b; cf. Thumser, *Staatsalterth.* p. 143 n.). In some of the Dorian states, however, though not in Crete, it has been inferred from an allusion in Pindar that there were syssitia of the young unmarried women (Pind. *Pyth.* ix. 35; Hoeck, *Kreta*, iii. 123). All the adult citizens among the Cretans partook of the public meals: the companies or messes (*ἑταιρεῖαι*) into which they were distributed for this purpose were likewise called ἀνδρεῖα (Ath. *l. c.*). These companies were perhaps originally confined to persons of the same house and kindred, but afterwards any vacancies in them were filled up at the discretion of the members (Hoeck, iii. 126). The divinity worshipped under the name of Ζεὺς Ἑταιρεῖος (Hesych. *s. v.*) was considered to preside over them. These *ἑταιρεῖαι* are mentioned in inscriptions (Cauer,^{2} 121; Gilbert, *Staatsalterth.* ii. 225 n.; Thumser, *Staatsalterth.* p. 142, n. 5); see further Cosmi, Vol. I., p. 555 *b*.

According to Dosiadas, who wrote a history of Crete (Ath. *l. c.*), there were in every town of the island (*πανταχοῦ*) two public buildings, one for the lodging of strangers (*κοιμητήριον*), the other a common hall (*ἀνδρεῖον*) for the citizens. In the latter of these the Syssitia were given, and in the upper part of it were placed two tables for the entertainment of foreign guests (*ξενικαὶ τράπεζαι*),—a circumstance deserving of notice, as indicating the extent to which the Dorians of Crete encouraged mutual intercourse and hospitality. Then came the tables of the citizens. But besides these there was also a third table on the right of the entrance dedicated to Ζεὺς *ξένιος*, and perhaps used for the purpose of making offerings and libations to the god.

The Syssitia of the Cretans were distinguished by simplicity and temperance. They always *sat* at their tables, even in later times, when the custom of reclining had been introduced at Sparta (Cic. *pro Mur.* 35, § 74). The entertainment began with prayer to the gods and libations (Pyrgion *ap.* Ath. iv. p. 143 e). Each of the adult citizens received an equal portion of fare, with the exception of the "Archon," or "Master of the Tables," who was perhaps in ancient times one of the *κόσμοι*, and more recently a member of the *γερωνία* or council. This magistrate received a fourfold portion: "one as a common citizen, a second as president, a third for the house or building, a fourth for the furniture" (*τῶν σκευῶν*, Heraclid. Pont. 3, § 6 = Müller, *Fragm. Hist.* ii. 212): an expression from which it would seem that the care of the building and the provision of the necessary utensils and furniture devolved upon him. Haase conjectures *τῶν συσκήνων* for *τῶν σκευῶν*, and thinks that the president was enabled, by means of this portion, to confer an honour on any of the members of the mess at his discretion (Schömann, *Antiq.* i. 309 n.). The management of all the tables was under the superintendence of a female of free birth (*ἡ προεστηκυῖα τῆς συσσιτίας γυνή*, Ath. *l. c.* 143 d), who openly took the best fare and presented it to the citizen who was most eminent in council or the field. She had three or four male assistants under her, each of whom again was provided with two menial servants (*καληφόροι*, or wood-carriers, Ath. 143 b). There was a *προεδρία* of strangers, which seems to imply that they were also helped first (Heracl. Pont. *l. c.*; Ath. 143 c). On each of the tables was placed a cup of mixed wine, from which the messmates of the same company drank. At the close of the repast this was replenished, but all intemperance was strictly forbidden by a special law (Plat. *Minos*, p. 320 A).

Till they had reached their eighteenth year, when they were classed in the *ἀγέλαι*, the youths accompanied their fathers to the Syssitia, where orphans also were provided (Hoeck, iii. 185); and the boys waited upon the men

(Ephor. *ap.* Strab. x. p. 483). Sons were seated near their fathers on a lower bench, and received only a half portion of meat: the orphans appear to have received the same quantity as the men, but without any condiments (ἀβαμβάκευτα, Pyrgion *ap.* Ath. iv. 143 e). The boys, like the men, had also a cup of mixed wine in common, which however was not replenished when emptied. During the repast a general cheerfulness and gaiety prevailed, which were enlivened and kept up by music and singing (Alcman *ap.* Strab. p. 482 = *fr.* 22, Bergk^4). It was followed by conversation, which was first directed to the public affairs of the state, and afterwards turned on valiant deeds in war and the exploits of illustrious men, whose praises might animate the younger hearers to an honourable emulation. To each ἀνδρεῖον there was a *παιδονόμος*, who controlled the behaviour and manners of the youths (Ephor. *l. c.*; cf. PAEDONOMI).

In most of the Cretan cities, the expenses of the Syssitia were defrayed out of the revenues of the public lands and the tribute paid by the Perioeci, the money arising from which was applied partly to the service of the gods, and partly to the maintenance of all the citizens, both male and female (Arist. *Pol.* ii. 10 = p. 1272 a, 17); so that in this respect there might be no difference between the rich and the poor. From the statement of Aristotle compared with Dosiadas (Ath. *l. c.*), it appears probable that each individual received his separate share of the public revenues, out of which he paid his quota to the public table, and provided with the rest for the support of the females of his family. This practice, however, does not appear to have prevailed exclusively at all times and in all the cities of Crete. In Lyctus, for instance, a colony from Sparta, the custom was different: the citizens of that town contributed to their respective tables a tenth of the produce of their estates; a practice which may be supposed to have obtained in other cities, where the public domains were not sufficient to defray the charges of the Syssitia. But both at Lyctus and elsewhere, the poorer citizens were in all probability supported at the public cost.

In connexion with the accounts given by the ancient authors respecting the Cretan Syssitia, there arises a question of some difficulty, viz. How could one building accommodate the adult citizens and youths of such towns as Lyctus and Gortyn? The question admits of only two solutions: we are either misinformed with respect to there being only one building in each town used as a common hall, or the number of Dorian citizens in each town must have been comparatively very small.

The Spartan Syssitia were in the main so similar to those of Crete that one was said to be borrowed from the other (Aristot. *Pol.* ii. 10 = p. 1271 b, 22; 1272 a, 3). They were anciently called ἀνδρεῖα, as in Crete, but later φιδίτια (Aristot. *l. c.*; Alcman, *l. c.*). Of this celebrated name three possible etymologies are hinted at by Plutarch (*Lycurg.* 12): (1) That the true form was φιλίτια, "friendly feasts;" this was long accepted as the right explanation (Müller, *Dor.* iv. 3, § 3; Hoeck, iii. 123; Göttling on Aristot. *Oecon.* p. 190; L. and S., ed. 7): (2) from φειδώ, "frugal feasts;" but the first syllable is short (Antiphan. *fr.* 44 M.; Cobet, *Nov. Lect.* p. 728): (3) from ἔδω, to eat, the φ representing a lost digamma; this is the simplest and best (Bielschowsky, p. 12; Gilbert, *Staatsalterth.* i. 71 n.; Thumser, *Staatsalterth.* p. 185 n.). To these Schömann adds a conjecture of his own: (4) from ἵζω, root ἑδ, "sittings" (*Antiq.* i. 271, 545 E. T.). It will be seen that (3) and (4) agree in substituting a labial for a lost digamma, about which there can be no difficulty; βαγὸς is connected with ἄγω, ἀπέλλα with ἀολλής. The Spartan Syssitia differed from the Cretan in the following respects. Instead of the expenses of the tables being defrayed out of the public revenues, every head of a family was obliged to contribute a certain portion at his own cost and charge; those who were not able to do so were excluded from the public tables (Aristot. *Pol.* ii. 10 = p. 1271 a, 35; HOMOEI). The guests were divided into companies generally of fifteen persons each, and all vacancies were filled up by ballot, in which unanimous consent was indispensable for election. No persons, not even the kings, were allowed what was called an ἀφίδιτος ἡμέρα (Hesych. *s. v.*), or excused from attendance at the public tables, except for some satisfactory reason, as when engaged in a sacrifice, or a chase, in which latter case the absentee was required to send a present to his mess (Plut. *Lycurg.* 12; *Agis*, c. 10). Each person was supplied with a cup of mixed wine, which was filled again when required; but drinking to excess was prohibited at Sparta as well as in Crete. The repast was of a plain and simple character, and the contribution of each member of a mess or φιδίτης was settled by law (Thumser, p. 188; Plut. *l. c.*). The principal dish was the μέλας ζωμὸς or black broth, with pork (Ath. iv. p. 141 b). The ἐπάϊκλον or second course (from the Doric ἄϊκλον, a meal) was however more varied, and richly supplied by presents of game, poultry, fruit, &c., and other delicacies which no one was allowed to purchase. Moreover, the entertainment was enlivened by cheerful conversation, though on public matters (Xen. *Rep. Lac.* 5, § 6). Singing also was frequently introduced, as we learn from Alcman (*l. c.*), that "at the banquets and drinking entertainments of the men it was fit for the guests to sing the paean." The arrangements were under the superintendence of the Polemarchs.

The use and purposes of the institutions described above are very manifest. They united the citizens by the closest ties of intimacy and union, making them consider themselves as members of one family, and children of one and the same mother, the state. They maintained a strict and perfect separation between the higher and the subject classes both at Sparta and in Crete, and kept up in the former a consciousness of their superior worth and station, together with a strong feeling of nationality. At Sparta also they were eminently useful in a military point of view, for the members of the Syssitia were formed into corresponding military divisions, and fought together in the field, as they had lived together at home, with more bravery and a keener sense of shame (αἰδὼς) than could have been the case with merely chance comrades (Herod. i. 65). Moreover "they gave an efficacy to the power of public opinion which must have nearly superseded the necessity of penal laws" (Thirlwall, vol. i. p. 289). With respect to the political tendencies, they were decidedly arranged upon aristocratical principles, though no individual of a company or mess was looked upon as superior to his fellows. Plutarch (*Quaest. Sympos.* vii. 9, p. 714 B) accordingly calls them *συνέδρια ἀριστοκρατικά*, or aristocratical meetings, and compares them with the Prytaneum and Thesmothesium at Athens.

The simplicity and sobriety which were in early times the characteristic both of the Spartan and Cretan Syssitia, were afterwards in Sparta at least supplanted by luxury and effeminate indulgence. The change was probably gradual, but the kings Areus and Acrotatus (B.C. 300) are recorded as having been mainly instrumental in accelerating it. The reformer Agis endeavoured but in vain to restore the old order of things, and perished in the attempt. Yet Cicero says that in his time the Lacedaemonians reclined only upon wooden couches, without cushions ("quotidianis epulis in robore accumbunt," *pro Mur.* 35, § 74). Athenaeus, on the other hand, quotes Phylarchus for the luxury, which may have been confined to special occasions (iv. 141 *extr.*, 142: Phylarchus lived about B.C. 215).

Authorities.—Hoeck, *Kreta*, iii. 120–139; Müller, *Dorians*, iv. 3; Thirlwall, i. 288, 331; Grote, pt. ii. ch. 6 = ii. 146; Schömann, *Antiq.* i. 269 ff., 306 ff. E. T.; A. Bielschowsky, *de Spartanorum Syssitiis*, Vratislav. 1869; Gilbert, *Staatsalterth.* i. 71, ii. 225; Thumser, *Staatsalterth.* in Hermann-Blümner, §§ 22, 28.

[R. W.] [W. W.]

SYSTYLOS. [TEMPLUM.]

T.

TABELLA, the voting tablet, by means of which votes were given at Rome both in the assemblies and in the courts of law.

1. In the assemblies the votes were originally the answers of the individual citizens to the magistrate who consulted the people as to their will and pleasure (*rogavit populum quid vellent juberent*). All evidence goes to show that the answers were originally given *vivâ voce* to the officials (*rogatores*) in attendance on the presiding magistrate. In the case of an election these officials pricked each vote on the tablet which bore the name of the candidate in whose favour it was given, who was said *punctum ferre*, a phrase which remained in use metaphorically after the custom on which it was based had been abandoned (Hor. *Epist.* ii. 2, 99; *Art. Poet.* 343). The result was then reported to the magistrate, who declared elected (*creavit*) the candidates with a majority. The only difficulty in accepting this view arises from the meaning of the word *suffragium*: it can hardly be doubted that this means originally a potsherd, a broken piece of tile (Corssen, i. 397); but there is no evidence or probability that voting by this means was ever practised at Rome in the assembly; the name may have been transferred from the use of the potsherd under other circumstances, but of this there is no proof (Mommsen, *Röm. Staatsr.* iii. 402, n. 1). Wunder's attempt (*Var. Lect.* p. clxvii. *sqq.*) to show that voting by pebbles (*ψῆφοι*) was in use, at least in passing or rejecting proposed laws, has not found favour with scholars. His arguments are derived entirely from passages in Dionysius, which only show that the writer transferred to an earlier time the arrangements of his own day (Mommsen, *ib.* 404, 2). The ballot was introduced first for the election of magistrates, B.C. 139 [TABELLARIAE LEGES]. After this date each voter received one *tabella*, on which were written the names, or more probably (cf. Cic. *pro Domo*, 43, 112) only the initials, of the candidates; and apparently he voted by pricking the tablet at the name of the favoured candidate. It is important to distinguish the *tabella* by means of which the citizens gave their votes, from the *tabula* or list on which the *custodes* checked off the votes, as they were taken out of the *cistae* and reported. (Cf. Tyrrell on Q. Cic. *de Pet. Cons.* 8.)

In voting upon laws after the introduction of the ballot, each citizen was provided with two tickets, one inscribed V. R., i.e. *uti rogas*, for assent; the other A., i.e. *antiquo*, "I approve the old law," for rejection (cp. Cic. *ad Att.* i. 13, 3). When Clodius desired to secure the failure of a *rogatio*, he contrived that no tickets marked V. R. should be issued (Cic. *ad Att.* i. 14, 5). Walther's view (*Geschichte*, i. 126, note 117), that when the Comitia acted as a court the tablets were different, does not seem well supported (cf. Lange, *Röm. Alt.*^{3} ii. 489).

2. In trials the judices were provided with three *tabellae*, one marked A., for *absolvo*, "I acquit;" the second with C., for *condemno*, "I condemn;" the third with N. L., for *non liquet*, "It is not clear to me." The first of them was called *tabella absolutoria*, the latter *tabella damnatorii* (Suet. *Aug.* 33): Cicero also calls the former *littera salutaris*, the latter *littera tristis* (*pro Mil.* 6, 15). In Caesar (*Bell. Civ.* iii. 83) we read that Domitius proposed that the senators who followed Pompeius should on their return to Rome be given each three *tabellae*, by which they might pass a verdict upon those who had remained at Rome: "unam fore tabellam, qui liberandos omni periculo censerent; alteram qui capitis damnarent, tertiam qui pecunia multarent." A tabella marked with the letters L. D. is represented on a denarius of the Caelian gens; and as C. Caelius Caldus introduced one of the *tabellariae leges*, it has been plausibly suggested that these letters denote *Libero* and *Damno* respectively (cf. Spanheim, *Numism.* ii. 198–200, ed. 1706; Mommsen, *Röm. Münzwesen*, p. 636). The annexed cut represents a coin of (Cassius) Longinus *iii vir*, referring to the Lex Cassia; the tablet is marked V. (Mommsen, *ib.* Cf. Cohen, *Monnaie de la République*, pll. xi. and xix.) [A. S. W.]

TABELLA'RIAE LEGES, the laws by which the ballot was introduced in voting in the Comitia; *tabellae* being the tablets overlaid with wax on which votes were secretly inscribed. Secret voting was introduced for the purpose of weakening the power of the optimates. As to the ancient mode of voting at Rome, see TABELLA. There were four enactments known by the name of Tabellariae Leges, which are enumerated by Cicero (*de Legg.* iii. 16, 35). They are mentioned below according to the order of time in which they were passed.

1. **Lex Gabinia**, proposed by the tribune Gabinus B.C. 139, introduced the ballot in the election of magistrates (Cic. *l. c.*); whence Cicero (*Agr.* ii. 2, 4) calls the tabella "vindex tacitae libertatis."

2. **Lex Cassia**, proposed by the tribune L. Cassius Longinus B.C. 137, introduced the ballot in the "Judicium Populi," with the exception of cases of Perduellio. The "Judicium Populi" undoubtedly applies to cases tried in the Comitia by the whole body of the people [JUDEX, Vol. I. p. 1027], although Ernesti (*Index Leg.*) wishes to give a different interpretation to the words. This law was supported by Scipio Africanus the younger, for which he was censured by the aristocratical party (Cic. *de Legg.* iii. 16, 37; *Brut.* 25, 97; *pro Sestio*, 48, 103; —Ascon. *in Cornel.* p. 78, ed. Orelli).

3. **Lex Papiria**, proposed by the tribune C. Papirius Carbo B.C. 131, introduced the ballot in the enactment and repeal of laws (Cic. *de Legg.* iii. 16, 35).

4. **Lex Caelia**, proposed by C. Caelius Caldus B.C. 107, introduced the ballot in cases of Perduellio, which had been excepted in the Cassian law (Cic. *l. c.*; *pro Planc.* 6, 16;—Plin. *Ep.* iii. 20).

There was also a law brought forward by Marius B.C. 119, which was intended to secure freedom and order in voting (Cic. *de Legg.* iii. 17, 38; Plut. *Mar.* 4). [W. S.] [E. A. W.]

TABELLA'RIUS, a letter-carrier. As the Romans had no public post, they were obliged to employ slaves, who were called *Tabellarii*, as special messengers to convey their letters when they had not an opportunity of sending them otherwise (Cic. *Phil.* ii. 31, 37; *ad Fam.* xii. 12, xiv. 22). Those who were out of Italy could get their letters conveyed not only by ships' captains, but also by the special tabellarii of the provincial governor (Cic. *ad Att.* v. 19; *de Prov. Cons.* 7, 15), or by those of the publicani (Cic. *ad Att.* v. 15 and 16): for these tabellarii of proconsuls, see also Auct. *de Bell. Hisp.* 2. [W. S.] [G. E. M.]

TABE'LLIO, a notary (Suidas, *s. v.*). Under the Empire the Tabelliones succeeded to the business of the Scribae in the times of the Republic [SCRIBAE]. They were chiefly employed in drawing up legal documents, and for this purpose usually took their stations in the market-places of towns (Capitol. *Macrin.* 4; Cod. 4, 21, 17; Novell. 73, c. 5, &c.). They formed a special order in the state (Gothofr. *ad Cod. Theod.* 12, 1, 3). [W. S.]

TABERNA. 1. (*σκηναί, γέῤῥα*), a shop or booth. [DOMUS, Vol. I. pp. 679, 680; AGORA, Vol. I. pp. 46, 47.]

2. A wine-shop or tavern. [CAUPONA.]

TABERNA'CULUM, TENTO'RIUM (*κλισίη, σκηνή*), a tent. The former of these words was no doubt originally applied to a shed or hut of boards (cf. Fest. s. v. *tabernacula*; TUGURIUM); but it became the ordinary term for a tent (Cic. *Brut.* 9, 37; Caes. *B. C.* i. 81; Liv. xxii. 42). These were made of skins stretched from wooden supports, like our canvas tents; hence the name *tentoria*, which, as we may gather from Festus (s. v. *contubernales*), is put concisely for *tentoriae pelles*. The tent-maker was called *tabernacularius* (Grut. 6428; Henzen, 6101). Constant supplies of hides for this purpose were drawn from the provinces by armies in the field (Cic. *Verr.* ii. 2, 5, *coria*; *in Pis.* 36, 87, *pellium nomine*). Campaigning was "sub pellibus durare" (Liv. v. 2): during winter the soldiers were either in towns, or, if they held a permanent camp in remote and uncivilised countries, they were lodged in huts of wood, turf or stones [CASTRA]: to keep them in tents during the winter was a mark of severity (Tac. *Ann.* xiii. 35; cf. Caes. *B. G.* iii. 29; Long *ad loc.*). The word *papilio*, "pavilion," may be, as Rich thinks, intended to describe the look of a tent with its curtains looped up. [For the size of Roman tents and their arrangements, see CONTUBERNIUM; Marquardt, *Staatsverw.* ii. 427.]

The *κλισίαι* of Homer were not tents, but wooden or wattled huts; that of Achilles (larger no doubt than the ordinary *κλισίη*, and with separate rooms, but of like material) was of fir-planks and thatched with reeds (*Il.* xxiv. 451), and *εὔπηκτος*, which implies carpenter's work (*ib.* 675). [See Buchholz, *Hom. Realien*, ii. 340.] In later Greek warfare (where any shelter is required) we find generally tents of skins, like those of the Romans, which are usually called *σκηναί* (Xen. *Anab.* i. 5, 12; cf. *σκηνορράφος*, Zonar. p. 1655; Ael. *V. H.* ii. 1), but also *διφθέραι* (Xen. *Anab.* i. 5, 10); *διφθέραι* with iron tent-pegs (Arr. *Anab.* iv. 19): wooden huts were also used and termed *σκηναί*, which explains the burning of the *σκηναί*, as too troublesome to carry, in Xen. *Anab.* iii. 2, 27: so Droysen takes it, but it is also possible that wooden framework for the *διφθέραι* may have been burnt. (See Droysen, *Kriegsalterth.* § 11 = Hermann-Blümner, *Lehrbuch*, ii. 13.) [For the augural *tabernaculum*, see AUGURIA; TEMPLUM *ad init.*] [G. E. M.]

TABLI'NUM. [DOMUS, Vol. I. p. 670 *b*.]

TA'BULA LUSO'RIA (*πίναξ*), a board for playing games, called also ALVEUS from having a raised rim. Ancient backgammon and draughts, and the boards on which they were played, are treated under DUODECIM SCRIPTA and LATRUNCULI respectively. Other games, played with and without dice, are described, though less intelligibly, by the grammarians (Pollux, ix. 97, 98; Eustath. *ad Od.* p. 1397). Bruzza, writing in 1877, states that upwards of 100 tabulae lusoriae, serving for six different games, had been found in Rome and the environs, mostly in the Castra Praetoria and the Catacombs (*Bullett. comunale*, 1877, pp. 81–99); from an examination of subsequent lists it does not appear that any further discoveries of a like sort have been made down to the present time. More than 60 of these are of the type given below, in which 36 letters are arranged in three double rows of six each: others, instead of the letters, have 36 arbitrary signs which served the same purpose; and one in particular repeats 36 times the words *palma feliciter* expressed in a monogram. We have selected a few of the more suggestive examples; in order to make each row consist of six letters, it will be seen that some liberties are taken with the spelling.

1. VICTVS 0 LEBATE
LVDERE 0 NESCIS
DALUSO 0 ELOCU[M].

2. SEMPER 0 IN HANC
TABVLA 0 HILARE
LVDAMV 0 SAMICI.

3. VICTOR VINCAS
NABICE FEELIX
SALBUS REDIAS.

4. INVIDA PVNCTA
IVBENT FELICE
LVDERE DOCTVM.

5. ABEMUS INCENA
PVLLVM PISCEM
PERNAM PAONEM.

BENATORES.

Nos. 1 and 2 are divided in the middle by a representation of the *calculi* with which the game was played; No. 3 by the figure of a sailing ship. Nos. 2 and 4 are metrical, after a fashion. The forms LEBATE (*leva te*, "take yourself off"), NABICE (*naviga*), SALBUS and BENATORES show the confusion of *b* and *v*, as in Spanish and modern Greek; PAONEM illustrates the French *paon*. In No. 1 the M of LOCVM seems to have been inserted by mistake, as the six letters are complete without it. The word BENATORES is of course not included in the letters that mark the board; it may imply that the game afforded a mild excitement to tired sportsmen after their day's work. Nos. 1 and 3 were found in a Christian tomb, and have been quoted to prove that the discipline of the early Church as regards games of chance was not very strict. Compare *Dict. of Chr. Ant.*, s. v. *Dice.*

It is conjectured that this was a game in which each player tried, under certain unspecified conditions, to get three men into a row (Ov. *A. Am.* iii. 365, *Trist.* ii. 481; cf. Isid. *Orig.* xviii. 64). A tabula lusoria described by Martial (xiv. 17) had backgammon and draught boards on opposite sides. (Marquardt, *Privatl.* 836–838.) [W. W.]

TABULAE or **PUGILLARES** (*πίνακες, δέλτοι, πυξίον, πινάκιον, γραμματεῖον*), writing tablets. Although Livy, i. 24, seems to make a formal distinction between *tabulae*, i.e. bronze tablets, and *cera*, yet in general the plural of *tabula* is used to signify thin slips of wood or other material, usually of an oblong shape, covered over with wax, whence *cera* and *cerae* are used for the tablets themselves. The wax, which was written upon by the stilus or *γραφίς* [STILUS], was coloured (red in Ov. *Am.* i. 12, 11, but generally black), so that the letters marked by the stilus were white. The layer of wax was sometimes so thin that the writing was marked on the wood itself below, as may be seen in some tablets that have been preserved. As to renewing the tablets by scraping off the old and pouring fresh melted wax over them, "cera . . . rasis infusa tabellis" (Ov. *Art. Am.* i. 437), see Herod. vii. 239. Ordinary Greek writing tablets were covered with *μάλθη*, a composite and softer wax, which in Dem. *c. Steph.* ii. p. 1132, § 11, is contrasted with the tablets covered with gypsum (*γραμματεῖον λελευκωμένον*: cf. *λεύκωμα, lex ap.* Dem. *Timocr.* p. 707), intended for more permanent documents. This composite wax was, however, termed indifferently *μάλθη* or *κηρός* (compare Aristoph. *Vesp.* 108 and *Fr.* 206). The schoolboy's writing tablet was sometimes a single *tabula* which he carried suspended by a ring (Hor. *Sat.* i. 6, 74, Orelli *ad loc.*; Plaut. *Bacch.* iii. 3, 37): tablets thus hung on the wall of the school-room are shown in the cut from the Duris vase under LUDUS LITTERARIUS (p. 96).

More expensive tablets were made of citron-wood or ivory (Mart. xiv. 3, 5), but the commoner woods were generally used, such as beech, fir, and box (whence the name *πυξίον*). The outer sides consisted of wood; the inner sides only were covered with wax. They were fastened together at the back by means of wires, which answered the purpose of hinges, so that they opened and shut like our books; and to prevent the wax of one tablet rubbing against the wax of the other, there was a raised margin around each, as is clearly seen in the woodcut under STILUS. There were sometimes two, three, four, five, or even more tablets fastened together in the above-mentioned manner. Tablets so folded and bound together were called *codex* or *codicilli* (compare Catull. 42, 5 and 11): where a very large number were combined, they had a handle, by which to carry or to hang them up, and were called *codices ansati* (*C. I. L.* x. 7852). [CODEX.] Two such tablets were called *diptycha* (*δίπτυχα*), which merely means "twice-folded" (cf. *δίπτυχον δελτίον*, Herod. vii. 239) [DIPTYCHA]. The Latin word *pugillares*, which is the name frequently given to tablets covered with wax (Mart. xiv. 3; Gell. xvii. 9; Plin. *Ep.* i. 6), is derived from *pugnus*, *pugillus*, because they were small enough to be held in the hand. Such tablets are mentioned as early as the Homeric poems, which speak of a *πίναξ πτυκτός* (*Il.* vi. 169; Munro *ad loc.*; Jebb, *Homer*, p. 112). Three tablets fastened together were called *Triptycha* (*τρίπτυχα*), which Martial (xiv. 6) translates by *triplices* (*cerae*); in the same way we also read of *pentaptycha* (*πεντάπτυχα*), called by Martial (xiv. 4) *quintuplices* (*cerae*), and of *polyptycha* (*πολύπτυχα*) or *multiplices* (*cerae*). The above are called also *γραμματεῖον* or *γραμματείδιον δίθυρον, τρίπτυχον ἢ πλειόνων πτυχῶν* (Poll. x. 51). [See woodcuts under LIBER, p. 58.] The pages of these tablets were frequently called by the name of *cerae* alone; thus we read of *prima cera, altera cera*, "first page," "second page" (Suet. *Ner.* 17; Hor. *Sat.* ii. 5, 53; Mart. iv. 72). In tablets containing important legal documents, especially wills, the outer edges were pierced through with holes (*foramina*), through which a triple thread (*linum*) was passed, and upon which a seal was then placed. This was intended to guard against forgery, and if it was not done such documents were null and void (Suet. *Ner.* 17; Paulus, *Sent. Rec.* v. 25, § 6; TESTAMENTUM).

Waxen tablets were used among the Romans for almost every species of writing, where great length was not required. Thus letters were frequently written upon them, which were secured by being fastened together with packthread and sealed. Accordingly we read in

Plautus (*Bacch.* iv. 4, 64) when a letter is to be written:

> "Effer cito stilum, ceram, et tabellas, et linum."

The sealing is mentioned afterwards (l. 96). The impression of the seal was made either upon wax (as in Plaut. *l. c.*; Ov. *Am.* ii. 15, 16; Plin. *H. N.* ii. § 137), or upon a specially prepared clay, called *cretula* (Cic. *Verr.* iv. 26, 58), *creta Asiatica* (Cic. *pro Flacc.* 16, 3, where *cera* also is mentioned as the alternative), γῆ σημαντρὶς (Herod. ii 38), σφραγὶς Λημνία (Aret. *de Curat.* 2, 2): see also Cic. *Cat.* iii. 5, 10. For the seals themselves, see SCALPTURA, p. 604. (Compare Cic. *in Catil.* iii. 5.) Tabulae and tabellae are therefore used in the sense of letters (Ovid, *Met.* ix. 522). Love-letters were written on very small tablets, called *Vitelliani* (Mart. xiv. 8, 9), of which word, however, we do not know the origin. Tablets of this kind are presented by Amor to Polyphemus on an ancient painting (*Mus. Borbon.* vol. i. tav. 2).

Legal documents, and especially wills, were almost always written on waxen tablets, as mentioned above; but even when written on parchment or papyrus they were still technically called *tabulae* (Ulp. *Dig.* 37, 11, 1; cf. δέλτοι, Luc. *Tim.* 22). Such tablets were also used for accounts, in which a person entered what he received and expended (*tabulae* or *codex accepti et expensi*, Cic. *pro Rosc. Com.* 2), whence *novae tabulae* mean an abolition of debts either wholly or in part (Suet. *Jul.* 42; Cic. *de Off.* ii. 23). The above are merely some instances of the extensive use of waxen tablets; others are given in Marquardt, *Privatleben*, pp. 804, 805.

Two ancient waxen tablets have been discovered in a perfect state of preservation, one in a gold mine four or five miles from the village of Abrudbànyá in Transylvania, and the other in a gold mine in the village itself. Of this interesting discovery an account has been published by Massmann in a work entitled "Libellus Aurarius, sive Tabulae Ceratae, et antiquissimae et unice Romanae in Fodina Auraria apud Abrudbanyam, oppidulum Transsylvanum, nuper repertae," Lipsiae (1841). An account of these tablets, taken from Massmann's description, will serve as a commentary on what has been said above. Both the tabulae are *triptycha*; that is, consisting of three tablets each. One is made of fir-wood, the other of beech-wood, and each is about the size of what we call a small octavo. The outer part of the two outside tablets of each exhibits the plain surface of the wood; the inner part is covered with wax, which is of a black colour, and is surrounded with a raised margin. The middle tablet has wax on both sides with a margin around each; so that each of the two tabulae contains four sides or four pages covered with wax. The edges are pierced through, that they might be fastened together by means of a thread passed through them. The wax is not thick in either; it is thinner on the beechen tabulae, in which the stilus of the writer has sometimes cut through the wax into the wood. There are letters on both of them, but on the beechen tabulae they are few and indistinct; the beginning of the first tablet contains some Greek letters, but they are succeeded by a long set of letters in unknown characters. The writing on the tabulae made of fir-wood is both greater in quantity and in a much better state of preservation. It is written in Latin, and is a copy of a document relating to some business connected with a collegium. The name of the consuls is given, which determines its date to be A.D. 169. For the great collection of 127 diptychs and triptychs found at Pompeii in 1875, see *Hermes*, xii. 88; Overbeck, *Pomp.*^{4} 489. Wooden tablets written upon with ink, which have been found in Egypt, are noticed by Marquardt (*Privatleben*, p. 802).

Waxen tablets continued to be used in Europe for the purposes of writing in the Middle Ages; but the oldest of these with which we are acquainted belongs to the year 1301 A.D., and is preserved in the Florentine Museum.

The tablets used in voting in the comitia and the courts of justice were also called tabulae as well as tabellae. [TABELLA.] [W. S.] [G. E. M.]

TA'BULAE PU'BLICAE. [TABULARIUM.]

TABULA'RII were notaries or accountants, who are first mentioned under this name in the time of the Empire (Sen. *Ep.* 88;—Dig. 11, 6, 7; 50, 13, 1, § 6). Public notaries, who had the charge of public documents, were also called tabularii (Dig. 43, 5, 3), and these seem to have differed from the tabelliones in the circumstance that the latter had nothing to do with the custody of the public registers. Public tabularii were first established by M. Antoninus in the provinces, who ordained that the births of all children were to be announced to the tabularii within thirty days from the birth (Capitol. *M. Anton.* 9). Respecting the other duties of the public tabularii, see Cod. Theod. 8, 2, and Gothofr. *ad loc.* For the tabularii of the army, see EXERCITUS, Vol. I. p. 803 *a*. [W. S.]

TABULA'RIUM, the place, at Rome and elsewhere, where the *tabulae publicae*, or state archives, were kept, corresponding to the μητρῷον at Athens [ARCHEION]. The *tabulae publicae* comprised rogations, senatusconsulta, and plebiscita; records of finance, of public contracts, of debtors to the state, the censors' registers (*tabulae censoriae*), registers of births and deaths (Capitol. *M. Anton. Phil.* 9); records of judicial matters, not only of trials, but also of jury lists (Cic. *Phil.* v. 5, 15), and records of elections (Cic. *Pis.* 15, 36). But these were not all, at all periods of history, kept together in one place or under one control. The records of the censors and finance were probably from a very early date onwards kept in the treasury in the Temple of Saturn, and under control of the quaestors. [AERARIUM; QUAESTOR.] On the other hand, from the date 447 B.C. the plebeian aediles had charge not only of plebeian archives, but also of senatusconsulta, subject to a general control or right of inspection by the tribunes (Liv. iii. 55; Zonar. vii. 15); and when these records also were transferred to the Aerarium (see below), the quaestors shared with the aediles and tribunes the charge of the state archives in general (see Mommsen, *Staatsr.* ii. 490). This arrangement, giving the custody to aediles and tribunes conjointly with the regular officials of the treasury, lasted till 12 B.C., when Augustus took it away from them on account, as Dio says, of their negligence (Dio Cass. liv. 36; cf. Cic. *de Leg. Agr.* iii. 20, 46). In consequence again of loss and decay of documents, Tiberius A.D. 16

appointed special *curatores tabulariorum publ.* to assist the regular officers of the treasury (Dio Cass. lvii. 16). The changes made by various emperors between *quaestors*, *praetors*, and *praefects* of the treasury are described under Aerarium, Vol. I. p. 36 *a* (cf. Mommsen, *Staatsr.* ii. 557–560).

The *permanent* depository, or tabularium, for plebiscita and senatusconsulta was in the Temple of Ceres until the year 187 B.C., when they were transferred to the Aerarium (Liv. xxxix. 4), which, so far as our evidence shows, became then the sole permanent tabularium at Rome (cf. Serv. *ad Georg.* ii. 502). It may be inferred from this that the burning of the tabularium during civil tumults early in the 1st century B.C., alluded to by Cicero (*pro Rab. perd.* 3, 8; *de Nat. Deor.* iii. 30, 74), must imply that the part of the Temple of Saturn which formed the tabularium was destroyed at that time and afterwards rebuilt. The history of the remains of a so-called tabularium above the Forum, and the precise meaning of the statement that Lutatius Catulus built a tabularium in B.C. 78 (*C. I. L.* vi. 1313, 1314), still need elucidation, but need not be discussed here. [See *Dict. of Geography*, s. v. *Rome;* Middleton, *Rome*, p. 232; O. Richter in Baumeister's *Denkm.* p. 1482; Mommsen, *Ann. Inst.* 1858, p. 211, who thinks that the *substructio* spoken of belonged to the Temple of Jupiter Capitolinus.] There were also *temporary* tabularia at Rome for the *tabulae censoriae*, which seem to have given rise to the belief in a number of permanent tabularia (Burn, *Rome and the Campagna*, p. 97). The fact is that the censors held the census of the people in the Campus Martius, and deposited the records *during their term of office* in the Temple of the Nymphs (Cic. *pro. Mil.* 27, 73), which is believed to have been in the Campus. The equestrian census was held in the Forum, and accordingly its records were deposited by the censors *during their term of office* in the Atrium Libertatis (Liv. xliii. 16), which from Cic. *ad Att.* iv. 16 seems to have been in or near the Forum. At the expiration of their office they deposited all their records in the Aerarium (Liv. xxix. 37), except possibly in very early times, when they seem to have retained them in their private *tablina* (Dionys. i. 74). The existence of these temporary tabularia besides the permanent tabularium of the treasury may be implied in the plural word of Verg. *Georg.* ii. 502; but it is more probable that the poet speaks of *the* tabularium and merely uses the plural for the singular.

It is an error also to regard the Temple of Jupiter Capitolinus as a tabularium (if we mean thereby a receptacle for *tabulae publicae*). The treaties and agreements with foreign states and the senatusconsulta ratifying such agreements were deposited in this temple, but they were always engraved on bronze plates (*tabulae aeneae*, *χαλκώματα*), and were not included in the *tabulae publicae*, nor was their repository called a tabularium. (Polyb. iii. 26; Cic. *Phil.* iii. 12, 30; *ad Fam.* xiii. 36; Suet. *Vesp.* 8; Liv. xxvi. 24; Mommsen, *Staatsrecht*, i. 255.)

As regards the method of entering decrees, &c., on the *tabulae publicae*, see Senatusconsultum, p. 637; Scriba; Mommsen, *Staatsr.* iii. 1011–1021. In the chief town of every province there was a tabularium in which records of surveys and the registers of the census (by Greek writers called *ἀναγραφαί*) were preserved (Marquardt, *Staatsverw.* ii. 313, where numerous inscriptions are cited): it appears, however, that abstracts or copies were also sent to Rome, as is stated by both Tertullian (*adv. Marcion*, 4, 7) and Chrysostom (vol. ii. p. 356 c, Montf.) in treating of the *ἀπογραφὴ* mentioned in the Gospels (Marquardt, *ib.* p. 216). So also there were tabularia in Italian towns for municipal records (Cic. *pro Arch.* 4, 8; cf. *pro Cluent.* 14, 41). [For the *tabularium castrense*, see Exercitus, Vol. I. p. 803 *a.*] [G. E. M.]

TAEDA (*δαΐς*, *Att.* *δᾴς*, *dim.* *δᾳδίον*), a torch of fir-wood, called on this account *pinea taeda* (Catull. 61, 15; Ovid, *Fast.* ii. 558). Hence the name *taeda* is given to the tree itself (Plin. *H. N.* xvi. § 44; cf. Hor. *Od.* iv. 4), for there can be no doubt that "torch" was the primary sense of the word. Before the adoption of the more artificial modes of obtaining light, described under Candela, Fax, Funale, and Lucerna, the inhabitants of Greece and Asia Minor practised the following method, which still prevails in those countries, and to a certain extent in Scotland and Ireland, as well as in other parts of Europe, which abound in forests of pines (Fellows, *Exc. in Asia Minor*, pp. 140, 333–335):—A tree having been selected of the species Pinus maritima, *Linn.*, which was called *πεύκη* by the ancient Greeks from the time of Homer (*Il.* xi. 494, xxiii. 328), and which retains this name, with a slight change in its termination, to the present day, a large incision was made near its root, causing the turpentine to flow so as to accumulate in its vicinity. This highly resinous wood was called *δᾴς*, *i.e.* torch-wood (Thuc. vii. 53); a tree so treated was called *ἔνδᾳδος*, the process itself *ἐνδᾳδοῦν* or *δᾳδουργεῖν*, or more fully *δαδοκοπεῖν πεύκην* (Theophr. *H. P.* v. 16, 2), and a tree so affected is said by Pliny "taeda fieri" (*H. N.* xvi. § 45): the workmen employed in the manufacture are called *δᾳδουργοί*. After the lapse of twelve months the portion thus impregnated was cut out and divided into suitable lengths. This was repeated for three successive years, and then, as the tree began to decay, the heart of the trunk was extracted, and the roots were dug up for the same purpose (Theophr. *H. P.* i. 6, § 1; iii. 9. §§ 3, 5; iv. 16, § 1; x. 2, §§ 2, 3;—Athen. xv. 700 f). These strips of resinous pine-wood are now called *δᾳδία* by the Greeks of Mount Ida (Hunt and Sibthorp, in Walpole's *Mem.* pp. 120, 235).

For the uses of the torch by Greeks and Romans and its significance in marriages and funerals, see Fax. [J. Y.] [G. E. M.]

TAE'NIA. [Vitta; Strophium.]

TAGUS (*ταγός*), a commander or ruler, was more particularly the name applied to the chief magistrate of Thessaly, and to magistrates of the Thessalian towns, at various periods of the history of that country. Under this head it is proposed to give a short account of the constitution of Thessaly.

The Thessalians are said to have been an Epirot tribe, which crossed the Pindus, conquered the country to which it subsequently gave its name, and either drove out or reduced to subjection the original inhabitants (Herod. vii. 176; Thuc. i. 12; Diod. iv. 57). They seem to have settled originally in that part of Thessaly known as *Θεσσαλιῶτις* (Buttmann, *Mythol.* xxii. p. 262), and soon after to have completed the conquest of *Πελασγιῶτις*, for it was to these two districts that the Penestae, who were the remains of the earliest of the native tribes which submitted to their dominion, belonged (Archemach. *ap.* Athen. vi. p. 264; see PENESTAE). They then completed the conquest of the rest of Thessaly, and reduced the neighbouring tribes of Achaeans, Perrhaebi, and Magnetes, with which they had been long at war (Arist. *Pol.* ii. 9, 2), to the condition of permanent dependencies (*ὑπήκοοι*, Thuc. ii. 101, iv. 78, viii. 3; see PERIOECI).

The princes who led the Thessalians to their new homes across the Pindus were, like the leaders of the Dorian invasion, Heracleidae (Pind. *Pyth.* i. 10 *sq.*; Hom. *Il.* ii. 679; Buttmann, *Mythol.* ii. p. 260). As the Heracleidae were found at Sparta in the families of the Agids and Eurypontids, and at Corinth in that of the Bacchiadae, so in Thessaly they were represented chiefly by the Aleuadae and Scopadae; and it is with the names first of Aleuas and later of Scopas that the organisation of Thessaly is connected. Thessaly appears as a united whole under the rule of Aleuas the Red-haired (*Ἀλεύας ὁ Πύρρος*), a semi-mythical personage, to whom no date can even approximately be assigned (Plut. *de Fr. am.* 21; Ael. *de Nat. anim.* viii. 11). We are told, on the authority of Aristotle, that he divided the country into the four districts of Thessaliotis, Phthiotis, Pelasgiotis, and Histiaeotis, which were called *τετράδες* (Harpocrat. *s. v.* *τετραρχία*: Phot., Suid., *s. v.*; Strabo, ix. p. 430). This division, which was probably based on some preceding natural division due to the mode in which the country had been conquered, continued unchanged to the latest times; and that it was not merely nominal, but had a material significance of the nature of which we are ignorant, is shown by the frequency with which it asserted itself as a real element in the Thessalian constitution. Aleuas is also said to have fixed certain regular military contingents, enjoining each *κλῆρος*, which was perhaps a subdivision of the *τετράς*, to furnish forty horsemen and eighty hoplites (Arist. *ap. Schol. vac. in* Eur. *Rhes.* 307). We are further told that the tribute to be paid by the subject states was fixed by a certain Scopas (Xen. *Hell.* vi. 1, 19, *προεῖπε δὲ καὶ τοῖς περιοίκοις πᾶσι τὸν φόρον ὥσπερ ἐπὶ Σκόπα τεταγμένος ἦν φέρειν*), who is assigned by modern authorities to the first half of the sixth century B.C. (Gilbert, *Staatsalt.* ii. p. 8; Buttmann, *Abh. der Berl. Akad.* 1832, p. 190 *sq.*).

From this time to the Persian wars Gilbert thinks that there was always a king of Thessaly, and that he was chosen from the Heracleidae, though not always from the same family of this race. Herodotus calls the Aleuadae "kings of Thessaly" at the time of the Persian invasion (Herod. vii. 6), and he also states that in 510 B.C. Thessaly as a united whole (*κοινῇ γνωμῇ χρεώμενοι*) sent their king *Κινέην ἄνδρα Κονιαῖον* (*Κυτιναῖον*, Stein) to help the Pisistratidae (Herod. v. 63). As late as 454 B.C. we find a certain Orestes of Pharsalus called king of Thessaly (Thuc. i. 111), and even at this period Thessaly may have been a united nation, and the noble families have still considered themselves vassals to a king of their own race and perhaps of their own choosing. There is no evidence to show that the names *βασιλεὺς* and *ταγὸς* were interchangeable; *ταγὸς* may have been one of the titles of the monarch, as "dictator" and "magister populi" were probably amongst the titles of the ancient kings of Rome; and as the king at Athens became the *ἄρχων*, so in Thessaly he may have become the *ταγός* (Buttmann, *Mythol.* ii. p. 275). The office was a temporary resumption of the monarchy, chiefly in respect of its military authority, and was created for the purpose of uniting the independent states of Thessaly for some common purpose. The Tagus was apparently elected by a majority of the states (Xen. *Hell.* vi. 1, 8); and the whole military force of the country was placed under his command: the surrounding tribes, which seem, after the fall of the monarchy, to have been dependent on particular states, as the Perrhaebi in Larisa (Strabo, p. 440), were all brought under the control of this temporary central government (Xen. *Hell.* vi. 1, 9, *πάντα τὰ κύκλῳ ἔθνη ὑπήκοα μὲν ἐστιν, ὅταν ταγὸς ἐνθάδε καταστῇ*). The tribute (*φόρος*), which they seem usually to have paid to the particular states on which they were directly dependent (Strabo, *l. c.*), was now exacted for the common purposes of the league (Xen. *Hell.* vi. 1, 12); and they were made to furnish light-armed troops, which the Tagus levied (*ib.* vi. 1, 9). At the same time he raised the greatest force which the free states of Thessaly were capable of affording, and which amounted on these occasions to 6,000 cavalry and more than 10,000 infantry (Xen. *Hell.* vi. 1, 8).

But such a union of the states of Thessaly was rarely realised; and we meet with no actual instance of the appointment of a Tagus until after the Peloponnesian war. It is not known when the monarchy came to an end, but it probably continued, in name at least, down to the year 454 B.C. (Thuc. i. 111); it was followed by a general break-up of the union of Thessaly; and though the words of Thucydides (iv. 78, 3), *τὸ πάντων κοινόν*, may point to some loose confederacy or common council, and though there seems to have been a strong common democratic sentiment running through the whole country, yet the different states were largely independent of one another and almost entirely under the control of their separate hereditary oligarchies (Thuc. *l. c.*). Thus Larisa was governed by the Aleuadae, Cranon by the Scopadae, and Pharsalus by the Creondae (Herod. vi. 127, vii. 6, ix. 58; Diod. xv. 61, xvi. 14; Schol. in Theocr. xvi. 34). The Aleuadae and Scopadae we know were related (Ov. *Ib.* 512; Buttmann, *Mythol.* ii. p. 270), and perhaps most of the great families of Thessaly were connected, at least by being Heraclidae, and therefore of the original royal race, if not by being offshoots of the Aleuadae, who, we are told, ruled in many cities (Pind. *Pyth.* 10 *ad fin.*, *ἐν δ' ἀγαθοῖσι κεῖται πατρώϊαι κεδναὶ πολίων κυβερνάσιες*). Sometimes a powerful state, like Pharsalus, extended its rule over other smaller cities (Xen. *Hell.* vi. 1, 8), but each of the larger states seems to have been practically independent both in foreign and domestic politics. In 431 B.C., at the commencement of the Peloponnesian war, we find that each of the cities which sent help to the Athenians appointed its own commander, and that the forces from Larisa were led by two generals, each chosen from a separate clan or faction in the city (*ἀπὸ τῆς στάσεως ἑκάτερος*, Thuc. ii. 22); and we also find nobles, like Menon of Pharsalus in 364 B.C., arming their Penestae and taking an independent part in the wars of foreign nations (Dem. *c. Aristocr.* § 238). These instances point to the disorganised condition of Thessaly, which was indeed a noted characteristic of the country throughout its history (Liv. xxxiv. 51). The towns were under the control of a feudal nobility, who maintained their power the more easily through the preponderance of cavalry amongst the Thessalians, which their wealth and the character of the country enabled them to support, and the comparative unimportance of the *ὁπλῖται* (Arist. *Pol.* iv. 3, 3; Thuc. ii. 22; Herod. v. 63; Dem. *l. c.*). The country was distracted at once by clan-feuds and by the struggles of the democracy against the dominant castes. In some states a compromise was for a time effected, as at Larisa, where a mediator (*ἄρχων μεσίδιος*) was at one time called in to allay the feuds in the ruling family (Arist. *Pol.* v. 6, 13), and where different magistrates of a democratic character, called *πολιτοφύλακες* and *δημιουργοί*, were appointed, to satisfy the claims of the popular party (*ib.* v. 6, 6, iii. 2, 2; *Etym. M.* s. v. *δημιουργός*).

The rule of the nobility continued until the close of the Peloponnesian war; and it was not until 404 B.C. that the democratical reaction became strong enough to cause its overthrow. In this year Lycophron of Pherae attempted to raise himself to the position of Tagus of Thessaly (Xen. *Hell.* ii. 3, 4). Unable to secure his election by constitutional means, he made himself tyrant (Diod. xiv. 82), and attempted to unite the whole of Thessaly under his sway. This object was actually accomplished by his successor Jason in 375 B.C. (Xen. *Hell.* vi. 1 *sq.*; Diod. xv. 60): but after the assassination of the latter in 370 B.C., his successors Polydorus, Polyphron, and Alexander of Pherae were unable to maintain the constitutional hegemony, and the office of Tagus developed into an irregular tyranny (Xen. *Hell.* vi. 4, 33; Diod. xv. 61), for the suppression of which the aid of the Thebans under Pelopidas was repeatedly called in.

Meanwhile we find that, about 364 B.C., an attempt was made at a reconstruction of the constitution of united Thessaly, for the purpose of joint action against Alexander of Pherae. We find again the *κοινὸν τῶν θετταλῶν*, composed of the four *τετράδες* (*C. I. A.* ii. n. 88). At its head stood an *ἄρχων*, and each *τετρὰς* seems to have had its *πολέμαρχοι*, with *πέζαρχοι* for the command of the foot-soldiers and *ἵππαρχοι* for the command of the cavalry, and other officers, apparently of a religious character, called *ἱερομνήμονες* (*C. I. A.* ii. n. 88, where *πολέμαρχοι* and *πέζαρχοι* are mentioned; Dittenberger, n. 85—a treaty of alliance between Athens and Thessaly in 361 B.C.—l. 17, *τὸ κοινὸν τὸ θετταλῶν—τὸν ἄρχοντα ὃν εἵλοντο θετταλοί*: l. 24, *ἐξορκώσοσιν Ἀγέλαον τὸν ἄρχοντα καὶ τοὺς πολεμάρχους καὶ τοὺς ἱππάρχους καὶ τοὺς ἱππέας καὶ τοὺς ἱερομνήμονας καὶ τοὺς ἄλλους ἄρχοντας, ὁπόσοι ὑπὲρ τὸ κοινὸ τὸ θετταλῶν ἄρχοσιν*). But this independent organisation was not of long duration. The subsequent usurpations of Sisiphorus and Lycophron induced the aristocracy to call in the assistance of Philip of Macedon, who deprived Lycophron of his power in 352 B.C. (Dem. *Olynth.* ii. p. 19, § 7); and this interference in the affairs of Thessaly paved the way for its subjection to Macedonia, which was effected in 344 B.C.

Philip re-organised the country by instituting tetrarchies (*τετραρχίαι*, Dem. *Phil.* iii. p. 120, § 35; Harpocr. *s. v.*) and decarchies (*δεκαδαρχίαι*, Dem. *Phil.* ii. p. 71, § 24); but it is doubtful whether these two modes of organisation were coexistent, and, if so, what relation the latter bore to the former. The tetrarchy was no doubt a re-institution of the division into *τετράδες*: and the decarchy has been variously explained as a council of ten under which each of the principal cities was placed, or as a similar council which governed each of the four divisions, or as a supreme council which was invested with the government of the whole country: this last alternative being on the whole the most probable (Dem. *l. c.* *τὴν καθεστῶσαν νῦν δεκαδαρχίαν*: see Whiston's note *in loc.*). Thessaly remained henceforth dependent on the Macedonian kings until the year 196 B.C., when the Romans, by the victory of Cynoscephalae, wrested it from Philip V., and restored the autonomy of the country.

From this time we get a renewal of the alliance of the Thessalian states (*κοινὸν θεσσαλῶν*); at the head of this confederacy stood a *στρατηγός*, appointed yearly, and we find the names of such *στρατηγοὶ* recorded both in inscriptions and on coins (*Rev. Arch.* xxxi. 1876, pp. 256, 257). The tribes formerly dependent on Thessaly—the Dolopes, Perrhaebi, and Magnetes—were now constituted as independent states (Liv. xxxiii. 34; Polyb. xviii. 30, 6; see Mommsen, *Staatsr.* iii. p. 658, n. 1): thus we find that the Magnetes had a general council of their own ("Magnetum consilium," Liv. xxxv. 31), and a supreme magistrate who bore the title *Magnetarches* (Liv. xxxv. 39 and 43). The constitution of the separate Thessalian states, as they were organised by T. Quintius Flamininus, was of a timocratic character (Liv. xxxiv. 51, "a cursu maxime et senatum et judices legit, potentioremque eam partem civitatium fecit, cui salva et tranquilla omnia magis expediebant"). On the occasions when the states were summoned to discuss measures which concerned the whole of Thessaly, the general council met at Larisa (Liv. xxxv. 31; xlii. 38, "Thessalorum Larissae fuit consilium").

During the Macedonian and Roman rule we find the word *ταγὸς* occurring frequently as a title of the magistrates of the Thessalian states; it is found in the fourth century B.C. at Pharsalus and Cranon (Cauer, nn. 395 and 400), in the third century at Larisa (Cauer, n. 409 B.C. 219 and 214), and about the year 196, at the commencement of the period of Roman rule, at Cyretiae (*C. I. G.* n. 1770). At Larisa and Cyretiae they were the chief magistrates; thus letters of Philip V. of Macedon and of T. Quintius Flamininus are addressed *τοῖς ταγοῖς καὶ τῇ πόλει χαίρειν* (Cauer, n. 409; *C. I. G.* n. 1770): in other states they appear as directing the proceedings of the ἐκκλησία, and as the executive and finance officers (Cauer, n. 386 a, προστατεύοντος τᾶς ἐκκλησίας τᾶν ταγῶν φίλωνος: Gilbert, *Staatsalt.* ii. p. 15). [Gilbert, *Handb. der Griech. Staatsalt.* ii. pp. 5–16; Buttmann, *Mythologus*, No. xxii. (*Von dem Geschlecht der Aleuaden*); Voemel, *de Thessaliae incolis antiqu.*, Frankf. 1829; Hoew, *de Thessalia Macedonum imperio subjecta*, Gryphiae, 1829; Schömann, *Antiq. Jur. publ. Graec.* p. 401; C. F. Hermann, *Political Antiquities of Greece* (Eng. trans.), § 178; Wachsmuth, *Hellen. Alterth.* i. 2, § 60, p. 106; Duncker, *History of Greece* (Eng. trans.), bk. ii. ch. v.] [A. H. G.]

TALA'RIA (πτερόεντα πέδιλα), coverings for the feet, either boots or sandals, with small wings attached. They are represented in ancient art and literature as the attributes of Hermes (*Il.* xxiv. 340; *Od.* v. 44; Verg. *Aen.* iv. 239, Mercury) and of Perseus (Hes. *Scut.* 216-220; Ov. *Met.* iv. 664 ff.), and had the property of carrying their wearers through the air, over land and sea. On the monuments, Hermes is often (though not invariably) depicted as wearing these winged boots or sandals (see *e.g.* Furtwängler, *Vasenk.* 1753, 2182, 2345; Couze, *Heroen- u. Göttergest.*, Taf. 71, 1; Overbeck, *Gal. her. Bildw.*, Taf. 15, 12). In the Hellenistic and Roman periods the wings are sometimes attached to the bare ankles of Hermes or Mercury (*e.g.* Baumeister, *Denkm.* art. Hermes, fig. 740 = *Mus. Borb.* vi. 2). On the resting Hermes at Naples (Baumeister, *Denkm.* art. Hermes, fig. 738; see also woodcut to the present article) the wings are attached by straps to the feet of Hermes. It should be noted that on early Greek vase-paintings Hermes is found wearing boots, to the upper rim of each of which is attached a curved object. This appears to be a strap for pulling on the boot, and not a rude representation of a wing (Roscher, *Lexikon*, art. Hermes, p. 2400;—Baumeister, *Denkm.* art. Athena, fig. 171; *ib.* art. Herakles, fig. 722; *ib.* art. Dreifuss- und Dreifussraub, fig. 512). Examples of the talaria of Perseus may be seen on the early vase figured in *Monumenti*, vol. x. pl. 52 = Rayet and Collignon, *Hist. de la Céramique*, p. 75, fig. 38; see also Baumeister, *op. cit.*, art. Perseus, fig. 1439, 1440. [W—K W—H.]

Foot with talaria. (From statue of Hermes at Naples.)

TALASSIO. [MATRIMONIUM.]

TALENTUM (τάλαντον) was the heaviest unit of weight in use among the Greeks; and as a talent of gold, silver, or copper was a definite amount of money, varying of course with the standard by which it was weighed, the word stood also for monetary units. A large number of talents were in use in different parts of Greece—the Euboic, the Aeginetan, the Phoenician, &c.—the weights of which will be found in the tables under PONDERA. Pollux (ix. 86) mentions several of these, and gives their value in proportion to the Attic talent. He also remarks that the talent of each district contained 60 minae of that district, and the mina 100 drachmae.

There were, however, one or two talents of a peculiar character which require special mention. The talent of gold of Homer (*Il.* ix. 124; xviii. 507; xxiii. 262) was certainly some quite small amount; and ancient writers conjectured that it was of the weight of a daric (128 grains), a view which modern investigations tend to confirm. Of somewhat greater value was a talent of gold mentioned by the poet Philemon as consisting of three χρυσοῖ or gold staters. Possibly they may have been the equivalent of a talent of copper.

Like all other nations, the Greeks used various talents for different classes of goods. The Babylonians, as we have set forth under PONDERA, had one talent for gold, one for silver, and one for goods. In Athens in historical times the emporic or commercial talent was quite differen from the talent of the mint, bearing to it a relation of about 3 to 2. And even for different sorts of heavy goods special weights were employed. Thus we hear of a talent for weighing wood (ξυλικὸν τάλαντον) as in use at Antioch and at Alexandria; and in all places the Attic weights seem to have been used for drugs. For abundant references to ancient authorities, see τάλαντον in the index to Hultsch's *Metrologici Scriptores.* [P. G.]

TALIO, from *talis*, signifies an equivalent, but it is used only in the sense of a punishment, or penalty the same in kind and degree as the mischief which the guilty person has done to the body of another (cf. Isidor. v. 27, "Talio est similitudo vindictae, ut taliter quis patiatur, ut fecit. Hoc enim et natura et lege est institutum, ut caedentem similis vindicta sequatur"). A provision as to talio occurred in the Twelve Tables: "Si membrum rupit ni cum eo pacit talio esto" (Festus, s. v. *Talionis*; Gell. xxi. 1; Gaius, iii. 223). It appears that, according to this law, a defendant declared guilty in the *actio de membris ruptis* of having broken the limb of the plaintiff was condemned to the penalty of retaliation at the hands of the individual injured or his friends, unless he could agree with his adversary that a pecuniary composition should be substituted for retaliation (*pactum de redimenda talione*). A practice came to be established, that in case of disagreement as to the amount of composition to be paid, the party who had committed the wrong might demand an arbitrator of the magistratus for the purpose of having the damages fixed, so that he could escape from liability to talio by paying a fair composition (Gell. xx. 1, 37, &c.: "hanc quoque ipsam talionem ad aestimationem judicis redigi necessario solitam. Nam si reus, qui depacisci noluerat, judici talionem imperanti non parebat, aestimata lite judex hominem pecuniae dampnabat, atque ita, si reo et pactio gravis et acerba talio visa fuerat, severitas legis ad pecuniae multam redibat"). The punishment of talio was only inflicted under the Twelve Tables on account of the breaking of a limb (*propter membrum ruptum*); for the breaking of a bone (*propter os fractum*) as distinct from a limb, the penalty was 300 asses if the person injured was a freeman, and 150 if he was a slave; for other injuries, 25 asses: such sums being considered adequate compensation in early times of great poverty, as Gaius tells us (iii. 223).

The principle of talio is generally found in systems of primitive law, gradually giving place, as at Rome, to that of pecuniary damages or penalty. Cato, as quoted by Priscian (vi. p. 710, Putsch), says in reference to Punic law: "Si quis membrum rupit, aut os fregit, talione proximus cognatus ulciscatur." Talio, as a punishment, was a part of the Mosaic law: "breach for breach, eye for eye, tooth for tooth; as he hath caused a blemish in a man, so shall it be done to him again" (Levit. xxiv. 20). (Rein, *Das Criminalrecht der Römer*, pp. 37, 358, 816, 915; Rudorff, *Römische Rechtsgeschichte*, ii. 325, note 1; Voigt, *Zwölf Tafeln*, ii. § 132.) [E. A. W.]

TALUS (ἀστράγαλος), the name of a bone in the hind leg of cloven-footed animals which articulates with the tibia and helps to form the ankle-joint (Aristot. *Hist. An.* ii. 1, § 34). In the language of anatomists it is still called *astragalus;* the English name is sometimes "huckle-bone," but more commonly "knuckle-bone" (Germ. *Knöchel*). The astragali of sheep and goats, from their peculiar squareness and smoothness, have been used as playthings from the earliest times, and have often been found in Greek and Roman tombs, both natural and imitated in ivory, bronze, glass, and agate (Propert. iii. 24, 13; Mart. xiv. 14; Ficoroni, *Tav.* 2). Those of the antelope (δορκάδειοι) were sought as objects of elegance and curiosity (Theophr. *Char.* 5; Athen. v. p. 193 f). They were used to play with, principally by women and children (Plut. *Alcib.* 2), occasionally by old men (Cic. *de Sen.* 16, § 58). A painting by Alexander of Athens, found at Resina, represents two women occupied with this game. One of them, having thrown the bones upwards into the air, has caught three of them on the back of her hand (*Ant d'Erc.* i. tav. 1). See the following woodcut, and compare the account of the game in Pollux (ix. 99). Polygnotus executed a similar work at Delphi, representing the two daughters of Pandarus thus employed (παιζούσας ἀστραγάλοις, Paus. x. 30, § 1). But a much more celebrated production was the group of two naked boys, executed in bronze by Polycletus, and called the *Astragalizontes* (Plin. *H. N.* xxxiv. § 55). A fractured marble group of the same kind, preserved in the British Museum, exhibits one of the two boys in the act of biting the arm of his playfellow, so as to present a lively illustration of the account in Homer of the fatal quarrel of Patroclus (*Il.* xxiii. 87, 88). To play at this game was sometimes called πεντελιθίζειν, because five bones or other objects of a similar kind were employed (Pollux, *l. c.*; Hermipp. *fr.* 33 M.); and this number is retained among ourselves. This game was entirely one of skill; and in ancient no less than in modern times, it consisted not merely in catching the five bones on the back of the hand, as shown in the woodcut, but in a great variety of exercises requiring quickness, agility, and accuracy of sight.

Tali. (From a painting at Herculaneum.)

The name was also given to dice for playing games of chance [ALEA]; at first, no doubt, merely the natural bones marked with pips, afterwards of a conventional shape reproducing the peculiarities of the knuckle-bone. The length was greater than the breadth, so that they had four long sides and two pointed ends, one of them called κεραία (Aristot. *l. c.*), the other without a name. Of the four long sides, which alone were marked, two were broader, the others narrower. One of the broad sides was convex (πρηνής or πρανής), the other concave (ὕπτια); while of the narrow sides one was flat and called χῖον, the other indented. This was called κῷον, and as the rarest was also the luckiest throw, marked 6: the χῖον was marked 1, the broader sides 3 and 4, so that the numbers 2 and 5 were wanting. From the difference of their shapes they did not absolutely require to be marked, and sometimes the pips were dispensed with (Poll. ix. 99, τὸ δὲ σχῆμα τοῖς κατὰ τὸν ἀστράγαλον πτώματος ἀριθμοῦ δόξαν εἶχεν). It was the under side of the die, not the upper, that counted, as must be inferred from the fact of the narrowest side giving the highest throw (Marquardt, *Privatl.* 828).

The Greek and Latin names of the numbers were as follows (Pollux, *l. c.*; Eustath. *in* Hom. *Il.* xxiii. 88; Suet. *Aug.* 71; Mart. xiii. 1, 6):—1. Μονάς, εἷς, κύων, Χῖος (Brunck, *Anal.* i. 35, 242); 2. *Ion*, Οἴνη: *Unio*, *Volturius*, *canis* (Propert. v. (iv.) 8, 45; Ovid, *A. A.* ii. 206, *Trist.* ii. 473); 3. Τριάς: *Ternio;* 4. Τετράς: *Quaternio;* 6. Ἑξάς, ἑξίτης, Κῷος: *Senio.*

As the bone is broader in one direction than in the other, it was said to fall upright or prone (ὀρθὸς ἢ πρηνής, *rectus aut pronus*), according as it rested on a narrow or a broad side (Plut. *Quaest. Sympos.* v. 6, p. 680 a; Cic. *de Fin.* iii. 16, § 54).

Two persons played together at this game, using four bones, which they threw up into the air, or emptied out of a dice-box [FRITILLUS]. The numbers on the four sides of the four bones admitted of thirty-five different combinations. The lowest throw of all was four aces (*jacit volturios quatuor*, Plaut. *Curc.* ii. 3, 78). But the value of a throw (βόλος, *jactus*) was not in all cases the sum of the four numbers turned up. The highest in value was that called *Venus*, or *jactus Venereus* (Plaut. *Asin.* v. 2, 55; Cic. *de Div.* ii. 59, § 121; Propert., Suet. *ll. cc.*), in which the numbers cast up were all different (Mart. xiv. 14), the sum of them being only fourteen. It was by obtaining this throw that the king of the feast was appointed among the Romans (Hor. *Carm.* i. 4, 18; ii. 7, 25) [SYMPOSIUM], and hence it was called *Basilicus* (Plaut. *Curc.* ii. 3, 80). Certain other throws were called by particular names, taken from gods, illustrious men and women, and heroes. Thus the throw, consisting of two aces and two trays, making eight, was denominated *Stesichorus*. A multitude of these names of throws are given by Pollux (vii. 204 ff.), who quotes the following lines from the Κυβευταὶ of Eubulus (*fr.* 57 M.):—

> Κεντρωτός, ἱερός, ἅρμ' ὑπέρβαλλον πόδας,
> κήρυνος, εὐδαίμων, κυνωτός, ἄρτια,
> Λάκωνες, ἀντίτευχος, 'Αργεῖος, δάκνων,
> Τιμόκριτος, ἐλλείπων, πυαλίτης, ἐπίθετος,
> σφάλλων, ἀγυρτής, οἶστρος, ἀνακάμπτων, δορεύς,
> Δάμπων, Κύκλωπες, ἐπιφέρων, Σόλων, Σίμων.

The number of names far exceeds that of possible throws, so that some must have been identical. When the object was simply to throw the highest numbers, the game was called πλειστοβολίνδα (Pollux, ix. 117). Before a person threw the tali, he often invoked either a god or his mistress (Plaut. *Capt.* i. 1, 5; *Curc.* ii. 3, 77–79). These bones, marked and thrown as above described, were also used in divination (Suet. *Tib.* 14).

For the cubical die marked on all six sides, see TESSERA (Eustath. *ad Il.* xxiii. 87, p. 1397; Becq de Fouquières, *Jeux des Anciens*, ed. 2, pp. 325–356; Marquardt, *Privatl.* 826 ff.) [J. Y.] [W. W.]

TAMIAS (ταμίας) was a name given to any person who had the care, management, or dispensing of money, stock, or property of any description, confided to him, as a steward, butler, housekeeper, storehousekeeper, or treasurer. The word is applied metaphorically in a variety of ways. But the ταμίαι who will fall under our notice in this article, are more especially the treasurers of the temples and the revenues of different Greek states.

The name and office of ταμίαι occur in inscriptions throughout the Grecian world. One of the duties most commonly assigned to them was that of paying the expenses of public sacrifices; they are likewise mentioned as responsible for payments for the setting up of pillars with inscriptions, for honorary crowns, for the entertainment of foreign ambassadors and the salaries of those sent out for contracts for leases on behalf of the state, for lending at interest on its account, &c. (See lists of towns and inscriptions, mostly from Dittenberger, in Gilbert, *Staatsalterth.* ii. 334, and the Index.)

In ancient times every temple of any importance had property belonging to it, besides its furniture and ornaments; and a treasury where such property was kept. Lands were attached to the temple, from which rents accrued; fines were made payable to the god; trophies and other valuables were dedicated to him by the public; and various sacred offerings were made by individuals. The wealthiest of all the temples at Athens was that of Athena in the Acropolis, in which were kept the spoils taken from the Persians (τὰ ἀριστεῖα τῆς πόλεως), besides magnificent statues, painting, and other works of art (Dem. *c. Timocr.* 741, § 129). To the goddess large fines were specially appropriated by the law or given by decree of the courts or the assembly; and besides this she received a tenth of all the fines that went to the state, a tenth of all confiscations and prizes taken in war, a sixtieth of the tribute paid by the subject-allies [HELLENOTAMIAE]. Her treasurers were called ταμίαι τῶν ἱερῶν χρημάτων τῆς 'Αθηναίας (*C. I. A.* i. 117 ff., 188), or shortly, ταμίαι τῆς θεοῦ (*ib.* i. 324, &c.), and ταμίαι τῶν τῆς θεοῦ (*See-Urk.* p. 465; *C. I. A.* ii. 612, &c.), even simply ταμίαι (*ib.* i. 273, 299). They appear to have existed from an early period. Herodotus (viii. 51, 53) relates that the ταμίαι τοῦ ἱεροῦ with a few other men awaited the attack of Xerxes upon the Acropolis, and perished in its defence. They were ten in number, chosen annually by lot from the class of Pentacosiomedimni, and afterwards, when the distinction of classes had ceased to exist, from among the wealthiest of Athenian citizens (Harpocr. and Suid., *s. v.* Ταμίαι: Poll. viii. 97; *C. I. A.* i. 32, 299).

In early times there seem to have been as many boards of ταμίαι as there were temples; but in the archonship of Antilochides, 435–4 B.C., they were all united into one board (probably also of ten members), the ταμίαι τῶν ἄλλων θεῶν: while those of Pallas still remained distinct (*C. I. A.* i. 32, 194). Their treasury was at this time transferred to the same place as that of Athena, to the Opisthodomos of the Parthenon, where the state-treasures were also kept (Aristoph. *Plut.* 1193). In the archonship of Eucleides (B.C. 403), or soon after, these two boards were consolidated into one, now called οἱ ταμίαι τῶν ἱερῶν χρημάτων τῆς 'Αθηναίας καὶ τῶν ἄλλων θεῶν (*C. I. A.* ii. 2, 642 ff.). After a few years—the date is fixed by inscriptions at between 390–385 B.C. (Gilbert, i. 236 n.)—they were again separated, and in the time of Demosthenes we find the two bodies of ταμίαι still subsisting, οἱ τῶν τῆς θεοῦ and οἱ τῶν ἄλλων θεῶν (Dem. *c. Timocr.* p. 743, § 136).

All the funds of the state were considered as being in a manner consecrated to Pallas; while on the other hand the people reserved to themselves the right of making use of the sacred monies, as well as the other property of the temples, if the safety of the state should require it (Thucyd. ii. 13). It is to be observed that, though the state-treasure (ὅσια χρήματα) and the sacred treasure (ἱερὰ χρήματα) were kept for security in the same place, the Opisthodomos, they were always under distinct management. On this point the statement of Boeckh (*P. E.* p. 164 = *Sthh.*^{3} i. 200), that the ταμίαι τῆς θεοῦ were the common treasurers of both funds, requires correction from the researches of Kirchhoff (*Abh. d. Berl. Akad.* 1876; Fränkel, n. 268 on Boeckh). In the fifth century the state treasure was in the custody of the Hellenotamiae; the ταμίαι τῆς θεοῦ, and those of the other gods, drew from the sacred treasure what was required for religious purposes, of course on their own responsibility; and they advanced money out of it to the state, in the form of loans bearing interest (*C. I. A.* i. 273), though in hard times the repayment was often delayed. After the Peloponnesian war there must have been for a long time little or no reserve in the state treasury, and no special provision for its custody was wanted.

Payments made to the temples were received by the treasurers in the presence of some members of the senate, just as public monies were by the Apodectae; and then the treasurers became responsible for their safe custody. They had no discretionary power of dealing with the treasure committed to their care; it was by a special decree that Androtion obtained authority to melt down the golden crowns (Dem. *c. Androt.* p. 615, § 70); and if the story is true that they once lent money to the bankers for their own profit (Schol. *ad* Dem. *c. Timocr.* p. 743, § 136), it was an act of embezzlement. As to fines, see EPIBOLE, PRACTORES; and on the whole of this subject, Boeckh, bk. ii. ch. 5.

The treasurer of the revenue, *ταμίας* or *ἐπιμελητῆς τῆς κοινῆς προσόδου*, was a more important personage than those last mentioned. He was not a mere keeper of monies, like them, nor a mere receiver, like the Apodectae; but a general paymaster, who received through the Apodectae all money which was to be disbursed for the purposes of the administration (except the property-taxes which were paid into the war-office, and the tribute from the allies, which was at first paid to the Hellenotamiae, and afterwards to other persons hereafter mentioned), and then distributed it in such manner as he was required to do by the law: the surplus (if any) he paid into the war-office or the Theoric fund. As this person knew all the channels in which the public money had to flow, and exercised a general superintendence over the expenditure, he was competent to give advice to the people upon financial measures, with a view to improve the revenue, introduce economy, and prevent abuses. He is variously called *ταμίας τῆς κοινῆς προσόδου* (Decret. *ap.* Ps.-Plut. *Vitt. X. Oratt.* p. 852 B; in p. 841 B it is simply *ταμίας*), or *τῶν κοινῶν προσόδων* (Plut. *Arist.* 4), or *ὁ ἐπὶ τῆς διοικήσεως* (spurious decrees, *ap.* Dem. *de Cor.* p. 238, § 38, p. 265, § 115), or more usually *ὁ ἐπὶ τῇ διοικήσει*: this last appears to have been the official title (see Inscrr. in Gilbert, i. 233 n.): and was the nearest approach that Athenian institutions admitted to a modern finance minister or "Chancellor of the Exchequer." To him Aristophanes refers in *Eq.* 948. He was elected by *χειροτονία*, and held his office for four years, but was capable of being re-elected. A law, however, was passed during the administration of Lycurgus, prohibiting re-election (*Vitt. X. Oratt.* p. 841 C.); so that Lycurgus, who is reported to have continued in office for twelve years, must have held it for the last eight years under the names of other persons. On the financial career of Lycurgus, see Mahaffy, *Gr. Lit.* ii. 368. The power of this officer was by no means free from control; inasmuch as any individual was at liberty to propose financial measures, or institute criminal proceedings for malversation or waste of the public funds; and there was an *ἀντιγραφεὺς τῆς διοικήσεως* appointed to check the accounts of his superior. On the *πορισταὶ* who at one time assisted him in his duties, see Antiph. *de Chor.* § 49; Aristoph. *Ran.* 1505; Fränkel, n. 273 on Boeckh. [PORISTAE.]

The money disbursed by the treasurer of the revenue was sometimes paid directly to the various persons in the employ of the government, sometimes through subordinate pay offices. Many public functionaries had their own paymasters, who were dependent on the *ταμίας τῆς προσόδου*, receiving their funds from him, and then distributing them in their respective departments. Such were the *τριηροποιοί*, *τειχοποιοί*, *ὁδοποιοί*, *ταφροποιοί*, *ἐπιμεληταὶ νεωρίων*, who received through their own *ταμίαι* such sums as they required from time to time for the prosecution of their works. The payment of the judicial fees (*δικαστικὸν*) was made by the *κωλακρέται*. [COLACRETAE.] The *ταμίαι* of the sacred vessels, *τῆς Παράλου* and *τῆς Σαλαμινίας*, acted not only as treasurers, but as trierarchs; the expenses (amounting for the two ships together to about sixteen talents) being provided by the state. They were elected by *χειροτονία* (Demosth. *c. Mid.* p. 570, § 171; Pollux, viii. 116). Other trierarchs had their own private *ταμίαι*, for the keeping of accounts and better dispatch of business (Boeckh, *P. E.* bk. ii. ch. 6; Schömann, *Antiq. Jur. Publ.* pp. 250, 312).

The duties of the *Ἑλληνοταμίαι* are spoken of in a separate article. [HELLENOTAMIAE.]

The war fund at Athens (independently of the tribute) was provided from two sources: 1st, the property-tax [EISPHORA], and 2ndly, the surplus of the yearly revenue, which remained after defraying the expenses of the civil administration, *τὰ περιόντα χρήματα τῆς διοικήσεως* ([Dem.] *c. Neaer.* p. 1346, § 4). They had under them a treasurer, called *ταμίας τῶν στρατιωτικῶν*, who gave out the pay of the troops, and defrayed all other expenses incident to the service. Demosthenes, perhaps on account of some abuses which had sprung up, recommended that the generals should have nothing to do with the military fund, but that this should be placed under the care of special officers, *ταμίαι καὶ δημόσιοι*, who should be accountable for its proper application: *τὸν μὲν τῶν χρημάτων λόγον παρὰ τούτων λαμβάνειν, τὸν δὲ τῶν ἔργων παρὰ τοῦ στρατηγοῦ* (*de Cherson.* p. 101, § 47). The notion of Boeckh (*P. E.* p. 181 = *Sthh.*^{3} i. 223), Meier (in *Att. Process*), and Schömann (*Ant. Jur. Publ.* p. 252, n. 7), that one of the Strategi was called *στρατηγὸς ὁ ἐπὶ τῆς διοικήσεως*, is now rejected (Fränkel, n. 322 on Boeckh; Lipsius, *Att. Process*, p. 120, n. 243). No such phrase occurs among the special titles of Strategi gathered from inscriptions by Gilbert (*Staatsalterth.* i. 221 f.).

So much of the surplus revenue as was not required for the purposes of war, was to be paid by the treasurer of the revenue into the Theoric fund; of which, after the Archonship of Euclides, special managers were created. [THEORICA.]

Lastly, we have to notice the treasurers of the demi, *δήμων ταμίαι*, and those of the tribes, *φυλῶν ταμίαι*, who had the care of the funds belonging to their respective communities, and performed duties analogous to those of the state treasurers. The demi, as well as the tribes, had their common lands, which were usually let to farm. The rents of these formed the principal part of their revenue. *Φύλαρχοι*, *δήμαρχοι*, and other local functionaries were appointed for various purposes; but with respect to their internal economy we have but scanty information. (Schömann, *Assemblies*, pp. 371–378 = 349–355 tr. Paley; *Ant. Jur. Publ.* pp. 203, 204.) [C. R. K.] [W. W.]

TAPETE (*τάπης*, *τάπις*, or *δάπις*), a piece of tapestry, a carpet.

The use of tapestry was in very ancient times characteristic of Oriental rather than of European habits (Athen. ii. p. 48 n); we find that the Asiatics, and also the Carthaginians, who were of Asiatic origin, and the Egyptians, excelled in the manufacture of carpets, displayed them on festivals and other public occasions, and gave them as presents to their friends (Xen. *Anab.* vii. 3, § 18, 27). They were nevertheless used by the Greeks as early as the age of Homer, sometimes as pillows, sometimes as coverlets (*Il.* x. 156; xvi. 224; xxiv. 230, 645;—*Od.* iv. 298; vii. 337), and by some of the later Roman emperors they were given as presents to the combatants at the Circensian Games (Sidon. Apoll. *Carm.* xxiii. 427). The places most renowned for the manufacture were Babylon (Arrian, *Exped. Alex.* vi. 29, § 5; Sidon. Apoll. *Epist.* ix. 13), Tyre and Sidon (Heliodor. v. p. 252, ed. Commelin.), Sardes (Athen. ii. p. 48 b, vi. p. 255 e, xii. p. 514 c; Non. Marcell. p. 542), Miletus (Aristoph. *Ran.* 542), Alexandria (Plaut. *Pseud.* i. 2, 13), Carthage (Athen. i. p. 28 a), and Corinth (Id. i. p. 27 d). In reference to the texture, these articles were distinguished as those which were light and thin with but little nap, chiefly made at Sardes and called *ψιλοτάπιδες* (Athen. vi. p. 255 e, xii. p. 514 c; Diog. Laërt. v. 72), and those in which the nap (*μαλλὸς*) was more abundant, and which were soft and woolly (*οὖλοι*, Hom. *Il.* xvi. 224; *μαλακοῦ ἐρίοιο*, *Od.* iv. 124). The thicker and more expensive kinds (*μαλλωτοί*) resembled our baize or drugget, or even our soft and warm blankets, and were of two sorts, viz. those which had the nap on one side only (*ἑτερόμαλλοι*), and those which had it on both sides, called *ἀμφίταποι* (Athen. v. p. 197 b, vi. p. 255 e; Diog. Laërt. v. 72, 73), *amphitapae* (Non. Marcell. p. 540; Lucil. *Sat.* i. p. 188, ed. Bip.), or *ἀμφιτάπητες* (Eustath. *in* Hom. *Il.* ix. 200), and also *ἀμφίμαλλοι* or *amphimalla* (Plin. *H. N.* viii. § 193). They were frequently of splendid colours, being dyed either with the kermes (Hor. *Sat.* ii. 6, 102–106) or with the murex (*conchyliata*, *ἁλουργεῖς*, *ἁλιπορφύροι*), and having figures, especially hunting-pieces, woven into them (Sidon. Apoll. *l. c.*: Plaut. *Pseud.* i. 2, 14; *Stich.* ii. 2, 54; Lucret. ii. 35; Oribas. ii. p. 310, ed. Daremberg). These fine specimens of tapestry were spread upon thrones or chairs, and upon benches, couches, or sofas, at entertainments (Hom. *Il.* ix. 200, *Od.* iv. 124, xx. 150; Verg. *Aen.* i. 639, 697–700; Ovid, *Met.* xiii. 638; Cic. *Tusc.* v. 21, 61; LECTUS), more especially at the nuptials of persons of distinction. Catullus (lxiv. 47–220) represents one to have been so employed, which exhibited the whole story of Theseus and Ariadne. They were also used to sleep upon (Hom. *Il.* x. 156; Anac. viii. 1, 2; Theocr. xv. 125; Aristoph. *Plut.* 540; Verg. *Aen.* ix. 325, 358), and for the clothing of horses (*Aen.* vii. 277). The tapestry used to decorate the bier and catafalque at the APOTHEOSIS of a Roman emperor was interwoven with gold (Herodian, iv. 2, p. 82, ed. Bekker). The Orientals upon occasions of state and ceremony spread carpets both over their floors and upon the ground (Aeschyl. *Agam.* 910–960; Athen. iv. p. 131 b, xii. p. 514 c). [For the use of tapestry or Persian carpets as wall-hangings, *portières*, &c., see AULAEA.]

The *toralia* (valances, cf. LECTUS, p. 19 *a*) were sometimes *segmentatae*, i.e. either patchwork, or ornamented with "appliqué" work, pieces of tapestry or of embroidery in gold and colours sewn upon the *toral* (or *vestis*) in different shapes, as squares, rounds or stripes (Juv. vi. 89), and frequently in Arval inscriptions (see Marquardt, *Privatl.* 548). Tertullian calls the process "vestes purpura *oculare*" (*de Pud.* 8).

Besides the terms which have now been explained, the same articles of domestic furniture had denominations arising from the mode of using them, either in the TRICLINIUM (*tricliniaria Babylonica*, Plin. *H. N.* viii. 48, § 196) or in the CUBICULUM (*cubicularia polymita*, Mart. xiv. 150), and especially from the constant practice of spreading them out (*textile stragulum*, Cic. *Tusc.* v. 21, 61; *vestis stragula*, Liv. xxxiv. 7; Hor. *Sat.* ii. 3, 118; *στρωμναί*, Plut. *Lycurg.* p. 86; Athen. iv. p. 142 a, *στρώματα*, ii. p. 48 d). The Greek term *peristroma*, which was transferred into the Latin (Diog. Laërt. *l. c.*; Plaut. *Stich.* ii. 2, 54; Cic. *Phil.* ii. 27, 167), had probably the special signification of *valance* or drapery round the sides of the couch: the distinction is marked in Athen. ii. p. 48 c (cf. v. p. 197 b), and a representation of such *peristromata* on a funeral couch may be seen under FUNUS, Vol. I. p. 890. Its meaning therefore is much the same as that of *toral*, but it probably included (as indeed toral may have done) coverlets so large that they not only covered the couch, as *στρώματα*, but also hung down in drapery (Becker-Göll, *Charikles*, ii. 77; Marquardt, *Privatl.* 586; Semper, *der Stil.* p. 258). The word *plagulae* is sometimes used as equivalent to *stragula* or *στρώματα*, but usually means a curtain [see LECTICA]. [J. Y.] [G. E. M.]

TAPHUS (*τάφος*). [SEPULCRUM.]

TARENTI'NI LUDI. [LUDI SAECULARES.]

TARRHUS (*ταῤῥός*). [NAVIS, p. 224.]

TAU'RIA, a name given to the festival of Poseidon at Ephesus, in which those ministering were called *ταῦροι* (Hesych. *s. v.*; Athen. x. p. 425 c; Artemid. *Oneir.* i. 5). [L. S.]

TAU'RII LUDI. [LUDI TAURII.]

TAUROBO'LIUM. This rite was introduced at Rome when the worship of Syrian and Persian deities was established or extended there under the Antonines (Capitol. *M. Ant. Phil.* 13; Gibbon, *Rom. Emp.* ii. 265), and especially that of Mithras, the Persian sun-god, which lasted down to the end of the third century (Lamprid. *Comm.* 9; Hieronym. *Ep.* 57, vol. iv. 2, p. 591), and of Cybele in its later development [compare MEGALESIA]. A temple of the Magna Mater where these rites of *taurobolium* were celebrated stood on the Vatican, and a portion of St. Peter's is built over its site (*C. I. L.* vi. 494–564): a Mithraeum or temple of Mithras stood in the Campus on the edge of the seventh region and the *Via lata* (*ib.* 749–754); another on the Esquiline (*ib.* 748); others in different parts of Italy, as Ostia (Burn, *Rome and Campagna*, 371). Priesthoods were established with elaborate grades and strange titles, *κόρακες*, *κρύφιοι*, *leones*, *leaenae*, *ἡλιοδρόμοι*, *patres* (Hieronym. *l. c.*; Tertull. *de Cor.* 15). Whether this worship was coloured by an engrafting of a perverted Christianity, it is not our purpose here to inquire (see Tertull. *de Praescr. Haeret.* 40; Matern. 27, 8; Pressensé, *Hist. des Trois Premiers Siècles*, ii. 2, pp. 12–20). A special feature of these mysteries was the baptism of blood from a slaughtered bull or ram (*taurobolium* or *criobolium*), which was supposed to regenerate those who were so sprinkled. In the reign of Julian persons of the highest rank and the great priesthoods of the state participated [SACERDOS, p. 576]. We find a description of the ceremonies in Prudent. *Peristeph.* x. 1011–1050: the persons who were to be so consecrated to regeneration, wearing the *mitra* with a golden circlet and the *cinctus Gabinus*,' were placed beneath a platform upon which a bull or ram decked with garlands and having gilded horns was slain: the blood flowing through the chinks in the platform streamed over those beneath, each of whom was supposed to return home "taurobolio in aeternum renatus" (*C. I. L.* vi. 510). Numerous ancient reliefs represent these rites (see cut under ACINACES; Zoega, *Bassirel.* i. 59, 103; Baumeister, *Denkm.* p. 925). The votive altars have symbols on them: *e.g.*, on one found on the Vatican and dedicated to Cybele by a XV. vir Julius Italicus, A.D. 305, is engraved a pine-tree with a syrinx, pedum, tympana, and the heads of a bull and ram and the words "taurobolium percepi" (*C. I. L.* vi. 497): on an altar to Mithras of the year A.D. 376, two pine-trees, under which respectively are bound a ram and a bull, in the branches hang pedum, fistulae, and sistra. This is dedicated by Ulpius Faventinus: "Augur, pater et hieroceryx Dei solis invicti Mithrae, archibucolus Dei Liberi, hierophanta Hecatae, sacerdos Isidis," and the inscription concludes with the lines—

> "Vota Faventinus bis deni suscipit orbis
> Ut mactet repetens aurata fronte bicornes,"

which probably means that the ceremony is to be renewed in twenty years (*ib.* 504). Especially un-Roman in its phraseology is one which a praefectus urbis dedicates, A.D. 374, to Mater Magna, Hermes, and Attis Menotyrannus, "diis animae suae mentisque custodibus" (*ib.* 499). The *taurobolium* was introduced not only in the rites of Mithras and Cybele, but also in those of Venus Caelestis (*C. I. L.* x. 1546). For further details, see Marquardt, *Staatsverw.* iii. 87 ff.; Pressensé, *l. c.*; Lanciani, *Ancient Rome*, pp. 166, 192. [G. E. M.]

TAXIARCHI (ταξίαρχοι) were military officers at Athens, who were next in rank to the strategi [STRATEGUS]. They were ten in number, like the strategi, one for each tribe, and were elected in the same way, namely by χειροτονία (Dem. *Phil.* i. p. 47, §§ 26, 27; Pollux, viii. 87). In war each commanded the infantry of his own tribe (Dem. *c. Boeot.* i. p. 999, § 17; Aesch. *de fals. Leg.* § 169), and they were sometimes, at any rate, summoned to the council of war (Thucyd. vii. 60). In peace they assisted the strategi in levying and enlisting soldiers; the preparation of the register (κατάλογος) of those liable to service rested upon the demarchs for each deme, and the taxiarchs as representing the tribes, under the strategi. They might also be called upon to act as the deputies of the strategi in military trials (Dem. *c. Boeot.* l. c.).

The taxiarchs were so called from their commanding τάξεις, which were the principal divisions of the hoplites in the Athenian army. Each tribe (φυλή) formed a τάξις, whence we find φυλή used as synonymous with τάξις (Lys. *in Agorat.* §§ 79, 82). As there were ten tribes, there were consequently in a complete Athenian army ten τάξεις, but the number of men contained in each would of course vary according to the importance of the war. Among the other Greeks the τάξις was the name of a much smaller division of troops. The λόχος among the Athenians was a subdivision of the τάξις, and the λοχαγοί were probably appointed by the taxiarchs (Schömann, *Ant. Jur. Publ.* p. 253 ff.). [W. S.] [W. W.]

TAXIS (τάξις). [TAXIARCHI.]

TECTO'RIUM OPUS. [PARIES.]

TEGULA (κέραμος, κεραμίς), a tile, made of baked clay, yellow or red. Under the name of *tegulae* are included (1) wall-tiles = *testae* or *lateres cocti*, so called to distinguish them from the *lateres* or sun-dried bricks [LATER]; for the manner in which these were used in building, see MURUS, pp. 189, 190, and DOMUS, Vol. I. p. 684: (2) having tiles either laid simply as large flat tiles 1½ feet or 2 feet square (*tegulae sesquipedales*, *bipedales*, Vitruv. v. 10, 2; Pallad. i. 19, 1), or in small pieces (*tesserae*) to form patterns (see Birch, *Ancient Pottery*, p. 478; BALNEAE, Vol. I. p. 278; PICTURA, p. 397): (3) flue tiles, either *tubi* or *tegulae mammatae* [see BALNEAE, Vol. I. p. 277]: (4) roofing tiles, which have more particularly to be described in this article. At Rome the houses were (after the period of the ruder thatch) roofed with shingles (*scandulae*), down to the time of Pyrrhus, when tiles began to supersede the old roofing material (Plin. *H. N.* xvi. § 36; Niebuhr, *Hist. of Rome*, vol. iii. p. 559). [For Greek roofs, see DOMUS, Vol. I. p. 663.]

Tiles were originally made perfectly flat, or with nothing more than the hook or nozzle underneath the upper border, which fulfilled the purpose of fixing them upon the rafters. They were afterwards formed with a raised flange on each side, as is shown in the annexed woodcut representing the section of four of the tiles remaining at Pompeii.


Section of tiles at Pompeii.

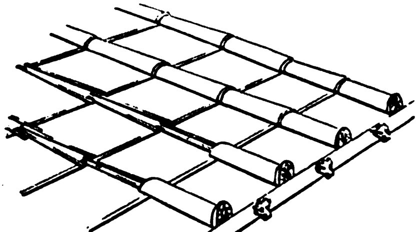

Ornamented fronts of tiles.

Frontons of tiled roof.

In order that the lower edge of any tile might overlap the upper edge of that which came next below it, its two sides were made to converge downwards. This is illustrated in Birch by the annexed flange-tile. See also the next woodcut representing a tiled roof, from a part of which the joint-tiles are removed in order to show the overlapping and the convergence of the sides. It was evidently necessary to cover the lines of junction between the rows of flat tiles, and this was done by the use of semicylindrical tiles called *imbrices* (*καλυπτῆρες*, Dionys. vi. 92; Poll. x.

Flange tile found in London. (Birch.)

157). The first woodcut on preceding page shows the section of three imbrices found at Pompeii, and indicates their position relatively to the flat tiles. This is also shown in the cut below. The roof, by the exact adaptation of the broad *tegulae* and the narrow *imbrices* throughout its whole extent, became like one solid and compact framework (Xen. *Mem.* iii. 1, § 7; *confringit tegulas imbricesque*, Plaut. *Most.* i. 2, 28; Plin. *H. N.* xxxv. § 159). The rows of joint-tiles divided the roof into an equal number of channels, down which the water descended into the gutter (*canalis*) to be discharged through openings made in the lions' heads, the position and appearance of which are shown in the woodcuts. An ornamental arrangement of tiles called *pavonaceum* is mentioned by Pliny (xxxvi. § 159): probably the tiles were then semicircular and overlapped like the feathers in the tail of a peacock. The rows of flat tiles terminated in a variously ornamented front, which rose immediately above the cornice, and of which four specimens are shown in the first woodcut. The first and fourth patterns are drawn from tiles found at Pompeii, and the two intermediate from tiles preserved in the British Museum and brought thither from Athens. The lions' heads upon the third and fourth are perforated. [ANTEFIXA.] The frontons, which were ranged along the cornice at the termination of the rows of joint-tiles, were either painted or moulded in various forms. The first woodcut shows three example of such frontons, which belong to the Elgin Collection in the British Museum. They are drawn on a much larger scale than the other objects in the same woodcut. The invention of these ornaments is ascribed to Butades of Corinth (Plin. *H. N.* xxxv. § 153).



Tegulae.

For greater splendour, especially where tiles were to be used in temple-roofs [TEMPLUM], marble slabs cut like tiles were used (*marmoreae tegulae*, Liv. xlii. 3; Val. Max. i. 2, 20): the invention was ascribed to Byzes of Naxos in the 7th cent. B.C. (Pausan. v. 10, 2). We hear also of bronze and bronze-gilt tiles (Plin. *H. N.* xxxiii. § 57). For the construction of roofs, see DOMUS, Vol. I. pp. 668, 685. (Birch, *Ancient Pottery*, pp. 469–481; Blümner, *Technologie*, ii. 29 ff.; Marquardt, *Privatleben*, pp. 636 ff.)

[J. Y.] [G. E. M.]

TEICHOPOEI (*τειχοποιοί*). Among the various persons to whom was entrusted the management of public works at Athens (*ἐπιστάται δημοσίων ἔργων*). were those whose business it was to build and keep in repair the public walls. It is needless to observe how important to the city of Athens were her walls and fortifications, more especially the long walls, which connected the upper city with the Peiraeus, and which gave it the advantages of an island. These were maintained at considerable expense. The *τειχοποιοί* appear to have been elected by *χειροτονία*, one from each tribe, and, like other similar officers, for a year. They were considered to hold a magisterial office (*ἀρχή*), and in that capacity had a *ἡγεμονία δικαστηρίου*. Aeschines calls them *ἐπιστάται τοῦ μεγίστου τῶν ἔργων*. Funds were put at their disposal, for which they had their treasurer (*ταμίας*), dependent on the treasurer of the revenue (Aeschin. *c. Ctes.* § 27). They were liable to render an account (*εὔθυναι*) of their management of these funds, and also of their general conduct, like other magistrates. The office of *τειχοποιὸς* has been invested with peculiar interest in modern times, on account of its having been held by Demosthenes, and its having given occasion to the famous prosecution of Ctesiphon, who proposed that Demosthenes should receive the honour of a crown before he had rendered his account according to law. As to the nature of the office, and the laws thereto relating, we may probably rely upon the account given by Aeschines. (Aeschin. *c. Ctes.* §§ 14, 17, 24; cf. documents (doubtful) *ap.* Dem. *de Cor.* p. 243, § 55, p. 266, § 118; Boeckh, *P. E.* pp. 170, 203 = *Sthh.*^{3} i. 211, 257.) [C. R. K.] [W. W.]

TELA (*ἱστός*), a loom. The elementary principle of weaving being merely the crossing of threads over and under, it is probable that it first took the form of simple plaiting (Lucret. v. 1349; cf. the term *ἔμπλεξις τοῦ στήμονος*, Plat. *Polit.* p. 282 E); but we have no record of a time when the real loom in some form or other was unknown to the Greeks and Romans. Its construction in many points is clear, but there are also several questions which cannot be answered with certainty, and about which we must be content with conjectures. Even now the dispute whether writers of the Augustan age are speaking of the upright or the horizontal loom cannot be said to be ended.

From plaiting comes naturally the idea of stretching fixed threads and working a cross thread alternately over and under: for everything woven consists of two parts, the fixed thread or warp (*stamen*, *στήμων*), and the woof or weft (*subtemen*, later *trama*,[*] *κροκή*). Instead of *κροκή* we sometimes find *ἐφυφή* used (Plat. *Legg.* v. p. 734 E), and in this passage, as well as in Plat. *Polit.* p. 283 E, we find noticed one of the most important differences between the warp and the weft; viz. that the threads of the former are strong and firm in consequence of being more twisted in spinning, while those of the latter are comparatively soft and yielding. This is in fact the difference which in modern silk manufacture distinguishes *organzine* from *tram*, and in cotton manufacture *twist* from *weft*. Another name for the weft or tram was *ῥοδάνη* (*Batr.* 181; Eustath. *ad Il.* xxiii. 762; *Od.* v. 121).

It may facilitate reference to arrange the parts of the loom under different heads, noting the terms discussed in each:—I. Words connected with the arrangement of the *stamen* (*στήμων*, warp); viz. the framework, *jugum*, *insubuli*, *scapi*, *κελέοντες*; *ordiri*, *διάζομαι*, *καῖρος*: *pondera* *ἀγνῦθες*, *λεῖαι*: II. Those connected with the *licia* or *μίτοι* ("shedding" by leashes or heddles); viz. *arundo*, *liciatorium*, perhaps *insilia* (*κανών*, perhaps *ἀντίον* = "heddle-leaf"): III. With the radius (*κερκίς*, shuttle); viz. *πήνη*, *panus* (bobbin or spool), *subtemen*, *trama* (*κροκή*, weft, woof or tram): IV. With the *spatha*, and the later *pecten* (*σπάθη* and *κτείς* = reed, lay, batten): V. The question of upright and horizontal looms: VI. Style and pattern.

I. The threads of the warp were called *stamina*, *στήμονες*, because they were, at any rate originally, fixed at certain intervals in a row, *upright*, i.e. perpendicularly from the top to the bottom of the loom (Varr. *L. L.* v. 113). For the same reason the very first operation in weaving was to set up the loom, *ἱστὸν στήσασθαι* (Hom. *Od.* ii. 94; Hes. *Op.* 779); and the web or cloth, before it was cut down or "descended" from the loom (*κατέβα ἀφ' ἱστῶ*, Theoc. xv. 35), was called "vestis pendens" or "pendula tela" (Ov. *Met.* iv. 395; *Ep.* i. 10), because it hung down from the transverse beam, which was probably the *jugum*, our "yarn-beam." This transverse beam with the two upright side-posts (*ἱστοπόδες* or *κελέοντες*, Theoc. xvii. 34) formed the whole framework (*ἱστὸς* or *tela*) of the primitive loom. Blümner indeed denies that jugum had this meaning, on the ground that Ovid (*Met.* vi. 55) uses it in speaking of what he believes to be the horizontal loom. But (1) from analogy of the other senses of the word [see Jugum], the only *natural* view is, that in the loom it means the bar connecting the uprights (Ahrens well compares the jugum under which the vanquished passed): (2) this explains the *jugum* of the lyre, which we may suppose to have been named from a resemblance to the loom, the strings stretched from the jugum being compared to the threads of the warp: (3) even if Blümner's theory were right as to the horizontal loom—(for arguments against it, see under V.)—the jugum might still be the cross-bar joining the side-pieces, on which the warp-threads (here called collectively "tela") are bound: and (4) the name of *tela jugalis* (Cat. *R. R.* 10, 14) is then easily explained as being the primitive loom, in which the warp was fastened directly to the jugum, with no second cross-bar or "yarn-beam" underneath, as in the woodcut below. The doubtful words to be noticed in the structure of the loom are *insubuli* and *scapi*. The former is explained by Blümner as = *κανόνες*: the words of Isidore, however (*Or.* xix. 29), "insubuli quia infra supra sunt," seem rather to indicate that the yarn-beam and cloth-beam were together known by this name. In the earliest and simplest frame, as will be shown, where the web was not longer than the loom itself, the top-bar acted as the yarn-beam, and there was no cloth-beam at all, but (as in the Chiusi vase, and in the Icelandic loom represented in fig. 1) it was a useful addition to have a second upper bar as yarn-beam, which might take the form of a roller with a reserve of warp, and again, instead of the *καῖρος* and weights at the bottom of the loom, to have a beam on which the cloth could be rolled as it was made. *Scapi*, according to Blümner, also = *κανόνες*, as in the gloss "scapi, *κανόνες γερδιακοί*:" Rich and Monro (*ad* Lucret. v. 1361) translate it "yarn-beam:" the use of scapus in Plin. *H. N.* xiii. § 77 for the roll of a book would rather suggest the cloth-beam as its part in the loom; but on the whole, if we reason from the ordinary sense of scapus, we may best suppose the scapi of the loom to be the *side-posts* = *κελέοντες*, for which a Latin name is wanted: the epithet "sonans" may refer to the rattling of the loom generally.

The fastening of the warp to the top-bar or *jugum* was called specially *διάζεσθαι*, *στημονίζεσθαι*, and in Latin *ordiri*, *exordiri* (Plaut. *Pseud.* i. 4, 6; *Bacch.* ii. 3, 116; cf. Cic. *de Or.* ii. 33, 145): the handing of the threads for this process, when two persons were setting up the loom, is *προφορεῖσθαι*, which involved some running backwards and forwards, which is the meaning of the word in Aristoph. *Av.* 4 (Schol. *ad loc.*; Hesych. *s. v.*: the rendering in L. and S. is at variance with these authorities). The process is well illustrated by Nonnus (*Dion.* vi. 150):—

> *καὶ ποσὶ φοιταλέοισι παλίνδρομος ἀκμὸν ἀπ' ἀκροῦ*
> *πρωτοπαγῆ ποίησε διάσματα, φάρεος ἀρχήν,*
> *ἱστῷ δ' ἀμφὶς ἔλισσεν.*

This moving backwards and forwards (*ἱστὸν ἐποίχεσθαι*, *Od.* x. 222) belonged to the old fashion of standing to weave, before the fashion of sitting and beginning the web at the bottom of the loom was introduced from Egypt. Nonnus describes it in Epic manner, though the loom at which the worker *sat* no doubt prevailed in his

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[*] This word is, we venture to think, wrongly explained by Marquardt and Blümner, who, though they admit the later meaning = *subtemen*, assign as its proper meaning "the opening of the warp when parted to let the weft through." If that were the case, and it were nothing but a void, it is difficult to see how it could ever mean a woven piece. In truth both ἤτριον (strictly "the woven thing") and *trama* mean the crossing of threads after the *subtemen* is shot through; hence *trama* came to mean also the *subtemen* itself (Serv. *ad Aen.* iii. 483; Isid. *Or.* xix. 29; Non. p. 149, 22), but in Plin. *H. N.* xi. § 81, it is clearly the web of crossed threads, and this meaning will suit Sen. *Ep.* 90, 24, and Pers. vi. 73, where the bare crossed threads, with the nap worn away, are signified. That *ἤτριον* also means *web* seems clear from Plat. *Phaed.* p. 268 A; Tim. *Lex. Plat.*; Theocr. xviii. 337; *Anth. Pal.* ix. 350.

time. In setting the warp for lighter fabrics the threads were stretched fewer and further apart, and the web was then *ἀραιόστημος* or *μανόστημος*, as opposed to the thicker and coarser *στημόνιον*, *πολύστημος* or *πυκνόστημος*. But the warmth required in winter was secured by driving the softer weft threads closer, *στημόνι δ' ἐν παύρῳ πολλὴν κρόκα μηρύσασθαι* (Hes. *Op.* 538).

It may be supposed that the threads of the warp would easily fall out of place and become entangled unless they were secured at both ends: this in more modern looms is effected by the "yarn-roll" or "yarn-beam" at one end, and the "cloth-roll" at the other. In the older Greek and Roman looms the warp was fastened to the *jugum* at the top, and the lower end of each warp-thread was passed through a loop (*καῖρος*), and also had a weight attached to it to make it hang straight. This lower row of loops (*καῖροι*, *καίρωμα*) must (as Blümner rightly shows, *Techn.* i. 126) be distinguished from the *μίτοι* or *licia* with which they are sometimes confused. This is clear from the explanation in *Etym. Mag.* and Eustath. *ad Od.* vii. 107, *παρὰ τὸν μίτον* [*i.e.* parallel to, but below, the *μίτοι*] *ὑπὲρ τοῦ μὴ συγχεῖσθαι τοὺς στήμονας*. Hence it is probable that the Homeric adjective *καιροσέων* is a mere synonym for *ὑφασμένων*. The weights attached to the end of each warp-thread were called *ἀγνῦθες* or *λεῖαι* (Poll. vii. 36), in Latin merely *pondera* (Sen. *Ep.* 90, 20): they were either simple stones with a hole bored through them, or made of pottery: a great number of these have been found: Blümner refers to Ritschl, *Ueber antike Gewichtsteine*, Bonn, 1866; see also the account of those found at Hissarlik (Schliemann, *Troja*, p. 163); it is possible that many of the terra-cotta "whorls" which he thinks intended for spindles may have been weights for weaving (*ib.* p. 41). In the Scandinavian ode translated by Gray as *The Fatal Sisters*, the weights are warriors' skulls. Perhaps the expression there, "the weights that *play* below," may explain the *λίθον ὀρχηστῆρα* of Nonn. *Dion.* xxiv. 254.

Whilst the improvements in machinery have to a great extent superseded the use of the upright loom in all other parts of Europe, it remains almost in its primitive state in Iceland. The following woodcut is reduced from an engraving of the Icelandic loom in Olaf Olafsen's *Economic Tour* in that island, published in Danish at Copenhagen, A.D. 1780, which will probably illustrate the earlier Greek and Roman loom better than any of the few representations on ancient vases which have been discovered. (For the best of these, Penelope's loom, on a vase from Clusium, see Baumeister, *Denkm.* fig. 2332.) We observe underneath the jugum a roller which is turned by a handle, and on which the web is wound as the work advances. The threads of the warp are divided into thirty or forty parcels, to each of which a stone is suspended for the purpose of keeping the warp in a perpendicular position and allowing the necessary play to the strokes of the spatha, which is drawn at the side of the loom: they correspond to the *καῖρος* or *καίρωμα* described above. These knotted bundles of threads to which the stones were attached often remained after the web was finished, in the form of a fringe. [FIMBRIA.] In the centre of the web we see the attachment of the threads of the warp by means of leashes to three rods (*κανόνες*, *liciatoria*). This important and intricate part of the loom needs some explanation.

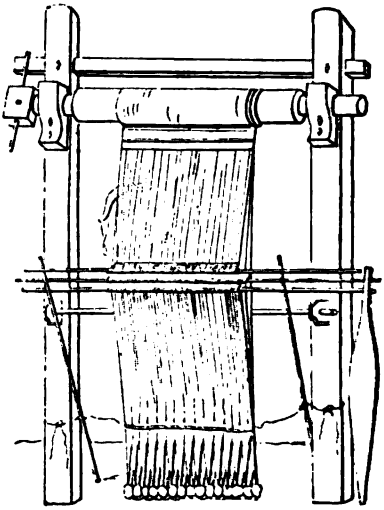

Fig. 1. Icelandic loom.

II. In the most primitive method of weaving it is probable that the passage for the weft was opened merely by a transverse rod (*arundo*, *κανών*) passed through the warp, separating the threads so that they were alternately on either side of the arundo. This seems to be shown in Circe's loom (fig. 4), for we can hardly think Ahrens (*Philog.* xxxv. p. 391) right in taking it to be Circe's magic wand. Such a method of course only admits of plain weaving without a pattern, and moreover the shifting of the arundo would be slow and tedious: in order that the weft might be taken backwards and forwards across the warp passing over or under as might be required, it would be necessary laboriously to raise or depress each thread separately, as in plaiting, unless the improved plan, which was already in use in the Homeric age, of "decussating," or as it is now called "shedding," the warp by leashes (*μίτοι*, *licia*) had been invented. By a leash, or as weavers term it "a heddle," we are to understand a thread having at one end a loop, through which a thread of the warp was passed, the other end being fastened to a straight rod (*κανών*, *arundo*; later *liciatorium*). Thus, supposing that only plain weaving without a pattern is required, so that the weft is merely to pass over and under alternately, and we number the warp-threads 1, 2, 3, 4, &c., all the leashes holding the threads of uneven numbers 1, 3, &c. are tied to one rod or *liciatorium*, while all those holding the threads 2, 4, &c. are tied to another, and by simply moving one rod forward and the other back a free passage is opened for the weft to shoot through. But here, though there might be a coloured stripe by changing at regular intervals the colour of the thread in the weft, or other variations by colouring different threads of the warp (see below), there could be no elaborate colour pattern and no pattern at all of the *texture*. This was produced, just as it is now, by a contrivance for passing over at requisite places a number of warp-threads together, so that the weft might pass under one and over two or under one and over three, and so on. Since it is obvious that it must not be the same single threads that are raised (or, in the upright loom, brought forward) and the same two or more that are depressed (otherwise there would be no weaving at all), it is necessary that there should be an additional set of leashes or "heddles" for every increase of variation, so as to vary the threads which are raised or depressed. When there was one additional set, the weaving was called *bilix*, *δίμιτος*, of which the Icelandic loom in the woodcut above gives an example: with two additional sets it was *trilix*, and then could pass under one and over three: for great complexity of pattern a great many sets of leashes were used (see further below). The details of this part of the subject can be studied in modern weaving. The *principle* of varying the pattern was really exactly the same as in the loom of to-day: the only difference lies in the mechanical contrivances which make the work vastly more rapid. In the earliest times not only the shuttle, but the *liciatoria*, *κανόνες*, or leash-rods ("heddle-leaves"), were worked by the hand. This is signified by Homer:

> ἐπὶ δ' ὤρνυτο δῖος 'Οδύσσευς
> ἄγχι μάλ' ὡς ὅτε τίς τε γυναικὸς ἐϋζώνοιο
> στήθεός ἐστι κανών, ὅντ' εὖ μάλα χερσὶ τανύσσῃ
> πηνίον ἐξέλκουσα παρὲκ μίτον, ἀγχόθι δ' ἴσχει
> στήθεος.—(*Il.* xxiii. 760, imitated by Nonn. *Dion.* vi. 152, 631.)

Here, as rightly explained by Blümner and Marquardt, Odysseus is near to Ajax, as the *κανὼν* or leash-rod is to the breast of the weaver, when she brings it forward with one hand (*ἀγχόθι ἴσχει στήθεος*), in order with the other hand to draw the weft through the "shed," or, as it is expressed, "behind the leashes," *i.e.* behind the warp held in the leashes (*παρὲκ μίτον*). Heyne and others, who make the *κανὼν* the shuttle, not only give the word a wrong meaning, but miss the point, since at the upright loom part of the warp must always be between the shuttle and the weaver, and it is only the *κανὼν* which would be moved nearer the body. It is possible, perhaps probable, that the Greeks and Romans of later times used treadles for moving the *liciatoria*, but we have no direct evidence of it, nor any word to express it: as, however, they worked many machines with the feet, it is unlikely that they omitted to do so in weaving. Some indeed explain INSILIA in Lucret. v. 1352 as *treadles*, but we believe it to be more correctly understood as=*liciatorium* (see Munro *ad loc.*). The Icelandic loom, like the Homeric, has no treadle, and hence we see two rods at the side which can give some help to the single weaver by fixing the leash-rod, as required, while he works the shuttle; but this is clearly a slower process than using the feet to release the hands. The *ἀντίον* (Aristoph. *Thesm.* 822) Blümner explains as a special name of one of the *κανόνες* (cf. Poll. vii. 36).

III. We have described the comparatively coarse, strong and much-twisted threads designed for the *warp* arranged in parallel lines, and the leashes ready to "shed" them: we have now to speak of the shuttle which conveyed the *weft* or *woof* across. This implement was called *κερκὶς* in Greek and *radius* in Latin (Hom. *Od.* v. 62; Plat. *Polit.* p. 281 E, *Cratyl.* p. 388 C; Ov. *Met.* iv. 275, compared with Hom. *Il.* xxii. 448): it is imagined of gold in Homer (*l. c.*), but was usually of wood (Plat. *Cratyl.* p. 389; Ov. *Met.* vi. 132): the end pointed (Soph. *Ant.* 976; Ov. *Met.* vi. 56): the humming sound of its passage is expressed by Aristoph. *Ran.* 1315. The *κερκὶς* or *radius* was strictly, like our shuttle, the receptacle for the "bobbin" (*πήνη πηνίον*, *panus*, *panuvellium*) on which the weft was wound (Hom. *Il.* xxiii. 762; Eur. *Hec.* 470; *Anth. Pal.* vi. 288; Varr. *L. L.* v. 114; Isid. *Or.* xix. 29). The annexed woodcut shows the form in which it is still used in some retired parts of our island for common domestic purposes, and which may be regarded as a form of great antiquity. An oblong cavity is seen in its upper surface, which holds the bobbin. A small stick, like a wire, extends through the length of this cavity, and enters its two extremities so as to turn freely. The small stick passes through a hollow cane, which our manufacturers call a *quill*, and which is surrounded by the woof. This is drawn through a round hole in the front of the shuttle, and, whenever the shuttle is thrown, the bobbin revolves and delivers the woof through this hole. The ancient "shuttles" in the Mayence Museum (Blümner, p. 146) are probably, though not certainly, rightly so named. They are pen-shaped and would have to be turned round for the return passage, only one end being pointed. The process of winding the yarn so as to make it into a bobbin or pen was called *πηνίζεσθαι* (Theoc. xviii. 32), or *ἀναπηνίζεσθαι* (Aristot. *H. A.* v. 19). The reverse process by which it was delivered through the hole in front of the shuttle (see the last woodcut) was called *ἐκπηνίζεσθαι*. Hence the phrase *ἐκπηνιεῖται ταῦτα* means "he shall disgorge these things" (Aristoph. *Ran.* 586; Schol. *in loc.*).

Fig. 2. The shuttle.

IV. Supposing the warp to have been thus adjusted, and the pen or the shuttle to have been carried through it, it was then decussated or "shedded" by drawing forwards the proper rod, so as to carry one set of the threads of the warp across the rest, after which the weft was shot back again (the shuttle being thrown by the hand, as was the case even down to 1738), and by the continual repetition of this process the warp and woof were interlaced; and in "fancy" weaving, with several sets of leashes, the pattern was produced. It was necessary further to close up the weft threads. It has been said above that, after the weft had been conveyed by the shuttle through the warp, it was driven originally in Rome and Greece upwards, as is represented in the first woodcut, but afterwards, according to the prevalent fashion in Egypt, downwards, as in the second (Isid. *Orig.* xix. 22; Herod. ii. 35). Two different instruments were used in this part of the process. The simplest and most ancient was in the form of a large wooden sword (*spatha*, *σπάθη*, *dim.* *σπάθιον*, Plato, *Lysis*, p. 208; Aesch. *Choeph.* 226). From the verb *σπαθάω*, to beat with the spatha, cloth rendered close and compact by this process was called *σπαθητός* (Athen. xii. p. 525 d): when the weft is not driven close, as in light, transparent fabrics, it is called *λεπτοσπάθητος* (Soph. *Fr.* 400): the close texture *πολυσπαθής* (*Anth. Pal.* vi. 39). This instrument is still used in Iceland exactly as it was in ancient times, and a figure of it, copied from Olafsen, is given in the first woodcut.

The spatha was, however, superseded by the comb (*pecten*, *κτείς*), the teeth of which were inserted between the threads of the warp, and thus made by a forcible impulse to drive the threads of the woof close together. (Ovid, *Fast.* iii. 820, *Met.* vi. 58; Juv. ix. 26; Verg. *Aen.* vii. 14; Nonn. *Dion.* xxiv. 253; Poll. vii. 35.) As to its form, we are told only that it was an implement with teeth. Blümner doubts if the example from an Egyptian tomb figured by Rich is a pecten, but we think that the correctness of Rich in this point is established by the very similar pecten of which we give an illustration. It is the comb now used in parts of Asia Minor in the loom shown below (fig. 6), which we believe to resemble closely the later form of the Greek and Roman loom. As a late introduction, instead of the *σπάθη*, it is mentioned only in late Greek writers: it originated in Egypt, whence it is called *Niliacus* in Mart. xiv. 150 (cf. Verg. *Cir.* 179).* Among us the office of the comb is executed with greater ease and effect by the *reed*, *lay*, or *batten*.

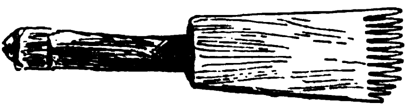

Fig. 3. Weaving comb used in Asia Minor. (Benndorff.)

The lyre [LYRA], the favourite musical instrument of the Greeks, was only known to the Romans as a foreign invention. Hence they appear to have described its parts by a comparison with the loom, with which they were familiar. The terms *jugum* and *stamina* (Ov. *Met.* xi. 169) were transferred by an obvious resemblance from the latter to the former object; and, although they adopted into their own language the Greek word *plectrum* (Ovid, *Met.* xi. 167–170), they used the Latin PECTEN to denote the same thing, not because the instrument used in striking the lyre was at all like a comb in shape and appearance, but because it was held in the right hand and inserted between the strings of the lyre as the comb was between the stamina of the loom (Verg. *Aen.* vi. 647; Pers. vi. 2).

V. *The two kinds of upright looms and the supposed horizontal loom.*—At some time or other a more convenient form of loom was introduced into Europe, in which the web was worked in a flat horizontal frame instead of hanging vertically in front of the weaver. The parts of this loom are the same in nature and object as those described above, except that, as the warp frame lies flat, the leashes or heddles must be worked vertically up and down instead of backwards and forwards; and if the Romans used such a loom, the *licia* and *liciatorium* depended from a cross-beam raised above the flat *tela*. But when this change came, and even whether it belongs to anything earlier than mediaeval times, is a matter of doubt. The view of Blümner and Marquardt is that in the Augustan age the horizontal loom had already superseded in ordinary use the upright loom. We are led to conclude, though with diffidence in opposing such authorities, that the evidence is not only too slight to warrant such an assertion, but that it points the other way: we go far beyond Rich in this view, and hold, with Ahrens, that the horizontal loom does not belong to ancient Greece and Rome at all, and was probably introduced into Europe by the Arabs.

First, as to the passages which speak definitely of a change in looms: Artemidorus speaks of two kinds of looms, the *ἱστὸς ὄρθιος*, at which the weaver is said *περιπατεῖν*, and the *ἕτερος ἱστός*, at which she sits (*Oneirocr.* iii. 36). Similarly, *standing* to weave is called "old-fashioned" by Festus, pp. 277, 8; 288, 33; Serv. *ad Aen.* vii. 14; Hesych. *s. v.* *ἐποιχόμενοι*; Isid. *Orig.* xix. 22. But sitting does not imply the horizontal loom: it merely distinguishes the "Egyptian" fashion of beginning the cloth at the bottom of the loom, as will be seen below. Nor can any argument be drawn from the implements used. Blümner (as was said before) believes *jugum* to be only the beam for hanging *licia* above the horizontal loom, and therefore assumes that all looms, in which a jugum is mentioned, are horizontal: but we cannot accept his view about the meaning of jugum as proved or even likely: if it were, Ovid's "tela jugo vincta est" (see above) must refer to binding the licia on to this beam: but to use *tela* for *licia* would be strange, when we compare "addere licia telae." Then again it is said that the mention of *pecten* implies the horizontal loom because Hesychius says, *s. v.* *σπαθητόν, τὸ ὀρθὸν ὕφος σπάθῃ κεκρουμένον οὐ κτενί*: but this refers to the *tunica recta*, or *regilla* (see below), woven from the top downwards (the weft being driven upwards) in the fashion of the time when the spatha only was used; weaving from the bottom upwards, from which it is distinguished, belonged equally to the upright loom, and in the *Epithalamium Laurentii et Mariae* (*Poet. Lat. Min.* iii. 295, Bahrens) the tela is *suspensa*, but still the pecten is used.

We may remark also that not only does no Greek or Latin writer mention any difference of weaving beyond this upwards and downwards weaving and the positions of sitting and stand-

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* Blümner wrongly takes the *pecten* in Martial to mean "shuttle;" the distinction is merely between weaving and embroidery, and the *pecten*, as belonging to the loom, is used to express weaving. We are inclined also to agree with Conington in giving *pecten* its usual and correct meaning in the two passages of Virgil where Blümner and Marquardt believe that it was used for *radius* (*Aen.* vii. 14, *Georg.* i. 294). Such confusion of terms is surely a greater difficulty than understanding "argutus" and "percurrit" of the comb.

ing, but of the few representations of weaving which are given in ancient art, none show anything but the upright loom; and lastly, the following passage from Theophylact, archbishop of Bulgaria A.D. 1070, shows that he knew nothing but the two kinds of upright looms: *ἄλλοι δέ φασιν ὅτι ἐν Παλαιστίνῃ ὑφαίνουσι τοὺς ἱστοὺς οὐχ ὡς παρ' ἡμῖν, ὄντων ἄνω μὲν τῶν μίτων καὶ τοῦ στήμονος, κάτω δὲ ὑφαινομένου τοῦ πανίου καὶ οὕτως ἀναβαίνοντος, ἀλλὰ τοὐναντίον κάτω μέν εἰσιν οἱ μίτοι ἄνω δὲ ὑφαίνεται τὸ ὕφασμα* (*ad Joann.* xviii. p. 825).


Fig. 4.

The changes in ancient Greek and Roman looms from the earliest to the latest period of literature we believe to have been as follows. The earliest loom (the Homeric loom and the early Roman loom, the *tela jugalis* of Cato) resembled the Icelandic loom (fig. 1) except that it was a simpler framework without the yarn-beam, and so far like the representation of Circe's loom taken from the Vatican Aeneid (fig. 4). But this representation is an anachronism in making the web begin at the bottom. The author of this ancient picture (whom it is of course absurd to make an authority as to the Homeric loom) has in this point adhered to the fashion of his own day: but in the simpler frame he has probably come near to the primitive pattern. Homer's loom, however, had leashes, which are not given here, besides the simple *κανών*. The essential distinction between the early Greek and Roman looms and the later was that pointed out by Herodotus (ii. 35), that the web began at the top, and therefore the weaver always thrust the weft upwards (*ἄνω τὴν κροκὴν ὠθοῦσι*) in striking it close with the *σπάθῃ*. The *tunica recta* or *regilla*, enjoined with the conservatism of religion for the marriage garment, was woven at this ancient loom ("sursum versum," "in altitudinem," Isid. *Orig.* xix. 22; Fest. p. 277, 8: the words =the *ἄνω ὠθοῦσι* of Herodotus): it was woven also in one piece of the size of the loom frame, as there was no rolling up of the cloth-beam or unrolling of the yarn-beam. At such a loom also, as was said above, the weaver stood, and possibly, in the lack of well-arranged leashes and heddles, had to walk round the loom for the adjustment of the warp threads.

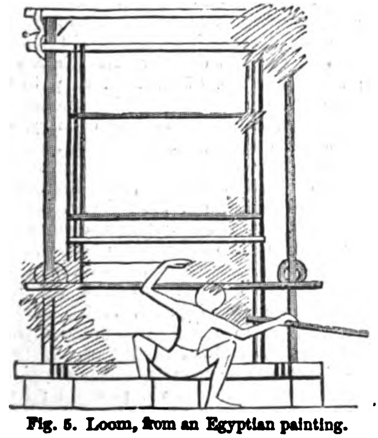
Fig. 5. Loom, from an Egyptian painting.

At a later time, probably quite at the end of the Republic, the Egyptian fashion (Herod. *l. c.*), of beginning the web at the bottom and so weaving in a sitting posture, was introduced. The cut (fig. 5) of an Egyptian weaver from a wall-painting (Wilkinson, *Ancient Egyptians*, vol. ii. 170) illustrates this kind of loom. We think that Wilkinson is right in considering the painting, which Rich (s. v. *subtemen*) gives as an instance of Egyptian horizontal weaving, to be not weaving at all, but the plaiting of mats. An even better illustration of the Egyptian loom as adopted by the later Romans and Greeks is afforded by a sketch of the modern Lycian weaving (fig. 6), which we have taken from Benndorff (*Reise*). The weaver is using the comb described on page 768 *a*.


Fig. 6. Weaver in modern Lycia. (Benndorff.)

We have little doubt that this faithfully reproduces in its form the Roman loom which is characterised as the later kind, though the arrangements of leashes, &c., may often have been more elaborate: this pattern may well have been introduced into Asia Minor at some date later than the time of Herodotus, and have lingered there since. With this Egyptian form came in the other improvements described in I. and IV., the substitution of the *pecten* for the *spatha*, and the discontinuance of the weights (*ἀγνῦθες, λεῖαι, pondera*). It is needless to say that the changes were not made all at once all over the Roman Empire: the older form no doubt lingered in many places, particularly in the more remote countries. Hence the stone weights found in Germany and elsewhere may well belong to a date when at Rome itself the later form of loom prevailed and weights were no longer of any use. Rejecting, as we feel compelled to do, the idea of a horizontal loom, we believe that no further change in the loom took place except the development of dexterity in its manipulation.

VI. After enumerating those parts of the loom which were necessary to produce even the plainest piece of cloth, it remains to describe the methods of producing its varieties, and more especially of adding to its value by making it either warmer and softer, or more rich and ornamental. If the object was to produce a checked pattern (*scutulis dividere*, Plin. *H. N.* viii. § 196; Juv. ii. 97), or to weave what we should call a Scotch plaid (and it is worthy of notice that Pliny attributes this pattern to a Celtic people), the threads of the warp were arranged alternately black and white, or of different colours in a certain series according to the pattern which was to be exhibited. On the other hand, a striped pattern (*ῥαβδωτός*, Diod. Sic. v. 30; *virgata sagula*, Verg. *Aen.* viii. 660) was produced by using a warp of one colour only, but changing at regular intervals the colour of the weft. Of this kind of cloth the Roman *trabea* (Verg. *Aen.* vii. 188) was an example. [TOGA.] Checked and striped goods were no doubt, in the first instance, produced by combining the natural varieties of wool, white, black, brown, &c. [PALLIUM]. The weft also was the medium through which almost every other diversity of appearance and quality was effected. The warp as mentioned above was generally more twisted, and consequently stronger and firmer than the weft: and with a view to the same object different kinds of wool were spun for the warp and for the weft. The consequence was, that after the piece was woven, the fuller drew out its nap by carding, so as to make it like a soft blanket (Plato, *Polit.* p. 302) [FULLO]; and, as stated above, when the intention was to guard against the cold, the warp was diminished and the weft or nap (*κρόξ*, *κρόκυς*) made more abundant in proportion (Hesiod, *Op.* 537; Proclus *ad loc.*). In this manner they made the soft *χλαῖνα* or LAENA [PALLIUM]. On the other hand a weft of finely twisted thread (*ἦτριον*) produced a thin kind of cloth, which resembled our buntine ("lacernae nimia subteminum tenuitate perflabiles," Amm. Marcell. xiv. 6). Where any kind of cloth was enriched by the admixture of different materials, the richer and more beautiful substance always formed part of the weft. Thus the *vestis subserica*, or *tramoserica*, had the weft of silk [SERICUM]. In other cases it was of gold (Verg. *Aen.* iii. 483; Servius *in loc.*)—the invention of Attalus, according to Plin. *H. N.* viii. § 196, and thence called *vestes Attalicae*, but it was probably older in the East and got its name because Attalus prized it; of wool dyed with Tyrian purple (Ovid, *Met.* vi. 578; *Tyrio subtegmine*, Tibull. iv. 1, 122; *picto subtegmine*, Val. Flacc. vi. 228); or of beavers'-wool (*vestis fibrina*, Isid. *Orig.* xix. 22). Hence the epithets *φοινικόκροκος*, "having a purple weft" (Pind. *Ol.* vi. 39), *ἀνθοκρόκος*, "producing a flowery weft" (Eurip. *Hec.* 470), *χρυσεοσπηνήτος*, "made from bobbins or pens of gold thread" (Eurip. *Orest.* 841), *εὔπηνος*, "made with good bobbins" (Eurip. *Iph. in Taur.* 1465), *κερκίδι ποικιλλοῦσα*, "variegating with the shuttle" (Eurip. *Iph. in Taur.* 223), &c.

But besides the variety of materials constituting the weft, an endless diversity was effected by the manner of inserting them into the warp. The terms *bilix* and *δίμιτος*, the origin of which has been explained, probably denoted what we call *dimity* or *twilled* cloth, and the Germans *Zwillich*, where by missing over a certain number of warp-threads a ridged pattern is produced. The poets apply *trilix*, which in German has become *Drillich*, to a kind of armour, perhaps chain-mail, no doubt resembling the pattern of cloth which was denoted by the same term (Verg. *Aen.* iii. 467, v. 259, vii. 639, xii. 375; Val. Flaccus, iii. 199) [LORICA, p. 81]. All kinds of damask were produced by a very complicated apparatus of the same kind (*plurimis liciis*), and were therefore called *Polymita* (Plin. *H. N.* viii. § 196; Mart. xiv. 150), for which *multicia* (Juv. ii. 66) is probably, as Blümner thinks, an equivalent (cf. *Gloss. Philox.* s. v.).

The sprigs or other ornaments produced in the texture at regular intervals were called flowers (*ἄνθη*, Philostr. *Imag.* ii. 28; *θρόνα*, Hom. *Il.* xxii. 440) or feathers (*plumae*). Another term, adopted with reference to the same machinery, was *ἐξάμιτον*, denoting velvet. In the Middle Ages it became *ζάμιτον*, and thus produced the German *sammet*, our *samite*.

As far as we can form a judgment from the language and descriptions of ancient authors, the productions of the loom appear to have fallen in ancient times very little, if at all, below the beauty and variety of the damasks, shawls, and tapestry of the present age. In addition to the notices of particular works of this class, contained in the passages and articles which have been already referred to, the following authors may be consulted for accounts of some of the finest specimens of weaving: Euripid. *Ion*, 190–202, 1141–1165; Aristot. *Mir. Auscult.* 96, = p. 838; Athen. xii. p. 541; Verg. *Aen.* v. 250–257, *Cir.* 21–35; Ovid, *Met.* vi. 61–128; Stat. *Theb.* vi. 64, 540–547; Auson. *Epig.* 26; Lamprid. *Heliog.* 28; Claudian, *in Stilich.* ii. 330–365.

Although weaving was amongst the Greeks and Romans a distinct trade carried on by a separate class of persons (*ὑφάνται*, *textores* and *textrices*, *linteones*; cf. even in the Homeric age the *γυνὴ χερνῆτις*, *Il.* xii. 433), who more particularly supplied the inhabitants of the towns with the productions of their skill (Cato, *R. R.* 135; Plat. *Phaed.* p. 87 B, *Rep.* ii. p. 370 D; Pausan. vii. 21), yet every considerable domestic establishment, especially in the country, contained a loom (Cato, *R. R.* 10, 14), together with the whole apparatus necessary for the working of wool (*lanificium*, *ταλασία*, *ταλασιουργία*). (Hesiod, *Op.* 779; Verg. *Georg.* i. 285, 294.) [CALATHUS.] If in the more luxurious age the most ornamental work was purchased, the slave household (*familia rustica*) at least was thus clothed, and the commoner *stragula* were made (Dig. 33, 7, 12, 5; Paul. *Sent.* 3, 6, 37). In Greece as at Rome in earlier times the matron and her daughters, assisted by female slaves, wove garments for husband, sons and brothers (Plat. *Legg.* vii. p. 805 E; Aesch. *Cho.* 231; Eur. *Ion*, 1417): so of the Roman matron weaving in the *atrium*, Liv. i. 57; Ascon. *in Milon.* p. 43, and even in later times, Arnob. ii. 67; *C. I. L.* vi. 1527, 11602.

When the farm or the palace was sufficiently large to admit of it, a portion of it called the ἱστῶν (*histones*, Varro, *R. R.* i. 2), *textrina* or *textrinum*, was devoted to this purpose (Cic. *Verr.* iv. 26, 58, 59; Isid. *Or.* xiv. 8; cf. Hor. *Od.* ii. 18, 6). The work was there principally carried on by female slaves (*quasillariae*, αἱ ἔριθοι, Theoc. xv. 80; Hom. *Od.* vii. 235, xxi. 350; *C. I. L.* vi. 6639-6646) under the superintendence of the mistress of the house, who herself also together with her daughters took part in the labour, both by instructing beginners and by finishing the more tasteful and ornamental parts (Vitruv. vi. 7, p. 164; Symmachus, *Epist.* vi. 40). But although weaving was employed in providing the ordinary articles of clothing among the Greeks and Romans from the earliest times, yet as an inventive and decorative art, subservient to luxury and refinement, it was almost entirely Oriental. Persia, Babylonia, Egypt, Phoenicia, Phrygia, and Lydia, are all celebrated for the wonderful skill and magnificence displayed in the manufacture of scarfs, shawls, carpets, and tapestry. [Chlamys; Pallium; Tapes.]

For the weaving of sacred robes in Greek temples, see Arrhephoria, Heraea, Panathenaea; and cf. Pausan. iii. 16, 2. (On the construction of the loom, see also Blümner, *Technologie*, i. pp. 120–157; Marquardt, *Privatleben*, 519–527; Ahrens, in *Philolog.* xxxv. 385 ff.) [J. Y.] [G. E. M.]

TELAMO'NES. [Caryatides.]

TE'LETAE (τελεταί). [Mysteria.]

TELO'NES (τελώνης). Most of the taxes and duties at Athens were farmed by private persons, who took on themselves the task of collecting, and made payments in respect thereof to the state. They were called by the general name of τελῶναι, while the farmers of any particular tax were named after it ἐλλιμενισταί, εἰκοστῶναι, πεντηκοστῶναι, or, as the farmers and collectors were often the same persons, εἰκοστολόγοι, πεντηκοστολόγοι, &c. The tax or duty was let to the highest bidder. Several persons (like a *societas* of Roman *publicani*) often joined in the speculation (Plut. *Alcib.* 5); the principal or chairman of the company, in whose name the bidding took place, and who was responsible to the state, was called ἀρχώνης (Andoc. *de Myst.* § 133). Of course securities were required from the farmer or the company for the payment of the dues (Dem. *c. Timoc.* p. 745, § 144; Andoc. *l. c.*). The office was frequently undertaken by resident aliens, citizens disliking it on account of the vexatious proceedings to which it led. The farmer had power to search for and seize contraband or uncustomed goods (Demosth. *Pantaen.* p. 958, § 6); he watched the harbours, markets, and other places to prevent smuggling; brought a φάσις [Phasis] or other legal process against persons whom he suspected of defrauding the revenue, or even arrested them and took them before a magistrate. To enable him to do all this, he was exempted from military service ([Dem.] *c. Neaer.* p. 1353, § 27). The taxes or duties were thus let out (τέλη ἐκδιδόναι) by the ten πωληταί acting under the authority of the senate [Poletae]. The payments (καταβολαὶ τέλους, Dem. *c. Timoc.* p. 731, § 98), regulated by the νόμοι τελωνικοί (*ib.* p. 732), were made at stated Prytaneiai in the senate-house ([Dem.] *c. Neaer.* l. c.). There was usually one payment made in advance (προκαταβολή); the succeeding one or ones were probably called προσκαταβλήματα. (This, at any rate, is the account of Suidas; but it seems inconsistent with Demosthenes' use of προσκαταβλήματα in p. 731. Boeckh, edit. 3, accepts Suidas' account and supposes Demosthenes to be speaking inexactly.) On any failure in payment the farmer became ἄτιμος (*c. Neaer.* l. c.) if he was a citizen, and might be imprisoned (Dem. *c. Timoc.* pp. 745, 746). If the debt were not paid by the end of the ninth Prytaneia (probably the ninth of the year, the last but one, not the ninth from incurring the debt) it was doubled, and, if it were not then paid, the debtor's property was forfeited to the state (Andoc. *de Myst.* § 73; Dem. *c. Timoc.* p. 730). (See the speech of Demosthenes against Timocrates, and Boeckh's *Staatshaushaltung*, edit. 3, p. 406 ff.) [F. T. R.]

TELOS (τέλος), a tax. In enumerating here the taxes of Athens (about which city we know most) we may take the opportunity to mention all the chief sources of Athenian revenue. They may be divided into three groups,—taxes paid at Athens, taxes paid abroad or by foreigners for the benefit of Athens, and income derived not from taxes but from the corporate property of the state.

A. The taxes imposed by the Athenians and collected at home were either ordinary or extraordinary. The former constituted a regular source of income; the latter were only raised upon emergency.

(1) The ordinary taxes were generally farmed out; see Telones. They included (i.) the customs and harbour dues; see Pentecoste. (ii.) Duty paid on all sales in the market (ἐπωνία). The amount is unknown (though Boeckh in the 3rd edit. of his *Staatshaushaltung* thinks it was 1 per cent.). Xen. *de Vect.* 4, 49, probably alludes to the ἐπωνία; and the ἀγορᾶς τέλος of Aristoph. *Ach.* 896 may be identical with it. (iii.) The διαπύλιον (Hesych.) or gate-money is probably different from the above. (iv.) A τριώβολον was paid by freedmen (Harpocr. s. v. μετοίκιον). (v.) The same amount was probably paid by slaveowners for each slave (Xen. *de Vect.* 4, 25). This, Xenophon says, was a very productive tax before the Spartans fortified Dekeleia and encouraged the Athenian slaves to run away. (vi.) The πορνικὸν τέλος, of unknown amount. It was farmed separately (Aeschin. *c. Tim.* § 134). (vii.) The law-court fees (πρυτανεῖα, παράστασις, παρακαταβολή, q. v.) were a lucrative item, especially under the Athenian Empire, when the allies brought suits to be decided at Athens (Thuc. vi. 91). (viii.) Δερματικόν. The value of the skin, horns, &c., of the victims slain at certain public sacrifices (cf. the usage at Sparta, Herod. vi. 56, 57). (ix.) Μετοίκιον. The poll-tax of the resident aliens [Metoeci]: 12 drachmae annually, probably paid by men only. Freedmen paid this tax in addition to the τριώβολον (Harpocr. s. v. μετοίκιον). (x.) The resident aliens also paid a special entrance-fee for the sale of their goods in the market (Dem. *Eubul.* p. 1309, § 34. In this passage, however, the words ξενικὰ τελεῖν are sometimes understood of the μετοίκιον).

(2) The extraordinary taxes at Athens were (i.) the εἰσφορά or property-tax [Eisphora].

This fell also on μέτοικοι (Dem. *Androt.* pp. 609, 612). (ii.) The compulsory services called λειτουργίαι (LEITOURGIA), an institution also found existing elsewhere (Herod. v. 83). Some of these at least were shared by μέτοικοι (Dem. *Lept.* p. 462, § 18). (iii.) Voluntary contributions on extraordinary occasions (ἐπιδόσεις) [EPIDOSIS]: see Lysias, xxx. 26.

B. Of taxes paid by foreigners for the benefit of Athens. (i.) The tribute, φόρος [PHOROS], of the allied states formed in the flourishing period of the Republic a regular and most important source of revenue. In B.C. 413 it was changed to a 5 per cent. duty on all commodities exported or imported by the subject states [EICOSTE]. (ii.) A temporary duty of 10 per cent. (δεκατή) on merchandise passing from or into the Euxine was established in B.C. 409. (Xen. *Hell.* xi. 22; cf. iv. 8, 27, 31; Dem. *Lept.* p. 475, § 60). The charge on other articles may have really helped the Athenian revenue; but the charge on corn must have raised the price of corn at Athens. (iii.) Plunder taken in war: sale of prisoners for slaves.

C. Other sources of revenue were derived by the Athenians from (i.) certain lands of which the state held the tithes. (This however is doubtful; see DECUMAE, Vol. I. p. 604.) (ii.) Rents from public lands (Aristoph. *Vesp.* 658): from pastures, forests, mines, saltworks, rivers; also, the sum paid by the lessee of the theatre. The mines (μέταλλα) must have here constituted the largest item. The silver mines of Laurion, which also yielded other substances, afforded a considerable sum to the state, being rented by persons who worked for their own profit, paying to the state first a sum of money for the privilege of working, and secondly 1–24th of the net produce. The collection of the latter charge was itself probably farmed-out. The labour of mining was performed by slaves. Some particulars about the mining system may be found in Demosthenes' speech against Pantaenetus. The mines at Laurion were exhausted in the time of Strabo (ix. p. 399); the scoriae or waste-products (σκωρία, ἐκβολάς) were then being re-worked, and they can now be again worked at a profit. The valuable gold mines of Skapte Hyle in Thrace (Herod. vi. 46) became Athenian property by the conquests of Cimon. (iii.) Fines and confiscations: see TIMEMA, DEMIOPRATA, and EPIBOLE.

These various sources of revenue, of which Aristoph. *Vesp.* 655–660 gives a rough enumeration (omitting the Leitourgiai), produced in B.C. 423, according to Aristophanes, an annual income of 2000 talents. Xen. *Anab.* vii. 1, 27, says that the Athenians began the Peloponnesian War with 1000 talents coming in annually. Boeckh's calculations (in the 3rd edit. of the *Staatshaushaltung*, vol. i. p. 510) bring him nearest to Aristophanes' estimate. But during the Peloponnesian War the income fell enormously, and it is not easy again to arrive at anything like a fixed sum. (See, however, Dem. *Philipp.* iv. p. 141, § 37.) The orator Lycurgus, "almost the only statesman of ancient times who really understood finance" (Boeckh), is said to have raised the total revenue for a time to 1200 talents (Plutarch, *Vit. Dec. Orat.* vii. § 25).

A land-tax, or charge on the produce of land, seems to have been not uncommon in Herodotus' time (vi. 46), but we do not hear of it at Athens unless it be under the tyranny of the Peisistratidai, who took 5 per cent. (Thuc. vi. 54): the charge seems to have ended with their expulsion. [F. T. R.]

TEMENOS. [VECTIGALIA TEMPLORUM.]

TEMPLUM. It will be well to preface the important part of this article, which relates to temple buildings, by a few remarks about the strict meaning of the word *templum*, and the distinction originally existing between the words *aedes*, *templum*, *sacellum*, *delubrum*, and *fanum*. That this distinction was confused by lax usage, especially in poetry, and that it in time disappeared altogether, must of course be admitted; but that it existed not merely in a very early period of Latin is clear from the fact that Augustus marks it when he calls the Temple of Apollo on the Palatine and that of Mars Ultor *templa*, and others *aedes* (*Monum. Ancyr.* 19: see below).

The word *templum* is from the same root as the Greek τέμενος, *i.e.* some space cut off and separated. Its augural signification was beyond a doubt its genuine Roman use. The templum in augury had a twofold meaning: 1. The space of sky which the augur marked off with his *lituus* by imaginary lines, the *cardo* from north to south and the *decumanus* from east to west, thus dividing the space observed into four regions (Serv. *ad Aen.* i. 92; Varro, *L. L.* vii. 7). From this augural *templum caeli* comes the familiar "caelestia templa" of Lucretius (i. 120, &c.), which, as Munro remarks, "conveys a solemn and stately notion." 2. The space of earth to be included for observations, which was a rectangular space called *locus effatus*, or more fully *locus effatus conceptis verbis*, i.e. a space bounded by points which he announced aloud, naming (*conceptis verbis*) trees or other stationary objects as the limits for observation in each direction. This space also was divided into four regions by lines (*cardo* and *decumanus*, as above), and the observer (usually a magistrate, who as observer was the *auspex* as distinguished from the augur) sat at the point (*decussis*) where these imaginary lines intersected (Varro, *L. L.* vii. 8; Liv. i. 18; Cic. *de Div.* i. 17, 31). It will be seen that in both these senses of the augural templum the idea of *cutting off* (τέμνω) is preserved, and also that the shape of the templum was rectangular. Further, in the place where the observer was to sit (except where there was, as at Rome, a permanently established *auguraculum*: see Vol. I. p. 251 b), the observer pitched a tent [TABERNACULUM], also quadrangular in shape, with a single opening, commanding the spaces of earth and sky which formed the templa. There has been some difference of opinion as to the aspect of this *tabernaculum*. Regell's opinion seems to be correct, that for observing lightning by the *templa in caelo* the tabernaculum looked to the south, but for observing birds by the *templa in terra* it faced the east, whence, as in Liv. i. 18, the south is on the right hand, the north on the left (see Regell in *Jahrb. f. Philol. u. Paedagog.* cxxiii. 607 ff., and Mau's note in Marquardt, *Staatsverw.* iii.² 403). The tabernaculum was called *templum minus*, and thus we have a templum of real as well as of imaginary lines: so Festus (v. 157), "templum est locus ita *effatus* (by imaginary lines) aut ita *saeptus* (by real enclosure) ut [ex] una parte pateat angulosque adfixos habeat ad terram;" and Servius (*ad Aen.* iv. 200), "templum dicunt non solum quod *potest claudi* (by imaginary lines) verum etiam quod palis aut hastis aut aliqua tali re (as in a permanent auguraculum) et linteis aut loris (the linen or leathern tent) aut simili re *saeptum est quod effatum est* (i.e. the imaginary lines are made real: see also Mommsen, *Staatsrecht*, i.^{3} 105). [For the method of taking auspices, see AUSPICIA; and for the connexion between the shape of the pomerium and the augural templum, see POMERIUM, pp. 443, 444.]

This use of templum for augury was, we cannot doubt, the original religious sense of templum, and accordingly, in the extended meanings which the word subsequently takes of consecrated spaces, and later (perhaps not till near the end of the Republic) of buildings, it is still confined to such spaces or buildings as have been "inaugurated" by the augurs, and moreover the shape is still rectangular. Such inaugurated and consecrated places were (1) those for the assembly of the senate, *curiae* (Hostilia Pompeia, Julia) or actual temples of the gods, since the senate could only transact business "in loco per augurem constituto" (Gell. xiv. 7); (2) the Comitia Curiata and Centuriata (Liv. v. 52; Val. Max. iv. 5); (3) the Rostra (Cic. *in Vatin.* x. 24; Liv. viii. 14); (4) a temple in the ordinary sense, *i.e.* a house built for a god and inaugurated as well as consecrated. For the building of a temple, or indeed for any permanent inaugurated *templum*, it was necessary first that the ground should not only be *effatus* (i.e. have pronounced limits), but also be *liberatus;* that is to say, any prior claims upon the ground not merely of private ownership, but of *fana* or *sacella* which might once have been upon it, had to be abrogated [EXAUGURATIO], and the ground and building assigned by the augurs to that deity to whose service it was to be dedicated, and next the temple itself was consecrated by the pontifices (cf. Serv. *ad Aen.* i. 446; Liv. i. 55).

Templum, however, in this sense of a god's house, was probably a comparatively modern equivalent for *aedes* or *aedes sacra*. Jordan (in *Hermes*, xiv. pp. 567 ff.) presses this somewhat far, giving *aedes* as the proper term for a Roman or Italian temple, and *templum* for one in the colonies; and explaining the passage above mentioned from the *Mon. Ancyr.* on the theory that Augustus called the temples at Rome, which were built on publicum solum, *aedes*, while those to Apollo and Mars, built on his privatum solum, he called *templa*. In this same passage, however, he speaks of "duo et octoginta *templa* deum," and it seems to us a truer view that the use of templum for aedes was coming in before the end of the Republic, and that Augustus in speaking by name of pre-existing temples uses the term which originally described them, but in those which he has just built uses the term now in vogue. Cicero certainly uses the word *templum* as "temple" frequently (e.g. *de Div.* i. 2, 4); and the figurative use in Lucretius (iv. 264; v. 103) of the mouth as "templum linguae" and the breast as "templum mentis" implies that *templum* was then the term in common parlance for a building enshrining some deity. It must be noticed that the round shape which we see in the Aedes Vestae and some others did not properly belong to a *templum*, which should follow the rectangular augural temple; and with this agrees the fact alluded to above, that this round aedes was consecrated by the pontifices, but not inaugurated by the augurs, and hence not a possible meeting-place for the senate (Serv. *ad Aen.* vii. 153; Gell. xiv. 7). It is a significant fact that the shrine of the Dea Diva in the Arval grove, which like that of Vesta belongs to the most primitive Roman religion, was also a round building, and it might reasonably be inferred that the round shape was the earlier form for a god's house, just as the circular hut built round a central pole is the early architecture for a human habitation, and that the rectangular temple came later in with the augural *templum*.

The word *delubrum* is derived from the same root as *lavabrum* (or *labrum*), *pollubrum*, &c., and thus meant originally a place of purification (for we must certainly reject the derivation from *delibrare*, "to strip the bark and make a wooden image"): that such a rite of purification belonged to the old unroofed *loca sacra*, where there might be merely an enclosure with an altar or shrine, there can be no doubt; and from this aspect of purification (which in later temples appears in the ἀπορραντήρια or *labra*) such a sacred space might be called *delubrum*, i.e. the dedicated plot of ground within which were rites of purification, and so in the Argean procession "ad aedem dei Fidii in delubro ubi aeditimus habitare solet" the delubrum is clearly the sacred precinct, as distinguished from the aedes, but in time *delubrum*, like *sacellum*, was used both for the sacred enclosed spot and the shrine upon it; cf. "regiis temporibus delubra parva facta" (Varro *ap.* Non. 494), where the delubra are contrasted with the later and more stately aedes or templum. We are here speaking only of strict definition. In poets no distinction between *aedes*, *templum*, and *delubrum* is observed: even Cicero's usage is open to doubt, though it may be remarked that the passages cited by Marquardt as showing a promiscuous use of the words (*N. D.* ii. 43, 83, and various passages in the Verrine orations) are speaking of Sicilian, not of Roman temples. In later prose, though not in Livy, all distinction vanishes (cf. Plin. *H. N.* xxxv. § 144; xxxvi. § 26).

Though *fanum* is found in a general sense for any *locus sacer* consecrated by the pontifices, but not inaugurated [FANUM], and so often means sacred buildings, aedes or sacella, as well as sacred areas such as *luci*, yet it is also true, as Jordan points out, that the strict use of *fanum* did not include aedes or actual houses of the gods at Rome, but only "loca sacra cum aris [or later also "cum aediculis"] *sine tecto;*" and that when it is used of temples it belongs only to temples of non-Roman deities: this explains the origin of *fanaticus*, which was first applied to such "fanatic" priests as those of Isis. (See further on this subject Marquardt, *Staatsverwaltung*, iii.^{2} 151 ff.; and especially Jordan in *Hermes*, xiv. 567 ff.) [G. E. M.]

TEMPLE ARCHITECTURE.

Greek Temples.—Among the Greeks, as among most Pagan races, the temple was not a building in which a congregation met and worshipped, but was rather regarded as the house and treasury of the god.* In the most primitive times temples (in the later sense of the word) seem to have been very rare, their place being taken by an altar in the open air, or by a sacred stone (*βαίτυλος*) which was both the symbol of some divine presence and the place of sacrifice. See Prof. Robertson Smith, *Religion of the Semites*, lect. v. The kingly heroes of Homer, such as Odysseus, themselves played the part of a priest, and offered sacrifice to Zeus Herkeios on the altar in the fore-court of their palaces. Such an open-air altar was discovered by Dr. Dörpfeld in the courtyard of the palace at Tiryns; and this domestic altar survived at the entrance of Greek houses long after actual temples had been built [see DOMUS]. Other primitive forms of temples were natural caves in the rock, or hollow trees, the former being usually associated with the cults of Chthonian deities. The word *μέγαρον*, which is sometimes applied to temples of Chthonian deities, is supposed to be derived from a Phoenician word meaning a cavern or cleft in the rock.

The next stage appears to have been the construction of a small cell-like building, consisting of a mere *cella* or *σηκὸς* without any columns or subdivision into more than one chamber. The most remarkable examples which still exist of this early form of temple are to be seen in the Island of Euboea, especially one near Karystos, on an elevated site on Mount Ocha, overlooking the sea. This is a rectangular stone building, about 40 feet by 24 feet (externally) in plan. In one of the long sides is a small central doorway, formed of three large blocks of stone, between two slit-like windows. The roof consists of large thin slabs, each projecting beyond the course below, till they meet at the ridge. Light and air are given by a hypaethral opening in the stone roof—a long narrow slit, 19 feet long by 18 inches wide. The height of the walls internally is 7 feet. The worship of Hera was the special cult in this part of Euboea.

The words used by the Greeks to denote temples are chiefly these: *ναός*, or in Attic *νεώς*, equivalent to the Latin *aedes*, the "house" of the god; *ἱερὸν* frequently has a more extended meaning, including not only the *ναὸς* but also the sacred enclosure around it, *τέμενος* (Thuc. iv. 90) or *ἱερὸς περίβολος*. In other cases *ἱερὸν* and *ναὸς* are used as equivalent terms, as, *e.g.* by Pausanias (viii. 45, § 3), where he records the building of the Temple of Athene Alea at Tegaea: *Ἀθηνᾶς τῆς Ἀλέας τὸ ἱερὸν τὸ ἀρχαῖον ἐποιήσεν Ἄλεος· χρόνῳ δὲ ὕστερον κατασκευάσαντο οἱ Τεγεᾶται τῇ Θεῷ ναὸν μέγαν.* A peculiar phrase is used by Homer (*Il.* ix. 404) to denote the Temple of Apollo at Delphi: he calls it the *λάϊνος οὐδός*, "stone threshold," as if using a part for the whole building. Other words—such as *μέγαρον*, *ἄδυτον*, *ἀνάκτορον*, *σηκός*—seem to have been taken from terms originally used for parts of domestic buildings, meaning "the hall," "the private chambers," "the royal house," "the cell or inner chamber." The words *μέγαρον* and *σηκὸς μυστικὸς* were especially applied to the abnormal Hall of the Mysteries at Eleusis, which was also called the *τελεστήριον*, in reference to the initiations which there took place. Strictly speaking, it was not a temple at all. The real Temple of Demeter, which stood near the Hall of Initiation, was a very much smaller building.

Returning to the development of the Greek temple, the next stage after the simple *σηκός*, such as that on Mount Ocha, was probably a building with a prostyle portico, constructed mainly of unburnt brick with wooden columns, closely resembling the hall or *μέγαρον* of a pre-Homeric palace, such as that which Dr. Dörpfeld excavated within the Acropolis of Tiryns. The accompanying figures (1 and 2) show the probable

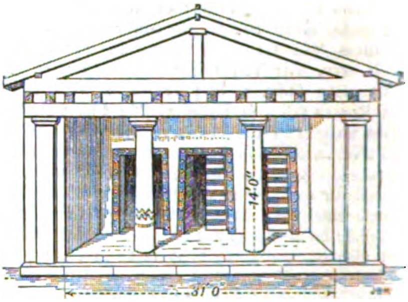

Fig. 1. Restoration of the front of the principal Hall (*μέγαρον*) of the prehistoric Palace at Tiryns.

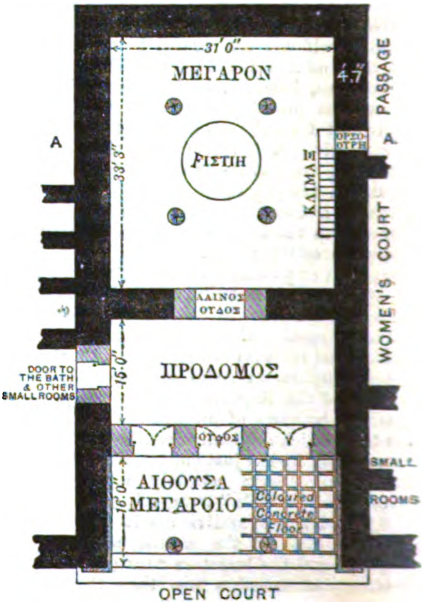

Fig. 2. Plan of the Hall at Tiryns.

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* One result of the Greek temple being regarded merely as a house for the god, was that in many cases the temple was usually kept shut up. Thus in Athens the Thesmophorion, the Lenaion, and the Eleusinion were only opened on one day of festival in the year ([Dem.] *in Neaer*. p. 1371, § 76); and the Temple of Eurynoma at Phigaleia was always closed (Paus. viii. 41, § 4). In more than one thiasos inscription the priestess is mentioned as *ἀνοίγουσα τὸ ἱερὸν ἐν ταῖς καθηκούσαις ἡμέραις*, implying that on ordinary days the shrine was closed. (See Martha, *Les Sacerdoces Athéniens*, p. 88.)

appearance of this hall when perfect. Both in plan and in its façade it is clearly the prototype of the later stone temples of the Greeks. The walls were of unburnt brick, covered with hard fine stucco decorated with painting; the lowest courses of the wall were of stone, to a height of about two feet above the ground, in order to prevent injury to the unbaked clay of the bricks from rising damp. A sort of survival of this structural stone plinth existed even in the latest temples of the Greeks, which were wholly built of marble: the lowest course immediately above the pavement is usually very much deeper than the rest of the masonry, as if marking a change of material even when none exists. The columns both of the portico and of the inner chamber were of wood, each resting on a carefully levelled block of stone.

This use of crude brick for the walls and wood for the columns appears to have survived in many cases till very late, more especially in the private houses of the Greeks. Dr. Dörpfeld has pointed out that even the *Heraion* at Olympia was originally built in this primitive fashion, but that stone columns were introduced one by one as the wood pillars decayed. Thus we see columns of many different dates among the existing remains. Pausanias (v. 16) mentions one ancient wooden column as still existing *in situ* in the Heraion at the time of his visit. Of the walls nothing remains but the stone plinth, carefully levelled to receive the first course of crude bricks, so the original wall probably was never rebuilt in stone. The entablature was apparently of wood, like the columns, as no remains of stone cornice or architrave were found.

Vitruvius (ii. 3) describes the careful manner in which crude bricks (*lateres*) were made by mixing gravel, pounded pottery, and chopped straw with clay which had been long exposed to the weather. He records that a decree of the city of Utica ordained that none of these bricks should be used till they had been inspected by a magistrate to see if they were thoroughly dried, and had been kept the required time, which was five years, after they had been moulded. [LATER.]

In 1888 an interesting discovery was made by Dr. Halbherr at Gortyn in Crete. Excavations on the site of the *Pythion*, or Temple of the Pythian Apollo, revealed some remains of an early temple built of large blocks of stone without any cement. The building, which from the inscriptions cut on the outside of its walls is apparently a work of the 7th or 6th century B.C., consisted simply of one rectangular chamber, a mere *cella*, without columns or *pronaos*; though in later times a *pronaos* was added in front of the entrance. A very interesting point about this primitive temple was the fact that it had been lined internally with plates of bronze, like the great "beehive tomb" at Mycenae, and other Greek structures of prehistoric date. The bronze pins which fixed these plates still remain on the internal face of the great blocks of which the walls were built. (See Halbherr in *Monumenti antichi*, Part I., 1889; published by the Acad. dei Lincei.)

The last stage of the development of the Greek temple was a building with walls and columns wholly of stone or marble, such as those of which many examples still remain.

Vitruvius (iii. 2) classifies temples according to the arrangement of their columns in the following manner:—I. Ναὸς ἐν παραστάσι, *in antis*, with two columns between the *antae* of the projecting side walls (see fig. 3). [ANTAE.]

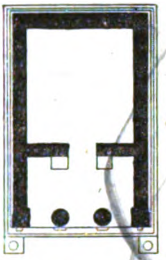

Fig. 3. Plan of the Temple *in antis*. Temple of Themis at Rhamnus in Attica, with a marble throne on each side of the door.

II. Πρόστυλος, *prostylos*, with four columns in front. III. Ἀμφιπρόστυλος, *amphiprostylos*, with four columns at each end (see figure 4).

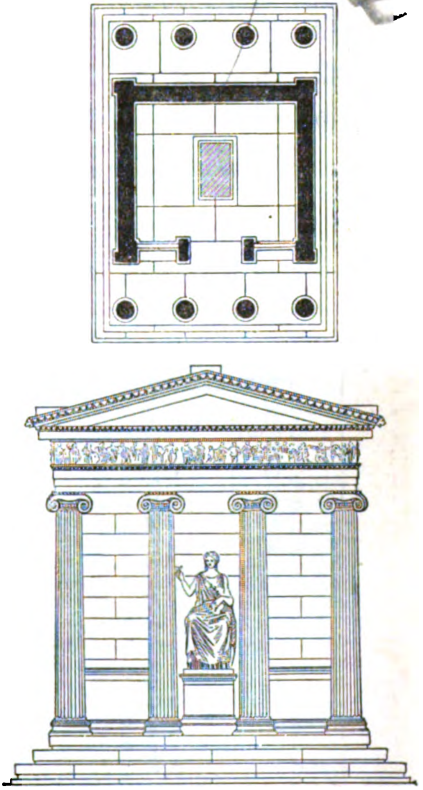

Fig. 4. Plan and façade of the Ionic, amphiprostyle Temple of Nike Apteros, on the Acropolis of Athens.

IV. Περίπτερος, *peripteros*, with columns along both sides and ends (see figure 5). V. Δίπτερος, *dipteros*, with a double range of columns all round (see figure 6). VI. Ψευδοδίπτερος, *pseudo-dipteros*, with one range of columns only, but placed at the same distance from the cella wall as the outer range of

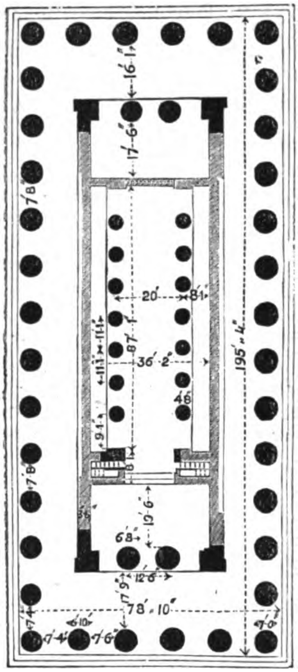

Fig. 5. Plan of the large hexastyle peripteral Temple at Paestum; showing the *pronaos* and *posticum* at the ends of the *cella*, the internal rows of columns and the stairs leading to the gallery over the aisles.

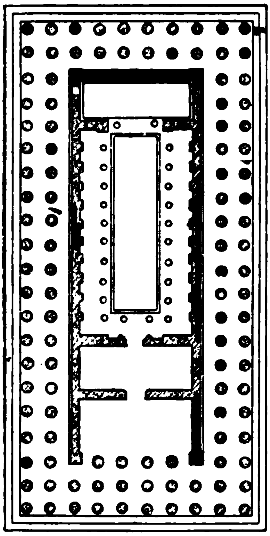

Fig. 6. Plan of the Temple of Apollo Didymaeus, near Miletus, a decastyle, dipteral temple of the Ionic order, with *pronaos* and *prodomus*, or inner vestibule, and, at the other end of the cella, an *opisthodomus*.

the dipteral temple (see fig. 7). VII. Ψευδοπερίπτερος, *pseudo-peripteral*, is another variety which Vitruvius does not give in his list (iii. 2),

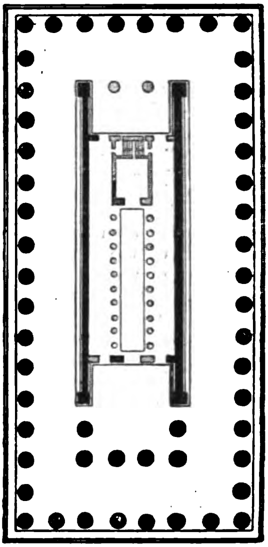

Fig. 7. The great octastyle, pseudo-dipteral Temple in the agora of Selinus in Southern Sicily, with a small inner sanctuary (*adytum*) at the end of the cella.

though he mentions it later on (iv. 8, § 6). This has no complete columns along the sides, but half or "engaged" columns built into the side walls of the cella. The great Temple of Zeus at Agrigentum is an example of this, dating c. 500 B.C. or earlier. This plan was more commonly used by the Greeks for tombs, such as the lion tomb at Cnidus, than for temples. Among the Romans it was very frequently used, as, for example, in the Temples of Concord, Vespasian,

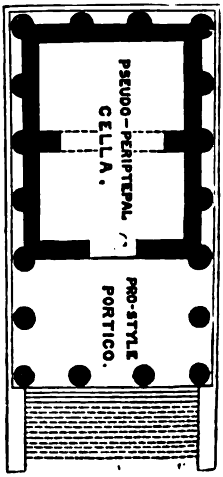

Fig. 8. Plan of the so-called Temple of Fortuna Virilis in the Forum Boarium at Rome. The black shows the part built of tufa: the hatching shows the harder travertine used at points where special strength was needed.

Faustina, and the so-called Temple of Fortuna Virilis in Rome. The main object of this plan was to give greater width to the cella (see fig. 8).

The last class named by Vitruvius is the *Hypaethros*, which appears to be an arbitrary class of his own. He describes the hypaethral temple as having ten columns at each end, and being dipteral along the flanks. Inside the cella are two tiers of columns, one above the other, supporting the roof, in the middle of which is an opening to the sky. As an example he gives the octastyle Temple of Olympian Zeus in Athens. The real fact is that the hypaethral temple does not form a separate category, as any of Vitruvius' last three classes might be hypaethral, the two tiers of columns being common in Greek peripteral temples, as, *e.g.*, in the Parthenon, and in the great temple at Paestum, where some of the upper range of internal columns still exist.

It should be observed that Vitruvius' remarks about Greek temples must be accepted with great caution. He evidently knew very little about them, except perhaps some of the largest Ionic temples in Asia Minor. His ignorance on the subject is shown in many ways, and especially by his statement that the Doric style was unsuited and little used for Greek temples (see Vitruv. iv. 3, §§ 1, 2). In studying Vitruvius' very interesting work, it should always be remembered that he was rather a practical architect than a learned antiquary, and that he had little or no personal knowledge of Greek buildings.

Vitruvius also gives different names to temples according to the number of columns on their fronts, namely :—

Τετράστυλος, tetrastyle, with four columns.
'Εξάστυλος, hexastyle, ,, six ,,
'Οκτάστυλος, octastyle, ,, eight ,,
Δεκάστυλος, decastyle, ,, ten ,,

A peripteral temple could not be less than hexastyle, nor a dipteral temple less than octastyle.

The sacred Hall at Eleusis, which was quite abnormal in plan, had a portico with twelve columns in front. It is very rare to find a Greek temple with an uneven number of columns at its ends. The second temple in point of size at Paestum has nine columns at each end, together with a central row of columns down the middle of the cella. The most probable explanation of this unusual arrangement is that the temple was dedicated to two deities, and therefore was divided longitudinally by a row of pillars. The great pseudo-peripteral Temple of Zeus at Agrigentum has seven engaged columns at each end. These are almost the only examples of Greek temples with an uneven number of columns at the ends. The number of the columns on the flanks varies very much, but is usually more than double that of the fronts. Thus, for example, the following temples —which are all Doric, *hexastyle*, peripteral—have on their flanks—Temple at Aegina and Temple of Nemesis at Rhamnus, 12 columns; Temple of Theseus in Athens, the so-called Temple of Hera at Agrigentum, and the Temple of Zeus at Olympia, 13 columns; great temple at Paestum, 14 columns; temples at Corinth and Bassae, 15 columns; Heraion at Olympia, 16 columns.

Of *octastyle* temples, the Parthenon, and the great Temple of Zeus at Selinus, have on their flanks, 17 columns; the Corinthian Temple of Olympian Zeus in Athens, 20 columns; the Ionic *decastyle* Temple of Apollo at Didyme had 21 columns.

The only other Greek decastyle temple was the Heraion at Samos: the number of columns on its sides has not yet been certainly discovered.

Vitruvius (iii. 3) gives the following list of names for the various classes of temple intercolumniations or spans, measured from column to column in the clear. It should, however, be remembered that this list refers only to late Greek or Roman temples, not to buildings of the best Greek period, about which Vitruvius seems to have known nothing. The figures in this list give the intercolumniations in terms of the diameters of the shafts at the lowest part.

Πυκνόστυλος	●	1½	●	Pycnostyle.
Σύστυλος	●	2	●	Systyle.
Εὔστυλος	●	2¼	●	Eustyle.
Διάστυλος	●	3	●	Diastyle.
'Αραιόστυλος	●	{ more than 3 }	●	Araeostyle.

The larger Greek temples were divided into different parts. The inner space within the front portico was called the *πρόναος*; that at the rear was the *posticum* (see fig. 5); the principal chamber, which usually contained the statue of the deity, was the *cella* or *σηκός*: it was frequently divided into a "nave" and "aisles" by two ranges of internal columns. In some cases, as in the Parthenon and the temple at Corinth, a chamber at the back was walled off from the rest of the cella: this was the *ὀπισθόδομος*; it was used as a treasure chamber. A similar chamber in the Temple of Apollo at Delphi formed an inner sanctuary, *τὸ ἄδυτον*: in it was placed the gold statue of Apollo, the mystic Omphalos, and other sacred objects which only the priests were allowed to approach.

One or more staircases were frequently introduced into the cella. In the Temple of Zeus at Olympia the stairs (*ἄνοδος σκολιὰ*) led to the *ὑπερῷον*, or gallery over the aisles, whence a good view was obtained of the colossal gold and ivory statue by Pheidias (see Paus. v. 10). In the so-called Temple of Concord at Agrigentum, the two stone staircases which led to the roof are still in perfect preservation. Similar staircases in the two other temples at Agrigentum still exist, though they are not so complete (see also fig. 5). In many cases, as in the Parthenon, these stairs appear to have been made of wood.

In the Temple of Concord (so called) at Agrigentum the doorways at a high level still exist, which gave access to the space between the wooden roof and the ceilings of the *pronaos* and *posticum*. In some temples a vestibule, *prodomus*, existed behind the *pronaos* (see fig. 6).

Stylobates and Steps.—The base or *stylobate* of a Greek temple consisted of two or more steps, the height of which was not in proportion to a man's stature, but was fixed by the height of the building. The usual number of steps in Doric temples was three, but a few temples, such as the so-called Theseum in Athens and the

Heraion at Olympia, only had two. In the larger temples, such as the Parthenon, the height of the "riser" of the steps is too great for practical purposes of approach, and so smaller intermediate steps were introduced at certain places to give convenient access to the raised peristyle.

The *cella* floor is usually raised two or three steps above the peristyle. At Paestum the floor of the cella of the great temple is raised to the very unusual height of 4 ft. 9 in. above the top step of the stylobate. In many cases the central portion of the cella floor is slightly sunk below the level of the "aisles:" this was probably intended to receive any rain-water which descended through the open hypaethrum, or, in some cases, to form a shallow tank for water in order to correct the natural dryness of the air in temples which contained a chryselephantine statue, the ivory of which was thought to suffer from the want of some moisture in the atmosphere (Paus. v. 11). In the Temple of Zeus at Olympia the reverse was the case, the surrounding country being damp and marshy, and so the shallow sinking in front of Pheidias' statue was kept full of oil, which was also used as a lubricant for the ivory when it was cleaned by the official φαιδρυνταί. This receptacle was made of black marble with a kerb or rim of white Parian.

The paving of temples was usually formed of large slabs of stone or marble: those in the Parthenon are squares of white marble 1 foot thick and about 4 feet square. In some cases the internal floor was made of a fine hard cement, as, *e.g.* in the temple at Aegina, where the pronaos and the central portion of the cella are paved with cement coloured red. So also the Heraion at Olympia had in the cella a paving of red cement.

The pronaos of the Temple of Zeus at Olympia, built 469–457 B.C., was paved with a curious early kind of mosaic, formed, not of squared *tesserae*, but of natural pebbles of different colours selected from the bed of the river Alpheus. These are set in a fine white cement on a thick bed of concrete. The design consists of Tritons and sea-monsters within a conventional border. This is almost the only example of mosaic of the Greek period that has been found, though mosaics of the Roman period in Greece are far from rare.

In many cases an open gutter, cut out of long blocks of stone or marble, was placed round the lowest step of the stylobate to carry off the rain-water which fell from the eaves of the roof. The water from the roof was discharged through lions' heads placed at intervals along the *cymatium* or top member of the cornice, after the fashion of a mediaeval gurgoyle. Vitruvius (iii. 5, § 15) recommends that only those lions' heads should be pierced which came over the centre of the peristyle columns, to diminish the amount of falling water that the rain could blow towards the cella wall, each column acting as a shelter. The other (unpierced) heads were merely for ornament. The rain-water from the gutters was carried in pipes or open channels to tanks which were built or cut in the rock at various places near the temple: several exist in the Acropolis of Athens close by the Parthenon.

The great Ionic temples of Asia Minor were in some cases raised on a lofty stylobate, consisting of many steps extending all round the building. The Temple of Artemis at Ephesus, dating from the time of Alexander the Great, was constructed with no less than fourteen steps leading up to its peristyle: this great height was, however, exceptional. The decastyle Temple of Apollo at Didyme had only three steps, and the erection of temples on lofty stylobates was rather a Roman than a Greek custom.

Roofs.—Greek temples were roofed with simply framed "principals" and strong rafters, covered with tiles of baked clay, or, in the more magnificent buildings, with slabs of white marble jointed and fitted with the closest accuracy, so that not a drop of water could penetrate. According to Pausanias (v. 10), marble roof-tiles were invented by Euergos of Naxos. The magnificent group of buildings on the Acropolis of Athens were all roofed in this costly manner. Even the stone Temple of Apollo at Bassae was roofed with marble tiles, a fact which Pausanias specially records (viii. 41) as one of the chief glories of the building. In no part of a Greek temple was more elaborate care lavished than in the formation of these marble tiles (σωλῆνες, *tegulae*); each was "rebated" at top and bottom to give the closest possible fit, and each side joint was covered by an overlapping "joint-tile" (καλυπτήρ, *imbrex*), the edges of which were ground down to an absolute accuracy of surface. At the eaves the end of each joint-tile was covered by a καλυπτὴρ ἀνθεμωτός, *antefixa*, an ornament which usually was sculptured with a lotus or acanthus relief. In the temple at Bassae each joint-tile was worked out of the same block of marble as the adjacent roof-tile, involving an immense amount of labour and waste of marble.

Ceilings.—The peristyle, and in some cases the pronaos and posticum, had ceilings under the wooden roof formed of great slabs of stone or marble decorated with a series of deeply-sunk panels or coffers (*lacunaria*), all worked in the solid, and ornamented with delicate enriched mouldings round the edge of each offset. With regard to the wider span of the cella, it is uncertain to what extent inner ceilings were constructed. Probably in some cases wooden ceilings with square *lacunaria* were used; in other cases the rafters of the roof and the underside of the marble tiles were left visible, as is shown by the fact that marble tiles have been discovered with traces of painted ornament on their lower surface. The whole visible woodwork, whether rafters or internal ceiling, was decorated with gold and colour, like the rest of the building. Vitruvius (iv. 2, 2) speaks of roof-panels painted blue by the wax encaustic process.

Screens.—Various parts of a Greek temple were usually shut off by elaborate bronze screens or grills which were frequently gilt. Thus, for example, in the Parthenon, tall bronze screens closed the intercolumniations of the pronaos and posticum. Another screen surrounded the chryselephantine statue of Athene, and the "aisles" of the cella were screened off in the same way from the central space in front of the statue. In some cases these metal screens rested on a marble plinth, but more commonly they were fixed by melted lead into the paving of the temple.

Doorways.—Even in cases where there was a polished marble door architrave, as in the Parthenon and the Propylaea in Athens, it appears to have been usual to fix an inner jamb-lining of wood. This wooden architrave and the valves of the doors were both covered with richly-worked reliefs in gold and ivory, at least in the richer temples. Descriptions of this costly decoration are given in the treasure lists of the Parthenon (see *C. I. A.* ii. 708). The heavy gold plating and ivory reliefs on the doors of the Temple of Athene at Syracuse were stripped off by Verres, as Cicero states in his impeachment. This gold plating made the doors very heavy, and so they were hung, not on hinges, but on massive bronze pivots, which revolved in sinkings in the lintel and sill of the opening. Each valve, in the case of a large doorway, usually ran on a bronze wheel, the marks of which are plainly visible in the Parthenon and in many other temples, on the marble threshold and pavement.

Temple Treasuries (*thesauri*, *θησαυροί*).—In some temples, as *e.g.* the Parthenon and the early temple at Corinth, a special chamber, the *opisthodomus*, was cut off from the rest of the cella as a store-place for the rich treasures in gold and silver which belonged to the temple or had been deposited there as if in a bank. In the Parthenon the opisthodomus appears to have been fitted up with shelves and cupboards. Inventories of the Parthenon treasures cut on marble which still exist mention various objects as being on the first, second, or third shelf, if that is the true meaning of the arrangement according to *ῥυμοί*. Other portions of the Parthenon treasure were kept in the pronaos and in the cella, *ἑκατόμπεδον* or *Παρθενὼν* proper (see Newton and Hicks, *Attic Inscriptions in the Brit. Mus.*, Part I.). In other cases, when there was no separate treasure-room, part of the pronaos or posticum was screened off from the central passage and used as a store-place.

In later times some of the most venerated temples, such as those at Delphi[*] and Olympia, grew so rich in cups, tripods, statuettes, and other votive offerings made of gold and silver, that there was not sufficient room to hold them in the temple itself, and so a number of separate little treasure-houses were built within the sacred precincts. These were often named after various Greek states whose offerings were kept within them. At Olympia a long row of these *thesauri* have been discovered: in design they were like small temples, the cella having either a *prostyle* portico or a portico *in antis*.

Materials and Construction.—The earlier temples were chiefly built of stone, even in districts where marble was plentiful. Very coarse local stones were frequently used, but whether the stone was fine or coarse it was invariably coated with a thin skin of very fine hard cement, usually made of lime and powdered marble or white stone, mixed with white of egg, milk, or some natural size, such as the sap of trees. This beautiful substance, which was almost as hard, white, and durable as marble itself, is similar to the *caementum marmoreum*, the making of which is described at length by Vitruvius (vii. 3, §§ 6–8). The use of this marble cement not only protected soft stone from the weather and made the temple look as handsome as if it had been built of real marble, but it also had the advantage of forming a good, slightly absorbent surface for painted decoration, which seems always to have been applied to Greek buildings. For this reason, even when the temple was built of solid marble, it was not uncommon to coat it with a thin skin or *priming* of marble dust cement for the use of the painter.

In some of the early stone temples, especially in Sicily and at Olympia, terracotta mouldings and enrichments of a very elaborate kind were used to decorate the building. In some cases the whole of the entablature was simply built in squared blocks of stone, and then wholly covered with a casing of moulded terracotta, very carefully jointed and fixed with bronze pins. These terracotta casings were painted with elaborate and delicate patterns in blue and red, brown and white ochres. [TERRACOTTAS.] In other cases the mouldings of the entablature and the like were roughly cut in the coarse stone, and then the fine finished mouldings and enrichments were worked in the marble-dust cement which coated the whole stone-work.

By degrees marble came into use for building temples; at first in a very sparing way, being used only for the sculptured reliefs, and not always for the whole of those. In one of the temples at Selinus no marble is used in the building except a few small bits employed for the nude parts of the female figures in the metopes. All the rest of the sculpture is of the local limestone. At Bassae the use of marble is more extended; the whole of the sculpture and the roof-tiles are of marble. At Aegina the sculpture and only the lower courses of tiles were of marble. A further extension of its use was in the last Temple of Apollo at Delphi, in which the columns of the front were of marble, all the rest of the building (except the sculpture) being of local stone. The Alcmaeonidae of Athens were the contractors for this temple; and though their contract was only for stone, yet they were liberal enough to supply these marble columns for the front of the temple (see Herod. v. 62). Lastly the whole temple from the floor to the roof was built of marble, and in the 4th century B.C. the great temples of Asia Minor were built of marble, even in cases where no marble quarries were at hand. Coloured marbles, though largely used by the Romans, were but little employed in Greek temples.[*]

In Athens the dark grey Eleusinian marble was used in some cases for steps, pavements, or plinths; and in the Erechtheum the main external frieze was made of this dark marble, ornamented with figures carved in white marble in half-relief, and attached to the ground with bronze pins. With this exception nothing but

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[*] For an account of the Temple of Apollo and the treasures of Delphi, see Middleton, *Journ. Hell. Studies*, vol. ix., 1889, p. 282 *seq.*

[*] The earliest recorded instance of the use of coloured marble in a Greek or semi-Greek building was at Halicarnassus, where the palace and tomb of King Mausaolus, who died in 353 B.C., were decorated with linings of Proconnesian marble (see Pliny, *H. N.* xxxvi. § 47; MAUSOLEUM).

white marble was used in the Athenian temples after the Persian war, at least above the groundline. The native limestone (*πῶρος*) was commonly used for foundations. Many different kinds of decorative materials were used: rosettes and other ornaments of gilt bronze were frequently attached to the eyes of the volutes of Ionic capitals, and in the centres of the panels of the *lacunaria* of the ceilings. Bits of coloured glass or enamels of brilliant tint were inlaid in the interstices of the plait-band ornaments of Ionic capitals and bases. The Erechtheum especially was enriched with bronze and enamel ornaments of many kinds. Rings of gold ornament decorated the bases of the Ionic columns of the Artemision at Ephesus, and we read of the joints in a temple wall at Cyzicus being marked with lines of gold inlay (see Pliny, *H. N.* xxxvi. § 98).

In the marble masonry of the finest Greek temples extraordinary care was taken to fit each block closely to the next. Each block was first cut and rubbed to as true a surface as possible, and then, after it was set in its place, it was moved backwards and forwards till by slow grinding it was fitted with absolute accuracy to the block below it. The drums of the columns were ground true in the same way by being revolved on a central pin fixed in a wooden socket, which was let into the centre of the bed of the drum. Small projecting blocks of marble (*ὦτα*) were left by the masons, first to give a hold to the loops of rope while the drum was being raised to its place, and secondly these projections formed a sort of handle by which the great drum of marble could be made to revolve. Of course, with such perfect fitting as this, no cement or mortar of any kind was used, and with time and pressure the adjacent blocks seem in many cases to have, as it were, grown together, so that when a portion of the wall is thrown down a fracture will often run diagonally through two blocks of marble rather than separate the two at the joint. In the absence of cement great labour and much metal were expended in fastening each block with bronze or iron clamps and dowels, all carefully fixed with melted lead. Every block in the Parthenon, for example, is not only clamped to the adjacent blocks in the same course, but is fixed by upright dowels to the courses above and below,—a refinement of precaution, which to modern builders would seem quite needless; there being no side thrust, and the blocks being of such great size and weight as to be in no danger of any movement, except perhaps during an earthquake.

Optical refinements.—Nothing in the way of human workmanship can be more wonderful than the perfection and minute accuracy with which every part of a Greek temple of the best period was executed. The very elaborate system of curved lines and inclined *axes*, which the highly sensitive eye of the Greek thought necessary to the beauty of a building, shows, more clearly than anything else, how far superior to ours were the aesthetic perceptions and the delicately trained eyesight of the ancient Greek. The general principle of the optical corrections used by the Greeks is explained by Vitruvius, though he appears not to have been acquainted with all their refinements. He writes (vi. 2, § 1): "Acuminis est proprium providere ad naturam loci aut usum aut speciem *detractionibus* vel *adjectionibus* temperaturas efficere, uti, cum de symmetria sit detractum aut adjectum, id videatur recte esse formatum, in aspectuque nihil desideretur."

A careful study of existing Greek temples, and especially of the Parthenon, has shown that the following classes of optical corrections were used.*

I. Entasis (*adjectio*) of columns (Vitruv. iii. 3, § 13): the lines of the shafts, instead of diminishing regularly from bottom to top, are slightly convex, giving a very delicate swelling to the central part of the shaft. A column formed with straight lines appears to get thinner than it ought towards the middle, owing to the effect of the light behind it, which appears, as it were, to eat into or encroach upon the column, especially midway between the top and bottom. This *entasis* is the only one of the many optical refinements of the Greeks which is used in modern buildings.

II. The columns at the angles of peripteral temples were made slightly thicker than the rest, and the intercolumniations at the angles were reduced. The object of this was to prevent the angle columns from appearing thinner than the others on account of their being seen against a brighter background than those which showed against the cella walls—a dark object always appears smaller against a bright ground, such as a sunny sky, than if seen with a dark ground behind it.

III. The main horizontal lines of the temple were formed slightly convex, in order to prevent an appearance of weakness and sinking in the middle. Thus the steps and floor of the stylobate, and the horizontal lines of the entablature, have a very slight and delicate curve, the rise varying, *e.g.* in the Parthenon, from $\frac{1}{450}$ to $\frac{1}{715}$ of the length.

IV. An inward slope of all vertical lines and planes to give an appearance of *stability*. The columns were not set upright, but all sloped inwards towards the building. The cella walls were built "battering;" that is, thicker at the bottom than at the top. Even the principal flat surfaces of the capitals and entablature were made so as to slope inwards.

V. In some cases when the point of sight is near, and the moulding high up, as with the capital of an *anta*, the chief planes of the moulding slope *forwards* instead of inwards, to correct the excessive foreshortening which otherwise would prevent the vertical flat surfaces from being seen from below.

A very interesting inscription has been discovered at Lebadea in Boeotia, giving the specification for the partial rebuilding of a temple there to Zeus. It gives many curious details about the construction of the building, and contains the following clause about the optical corrections which were to be used: *τὰ δὲ ἄλλα ὅσα μὴ ἐν τῇ συγγραφῇ γεγράπται κατὰ τὸν κατοπτικὸν νόμον καὶ ναοποιεῖν ἔστω*,—"as concerns other matters not written in the specification, let them be done according to the

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* For further information on this subject, the student is referred to the very valuable work on *Athenian Architecture* by F. C. Penrose, 2nd edit., 1888, published by the Dilettanti Society.

optical rules for the construction of temples" (see Choisy, *Études Épigraphiques sur l'Architecture Grecque*, p. 173 *seq.*).

Fig. 9 shows in a very exaggerated form the most important optical corrections in the Parthenon, as discovered by Mr. F. C. Penrose.

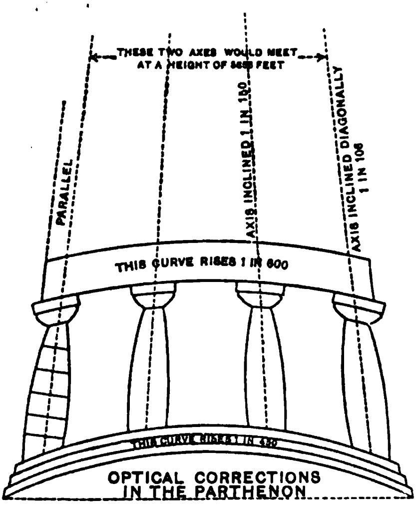

Fig. 9. Diagram showing the various optical corrections used in the Parthenon.

Each block of marble is worked accurately so as to form its proper proportion of these delicate curves, which, *e.g.* in the entablature, amounts only to a rise of 2 inches in 100 feet of length.

The general system of design in a Greek temple is very different from that of such a building as a Gothic cathedral. In the latter the *module* or unit of scale has some relation to the height of the human figure, and great size is gained by *multiplying* parts, not by merely *magnifying* the scale. In a Greek temple the *module* or unit is the diameter of the external columns,* and a large peripteral temple may be exactly like a small one with all its parts magnified. Thus in the largest temples the doorway, magnified in proportion to the size of the columns, has no relation to the human height; and in details, such as the entablature, a large cornice will have no more members than a small one, but merely each member increased in size. Beautiful and unrivalled in execution as Greek architecture is, this want of adaptability, which comes from the use of a single external order only, is a very real practical defect.

Methods of Decoration in Greek Temples.

Sculpture.—In Doric temples the usual parts which were decorated with sculpture were the *pediments* or triangular gables at the ends: these usually contained groups of figures in relief or in the round. The *metopes*, or panels between the triglyphs over the architrave, were filled with reliefs: in some cases, as in the Parthenon, every external metope contained a relief; in other cases only, those on one or both ends. The celebrated Parthenon frieze (ζωοφόρος) was set within the peristyle at the top of the cella wall. At Bassae the frieze was inside the cella, over the "engaged" columns which projected from the side walls of the cella, and there were also sculptured metopes inside the peristyle. In Ionic and Corinthian temples, which had no triglyphs and metopes, a continuous sculptured frieze was usually carried along the main entablature. The *Artemision* at Ephesus was not only decorated with pedimental sculpture and an external frieze, but a number of its columns had their lower drums sculptured with life-sized figures in relief—the *columnae caelatae* of Pliny, *H. N.* xxxvi. § 95. In addition to this some of the columns were set on square sculptured plinths. Even the older temple to which Croesus was a liberal benefactor had columns decorated with reliefs in the same way.

Some Greek temples, such as that at Bassae and the Heraion at Olympia, were constructed with a series of recesses separated by engaged columns along the side walls of the interior of the cella. These were designed to hold single statues of the deities. The celebrated Hermes of Praxiteles stood in one of the shrine-like recesses of the Heraion at Olympia. The more celebrated temples, especially those which stood on the site of some great agonistic contest—such as Delphi, Corinth, and Olympia—were crowded with votive statues, both inside the cella and in the portico and peristyle. At Olympia and Delphi, before the Roman spoliation, the statues in and around the temples must have been numbered by the thousand. A very large proportion of these were of bronze, in many cases thickly plated with gold. Even in Pliny's time the sacred periboli at Olympia and Delphi still contained fully 3,000 statues each (*H. N.* xxxiv. § 36): and at the time of Pausanias' visit to Delphi they must have been more numerous still (see his long account of them x. 8–15, 18, 19, and 24). He names nearly 150 statues at Delphi as being worthy of special notice.

The principles of composition which were applied to the sculpture on Greek temples were mainly these:—In the pediments the interest of the motive usually converged towards the centre. In a continuous frieze the interest was more distributed; in the Parthenon frieze it culminates in the central group over the main entrance. In the metopes combats were favourite subjects, giving strongly-marked diagonal lines of composition, which formed a pleasant contrast to the vertical lines of the triglyphs. When a continuous frieze was sculptured with battle scenes, as is the case at Bassae, the composition formed a series of zigzag lines which gave a continuous flow of action. In all cases great care was taken by the Greek sculptor to make his work harmonise with its architectural surrounding, very unlike modern sculpture on buildings, which usually has no more relation to its position than if it were a mantel-piece ornament.

Painting.—Rich painted decoration in brilliant colours seems to have been used to ornament all the Greek temples. Even the sculpture was

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* Vitruvius (iv. 3, § 4) makes the *modulus* a half-diameter of the column for convenience of calculation, but the real unit is the whole diameter of the shaft at the bottom, as he has it at iii. 3, § 7.

painted, either wholly or simply set off by a coloured background, and enriched with borders and other patterns on the drapery. Accessories, such as weapons, trappings of horses and the like, were usually of gilt bronze. The mouldings of the entablatures, capitals, and other parts were all picked out in red, blue, and gold, with very minute and elaborate patterns painted on the larger members, in the coffers or panels of the *lacunaria*, and on the cross-beams of marble which supported the great ceiling slabs over the peristyle. Certain enriched mouldings, such as the "bead and reel," appear to have been nearly always gilt, and in almost all the patterns of the richest temples thin bands of gold were used to separate and harmonise the brilliant tints of colour.

The interior of the temple walls was often covered with large paintings of figure subjects: in the Parthenon, for example, the pronaos contained a painting of the rock Aornus and the fissure which drew into it birds flying over it. In the cella were portraits of Themistocles and Heliodorus (see Paus. i. 2, 37): and Pliny (*H. N.* xxxv. § 101) records that in the portico of the Parthenon was a painting by Protogenes of Caunus, representing the sacred triremes Paralus and Ammonias. Similar pictures decorated the internal walls of most Greek temples.

Votive shields of gilt bronze were frequently attached to the architraves of Greek temples, as was the case with the Parthenon, the Temple of Zeus at Olympia, and that of Apollo at Delphi (Paus. v. 10, 2, and x. 19, 3). Part of the Parthenon architrave was decorated with hanging wreaths or festoons of flowers worked in bronze. The positions of these and of the shields are still marked by the stumps of the bronze pins which fixed them to the marble. In some cases sets of votive armour and weapons were hung to the cella walls, both inside and out, as well as *ex-votos* of many other kinds.

Orientation.—Greek temples are usually placed with their *axes* east and west: the front is commonly towards the east. There are, however, exceptions to this rule: the Temple of Apollo at Bassae stands north and south, but has on its east flank the unusual feature of a side door, placed near the statue of the god—possibly to allow the rays of the rising sun to strike the statue of Apollo, who was there worshipped as the deliverer from a fearful pestilence which had devastated the neighbouring city of Phigaleia, about the middle of the 5th century B.C.

Greek temples of the historic and autonomous period were built in two styles, *Doric* and *Ionic*. The Corinthian style belongs to a later period.

Doric Temples.—In the mainland of Greece, in Magna Graecia, and in Sicily, the Doric style was the first to be developed. Almost all the existing Greek temples in these countries are Doric. The chief *archaisms* or points of difference between the early and the fully-developed Doric temples are these:—In the older examples the columns are proportionally shorter and thicker, the architrave is heavier, the intercolumniation is closer, the diminution of the shafts of the columns is proportionally greater; the abacus of the capital is shallow and wide-spreading, the echinus of the capital is formed with a more bulging curve. Entasis and other optical refinements are used in a limited and imperfect way. The shafts of the columns are as far as possible monolithic; marble is used very sparingly or not at all.

The largest number of early Doric temples which still exist are in Sicily; at Syracuse, Agrigentum, Selinus, and Segesta. Another example of very early date is the temple at Corinth. Of the later, fully-developed Doric, the chief examples are in Athens, and at Bassae in Arcadia.

The temple in Aegina occupies an intermediate position in point of date. With regard to the oldest existing temples it is impossible to fix any exact date; there is, however, little doubt but that the two earliest temples at Selinus, and one in Syracuse, of which very little more than two columns now exist, are not later than the end of the 7th century B.C. The latest Greek Doric temple of which any remains still exist is probably that of Athene Alea at Tegaea, which was designed by Scopas in the early part of the 4th century B.C. (see Paus. viii. 45).

The main characteristics of the Doric style are these—columns without bases, with shallow flutings not separated by a fillet. The capital consists of a square *abacus* resting on a slightly curved cushion-like member, which is called the ἐχῖνος (*echinus*), from its resemblance to the shell-fish popularly called a sea-urchin. The architrave which rests on the abaci of the columns is plain, without any sinkings or *fasciae*, such as are used in the Ionic style. Above the architrave comes the frieze, which is divided into triglyphs (τριγλύφοι), and metopes (μετὰ ὀπάς). As Vitruvius quite correctly points out (iv. 2), the Doric order is a survival in stone of a primitive method of construction in wood.

The grooved triglyphs were copies of the ends of the tie-beams of the roof principals. The holes in the upper course of the wall in which the tie-beams rested were called (ὀπαί), and hence the intermediate spaces were the μετ' ὀπαί, *metopes*. In the early wooden buildings the metopes were frequently left open to admit light and air (see Eur. *Iphig.* 113); and in domestic buildings they probably served as an exit for the smoke from the central hearth (Ϝεστία) in the middle of the μέγαρον or hall. In later times the metopes were closed and decorated with painting or sculpture.

Above the Doric frieze was the cornice, the third and last part of the entablature: this was very simple, consisting mainly of a deep overhanging block with a plain flat surface called the *corona*, and on its *soffit* or under-side a series of *mutules*, covered with three rows of three circular projections, *guttae*. The mutules were survivals in stone of the ends of the small rafters, which showed above the ends of the tie-beams. The top member of the cornice, *cymatium*, was originally the upturned edge of the eaves' tiles, and was pierced at intervals to allow the rain-water to escape (see fig. 10).

The description already given of the plans and general arrangement of Greek temples applies to those of the Doric style, except that no Doric *decastyle* temple appears to have been built, though the dodecastyle portico of the Hall of the Mysteries at Eleusis had columns of the Doric order. This, however, was not, as is mentioned above, a temple, but rather a great hall or *μέγαρον*.

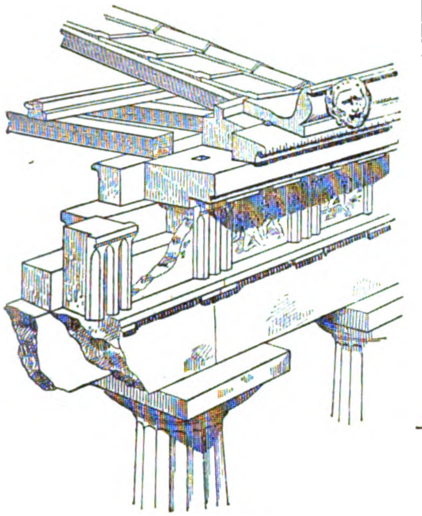

Fig. 10. Drawing to show the construction of the entablature of a Doric temple of the 5th century B.C., and the manner in which it supported the timbers of the roof. One of the pierced lions' heads for rain-water is shown on the top-member (*cymatium*) of the cornice.

The method in which Greek temples were lighted is a rather difficult problem: windows were not used till Roman times, and it appears fairly certain that some form of opening in the roof (*ὀπαῖον*, *hypaethrum*) was the usual way in which light was admitted into the cella.* Prof. Cockerell found at Bassae one of the marble roof-tiles which had formed the border to some such opening. A raised rim or kerb was worked on the tile so as to prevent water dripping from the roof into the interior. The existing circular *hypaethrum* in the dome of the Pantheon in Rome shows the great aesthetic beauuty of such a method of lighting; the inconvenience from rain falling on to the marble paving is comparatively slight.

After a long-established custom of sacrificing on altars in the open air, there was probably a survival of sentiment in favour of having some part of a temple *sub divo*. Both religious and poetical notions have almost always closely associated the notion of the visible sky with the abode of God. Support is given to the hypaethral theory of lighting by a curious passage of Justin, xxiv. 8, who relates that when Delphi was attacked by the Gauls the Pythia and the priests cried out that they saw Apollo descending through the roof opening of the temple—"eum se vidisse desilientem in templum per aperta culminis fastigia." An ingenious theory was invented by Mr. James Fergusson, that the hypaethrum or ὀπαῖον was not over the central space of the cella, but that there was one on each side over the aisle galleries; the light being admitted sideways, through windows like those of a mediaeval clerestory (see Fergusson, *The Parthenon*, 1883). There is, however, little real evidence to support this theory, and the explanation would not apply to those numerous temples which had no "aisles" or internal columns to support a gallery.

The general appearance of the façade of a Doric temple is shown in the annexed figure (No. 11) of the temple at Aegina, as restored by Cockerell from the existing remains. The pediment has fallen, and the sculpture is now at Munich, but most of the columns are very perfect. The date of this temple is probably about the middle or latter part of the 6th century B.C.

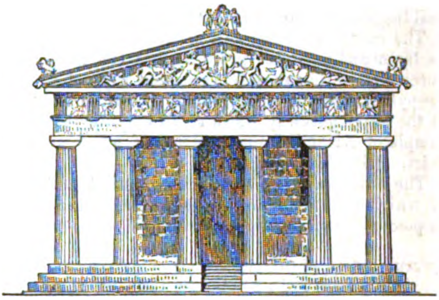

Fig. 11. The façade of the Doric, hexastyle, peripteral temple in Aegina, restored from the existing remains by the late Prof. Cockerell.

It should be observed that some temples of the Doric style had internal columns of a different order. The columns in the opisthodomus of the Parthenon were probably Ionic. At Bassae the internal columns of the cella were Ionic, and at Tegea it is probable that the columns of the pronaos and posticum were Ionic, while those inside the cella were Corinthian (see Paus. viii. 45, § 3 *seq.*). The Propylaea of the Athenian Acropolis has a similar combination of the Doric with the Ionic style.

In the earlier temples all the columns seem to have been Doric, as we see in the great temple at Paestum, where the internal columns still exist.

The so-called *Temple of Demeter*—or, more correctly, the *Σηκὸς μυστικός*—at Eleusis, was a completely different building from ordinary Greek temples, as it was a great hall of meeting for those initiated into the mysteries of Demeter, Kore, and other Chthonian deities. It has recently been excavated and plans of the successive structures made with great care and skill by Dr. Dörpfeld (see *Fouilles d'Éleusis*, Athens, 1889: cf. also Paus. i. 38).

The latest building was a large square hall containing six rows of seven columns each. On three sides, there were two doorways, six in all. The fourth side, which was built against the scarped face of the hill, had no entrance on the ground-floor. It appears probable that the building was in two stories.* On the ground-floor eight tiers of step-like seats were

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* The windows in the Erechtheum were an addition of the time of Constantine, or even later.

* The upper story was probably used for the production of those striking scenic effects, imitations of thunder and lightning and the like, which were employed by the priests to fill the minds of the neophytes with awe and wonder. Traces of some curious machinery are still visible in the inner propylaeum of the temenus.

placed against all four walls; the lines of seats being broken only by the doorways. In front was the great Doric dodecastyle portico built by Philo in the 4th century B.C. The plan of the whole building is Oriental rather than Greek in character. It closely resembles the "Hall of the Hundred Columns" in the palace of Darius and Xerxes at Persepolis. Dr. Dörpfeld discovered remains of two earlier and smaller buildings of similar plan on the same site.

The sacred temenus was approached through an inner and an outer propylaeum; the larger, outer one, of Roman date, is a close copy of the propylaeum of the Athenian Acropolis. In front of the outer gateway was a small amphiprostyle temple of Artemis, some remains of which still exist. (See *Bull. Cor. Hell.* i. 1885.)

The following are the principal Doric temples of which remains still exist, arranged as nearly as possible in chronological order:—

Syracuse, Island of Ortygia, Temple of Artemis, hexastyle, very archaic, scanty remains. 7th century B.C., or even earlier.

Selinus (Sicily), three temples on the Acropolis, all hexastyle, with 19, 14, and 13 columns respectively on the flanks, of local limestone, very early in style. 7th cent.

Syracuse, Ortygia, Temple of Athene, hexastyle, now built into the cathedral. Late 7th cent.

Selinus, great Temple of Zeus in the Agora (see fig. 7), octastyle, with 17 columns on the flanks: never finished. 7th cent.

Corinth, hexastyle, with 15 columns on the flanks; only 7 columns now remain. Late 7th cent.

Segesta, Sicily, hexastyle, the peristyle perfect, but the cella wholly gone, probably unfinished. 6th cent.

Agrigentum, Sicily, the great Temple of Zeus, *heptastyle*, with 14 columns on the flanks, pseudo-peripteral, slight remains. 6th cent.

Aegina, hexastyle, with 12 columns on the flanks; very perfect (see fig. 11). 6th cent.

Paestum, Lucania, the so-called Temple of Poseidon (see fig. 5), hexastyle, with 14 columns on the flanks, very perfect. 6th cent.

Delphi, Temple of the Pythian Apollo, hexastyle, peripteral; designed by Spintharus of Corinth soon after the burning of the previous temple (the fourth on that site) in the year 548 B.C. Second half of the 6th cent.

Agrigentum, Sicily, three hexastyle temples, two of them very perfect. Late 6th or early 5th cent.

Selinus, the middle temple on the Agora. *c.* 500 B.C.

Assos, Asia Minor, hexastyle, with sculpture on the architrave, very rude in style, scanty remains. *c.* 480 B.C.

Athens, so-called Temple of Theseus, hexastyle, with 13 columns on the flanks, very perfect. *c.* 465 B.C.

Olympia, Temple of Zeus, built by Libon of Elis, hexastyle, with 13 columns on the flanks; little remains standing. 469–457 B.C.

Olympia, the Heraion, a mixture of many dates, mostly destroyed, hexastyle, with 16 columns on the flanks.

Athens, the Parthenon, octastyle, with 17 columns on the flanks, still fairly perfect, built by Ictinus. 450–438 B.C.

Selinus, hexastyle temple in the Agora. Middle of 5th cent.

Sunium, Attica, hexastyle, a few columns only remain. Middle of 5th cent.

Bassae, Temple of Apollo Epicurius, hexastyle, with 15 columns on the flanks, built by Ictinus, still fairly perfect. *c.* 440 B.C.

Rhamnus, Attica, Temple of Nemesis, hexastyle, peripteral; and Temple of Themis, cella with portico *in antis*, and walls of polygonal masonry, a late survival of this early method of building (see fig. 3). Middle of the 5th century.

Eleusis, the Hall of the Mysteries, with a dodecastyle portico, which is a later addition. *c.* 440–220 B.C.

Tegea, Temple of Athene Alea, built by Scopas, hexastyle, with 13 columns on the flanks; date soon after 393 B.C.

Paestum, *enneastyle* temple, and a small hexastyle temple, probably built by native Lucanian architects in the 4th cent. B.C.

Ionic Temples.—The main points in which the Ionic order differs from the Doric are these:—The columns have bases, and the capitals are decorated with volutes and a moulded abacus, instead of the simple echinus and plain abacus of the Doric style. The whole entablature is more elaborate, the architrave being divided into receding planes or bands (*fasciae*), and the members of the cornice more numerous and elaborate. The small cubical projections called *dentils*, which are set closely along the fully-developed Ionic cornice, are one of the chief characteristics of the style, though not always present in Athenian examples. Besides these important differences of design, the whole character of an Ionic temple is more light and graceful than that of a Doric building. Thus Vitruvius fancifully compares the Doric order to the proportions of a man, and the Ionic to those of a woman (Vitruv. iv. 1, §§ 6, 7). The columns are more slender, and so in proportion taller; the diminution and entasis are less. The intercolumniation, or distance from column to column, is wider, giving a lighter effect to the whole building. The flutes on the columns are separated by flat strips or "fillets," and the members of the mouldings are much more largely enriched with carving.

No very early example of an Ionic temple is now in existence; but some very primitive Ionic capitals, which have recently been found deeply buried on the Athenian Acropolis, show that even in Attica the Ionic style, though in an undeveloped form, was used before the Persian invasion. The earliest Ionic temple in Greece proper, which existed till modern times, was a very graceful little building on the Ilissus, close by Athens, but this was destroyed about a century ago. Luckily it is well illustrated in Stuart and Revett's valuable work on Athens. It was a tetrastyle, amphiprostyle building, and from some of its details, especially the absence of dentils in the cornice, seemed a sort of link between the Doric and Ionic styles. It was probably built soon after the Persian invasion, about 475 B.C. The somewhat similar little Temple of Nike Apteros on the Acropolis, which has been carefully rebuilt and is now in a very perfect state, belongs to a rather later date, probably about the middle of the 5th century B.C. It is a mere shrine for a single statue, the cella being little over 12 feet square; and it possesses the remarkable peculiarity of having no front wall to the cella, but only two square pilasters to carry the architrave (see fig. 4). The open end of the cella was closed by a bronze screen fitted in between the pilasters and the *antae*.

Large and magnificent as are the great Ionic temples of Asia Minor, none of them can approach the beauty of the Athenian *Erechtheum*, either in delicate richness of detail or in minute perfection of workmanship. The Erechtheum, which stands to the north of the Parthenon, was rebuilt towards the end of the 5th century on the site of a very primitive temple of Athene Polias, which was burnt by the Persians in 480 B.C. It is a very complicated building, containing a group of many different shrines, and is quite unlike any other Greek temple. The main cella, which had a hexastyle portico towards the east, was subdivided by cross walls, and floors in several different chambers at various levels. Owing to this cella having been gutted to make it into a Christian church, the original plan is now a matter of some doubt. All that is certainly known is that some part, probably the eastern portion of the cella, was the shrine of Athene Polias, and contained a very sacred ancient *ξόανον* or wooden statue of the goddess. This statue is referred to in the official title of the temple as given in an existing inscription of the year 409 B.C., when the building was still in progress; the title is *ὁ νεὼς ὁ ἐμ πόλει ἐν ᾧ τὸ ἀρχαῖον ἄγαλμα.* Another part of the temple was called the Ἐρεχθεῖον, or shrine of Erechtheus, the mythical ruler of Athens, whose presence was symbolised by a living snake which was kept in the building (Herod. viii. 41, and Plut. *Themis*, 10). A third portion of the cella was the Κεκρόπειον or shrine of Cecrops. The building or its temenus also contained the spring of salt water and the olive-tree which were supposed to have been produced by Poseidon and Athene during their contest for the sovereignty of Attica (see Pausanias, i. 26, § 5 *seq.*). On the north of the cella is a very beautiful tetrastyle portico, at a much lower level than the eastern portico: in a vault under the portico floor are traces of the salt spring and the marks made by Poseidon's trident—*σημεῖον τῆς τριαίνης*—which were shown to Pausanias. On the opposite or south side of the main cella is the well-known Caryatid portico, supported by six graceful female figures, one of which is now in the British Museum. The entrance was by a side door in this little porch, leading down by a small flight of steps to the lower level at the west end. In the west wall a doorway gave access to a long sacred enclosure called the Πανδρόσειον in honour of Pandrosos, the one faithful daughter of Cecrops. In this court probably stood the sacred olive and an altar to Zeus Herkeios (see Dion. Hal., quoting Philochorus, *de Deinarcho*, 3). The three windows, which till recently existed in the west wall of the cella over the door, were insertions of a late date, probably of the time of Constantine, when the temple was made into a church. The apse, which was then built at the other end, unfortunately caused the destruction of the east portico, and in fact the whole building was gutted to make it into a single chamber.

The Erechtheum is richer in detail than any other Ionic temple, and is also quite alone in the minute delicacy of the execution of all its ornaments and mouldings. The capitals were decorated with a band of lotus pattern below the necking: the volutes were enriched with ornaments of gilt bronze, and delicate plaited mouldings, both on the capitals and bases, were inlaid with bits of jewel-like enamel. All the mouldings and reliefs were decorated with gold and colour. The whole work was extraordinarily elaborate and costly, and so took many years to execute. It appears not to have been completely finished till after the close of the Peloponnesian war. A very interesting inscription, with a report of its exact state in 409 B.C., is now in the British Museum (see Newton and Hicks, *Greek Inscriptions in British Museum*, i. p. 84).

The following is a list of the chief Ionic temples of which some remains still exist:—

In Greece proper:—

- *Athens:* the temple of Nike Apteros and the Erechtheum on the Acropolis.
- *Olympia:* the circular Philippeion, with 18 Ionic columns outside, and, inside the cella, engaged columns of the Corinthian order: similar in plan to the Roman Temple of Vesta shown in fig. 13.

In Asia Minor:—

- *Sardis:* temple of Cybele, octastyle, with columns 60 feet high, of which only three remain, date about 500 B.C.
- *Xanthus* in Lycia: Heroon of unknown dedication, a small tetrastyle, peripteral building on a lofty *podium*. Its sculpture is now in the British Museum. The date is doubtful, but it is probably not earlier than *c.* 400 B.C.
- *The Troad:* Temple of Apollo Smintheus, octastyle, pseudo-dipteral, with very close (pycnostyle) intercolumniation. Most of the existing building seems to date from a period probably about 400 to 350 B.C.
- *Samos:* Temple of Hera, decastyle, dipteral (see Paus. vii. 4, and Vitruv. vii. Praef. 12). The existing temple is of the 4th cent. B.C. An earlier temple on the same site was built in the 7th cent. B.C. by Rhoecus of Samos; Herodotus mentions it as the largest temple he had seen (see iii. 60, ii. 148, and i. 70). The existing remains were first excavated by the Dilettanti Society in 1812. (See *Antiq. of Ionia*, i. p. 64; and *Bull. Cor. Hell.* iv. p. 383.)
- *Magnesia ad Maeandrum:* Temple of Artemis Leucophryne, hexastyle, pseudo-dipteral, built by Hermogenes about 350 B.C. (See Vitruv. vii. Praef. 12.)
- *Teos:* Temple of Dionysus, hexastyle, also built by Hermogenes about 350 B.C. (See Vitruv. vii. Praef. 12; and iv. 3, 1.) At iii. 3, 8 Vitruvius mentions this temple as an example of *eustyle* intercolumniation. He goes on to say that its architect Hermogenes was the first to invent the pseudo-dipteral plan for a hexastyle temple by omitting the second (inner) range of columns, and so giving a wider ambulatory round the cella for shelter from rain for a crowd of people. (See *Antiq. of Ionia*, Part iv. 1881.)
- *Priene:* Temple of Athene Polias, hexastyle, very similar to the temple at Teos; it was built in the second half of the 4th cent. B.C. and was dedicated by Alexander the Great, as is recorded in the following inscription, which was discovered during the excavations of the Dilettanti Society:— Βασιλεὺς Ἀλέξανδρος ἀνέθηκε τὸν ναὸν Ἀθηναίῃ Πολιάδι.
- *Branchidae* near Miletus: Temple of Apollo Didymaeus; decastyle, dipteral (see fig. 6). This and the temple at Samos were the only two Greek decastyle temples. That of Apollo Didymaeus seems never to have been completed. Vitruvius (vii. Praef. 16) mentions it as one of the four greatest temples of the Greeks, and that its architects were Paeonius of Ephesus and Daphnis of Miletus, about 350 B.C. Pausanias (vii. 5) says that, though unfinished, it is one of the wonders of Ionia. According to Strabo, p. 634, it was left roofless on account of its excessive span. (See *Gaz. des Beaux Arts*, xiii. p. 497, and xiv. 1876.)

Ephesus: Temple of Artemis (Artemision), octastyle, dipteral, built during the reign of Alexander the Great, 356–323 B.C.

In many respects this last was the most magnificent and celebrated of all Greek temples; the last temple built on the site ranked as one of the seven wonders of the world. It should, however, be remembered that the great size of the Artemision was a very important factor in its celebrity. In point of beauty of workmanship and minute refinement of detail it was far surpassed by the earlier Greek temples, such as the Parthenon and the Erechtheum. Between the 7th century B.C. and the time of Alexander the Great three successive temples were built on the same site. 1. The original temple built by Theodorus of Samos, the partner of Rhoecus, who was architect of the Heraion in Samos, probably about the year 630 B.C. 2. The temple which was begun by Chersiphron and finished by his son Metagenes about the end of the 6th century B.C. This temple was burnt by an incendiary, named Herostratus, the night when Alexander the Great was born, in 356 B.C. 3. The last temple built during the reign of Alexander was designed by his favourite architect Dinocrates. (See Pliny, *H. N.* xxxvi. § 98; and Vitruv. x. 2, §§ 11, 12; vii. Praef. 12; and ii. Praef. 1–4). It should be observed that much confusion exists in the statements of Vitruvius, Pliny, and other authors as to the architects of the temple, owing to their not distinguishing clearly between the three successive buildings.

Considerable remains of the last temple, and pavements and foundations of the two earlier buildings, were discovered in the years 1870–6 by Mr. Wood; but unfortunately no satisfactory account or plan of his discoveries has been published. Mr. Wood discovered after long search that the Artemision, surrounded by its extensive temenus, stood, not within the city of Ephesus, but nearly a mile outside the Coressian gate. It had eight columns on the fronts, and probably twenty on the flanks: the stylobate, which consisted of no less than fourteen steps, measured at the lowest step about 418 by 240 feet. The columns were 56 feet high, and about 6 feet in diameter above the base. As has been already mentioned, some of the columns and their pedestals were enriched with sculpture, as were also the *antae*, of very varying degrees of excellence, some being well designed and graceful in motive, while other reliefs are extremely coarse and clumsy. None of the sculpture is remarkable for any high degree of finish or delicacy. The main entrance from the pronaos led, not directly into the cella, but into a large vestibule, part of which was probably shut off for use as a treasury. The temple was enormously rich in statues and votive offerings of all kinds in gold and silver; its doors were most magnificently decorated with plating of gold and ivory. A fragment of one of the bases of the main order, now in the British Museum, has remains of an ornament of pure gold fixed with lead between the double *tori*. The inside of the cella was decorated with a large mural painting of Alexander Ceraunophorus by Apelles and many other pictures, and contained a large number of fine statues by Scopas, Timotheus, Leochares, and other sculptors of the Asia Minor School. The temenus was very large, enclosed by a massive wall, and planted with groves of trees. It formed one of the most sacred sanctuaries of Asia Minor, and was the resort of great numbers of men who were flying from punishment for some misdeed. By degrees the bounds of the *asylum* or sanctuary were enlarged, until they not only extended up to the walls of Ephesus, but even included part of the city, which thus became the resort of evil-doers, and was a great source of trouble to the citizens. Augustus therefore restricted the limit of the space which had the privileges of asylum.

The British Museum also possesses some very interesting fragments which belonged to the second temple, begun about the middle of the 6th century, to which the Lydian king Croesus was a liberal benefactor. These fragments show that the earlier temple had some of its columns decorated with life-sized reliefs after the same fashion as the last building. Some of these were given by Croesus, whose name and dedication were inscribed on the upper torus of one of the bases, some fragments of which are now in the British Museum. One remarkable peculiarity of this 6th-century building was that the large cymatium, which formed the top member of the main cornice, was decorated with figures in relief, which can have been hardly visible owing to their small scale and great height from the ground. See A. S. Murray, *Journ. of Hell. Studies*, vol. x. p. 1 *seq.*

Graeco-Roman Temples.

There are also two very magnificent Ionic temples in Asia Minor which date from the Roman period: these are at *Aphrodisias* in Caria, and at *Aizani* in Phrygia; both are octastyle, pseudo-dipteral buildings, with fifteen columns on the flanks. The elaborate, but somewhat coarse and extravagant, sculptured ornaments show that the date of these two very similar temples is probably not earlier than the 1st or 2nd century A.D. Each was surrounded with an extensive peribolus wall, within which a smaller space is enclosed by an open *porticus* or cloister; in the centre of this the temple itself stands. The temple at Aizani is remarkable for having a fine vaulted crypt under the cella floor, twenty-eight feet wide and fourteen feet high, probably used as a treasure chamber. (See Le Bas, *Voyage Arch. dans la Grèce*, &c. ed. Reinach, 1888; Texier and Pullan, *Asia Minor*, 1865; and the various treatises published during the last hundred years on *The Antiquities of Ionia* by the Dilettanti Society, vols. i. to iv. See also Newton, *Travels in the Levant*, 1865, and *History of Discoveries at Halicarnassus*, &c., 1862.)

The Corinthian Order was the latest development of Greek architecture, and did not come into use till a period of decadence had set in. It is an elaborated form of Ionic, with capitals enriched by two tiers of acanthus leaves instead of the Ionic volutes. Vitruvius (iv. 1, 9) relates a pretty and fanciful story about the origin of the Corinthian capital, which was supposed to have been invented by Callimachus; cf. Paus. i. 26 *ad fin.* The oldest existing example of the Corinthian order is the choragic monument of Lysicrates, in Athens, of 334 B.C., and even this is Corinthian of an incompletely developed type

With the Romans the Corinthian order was a very favourite style for temples, but no purely Greek Corinthian temple is known to exist, though many dating from Roman times are to be found in various parts of the Hellenic world.

The most famous example is the great Temple of Olympian Zeus at Athens, which was designed by a Roman architect named Cossutius for Antiochus Epiphanes about 170 B.C. (see Vitruv. iii. 2, 8, vii. Praef. 15; and Paus. i. 19). The existing remains have been described by F. C. Penrose in the second edition of his *Athenian Architecture*, 1888. The earlier temple was begun about the year 530 B.C. by the Peisistratid tyrants of Athens: it was designed on a very large scale with columns about 7 feet in diameter, but was never completed. Mr. Penrose, during his excavations in 1887, found some of the stone drums of this older temple used as foundations for the marble Corinthian columns of Cossutius' building. He also found traces of a smaller and still older temple than that of Peisistratus. The existing temple, though commenced by Antiochus, was not completed till the reign of Hadrian, who was a very liberal benefactor to Athens. The excavations of 1887 showed that it was *octastyle*, not decastyle, as had previously been thought, thus showing the correctness of Vitruvius' statement on this point (see Vitruv. iii. 2, 8). It was dipteral, with twenty columns on the flanks, and three rows at each end in front of the pronaos and posticum. Part of the cella behind the statue of Zeus was divided by a cross wall, so as to form an opisthodomus. In spite of the cella being (proportionally) very narrow, there were ranges of internal columns, forming two narrow aisles with galleries over them. The size of the temple, measured on the top step of the stylobate, was 354 feet by 135 feet. The magnificent Corinthian columns, of which fourteen are still standing, are 6 ft. 6 in. in diameter, and 60 feet high: the style of the capitals and the beauty of the workmanship make it probable that these columns date from the time of Cossutius, *c.* 170 B.C., rather than from the reign of Hadrian. The gold and ivory statue within the cella was a copy of that by Pheidias at Olympia (Paus. ii. 27, 1). The columns from this temple which Sulla (*c.* 86 B.C.) removed to Rome to use in the Temple of Capitoline Jupiter, were, as Mr. Penrose has suggested, probably monolithic shafts of coloured marble from the interior of the cella (see Plin. *H. N.* xxxvi. § 45).

Circular Greek Temples.

A form of Greek temple not included in the above classification is the *Tholus*, a round building, often surrounded by columns forming a circular peristyle. The *Prytaneum*, which existed in every important Greek city, seems to have been usually a building of this kind. It contained an ever-burning sacred fire in honour of Hestia (*Ἑστία*) or Vesta; so also the Roman temples of Vesta were built on this circular plan.* [PRYTANEUM.] Remains of the famous *Tholus* at Epidaurus have recently been discovered. It was a large handsome building of Parian marble, within the sacred temenus of Asclepios, to whom it was dedicated. It was designed by Polycleitus the younger in the 4th century B.C., and contained mural paintings by Pausias (see Paus. ii. 27; THOLUS).

Another circular temple or *Heroon* was the *Philippeion* at Olympia, remains of which were discovered a few years ago by the German excavators. It was surrounded by a circular peristyle of 18 Ionic columns: the interior of the cella was decorated with engaged columns of the Corinthian order. In design it closely resembled the Temple of Vesta in the Roman Forum, after its rebuilding by Severus (see Paus. v. 20).

For an account of the management, ritual, and property of temples, see SACERDOS, THESAURUS, and VECTIGALIA TEMPLORUM.

Roman Temples.

Little originality was shown by the Romans in the designs of their temples, as in other artistic matters. Though skilful builders and good practical engineers, they had very little talent for art, or even good taste in matters of design; and thus it happened that the special Roman modifications made in designs which they borrowed from others were very usually far from being improvements from the aesthetic point of view. In early times Roman temples were copied from those of the Etruscans; in later times, after the conquest of Greece, the temples of the Romans were imitations of Greek temples, more or less modified to suit their different practical needs.

In its primitive form the Etruscan temple appears to have been a wooden structure, with trunks of trees for columns, widely spaced, and carrying a timber architrave. Terracotta mouldings, friezes, and other enrichments were very largely used, all decorated with rather coarse painting in different-coloured ochres, and the brilliant red *minium*. Terracotta was also used by the Etruscans for sculpture on a large scale, both for the principal statue of the deity within the cella, and also for groups or reliefs in and over the pediment of the façade. Varro (quoted by Pliny, *H. N.* xxxv. § 154), speaking of the Temple of Ceres by the Circus Maximus, remarks that before the introduction of Greek art into Rome, "all things connected with temples were Etruscan." The Etruscans were also remarkable for their technical skill as bronze workers. Much of the oldest Roman sculpture in bronze shows a strong Etruscan influence; and many important statues, such as "the Orator" and the Chimaera in the Museum in Florence, and the Capitoline Wolf in Rome, are evidently the work of Etruscan artists.

The Roman *Tuscan* style was a survival of the ancient Etruscan forms. Vitruvius' dissertation on Tuscan temples appears to be based on the one important example of a temple built in the primitive Etruscan way, which survived till the time of the Empire (see Vitruv. iv. 7). This was the great *Temple of Jupiter Capitolinus*, which stood on the south-western peak of the Capitoline hill, one of the earliest of the Roman temples, which, though frequently burnt and rebuilt, was always restored in the old Etruscan style for religious reasons—hieratic rules being always very conservative. Like the chief temples

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* This circular form of temple was probably derived from a primitive hut made of wattled osiers; see Ovid, *Fast.* vi. 261 *sq.*, and Festus, s. v. *Penus*.

of most Etruscan cities, the Temple of Jupi
Capitolinus was jointly dedicated to a triad
deities — Jupiter, Juno, and Minerva; Tin
Thalna, and Menrva. Thus the cella w
divided into three parts, each with its o
doorway opening under the prostyle porti
The columns were very widely spaced (*ara*
style), and so, even when the main building h
been reconstructed in marble, the architra
was still necessarily made of wood, as the leng
of bearing from column to column was too gr
for a stone or marble lintel to span. Bef
the burning of the temple in 83 B.C., the ap

Fig. 12. Part of a relief showing the façade of t
doors of the three cellae and

bably a reproduction in marble of the origi
terracotta groups.

Vitruvius, in his fourth book, has writte
good deal on the designs of Roman temples; a
he gives elaborate directions for the setting o
of their plans and for the proportions of th
columns, and other details in the various orde
It should, however, be remembered that he
merely expressing his own views of what is m
desirable in a building, and that his rules a
mostly quite arbitrary, and were by no mea
universally followed in Roman buildings. M

tions which were introduced by the Roman or Graeco-Roman architects.

The cella of a Roman temple was usually wider in proportion than that of a Greek temple, and was without "aisles" or inner ranges of free columns, though "engaged" or even complete columns were very commonly set along the internal walls of the cella. Owing to the increased width of the cella, there was frequently no peristyle along the flanks of the Roman temples, but only "engaged" columns on the outside of the cella. Roman temples were very often set, not on a mere stylobate of steps, but on a lofty base or *podium*, with plinth and cornice of its own. The proportion between the front and the sides of the Roman temples was far more variable than it was among the Greeks.

In some Roman temples windows were introduced, as, *e.g.*, in the Temple of Concord in the Forum Romanum. The slope of the roof, and consequently that of the pediments, were much steeper in a Roman than in a Greek temple. Monolithic columns of coloured marble or granite were commonly used, and in matters of construction and decoration generally the differences were very great. Especially under the later Roman Empire there was a great tendency to overload the buildings with ornament. In some cases every member of a cornice was completely covered with carved enrichments, leaving no plain surfaces as a relief to the eye, and to enhance the value of the ornament. A certain amount of vulgarity and gaudiness of effect is characteristic of the temple architecture of the Romans, very much in the same way as with their domestic buildings. In point of beauty of workmanship, Roman temples vary very much. Some of the finest, which were probably built by architects who were Greeks either by blood or by education, are almost as delicate in detail and highly finished as a Greek temple of the 5th century B.C.; especially those which were built in the reign of Augustus, as, *e.g.*, the temples of Concord and of Castor in the Roman Forum. In the 3rd and 4th centuries A.D., or even earlier, the workmanship is very coarse, and the sculptured ornament very weak and clumsy in design. The coarse taste of the Romans led them to care little for the pure beauty of white marble, even though decorated with painting, and so it was with them a common custom to line the whole interiors of the temples with thin slabs or veneers (*crustae*) of richly-coloured marbles, which, from the time of Augustus onwards, were imported in immense quantities from Asia Minor, Greece, Northern Africa, and other countries. Even white marble was but little used before the reign of Augustus, but the discovery of the magnificent quarries at Luna (modern *Carrara*) soon made white marble to be very common among the building materials of Rome, especially as a casing to stone or concrete walls.

Treasures in Roman Temples.—As was the case with Greek temples, vast stores of treasure were frequently preserved in the temples of the Romans. A very fine collection of silver plate, in the form of richly-decorated cups, vases, *paterae*, and statuettes, was discovered in 1830 below the remains of the Temple of Mercury of Canetum in Bernay, Département de l'Eure. This find, consisting of about 80 pieces of plate of various dates from the 3rd century B.C. to the 2nd century A.D., is now preserved in the Bibliothèque Nationale of Paris (see Chabouillet, *Cat. des Camées, etc. de la Bibl. Imp.*, Paris, 1858, p. 418). It was also not uncommon for wealthy Romans to deposit their own plate or money for safe keeping in the treasury of some temple. These Roman treasuries were usually formed under the temple floor in some part of the lofty *podium* on which most Roman temples were built. Remains of these strong rooms are to be seen in several of the temples in the Forum Romanum; they are cellar-like cavities in the immense mass of concrete which forms the bulk of the *podium*. This is the case in the temples of Castor, Divus Julius, Concord, Vespasian, and Saturn. The entrance to the treasury of the Temple of Castor is shown on fig. 14 (cf. Juv. *Sat.* xiv. 260).

In early times the *methods of construction* used in Roman temples were very similar to those of the Greeks. The walls were built of large squared blocks (*opus quadratum*) of the local stone, whatever that happened to be, always coated with a fine hard cement. In Rome itself the earliest temples were built of the soft brown *tufa*, of which the Roman hills chiefly consist,—a stone which decays rapidly under exposure to the weather, but lasted perfectly well as long as it was covered with cement. Towards the close of the Republic harder and more durable stones were used; namely, the volcanic *lapis Albanus* (modern *peperino*) and the *lapis Tiburtinus* (mod. *travertino*), a hard limestone which exists in large beds near Tibur (*Tivoli*). Under the Empire concrete was very largely used for foundations, and for the inner core of walls; it was made of lime, pozzolana (*pulvis Puteolanus*), and broken fragments of stone.

Only a very few of the most magnificent Roman temples were built of solid blocks of marble, as, *e.g.*, the Temple of Apollo on the Palatine hill, built by Augustus, of which no remains are now visible. This splendid building, which was crowded with sculpture by distinguished Greek sculptors and other spoils from Hellenic cities, was most sumptuously decorated with paintings, doors plated with gold and ivory, and the most costly furniture of every description, such as tripods, tables, cups, and even large statues of gold and silver—a perfect museum of Greek art of every period from the 6th century B.C. downwards. Many others of the chief temples of Rome contained very large collections of Greek works of art of all kinds, from colossal bronze statues down to caskets of engraved gems, as, *e.g.*, the Temple of Concord and the Temple of Peace. In fact, the whole of Greece was ransacked to enrich the capital of the Roman conquerors, and it is probable that no Greek city ever possessed so magnificent a collection of Hellenic works of art as did the city of Rome during the reign of Nero, before the great fire destroyed so large a part of the city and its stores of foreign spoils. From one place alone, Delphi, Nero is recorded to have carried away 400 bronze statues, and this was merely one incident in the great system of spoliation which had been carried on almost incessantly, ever since the sack of Corinth by Mummius, in 146 B.C.

On the whole, Roman temples were loftier than those of the Greeks, lighter in their general proportions, and had their columns more widely spaced. The closest (most pycnostyle) intercolumniation that Vitruvius mentions has wider spans than any of the chief Doric temples of the Greeks (see Vitruv. iii. 3, 2).

Roman Orders: I. *Doric* (Vitruv. iv. 3).—This differs from the Greek Doric in many respects. The columns have bases, and the capitals have a moulding above the square abacus, and a *torus* necking some distance below the annulets under the echinus. The shafts were often left unfluted, and the angle triglyphs were placed over the axis of the angle columns, not brought up to the extreme corner of the frieze as in Greek Doric. The mouldings and all the details were different from the Greek prototype.

II. *Ionic* (Vitruv. iii. 5).—This order differs less from the Greek Ionic than is the case with the last-mentioned style. The variations in the capitals, bases, and entablature are not important, and the principal differences between Greek and Roman Ionic temples fall chiefly under the general heads mentioned above—viz. modifications of plan and arrangement.

III. *Corinthian* (Vitruv. iv. 1).—As is stated above, this order was more used by the Romans than by the Greeks, in spite of the fact that the great Temple of Olympian Zeus at Athens was built in the Corinthian style. Owing to its richness of detail, most of the more magnificent temples of the Romans were built in the Corinthian style. The so-called *Composite* order is not really a separate order, but merely a variation of the Corinthian, the chief difference being in the capitals, which have a rather awkward combination of the Ionic volute with the Corinthian acanthus leaves. The earliest existing example of this style is the triumphal arch of Titus on the Summa Sacra Via in Rome. Under the later Empire Composite capitals were very largely used.

The chief temples in Rome of which remains still exist are these:—

The Temple of Vesta, at the south of the Forum Romanum, was one of the most primitive of all the Roman temples; in it was preserved the sacred fire, guarded by the six Vestal Virgins, whose large and magnificent house has, within the last few years, been exposed to view, close by the remains of the temple. This most sacred of all Roman shrines was not a *templum* in the strict meaning of the word, but rather an *aedes sacra*, as it was not consecrated by the augurs, the presence of the sacred fire being sufficient to give it a character of the highest sanctity. It was frequently burnt and rebuilt, the last restoration being that of the Emperor Severus, who rebuilt it as a circular marble Corinthian temple, with 18 columns, on a high podium. The tufa foundations, of which considerable remains still exist, are of much earlier date. Of the marble part nothing remains but fallen fragments of columns and entablature, which are, however, sufficient to give the design of the whole when complete. We repeat here the cut already given under CANCELLI.

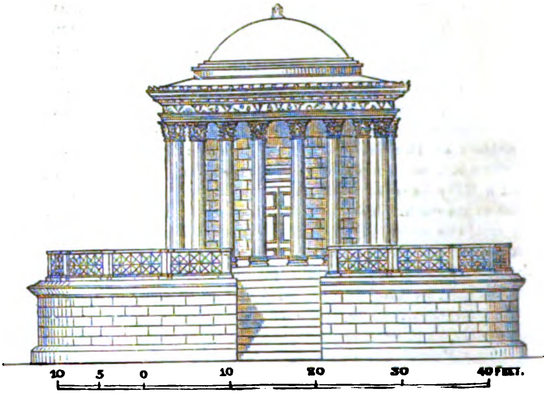


Fig. 13. The Temple (*aedes*) of Vesta, as rebuilt by Severus, restored from existing remains by Comm. Lanciani.

Another circular temple, dedicated to one of the most primitive cults of ancient Rome, was the *Temple of the Dea Dia* in the sacred grove of the *Collegium* of the *Fratres Arvales*, a short distance outside the Porta Portuensis. [For the Arval brothers, see ARVALES.]

The *Pantheon*, built by M. V. Agrippa in the Campus Martius, is the most stately and magnificent of all Roman circular temples. It was, most probably, originally designed as part of the *Thermae* of Agrippa, near to which it stands; but it seems to have been consecrated as a temple to a number of deities as soon as it was completed. It is covered by a magnificent dome 142 feet in diameter, with a circular hypaethral opening at the top. The walls, which are 20 feet thick, are of concrete faced with triangular bricks, and partly covered with a lining of marble slabs both inside and outside. The dome, which is also of concrete, was covered with tiles of gilt bronze. Magnificent monolithic columns of coloured marbles from Phrygia and Numidia are used to decorate the series of altar-recesses round the interior. In front is a stately octastyle portico of the Corinthian order, with monolithic unfluted columns of grey and red granite from Egypt. An inscription on the frieze records its building by Agrippa in 27 B.C. Within the pediment was a large group in bronze of the battle of the gods and the giants. The great doorway still contains its original double doors of massive bronze, divided into moulded panels, with enriched bosses on the framing; the whole was once thickly gilt. With the exception of the *Temple of Divus Romulus*, the son of Maxentius, in the Forum Romanum, the Pantheon is the only Roman building which still retains its original bronze doors *in situ*. Those of the *Curia* are now placed in the main entrance of the Lateran Basilica, having been moved there in the 16th century.

The principal temples which, in part at least, still exist in the *Forum Romanum* are these:—

The *Temple of Castor*, at the south angle of the Forum, was a very fine octastyle, peripteral building of Corinthian style, elevated on a lofty *podium*. Three of its columns of white Pentelic marble are still standing, together with a portion of the rich entablature. The existing temple was built in the reign of Augustus on the site of an older stone temple dedicated to the Dioscuri in commemoration of their appearance in Rome after the battle of Lake Regillus (see fig. 14).

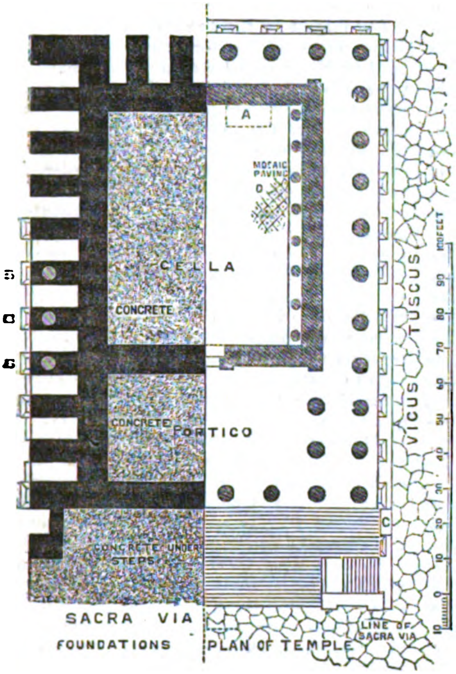


Fig. 14. Plan of the Temple of Castor and Pollux in the Forum Romanum. The right-hand half shows the upper temple, the other half shows the construction of the *podium*, consisting of a great mass of concrete surrounded by walls of *opus quadratum*.

A. Pedestal of one of the two statues.
B B B. Spurs of foundation wall to carry the marble columns.
C. Entrance to a small treasure-chamber in the podium.
D. Existing fragment of mosaic pavement.

The *Temple of Divus Julius* stands close by that of Castor; it was built by Augustus in honour of his adoptive father. Nothing now remains but the massive concrete podium, and a few scattered fragments of marble. Vitruvius (iii. 3, 2) mentions this temple as an example of close or pycnostyle intercolumniation.

The *Temple of Concord*, which was rebuilt by Augustus on an enlarged scale, is abnormal in plan, owing to its position close against the wall of the so-called *Tabularium* of the Capitol. It had a large oblong cella, decorated with rows of internal columns set on a lofty plinth or podium all round the interior, and a lofty hexastyle portico facing on to the Forum, and approached by a long flight of marble steps. The details of the entablature and the internal decorations of the cella are very rich and delicate in execution. On each side of the portico were two large windows to light the cella, which contained a very fine collection of Greek sculpture. Except the great concrete *podium*, little now remains of this once magnificent temple.

The *Temple of Vespasian*, which stands close by that of Concord, was a prostyle, hexastyle building of the Corinthian order. Its rear wall, like that of the Temple of Concord, is set against the front of the "Tabularium." This temple was built by Titus and Domitian in honour of their father: three of its columns are still standing, made of Luna marble.

The *Temple of Saturn* stands in front of the last-named building. The present temple, which occupies the site of one of the oldest of the Roman temples, dates only from a rebuilding in the reign of Diocletian after a fire. It is a prostyle, hexastyle building, of the Ionic order, with columns of granite. It was very carelessly and clumsily rebuilt; some of the columns are set upside down, and the details of mouldings and enrichments are of the coarsest style. In early times part of this temple was used as the public treasury of Rome—the *Aerarium Saturni* (see Servius *ad Aen.* ii. 116, and Macrob. *Saturn.* i. 8).

The *Temple of Faustina* stands at the eastern angle of the Forum. It is a hexastyle, prostyle, Corinthian building, with large monolithic columns of Carystian marble (modern *cipollino*). The temple was built by Antoninus Pius in honour of his wife Diva Faustina, and after his death the temple was jointly consecrated to him also by the Roman senate. With the exception of the back wall of the cella, the building is still very perfect.

Two small bronze shrines, *aediculae*, stood on the verge of the Forum. One of these was the *Shrine of Concord*, near the large marble temple dedicated to that deity (Liv. ix. 46). The other was the bronze *Shrine of Janus*, on the north-east side of the Forum, the doors of which were only closed during the rare times when the Romans were at peace with all the world. This curious little building is very clearly shown on a First Brass of Nero, struck to commemorate the closing of its doors. It is simply a small cella, covered with bronze plates, and decorated with an elaborate frieze of the same metal; the whole was probably gilt.

Though not what we should call temples, yet, in the Roman sense, the *Curia* or Senate-house and the *Rostra* were *templa*, as having been consecrated by the augurs. The present remains of the *Curia*, on the north-east of the Forum, are not older than the time of Diocletian. It is a very simple building of concrete faced with brick; the whole of its marble decorations have been torn away.

The existing *Rostra*, a platform for public speeches, on the north-west side of the Forum, dates from the time of Julius Caesar, 44 B.C. The front of the platform, which is 80 feet long, was faced with white marble, and decorated with the bronze beaks of ships taken at Antium. [ROSTRA.]

Temples in the Imperial Fora.—The five Fora in Rome, which were built under the Empire to relieve the press of business in the old Forum Romanum, each contained an important temple in a central position within the circuit of its walls. The first of these was built by Julius Caesar, near the north angle of the old Forum. Within it was a temple dedicated to Venus Genitrix, whose statue was the work of the Greek sculptor Arcesilaos (Suet. *Jul.* 26, and Plut. *Caes.* 60). No remains of this temple are now visible, the site being covered by modern houses.

The second Forum, that of Augustus, contains the *Temple of Mars Ultor*, dedicated to commemorate the vengeance taken on the murderers of J. Caesar. It is a prostyle, tetrastyle, Corinthian temple: a considerable part of it still exists, close by the *Arco de' Pantani*. The adjoining piece of circuit-wall of the Forum is one of the most imposing of all the ancient remains in Rome; it is built of massive *opus quadratum* of *peperino*.

The next Forum, built by Vespasian near the east angle of the old Forum, contained a very magnificent *Temple of Peace*, richly decorated with Greek spoils in the form of statues in bronze and marble by the most celebrated sculptors. In this temple were also placed the spoils of the Temple at Jerusalem, sacked by Titus in 70 A.D., including the candlesticks, the table of offering and the trumpets, all of gold, which are represented in one of the reliefs inside the Triumphal Arch of Titus on the Summa Sacra Via. No remains of this temple are now known.

The fourth Forum, built by Nerva, contained a fine tetrastyle, prostyle, Corinthian temple dedicated to Minerva. Part of it remained till the year 1606, when it was finally destroyed for the sake of its fine marble columns, which were taken by Pope Paul V. to use in decorating the Basilica of S^{ta}. Maria Maggiore.

The latest Forum, architecturally the most magnificent of them all, was built by Trajan about the year 114 A.D. Its temple stood on the north-east side of the Forum, facing the great triumphal Column of Trajan, which is still one of the most conspicuous and best-preserved monuments of ancient Rome.

The *Campus Martius*, which was the most magnificent portion of ancient Rome, contained a large number of fine temples, mostly crowded with works of art. One group of three temples, set closely side by side, bordered on the small Forum Olitorium. Scanty remains of the three still exist in the church of S. Niccolò in Carcere: they are shown on one of the fragments of the marble plan of Rome, made in the time of Severus, which is now preserved in the Capitoline Museum. Another very magnificent group of temples adjoined the *Porticus Octaviae*.

The Capitoline Hill.—Two of the chief temples of Rome stood on the Capitoline hill; the one on the Tarpeian peak was dedicated to Jupiter Capitolinus. It has been described above.

The opposite peak, the *Arx*, was crowned by the great *Temple of Juno Moneta* ("the Adviser"): it was the site of the early Roman mint, whence *moneta* came to mean "money." The stately Franciscan church of S^{ta}. Maria in Ara Coeli now occupies its site.

A number of smaller temples occupied the depression between the two peaks of the Capitoline hill which was known as the *Asylum*. One of these, the *Temple of Jupiter Feretrius*, dated from pre-historic times, and was popularly said to have been founded by Romulus (Liv. i. 10).

A small, very perfect, circular temple of unknown dedication stands in the Forum Boarium on the Tiber bank, close by the mouth of one of the great drains, *cloacae*. In design and size it closely resembles the Temple of Vesta, shown in fig. 13.

The largest of the temples in Rome was the double *Temple of Roma Aeterna and Venus Felix*, built by Hadrian and Antoninus Pius, and said to have been designed by Hadrian. Remains of its immense concrete *podium* are visible on the north side of the Sacra Via, extending down towards the Colosseum. It was a decastyle, dipteral temple of the Corinthian order, with two apsidal-ended cellae set end to end, and enclosed by the same double peristyle of enormous monolithic columns of porphyry and granite. The concrete walls of the two cellae were faced with blocks of marble and decorated with internal niches and columns of various richly-coloured foreign marbles. Inside the cellae were colossal statues of Venus and Roma, together with many imported statues and other works of art. Throughout the Middle Ages the ruins of this magnificent temple were used as quarries to supply marble and porphyry. The greater part of the sumptuous marble decorations and statues were burnt into lime on the spot in kilns formed of broken pieces of the great granite and porphyry columns. This is the reason why so very little now remains of this enormous building.

The *Temple of Quirinus*, on the Quirinal hill, which existed as early as the time of Vitruvius (reign of Augustus), was also dipteral. It was of the Doric order, with octastyle fronts (Vitruv. iii. 2, 7). No remains of it are now visible.

The two last-named buildings were the only dipteral temples in Rome itself.

For further details on the temples of Rome, see Middleton, *Ancient Rome in* 1888 (Edinburgh, 1888).

Provincial Temples.—A large number of important Roman temples still exist in various provinces of the Empire. The *Temple of Roma* and *Divus Augustus* at Ancyra in Galatia—a Corinthian hexastyle, peripteral building—is of special interest from the walls both of the cella and pronaos being cut with the celebrated inscription of the *Res gestae* of Augustus, which was copied from the sepulchral inscriptions on two bronze pillars in front of the Mausoleum of Augustus in Rome. The text is given, both in Greek and Latin (see Mommsen, *Mon. Ancyr.* 1883). (For this and for other Roman temples in Asia Minor, see Texier and Pullan, *Asia Minor*, 1865, and Perrot et Guillaume, *Explor. Arch. de Galatie*, 1872; others are illustrated by Le Bas, *Voy. Arch. en Grèce, &c.*, ed. Reinach, 1888.)

Northern Africa is also rich in remains of Roman temples of Imperial date. A very remarkable group of temples exists at Suffetula (modern Sbeitta, in Algeria), in the province of Carthage. A handsome *temenus* or *porticus*, surrounded by a colonnade, about 200 feet square, encloses three temples built side by side, of similar size and design, except that the central one has Composite capitals, while the others are Corinthian. Each is a tetrastyle, prostyle building, with engaged columns outside the cella walls. A fine triple archway, inscribed with the names of Hadrian and Antoninus Pius, is set at the entrance into the *temenus*. This system of grouping several temples together was a common Roman custom, intended to give great magnificence of effect.

One of the best-preserved of Roman temples is the so-called *maison carrée* at Nîmes (Nemausus). This is a richly decorated Corinthian building, with a hexastyle, prostyle portico and engaged columns outside the cella walls. Its detail is remarkably delicate and well designed, as is the case with other Roman buildings in Southern France; probably on account of some survival of early influence from the Greek colonists of Massilia (Marseilles) and its neighbourhood.

Romano-British Temples.—In Britain remains of a good many Roman temples have been discovered, but none are in a good state of preservation. Though similar in plan and general design to the temples in Italy, they differ in being usually built of rubble stone-work, made of local materials, instead of the concrete faced with marble which is so common in Rome. Mosaic floors occur frequently, with *tesserae* made of burnt clay and different-coloured limestones, instead of the rich marbles which were used in the mosaics of Italy and Africa. In all cases the walls seem to have been coated with stucco, though very frequently but little of the stucco still remains, owing to its being made of the inferior Oolitic limes, and without the *pozzolana* which gives such enduring strength to the cements and stuccoes of Italy. It was, no doubt, owing to the want of *pozzolana* that the Romans in Britain made comparatively so little use of concrete for building walls and vaults.

At Lydney, in Gloucestershire, a very interesting temple was discovered in 1805, dedicated to a Romano-British deity called *Nodens*, who appears to have been akin to the classical Aesculapius. A very extensive enclosure surrounds the temple, and on one side of it are remains of a large house, designed on the usual Romano-British plan, with its rooms grouped round the four sides of an open *porticus*, very like a mediaeval cloister (see *Archaeologia*, v. p. 208; and Bathurst, *Roman Antiquities of Lydney*, 1810).

The remains of the Roman city of Silchester are specially interesting for the completeness, in plan at least, of the whole group of sacred and secular buildings around the public Forum (see *Archaeologia*, vol. l., p. 263). In most cases, however, Roman cities in Britain have continued to be inhabited ever since the Roman period, and the building of later houses has usually obliterated the remains of the ancient structures. [J. H. M.]

TENSAE. [THENSAE.]

TEPID'ARIUM. [BALNEAE.]

TE'REBRA (*τρύπανον, τρυπάνιον, τέρετρον*), any instrument for boring wood, stone, or metal. Pliny gives Daedalus as the traditional inventor (*H. N.* vii. § 198; cf. SERRA). We find a distinction between *terebra antiqua*, which produced dust (*scobis*), and *terebra gallica*, which produced *ramenta* or shavings (Plin. *H. N.* xvii. § 116; Colum. iv. 29, 15 and 16). The definition is not very clear: some have imagined that the *antiqua* was a simple gimlet, and the *gallica* a centre-bit, of which implement an ancient specimen is preserved in the Zürich Museum (see Blümner, *Techn.* ii. fig. 43, i): the iron part, which alone remains, is like that of a modern centre-bit. A centre-bit, however, would not be a convenient tool for boring a tree in order to graft; and moreover the fact that both Pliny and Columella give as a further distinction of the *gallica* that it does not, like the other kind, generate heat in boring, suggests that the *antiqua* was a drill-borer, in principle like that described in the Odyssey (see below), and the *gallica* a gimlet with a large spiral. It may be added that we should expect the simple pointed drill, worked as Homer describes it, to be an earlier contrivance than a borer with a spiral, which implies more advanced art both in the inventor and the maker. Blümner suggests that the *τρύπανον* and *τέρετρον* correspond respectively to the *terebra antiqua* and *terebra gallica*; but the definition in *Etym. Mag.* makes the *τέρετρον* merely a smaller *τρύπανον*.

We find on monuments one kind of terebra exactly like our gimlet: another kind in common use (and probably the older "invention of Daedalus") was the "bow-drill," a borer twirled round by means of a bow, the string of which was twisted round the handle of the drill. This contrivance lasted till modern times, but has now, we believe, been universally superseded by the "brace" or bent handle. In the cut on page 243 both parts of the bow-drill are shown separately; the compasses (*circini*) lie between them. The shipwright's borer mentioned in *Od.* ix. 384, Eur. *Cycl.* 460, was similar in principle, but on a larger scale. In these passages it is described by the general term *τρύπανον*: it had also a specific name *ἀρίς* (*Anth. Pal.* vi. 103; Poll. viii. 113). The wooden holder for the iron part of the terebra was called *vagina* (Plin. *H. N.* xvi. § 230). More references and several figures from ancient representations of boring implements will be found in Blümner, *Technologie*, ii. pp. 223–226. [G. E. M.]

TERENTI'NI LUDI. [LUDI.]

TERMINA'LIA, a festival in honour of the god Terminus, who presided over boundaries (Dionys. ii. 74; Plut. *Num.* 16, *Qu. R.* 15). His statue was merely a stone or post stuck in the ground to distinguish between properties. The boundary-stone at its first setting up was consecrated with peculiar ceremonies. A trench being dug, a victim was sacrificed: the blood was poured into the trench while the ministrants were veiled (which speaks for the antiquity of the rite and its *Roman* character; cf. SACRIFICIUM, p. 586 *a*): the body of the victim, along with corn, fruits, incense, honey and wine, was cast into the trench and the whole consumed by blazing pine-brands: the boundary-stone was set upon the bed of ashes (Sic. Flacc. p. 141, 8). On the festival the owners of adjacent property crowned the statue with garlands and raised a rude altar, on which they offered up some corn, honeycombs, and wine, and sacrificed a lamb (Hor. *Epod.* ii. 59) or a sucking-pig. They concluded with singing the praises of the god (Ovid, *Fast.* ii. 639, &c.). The public festival in honour of this god (perhaps, as Huschke thinks, in earlier times marking the conclusion of the Roman year) was celebrated at the sixth milestone on the road towards Laurentum (*Id.* 682), doubtless because this was originally the extent of the Roman territory in that direction (Marquardt, *Staatsverw.* iii. 202).

The festival of the Terminalia was celebrated *a. d.* vii. *Kal. Mart.*, or the 23rd of February on the day before the Regifugium. When Cicero in a letter to Atticus (vi. 1) says, "Accepi tuas litteras a. d. v. Terminalia" (*i.e.* Feb. 19), he uses this mode of defining a date, according to Mommsen, because being then in Cilicia he had no official notice of the intercalation which was due that year. But Huschke thinks that this was then the regular mode of expressing that date in ordinary (not intercalated) years. He cites an Inscr. from Capua, 14th Feb. A.U.C. 659, "Pagus Herculaneus scivit a. d. x. Terminalia" (Orelli, 3793). As to the method of intercalation, and the connexion of the date Feb. 23rd with the conclusion of the old Roman year, see CALENDARIUM, Vol. I. pp. 341 *b*, 342; and compare Mommsen, *Chronologie*, p. 38; Huschke, *Das röm. Jahr*, p. 149. [W. S.] [G. E. M.]

TERRACOTTAS. Finding the term *κεραμικὴ τέχνη* too comprehensive, since it included the whole of the potter's art, the Greeks had recourse to certain special names or phrases for works of art modelled or moulded in terracotta: they called the maker of statuettes a *κοροπλάστης* or *κοροπλάθος*; *ἰπνοπλάθος* was one who modelled figures to be fired in a kiln; a relief made from a mould was an *ἔκτυπον* or *ἐκτύπωμα*; and, in general, terracottas were *ἀγάλματα ὀπτῆς γῆς*. The Romans, while using such special words as *antefixa* and *ectypa* for reliefs, designated statues and statuettes of terracotta as *signa fictilia*, and the makers of them *fictores* or *plastae*. They had no extensive art of pottery and vase-painting as had the Greeks; and for that reason the term *ars fictilis* adequately described all their productions in terracotta.

In Greece the oldest application of terracotta as an art independent of the vase-maker was for the roofs and cornices of temples. For this purpose marble is said to have been first introduced by Euergos of Naxos, whom Pausanias (v. 10, 3) confounds with his son Byzes. This happened as early as the seventh century B.C., during the reign of Alyattes in Lydia. But that the invention had not at once found acceptance is certain from fragments of cornices found at Olympia and in Sicily, which show that terracotta had continued to be employed in architecture long after this date. A very careful inquiry on this subject, with plates displaying the original patterns and colours of the archaic terracotta cornices, will be found in a memoir by Dörpfeld and others (*Die Verwendung von Terrakotten*). The designs of these cornices were made from moulds (*τύποι*), and one mould of a lion's head, for example, would be sufficient for a whole cornice. The uniformity of effect was compensated by brightness of colouring. According to tradition, it was a Corinthian, Butades, who first made terracotta masks for the fronts of the roof-tiles; that is, for the cornices of temples. His date has not been ascertained; his personality has been rendered slightly legendary; but the tradition embodies a fact otherwise known, viz. the important position of Corinth in early times as a centre of work in terracotta, having a powerful influence in Greece on the one hand and in Etruria on the other. Meantime as regards the continued use of terracotta in architecture down to Roman times, we may cite the examples of cornices found in the ruins of Pompeii (H. von Rohden, *Die Terracotten von Pompei*, 1880) and the numerous panels with reliefs obtained from the neighbourhood of Rome, of which a specimen will be seen under ANTEFIXA representing the making of the Argo. Or, to take an earlier example from Greece itself: when Pausanias (i. 3, 1) speaks of *ἀγάλματα ὀπτῆς γῆς* on the roof of the Stoa Basileios at Athens, he probably refers to such decorations of the cornice as those just mentioned. The Stoa in question stood in the Ceramicos, at Athens, and the *agalmata* represented Theseus throwing Sciron into the sea and Hemera carrying off Cephalos. Two subjects, unless repeated in the manner just described, could not be regarded as sufficient decoration for a Stoa. Further, it may be inferred that the two groups were in relief, from the fact that the violent action of the figures would not suit sculpture in the round in a material so weak as terracotta. Hemera carrying off Cephalos occurs in a fine archaic relief in the British Museum found at Camiros in Rhodes, and evidently made to be attached as an ornament to some background. For similar reliefs found in Athens, and treated in the same severe but delicate style, see Schöne, *Griechische Reliefs*, pll. 30–35. They may have been made to be attached to the walls of tombs, or for the internal decoration of houses, and would come within the term *τύποι*. The Ceramicos at Athens was so named, according to Pliny (*H. N.* xxxv. § 155), from its being there that Chalcosthenes had his workshop and made rude figures (*cruda opera*) of clay. When marble finally replaced terracotta for architectural purposes, the designs and processes of colouring which had been evolved in the decoration of the clay were transferred without change to the new material.

In Etruria and among the early Romans the application of terracotta to architecture appears to have been more extensive than in Greece. Pliny says (*H. N.* xxxv. § 157), "elaboratam hanc artem Italiae et maxume Etruriae;" and these words follow upon a statement quoted from Varro that all the artistic decorations of temples were of Etruscan workmanship, previous to the time when Damophilos and Gorgasos adorned with sculpture in terracotta and with paintings the temple of Ceres in Rome. Of terracotta was the statue of Jupiter in his temple on the Capitol which Tarquinius Priscus (or perhaps Superbus) commissioned the artist Turrianus to make (Pliny, *loc. cit.*). On high festivals the face of this statue was painted with minium. On the highest point of the front pediment of this temple stood a terracotta quadriga (*κατὰ κορυφὴν ἐπιστῆσαι*, says Plutarch, *Publicol.* 13, but Pliny, *loc. cit.*, is less explicit: "fictiles in fastigio templi ejus quadrigas"). This quadriga had been removed forcibly by Tarquin from Veii, where it had been held sacred and inviolable from a circumstance attending the making of it, as related by Plutarch in the passage just cited. When put into the kiln to be baked, the quadriga, instead of shrinking in size as usual from the drying-up of the moisture in the clay, expanded so much that the roof and sides of the kiln had to be removed to get it out. As regards this technical effect, it may be remarked that the Assyrian tablets with cuneiform inscriptions frequently have a number of small holes punctured in the clay to allow the escape of moisture during the process of baking. In a work of art, however, especially a large group modelled in the round, the only safeguard against its being destroyed by the shrinking of the clay in the kiln lay in its being hollow and thin, so that whatever moisture was in the clay could readily escape. How difficult a task it was to obtain success under such circumstances may be seen in the large sarcophagus from Caere (Cervetri) now in the Etruscan saloon in the British Museum (engraved, Dennis, *Etruria*, 2nd edit. i. p. 227, and *Encyclopaedia Britannica*, 9th edit., *s. v.* Etruria, vol. viii. pl. 8). In this case the clay seems to have been largely mixed with pounded brick, and to have acquired thereby great tenacity. But notwithstanding this precaution, and the fact that the two figures reclining on the lid of the sarcophagus are hollow even to the toes, it will be seen in several places that the shrinkage has seriously damaged the artistic effect. The date of the sarcophagus in question can hardly be later than B.C. 550, and it may thus perhaps fairly be taken as an illustration of the style of art presented by those statues in terracotta, which Pliny says (*H. N.* xxxv. § 157) the early Romans were not ashamed to worship: such for example as the Hercules he mentions, the quadriga and the Jupiter already referred to. Probably also the pediments of the Temple of Jupiter Capitolinus, as of other temples, were occupied with statues of terracotta (Vitruvius, iii. 3, 5, "ornantque signis fictilibus aut aereis inauratis earum fastigia Tuscanico more." Cicero, *de Divinat.* i. 10, 16, "Cum Summanus in fastigio Jovis O. M. qui tum erat fictilis a caelo ictus esset," &c.). What appears to be the front of this Temple of Jupiter, with the quadriga on its apex, and with Jupiter, Juno, Minerva, and other deities in the pediment, is represented on a bas-relief of the time of Marcus Aurelius (engraved, *Mon. dell' Inst. Arch.* v. pl. 36). Cato complained (Livy, xxxiv. 4, 4) that these old-fashioned terracotta decorations of temples were despised in his time. The high antiquity of this branch of art may be seen from the fact stated by Pliny (*H. N.* xxxv. § 159), that among the trade guilds instituted by Numa was one of workers in clay.

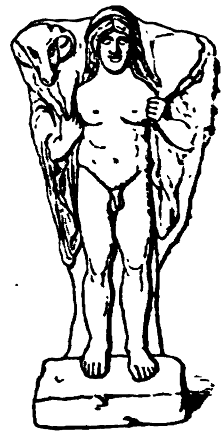
While surpassing the Greeks in the production of large groups in terracotta, the Etruscans failed in their statuettes. We may take as examples two, now in the British Museum, that were found in the Polledrara tomb near Vulci, with objects reaching back to at least B.C. 600, if not half a century earlier. These terracottas (one of which is engraved in Micali, *Monumenti Inediti*, pl. 4, fig. 5), though rude in design, are of a fine clay, and present a combination of colour and gilding from which it could be supposed that in the phrase above quoted from Vitruvius—"signis fictilibus aut aereis inauratis"—this last word may have applied to the terracottas (*fictilibus*) as well as to the bronzes (*aereis*). Terracotta figures combined with vases are of pretty frequent occurrence in the black ware of Chiusi (Clusium), and, like this ware itself, they appear to be imitated from designs in bronze or other metal. It is reasonable to conclude so from the fact that the details on the surface of them are marked by hatched lines, as in metal working. The modelling is always rude, and a considerable antiquity may be claimed for these terracottas; no less than for a small but more freely-modelled vase, in the form of a lion, from Veii, and inscribed in Etruscan characters, *Felthur Hathisnas*, now in the British Museum (Fabretti, *C. I. I.* No. 2561).

Etruscan urns of terracotta are for the most part of a late date, and deal with popular Greek myths and legends, or parting scenes, according to designs evidently invented by Greek artists. The numerous portraits in this material are also as a rule late. But though very deficient in execution, they are mostly marked by great force in the conception, and the broad forms by which it is conveyed. It has been supposed that the Etruscans had obtained this art, or at least a strong impetus to the practice of it, from the artists (*fictores*) Eucheir, Eugrammos, and Diopos, who, to escape the tyranny of Cypselos in Corinth, accompanied Demaratus, the father of Tarquin, to Etruria (Brunn, *Griech. Künstler*, i. p. 529). It is known that Corinth was one of the earliest seats of the fictile art in Greece, and, considering the inexhaustible quantities of fine clay lying close at hand still, it is not strange that this art had flourished there. Etruria, however, surpassed her instructress, at least in the magnitude of her works. It was at Corinth that the idea of a pediment for a temple, doubtless filled with figures in terracotta, was invented (Pindar, *Olymp.* xiii. 21); and it was Butades of Corinth who, as has already been said, was believed to have been the first to introduce into the architectural decoration of temples those antefixal ornaments which have been found at Olympia and in Etruria.

By far the most numerous class of Greek terracottas consists of statuettes, and the great majority of them represent more or less youthful female figures, whence arose the name of *κοροπλάθος* or *κοροπλάστης*, applied to the makers of them. A female figure draped to the ground naturally presented a broad base on which it could stand securely, as compared with an undraped figure with easily-broken ankles to support it. It was not strange, therefore, that the latter—and the same applies to male figures—should have been generally avoided, unless where a convenient attitude, such as sitting on a rock, could be found. Again, whether it was from the unsuitability of the material to the prevalent conceptions of gods and heroes that figures of these latter were not reproduced as terracotta statuettes, the fact remains that deities and heroes are of extremely rare occurrence. Yet it is clear that figures of deities were used for domestic worship, as in the case of a small clay figure of Hephaestos mentioned by the Scholiast of Aristophanes (*Aves*, 436) as seated at the hearth in the character of Ephoros of the fire. Among other deities Aphrodite, Artemis, Eros, and Hermes may be said to have been fairly identified. Scenes from daily occupations are frequent; so also are dolls and playthings, more or less comic, such as the graves round Corinth still yield in numbers. A fair proportion of the statuettes represent what seems to be an ideal of a beautiful young woman, much as in the China ware of our own time.

Except the earliest examples, which are rudely modelled with the hand, these statuettes are made from clay moulds, many specimens of which still exist (see the collection in the Terracotta Room of the British Museum). More correctly, only the front of the figure is made from the mould, the back of it being as a rule merely a plain piece of clay formed by the hand [see ECTYPUS]. Or when the design is carried round the back, as in forming the head for example, it appears to have been usually executed by the hand. Even in the beautiful group of Astragaligusae in the British Museum (*Gaz. Arch.* 1876, p. 97), the back of which, contrary to what is customary in terracottas, is not without considerable attractions, the modelling seems to have been completed in this manner. It was necessary that there should be no undercutting in the mould which would obstruct the removing of the figure from it; for the ancients do not appear to have known the modern process of making piece-moulds. Or if any injury were done in the removing, it would be necessary to restore it afterwards with the hand, just as it was necessary to carry out afterwards in this way whatever part of the design could not be expressed in the mould. The scope thus allowed for variety in the finishing of the figures enabled the coroplastes to give a different appearance to figures from the same mould, in which also he was greatly aided by freedom in the use of bright colours (*τῶν δὲ κοροπλάθων ἴδιον τὸ τὰ χολοβαφῆ βάπτειν*, Pollux, *Onom.* vii. 163). For example, there are two groups from the same mould, the one found in the Crimea and now in St. Petersburg (*Compte-rendu*, 1873, pl. 1, fig. 2), the other found at Naucratis and now in the British Museum (*Naucratis*, Pt. ii. pl. 16, fig. 18), which yet express differently this or that feature of the mould, and show also what changes could be effected by colour. To produce a mould, the first step was to model the desired figure in clay or in wax; if the former material, a core of wood was used, which was called *κάναβος* (Pollux, *Onom.* vii. 164, and x. 189); if in wax, the model was next covered with clay and subjected to fire, upon which the wax melted away, leaving its impression on the clay covering, which then became a mould. This clay covering is called *ἡμίλιγδος* in Pollux (*Onom.* x. 190), and from his description it would appear that the clay was pierced with a number of small holes for the escape of the vapours rising from the melting wax, whence the *ἡμίλιγδος* was compared to a shield pierced by many darts. In most cases the colours are simply painted on the terracotta and easily destroyed, yet instances are not uncommon in which the whole figure is covered with a glaze which gives it the appearance of an enamelled surface. In the best period of this glazed ware the colour is a uniform white. Somewhat later we find white, brown, and green, as in the unique vase from Tanagra, in the British Museum, in the form of a goose, on which rides Eros. Apparently this is a revival of a process which may be seen in certain archaic vases from Camiros, either made or influenced by Phoenician processes. In late Greek and Roman times there is the green glazed ware, consisting chiefly of vases with designs in relief. Among the terracottas found at Pompeii may be mentioned a group painted in bright and varied colours which have been converted by fire into a glaze. This is the interesting group representing Pero giving her breast to her famished father Cimon, and commonly known as the Pietà Romana. This group is further interesting for comparison with the existing ancient paintings of the same subject (Rhoden, *Terracotten von Pompeii*, pl. 47: cf. pp. 58, 59).

There is no class of antiquities with so little of general interest in the subjects they represent as these terracotta statuettes, unless perhaps the Athenian lecythi, which are known to have been made expressly for tombs; and from this comparison, together with the fact of their being mostly found in tombs, it is a reasonable conjecture that they were in many cases made for funeral purposes. Others, doubtless, like the figure of Hephaestos already mentioned, were destined for domestic use. There is still a belief that the female figures among them often represent Demeter or Persephone, though the symbols by which these deities are commonly recognised are more or less wanting. But undoubtedly there are many statuettes which, though not to be positively identified as belonging to the lower world, yet clearly convey an impression of their having been destined for sepulchral ends. Such, for example, are the figure of a youth holding a cock at his side, or female figures holding an egg or a pomegranate. So also the masks with which the tombs of Camiros have enriched the British Museum. For there is little doubt but that the original purpose in making masks of this kind was to cover with them the faces of the dead. Nor would this exclude the giving of others of less than life-size as tributes to the dead. Grotesque figures do not seem appropriate for tombs; yet there they are in not inconsiderable numbers.



Terracotta from Gela. (British Museum.)

It has been found strange that so prolific a profession as that of the coroplastes should not have frequently reproduced the celebrated statues of the Greek masters. Among the known instances may be cited the terracotta here figured as a copy probably from the Hermes Criophoros, by the sculptor Calamis; or again, there is the very fine statuette of a Diadumenus (*Hellen. Journal*, vi. p. 243, pl. 61), which reproduces the canon of Polycletus as modified afterwards by Lysippus.

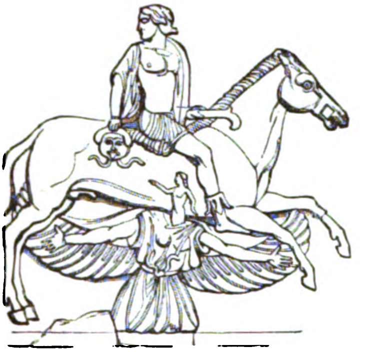
An attempt has also been made to prove that the not very uncommon group of one female figure carrying another on her back is a copy from a group of Demeter carrying Persephone, by Praxiteles, known generally as the *Catagusa*. But in the first place there are doubts as to the meaning of *κατάγουσα* in this instance, a German archaeologist having interpreted it as "spinning" (Loeschke, *Arch. Zeitung*, 1880, p. 102). While there is no good reason for this interpretation, the fact remains that there is no authority for assuming Praxiteles to have represented Demeter and Persephone in this attitude, even if he did represent the one carrying or conducting the other. It is the attitude of play, as in the accompanying group of Eros on the shoulders of a maiden, and answers to the game in daily life called the *Hippas*. These groups are published, and the theory of a Praxitelean origin of them strongly advocated, by M. Rayet, in his *Monuments de l'Art Antique*.


Terracotta from Centorbi in Sicily. (British Museum.)

Judged according to artistic qualities, the oldest Greek statuettes are well represented in the British Museum by a series found in tombs at Camiros, in which, while the head is modelled with some skill and care, the body is only a rudimentary trunk. Colour is sparingly employed. Equally rude is a smaller series from Tegea, in Arcadia, but they are more ambitious in regard to the body, and less so in regard to the head. No colour is applied to them. The terracotta is coarse, and of a dark red colour. A slight advance, but not enough to constitute a new period, will be seen in others from Camiros, where there is an attempt to indicate the limbs in due proportion to the head, where colours are more freely used and the quality of the clay finer. These are mostly female figures seated, with their hands on their knees, and their arms not detached from the mass of the body. It may be regarded as the beginning of a new period, when the drapery comes to be indicated by modelling in the clay, and some action or attribute is conveyed: for example, a female figure holding a dove, as in specimens from Camiros; a female figure, perhaps a priestess, holding a pig for sacrifice, as in specimens from Sardinia; or grotesque figures from Camiros. Occasionally strong contrasts of colours—red and blue—are employed, generally as a mere coating, but sometimes to pick out details of dress not indicated in the modelling. This period did not close till it had attained what may be considered the ideal and best stage of archaic terracottas, as represented by numerous female figures, tall, severe in attitude and aspect, with drapery falling in simple but stately lines, the left hand holding the skirt and the right raised to the breast. Of this stage are the masks already spoken of from Camiros, vases modelled in the form of Sirens, or to imitate the head of Heracles, of Achelöos, apes and other animals: so also the archaic reliefs, emblemata, in the British Museum, representing (1) Bellerophon mounted on Pegasus slaying the Chimaera, from Melos; (2) Perseus, also mounted on Pegasus, which apparently has just sprung from the decapitated body of Medusa, from Melos; (3) group described as Sappho and Alcaeus, from Melos (Welcker, *Alte Denkmäler*, ii. pl. 12, fig. 20). Of the same style and period are the groups of Peleus carrying off Thetis, and Eos carrying off Cephalos, from Camiros. Usually the Melos clay is of a pale colour, better seen in the statuettes than in the reliefs of this period. The Camiros clay is always a faint red, with innumerable fine points in it sparkling like mica. The age of Pheidias, or nearly so, is represented by a few terracottas from Athens. For example, three figures, possibly of Leda holding a swan. The one is a massive, noble figure, standing


Bellerophon and the Chimaera. (From the terracotta in the British Museum.)

nearly nude; in the other two Leda has one foot raised on a rock, and throws up an end of her drapery, as if she were about to spring on the rock: but here, though the two figures are at first sight the same, the action of the arms is in fact reversed, and an extensive yet subtle variety introduced. The one figure is glazed over in a white colour; the other is merely painted white. These three Ledas are in the British Museum, as are also several other female figures of this period from Athens, with white glazed surfaces, and a relief in which one Maenad plays on a tympanon while another dances, the scene being before a temple, indicated by an altar and a column.



Perseus and Medusa. (From a terracotta in the British Museum.)

From the next period of art, as known from the sculptures of the Mausoleum, there are such terracottas as the female figure found by Sir C. T. Newton at Cnidos, closely corresponding in action and drapery with the statue of Artemisia from the Mausoleum, the fragmentary figures from the ruins of that building, and some few examples from other localities, as Athens and Corinth. A slight advance towards florid treatment of drapery and other details may be seen in the terracottas found near Larnaca, in Cyprus, consisting frequently of female figures with high richly-ornamented crowns (see the collection in the British Museum; and Heuzey, *Terres cuites du Louvre*, pl. 15). The climax of this stage is reached in the ordinary type of the terracottas which have been found in such great numbers in the tombs at Tanagra, in Boeotia, since 1873, when this cemetery was first discovered. Some of the tombs are of an archaic character, but the majority are of the age here in question (the 3rd cent. B.C.), and contained statuettes of terracotta, the most beautiful of which were found enclosed in coarse clay vases. They represent usually subjects from daily occupation, or youthful ideal figures, interesting from their costume, and especially for the hat they sometimes wear, suggesting the reference to Sophocles, *Oed. Col.* 314, κρατὶ δ' ἡλιοστερὴς κυνῆ πρόσωπα Θεσσαλίς νιν ἀμπέχει. The attraction exercised by these figures from Tanagra may be judged from the numbers of them that have been engraved and published in almost every form, from the costly volume of coloured designs issued by the German Archäologisches Institut, under the editorship of Prof. Kekulé (Stuttgart, 1878), to the slight outlines of the *Gazette des beaux Arts* (xi. 1875, pp. 297 and 551, and xii. 1875, p. 56), and other publications enumerated in Rayet's *Monuments de l'Art Antique*. Next in rank to Tanagra for the number of interesting terracottas which it has yielded is Myrina, in Asia Minor, where the French carried on extensive excavations in 1880–82. The results appear in the work of MM. Pottier and Reinach, *La Nécropole de Myrina*, 1887 (see also Froehner, *Terres cuites d'Asie Mineure*, 1881), with numerous plates, and containing, among other interesting matter, a detailed account of the processes employed in producing the statuettes: *e.g.* the quality of the clay, with its differences of colour, due partly to differences of firing and partly to materials employed in the preparation; the moulds, of which a large number were obtained, many of them bearing the names of the artists who made them; and the various methods of colouring the statuettes. In these respects the Myrina terracottas do not differ from those of Tanagra. But in an artistic sense they are readily distinguishable by a degree of coarseness and voluptuousness which is wanting at Tanagra, by a greater love of nude forms, and by a strong desire for groups in which accuracy is sacrificed to picturesque effect. At present it is difficult to say from what source the coroplastae, whether at Myrina or at Tanagra, derived their inspiration. In some instances we find types of figures or of attitudes that may very well have been derived from the painted Greek vases of the latest period—towards the end of the 4th cent. B.C. But a more accurate comparison may be found in some of the mural paintings that have survived in Rome and Pompeii, which, if not actually executed in the Hellenistic period, are always believed to be derived from originals of that age. We may assume that the coroplastae by the nature of their profession appealed only to a particular class of sentiments, which required for their gratification nothing more than some easily recognised type of beauty, or some grotesque figure drawn from daily life. Possibly, therefore, much that we do not now understand in the work of the coroplastae would be accounted for if we had any records of the public demands which they worked to supply. So far at least we may agree that these demands had been mostly of a local character, from the fact that the figures of Tanagra, of Myrina, of Cyrene, of Sicily, are distinguishable

Terracotta statue found at Pompeii.

as no other class of Greek antiquities, except the Athenian lecythi. The terracottas from the Cyrenaïca are mostly of a late period, and only rarely possessed of beauty or interest. Late also are those from Centuripa (Centorbi), in Sicily, elongated in figure, sometimes coarsely modelled (Kekulé, *Terracotten von Sicilien*). Of coarse clay and with a preference for pink and white colouring, is the still later and numerous class from Canosa, in Italy, intended mostly to be attached to large ornamental vases. Of life-size terracottas only a small number exist, and these are generally of a late period, such as the statue of an actor from Pompeii figured above.

[A. S. M.]

TERU'NCIUS. [As, Vol. I. p. 203.]

TE'SSERA, *dim.* **TESSE'RULA** and **TESSELLA** (*κύβος*), a square or cube; a die; a token.

The use of small cubes of marble, earthenware, glass, precious stones, and mother-of-pearl for making tessellated pavements (*pavimenta tessellata*, Suet. *Jul.* 46) is noticed under EMBLEMA, in Vol. I.; cf. PICTURA, p. 397.

The dice used in games of chance [ALEA] had the same form, and were commonly made of ivory, bone, or some close-grained wood, especially privet (*ligustra tesseris utilissima*, Plin. *H. N.* xvi. § 77). They were numbered on all the six sides like the dice still in use (Ovid, *Trist.* ii. 473 ff.); and in this respect as well as in their form they differed from the *tali*, which are often distinguished from tesserae by classical writers (Gellius, xviii. 13, § 2; Cic. *de Sen.* 16, § 58). [TALUS.] Whilst four tali were used in playing, only three tesserae were anciently employed. Hence arose the proverb, *ἢ τρὶς ἕξ, ἢ τρεῖς κύβοι*, *i.e.* "either three sizes or three aces," meaning, all or none (Plat. *Legg.* xii. 968 E; Schol. *in loc.* p. 946 a, ed. Turic.; Pherecrates, *fr.* 123 M. = Zenob. *Cent.* iv. 23); for *κύβος* was used to denote the ace, as in the throw *δύο κύβω καὶ τέτταρα*, *i.e.* 1, 1, 4 = 6 (Eupolis, *fr.* 358 M.; Aristoph. *Ran.* 1400; Schol. *in loc.*). Three sizes is mentioned as the highest throw in the Agamemnon of Aeschylus (33). As early as the time of Eustathius (*in Od.* i. 107) we find that the modern practice of using two dice instead of three had been established.

The ancients sometimes played with dice *πλειστοβολίνδα*, when the object was simply to throw the highest numbers. For other games with dice, see DUODECIM SCRIPTA, LATRUNCULI, TALUS; for the boards on which they were played, ALVEUS, TABULA LUSORIA; cf. Becq de Fouquières, *Jeux des Anciens*, ed. 2, pp. 302–324.

Objects of the same materials as dice, and either formed like them or of an oblong shape, were used as tokens for different purposes. The *tessera hospitalis* was the token of mutual hospitality, and is spoken of under HOSPITIUM, p. 981 *b*. This token was probably in many cases of earthenware, having the head of Jupiter Hospitalis stamped upon it (Plaut. *Poen.* v. 1, 25; 2, 87–99). *Tesserae frumentariae* and *numariae* were tokens given at certain times by the Roman magistrates to the poor, in exchange for which they received a fixed amount of corn or money (Suet. *Aug.* 40, 42; *Nero*, 11). [FRUMENTARIAE LEGES.] Similar tokens were used on various occasions, as they arose in the course of events. For example, when the Romans sent to give the Carthaginians their choice of peace or war, they sent two tesserae, one marked with a spear, the other with a CADUCEUS, requesting them to take either the one or the other (Gellius, x. 27).

Various tesserae are preserved in museums, the British Museum being particularly rich in such specimens: the materials are ivory, bone, porcelain, and stone. One class of these are theatrical, *i.e.* were used as tickets of admission, and answer to the *σύμβολα* of the Greeks; another class are agonistic, thought to have been issued on the occasion of public games or contests. Others, again, are believed to have been distributed as *sortes convivales* or as *sparsiones*. The *sortes convivales* were a kind of lottery drawn by guests at a banquet, through which they were entitled to prizes varying in amount (Lamprid. *Heliog.* 22). In the *sparsiones* the tickets were scrambled for, instead of being drawn (Dio Cass. lxi. 18; Martial, viii. 78, 7). There are other miscellaneous tesserae, not included under the above headings. The most interesting class of tesserae are the gladiatorial, of which the British Museum contains about a dozen probably genuine, and other doubtful examples. These are usually carved out of a piece of ivory or bone, of a long shape, and inscribed on the four long sides (cf. TALUS). On the first line is the gladiator's name in the nominative case, on the second his trainer's in the genitive; the third gives the letters SP, followed by the date of the month and day; the fourth the consuls, marking the year. At one end is a hole by which it was suspended. The abbreviation SP stands for SPECTATUS, as is proved by the letters SPECTAT. on a tessera found at Arles. These tesserae were given by the munerarius, or exhibitor of the games, to a gladiator when *spectatus* or approved by passing successfully through a certain number of contests (cf. Hor. *Epist.* i. 2, 2). In one or two exceptional instances the word is SPECTAVIT, explained to mean either (1) that the gladiator, fighting no longer (*emeritus*), became "a spectator" of the games, or (2) that he became an "inspector" of other gladiators. For special discussions of this subject, see Ritschl in *Abh. Bayer. Akad.* 1866, pt. ii. p. 223; Hübner, in *Monatsbericht Berl. Akad.* 1867, p. 747; Mommsen, in *Hermes*, xxi. 266; A. Elter, in *Rhein. Mus.* 1886, p. 517; P. J. Meier, *ib.* 1887, p. 122; *Guide to the Second Vase Room, British Museum.*

From the application of this term to tokens of various kinds, it was transferred to *the word* used as a token among soldiers. This was the *tessera militaris*, the *σύνθημα* of the Greeks. Before joining battle it was given out and passed through the ranks as a method by which the soldiers might be able to distinguish friends from foes. Thus at the battle of Cunaxa the word was "Zeus the Saviour and Victory," and on a subsequent engagement by the same troops "Zeus the Saviour, Heracles the Leader" (Xen. *Anab.* i. 8, § 16; vi. 3, § 25). The soldiers of Xenophon used a verbal sign for the same purpose when they were encamped by night (vii. 3, § 34). Aeneas Tacticus (c. 24) gives various directions necessary to be observed respecting the word. On the *tessera* or watchword in the Roman camp, see CASTRA, p. 377 *b*. [J. Y.] [W. W.]

TESSERACONTE'RES. The invention of war-ships larger than the trireme, viz. quadrireme and quinquereme, belongs to the epoch which follows that of the Peloponnesian War. In the first half of the 4th cent. B.C. the Athenians possessed a few quadriremes; but the quinquereme, which was destined to be the line-of-battle ship of the succeeding century, had not yet become common. At the siege of Tyre (Curt. ii. 4) Alexander had only one quinquereme as his admiral's ship. Later on we find the Carthaginian fleet consisting mainly of vessels of five banks of oars; and from one of these which fell into their hands, and was used as a model, the Romans constructed those fleets which were engaged at Mylae and Ecnomus and the Aegates Insulae. According to Pliny (vii. § 56), it was Alexander who conceived the idea of constructing still larger vessels, and gave orders for building ships of seven or even ten banks. It remained, however, for his successors to carry out these plans, of whom Demetrius Poliorcetes was the most energetic and successful in matters of naval construction. Demetrius himself superintended the building of vessels of fifteen and sixteen banks (Plut. *Dem.* 43), and this passion for huge ships seems to have continued among the Macedonians (cf. Liv. xxxiii. 16, "Regiam unam inhabilis prope magnitudinis quam sedecim versus remorum agebant"). Ptolemy Philadelphus had fourteen ships of eleven, two of twelve, four of thirteen, one of twenty, and two of thirty banks of oars. To surpass these latter, Ptolemy Philopater constructed the Great Eastern of ancient days, the famous Tesseraconteres, a triumph of naval architecture in point of construction, but useless for practical purposes, and in reality only the splendid toy of a despotic king. Her dimensions, as given in Athen. v. p. 203, are as follows:—Length, 420 ft.; breadth (within parodi), 57 ft.; height, forward 72 ft., aft 79 ft. She had four rudders, each 45 ft. long, and her upper tier of oars (*θρανιτικαί*) were 57 ft., weighted with lead inboard. She was *δίπρωρος* and *δίπρυμνος*; had seven beaks, of which one was longer than the rest; also beaks projecting from the catheads (*κατὰ τὰς ἐπωτίδας*). She had twelve *ὑποζώματα*, each 900 ft. long; that is, sufficient to gird her from stem to stern. Her proportions were graceful, and her ornamentation elaborate. Figures of animals, 18 ft. in length, adorned both stem and stern, and every available surface was covered with painting, the whole of the rowing space from the keel upwards being decorated with ivy wreaths and thyrsi. The rowing complement was over 4,000; the marines numbered 2,850; there were 400 seamen (?) for the service of the ship; and below decks a vast multitude of people.

Such, in brief, are the details preserved concerning this remarkable vessel, which however, probably after her trial trip, was left for show in the dock specially constructed for her by a Phoenician engineer.

As regards dimensions, she was about the same as H.M.S. Warrior (420 ft. × 58 ft.), an ironclad of a type now becoming obsolete. It is not possible to be certain as regards the meaning of *δίπρωρος* and *δίπρυμνος*, but Graser's view seems plausible, that she was, in construction, anticipatory of the class of twin vessels (such as the Castalia and Calais-Douvres), which have been tried of late with varying success. It would seem however, from the mention of the seven beaks, that the double prow was prolonged into one, at all events above the water-line, and, in all probability, the double stern likewise, so that the Acrostolia and Aphlasta would be as in other vessels. The four rudder paddles would thus probably have been carried two on each side, as often seen in Egyptian vessels, though Graser seems to suppose one on each side of the two sterns. The disposition of the rowers in the Tesseraconteres has been a matter of much controversy. It is interesting to find that Graser in his detailed description of the Tesseraconteres has adopted for her as for all the larger rates above quinquereme a reduced scale, allowing only 7 instead of 8 square ft. per man for rowing space, and the vertical distance of the banks from 2 ft. to 1 foot. Probably this is also nearer the true measurement in the smaller rates from quinquereme downwards.

Allowing 20 ft. for draught, the Tesseraconteres gave a height of 44 ft. on either side for the insertion of 40 banks of oars. The curvature of the vessel fore and aft, and the consequent contraction of the rowing space, would necessarily diminish the number of men in each tier from the highest to the lowest. Graser, by an ingenious calculation, brings the total number of oarsmen to 4054 (Athen.: *ὀλίγῳ πλείους τῶν τετρασχιλίων*). For the disposition of these (allowing 7 ft. interscalmium) there was for the topmost bank on each side a longitudinal space of 367 ft., in which were seated on either side the 53 thranites (the topmost men of 53 complexus, diagonal lines, of oarsmen), and for the lowest, or thalamite bank, a longitudinal space of 345 ft. Of the 53 complexus, 40 were complete, giving a sum of 1600 on each side. In the remaining 13, incomplete complexus, 427 men found their places on either side (3200 + 854 = 4054). The principle of the *ζύγωσις* must have been similar to that of the trireme [see NAVIS], benches (*ζυγὰ*) being fitted between the vessel's side and the *διαφράγματα*, though in the case of the Tesseraconteres these were probably divided by decks at certain intervals. The upper tiers of oars, when fastened to the *σκαλμὸς* or thowl pin, were almost at equilibrium between the outboard and inboard portions, so that the movement of the whole would not be difficult. The oar-ports of the thalamites must have been dangerously close to the water. Graser places them at 2½ ft. above the water-line less than those of the trireme, which were not under 3 ft. And perhaps this is the reason of the terms in which Plutarch speaks of her (*Dem.* 43): *ἀλλὰ θέαν μόνην ἐκείνη παρέσχε, καὶ μικρὸν ὅσον διαφέρουσα τῶν μονίμων οἰκοδομημάτων φανῆναι πρὸς ἐπίδειξιν, οὐ χρείαν, ἐπισφαλῶς καὶ δυσέργως ἐκινήθη.* [E. W.]

TESTA. [FICTILE.]

TESTAMENTUM is defined by Ulpian as being "mentis nostrae justa contestatio in id sollemniter facta ut post mortem nostram valeat." (Cf. Modestinus in Dig. 28, 1, 1: "Testamentum est voluntatis nostrae justa sententia de eo, quod quis post mortem suam fieri velit.") In this passage the word *justa* means *jure facta*, "as required by law." The word *contestatio* is here equivalent to *testatio*, which is the act of making a solemn declaration before witnesses, and so of making a will or testament (cf. Voigt, *Zwölf Taf.* 1, § 19). Gellius (vi. 12) properly finds fault with Servius Sulpicius for saying that testamentum is compounded "a mentis contestatione." He who made a testamentum was testator (Suet. *Ner.* 17).

In order to be able to make a valid Roman will, the testator must have the *testamentifactio* (Cic. *ad Fam.* vii. 21), which term expresses the legal capacity to make a valid will; the word has also other significations. [HERES.] The right of making a will was the privilege only of Roman citizens who were patresfamilias, except that filiifamilias were allowed to make a will respecting their *castrense* or *quasicastrense peculium.* [PATRIA POTESTAS.] The following persons consequently had not testamentary capacity: those who were in the *potestas* or *manus* of another, or *in mancipii causa* [MANCIPII CAUSA], as descendants subject to power, though with the above-mentioned dispensation in favour of filiifamilias, wives *in manu*, persons in the semi-servile state of *mancipium* and slaves, except that *servi publici* were allowed to dispose of half their *peculium* (Ulp. xx. 16); Latini Juniani died like slaves in respect of property, and so could not make a will; *peregrini* and *peregrini dediticii* were devoid of testamentary capacity; an *impubes* could not dispose of his property by will, even with the sanction (*auctoritas*) of his tutor (for an account of the *substitutio pupillaris*, see HERES). When a male became *pubes* — that is, was fourteen years of age—he became capable of making a will, and a female obtained the power, subject to the limitations explained below, on the completion of her twelfth year: *muti*, *surdi*, *furiosi*, and *prodigi*, "quibus lege bonis interdictum est," had not the *testamentifactio.* The reasons why these several classes had not the *testamentifactio* were: the mutus, because he could not utter the words of *nuncupatio;* the surdus, because he could not hear the words of the *familiae emptor;* the furiosus, because he had not intellectual capacity to declare his will (*testari*) about his property; and the prodigus, because he had no *commercium* (Ulp. *Fragm.* xx. 3). Justinian removed the testamentary incapacity of surdi and muti, which had previously been a subject of imperial dispensation (Cod. 6, 22, 10: cf. Inst. ii. 12, 3). The penalty of testamentary incapacity was imposed on certain classes of persons by statute (Gell. xv. 13; Dig. 28, 1, 18, § 1, 26; Theoph. *ad* Inst. ii. 10, 6). [INTESTABILIS.]

Women had originally no *testamentifactio*, as their right of disposing of property was restricted in order to serve the interest of their agnates, and they had been incapable of making a will in early times on account of their inability to take part in the proceedings of the Comitia, where wills had to be made (cf. Gell. v. 19, "quoniam et cum feminis nulla comitiorum communio est"). When they did acquire the power, they could only exercise it by means of certain juristic contrivances, to which we find references in the writings of Cicero and of Gaius. Of course a daughter in the power of her father, whether she was married or unmarried, and a wife *in manu*, could never make a will, since they could not hold property. The rules therefore as to a woman's power of making a will could only apply to unmarried women after the death of their father or after emancipation from his power, and to married women who were not in the power of a father or a husband (Karlowa, *Die Formen der röm. Ehe*, 96, &c.). In order to qualify a woman who had independent property to make a will, it was necessary that she should cease to be a member of her familia by undergoing a capitis deminutio, a change which required the concurrence of her agnatic tutor. The capitis deminutio was effected by a *coemptio fiduciae causa*, the coemptionator or purchaser of the woman acquiring *manus* over her, though only as a matter of form, and being bound by a fiducia to remancipate her to some one of her choice. The person to whom she was remancipated became her fiduciary tutor, and gave his formal sanction (*auctoritas*) to her will, which was required in order to give it legal validity. It will be seen from the above that a woman was incapable of making a will unless she obtained the consent of her agnatic tutor, who, as being her intestate heir, would be interested in preventing her from disposing of her property. The agnatic tutela of women was abolished by the Lex Claudia (Gaius, i. 157, 171; Ulp. xi. 8); but the auctoritas of a tutor was still required, as a matter of form, to enable a woman to make a will, except in certain privileged cases (Gaius, ii. 112; Ulp. xx. 15). On the recommendation of Hadrian, the senate made the ceremony of *coemptio* unnecessary for the purpose of giving legal validity to a woman's will (Gaius, i. 115 a). Between the time of Gaius and the publication of the Theodosian Code, the *perpetua tutela* of women became obsolete, and with it the last formal difference between their wills and those of men.

In accordance with the above explanation, Cicero observes (*Top.* 4, 18): "If a woman has made a will, and has never undergone a capitis deminutio, it does not appear that the Bonorum Possessio can be granted in pursuance of such will according to the Praetor's edict; for, if it could, the edict must give Bonorum Possessio in respect of the wills of servi, exules, and pueri." The Bonorum Possessio or praetorian title to the inheritance was not given by the Praetor to persons who were incapable of taking the hereditas; accordingly Cicero means that, if a woman made a will without having sustained a capitis deminutio, the will could have no effect at all in giving a praetorian title to the inheritance, any more than the wills of other persons who had not the testamentifactio. The case of Silius (Cic. *ad Fam.* vii. 21) may be a case of a woman's making a will without coemptio, for it appears that a woman (Turpilia) had disposed of property by will, and Servius Sulpicius was of opinion that this was not a valid will, because the will-maker had not the testamentifactio. The following references may be consulted as to this matter:—Cic. *pro Caecin.* 6, 17; *pro Flacc.* 35, 86; *pro Muren.* 12, 27; *ad Att.* vii. 8;—Liv. xxxix. 19; Gaius, i. 150. *Libertae* could not make a will without the auctoritas of their patronus, for they were in the tutela legitima of their patronus: the patron was always allowed to refuse his sanction to such a will. Libertae who had a certain number of children could, however, make a will without the auctoritas of their patronus. [PATRONUS.] The Vestal Virgins had no tutor, and yet they could make a testament. The Twelve Tables released them from all tutela "in honorem sacerdotii" (Cic. *de Rep.* iii. 10, 17; Gaius, i. 145).

In order to constitute a valid will, it was necessary that a heres should be instituted, which might be done in such terms as the following:—"Titius heres esto, Titium heredem esse jubeo." (Ulp. 24, § 15, "Ante heredis institutionem legari non potest, quoniam vis et potestas testamenti ab heredis institutione incipit.") All persons who had the commercium could be heredes; slaves also could be made heredes,—a testator's own slave, if the institution was coupled with his manumission; the slave of another, if there was testamentifactio between the testator and his master, the slave in this case acquiring the inheritance for his master by command of the latter.

But there were many classes of persons who could not be heredes: such were peregrini and peregrini dediticii, as having no commercium, and Latini Juniani, by the provision of the Lex Junia. Whether according to primitive law women could be made heredes is uncertain, but from an early time they were on the same footing as men in this respect, until by the Lex Voconia (B.C. 69) they were made incapable of being heredes to a person in the first class of the census (Cic. *in Verr.* i. 42, 107; Gell. vii. 13). There was a rule that *incertae personae* could not be instituted; hence it was originally impossible to institute posthumous persons, though in course of time forms of instituting and exheredating *postumi sui* were established. [HERES.] Though unascertained persons could not, generally speaking, be instituted, their institution came to be allowed if they were instituted *sub certa demonstratione:* e.g. "ex cognatis meis, qui nunc sunt, si quis filiam meam uxorem duxerit." Justinian made their institution valid in all cases, provided that they became determinate subsequent to the making of the will. Originally juristic persons could not be instituted, since they could not themselves perform the legal act of entering on an inheritance (cf. Ulp. 22, 5: "Nec municipium nec municipes heredes institui possunt, quoniam incertum corpus est, et neque cernere universi neque pro herede gerere possunt, ut heredes fiant"); but this rule was never applicable to the aerarium or to the fiscus, and in the case of other juristic persons exceptions were gradually made to it: thus municipalities were made capable by senatusconsulta of inheriting the property of their own freedmen (Ulp. 22, 5); exceptions were also made by statute in favour of certain gods and goddesses, viz. Jupiter Tarpeius, Apollo Didymaeus, Mars in Gallia, Minerva Iliensis, Hercules Gaditanus, Diana Ephesia, Mater Deorum, Siphylensis quae Smyrnae colitur, Caelestis Salinensis in Carthage (Ulp. *l. c.* § 6). According to the law of Justinian, churches, piae causae, and communes were capable of being instituted; other juristic persons only if specially privileged in this respect.

Besides capacity on the part of the testator and the person instituted heres, there must be a proper observance of the forms required by law for the validity of a will. Thus we come to consider the rudimentary forms of a Roman will and their subsequent modifications. The earliest will or testament was made *calatis comitiis;* that is, in the Comitia Curiata, which were summoned (*calata*) twice a year for this purpose (Gaius, ii. 101; Ulp. 20, 2; Inst. ii. 10, 1, cum Theoph.; Gell. xv. 27). The testamentum calatis comitiis was probably an adoption by a person who had no children of an intestate *suus heres* rather than a will in the strict sense (cf. Schulin, *Das griechische Testament verglichen mit dem römischen;* and as to the use of adoption for the purpose of disposing of an inheritance in Hindoo Law, see Maine's *Ancient Law*, p. 193). The adoption was, we may suppose, of a peculiar kind, the person who was the object of it not being regarded as the testator's son till after the death of the latter, and then only in case there had been no revocation of the disposition. The proceeding would be of a legislative character in its form, somewhat similar to that of arrogation; for the opinion of some writers, that the populus only bore witness to the transaction in its Comitia and did not sanction it, does not seem to rest on good ground. No doubt, however, the consent of the populus was from an early time little more than a formality (Gans, *Erbrecht*, ii. 27; Ihering, *Geist d. r. R.* i. 145; Schulin, *l. c.*; Sohm, *Institutionen*, § 99). A will was also valid in early times which was made *in procinctu;* that is, one declared by a man before his comrades when in the field before the enemy; for an army in movement and under arms is *procinctus* (Festus, *s. v.* Procincta; Gaius, *l. c.*). A third mode of making wills was introduced, which first existed alongside and then superseded the older forms. It was effected *per aes et libram;* that is, by mancipium, whence the name of *testamentum per aes et libram*, or mancipative will.

The origin of this mode of testamentary disposition may have been to enable plebeians to make a will, they being excluded from the Comitia Curiata, but the patricians must have soon found it convenient to use the same form. The power of making provision respecting the disposition of property after death is expressly recognised by the law of the Twelve Tables in the words "uti legassit super pecunia tutelare rei suae ita jus esto," the word *legare* being here equivalent to *legem dicere*—that is, to declare the law which was to govern the devolution of property (Muirhead, *Roman Law*, p. 167, n. 1). Thus, according to the law of the Twelve Tables, if a man had neither made his will at *calata comitia* nor in *procinctu*, and was in imminent danger of death, he would mancipate (*mancipio dabat*) his familia—that is, his patrimonium or family property—to a friend, and request him to carry out his wishes after his death. The *familiae emptor*—that is, the person to whom the familia was conveyed by mancipation—is said by Gaius to have been in the place of heres (*loco heredis*), the testator having instructed him as to what he wished to be given to each legatee after his death. We cannot gather from Gaius that the familiae emptor ever acquired a beneficial interest in the property mancipated to him, as Sir H. Maine (*Ancient Law*, ch. vi.) states, but only loco heredis for the purpose of paying legacies, and possibly for the purpose of paying in the first place the debts of the deceased, though this is not stated. It is not probable that the familiae emptor became personally liable for the testator's debts. His function seems in fact to have been somewhat analogous to that of an executor in English law, especially if only the movable property could be the subject of such a disposition in early times, as may possibly have been the case. That the familiae emptor was regarded as a mere mandatory for carrying out the wishes of the testator, and had no right to derive any benefit from the estate, is shown by the formal words used in the mancipation to him, "familiam pecuniamque tuam endo *mandatela tua custodelaque mea*" (Gaius, ii. 104). We may infer from the fact of the familiae emptor being *loco heredis*, that he could be legally compelled to carry out the testator's wishes, and was not simply bound in good faith to do so. According to Sir H. Maine (*Ancient Law*, l. c.), the effect of the mancipation was to vest the inheritance immediately and irrevocably in the familiae emptor, a mancipation being an *actus legitimus* not admitting of *condicio* or *dies*. But this view of the transaction appears to be defective in that it takes no account of the power of making a qualified mancipation, recognised by the Twelve Tables in the words, "Cum nexum faciet mancipiumque, uti lingua nuncupassit, ita jus esto" (Festus, *s. v.* Nuncupata). Accordingly the familiae emptor would be subject to the terms imposed on him by the nuncupation which was a part of the mancipation, and by these the mancipant would reserve possession of his property during his lifetime, together with a right of revoking his disposition at pleasure. The familiae emptor would, in fact, become merely formal owner of the property. It will be seen from the above that the mancipative will in its rudimentary form was not a unilateral proceeding, like the later will, but a transaction *inter vivos*, not intended to operate as a universal succession to a heres, but made for the purpose of distributing property to legatees by way of singular succession.

In course of time a great change took place in the character of the mancipative will, in that the familiae emptor ceased to fulfil any real function, and was no longer regarded as even the formal owner of the inheritance. The testator by his will, expressed either in writing or by word of mouth at the time of the mancipation, instituted a heres as his universal successor, who was personally liable to creditors, and who took the inheritance subject to any legacies with which the testator had charged it. Henceforward a testamentum may be defined as a last will by which a heres is instituted (Dig. 29, 7, 20: "Julianus ait, tabulas testamenti non intellegi, quibus heres scriptus non est, ut magis codicilli quam testamentum existimandae sint"). The will might be oral or written, but the ordinary practice was to make a written will, so that the dispositions of the testator might not be known till after his death. The mode of proceeding was this (Gaius, ii. 104). The testator, after having written his will (*tabulae testamenti*), called together five witnesses, who were Roman citizens, and a libripens, as in the case of other mancipationes, and mancipated his property (*familia pecuniaque*) [FAMILIA] to some person in compliance with legal forms (*dicis causa*). This person, the familiae emptor, uses these words, which have been already referred to as showing his original function: "Familia pecuniaque tua endo mandatelam tuam custodelamque meam, quo tu jure testamentum facere possis secundum legem publicam, hoc aere (et ut quidam adjiciunt aenea libra) esto mihi empta." The emptor then struck the scales with a piece of money which he gave to the testator as the price of his purchase; after which, the testator, taking the will in his hand, said: "Haec ita ut in his tabulis cerisque scripta sunt ita do ita lego ita testor itaque vos Quirites testimonium mihi perhibetote." This was called the *nuncupatio* or publishing of the will; in other words, the testator's general confirmation of all that he had written in his will, which derived its legal effect from the clause in the Twelve Tables quoted above.

As the familiae emptio was supposed to be a real transaction between the emptor and testator, the testimony of their several families was excluded, and consequently a person who was in the power of the familiae emptor, or in the power of the testator, could not be a witness. If a man who was in the power of another was the familiae emptor, it followed that his father could not be a witness, nor his brother, if the brother was in the power of the father. A filiusfamilias who after his *missio* disposed of his *castrense peculium* by testament, could not have his father as witness nor any one who was in the power of his father. The same rules applied to the libripens, for he was a witness. A person who was in the power of the heres or of a legatee, or in whose power the heres or legatee was, or who was in the power of the same person as the heres or a legatee, and also the heres or a legatee, could all be witnesses, since neither the heres nor the legatees were parties to the mancipation. But Gaius observes that it would be improper for the heres, and the man who is in the power of the heres or in whose power the heres is to witness the will. According to the law of Justinian, a person in the familia of the heres could not be witness to the will (Inst. ii. 10, 10).

The Edict established a less formal kind of will, since it acknowledged the validity of a written will when there had been no mancipatio, provided there were seven witnesses and seven seals, and the testator had the testamentifactio at the time of making the will and at the time of his death (Gaius, ii. 147). The terms of the Edict are given by Cicero (*in Verr.* i. 1, 45). The Edict only gave the Bonorum Possessio or Praetorian title to the inheritance, which was not effective (*sine re*) against the civil title *ab intestato* of an agnate, until it was made so (*cum re*) by a rescript of Marcus Aurelius (Gaius, ii. 120). This so-called Praetorian testament existed in the Republican period. Thus a man had his choice between two forms of making his will; the Civil form by mancipatio, and the Praetorian with seven seals and seven witnesses, and without mancipatio (Savigny, *Beytrag zur Geschichte der röm. Testam.*, *Zeitschrift*, vol. i. p. 78).

The Praetorian testament prepared the way for the abolition of mancipatio, the essential character of a will made according to the Jus

Civile, and in the legislation of Justinian the form of making a testament was simplified. It required seven male witnesses of competent age and legal capacity, and the act must be done in the presence of all, at the same place and at the same time; that is, it must be continuous. The testator might declare his last will orally (*sine scriptis*) before seven witnesses, and this was a good will. If it was a written will, the testator acknowledged it before the witnesses as his last will, and put his name to it, and the witnesses then subscribed their names and affixed their seals. [Cf. Inst. ii. 10, 3: "Sed quum paullatim tam ex usu hominum, quam ex constitutionum emendationibus coepit in unam consonantiam jus civile et praetorium jungi, constitutum est, ut uno eodemque tempore (quod jus civile quodammodo exigebat) septem testibus adhibitis et subscriptione testium (quod ex constitutionibus inventum est), et (ex edicto praetoris) signacula testamentis imponerentur; ut hoc jus tripertitum esse videatur, ut testes quidem et eorum praesentia uno contextu testamenti celebrandi gratia a jure civili descendant, subscriptiones autem testatoris et testium ex sacrarum constitutionum observatione adhibeantur, signacula autem et numerus testium ex edicto praetoris."] The testator might write his will or have it written by another person, but such other person could derive no advantage under the will. [Senatusconsultum Libonianum.]

It is natural that there should be much difference of opinion respecting the nature of the earliest forms of Roman testament, since the evidence which has come down to us on this subject is extremely scanty. Rein (*Das röm. Privatrecht*, p. 373, note) has referred to the modern writers who have discussed this subject (for an account of the views of recent writers, see Schulin, *l. c.*): he has adopted the opinion of Niebuhr, according to which, "as the property of an extinct house escheated to the curia, that of an extinct curia to the publicum of the citizens at large, the consent of the whole populus was requisite; and this is the origin of the rule that testaments were to be made in the presence of the pontiff and the curiae" (*Hist. of Rome*, vol. ii. p. 338). But there is no evidence of the assertion contained in the first part of this passage; and if this rule as to escheat is admitted to be a fact, the rule that testaments must be confirmed by the pontiff and curiae is no necessary conclusion. Niebuhr further observes that "the plebeian houses were not so connected; but the whole order had a public coffer in the temple of Ceres; and when the army, being assembled in centuries, either on the field of Mars or before a battle, passed the last will of a soldier into a law, it thereby resigned the claims of the whole body to the property." This assertion also is not supported by evidence, and is therefore a mere conjecture against the probability of which there are sufficient reasons.

If we are right in following the opinion of those who think that the testamentum calatis comitiis was carried into effect by means of the adoption of a heres, the consent of the pontiff and curiae was required in order to give it effect, just as in the case of other adoptions or arrogations. [Arrogatio.] But it is said that the power of disposition in the case of a testamentum in procinctu could not depend on the consent of the whole populus, in each particular instance; for the nature of the circumstances excluded such consent. A Roman had therefore full power of disposition in procinctu, and from this it is inferred as a probable conclusion that the will made at the Calata Comitia was not a legislative act, but simply one declared before the populus. This argument does not, however, seem to have much force, since it is highly probable that the testamentum in procinctu was instituted at a time when the consent of the Comitia to wills had become merely formal. The adoption in the Comitia, or the simple designation of a person as adopted, would come to be regarded as the institution of a heres, and so the conception of a heres ex testamento would be established. Hence the institution of a heres in a mancipative will may perhaps have been derived from the idea of the designation of a heres in the Comitia, as universal successor.

Some writers assert that the testamentum in procinctu could only be made after the auspices were taken, which gave the testament the religious sanction; that when the auspices ceased to be taken in the field, this kind of testament ceased to be made; and that the military testaments mentioned about the latter part of the Republic (as by Caesar, *Bell. Gall.* i. 39; Vel. Pat. ii. 5, &c.) were not the same kind of testaments, but purely military testaments made without any form, which in the Imperial period became in common use and of which Julius Caesar probably introduced the practice (Dig. 29, 1, *de Testamento Militis*). Cicero, however, speaks of the will In procinctu (*de Or.* i. 53) as then in use, and he describes it as made "sine libra et tabulis;" that is, without the forms which were used after the introduction of the testamentum per aes et libram. Thus the testamentum in procinctu always retained its characteristic of being exempted from legal *forms*, but as to the *capacity* of the testator it was always subject to the same rules of law as other wills, so far as we know.

The form of the mancipative will seems at first sight to favour the opinion that the testamentum calatis comitiis was simply declared in the presence of the populus, for it is generally admitted, and the extant passages are consistent with the opinion, that the testamentary form *per aes et libram* existed while the two original forms were still in use. Now, in the testamentum per aes et libram there is no pretence for saying that any consent was required, except that of the buyer and seller; for though the five witnesses to the testament (*cives Romani puberes*) may have been representatives of the five classes of Servius Tullius, the classes were represented as witnesses only, not as persons who gave their consent to the act. It seems improbable, it is said, that there could have existed at the same time a form of testamentum to which the consent of the testator was sufficient, and another form in which it was not. But the only possible answer to this argument is that the consent of the sovereign people had become a form, and therefore it was indifferent, so far as concerns this consent, whether the will was made at the Comitia where it would be fully witnessed, or per aes et libram where it would be witnessed by the five representatives. In the time of the classical jurists the testamentum per aes et libram was the ordinary form of testament, according to Jus Civile; it is probable that the testamentum calatis comitiis and in procinctu had long previously become obsolete.

As already observed, there seems to have been no rule of law that a testament must be written. The mancipatio required no writing, nor did the institution of a heres. Thus it is said (Dig. 28, 1, 21) that the heres might either be made by oral declaration (*nuncupatio*) or by writing. Written wills, however, were the common form among the Romans at least in the later republican and in the imperial periods. They were written on tablets of wood or wax, whence the word *cera* is often used as equivalent to *tabella;* and the expressions *prima*, *secunda cera* are equivalent to *prima*, *secunda pagina*. The will might be written either by the testator or by any other person with his consent, and sometimes it was made with the advice of a lawyer. It was written in the Latin language, until A.D. 439, when it was enacted that wills might be in Greek (Cod. 6, 23, 21). By the old law a legacy could not be written in the Greek language, though a fideicommissum could be so given. It does not appear that there was originally any signature by the witnesses. The will was sealed, but this might be done by the testator in secret, for it was not necessary that the witnesses should know the contents of the will; they were witnesses to the formal act of mancipatio, and to the testator's declaration that the tabulae which he held in his hand contained his last will. It must, however, have been in some way so marked as to be recognised, and the practice of the witnesses (*testes*) sealing and signing the will became common. (As to the will of Claudius, see Suetonius, *Claudius*, 44.) It was necessary for the witnesses both to seal (*signare*)—that is, to make a mark with a ring (*anulus*) or something else on the wax—and to add their names (*adscribere*). The five witnesses signed their names with their own hand, and their adscription also declared whose will it was that they sealed (Dig. 28, 1, 30). The seals and adscriptions were both on the outside. A senatusconsultum, which applied to wills among other instruments, enacted that they should be witnessed and signed as follows: they were to be tied with a triple thread (*linum*) on the upper part of the margin, which was to be perforated at the middle part, and the wax was to be put over the thread and sealed. Tabulae which were produced in any other way had no validity. (Compare Paulus, *S. R.* v. 25, 6, where *impositae* seems to be the true reading, with Suet. *Ner.* 17.) A man might make several copies of his will, which was often done (*ut vulgo fieri solet*, Dig. 31, 1, 47; a case put to Proculus) for the sake of caution. Both Augustus and Tiberius made two copies of their wills (Suet. *Aug.* 101; *Tiber.* 76). When sealed, it was deposited with some friend, or in a temple, or with the Vestal Virgins; and after the testator's death it was opened (*resignare*) in due form. The witnesses or the major part were present; and after they had acknowledged their seals, the thread (*linum*) was broken and the will was opened and read, and a copy was made; the original was then sealed with the public seal and placed in the archium, whence a fresh copy might be got, if the first copy should ever be lost (Paulus, iv. 6). This practice, described by Paulus, may have been of considerable antiquity. The will of Augustus, which had been deposited with the Vestal Virgins, was brought into the senate after his death (Tac. *Ann.* i. 8): none of the witnesses were admitted except those of senatorial rank; the rest of the witnesses acknowledged their signatures outside of the Curia (Suet. *Tib.* 23).

A passage in a Novel of Theodosius II. (A.D. 439, *de Testamentis*) states the old practice as to the signature of the witnesses. "In ancient times a testator showed (*offerebat*) his written testament to the witnesses, and asked them to bear testimony that the will had so been shown to them (*oblatarum tabularum perhibere testimonium*)," which are almost the words of Gaius. The Novel goes on to state that the ignorant presumption of posterity had changed the cautious rule of the ancient law, and the witnesses were required to know the contents of the will; the consequence of which was that many persons preferred dying intestate to letting the contents of their wills be known. The Novel enacted what we may presume to have been the old usage, that the testator might produce his will sealed, or tied up, or only closed, and offer it to seven witnesses, Roman citizens and puberes, for their sealing and adscription, provided at the same time he declared the instrument to be his will and signed it in their presence, and then the witnesses affixed their seals and signatures at the same time also. A will was opened in the presence of the witnesses to it, so that they might acknowledge their seals, and, having been read, copies of it were allowed to be taken; it was then sealed up and deposited in the public archives (Paul. iv. 6, 1). Valentinian III. enacted that if a testamentum was holographum, witnesses were not necessary.

A fragment of a Roman will, belonging to the time of Trajan, was published by Puggé in the *Rheinisches Museum*, vol. i. p. 249, &c.; and it is explained by Rudorff (*Das Testament des Dasumius*, *Zeitschrift*, &c. vol. xii. p. 301).

The penalties against fraud in the case of wills and other instruments were fixed by the Lex Cornelia. [FALSUM.]

The institution of a heres was essential to a will. A will was either wholly or partly invalid in which sui heredes were neither instituted nor exheredated, but simply passed over in silence; the praetor made a similar rule in the case of emancipati. The rules on this subject are stated in HERES (Roman) and BONORUM POSSESSIO.

A testament which was invalid from the first was *injustum* or *non jure factum*, when the proper forms had not been observed; a void will is sometimes said to be *nullum* or *nullius momenti*, as in the case of a filiusfamilias who is *praeteritus*. A testamentum justum might become either ruptum or irritum or destitutum in consequence of subsequent events (Dig. 28, 3, 1).

A testament became *ruptum* if the testator made a subsequent testament in due form as required by law: and it made no matter whether or not there turned out to be a heres under the second will: the only question was whether there could have been one. If then the heres named in the second will refused the hereditas, or died either in the lifetime of the testator or after his death, and before the cretio, or failed to comply with the conditions of the will, or lost the hereditas under the Lex Julia et Papia Poppaea—in all these cases the paterfamilias died intestate.

The testator must have a capacity to make a will, and continue to have the capacity until his death; but this principle does not apply to mental sanity, for the will was valid if the testator became insane. But the will became *irritum* if the testator sustained a capitis deminutio after the date of the will; or if it failed of effect because there was no heres, it was *destitutum*. If a will failed to take effect for want of a heres, the deceased died intestate; the intestate heir might, however, be bound to carry out the provisions of the will, if requested to do so by fideicommissum. (As to the use of *substitutio* for the purpose of preventing intestacy, see HERES.) If a will took effect, the whole property of the deceased passed to the heirs instituted in the will, whether or not this was the intention of the deceased. The rule "nemo partim testatus et partim intestatus decedere potest" may be explained by the fact of the will having developed out of adoption.

If a man who had made a will was taken prisoner by the enemy, his will was good *jure postliminii* if he returned home; if he died in captivity, it was made as valid by the Lex Cornelia as if he had not been a captive.

Though a will might be injustum and irritum by the Jus Civile, it was not always without effect; for the Bonorum Possessio secundum tabulas might be had by the scriptus heres, if the will was witnessed by seven witnesses, and if the testator had the testamentifactio, at the time of making the will and at the time of his death, though not at some intervening period. The distinction between the case of a will which was invalid Jure Civili for want of due forms, and one which was invalid for want of legal capacity to dispose of property by will, was well recognised in the time of Cicero (*Top.* 11). A will also became ruptum by agnatio; that is, if a suus heres was born after the making of the will who was not either instituted heres or exheredated, as the law required. A quasi agnatio also arose by adoption, or by the in manum conventio, or by succession to the place of a suus heres, as in the instance of a grandson becoming a suus heres in consequence of the death or the emancipation of a son: a will also became ruptum by the manumission of a son, that is, where the son after a first and second mancipation returned into the power of his father. [EMANCIPATIO; HERES.]

A testament was called *inofficiosum* which was made in legal form, "sed non ex officio pietatis." For instance, if a man had exheredated his own children, or passed over his parents, or brothers or sisters, the will was in form a good will; but if there was no sufficient reason for this exheredation or praeterition, the persons aggrieved might have an *inofficiosi querela*. The ground of the complaint was the allegation that the testator was "non sanae mentis," so as to have capacity to make a will. It was not alleged that he was furiosus or demens, for these were technical words which implied complete legal incapacity. Perhaps this fiction of insanity was derived from Greek law, *μανία* of the testator having been the alleged ground under early Attic law for actions brought by relations to set aside wills in which they were disinherited (Schulin, 16; Sohm, *Inst.* § 100, n. 6). No person could maintain a *querela inofficiosi* except brothers and sisters of the same father, and brothers and sisters could only maintain their claim against *scripti heredes* who were *turpes personae*. The complaint also could only be maintained in cases where the complaining parties had no other right or means of redress. Originally the querela could be brought if less than one-fourth of the share of the claimant *ab intestato* was left to him, whether as heir or legatee was immaterial, by the law of Justinian. If any portion, however small, was left by the will to the complaining party, he could not maintain a *querela inofficiosi*, and he was only entitled to so much as would make up his proper share (*portio legitima*). If the judex declared the testamentum to be inofficiosum, it was rescinded, and the querelant succeeded *ab intestato*; but if there were several heredes, the testament would only be rescinded as to him or them against whose institution the judex had pronounced. The querela was tried by the centumviral court, as long as the court existed. [CENTUMVIRI.] (Plin. *Ep.* v. 1; Inst. ii. 18; Dig. 5, *de Inofficioso Testamento*.)

Justinian made various changes in the rules restricting testamentary freedom in favour of near relations. 1st. He provided that if anything was left to such relation he was not to be entitled to the querela, but only to the actio ad supplendam legitimam. 2nd. By 18 Nov. he increased the amount of the *portio legitima*. 3rd. By 115 Nov. he amalgamated the law respecting formal exheredation of sui heredes with that respecting inofficiositas. He obliged ascendants and descendants respectively to institute one another heredes, if there was a right of succession in the event of intestacy, and only allowed exheredation on certain grounds expressed in the statute. A testator had to declare a statutable ground of exheredation in his will. If a relation entitled under this law was instituted, but not so much as his portio legitima was left to him, he had the actio ad supplendam legitimam. If not instituted, he had the querela inofficiosi testamenti, unless he had been exheredated for due cause. The effect of the querela was not to set aside the will altogether, but to let in the querelant to the extent of his intestate share.

The *querela inofficiosi* is explained by Savigny with his usual perspicuity (*System*, &c. vol. ii. p. 127). When a testator passed over in his will any of his nearest kinsfolks, who in the case of intestacy would be his heredes, this gave rise to the opinion that the person thus passed over had merited this mark of the testator's disapprobation. If this opinion was unfounded, the testator had done an unmerited injury to the person, and his remedy was by getting the will set aside, as made under the influence of passion. If the will was set aside, the testator was thereby declared to have died intestate, and the complainant obtained the hereditas which was the immediate object of the querela, or his share of it. But the ultimate object of the querela was the public re-establishment of the injured honour of the complainant, who in this action appeared in a hostile position with respect to the testator who had brought his character into question. Consequently this action had for its ultimate object vindicta, and the peculiarity of the action consisted in the difference between this ultimate object of the action and the immediate object of it (property), which was merely a means to the ultimate object. [VINDICTA.]

There is no evidence to show when the querela inofficiosi was introduced as a mode of setting aside a will. The phrase *testamentum inofficiosum* occurs in Cicero, and in Quintilian (*Inst. Or.* x. 2).

Codicilli were an informal will: they may be defined to be a testamentary disposition of such a kind which does not allow any direct universal succession, and, consequently, neither the direct appointment nor exheredation of a heres, even though the codicilli are confirmed by a testament; but he who was appointed heres by a testament might be requested by codicilli to give the hereditas to another altogether or in part, even though the codicilli were not confirmed by a testament. A legacy could not be given by codicilli, unless the codicilli were confirmed by a will; and this must be the case to which Pliny refers (*Ep.* ii. 16). Acilianus had made Pliny "heres ex parte," but he had also made codicilli in his own handwriting, which, as Pliny alleges, were void (*pro non scriptis habendi*) because they were not confirmed by the will. Now, as already observed, it appears from Gaius (ii. 273) that a person who was appointed heres by a will might be required by codicilli to give the whole hereditas or a part to another, even though the codicilli were not confirmed by a will. But Pliny is speaking of codicilli which were void for want of a testamentary confirmation; and this, as we learn from Gaius, is the case of a legacy given by codicilli which have not been confirmed by a will. This confirmation might be either prospective or retrospective ("si in testamento caverit testator, ut quidquid in codicillis scripserit, id ratum sit," Gaius, ii. 270; "quos novissimos fecero," Dig. 29, 7, 8). This passage of Pliny as to the confirmation of codicilli by a testament has sometimes been misunderstood. It is stated (Dig. 29, 7, 8), "Conficiuntur codicilli quatuor modis: aut enim in futurum confirmantur aut in praeteritum, aut per fideicommissum testamento facto aut sine testamento." These four modes are referred to in Gaius: the first two are contained in the words above quoted, "Si in testamento," &c.: the third is the case of the heres institutus being required to give the hereditas to another person by codicilli non confirmati; and the fourth is the case of a fideicommissum given by codicilli of a person who made no other testamentary disposition. It was a rule of law that codicilli, when duly made, were to be considered (except in a few cases) as incorporated in the will at the time when the will was made, a principle which led to various legal conclusions, which the Roman jurists deduced with their usual precision (Dig. 27, 7, 2).

Originally there was probably no particular form required for codicilli; but there must have been evidence of their containing the testator's intention. Subsequently witnesses were required, and five witnesses were sufficient for codicilli made in writing, if the witnesses subscribed their names to the codicilli (Cod. 6, 36). But a man could, without writing and in the presence of five witnesses, impose a fideicommissum on his heres. A testament which was defective as such, might be effectual as codicilli. The power to make codicilli was the same as the power to make a testament. (Dig. 29, 7, *de Jure Codicillorum;* Inst. ii. 25.)

The articles on HERES, BONORUM POSSESSIO, LEGATUM, FIDEICOMMISSUM, &c., should be read with this article. (Gaius, ii. 101–108; Ulp. *Frag.* xx.; Inst. ii. 10, &c.; Dig. 28, 1; Cod. 6, 23; Vangerow, *Pandekten*, &c., ii. § 427, &c.; Holder, *Erbrecht;* Köppen, *System Erbrechts;* Schirmer, *Handbuch des röm. Erbrecht;* Dernburg, *Beitr. zur Gesch. der röm. Test.*; Vering, *Römisches Erbrecht;* Gans, *Das Erbrecht.*)

[G. L.] [E. A. W.]

TESTIS, a witness. 1. GREEK. [MARTYRIA.] 2. ROMAN. [JUSJURANDUM.]

TESTU'DO (χελώνη), a tortoise, was the name given to several other objects.

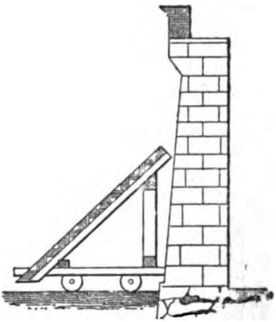
1. To the Lyra, because it was sometimes made of a tortoise-shell. [LYRA.]

2. To an arched or vaulted roof (Verg. *Aen.* i. 505; Cic. *Brut.* 22, 87). Thus, for instance, in a Roman house, when the Cavum Aedium was roofed all over and had no opening or compluvium in the centre, the Cavum Aedium was called Testudo (Varr. *L. L.* v. 161, ed. Müller). [DOMUS, Vol. I. pp. 670, 685.]

3. In military affairs testudo (χελώνη) is used as a generic term for all kinds of movable roofs used to protect men or engines. The first mention of a χελώνη is in Xen. *Hell.* iii. 1, 7. There were different kinds of such shed-like constructions, all of which were made of wood and mounted on wheels.

(*a*) χελώνη κριοφόρος (*testudo arietaria*, Vitruv. x. 19 (13), 7) was a shed-like protection for the battering-ram; see ARIES.

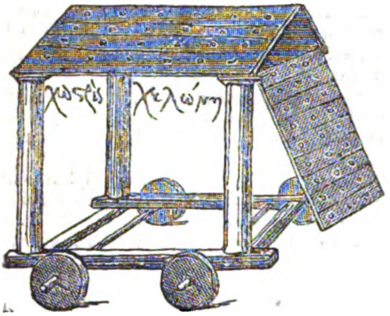
(*b*) χελώνη διορυκτρίς (Apollod. 138, Wescher) or ὀρυκτρίς (Anonym. *ap.* Wescher, p. 214), used for protecting soldiers when they were undermining a wall. Its front was quite perpendicular, so that it could be run up close to the wall; and the line of the roof formed by the two sides, which sides themselves sloped down to the ground, extended backwards as in the accompanying cut (taken from Marquardt, *Staatsverwalt.* ii.^{2} 529; cf. in some measure Wescher, *Poliorcétique des Grecs*, fig. lvii.). This is the way Vitruv. x. 21 (15), 1, and Athen. *de Mech.* 19 Wescher, are to be reconciled; for the figure given by Müller in Baumeister (fig. 577,



χελώνη διορυκτρίς.

vol. i. p. 540) does not agree with Vitruvius, *l. c.*

(c) χελώνη χωστρὶς (Diod. ii. 27; "testudo quae ad congestionem fossarum paratur," Vitruv. x. 20 (14), who elaborately describes it after Philo the Athenian, giving numerous measurements) was used when the ground in front of the walls of a besieged town had to be altered in any way to further the siege, *e.g.* ditches to be filled, acclivities levelled, &c. Its distinctive feature was that it had on the front next the enemy a sloping roof, as in the subjoined cut.



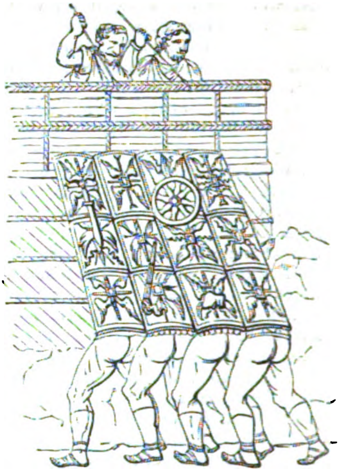
χελώνη χωστρίς.

The size of this testudo, as that of other testudines, of course varied. That described by Philo appears to have been about 39 by 35 feet (Droysen, *Griech. Kriegsalt.* p. 227). All the testudines were as a general rule covered with a double layer of fresh hides, which were stuffed with sea-weed or chaff steeped in vinegar, or other non-inflammable substances (Vitruv. *l. c.*). These coverings were called *centones*, and sacks of this nature were also used for extinguishing fires (Dig. 33, 7, 12) and for receiving the blows of missiles discharged from engines (Caes. *Bell. Civ.* ii. 9).

(*d*) χελώνη ἀρετή (Athen. *de Mech.* 38 Wescher), probably like (*b*), except that its roof appears to have been arched, not pointed. It seems to have been specially adapted to withstand great weights when hurled down on the besiegers (Apollod. p. 138 *fin.* Wesch.).

For further details on these testudines, see Vitruvius, *l. c.*; Apollodorus, pp. 140 ff., 154 ff., Wescher; and Droysen, *Griech. Kriegsalt.* pp. 287 ff.

4. The name of Testudo was also applied to the covering made by a close body of soldiers: the soldiers of the outside rank placing their long semi-cylindrical shaped shields (*clipei*, ἀσπίδες) in front, and the others placing their flat shields (*scuta*, θυρεοί) over their heads to secure themselves against the darts of the enemy. The shields fitted so closely together as to present one unbroken surface without any insterstices between them, and were also so firm that men could walk upon them, and even horses and chariots be driven over them (Dio Cass. xlix. 30). A testudo was formed (*testudinem facere*) either in battle to ward off the arrows and other missiles of the enemy (cf. Liv. x. 29, 6, 12; and *phalange facta* in Caes. *Bell. Gall.* i. 24), or, which was more frequently the case, to form a protection to the soldiers when they advanced to the walls or gates of a town for the purpose of attacking them (Dio Cass. *l. c.*; Liv. x. 43; xxxi. 39, 14; xxxiv. 39, 6;—Caes. *B. G.* ii. 6; Sall. *Jug.* 94; Tac. *Ann.* xiii. 39; *Hist.* iii. 27, 31. (See cut annexed, taken from the Antonine Column).



Testudo of shields.

Sometimes the shields were disposed in such a way as to make the testudo slope. The soldiers in the first line stood upright, those in the second stooped a little, and each line successively was a little lower than the preceding down to the last, where the soldiers rested on one knee. Such a disposition of the shields was called *Fastigata testudo*, on account of their sloping like the roof of a building, κεραμωτῷ καταρρύτῳ παραπλήσιον (Polyb. xxviii. 12). The advantages of this plan were obvious: the stones and missiles thrown upon the shields rolled off them like water from a roof; besides which, other soldiers frequently advanced upon them to attack the enemy upon the walls. The Romans were accustomed to form this kind of testudo, as an exercise, in the games of the Circus (Liv. xliv. 9; Polyb. xxviii. 12). [W. S.] [L. C. P.]

TETRADRACHMON. [Drachma.]

TETRARCHA or **TETRARCHES** (τετράρχης). This word was originally used, according to its etymological meaning, to signify the governor of the fourth part of a country (τετραρχία or τετραδαρχία). We have an example in the ancient division of Thessaly into four tetrarchies, which was revived by Philip (Harpocrat. *s. v.* Τετραρχία: Strabo, ix. p. 430; Demosth. *Phil.* iii. p. 117, § 26; Eurip. *Alcest.* 1154; Thirlwall's *Greece*, vi. pp. 13, 14; Gilbert, *Staatsalt.* ii. 13). [Tagus.] Each of the three Gallic tribes which settled in Galatia was divided into four tetrarchies, each ruled by a tetrarch. [Pagus.] (Strabo, xii. pp. 566, 567; Plin. *H. N.* v. § 42.) This arrangement subsisted till the later times of the Roman republic (Appian, *Mithrid.* 46; *Syr.* 50; *Bell. Civ.* iv. 88), but at last the twelve tetrarchs of Gallograecia were reduced to one, namely Deiotarus (Liv. *Epit.* xciv.; Cic. *pro Deiot.* 15; Hirtius, *de Bell. Alex.* 67). Some of the tribes of Syria were ruled by tetrarchs, and several of the princes of the house of Herod ruled in Palestine with this title

(Plin. *H. N.* v. § 16, 19;—Joseph. *Antiq.* xiv. 13, § 1, xvii. 8, § 1, xi. 4, § 18, xvii. 11, § 1, xi. 2, § 2; *Vit.* 11; Marquardt, *Staatsverw.* i. 401).

In the later period of the Republic and under the Empire, the Romans seem to have used the title (as also those of *ethnarch* and *phylarch*) to designate those tributary princes who were not of sufficient importance to be called kings. (Compare Lucan, vii. 227; Sallust, *Catil.* 20; Cic. *pro Mil.* 28, 76, *in Vatin.* 12, 29; Hor. *Sat.* i. 3, 12; Vell. Paterc. ii. 51; Tac. *Ann.* xv. 25.) [P. S.]

TETRASTY'LOS. [Templum.]

TETRO'BOLUS. [Drachma.]

TETTARACONTA, HOI (*οἱ τετταράκοντα*), *the Forty* (Isocr. *Antid.* § 237; Dem. *c. Pantaen.* p. 976 § 33), one of the minor magistracies at Athens, were also called *δικασταὶ κατὰ δήμους*, "district judges" (Id. *c. Timocr.* p. 735, § 112); but except in these passages they seem only to be mentioned by the grammarians. Their number was originally thirty, but was increased to forty after the expulsion of the Thirty Tyrants, in consequence, it is said, of the hatred of the Athenians for the number thirty (Harpocrat., quoting Aristotle; Suid. [in the same words]; Pollux, viii. 100). They were chosen by lot, apparently in equal numbers from each tribe: Demosthenes (*Timocr.* l. c.) speaks slightingly of them as unimportant persons in whom no qualification of property or ability was required. They went on circuits through the demes (urban as well as rural, Lips. *Att. Proc.* p. 91), and decided of their own competence trivial causes where the matter in dispute was not above the value of ten drachmas; beyond that amount they carried the cause before the *διαιτηταί*, and themselves acted as *εἰσαγωγεῖς*: that is, they received the accusation, drew up the indictment, and attended to all that was understood in Attic law by the *ἡγεμονία δικαστηρίου* (Poll. *l. c.*). Isocrates somewhat vaguely describes those who were brought before them as *τούς τ' ἐν τοῖς ἰδίοις πράγμασιν ἀδικοῦντας καὶ τοὺς μὴ δικαίως ἐγκαλοῦντας*. The extent of their jurisdiction in cases of *αἰκία* and *τὰ περὶ τῶν βιαίων* (Dem. *Pantaen.* l. c.) has been a matter of some dispute; but Schömann, Teuffel (*ap.* Pauly, *s. v. τεσσαράκοντα*), and Lipsius are unquestionably right in limiting their power of decision to "slanders and assaults of minor importance" (*nichtpeinliche Injurienklagen*). In aggravated or murderous assaults, including rape [Biaion Dikē], their office must have been that of *εἰσαγωγεῖς*. We cannot suppose their criminal jurisdiction to have been more extensive than their civil; it is not in keeping with Athenian institutions that men who could only decide up to the amount of ten drachmas should have tried offences which were in many cases capital. It has been suggested that in these serious cases (*e.g.* the aggravated assault which forms the subject of the speech *against Conon*) they acted as a jury under the *ἡγεμονία* of the Thesmothetae; but, as we have said elsewhere, their number was much too small for an Athenian jury (cf. *Class. Rev.* i. 15), and it is not likely that they ever acted as *δικασταί* in the ordinary sense. For the Athenian practice of employing small courts only in trifling cases, a *δικαστῶν πλῆθος* in others, cf. Aristot. *Pol.* iv. 13 (16) = p. 1300 b, 23 and 32.

Like other magistrates, they had their *σανίδες* or white boards on which legal notices were posted (Isocr. *l. c.*), and were responsible (*ὑπεύθυνοι*) for their conduct in office. When Demosthenes (*Timocr.* l. c.) speaks of them as having to account for public monies, this must refer to the court fees (*πρυτανεῖα*) deposited by the suitors. Whether they exercised their jurisdiction jointly as a board, or in certain divisions, is not expressly stated; but it is almost certain that they sat by tribes, *i.e.* in boards of four, and that the tribal judges rather obscurely alluded to by Lysias (*c. Pancl.* § 2) and Isaeus (*ap.* Harpocrat. *s. v. ὅτι*) are to be identified with the Forty. Their connexion with the tribes suggests that they may have been established by Cleisthenes, though on this point also we have no precise information. We need not, however, understand that before his legislation no cases were tried in the demes, and that the parties were compelled to go into the city for every little legal dispute (Schömann, p. 474).

The grammarians seem sometimes to have confused the district judges with other officers: with demarchs (Schol. *ad* Aristoph. *Nub.* 37, cf. Schömann, p. 474 n.; *Att. Proc.* p. 53 Lipsius); and under their older name of *τριάκοντα* with the thirty assistants of the Lexiarchi (Phot. *s. v. τριάκοντα*: Ecclesia, p. 698 *b*). The statement of the scholiast Ulpian (on Dem. *c. Mid.* p. 542, § 86) as to the number of the Diaetetae has been proved by inscriptions to be impossible as regards that body [Diaetetae, Vol. I., p. 621 *a*]; whereas the figures given, with the slight correction of Heraldus (*ἦσαν δὲ τεσσαράκοντα, τέσσαρες καθ' ἑκάστην φυλήν*), are exactly applicable to the *κατὰ δήμους δικασταί* (Lips. *Att. Proc.* p. 91 n.). (Cf. Pollux, viii. 40; Harpocrat. *s. v. κατὰ δήμους δικαστής*: *Lex. Seguer.* pp. 306, 15, 310, 21; Schömann, *Ant. Jur. Publ.* p. 267, 10, *Antiq.* i. 473 f., E. T.; and esp. *Att. Process*, pp. 88–93, Lipsius). [W. S.] [W. W.]

THALLO'PHORI (*θαλλοφόροι*). [Panathenaea, p. 327 *a*.]

THALY'SIA (*θαλύσια*), a festival celebrated in honour of Dionysus and Demeter (Menand. Rhet. quoted by Meursius), or according to others of Demeter alone, as it is described by Theocritus in his seventh idyll, and by the grammarians who wrote the arguments to the same. It was held in autumn, after the harvest, to thank the gods for the benefits they had conferred upon men (Spanheim *ad* Callimach. *Hymn. in Cer.* 20 and 137; Wüstemann *ad* Theocrit. *Idyll.* vii. 3). [L. S.]

THARGE'LIA (*θαργήλια*), a festival celebrated at Athens on the 6th and 7th of Thargelion (= about May 24, 25) in honour of Apollo and Artemis (*Etym. M.*; Suidas, *s. v. Θαργήλια*), as their birthdays (cf. Delia), or according to the Scholiast on Aristophanes (*Equit.* 729) in honour of Helios and the Horae; the latter statement, however, is in substance the same as the former. The Apollo who was honoured by this festival was the Delian Apollo, Apollo Patrous (Athen. x. p. 424).

The Thargelia and the Delphinia were the chief festivals of Apollo at Athens. The word *θαργήλια* means generally the fruits of the earth as derived from the sun's heat, or else the first fruits of the crop (*Etym. M.* 443). Now it was an old custom to send an offering of corn each year to the Delian Apollo; and when Apollo was adopted by the Athenians into the circle of their divinities, the offering still continued. This was doubtless the nucleus of the festival.

The first act was the sacrifice of a sheep on the 6th to Demeter Chloe (Schol. on Soph. *Oed. Col.* 1600), who appears to have had a temple on the Acropolis (Schol. on Aristoph. *Lys.* 835). It is an error to suppose that this is the Χλόεια, and that the latter festival was held on the 6th of Thargelion (= about May 24th); for the corn was not green in Thargelion; nor can that month be called περὶ τὸ ἔαρ, which is the time specified by Cornutus for the Chloea (περὶ τὸ ἔαρ Δήμητρι Χλόην θύουσι, *Nat. Deor.* 28), for Dionysius (i. 63) mentions the 23rd of Thargelion as occurring towards the end of summer. Then followed still on the sixth a great purificatory sacrifice (Plut. *Symp.* viii. 1, 2 = 717 Reiske; Diog. Laërt. ii. 44; Harpocrat. *s. v.* φαρμακός). The manner in which this purification was effected is very extraordinary and certainly a remnant of very ancient rites, for two persons were put to death on that day, and the one died on behalf of the men and the other on behalf of the women of Athens. The name by which these victims were designated was σύβακχοι (Hellad. *ap.* Phot. 534) or more usually φαρμακοί (in Ionic, as always in Hipponax, φαρμᾱκοί: cf. Bergk, *Lyr. Graec.* ii. p. 462): according to some accounts both of them were men, but according to others the one who died on behalf of the women was a woman and the other a man (Hesych. *s. v.* Φαρμακοί). On the day when the sacrifice was to be performed the victims were led to the different temples of Apollo in the city,—to those of Apollo Patrous, Delphinius, and Pythius (cf. Mommsen, *Heort.* p. 421),—and afterwards out of the city to a place near the sea, with the accompaniment of a peculiar melody, called κραδίης νόμος, played on the flute (Hesych. *s. v.*). [Schömann (*Griech. Alterthümer*, ii. 456), however, says the κραδίης νόμος does not apply to this: cf. Plut. *de Musica*, 1133.] The neck of the one who died for the men was surrounded with a garland of black figs, that of the other with a garland of white ones; and while they were proceeding to the place of their destiny, they were beaten with rods of fig-wood, and figs and other things were thrown at them. Cheese, figs, and cake were put into their hands that they might eat them. They were at last burnt on a funeral pile made of wild fig-wood, and their ashes were thrown into the sea and scattered to the winds (Tzetzes, *Chil.* v. 726). Some writers maintain that they were thrown into the sea alive, as at Leucas (cf. Strabo, x. 452), but the matter is very uncertain. We are not informed whether this expiatory and purifying sacrifice was offered regularly every year, but from the name of the victims (φαρμακοί) as well as from the whole account of Tzetzes, which is founded on good authorities, it appears highly probable that an actual sacrifice only took place in case of a heavy calamity having befallen the city (νοσούσης τῆς πόλεως), such as the plague, a famine, &c.; and that in ordinary times (cf. Müller, *Dorians*, i. 329) the solemnity was merely formal. Schömann (*op. cit.* ii. 254, 456) is of opinion that the victims were condemned criminals: but while there is no evidence for the statement, there is an *a priori* improbability that a sin offering would be made of those whose lives were forfeit in any case. Tzetzes (*l. c.*) says the victim was τὸν πάντων ἀμορφότερον (a very Greek idea), and Schol. on Aristoph. *Ran.* 733 says they were τοὺς φαύλους καὶ παρὰ τῆς φύσεως ἐπιβουλευομένους, *i.e.* deformed. At Massilia a somewhat similar solemnity was almost certainly formal. One of the poorer classes voluntarily gave himself up to be supported for a year; after which time he was clad in sacred garments, led through the city with execrations heaped on him, and thus bearing as was supposed all the ills of the state was cast out beyond the boundaries (Petron. *ap.* Serv. on Verg. *Aen.* iii. 57). What persons were chosen as victims on such occasions is not mentioned, and we only learn from Suidas (*s. v.* Φαρμακοί) that they were kept at the public expense (δημοσίᾳ τρεφόμενοι).

On the second day of the Thargelia, the 7th, there was offered a thank-offering to the Sun-god; and, as at the Pyanepsia, the children bore about branches of olive, bound with wool, called εἰρεσιῶναι, which they finally hung up before the doors (Schol. Aristoph. *Eq.* 729; *Plut.* 1054). Porphyrius (*Abstin.* ii. 7) gives a long list of natural and artificial products which were offered on this day to Helios and the Horae, beginning with the moist earth (ἰλύς), from which all things spring (cf. Hermann, *Gottesd. Alt.* § 60, 8). The second day of the Thargelia was also solemnised with a procession, and an agon which consisted of a cyclic chorus performed by men and boys at the expense of a choragus (Lysias, *de Muner. accept.* § 1; Antiphon. *de Choreut.* §§ 11, 12, 13; *C. I. G.* 213). At the Thargelia each choragus had two tribes allotted to him, out of which he was to supply a chorus (Antiph. *l. c.*; Schol. on Dem. *Lept.* 465, § 27). The prize of the victor was a tripod, which he was required to dedicate in the Temple of Apollo which had been built by Peisistratus (Suidas, *s. v.* Πύθιον). At the assembly of the Thargelia crowns were proclaimed (Law *ap.* Dem. *Mid.* 517, § 10). The Archon Eponymus and his ἐπιμεληταὶ had the management of the festival (Poll. viii. 89). On this day it was customary for persons who were adopted into a family to be solemnly registered and received into the gens and the phratria of the adoptive parents. This solemnity was the same as that of registering one's own children at the Apaturia (Isaeus, *de Apollod. hered.* c. 15). [ADOPTIO (Greek).]

Respecting the origin of the Thargelia, there are two accounts. According to Istrus (*ap.* Phot. *Lex.* p. 467; *Etym. M.*, and Harpocrat. *s. v.* Φαρμακὸς) the φαρμακοὶ derived their name from a man Φάρμακος, who, having stolen the sacred phials of Apollo and being discovered by the men of Achilles, was stoned to death, and this event was commemorated by the awful sacrifice at the Thargelia. Helladius (*l. c.*), on the other hand, states that at first these expiatory sacrifices were offered for the purpose of purifying the city of contagious diseases, as the Athenians after the death of the Cretan Androgeus were visited by the plague: and there certainly was some connexion between the Delphinia and the Theseus-legend (Mommsen, *op. cit.* 421, note; Preller, *Griech. Myth.* i. 209). But probably this expiatory sacrifice was appointed by Epimenides; for we know (Diog. Laërt. i. 110) that at his suggestion two youths, Cratinus and Ctesibius, were put to death and a plague was stayed. (See Meursius, *Graecia Feriata*, s. v. Θαργήλια: Bode, *Gesch. der lyrisch. Dichtkunst der Hellen.* i. p. 173, &c., where an account is also given of the κραδίης νόμος: K. F. Hermann, *Handb. der Gottesd. Alterth.* § 60, n. 4; Preller, *Griechische Mythologie*, i. 209; Schömann, *Griechische Alterthümer*, ii. 254, 455–6; A. Mommsen, *Heortologie der Athener*, 50, 53, 414–425.) [L. S.] [L. C. P.]

THEATRUM. As the Greek drama sprang from the choral dances round the altar of Dionysus, so the architectural form of the Greek theatre was developed from the circular dancing-place, the ὀρχήστρα. At first there was no chorus distinct from the general body of worshippers, all of whom were free to join in the dance. As soon as a regular Chorus was instituted, it became necessary to reserve a circular space of ground for it. A ring of stones sufficed to mark off this circle. The altar of Dionysus was placed at its centre. The spectators stood around it, and watched the dance. So long as the dramatic element was limited to a dialogue between the Chorus and one actor, that person could stand on a raised place in the middle of the Chorus, and address himself to various points of the circle in turn. But when Aeschylus added a second actor, it became necessary that the actors should play towards some one side. It was no longer possible that the spectators should form a complete circle. They were now arranged in a semicircle, or something like it. But the whole circle of the dancing-place was still, as of old, kept clear for the Chorus. The actors stood facing the spectators, not within the circle of the dancing-place, but on the further side of it. Behind them was the tent

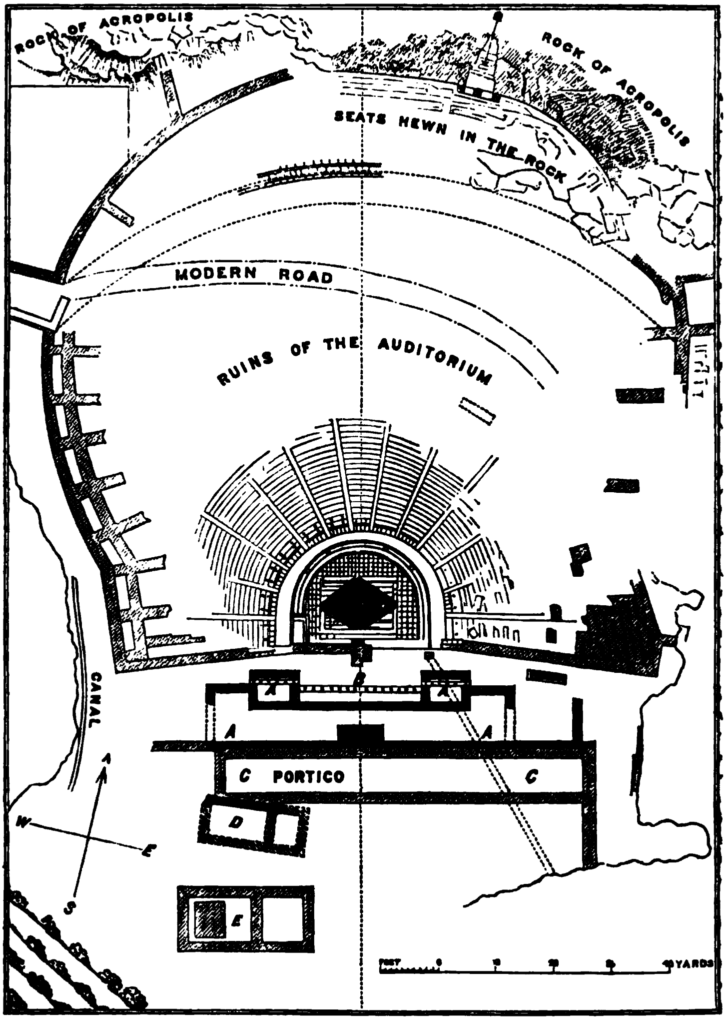


Fig. 1. Dionysiac Theatre.

or booth (σκηνή) in which they dressed. It was an easy improvement to conceal this tent from the spectators by a wooden screen, which could represent the front of a house, or such other background as suited the play. This screen was the προσκήνιον—that which masked the σκηνή. In the matured theatre the term was retained, though its primitive sense may have been forgotten. The "proscenium" was the background visible to the audience, whether this was a temporary wooden structure, or, as in later times, a permanent wall. Then σκηνή came to denote that part of the theatre which belonged to the actors, as distinguished from ὀρχήστρα, the place of the Chorus. Thus the κομμός, a lyric dialogue between Chorus and actor, is defined by Aristotle as θρῆνος κοινὸς χοροῦ καὶ ἀπὸ σκηνῆς (*Poet.* 12): and he uses the phrase ἐπὶ σκηνῆς where we should say, "on the stage" (*ib.* 24).

The oldest theatre of which we have any knowledge is the Dionysiac theatre at Athens. It has generally been supposed that a permanent stone theatre existed in the Λήναιον, or precinct of Dionysus, from the early years of the 5th cent. B.C. This belief rested on a passage in Suidas (*s. v.* Πρατίνας). He states that "in the 70th Olympiad" (500–496 B.C.) Pratinas was exhibiting tragedy, in competition with Choerilus and Aeschylus, when "the wooden benches (ἴκρια) on which the spectators were standing happened to fall; and, in consequence of this (ἐκ τούτων), a theatre was built." But the history of the Dionysiac theatre has been placed in a new light by the recent researches of the German Archaeological Institute at Athens. The excavations, begun in 1886, have yielded the following results, according to Dr. W. Dörpfeld:—(1) In the 5th cent. B.C., and down to about 330 B.C., the precinct contained no permanent building for scenic purposes. There were in it two temples of Dionysus (Fig. 1, *D*, *E*), both to the south of the present theatre. The older of these (*D*), which was the more northerly, dated from a time before Peisistratus. Close to it, on the N.E., was a circular ὀρχήστρα, about 78 feet in diameter, of which traces have been found under the buildings erected by Lycurgus. This ὀρχήστρα was then the only permanent provision for drama. All scenery, therefore, was temporary; and the spectators sat on wooden benches. It is observed that Andocides, in the speech on the Mysteries (399 B.C.), speaks of the conspirators whom he observed within the precinct of Dionysus as ἀπὸ τοῦ ᾠδείου καταβαίνοντας εἰς τὴν ὀρχήστραν, not εἰς τὸ θέατρον (§ 38): and the latter word, when used by Aristophanes, always means "the spectators." (2) The first permanent building for drama in the Λήναιον was that completed by Lycurgus, about 330 B.C. It consisted of a stone wall with two small wings, like towers, projecting from it on right and left (*A*, *A*); the length of the wall between them was about 65 ft. 7 in. The temporary decorations (of wood, with linen hangings) were erected in front of this wall, and supported by the wings. Behind the wall was an oblong room, extending somewhat beyond the wings, and serving for the use of the actors. A portico (*C*, *C*), opening on the precinct of Dionysus, ran along the south side of it. The new orchestra was to the north of this building. Dr. Dörpfeld supposes that it formed, like the older one, a complete circle, and that there was no raised stage; the actors stood on the same level with the Chorus. Rows of stone seats for the spectators were now constructed. After the time of Lycurgus no change, except of detail, took place in the auditorium. (3) At some later date, which cannot be fixed, a permanent stone proscenium (*B*), adorned with columns, and about 10 or 12 ft. high, was built in front of the wall with projecting wings which Lycurgus had erected. As the wings no longer served a practical purpose (in supporting the temporary scenery), they were annexed to the new proscenium, a part being cut off the front of each, so as to bring them more nearly into line with it. (4) An architrave-inscription found in the theatre shows that it was modified and embellished in the reign of "Claudius," by whom Nero seems to be meant. It was probably at this time that the orchestra received its present pavement of Pentelic and Hymettos marble; the significance of the diamond-shaped figure traced in the centre is uncertain. To this period also is referred the erection of a raised stage, supported in front by a sculptured wall. (5) The latest recorded changes in the Dionysiac theatre are associated with the name of a certain Phaedrus, and took place probably in the 3rd cent. (*C. I. A.* iii. 239). To these belong the existing front wall of the stage, adorned with sculpture of an earlier period; also the balustrade which now separates the auditorium from the orchestra, and the partial covering of the orchestra-canal with marble flags.

It is maintained by Dr. Dörpfeld that, not only in the Dionysiac theatre, but in all theatres of the Greek type, the actors stood on the same level with the Chorus; a stage raised above the orchestra was a Roman invention; and where such a stage occurs in a theatre of Greek origin, it is a later addition, made under Roman influence. The Roman raised stage, he thinks, was developed, when a Chorus was no longer used, by depressing the level of the circular orchestra in that part of it—the part furthest from the actors—where the Chorus formerly stood. This startling theory is based chiefly on the nature of the proscenium as it appears in the remains of some Greek theatres. The theatre of Epidaurus (Fig. 2), built about the middle of the 4th century B.C., is the best-preserved example of the Greek type; excavations have lately been made in it by the Greek Archaeological Society (1883).

The orchestra forms a complete circle, defined by a ring of flat stones. Beyond this circle, on the side furthest from the audience, are remains of a wall, about 12 ft. high, adorned with Ionic half-columns, and flanked by slightly projecting wings; there was one door in it, at the middle point. This wall must have been either the background of the scene, or the front of a raised stage. It is argued that it must have been the background, because (*a*) 12 ft. would be too great a height for a stage; (*b*) the width of the stage—about 8 ft.—would have been too small; (*c*) there is no trace of steps leading from the top of the wall to the orchestra. A similar wall occurs in the theatre at Oropus, and is identified as the προσκήνιον by an inscription which it bears. The theatre in the Peiraeus affords another example.

On the other hand, several considerations tell in favour of the received view, that Greek actors, at every period, had a raised stage. (1) The statement of the architect Vitruvius, who wrote about 20 A.D., is decisive, so far as the Roman period is concerned. He states that the Greek theatre had a raised stage, about 10 or 12 ft. high, but narrower than the Roman; the Greeks, he says, called it λογεῖον. Vitruvius uses the word *proscaenium* to describe this stage; and the same use of the term occurs in other writers, both Roman and Greek (cf. A. Müller, *Gr. Bühnenalterthümer*, p. 54, n. 2). Dr. Dörpfeld is therefore reduced to assuming that Vitruvius has made a mistake,—confusing the background of the scene in a Greek theatre with the front of a raised stage. But it is absurd to suppose that Vitruvius should have made such a blunder about the Greek theatres of his own day; and that, having accurately described a raised stage which did not exist, he should also have invented a name for it, λογεῖον. (2) The theatre at Megalopolis in Arcadia has just been excavated by members of the British School at Athens (see an account by Mr. W. Loring in the *Report* of the School for 1890). The date of the theatre may be placed in the second half of the 4th century B.C. Here there is a raised stage, of which the height was originally about 6 ft., and the width about 18 ft. A flight of steps, extending from end to end of it, led down to the orchestra. That it was a stage, and not a background, is proved (*a*) by these steps, (*b*) by the fact that access was given to it by three doors in the wall behind it. There is no reason to doubt that this stage is of the same date as the auditorium. A later Roman stage has been found in front of it. By this example, then, the existence of a raised stage in a Greek theatre of the 4th century B.C. is placed beyond doubt.

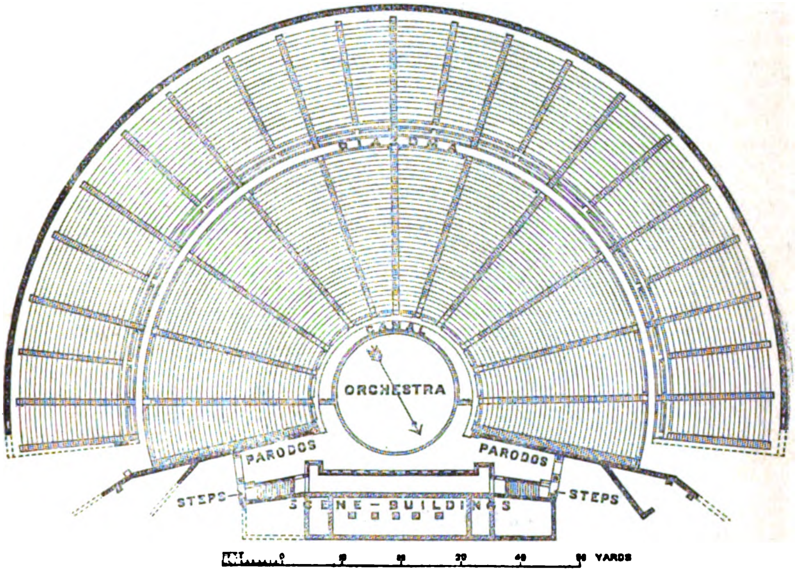


Fig. 2. Theatre at Epidaurus.

(3) With regard to the 5th century B.C., it was not to be expected that any remains of a raised stage should be found; temporary wooden structures would leave no trace. The Greek plays do not supply any literary evidence which can be deemed conclusive. There are some passages which indicate that the place where the actors stood was accessible to the Chorus (*e.g.* Soph. *Oed. Col.* 836 ff.);—as would be the case, if we supposed a stage with steps leading up to it, as at Megalopolis. Among the passages which seem to imply a raised stage, we may notice Ar. *Vesp.* 1514, where Philocleon says, ἀτὰρ καταβατέον γ' ἐπ' αὐτούς. This may, indeed, be rendered, "I must *enter the lists* against them;" but it also implies some change of position, more marked than such as would consist in moving merely from one spot in the orchestra to another, and would be most naturally explained by a descent into the orchestra from the stage. Some vases of Lower Italy, referable to the period 300–100 B.C., depict scenes from the Old Attic Comedy acted on a raised λογεῖον (cf. Baumeister, *Denkm.* pp. 1750 ff.). Plato (*Symp.* p. 194 A) speaks of the tragic poet Agathon as ἀναβαίνοντος ἐπὶ ὀκρίβαντα μετὰ τῶν ὑποκριτῶν. This probably refers, not to a performance in the theatre, but to the προάγων (TRAGOEDIA: cf. A. Müller, p. 365, n. 3). Still, it shows that the idea of placing actors on a raised platform was familiar to Athenians of the 5th century B.C. Even in the days before Thespis, when one member of the Chorus held a dialogue with the rest, he was mounted, we are told, on a kind of table (ἐλεός: Pollux, iv. 123). A recent writer suggests that the source of this story may have been a Comedy in which the beginnings of Tragedy were burlesqued (Hiller, *Rhein. Museum*, xxxix. p. 329). If this were so, it would only show that some sort of raised stage was conceived as necessary for even the most primitive

form of drama. Lastly, there is a strong *a priori* objection to the theory that actors and Chorus stood on the same level. The Chorus were usually drawn up in ranks facing the actors. With his cothurnus and mask, a tragic actor would still not overtop the Chorus by more than a head. Hence, a view of the actors would have almost been wholly denied to spectators whose seats were in the middle part of the lowest row. But those were the seats assigned to the most distinguished persons. This argument cannot be met by saying, as Dr. Dörpfeld does, that the Chorus was "usually" divided into ἡμιχόρια (leaving the actors visible between the two groups). Such an arrangement was not usual, but very exceptional. It may be allowed that, when the stage came to be as high as 12 ft., permanent means of communication between stage and orchestra cannot have existed, though temporary wooden steps might be employed at need. But before stages of that height came into use, such communication had ceased to be requisite, since the Chorus had no longer an active part in drama.

Vitruvius gives the ground-plan of a Greek theatre as follows. Describe a circle for the orchestra, and in it inscribe three squares. One side of one of these squares will represent the front line of the stage (A B). A parallel tangent to the circle will be the back wall of the stage (C D). The stage (*pulpitum*, λογεῖον) must be not less than 10, or more than 12 feet high. Next, parallel with A B, draw a diameter of the circle, E F. It will be seen in the diagram that at E and F the semicircle is so continued as to make a horse-shoe, ending at G H. The curves which thus continue it are segments of circles described from E and F as respective centres, with E F as radius. This is known as "the construction from three centres," viz., E, F, and the centre of the orchestra. The auditorium is shut in by lines which bisect the right angles at I and K. The space between G H and C D is a raised stage.

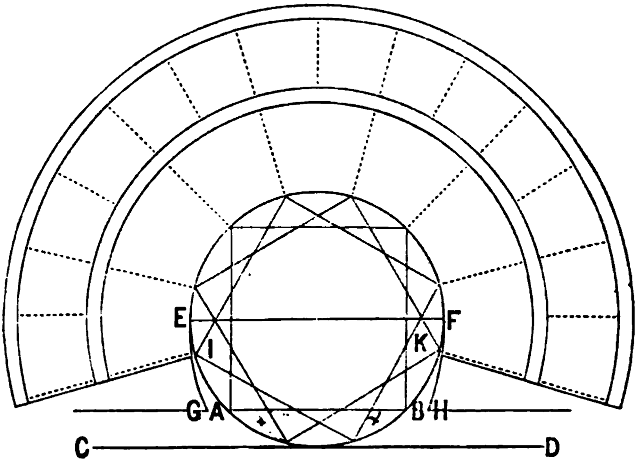


Fig. 3. Greek Theatre of Vitruvius.

The 4th century B.C. was the period at which stone theatres became usual in Greece. We may now proceed to consider their characteristics more in detail.

The ὀρχήστρα.—It has been seen that, even in the matured theatre, the "dancing-place" was still a complete circle, as in the old days of the cyclic choruses. Its central point was sometimes marked, either by a small pit (as at the Peiraeus), or by a stone (as at Epidaurus). Such marks probably indicate the spot on which the altar of Dionysus was to be placed. The word θυμέλη, "a place of sacrifice," means in classical poetry either "a shrine," or, more specifically, "an altar." Lexicographers and scholiasts often mention a θυμέλη in connexion with the theatre; but they do not agree as to what it was, nor do they furnish any certain clue. The most probable conclusion is that the θυμέλη was the altar of Dionysus, in the centre of the orchestra. Another view is that the name θυμέλη was transferred from the altar to a platform in the orchestra on which the altar was placed, and that this platform was the station of the Chorus,—connected by steps with the lower level of the orchestra (κονίστρα) and with the higher level of the stage (λογεῖον). It is true that the use of θυμέλη to denote a kind of stage was current in later times, when *thymelici*, "music-hall artists," were distinguished from actors proper (Isidore, *Orig.* xviii. 47). But this use arose under Roman influences, and cannot be assumed for the Greece of the 5th or 4th century B.C. A channel, to carry off rain-water, often surrounded the orchestra, being bridged by stones at the points from which the stairways led up to the seats.

The Auditorium.—In default of a special term like *cavea*, this is sometimes called θέατρον: though that word, when it does not mean the whole building, more often denotes the spectators (as we speak of "the house"). In the older Greek theatres the public entered by the side-passages (πάροδοι) between the proscenium and the orchestra,—the same which the Chorus used. Sometimes, indeed, we find an alternative mode of access, viz. by a path traversing high ground, and leading directly to one of the upper tiers:

this was the case at Athens, but it was exceptional. A crowd entering by the πάροδοι would find the pressure greatest at the mouths of the semicircular passage between the orchestra and the lowest row of seats,—before the spectators had distributed themselves to the several parts of the house. This fact helps to explain a peculiarity of construction. The lowest row of seats is not, as a rule, completely concentric with the orchestra, but is usually so contrived as to leave a wider space at the points just mentioned. A further advantage of this arrangement was that it afforded a better view to those who sat at each end of the semicircle.

Flights of steps ascending from the orchestra to the highest tier of seats divided the auditorium into wedge-like segments. The Greek word for such a segment was *κερκίς*, which properly meant "radius;" the Latin term was *cuneus.* A further division into upper and lower zones was effected by passages called *διαζώματα*, "girdles" (*praecinctiones*), which ran completely round the semicircle. At Epidaurus there is only one *διάζωμα*, which is not half-way between the lowest and highest tier, but nearer to the latter; and, while the lower zone (between the *διάζωμα* and the orchestra) is divided into only twelve *κερκίδες*, the upper contains twenty-two. At Athens only one *διάζωμα* can now be traced, but there may have been another: the number of *κερκίδες* is thirteen. The word *διάζωμα* can denote, not only the passage itself, but the zone which it marks off: thus "the eleventh row in the upper zone" is expressed by *τὸ ἑνδέκατον τοῦ δευτέρου διαζώματος βάθρον* (*C. I. G.* 4283). *ζώνη* is also used in that sense. Above the highest tier, another open passage ran round the house. The term *ἴκρια* properly denoted the wooden benches on which, in the earlier times, the spectators sat (cf. Ar. *Ach.* 24 f.: *ὠστιοῦνται . . . περὶ πρώτου ξύλου*). When stone seats were introduced,—which at Athens does not appear to have occurred before the time of Lycurgus (*c.* 330 B.C.),—such seats were founded, where it was possible, on the natural rock of the slope. At Athens, as at Megalopolis, artificial substructions were required in several parts, and this must almost everywhere have been the case, more or less. The material used for the seats varied much. Sometimes it is marble, as at Iassus in Caria and Perga in Pamphylia; at Athens and in the Peiraeus, it is (for the ordinary seats) a white limestone, finely wrought; while the smaller provincial theatres were often content with coarser stone and workmanship. The tiers of seats were called *βάθρα* or *ἀναβαθμοί*. At Athens the space allotted to one person was indicated merely by a line engraved on the stone (as at Sparta by a groove): it is described as *ἕδρα*, *τόπος*, *χώρα*, *χωρίον*, or simply *θέα* (*θέαν ἀγοράζειν*, *καταλαμβάνειν*).

The privilege of *προεδρία* in the theatre was given chiefly to four classes of persons: (1) certain priests and priestesses, among whom the priest of Dionysus was foremost: (2) certain magistrates: (3) foreigners who were honoured in an official character, as *πρέσβεις* or *θεωροί*: (4) citizens or foreigners who were honoured in their personal capacity, as benefactors of the state. For such persons special seats were provided, like armchairs, called *θρόνοι* or *καθέδραι*. At Athens these chairs, made of Pentelic marble, occupy the whole of the lowest row, while others are placed in different parts of the house, though in no case higher up than the twenty-fourth row; those assigned to priests or officials bear their titles; thus the central chair of the semicircle is inscribed, ΙΕΡΕΩΣ ΔΙΟΝΥΣΟΥ ΕΛΕΥΘΕΡΕΩΣ. According to one recent view, the chairs in the lowest row date from the time of Lycurgus; it has more generally been supposed that all these chairs are of the Roman age,—as all the present inscriptions certainly are. At Epidaurus several rows of seats with backs and arms were assigned to those who enjoyed *προεδρία*. Elaborate ornament was often applied to such chairs;—the feet being shaped like lion's claws,—the front or back carved with mythical subjects in relief, etc.

The acoustic properties of a Greek theatre would be naturally good, since the actors had a high wall behind them and a rising slope in front. Vitruvius, indeed, says that artificial aid was sought from "brazen vessels," "which the Greeks call *ἠχεῖα*," so placed in the auditorium as to reverberate the voices of the actors. He even speaks of these "resonators" as being nicely adapted to the required musical pitch (ii. 1, 9). The theatre at Aizani in Cilicia has a series of niches above the *διάζωμα*: and similar niches exist elsewhere. According to one view, these niches held the *ἠχεῖα*, while another connects them merely with the substructions of seats. The statement of Vitruvius leaves no doubt that *ἠχεῖα* were used, at least sometimes, in the theatres of his own day: but it remains uncertain whether such a device was employed by the Greeks of an earlier time.

The outer wall enclosing the auditorium ordinarily followed the curve of the semicircle, unless the nature of the ground caused some deviation. At Athens the auditorium was partly bounded on the N. by the steep rock of the Acropolis, while the rest of its boundary was formed by strong walls of conglomerate. Where the external appearance of these walls became important, viz. in the S. and S.W. portions, they were cased with finely-wrought limestone. The general outline at Athens was that of a large segment of a circle, described from a centre considerably N. of the point which served as centre of the orchestra: for a small distance at the S.W. corner the curve passed into a straight line. Examples also occur in which the walls enclosing the auditorium were rectangular, as at Cnidus, and in the smaller theatre at Pompeii. The walls flanking the seats at each end of the semicircle were either carried in a single sloping line from the topmost tier to the orchestra, or built in a series of steps corresponding with the tiers. In the best Greek period such walls were not exactly parallel with the line of the proscenium, but started inwards a little, towards the centre of the orchestra. This was the case at Athens and at Epidaurus.

Scenic Decoration.—The testimonies on this subject are of two classes. (1) Notices in writers chiefly belonging to the Roman age, especially lexicographers and scholiasts. Among these the most important is the grammarian Julius Pollux (*flor.* 170 A.D.), in his *Onomasticon*, book iv., sections 128–132 (*περὶ ὑποκριτῶν σκευῆς*). As has lately been shown by Rohde (*De Iulii Pollucis in apparatu scaenico enarrando fontibus*, Leipsic, 1870), the source principally used by Pollux was a work by Juba, a writer of the later Alexandrian age, entitled Θεατρικὴ ἱστορία, in at least seventeen books; while Juba, in his turn, had sources going back to Aristophanes of Byzantium (200 B.C.), but not further. The besetting fault of Pollux, in abridging from this ample material, seems to have been an omission to distinguish between the normal and the occasional resources of the stage. (2) The second kind of evidence is that derived from the Greek dramatic texts themselves. This source, scanty as it is, is the principal one on which we have to rely in regard to the practice of the 5th and 4th centuries B.C. Not long ago it was the custom to treat the notices in Pollux and the other late authorities as if they could be applied without reserve to the great age of Athenian Tragedy and Comedy. A more critical study has shown the need of greater caution in this respect. It is not difficult to suppose that, when dramatic poetry had culminated, the art of scenic decoration may still have been very rude, while it is probable that much of the apparatus described by late writers had its origin under the Diadochi or the Empire. The history of our own stage could show a similar course, from the triumphs of poetry to those of mechanism.

In the extant plays of Aeschylus, Sophocles, Euripides, and Aristophanes, the action most often takes place in front of a house, with a "practicable" door; sometimes in front of a temple, a cottage, a tent, a cave, or a rock. Painted linen hangings, erected on a wooden frame, would have sufficed for such a background. Aristotle, in sketching the growth of Tragedy, says that Aeschylus added the second actor, and made the dialogue predominate over the choral part, while Sophocles introduced the third actor and the use of *scene-painting* (σκηνογραφία). Now, this last fact must have stood out clearly in Athenian tradition, which Aristotle had every means of knowing, when he thus coupled it with the other novelty as an invention distinctive of Sophocles. It is usually assumed, even by recent writers, that Aristotle is here irreconcilable with Vitruvius, who ascribes the introduction of scene-painting to Aeschylus. Such an assumption is not, we think, necessary. The words of Vitruvius (vii. *praef.* 11) are: "primum Agatharchus Athenis, *Aeschylo docente tragoediam*, scaenam fecit et de ea commentarium reliquit:" and he then goes on to say how the stimulus given by Agatharchus led Democritus and Anaxagoras to develop principles of perspective. The phrase, "while Aeschylus was exhibiting tragedy," merely describes Aeschylus as contemporary with the innovation. Sophocles first exhibited in 468 B.C., twelve years before the death of Aeschylus. Aristotle and Vitruvius are reconciled if we suppose that Sophocles introduced σκηνογραφία in the early days of his career; a fact which will also help us to understand why that improvement was peculiarly associated with his name. Even before Agatharchus had made a beginning of artistic σκηνογραφία, some ruder kind of drawing may have been used. Thus in the *Persae* of Aeschylus (472 B.C.) the palace was probably indicated. In the *Ion* of Euripides (*circ.* 421 B.C.), where the scene is laid at Delphi, the Chorus of Athenian maidens point with admiration to the sculptures which adorn the front of the temple. We may suppose that some representation of these, though not perhaps a very elaborate one, appeared on the proscenium.

With regard to "massive" decoration, as distinguished from a painted background, the objects required by the texts are simple, such as altars, statues of gods or heroes, rocks, and seats. But the texts further prove that certain mechanical appliances were available at need. (1) The ἐκκύκλημα was a small movable stage on wheels, which could be rolled forward through the door in the proscenium. There was room on it for three or four persons, and it was low enough to allow of an actor stepping off it with ease. The most frequent use of the ἐκκύκλημα was when the corpse of a person slain within the house was to be shown to the audience,—sometimes with the murderer standing beside it. The moment at which the ἐκκύκλημα was pushed forward is often, though not always, marked in the text by a reference to the opening of the door. Examples are:—in Aesch. *Ag.*, Clytaemnestra is thus shown standing by the corpses of Agamemnon and Cassandra; in *Cho.*, Orestes with the corpses of Aegisthus and Clytaemnestra: in Soph. *El.*, Orestes and Pylades with the corpse of Clytaemnestra; in *Ant.*, the corpse of Eurydice: in Eur. *Herc. Furens*, Heracles with the corpses of his wife and children; in *Hippol.*, the corpse of *Phaedra*. But this was not the only case in which the appliance was used: it could also be employed for any *tableau* in the interior of a house. Thus in Aesch. *Eum.* the Pythia speaks the prologue in front of the temple, and then the ἐκκύκλημα is used to show Orestes at the omphalos within. Similarly in Soph. *Ai.*, when Tecmessa opens the tent, this machine serves to display Ajax prostrate amid the slaughtered cattle. As appears from some passages, the ἐκκύκλημα could be pushed far enough forward to admit of an actor entering, or making his exit, at the door behind it. It should be noted that the use of the ἐκκύκλημα is not merely an inference from later writers and from hints in Tragedy, but is proved by the two parodies in Aristophanes, where Euripides and Agathon are wheeled out, and are then once more withdrawn from view (*Ach.* 408 ff., ἐκκυκλήθητ' . . . ἐκκυκλήσομαι: *Thesm.* 265, ἐσκυκλησάτω). The exact nature of the ἐξώστρα is uncertain, but it was evidently akin to the ἐκκύκλημα, differing from it, possibly, only in the mode of propulsion. (2) Machinery for showing persons in the air was required by the appearances of the gods, and in some other cases,—as when Medea is seen above the palace in the chariot given to her by the Sun (Eur. *Med.* 1319), or when Trygaeus soars aloft on his beetle (Aristoph. *Pax*, 80). Two different contrivances seem to have been used: both were, of course, concealed by the proscenium. One was an apparatus worked by a wheel (τροχὸς) and ropes (αἰῶραι), and called αἰώρημα,—which was used when the person was to be seen gradually rising into the air, or descending from above. As Trygaeus rises into the air, he begs the operator to be careful: ὦ μηχανοποιέ, πρόσεχε τὸν νοῦν ὡς ἐμέ (Aristoph. *Pax*, 174). So in fragment 3 of the *Daedalus* the machinist is thus directed,—ὁ μηχανοποιός, ὁπότε βούλει τὸν τροχὸν | ἐλᾶν ἀνεκάς, λέγε, χαῖρε, φέγγος ἡλίου. The other device was a sort of platform, projecting from the wings at the back of the proscenium, close to its upper edge. This was the so-called θεολογεῖον, used when the apparition of a god or hero was to be *sudden*, as it is in Soph. *Phil.*, and in Eur. *I. T.*, *Helen.*, *Suppl.* The κρεμάθρα in which Socrates is suspended (Aristoph. *Nub.* 218) is a burlesque of the tragic appliances. (3) Akin to the θεολογεῖον must have been the contrivance used when a person is to appear on the roof of a palace (as the watcher in Aesch. *Ag.*: Antigone and the paedagogus in Eur. *Phoen.*, etc.). A wooden platform, high up behind the proscenium, would have sufficed: according to Pollux, it was called a διστεγία.

These seem to be the only forms of decoration or mechanism which can certainly be inferred from the texts of the tragedians and of Aristophanes. They are all compatible with a temporary wooden structure, and with a comparatively simple phase of scenic art. When, in the course of the 4th century B.C., permanent stone theatres became usual in Greek lands, the general character of scenic decoration was perhaps not at first affected thereby. Behind the proscenium there was now a permanent wall, forming the front of the building assigned to the actors. But the proscenium itself probably continued, for a time, to be temporary,—a wooden structure, with painted hangings. In the Dionysiac theatre, as Lycurgus left it, two small tower-like wings project from each end of the permanent back wall. These, it is conjectured, were designed to facilitate the erection of the wooden proscenium.

It may have been at this period that περίακτοι were first introduced. These were triangular wooden prisms, revolving on a pivot (whence the name), with scenery painted on each of their three faces. One περίακτος was placed at the left wing, and another at the right. They took the place of modern side-scenes, and also served to indicate changes of scene, according to a regular conventional method. The περίακτος on the spectator's right hand represented the locality in which the action was taking place. The περίακτος on his left hand represented a region outside of that locality. If, for instance, the scene of the play was laid at Delphi, the right-hand περίακτος would illustrate that place, while the other might represent the road leading to Athens. The same rule governed entrances and exits: a Delphian would come on from the right, a stranger from the left. If the scene was to be changed from one spot near Delphi to another in the same vicinity, the left-hand περίακτος would be turned so as to present a new face, but the right-hand one would be left unaltered. If the scene was shifted from Delphi to Athens, both περίακτοι would be turned. The first case was technically a change of τόπος: the second, of χώρα.

There are only two Greek plays in which it is necessary to assume a change of scene. In the *Eumenides* the action is transferred from Delphi to Athens: in the *Ajax*, from the front of the hero's tent to a lonely place on the sea-shore. It is probable that, in the first of these examples, the change was merely symbolised, by substituting the βρέτας of Athena for a statue of Apollo; while the building painted on the background was identified, first with the Delphian temple, and then with the Erechtheum. In the second example, if the background was a landscape, nothing was required but to remove the hangings which represented the tent. The use of περίακτοι in the 5th century B.C. cannot be proved from the dramatic literature. On the other hand, they would have been found peculiarly convenient when the old wooden proscenia, with painted hangings, were replaced by stone proscenia adorned with sculpture. At Epidaurus there is such a proscenium, with Ionic half-columns, which is probably of a later date than the rest of the building; and the small wings which slightly project from it at each end may have served, according to a probable conjecture, for the reception of περίακτοι. In the Dionysiac theatre a permanent proscenium was similarly introduced, after the time of Lycurgus. The projecting towers of his scene-building (noticed above) then became wings of the new structure, like those at Epidaurus. There is no evidence that, in addition to revolving scenery, the Greek theatre had scenes which could be shifted on grooves; though the Roman stage, as Servius tells us, had both (*scaena versilis*—*scaena ductilis*: on *Georg.* iii. 24).

Entrances for the actors.—Pollux speaks of three doors in the proscenium, the central one being called θύρα βασίλειος, because the chief persons of the play used it. Vitruvius confirms this statement. Ruins of the Hellenistic or Roman age show sometimes three doors, sometimes five. In the latter case, the two extreme doors may have opened, not on the stage, but on spaces at either side of it (παρασκήνια), used by actors waiting for their turns, or by officials. In the theatre at Megalopolis (4th cent. B.C.) there were three entrances to the stage. Only one entrance is traceable in the remains at Epidaurus, Zea, and Oropus respectively. It is on a level with the orchestra; hence those who disbelieve in a raised stage regard it as the entrance for the actors. But it may have passed beneath a raised stage, serving to give the *employés* of the theatre a direct access to the orchestra. How many doors there may have been in the painted hangings of the old wooden proscenia, we cannot tell. The 5th century texts show that, besides the door or doors in the proscenium, there were also entrances for the actors from the sides, right and left.

Pollux says that when ghosts appeared on the scene they came up either by ἀναπιέσματα (our "trap-doors"), or by the χαρώνιοι κλίμακες. It has generally been supposed that these κλίμακες led from the orchestra to the stage. This is the case at Megalopolis, where the steps extend along the whole front of the λογεῖον. Another theory is that they connected the stage with a passage beneath it, invisible to the spectators.

No curtain was used in the Greek theatre. When a play opened with a group in position (such as the suppliants in the *Oed. Tyr.*), the actors must have simply walked on to the scene, and assumed that position. When one play followed another, and the background had to be changed, that change took place before the eyes of the spectators. In such matters we cannot judge the feelings of Athenians, assembled at the Dionysia, by the requirements of modern playgoers. At Athens dramatic idealism went hand in hand with scenic simplicity.

The Administration of the Theatre.—A Greek theatre was the property of the state, and the performances in it were acts of public worship, under state control. At Athens, in the 5th and 4th centuries B.C., drama accompanied two Dionysiac festivals,—the Lenaea, in January, and the Great Dionysia, in March. (We are not here concerned with the Rural Dionysia, in December,—at which, during this period, no *new* pieces seem to have been acted.) At each festival, both Tragedy and Comedy were produced; but the Lenaea was peculiarly associated with Comedy, and the Great Dionysia with Tragedy. There was a period, indeed, of some fifty years, dating from the first institution of the Great Dionysia (*circ.* 478 B.C.), during which Comedy alone appears to have been produced at the Lenaea. The cost of the performances at each festival was defrayed from three sources. (1) The theatre was let by the state to a lessee, who received the money paid for admission, and in return undertook certain charges. One of these, as appears from an extant document (*C. I. A.* ii. 573), was the maintenance of the building in good repair. Hence the classical name for the lessee, ἀρχιτέκτων (Dem. *de Cor.* § 28): later writers call him θεατρώνης (Theophrastus), or θεατροπώλης (Pollux). He was also bound to provide a certain number of free seats (as for the persons entitled to προεδρία): but for these he was probably reimbursed by the Treasury. The provision of scenery, and of costume for the actors (excepting the choreutae), appears also to have devolved upon the lessee. He was certainly charged with the custody of the scenery and of all the theatrical dresses and properties. He also paid the cashiers, the persons who showed spectators to their places, and all other *employés* of the theatre. (2) The second source of contribution was the choregia. For each festival the Archon Eponymus appointed as many choregi as there were competing poets; at the Great Dionysia the number was usually three for Tragedy and three for Comedy. The choregi were chosen from men nominated by the ten Attic tribes in rotation. The duty of the choregus was to furnish one chorus of fifteen persons for Tragedy, or of twenty-four for Comedy. He provided a suitable place for their training (χορηγεῖον), and maintained them till the festival was over. If the poet did not train them himself, the choregus had to find a χοροδιδάσκαλος. He had also to supply the flute-player (αὐλητής) who preceded the Chorus on entering or quitting the orchestra, and played the occasional music. He purchased the costumes, masks, etc., for the Chorus. But his task was not finished when the Chorus was trained and equipped. He had also to supply any mute persons (κωφὰ πρόσωπα) that might be required for the piece. (3) The third contributor was the state. When a poet had applied to the Archon for a Chorus, and his application had been granted, the Archon next assigned to him three actors, who were paid by the state. It did not rest with the poet to decide which of these three should be πρωταγωνιστής, etc.: he received them from the state already classified according to merit, as actors of first, second, and third parts. This classification rested ultimately on special ἀγῶνες in which actors were directly tried against each other, and which were distinct from the performances at the festivals. If a poet ever required a fourth actor (probably a very rare case), he could only go to the choregus, who might make an "extra grant" (παραχορήγημα). The state also paid the marshals (ῥαβδοῦχοι) who kept order in the theatre, and who were stationed in the orchestra. Lastly, a certain *honorarium* (distinct from the festival-prizes) was paid by the Treasury to each of the competing poets, according to the order in which they were placed by the judges.

The character of the dramatic contests as solemnities conducted by the state was strongly marked in the forms of procedure. A few days before the Great Dionysia, the ceremony called the προάγων ("prelude") was held in the old Odeion near the Enneacrunos. The competing poets, with their respective choregi, were then formally presented to the public; the actors and choruses were also present, in festal, but not in scenic, attire; and the titles of the plays to be produced at the approaching festival were officially announced. When the first day of the Great Dionysia arrived, the dramatic contests were preceded by the transaction of some public business in the theatre. It was then that crowns of honour were awarded for public services, and that the orphans of Athenians slain in war were presented to the citizens. In due course a public herald summoned the first on the list of competing poets. He entered the orchestra, attended by his choregus and chorus, and poured a libation at the thymele to Dionysus. His procession then withdrew; the orchestra was once more empty (until the Chorus should make its dramatic entrance); and the play began. One prize for Tragedy and one for Comedy were awarded by ten judges, taken by lot from a large number of persons whom the senate (with the choregi) had chosen from the tribes. At the close of the contests, five judges (taken from the ten by a second ballot) announced the awards. The successful poets were then crowned, before the audience, by the archon. Shortly after the festival a public meeting, for business connected with it, was held in the theatre. Any complaints of misconduct which might have arisen were then heard; and officials who had distinguished themselves received public commendation.

The Audience.—According to a recent estimate the Dionysiac theatre was once capable of seating about 27,500 persons. It must be remembered that all the upper tiers have been destroyed, and that the ancient capacity was enormously greater than it would appear from the seats which still exist. Plato was using round numbers when he spoke of "more than 30,000 Greeks" as present in the Dionysiac theatre at the tragic contests (*Symp.* 175 E), but it is quite conceivable that the number was sometimes nearer to 30,000 than to 20,000. The vast theatre at Megalopolis could hold, according to one modern computation, no fewer than 44,000 persons. Such numbers become intelligible when we consider that the Greek drama was essentially a popular festival, in which the entire civic body was invited to take part. Even young boys were present, both at Comedy and at Tragedy. Women were certainly present at Tragedy; and a fragment of Alexis shows that, in the 4th cent. B.C., they were admitted to the performances of Comedy also. This, however, was the "Middle" Comedy—very different, in some respects, from the "Old" Comedy of Aristophanes. It would be a natural inference from the seclusion in which Athenian women lived that they were not admitted to the Old Comedy. But against this *a priori* argument may be set another,—viz. that, at the Dionysia, Tragedy and Comedy were merely different sides of one *ἀγών*: those who could participate in one were entitled to share in the other. A line drawn on grounds of decorum would dissever elements which, in the Dionysiac idea, were inseparable. There is no conclusive literary evidence. But one passage in Aristophanes (*Pax* 964 ff.) cannot be naturally explained except on the supposition that women were present. Another passage in the same play (*Pax* 50 ff.) speaks, it is true, of males only: but that is, obviously, because the speaker, a slave, is describing his *δεσπότης* to actual, or future, *δεσπόται*. At Athens the *μέτοικοι* were admitted to the theatre. (Their exclusion from the Lenaea is not proved by Aristoph. *Ach.* 507 f., even if v. 508 be sound.) Foreigners were also admitted, whether officials or private persons.

In the earliest days of Athenian drama, admission was doubtless free of charge; payment may have been introduced after the expulsion of the Peisistratidae, when the city began to find the cost too heavy. In the 5th and 4th centuries B.C. the price of admission for one day was two obols, or not quite 4*d.* Pericles introduced the system by which the state paid two obols to each citizen for each day of the Dionysiac festivals, in order that he might attend the theatre. This *θεωρικὸν* was partly defrayed from the tribute of the allies, and probably began about 454 B.C. It was distributed by the demarchs in the several demes; and, though it was first devised in the interests of the poor, the only condition of obtaining it seems to have been inscription on the *ληξιαρχικὸν γραμματεῖον* of the deme. The number of persons receiving the *θεωρικὸν* in 431 B.C. has been computed at 18,000. In its later and wider form (as extended to non-dramatic festivals) the *θεωρικὸν* became an abuse: in its original form it was substantially a state-grant in aid of education. All seats were of the same class, except those reserved for persons who had the right of *προεδρία*, and who paid nothing. (Cf. Dem. *de Cor.* § 28.) The places of payment were probably in the *πάροδοι* leading to the orchestra. Specimens of ordinary Greek theatre-tickets are extant. These are small leaden coins, bearing on one side some emblem of the theatre, such as a Dionysus with a tripod, or an actor's mask; and on the obverse, the name of an Attic tribe, or a numeral. Many examples have been published by Benndorf (*Zeitschr. f. d. österr. Gymn.* xxvi.). Another kind of theatre-ticket also occurs. This is a small round mark of bone or ivory, bearing on one side some artistic device (such as the head of a deity), and on the other a number (never higher than 15), in both Greek and Roman figures. These were tickets, of the Imperial age, for persons who had *προεδρία*. The numbers probably indicate divisions of the house. How far such division was carried is uncertain. It is a probable conjecture that at Athens a certain portion of the house (perhaps a whole segment, *κερκίς*) was allotted to each of the Attic *φυλαί*. This is confirmed by the occurrence of tribal names on the leaden tickets noticed above; also by the fact that the choregia was organised on a basis of tribes; and, lastly, by the analogy of Roman colonies in which certain *cunei* of the theatre were assigned to certain *curiae*. The members of the senate sat together in a definite part of the Dionysiac theatre (*τὸ βουλευτικόν*, Aristoph. *Av.* 794). For youths between the ages of 18 and 21, a space was similarly reserved (*τὸ ἐφηβικόν*).

The performances began in the morning, and lasted till evening; but it is attested by the comic poet Pherecrates—who gained his first prize in 438 B.C.—that the spectators had usually taken the morning meal (*ἄριστον*) before they came (Athen. x. 464 e). In the next century, however, we hear of performances beginning at daybreak (Aeschin. *in Ctes.* § 76). The older Athenian custom was for all the spectators to wear wreaths (as at a sacrifice); but this had perhaps gone out before 350 B.C. As the whole day was spent in the theatre, the visitors brought light refreshments (*τραγήματα*) with them. Choregi sometimes courted popularity by a distribution of cakes and wine: and Aristophanes has pilloried those rival poets who employed slaves to throw nuts about the house. An Athenian audience was closely attentive,—detecting the slightest fault of speech,—and highly demonstrative. Loud clapping of hands, and shouts of applause, expressed their delight; disapproval found vent in stamping with the feet, hissing, and hooting (*κλώζειν*). Never, probably, has the ordeal for an actor been more severe than it was at Athens. Persons of note who entered the house were recognised with frank favour, or the reverse. Indeed, the whole demeanour of Athenians at the Dionysia appears to have been marked by a certain sense of domestic ease, as if all the holiday-makers were members of one family.

From the latter part of the 4th century B.C. onwards, it became usual to produce drama, not merely at the Dionysia, but on any occasion of special rejoicing; a result partly due to the personal taste of Alexander the Great for theatrical shows of every kind. Hence the theatres gradually lost that sacred character which had been theirs so long as they were set apart for the worship of Dionysus. A further consequence was that they began to be used for various entertainments which had nothing to do with drama, such as the exhibitions of conjurers or acrobats, and, in the Roman age, gladiatorial shows, or combats with wild beasts. Even in the 5th century B.C., indeed, cock-fighting had been held on one day of the year in the Dionysiac theatre,—a custom which legend connected with an omen seen by Themistocles in the Persian wars: but this—unlike the later innovations—was consistent with the *religio loci*, since the cult of Asclepius had points of contact with that of Dionysus. Thus the *προάγων* of the Dionysia (noticed above) was held on the day, and near the place, of the sacrifice to Asclepius.

Mention has been made of the meetings for public business held in the Dionysiac theatre just before and after the Great Dionysia. In the latter part of the 5th century we hear of the citizens convening the ecclesia in the theatre at Munychia, and in the Dionysiac theatre itself, when, under the Four Hundred, the Pnyx was not available (Thuc. viii. 93 f.). By 250 B.C. it had become usual to hold ordinary meetings of the ecclesia in the Dionysiac theatre; though the elections of magistrates (ἀρχαιρεσίαι) continued to be held on the Pnyx. From the 5th century B.C. the theatre had been the regular place for the bestowal of public honours, such as crowns. In later times a theatre was often also the scene of an exemplary punishment. One of the earliest instances is the execution of Hippo in the theatre at Messana, of which place he had been tyrant (*circ.* 338 B.C.; Plut. *Timol.* 34). Sepulchral inscriptions, of the Roman age—sometimes commemorating Christians — have been found both in the Dionysiac theatre and in the Odeum of Herodes Atticus; whence it has been conjectured that, in late times, burials occasionally took place within those precincts. As statues of Themistocles and Miltiades stood in the Dionysiac theatre, so, at every period of Greek antiquity, such places were adorned with monuments of statesmen and soldiers, no less than of poets, musicians, and actors. This was in accord with the true idea of the Greek theatre, which was not merely the home of an art, but also a centre of civic reunion.

THE ROMAN THEATRE.

Rome possessed no theatre of stone till 55 B.C. Just a century earlier such an edifice had been in progress, when P. Cornelius Scipio Nasica procured a decree of the senate for its destruction (Liv. *Epit.* 48). The spirit of the Roman veto on permanent theatres was one which refused to regard the drama except as a passing frivolity. Wooden theatres were erected, and pulled down when the occasion was over. But before the middle of the 1st century B.C. these temporary structures had already begun to show a high elaboration. The building put up by the aedile M. Aemilius Scaurus in 58 B.C. contained 80,000 seats; the proscenium was adorned with pillars of marble and statues of bronze; and the whole work seems to have possessed every element of grandeur except permanence. The old interdict had already lost its meaning; and three years later Pompeius was allowed to erect, near the Campus Martius, the first theatre of stone. The model is said to have been the theatre of Mitylene, and the number of seats 40,000. The theatre of Marcellus, built by Augustus, and named after his nephew, was also of stone, and could hold 20,500 persons. A third such building, with a capacity of 11,510, was completed in 13 B.C. by L. Cornelius Balbus. These are the *trina theatra* of Suetonius (*Aug.* 45). Meanwhile many provincial towns in Italy and elsewhere had long possessed stone theatres, built or altered under Roman influence.

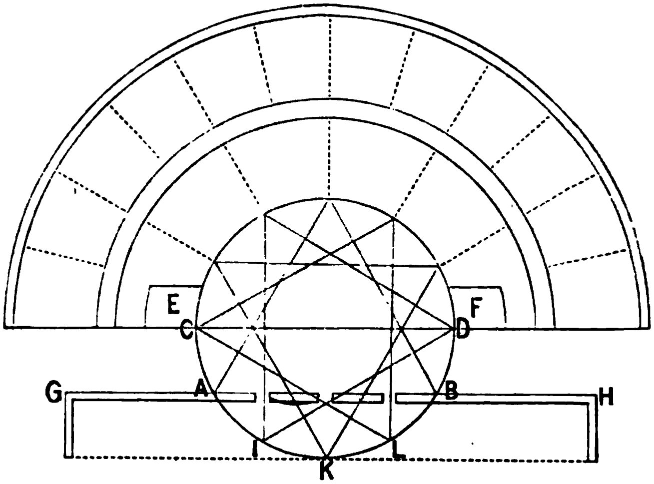


Fig. 4. Roman Theatre of Vitruvius.

The Roman type of theatre is simply the Greek type modified in certain particulars. The ground-plan is thus described by Vitruvius. In a circle of the same diameter which the orchestra is to have, inscribe three equilateral triangles. Take one side of any triangle, and let this be the back wall of the stage, *scaenae frons* (A B). A diameter of the circle, drawn parallel with A B, will represent the line dividing the stage from the orchestra (C D). The seats for the spectators are arranged round the orchestra in semicircles concentric with it. The five points above the line C D, where the angles touch the circumference, are the points from which five flights of steps lead up to the seats, dividing them into six *cunei*. Above the first zone, or semicircular passage (*praecinctio*), the seats are divided into twelve *cunei* by eleven stairways. Just above the points C and D, access is given to the orchestra by two vaulted passages which pass under the upper rows of seats (E, F). The platform of the stage is prolonged right and left, so that its total length (G H) is equal to twice the diameter of the orchestra. In the back wall of the stage there are to be three doors, the positions of which are marked by the points I, K, L. Thus the distinctive features of the Roman theatre are these two: — (1) The orchestra is not, as in the Greek theatre, a circle (or the greater part of it), but only a semicircle. The diameter of the orchestra is now the front line of a raised stage. Consequently the auditorium, also, forms only a half-circle. The primary cause of this change was that the old Dionysiac chorus had disappeared; the orchestra, therefore, had no longer a dramatic use. (2) In the Greek theatre the auditorium and the scene-buildings were not architecturally linked. The πάροδοι were open passages between them. In the Roman theatre the side-walls of the scene-building were carried forward till they met the side-walls of the auditorium. By this organic union of the two main parts the whole theatre was made a single compact building.

These two main differences explain the other points in which the Roman theatre varied from its Greek original. Thus: (i.) Having closed the openings afforded by the πάροδοι, the Romans needed some other access to their semicircular orchestra. Here the arch served them. By cutting off a few seats in the lower rows at the angles right and left of the stage, they obtained height enough for vaulted passages, which ran under the auditorium into the orchestra. (ii.) The solid unity of the Roman theatres lent itself to the Roman taste for decoration of a monumental character. The permanent Greek proscenia, though usually adorned with columns, had been simple. But the richest embellishments of architecture and sculpture were lavished on the Roman proscenia, in which two or more stories were usually distinguished by carefully harmonised modes of treatment. (iii.) A similar magnificence was shown in the external façades. Greek theatres had usually been erected on natural slopes. A Roman theatre was more often built on level ground. The auditorium rested on massive substructions, of which the walls were connected by arches. From the open spaces thus afforded, numerous wide staircases ascended, beneath the auditorium, to the several rows of seats. Corridors, opening on these staircases, ran along the inner side of the semicircular wall which enclosed the auditorium. The exterior of this wall was adorned with columns, having arcades between them, and rising in three or more successive stories, divided by architrave and cornice. Thus, while the architectural significance of a Greek theatre depended wholly on the interior, a Roman theatre had also the external aspect of a stately public building.

With regard to the internal arrangements of the Roman theatre, the following points claim notice. (1) The raised stage (*pulpitum*, λογεῖον) is in some instances on a level with the lowest row of seats behind the orchestra, as at Aizani in Cilicia and Aspendus in Pamphylia. Sometimes, again, the stage is rather higher, but the (originally) lowest row of seats has been abolished, leaving the stage still level with those seats which are actually lowest: this is the case at Pergamum and Assus. In a third class of examples, the stage is higher than the lowest row of seats,—as it is at Orange. The Roman stage in the Dionysiac theatre at Athens is of this class. (2) Awnings were spread over the theatre to protect the spectators from sun or rain. These were usually called *vela*: the term *velaria* occurs only in Juv. iv. 122. Pliny, who describes them as *carbasina vela* (made of linen), says that they were introduced by Q. Catulus, in 78 B.C. (xix. 23). They were supported by masts (*mali*), fixed to the outer walls of the theatre by massive rings or sockets, which can still be seen at Orange or Pompeii. Between the masts were cross-beams (*trabes*), for greater convenience in unfurling the *vela*. Such awnings were of various colours, as yellow, red, dark-blue (Lucr. iv. 75 ff., where see Munro). (3) Until the play began, the stage was concealed by a curtain; which was then lowered. The place into which it sank, just inside of the front line of the stage, can be seen in the larger theatre at Pompeii. At the end of the piece the curtain was drawn up. Hence, where we say, "the curtain rises," the Romans said, *aulaeum mittitur* or *subducitur*: "the curtain is up," *aulaeum premitur*: "the curtain falls," *aulaeum tollitur*. The word *siparium* (from the rt. of σίφαρος, top-sail, *supparum*) meant a folding screen. Apuleius (150 A.D.) describes a kind of ballet as beginning "when the curtain had been lowered, and the screens folded up" (*sipariis complicitis*, *Met.* 10, p. 232; cp. *ib.* 1, p. 7). If these screens were within the curtain, the reason for using them along with it may have been to heighten the effect of a tableau by disclosing it gradually. In the later parts of the piece, they may have served to conceal scene-shifting. Another use is also possible. Theatres of the Macedonian and Roman period sometimes had two stages, the higher being used by the regular actors, the lower by mimes or dancers; and the latter may have been concealed by the *siparium*, as the other by the *aulaeum*. The word *siparium* is regularly associated with comedy or mimes. (Seneca, *de tranq. An.* c. 11, § 8; Juv. *Sat.* 8, 186.) (4) Allocation of seats. The orchestra was reserved for senators. As a special mark of distinction, foreigners (usually ambassadors) were occasionally admitted to it (see Tac. *Ann.* xiii. 54). The rest of the auditorium was called *cavea*. The Lex Roscia, proposed by the tribune L. Roscius Otho in 67 B.C., provided that the fourteen rows of seats in the cavea nearest to the orchestra should be reserved for the equites—excluding any who should have become bankrupt (Cic. *Phil.* ii. § 44). Owing to the large number of equites who had been ruined by the civil wars, Augustus decreed that the privilege given by the Lex Roscia should be enjoyed by any eques who had at any time possessed, or whose father had possessed, the amount of the *equester census*, viz. 400,000 sesterces (Suet. *Aug.* 40). This is probably the Lex Julia Theatralis meant by Pliny (xxxiii. § 8). Augustus farther assigned special portions of the cavea to (1) women; (2) *praetextati*, i.e. boys who had not yet assumed the toga virilis, and their paedagogi; (3) soldiers; (4) married men belonging to the plebs. This was a premium on marriage, like others provided in the Lex Julia et Papia Poppaea. In some provincial theatres the town-councillors (*decuriones*) had seats of honour (*bisellia*) on the rows next the orchestra. Corresponding to the "royal box" in a modern theatre was the *tribunal*, immediately over the stage on the spectator's left. This was occupied by the emperor, or by the president of the performance. A corresponding *tribunal* on the left side was assigned to the Vestals, among whom the empress sat. Thus, from the Augustan age onwards, the contrast between a Greek and Roman theatre was extended to the arrangements for the audience. Instead of the simple Greek distinction between those who had or had not προεδρία, the Roman auditorium exhibited an elaborate classification by sex, age, profession, and rank.

Odeum.

The term ᾠδεῖον, denoting a species of theatre appropriated to musical performances, occurs first in a fragment of the comic poet Cratinus (*circ.* 450 B.C.), with reference to the Odeum of Pericles (Θρᾶτται, *fr.* 1); but it may have been in use from a much earlier time. The oldest recorded example is the Σκιὰς at Sparta, which is said to have been round, and to have been named from the resemblance of its top to a sunshade (*σκιὰς* or *σκιάδειον* : *Etym. Magn.*). It was said to have been built by the architect Theodorus of Samos (*circ.* 600 B.C.). On its walls the Spartans hung up the cithara of the famous musician, Timotheus of Rhodes (*circ.* 400 B.C.),—not as an honour, but as a stigma, because he had marred the ancient simplicity of the instrument by increasing the number of its strings. In the latter part of the 2nd century A.D. the Σκιὰς was still used as a place for public assemblies (Paus. iii. 12, 10). No traces of it remain. The circular brick building of which ruins still exist near the Eurotas seems to have been originally an Odeum, modified perhaps, with a view to other than musical performances, in the Roman age of Sparta. (See Leake, *Morea*, vol. ii. p. 553; Curtius, *Pelop.* ii. 222.)

Athens possessed three ᾠδεῖα. (1) The oldest of these stood near the fountain Enneacrunus by the Ilissus. Its origin is uncertain, but has been conjecturally referred to Peisistratus, or even to Solon. The most probable inference from the notices concerning it is that it was a semicircular building, arranged on the general plan of a Greek theatre, but with a roof. It was in this Odeum that the προάγων was held before the Great Dionysia, as described above. This, too, is the Odeum to which Aristophanes refers as being used for a law-court (*Vesp.* 1109); the scholiast on that passage identifies the place with the scene of the προάγων. The same building must be understood when we read of the Odeum as a rendezvous or a lodging for troops (Xen. *Hellen.* ii. 4, §§ 9, 24), and as a place for the distribution of corn (Dem. *c. Phorm.* § 37: [Dem.] *in Neaer.* § 52). It appears to have been restored, or built anew, by Lycurgus (*circ.* 330 B.C.); for the words of Hypereides (*fr.* 32, *ᾠκοδόμησε δὲ τὸ θέατρον, τὸ ᾠδεῖον*) cannot well refer to the Periclean building,—then little more than a century old.

(2) The Odeum of Pericles stood a little S.E. of the Acropolis and N.E. of the Dionysiac theatre: modern houses cover its probable site. Plutarch preserves a tradition that the shape of the building was intended to recall the tent of Xerxes (*Per.* 13). The fact that the top rose to a peak—like that of the Spartan Σκιάς, as we may suppose—apparently prompted the joke of Cratinus, when he described Pericles, "the Zeus with peaked head" (*σχινοκέφαλος*), as *τᾠδεῖον ἐπὶ τοῦ κρανίου ἔχων* (Θρᾷττ. 1). These notices at least prove that the form was round, and such as to suggest a tent. In the conception of Pericles, the new Odeum, like the new temple of Athena, was associated with the Great Panathenaea. As the final act of the festival was celebrated in the Parthenon, so the Odeum was the place for the performances with which the festival began,—contests of flute-players, singers, and rhapsodes. The Odeum of Pericles was completed about 444 B.C. It was burnt down in 86 B.C. by Aristion, the tyrant of Athens, when he fled before Sulla to the Acropolis. The restoration of the building by Ariobarzanes II. (Philopator), king of Cappadocia, about 60 B.C. is the last recorded incident in its history. It is remarkable that Pausanias speaks as if, at the time of his visit (*circ.* 155 A.D.), the old Odeum by the Ilissus was the principal building of its kind in Athens (i. 14, § 1). He refers to the Odeum of Pericles merely as "a structure" (*κατασκεύασμα*) "said to have been built in imitation of the tent of Xerxes," and does not even name its founder (i. 20, § 4).

(3) The third Odeum at Athens was built by the eminent rhetorician Herodes Atticus, in memory of his second wife, Appia Annia Regilla, who died before 161 A.D. It had not been commenced when Pausanias described Athens; but he mentions it in speaking of the Odeum at Patrae, which was, he says, second only to that of Herodes (vii. 20, § 6). The Odeum of Herodes stood on the south slope of the Acropolis, W. of the Dionysiac theatre. Considerable remains still exist. It was not a round building, but a theatre of the ordinary Roman type, with a roof superadded. Hence Philostratus describes it as *τὸ ἐπὶ Ῥηγίλλῃ θέατρον* (*Vit. Soph.* ii. 1, 5, cf. 8), and Suidas (*s. v.* Ἡρώδης) as *θέατρον ὑπωρόφιον*,—the Latin *theatrum tectum*. It was distinguished by the great splendour of the internal decoration. The ceiling was of cedar,—with probably an open space for light in the middle. The seats in the *cavea* were cased with marble, and divided into an upper and lower zone by a *διάζωμα*. The floor of the orchestra was inlaid with marble mosaic-work. The proscenium, which had three doors, was decorated with columnar arcades, in four successive storeys, and with statuary. A similar mode of decoration, though less elaborate, was applied to the external façade. Behind the proscenium spacious accommodation was provided for the performers. Philostratus mentions a smaller theatre in the Cerameicus at Athens, called, after its founder, the Ἀγριππεῖον, which seems to have been used for rhetorical declamations rather than for music or drama (*Vit. Soph.* ii. 5, 3 and 8, 2).

The building of Pericles and that of Herodes Atticus illustrate the twofold relation of the ancient Odeum to the ancient theatre. (1) The circular Odeum, such as that of Pericles, was the place for music or recitation, as the Greek theatre for drama or chorus. From an artistic point of view, it was the supplement of the Greek theatre. (2) The semicircular Odeum, such as that of Herodes, was merely a roofed Roman theatre; and, as such, it was used not only for music, but for other entertainments also, such as mimes, or even regular drama. In the Roman period the first type continued to exist along with the second. Trajan built a round Odeum at Rome (Paus. v. 12, 4, *θέατρον μέγα κυκλοτερές*), called *ᾠδεῖον* by Dio Cassius (lxix. 4). In many instances where an Odeum is mentioned, the type to which it belonged remains uncertain.

In conclusion, it may be useful to enumerate some of the more important Greek and Roman theatres of which remains exist. The following list is mainly based on that given by Dr. A. Kawerau in Baumeister's *Denkmäler*, pp. 1746 ff. A fuller enumeration, with references to the topographical and archaeological literature in each case, will be found in Dr. A. Müller's *Lehrbuch der griechischen Bühnenalterthümer*, pp. 4–15 (1886).

I. Greece Proper.—*Attica*. 1. The Dionysiac theatre at Athens. Excavated in 1886 by the German Archaeological Institute. 2. Theatre at Zea in the Peiraeus. Excavated in 1880 and 1885 by the Greek Archaeological Society. The orchestra was surrounded by a canal, like that in the Dionysiac theatre. 3. Theatre at Oropus. Excavated in 1886 by the Greek Archaeological Society. The proscenium, with one door, remains. 4. Theatre at Thoricus. Excavated in 1886 by the American School. Remarkable for the irregular curve of the orchestra, which recedes more than anywhere else from the form of a semicircle, and approaches that of a semi-ellipse.—*Epeirus*. Theatre at Dramyssus. The *cavea* well preserved. It had two *διαζώματα*. 2. Theatre at Elatria (now Rhiniassa). A great part of the *cavea* remains.—*Sicyonia*. Theatre at Sicyon. Excavations begun in 1887 by the American School.—*Argolis*. 1. Theatre at Epidaurus. Excavated in 1883 by the Greek Archaeological Society. The best-preserved and finest example of a Greek theatre of the classical age. It was built about 350 B.C. by the younger Polycleitus (Paus. ii. 27, 5). 2. Theatre at Argos. The central part of the *cavea* was hewn from the rock; sixty-seven rows of seats remain, separated by two *διαζώματα*. The two ends of the *cavea* were formed by substructions of rude masonry.—*Arcadia*. 1. Theatre at Mantineia. Notable as an exception to the rule that Greek theatres were built on natural slopes. Here the *cavea* rested on an artificial mound supported by polygonal walls. 2. Theatre at Megalopolis. The largest known to Pausanias (ii. 27, 5). The site was a natural slope, but recourse was had also to an artificial embankment at each horn of the auditorium. Excavations begun here in 1889 by members of the British School at Athens have disclosed the stage and the lowest portion of the seats.

II. Islands of the Aegean Sea.—The older theatre at Delos is that in which the segment of a circle formed by the curve of the *cavea* most largely exceeds a semicircle. The Cretan theatres at Gortyna, Hierapytna, and Lyctus are among those which have the niches intended, as some have supposed, for *ἠχεῖα* (see above).

III. Asia Minor.—Among the theatres of the later Greek or Hellenistic age, those at the following places show a peculiarity in the curve of the *cavea* like that noted above at Delos:—Sidè (Pamphylia), Myra (Lycia), Telmissus (do.), Iassus (Caria), Aizani (Cilicia). The last-named theatre affords another example of the niches mentioned above. Other interesting theatres of the same period are those of Pergamum (excavated in 1885 by the German Expedition) and Assus (excavated in 1883, for the American Archaeol. Institute, by Mr. J. P. Clarke). The Roman theatre at Aspendus (Pamphylia) is the best-preserved ancient theatre in existence. The proscenium has five doors.

IV. Italy.—1. The two theatres at Pompeii. The larger shows a peculiarity in the four lowest rows of seats, which are separated from those above, and appear to have been the places of honour. The stage is also of interest. The smaller theatre was roofed. 2. Theatre at Falerii. One of the best preserved. It was finished in 43 B.C.

V. Sicily.—Theatres at Syracuse, Acrae, Catana, Tauromenion, Tyndaris, and Segesta. The general characteristic of the Sicilian theatres is that they were founded in Greek times and afterwards modified, or reconstructed, under Roman influences.

VI. France.—The Roman theatre at Orange (Arausio) is well preserved. The reconstruction of it by A. Caristie (*Monuments antiques à Orange*, Paris, 1856) conveys a probably just idea of its original beauty. In one respect it forms an exception to the ordinary Roman rule; for use was made of a natural slope to support the *cavea*.

Literature.—Wieseler, *Theatergebäude* (Göttingen, 1851), and art. "Griechisches Theater" in Ersch and Gruber, vol. lxxxiii. (1867), pp. 159–256, where will be found a full account of the authorities on the subject up to that date. Among recent publications it must suffice to mention the following:—Dr. Albert Müller, *Lehrbuch der griechischen Bühnenalthümer* (Freiburg, 1886), pp. 432. A work of practically exhaustive research. Gustav Oehmichen, *Griechischer Theaterbau* (Berlin, 1886). Baumeister's *Denkmäler*, art. "Theatergebäude" by Dr. A. Kawerau, and "Theatervorstellungen" by Dr. Bernhard Arnold (1887). A. E. Haigh, *The Attic Theatre* (1889). For the Greek theatre of the 5th century B.C.: Wilamowitz-Möllendorf, "Die Bühne des Aeschylos" in *Hermes*, xxi. pp. 579 ff.; Sommerbrodt, *De Aeschyli re scaenica* (Berlin, 1876); J. Höpken, *De Theatro Attico saeculi a. Chr. quinti* (Berlin, 1884). For the Roman theatre, J. Marquardt, *Röm. Staatsalterthümer*, vol. iii. (2nd ed., 1885). [R. C. J.]

THENSAE or **TENSAE** (for the orthography and etymology of the word are alike doubtful: *thensae*, *C. I. L.* iii. 2; Henzen, 5407; *tensae*, *C. I. L.* x. 6012; Fest. p. 364) were highly ornamented sacred vehicles, which, in the solemn pomp of the Circensian games [Circus, Vol. I. p. 437 *a*; Ludi Romani], conveyed the statues of certain deities with all their decorations (*exuviae*) to the pulvinaria, and after the sports were over bore them back to their shrines. (Cic. *in Verr.* ii. 1, 59, and note of Pseudo-Ascon. iii. 27, v. 72; Serv. *ad* Verg. *Aen.* i. 21; Festus, *s. v.*; Dio Cass. xlvii. 40; Tertull. *de Spect.* 7.) The thensae were kept in a special building, called *aedes thensarum*, on the Capitol (see Mommsen, in *Ann. dell' Inst.* 1858, p. 203). Their form seems to have been that of the Currus (as shown in the cut in Vol. I. p. 581), but they were elaborately ornamented. Castellani has restored what he considers to be a thensa from remains of bronze reliefs (see Baumeister, *Denkm.* fig. 2325); it has however, as restored, four wheels, while the coin representations seem to show two-wheeled chariots drawn by four horses. It is by no means improbable that thensae varied as to shape, number of wheels and horses, the essential point in their definition being that they were wheeled vehicles for carrying images of certain deities in the *pompa circensis*, as distinguished from the *fercula* in which they were borne on men's shoulders. We know that they were drawn by horses (Plut. *Coriolan.* 25, who calls them *θήσσας*), and escorted (*deducere*) by the chief senators in robes of state, who, along with pueri patrimi [PATRIMI], laid hold of the bridles and traces, or perhaps assisted to drag the carriage (for *ducere* is used as well as *deducere*, Liv. v. 41), by means of thongs attached for the purpose (and hence the proposed derivation from *tendo*). So sacred was this duty considered, that Augustus, when labouring under sickness, deemed it necessary to accompany the thensae in a litter. If one of the horses knocked up or the driver took the reins in his left hand, it was necessary to recommence the procession; and for one of the attendant boys to let go the thong or to stumble was profanation. (Liv. v. 41; Plut. *l. c.*; Ascon. *l. c.*; Arnob. *adv. Gent.* iv. 31; compared with the oration *de Harusp. Resp.* 11, 23; Tertull. *de Cor. Mil.* 13, and *de Spectac.* 7; Suet. *Aug.* 43.)

The only gods distinctly named as carried in thensae are Jupiter and Minerva (Suet. *Vespas.* 5; Dio Cass. xlvii. 40, l. 8, lxvi. 1); but we can hardly doubt that Juno at any rate had the same honour; and, indeed, all three Capitoline deities have thensae on the coins of the Gens Rubria (Eckhel, v. 299; Marquardt, *Staatsverw.* 509, note 3): to this number Mars is usually added on the authority of Dio Cassius (lxxviii. 8), but, in the passage referred to, he merely states that, at the Circensian games celebrated A.D. 216, the statue of Mars, which was in the procession (*πομπεῖον*), fell down; and it is very remarkable that Dionysius (vii. 72), in his minute description of the Pompa Circensis, takes no notice whatever of the thensae, but represents the statues of the twelve gods as carried on men's shoulders, *i.e.* on fercula. That a considerable number of deities, however, received this honour seems probable from the expression of Cicero, in his solemn appeal at the close of the last Verrine oration, "omnesque dii, qui vehiculis tensarum solemnes coetus ludorum initis;" though we cannot determine who these gods were. Among the impious flatteries heaped on Caesar, it was decreed that his ivory statue should accompany the images of the gods to the circus in a complete chariot (*ἅρμα ὅλον*, that is, a *thensa*, in opposition to a mere *ferculum*), and that this chariot should stand in the Capitol immediately opposite to that of Jupiter. (Dio Cass. xliii. 15, 21, 45, xliv. 6; Suet. *Jul.* 76: this is the "acerba pompa" in Cic. *ad Att.* xiii. 44.) Under the Empire the statues of deceased emperors and members of the imperial house were borne in the procession, but of these the statues of princes seem to have been carried on *fercula*, those of princesses not in *thensae*, but in *carpenta*, sometimes drawn by elephants (Suet. *Claud.* 11, *Cal.* 15, *Tit.* 2; Tac. *Ann.* ii. 83).

Similar homage was paid upon high festivals to the images of their gods by other ancient nations. Thus, in the curious ceremonies performed at Papremis connected with the worship of the Egyptian deity, whom Herodotus (ii. 63) imagined to be identical with Ares, the statue, enshrined in a chapel made of gilded wood, was dragged in a four-wheeled car by a body of priests. So also, in the account given by Athenaeus (v. p. 199 f.), after Callixenes of Rhodes, of the gorgeous pageant at Alexandria, during the reign of Ptolemy Philadelphus, we read of a car of Bacchus of prodigious size, most costly materials, and most elaborate workmanship, which was dragged by 180 men.

(Scheffer, *de Re vehiculari*, c. 24; Ginzrot, *Die Wägen und Fahrwerke der Griechen und Römer*. c. 55; but the latter author, both here and elsewhere, allows his imagination to carry him farther than his authorities warrant; Friedländer in Marquardt, *Staatsverw.* iii. 509 ff.)

[W. R.] [G. E. M.]

THEODOSIA'NUS CODEX. [CODEX THEODOSIANUS.]

THEOPHA'NIA (*θεοφάνια*, Herod. i. 54; Poll. i. 34), a festival celebrated at Delphi. A. Mommsen, with tolerable certainty, identifies the festival on the 7th of the Delphic month Bysios (= approximately February), mentioned (without name) by Plutarch, *Qu. Gr.* 9, as the birthday of Apollo, and also the sole day in ancient times for consulting the oracle (probably the *αἰσία ἡμέρα* of Eur. *Ion*, 421). [See ORACULUM, p. 282 *a*.] The word itself signifies the manifestation of the deity = *ἐπιφάνεια τοῦ θεοῦ*. (Mommsen notes that the calendar of the Greek Church still has *τὰ ἅγ. Θεοφάνεια*: in the Western Church *Theophania* was applied to Christmas Day as late as the 4th century.) The deity manifested at Delphi is clearly Apollo, and the time of the year agrees with its being a festival for the opening of spring, symbolised by the return or the new birth of the god of light. Further it is to be noticed that Plutarch (*de ei ap. Delph.* 9) assigns the three winter months in the Delphic year to Dionysus, and the remaining nine to Apollo: hence it appears that the 7th of Bysios marks the beginning of the Apollinean year and the end of the Bacchic.

The ceremonies of the day are nowhere precisely stated, but can be pieced out as follows:—1. A procession with laurel boughs: this was the custom at the time when oracles were given at Delphi, and belonged at other places besides to the day marked as Apollo's birthday (cf. Schol. *ad* Hes. *Op.* 777, *Ἀθηναῖοι ταύτην τιμῶσι δαφνηφοροῦντες*). Similarly at Rome the return of Mars (for whose connexion with Apollo see Roscher, *Apollon u. Mars*) was honoured by fresh laurel boughs (Ov. *Fast.* iii. 13). 2. The prayers and offerings belonging to the oracular day, for which see ORACULUM, p. 282 *b*. 3. A feast with (*a*) offerings of the cake called *φθοΐς*; the day was, according to Plutarch, called *πολύφθοος*, which, though he gives another interpretation, is clearly from *φθοΐς*: (*b*) libations of wine. Herodotus (i. 51) speaks of a huge silver bowl at Delphi, containing 600 amphorae, which *ἐπικίρναται ὑπὸ Δελφῶν θεοφανίοισι*. Other myths, especially those relating to the flight or exile of Apollo, his purification and return, may possibly find their representation in this festival: on these myths we can only refer here to the discussion in A. Mommsen and Roscher. (A. Mommsen, *Delphica*, pp. 280–297; Roscher, *Lexikon*, p. 426.) [L. S.] [G. E. M.]

THEO'RI (*θεωροί*). There can be little doubt that the origin of this word is not *θεὸς* and *ὥρα*, as most of the ancient Lexicographers thought, but is the same as that of *θεάομαι* (Curtius, *Gr. Etym.* 253; L. and S.). Hence it should follow that the original *official* signification of the word (apart from its simple meaning, *οἱ θεώμενοι*) was a *magistrate*, literally "overseer," like *ἔφορος*. We find this title *θεωροὶ* or *θεαροὶ* given, without any religious meaning, to the chief magistrates of certain states; at Mantinea (Thuc. v. 47); at Tegea (Xen. *Hell.* vi. 5, 7; see Gilbert, *Staatsalterth.* ii. 328).

Hence the word acquired the sense with which we are most familiar, *sacred ambassadors* or *delegates* (as though "overseers" of the sacred business), *i.e.* persons sent on special missions (*θεωρίαι*) to perform some religious duty for the state, to consult an oracle, or to represent the state at some religious festival in another land, where among other ceremonies sacrifice would be offered on behalf of their state. Photius, though doubtless wrong in his etymology, expresses the meaning rightly by *τοὺς τὰ θεῖα φυλάττοντας ἢ τὸ θεῖον φροντίζοντας*: Pollux (ii. 55), misled by the double meaning, gives two different roots to the word. These sacred *θεωροὶ* were not permanent officials, but were specially appointed from among the citizens for each occasion. The title apparently belongs to delegates of this kind from any Greek state: *e.g.* the *θεωροὶ* of foreign states made offerings for their own states at the Eleusinia on 17th Boedromion (A. Mommsen, *Heort.* 250; ELEUSINIA, Vol. I. p. 718; cf. Soph. *O. T.* 114), and similarly of the Great Panhellenic games: so, when we find *πρόβουλοι καὶ θεωροὶ* sent by different Greek states yearly to the ELEUTHERIA at Plataea, the former have to do with the political affairs of the confederacy, the latter with the religious part of the festival (Gilbert, *Staatsalterth.* i. 91).

But we are specially concerned with the theori at Athens. Here also there were no standing officials so called, but the name was given to those citizens who were appointed from time to time to conduct religious embassies to various places; of which the most important were those that were sent to the Olympian, Pythian, Nemean, and Isthmian games, those that went for any purpose to consult the oracle at Delphi, and those that led the solemn procession to Delos for the Apollinean spring festival, in which Pisistratus, from political motives, contrived that Athens should take a leading part (see E. Curtius, *Hist. of Greece*, i. 36 E. T.; DELIA). The expense of any such embassy was defrayed partly by the state, partly by a wealthy citizen, to whom the management was entrusted, called *ἀρχιθέωρος*. This was a sort of *λειτουργία*, and frequently a very costly one. In the case of the Delphic theoria for consulting the oracle, the travelling money provided by the state was not large, and the personal expense probably also moderate, but a considerable sum was provided for the Delian theoriae, more than a talent for each of the yearly (lesser) festivals, and (in Ol. 101. 3) nearly 1¼ talent for the greater quadrennial festival (see Fränkel's note on Boeckh, *Staatshaush.* i.^{2} 272): but the magnificence depended mainly on the liberality of the architheoros, to whom it became a point of honour to discharge his office handsomely, to wear a golden crown, to drive into the city with a fine chariot, retinue, &c. Nicias is reported to have incurred unusual expenses in his embassy to Delos; and Alcibiades astonished all the spectators at Olympia by his display (Grote, *Hist.* vi. 389, vii. 72; Thuc. vi. 16).

As to the offices of the Pythaistae (*Πυθαισταί*) and Deliastae, which require some notice here, there is a difference of tradition; but it seems tolerably certain that Harpocration and Hesychius (*s. v.* *Δηλιασταί*) are wrong in making the Deliastae = *θεωροί*, and there is still less warrant for concluding, as most modern authorities have done, that both the Pythaistae and Deliastae had this meaning. What evidence we have leads rather to the conclusion that they were not sent with the missions at all, but were two priestly families, whose duty it was to regulate by observance of celestial omens the time for starting sacred embassies to Delphi and Delos respectively. For the *θεωρία* to Delphi, which made the yearly offering from Athens some time about June (A. Mommsen, *Heort.* 315), the Pythaistae through a period of three months (April–June) watched at the altar of *Ζεὺς Ἀστραπαῖος*, looking northwards to Harma, a district in Mount Parnes near Phyle. Theoretically, no doubt, if no lightning appeared, the offering could not be sent at its normal time in June; but as modern observations (A. Mommsen, *Delph.* p. 315) show that there is always a great deal of lightning in that district during those months, it is probable that there was rarely, if ever, an impediment. The omens having been duly observed, when the embassy to Delphi was started the Pythaistae offered sacrifice in the Pythium at Oenoe: the Deliastae (regarding whose method of observing omens we have no definite particulars) sacrificed for the Delian embassy in the Delium at Marathon (Strabo, ix. p. 404; Athen. vi. p. 234 e; Schol. *ad* Soph. *Oed. Col.* 1047; Hesych. *s. v.* *ἀστράπτει δι' ἅρματος*: A. Mommsen, *Delphica*, p. 314; Curtius, *Hist. of Greece*, ii. p. 8; Töpffer, in *Hermes*, xxx. pp. 321 ff.). [For the sacred ships employed, see THEORIS.] [C. R. K.] [G. E. M.]

THEO'RIA (*θεωρία*). [THEORI.]

THEO'RICON (*τὸ θεωρικόν*: *τὰ θεωρικά*, *sc.* *χρήματα*). Under this name were comprised the funds expended by the Athenian state on festivals, sacrifices, and public entertainments.

There were, according to Xen. *de Rep. Ath.* iii. 8, more festivals at Athens than in all the rest of Greece. Some festivals of course were confined to the members of a particular tribe, deme, or house (DEMUS; PHYLOBASILEIS), and these were provided for out of the private funds of the community which celebrated them. But there were also many public festivals, open to the whole body of the people. At the most important of these, as the DIONYSIA, PANATHENAEA, or THARGELIA, there were not only sacrifices, but processions, theatrical exhibitions, gymnastic contests, and games, celebrated with great splendour and at great expense. A portion of this expense was defrayed by the individuals upon whom the burden of a *λειτουργία* fell for the year, but a considerable part was met by the public treasury (τὸ δημόσιον, τὸ κοινόν). Thus Demosthenes (p. 50) complains that a Dionysiac or Panathenaic festival cost more than any military expedition. The religious embassies, too [THEORI], to Delos or Delphi, or to the Olympic and other great games, drew largely on the public exchequer, though a part of the cost fell on the wealthy citizen who conducted the embassy (the ἀρχιθέωρος: see Plut. *Nic.* 3; Thuc. vi. 16).

But, besides these expenses, the festivals brought with them largess to the people. The Attic drama was at first performed in a wooden theatre, entrance to which was free. But the crowding to get in was inconvenient and dangerous, and after an accident to the timbers about B.C. 500 it was resolved to charge an entrance-fee of two obols, διωβελία ([Dem.] *de Synt.* p. 169, § 10). This fee was paid to the lessee of the theatre (θεατρώνης, θεατροπώλης, ἀρχιτέκτων), who, beside paying a sum to the state for the contract, undertook to keep the theatre in repair. The payment continued to be exacted after the theatre was built of stone. Pericles (Plut. *Per.* 9), to relieve the poorer citizens, passed a law entitling them to receive the price of admission from the state—perhaps because plays were part of a religious ceremony from which it would be impious to exclude citizens. But a direct grant to the lessee, or a reduction of his contract, would have been a measure less liable to abuse. The system ended for a time with the distresses of Athens at the end of the 5th century, but was renewed by Agyrrhius.

The donation was presently extended to entertainments other than theatrical, *e.g.* the Panathenaea (Dem. *Leoch.* p. 1091, § 37), the sum of two oboli a day being given to each citizen who attended. To multiply two oboli thus by the number of days seems the best way of explaining passages in which the amount of the Theoricon is put higher; as at one drachma by Philochorus in Harpocration, and perhaps by Lucian, *Dem. Encom.* § 36; or at four obols, by Demosthenes (*Proem.* p. 1459): but there is no direct proof to be had. The money was paid by demes (Dem. *Leoch.* l. c.). Popular leaders promoted such a use of public money; the appetite of the populace for largess kept growing; and in the time of Demosthenes the well-to-do citizens also seem to share in the distribution ([Dem.] *Phil.* iv. p. 141, § 38. But the passage is not quite clear, and the speech in which it occurs, the Fourth Philippic, is not genuine). Boeckh (*Staatshaushaltung*, ed. 3, vol. i. p. 284) calculates that the sum thus spent annually was 25–30 talents or more.

This mode of expenditure naturally starved other state-services. Surplus revenue should, by the old law ([Dem.] *c. Neaer.* p. 1346, § 4), have been carried to the military fund, and Isocr. *de Pace*, § 82, may mean that surplus φόρος was the original theoric fund; but now everything that could be spared from other branches of expenditure was diverted to the Theoricon: οἱ νόμοι τὰ στρατιωτικὰ τοῖς οἴκοι μένουσι διανέμουσι θεωρικά (Dem. *Olynth.* iii. p. 31, § 11); and the supplies needed for war were left to depend on extraordinary contributions or property-tax (εἰσφορά). In B.C. 350 Apollodorus carried a decree empowering the people to determine whether the surplus revenue might be applied to military purposes, but he was fined for this under a γραφὴ παρανόμων and the decree annulled (*c. Neaer.* pp. 1346–8). Eubulus then tried to perpetuate the existing system by a law making it a capital offence to propose to divert the theoric fund. By this law Demosthenes was embarrassed in his attempts to find money for operations against Philip (see his Olynthiac speeches, 1 and 3), and he has to approach the question of the theoric fund very gradually (p. 14). The law of Eubulus was at last repealed in 338.

Money appropriated to the theoric fund was probably at first disbursed by the Hellenotamiae. After the Peloponnesian War, however, it was controlled by a manager or board of managers (οἱ ἐπὶ τῷ θεωρικῷ, Dem. *de Cor.* p. 264, § 113; ἡ ἐπὶ τῷ θεωρικῷ ἀρχή, Aeschin. 57), who were perhaps elected, one from each tribe, at the period of the Great Dionysia. (But it is uncertain whether there was more than one official; see Boeckh, vol. i. p. 225, and his editor's notes.) The board drew to itself the control of all surplus funds and of many other branches of the administration, as the management of civil expenditure, the office of Apodectae, the building of docks, arsenals, and streets. This encroachment was due to the anxiety of the people that no part of the revenue should be diverted from the theoric fund.

(Harpocr. and Suidas, *s. v.* θεωρικὸν and Εὔβουλος: Libanius, Argument to Demosth. *Ol.* 1; Ulpian on Demosth. *Ol.* 1; Boeckh, *Staatshaushaltung der Athener*, ed. 3.) [F. T. R.]

THEO'RIS (θεωρίς), a trireme kept for sacred embassies [see THEORI]. Of these ships it seems that there were at Athens in early historic times three,—the Delian (Δηλία), the Salaminian (Σαλαμινία), and the Paralus (Πάραλος). The first was so called because it was used (probably exclusively) for Delian theoriae; the second because it was manned originally by natives of Salamis (σαλαμίνιοι); and the third because it was manned by sailors from the Paralia (πάραλοι or παραλῖται). Boeckh indeed says that there were only two, and makes *Delia* another name for the *Salaminia*; but we should rather follow Schömann (*Antiq. of Greece*, p. 441, E. T.) in separating these ships: the language of Plato (*Phaed.* p. 58) and of Plutarch (*Thes.* 3) seems to us quite impossible to reconcile with the view that the ancient ship used for the Delian embassy was the Salaminia. Each writer (and Plato with especial distinctness) speaks of the ship as though it had connexion with the Delian theoria only. It is clear from their account that the Delia was a very old ship, traditionally dating from Theseus, and constantly renewed with fresh timbers, so that, according to Plutarch, its case was used to illustrate things which are the same and yet not the same: the state of the Victory at Portsmouth affords a modern parallel of a ship thus constantly patched because it is a relic. This does not agree with our knowledge of the Salaminia, which was a fast-sailing ship used for various state purposes, and even in naval battles. When the embassy to Delos was started, either at the greater (quadrennial) or the lesser (annual) festival, the Delian ship was crowned with laurel by the priest, and so sent forth: the period of its absence gave a respite to criminals (Plat. *l. c.*; DELIA).

The other two ships were built and manned for speed, and were used not only to convey theori over the sea part of their journey, but also to carry state despatches, to fetch state criminals who were summoned home, and to bring tribute; they served, moreover, as warships (Thuc. iii. 33, vi. 53, 61, viii. 74; Aristoph. *Av.* 147, 1204; Aesch. *in Ctes.* § 162; Phot. *s. v.* *πάραλοι, πάραλος*). Boeckh accuses Photius of erroneously regarding these two ships as one, but the words of Photius (*s. v.* *πάραλοι*) in speaking of the Paralus are *λέγεται δὲ ἡ αὐτὴ καὶ Σαλαμινία· ὕστερον δὲ ἄλλαι δύο προσεγένοντο αὐταῖς*: the last word shows that *ἡ αὐτὴ* must mean "of similar character"; under the word *πάραλος* he plainly distinguishes the two. The crew of the Paralus (and beyond a doubt of the Salaminia also) were always held in readiness, receiving four obols a day throughout the year. To this payment we may refer the office of treasurer (*ταμίας τῆς Παράλου*, Dem. *Meid.* p. 570, § 173), and we may fairly assume that each of the sacred ships had a treasurer; at sea they were commanded by *ναύαρχοι* (Boeckh, *Staatshaus.* i. p. 307; Schömann, *l. c.*). Fränkel in his note (299) shows that Boeckh is mistaken in supposing that for these ships there were also trierarchs. The expenses of the sacred ships were borne by the state, and the *ταμίας* in their case provided at the cost of the state all that for other ships was provided by the trierarch.

In later times we find also the names of Ammonis, Antigonis, and Demetrias; and still later the Ptolemais (Plin. *H. N.* xxxv. § 101; appendix to Phot. p. 676, ed. Porson; Harpocr. *s. v.* *'Αμμωνίς*). Of these the first, built in the time of Alexander, received its name because it was specially intended to convey theoriae to Zeus Ammon: it seems to have taken the place of the Salaminia. (Schömann thinks it an *additional* ship, but see Boeckh, p. 307, and Fränkel's note.) The subsequent addition of the Antigonis and Demetrias thus raised the number to four, as stated by Photius; for the Demetrias no doubt replaced the ancient Delia, which lasted only till the time of Demetrius (Plut. *l. c.*). The names of these later ships and of the Ptolemais suggest a closer connexion with political and less with religious business.

[G. E. M.]

THEOXE'NIA (*θεοξένια*; often simply *ξένια*; sometimes *θεοδαίσια*) were sacred feasts provided for gods or heroes, at which the deities were usually regarded as the guests; but sometimes as the hosts, inviting certain mortals to partake. From these Greek feasts the Roman *lectisternia* were borrowed [LECTISTERNIUM]. We must guard against the idea that the Delphic Theoxenia was the original feast of this kind. Not to speak of other nations where similar observances are found, we have early indications of them among the Greeks. Such was the banquet in Homer (*Il.* i. 425), at which the gods (*θεοὶ δώδεκα*, Schol.) were entertained; and hence *κοινὴ ἑορτὴ πᾶσι τοῖς θεοῖς*, which is the explanation of *θεοξένια* in Hesychius, may be taken to mean that it included the twelve Olympian deities; a meaning, however, which must be greatly extended. There can be no doubt moreover that the cult of special gods or heroes was from a very early time preserved in certain families or tribes, who thereupon set apart a table on certain occasions, such as birthdays (cf. Eur. *Ion*, 805) or times of success and victory, in their honour (see Herod. vi. 127; Pind. *Ol.* iii.; Plat. *Lys.* p. 205 D). This family observance is attested not only by mention in Greek writers, but also by inscribed votive tablets (see Deneken, *de Theoxeniis*, p. 14): the history of the Potitii may be compared with it (Liv. i. 71; Diod. iv. 21; SACRA, p. 578 *a*). The entertainment is commonly spoken of merely as *ξένια*, which word may be used of public as well as private theoxenia (compare Eur. *Hel.* 1666; *C. I. G.* p. 1074; Schol. *ad Nem.* vii. 68, *ad Ol.* iii. 1).

From the gentile or family cult probably arose the more public or national theoxenia, among which should be specially noted the Delphic Theoxenia, which gave the name to the Delphic month Theoxenios (March–April). This was probably, as A. Mommsen remarks, an ancient festival, existing before the time when Apollo reigned at Delphi; and Zeus was originally the chief of the divine guests, for which reason this month was sacred to Zeus (*Delphica*, p. 87). In historical times Apollo and Latona were specially honoured at this Delphic feast. In this, as in other similar ceremonies, the gods seem to have been supposed to feast; not all at one table, but at several tables, singly or in pairs: a couch (*στρώμνη* = *pulvinar*) spread with cushions was placed by each table. It does not appear to have been necessary in Greek custom to place the statue of the deity on his or her couch, as was done in the Roman lectisternium, though that this was sometimes (perhaps, as Deneken says, frequently) done, appears from Val. Max. ii. 2, 1. The god or goddess was *imagined* to be present on the allotted couch, and in vase-pictures this spiritual presence is indicated by some representation of the deity, as in the picture of a *στρώμνη* for the Dioscuri, shown on page 16 of this volume. Athenaeus (ix. p. 372 a) mentions a curious custom that the Delphians offered leeks (*γηθυλλίδες*) to Latona at this festival, and that the offerer of the largest leek received a portion of the feast from the table of Latona. (For various explanations of this custom, see *Delphica*, p. 301: Deneken regards it as a sort of prize for agriculture.) The favour of Apollo to Pindar was shown by a special invitation to his table, the inspired priest crying *Πίνδαρος ἴτω ἐπὶ δεῖπνον τοῦ θεοῦ*,—an honour which was continued for his descendants, and, as it appears, not on this festival only. The Delphian priests were *ex officio* guests with the gods on this day, as representing the mortal participants [compare PARASITI].

But it would be an error to suppose that Apollo was the deity most commonly so honoured. Not to mention a similar entertainment of Zeus Soter and of Pluto at Athens (Athen. vi. p. 239; Kohler in *Herm.* vi. 7; Deneken, p. 4), and of Bacchus and Aesculapius (see below), it must be observed that the favourite divine guests in Greece were deified heroes, probably because they had more frequently traditional ties of hospitality with certain families, as well as because they formed a link between gods and men. Hence it is that we often find Heracles feasted by mortals, and that by far the commonest divine guests were the Dioscuri: indeed some writers appear (erroneously, as it seems to us) to make the cult of the Dioscuri the origin of Theoxenia. This entertainment of the Dioscuri was widespread, particularly of course in Doric states, Sparta, Agrigentum, &c. (Eur. *Hel.* 1666; Pind. *Ol.* iii.; Bacchyl. *ap.* Athen. vi. p. 400; *C. I. G.* ii. 2338, 2374); but also at Athens in the Prytaneum (Athen. iv. 137 e). For the representation in works of art, see the vase-painting alluded to above, and also a relief at Paris from Larissa (cf. Newton, *Trans. of Royal Soc. of Lit.*, ser. 2, vol. ix. p. 436 ff.; Fröhner, *Vases Grecques de Cameiros*). The latter, by its figure of Victory, shows that one motive for the entertainment was the idea that the Twins gave aid in battle, as at Regillus; and this is borne out by a passage in Polyaenus (*Strat.* vi. 1), where Jason of Pherae professes to entertain (*ξενίζει*) the Dioscuri, on the ground that they had given him victory (cf. Diod. viii. 32). For notice of votive tablets commemorating these theoxenia, see Deneken, pp. 15-24. Next to the Dioscuri, perhaps Bacchus was more often the entertained or entertainer at mortal feasts than any other divine being (cf. Paus. i. 2, 5; vi. 26, 1; Athen. xi. p. 465 a). At Andros in this festival there was a miraculous contribution of wine flowing from the temple (Paus. vi. 26, 3). The special name *θεοδαίσια* was given to these entertainments of Bacchus (Hesych.); see also the relief in Baumeister, *Denkm.* fig. 1849. For the tradition of Sophocles entertaining Aesculapius, see Plut. *Num.* iv. 16; *Etym. Mag.* s. v. *Δεξίων*: cf. Paus. x. 32, 8.

(On this subject, see A. Mommsen, *Delphica*, pp. 94, 299–308; Baumeister, *Denkm.* p. 1764, and especially a dissertation by Deneken, *de Theoxeniis*, Berlin, 1881.) [G. E. M.]

THERMAE. [BALNEAE.]

THERMOPO'LIUM. [CALIDA; CAUPONA.]

THESAURUS (*θησαυρός*), a storehouse, treasury. The name is commonly used both in a correct and an incorrect significance, when applied to surviving buildings; but as the incorrect meaning is at least as old as Pausanias, it is also included here. There are (1) the treasuries of various Greek cities dedicated at Olympia and Delphi, (2) the so-called treasuries at Orchomenus, Mycenae, and elsewhere.

(1) At Olympia the whole row of treasuries described by Pausanias has been unearthed. In architectural form they are like small temples of the Doric order, and so are actually called *ναοί* by Polemo (*ap.* Athen. xi. 489–90). They consist of an oblong chamber with a small prodomus, usually *in antis*; the treasury of the Geloans has a portico in front, and also internal columns. They were erected at various periods to contain the costly offerings made by those who dedicated them; but later seem to have been used to contain other treasures and works of art requiring protection by a building (Paus. vi. 19). The treasuries of various cities at Delphi were probably of similar form, and served a similar purpose (Paus. x. 11).

(2) For the circular sepulchral buildings, falsely called "Treasuries," such as the "Treasury" of Atreus at Mycenae, see SEPULCRUM, p. 644 *a*.

(Bötticher, *Olympia*, 2nd edit., Berlin, 1886, pp. 207 *sqq.*; Richter, *de Thesauris Olympiae effossis*, Berlin, 1885; Baumeister, *Denkmäler des classischen Alterthums*, art. "Olympia," pp. 1104 B *sqq.*; Schliemann, *Exploration of the Boeotian Orchomenus: Journal of Hellenic Studies*, 1881, pp. 122 *sqq.*; Schliemann, *Mycenae*, pp. 227 ff.; Thiersch, *Die Tholos der Atreus zu Mykenae*, in *Mittheilungen des deutschen Instituts zu Athen*, 1879, pp. 177 *sqq.*) [E. A. G.]

THESEIA (*θησεῖα*). The festival in honour of Theseus dates from Cimon, who, in obedience to an oracle from Delphi (for the historical and political significance, see Grote, *Hist.* v. 413 ff.), brought the bones of Theseus from Scyros and buried them in the spot upon which the Theseum was built. From this act date the annual *ἐπιτάφια*, or funeral rites in honour of national heroes and of all who died in battle for Athens, including in war-time a funeral oration over the dead [cf. FUNUS, Vol. I. p. 887 *b*]. It is true that we hear of *ἐπιτάφια* earlier than this in memory of those slain at Marathon and Plataea (Diod. xi. 33; Dionys. v. 17); but these, like many other funeral rites and games in various times and places, were celebrated on the spots where the battles were fought. The Epitaphia at Athens, with the sacrifices, feasts, and orations belonging to them, should not be placed earlier than 469 B.C., and we may assume Cimon or one of his contemporaries to be *ὁ τὸν λόγον προσθείς* (Thuc. ii. 35: Curtius here is to be followed rather than Grote). The ceremonies of the *ἐπιτάφια* were conducted by the Polemarch (Poll. vi. 91; ARCHON, Vol. I. p. 168), but the oration was made by some man specially chosen for the occasion (Thuc. i. 34).

The whole Theseus-festival comprised on different days of the month Pyanepsion several distinct ceremonies, which have been elsewhere particularly described, partly representing the story of Theseus, partly the funeral rites which had become connected with his festival. The word *θησεῖα* may be used generally of the whole (Aristoph. *Plut.* 621), but it is usual to find the separate ceremonies mentioned under their own name, and where we find *θησεῖα* alone it commonly refers to the offering and banquet on 8th Pyanepsion and the games of the following day: the phrase *θησεῖα καὶ ἐπιτάφια*, which is often found in inscriptions (see *Heortol.* p. 282), means that day of the Theseus-festival on which the *ἐπιτάφια* took place.

The Calendar of the whole festival may be thus described (following the arrangement of A. Mommsen):—

Pyanepsion VI., the *κυβερνήσια* or steersman's festival, to commemorate the return of Theseus, celebrated at Phalerum, where there were shrines (*ἡρῷα*) of Nausithous and Phaeax, the *κυβερνήτης* and *πρῳρεύς* of the expedition (Plut. *Thes.* 17). (In those years when there was occasion of a public funeral for citizens slain in battle, their bones "lay in state" on Pyanepsion V. and VI.)

Pyanepsion VII., the day of PYANEPSIA: the *ἕψησις τῶν ὀσπρίων* having begun with the evening of the 6th (= the beginning of P. VII.), the feasting on this food belonged to the whole of the day. In the morning of this day took place the OSCHOPHORIA: in the afternoon the *ἐπιτάφια* (and in time of war the oration over the dead. The sacrifice for the slain Amazons seems to have been on this day, πρὸ τῶν θησείων, Plut. *Thes.* 27). [For details see OSCHOPHORIA; PYANEPSIA.]

Pyanepsion VIII. On the evening of the 7th (= the beginning of P. VIII.) took place the offering and banquet in honour of Theseus, and a torch-race for the ἐπιτάφια: in the day, gymnastic contests (cf. Gell. xv. 20, 3).

Pyanepsion IX. Equestrian exercises, processions, and contests. To these last two days belonged especially the name θήσεια. (For a fuller discussion, see A. Mommsen, *Heortologie*, pp. 269–287; and, for the history of the vase-illustration, Harrison, *Mythology and Monuments*, pp. xcviii.–cxlviii.) [G. E. M.]

THESMOPHO'RIA (Θεσμοφόρια). The Eleusinia and the Thesmophoria were the two great festivals held in Attica in honour of Demeter. The Athenian Thesmophoria, which is the best known festival of the name, was solemnised exclusively by women at the time of seed-sowing in October in honour of Demeter Thesmophoros. The many points of interest attaching to the festival, over and above the fact that Aristophanes has written an amusing comedy on the subject, will perhaps justify a somewhat lengthened discussion on its nature and significance.

1. *Demeter Thesmophoros.*—The idea in θεσμοί, θέμιστες (cf. Hesych. *s. v.*), and words derived therefrom, is ordinances as the expression of the will of a divinity, enactments or injunctions invested with the halo of religion, θεσμὸν τὸν μοιρόκραντον ἐκ θεῶν δοθέντα τέλειον, as Aeschylus says (*Eum.* 391); and as such the term is sometimes applied even to written laws, *e.g.* Draco's (Plut. *Sol.* 19; cf. Grote, iii. 76) and Solon's own (Solon, *Frag.* 36 [25], 16, which shows that Aelian, *V. H.* viii. 10 *fin.*, is in error). We have been taught by Sir H. Maine (*Ancient Law*, p. 4 ff.) that the very earliest notion of law was the θέμιστες of Homer, strictly individual (cf. Phot. 87, 16) judgments or "dooms," supposed to be imparted by Θέμις to the king, who was a judge, not a lawgiver. The θεσμοί we are now referring to are somewhat more universal than these. The θεσμοί, says Preller (*Demeter und Persephone*, 350), were ordinances given by each god inside his own sphere, so θεσμὸς Ἀδραστείας (Plut. *de Fato*, 4 = ii. 570). They were the law of the early patriarchal ages; and a patriarchal system of rule was the first which emerged when mankind, arrived at the agricultural stage, came to follow a settled mode of life and live in communities. Now, Demeter was the divinity who presided over agriculture and all the settled laws and customs, the civilisation in fact, which it involved (Isocr. *Panegyr.* 28); the Athenians boasted that corn and laws, πυροὺς καὶ νόμους, were first introduced into their land (Aristot. in Diog. Laert. v. 17): Demeter it was who taught men to sow the earth and reap the fruits: Demeter it was who was reported to have founded marriage, itself a kind of husbandry (ἐπ' ἀρότῳ παίδων γνησίων, as ran the Athenian formula of marriage: Lucian, *Tim.* 17: cf. Aesch. *Theb.* 753; Soph. *O. T.* 1498; Eur. *Phoen.* 18; Plat. Menex. 238; the θεοὶ προηρόσιοι to whom sacrifice was offered before marriage, Plut. *adv. Colot.* 22 = ii. 1119: and the metaphor is retained even in English, cf. Shakespeare's *Ant. and Cleop.* ii. 2, 233), to have thus raised men above the life of savages, to have been the founder of the family, and thus to have rendered the foundation of cities possible, "et leges sanctas docuit et cara jugavit Corpora conubiis et magnas condidit urbes," as the Roman poet Calvus sang (*ap.* Serv. *ad Aen.* iv. 58). As such Demeter is θεσμοφόρος (Diod. v. 5), θεσμία (Paus. viii. 15, 1), θεσμόθετις (Cornut. *N. D.* 28), *legifera* (Verg. *Aen.* iv. 58). The priestess of Demeter imparts the πάτριος θεσμὸς to the bridegroom and bride in the nuptial chamber (Plut. *Praecep. Cong.* init. = ii. 138; cf. also Ael. *V. H.* xii. 47); a woman guilty of illicit connexion was said ἀθέσμως συγγενομένη (Schol. to Aristid. p. 22), opposed to γάμος ἐπὶ παισὶν ἔνθεσμος (Heliod. i. 25); the consummation of marriage is certainly meant by θεσμὸς in the Odyssey (xxiii. 296), where Ulysses and Penelope after all their troubles ἀσπάσιοι λέκτροιο παλαιοῦ θεσμὸν ἵκοντο (no matter what Ameis says); the matrons swore by the goddesses of Eleusis to remain faithful to their marriage vow (Alciphr. iii. 69); the young girls prayed to Demeter for a husband (*ib.* ii. 2, 6). At the Thesmophoria many references were made to the fruitfulness of marriage; and the invocation (Aristoph. *Thesm.* 296–300) of γῆ κουροτρόφος and Calligeneia (see below, § 3 *h*) has a similar reference.

The fundamental principles, then, of an agricultural and therefore settled life, and of the constitution of the family, are the θεσμοὶ Δήμητρος. Little different are the "laws of Triptolemus," who was reputed one of the most ancient lawgivers (Porphyr. *de Abstin.* iv. 22, p. 387), which are veritable θεσμοί, viz. to honour one's parents, to delight the gods with an offering of the crops, and not to ill-treat the domestic animals (Paus. i. 37, 6). Another θεσμὸς of Demeter, ἣν μὴ καθάρῃς κἀλέσῃς οὐ μὴ φάγῃς (Diogenian. v. 17: said to be from the *Triptolemus* of Sophocles, but not given by Dindorf and placed by Nauck, *Frag. Trag.* p. 868, among the Adespota), recalls the scriptural (2 Thess. iii. 10) "if any would not work, neither should he eat," and that earliest and justest of θεσμοί (Gen. iii. 19), "In the sweat of thy face shalt thou eat bread." Similar laws of Buzyges have been before alluded to under AROTOI HIEROI. Finally, to give some indirect evidence that Demeter was the goddess of laws and civil society, it was in her temple that the Amphictyonic assembly at Thermopylae was held (Herod. vii. 200), and meetings of the Achaean League were held under her auspices at Aegium (Paus. vii. 24, 3); a pig was sacrificed to Demeter at Athens by the περιστίαρχοι before the assembly opened (Schol. on Aristoph. *Ach.* 44), and Demeter was one of the goddesses by whom oaths were taken (Demosth. *Timarch.* p. 747, § 151; *Calipp.* p. 1238, § 9), for she was patroness of the assembly of the people.

The expression of reverence which the Greeks felt towards Demeter for all these blessings is well set forth by Diodorus (v. 5) in a passage which deserves quotation: οὐκ ἄξιον δὲ παραλιπεῖν τῆς θεοῦ ταύτης τὴν ὑπερβολὴν τῆς εἰς τοὺς ἀνθρώπους εὐεργεσίας. χωρὶς γὰρ τῆς εὑρέσεως τοῦ σίτου τήν τε κατεργασίαν αὐτοῦ τοὺς ἀνθρώπους ἐδίδαξε, καὶ νόμους εἰσηγήσατο καθ' *οὓς δικαιοπραγεῖν εἰθίσθησαν. δι' ἣν αἰτίαν φασὶν αὐτὴν θεσμοφόρον ἐπονομασθῆναι· τούτων δὲ τῶν εὑρημάτων οὐκ ἄν τις ἑτέραν εὐεργεσίαν εὕροι μείζονα· καὶ γὰρ τὸ ζῆν καὶ τὸ καλῶς ζῆν περιέχουσι.*

2. *The origin of Thesmophoric worship.*—The worship of Demeter was said to have been introduced into Attica by the Gephyraeans (cf. Herod. v. 57, 61; Preller, *Demeter und Persephone*, pp. 391–5). These stated themselves that they came from Eretria originally, but Herodotus thinks that they were Phoenicians. They lived at Tanagra in Boeotia, which had been formerly called **Γέφυρα** (*Etym. M.*). When the rest of the Cadmeans were driven out by the Argives and went to the Encheleis, the Gephyraeans remained in Boeotia at first; but later, being expelled by the other inhabitants of that country, they turned to Athens. The Athenians made them citizens on special terms, *ἐπὶ ῥητοῖς*: which were probably to maintain in repair the bridges over the river Cephisus (Lyd. *de Mens.* viii. p. 45; *Etym. M.* s. v. **Γεφυρεῖς**), for that art was considered recondite in early times (cf. Fr. Lenormant, *Voie Sacrée Éleusinienne*, p. 247); and with injunctions to keep aloof from the other citizens in many respects. They had temples and rites special to themselves (though these cannot have long remained secret: cf. Schol. on Aristoph. *Ach.* 708), and among these the temple and rites of Demeter Achaea (Herod. *l. c.*).

This Demeter Achaea, the *mater dolorosa* of the ancients, was so called from her mourning (*ἄχος*), not from the *ἦχος* of cymbals used in search for Cora (for amongst other reasons the A in *Ἀχαιὰ* is short), and corresponds to the *Ceres deserta* mentioned by Virgil (*Aen.* ii. 714: cf. Plut. *de Isid. et Osirid.* 69; Lobeck, *Aglaoph.* 1225, note x). Welcker (*Griech. Götterl.* i. 359) thinks the original derivation is from *γαῖα* with a prosthetic *α*, and that it refers to Demeter's character as Earth-goddess; and he compares such forms as *βαθυχάïος*, *εὐχάïος*, *τριχάϊξ*. But the derivation is probably onomatopoeic, and similar to that of the obsolete Hebrew אָחָה, "to cry ah! ah!" whence comes אֹחִים, "owls," *ululae*, in Isaiah xiii. 21. We are, of course, not necessarily to *derive* the Greek from the Hebrew. Indeed, none of the attempted Semitic derivations have much to support them (cf. Mommsen, *Heort.* 29, note); but it may be mentioned that Hitzig and Fr. Lenormant identify the Gephyraeans with the Geshurites of Josh. xiii. 13, 1 Sam. xxvii. 8. "ש and ת are constantly interchanged in Semitic, *θ* and *φ* in Greek," says Lenormant (*La légende de Cadmus* in *Annales de Philosophie chrétienne*, xv. (1867), 79), though they draw opposite conclusions, Hitzig maintaining that the Geshurites were Aryans, Lenormant that the Gephyraeans were Semitic.

Again, the worship of Demeter Thesmophoros is connected with Cadmus of Thebes, both of them "orderers." The temple of the goddess had formerly been the house of Cadmus (Paus. ix. 16, 5). Cadmus and indeed the whole grouping of the city-divinities of Thebes bespeak a Cabirian origin. In Aristoph. *Thesm.* 300, among the divinities specially connected with Demeter we find Hermes and the Charites. Now, **Κάδμος λέγεται ὁ Ἑρμῆς**, as *Etym. Gud.* (s. v.) says; he is the attendant on the Great Goddesses, like the Cadmilus of Samothrace: and if the Charites (cf. also *C. I. A.* 5) take the place of Harmonia, that is only parallel to the Lemnian nymphs taking the place of Harmonia in the Cabiric worship of Corinth (Schol. on Pind. *Ol.* xiii. 74). Now, Cadmus is a character partly Pelasgic, partly Phoenician (cf. Maury, iii. 234–253; Lenormant, *op. cit.*). Further, Herodotus (ii. 59, 122, 123, 155), followed by Diodorus (i. 13), expresses himself quite decidedly to the effect that Demeter-worship originally came into Greece from the Isis-worship of the Egyptians: and he is of the same opinion about the rites of the Thesmophoria (ii. 171). He relates that the daughters of Danaus taught these mysteries to the Pelasgian women; that on the Doric conquest of Peloponnesus these rites vanished except among the Arcadians who were not dispossessed by the warrior Dorians. So we find Thesmophoric worship traced back through Thebes to the Cabiri of Samothrace, and then further to the East, Phoenicia or Egypt; but into these dark regions we cannot now follow it.

3. *The Athenian Festival* lasted for five days, and was conducted partly at Halimus on the coast of Attica, partly in the city. We shall first see who took part in the festival, then describe its various parts, and finally discuss its date.

(*a*) *The participants in the Thesmophoria.*—It was to Demeter, chiefly as the goddess presiding over marriage, that the Thesmophoria was celebrated. It was a festival embracing many mystic and secret rites (Aristoph. *Thesm.* 472; *Eccl.* 443), in which women alone could take part; but it was open to all free women of respectable character. Accordingly it was, as Maury says (ii. 223), the national and popular Demeter-festival, in contrast to the Eleusinia, which was the mystical and aristocratic one. From the very nature of the feast to the goddess presiding over marriage, neither slaves (Aristoph. *Thesm.* 294) nor courtesans were allowed to attend; and Lucian (*Dial. Meretr.* 2, 1) is to be explained by supposing that Myrtium watched the procession, not that she took part in the ceremonies. But it is not so certain that unmarried girls took no part, as is assumed by Preller (*Dem. u. Pers.* 343; Fritzsche, p. 580 of his ed. of the *Thesm.*; Schömann, *Gr. Alt.* ii. 483). For it is explicitly stated that *παρθένοι* did take part in the Thesmophoria at Athens (cf. Schol. on Theocr. iv. 25; Lucian, *l. c.*; Plaut. *Aul.* Prol. 36). At Catana Demeter was worshipped "per mulieres et virgines" (Cic. *Verr.* iv. 45, 99); and at Algonus (Strabo, i. 60) *παρθένοι* also appear to have taken part. Nor is there any reason why they should not, when we remember that young girls, *παρθένοι τ' ἔτ' ἄζυγες*, took part in the Bacchic rêvels (Eur. *Bacch.* 694), and that the ancients in large measure held that to the pure all things were pure (cf. *ἀλλ' ἐν τῇ φύσει τὸ σωφρονεῖν ἔνεστιν ἐς τὰ πάντ' ἀεί*, ib. 315). Fritzsche explains away the passage from Lucian by referring it to a *κανηφόρος* who took part in the procession, but not in the mysteries: but the Stenia was not the least coarse part of the festival. We should rather assume that all free adult women could take part in the ceremonies; and if Aristophanes (*Thesm.* 330) calls them *εὐγενεῖς γυναῖκες*, he only means that they were full citizens, as does Plut. *Sol.* 8 when he calls them *τὰς πρώτας γυναῖκας*.

(*b*) *The preliminaries.*—During the first nine nights of Pyanepsion the women who were to take prominent part in the festival were required to observe the strictest chastity (Ov. *Met.* x. 438); and all sorts of strange customs are related as to the particular kinds of herbs the women used to eat or to lie on so as to allay sexual desire (Schol. on Theocr. iv. 25, *κνῦζα*; Schol. on Nicand. *Theriaca*, 70, *κόνυζα*; Plin. *H. N.* xxiv. § 59, *agnon*; Hesych. *s. v. κνέωρον*; *Etym. M.* s. v. *σκόροδον*). The prohibition to eat the pomegranate (Clem. Alex. *Protr.* c. 12 = p. 16 ed. Pott.) belongs generally to Demeter-worship; and we have found it already at Eleusis. [ELEUSINIA.]

Prior to the beginning of the festival proper, each deme chose two of its richest and most important women, who were required to perform the necessary sacrifices, and also to prepare a feast for their fellow-demes-women (Isaeus, *Ciron. hered.* § 19); the expense was borne by the husbands, and was of the nature of a *λειτουργία* (Id. *Pyrrh. hered.* § 80). Accordingly the wives of the richest only were chosen as presidents; and Aristophanes (*Thesm.* 834) proposes an alteration in this custom, urging that this post of high honour be bestowed on women who have borne sons who have signally benefited the state.

(*c*) *The Stenia.*—This is to be considered as the beginning of the festival proper. The women appear to have gone down during the night of the 10th in small bands to Halimus (cf. A. Mommsen, *Heortologie*, 296); probably the women of each deme went together under the leadership of their presidents. As they went they exchanged with one another those kinds of jokes and abuse (Phot. 538; Hesych. *s. v. στηνιῶσαι*) which characterised so many Greek festivals, especially those in honour of Demeter. The abuse and jokes appear to have been very coarse (Cleomed. *Cycl. theor.* ii. p. 91, ed. 1605; cf. Apollod. i. 5, 3, Diod. v. 4, of the festival of Demeter at Syracuse). The derivation of the name *στήνια* is uncertain. Schömann (*l. c.*) supposes it from the halting-places of the companies, where the abuse no doubt was peculiarly rife; Preller (*op. cit.* 339, note 19) from an actual place of that name on the road to Halimus, and he compares the *γεφυρισμοὶ* at the bridge over the Cephisus in the Eleusinia. The place *Στήνια* is hypothetical, but the resemblance to the *γεφυρισμοὶ* is unmistakable.

(*d*) *The Mysteries at Halimus.*—Halimus was a village near Phalerum and Colias, on the west coast of Attica. There was a temple there to Demeter Thesmophoros (Paus. i. 31, 1), and also one at Colias (Hesych. *s. v.* Κωλιάς). Arnobius (*adv. Gentes*, v. 28) refers to the mysteries at Halimus in these words: "Alimontia mysteria quibus in Liberi honorem patris phallos subrigit Graecia et simulacris fascinorum territoria cuncta florescunt"—a passage written about A.D. 295, when all the mysteries of Greece had become confused. In order to properly understand, as far as we can, the mysteries of Halimus, we must turn to other sources.

St. Clement of Alexandria (*Protrept.* 11 = p. 14, 21, ed. Pott.) says: "Do you wish me to tell of Pherrephatta's flower-gathering and her basket and of her rape, how the earth split in sunder and the swine of Eubulus were swallowed up with the disappearing deities—the reason wherefore at the Thesmophoria they 'encrypt' swine and cast them therein (*μεγαρίζοντες χοίρους ἐμβάλλουσι*)? This story the women celebrate in their feasts under varied forms, Thesmophoria, Scirophoria, Arretophoria, all in one shape or another giving a dramatic representation of the Rape of Pherrephatta." [We have coined a word to express *μεγαρίζοντες*, which means "to put into crypts (*μέγαρα*)," as with us "pit" can mean "to put into pits," &c. It appears to have been a ritualistic word, as it is found in Epiphanius, and in connexion too with the Thesmophoria: *αἱ μεγαρίζουσαι καὶ θεσμοφοριάζουσαι γύναικες*, quoted by Lobeck (*Aglaoph.* 832), whose conjecture, *μεγάροις ζῶντας*, though brilliant and widely adopted, is unnecessary.]

Even this passage was very obscure till E. Rohde (*Rhein. Mus.* xxv. 548 ff.) published a valuable scholion on Lucian (*Dial. Meretr.* ii. 1) from a Vatican codex. The scholion is very long, but it is of such capital importance that we must reproduce it at length. "The *θεσμοφορία* (accented paroxytone) is a festival of the Greeks containing certain mystic rites, and these rites are also called Scirophoria (*σκιροφόρια*). It is solemnised on the basis of the somewhat mystical story, that when Cora, as she was gathering flowers, was carried off by Pluto, there at that very place a certain swineherd named Eubuleus was herding his swine, and that they were swallowed up in the chasm (along with the deities). It is in honour of this Eubuleus that swine are cast into the chasms (*χάσματα*) of Demeter and Cora. When the bodies of the swine which have been cast into the crypts (*μέγαρα*) are decayed, certain women who are called *ἀντλητρίαι*, after purifying themselves for three days, descend and bring them up. They go down into the sacred caverns (*ἄδυτα*), bring up the remains, and place them on the altar; and they believe that the man who takes of this offering and mixes it with his seed-corn will have a good crop. Moreover, they say that there are serpents also below, all about in the chasms (*χάσματα*), and that these serpents eat the greater part of what is cast in: wherefore too a rattling is made when the women draw up (*ἀντλῶσιν*) the bodies and when they put back again those well-known figures (*τὰ πλάσματα ἐκεῖνα*), so that the serpents, which they believe to be the guardians of the sacred caverns (*ἀδύτων*), may retire before them. This ceremony is called 'the carrying of things which must not be spoken of' (*ἀρρητοφόρια*), and is performed as equally efficacious for the productiveness of the fruits of the ground and for the generation of human kind. Moreover, too, they bring there sacred emblems which must not be spoken of (*ἄρρητα ἱερά*) made of dough in the image of serpents and the male organs of generation (*ἀνδρῶν σχημάτων*)." [This is the interpretation given by Rohde, p. 552, comparing the *μύλλοι* at Syracuse (Athen. xiv. 647 a): but even so there is no need to emend *ἀνδρῶν* into *αἰσχρῶν*. It would seem as if we should read *ἄλλων*, but the passage from Arnobius quoted above makes for Rohde's interpretation: cf. Clement, *op. cit.* 21=p. 29 Pott.] "And they take boughs of pine (*κώνου*), for that tree is prolific; and into the crypts, as these sacred caverns are called (*ἐς τὰ μέγαρα οὕτως καλούμενα ἄδυτα*), these offerings (*ἐκεῖνα*, *i.e.* both the sacred emblems and the pine-branches) and the swine, as we have already mentioned, are cast, these latter as being so prolific, in order thereby to symbolise the generation of fruit and of human kind—and all as a thank-offering (*χαριστηρία*) to Demeter, for she gave us her corn and civilised (*ἥμερον ἐποίησεν*) the race of men. The account of the feast given above is the mythical; the one before us is the rationalistic (*ὁ δὲ προκείμενος φυσικός*). The name *θεσμοφορία* (paroxytone) arises from the epithet *θεσμοφόρος* applied to Demeter, because she laid down the law or rather her divine injunction (*νόμον ἤτοι θεσμόν*), whereby man is bound to provide for himself and to get by his own labour his daily sustenance (*τὴν τροφὴν πορίζεσθαί τε καὶ κατεργάζεσθαι*)." Rohde supposes that the Scholiast, finding in his text an allusion to the *θεσμοφόρια* (proparoxytone), looked up in some book of ritual and copied down what he found under *θεσμοφορία* (paroxytone). Now, this latter was the name of the day of the mysteries at Halimus, according to the right reading in Photius, 87, 21 (compare with Schol. on Aristoph. *Thesm.* 80), wrongly altered by Porson to *θεσμοφόρια*: cf. Fritzsche, p. 578.

Accordingly, in the description by the Scholiast on Lucian, we have an account of that part of the Thesmophoria which consisted of certain mysteries solemnised by the women at Halimus,—mysteries both striking in themselves and instructive in more points than one.

First of all, let us call to mind other similar sacrifices offered elsewhere to Demeter and Persephone. We read that there was a hole (*βόθρος*) sacred to Demeter Erinnys at Onceum, near Thelpusa in Arcadia, into which live pigs were cast (Paus. viii. 25, 4; cf. Lycophr. *Alex.* 1225, *λωβαῖσιν αἰκισθέντας Ὀγκαίου βόθρου*). The people of Potniae in Boeotia (Paus. ix. 8, 1) used to throw into "crypts as they are called" (*ἐς τὰ μέγαρα καλούμενα*) young pigs, and they relate that these pigs emerged again ["at Dodona," says Pausanias. We do not see how *ἐν Δωδώνῃ* can stand, and hesitatingly with Lobeck (*Aglaoph.* 829, 830) read *ἀναδοθῆναι*: for a verb is certainly required, and what connexion are the Potnians likely to have had every year with distant Dodona?] at the same season of the ensuing year. At the fountain of Cyane, near Syracuse, a live bull was precipitated, in honour of Cora, into a hole where it was supposed that she had disappeared (Diod. v. 4). Into a gulf near Argos, at certain periods, torches were thrown in honour of Cora (Paus. ii. 22, 3).

Next, as regards these crypts, or *μέγαρα*, as they were technically called, Eustathius (on *Od.* i. 1387, 17) says, *ἰδικῶς μέγαρα κατάγεια οἰκήματα ταῖν θεαῖν ἤγουν Δήμητρος καὶ Περσεφόνης*, with the addition of Ael. Dionysius, *εἰς ἃ τὰ μυστικὰ ἱερὰ κατατίθενται*: cf. Hesych. *s. v.* *ἀνάκτορον*. Especial interest attaches to them, as Sir Charles Newton opened one at Halicarnassus. It had been originally circular in form, and amongst its contents were discovered "certain small figures of pigs in marble, and at the very bottom the bones of swine and of some other animals." Taken in connexion with the scholion to Lucian and the passage from St. Clement, it may reasonably be inferred that Sir C. Newton discovered an actual crypt used in the mystic ceremonies of the Thesmophoria. The Scholiast tells both of the live pigs driven down into the crypts and of the images (*πλάσματα*), probably of pigs, which were placed in the crypts after the flesh of the real swine was removed; and both these were actually discovered at Halicarnassus. (See Newton, *Halicarnassus*, 383 ff., 391, 422; cf. Plate lviii.)

But the most interesting point of all is the reason given by the Scholiast for the sacrifice. They believed that the flesh of the swine so offered to Demeter would, if mixed with the seed-corn, magically add to its fertility. We seem to be very far from civilised Periclean Athens here. We are away back in savage times and their magic rites. In savage and even bestial forms Demeter appears elsewhere in Greek religion, *e.g.* Demeter Erinnys (Paus. viii. 25, 4), Demeter Melaina (*ib.* 42, 1–4); but that would be too wide a subject to enter on now. It is more relevant to show by comparison that the custom of mixing blood with the seed-corn *is* a savage custom; and that has been done by Mr. Andrew Lang in an article "Demeter and the Pig" (*Nineteenth Century*, xxi. 563, April 1887: cf. *Myth, Ritual, and Religion*, ii. 260–276), in which he adduces the examples of the Pawnees of America, who used to mix the blood of a human victim with the seed-corn, and of the Khonds in the hill-region of Goomsar, who sacrificed both a pig and a man for the same purpose;* and further Mr. Lang shows how, in the two discoveries of Sir C. Newton at Halicarnassus, "the whole character of Greek religion, its humane and rational, and its wild and magical aspects, are thus combined in the lovely Cnidian statue of Demeter (cf. Newton, *op. cit.* p. 399; cf. Plate lvi.), and in the fragments of bones of sacrificed swine and images of pigs which lay in her subterranean cell."

But though these savage rites came soon, under the wondrous alchemy of the Greek imagination, to be transmuted into parts of a poetical drama; still their savage character remained to the end, intertwined with the beautiful legend of Demeter and her lost daughter. For the mysteries at Halimus were a more or less complete dramatic representation of a portion of that story, as is expressly stated by St. Clement, probably the portion which described the rape of Proserpina (Rohde, p. 557). He seems to preserve even the very order of the representations. We think that here, too, the mysterious ceremony called *δίωγμα* took place (Hesych. *s. v.*), it being a pursuit after the ravished Proserpina; but this is rendered uncertain by the article in Suidas under Χαλκι-

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* Mr. Frazer (*The Golden Bough*, ii. 48) relates that "in Hessen and Meiningen the flesh of pigs is eaten on Ash-Wednesday or Candlemas, and the bones are kept till sowing time, when they are put into the field sown or mixed with the seed in the bag:" but cf. p. 29, "This is thought to be an infallible specific against earth-fleas and moles, and to cause the flax to grow well and tall."

διωκὸν δίωγμα, viz. *τοῖς Θεσμοφορίοις Ἀθήνησί τι νόμιμον ἐν πολέμῳ γυναικῶν εὐξαμένων διωχθῆναι τοὺς πολεμίους καὶ συνέβη φυγεῖν εἰς Χαλκίδα*. We confess to have no proper notion what this means: Welcker (*Griech. Götterlehre*, ii. 498) supposes that on one occasion of battle the prayer of the women assembled for the Thesmophoria effected the flight of the enemy to Chalcis. For the *calathus* sacred in the rites of Proserpina, see Claudian, *Rapt. Proserp.* 139, and Spanheim *ad Callim.* p. 652; it was worn also as a head-dress in the rites of Demeter (Saglio in *Dict. des Antiq.* i. 813). As to the functions of the *ἀντλήτριαι*, Rohde (p. 554) thinks that they were performed *after* the festival, as otherwise the flesh of the swine would not have had time to putrefy; but from the complexity and detail observed as regards the drawing up of the flesh, and the subsequent consecration of it on the altars and the mixing it with the seed-corn, we are led rather to suppose that these are the ceremonies performed by the assembled women, and that the casting of the swine into the crypt took place some days *before* the actual mysteries were celebrated. Mr. Frazer (*op. cit.* p. 45) holds that the rotted remains of the pigs were not taken up till the next annual festival; and refers to this feature in the ceremony at Potniae to which allusion has been made (Paus. ix. 8, 1). This is possible: but it is not likely that, in a scholion which is so explicit, such an important point would have been omitted.

Lastly, it is to be noticed that the pig was the animal especially sacrificed to Demeter. Why it was so different explanations are given. (1) The mythologists said that when Triptolemus first sowed his crop a pig destroyed his work (*λυμαντικός*, Schol. on Aristoph. *Ran.* 338); therefore did he seize it, place the fruits on its head, and sacrifice it to the goddess (Serv. on Verg. *Georg.* ii. 380; *Aen.* iii. 118). Or, again, they tell that the pig effaced the track of Proserpina as she was being carried away (Ov. *Fast.* iv. 405). (2) The Symbolists find in the pig an emblem of fecundity (*διὰ τὸ πολυτόκον*, Schol. on Lucian). Hence is to be explained the many votive offerings to Demeter of pigs with children on their backs. They are offered to the goddess by parents if haply she will grant them children (Gerhard, *Akademische Abhandl.* ii. 340, note 36). The female womb was called *χοῖρος* (Aristoph. *Ach.* 780 ff.; Schol. on *Vesp.* 1353); cf. *porcus* in Varro, *R. R.* ii. 4, 10. (3) But, besides, the pig was a common and effective *purificatory* offering (Aesch. *Eum.* 283), especially at Eleusis; accordingly, both in statues (*e.g.* that of Demeter Eleusinia in the Louvre: Fr. Lenormant in *Dict. des Antiq.* i fig. 1321) and coins (Cohen, *Méd. Cons.* pl. xli. 7, 8, Vibia gens) Demeter appears with a purificatory torch *and* a pig. Each of the initiates at Eleusis sacrificed a pig on the 17th of Boedromion, the day of the Great Eleusinia, which was called *θύα* (Hesych. *s. v.*), and so apparently on the same day did each family at Athens (*C. I. G.* 523, 7). There is a good picture of a family offering a pig to Demeter and Persephone in Baumeister's *Denkmäler*, p. 416, fig. 457 = D. and S. i. fig. 1310. (4) Mr. Frazer (*op. cit.* ii. 44 ff.) considers that the pig used in the rites of Demeter was nothing else but the goddess herself in animal form (cf. p. 27): for in European folk-lore, as he argues at length (pp. 26 ff.), the pig is the common embodiment of the corn-spirit; the goddess is sacrificed to herself on the ground that she is her own enemy, as was the case with Dionysus. At the Thesmophoria swine's flesh appears to have been eaten (Schol. on Aristoph. *Ran.* 338), and Mr. Frazer considers that "the meal must have been a solemn sacrament or communion of worshippers partaking of the body of the god." We cannot help thinking that the Scholion is too vague and unreliable to base on it such a large conclusion.

(*e*) *The Anodos* (*ἄνοδος*), sometimes called *κάθοδος* (Phot. 87; Schol. on *Thesm.* 585).—On this day, the 12th, the women returned to Athens in procession; and, says the Schol. on Theocr. iv. 25, they carried on their heads the sacred books of the ordinances of Demeter, and, as it were praying, went off to Eleusis (*καὶ ὡσανεὶ λιτανεύουσαι ἀπήρχοντο εἰς Ἐλευσῖνα*). The Schol. on *Thesm.* 585 says that the name *ἄνοδος* came from the women going up to the Thesmophorion, for it lay on a height. We are to explain the strange allusion of the Scholiast on Theocritus to Eleusis, by supposing that the Eleusinion was the goal of the procession (Mommsen, *op. cit.* p. 300), and that either the Eleusinion was originally called the Thesmophorion, or, more probably, the Thesmophorion was part of the Eleusinion (cf. Milchhöfer in Baumeister's *Denkmäler*, i. 198–9). The carrying of the books of the laws on their heads was an old custom with the women (Aristoph. *Eccl.* 222, 3). It was for a long time supposed that Demeter with a volume of laws was represented on one of the metopes of the Parthenon; but this view is given up by Michaelis (*Parthenon*, p. 134, metope xx.). However, there is no doubt that in a vase-painting (Tischbein, IV. xxxvi., reproduced by Fr. Lenormant in *Dict. des Antiq.* i. fig. 1296) Demeter Thesmophoros does appear holding an open roll of laws.

(*f*) *The Scira* (*Σκίρα*).—Returned to Athens, still on the 12th (Mommsen, *op. cit.* 299), the women met for the secret conclave called *Σκίρα*, at which Aristophanes represents them as passing resolutions (*Eccl.* 18); at any rate there was a president (*Thesm.* 834). We cannot tell what the nature of the deliberations were; but that the Scira belonged to the Thesmophoria seems certain. Besides the two passages just quoted, we find in the Scholiast to the latter that the Scira were *τὰ γινόμενα ἱερὰ ἐν τῇ ἑορτῇ ταύτῃ* (sc. Thesmophoria) *Δήμητρι καὶ Κόρῃ*.

Such is the opinion maintained by Mommsen as to the position in the Thesmophoria of the part called Scira; and in deference to his authority we have placed it here, but with much hesitation. That Mommsen (287–289) has proved that the Scira belonged to the Thesmophoria, and not to the Oschophoria as is held by K. F. Hermann (*Gottesd. Alt.* § 56, 7), is certain: but it is not at all clear that the Scira was not part of the ceremony at Halimus. In the first place, we should wish to refer back (§ 3 *d*) to the passage of St. Clement (*Protr.* 11), where he speaks of *θεσμοφόρια* (query *-ία*), *σκιροφόρια ἀρρητοφόρια*, where the first probably, and the third certainly, refer to the mysteries at Halimus, and therefore we may presume that the second does too. Again, the scholion on Lucian says that the *θεσμοφορία* is also called *σκιροφορία*. [Of course, there is no allusion to the Scirophoria held on the 12th of Scirophorion, about the end of June; it is a mere mistake of St. Clement and the Scholiast, Scirophoria for Scira.] Further the scholion on *Thesm.* 854 continues, *οἱ δὲ ὅτι ἐπίσκυρα θύεται τῇ Ἀθηνᾷ*: for the corrupt *ἐπίσκυρα* Fritzsche (*op. cit.* p. 323) conjectures *ἐπὶ Σκίρῳ τῇ Ἀθηνᾷ*, as in Steph. Byz. *s. v.* *Σκίρος*, though the usual form is indeed *Σκιράδι Ἀθηνᾷ* (Paus. i. 36, 4; i. 1, 4). For Athena Sciras, see Preller, *Griech. Myth.* i.^{3} 167 ff. The temple of Athena Sciras at Phalerum was quite close to Halimus (Paus. i. 36, 4); and it was natural that, as the primitive Demeter-worship of Halimus came gradually into connexion with the worship of Athena till it was finally adopted into the Athenian state-religion, it should get especially blended with just that side of Athena-worship which expressed gratitude for the gifts of the Earth (cf. Welcker, *Gr. Götterl.* ii. 283), and with just that temple of Athena, namely the temple of Athena Sciras at Phalerum, where her worship existed long before it was introduced into the city (Mommsen, 54). In a similar manner the Demeter-worship of the Gephyraeans became blended with the worship of Athena and Poseidon (Paus. i. 37, 2; Preller, *de Via Sacra*, p. 18), and Demeter-worship in Cyprus became blended with the presiding national divinity, Aphrodite (Engel, *Kypros*, ii. p. 654;—Paus. ii. 34, 11; vii. 21, 4), as indeed it had a certain connexion with the worship of Aphrodite Colias and of Genetyllis (Lobeck, 630), even in Attica (Preller, *Dem. u. Perseph.* 344; cf. *Gr. Myth.* i. 299).

(*g*) *The Fast* (*νηστεία*) took place on the 13th. "At the Thesmophoria," says Cornutus (*Nat. Deor.* 28), "the women fast in honour of Demeter; either it is that they honour her by a peculiar kind of sacrifice, in that they abstain for one day from the gifts which she has given unto them, or it is in heedful commemoration of the need that in days gone by fell upon men at the hands of this goddess." Seated on the ground and in the deepest gloom, the women fasted, and they did not even offer any sacrifice (Plut. *de Isid. et Osirid.* 69; cf. Aristoph. *Av.* 1517). Originally they appear to have uttered wild mourning and lamentations, *κομμοὶ καὶ θρῆνοι* (Iamblich. *Vit. Pythag.* c. 27, p. 262, ed. Kiessl.). These lamentations point to introduction from the East (cf. Herod. vi. 58), and partook of that piercing (*σκληρὸν*) and Oriental, unmeasured and intemperate expression of grief which Solon and Epimenides (Plut. *Sol.* 12, 21) tried to put down; and in this sense perhaps the solemn words of the Homeric Hymn to Demeter, 479, are to be understood: [*ὄργια δ'*] *οὔπως ἔστι παρεξίμεν οὔτε πυθέσθαι οὔτ' ἀχέειν, μέγα γάρ τι θεῶν ἄχος ἰσχάνει αὐδήν.*

Most scholars after Plutarch (*de Isid.* l. c.; *Demosth.* 30) place this fast in connexion with the fast of nine days which the initiates at Eleusis observed, in imitation, as is supposed, of the fast of Demeter in her grief for the loss of her daughter—and rightly too in part, though we must remember that Persephone did not play any very *prominent* part in Thesmophoric worship generally, and that the lamentations and fasting point also in part to the fact that probably the worship of Demeter as a *θεὸς χθόνιος* had got in some degree mingled with that of the goddess in her other aspects; and it is to an earth-goddess that Iamblichus refers the *κομμοὶ καὶ θρῆνοι* before alluded to. The statement made by Lenormant (*Dict. des Antiq.* i. p. 1059, note 1182) that the reference was to the miserable state of humanity prior to the possession of the gifts of Demeter is in some measure borne out by the evidence adduced, viz. Cornut. *l. c.*, Aristid. *Eleusin.* 417 Dindorf. He also tells us that Cornutus (c. 28) refers to the absence of fire in the Hephaestia at Lemnos as a parallel to the fast of the Thesmophoria, a point alluded to also by Welcker (*op. cit.* ii. 502, note 19), but we have been unable to find the reference.

In Rome fasts in honour of Ceres were solemnised under Greek influence, *e.g.* the *jejunium Cereris* appointed by order of the Sibylline books in 191 B.C. (Liv. xxxvi. 37, 4) to be held every five years (cf. Cic. *Balb.* 24, 55; Festus, s. v. *Graeca sacra*, p. 154 M.); also a *jejunium Cereris* appears in the Calendar of Amiternum for Oct. 4th, a date which nearly coincides with the Thesmophoria (cf. *C. I. L.* i. pp. 325, 403).

(*h*) *The Calligeneia* (Καλλιγένεια).—This was the name given to the last day of the festival, the 14th, the day of rejoicing and holiday after the severe discipline of the previous ceremonies. According to the Schol. on Aristoph. *Thesm.* 298, Καλλιγένεια was a *δαίμων περὶ τὴν Δημήτραν*: cf. Hesych. *s. v.*, who says she is an *ἀκόλουθος*. An important passage of Photius quoted by Kock (*Frag. Com. Att.* i. p. 481 = *Frag. Aristoph.* 335) tells us that Apollodorus said that Calligeneia was the Earth, others a daughter of Zeus and Demeter, while Aristophanes the comedian represented her as the nurse of Demeter. But the real fact probably is that *καλλιγένεια* is an epithet of the goddess herself as the mother of a fair child, just as Persephone is the fair child herself (*καλλίπαις θεά*, Eur. *Orest.* 964).

But, be that as it may, it is agreed that Calligeneia spoke the Prologue of the Second Thesmophoriazusae of Aristophanes (Kock, *l. c.*). The First Thesmophoriazusae (the play which we possess intact) had its scene laid on the day of the *νηστεία*: the Second Thesmophoriazusae probably on the Calligeneia (Fritzsche, p. 585). In Athen. i. 29 we read that Demetrius of Troezen called the Second Thesmophoriazusae *Θεσμοφοριάσασαι* (cf. Kock, *l. c.*), *i.e.* the women who *have* celebrated, not who *are* celebrating, the Thesmophoria. But all the Grammarians call our play the *πρῶται* or *προτέραι Θεσμοφοριάζουσαι* (Fritzsche, *l. c.*); while it may be maintained that Demetrius considered that the really essential parts of the Thesmophoria were the mysteries and the fasting, and wished to convey that when they were done the Thesmophoria was virtually over. During the Calligeneia there was much loose jollification, plenty of festivity (cf. Hesych. *s. v.* *πρυτανεῖον*), sacrifices (Alciphr. iii. 39), and we hear of dances *κνισμὸς* and *ὄκλασμα* peculiar to this occasion (Poll. iv. 100: yet cf. Rohde, *op. cit.* p. 555, note), as well as cakes of obscene shapes (*κτένας*), like the *μύλλος* at the Sicilian festival (cf. Lobeck, *op. cit.*

200); unless the *κτένες* actually point to a rite of the nature of phallic worship, as Theodoretus (quoted by Lobeck) thinks.

(*i*) *The Zemia* (*ζημία*).—The concluding act of the whole festival at the end of the 14th was called *ζημία*, a sacrifice offered *ὑπὲρ τῶν γινομένων* (Hesych. *s. v.*), a kind of sin-offering, probably in atonement for any offences committed during the festival. As such, and as being the last act (*ἐπιτελέωμα*, Harpocr. 122) of the festival, it reminds us of the *πλημοχόαι* in the Eleusinia [ELEUSINIA].

(*j*) *The date of the Festival.*—The Thesmophoria were held in the middle of Pyanepsion (= latter half of October and first half of November); as to this every one is agreed, but there is some difficulty as to the actual days. Photius says (87, 21), *Θεσμοφορίων ἡμέραι δ'· δεκάτη θεσμοφορία, ἑνδεκάτη κάθοδος* (generally called *ἄνοδος*: see above, *e*), *δωδεκάτη νηστεία, τρισκαιδεκάτη καλλιγένεια*: Hesychius (*s. v.* *ἄνοδος*) refers that part of the festival to the 11th; and the Schol. on Aristoph. *Thesm.* 80 (*ἐπεὶ τρίτη 'στὶ Θεσμοφορίων ἡ μέση*) says that the day of the *νηστεία* (which is the day certainly alluded to) was the third day counting the Thesmophoria at Halimus, the middle day if you regard only the Athenian part of the festival (*δεκάτῃ ἐν 'Αλιμοῦντι Θεσμοφόρια* (query *–ία*) *ἄγεται ὥστε τρίτην μὲν ἀπὸ δεκάτης ιβ' εἶναι, μέσην δὲ μὴ συναριθμουμένης τῆς δεκάτης*); and the days are, 10th Mysteries at Halimus, 11th *ἄνοδος*, 12th *νηστεία* (on which day the scene of the Thesmophoriazusae of Aristophanes is laid), 13th *καλλιγένεια*. The Schol. goes on to state that no one can maintain the far-fetched and artificial interpretation (*ἀλλ' οὐδὲ ψυχρεύεσθαί τις δύναται*) that *τρίτη* means *τρισκαιδεκαταία*, as *ἑκταία ἑκαταβόλος σελάνα* means *ἑκκαιδεκαταία*. Nearly all scholars are in agreement with the scholiast: *e.g.* Schömann (ii. 483), Maury (ii. 227), Schäfer (*Demosthenes und seine Zeit*, iii. 359). [Of course, the statement in Plut. *Demosth.* 30, that the *νηστεία* was on the 16th, is quite in error.]

But there is much to recommend "the far-fetched and artificial" interpretation, and it is well supported by A. Mommsen (*op. cit.* 293 ff.). He holds that *τρίτη* = *τρίτη ἐπὶ δέκα*. Not to mention the fact that *τρισκαιδεκάτη* would be troublesome to get into verse and very cumbrous, we know that the days of the month are often given without the decade to which they belonged being specified (Aristoph. *Nub.* 1128; Demosth. *Fals. Leg.* 359, §§ 58, 59). If this is so in the present case, the city festival will be on the 12th, 13th, and 14th, and the 13th will be the middle day of the city festival. Further, this will allow that the nine nights of strict chastity which were enjoined on the women (see above, *b*) should all be in Pyanepsion, the Stenia not beginning till the 10th. Again, the 13th of months generally was considered an unlucky day (cf. Hes. *Op.* 780); no decree is ever found to have been passed on it; while the fourth day of each decade was a lucky day for begetting children (*ib.* 794). Finally the Thesea, which we know in Roman times were lengthened, will not overlap the Thesmophoria if we allow that the latter did not in any sense begin till the 10th. We confess to thinking Mommsen's view the more satisfactory; but must add that Preller (*Griech. Myth.* i. 640, note 1), with that view before him, deliberately rejects it, though he gives no reasons for so doing.

As regards *Θεσμοφορίων ἡ μέση* in Aristophanes (cf. Athen. vii. 307 *f*, *ἡμεῖς νηστείαν ἄγομεν Θεσμοφορίων τὴν μέσην*), the day of the *νηστεία* appears to have been the middle day of the strict Athenian festival. For the whole Thesmophoria, as it existed in Attica in Aristophanes' time, was a blending of the original Mysteries at Halimus, where Demeter-worship was first introduced into Attica, and an Athenian festival. The first two days (the Stenia and the Mysteries) belonged to the former, the last three days to the latter.

We subjoin a table of the dates of the several parts of the festival, according to the ordinary reckoning and to Mommsen.

	Ordinary reckoning.			Mommsen.
Stenia	9	Pyanepsion	(=Oct. 22)	10
Mysteries at Halimus	10	„	„ 23	11
Anodos and Scira .	11	„	„ 24	12
Nesteia. . . .	12	„	„ 25	13
Calligeneia and Zemia	13	„	„ 26	14

4. *Thesmophoric worship outside Attica.*—(*a*) *Greece.* The house of Cadmus in Thebes became the temple of Demeter Thesmophoros (Paus. ix. 16, 5), and Xenophon (*Hell.* v. 2, 29) tells us that the Theban women *ἐν τῇ Καδμείᾳ θεσμοφοριάζειν* (cf. Plut. *Pelop.* 5). At Drymaea in Phocis the Thesmophoria was a yearly festival (Paus. x. 33, 12), Megara had a temple to Demeter Thesmophoros (*ib.* i. 42, 6), and at Argos the daughters of Danaus were said to have taught the Pelasgian women the rites of the goddess (Herod. ii. 171). The temples of Demeter at Aegina (Herod. vi. 91) and Troezen (Paus. ii. 32, 7) had ceremonies connected with them analogous to those of Demeter in Attica: for we hear of a *λιθοβολία* at Troezen (*ib.* § 2), which probably resembled the *βαλλητὺς* of the Eleusinia; and at Aegina of the ribald abuse (Herod. vi. 83), which was characteristic of the *γεφυρισμὸς* in the Eleusinia and of the Stenia in the Attic Thesmophoria. At Troezen, Epidaurus, and Aegina, Demeter and Cora appear under the names of Damia and Auxesia (Herod. v. 82). At Agila in Laconia there was a temple of Demeter to which women only were admitted (Paus. iv. 17, 1), which perhaps points to Thesmophoric worship, and Hesychius (*s. v.* *τριήμερον*) speaks of Thesmophoria at Sparta (cf. possibly *C. I. G.* 1435, of a priestess who served *ταῖν Θεαῖν*). About seven miles from Pellene in Achaea was a temple of Demeter Mysia (Mysius was a man who had entertained Demeter in her sorrow), in which a festival was held lasting for seven days. On the third day not only the men, but all male animals were excluded from the temple, and the women performed mystic rites during the night (*δρῶσιν ἐν τῇ νυκτὶ ὁπόσα νόμος ἐστὶν αὐταῖς*). The next day the men came back; and a contest of abuse ensued (Paus. vii. 27, 9, 10). In Arcadia, Herodotus says (ii. 171), the old original worship of Demeter Thesmophoros survived, as it remained unassailed by the Dorian invaders. No doubt Demeter-worship in Arcadia presented very striking peculiarities and forms, such as are to be gathered from the stories told by Pausanias of

Demeter Erinnys at Thelpusa (viii. 25, 4–5) and of Demeter Melaina at Phigalia (*ib.* 42, 1–4); but these have little affinity with the law-establishing goddess, and even the worship in the great temples of Demeter at Acacesion and Megalopolis show not so much Pelasgian survival as Eleusinian influence; for we know that a considerable missionary propaganda of the Great Goddesses spread itself abroad from Eleusis about the time of Epaminondas (cf. Paus. viii. 37, 1–7; 31, 1–7; Lobeck, *Aglaoph.* 1251; Preller, *Dem. u. Perseph.* 148 ff.). However, about half a mile from Megalopolis there was a temple of Demeter in the Marsh (*ἐν ἕλει*, Paus. viii. 36, 6), where women alone had the right to enter, which points to Thesmophoric worship, and about four miles above Pheneus in Arcadia was a temple of Demeter Thesmia (*ib.* 15, 4).

(*b*) *The Islands and the Colonies.*—With regard to the Thesmophoria at Eretria, Plutarch (*Quaest. Graec.* 31 = ii. 298) asks why the women cook their meat in the sun and not on the fire, and why they do not invoke Calligeneia (*καὶ Καλλιγένειαν οὐ καλοῦσι*); and gives the unsatisfactory answer that it was because the captive Trojan women on the return from Troy were sacrificing the Thesmophoria there, when suddenly a favourable wind sprang up and they had to leave the ceremonies uncompleted. Crete was a very old seat of Demeter-worship [ORPHICA] (cf. Hom. *Hymn. to Demet.* 123; Hes. *Theog.* 971), having among its months two called Eleusinios and Thesmophorios. From Crete it passed to Paros, where it was in the highest degree important (Herod. vi. 134–5): we read that there Timo was *ὑποζάκορον τῶν χθονίων θεῶν*, guarding *τὸ ἕρκος θεσμοφόρου Δήμητρος*, and was accused of having shown to Miltiades sacred emblems which should not have been disclosed to any one of the male sex. The archives of Paros were kept in the temple of Demeter (*C. I. G.* 2557, 22). Cabarnus, who in the legend was said to have pointed out to Demeter where Persephone had been carried off, was the reputed ancestor of the Parian Demeter-priesthood (*C. I. G.* 2384). Perhaps this Parian Demeter-worship was originally a family one; and when later it became a public worship, the family retained the chief priesthood of it, like some of the priesthoods at Eleusis. From Paros it passed to Thasos (Paus. x. 28, 3), if the worship referred to here is Thesmophoric. At Delos there was certainly a Thesmophoria (Athen. iii. 109), where a cake called *ἀχαΐνη* was used (Lobeck, *op. cit.* 1063); and in Cyprus there was a Thesmophoria lasting for nine days (cf. Engel, *Kypros*, ii. 653–4). We hear of Thesmophoric worship in Asia Minor at Ephesus (Herod. vi. 16), Miletus (Steph. Byz. *Μίλητος*), Laodicea (*C. I. G.* 4000, a curious inscription, where see Boeckh's notes), Smyrna (*ib.* 3194, 3211), Priene (*ib.* 2907); in Macedonia (Polyb. xv. 29, 8); in Thrace at Abdera (Diog. L. ix. 43); and even so far away as Panticapaeum (*C. I. G.* 2106–2108). Demeter-worship came into Sicily from Greece, and at Syracuse there was a Thesmophoria in spring (also called Demetria, Diod. v. 4), at which *μυλλοί* cakes of sesame and honey in the shape of *ἐφήβαια γυναικεῖα* were eaten (Athen. xiv. 617); and a Coreia in summer, which was a very splendid feast: in it appeared the traditional *αἰσχρολογία* (Diod. *l. c.*). At Catana there was a worship of Demeter by women only,—her statue was never even heard of by men till Verres stole it (Cic. *Verr.* iv. 45, 99); and at Agrigentum there was a Thesmophoria (Polyaen. v. 1). In Naples and the adjoining country the worship of Demeter was widespread (*C. I. G.* 5799, and perhaps 5838 with Boeckh's note). The rites of Ceres were the only foreign mysteries tolerated by the Romans (Cic. *de Leg.* ii. 9, 21); but they readily accepted her rites, making the Greek priestesses of Demeter (who almost all came from Naples or Velia) Roman citizens (cf. Cic. *Balb.* 24, 55). At Cumae to be priestess of Demeter Thesmophoros was the highest honour to which matrons could aspire (Plut. *Virt. Mul.* 26 = ii. 262); and an inscription of a priestess of the same goddess has been found at Pompeii (*C. I. G.* 5865).

The chief work on the worship of Demeter Thesmophoros is Preller, *Demeter und Persephone*, 335–365; also his *Griechische Mythologie*, i.³ 639–641. As regards the Athenian festival, see A. Mommsen, *Heortologie der Athener*, 287–302; and Fritzsche's edition of the *Thesmophoriazusae*. For further, compare Welcker, *Griechische Götterlehre*, ii. 495–540; Maury, *Histoire des Religions de la Grèce antique*, ii. 222–229; Schömann, *Griechische Alterthümer*, ii. 482–6; K. F. Hermann, *Gottesd. Alterthümer*, § 56, 12–27; Mr. J. G. Frazer, *The Golden Bough*, ii. 44 ff., and *Encyclopaedia Britannica* (ed. 9), s. v. *Thesmophoria;* and, above all, Lenormant's article on CERES in Daremberg and Saglio's *Dict. des Antiquités*, i. 1021–1078. [L. C. P.]

THESMO'THETAE. [ARCHON.]

THETES (*θῆτες*). In earlier times this name denoted any freemen who worked for hire (*οἱ ἕνεκα τροφῆς δουλεύοντες*, Photius, *s. v.*; *ἐλευθερῶν ὄνομα διὰ πενίαν ἐπ' ἀργυρίῳ δουλευόντων*, Pollux, iii. 32). Homer (*Od.* iv. 644) speaks of *θῆτες τε δμῶές τε*, the latter properly signifying those who became slaves by captivity. That Thetes were not *adscripti glebae*, like the Penestae or Helots, appears from *Od.* xi. 489, and still more plainly from *Od.* xviii. 357 ff., where "free contract" and "sufficient wages" are expressly mentioned. (Compare Schömann, *Ant. Jur. Publ.* p. 70; *Antiq.* i. 41 E. T.; SERVUS, p. 656 *b*).

The persons best known by the name of *θῆτες* are the members of the fourth or lowest class at Athens, according to the political division of Solon. They are spoken of under CENSUS (Greek) in Vol. I. The cleruchies (*κληρουχίαι*) of the time of the Peloponnesian war were mostly recruited from them. As Thetes they did not serve in the Athenian army as hoplites, only as *ψιλοί*: but on becoming cleruchs they passed into the class of *ζευγῖται*, and therefore of hoplites. The Athenian armies during the war were thus reinforced by at least 10,000 men (Gilbert, *Staatsalterth.* i. 421).

[C. R. K.] [W. W.]

THOLUS (*θόλος*), a round building, probably the most primitive form of hut, and so preserved traditionally in a house or city. In the Homeric house it stood in a corner of the *αὐλή*, and a rope stretched round it from a column was high enough to hang the unfaithful servants from (*Od.* xxii. 466). It is stated to have served as a storehouse (Schol. *ibid.*); and if so, its resemblance to the θησαυρὸς and also to beehive tombs, like those at Mycenae, is to be noticed. For an account of the Tholus at Athens, see PRYTANEUM. The Tholus at Epidaurus, which was built by Polycleitus, was of remarkable beauty in its execution; its ground-plan and portions of its architecture have been recovered. It was round, and had an external colonnade of the Doric order, and Corinthian internal columns. It contained pictures by Pausias, but there is no record of the purpose for which it was used. The name *tholus* is used later for any circular building. (Tsountás, in Ἐφημερὶς Ἀρχαιολογική, 1885, pp. 30 *sqq.*; Πρακτικὰ τῆς Ἀρχαιολογικῆς Ἑταιρίας, 1883, Πιν. Γ.) [E. A. G.]

THRONUS. The use of the throne as a symbol of kingly power or authority in general is so ancient, that any inquiry into its origin would lead far beyond the earliest records of Greece and Italy. Even on the pre-historic remains found at Mycenae and other sites in Greece and on the islands of the Aegean, seated figures are represented in a way which leaves no doubt that they are receiving homage. Unfortunately these thrones are so poorly represented, that no idea of those then used can be gained from them.

In Homer the θρόνος is distinguished from all other forms of seat [SELLA], and was used by kings and princes. It was not, however, wholly confined to them, for any guest whom the prince wished to honour was given a throne. Telemachus, for instance, shows his respect for Athene when she arrives disguised as Mentes in this way (*Od.* i. 130). It was doubtless on this account that we find the seats of all the guests in magnificent palaces, such as that of Alcinous or the hospitable house of Odysseus, are called θρόνοι (*Od.* xvi. 408). As might be expected from this, the seats of the gods are always θρόνοι, except in one passage (*Il.* viii. 436), where all except Zeus sit on κλισμοί, he taking a θρόνος: but this is quite naturally meant to show his supremacy. The idea, in fact, is the same as that in the mind of the artist of the Parthenon frieze. On the west side, in the assembly of the gods he has given Zeus alone a throne with back and arms, whereas the seats of the other gods are mere stools (cf. *British Museum Guide to Elgin Marbles*, p. 66, No. 29).

The epithets in Homer do not give much information about the shape or appearance of the thrones he mentions. It was high (ὑψηλος, *Od.* viii. 422), and always had a footstool (θρῆνυς, *Od.* i. 131; xix. 57). It was covered with rugs and carpets (*Od.* i. 130; xx. 150) of the richest kind. From the epithets σιγαλόεις, φαεινός, and ξεστός, we may conclude that it was made of wood, turned and highly polished. The wood, however, was often overlaid with gold plating (χρύσειος, *Il.* viii. 442), in the style that the gold-leaf ornaments from Mycenae have made so familiar (cf. Schuchhardt, *Schliemann's Ausgrabungen*, 267 foll.). There is no mention of a throne having arms; but from the account of the death of Antinous, Helbig infers that they were used (*Od.* xxii. 8–20). The earliest monuments showing thrones are the rude terra-cotta statuettes representing goddesses which are found with pottery of the Dipylon and other Geometric styles (cf. *Jahrbuch des d. Arch. Inst.*, Boehlau, 1888). These, however, show little more than that the back was straight and ornamented, and that footstools were generally used. One may, however, trace in the magnificent throne which later ages provided for temple idols, a traditional survival of the gorgeousness of Heroic times. Two of these are the throne of Apollo at Amyclae, the work of Bathycles of Magnesia (Paus. iii. 18, 19), and the throne of Zeus at Olympia, designed and executed by Pheidias (Paus. v. 11). The former, however, was not a throne in the ordinary sense, being a structure built round the old wooden idol (ξόανον), which of course could not be put in a sitting attitude. The latter, however, was in all respects, except its colossal size, a throne; the additional pillars inserted between the legs to support the enormous weight of the statue being the only difference. Pausanias (*loc. cit.*) gives a full description of its structure and decoration. It was made of ivory and gold, ornamented with gems and ebony, sculptured, inlaid, and painted. The back was high and surmounted by sculptured groups of the Graces and Seasons, which rose about the head of the god. Between the legs were eight crossbars, and below was a footstool, the whole covered with a multitude of figures and groups representing mythological heroes and tales. This throne is well shown on the coins of Elis of the time of Hadrian, a small sketch of the famous statue on their reverse (cf. *Journ. of Hellenic Studies*, vol. x. 98). It agrees well with Pausanias, showing the high back, the Sphinx supporting the arm, the cross-bars between the legs and the footstool. It fails to show the two groups standing on the back, and of course gives no idea of the decoration. Magnificent as this throne was, there is nothing beyond its size and artistic merit which might not have been found on the seats of early Greek kings. Even the more or less commonplace forms on the monuments—the grave reliefs in particular—show much variety of design and complicated decoration.


Coin of Elis, showing Zeus enthroned.

The best known of the grave reliefs of the type in which the dead man appears enthroned and receiving the homage of his descendants is the Harpy tomb from Lycia, at the British Museum. It shows us no less than five thrones, the most typical of which are those on the slab, where two seated ladies receive offerings from three women. The lady to the left is on a throne with legs of turned work strengthened by crossbars. The arm which is visible is also of turned wood, and, as in the case of the Olympia throne, is supported by a Sphinx. The lady to the right sits on a throne with very solid square legs, which end above in an early form of the Ionic volute (cf. Puchstein, *Das Ionische Capitell*), and are decorated in the middle with a palmette ornament. The arm ends in a ram's head, and the top of the back is bent over and carved into the shape of a goose's head. Both thrones are thickly cushioned, and both have a footstool. On the other sides of the tomb we see other varieties, one seat having no back, another no arms, while the third has an arm supported by the figure of a Triton, and front legs carved like the fore-legs of a lion. This imitation of a lion's legs and paws is very common, but only in the case of the fore-legs. A series of grave-reliefs however, from Sparta and the neighbourhood (cf. *Mittheilungen des Ath. Inst.* 1877), shows all four legs carved in this way, the back legs being shaped as hind paws. Studniczka has pointed out that this curious feature is only seen elsewhere on vases of the Cyrenaic class, and that it is the pattern in which almost all Egyptian thrones are carved. This leads him to derive the fashion from Egypt (*Cyrene*, p. 9), and the remarkable coincidence of several other shapes makes the hypothesis a probable one.

Thrones, from the Harpy Tomb. (Murray.)

Egypt, however, was not the only country from which the Greeks borrowed their models of thrones, for the connexion with Assyria and the East is even stronger. This is especially to be seen in the use of certain primitive forms of the Ionic capital and the very peculiar variety of the palmette ornament, in which two elliptical cuts are made on each side of the leg, leaving a narrow bar which is used in the decoration as the stalk of a double palmette. Both these are shown by the second throne described above, and both are very common in vase-paintings, of all periods except the very latest. The natural inference is that the work of Oriental cabinet-makers, travelling through Greece proper, was the source from which the Greek carpenter derived his patterns and ornament. Not that he copied slavishly; for the bewildering variety of thrones on vase-paintings makes any simple description impossible, and shows that much invention was bestowed on their manufacture. Some of the fantasy, it is true, must be the artist's; for he gives himself free hand in the matter, and omits backs, arms, and footstool as it may happen to suit his design.

Much more reliable are the copies in stone of actual seats, in which statues were frequently carved; as, for instance, those from the sacred way of Branchidae, now in the British Museum. Such thrones were used by men of authority, such as priests, judges at the games, and teachers in schools (cf. *Bullettino dell' Instituto*, 1890, i. p. 1, "Parodia d' una scena di scuola"). It was with thrones such as these that the Greek of classical times, to whom the insignia of royalty were scarcely known, was acquainted. In later times, especially under the Roman Empire, it became the custom to dedicate honorary seats or thrones in public places, generally the theatre, to the use of distinguished people. Such are the seats of benefactors, priests, archons, generals, and other officials, which still remain in the theatre of Dionysus at Athens (cf. *C. I. A.* iii. 240 *seq.*; and Miss Harrison, *Mythology and Monuments of Ancient Athens*, pp. 273–277). Besides these ceremonial seats, each head of a house had a chair in which he sat and entertained guests, which was not unlike the old *θρόνος* in shape and went by its name.

Such also was the case at Rome, where the *solium* was only used by the paterfamilias, who sat in it of a morning when giving audience to his clients (Cic. *de Leg.* i. 3, 10: "Cum praesertim non recusarem quominus more patris sedens in solio consulentibus responderem"). The *solium* was in form practically the same as the Greek *θρόνος*, and, like it, was the seat of gods. The seat of the teacher, however, was not called *solium* but *cathedra*; a word which is otherwise used as a translation for *δίφρος*, not *θρόνος*. *Solium* is also the name for a peculiar kind of bathing chair, in which the bather sat and had hot water thrown over him. Such chairs are to be seen in many museums (cf. Daremberg et Saglio, *Dict.*, art. *Balneae*, fig. 768). Some, however, seem to have been rather of the nature of a hip bath, and are frequently mentioned by medical writers (Celsus, vii. 26, 5, "in solium ... aquae calidae resupinus demittendus est;" cf. Festus, p. 298 b, 22 M., "Alvei quoque, lavandi gratia instituti, quo singuli descendunt solia dicuntur."

(Baumeister, *Denkmäler*, art. *Sessel*; Iwan Müller, *Handbuch*, pp. 381, 385; Overbeck, *Plastik*, i. 56, 74 foll.; Blümner, *Kunstgewerbe in Alterthum*, i. p. 111, ii. p. 41; Buchholz, iii. ii. 138; Hermann-Blümner, *Privatalterthümer*, p. 158; Helbig, *Das homerische Epos*, pp. 108, 118 foll., 378; Becker-Göll, *Charikles*, iii. 82.)

[W. C. F. A.]

THYRSUS (*θύρσος*), a wand or sceptre carried by Dionysos (Bacchus) and by Satyrs, Maenads, and others engaged in Bacchic rites (Eurip. *Bacchae*, 25, 80, 88, 733, 762, 1099; *Cyclops*, 62, *Βάκχαι τε θυρσοφόροι*; Athen. xiv. p. 631 a; Verg. *Aen*. vii. 390; Hor. *Od*. ii. 19, 8, &c.). It usually consists of a straight staff surmounted by a pine-cone (*Anth. Pal*. vi. 165, *θύρσου χλοερὸν κωνοφόρου κάμακα*), or by a bunch of vine-leaves and grapes or ivy-leaves and berries (Ov. *Met*. xi. 27, 28; Propert. iii. 3, 35). A riband or fillet is found attached to it, just below the pine-cone or the bunch of leaves. On the monuments, the pine-cone appears most commonly to form the head of the thyrsus. The pinecone-headed thyrsus is held by Dionysos on an Attic terracotta of early style figured in Baumeister, *Denkm*., art. Dionysos, fig. 481, and is seen in the hands of Dionysos and a Satyr on an amphora of good style figured *ib*., art. Dionysos, fig. 491 = *Mon. Inst*. vi. vii., Taf. 70. It may also be seen on red-figured vases of the best period (*e.g.* in the British Museum, vases labelled E 164, E 179, E 356, E 372, E 379) and on later vases (British Museum, F 91), on gems (A. H. Smith, *Brit. Mus. Cat. Engraved Gems*, Nos. 957, 1023), on Roman reliefs (*Anc. Marbles in Brit. Mus*. ii. pl. xii.), and on coins (the thyrsus is an occasional type and a not infrequent symbol on coins. It has the pine-cone head). The thyrsus with the ivy-bunch top is found on vases both of the fine (British Museum, E 54, E 109, E 153) and later periods (Brit. Mus. F. 377). Occasionally, as on certain Roman terracotta reliefs in the British Museum (*Descript. of Anc. Terracottas in Brit. Mus*., No. xxi., pl. xiii.; *ib*. No. xxxvii., pl. xx.), the thyrsus has the pine-cone at each end of the staff. An interesting coin of Amisus in Pontus, struck under the influence of Mithridates Eupator (the Great), shows a pinecone-headed thyrsus with the staff formed of a pine-branch: from the riband attached to this thyrsus is suspended a bell on a cymbal, an unusual addition (see Wroth, *Catal. Pontus*, &c. pl. iii. No. 10; p. 18, No. 58: cp. the thyrsus, *ib*. pl. iii. Nos. 7, 8, 9).

Thyrsi, from a Greek vase. (Hamilton.)

The pine-cone or leafy bunch of the thyrsus was sometimes supposed to conceal a spear-head, used as a weapon by Dionysos and his followers. This is what is properly called the *θυρσόλογχος* (Callix. *ap*. Athen. v. p. 200; Diod. Sic. iii. 65, iv. 4; Macrob. *Sat*. i. 19; Lucian, *Bacch*. 4; Ov. *Met*. iii. 667).

It may be added that the pillars of the banquet-chamber built for the great festival of Ptolemy Philadelphus, described by Athenaeus, v. 196 *sq*., represented thyrsi and palm-trees alternately. (For another example of a thyrsus, see woodcut under VANNUS.) [W——K W——H.]

TIARA. To the Greeks the *τιάρα* or *τιάρας* was known only as the head-dress of the Persians. Herodotus, whose information on this point, unlike that of most classical writers, is at first hand, says that it was of soft felt (vii. 61, *τιάρας καλεομένους πίλους ἀπαγέας*: cf. iii. 12), and was worn by the Persians not only when campaigning, but at the more peaceful occupation of sacrificing (i. 132: cf. Serv. *ad Aen*. vii. 247). Later writers add that it was the distinctive dress of the *Magi* (Paus. v. 27, 6; Strabo, xv. p. 734). The only reference to the shape of the *τιάρα* seems to be the comparison of some leather helmets with a knot in the middle of them which Xenophon makes (*Anab*. v. 4, 13, *κράνη σκύτινα κρώβυλον ἔχοντα κατὰ μέσον ἐγγύτατα τιαροειδῆ*).

One particular form, however, the upright *τιάρα*, is often mentioned as being the peculiar badge of the Great King; no one else being allowed to wear it (Xen. *Anab*. ii. 5, 23). Aristophanes, referring to it under the name *κυρβασίαν ὀρθήν* (*Av*. 487), compares it to a cock's comb. This comparison enables us to identify it with the head-dress of Darius on the celebrated South Italian Vase-Painting in the Naples Museum. It is evidently highly adorned with jewels (cf. Val. Flacc. vi. 699), though we cannot trace the diadem which sometimes surrounded it (cf. Xen. *Cyrop*. viii. 3, 13, *εἶχε (Κῦρος) δὲ καὶ διάδημα περὶ τῇ τιάρᾳ*). The tiara which Xerxes in his flight after Salamis gave to the people of Abdera was bedecked with gold (Herod. viii. 120, *δωρησάμενος τιήρῃ χρυσοπάστῳ*), and was doubtless the kingly form. The ordinary tiara is that worn by the youth who stands behind Darius in the vase-painting, and is a felt cap of the kind familiar to us as the Phrygian cap. It is long and conical, and the point falls forward over the brow of the wearer, and, like the upright form, has lappets at each side of the ear, which could be tied under the chin, so that in late Greek it was used of a hood. Sozomen (*H. E*. iii. 14, p. 111) calls a *κουκούλιον* (=*cucullus*) worn by children, a *τιάρα*. The Scholiast on Plat. *Rep*. viii. 553 tells us that the proper name for the upright *τιάρα* is *κίταρις* (or *κίδαρις*), though he adds that Theophrastus says it is Cypriote, not Persian (*τινὲς δὲ καὶ κίταριν λέγουσι τὸ αὐτό· Θεόφραστος δὲ ἐν τῷ περὶ βασιλείας Κυπρίων εἶναι λέγει*). Curtius gives a still fuller account of it under the same name, saying that it is bound round with a blue and white band (iii. 3, 19, "cidarim Persae vocabant regium capitis insigne quod caerulea fascia albo distincta circumibat").

There has been some discussion as to whether *κυρβασία* is identical with the *τιάρα*, or not, but the passage quoted above from Aristophanes and its use in Herodotus (v. 49) seem to place it beyond a doubt. The only passage that conflicts with this view is the description in Herodotus of the caps of the Sacae, which were upright, stiff, and pointed (vii. 64, *Σάκαι . . . κυρβασίας ἐξ ὀξὺ ἀπιγμένας ὀρθὰς εἶχος πεπηγυίας*), but the Sacae were Scythians and not Persians, and the word might well be used in describing the felt or sheepskin caps worn by Tartars and other Asiatic tribes down to this day.


Tiara. (From a coin of Tigranes, king of Armenia, B.C. 83–69.)

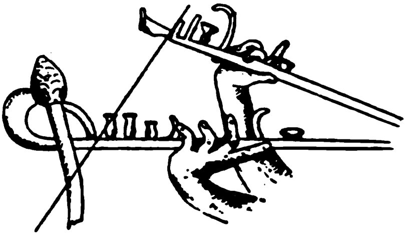
Tiara. (From a coin of Abgarus, king of Edessa.)

Roman writers all use the word in a loose way, and regard it as being especially a Phrygian head-dress, both of men and women (Juv. vi. 516). Thus in Graeco-Roman art it was generally given to Paris, Mithras, and other Asiatic characters; while the kingly tiara falls to the lot of Priam (Verg. *Aen.* vii. 246 and Serv. *ad loc.*; Juv. x. 267). It is interesting to note on a South Italian vase-painting (Baumeister, *Denkmäler*, fig. 792) that Priam, weeping over the dead body of Hector, wears an upright tiara with the "cock's comb."

Later writers spoke of it as Parthian (Sidonius, *Carm.* vii. 98; xxiii. 258), and the Church writers used it for a bishop's mitre (cf. Hieron. *Ep.* 64, n. 13; Eucher. *Instr.* 2, 10). It is needless to say that it had no connexion with the *μίτρα* known as Asiatic to classical writers. [Mitra.] [W. C. F. A.]

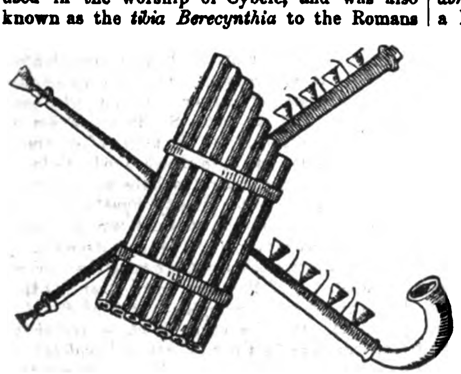
TI'BIA. The word *αὐλός*, though it is commonly translated "flute," denotes any kind of wind instrument, with the exception of trumpets and horns. As a rule, however, it is used in a more restricted sense for the double oboe or clarinet, which is familiar to us under the misleading name of the "double flute." This is quite wrong, for the *αὐλὸς* had a mouthpiece (*ζεῦγος*) in which a vibrating reed (*γλῶττα*) was fitted, whereas in the flute the sound is produced by blowing a stream of air across a plain hole in the pipe of the instrument. The true Greek representative of the modern flute is the *σῦριγξ μονοκάλαμος* (fistula), as distinguished from the *σῦριγξ πολυκάλαμος* or Pan's pipe. Both forms—the *σῦριγξ* or flute, and the oboe or *αὐλὸς* proper—are, it would seem, as old as Homer, who tells us that Agamemnon, unable to sleep, heard afar off in Troy *αὐλῶν συρίγγων τ' ἐνοπήν* (*Il.* x. 13). The flute, however, was held in but low esteem, and was thought a fit instrument for shepherds and other country folk. The art of playing the *αὐλός*, or *αὐλητική*, was on the other hand a necessary part of education. In Boeotia it was the national instrument, and as such the Athenians affected to despise it in comparison with the lyre (cf. Böttiger, *Kl. Schriften*, i. 14), though as a matter of fact they used it as much as the other Greeks. It is very frequently seen in works of art, especially vase-paintings, and with the aid of these and the many notices in literature we are able to form an accurate idea of its structure. It consisted of a pipe (*βόμβυξ*, Poll. iv. 70), which in the simplest form was made of reed (*κάλαμος βομβυκίας*, Theophr. *H. P.* iv. 11, 3), but might be of bone, metal, or even ivory. To this was attached by means of a socket of bone (*ὅλμιον* or *ὑφόλμιον*) the mouthpiece (*ζεῦγος*), in which was fixed the vibrating reed (*γλῶττα*). Theophrastus (*l. c.*) says that the sound is best when the mouthpiece and pipe are made from the same length of reed. The instrument thus formed does not seem to have been played alone, but always in pairs. There are, it is true, a few monuments, such as a Roman wall-painting in the British Museum, in which the player has only one pipe in his mouth, but then the other is always to be seen in his other hand in a way that shows he is only preparing to play. The difficulty of playing two instruments at once was obviated by a leather strap which covered the mouth, ran under the ears, and was fastened at the back of the head by a knot or buckle. This curious piece of gear served to prevent a loss of wind and to keep the two mouthpieces in the proper position. It was called the *φορβεία*, *στομίς* or *χειλωτήρ* (cf. Arist. *Vesp.* 582): in Latin, the Capistrum.

The notes were given by holes (*τρυπήματα*); and as both pipes were played at once, there can originally have been only four or at the most five of these on each. However, it would seem, from a remark of Proclus in his commentary on Plutarch's *Alcibiades* (c. 68, *ἕκαστον γὰρ τρύπημα τῶν αὐλῶν τρεῖς φθόγγους. ὥς φασι τοὐλάχιστον ἀφίησιν*), that two overtones at least could be blown on each of these. The compass was still further extended by the use of additional holes with stops (*παρατρυπήματα*), an invention which was apparently in use by the time of Pronomus, who played in the Dorian, Lydian, and Phrygian keys on the same instrument (Paus. ix. 12, 4). The simplest form of stop shown on the Pompeian wall-paintings consists of a peg, which could be withdrawn when the hole was needed. More complicated is the device in which extra notes are given by short cylinders attached to the pipe near the end. This kind of instrument is frequently seen in late representations of Euterpe, especially on Roman sarcophagi. Yet another invention was to cover the extra holes with movable rings, which the player could slide


Tibia. (From a relief at Naples.)

over or off them as he wished. Both the small cylinders and the rings, with the hooks by which they were pulled round, are well shown by a relief in the Naples Museum (Baumeister's *Denkmäler*, fig. 596). Such no doubt, or something like, was the new-fangled *tibia*, which Horace describes as "orichalco vincta tubaeque aemula," contrasting it with the old-fashioned one, with its few notes, "tenuis simplexque foramine pauco" (*A. P.* 202–3). The two pipes were tuned so that the melody played on one could be accompanied an octave lower on the other.

As the use of the clarinet and oboe became more extended in Greece, various forms giving notes of widely different keys were either introduced from abroad or invented. Aristoxenus, in a quotation given by Didymus (Athen. xiv. p. 634 e), divides the kinds of instruments (*γένη αὐλῶν*) used in his day into five classes: (1) The maiden's (*παρθενίοι*), (2) the boy's (*παιδικοί*), (3) the lyre-player's (*κιθαριστήριοι*), (4) the perfect (*τέλειοι*) and (5) the more than perfect (*ὑπερτέλειοι*) instruments. Didymus tells us that the "perfect" and "more than perfect" varieties are the man's (*ἀνδρεῖοι*), which shows that the classification is intended to proceed on the same scale as the human voice they were made to accompany, rising from the shrill soprano to the deep bass. As this is the case, the list evidently aims at being exhaustive; and Gevaert, in his *Histoire et Théorie de la Musique dans l'Antiquité* (vol. ii. § ii. pp. 271–307), has catalogued the known varieties under these heads as follows:—(1) *παρθένιοι*—the *γίγγρας* of the Phoenicians, the *φῶτιγξ* or cross-flute, and the Phrygian funeral *αὐλός*; (2) *παιδικοί*—the *αὐλὸς ἐμβατήριος*, the *αὐλὸς δακτυλικός*, and the Roman *tibia chorica*; (3) *κιθαριστήριοι*—the *μόναυλος* (sc. *κάλαμος*) and the *αὐλὸς μεσόκοπος*; (4) *τελεῖοι*—the *αὐλὸς Πυθικός*, the *αὐλὸς ἔλυμος* of the Phrygians, the *αὐλὸς βόμβυκος* of the Bacchic worship, the funeral pipe of the Greeks and Romans; (5) *ὑπερτέλιεοι*—the *αὐλὸς σπονδειακός*. These varieties, it will be noticed, include all sorts of wind-instruments, some of which are fifes like the *γίγγρας*, flutes like the *φῶτιγξ*, or horns like the *ἔλυμος*. The last-named deserves special mention, since it was used in the worship of Cybele, and was also known as the *tibia Berecynthia* to the Romans (cf. Hor. *Od.* iii. 19, 18; iv. 1, 22). It ended in a curved horn mouth, and was of great power. Originally and in its proper use it was played alone, but it apparently became the fashion to use it as the left pipe in a pair, or perhaps, to speak correctly, to convert the left pipe into a Berecynthian by adding a curved horn mouth. Such a pair is well shown above by a bas-relief from Zoega, *Bassiril.* i. 14.



Pair of Tibiae and Syrinx.

The invention of the *αὐλός*, even if one refuse to take Homer's Trojans as evidence for the Greeks of his time, must have been an exceedingly early one, and was indeed by the Athenians attributed to the goddess Athene. She, however, was disgusted with the distortion of her face when playing, and threw it away. It was picked up by the Satyr Marsyas, who met an evil end when he contended on his new instrument with Apollo on the lyre. His art, however, did not die with him, but was carried on by Olympos, who brought it to Greece. The myth points in Marsyas to Phrygia as the original home of the instrument, which even nowadays, in a somewhat debased form, is played in both Arabia and Egypt. From whatever land it came, it certainly was firmly established in Greece when History begins. It was indispensable in religious rites not only to accompany hymns and provide music for the dance, but to hallow the libation at every sacrifice. It was equally popular in private life, whether at dinner-time when a flute-girl played, or in the leisure hour, or again in the time of mourning when elegies were sung to its music. Small wonder, then, that its playing became quite a profession, which in Solon's time was recognised officially at the Pythian games. Sacadas at Argos had at that time shown that the *αὐλητὴς* could express with quite as much effect as the harper the story of Apollo's fight with Python, and a contest for *αὐληταὶ* was thereupon founded by the Amphictyons (Paus. x. 7, 3). The vase-paintings of the best Attic period have many representations of such contests. One of the best is in the British Museum, and shows the player mounted on a small platform competing for the prize. [A cut of this is given in Vol. I., p. 358, under CAPISTRUM.] On another vase-painting (Benndorf, *Wiener Vorlegeblätter*, c. 4) a master giving a lesson on the *αὐλὸς* is depicted. On the wall behind hangs the case in which the instrument was carried. It is the *συβήνη* or *αὐλοθήκη*, and is made of a spotted skin, perhaps a lynx (cf. Stephani, *Compte Rendu*, 1869, p. 221); but, to judge from an Attic treasure list, where one of ivory and gold (*συβήνη ἐλεφαντίνη κατάχρυσος*, *C. I. A.* i. 170, 172, 173) is catalogued, was often of more splendid materials. To its side is attached a little box, the *γλωσσοκομεῖον*, in which a change of mouthpieces was kept. A similar lesson (where, however, the teacher is playing) is shown in the cut from the Duris Vase under LUDUS LITTERARIUS, p. 96: the flute-case is seen hanging on the wall in the lower portion.

At Rome the *tibiae* held even a more important place in ritual than in Greece, and the *tibicen* who played it was for most ceremonies quite indispensable. This is especially true of funerals, for so great was the desire to have a large number of *tibicines* to mourn the dead that the tenth of the laws of the Twelve Tables restricted their number to ten (Cic. *de Leg.* ii. 23, 59; Ovid, *Fasti*, vi. 654).

They were also called in to enliven feasts (Quintil. *Inst.* i. 10, 20) as well as to take part in the libation (Plut. *Quaest. Conviv.* 7, 8, 4, § 6).

Besides these uses, the *tibiae* were as necessary to the drama at Rome as in Greece, both to accompany the singers and to amuse the audiences in the interludes (cf. Hor. *A. P.* 204–6). From the *Didascalia* to Terence's comedies, we learn that no less than four different varieties were used in the theatre: (1) the *tibiae pares*, in which both pipes were equal; (2) the *impares*, in which they were unequal; (3) the *duae dextrae*, in which the right was identical in key and note with the left; and (4) the *Serranae*. Varro (*R. R.* i. 2, 15, 16) tells us that the melody was played on the right instrument, which he calls the *incentiva*, and the accompaniment on the left, or the *succentiva;* so that the differences in size and character of the *impares* and *duae dextrae* were intended to make fresh harmonies.

(See an excellent article by K. von Jan, in Baumeister, *Denkm.* s. v. *Flöten;* Gevaert, *Histoire et Théorie de la Musique dans l'Antiquité*, Ghent, 1881, ii. pp. 270 ff. and 647 ff.; Hermann-Blümner, *Privataltherthümer*, p. 318; Iwan Müller, *Handbuch der Kultusalterthümer*, pp. 59, 145; Id. *Bühnenwesen*, p. 262; Marquardt, *Privatleben*, pp. 337, 345, 352; Blümner, *Leben und Sitten*, ii. 148 ff.) [W. C. F. A.]

TIME'MA (*τίμημα*). The penalty imposed in a court of criminal justice at Athens, and also the damages awarded in a civil action, received the name of *τίμημα*, because they were *estimated* or *assessed* according to the injury which the public or the individual might respectively have sustained (Harpocr. *s. v.* *ἀτίμητος ἀγὼν καὶ τιμητός*, etc.; Dem. *de Coron. trier.* p. 1229, § 4. The orators rarely use the word in this general sense). The penalty was either fixed by the special finding of a court (*τίμησιν ποιεῖσθαι*, Isocr. c. *Leoch.* § 6, of the dicasts; *τίμησις*, [Dem.] c. *Nicostr.* p. 1252, § 18; Aeschin. c. *Ctes.* § 197 f.: or *τίμημα*, Lys. c. *Epicr.* § 16; Dem. *de F. L.* p. 434, § 290), or merely declared by the court, having been fixed before: either the law ordaining the penalty for certain crimes, or the people ordering by a decree how the defendant on being found guilty should be punished, or in civil suits, *e.g.* in an action for breach of contract, the parties having attached a certain penalty to the violation of the contract. In the first case the trial was called *ἀγὼν τιμητός* (Harpocr. *l. c.*: *ἐφ' ᾧ τίμημα ὡρισμένον ἐκ τῶν νόμων οὐ κεῖται ἀλλὰ τοὺς δικαστὰς ἔδει τιμᾶσθαι ὅ τι χρὴ παθεῖν ἢ ἀποτῖσαι*), in the second case *ἀγὼν ἀτίμητος* (Harpocr. *s. v.*: *ᾧ πρόσεστιν ἐκ τῶν νόμων ὡρισμένον τίμημα, ὡς μηδὲν δεῖν τοὺς δικαστὰς διατιμῆσαι.* Cf. Schol. Dem. c. *Mid.* p. 543), a distinction which applies to civil as well as to criminal trials. Among the former class must be reckoned also those trials in which the court had to choose between two penalties fixed by law, as *e.g.* in the *γραφὴ δώρων*. Cf. Dinarch. c. *Demosth.* § 60: *οἱ νόμοι . . . περὶ τῶν δωροδοκούντων δύο μόνον τιμήματα πεποιήκασιν, ἢ θάνατον . . . ἢ δεκαπλοῦν τοῦ ἐξ ἀρχῆς λήμματος.*

It is obvious that on a criminal charge two inquiries have to be made: first, whether the defendant is guilty; secondly, if he be found guilty, what punishment ought to be inflicted upon him. It may be advisable to leave the punishment to the discretion of the dicasts, or it may not. In some cases the Athenian lawgiver thought the dicasts ought to have no discretion. Thus, in cases of murder and high treason sentence of death was imposed by the law [PHONOS; PRODOSIA], and in many other cases the punishment was likewise fixed by the law, the tendency being to limit in this way the discretionary power of the dicasts (Strab. vi. p. 260). [EISANGELIA: see the trial of Cephisodotus in 359 B.C. in Dem. c. *Aristocr.* p. 676, § 167, *πέντε ταλάντοις δ' ἐζημιώσατε, τρεῖς δὲ μόναι ψῆφοι διήνεγκαν τὸ μὴ θανάτου τιμῆσαι*, cf. c. *Lept.* p. 481, § 79; and the trial of Lycophron in Hyperid. *pro Lyc.* col. 16, *ἀγωνιζομένῳ δὲ καὶ κινδυνεύοντι οὐ μόνον περὶ θανάτου . . . ἀλλ' ὑπὲρ τοῦ ἐξορισθῆναι καὶ ἀποθανόντα μηδὲ ἐν τῇ πατρίδι ταφῆναι*, cf. *pro Eux.* col. 31, Aeschin. c. *Ctes.* § 252, Lyc. c. *Leocr.* sub fin.] Such *ἀγῶνες ἀτίμητοι* were the *γραφαὶ ἱεροσυλίας, ψευδεγγραφῆς, βουλεύσεως, ἀδίκως εἰρχθῆναι ὡς μοιχόν, ξενίας, δωροξενίας, μοιχείας, ἑταιρήσεως, προαγωγείας, ἀργίας, τραύματος ἐκ προνοίας, ἀστρατείας*, etc. But where the exact nature of the offence could not be foreseen by the lawgiver, or it might so far vary in its character and circumstances as to admit of many degrees of culpability, it might be desirable or even necessary to leave the punishment to the discretion of the dicasts. The law then directed that the same court which passed sentence on the culprit should impose the penalty which his crime deserved; *e.g.* in a *γραφὴ ὕβρεως*, Arist. *Problem.* 29, 16: *ἐπὶ τῇ ὕβρει . . . τίμησις τί χρὴ παθεῖν ἢ ἀποτῖσαι*, cf. Aeschin. c. *Tim.* § 15. To this class belong the *γραφαὶ παρανόμων, παραπρεσβείας, ψευδοκλητείας, κλοπῆς*, etc.

In civil causes the sentence by which the court awarded redress to the injured party would vary according to the nature of his complaint. Where he sought to recover an estate in land, or a house, or a specific thing, as a ring, a horse, a slave (*i.e.* in all *δίκαι πρός τινα*), nothing further was required than to determine to whom the estate, the house, or the thing demanded, of right belonged. [HERES (Greek); OIKIAS DIKE.] The same would be the case in an action of debt, *χρέους δίκη*, where a certain sum was demanded; as, for instance, where the plaintiff had lent a sum of money to the defendant, and at the trial no question was made as to the amount, but the dispute was, whether it was a loan or a gift, or whether it had been paid or not. So, in an action for breach of contract, if by the terms of contract a certain penalty had been attached to its violation, it would be unnecessary to have an inquiry of damages, they being already *liquidated* by the act of the parties themselves (Dem. c. *Dionys.* p. 1291, § 27; p. 1296, § 44, and *Argum.*). In these and many other similar cases the trial was *ἀτίμητος*, *e.g.* of the *δίκαι κατά τινος* and those *ἀποστασίου* and *κακηγορίας* (*Journ. of Philol.* vi. p. 25 f.). On the other hand, wherever the damages were in their nature *unliquidated*, and no provision had been made concerning them either by the agreement of the parties or by the law (*e.g.* in a *δίκη ἀποστασίου, τοὺς ἁλόντας δεῖ δούλους εἶναι*, Harpocr. *s. v.*), they were to be assessed by the dicasts, *e.g.* in the *δίκαι* ἐπιτροπῆς (Dem. *c. Aphob.* i. p. 834, § 67), αἰκίας (Lys. *c. Isocr.* fr. 126 S.), ἐξαιρέσεως ([Dem.] *c. Theocr.* p. 1327, § 19; p. 1328, § 21), ψευδομαρτυριῶν (Dem. *c. Stephan.* i. p. 1115, § 46; *c. Aphob.* iii. p. 849, § 16), βιαίων (Lys. *de caed. Eratosth.* § 32, Solon's law, Plut. *Sol.* 23, being superseded), etc.

The following was the course of proceeding in the τιμητοὶ ἀγῶνες. The accuser proposed in the bill of indictment some penalty. The indictment of Meletus ran: ἀδικεῖ Σωκράτης οὓς μὲν ἡ πόλις νομίζει θεοὺς οὐ νομίζων, ἕτερα δὲ καινὰ δαιμόνια εἰσηγούμενος· ἀδικεῖ δὲ καὶ τοὺς νέους διαφθείρων· τίμημα θάνατος (Diog. Laert. ii. 40); cf. Dinarch. *c. Proxen.* fr. 85 M.: Δείναρχος Σωστράτου Κορίνθιος Προξένῳ ᾧ σύνειμι βλάβης, ταλάντων δύο. Ἔβλαψέ με Πρόξενος, etc. Where the plaintiff's demand arose out of various matters, he would give in his bill of plaint a detailed account, specifying the items, etc., instead of including them in one gross estimate ([Dem.] *c. Aphob.* iii. p. 853, § 30 f.): this seems to have been considered the fairer method, and may be compared to our *bill of particulars*, which the plaintiff delivers to the defendant. He was said τιμᾶσθαι τῷ φεύγοντι ([Dem.] *c. Theocr.* p. 1343, § 70; *c. Aristog.* i. p. 792, § 74, p. 793, § 83), ἐπιγράφειν or ἐπιγράφεσθαι τίμημα (Aristoph. *Plut.* 480; Aeschin. *c. Tim.* § 16 *lex*, *de F. L.* § 14, etc.), and the penalty proposed is called ἐπίγραμμα (Dem. *c. Nausim. et Xen.* p. 985, § 2). When a charge was brought, not by a private individual but by a magistrate *ex officio*, the law required him in like manner to write down the penalty which he thought the case merited ([Dem.] *c. Macart.* p. 1076, § 75 *lex*). After the defendant had been found guilty, the prosecutor was called upon to support the allegation in the indictment and to address the dicasts. Here he said whatever occurred to him as likely to aggravate the charge, or incense the dicasts against his opponents. He was not bound, however, to abide by the proposal made in the bill, but might, if he pleased (in criminal charges probably only with the consent of the court), withdraw his own proposal in favour of the counter-proposition of the defendant (συγχωρεῖν τῷ τιμήματι, [Dem.] *c. Nicostr.* p. 1252, § 18; p. 1254, § 26;—*c. Neaer.* p. 1347, § 6). This was often done at the request of the defendant himself, or of his friends ([Dem.] *c. Theocr.* p. 1343, § 70), but such a withdrawal of the original proposal was not binding upon the dicasts (Platner, *Proc. u. Klagen*, i. p. 199). If the defendant thought the punishment proposed on the other side too severe, he made a counter-proposition, naming the penalty which he considered would satisfy the demands of justice (ἀντιτιμᾶσθαι, Dem. *c. Timocr.* p. 743, § 138; Hesych. *s. v.*; τιμᾶσθαι ἑαυτῷ, [Dem.] *c. Nicostr.* p. 1252, § 18; τιμᾶν ἑαυτῷ, [Dem.] *c. Zenoth.* p. 886, § 15, *c. Aristog.* i. p. 794, § 80—in private actions, Dem. *c. Onet.* ii. p. 878, § 10; i. p. 872, § 32). He was allowed to address the court in mitigation of punishment; to say what he could in extenuation of his offence, or to appeal to the mercy of the dicasts. This was frequently done for him by his relations and friends; and it was not unusual for a man, who thought himself in peril of life or freedom, to produce his wife and children in court, to excite compassion (παράκλησις, Hyper. *c. Demosth.* col. 38; παραγωγὴ τῶν παίδων καὶ γυναικῶν καὶ φίλων, Hermogenes, *Rhet. Gr.* ed. Walz, iv. p. 411; cf. Meier, *de Bon. Damn.* p. 226, and Lys. *c. Alcib.* ed. Frohberger, Introduction, § 8 n.). After both parties had been heard, the dicasts were called upon to give their verdict (τιμᾶν τῷ φεύγοντι; Lys. *c. Nicom.* § 23, τῶν ἐσχάτων τιμᾶν τινι, *c. Epicr.* § 7, θανάτου; Lys. *fr.* 44, τὴν αἰκίαν χρημάτων ἔστι τιμῆσαι, etc.). Here occurs a question about which there has been much difference of opinion, *e.g.* whether the dicasts, in giving their verdict, were confined to a choice between the estimates of the opposing parties, or whether they had a discretion to award what punishment they pleased. Schömann and Boeckh (*Sthh.* i.^{3} p. 441) hold the latter opinion; Meier and Lipsius (*Att. Process*, p. 943) decide for the former (see also Wayte on Dem. *c. Timocr.* p. 743, § 138). Aristotle (*Pol.* ii. 5, §§ 3, 8, 9, S.) tells us that Hippodamus of Miletus (πρῶτος τῶν μὴ πολιτευομένων ἐνεχείρησέ τι περὶ πολιτείας εἰπεῖν τῆς ἀρίστης) proposed that the verdict should not be given by ballot (διὰ ψηφοφορίας), but that each dicast should bring in a tablet with a special statement of his opinion (ἐν ᾧ γράφειν εἰ καταδικάζοι ἁπλῶς τὴν δίκην, εἰ δ' ἀπολύοι ἁπλῶς, κενὸν ἐᾶν, εἰ δὲ τὸ μὲν τὸ δὲ μή, τοῦτο διορίζειν). Upon which proposal Aristotle remarks that its effect would be to make each dicast a διαιτητής: that it was an object with most lawgivers that the dicasts should not confer with each other (μὴ κοινολογεῖσθαι πρὸς ἀλλήλους): and then he comments on the confusion that would arise, if each dicast were allowed to propose a penalty different from that submitted to him by the parties. From passages like Dem. *c. Aristocr.* p. 676, § 167 (quoted above), and p. 688, § 205 (παρὰ τρεῖς μὲν ἀφεῖσαν ψήφους, τὸ μὴ θανάτῳ ζημιῶσαι, πεντήκοντα δὲ τάλαντα ἐξέπραξαν), it is evident that the dicasts had to choose one or other of the two propositions of the accuser and defendant; and this course was, perhaps, the only course that could be adopted with so large a number of dicasts. At the same time it would be absurd to suppose that the Athenian court had no means of controlling the parties in the exercise of that privilege which the law gave them, or that it was the common practice for the parties to submit widely different estimates to the dicasts, and leave them no alternative but the extreme of severity on the one side, and the extreme of mercy on the other. Many passages in the orators are opposed to such a view, and especially the words of Demosthenes, *c. Timocr.* p. 737, § 118. The course of proceeding seems to have been as follows. The prosecutor usually proposed the highest penalty which the law or the nature of the case would admit of, and it was not unusual for the speakers to make allusions to the punishment before the first verdict had been given. In the course of the trial there might be various indications on the part of the dicasts of a disposition to favour one side or the other; they were very animated listeners. They interrupted the speaker to prevent his bringing in irrelevant matter (Hyperid. *pro Eux.* c. 41; Dem. *c. Boeot.* ii. p. 1022, § 47) or to ask for further information (Dem. *c. Spud.* p. 1033, § 17; *c. Stephan.* i. p. 1128, § 87: cf. Andoc. *de Myst.* § 70; Aeschin. *de F. L.* § 7, etc.), and expressed their pleasure or displeasure at what was said in a most marked manner (θορυβεῖν, Isocr. *de Permut.* § 272; Aeschin. *c. Tim.* § 83; Aristoph. *Vesp.* 622, 979; Isocr. *Panath.* § 264; Lys. *c. Eratosth.* § 73 f.: cf. Lyc. *c. Leocr.* § 52; Dem. *c. Eubul.* i. p. 1299, § 1, etc.). All this enabled both parties to feel the pulse of the court before the time had arrived for the second verdict. If the prosecutor saw that the dicasts were greatly incensed against his opponent, and he himself was not mercifully inclined, he would persist in asking for the highest penalty. If he was himself disposed to be merciful, or thought that the dicasts were, he would relax in his demand. Similar views would prevent the defendant from asking for too small a penalty.

As a general rule, only one penalty might be imposed by the court, *παθεῖν ἢ ἀποτῖσαι, ἀμφότερα δὲ μὴ ἐξέστω* (Dem. *c. Lept.* p. 504, § 155), though the law sometimes gave more than one, *e.g.* death and confiscation of property for *φόνος ἑκούσιος*, *ἀτιμία* and confiscation of property (Dem. *c. Aristocr.* p. 640, § 62; *c. Mid.* p. 551, § 113 *lex*; *c. Neaer.* p. 1363, § 52 *lex*: see also the decrees in *C. I. A.* iv. No. 27 a, l. 33; i. No. 31, l. 20; ii. No. 17, l. 51, etc.). Sometimes the law expressly empowered the dicasts to impose an additional penalty (*προστίμημα*) besides the ordinary one. Here the proposition emanated from the dicasts themselves, any one of whom might move that the punishment allowed by the law should be awarded. He was said *προστιμᾶσθαι*, and the whole of the dicasts, if (upon a division) they adopted his proposals, were said *προστιμᾶν*. Timocrates' law is said to deprive the courts of the power of awarding *τὰ προστιμήματα τὰ ἐπὶ τοῖς ἀδικήμασιν ἐκ τῶν νόμων ὡρισμένα* (Dem. *c. Timocr.* p. 700, § 2: cf. Lys. *c. Theomn.* i. § 16). For which wrongful acts such additional punishment might be awarded we do not know: Demosthenes (*l. c.* p. 713, § 41, and p. 732, § 103) mentions imprisonment for state debtors and persons guilty of theft, and *ἀτιμία* was probably awarded in a *δίκη ψευδομαρτυριῶν* (Boeckh, *Kl. Schriften*, iv. p. 123). In some passages *προστιμᾶν* must be understood in the same sense as *τιμᾶν*, *e.g.* in [Dem.] *c. Aristog.* i. p. 790, § 67, *ἀλλ' ὅτι πέντε ταλάντων προσετιμήσατε*: cf. Dinarch. *c. Aristog.* § 12, *πέντε ταλάντων τιμῆσαι τούτῳ* (in the same speech which Lipsius shows to be spurious, *Leipz. Stud.* vi. pp. 319–331; *τίμημα*, p. 796, § 87, is used in the special sense of *τίμημα χρημάτων*, p. 797, § 92); Herodian, *περὶ ἀριθμῶν*, in Stephanus, *App.* p. 205, etc. In other instances the preposition *πρὸς* in the verb *προστιμᾶν* is used with reference to other matters, *e.g.* Dem. *c. Mid.* p. 528, § 44; p. 571, § 176; *c. Everg. et Mnes.* p. 1152, § 43.

In public suits a compromise between the opposing parties was not permitted, the state being directly or indirectly concerned in them; but private suits were frequently settled by arrangement between the parties, even after the trial had begun, and with the assistance of the dicasts (Isae. *Dicaeog.* §§ 17 f., 31; Dem. *c. Pantaen.* p. 978, § 39 f.). With this exception the course of proceeding in private actions with respect to the assessment of damages was much the same as described above. The liability of the plaintiff to the *ἐπωβελία*, which was calculated upon the sum demanded, operated as a check upon exorbitant demands, in addition to that which we have already noticed. (*Att. Process*, ed. Lipsius, p. 208 ff.)

As to the amount of revenue derived by the Athenians from public fines, see Boeckh, *Sthh.* i.^{3} p. 439 f. As to *τίμημα* in the sense of the rateable value of property with reference to the Athenian property tax, see EISPHORA.

[C. R. K.] [H. H.]

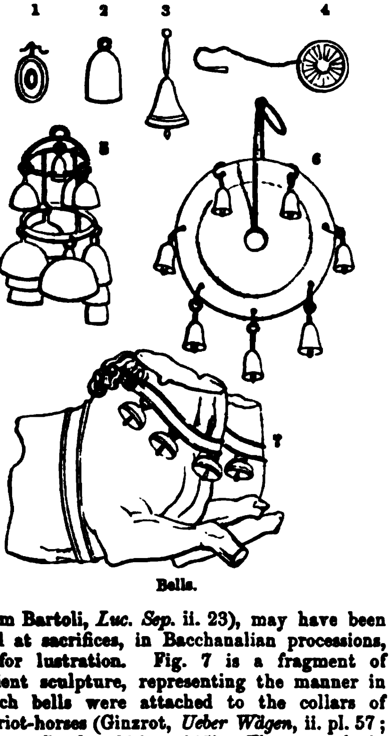
TIMOCRA'TIA. [OLIGARCHIA.]

TINTINNA'BULUM or **AES** (*κώδων*), a bell. Handbells were used among Greeks and Romans for signals of various kinds: *e.g.* for the opening of the market (Plut. *Symp.* iv. 4, 3; Strab. xiv. p. 658), for the opening of the baths (Mart. xiv. 163); to arouse or summon together slaves (Lucian, *de Merc. Cond.* 24, 31; to this use perhaps refers the "tinnitus aeris" in Sen. *de Ira*, 3, 35); for purposes of sentry duty at night, sometimes passed from post to post, as a proof of wakefulness (Thuc. iv. 135; Aristoph. *Av.* 841); [for the same purpose a staff, *σκυτάλη*, or a lantern was sent round: cf. Aen. Tact. 22; Droysen, *Gr. Kriegsalterth.* 264;] and similarly for the use of night watchmen (Dio Cass. liv. 4); for the necks or harness of animals, as at the present day (Eur. *Rhes.* 307; Aristoph. *Ran.* 963).

From the passage in Suet. *Aug.* 91, there is some indication of bells being attached to house-doors; but, from the constant mention of knocking, never ringing, for admission, we cannot suppose that such bells were for the same purpose as our door-bells: perhaps, as Mau thinks, they were rung by the janitor to announce to the slaves within that a visitor was entering (Marquardt, *Privatleben*, 236; cf. Becker-Göll, *Gallus*, ii. 236).

Besides the above practical uses, bells had a religious significance which appears in different forms, starting in all probability from the general idea that they were a preventive against evil influences. Hence we find them in connexion with the worship of Rhea (Wieseler, *Denkm.* ii. 813) and of Dionysus (Nonnus, *Dionys.* xxx. 213), and thus represented in the hands of a Bacchante (Wieseler, *Denkm.* ii. 539), or attached to the thyrsus or tympana (as in a relief in the Vatican), or to a tree sacred to Bacchus (see cut on p. 304): the bell round the neck of the ass on which Silenus rides, as seen on a sarcophagus in the British Museum, may possibly have this significance, though it is also possible that it belongs only to the general custom, mentioned above, of hanging bells round the necks of various animals. The same idea caused them to be used as amulets: cf. Chrysost. *in Ep. ad Cor.* xii. 7, *τὰ περίαπτα καὶ τοὺς κώδωνας τοὺς τῆς χειρὸς ἐξηρτημένους . . . δέον μηδὲν ἕτερον τῷ παιδὶ περιτιθέναι ἢ τὴν ἀπὸ τοῦ σταυροῦ φυλακήν*. Such, no doubt, was the purpose of the bell on a necklace from the Crimea, now in the Hermitage at St. Petersburg (for this and other similar bell-amulets, see Stephani, *Compte Rendu*, 1865, p. 174). A votive hand, such as Chrysostom mentions, is described by Bonnstetten (*Rec. d'antiq. Suisses*, pl. xx. 2, 3). A similar prophylactic use suggested the bells attached to shields (Aesch. *Theb.* 385); and it is not impossible that the bells on the tomb of Porsena may have been intended to avert evil (Plin. *H. N.* xxxvi. § 92; LABYRINTHUS, p. 2 *a*).

The forms of bells were various in proportion to the multiplicity of their applications. In the Museum at Naples are some of the form which we call "bell-shaped;" others are more like a Chinese gong. The bell, fig. 1 in the following woodcut, is a simple disk of bell-metal; it is represented in a painting as hanging from the branch of a tree (Bartoli, *Sep. Ant.* 13; cf. Bötticher, *Baumcultus*, 37). Two bells are shown hanging to a tree on the left in the cut under OSCILLA, on page 304. Figure 2 represents a bell of the same form, but with a circular hole in the centre, and a clapper attached to it by a chain. This is in the Museum at Naples, as well as the bell, fig. 3, which in form is exactly like those still commonly used in Italy and attached to the necks of sheep, goats, and oxen. Fig. 4 is represented on one of Sir W. Hamilton's vases (i. 43) as carried by a man in the garb of Pan, and probably for the purpose of lustration (Theoc. ii. 36; Schol. *in loc.*). Fig. 5 is a bell, or rather a collection of twelve bells suspended in a frame, which is preserved in the Antiquarium at Munich. This jingling instrument, as well as that represented by fig. 6 (from Bartoli, *Luc. Sep.* ii. 23), may have been used at sacrifices, in Bacchanalian processions, or for lustration. Fig. 7 is a fragment of ancient sculpture, representing the manner in which bells were attached to the collars of chariot-horses (Ginzrot, *Ueber Wägen*, ii. pl. 57; *Compte Rendu*, 1876, p. 115). The example in the latter work is a bell of a more ornate kind with a scalloped edge, somewhat resembling the "bell" of a hyacinth (see Atlas of *Compte Rendu*, 1876, Taf. II. 22). [J. Y.] [G. E. M.]



Bells.

TIRO. [EXERCITUS, Vol. I. pp. 805, 806.]

TITHENIDIA (τιθηνίδια), a festival celebrated at Sparta by the nurses who had the care of the male children of the citizens. On this occasion the nurses (τιτθαί) carried the little boys out of the city to the temple of Artemis surnamed Corythallia, which was situated on the bank of the stream Tiasa. Here the nurses sacrificed sucking-pigs on behalf of the children, and then had a feast, probably of the meat of the victims, with which they ate bread baked in an oven (ἰπνίτας ἄρτους, Athen. iv. p. 139; cf. Plut. *Sympos.* iii. 9, *Quaest. Gr.* vii. p. 211, Wyttenb.; Hesych. *s. v.* κορυθαλλίστριαι.) [L. S.]

TITIES or **TITIENSES.** [PATRICII.]

TITII SODALES, a sodalitas or college of priests at Rome, who represented the second tribe of the Romans, or the Tities; that is, the Sabines, who, after their union with the Ramnes or Latins, continued to perform their own ancient Sabine sacra. To superintend and preserve these, T. Tatius is said to have instituted the Titii sodales (Tac. *Ann.* i. 54). The same writer (*Hist.* ii. 95) gives another tradition, that the priesthood was instituted by Romulus in honour of king Tatius, who after his death was worshipped as a god. It is true that Nipperdey rejects this passage as an interpolation contradicting the account in the *Annals*: but Marquardt justly points out that the alternative tradition is supported by Dionys. ii. 52, where it is said that public sacrifices were yearly offered at the tomb of Tatius; and it is not improbable that the priesthood really had this origin, and may rightly be compared (as in the passage of Tacitus) with the later AUGUSTALES, instituted to preserve the cult of Augustus. Whatever their origin, the use of Sabine rites is attested by Varro (*L. L.* v. 85), who derives the name Sodales Titii from Titiae aves, which were observed by these priests in certain auguries; it appears that these priests also preserved the ancient Sabine auguries distinct from those of the other tribes. This priesthood had fallen somewhat into neglect at the end of the Republic (cf., however, Lucan, *Phars.* i. 602), but was restored by Augustus as a distinguished *sodalitas*, in which the members seem to have been of senatorial rank: among them we find the Emperor Augustus, Nero Caesar, the son of Germanicus, and the Emperor Claudius (*Mon. Ancyr. Gr.* 4, 6; *C. I. L.* iii. 381, 1741; vi. 913, 1343; viii. 7050). The favour of Vespasian towards them is testified by *C. I. L.* vi. 934. (Marquardt, *Staatsverwaltung*, iii. 446; SACERDOS, p. 573.) [L. S.] [G. E. M.]

TOCOS (τόκος). [FENUS.]

TOGA (in Greek writers, τήβεννα). The earliest costume of the Roman was a thick woollen cloak worn over a loin-cloth or apron [SUBLIGACULUM]. This woollen cloak was called the *toga*, and was the dress of women as well as men and boys. It was laid aside indoors, or when hard at work in the fields; but, as we learn from the story of Cincinnatus, was the only decent attire out-of-doors. He was ploughing in his field when the messengers of the senate came to tell him that he had been made dictator, and on seeing them promptly sent his wife to fetch his toga from the house, that they might be received with all propriety (Liv. iii. 26, 9). The truth of the story may be doubtful, but it well expresses the Roman sentiment on the subject. As time went on, however, and the Romans became more civilised, their garments changed. They adopted the shirt

[TUNICA] which the Greeks and Etruscans wore, made their toga more bulky, and wore it in a looser manner. The result was that it became useless for active pursuits, such as those of war, in which its place was taken by the more handy SAGUM, and in those of peace, where it was superseded by the LAENA, LACERNA, PAENULA, and other forms of buttoned or closed cloaks. The same process, as is often the case with clothing, that removed it from every-day life and commonplace uses, gave it an increased importance as a ceremonial garment. As early as the third century B.C., and probably even before, it, along with the CALCEUS, was looked upon as the characteristic badge o Roman citizenship. It was denied to foreigners (Suet. *Claud.* 15), and even to banished Romans (Plin. *Ep.* iv. 11, 3), and was worn by magistrates on all occasions as a badge of office. In fact, for a magistrate to appear in a Greek cloak [PALLIUM] and sandals (see instances given in the article SOLEA) was considered by all, except unconventional folk, as highly improper, if not criminal (cf. Cic. *pro Rab.* 9, 26). Augustus, for instance, was so much incensed at seeing a meeting of citizens without the toga, that, quoting Virgil's proud lines, "Romanos rerum dominos gentemque togatam," he gave orders to the aediles that in future no one was to appear in the Forum or Circus without it (Suet. *Aug.* 40). When such was the feeling of the Emperor, it is little wonder that the toga remained the Court dress of the Empire (Spart. *Sever.* 1, 7), though in any case the social usage of Rome would have made it so. It was in it that the clients paid their visit to their patron [SALUTATIO], not forgetting to wear boots (*calceus*) with it (Juv. i. 119; cf. Tertull. *de Pallio*, "calceos . . . proprium togae tormentum:" and for the *calceus*, Mart. i. 103, 5, 6; Hor. *Sat.* i. 3, 31–2). It was also worn by the spectators in the circus at Rome (Suet. *Aug.* 40; Dio Cass. lxxii. 21), and its irksomeness causes Juvenal to sigh for the freedom of the country, where only the dead man, who was buried in it, is bound to wear it (*Sat.* iii. 172; cf. Mart. ix. 58, 8). Martial is equally enthusiastic in his praises of the unconventionality of the provinces (i. 49, 31; iv. 66, 1–3; x. 47, 5; xii. 18, 5, 17); and Pliny the younger makes it one of the attractions of his Tuscan villa that there is no necessity of wearing the toga (*Ep.* v. 6, § 45; cf. vii. 3, § 2). In spite, however, of these protests, its use as an official garment lingered on until the time of Theodosian (Cod. Theod. xiv. 10, 1), when it was supplanted by the PAENULA.

The best account of the shape and the manner of wearing the toga is given by Isidore (*Orig.* xix. 24, 3): "Toga dicta quod velamento sui corpus tegat atque operiat. Est autem pallium purum forma rotunda effusiore et quasi inundante sinu et sub dextro veniens supra sinistrum ponitur humerum." The characteristic feature is the roundness (cf. Quintil. xi. 3, 139: "Ipsam togam rotundam esse et apte caesam velim"), being that which distinguished it from the square Greek cloak or *pallium* and the old Roman *recinium*. That it was in no sense circular is shown by the fact that Dionysius of Halicarnassus (iii. 61) calls it a περιβόλαιον ἡμικύκλιον, and still more by the large series of Roman portrait statues on which it appears. These statues are in fact our main evidence for its shape, and literary mentions can only be used to illustrate their evidence, not to correct it. The older scholars of this century were singularly neglectful of these monuments, though most diligent in collecting and comparing all the numerous passages bearing on the use of the toga. It was not indeed until the last thirty or forty years that the subject was studied from the sculptural point of view by Weiss and Von Launitz, and more recently by A. Müller. Weiss, whom Marquardt follows, regarded the difficulties of the case as solved by a garment of elliptical shape, though with pointed ends, to which a border was sometimes attached (fig. 1). Von Launitz, on the other hand, has shown that though the earlier statues wear a toga of this shape, the more usual and characteristic form shown by later statues cannot be obtained from it. After numerous experiments, which he embodied in a model dress fitting a lay figure and disseminated through German schools, he hit on a complex shape which answers the purpose. It is a crescent, the back of which is an elliptical curve, and has a circular segment of cloth *F R A*, only about a third of the arc across, sewn on to its concave side (fig. 2). Both shapes were of great size, being at least three times the height of a man's shoulder in length. Taking the Von Launitz model as our guide, the method of wearing it is well seen in the statue of Didius Julianus (fig. 3). About

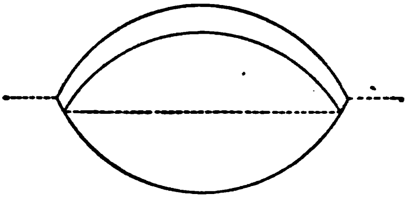


Fig. 1. The Toga, after Weiss.

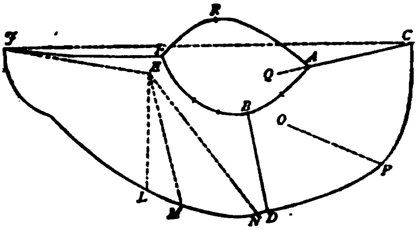


Fig. 2. The Toga, after Von Launitz.

Fig. 3. Statue of Didius Julianus. (From the Louvre.)

a third of the toga (as is seen in fig. 4) is first allowed to hang in front over the left shoulder (in fig. 2, *E* is the point where it is placed on the shoulder), so that its end lies between the wearer's ankles ($a = J$ in fig. 2). Then the rest of the garment is taken and, as Isidore (*l. c.*) tells us, drawn across the back, under the right shoulder, and across the chest in a slanting line, being finally thrown over the left shoulder once more. This done, the weight of the end which is thrown over the left shoulder keeps the whole in its place. Such a description, however, with the exception of the point between the ankles, applies quite as well to a pallium as a toga. In the toga, however, the folds were further complicated first by drawing this part (which hangs down in front from the left shoulder) upwards and allowing it to hang over the fold (*b*), which runs slanting from under the right arm to the left shoulder; and secondly by the fact that this slanting fold, instead of being merely the hem of the cloak turned over, forms a sort of apron or sling running from behind the right shoulder to the left. This curious fold covers the greater part of the left thigh completely, and falls down as far as the knee. It is undoubtedly the part known to the ancients as the *sinus*, and one of the chief merits of Von Launitz's model is the light it throws on a remark of Quintilian's (*FRA* in fig. 2 is the *sinus*). This writer, in the *locus classicus* on the subject (xi. 137 ff.), says that the ancients had no *sinus* on their toga, and that even afterwards they were very narrow ("Nam veteribus nulli sinus; perquam breves post illos fuerunt"). The small piece added to the concave side of the crescent being the *sinus*, this well explains the fact that the earlier forms can be reproduced by a cloak without it of Weiss's pattern. Quintilian, in the passage quoted, is giving his orator rules for the nice management of the toga, and his remarks are of great importance, as an account of the manner of wearing it. He recommends the orator to gird his shirt so that in front it may come a little below the knees, but behind may touch his calves. If he has the right of the *latus clavus*, the shirt may be somewhat lower ("cui lati clavi jus non erit, ita cingatur ut tunicae prioribus oris infra genua paullum posterioribus ad medios poplites usque perveniant"). The toga which goes over this ought to be round and suitably cut, for otherwise it will in many ways be out of proportion. The part of it in front is best when it reaches to the middle of the shins, while the part behind should be higher in the same degree as the girdle is. The *sinus* looks best when it is a considerable height above the hem of the toga, and ought never to be below it. The part of the toga which is drawn under the right shoulder slanting to the left, like a cross-belt, should neither choke one nor be loose. The part of the toga which is put on after it should be lower, for it sits better thus and is kept in place. ("Ipsam togam rotundam esse et apte caesam velim. Aliter enim multis modis fiet enormis. Pars eius prior mediis cruribus optime terminatur, posterior eadem portione qua cinctura. Sinus decentissimus, si aliquanto supra imam togam fuerit nunquam certe sit inferior. Ille qui sub humero dextro ad sinistrum oblique ducitur velut balteus nec strangulet, nec fluat. Pars togae quae postea imponitur sit inferior nam ita et sedet melius et continetur.") He adds that the shoulder and neck ought not to be covered, for this makes the toga look less flowing and takes from its impressiveness. As to the attitude, the left forearm should be at a right angle, and should be in such a position that the edges on the left fall in equal folds side by side.

Fig. 4. Fig. 5.
Sketches to show how the Toga was put on.

Nearly all these peculiarities are borne out by the statues, though of course the sculptor has probably in most cases softened down what was angular in the attitude. It needs no Roman writer to tell that a mantle worn in such a complicated way must have been a serious anxiety to one with fashionable instincts. Tertullian, however, alludes in a most amusing way to the trouble the valet who had to arrange the great man's clothes (*vestiplicus*, Orelli, 2838) took to shape the folds aright the day before and to fix them in their place by tongs, and to the difficulties of wearing it (*de Pallio*, 5: "Prius etiam ad simplicem captatelam eius nullo taedio constat: adeo nec artifice opus est qui pridie rugas ab exordio formet et inde deducat in tilias totumque contracti umbonis figmentum custodibus forcipibus assignet, dehinc diluculo tunica prius cingulo correpta—recognito rursus umbone et si quid exorbitavit reformato partem quidem de laevo promittat, ambitum vero eius ex quo sinus nascitur, iam deficientibus tabulis retrahat a scapulis et exclusa dextera in laevam adhuc congerat cum alio pari tabulato in terga devoto atque ita hominem sarcina vestiat"). The main point in all such arrangements was to make the bandlike fold, which ran across the breast, secure. It is called the *umbo* in the above passage (cf. Persius, v. 33); but, in the humorous description which Macrobius gives of Hortensius's toilet, is spoken of as the *artifex nodus*. Hortensius used a mirror and adjusted his toga so that this band held the folds and creases in their place, and so that they covered just the proper amount of his side and thigh. Such an arrangement was at the best not very reliable, and so we are told that Hortensius sent a summons to a friend, who had jostled him in a passage and disarranged his dress. In fact, he thought the shifting of a crease on his shoulder a deadly offence (*Sat.* iii. 13, 4).

Another mark of the Roman dandy was the enormous size of his toga (*laxitas*), and many are the sneers at the people, to use Cicero's phrase, "velis amictos non togis" (*in Cat.* ii. 10, 20). The size was sometimes such that the garment trailed behind like a tragic actor's; at least this is what Valerius Maximus tells us of Tuditanus (vii. 8, 4; cf. Mart. vii. 35), and we also hear of Caligula catching his foot in the end of his toga that was between his legs and getting a fall (Suet. *Cal.* 35, "ita proripuit se spectaculis ut calcata lacinia togae praeceps per gradus iret"). Such *togae laxae* were associated with curled hair, and roundly abused as bad taste (Tib. i. 6, 39: "tum procul absitis quisquis colit arte capillos, et fluit effuso cui toga laxa sinu;" cf. Seneca, *Contr.* 2, 14), and Ovid advises the lover to avoid them if he is to make a good impression (*Rem. Am.* 679: "nec compone comas quia sis venturus ad illam, nec toga sit laxo conspicienda sinu"); though, if we may trust Tibullus, this was a common lover's fashion (ii. 3, 77: "nunc si clausa mea est si copia rara videndi heu miserum, laxam quid juvat esse togam"). The *locus classicus* is Horace, *Epod.* 4, 7, where he speaks of a freed man who wears a toga some three yards wide and thereby excites universal indignation ("Videsne sacram metiente te viam cum bis trium ulnarum toga, ut ora vertat huc et huc euntium liberrima indignatio"). The older commentators, and even Isidorus, inferred that the length, not the breadth of the toga was meant. Such a length, it is needless to say, would be quite too small; and when one reckons in the *sinus*, which in such cases came down to the skirts of the toga, the dimensions are as possible as a satirist's can be expected to be.

Contrasted with these "sails" of the gilded youth was the modest mantle (*toga arta*: cf. Hor. *Ep.* i. 18, 30), which quiet people, like Augustus, wore (Suet. *Aug.* 73: "togis neque restrictis neque fusis [usus est]"). In some cases, as for instance that of Cato Uticensis (*toga exigua*, Hor. *Ep.* i. 19, 13), this was doubtless an attempt to bring back the old shape, which as Quintilian says had no *sinus*. This is the form which we see on the Etruscan statue called the *Arringatore*, now at Florence; for the Romans held that they had borrowed the toga from the Etruscan. Another statue in Dresden, though the mantle in which it is clad is scarcely round enough for the toga, is generally quoted in illustration of Quintilian's further remark, that the ancient orators must on account of the shape have held their arm, in the same manner as the Greeks, wrapped in the toga. Somewhat the same attitude, a compulsory one during the pupil's *tirocinium* (Cic. *pro Cael.* 5, 11) and which was the rule in Greece [PALLIUM], is shown by another Dresden statue, where the hand seems to have been freed in the course of the speech.

Fig. 6. Statue of Etruscan orator. (Florence.)

Fig. 7. Statue at Dresden. (Becker.)

Fig. 8. Statue at Dresden.

Another mode of wearing the toga was the well-known *cinctus Gabinus*. The name is derived, according to Mommsen, from the long wars of the Romans against Gabii, and was at first purely military, for in the oldest times the toga was worn in war as well as in peace. Its peculiarity was that a fold of the toga was drawn round the body in such a way that it acted as a girdle. (Serv. *ad Aen.* vii. 612: "Gabinus cinctus est toga sic in tergum reiecta ut una (ima?) eius lacinia a tergo revocata hominem cingat:" cf. Isid. *Or.* xix. 24, 7, "Cinctus Gabinus est cum ita imponitur toga ut togae lacinia quae postsecus reicitur attrahatur ad pectus.") At the same time part of the toga was drawn up over the head (cf. Serv. *ad Aen.* v. 755), though this of course cannot have been done in war. The *cinctus Gabinus* was retained long after it had passed out of ordinary use in the ritual of certain warlike sacrifices (cf. Liv. v. 46, 2), as when the Temple of Janus was opened (Verg. *Aen.* vii. 611). It was also used at the AMBARVALIA and the founding of a city (cf. Verg. *Aen.* v. 755, and Serv. *ad loc.*); and it was with their heads thus covered that the Decii devoted themselves as victims for their country (Liv. viii. 9, 9, and 7, 3).

Festus tells us that the *cinctus Gabinus* is referred to in the phrase *classis procincta* (*Epit.* p. 225; cf. p. 56, 12), with which is *procinctu*, the garb in which the *testamentum* was sworn, is connected. However, for ordinary purposes the toga was scarcely used by soldiers, since even where distributions of them to the soldiers are mentioned the number is a very limited one (cf. Liv. xxix. 36, 2, where 1200 togae go to 12,000 tunicae; and Id. xliv. 16, 4, where 6,000 go to 30,000). So much so was this the case that the toga became the typical garb of peace as in Cicero's time (*in Pis.* 30, 73: "Cedant arma togae concedat laurea laudi"). Among other survivals of the old uses of the toga was the custom of wearing it without a tunica beneath (Gell. vii. 12, 3, "viri autem Romani primo quidem sine tunicis toga sola amicti fuerunt"), which was observed by candidates for election until almost the end of the Republic (Plut. *Quaest. Rom.* 49, p. 276 C, *διὰ τί τοὺς παραγγέλλοντας ἄρχειν ἔθος ἦν ἐν ἱματίῳ τοῦτο ποιεῖν ἀχίτωνας*: cf. Id. *Coriol.* 14). Cato Uticensis, like the famous family of Cathegi (*cinctuti*, Hor. *A. P.* 50: cf. Lucan, ii. 543, vi. 794; Sil. Ital. viii. 587), adopted this as one of his habits, though the ordinary Roman, as we have mentioned above, considered it as scarcely decent.

Yet another custom was the survival of the toga as a woman's garment (cf. Serv. *ad Aen.* i. 282), in the case of the *meretrices* and unchaste women who were condemned to wear it (Juv. ii. 68; Mart. ii. 39, x. 52; Cic. *Phil.* ii. 18, 44; Hor. *Sat.* i. 2, 63). The toga of the Roman citizen was white in colour (cf. Mart. viii. 28, 11); but if he were candidate for an office, he sent it to the fuller and then appeared in the *toga candida* (cf. Polybius, x. 4, 8, *τήβεννα λαμπρά*). The dazzling brilliancy of the *toga candida* was given by some special preparation of chalk, according to Isidorus (*Orig.* xix. 24, 6), and this is why Persius speaks of a *cretata ambitio*. This custom was forbidden by a *plebiscitum* in 432 B.C. (Liv. iv. 25, 13), but this never seems to have been enforced. The citizen's toga, or *toga pura*, being the mark of his franchise, was assumed by the young Roman when he was declared to be legally of age. It was on this account known as the *toga virilis*, as opposed to the *toga praetexta* of boys. The assumption of the *toga virilis* took place on the feast of the Liberalia (March 17: cf. Ovid, *Fasti*, iii. 771; Cic. *ad Att.* vi. 1, 12), when the boy was between 14 and 16 years of age, though instances occur in which boys a couple of years older or younger assumed it (cf. Marquardt, *Privatleben*, p. 126 foll.).

The *praetexta* worn by free-born boys (Liv. xxiv. 7, 2: "Liberi nostri praetextis purpura togis utuntur") was an ordinary toga with a purple hem added. Its use was not confined to boys; for it was worn by all the curule magistrates (aediles, cf. Cic. *post. red. in Sen.* 5, 12; and censors, cf. Zonar. vii. 19). It was denied to the quaestors, plebeians, aediles, and tribunes of the Plebs (Plut. *Quaest. Rom.* 81, p. 283 B), though it was one of the privileges of magistrates in the *Municipia* and *Coloniae*. To wear it was a distinction; and ex-curule magistrates, as well as dictators, were buried in it (Liv. xxxiv. 7, 2). They seem to have been also allowed to wear it during their lifetime, but only at public ceremonies or festivals (cf. Cic. *Phil.* ii. 43, 110, "cur non sumus praetextati"). Priests possessed the right of the *praetexta*, though not in all colleges. The Flamen Dialis (Liv. xxvii. 8, 8), the Pontifices, and Tresviri Epulones (Id. xxxiii. 42), the Augurs (Cic. *pro Sest.* 69, 144), and the Arval brothers, are among those mentioned as wearing it. Under the Empire it was common to bestow a *praetexta* as a badge of rank (*ornamentum*). Thus Sejanus was given it by the senate as part of the insignia of praetor (Dio Cass. lviii. 11: cf. for the whole subject Mommsen, *Staatsrecht*, i.^{2} 392; ii. 522). Another kind of toga was the *toga pulla*, a mantle of dark colour which was assumed by those in mourning (*sordidati*), who were said *mutare vestem*. It was of dark colour, whence its name; and was put on not only in cases of bereavement, but in cases of private danger, as for instance when one was impeached (cf. Liv. vi. 20, 1, of M. Manlius), and of public anxiety. In fact, it was one of the ways of making a popular demonstration, and Cicero was prouder of nothing more than of the fact that the senate resolved on a *vestis mutatio* when he went into exile (*post red. in Sen.* 5, 12). In the case of magistrates who had the right to wear the *praetexta*, a common *toga pura*, not a *toga pulla*, was worn.

Under the Republic the most magnificent garment was the *toga picta* of Jupiter Capitolinus (cf. Tertull. *de Corona*, 13), which the triumphant general wore over the *tunica palmata* (Liv. v. 41, 2: "quae augustissima vestis est tensas ducentibus triumphantibusque"). The Praetor Urbanus, however, was also allowed to appear in it, when he rode in the chariot of the Gods into the circus at the Ludi Apollinares (cf. Liv. *l. c.*). The *toga picta* was a toga purpurea, or mantle of purple, covered with gold embroidery, and was very possibly originally the king's attire, though tradition ran that the king only wore the praetexta. Under the Empire, the republican customs were much altered, and all magistrates who gave games wore the toga purpurea; though indeed from a decree of Augustus, that no one except magistrates and senators should wear it, one may infer that its use was by no means so restricted as might otherwise be supposed (Dio Cass. xlix. 16). Even under the Republic the Praetor Urbanus Asellio offered a sacrifice in the triumphal costume, and one of the honours conferred on Julius Caesar was the right of always wearing it at sacrifice (Appian, *B. C.* i. 54, ii. 106). Afterwards the further right of wearing it always and wherever he wished was given him (Dio Cass. xliv. 4, 6;—Cic. *de Divin.* i. 52, 119; ii. 16, 27); and this privilege was retained by Augustus and his successors, though as a rule they only used it on special occasions.

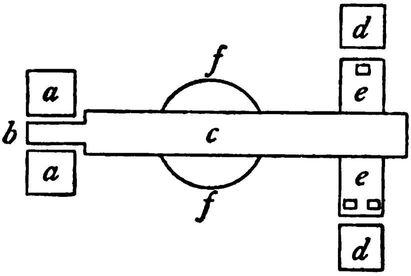
In the second century A.D. the *toga picta* with the *tunica palmata* had already become the official dress of the consuls, and the best representations of it are to be found in their portraits on the diptychs of ivory which they presented to their friends on election. In these, however, the toga has taken quite a new and almost irrecognisable form (cf. Baumeister, *Denkm.* p. 1833, fig. 1923; and Marquardt, *Privatleben*, ed. 2, p. 563, note 1).

Among the varieties of the toga the *trabea* must be mentioned. It probably gets its name from having stripes (*trabes*) of bright scarlet with a purple hem (cf. Isid. *Orig.* xix. 24, 8: "Trabea erat togae species ex purpura et cocco"). It was a very ancient form of the toga, and was worn by the Salii (Dionys. ii. 70) and augurs. According to Servius, there were three different kinds of *trabea*: one of purple only, for the gods; another of purple and a little white, for kings; and a third, that described above for augurs (*ad Aen.* vii. 612; cf. *ad* vii. 188). It does not seem to have been worn by any Romans except the Salii and augurs, though Dionysius says that the knights did so, and cannot be identified on any of the monuments.

(See especially an excellent article by A. Müller in Baumeister, *Denkm.* s. v. *Toga;* Marquardt, *Privatleben*, Index *toga* and *trabea;* Weiss, *Kostümkunde*, p. 435 ff.; Von Heyden, *Die Tracht*, &c. p. 27 ff.; Iwan Müller, *Handbuch*, pp. 804, 876, 928; Mayor *ad* Juv. i. 119, iii. 172, x. 8 and 39, xi. 204; Friedländer, *Sittengeschichte Roms*, i.^{5} p. 151, &c.; Becker-Göll, *Gallus*, iii. p. 198 ff.) [W. C. F. A.]

TO'RCULAR or **TO'RCULUM**, a press for making wine or oil: in Greek, *πιεστήρ*, *πιεστήριον*, or, generally, *ληνός*, which strictly means the vat in which the fruit was trodden or pressed.

The grapes which had been trodden by the feet [see under VINUM] required further mechanical pressure to extract the remaining juice; and the pulp (*sampsa*) of the olive, already separated by the process described under TRAPETUM, had to be treated in a similar machine, to extract the oil. The simplest and earliest contrivance for this purpose was a heavy stone placed over a basket containing the grapes or the olive pulp, and pressed down by a lever, as is shown by a relief in the Naples Museum. This was improved by the press shown in the cut below, representing one found at Stabiae, which bears out the description left by Cato, *R. R.* 18 (cf. Plin. *H. N.* xviii. § 317; Col. xii. 52; Vitruv. vi. 6). Two posts (*a*, *a*), termed *arbores*, were fixed in the floor of the pressing-room (*torcularium*), so as to hold down the tongue (*lingula*, *b*) of the press-beam (*prelum*, *c*) [in some cases a single post, with a hole to receive the *lingula*, answered the purpose, but offered less resistance to the strain]: at a distance = the length of the *prelum*, or beam, a windlass (*sucula*, *e*) was fixed by two other posts (*stipites*, *d d*), and, being turned by crowbars (*vectes*), drew down the beam by a rope attached to it [for *sucula*, see MACHINA, pp. 108, 109]: the pressure fell upon the olive-pulp or the grapes, placed in a basket (*fiscina*) or between lathes (*regulae*): over the basket was laid a flat board (*orbis olearius*): the boarding or bed, upon which the fruit was placed, was called *area* (*f*). To lift up the prelum, when it was required, a pulley (*trochlea*) was hung from a beam above. The word *prelum*, though strictly the press-beam, often stands for the whole press (Hor. *Od.* i. 20, 9; Plin. *H. N.* xvi. § 193, &c.).



Plan of Torcular found at Stabiae. (Blümner.)

As a variation, not very clearly explained, which Pliny dates 100 years before his own time, the prelum was forced down by a screw instead of a windlass: and later, again, this was in great measure superseded by a screw-press, like an ordinary cloth-press [see COCLEA], an upright (*malus*) working as a male screw in an upper cross beam, and being screwed down upon what he calls a *tympanum* (probably a flat round board with rims like a tambourine), beneath which the fruit was placed (*H. N.* xviii. § 317). One advantage of this was that it took much less room than the long prelum.

A simpler press than the above appears in a painting at Herculaneum (Baumeister, *Denkm* fig. 2333), a framework of two uprights joined by cross bars at the top and bottom. The basket of fruit being placed on the lower bar, rows of beams separated by wedges are ranged between the basket and the upper bar, and exercise pressure as the wedges are driven home. (Blümner, *Technologie*, i. 337–342; Rich, *s. v.*; Schneider *ad* Cat. *R. R.*) [G. E. M.]

TORCULARIUM, a shed or out-house where the presses for oil or wine were worked (Cat. 12;—Col. xii. 52, §§ 3–10). The descriptions left by Latin writers on agriculture are confirmed and illustrated by the remains of an actual torcularium, discovered at Stabiae. The central part (probably the *forum*) has a wide open gangway for men or mules carrying in the fruit: in it stands the TRAPETUM for separating the pulp and the stone of the olive: on either side of the central compartment we find a paved chamber separated off by a low stone rim or coping, so that they form two shallow basins: it seems probable to us that these chambers were the *lacus* of Tib. i. 1, 10, Ov. *Fast.* iv. 888, Col. xii. 18, Plin. *Ep.* ix. 20, though Rich and Blümner think differently: the pavement of each chamber slopes in one direction to a point where leaden troughs conduct the liquid into earthenware jars (*labra*) sunk in the floor: in each chamber (or *lacus*) was placed a press [TORCULAR] for oil or wine; the sockets for receiving the various parts (*arbores*, *stipites*) described in the preceding article are seen in the floor, and there is an under-chamber where bolts (*pedicini*) held fast the *arbores*, &c. in their sockets. The juice flowed from the presses along the troughs of the *lacus* into the sunken jars above described, from which the *capulator* ladled out the wine or oil into smaller jars to be placed in the store-room (*cella vinaria*, *cella olearia*). It need not be supposed that there were always two chambers and two presses; but it was a natural arrangement, because the trapetum worked faster than the torcular; so much so that we are told also of an annexe, called *tabulatum* (Col. xii. 52), a sort of small store-room with a number of small tanks (*lacusculi*) lined with stone, in which the *sampsa* or olive pulp was stored, if it could not go directly into the press: the yield (*coactura*) of each day was placed on a sort of wooden rack in a separate *lacusculus*, so that the watery liquid (*amurca*) might flow away through a pipe in the bottom of the tank.

When the torcularium was intended for wine, the basin or *lacus* was as above described, but in the centre compartment the vat for treading the grapes [see VINUM] took the place of the trapetum: the juice trodden out flowed either into jars or, like that afterwards pressed in the torcular, by an arrangement of troughs into the *lacus*, and thence into the *labra*. The words of Isid. *Orig*. xv. 6, "forum est locus ubi uva calcatur," will best agree with the view which we take here, that the centre compartment was called *forum:* not only is the name itself hard to understand if we assign it to the side chambers or basins, as Rich and Blümner have done, but these side chambers, which we take to be the *lacus*, were already occupied by the torcular. (Blümner, *Technol.* i. 343 ff.; Rich, *s. v.*; Schneider, *ad Script. R. R.*, tab. v. and vi.) [G. E. M.]

TOREU'TICE (*τορευτική*). [Caelatura.]

TORMENTUM (*βάσανος*), torture. 1. Greek. In the articles Apotympanismos and Crux it has been argued that the Greeks of pre-Macedonian times were far more humane in their modes of inflicting death than has been generally thought. The modes of capital punishment are enumerated by Pollux (viii. 71: *ὁ δὲ παραλαμβάνων τοὺς ἀναιρουμένους καλεῖται δήμιος, δημόκοινος, ὁ πρὸς τῷ ὀρύγματι καὶ τὰ ἐργαλεῖα αὐτοῦ ξίφος, βρόχος, τύμπανον, φάρμακον, κώνειον*): of these the only wantonly cruel one, the *τύμπανον*, has been shown to have been extremely rare. Vague allusions to burning, impalement, and crucifixion, as recognised modes of execution, are still to be found in works of authority, though no instances can be alleged; the fact being that to the Greeks of the best period such punishments were known only as practised by barbarians or tyrants, and formed no part of legal procedure. In this respect they stood far above the Romans in their dealings with all but the privileged classes, and above the practice of most Christian nations until the present century. Almost the only writer who, to our knowledge, has drawn the just and clear distinction between the excesses of irresponsible persons, whether mobs or individuals, and the mind of the people as expressed in its laws, is Westermann (*ap.* Pauly, *s. v. Supplicium*), whose words have been already quoted (Vol. I. p. 567*a*). Some further illustrations of our previous argument may here be given. The earliest crucifixion recorded to have taken place in Greece is that of the leaders of an insurrection at Sicyon by a Macedonian princess, Cratesicleia, the widow of Alexander, son of Polysperchon, B.C. 314 (Diod. xix. 67). In the previous year Apollonides, an officer of Cassander, had burnt the prytaneum at Argos with 500 political opponents shut up in it (Id. *ib.* 63). No such deeds as these disfigure the annals of free Greece; they follow rapidly on the incursion of Macedonian barbarism. The treatment of servile insurrections affords another contrast. We know how the Romans struck terror on such occasions, not merely into slaves, but into free provincials. The Spartans were in mortal dread of their Helots, and privately made away with those whom they thought likely to prove dangerous [Crypteia]; Greek feeling prevented their resorting to wholesale executions by cruel methods. At Athens, also, we hear of insurrections among the mining slaves [Servus, p. 659], but there are no records of atrocious and unusual punishments.

Judicial torture, employed to extract evidence, was likewise confined at Athens and among the Greeks generally within narrower limits, both as regards the persons on whom it was inflicted and the modes of infliction, than in those European countries which had adopted it from the later Roman law. In particular, the Athenian feeling against barbarity showed itself in very early times (see under Crux, Vol. I. p. 566 *a*, *b*). By a decree in the archonship of Scamandrius, of unknown but probably of early date, it was ordained that no free Athenian could be put to the torture (Andoc. *de Myst.* § 43); and what is more to the purpose, the restriction was fully maintained in practice: Athenian citizens stood in no fear of it (Lys. *c. Agorat.* § 27). Even in the worst times of panic or exasperation, as in the case of the mutilated Hermae, the power to override the law by a special psephisma, though often demanded, was never really acted upon (see the narrative in Grote, ch. 58, and especially the note at v. 175; other instances in [Dem.] *de Synt.* p. 170, § 114, Plut. *Phoc.* 35). The best authorities are agreed that we have no example of the torture of an Athenian citizen (Thalheim, *Rechtsalterth.* p. 29, n. 2; Lipsius, *Att. Process*, p. 896, n. 372). Free aliens, whether *ξένοι* or *μέτοικοι*, stood in general upon the same footing; the masters of emancipated slaves (*ἀπελεύθεροι*) retained the right of giving them up for torture, but Demosthenes expressly says that it would be impious to do so (*οὐδ' ὅσιον παραδοῦναι*, *c. Aphob.* iii. p. 856, § 39, cf. *c. Timoth.* p. 1200, § 55), though non-compliance with an opponent's challenge might prejudice the jury against one's case. Some apparent exceptions are discussed by Boeckh (*P. E.* p. 185 = *Sthh.*^{3} i. 227 f.): the torture of a free man at Mytilene, who held out when a slave confessed (Antiph. *de caed. Her.* §§ 29, 49, cf. Mahaffy, p. 241), may have been under Lesbian and not Attic law, or the Athenians may have been less scrupulous when their subject-allies were concerned: the case in Lysias (*c. Simon.* § 33) is of a Plataean youth, who, as such, was not necessarily an Athenian citizen, and who after all was not put to the torture: the orator only argues that he might have been. Even under the Thirty it is admitted by their bitterest enemy that there was no torture of citizens, though the aliens who were the chief victims of murder and confiscation did not escape it (Lys. *c. Agorat.* §§ 54, 59, 61). But under regular governments freemen, not being citizens, were sometimes tortured at moments of panic, *e.g.* the barber who first spread the news of the Sicilian disaster (Plut. *Nicias*, 30); Antiphon, an Athenian who had lost his rights (*ἀποψηφισθεὶς*, apparently by a *διαψήφισις*, Dem. *de Cor.* p. 271, § 133), and who was accused of a plot to burn the dockyard in Philip's interest. In this case Boeckh (*l. c.*) thinks that the torture was in aggravation of the punishment; the words *στρεβλώσαντες ἀπεκτείνατε*, however, do not mean "put to death by torture," but "put to death *after* torture:" *στρεβλόω*, akin to *στρέφω*, is always used of torture employed to wring out confession, not of vindictive cruelty, for which the word is *αἰκίζεσθαι*. So of the female prisoner, who was probably not a free woman, in Antiphon (*de Venef.* § 20); the words *τῷ γὰρ δημοκοίνῳ τροχισθῆναι παρεδόθη* do not imply that she was racked to death, as *δημόκοινος* is applied to a torturer as well as an executioner. These remarks, it may be repeated, apply only to the free ages of Greece: the record of later times in Polybius and Diodorus is naturally very different, and after two centuries of degeneracy we need not be surprised at the statement of Cicero (*Part. Orat.* 34, § 118, *de institutis Atheniensium, Rhodiorum . . . apud quos liberi civesque torquentur*).

It was in taking the evidence of slaves, whose willing testimony was not accepted, that the torture was most commonly employed: for the rule which prevailed on this subject see MARTYRIA, p. 128 *b*, 129 *a*; SERVUS, p. 658 *b*. The argument often recurs in the orators, that evidence thus extorted was of more value than that of freemen: this was partly, no doubt, owing to the low standard of veracity among the Greeks, but much of it is mere rhetorical artifice; it is to persuade the jury that the other side refuse to tender their slaves for examination, not from humanity, but from the consciousness of a bad case; and we always find it employed when the demand to give them up has been refused (Antiph. *Tetral.* i. 2, § 7, *de Choreut.* § 25; Isae. *Or.* 8 [Ciron.], § 12;—Dem. *c. Aphob.* iii. p. 848, § 13; *c. Onet.* i. p. 874, § 37;—Lycurg. *c. Leocr.* §§ 29, 30). There is good reason to think, as has been seen under SERVUS, that the contemporaries of Demosthenes were more humane in this respect than those of Antiphon. Either party might offer his own slave to be examined by torture, or demand that of his adversary, and the offer or demand was equally called *πρόκλησις εἰς βάσανον*. This *πρόκλησις* was usually in writing, and specified the particular allegations to be substantiated, the "terms of the torture" (*καθ' ὅ τι ἔσται ἡ βάσανος*, Dem. *c. Steph.* i. p. 1120, § 61; cf. *c. Pantaen.* p. 978, § 40). We do not think that these words mean "what kind of torture was to be inflicted:" it appears both from the orators and the grammarians that only one mode of torture was in general use in the Attic courts, the rack (*τροχός*: *τροχίζειν*: *ἀναβιβάζειν ἐπὶ τὸν τρόχον*: cf. ECULEUS). There seem to have been exceptions: a comic passage of course proves nothing (Aristoph. *Ran.* 618 ff.), but cf. Antiph. *de Choreut.* § 23, *βασανίζειν τρόπῳ ὁποίῳ βούλοιτο*: Isocr. *Trapez.* § 15, *μαστιγοῦν τὸν ἐκδοθέντα καὶ στρεβλοῦν*. The suitor who put an opponent's slave to the torture was liable for damages for any loss of time or bodily hurt resulting from it (Dem. *c. Pantaen.* l. c.; Aristoph. *Ran.* 624); a proviso which must have gone some way to check the excesses of cruelty. The state-torturer, a slave, was called *δήμιος* or *δημόκοινος* (Poll. *l. c.*; cf. Thalheim, *Rechtsalterth.* p. 124, n. 8); the parties might themselves agree to act as *βασανισταί*, or choose certain persons for this purpose (Antiph. *de Venef.* § 10; Dem. *c. Pantaen.* p. 978, §§ 40, 42); but we find an agreement repudiated when private *βασανισταὶ* had presented themselves instead of *δημόκοινοι*: the former could not venture to carry out the torture on their own responsibility, and the plaintiff's case broke down (Isocr. *Trapez.* § 15). The torture was usually administered in private: instances occur of its infliction in open court (Aeschin. *de F. L.* § 126; [Dem.] *c. Everg. et Mnes.* p. 1144, § 17), but these are exceptional (*βασανίζειν οὐκ ἔστιν ἐναντίον ὑμῶν*, Dem. *c. Steph.* i. p. 1106, § 16). The general practice was to read at the trial the depositions of the slaves, which were called *βάσανοι* (Hyperid. *ap.* Harpocrat., Suid. *s. v.*; Dem. *c. Nicostr.* p. 1254, § 24), and to confirm them by the evidence of those who had been present at the torture. (*Att. Process*, pp. 889–897, Lipsius; Becker-Göll, *Charikles*, p. 37 ff.; Mahaffy, *Social Life in Greece*, ed. 3, pp. 240–243.)

2. ROMAN. During the time of the Republic, freemen were never put to the torture, at least by lawful authority; the cruelties inflicted on two military tribunes by Pleminius at Locri were the acts of a madman (Liv. xxix. 9). The rule as to slaves' evidence was the same at Rome as in Greece; their voluntary statements were not received except under special circumstances, as when they gave information of conspiracies against the state; they were tortured to make them confess what it was sought to prove. Slaves, however, could not be tortured to prove the guilt of their own master, except in the case of incestus, which was a crime against the gods, or unless the senate made a special exception, as was done in the Catilinarian conspiracy (Cic. *pro Mil.* 22, § 59; *pro Deiot.* 1, § 3; *Partit. Orat.* 34, § 118). Under Augustus the law was so far modified that, when the emperor suspected conspiracy against his government, he could demand the compulsory sale of slaves to the state or to himself, in order that they might be tortured; this did not pass without a protest (Dio Cass. lv. 5; Tac. *Ann.* ii. 30, iii. 67). The suspicious tyrants who immediately followed Augustus extended the law of majestas to the torture of free persons [MAJESTAS]; and we read of cases in which senators and equites were exposed to it (Suet. *Tib.* 58, *Cal.* 27 ff.). Claudius began his reign by abolishing the law of majestas, and is said never to have punished any one under it (Dio Cass. lx. 3); but his wives and freedmen abused his authority, and the practice was revived (Id. *ib.* 15). It remained the general law of imperial times that only freemen of low degree (*humiliores*) could be tortured in prosecutions for majestas: slaves might be compelled to bear witness against their masters in cases of majestas (Cod. 9, 8, 6, 7) and adultery (Dig. 48, 18, 17; Cod. 9, 9, §§ 3, 6, 32). Ammianus takes, perhaps, a malicious pleasure in recording the cruelties inflicted upon free citizens by the Christian emperors Constantius, Valentinian, and Valens (Amm. Marc. xiv. 5, xv. 3, xvi. 8, xviii. 3, xix. 12, xxi. 16, xxvi. 10, xxviii. 1, xxix. 1, 2).

As to the modes of torture, see ECULEUS, FIDICULA, and FLAGELLUM, in Vol. I. Cicero mentions some atrocious cases: "ignes candentesque laminae ceterique cruciatus admovebantur" (*in Verr.* v. 63, § 163: cf. *pro Cluent.* 63, § 177; 66, § 187); but in general we get few details. The hooks (*unci*) with which the bodies of criminals were dragged after execution (Juv. x. 66, with Mayor's note) were likewise employed to lacerate the living (Amm. Marc. xiv. 5; *sulcatis lateribus*, Id. xxvi. 10). The torturers, (*tortores, carnifices*) were probably public slaves (CARNIFEX; cf. Mommsen, *Staatsr.* i.^{2} 313). On the torture of slaves by their masters, see Marquardt, *Privatl.* 180; on the whole subject, Dig. 48, 18, *de Quaestionibus*; Walter, *Gesch. des römischen Rechts*, ed. 1, p. 875 ff.; Rein, *Criminalrecht*, p. 542. [W. S.] [W. W.]

TORMENTUM was a general name for artillery among the ancients.

I. DESCRIPTIVE.—The two main classes of tormenta are those which discharged their missiles (1) horizontally (*εὐθύτονα*), or practically so; (2) at an angle (*παλίντονα*) with the ground. But these are technical terms. The ordinary names of the engines, both in authors (Diod. xvi. 74) and in inscriptions (*C. I. A.* ii. 250; 471, 46; 733 B), were ὀξυβελεῖς and λιθοβόλοι. The former shot arrows, hence their name ὀξυβελεῖς, sc. *καταπάλται* (not *καταπέλται*: cf. *C. I. G.* 2360, 25), and were called *catapultae* by the Romans: the latter discharged stones (*πετροβόλοι, λιθοβόλοι*), and were called in Latin *ballistae*. The arrow discharged from catapults is sometimes called *catapulta* (Plaut. *Pers.* i. 1, 28; Nonius, p. 552); and the stone discharged from *ballistae* called *ballista* (Plaut. *Trin.* iii. 2, 42). The terms *catapultae* and *ballistae* were probably obtained from the Sicilians; and they are used by historians as the two chief classes of engines (Tac. *Ann.* xii. 56; Gell. vii. 3). It must, however, be remembered that *catapulta* was also used as a generic term embracing both classes (Caes. *Bell. Civ.* ii. 9, 3; App. *Bell. Mithr.* 34; Sidon. Apoll. *Carm.* 22, 123).

The structure of both the engines is in the main principles the same: both, as the name *tormentum* points out, deriving their force from torsion, not from the elasticity of a bent body like a bow. We shall first attempt to describe a *εὐθύτονον* or *catapulta* (in the narrow sense), and afterwards set forth the points of difference between it and a *παλίντονον*. The two chief ancient authorities who supply materials are Heron's **Βελοποιϊκά**, and Philon's fourth book *Περὶ βελοποιϊκῶν*. Both writers flourished about 250 B.C. according to Rüstow and Köchly; about 100 B.C. according to Graux (*Rév. de Philol.*, N. S. iii. 92).

1. *Catapulta*, also apparently called *scorpio* in Caes. *B. G.* vii. 25, 2; *Bell. Afr.* 29, 4; Vitruv. x. 10, 15; Sall. *ap.* Non. p. 553: cf. Heron, § 3. This engine consisted of three parts, which we may call the Frame (*πλινθίον, capitulum*), the Pipe (*σύριγξ*), and the Support (*βάσις*). See Fig. 1.

(*a*) The *Frame* consisted of two strong horizontal beams, *a*, *b*, into which four other vertical beams were morticed, *c*, *d* (called *παραστάται*), *e*, *f* (called *μεσοστάται, medianae*). The beams, *a*, *b*, were called *περίτρητα, paralleli, peritreti*, because into the top and bottom of those beams in the centres of the two outside compartments, *g*, were bored circular holes (*τρήματα, foramina*), into which were placed the strings (*τόνοι, funes*) which gave the force which projected the missile. These strings seem to be called *vincla* in Tac. *Hist.* iii. 23. The diameter of these holes was ⅑ of the length of the arrow, and formed the standard measurement according to which all the other parts of the engine were proportioned. Into these holes were placed nuts, *h* (*σώληνες*), sometimes wooden, sometimes of metal, which were circular at the bottom so as to fit into the holes, rectangular in the middle *m*, and again circular at the top, of the same diameter as the standard. The nuts were rectangular in the middle partly to prevent them slipping down through the holes, partly that when required they could be turned round by a wrench, and so the strings tightened; hence this rectangular part got the name of *τριβίς*, from its friction against the frame. Across the middle of the top of the nut ran an iron bar, *n* (*ἐπιζυγίς, cuneolus ferreus*), round which the strings of the engine were stretched. The strings were generally prepared from the sinews of animals, and hence these engines are called *νευρότονοι* (*C. I. A.* 733 B), though sometimes we hear of women's hair being used (App. *Pun.* 93; Hero, §§ 26 ff.; Philo, § 12).

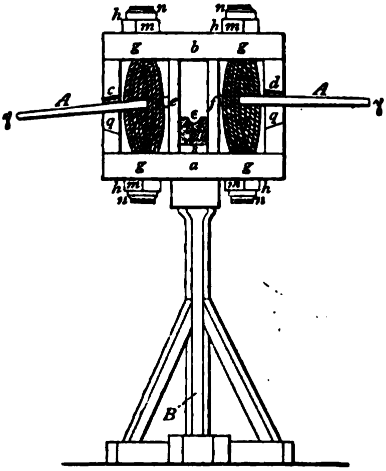


Fig. 1. Catapulta or Scorpio. (From Rüstow and Köchly.)

The instrument (Fig. 2) used for stretching the strings was called *ἐντόνιον*, and consisted of a large wooden frame with a windlass (*ὀνίσκος, sucula*) at each end, two beams *d d* as strengtheners, and a centre compartment just the size of the frame of the catapult. Into this centre compartment the frame, duly provided with its nuts, was fixed and firmly wedged, *k k k k*. The end of the string was fastened to one of the iron bars of the nut at *n* (Fig. 1), drawn through the other nut and fastened round one of the windlasses (suppose *b*). This string was then stretched till it became ⅔ of its original diameter, and fastened by a clamp (*περιστομίς*) to the bar opposite to the one to which it had been originally fixed. Then it was loosed from the windlass, drawn round the bar through the opposite nut, and again strained by the windlass *c*, fastened by another cramp, and so on passing from windlass to windlass till the whole available hollow portion of the nuts was filled with layers (*δόμοι*) of the string. The number of layers was generally about 10. When that was completed, the end of the string was fastened by a very strong clamp. Vitruvius says

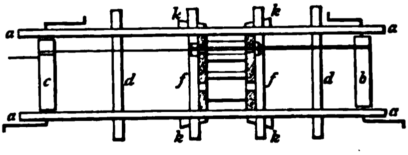


Fig. 2. Ἐντόνιον.

that each string should be stretched till it gave the same note (x. 18 (12), 2; cf. i. 1, 8. Compare Hero, § 28; Philo, § 17).

Through these masses of string from the side turned towards the enemy the thinner ends of two long pieces *A*, *A* (Fig. 1) of non-elastic wood, which formed the arms (ἀγκῶνες) of the bow, were thrust, so that when the engine was not being worked the thicker ends (πτέρνα) rested on the outer side of the μεσοστάται against an iron-plated knob (ὑπόπτερνις). On the other side of the frame, the arms rested about at their centre or two-thirds of the way from the point γ, against a curve *q* (κοίλη, *curvatura*) in the παραστάται, which latter had a bulge on the outer side, so that they should not be wanting in strength. To the ends of the arms γ γ was fixed a very strong string (τοξῖτις), called apparently *libramentum* in Tac. *Hist.* iii. 23, which was the string by which the arrow was shot (Hero, § 30).

(*b*) Now we come to the *Pipe*, which projected backwards from the centre compartment of the frame. It consisted of two parts: (1) the pipe proper (σύριγξ in the narrow sense, *canaliculus*) and (2) what we may call the projector (διώστρα). The pipe proper was a long narrow trough-like construction of wood, open at the end towards the enemy. At its other end it had a windlass for stretching the string, worked by hand-spikes (σκυτάλαι). Running in the pipe, which was dovetailed for about two-thirds of its length, and fitting into this dovetail, was another smaller trough-like construction called the projector (διώστρα), into which the arrow was placed. The trough in the case of this διώστρα was concave, and not angular. At the end of the διώστρα was a hook (χείρ, *epitoxis*), of which a horizontal and a vertical section are given herewith (Fig. 3). It moved on an axle (λ λ) working through a specially inserted frame, θ θ (στήματα). The hook, axle, and frame taken together appear to have been called χελώνιον. The hook consisted of two horizontal prongs with vertical ends; and a hindmost part (ν) very much heavier than the fore part; so much so that, in order to keep the fore part down, the hinder part had to be prized up and supported by a handle, φ (σχαστηρία, *manucla*), which revolved horizontally on a vertical axis, π (called περόνη). On the hinder part of the projector was a ring, ξ, through which one end of a strong cord (ὅπλον, καταγωγίς) was fastened, the other end being fixed to a windlass. (Hero, §§ 5 ff.; cf. Philo, §§ 52 ff.)

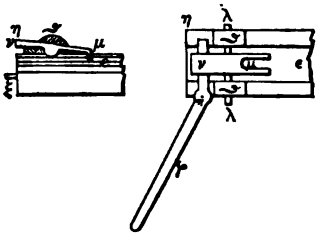


Fig. 3. Plan and section of the "Pipe."

Now, when the engine was to be used, the projector was pushed forwards till the hook, prized up by the handle (σχαστηρία), could catch the projecting string (τοξῖτις). Resting against this string, and in the trough of the projector, was placed the arrow. The projector was then along with the string drawn back by means of the καταγωγίς and the windlasses as far as was required, and the windlass made fast so that the projector could not move. A. Müller in Baumeister's *Denkmäler*, p. 547, and Droysen, *Gr. Kriegsalt.* p. 196, suppose that the pipe had a series of teeth, so that the projector could be fixed at any given point, as we shall see was the case in the γαστραφέτης (see below, § 3). This is probable enough *à priori*, but we do not know the evidence for their opinion, and there was not the same necessity for the teeth in the larger engines as there was in the hand-strung γαστραφέτης. When all was now ready for the shot, the handle was pushed violently from under the heavy side of the hook, which must have been very heavy indeed, for it appears that this side fell down by its own weight, and so released the string, which shot forward the arrow with great velocity. This appears to be what Hero (§ 6) means by "they let the hook loose by tearing away the handle" (ἀπέσχαζον τὴν χεῖρα σπαράξαντες τὴν σχαστηρίαν); otherwise we should suppose that the use of the handle was only to prevent accidental discharge while the string was being drawn back, and that, after it was loosed, as a general rule a blow of a hammer on the hinder part of the hook or something of the kind would have been necessary to release the string.

(*c*) The *Base* of the catapult, which is described by Rüstow and Köchly, and of which they give their principal illustration (*op. cit.* fig. 106), consisted of two supports. Such were required only in the case of very heavy engines, and were not much used, among other reasons because the limits of elevation within which they could be discharged were very circumscribed; they were confined to that allowed by the height of a pin which fixed the frame to the foremost support, and this would not allow a change of elevation of more than a few degrees. The ordinary catapult and that principally described by the ancients had only one support, as in the subjoined illustration, taken from Baumeister, of a catapult built according to the ancient authorities by the *Heidelberger Philologen-Versammlung*. The base consisted of a beam, *q* (ὀρθοστάτης, *columella*), supported on four feet *s*, by four stays, *r*. In the top of this beam was a long circular pivot, *u*, which passed through two horizontal sides of a wooden frame, *t*, whose vertical sides projected considerably beyond its upper horizontal side. Through the vertical sides above the horizontal sides and parallel with them ran a round iron bar on which the pipe rested; and while the whole upper part of the engine could revolve horizontally on the pivot *u*, it could be lowered and elevated vertically by revolving on this bar. At the end of the pipe was a stay, *v* (ἀναπαυστηρία), which could move up and down on the support *w* (ἀντερειδίς), which latter was attached by a ring to the main beam, *q*. The limits of change of elevation of such an engine must have been at all events 8°.

The *length* of the arrow gave the technical name to the size of the engine: so that catapults were classed as three-span (*τρισπίθαμος*), two-ell (*δίπηχος*) = four-span, five-span (*πεντεσπίθαμος*), three-ell (*τρίπηχος*) = six span; that is, 27 inch, 36, 45, 54. This gave the diameter of the *τρήματα* in the frame as about 3, 4, 5, 6 inches. Let us call this diameter x; then we can fix the rest of the measurements of the machine, *e.g.* height of the frame 5·5 x, depth 2 to 1·5 x, breadth 6·5 x, length of pipe 16 x, of *ἀγκῶνες* 7 x each, thickness of each of the *νεῦρα* ⅓ to ⅜ x; minimum breadth for working 13 x, height 18 x, depth 20 x. The weight of a *τρισπίθαμος* was about 85 lbs., and its arrow about ½ lb., and it required two or three men to work it; the weight of a *τρίπηχος* was about 5¼ cwt., its arrow over 4 lbs., and it required five men to work it. The three-span catapult of Agesistratus shot 3⅔ stadia = 2210 feet (Athen. *de Mech.* p. 8 Wescher), but that was considered something very marvellous. At 1000 feet an arrow from a three-span catapult would be driven 2 inches into a board (Rüstow and Köchly, *Kriegsschriftst.* i. p. 330, note m): so that, on the whole, we may take the ordinary effective range at about 1200 feet, the actual distance the arrow would reach being somewhat over this (*ib.* 328, note h). The price of a two-ell catapult they estimate at about 480 drachmas, about £20, reckoning the drachma as a franc.

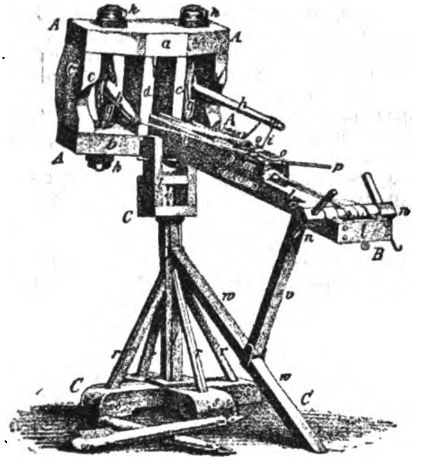


Fig. 4. Catapult. (Baumeister.)

2. *The Ballista* (*παλίντονον*): cf. generally Hero, § 32; Philo, § 6.—The principle of this engine was precisely the same as that of the catapult, the only essential differences being (1) that the hinder part of the pipe rested on the ground to which the pipe itself was inclined at an angle of 45°; (2) that the wooden arms (*ἀγκῶνες*) in the position of rest were not parallel with the ground as in the case of the *εὐθύτονα*, but inclined at an angle of 30°, hence the term *παλίντονον* ("strung at an angle"). The frame consisted of two smaller frames (*ἐνατόνια*, *ἡμιτόνια*), *A A* and *B B*, each of which held one of the sets of strings; these frames were bound together by two strong beams (*κανόνες*), *a a* and *b b:* indeed the whole engine was much larger and in all its parts stronger than the catapults. It was used to discharge beams or stones; accordingly it is the *weight* of the stone which gives the diameter of the *τρήματα* in this case. Along the pipe, *C C*, which had no continuous bottom, but had its sides (*σκέλη*), *c d*, bound together by pegs (*διαπήγματα*), extending longwise were narrow bars of wood (*πτερύγια*), which formed the support for the *δίωστρα* to run on. Chiefly, as it seems, on account of the ladder-like appearance the *διαπήγματα* presented, the pipe in this engine was called *κλιμακίς*. The string (*τοξῖτις*) extending from the ends of the *ἀγκῶνες* was twisted like a rope, and had at its centre a ring (not represented in the plate) which was caught by the *χείρ*.

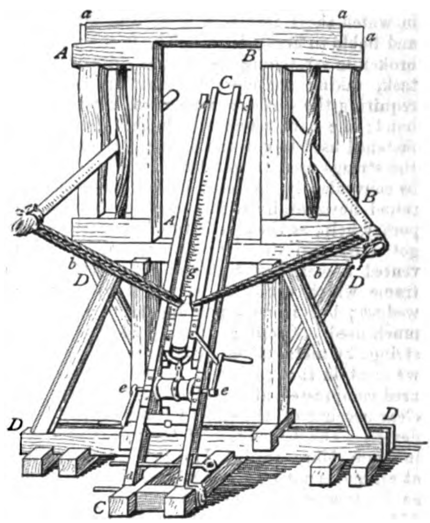


Fig. 5. Ballista. (A. Müller, in Baumeister.)

It would be tedious to give in detail all the various measurements of the parts of a ballista: suffice to say, that the diameter x of the *τρήματα* in dactyls (1 dactyl = about ¾ inch) was estimated by the formula $x = \frac{11}{10}\sqrt[3]{100\,w}$, where w is the weight of the missile in minae (1 mina = about 1¼ lb.); that the length of the arms was 6 x each, of the *τοξῖτις* 12·6 x, of the *κλίμαξ* 16 x; and that the space required for the engine was at least 20 x in depth, 13 x in breadth, and 17 x in height. The size of the engine varied according as the missile was 10, 15, 20, 30, 50, 60 minae: the latter (= 1 talent) was the heaviest missile that was ordinarily used: engines larger than this, as that of Demetrius (Diod. xx. 48) or of Archimedes (Athen. *Deipnos.* 208 c), which threw three talents, were quite exceptions and of little practical use. The average range was probably about 400 yards or a little more, but a large 60 minae ballista appears to have been barely able to throw 220 yards (Droysen, *op. cit.* p. 204). The price of a 10 minae ballista Rüstow and Köchly reckon at 4000 drachmas = £160. That the ballistae cannot have been much used in the field may be proved from their weight; so that they always appear in considerably less numbers than the catapults. At New Carthage we read that Scipio had 120 large catapults and 23 large ballistae (Liv. xxvi. 47, 5)—numbers which probably in themselves are very much exaggerated: at Jerusalem the Jews had 300 catapults and 40 ballistae (*B. J.* v. 9, 2). Examples of the working of ballistae are given in *Bell. Hisp.* 13, 8, and Joseph. *B. J.* iii. 7, 23; it appears that very considerable precision of aim could be acquired by the scorpiones (*Bell. Afr.* 29, 4; Caes. *B. G.* vii. 25, 2).

Philo (§§ 17 ff.) mentions a great many points in which these tormenta were difficult to work and liable to break down. The frame was often broken in stretching the strings,—itself no easy task, taking considerably over an hour, and requiring the *ἐντόνιον*, which was not always at hand: the bars round which the strings were fastened used to cut the strings: the tension of the strings used to get loosened and could only be conveniently tightened by screwing the nuts round horizontally with a wrench—a very temporary help, as the elasticity of the strings soon got exhausted thereby; and so on. Philo invented a means of tightening the strings by a frame which could be narrowed by means of wedges; but it does not appear to have been much used. Ctesibius (Phil. § 14) replaced the strings by metal wires (*χαλκέντονον*); and also we are told that as one of his improvements he used compressed air (*ἀερότονον*), but there is no clear account of the exact nature of this latter device. The description of the so-called *ballista* in Amm. Marc. xxiii. 4, 1, if it can be explained at all and is not pure "bombastische Confusion," as Rüstow and Köchly (*Kriegsschriftsteller*, i. 414) call it, is certainly not of such a nature as to lead to any essential alteration of the description given above from such capable writers as Hero and Philo.

3. The *γαστραφέτης* or "stomach-bow" (cf. Hero, §§ 3 ff.; Bito, p. 61 Wescher) derived its name because it had to be pressed against the stomach and the ground or a wall, when it was being strung. The accompanying cut gives an idea of it. It was not strictly a tormentum, as its force was got from the elasticity of a bow: it was in fact a cross-bow, with a *διώστρα* virtually like that of the catapult. The novel feature of it was that the sides of the *σύριγξ* had a series of teeth, into which two little prongs (*κατακλεῖδες*) on each side fitted, so as to hold the *δίωστρα* at just the point required, and to do so with as little loss of time as possible. It was probably the same as the *arcuballista* of Vegetius (ii. 15, iv. 22). Droysen (*l. c.*) says it was called *σκόρπιος*. The so-called *βαλλίστρα* mentioned by Procopius (*Bell. Goth.* i. 21) was a bow, or most probably from the description a species of *γαστραφέτης*: and similar in principle, but on a very large scale and worked by windlasses, was the *ballista fulminalis* of the treatise *De rebus bellicis*, 8, 10, attached to the *Notitia* (cf. Marquardt, *op. cit.* 524, note 2; and Rüstow and Köchly, *Kriegsschriftsteller*, p. 410). The "four-wheeled ballista" (*ib.*; cf. p. 418) is said to have shot its arrows "not by strings but by rigid bars" (*non funibus sed radiis*). This "riddle," as Rüstow and Köchly call it, still awaits solution.

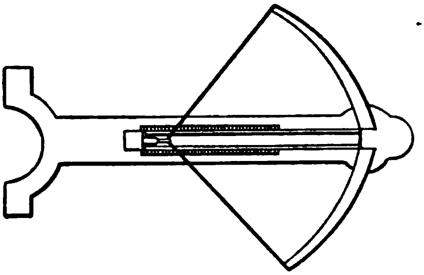


Fig. 6. Γαστραφέτης. (Rüstow and Köchly.)

4. The *onager* (cf. Amm. Marc. xxiii. 4, 4, who calls it *scorpio*).—This appears to have been a Roman construction, and we only hear of it in post-Constantinian times. It may be described as a horizontal one-armed ballista, which shot small stones. The name is said to have been derived from the fact that the wild ass in its flight dashed back stones with its hoofs on its pursuers. The strings which supplied the force were stretched horizontally, and the arm (*ἀγκών*) inserted vertically into them. When the engine was used, this arm, by a string attached to a point near the top, was pulled down by a windlass till it was horizontal, and then secured by a hook, the missiles being hung in a bag at the extremity. Then the hook was struck away with a hammer and the missiles discharged. The arm struck against a bag full of some soft substance attached to the front part of the machine, reaching about ⅔ of the way up the arm. This would have been a rather hard instrument to aim with, if it were not that it threw a number of stones.

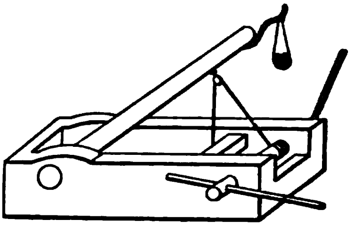


Fig. 7. Onager. (Marquardt.)

II. Historical. — Pliny (*H. N.* vii. § 56) attributes the invention of catapults to the Syrophoenicians; but there is no corroboration of this statement. The passage in 2 Chronicles xxvi. 14, 15, where it is said that Uzziah prepared "slings to cast stones," probably dates from not earlier than the fourth century. In the Hellenic world *tormenta* first appear in the great preparations made by Dionysius against Carthage in 399 B.C. (Diod. xiv. 42, 43), and in the next year they were used in the siege of Motye (*ib.* 50). It was from Sicily that they came into Greece proper (Plut. *Apophtheg.* 219 = ii. 191). The first mention of them there is in a list of articles contained in the Chalcothēcē in Athens (*C. I. A.* ii. 61, 37), of date between 356 and 348. In 340 we read that the Perinthians borrowed artillery from the Byzantines (Diod. xvi. 74), and the siege of Byzantium in the same year by Philip of Macedon is the first occasion we hear of the use of artillery in Greece in any extensive form. Athenaeus, the writer on artillery (p. 10, Wescher), notices the reign of Dionysius in Sicily and the siege of Byzantium as marking epochs in the use of siege-engines, Polyeidus of Thessaly being one of the most celebrated engineers (cf. Grote, xi. 262). On this occasion we hear only of *καταπάλται ὀξυβελεῖς* (Diod. *l. c.*); the first mention of *λιθοβόλοι* appears to be at the siege of Halicarnassus by Alexander in 334 (Arrian, i. 22, 2).

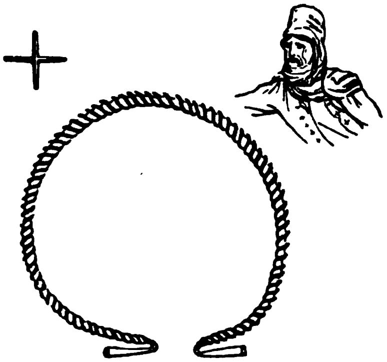
During the period of the Diadochi artillery reached its highest perfection among the ancients. The engines are repeatedly mentioned (Diod. xviii. 12, 51, 70, 71;—*C. I. A.* ii. 807 *b*, 129 ff.; 808 *d*, 53 ff.;—Polyb. iv. 56, 3; v. 88, 7; 99, 7); and artillery practice (*καταπαλταφεσία*) became a regular part of the military training of the ephebi (*C. I. G.* 2360, 25). The Romans did not make any decided improvement or invention in military engines till late in the Empire. Caesar was quite inferior to the Massiliotes in artillery (*Bell. Civ.* ii. 2, 5), and after the battle of Pharsalia had to get engines from Greece and Asia to besiege Alexandria (*Bell. Alex.* 1, 1). It was in siege-work, both attack and defence, but particularly defence, that these engines were employed (Liv. xxvi. 6, 4; xxvii. 15, 5;—Polyb. viii. 7, 6). They were altogether too heavy and cumbersome to be used very extensively in the field; if they were used in the field, it was only for the attack or defence of some strong position (Caes. *B. G.* ii. 8, 4; viii. 14, 5; *B. C.* iii. 56, 1; *B. Afr.* 31, 6), or protecting some movement such as crossing a river (cf. Arrian, i. 7, 8; iv. 4, 4). During the Roman Empire each legion (Tac. *Hist.* iii. 23; Dio Cass. lxv. 4), and perhaps each praetorian cohort (Tac. *Ann.* xii. 56), had its own engines; and in the time of Vegetius (*l. c.*) each century of the legion had a *carroballista*, a large engine drawn by mules and requiring eleven men to work it, and each cohort an *onager*.

Into all the minutiae of the construction of these engines it would be impossible here to enter. For them readers must be referred to Rüstow and Köchly, *Geschichte des griechischen Kriegswesens*, 1852, pp. 378–405; to their edition of the *Griechische Kriegsschrifsteller*, 1853, vol. i., containing Hero's and Philo's Βελοποιϊκά, pp. 187–346, and Vitruvius, x. chaps. 15–18 (10–12), with a valuable translation and notes; to Wescher's *Poliorcétique des Grecs*, 1867, for Athenaeus and Bito (pp. 1–68); to A. Müller's article on *Festungskrieg und Belagerungswesen* in Baumeister's *Denkmäler*, i. 525 ff.; and to Droysen's *Die griechischen Kriegsalterthümer*, chap. ix. pp. 187–204. [L. C. P.]

TORQUES or **TORQUIS** (*στρεπτός*), an ornament of gold, twisted spirally and bent into a circular form, which was worn round the neck by men of distinction among the Persians (Curt. iii. 3; Themist. *Orat.* 24, p. 306 c), the Gauls (Florus, i. 13, ii. 4), and other Asiatic and northern nations (Isid. *Orig.* xix. 30). *Torc* in Celtic and old Irish was probably borrowed from the Latin word (Curtius, *Gr. Etym.* 462). Virgil (*Aen.* v. 558, 559) thus describes it as part of the attire of the Trojan youths:

"It pectore summo
Flexilis obtorti per collum circulus auri."

Ornaments of this kind have been frequently found both in France and in many parts of Great Britain and Ireland (Petrie, *Trans. of R. Irish Acad.* vol. xviii.; *Antiq.* pp. 181–184), varying in size and weight, but almost always of the form exhibited in the annexed woodcut, which represents a torquis found in Brecknockshire, and now preserved in the British Museum. The same woodcut contains a section of this torquis of the size of the original. It shows, as Mr. Petrie observes concerning some found in the county of Meath, "four equidistant radiations from a common centre." The torquis in the British Museum is 4½ feet in length. Its hooks correspond well to the following description of the fall of a Celtic warrior: "Torquis ab incisa decidit *unca* gula" (Propert. iv. 10, 44). A torquis which instead of being bent into a circular form was turned into a spiral, became a bracelet, as is shown in the lowest figure of the woodcut to Armilla. A torquis contrived to answer this purpose is called *torquis brachialis* (Vopisc. *Aurel.* 7). Such bracelets and torques are often found together, having been worn by the same people.



Torques.

The head in the preceding woodcut is that of a Persian warrior in the mosaic of the battle of Issus, mentioned in p. 397. It illustrates the mode of wearing the torquis, which in this instance terminates in two serpents' heads instead of hooks. It was by taking this collar from a Gallic warrior that T. Manlius obtained the cognomen of *Torquatus* (Cic. *de Fin.* ii. 22, 73, *de Off.* iii. 31, 112; Gellius, ix. 13; Non. Marc. pp. 227, 228, ed. Merceri).

Torques, whether in the form of collars or bracelets, no doubt formed a considerable part of the wealth of those who wore them. Hence they were an important portion of the spoil, when any Celtic or Oriental army was conquered, and they were among the rewards of valour bestowed after an engagement upon those who had most distinguished themselves (Juv. xvi. 60; Plin. *H. N.* xxxiii. § 10; Sidon. Apollin. *Carm.* xxiii. 424). The monuments erected to commemorate Roman soldiers and to enumerate the honours which they had obtained, often mention the number of torques conferred upon them. (Maffei, *Mus. Veron.* p. 218.) [Phalera.] [J. Y.]

TORUS. [Lectus.]

TO'XOTAE (*τοξόται*). [Demosii.]

TRA'BEA. [Toga.]

TRADI'TIO. [Dominium.]

TRAGOE'DIA. The purpose of this article is to sketch the progress of Greek Tragedy from its origin to its maturity; and to give some account of Roman Tragedy, which was derived from the Greek.

The Dithyramb.—The Dorian worship of the gods, and especially of Apollo, had been accompanied from an early time by choral lyrics, to which an artistic development was given by Alcman of Sparta (660 B.C.) and Stesichorus of Himera (620 B.C.). It was reserved for a man of Aeolian origin to perfect one particular species of the poetry which Dorians had made their own. Arion, of Methymna in Lesbos, lived about 600 B.C. He gave a finished form to the *διθύραμβος*, or choral hymn in honour of Dionysus. The *κύκλιος χορός*—*i.e.* the chorus which stood, or danced, round the altar of Dionysus—received from him a more complete organisation, its number being fixed at fifty. The earliest *κύκλιοι χοροί* of this kind were trained and produced by Arion at Corinth in the reign of Periander. Pindar alludes to this when he speaks of Corinth as the place where "the graces of Dionysus"—the joyous song and dance of his festival—were first shown forth, *σὺν βοηλάτᾳ . . . διθυράμβῳ* (*Olymp.* xiii. 19). The epithet *βοηλάτης* which is there given to the dithyramb probably refers to the fact that an ox was the prize, rather than to a symbolical identification of Dionysus with that animal. In one of his lost poems Pindar had connected the origin of the dithyramb with Naxos, and, in another, with Thebes. This is quite consistent with Corinth having been the first home of the matured dithyramb. It is well known that the dithyramb had existed before Arion's time. The earliest occurrence of the word is in Archilochus (*circ.* 670 B.C.), fr. 79: *ὡς Διωνύσοι' ἄνακτος καλὸν ἐξάρξαι μέλος | οἶδα διθύραμβον, οἴνῳ συγκεραυνωθεὶς φρένας*—a testimony to the impassioned character of the song. Herodotus speaks of Arion as not merely the developer, but the inventor (i. 23); and Aristotle made a similar statement, if we can trust the citation in Photius (*τὸν δὲ ἀρξάμενον τῆς ᾠδῆς Ἀριστοτέλης Ἀρίωνά φησιν εἶναι, ὃς πρῶτος τὸν κύκλιον ἤγαγε χορόν*: *Biblioth. Cod.* 239). But it was natural that the man who developed and popularised the dithyramb should have come to figure in tradition as its inventor. The etymology of *διθύραμβος* is unknown. Plato conjectures that its original theme was the *birth* of Dionysus (*Legg.* p. 700 B). If this was so, at any rate the scope must soon have been enlarged, so as to include all the fortunes of the god.

Earliest "Tragic Choruses."—At Sicyon, *circ.* 600 B.C., *τραγικοὶ χοροί* were in use. This date coincides with the period at which Arion perfected the dithyramb; and we find that these *χοροί* had originally been held in honour of Dionysus. The Sicyonians had diverted them from that purpose, and had applied them to the cult of the Argive hero Adrastus, whose adventures were celebrated by the choruses (Her. v. 67, *τὰ πάθεα αὐτοῦ τραγικοῖσι χοροῖσι ἐγέραιρον*). Cleisthenes, the tyrant of Sicyon, reclaimed these *χοροί* for Dionysus. Two points in this account deserve attention.

(1.) The epithet *τραγικοί* is already given to these choruses, although there was as yet no actor distinct from the chorus. The *σάτυροι* (=*τίτυροι*, "he-goats") were woodland beings, half man, half beast, who attended on Dionysus, and who were conventionally represented with pointed ears, budding horns, a snub nose, and a tail. Some allusion to the satyrs was evidently involved in *τραγικός*, as an epithet of the chorus, and in *τραγῳδία*, as a name for their song. But it is hardly doubtful that these terms also refer directly to the association of an actual goat with the Dionysiac worship. It was the goat that suggested the conventional type of the *σάτυροι*, not the latter that prompted the use of the terms *τραγικὸς* and *τραγῳδία*. The choice of the votive animal is sufficiently explained by the lower side of the nature ascribed to the god, the side which would be most prominent in a rustic carnival. A goat was perhaps sacrificed to Dionysus before the choral song began. But this does not necessarily exclude another hypothesis—viz. that a goat was sometimes the prize. When, in early times, the country people spoke of a "goat-chorus," or a "goat-song," no doubt the literal and the allusive meanings were blended; men thought partly of the goat which was the sacrifice or the prize, partly of the goat-like satyrs who formed the Chorus. The word *τραγῳδία* is often applied to the purely choral performance in honour of Dionysus, when as yet there was no "tragedy" in the later sense. Thus Plato remarks that *τραγῳδία* had existed in Attica before the days of "Thespis and Phrynichus" (*Minos*, p. 321 A). Similarly Athenaeus (630 c) and Diogenes Laertius (iii. 56) speak of the primitive *τραγῳδία* which was performed wholly by a chorus.

(2.) Further, it appears that as early as 600 B.C. *τραγικοὶ χοροί* were not necessarily restricted to the worship of Dionysus, but could celebrate the fortunes of a hero such as Adrastus. This illustrates the peculiar position of Dionysus among the Hellenic deities. According to legend, his entrance into Greece had been opposed; he had endured various insults and trials before his worship was finally established. Dionysus alone was at once a god—superhuman in might—and a hero who had striven like Heracles. The "tragic chorus," which sang the dithyramb, commemorated his *πάθη*—the varying fortunes which had preceded his final triumph. Such a chorus might change its theme to a hero who had experienced like vicissitudes, but not to any other god. Apollo had long been honoured with choruses by the Dorians. But there was no germ of drama in the choral cult of Apollo, because there was no reminiscence of suffering.

Transition from Lyric to Dramatic "Tragedy."—As the central idea of the Dionysiac worship was a vivid sympathy with the fortunes of the god, a certain dramatic element must have entered into it from the first. The energy of the dithyrambic style would itself prompt the dancers to use animated gesture. It would also be natural that their leader should enact the part of Dionysus himself, or of a messenger from him—reciting some adventure, to which the satyr-chorus would then make a lyric response. Greek tradition clearly associated some such rudiments of drama with the primitive τραγῳδία. Thus Diogenes Laertius says: "In early tragedy the Chorus alone *sustained the action* (διεδραμάτιζεν); afterwards Thespis introduced one actor, in order to give rest to the Chorus" (iii. 56). Aristotle, too, states that tragedy was at first "extemporary" (αὐτοσχεδιαστική). and took its rise "from those who led off the dithyramb" (ἀπὸ τῶν ἐξαρχόντων τὸν διθύραμβον: *Poet.* 4). He refers to an effusion, more or less unpremeditated, by the leader, as distinguished from the hymn chanted by the Chorus.

Thespis, a native of Icaria in Attica, flourished about 536 B.C., in the later years of Peisistratus. He was a trainer and leader of dithyrambic choruses, who made an improvement in the mode of performance. Hitherto the leader, who recited an adventure of Dionysus, had addressed the Chorus, and had been answered by them. Thespis now set apart a person specially for dialogue with the leader. As this person had to reply to the leader, he was called "the answerer," ὑποκριτής—which became the regular term for an "actor." This was another step towards drama; but how far it went we do not know, because we do not know what the δράματα of Thespis (as Suidas calls them) were like. The alleged fragments of Thespis in Plutarch, Clement of Alexandria, Pollux, and other writers, are spurious, as Bentley has shown (*Phalaris*, pp. 289 ff., ed. Dyce). Everything would depend on the manner in which the part of the new ὑποκριτής was adjusted to that of the coryphaeus. If the latter was made virtually a second actor, then Thespis might fairly be regarded as the founder of drama proper. If, on the other hand, the dialogue remained comparatively unimportant, and the whole performance continued to be essentially lyric, then Thespis had merely modified the tradition—though in a fruitful way. The latter view seems the more probable. The ancients themselves were divided: some regarded him as the πρῶτος τραγικός: others, as merely improving on Sicyonian tradition (Suidas). Bentley maintained that Thespis composed only pieces of a humorous character; Welcker, that he produced serious tragedy also. Neither view admits of proof. Horace (*Ars Poet.* 276) has given currency to the notion that Thespis went about the country with a strolling company, and acted his plays on a waggon. The fiction may have been suggested by the "jests from a waggon" which were associated with the processions to Eleusis (ἐξ ἁμάξης ὑβρίζειν). When all the evidence has been sifted, Thespis remains to us a famous name, and little more. That he made an epoch in the gradual development is beyond question. But, in the light of such imperfect knowledge as we possess, Aeschylus, not Thespis, must be regarded as the true founder of Tragedy.

The Period between Thespis and Aeschylus.—(1) Choerilus, an Athenian, is said to have gained his first dramatic victory in 523 B.C., and to have been active for some sixty years afterwards. Pausanias (i. 14, § 2) refers to him as δρᾶμα ποιήσαντι Ἀλόπην. Alope was a hapless maiden whom her father Cercyon put to death; and Pausanias quotes the play for some genealogical details about Triptolemus. Here, then, we have a tragedy, connected, by subject, with Eleusis, but not directly with Dionysus. Choerilus is said by Suidas to have composed 160 plays. Only a few words are extant. The view that he excelled in satyr-drama rests on a verse of an unknown poet, ἡνίκα μὲν βασιλεὺς ἦν Χοιρίλος ἐν σατύροις, quoted by Marius Plotius Sacerdos (*circ.* 300 A.D.), in the third book of his *Ars Grammatica*, where he treats of metres. The phrase ἐν σατύροις, however, may have referred to Dionysiac choruses generally, and not to satyr-plays as distinguished from tragedies. (2) Pratinas, a native of Phlius, is said by Suidas to have contended against Choerilus and Aeschylus "in the 70th Olympiad," *i.e.* at some time between 500 and 497 B.C. If the first year of the Olympiad is meant, the date would be the spring of 499 B.C. The tradition that he was the first to write satyr-plays is founded on the words of Suidas, πρῶτος ἔγραψε σατύρους: but it can be traced further back, if "Pratinae" be read for "Cratini" in a note on the *Ars Poetica* (230) by Helenius Acron, the commentator on Terence and Horace (*circ.* 190 A.D.). The satyr-plays of Pratinas were presumably intended to preserve the old type of satyr-chorus, now threatened with extinction by the new improvements. Such an effort would have been natural for one whose native place was not far from Sicyon. Among the scanty fragments of Pratinas, which are almost wholly lyric, the most considerable is a passage of 20 lines from a ὑπόρχημα (Bergk, *Poet. Lyr.* 953 ff.: cf. Nauck, *Frag. Trag.* p. 562). Suidas says that he wrote 60 plays, of which 32 were satyric dramas; unless, with Boeckh, 32 should be altered to 12 (λβ′ to ιβ′). (3) Phrynichus, an Athenian, is said to have gained the tragic prize first in 511 B.C., and for the last time in 476 B.C. His tragedy on the Capture of Miletus must have been produced soon after the date of the event (494 B.C.): it is uncertain whether the title was Μιλήτου ἅλωσις (Her. vi. 21), or Πέρσαι. Eight other of his plays are known by titles, but only a few verses remain (Nauck, *Frag. Trag.* 557 ff.). According to Bentley's conjecture, the *Phoenissae* (on the same subject as the *Persae* of Aeschylus) was the play produced in 476 B.C., when Themistocles was his choregus. In the *Thesmophoriazusae* of Aristophanes the tragic poet Agathon says of Phrynichus that the comeliness of his person was matched by the beauty of his dramas (v. 166). His lyrics, in particular, were admired for their simple grace and sweetness. It seemed as if the birds had taught him to warble (Ar. *Av.* 748 ff.). These lyrics had probably more of an Ionian than of a Dorian or an Aeolian stamp. He was the most popular tragic poet of his time: the audiences to whom Aeschylus made his earlier appeals are described as having been "brought up in the school of Phrynichus" (παρὰ Φρυνίχῳ τραφέντας, Ar. *Ran.* 910).

Aeschylus, a native of Eleusis in Attica, was born in 525 B.C. About 499 B.C. he was already exhibiting tragedy, but it was in 484 that he first gained the prize. The great change which he introduced consisted in adding a second actor, and in making the dialogue more important than the Chorus (τὸν λόγον πρωταγωνιστὴν παρεσκεύασε, Arist. *Poet.* 4). It may be conjectured that this change had been made some years before 484 B.C.; at any rate it was earlier than the date of the *Persae*, 472 B.C. So long as there was only a single actor, that actor might, indeed, assume different parts in succession, but there could be no drama in the proper sense of the word. If, for instance, Phrynichus used only one actor in the "Capture of Miletus," that person might first appear as a messenger, relating the calamity; the Chorus would express their grief; the actor might then reappear as one of the victors or of the vanquished, and give occasion for another choral strain. But the presentment of an action as passing before the eyes of the spectators became possible only when a second actor was added. Aeschylus also gave a new grandeur to the scenic accessories of tragedy. He improved the masks, and introduced new costumes, of which we shall speak presently. The introduction of scene-painting has also been ascribed to him; but it is probable that his use of this aid did not go beyond an elementary form. Aeschylus is essentially the creator of the tragic drama as it existed at Athens during the 5th century B.C. In comparison with Phrynichus and his other predecessors, Aeschylus stood out as "the first of the Greeks" who had "built up" a lofty diction for Tragedy, and who had made it a splendid spectacle. (Ar. *Ran.* 1004 f.)

Sophocles was born in or about 495 B.C., and first gained the tragic prize in 468 B.C., against Aeschylus. He added a third actor. He also raised the number of the tragic chorus from 12 to 15. Hitherto one of the ordinary choreutae had acted as leader. One of the three additional men was now appointed coryphaeus; the other two were destined to serve as leaders of *ἡμιχόρια* when the Chorus was required to act in two divisions (as it does in a passage of the *Ajax*, 866 ff.). Aristotle mentions scene-painting (*σκηνογραφία*) as an improvement distinctive of Sophocles. It cannot be doubted that, though Aeschylus may have used some kind of scene-painting at an earlier date, Sophocles was the dramatist who first made a more thorough and effective use of it, so that it continued to be associated with his name. (Cf. THEATRUM.) The external form of Attic tragedy was now complete.

Occasions on which Tragedy was acted at Athens.—We may next consider the conditions under which tragedy was presented to the Athenian public. Before the time of Peisistratus, the rural Dionysia (*τὰ κατ' ἀγρούς*) afforded the only occasion for the Bacchic choruses in Attica. It is conjectured that Peisistratus was the founder of the Dionysiac festival called the Lenaea. This was held every January in the *Λήναιον* (so named from *ληνός*, a wine-press), the precinct sacred to Dionysus, on the S.E. slope of the Acropolis. The Lenaea witnessed the exhibitions of Thespis, Choerilus and Pratinas, as well as the earlier plays of Phrynichus and of Aeschylus. A regular contest (*ἀγὼν*) for the tragic prize at the Lenaea seems to have existed as early as the days of Thespis and Choerilus. The institution of the Great, or City, Dionysia (*τὰ κατ' ἄστυ*) may probably be referred to the time immediately after the Persian wars, *circ.* 478 B.C. The Great Dionysia then became the chief occasion for Tragedy; and in the middle part of the 5th century the Lenaea seems to have been exclusively the festival of Comedy. About 416 B.C., however, we again hear of Tragedy at the Lenaea. Thenceforth, down at least to the days of Demosthenes, tragic drama accompanied both festivals; though it was more especially associated with the Great Dionysia. At the Anthesteria, the February festival, no drama was exhibited.

Trilogy and Tetralogy.—The form in which Aeschylus produced his tragedies,—during, at least, the later part of his career,—was that of the "trilogy," or group of three. To these was appended a satyr-drama (*σάτυροι*, or *σατυρικὸν δρᾶμα*), so called because the Chorus consisted of satyrs attendant on Dionysus. We have seen that Pratinas was the reputed inventor of the satyr-play, and that its object was to preserve the memory of the "tragic" chorus in its earliest phase. A mingling of seriousness and mirth was characteristic of the Dionysiac worship. Tragedy represented one side of this mood, and Comedy the other. The satyr-drama —true to its origin from the old *τραγικὸς χορός* —was nearer to Tragedy than to Comedy, but contained elements of the latter also; hence it was aptly described as *παίζουσα τραγῳδία* (Demetrius, *de Elocut.* § 169). The trilogy, or group of three tragedies, and the satyr-drama, together made up the "tetralogy." It is not known that Aeschylus himself, or any of the Attic dramatists, used the word *τριλογία* or *τετραλογία*. These terms cannot be traced back beyond the Alexandrian age. But, whether the Attic dramatists did or did not use these words, it is certain that they composed in these forms. The origin of the trilogy has been conjecturally derived from a custom, in the days when there was only one actor, that he should give three successive recitations between the choral songs: but this is doubtful. Nor is it certain, though it is very probable, that Aeschylus was the inventor of the trilogy. His *Oresteia* is the only extant example. In that trilogy, the three plays form successive chapters of one story. A trilogy which has this kind of unity has been called a "fable-trilogy." On the other hand the term "theme-trilogy" has been used to describe three tragedies linked, not by story, but by some abstract idea, such as that of Hellenic victory over the barbarian. Thus, according to Welcker, the *Persae* belonged to a theme-trilogy in which the first play (*Phineus*) related to the Argonauts, and the third (*Glaucus*) to the victory of the Sicilian Greeks at Himera (480 B.C.). The "fable-trilogy" was the type characteristic of Aeschylus. It has been attempted to show, from the recorded titles of his plays, that his trilogies always had the unity either of "fable" or of "theme." But it is more probable that, though he preferred fable-trilogies, he sometimes also produced trilogies in which the plays were wholly unconnected. With regard to the practice of the poets after Aeschylus, these points may be observed. (1) In addition to the Aeschylean examples, ten tetralogies can be traced, ranging in date from 467 to 405 B.C. Five of these belong to Euripides; the other five, to minor tragic poets. (2) Suidas says that Sophocles "began the practice of play contending against play, and not tetralogy against tetralogy." But it is known that Sophocles competed with Euripides on at least two occasions when the latter produced tetralogies, viz. in 438 and in 431 B.C. It cannot be doubted that in each of these cases Sophocles, too, produced four plays. To have competed with a single play against a tetralogy would have argued sterility or arrogance. Sophocles continued to use the tetralogical form, but the tragedies in his trilogy were usually unconnected, as those of Aeschylus had usually been linked. The statement of Suidas is probably founded on a statement of some older writer who was noticing a result of the Sophoclean practice: viz., that the judges of the tragic prize, having to decide between trilogies of unconnected plays, found it easier to pronounce which one play was the best of all, than to determine which trilogy was best as a whole. Thus, though tetralogies were still produced, the contest for the prize would often be one of "play against play." (3) There is no proof that Sophocles, or any poet of his time, ever competed at the Dionysia with one tragedy only. The year 340 B.C. is the earliest in which it is proved that the tragic poets exhibited less than three plays each; and in that year they produced two each. This is proved by a contemporary inscription. (4) The conclusion is that tetralogy continued to be the rule in Tragedy down at least to 400 B.C., and perhaps somewhat longer. It was only by a tetralogy that the old Dionysiac chorus of fifty persons was fully represented. The Aeschylean chorus of 12, and the Sophoclean of 15, roughly symbolised a quarter of that number. Anything less than a tetralogy would have seemed an incomplete tribute to the god. No argument can be drawn from the case of Comedy. Comedies were always produced singly.

The Actors.—In the time of Thespis, poet and actor were identical. In the earlier years of Aeschylus and Sophocles it was still not unusual for a poet to bear a part in the performance of his own tragedies. Thus Sophocles is recorded to have played the title-rôle in his own *Thamyris*, and Nausicaa in his *Plyntriae*. But, when the tragic drama had once been matured, the art of the tragic actor became a distinct profession. According to the degree of the actor's skill—which was tested by special trials—he was classed as a player of first, second, or third parts. We must remember that, until Aeschylus introduced the second actor, the principal performer was not the single actor, but the coryphaeus, since the choral element was more important than the dialogue. It was Aeschylus who, in Aristotle's phrase, first "made the dialogue protagonist." The protagonist played the most important character of the piece, which was often, but not necessarily, the character from which the piece was named. He might take more than one part, if the leading person disappeared long before the end of the play: thus in the *Ajax* the protagonist would play Ajax and Teucer; in the *Antigone*, the heroine, Teiresias, and Eurydice. The deuteragonist usually played the person, or persons, most directly concerned with the principal character;—as Ismene and Haemon in the *Antigone*. The tritagonist took the smaller parts,—as, for example, the part of a king, when, like Creon in the *Antigone*, he was not the chief person of the play (Dem. *de Fals. Leg.* § 247). The Athenian actor went through an elaborate preparation. In the first place, great care was given to the artistic training of the voice (πλάσμα φωνῆς), with a view to flexibility and strength. This was demanded alike by the size of the theatres and by the fineness of the Athenian ear. Deportment was also carefully studied. In Attic Tragedy the movements were usually slow and stately: much, also, depended on statuesque effects. As the masks excluded play of feature, it was all the more necessary that the actor should have command of expressive gesture, especially with the hands. Now and then, though not often, he was required to dance (cf. Eur. *Phoen.* 316); hence his professional training was incomplete without ὀρχηστική.

Costume.—How the tragic actor was dressed before the time of Aeschylus, we do not know; it is only a conjecture that the dress of the Dionysiac priests may have been the model. Aeschylus introduced a type of costume which remained in use throughout the classical period. Its chief elements were the following. (1) A tunic, with stripes of bright colours, sometimes richly embroidered with patterns of flowers or animals. It was girt up high under the breast, and fell in long folds to the feet. The sleeves reached to the hands. Such a tunic was called ποικίλον (Pollux). Women sometimes wore a purple robe, with a long train (συρτὸς πορφυροῦς). (2) Over the tunic, or robe, an upper garment was worn;—sometimes the ἱμάτιον, an oblong piece of cloth; sometimes a mantle, χλαμύς, which was cut in a circular form, and fastened by a clasp on the right shoulder. The chlamys was often very splendid. Some other varieties of garment, with special names, are mentioned; but their nature is often uncertain. Padding was worn under the costume, which was designed to exaggerate all the actor's proportions. (3) A boot, which the Greeks called ἐμβάτης, and the Romans *cothurnus*. The sole was wooden, and the shape such as to fit either foot. The object of this boot—like that of the high girdle—was to increase the actor's apparent stature; and the sole seems to have varied in thickness from some two inches to as many as six, or even more. Indeed, for an inexperienced actor, the difficulty of walking on the ἐμβάτης seems to have resembled that of walking on stilts. We hear of clumsy actors falling; and the support afforded by a long walking-stick was not disdained, where the part admitted of it. (4) Masks. Thespis, according to the tradition, first used pigments to smear the actor's face, and afterwards adopted linen masks of a simple kind. Masks suited to female characters are said to have been used first by Phrynichus. The improvement made by Aeschylus seems to have been the application of painting to the plain linen masks of the earlier period. In the Alexandrian age, if not earlier, the workmanship of tragic masks had become highly elaborate. Pollux gives a list, derived from that age, which includes six types of old men, eight types of young men, and eleven types of women. These various types were distinguished by a regular system of conventional traits, such as the colour of the hair, and the mode of wearing it; the tint of the face; the expression given by the eyebrows; the shape of the forehead, and even the line of the nose: thus a hooked nose (ἐπίγρυπος) was considered appropriate to the ἀναιδής. Each mask was known by a technical name: for example, the suffering heroine was the κατάκομος ὠχρά. [PERSONA.] A mask which did not belong to any regular type, but was made for some exceptional part (such as the horned Actaeon), was called ἔνσκευον πρόσωπον. In the tragic mask a peculiar device was used to raise the height of the forehead. This was a cone-shaped frame (ὄγκος), built up above the face, from which the hair of the mask fell over the brows. The height of the ὄγκος varied with the dignity of aspect desired. (5) Special attributes. A king carried a sceptre; Hermes, a herald's staff (κηρύκειον); the bacchant, a thyrsus, etc. Such an emblem was usually borne in the left hand, in order that the right might be free for gesture: extant works of art show this (cf. Baumeister, *Denkmäler*, p. 1852; Ovid, *Amor.* iii. 1, 13). Warriors had swords, spears, etc. But, except by indications of this nature, the dress was not adapted to the particular part which the actor played. This will not appear strange if it is recollected that Athenian drama was an act of Dionysiac worship. The tragic costume was festal first, and dramatic only in a secondary sense, because, at the Dionysia, art was merely the handmaid of religion. It is said that Aeschylus took some hints from the splendid dresses of the hierophant and the δᾳδοῦχος at the Eleusinian mysteries. (Athen. p. 21e, reading ζηλώσας ἦν with Fritzsche; A. Müller, *Bühnenalth.* p. 229.) This would have been quite in the Aeschylean spirit; but the tradition can no longer be verified. In satyric drama the costume of gods and heroes was the same as in Tragedy, but the chiton was shorter, as livelier movement was required. Silenus, an important figure in satyric drama, was dressed either in "tights," set with tufts of goat's hair, or in a tunic and hose of goat's skin.

In the 5th century B.C. we find great actors specially associated by fame with the poets in whose plays they excelled: as Cleander and Mynniscus with Aeschylus; Cleidemides and Tlepolemus with Sophocles; Cephisophon with Euripides. At a somewhat later period, it became usual for the three competitors in tragedy to receive their protagonists from the archon by lot. But that arrangement seems to have ceased before 341 B.C., when a protagonist played in one piece of a trilogy for each of the three poets. Thus, by successive steps, the connexion between poet and actor had become less and less close.

The Chorus.—In the development of Attic Tragedy the treatment of the Chorus passed through several phases. Even after Aeschylus had made the dialogue more important than the lyric element, he continued to compose choral odes of a length which seemed excessive—or at least archaic—to the next generation. In the *Frogs*, Euripides complains that his rival's Chorus used to inflict on the audience "four strings of lyric verse, one after another, while the actors were silent" (914, ὁ δὲ χορὸς ἤρειδεν ὁρμαθοὺς ἂν | μελῶν ἐφεξῆς τέτταρας ξυνεχῶς ἄν· οἱ δ' ἐσίγων). In the *Supplices* of Aeschylus the Chorus follows up the parodos with eight consecutive pairs of strophes and antistrophes; in the first stasimon of the *Agamemnon* there are six pairs. Such a practice was tolerated, Euripides remarks, only because the audiences of Aeschylus had been accustomed to it by Phrynichus. The Aeschylean treatment of the Chorus bears, in fact, some impress of the still recent period when the Chorus, and not the dialogue, had been "protagonist:" the Chorus has lost its old primacy, but it still claims a large share of attention. Here, as in other respects, Sophocles represents a golden mean. Nothing could be more perfect than his management of the Chorus, given the two conditions under which he worked—viz., a matured drama, in which the dialogue necessarily holds the first place; and secondly, the requirement that the Chorus should continue to be an organic part of such drama. His choral odes have always a direct bearing on the action, by commenting on what has passed, by preparing the mind for what is to come, and, generally, by attuning the thoughts of the spectator to successive moods, in harmony with the progress of the action. Then they are always of moderate length, and often very short. Euripides marks a third phase. The Chorus is now little more than an external adjunct to the drama; the choral songs have often nothing to do with the action. This could hardly be avoided. The Chorus presented difficulties to a poet who, like Euripides, was beginning a transition. When the gods and heroes were handled in the new spirit, the old meaning of the Chorus was lost. It is not a reproach to Euripides, it is rather a proof of insight, that he modified the use of the Chorus in accordance with his dramatic aim, and in perhaps the best manner which that aim permitted.

The Chorus was trained and equipped by the choregus whom the Archon had assigned to the poet [CHORUS; THEATRUM]. The tragic chorus of fifteen entered the orchestra three abreast: this was the arrangement called κατὰ στοίχους ("in files"). The αὐλητὴς walked in front. The leader of the Chorus (κορυφαῖος) walked third in the file nearest the spectators. The two leaders of hemichoria were next to him—one in front of him, as second man of the file, and the other behind him, as fourth. On reaching the orchestra, the Chorus made an evolution to the right, so as to change from three files, five deep, into three ranks, facing the actors, with five men in each rank. This was the disposition κατὰ ζυγά. The file of five men who, on entering, had been nearest the spectators, now formed the front rank: the coryphaeus was in the middle of it, having on his right and left the half-chorus-leaders, who were thence called παραστάται. In dialogue between the actors and the Chorus, the coryphaeus spoke for the Chorus. It is also possible, though not certain, that he alone recited any anapaests which belonged to the choral part. In the delivery of choral odes the strophe was accompanied by a dance-movement towards the right, and the antistrophe by a corresponding movement towards the left; while, during the singing of the epode, the Chorus remained stationary. It would appear that, at least in some cases, the functions of singing and dancing were divided; one part of the Chorus executed the dance, while another sang. The dance proper to Tragedy (ἡ τραγικὴ ὄρχησις) was technically called ἐμμέλεια, a name denoting stately movement in time to music:

as the dance of Comedy was the κόρδαξ, and that of satyric drama the σίκιννις. The ὑπόρχημα—sometimes introduced in Tragedy, either incidentally or in the place of a regular choral stasimon—was a more lively dance, a kind of ballet, in which the best dancers appeared, adapting their movements to the sense of the words sung by the other choreutae. Sophocles often employs it to express sudden emotions of delight or hope,—especially for the purpose of contrast, when a tragic catastrophe is at hand. In a κομμός, or lyric dialogue between actor and Chorus, parts were sometimes assigned to single choreutae. The verses with which the Chorus close a tragedy were not attended by dancing, but were recited to a musical accompaniment. As a rule the Chorus consists of persons belonging to the scene of the action. In such cases the Chorus entered the orchestra, and left it at the close of the play, by the entrance on the spectator's right hand. But the entrance on his left was used if the Chorus represented strangers to the place, as in Aesch. *Suppl.*; Soph. *Phil.*; Eur. *Suppl.*, *Ion*, *Iph. in Aul.* With regard to the first song of the Chorus on entering the orchestra (πάροδος), the extant plays illustrate three different cases. (1.) The play can begin with this πάροδος: as Aesch. *Suppl.* and *Pers.* (2.) The Chorus may enter to the anaepaestic chant after the πρόλογος: as in Soph. *Ant.* and *Aj.* (3.) The Chorus may enter silently, after the πρόλογος, and then begin the πάροδος: as in Aesch. *P. V.*, Soph. *El.*, and often. In some exceptional instances the drama required that the Chorus should enter, not in regular procession, but singly or in small groups (σποράδην); as in Aesch. *Theb.* and Soph. *O. C.* The costume of the Chorus was, like that of the actors, conventional—a chiton, made shorter than the actor's, for convenience in dancing—and a himation. If the Chorus represented mourners, they could be attired in dark-coloured garments (cf. Aesch. *Cho.* 19). Where the Chorus represented sailors (as in Soph. *Aj.* and *Phil.*) hats (πῖλοι) may have been worn; in the *Bacchae* of Euripides, the Chorus seem to have carried the τύμπανα of Bacchants (v. 58). But the general type of costume remained the same, whatever was the special character of the Chorus. Instead of the ἐμβάτης of the tragic actor, they wore the half-boots called κρηπῖδες, which were sometimes white. In satyric drama the Chorus wore a close-fitting dress (σωμάτιον) representing the naked form, with a short apron (or girdle) of goat's skin.

The Innovations of Euripides.—The unsparing satire of Aristophanes, amusing and often instructive as it is, must not blind us to the nobler side of the effort made by Euripides to maintain the place of Tragedy as a living force in the spiritual life of Athens. A change was coming over the old mental attitude of Athenians towards the popular religion and the consecrated mythology. A large and increasing proportion of the spectators in the theatre was now destitute of the training, musical and poetical, which earlier poets could take for granted. The spirit of his age, and the bent of his own genius, led Euripides to renounce much of the ideal grandeur with which Tragedy had been invested by Aeschylus and Sophocles. He made a step from typical towards individual portraiture, relying on the delineation of human passion and human suffering in traits with which the ordinary spectator could sympathise. He was not afraid of being homely, so long as he touched the springs of natural feeling.

At first sight it might seem that, in a dramatist, such a conception deserves nothing but praise. The praise awarded to it must, however, be tempered by regard for the conditions under which the experiment was made. Euripides was not the unfettered creator of a new drama. He inherited and maintained the old framework of Attic Tragedy. He had still only three actors. He had still a Chorus in the orchestra. His materials were still drawn exclusively from the heroic myths. Such Tragedy could be great only so long as it was ideal. Every step by which its persons were brought nearer to everyday life was a step which increased the danger of burlesque. This fact is the element of justice in the attacks made on Euripides by Aristophanes. Euripides gave a signal proof of original genius, not only in the boldness of his conception, but also in the degree of success with which he executed it. Nevertheless his effort was foredoomed to the measure of failure which attends on artists who, in seeking an impossible conciliation, achieve only a clever compromise. Euripides stands between ideal and romantic drama; his Tragedy has lost the noblest beauty of idealism, without attaining to the full charm of romance. But, just for that reason, it was through Euripides, rather than through Aeschylus or Sophocles, that the tradition of Tragedy was derived in the later periods of ancient literature.

We said above that the Aristophanic jests on Euripides, however unfair, are often instructive. This is particularly true of the satire in the *Frogs*. It shows us the points in which Euripides seemed an innovator to those who were familiar with the older school of Tragedy. One such point was his use of the prologue to introduce the persons of the drama and explain its subject:—a clumsy and sometimes ludicrous expedient, which is best excused by the plea that the spectators, no longer familiar with the old mythology, required something in the nature of a modern play-bill. Another novelty ascribed to Euripides is his practice of dressing his suffering heroes in rags,—a detraction from their dignity which probably struck Athenians all the more, because it was also a departure from the conventional type of tragic costume described above. With regard to the frequent use of the *deus ex machina* which has sometimes been made a reproach to Euripides, it is only fair to distinguish between two classes of examples. In some instances his *deus ex machina* is really no better than a mechanical expedient: this might be said of the *Andromache* and of the *Orestes*. But in some other cases the intervention is dramatically warranted by the plot, as in the *Hippolytus* and in the *Bacchae*. In respect to lyrics, Aristophanes represents Euripides as having admitted the more florid style which was becoming fashionable, and having thus destroyed the grave dignity of the old choral song. The extant plays of Euripides indicate that there was some ground for this charge: jingling repetitions of single words are especially frequent; no fewer than sixteen instances occur in 150 lines of the *Orestes*. But the most important innovation made by Euripides in the lyric province was the introduction of florid lyric solos (*μονῳδίαι*), to be sung by an actor on the stage. Perhaps the cleverest stroke in the *Frogs* is the parody of such a *μονῳδία* (1331 ff.), in the course of which the hapless heroine describes herself as *λίνου μεστὸν ἄτρακτον* | *εἱειειειειειλίσσουσα χεροῖν*.

After 400 B.C. Greek Tragedy declined. Numerous tragic poets appeared, indeed, who won more or less applause from their contemporaries; but no one of them rivalled the great masters. In the fourth century B.C. an ordinance was made that some work of Aeschylus, Sophocles, or Euripides should always be produced at the Dionysia along with the new tragedies. Lycurgus (*circ.* 330 B.C.) caused a standard text of those three poets to be deposited in the public archives, with a view to guarding against further corruption by actors; and this text afterwards passed into the possession of Ptolemy Euergetes (247–222 B.C.). Down to about 300 B.C., Athens continued to be the chief seat of Tragedy. Alexandria afterwards became so; and under the Ptolemies tragic composition had many votaries. Among these were the seven poets who, in the reign of Philadelphus (283–247 B.C.), were known as "the tragic Pleiad." It was in 217 A.D. that the edict of Caracalla abolished theatrical performances at Alexandria.

Aristotle defines Tragedy as the imitation of an action which is serious, complete in itself, and of a sufficient magnitude or compass. The instrument of imitation is language, made delightful to the hearers, either (*a*) by metre alone, or (*b*) by metre combined with music. Further, this language is not used in the way of narrative merely, but is conjoined with action on the part of the speakers. The elements of Tragedy are six in number:—*μῦθος*, the story; *ἤθη*, the moral qualities of the persons; *λέξις*, the verbal form; *διάνοια*, the thoughts or sentiments; *ὄψις*, the presentation to the eye (under which Aristotle includes not merely scenic accessories of every kind, but also gesture and dancing); *μελοποιΐα*, musical composition. In every tragedy there is *δέσις*, a tying of a knot, and *λύσις*, a solution. The most effective kind of *λύσις* is that which is introduced by a *περιπέτεια*, a sudden reversal of fortune for the persons of the drama; or by an *ἀναγνώρισις*, the discovery of a previously concealed relationship between the persons. The *ἀναγνώρισις* may or may not be accompanied by a *περιπέτεια*. A *μῦθος* is said to be *πεπλεγμένος* when it involves a *περιπέτεια*, an *ἀναγνώρισις*, or both. It is *ἁπλοῦς* when the *λύσις* is managed without either. Again, a tragedy is *παθητική* when the chief person acts mainly under the influence of *πάθος*, a strong impulse of the mind,—as Medea does. It is *ἠθική* when the chief person acts mainly in accord with a deliberately formed purpose (*προαίρεσις*), as Antigone does. As to the so-called "unities," the unity of *action* is the only one upon which Aristotle insists. The action represented by tragedy must be *one*; it must not be a series of incoherent or loosely-linked episodes. About the unity of *place* he says nothing at all. As to the unity of *time*, he says that Tragedy now seeks, as far as possible, to confine the supposed action within the compass of a single day, or nearly so: but the earliest form of Tragedy, he adds, did not even do this; in it, just as in epic poetry, the time was indefinite. Viewed as a composition, Tragedy consists of the following parts; which are, in Aristotle's phrase, the *μέρη κατὰ τὸ ποσόν*, as distinguished from the six elements named above, which are the *μέρη κατὰ τὸ ποιόν*. All that part of a tragedy which precedes the first choral song is called *πρόλογος*. The part which comes between two choral songs is an *ἐπεισόδιον* (a term probably derived from the reappearance, *ἐπείσοδος*, of the single actor in primitive Tragedy). The *ἔξοδος* is the part after the last choral song. The *πάροδος* is the first utterance of the whole Chorus. The *στάσιμον* is "a choral song without anapaests or trochaics:" *i.e.*, not preceded by an anapaestic march, like the *πάροδος*, nor interrupted by dialogue in trochaic tetrameters, such as that which the Chorus in the *Agamemnon* (*ad fin.*) holds with the actors. The term *στάσιμον μέλος* means literally, a song by the Chorus "at its station" in the orchestra. A *κομμὸς* is a *θρῆνος κοινὸς χοροῦ καὶ ἀπὸ σκηνῆς*, a lyric lament, sustained partly by the Chorus and partly by an actor.

Tragedy is described by Aristotle as *δι' ἐλέου καὶ φόβου περαίνουσα τὴν τῶν τοιούτων παθημάτων κάθαρσιν*, "effecting, by means of pity and terror, that purgation (of the soul) which belongs to (is proper for) such feelings." The word *κάθαρσις* involves a medical metaphor, from the use of purgatives. Tragedy excites pity and terror by presenting to the mind things which are truly pitiable and terrible. Now, pity and terror are feelings natural to men; but they are often excited by unworthy causes. When they are moved, as Tragedy moves them, by a worthy cause, then the mind experiences that sense of relief which comes from finding an outlet for a natural energy. And thus the impressions made by Tragedy leave behind them in the spectator a temperate and harmonious state of the soul. Similarly Aristotle speaks of the enthusiastic worshippers of Dionysus as obtaining a *κάθαρσις*, a healthful relief, by the lyric utterance of their sacred frenzy:—*ὅταν ἐξοργιάζωσι τὴν ψυχὴν μέλεσι, καθισταμένους, ὥσπερ ἰατρείας τυχόντας καὶ καθάρσεως* (*Pol.* viii. 7).

Of the three great tragedians, Sophocles seems to have been on the whole the favourite of Aristotle, who refers to him in the *Poetics* about twenty times, and in all cases, except three, with praise. The *Oedipus Tyrannus* is cited in no less than ten places. Euripides is defended against the critics who had complained that his plays usually ended unhappily; this, says Aristotle, is right in Tragedy, and the proof is that Euripides, "although a faulty composer in other respects, is found to be at least the *most tragic* of poets" (*εἰ καὶ τὰ ἄλλα μὴ εὖ οἰκονομεῖ, ἀλλὰ τραγικώτατός γε τῶν ποιητῶν φαίνεται*: *Poet.* 13). By "most tragic" is here meant, "exciting pity most strongly," —"most pathetic." But in Aristotle's other notices of Euripides censure decidedly predominates over praise. Aeschylus is named only thrice in the *Poetics:* there are further three citations of his plays without his name. Aristotle seems to regard him as belonging to a period when the proper type of Tragedy had not yet been matured. In this connexion it may be noticed that not only are the terms "trilogy" and "tetralogy" absent from the *Poetics*, but there is no indication in the treatise that tragedies had ever been produced otherwise than singly. In one place, indeed (c. 24), there is a reference to "the number of tragedies set for one hearing" (*i.e.* performed in one day); but nothing in the context forbids us to suppose as many poets as pieces. The reason of this silence is simply, doubtless, that the grouping of plays in representation was foreign to the subject with which Aristotle was immediately concerned,—viz. the analysis of Tragedy considered as a form of poetical art. Indeed, the scenic aspect of drama generally receives comparatively little attention from him. The production of scenic effects (**ἀπεργασία τῶν ὄψεων**) is the affair of the stage-manager. The art of the actor, again, is but slightly touched, since it lies outside of the poet's domain.

The Didascaliae.—Aristotle compiled a work called **Διδασκαλίαι**, "Dramatic performances," being a list of the tragedies and comedies produced at Athens in each year. His materials were contemporary records. In the 5th century B.C. it had been customary for the archon, after each festival at which dramas had been performed, to draw up a list of the competing poets, the choregi, the plays, and the protagonists, with a notice of the order in which the judges had placed the competitors. This record was preserved in the public archives. At some time between 450 and 400 B.C. it became usual to engrave such a record on a stone tablet, and to set it up in or near the Dionysiac theatre. Further, the choregus whose poet gained the prize received a tripod from the state, and erected it, with an inscription, in the same neighbourhood. Aristotle's compilation has perished, but its nature is known from citations of it which occur in the Greek Arguments to some plays, in scholia, and in late writers. There are altogether thirteen such citations, five of which cite the **Διδασκαλίαι** with Aristotle's name, and eight without it. They are collected in the Berlin Aristotle (vol. v. p. 1572). About 260 B.C. the Alexandrian poet Callimachus compiled another work of the same kind, **Πίναξ καὶ ἀναγραφὴ τῶν κατὰ χρόνους ἀπ' ἀρχῆς γενομένων διδασκαλιῶν**, "A table and record of dramatic performances from the earliest times." He made use of Aristotle's **Διδασκαλίαι** (Schol. Ar. *Nub.* 552). Works of a similar kind were written by Aristophanes of Byzantium (*circ.* 200 B.C.), and by other scholars of Alexandria and of Pergamum. Several of these writings were extant as late at least as 150 A.D. This appears from Athenaeus, who was able to consult the **Διδασκαλίαι** of Callimachus and Aristophanes, as well as "the Pergamene records" (Athen. p. 336 c). Among the authors of the last-named was Carystius of Pergamum (*circ.* 110 B.C.), who wrote **περὶ Διδασκαλιῶν**. The period covered by the extant fragments of **Διδασκαλίαι** ranges from 472 B.C. (Arg. Aesch. *Persae*) to 388 B.C. (Arg. Ar. *Plut.*).

ROMAN TRAGEDY.

The first half of the 3rd century B.C. was the period at which the influence of Greek literature began to be directly felt by the Romans. Tarentum was the greatest of the Greek colonies in Southern Italy. After the fall of Tarentum in 272 B.C., the intercourse between Romans and Greeks became more familiar. In the First Punic War (263–241 B.C.) Sicily was the principal battle-ground; and in Sicily the Romans had ample facilities for improving their acquaintance with the Greek language. They had also frequent opportunities of witnessing Greek plays. Just after the close of the war the first attempt at a Latin reproduction of Greek tragedy was made by Livius Andronicus (240 B.C.). He was a Greek, probably of Tarentum, and had received his freedom from his master, M. Livius Salinator, whose sons he had educated. He then settled at Rome, and devoted the rest of his life to literary work. It may be conjectured that most of his plays were translated from the Greek. All of them, so far as we know, were on Greek subjects. Among the titles are *Aegisthus*, *Ecus Trojanus*, *Ajax*, *Tereus*, *Hermione*. His Latin style appears to have been harsh and crude. "Livianae fabulae non satis dignae quae iterum legantur" is Cicero's concise verdict (*Brutus*, 18, 71).

Five years after the first essay of Livius Andronicus, a Latin dramatist of greater originality came forward (235 B.C.). Cn. Naevius was probably a Campanian; and the racy vigour with which he could use his native language entitles him to be regarded as the earliest Roman poet. Comedy was the form of drama in which Naevius chiefly excelled; and he turned it to the purposes of political strife, in a spirit similar to that of Aristophanes. But he was also a writer of tragedy. His *Lycurgus* was akin in theme to the *Bacchae* of Euripides; while the titles of his *Andromache*, *Ecus Trojanus*, and *Hector Proficiscens*, show that, like Livius, he drew largely on the Trojan cycle. At the same time he occasionally composed tragedies founded on Roman history, or, as they were technically called, *fabulae praetextatae*. The earliest *praetextatae* on record are his; one of them was called *Romulus*. In the scanty fragments of his works we can recognise his ardour, his self-confidence, his somewhat aggressive vigour, and his gift for terse and nervous expression, of which the familiar "laudari a laudato viro" is a specimen.

The career of Naevius was drawing to a close when Q. Ennius came to Rome (204 B.C.). Ennius, a native of Rudiae in Calabria, was serving as a centurion with the army in Sardinia, when Cato arrived there as quaestor. Ennius followed Cato to Rome; acquired the Roman citizenship in 184 B.C.; and made his permanent abode on the Aventine. Here we have to do with his work only so far as it concerned Tragedy. Although his Annals and his Satires were more characteristic products of his genius, he was also the most popular tragic dramatist who had yet appeared; and it was due to him, in the first instance, that Roman Tragedy acquired the popularity which it retained down to the days of Cicero. About twenty-five of his tragedies are known by their titles. Two of these were *praetextatae*,—one of which, called *Sabinae*, dealt with the intervention of the Sabine women in the war between Romulus and Tatius; while another, the *Ambracia*, turned on the capture of the town of Ambracia in the Aetolian war. The other pieces were on Greek subjects,—about one half of them being connected with the Trojan war. His *Medea* was translated from the play of Euripides, and the opening lines, which are extant, indicate that the version was a tolerably close one. They have a certain rugged majesty which agrees with Horace's description of the style used by Ennius in Tragedy,—"In scaenam missos magno cum pondere versus."

M. Pacuvius, a nephew of Ennius by the mother's side, was a native of Brundusium. He is thus the third instance (Livius and Ennius being the two others) in which early Roman drama is associated with South Italian birth. Pacuvius was born about 219 B.C., and lived to the age of ninety. Of his tragedies, one, called *Paulus*, was a *praetextata;* twelve more are known to have been on Greek subjects; and among these one of the most celebrated, the *Antiope*, was a translation from Euripides. Some remarkable fragments of his *Chryses*—a tragedy concerned, like his *Dulorestes*, with the wanderings of Orestes in search of Pylades—disclose the growth of a Roman interest in physical philosophy, and also in ethical questions. About 400 lines of Pacuvius are extant, but many of these are merely single verses, preserved by grammarians as examples of strange words or usages. Much as Pacuvius was admired on other grounds, his Latinity was not accounted pure by Cicero, who couples him with the comic poet Caecilius in the censure, "male locutos esse" (*Brutus*, 74, 258). Pacuvius was prone to coin new forms of words (such as *temeritudo, concorditas*), and carried the invention of compound adjectives to an extent which sometimes became ludicrous,—as in "Nerei repandirostrum incurvicervicum pecus."

L. Attius was born at Pisaurum, a Roman colony in Umbria, in 170 B.C. The forms Attius and Accius are equally well-attested; but in the Imperial age the form with *tt* became predominant; and the Greeks always wrote Ἄττιος (Teuffel, *Hist. Rom. Lit.* § 119, 1). The aged Pacuvius, having left Rome in ill-health, was spending the evening of his days at Brundusium, when Attius, then a young man, passed through that place on his way to Asia. Attius was entertained by Pacuvius, and read to him his tragedy *Atreus*. The old man found it "sonorous and elevated, but somewhat harsh and crude;" and the younger poet, admitting the defect, expressed his hope that the mellowing influence of time would appear in his riper work. The excellences which Pacuvius recognised must have been present in the maturer writings of Attius, whom Horace calls "altus," and Cicero, "gravis et ingeniosus poeta." The harshness of his earlier style was due, perhaps, to a youthful excess of that "nervous and impetuous" character, as Cicero calls it (*de Orat.* iii. 58, 217), which afterwards distinguished him, and which Ovid expresses by the epithet *animosus*. Attius was far the most productive of the Roman tragic dramatists. The extant notices and fragments indicate, according to one estimate, about 37 pieces; according to another, about 50. Two of these were *praetextatae;*—the *Brutus*, on the downfall of the Tarquins; and the *Aeneadae*, dealing with the legend of the Decius who devoted himself at the battle of Sentinum. There are indications that Attius was a student of Sophocles, though Euripides was probably his chief model. Thus the verse in his *Armorum iudicium* (fr. 10), "virtuti sis par, dispar fortunis patris," is translated from Soph. *Ai.* 550 f. Among his other celebrated tragedies were the *Atreus*, *Epigoni*, *Philocteta*, *Antigona*, *Telephus*. Cicero, in his youth, had often listened to the reminiscences of Attius (*Brutus*, 28, 107). The poet, who was sixty-four at the date of the orator's birth (106 B.C.), must therefore have lived to an advanced age.

The period from 240 to 100 B.C. is the first period in the history of Roman poetry and oratory. And the century from 200 to 100 B.C. marks the flourishing age of Roman Tragedy, as cultivated by Ennius, Pacuvius, and Attius. But Tragedy continued to be a favourite form of composition in the later years of the Republic and in the earlier part of the Imperial age. It became, however, more and more a literary exercise, less and less a form of poetry which could appeal with living force to the mind of the people. In the Augustan age C. Asinius Pollio wrote tragedies which seem to have been acted. Virgil's well-known praise of them, as "sola Sophocleo digna cothurno," must be qualified by the criticism in the *Dialogus de Oratoribus* (c. 21), where Tacitus observes that the harshest traits of earlier Roman tragedy were reproduced in the style of Pollio ("adeo durus et siccus est"). In the same dialogue high praise is given to the *Medea* of Ovid and the *Thyestes* of Varius (c. 12). No fragment of this *Medea* remains, except a few words quoted by Quintilian (xii. 10, 75). Of the *Thyestes* Quintilian says that "it is comparable to any Greek Tragedy" (x. 1, 98); and in another place he quotes it (iii. 8, 45). Two anapaestic fragments are also extant (Ribbeck, *Frag. Lat.* p. 195 f.). But for Ovid and for Varius, as for other less famous poets, Tragedy was now a mere πάρεργον, a field into which they might make occasional excursions, not the province of poetry in which they sought to establish their permanent renown. In the middle of the 1st century A.D. we have eight tragedies on Greek subjects by L. Annaeus Seneca: *Hercules Furens*, *Thyestes*, *Phaedra*, *Oedipus*, *Troades* (*Hecuba*), *Medea*, *Agamemnon*, *Hercules Oetaeus;* also part of an *Oedipus Coloneus* (362 lines), and of a *Phoenissae* (302). A *praetextata* called *Octavia*, which was formerly ascribed to Seneca, was certainly of later origin. The parentage of the other tragedies has also been disputed, but the results of recent criticism confirm Seneca's authorship. The general characteristic of the plays is rhetoric of the most pompous and artificial kind. A fertile and lively fancy is present; the psychology, too, is often acute; but there is no depth either of thought or of feeling. As most of Seneca's Greek models are extant, a comparison is instructive. It serves to shew how completely, in this latest age of Roman

Tragedy, the love of declamation had displaced all regard for the soul and essence of tragic art. The pieces of Seneca were primarily designed, doubtless, for recitation; but it is not impossible that, in Nero's age, they were also acted; and certain scenic hints have been thought to point in that direction (e.g. *Phaedra*, 392 f.). The last Roman writer of Tragedy who claims mention is Curiatius Maternus, whose activity extended from the reign of Nero to that of Vespasian. He wrote both tragedies (as *Medea*, *Thyestes*) and *praetextatae* (as *Domitius*, *Cato*); and his eminent reputation is attested by several passages in the Tacitean *Dialogus* (cc. 2, 3, 5, 11).

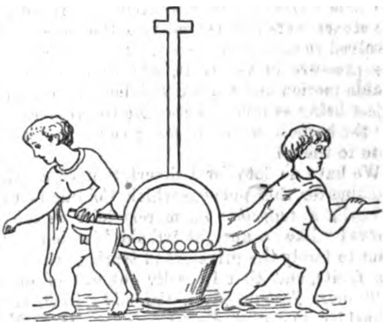
In looking back on the course of Roman Tragedy as a whole, we see, in the first place, that for inspiration and material it was altogether dependent on Greece. Euripides was more especially the master of the Roman dramatists, because, in his hands, Tragedy had become less distinctively Hellenic, and therefore more susceptible of imitation by those who were strangers to the Hellenic spirit. In the plays of Euripides, the Chorus was already ceasing to be an organic part of drama; and the Roman dramatists went only one step farther when they banished the Chorus from the orchestra, leaving to it merely an occasional part in the dialogue. Lyrics of a simple character, with a musical accompaniment, served, indeed, to accentuate the more impassioned moments of a Roman tragedy; but, save for these, the lyric element of the great Attic drama had vanished. In dialogue the iambic and trochaic metres were retained: yet even here the Roman imitation marred the Greek original. Any foot possible for an iambic verse was now admitted in any place except the last. The finer rhythms were thus destroyed. Quintilian says, "Comedy is our weak point" (x. 1, 99). But, so far as the tragic fragments warrant a judgment, Roman Tragedy was, in style, much less successful than Roman Comedy. Comedy had more in common with the *satura*, and the *satura* is the one species of composition in which the Roman mind expressed itself with a truly original force. [SATURA.] At the same time it is clear that there were noble qualities in the Roman Tragedy of the Republic. It was marked by earnestness and by oratorical power; the tones of the statesman and of the soldier were heard in it; it imbued the youth of Rome with the "fas et antiqua castitudo" (as Attius says),—with the lessons of ancestral fortitude and prudence; it taught the men who were conquering the world how they should work, how they should suffer, and how they should rule. So long as Roman Tragedy was doing this, it was living, though its spirit was not Athenian. But this moral and political significance departed with the Republic; and then it was inevitable that Roman Tragedy should descend to the place which it occupies under the Empire. That noble form of drama which the Attic genius had matured, and which is first made known to us in the majestic poetry of Aeschylus, disappears from the ancient world in the rhetoric of Seneca. [R. C. J.]

TRANSENNA, lattice-work. The word is used (1) for a lattice-work across a window [DOMUS, Vol. I. p. 686 *b*], apparently = the "*fenestrae reticulatae*" of Varro, *R. R.* iii. 7, and this must be the meaning in Cic. *de Or.* i. 35, 162: (2) a lattice-work cage for trapping birds [see references under AUCEPS]. It is possible that this was contrived by some sort of spring, though the pattern which Rich gives must be regarded only as a surmise: it is equally possible that the transenna may have been more like an ordinary birdcage, and worked by a decoy. The passage from Sallust (quoted by Macrob. *Sat.* iii. 13, 8), where at a theatrical entertainment an image of Victory is "demissum in transenna," suggests something of the kind — a large wicker cage enclosing the image. Servius (*ad Aen.* v. 488) reads the passage, "demissum transenna," and explains *transenna* as a rope; but this would certainly not agree with the use in Cicero. [G. E. M.]

TRANSTRA. [NAVIS.]

TRANSVECTIO. [EQUITES.]

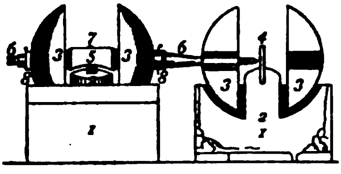
TRAPETUM, a machine for performing the first process in oil-making, that of crushing the olives (θλᾶν, ἀλεῖν, *frangere*, *molere*), so as to separate the pulp from the stone. This was done in early times merely by treading, and it seems to us that the "canalis et *solea*" of Col. xii. 52, 6, which Blümner dismisses as unintelligible, simply refers to treading olives by a wooden shoe (cf. SCULPONEA), with a pipe or trough to carry away the juice. To this succeeded the *mola olearia* and the *trapetum*. The former is preferred by Columella, as being more easily adjusted according to the size of the berries, so as to avoid breaking the kernel (Col. xii. 51): it appears to have been the same in principle as the corn-mill [MOLA], formed of two stones, capable of adjustment, as is described in that article (see also Blümner, *Technol.* i. 331). This appears in the relief from Arles (fig. 1), where two genii are turning round the crushing stone. The distinction from the corn-mill is that the stones are in inverse order; instead of the lower fixed stone being conical and the upper revolving stone hollowed (see cut under MOLA), the fixed lower stone is cup-shaped, and the revolving stone is conical. The upright cross-handled beam is both a pivot for the revolving stone and a means of adjusting the pressure by raising it or lowering it.



Mola olearia, from a relief at Arles.

The form of the trapetum, properly so called, can be ascertained from the remains found at Pompeii and Stabiae. In the cut below, the press found at Stabiae is shown in elevation and section (from Blümner, after Schneider).

The berries were placed in a circular stone basin (*mortarium*, 1), of which the sides were called *labra*: in the centre of this basin stood a column (*miliarium*, 2) to support the poles or levers (*modioli*, 6), on which the crushing stones (*orbes*, 3) rested, and by which they were turned round. These *orbes* were of stone, flat on the inner side and convex on the outer, as if forming two halves of a sphere: they were kept apart by a rectangular box of wood plated with metal, and called *cupa* (5), into which the modioli were fixed, and which served also to support the orbes. This *cupa* revolved round an iron pivot (*columella ferrea*, 4) fixed on the top of the *miliarium* or column, and rested on the column itself. To prevent it from slipping off the pivot, there was an iron pin (*fistula ferrea*, 7). To keep the orbes in position as close to the cupa as was required, a cap (*armilla*, 8) was fastened by a nail to the poles on the outside or convex surface of the stones: this cap not only kept the stones steady, but also to some extent regulated their distance from the labra and their consequent pressure. Two men (for, as Blümner remarks, we have no mention of horses or mules for this labour) moved round the poles, so that the stones bruised the fruit against the sides of the mortar. It must be observed that these poles are to be regarded not as axles, but as levers: the *columella* or pivot was practically the axle on which they worked. Moreover, as the stones were not fastened to the poles, they revolved to some extent on their own axis under the pressure of the fruit, whence there was a double motion and a more yielding pressure, the object being as much as possible to avoid crushing the kernels, which would give an unpleasant taste to the oil.



Trapetum in elevation and section.

We have no data for a description of another machine for this purpose which Columella (xii. 52) calls a *tudicula*: he merely tells us that it worked "like an upright tribula" (which would seem to imply the principle of tearing or carding the fruit), and that it easily got out of order. (Blümner, *Technologie*, i. 326–336; Rich, *s. v.*; Schneider, in *Script. R. R.*) [G. E. M.]

TRAUMATOS EK PRONOIAS GRAPHE (*τραύματος ἐκ προνοίας γραφή*). Our principal information respecting this action is derived from two speeches of Lysias, viz. *πρὸς Σίμωνα* and *περὶ τραύματος ἐκ προνοίας*, though they do not supply us with many particulars. It appears that this action could not be brought by *any* person who had been wounded and assaulted by another, but that it was necessary to prove that there had been an intention (*πρόνοια*) to murder the person who had been wounded (Lys. *c. Sim.* § 41 f.). Cases of this kind were laid before the archon basileus and brought before the Areiopagus ([Lys.] *c. Alcib.* § 15; Dem. *c. Aristocr.* p. 628, § 24; Poll. viii. 117): if the accused was found guilty, he was exiled from the state (Dem. *c. Boeot.* ii. p. 1018, § 32; according to Philippi, *d. Areopag u. d. Epheten*, p. 113 f., not for life) and his property confiscated (Lys. *c. Sim.* § 38, *περὶ τῆς πατρίδος καὶ τῆς οὐσίας τῆς ἐμαυτοῦ ἁπάσης κινδυνεύω*: cf. *de vuln. ex industria*, § 18. Plat. *Legg.* ix. p. 877 B: banishment for life without confiscation of property). This action seems to have been notorious as an instrument of false accusation (Aeschin. *de F. L.* § 93; *c. Ctes.* § 212, etc.). (*Att. Process*, ed. Lipsius, p. 386 f.)

[C. R. K.] [H. H.]

TRE'SVIRI were either ordinary magistrates or officers, or else extraordinary commissioners, who were frequently appointed at Rome to execute any public office. [The form *triumvir* is quite legitimate, and the gen. plur. is often used as a predicate of a single individual: e.g. *si triumvirum sim*: but it is doubtful whether there is any good authority for the nom. plur. *triumviri*, although it is often found in our texts: MSS. seem always to give *iiiviri*.] The following is a list of the most important of both classes, arranged in alphabetical order.

1. TRESVIRI AGRO DIVIDUNDO. [TRESVIRI COLONIAE DEDUCENDAE.]

2. TRESVIRI CAPITALES appear to have been regularly appointed first in about B.C. 290 (Liv. *Epit.* 11). If Mommsen is right in identifying them with the *tresviri nocturni* (cf. Ussing on Plaut. *Amph.* 155), there is a reference to the office somewhat earlier in Liv. ix. 46, 3, where he says of Cn. Flavius, curule aedile in B.C. 304, "quem aliquanto ante desisse scriptum facere arguit Macer Licinius tribunatu ante gesto triumviratibusque nocturno altero, altero coloniae deducendae:" but this reference is of doubtful authority, not only because Livy ascribes the institution of the office to a later date, but also because it certainly was not a magistracy, as Licinius regards it, until a much later date. At first the *tresviri* were not chosen by the people, but nominated, probably by the praetor urbanus, who at a later time presided at their election. Festus (s. v. *Sacramentum*) gives a quotation from the law by which L. Papirius, a tribune of the commons, enacted that they should be elected: "quicunque praetor posthac factus erit qui inter civis jus dicet, tres viros capitales populum rogato." This law must have been after B.C. 242, for it assumes the existence of at least two praetors, and this also disposes of the conjecture of Niebuhr, that Festus meant L. Papirius, praetor in B.C. 292 (*Hist. Rom.* iii. 407–8): but it must have been before B.C. 124, when they appear in the Bantine law and the law *de repetundis* (*C. I. L.* i. 197, 198).

In criminal cases their main duty was to look to the safer custody of the convicted, and to execute capital punishment (Dig. 1, 2, 2, 30; Liv. xxxii. 26). The usual form of execution was, for the upper classes and for women, strangling in prison (*triumvirale supplicium*, Tac. *Ann.* v. 10), a fate which befell the fellow-conspirators of Catiline (Sall. *Cat.* 55; cf. Val. Max. v. 4, 57, "mulierem praetor . . . capitali crimine damnatam triumviro in carcere necandam tradidit"); slaves were crucified, also under their supervision (Val. Max. viii. 4, 2). They had also the duty of receiving charges (Plaut. *Aul.* 413; *Asin.* 131) and of arresting offenders;

and generally of looking after the police of Rome, for which purpose they had a post in the forum near the Columna Maenia (Cic. *pro Cluent.* 13, 39). Their duty was to go the round of the streets by night, and to seize and punish disorderly characters (Plaut. *Amph.* ad init.: cp. Val. Max. viii. 1, *damn.* 6, "P. Villius triumvir nocturnus a P. Aquilio trib. pl. accusatus populi judicio concidit, quia vigilias neglegentius circumierat"), and, as being charged with the safety of the city, were required to be present at once in cases of fire (ib. *damn.* 5). There is no trace of any independent criminal jurisdiction; even a slave had to be condemned by a regular court; but this does not preclude the administration of such punishment as was necessary to keep order. Hence Arnold (*Hist. of Rome*, ii. 389) goes too far in saying that they "tried by summary process all offenders against the public peace, who might be taken in the fact." There are also indications that in cases virtually criminal, in which private citizens acted as prosecutors by the *manus injectio*, the *tresviri* were appointed by the praetor to act as *judices* (cp. Plaut. *Pers.* 61 ff., discussed by Götz in *Rhein. Mus.* xxx. 167), and Mommsen thinks that the number of these may have been determined with a view to this function. They had further to exact and to pay into the treasury the *sacramenta* due in civil suits, and to decide upon the obligation to serve as *judices* (Cic. *Brut.* 31, 117). Here as in other cases they appear as the assistants of the praetors. Under the Empire their functions were mainly discharged by the *praefectus vigilum*.

3. TRESVIRI COLONIAE DEDUCENDAE were persons appointed to superintend the formation of a colony. They are spoken of under COLONIA, Vol. I. p. 479. Since they had besides to superintend the distribution of the land to the colonists, we find them also called *Tresviri Coloniae Deducendae Agroque Dividundo* (Liv. viii. 16), and sometimes simply *Tresviri Agro Dando* (Liv. iii. 1). The number three was the most usual one, but we also find commissions of five, seven, ten, fifteen, or twenty, as might be determined by the law instituting the colony.

4. TRESVIRI EPULONES. [EPULONES.]

5. TRESVIRI EQUITUM TURMAS RECOGNOSCENDI, or LEGENDIS EQUITUM DECURIIS, were magistrates first appointed by Augustus to revise the lists of the Equites, not at the census but at the *transvectio equitum*, and to admit persons into the order. This was formerly part of the duties of the censors (Suet. *Aug.* 37; Tac. *Ann.* iii. 30).

6. TRESVIRI MENSARII. [ARGENTARII.]

7. TRESVIRI MONETALES. [MONETA.]

8. TRESVIRI REFICIENDIS AEDIBUS, elected in the Comitia Tributa in the time of the Second Punic War, a commission for the purpose of repairing and rebuilding certain temples (Liv. xxv. 7). We do not know why this duty was not left, as usual, to the censors.

9. TRESVIRI REIPUBLICAE CONSTITUENDAE. Niebuhr (*Hist. of Rome*, vol. iii. p. 43) supposes that magistrates under this title were appointed as early as the time of the Licinian Rogations, in order to restore peace to the state after the commotions consequent upon those Rogations (Lydus, *de Mag.* i. 35). Niebuhr also thinks that these were the magistrates intended by Varro, who mentions among the extraordinary magistrates that had the right of summoning the senate, Triumvirs for the regulation of the Republic, along with the Decemvirs and Consular Tribunes (Gell. xiv. 7). We have not, however, any certain mention of officers or magistrates under this name, till towards the close of the Republic, when the supreme power was shared between Lepidus, Antonius, and Caesar (Octavianus), who administered the affairs of the state under the title of *Tresviri Reipublicae Constituendae.* This office was conferred upon them in B.C. 43 by a law of P. Titius the tribune for five years (Liv. *Epit.* 120; Appian, *B. C.* iv. 2–12; Dio Cass. xlvi. 54–56; Vell. Pat. ii. 65; Plut. *Cic.* 46); and on the expiration of the term, in B.C. 38, was conferred upon them again, in B.C. 37, for five years more (Appian, *B. C.* v. 95; Dio Cass. xlviii. 54). The coalition between Julius Caesar, Pompeius, and Crassus, in B.C. 60 (Vell. Pat. ii. 44; Liv. *Epit.* 103), is usually called the first triumvirate, and that between Octavianus, Antony, and Lepidus, the second; but it must be borne in mind that the former never bore the title of tresviri, nor were invested with any office under that name, whereas the latter were recognised as regular magistrates under the above-mentioned title.

10. TRESVIRI SACRIS CONQUIRENDIS DONISQUE PERSIGNANDIS, extraordinary officers elected in the Comitia Tributa in the time of the Second Punic War, seem to have had to take care that all property given or consecrated to the gods was applied to that purpose (Liv. xxv. 7).

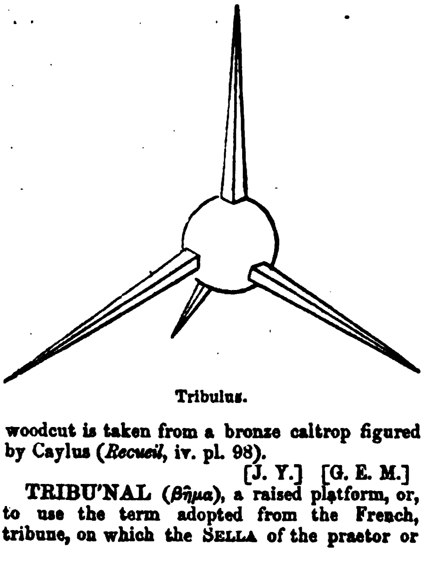
11. TRESVIRI SENATUS LEGENDI were officers appointed whenever required by Augustus to admit persons into the senate. This was previously the duty of the censors (Suet. *Aug.* 37). [W. S.] [A. S. W.]

TRIA'RII. [EXERCITUS, Vol. I. pp. 783–785.]

TRIBON. The *τρίβων* was a variety of *ἱμάτιον*, belonging to the class of the *χλαῖναι διπληγίδες* [see PALLIUM, p. 321], and was the national garb of Sparta, worn by every male over twelve years of age. Its use spread to Athens, having been introduced by such imitators of Spartan life (*λακωνίζοντες*) as Cimon. It is best known in history as the dress of Socrates (Plato, *Symp.* p. 219 B), adopted afterwards by the Cynics, with whom it became a professional costume. The chief merit of the *τρίβων* was that it was worn alone, without a shirt. The references to the "shirtless" condition of the Cynics are countless, from the sneer of Kerkidas at Diogenes as being *διπλοείματος* (cf. Hor. *Ep.* i. 17, 25, "quem duplici panno patientia velat") down to the time of Juvenal, who describes the only difference between the Stoic and the Cynic as being a shirt ("tunica distantia," *Sat.* xiii. 122). The Cynic women followed the same fashion, as did also the wife of Phocion, who on occasion wore her husband's mantle. The *τρίβων* was of a dark colour (*φαιὸς*) and of coarse but thick material. The manner of wearing it seems to have varied according to the length at which the owner wished to have it. It was of coarse woollen cloth, worn with a brooch, but the pinning does not seem to have been invariable, for on many of the statues of philosophers on which it appears there is no brooch or pin shown. [PALLIUM.] [W. C. F. A.]

TRI'BULUM (τρίβολος, a word borrowed from Latin), a corn-drag, consisting of a thick and ponderous wooden board, which was armed underneath with pieces of iron or sharp flints, either the driver or a heavy weight being placed upon it, and drawn over the corn by a yoke of oxen, for the purpose of separating the grain and cutting the straw (Varro, *R. R.* i. 52; Plin. *H. N.* xviii. § 298; Longus, iii. 30, 2). Together with the *tribulum* another kind of drag, called *traha* or *trahea*, was also used, which, from the explanation of Servius, "vehiculum sine rotis," we may suppose to have been like a carriage-body taken off the wheels, or a sledge without runners (Verg. *Georg.* i. 164; Serv. *ad loc.*; Col. ii. 21). A third variety, the *plostellum Punicum* (Varro, *l. c.*), seems to have been a framework, like the above, placed upon rollers, and used especially in Spain, where we may suppose the Carthaginians to have introduced it. The tribulum and traha are still used in Greece, Asia Minor, Georgia, and Syria, and are described by various travellers in those countries, but more especially by Paul Lucas (*Voyage*, vol. i. p. 182), Sir R. K. Porter (*Travels*, vol. i. p. 158), Jackson (*Journey from India*, p. 249), and C. Fellows (*Journal*, pp. 70, 333). (For the process of threshing, see AGRICULTURA, Vol. I. p. 64.) [J. Y.] [G. E. M.]

TRI'BULUS (τρίβολος), a caltrop, also called *murex* (Val. Max. iii. 7, § 2; Curt. iv. 13, § 36). When a place was beset with troops, the one party endeavoured to impede the cavalry of the other party either by throwing before them caltrops, which necessarily lay with one of their four sharp points turned upwards, or by burying the caltrops with one point at the surface of the ground (Veget. *de Re Mil.* iii. 24; Jul. Afric. 69; Polyaen. 139, 2). The *taleae* (Caes. *B. G.* vii. 73) and the *hami*, *stimuli* or *stili* (*Bell. Afr.* 31), were for the same purpose. They were pieces of wood with curved iron points, buried in the ground. The annexed woodcut is taken from a bronze caltrop figured by Caylus (*Recueil*, iv. pl. 98). [J. Y.] [G. E. M.]



Tribulus.

TRIBU'NAL (βῆμα), a raised platform, or, to use the term adopted from the French, tribune, on which the SELLA of the praetor or presiding magistrate was placed, when he sat to administer justice in any place which might be selected (Liv. xxiii. 32). It is termed *locus superior* in Cic. *Verr.* ii. 42, 102; iv. 40, 85. It is described under BASILICA, Vol. I. pp. 288, 291 (cf. Mommsen, *Staatsrecht*, i.^{2} 400).

There was a tribunal in the camp, which was generally formed of turf, but sometimes, in a stationary camp, of stone, from which the general addressed the soldiers, and where the consul and tribunes of the soldiers administered justice. When the general addressed the army from the tribunal, the standards were planted in front of it, and the army placed round it in order. [ADLOCUTIO; CASTRA, Vol. I. p. 380.] For an instance of a tribunal raised in honour of a deceased imperator, see Tac. *Ann.* ii. 83: for the theatrical tribunal, THEATRUM, p. 821 *b*. [P. S.] [G. E. M.]

TRIBU'NUS. This word seems originally to have indicated an officer connected with a tribe (*tribus*), or who represented a tribe for certain purposes; and this is indeed the character of the officers who were designated by it in the earliest times of Rome, and may be traced also in the later officers of this name. We subjoin an account of all the Roman officers known under this name.

1. TRIBUNES OF THE THREE ANCIENT TRIBES. At the time when all the Roman citizens were contained in the three tribes of the Ramnes, Tities, and Luceres, the three divisions of infantry, which together made up the legion, were commanded by three *tribuni militum* (φύλαρχοι, Dionys. ii. 7; Dig. 1, 2, 2, 20; Serv. *ad Aen.* v. 560). Niebuhr (*Hist. of Rome*, i. p. 331) supposes that the *tribunus celerum* was the tribune of the Ramnes, the oldest and noblest among the three tribes, and in this opinion he is followed by Göttling (*Gesch. d. Röm. Staatsverf.* p. 166), though it is in direct contradiction to Dionysius (ii. 13) and Pomponius (*de Orig. Jur.* Dig. 1, 2, 2, 15), according to whom the tribunus celerum was the commander of the *celeres*, the king's body-guard.

But Mommsen (*Hist.* i. 78, note) has shown that the term *tribuni celerum* is used in the plural of the three commanders of the horsemen (Dionys. ii. 64), as contrasted with the three *tribuni militum*, and that the view of Pomponius, which identifies the *tribunus celerum* with the Celer mentioned by Valerius Antias (in Dionys. ii. 13), the *magister equitum* under the Republic, and the *praefectus praetorio* of the Empire, is due simply to a misconception of the position held by Brutus in the legend (cf. Dionys. iv. 71; Liv. i. 59). The tribunes of the tribes naturally ceased to exist, when the tribes were done away with in the changes ascribed to Servius Tullius. There is no ground whatever for believing that a law was ever passed under the presidency of one of the tribunes (Mommsen, *Röm. St.* i. 189, note 4); but from the account of Dionysius they appear to have exercised certain priestly functions on behalf of their respective tribes. (Cf. Praen. Fast. for March 19, p. 315, [*adstantibus pon*]*tificibus et trib*[unis] *celer*[um].)

2. TRIBUNES OF THE SERVIAN TRIBES. Under the Servian constitution, each of the four city-tribes, and possibly each of the country *pagi*, which afterwards developed, in a manner as to which we have no definite information, into the

original 16 country-tribes, had its *curator*, or φύλαρχος, whose duty it was to keep the register of the tribe, and of the estates belonging to its members, and to collect when necessary the war-tax (*tributum*), as well as the capitation money (*aes*), levied upon non-citizens (*aerarii*). These *curatores tribuum* were also called *tribuni aerarii*; but whether the body known in the time of Cicero as *tribuni aerarii* were their successors and representatives is a question much disputed of recent years. Madvig (*Opusc. Acad.* ii. pp. 242–263: cf. *Verfassung u. Verwaltung*, i. 182–185) strongly maintains that they were quite distinct, and that there is no trustworthy reference to the *tribuni aerarii* before the law of Cotta in B.C. 70, except as an obsolete office, the name of which was then revived. Mommsen, on the other hand (*Die Römischen Tribus*, pp. 32 *sqq.*: cf. *Röm. St.* iii. 189 ff.), maintains that they were identical. Madvig's view is that the original *tribuni aerarii* were not officials of any kind, much less magistrates, but private persons of substance, who were made responsible for the pay of individual soldiers, especially the *equites*. The chief ancient authorities are an extract from Cato, *ap.* Gell. vi. 10, "pignoris capio ob aes militare, quod aes a tribuno aerario miles accipere debebat, vocabulum seorsum fit;" and Varro, *L. L.* v. 181, "ab eo quoque, quibus attributa erat pecunia ut militi reddant, tribuni aerarii dicti;" where the past tense *debebat* shows that the practice had become obsolete in Cato's time, and the expression *attributa erat* may be taken to indicate that the quaestors assigned to the several contributories the sums which they had respectively to pay. Another argument for Madvig's view is that the *tribuni aerarii* must have been a numerous class to furnish a select body of at least 300 judices, and that they are represented as fairly numerous, even in unimportant country-places like Atina (Cic. *pro Planc.* 8, 21), and as an *ordo* by the side of the *equites* (cf. Calp. *Ecl.* vii. 29). In Cic. *pro C. Rab. ad Quir.* 9, 27, we have in a reference to B.C. 100, "quid de tribunis aerariis ceterorumque ordinum omnium hominibus qui tum arma pro communi libertate ceperant?" Madvig interprets this to mean young men who afterwards became *tribuni aerarii* when the *ordo* was revived in B.C. 70, but this interpretation is very forced. Although we nowhere have express authority for identifying the *curatores tribuum* with the *tribuni aerarii* of the earlier time, it seems impossible to explain the use of the term *tribunus* except by such an identification; and the word *curator* occurs only later on, so that it may well be a descriptive title. When in B.C. 220 the tribes were divided into centuries, the *curatores centuriarum* may have popularly retained the name of *tribuni aerarii*, their number now being 350. They seem to have been elected annually, and were often re-elected.

3. TRIBUNI AERARII. When L. Cotta, the praetor in B.C. 70, carried a law depriving the senators of the exclusive right of serving on juries, which had been restored to them by Sulla, after the reforms of C. Gracchus, he instituted three *decuriae*,—one of senators, one of knights, and one of *tribuni aerarii*. Of this last body we know that they were recognised as an *ordo*; that they were a fairly numerous body not restricted to Rome, but living also in the *municipia*; and that they were closely connected with the equites, and indeed appear to have been sometimes loosely included under this name (cp. Cic. *pro Cluent.* 43, 121; 47, 130). Julius Caesar took away their judicial function (Suet. *Jul.* 41); but Augustus (Id. *Aug.* 32) added to the three *decuriae* a fourth, consisting of *ducenarii*, i.e. men who had half the equestrian census. From this last fact it seems highly probable that the *tribuni aerarii* were also required to possess a definite *census*, though the amount of this is nowhere specified. Mommsen supposes that they had the equestrian *census*, but not the *equus publicus* (*Röm. St.* iii. 533); but this is somewhat doubtful: and Mommsen admits that where they are included among the equites by Cicero, the "courtesy of the advocate" (*ib.* 193, note 2: cf. *pro Font.* 16, 36; *pro Flacc.* 38, 96) is partly at least responsible. Still in *pro Flacc.* 2, 4, he clearly speaks of two-thirds of the jury as belonging to the *equites* (50 out of 75): and Livy (*Ep.* xcvii.) even speaks of the reform of Cotta as giving back the *judicia* to the *equites*: "judicia per M. (*sic*) Aurelium Cottam praetorem ad equites Romanos translata sunt." From Liv. xxiv. 11, 8, it might appear that they had a census of 300,000 asses. Herzog (i. 533) thinks that they were ex-officials, but this assumption is needless, if we identify them with the *curatores* of the centuries. (Cf. Madvig, *Verf. und Verw.* i. 182–185; Mommsen, *Röm. St.* l. c.; Heitland on Cic. *pro C. Rabirio ad Quir.*, App. G; Herzog, *Gesch. d. Röm. Verfassung*, i. 533, 1023–5.)

4. TRIBUNI MILITUM CONSULARI POTESTATE. From the earliest times the Roman infantry had been commanded by *tribuni*, or "tribe-leaders." These were nominated by the king, as commander-in-chief, for the duration of the campaign, and were originally three in number. But when the old tribes were divided, each into a *prior* and a *posterior*, the number of the tribunes came to be six. At this time *legio* was the term applied to the whole army. When, at some time in the course of the fourth century, a varying number of legions was raised each year, the practice was still retained of having six *tribuni militum* for each legion. For their duties and the manner of their appointment, see EXERCITUS. But the term *tribuni militum* came also to be used with a somewhat different application. If the needs of the state required that more than two armies should be sent out, instead of two consuls a larger number of commanders was appointed under the title of *tribuni militum consulari potestate*. The first recorded instance of such an appointment is in B.C. 445, when the plebeians were pressing their claim to be held eligible for the consulship, and the senate in order to avoid a decision upon the point resolved that consular tribunes should be elected. (Liv. iv. 6, 8: "per haec consilia eo deducta est res, ut tribunos militum consulari potestate promiscue ex patribus ac plebe creari sinerent, de consulibus creandis nihil mutaretur.") But there is no definite evidence that this was the date of the first institution of such an office; and the reference to a law permitting it (Liv. iv. 31, 11) may refer to that by which the consulate was substituted for the kingship, as well as to a special law now passed. Another and perhaps

an earlier account (Liv. iv. 7, 2) represents military necessity as the sole reason for the change. Certainly the highest number of consular tribunes was elected in a year (B.C. 405) when the strain of a continuous siege first came upon the state. The *fasti* show that the number varied between three, four, and six, but there were never five. Where eight are mentioned, two seem to have acted as censors, not as consuls, and probably were not strictly speaking tribunes at all. The number five was evidently avoided, as not admitting of an even division of the *fasces* for the twelve months of the year.

It is pretty plain that the *tribuni militum consulari potestate* were simply the ordinary six tribunes, holding office with special powers conferred upon them. If the number sometimes fell below six, this was only because, if an insufficient number were elected with the consular authority, there was no constitutional means of filling up the places with others similarly privileged, and those subsequently elected ranked only as ordinary tribunes.

When in B.C. 367 the Licinian law abolished the office of consular tribune and threw open the consulate to the plebeians, the immediate result was to deprive the people of the right of electing the *tribuni militum*, so that the right had to be restored to them by a special law five years afterwards (Liv. vii. 5: cf. O. Lorenz, *Das Consulartribunat*, Vienna, 1855).

There is no reason to doubt (as has been done by Becker, ii. 2, 137; Schwegler, iii. 112, and others) that the consular tribunes possessed, as their title indicates, the full consular powers, including judicial as well as military functions, and the right of appointing a dictator (Liv. iv. 31). They were elected *auspicato* in the Comitia Centuriata (Liv. v. 52, 16), and enjoyed all the insignia of the consuls; but they had no right to triumph, nor did they become *consulares*, so that they did not by virtue of their office enter the higher ranks of the senate. This was the main practical difference between the consular tribunate and the consulship. The office was definitely abolished by the Licinian law *ne tribunorum militum comitia fierent consulumque utique alter ex plebe crearetur* (Liv. vi. 35); and we never hear of it after this date, except in an abortive suggestion of the tribunes of the commons in B.C. 53 (Dio Cass. xl. 45). Cf. Mommsen, *Röm. St.* ii. 173–184: the account given by Becker, *Röm. Alt.* ii. 2, 136 ff., is in some respects antiquated.

5. **Tribuni plebis.** There can be little doubt that the name of these officers of the commons was derived from that of the tribunes of the soldiers. By the side of the privileged citizens, the *patricii*, there was a body, recognised as belonging to the community, but at first destitute of all political rights, the *plebs*. This body, by the constitution ascribed to Servius Tullius, acquired the right of serving in the army and holding positions of command (*tribunatus*), and at the same time of voting in the assembly of the centuries. Their next step was to constitute themselves into an assembly of their own, the *concilium plebis*, presided over by magistrates of their own, the *tribuni* and *aediles plebis*. According to the generally received tradition, this step was the result of a secession of the plebs to the *mons sacer* in the district of Crustumeria in the year B.C. 494. Whatever may be the historical value of the details, there is no reasonable doubt that about this time the plebs acquired the right of collective action under leaders of their own choice. At first the election was made *comitiis curiatis* (Dionys. vi. 89, ix. 41: cf. Cic. *pro Corn. ap.* Ascon. p. 76): this has been generally taken to mean that the election was made by a purely patrician body; and an attempt has been made to defend this view by assuming that the plebeians, after settling among themselves who their candidates should be, nominated these and no others for the patricians formally to elect, so that they might secure their approval (cf. Bouché-Leclercq, *Institutions Romaines*, p. 69, note). But it is much simpler to suppose that the plebeians alone assembled by curies for the election (so Mommsen and Willems). The tradition further asserts that the tribunes were in B.C. 494 recognised as inviolable by a *lex sacrata* (Liv. ii. 33). Here, again, disputes have arisen. Lange, representing the school of Niebuhr, holds that this was a formal compact, ratified by the fetiales, between the patricians and the plebeians (cf. Dionys. vi. 84, 89; vii. 40). Mommsen, on the other hand, contends that the *lex sacrata* was only a solemn oath, sworn to by the plebs, that they would regard any wrong done to their tribunes as an inexpiable offence, and would avenge it accordingly. This view is supported by the fact that the *plebiscitum* of Icilius in B.C. 492 (Dionys. vii. 22), which assured to the tribunes freedom of speech and the *jus auxilii*, would have been superfluous if the preceding *lex sacrata* had been a compact between the orders. This view is also in harmony with the definition of *sacrosanctus* given by Festus, *s. v.* There is a further discussion as to the number of the original tribunes. The tradition is that they were at first two in number, afterwards raised to five, and then again to ten. But while the oldest authorities speak of B.C. 471 as the date at which the number was raised to five, others represent the two first elected as at once co-opting three others. The increase from five to ten (two from each class) is placed by Livy and Dionysius in B.C. 457 (Liv. iii. 30; Dionys. x. 30), though the former carelessly speaks of ten tribunes in B.C. 480 (ii. 44, 6), and Dio Cassius (cf. Zonaras, vii. 15) gives a different account. These statements are open to much doubt, especially that as to the classes from which the tribunes were taken: such a provision would be quite unexampled, and there seems to have been no reason for it. Probably it was only an illegitimate inference from the number of the tribunes. It seems most probable that there were originally two tribunes and two aediles of the plebs, answering to the two consuls and two quaestors of the community. It is certain that after the decemvirate there were always ten tribunes (Liv. iii. 54, 11, &c.).

The *tribuni plebis* were naturally always plebeians; the only case of a patrician holding the office is when two were co-opted in B.C. 448 (Liv. iii. 65); and this seems doubtful (cf. Mommsen, *Röm. St.* ii. 265, 4). They were elected, perhaps when chosen by the curies, and certainly when chosen by the tribes, under the presidency of the outgoing tribunes. At first, if the number of tribunes elected was not equal to the vacancies, the one or more elected had the power of co-optation; but in B.C. 448 this was done away with by the law of Trebonius (Liv. iii. 65), which enacted that the election should be continued until the full number had been chosen. There was no interregnum allowed, as in the case of the consuls: the plebs was never to be left without its tribunes (Liv. iii. 55; cf. 64, 9). The office was held only for a year; and just as in the case of the consulship, all the tribunes were colleagues, in the sense that each separately could exercise the full power of the office, but could be prevented from acting by the interposition of any of the others.

The functions of the tribunes varied with the legal position of the plebs, of which they were the representatives. Originally the plebs was only a voluntary combination of unenfranchised citizens, and so had no political rights. During this period, of which we have no trustworthy accounts, the tribunes were *non populi sed plebis magistratus*: any powers conceded to them were possessed simply as attaching to the organs of popular force. Next the plebs was recognised as an organised body within the community, and the magistrates of the community were bound by certain restrictions in their action towards the representatives of the commons: that is to say, the tribunes acquired the right of veto, and all that followed from it. Finally, the plebs was so far identified with the community, that its action was regarded legally as the action of the community. This is the stage reached in the Hortensian law of B.C. 287. The tribunes now become magistrates of the community, with positive as well as negative powers, and especially with the right to transact business directly with the senate.

As the tribunes did not originate as magistrates of the community, they had none of the insignia of magistracy, no lictors, fasces, or purple border to their togas; nor had they the curule chair. They had, however, the right of sitting on the *subsellium*, which became a kind of token of their office. As not being magistrates they further had no right of consulting the gods (*auspicia impetrativa*) on behalf of the Roman people, though there may have been a kind of quasi-private plebeian auspices, so that the place where the plebs met was called a *templum* (Liv. ii. 56, 10; iii. 17, 1;—Cic. *pro Sest.* 29, 62; 35, 75). But the plebeian magistrates were all created *inauspicato* (Liv. vi. 41, 5), at least after they were elected by the tribes, and a *plebiscitum* was a *lex inauspicata*. On the other hand, they were not at liberty to neglect omens sent by the gods (*auspicia oblativa*), and a storm broke up a *concilium plebis* as much as the Comitia: hence, too, the *obnuntiatio* held good in the case of plebeian assemblies. But perhaps the latter doctrine was put forward only for the political convenience of the nobles, and never really admitted by the commons (cf. Mommsen, *Röm. St.* ii. 275).

The tribune's duties, again, never included what was understood by the *imperium*: he never had either military command or civil jurisdiction; and his powers did not extend beyond the first milestone from the city. If we distinguish the time before the Hortensian law from that which followed it, we find that for the former the tribunician power consisted essentially in three functions.

1. They had the right to summon meetings of the plebs, and to take votes on resolutions proposed to them. Mommsen finds the basis of their power to lie in the *plebiscitum* passed by Icilius in 472, which was a general oath that they would tolerate no interference with this right on the part of the magistrates. Private persons also interrupting a tribune while speaking were liable to punishment (Val. Max. ix. 5, 2; Plin. *Ep.* i. 23, 2).

2. The right of *intercessio*, or "veto," as it is called (by a term which has little or no ancient authority), was a right within due limits assigned to every magistrate in relation to a colleague or an inferior magistrate. But it acquired an importance in practice with the tribunes, which transcended anything to be found elsewhere. It is very doubtful whether it can have been acquired in its full extent all at once, and the common opinion that it was at first limited to the *jus auxilii* is not based on any good authority. It seems more probable that it was only the outcome of a series of struggles, which our materials do not allow us to trace in detail. But it acquired special importance in the case of the tribunes, partly because they were so destitute of more active functions, and partly because circumstances tended to call forth the exercise of the veto by the tribunes, rather than by any other magistrates. Undoubtedly it was mainly employed for auxilium, *i.e.* for the protection of any citizen (patrician as well as plebeian: Liv. iii. 13, 9; 56, 5; viii. 33, 7; ix. 26, 16) against a magistrate's sentence. To secure that this should be always accessible, the tribunes were forbidden to sleep out of the city during their time of office (the Latin feast alone being an exception), and required to leave their house-doors open night and day. But we find one or two instances where tribunes were exempted from this law by the senate, and sent on special business of importance to generals in the field (Liv. ix. 36, 14; xxix. 20). Their official duties were always discharged in public, and at a later time the regular place for them was the Porcia Basilica.

But the right of veto extended also to proposals brought before the people in the Comitia, as well as to those brought before the plebs. In the latter case this was merely an application of the right to stop a colleague's action: the former seems more surprising, but it probably arose from the need of hindering resolutions which would have interfered with the rights of the commons. We find it employed in a consular election as early as B.C. 483 (Dionys. viii. 90), and in a prosecution by the quaestors in B.C. 459 (Liv. iii. 24, 7). The right of vetoing a resolution of the senate, or rather the action of the magistrate needful for its passing, is mentioned first in B.C. 445 (Liv. iv. 6, 6), but not as any new thing. At this time the tribunes had no right to enter the senate, but sat on their subsellia before the doorways, and did not interfere in the debate, but only during or after the voting. The veto can hardly have been exercised so long as the resolution of the senate was in theory simply advice to the magistrates as to their action. It is probable therefore that it was not employed until the *senatus auctoritas* became constitutionally necessary, in order that a resolution of the commons should be binding on the whole community. If a tribune vetoed the act of any magistrate beforehand, and it was still done, it was not therefore invalidated, but the magistrate was liable to punishment; but if the act was vetoed afterwards, it became legally of no effect. One tribune could impose the veto, and all the others could not remove it; but any one of the tribunes by his veto could stop a colleague from carrying out any threatened punishment for disregard of the veto.

The threat of punishment could naturally only be directed against private persons when discharging some public function (Cic. *pro Cluent.* 27, 74; cf. Sall. *Jug.* 34). We find, however, numerous instances in which the tribunes summoned persons to appear before a *contio*, and there answer questions (Cic. *in Phil.* vi.; *ad Att.* i. 14, 1; xiv. 20, 5; *in Vat.* 10, 24: cf. Gell. xiii. 12, 6).

3. The right of *intercessio* would have been meaningless without the support given to it by the right of *coercitio*, or enforcing obedience, and the latter was a necessary result of the claim of the commons to self-defence. Every action, which was regarded as threatening to the commons or their representatives the tribunes, was exposed to punishment by fine, by seizure of goods, or even by death. The only limits set to this power of the tribunes were those resulting from the interposition of another colleague or from an appeal to the people (*provocatio*). At first the appeal lay solely to the commons; but as it was manifestly unfair that a patrician should have to appeal to a body of which he was not a member (cf. Mommsen, *Röm. Forsch.* i. 209), the Twelve Tables provided that in capital cases the tribunes should prosecute a citizen before the centuries; and that it should be only in cases of fine that the tribes should hear the appeal. If we are right in regarding, with Mommsen, the *sacrosancta potestas* of the tribunes as based upon a revolutionary movement of self-defence, it ought properly to have ceased when the tribuneship, after the fall of the decemvirs, was recognised as a permanent part of the constitution by the Valerio-Horatian law. As a matter of fact both law and oath were employed (Liv. iii. 55) in the re-establishment of the tribuneship; and the two conceptions of "legitimate" and "sacrosanct" power continued to exist side by side, so that both Julius and Augustus were able to make use of the latter for their own purposes.

The cessation of all strife between the orders, to which the Hortensian law bore witness, marked the stage at which the tribunes became *magistrates* of the community. From this time down to the end of the Republic their power was practically always on the increase, except for a very short period. In B.C. 81 Sulla greatly reduced it by depriving them of all power of proposing laws, and by enacting that any one who had held the tribuneship should thereby be disqualified from standing for any other office, so excluding all men of energy and ambition (Liv. *Ep.* lxxxix.; Vell. ii. 30; Appian, *Bell. Civ.* i. 100, ii. 29). But in B.C. 70 Pompeius restored to the tribunes all their old powers and rights (Liv. *Ep.* 97; &c.). Their right of addressing the centuries remained limited to the cases where they appeared as prosecutors, but their freedom of action in relation to the tribes was unrestricted. Their right of veto was restricted only in a few cases, as by the law of Gaius Gracchus in B.C. 123 in relation to the consular provinces, and in trials by the *quaestiones perpetuae* (cf. Mommsen, *Röm. St.* i. 262); practically it became a mere implement of political warfare, as often used against as in the interests of the popular party. It was a result of their magisterial position that they now frequently presided at the election of magistrates, especially in the case of extraordinary appointments. Whether the consul or the tribune presided was doubtless generally determined by the law under which the appointment was made. With regard to their legislative powers, after the Hortensian law there was nothing to prevent legislation upon any matter being brought forward before the tribes by the tribunes, though usage left some questions, especially that of declaring war, to the centuries. Now, too, the *plebiscitum* was described as *lex sive id plebi scitum est*, whence it came naturally to be often called simply a *lex*, as we see from the fragments of the *lex de repetundis* and *de agris dividundis*. As for their power of *coercitio*, this developed into a general right to prosecute for offences against the community, especially in the case of offending magistrates upon the expiry of their term of office (cf. Liv. ix. 26, 12; xli. 7, 10). Most of the numerous instances of their action which are recorded, have to do with consuls, prosecuted for neglect of their duties in the field, or for gross instances of misuse of their powers. But there are cases of the prosecution of private citizens for offences against the state. When the law imposed upon the magistrates the duty of punishing by fine a definite offence, it is generally the aediles, not the tribunes, who take action. Sulla took away from the tribunes their power of prosecuting, and conferred it upon the *quaestio majestatis*: and this continued to exist after the tribunes had had their powers restored to them, so that after this date their action occurs rarely and exceptionally. Finally, as magistrates, the tribunes acquired the right not only of sitting and speaking in the senate, but also of convening and consulting it. But when and how this came to be the practice, we cannot definitely determine. The authorities are inconsistent and self-contradictory. Dionysius (x. 31) represents Icilius as attempting to summon the senate in B.C. 456, but he nowhere indicates that the tribunes really had this power. Livy represents a tribune as present in the senate in B.C. 462 (iii. 9, 11), and as speaking there in B.C. 420 (iv. 44, 7). But the first trustworthy instance is in B.C. 216 (Liv. xxii. 61); and it is most reasonable to suppose that the power of independent legislation given by the Hortensian law was accompanied by the right to consult the senate beforehand as to proposed measures. It never, however, became usual for a tribune to convene the senate instead of the consuls or the praetor urbanus. Under the Empire the right was retained (Tac. *Ann.* vi. 18), but rarely exercised. Besides these definite powers, the tribunes often appear as joining in the common action of the magistrates in times of national danger, or meeting special emergencies by their independent authority (cf. Cic. *in Verr.* ii. 41, 100; *de Off.* iii. 20, 80; Tac. *Hist.* ii. 91; Plin. *Ep.* ix. 13, 19).

Under the Empire the tribuneship became a mere shadow of its former self, the emperor exercising all its functions by virtue of his *tribunicia potestas*. Pliny (*Ep.* i. 23) gives a very interesting account of the manner in which it was regarded in his own day. It appears on the roll of magistracies in the early part of the third century; but disappears after Alexander Severus allowed candidates to proceed from the quaestorship to the praetorship. The name is only retained in the superscription of formal addresses to the senate as late as A.D. 423. Perhaps the title was still formally conferred on a certain number of the senators. (Cf. Mommsen, *Röm. Staatsrecht*, ii. 261–318.) [A. S. W.]

TRIBUS (φυλή), a political division of a people. 1. GREEK. The word φυλή does not occur in Homer, and the political idea which it embodies is undoubtedly post-Homeric. The φῦλον of Homer is a race or breed, *e.g.* of gods, men, animals, even insects (*Il.* xix. 30); more rarely, it is a "tribe" in the sense of nation or people, and this tribe may be an aggregate of septs or clans (κατὰ φῦλα, κατὰ φρήτρας, *Il.* ii. 362). In this passage, and in the phrase Δωριέες τριχάϊκες (*Od.* xix. 177), we see the germs of later institutions.

In the early historic period we find the πόλις or state divided into φυλαί, with more or less reference to a favourite or sacred number which varied in different races. Thus the Ionian number was four, the Dorian three; the four "old-Ionic" tribes occur, with the same names, in other Ionian states besides Athens; and traces of the three Dorian tribes are found in all the countries which they colonised. These tribes were in the first instance genealogical (γενικαί), afterwards local (τοπικαί): on this distinction cf. DEMUS, p. 615*a*. The three Dorian tribes were called Ὑλλεῖς, Δυμανᾶται or Δυμᾶνες, and Πάμφυλοι (Pind. *Pyth.* i. 120 ff.; Herod. v. 68; Steph. *s. vv.*). As usual, the names were said to have been derived from eponymous heroes; the first from Hyllus, son of Hercules, the others from Dymas and Pamphylus, leaders who fell in the invasion of the Peloponnesus. In reality the name Pamphyli points to the aggregation of a number of scattered family elements under a single tribe. Traces of a τρίπολις in Doris are found in Thucyd. i. 107, Diod. xi. 79, but there is no evidence to show that each φυλή occupied a separate πόλις: elsewhere the Dorian τετράπολις is mentioned, as by Strabo (ix. p. 427). The Hyllean tribe ranked first in precedence; the Pamphylians, as a mixed multitude, came last; but at Sparta there does not appear to have been much distinction, for all the freemen there were by the constitution of Lycurgus on a footing of equality. When Herodotus speaks of the Aegeidae as φυλὴ μεγάλη ἐν Σπάρτῃ (iv. 149), he is not to be understood as speaking of a fourth tribe of equal or similar dignity and rank to the other three. He uses the term φυλή in the general sense of γένος or φρατρία (Stein *in loc.* See also Pindar, *Pyth.* v. 101). To these three tribes others were added in different places, either when the Dorians were joined by other foreign allies, or when some of the old inhabitants were admitted to the rank of citizenship or equal privileges. Eight tribes are mentioned in Corinth (Suidas, *s. v.* Πάντα ὀκτώ), four in Tegea (Paus. viii. 53, § 6). In Elis there were twelve tribes, afterwards reduced to eight by a war with the Arcadians (Paus. v. 9, § 6), from which they appear to have been geographical divisions (Wachsmuth, vol. ii. pt. i. p. 17). Sometimes we find mention of only one of the Doric tribes, as of the Hylleans in Cydonia (Hesych. *s. v.* Ὑλλεῖς), the Dymanes in Halicarnassus; which probably arose from colonies having been founded by the members of one tribe only (Wachsmuth, vol. ii. pt. i. p. 15).

Traces of the three old Dorian tribes occur with more or less distinctness at Megara, where they continued up to Roman times (*C. I. G.* 1073; Lebas, ii. 48), though other tribes were added (*C. I. G.* 1072); at Argos (*C. I. G.* 1123, 1128, 1132; Müller, *Frag. Hist. Gr.* iv. 497), where there also existed a φυλὴ τῶν Ὑρναθίων (*C. I. G.* 1130, 1131), probably consisting of citizens of non-Dorian origin, since it occurred also at the neighbouring Aegina and Epidaurus (Müller, *Aegin.* p. 140); at Sicyon, where Cleisthenes changed the names of the three Dorian tribes to Ὑᾶται, Ὀνεᾶται, and Χοιρεᾶται, to insult their members, and added a fourth tribe, the Ἀρχέλαοι, his own ruling family [sixty years after his death the Doric names were restored, and a fourth tribe added, called Αἰγιαλέες after the son of the hero Adrastus (Herod. v. 68)]; at Troezen (Steph. *s. v.* Ὑλλεῖς). Similar evidence in the case of Dorian colonies is found at Cos, where the φυλαί were subdivided into φρατρίαι, and also into τριακάδες and πεντηκοστύες (*Bull. de Corr. Hell.* v. No. 7, p. 217; Cauer,^{2} p. 159); at Thera (*Mitth. deutsch. arch. Inst. Ath.* ii. 73); at Heraclea on the Pontus (οὐσῶν αὐταῖς τριῶν φυλῶν, Aen. Poliorcet. xi. 10); at Epidamnus, where the φύλαρχοι had at one time the control of the government (Aristot. *Pol.* viii. (v.) 1 = p. 1301). In Sicily, the three Dorian tribes occur at Syracuse (*tria genera*, Cic. *Verr.* ii. 51, 127; Plut. *Nic.* xiv.; Holm, *Gesch. Sicil.* i. 418), and at Acragas (προεδρευούσας τᾶς φυλᾶς τῶν Ὑλλέων, *C. I. G.* 5494).

Traces of these tribal subdivisions are also found in Thessaly (see Harpocrat. *s. v.* τετραρχία: τεττάρων μερῶν ὄντων τῆς Θετταλίας ἕκαστον μέρος τετρὰς ἐκαλεῖτο, καθά φησιν Ἑλλάνικος ἐν τοῖς Θετταλικοῖς· ὄνομα δέ φησιν εἶναι ταῖς τετράσι Θετταλιῶτιν, Φθιῶτιν, Πελασγιῶτιν, Ἑστιαιῶτιν. καὶ Ἀριστοτέλης δὲ ἐν τῇ κοινῇ Θετταλῶν πολιτείᾳ ἐπὶ Ἀλεύα τοῦ Πύρρου διῃρῆσθαί φησιν εἰς τέτταρας μοίρας τὴν Θετταλίαν): among the Malians (Thuc. iii. 92, Μηλιῆς οἱ ξύμπαντες εἰσὶ μὲν τρία μέρη, Παράλιοι, Ἱερῆς, Τραχίνιοι), and the Aetolians (Thuc. iii. 94, ἐπιχειρεῖν δ' ἐκέλευον πρῶτον μὲν Ἀποδώτοις, ἔπειτα δ' Ὀφιονεῦσι, καὶ μετὰ τούτους Εὐρυτᾶσιν, ὅπερ μέγιστον μέρος ἐστὶ τῶν Αἰτωλῶν). It is possible that some of these names may denote geographical rather than purely tribal subdivisions. It is a possible conjecture that the four βουλαί of Boeotia, mentioned in Thuc. v. 38 as αἵπερ ἅπαν τὸ κῦρος ἔχουσι, point to a survival of some old quadruple division of Boeotia into tribes.

Of all the Dorian people the Spartans kept themselves the longest unmixed with foreign blood. So jealous were they to maintain their exclusive privileges, that they had only admitted two men into their body before the time of Herodotus (Herod. ix. 33, 35). Aristotle, however, remarks (*Pol.* ii. 9) that there was a tradition that the privilege of citizenship was conferred *ἐπὶ τῶν προτέρων βασιλέων*. Afterwards their numbers were occasionally recruited by the admission of Laconians, Helots, and foreigners; but this was done very sparingly, until the time of Agis and Cleomenes, who created large numbers of citizens. But we cannot further pursue this subject (Schömann, *op. cit.* p. 114).

The subdivision of tribes into *φρατρίαι* or *πάτραι, γένη, τριττύες*, &c., appears to have prevailed in various places (see Gilbert, Index, *s. vv.*). On the *ὠβαί* at Sparta, of which very little is known, see GEROUSIA, Vol. I. p. 914*a*. After the time of Cleomenes the old system of tribes was changed; new ones were created corresponding to the different quarters of the town, and seem to have been five in number (Schömann, *Ant. Jur. Pub.* p. 115; Müller, *Dor.* iii. 5).

Of the colonies in Aeolis, at Ilium we hear of *φυλαί, φυλάρχαι*, and *φρατρίαι*: names of tribes occur, *e.g.* Ἀλεξανδρίς (*C. I. G.* 3615), Ἀτταλίς (*ib.* 3616), Πανθωίς (*ib.* 3617); at Lampsacus we hear of *φυλαί* and *ἑκατοστύες* (Gilbert, *Staatsalt.* ii. 160); at Methymna the citizens were divided into *φυλαί* and *χελληστύες* (Id. *ib.* p. 166).

The four Ionian tribes—Geleontes, Hopletes, Aegicoreis, Argadeis — which are spoken of below in reference to Attica, were found also in Cyzicus, together with two others, Βωρεῖς and Οἴνωπες (*C. I. G.* 3663–4–5). In Samos a *φυλὴ Αἰσχριωνίη* is mentioned by Herodotus (iii. 26), which was probably a Carian race that mingled with the Ionians. In Ephesus five tribes are mentioned, of different races. At Miletus, in the period of its dependence on Athens, the ten Cleisthenean tribes (see below), under the same names as at Athens, formed part of the constitution (Lebas, *Asie Min.* 238 f.). At Smyrna we do not seem to have any trace of tribes until Roman times (Ἀμμωνίς, *C. I. G.* 3264; Ἀρτεμισιάς, *ib.* 3266).

Coming next to the Islands of the Aegean, we find that at Syros the citizens were divided into *φυλαί* and *φρατρίαι* (*C. I. G.* 2347 g); a similar arrangement prevailed at Delos (Gilbert, *ut sup.* p. 206). At Tenos we have the names of ten local *φυλαί*, known by a collective name (as Ἡρακλεῖδαι), or heroic (as Ὑακινθίς: see *C. I. G.* 2338); each of these was subdivided into *φρατρίαι* (*C. I. G.* 2330, 2333). Similar subdivisions prevailed at Andros (*Mitth. deutsch. Arch. Inst. Ath.* i. p. 237) and at Calymna (*Anc. Greek Inscr. in Brit. Mus.* ii. 232 f.).

In Cyrene, according to Aristotle (*Pol.* vii. (vi.) 4), an increase in the number of *φυλαί* and *φρατρίαι* is the result of a more democratical constitution.

In Magna Graecia the only surviving trace of tribal divisions occurs in the case of Thurii, founded B.C. 443 ([Plut.] *Vit. Dec. Or.* 835 D). Here there were ten tribes: Ἀρκάς, Ἀχαΐς, Ἠλεία, Βοιωτία, Ἀμφικτυονίς, Δωρίς, Ἰάς, Ἀθηναΐς, Εὐβοιάς, and Νησιῶτις (Diodor. xii. 11).

Mythic names of Attic tribes, ascribed to the reign of Cecrops, are *Cecropis* (Κεκροπίς), *Autochthon* (Αὐτόχθων), *Actaea* (Ἀκταία), and *Paralia* (Παραλία); and in that of Cranaus, *Cranais* (Κραναΐς), *Atthis* (Ἀτθίς), *Mesogaea* (Μεσόγαια), and *Diacris* (Διακρίς). Afterwards we find a new set of names: *Dias* (Διάς), *Athenais* (Ἀθηναΐς), *Posidonias* (Ποσειδωνιάς), and *Hephaestias* (Ἡφαιστιάς); evidently derived from the deities who were worshipped in the country. (Compare Pollux, viii. 109.) Some of those secondly mentioned, if not all of them, seem to have been geographical divisions; and it is not improbable that, if not independent communities, they were at least connected by a very weak bond of union. But all these tribes were superseded by four others, whose appearance corresponded in time with the Ionic settlement in Attica, and which seem (as before observed) to have been adopted by other Ionic colonies out of Greece. The names *Geleontes* (Γελέοντες), *Hopletes* (Ὅπλητες), *Argadeis* (Ἀργάδεις), *Aegicoreis* (Αἰγικορεῖς), are said by Herodotus (v. 66) to have been derived from the sons of Ion, son of Xuthus (see Eurip. *Ion*, 1596, &c.; Pollux, *l. c.*), after the common Greek custom of inventing a genealogy to account for a term. The question of the true significance of these names has been much debated. The etymology of the last three would seem to suggest that the tribes were so called from the occupations which their respective members followed; the Hopletes being the armed men, or warriors; the Argadeis, labourers or husbandmen; the Aegicoreis, goatherds or shepherds. For the form and etymological meaning of the first name, see article GELEONTES. Curtius regards the tribes as "a fixed number of noble clans, or groups of families, who were recognised as of full blood." Grote repudiates the caste-theory (in common with most modern writers), and gives up any attempt at either explaining the names by etymology or ascertaining their connexion with the original population of Attica. Schömann thinks "that each Phyle was named according to the mode of life and the employment pursued by the majority or the most important part of its members." Thus, "if there was a part of Attica whose inhabitants were principally devoted to the rearing of cattle, especially of goats, the Phyle living there was called the Phyle of the Aegicores." He explains Geleontes as "the illustrious," *i.e.* the nobles, who lived in the capital and its neighbourhood. Whatever be the truth with respect to the origin of these tribes, one thing is more certain, that before the time of Theseus, whom historians agree in representing as the great founder of the Attic commonwealth, the various peoples who inhabited the country continued to be disunited and split into factions.

In the division of the inhabitants of Attica, traditionally ascribed to Theseus, the people were divided into Εὐπατρίδαι, Γεωμόροι (Ἄγροικοι), and Δημιουργοί, of whom the first were nobles, the second agriculturists or yeomen, the third labourers and mechanics. At the same time, in order to consolidate the national unity, he enlarged the city of Athens, with which he incorporated several smaller towns, made it the seat of government, encouraged the nobles to reside there, and surrendered a part of the royal prerogative in their favour. The Tribes or Phylae were divided, each into three *φρατρίαι* (a term equivalent to fraternities, and analogous in its political relation to the Roman *Curiae*), and each *φρατρία* into thirty *γένη* (equivalent to the Roman *Gentes*), the members of a *γένος* being called *γεννῆται* or *ὁμογάλακτες*. Each *γένος* was distinguished by a particular name of a patronymic form, which was derived from some hero or mythic ancestor. We learn from Pollux (viii. 111) that these divisions, though the names seem to import family connexion, were in fact artificial; which shows that some advance had now been made towards the establishment of a closer political union. The members of the *φρατρίαι* and *γένη* had their respective religious rites and festivals, which were preserved long after these communities had lost their political importance, and perhaps prevented them from being altogether dissolved. (Compare Niebuhr, *Hist. of Rome*, vol. i. p. 311, &c.)

The exact relation between the four Ionic tribes and the three Theseian classes is still a matter of dispute. It would appear from the statements of ancient writers on the subject that *each* of the four tribes was divided into Eupatridae, Geomori, and Demiurgi; some modern scholars, *e.g.* Philippi and Curtius, hold on the contrary that the tribes and phratries were divisions of the Eupatrids alone, and that the Geomori and Demiurgi were outside of the tribal organisation. The reasons for rejecting this view are given under Eupatridae, in Vol. I.

After the age of Theseus, the monarchy having been first limited and afterwards abolished, the whole power of the state fell into the hands of the Eupatridae or nobles, who held all civil offices, and had besides the management of religious affairs and the interpretation of the laws. Attica became agitated by feuds, and we find the people, shortly before the legislation of Solon, divided into three parties,—*Πεδιαῖοι* or lowlanders, *Διάκριοι* or highlanders, and *Πάραλοι* or people of the sea-coast. The first two remind us of the ancient names of tribes, Mesogaea and Diacris; and the three parties appear in some measure to represent the classes established by Theseus: the first being the nobles, whose property lay in the champaign and most fertile part of the country; the second, the smaller landowners and shepherds; the third, the trading and mining class, who had by this time risen in wealth and importance. To appease their discords, Solon was applied to; and thereupon framed his celebrated constitution and code of laws. Here we have only to notice, that he retained the four tribes as he found them, but abolished the existing distinctions of *rank*, or at all events greatly diminished their importance, by introducing his property qualification, or division of the people into *Πεντακοσιομέδιμνοι*, *Ἱππεῖς*, *Ζευγῖται*, and *Θῆτες*. The enactments of Solon continued to be the *law* at Athens, though in great measure suspended by the tyranny, until the democratic reform effected by Cleisthenes. He abolished the old tribes, and created ten new ones, according to a geographical division of Attica, and named them after ten of the ancient heroes: *Erechtheis*, *Aegeis*, *Pandionis*, *Leontis*, *Acamantis*, *Oeneis*, *Cecr*[illegible] *Hippothoontis*, *Aeantis*, *Antiochis*. These trib[illegible]e divided each into ten *δῆμοι*, the number of which was afterwards increased by subdivision: but the arrangement was so made, that the several *δῆμοι* not contiguous or near to one another were joined to make up a tribe. [Demus.] The object of this arrangement was that by the breaking of old associations a perfect and lasting revolution might be effected, in the habits and feelings, as well as the political organisation of the people. He allowed the ancient *φρατρίαι* to exist, but they were deprived of all political importance. All foreigners admitted to the citizenship were registered in a Phyle and Demus, but not in a Phratria or Genos; whence Aristophanes (*Ranae*, 418; *Aves*, 765) says, as a taunting mode of designating new citizens, that they have no phrators, or only barbarous ones (quoted by Niebuhr, vol. i. p. 312). But if made citizens by a complimentary vote, they were allowed to choose their Phratria as well [Civitas, pp. 443 *b*, 444 *a*]. The functions which had been discharged by the old tribes were now mostly transferred to the *δῆμοι*. Among others, we may notice that of the forty-eight *ναυκραρίαι* into which the old tribes had been divided for the purpose of taxation, but which now became useless, the taxes being collected on a different system. The reforms of Cleisthenes were destined to be permanent. They continued to be in force (with some few interruptions) until the downfall of Athenian independence. The ten tribes were blended with the whole machinery of the constitution. Of the Senate of five hundred, fifty were chosen from each tribe. The allotment of *δικασταὶ* was according to tribes; and the same system of election may be observed in most of the principal offices of state, judicial and magisterial, civil and military; as that of the *διαιτηταί*, *λογισταί*, *πωληταί*, *ταμίαι*, *τειχοποιοί*, *φύλαρχοι*, *στρατηγοί*, &c. In B.C. 307, out of compliment to Demetrius [illegible]orcetes, the Athenians increased the number of tribes to twelve by creating two new ones, named *Antigonis* and *Demetrias*, which were afterwards styled *Ptolemais* and *Attalis*; and a thirteenth was subsequently added under Hadrian, bearing his own name (Plut. *Demetr.* 10; Paus. i. 5, § 5; Pollux, viii. 110).

The preceding account is only intended as a brief sketch of the subject, since it is treated of under several other articles, which should be read in connexion with this. [Civitas (Greek); Demus; Phylarchi; Phylobasileis, &c.]

[See Wachsmuth, vol. i. pt. i. pp. 224–240; K. F. Hermann, *Griech. Staatsalt.*, ed. 5 (1875), p. 348 f.; Busolt, *Griech. Geschichte*, i. p. 390 f., with many references in notes; Thirlwall, *Hist. Greece*, ch. xi.; Grote, *Hist. Greece*, part ii. chs. 10, 31; Curtius, *Hist. Greece*, tr. by Ward, Book ii. ch. 2; Gilbert, *Griech. Staatsalt.* i. 109 f., ii. *passim*; Duncker, *Gesch. Griech.* v. 84 f.; Boeckh, *Staatshaushalt. Athen.*, ed. 3 (1886), i. 578 f.; Schömann, *Antiq. of Greece* (tr. by Hardy and Mann), Part II. ch. 4, Part III. ch. 3; Fustel de Coulanges, *La Cité antique*, ed. 10 (1883), p. 131 f.; Freeman, *Comparative Politics*, Lect. 3; E. Abbott, *Hist. Greece*, i. 9.] [A. H. C.] [W. W.]

2. Roman. *The Patrician Tribes.*—The derivation of the word *tribus* is uncertain. In view of the three earliest Roman tribes, there is a temptation to connect it with *tres*, and this has

usually been done both by ancient and modern writers. Thus Dionysius (ii. 7) gives as its Greek equivalents τριττὺς or φυλή, while Varro (*L. L.* v. 55) says, "ager Romanus primum divisus in partes tres, a quo tribus appellatur;" cf. also Plut. *Rom.* 20. So, too, Pott (*Etym. Forsch.* i. 217 and ii. 441) and after him Corssen (i. 163) give the derivation as *tri* + *bu* (= bhu = fu: φυ). On the other hand, there is no trace of any connexion with *tres* in any of the extant meanings of *tribuo*, while on the historical side it seems very uncertain whether the division into three tribes was essential to the primitive Roman state. According to the traditional account, the three ancient tribes—the Titienses (or Tities), the Ramnes (or Ramnenses), and the Luceres—were created by Romulus after the death of Tatius: "populumque et suo et Tatii nomine et Lucumonis qui Romuli socius in Sabino proelio occiderat, in tribus tres... descripserat" (Cic. *de Rep.* ii. 8, 14. See also Dionys. ii. 7, Varr. *l. c.*; and cf. Liv. i. 13). But apart from the worthlessness of such definite statements with regard to the legendary period, it is much more probable that the Roman state grew up by a gradual synoikismos of originally independent communities, the number three being accidental and not essential. In this connexion the generally accepted origin of the name Titienses from Tatius the Sabine king cannot be regarded as of slight importance; and if the institution of the "sodales Titii" was, as Tacitus says (*Ann.* i. 54), intended "retinendis Sabinorum sacris," this would certainly seem to show that the Titienses, a Sabine tribe, entered into an already existing Latin community; while the fact that they are usually put in the first place and the Ramnes in the second (Varr. v. 55, 89, 91; Cic. *de Rep.* ii. 20, 36; Festus, p. 344) makes it probable that they entered it as conquerors (Mommsen, *Staatsrecht*, iii. p. 97). That the Ramnes were of Latin race is practically certain, whether the name is connected with Roma or Romulus. The origin of the Luceres is uncertain (Liv. i. 13), nor is it necessary here to discuss the question of their Latin or Etruscan origin, especially as the latter, though very generally assumed, rests on no historical evidence (Varr. v. 55; Plut. *Rom.* 20; Cic. *de Rep.* ii. 8, 14; Fest. p. 119; Niebuhr, *Röm. Gesch.* i. p. 329 ff.; Schwegler, *Röm. Gesch.* i. p. 505, &c.; Madvig, *Verfass. und Verwalt. des röm. Staates*, i. p. 95, &c.). What seems certain is that the synoikismos took place in pre-historic times, and all theories on the subject rest on a very doubtful foundation. Possibly the three tribes coincided locally with the original city which took part in the festival of the Septimontium; and in this case we may perhaps suppose the Titienses to have occupied the fortress in the Subura, the Ramnes the Palatine, and the Luceres the three summits of the Esquiline (but see Liv. i. 33 for another hypothesis). This is, however, at best a plausible conjecture (Mommsen, *Staatsr.* iii. p. 99), though we have Varro's statement (quoted above) that the three tribes were a division of the land as well as of the inhabitants. At some later period, but before the circumvallation ascribed to Servius Tullius, the neighbouring city on the Quirinal seems to have been amalgamated with that of the Septimontium; while, to avoid increasing the number or changing the names of the three ancient tribes, these were now extended by a division into *maiores* and *minores gentes*, the Hillmen (*Collini* as opposed to *Montani*) being limited to the latter, so that there were now *primi* and *secundi* (or *priores* and *posteriores*) *Titienses*, *Ramnes*, and *Luceres* (Festus, p. 344). For the traditional account of this change under Tarquinius Priscus, see Liv. i. 36; Cic. *de Rep.* ii. 20, 36; Dionys. iii. 71; where the direct reference, however, is only to the patrician *centuriae equitum*, to whom alone, in historical times, the names of the three ancient tribes were given. (See also Mommsen, *Staatsr.* iii. p. 31, and *Rom. Hist.* ch. 4; and for the best statement of the contrary view, Volquardsen in *Rhein. Mus.* xxxiii. p. 538 ff.) If this view of a pre-historic synoikismos is correct, then the term *tribus* had no more connexion in its original application with any threefold division, than it had when used of the Servian tribes. It was, no doubt, connected with the same root as *tribuo*, and may possibly have affinity, as Curtius supposes, with the Celtic *treb* (= vicus) (*Grundz. d. gr. Etym.* p. 227). Its original meaning was probably the *territorium* of a community, as *e.g.* the tribus Sappinia (Liv. xxxi. 2 and xxxiii. 37) is clearly a locality in Umbria. So in the *Tabulae Iguvinae* we find "trifu Tadinate" and "trefiper Ijuvina," clearly co-ordinate with "tuta Tadinate" and "tutape Ijuvina," the former being the *territorium*, the latter the civic community of Tadinum and Iguvium (Buecheler, *Umbrica*, pp. 3, 8, and 95; Mommsen, *Staatsr.* iii. p. 95). In Latin, however, owing to the pre-historic synoikismos, *tribus* appears to have the notion of part rather than whole,—an idea which the Servian arrangement still further strengthened. As survivals of the time when the tribes were independent communities, may perhaps be regarded (1) such words as *tribunal* and *contribuere* and *attribuere* = "to join a district to a neighbouring community" (Caes. *B. G.* 60, and Plin. *H. N.* iii. §§ 4, 37); (2) the fact that ten curiae belonged to each tribe, since this finds its analogy in other municipal constitutions, where ten curiae seem to be a usual number (*C. I. L.* viii. 1827, &c.); (3) the original number of the senate was almost certainly 100 (Liv. i. 8; Dionys. ii. 12; Plut. *Rom.* 13; Fest. s. v. *patres*),—a fact which also finds its analogy in the *decuriones* of Italian towns, and the later number of 300 was probably made up by 100 from each of the three tribes when they united; (4) the original number of Vestal Virgins (Fest. p. 344), of augurs (Liv. x. 16; Cic. *de Rep.* ii. 19, 16), and of pontifices was three, or one from each tribe, while on the addition of the *gentes minores* they were raised to six. Festus, p. 344: "sex Vestae sacerdotes constitutae sunt ... quia civitas Romana in sex est distributa partes, in primos secundosque Titienses, Ramnes, Luceres."

That in the pre-Servian period the patrician tribes were used as the basis for taxation and the military levy, we know from Dionysius: *τὰς καταγραφὰς τῶν στρατιωτῶν καὶ τὰς εἰσπράξεις τῶν χρημάτων ... οὐκέτι κατὰ τὰς τρεῖς φυλὰς τὰς γενικάς, ὡς πρότερον, ἀλλά, κ.τ.λ.* (iv. 14, and Varr. v. 181), although for the former we have no details. For the army, each tribe furnished 1000 foot-soldiers, commanded by a *tribunus*. (Varr. v. 89: "milites quod trium milium primo legio fiebat, ac singulae tribus Titiensium, Ramnium, Lucerum, milia militum mittebant;" and v. 81, "tribuni militum quod terni ex tribus tribubus Ramnium, Lucerum, Titium olim ad exercitum mittebantur:" cf. Dionys. ii. 7.) The cavalry were originally represented by three centuries, one from each of the three tribes (Liv. i. 13), or ten men from each of the thirty curies (Fest. p. 55). When the city was enlarged by the addition of the *gentes minores*, these three centuries were increased to six, each apparently containing 300 men (Liv. i. 36), but retaining the old names, "posteriores modo sub isdem nominibus qui additi erant appellati sunt, quas nunc quia geminatae sunt, sex vocant centurias." (See also Cic. *de Rep.* ii. 20, 36.) In later times, in fact, as has been already mentioned, it is only in connexion with these *sex suffragia* (*equitum*) that the names Titienses, Ramnes, and Luceres are retained, since for all other purposes they were superseded by the Servian tribes.

The Servian Tribes.—As an integral part of the so-called Servian reformation,—by which the census was established, the Comitia Centuriata organised upon it, and in consequence the land-holding plebeians made to share the military and financial burdens of citizenship,—there was a new division into tribes. The tribes so created were four in number, and embraced the city as enclosed by the Servian walls (Liv. i. 43; Dionys. iv. 14). The well-known passage in Dionysius (iv. 15) has led many authorities to suppose that Servius, in addition to the four urban tribes, created also twenty-six rustic tribes. He says: *διεῖλε δὲ καὶ τὴν χώραν ἅπασαν ὡς μὲν Φάβιός φησιν εἰς μοίρας ἓξ καὶ εἴκοσιν, ἃς καὶ αὐτὰς καλεῖ φυλάς, καὶ τὰς ἀστικὰς προστιθεὶς αὐταῖς τέτταρας, τριάκοντα φυλὰς τὰς πάσας ἐπὶ Τυλλίου γενέσθαι λέγει· ὡς δὲ Οὐεννώνιος ἱστόρηκεν εἰς μίαν τε καὶ τριάκοντα, ὥστε σὺν ταῖς κατὰ πόλιν οὔσαις ἐκπεπληρῶσθαι τὰς ἔτι καὶ εἰς ἡμᾶς ὑπαρχούσας τριάκοντα καὶ πέντε φυλάς· ἀμφοτέρων μέντοι Κάτων τούτων ἀξιοπιστότερος οὐχ ὁρίζει τῶν μοιρῶν τὸν ἀριθμόν.* But though Fabius Pictor, writing in Greek, may have called the rustic divisions *φυλαί*, this by no means proves that they were technically tribes; and Dionysius himself, no doubt following Varro, prefers the neutral term *μοῖραι*, which probably represents *regiones* or *pagi*. We know for certain that there were only twenty-one tribes as late as 367 A.U.C. (Liv. vi. 5), while at this early period it is extremely improbable that the territory outside the city was as yet distributed among individual owners: it was probably still held in common by the *gentes*, and, if so, was not applicable for division into tribes. For it is well established that only that land fell under the tribes which was held *ex iure Quiritium* by an individual owner; and therefore, while all *ager publicus*, on the one hand, was excluded from them, on the other no less the common gentile property, prior to its distribution among the individual *gentiles*, could not have been included in the tribes. It seems better therefore to suppose that only four tribes were made, and that the division into rustic districts was on some other principle. The names of the four tribes were Sucusana (the later form was Suburana, but the original form is attested both by SVC in inscriptions and by Varro, v. 48), Palatina, Esquilina, and Collina. That this is the fixed order of the tribes appears from Varro (v. 56) and Festus (p. 368); while Cicero also (*de Leg. Agr.* ii. 29, 79) gives Suburana as the first (see also Plin. *H. N.* xviii. § 3). Where a different order is given, it is usually from some definite reason, as *e.g.* in Varro, v. 46, in connexion with the order of the procession to the Argean chapels; in Liv. *Epit.* xx., with reference to the *libertini*; and in *C. I. L.* vi. 10211, in reference to the *frumentationes*. That these tribes, like the patrician, were primarily a division of the land, appears at once from the names, and Dionysius (iv. 14) expressly calls them *τοπικαί* (see also Laelius Felix *ap.* Gell. xv. 27). They may possibly have been engrafted on to the old patrician divisions, Sucusana corresponding with that of the Titienses, Palatina with that of the Ramnes, Esquilina with that of the Luceres, while Collina would embrace the Quirinal city. In this way at least the order of the tribes would be satisfactorily accounted for. The opinion once generally held, that the four tribes embraced the territory outside Rome as well as the city, was to a large extent founded on the assumption that Ostia, the earliest citizen-colony, belonged to Palatina (Grotefend, *Imp. Rom. trib. descript.* p. 67, and Fest. p. 213). This is now, however, given up by Mommsen (*Staatsr.* iii. p. 163) and Kubitschek (*Imp. Rom. trib. discript.* p. 26), since inscriptions show that though a number of the inhabitants at Ostia, possibly the Greek traders or their sons, belonged to Palatina (see below), the colony itself was assigned to Voturia (Wilm. 1720 and 1729, &c.). Neither the Capitol nor the Aventine was included in the Servian tribes, because they were still public and not private property (Liv. vi. 20; Dionys. x. 31 and 32); and both Livy (i. 43) and Pliny (*H. N.* xviii. § 3) limit the four tribes to the inhabited parts of the city.

Extension of the Tribes.—At what date the first rustic tribes were added to the four Servian tribes, it is impossible to say with certainty, nor how many were first created, since tradition is practically silent upon both points. That there were twenty-one tribes in 367 A.U.C. we know (Liv. vi. 5), but that the increase from four to twenty-one was made at one time is on the whole improbable. All the best MSS. of Liv. ii. 21 contain under the year 259 A.U.C. the words "Romae tribus una et triginta factae." To correct this from the Epitome to "una et viginti" is certainly unsafe, since the epitomator may easily have corrected the text from Liv. vi. 5; and there is much to be said for Mommsen's hypothesis that the original reading, till tampered with by an ignorant scribe, was the mere annalistic statement, "Romae tribus factae." The passage again of Dionysius (vii. 64) with regard to the trial of Coriolanus in 263 A.U.C. is clearly corrupt. He says, *μιᾶς γὰρ καὶ εἴκοσι τότε φυλῶν οὐσῶν, αἷς ἡ ψῆφος ἀνεδόθη, τὰς ἀπολυούσας ἔσχεν ὁ Μάρκιος ἐννέα· ὥστ᾽ εἰ δύο προσῆλθον αὐτῷ φυλαί, διὰ τὴν ἰσοψηφίαν ἀπελύετο ἄν, ὥσπερ ὁ νόμος ἠξίου.* As the number twenty-one is inconsistent with the *ἰσοψηφία*, one part of the statement must be rejected. The latter, however, is almost too definite to admit of mistake, and it seems better therefore to assume that Dionysius (or a scribe) carelessly substituted the more familiar number twenty-one, certainly existing for a considerable time previous to 367 A.U.C., for the earlier number twenty; while some similar, but inexplicable, confusion lurks under the numbers *ἐννέα* and *δύο*. But, apart from this confessedly uncertain inference, the list of the earliest seventeen rustic tribes also leads to the conclusion that there was a period when the tribes were twenty in number. The names in alphabetical order, as we know them from texts or inscriptions, are as follows:—Aemilia (Liv. xxxviii. 36), Camilia (*C. I. L.* vi. 2890), Claudia (Liv. ii. 16), Clustumina or Crustumina (Cic. *pro Balb.* 25), Cornelia (Liv. xxxviii. 36), Fabia (Suet. *Aug.* 40), Galeria (Liv. xxvii. 6), Horatia (Wilm. 681), Lemonia (Cic. *pro Planc.* 16), Menenia (Cic. *ad Fam.* xiii. 9), Papiria (Liv. viii. 37), Pollia (Liv. viii. 37), Pupinia (Cic. *ad Fam.* viii. 8), Romulia (Cic. *de Leg. Agr.* ii. 29), Sergia (Cic. *in Vat.* 15), Voltinia (Cic. *pro Planc.* 16), Voturia or Veturia (Liv. xxvi. 22). Of these seventeen names, sixteen were clearly formed in the same way from the names of patrician gentes, some of them known in historical times, others probably extinct at an early period. On the other hand, one only, Clustumina (CLV. not CRV. generally in inscriptions: see also Festus, p. 55, where Crustumina is found in the MSS., but placed between Cluras and Clucidatum), is a place-name similar to those of all the tribes (except Poblilia) created after 367 A.U.C. The inference from this seems irresistible that it was a later creation than the other sixteen. That the earliest rustic tribes bore some sort of relation to the Servian division into PAGI, would seem probable in itself, and receives some slight confirmation from Festus (p. 115), who says, "Lemonia tribus a pago Lemonio, qui est a porta Capena via Latina." But details are wanting, and it is at best an hypothesis, though a probable one, that the sixteen tribes were made when the common gentile property in land was transformed into individual ownership, the former gentile ownership leaving traces in the names of the tribes, which were taken from the more prominent families. With relation to Claudia, the tradition is still extant of the way in which land was assigned to the newly-admitted Claudian gens, and of the subsequent development of the tribe: *χώραν τ' αὐτῷ προσέθηκεν ἐκ τῆς δημοσίας τὴν μέταξυ Φιδήνης καὶ Πικεντίας, ὡς ἔχοι διανεῖμαι κλήρους ἅπασι τοῖς περὶ αὐτὸν* (this seems to imply that it was gentile property) *ἀφ' ὧν καὶ φυλή τις ἐγένετο σὺν χρόνῳ Κλαυδία καλουμένη* (Dionys. v. 40. See also Liv. ii. 16). Though named after patrician gentes, these sixteen tribes were as much local divisions as the earlier and later ones. The position of Claudia is given above by Dionysius, while Livy (*l. c.*) describes the "vetus Claudia tribus" as "ager trans Anienem." Of the Papiria tribus, Festus says, "a Papirio appellata est vel a nomine agri qui circa Tusculum est;" while of Pupinia, which adjoined it, he says (p. 233), "Pupinia tribus ab agri nomine dicta qui Pupinus appellatur, inter Tusculum urbemque situs." Livy also (xxvi. 9) shows that the eighth milestone on the Via Praenestina lay in this tribe (cf. also Cic. *de Leg. Agr.* ii. 35, 96). Romulia again is "ex eo agro quem Romulus ceperat ex Veientibus" (Fest. p. 271). For the attempt to localise Pollia, Fabia, Horatia, and Galeria, see Beloch, *Der ital. Bund*, pp. 29, 30. That all these earliest tribes were in the immediate neighbourhood of Rome, we should suppose from the nature of the case, and it is also expressly stated by Festus (p. 371, s. v. *viatores*). The 21st tribe, Clustumina, was named after the extinct town Crustumerium (Liv. i. 38; Fest. p. 55), in the territory of which was the *mons sacer* to which the plebs seceded in 260 A.U.C. (cf. the expression of Varro, v. 81, "in secessione Crustumerina"). As the result of the secession the plebs were allowed to elect tribunes, at first assembled according to their curies, but, after the Lex Publilia of 283 A.U.C. (Liv. ii. 56; Dionys. ix. 41), according to their tribes. Mommsen with great probability supposes that it was on this occasion, in order to make for voting purposes an unequal number of tribes, that the 21st was added, and that it was called, in memory of the secession, Clustumina (Mommsen, *Staatsr.* iii. p. 153).

As more and more land became the private property of Roman citizens, either by distribution or by the foundation of colonies or by the reception of *peregrini* into the citizen-body, the number of tribes gradually increased, but till the year 367 A.U.C. it still remained at twenty-one. In 366, however, the civitas was given to a number of people from Veii, Capena, and Falerii, and land was distributed among the new citizens (Liv. vi. 4). Accordingly, next year four new tribes were created (Liv. vi. 5): Stellatina (so called from a district near the city of Capena, Fest. p. 343); Tromentina ("a campo Tromento," Fest. p. 367), probably near Veii, since we find citizens of the restored Veii belonging to this tribe (Wilm. 2079; Orelli, 3448); Sabatina ("a lacu Sabate," Fest. p. 342); and Arnensis, perhaps from a river Aro in Etruria. In 372 A.U.C. quinqueviri were appointed to divide the ager Pomptinus in the Volscian land (Liv. vi. 21), and after an interval of some years in 396 two new tribes were made, Pomptina and Poblilia (Liv. vii. 15). That Poblilia (the name of which was apparently not local: see Fest. p. 233) was near the territory of the Hernici, is probable from the fact that later Anagnia, Ferentinum, and Aletrium were assigned to this tribe (Kubitsch., *Imp. Rom. trib. discrip.* p. 22). In 417 A.U.C. the inhabitants of Lanuvium, Aricia, and Nomentum received the civitas (Liv. viii. 14), and in 422 were arranged in the census; two new tribes, Maecia and Scaptia (both named after extinct towns, Fest. pp. 136 and 342), being created (Liv. viii. 17). In 431 A.U.C. the number was raised to thirty-one by the addition of Oufentina and Falerna (Liv. ix. 20), a step no doubt rendered necessary by the distribution of the ager Falernus and Privernas in 415 (Liv. viii. 11), the granting of the civitas to the Privernates in 426, and the colony led to Terracina (Liv. viii. 21), since according to Festus (p. 194) the name Oufentina is derived from a river "in agro Privernati." In 454 A.U.C., perhaps in connexion with the triumph over and punishment of the Aequi and Hernici (Liv. ix. 43 and 45), were created (Liv. x. 9) Aniensis and Teretina ("a flumine Terede," Fest. p. 363); while in 513 the Sabine territories, of which the inhabitants had been admitted into the citizenship in 486 (Vell. Paterc. i. 14, 7) and some other land, perhaps that of the Praetuttiani, were made into two fresh tribes, Quirina and Velina (Liv. *Epit.* xix.). This number thirty-five was never exceeded (Liv. i. 43; Dionys. iv. 15; Cic. *Phil.* vi. 5, 12; Wilm. 679, 888, &c.); but whether the limit was fixed when the last two tribes were made, or in 534, the date of the reform of the Comitia Centuriata (see below), is uncertain. It is possible, though hardly likely, that the name Quirina was intended to mark the completion of the "populus Romanus Quiritium." The derivation, however, of Festus (p. 254), "a Curensibus Sabinis," seems more probable.

Italia tributim descripta.—Up to 513 A.U.C. the tribes were more or less definitely bounded districts, of which the positions are known, imperfectly in the case of the oldest rustic tribes, with greater certainty in the case of those created since 367. While the former class were all in the immediate neighbourhood of Rome, the latter were situated in S. Etruria, Latium, the territory of the Volsci and Hernici, part of Campania, and the Sabine land. But even during this period, probably the original tribe (cf. the expression "vetus Claudia tribus," Liv. ii. 16) in few cases remained absolutely unenlarged, for every assignation of land to Roman citizens, however small, and the establishment of every colony, increased the amount of land to be distributed among the tribes. Only where the amount of land distributed was large, was there any necessity for new tribes: in other cases the land in question was no doubt assigned to the nearest existing tribe. Of the small distributions no annalistic record remains. Of colonies, Tusculum, probably during this period but after 431 A.U.C. (Liv. viii. 37), was assigned to Papiria, Minturnae in 458 to Teretina, Aricia to Horatia in 417 (Liv. viii. 14), Sinuessa to Falerna (Liv. x. 21), Antium in 416 to Voturia. But after the number of the tribes was closed, geographical compactness was lost. All freshly assigned or colonised territory, and all *civitates sine suffragio* admitted to the full franchise, had now to be distributed among the existing tribes; and the further from Rome this process extended, the more disjointed and broken up did the tribes become. To a certain extent, no doubt, the principle was observed of assigning new territory to the nearest tribes; and this, as Kubitschek rightly observes, tended by increasing the number of members to depreciate the importance for voting purposes of the later or outlying tribes. Thus we find Capua, Atella, Acerrae, Suessula, belonging to Falerna; Casinum, Atina, Venafrum, Allifae, to Teretina; Velitrae, Circeii, and Signia, to Pomptina; Anagnia, Ferentinum, Aletrium, to Poblilia; while the Picenian territory distributed by a Lex Flaminia in 522 (Polyb. ii. 21) seems all to have been assigned to Velina. On the other hand, Formiae and Fundi, when taken into the citizenship, were assigned to Aemilia; Arpinum in Apulia and Fulginium in Umbria to Cornelia (Liv. xxxviii. 36); Cliterna in the Sabine land to Claudia (Grotef. p. 46); Falerii to Horatia (Orelli, 1364), &c. This breaking up and mutilation of the tribes was not completely effected till after the Social war, when the civitas was given to all the *peregrinae civitates* south of the Po; and in consequence all the land with very few exceptions, such as at first the ager Campanus, falling into full Quiritary ownership, had to be distributed among the tribes. The manner in which the new territory was distributed is stated differently by our two authorities, Appian and Velleius Paterculus. The former (*B. C.* i. 49) says that they did not enrol the new citizens into the thirty-five tribes, *ἵνα μὴ τῶν ἀρχαίων πλέονες ὄντες ἐν ταῖς χειροτονίαις ἐπικρατοῖεν, ἀλλὰ δεκατεύοντες ἀπέφηναν ἑτέρας ἐν αἷς ἐχειροτόνουν ἔσχατοι.* This probably refers to the Lex Julia of 664, by which the civitas was given to the Latini and the faithful allies (Cic. *pro Balb.* 8, 21), and, if the reading *δεκατεύοντες* is correct, it must mean that ten new tribes were created. On the other hand, Velleius says (ii. 20), "cum ita civitas Italiae data esset, ut in octo tribus contribuerentur novi cives;" *i.e.* the new citizens were confined to eight of the existing tribes. This may, as Kubitschek supposes, refer to the Plautio-Papirian plebiscitum of 665, by which the revolted allies gained the franchise (Cic. *pro Arch.* 4, 7). Kubitschek, reading *δέκα πέντε* for *δεκατεύοντες*, thinks that he can show by inscriptions that the faithful allies in accordance with the Lex Julia were enrolled in fifteen, *i.e.* in a minority, of the thirty-one rustic tribes, while the revolted allies by the Plautio-Papirian law were enrolled in half of the remaining sixteen, viz. Aniensis, Clustumina, Fabia, Falerna, Galeria, Pomptina, Sergia, and Voltinia. The theory is undoubtedly ingenious, and both Kubitschek and Beloch (*Der italische Bund*) make out a very specious case. But the objections are twofold. (1) The evidence of inscriptions, besides being by the nature of the case incomplete, breaks down, as Mommsen shows (*Hermes*, xxii. p. 101 ff.), in several points, since not only are revolted states found in Horatia, Cornelia, and Oufentina, but the faithful allies are found practically spread over all the rustic tribes. (2) Whatever may have been the original distribution into tribes, the restriction was certainly only temporary. Complete equality for the new citizens became part of the democratic programme; and apart from the abortive attempt of Sulpicius, Cinna, apparently twice (Liv. *Epit.* lxxx. and lxxxiv.), gave them the equal franchise, while Sulla almost certainly acquiesced in the arrangement (Liv. *Epit.* lxxxvi). Though, however, the inscriptions, on which Kubitschek and Beloch rely, do not prove all that they suppose, they do nevertheless show that an attempt at grouping neighbouring territories together was still kept up after the Social war; and so we find Aniensis prevalent among the Frentani, Clustumina and Lemonia in Umbria, Fabia and Pomptina in Lucania, Sergia among the Marsi and Paeligni, Voltinia among the Samnites, Papiria in Latium, Menenia in Campania, Aemilia among the Aurunci, Galeria among the Hirpini, and above all Pollia in the Cis-Padane portion of Gallia Cisalpina, which now received the franchise with the rest (cf. in Grotefend Parma, Mutina, Forum Cornelii, Forum Fulvii, Faventia, Pollentia, and many other towns). But, notwithstanding those local groupings, the general result of the distribution of Italy into the tribes was such that the parts of any one tribe could only be given by an enumeration of the different civitates contained in it. Cf. Cic. *de pet. Consul.* 8, 30: "Postea totam Italiam fac ut in animo ac memoria tributim descriptam habeas."

The Tribe and its members.—The tribe, as has been stated, was primarily a division of the land held in Quiritarian ownership, but it was also applied in a personal sense to the owners of the land, and involved certain rights and privileges, duties and responsibilities. Originally only land-owning citizens (*adsidui*) were members of the tribes, but within this limit both patricians and plebeians belonged to them. For later times the presence of patricians in the tribes is abundantly attested; but for the earliest times also the patrician gentile names of the sixteen earliest rustic tribes are conclusive evidence of the same thing, as well as the traditional origin of the Claudian tribe. Membership of a tribe then at first belonged to those citizens who owned land in it, as well as to their agnate descendants; and accordingly, while the tribe, as a division of the land, was immutable, the tribe as a category of persons might be changed, since in theory transfer or loss of landed property implied transfer or loss of tribe. But this strict connexion between landed property and membership of the same tribe must soon have been modified, (1) by those cases in which a citizen owned property in more than one tribe; (2) where *civitates sine suffragio* were admitted to the full franchise, and their territory assigned to some one tribe. In the first case, as personal membership of more than one was impossible, probably the censor *de iure*, but the citizen himself *de facto*, decided to which he should belong. In the second case the citizens of the newly-enfranchised *civitas* would as a rule take the tribe of the territory, even if their landed property lay elsewhere (Liv. xxxviii. 36). As time went on, too, the tendency became greater for membership of a tribe to become hereditary, and so practically unchanging; in so far, that is, as no alteration was caused by the censor's interference. Such interference would at once take place whenever the qualification of landed property was lost, a loss which was at first followed by loss of tribe and transfer to the *aerarii* (Liv. iv. 24, &c.); while, as the disciplinary power of the censorship was developed, the censors acquired the power, by way of punishment for various moral delinquencies, of treating land-owning citizens as though they were not *adsidui*, and placing them also among the *aerarii* (cf. Liv. xxiv. 18, &c.). Conversely, of course, if the disqualification of either kind was removed, citizens would pass from the *aerarii* into a tribe (*ex aerariis eximere*, Cic. *de Orat.* ii. 66, 268). Till 442 A.U.C. only *adsidui* had been members of the tribes, nor was there any distinct difference of rank *de iure* between the urban and rustic tribes, though probably *de facto* from an early period the former were considered as less honourable. But when the *tributum*, which, as will be seen below, was in close connexion with the tribes, was made into a tax assessed on movable as well as immovable property, the connexion between landed property and tribe-membership was weakened, a tendency which was perhaps reflected in the revolutionary measure of Appius Claudius, the censor in 442, by which all citizens, *proletarii* as well as *adsidui*, were enrolled indiscriminately in the tribes (Liv. ix. 46). Whatever may have been the motive of this measure, it was of no long duration, as in 449 Q. Fabius Rullianus, while admitting landless citizens to the tribes, limited them to the four urban tribes, while the landed proprietors still retained exclusive possession of the rustic tribes (Liv. ix. 46; cf. Plin. *H. N.* xviii. § 14, "rusticae tribus laudatissimae eorum qui rura haberent; urbanae vero in qua transferri ignominiae esset, desidiae probro;" Cic. *de Leg. Agr.* ii. 29, 79; Dionys. xix. 18, *τὰς ἀτίμους τῶν φυλῶν*). As a consequence of this measure, all Roman citizens were from this time *ipso facto* members of a tribe, and, accordingly, as it was inadmissible for the censors to deprive any one of his citizenship (Liv. xlv. 15), their disciplinary power was limited to degrading from the rustic to the urban tribes, and this is all that is meant henceforth by the phrases "tribu movere," "aerarium facere." (For a possible instance of the converse process, see Cic. *pro Balb.* 25, 27.) From this time, too, the tribe was regularly added to the full citizen's name, being placed between the father's name and the cognomen, *e.g.* Ser. Sulpicius Q. F. Lemonia Rufus (Cic. *Phil.* ix. 7, 17; *ad Fam.* viii. 8). A consequence of this distinction in rank between the urban and rustic tribes was of course the surrender of any attempt hitherto made at maintaining equality of number among the members of the tribes. While the urban tribes must have contained far more than the rest, we have already seen a similar tendency among the rustic tribes themselves; and the tribes in the immediate neighbourhood of Rome, such as Horatia, Lemonia, Menenia, Romulia, &c., seem to have received few new members, and to have remained the strongholds of the nobility. Whether, as Mommsen thinks is implied by Liv. xl. 51, the censors had the power of enrolling certain categories of non-land-owning citizens in the rustic tribes, must be left uncertain; but there was certainly one class of men, the *libertini*, whose position in the tribes differed from that of the other citizens. At first, we may assume, they were admitted on the same conditions as the rest, but probably in the censorship of C. Flaminius (534 A.U.C.) they were all, whether land-owners or not, limited to the urban tribes (Liv. *Ep.* xx.). Before 586 we find that this was relaxed in the case of those who had a son five years old, or landed property to the value of 30,000 sesterces (Liv. xlv. 15), though it was apparently open to the censors to disregard this rule; and we even find Ti. Gracchus, censor in 586, limiting all freedmen to one tribe to be settled by lot (Liv. *l. c.*; Cic. *de Or.* i. 9, 38). After the Social war, equality in the tribes for the *libertini* was part of the popular programme; but though it was carried by Sulpicius (Liv. *Ep.* lxxvii.), and again by Cinna (Liv. *ib.* lxxxiv.), Sulla restored the former state of things; and neither Manilius in 687 (Cic. *pro Corn.* in Ascon. p. 64), nor Clodius in 695 (Cic. *pro Mil.* 33, 89), were able to effect a change, and the disability of *libertini* seems to have continued under the Empire, since though they were members of the urban tribes, so far as the corn distribution was concerned, the fact that the tribe does not, with few exceptions, appear in the names of *libertini*, probably, as Mommsen argues, proves some inferiority of position. But, with the exception of the *libertini*, we find that, after the Social war, all citizens alike were admitted into the rustic tribes. We have seen that even in earlier times the personal tribe of the newly-enfranchised *cives sine suffragio* followed that to which the territory of their native city was assigned (Liv. xxxviii. 36); and when after the war Italy was practically made into a complexus of fully-enfranchised municipia, each with its own territory, and that territory assigned to a tribe (cf. Cic. *pro Mur.* 20, 42), the inevitable result followed that personal membership in a tribe, irrespective of all other considerations, was decided in the case of each individual, provided that he was *ingenuus*, by his *domus* or *origo* in one of these municipalities. In fact, from this time the Roman civitas had essentially changed its character: Rome was no longer one *civitas* among others, nor even the head of a confederation of *civitates*; it was rather the "communis patria" of all Roman citizens, who were also with few exceptions (Cic. *Phil.* iii. 6, 15) *municipes* of some local community, and it was this local connexion which was marked by the tribe. So closely indeed were membership in a tribe and incorporation in a municipium connected, that where, as in the most ancient rustic tribes within the original ager Romanus, Quiritary ownership of land was unconnected with membership in a municipality, some regrouping of land was necessary, the land belonging formerly to these tribes being assigned to the territory of neighbouring towns, and forming part of the tribe to which those towns belonged; while again in parts, where, as in Picenum, the municipal system had not been developed, probably the praefecturae, as a substitute, assumed municipal rank (Mommsen, *Staatsr.* iii. p. 783). How entirely the tribe was made dependent on the *domus* or *origo* is shown by the fact that a Roman citizen, if transferred to a colony—*e.g.* a legionary veteran settled in a military colony—took the tribe of his new *domus* (cf. a number of cases collected by Grotefend, p. 15 ff., in which two tribes are given in inscriptions, *i.e.* of the new and the original *domus*). From the time when the old distinction between the urban and rustic tribes was thus abolished, another of a less definite character gradually grew up, and was certainly observed during the Empire. While the connexion between a tribe and a municipal territory only applied to the rustic tribes, the urban tribes now contained citizens who, though free-born, were on account of some personal grounds excluded from the former: *e.g.* (1) sons of *libertini* are often found in Palatina or Collina; (2) individuals of Greek birth, personally admitted to the franchise, frequently appear in Collina; (3) illegitimate children are found in Collina, Suburana, and Esquilina; (4) actors and sons of actresses appear in Esquilina; while (5) at the great trading ports, such as Ostia and Puteoli, so many individuals are proved by inscriptions to have belonged to Palatina, that it was formerly supposed that these towns were assigned to that tribe. This, however, was not the case, since Ostia belonged to Voturia, and Puteoli probably to Falerna, and it is a not improbable conjecture of Mommsen that these members of Palatina were Greek traders or their sons who had been admitted to the franchise. The fact that these urban *tribules* were never admitted to the legions or praetorian cohorts, but only to the *cohortes urbanae*, seems to place them half-way between the rustic *tribules* and the libertini (Mommsen, *Staatsr.* iii. p. 443; *C. I. L.* vi. 2389–3884).

Tribes in the Provinces.—With regard to the provinces, it has to be remembered that all provincial land, except in cases where the *ius Italicum* was specially conferred, was *ager publicus*, and therefore necessarily stood outside the tribes. But as soon as the practice began of conferring the Roman franchise upon provincial towns, since, with the exceptions already alluded to, there was no *territorium* on which to attach the tribe, which nevertheless was indispensable to Roman citizens, it was used, as applied to provincials, in a purely personal sense, though in strict analogy with the territorial tribe in Italy. In other words, at the time when a civitas was admitted to the full franchise, the tribe to which its citizens were to belong was specified; while probably, though perhaps not quite so early, even in non-Roman towns, such as Latin colonies, &c., the rule grew up that all individuals within them, who acquired the franchise, should be enrolled in some specified tribe. Prior to the time of Augustus it is hardly possible to find any fixed rules, or any definite grouping, and we find *e.g.* the colonies of Julius Caesar in Gallia Narbonensis assigned to Papiria (Narbo), Teretina (Arelate), Pupinia (Baeterrae), and Aniensis (Forum Julii); but Augustus appears to have aimed at somewhat greater uniformity, and to have generally assigned Galeria for the Spanish provinces, Voltinia for Gallia Narbonensis (see Kubitschek, *de Orig.*, &c., p. 204), Sergia for Dalmatia, Arnensis for Africa, and Collina for the Oriental provinces. Later emperors, though observing a certain method in the matter, took a somewhat different course, and, instead of assigning certain tribes to certain provinces, seem to have made use of their own tribe in grants made by them of the franchise to provincials. Thus Claudius, whose family by a re-grouping of the Claudia tribus seems to have been transferred to Quirina, assigned his Mauritanian colonies Caesarea, Oppidum Novum, Rusuccurium, and Tipasa to that tribe (Grotef. p. 161 ff.); while later in his reign he gave the preference to the original tribe of his house, and so Colonia Agrippinensis, Savaria, Virunum, Celeia, and Juvavum, all belong to Claudia. The Flavian house again belonged, as springing from Reate, to Quirina, and accordingly we find all Flavian colonies, in all parts of the Empire, assigned to that tribe, while the prevalence of Quirina in the Spanish provinces is due to the fact that Vespasian gave the *ius Latii* to all Spanish civitates (Plin. *H. N.* iii. § 30). Though Trajan, as sprung from Italica, would naturally have belonged to Sergia, he assumed his adoptive father's tribe—Papiria (Nerva came from Narnia: see Kubitschek, p. 73), and we find all his colonies in Germany, Moesia, Dacia, and Africa assigned to that tribe (see Mommsen, *Ephem. Epigraph.* iii. p. 230 ff.).

The Tribes as organised for administrative and political ends.—The political activity of the tribes was probably not anterior to the Publilian law of 283 A.U.C. Their original aim was purely administrative, and had reference (1) to the census, (2) to the levy, (3) to the tributum and military pay. As to (1), there is no doubt that the tribes were primarily instituted by Servius as a basis for the census, which formed the essential part of his constitution. So Dionysius (v. 75) describes *τιμήσεις κατὰ φυλὰς τῶν βίων ἐνεγκεῖν* as *τὸ κράτιστον τῶν ὑπὸ Σερουΐου Τυλλίου κατασταθέντων νομίμων*, while Cicero (*de Legg.* iii. 3, 7) says of the censors, "populi partes in tribus discribunto; exin pecunias, aequitates, ordines partiunto" (see also the account of the census of 548 A.U.C. in Liv. xxix. 37, and Cic. *pro Flacc.* 32, 80). (2) The *locus classicus* for the relation of the tribes to the military levy is Polyb. vi. 20, from which it appears that the tribes were summoned one by one in an order appointed by lot (see also Val. Max. vi. 3, 4), four men being taken at every summons from each tribe, one for each legion, until the full number of four legions was made up, so that in theory there were to be an equal number of men in every legion from each tribe. See also Dionys. iv. 14, 2; Liv. iv. 46, where the levy was to be taken not from the whole people, but only from ten tribes. One consequence of all the tribes being represented equally in the army was that the Comitia tributa could on emergencies be held in camp (Liv. vii. 16). That in later times the equal proportion of troops from every tribe was given up, need hardly be said, but probably during the whole of the Republic the levy was in some way based on the tribes, and even under the Empire, though the recruiting now took place through all the provinces, the fact that none but Roman citizens were admitted to the legion still kept up a certain connexion between the levy and the tribes. (See Tac. *Hist.* iii. 58, and Suet. *Ner.* 44.) Only in cases of emergency were legions enrolled from the urban population (Tac. *Ann.* i. 31; and for the relation generally of the tribes to the army, see Mommsen, *Tribus*, pp. 132–143, who, however, has now given up the attempt made there at arithmetical symmetry). (3) The derivation of Varro (v. 81), "tributum dictum a tribubus quod ex pecunia quae populo imperata erat, tributim a singulis exigebatur," is confessedly not correct (for the converse derivation, see Liv. i. 43), and *tributum* most probably comes from *tribuere*, and means that which is partitioned among the citizens. Since, however, the *tributum* was originally levied only upon land, and all *adsidui* were in the tribes, the collection of the tax was naturally and most conveniently made *tributim* (Dionys. iv. 14). Apparently, however, from such passages as Liv. i. 41 and Dionys. iv. 19, the tributum was first levied on the property of the classes as shown by the census (usually "1 pro mille," Liv. xxix. 15); but since the classes and their centuries only came together in the Campus Martius and had no local connexion, it was collected from the various tribes by the *tribuni aerarii*, who had the tribal register showing to what class each tribesman belonged. The primary object of the tributum was to provide pay for the soldiers in war. Up to the year 348 A.U.C. (Liv. iv. 59; Dionys. iv. 19) the stipendium was not paid by the state, but apparently by the tribes themselves, the *tribuni aerarii* being the means both of collecting the money from their *tribules* and paying it to the soldiers whom the tribe provided (Fest. p. 234). After 348 the stipendium was paid by the aerarium, usually at the end of the campaign, after the soldiers had returned home, and it was paid *tributim* by means of the *tribuni aerarii* (Varr. v. 184; Fest. p. 2; Plin. *H. N.* xxxiv. § 1). When, however, campaigns were prolonged beyond a single year, payment was made in camp by the quaestor and connexion with the tribes and *tribuni aerarii* ceased. To carry out these objects a certain organisation was necessary. The tribes were presided over by officials, called at first *tribuni aerarii* from the most important of their functions. Perhaps originally there was one for each tribe. In course of time, as the duty of paying the soldiers was taken from them, and when the reform of the Comitia Centuriata in 534 A.U.C. essentially altered the constitution of the tribes, the name probably disappeared from official language, and that of "curatores tribuum" took its place, while in all probability the number of these was ten for each tribe, five (one for each class) among the seniores, and five for the juniores. To this later period are probably to be referred the words of Dionysius (iv. 14), *ἡγεμόνας ἐφ' ἑκάστης συμμορίας*. It is true that we find eight curatores for the *tribus Sucusana iuniorum* (*C. I. L.* vi. 199, 200; Orelli, 1740, &c.); but these inscriptions date from Vespasian's time, and no doubt the connexion of the tribes with the corn-distribution (see below) and the addition of certain corpora of freedmen (cf. corpus Julianum, Wilm. 1703) altered in many respects the republican organisation. These curatores tribuum were annually elected (*C. I. L.* vi. 144); and if, as is probable, they were the body of men who under the old and nearly obsolete name of *tribuni aerarii* were added as a third decuria of judices by the Lex Aurelia of 684 A.U.C., there must have been a certain property qualification for the office, a survival possibly of the time when they may have had to provide security for the money which passed through their hands (see Mommsen, *Tribus*, pp. 44 ff. and 77 ff.; *Staatsr.* iii. p. 189 ff.). As far as political activity is concerned, the tribes have no importance prior to 283 A.U.C. Up to that time, the tribuni plebis were elected by the plebs assembled according to curies. Dionys. vi. 89, and Cic. *pro Cornel.* in Ascon. p. 76, say in the Comitia Curiata, *i.e.* by patricians as well as plebeians; but Mommsen is probably right in discrediting this statement (*Staatsr.* iii. p. 151). But the local associations which were so much stronger in the tribes made a change desirable to the plebeians; and accordingly the Lex Publilia (Liv. ii. 56) enacted "ut plebeii magistratus tributis comitiis fierent" (cf. also Dionys. ix. 41). That the Comitia tributa, however, in their later sense existed at this date, is extremely improbable; and again we must follow Mommsen in interpreting these statements to mean that the tribunes were now elected by the land-owning plebeians assembled in their tribes (see Zonaras after Dio Cassius, vii. 17, *ἐξεῖναι τῷ πλήθει καὶ καθ' ἑαυτὸ συνιέναι καὶ ἄνευ ἐκείνων* (the patricians) βουλεύεσθαι καὶ χρηματίζειν); and we have already seen reason to believe that it was on this occasion that the 21st tribe, Clustumina, was created. How the concilium plebis gradually assumed wider political activity by the Valerio-Horatian law of 306 (Liv. iii. 55) and the Horatian law of 465, and how eventually the Comitia tributa, *i.e.* the whole populus, patricians and plebeians together, assembled by tribes, became established as one of the recognised organs of legislation, is described in the article on COMITIA TRIBUTA (see also Mommsen, *Röm. Forsch.* i. p. 150 ff., and *Staatsr.* iii. p. 321 ff.); and it is only necessary to lay stress here on the particular features of the assemblies by tribes which made them fitter organs of government than the more cumbrous Comitia Centuriata, viz. the local associations among the members, which made previous informal deliberation possible, and rendered the members more accessible to the influence of leading men. It was mainly perhaps the desire to transfer this local influence into the Comitia Centuriata which caused the reform of that assembly in 534 A.U.C. (See COMITIA CENTURIATA, and Mommsen, *Staatsr.* iii. p. 271 ff.) The tribes, as we have seen, had always been the bases of the census, but hitherto the members of each tribe had been equally distributed among all the centuriae, so that each century was in theory composed of an equal number from each tribe; and so, the *tribules* being scattered, local associations had no means of finding expression. What the reform did was briefly to combine the tribal with the centurial arrangement (Liv. i. 13). Each tribe was divided into *seniores* and *iuniores*, and each of these divisions again into five centuries, corresponding with the five property classes. Each century therefore consisted entirely of members of the same tribe, and was in fact, as Cicero says (*pro Planc.* 20, 49), "unius tribus pars:" and as the 70 centuries of the first class, or possibly the 35 centuriae iuniorum, drew lots for the privilege of voting first, we get such descriptions as "praerogativa Aniensis iuniorum" (Liv. xxiv. 7), "praerogativa Veturia iuniorum" (Liv. xxvii. 6, &c., and cf. Liv. i. 43; App. *B. C.* i. 59; Dionys. iv. 21, who describes the change as of democratic tendency).

Relation of Tribules to one another.—The tribes being originally local districts, the majority of their members were neighbours (Cic. *pro Sext. Rosc.* 16, 47), and were moreover constantly brought together for the various purposes for which the tribes were employed, and from this cause the connexion between them was naturally a somewhat close one. So in Ter. *Adelph.* iii. 3, 85, a *tribulis* is "homo amicus nobis, iam inde a puero." Cicero (*ad Fam.* 13, 23) speaks of Caninius as "amicus et tribulis tuus." Sometimes this *esprit de corps* showed itself in a traditional jealousy of some other tribe, as in the case of Papiria and Pollia (Liv. vi. 37), but more usually in the active support which *contribules* afforded one another (1) in ordinary life, (2) in elections. As to (1) we find a victim of Sejanus appealing for help to his *contribules*, "si semper apparui vobis bonus et utilis tribulis," &c. (Wilm. 1699). On the relation between *tribules* with regard to elections and canvassing, Cicero throws much light in the *pro Plancio* (16–18), while the fact that Vatinius failed to secure the vote of his own tribe Sergia is mentioned as an exceptional disgrace to him (*in Vat.* 15, 37; cf. also *pro Mur.* 33, 69). So again candidates give banquets *tributim* (Cic. *de pet. Consul.* 11, 44) and *spectacula* (*pro Mur.* 34, 72); while Suetonius says of Augustus, "Fabianis et Scaptiensibus tribulibus suis die comitiorum, ne quid a quoquam candidato desiderarent, singulis milia nummum a se dividebat" (*Aug.* 40). These passages show that, even after the Social war, a certain bond between the members of a tribe remained, and of course in earlier times it was still stronger. When we remember that the tribes were constantly coming together to elect their own officers (Orelli, 3094), or judices for the extraordinary courts according to the Lex Plautia (Ascon. *in Cornel.* p. 79), or the centumviri (Fest. p. 54), or to celebrate supplicationes, &c., decreed by the senate (Liv. vii. 28), it is easy to understand how well adapted the Comitia tributa might easily be made, by virtue of all these local associations and sympathies in the hands of skilful leaders, for carrying out a democratic or anti-senatorial policy.

Ordo Tribuum.—That there was a certain definite order of tribes, we know from several passages; although what the order was, we are very imperfectly informed, and are unable to say on what it depended. It was properly applied to decide the order of voting in the Comitia tributa. In this order the four urban tribes came first, arranged as follows: Suburana, Palatina, Esquilina, Collina (Varr. v. 56; Fest. p. 368). This, as we have seen, was originally an order of rank; and that it was retained till the time of Cicero, we may infer from *de Leg. Agr.* ii. 29, 79, "a Suburana usque ad Arniensem nomina vestra proponat." Under the Empire, this was to a certain extent changed, and Palatina and Collina appear to rank above the rest, while the order in connexion with the corn-distribution is Palatina, Suburana, Esquilina, Collina (*C. I. L.* vi. 10211). Of the rustic tribes we only know for certain that Romulia came first (Cic. *l. c.*; Varr. *l. c.*; *C. I. L.* vi. 10211), while Voltinia was probably second (it is so in the inscription referred to), and Arniensis was the last (Cic. *l. c.*).

The Tribes under the Empire.—Under the Empire, or at least since 15 A.D., the administrative and political importance of the tribes disappears (Tac. *Ann.* i. 15). From this time in the provinces and in Italy, membership in the tribe was merely the formal mark of Roman citizenship. In the city itself the tribes still had a purpose, but it was neither political nor administrative. Even in republican times the tribes had usually been made the vehicle by which presents of money or corn were given to the citizens either by the state or by individuals (Ascon. *in Mil.* p. 36; Appian, *B. C.* ii. 143; Cic. *ad Att.* i. 16, 13, &c.). This now became their chief and indeed their only function. How frequent and how extravagant the largesses and *congiaria* given under the Empire were, is sufficiently well known (see Marquardt, *Staatsv.* ii. pp. 114 ff.); but what is important to remember here is that these presents were limited to the citizens resident in the capital. This is expressly stated in some cases (cf. App. *B. C.* ii. 147), and is implied in a great many more (Suet. *Jul.* 83, *Tib.* 20; *Calig.* 17; Tac. *Ann.* ii. 42, &c.), while the phrase *plebs urbana* used in this connexion is another proof, if proof were needed (cf. *Mon. Ancyr.* 3, 16, "trecentis et viginti milibus plebis urbanae sexagenos denarios viritim dedi"). These money presents, as we know, were given *tributim.* So Appian (iii. 23) says that the legacy of Julius Caesar was given by Augustus to the curatores tribuum, while a comparison between Tac. *Ann.* i. 8 and Suet. *Aug.* 101, and Tac. *Ann.* xii. 31, shows that money given *viritim* was given to the tribes (cf. also Mart. viii. 15, 4). But while the *congiaria,* however frequent, were of irregular occurrence, there was another means of relieving the wants of the urban population, which was regular, and indeed of monthly occurrence, viz. *frumentationes* or grants of corn, either *gratis* or at rates lower than the market price, and it was in connexion with these regular *liberalitates* that the tribes gained a new meaning and a new organisation [see FRUMENTATIO]. That, like the money-gifts, they were limited to the city, is abundantly attested. Thus, in the *Mon. Ancyr.* "plebs urbana" is synonymous with "plebs quae frumentum publicum accipiebat;" an inscription (*C. I. L.* vi. 943) speaks of "plebs urbana quae frumentum publicum accipit." (See also App. ii. 120, &c.) Probably in theory they could be claimed by every citizen resident at Rome (Sen. *de Benef.* 4, 28); and the libertini, limited almost entirely, as we have seen, to the urban tribes, were certainly not excluded (Dionys. iv. 24). Probably, however, *de facto,* if not *de iure* (Mommsen thinks from Dig. 32, 35, that it was also *de iure*), members of the senatorial and equestrian orders were not included in the list of recipients. This seems to follow as well from the phrase "plebs urbana," as from the passages where the tribes are distinguished from the more illustrious classes (cf. Stat. *Silv.* iv. 1, 25; Dio Cass. lxi. 7, &c.). There seems also to have been a maximum number fixed from time to time (Trajan, *e.g.,* raised it: Plin. *Panegyr.* 51, and cf. *C. I. L.* vi. 955), as a check upon the claims of those who were not really entitled to receive the corn (cf. Suet. *Jul.* 41; Dio Cass. lviii. 10; Suet. *Aug.* 40), and each recipient was furnished with a ticket (*tessera frumentaria*). The recipients of corn then being the members of the thirty-five tribes resident in Rome, and the monthly distribution being in accordance with old custom arranged *tributim,* the *tribules* not unnaturally formed themselves into corporations analogous to the collegia of which so much is heard under the Empire (cf. Wilm. 679 and 888, "plebs urbana xxxv tribuum," and 1700, "plebs urbana quae frumentum publicum accipit et tribus [xxxv];" also Dig. 32, 35). While the corn seems to have been given out at the Porticus Minucia (Apul. *de Mund.* 35), there were probably granaries for each tribe (cf. Orelli, 3214, "horrearius plebis et tribus Palatinae," and Tac. *Ann.* xv. 18); and it is possible that the corn for a whole tribe was received from the curator annonae at the Porticus Minucia, and then taken to the tribal granary for distribution among the *tribules.* The tribes in this narrower sense differed from the other collegia apparently only in their origin and in the greater number of their members. That there was no common chest is due to the fact that the common store of corn took its place, but we find the *seniores* and *iuniores,* into which the tribes were still divided, entitled "corpora" (Wilm. 1703–1736; *C. I. L.* vi. 198, &c.), while they have the officials usual in a collegium, scribae and viatores (*C. I. L.* vi. 10215), apparitores (Wilm. 1705), accensi (Orelli, 3062), honorati and immunes (Orelli, 3062, 3096): they had common burial-places (*C. I. L.* vi. 10214), and were occasionally remembered in the testament of a rich tribulis (Wilm. 1705). As this organisation was confined to the plebs urbana, the four urban tribes were naturally by far the most numerously represented, and extant inscriptions relate principally to them, and especially to Palatina and Suburana. But all the tribes shared in the organisation, as is shown generally by the phrase "plebs urbana xxxv tribuum," while in particular Romulia and Voltinia (*C. I. L.* vi. 10211), Claudia (Orelli, 3062), Oufentina (Wilm. 1709), and Velina (Pers. v. 73) are specially mentioned in this connexion. An inscription unfortunately incomplete gives us some idea of the proportion of members in the urban and rustic tribes (*C. I. L.* vi. 10211). In Palatina the number of *tribules* (whether of permanent members, or, as is more probable, of members newly admitted within a certain period) is 4191, in Suburana 4068, in Esquilina 1777, in Collina 457, in Romulia 68, and in Voltinia 85. In the course of time, though it was probably not originally contemplated, it became possible even for non-citizens to buy the *tessera frumentaria,* and so a place in the tribe (cf. Juv. vii. 171), and in this way "tesseram emere" (Dig. 5, 1, 52) and "tribum emere" (Dig. 32, 1, 35) came to be convertible terms; and the custom of thus buying a place in a tribe became widely spread, and was frequently resorted to by the rich as a convenient way of providing for old servants and retainers (cf. Dig. 32, 35). So far indeed was this carried that we find a boy of 18 years old having a place in the Esquilina seniorum (Orelli, 3093). Whether membership in a tribe was in these cases bought from individual members, or, as is more probable, from the tribe itself as a corporation, cannot be decided with certainty. A theory put forward by Mommsen in his early monograph on the Roman tribes, though he has since given it up, deserves to be mentioned as not improbable, though perhaps not capable of proof. The corn was at first given, he supposes, not gratis, but at a moderate price, and practically all bona-fide citizens resident in the city participated in the privilege. Gradually, however, within this larger body, a certain number of the poorer citizens received their corn free by means perhaps of *tesserae nummariae* (Suet. *Aug.* 41), and it was this smaller number of persons who became organised in close corporations which in the course of time appropriated the names of the tribes. On this theory the numbers mentioned in the inscription above referred to would be those of the free recipients, not of the tribesmen generally. Hirschfeld, on the other hand (*Philologus,* xxix.), denies that either the *congiaria* or the *frumentationes* were given by means of the tribes at all.

Literature.—Mommsen, *Die römischen Tribus,*

&c., Altona, 1844; *Staatsrecht*, iii. pp. 95 ff., 161 ff., 434 ff., and 779 ff.;—Huschke, *Die Verfassung des Königs Servius Tullius*; Grotefend, *Imperium Romanum tributim descriptum*, 1863; Kubitschek, *de origine et propagatione Tribuum*; Id. *Imperium Romanum tributim discriptum*, 1889;—Beloch, *Der italische Bund*; *Hermes*, xxii. p. 100 ff. [E. G. H.]

TRIBU'TUM, as paid by Romans, took two forms.

(1) A charge on special classes of the Roman people. [Aerarii; Aes Hordearium.]

(2) An extraordinary source of revenue, opposed to the ordinary *vectigalia*. A property-tax, raised when needed, and chiefly to cover the expenses of war (*e.g.* Liv. vi. 32). When regular pay was given to the soldiers [Stipendium], tributum must have been raised practically every year. It was levied, not upon land held in *possessio* [Agrariae Leges], but only on property (*res mancipi*) held by a full title. If the tithes upon *possessio* were not properly paid, tributum would be both heavier and more frequent, since money must be found somehow, and we accordingly find the plebeians complaining at an early time, when they held little or no *ager publicus*, as if tributum were a burden chiefly upon them (Liv. iv. 60, v. 10). The pressure of it on poor people was all the more severe because debts incurred since the last census were not deducted from the valuation of a person's property, so that he had to pay tributum upon property which was not his own, but which he owed, and for which he had consequently to pay interest as well. Still, the tax might be repaid after successful wars (Liv. xxxix. 7; Dionys. v. 47); hence perhaps the complaints against generals who paid all the booty into the treasury instead of using it for repayment. The usual amount of the tax (*tributum simplex*) was one for every thousand of a man's fortune (Liv. xxix. 15); in B.C. 215 it was doubled (*tributum duplex*, Liv. xxiii. 31); and in B.C. 184 it was raised to three in a thousand (Liv. xxxix. 44). It was raised, according to the tribes instituted by Servius Tullius, by the *tribuni aerarii* (Liv. i. 43; Dionys. iv. 14, 15, and see Index), and was therefore not, like other branches of the revenue, let out to farm. It rested originally with the senate to appoint (*indicere*) when the tax should be levied, and to what amount. If, however, Livy (v. 12) can be trusted, the people could, with the aid of *tribuni plebis*, withhold payment. Later, the censors are found fixing the amount (B.C. 184; Liv. xxxix. 44). No citizen was legally exempt; the attempt of the augurs and pontiffs to claim exemption in B.C. 196 came to nothing (Liv. xxxiii. 42). Occasionally, on emergency, the tributum was not raised according to the census, but got in as best it could be, and it was then known as *tributum temerarium* (Festus, s. v. *Tributorum Collationem*). Examples would be the collection of B.C. 387 and that of 210 (Liv. xxvi. 35) repaid in 204 (Liv. xxix. 16). After the successful Third Macedonian War, tributum ceased *de facto* to be levied on Roman citizens ("unius imperatoris praeda finem attulit tributorum," Cic. *de Off.* ii. 22, 76; cf. Val. Max. iv. 3, 8, and Plin. *H. N.* xxxiii. § 56), although it might at any time have been re-imposed (Cic. *pro Flacco*, 32, 80). This state of things lasted till B.C. 43, when in the crisis of the civil wars a similar tax was again levied (Plut. *Aem. Paul.* 38). There has been great discussion as to whether this was a revival of tributum; but probably Dr. Merivale (*History of the Romans under the Empire*, c. 25) is right in saying that it was only "extraordinary contributions" (cf. Willems, *Sénat*, ii. 359; Marquardt, *Staatsverwaltung*, ii. 172). It could at most only be a *tributum temerarium*. Mommsen, however (*Staatsrecht*, iii. 229), maintains that the ordinary tributum was revived in B.C. 43. Whether tributum was raised after this date, there is no distinct proof, but it is unlikely, as the government of the emperors did its best to keep the Roman population free from taxes. The taxes imposed in Italy by Maximianus should rather be classed with the provincial tribute than with the old Roman tributum.

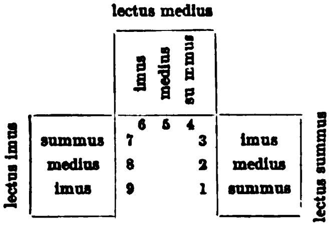
For the tribute of the provincials, see Vectigalia. [F. T. R.]

TRICLI'NIUM, properly a set of three couches round a dining-table, but commonly used also for the dining-room of a Roman house; for its usual position, see Domus. It was of an oblong shape, and according to Vitruvius (vi. 3, § 8) ought to be twice as long as it was broad. The same author (§ 10) describes triclinia, evidently intended to be used in summer, which were open towards the north, and had on each side a window looking into a garden. Many of the houses at Pompeii appear to have had summer dining-rooms opening to the viridarium. The woodcut in Vol. I. p. 894 shows the arrangement of the three couches (*lecti*, κλῖναι), from which the triclinium derived its name. These remain in the "House of Sallust," being built of stone. Three very beautiful *lecti tricliniares* in wood adorned with bronze have been more recently discovered, and are now to be seen in the Naples Museum (cf. Overbeck, *Pompeii*, fig. 227).

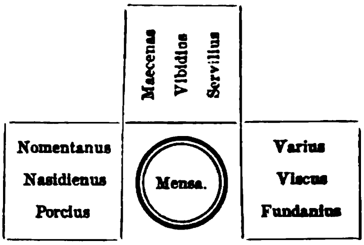
The articles Lectus, Torus, and Pulvinar contain accounts of the furniture used to adapt these couches for the *accubatio*, i.e. for the act of reclining during the meal. When so prepared for an entertainment, they were called *triclinia strata* (Caes. *B. C.* iii. 92; cf. Athen. ii. pp. 47, 48), and they were made to correspond with one another in substance, in dimensions, and in shape (Varro, *L. L.* ix. 47, ed. Müller). As each guest leaned during a great part of the entertainment upon his left elbow, so as to leave the right arm at liberty, and as two or more lay on the same couch, the head of one man was near the breast of the man who lay behind him, and he was therefore said to lie in the bosom of the other (Plin. *Epist.* iv. 22). But we must not suppose with Lewis and Short that one actually rested on the other. Among the Romans, the usual number of persons occupying each couch was three, so that the three couches of a triclinium afforded accommodation for a party of nine. It was the rule of Varro (Gellius, xiii. 11) that the number of guests ought not to be less than that of the Graces, nor to exceed that of the Muses. Sometimes, however, as many as four lay on each of the couches (Hor. *Sat.* i. 4, 86). Among the Greeks it was usual for only two persons to recline on each couch. [Cena, Vol. I. p. 393.]

In such works of ancient art as represent a symposium, or drinking-party, we always observe that the couches are elevated above the level of the table. This circumstance throws some light upon Plutarch's mode of solving the problem respecting the increase of room for the guests as they proceeded with their meal (*Sympos.* v. 6). Each man in order to feed himself lay flat upon his breast or nearly so, and stretched out his hand towards the table (cf. Plaut. *Mil.* 760); but afterwards, when his hunger was satisfied, he turned upon his left side, leaning on his elbow. To this Horace alludes in describing a person sated with a particular dish, and turning in order to repose upon his elbow (*Sat.* ii. 4, 39; cf. *Carm.* i. 27, 6).

We find the relative positions of two persons who lay next to one another commonly expressed by the prepositions *super* or *supra* and *infra.* A passage of Livy (xxxix. 43), in which he relates the cruel conduct of the consul L. Quintius Flamininus, shows that *infra aliquem cubare* was the same as *in sinu alicujus cubare*, and consequently that each person was considered as *below* him to whose breast his own head approached. On this principle we are enabled to explain the denominations both of the three couches, and of the three places on each couch.



Supposing the annexed arrangement to represent the plan of a triclinium, it is evident that, as each guest reclined on his left side, the countenances of all when in this position were directed, first, from No. 1 towards No. 3, then from No. 4 towards No. 6, and lastly, from No. 7 towards No. 9; that the guest No. 1 lay, in the sense explained, *above* No. 2, No. 3 *below* No. 2, and so of the rest; and that, going in the same direction, the couch to the right hand was *above* the others, and the couch to the left hand *below* the others. Accordingly the following fragment of Sallust (*ap.* Serv. *in* Verg. *Aen.* i. 698) contains the denominations of the couches as shown on the plan; there were, however, only seven guests present, so that two places were vacant, and these were probably 3 and 6: "Igitur discubuere: Sertorius (*i.e.* No. 5) inferior in medio; super eum L. Fabius Hispaniensis senator ex proscriptis (No. 4): in summo Antonius (No. 1); et infra scriba Sertorii Versius (No. 2): et alter scriba Maecenas (No. 8) in imo, medius inter Tarquinium (No. 9) et dominum Perpernam (No. 7)." On the same principle, No. 1 was the highest place (*Locus summus*) on the highest couch; No. 3 was Locus imus in lecto summo; No. 2, Locus medius in lecto summo, and so on. It will be found that in the following passage (Hor. *Sat.* ii. 8, 20–23) the guests are enumerated in the order of their accubation—an order exhibited in the annexed diagram.



Fundanius, one of the guests, who was at the top relatively to all the others, says:

> "Summus ego, et prope me Viscus Thurinus, et infra,
> Si memini, Varius, cum Servilio Balatrone
> Vibidius, quos Maecenas adduxerat umbras.
> Nomentanus erat super ipsum, Porcius infra."

That Maecenas was in the place of honour (No. 6) is evident from the fact that the dinner was given in his honour: that Servilius (No. 4) and Vibidius (No. 5) were next to each other is not less plain from the aside in *vv.* 33, 34. The host himself, Nasidienus, occupies the place No. 8, although No. 7 was the usual place for the master of the feast, because Nomentanus was put next to Maecenas, in order to point out to him the special dainties (*v.* 25). Cf. *Journ. of Phil.* vi. 219, and Palmer on Hor. *l. c.* No. 6 was the place of honour (*ὑπατικός*, Plut. *Quaest. Conv.* i. 3), not, as Lewis and Short still say, after Plutarch, that if a consul were present he might be able to attend to any business that might occur, but simply as being next to the host, a view which Plutarch also gives (cf. Becker-Göll, *Gallus*, iii. 376–386).

The general superintendence of the dining-room in a great house was entrusted to a slave called *tricliniarcha*, who, through the instrumentality of other slaves of inferior rank, took care that everything was kept and proceeded in proper order. [J. Y.] [A. S. W.]

TRIDENS. [Fuscina.]

TRIENS. [As.]

TRIERA'RCHIA (*τριηραρχία*). One of the two extraordinary public services to which wealthy Athenian citizens were liable (the other was the *προεισφορά*): it was classed among the liturgies (*λειτουργίαι*), but the requirement of it was as circumstances necessitated, and therefore it was not an *ordinary* or periodically recurrent (*ἐγκύκλιος*) liturgy. The object of it was to provide for the maintenance (and in some degree for the original equipment) of the ships of war belonging to the state. The person on whom this duty fell was called a Trierarch (*τριήραρχος*); and it would appear that in early times he was captain of the ship which he maintained.

The office of the trierarchy passed through four distinct forms or stages; and though in the remarks which follow it will be impossible to treat of them separately in all respects, the historical sequence will on the whole be preserved. The first stage was from the era of Themistocles to the Sicilian Expedition: during this period each ship was provided for by a single trierarch; the state was wealthy, and no difficulties seem to have been felt in the satisfactory discharge of the office. The second stage was from the Sicilian Expedition to

B.C. 358; two trierarchs to a ship were now the rule; a diminution in the wealth both of the state and of individuals was clearly the reason of this; the trierarchs found that practically more was thrown on them (though we have no reason to suppose an alteration in the nominal duties). From B.C. 358 to B.C. 340, the system of symmories was introduced into the trierarchy, whereby the number of trierarchs to a single ship was still further increased; and lastly, from B.C. 340 to the close of Athenian independence, the double trierarchy again became the rule, through a law carried by Demosthenes, though with what modifications from the old form we do not exactly know; the symmories, probably, were not altogether abolished.

I. The beginning of the trierarchy in the full and proper sense of the word dates from that large increase of the Athenian fleet which Themistocles persuaded the Athenians to make with the produce of the Laurian silver mines, very shortly before the invasion of Xerxes (Herod. vii. 144). Before that time the *naucraries* [NAUCRARIA] had furnished a ship apiece to the commonwealth (*i.e.* 48 altogether in Solon's time, 50 after the reform of Cleisthenes); the naucrarus, or head of the naucrary, would no doubt have a certain responsibility for the ship's maintenance, and would thus be in a position partly analogous to that of the trierarch afterwards; but the measure of Themistocles, through its enlargement of the fleet, gave an occasion for a large development of the individual services of rich men, in which services the Trierarchy proper consisted. So great indeed was the public enthusiasm at that era, that we find Cleinias, at the battle of Artemisium, providing not only the entire equipment of the ship, and the payment of the sailors, but even the ship itself of which he was the captain (Herod. viii. 17). But this was no part of the ordinary duty of a trierarch; though individual donations of triremes to the state are mentioned afterwards (Dem. *c. Meid.* p. 566, § 161; *c. Steph.* p. 1127, § 85); and the passage in the *Meidias* implies that such donations were sometimes expected from the rich. (It has, however, been doubted whether the donation of a ship, even in these cases, may not mean the donation of the equipment merely.) Generally speaking, the state provided the ship itself; the Council of Five Hundred (Βουλή) had the general duty of building ships (Dem. *c. Androt.* p. 599, § 18); but Aeschines (*c. Ctesiph.* § 19) speaks of the tribes being ordered to build them.

In Herodotus (*l. c.*; also viii. 46, 93) the name *trierarch* first occurs; in Thucydides (vi. 31) there is the first statement of their duties, as far as these are indicated by what was done in the Sicilian Expedition. Unfortunately, there are in this passage two considerable ambiguities. Thucydides says that the state furnished the "empty vessel" (ναῦν κενήν): are we then to understand that the state did *not* furnish sail, ropes, and oars, but that these are included among the apparatus (κατασκευαί) which the trierarchs provided? It must appear very strange if this was so; considering that in the *Knights* of Aristophanes, written only nine years before, it is spoken of as customary for the state to give the sail (ἱστίον, v. 918): and in the speech of Demosthenes *de Cor. Trierarch.*, delivered fifty-four years afterwards, it is said to be incumbent on the state to provide the apparatus (τὰ σκεύη) of a ship (p. 1229), *i.e.* the "sailcloth, tow, and ropes" (ὀθόνια καὶ στυππεῖα καὶ σχοινία, Dem. *c. Euerg. et Mnesib.* p. 1145, § 20). Can the state possibly have omitted to provide these things in the most splendidly-furnished expedition that ever issued from the Piraeus? Or, if all these were left to the trierarch, would Thucydides have thought it worth while to intimate specially that the trierarchs provided so small a matter as the figure-heads (σημεῖα)? Hardly; and we must therefore conclude that the "empty ship" includes the largest points of the equipment, while the trierarchs introduced such ornaments and improvements as were not of absolute necessity. (In Thucyd. vi. 8 also, the παρασκευὴ seems to be mentioned as something furnished by the state.)

Again, while Thucydides tells us clearly that the state paid the rowers, and that the trierarchs gave *additional* pay merely to the rowers on the upper bench (θρανῖται), who had the hardest work; it is not quite clear whether the state or the trierarchs paid the wages of the ὑπηρεσία (*i.e.* the servants and petty officers on board). A difference of reading complicates the question; but as Thucydides distinctly says that the trierarchs gave *additional* pay (ἐπιφορὰς) to the ὑπηρεσία, it seems implied that the state was the principal paymaster; and it is natural to suppose this to have been so (and it is confirmed by Thucyd. iii. 17). So far then the work of the trierarch was simply that of extending, for the sake of greater efficiency, the work done by the state; and this part of a trierarch's work was more or less voluntary. But to launch the ship from the harbour, to maintain it in full efficiency and restore it unimpaired, was a trierarch's absolute duty; an obligation expressed in the inscriptions quoted by Boeckh (*See-Urkunden*, p. 197) by the phrase, δεῖ τὴν ναῦν δόκιμον καὶ ἐντελῆ παραδοῦναι. This obligation as a rule ceased when a trierarch had held his office for a year; after which time, if his ship was still wanted for foreign service, so that he could not bring it back to the Piraeus, a successor would be sent out to him; and such an arrival was eagerly expected by the sailors, for a new trierarch brought fresh donations (Dem. *c. Polycl.* p. 1211, § 15). A trierarchy also was held to be terminated if the general furnished no pay to the sailors, or if the ship put into the Piraeus (it being then impossible to keep the sailors together); but the practice was not always consistent on these points (Dem. *c. Polycl.* pp. 1209, 1210, §§ 11–13; Isocr. *c. Callim.* § 60). On the other hand, a trierarch who through any accident was obliged to serve more than his year could charge the extra expense (ἐπιτριηράρχημα) on his successor, and bring an action to recover it if necessary (Dem. *c. Polycl.* l. c.).

The maximum number of ships of war was reached during the first form of the trierarchy, and the trierarchs (each bound to maintain an entire ship) numbered then 400, according to the treatise on the Athenian Republic ascribed to Xenophon (which probably was written in the first part of the Peloponnesian war). The

Anabasis (vii. 1, 27) confirms this number; and the calculation in Thucydides bears this out pretty nearly (comparing ii. 24 with iii. 17). Strabo (ix. p. 395) also says that there were originally 400 places for triremes in the Piraeus.

II. The *second form* of the trierarchy, in which two persons, called Syntrierarchs (*συντριήραρχοι*), shared the office, probably began after the failure of the Sicilian Expedition; but the first actual mention of it (Isocr. *l. c.*) is directly after the battle of Aegospotami. The syntrierarchy mentioned in Lysias, *c. Diogeit.* § 24, took place some time during the eight years which began B.C. 409, but at what exact date is uncertain. From this period onwards we have frequent mention of the trierarchy in the Attic orators; whose testimony, though valuable, is always liable to deduction on personal grounds. Thus, when the speaker in Isocrates (*l. c.*) boasts that he and his brother paid the wages of the rowers in the ship of which they were joint trierarchs, the statement, though perfectly probable, has not the same certainty as if given to us by an impartial historian. Much more definitely can the statement in Dem. *c. Meid.* p. 564, § 154, be challenged; where it is alleged that in the times of the syntrierarchy, "we, the trierarchs, had ourselves to provide crews for our vessels" (*τὰς ναῦς ἐπληρούμεθ' αὐτοί*). No doubt this sometimes happened; but the whole course of the speech against Polycles by the same orator (pp. 1208 *sqq.*) shows that, according to law, the state provided and paid the crews; and the same is implied in the passage of Isocrates just referred to. A careful examination will also show that in the second, as in the first, form of the trierarchy, the state was supposed to pay the *ὑπηρεσία* (servants and petty officers). It is true that Apollodorus (Dem. *de Cor. Trierarch.* p. 1229, § 6) says that he paid money to these himself; but whether as their full wages or as extra pay is not stated: whereas of his rivals he says, "They have not hired any *ὑπηρεσία*, though they claim to have had more than I;" from which the inference is plain that the state gave the hire. In affirming, however, the legal obligation of the state at this period (as in the first period) to pay the wages of crew and servants, it must be remembered that this obligation was by no means always properly discharged. (Cf. the orations of Demosthenes *against Polycles*, *de Coronâ Trierarchiae*, and *against Euergus and Mnesibulus*—the last of which was delivered at the beginning of the *third* trierarchical period.)

The syntrierarchy, during the period in which it prevailed, did not entirely supersede the older and single form. Numerous instances of single trierarchies occur between 411 and 358 B.C.; and in two passages of Isaeus (*Dicaeog.* § 54; *Apollod.* § 67) referring to this period, the single and double trierarchy are mentioned as contemporaneous. Apollodorus was sole trierarch (Dem. *c. Polycl.*) so late as B.C. 361. In the case of a syntrierarchy, the two trierarchs commanded their vessel in turn, six months each (Id. p. 1219), according as they agreed between themselves. Sometimes, however, a trierarch, or pair of syntrierarchs, would let out the whole duties of the office to a contractor. This (*μισθῶσαι τὴν τριηραρχίαν*) was a manifest and great abuse; the work was done inefficiently, and (what was worse) the contractors at times made use of their position, and reimbursed themselves against losses, by privateering on their own account, which led to reprisals on the part of the injured against Athens herself (SYLAE; Dem. *de Cor. Trierarch.* p. 1231, § 13). Such misdoings seem to have been imperfectly reported at Athens, and popular indignation was but little aroused by them; but when a defeat of the Athenian navy took place on one occasion, the trierarchs who had let their office out in this way were tried for their lives, as having deserted their post (Dem. *ib.* p. 1230). The capital sentence, however, was not inflicted, and it is even doubtful if they were punished at all. (See also notices of the practice of letting out the trierarchy in Dem. *c. Meid.* pp. 540, 564; the latter case falling under the system of symmories.)

III. In B.C. 358, the *third form of the trierarchy* began. The attempt of the Thebans upon Euboea in that year occasioned a great need of ships, which were at first supplied by voluntary effort under the urgent persuasion of Timotheus (Dem. *de Chersones.* p. 108, § 30); but as a consequence of this, Periander (Dem. *c. Euerg. et Mnesib.* p. 1145, § 20) introduced in the same year a law, whereby the symmories, already in use for the war-tax, were adapted under altered form to the trierarchy. These trierarchical symmories were the famous 1200, arranged in twenty symmories of 60 persons each (for further information as to whom, and as to their exact connexion with the war-tax symmories, see SYMMORIA). We find them already working in the archonship of Agathocles, 357 B.C. (Dem. *c. Euerg. et Mnesib.* p. 1152, § 44); though the syntrierarchy (as appears from this very speech) had not then been wholly disused, and may have continued some time longer.

The *intention* of the law of Periander was doubtless to increase the efficiency of the navy, by increasing the amount of property applicable to the purposes of the trierarchy (for it has been said above that there were only 400 trierarchs in the first form of the office, and doubtless there were not many more during the syntrierarchy). But the system was not properly managed; and the rich men soon found means to use it, not for the regulation of public burdens, but as a means of escaping from them. What was clearly necessary for its satisfactory working was that, when any number of joint trierarchs had the management of a ship, there should be a due admixture of rich and poor among them; and that the poor should not be too frequently and too largely called upon. But both these evils happened; and Demosthenes in his speech *de Symmoriis* (delivered, or perhaps only written, B.C. 354) in vain tried to introduce a better principle. He would have allowed, on occasions, a body of twelve to join in the office; but only under proper restrictions (*de Symm.* pp. 182, 183, §§ 16–21). Hyperides (ap. Harpocrat. *συμμορία*) complained that five or six wealthy men used to join in a trierarchy (the inscriptions quoted by Boeckh in the *See-Urkunden* mention three, five, six, and seven joint trierarchs); and lastly a law was passed allowing sixteen persons to join together for the purpose (Dem. *de Cor.* pp. 260, 261, §§ 102–105).

It has indeed been supposed, and is possible, that this was the very law of Periander; yet we can hardly think that the Athenians deliberately contemplated sixteen trierarchs to a ship as an ordinary arrangement; and the number sixteen does not specially fit in with symmories of sixty persons each, and was probably introduced on some subsequent occasion. Besides, the evidence is rather that the evil was an increasing one. Demosthenes (*de Cor.* l. c.) describes the final result in these terms: "I saw your navy going to ruin, and the rich earning immunity from other liturgies on the score of trifling expenditure in this, and persons of moderate income losing their property, and the city missing the opportunities of action," &c.

The group of citizens who joined in maintaining a single trireme was called *συντέλεια*, and the individual contributors *συντελεῖς*. (*Συντέλεια* and *συμμορία* are perfectly distinct terms, but the members of a *συντέλεια* were always members of the same *συμμορία*. If the arrangement proposed in Dem. *de Symm.* p. 183, § 20, had been carried out, which it never was, a *συντέλεια* would have been a fraction of a *συμμορία*, and the words of Demosthenes imply that it might then have been called a *small συμμορία*.)

Though the law of Periander practically diminished the burdens of the wealthy, reasons have been given above for thinking that it did not introduce that particular alleviation which is indicated in Dem. *c. Meid.* p. 564, § 154; namely, by taking away the duty of paying the crews from the trierarchs and putting it on the state. In all times the theory was probably the same on this point,—namely, state payment; but in practice the state was often behindhand; so that an orator, by pressing the practice on one side, and the theory on the other, might represent the matter pretty much as he chose.

IV. At last, in B.C. 340, Demosthenes was appointed superintendent of the navy (*ἐπιστάτης τοῦ ναυτικοῦ*) and carried a trenchant reform, which may be called the *fourth form of the trierarchy*. What however this was, we do not exactly know; for the law which is given in Dem. *de Cor.* p. 262, § 106 (under the heading *κατάλογος*), is no longer regarded as genuine, and the references to it in the orators are not quite easy to reconcile with each other. We must, however, conclude from Dem. *de Cor.* p. 261, § 104, that it did to a certain extent restore the syntrierarchy. Hyperides (*ap.* Harpocrat. *συμμορία*) describes it simply in this way: "When Demosthenes saw this, he proposed laws that the 300 should be trierarchs, and the trierarchies have become burdensome" (*νόμους ἔθηκε τοὺς τριακοσίους τριηραρχεῖν, καὶ βαρεῖαι γεγόνασιν αἱ τριηραρχίαι*). Aeschines (*c. Ctesiph.* § 222) tells us that the effect of the law was to reduce the number of ships in the Athenian navy by 65 (apparently from 365 to 300): this, of course, is the representation of an enemy. If 300 ships were needed for service, and two trierarchs were appointed for each, there would be 600 altogether, which is not consistent with what Hyperides says. But we must conclude that as a general rule (in spite of Thucyd. ii. 24) ships not actually employed in service had no trierarchs; and we have no mention at this period of Athenian history of any fleet numbering so many as 150 ships: thus the statement of Hyperides may be practically true, or very nearly so. Whatever the nature of the law, we have reason to believe that its effect was successful; not perhaps so much from the praises which Demosthenes bestows on it, as from the failure of his enemies (Aeschines, *l. c.*) and Deinarchus (*c. Dem.* § 7) to say any real harm of it. The words of Demosthenes (*de Cor.* p. 262) are, however, worth referring to: he tells us that during the whole war carried on after the law was in force, no trierarch implored the aid of the people (*ἱκετηρίαν ἔθηκε*), or took refuge in the temple of Artemis at Munychia, or was put into prison by the persons whose duty it was to despatch the fleet (*οἱ ἀποστολεῖς*), nor was any trireme lost at sea, or lying idle in the docks for want of stores and tackle, as under the old system, when the service (*τὸ λειτουργεῖν*) fell to the poor. It should be observed that Demosthenes (*de Cor.* p. 329, § 311) says that Aeschines was bribed by the leaders of the symmories to nullify the law; but these accusations of the orators against each other must not be taken too seriously.

V. *General observations.*—The inconveniences to which a trierarch was liable in case of inefficient performance of his duties will be seen from the last paragraph; but a reward also (*i.e.* a crown) was sometimes given to the most efficient, as appears from the speech on the *Crown of the Trierarchy*. The trierarchs were *ὑπεύθυνοι* (Dem. *c. Polycl.* p. 1222, § 52), or liable to give an account of the public property entrusted to them, and the public money which on occasions they had to disburse (Dem. *de Cor. Trier.* p. 1231): though Aeschines, forgetful of these facts, represents them as rendering account of their own private funds (*c. Ctesiph.* § 9).

Triremes were assigned by lot to the different trierarchs, as we learn from the epithet *ἀνεπικλήρωτοι* attached to some of the ships in the Athenian navy list (see Boeckh, *See-Urkunden*). The sacred triremes, the Paralus and the Salamis, had special treasurers (*Tamias*) appointed to them (Pollux, viii. 116); and on the authority of Ulpian (*ad* Dem. *c. Meid.* p. 686) it has been believed that the state acted as trierarch for each of them; but in the inscriptions quoted by Boeckh no difference is made between the trierarchs of the Paralus and of other vessels (*See-Urkunden*, p. 169). Some special expenses might no doubt be paid by the state in these cases.

The expenses of the trierarchy seem to have varied from about 40 minae (Dem. *c. Meid.* pp. 539, 540, §§ 77–80) to a talent (Dem. *c. Meid.* p. 564, § 154). A syntrierarchy would cost half this sum. Undoubtedly, therefore, the assertion of Isaeus (*de Dicaeog. hered.* § 10) that men had been trierarchs (or syntrierarchs) whose property was not more than 80 minae, was an exaggeration. Indeed, as a property of three talents was the minimum which rendered a citizen liable to the performance of a liturgy (Dem. *c. Aphob.* 833, § 63; Isaeus, *Pyrrh.* sub fin.), it is absurd to suppose that the trierarchy, the most burdensome of all, would be undertaken for a less sum. (Indeed, Boeckh says, "I am aware of no instance of liability arising from a property of less value than 500 minae.")

VI. *On the exemptions from the Trierarchy.*—By an ancient law, in force B.C. 355, no person, except the nine archons, could claim exemption from the trierarchy, who was of sufficient wealth to perform it, not even the descendants of Harmodius and Aristogeiton. [From Isaeus, *de Apoll. hered.* § 67, it appears that in the time of the single trierarchy no person could be compelled to serve a *second* time within two years after a former service (*δύο ἔτη διαλιπών*). The trierarchy was a ground of exemption from the other liturgies, any of which indeed gave an exemption from all the rest during the year next following that of its service: Dem. *c. Leptin.* pp. 459, 464, §§ 8, 24.]

Yet from other passages it appears that exemptions from the duty of the trierarchy were allowed in cases of which the above law takes no cognisance. Demosthenes (*de Symm.* p. 182, § 14) tells us that a person was exempt if *ἀδύνατος*, or incapable through sudden loss of wealth; so also were "wards, heiresses, orphans, cleruchi, and partnerships (*κοινωνικά*)." Of course, an heiress could only claim exemption while unmarried. Wards were free from all liturgies, during their minority, and for a year after their *δοκιμασία* (Lysias, *c. Diogeit.* 908). By *κληροῦχοι* are meant colonists, who, while absent by command of the state, could not perform a trierarchy. The meaning of partnerships (*κοινωνικὰ*) is doubtful, but probably it means the property of joint tenants, as brothers or coheirs, which had not yet been apportioned to them (Pollux, viii. 184).

VII. *On the legal proceedings connected with the Trierarchy.*—These were either between individual trierarchs, or between trierarchs and the state, and therefore in the form of a *Diadicasia.* They generally arose from a trierarch not delivering up his ship and her rigging in proper order, either to his successor or to the state. If he alleged that the loss or damage of either happened from a storm, he was said *σκήψασθαι κατὰ χειμῶνα ἀπολωλέναι.* Vessels or furniture on which a trial of this kind had been held, were said to be *διαδεδικασμένα.*

The presidency of the courts which tried matters of this sort was vested in the strategi, and sometimes in the superintendents of the dockyard, in conjunction with the *ἀποστολεῖς.* The senate also appears to have had a judicial power in these matters: *e.g.* we meet in various inscriptions with the phrase *οἵδε τῶν τριηράρχων, ὧν ἐδίπλωσεν ἡ βουλὴ τὴν τριήρη.* Boeckh conjectures that the trierarchs of whom this is said had returned their ships in such a condition that the state might have called upon them to put them in thorough repair, or to rebuild them, at a cost for an ordinary trireme of 5,000 drachmae. Supposing that they were not released from this liability by any decree of a court of justice, and that the rebuilding was not completed, he conceives that it must have been competent (in a clear and flagrant case) for the senate to have inflicted upon them the penalty of twice 5,000 drachmae, the technical phrase for which was "doubling the trireme" (*See-Urkunden*, p. 228).

The phrase *ὡμολόγησεν τριήρη καινὴν ἀποδώσειν*, which occurs in inscriptions, does not apply to an undertaking for giving a new trireme, but merely for putting one in a complete state of repair.

The phrase *φαίνειν πλοῖον* (Dem. *c. Lacrit.* p. 941, § 51), to lay an information against a vessel, is used not of a public ship, but of a private vessel, engaged perhaps in smuggling or privateering. [Phasis.]

The articles Leiturgia and Symmoria contain numerous references to the subject of this article.

(Cf. Boeckh's *Staatshaushaltung d. Athener* and *See-Urkunden*; Hermann's *Griech. Antiq.*; Gilbert's *Griech. Staatsalt.*; and Kennedy's translation of the orations of Demosthenes, Appendix.) [R. W.] [J. R. M.]

TRIEROPOEI (*τριηροποιοί*), a board at Athens, reckoned among the directors of public works (*ἐπιστάται τῶν δημοσίων ἔργων*, cf. Epistates), and having a treasurer (*ταμίας*) of their own. Their principal duty was to provide for the building of a certain number (probably twenty, cf. Diod. xi. 43) of new triremes every year. The name appears to occur only in Dem. *c. Androt.* p. 598, § 17; but they are clearly referred to in Aeschin. *c. Ctes.* § 30. In the latter passage we are told that they were neither an *ἀρχὴ κληρωτὴ* nor *χειροτονητή*, but belonged to those *οὓς αἱ φυλαὶ καὶ αἱ τριττύες καὶ οἱ δῆμοι ἐξ ἑαυτῶν αἱροῦνται τὰ δημόσια χρήματα διαχειρίζειν*: but it is clear from Demosthenes that the senate was in some way responsible for their conduct, a fact which is nowhere stated of the *τειχοποιοί* or other similar bodies. Combining the two accounts, it seems likely that they were appointed by the senate, one for each tribe, either as a committee of the Bouleutae themselves or as a subordinate body, and that they either chose their own treasurer or had one chosen for them by the senate, whose responsibility for its delegated authority was thus maintained. (Cf. Boeckh, *P. E.* p. 249 = *Sthh.*^{3} i. 316; *Seeurk.* p. 59; K. F. Hermann, *Staatsalterth.* §§ 126, 161.) [W. W.]

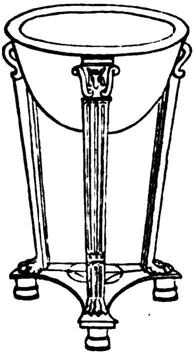
TRIGLYPHUS (*τρίγλυφος*, or *-ον*) is the name given to one of the alternating members of the frieze of the Doric order, the other being called Metopae. The triglyph is divided by two vertical cuts (*canaliculi*) into three bars (*μηροί, femina*); hence its name. It also has a semi-canaliculus at each side. The canaliculi have in early specimens a curved or ogier termination; later they are included by straight lines. Properly there should be one triglyph over each column, and one over each intercolumnium in the Doric order; at the corners this arrangement is slightly modified, so that the triglyph may adjoin the corner of the building. The triglyph seems always to have been painted blue. Triglyphs are supposed to have originated from an imitation of the visible ends of projecting beams in a wooden structure (Vitruv. iv. 2, 4). [E. A. G.]

TRIPOS (*τρίπους*), a tripod, *i.e.* any utensil or article of furniture supported on three feet. More especially—

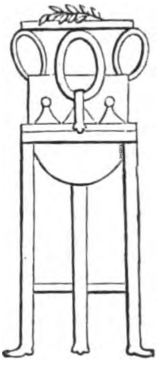
I. A tripod to receive the *λέβης* or caldron for boiling meat, &c. [Leber.] Such a tripod was called *ἐμπυριβήτης* (Athen. ii. p. 37 *f*; cf. Hom. *Il.* xxiii. 702; Soph. *Aj.* 1405): the scene from the story of Medea, painted on the vase which is shown in the cut under Chytra, Vol. I. p. 426, illustrates this use. The bronze caldron, however, and its stand were often made in one piece, and then the whole boiling apparatus was called *τρίπους* (Hom. *Il.* xviii. 344; *Od.* viii. 434), but also *λέβης τρίπους* (Aesch.

Fr. 1). Tripods were also used as stands for mixing-bowls with rounded bottoms (Athen. iv. p. 142; Psycter), and then were called ἄπυροι τρίποδες. For their use as prizes in games, cf. Lebes (Blümner, *Privataltert h.* 168; Id. in Baumeister, *Denkm.* p. 462).

II. A bronze altar, not differing probably in its original form from the tall tripod caldron already described. In this form, but with additional ornament, we see it in the annexed woodcut, which represents a tripod found at Fréjus (Spon, *Misc. Erud. Ant.* p. 118). That this was intended to be used in sacrifice may be inferred from the bull's head with a fillet tied round the horns, which we see at the top of each leg.



Tripod from Fréjus.

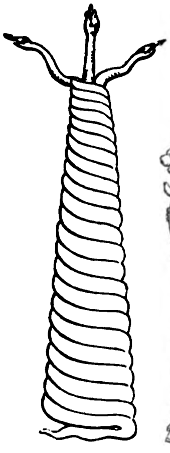


Delphic Tripod.

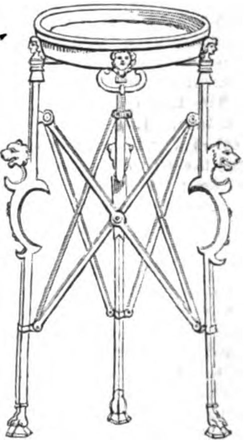
All the most ancient representations of the sacrificial tripod exhibit it of the same general shape, together with three rings at the top to serve as handles (οὔατα, Hom. *Il.* xviii. 378). Since it has this form on all the coins and other ancient remains which have any reference to the Delphic oracle, it has been with sufficient reason concluded that the tripod from which the Pythian priestess gave responses was of this kind. The right-hand figure in the above woodcut is copied from one published by K. O. Müller (Böttiger's *Amalthea*, i. p. 119), founded upon numerous ancient authorities, and designed to show the appearance of the oracular tripod at Delphi. Besides the parts already mentioned, viz. the three legs, the three handles, and the vessel or caldron (λέβης), it shows a flat, round plate, called ὅλμος [Cortina], on which the Pythia seated herself in order to give responses, and on which lay a laurel wreath at other times.

The celebrity of this tripod produced innumerable imitations of it (Diod. xvi. 26), called "Delphic tripods" (Athen. v. p. 199). They were made to be used in sacrifice, and still more frequently to be presented to the treasury both in that and in many other Greek temples (Athen. vi. pp. 231 f–232 d; Paus. iv. 32, § 1). [Donaria.] Tripods were chiefly dedicated to Apollo (Paus. iii. 18, § 5); to the Muses, as connected with Apollo (Hes. *Op.* 658), and to Heracles. In this connexion we may note the myth of the rape of the tripod by Heracles and its recovery by Apollo (Paus. iii. 21, 7; x. 13, 4), which often forms the subject of ancient works of art (cf. Baumeister, *Denkm.* p. 463). The woodcut in Vol. I. p. 158 shows the tripod as an attribute of Apollo. In conformity with the same ideas it was given as a prize to the conquerors at the Pythian and other games, which were celebrated in honour of Apollo (Herod. i. 144). At Athens the successful Choragus received a bronze tripod as a prize. The choragic monuments of Thrasyllus and Lysicrates, the ornamental fragments of which are now in the British Museum, were erected by them to preserve and display the tripods awarded to them on such occasions. For the tripod as the emblem of the xvvir, see Vol. I. p. 601.

A tripod, scarcely less remarkable than that from which the Pythia delivered oracles, and consecrated to Apollo in the same temple at Delphi, was that made from the spoils of the Persian army after the battle of Plataea. It consisted of a golden bowl, supported by a three-headed bronze serpent (Herod. ix. 81; Thucyd. i. 132; Schol. *in loc.*; Paus. x. 13, § 5). The golden bowl having been removed, the bronze serpent, about 15 feet high, was taken to Constantinople, and is still to be seen in the Hippodrome. The first figure in the annexed woodcut is copied from Wheler's engraving of it (*Journey into Greece*, p. 185).



Bronze serpent from Delphi.



Tripod brazier, in the British Museum.

The use of bronze tripods, whether for domestic use or to serve as altars, evidently arose in a great degree from their suitableness to be removed from place to place. To accommodate them as much as possible to this purpose, they are sometimes made to fold together into a small compass, by a contrivance which may be understood from an inspection of the preceding woodcut. The right-hand figure above represents a tripod brazier in the British Museum. A patera or a plain metallic dish was laid on the top, when there was occasion to offer incense, or a grating, when a vessel to be heated or kept hot was placed there. Many of these movable folding tripods may be seen in museums, proving how common they were among the Romans.

III. For the three-legged table bearing this name, see Mensa. [J. Y.] [G. E. M.]

TRIPU'DIUM. [Augur, Vol. I. p. 250 *b*.]

TRIRE'MIS. [Navis.]

TRITAGONISTES. [Histrio.]

TRI'TTYA (τριττύα). [Suovetaurilia.]

TRITTYS (*τριττύς*). [Tribus.]

TRIUMPHUS is probably derived from the shout *triumphe* (connected with *θρίαμβος*) uttered by the soldiers and populace during the procession (Varro, *L. L.* vi. 68, also occurring in the chant of the Arval Brothers), but possibly an early transliteration from *θρίαμβος* itself. (See further Wordsworth, *Fragments and Specimens of Early Latin*, p. 394.)

The triumph was no doubt originally simply the return of the victorious army headed by its general, his first act being naturally the offering of sacrifice to the chief god of the city. A prominent feature in such an entry would be the display of captives and spoil. Here we have the essence of a triumph. (Varro, *l. c.*: "Triumphare appellatum quod cum imperatore milites redeuntes clamitant per urbem in Capitolium eunti Io triumphe." An early triumph of this kind is described in Liv. iii. 29, 4.) It would take place, as a matter of course, after every successful campaign. After the ceremony had been elaborated and its importance thereby increased, there would naturally be a tendency, coincident with the weakening of the executive, to restrict it to exceptional successes, and gradually a body of rules grew up by which the granting of what had become a coveted favour was conditioned and limited. Above all, the consent of the senate became indispensable.

The triumph had two aspects, religious and military. 1. Before a general left Rome for the seat of war, his last act was to go to the Capitol, and there (if a magistrate) procure the auspices, without which the war could not properly be begun, and in every case make vows for the success of his arms (Liv. xlv. 39, &c.; Caes. *B. C.* i. 6; Plin. *Pan.* 5). If the campaign was successful, and a triumph was granted him, this took the form of a progress to the Capitol, there to pay his vows and offer sacrifice to Jupiter. This religious character of the triumph was emphasised by the fact that the general appeared in the procession in the character of the god. His dress was the same, and it was the property of the temple, and brought thence for the occasion. (Hence it is spoken of as *exuviae Jovis*: Suet. *Aug.* 94; cf. Juv. x. 38; Liv. x. 7, 10. Gordian was the first who had the costume as his own: *Vita Gord.* 4; cf. *Vita Alex. Sev.* 40.) So, too, the golden crown (Tertull. *de Coron.* 13) and the sceptre with its eagle belonged to the god; the body of the general was, in early times at least, painted red like that of the image in the temple (Plin. *H. N.* xxxiii. § 111); and the white chariot horses used by the emperors, and earlier by Camillus, recalled the white steeds of Jupiter and the Sun (Liv. v. 23, 5, and *v. inf.*). As to the importance of this identification of the priest (such as the triumphator was on this occasion) with the deity, see Sacerdos.

2. The triumph was also a military act, the last performed by the general in his command, and therefore it was essential that he should during its performance be in full possession of the military imperium; this being inherent in the office of the chief magistrates (consul, praetor, dictator). Although ordinarily in abeyance within the city, such magistrates, if they obtained a triumph during their term of office, were already in possession of the essential qualification, and were consequently enabled (with the previous sanction of the senate) to exercise their military imperium on that occasion within the city. (For difficulties connected with the loss of the *auspicia* in certain cases, see Mommsen, *Staatsrecht*, i. 124, note 5.) So long as the command of the army was regularly taken by one of the chief magistrates during his year of office, the right to a triumph belonged to this class exclusively (in an exceptional case like that of Q. Publilius Philo, consul in B.C. 327, where the command was prolonged beyond the regular term, the right was not lost: Liv. viii. 26, 7); and hence, when during the Second Punic War it became necessary to appoint commanders who were not at the same time holders of one of the regular chief magistracies, the triumph was in such cases refused (*e.g.* P. Scipio in B.C. 206, Liv. xxviii. 38, 4; L. Manlius Acidinus in B.C. 199, Liv. xxxii. 7, 4; Cn. Cornelius Blasio in B.C. 196, Liv. xxxiii. 27; and L. Lentulus in B.C. 200, Liv. xxxi. 20, 3, "exemplum a majoribus non accepisse ut qui neque dictator neque consul neque praetor res gessisset triumpharet." The rule is also stated in Plut. *Pomp.* 14, *ὑπάτῳ ἢ στρατηγῷ μόνῳ [θρίαμβον] δίδωσιν ὁ νόμος*). Later, when it became the practice (finally legalised by Sulla) that the command of an army in a province should only be taken after the expiration of the year of office in Rome, it was found necessary to relax the rule, for the practical reason that, since none of the regular magistrates had the chance of gaining a victory, no triumphs whatever could have been granted. Accordingly, for the later period of the Republic, the triumphs celebrated are ordinarily those of proconsuls and propraetors. The fact that such had already held one of the chief magistracies in the city no doubt facilitated the modification of the old rule; but even where this had not been so, as in the exceptional case of Pompey in B.C. 81 and 71, the triumph was not refused. The imperium in the case of proconsuls and propraetors being granted (by *prorogatio*) strictly for the command in the province only, in order to facilitate the triumph Sulla legalised the practice of treating the imperium as subsisting until the general reached the city (Cic. *ad Fam.* i. 9, 25: cf. Liv. xxxiv. 10; Mommsen, *Staatsrecht*, i. 619, notes 1 and 2). Such extension, however, only availed up to the pomerium, and special legislation (*privilegium*) was necessary to keep the imperium alive within the city on the day of the triumph (voted by the people *ex auctoritate senatus*, Liv. xxvi. 21, cf. xlv. 35). Until this had been passed the general remained without the walls, for if he had entered the city the continuity of his imperium would have been lost, and he would have become a *privatus*, and thereby excluded from a triumph. (Hence Lucullus remained without the city for three years: Cic. *Acad. pr.* ii. 1, 3: cf. the case of Cicero in B.C. 50, *ad Att.* vii. 10.)

After an important victory the general was saluted by his troops as Imperator (a frequent but not universal preliminary to a triumph: Mommsen, *Staatsr.* i. 123); he assumed the *fasces laureati* (Cic. *pro Lig.* 3, 7, *ad Att.* vii. 10), and forwarded to the senate *litterae laureatae* (Liv. v. 28, 13; Plin. *H. N.* xv. § 40; Zon. vii. 21; cf. Tac. *Agr.* 18), *i.e.* a despatch announcing the victory. If the intelligence proved satisfactory, the senate decreed a public thanksgiving [SUPPLICATIO], which was so frequently the forerunner of a triumph, that Cato thinks it necessary to remind Cicero that it was not invariably so (Cic. *ad Fam.* xv. 5, 2). After the return of the general with his army to the neighbourhood of Rome, the next point was to obtain the consent of the senate, but before this could be given certain conditions must have been fulfilled.

1. The triumphator must be to the end of the ceremony in possession of the highest magisterial power—*i.e.* the imperium as belonging to the consul, praetor, dictator, proconsul, and propraetor; and this imperium must have been conferred in regular constitutional course (the *tribuni consulari imperio* were therefore excluded from a triumph; it was otherwise with the triumvirs, Mommsen, *Staatsr.* i. 126 c). This point has been already discussed, but some of its exceptions and consequences remain to be mentioned. When a pro-magistrate was elected consul during his command, his triumph took place on the day on which he entered on his magistracy (*e.g.* Marius in B.C. 104: Mommsen, *Staatsr.* i. 124, note 4). The imperium outside Rome being unlimited, and therefore only exercisable by one person in the same district and at the same time, if there were two commanders only one triumph could be granted, and it was therefore given either to the one of highest rank (*e.g.* a dictator before a consul, a consul before a praetor: Liv. ii. 31, iv. 29, 4; *Ep.* xix.), or, in the case of two consuls, to the one to whose turn the imperium and auspicium came on the day of battle (*e.g.* the battle of the Metaurus: Liv. xxviii. 9, 10). So a triumph could not be claimed by a commander who had won a victory in the district assigned for the exercise of another's imperium (Liv. *l. c.* The battle of the Metaurus was fought in the *provincia* of M. Livius: cf. Liv. x. 37, xxxiv. 10). Exceptions to these rules occur after the First Punic War, and the lesser triumph (*ovatio*) was generally granted if the greater honour was refused. On the same principle one who commanded *alienis auspiciis*, i.e. as the representative of an absent general or the subordinate of one who was present, was excluded from a triumph (Dio Cass. xliii. 42). This rule was broken by Caesar towards the end of his life in the case of his legati (Dio Cass. *l. c.*, Q. Fabius Maximus and Q. Pedius: cf. Mommsen, *Staatsrecht*, i. 127, note 3). This example was followed under the triumvirate (*e.g.* P. Ventidius, legatus of Antony: Dio Cass. xlviii. 41, 5). Lastly, in spite of the rule laid down by Cicero (*de Leg. Agr.* ii. 12, 30), about the necessity of a *lex curiata* for the military imperium, there is an instance towards the end of the Republic of a triumph obtained by one who had never had the imperium so conferred (Cic. *ad Att.* iv. 16, 12; *C. I. L.* i. p. 460, xxvii.).

2. The victory must have been won in a legitimate contest against public foes (*justis hostilibusque bellis*, Cic. *pro Deiot.* 5, 13), and not in a civil war or insurrection of slaves (Val. Max. ii. 8, 7; Dio Cass. xliii. 42; Florus, ii. 10, 9; Lucan, i. 12; Gell. v. 6, 21; Plut. *Caes.* 56). Hence there was no triumph after the capture of Capua in B.C. 211, or of Fregellae in 125, though the former had not the full citizenship, and the latter was only a Latin colony. (The reason given in Val. Max. *l. c.*, that Capua had belonged to Rome and that a triumph was only granted *pro aucto imperio*, is wrong: Mommsen, *Staatsr.* i. p. 129, note 3.) Caesar's triumphs after Thapsus and Munda, and Octavian's after Actium, do not violate this rule, for in each case the victory was represented as having been won over foreigners; while, on the other hand, Caesar celebrated no triumph for Pharsalia. The feeling appears as late as Septimius Severus (Herodian, iii. 9, 1).

3. The victory must have been won in the course of serious fighting (Gell. v. 6, 21); and according to Valerius Maximus (ii. 8, 1), a law enacted that a minimum loss of 5,000 men must have been inflicted on the enemy in a single battle. (By a plebiscitum of B.C. 62 the general had to affirm his returns on oath, and penalties were fixed for falsification.) This rule is obviously of recent date, and even later there are many instances of triumphs granted for general results (in the case of P. Cornelius and M. Baebius, Liv. xl. 38, there had been no war. Cf. viii. 26, 7; xxxvii. 46;—Cic. *in Pis.* 26, 62).

4. The war must have been brought to a conclusion (*debellatum*), so that the army could be withdrawn (*deportatio exercitus*), the presence of the victorious soldiers being an essential part of the ceremony (Liv. xxvi. 21; xxxi. 49). Originally, therefore, the fact of handing over an army at the seat of war to a successor excluded from a triumph. Later, when circumstances compelled the maintenance of permanent armies at a great distance from Italy, the condition as to *deportatio* was dispensed with, provided that the war had been brought to a conclusion (Liv. xxxix. 29, 4).

5. Decisive victories in a war of great extent or duration could be rewarded by a triumph, *i.e.* they were treated as the conclusion of separate wars: *e.g.* in the Hannibalic war the battle of the Metaurus and the capture of Tarentum. The claims for triumphs after the conquest of Sicily and Spain in the same war were only rejected on other grounds (cf. Tac. *Ann.* i. 55; ii. 41).

6. Granting that a chief magistrate had an absolute right to exercise his full imperium within the city on the day of his triumph, the existence of this body of rules implies the recognition of some authority, other than the general himself, which should decide on their applicability. As a matter of fact we find that from the earliest times the senate was so recognised (Liv. ii. 47, 10; iii. 29, 4; 63, 9: cf. Polyb. vi. 13; Sen. *de Ben.* v. 15) that its decision was regularly treated as final (*e.g.* Liv. x. 36, 19; Dionys. ix. 26), and only exceptionally set aside by an appeal to the people (Liv. iii. 63, 8; vii. 17, 9;—Zon. viii. 20), or by violence (cases of L. Postumius Megellus, Liv. x. 37; and Appius Claudius, Cic. *pro Cael.* 14, 34; Suet. *Tib.* 2). We know of no case in which the senate was not first applied to. The point, no doubt, at which that body made its authority felt was the senatusconsultum, without which there could be no grant of public money for the expenses of the triumph (Polyb. vi. 15, 8; Liv. xxxiii. 23, 8: cf. Dio Cass. lxxiv. 2). In the case of pro-magistrates, whose imperium rested on *prorogatio*, the consent of the senate was followed by the *privilegium* allowing the

retention of the imperium within the city for the triumph (see above). It is probably from a confusion with this that it is sometimes said that the consent of the senate must be ratified by the people: *e.g.* Suet. *Fr.* viii. ed. Roth. See Willems, *Le Sénat de la République Romaine*, vol. ii. p. 672, note 2. But the early mention of the co-operation of the people in Liv. iv. 20, of B.C. 437 (cf. Dionys. iii. 59), perhaps points to the existence of a different state of things in early times. The senate met for these deliberations outside the walls, usually in the temple of Bellona (Liv. xxvi. 21, xxxvi. 39) or Apollo (Liv. xxxix. 4), in order that the general might have an opportunity of urging his claims in person. After the erection of the temple of Mars Ultor by Augustus in his forum, at least the final sitting was held there (Suet. *Aug.* 29).

When the day appointed had arrived, the whole population poured forth from their abodes in holiday attire; some stationed themselves on the steps of public buildings, while others mounted scaffoldings erected for the purpose of commanding a view of the show. The temples were all thrown open, garlands of flowers decorated every shrine and image, and incense smoked on every altar (Plut. *Aem. Paul.* 32; Ov. *Trist.* iv. 2, 4). Meanwhile the general, who had passed the night in the Campus Martius (Joseph. *B. J.* vii. 5, 4), addressed his soldiers in a *contio*, and announced the rewards that were to be distributed to the officers and men (Liv. x. 30, 46; xxx. 45, 3; xxxiii. 23, &c.; Plin. *H. N.* xxxvii. § 16; Dio Cass. xliii. 21).

The procession was then marshalled in the Campus, where it was met by the senate and magistrates (Josephus, *l. c.*). Generally the following order was preserved, but naturally there were variations under special circumstances (a good instance of such is the triumph of Aurelian, described in *Vita Aurel.* 33).

1. The magistrates and senate (Dio Cass. li. 21, 9).

2. Trumpeters (*tubicines:* Plut. *Aem. Paul.* 33; Appian, *Pun.* 66).

3. The tangible results of the victory, including spoils of armour, objects materially or artistically valuable, representations of conquered countries, cities, rivers, &c., by means of pictures, models, and allegorical figures (Liv. xxvi. 21, 7; Cic. *Phil.* viii. 6, 18; Tac. *Ann.* ii. 41; Plin. *H. N.* v. § 5. In one of the inner reliefs on the Arch of Titus all the bearers of these are represented wearing laurel wreaths), together with boards on which were painted the names of the vanquished nations and countries. With these were displayed the golden crowns presented to the general by the towns of the conquered province (Liv. xxvi. 21, xxxiv. 52; Plut. *Aem. Paul.* 34. In earlier times they were of laurel: Gell. v. 6, 7).

4. The white oxen destined for sacrifice, with gilded horns, decorated with *vittae* and *serta*, attended by the priests with their implements, and followed by the Camilli, bearing in their hands *paterae* and other sacred vessels and instruments (Plut. *Aem. Paul.* 33).

5. The principal captives in chains (*e.g.* Perseus, Jugurtha, Vercingetorix, Zenobia. The dead Cleopatra was represented by an image: Dio Cass. li. 21, 8).

6. The lictors of the general in red tunics, their fasces wreathed with laurel (Appian, *Pun.* 66. The fasces were probably without the axes: so in the relief of the Arch of Titus. See, however, Mommsen, *Staatsr.* i. 129; LICTOR, p. 66 *a*).

7. *Citharistae* or *ludiones*, dancing and singing as if in exultation over the conquered enemy (Appian, *l. c.*: cf. Dionys. vii. 72).

8. The general himself, in a chariot of circular form (Zon. vii. 21), drawn by four horses.

Triumphal chariot: from a relief. (Montfaucon, *Ant. Exp.* iv. pl. cv.)

As to the use of white horses, *v. sup.* After Camillus (Liv. v. 23; Dio Cass. lii. 13; Plut. *Cam.* 7), we hear of no general venturing to introduce them till Caesar (Dio Cass. xliii. 14, 3), but his example appears to have been regularly followed by the emperors (Suet. *Nero*, 25; Plin. *Pan.* 22. The Augustan poets mention it as an ordinary detail: Ovid, *A. A.* i. 214; Propert. v. 1, 32). Both chariot and horses were adorned with laurel (Suet. *Aug.* 94; Ov. *Ex Pont.* ii. 1, 58; Flor. i. 5, 6; Zon. vii. 8). In the 3rd century, if the triumph was over the Parthians (*triumphus Persicus*), the chariot was drawn by four elephants (*Vita Alex. Sev.* 57, 4; *Gord. Tert.* 27, 9; and cf. the coin of Diocletian and Maximian described in Cohen, *Médailles Impériales*, vi. p. 479, 3). Pompey had unsuccessfully attempted to gain permission for this at his African triumph (Plut. *Pomp.* 14: cf. Marquardt, *Staatsverwaltung*, ii. p. 586, note 7). Incense was burnt in front of the chariot (Appian, *Pun.* 66). The dress of the general (*v. sup.* as to its general character) consisted of a flowered tunic (*tunica palmata*) and gold embroidered robe (*toga picta*), both of purple (Plut. *Aem. Paul.* 34; Liv. x. 7, 9). In his right hand he carried a laurel bough (Plut. *Aem. Paul.* 32; Plin. *H. N.* xv. § 137), and in his left an ivory sceptre crowned by an eagle (Dionys. iii. 61, v. 47; Val. Max. iv. 4, 5; Juv. x. 43). In early times his body seems to have been painted red (Plin. *H. N.* xxxiii. § 111, and *v. sup.*). On his head was a wreath of laurel (Plin. *H. N.* xv. § 137). Behind him stood a public slave, holding over his head the heavy golden crown of Jupiter, made in the form of an oak-wreath (Juv. x. 39; Plin. *H. N.* xxxiii. § 11, xxxviii. § 7; Zon. vii. 21; Tertull. *de Cor.* 13). That this culmination of human and almost divine honours might not provoke the evil consequences of pride, *invidia*, and the evil eye, an amulet (*fascinus*) was worn by him or was attached to the chariot, together with a little bell and a scourge (Plin. *H. N.* xxviii. § 39; Zon. vii. 21; Macrob. *Sat.* i. 6, 9); and the slave who rode beside him whispered in his ear, "Respice post te, hominem te memento" (Tertull. *Apol.* 33, confirmed by Arrian, *Diss. Epict.* iii. 24, 85, and Plin. *H. N.* l. c.: cf. Juv. x. 41). We can hardly suppose that the slave was present in the case of an emperor. The monuments almost invariably show a figure of Victory beside the emperor in the chariot, holding a crown of laurel over his head. A state chair (*sella*) also appears to have belonged to the triumphator, for such is mentioned in connexion with the other triumphal distinctions (Liv. x. 7, 9; Dio Cass. xliv. 6; Suet. *Jul.* 76; Mommsen, *Staatsr.* i. p. 423). His children who were under age (of both sexes) rode with him in the chariot or on the horses (Liv. xlv. 40, 8; Val. Max. v. 7, 1; 10, 2;—Tac. *Ann.* ii. 41; *Vita M. Ant. Phil.* 12, 10; Cic. *pro Mur.* 5, 11; Suet. *Tib.* 6). His grown-up sons rode behind (Liv. xlv. 40, 4) after the *apparitores* (Appian, *Pun.* 66), together with his *legati* and *tribuni* (Cic. *in Pis.* 25, 60; Appian, *Mithr.* 117). Then sometimes came the Roman citizens whom he had rescued from slavery by his victory, in the character of freedmen (Liv. xxx. 45, 5; xxxiii. 23, 6; xxxiv. 52, 12). The rear was brought up by the whole body of the infantry in marching order, their spears adorned with laurel (Plin. *H. N.* xv. § 133), shouting *Io triumphe* (Varro, *L. L.* v. 7; Hor. *Od.* iv. 2, 49; Tibull. ii. 6, 121), and singing songs which contained the praises of the general as well as the coarsest ribaldry at his expense (Liv. iv. 20; 53, 11, &c.;—Suet. *Jul.* 49, 51; Mart. i. 5, 3; other references given in Marquardt, *Staatsverw.* ii. p. 588, note 2. See also Munro, *Criticisms and Elucidations of Catullus*, p. 90).

The procession entered the city by the Porta Triumphalis [Cic. *in Pis.* 23, 55. It seems to have been between the Temple of Isis and the Circus Flaminius (Joseph. *B. J.* vii. 5, 4), and was apparently only opened on these occasions, as there was a special resolution of the senate in the case of the funeral of Augustus, Tac. *Ann.* i. 8]. Here sacrifices were offered to certain deities (Joseph. *B. J.* vii. 5, 4). It then passed through the Circus Flaminius, and through or at least near the theatres in the same region, as affording places for the crowds of spectators (Plut. *Lucull.* 37, Joseph. *B. J.* l. c.), and probably entered the city proper by the Porta Carmentalis, as we know that the Velabrum (apparently the Vicus Tuscus) and Forum Boarium were traversed (Suet. *Jul.* 37; Cic. *Verr.* i. 59, 154). The circuit of the Palatine hill was then made by the Circus Maximus (Cic. *l. c.*; Plut. *Aem. Paul.* 32), and the road between the Palatine and the Caelian, at the end of which the Via Sacra was reached, which conducted the procession to the Forum (Hor. *Od.* iv. 2, 35; *Epod.* 7, 8). The route probably passed along the south side of the Forum (Jordan, *Capitol, Forum, und Sacra Via*, Berlin, 1881). From the end of the Via Sacra started the Clivus Capitolinus, and as the general was about to ascend this the principal captives were led aside into the adjoining prison, and there put to death (Cic. *Verr.* v. 30, 77; Liv. xxvi. 13; Trebell Poll. *Trig. Tyr.* 22. Originally such were beheaded with the axe; in later times they were strangled: cf. Liv. xxvi. 13, 15, with Trebell. Poll. *Trig. Tyr.* 22, 8, and see Mommsen, *Staatsr.* i. 129). To spare the lives of such captives was exceptional. The earliest case is that of Perseus, spared by Aemilius Paulus (Plut. 37), whose example was followed by Pompey (Appian, *Mithr.* 117), Tiberius in his Pannonian triumph of A.D. 12 (Ov. *ex Pont.* ii. 1, 45), and Aurelian in the case of Zenobia (Trebell. Poll. *Trig. Tyr.* 30, 27). The sacrifice in the temple could not begin until the execution had taken place (Joseph. *B. J.* vii. 5, 6).

The general then ascended to the Capitol (Alexander Severus went on foot, *Vita*, 57, 4). When the temple was reached, the laurel branch and the wreaths of the fasces were deposited in the lap of the god (Sen. *Consol. ad Helv.* 10; Plin. *H. N.* xv. § 40; Plin. *Pan.* 8; Sil. Ital. xv. 118; Stat. *Silv.* iv. 1, 41; Pacatus, *Paneg. in Theod.* 9, 5), and in later times a palm branch (cf. Marquardt, *Staatsverw.* ii. p. 589, note 2). Then the victims were sacrificed. The *insignia triumphi*, i.e. the most notable spoils (*e.g.* the recovered standards of Crassus, Dio Cass. liv. 83, and no doubt those of Varus, Tac. *Ann.* ii. 41), were afterwards placed in the temple of Mars Ultor (Suet. *Aug.* 29). Finally, the general with the senate was entertained at a public feast in the temple (Liv. xlv. 39). It was the practice to invite the consuls to this banquet, and then to send a message requesting them not to come, in order, doubtless, that the triumphator might be the most distinguished person in the company (Plut. *Quaest. Rom.* 80; Val. Max. ii. 8, 6). A similar entertainment was provided for the soldiers, and for the citizens in the temple of Hercules (Plut. *Lucull.* 37; Athen. v. p. 221 f).

The whole of the proceedings, generally speaking, were brought to a close in one day; but when the quantity of plunder was very great, and the troops very numerous, a longer period was required for the exhibition. Thus the Macedonian triumph of Flaminius continued for three days in succession (Liv. xxxix. 52; cf. Plut. *Aem. Paul.* 32).

The honours of the triumphator did not end with the day. At public spectacles he appeared with the laurel wreath (Plin. *H. N.* xv. § 126; Val. Max. iii. 6, 5), and in exceptional cases in the *vestis triumphalis* (e.g. L. Aemilius Paulus and Pompey; Auctor, *de Vir. ill.* 56; Vell. ii. 40). It was customary to provide him at the public expense with the site for a house, such mansions being called *triumphales domus* (Plin. *H. N.* xxxvi. § 112). His name was inscribed in the *Fasti Triumphales* (*C. I. L.* i. p. 453); he was allowed to decorate the entrance to his house with trophies (Plin. *H. N.* xxxv. § 7; Cic. *Phil.* ii. 28; Liv. x. 7, 9); and a laurel-wreathed statue standing erect in a triumphal car, displayed in the *vestibulum*, transmitted his fame to posterity (Juv. viii. 3). Finally, after death, his ashes might be deposited within the walls of the city (Plut. *Quaest. Rom.* 79; Mommsen, *Staatsr.* i. p. 426, note 1).

Triumphus in Monte Albano consisted in a procession to the temple of Jupiter Latiaris on the Alban Mount. It took place *jure con-*

sularis imperii (Liv. xxxiii. 23, 3), *sine publica auctoritate* (Liv. xlii. 21, 7), but was only resorted to in case of the refusal of a regular triumph by the senate, and was regarded as an inferior distinction (Liv. xxxiii. 23). Although it was recorded in the *Fasti Triumphales*, it was not equivalent to a triumph in the city; for when Marcellus in B.C. 211 was refused the greater but allowed the lesser triumph (*ovatio*), he still celebrated a triumph on the Alban Mount on the day before the ovation (Liv. xxvi. 21, 6). The first instance was C. Papirius Maso in B.C. 231 (Plin. *H. N.* xv. § 126; Val. Max. iii. 6, 5), and his example was followed by many others (Liv. xxvi. 21, 6; xxxiii. 23, 3; xlii. 21, 7; xlv. 38;—Plut. *Marc.* 22).

Triumphus Navalis.—The earliest on record was celebrated by C. Duilius for his naval victory over the Carthaginians in B.C. 260 (Liv. *Ep.* xvii.; Flor. i. 8, 10; Plin. *H. N.* xxxiv. § 20). Other instances are M. Aemilius Paulus in B.C. 254 (Liv. xlii. 20, 1), C. Lutatius Catulus in B.C. 241 (Val. Max. ii. 8, 2), Q. Fabius Labeo in B.C. 189 (Liv. xxxvii. 60, 6), Cn. Octavius in B.C. 167 (Liv. xlv. 42, 2); and see the *Fasti Triumphales* for the years 497, 498, 513, 526. Of its special details nothing is known. C. Duilius and M. Aemilius Paulus erected *columnae rostratae* to commemorate their victories (Liv. xlii. 20, 1).

Triumphus Castrensis.—A procession of the soldiers through the camp in honour of an officer, inferior to the general, who had performed a brilliant exploit (Liv. vii. 36).

Under the Empire, when the monarch became the sole possessor of the imperium and all commanders were only legati acting under his auspices, the condition stated above as to the possession of the imperium was strictly applied, and the precedent created by Caesar in favour of his legati was only followed by Augustus at the beginning of his reign (Dio Cass. liv. 12; Suet. *Aug.* 38). Even in the case of the holders of the secondary *proconsulare imperium*, the triumph became rare, and then only if they were members of the imperial family (Dio Cass. liv. 24 gives B.C. 14 as the date of the change, when Agrippa refused a triumph as he had done in B.C. 19, Dio Cass. liv. 11). Triumphs were celebrated by Tiberius (B.C. 7, Vell. ii. 97, Dio Cass. lv. 6; and A.D. 12, Vell. ii. 121, Suet. *Tib.* 20), Germanicus (A.D. 26, Tac. *Ann.* ii. 41), and Titus (A.D. 71, associated with his father, Suet. *Tit.* 6). Up to the time of Caligula the proconsuls of Africa held a kind of independent position with an imperium of their own, and they no doubt retained the rights and practices of the republican magistrates with regard to the triumph. Triumphs of such are recorded for B.C. 21 and 19 (Mommsen, *Staatsr.* i. 127, note 5; 132, 133, notes 1 and 2; *Res Gestae D. Aug.* p. 21).

Under these circumstances the custom was introduced of bestowing the *ornamenta triumphalia*, i.e. the right to appear on festivals in so much of the triumphal dress as generals had been allowed to retain under the Republic (viz. the laurel wreath, *v. sup.* Cf. Mommsen, *Staatsr.* i. 422, 423; Marquardt, *Staatsverw.* ii. 591. At the triumph of Claudius in A.D. 44 M. Crassus Frugi appeared in the *tunica palmata*, but this was an exceptional honour; the others who obtained the ornamenta on that occasion wore the *praetexta:* Suet. *Claud.* 17; cf. Dio Cass. li. 20, 2), and, after the completion of the Forum of Augustus in B.C. 2, to have a bronze statue (*statua laureata*) erected there (Dio Cass. lv. 10. Cf. Tac. *Ann.* iv. 23: perhaps to be distinguished from the *statua triumphalis*, Plin. *H. N.* xxxiii. § 131; Tac. *Ann.* xv. 72, *Hist.* i. 79, *Agr.* 40; Plin. *Ep.* ii. 7; Peine, *de Ornamentis Triumphalibus*, c. iv.). Like the triumph, they were decreed by the senate sitting in the temple of Mars Ultor (Dio Cass. lv. 10; Suet. *Aug.* 29). The senate only is generally said to grant the honour (Tac. *Ann.* ii. 52; *Hist.* iv. 4), and even to the emperor himself (Suet. *Claud.* 17); but in the inscriptions of the time of Vespasian and later the words *auctore imperatore* are generally added, and perhaps this was the case earlier (Tac. *Ann.* iii. 72, *Agr.* 40; Dio Cass. lx. 23, 2: cf. Mommsen, *Staatsr.* i. 450, note 3). Under Augustus they appear to have been granted only if the conditions for a regular triumph were in existence (but cf. Dio Cass. li. 20, 2), excepting of course the independent imperium. According to Suetonius (*Tib.* 9), Tiberius was the first to receive them, and there were numerous other instances in the reign of Augustus (Suet. *Aug.* 38). Afterwards, owing to the indiscriminate bestowal of the honour by the Julian emperors (Tiberius rewarded *delators* with it, Dio Cass. lviii. 16: cf. Tac. *Ann.* xi. 20, 3, xii. 3, 2; Suet. *Claud.* 24; *Nero*, 15;—Dio Cass. lx. 23, 2; 31. 7), it was no longer regarded as such (Tac. *Ann.* xiii. 53). Vespasian seems to have restored its position for a time (Marquardt, *Staatsverw.* ii. 592), but the abuses reappeared under Domitian (Plin. *Ep.* ii. 7). The last instance known is of the time of Hadrian (*C. I. L.* iii. 2830). Forty-eight in all have been collected by Peine. In the time of the Antonines and later, when the full triumphal dress was regularly worn by every consul on entry into office and other state occasions (Mommsen, *Staatsr.* i. 399, and note 4), the only military distinction that remained was a *statua inter triumphales*, i.e. in the Forum of Trajan or some other public place reserved for such memorials (*C. I. L.* vi. 1377, 1540, &c.: cf. Trebell. Poll. *Trig. Tyr.* 21. See generally Mommsen, *Staatsr.* i. 449; Marquardt, *Staatsverw.* ii. 592; Peine, *de Ornamentis Triumphalibus*, Berlin, 1885).

The last triumph recorded is that of Diocletian in A.D. 302 (Eutrop. 9, 27. Marquardt. *Staatsverw.* ii. 591, n. 7, considers the so-called triumph of Belisarius after the recovery of Africa to have been rather a *processus consularis:* Procop. *B. Vand.* 2, 9). The total number of triumphs upon record down to this period amounts to about 350 (Orosius, vii. 9, reckons 320 from Romulus to Vespasian).

After the triumph had assumed its distinctive form, it seems to have been taken as the type of a festival procession in which any of the chief magistrates took part, and hence the procession of the Praetor Urbanus in the Circus Maximus before the games of Apollo was modelled on it (Juv. x. 36 *sqq.*, xi. 194, *similis triumpho*),—a fact which Mommsen is inclined to attribute to the original connexion between the *ludi* and the triumph, both being parts of the public rejoicings after a victory (*Staatsr* i.

p. 397). It is remarkable that the same idea seems to have influenced the funeral procession of Augustus. (It passed through the Porta Triumphalis, an image of Victory accompanied the bier, and boards inscribed with the names of the peoples he had conquered were carried. See Tac. *Ann.* i. 8, 4; Suet. *Aug.* 100.) Under the Empire the triumphal costume became an official imperial dress (as early as Pompey, Vell. ii. 40). Caesar appears to have intended to use it on every public occasion (Dio Cass. xliv. 4; cf. Plut. *Caes.* 61), but Augustus and his successors wore it only at festivals and spectacles. (Domitian, however, more freely: Dio Cass. lxvii. 4, 3; Mommsen, *Staatsr.* i. pp. 401, 423.) Its use by the consuls when they entered upon their office has been mentioned above.

[G. Mᶜ. N. R.]

TRIUMVIRI. [TRESVIRI.]

TROCHUS (*τροχός, κρίκος*), a hoop (Artemid. i. 55;—Ov. *Trist.* iii. 12, 19; *Art. Am.* iii. 338, &c.). The Greek and Roman boys used to exercise themselves like ours by trundling a hoop. It was a bronze ring, and had sometimes bells attached to it (Mart. xi. 21, 2; xiv. 168, 169). It was propelled by means of a hook with a wooden handle, called *clavis* (Propert. iv. 14) and *ἐλατήρ*. From the Greeks this custom passed to the Romans, who consequently adopted the Greek term (Hor. *Carm.* iii. 24, 57). The hoop was used at the GYMNASIUM (Propert. *l. c.*; Ovid, *Trist.* ii. 485); and therefore, on one of the gems in the Stosch Collection at Berlin, which is engraved in the subjoined woodcut, it is accompanied by the vase of oil and the laurel branch, the signs of effort and of victory. On each side of this we have represented another gem from the same collection. Both of these exhibit naked youths trundling the hoop by means of the hook or key. These show the size of the hoop, which in the middle figure has also three small rings or bells on its circumference. (Winckelmann, *Desc. des Pierres Gravées*, pp. 452–455.)

Hoops, from ancient gems.

On the use of *τροχὸς* to denote the potter's wheel, see FICTILE. (Blümner, *Privataltertk.* 293; Marquardt, *Privatleben*, 836.)

[J. Y.] [G. E. M.]

TROJAE LUDUS [more frequently known as *Troja*, in the phrase *Trojam ludere*; in Greek *τὴν Τροίαν ἱππεῦσαι*, Dio Cass. xlix. 43; in Suet. *Cal.* 18, *Trojae decursio*; in Tac. *Ann.* xi. 11, *ludicrum Trojae*], an equestrian sham-fight, performed in the Circus Maximus by boys of high rank (sons of senators, according to Dio Cass. *l. c.*). It was supposed to represent an exercise introduced by Aeneas and the Trojans after their landing in Italy, and celebrated afterwards by Ascanius at Alba (Verg. *Aen.* v. 597). The earliest mention in historical times is the celebration by Sulla in his dictatorship B.C. 81 (Plut. *Cat.* 3, where it is called *παιδικὴ καὶ ἱερὰ ἱππασία ἣν καλοῦσι Τροίαν*): the two boyish leaders on this occasion were Aemilius Scaurus, stepson of Sulla, and Cato the younger. Similarly Julius Caesar, when he returned in triumph to Rome and dedicated the temple of Venus, celebrated *τὴν ἱππασίαν τὴν Τροίαν καλουμένην παίδων τῶν εὐπατρίδων κατὰ τὸ ἀρχαῖον* (Dio Cass. xliii. 23): from the last word it may be inferred that it was a custom older than Sulla, in fact of unknown antiquity, as we should imagine from the traditions connected with it. Augustus celebrated it certainly twice: first in B.C. 27 (Dio Cass. xlix. 43; li. 22; liii. 1; liv. 26), on which occasion Tiberius at the age of 15 was "ductor turmae puerorum majorum" (Suet. *Tib.* 6); secondly at the dedication of the temple of Marcellus, B.C. 12, when his grandson Gaius took a chief part. He then discontinued the celebration because Asinius Pollio complained in the senate that it was a dangerous sport, in which his grandson Aeserninus had broken his leg (Suet. *Aug.* 43). Caligula celebrated it in the first year of his reign when he dedicated the temple of Augustus, and again at the funeral games of Drusilla: and of Nero's boyhood we are told that he often "Trojam lusit" up to the age of 11 (Suet. *Ner.* 7).

The method of celebration may be gathered from Verg. *Aen.* v. 553–603. In this account the Trojan boys are first marshalled in three squadrons of twelve each, under Ascanius, Priamus (son of Polites), and Atys. They come forward ceremoniously, much as the gladiators did, or as the performers in a modern bull-fight do now, to salute the spectators before the combat begins: then they break up their triple formation, and, forming into two equal bands, retire to opposite stations. Such we take to be the meaning of "discurrere pares" and "diductis solvere choris": the *agmen* is the processional line in the opening ceremony; the *chori* the two opposing squadrons. After this, they charged and retired with evolutions so complicated that they seemed to Virgil (supposing him to be an eye-witness of what he describes) comparable to nothing but the Cretan Labyrinth or troops of dolphins at play. It is hard to explain why Virgil introduces the difficulty of three leaders and three companies. In all historical accounts there were two: in the earliest (in the time of Sulla) it is expressly said that there could be only two leaders; and when three candidates appeared, Scaurus, Cato, and Sextus Pompeius, it was necessary that one should retire (Plut. *Cat.* 3): similarly in Tac. *Ann.* xi. 11 we find two leaders named, Britannicus and Domitius. We can hardly doubt that Virgil, under cover of the story of Aeneas, is describing what he actually saw, and this must have been the celebration in B.C. 27. In that contest we know from Suet. *Tib.* 12 that Tiberius was one leader, and from the same chapter it may be inferred that Marcellus was another. We may surmise that Virgil introduced this elaborate account for the same reason which led him to bring in the touching allusion to Marcellus in *Aen.* vi. There may have been a third leader in the preliminary display on that occasion, to give distinction to Sextus Appuleius, the son of Augustus's colleague in the consulship, who, as appears from Tac. *Ann.* ii. 50, afterwards married Marcella, daughter of Octavia. Assuming then that in the real celebration of B.C. 27 there were three leaders for the procession, and that for the combat two lines were formed according to custom under Tiberius and Marcellus, we may suppose that Virgil makes three corresponding leaders in his *Troja*, viz. Julus and Atys out of compliment to Augustus, and a Priamus as appropriate to the Trojan game. [G. E. M.]

TROPAEUM (**τρόπαιον**), a trophy, a sign and memorial of victory, which was erected on the field of battle where the enemy had turned (**τρέπω, τροπή**) to flight, and, in case of a victory gained at sea, on the nearest land. The expression for raising or erecting a trophy is **τροπαῖον στῆσαι** or **στήσασθαι**, to which may be added a genitive with or without **ἀπὸ** or **κατά**. The trophy was often left standing for a number of years (see Thuc. iv. 67, v. 10; and the passages of Pausanias cited below).

When the battle was not decisive, or each party considered it had some claims to the victory, both erected trophies (Thucyd. i. 54, 105; ii. 92). Trophies usually consisted of the arms, shields, helmets, &c., of the enemy that were defeated; and from the descriptions of Virgil and other Roman poets, which have reference to the Greek rather than to the Roman custom, it appears that the spoils and arms of the vanquished were placed on the lopped trunk of a tree, which was fixed on an elevation (Verg. *Aen.* xi. 5; Serv. *ad loc.*; Lucan, i. 135; Stat. *Theb.* iii. 707; Juv. x. 133; Mayor *ad loc.*). It was consecrated to some divinity with an inscription (**ἐπίγραμμα**), recording the names of the victors and of the defeated party (Eurip. *Phoen.* 583; Schol. *ad loc.*; Paus. v. 27, § 7; Verg. *Aen.* iii. 288; Ovid, *Ar. Am.* ii. 744; Tac. *Ann.* ii. 22); whence trophies were regarded as inviolable, which even the enemy were not permitted to remove (Dio Cass. xlii. 58). Sometimes, however, a people destroyed a trophy, if they considered that the enemy had erected it without sufficient cause, as the Milesians did with a trophy of the Athenians (Thucyd. viii. 24). That rankling and hostile feelings might not be perpetuated by the continuance of a trophy, it seems to have been originally part of Greek international law that trophies should be made only of wood and not of stone or metal, and that they should not be repaired when decayed (Plut. *Quaest. Rom.* c. 37, p. 273 c; Diod. xiii. 24). Hence we are told that the Lacedaemonians accused the Thebans before the Amphictyonic council, because the latter had erected a metal trophy (Cic. *de Invent.* ii. 23, 69). It was not, however, uncommon to erect such trophies. Plutarch (*Alcib.* 29, p. 207 d) mentions one raised in the time of Alcibiades, and Pausanias (ii. 21, § 9; iii. 14, § 7; v. 27, § 7) speaks of several which he saw in Greece. (Wachsmuth, *Hell. Alt.* vol. ii. pt. i. p. 424, 1st ed.; Schömann, *Ant. Jur. Publ. Graec.* p. 370; Droysen, *Gr. Kriegsalterth.* p. 94.)


Trophy of Augustus. (*Mus. Capitol.* i. tav. v.)

The trophies erected to commemorate naval victories were usually ornamented with the beaks or acroteria of ships [ACROTERIUM; ROSTRA]; and were generally consecrated to Poseidon or Neptune. Sometimes a whole ship was placed as a trophy (Thucyd. ii. 84, 92).

The Macedonian kings never erected trophies, for the reason given by Pausanias (ix. 40, § 4), and hence the same writer observes that Alexander raised no trophies after his victories over Dareius and in India. The Romans too, in early times, never erected any trophies on the field of battle (Florus, iii. 2), but carried home the spoils taken in battle, with which they decorated the public buildings, and also the private houses of individuals. [SPOLIA.] Subsequently, however, the Romans adopted the Greek practice of raising trophies on the field of battle: the first trophies of this kind were erected by Domitius Ahenobarbus and Fabius Maximus in B.C. 121, after their conquest of the Allobroges, when they built at the junction of the Rhone and the Isara towers of white stone, upon which trophies were placed adorned with the spoils of the enemy (Florus, *l. c.*; Strabo, iv. p. 185). Pompey also raised trophies on the Pyrenees after his victories in Spain (Strabo, iii. p. 156; Plin. *H. N.* iii. § 18; Dio Cass. xli. 24; Sall. *ap.* Serv. *in* Verg. *Aen.* xi. 6); Julius Caesar did the same near Zela, after his victory over Pharnaces (Dio Cass. xlii. 48), and Drusus, near the Elbe, to commemorate his victory over the Germans (Dio Cass. li. 1; Florus, iv. 12). Still, however, it was more common to erect some memorial of the victory at Rome than on the field of battle. The trophies raised by Marius to commemorate his victories over Jugurtha and the Cimbri and Teutones, which were cast down by Sulla and restored by Julius

Coin of M. Furius Philus.

Caesar, must have been in the city (Suet. *Jul.* 11). In the later times of the Republic, and under the Empire, the erection of triumphal arches was the most common way of commemorating a victory, many of which remain to the present day. [ARCUS.] We find trophies on the Roman coins of several families. The above coin of M. Furius Philus is an example; on the reverse, Victory or Rome is represented crowning a trophy. [W. S.] [G. E. M.]

TRO'SSULI. [EQUITES, Vol. I. p. 755.]

TRULLA. 1. A ladle for stirring and skimming (=τορύνη), in which sense *trua* also is used.

2. *Trulla vinaria*, a sort of ladle used like a cyathus for taking wine from the crater (Varro, *L. L.* v. 118; Cic. *Verr.* iv. 27, 62; Hor. *Sat.* ii. 3, 144). It probably differed from the cyathus in having a shallower and flatter bowl at the end of its long handle (*manubrium*). The material was various, wooden or copper (Cat. *R. R.* 13), silver (Cic. *l. c.*), or *murrhina* (Plin. *H. N.* xxxvii. § 20). The passage in Mart. ix. 97 is altogether incompatible with the notion (for which there is no authority) that the trulla had holes like a strainer.

3. A mason's trowel for plastering walls, whence *trullisare* (Pallad. *R. R.* i. 13; Isid. *Orig.* xix. 18). This meaning also negatives the idea of its being perforated. [J. Y.] [G. E. M.]

TRU'LLEUM. [PELVIS.]

TRU'TINA. [STATERA.]

TUBA (σάλπιγξ), a bronze trumpet, distinguished from the *cornu* by being straight while the latter was curved. Thus Ovid (*Met.* i. 98):

> "Non tuba directi non aeris cornua flexi."

(Cf. Vegetius, iii. 5.) Forcellini in his Lexicon (s. v. *Tuba*) is mistaken in supposing that Aulus Gellius (v. 8) and Macrobius (*Sat.* vi. 8), who copies him, intend to affirm that the tuba was crooked. The words of the former do not mean that both the lituus and the tuba were crooked, but that both that kind of trumpet which was called a lituus and also the staff of the augur were crooked, and that it was doubtful which of the two had lent its name to the other. [LITUUS.]

The σάλπιγξ or tuba was employed in war for signals of every description (Thuc. v. 10, vi. 69; Xen. *Anab.* iv. 4, 22; Tac. *Hist.* ii. 29; Caesar, *B. C.* iii. 46; Liv. xxxix. 27). Droysen remarks that the only passage in a Greek historian where κέρας appears to be used for a Greek military signal is Xen. *Anab.* ii. 2, 4; and that there κέρατι is interpolated from *Cyrop.* v. 3, 45. As regards Roman military signals with tubae, cornua and bucina, see EXERCITUS, Vol. I. p. 801.

The trumpet was used also at the games and public festivals (Juv. vi. 249, x. 214; Verg. *Aen.* v. 113; Ovid, *Fast.* i. 716), also at the last rites to the dead (*hinc tuba, candelae*, Pers. iii. 103; Verg. *Aen.* xi. 191; Ovid, *Heroid.* xii. 140), and Aulus Gellius (xx. 2) tells us that those who sounded the trumpet at funerals were termed *siticines*, and used an instrument of a peculiar form. The tones of the tuba are represented as of a harsh and fear-inspiring character (*fractos sonitus tubarum*, Verg. *Georg.* iv. 72; *terribilem sonitum aere canoro*, *Aen.* ix. 503), which Ennius (Serv. *ad* Verg. *Aen.* ix. 503; Priscian, viii. 18, 103, ed. Krehl) endeavoured to imitate in the line

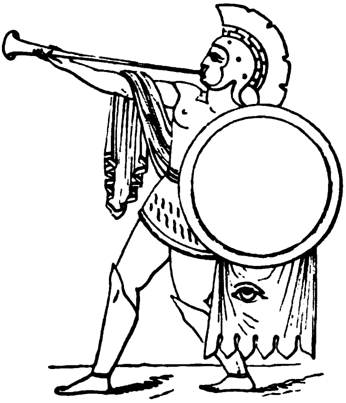
> "At tuba terribili sonitu *taratantara* dixit."

The invention of the tuba is usually ascribed by ancient writers to the Etruscans (Athenaeus, iv. c. 82; Pollux, iv. 85, 87; Diodor. v. 40; Serv. *ad* Verg. *Aen.* viii. 516; Clem. Alex. *Strom.* i. p. 306), and the epithet ληστοσαλπιγκταὶ (*i.e.* robber-trumpeters, Photius and Hesych. *s. v.*; and Pollux, *l. c.*) would seem to indicate that they were equally famous for piracy and trumpeting. It is probable that the σάλπιγξ was of Lydian origin, and was made known in Europe by the Tyrrhenian pirates. It has been remarked that Homer never introduces the σάλπιγξ in his narrative but in comparisons only (*Il.* xviii. 219, xxi. 388; Eustath. and Schol.), which leads us to infer that although known in his time it had been but recently introduced into Greece; and it is certain that, notwithstanding its eminently martial character, it was not until a late period used in the armies of the leading states. By the tragedians its Tuscan origin was fully recognised: Athena in Aeschylus orders the deep-toned piercing Tyrrhenian trumpet to sound (*Eumen.* 567), Ulysses in Sophocles (*Aj.* 17) declares that the accents of his beloved goddess fell upon his ears like the tones of the brazen-mouthed Tyrrhenian bell (κώδωνος, *i.e.* the bell-shaped aperture of the trumpet), and similar epithets are applied by Euripides (*Phoeniss.* 1376, *Heraclid.* 830), and other Greek (Auctor, *Rhes.* 988; Brunck, *Anal.* tom. ii. p. 142) and Roman writers (*Tyrrhenus clangor*, Verg. *Aen.* viii. 526; Stat. *Theb.* iii. 650; *Tyrrhenae clangore tubae*, Silius, ii. 19). According to one account it was first fabricated for the Tyrrhenians by Athena, who in consequence was worshipped by the Argives under the title of Σάλπιγξ (Schol. *ad* Hom. *Il.* xviii. 219; Pausan. ii. 21, § 3); while at Rome the *tubilustrium*, or purification of sacred trumpets, was performed on the last day of the Quinquatrus. [QUINQUATRUS.] In another legend the discovery is attributed to a mythical king of the Tyrrhenians, Maleus, son of Hercules and Omphale (Lutat. *ad* Stat. *Theb.* iv. 224, vi. 404; Hygin. *Fab.* 274; Schol. *ad* Hom. *l. c.*); in a third to Pisaeus the Tyrrhenian (Plin. *H. N.* vii. § 57; Photius,

Soldiers blowing Tubae and Cornua. (From Trajan's Column.)

s. v.), and Silius has preserved a tradition (viii. 490), according to which the origin of this instrument is traced to Vetulonii. (Müller, *Die Etrusker*, iv. 1, 3, 4, 5.)

There appears to have been no essential difference in form between the Greek and Roman or Tyrrhenian trumpets. Both were long, straight bronze tubes gradually increasing in diameter, and terminating in a bell-shaped aperture (*κώδων*), and often having a horn mouth-piece. They present precisely the same appearance on monuments of very different dates, as may be seen from the cuts annexed, the former of which is from Trajan's Column, and the latter from an ancient fictile vase. (Hope, *Costumes of the Ancients*, pl. 156.)



Σαλπιγκτής.

The scholiast on the Iliad (*l. c.*) reckons six varieties of trumpets; but he speaks of metal instruments generally: the first and fifth only are true trumpets with a straight tube; the first he calls the Grecian *σάλπιγξ* which Athena discovered for the Tyrrhenians; the fifth, a Persian trumpet, from its name *καλάμινος*, seems to have been straight like a Greek *σάλπιγξ*, but perhaps slenderer; the sixth, termed by him *κατ' ἐξοχὴν* the *τυρσηνικὴ σάλπιγξ*, he describes as bent at the extremity (*κώδωνα κεκλασμένον ἔχουσα*); but by this we must unquestionably understand the sacred trumpet (*ἱερατικὴ σάλπιγξ*, Lydus, *de Mens.* iv. 6), the *lituus* already noticed at the beginning of this article. (Compare Lucan, i. 431.) Of the others, the second and fourth are not Greek and are of unknown form; the third is a *κάρνυξ*, which was a smaller Gallic trumpet, somewhat bent like the lituus, and ornamented with the head of some animal. (See Cohen, *Méd. Cons.* xix. 3.) Reference may be made for further details to Droysen, *Gr. Kriegsalterth.* 54; Marquardt, *Staatsverw.* ii. 552; K. von Jan, in Baumeister, *Denkmäler*, 1657–1662. [W. S.] [G. E. M.]

TUBILU'STRUM. [QUINQUATRUS.]

TUBUS, TU'BULUS. [FISTULA.]

TUGURIUM, a peasant's hut or cottage (Varro, *R. R.* iii. 1, 3; Cic. *pro Sest.* 43, 93). It is probable that these dwellings in country districts long retained the primitive material for the walls of wooden planks, or sometimes wattles, stuffed with turf. (For the same material *generally* in ancient times, see Fest. *Ep.* p. 12; cf. TABERNACULUM.) The roof was of thatch (Vitruv. ii. 1, 5; Isid. *Orig.* xv. 8, 4; cf. Ov. *Fast.* iii. 184); sometimes of bark (Plin. *H. N.* xvi. § 35). As regards shape, in the earliest times there is no doubt that the hut was circular [for the origin of this shape, see DOMUS, Vol. I. p. 654], with a conical roof covered with thatch, turf, or skins, and kept in place by branches or logs slung over it, as is seen in the pottery "hut-urns," of which an example is given. From this shape was derived that of the Tholos at Athens and the Aedes Vestae at Rome [PRYTANEUM, p. 514 *a*]. How long it was retained for the huts in Italian rural districts it is impossible to say, but we may assume that it was gradually superseded by a rectangular form, though the rude material for the walls and roofs was in the poorer districts unchanged. (Cf. Verg. *Ecl.* i. 69; Marquardt, *Privatleben*, 216.) [G. E. M.]

Hut Urn, from Alba. (British Museum.)

TULLIA'NUM. [CARCER.]

TUMULTUS, TUMULTUA'RII. [EXERCITUS, Vol. I. p. 805 *b*.]

TU'NICA. The *χιτὼν* or *tunica* was a shirt or shift, and served as the chief under-garment of the Greeks and Romans, both men and women.

1. GREEK. In the earliest period, known to us by the finds in pre-historic graves, its use seems to have been unknown, a loin-cloth or apron [SUBLIGACULUM] being its predecessor. In Homer, however, the linen *χιτὼν* had already become part of the regular costume of men, though it was not yet worn by women, who retained the *πέπλος* as their sole garment [PALLA]. That this Homeric *χιτὼν* was of linen and not of wool is shown by many passages and by the epithets used of it. The *locus classicus* is *Od.* xix. 232, where the shirt of Odysseus is said to have shone like an onion skin; to have glistened like the sunlight, and yet to have been soft. Besides *σιγαλόεις* (cf. *Od.* x. 60), the epithets *νηγάτεος* (*Il.* ii. 43), *εὔννητος* (*Il.* xviii. 596), and *εὔκλωστος* (*Hymn. Ap. Pyth.* 25) are applied to it, and all of these apply to linen better than to wool. This *χιτὼν* or shirt was worn under a woollen cloak or mantle [PALLIUM] during the day, but was taken off on going to bed (cf. *Od.* i. 437, of Telemachus, *μαλακὸν δ' ἔκδυνε χιτῶνα*). It was worn

without a cloak indoors (cf. οἰοχίτων, *Od.* xiv. 488), and even outdoors when taking active exercise, as in dancing (*Il.* xviii. 595). It was also worn under the corslet (θώραξ) in time of war (cf. *Il.* iii. 357; vii. 251). This particular form of tunic is called in *Il.* v. 111 (cf. *Il.* xxi. 31) στρεπτὸς χιτών, and the epithet has given much difficulty to all commentators since Aristarchus. He explained it as meaning a coat of scale-armour (cf. Apollon. *Lex.*). Another interpretation, however, was given by Aristonicus, who took στρεπτὸς to mean "well-spun" (cf. Schol. *ad Il.* xxi. 31), and this seems on the whole the more probable meaning (cf. Studniczka, *Beiträge*, p. 63). Of the shape and size of the χιτὼν there are but few decisive hints in Homer. There is the mention of the trailing shirt of Ionians (*Il.* xiii. 685, Ἰάονες ἑλκεχίτωνες: cf. *Hymn. Ap. Del.* 147), but this is commonly held to be a late insertion. All we can say is that the warrior naturally wore a short χιτών, whatever that in ordinary use may have been like. That he used a girdle when wearing it under a coat of mail seems unquestionable, but there is no evidence that it was girded in ordinary life.

The Homeric χιτὼν was made from the linen cloth that came from the household loom, by sewing up the side. It was accordingly an ἔνδυμα (cf. δῦ, *Il.* xviii. 416; δύσατο, *Il.* xxiii. 739; δῦνεν, *Od.* xv. 61; *indutus*), "put on," not wrapped round the body, like the πέπλος of women (cf. PALLIUM). It does not seem, like the later forms, to have been fastened at the shoulders with brooches or pins; at any rate these are not mentioned. The Homeric χιτὼν appears to have been unornamented except for a fringe (cf. τερμιόεις, *Od.* xix. 242), probably left from the weaving, like that on modern towels. [TELA, p. 766*a*.]

In the period which followed the Epic age, the long χιτὼν came into almost universal use as the costume of men in time of peace, and at the same time was adopted by women. The account of how it became part of the costume of the Athenian women is told by Herodotus in a passage (v. 88) explained in the article PALLA. The change was brought about by the adoption of a linen shift worn under the primitive πέπλος. The process seems to have gone even further, and led to the wearing of two shifts, one over the other, for an edict of Solon forbids the wearing of more than three garments by women (Plut. *Sol.* 21, 5). The fashion, even if it is not referred to in this edict, is at least as old as the 6th century, and can be traced on early red-figure vases and statuettes. It is chiefly on these vases that the vast variety of forms which existed in classical times begin to appear. They may be roughly classified as (1) those which are rectangular and have no sleeves, except the half-sleeves formed by gathering the material together with a girdle at the waist; and (2) those which have sleeves added, either of a different piece of stuff or specially woven at the top. Both have the sides sewn up. Taking the first class, there are two main forms,—those in which the top is left open, and the garment fastened on the shoulders by brooches or pins. This shape is shown in fig. 1, which represents a rectangle of cloth, the old πέπλος in fact, with the ends sewn together and the top folded over all round. This fold is not always present, but is very common. It is usually, but erroneously, known to archaeologists as the διπλοΐς or διπλοΐδιον, but it was really called the ἀπόπτυγμα (cf. Böhlau, *de re Vestiaria*, p. 17). The garment was fastened to the shoulders by brooches at *a* and *a′*, *b* and *b′*. If sleeves were wished for, they could be formed by the simple process of pinning up the top from the shoulder downwards, as in fig. 2. In this case, however, there would be no ἀπόπτυγμα. The second form of this class (1) is shown in fig. 4. In it two rectangles of cloth have been sewn together on three sides, in such a way that a sack is formed with a hole in the bottom for the head to go through, and two holes at the sides for the arms. When girdled round the waist, the seams on each side of the neck become sleeves. This is seen on the female figures in the cut from the Harpy Tomb, under THRONUS. The second class (χιτὼν χειριδωτός), where the sleeves were in a separate piece, or at any rate formed by cutting up the rectangular shape, were considered less genuinely Greek than the former. [MANICA.] Thus Herodotus tells as a characteristic of the Persians that they wore sleeves (vii. 61), and even in Roman times, when their

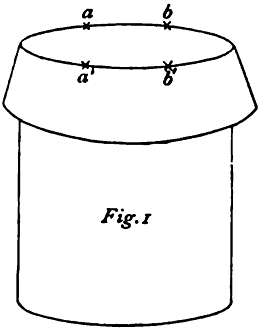


Fig. 2. Statuettes from Herculaneum. (*Mus. Borbon.*)

Fig. 3. Thalia. (British Museum.)

use was universal, it was looked on as in origin a barbaric fashion (Verg. *Aen.* ix. 616). In Art such sleeves form part of the typical Asiatic costume on vase-paintings and other monuments. Yet even in the monuments there are figures like the handmaid on the grave-stone of Thrasiklea, under STELE, with quite tight sleeves. They also are sometimes seen on old men; and, to judge by the inscriptions, in which *χειριδωτὸς χιτωνίσκος* is mentioned, were in common use with women. In later times a sleeved shirt formed part of the traditional costume of the comic actor [see cut under SOCCUS]. It is not easy to give an account of the make of such a garment; but one form of it which belongs to the Hellenistic period, though probably much older, has come down to us in the linen tunics found in the Fayoum. Most of these come from Coptic graves, and many are in a state of perfect preservation. They have been found in such numbers that few large museums are without specimens. The best English collection is at South Kensington. The general shape of the garment as it came from the loom is shown in fig. 5; a kind of cross with very thick vertical and very thin transverse bar. This is folded double and the sides sewn together. The arms of the cross then form sleeves, and form a shirt, the head being thrust through a slit in the centre left while weaving (fig. 6). This form of *χιτὼν* is usually ornamented with two embroidered bands [CLAVUS] falling from the shoulders before and behind, giving the appearance of a surplice and stole seen in front. It is indeed the direct ancestor of the surplice, and may be seen in numberless Roman paintings at Pompeii and elsewhere (cf. cuts under CLAVUS, Vol. I. p. 455 *a*).

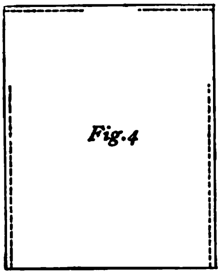


Fig. 4

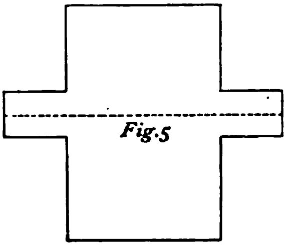


Fig. 5

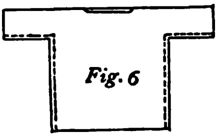


Fig. 6

The methods of wearing these different forms of the *χιτὼν* were very varied. It could be worn long or short, girded or ungirded, alone or in combination, with long or short *ἀπόπτυγμα*. To fix names to the different varieties is a task which so far has baffled scholars and archaeologists, even as far back as Roman times. Thus, for instance, many attempts have been made to discover definite differences between *χιτών*, *χιτώνιον*, and *χιτωνίσκος*, but without success. That they were indefinite, even in classical times, is shown by a glance at the inscription recording the garments in the treasury of Artemis at Brauron (*C. I. G.* i. 155; *C. I. A.* ii. 754). In it *χιτώνιον* is used ten, *χιτὼν* thirteen, and *χιτωνίσκος* thirty times; but in each case defining epithets of colour, material, pattern, shape, and size are added. showing that the difference, if any, cannot have lain in these obvious characteristics. The inscription disposes, if of nothing else, of the view based on Ammonius (p. 148, Valcken.: *χιτωνίσκος μὲν γὰρ ὁ τοῦ ἀνδρὸς χιτών, χιτώνιον δὲ τὸ τῆς γυναικὸς ἔνδυμα*), that the *χιτωνίσκος* was the man's shirt, *χιτώνιον* the woman's shift. The distinction, if there was any, must rather be sought in the use of the diminutive, to prevent a confusion of two shirts or shifts worn one over the other; just as at Rome the *tunica interior* was distinguished from the *stola*.

The epithets in the Brauron inscription, which is the *locus classicus* on the subject, deserve a detailed analysis. First as to colour, there were shifts of white (*λευκός*), purple (*ἁλουργής*), saffron [*κροκωτός*, common as a substantive in Aristophanes, who also uses *κροκωτίδιον*, in every case meaning a *χιτὼν* or *χιτώνιον*, and never a *ἱμάτιον* (PALLIUM), as Hermann (ed. Blümner, p. 188) maintains]; sea-green (*γλαυκειοῦς*), frog-green (*βατραχειοῦς*, cf. *βατραχίς*, a frog-green garment, Arist. *Eq.* 1406), and yellow (*θάψινος*). The material of which they were made was hemp (*στύππινος*), fine flaxen linen (*ἀμόργινος*, cf. Aristoph. *Lys.* 150, *χιτωνίοισι τοῖς ἀμοργίνοις*), and carded wool (*κτενωτός*). They were embroidered (*ποίκιλος*, *περιποίκιλος*, *παραποίκιλος*), and had patterns of stripes (*πυργωτὸς*) and spots (*κατάστικτον*). Some had borders (*περιπηγητός*, *παρυφὴν ἔχει*) of purple (*παραλουργές*, *πλατυαλουργής*), the borders being broad or narrow (*ἡμιυφής*). The epithets referring to the shape and make of the *χιτὼν* are more difficult to explain; the commonest are "double" (*διπλοῦν*) and "single" (*ἁπλοῦν*), and probably signify that the former garment was folded over at the top, forming an *ἀπόπτυγμα*, the latter plain and without this bib-like fold. This explanation would also apply to the difficult word *διπλοΐς*, and its diminutive *διπλοΐδιον*, these simply being doubled shifts of the former kind. If this is so, the *ἡμιδιπλοΐδιον* may be simply a shift of single thickness without the upper fold, or else a doubled one with the *ἀπόπτυγμα* coming down half its length (see second cut under art. AEGIS). Of the remaining epithets in the inscription, the most important are those which mark off two shirts as "a man's" (*ἀνδρεῖος*) and "a boy's" (*καρτὸς παίδειος*).

Turning to the monuments, we find on early black-figured vases (1) that old men wear a long ungirded *χιτὼν* under a *χλαῖνα* (see fig. of Peleus under PALLIUM, p. 318 *b*). This form of *χιτὼν* seems to have been known as the *χιτὼν ὀρθοστάδιος*, which Pollux (vii. 49) says was not girded. This fashion of dress becomes less frequent in later monuments, a short *χιτὼν* reaching down to the knees taking its place. This change is described by Thucydides (i. 6), who says that it was due to a growing simplicity of manners and the adoption of the Spartan style of dress. This was chiefly seen in the adoption of the *τρίβων*, a garment which, being a mantle or plaid rather than a *χιτών*, is to be classed with the *ἱμάτιον*. [PALLIUM; TRIBON.] This long ungirded *χιτὼν ὀρθοστάδιος* remained the professional garb of flute-players and harpers long after it had ceased to be fashionable in ordinary use. The flute-player in the article Capistrum, and the well-known statue of Apollo Citharoedus in the Vatican [see cut on p. 318], both wear it. In early Greek vase-paintings, charioteers also are nearly always represented in this long *χιτών*, leading the older archaeologists in same cases to mistake them for women. Another form of *χιτών*, the short shirt of stout stuff which artisans, labourers, and fishers wore, the *ἐξωμίς*, has been described in an article by itself [Exomis]. It gets its name from the fact that it was worn with one shoulder bare. (2) The women, on the other hand, in archaic art wear the old *πέπλος*: but on early red-figure vases and the female statues discovered in 1886 on the Acropolis at Athens, they are shown wearing a shift under their mantles. Later on in vase-paintings and statuettes of the latter half of the 6th century, some are represented wearing two. This was the custom in Hellenistic times, but is seldom to be traced in the art of the 5th and 4th centuries. This is no doubt due to the artistic elimination which during the best periods of sculpture and painting led the artists to idealise their drapery. When a more realistic school grew up towards the end of the 4th century, the double *χιτὼν* is often seen on female figures, especially on those of the Muses. (See cut on p. 903.) This is the costume which Praxinoa puts on in the famous xvth Idyl of Theocritus, for the feast of Adonis at Alexandria. She receives her visitor in *négligé*, wearing only a *χιτών*, but makes her outdoor toilet by putting on another *χιτὼν* fastened at the shoulders with a brooch (*περονατρὶς*, l. 21; cf. l. 34), and completes it by wrapping a cloak (*ἀμπέχονον*) round her.

It has since the time of Müller been customary to divide the *χιτῶνες* worn by Greek women into two exhaustive divisions, Doric and Ionic. He gave the name of Dorian chiton to the *χιτὼν σχιστός*, which was worn by Spartan girls. This, it has been shown in the article Palla, was the *ἀρχαίη ἐσθὴς* which Herodotus speaks of, identifying it with the *Δωρὶς ἐσθής* (v. 88). It was in fact a survival of the older *πέπλος*. The peculiarity of the Spartan woman was that she wore it alone, being in fact *μονόπεπλος* (Eur. *Hec.* 933) without a *χιτὼν* below. This, as the side was open (*σχιστός*), was considered indecent in the rest of Greece, and many are the sneers in the poets (Eur. *Androm.* 595). The offence against modesty was made even greater by not using a girdle (cf. Soph. *Fr.* 791, *καὶ τὰν νεόρτον, ἃς ἔτ' ἄστολος χιτὼν, θυραῖον ἀμφὶ μηρὸν πτύσσεται, Ἑρμιόναν*, where *ἄστολος* means *ἄζωστος*). It has been remarked in Palla that this garment was not called *χιτὼν* until the 5th century B.C., and it should be noted that Herodotus in this passage is careful to call it *ἐσθής*. It was only because the Spartan women wore it as a single garment that it got the name Dorian. This, however, does not imply that it was unknown in other parts of Greece, where it was worn over an ordinary *χιτών*, and could take several different forms. The distinction between Dorian and Ionic should in fact, if used, refer to material rather than shape; for while the Dorian *χιτὼν* was of wool, the Ionian was of linen. It was from early times characteristic of the peoples of Asia Minor, appearing for instance on archaic monuments, like the statues from the avenue of the temple of Branchidae, now in the British Museum, but had already in the 6th century spread over Greece proper. It was worn even in Sparta, and appears on both men and women on most of the early grave-reliefs found there, so that even on this ground the distinction breaks down.

2. Roman. At Rome, as has been shown in the article Subligaculum, the shirt or tunica was not adopted until a comparatively late date. This is all the stranger when one considers the universality with which the Etruscans of the 5th and 6th centuries B.C. are depicted dressed in it. However, in the last three centuries of the Republic it was an indispensable garment, worn under their cloaks by both men and women.

The man's tunica (*tunica virilis*) was practically identical with the last two forms of the *χιτὼν* described above (figs. 5 and 6), being two pieces of linen or woollen cloth sewn together [cf. Varro, *L. L.* ix. 79, "Non si quis tunicam in usu ita (inusitate) ita consuit ut altera plagula sit angustis clavis, altera latis utraque in suo genere caret analogia": cf. Suet. *Aug.* 94, "Sumenti virilem togam lati clavi resuta ex utraque parte ad pedes decidit"]. Sleeves—that is to say, sleeves down to the wrist—were sometimes worn, but such *tunicae manicatae* (or *manuleatae*) were considered effeminate (Gellius, vi. (vii.) 12: "Tunicis uti virum prolixis utra brachia et usque in primores manus ac prope in digitos Romae atque in omni Latio indecorum fuit. Eas tunicas Graeco vocabulo nostri chirodotas appellaverunt, feminisque solis vestem longe lateque diffusam indecere exstrinaverunt:" cf. Cic. *in Catil.* ii. 10, 22; Suet. *Jul.* 45). Under the Empire, however, such *tunicae* were the ordinary wear of every one (cf. St. Augustine, *de doctr. Chr.* iii. 2, 20, "Talares et manicatas habere apud Romanos veteres flagitium erat nunc autem honesto loco natis, cum tunicati sunt non eas habere flagitium est").

At Rome it was usual to wear two shirts, one over the other, the under being called the *tunica interior* or *subucula*. Both were in the earliest times of wool, and indeed it was not until under the Empire, in the 4th century A.D., that linen was commonly used for making *tunicae*.

The tunica was worn with a girdle fastened round it at the loins, and its length could be varied simply by pulling it through the girdle. Quintilian says that it should just reach below the knees in front and a little lower behind. If however it is a tunica with the latus clavus, it is better to wear it without a girdle at all (xi. 3, 138–9, "Cui lati clavi jus non erit ita cingatur ut tunicae prioribus oris infra genua pallum, posterioribus ad medios poplites usque perveniant. Nam infra mulierum est, supra centuriorum. Ut purpurae recte descendant levis cura est. Notatur interim negligentia. Latum habentium clavus modus est ut sit paullum cinctis summissior:" cf. Suet. *Jul.* 54). For active exercise, when for instance one was travelling (Hor. *Sat.* i. 5, 6), it was girded higher.

Indoors the girdle was thrown aside for the sake of comfort (Hor. *Sat.* ii. 1, 73), but to appear in public without it (*discinctus*), as Maecenas often did (Sen. *Ep.* 114, 4), was considered slovenly (cf. Hor. *Epod.* i. 34, *discinctus nepos*).

It was equally untidy to let one's shirt hang too long, for this savoured of the shop-boy or the woman rather than the gentleman (Plaut. *Pseud.* 1298, "Quis hic homo est cum tunicis longis quasi cauponius?" 1303, "Sane genus hoc muliebriosum est tunicis demissis;" Cic. *pro Cluent.* 40, 111; Hor. *Sat.* i. 2, 25; Propert. v. 2, 38, "Mundus demissis institor in tunicis").

The tunica girt high and tight was the ordinary dress of a slave (Juv. iii. 93, "Horrenti tunicam non reddere servo:" cf. Hor. *Sat.* ii. 8, 70) and of free labourers (Hor. *Ep.* i. 7, 65). If a cloak were worn by the slave, it would be a *sagum* or *paenula*, and Cato, the censor, considered an allowance of one tunica 3½ feet long and one sagum to each slave sufficient for two years. This style of dress is well shown on the figure from Trajan's Column given as an illustration to the article Funda. The tunica of the legionary was practically the same as this, as may be seen from representations of soldiers; the above figure, for instance, from the Arch of Septimius Severus. The shirt worn by ordinary citizens appears in the illustrations on p. 848.


Roman legionary. (From Arch of Severus.)

The *tunica muliebris*, or shift of Roman women, did not differ much from the Greek forms described above. It was the custom, however, to wear two shifts; the upper being called the *stola*, the latter the *tunica interior*, *subucula*, *interula*, or (in late Latin) *camisia*. The article Stola treats of the former, and so it is only the *subucula* which remains to be spoken of. The earliest form of this garment was the Supparum, the first linen garment adopted at Rome. It was worn with sleeves, if the *stola* were without them, but otherwise, except at the neck, is not visible in statues (cf. the statue of Livia in the article Palla), and is in most cases not represented at all. Needless to say, literature is well-nigh silent about it. The *regilla* or *tunica recta* in which the bride was clad on the day of marriage is shown on several sarcophagus-reliefs. It did not differ in shape from that in ordinary use, but, as is explained under Tela (p. 769 *a*), was of a special texture.

(Boehlau, *Quaestiones de re Vestiaria Graecorum*, Weimar, 1884; Studniczka, *Beiträge zur G. d. altgr. Tracht*, Vienna, 1886; Helbig, *Das homerische Epos*, 1887, pp. 115, 175, &c.; W. Müller, *Quaestiones Vestiariae*, Göttingen, 1890; Baumeister, *Denkmäler*, art. Chiton, Toga (Tunica); Iwan Müller, *Handbuch*, *Privataltertümer*, pp. 402, 413, 416, 422, 424, 431, 440, 804, 875, 927; Marquardt, *Privatleben*. See Index, s. v. *Tunica*.) [W. C. F. A.]

TURBO (*στρόβιλος*, *βέμβιξ*), anything that turns round with a whirring noise: hence (1) a top (Cic. *de Fato*, 16, 42; Verg. *Aen.* vii. 378. Tibull. i. 5, 3; Pers. iii. 51). In all these passages the top is a "whipping-top," except in the passage of Cicero, where the argument (see Gell. vii. 2) appears to imply a top which, set going, is left to spin of itself, like a "humming-top." In Greek there seem to be distinct words for the two kinds of tops (cf. Grasberger. *Erziehung*, i. 77–80): *βέμβιξ* is clearly a whipping-top (Aristoph. *Av.* 1461; Cleobul. *ap.* Diog. Laert. i. 82); and it is equally plain that we must take *στρόβιλος* in Plat. *Rep.* iv. p. 436 E and Plut. *Lysand.* 12 to be, like our humming-tops, spun by a string, without the lash to keep it going. We find in Homer (*Il.* xiv. 413) the form *στρόμβος*, which may be either, as far as the sense of the passage guides us, but would naturally be taken as = *στρόβιλος*. *Κῶνος* is given by Photius and Hesychius as a synonym of *στρόβιλος*: but our only description of it refers to the religious use mentioned below (3). The dictionaries give "top" as the meaning of *ῥόμβος*, citing Eur. *Hel.* 1362, where, however, it is clearly not a top, and its use is religious. We doubt if it was ever an equivalent either of *βέμβιξ* or *στρόβιλος*.

(2) Turbo is also used (Cat. 64, 314) for the whorl (*σφόνδυλος*) of a spindle, for which the usual name is *verticillus* [Fusus]. In the five passages of Pliny, which the dictionaries quote for this use of the word (as also in Ov. *Met.* i. 336), a more careful examination will show that *turbo* is there used merely to express a conical shape.

(3) The precise form of the instrument used in religious mysteries and witchcraft, and spoken of as *turbo*, *rhombus*, *κῶνος* and *ῥόμβος*, is a more difficult puzzle. A comparison of the authorities in Latin and Greek leads us to the conclusion that all four are the same thing. which was called *κῶνος* because of its shape and *ῥόμβος* because of the sound which it made. It is described by Clement of Alexandria (*Protrept.* ii. 17 = p. 16) and Arnobius as being used in the mysteries of Dionysus: it was attached by a string and whirled in the air with a rushing noise, as the Scholiast explains (*κῶνος· ξυλάριον οὗ ἐξῆπται τὸ σπαρτίον καὶ ἐν ταῖς τελεταῖς ἐδονεῖτο ἵνα ῥοιζῇ*), with which agrees the passage of Euripides mentioned above, where the *ῥόμβοι* of the Bacchanals are "whirled round in the air." Similarly in the magic use we find the *rhombus* turned to the accompaniment of the incantation (Prop. ii. 28, 35) by means of strings attached to it (cf. "staminea," Id. iii. 6, 26; "licia," Ov. *Am.* i. 8, 7). The uses of the turbo in Hor. *Epod.* xvii. 7 and the rhombus in Mart. ix. 30

are clearly identical. Similarly the metal *ῥόμβος* in Theocr. *Id.* ii. 30 is whirled round while the incantation is sung; but in this instance the ἴυγξ is bound on it (cf. Xen. *Mem.* iii. 11, 17). To this refers the mention in Photius, *ῥόμβος ὃν ἔχουσιν οἱ ἐπιθειάζοντες ὡς τύμπανον*, a misunderstanding of which, and of the Schol. *ad.* Apoll. Rhod. i. 1139, has led to the strange idea that the *ῥόμβος* was sometimes a drum or a tambourine. We may take Photius to mean that the sorcerers used both the rhombus and the tympanum in their conjuring, as in fact the witch in Theocritus does (ii. 36), and as the Bacchanals did.

Mr. Andrew Lang has argued with great ingenuity that the *ῥόμβος* or *κῶνος* in the mysteries resembled the Australian *turndun*, which is whirled round by a string, making a rushing noise, and is used in sacred rites (*Custom and Myth*, pp. 29 ff.). The shape, however, in Greece we must imagine to have been that of a cone or "peg-top," not pointed at both ends like the turndun or "bull-roarer." That in its first origin the *ῥόμβος* or *κῶνος* was a weather-charm seems to us very probable. But we think it less likely that it had to do with raising the wind, which indeed is seldom prayed for, than with attracting the sun. It is possible that a symbolical figure may in some religious uses have been bound upon it, as the ἴυγξ was in some magical practices, and it is easily conceivable that the same method might be employed to draw the heavenly bodies and to draw human beings. There is, no doubt, the simpler explanation that it was used in the mysteries as a plaything merely to represent the childhood of Dionysus (cf. Lobeck, *Aglaophamus*, p. 700); but then we lose all clue to its magic use, and all connexion with the similar customs which Mr. Lang has adduced. [G. E. M.]

TURI'BULUM (*θυμιατήριον*), a censer. The Greeks and Romans, when they sacrificed, commonly took a little frankincense out of the ACERRA and let it fall upon the flaming altar. [ARA.] But also they used a censer, by means of which they burnt the incense in greater profusion, and which was in fact a small movable *foculus* (Aelian, *V. H.* xii. 51). It was not, as Rich represents it, like the swinging censer of more modern times, but in shape was like a candelabrum, of a design Oriental in origin, with a shallow brazier on the top: the material was usually bronze, but sometimes silver (Thuc. vi. 46) and of costly workmanship (Herod. iv. 162; Cic. *Verr.* iv. 21, 46). These turibula could be carried in processions (Liv. xxix. 14; cf. Val. Max. iii. 3, 1). The turibula represented above are in the British Museum. The turibulum was lifted by cords or ribbons attached, as is seen in fig. 1, which is of terracotta with the ancient cord attached, found at Fayoum: fig. 2 represents an Etruscan bronze turibulum.

Fig. 2.

Fig. 1.

Turibula.

(Blümner, *Privatalterth.* 168; Marquardt, *Staatsverw.* iii. 167.) [J. Y.] [G. E. M.]

TURMA. [EXERCITUS, Vol. I. p. 784.]

TURRIS (*πύργος*), a tower.

I. *Stationary Towers.*—The origin of the tower in fortification was doubtless, as Guhl and Koner and others have remarked, a projection of the wall on either side of the gate, to enable the garrison better to defend the entrance [see under PORTA, p. 467 *b*]. From this swelling, so to speak, of the town wall was developed (*e.g.* at Phigalia) the round or square-shaped or hexagonal tower, originally merely a half-moon or three sides of a square, but afterwards enclosed on all sides. The advantage of such an addition at angles of the wall was obvious, and it became also customary to have many such towers rising at intervals, so as to form rallying-points and shelters for the defenders, if an escalade was attempted. Such were the towers on the walls of circumvallation at Plataea [cf. MURUS, p. 186 *a*].

As a further development, they were erected within cities, partly to form a last retreat in case the city should be taken, and partly to overawe the inhabitants. In almost all Greek cities, which were usually built upon a hill, rock, or some natural elevation, there was a kind of tower, a castle, or a citadel, built upon the highest part of the rock or hill, to which the name of *Acropolis* was given, as at Corinth, Argos, Messene, and many other places. The Capitolium at Rome answered the same purpose as the Acropolis in the Greek cities; and of the same kind were the tower of Agathocles at Utica (Appian, *Pun.* 14) and that of Antonia at Jerusalem (Joseph. *Bell. Jud.* v. 5, § 8; *Act. Apostol.* xxi. 31).

Lastly, we find towers standing alone as strongholds, such as the tower at Andros instanced by Guhl and Koner (p. 68). We have further examples of this in the tower of Hannibal, on his estate between Acholla and Thapsus (Liv. xxxiii. 48); the *turris regia* of Jugurtha (Sallust, *Jug.* 103); the tower of a private citizen without the walls of Carthage, by the help of which Scipio took the city (Appian, *Pun.* 117); and, in Spain, the tower in which Cn. Scipio was burnt (Appian, *Hisp.* 16). Such towers were common in the frontier provinces of the Roman empire (Ammian. Marcell. xxviii. 2). See also Guhl and Koner, pp. 65 ff.; Droysen, *Kriegsalterth.* p. 254 f.

II. *Movable Towers.*—These were among the most important engines used in storming a fortified place. They were of two kinds. Some were made so that they could be taken to pieces and carried to the scene of operations: these were called folding towers (*πύργοι πτυκτοὶ* or *ἐπτυγμένοι*, *turres plicatiles*, or portable towers, *φορητοὶ πυργοί*). The other sort were constructed on wheels, so as to be driven up to the walls; and hence they were called *turres ambulatoriae*, *subrotatae*, or *mobiles*, *πύργοι ὑπότροχοι* (Veget. iv. 17; Liv. xxi. 11; Onosand. *Strat.* 42). But the *turres plicatiles* were generally made with wheels, so that they were also *ambulatoriae*.

The first invention or improvement of such towers is ascribed by Athenaeus the mechanician (quoted by Lipsius, *Oper.* vol. iii. p. 297) to the Greeks of Sicily in the time of Dionysius I. (B.C. 405). Diodorus (xiv. 51) mentions towers on wheels as used by Dionysius at the siege of Motya. He had before (xiii. 54) mentioned towers as used at the siege of Selinus (B.C. 409), but he does not say that they were on wheels. According to others, they were invented by the engineers in the service of Philip and Alexander, the most famous of whom were Polyidus, a Thessalian, who assisted Philip at the siege of Byzantium, and his pupils Chaereas and Diades (Vitruv. x. 19, s. 13). Heron (c. 13) ascribes their invention to Diades and Chaereas, Vitruvius (*l. c.*) to Diades alone, and Athenaeus (*l. c.*) says that they were improved in the time of Philip at the siege of Byzantium. Vitruvius states that the towers of Diades were carried about by the army in separate pieces. Respecting the towers used by Demetrius Poliorcetes at the siege of Rhodes, see HELEPOLIS.

Appian mentions the *turres plicatiles* (*B. C.* v. 36, 37), and states that at the siege of Rhodes Cassius took such towers with him in his ships, and had them set up on the spot (*ib.* v. 72).

Besides the frequent allusions in ancient writers to the movable towers (*turres mobiles*, Liv. xxi. 11), we have particular descriptions of them by Vitruvius (x. 19, s. 13) and Vegetius (iv. 17).

They were generally made of beams and planks, and covered, at least on the three sides which were exposed to the besieged, with iron, not only for protection, but also, according to Josephus, to increase their weight and thus make them steadier. They were also covered with raw hides and quilts, moistened, and sometimes with alum, to protect them from fire. The use of alum for this purpose appears to have originated with Sulla at the siege of Athens (Amm. Marc. and Claud. Quadrig. *ap.* Lips. p. 300). Their height was such as to overtop the walls, towers, and all other fortifications of the besieged place (Liv. xxi. 11). Vitruvius (*l. c.*), following Diades, mentions two sizes of towers. The smallest ought not, he says, to be less than 60 cubits high, 17 wide, and one-fifth smaller at the top; and the greater 120 cubits high and 23½ wide. Heron (c. 13), who also follows Diades, agrees with Vitruvius so far, but adds an intermediate size, half-way between the two, 90 cubits high. Vegetius mentions towers of 30, 40, and 50 feet square. They were divided into stories (*tabulata* or *tecta*), and hence they are called *turres contabulatae* (Liv. xxi. 34). Towers of the three sizes just mentioned consisted respectively of 10, 15, and 20 stories. The stories decreased in height from the bottom to the top. Diades and Chaereas, according to Heron, made the lowest story 7 cubits and 12 digits, those about the middle 5 cubits, and the upper 4 cubits and one-third of a cubit.

The sides of the towers were pierced with windows, of which there were several to each story.

These rules were not strictly adhered to in practice. Towers were made of 6 stories, and even fewer (Diod. xiv. 51). Those of 10 stories were very common (Hirt. *Bell. Gall.* viii. 41; Sil. Ital. xiv. 300), but towers of 20 stories are hardly, if ever, mentioned. Plutarch (*Lucull.* 10) speaks of one of 100 cubits high used by Mithridates at the siege of Cyzicus.

The use of the stories was to receive the engines of war [TORMENTA], and slingers and archers were stationed in them and on the tops of the towers (Liv. xxi. 11). In the lowest story was a battering-ram [ARIES]; and in the middle one or more bridges (*pontes*) made of beams and planks, and protected at the sides by hurdles; or drawbridges [SAMBUCAE]. Scaling-ladders (*scalae*) were also carried in the towers, and, when the missiles had cleared the walls, these bridges and ladders enabled the besiegers to rush upon them.

The towers were placed upon wheels (generally 6 or 8), that they might be brought up to the walls. These wheels were placed for security inside of the tower.

The tower was built so far from the besieged place as to be out of the enemy's reach, and then pushed up to the walls by men stationed inside of and behind it (Caesar, *B. G.* ii. 30, 31; Q. Curt. viii. 10). The attempt to draw them forward by beasts of burthen was sometimes made, but was easily defeated by shooting the beasts (Procop. *Bell. Goth.* i. 21). They were generally dragged up the AGGER (Hirtius, *l. c.*), and it not unfrequently happened that a tower stuck fast or fell over on account of the softness of the agger (Liv. xxxii. 17; Q. Curt. iv. 6, § 9). They were placed on the agger before it was completed, to protect the soldiers in working at it (Sall. *Jugurth.* 73; Caesar, *B. G.* vii. 22). When the tower was brought up to the walls without an agger, the ground was levelled before it by means of the MUSCULUS.

These towers were accounted most formidable engines of attack. They were opposed in the following ways.

1. They were set on fire, either by sallies of the besieged, or by missiles carrying burning matter, or by letting men down from the walls by ropes, close to the towers, while the besiegers slept (Veget. iv. 18; Sil. Ital. xiv. 305).

2. By undermining the ground over which the tower had to pass, so as to overset it (Veget. iv. 20).

3. By pushing it off by main force by iron-shod beams, *asseres* or *trabes* (Veget. *l. c.*).

4. By breaking or overturning it with stones thrown from catapults, when it was at a distance, or, when it came close to the wall, by striking it with an iron-shod beam hung from a mast on the wall, and thus resembling an Aries.

5. By increasing the height of the wall; first with masonry, and afterwards with beams and planks, and also by the erection of temporary wooden towers on the walls (Caesar, *B. G.* vii. 22; Veget. iv. 19). This mode of defence was answered by the besiegers in two ways. Either the agger on which the tower stood was raised, as by Caesar at the siege of Avaricum (*B. G.* l. c.), or a smaller tower was constructed within the upper part of the tower, and when completed was raised by screws and ropes (Veget. *l. c.*). On these towers in general see Lipsius, *Poliorcet.* in *Oper.* vol. iii. pp. 296–356.

III. Caesar (*B. C.* ii. 8–9) describes a peculiar sort of tower, which was invented at the siege of Massilia, and called *turris latericia*, or *laterculum*. It partook somewhat of the character both of a fixed and of a besieging tower. It was built of masonry near the walls of the town to afford the besiegers a retreat from the sudden sallies of the enemy; the builders were protected by a movable cover; and the tower was pierced with windows for shooting out missiles.

IV. Towers in every respect similar to the *turres ambulatoriae* (excepting, of course, the wheels) were constructed on ships, for the attack of fortified places by sea (Caes. *Bell. Civ.* iii. 40; Liv. xxiv. 34; Appian, *Mith.* 73, *Bell. Civ.* v. 106; Amm. Marc. xxi. 12).

V. Small towers carrying a few armed men were placed on the backs of elephants used in battle (Liv. xxxvii. 40).

(Marquardt, *Staatsverw.* ii. 532 f.; Droysen, *Gr. Kriegsalterth.* 313 ff.) [P. S.] [G. E. M.]

TUTE'LA. [TUTOR.]

TUTE'LAE ACTIO. [TUTOR.]

TUTOR. There were two forms of guardianship in Roman law, the *tutela* and the *cura*, which must be carefully distinguished. The difference between them is explained in the article CURATOR. According to the law of the Twelve Tables, persons not under patria potestas, who by reason of age or sex were incapable of acting for themselves, were under the protection of a tutor for their own interest and for the interest of those who might be their heredes. In the case of such persons a tutor supplied to some extent the place of a paterfamilias. (Cf. Paul. *Frag. Vat.* 304, "tutores quasi parentes proprii pupillorum sunt.") The protection of the tutela was given to impuberes and to women. A tutor derived his name "a tuendo" from protecting another. (Inst. i. 13, 2; cf. Isid. *Orig.* x. 264, "tutor: qui pupillum tuetur, hoc est intuetur.") The tutela or function of a tutor is thus defined by Servius Sulpicius, as cited by Paulus (Dig. 26, 1, 1): "Tutela est vis ac potestas in capite libero ad tuendum eum qui propter aetatem *sua sponte* se defendere nequit, jure civili data ac permissa:" "sua sponte" is probably an interpolation for "vel sexum," which latter words would not be applicable when the tutela mulierum had become obsolete (Voigt, *Zwölf Tafeln*, § 110, n. 6).

The tutela was a kind of potestas, according to the old law; a power similar to the patria potestas, but of a much more restricted character. The power was to be used for the purpose of protection, and hence tutela implies duty (*officium*) as well as right. The object of this right and duty was *in tutela* (Gaius, i. 142; Cic. *pro Rosc. Com.* 6, 16); while, on the other hand, a person who was his own master was said *suae tutelae esse* (Dig. 32, 1, 50, 1; cf. Voigt, *l. c.*, note 2). As to the classification of the different kinds (*genera*) of tutela, the jurists differed. Some made five genera, as Quintus Mucius; others three, as Servius Sulpicius; and others two, as Labeo. The most convenient division is into two genera,—the tutela of impuberes (*pupilli, pupillae*), and the tutela of women. The pupillus or the pupilla is the male or female who is under tutela.

Every paterfamilias had power to appoint by testament a tutor for his children who were in his power: if they were males, only in case they were impuberes; if they were females, also while the perpetua tutela mulierum existed, in case they were above the age of puberty (Gaius, i. 144). Therefore, if a tutor was appointed for a male, he was released from the tutela on attaining puberty (fourteen years of age), but the female still continued in tutela, unless she was released from it by a special exemption, as by the Jus Liberorum under the Lex Julia et Papia Poppaea. A man could only appoint a tutor for his grandchildren, when they would not upon his death come into the power of their father. A father could appoint a tutor for postumi, provided they would have been in his power, if they had been born in his lifetime. A man could appoint a tutor for his wife *in manu*, and for his daughter-in-law (*nurus*) who was in the manus of his son. The usual form of appointing a tutor was this: "Lucium Titium Liberis meis tutorem do." A man could also give his wife *in manu* the power of choosing a tutor (*tutoris optio*); and the optio might be either plena or angusta. She who had the plena optio might either choose a tutor who was to act for her in all her transactions, or might choose a tutor from time to time to act in particular transactions: she who had the angusta optio was limited in her choice to the number of times which the testator had fixed (Gaius, i. 150, &c.).

The power to appoint a tutor by will was either given or confirmed by the Twelve Tables. The earliest instance recorded of a testamentary tutor is that of Tarquinius Priscus being appointed by the will of Ancus (Liv. i. 34), which may be taken to prove this much at least, that the power of appointing a tutor by will was considered by the Romans as one of their oldest legal institutions. The nearest kinsmen were usually appointed tutores; and if a testator passed over such, it was a reflection on their character (Cic. *pro P. Sextio*, 52),—that is, we must suppose, if the testator himself was a man in good repute. Persons named and appointed tutores by a will are called by Gaius *tutores dativi;* in the legislation of Justinian *tutor dativus* means a tutor appointed by a magistrate (Dig. 46, 6, 7; Cod. 5, 30, 5), a tutor appointed by will being *tutor testamentarius;* those who were chosen under the power given by a will were *tutores optivi* (Gaius, i. 154).

If the testator appointed no tutor by his will, the tutela was given by the Twelve Tables to the nearest agnati of the impubes, and such tutores were called *legitimi*. The nearest agnati were also the heredes in case of the impubes dying intestate and without issue, and the tutela was therefore a right which they claimed as well as a duty imposed on them. Perseus (ii. 12) alludes to the claim of the tutor as heres to his pupillus. A brother who was pubes was the legitimus tutor of a brother who was impubes; and if there was no brother who was pubes, the son who was impubes had his father's brother (*patruus*) for his tutor. The same rule applied to females also, till it was altered by a Lex Claudia, which abolished the tutela legitima of women. If there were several agnati in the same degree, they were all tutores. If there were no agnati, the tutela belonged to the gentiles, so long as the Jus Gentilicium was in force (Gaius, iii. 17, and i. 164). Perhaps the agnatorum tutela legitima was created by the Twelve Tables, the tutela having previously devolved at once on the gens, if the impubes belonged to one. The tutela in which a freedman was with respect to his patronus was also legitima; not that it was expressly given by the words (*lex*) of the Twelve Tables, but it flowed from the lex as a consequence (*per consequentiam*, Ulp. *Frag.* tit. 11); for as the hereditates of intestate liberti and libertae belonged to the patronus, it was assumed that the tutela belonged to him also, since the Twelve Tables allowed the same persons to be tutors in the case of an ingenuus, to whom they gave the hereditas in case there was no suus heres (Gaius, i. 165).

If a free person had been mancipated to another either by his parent or coemptionator, and such other person manumitted the free person, he became his tutor fiduciarius by analogy to the case of freedman and patron. (Compare Gaius, i. 166, with Ulp. *Frag.* tit. 11, s. 5.) [EMANCIPATIO; FIDUCIA.]

If an impubes had neither a tutor testamentarius nor legitimus, he had one given to him in Rome, under the provisions of the Lex Atilia, by the praetor urbanus and the major part of the tribuni plebis (as to the date of this law, cf. Liv. xxxix. 9); in the provinces in such cases a tutor was appointed by the praesides under the provisions of the Lex Julia et Titia, B.C. 31. [LEX JULIA ET TITIA.] If a tutor was appointed by testament either *sub condicione* or *ex die certo*, a tutor might be given under these leges so long as the condition had not taken effect or the day had not arrived: and even when a tutor had been appointed absolutely (*pure*), a tutor might be given under these leges until the will should take effect by the heres under it taking the inheritance; but the power of such tutor ceased as soon as there was a tutor under the testament,—that is, as soon as the testament took effect by the existence of a heres under it. If a tutor was captured by the enemy, a tutor was also given under these leges, but such tutor ceased to be tutor as soon as the original tutor returned from captivity, for he recovered his tutela Jure Postliminii.

Even before the passing of the Lex Atilia tutors were given by the praetor in other cases, as for instance, when the legis actiones were in use, the praetor appointed another tutor if there was any action between a tutor and a woman or ward, for the tutor could not give the necessary authority (*auctoritas*) to the acts of those whose tutor he was, in a matter in which his own interest was concerned. Other cases in which a tutor was given are mentioned by Ulpian, *Frag.* 11.

Ulpian's division of tutores is into Legitimi, Senatusconsultis constituti, and Moribus introducti. His legitimi tutores comprehend all those who become tutores by virtue of any lex, and specially by the Twelve Tables: accordingly it comprises tutores in the case of intestacy, tutores appointed by testament, for they were confirmed by the Twelve Tables, and tutores appointed under any other lex, as the Atilia. Various senatusconsulta declared in what cases a tutor might be appointed; thus the Lex Julia de maritandis ordinibus (Papia et Poppaea) enacted that the praetor should appoint a tutor for a woman or a virgin, who was required to marry by this law, "ad dotem dandam, dicendam, promittendamve," if her legitimus tutor was himself a pupillus: a senatusconsultum extended the provision to the provinces, and enacted that in such case the praesides should appoint a tutor; and also that, if a tutor was mutus or furiosus, another should be appointed for the purposes of the lex. The case above mentioned of a tutor being given in the case of an action between a tutor and his ward, is a case of a tutor *moribus datus*; that is, appointed according to customary law. In the Imperial period from the time of Claudius, tutores extra ordinem were appointed by the consuls also.

Only *cives* or those who had the *jus commercii* could be tutores. Thus a person could not be named tutor in a testament, unless he had the testamentifactio with the testator, a rule which excluded such persons as peregrini. The Latini Juniani were excluded by the Lex Junia (Gaius, i. 23). Women could not be tutores. Filiifamilias could be tutores as well as paterfamilias. The tutela was a publicum munus, and hence persons were bound to serve when called on, unless they were under some incapacity or could excuse themselves on some valid legal ground: grounds of excuse (*excusationes*) were age, absence, the being already tutor in other cases, the holding of particular offices, and others which are enumerated in the Fragmenta Vaticana (123–247), and by Justinian in his Institutes (i. 25).

The power of the tutor was mainly concerned with the property and pecuniary interests of the pupillus. The custody of the ward's person was generally assigned by the magistrate to one of his near relations, who might or might not be the same person as the tutor. The care of the child belonged to the mother, if she survived (*custodia matrum*, Hor. *Ep.* i. 1, 22; Dionys. viii. 51; Liv. xxxix. 9, 1; Sen. *ad Marc.* 24, 1), unless the father had otherwise disposed in his will. In a case mentioned by Livy (iv. 9), where the mother and the tutores could not agree about the marriage of the mother's daughter, the magistratus decided in favour of the mother's power (*secundum parentis arbitrium*). But it was the duty of the tutor to exercise a supervision over the pupillus, and to see that he was properly educated and cared for. (Cf. Dig. 26, 7, 12, 3: "Cum tutor non rebus dumtaxat, sed etiam moribus pupilli praeponatur;" Dig. 27, 2; Cod. 5, 49.) In respect of property the tutor's office was "negotia gerere et auctoritatem interponere," though only the auctoritatis interpositio was absolutely essential to the notion of tutela; the administration of property (*rem gerere*) not belonging to the tutor of mulieres.

Auctoritatem interponere.—A pupillus who was an infans—that is, below the age of seven—could not perform any legal act. A pupillus (*major infantia*) could do no act by which he diminished his property without the sanction (*auctoritas*) of his tutor, but any act to which he was a party was valid, so far as concerned the pupillus, if it was for his advantage. Consequently a pupil could contract obligationes, which were for his advantage, without his tutor (Gaius, iii. 107). Thus the natural act of the pupillus became, by auctoritatis interpositio of the tutor, a legal act; and thus the pupillus and his tutor formed one complete person, as to legal capacity to act. [Infans; Impubes.]

No particular form was required for the expression of the tutor's auctoritas, but it had to be given by the tutor himself when the pupillus entered into the transaction which required it (*in ipso negotio*); it could not be transmitted by letter or by a messenger, and it had to be unconditional (Inst. i. 21, 2;—Dig. 26, 8, 8; 9, 5). It could, generally speaking, be withheld by the tutor of an impubes at his discretion.

Auctoritas was necessary in order to give legal effect to any act of a pupillus, by which he might suffer loss, but a pupillus might acquire rights for himself without auctoritas (Inst. i. 21, pr.). Thus a pupillus could not alienate his property without the concurrence of his tutor, but he could receive property by alienation to him simply by his own act; so too, though he could not contract an obligation without his tutor's intervention, he did not require auctoritas in order to bind others by a contract with him. The incapacity of the pupillus is shown by the following instance:—If his debtor paid a debt to the pupillus, the money became the property of the pupillus, but the debtor was not released, because the pupillus might suffer loss by releasing his debtor unless with the co-operation of his tutor; if, however, the pupillus afterwards sued for the debt, while still retaining the benefit of the payment which had been made to him, the praetor allowed the debtor an exceptio doli (Gaius, ii. 84; Cic. *Top.* 11). [Impubes.]

As the act which was made valid by the sanction of the tutor was the act of the impubes, it follows that the auctoritas had no application in the case of a pupillus altogether incapable of performing an illegal act; and so, as an infant or person who had not completed his seventh year was thus incapable, it was not till a pupillus was major infantia that auctoritas could be given to his acts.

Rem gerere.—The tutor had the administration of the property of the pupillus (*rem, negotium gerere*), and was bound to exercise this part of his function according to the best of his ability. It was his duty to prevent the property of the pupillus from suffering any loss that he could avoid, and to make such profit from the property as it was fairly capable of. The tutor was liable to the pupillus not only on account of dolus, but also for such negligence as he did not show in the management of his own property (Dig. 27, 3, 1, pr.: "In omnibus, quae fecit tutor, cum facere non deberet, item in his, quae non fecit, rationem reddet hoc judicio, praestando dolum, culpam et quantum in rebus suis diligentiam"). The obligation between the tutor and the pupillus was one of those arising *quasi ex contractu* (Inst. iii. 27, 2). By an oratio of the Emperor Septimius Severus it was enacted that the tutor should be incapable of alienating praedia rustica and praedia suburbana of the pupillus, unless under an order of the magistrate; and this rule was extended to other property of the pupillus, excepting things of little value and superfluous things (Dig. 27, 9; Cod. 5, 71).

The principle of allowing the tutor to represent the pupillus in legal transactions was gradually admitted. If property was conveyed by mancipium or in jure cessio to a tutor as *negotiorum gestor* of pupillus, the tutor alone acquired legal ownership of it, but in course of time the praetor gave pupillus *vindicatio utilis* for the recovery of it. If property was conveyed by traditio to tutor on account of the pupillus, the latter acquired possession of it in the time of Justinian, and so direct ownership of it. [Dominium.] The tutor was first allowed to acquire choses in action for the pupillus in case of the pupillus infans having no slave, the pupillus being allowed to maintain a right thus acquired by actio utilis: this principle was extended to pupilli who were at a distance from the tutor, and finally was made applicable in all cases. It is to be remembered that a pupillus could always acquire rights through his slaves. A tutor could only bind the pupillus when authorised to do so by the magistrate. A tutor could maintain actions on account of his pupillus (Inst. iv. 10, pr.; Gaius, iv. 82).

In order to secure the proper management of the property of a pupillus or of a person who was in curatione, the praetor required the tutor or curator to give security; but no security was required from testamentary tutores, because they had been selected by the testator; nor, generally, from tutores appointed by a consul, praetor or praeses, for they were appointed as being fit persons (Gaius, i. 199).

The tutor might be removed from his office, if he was misconducting himself: this was effected by the *accusatio suspecti*, which is mentioned in the Twelve Tables (Gaius, i. 182; Dirksen, *Uebersicht, &c. der Zwölf Tafeln*, 599–604).

When the tutela came to an end, the actio tutelae directa could be brought against the tutor by the pupillus for a general account of the property managed by the tutor, and for its delivery to the pupillus, now become *pubes*. If the tutor was condemned in this action, the consequence was infamia. [Infamia.] The Twelve Tables gave the pupillus a special action against the tutor in respect of fraudulent accounting; and if he made out his case, he was entitled to double damages. This appears to be the action which in the Digest is called *actio de rationibus distrahendis*. The tutor could claim to be indemnified for what he had expended or done in the interest of his pupillus, having the actio tutelae contraria against his late pupillus for the purpose of enforcing this liability.

When several tutores were joined in one tutela, the administration might be committed to one of them—called *tutor gerens*, as opposed to *tutor honorarius*. The tutor honorarius was liable, if he did not exercise a proper supervision over the tutor gerens, in case the loss could not be recovered from the latter. The tutela was terminated by the death or capitis deminutio maxima or media of the tutor. A tutor legitimus became disqualified if he sustained a capitis deminutio minima, which was the case if he allowed himself to be adopted (Gaius, i. 195; Ulpian, *Fragm.* 11, 13), since he thereby ceased to be an agnate of the pupillus, but capitis deminutio minima had no effect on the position of a tutor testamentarius or dativus. The tutela ceased by the death of the pupillus, or by his capitis deminutio of any kind. It also ceased when the pupillus attained the age of puberty, which in the male sex was fourteen, as the law came to be determined. [IMPUBES.] In the time of the classical jurists, the tutela might cease by the abdicatio of the testamentary tutor; that is, when he declared "nolle se tutorem esse." Under the law of Justinian the resignation of a tutor was in no case allowed, unless it was approved by the magistrate for some cause which appeared to him reasonable.

The tutela of a tutor was terminated, as we have observed, when he was removed from the tutela as *suspectus*, or when his excusatio was allowed to be *justa;* but in both of these cases a new tutor would be necessary (Gaius, i. 182). The tutela appears to have been regarded at first as having for its object the benefit of the tutor rather than that of the pupillus, as being a means of protecting the family property to which the tutor might succeed: but in later law the idea of duty (*onus*) rather than that of right attaches to the function. The duty became a public one (*publicum munus*), brought more and more under the supervision of the magistrate.

The tutela of women who are puberes requires a separate examination. A woman who was not *in patria potestate* or *in manu viri* was always under a tutela (*in perpetua tutela*), not being capable, like a man *sui juris*, of acting as she pleased on attaining the age of puberty, which was the completion of her twelfth year. The tutor of a woman who was pubes had not, however, the administration of her property, as in the case of an impubes; she managed her own affairs, but the auctoritas of a tutor was required in order to give validity to her acts in certain cases (Gaius, i. 190; Ulp. *Fragm.* 11, 1, 25: cf. Liv. xxxiv. 2, the speech of Cato for the Lex Oppia). The reasons for this restriction on the capacity of women are given by Cicero (*pro Muraena*, c. 12), by Ulpian (*Fragm.* 11, 1), and by Gaius (i. 190); Gaius considers the usual reasons as to the law being founded on the weakness of the sex as unsatisfactory, since women above the age of puberty administer their own property, and the interposition of the tutor is a mere formality. The original object of the law seems to have been to prevent the alienation of her property, and so to secure the succession of her agnati or of her gens, who in early times would always have been her tutores. Gaius remarks (i. 193) that, though in foreign states women were not under the same tutela as under Roman law, they are generally under a quasi tutela; thus the law of the Bithynians requires the contracts of a woman to be sanctioned by her husband or by a son above the age of puberty.

A mulier might have a tutor appointed by her father's testament; or by the testament of her husband if she was in his power (*manus*). A wife in her husband's manus might receive from his will the *tutoris optio* or right of choosing a tutor for herself (*tutor optivus*) (Gaius, i. 150: cf. Liv. xxxix. 19, 5), whereby the right of the agnates might be effectually excluded.

According to the law of the Twelve Tables, women who had no testamentary tutor were in the tutela legitima of their agnati; or, in the case of freedwomen and of emancipated daughters, in the tutela legitima of the patronus or of the parens manumissor. The tutela legitima of agnati was abolished by a law passed under the Emperor Claudius, called the Lex Claudia (Gaius, i. 157). The tutela of patroni was not included within the Lex Claudia. The tutela legitima of agnati and patroni over women could be transferred by in jure cessio, while that of pupilli could not (Gaius, i. 168); but it would seem that it was rather the exercise of the tutor's right than the right itself which was thus transferred, since it is said that on the death or capitis minutio of the tutor cessicius, the tutela reverted to the tutor qui cessit (Gaius, i. 170). A person might become tutor of a woman subject to a fiducia or trust as to the way in which he should exercise his right (*tutor fiduciarius*).

A tutor dativus was given to women by the magistratus under the Lex Atilia, when there was no other tutor, or under a senatusconsultum in the absence of a tutor or in case of a legis actio between a woman and her tutor (Gaius, i. 173, &c.; Ulp. *Fragm.* 11). By the Lex Julia, if a woman was in the legitima tutela of a pupillus, she might apply to the praetor urbanus for a tutor who should give the necessary auctoritas for the purpose of making a dotal settlement (Gaius, i. 178; Ulp. *Fragm.* 11, 20). The Vestal Virgins were exempt from tutela; and both ingenuae and libertinae were exempted from tutela by the Jus Liberorum (Gaius, i. 145, 194); it is to be remembered that a married woman would be in tutela if she were not *in manu viri* [MATRIMONIUM].

Octavia, the sister of Caesar Octavianus, and his wife Livia, were released from tutela by a special enactment (Dio Cass. xlix. 318).

The perpetua tutela of women originated and long continued to exist for the purpose of protecting the agnatic family.

The agnatic tutela was in course of time allowed to be excluded not only by the testamentary disposition of a paterfamilias, or husband with marital power, but also by means of juristic contrivances (Cic. *pro Mur.* c. 12). Thus, a woman for the purpose of escaping from the control of her agnatic tutor would enter into a fictitious marriage with some one, being conveyed to him by means of coemptio, with a fiduciary understanding (*coemptio cum fiducia*) that her supposed husband—the coemptionator or purchaser—should at once release her by remancipatio; she was accordingly remancipated by the coemptionator to some person of her own choice: this person manumitted her by vindicta [Manumissio], and became her tutor fiduciarius (Gaius, i. 114, 115). Thus the woman passed by coemptio from her own family to another, her agnati losing all claims upon her, and her tutor fiduciarius might be compelled by the praetor to give his auctoritas to her acts (Gaius, i. 115; ii. 122). The tutor legitimus might surrender his control of a woman to a tutor cessicius by in jure cessio. Finally, as we have seen, the agnatic tutela was abolished by the Lex Claudia, after which, except in the case of patroni and parentes, the perpetua tutela mulierum only remained a mere form.

The tutela of a woman was terminated by the death of the tutor or that of the woman; by a marriage by which she came *in manum viri;* by the privilege of children (*jus liberorum*); or by her becoming a Vestal Virgin. A woman had no right of action against her tutor in respect of his tutela, for he had not the *negotiorum gestio*, or administration of her property, but only interposed his auctoritas (Gaius, i. 191).

If a woman was in the tutela legitima of a patronus or parens manumissor, the tutor, Gaius tells us (i. 191), could not be compelled to give his auctoritas, except for very weighty reasons ("praeterquam si magna causa interveniat"). Other tutores could be compelled to give their auctoritas, which in their case was a mere form. It is probable that agnatic tutors were in the same position as patroni and parentes,—that is, they were not compelled to give their auctoritas; but Gaius wrote after the agnatic tutela had been abolished.

The special cases in which the auctoritas of a tutor was required were, if the woman had to sue by legis actio or in a legitimum judicium, if she was alienating a mancipable thing [Dominium]; a non-mancipable thing she might alienate without the tutor's sanction (Gaius, ii. 80). Gaius (ii. 47) states that formerly, when a woman was under agnatic tutela, her mancipable things were not subject to usucapion, unless she herself delivered possession of them with the authority of her tutor, and that this was a provision of the Twelve Tables. In other cases, if a res mancipi was transferred by tradition, the purchaser acquired the quiritarian ownership by usucapion [Usucapio]. The passage of Cicero (*pro Flacc.* 34, 84) is in accordance with Gaius; and another passage (*ad Att.* 1, 5), though vaguely expressed, is not inconsistent with his statement. (See Casaubon's note on the passage.) She could not manumit without the auctoritas of a tutor (Ulp. *Fragm.* 1, 17; compare Cic. *pro Cael.* 29, 68). The auctoritas of a tutor was not required, in the case of any obligatio by which the woman's condition was improved, but it was necessary in cases where the woman became bound (Gaius, i. 192, iii. 108; Ulp. *Fragm.* 11, 27; Cic. *pro Caecin.* 25, 72). So, if a woman wished to promise, the auctoritas of a tutor was necessary (Cic. *pro Flacc.* 35). As a woman could alienate res nec mancipi without the sanction of a tutor, she could bind a person to her by lending money (*mutuum*), for by delivery the money became the property of the receiver.

A payment made to a woman was a release to the debtor; if, however, she did not receive the money, but affected to release the debtor by acceptilatio, this was not a valid release to him (Cic. *Top.* 11; Gaius, ii. 83, 85, iii. 171).

A woman could not make a will without the sanction of her tutor; the rules on this subject are stated under Testamentum. If a woman was not subject to a tutor legitimus, but to a tutor of another kind, the praetor might perhaps in the time of Gaius give bonorum possessio to such will, although the merely formal requisite of auctoritas had not been complied with (Gaius, ii. 121, 122: cf. i. 194, 195).

It may be questioned whether the auctoritas of a tutor was necessary in order to enable a woman to marry without passing *in manum viri* (see, however, Ulp. 11, 22; Cic. *pro Cluent.* 5, 14); but it seems clear that such sanction was required in order to enable a woman to effect a confarreatio or coemptio (cf. Gaius, i. 115).

The tutela mulierum existed at least as late as Diocletian, A.D. 293 (*Vat. Fragm.* § 325). There is no trace of it in the Code of Theodosius, or in the legislation of Justinian. (Gaius, i. 142–200; Ulp. *Fragm.* 11, 12; Inst. i. 13–26; Dig. 26 and 27; Cod. 5, 28–75; Rudorff, *Das Recht der Vormundschaft;* Rein, *Das röm. Privatrecht*, p. 239, &c.; F. Minquet, *Hist. jur. Rom. de Tut.*; S. Szuldrzynski, *de Orig. ac Progr. Tut. Mul.*; Le Fort, *Essai Hist. de la Tutelle;* Voigt, *Zwölf Tafeln*, ii. § 110, &c.) [G. L.] [E. A. W.]

TYMBORUCHIAS GRAPHE (*τυμβωρυχίας γραφή*). Pollux mentions *τυμβωρύχος* in a long list of *ὀνόματα ἐξ ἀδικημάτων ἐφ' οἷς εἰσὶ δίκαι καὶ γραφαί*. No instance of this action at Athens is known to us, yet it is very probable that this action might be maintained not so much against a person who opened a tomb to rob the dead (*Att. Process*, ed. Lipsius, p. 456), as against a person who opened it to inter there some one who was not entitled to burial there: cf. Cic. *de Legg.* ii. 26, 64: "de sepulcris autem nihil est apud Solonem amplius quam 'ne quis ea deleat neve alienum inferat' poenaque est, 'si quis bustum,' nam id puto appellari *τύμβον*, 'aut monumentum,' inquit, 'aut columnam violarit, deiecerit, fregerit.'" The custom of fixing a fine to be paid for infringing the rights of the owner of a grave arose in Lycia, and is not derived from Roman usage (Hirschfeld, *Königsberger Stud.* 1887, pp. 85–144). Hirschfeld considers the inscription of Pinara (*C. I. G.* No. 4259) to be the oldest, and assigns it to the 3rd century B.C.; in it we find all the characteristic points of such inscriptions. He who opens a tomb, or orders another person to do so, is accursed (*ἁμαρτωλὸς ἔστω θεῶν πάντων καὶ Λητοῦς καὶ τῶν τέκνων*), has to pay a fine (*προσαποτεισάτω τάλαντον ἀργυρίου*), and anyone who cares may bring an action against him (*ἐξέστω τῶι βουλομένωι ἐγδικάζεσθαι περὶ τούτων*), *i.e.* the *ἔγκλημα τυμβωρυχίας* (Termessus, *C. I. G.* No. 4336 l.): cf. *ἄγεσθαι τυμβωρυχίας*, Olympus, *C. I. G.* No. 4325 k.; *ὑποκείσ[εται] τῇ τυμβωρ[υχί]ᾳ*, Telmissus, No. 4221 *d. Add.*; *τῷ τῆς τυμβωρυχίας νόμῳ*, Andriace, No. 4303 *m.* From Lycia this custom spread, and the Roman emperors sanctioned the law: cf. *Bull. de Corresp. Hellén.* v. p. 344, Tralles: *ὑπεύθυνος ἔσται τοῖς διατάγμασι καὶ τοῖς πατρίοις νόμοις* (*C. I. G.* iii. p. 1128, Antiphellus: *ὑπεύθυνος ἔσται τοῖς διὰ τῶν θείων δια[ταγ]ῶν ὡρισμένοις*), i.e. *constitutiones Imperatorum* and customary laws. The amount of fine in Lycian inscriptions varies from 250 to (in one instance) 20,000 denarii; in non-Lycian inscriptions some higher amounts occur. The fine is usually paid in Lycia to the *δῆμος* or the *πόλις*; everywhere else usually to the fiscus (*φίσκος*, *ταμιεῖον*), sometimes to deities—Isis at Thebes, *μήτηρ θεῶν Σιπυληνή* in Smyrna, etc.; in isolated cases the money goes to the brothers or the heirs of the grave-owner. A Jewess directs the fine to be paid to her people, a physician to his colleagues, a slave to his mistress and her heirs. The informer received a share of the fine, sometimes one-half, sometimes one-third: *τῆς προσαγγελίας οὔσης παντὶ τῷ βουλομένῳ ἐπὶ τῷ ἡμίσει*, *C. I. G.* No. 4300 *v. Add.*, cf. No. 4293; *εἰσαγγέλλοντος τοῦ βουλομένου ἐπὶ τῷ τρίτῳ μέρει*, No. 4300 *e. Add.*; *τοῦ βουλομένου ἐξελέγχειν ἐπὶ τῷ τρίτῳ μέρει*, No. 4278 *i. Add.*; *οὔσης τῆς κατηγορίας παντὶ τῷ βουλομένῳ ἐπὶ τῷ τρίτῳ μέρει*, No. 4224 *d. Add.*, etc. An action for *τυμβωρυχία* is mentioned also in *C. I. G.* No. 2688 ff. Iasus (cf. Hicks, *Journ. Hell. Soc.* 1887, p. 115), No. 2826 ff. Aphrodisias, No. 3266 Smyrna (Lebas-Waddington, *Voyage Archéol.* iii.), No. 220 Miletus, etc. Of the Attic tomb-inscriptions eleven contain a curse and five fix a fine (*C. I. A.* iii. 2, No. 1417 ff.). These may be added to Hirschfeld's long list as well as some others discovered since the publication of his paper: two of Salonica (*Journ. Hell. Stud.* 1887, p. 374, and *Berl. Philol. Wochenschr.* 1889, No. 41), four of Heraclea in the Propontis (*Berl. Phil. W.* 1888, No. 14), two of Smyrna (*Mitth. d. d. Archäol. Inst.* xii. p. 248), one of Myra (*Journ. Hell. Soc.* 1889, p. 85), three from Ephesus (*Anc. Greek Inscr.*, ed. Newton, iii. p. 253 ff.). [H. H.]

TY'MPANUM (*τύμπανον*). 1. A small drum carried in the hand. Of these, some resembled in all respects a modern tambourine with bells. Others presented a flat circular disk on the upper surface and swelled out beneath like a kettle-drum, a shape which appears to be indicated by Pliny when he describes a particular class of pearls in the following terms:—"Quibus una tantum est facies, et ab ea rotunditas, aversis planities, ob id tympania vocantur" (*H. N.* ix. § 109). Both forms are represented in the cuts below. Fig. 1 is from a painting found at Pompeii (*Mus. Borbon.* tom. vii. tav. 37); fig. 2 is from a fictile vase (Millin, *Peintures de Vases Antiques*, pl. 56), and here the convexity on the under side is distinctly seen. Tympana were covered with the hides of oxen (Ovid, *Fast.* iv. 342; Stat. *Theb.* ii. 78) or of asses (Phaedr. iv. 2, 4), were beaten with the hand (Ovid, *Met.* iv. 30; see cuts), and were much employed in all wild enthusiastic religious rites (Aristoph. *Lysistr.* i. 387), especially the orgies of Bacchus and of Cybele (Catull. lxiv. 262; Claud. de *Cons. Stilich.* iii. 365; Lucret. ii. 618; Catull. lxiii. 8; Verg. *Aen.* ix. 619; Suet. *Aug.* 68; compare Lobeck, *Aglaophamus*, pp. 630, 652), and hence Plautus (*Truc.* ii. 7, 49) characterises an effeminate coxcomb as "Moechum malacum, cincinnatum, umbraticolam, tympanotribam." According to Justin (xli. 2), they were used by the Parthians in war to give the signal for the onset.

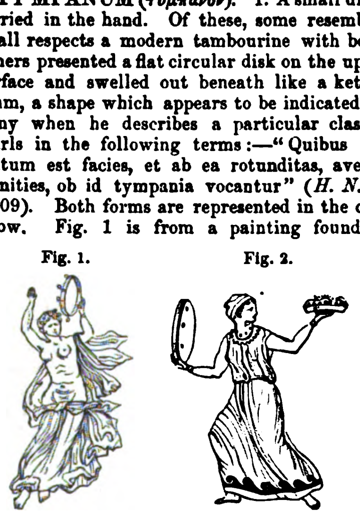
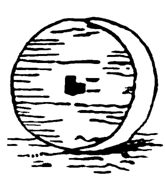


Fig. 1. Fig. 2.

Tympanistriae.

2. A solid wheel without spokes for heavy waggons (Verg. *Georg.* iv. 444), such as is shown in the cut on page 433. These are to this day common in the rude carts of Southern Italy and Greece, and Sir C. Fellows (*Excursions in Asia Minor*, p. 72), from whose work the figure below is copied, found them attached to the farm vehicles of Mysia. "The wheels are of solid blocks of wood, or thick planks, generally three, held together by an iron hoop or tire; a loud creaking noise is made by the friction of the galled axle," a suggestive commentary on the "stridentia plaustra" of Virgil (*Georg.* iii. 536). [PLAUSTRUM; SARRACUM.]

3. Hence wheels of various kinds, a sort of crane worked by a wheel for raising weights (Lucret. iv. 903; Vitruv. x. 4) [MACHINA], a wheel for drawing water (Vitruv. x. 14) [ANTLIA; ROTA], a solid toothed wheel forming part of the machinery of a mill (Vitruv. x. 9, 10), and the like.



Solid wheel, or Tympanum.

4. An architectural term signifying the flat surface or space within a pediment, and also the square panel of a door (Vitruv. iii. 3, iv. 6).

5. A wooden cudgel for beating malefactors, and also a beating post to which they were tied when flogged; hence the Greek verbs *τυμπανίζειν* and *ἀποτυμπανίζειν* are formed (Schol. ad Aristoph. *Plut.* 476; *Ep. to Hebrews*, xi. 35; Pollux, viii. 70). [W. R.]

TYRANNUS (*τύραννος*). The word *τύραννος* has not yet been satisfactorily explained by a Greek etymology, and Boeckh's conjecture that it was a foreign word and came to the Greeks from Lydia or Phrygia, where it is found frequently in inscriptions, is extremely probable (Boeckh, *Comment. ad C. I. G.* n. 3438). The meaning the word conveyed to a Greek mind was that of a man who wielded absolute power, and a power not sanctioned by the ordinances of the state in which it was exercised. This is all that is essential to the notion; yet the later philosophic thought of Greece, combined with actual historical experience, developed an addition to the conception,—namely, that the rule of the *τύραννος* was exercised not in the interests of the subjects, but in that of the ruler. This was a natural consequence of the conception that the rule of the tyrant was always outside the pale of law (Eur. *Suppl.* 445), although it was a deduction not always justified by facts. Aristotle embraces every side of the idea when he defined tyranny proper as "that arbitrary power of an individual which is responsible to no one, and governs all alike, whether equals or betters, with a view to its own advantage, not to that of its subjects, and therefore against their will" (Arist. *Pol.* iv. 10, 4 = p. 1295). The main point of separation between *τυραννὶς* and *βασιλεία* was the self-interested nature of the former government (Arist. *Pol.* iii. 7, 5 = p. 1279; *Eth.* viii. 10, 2), although the early kingships of Greece differed additionally from tyranny in having their privileges and their powers determined by custom (Thuc. i. 13, 1); and thus a king who, like Pheidon of Argos, overstepped the limits of his hereditary power, was accounted a tyrant (Arist. *Pol.* v. 10, 6 = p. 1310). It may be further noticed, in this definition of Aristotle and in the Greek conception generally, that tyranny proper implies *individual* rule.

Tyranny, while always answering in some degree to this general conception, yet had the particular form in which it manifested itself determined by the circumstances of the times and the stage of political development in Greece. We may distinguish two main periods of despotism, that of the 7th and 6th centuries on the one hand, and that of the 4th century on the other; the difference between the earlier and the later of these periods is the difference between symptoms of growth and symptoms of decay in the same nation: and while the former was a result of the natural course of internal development in the states and prepared the way for the free constitutions, the latter was a consequence of the downfall of the free governments and of the external causes which in the 4th century acted on Greek politics as a whole. The early tyrannies grew for the most part out of the oligarchical governments which succeeded the downfall of the monarchies. In Corinth and Thebes the monarchy fell about the middle of the 8th century: in Sparta, at a still earlier period, it had been saved by a limitation of its powers: in Athens it dwindled down to the limited functions of the archonship. Everywhere its power had been replaced by the rule of a nobility, whose special claims to honour were the exclusive possession of the sacrifices and higher religious rites of the state, the exclusive knowledge of its laws, and the sole possession of that political *ἀρετὴ* which resulted from higher birth and from inherited wealth and culture. But in the 7th century B.C. other classes were growing to power by the side of the old nobility,—the classes, namely, which had acquired wealth through commerce, and which were not only excluded from all participation in public affairs, but found their properties exposed to danger from the dynasties that ruled their towns. These formed the largest part of the discontented elements that fostered the despot, as in Corinth, where the revolution took the form of a reaction against the Bacchiadae, who had grossly misused their power and unscrupulously appropriated the profits of commerce (Ael. *Var. Hist.* i. 19; Strabo, p. 325): and the assertion of Thucydides that it was the growing wealth of Greece which gave rise to despotism (Thuc. i. 13) is illustrated both by this instance of Corinth and by that of the neighbouring town of Sicyon, which was renowned only next to Corinth for trade and manufacture (Strabo, p. 382). The tyrannies that developed out of oligarchies in Sicily and southern Italy, at Leontini, Gela, and Rhegium, during the close of the 6th century B.C. (Arist. *Pol.* v. 12, 13 = p. 1316), were probably due to the same assertion of their claims by the rich and unprivileged classes; in other states it was the poorest class, such as the Diacrii of Athens, on the championship of which the despot based his claim to power (Arist. *Pol.* v. 5, 9 = p. 1305; Herod. i. 59); while at other times the element of race entered into the struggle, as at Sicyon, where both the tyrant and his supporters belonged to the Ionian Aegialeis, and the revolution took the form of a reaction against an oppressive Dorian nationality (Herod. v. 68). Throughout Greece we see a period of transition, during which pressing difficulties, national or social, called for settlement; and the adjustment that ensued took the form either of a constitutional dictatorship or of an unconstitutional monarchy. In the former case the contending factions combined in appointing an individual for the settlement of their difficulties who bore the title of *αἰσυμνήτης*. Such an office was held by Pittacus in Mitylene, Zaleucus in Locri, and Solon in Athens; it was the only constitutional form of despotism in the Greek world, and Aristotle describes it as an "elective tyranny" (Arist. *Pol.* iii. 14, 8 = p. 1285), and as combining the characteristics of *βασιλεία* and *τυραννίς* (*ib.* iv. 10, 3 = p. 1295). The aesymnetes was given a body-guard of sufficient force to enable him to carry out his work of renovation (*ib.* iii. 15, 16), and held office either for life or for a term of years or until certain duties had been performed (*ib.* iii. 14, 9). In the later period of tyranny we find an aesymnete, Iphiades of Abydos, who made himself despot (*ib.* v. 5, 9 = p. 1305; Plaes, *Die Tyrannis*, ii. p. 89); and in some states, such as Teos, Cyme, Naxos, and Megara, the aesymnesia developed into a standing magistracy [AESYMNETES]. But such a legitimised despotism was rare in the Greek world. More frequently the reins of government were seized by a man who constituted himself the champion of a section of the people. The demagogue who united military prowess with zeal for the popular welfare was the most ordinary type of despot; this character is found chiefly exemplified by the pretenders who in the 7th and 6th centuries rose to the throne through opposition to the ruling oligarchies, such as Orthagoras at Sicyon, Cypselus at Corinth, Theagenes at Megara, Pisistratus at Athens (Arist. *Pol.* v. 5 and 10; Herod. i. 59); but this type perpetuated itself even in the 4th century: Dionysius of Syracuse was one of the great historic instances of the demagogue-despot (Arist. *Pol.* v. 5, 10), and both Plato and Aristotle affirm this championship of popular causes to be the most settled element in the growth of tyrannies (Plat. *Rep.* viii. 565 D, *τύραννος ἐκ προστατικῆς ῥίζης καὶ οὐκ ἄλλοθεν ἐκβλαστάνει*: cf. Arist. *Pol.* v. 10, 4 = p. 1310). But it was in the earlier tyrannies that this phenomenon was of most importance, as inaugurating a new and necessary phase of political life; they effected, as no other power could have done, the unity of the nations which they governed, and in many cases, as at Athens, their rule first created a national spirit (Herod. v. 66); they were thus the precursors of the democracy, and even where democratic institutions did not follow their overthrow, yet a juster and more equable rule replaced, as at Corinth, the dynastic government of the older oligarchies. The demagogues who made their way to the throne were sometimes sprung from the oppressed classes whom they championed, as Orthagoras of Sicyon, who belonged to the weaker Ionian element of the state, and is said to have been a cook (Diod. viii. 24); in other cases they were members of the oligarchies they overthrew, and made the great powers which they possessed as magistrates a stepping-stone to the crown. It was thus that Phalaris rose to be tyrant of Agrigentum (Arist. *Pol.* v. 10, 6); Lygdamis of Naxos belonged to the old nobility (*ib.* v. 6, 1); at Miletus a tyranny arose out of the office of prytanis (*ib.* v. 5, 8), and according to one account Cypselus of Corinth rose to power by the mode in which he exercised the office of *πολέμαρχος* (Nicol. Damasc. *Frag.* 58). When once he had risen to power, the despot was sometimes enabled to retain his position through popular support; thus Cypselus of Corinth was a popular man who during the whole time of his rule never had a body-guard (Arist. *Pol.* v. 12, 4); and men like Gelo, who based their power on a victory over the national foes, could dispense with the support of armed force (Diod. xi. 23, 26, 48); but as a rule the band of *ἐπίκουροι*, for the support of which the subjects were taxed, was the invariable accompaniment of tyrannis (Arist. *Pol.* iii. 14, 7); this body-guard was usually composed of foreign mercenaries (*ib.* v. 10, 10), such as the Argive soldiers of Pisistratus (Herod. i. 61). Even when the first steps to power were due to popular support, the rise to the tyranny was often effected by a *coup d'état*, as in the case of Pisistratus. Sometimes, even in the older tyrannies, the despotic rule was wholly acquired by the use of armed force. It was thus that Polycrates and afterwards Syloson gained the throne in Samos (Herod. iii. 120; Polyaen. vi. 45), that Aristodemus gained the throne in Cumae (Dionys. vii. 2 to 11), and that Cylon attempted to make himself tyrant of Athens (Herod. v. 71; Thuc. i. 126). The first exercise of the despot's power was usually the banishment of the more powerful members of the faction, which it had been his declared object to resist. Thus the Bacchiadae were expelled from Corinth by Cypselus (Dionys. iii. 46; Strabo, p. 325; Herod. v. 92), and even Pisistratus of Athens, in spite of his otherwise mild rule, found it necessary to banish some of the nobles (Herod. vi. 103; cf. Arist. *Pol.* v. 10, 12). But by the wiser despots no violent change was made in the machinery of government. The Orthagoridae and Pisistratus ruled in accordance with the existing laws (Herod. i. 59; Thuc. vi. 54, 6; Arist. *Pol.* v. 12, 1), the latter taking the precaution of having the great offices in the state filled by members of his own family (Thuc. *l.c.*). When radical changes were introduced, these had more of a social than a political character, and were calculated either to raise the position of one class of the population at the expense of others, or to unite the peoples by means of common festivals, or to give an impulse to democracy by substituting the universal and popular cults for the aristocratic and exclusive worship of the nobles. The first of these changes we find brought about in Sicyon, where the struggles which raised the Orthagoridae to power had an ethnic significance; the hatred of Cleisthenes to the memory of Adrastus, his suppression of the Homeric recitals and his alteration in the tribe-names, were all intended to elevate the Ionic element in the state at the expense of the Dorian (Herod. v. 67 and 68). The aim of uniting the people by festivals may be illustrated by Pisistratus' cultivation of the Panathenaea (Schol. Arist. p. 323); and that of superseding the aristocratic worship by the encouragement given by Cleisthenes of Sicyon and by Periander of Corinth to the popular cult of Dionysus (Herod. i. 23, v. 67). A further object of the despots' policy was to strengthen their position by adding a lustre to their courts. To effect this they patronised arts and letters, as was done by Periander, Pisistratus, and Hiero, and some, like Polycrates of Samos, maintained an almost Oriental splendour (Sayce on Herod. iii. 39); they raised great buildings, such as the temple of Olympian Zeus originated by the Pisistratidae, and the great monuments at Samos built by Polycrates (Arist. *Pol.* v. 11, 9 = p. 1313; Herod. iii. 60), and sent rich offerings to the religious centres of Greece, such as those dedicated by Cypselus and Periander of Corinth, and by Myron of Sicyon at Olympia (Plut. *Sept. Sap. Conv.* 21; Paus. v. 17 to 19, vi. 19, 2). Aristotle attributes these buildings and offerings of the despots to the desire to impoverish their subjects and give them no time to hatch conspiracies (Arist. *Pol.* l. c.); but the more probable object was the desire of personal distinction in their own states and in Greece: and even amongst the later despots we find the revival of this cultivation of Greek art and letters by Maussolus of Halicarnassus and Evagoras of Cyprus (Plin. *H. N.* xxxv. § 49; Isocr. in *Evag.* 20 and 21). The necessities of internal administration showed the true evils of tyrannis. Aristotle characterises the maxims which the despot must employ to preserve his power as being, to create a slavish feeling in the subjects, to create mistrust amongst them, and to allow no prominent men in the state (Arist. *Pol.* v. 11; cf. Herod. v. 92); while the inevitable influence of flatterers and parasites and the system of espionage were other evils that accompanied their rule (Arist. *l. c.*). But there was probably no positive oppression of the general mass of the citizens. Some despots, like Dionysius of Syracuse, might have taxed their subjects heavily (Arist. *Pol.* v. 11, 10); but the Pisistratidae, we are told, only collected one-twentieth of the products of the soil. The artisans, who were not landowners, would thus have been wholly untaxed, and it was to the interest of the despot to provide the lower classes with material for work, and so keep them contented and employed (Ael. *Var. Hist.* ix. 25; Nicol. Damasc. *Frag.* 60). The external policy pursued by the early despots was at once vigorous and prudent. Thucydides, indeed, says that, with the exception of the tyrants of Sicily, the policy of those of Greece generally was characterised by a regard for selfish interests and by an absence of any great foreign activity (Thuc. i. 17); but this judgment is scarcely applicable to despots like Cypselus, who founded some of the most important colonies of Corinth (Strabo, pp. 270, 388), or Periander, who, besides founding Potidaea (Nicol. Damasc. *Frag.* 60), holding Corcyra and capturing Epidaurus (Herod. iii. 50 and 53), is also credited with the institution of the Isthmian games (Duncker, *Hist. of Greece*, ii. p. 371, n. 2), and certainly raised Corinth to a greater height of power than she attained before or after him. Pisistratus of Athens, too, subdued Naxos, purified Delos (Herod. i. 64; Thuc. iii. 104), and pushed his arms as far as Sigeum in the Troad (Herod. v. 94); while Polycrates of Samos founded a maritime empire, and mingled in the politics of Egypt and Persia (Herod. iii. 39 and 44). More manifest, however, was the greatness of the life and works of the early despots of Sicily—of Gelo and Hiero in particular. The power of Gelo of Syracuse was almost commensurate with his aims. These were a union of all the Sicilian Greeks against the barbarian, which he so far effected as to be himself described by the historian as "despot of Sicily" (Σικελίης τύραννος, Herod. vii. 163, cf. c. 157).

But, however powerful the individual tyrant might make himself, it was not in the nature of the tyrannies to last long. They marked a period of transition in Greek politics, and, when their work of destruction and preparation had been effected, there was no further reason for their continuance; they were rarely inherited, and, even when transmitted, fell rapidly through the degeneracy of the holders, who sought to maintain their power by force, and sometimes through quarrels in the ruling house, such as proved the ruin of the earlier and later despotisms at Syracuse (Arist. *Pol.* v. 10, 31). The Orthagoridae ruled at Sicyon for a hundred years, the Cypselidae at Corinth for seventy-three years, the Pisistratidae at Athens, exclusive of the period during which Pisistratus was banished, for thirty-five; and Gelo, Hiero, and Thrasybulus at Syracuse for eighteen years (Arist. *Pol.* v. 12; Herod. i. 60; Eratosth. *ap.* Schol. Aristoph. *Vesp.* 502), but these periods of duration were exceptional (Arist. *l. c.*). The actual overthrow of a tyranny was sometimes due to a general rising of the people, such as that which deposed Thrasybulus of Syracuse (Diod. xi. 67 *sq.*), sometimes to conspiracies inspired by private revenge (Arist. *Pol.* v. 10), but was not unfrequently effected by external force. Thus the Lacedaemonians drove out the Pisistratidae and are credited with having put down other tyrannies (Thuc. i. 18; Herod. v. 92; Arist. *Pol.* v. 10, 30); and similarly the Syracusans, after the death of Thrasybulus and after that of the younger Dionysius, put down despotisms in the other Sicilian states (Arist. *l. c.*; Diod. xi. 68, xvi. 82; Plut. *Tim.* 34).

The earlier despotisms in Greece proper, belonging to a dim period of history, became at an early period obscured by legend and coloured by the later Greek conceptions of tyranny. From these legends was developed the idea of a normal type of despot, which was usually embodied in the person of Periander. He was the standing illustration of the mode in which the true despot preserved and exercised his power (Arist. *Pol.* v. 11), while the events of his life were modelled after that conception of the internal state of the despot, which was such a favourite subject of Greek speculation (Herod. v. 92; cf. Plat. *Rep.* ix. p. 580; Xen. *Hiero*, passim). The so-called "tyrants" of the Greek cities in Asia Minor in the 6th and 5th centuries B.C.—such as Daphnis of Abydos, Aeaces of Samos, Aristagoras of Cumae, and others (Herod. iv. 138)—cannot be classed with the despots of the early period in Greece proper, Italy, and Sicily. They were merely native princes who governed the Greek dependencies of Persia, and who were kept in their position by Persian support; and in their dependence on external aid they bear a greater resemblance to the later despot of the 4th century.

This later despotism differed essentially from the earlier, in that it was not a natural growth and did not arise from internal changes in the Greek communities, but was a product of the general degeneration and of the ever-growing influence of mercenaries. The causes which raised these despots to power were sometimes the influence of the political clubs, but more often the ease of raising mercenaries or of seeking the protection of some strong foreign master (Plaes, *Die Tyrannis*, ii. pp. 38–40). The exceptions to the general rule were the later despotism of Sicily and the government of the Tagi of Thessaly. Dionysius of Syracuse was, like the earlier despots, a demagogue; and with the rule of Jason of Pherae Thessaly began a new life, became a united nation, and took her place among the powers of Greece. But on the whole these despotisms were not the sign of a healthier phase of political life. Many of them were due to the power of Macedon, which sought, like Persia, to rule its dependent states through despots; and most of them were a sign of the impossibility of the continuance of free civic life in Greece.

(H. G. Plaes, *Die Tyrannis in ihren beiden Perioden bei den alten Griechen*, Bremen, 1852; Drumann, *De tyrannis Graecorum*, Halle, 1812; Wachsmuth, *Hell. Alterth.* i. 493 ff., ii. 72 ff., 688 ff.; Schömann, *Griech. Alterth.* i. pp. 169 ff.; Gilbert, *Handb. der griech. Staatsalth.* ii. 277 ff.; Iwan Müller, *Handb. der classisch. Alterth. Wissenschaft*, iv. 1, 36 ff.; Duncker, *History of Greece*, Bk. iv.; Grote, *History of Greece*, Pt. ii. ch. 9; on the Sicilian tyrants, Holm, *Gesch. Siciliens in Alterth.* i. 212 ff., ii. 77 ff.)

[A. H. G.]

U, V.

VACA'NTIA BONA. [BONA VACANTIA.]

VACA'TIO MILITIAE. [EXERCITUS, Vol. I. p. 805 *a*.]

VADIMO'NIUM. [ACTIO, Vol. I. p. 17; PRAES.]

VAGI'NA. [GLADIUS.]

VALETUDINA'RIUM (νοσοκομεῖον), an infirmary. A detached building or room was commonly found in large houses for the reception of sick slaves, who, we are told, should at once be removed there for better treatment, and, no doubt, for the prevention of infection (Col. xi. 1, 18; xii. 3, 7;—Senec. *de Ira*, i. 16; *Nat. Qu.* 1). We have no satisfactory evidence of anything that can be regarded as a *public* infirmary or hospital in Italy until the end of the 4th century A.D. Though the passages of Seneca cited above might bear this interpretation, there is no reason to consider the valetudinaria which he mentions as anything but infirmaries for slaves in private houses. Attendants for such valetudinaria are mentioned in *C. I. L.* vi. 4475, 9084, 9085. [As regards military *valetudinaria* in camps for sick or wounded soldiers, see EXERCITUS, Vol. I. p. 802 *b*.] The earliest mention of an infirmary or hospital for the poor in Italy seems to be that found in Jerome (*Ep.* iii. 10, *de mort. Fab.*), where we are told that Fabiola, A.D. 380, took care of the sick brought from the streets into a building of this kind: "Primo omnium nosocomium, id est languentium villam, instituit, in quo aegrotantes colligeret de plateis et consumpta languoribus atque inedia membra foveret." Shortly before this (A.D. 372) we hear (Sozom. *Hist. Eccles.* vi. 34) of a hospital at Caesarea established by Basil (primarily, however, for the reception of poor travellers or pilgrims). Vercoutre maintains, probably with reason, that all idea of such an institution was derived by the Romans from the Greeks, whose lead they followed in everything connected with medicine [see MEDICINA, MEDICUS]. We doubt, however, whether this writer is justified in making as much as he does of the Greek *ἰατρεῖα*, or in regarding them as in any sense hospitals. The state physicians, who treated the poor gratuitously in return for their state salary, had in many Greek cities not only their medicines and surgical appliances provided for them by the state, but also a room, or suite of rooms, called *ἰατρεῖον*, which otherwise means merely the consulting-room and dispensary of any physician [MEDICUS]. The description in Galen is *οἶκοι μέγαλοι θύρας μεγάλας φωτὸς πλήρεις ἔχουσιν, οἷοι καὶ νῦν κατὰ πολλὰς τῶν πολέων δίδονται τοῖς ἰατροῖς, οὓς παρωνύμως αὐτῶν ἰατρεῖα προσαγορεύουσι* (Gal. *in* Hippocr. *de Med. Officin.* i. 8). In such rooms it is probable that patients might remain for a time; if, for instance, they were unable to move after an operation: but we lack information which would warrant our crediting Greece with hospitals properly so called earlier than the 4th century. It is possible that the *παιώνιον* at Piraeus, mentioned by Crates, the comedian of the 5th century B.C. (*Fr.* 15, Meineke), may have been something of the kind, but this is doubtful; at any rate, it is not alluded to anywhere else, and can hardly have been an institution lasting or imitated in many other places. The function of hospitals for the poor was, to some extent, performed by the temples of Aesculapius [MEDICUS, p. 154], where the priests no doubt combined a certain amount of medical knowledge (cf. Liv. xlv. 28) with a great deal of quackery and superstitious observance (cf. Aristoph. *Plut.* 665 ff.), and it may, we think, fairly be surmised that the disuse of these temples in Christian times made the necessity of hospitals more apparent, and so led to their institution, in much the same way as in this country the suppression of monasteries, which had largely relieved the indigent poor, made the necessity of Poor-laws immediately evident. (On this subject, see Daremberg, *Hist. de la Médecine*, ch. i.; *Westminster Review*, vol. lii.; and especially three articles by Vercoutre in *Revue Archéol.* 1880, pp. 90, 231, 309 ff.) [G. E. M.]

VALLUM, a term applied either to the whole or a portion of the fortifications of a Roman camp. It is derived from *vallus* (a stake), and properly means the palisade which ran along the outer edge of the top of the agger, but it very frequently includes the agger also. The vallum, in the latter sense, together with the *fossa* or ditch which surrounded the camp outside of the vallum, formed a complete fortification [AGGER], and accordingly the word *vallum* is almost always found in connexion with *fossa*.

The *valli* (*χάρακες*) or *sudes* (Caes. *Bell. Gall.* v. 40, 6; Veg. i. 24, iii. 8), of which the vallum, in the former and more limited sense, was composed, are described by Polybius (xviii. 18, 5 ff., ed. Hultsch = xviii. 1, ed. vulg.: see Mr. Strachan-Davidson's notes on this difficult passage, pp. 416–17) and Livy (xxxiii. 5), who make a comparison between the vallum of the Greeks and that of the Romans, very much to the advantage of the latter. Both used for valli young trees or arms of larger trees with the side branches on them; but the valli of the Greeks were much larger and had more branches than those of the Romans, which had either two or three, or at the most four branches, and these generally on the same side. From their similarity to the antlers of a stag (Sil. Ital. x. 414), they were sometimes called *cervi* (Varro, *L. L.* v. 117, Müller; Caes. *Bell. Gall.* vii. 72, 4: Tibull. iv. 1, 84: cf. Liv. xliv. 11, 4), or *cervoli* (Frontin. *Strateg.* i. 5, 2; Hygin. *de Mun. Castr.* § 51). The Greeks placed their valli in the agger at considerable intervals, the spaces between them being filled up by the branches; the Romans fixed theirs close together, and made the branches interlace, and sharpened their points carefully. Hence the Greek vallus could easily be taken hold of by its large branches and pulled from its place, and when it was removed a large opening was left in the vallum. The Roman vallus, on the contrary, presented no convenient handle, required very great force to pull it down, and even if removed left a very small opening, as the stake itself was so small. The Greek valli were cut on the spot; the Romans prepared theirs beforehand, and each soldier carried three or four of them when on a march (Polyb. *l. c.*; Verg. *Georg.* iii. 346, 347; Cic. *Tusc.* ii. 16, 37; Liv. *l. c.* and *Epit.* lvii.). They were made of any strong wood, but oak was preferred.

The word *vallus* is sometimes used as equivalent to vallum (Caesar, *Bell. Civ.* iii. 63).

A fortification like the Roman vallum was used by the Greeks at a very early period (Hom. *Il.* ix. 349, 350).

Varro's etymology of the word (viz. "vel quod ea varicare [stride over it] nemo potest vel quod singula ibi extrema bacilla furcillata habent figuram litterae V:" *L. L.* v. 117, ed. Müller) is not worth much. The real derivation is probably from the root *var* (*val*), "to protect," whence *vereri*, ἧλος; cf. Vaniçek, pp. 900, 901.

In the operations of a siege, when the place could not be taken by storm, and it became necessary to establish a blockade, this was done by drawing defences similar to those of a camp round the town, which was then said to be *circumvallatum*. Such a circumvallation, besides cutting off all communication between the town and the surrounding country, formed a defence against the sallies of the besieged. There was often a double line of fortifications, the inner against the town, and the outer against any force that might attempt to raise the siege. In this case the army was encamped between the two lines of works.

This kind of circumvallation, which the Greeks called *ἀποτειχισμὸς* and *περιτειχισμός*, was employed by the Peloponnesians in the siege of Plataeae (Thucyd. ii. 78, iii. 20–23). Their lines consisted of two walls (apparently of turf) at the distance of 16 feet, which surrounded the city in the form of a circle. Between the walls were the huts of the besiegers. The walls had battlements (*ἐπάλξεις*), and at every tenth battlement was a tower, filling up by its depth the whole space between the walls. There was a passage for the besiegers through the middle of each tower. On the outside of each wall was a ditch (*τάφρος*). This description would almost exactly answer for the Roman mode of circumvallation, of which some of the best examples are that of Carthage by Scipio (Appian, *Punic.* 119, &c.), that of Numantia by Scipio (Appian, *Hispan.* 90), and that of Alesia by Caesar (*Bell. Gall.* vii. 72, 73). The towers in such lines were similar to those used in attacking fortified places, but not so high, and of course not moveable. [TURRIS.] (Lipsius, *de Milit. Rom.* v. 5, in *Oper.* iii. pp. 156, 157; Poliorc. ii. 1, in *Oper.* iii. 283; Marquardt, *Röm. Staatsverwaltung*, ii.² 419; and the art. CASTRA in Vol. I. of this Dictionary.) [P. S.] [L. C. P.]

VANNUS (*λίκνον*), a winnowing fan, *i.e.* a broad basket, into which the corn mixed with chaff was received after threshing, and was then thrown up into the wind so as to disperse the chaff and leave the grain (Col. *R. R.* ii. 21; Verg. *Georg.* iii. 134). The same process was performed by the (probably) more primitive wooden shovel (*πτύον*, *pala lignea*), an implement with a long handle and broad blade, sufficiently like an oar to account for the passage in the Odyssey where the oar is mistaken for the *ἀθηρηλοιγος* (*Od.* xi. 128; PALA). The expression "mystica vannus Iacchi" in Verg. *Georg.* i. 166 shows that the shape of the basket winnowing fan and the Bacchic *λίκνον* (whence the title *Διόνυσος λικνίτης*) was the same.

The infant Dionysus in the *λίκνον*. (From a terra-cotta in the British Museum.)

The suggestion of Mr. Andrew Lang (*Custom and Myth*, p. 36), that the *mystica* vannus was a magic method of raising the wind, like the whirling of the *turbo* or *rhombus* [TURBO], though ingenious and attractive, must, we think, be rejected. The *λίκνα μυστικὰ* are mentioned by Plutarch (*Alex.* 2) as being covered with ivy, and containing serpents which belonged to the cult of Dionysus. It is probable that sometimes a figure of the infant Dionysus was actually placed in it, though the representation in the antefixa engraved above may only indicate that he was regarded as spiritually present in the processions. We see here the infant god carried in a *λίκνον* or vannus by two figures, a Satyr bearing a thyrsus and a Maenad bearing a torch, both wearing skins [NEBRIS]. Some have wished to trace a symbolism of purification by fire and air [cf. OSCILLA], but we have little doubt that the simpler explanation of the mystic vannus is true. Plutarch speaks of the "Awakening of Dionysus" (*ὅταν αἱ Θυιάδες ἐγείρωσι τὸν Λικνίτην*, *Is. et Os.* 35; cf. *ἀμφιετῆ καλέω Βάκχον—ἐγρόμενον κούραις ἅμα νύμφαις εὐπλοκάμοισιν*, Orph. *Hymn.* 53), which belonged to the Delphic winter month *Δᾳδοφόριος*. The swinging of the basket cradle by the nymphs, who were the nurses of Dionysus, represented the call upon the god of springing vegetation to awake. In winter he is an infant sleeping, as the vegetation sleeps; by spring-time he is to wake and gain his full strength: hence the appropriateness of the corn basket being also the cradle of the god. The idea is illustrated by the German superstition of "waking the corn" described by Mannhardt (*Wald- und Feld-Kulte*, i. 534): perhaps also by the "corn-baby" (see Frazer, *Golden Bough*, ii. 23). The scene on the terra-cotta shows doubtless what the procession of the *λικνοφορία* at Delphi and elsewhere represented: the *λικνοφόροι* (Dem. *de Cor.* p. 313, § 260) bore a cradle in which was either the infant god himself or his attributes, the sacred serpents, &c. (See further on this subject Lobeck, *Aglaoph.* 700; Roscher, *Lexicon der Gr. und Röm. Myth.* pp. 1042 f.; Baumeister, *Denkm.* p. 850.) [J. Y.] [G. E. M.]

VAPPA. [VINUM.]

VAS (legal). [ACTIO, p. 17; PRAES.]

VAS (*vasa*, generic name for earthenware) covers in its extended sense (*a*) *vessels* of all materials; (*b*) *utensils* of every sort; and is (*c*) in a special use applied to the *baggage* of an army.

Earthenware naturally subdivides itself into two classes, embracing firstly those objects of the commonest utility which, once a suitable material and form have been invented, retain that form and material practically unaltered to the end; and, secondly, those which are subject also to the laws of ornament and fashion. Product of primitive civilisation as is the invention of baked clay for household utensils, no art is wholly removed from the influence of its sister arts. Gourds, earlier in use than earthenware vessels, showed men how to shape and ornament them; and metal-work, ornamental glass, and textile industries have all left their mark on the development of Greek and Roman ceramics.

The earliest pottery unearthed on Greek soil is represented in the finds of Dr. Schliemann at **Hissarlik**, and is of a rude type. The manufacture is as yet in almost its first stage. There are vases of very various forms, doubtless meant for special uses, but showing no great adaptation of means to end: in scarcely more than two series have the potters succeeded in establishing fixed types; the one (fig. 1) being that which Dr. Schliemann imagined might represent the Homeric **δέπας ἀμφικύπελλον**, the other (fig. 2)—the "owl-vase"—being noteworthy as marking a first attempt to establish, in the analogy between a vase and a living thing, a principle of design and decoration. [Examples of the shapes: Schliemann, *Ilios*, p. 299, No. 179, and pp. 340 ff., figs. 227 ff., respectively.] This analogy, though helpful, is responsible for many vagaries in early ceramic art. The Hissarlik vases are hand-made—Dr. Schliemann excepts one, figured *Ilios*, p. 214, No. 23—are generally of a dull-black colour produced by the smoke of the furnace impregnating their substance, and have been rubbed, after firing, by a piece of wood or some similar material so as to dress the surface and impart a certain polish. The clay contains many particles of mica, which may be used like pounded granite to bind and strengthen. Handles are not generally employed, and their place is taken by bosses pierced for the passage of a thong by which the vessel might be hung against a wall: a practice sometimes retained in later ware as a mere form of ornament. The vases are never painted, but in a certain proportion of them scratches have been made to serve a first rude idea of design. These scratchings have, Dr. Schliemann states, been in many cases "filled up with white chalk;" but the presence of the chalk may, as in the parallel instance of certain Cypriote vases, be accidental and due to the nature of the soil, which both at Hissarlik and Alambra (Cyprus) is of a limestone formation. A fragment of a large **πίθος** "from the second city" exhibits a second style of ornamentation, the design being given by strips of clay applied in relief. [For the Hissarlik pottery, see Schliemann, *Ilios* and *Troja;* Dumont et Chaplain, *Les Céramiques*, s. v.]

Fig. 1. Two-handled Vase from Hissarlik. (Schliemann, *Ilios*.)

Fig. 2. So-called "Owl Vase" from Hissarlik. (Schliemann, *Ilios*.)

In many ways analogous to the pottery of Hissarlik, but showing a distinct advance upon it, is that obtained from the most ancient graves of Cyprus. The class of ware here indicated is known by the name of the place where most examples have been found, **Alambra** (Dali): elsewhere in Cyprus it has not been discovered except at Larnaca (Kition): both are sites especially associated with Phoenician colonisation. The class consists of vases (*a*) covered with a vitreous slip and baked to a lustrous red, almost vermilion in tint, ranging sometimes, by over-exposure, to black or, by under-exposure, to a light red: the ornamentation is by lines incised generally before, occasionally after, firing. Some specimens of this class are decorated in appliqué with strips of clay, which here and there take shape as serpents. (*b*) Made of extra fine clay, moulded to a very delicate texture. The colour is grey, or pale black; and the vessels are less frequently ornamented with incised lines, and more often by appliqué work: often the vase is left plain. The ware seems to be rather later in date than that mentioned under (*a*).

It is in the Alambra pottery that a distinctive style first emerges, both in form and ornament. Two shapes are characteristic, the first of which is simply a reproduction in clay of the long-stalked gourd which has always been and is to-day the commonest water- or wine-bottle of the Cypriotes: in some cases it has even been fitted with a string and stopper, thus carrying the resemblance into the closest detail. [An example is in the Brit. Mus., 1 V. R., Wall-case 3, No. 1.] The other shape is that of a broad, shallow, handleless cup. Something like a system of ornamentation also appears: the scratches are gathered together to form lozenges and cables, and the field is divided into sections by perpendicular lines. Many of the vases with their bright red colouring set off by the white lines of incision, or their delicate grey tint, are really effective. Their greater merit may be due to

Semitic influence, to which also the use of the wheel is perhaps to be assigned.

Similar vases, though of inferior style, have been found on a number of the Aegean Islands, such as Amorgos, Antiparos, Naxos, Melos: and they represent a distinct epoch in ceramics, an epoch undoubtedly of considerable duration. Already however a new style is growing up, and the introduction of painting opens a great career to the potter. By whom and when painted vases were invented is unknown, nor is it necessary to assume for them a single source. At **Thera** (Santorin), which has, among the Aegean Islands, yielded the richest harvest of early pottery, the new style is found already established. Thera ware is made entirely upon the wheel, and, almost for the first time, vases are furnished with a foot and intended to stand by themselves instead of being hung against a wall. The clay used proves the fabric to be an insular product: while the ornamentation shows a great preference for plant-life, but admits also animal forms. Though great success is not attained, there is a distinct striving to imitate nature. As to colours, red, brown-black, and white are used upon prepared grounds of grey, buff, and a brownish red. By substituting the brush for the point the artist is enabled to ornament also the inside of the vase, and thus a new departure is taken.

Thera pottery is found beneath a lava stratum, and this fact has given it an exceptional value as suggesting the possibility of an approximate date. Geologists, however, are unable to speak either with precision or unanimity; and the opinion now in vogue that the ware belongs to the period 2000–1500 B.C. must stand for what it is worth. Any attempt to date the Hissarlik and Alambra types from that of Thera is without value: Cypriote pottery in particular, owing to its conservativeness, is exceptionally difficult in the matter of chronology.

[For early Cypriote pottery, see an article by Sandwith, *Archaeologia*, xlv. (1877–80), which is especially valuable for its reserve, and for its illustrations in colour (*v.* pl. ix.); also Dümmler, *Mitth. d. Ath. Inst.* xi. pp. 209 f. and A. S. Murray in Cesnola's *Cyprus*. For Thera, Dumont et Chaplain, *Les Céramiques*, s. v. "Type de Santorin," and pll. i. and ii.: the geological question in Fouqué, *Santorin et ses Éruptions*.]

The vases of Thera supply a natural point of transition to the second great stage of early ceramic art represented by the so-called **Mycenaean** ware. Spread over virtually the whole of the ancient classical world, there has been found a class of pottery more or less uniform in technique and ornamentation which has formed the subject of special study by Drs. Furtwängler and Löschcke and has been named by them "Mycenaean." This class divides itself broadly into vases painted (*a*) with opaque, or *matt*, and (*b*) with lustrous, colours (*Mattmalerei*, *Firnissmalerei*). The first division is of less interest, is relatively small, and of greater antiquity. Examples of it occurred only in the deepest layers at Mycenae, and it is not generally found accompanying (*b*) in localities other than Mycenae itself. The decoration is painted in opaque colour, either on red or pale clay: in the former case the tints are violet-brown and red, and white is at times employed, while the surface is polished; in the latter only violet-brown is used, and there is no polishing. The ornaments sometimes show a close analogy to the metal-work which Dr. Schliemann found accompanying the pottery.

(*b*) The introduction of lustrous colours is "a new factor in vase-making;" and is to all intents peculiar to Greek ceramics (including the pottery of peoples taught by Greece). Four different styles may be distinguished:—1. A small class, ground completely covered by black varnish, on which designs are painted in matt white or red. 2. The ground is supplied by a whitish or yellow-brown slip, the ornament painted in black-brown (lustrous). 3. A lustrous, warm-yellow surface is ornamented with paintings in all shades, from yellow to dark brown. 4. Similar but duller both in ground and lustre. Inner face of open vases treated with varnish-colour. Of these styles the third is the important one, and is the one almost solely represented outside the Argolid.

While the classification holds good, the conclusions based upon it by its authors are more open to objection. They found in the Mycenae ware the outcome of a civilisation pre-Dorian but not un-Greek, localised in and about Mycenae, which carried by the channels of trade its manufactures to all parts of the ancient world, so that "the Mycenaean pottery was as exclusively made in the Argolid as the later Attic ware at Athens, or the Corinthian at Corinth." These positions have been, with good reason, often challenged; but an alternative theory has not yet received the stamp of general assent. In any case the problem of Mycenae is bound up with the greater problem of the Mycenaean culture in general as represented especially in its metal-work; and that culture has been variously traced to Phoenicia, Egypt, Crete, and Caria.

Two styles of ornament mark themselves out in "Mycenaean" pottery, and are indebted respectively to *marine forms*, and the conventions of metal-work, the former being especially in favour at Ialysos, the latter at Mycenae. Two shapes also are highly characteristic, the vase with a bow-form handle (*Bügelkanne*) and the cuttle-fish goblet: the first a general receptacle for water, wine, oil, and ointments; the latter a drinking cup, owing both form and ornament to the popularity, probably as great then as now, of a fish which is considered at once a peculiar delicacy and an excellent thirst-producer.

[For Mycenae ware, *v.* Furtwängler and Löschcke, *Mykenische Thongefässe* and *Mykenische Vasen*. A summary of the Mycenae controversy to date is given in the last chapter of Schuchhardt's *Schliemann's Ausgrabungen*.]

A small but most interesting class of early vases is that which imitates Phoenician glass. It is mainly represented by specimens obtained by Mr. George Dennis in 1882 from the tumuli of Bin-tepe near Sardis. The clay is painted with waved lines of the warmest orange and red, and is highly polished. Other imitations of glass ware have been found on different sites, and in Cyprus the style remains down to a comparatively late date.

In the Alambra and especially in the Mycenae pottery a new ornamental style is beginning to assert its claim to notice, the **Geometric**. Owing its origin very largely to the influence of technique in metal, from which it borrows many of its most characteristic members, like the concentric circle, spiral, maeander and cable, and rosette, it soon won independence and makes its first appearance,—in the *Dipylon* vases,—already a matured and established convention. That it attaches itself closely in point of development to the preceding Mycenae ware may seem established by the fact of its being found side by side with the third and fourth varieties of that style: but in reality there is, from a technical point of view, a very perceptible break between the two; the birth of the Geometric style is unknown, and it meets us first as a finished product which a long process of development must have preceded. This fact, coupled with a minute examination of formal style and the elements of ornamentation employed, has naturally suggested an origin in a manner foreign. Furtwängler and Löschcke would regard the Geometric principle in contrast to the Mycenae technique as Dorian compared with pre-Dorian: others, as Kroker (*Jahrbuch*, 1886, pp. 95 f.), have endeavoured to prove a close connexion with Egypt, others with Phoenicia or Ionia. (Older theory of the Geometric vases in Conze, *Annali*, 1877, p. 396 n.) The finest and most numerous specimens however come from Athens, especially from the neighbourhood of the Dipylon (whence the name given to this ware); and a comparatively late oenochoe is marked as Attic by its inscription (*Mitth. d. Ath. Inst.* vi. Taf. 3). That Athens was the main seat of manufacture is practically certain, but this in no way excludes the question where the style first originated, a question which for the present remains open. Nor is the chronology of the Geometric style satisfactorily determined. It may have run its course for five or six centuries, and lasts in Greece proper down to the 6th cent. B.C. Limits of space make it impossible here to give a detailed account of the system of ornament: it will be enough to reproduce an example (fig. 3) which contains almost all the characteristic traits of its class, and to refer for specimens of the dateless conventionalised style to the collection from Cyprus in the British Museum (1 V. R.).

Attention should be specially drawn to the prevalence of forms of aquatic life, the *limitation* of range in the depicting of quadrupeds, and the introduction of scenes from daily life, among which funeral processions and sea-fights deserve most notice. Both matt and lustre colours are used, including red of all shades, brown, and black, while the ground is *generally* of a prepared tone, varying from the palest neutral stone to a deep red. Owing much to Orientalism in its first development, the Geometric style attained so high and lasting a popularity and became so purely conventional that it threatened to crush all life out of ceramic art, when salvation came by a new impulse from the East. Thenceforth two movements, conservative and progressive, manifested themselves. The great merit of the style lies in the training it gave the artist in sureness of hand and eye, and in the perfecting of shapes.

The pottery of **Cyprus** may here be briefly dismissed. Alambra ware, already treated, is in all probability genuinely archaic: absolute certainty is out of the question. Geometric style was early established, and soon drove all competitors from the field: it shows a special preference for concentric circles and aquatic life. The process of development is in a manner retrograde: the later the ware, the simpler and more purely geometric is its ornamentation. Upon an unvarying background of geometric forms foreign influences from time to time superimposed themselves, and vanished, in agreement with political conditions, and thus there came into existence an Egyptian-geometric, an Assyrian-geometric, a Persian-geometric, and, lastly, a Greek-geometric. Finally the style seems to die out about the end of the 4th century, although isolated specimens may go down even to Roman times. No group of vases is to be identified with the Phoenicians. There is no reason to believe that that people ever manufactured pottery to an appreciable extent; though they introduced the potter's wheel and other secrets of the craft from Egypt and Babylon. Pottery is alien to the spirit of their trade, which was concerned with articles of little bulk and high value. Still Phoenicia is responsible (*a*) for the introduction of certain Oriental forms (like the sacred tree); (*b*) for a more lasting Semitic flavour than the temporary dominion of successive conquerors would have imparted. Apart from the accidents of political necessity, identically the same style of ware remained in use for centuries: nor is there any particular reason for assigning a given vase to the end or the beginning of the period. [The report of the last excavations in Cyprus, *Journ. Hell. Stud.* 1890, may be consulted.]

The universal extension of Geometric style gave rise to many local varieties, and from this epoch begin fabrics classed, with greater or less justice, as imitative. Especially was this the case in Italy, the great market for vases, where native ceramic art now entered upon and maintained to the last a rivalry with Greek (continental) wares. It was once, through ignorance, the fashion to attribute all figured vases to Etruria; it is now, through oversubtlety, equally the fashion to attribute everything to Greece proper. By anticipation it may be said here that beside the distinct local Etruscan wares, so well represented at Florence, there were certainly other, and S. Italian Greek, imitations of later Corinthian and Attic pottery; but that these were not, virtually, contemporary with their prototypes, it is difficult to show. To have insisted on the possibly much wider scope of such imitative art, to have protested against the over-hasty generalisations now in vogue, is the great merit of Prof. Brunn; but his attempt to degrade so many figured vases to the level of late Italian imitations has mainly failed, resting as it does primarily on a mistaken view of the epigraphic evidence from vases.

In the Geometric style—to return from this brief digression—new tendencies soon appear. A small class of vases, named after the place of discovery **Phaleron**, embraces a series of jugs (*olpae*) of a peculiar shape, having a narrow body, an extremely high and broad neck, and a trefoil lip. Though not differing in technique from the Dipylon class, these vases introduce new features in the characteristic label ornament of the neck, in a manner of filling the field which is prophetic of later Rhodian style, above all in the employment of new animal types and their treatment, both in design and grouping, on Oriental models. The reaction which manifests itself first in the Phaleron ware soon spread widely, giving birth to an era of transition. Another group of Attic vases shows the same tendency: the finest of them is the Hymettos amphora, No. 56 in the Berlin Antiquarium. Characteristic of the new method as shown in this vase is the heraldic grouping of combatants in pairs. A like process was at work in the islands, especially at Melos and Rhodes. A small class of amphorae (it contains three and a fragment) was early set apart by Conze and named by him "Melian." Though the claim of the vases to a separate title has been disputed, convenience at least has sufficed for its retention. The Melian ware is later in development than much of the Rhodian, but it stands first here because of its far closer connexion with the Dipylon style, as shown in the range of geometric ornaments which still fill the field, and in the manner of rendering the human animal forms as in the spirit of the grouping. There are many features hitherto unknown in these Melian amphorae, and the admixture of Oriental style and design is especially obvious; but these details may be best considered under the heading of Rhodes.

[For Phaleron vases *v.* Dumont et Chaplain, *Les Céramiques*, pp. 101 ff.; Böhlau, *Jahrbuch*, 1887, pp. 44 f.: Hymettos amphora, Furtwängler, *Beschreib. der Vasen S. . . . zu Berlin*, No. 56: Melos vases, Conze, *Melische Thongefässe.*]

Vase-painting then has reached the point at which the tide of **Orientalism,** whose rising has been noted in the transition style beginning with Phaleron, swells into full flood. Rhodes indeed can show examples of the entire process: but it is with the triumph of the Oriental style that the island pottery is specially associated. While under its influence the vase-painter evolved a system of decoration effective and of true beauty, the potter condensed the earlier multiplicity of forms to a few simple and elegant types, the most characteristic among which is an *oenochoe*, resembling that in the next cut. Almost equally characteristic is the *pinax*,

Fig. 3. Vase from Curium in Cyprus. (Cesnola, pl. xxix.)

while *amphora* and *cylix* are taking shape; and, as the Oriental style waxes to its zenith, the *alabastos*—which may conceivably be a Naucratis invention—and the *aryballos* come to the front and are the favourite shapes at Corinth. [ALABASTRUM; ARYBALLUS.] But whereas the types of *oenochoe*, *pinax*, *alabastos*, and *aryballos* are created in the Oriental school, those of the *amphora* and *cylix* are only sketched.

Fig. 4. Oenochoe. (Birch.)

Two alien arts exerted a special influence over the birth of the new style, textiles—in particular, embroidery—and metal-work. Thus the scheme of ornament on a Rhodian *pinax* is comparable to the unit of a brocaded pattern with the threads of the under-web left projecting; and Corinthian designs reproduce the continuous texture and involved lines of close embroidery: while on the other hand the choice of rosettes and anthemia, the alternation of purple and red with a brown-black, the employment of incised lines for details, display a connexion with metal-work. Both arts impel the painter towards polychromy.

Painting at first, like the artists of the Transition, with brown-black varnish on a plain polished ground, Rhodian potters founded a new method when they effected a combination of silhouette and outline-drawing, and left the light parts in ground-colour. Light and shade, discrimination of planes of surface, become thereby possible. A fresh step in advance is made when the red clay is covered throughout with a dull cream-white engobe which can be used to represent flesh-colour with more fidelity to nature. Then white and a new red tint are employed to mark details and differences of surface, and are generally laid on in broad unbroken masses. A more minute discrimination of details but a less spirited and less free conception marks a yet further advance in technique, which is signalised by the use of purple colour and the rendering of outlines and details by incised lines.

These differences in technique allow Rhodian ware to be divided into two main classes, which have been named "Dorian" ("Egyptian") and "Assyrian." The former exhibits a less conventional style, more freedom in the choice of animal types, and among the ornaments with which in this, as in all Rhodian ware, the field is sown, a preference for those of a geometric class and for the Egyptian lotus: the latter practically admits no animals but the lion, bull, and goat, is more distinctly Oriental in its forms, and loves to crowd the field with rosettes. The former again employs white and red for details, but retains outline drawing; the latter alone uses incised lines and purple. In the one a metope arrangement is frequent, and is often forced; in the other, where it occurs, it is only in the modified form of an Assyrian blazon, two animals facing one another and separated by the sacred tree.

Taking Rhodian pottery as a whole, the subjects are drawn almost entirely from the animal creation. Beast forms, the goat, lion, bull, boar, ram, &c.—the first two in overwhelming preponderance—occupy most of the vases: an apparently later group admits further the human figure, and compound shapes like the Sphinx. In this later group one vase stands out from among its fellows. This is the well-known Euphorbos *pinax*, whose importance lies not only in the fact that it is the first instance in which a definite scene—Menelaos and Hector fight over Euphorbos—from a definite source (the Epos) is represented, but because being inscribed with the heroes' names it furnishes other material for a date than that drawn from internal evidence of style. Kirchhoff has thus been enabled to place this vase at the end of the 7th century, and this fixes with approximate certainty the lower limit of the Rhodian period (v. *Studien zur Gesch. d. griech. Alph.*).

It is unnecessary here to discuss the doubts which have been thrown on the claim of Rhodes to be the actual manufacturer of the pottery classed under her name. Other things being equal, the principle is fairly trustworthy that a particular style is native in the place where it is most abundantly found. It is sufficient to refer to the treatment of these and similar questions in e.g. *Egypt Explor. Fund Memoirs*, Naukratis, pts. i. and ii.; *Jour. Hell. Stud.* 1885, pp. 180 ff. [For Rhodian ware in general, v. A. S. Murray in *Revue Archéol.*, Dec. 1882, pp. 342 ff.; Dumont et Chaplain, *Les Céramiques*, s. v.; Salzmann, *Nécropole de Camiros*, for illustrations.]

There is a small class of vases of a peculiar type found in Rhodes, at Naucratis, and in Etruria, to which it has been proposed to give the name "Polledrara," after the large hydria of the British Museum. The distinctive trait of this class is the clay, which is black throughout, and contains numerous particles of mica. The designs are painted in scarlet and purple, and occasionally blue. The origin of the ware is disputed; Naucratis, Lesbos, Rhodes, and Etruria being all suggested as the seat of its manufacture.

Closely resembling this group in material, but very distinct in point of ornament, are the early Italian vases, the so-called **Bucchero.** Dull and rough in appearance at first, like the brown ware which accompanies them, the Italian vases in their more developed state are of lustrous black pottery, with ornaments and scenes moulded in relief from the actual clay of the vase, the Bucchero properly so named. The distinctive feature is the evident attempt to imitate as closely as possible a bronze original: whence both colour and polish, moulding of ornament in relief as though embossed, and treatment of lip and handles.

[Examples illustrated by Micali, *Monumenti Inediti*; Dennis, *Etruria*.]

The polychromatic style, whose commencement has already been seen in Rhodes, reaches its highest development at **Naucratis.** So cosmopolitan a town (Herod. ii. 178) must have brought together all kinds of styles in ceramics, and the absence therefore of geometric, not to mention Mycenae, pottery is to be noted as significant of the stage of vase-painting contemporary with the existence of Naucratis, a town which first became powerful under Amasis, and was ruined under Cambyses (roughly 580–520 B.C.). This furnishes a limit of exclusion for the earlier classes of pottery, a limit which may, according to Mr. Petrie, be pushed further back —to about 650 B.C.—as the oldest remains of the settlement are considerably prior to Amasis. But among the various sorts of earthenware found at Naucratis one group marks itself off as a local fabric; as is proved by a dedication—to the "Aphrodite of Naucratis"—which has been scratched in the clay *before* firing (see *Journ. Hell. Stud.* viii. p. 119). The ware shows a close connexion with, but also a distinct advance upon, that of Rhodes. An opaque white engobe is used, of a tint generally brighter than, but sometimes approaching, that of Kameiros; on this engobe a design is painted in colour, and the technique follows, but extends, that combination of outline and silhouette which Rhodes had introduced. New colours, copied from the Egyptian wall-paintings, are employed, especially a light sienna and an umber red, the latter being a flesh tint for male figures. For female figures flake white is added to the engobe. Each of the chief colours appears in various shades; and the distinction of flesh tints so carefully worked out in Egyptian painting reappears, but after a more haphazard fashion, in Naucratis ware. The most advanced technique in use at Naucratis traces outlines in light sienna and fills in the silhouette with an umber tint.

[For Naucratis pottery, v. *Memoirs of Egypt Exploration Fund*, Naukratis, pt. i. 1884–5, and pt. ii. 1888.]

The excavations at Naucratis produced among other things fragments of the ware known as **Cyrenaic**; and on the strength of this fact the claim of Cyrene to be the maker of the pottery, often disputed before, has been anew called in question. No sufficient reason has, however, as yet been adduced for disregarding the evidence furnished by the best-known Cyrene vase, the Arcesilas cylix, with its strong local colouring. The ware, too, is strikingly metallic in style; and it is not, as Puchstein maintains, to the Cypro-Phoenician, but to the Carthaginian paterae that a debt is due. An artistic connexion of this sort with Carthage is more probable in Cyrene than in Naucratis.

The class is not numerous, but highly distinctive. Its favourite shape is the *cylix*, which thus takes definite rank in the development of vase-painting: but the *hydria*, *deinos*, and *amphora* also occur. A ground-surface is given by a dull smooth slip of light stone colour; and on this the design is painted in black with purple as a subsidiary colour, all main lines and inner details being scratched in. Subjects include mythology and genre;—though not its first appearance, for we have noticed it already in Dipylon ware for example, genre becomes here first of historic interest:—and with much of helplessness in drawing there is decided feeling and often spirit in the scenes. Zones of animals, in particular an aquatic bird, are still retained, and beast and bird forms serve to fill the field in a manner which seems directly borrowed from the bronze paterae already mentioned. Lip and handle, and, in the cylices, stem and foot, are covered with black varnish, a noteworthy change. Mechanical ornament is exceptionally rich.

[The Cyrene vases are put together by Puchstein, *Arch. Zeit.* 1881, pp. 215 ff.: they are exceptionally well represented in the British Museum, 1 V. R. Latest discussion, *Ath. Mitth.* 1886, pp. 90 ff.]

With **Corinthian** ware Orientalism reaches its zenith. Earlier however than Corinthian ware properly so called is a group of vases—almost without exception diminutive *lekythoi* of a peculiar shape, and two-handled cups—which, from their wide distribution must have had as general, as they had a lasting, vogue. As these little vases, by far the finest specimen of which has lately been presented to the British Museum, show a very close connexion with the Corinthian, but also points of difference, and seem moreover to be earlier, they have been named **Protocorinthian.** Like the Cyrenaic, they too owe much in technique and style to Phoenician metal-work. The clay is a fine, clear yellow; the decoration consists mainly of zones of animals, but admits also human figures; an elaborate ornament, composed of the anthemion and lotus, resembling that which subsequently becomes characteristic at Corinth, makes its appearance; and the field, though in general less encumbered, is sown with rosettes. The colours vary from a red-brown to black.

The vast class of vases which groups itself under the name Corinthian was long treated as the oldest Greek ware. The surface in this ware is often so crowded with ornament, that at a few feet of distance the ground-colour cannot be distinguished, and the general effect to the eye, due at once to colour and design, is that of a rich Oriental brocade. This is especially true of earlier specimens, whose subjects, fantastic fish-tailed monsters for example, seem to have been directly chosen for their fitness to cover most space. A like feeling has brought the *alabastos*

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* Vases with dedications are especially frequent at Naucratis. Pottery was largely used in temple service, and was then marked with the name of the divinity. Numerous similarly inscribed fragments have been found on the Athenian Acropolis.

into peculiar favour. The ground is a clear yellow; the painting in black (often brown, thanks to over-firing), with details in purple and red; while an extreme fondness for incised lines marks the group as a whole. Subjects at first are mainly animals—where possible in friezes—and monsters, the panther and certain winged shapes being characteristic. Often too a vase, especially if an *aryballos*, is decorated solely by an elaborate anthemion ornament. [Most of the principal shapes are illustrated in Birch, *Anc. Pottery*, p. 186. Baumeister, *Denkmäler*, p. 1961, gives cuts mostly of protocorinthian ware.] In the later group human figures become increasingly frequent, and occasionally scenes from ordinary life, or from mythology, appear. An example (fig. 5) is here reproduced from Birch,—the lid of the famous Dodwell vase. In technique there is no change of moment.

Fig. 5. Cover of the Dodwell vase, with boar-hunt. (Birch.)

Before the growing sense that human action is the vase-painter's true subject, Orientalism begins to give way: yet the old tradition lingers in the animal shapes which, having no direct relation to the main subject, still encumber the field. The reform is due to the rise of a new school, whose representative is the potter Timonidas, known also by the plaques of the Akrokorinthos [FICTILE. The Achilles vase, Berlin *Cat.* 846]. A second master was Chares (*Arch. Zeit.* 1864, Taf. 184). This section of Corinthian ware should be especially compared with the previously mentioned Cyrenaic group. The face is generally rendered in silhouette, sometimes in outline, and gradually a practice grows up of distinguishing the faces of female figures by white colour applied directly to the ground. From its first adoption white grew rapidly in favour at Corinth. The duration of this class is fixed by the inscriptions for the 7th–6th centuries B.C.

Yet a later class of Corinthian ware shows the evidence of a strong foreign influence, probably that of Athens. The smaller types previously in vogue disappear, and their place is taken by large vases like the *amphora*, heavy in form and with ring handles, the *hydria*, and so-called *vaso a colonnette* [CRATER]. The clay ground becomes redder, lustre-varnish often replaces the hitherto usual matt colour, white is more largely employed, the field nearly freed of foreign elements, and animals relegated to a separate zone below the main scene. Horsemen and quadrigae are favourite subjects. The fine Berlin vase of "the setting out of Amphiaraos" will serve as an example (Furtwängler, *Beschreib.* 1655).

This last development of Corinthian pottery recalls the history of classical ceramic art to Athenian soil, and henceforth we are concerned almost solely with **Athens.** But before dealing with Athenian ware proper, some side-groups merit notice; and one, the **Chalcidian**, is of exceptional importance. Unfortunately the group, first recognised as Chalcidian through the alphabet of its inscriptions, is as yet vaguely defined. [*V.* Pottier *ap.* Dumont et Chaplain, *Les Céramiques*, pp. 276 ff.; or Klein, *Euphronios*, pp. 65 ff.; and contrast Brunn, *Probleme*, in *Abhandl. d. kgl. bay. Akad.*, Bd. xii. pt. ii., pp. 113 ff.] It is even maintained that the greater part are late S. Italian imitations (Brunn, *l. c.*; and Id. *Abhandl.* Bd. xviii. pt. i.). Certainly the free and spirited rendering, the knowledge here shown of the laws of painting, on vases of, as is assumed, so early a fabric, are ground for surprise. The class consists almost entirely of *amphorae* of a distinctive type (see fig. 6); and is the first to make that type of vase its specialty. As concerns style, the free-grouping without regard to a fixed centre, the *élan* and picturesqueness of conception, and, as to details, the plain long girt chiton of the women, fitting so closely as to reveal each contour of the body, and the peculiar ornament on the neck of the vase, are all alike characteristic. Purple is richly used, incised lines employed with great skill, white less frequently.

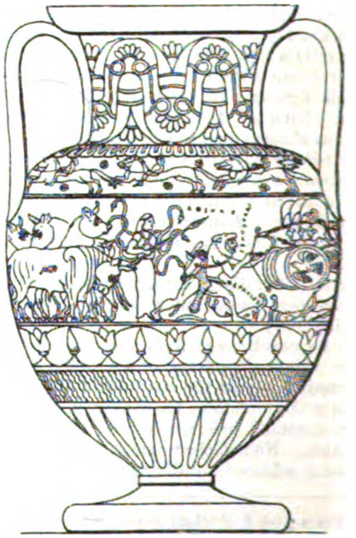

Fig. 6. Chalcidian amphora. (Gerhard.)

Of other **Ionian** fabrics so little has as yet been determined that it will suffice here to remark their preference for a frieze-like system of decoration, a more pictorial treatment, and a tendency to polychromy. One large class of *amphorae* has long been known as **Tyrrhenian** [AMPHORA. The body of the vase is generally more slender than the cut there given from Dennis]. It is distinguished by its shape, its zones of animals, the peculiar ornament—an alternation of maeanders with an 8-rayed star—which separates the animal frieze from the main scene on the shoulder, and by its prodigal use of colours other than black. The origin of these vases is doubtful: all examples hitherto have been found in Etruria, but they are certainly not of local make: Dümmler thinks them "Pontic" (*Röm. Mitth.* 1887, pp. 171 ff., Taf. 8, 9).

One or two vases survive which represent *Boeotian* style of this period; but they are too few in number to allow of general criticism. Being so few, however, it is curious that among them occur the names of two artists, Gamedes and Theozotos. The **Caeretan** *hydriae* are more numerous, better known, and equally distinctive. They exhibit an important change in technique. White and subsidiary colours are no longer painted directly on to the ground-clay, but are laid over the black varnish. Red and white are freely used, the latter sometimes as a flesh-tint for *men:* incised lines are frequent and are firmly drawn. As the side handles of a *hydria* necessarily interrupt a frieze, the decoration is here divided into groups, and that on the reverse is made of less account. The rendering is characterised by an almost reckless freedom, and shows traces of what is very rare in Greek work, humour. As a whole they are comparatively late. Their origin is disputed: Brunn, against general opinion, holds to Helbig's original view (since abandoned by its author) that they are of Etruscan fabric. [Helbig, *Annali*, 1863, pp. 210 ff.; Brunn, *l. c.*; Dumont et Chaplain (Pottier), pp. 264 ff.]

From the 7th century B.C. to the end of the 4th **Athenian** pottery reigns almost without a rival. It has two epochs, the *black-figure* and the *red-figure*, united to each other by a period of transition and experiment. With the exception of the two or three classes of ware just previously described, and some few imitative fabrics, the great mass of **black-figure** pottery hails from Athens. Two vase-shapes are especially in vogue in this ware, *amphorae* and *hydriae*, the former greatly preponderating: both are rapidly perfected in form. [The evolution of the amphora may be followed on p. 1973 of Baumeister's *Denkmäler*. The hydria improves as its centre of gravity mounts and the shoulder-scene shallows and widens.] A new discovery contributed to the rapid advance of Athenian ceramics;—a deep-black varnish of the highest brilliancy, with a surface like polished metal, insensible to ordinary reagents, but not interfering with that porousness of the clay which under a Greek sun is so necessary for the coolness of water or wine. Its manufacture is still a secret: nor is it known where the invention first saw the light. So popular did it immediately become that the vase-painter covered the whole surface with it, leaving as field for the actual picture only a square panel of red ground-colour—that of the natural clay heightened by adding a little rubrica.* Not all potters, however, followed this plan, and subsequently there was something of a reaction. Thus two groups come to be distinguished,—vases which have a panel-field, and those which, though generally marking off reverse from obverse, admit all space between the two handles as ground for the painter. No real difference of technique follows this division. In both the artist first draws his outlines with a full brush of black, fills in the silhouette, and then adds details with the point or with strokes of white and purple-red: but perhaps the panel-painter uses less subsidiary colours and trusts more to careful graving. Always, however, it is rather a question of idiosyncrasy; and the polychromy of some of the later vases is a reaction due to a particular school imbued with a fondness for metallic effects. It is with the masters of black-figure style that the point first comes adequately to express the lines of musculature and bodily form. The rendering of drapery is a mark of relative date. At first the chiton is a straight daub of colour, as in Corinthian ware, and is often purple in hue with perhaps a black girdle: then patterns are scratched in, or elaborately painted on with white: folds begin to be marked, are outlined with the point, and dress gives some hint of the underlying contour of the body. An alternate use of purple and black for the folds is occasionally carried so far as to express light and shade. A like use of purple is to be seen in the treatment of muscles in animals, especially the horse. White is throughout a flesh-tint for female figures, but is also employed, on later vases, for the long chiton of a charioteer and the grey hair of old men.

Drawing is almost entirely in profile: full-face is scarcely rendered with more adroitness than was shown already in the François vase. The eyes of men remain large and round, of women oval and small. In more recent vases a trick grows up of crowding the field with long, purely conventional ivy sprays: equally conventional in rendering are the landscape features sometimes introduced, and no attempt is made at pictorial perspective. Excellence of drawing is seldom a sufficient criterion of date.

The subjects of vases become now of less importance for their general history. In black-figure ware they are mainly mythological, sometimes genre. In mythology the Dionysiac cycle and the feats of Herakles are by far most frequent; after them, the legends of Athena and Hermes. Frequently as scenes from the Epic appear, scarcely any can be traced to the Iliad or Odyssey.

Ornament, as distinct from painted scenes, becomes stereotyped. Almost always the neck of an amphora shows a design of lotus and anthemion hooped together by a cable pattern: dentals unite neck to shoulder: below the field are two zones, the upper a maeander, the lower continuous lotus buds: from the foot shoot up the rays which since Rhodian pottery have held their own. For a hydria, ivy tendrils or chequers border the sides, a running anthemion the bottom, of the field; below which sometimes

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* So Suidas asserts, but contrast Blümner, *Technologie*, ii. p. 57, as to the result of experiments made on fragments.

an archaistic feeling has restored the Corinthian frieze of animals, but has restored it purely as an ornamental finish.

The different schools of black-figure ware have yet to be recognised: those that are known are, for the most part, concerned with either the commencement or the end of this style and its transition into red-figure. Early enough to be somewhat isolated is the first Athenian masterpiece, the François vase of Florence, in itself an *Epos*. Early also, as is shown by shape, by style of painting, and by arrangement of subject, are a group of amphorae which, from their close connexion with Corinthian ware, are known as Corintho-Attic. Characteristic are their zones of animals; which have often caused them to be confounded in one class with the "Tyrrhenian" (see above). A different *fundamentum divisionis* has served to mark off the **Panathenaic** amphorae [AMPHORA]; which last through the black-figure, and even to the end of the red-figure, period. The archaism of the figure of Athena on the obverse becomes in time a pure convention, the reverse reflecting contemporary style. Many specimens seem never to have been given at the games, and are simply show-plate. Less numerous and of peculiarly elongated form, are the **Prothesis-amphorae**—vases used in the burial service, and with subjects drawn mainly from its liturgy. The finest examples belong to the later red-figure ware.

[François vase, *Mon. dell' Inst.* iv. 545–7; Corintho-Attic, Löschcke, *Arch. Zeit.* 1876; Panathenaic, Urlichs, *Beiträge*, pp. 33 ff.]

Much care was spent by masters of the black-figure style on the evolution of the *cylix*. That this type was in vogue at Cyrene has been already noted, as also that it had acquired a developed shape and style of decoration. The processes at Athens and Cyrene are parallel, and not widely sundered in date, but have little or no influence on one another. The oldest cylices at Athens have that shape with off-set lip, which derives from Rhodes through Corinth. The alteration in form which follows [see under CALIX] is closely connected with changes in the mode of ornamentation. The early cylix having a deep bowl is decorated in frieze fashion; and of the several zones into which the surface is divided by the potter, only one is chosen by the painter. Then comes a new idea: on the lip are drawn tiny groups or animal shapes, each side having a couple of figures, or, more often, one only. The zone below is occupied by inscriptions, the artist's signature or a *χαῖρε καὶ πιὲ εὖ*. This group of vases is known as "Klein-meister." Their strongly metallic appearance proves their indebtedness to foreign influence, communicated through Rhodes. Another experiment is probably the work of the artist Exekias (or, according to some, of Nicosthenes). He uses a shallower vase without off-set lip, and revives the "sacred-eye" ornament previously in favour at Rhodes and Naucratis: making this suffice for the centre, he places the actual scene under and about the two handles. "Eye" vases had a considerable success; but gradually the handles come to be treated as the natural limits of the field, and, the bowl becoming continually broader and shallower, while off-set lips disappear, decoration spreads over the whole outer surface. The inside remains a difficulty. Earlier artists neglected it altogether, or painted only a small medallion in the centre. But fashion wavered to and fro; sometimes the whole inner surface is ornamented with a complete scene and the outside is less regarded; sometimes a medallion is preferred. Especially to be noted are the cylices which have a Gorgoneion for their medallion; for they may first have suggested a new style, which, while the vase is covered with a black ground varnish, leaves the actual figures in the original clay-tint,—as it were, in intaglio.

The *cylix* class is exceptionally fruitful in artists' signatures. Ergotimos and Klitias, who made and painted the great François crater, were followed by Nearchos, whose sons Tleson and Ergoteles, with Ergotimos' son Eucheiros, have signed many of the earlier cylices. Other names are Xenocles, Hermogenes, Archicles, &c. In *amphorae* Exekias takes first place for spirited and careful drawing: Amasis carries nicety of detail almost to extravagance: Hischylos represents transition style.

[For signed vases, early and late, for the characteristics of the great schools, and the questions which group themselves round them, the reader is referred once for all to Klein's two important works, *Die griechischen Vasen mit Meistersignaturen* and *Euphronios*.]

By far the most prolific maker is Nicosthenes, a clever *entrepreneur* who tried experiment after experiment to hit popular taste. Already an introducer of one new fashion in cylices, he is perhaps best known by a group of small amphorae of very peculiar form (fig. 7). The strange flat handles of his amphorae are by a new process made of one piece with the vase. Nicosthenes is a master of the metallic style; but his work distinguishes itself by a plumpness and *naïveté* all his own. A doubt has indeed

Fig. 7. Amphora of Nicosthenes. (Genick, Taf. iv.)

been more than once expressed whether Nicosthenes was an Athenian; and the finding a signed fragment of one of his vases at Naucratis may suggest, whatever his provenance, the source whence many of his novel departures were inspired (*Mem. Eg. Expl. Fund*, Naucratis, pt. i. p. 53). With him too is associated the prevalence, though not the introduction, of yet another technique, in which black figures are painted on a white engobe ground; a technique less new in Greek pottery than novel at Athens. This group is confined to the smaller vases, *oenochoae*, *alabastoi*, above all *lekythoi*. The style does not differ from that usual in black-figure ware; but here, as in the metallic class, a love for nicety, exact finish, and vivid lustre makes itself prominent. It is the triumph of the ornamental school. A peculiarity should be noted in the lekythoi. While the main field is covered by a white engobe, neck and shoulder are left in the natural clay: no difference however is made in decoration, except that the shoulder is left to mechanical ornament. In all vases of the class lip and foot are black. [For Nicosthenes, Klein, *op. cit.*; and Löschcke, *Arch. Zeit.* 1881, pp. 33 ff.]

Nicosthenes is a typical figure. The epoch in Athenian pottery we have now reached—roughly speaking, 500 B.C.—is an epoch of transition and experiment. The vase-painter's art struggles in the throes of a revolution. Process after process is tried and rejected, until at last one style emerges from the chaos, and triumphs as rapidly as completely over all rivals. Many relics of the struggle remain; vases which show the two styles conflicting on obverse and reverse, inner or outer, ornament and scene. The final perfecting of early red-figure technique is marked by the name of Epiktetos: among his chief predecessors of the transition may be named Hischylos and Pamphaios. Precise evidence for the origin and date of red-figure ware is wanting: it seems however to have begun about 500 B.C. (some writers think even under the tyranny of the Peisistratidae), and to have owed its development to the influence of high art. A close connexion may perhaps be supposed with the improvements in painting introduced at this time by Cimon of Cleonae (Pliny, *H. N.* xxxv. § 56). While hitherto Greek ceramic art must, on its formal side, be placed under the heading "ornament," from this point it becomes a branch of painting. The great group of artists who inaugurate the new style are proud of their mission, and spare no pains to perfect what they began.

Among vase-forms it is the *cylix* which is peculiarly the favourite of earlier red-figure painters: its use in fact is a party-badge. Though the new technique had triumphed, it was opposed by a strong conservatism, which, while adopting the new style of painting, clung to old shapes like the amphora and to old traditions in the matter of field and ornament. To this tendency we owe some very beautiful examples of red-figure amphorae, of greater elegance of form, and ornamented with only one figure — sometimes a pair of figures — a side. Among the more advanced types of this class is the "Nolan" amphora. [See AMPHORA.] After the *cylix*, and to some degree succeeding it, come the *stamnos* and *psycter* [see PSYCTER; STAMNUS], which are peculiar to the earlier period: with them, but outlasting them, and continuing in favour to very late times, is the CRATER. At first the handles are placed low down and the form resembles a cup; then, as its sides become straighter, a chalice; lastly, the handles are brought on to the shoulder, and the vase is shaped like an inverted bell. This campaniform crater was adopted also by later S. Italian manufacturers. After 400 B.C. obverse and reverse are more sharply distinguished; the latter being ornamented in a purely conventional manner with three drapery figures (*Mantelfiguren*).

Technique, in red-figure ware, is simple. On a red ground clay, like that of the black-figure ware, the scene is outlined in freehand with broad strokes of a full brush of black varnish over a tracing lightly made with a fine point; the rest of the surface is covered with an even layer of the same colour, and details of organic form and folds of drapery are painted in with a fine pencil, also in black. Details are sometimes given with red colour; in later examples this tint is confined to the musculature, which is better rendered by a shade scarcely standing out from the red ground on which it is painted. Gilding appears towards the close of the so-called "strong" style, and about the same time an attempt is made at polychromy. (Cf. the beautiful Pandora cylix in the British Museum.) But polychromy is soon confined, in the period of finest style, to smaller vases, *lekythoi*, *pyxides*, and *alabastoi*, in sympathy with a more developed taste. [For plastic additions, see under FICTILE.]

Throughout a steady advance in draughtsmanship, contrasting with the conventionalism of black-figure ware, is to be observed. In the school of Epictetos a simple broad treatment, with few or no details of organism, is in vogue; a treatment suited to the subjects then in favour, scenes from palaestra, banquets, and the life of *hetaerae*. There follows a period in which, while simplicity and strength of drawing and grouping remain, details—as of drapery—are fully rendered, but with inadequate success. Among these earlier artists, whose style is known as "strong" or "severe," Euthymides is of conservative tendency; Duris careful and studied, but somewhat wanting in originality; Euphronios and Brygos represent its most perfect form. A wonderful variety of motif, pose, and grouping is attained,—a variety reflected from the subjects where legends of Attic heroes like Theseus, scenes from Epic and even from Lyric have replaced the older crowd of athletes, revellers, and courtesans. But grace and natural truth are still largely wanting: the face is still drawn almost solely in profile, or where full is scarcely successful: foreshortening is rarely attempted: eyes are drawn in full when the face is in side view. The year 430 B.C. may be taken as nearly representing the time of transition from earlier "strong" to later "fine" style. Vase-painting undoubtedly owed most of its progress to a close relation with high art: but this relation, as concerns details, is as yet very incompletely explained. The chief debt must have been to painting, though earlier critics insisted rather on a connexion with sculpture. Above all must be ranked the influence of Polygnotus: yet it remains difficult to lay a finger on direct traces of it. The earliest instance is a two-handled cup, representing the Slaying of the Suitors (*Mon. dell' Inst.* x. 53): and the relation of this vase to Polygnotus' frescoes at Delphi can now be established through comparison with the Gjölbaschi reliefs. Another example is on a cup from Chiusi, showing the washing of Odysseus' feet and Telemachus in the presence of Penelope (Schreiber, *Bilderatlas*, Taf. 63, 3). But neither vase can be earlier than 400 B.C., as is evident, restrained as the style is, from the figures of Penelope and the suitor wounded in the back. The influence of Polygnotus and his school seems at first to have been restricted to effecting improvements in motif and drawing: it is only with the great age of painting in the 4th century that vases begin really to reflect the higher art. To this period then, and not to the time of Polygnotus, should be assigned such changes as the rendering of figures in back view, the distinction of background and foreground, transparency of drapery, different tones of colour to express light and shade, and the upgrowth of polychromy. [A comparatively early example of direct influence of high art upon the vase-painter is the beautiful Kamiros amphora (*pelike*) of the British Museum: note especially the fleeing nymph in middle distance, and the use of blue, gold, and white.—For other views on the connexion between ceramic art and the great schools of painting, *v.* Winter, *Die jüngere att. Vasen*, and papers in *Jahrbuch*, 1887, by Winter, Dümmler, and Studniczka.]

From 430 B.C. onwards the vase-artist rapidly attains perfect command over material and instruments. He no longer shrinks, with the timidity of ignorance, from the more difficult motifs: with full-face, three-quarter face, and profile he is equally familiar. Boisterous strength yields to the grace, charm, and refinement of the family circle. We are introduced to the inner life of Athens, its pleasures, pastimes, and foibles, as well as to its deeper sentiments. It is the reign of Aphrodite and Eros. For Epic the painter gives us the drama. Fashion and luxury are mirrored in the gauze-like drapery with its wealth of embroidery, in the jewels of the women, the modishness of the men. The human figure is no longer swathed in the full folds of Ionic dress; transparent silk replaces the heavier linen robes. Action is dramatic and pictorial; motifs are studied from sculpture and painting. The deities who are presented are those of music, love, song, and revel, Fauns of the woods, Naiads of the sea, or Bacchantes from Dionysus' train.

Standing somewhat away from the red-figure vases, but contemporary with all but the earliest, is the polychrome ware with white ground. The great majority of this class are *lekythoi*,[*] but *pyxides* and *alabastoi* of similar technique also occur, though not among the earliest examples. As the finest and most important specimens are lekythoi, it will suffice to confine this account to them, merely adding that the pyxides also make free use of gilding, which does not appear on lekythoi, and that their subjects are generally those of the gynaeconitis. Two sorts of clay are used, a pale-red and a grey-black, the former being thinner and more fine. Over the clay a white engobe is laid, covering the body and often the shoulder; neck, lip, and foot are in black varnish. The white is laid on first, and possibly while the vase revolves on the wheel. On this white surface a sketch in simplest outline is made with a fine brush of greyish or bluish colour; sometimes, as in most red-figure vases, it is faintly traced with a point. This sketch is then lined in, in monochrome, with black, yellow, or red: and the same tint is employed for folds of drapery as for the outline. Nude figures are rare: a false impression of nudity is conveyed by the loss of strokes which once indicated dress. It is a matter of taste with the individual artist whether the broad surfaces of drapery are coloured in: later examples show careful shading of the dress, and flesh-tints are in a few cases employed, varying according to the person represented. Ornament is only used on the shoulder, but a maeander pattern regularly forms a frame to the top of the field, very rarely appearing below: in one case impressed patterns, ovoles, are found (on an *oenochoe*). The shoulder may be either red (ground-colour), black, or white: the latter colour greatly preponderates, and alone occurs in the most flourishing period. Colours are all opaque, with exception of sienna (when used for outlines), and black: the range is a large one, and includes red of all shades, from carmine to brown, blue, violet, green, yellow, both chrome and ochre, brown and black. Klein (*Euphronios*, p. 97) thinks that they were applied in encaustic. [PICTURA.]

Three classes of lekythoi may be distinguished:—(*a*) Figures generally in red or sienna: subjects entirely funereal: polychromy sober and restrained: style fine. (*b*) Figures in black or brown: subjects generally funereal, but sometimes drawn from family life, the pantheon, or even mythology: polychromy brilliant and often directly pictorial: style fine. (*c*) Figures in yellow: shoulder without engobe: painting almost always monochrome: style decadent, often careless. (For *lekythoi*, *v.* E. Pottier, *Etude sur les Lecythes blancs attiques*.)

Contemporary with the whole of the red-figure and probably with a great part of the black-figure period, are vases simply covered with a lustrous black varnish. In the 4th century these vases become of more importance, are ornamented with gilding, and here and there a figure in polychrome. The majority are moulded, and therefore fall under plastic [FICTILE]: many shapes are of great beauty. Equally to plastic belong vases in the shape of human heads, and, though less decisively, the rhyta. [RHYTON.] Plastic, too, is a group which appears in the latter half of the 4th century, and contains vases formed of human busts modelled in terracotta, surmounted by the neck of a lekythos. Occasionally the vase is more complete, and a plastic figure or group is merely laid upon it. Painting is polychrome. This class is the predecessor of the modelled Capuan ware. [TERRACOTTA.]

The question of mechanical ornament in red-figure ware may be very briefly dismissed. Its principal use is to supply the ground-line of a scene or to give a finish to certain parts, espe-

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[*] Lekythoi in the ordinary red-figure technique are also common.

cially the joints of a vase, as the lip, union of shoulder and neck, or handles. Conservatism accounts for the not infrequent retention of an ornamental frame to the fields of hydria and amphora: under the handles of early cylices, and especially under those of the stamnos, appear elaborate anthemia. The forms almost solely in use are the maeander, running anthemion, lotos and anthemion, laurel-wreath; the latter of which is invariable on campaniform craters.

The manufacture of red-figure vases ceased in Greece proper about the time of Alexander, and is now transferred to S. Italy. There is no sudden change: in this, as in all periods of Greek ceramic art, the various distinctive styles overlap, and those which, like Geometric or Corinthian, had an especial vogue, even outlasted their immediate successors. There had always existed in Italy native schools of ceramic, but so powerful had been the influence of pure Greek style, so completely had the fabrics of Corinth and Athens secured and kept the market, that with a partial exception in favour of Etruria, none of the Italian potteries ventured more than an imitation of the products of continental Greece. With the opening of the Hellenistic age, however, art becomes provincial; and as sculpture and painting passed to Pergamon and Rhodes and Alexandria, so Magna Graecia inherited the potter's craft. No new world-wide trade, like that of Athens, no important novelty in technique, marked the transference. Although Apulia produced amphorae and crateres of great outward splendour, the decadence of style, which had already begun at Athens, is painfully apparent. Men sought to add fresh life to a waning industry by inventing giant vases and richer shapes, by bringing into play all the resources of polychromy, and even summoning plastic to their aid; but profuse ornament and gaudy colouring scarcely cloak bad drawing and bad taste. Yet the artists had a pride in their work, and signatures, rare since the end of the "strong" style, again occur, though, it is true, in no great number. Two traits are characteristic:—(*a*) The strict relation maintained on most examples between the use of the vase for service at the tomb and its decoration (either a scene of offerings at the tomb, or an appropriate myth): and—where the subject is not funereal —(*b*) the frequent borrowing from the stage (farces especially), and the rendering of other than dramatic scenes with dramatic accessories (cf. Heydemann, *Jahrbuch*, 1886, pp. 260 ff.).

Three separate S. Italian fabrics may be distinguished, **Lucanian, Campanian, Apulian.** The technique in all is that of red-figure ware. Each class exhibits a peculiarity in depicting the human figure, a peculiarity suggestive of difference of social type: each, too, introduces details of national costume.

Lucanian vases may be relatively somewhat older; at least their manufacture seems to have sooner come to an end. Though somewhat helpless in draughtmanship, their style is comparatively restrained; polychromy is little used, and the heavy, clumsy drapery seldom bears a trace of ornament. A favourite shape is the campaniform crater; another, a kind of amphora only found in Lucania, is illustrated by Genick (*Griech. Keramik*, pll. viii. ix. x.). Assteas is a Lucanian master. Earlier Campanian vases imitate both in shape and subjects the so-called "Nolan" amphorae (see above). Later examples show great fondness for polychromy, tints especially prominent being white and yellow—the latter, in most cases, a cheap substitute for gilding. Tendrils of vine, ivy, and other plants are often introduced, as also on Apulian ware, with a happy effect: and occasionally motifs are taken direct from nature (as, *e.g.* a bird singing on a spray). The most important class, and that of highest artistic merit, is the Apulian, a product probably of Tarentine activity. Characteristic are the giant amphorae, one blaze of ornament from head to foot: characteristic too the heavy Doric chin of the men, the slender neck and stout barrel of the horses, the zones of fishes and marine forms employed as ornament. [For Apulian vases, *v.* O. Jahn, *Einleitung*, pp. 218 ff.; Gerhard, *Apul. Vasenb.* (B).]

As regards colours in S. Italian polychrome ware, the red ground-clay is often changed to brown, and white used as a flesh-tint for women, but also, with a dash of yellow, for men. Yellow is perhaps the favourite decorative colour. An example will suffice to show the distribution of tints. On a crater representing the Calydonian hunt all the actors are in red ground-colour, but the boar is black stippled with brown, his eye black on white, his ears, tail, hoofs, and snout brown. His antagonist assails him with a yellow Roman sword, carries a yellow shield with white rim and red inner, and wears a yellow helmet. A dog, white, lined with yellow, leaps against the monster. In the field are tree-boles, white, lined with yellow, and from them spring leafy sprays, also yellow. Under the lip of the vase is an ivy-wreath, with leaves in red ground-colour pointed with black and edged with a broad white outline.

It is doubtful at what time the S. Italian fabrics died out, possibly by 250 B.C.: but already in the 3rd–2nd centuries B.C. *Latin* painted vases appear. Their ornamentation is quite simple and rude,—a spray of vine or olive with perhaps an Eros in the centre (*Annali dell' Inst.* 1884). These are the last painted vases, and they are immediately succeeded by the *Cales* ware, black, metallic, and moulded (Gamurrini, *Gaz. Archéol.* 1879, pp. 47 ff.). Henceforth pottery, for so much life as is left to it, becomes a branch of plastic. On the *Calene* style follow the *Samian* and *Aretine*. Greek ceramic art has given place to Roman. The pottery of Rome is in itself of less importance, and is sufficiently described under FICTILE: but it has a value of its own, as the link by which the secrets of classical ceramic art were communicated to the Northern nations, among whom the Celts rank first. Samian and Aretine vases were freely imitated in Gaul and England, where native fabrics grew up under Roman influence. A valuable and representative collection of Roman and early British pottery is in the Yorkshire Philosophical Society's Museum at York.

The field of decoration in Vases.—At first the field is necessarily vague. An early *principle* of decoration is established by the analogy of a vase to the human body: then in Alambra ware definite units of ornamentation appear, and the surface is divided into compartments. Painting, as at Thera, makes it possible to decorate inner surfaces. In the Mycenae period the high centre of gravity in the prevailing vase-shapes serves to determine the shoulder as principal field: in Dipylon style both shoulder and neck—the latter perhaps especially—receive ornament, and there is a general correspondence between obverse and reverse. In Phaleron oenochoae the panel on the neck and the beginning of a metope style are to be noted; while the divergent rays which decorate in perpendicular lines the lower body of the vase introduce a new conception. The latter practice is perfected at Rhodes, and becomes thenceforth an established principle. Rhodes, too, began to divide the field into zones, proportioned to each other and to their position on the vase, to reserve the neck for mechanical ornament, and to make the junction of neck and shoulder organic by covering it with a band of dentals. Corinthian ware retrogrades: handsome as it undoubtedly is, it is false to the law of development which Greek pottery had already marked out for itself. At Cyrene the influence of metal originals was supreme; but the zones, rays, and dentals of Rhodes are retained. To metal-work is due the medallion and the preference for cylices and their ornamentation on the inner surface. On large vases the centre zone or zones form the field proper; the rest, like the outside of cylices, is given up to mechanical ornament. The main scene is placed, in Chalcidian amphorae, on the body; and above it is a narrow band of animals and horsemen. With Attic black-figure many improvements are introduced. A fixed ornament is adopted for the neck, and the field, divided into obverse and reverse by the handles, is given an internal unity by being framed in, and—as a consequence of the new technique—separated from the rest of the vase. To each of the several shapes, moreover, a special system of decoration begins to be assigned, compounded of three elements,—the zone, panel, and medallion,—of which the first and third belong of right to metal-work; the second is probably equivalent to a metope, and therefore architectural. Of the manner in which a suitable ornamentation for cylices was determined mention has previously been made. It need only be added here that the outer surface was finally adopted as true field, while the school of Epictetus perfected the inner medallion. Framing of the field, in red-figure technique, in amphorae and hydriae, is only retained, as by Andocides, from motives of conservatism. Until the influence of painting was thoroughly felt only a single ground-line was used, and there was no real differentiation of background and foreground. From 430 B.C. onwards the single ground-line is frequently broken up, and the field is treated as though the vase were so much canvas. Figures are also placed in the air, and this practice is subsequently greatly abused. In Campanian and Lucanian pottery as a rule no ground-line is marked: there are a few exceptions. In Apulian an irregular chain of dots serves that purpose, while figures "in the clouds"—forces controlling, and spectators interested in, the action—are represented by busts only.

[For the difficult problem of the relation between obverse and reverse, and the extent to which they mutually explain one another, *v.* J. C. Morgenthau, *Der Zusammenhang der Bilder auf griechischen Vasen.*]

LITERATURE.—*General accounts:* Jahn, *Einleitung zur Beschreibung der Vasensammlung zu München* (München, 1854: in parts obsolete); Birch, *Anc. Pottery* (London, 2nd ed. 1873); Dumont et Chaplain, *Les Céramiques de la Grèce propre* (Paris, 1881: *in progress*); Baumeister's *Denkmäler*, s.v. "Vasenkunde" (München, 1889: a most useful epitome, to which the present article is in many ways indebted); Genick, *Griechische Keramik* (Berlin, 1883: a résumé of types with text by Furtwängler); Lau, *Griechische Vasen* (München, 1877: numerous plates illustrating formal side of Greek pottery).

Special works.—The references given under various sections of this article are in no sense exhaustive, but they will furnish a clue to the most important and recent papers in periodic literature which for vases is of the utmost moment. For the connexion of early ceramics with Homeric culture, Helbig, *Das homerische Epos:* as a sample of modern criticism, Robert, *Bild und Lied:* for Cyprus and Phoenicia, Perrot et Chipiez, *Histoire de l'Art dans l'Antiquité*, vol. iii. Brunn's theories are to be found in *Abh. d. kgl. bay. Akad.* vol. xii. pt. ii. pp. 87 ff., and vol. xviii. pt. i. More extravagant is P. Arndt, *Studien zur Vasenkunde* (München, 1887).

Illustrative works.—The chief publications of figured and other vases may be found catalogued under the names of Tischbein, Millin, Millingen, Böttiger, Stackelberg, Gerhard, Panofka, Lenormant et De Witte, Bröndsted, De Luynes, R.-Rochette, Benndorf, Fröhner, Furtwängler: also in special series like the *Wiener Vorlegeblätter*, or general collections like Müller-Wieseler's, and Baumeister's *Denkmäler*, and the chief archaeological journals. [H. A. T.]

VASA'RIUM. [SALARIUM.]

UDO, a warm close-fitting shoe of felt (Mart. xiv. 140). It is clear that the translation "sock" in dictionaries is wrong, for Dig. 34, 2, 25, § 4, specially distinguishes them as worn "calceamentorum loco," whereas the *impilia* are said to be "vestis loco." The *impilia* therefore take the place of our socks, and are equivalent, or nearly so, to the Greek πῖλοι (Hes. *Op.* 542), which seem to have been strips of felt wrapped round the feet and extending up the leg: so in Plat. *Symp.* p. 220 B, we find ὑποδεδεμένων καὶ ἐνειλιγμένων τοὺς πόδας εἰς πίλους, the first participle referring to the sandals, the second describing the πῖλοι. They were not ordinary articles of Greek clothing, but were worn in extreme cold, *e.g.* at the siege of Potidaea. The name may, however, also have been given to felt-soles (probably = Latin *pedule*), since Pollux (vii. 91) distinguishes πῖλοι from περιειλήματα ποδῶν. The same passage gives as names for a sort of stocking πέλυντρα and ποδεῖα: the latter of these words occurs in Theophr. *H. P.* vii. 12, 8, and is rendered *impilia* by Pliny (*H. N.* xix. § 32) in his translation of that passage. (Becker-Göll, *Charikles*, iii. 284; *Gallus*, iii. 226; — Marquardt, *Privatleben*, p. 502.) [G. E. M.]

VECTIGA'LIA, a term used either (i.) in a narrow sense, = dues levied on *ager publicus*: see below: or (ii.) in a wide sense, = all regular and ordinary sources of Roman revenue, as distinct from the extraordinary *tributum* [TRIBUTUM]. As many of these are treated in separate articles, we need only give a list of them here and explain those which are not elsewhere treated.

1. The tithes paid to the state by those who occupied state-domains in Italy or the provinces [DECUMAE; AGRARIAE LEGES]. Rents of houses and buildings on public lands, *solarium*.

2. The sums paid by those who kept their cattle on the public pastures [SCRIPTURA].

3. Products of the public forests; money raised by sale of timber and of tar (*picariae; vectigal picariarum*; Cic. *Brut.* 22, 84).

4. Income from public buildings and works; markets; bridges [PORTORIUM]; sewers (Ulpian, Dig. 7, 1, 27, 3); water-supply [AQUAEDUCTUS]; baths [BALNEAE]: see Dureau de la Malle, *Économie Politique des Romains*, Bk. iv. cc. 22, 23; and Hirschfeld (cited below).

5. The revenue derived from the salt-works [SALINAE].

6. The revenue derived from mines (*metalla; fodinae aurariae, ferrariae*, &c.) and from minerals of every description. This branch of the public income cannot have been very productive until the Romans had become masters of foreign countries. Till that time the mines of Italy were worked, but this was presently forbidden by the senate (Plin. *H. N.* iii. § 138; xxxiii. § 78; xxxiv. § 2). We do not know the date of this measure, or its motive. It was perhaps passed from distrust of *publicani* (cf. Livy, xlv. 18), or to discourage local minting. Mommsen, *Staatsrecht*, iii. 1117, says the working was forbidden "in the agrarian interest." The mines of conquered countries were, like the *salinae*, partly left to individuals (Plut. *Crassus*, 2; Tac. *Ann.* vi. 19), companies (Cic. *Phil.* ii. 19, 48), or towns, on condition of a certain rent being paid, or they were worked for the direct account of the state, or farmed by *publicani*. In the last case, however, the profits of the *publicani* were limited by the *lex censoria* or contract settling how many labourers might be employed (Plin. *H. N.* xxxiii. § 78). The emperors by degrees got nearly all mines, and quarries too, into their own hands, as belonging either to the *fiscus* or to the *patrimonium Caesaris*, whether they were found in imperial or in senatorial provinces. These were then either let to contractors (*conductores metalli*), or worked directly for the emperor by *procuratores* who had the right to employ soldiers and the forced labour of criminals (*ad metalla damnatio*), or else the right of working was sold to private persons and the product taxed. Among the richest mines known were the gold mines of Aquileia (Polyb. xxxiv. 10) and of Vercellae (Plin. *H. N.* xxxiii. § 4; Strabo, v. 1, 12), and the Spanish silver and iron mines (Polyb. xxxiv. 9; Liv. xxxiv. 21). The gold and silver mines of Macedonia (Herod. v. 17; Liv. xxxix. 24) were closed by the senate; iron was still allowed to be worked (Liv. xlv. 18, 29). There were also various mines in Thrace, Illyricum, Noricum, Africa, Sardinia, and Britain. (See on the last *C. I. L.* vii. p. 220 *sq.*; Hübner in *Rhein. Mus.* N. F. 12). Revenue was also raised in like manner from sandpits (*arenariae*; Dig. 7, 1, 9), chalk-pits (*cretifodinae*; Dig. 7, 1, 13; 24, 3, 7), marble- and ordinary stone-quarries (*lapicidinae*), grindstone- and millstone-quarries (*cotoriae*; Dig. 39, 4, 15), and the vermilion-works in Spain (Plin. *H. N.* xxxiii. § 118). (O. Hirschfeld, *Die Bergwerke; Untersuchungen*, 1876; J. Binder, *Die Bergwerke im römischen Staatshaushalt.* 1880.) [METALLUM, 2.]

7. Revenue from letting-out public fisheries (Polyb. vi. 17; Servius on Verg. *Georg.* ii. 161).

8. The customs-duties [PORTORIUM].

9. *Quinquagesima* (or *Quinta et vicesima*) *mancipiorum venalium*; a duty on slaves sold [QUINQUAGESIMA].

10. *Centesima rerum venalium* [CENTESIMA], a duty on other articles sold. The produce of this tax, like that of No. 11, belonged to the *aerarium militare* [AERARIUM].

11. *Vicesima hereditatium* } see VICESIMA.
12. *Vicesima manumissionum* }

13. The tribute imposed on foreign countries. It has been thought that this was by far the most important branch of the public revenue; but it is difficult to maintain this against the words of Cicero (*pro Leg. Manil.* 6, 14), "ceterarum provinciarum" (except Asia) "vectigalia tanta sunt ut iis ad ipsas provincias tutandas vix contenti esse possimus." So Mommsen writes (*Hist. Rome*, E. T., Bk. iv. c. 11) of the republican period: "The only provinces yielding a considerable surplus were perhaps Sicily, and more especially Asia." The provincial tribute took different forms. It might be (i.) *decumae* of the produce of land (*i.e.* land left to the old owners, and regarded more as private than as public property, though it was still technically *ager publicus*). The *decumae* of course varied in amount from year to year (App. *B. C.* v. 4). The persons paying this charge were called *vectigales*. Or the charge was (ii.) *stipendium*, a tax of fixed amount. The persons who paid this were called *stipendiarii* [STIPENDIARII]. It was (*α*) *tributum soli*, a land-tax. This might be paid in money or in kind (even in hides or skins, Tac. *Ann.* iv. 72). Or it was (*β*) *tributum capitis* (Dig. 15, 8, 7; *φόρος σωμάτων* of App. *Syr.* 50), which might again be a property-tax on wealthy people, or a tax on trades (cf. No. 14), or a poll-tax (*ἐπικεφάλαιον*: plur. *ἐπικεφάλια* in Cic. *ad Fam.* v. 16, 2; paid in Britain, Dio Cass. lxii. 3), so as to reach people who had no land, or no cultivated land. But little is known of these charges. Some of them seem to have varied with a man's census (Cic. *Verr.* ii. 53, 131); and an unproductive estate was perhaps valued and charged according to the number of its columns or of its doors [COLUMNARIUM; OSTIARIUM]. The poll-tax (*exactio capitum*, Cic. *ad Fam.* iii. 8, 5) amounted in Syria and Cilicia to 1 per cent. of a man's census (App. *Syr.* 50), and was specially heavy for the Jews. It was farmed to *publicani* in Cicero's time. Josephus, *Bell. Jud.* ii. 16, 4 (*ἡ καθ' ἑκάστην κεφαλὴν εἰσφορά*), may mean poll-tax or may use the term more widely.

To the above items of provincial tribute must be added a payment in kind; a supply of corn [ANNONA] or other necessaries (wine, oil, meat, fodder; Vegetius, iii. 3). This was probably a later development of the *frumentum in cellam* of republican times [PROVINCIA]. In most provinces it was *annona militaris*, i.e. it fed the army of occupation and the officials, and was paid over on the spot. But Africa and Egypt had to meet not only the *annona militaris*, but also the *annona civica*; i.e. they had to find food for Rome, and later for Constantinople.

Africa had to feed Rome for eight months, Egypt for four (Josephus, *Bell. Jud.* ii. 16, 4). For Britain, see Tac. *Agr.* 19, 31.

14. Taxes on professions or trades (Suet. *Cal.* 40; Hist. Aug., *Alex. Sev.* 24, 32; Cod. Theod. 13, 1).

15. A tax on obstinate celibacy [Aes Uxorium]. The Lex Julia et Papia Poppaea of Augustus' time (which see) imposed penalties very like taxation on unmarried persons of a certain age: see Tac. *Ann.* iii. 25; Plin. *Paneg.* 42.

16. Temporary taxes. (α) A kind of ship-money, levied on coast-towns for their defence against the pirates (Cic. *Verr.* v. 17, 19, 24). (β) *Octava.* In B.C. 31 all *liberti* living in Italy and possessing property of at least 200 *sestertia* had to pay a tax of 12½ per cent. on their property (Dio Cass. l. 6, li. 3). (γ) Temporary exactions imposed between the death of Caesar and the consolidation of the power of Octavianus (Cic. *ad Brut.* 1, 18; App. *B. C.* iv. 5, 32; 5, 67; Dio Cass. xlvi. 31, xlvii. 16, xlviii. 31 and 34, l. 10; and see Tributum). (δ) The new taxes of Caligula (Suet. *Cal.* 40). Among them was the Quadragesima litium. They were probably all repealed by Claudius. (ε) The new taxes of Vespasianus (Suet. *Vesp.* 16, 23; Dio Cass. lxvi. 14). On the *vectigal urinae*, see Dureau de la Malle, *Économie politique des Romains*, Bk. iv. c. 23. [Dolium.] (ζ) Special charge on senators, imposed by Commodus (Dio Cass. lxxii. 16).

Here we may add, as sources of revenue, though they are not strictly *vectigalia*, Nos. 17–21.

17. Aurum Coronarium.

18. Booty taken in war; product of sale of prisoners, &c. [Spolia.]

19. Profit made out of the coinage.

20. Windfalls of various kinds [Bona Caduca; Bona Vacantia]. Fines and confiscated property.

21. Legacies to emperors, sometimes of enormous amount (Suet. *Aug.* 101, *Cal.* 38; Tac. *Ann.* ii. 48, xvi. 11; Dio Cass. lviii. 16), looked after by special *procuratores*.

Under the Republic the senate was the highest authority in matters of finance, but the censors carried out or supervised the details. The collection of duties, taxes, and tributes, was let for the most part to *publicani* for a fixed sum and a fixed number of years [Censor; Publicani]. Under the Empire the authority of the senate was curtailed by the division of provinces between senate and emperor, which led to a separation between *aerarium* and *fiscus*; the senate controlled the former, the emperor the latter [Aerarium; Fiscus]. The chief finance-minister of the early Empire was described as *a rationibus*; afterwards called *procurator a rationibus*; then *procurator summarum rationum*, or *rationalis*. (See on his successive titles and functions O. Hirschfeld in the *Jahrb. f. Philol.* 1868.)

The total income of Rome from all sources cannot be even approximately discovered for any period. Plut. *Pomp.* 45 has the general statement that before Pompey's Eastern conquests the *vectigalia* (*τὰ τέλη*) amounted to 200,000,000 sesterces; and beyond this we cannot well go.

(See Naquet, *Des Impôts indirects chez les Romains*, 1875; O. Hirschfeld, *Untersuchungen aus dem Gebiete der römischen Verwaltungsgeschichte*, 1876; S. Herrlich, *De aerario et fisco Romanorum quaestiones*, 1872.) [F. T. R.]

VECTIGA'LIA TEMPLO'RUM, the revenues of temples.

1. Greek. Ancient temples, like modern churches, often contained large accumulated treasures in the precious metals and other valuable objects. So far as these were merely stored up unproductively (*κειμήλια*), they will not be noticed here: we are concerned only with sources of annual income. We have seen, however, that the productive employment of such treasures dated from a very remote period, and that, before the rise of the *τραπεζῖται*, the temples were the earliest banks in Greece [Argentarii, Vol. I. 180 *b*]. Other revenues, by which the priests were maintained and the splendour of religious establishments supported, are now to be considered.

The first and most important of these was the rent of land. In the heroic age, indeed, there was little other wealth, and it was the monopoly of a royal and noble caste. The same word *τέμενος* denotes both the royal domain and estates belonging to a temple (*τέμενος βωμός τε θυήεις*, Hom. *Il.* viii. 48, xxiii. 148; *Od.* viii. 363). In two instances in the Homeric Catalogue we find expressions implying that the entire territory of a city was sacred to a god: Onchestus in Boeotia is called *Ποσιδήϊον ἱερὸν ἄλσος* (*Il.* ii. 506), Pyrasus on the Pagasaean gulf *Δημητρὸς τέμενος* (*ib.* 696). Wealthy priests are mentioned, who are either royal or noble: Chryses, who offers *ἀπερείσι' ἄποινα* for his daughter (*Il.* i. 13), and Anius (Verg. *Aen.* iii. 80; Ov. *Met.* xiii. 631), are both kings of men and priests of Apollo: in the case of Dares (*ἀφνειός, ἀμύμων, ἱρεὺς Ἡφαίστοιο*, *Il.* v. 9, 10) it may be a question whether his riches are derived from his priesthood or the priesthood bestowed upon a man of birth and wealth. This state of things, which may remind us of the "prince-bishops" of modern Europe, survived to a much later period in Asia Minor and adjoining countries: in several instances a priest is next to the king, and enjoys large landed revenues; among the Albanians of the Caucasus, Strab. xi. p. 503; at Comana in Cappadocia, Id. xii. p. 535; at Cabira or Sebaste and another Comana, p. 557; at Zela, p. 559; these last places are all in Pontus. Actual figures are not wanting: in Morimene, a district of Cappadocia, was a temple of Zeus with 3000 hieroduli, and yielding an income of fifteen talents a year to the priest: this, after Comana, was the next best thing of the kind in Cappadocia (Strab. xii. p. 537). Cato, charged by the senate with the deposition of Ptolemy of Cyprus, proposed to pension him off handsomely as priest of the Paphian Aphrodite (*ὡς οὔτε χρημάτων οὔτε τιμῆς ἐνδεᾶ βιωσόμενον*, Plut. *Cat. Min.* 35).

Temples were also endowed with tithes of various kinds, described under Decumae, Vol. I. pp. 603 *b*, 604 *a*. We add here some further examples. The Athenians, when they conquered Chalcis and divided the lands of the Hippobotae among cleruchs, assigned *τεμένη* to Athena in the Lelantine plain, the richest part of the territory in question: this must have been of the nature of a tithe, though the exact proportion so dedicated is not mentioned (Aelian, *V. H.* vi. 1). On the fall of Mytilene, out of 3000 lots of land they devoted 300 to the gods and sent cleruchs to the remainder (Thucyd. iii. 50). When they planted a colony at Brea, they decreed that whatever lands already belonged to the gods should remain sacred: this was probably their general practice (Inscr. *ap.* Rhangabé, *Ant. Hell.* 785 b, l. 19). We find a *τέμενος* of Athena in Samos (*C. I. G.* 2246); at Aegina (*C. I. G.* [add.] 2638). Brasidas, after the storming of Lecythus in Sithonia, where there was a temple to Athena, dedicated the whole territory to the goddess, and pulled down all the secular buildings (Thucyd. iv. 116). Sometimes the cultivation of lands thus dedicated was forbidden, as in the well-known instance of the Cirrhaean plain on the coast below Delphi, the cause of two sacred wars in the time of Solon and again in that of Philip: the object of this was to give the Delphians exclusive possession of that region, and to secure the approaches to the oracle (Aeschin. *Ctes.* § 107 ff.; Dem. *de Cor.* pp. 277–8, § 151 ff.).

Among the produce of sacred lands are to be reckoned cattle, timber, particular fruits such as vines, figs, or olives, fisheries, and mines. There might be, on the one hand, herds of cattle called *ἄφετοι*, which no one could touch, just as there might be sacred groves from which no stick was allowed to be removed, or which no human foot might enter: but there were others labouring under no such restrictions, and forming part of the substantial endowments of temples. Such were the 3000 sacred cattle at Minoa in Sicily (Diod. iv. 80); and those of Juno Lacinia (Liv. xxiv. 3). In Attica, certain olive-trees (*μορίαι, σηκοί*) growing upon private lands were themselves the property of the goddess, and the oil from them was given away at the Panathenaic festival (Lys. *Or.* 7, *περὶ τοῦ σηκοῦ*). [OLEA, p. 263 *a.*] In the deme Lakiadae was a grove of sacred fig-trees (Pausan. i. 37, § 2; Schömann, *Gr. Alterth.* ii. 188). Pausanias gives examples of fish-ponds which no one might disturb (iii. 21, § 5; vii. 22, § 4); others again where the priests alone were permitted to fish (i. 38, § 1). A Delian inscription is our sole authority for the fact that sea-fisheries sometimes belonged to temples; the language of it, however, is clear and unmistakable: *τὴν θάλατταν τὴν Ἀθηναίων οὖσαν καὶ τὴν ἐν Ῥηνείᾳ ἐμίσθωσαν δέκα ἔτη* (Boeckh, in *Abh. d. Berl. Akad.* 1834). The people of Siphnos granted a tithe of their gold and silver mines to the Pythian Apollo, and prospered exceedingly (Herod. iii. 57; Pausan. xi. 1, § 2; for another case, cf. *C. I. G.* 162).

Temple property, whatever its description, was let on much the same terms as other property. Sacrifices were paid for *ἀπὸ μισθωμάτων* (Isocr. *Areop.* § 29); *i.e.* as explained by Didymus, *ap.* Harpocrat. *s. v.* *ἀπὸ μισθωμάτων*, *ἐκ τῶν τεμενικῶν προσόδων* (cf. Xen. *de Vect.* 4, § 19; Plat. *Legg.* vi. p. 759 E). The Athenian government allowed no perquisites to its officers; hence it required those who purchased animals for sacrifice—the *βοῶναι, ἱεροποιοί*, &c.—to account for the skins of the victims. But whether such money (the *δερματικὸν*) went into the sacred or the state treasury, seems uncertain [DERMATIKON]. The revenue derived by temples from predial serfs and other slaves is more fully treated under HIERODULI.

The more popular shrines, while their permanent treasure was increased by votive offerings [DONARIA], further derived a large annual income from sacrifices and payments by worshippers. This was more particularly the case with oracles, which were not to be consulted gratuitously. So Ion says of his life at Delphi, *βωμοί μ' ἔφερβον οὑπιών τ' ἀεὶ ξένος* (Eurip. *Ion*, 323). The sums to which multitudes of small payments might mount up are shown in the case of the impostor Alexander of Abonoteichos. His charge for consulting his sham oracle was 1 drachma 2 obols; his profits 70,000 or 80,000 drachmas a year (Lucian, *Alex.* 23).

(Schömann, *Gr. Alterth.* ii. 181–246, 297–328; Hermann, *Gottesd. Alterth.* § 20; Boeckh, *P. E.* p. 303 = *Sthh.*³ i. 372; R. Kohts, *de Reditibus Templorum Graecorum*, Göttingen, 1869). [W. W.]

2. ROMAN. In considering the Roman temple-treasuries and the source and management of their revenues, it must be observed that the system was based upon a different idea from that of the Greek temple-treasuries treated of above. Religion at Rome was more entirely an affair of state: the maintenance of religion (apart from the family observances) was a state duty, and even the revenues which were dedicated to religious purposes were under state control. The temples had property: firstly, that which from time immemorial had belonged to the deity and his temple, or had been brought with him when he became part of the Roman order of gods by the incorporation of his original state with Rome; secondly, the lands and dues subsequently given or assigned: but this property was, as will be seen, regarded as part of the state possessions, merely assigned to a special purpose—that of religious service. This view of the matter arose naturally from the fact that in ancient times the king defrayed the cost of religion out of part of his own revenues, being himself responsible for the discharge alike of sacred and political duties.

The temples had a treasury (*arca*) into which flowed revenues from various sources. We have special mention of the *arca* of the Pontifices, the Vestals, and the Fratres Arvales, and there can be little doubt that the case was similar in all temples (*C. I. L.* v. 3924, vi. 1600, 2028, 10284, 13618; and more references in Marquardt, *Staatsverw.* ii. 82). The revenues of these treasuries arose:—1. *From lands:* these were, as was said above, originally part of the king's domain (Dionys. ii. 7, iii. 1); and the same was the case at Alba before its union with Rome (Id. iii. 29). Under the Republic the priestly colleges had lands within and without the city, of which in critical times part was sold for state uses, and any surplus was no doubt ordinarily so appropriated (Symmach. *Ep.* i. 68; Fest. p. 189; Sic. Flacc. p. 162; Oros. v. 18: cf. Liv. i. 20; Dio Cass. xliii. 47; Appian, *Mithr.* 22). This fact and the use of the *lucar* or income from sacred groves for games under state control [LUCAR] show clearly the secular management of the treasuries. In Italy temples were endowed in some cases from ancient rights

(Liv. xxiv. 3), in others by the Romans (*e.g.* the temple of Diana Tifatana at Capua by Sulla; Vell. ii. 25; *C. I. L.* x. 3828). Gifts of land to temples were dedicated by the Pontifex Maximus, and it was necessary that they should be confirmed by a vote of the people, even when the donor was a private person (Fest. p. 318; Gell. ii. 5; Cic. *de Dom.* 49, 127; Mommsen, *Staatsr.* ii. p. 61): the priests had nothing to do with its management; sales and leases were under the authority of the magistrates. The temple land revenues lasted till Christian times (Cod. Theod. 10, 10, 24; 16, 10, 19 and 20); the claim to sell was of course based on the old Roman theory that all *loca sacra* were part of the state domain (Frontin. *de Contr. Agr.* p. 56): hence they were administered by the censor.

2. *Fees on admission to a priesthood.* Considerable sums were paid "pro introitu sacerdotii" (Suet. *Claud.* 9, *Cal.* 22; Dio Cass. lix. 28): the enforcement of such payment rested with the civil magistrates.

3. *Fees paid by subordinate ministers of the temples.* These were themselves paid officials, but they paid fees on their admission.

4. *Profits on victims:* the sale of hides [compare DERMATIKON].

5. *Votive offerings made to the temple* (Dig. 33, 1, 20, § 1; cf. Varro, *ap.* Macrob. *Sat.* iii. 12, 2).

The *arca pontificum* (under control of the senate, with the *arcarius pontificalis* to manage it: Symmach. *Ep.* i. 68) received the proceeds of (*a*) the forfeited deposits called *sacramenta* [see VINDICATIO]; (*b*) fines for damage to, or trespass on, tombs (see Mommsen, *Staatsr.* i. 70) [it is possible that the frequency of these fines may be accounted for by the superstitions mentioned on p. 729 *a*]; (*c*) fines levied on priests by the Pontifex Maximus; (*d*) the property of a Vestal who died intestate.

All the above revenues being, as has been said, under state control, were used for the maintenance of religion primarily, though the surplus might in cases such as those before mentioned be devoted to other purposes. The temple buildings were kept in repair by the state with funds taken from the Aerarium under the authority of the Censors [Vol. I. p. 402]: but the current expenses for regular sacrifices were provided by the temple-treasuries, the priests having doubtless power to draw upon these funds. The great priesthoods were posts of honour like the political magistracies, and, like them, were unpaid; but the working staff of priests, or permanent officials, so to speak, in the service of religion were paid by the state. Maintenance was therefore provided for the Curiones (Fest. *Ep.* p. 49), the Vestals (Liv. i. 20; Tac. *Ann.* iv. 16), and for all those who had to give their services whenever called for, *i.e.* the haruspices and pullarii, and the subordinate attendants, calatores, viatores, &c. For this payment of ministers of religion the revenue from sacred lands was used, and any other funds belonging to the temple treasuries. It may be noticed that the Roman temples (since their property was directly under state control) possessed no temple slaves, such as we find in Greece and in some parts of Italy and Sicily (*e.g.* Eryx and Larinum). [G. E. M.]

VENA'BULUM. [VENATIO, 1.]

VENA'TIO. 1. (*θήρα, κυνηγεσία.*) That hunting was practised as early as the Homeric age, not only for food and profit but also as a sport by the more wealthy, is clear from the description of the hunting-party which Autolycus arranged for Odysseus (*Od.* xix. 429–446), and from its being represented as the pastime of gods and heroes (*Il.* v. 49, xxi. 485; *Od.* vi. 102, xi. 572): as a matter of necessity, we find it of course practised both to get food (*Od.* ix. 154) and to destroy wild beasts dangerous to life and property (*Il.* v. 555, ix. 543; cf. Pausan. i. 27). The animals hunted are lions (*Il.* xvii. 132), panthers (xxi. 573), wild boars (xi. 414), deer (xi. 473; *Od.* x. 159, xix. 227), ibex (*Od.* xvii. 295), hares (*ib.*). As regards the method and appliances, we get information on most points from the passage of the Odyssey alluded to above (xix. 429–446), in which we notice especially the absence of nets as a point of difference from later Greek and Roman hunting [RETE]. The huntsmen (*ἐπακτῆρες*) take the hounds forward to track the boar (cf. *Od.* xvii. 312), and the hunting-party follows armed with spears. The Homeric hunting weapons are spears (*δόρυ, ἔγχος*, *Od.* x. 161, xix. 437), javelins (*ἄκοντες*, *Il.* xi. 551; *αἰγανέαι*, *Od.* ix. 156), bows and arrows (*Il.* xi. 473), clubs (*Od.* xi. 575). It may be noted that Döderlein takes *αἰγανέας* to be arrows in the passage cited above, but he is probably wrong: see *Il.* ii. 774; Buchholz, *Homer. Realien*, ii. § 33.

The later Greek hunting may be best studied in Xenophon's treatise *Cynegeticus*, where, after mention of the divine beings who loved the sport, we find a description of the nets (for which and their use, see RETE), and then an account of the hounds, their breed, their points, powers of scent, &c. Their equipment (*κόσμος κυνῶν*) consists of collars (*δέραια*), leashes or couples (*ἱμάντες*), and broad belts (*στελμονίαι*) with spikes sewn in, to obviate the inconvenience of dogs and bitches hunting together. It is noticeable that as a point of training they are never allowed to hunt foxes, because it takes them off their proper game (*ἐν τῷ δέοντι οὔποτε πάρεισιν*). The *ἀρκυωρός* goes out very early and sets the nets into which the hunted animal is to be driven: the *κυνηγέτης*, who wears a light dress suited for running, and carries a stick (*ῥόπαλον*), brings on the hounds, and the hare is either driven into the nets or run till she falls exhausted, or sometimes is killed by the *ῥόπαλον*. In snowy weather the hare is tracked without dogs, since the snow makes tracking easy and the frost injures the dogs' feet. For hunting deer, a larger and stronger hound, which he calls *Ἰνδική*, is used, and the hunter has javelins: besides the ordinary apparatus of nets, snares called *πεδοστράβαι* are set about the haunts of the herd. This is a wooden clog with a noose to catch the foot, covered lightly with earth: the deer drags this in his flight, which is thus slower and more easily tracked. For wild boars, besides the boar-hounds and nets we find mention of boar-spears (*δόρυ, venabulum*), which are not thrown as javelins, but are slanted to receive a charge (cf. Verg. iv. 131, ix. 553; Plin. *Ep.* i. 6; Cic. *Verr.* v. 3, 7). The *πεδοστράβαι* are used for boars also. Lions and panthers he speaks of as only trapped by pitfalls (with a decoy) or poisoned (cf. Plin.

H. N. viii. § 99). The Roman method of hunting hares, deer, or wild boars was essentially the same as that described by Xenophon (cf. Oppian and Nemesianus). Representations of the Roman sport are found in Pompeian paintings (see Baumeister, *Denkm.* p. 711). [G. E. M.]

2. The name *venatio* was given among the Romans to an exhibition of wild beasts, which fought with one another and with men. These exhibitions originally formed part of the games of the Circus. Julius Caesar first built a wooden amphitheatre for the exhibition of wild beasts, which is called by Dio Cassius (xliii. 22) *θέατρον κυνηγετικόν*, and the same name is given to the amphitheatre built by Statilius Taurus (Id. li. 23), and also to the celebrated one of Titus (Id. lxvi. 24); but even after the erection of the latter we frequently read of Venationes in the Circus (Spart. *Hadr.* 19; Vopisc. *Prob.* 19). The persons who fought with the beasts were either condemned criminals or captives, or individuals who did so for the sake of pay and were trained for the purpose. [Bestiarii.]

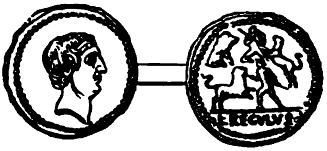
The Romans were as passionately fond of this entertainment as of the exhibitions of gladiators, and during the latter days of the Republic and under the Empire an immense variety of animals was collected from all parts of the Roman world for the gratification of the people, and many thousands were frequently slain at one time. The spectacle was called especially *ludus matutinus*, because, when a gladiatorial combat also was given, the venatio came first early in the day (Friedländer, *S. G.* ii. 349). The first recorded occasion of a venatio was in B.C. 186, in the games celebrated by M. Fulvius in fulfilment of the vow which he had made in the Aetolian war; in these games lions and panthers were exhibited (Liv. xxxix. 22). It is mentioned as a proof of the growing magnificence of the age that in the Ludi Circenses, exhibited by the curule aediles P. Cornelius Scipio Nasica and P. Lentulus, B.C. 168, there were sixty-three African panthers and forty bears and elephants (Liv. xliv. 18; cf. Mart. *Spectac.* passim). From about this time combats with wild beasts probably formed a regular part of the Ludi Circenses, and many of the curule aediles made great efforts to obtain rare and curious animals, and put in requisition the services of their friends. (Compare Caelius's letter to Cicero, *ad Fam.* viii. 9.) Elephants are said to have first fought in the Circus in the curule aedileship of Claudius Pulcher, B.C. 99, and twenty years afterwards, in the curule aedileship of the two Luculli, they fought against bulls (Plin. *H. N.* viii. § 19). A hundred lions were exhibited by Sulla in his praetorship, which were destroyed by javelin men sent by king Bocchus for the purpose. This was the first time that lions were allowed to be loose in the Circus; they were previously always tied up (Senec. *de Brev. Vit.* 13). The games, however, in the curule aedileship of Scaurus, B.C. 58, surpassed anything the Romans had ever seen; among other novelties he first exhibited a hippopotamus and five crocodiles in a temporary canal or trench (*euripus*, Plin. *H. N.* viii. § 96). At the venatio given by Pompey in his second consulship, B.C. 55, upon the dedication of the temple of Venus Victrix, and at which Cicero was present (Cic. *ad Fam.* vii. 1), there was an immense number of animals slaughtered, among which we find mention of 600 lions, and eighteen or twenty elephants: the latter fought with Gaetulians, who hurled darts against them, and they attempted to break through the railings (*clathri*) by which they were separated from the spectators (Senec. *l. c.*; Plin. viii. § 21). To guard against this danger Julius Caesar surrounded the arena of the amphitheatre with trenches (*euripi*). The *pilae* of the amphitheatre were puppets or effigies of straw thrown in to divert the attention of an infuriated animal, or at other times to stimulate and excite him (Mart. *Spectac.* 9, 19). In the first fragment of the speech *pro Cornelio* Cicero speaks of "homines foeneos in medium ad tentandum periculum projectos," *i.e.* to judge of the temper of the animal, whether he would sulk or charge: compare "men of straw," and "fiat experimentum in corpore vili."

In the games exhibited by Julius Caesar in his third consulship, B.C. 45, the venatio lasted for five days and was conducted with extraordinary splendour. Camelopards or giraffes were then for the first time seen in Italy (Dio Cass. xliii. 23; Suet. *Jul.* 39; Plin. *H. N.* l. c.; Appian, *B. C.* ii. 102; Vell. Pat. ii. 56). Julius Caesar also introduced bull-fights, in which Thessalian horsemen pursued the bulls round the circus, and, when the latter were tired out, seized them by the horns and killed them. This seems to have been a favourite spectacle; it was repeated by Claudius and Nero (Suet. *Claud.* 21; Dio Cass. lxi. 9). In the games celebrated by Augustus, B.C. 29, the hippopotamus and the rhinoceros were first exhibited, according to Dio Cassius (li. 22), but the hippopotamus is spoken of by Pliny, as mentioned above, in the games given by Scaurus. Augustus also exhibited a huge snake (Suet. *Aug.* 43), and thirty-six crocodiles, which are seldom mentioned in the spectacles of later times (Dio Cass. lv. 10).

The occasions on which venationes were exhibited have been incidentally mentioned above. They seem to have been first confined to the Ludi Circenses; but during the later times of the Republic, and under the Empire, they were frequently exhibited on the celebration of triumphs, and on many other occasions, with the view of pleasing the people. The passion for these shows continued to increase under the Empire, and the number of beasts sometimes slaughtered seems almost incredible. At the consecration of the great amphitheatre of Titus, 5000 wild beasts and 4000 tame animals were killed (Suet. *Tit.* 7; Dio Cass. xlv. 25); and in the games celebrated by Trajan, after his victories over the Dacians, there are said to have been as many as 11,000 animals slaughtered (Id. lxviii. 15). Under the emperors we read of a particular kind of venatio, in which the beasts were not killed by bestiarii, but were given up to the people, who were allowed to rush into the area of the circus and carry away what they pleased. On such occasions a number of large trees, which had been torn up by the roots, were planted in the circus, which thus resembled a forest, and none of the more savage animals were admitted into it. A venatio of this kind was exhibited by Gordian I. in his aedileship, and a painting of the forest with the animals in it is described by Julius Capitolinus (*Gordian*, 3). One of the most extraordinary venationes of this kind was that given by Probus, in which there were 1000 ostriches, 1000 stags, 1000 boars, 1000 deer, and numbers of wild goats, wild sheep, and other animals of the same kind (Vopisc. *Prob.* 19). The more savage animals were slain by the bestiarii in the amphitheatre, and not in the circus. Thus, in the day succeeding the venatio of Probus just mentioned, there were slain in the amphitheatre 100 lions and the same number of lionesses, 100 Libyan and 100 Syrian leopards, and 300 bears (Vopisc. *l. c.*). It is unnecessary to multiply examples, as the above are sufficient to give an idea of the numbers and variety of animals at these spectacles; but the list of beasts which were collected by Gordian III. for his triumph, and were exhibited by his successor Philip at the Secular Games, deserves mention on account of their variety and the rarity of some of them. Among these we find mention of 32 elephants, 10 elks, 10 tigers (which seem to have been very seldom exhibited), 60 tame lions, 30 tame leopards, 10 hyaenas, an hippopotamus and rhinoceros, 10 archoleontes (it is unknown what they were), 10 camelopards, 20 onagri (wild asses, or perhaps zebras), 40 wild horses, and an immense number of similar animals (Vopisc. *Gordian*, 33).

These spectacles were continued till the 6th century, but had gradually become less destructive to human life, since the bestiarii had more contrivances afforded for their protection and more opportunity allowed them for escape from a dangerous encounter. (See on this point Friedländer, *S. G.* ii. 379.)

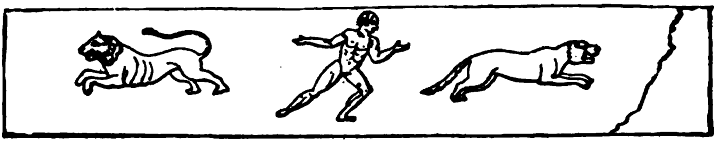
Combats of wild beasts are sometimes represented on the coins of Roman families, as on the annexed coin of M. Livineius Regulus, which probably refers to the venatio of Julius Caesar mentioned above.



Coin of M. Livineius Regulus.

In the bas-reliefs on the tomb of Scaurus at Pompeii, there are representations of combats with wild beasts, which are copied in the following woodcuts from Mazois (*Pomp.* i. pll. 32, 33). On the same tomb gladiatorial combats are represented, which are figured under GLADIATORES.

Fig. 1 represents a man naked and unarmed between a lion and a panther. Persons in this defenceless state had of course only their agility to trust to in order to escape from the beasts: but it must be confessed, as Baumeister notices, that the apparent flight of both animals lacks explanation.



Reliefs from the tomb of Scaurus. Fig. 1.

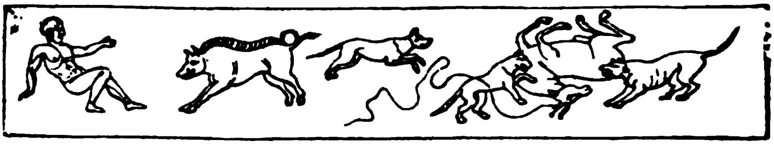


Fig. 2.

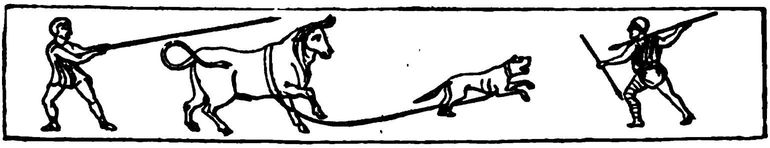


Fig. 3.

In Fig. 2 we see a bestiarius against whom a wild boar is rushing: he has probably lost or broken his spear, and has little chance of escape. In the same relief there is a wolf running at full speed, and also a stag with a rope tied to his horns who has been pulled down by two animals, probably wolves. The third relief is supposed by Mazois to represent the training of a bestiarius: Baumeister with greater probability takes it as a combat. It may result in the two animals attacking either each other or the bestiarii. The man on the left is stimulating the bull with a *venabulum*; the armed bestiarius to the right is watching for a favourable moment to throw his javelin. For the panther attached by a rope to the bull, cf. Sen. *de Ira*, iii. 43. The fourth woodcut represents a man equipped in the same way as the matador in the

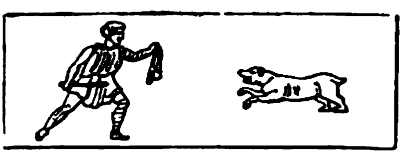


Fig. 4.

Spanish bull-fights in the present day, namely, with a sword in one hand and a veil in the other. The veil was first employed in the arena in the time of the Emperor Claudius (Plin. *H. N.* viii. § 54). The animal is supposed to be intended for a bear. (Friedländer, *S. G.* ii.^{5} 348 ff.; Marquardt, *Staatsverw.* iii. 565; Baumeister, *Denkm.* 2104 ff.) [W. S.] [G. E. M.]

VENEFI'CIUM, the crime of poisoning, is frequently mentioned in Roman history. Women were most addicted to it; but it seems not improbable that this charge was frequently brought against women without sufficient evidence of their guilt, like that of witchcraft in Europe, in the Middle Ages. We find them condemned to death for this crime in seasons of pestilence, when the popular mind is always in an excited state and ready to attribute the calamities under which they suffer to the arts of evil-disposed persons. Thus the Athenians, when the pestilence raged in their city during the Peloponnesian war, supposed the wells to have been poisoned by the Peloponnesians (Thucyd. ii. 48), and similar instances occur in the history of almost all states. Still, however, the crime of poisoning seems to have been much more frequent in ancient than in modern times; and this circumstance would lead persons to suspect it in cases when there was no real ground for the suspicion. Respecting the crime of poisoning at Athens, see PHARMACON GRAPHE.

The first instance of its occurrence at Rome in any public way was in the consulship of M. Claudius Marcellus and C. Valerius, B.C. 331, when the city was visited by a pestilence. After many of the leading men of the state had died by the same kind of disease, a slave-girl gave information to the curule aediles that it was owing to poisons prepared by the Roman matrons. Following her information, they surprised about twenty matrons, among whom were Cornelia and Sergia, both belonging to patrician families, in the act of preparing certain drugs over a fire; and being compelled by the magistrates to drink these in the forum, since they asserted that they were not poisonous, they perished by their own wickedness. Upon this further informations were laid, and as many as a hundred and seventy matrons were condemned (Liv. viii. 18; compare Val. Max. ii. 5, § 3; Oros. iii. 10; August. *de Civ. Dei*, iii. 17). We next read of poisoning being carried on upon an extensive scale as one of the consequences of the introduction of the worship of Bacchus (Liv. xxxix. 8) [BACCHANALIA]. In B.C. 184, the praetor Q. Naevius Matho was commanded by the senate to investigate such cases (*de veneficiis quaerere*): he spent four months in the investigation, which was principally carried on in the municipia and conciliabula, and, according to Valerius of Antium, he condemned 2000 persons (Liv. xxxix. 38, 41). We again find mention of a public investigation into cases of poisoning by order of the senate, in B.C. 180, when a pestilence raged at Rome, and many of the magistrates and other persons of high rank had perished. The investigation was conducted in the city and within ten miles of it by the praetor C. Claudius, and beyond the ten miles by the praetor C. Maenius. Hostilia, the widow of the consul C. Calpurnius, who had died in that year, was accused of having poisoned her husband, and condemned on what appears to have been mere suspicion (Liv. xl. 37). In B.C. 154 two consulars were said to have been poisoned by their wives (Liv. *Ep.* xlviii.; Val. Max. vi. 3, 8). Cases of what may be called private poisoning, in opposition to those mentioned above, frequently occurred: so Quintil. v. 11, 39, "nullam adulteram non eandem esse veneficam" (cf. Auct. *ad Herenn.* 1, 23; Plin. *H. N.* ii. §§ 156, 157). The speech of Cicero in behalf of Cluentius supplies us with several particulars on this subject. Under the Roman emperors it was carried on to a great extent, and some females who excelled in the art were in great request. One of the most celebrated of these was Locusta, who poisoned Claudius at the command of Agrippina, and Britannicus at that of Nero, the latter of whom even placed persons under her to be instructed in the art (Tac. *Ann.* xii. 66, xiii. 15; Suet. *Ner.* 33; Juv. i. 71). For a fuller list of poisoning cases, see Mayor's note on Juv. i. 70.

The first legislative enactment especially directed against poisoning was a law of the dictator Sulla—Lex Cornelia de sicariis et veneficis—passed in B.C. 82, which continued in force, with some alterations, to the latest times. It contained provisions against all who made, bought, sold, possessed, or gave poison for the purpose of poisoning (Cic. *pro Cluent.* 54, 158; Marcian, Dig. 48, 8, 3; Inst. iv. 18, 5). The punishment fixed by this law was, according to Marcian, the deportatio in insulam and the confiscation of property; but it was probably in the earlier period the *interdictio aquae et ignis*, since the deportatio under the emperors took the place of the interdictio, and the expression in the Digest was suited to the time of the writers or compilers. [LEX CORNELIA, p. 39.] By a senatusconsultum passed subsequently, a female who gave drugs or poison for the purpose of producing conception even without any evil intent, was banished (*relegata*), if the person to whom she administered them died in consequence. By another senatusconsultum all druggists (*pigmentarii*) who administered poisons carelessly "purgationis causa," were liable to the penalties of this law. [PHARMACOPOLA.] In the time of Marcian (that of Alexander Severus) this crime was punished capitally in the case of persons of lower rank (*humiliores*), who were exposed to wild beasts, but persons of higher rank (*altiores*) were condemned to the deportatio in insulam (Dig. *l. c.*).

The word *veneficium* was also applied to potions, incantations, &c. (Cic. *Brut.* 60, 217; Petron. 118); whence we find *veneficus* and *venefica* used in the sense of a sorcerer and sorceress in general. [SUPERSTITIO.] For the poisons employed, cf. Dioscor. *de Venen.*, and other passages collected by Professor Mayor. It is noticeable that mineral poisons were unknown (Quintil. *Lect.* 350, p. 741 B). See further on this subject Rein in Paully, s. v. *veneficium*, *venenum*; Mayor, *l. c.* [W. S.] [G. E. M.]

VER SACRUM (*ἔτος ἱερόν*). It was a custom among the early Italian nations, especially of the Umbro-Sabellian stock, in times of great danger and distress, to vow to the deity the sacrifice of everything born in the next spring; that is, between the 1st of March and the last day of April, if the calamity under which they were labouring should be removed. (Fest. *Ep.* p. 379; Liv. xxii. 9, 10, xxxiv. 44; Strab. v. p. 250; Sisenna, *ap.* Non. xii. 18; Serv. *ad Aen.* vii. 796.) This sacrifice in the early times comprehended both men and domestic animals, and there is little doubt that in many cases the vow was really carried into effect. But in later times the actual sacrifice was thought cruel, and accordingly the following expedient was adopted. The children were allowed to grow up, and in the spring of their twentieth or twenty-first year they were with covered faces driven across the frontier of their native country, whereupon they went whithersoever fortune or the deity might lead them. Dionysius (i. 16) describes it as happening (*a*) as a thanksgiving for εὐανδρία or νίκη, (*b*) for propitiation: if the former, they offer sacrifices, and send out the colony with good omens; if the latter, in grief, demanding pardon of those sent out. The real occasion, at least in most cases, was doubtless pressure of over-population in the Apennine valleys: the emigration, which was a more merciful course than sacrifice by infanticide, was so like the swarming from a hive that Varro chooses it as an illustration, "cum examen exiturum est . . . ut olim Sabini factitaverunt propter multitudinem liberorum" (*R. R.* iii. 16). Several Italian nations traced their origin to a Ver Sacrum: Samnites, Lucanians, Bruttii, Picentini, Hirpini; the Umbri and Sabini being regarded as autochthons. According to the legendary account, Mars, the national god of Italy, sends guides for the homeless warriors, in the case of the Hirpini a wolf (*hirpus*), of the Picentini (Plin. *H. N.* iii. § 110) a woodpecker (*picus*), of the Samnites an ox (cf. Bovianum). It is probably a truer view to recognise in these legends the ancient animal totems of these tribes than to suppose that the legend arose from the tribal name. That this swarming still went on as late as the time of the First Punic War, is shown by the case of the Mamertini, or "sons of Mars" in Sicily, whose origin is traced to a Ver Sacrum (Fest. p. 158).

In the two historical instances in which the Romans vowed a ver sacrum, that is, after the battle of lake Trasimenus and at the close of the Second Punic War, the vow was confined to domestic animals, as was expressly stated in the vow. (Liv. xxii. 10: for a critical discussion of the words, see Häsenmuller, in *Rhein. Mus.* xix. 1864.) It must be observed that in these two cases it had only a religious significance as a vow, and had nothing to do with emigration. (Liv. *l. c.* and xxxiii. 44; Plut. *Fab. Max.* 4.) For further discussion see Mommsen, *Hist. of Rome*, i. 122; Marquardt, *Staatsverw.* iii. 281; Nissen, *Das Templum*, p. 154 ff.

[L. S.] [G. E. M.]

VERBE'NA. [SAGMINA.]

VERBENA'RIUS. [FETIALIS.]

VERNA. [SERVUS, pp. 662 *b*, 665 *a*.]

VERSO IN REM ACTIO. [SERVUS, p. 661 *b*.]

VERSU'RA. [FENUS.]

VERU, VERU'TUM. [HASTA.]

VESPAE, VESPILLO'NES. [FUNUS, Vol. I. p. 892 *a*.]

VESTA'LES (*Virgines Vestales*), the virgin priestesses of Vesta, who ministered in her temple and watched the eternal fire. That they were recognised as a priesthood is clear from their official designation, "*sacerdotes* Vestales" (*C. I. L.* vi. 2128;—Gellius, i. 12, 14; x. 15, 31). They belonged to that oldest class of priesthoods [SACERDOS] whose duties were limited to the service of particular deities, and we have good reason to suppose that they were at least as ancient as any of these. Their existence at Alba Longa is connected with the earliest Roman traditions, for Rhea Silvia, the mother of Romulus, was, according to the legend, a Vestal (Liv. i. 20; Dionys. i. 76); and they are known to have survived at Alba down to the age of the later Empire. The institution is also found at Lavinium and Tibur (Marquardt, *Staatsverw.* iii. 336, reff.; Preuner, *Hestia-Vesta*, 340), and was without doubt originally common to all Latin communities. From Alba it was believed to have been brought to Rome; whether by Romulus or Numa, the Roman antiquaries were not agreed (cf. Schwegler, *Röm. Gesch.* i. 544, note 1). The original number of the Vestals was four (their names are given in Plut. *Numa*, 10), two representing the Rhamnes, two the Tities (Dionys. ii. 67, iii. 67; Festus, 344 b); to these two were added by Tarquinius Priscus or Servius Tullius, to represent the third tribe of the Luceres.

The true explanation of the origin and meaning of this singular priesthood has been recently placed beyond doubt by the researches of anthropologists. The germ of the cult of Vesta is to be found in the great difficulty experienced by primitive man in obtaining *fire*, and in the consequent veneration with which he regarded it when obtained. Convenience suggested that in one house in every settlement a fire should be kept perpetually burning, from which the members of the community could at any time procure the flame. This house was that of the king or chief, whose unmarried daughters were charged with the duty of keeping up the fire; their brothers also, as "kindlers" (*flamines*), had duties of the same kind, perhaps more especially sacrificial. (For the comparative evidence on which this explanation rests, see especially J. G. Frazer, in *Journal of Philology*, vol. xiv., No. 28, pp. 145 foll.: cf. Helbig, *Die Italiker in der Poebene*, p. 53; PRYTANEUM.) From the first, probably, this duty of the chief's daughters was a religious one, and the flame was a sacred flame (Ovid, *Fast.* vi. 291: "Nec tu aliud Vestam quam vivam intellige flammam"); and thus, by a process of development which cannot be entered into here, the fire became a deity whose nature and origin were forgotten (*ib.* vi. 267, "Vesta eadem quae *terra*;" Varro in August. *Civ. Dei*, vii. 16 and 23), and the duties of the chief's daughters were transferred to an organised priesthood, retaining throughout their history the leading characteristic of maidenhood. What had been matter of mere utility becomes symbolic of the life, welfare, and unity of the state; and the sacred hearth continues to be guarded by virgins whose purity of life and antique simplicity of occupation recalled their humble origin even in the latest ages of Roman history. (Jordan, *Tempel der Vesta*, pp. 50 foll., regards the Vestal as in the position of the state representative of the *materfamilias*, and not as the daughter of the rex or pontifex maximus: an opinion which is incompatible with the comparative evidence alluded to above.)

The Vestals may be treated under the heads of (1) qualification, (2) mode of appointment, (3) duties, and (4) privileges.

1. *Qualifications.*—The maiden who was to be a Vestal must not be under six or over ten years of age (Labeo in Gellius, i. 12, 1); she must be perfect in all her limbs, and in full enjoyment of all her senses (Gell. *l. c.*; Marquardt, *Staatsverw.* iii. 339); must be "patrima et matrima," *i.e.* have both parents living; and these parents must be, if not patricians (Mommsen, *Forschungen*, i. 79), at least free and freeborn, persons who had never been in slavery or followed any dishonourable occupation, and who were in residence in Italy (Labeo in Gell. *l. c.*). These rules may have been to some extent relaxed as time went on; we know, for example, that Augustus allowed the daughters of *libertini* to be considered eligible (Dio Cass. lv. 22). But on the whole great care must have been at all times taken to maintain their reputation by attention to these qualifications; and thus the institution survived intact, and without loss of dignity, long after the establishment of Christianity as the state religion.

2. *Mode of Appointment.*—A Lex Papia, of uncertain date, ordained that when a vacancy occurred, the pontifex maximus should name at his discretion twenty damsels qualified as above, one of whom was publicly (*in contione*, i.e. in Comitia calata?) fixed on by lot, an exemption being granted in favour of those who had a sister already a Vestal, whose father was flamen, augur, XVvir, VIIvir, Salius, or Tubicen sacrorum; the betrothed of a pontifex was also excused, and, in the age of the Empire, the daughter of anyone who had the "jus trium liberorum." It was possible also for a parent to offer his child voluntarily to the pontifex maximus to be made a Vestal; in which case, if she were duly qualified, the senate might grant absolution from the terms of the Lex Papia (Gell. i. 12, 10; an example of the last-mentioned procedure in Tac. *Ann.* ii. 86, where two candidates are presented to the senate for selection: cf. Dio Cass. lv. 22).

When the girl was chosen, the ceremony of "captio" by the pontifex maximus took place. This was simply an application of the old legal procedure of "mancipatio per aes et libram," by which personal property, *e.g.* slaves, passed into the possession of the buyer. The pontifex maximus took the girl by the hand and addressed her in a solemn form of words, preserved by Gellius from Fabius Pictor: "Sacerdotem Vestalem quae sacra faciat quae ius siet Sacerdotem Vestalem facere pro Populo Romano Quiritibus uti quae optima lege fuit ita te Amata capio;" where the title *Amata* seems to be simply an honorary one, suggesting perhaps the gentle character of everything in the worship of Vesta. By this ceremony the girl passed out of the potestas of her father, and into that of the pontifex maximus, who here represented in one sense the king, as father to the Vestal, in another the goddess to whose service she was dedicated. Thus she now entered a new and sacred *familia*, the centre of which was the hearth of Vesta, the members the Vestals with the Flamines and Flaminicae, and the paterfamilias the pontifex maximus. She suffered by the process no capitis deminutio, but on the contrary was henceforth qualified to hold property independently and to make a will (Gell. i. 12, 9; Marquardt, iii. 314 and 337; Jordan, *Tempel der Vesta*, p. 82).

The ceremony seems to have been reckoned as legally equivalent to the *inauguratio* of other priests (Gaius, i. 130; Ulpian, *Fragm.* 10, 5). When it was over, she was conducted to the Atrium Vestae; her hair was cut off, and hung, apparently as a dedicatory offering, on a branch of the sacred lotus-tree (cf. Plin. *H. N.* xvi. § 235; Tylor, *Primitive Culture*, ii. 364), but was suffered to grow again, as the recently discovered statues of Vestals clearly prove (Middleton, *Rome in* 1885, p. 200; Marquardt, iii. 338, note 4, with Wissowa's addition). She was then clothed in the white garments of a Vestal (to be described further on), and was sworn to abide in her office and to maintain her virginity for not less than thirty years (Gell. *l. c.*, and vii. 7, 4). If she chose then to resign her office—which seems rarely to have been the case—she became a private individual, and was entitled to marry.

3. *Duties.*—These would seem to have been more complicated than we might suppose: for the Vestal is said to have spent the first ten years of her service in learning them, the next ten years in practising them, and the third decade in teaching them to novices (Dionys. ii. 67; Plut. *Numa*, 10. Jordan, *op. cit.* p. 60, argues that this division of duties could not have always held good; but it may be taken as roughly representing what was the natural and regular course). The chief duty, however, was the simple one of tending the sacred fire; which, as symbolic of the life and religion of the state, might never be suffered to go out. Its extinction was the most fearful of all *prodigia*. If such extinction was the fault of the Vestal on duty, she was stripped and scourged by the pontifex maximus in the dark, with a screen interposed, and he rekindled the flame by the friction of two pieces of wood from a *felix arbor* (Dionys. *l. c.*; Liv. xxviii. 11; Festus, s. v. *Ignis*). Their other daily duties, so far as we know them, were exactly such as the daughters of a primitive household might have performed. They had to bring fresh water on their heads from a sacred spring, *e.g.* that of Egeria; and, as the recent discovery of the house of the Vestals has shown, no water was ever supplied them in pipes (Jordan, *op. cit.* p. 63; and p. 215 of Dissertations in honour of E. Curtius). A marble tank in the peristyle of the house served as a receptacle for the water which they brought (Middleton, *Rome in* 1885, p. 195; Jordan thinks that under the Empire this service was performed by assistants): when used for sacrificial purposes, this was mixed with *muries*, i.e. salt pounded in a mortar, thrown into an earthen jar, and baked in an oven (Festus, 158 b; Serv. *ad Ecl.* viii. 82). They also daily cleansed the temple with a kind of mop, and adorned it with laurel, which was renewed once a year (Marquardt, iii. 343 and reff.). The same homely character of their service is seen in the antique simplicity of the utensils they used; which were all of the most ordinary ware, made of baked

clay, and without ornament (Ovid, *Fasti*, vi. 310; Val. Max. iv. 4, 11).

The Vestals also had certain public duties in connexion with fixed festivals of the calendar. All of these, it should be noticed, belonged to the oldest class of rites, and expressed the religious ideas and interests of the primitive Italian husbandman. Beginning the year on March 1 with the renewal of the sacred fire, they had a share in the FORDICIDIA and PARILIA in April, and on May 1 were present at the women's festival of the Bona Dea. From May 7 to 14, they were busy making their sacrificial cake (*mola salsa*) from the first ripe ears of corn, by pounding it after the fashion of an age when mills were not invented (Helbig, *Die Italiker in der Poebene*, 17 and 72. The mill lately found in the Vestals' house could hardly have been used for the sacred cake, as Middleton suggests, *op. cit.* p. 193: cf. Jordan, p. 64). On May 15 they were present at the primitive rite of the *Argei*, and their presence is evidence for a possible connexion of that ceremony with agricultural interests. From June 7 to 14 was their busiest time; on the 9th fell their own festival of the Vestalia, and on the 15th the *penus* or temple-storehouse of Vesta, which was open during these days, was cleaned out and the refuse carefully removed to a particular spot,—an act probably symbolic of the preparation of barns and garners for the harvest then proceeding. At the true harvest festivals of Consus and Ops Consiva in August they were also present, and once again on the Ides of September at a ceremony possibly connected with the vintage. At the end of the religious year they appear once more, providing *mola salsa* for the LUPERCALIA, the ancient feast of fructification. (For details and evidence, see Marquardt, iii. 343 foll.; Preller, *Röm. Myth.* ii. 164 foll.)

They had in their keeping the blood of the "October equus," and the ashes of the unborn calves sacrificed at the Fordicidia. But of greater importance was the charge of the sacred relics which formed the *fatale pignus imperii*, the pledge granted by fate for the permanency of the Roman sway, deposited in the inmost adytum (*penus Vestae;* see Festus, *s. v.*), which no one was permitted to enter save the Virgins and the chief pontifex. What these objects were no one knew, and it may even be doubted whether the tradition of their existence was not wholly without foundation (so Jordan, *op. cit.* p. 67). Some supposed that they included the Palladium, others the Samothracian gods carried by Dardanus to Troy and transported from thence to Italy by Aeneas, but all agreed in believing that something of awful sanctity was here preserved, contained, it was said, in a small earthen jar closely sealed, while another exactly similar in form, but empty, stood by its side. (Dionys. i. 69, ii. 66; Plut. *Camill.* 20; Lamprid. *Elagab.* 6; Ovid, *Fast.* vi. 365; Lucan, ix. 994.)

We have seen above that supreme importance was attached to the purity of the Vestals, and a terrible punishment awaited her who violated the vow of chastity. According to the law of Numa, she was simply to be stoned to death (Cedrenus, *Hist. Comp.* p. 148, or p. 259, ed. Bekker), but a more cruel torture was devised by Tarquinius Priscus (Dionys. iii. 67; Zonaras, vii. 8) and inflicted from that time forward. When condemned by the college of pontifices, she was stripped of her vittae and other badges of office, was scourged (Dionys. ix. 40), was attired like a corpse, placed in a close litter and borne through the forum attended by her weeping kindred, with all the ceremonies of a real funeral, to a rising ground called the *Campus Sceleratus*, just within the city walls, close to the Colline gate. There a small vault underground had been previously prepared, containing a couch, a lamp, and a table with a little food. The pontifex maximus, having lifted up his hands to heaven and uttered a secret prayer, opened the litter, led forth the culprit, and, placing her on the steps of the ladder which gave access to the subterranean cell, delivered her over to the common executioner and his assistants, who conducted her down, drew up the ladder, and having filled the pit with earth until the surface was level with the surrounding ground, left her to perish deprived of all the tributes of respect usually paid to the spirits of the departed. In every case the paramour was publicly scourged to death in the forum. (Plut. *Num.* 10, *Fab. Max.* 18, *Quaest. Rom.* 96; Dionys. ii. 67, iii. 67. viii. 89, ix. 40; Liv. iv. 44, viii. 15, xxii. 57; Plin. *Ep.* iv. 11; Suet. *Dom.* 8; Dio Cass. lxvii. 3, lxxvii. 16, and *fragg.* xci. xcii. Festus. s. v. *Probrum et Sceleratus Campus.*)

4. *Privileges.*—But if the labours of the Vestals were unremitting and the rules of the order rigidly and pitilessly enforced, so the honours they enjoyed were such as in a great measure to compensate for their privation. They were maintained at the public cost and from sums of money and land bequeathed from time to time to the corporation (Suet. *Aug.* 31, *Tib.* 76; Sicul. Flacc. p. 162, ed. Lachmann). From the moment of their consecration, as we have seen, they became as it were the property of the goddess alone, and were completely released from all parental sway without going through the form of emancipatio or suffering any capitis deminutio (Gell. i. 12, 9). They had a right to make a will, and to give evidence in a court of justice without taking an oath (Gell. x. 15),—distinctions said to have been first conceded by an Horatian law to a certain Caia Tarratia or Fufetia, and afterwards communicated to all (Gell. i. 12; Gaius, i. 145; compare Plin. *H. N.* xxxiv. § 11). Each was preceded by a lictor, like the Flamen Dialis, when she went abroad (Dio Cass. xlvii. 19), consuls and praetors made way for her, and lowered their fasces (Senec. *Controvers.* vi. 8; compare Plut. *Tib. Gracch.* 15), even the tribunes of the plebs respected their holy character (Oros. v. 4; Suet. *Tib.* 2: compare Cic. *pro Cael.* 14, 34; Val. Max. v. 4. § 6), and if any one passed under their litter he was put to death (Plut. *Num.* 10). Augustus granted to them the *jus trium liberorum* (Dio Cass. lvi. 10; Plut. *l. c.*), and assigned them a conspicuous place in the theatre (Suet. *Aug.* 44; Tac. *Ann.* iv. 16), a privilege which they had enjoyed before at the gladiatorial shows (Cic. *pro Muren.* 35, 73). Great weight was attached to their intercession on behalf of those in danger and difficulty, of which we have a remarkable example in the entreaties which they addressed to Sulla on behalf of Julius

Caesar (Suet. *Jul.* 1; compare Cic. *pro Font.* 17; Suet. *Vitell.* 16; Dio Cass. lxv. 18; Tac. *Ann.* iii. 69, xi. 32, *Hist.* iii. 81), and if they chanced to meet a criminal as he was led to punishment they had a right to demand his release, provided it could be proved that the encounter was accidental. Their general dignity and influence are attested by the inscriptions on the pedestals of their statues, recently discovered in the Atrium Vestae (Middleton, *Rome in* 1885, p. 200 foll.). Wills, even those of the emperors, were committed to their charge (Suet. *Jul.* 83, *Aug.* 101; Tac. *Ann.* i. 8), for when in such keeping they were considered inviolable (Plut. *Anton.* 58); and very solemn treaties, such as that of the triumvirs with Sextus Pompeius, were placed in their hands (Appian, *B. C.* v. 73; Dio Cass. xlviii. 37 and 46). Their own persons were inviolable (Plut. *Numa*, 10); and as in so many other points in their life they retained the privileges of the ancient royal household, so after death they were an exception to the law of the Twelve Tables which forbade burial within the pomerium (Serv. *ad Aen.* xi. 206). Their burial-place is not as yet discovered (Marquardt, iii. 309, 341; Lanciani, *Ancient Rome*, p. 142).

Statue of Virgo Vestalis Maxima, from the Atrium Vestae. (Jordan.)

They were attired entirely in white (Suidas, 1010 B). Festus in a doubtful passage (p. 4, 1) describes their dress as a *toga*, and this may have been originally so, and would be in keeping with the antique character of the rest of their life and ritual. But the portrait statues of Vestals lately discovered, dating from the 2nd century A.D., show that in that day at least they wore a stola or long gown, confined by a girdle at the waist, and usually sleeveless; and over this a pallium or loose robe, as is seen in the accompanying cuts. On their head was an *infula*, or diadem-like band (Serv. *ad Aen.* x. 538), from which on each side depended *vittae*; and when sacrificing they wore also the *suffibulum*, which was their especial characteristic. This was a white woollen hood with a purple border, folded over the head and fastened below with a brooch (*fibula*); it is represented only in the statue of the Virgo Vestalis Maxima, of which a cut is given, and corresponds with the description of Festus (p. 349: cf. Varro, *L. L.* vi. 21). The second cut, copied from a gem, represents the Vestal Tuccia, who when wrongfully accused appealed to the goddess to vindicate her honour, and had power given her to carry a sieve full of water from the Tiber to the temple—a convenient legend for checking hasty accusations (Montfaucon, *Ant. Exp.* i. pl. xiv., Supplem. i. pl. vi.; Val. Max. viii. 1, 35; Plin. *H. N.* xxviii. § 2).

The Vestal Tuccia, from an ancient gem.

Of the organisation and interior life of the Vestals, we still know very little. It has been mentioned that they were supposed to spend the first ten years of their service in learning, the second in practising, and the third in teaching, their duties. Thus they seem to have risen gradually in dignity by seniority; and the oldest, under the title of Virgo Vestalis Maxima, acted as a kind of president or lady superior (Marquardt, iii. 340 and reff.: cf. the inscribed pedestals in Middleton, p. 200 foll., especially Nos. 5 and 6, whence it appears that the head of the sisterhood had passed through "omnes gradus sacerdotii"). The Vestalis Maxima had also the title of *antistes* (*C. I. L.* vi. 2139, 2143; cf. Liv. i. 20, 3). All were equally under the supervision of the pontifex maximus, whose duty it was to keep a vigilant eye on the sisterhood: cf. Liv. iv. 44, where a Vestal is denounced to him as guilty of a desire for personal adornment, and ordered to behave more discreetly in future. They all resided together in a house adjoining the Regia and the round temple of Vesta, at the south-eastern corner of the Forum Romanum, and immediately under the north-western end of the Palatine Hill. This house was probably several times burnt and rebuilt; the important remains of it which were excavated in 1883–4, are of Hadrian's time. For a detailed description of it, the student is referred to Middleton's work already quoted, ch. vi.; and for its history and relation to the Regia and the Aedes Vestae, see also Jordan, *Röm. Topographie*, i. pt. 2, pp. 298 foll., 423 foll.; and the same author's *Tempel der Vesta*, passim.

The ample size and accommodation of the house seem to show that after the 1st century A.D. the Vestals were no longer content with their former simplicity of life; it may perhaps have been necessary to their reputation and dignity in a luxurious age, that they should live in comfort if not in splendour. It was partly rebuilt after the great fire of 191 A.D., and continued to be occupied by the Vestals for two centuries after that date, in spite of the public recognition of Christianity (Preuner, *Hestia-Vesta*, p. 442 and notes). The inscriptions show that the sisterhood continued to maintain its prestige and to discharge its duties until towards the end of this period; but in the latter half of the 4th century some members seem to have become Christians, and it is possibly for this reason (as Middleton suggests, *op. cit.* p. 206;

but cf. Lanciani, p. 171) that in the latest inscription in date the name of the Vestal has been erased. This was in A.D. 364; in A.D. 394, after the defeat of Eugenius by Theodosius, and the entry of the latter into Rome, the Vestals were dispersed and their order abolished. (See Zosimus, v. 38; and the story there related of the last of the Vestals.) But the modern Italian nunnery, with its organisation and vows, still recalls the Atrium Vestae and the life of the Vestals, which thus form a connecting link between the most primitive civilisation of Italy and the ideas and practice of modern Christianity. [W. R.] [W. W. F.]

VESTI'BULUM. [Domus, Vol. I. p. 668; Janua.]

VE'STICEPS. [Impubes.]

VESTIS. The history of Greek and Roman dress has been only told in part by the articles which describe various garments and ornaments under their several names. In them the changes which new modes of life, new channels of trade, and new manufactures brought about are only touched on incidentally. The object of the present article is to supply the connecting link, and to give a chronological sketch of the development of the costume of the latest periods that concern us. Unfortunately it can only be a sketch, for the ground is for the most part new, there being no authoritative treatises on the subject. This is due to the fact that the evidence is chiefly to be drawn from the monuments, and that they have not yet been adequately studied. Until they are known with scientific thoroughness, and until this knowledge has been brought to bear on the evidence from literature, the details of the history of Greek and Roman dress cannot be filled in.

The earliest pre-historic remains in Greece and at Hissarlik go back to the Stone age, when metals were unknown, and the potter's wheel had not yet come into use. Yet, even among these, spindle-whorls and what may be regarded as loom-weights are found, showing that thread was manufactured then. Whether this thread was of flax as well as wool has been debated, but the combined evidence of philology and archaeology shows that it was not only known, but woven into stuffs (cf. Schrader, *Sprachvergleichung und Urgeschichte*, p. 361 foll.; Studniczka, *Beiträge zur G. d. altgr. Tracht*, p. 45; Taylor, *The Origin of the Aryans*, pp. 165, 171; Fusus).

Besides these woven garments, the people of these early times must have possessed plaited mats of reeds and rushes, much like those of the fisher-folk of classical times (cf. *φορμός*, Theocr. xxi. 13; cf. Paus. x. 29, 8), and of some anchorites of the Christian era. That such mats were skilfully woven with all manner of patterns, a glance at early pottery, with its plait ornamentation, is sufficient to show. These woven and plaited stuffs were worn with fleeces and dressed skins [Pellis], or in some parts with hats and coats of felt [Pilleus].

The civilisation of the so-called Mycenaean period brought with it many changes in dress, but these have been sufficiently described in the articles which treat of garments mentioned by Homer [Palla; Pallium; Tunica]. One point, however, deserves special mention, the connexion that existed between the people who enjoyed this civilisation and the East. Both Egyptian and Assyrian works of art are found side by side with those of Mycenae, and there can be no doubt that the commerce between them, if not direct, was at any rate a regular one (cf. Furtwängler und Loeschcke, *Mykenische Vasen*). Such a trade must have brought many products of the Eastern looms to Greece, as well as much costly jewellery and furniture. The opening of historical times in the eighth and seventh centuries shows the Oriental influence still strong, but chiefly exercised through the colonists in Ionia. It was from the Lydians (cf. *Λυδοπαθεῖς τινές*, Anacr. *fr.* 155), and afterwards the Persians, that these Ionians borrowed their luxurious ways. This new *ἁβροσύνη* spread from Aeolia and Ionia to Magna Graecia, Sicily no less than to Thessaly and Corinth, and flourished more especially at the courts of the tyrants of this period. The result on dress is to be traced in the number of foreign garments, whose names are to be found in the Lyric poets. Thus *βάσσαρα* (cf. Daremberg et Saglio, *Dict.* i. p. 681) and *κύπασσις* (cf. Studniczka, *loc. cit.* p. 21, note 62; Bassara) were both borrowed from Lydia, and were names of long linen garments, while *σάραπις* is Median. Linen also came from Egypt; and the *φώσσων, ἡμιτύβιον, καλάσιρις*, and *σινδὼν* are words derived from this source (cf. Müller, *Handbuch*, p. 412; Daremberg et Saglio, *loc. cit.* ii. p. 756; Studniczka, *loc. cit.* pp. 47, 51). Besides these linen stuffs were dyed woollen fabrics, especially those of Tyrian purple (*παναλουργέα φάρεα*, Xenophan. *fr.*; *ἁλουργίδες*, Athen. xii. 16) and saffron, the latter owing part at least of its vogue to its use in Dionysiac ritual.

The luxury of this time was, in Greece proper at any rate, chiefly confined to the courts of tyrants; and when their *régime* passed away, a reaction towards simplicity set in, which Thucydides describes (cf. art. Pallium). The chief reform effected was, somewhat like the Jaeger movement of our days, a return to the use of wool in the place of linen, and a reduction in the number of garments worn. However, this must in most cases have been a counsel of perfection, for the variety of clothing shown by fifth-century art would scarcely lead one to suspect that much greater simplicity actually prevailed. This period of what may be called classical Greek dress ends with the foundation of Alexander's empire. The new and close contact with the East that was then established not only brought many new stuffs, such as cotton, but shifted the centre of fashion away from Greece to the new capitals of the Hellenistic world. All manner of fine muslins (*εὐήτριοι σινδόνες*, Nearch. *Peripl. Mar. Er.* 14, 6; cf. Theophr. *H. P.* iv. 4, 8) and other cotton products (*κάρπασος*: cf. Müller, *op. cit.* p. 436; Haverfield, *Journal of Philology*, xiii. 299–302; Daremberg et Saglio, s. v. *carbasus*; Schrader, *Ling. hist. Forsch.* pp. 210, 211), and even silks, became known [Sericum].

In sketching the history of Roman dress, it would be useless to begin with pre-historic antiquities, as we did in the case of Greek dress. Such an inquiry would, it is true, give a glimpse of the mode of life led by the common ancestors of the Umbrians, Romans, and other Italians in the Stone age; but it would throw no special light on Roman civilisation. So great in fact is the gap between these primitive times and the Rome of history that the traditions of the kings give the earliest starting-point. These traditions all go to show that the influence of Etruria on dress, if not on the manners and customs, was great. The form this influence took was recognised in classical times by archaeologists, like Florus, who tells us that the insignia of power were borrowed from Etruria (i. 5, 6: *Inde fasces, trabeae, curules, anuli, phalerae, paludamenta, praetexta, inde quod aureo curru quattuor equis triumphatur, togae pictae, tunicaeque palmatae, omnia denique decora et insignia quibus imperii dignitas eminet*).

The civilisation of the Etruscans was much older than that of the Romans; their commerce was extensive, their manufacturing skill famous throughout the world, and their wealth and luxury very great, to judge by the remains that have been found in their graves. Even apart from the fact that the last dynasty that reigned at Rome, that of the Tarquins, was Etruscan, their debt to Etruria could not be anything else than great. Yet it would be wrong to suppose that the Romans imported more than they needed for ceremonial display. As in all primitive communities, the women of the family and their maids were mostly busied in spinning and weaving wool.

The primitive stage, however, in which garments are worn, as they come direct from the loom, had long since passed at Rome, even in the days of Numa. In his time, if we can believe a tradition, the fullers [FULLONES] and dyers (*infectores*) had already attained the status of forming guilds (cf. Plut. *Numa*, 17). They were only concerned with the dressing of cloth and preparing it for wear, so that there must have been considerable variety in clothes, both as regards colour and finish, even in those early times. Nor were these the only crafts concerned with dress, for the goldsmiths (*fabri aurarii*) also, one of the original nine guilds, were in part at any rate employed in the manufacture of jewellery. Besides, the felters (*coactiliarii*), also a very old craft, must have existed at this date, and provided coats and blankets, not to speak of hats [PILLEUS].

The garments produced by these native industries were for the most part of wool, for the use of linen did not become common at Rome till late in the history of the Republic. The form they took can, to a certain extent, be recovered from tradition, and from their survival in certain ceremonial uses. From these we learn that originally both men and women wore a cloak of wool, the TOGA, and that below it the men had a tightly-girt loin-cloth, the SUBLIGACULUM. The first change was the adoption by both sexes of a woollen shirt or shift, the TUNICA, which from that time became the chief under-garment. Early forms of these garments were used in historic times; the *trabea* [TOGA, p. 849 *b*] for instance, a narrow toga, was the uniform of the *Equites publico equo* and the vestment of certain priests. In the same way the *tunica recta* was worn by the bride on the wedding-day [MATRIMONIUM, p. 142 *b*; TELA, p. 769 *a*]. She also wore the RICINIUM, which was retained by certain priesthoods. Besides the toga, other forms of cloak seem to have been worn in sacred rites, such as the LAENA, which was the vestment of the flamens and augurs, and the palla, the dress of the *flaminica* [FLAMEN; SACERDOS]. Of the various coverings for the head, those of felt were far the oldest at Rome; the *pilleus* and *galerus* of men, the *tutulus* of women, being of this material [PILLEUS].

Towards the end of the third century B.C. the conquest of Magna Graecia had begun to take effect on the Romans. In no respect was the change more evident than in that of dress, where it is shown by the large number of words for new garments and new fabrics derived from the Greek, in the Latin of that period. For instance, it was then that friezes (*amphimallum* or *amphimallus*), linen (*carbasus*), and muslin (*molochina*) first became known. Embroidery (*vestis plumatilis*) and the use of trimmings (e.g. *patagium*), flounces, and other adornments became more common. It was now the fashion to wear more than one under-garment (*tunica*), and sleeves were no longer unusual. Women especially fell victims to Greek fashion, giving the name STOLA (*στολὴ*) to their principal garment, and wearing the STROPHIUM below it, and wrapping the *parapechium* (*παράπηχυ*, Varro, *L. L.* v. 30, 133) over it. The men too, though they still retained the old dress for ceremonial purposes (see article TOGA), adopted the Greek *ἱμάτιον*, giving it the name PALLIUM, the *ἐξωμὶς* and *τριβὼν* under the name of ABOLLA, and the *χλαμὺς* with its name unchanged. This adoption of Greek fashions went on ever increasing until the period of the Empire, when, except for the most ceremonial purposes, the old Roman dress had finally disappeared. Under the Empire, however, the Greek, or rather Hellenistic fashions, changed rapidly. The increase of the means of communication, and the constant influx of provincials and foreigners to Rome, brought a great number of new fabrics, such as fine linens, muslins (*sindon*), soft stuffs (*leporinum*), and silks [SERICUM]. The prevalence of peace and the great growth of wealth created a constant demand for luxurious garments of cloth of gold and rich embroidery. Of such a kind was the *paragauda* (in Greek writers *παραγαύδης*), a sleeved tunic of Syrian origin, which was of the finest wool, with a purple border and embroidered with silk ornaments. It was worn by women, but for men was one of the insignia of office (cf. Ed. Diocl. xvi. 15; Trebell. Poll. *Claud.* 17; Vopisc. *Aur.* 46; Lyd. *de Mag.* i. 17, ii. 4, 13). Even in ordinary use the sleeved TUNICA or STOLA had been supplanted by the DALMATICA, which from the time of Commodus (Lampr. *Commod.* 8, 8, "Dalmaticatus in publico processit;" cf. Lampr. *Heliog.* 26, 2) was worn by both men and women. A companion tunica, but without sleeves, was called the *colobium* [DALMATICA]. Other new garments came from Gaul, such as the CARACALLA and the *bardocucullus*, or *birrus* [BIRRUS; CUCULLUS]. Even trousers [BRACAE] (Ed. Diocl. vi. 46) and breeches (*coxale*, Ed. Diocl. i. 13) were worn at this period.

The chief literary source of our knowledge of Greek dress is Pollux, who in the fourth and seventh books of his *Onomasticon* gives long lists of garments, with short descriptions of their shape and make. Almost equally important, though only describing women's garments, are the inventories of the temples of Artemis at Brauron (*C. I. A.* ii. 715–765) and of Hera at Samos (Curtius, *Inschriften und Studien zur Geschichte von Samos*, pp. 10–21), and the inventory from Thebes (*Bull. Corr. hell.* v. 264). Of these the inscription from Brauron belongs to the beginning of the second half of the fourth century B.C. The passages in Greek writers which mention dress are too numerous and varied to call for comment in an article like the present; it is necessary, however, to point out that great caution must be used in interpreting such incidental descriptions or allusions. In a drama, for instance, the garments worn are those of the stage, which differed in every way from those of every-day life. The characters wearing them appeared for the most part in the antique magnificence of the Heroic age, not in the clothes of common folk. It is in fact only in comedies that we can expect to find ordinary apparel worn and spoken of, though even there the comic characters had extravagant and impossible costumes. For the costume of the stage, see Albert Müller, *Lehrbuch der griechischen Bühnenalterthümer*, pp. 226 foll.; Iwan Müller's *Handbuch*, vol. v. 3 (by Oehmichen), pp. 254–262.

The monumental evidence is that from which we must expect any further extension of our knowledge, but it is of enormous bulk, and has not yet been worked up as a whole. Böhlau, however, in his *de re Vestiaria*, and Studniczka in the *Beiträge zur Gesch. d. altgr. Tracht*, have shown with regard to the early history of dress what results scientific archaeology applied to the subject can produce. The chief difficulty in determining the value of monumental evidence is that of estimating the effect of artistic convention. Thus, for instance, there are a vast number of statues which are nude, because there was an artistic tradition that heroes were so represented. So, too, there are large classes of monuments in which dress is only given the figures as a kind of ornament, to fill up the background, or to suggest movement. As yet, however, no one has formulated these conventions, nor shown how their influence can be eliminated. The chief obstacle is the rapid increase of our knowledge, new discoveries bringing unsuspected variations and unknown specimens to light before the old have been satisfactorily systematised and described.

In current literature the only account of Greek dress besides that of Studniczka, which is based on the idea of historical development, is to be found in Iwan Müller's *Handbuch*, in the section devoted to *Privatalterthümer*, pp. 395–441 *a*. A summary account on the same lines is given by Von Heyden in his *Tracht der Kulturvölker Europas* (Leipzig, 1889). Besides, the older works of Weiss (*Kostümkunde*, 1872) and Köhler (*Trachten der Völker*, Dresden, 1872) contain much that is useful. The two English works—Hope's *Costume of the Ancients* (1841; 2nd ed. 1875), and Moyr-Smith's *Ancient Greek Female Costume* (1882)—contain many illustrations, but are otherwise of little value. The same may be said of Racinet's work in French. Among the standard handbooks, the literature of the subject is best given in Hermann's *Lehrbuch*, vol. iv. *Die griechischen Privatalterthümer* (ed. Blümner, 1882), and Becker's *Charikles* (ed. Göll). Guhl and Koner's *Leben der Griechen und Römer* (1882; Eng. edition by Hueffer), and Blümner's *Leben und Sitten der Griechen*, especially the latter, give good illustrations from the original monuments. The articles in Baumeister's *Denkmäler* (1884, &c.), Daremberg et Saglio's *Dictionnaire des Antiquités*, and Rich's *Companion to the Greek and Latin Dictionary* are also useful in giving monumental evidence. A useful account of how Greek dresses were made and worn, with experiments on models by Conze, is given in Teirich's *Blätter für Kunstgewerbe*, vol. iv. 1875, pp. 61, 74 (Vienna).

For Roman dress Varro, who describes and discusses the derivation of the names of garments in the fifth book of his *de Lingua Latina* (preserved to us by Nonius), is the chief authority. On the subject of dress under the Empire the fragments of the edict of Diocletian, fixing the customs due on articles of dress, are of great interest, as giving a full list of the garments then in use. Of the work of the older scholars, the treatises collected in Graevius's *Thesaurus* give all that is best. Needless to say, they are antiquated, but in the treatises of Ferrarius and Rubenius much that is of value may still be found. In modern literature the histories of Weiss, Kohler, and Von Heyden, and the dictionaries mentioned above, may be consulted. Of the handbooks, Marquardt's *Das Privatleben der Römer* (2nd edit. 1886) and Becker's *Gallus* (ed. Göll) give the literature with great fulness. Guhl and Koner and Iwan Müller's *Handbuch*, vol. iv. 2 (by Voigt), are also useful.

A detailed account of the various articles of Greek and Roman dress, their forms and their uses, will be found under their special names in this Dictionary. [W. C. F. A.]

VEXILLA'RII. [EXERCITUS, Vol. I. p. 792.]

VEXILLUM. [SIGNA MILITARIA.]

VIAE. In legal Latin the word *via* signifies (1) a rural servitude, (2) a regularly made street or road. In the first sense it is distinguishable from the servitudes of *iter* and *actus*. *Iter* is the right of walking or passing along a road; *actus* is the right of walking or passing and driving cattle or vehicles (exclusive of heavy traffic) along a road. *Via* includes both *iter* and *actus*, and is the right of walking or passing and driving cattle, vehicles, or traffic of any description along a *via* properly so called, *i.e.* a regularly made street or road (Ulpian, Dig. 8, 3, 1, 7; and cf. Isidor. *Orig.* xv. 16; SERVITUTES). By the laws of the Twelve Tables (Dig. 8, 3, 8) the minimum width of a *via* was fixed at 8 feet where it was straight, and 16 feet where it turned. Hence *via* differs in this sense also from *actus* and *iter*, which denoted smaller or rougher roads, bridle-paths, drifts, and tracks. As regards the actual width of the different classes of roads, see Burn, *Rome and the Campagna*, Introd. p. liii. note 2; Middleton, *Ancient Rome in* 1888, p. 478.

Ulpian (Dig. 43, 8, 21, 22, 23) distinguished three kinds of *viae*:—1. *Viae publicae, consulares, praetoriae* or *militares*: public high or main roads, constructed and maintained at the public expense, and with their soil vested in the state. Such roads led either to the sea, or to a town, or to a public river (*i.e.* one with a constant flow), or to another public road (Dig. 43, 7, [illegible]

Siculus Flaccus, who lived under Trajan (A.D. 98–117), calls them *viae publicae regalesque*, and describes their characteristics as follows (*de Cond. Agr.* p. 9, ed. Goesius, 1674):—(1) They are placed under *curatores* (commissioners), and repaired by *redemptores* (contractors) at the public expense; a fixed contribution, however, being levied from the neighbouring landowners: (2) they bear the names of their constructors (e.g. *Via Appia*, *Cassia*, *Flaminia*). With the term *viae regales* compare the ὁδοὶ βασιλήιαι of the Persian kings (who probably organised the first system of public roads: see Herod. v. 52, 53), the term ὁδὸς βασιλικὴ in Numbers (LXX.) xx. 17, and Plutarch, *Demetr.* 46, and our own "royal road" and "king's highway." With the term *via militaris* compare the German *Heerstrasse*, and the A.-S. *Here-straet*. So Guest (*Origines Celticae*, ii. 228) identifies the Icknield Way as the *Icen-hilde-weg*, or War-way of the Iceni.

2. *Viae privatae, rusticae*, or *agrariae:* private or country roads, originally constructed by private persons, in whom their soil was vested, and who had the power of dedicating them to the public use. Such roads were subject to a right of way, in favour either of the public or of the owner of a particular estate. Under the head of *viae privatae* were also included roads leading out of the public or high roads to particular estates or settlements. These Ulpian considers to be public roads themselves (Dig. 43, 8, 23).

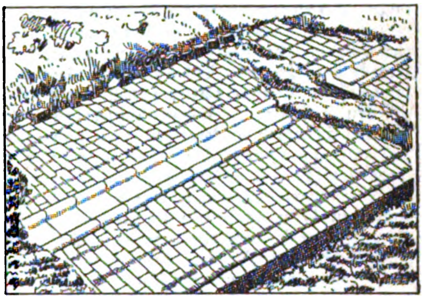
3. *Viae vicinales:* village, district, or cross-roads, leading through or towards a *vicus* or village. Such roads ran either into a high-road, or into other *viae vicinales*, without any direct communication with a high-road. They were considered public or private, according to the fact of their original construction out of public or private funds or materials (Dig. 43, 8, 22). Such a road, though privately constructed, became a public road when the memory of its private constructors had perished (Dig. 43, 7, 3).

Siculus Flaccus (*l. c.*) describes *viae vicinales* as roads "de publicis quae divertunt in agros et saepe ad alteras publicas perveniunt." The repairing authorities, in this case, were the *magistri pagorum* or magistrates of the *pagus* or canton. They could require the neighbouring landowners either to furnish labourers for the general repair of the *viae vicinales*, or to keep in repair, at their own expense, a certain length of road passing through their respective properties.

An attempt will be made in this article to state the main facts concerning the *viae publicae* of the Roman Empire under the heads of I. History; II. Materials and Methods of Construction. Rival theories and minute points of information must be sought for in the list of authorities given below, under the head of III. Literature. It comprises the principal works dealing with the history, construction, and topography of the Roman roads, in four divisions, thus: 1. General Information; 2. *Viae Publicae* in Rome and Italy (within the Eleven Regions of Augustus); 3. *Viae Publicae* in Britain; 4. *Viae Publicae* in the other provinces of the Empire.

I. History.

The public road-system of the Romans was thoroughly military in its aims and spirit: it was designed to unite and consolidate the conquests of the Roman people, whether within or without the limits of Italy proper. Dr. Guest, in commenting on the Itinerary of Antoninus (*Origines Celticae*, ii. 102), describes the system as follows: "With the exception of some outlying portions, such as Britain north of the Wall, Dacia, and certain provinces east of the Euphrates, the whole Empire was penetrated by these *iters*. There is hardly a district which we might expect a Roman official to be sent to, on service either civil or military, where we do not find them. They reach the Wall in Britain; run along the Rhine, the Danube, and the Euphrates; and cover, as with a network, the interior provinces of the Empire." See also Marquardt, *Staatsverwaltung*, i. 559. The following illustration represents part of a magnificent Roman road which is still to be seen on a hill-side at Blackstone Edge, in Lancashire.



Part of a Roman road in Lancashire.

A similar policy, attended by similar success, has been repeatedly followed in more modern days. We need only refer to the roads made by General Wade and Captain Burt in the Scottish Highlands, after the Jacobite rising of 1715 (see Burton, *History of Scotland*, 1689–1748, ii. 246–256, and Burt, *Letters*, ed. Jamieson, 1818); to the Simplon, Cornice, and other military roads of Napoleon I.; and finally to the road-systems of our military engineers and Public Works Department in India.

It is evident that the construction of some visible presentment of this huge network of communications would soon become a practical necessity. A review of the authorities seems to warrant the statement that, in the time of Augustus, a map or chart, founded on the geographical statistics contained in the *Commentarii* of Agrippa, and engraved on marble, was exhibited for public reference in the Portico of Polla or Pola, Agrippa's sister, which was erected in the Campus Martius between B.C. 12 and A.D. 7 (Plin. *H. N.* iii. § 17). It was probably very similar in construction to the marble map of Rome divided into Regions, now known as the Capitoline Plan. It is certain that geographical measurements took place under Augustus; but the story that they were merely completions of a survey originally ordered about 44 B.C. by Julius Caesar, rests on more doubtful authority (see Marquardt, *Staatsverwaltung*, ii. 207 ff.). Vegetius alludes to the early possession of maps by military commanders: "Usque eo ut sollertiores duces itineraria provinciarum . . . non tantum adnotata sed etiam picta habuisse firmentur" (*R. M.* iii. 6). Moreover, a book, perhaps bearing the name of *Chorographia* (it is quoted by Strabo as ὁ χωρογράφος), was constructed from the same *Commentarii* of Agrippa, whose measurements are constantly referred to as authoritative by Pliny.

The marble map which has been mentioned was, most probably, the original authority on which the Antonine and other Itineraries, and the ancient map or chart of the Roman dominions, known as the Peutinger Table, were founded. The Peutinger Table has by some been identified with a copy, made in 1265 by a Dominican monk of Colmar, from a certain original *Mappa Mundi*. Miller, however, whose works on the Peutinger Table are cited below, considers it to be two centuries earlier in date, and to be based on an original constructed in the fourth century A.D., and probably in the reign of Valentinian II. (375–392 A.D.). The remarks of Vegetius, who lived under this emperor, on the use of *itineraria picta*, have already been quoted. The Table was discovered in 1507 by Conrad Celtes (1459–1508) in a German monastery. Celtes bequeathed it by his will (in which he described it as *Itinerarium Antonini*) to Conrad Peutinger, a scholar of Augsburg (1465–1547), for eventual publication. After many vicissitudes, it was bought for 100 ducats, in 1720, by Prince Eugene, and passed, after his death, into the possession of the Imperial Library at Vienna. In the modern sense of the word, the Peutinger Table is not a map at all. It observes neither latitude nor longitude. All the territories and seas depicted on it are drawn out into a continuous narrow strip, almost regardless of their true geographical conformation and relative position. It runs east and west, and its existing remains comprise all the known world between the east coast of Britain and the limits of Alexander's Indian conquests. The westernmost part has been lost. The Table shows the course of the public roads of the Empire, and gives the distances from station to station in miles. Its peculiar shape may perhaps be accounted for by a passage in which Merivale (*H. R.* c. xxxix.) comments on the original marble map: "Its extension along the walls of a gallery or cloister was meant to keep all its parts nearly on the same level." A large globe or circular map, constructed like the *Mappa Mundi* at Venice, would have been more accurate in form, but less easy to consult.

The construction and care of the public roads, whether in Rome, in Italy, or in the provinces, was, at all periods of Roman history, considered to be a function of the greatest weight and importance. This is clearly shown by the fact that the censors, in some respects the most venerable of Roman magistrates, had the earliest paramount authority to construct and repair all roads and streets. Indeed, all the various functionaries, not excluding the emperors themselves, who succeeded the censors in this portion of their duties, may be said to have exercised a devolved censorial jurisdiction (see Mommsen, *Staatsrecht*, ii. 428 ff., 451 ff.). This devolution early became a practical necessity, resulting from the growth of the Roman dominions and the multifarious labours which detained the censors in the capital city. Hence, in Rome and the immediate neighbourhood, as we shall presently see, certain special official bodies successively acted as constructing and repairing authorities. In Italy, the censorial responsibility passed to the commanders of the Roman armies, and, later on, to special commissioners (*curatores*), and, in some cases perhaps, to the local magistrates. In the provinces, the consul or praetor (hence the terms *via consularis*, *via praetoria* = *via publica*) and his legates received authority to deal directly with the contractors (Cic. *pro Font.* 4, §§ 7, 8).

The systems successively pursued in Italy may be illustrated from Livy, who tells us (xxxix. 2) that C. Flaminius (consul 185 B.C.), in his campaign against the Ligurian Friniates, "ne in otio militem haberet, viam a Bononia duxit Arretium." Moreover, his colleague, M. Aemilius Lepidus, made another road, the earlier *Via Aemilia*, from Placentia to Ariminum, where it joined the Via Flaminia (Livy, *l. c.*; and Strabo, v. 1, 11 = p. 217). In 21 A.D. Cn. Domitius Corbulo complained to Tiberius that numerous roads in Italy had become impassable, "fraude mancipum et incuria magistratuum" (Tac. *Ann.* iii. 31). It is uncertain whether the neglectful magistrates here alluded to were the permanent *curatores* of the roads in question, or the municipal magistrates. (See the notes of Lipsius and Orelli in their respective editions of Tacitus.)

But there were many other persons besides the special officials, who from time to time, and for a variety of reasons, sought to connect their names with a great public service like that of the roads. Caius Gracchus, when Tribune of the people (123–122 B.C.), paved or gravelled many of the public roads, and provided them with milestones and mounting-blocks for riders (Plut. *C. Gracchus*, c. 7). Again, C. Scribonius Curio, when Tribune (B.C. 50), sought popularity by introducing a Lex Viaria, under which he was to be chief inspector or commissioner for five years (Appian, *B. C.* ii. 27; Cic. *ad Fam.* viii. 6). Dio Cassius (xlvii. 17) mentions as one of the forcible acts of the triumvirs of 43 B.C. (Octavianus, Antony, and Lepidus), that they obliged the senators to repair the public roads at their own expense. There is little doubt that such a measure would be popular with all but the direct sufferers.

The care of the streets and roads within the Roman territory was, as we have already stated, committed in the earliest times to the censors. An ancient enactment (*ap.* Cic. *Legg.* iii. 31) prescribed thus:—"Censores . . . . urbis templa vias aquas aerarium vectigalia tuento." Appius Claudius Caecus (censor 312 B.C.) paved the Appian Way (Liv. ix. 29); C. Junius Bubulcus and M. Valerius Maximus (censors 307 B.C.) made roads in the country districts at the public expense (Liv. ix. 43); C. Flaminius (censor 220 B.C.) "viam Flaminiam munivit" (Liv. *Epit.* xx.). The censorship (174 B.C.) of Q. Fulvius Flaccus and A. Postumius Albinus was marked by an important step in advance. They made contracts for paving the streets inside Rome, including the Clivus Capitolinus, with lava, and for laying down the roads outside the city with gravel. Side-walks were also provided (Liv. xii. 27). M. Aemilius Scaurus (censor 109 B.C.) paved the later of the two roads known as *Via Aemilia* from Pisae to Dertona. (Aurelius Victor, *de Viris Ill.* c. 72; Strabo, v. 1, 11 = p. 217.)

The aediles, probably in virtue of their responsibility for the freedom of traffic and the police of the streets (Dig. 43, 10), co-operated with the censors and the bodies that succeeded them. Cn. and Q. Ogulnius (aediles 296 B.C.) laid down a pavement on the path or track (*semita*) from the Porta Capena to the Temple of Mars (Liv. x. 23). Again, Agrippa, when he voluntarily became aedile (33 B.C.), spent largely of his own money on the roads.

It would seem that in the reign of Claudius (41-54 A.D.) the quaestors had become responsible for the paving of the streets of Rome, or at least shared that responsibility with the *quatuorviri viarum*, who will presently be mentioned. Suetonius (*Claud.* c. 24) states that the Emperor "Collegio Quaestorum pro stratura viarum gladiatorium munus injunxit." It has been suggested that the quaestors were obliged to buy their right to an official career by personal outlay on the streets (Mommsen, *Staatsrecht*, ii. p. 534). There was certainly no lack of precedents for this enforced liberality, and the change made by Claudius may have been a mere change in the nature of the expenditure imposed on the quaestors.

The official bodies which first succeeded the censors in the care of the streets and roads were two in number, viz. (1) the *Quatuorviri viis in urbe purgandis*, with jurisdiction inside the walls of Rome; (2) the *Duoviri viis extra urbem purgandis*, with jurisdiction outside the walls. Both these bodies were probably of ancient origin, but the true year of their institution is unknown. Little reliance can be placed on Pomponius (Dig. 1, 2, 28–30), who states that the *quatuorviri* were instituted *eodem tempore* with the praetor peregrinus (*i.e.* about 242 B.C.) and the *Decemviri Stlitibus judicandis* (time unknown). The first mention of either body occurs in the Lex Julia Municipalis of the year 45 B.C. (A.U.C. 709). The *quatuorviri* were afterwards called *Quatuorviri viarum curandarum.* Pomponius (*l. c.*) terms them *Quatuorviri qui curam viarum gererent*, and Dio Cassius (liv. 26) *οἱ τέσσαρες οἱ τῶν ἐν τῷ ἄστει ὁδῶν ἐπιμελούμενοι.* The extent of jurisdiction of the *Duoviri* is to be gathered from the same Lex, which gives their full title as *Duoviri viis extra propiusve urbem Romam passus mille purgandis.* Their authority extended over all roads between their respective gates of issue in the city wall and the first milestone beyond. Dio Cassius (liv. 26) simply calls them *οἱ δύο οἱ τὰς ἔξω τοῦ τείχους ὁδοὺς ἐγχειριζόμενοι* (Mommsen, *Staatsrecht*, ii. 603 ff., 668).

The next change was made by Augustus. In the course of his reconstitution of the urban administration he created new offices in connexion with the public works, streets (Mommsen here reads *viarum variarum*), and aqueducts of Rome (Sueton. *Aug.* c. 37). He found the *quatuorviri* and *duoviri* forming part of the body of magistrates known as *vigintisexviri.* These he reduced to twenty members (*vigintiviri*), but retained the *quatuorviri* among them. The latter were certainly still in existence under Hadrian (117–138 A.D.: see an inscription *ap.* Bergier, *Grands Chemins*, i. p. 7). Augustus abolished the *duoviri*, no doubt because the time had come for dealing comprehensively with the superintendence of the roads which connected Rome with Italy and the provinces. Dio Cassius relates (liv. 8) that Augustus personally accepted the post of *προστάτης* or superintendent *τῶν περὶ τὴν Ῥώμην ὁδῶν*. In this capacity he represented the paramount authority which belonged originally to the censors. Moreover, he appointed men of praetorian rank to be *ὁδοποιοὶ* or road-makers, assigning to each of them two lictors (*C. I. L.* vi. 1501). Lastly, he made the office of curator of each of the great public roads a perpetual magistracy, instead of a special and temporary commission, as had been the case hitherto.

The previous state of things seems to have been this. In case of an emergency in the condition of a particular road, men of influence and liberality were appointed, or voluntarily acted as *curatores* or temporary commissioners to superintend the work of repair. The dignity attached to such a curatorship is attested by a passage (*Epp. ad Att.* i. 1) in which Cicero says that one Thermus should have the best chance of becoming Caesar's colleague in the consulship, *propterea quod curator est Viae Flaminiae* (compare also Plin. *Epp.* v. 15). Among those who performed this duty in connexion with particular roads was Julius Caesar, who became curator (67 B.C.) of the Via Appia, and spent his own money liberally upon it (Plut. *Caes.* 5). Certain persons appear also to have acted as *Viarum curatores e lege Visellia.* The inscriptions which contain the little that is known about them have been collected by Mommsen, *Staatsrecht*, ii. 668 ff.

It was not as curator but as consul that Augustus (27 B.C.) restored the Via Flaminia, a road essential to his military expeditions (Dio Cass. liii. 22). He has himself recorded the fact in the *Monumentum Ancyranum* as follows (ed. Mommsen, pp. 86–87, Berlin; Weidmann, 1883): CONSUL . SEPTIMUM . VIAM . FLAMINIAM . AB . URBE . ARIMINUM . FECI . ET . PONTES . OMNES . PRAETER . MULVIUM . ET . MINUCIUM.

A passage from Suetonius (*Aug.* 30) is here in point: "Quo autem facilius undique urbs adiretur, desumpta sibi Flaminia Via Arimino tenus munienda, reliquas triumphalibus viris ex manubiali pecunia sternendas distribuit."

Dio Cassius (*q. v. supra*) states that Augustus assigned the great roads, other than the Flaminian, to certain of the senators to be repaired *at their own expense*, and adds that it was almost impossible to tell who really paid for these repairs. The senators, he says, grudged any expenditure of their own money, and the Emperor's privy purse was practically indistinguishable from the public treasury. Indeed, the concurrent outlay of public and private moneys on the public roads, which so constantly took place, presents a perpetual obstacle to any clear distinction of the two sources.

Plutarch (*Quaest. Rom.* 66) apparently suggests that the Via Flaminia was first paved out of the annual profits of an estate given to the city by *Flaminius quidam.* M. Fonteius, when praetor of Gallia Narbonensis (76–73 B.C.), raised money for repairing the roads by imposing a due on wine (*portorium vini*, Cic. *pro Font.* 5) Agrippa repaired all the public roads, according to Dio Cassius (xlix. 43), *μηδὲν ἐκ τοῦ δημοσίου λαβών*, an expression which probably covers not only his private munificence, but the personal outlay imposed on the senators, and the *pecunia manubialis* mentioned by Suetonius (*Aug.* 30). In the country districts, as has been stated, the *magistri pagorum* had authority to maintain the *viae vicinales*. In Rome itself each householder was legally responsible for the repairs of that portion of the street which passed his own house (Dig. 43, 10, 3). It was the duty of the aediles to enforce this responsibility. The portion of any street which passed a temple or public building was repaired by the aediles at the public expense. When a street passed between a public building or temple and a private house, the public treasury and the private owner shared the expense equally. (See the municipal law quoted by Mommsen, *Staatsrecht*, ii. 505 ff.) No doubt, if only to secure uniformity, the personal liability of householders to execute repairs of the streets was commuted for a paving rate payable to the public authorities, who were responsible from time to time.

We have already said that Augustus, in his capacity as supreme head of the public road-system, converted the temporary *cura* of each of the great roads into a permanent magistracy. The persons appointed under the new system were of senatorial or equestrian rank, according to the relative importance of the roads respectively assigned to them. It was the duty of each curator to issue contracts for the maintenance and repairs of his road, and to see that the contractor who undertook the work performed it faithfully, both as to quantity and quality. Moreover, he authorised the construction of sewers and removed obstructions to traffic, as the aediles did in Rome. It was in the character of an imperial curator, though probably of one armed with extraordinary powers, that Corbulo (as has been already mentioned) denounced the *magistratus* and *mancipes* (*ἐκείνους τε* [*τοὺς ἐπιστάτας*] *καὶ τοὺς ἐργολαβήσαντάς τι παρ' αὐτῶν*, Dio Cass. lix. 15) of the Italian roads to Tiberius. He pursued them and their families with fine and imprisonment for eighteen years (21–39 A.D.), and was rewarded with a consulship by Caligula, who was himself in the habit of condemning well-born citizens to work on the roads (Tac. *Ann.* iii. 31; Dio Cass. lx. 27; Suet. *Calig.* 27). It is noticeable that Claudius brought Corbulo to justice, and repaid the moneys which had been extorted from his victims.

Special *curatores* for a term seem to have been appointed on occasion, even after the institution of the permanent magistrates bearing that title. According to an inscription subsequent in date to A.U.C. 731 (23 B.C.), one P. Paquius Scaeva was appointed *Viarum curator extra urbem Romam ex senatusconsulto in quinquennium* (*C. I. L.* ix. 2845; and see *ibid.* vi. 1501; Mommsen, *Staatsrecht*, ii. 669). It is possible that Scaeva was one of the *ὁδοποιοὶ* appointed by Augustus in A.U.C. 734 (20 B.C.). (Dio Cass. liv. 8, *q. v. supra*.)

The Emperors who succeeded Augustus exercised a vigilant control over the condition of the public highways. Their names occur frequently in the inscriptions to restorers of roads and bridges collected by Gruter (*Corpus Inscrr.* pp. cxlix.–clxiii.). Thus, Vespasian, Titus, Domitian, Trajan, and Septimius Severus were commemorated in this capacity at Emerita; Nero at Corduba; Trajan at Asculum, Augustobriga, and Arganda; Hadrian and Septimius Severus at Braccara; Hadrian at Suessa; Marcus Aurelius at Capua; Caracalla at Malaca. Trajan's care for the communications of his Empire received the following elaborate panegyric from Galen (*Method. Med.* ix. 8): *ἀμέλει ταῦτ' ἐχούσας ἁπάσας τὰς ἐπὶ τῆς Ἰταλίας ὁδοὺς ὁ Τραϊανὸς ἐκεῖνος ἐπηνωρθώσατο· τὰ μὲν ὑγρὰ καὶ πηλώδη μέρη λίθοις στρωννὺς ἢ ὑψηλοῖς ἐξαίρων χώμασιν· ἐκκαθαίρων δὲ τά τε ἀκανθώδη καὶ τραχέα καὶ γεφύρας ἐπιβάλλων τοῖς δυσπόροις τῶν ποταμῶν· ἔνθα δὲ ἐπιμήκης οὐ προσηκόντως ὁδὸς ἦν ἐνταῦθα σύντομον ἑτέραν τεμνόμενος· ὥσπερ καὶ εἰ δι' ὕψος λόφου χαλεπὴ διὰ τῶν εὐπορωτέρων χωρίων ἐκτρέπων.*

The Itinerary of Antoninus, which was probably a work of much earlier date, republished in an improved and enlarged form, under one of the Antonine emperors, remains as standing evidence of the minute care which was bestowed on the service of the public roads (Guest, *Origines Celticae*, ii. 101–118). On the probability of a connexion between the Itinerary and the Peutinger Table (*q. v. supra*), see the works of Bergier (i. 354–359) and Miller cited below.

II. MATERIALS AND METHODS OF CONSTRUCTION.

Viae are distinguished not only according to their public or private character, but according to the materials employed and the methods followed in their construction. Thus we have (Ulpian, Dig. 43, 11, 2)—

(1) *Via terrena*, a plain road of levelled earth.

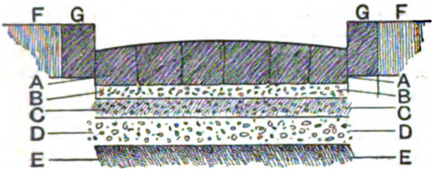
(2) *Via glareata, glarea strata*, an earthen road with a gravelled surface (Liv. xli. 27).

(3) *Via munita, lapide quadrato strata, silice strata*, a regular metalled road, paved with rectangular blocks of the stone of the country, or with polygonal blocks of lava.

The construction of *vias munitae* is said by Isidorus to have been borrowed by the Romans from the Carthaginians: "Primum Poeni dicuntur lapidibus vias stravisse: postea Romani per omnem paene orbem disposuerunt, propter rectitudinem itinerum et ne plebs esset otiosa" (*Orig.* xv. 16, 6). In course of time, the terms *via munita* and *via publica* became identical, but Livy mentions some of the most familiar roads near Rome, and the milestones on them, at periods long anterior to the first paved road—the Appian. Unless these allusions be simple anachronisms, the roads referred to were probably at the time little more than levelled earthen tracks. Thus the Via Gabina is mentioned in Liv. ii. 11 ((*temp.* Porsena, about 500 B.C.); the Via Latina in ii. 39 (*temp.* Coriolanus, about 490 B.C.); the Via Nomentana or Ficulensis in iii. 52 (449 B.C.); the Via Labicana in iv. 41 (421 B.C.); and the Via Salaria in vii. 9 (361 B.C.).

Our best sources of information as regards the construction of a regulation *via munita* are: (1) The many existing remains of *viae publicae*. These are often sufficiently well preserved to show that the rules of construction were, as far as local material allowed, minutely adhered to in practice. (2) The directions for making pavements given by Vitruvius (vii. 1). The pavement and the *via munita* were identical in construction, except as regards the top layer, or surface. This consisted, in the former case, of marble or mosaic, and, in the latter, of blocks of stone or lava. (3) A passage in Statius (*Silv.* iv. 3, 4) describing the repairs of the Via Domitia, a branch road of the Via Appia, leading to Neapolis.

The general construction of a *via munita* is shown in the following woodcut.



Via Munita.

A. *Dorsum* or *agger* viae (hence the phrases *agger publicus* = *via publica; Aurelius Agger* = *via Aurelia:* Sidon. 24, 5): the elliptical surface or crown of the road (*media stratae eminentia*, Isidor. *Orig.* xv. 16, 7), made of polygonal blocks of *silex* (basaltic lava) or rectangular blocks of *saxum quadratum* (travertine, peperino, or other stone of the country). The upper surface was designed to cast off rain or water like the shell of a tortoise. The lower surfaces of the separate stones, here shown as flat, were sometimes cut to a point or edge in order to grasp the *nucleus*, or next layer, more firmly.

B. *Nucleus:* kernel or bedding of fine cement made of pounded potsherds (*testae tusae:* cf. Vitruv. vii. 1, 17) and lime.

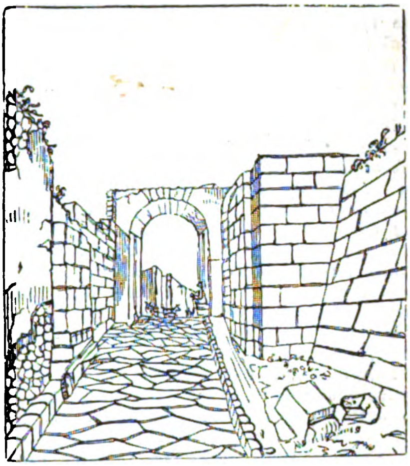
C. *Rudus:* rubble or concrete of broken stones and lime.

D. *Statumen:* stones of a size to fill the hand.

E. Native earth, levelled and, if necessary, rammed tight with beetles.

F. *Crepido*, *margo* or *semita:* raised footway, or sidewalk, on each side of the *via*. It was strengthened by *umbones* or edge-stones (G), and *gomphi* or kerb-stones of greater size and height, which were placed at intervals in the line of *umbones*. *Crepido* seems also to denote the mounds of earth or rubbish on the sides of an unpaved road (Petron. *Sat.* 9: "Vidi Gitona in crepidine semitae stantem"). The general appearance of such a metalled road and footway is shown in the following illustration of an existing street in Pompeii.

The directions given by Vitruvius (*l.c.*) are as follows: "If the bedding is to be laid flush with the ground (instead of on wooden joists), it must first be ascertained whether the ground be thoroughly sound. If it is found to be so, it should be levelled, and then the courses of stones (*statumen*) and rubble mixed with lime (*rudus*) should be successively laid on. But if the ground consist wholly or partly of made or loose earth, it should be very carefully rammed tight with beetles . . . next should come a layer of stones large enough to fill the hand (*statuminetur*), and over them should be laid a course of rubble of stones and lime (*rudus*). If the rubble be new, the proportion of stone to lime should be as 3 : 1. If it be old, as 5 : 2. When the rubble has been laid, it should be thoroughly rammed down with wooden beetles, by gangs of men, to a final thickness of not less than 9 inches. Over the rubble should be laid a course of pounded potsherds, mixed with lime (*nucleus*), in the proportion of 3 : 1, and at least six fingers (=4½ inches) in thickness. The pavement, whether consisting of cut slabs or mosaic cubes, should be well and truly laid, by rule and level, on the top of the *nucleus*."



Street in Pompeii. (Mazois.)

In another passage (v. 9, 7) Vitruvius gives directions for constructing *ambulationes* or gravel paths for walking on. Such a path consisted of a firm foundation of earth, with a layer of charcoal (*carbones*) next to it, and a top-layer or surface of levelled gravel (*sabulo*). It was drained by earthenware pipes (*tubuli*) passing into a covered drain on either side.

Statius (*l. c.*) epitomises the whole process of road-making. "The task," he says, "is first to cut (parallel) trenches, to mark the limits of breadth of the road, and next to carry the excavations deep into the ground. Next, to fill the empty ditch with new materials, and to prepare a bed for the surface of the road: lest the ground give way and afford but a treacherous support to the pavement when weighted. Next, to confine the roadway with edge-stones fixed on each side and with numerous kerb-stones."

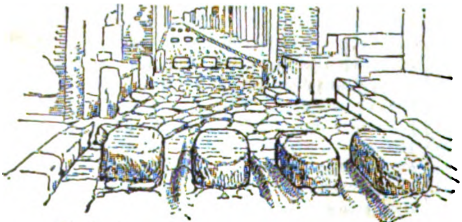
In this passage, *fossa* denotes the ditch made by the removal of the earth between the two parallel *sulci*, down to the point at which a firm earthen foundation can be obtained; *gremium* the three courses below the *Dorsum* or *agger viae*—viz. *statumen*, *rudus*, and *nucleus*.

As has been said, the methods of construction already detailed were followed wherever the soil was of an ordinary character. Where, however, the foundation was of rock, the *statumen* and *rudus* were dispensed with, and the *nucleus* and *dorsum* sufficed. This is the case with an existing portion of the Via Appia near Albano (Burn, *Introd.* p. liv.; Mazois, *Pompéi*, i. 26).

Caius Gracchus was the first to provide the public roads systematically with milestones (Plut. *C. Gracchus*, 7), though Livy, as we have stated above, refers to milestones as existing on certain roads at periods much earlier than the time of Gracchus [MILLIARE]. It is now practically certain that the distances recorded on the milestones of each road were measured from the gate by which that road issued from Rome. The first milestone on the Via Appia was found *in situ* at a distance of exactly a thousand paces from the reputed position of the Porta Capena in the line of the Servian wall (Burn, pp. 49, 432; Middleton, *Ancient Rome in* 1888, pp. 67, 496). In 28 B.C. Augustus erected in the Forum and at the foot of the Capitol the celebrated *Milliarium Aureum* or Golden Milestone (*τὸ χρυσοῦν μίλιον κεκλημένον*, Dio Cass. liv. 8; "Milliarium aureum sub aede Saturni," Tac. *Hist.* i. 27; Suet. *Otho*, 6; "a milliario in capite Romani fori statuto," Plin. *H. N.* iii. § 66). It was, properly speaking, not a milestone, but an Imperial Itinerary or Table of Distances. It bore a gilt tablet, on which were recorded the distances from Rome to which the public roads reached from their respective gates of issue in the city wall. Of these gates there were thirty-seven in Pliny's time (Plin. *l. c.*).

Travelling on the public roads was facilitated by the establishment of (1) *mutationes* (*ἀλλαγαί*) or posting-houses, where horses were changed and vehicles were obtainable if required; and (2) *mansiones* (*καταλύσεις*), stations, khans, caravanserais, or resting-places, where the journey could be conveniently broken. [MANSIONES.] The towns and places where a halt on one ground or the other could be made, are frequently detailed in the Antonine Itinerary. For an account of the Postal or Despatch system created by Augustus, and developed by his successors, see Mommsen, *Staatsrecht*, ii. 1029–1031; Marquardt, *Staatsverwalt.* i. 558 ff.; and a note to Merivale (*H. R.* c. xxxiv.).

The following illustration of a part of the Via Stabiana at Pompeii shows some of the stepping-stones which have puzzled some antiquaries. They are to be found in nearly every street in the town, whatever its breadth. The narrower streets are practically blocked by single large stones in their centres; the broader streets are crossed by rows, containing from two to five stones. Their shape is, generally, a flat-topped oval: larger and smaller stones lying side by side. They measure, very commonly, about 3 feet by 18 inches, and have their longer axis parallel to the footway on either side of the street. The height of the footway ranges from 12 to 18 inches above the carriage-way, and the particular height is, in most cases, that of the stepping-stones also. The surface of the street being elliptical, the stone on the centre stands slightly higher than those at the sides. Many streets are marked with wheel-ruts, some of them deeply cut. They are found both in the interstices between the stepping-stones and elsewhere. The distance from rut to rut measures, as a rule, one yard, which was, accordingly, the gauge of the ordinary vehicles. Such being the facts, three points demand attention: first, the nature and conditions of traffic in a Roman provincial town like Pompeii; secondly, the reasons for erecting stepping-stones of great size in the centre of the carriage-way; and, lastly, the probable mode in which draught animals and carriages passed these stones.


Via Stabiana at Pompeii, with stepping-stones.
(From a photograph.)

Until the reign of Septimius Severus (193–211 A.D.) riding and driving, both in Rome and in the provincial towns, were closely restricted, and at times forbidden, by law. (Lex Julia Municipalis, *ap. C. I. L.* i. 206; Marquardt, *Privatleben*, ii. 727–738; Friedländer, *Sittengeschichte*, i.^{5} 60 ff.). Claudius (41–54 A.D.: some twenty-five years before the destruction of Pompeii) forbade travellers to drive in carriages through provincial towns (Sueton. *Claud.* c. 25). Seneca, it is true, who died in 65 A.D., still nearer to the catastrophe, speaks of the noise of *essedae transcurrentes* at Baiae (*Epp.* 56). But these may have plied principally on the roads to the neighbouring towns, of which Pompeii was one, and Seneca states that the noise did not disturb his studies. Marcus Aurelius (161–180 A.D.) again forbade riding and driving in provincial towns (*Vit.* c. 23; and compare Galen, xi. p. 301, ed. Kühn, for the practice in Rome). Under Severus carriages, in Rome at least, seem to have been more commonly used (Dio Cass. lxiv. 4). But, as late as the reign of Aurelian (270–275 A.D.), we find the emperor preferring to ride into Antioch "quia invidiosum tunc erat vehiculis in civitate uti" (*Vit.* c. 5).

Thus the street-traffic of the ordinary Roman provincial town seems to have resembled that of the Tangier or Tetuan of to-day. Heavy burdens were carried on the backs of horses, mules, or cattle. Walking was the rule, riding on horseback or in a litter was the exception, driving almost unknown. Before the date of the edict of Claudius, and perhaps later, the law was probably indulgent to towns such as Baiae and Pompeii. Thither came the "carriage-company" of Rome to seek health and spend money. In the case of Pompeii carriages and horses were, beyond a doubt, confined to certain streets. An extant inscription shows that the station of the *cisiarii* was not even within the town walls. [See CISIUM.] Other streets were always reserved for foot-passengers, and possibly for litters. Others, again, once open to all traffic, and still bearing the marks of wheels, were afterwards closed to all but foot-passengers by huge stepping-stones or iron gratings.

The deep ruts already mentioned were the natural result of confining the traffic to a few streets. None of these were broad enough to allow of any considerable variation of the track, even had the fixed stepping-stones presented no additional difficulty. Moreover, there is evidence that some of the existing pavements bore traffic for at least 120 years. In one street the edge of the footway bears the inscription EX . K . QVI . (*ex kalendis Quinctilibus*); in another the inscription K. Q. Now the month Quinctilis was renamed Julius in 44 B.C., and Pompeii perished in 79 A.D. It is not surprising that even a small amount of wheeled traffic, unrelieved by the use of springs, and acting on the same stones for so many years, should have left deep traces behind.

The reasons for the erection of very large stepping-stones were, no doubt, at once local and practical. Pompeii occupies the summit and slopes of a small hill. Hence the lower streets, according to the drainage level of the ground, received the rain-water and refuse of the upper. In times of heavy rain the lower streets "must" in Dyer's words "have flowed like a torrent or a Welsh cross-road" (*Pompeii*, c. 3). No sewerage-system could have at once mastered the downward rush of the water. Indeed a similar sight may now be witnessed, during the winter rains, in the heavily-paved streets of Florence, where stepping-stones of the largest size would not be out of place. At Pompeii, where the lie of the ground, together with the close-set stone surface and sides of the streets, provided a ready-made watercourse, side-walks of substantial height were absolutely necessary to foot-passengers. The means of crossing from one side-walk to another, in any weather, were naturally provided by stepping-stones of corresponding size.

Lastly comes the question of the manner in which draught animals and carriages passed the stepping-stones. The wheels passed between the stones, as is shown by the many ruts found *in situ*. A vehicle with wheels three feet apart, and raised on them, say, two feet above the ground, could easily pass over a stone eighteen inches wide and from twelve to eighteen inches high. In the case of vehicles drawn by two animals, it may be conceived that the latter were harnessed loosely and moved in front of the wheel on each side. This arrangement would enable each animal to precede a wheel of the carriage through one and the same interstice of the stepping-stones. The operation must of course have been performed at a very slow walk, and its repetition would soon have become intolerable had the carriage-traffic been large or constant. The case of vehicles drawn by one animal presents more difficulty. It has been held that whilst the wheels passed, as before, on either side of a stone, the animal stepped on or over it. This view can hardly be treated with gravity, even if it be conceived that the surface of the street was somewhat raised by accumulated rubbish. It has been already stated that the stepping-stones often attain a height of eighteen inches and measure three feet in the longer axis which lay along the path of an approaching animal's feet. The better opinion is that carriages drawn by one animal were not admitted into the town at all. [See on the whole question, Dyer, *Pompeii*, Lond. 1868; Mazois, *Pompéi*, Paris, 1824–1838 (with plans); Overbeck, *Pompeii*^{4} (with illustrations); and the works of Presuhn (Leipzig, 1881) and Schöner (Stuttgart, 1877) on the same subject.]

III. LITERATURE.

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3. *Authorities on Viae Publicae in Britain.*—*Archaeologia*, l. c. Bergier, *op. cit.*, vol. i. pp. 113–116; vol. ii. pp. 88–94. *C. I. L.* vol. vii. pp. 206–214, ed. Hübner, 1873 (with map). Elton: *Origins of English History*, 1890. Guest: *The Four Roman Ways* (with map) in *Origines Celticae*, vol. ii. pp. 218–241; The Itinerary of Antoninus, *ibid.* pp. 101–118. Parthey et Pinder, *op. cit.* Pearson, *Hist. of England*, i. ch. 3. Id., *Roman Britain* in *Historical Maps of England*, pp. 6–17. W. T. Watkin, *Roman Lancashire.* Id., *Roman Cheshire.* *Note.* It will often be necessary to consult, in addition, the standard county histories and the proceedings of local antiquarian societies. Ferguson's *History of Cumberland* (1890) may be specially mentioned.

4. *Authorities on Viae Publicae in the other Provinces of the Empire.* — *Archaeologia*, l. c. Bergier, *op. cit.* *C. I. L.*, vol. ii., ed. Hübner, 1869 (with maps): Viae Publicae Lusitaniae (pp. 619–625); Baeticae (pp. 626–632); Tarraconensis (pp. 632–656). *Ibid.*, vol. iii., parts 1 and 2, ed. Mommsen, 1873 (with maps): Viae Publicae Syriae Palaestinae (p. 21); Syriae Littoralis et Mediterraneae (pp. 35–40); Cypri (pp. 42, 43); Ciliciae (p. 44); Cappadociae et Galatiae (pp. 56, 57); Ponti et Bithyniae (p. 61); Asiae Minoris (pp. 87–90); Achaiae (p. 111); Macedoniae (pp. 127, 128); Daciae (p. 256); Moesiae Superioris (p. 269); Dalmatiae (pp. 406–408); Pannoniae Inferioris (pp. 464–471); Pannoniae Superioris (pp. 572–577); Norici (pp. 692–702); Raetiae (pp. 735–740). *Ibid.*, vol. viii., parts 1 and 2, pp. 859–910, ed.

Wilmanns, 1881 (with maps): Viae Publicae Provinciarum Africanarum. *Ibid.*, vol. xii., pp. 632–682, ed. Hirschfeld, 1888 (with maps): Viae Publicae Galliae Narbonensis. Fustel de Coulanges: *La Monarchie Franque*, pp. 254–256, Paris, 1888. Lenthéric: *Les Villes Mortes du Golfe de Lyon*, 3rd edition, Paris, 1879. Id.: *La Provence Maritime*, Paris, 1880. Parthey et Pinder, *op. cit.* *Dictionary of Greek and Roman Geography*, l. c. [H. A. P.]

VIA'TICUM (*ἐφόδιον*) is, properly speaking, everything necessary for a person setting out on a journey, and thus comprehends money, provisions, dresses, vessels, &c. (Plaut. *Epid.* v. 1, 9; Plin. *Epist.* vii. 12; Cic. *de Senect.* 18, 66). When a Roman magistrate, praetor, proconsul, or quaestor went to his province, or an envoy on any mission from the senate, the state provided him with all that was necessary for his journey. Hence the provision is called also *legativum* (Dig. 50, 4, 18, 12). But as the state in this as in most other cases of expenditure preferred paying a sum at once to having any part in the actual business, the state engaged contractors (*redemptores*), who for a stipulated sum had to provide the magistrates with the viaticum, the principal parts of which appear to have been beasts of burden and tents (Liv. xli. 1; Dio Cass. liii. 15). Augustus once for all fixed a sum in proportion to their rank to be given to magistrates on setting out for their provinces, so that the redemptores had no more to do with it, nor had any vote to be passed (Cic. *ad Fam.* xii. 3; *Verr.* i. 22, 60;—Suet. *Aug.* 36; Gell. xvii. 2, 13; Dio Cass. lii. 23, liii. 15). The power of demanding these supplies was warranted by the insignia of the magistrates. Envoys were accredited by their ring (Zonar. viii. 6; Legatus, p. 24 *b*). See also Mommsen, *Staatsrecht*, i. 301. [L. S.] [G. E. M.]

VIA'TOR was a servant who attended upon and executed the commands of certain Roman magistrates, to whom he bore the same relation as the lictor did to other magistrates. The name *viatores* was derived from the circumstance of their being chiefly employed on messages either to call upon senators to attend the meeting of the senate, or to summon the people to the comitia, &c. (Cic. *de Senect.* 16, 56; Fest. p. 371; cf. Plin. *H. N.* xviii. § 20). Those magistrates who had no lictors employed their viatores instead (Liv. ii. 56, iii. 56; Cic. *in Vat.* 9, 22; Tribunus). Here they had to carry out the *jus prendendi* but not *vocandi*. On the other hand, those magistrates who had lictors used the lictors as their personal attendants [see Lictor], but the viatores to summon the senate and for other official messages (Liv. vi. 15, viii. 18, xxii. 11, xli. 15; Cic *pro Cluent.* 27, 74). The viatores of the Aerarian quaestors were employed as subordinates in the Aerarium.

Viatores were mostly freedmen or of low birth (Val. Max. ix. 1, 8); but those of the Quaestores aerarii were of equestrian rank (*C. I. L.* xiv. 169, 3544). Mommsen infers from inscriptions that there were three decuriae of viatores for the superior magistrates (one being reserved for consuls), and one decuria for tribunes (see Mommsen, *Staatsrecht*, i. 360 f., and inscriptions there cited). Viatores were employed also as attendants by Augurs, Septemviri Epulones, and Sodales-Augustales (Marquardt, *Staatsverw.* iii. 226). [L. S.] [G. E. M.]

VICA'RII SERVI. [Servus.]

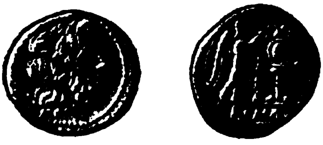
VICE'SIMA, a tax of 5 per cent. (1) *Vicesima libertatis* (*C. I. L.* x. 3875). When a slave was manumitted, the state claimed 5 per cent. on his value, by a law passed in 357 B.C. (Liv. vii. 16; Cic. *Att.* ii. 16, 2; Wilmanns, *Exempla Inscriptionum Latinarum*, 314). The fund thus raised was for some time at least kept in reserve *ad ultimos casus*; e.g. it was used in a crisis of the Second Punic War, B.C. 209 (Liv. xxvii. 10). The amount was doubled by Caracalla and reduced to its original rate by Macrinus (Dio Cass. lxvii. 9, lxviii. 12). The tax, like others, was farmed to *publicani* (Arrian, *Epict.* ii. 1, 26; iv. 1, 33; *C. I. L.* x. 3875); but under the Empire it came to be managed by *procuratores*. The slave paid it (Arrian, *Epict.* iv. 1, 33); if the master chose to pay, the slave was said to enjoy *gratuita libertas* (Suet. *Vesp.* 16).

(2) *Vicesima hereditatium et legatorum*, legacy-duty. This differs from all other *vectigalia* by touching Roman citizens only: it was thus a sort of set-off against the disappearance of *tributum* and the absence of land-tax from Italy. Every Roman citizen had to pay to the *aerarium militare* (Aerarium) 5 per cent. on any inheritance or legacy left him. None were exempt except the nearest relatives of the deceased (*sui heredes*) and persons whose legacy or inheritance did not exceed a certain (unknown) sum (Dio Cass. lv. 25, lvi. 28; Plin. *Paneg.* 37, 39; Hist. Aug. *M. Aur.* 11). Peregrini and Latini who had become Roman citizens had, in a legal sense, no relatives, and were therefore obliged in all cases to pay the duty (Plin. *Paneg.* 37). It is often said to have been introduced by Augustus, in A.D. 6; but it is probably older (Plin. *Paneg.* 42, and Hirschfeld, *Untersuchungen*, p. 62; also Voconia Lex); or was at least tried by the triumvirs in B.C. 40 (App. *B.C.* v. 67). It was of course unpopular (Dio Cass. lvi. 28). Caracalla, in granting the Roman citizenship to all subjects of the Empire, a step which would of itself make the tax far more productive, also doubled the amount; but Macrinus brought it back to 5 per cent. (Id. lxvii. 9, lxviii. 12; Hist. Aug. *Heliog.* 12). It had disappeared altogether before Justinian (Cod. Just. 6, 33, 3). We do not know whether it had to be paid by citizens on property situated in the provinces. The tax was farmed out to *publicani*, and afterwards managed by *procuratores Augusti vicesimae hereditatium*; a *statio hereditatium* occurs in inscriptions [Stationes Fisci]. (O. Hirschfeld, *Untersuchungen aus dem Gebiete der römischen Verwaltungsgeschichte*, 1876.) [F. T. R.]

VICOMAGISTRI. [Vicus.]

VI'CTIMA. [Sacrificium.]

VICTORIA'TUS was the name of a Roman coin of considerable importance in the time of the Roman Republic, so called because it bore the type of Victory crowning a trophy. Its origin is doubtful; but it makes its appearance in Italy towards the end of the 3rd century B.C., first in Campania and then in other parts of the Roman dominions and in Rome itself. The weight is three scruples, or three sestertii; that is to say, three-fourths of the denarius, or about 45 grains. It has been disputed whether the weight of the victoriatus was taken from that of the contemporary coins of Illyria (after B.C. 229), or whether the reverse was the case. The convenience of the coin lay in the fact that it was equal in value to the drachms of the Illyrian, Achaian, Rhodian, Massilian, and other important currencies. Its importance in currency is fully attested by numerous finds. Beside the victoriatus, its half, weighing about 22 grains, also circulated.


Roman Victoriatus.

The weight of the victoriatus soon fell; and at a period put by Mommsen at about B.C. 104, but by other writers earlier, quinarii or half denarii were issued with the types of the victoriatus, and after that time even victoriate coins issued earlier but still in circulation were reckoned only as half a denarius. [P. G.]

VICUS (akin to οἶκος), a term used in different applications.

1. In the earliest times the various Italian nations appear to have lived, not in towns, but in cantons (*pagi*), consisting of an indefinite number of *vici* or homesteads, with one common place of shelter (*arx* or *castellum*) in time of war, sometimes itself called *pagus*. The term *pagus* fell out of use, being replaced by more precise names, but *vicus* continued to denote a hamlet or similar group of buildings, attached to a town; hence the word is often translated "village." Cf. the Lex Rubria and Lex Julia in *C. I. L.* i. 205, 206.

2. In towns the word *vicus* means "a street" or "quarter" (cf. Varro, *L. L.* v. 145: "in oppido vici a via, quod ex utraque parte viae sunt aedificia"). Strictly speaking, it seems to have denoted a block of buildings bounded by the streets (*plateae*) and the alleys (*angiportus*), but it was doubtless used with some latitude (Jordan, *Top. Roms*, ii. p. 80). Cf. *vicus Tuscus*, &c.

3. According to tradition, Servius Tullius divided the city of Rome into four tribes, each subdivided into *vici*, while the country tribes were divided into *pagi*; and when Augustus in B.C. 8 redivided the city into fourteen regions, each region was still subdivided into *vici* (Suet. *Aug.* 30; Dio Cass. lv. 8). It is not always possible to separate our information as to the earlier *vici* from that which bears upon the later ones; but there is no reason to believe that any important changes were made; and perhaps Mommsen is right in regarding the redivision as mainly intended to organise better the worship of the Lares Compitales. The *vici* in the different *regiones* varied in number: the total under Augustus was, according to Pliny (*H. N.* iii. § 66), 265: under Constantine there must have been at least 307. The *vici* were administered by *magistri vicorum* (*vico magistri*), elected, four for each *vicus* (cf. the *basis Capitolina* in *C. I. L.* vi. 975, *ib.* 445 ff.), from the commons, mostly *liberti*: it is probable that the four took turns to act as *magister*. Hadrian fixed the number of *magistri vicorum* at 48 for each region, irrespective of the number of *vici*; and this is the number which we find in the Notitia of the time of Constantine (Jordan, ii. 541 ff.).

Besides the oversight of the drains and fountains and a general police supervision under the aediles, the chief duty of the *magistri vicorum* consisted in providing for the worship of the Lares Compitales, at the *sacella* usually erected at the crossways. These formed part of the popular religion, and were maintained by the *collegia compitalicia*: but they acquired increased importance after Augustus added to the two Lares Compitales the Genius Augusti (Suet. *Aug.* 31), fixed the festival, which previously had been *feriae conceptivae*, for two days in May and August (probably the Kalends), and granted the *magistri* the privilege of appearing in the toga praetexta attended by two lictors. (Cf. Marquardt, iii. 200; Ascon. *in Pis.* p. 7.) The Compitalia were probably identical with the Laralia (cf. Mommsen, *C. I. L.* i. p. 393); but quite distinct from the Paganalia.

Our information as to the distribution of the *vici* among the *regiones* is mainly derived from two descriptions of Rome under Constantine, the earlier (A.D. 334) commonly called the *Notitia*, the later (A.D. 357) the *Curiosum urbis Romae regionum* xiv.: the former was at one time ascribed (in an interpolated form) to a non-existent scholar P. Victor; the latter with as little reason to Sex. Rufus. [A. S. W.]

VICUS. [UNIVERSITAS.]

VI'GILES. [EXERCITUS, Vol. I. p. 795.]

VIGI'LIAE. [CASTRA, Vol. I. p. 377.]

VIGINTI SEX VIRI under the Republic, or VIGINTIVIRI under the Empire, a name given to a group of minor magistrates at Rome, who, though of different origin and functions, formed in a certain sense a unity, from the fact that under the Republic it was usual, and under the Empire probably legally requisite, for one of them to be held before a man could become a candidate for the quaestorship. The former name is mentioned by Festus, p. 233, and Dio Cass. liv. 26, and in four inscriptions (cf. *C. I. L.* i. 186), all dating from the time of Augustus. We do not know whether it was in use earlier. The latter occurs in Dio Cass. *l. c.* and lx. 5, and in Tac. *Ann.* iii. 29 (cf. Lipsius' note), but never in inscriptions, where the title of the special office is always used. The magistrates grouped under the name were: 1. *tres viri capitales*; 2. *tres viri aeri argento auro flando feriundo*, sometimes called *monetales*; 3. *quattuor viri viis in urbe purgandis*; 4. *duo viri viis extra urbem purgandis* (abolished in B.C. 20); 5. *decem viri litibus judicandis*; 6. *quattuor praefecti Capuam Cumas* (abolished under Augustus). An account of each of these has been given under its own heading. They were probably all elected at one time by the tribes; but under the Empire they were chosen by the senate, and it was not usual that the emperor should nominate any candidate for these offices. But as it was necessary that candidates should possess the *census senatorius* and the *latus clavus*, those who were not the sons of senators had to seek this from the emperor. The Vigintiviri had not the right of sitting in the senate, which they obtained only by gaining the quaestorship. The Vigintivirate lasted till the 3rd century (Spart. *Did. Jul.* 1), after which we hear no more of it. (Cf. Mommsen, *Röm. Staatsr.* ii. 578–595.) [A. S. W.]

VIGINTIVIRI. [VIGINTI SEX VIRI.]

VILLA, a farm or country-house. The Roman writers mention two kinds of villa,—the *villa rustica* or farm-house, and the *villa urbana* or *pseudo-urbana*, a residence in the country or in the suburbs of a town. When both of these were attached to an estate, they were generally united in the same range of buildings, but sometimes they were placed at different parts of the estate. The part of the *villa rustica* in which the produce of the farm was kept, is distinguished by Columella by a separate name, *villa fructuaria*.

1. The *villa rustica* is described by Varro (*R. R.* i. 11–13), Vitruvius (vi. 9), and Columella (i. 4, § 5 ff.).

The villa, which must be of size corresponding to that of the farm, is best placed at the foot of a wooded mountain, in a spot supplied with running water, and not exposed to severe winds nor to the effluvia of marshes, nor (by being close to a public road) to a too frequent influx of visitors. If there was no running stream, it was accounted of great importance that tanks should be constructed, one under cover for men, one in the open air for the beasts. The villa attached to a large farm had two courts (*cohortes*, *chortes*, *cortes*, Varro, i. 13). At the entrance to the outer court was the abode of the *vilicus*, that he might observe who went in and out, and over the door was the room of the *procurator* (Varro, *l. c.*; Colum. i. 6). Near this, in as warm a spot as possible, was the kitchen, which, besides being used for the preparation of food, was the place where the slaves (*familiae*) assembled after the labours of the day, and where they performed certain indoor work. Vitruvius places near the kitchen the baths and the press (*torcular*) for wine and oil, but the latter, according to Columella, though it requires the warmth of the sun, should not be exposed to artificial heat. In the outer court were also the cellars for wine and oil (*cellae vinariae et oleariae*), which were placed on the level ground, and the granaries, which were in the upper stories of the farm-buildings, and carefully protected from damp, heat, and insects. These store-rooms form the separate *villa fructuaria* of Columella; Varro places them in the *villa rustica*, but Vitruvius recommends that all produce which could be injured by fire should be stored without the villa.

In both courts were the chambers (*cellae*) of the slaves, fronting the south; but the *ergastulum* for those who were kept in chains (*vincti*) was underground, being lighted by several high and narrow windows.

The inner court was occupied chiefly by the horses, cattle, and other live stock, and here were the stables and stalls (*bubilia*, *equilia*, *ovilia*).

A reservoir of water was made in the middle of each court, that in the outer court for soaking pulse and other vegetable produce, and that in the inner, which was supplied with fresh water by a spring, for the use of the cattle and poultry.

2. The *villa urbana* or *pseudo-urbana* was so called because its interior arrangements corresponded for the most part to those of a town-house. [DOMUS.] Vitruvius (vi. 8) merely states that the description of the latter will apply to the former also, except that in the town the atrium is placed close to the door, but in the country the peristyle comes first, and afterwards the atrium, surrounded by paved porticoes, looking upon the palaestra and ambulatio.

A striking difference in the general aspect of a country-house from that of a town-house lay in the fact that the blank walls of the latter were replaced by long colonnades, broken by towers, apses, and the like. Cf. the view of a villa near the sea given in a painting from Pompeii by Guhl and Koner, fig. 393.

Our chief sources of information on this subject are two letters of Pliny, in one of which (ii. 17) he describes his Laurentine villa, in the other (v. 6) his Tuscan. The former of these, however, was not, strictly speaking, a *villa*, as it had no estate or farm-buildings attached to it: the latter was connected with a large estate. There are also a few allusions in one of Cicero's letters (*ad Quint.* iii. 1), and, as a most important illustration of these descriptions, the remains of a suburban villa at Pompeii, of which a view and a plan are given by Overbeck, *Pompeii*, p. 325 ff.: cf. Guhl and Koner, fig. 392.

The Tuscan villa was approached by an avenue of plane-trees leading to a colonnade, in front of which was a *xystus* divided into flower-beds by borders of box. This xystus formed a terrace, from which a grassy slope, ornamented with box-trees cut into the figures of animals, and forming two lines opposite to one another, descended till it was lost in the plain, which was covered with acanthus (Plin. v. 6). Next to the portico was an atrium, smaller and plainer than the corresponding apartment in a town-house. In this respect Pliny's description is at variance with the rule of Vitruvius; and the villa at Pompeii has also no atrium. It would appear from Cicero (*l. c.*) that both arrangements were common. Next to the atrium in Pliny's Laurentine villa was a small semicircular peristyle (*porticus in D literae similitudinem circumactae*, where, however, the reading O is also given instead of D). The intervals between the columns of this peristyle were closed with talc windows (*specularibus*; see DOMUS, Vol. I. p. 686), and the roof projected considerably, so that it formed an excellent retreat in unfavourable weather. The open space in the centre of this peristyle seems often to have been covered with moss and ornamented with a fountain. Opposite to the middle of this peristyle was a pleasant *cavaedium*, and beyond it an elegant triclinium, standing out from the other buildings, with windows or glazed doors in the front and sides, which thus commanded a view of the grounds and of the surrounding country, while behind there was an uninterrupted view through the cavaedium, peristyle, atrium, and portico into the xystus and the open country beyond.

The details of the other chambers are less clear; and though in Castell's *Villas of the Ancients* there are numerous plans illustrating them, much is based upon mere conjecture (cf. Schinkel in the *Architekturalbum*, Part 7, Berlin, 1862). There is mention of several chambers, a room with an apse, serving as a library, and servants' rooms; while the other wing is occupied with dining-rooms, baths, a tower, at the base of which are two sitting-rooms, a dining-hall, and another tower with store-rooms. Pliny further describes with much satisfaction the colonnade (*cryptoporticus*) which runs round the garden, and other embellishments.

In the villa at Pompeii the arrangement is somewhat different, and corresponds in its main features with the rules laid down by Vitruvius. The entrance is in the Street of the Tombs. The portico leads through a small three-cornered space, due to the fact that the building does not stand square with the road, into a large square peristyle paved with *opus signinum*, and having an impluvium in the centre of its uncovered area. Round this are various bed-rooms and other small chambers, and a set of bath-rooms. Beyond it is an open hall, resembling in form and position the *tablinum* in a town-house. Next is a long gallery extending almost across the whole width of the house, and beyond it is a large cyzicene oecus, corresponding to the large triclinium in Pliny's villa. This room looks out upon a spacious court, which was no doubt a xystus or garden, and which is surrounded on all sides by a colonnade composed of square pillars, the top of which forms a terrace. In the farthest side of this court is a gate leading out to the open country. As the ground slopes downward considerably from the front to the back of the villa, the terrace just spoken of is on a level with the cyzicene oecus, the windows of which opened upon it; and beneath the oecus itself is a range of apartments on the level of the large court, which were probably used in summer, on account of their coolness.

The other rooms were so arranged as to take advantage of the different seasons and of the surrounding scenery. (For the importance attached to a fine view, cf. Friedländer, *Sittengeschichte Roms*, ii.⁶ p. 200.) Of these, however, there is only one which requires particular notice; namely, a state bed-chamber, projecting from the peristyle in an elliptic or semicircular form, so as to admit the sun during its whole course. This apartment is mentioned by Pliny, and is also found in the Pompeian villa. In Pliny's Laurentine villa its wall was fitted up as a library.

The villa contained a set of baths, the general arrangement of which was similar to that of the public baths. [BALNEAE.]

Attached to it were a garden, *ambulatio*, *gestatio*, *hippodromus*, *sphaeristerium*, and in short all necessary arrangements for enjoying different kinds of exercise. [HORTUS; GYMNASIUM.]

Becker-Göll's *Gallus*, vol. iii. pp. 46–63; Schneider's notes on Columella and Varro, and Gierig's on Pliny, contain many useful remarks. The remains of the Roman villas in England have been discussed (with plans) by Mr. Neville in the *Archaeological Journal*, vols. ii. vi. vii. x. For Pliny's Laurentine villa, cf. Cowan's edition of Pliny, i.–ii. (with a plan), Burn's *Rome and the Campagna*, pp. 411–415 (with a plan), and especially Prof. Aitchison's lecture (with plans) in *The Builder* for Feb. 8, 1890.

[P. S.] [A. S. W.]

VI'LLICUS, VI'LICUS (*ἐπίτροπος* in Greek writers, Plut. *Crass.* 4), a slave who had the superintendence of the *villa rustica*, and of all the business of the farm, except the cattle, which were under the care of the *magister pecoris* (Varro, *R. R.* i. 2). The duties of the vilicus were to obey his master implicitly and to govern the other slaves with moderation, never to leave the villa except to go to market, to have no intercourse with soothsayers, to take care of the cattle and the implements of husbandry, and to manage all the operations of the farm (Cato, *R. R.* 5, 142). His duties are described at great length by Columella (xi. 1 and i. 8), and those of his wife (*vilica*) by the same writer (xii. 1) and by Cato (c. 143).

The vilicus is properly distinct from the *actor* (*οἰκονόμος*) who had charge of finance, payments, &c. The vilicus is, however, sometimes called *actor praedii*. (Marquardt, *Privatleben*, 139.) [P. S.] [G. E. M.]

VINA'LIA. There were two festivals of this name celebrated by the Romans: the *Vinalia urbana* or *priora*, and the *Vinalia rustica* or *altera*. The vinalia urbana were celebrated on the 23rd of April. This festival answered to the Greek *πιθοιγία*, as on this occasion the wine casks which had been filled the preceding autumn were opened for the first time, and the wine tasted (Plin. *H. N.* xviii. § 287). But before men actually tasted the new wine, a libation was offered to Jupiter (Fest. *Ep.* p. 374, 12), which was called *calpar* (Id. p. 65, 13).

The rustic vinalia, which fell on the 19th of August (Plin. *H. N.* xviii. § 289; Varro, *L. L.* vi. 20) and was celebrated by the inhabitants of all Latium, was the day on which the vintage was opened. On this occasion the flamen dialis offered lambs to Jupiter, and while the flesh of the victims lay on the altar he broke with his own hands a bunch of grapes from a vine, and by this act he, as it were, opened the vintage (*vindemiam auspicari*; Varro, *L. L.* vi. 16), and no must was allowed to be conveyed into the city until this solemnity was performed. This day also was sacred to Jupiter only originally (Fest. p. 265, 28), but afterwards to Venus also, being the day of dedication for her temples *in Murcia valle* and *in Luco Libitinae* (Fest. p. 265, 31). The question what Venus had to do with the Vinalia is raised by Ovid (*Fast.* iv. 877), but not answered. We may be content with Varro's account, that Venus took gardens under her protection (*R. R.* i. 1, 6; *L. L.* vi. 20; cf. Fest. *Ep.* p. 58, 14; Marquardt, *Staatsverwaltung*, iii. pp. 333, 374). [L. S.] [G. E. M.]

VINDEMIA'LIS FE'RIA. [FERIAE.]

VINDEX. [ACTIO, Vol. I., p. 14 *b*; MANUS INJECTIO.]

VINDICA'TIO. Actions were divided by the Roman jurists into two classes: real (*in rem*) and personal (*in personam*). Actiones in rem or actions about the title to ownership (*dominium*) and other real rights were called *vindicationes*; actiones in personam or actions for the enforcement of obligations arising from contract and delict were called *condictiones* (Gaius, iv. 2–5; Ulpian, Dig. 44, 7, 25, pr.). Vindicatio in this wide sense includes not only strictly proprietary actions, but also actions respecting family rights and rights of status; as, *e.g.*, an action asserting that a man is free (cf. the expressions in *libertatem, in servitutem, in ingenuitatem vindicatio*). The term *vindicatio* is, however, generally used in legal writings in a narrower sense, signifying simply an actio in rem by which dominium of a corporeal thing is claimed (*rei vindicatio*). *Condictio* also came to have a much more restricted meaning. [ACTIO.] The distinction between *vindicationes* and *condictiones* is an essential distinction, which is not affected by changes in the form of procedure, such as that of the substitution of the formulae for legis actiones. The forms of the legis actio procedure bring most clearly to light the characteristics of a vindicatio, showing how distinctly the early Romans had conceived the idea of individual ownership of property. They also explain the origin of the word *vindicatio*. The five modes of proceeding *lege* (Gaius, iv. 12) were *sacramento, per judicis postulationem, per condictionem, per manus injectionem, per pignoris capionem* (P., J. P., P. C^{m}, Ma^{s} In^{o}, Per Pign. C^{m}). A man might proceed *sacramento* either in the case of an actio in personam or in rem, this action being a general one applicable in all cases where there was no other prescribed by law (Gaius, iv. 13). It was the only legis actio by which an actio in rem could be brought. In this action it was necessary that each party should make himself liable to a penalty (*summa sacramenti*) in the event of his failing in the cause. The condition of the penalty was in fact the existence or non-existence of the right claimed by the plaintiff, whatever that right might be. Thus the process assumed the form of a suit to determine which of the parties had forfeited the penalty, owing to the assertion of right, on which he had staked it, proving unfounded ("utrius sacramentum justum, utrius injustum sit," Cic. *pro Caec.* 33, 97; *pro Domo*, 29, 78), though the real object of the proceeding was to determine the dispute between the litigants. The Praetor took security (*praedes*) from both parties for the amount of the sacramentum; which the party who failed paid as a penalty (*poenae nomine*) to the public treasury [AERARIUM]. The sums of money were originally deposited *in sacro;* what was forfeited was devoted to sacred purposes, whence the term *sacramentum*, the successful party receiving his money back (Varro, *L. L.* v. 36, 180; "utrique ad pontem deponebant," Fest. s. v. *sacramentum:* cf. Voigt, *Zwölf Tafeln*, ii. 6, n. 3, who compares with the sacramentum the *πρυτανεῖα* of Athenian procedure; Meier and Schömann, *Att. Pr.* 603). The *poena* of the sacramentum was *quingenaria;* that is, quingenti (500) asses, in cases when the property in dispute was of the value of 1,000 asses and upwards; and in cases of smaller value it was 50 asses. This was a provision of the Twelve Tables; but if a man's freedom (*libertas*) was at issue, the poena was never more than 50 asses. The penalty appears to have been originally a fixed number of cattle (Voigt, *op. cit.* ii. § 61). Gaius (iv. 16) describes in some detail the form of the actio sacramenti when it was a proceeding for vindicating ownership (*rei vindicatio*). The forms of the action must have been in some respects modified when its object was a servitude or an inheritance.

In the case of an actio sacramenti in personam, there would be no assertion of quiritary right over a specific object, but simply a claim by the plaintiff against the defendant on account of an obligatio between them. If it was an actio in rem—that is, a rei vindicatio—movable things and moving things (*mobilia et moventia*) that could be brought or led into court were claimed before the Praetor (*in jure vindicabantur*) thus (Gaius, iv. 16): he who claimed a thing as his property (*qui vindicabat*), holding a rod in his hand, and laying hold of the thing, it might for instance be a slave, said, "This man I claim as mine by due acquisition by the law of the quirites" ("Hunc ego hominum ex jure quiritium meum esse aio secundum suam causam:" cf. Plaut. *Rud.* v. 3, 86; Cic. *pro Mur.* 12, 26. For a different interpretation of the words *secundum suam causam*, see Voigt, *Zwölf Tafeln*, ii. § 74, n. 11). "See, as I said, I have put my spear on him" ("sicut dixi, ecce tibi, vindictam imposui"); and, saying this, he placed his rod on the thing. The other party then said the same words and performed the same acts. The laying hold of the thing by the vindicant seems to be a symbolical act of self-help, by which possession of the object is taken, while the putting the wand on the thing, which Gaius tells us was a substitute for a spear, is an act of pretended violence ("vis civilis et festucaria," Gell. xx. 10, 6), signifying the intention of the claimant to maintain himself in possession by force against any attack. Accordingly the word *vindicare* (*vindicere, vim dicere*) perhaps originally meant to declare force; that is, to assert one's right to a thing by force. (O. Müller, *Etym. Erörter.*; Bethmann-Hollweg, *Civ. Proc.* i. § 40, n. 23; Voigt, i. § 53, n. 25; ii. § 74.) Cf. Cicero's definition of vindicatio (*de Inv.* ii. 53, 161). This claiming of a thing as property by laying the hand on it, and by using solemn words, together with the touching the thing with the spear or wand, was, when it had been completed by both parties to the action, "in jure manum conserere,"—that is, the parties thus contended before the magistrate for the thing, each asserting by words and acts that he was owner of it ("manu asserere liberali causa" is to take hold in a vindication claiming the liberty of a slave, Plaut. *Poen.* iv. 2, 84; v. 2, 4, 42, &c.): this phrase is as old as the Twelve Tables (cf. Gell. xx. 10, 9, "in jure, apud Praetorem manum consererent"). (For the different modern interpretations of the words *manum conserere*, see Bethmann-Hollweg, *Civ. Proc.* i. § 40.) It is to be noticed that in the vindication no distinction is made between plaintiff and defendant, each party claiming ownership in exactly the same form.

The parties having vindicated the object in turn, the Praetor then said: "Mittite ambo (rem) hominem" ("Let the (thing) man alone") —a command which the claimants obeyed, thus surrendering possession of the property to the magistrate. It would seem that the representative of the state here intervenes in the quarrel in order to prevent the parties from committing a breach of the peace by taking the law into their own hands. Then he who had made the first vindicatio thus addressed his opponent, "Postulo anne dicas qua ex causa vindicaveris" ("I demand a statement of the ground of your claim:" cf. Cic. *pro Mur.* 12, 26). The opponent replied, "Jus feci sicut vindictam imposui" ("I did what I was entitled to do, when I put my spear on him"), thereby refusing to give the ground of his claim (cf. Voigt, *op. cit.*). Then he who had made the first vindicatio said, "Quando tu injuria vindicavisti, *D* aeris sacramento te provoco" ("Since you claim him without any right, I challenge you to stake 500 (or 50 asses, as the case might be), upon the issue of a trial"), to which the other answered by a corresponding challenge. A day was now fixed on which the parties were to appear before the decemvirs or centumvirs for the trial of the issue, or else they were ordered to appear again before the Praetor on the thirtieth day *ad judicem capiendum*. [JUDEX.] The Praetor then awarded to one of the claimants possession of the thing pending the suit, and compelled him to give security to his opponent for the thing in dispute and the mesne profits, or, as it was technically expressed, "jubebat praedes adversario dare litis et vindiciarum" (Gaius, iv. 16: cf. Liv. iii. 47, 56, 58; Gell. xx. 10, 9). The expression *lis et vindiciae* seems to be redundant, the word *vindiciae* (the object of the *vis*) by itself meaning the thing or things which are vindicated (Festus, p. 376 a; cf. Voigt, *op. cit.* ii. § 74, nn. 30, 44).

The Praetor awarded interim possession to one of the claimants ("secundum alterum eorum vindicias dicebat"); no doubt he would as a rule give it to the party who was in possession at the time when the vindication was brought, unless he had acquired possession from the other claimant by violence, or furtively, or by his permission (*vi*, *clam*, *precario*). The party to whom possession was given on this ground would occupy the advantageous position of defendant in the trial before the judex, the burden of proof being on the other side. But in an action between a civis and the Roman people the vindiciae always belonged to the latter (Festus, s. v. *vindiciae*); and in the case of suits respecting a man's freedom, the person whose status was in question was allowed his liberty till the matter was determined, whatever his previous state may have been (*vindiciae secundum libertatem*). If the property which was the subject of vindicatio was land, the Praetor originally went with the parties to the place in question, so that the vindication might there be made. It was possibly the practice for one of the claimants to go through the form of forcibly ejecting the other from the land, which was called the *vis civilis*, or *vis ex conventu*—an act of pretended violence, which would perhaps correspond with the *festucaria vis* in the case of movables. [DEDUCTIO; FESTUCA.] This pretence of an ejectment (cf. English procedure in the old action of ejectment, Keller, *Civ. Pr.* § 28, n. 328) is described by Cicero as a part of the proceedings in an actio in rem by sponsio, and is known as "deductio quae moribus fit," but it seems likely that it originated in the legis actio in rem.

The practice of the Praetor going with the parties to the land in question, which was a means by which the subject of dispute could be exactly defined, was in course of time modified as the Roman state increased in size. Thus it became the practice at the commencement of the action before the Praetor in the forum for each party to challenge his opponent to follow him to the land which he had formally claimed and specifically described in court, the object being "ad conserendam manum in rem de qua agebatur;" the parties then at the command of the Praetor went together to the land accompanied by witnesses (Cic. *pro Mur.* 12, "suis utrisque superstitibus praesentibus istam viam dico, inite viam:" cf. Festus, s. v. *superstites*); and having come to an understanding as to the subject of their dispute and gone through the requisite forms, which would include the feigned ejectment — a supposed conflict between the parties (*manum conserere*)—they returned to court bringing back a clod of earth from the land, which was regarded as the whole *ager* in the subsequent proceedings.

This change in the form of procedure, which change was accomplished "contra duodecim tabulas tacito consensu," led to the phrase "ex jure manum conserere." By the time of Cicero the proceeding had been further simplified. Before the action commenced the parties went to the land and brought back a sod of earth with them; the summons in court to proceed to the land was obeyed by the parties going round the sod of earth, which had been placed at some distance from the tribunal, and returning with it into court. (Cic. *l. c.*; Gell. xx. 10: "ex jure manum consertum] verba sunt ex antiquis actionibus, quae, cum lege agitur et vindiciae contenduntur, dici nunc quique apud Praetorem solent.")

When the formulae became the ordinary mode of procedure instead of the legis actiones [ACTIO], actiones in rem were framed after the new system, although it continued to be possible to bring a legis actio in rem so that it might go to the centumviral court for trial (Gaius, iv. 31, "Tantum ex duabus causis permissum est lege agere; damni infecti et si centumvirale judicium sit"). The conveyance called *in jure cessio* is derived from the actio sacramenti in rem. [CESSIO IN JURE.]

There were two modes of maintaining an actio in rem under the formulary system: 1, *per sponsionem*, which was the earlier, and 2, *per formulam petitoriam* (Gaius, iv. 91).

1. *Per sponsionem.*—The earliest formulae appear to have been derived from the legis actio per condictionem, which was perhaps based on a sponsio, and so to have been actiones in personam. There was no formula in rem concepta (Bethmann-Hollweg, *Civ. Proc.* ii. § 89). The sponsio, however, which was a wager entered into in court by question and answer, originally perhaps a matter of private agreement between the parties, was used as a means of framing a formula for trying an actio in rem, which was analogous in some respects to the use of the sacramentum in the legis actio procedure. The right in rem, which was in question, was made the subject of the sponsio, but the wager itself in this case was pure matter of form for the purpose of framing a formula on it (*sponsio praejudicialis*), the amount of it (*summa sponsionis*) not being really paid by the unsuccessful to the successful party, as was the case when the sponsio was *poenalis* (Gaius, iv. 94). The defendant was challenged by the plaintiff to a sponsio in such terms as these: "Si homo de quo agitur ex jure quiritium meus est, sestertios xxv. nummos dare spondes?" (Cf. Cic. *pro*

Quint. 8, 27.) [The use of the word *si* or *ni* in the sponsio would depend on the fact which was affirmed or rather on the mode of affirmation. Cicero (*pro Caecin.* 23, 65) alludes to the use of these words (*sive*, *nive*). Brissonius (*de Formulis*, v. 7, p. 348) has collected instances of them.] The intentio in this formula [Actio] was that if the slave belonged to the plaintiff the sum of money contained in the sponsio ought to be paid by the defendant to the plaintiff (Gaius, iv. 93, "deinde (i.e. after the sponsio had been entered into) formulam edimus qua intendimus sponsionis summam nobis dari oportere"). If the plaintiff proved the slave to be his property, he was entitled to a judgment, by which he only obtained a judicial declaration of his right; the *summa sponsionis*, which was the supposed object of the action, not being in fact paid to him. Thus, though the action had the formal appearance of an actio in personam, it was in fact simply an actio in rem. We learn from a passage of Cicero (*pro Caecin.* 7, 20) that when land was the subject of a sponsio, a form of fictitious ejectment (*deductio quae moribus*) was gone through, which perhaps was derived from earlier procedure. The defendant would be allowed by the Praetor to retain interim possession of the property in dispute, unless he had acquired it from the plaintiff *vi*, *clam*, or *precario;* but he was obliged to give security to the plaintiff for restitution of the thing, together with mesne profits, if judgment was given for the plaintiff. This security was called "satisdatio pro praede litis et vindiciarum," corresponding to the "praedes litis et vindiciarum" of the legis actio in rem. The judgment in favour of the plaintiff in the actio on the sponsio only declared the right of the plaintiff to the property in question; it did not entitle him to execution, in case the defendant refused to surrender the thing with the profits he had made by it; the *summa sponsionis* having been the formal object of the action, and not damages, no liquidated sum had been fixed for the purpose of execution. Hence a supplementary action for the purpose of assessing damages was necessary, as had also been the case after a legis actio sacramenti in rem; this was called *arbitrium litis aestimandae.*

2. *Per formulam petitoriam.*—The sponsio, owing to the indirect way in which its formula submitted the right in question to the judex, was not a convenient mode of prosecuting an actio in rem, having the defect of obliging the plaintiff, if he was successful, to maintain a further action in order to obtain execution against the defendant, and not allowing the use of equitable pleas (*exceptiones*), since the judex had simply to decide whether or not the right claimed legally belonged to the plaintiff (Keller, *Civil-Process*, § 27). Hence a new kind of formula was invented, called the *formula petitoria*, by which these inconveniences were avoided. The formula appears to be well established in the time of Cicero (*Verr.* ii. 12). The following is given by Keller (*op. cit.* § 28) as an example of it:—"Titius Judex esto. Si paret, illam rem (e.g. hominem Stichum, fundum Cornelianum, L. Annii hereditatem) qua de agitur ex jure Quiritium Auli Agerii esse, neque eam Numerius Negidius Aulo Agerio arbitratu tuo restituet, quanti ea res erit, Numerium Negidium Aulo Agerio condemnato, si non paret, absolvito" (cf. Cic. *in Verr.* ii. 12, 31; Gaius, iv. 92). Here, as Keller has observed, the object is at once attained, which in the actio in rem per sponsionem required a number of acts, viz.: 1, the entering into the sponsio before the Praetor; 2, the publication of the formula *ex sponsione;* 3, the arbitrium litis aestimandae, in case the plaintiff succeeded. The intentio of the formula is a direct claim of ownership on the part of the plaintiff, the defendant not being named in it as in an actio in personam (Gaius, iv. 87). The words from *neque* to *restituet* make the formula a formula arbitraria, of which class of formulae it was the typical instance; the condemnatio from *quanti* to *absolvito* authorises the judex either to condemn the defendant in damages, which the judex is to assess ("quanti ea res est," the thing, "cum omni causa," *i.e.* with fructus and other accretions [Actio]), or to absolve him. Thus it is the duty of the judex in the first place to pronounce (*pronuntiatio*) whether the thing belongs to the plaintiff, or whether restitution is due to him from the defendant. If the finding is for the plaintiff, the defendant has the opportunity of avoiding condemnation by making restitution; if he does not do so, damages are assessed against him. The plaintiff could only claim pecuniary damages under the formulary system, not specific restitution; but the defendant, after there had been a pronuntiatio against him, would often make specific restitution, so far as he was able, in order to avoid the liability to condemnation in heavy damages. The formula by combining the judicium and arbitrium dispenses with the necessity of an arbitrium litis aestimandae, and allows all equitable pleas to be taken into account. In this form of proceeding there was the stipulatio called *judicatum solvi*, by which the defendant, the possessor of the thing claimed, engaged before the Praetor to obey the decree of the judex (Gaius, iv. 91). The *vindicatio rei* was brought by a person who claimed to be owner of property (*petitor*) against the person who was in possession of it, or who had fraudulently made away with the possession of it (*possessor*). It was incumbent on the owner to prove his ownership, and such proof might be a matter of the greatest difficulty where the title of the claimant was a derivative one, since he would have to prove the right of his predecessors in title; the shortness of the period of usucapion, however, greatly facilitated the proof of ownership. The proof of ownership on the part of the plaintiff did not as a matter of course entitle him to judgment in his favour, since the defendant might have a right to keep the thing from the owner, as if he were pledgee or usufructuary, or when he had a lien over the thing for his outlay on it. [Dominium.] Not only a vindicatio rei was maintained by formula petitoria, but also an action respecting a servitude or inheritance. The formula was adapted by means of a fiction to praetorian actiones in rem, of which the actio Publiciana is the chief example (Gaius, iv. 36). The formula petitoria ceased with the system of procedure to which it belonged, but the principles on which it was based were still adhered to. (Kritz, *Darstellung*, Bk. i.; Wetzell, *Der röm. Vind.*; Klagen, *Der Lehre vom Eigenthum;* Brintz, *Pandekten*, §§ 167, 168; Windscheid, *Pand.* § 193; Dominium.) [E. A. W.]

VINDICTA. This word is used by Gaius (iv. 16) in describing the proceedings of a vindicatio for the rod or wand in place of a spear, by which each vindicant forcibly asserted his dominium [VINDICATIO], and it frequently signifies the rod with which a slave was struck when he was manumitted before the Praetor [MANUMISSIO]. Another meaning of vindicta was self-redress exercised by an injured party against the party committing the injury; and hence *vindicta* came to signify "vengeance," "revenge," the Italian *vendetta*. To prevent persons from taking the law into their own hands by forcible self-redress (*vindicta*) was a principal object of early law. Hence money compositions were gradually substituted in the place of vengeance, and actions were instituted for their recovery. In some cases the state itself took vengeance on criminals, and penalties were inflicted on those who broke the peace in seeking private satisfaction for their wrongs (Ihering, *Geist des römischen Rechts*, i. 122, &c.).

The actions which were given on account of delict came to be distinguished according as to whether they had for their object simply compensation, as in the *actio doli*, or simply to give the plaintiff a pecuniary penalty (*poena*), as in the *actio furti*, which was distinct from his claim to compensation, or to give him in one and the same proceeding both compensation and a penalty, as in the *actio vi bonorum raptorum* [FURTUM] (Savigny). There were, however, certain actions which, though they had for their immediate object money or property, had for their ultimate object satisfaction to the personal feelings of the injured party, and the term *vindicta* is used in a special sense to signify the personal satisfaction which is the object of these peculiar actions: *e.g.* the *actio de sepulcro violato*, which is one of them, is said "non ad rem familiarem, magis ad ultionem pertinere in sola vindicta constitui" (Dig. 47, 12, 6 and 10; cf. Dig. 29, 2, 20, § 5).

Civilians describe such actions as "actiones vindictam spirantes." Those actions of which vindicta is the object are distinguished from other actions by the fact that they are not transmissible to the heredes of the injured party, the injury not being so much to his property as to his person, and for the same reason they are not, like proprietary actions, capable of assignment. They also form exceptions to general rules as to the legal capacity of the plaintiff. It was a fundamental rule that a filiusfamilias could not maintain an action on his own account, all property which he acquired being acquired for his paterfamilias. But as vindicta and not damages or other property was the main object of the actions in question, they could, generally speaking, be brought by a filiusfamilias. So, too, a person who had acquired such a right of action did not lose it by a change of status (*capitis deminutio*), e.g. by arrogation, as in ordinary cases. It may, however, be doubted whether Savigny is right in thinking that all actions which were exceptional in these respects were considered to have vindicta for their object.

The following are cases of *actiones vindictam spirantes*:—

1. *Actio injuriarum*, or action on account of insult, by assault, libel, slander, &c. This was an action which could not be maintained by the heredes of the injured party. When a filiusfamilias was the subject of injuria, a wrong was done both to him and to his paterfamilias, for the latter was indirectly affected by the insult. The paterfamilias generally brought not only the action which he had on his own account, but also sued on account of the wrong to his filiusfamilias, as he acquired through his son all rights of action. But the filiusfamilias could bring an action in his own name with the permission of the Praetor, if his paterfamilias was absent, or was in any way prevented from bringing the action. The pecuniary damages, which were the immediate object of the action, belonged to the paterfamilias, so that the only immediate advantage which the filiusfamilias obtained for himself by bringing the action was the vindication of his honour. [It may be noticed that under the canon law a person who was insulted might claim in a judicial proceeding a public apology from the wrongdoer (46 Dist. c. 5).] If the son was emancipated, his right of action belonged exclusively to himself, and was not destroyed by the capitis deminutio (Inst. iv. 4; Dig. 47, 10; Cod. 9, 35).

2. *Actio sepulcri violati*, or action given on account of an intentional act of outrage to a grave or sepulchral monument. This could be brought by the children of the deceased, even if they refused the hereditas. The object was vindicta, which was effected by giving the plaintiff damages, which were assessed by the judex according to the gravity of the offence (Dig. 47, 12, 3, § 8: "qui de sepulcri violati actione judicant, aestimabunt, quatenus intersit, scilicet ex injuria, quae facta est, item ex lucro ejus, qui violavit, vel ex damno, quod contigit, vel ex temeritate ejus, qui fecit"). The right of action was not affected by capitis deminutio. The action could not be maintained by the heredes of the person injured. (If those who had a right to bring this action neglected to do so, any person might sue the delinquent for a penalty limited to 100 aurei by the Edict.)

3. The action on account of obstructing the burial of a corpse (Dig. 11, 7, 9).

4. *Actio de effusis et ejectis*, in respect of injury to a free person by something poured or thrown from a house (Dig. 9, 3, 5, § 5).

5. The action against a libertus in respect of an unauthorised *in jus vocatio* of his patron [PATRONUS]. If the libertus had proceeded against the son of his patron, and the father was absent, the son could institute the suit himself, as in the case of the *actio injuriarum*.

6. *Querela inofficiosi testamenti*, the character of the querelant being supposed to be affected by his disinherison [TESTAMENTUM].

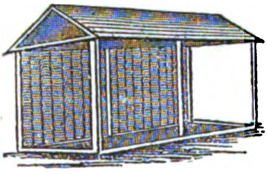
7. Actions for penalties on account of adultery (Dig. 24, 3, 15, § 1). Savigny also includes in this class of actions the *interdictum quod vi aut clam*, since it could be instituted by a filiusfamilias in his own name. He considers that the ground of this capacity of a filiusfamilias was an injury done to him personally by a person who acted in opposition to his remonstrance. If, for instance, the son inhabited a house belonging to his father or one hired from a stranger, and was disturbed in the enjoyment by some act of his neighbour, the filiusfamilias

might have an action for the amount of the damage, but the pecuniary satisfaction would belong to the father, as the case of the actio injuriarum. Savigny further includes in the same category *actiones populares*, which are actions in which the plaintiff claims a sum of money, but not as a private individual; he comes forward as a kind of representative of the state.

A filiusfamilias could bring such an action. By virtue of the *litis contestatio* [ACTIO] the action becomes the same as if it were founded on an obligatio, and this right of action as well as the money which may arise from it is acquired by the filiusfamilias for his paterfamilias. With the *populares actiones* may be classed, as belonging to the same kind, the *interdicta publica* or *popularia*, and that *operis novi nuntiatio* which is for the protection of *publicum jus;* with this distinction, that the proceedings have not for their object the recovery of a sum of money. But in the general capacity of all persons to bring such actions, independent of the general rules as to legal capacity, all these modes of proceeding agree. (Savigny, *System des heutigen römischer Rechts*, ii. 121; Vangerow, *Pandekten*, i. 145.)

[G. L.] [E. A. W.]

VI'NEA. According to the description of *vineae* given by A. Müller in Baumeister's *Denkmäler*, i. pp. 540–1, they differed from the *testudines* very slightly, viz. in not being so large and in having the sides open (Veg. iv. 15). They appear to have been used behind engines of assault to protect the men working those engines. They were called *στοΐδια* in Greek (Athen. *de Mech.* p. 31, Wescher), and Müller thinks that they were small testudines with open fronts and sides covered with skins or wickerwork. Vegetius mentions (*l. c.*) one as 16 feet long, 7 broad, and 8 high. Owing to their smallness, many were put behind one another. They were especially liable to be set on fire by the enemy (Liv. ii. 17, 2; v. 7, 3, &c.). We give a cut from Marquardt (*Staatsverw.* ii.^{2} 530), also adopted by Schiller in Iwan Müller's *Handbuch*, iv. p. 740.

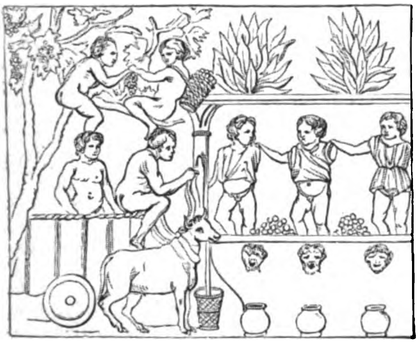

Vinea.

The *ἄμπελοι* described by Apollodorus (p. 141, Wescher) and Rüstow and Köchly (*Griech. Kriegswesen*, p. 313) are probably the *plutei* of the Romans [PLUTEUS]; though Droysen (*Griech. Kriegsalt.* p. 228) says that they are the same as the *vineae;* and certainly the similarity of the name lends some probability to this view. [L. C. P.]

VINUM (*οἶνος*). The general term for the fermented juice of the grape.

It appears pretty well established that the use of wine came to the Greeks from a Semitic source. The word *vinum* is undoubtedly borrowed from *οἶνος*, the neuter form, as in other cases, being due to a misunderstood accusative; and in spite of Curtius (*Gr. Etym.* No. 594) and A. Müller (Bezzenberger's *Beiträge*, i. 294), *οἶνος* is almost certainly of Semitic origin (cf. Arab. and Ethiop. *wain*, Heb. *jain*, which can hardly be, as Renan, *Hist. gén. des Langues Sémitiques*, p. 193, holds, borrowed from the Aryans). Mommsen's belief that *vinum* is not borrowed from *οἶνος*, but that both words go back to the common vocabulary of the two languages, is based mainly upon the hypothesis, now generally discredited, of a Graeco-Italic unity. The earliest home of the vine was the fertile country south of the Caucasus and the Caspian; and here we must place probably the first home of the Semites. So that the use of wine must be regarded as extending partly by land through Asia Minor and Thrace, in connexion with which it is worth while remembering the legend of Lycurgus, and also that Homer lays especial stress on the excellence of Thracian wine, and partly by the agency of Phoenician traders and Carian settlers. Mommsen argues that wine cannot have been introduced into Italy by Greeks: first, because the Latins kept their wine-feasts in honour of the native god Liber, not the Greek Bacchus; secondly, because according to the legend Mezentius demanded from the Latins or the Rutulians a tribute of wine, and the Kelts were attracted to invade Italy by the fame of its wine; and thirdly, because of the place which wine held in the early sacrificial ritual (*Hist. of Rome*, Bk. i. c. 13). A further proof is found in the name *Oenotria*, "land of the vine-pole," by which Italy was known to the Greeks. Hehn holds that legends point clearly to a time when wine was unknown; and that the fact that Jupiter Liber was the father of the vine only indicates a borrowing from Ζεὺς Ἐλευθέριος or Λύσιος. Both in Greece and in Italy wine was the only drink (besides water) at all in common use, and even slaves were freely supplied with it in historic times. But it is plain that wine was both rare and costly in the earlier ages of Italian and Roman history. Romulus is said to have used milk only in his offerings to the gods (Plin. *l. c.*): Numa to have prohibited the sprinkling of wine upon the funeral pyre; a law which Pliny (xiv. § 88) quotes to prove the costliness of wine, but which, like the story about Romulus, rather shows that it was believed to have been unknown in the earliest times. To stimulate the energies of the rustic population, Numa is also said to have ordained that it should be held impious to offer a libation to the gods of wine which had flowed from an unpruned stock. The story that Papirius the dictator, when about to join in battle with the Samnites, vowed to Jupiter a small cupful of honeyed wine (*mulsi pocillum*) if he should gain the victory, does not so much prove, as Pliny thinks, the dearness of wine, as the rough jesting humour of the general, especially as he added that he should follow this with a draught of *temetum* for himself. Soldiers, too, drank it at a triumph (see below). That wine was racked off into amphorae and stored up in regular cellars as early as the era of the Gracchi, Pliny considers proved by the existence in his own day of the *Vinum Opimianum*, described hereafter. But even then no specific appellation was given to the produce of different localities, and the jar was marked with the name of the consul alone. For many years after this foreign wines were considered far superior to native growths (one of the most interesting signs of this being the 23 Rhodian amphorae recently found at Praeneste); and so precious were the Greek vintages esteemed in the times of Marius and Sulla that a single draught only was offered to the guests at a banquet. The rapidity with which luxury spread in this matter is well illustrated by the saying of M. Varro (Plin. xiv. § 96), that Lucullus when a boy never saw an entertainment in his father's house, however splendid, at which Greek wine was handed round more than once; but when in manhood he returned from his Asiatic conquests, he bestowed on the people a largess of more than a hundred thousand cadi. An imitated Greek wine was made at an early date, for making which Cato, 24, 112, and Colum. xii. 37, give rules. Four different kinds of wine are said to have been presented for the first time at the feast given by Julius Caesar in his third consulship (B.C. 46), these being Falernian, Chian, Lesbian, and Mamertine; and not until after this date were the merits of the numerous varieties, foreign and domestic, accurately known and fully appreciated. But during the reign of Augustus and his immediate successors the study of wines became a passion, and the most scrupulous care was bestowed upon every process connected with their production and preservation. Viticulture was very profitable, and the Italian wines became famous even as far as India (Arrian, *Peripl.* 6, 49). Pliny calculates that the number of wines in the whole world deserving to be accounted of high quality (*nobilia*) amounted to eighty, of which his own country could claim two-thirds (xiv. § 87); and in another passage (xiv. § 150) he asserts that 195 distinct kinds might be reckoned up, and that if all the varieties of these were to be included in the computation, the sum would be almost doubled (Plin. *H. N.* xiv. § 150).

The process followed in wine-making was essentially the same among both the Greeks and the Romans. After the grapes had been gathered, they were first trodden with the feet, as is represented in the following cut from an ancient relief (Mon. *Matth.* iii. tab. 45). Afterwards they were submitted to the action of the press. [TORCULAR.]



Treading the grapes. (From a relief.)

The sweet unfermented juice of the grape was termed *γλεῦκος* by the Greeks and *mustum* by the Romans, the latter word being properly an adjective signifying *new* or *fresh* (cf. Cato, *R. R.* 115). Of this there were several kinds distinguished according to the manner in which each was originally obtained and subsequently treated. That which flowed from the clusters, in consequence merely of their pressure upon each other before any force was applied, was known as *πρόχυμα* (Geopon. vi. 16) or *protropum* (Plin. *H. N.* xiv. § 85), and was reserved for manufacturing a particular species of rich wine described by Pliny (*l. c.*) to which the inhabitants of Mytilene gave the name of *πρόδρομος* or *πρότροπος* (Athen. i. p. 30 b. ii. p. 45 e). That which was obtained next, before the grapes had been fully trodden, was the *mustum lixivum*, and was considered best for keeping (Cato, *R. R.* 23; Geopon. vi. 16; Colum. xii. 41). After the grapes had been fully trodden and pressed, the mass was taken out, the edges of the husks cut (*circumcidunt extrema*), and the whole again subjected to the press: the result was the *mustum tortivum* or *circumcisicium* (Cato, *R. R.* 23; Varr. i. 54; Colum. xii. 36), which was set apart and used for inferior purposes.

A portion of the must was used at once, being drunk fresh after it had been clarified with vinegar (Geopon. vi. 15). When it was desired to preserve a quantity in the sweet state, an amphora was taken and coated with pitch within and without; it was filled with *mustum lixivum*, and corked so as to be perfectly air-tight. It was then immersed in a tank of cold fresh water or buried in wet sand, and allowed to remain for a month, six weeks, or two months. The contents after this process were found to remain unchanged for a year, and hence the name *ἀεὶ γλεῦκος*, i.e. *semper mustum* (Geopon. vi. 16; Plut. *Quaest. Nat.* 26; Cato, *R. R.* 120; Colum. xii. 29; Plin. *H. N.* xiv. § 83). This was probably the *οἶνος* of the Gospel parable of the wine-skins: at least it alone fulfils the necessary conditions of the case: cf. Farrar, *Excursus III.* on St. Luke. A considerable quantity of must from the best and oldest vines was inspissated by boiling, being then distinguished by the Greeks under the general names of *ἕψημα* or *γλύξις* (Athen. i. 31 e), while the Latin writers have various terms according to the extent to which the evaporation was carried. Thus, when the must was reduced to two-thirds of its original volume, it became *caroenum* (Pallad. Octobr. tit. xviii.); when one-half had evaporated, *defrutum* (Plin. *H. N.* xiv. § 80); when two-thirds, *sapa* (known also by the Greek names *siraeum* and *hepsema*, Plin. *l. c.*), but these words are frequently interchanged. (See Varr. *ap.* Non. p. 551 M.; Colum. xii. 19.) Similar preparations are at the present time called in Italy *musto cotto* and *sapa*, and in France *sabe.* The process was carried on in large caldrons (*vasa defrutaria*), over a slow fire of chips, on a night when there was no moon (Plin. xviii. § 318), the scum being carefully removed with leaves (Plin. *l. c.*; Verg. *Georg.* i. 296, iv. 269), and the liquid constantly stirred to prevent it from burning (Plin. xxiii. § 62; Cato, *R. R.* 105; Colum. xii. 19, 20, 21; Pallad. xi. 18; Dioscorid. v. 9). These grape-jellies—for they were nothing else —were used extensively for giving body to poor wines and making them keep, and entered as ingredients into many drinks, such as the *burranica potio*, so called from its red colour ("a rufo colore quem burrum vocant"), which was formed by mixing *sapa* with milk (Paul. D., s. v. *Burranica;* compare Ovid, *Fast.* iv. 782), and others described hereafter.

The whole of the mustum not employed for some of the above purposes was conveyed from the *lacus* to the *cella vinaria* (οἰνοθήκη, πιθεών, Geopon. vi. 2, 12), an apartment on the ground-floor or a little below the surface, placed in such a situation as to secure a moderate and equable temperature, and at a distance from dunghills or other objects emitting a strong odour (Varro, *R. R.* i. 13, 6; Plin. xiv. § 133; Geopon. *l. c.*). Here were the *dolia* (πίθοι), otherwise called *seriae* [Dolium], long bell-mouthed vessels of earthenware [hooped tubs of wood (*cupae* = *lignea vasa*) being employed in cold climates only, Plin. xiv. § 132], very carefully formed of the best clay and lined with a coating of pitch (πισσωθέντα, *picata*), the operation (πίσσωσις, *picatio*) being usually performed while they were hot from the furnace. They were usually sunk (*depressa*, *defossa*, *demersa*) one-half or two-thirds in the ground; to the former depth if the wine to be contained was likely to prove strong, to the latter if weak, and attention was paid that they should repose upon a dry bed. They were moreover sprinkled with sea-water or brine, fumigated with aromatic plants and rubbed with their ashes; all rank-smelling substances, such as rotten leather, garlic, cheese, and the like, being removed, lest they should impart a taint to the wine (Geopon. vi. 2, 3, 4; Cato, *R. R.* 23; Varro, i. 13; Colum. xii. 18, 25; Dig. 33, 6, 3). In these *dolia* the process of fermentation took place. They were not filled quite full, in order that the scum only might boil over, and this was also cleared off at regular intervals by skimming, and carried to a distance. The fermentation usually lasted for about nine days; and as soon as it had subsided and the *mustum* had become *vinum*, the dolia were closely covered, the upper portion of their interior surface as well as the lids (*opercula doliorum*) having been previously well rubbed over with a compound of defrutum, saffron, old pitch, mastic, and fir-cones (Geopon. vi. 12; Cato, *R. R.* 107; Varro, i. 65; Colum. xii. 25, 80). The *opercula* were taken off about once every thirty-six days, and oftener in hot weather, in order to cool and give air to the contents, to add any preparation required to preserve them sound, and to remove any impurities that might be thrown up. Particular attention was paid to the peculiar light scum, the ἄνθος οἴνου (*flos vini*), which frequently appeared on the surface after a certain time, since it was supposed to afford indications by its colour and consistence of the quality of the wine. If red (πορφυρίζον), broad, and soft, it was a sign that the wine was sound, though Pliny regards it as a bad sign, except with red wine; if glutinous, it was a bad symptom; if black or yellow, it denoted want of body; if white, it was a proof that the wine would keep well (μόνιμον). Each time that the opercula were replaced they were well rubbed with fir-cones (Geopon. vii. 15; Colum. xii. 38). [Thyrsus.]

The commoner sorts of wine were drunk direct from the dolium, and hence draught wine was called *vinum doliare* or *vinum de cupa* (Dig. 18, 6, 1, 4; Hor. *Epod.* ii. 47, "horna dulci vina promens dolio;" Cic. *in Pis.* 27, 67, "vinum de cupa"); but the finer kinds, such as were yielded by choice localities and possessed sufficient body to bear keeping, were drawn off (*diffundere*, μεταγγίζειν), generally the next spring, into *amphorae*, *cadi* or *lagoenae*, many fanciful precautions being observed in transferring them from the larger to the smaller vessel (Geopon. vii. 5, 6). These *amphorae* were made of earthenware, and in later times occasionally of glass; they were stoppered tight by a plug of wood or cork (*cortex*, *suber*), which was rendered impervious to air by being smeared over with pitch, clay, or gypsum (Cato, *R. R.* 120; Hor. *Carm.* iii. 8, 10). The practice of using cork seems to have been comparatively late, and to have been introduced from Gaul (Hehn, *Kulturpflanzen*,³ p. 511). On the outside the title of the wine was painted, the date of the vintage being marked by the names of the consuls then in office; or when the jars were of glass, little tickets (*pittacia*, *tesserae*) were suspended from them indicating these particulars (Petron. 34). The amphorae were then stored up in repositories (*apothecae*, Colum. i. 6; Plin. *Ep.* ii. 17; *horrea*, Senec. *Ep.* 115; *tabulata*, Colum. xii. 41) completely distinct from the *cella vinaria*, and usually placed in the upper story of the house (whence *descende, testa*, Hor. *Carm.* iii. 21, 7; *deripere horreo*, iii. 28, 7) for a reason explained afterwards.

It is manifest that wines prepared and bottled, if we may use the phrase, in the manner described above, must have contained a great quantity of dregs and sediment, and it became absolutely necessary to separate these before it was drunk. This was sometimes effected by fining with yolks of eggs, those of pigeons being considered most appropriate by the fastidious (Hor. *Sat.* ii. 4, 56), or with the whites whipped up with salt (Geopon. vii. 22), but more commonly by simply straining through small cup-like utensils of silver or bronze perforated with numerous small holes, and distinguished by the various names ὑλιστήρ, τρύγοιπος, ἠθμός, *colum vinarium* (Geopon. vii. 37). [Colum.] Occasionally a piece of linen cloth (σάκκος, *saccus*) was placed over the τρύγοιπος or *colum* (Pollux, vi. 19, x. 75) and the wine (σακκίας, *saccatum*) filtered through (Martial, viii. 45). The use of the *saccus* was considered objectionable for all delicate wines, since it was believed to injure (Hor. *Sat.* ii. 4, 54) if not entirely to destroy their flavour, and in every instance to diminish the strength of the liquor. For this reason it was employed by the dissipated in order that they might be able to swallow a greater quantity without becoming intoxicated (Plin. xiv. § 138, cf. xix. § 53; Cic. *de Fin.* ii. 8, 23). The double purpose of cooling and weakening was effectually accomplished by placing ice or snow in the filter, which under such circumstances became a *colum nivarium* (Martial, xiv. 103) or *saccus nivarius* (xiv. 104).

The wine procured from the *mustum tortivum*, which was always kept by itself, must have been thin and poor enough, but a still inferior beverage was made by pouring water upon the husks and stalks after they had been fully pressed, allowing them to soak, pressing again, and fermenting the liquor thus obtained. This, which was given to labourers in winter instead of wine, was the θάμνα or δευτέριος of the Greeks, the *lora* or *vinum operarium* of the Romans, and according to Varro (Non. p. 551 M.) was, along with sapa, defrutum, and passum, the drink of elderly women. (See Athen. x. p. 440.) The Greeks added the water in the proportion of $\frac{1}{3}$ of the must previously pressed out, and then boiled down the mixture until $\frac{1}{3}$ had evaporated; the Italians added the water in the proportion of $\frac{1}{10}$ of the must, and threw in the skimmings of the defrutum and the dregs of the lacus. Another drink of the same character was the *faecatum* from wine-lees, and we hear also of *vinum praeliganeum* given to the vintagers, which appears to have been manufactured from inferior and half-ripe fruit gathered before the regular period (Geopon. vi. 3; Cato, *R. R.* 23, 57, 153; Varro, i. 54; Colum. xii. 40; Plin. xiv. § 86). We find an analogy to the above processes in the manufacture of cider, the best being obtained from the first squeezing of the apples and the worst from the pulp and skins macerated in water.

In all the best wines hitherto described the grapes are supposed to have been gathered as soon as they were fully ripe and fermentation to have run its full course. But a great variety of sweet wines were manufactured by checking the fermentation, or by partially drying the grapes, or by converting them completely into raisins. The γλυκὺς οἶνος of the Geoponic writers (vii. 19) belongs to the first class. Must obtained in the ordinary manner was thrown into the dolia, which remained open for three days only and were then partially covered for two more; a small aperture was left until the seventh day, when they were luted up. If the wine was wished to be still sweeter, the dolia were left open for five days and then at once closed. The free admission of air being necessary for brisk fermentation, and this usually continuing for nine days, it is evident that it would proceed weakly and imperfectly under the above circumstances. For the *Vinum Dulce* of Columella (xii. 27) the grapes were to be dried in the sun for three days after they were gathered, and trodden on the fourth during the full fervour of the mid-day heat. The *mustum lixivum* alone was to be used, and after the fermentation was finished an ounce of well-ground iris-root was added to each 50 sextarii; the wine was racked off from the lees, and was found to be sweet, sound, and wholesome (Colum. *l. c.*). For the *Vinum Diachytum*, more luscious still, the grapes were exposed to the sun for seven days upon hurdles (Plin. *H. N.* xiv. § 84).

Lastly, *Passum* or *raisin-wine* was made from grapes which were dried in the sun until they had lost half their weight, or plunged into boiling oil, which produced a similar effect, or the bunches after they were ripe were allowed to hang for some weeks upon the vine, the stalks being twisted or an incision made into the pith of the bearing shoot so as to put a stop to vegetation. The stalks and stones were removed, the raisins were steeped in must or good wine, and then trodden or subjected to the gentle action of the press. The quantity of juice which flowed forth was measured, and an equal quantity of water added to the pulpy residuum, which was again pressed and the product employed for an inferior passum called *secundarium*, an expression exactly analogous to the δευτέριος mentioned above. The passum of Crete was most prized (Mart. xiii. 106; Juv. xiv. 270), and next in rank were those of Cilicia, Africa, Italy, and the neighbouring provinces. The kinds known as *Psithium* or *Psythium* and *Melampsythium* possessed the peculiar flavour of the grape and not that of wine; the *Scybelites* from Galatia and the *Aluntium* from Sicily in like manner tasted like must. The grapes most suitable for passum were those which ripened early, especially the varieties *Apiana* (called by the Greeks *Psithia*) and *Scripula* (Geopon. vii. 18; Colum. xii. 39; Plin. *H. N.* xiv. § 8; Verg. *Georg.* ii. 93; Stat. *Silv.* iv. 9, 38). Passum was known to Plautus (*Pseud.* 741).

The Greeks recognised three colours in wines: *red* (μέλας), *white*, i.e. pale straw-colour (λευκός), and *brown* or amber-coloured (κιῤῥός). (Athen. i. p. 32 c.) Pliny distinguishes four: *albus* answering to λευκός, *fulvus* to κιῤῥός, while μέλας is subdivided into *sanguineus* and *niger*, the former being doubtless applied to bright glowing wines like Tent and Burgundy, while the *niger* or *ater* (Plaut. *Menaech.* 915) would resemble Port. (Ussing on *v.* 900 is probably wrong in regarding the epithet as an intentionally absurd one. In modern Greek red wine is called κρασὶ μαυρό.) In the ordinary Greek authors the epithet ἐρυθρὸς is as common as μέλας, and will represent the *sanguineus*.

We have seen that wine intended for keeping was racked off from the dolia into amphorae. When it was necessary in the first instance to transport it from one place to another, or when carried by travellers on a journey, it was put into bags made of goat-skin (ἀσκοί, *utres*), well pitched over so as to make the seams perfectly tight. (Cf. the commentators on Matt. ix. 17 = Mark ii. 22, Luke v. 37, and especially Tristram, *Nat. Hist. Bib.* p. 92.) The cut below, from a bronze found at Herculaneum (*Mus. Borbon.* vol. iii. tav. 28), exhibits a Silenus astride upon one of them. When the quantity was large, a number of hides were sewn together, and the leathern tun thus constructed carried from place to place in a cart, as shown in the illus-

Silenus on a wine-skin. (*Mus. Borbon.*)

tration under AMPHORA. (Compare Lucian, *Lex.* 6.)

Among the ancients recourse was had to various devices for preventing or correcting acidity, heightening the flavour, and increasing the durability of the inferior kinds of wine. This subject was reduced to a regular system by the Greeks: Pliny, xiv. § 120, mentions four authors who had written formal treatises, and the authors of the Geoponic collection, together with Cato, Varro, and Columella, supply a multitude of precepts upon the same topic. The object in view was accomplished sometimes by merely mixing different kinds of wine together, but more frequently by throwing into the dolia or amphorae various condiments or seasonings (*ἀρτύσεις*, *medicamina*, *conditurae*). When two wines were mixed together, those were selected which possessed opposite good qualities and defects (Athen. i. p. 32, 6). Connoisseurs, however, justly valued most those wines which needed no such treatment (Col. xii. 19, 2; Plin. xxiii. § 45).

The principal substances employed as *conditurae* were—1. sea-water; 2. turpentine, either pure, or in the form of pitch (*pix*), tar (*pix liquida*), or resin (*resina*); 3. lime, in the form of gypsum, burnt marble, or calcined shells; 4. inspissated must; 5. aromatic herbs, spices, and gums: and these were used either singly, or cooked up into a great variety of complicated confections.

We have already seen that it was customary to line the interior of both the dolia and the amphorae with a coating of pitch; but besides this it was common to add this substance, or resin, in powder, to the must during the fermentation, from a conviction that it not only rendered the wine more full-bodied, but also communicated an agreeable bouquet, together with a certain degree of raciness or piquancy (Plin. *N. H.* xiv. § 124; Plutarch, *Symp.* v. 3). In Greece the peasants still drink little but *ῥετσινατό*, which is supposed to be a wholesome corrective to bad food. Wine of this sort, however, when new (*novicium resinatum*) was accounted unwholesome and apt to induce headache and giddiness (Plin. xxiii. § 46). From this circumstance it was denominated *crapula.* It was found to be serviceable in checking the fermentation of the must when too violent.

It must be remembered, that when the vinous fermentation is not well regulated, it is apt to be renewed, in which case a fresh chemical change takes place, and the wine is converted into vinegar (*ὄξος*, *acetum*), and this acid, again, if exposed to the air, loses its properties and becomes perfectly insipid, in which form it was called *vappa* by the Romans, who used the word figuratively for a worthless blockhead.

Now the great majority of inferior wines, being thin and watery, and containing little alcohol, are constantly liable to undergo these changes, and hence the disposition to acescence was closely watched and combated as far as possible. With this view those substances were thrown into the dolia which it was known would neutralise any acid which might be formed, such as vegetable ashes, which contain an alkali, gypsum, and pure lime, besides which we find a long list of articles, which must be regarded as preventives rather than correctives, such as the various preparations of turpentine already noticed, almonds, raisins steeped in must, parched salt, goat's milk, cedar-cones, gall-nuts, blazing pine-torches, or red-hot irons quenched in the liquid, and a multitude of others (Geopon. vii. 12, 15, 16, &c.). But in addition to these, which are all harmless, we find some traces of the use of the highly poisonous salts of lead for the same purpose (Geopon. vii. 19), a practice which produced the most fatal consequences in the Middle Ages, and was prohibited by a series of the most stringent enactments. (See Beckmann's *History of Inventions*, vol. i. p. 396, trans.)

Defrutum also was employed to a great extent; but being itself liable to turn sour, it was not used until its soundness had been tested by keeping it for a year. It was then introduced, either in its simple state, in the proportion of a sextarius to the amphora—that is, of 1 to 48—or it was combined with a great variety of aromatics, according to a prescription furnished by Columella (xii. 20). In this receipt, and others of the same kind, the various herbs were intended to give additional efficacy to the nourishing powers of the defrutum, and great pains were taken to prevent them from affecting the taste of the wine. But from a very early period it was customary to flavour wines highly by a large admixture of perfumes, plants, and spices. We find a spiced drink (*ἐξ ἀρωμάτων κατασκευαζόμενος*) noticed under the name of *τρίμμα* by Athenaeus and the writers of the New Comedy (Athen. i. p. 31 e; Pollux, vi. 18), and for the whole class Pliny has the general term *aromatites* (xiv. § 107).

There was another and very numerous family of wines, entitled *οἶνοι ὑγιεινοί*, into which drugs were introduced to produce medicinal effects. Such were *vinum marrubii* (horehound) for coughs; the *scillites* (squill-wine), to assist digestion, promote expectoration, and act as a general tonic; *absinthites* (wine of wormwood), corresponding to the modern *vermuth*, and above all the *myrtites* (myrtle-berry wine), which possessed innumerable virtues (Columell. xii. 32–39; Geopon. viii. 1, &c.).

Pliny, under the head of *vina ficticia*, includes not only the *οἶνοι ὑγιεινοί*, but a vast number of others bearing a strong analogy to our British home-made wines, such as cowslip, ginger, elderberry, and the like; and as we manufacture champagne out of gooseberries, so the Italians had their imitations of the costly vintages of the most favoured Asiatic isles. These *vina ficticia* were, as may be imagined, almost countless, every variety of fruit, flower, vegetable, shrub, and perfume being put in requisition: figs, cornels, medlars, roses, asparagus, parsley, radishes, laurels, junipers, cassia, cinnamon, saffron, nard, malobathrum, afford but a small sample. It must be remarked, that there was one material difference between the method followed by the Greeks and that adopted by the Romans in cooking these potions. The former included the drug, or whatever it might be, in a bag, which was suspended in a jar of wine, and allowed to remain as long as was thought necessary; the latter mixed the flavouring ingredient with the sweet must, and fermented them together, thus obtaining a much more powerful extract; and this is the plan pursued for British wines, except that we are obliged to substitute sugar and water for grape-juice (Geopon. viii. 32, 33, 34; Plin. *H. N.* xiv. § 98 ff.; Colum. *ll. cc.*; Cato, *R. R.* 114, 115).

But not only were spices, fragrant roots, leaves, and gums steeped in wine or incorporated during fermentation, but even the precious perfumed essential oils (*unguenta*) were mixed with it before it was drunk. The Greeks were exceedingly partial to this kind of drink (Aelian, *V. H.* xii. 31). We also learn from Aelian (*l. c.*) that it was named *μυῤῥινίτης*, which seems to be the same with the *μυῤῥίνης* of Poseidippus (Athen. i. p. 32 b), the *μυῤῥίνη* of Hesychius, the *μυρίνης* of Pollux (vi. 2), and the *murrina* of Plautus (*Pseudol.* 745; compare *nardini amphoram*, *Miles Gl.* 824; Paul. D., s. vv. *Murrata potio* and *Murrina*). Others, however, take the *murrina* to be identical with *myrtites*, i.e. wine either made from myrtle-berries or with an infusion of them (Col. *l. c.*; cf. Ussing *ad loc.*). The Romans were not slow to follow the example set them, valuing bitterness so highly, says Pliny (*H. N.* xiii. § 25), that they were resolved to enjoy costly perfumes with two senses; and hence the expressions *foliata sitire* in Martial (xiv. 110) and *perfusa mero spumant unguenta Falerno* in Juvenal (vi. 303).

In a more primitive age we detect the same fondness for the admixture of something extraneous. Hecamede, when preparing a draught for Nestor, fills his cup with Pramnian wine, over which she grates goat-milk cheese and sprinkles the whole with flour (*Il.* xi. 638), the latter being a common addition at a much later epoch (Athen. x. p. 432). So also the draught administered by Circe (*Od.* x. 234) consisted of wine, cheese, barley-meal, and honey; and according to Theophrastus (Athen. i. p. 32 a) the wine drunk in the prytaneum of the Thasians was rendered delicious by their throwing into the jar which contained it a cake of wheaten flour kneaded up with honey. (Compare Plut. *Symp.* i. 1, 4.)

This leads us on to notice the most generally popular of all these compound beverages, the *οἰνόμελι* of the Greeks, the *mulsum* of the Romans. This was of two kinds; in the one honey was mixed with wine, in the other with must. The former was said to have been invented by the legendary hero Aristaeus, the first cultivator of bees (Plin. xiv. § 53), and was considered most perfect and palatable when made of some old rough (*austerum*) wine, such as Massic or Falernian (although Horace objects to the latter for this purpose, *Sat.* ii. 4, 24), and new Attic honey (Mart. iv. 13, xiii. 108; Dioscor. v. 16; Macrob. *Sat.* vii. 12). The proportions as stated in the Geoponic collection were four, by measure, of wine to one of honey; and various spices and perfumes, such as myrrh, cassia, costum, malobathrum, nard, and pepper, might be added. The second kind, the *oenomelum* of Isidore (*Orig.* xx. 3, § 11), according to the Greek authorities (Geopon. viii. 26), was made of must evaporated to one-half of its original bulk, Attic honey being added in the proportion of one to ten. This, therefore, was merely a very rich fruit syrup, in no way allied to wine. The virtues of *mulsum* are detailed by Pliny (*H. N.* xxii. § 60; cf. Geopon. *l. c.*); it was considered the most appropriate draught upon an empty stomach, and was therefore swallowed immediately before the regular business of a repast began (Hor. *Sat.* ii. 4, 25; Senec. *Ep.* 122; Petron. 34), and hence the whet (*gustatio*) coming before the cup of mulsum was called the *promulsis* (Cic. *ad Fam.* ix. 16, 8, and 20, 1). We infer from Plautus (*Bacch.* 967, 1071; compare Liv. xxxviii. 55, 2) that *mulsum* was given at a triumph by the Imperator to his soldiers.

Mulsum (sc. *vinum*) or *οἰνόμελι* is perfectly distinct from *mulsa* (sc. *aqua*). The latter, or *mead*, being made of honey and water mixed and fermented, is the *μελίκρατον* or *ὑδρόμελι* of the Greeks (Geopon. viii. 28; Dioscorid. v. 9; Col. xii. 12, 3; Isidor. *Orig.* xx. 3, § 10; Plin. *H. N.* xiv. § 113), although Pollux confounds (vi. 2) *μελίκρατον* with *οἰνόμελι*. Again, *ὑδρόμηλον* (Geopon. viii. 27) or *hydromelum* (Isidor. *Orig.* xx. 3, § 11) was cider; *ὀξύμελι* (Plin. *H. N.* xiv. § 114) was a compound of vinegar, honey, salt, and pure water, boiled together and kept for a long time; *ῥοδόμελι* was a mere confection of expressed juice of rose-leaves and honey (Geopon. viii. 29).

The ancients considered old wine not only more grateful to the palate but also more wholesome and invigorating (Athen. i. p. 26 a; ii. p. 36 e). Generally speaking, the Greek wines do not seem to have required a long time to ripen (cf. Theocr. vii. 147). Nestor in the Odyssey, indeed, drinks wine ten years old (iii. 391), and wine kept for sixteen years is incidentally mentioned by Athenaeus (xiii. p. 584 b); but the connoisseurs under the Empire pronounced that all transmarine wines arrived at a moderate degree of maturity (*ad vetustatem mediam*) in six or seven (Plin. xiv. 79). Many of the Italian varieties, however, as we shall see below, required to be kept for twenty or twenty-five years before they were drinkable (which is now considered ample for our strongest ports), and even the humble growths of Sabinum were stored up for from four to fifteen (Hor. *Carm.* i. 9, 7; Athen. i. p. 26). Hence it became a matter of importance to hasten, if possible, the natural process. This was attempted in various ways: sometimes by elaborate condiments (Geopon. vii. 24), sometimes by sinking vessels containing the must in the sea, by which an artificial mellowness was induced (*praecox vetustas*), and the wine in consequence termed *thalassites* (Plin. *H. N.* xiv. § 78); but more usually by the application of heat (Plut. *Symp.* v. 3). Thus it was customary to expose the amphorae for some years to the full fervour of the sun's rays, or to construct the *apothecae* in such a manner as to be exposed to the hot air and smoke of the bath-furnaces (Colum. i. 6, 20); and hence the name *fumaria* applied to such apartments, and the phrases *fumosos*, *fumum bibere*, *fuligine testae* in reference to the wines (Tibull. ii. 1, 26; Hor. *Carm.* iii. 8, 11; Juv. v. 35). If the operation was not conducted with care, and the amphorae not stoppered down perfectly tight, a disagreeable effect would be produced on the contents, and it is in consequence of such carelessness that Martial pours forth his maledictions on the fumaria of Marseilles (x. 36; iii. 82, 22; xiii. 123).

The year B.C. 121 is said to have been a season singularly favourable for all the productions of the earth; from the great heat of the autumn the wine was of an unprecedented quality, and remained long celebrated as the *Vinum Opimianum*, from L. Opimius the consul of that year, who slew C. Gracchus. (Cic. *Brut.* 83, 287; Mart. i. 26, 5, &c.) A great quantity had been treasured up and sedulously preserved, so that samples were still in existence in the days of the elder Pliny, nearly two hundred years afterwards. It was reduced, he says, to the consistence of rough honey, and, like other very old wines, so strong and harsh and bitter as to be undrinkable until largely diluted with water. Such wines, however, he adds, were useful for flavouring others when mixed in small quantities (xiv. §§ 55, 94).

Our most direct information with regard to the price of common wine in Italy is derived from Columella (iii. 3, § 10), who reckons that the lowest market price of the most ordinary quality was 300 sesterces for 40 urnae; that is, 15 sesterces for the amphora, or 6*d.* a gallon nearly. At a much earlier date, the triumph of L. Metellus during the First Punic War (B.C. 250), wine was sold at the rate of 8 asses the amphora (Varro, *ap.* Plin. *H. N.* xviii. § 17), but this is quoted as an instance of extraordinary cheapness, and in the year B.C. 89 the censors P. Licinius Crassus and L. Julius Caesar issued a proclamation that no one should sell Greek and Aminean wine at so high a rate as 8 asses the amphora; but this was probably intended as a prohibition to their being sold at all, in order to check the taste then beginning to display itself for foreign luxuries, for we find that at the same time they positively forbade the use of exotic unguents (Plin. *H. N.* xiv. § 95, xiii. § 24).

The price of native wine at Athens was four drachmas for the metretes—that is, about 4½*d.* the gallon—when necessaries were dear, and Boeckh considers that we may assume one-half of this sum as the average of cheaper times. In fact, we find in an agreement in Demosthenes (*in Lacrit.* p. 928) 3000 jars (*κεράμια*) of Mendaean wine, which we know was used at the most sumptuous Macedonian entertainments (Athen. iv. p. 129 d), valued at 600 drachmas. If the *κεράμιον* is rightly estimated as about two-thirds of the ἀμφορεύς, and as holding nearly six gallons, this gives little more than 2*d.* a gallon; but still more astonishing is the marvellous cheapness of Lusitanian wine, of which more than ten gallons were sold for 3*d.* Of course we must remember that the purchasing power of money was far higher then than at present. On the other hand, high prices were given freely for the varieties held in esteem, since, as early as the time of Socrates, a metretes of Chian sold for a mina (Plut. *de Anim. Tranquill.* 10; Boeckh, *P. E.*, Book i. c. xvi.).

With respect to the way in which wine was drunk, and the customs observed by the Greeks and Romans at their drinking entertainments, the reader is referred to the article SYMPOSIUM.

It now remains for us to name the most esteemed wines, and to point out their localities; but our limits will allow us to enumerate none but the most celebrated. As far as those of Greece are concerned, our information is scanty; since in the older writers we find but a small number defined by specific appellations, the general term *οἶνος* usually standing alone without any distinguishing epithet. The wine of most early celebrity was that which the minister of Apollo, Maron, who dwelt upon the skirts of Thracian Ismarus, gave to Ulysses. It was red (*ἐρυθρόν*), and honey-sweet (*μελιηδέα*): so precious, that it was unknown to all in the mansion, save the wife of the priest and one trusty housekeeper; so strong, that a single cup was mingled with twenty of water; so fragrant, that even when thus diluted it diffused a divine and most tempting perfume (*Od.* ix. 208). Pliny (*H. N.* xiv. § 54) asserts that wine was produced in the same region in his own day, which would bear eight times its own amount of water. Homer mentions also more than once (*Il.* xi. 638; *Od.* x. 234) *Pramnian wine* (*οἶνος Πράμνειος*), an epithet which is variously interpreted by certain different writers (Athen. i. p. 22 f). The Scholiast on *Il.* l. c. explains that it got its name from a hill in Caria. It seems to have been rather the name of a kind of vine. (Cf. Ebeling, *Lex. Hom.* s. v.) In after-times a wine bearing the same name was produced in the island of Icaria, around the hill village of Latorea, in the vicinity of Ephesus, in the neighbourhood of Smyrna near the shrine of Cybele, and in Lesbos (Athen. i. p. 30 c, &c.; Plin. xiv. § 54). The Pramnian of Icaria is characterised by Eparchides as dry (*σκληρός*), harsh (*αὐστηρός*), astringent and remarkably strong,—qualities which, according to Aristophanes, rendered it particularly unpalatable to the Athenians (Athen. i. p. 30 c).

But the wines of greatest renown during the brilliant period of Grecian history and after the Roman conquest were grown in the islands of Thasos, Lesbos, Chios, and Cos, and in a few favoured spots on the opposite coast of Asia (Strabo, xiv. p. 637), such as the slopes of Mount Tmolus, the ridge which separates the valley of the Hermus from that of the Cayster (Plin. v. § 110; Verg. *Georg.* ii. 97; Ovid, *Met.* vi. 15); Mount Messogis, which divides the tributaries of the Cayster from those of the Maeander (Strabo, xiv. p. 650); the volcanic region of the Catacecaumene (Vitruv. iii. 3), which still retains its fame (Keppel's *Travels*, ii. p. 355); the environs of Ephesus (Dioscorid. v. 12), of Cnidus (Athen. i. p. 29 a), of Miletus (Athen. *l. c.*), and of Clazomenae (Plin. xiv. § 73 f). Among these the first place seems to have been by general consent conceded to the *Chian*, of which the most delicious varieties were brought from the heights of Ariusium, in the central parts (Verg. *Ecl.* v. 71; Plin. *H. N.* xiv. § 73; Silius, vii. 210), and from the promontory of Phanae at the southern extremity of the island (Verg. *Georg.* ii. 98). The *Thasian* and *Lesbian* occupied the second place, and the *Coan* disputed the palm with them (Athen. i. pp. 28, 29, &c.). In Lesbos the most highly prized vineyards were around Mytilene (Athen. i. p. 30 b; iii. p. 86 e, p. 92 d), and Methymna (Athen. viii. p. 363 b; Pausan. x. 19; Verg. *Georg.* ii. 89; Ovid, *Ar. Am.* i. 57). Pliny (xiv. § 73), who gives the preference over all others to the *Clazomenian* because it was least flavoured with brine, says that the Lesbian had naturally a taste of salt water, while the epithet "innocens," applied by Horace (*Carm.* i. 17, 21), seems to point out that it was light and wholesome.

It may here be observed that there is no foundation whatever for the remark that the finest Greek wines, especially the products of the islands in the Aegean and Ionian seas, belonged for the most part to the luscious sweet class. The very reverse is proved by the epithets *αὐστηρός*, *σκληρός*, *λεπτός*, and the like, applied to a great number, while *γλυκὺς* and *γλυκάζων* are designations comparatively rare, except in the vague language of poetry. "Vinum omne dulce minus odoratum," says Pliny (*H. N.* xiv. § 80), and the ancients appear to have been fully sensible that sweet wines could not be swallowed either with pleasure or safety, except in small quantities. The mistake has arisen from not perceiving that the expressions *οἶνος γλυκὺς* and *οἶνος ἡδὺς* are by no means necessarily synonymous. The former signifies wine *positively sweet*, the latter wine agreeable to the taste from the *absence of acidity*, in most cases indicating nothing more than *sound wine*.

It is well known that all the most noble Italian wines, with a very few exceptions, were derived from Latium and Campania, and for the most part grew within a short distance of the sea. "The whole of these places," says Strabo (v. p. 234), when describing this coast, "yield excellent wine; among the most celebrated are the Caecuban, the Fundanian, the Setinian, and so also are the Falernian, the Alban, and the Statinian." But the classification adopted by Pliny (xiv. § 59 f.) will prove our best guide, and this we shall follow to a certain extent.

In the first rank, then, we must place the *Setinum*, which fairly deserves the title of *Imperial*, since it was the chosen beverage of Augustus and most of his courtiers. It grew upon the hills of Setia, above Forum Appii, looking down upon the Pomptine marshes. ("Pendula Pomptinos quae spectat Setia campos," Mart. xiii. 112; see also vi. 86, ix. 3, x. 74, xiii. 112; Juv. v. 34; Silius, viii. 378; Plin. *H. N.* l. c.) Before the age of Augustus the *Caecubum* was the most prized of all. It grew in the poplar swamps bordering on the gulf of Amyclae, close to Fundi (Mart. xiii. 115). In the time of Pliny its reputation was entirely gone, partly in consequence of the carelessness of the cultivators, and partly from its proper soil, originally a very limited space, having been cut up by the canal of Nero extending from Baiae to Ostia. Cf. Plin. xxiii. § 35: "Caecuba jam non gignuntur." The name, however, continued to be used for any first-class wine (Galen, x. p. 834). Galen (Athen. i. p. 27 a) represents it as generous, full-bodied, and heady, not arriving at maturity until it had been kept for many years (Plin. *l. c.*; Strabo, v. p. 231; Mart. xiii. 115; Hor. *Carm.* i. 20, 9, iii. 23, 2, &c.).

The second rank was occupied by the *Falernum*, of which the *Faustianum* was the most choice variety, having gained its character from the care and skill exercised in the cultivation of the vines; but when Pliny wrote, it was beginning to fall in public estimation, in consequence of the growers being more solicitous about quantity than quality. The *Falernus ager*, concerning the precise limits of which there have been many controversies, commenced at the Pons Campanus, on the left hand of those journeying towards the Urbana Colonia of Sulla (cf. *Dict. Geog.* s. v.); the *Faustianus ager* at a village about six miles from Sinuessa, so that the whole district in question may be regarded as stretching from the Massic hills to the river Vulturnus. Falernian became fit for drinking in ten years, and might be used when twenty years old, but when kept longer gave headaches, and proved injurious to the nervous system (Plin. xxiii. § 34). Pliny distinguishes three kinds, the rough (*austerum*), the sweet (*dulce*), and the thin (*tenue*); Galen (*ap.* Athen. i. p. 26 c) two only, the rough (*αὐστηρὸς*) and the sweetish (*γλυκάζων*). When the south wind prevailed during the season of the vintage, the wine was sweetish and darker in colour (*μελάντερος*); but if the grapes were gathered during weather of a different description, it was rough and tawny or amber-coloured (*κιῤῥός*). The ordinary appearance of Falernian, which has been made a theme of considerable discussion, seems to be determined by a passage in Pliny (*H. N.* xxxvii. § 47), in which we are informed that the finest amber was named *Falerna*. Others arranged the varieties differently; that which grew upon the hill-tops they called *Caucinum*, that on the middle slopes *Faustianum*, that on the plain *Falernum* (Plin. *l. c.*; Athen. i. p. 26 c; Hor. *Carm.* i. 20, 10; Prop. iv. 6; Martial, ix. 95; Silius, vii. 159). It was unknown to Plautus and Cato, but occurs in Catullus and Varro.

In the third rank was the *Albanum*, from the Mons Albanus (*Mons Iuleus*, Mart. xiii. 109), of various kinds, very sweet (*praedulce*), sweetish (*γλυκάζων*), rough (Plin. xxiii. § 36), and sharp (*ὀμφακίας*); it was invigorating (*nervis utile*), and in perfection after being kept for fifteen years (Plin. *ll. cc.*; Mart. xiii. 109; Hor. *Sat.* ii. 8, 14; Juv. v. 33; Athen. i. p. 26 d). Here too we place the *Surrentinum*, from the promontory forming the southern horn of the bay of Naples, which was not drinkable until it had been kept for five-and-twenty years; for, being destitute of richness (*ἀλιπὴς*) and very dry (*ψαφαρός*), it required a long time to ripen, but was strongly recommended to convalescents, on account of its thinness and wholesomeness. Galen, however, was of opinion that it agreed with those only who were accustomed to use it constantly; Tiberius was wont to say that the physicians had conspired to dignify what was only *generous vinegar;* while his successor, Gaius Caesar, styled it *nobilis vappa* (Plin. xiv. § 64; Athen. *l. c.*). Of equal reputation were the *Massicum*, from the hills which formed the boundary between Latium and Campania, although somewhat harsh, as would seem, from the precautions recommended by the epicure in Horace (*Sat.* ii. 4, 51: cf. *Carm.* i. 1, 19; i. 7, 21; iii. 21;—Mart. xiii. 111; Silius, vii. 207), and the *Gauranum*, from the ridge above Baiae and Puteoli, produced in small quantity, but of very high quality, full-bodied (*εὔτονος*) and thick (*πάχυς*). (Athen. *l. c.*; Plin. xiv. § 63: cf. iii. § 60; Flor. iii. 5.) In the same class are to be included the *Calenum* from Cales, and the *Fundanum* from Fundi. Both had formerly held a higher place, "but vineyards," moralises Pliny (xiv. § 65), "as well as states, have their periods of rise, of glory, and of fall." The *Calenum* was light (*κοῦφος*), and better for the stomach than Falernian; the *Fundanum* was full-bodied (*εὔτονος*) and nourishing, but apt to attack both stomach and head; therefore little sought after at banquets (Strabo, v. p. 234; Athen. i. p. 27 a;

Hor. *Carm.* i. 31, 9; Juv. i. 69; Mart. x. 35, xiii. 113). This list is closed by the *Veliternum*, *Privernas*, and *Signinum*, from Velitrae, Privernum, and Signia, towns on the Volscian hills: the first was a sound wine, but had this peculiarity, that it always tasted as if mixed with some foreign substance; the second was thin and pleasant; the last was looked upon only in the light of a medicine, valuable for its astringent qualities (Athen. i. p. 27 b; Plin. *l. c.*; Mart. xiii. 116). We may safely bring in one more, the *Formianum*, from the gulf of Caieta ("Laestrygonia Bacchus in amphora," Hor. *Carm.* iii. 16, 34), associated by Horace with the Caecuban, Falernian, and Calene (Hor. *Carm.* i. 20), and compared by Galen (*ap.* Athen. i. p. 26 e) to the Privernas and Rheginum, but richer (*λιπαρωτέρος*), and ripening quickly.

The fourth rank contained the *Mamertinum*, from the neighbourhood of Messana, first brought into fashion by Julius Caesar (Mart. xiii. 117). The finest, called *Potitianum* (*Ἰωταλῖνος*, Athen. i. p. 27 d), from the fields nearest to the main land, was sound (*ἡδύς*), light, and at the same time not without body. The *Tauromenitanum* was frequently substituted fraudulently for the Mamertinum, which it resembled (Athen. i. p. 27 d; Plin. *l. c.*).

The wine of Etruria was proverbially bad, even that of the Mons Vaticanus (Mart. i. 26, 6; vi. 92, 3, &c.). At Ravenna wine was very cheap and abundant (Mart. iii. 56, 57), and the Rhaetian wine of Verona was famous (Verg. *Georg.* ii. 96; Plin. xiv. § 67).

Of the wines in Southern Gaul, that of *Baeterrae* alone bore a high character. The rest were looked upon with suspicion, in consequence of the notorious frauds of the dealers in the Province, who carried on the business of adulteration to a great extent, and did not scruple to have recourse to noxious drugs. Among other things, it was known that they purchased aloes, to heighten the flavour and improve the colour of their merchandise, and conducted the process of artificial ripening so unskilfully as to impart a taste of smoke, which called forth, as we have seen above, the malediction of Martial on the fumaria of Marseilles (Plin. *H. N.* xiv. § 68).

The produce of the Balearic isles was compared to the first growths of Italy, and the same praise was shared by the vineyards of *Tarraco* and *Lauron*, while those of the *Laletani* were not so much famed for the quality as for the abundance of their supply (Plin. *H. N.* xiv. § 71; Mart. xiii. 118; Silius, iii. 370).

Returning to the East, several districts of Pontus, Paphlagonia, and Bithynia, Lampsacus on the Hellespont, Telmessus in Caria, Cyprus, Tripolis, Berytus, and Tyre, all claimed distinction; and above all the *Chalybonium*, originally from Beroea, but afterwards grown in the neighbourhood of Damascus also, was the chosen and only drink of the Great King (Plin. *H. N.* xiv. § 73; Geopon. v. 2; Athen. i. p. 28 d), to which we may join the *Babylonium*, called nectar by Chaereus (Athen. i. p. 29 f), and the *Βύβλινος* from Phoenicia, which found many admirers (Athen. i. p. 29 b). The last is spoken of elsewhere as Thracian, or Grecian, or Sicilian, which may have arisen from the same grape having been disseminated through these countries. (Compare Herod. ii. 35; Athen. i. p. 31 a.)

Passing on, in the last place, to Egypt, where, according to Hellanicus, the vine was first discovered, the *Mareoticum*, from near Alexandria, demands our attention. It is highly extolled by Athenaeus, being white, sweet, fragrant, light (*λεπτός*), circulating quickly through the frame, and not flying to the head; but superior even to this was the *Taenioticum*, so named from a long narrow sandy ridge (*ταινία*) near the western extremity of the Delta; it was aromatic, slightly astringent, and of an oily consistency, which disappeared when it was mixed with water: besides these we hear of the *Sebennyticum*, and the wine of Antylla, a town not far from Alexandria. Advancing up the valley, the wine of the Thebaïs, and especially of Coptos, was so thin and easily thrown off that it could be given without injury to fever patients; and ascending through Nubia we reach *Meroë*, whose wine has been immortalised by Lucan (Athen. i. p. 33 f; Strab. xvii. p. 799; Hor. *Carm.* i. 37, 14; Verg. *Georg.* ii. 91; Lucan, x. 162; Plin. *H. N.* xiv. § 74). Martial appears to have held them all very cheap, since he pronounces the vinegar of Egypt better than its wine (xiii. 122).

We read of several wines which received their designation, not from the region to which they belonged, but from the particular kind of grape from which they were made, like the Pramnian, or from some circumstance connected with their history or qualities. Names belonging to the former class were in all likelihood bestowed before the most favoured districts were generally known, and before the effects produced upon the vine, by change of soil and climate, had been accurately observed and studied. After these matters were better understood, habit and mercantile usage would tend to perpetuate the ancient appellation. Thus, down to a late period, we hear of the *Aminneum* (*Ἀμιναῖος οἶνος*, Hesych.), from the *Aminnea vitis*, which held the first place among vines, and embraced many varieties, carefully discriminated and cultivated according to different methods (Plin. *H. N.* xiv. § 46; Cato, *R. R.* 6 and 7; Colum. iii. 2, § 7; 9, § 3). It was of Grecian origin, having been conveyed by a Thessalian tribe to Italy (a story which would seem to refer to some early migration), and reared chiefly in Campania around Naples, and in the Falernus ager. Its characteristic excellence was the great body and consequent durability of its wine (*firmissima vina*, Verg. *Georg.* ii. 97; Galen, *Meth. med.* xii. 4; Geopon. viii. 22; Cels. iv. 2; Macrob. ii. 16; Auson. *Ep.* xviii. 32; Seren. Samm. xxix. 544). So, in like manner, the *ψιθίος οἶνος* (Athen. i. p. 28 f), from the *ψιθία ἄμπελος* (Colum. iii. 2, § 24), which Virgil tells us (*Georg.* ii. 93) was particularly suitable for *passum*, and the *καπνίας* (smoke-wine) of Plato the comic poet (Athen. i. p. 31 e), prepared in greatest perfection near Beneventum, from the *κάπνεος ἄμπελος*, so named in consequence of the clusters being neither white nor black, but of an intermediate dusky or smoky hue (Theophr. *H. P.* ii. 4, *C. P.* v. 3; Aristot. *de Gener.* iv. 4; Plin. *H. N.* xiv. § 39; compare xxxvii. § 118, on the gem *Capnias*).

On the other hand, the *Σαπρίας*, on whose divine fragrance Hermippus descants in such glowing language (Athen. i. p. 29 e), is simply some rich wine of great age, "toothless, and sere, and wondrous old" (*ὀδόντας οὐκ ἔχων, ἤδη σαπρὸς . . . γέρων γε δαιμονίως*, Athen. x. p. 441 d; see Eustath. *ad* Hom. *Od.* ii. 340; Casaub. *ad* Athen. i. p. 29). The origin of the title *ἀνθοσμίας* is somewhat more doubtful: some will have it to denote wine from a sweet-smelling spot (Suid. *s. v.*); others more reasonably refer it to the "bouquet" of the wine itself (Hesych. *s. v.*); according to Phanias of Eresus, in one passage, it was a compound formed by adding one part of sea-water to fifty of must, although in another place he seems to say, that it was wine obtained from grapes gathered before they were ripe (Athen. i. p. 32 a; compare p. 462 e).

Those who desire more minute details upon this very extensive subject may consult the Geoponic Collection, books iii. to viii. inclusive; the whole of the 14th book of Pliny's *Natural History*, together with the first sixty sections of the 23rd; the 12th book of Columella, with the commentary of Schneider and others; the 2nd book of Virgil's *Georgics*, with the remarks of Heyne, Voss, and the old grammarians; Galen, vol. vi. 334–339, xiv. 28 ff.; Pollux, vi. foll.; Athenaeus, lib. i. and lib. x.; besides which there are a multitude of passages in other parts of the above authors, in Cato, Varro, and in the classics generally, which bear more or less upon these topics.

Of modern writers we may notice particularly, Prosper Rendella, *Tractatus de Vinea, Vindemia et Vino*, Venet. 1629; Galeatius Landrinus, *Quaestio de Mixtione Vini et Aquae*, Ferrar. 1593; Andreas Baccius, *de Naturali Vinorum Historia*, &c., Rom. 1596, *de Conviviis Antiquorum*, &c., Gronov. Thes. Graec. Antiq.; Sir Edward Barry, *Observations on the Wines of the Ancients*, Lond. 1775; Henderson, *History of Ancient and modern Wines*, Lond. 1824. Some of the most important facts are presented in a condensed form in Becker-Göll's *Gallus*, vol. iii. pp. 412–442, and *Charikles*, vol. ii. 337–352; and in Marquardt, *Röm. Privatalt.* ii. 54–84: cf. also V. Hehn, *Kulturpflanzen*,^{3} pp. 63–84.

[W. R.] [A. S. W.]

VIOCURI. [VIAE.]

VIRGAE. [FASCES.]

VIS. Laws were passed at Rome for the purpose of making various acts of violence criminal. The LEX PLOTIA or PLAUTIA, perhaps named after M. Plautius Silvanus, B.C. 89, appears to have first made *vis* the subject of a special judicium publicum, crimes of violence having previously only been punished when they could be brought under the head of *majestas* or of the *crimen de sicariis et veneficis*. The Lex Plautia was enacted against those who devastated houses, or who occupied public places and carried arms, or who attempted to influence the magistrates and senate by assembling bodies of armed men (Cic. *ad Att.* ii. 24; *de harusp. Resp.* 8, 15; *pro Cael.* 1, 1; the dissertation of Waechter, *Neues Archiv des Criminalrechts*, vol. xiii., reprinted in *Orellii Onomasticon*).

Besides other subsidiary laws under the Republic on the subject of *vis*, the nature of which is doubtful, there was a Lex Julia of the dictator Caesar, which made certain kinds of vis subject to *aquae et ignis interdictio* (Cic. *Phil.* i. 9, 21). Under Augustus the law concerning vis was the subject of two Juliae leges, which consolidated previous enactments and became the basis of subsequent laws. These leges were respectively entitled *de vi publica* and *de vi privata*. There has been considerable difference of opinion as to the meaning of the distinction thus made between vis publica and vis privata. The explanation of some writers is that vis publica was vis exercised by public persons, as by magistrates, while vis privata was that of private individuals. Another view is that vis was *publica* when deadly weapons were employed, *privata* when they were not. The most probable explanation is that originally vis publica meant such vis as was an open violation of a right of the state; vis privata, on the other hand, would be vis which seemed mainly to affect an individual right, though it was made criminal as interfering with the function of the state in maintaining public order (cf. Rein, *cit. infr.*). It is to be remembered, however, that various acts of vis which under the Julian laws were treated as vis privata, were subsequently made vis publica, in order to punish them with greater severity. Hence we find acts mentioned by Paulus (*cit. infr.*) as vis privata included in the Digest under vis publica.

The Lex de Vi Publica did not apply, as the title might seem to import, exclusively to acts against the public peace, and it is not possible to define it except by enumerating its chief provisions (cf. Paul. *l. c.*; Dig. *cit. infr.*). According to the law of the Digest, it was vis publica to collect arms (*tela*) in a house or in a villa except for the purpose of hunting, or going a journey or a voyage, the word *tela* being extensively interpreted so as to be equivalent to *arma*; to attack houses with armed men; to evict a person with an armed force (*hominibus armatis*); to appear in court or in a public assembly with arms for the purpose of intimidation; for a candidate to attempt to influence an election by assembling a mob (*turba*) or a gang of slaves; to cause a mob to assemble for various unlawful purposes; to interfere in various ways with the due administration of justice, as by preventing judices from exercising their functions in security, or by forcibly hindering an accused person from going to Rome to take his trial on the day fixed for it ("ne quis reum vinciat impediatve, quominus intra certum tempus adsit"); to assault or insult ambassadors; for a magistrate to abuse his power by causing a Roman citizen to be tortured (cf. Acts xxiii. 25), or to be executed without allowing an appeal to Rome (cf. Acts xxv. 10–12); for a magistrate to compel people to pay illegal taxes ("qui nova vectigalia exercet"); to interfere by force with the burial of a person; to commit rape; to compel a person by force to promise games or gifts to the people, &c.

The punishment for the violation of the Lex Julia de vi publica was *aquae et ignis interdictio* (subsequently *deportatio in insulam*), except in the case of attacking and plundering houses or villas with an armed band, in which case the punishment was death; and the penalty was the same for carrying off a woman, married or unmarried. The cases enumerated in the Digest as falling within the penalties of the Lex Julia de vi privata, are cases where the act was of less atrocity: for instance, if a man got a number of men together for a riot, which ended in the beating of a person, but not in his death, he came within the penalties of the Lex de Vi Privata.

It was also a case of vis privata when persons assembled in order to prevent a person being brought before the Praetor. The SENATUSCONSULTUM VOLUSIANUM extended the penalties of the lex to those who maintained another in his suit, with a view of sharing the damages awarded to him. The penalty of the law was also extended by imperial enactments to the offence of wrecking ships. It was vis privata to take the law into one's own hands by an act of violence. Thus a creditor who entered on the property of his debtor, which was not hypothecated to him, unless under judicial authority, was guilty of this offence. The penalties of this lex were the loss of a third part of the offender's property; and he was also declared to be incapable of being a senator, or decurio, or a judex; by a senatusconsultum, the name of which is not given, he was incapacitated from enjoying any honour, *quasi infamis*. (Dig. 48, 6, 7; Cod. ix. 12, 13; Paul. *Sent. rec.* v. 26; Rein, *Das Criminalrecht der Römer*, p. 732, &c.; Walter, *Geschichte d. R. R.*; Stephen, *History of the Criminal Law of England*, i. pp. 16, 17.) [G. L.] [E. A. W.]

VIS ET VIS ARMATA. There was an interdict *unde vi* or *de vi* which could be maintained by a man who was forcibly ejected from the possession of a piece of ground or building ("unde tu illum vi dejecisti restituas") against the person who had ejected him. The interdict had two forms, according as to whether deadly weapons had been used in carrying out the ejectment or not. The interdict in the latter case of simple violence is called by Cicero *interdictum quotidianum;* the interdict in case of armed violence was known as *interdictum de vi armata.* When the interdict was brought on account of eviction by ordinary violence, the defendant could defend himself by proving that he himself had been previously evicted by the plaintiff *vi, clam*, or *precario* [POSSESSIO], but he was precluded from this defence if he had been guilty of vis armata. By a constitution of the Emperor Valentinian (Cod. 8, 4, 7), however, it was provided that a person who had evicted another by violence should in all cases restore possessio, and, if owner, should forfeit his property; if not owner, should forfeit the value. Thus the plea that the plaintiff had acquired possession *vi, clam*, or *precario* from the defendant, was excluded in the case of vis quotidiana as well as in that of vis armata. (Dig. 43, 16; Gaius, iv. 154, ed. Poste; INTERDICTUM; POSSESSIO; for an account of the praetorian action *de vi bonorum raptorum*, see FURTUM.) [E. A. W.]

VITRUM (ὕαλος), glass. A singular amount of ignorance and scepticism long prevailed with regard to the knowledge possessed by the ancients in the art of glass-making. Some asserted that it was to be regarded as exclusively a modern invention, while others, unable altogether to resist the mass of evidence to the contrary, contented themselves with believing that the substance was known only in its coarsest and rudest form. It is now clearly demonstrated to have been in common use at a very remote epoch. Various specimens still in existence prove that the manufacture had in some branches reached a point of perfection to which recent skill has not yet been able to attain; and although we may not feel disposed to go so far as Winckelmann (i. c. 2, § 20), who contends that it was used more generally and for a greater variety of purposes in the old world than among ourselves, yet when we examine the numerous collections arranged in all great public museums, we must feel convinced that it was employed as an ordinary material for all manner of domestic utensils by the Egyptians, Greeks, and Romans.

A vitreous glaze is found in remains dating from the earliest periods of Egyptian history, and we find the process of glass-blowing distinctly represented in the paintings of Beni-Hassan, which were executed during the reigns of Usertesen the First and his immediate successors (*circa* 2300 B.C.). The oldest Egyptian glass proper which can be dated with certainty is a vase of opaque blue glass in the British Museum, with a design inlaid in yellow, which includes the name of Thothmes II. (16th cent. B.C.). Vases also, wine-bottles, drinking-cups, bugles, and a multitude of other objects have been discovered in sepulchres and attached to mummies both in Upper and Lower Egypt; and although in most cases no precise date can be affixed to these relics, many of them are referred to an early period. (Wilkinson, *Ancient Egyptians*, iii.^{2} pp. 141 f.; Deville, *L'Art de la Verrerie*, pl. iii.)

The Assyrians also attained to a high degree of skill in glass-making. The oldest piece with a fixed date is an alabastron of bright green glass from the North-west Palace at Nimroud, with the name of king Sargon, B.C. 719 (Layard, *Nineveh and Babylon*, p. 197; Froehner, *La Verrerie ant.* p. 16). This vase is in the British Museum.

A story has been preserved by Pliny (*H. N.* xxxvi. § 191), that glass was first discovered accidentally by some merchants who having landed on the Syrian coast at the mouth of the river Belus, and being unable to find stones to support their cooking-pots, fetched for this purpose from their ship some of the lumps of nitre which composed the cargo. This being fused by the heat of the fire, united with the sand upon which it rested and formed a stream of vitrified matter. The Phoenicians probably learnt the art of glass-making from the Egyptians; but the tale is no doubt connected with the fact recorded by Strabo (xvi. p. 758) and Josephus (*B. J.* ii. 9), that the sand of the district in question was esteemed peculiarly suitable for glass-making, and exported in great quantities to the workshops of Sidon, long the most famous in the ancient world. (See Hamburger and Michaelis on the Glass of the Hebrews and Phoenicians, *Commentar. Soc. Gott.* vol. iv.; Heeren, *Ideen*, i. p. 94.) Alexandria, another centre of the industry, sustained its reputation for many centuries; Rome derived thence a great portion of its supplies, and as late as the reign of Aurelian we find the manufacture still flourishing (Cic. *pro Rabir. Post.* 14, 40; Strabo, *l. c.*; Martial, xi. 11, xii. 74, xiv. 115; Vopisc. *Aurel.* 45; Boudet, *Sur l'Art de la Verrerie né en Égypte; Description de l'Égypte*, vol. ix. p. 213).

Glass is not mentioned in Homer, unless Helbig's theory is accepted that *κύανος* is a blue vitreous glaze (Helbig, *Homerisches Epos*, p. 80). In the deposits of Mycenae and kindred sites, numerous beads, rosettes, pendants, and other ornaments of glass occur. Bottles, however, are very rare; a few only having been found at Ialysos in Rhodes.

There is some difficulty in deciding by what Greek author glass is first mentioned, because the term *ὕαλος*, like the Hebrew word used in the Book of Job (xxviii. 17) and translated in the LXX. by *ὕαλος*, unquestionably denotes not only artificial glass but rock-crystal, or indeed any transparent stone or stone-like substance (Schol. *ad* Aristoph. *Nub.* 768). Thus the *ὕελος* of Herodotus (iii. 24), in which the Ethiopians encased the bodies of their dead, cannot be glass, although understood in this sense by Ctesias and Diodorus (iii. 15), for we are expressly told that it was dug in abundance out of the earth; and hence commentators have conjectured that rock-crystal or rock-salt, or amber, or Oriental alabaster, or some bituminous or gummy product, might be indicated. But when the same historian in his account of sacred crocodiles (ii. 69) states that they were decorated with ear-rings made of melted stone (*ἀρτήματά τε λίθινα χυτὰ καὶ χρύσεα ἐς τὰ ὦτα ἐνθέντες*), we may safely conclude that he intends to describe some vitreous ornament for which he knew no appropriate name. The *σφραγὶς ὑαλίνη* and *σφραγῖδε ὑαλίνα* of an Athenian inscription referred to B.C. 398 (Boeckh, *Corp. Inscr. Gr.* n. 150, § 50), together with the passage in Aristophanes (*Acharn.* 74) where the envoy boasts that he had been drinking with the Great King *ἐξ ὑαλίνων ἐκπωμάτων*, are not decisive. But the early Greek pastes with designs in intaglio, preserved in all museums, make it highly probable that the seals referred to above were of glass. Vessels of glass also appear to be mentioned in the treasure lists at the beginning of the 4th century (*C. I. A.* ii. 645, 646, 656). Setting aside the two problems with regard to glass, attributed to Aristotle, as confessedly spurious, we at length find a satisfactory testimony in the works of his pupil and successor, Theophrastus, who notices the circumstances alluded to above, of the fitness of the sand at the mouth of the river Belus for the fabrication of glass. Blümner, however (*Technologie*, iv. p. 384), questions whether glass was manufactured in Greece itself, even in the time of the Diadochi.

Among the Latin writers Lucretius appears to be the first in whom the word *vitrum* occurs (iv. 604, vi. 991); but it must have been well known to his countrymen long before, for Cicero names it, along with paper and linen, as a common article of merchandise brought from Egypt (*pro Rab. Post.* 14, 40). Glass of Phoenician importation occurs indeed in cemeteries of the 8th century, at Tarquinii (Helbig, *Homerisches Epos*, p. 15). Scaurus, in his aedileship (B.C. 58), made a display of it such as was never witnessed even in after-times; for the *scena* of his gorgeous theatre was divided into three tiers, of which the under portion was of marble, the upper of gilded wood, and the middle compartment of glass (Plin. *H. N.* xxxvi. §§ 114, 189). In the poets of the Augustan age it is constantly introduced, both directly and in similes, and in such terms as to prove that it was an object with which every one must be familiar (*e.g.* Verg. *Georg.* iv. 350, *Aen.* vii. 759; Ovid, *Amor.* i. 6, 55; Prop. iv. 8, 37; Hor. *Carm.* iii. 13, 1). Strabo declares that in his day a small drinking-cup of glass might be purchased at Rome for half an as (xvi. p. 758; compare Martial, ix. 60), and so common was it in the time of Juvenal and Martial, that old men and women made a livelihood by bartering sulphur matches for broken fragments (Juv. v. 48; Martial, i. 42, x. 3; Stat. *Sylv.* i. 6, 73; compare Dio Cass. lvi. 17). When Pliny wrote, manufactories had been established not only in Italy, but in Spain and Gaul also, and glass drinking-cups had entirely superseded those of gold and silver (*H. N.* xxxvi. §§ 192–199), and in the reign of Alexander Severus we find *vitrearii* ranked along with curriers, coachmakers, goldsmiths, silversmiths, and other ordinary artificers whom the emperor taxed to raise money for his thermae (Lamprid. *Alex. Sev.* 24). A list of the glass-workers whose names are known as occurring on extant specimens, is given by Froehner, *La Verrerie antique*, p. 123.

The numerous specimens transmitted to us prove that the ancients were well acquainted with the art of imparting a great variety of colours to their glass; they were probably less successful in their attempts to render it perfectly pure and free from all colour, since we are told by Pliny that it was considered most valuable in this state. It was wrought according to the different methods now practised, being fashioned into the required shape by the blowpipe; or *cut*, as we term it, although *ground* (*teritur*) is a more accurate phrase, upon a wheel; or engraved with a sharp tool, like silver ("aliud flatu figuratur, aliud torno teritur, aliud argenti modo caeiatur," Plin. *H. N.* xxxvi. § 193). The *diatreta* of Martial (xii. 70) were glass cups cut or engraved according to one or other of the above methods. The process was difficult, and accidents occurred so frequently (Mart. xiv. 115) that the jurists found it necessary to define accurately the circumstances under which the workman became liable for the value of the vessel destroyed (Dig. 9, 2, 27, 29). The art of etching upon glass, now so common, was entirely unknown, since it depends upon the properties of fluoric acid, a chemical discovery of the last century.

We may now briefly enumerate the chief uses to which glass was applied. The best idea, however, of the admirable ingenuity and skill of the ancient glass-workers, may be obtained from such a collection as that of the British Museum, or the chief continental cabinets. Specimens of the different types are finely engraved by Froehner, *La Verrerie antique* (1879).

1. Bottles, vases, cups, and cinerary urns. These specimens are extant in immense number and variety. Many which have been shaped by the blowpipe only, are remarkable for their graceful form and brilliant colours. Some have been blown out into moulds, by the blow-pipe, and appear in the form of a bunch of grapes (cf. Achilles Tatius, 2, 3), a shell, or a negro's head. Others are of the most delicate and complicated workmanship. A very remarkable object belonging to the last class, now in the Trivulsi Collection at Milan, is described in the notes to Winckelmann (i. c. 2, § 21) and figured in Vol. I. under DIATRETA. That woodcut, however, hardly does justice to the delicacy of the work, which is

better shown in the photographic plate of Adda, *Ricerche sulle Arti e sull' Industria Romana.* For a description, see DIATRETA, Vol. I., p. 626. A small fragment of a similar vase may be seen in the glass collection of the British Museum. Another cup, found at Strasburg, was dated by the name of the Emperor Maximian (286–310 A.D.). This specimen, which perished in 1870, is engraved by Deville, *L'Art de la Verrerie*, pl. xxxiii A. But the great triumph of ancient genius in this department is the celebrated Portland Vase, formerly known as the Barberini Vase, which is now in the British Museum. It was found in the 16th century at a short distance from Rome, in a marble coffin within a sepulchral vault, pronounced upon very imperfect evidence to have been the tomb of Alexander Severus. The extreme beauty of this urn led Montfaucon and other antiquaries to mistake it for a real sardonyx. Upon more accurate examination it was ascertained to be composed of dark blue glass, of a very rich tint, on the surface of which are delineated in relief elaborately wrought figures of opaque white glass. [See SCALPTURA.] With such samples before us, we need not wonder that in the time of Nero a pair of moderate-sized glass cups with handles (*pteroti*) sometimes cost fifty pounds (*HS. sex millibus*, Plin. *H. N.* xxxvi. § 195). Another method practised with success was that of adding coloured glasses in a fused state to a background, in the manner of enamel. See a medallion with a gryphon, now in the British Museum (*Catalogue of the Slade Collection*, No. 84).

2. Glass Pastes presenting fac-similes, either in relief or intaglio, of engraved precious stones. In this way have been preserved exact copies of many beautiful gems, of which the originals no longer exist, as may be seen from the catalogues of Stosch, of Tassie, and from similar publications. These were in demand for the rings of such persons as were not wealthy enough to purchase real stones, as we perceive from the phrase "vitreis gemmis ex vulgi anulis" (Plin. *H. N.* xxxv. § 48). Large medallions also of this kind are still preserved, and bas-reliefs of considerable magnitude, which successfully imitate precious materials, and in some cases the true material has only been ascertained in quite recent years. (See Winckelmann, i. c. 2, § 27.)

3. Closely allied to the preceding were imitations of coloured precious stones, such as the carbuncle, the sapphire, the amethyst, and, above all, the emerald. These counterfeits were executed with such fidelity that detection was extremely difficult, and great profits were realised by dishonest dealers who entrapped the unwary (Plin. *H. N.* xxxvii. § 197). That such frauds were practised even upon the most exalted in station is seen from the anecdote given by Trebellius Pollio of the whimsical vengeance taken by Gallienus (*Gall.* c. 12) on a rogue who had cheated him in this way, and collections are to be seen at Rome of pieces of coloured glass which were evidently once worn as jewels, from which they cannot be distinguished by the eye. (Plin. *H. N.* xxxvii. § 98; Senec. *Ep.* 90; Isidor. *Orig.* xvi. 15, § 27; Beckmann, *History of Inventions*, vol. i. p. 199, Eng. Trans. 3rd edit.)

4. One very elegant application of glass deserves to be particularly noticed. A number of fine stalks of glass of different colours were placed vertically, and arranged in such a manner as to depict upon the upper surface some figure or pattern, upon the principle of a minute mosaic. The filaments thus combined were then subjected to such a degree of heat as would suffice to soften without melting them, and were thus cemented together into a solid mass. It is evident that the picture brought out upon the upper surface would extend down through the whole of the little column thus formed, and hence, if it was cut into thin slices at right angles to the direction of the fibres, each of these sections would upon both sides represent the design which would be multiplied to an extent in proportion to the total length of the glass threads. Further, if the column is heated and drawn out, the design becomes proportionately minute. When these sections have been again fused together side by side, the result is *millefiori* glass (*Cat. of the Slade Collection*, pl. iv.). Two beautiful fragments evidently constructed in this way are accurately commented upon by Winckelmann (i. c. 2, §§ 22–24); another, more recently brought from Egypt, is shown in Wilkinson's work, Pl. xiv., figs. 5, 6, 7; cf. vol. ii. p. 146. Many mosaic pavements and pictures (*opus musivum*) belong to this head, since the cubes were frequently composed of opaque glass as well as marble, but these have been already discussed under PICTURA, pp. 397 f.

5. One method of decoration employed by the ancients consisted in enclosing designs in gold leaf between two layers of transparent glass. This is most common from the 3rd century A.D., when small Christian subjects are thus represented. Examples also occur of a good Greek period, such as three cups from Canosa, now in the British Museum, perhaps dating from 200 B.C., but these are very rare. The Christian examples have been described by Garrucci, *Vetri ornati di Figure in oro dei Cristiani.* In a few rare examples, the gold leaf has been cut away with a sharp point, in such a way as to produce the effect of a finely-stippled drawing.

6. Thick sheets of glass of various colours appear to have been laid down for paving floors, and to have been attached as a lining to the walls and ceilings of apartments in dwelling-houses, just as scagliola is frequently employed in Italy, and occasionally in our own country also. Rooms fitted up in this way were called *vitreae camerae*, and the panels *vitreae quadraturae.* Such was the kind of decoration introduced by Scaurus for the scene of his theatre, not columns nor pillars of glass as some, nor bas-reliefs as others, have imagined. (Plin. *H. N.* xxxvi. § 189; Stat. *Syl.* i. 5, 42; Senec. *Ep.* 76; Vopisc. *Firm.* c. 3; Winckelmann, i. c. 2, § 21; Passeri, *Lucernae Fictiles*, p. 67, tab. lxxi.)

7. The question whether glass windows were known to the ancients has, after much discussion, been set at rest by the excavations at Pompeii, for not only have many fragments of flat glass been disinterred from time to time, but in the tepidarium of the public baths a bronze lattice came to light with some of the panes still inserted in the frame, so as to determine at once not only their existence, but the mode in which they were secured and arranged. (Mazois, *Palais de Scaurus*, c. viii.

p. 97; *Ruines de Pompéi*, vol. iii. p. 77.) A few specimens of window glass may be seen in the glass collection of the British Museum. [DOMUS, Vol. I. p. 686 *b*.] The same collection also contains a wooden picture-frame of late Graeco-Egyptian origin, with a rebate for a sheet of glass. (Petrie, *Hawara*, pl. xii.)

8. From the time that pure glass became known, it must have been remarked that when darkened upon one side, it possessed the property of reflecting images. We are certain that an attempt was made by the Sidonians to make looking-glasses (Plin. *H. N.* xxxvi. § 193), and equally certain that it must have failed, for the use of metallic mirrors, which are more costly in the first instance, which require constant care and attain but imperfectly the end desired, was universal under the Empire. Respecting ancient mirrors, see SPECULUM.

9. A strange story with regard to an alleged invention of malleable glass is found in Petronius (c. 51), is told still more circumstantially by Dio Cassius (lvii. 21), and is alluded to by Pliny (*H. N.* xxxvii. § 195), with an expression of doubt as to its truth. An artist appeared before Tiberius with a cup of glass. This he dashed violently upon the ground. When taken up, it was neither broken nor cracked, but dinted like a piece of metal. The man then produced a mallet, and hammered it back into its original shape. The emperor inquired whether any one was acquainted with the secret, and was answered in the negative, upon which the order was given that he should be instantly beheaded, lest the precious metals might lose their value, should such a composition become generally known.

Literature.— Franks in *Art Treasures of the Manchester Exhibition* Section *Vitreous Art*; Nesbitt, *Catalogue of the Slade Collection of Glass, Notes on the History of Glass-making* (1871); Blümner, *Technologie*, iv. p. 379; Deville, *Hist. de l'Art de la Verrerie*, 1873; Froehner, *La Verrerie antique*, 1879; Marquardt and Mommsen, *Handb. d. römischen Alterthümer*, vol. vii. (1886), p. 744. References to the older literature may be found in the above works.

[W. R.] [A. H. S.]

VITTA, or plural **VITTAE**, a ribbon or fillet, is to be considered (1) as an ordinary portion of female dress; (2) as a decoration of sacred persons and sacred things.

1. When considered as an ordinary portion of female dress, it was simply a band encircling the head, and serving to confine the tresses (*crinales vittae*); the ends, when long (*longae taenia vittae*), hanging down behind (Verg. *Aen.* vii. 351, 403; Ovid, *Met.* ii. 413, iv. 6; Isidor. xix. 31, § 6). It was worn (1) by maidens (Verg. *Aen.* ii. 168; Prop. iv. 11, 34; Val. Flacc. viii. 6; Serv. *ad* Verg. *Aen.* ii. 133); (2) by married women also, the vitta assumed on the nuptial day being of a different form from that used by virgins (Ovid, *Trist.* ii. 252; Prop. v. 3, 15, and 11, 34; Plaut. *Mil. Gl.* iii. 1, 194; Val. Max. v. 2, § 1). From the word *altera* in Prop. v. 11, 34, Marquardt is probably right in deducing that the vitta of married women was a *double band*, whereas the fillet of maidens was single (Marquardt, *Privatleben*, 46; cf. Becker-Göll, *Gallus*, ii. 31: for the wearing of ταινίαι by Greek brides, see Becker-Göll, *Charikles*, iii. 375;—Stephani, *Compte Rendu*, 1872, p. 192; 1874, p. 140).

The vitta was *not* worn by libertinae even of fair character (Tibull. i. 6, 67), much less by meretrices; hence it was looked upon as an *insigne pudoris*, and, together with the *stola* and *instita*, served to point out at first sight the freeborn matron (Ovid, *A. A.* i. 31; *R. A.* 386; *Trist.* ii. 247; *Ep. ex Pont.* iii. 3, 51).

The colour was probably a matter of choice: white and purple are both mentioned (Ovid, *Met.* ii. 413; *Ciris*, 511;—Stat. *Achill.* i. 611). One of those represented in the cuts below is ornamented with embroidery, and they were in some cases set with pearls (*vittae margaritarum*, Dig. 34, 2, 25, § 2).

The following woodcuts represent back and front views of the heads of statues from Herculaneum, on which we perceive the vitta (*Bronzi d'Ercolano*, vol. ii. tav. 72, 75).

Vittae.

A full discussion of the dressing of the hair and further illustration will be found under COMA.

For ταινίαι and vittae in Greek and Roman funerals as used for the decoration of the dead body and of the bier, see FUNUS, Vol. I. pp. 886, 890 (woodcut), and compare Becker-Göll, *Charikles*, p. 122.

2. When employed for sacred purposes, it was usually twisted round the infula [INFULA], holding together the loose flocks of wool, and depending in streamers (Verg. *Georg.* iii. 487, *Aen.* x. 537; Isidor. xix. 30, § 4; Serv. *ad* Verg. *Aen.* x. 538; Lucan. v. 142). Under this form it was employed as an ornament for (1) priests, and those who offered sacrifice (Verg. *Aen.* ii. 221, x. 537; Tac. *Ann.* i. 57); (2) priestesses, especially those of Vesta, and hence *vittata sacerdos* for a Vestal, κατ' ἐξοχήν (Verg. *Aen.* vii. 418; Ovid, *Fast.* iii. 30, vi. 457; Juv. iv. 9, vi. 50; VESTALES); (3) prophets and poets, who may be regarded as priests, and in this case the vittae were frequently intertwined with chaplets of olive or laurel (Verg. *Aen.* iii. 81, vii. 665;—Stat. *Silv.* ii. 1, 26; *Achill.* i. 11; *Theb.* iii. 466); (4) statues of deities (Verg. *Aen.* ii. 168, 296; compare Stat. *Silv.* iii. 3, 3); (5) victims decked for sacrifice (Verg. *Georg.* iii. 487, *Aen.* ii. 133, 156, v. 366; Ovid, *Ep. ex Pont.* iii. 2, 74; Stat. *Achill.* ii. 301); (6) altars (Verg. *Ecl.* viii. 64, *Aen.* iii. 64; ARA, Vol. I. p. 158 *a*); (7) temples (Prop. v. 9, 27; compare Tac. *Hist.* iv. 53); (8) the ἱκετηρία of suppliants (Verg. *Aen.* vii. 237; viii. 128). Here the vittae seem to have served to bind the festoons of wool upon the branches which were borne in the hand (Verg. *Aen.* vii. 237, viii. 128; Hom. *Il.* i. 14; Plut. *Thes.* 18; Soph. *O. T.* 3).

The sacred vittae, as well as the infulae, were made of wool, and hence the epithets *lanea* (Ovid, *Fast.* iii. 30) and *mollis* (Verg. *Ecl.* viii.

64). They were white (*niveae*, Verg. *Georg.* iii. 487; Ovid, *Met.* xiii. 643; Stat. *Theb.* iii. 466), or purple (*puniceae*, Prop. v. 9, 27), or azure (*caeruleae*) when wreathed round an altar to the manes (Verg. *Aen.* iii. 64).
[W. R.] [G. E. M.]

ULNA (ὠλένη), properly the fore-arm from the shoulder to the wrist, is also used for the whole arm, and even for the whole span of both arms; and hence, as a measure of length, it appears to be used with different significations. In most of the passages in which it occurs (Verg. *Georg.* iii. 355; Ovid, *Metam.* viii. 750; Hor. *Epod.* iv. 8) there is nothing to determine its length, but Hultsch is probably right in taking it to be one-third of the ὀργυιὰ or arm-stretch of nearly 6 feet, and therefore one-third of the human body. Hence in Verg. *Ecl.* iii. 105 three ulnae = the size of the body, and so the size of the grave of Caelius. Pliny, however, uses it as equivalent to the ὀργυιὰ, as may be seen from *H. N.* xvi. § 202, xxxii. § 133, compared with § 203 (Hultsch, *Metrol.* p. 78). [P. S.] [G. E. M.]

ULTROTRIBU'TA. [CENSOR, Vol. I. p. 402 *b*.]

UMBELLA. [UMBRACULUM.]

UMBILI'CUS. [LIBER.]

UMBO. [CLIPEUS; TOGA.]

UMBRA'CULUM, UMBELLA (σκιάδειον, σκιαδίσκη). Umbrellas and fans are shown on both Assyrian and Egyptian monuments before the 7th century B.C., and it may be assumed that they came to Greece with other articles of Oriental luxury about that period. By the 5th century, the use of umbrellas was so established at Athens that they were carried by the daughters of the aliens (μέτοικοι) after the Athenian maidens in the procession at the PANATHENAEA [p. 327 *a*]. So far, indeed, were they from appearing strange or incongruous that on the Eastern frieze of the Parthenon the god Eros holds the parasol of his mother Aphrodite. Such umbrellas and parasols appear on vase-paintings, from those of the perfect Attic style down to the latest South Italian wares. The accompanying cut from a vase of the latter class (Millin, *Peintures de Vases Antiques*, vol. i. pl. 70) shows a lady wearing a χιτών [TUNICA] and small ἱμάτιον [PALLA], and holding a parasol over her bare head. In other paintings ladies sit on chairs shading themselves with a parasol, while in not a few a slave holds it above his mistress's head. All these pictures show forms, like those used nowadays, with a frame-work of ribs (*virgae*) which could be opened and shut (Aristophanes, *Eq.* 1347 f., τὰ δ' ἄντ' .... ἐξεπετάννυτο, ὥσπερ σκιάδειον καὶ πάλιν ξυνήγετο: cf. Ovid, *Art. Am.* ii. 209, "ipse tene distenta umbracula virgis").

Umbraculum. (From a vase-painting.)

The use of umbrellas was almost confined to women, for, as has been explained in the article PILLEUS, it was considered effeminate for men to wear a protection against the sun except when travelling. Some luxurious fops or upstarts, however, like the περιφόρητος 'Αρτέμων of Anacreon (Athen. xii. p. 534 *a*), occasionally braved public opinion and used them. In Hellenistic times a large straw hat came into fashion, doubtless as a substitute for the parasol. It is shown on an immense number of terra-cotta figures from Tanagra, Myrina, and all over the Greek world. The θολία which Praxinoa puts on in the famous toilet scene in Theocritus (*Id.* xv. 39) seems to have been something of this kind (Schol. *in* Theocr. *l. c.*; Pollux, vii. 174, x. 127; Jahn, *Arch. Beiträge*, p. 403).

At Rome the practice of using parasols probably came in with the Greek fashions which prevailed in the last two centuries of the Republic. The Roman lady walked with her parasol carried by an attendant slave (*pedisequus* or *pedisequa*; cf. Claud. *in Eutrop.* i. 464, "[Eunuchi] umbracula gestant virginibus;" Mart. xiv. 73, 6), whose place might be taken by a diligent wooer if he wished to win her good graces (Ovid, *l. c.*). Parasols were in great demand at the amphitheatre, for the *velum* was not always sufficient to keep off the sun, and it seems to have been the fashion to adopt the colour—green, &c.—of one's favourite faction on them (Juv. ix. 50; Mart. xiv. 28). [See Paciandi, *de Umbellae gestatione*, Rome, 1752; Baumeister, *Denkmäler*, art. Sonnenschirm; Iwan Müller, *Handbuch*, pp. 433, 440; Hermann-Blümner, *Privatalterth.*, p. 195 f.; Becker-Göll, *Charikles*, i. 201; Blümner, *Leben und Sitten*, p. 73; Marquardt, *Privatleben*, p. 148; Böttiger (ed. Fischer), *Sabina*, pp. 132, 135, 161.] [W. S.] [W. C. F. A.]

U'NCIA. [AS; PONDERA. Table No. XIII. at the end of the volume.]

UNCIA'RIUM FENUS. [FENUS.]

UNCTO'RES. [BALNEAE.]

UNGUENTUM (ἔλαιον, μύρον, σμῆμα or σμῆγμα). The term includes all the products of the perfumer, whether used for health or luxury; oils, ointments, pomatums, essences, salves. The first and simplest of unguents, oil, is mentioned repeatedly in Homer, usually in connexion with the bath (λοῦσαν καὶ χρῖσαν ἐλαίῳ, ἤλειψεν λίπ' ἐλαίῳ are quite stock phrases); and to the latest times it remained associated with bathing and athletic contests [ATHLETAE; BALNEAE]. The more elaborate arts of perfumery had early attained an extraordinary development in the East; the Greeks, for whose practice the comic writers are our fullest witnesses, rapidly acquired the same tastes; the Romans did not wait till they had direct intercourse with the East, but learnt these arts at an early period from the luxurious cities of Magna Graecia.

Among the various and costly oils which were used partly for the skin and partly for the hair, the following are enumerated by Pliny (*H. N.* xiii. §§ 4–18): Delium, Mendesium, irinum, rhodinum or rosaceum, crocinum (cf. Propert. iii. 10, 22=iv. 9, 22 Müller), oenanthinum, amaracinum (cf. Lucret. ii. 847, iv. 1179, vi. 973), melinum, cyprinum, metopium, Panathenaicum, pardalium, narcissinum, sampsuchinum, susinum, sesaminum, telinum, megalium or megalesium, balaninum, nardinum, spicatum. Other favourites, likewise mentioned by Pliny, are myrrh (Propert. i. 2, 3), malobathrum (Hor. *Carm.* ii. 7, 8), costum (Id. *ib.* iii. 1, 44, with Orelli's excursus), amomum (Verg. *Ecl.* iii. 89, iv. 25), cardamomum, cinnamomum, &c., besides mineral products. A regale unguentum made for the Parthian kings was compounded of 25 precious substances (Plin. *l. c.* § 18). Soap, a Gallic or perhaps rather a German invention (Beckmann, *Hist. of Inv.* ed. Bohn, ii. 92), was used as a pomatum rather than a detergent, and imparted to the hair the red or yellow tinge so much in fashion among the Romans: the "sapo, Gallorum hoc inventum rutilandis capillis" of Pliny (*H. N.* xxviii. § 191, where the word *sapo* occurs for the first time) is doubtless identical with the *spuma Batava*, *caustica spuma*, and *Mattiacae pilae* of Martial (viii. 33, 20; xiv. 26 and 27; cf. *Dict. Geogr.* art. *Mattiaci*). This fancy for light hair was as old as Cato: "flavo cinere unctitabant, ut rutilae essent" (*ap.* Serv. *ad Aen.* iv. 698; cf. Val. Max. ii. 1, § 5). The "hair-restorers" also came from Germany: "femina canitiem Germanis excitat herbis" (Ov. *A. Am.* iii. 163). The effects of these *herbae* and *venena* were sometimes disappointing (Id. *Amor.* i. 14 *passim*), when recourse was had to the same country for the false hair which then became necessary (cf. GAUSAPE, last paragraph).

In addition to these oils the ancients also used various kinds of scented powders, called by the general name of διαπάσματα (Theophr. *Odor.* 8; Dioscor. i. 6; [Lucian] *Amor.* 39). To what an excess the habit of using fragrant oils and the ike was carried, appears from Seneca (*Ep.* 86, § 12), who says that people anointed themselves wice or even three times a day. At Rome, however, these luxuries did not pass unrebuked n the time of Scipio (Gell. vi. [vii.] 12, § 5); nd still later, in B.C. 89, the censors positively orbade the sale of exotic unguents (Plin. *H. N.* iii. § 24). The wealthy Greeks and Romans arried their oils and essences with them, specially when they bathed, in small boxes of ostly materials and beautiful workmanship, which were called *narthecia* (Cic. *de Fin.* ii. 7, 22; Mart. xiv. 78; cf. Böttiger, *Sabina*, i. 52). nother very common kind of scent bottle was he ALABASTRUM. It was, however, thought ndignified to carry one's own oil flask to the ublic baths, instead of having it borne by a ave: such persons were called αὐτολήκυθοι (L. nd S., ed. 7, *s. v.*; Sandys, *Excurs. on Dem.* ii. 27 ff.). The traffic which was carried on in hese ointments and perfumes in several towns of Greece and Southern Italy was very considerable. The persons engaged in manufacturing them were called by the Greeks μυρεψοί and μυροπῶλαι (see L. and S. *s. vv.*), by the Romans *unguentarii* (Cic. *de Off.* i. 42, § 150; Hor. *Sat.* ii. 3, 228), or, as they frequently were women, *unguentariae* (Plin. *H. N.* viii. § 14), and the art of compounding them *unguentaria*. In the wealthy and effeminate city of Capua there was a street or square called the Seplasia, which consisted entirely of shops in which unguents were sold (Cic. *in Pison.* 11, § 24; Asconius *ad loc.*; *de Lege Agr.* ii. 34, § 94; *pro Sest.* 8, § 19). On oils and unguents, see especially Becker-Göll, *Gallus*, iii. 157–167. For the cosmetics employed in painting the face, see FUCUS; for the detergents used instead of soap for washing, see FULLO; on the antiquities of the toilet generally, the work of Böttiger, *Sabina oder Morgenscenen im Putzzimmer einer reichen Römerin*, 2 vols. Leipzig, 1806, is not yet superseded. [L. S.] [W. W.]

UNIVERSITAS. The philosophical division of things (*res*) in the widest sense of the term into *res corporales*—objects of the senses—and *res incorporales*—objects of the intelligence only (Cic. *Top.* 5; Sext. Empir. *adv. Mathemat.* 3; Quintil. *Hist.* v. 10, 116; Gell. v. 15; Boeth. *Top.* iii. &c.), was applied to the objects of rights by the Roman jurists (Gaius, ii. 12–14; Dig. 1, 8, 1, 1; Inst. ii. 2, pr. 2), who were perhaps led to this way of regarding the matter by the fact that every action *in rem* related to either a corporeal thing or an incorporeal right ("si paret, rem actoris esse . . . si paret, jus utendi fruendi actoris esse"). If this is so, *res* originally meant in legal phraseology any thing of which it could be said "meum est," whether a corporeal thing or an incorporeal (real) right; but later, by an extension of meaning, *res incorporalis* came to include all rights other than dominium (which fell under *res corporalis* because the Romans habitually identified it with the *thing* over which it existed), especially the rights *in personam* termed *obligationes* (Gaius, ii. 14; Inst. ii. 2, 2).

Every thing which is in its nature divisible can be conceived as consisting of parts, in contrast with which it is itself a unit or universitas (*e.g.* "universitas agrorum," Dig. 50, 16, 239, 8; "fundi," Dig. 41, 4, 2, 6); and if this be done with reference to the subjection of one of those parts to exclusive rights in a person, that part is itself conceived as a unit or independent object of rights, and the whole is regarded *pro diviso*, as though it were divided ("Quintus Mucius ait, partis appellatione rem pro indiviso significari, nam quod pro diviso nostrum sit, id non partem, sed totum esse, Servius non ineleganter partis appellatione utrumque contineri," Dig. 50, 16, 25, 1). But some things consist of parts which cannot be physically divided from it without an essential change in their nature, and in relation thereto such a thing cannot be regarded *pro diviso*; the whole can be the object of rights, but a physical part of it cannot. The stones, for instance, of which a house is built, are not parts of it in the sense that they cannot be removed without a change in their nature, and consequently they can be owned *pro diviso* even while unseparated; but the house itself is an integral part of the soil on which it stands, apart from which it cannot be an independent object of rights; nor can one person own the right arm of a slave, another the left, or one the head and shoulders of a horse, another the hinder quarters. The contrast between the two is thus put by Pomponius: "[unum genus corporum] continetur uno spiritu et Graece ἡνωμένον vocatur, ut homo tignum lapis et similia: alterum quod ex contingentibus hoc est pluribus inter se cohaerentibus constat, quod συνημμένον vocatur, ut aedificium navis armarium" (Dig. 41, 3, 30, pr.).

But a thing, even though physically indivisible (as a slave), may be conceived as consisting of ideal or intellectual parts: *e.g.* one person may own a field or a slave in one-third, and another may own him in two-thirds: "servus communis sic omnium est, non quasi singulorum totus, sed pro partibus, utique indivisis, ut intellectu magis partes habeant quam corpore" (Dig. 45, 3, 5): and if such a part is regarded as the object of exclusive rights, the thing is nevertheless taken *pro indiviso*, and is said to belong to two or more persons in common: no one can say that any particular physical part belongs to him exclusively. Here the whole is corporeal, the parts are intellectual. But conversely there are cases in which, though the parts are corporeal, the whole is intellectual or ideal only; as when there is a number of independent corporeal things not materially connected, but connected in thought owing to some common end or purpose so as to form in idea a whole: *e.g.* the books composing a library, or the sheep which make up a flock (Inst. ii. 20, 18). Where the purpose of the several things, so far from being different from and independent of the general purpose for which the idea is formed, is subservient to that general purpose, such intellectual wholes, consisting of corporeal parts which may be completely changed without *its* ceasing to be the same, are treated as independent objects of property, so that (*e.g.*) they can be pledged (Dig. 20, 1, 13, pr.; *ib.* 34, pr.); they are juristic "things," and are called *universitates rerum*, just as *universitates personarum* are juristic persons, or sometimes *universitates rerum distantium* to distinguish them from the so-called *universitates rerum cohaerentium*, exemplified in the passage of Pomponius cited above. Passages in which these *universitates rerum* (*distantium*) are characterised may be found in Inst. ii. 20, 18;—Dig. 30, 22; *ib.* 7, 1, 70, 3; *ib.* 6, 1, 1, 3; *ib.* 3, pr.

But the term *universitas* is not applied merely to "things" in the narrower signification. Upon its Roman use in the sense of an aggregate of proprietary rights (whether real or personal) and liabilities, especially with reference to hereditas—though we also read of peculia (Dig. 5, 3, 20, 10) and dotes (Dig. 33, 4, 1, 4) as universitates—modern jurists have founded the conception of a "universitas juris," the complex of a man's assets and liabilities, which may be the object of succession, as upon death, adrogatio, conventio in manum, &c. [SUCCESSIO]. And from its other Roman use in the sense of the aggregate of persons belonging to a corporation (Dig. 1, 8, 1, pr.; *ib.* 2, pr.; *ib.* 6, 1; *ib.* 3, 4, 2; *ib.* 7, 1 and 2; *ib.* 46, 8, 9), they have coined the expression *universitas personarum* as denoting one of the species of what are now usually termed "juristic persons."

It is only the individual man who can properly be regarded as the subject of rights and duties, and it is he who determines for himself the ends to which his property shall be devoted. But there are some ends which concern more men than the single individual, and these may often be attained by the formation of a partnership between those to whom they are an object; and others of a wider and more enduring interest still, which are an object to successive generations, *e.g.* to the inhabitants of a town, the citizens of a state, the members of a family, the practitioners of an art—or even to all mankind, as is the case with civilisation and religion. The attainment of these is facilitated by certain funds being set aside and administered for that very purpose; and thus the end seems to resemble man, for to it is ascribed the proprietary capacity which only man can properly possess, and the foundation which is its outward symbol is conceived as a person is said *personae vice, privatorum loco, esse* (Dig. 46, 1, 22; 50, 16, 16), and is described as owner, heir, creditor, and debtor (Dig. 34, 7, 1; *ib.* 4; 1, 3, 49, 4): communities of persons organised for permanent public purposes are in the writings of the Agrimensores (pp. 16, 54, ed. Lachmann) called *persona publica*, *persona colonia*. This is the notion of a juristic person, of which there may be said to be two kinds: corporations (*corporatio*, Nov. Severi, ii., but more ordinarily *corpus* in the authorities: the moderns speak of *universitates personarum*), and funds or property-aggregates devoted to some permanent and definite object, which, so far as proprietary rights are concerned, the state has endowed with personality and legal capacity: these are by modern writers often termed *universitates bonorum*, an expression which the Romans appear to use only in the sense of an inheritance (Dig. 6, 1, 1, pr.; 29, 1, 18, pr.).

Of corporations the following kinds occur:—(1) The Roman State, Respublica, considered as the subject of rights and duties comprised under Private Law: its property, and legal personality in respect of property, are also called Fiscus or Aerarium, though some writers (*e.g.* Baron, *Pandekten*, § 30) treat the Fiscus and State together as a juristic person of anomalous character, which cannot properly be classed as a corporation at all. By the classical jurists *respublica* is most commonly used to express a civitas dependent on Rome, not Rome herself. (2) Political or local subdivisions of the people, such as civitates, municipes, communes or communitas, vicus, colonia, provinciae, fora, conciliabula, castella (the last three, though not mentioned in the legislation of Justinian, occurring in the Tabula Heracleensis, the Lex Rubria de Gallia Cisalpina, and in Paulus, *Sent. rec.* iv. 6, 2). (3) Military subdivisions, such as legions (Dig. 28, 3, 6, 7; 41, 3, 30, pr.;—Cod. 6, 62, 2). (4) Associations of official persons and administrative authorities, of which the body of scribae became one of the most numerous and important through being employed in all branches of the administration. The general name was Scribae, which included the subordinate corporations termed Decuriae librariorum, fiscalium, censualium (Dig. 37, 1, 3, 4; 46, 1, 22; 29, 2, 25, 1;—Cod. 11, 13), whose individual members, called decuriati and subsequently decuriales, had great privileges at Rome and subsequently at Constantinople (Cic. *in Verr.* iii. 79; *ad Quint. fratr.* ii. 3; Tac. *Ann.* xiii. 27; Sueton. *Octav.* 57, *Claud.* 1). Similarly the decuriones of a town were regarded as a corporation distinct from the general body of Municipes, as in Cod. 6, 62, 4; Dig. 4, 3, 15, where it is stated that an action for dolus will not lie against the Municipes, of which a fictitious person cannot be guilty, but that such action will lie against the individual decuriones who administer the affairs of the Municipes. (5) Associations of religious persons, collegia templorum (Dig. 32, 38, 6), such as the priests of the various gods and the Vestal Virgins. (6) Associations for trade and commerce, as Fabri, Pistores, Navicularii (Dig. 3, 4, 1, pr.; 50, 13, 5, 13), the bond between whom was their common calling, though each worked on his own account. Under this head also fall certain partnerships, which, though termed *societates*, had a permanent corporate existence, such as the associations for farming the taxes (*societates publicanorum*), and for working mines (*salinae:* Dig. 3, 4, 1, pr., and 1; 37, 1, 3, 4; 47, 2, 31, 1). (7) The associations in the nature of modern clubs which were called Sodalitates, Sodalitia, Collegia Sodalitia. These were in origin friendly associations for purposes of common feasting and worship, but in course of time many of them acquired a political character, and in periods of commotion became centres of faction and intrigue, their members crowding together in public places (Cic. *ad Quint. frat.* ii. 3), so that at last the senate was compelled to propose a law subjecting those who would not disperse to the penalties of *vis*. According to Asconius, this was followed by a general dissolution of collegia, but in fact those only were dissolved which were of a mischievous character; and under the emperors the rule was established that no collegium of this or the preceding class could be founded without permission from the princeps or senate, which was granted only on special grounds (Dig. 47, 22, 1–3; 3, 4, 1, pr.). (8) There were also in the imperial period Collegia Tenuiorum (Dig. 47, 22, 1, pr.; *ib.* 3, 2), associations of poor people for mutual support, and especially to secure their members decent burial. A man could only belong to one of them: the members might meet only once a month, and paid monthly contributions. To clubs of this class even slaves could belong, on obtaining permission from their masters. Upon the whole subject compare the article on Collegia.

Of the rights comprised in private law, some only can reside in corporations. An independent property or proprietary capacity is essential to the corporate character: "quibus autem permissum est corpus habere .... proprium est ad exemplum reipublicae habere res communes, arcam communem et actorem sive syndicum, per quem, tanquam in republica, quod communiter agi fierique oporteat, agatur fiat" (Dig. 3, 4, 1, 1). Corporations could own, possess, owe, be owed, and institute legal proceedings; they could possess the jus patronatus, but none of the family rights, and many of them, though capable of taking legacies, were excluded from succeeding deceased persons by way of inheritance (Dig. 30, 117, 122; *ib.* 73, 1). A corporation is not identical with its members at any given time, and remains the same "person" unaffected by changes in them (Dig. 3, 4, 7, 2); they do not share *pro parte* in its rights and liabilities ("si quid universitati debetur, singulis non debetur, nec quod debet universitas singuli debent," Dig. *ib.* 7, 1), and can become its debtors and creditors in precisely the same way as other persons can (Dig. *ib.* 9). Their rights and duties, as such members, vary with the character of the corporation itself, which may be established entirely or principally for their benefit, so that sometimes the members for the time being may be entitled to divide its property between themselves on its dissolution. Having no will of its own (Dig. 41, 2, 1), it can perform legal acts only through agents, whether these be its presidents (*magistri, rectores*) or subordinate officials, especially those appointed for the conduct of litigation (*syndici, actores*); and what these agents decide on and do within the scope of their authority is regarded as the determination and act of the corporation itself (Dig. 35, 1, 97; 50, 1, 14). Who are its duly authorised agents is usually defined by its constitution: but in the absence of such definition the aggregate of its members are to be considered its natural representatives, and the acts and resolutions of a majority at a duly summoned meeting to be taken as conclusive (Dig. 19, 160, 1; Cod. 10, 63, 5, 1), unless contrary to positive law or the interests of the public (Dig. 47, 22, 4).

Some corporations were established by the state: but the chief mode in which they arose was the voluntary association of a number of persons (not less than three: Dig. 50, 16, 85) for a common purpose which was neither unlawful nor immoral. Whether a special recognition of the associated persons as a corporation by the state was essential cannot perhaps be regarded as settled; but (notwithstanding Dig. 3, 4, 1; 47, 22, 3, 1) the better opinion would seem now to be that an association might be invested with the corporate character under general law or custom, and that as a rule it could not be denied to any lawful combination of persons so organised as to create a fund of property distinct from that of the associated persons themselves (Windscheid, *Lehrbuch*, § 60, note 3).

A corporation was dissolved by the death or withdrawal of all its members: "In universitatibus nihil refert, utrum omnes iidem maneant, an pars maneat vel omnes immutati sint: sed et si universitas ad unum redit, magis admittitur posse eum convenire et conveniri, cum jus omnium in unum reciderit et stet nomen universitatis" (Dig. 3, 4, 7, 2). But it cannot as a rule be extinguished by a resolution of its members. Of course, where no public interest stands in the way, these can agree unanimously to withdraw from the corporation and so put an end to its existence: but in such a case unanimity is indispensable unless it is provided by the constitution of the corporation itself, that for this purpose (as for others) a majority shall be able to bind a minority. It could also be dissolved by its object becoming unlawful, as where the state prohibits associations of certain kinds which hitherto have been perfectly legal (*e.g.* the collegia sodalitia), or declares a single corporation extinct on grounds of policy (Dig. 7, 4, 21). Upon dissolution, the property of those corporations whose members were jointly entitled to its funds or income was divided among them; in other cases, any resolution of the members made before extinction as to what was to become of it was binding: if there had been no such resolution, the property went as *bona vacantia* to the Fiscus.

The second class of juristic persons (the so-called *universitates bonorum*) are those which are not necessarily supported by any natural person—a support which, as has been seen, was essential to the existence of a corporation: they are so much property, or aggregates of rights and duties, personified and regarded as capable of perpetuating their separate existence and fictitious unity indefinitely. These were uncommon at Rome before the adoption of Christianity as the state religion, though by special favour of the emperor or senate certain temples were endowed with capacity of inheriting property (Ulpian, *Reg.* 22, 6): but after Constantine's religious reformation the character of the juristic person came to be possessed by foundations established for the encouragement of the new worship, such as churches, monasteries, and religious houses generally, and by other institutions of a charitable nature, such as hospitals and almshouses, which Christianity regarded with peculiar favour (Cod. 1, 2, 23; 1, 3, 35, 46). A juristic person of any of these kinds came into existence by the dedication by any one, even in his last will, of property to a permanent end of religious or charitable character: it had full proprietary rights, including capacity to take by inheritance no less than by legacy (Cod. 1, 2, 23; 1, 3, 24, 49): like a corporation, it could act only through agents, the appointment of whom, if not provided for in the constitution of the juristic person by its founder (Cod. 1, 3, 46, 3), was entrusted to the public magistrates (*ib.* 49, 6; *Nov.* 131, 11). Alienation of property belonging to such foundations was subject to important restrictions (*Nov.* 120).

It is disputed whether the character of a juristic person can be ascribed to the successive holders of an office or magistracy (after the fashion of English "corporations sole"): but this would seem to be the case, inasmuch as a legacy to "the emperor" or "the holder of such and such a magistracy" was good without further specification (Dig. 31, 56, 2; 33, 1, 20, 1; 50, 1, 25). There is the same question with regard to a *hereditas jacens*, i.e. a man's property in the interval between his decease and acceptance by an heir, of which it is said "hereditas vice defuncti fungitur, personam defuncti sustinet" (Dig. 41, 1, 33, 2; *ib.* 34; 28, 5, 31, 1, &c.), and which, even while *res nullius*, could acquire fresh rights and incur fresh liabilities. It is difficult to explain such properties without attributing to an inheritance a fictitious juristic personality, while at the same time it is impossible to classify it with either of the two groups of juristic persons treated above.

The term *Universitas* was adopted in the Middle Ages to denote certain great schools, but not *as* schools: it denoted these places as corporations, *i.e.* as associations of individuals. The adjunct which would express the kind of persons associated would depend on circumstances: thus, in Bologna, the expression "Universitas Scholarium" was in common use: in Paris, "Universitas magistrorum." The school as such was called Schola, and from the 13th century most commonly Studium: and if it was a distinguished school, it was called Studium Generale. The first occasion on which the term *universitas* was applied to a great school is said to be a Decretal of Innocent III. of the beginning of the 13th century, addressed "Scholaribus Parisiensibus." (Dig. 3, 4; Puchta, *Institutionen*, § 222; Savigny, *System*, &c. i. p. 378, ii. 235, iii. 8; Dirksen, *Historische Bemerkungen über den Zustand der juristischen Personen nach röm. Rechte*, in his *Civil. Abhandlungen*, ii. 1; Pfeifer, *Die Lehre von den juristischen Personen*, Tübingen, 1847; Uhrig, *Ueber die jur. Personen*, Dillingen, 1854.) [J. B. M.]

VOCATIO IN JUS. [ACTIO, Vol. I. p. 14 *a*.]

VOCONIA LEX. This law was passed on the motion of Q. Voconius Saxa, trib. pleb., with the strong support of the elder Cato, A.U.C. 585 = B.C. 169 (Cic. *Sen.* § 14; Liv. *Epit.* xli.). Its provisions appear to have been two: (1) That, beginning with the censorship of A. Postumius Albinus and Q. Fulvius Flaccus (A.U.C. 581–585), no one enrolled in the burgher list as having a property of 100,000 asses (*qui centum milia aeris census est*) should make any maiden or woman his heir (Cic. *Verr.* i. 42, § 107; Gaius, ii. 274). Vangerow (in his treatise, p. 13) points out that this sum was the maximum qualification for the first class of Servius Tullius' arrangement (Liv. i. 43); and that as Cato's speech contained a reference to this classification, the restriction imposed by this law was in fact imposed upon the *classici* or first class (Gell. vii. 13). Dio Cassius (lvi. 10) gives the limit as 25,000, probably meaning *drachmae*, which were equal to 100,000 sesterces, and that is the amount named by Pseudo-Asconius (*ad* Cic. *Verr.* l. c.). Whether this substitution of "sesterces" for "asses" is due to mistake, or more probably to the tacit substitution in popular interpretation of the current coin for an extinct or disused one, cannot be decided (cf. Marquardt, *Staatsverw.* ii.^{2} p. 15). A Vestal Virgin was allowed to make a woman her heir (Cic. *R. P.* iii. § 17).

(2) Another clause (general in terms, and not confined to the case of women) provided *ne cui plus legatorum nomine mortisve causa capere liceret quam heredes caperent:* and Gaius points out, that if there were many legatees, the portion left to the heir might be very small (Gaius, ii. 226, followed by Theophil. *Inst.* ii. 22). Cicero refers to the law in words which are easily reconcilable with this, but, if taken strictly, mean that no one enrolled (*i.e.* in the first class) could give in legacies an amount more than would come to the heir or heirs (*Verr.* i. 43, § 110); a provision which would secure the heir or heirs at least half the estate. Quintilian's 264th Declamation has "ne liceat mulieri nisi dimidiam partem bonorum dare;" but this, whatever be its worth, is still consistent

with Gaius, as showing the maximum which a woman could take under a will. This second clause was practically repealed by the Lex Falcidia (Gaius, ii. 227).

The Voconian law did not interfere with a woman's rights to her share in an intestate estate (Gaius, iii. 1 *sqq.*), nor with the claim of a daughter, granddaughter, &c. to a share where the will contained no disinheriting clause (Gaius, ii. 124 *sqq.*). Hence a father, though unable to make his only daughter heir by his will (Augustin, *Civ. D.* iii. 21), could bequeath her (not exceeding) one-half of his estate, or, if she was in his power, by omitting to disinherit her, could by the operation of the general law in effect leave her an equal share with other children, or, if strangers were made heirs by the will, could leave her one-half the estate. If he made a will and expressly disinherited her, she could contest the will, as undutiful (*inofficiosum*); and if no good cause for her disinherison were shown, she would obtain at least a share (Paul. iv. 5; Dig. 5, 2). If he made no will, she would get an equal share with other *sui heredes*.

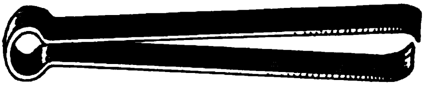
The intention of the Voconian law apparently was to curb the extravagance, by limiting the pecuniary means, of women (Gell. xvii. 6; xx. 1, § 23). One of the interlocutors in Cic. *R. P.* iii. 10 attacks its aim, and also its provisions, by pointing out that by not fixing a maximum sum which a woman could take or hold, the law would work (in one or other of the above-named ways) very unequally in the case of fathers of different degrees of wealth. Moreover, from Cic. *Verr.* l. c., it is clear that rich persons, by not being enrolled, perhaps purposely, perhaps by irregularity in taking the census (cf. Huschke, *Census*, p. 61), were sometimes free from the operation of the law. Trusts (*fideicommissa*), too, afforded another means of escaping what seemed to some an unnatural law. In Cicero's time trusts were not legally enforceable (Cic. *Fin.* ii. 17, § 55); but when after Augustus trusts were protected by the praetor, the Voconian law could thereby be nullified at will (Gaius, ii. 274). Its provisions were relaxed by the Lex Papia Poppaea (Dio Cass. lvi. 10) in favour of those who had children, and it was probably repealed in fact, though not formally, before the time of Gaius (Gell. xx. 1, § 23). What was the interpretation of "census" in this law after the last burgher list was made by Vespasian is not known (Mommsen, *Röm. Staatsr.* ii.^{2} p. 408).

The words of Pliny (*Pan.* 42), "Locupletabant et fiscum et aerarium non tam Voconiae et Juliae leges, quam," &c. probably refer to the claims of the public treasury to inheritances left vacant or legacies lapsed in consequence of violation of the Lex Voconia, and of the Lex Julia de maritandis ordinibus or of that which imposed a 5 per cent. succession duty (*vicesima hereditatum*). Cf. Voigt, *Condict.* p. 227; Huschke, *ZRG.* v. 178. The policy, though not the words, of the Lex Voconia is thought by Paulus (iv. 8, § 20) to have led (*jure civili Voconiana ratione effectum*) to restricting the claims of women as heirs of an intestate estate to those who were *sui heredes* or *consanguineae* and not to further degrees.

Of the many discussions on this law, see particularly Savigny, *Verm. Schr.* i. 407 *sqq.* (1820, 1849); Haase, *Rhein. Mus.* iii. 183 *sqq.* (1829); v. Vangerow, *Lex Voconia* (1863). [H. J. R.]

VOLCANA'LIA, a festival celebrated at Rome in honour of Vulcan, on the 23rd of August (x. *Kal. Sept.*), with games in the Circus Flaminius, where the god had a temple (*C. I. L.* vi. 2295; Jordan, *Ephem. Epig.* i. 36, 230). The sacrifice on this occasion consisted of fishes which the people threw into the fire (Varro, *L. L.* vi. 20), and of a red heifer and a boar-pig (*C. I. L.* vi. 826). That the festival was propitiatory, to stay the destroying fire, is shown not only by the last-mentioned inscription, which alludes to the great fire of Nero's reign, but also by the fact that Stata Mater, who stayed the fire, and Juturna and the Nymphs who supplied water, were associated in the festival (see Marquardt, *Staatsverw.* iii. 9, note 2). This may perhaps explain the selection of fish as the victims. There were *feriae Volcano* also on the 15th of May (Ov. *Fast.* v. 725; Marquardt, *Staatsverw.* iii. 575). [L. S.] [G. E. M.]

VOLSELLAE (τριχολαβίς, τριχολάβιον), a pair of tweezers (Plaut. *Curc.* iv. 4, 21; Mart. ix. 28, 5). The extent to which the practice of pulling out hairs was carried, both among Greeks and Romans, has been noticed under PSILOTHRUM. For the slaves, both male and female, employed for this purpose, see ALIPILUS. Several examples of ancient tweezers have been discovered; some joined with a rivet at the back like scissors, others, as in the illustration, made of flexible metal (Marquardt, *Privatl.* 581; Becker-Göll, *Gallus*, iii. 241).



Volsellae, tweezers; actual size. (From the Roman villa at Brading, Isle of Wight; preserved on the spot.)

Some of the smaller kinds of forceps used as surgical instruments are likewise called volsellae by Celsus (vi. 12, § 1; vi. 18, § 3; vii. 10, § 7). One of these is figured by Rich *s. v.*; see also the cut No. 17 under CHIRURGIA, in Vol. I. [W. W.]

VOTA PUBLICA. These rested on the same principle as the vows and votive offerings made at critical moments, and after an escape from danger by private persons, which have been described under DONARIA. The public vows were made in time of war (Liv. v. 21, xxxvi. 2, xlii. 28; cf. Ov. *Fast.* v. 573); or of pestilence (Liv. iv. 25, xl. 37, xli. 21). A clause often occurs to the effect that the vow is made on condition that the state should be free from trouble for five or for ten years, and such vows are called *vota quinquennalia* or *decennalia* (Liv. xxi. 62; xxx. 2, 27; xxxi. 9; xlii. 28).

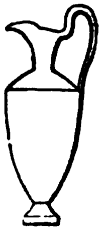
The things vowed, as may be seen from the above passages, were of various kinds, offerings at shrines or at pulvinaria, a tithe of the spoil, votive games [LUDI, p. 84 *b*], or a temple. The most remarkable of all vows was the VER SACRUM, which has been described in a separate article.

The consul or praetor who had been ordered by the senate *suscipere votum* (i.e. to undertake the obligation), or the dictator in times of a dictatorship, publicly announced (*nuncupavit*) the vow and its object in formal words dictated to him by the Pontifex Maximus (Liv. iv. 27, xxxvi. 2). In Liv. xli. 21 we find a case where XVvir sacrorum dictates the vow, and it is announced by the voices of the assembled people; but this, according to Mommsen, was because the vow was intended to bind each individual, not the state as a whole (*Staatsrecht*, i. 244). Finally, the vows were entered in the public records in the presence of witnesses (Fest. p. 173, 13). The fulfilment of the vow at the proper time was under the charge of the magistrate who had announced it, or of his successor, if he had vacated office in the meantime; but it might in case of necessity devolve on another magistrate (cf. Liv. xxxvi. 2). When a commander in the field made a vow, the senate afterwards determined how much money should be assigned for its discharge from the treasury or from the spoils which would otherwise be paid into the treasury (Liv. xxxix. 5; xl. 44).

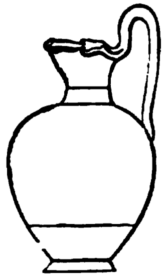
Besides these extraordinary public vows, there was an annual *votum publicum* (of victims to be offered) made by the new consuls on Jan. 1st, "pro reipublicae salute" (the "sollemnis votorum nuncupatio" in Liv. xxi. 63; to this also must be referred the "sollemnia precatus" in the letter of Tiberius, Tac. *Ann.* iv. 70). After the end of the Republic a special vow was added for the emperor's safety (Dio Cass. li. 19). In order, however (as Mommsen thinks), to avoid confusion between the vow for the emperor and that for the state, the 3rd of January became the day for the "votum pro salute principis"; and this day accordingly appears in the Calendars and elsewhere as *votorum nuncupatio* or simply as *vota* (*C. I. L.* i. p. 334; Tac. *Ann.* xvi. 22; Capitolin. *Pert.* 6). In the Greek writers it is called ἡμέρα τῶν εὐχῶν (Dio Cass. lxxix. 8). It was observed in the provinces as well as at Rome (Plin. *Ep.* x. 35, 36), and the practice was so far extended that we find *vota* for various occasions concerning the emperor, his return, his birthday, &c. (see numerous instances in Marquardt), and further for various members of the imperial family. Hence if a private person (as Sejanus) allowed his own name to be added, it was construed as a treasonable usurpation of imperial power (Dio Cass. lviii. 3; cf. lxxv. 14). For further details, see Marquardt, *Staatsverw.* iii. pp. 265–268; Mommsen, *Staatsrecht*, i. 244, ii. 810. [G. E. M.]

VOTO'RUM NUNCUPATIO. [VOTA PUBLICA.]

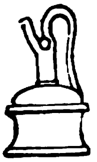
URCEUS (dim. *urceolus*) was a name applied to any sort of jug *with one handle* (Mart. xi. 56, xiv. 106, &c.), used for pouring. Hence in Hor. *A. P.* 22 the urceus is selected as the shape essentially different from the amphora. It is often mentioned as used for pouring water into another vessel (Cato, *R. R.* 10; Plin. *H. N.* xix. § 71), but in this sense is sometimes distinguished as *urceus aquarius* (Cato, *R. R.* 13; Gell. x. 24). In this use it is equivalent to the πρόχοος or πρόχους, which was used as a water jug or ewer [see PELVIS], of which a cut is given from Dennis's *Etruria*. The smaller kind of urceus aquarius served this purpose. The urceus or urceolus was also used for serving the *calda* or *frigida* at table (Mart. xiv. 105), or, like the οἰνοχόη, for wine (Plaut. *Mil.* iii. 2, 18). A common shape of the οἰνοχόη is here given, but there are other forms; sometimes an older shape, less rounded or bellying (see Baumeister, *Denkm.* fig. 2102), sometimes with a more pronounced spout and a base suggestive of a pyxis. This in Birch is called an ἐπίχυσις [EPICHYSIS]; and it is probable that it should be distinguished alike from the ordinary oenochöe and prochous. The oenochöe was used in the symposia, like the totally different cyathus, for dipping wine from the crater and pouring it into the cups, as we see on the vase-painting in Panofka, Pl. xxxiv. 2, for which purpose a jug of the above shape would be unsuitable.



Prochous. (Dennis.)

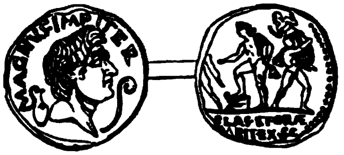


Oenochöe. (Dennis.)



ἐπίχυσις.

To these purposes of the urceus and urceolus must be added the sacrificial use; for Varro says that the *capis* used for wine at sacrifices under the *ritus Romanus* was an urceolus [see CAPIS; SIMPULUM]. Its shape is seen in the annexed coin of the gens Pompeia. The material of the urcei and urceoli was not only earthenware (as in Hor. *l. c.*), but also copper or bronze (Cato, *l. c.*; Juv. x. 64; Mayor *ad loc.*) and silver (Dig. 34, 2, 21). [W. S.] [G. E. M.]



Coin with capis and lituus on the obverse.

USUCAPIO. "Usucapio est adjectio dominii per continuationem possessionis temporis lege definiti" (Dig. 41, 3, 3: cf. Ulpian, *Reg.* xix. 8; Isidor. *Orig.* v. 25): it is the acquisition of full Quiritarian ownership by possession continued for a prescribed period of time. It is not every system of law that recognises this title to property, and there has been no little speculation as to the reasons of its existence at Rome. The rationale suggested by Gaius (ii. 44), "ne rerum dominia diutius in incerto essent," and by other authorities (Dig. 41, 3, 1; Cic. *pro Caec.* 26; Dig. 41, 10, 5, pr.), is regarded by many writers as not satisfying, and the mode in which the subject is introduced by Gaius himself has led to the theory that usucapio originated in the distinction between the so-called Quiritarian and Bonitarian ownerships, a distinction which itself arose from the abandonment in many cases by the Romans of the old established methods of conveyance. It would seem that as in primitive times property belonged, not to the individual, but to the family group, it was according to archaic law practically inalienable. The head of the family administered it on behalf of the group, but he could not by conveyance prejudice the rights of its other members: at Rome alienation first took the guise of a fictitious action at law, just as in England property which was strictly inalienable was enabled to be conveyed by the transparent device of a fine or recovery: the party to whom it was wished to convey the property instituted an action for the purpose of establishing his pretended title to it against the would-be conveyor, who made no defence, and so in effect admitted the plaintiff's right, whereupon the property which was the subject of the action was adjudged to the latter by the praetor. This process was called *in jure cessio*. Owing to its great inconvenience, a less troublesome method of conveyance (*mancipatio*) was subsequently introduced for certain favoured objects of property, probably those in which dealings were most common between man and man, and which were called *res mancipi:* but later still it became established that though the forms of mancipatio or in jure cessio must be strictly observed in order to transfer ownership in res mancipi, that in res nec mancipi might be conveyed by traditio or mere delivery—a conveyance of the jus gentium or natural law. The tables thus were turned, and things which but a little while before were the easiest were now the most difficult to alienate. But the cumbrousness and inconvenience of the old forms in contrast with the simplicity of traditio were now so galling that it became common, when it was wished to convey a res mancipi, to deliver it merely, though the effect of this, as the law prescribed mancipatio or in jure cessio, was that nothing strictly passed except possession; the alienor retained the legal title or jus Quiritium over the property, and the alienee was said to have the thing *in bonis* by a title which we should describe as equitable; the phrase "bonitarian ownership" commonly used to describe his interest is as old as Theophilus. Thus Gaius says (ii. 40): "There was originally in Rome only one kind of ownership: a person was either owner of a thing ex jure Quiritium, or he was not owner at all. But afterwards ownership was divided, so that one man might be owner ex jure Quiritium, and another might have the same thing in bonis." It is supposed that usucapio was introduced simply for the purpose of converting this equitable interest into dominium ex jure Quiritium; for, as Gaius says (ii. 41), "Semel impleta usucapione proinde pleno jure incipit, id est, et in bonis et ex jure Quiritium tua res esse, ac si ea mancipata vel in jura cessa esset." If this hypothesis is correct, we must hold that the changes which have been described as taking place in the law of alienation had occurred, and that the practice of merely delivering res mancipi had become common, before the enactment of the Twelve Tables, which regulated if they did not introduce the law of usucapion (Gaius, ii. 42, 54): but, after all, it does not seem unreasonable to accept the general account of the matter given by the authorities referred to above, and to find the origin of the rules on this subject in the failure of other conditions prescribed for the acquisition of property (such as the requirement of ownership, Gaius, ii. 43, or of capacity of legal action in the alienor), and in the difficulty of proving, after a considerable interval of time, the validity of a conveyance which as a matter of fact was perfectly unimpeachable in respect both of form and of title.

As to the acquisition of property by lapse of time in general, we find two distinct sets of rules in the Roman law: those of Usucapio, which are part of the jus civile, and those of Longi temporis possessio or praescriptio [PRAESCRIPTIO], which were introduced by the praetor through the Edict.

Usucapio appears to have been called in the Twelve Tables *usus* simply: the addition *auctoritas* sometimes found with it (Cic. *Top.* 4; *pro Caec.* 19) denotes the warranty of title incumbent on a vendor by mancipation, or (as some say) the addition of the jural to the actual element (*usus*), with which may be compared the *adjectio domini* in the definition cited above from Dig. 41, 3, 3, though there the proper reading may be *adeptio*, which occurs in the definitions of Ulpian (*Reg.* xix. 8) and Isidorus (*Orig.* v. 25). The time during which the thing must be possessed, that the possession may be converted into ownership, was by the Twelve Tables a year for res mobiles, two years for "fundus" or land (Gaius, ii. 42, 44, 54, 204; Cic. *Top.*; Isidor. *Orig.* loc. cit.): and during this period the possession must be continuous and unbroken (Dig. 41, 3, 16: *ib.* 31, 1; 41, 2, 1, 15; *ib.* 36); the effect of interruption [USURPATIO] was that the previous possession counted for nothing, the time having to commence afresh and run again in full. Nor could the possession of one person be added to that of another; so that if A, having possessed a res mobilis for eleven months, transferred his possession to B, the latter would still require a continuous possession of his own for another year before he acquired the dominium. The only apparent exception to this rule for centuries was that the heir succeeded to and could reckon as his own the possession of the person from whom he inherited (Dig. 4, 6, 30, pr.; 41, 3, 20, 40, &c.), provided no third person had taken possession of the object in the interval between the decease and his own acceptance of the inheritance (Dig. 41, 3, 20; 41, 4, 6, 2): but this is accounted for by the "unity of person" which in the Roman view existed between a deceased man and his heir, and which (as will be seen) they realised most completely in respect of usucapio: and it was not till the time of Antoninus and Severus that the doctrine of accessio temporis or possessionis was admitted upon any transfer of possession *inter vivos*, when by an enactment of those emperors a purchaser was allowed to add to his own possession that of his vendor (Inst. ii. 6, 13). It would seem that subsequently the same thing was done under other circumstances, as the general word *auctores* occurs in Dig. 44, 3, 5, pr.; and there is mention of accessio temporis upon transfer of possession by way of legacy, gift, dowry, pledge, &c. (*e.g.* Dig. 44, 3, 5, pr.; *ib.* 14, 3–5; 41, 2, 13, 6 *sq.*), though we may perhaps infer from Dig. 44, 3, 14, pr. ("de accessionibus possessionum nihil in perpetuum neque generaliter definire possumus, consistunt enim in sola aequitate") that there was no established rule of law in the matter, the praetor judging of the circumstances of each case on the occurrence of litigation, and allowing or disallowing the claim to accessio as he thought right by means of his power to grant actions and exceptiones.

The possession must be civil or juristic possession—that is, to the actual detention there must be superadded the intention to deal with the property as one's own (Dig. 41, 3, 25; *ib.* 13, pr.: see POSSESSIO); and where it is derivative or representative (as in the cases of the sequester, pledgee, and precario rogans), it cannot ripen into dominium, though the possession of the sequester prevents the acquisition of the property per usucapionem by any of the sequestrating parties (Dig. 41, 2, 39). Moreover, the possession must have been acquired by a *justa causa* or *justus titulus* (Inst. ii. 6, pr.; Cod. 7, 29, 4); that is to say, the possessor must have obtained it in some way which would have made him owner, only that in the particular case, owing to some external defect (*e.g.* weakness in the transferor's title, or his incapacity of legal action), acquisition of possession is not equivalent to acquisition of ownership. The *causa* in which the possession originates is in the authorities expressed by the preposition *pro* ("possidet pro empto, pro derelicto, pro donato, pro soluto, pro herede, pro legato, pro dote," &c.). A *titulus putativus* (as where the possessor erroneously supposes there was an intention to vest the property in him, "veluti si quis, cum non emerit, emisse re existimans, possideat: vel cum ei donatum non fuerit, quasi ex donatione possideat," Inst. ii. 6, 11) would not support usucapio (Inst. *loc. cit.*), though it was not hindered if there was a causa of which the possessor was ignorant (Dig. 41, 10, 22), or as to the precise nature of which he was mistaken (Dig. 41, 3, 31, 6), and even in the absence of titulus altogether it could proceed if the possessor believed one to exist through an excusable error of fact (Dig. 41, 10, 5, 1; 22, 6, 4), as where A commissions B to buy a thing for him which B brings him with the fraudulent assurance that he has done so (Dig. 41, 4, 11).

But a person whose possession, notwithstanding the existence of a justus titulus, did not originate in bona fides could not acquire by usucapio (Inst. ii. 6, pr.; Gaius, ii. 43). By bona fides in this connexion seems to be meant a negative rather than a positive mental state—in other words, excusable ignorance of fact with regard to the circumstances which in the particular case prevent acquisition of ownership ("qui *ignorabat* . . . alienum . . . bonae fidei possessor," Dig. 48, 15, 3, pr.: "bonae fides emptor esse videtur, qui *ignoravit* eam rem alienam esse, aut putavit eum qui vendidit jus vendendi habere: puta procuratorem aut tutorem esse," Dig. 50, 16, 109): and the only cases in which its presence can be really a question are cases of materially defective acquisition, as *e.g.* where a non-owner sells and delivers property: here the purchaser, besides this causa (*pro empto*), must not know that it belongs to some one other than the vendor, or that the vendor has no authority to sell (Dig. 50, 16, 109, cited *supr.*). Bona fides was required by Roman law only at the inception of possession (Dig. 41, 1, 48, 1), and in sales also at the time of the contract (Dig. 41, 4, 2, pr., and 13); so that if the possessor discovered his error a moment after the possession became vested in him, usucapio was not hindered. This is expressed in the maxim (which, however, is not classical), "mala fides superveniens non nocet:" but under the canon and modern civil laws the rule is different, the presence of bona fides being required throughout the whole period of possession. If a man's possession commenced in good faith, the fact of his heir's knowledge that the property was not his own was immaterial, there being in contemplation of law no break in the continuity of the possession: and conversely if the ancestor's possession was mala fide in its inception, ignorance on the heir's part of the flaw in his title did not avail to enable him to acquire by usucapio.

There were certain anomalous cases in which some of the rules hitherto stated were varied, or had no application. Thus, if the state sold land which it held in pledge, and the purchaser (*praediator*) allowed the former proprietor to remain two years in possession without making entry and ejecting him, the latter recovered his ownership by what was called *usureceptio ex praediatura* (Gaius, ii. 61). A second species of usureceptio was where a man conveyed property fiduciae causa [PIGNUS], with an agreement for future reconveyance, to a friend for custody, or by way of mortgage: here, if he obtained possession, he could regain the ownership in one year (even though the property was immobilis), unless the original conveyance had been made as security for a debt which remained undischarged, in which case he could thus recover only if he had got possession neither by hire nor by precarium ("usu receptio lucrativa," Gaius, ii. 59, 60). Again, res mancipi of a woman in the guardianship of her nearest agnate had been excepted by the Twelve Tables from the operation of usucapio, unless delivery of them were made by the woman herself with the guardian's auctoritas (Gaius, ii. 47); so that if a man knowingly bought such property from the woman without the tutor's sanction, the requirement of bona fides was unsatisfied: but it was provided by a "constitutio Rutiliana," of which nothing further is known, that he could acquire a full title by usucapio unless before its completion the woman offered to return him the purchase-money (*fragm. Vat.* 1). None of these cases survived to the time of Justinian. Gaius also tells us (ii. 52) that, if a man took possession of a res hereditaria, a piece of property belonging to an inheritance, before the heir, he could acquire it by usucapio in a year (Gaius, ii. 54; Cic. *ad Att.* i. 5), even though a res immobilis, notwithstanding his knowledge that he had no title to it whatever (cf. Plin. *Ep.* 5, 1): this was called possessio or usucapio pro herede (Gaius, ii. 52), and was also *lucrativa* (*ib.* 56), "nam sciens quisque rem alienam lucrifacit." The reason, he says, why even land could in this case be acquired in a year was that an hereditas was a res incorporalis, and therefore fell under the *ceterae res* which the Twelve Tables had enacted should be acquirable in the shorter period: and he accounts for this curious form of usucapio by the desire to induce heirs to make a prompt aditio of inheritances to vhich they were entitled, in order that there night be some one to perform the family sacra, ınd to discharge the deceased's liabilities (ii. 55): onsiderations which also probably will account or the doctrine that there could be no theft of es hereditariae until the heir had taken possession of them (Gaius, iii. 201; Paul. *Sent. rec.* ii. 31, 11; Dig. 47, 2, 68–70; 47, 4, 1, 15). The aw on this subject, however, was altered by a enatusconsultum Juventianum passed at the nstance of the Emperor Hadrian (Gaius, ii. 57), y which it was enacted that, even though the ossessor had retained the property for the ecessary year, the usucapio might be avoided y the heir's proving his original title against im by hereditatis petitio, though, should he not lo so, the right acquired by usucapio would vail against all other persons. Subsequently he wrongful appropriation of res hereditariae f which the heir had not yet possessed himself endered the delinquent liable to a criminal rosecution under the name of *crimen expilatae ereditatis*: "Si quis alienam hereditatem expilaverit, extra ordinem solet coerceri per accusationem expilatae hereditatis, sicut et oratione livi Marci cavetur" (Dig. 47, 19, 1; cf. *ib.* 3). After this change possessio pro herede usually lenotes the interest of a person who had obtained rom the praetor a grant of the bonorum ossessio or praetorian inheritance, which usucapio would convert into ownership; but this ase was obsolete in the law of Justinian's time, n which usucapio pro herede signifies usucapion f a res hereditaria by a person who through an xcusable error believes himself heir (Dig. 41, 3, 3, 1), or of res non hereditariae by the heir vho supposes them to belong to the inheritance Dig. 41, 5, 3).

Usucapio being a "civil" mode of acquisition, y which the possessor became dominus ex jure Quiritium, it followed that no person could vail himself of it who had not the *commercium*: his in particular excluded peregrini, as was ignified by the phrase of the Twelve Tables 'adversus hostem aeterna auctoritas" (Cic. *de Off.* i. 12, 37): so, too, Gaius says (ii. 65), 'usucapionis jus proprium est civium Romanorum." Similarly things which were not *in ommercio*, incapable of being owned by private ndividuals, were excluded from its operation: mong these were *res divini juris*, such as emples and lands dedicated to the gods, sepulchres and their approaches: *res communes* and *es publicae*, especially provincial soil (Gaius, i. 46) and free men (Gaius, *ib.* 48). There vere also a number of other things which could ot be acquired by usucapion, some on account f their actual nature, some by reason of positive nactment.

As the foundation of the right is possession, nd nothing can be possessed but what is corporeal and tangible ("possideri autem possunt, uae sunt corporalia . . . nec possideri intelligitur jus incorporale," Dig. 41, 2, 3, pr.; 41, 3, , 27), a title to mere incorporeal rights, such s servitudes and other jura in re aliena, could ot be established in this manner. It would eem that in respect of urban servitudes this octrine had been reversed—perhaps because in hem there was a greater semblance of physical ossession—and that the acquisition of them by sucapio had to be declared void by statute (the Lex Scribonia: see SERVITUTES): though those writers who suppose that usucapio was introduced solely to perfect the traditio of res mancipi contend that rustic servitudes, or at least some of them, could originate in this manner (Engelbach, *Ueber die Usucapion zur Zeit der Zwölf Tafeln*, Marburg, 1828). But the determination of servitudes by non-user, as to which there was never any doubt (Paul. *Sent. rec.* i. 17; *ib.* iii. 6, 30), was in effect a usucapio of libertas—a phrase actually used, in speaking of the extinction of urban servitudes, in Dig. 8, 2, 6; and it would seem that eventually a title to rights of this class could be established by longi temporis possessio or praescriptio [SERVITUTES].

The withdrawal of certain corporeal things subject to private dominium from the operation of usucapio was due either (1) to the wish to confer a privilege on the owner, or (2) to the character of the property itself. To the former class belong (*a*) res mancipi of women in agnatic guardianship, of which enough has been already said above. (*b*) Property of towns ("usucapionem recipiunt maximè res corporales, exceptis rebus . . . civitatum," Dig. 41, 3, 9: cf. Dig. 6, 2, 12, 2), though their land could be acquired by a praescriptio of twenty years (Paul. *Sent. rec.* v. 2, 4). (*c*) Res immobiles of churches and religious and charitable foundations (*Nov.* iii. 1, 131, 6). (*d*) Property of the fiscus, though *bona vacantia* were not excepted from usucapio until they had been *nuntiata* (Inst. ii. 6, 9; Dig. 41, 3, 18, 24): the same privilege was extended to the private property of the emperor (Cod. 7, 30, 2; 7, 38, 2, 3; 11, 61, 64). (*e*) Things belonging to pupilli or to minors under cura, the alienation of which was prohibited by law (Dig. 27, 9; Cod. 5, 71–74; Dig. 8, 6, 10, pr.; 41, 1, 48, pr.).

To the second class belong the following:—(*a*) Res furtivae, stolen property, which was excepted from usucapio by the Twelve Tables (Gaius, ii. 45; Inst. ii. 6, 2), whose enactment was repeated by a lex Atinia (Inst. *loc. cit.*; Gell. xvii. 7; Cic. *in Verr.* ii. 1, 42; Dig. 41, 3, 4, 6; *ib.* 33, pr.; 50, 16, 215) of unknown date, which added that the vitium furti should be purged as soon as the owner (or his agent to his knowledge) regained possession of the stolen property, or was able to bring a vindicatio for its recovery (Inst. ii. 6, 8). So too if a non-owner pledged a res aliena or gave it to another in usufruct, and subsequently stole it from the pledgee or usufructuary, recovery of possession by the latter made the thing again acquirable by usucapio (Dig. 41, 3, 49). The result was that not even a possessor in good faith of property which had been stolen at any distance of time could acquire a title to it in this manner, and Gaius (ii. 50) observes that it was consequently extremely difficult for a mere bonâ-fide possessor (who was not also Bonitarian owner) to become owner ex jure Quiritium by usucapio of movable property, because any unauthorized dealing with a res which to one's knowledge was aliena (*i.e.* not one's own) was theft in contemplation of law, though he mentions some cases by way of illustration in which it was possible: as where an heir sells property which had been deposited with, or let or lent to, the deceased, but which he believed to belong to the inheritance; or where the usufructuary of a female slave sells or gives away her offspring in the belief that he was entitled to do so: in both of which instances the bona fides of the alienor excludes the presumption of furtum. Fugitive slaves could not be acquired by usucapio on the same principle (Inst. ii. 6, 1), their running away being regarded as a theft of themselves (Cod. 6, 1, 1). Land could not be stolen (Inst. ii. 6, 7), and therefore did not come within the provisions of the Twelve Tables or the Lex Atinia: but it was enacted by leges Julia and Plautia (Gaius, ii. 45, 51;—Dig. 41, 3, 4, 22, 23; *ib.* 48, pr.) that *res vi possessae* (and thus land from which the tenant had been forcibly ousted) should be equally excluded from the operation of usucapio, until the tenant recovered possession or was in a position to bring a vindicatio (Inst. ii. 6, 8). Justinian points out in the Institutes that a title to land in general could be more easily thus acquired than to movable property, because there would be no *vis* in a man's entering on a *locus vacans;* and though he could not become its owner himself, because his possession was mala fide, yet a bonâ-fide possessor to whom the land was conveyed by him without knowledge of the defect in his title could do so (Inst. ii. 6, 7). (*b*) Fundus dotalis, land comprised in a dos, was forbidden to be alienated by the Lex Julia de fundo dotali (Gaius, ii. 63; Inst. ii. 8, pr.), a prohibition which also excepted it from acquisition by usucapio if it came into the possession of a third person after the dos was created (Dig. 23, 5, 16), it being a general rule that wherever alienation of property was forbidden by statute, its usucapion was forbidden also ("alienationis verbum etiam usucapionem continet, vix est enim, ut non videatur alienare, qui patitur usucapi," Dig. 50, 16, 28, pr.). Justinian further enacted (Cod. 5, 12, 30) that to an action brought by the wife against a third person for the recovery of any dotal property, movable or non-movable, no exceptio of usucapio or praescriptio should be pleadable. (*c*) By the Lex Julia repetundarum it was provided that no one should be able to set up a title by usucapio to any property of which a provincial governor had become possessed against the laws relating to extortion (Dig. 48, 11, 8, pr.; 41, 1, 48, pr.): but (as in cases of theft) the *vitium* was removed by the revesting of possession in the owner (Dig. 48, 11, 8, 1). (*d*) It was declared by the Lex Mamilia that the space of five feet which the law required to be left clear between landed estates should not be acquirable by usucapio ("quoniam usucapionem intra quinque pedes esse noluerunt," Cic. *de Legg.* i. 21, 55), though under the law of Justinian it was liable to a thirty years' prescription (Cod. 3, 39, 6). (*e*) Building materials of one man used by another without the former's knowledge were not subject to usucapio so long as they remained part of the structure (Dig. 41, 1, 7, 11; 6, 1, 23, 7). (*f*) Other *res* of less importance excepted from usucapion are those belonging to the so-called peculium adventitium regulare of filiifamilias (Cod. 6, 60, 1; 6, 61, 4), and property which devolves on children of a first marriage owing to the parents' marrying again (*Nov.* 22, 24).

Two peculiar subjects to which usucapio applied under the older law deserve a brief notice. One of the modes in which a husband could obtain manus over his wife was usus, residence under his roof continuously for a year, though she could save her independence by staying away three successive nights (Gaius, i. 110; Gell. *Noct. Att.* iii.; Macrob. *Satur.* i. 3): Cicero mentions this as a way in which manus could originate even in his time (*pro Flacco*, 34), but at the time at which Gaius wrote it was obsolete (i. 111). Originally, too, hereditates were regarded as acquirable by usucapio (Gaius, ii. 54), so that even the sacra passed to the person who became entitled to them in this manner (Cic. *de Legg.* ii. 19 *sq.*; *pro Flacco*, 34; *ad Att.* i. 5), but in the early days of the Empire this doctrine began to be questioned, and by the time of Gaius (*loc. cit.*) it was settled that though res hereditariae could still be thus acquired, the "universitas" could not.

The rules as to acquisition by lapse of time which were established through the Edict originated partly perhaps in the incapacity of peregrini to gain a title to property by the civil law usucapio (though this is more a matter of inference than of positive knowledge: see Puchta, *Institutionen*, § 240, note *b*), and partly also in the exemption of provincial soil from its operation. A person who had acquired a boni-fide possession of land by a justus titulus, and retained it continuously for ten years (or twenty if the alleged owner resided in a different province), was enabled by the edict of the governor to plead in defence to an action brought against him by such owner for its recovery the length of his possession (praescriptio or exceptio longi temporis: see PRAESCRIPTIO), and on proof of his plea the plaintiff would have judgment given against him (Paul. *Sent. rec.* v. 2, 3, 4; v. 5a, 8). The positive enactments excluding certain things from this mode of acquisition on account of a vitium (*e.g.*, res furtivae and in possessae) were as a rule applied here as well as in usucapio: but accessio temporis was generally allowed where the possession had been derived from another person by a genuine succession of title (*e.g.* between donor and donee, testator and legatee, &c.), which in usucapio we have seen was not the case. At first Praescriptio longi temporis operated only as a rule of Limitation, not making the possessor owner, but merely enabling him to repel the action of an owner who had been for a certain period out of possession; but it would seem that in course of time it acquired the operation of usucapio, a man who had possessed provincial land for the time required by the edict being able to bring a real edict for its recovery if he lost possession: "Si quis emptionis vel donationis vel alterius cujuscunque contractus titulo rem aliquam bona fide per decem vel viginti annos possederit . . . posteaque fortuito casa possessionem qui rei perdiderit, posse eum etiam actionem ad vindicandam rem eandem habere sancimus, *hoc enim et veteres leges, si quis eas recte inspexerit, sanciebant*" (Cod. 7, 39, 8, pr.: cf. Dig. 12, 2, 13, 1). Praescriptio also became a title to servitudes on Italian no less than provincial soil (Dig. 8, 5, 10, pr.), and probably also (for peregrini) to res mobiles all over the Empire ("rescriptis quibusdam Divi Magni Antonini cavetur, ut in rebus mobilibus locus sit praescriptioni diutinae possessionis," Dig. 44, 3, 9): indeed, considering its advantages over usucapio in respect of accessio temporis and in some other points (Dig. 41, 3, 44, 5; 20, 1, 1, 2; 44, 3, 5, 1; *ib.* 12; —Cod. 4, 10, 14; 7, 36), it was perhaps sometimes relied upon as a title to soil in Italy. Indeed, the new rules seem to have entirely superseded those of usucapio in the Empire of the Visigoths, whose Lex Romana contains, in the Sentences of Paulus, a title "de Usucapione" (v. 2), the contents of which however relate entirely to longi temporis praescriptio or possessio. In the Eastern empire the two bodies of law subsisted side by side up to the time of Justinian; the acquisition of land being for the most part governed by rules of Praescriptio (for, with the exception of the few towns which had as a favour received a grant of jus Italicum, the whole of its soil was *provinciale*), and that of res mobiles by those of the old usucapio.

Justinian himself completely reformed the law on this subject. In A.D. 528 he issued a constitution definitely establishing the effect of longi temporis praescriptio as a mode of acquiring dominium, a point which seems hitherto not to have been clearly settled (Cod. 7, 39, 8, pr., cited above), and three years later he abolished the old two years' usucapio for land, and with it the distinction between solum Italicum and solum provinciale, enacting that the latter no less than the former should be acquirable in absolute ownership by a possession of ten years if both the parties were domiciled in the same, twenty if in different provinces (Cod. 7, 31). He further substituted for the old usucapio of one year for res mobiles one of three years, assimilated the rules both as to movables and immovables in respect of titulus, bona fides, and the kinds of things which could not be acquired in this manner, and allowed accessio temporis to the fullest extent in which it had been recognised by the praetorian law. The term "usucapio" is in his legislation confined to the acquisition of res mobiles, while that of land is very uniformly described by the terms "longo tempore capio," "longa possessione capio," "diutina possessione capio," "longi temporis possessio" or "praescriptio," though sometimes the two are combined (*e.g.* Inst. ii. 6, pr.: "immobiles ... per longi temporis possessionem ... usucapiantur").

Finally by Cod. 7, 39, 8, pr. and 1, Justinian introduced a new species of Prescription, usually termed "longissimi temporis praescriptio" or "usucapio extraordinaria," and based upon Theodosius II.'s thirty or forty years' limitation of actions [PRAESCRIPTIO], according to which a person who could successfully meet a real action brought against him by another for the recovery of property, movable or immovable, by the plea of thirty years' possession, was empowered, if his own possession had commenced in good faith, to himself bring a vindicatio against third persons: in other words, he was under such circumstances recognised as owner. As in the ordinary usucapio or praescriptio, accessio temporis was allowed to the fullest extent where there had been a succession in title between two possessors: but here there was no requirement of justus titulus; and though res extra commercium could not be thus acquired, all other things excepted from the ordinary usucapion or prescription were subject to acquisition in this longer period except property of pupilli, res dotales, and peculium adventitium regulare. The foundation of this new institution on Theodosius' limitation of actions appears in the rule, that in those cases where the period of limitation was forty years (*i.e.* where the property belonged to the church, a charitable foundation, the Fiscus, emperor or empress) the prescription must be of the same duration: and that where time could not be counted for purposes of limitation, it could not be reckoned for purposes of prescription either: *e.g.* the period during which the original owner was impubes could not be considered.

(Gaius, ii. 41–61; Ulpian, *Reg.* xix. 8; Paul. *Sent. rec.* v. 2; Inst. ii. 6;—Dig. 41, 3–11; 44, 3;—Cod. Theod. 4, 13;—Cod. 7, 26–31; 33–37. For discussions as to the original purpose of usucapio, reference may be made to Engelbach, *Ueber die Usucapion zur Zeit der Zwölf Tafeln*, Marburg, 1828, and Schirmer, *Grundidee der Usucapion*, 1855. For the subject in general, see Puchta, *Institutionen*, §§ 239, 240; Baron, *Pandekten*, §§ 144–147; Vangerow, *Lehrbuch der Pandekten*, §§ 314–325; and in particular Unterholzner, *Verjährungslehre*, 2nd edit., 1858. For titulus, Stintzing, *Das Wesen der bona fides und titulus in der römischen Usucapionslehre*, 1853; Mayer, *Die justa causa bei Tradition und Usucapion*, 1871. For bona fides, Möllentheil, *Ueber die Natur des guten Glaubens bei der Verjährung*, 1820, and Wächter, *Die bona fides insbesondere bei der Ersitzung des Eigenthums*, 1871.)

[J. B. M.]

USURPATIO and the verb from which it is formed have a variety of meanings in the Roman legal writings. The verb denotes: (1) Simply "to make use of:" *e.g.* "si judicium defuncti non usurpabitur, sed ad irritum vocatum est, petitio relictorum nullo jure procedit" (Cod. 6, 39, 2). (2) "To wrongfully exercise an alleged but non-existent right" ("per vim atque usurpationem vindicare," Cod. 1, 4, 6; cf. Cod. 1, 6, 1: "usurpare illicitum Collegium," Dig. 47, 22, 2: "curam," Cod. 1, 30, 3: "honorem," Dig. 50, 4, 7, 1: "nomen tutoris," Cod. 5, 6, 8). (3) "To appropriate to oneself," as in the common English sense of the word (Dig. 4, 6, 40, 1; 10, 1, 8, pr.; 50, 8, 2, 1). (4) "To preserve a right of servitude by its exercise," as opposed to "non utendo deperdere" (Dig. 8, 6, 6, 1). (5) The interruption of usucapio (Dig. 41, 3, 2; 41, 6, 5). Appius Claudius Caecus, who constructed the Via Appia and brought the Aqua Claudia to Rome, wrote a book *De Usurpationibus*, which was not extant in the time of Pomponius (Dig. 1, 2, 36).

Usurpatio in this last sense most commonly occurred from loss of possession, and even if it were subsequently regained the whole period of usucapio had to commence *de novo* and run again. Before Justinian litis contestatio (to the article on which reference may be made) in an action brought by the owner against the possessor for the recovery of the property interrupted longi temporis praescriptio (Cod. 3, 19, 2; 3, 32, 26), but not usucapio (Dig. 6, 1, 18, 20, 21; 41, 4, 21, 1), and this distinction was retained, apparently by an oversight, in his compilations, though it was not of much importance because, if the defendant lost the action, he still had to give up the property to the plaintiff, notwithstanding the completion of usucapio during its pendency (“usucapio frustra complebitur anticipata lite,” *fragm. Vat.* 12: cf. Dig. 41, 4, 2, 21; 6, 1, 18). Interruption also ensued from a judicial protest addressed by the owner to the possessor, if the latter was a person whom for some reason or other he was disabled from suing (Cod. 7, 40, 2), and possibly also from the owner's being taken captive in war (Dig. 41, 3, 15, pr.; *ib.* 44, 7; 49, 15, 12, 2; *ib.* 22, 3; *ib.* 29). As to the passage in Gellius (iii. 2) and Macrob. *Saturn.* (i. 3) relating to the non-establishment of manus per usum by absence of the wife per trinoctium, see Savigny, *System*, &c., iv. 365; Puchta, *Institutionen*, § 199, note y.

A suspension of usucapio, as distinct from its interruption, enabled the possessor to reckon the period of his possession before it took place: this occurred when the property over which the right was being prescriptively established became vested in an owner privileged in respect of usucapio (*e.g.* the Fiscus, emperor, charitable foundations, &c.), and when the owner was prevented by grounds of law from bringing his real action for its recovery (*e.g.* in the interval allowed to the heir under Justinian's legislation for preparing an inventory of the deceased's property, Cod. 6, 30, 22, 11). [J. B. M.]

USUSFRUCTUS and **USUS** were two of the personal servitudes of Roman law (Dig. 8, 1, 1): for the nature of the distinction between them and praedial servitudes, see SERVITUTES.

Ususfructus is defined as “jus alienis rebus utendi fruendi salva rerum substantia” (Dig. 7, 1, 1; Inst. ii. 4, pr.); it is the “real” right of using and taking the fruits of property, movable (including slaves) as well as immovable, the use of which does not diminish its substance: “est enim jus in corpore, quo sublato et ipsum tolli necesse est” (Inst. *ib.*; Dig. *ib.* 2: cf. Cic. *Top.* 3, “usus enim, *non abusus* legatus est”). The person entitled is called *usufructuarius* or *fructuarius* (Dig. 7, 8, 14, 1–3); the owner of the property subject to the right, *proprietarius* or *dominus proprietatis* (Inst. ii. 4, 3); and his ownership, so long as the usufruct subsists, *nuda proprietas* (Inst. *ib.* 1). Unless otherwise provided by the disposition in which it originated, a usufruct endured for the lifetime of the person entitled and no longer (Inst. ii. 4, 3; Dig. 45, 1, 38, 12): if vested in a juristic person, it could not last beyond a hundred years except by express provision (Dig. 7, 1, 56).

The things over which usufruct could exist were properly only tangible objects of property, in the use of which lies the true and essential notion of a servitude: the right of taking fruits was probably a later extension. Hence the Romans did not recognise a fructus sine usu (Paul. *Sent. rec.* iii. 6, 24; Dig. 7, 8, 14, 1); and if a right (*e.g.*) to take the annual fruits of an estate were given, it was construed either as a usufruct (which was usual in cases of bequest: Dig. 7, 1, 20), or as a mere right in personam and not a servitude at all.

Unless his rights were otherwise limited in the disposition by which they were created, the usufructuary was entitled to the detention or “natural” possession of the property (Dig. 41, 2, 12, pr.; 43, 17, 4;—Gaius, ii. 93; Inst. ii. 9, 4): to make any lawful use of it he pleased (Dig. 7, 1, 12, 1; *ib.* 15, 4; *ib.* 23, 1, &c.), and to take its fruits, whether natural, industrial, or what are termed *fructus civiles*, e.g. money made by letting out a thing on hire (Dig. *ib.* 7, pr. and 1; *ib.* 9, pr.; *ib.* 15, &c.). His title to natural fruits was *perceptio*, actual taking of possession (Inst. ii. 1, 36); but though in the case of land, for instance, he was entitled to collect and keep for himself all the fruits which were already on it, and all that were produced during the time of his enjoyment, he had no right to those which existed on the land when his interest terminated unless he had taken possession of them. Nor had he rights of any kind over accessions of the principal object (*e.g.* the issue of an ancilla, Inst. ii. 1, 37; Dig. 7, 1, 68, pr.; or “insula in flumine nata,” Dig. *ib.* 9, 4), unless they were immediately bound up with so as to form an integral part of it (*e.g.* alluvio), in which case the accession also was subject to the usufruct. He might also exercise all rights annexed to the property, such as praedial servitudes. But all these rights are qualified by the words “salva rerum substantia:” they must not be exercised so as to injure the reversionary interest of the dominus, so that he may not deal with the res fructuaria otherwise than as a “bonus paterfamilias” (Inst. ii. 1, 38): rather he must act as carefully and economically as though he were himself its owner, “boni viri arbitratu” (Dig. 7, 1, 9, pr.; 7, 9, 1, pr.): “causam proprietatis deteriorem facere non debet.” His duties in this respect seem to be of two kinds: firstly, not to put the thing to other or at any rate inferior uses than has been customary (*e.g.* to employ a slave in work of mere drudgery who has been engaged before in artistic or literary occupations: Dig. 7, 1, 15, 1); and secondly, not to change its character, even though it might thus be improved or made more valuable; *e.g.* he may not convert a pleasure into a fruit garden (Dig. *ib.* 13, 4), build on land save so far as is necessary for storage of its fruits (*ib.* 13, 6), or raze buildings already standing. As regards acts of waste, as they would be termed in English law, it would seem that in the absence of provision to the contrary he might, at any rate, dig for minerals, but only if the estate subject to his right was of considerable extent (Dig. *ib.* 9, 3; *ib.* 13, 5): upon this subject see Vangerow, *Lehrbuch der Pandekten*, § 344, notes 1 and 2. These common law rights of the usufructuary might, however, be curtailed by the disposition by which they were created, or even, it would seem, by subsequent agreement between the parties, in respect both of the usus and the fructus, or of either: *e.g.* he might be allowed to take certain kinds of fructus only, or a right which ordinarily is praedial (such as aquae haustus) might be conferred on one man by another as a personal servitude (Dig. 34, 1, 14, 3).

A usufruct might be released to the owner of the property, in Gaius' time (ii. 30) by *in jure cessio* [JURE CESSIO], in Justinian's by any act conclusive of the intention to surrender (Inst. ii. 4, 3): but it could not be alienated by the usufructuary to a third person (Gaius and Inst. *l. c.*;—Dig. 23, 3, 66; 10, 2, 15), though he might assign the exercise or enjoyment of it (even by way of pledge or mortgage), the actual right remaining in himself (Dig. 7, 1, 12, 2; *ib.*

38–40). The effect of an attempt to transfer it absolutely to a third person was in Gaius' time disputed: he himself (ii. 30) says that it was nugatory, while Pomponius, his contemporary, affirms (Dig. 23, 3, 66) that it caused a forfeiture to the dominus: of these two views the first was adopted by Justinian, who reproduces it in the Institutes (ii. 4, 3).

Subject and without prejudice to the usufructuary's rights, the owner of the property might deal with it as he pleased (Dig. 7, 1, 7, 1; *ib.* 13, 7, &c.), *e.g.* alienate or pledge it (Cod. 3, 33, 2): but he could not even with the other's consent create any servitudes over it which would injuriously affect the latter's rights (Dig. 7, 1, 15, 7) or surrender servitudes existing in its favour.

The usufructuary was bound to indemnify the owner for any loss occasioned by his dealing with the property in excess of his legal rights (Inst. ii. 1, 38; Dig. 7, 1, 9, pr. and 2; *ib.* 65, pr.): to see that no servitudes appurtenant to it were extinguished by non-user (Dig. *ib.* 15, 7): to keep buildings in ordinary repair (*ib.* 7, 2) and land in proper cultivation and tenantable condition (Inst. ii. 1, 38): to maintain the numbers of flocks and herds by replacing cattle, &c. which died (*ib.*): to pay all rates, taxes, &c. charged on the property itself (Dig. 7, 1, 7, 2; *ib.* 27, 3), and when his interest determined to restore it to the person entitled along with all accessions (Dig. 7, 9, 1, pr.; *ib.* 9, 3). To secure the performance of these duties he must enter into a cautio usufructuaria [CAUTIO], supported by sureties, with the owner; a practice originally introduced where the usufruct was created by bequest, but subsequently extended to nearly all cases (Dig. 7, 1, 13, pr.; Cod. 3, 33, 4); and until this was done the owner might either refuse to let him have the enjoyment of the property, or bring an action to compel him to give the requisite security (Dig. *loc. cit.*: 7, 9, 7, pr.): and though this obligation might be surrendered by the owner, where the usufruct was based on contract, if a testator bequeathed such a right to another person, and by his will released him from the cautio, the release was taken pro non scripto (Dig. 36, 4, 6, pr.; Cod. 6, 54, 7). For the legal remedies (actions and interdicts) by which the usufructuary and usuary could enforce their rights, reference should be made to the article on SERVITUTES.

The modes in which ususfructus and usus were created were the same in general as for all servitudes, and for these the reader may be referred to the same article. The commonest was testamentary disposition, the right being either bequeathed directly, or the heir being directed to constitute it in favour of the legatee: "ususfructus uniuscujusque rei legari potest, et aut ipso jure constituetur aut per heredem praestabitur: ex causa damnationis [LEGATUM] per heredem praestabitur, ipso jure per vindicationem" (Paul. *Sent. rec.* iii. 6, 17). In certain cases usufruct arose ipso jure in virtue of statutory enactment (*lex*); *e.g.* the pater's usufruct in the peculium adventitium of his son in power (Inst. ii. 9, 1;—Dig. 8, 6, 5; 8, 5, 1, &c.). Similarly, these rights were extinguished in the ways common to all servitudes.

The inconvenience of the rule which, on grounds of both natural and civil law (Inst. ii. 4, 2), excluded from usufruct things "quae usu tolluntur vel minuuntur" (such as money, provisions, and clothes), led to the enactment of a senatusconsultum which legalised bequests of usufruct over such kinds of property, the legatee being entitled to enjoy them on giving security to the heir that on his death or capitis deminutio he would return him things of a similar quantity or quality, or pay him their estimated value (Inst. ii. 4, 2; Dig. 7, 5, 1). As Justinian says, the senate did not introduce a genuine usufruct in such things, for that was impossible, "sed per cautionem quasi usumfructum constituit." The date of the senatusconsultum is not precisely known, but it is supposed to lie between Cicero (on account of *Top.* 3: "Non debet ea mulier, cui vir bonorum suorum usumfructum legavit, cellis vinariis et oleariis plenis relictis, putare id ad se pertinere; usus enim, non abusus legatus est") and the enactment of the Lex Papia Poppaea (A.D. 9), which often speaks of usufruct over part of a whole property. The difference between the new right and usufruct proper lies in the fact that the person entitled became owner of the property in question ("ita datur ut ejus fiat," Inst. ii. 4, 2), so that the notion of a jus in re aliena is entirely absent: he may consume it entirely, and so has not to return it in specie. The main purpose of the innovation was doubtless to enable testators to bequeath a general usufruct over the whole of their property (Dig. 33, 2, 24, pr.; Cod. 3, 33, 1), but such rights were also constituted over nomina or "choses in action," whereby the person to whom they were given became entitled to call in the debt, or to take the interest payable on it (Dig. 7, 8, 2, 1; *ib.* 4): if it was the debtor himself, he was released from the obligation to pay interest, though he must give security for the discharge of the debt at the proper time (Dig. 7, 8, 12, pr. and 1). Whether clothes could be the subject of a true usufruct seems to have been doubtful: Dig. 7, 1, 15, 4; 7, 9, 9, 3, is for the affirmative: Inst. ii. 4, 2, for the negative.

[J. B. M.]

USUS is defined (Dig. 7, 8, 2) by the negation of *frui*: "cui usus relictus est, uti potest, frui non potest." But the right of mere user was not strictly confined to the personal needs of the usuary, *e.g.* the person who had a usus of a house was entitled to lodge there his family, slaves, servants, and freedmen, and apparently even a guest, though this had been doubted (Inst. ii. 5, 2; Dig. 7, 8, 2, 1; *ib.* 3; *ib.* 4, 1): but anything which came under the notion of *fructus* was as a rule denied him, so that he could not let the res usuaria out, or transfer the exercise of his right to a third person even gratuitously (Inst. ii. 5, 1; Dig. 7, 8, 11). The contrast between usus and ususfructus is very characteristically marked in connexion with acquisition through slaves: "de iis autem servis, in quibus tantum usumfructum habemus, ita placuit, ut quidquid ex re nostra vel ex operis suis acquirant, id nobis acquiratur" (Inst. ii. 9, 4). "Per servum usuarium si stipuler vel per traditionem accipiam, an acquiram, quaeritur, si ex re mea vel ex operis ejus. Et si quidem ex operis ejus, non valebit, quoniam nec locare operas ejus possumus: sed si ex re mea, dicimus, servum usuarium stipulantem vel per traditionem accipientem mihi acquirere, quum hac opera ejus utar" (Dig. 7, 8, 14, pr.).

But in certain cases, especially where the usus was bequeathed by will (on the principle "in testamentis plenius voluntates testantium interpretamur," Dig. 50, 17, 12), the *uti* comprised or was interpreted as *frui*: viz. (1) Where the sole utility of the property was in its fruits, as in a usus silvae (Dig. 7, 8, 22), or pecuniae (Dig. *ib.* 5, 2; *ib.* 10). (2) Where the usuary cannot "use" the property at all, or can use it only in part, so that from the other part he would derive no benefit: *e.g.* where the usus is over land with a house, he may live in the house, and take from the fruits of the land so much as he requires for the daily wants of himself, his family, and dependents (Inst. ii. 5, 1; Dig. 7, 8, 12, pr. and 1; *ib.* 15); or where it is over a house too large for his personal needs, he may let the part which he does not want for himself (Dig. 7, 8, 2, 1; *ib.* 4). The usuary was subject to substantially the same duties as the usufructuary, and for securing the performance of these he had to enter into a cautio usuaria (Dig. 7, 9, 5, 1; *ib.* 11): he also had to bear the costs of repairs and to pay the taxes if the property produced no fruits for the owner: otherwise these charges fell on the latter. If the right to fructus was vested separately from the usus in a third person, the latter (or otherwise the owner) could demand access, &c. to the things for the purpose of taking them (Inst. ii. 5, 1; Dig. 7, 8, 10, 4; *ib.* 11, 12, pr., &c.).

(Inst. ii. 4 and 5; Gaius, ii. 30–33; Paul. *Sent. rec.* iii. 6, 17–33; *Fragm. Vat.* 41–93; Dig. 7, 1 *sqq.*; 33, 2;—Cod. 3, 33; Pellat, *Sur la Propriété et sur l'Usufruit*, 1853; Kohnfeldt, *Die sogenannte irregulären Servituten nach römischen Rechte*, 1862; Burkel, *Beiträge zur Lehre vom Niessbrauch*, 1864; Roby, *Introduction to the Digest:* text and commentary on Dig. 7, 1 (1884). On quasi-usufruct, see Held, *Die Lehre vom Ususfructus earum rerum quae usu consumuntur vel minuuntur*, 1848; and Puchta, *Ueber das Alter des Quasiususfructus*, Rhein. Museum für Jurisprudenz, vol. iii. p. 82; and on usus, Beckmann, *Ueber den Inhalt und Umfang der Personalservitut des Usus nach römischen Rechte*, 1861.) [J. B. M.]

UTER'INI. [COGNATI.]

UTI POSSIDETIS. [INTERDICTUM.]

UTRES. [VINUM, p. 965 *b*.]

UXO'RIUM. [AES UXORIUM.]

X.

XENA'GI (*ξεναγοί*). The Spartans, as being the head of that Peloponnesian and Dorian league which was formed to secure the independence of the Greek states, had the sole command of the confederate troops in time of war, provided that the league did not disapprove of the war (see Herod. v. 75; Gilbert. *Gr. Staatsalt.* i. 96, note); they ordered the quotas which each state was to furnish, and appointed officers of their own to command them. Such officers were called *ξεναγοί*. The generals whom the allies sent with their troops (*ἄρχοντες, στρατηγοί*) were subordinate to these Spartan *ξεναγοί*, though they attended the council of war, as representatives of their respective countries (Thucyd. ii. 7, 10, 75; v. 54; vii. 18;—Xenoph. *Hell.* iii. 5, § 7; *Agesil.* ii. 10). After the peace of Antalcidas, the league was still more firmly established, though Argos refused to join it; and the Spartans were rigorous in exacting the required military service, demanding levies by the *σκυτάλη*, and sending out *ξεναγοί* to collect them: in case of desertion they could fine the state 1 stater a day for each man who was due. (Xenoph. *Hell.* v. 2, §§ 7, 22, 37; vi. 3, § 7;—Wachsmuth, *Hell. Alterth.* vol. i. pt. ii. pp. 114, 241, 1st ed.; Schömann, *Ant. Jur. Pub. Gr.* p. 426; Gilbert, *Gr. Staatsalterth.* i. 95 f.; Thumser, *Gr. Staatsalterth.* i. 214.)

[C. R. K.] [G. E. M.]

XENELA'SIA (*ξενηλασία*). The Lacedaemonians appear in very early times, before the legislation of Lycurgus, to have been averse to intercourse with foreigners (*ξείνοισι ἀπρόσμικτοι*, Herod. i. 65). This disposition was encouraged by the lawgiver, who made an ordinance forbidding strangers to reside at Sparta, without special permission, and empowering the magistrate to expel from the city any stranger who misconducted himself, or set an example injurious to public morals (cf. Herod. iii. 148). Such jurisdiction was exercised by the Ephori. Thucydides (ii. 39) makes Pericles reproach the Lacedaemonians with this practice, as if its object were to prevent foreigners from becoming acquainted with such institutions and means of defence as would be dangerous for an enemy to know. The intention of Lycurgus, more probably, was to preserve the national character of his countrymen, and prevent their being corrupted by foreign manners and vices (as Xenophon says), *ὅπως μὴ ῥᾳδιουργίας οἱ πολῖται ἀπὸ τῶν ξένων ἐμπίπλαιντο* (*de Rep. Laced.* 14, § 4; compare Plut. *Lycurg.* 27; Schömann, *Antiq. of Greece*, p. 278, E. T.). With the same view the Spartans were themselves forbidden to go abroad without leave of the magistrate. Both these rules, as well as the feelings of the people on the subject, were much relaxed in later times when foreign rule and supremacy became the object of Spartan ambition. Even at an earlier period we find that the Spartans knew how to observe the laws of hospitality upon fit and proper occasions, such as public festivals, the reception of ambassadors, &c. (Xenoph. *Mem.* i. 2, § 61). They worshipped a *Ζεὺς ξένιος* and *Ἀθανᾶ ξενία* (Pausan. iii. 1, § 111). The connexion, called by the Greeks *προξενία*, was cultivated at Sparta both by the state and by individuals; of which their connexion with the Peisistratidae is an example; and also that of a Spartan family with the family of Alcibiades (Thucyd. v. 43, vi. 89, viii. 6; Herod. v. 91; compare vi. 57). [HOSPITIUM.] Many illustrious men are reported to have resided at Sparta with honour, as Terpander, Theognis, and others (Schömann, *Ant. Jur. Publ. Gr.* p. 142). Xenophon was highly esteemed by the nation, and made Spartan *πρόξενος*. It is noticeable that though there is no mention of *ξενηλασία* at Crete, yet the Dorian dislike of things foreign is evidenced by the prohibition of foreign travel for young men (Plat. *Protag.* p. 342 D). The *ξενηλασία* at Apollonia, a colony founded by the

Corinthians and Corcyraeans, is mentioned in Ael. *V. H.* xiii. 16. (See further on the subject of the *ξενηλασία*, Thucyd. i. 144, with Arnold's notes; Aristoph. *Aves*, 1013; Harpocr. *s. v. καὶ γὰρ τὸ μηδένα.*) [C. R. K.] [G. E. M.]

XENI (*ξένοι*). [MERCENARII.]

XENIA (*ξενία*). [HOSPITIUM.]

XE'NIAS GRAPHE (*ξενίας γραφή*). This was a prosecution at Athens for unlawfully usurping the rights of citizenship. As no man could be an Athenian citizen, except by birth or creation (*φύσει, γένει* or *ποιήσει, δωρεᾷ*), if one, having neither of these titles, assumed to act as a citizen, he was liable to a *γραφὴ ξενίας*, which any citizen might institute against him (Lys. *c. Agor.* § 60; Isae. *Pyrrh.* § 37;—Dem. *c. Boeot.* i. p. 999, § 18, ii. p. 1020, § 41; *c. Timoth.* p. 1204, § 66; *c. Neaer.* p. 1363, § 52, etc.); or he might be proceeded against by *εἰσαγγελία* (Dinarch. *c. Agasicl.* cf. Hyper. *pro Eux.* c. 19, etc.). If condemned, his property and person were forfeited to the state, and he was forthwith to be sold for a slave ([Dem.] *Epist.* iii. p. 1481, § 29; Schol. Dem. *c. Timocr.* p. 741, etc.). The judgment, however, was arrested, if he brought a *δίκη ψευδομαρτυριῶν* against the witnesses who had procured his conviction, and convicted them of giving false testimony. During such proceeding he was kept in safe custody to abide the event (Dem. *c. Timocr.* p. 741, § 131). [MARTYRIA; *Journ. of Philol.* vi. p. 15 f.] When a person tried on this charge was acquitted by means of fraudulent collusion with the prosecutor or witnesses, or by any species of bribery (Aristotle in *Lex. Rhet. Cantabr.* p. 674: *ἐάν τις δῶρα διδοὺς ἀποφύγῃ τὴν ξενίαν*: cf. Harpocr. *s.v.*), he was liable to be indicted afresh by a *γραφὴ δωροξενίας*, the proceedings in which, and the penalty, were the same as in the *γραφὴ ξενίας*. The jurisdiction in these matters belonged in the time of Demosthenes to the Thesmothetae, but anciently, at least in the time of Lysias (*de Pecun. publ.* § 8), to the Nautodicae.

In order to prevent fraudulent enrolment in the register of the *δῆμοι*, or *ληξιαρχικὸν γραμματεῖον*, which was important evidence of citizenship, the *δημόται* themselves were at liberty to revise their register, and expunge the names of those who had been improperly admitted. From their decision there was an appeal to a court of justice, upon which the question to be tried was much the same as in the *γραφὴ ξενίας*, and the appellant, if he obtained a verdict, was restored to the register; but, if judgment was given against him, was sold for a slave (Dem. *c. Eubul.* p. 1317, § 60 f.; Dionys. Halic. *de Isaeo judic.* 16, *καὶ ἐὰν τὸ δεύτερον ἐξελεγχθῶσι, πεπρᾶσθαι αὐτούς*, etc. Busolt, *d. griech. Staats.- u. Rechtsalt.* § 157, in I. Müller's *Handbuch d. klass. Altertumswissensch.*, probably misled by Plut. *Pericl.* 37, *ἐπράθησαν οὖν ἁλόντες ὀλίγῳ πεντακισχιλίων ἐλάττους*, says that those whose names were expunged from the register were sold for slaves; it was only in case of a person not acquiescing in the verdict of the demotae and appealing to a court of justice (*ἔφεσις*), that, if judgment there also went against him, he was sold for a slave). [DEMUS; PARENGRAPTOI.] For an example of this, see the speech of Demosthenes against Eubulides; Isae. *pro Euphil.* (*Att. Process*, ed. Lipsius, pp. 95–98, 437–441.) [C. R. K.] [H. H.]

XESTES (*ξέστης*). [MENSURA, p. 164 *a*; TABLES.]

XYSTUS. [GYMNASIUM; HORTUS.]

Z.

ZETE'TAE (*ζητηταί*), commissioners of inquiry, were appointed at Athens on special occasions as extraordinary officers, not as a regular magistracy; and were of two kinds, sometimes confused by grammarians (Harpocrat., Poll. viii. 115) and by modern writers. 1. Criminal investigators or inquisitors, to discover the authors of some crime against the state, and bring them to justice. The court of Areiopagus often discharged the office of inquisitors for the state, and were sometimes armed with special powers by the people in assembly [AREIOPAGUS, Vol. I. p. 176 *b*). During the panic consequent on the mutilation of the Hermae, the *βουλὴ* received absolute power to investigate (*ἦν γὰρ αὐτοκράτωρ*, Andoc. *de Myst.* § 15), but *ζητηταὶ* were also appointed (*ib.* §§ 14, 36, 40, 65). This is perhaps the only occasion on which *ζητηταὶ* are mentioned in connexion with an inquiry other than financial. 2. *Ζητηταὶ* were more frequently appointed to search for confiscated property, the goods of condemned criminals and state debtors; to invite and receive information against any persons who concealed, or assisted in concealing them, and to deliver an inventory (*ἀπογραφή*) of all such goods to the proper authorities. The delinquent was then prosecuted, either before the *σύνδικοι* [SYNDICUS], or it might be before the *ζητηταὶ* themselves, if their commission extended to the holding of a *ἡγεμονία δικαστηρίου*. Any person, however, who had claims against the goods which were the subject of such information, might petition to have such claims settled while the confiscation was still in process and before the state had taken possession: this was called *ἐνεπισκήψασθαι* ([Dem.] *c. Timoth.* pp. 1197–8, §§ 45, 46, 47; the subst. *ἐνεπίσκημμα* only in Harpocrat.). Such overhaulings of the treasury by the appointment of *ζητηταὶ* were especially frequent in times of chronic deficit, such as the Social War and the years immediately succeeding it (Dem. *c. Timocr.* p. 703, § 11); but there are earlier examples (Lys. *ἀπολ. δωροδ.* § 16). In the case of the alleged bribery by Harpalus we find a decree *τὴν βουλὴν ζητεῖν* (Dinarch. *c. Dem.* §§ 4, 55). According to Schöll, the *ζητηταὶ* were only introduced for a short time after the expulsion of the Thirty, and then replaced by the *συλλογεῖς*: the more probable opinion, already maintained under SYLLOGEIS, is that the *συλλογεῖς* were appointed only on that single occasion, the *ζητηταὶ* more frequently. They were technically an *ἀρχή*, though classed by Pollux (viii. 114, 115) among the *ὑπηρέται* or underlings [HYPERETES, in Vol. I.]: as Boeckh remarks, it was an office which men of high rank were not ashamed to accept. Another name for commissioners of inquiry into confiscated property was *μαστῆρες* (Hyperid. *ap.* Harpocrat. *s. v.*; Suid., Phot., *s. vv. μαστῆρες* and *μάστειρες*: *Lex. Seguer.* p. 279). The 17th and 19th speeches of Lysias, the *διαδικασία* and *de Bonis Aristoph.*, throw considerable light on the way such inquiries were conducted at Athens. (Harpocrat. *s. v.* ζητητής: Boeckh, *P. E.* p. 158 = *Sthh.*^{3} i. 192; Fränkel, n. 247 on Boeckh; *Att. Process*, p. 126 Lips.; R. Schöll, *Quaestiones fiscales juris Attici ex Lysiae orationibus illustratae*, Berlin, 1873.)

[C. R. K.] [W. W.]

ZEUGITAE (ζευγῖται). [CENSUS, Vol. I. p. 403.]

ZONA. [CINGULUM.]

ZOPHORUS (ζῳοφόρος), "bearing animals or figures," of a panel or relief; hence especially applied to the continuous carved frieze of the Ionic and Corinthian orders, while in Doric buildings the triglyphs and metopes take the place of this member. (Vitruv. iii. 5, 10.)

[E. A. G.]

ZYTHUM (ζῦθος). [CERVESIA.]

TABLES OF GREEK AND ROMAN MEASURES, WEIGHTS, AND MONEY.

TABLE

I. Greek Measures of Length.
    (1) Smaller Measures.
II. Roman Measures of Length.
    (1) Smaller Measures.
III. Greek Measures of Length.
    (2) Land and Itinerary.
IV. Roman Measures of Length.
    (2) Land and Itinerary.
V. Greek Measures of Surface.
VI. Roman Measures of Surface.
VII. Greek Measures of Capacity.
    (1) Liquid Measures.
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    (1) Liquid Measures.
IX. Greek Measures of Capacity.
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XI. Greek and Oriental Weights.
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XIII. Roman Weights.
    (1) The As and its Uncial Divisions.
XIV. Roman Weights.
    (2) Subdivisions of the Uncia.
XV. Roman Money. (1) Weights.
XVI. Roman Money. (2) English Values.

In the construction of these Tables, most use has been made of F. Hultsch's *Griechische und Römische Metrologie*, 2nd ed., Berlin, 1882; but Hultsch's results have been, in some instances, corrected by W. Dörpfeld in *Mittheilungen des Deutschen Instituts zu Athen*, since 1883. The tables of weights and money are founded on the articles AS and PONDERA by Professor Gardner.

The Tables are so arranged as to exhibit the corresponding Greek and Roman measures in direct comparison with each other. In some of the Tables the values are given, not only in our several measures, but also in decimals of a primary unit, for the purpose of facilitating calculations. In others, *approximate values* are given; that is, values which differ from the true ones by some small fraction. Where both French and English determinations are given, these cannot correspond with the utmost exactness, but the discrepancy between them is barely noticeable, save in the highest and lowest measures determined. Fuller information will be found under MENSURA, NUMMUS, PONDERA, and the specific names.

[P. S.] [J. G.]

TABLE I.

GRECIAN MEASURES OF LENGTH. (ATTIC STANDARD.)

I. SMALLER MEASURES.												Decimals of a Metre.	Decimals of a Foot.	Feet.	Inches.
Δάκτυλος												·0185	·0607	..	·7281
2	Κόνδυλος											·037	·1213	..	1·4562
4	2	Παλαστή, Δῶρον, Δοχμή, or Δακτυλοδοχμή										·074	·2427	..	2·9124
8	4	2	Διχάς, or Λιχάς									·148	·4852	..	5·8248
11	$5\frac{1}{2}$	$2\frac{3}{4}$	$1\frac{3}{8}$	Ὀρθοδῶρον								·203	·6673	..	8·0091
12	6	3	$1\frac{1}{2}$	$1\frac{1}{11}$	Σπιθαμή							·222	·7281	..	8·7372
16	8	4	2	$1\frac{5}{11}$	$1\frac{1}{3}$	ΠΟΥ῀Σ						·296	·9708	..	11·6496
18	9	$4\frac{1}{2}$	$2\frac{1}{4}$	$1\frac{7}{11}$	$1\frac{1}{2}$	$1\frac{1}{8}$	Πυγμή					·333	1·0921	1	1·1058
20	10	5	$2\frac{1}{2}$	$1\frac{9}{11}$	$1\frac{2}{3}$	$1\frac{1}{4}$	$1\frac{1}{9}$	Πυγών				·370	1·2135	1	2·562
24	12	6	3	$2\frac{2}{11}$	2	$1\frac{1}{2}$	$1\frac{1}{3}$	$1\frac{1}{5}$	ΠΗ῀ΧΥΣ			·444	1·4562	1	5·4744
72	36	18	9	$6\frac{6}{11}$	6	$4\frac{1}{2}$	4	$3\frac{3}{5}$	3	Ξύλον		1·332	4·3686	4	4·4232
96	48	24	12	$8\frac{8}{11}$	8	6	$5\frac{1}{3}$	$4\frac{4}{5}$	4	$1\frac{1}{3}$	’ΟΡΓΥΙΑ’	1·776	5·8248	5	9·8976

NOTE.—For other Standards, see Notes to Table II.

TABLE II.

ROMAN MEASURES OF LENGTH.

I. SMALLER MEASURES.							Decimals of a Metre.	Decimals of a Foot.	Feet.	Inches.
Digitus							·0185	·060675	..	·7281
1⅓	Uncia or Pollex						·0247	·0809	..	·9708
4	3	Palmus					·074	·2427	..	2·9124
12	9	3	Palmus Major (of late times)				·222	·7281	..	8·7372
16	12	4	1⅓	Pes			·296	·9708	..	11·6496
20	15	5	1⅔	1¼	Palmipes		·370	1·2135	1	2·562
24	18	6	2	1½	1⅕	Cubitus	·444	1·4562	1	5·4744

NOTES TO TABLES I. AND II.

A metre is 39·37 English inches: an English foot is ·3048 metre.

It is not thought necessary to give the whole scale of the Uncial divisions of the foot. They can easily be calculated from the Uncia.

Other Standards.—The *relations* of the measures to one another were always, with hardly any exception, those above given: but the *standards* varied in different places and at different times. Thus the Attic *πούς* being ·296 m., the Aeginetan was ·333 m., the Olympic ·3205 m., the Philetaerean ·333 m., the Ionic ·350 m., the Phrygian ·2775 m.

In the West, though the Roman foot was ·296 m., the same as the Attic, the older Italian foot was only ·275 m., and the Drusian foot, used in Gaul and Germany, was ·333 m.

In Egypt, under the Pharaohs, the Royal ell was ·525 m., the smaller ell ·425 m.: under the Ptolemies, the Royal ell was ·533 m., the greater foot ·355 m., and the smaller foot ·308 m.

The Great Babylonian ell was ·550 m., the Royal or Persian ell ·405 m., the Phoenician ell ·4485 m.

Compared with one another, the Attic, Roman, and Phoenician feet are the same: the Aeginetan, Philetaerean, and Drusian are the same: the Italian and Phrygian are the same: the Ionic and Royal (or Greater) Egyptian are the same—either exactly or very nearly indeed.

TABLE III.

GRECIAN MEASURES OF LENGTH. (Attic Standard.)

II. LARGER MEASURES.—LAND AND ITINERARY.											Decimals of a Metre.	Decimals of a Mile.	Miles.	Feet.	Inches.
ΠΟΥ΄Σ											0·296	·0001838	..	..	11·6496
1½	ΠΗ΄ΧΥΣ										0·444	·0002757	..	1	5·4744
2½	1⅔	Βῆμα									0·739	·0004596	..	2	5·124
6	4	2⅖	’ΟΡΓΥΙΑ΄								1·774	·001103	..	5	9·8976
10	6⅔	4	1⅔	Κάλαμος, Ἄκαινα, or Δεκάπους							2·957	·001838	..	9	8·496
100	66⅔	40	16⅔	10	Πλέθρον						29·57	·01838	..	97	0·96
600	400	240	100	60	6	ΣΤΑ΄ΔΙΟΝ or ΣΤΑ΄ΔΙΟΣ					177·4	·11028	..	582	5·76
1200	800	480	200	120	12	2	Δίαυλος				354·8	·22056	..	1164	11·52
2400	1600	960	400	240	24	4	2	Ἱππικόν				·44112	..	2329	11·04
18,000	12,000	7200	3000	1800	180	30	15	7½	Παρασάγγης			3·3084	3	1634	4·8
36,000	24,000	14,400	6000	3600	360	60	30	15	2	Σχοῖνος		6·6168	6	3268	9·6

Note.—The *σχοῖνος*, above given, is that of Herodotus, but the measure seems to have varied in different reaches of the Nile, and the Romans reckoned it about 4 Roman miles. On the parasang, see note to next Table.

TABLE IV.

ROMAN MEASURES OF LENGTH.

II. LARGER MEASURES.—LAND AND ITINERARY.							Decimals of a Metre.	Decimals of a Mile.	Miles.	Feet.	Inches.
Pes							0·296	·0001838	..	..	11·6496
1½	Cubitus						0·444	·0002757	..	1	5·4744
2½	1⅔	Gradus, or Pes Sestertius					0·740	·0004596	..	2	5·124
5	3⅓	2	Passus				1·48	·0009193	..	4	10·248
10	6⅔	4	2	Decempeda, or Pertica			2·96	·001838	..	9	8·496
120	80	48	24	12	Actus (in length)		35·52	·2206	..	116	5·952
5000	3333⅓	2000	1000	500	41⅔	Mille Passuum	1480	·9193	..	4854	..

NOTES TO TABLES III. AND IV.

N.B.—The Roman mile only differs from the English by less than 1-10th.

Ancient Road Measures.—As in Tables I. and II., so here, the relations of the measures to one another are correctly given, but the standards varied. It is proper, therefore, to add the length of various road measures according to the standards in use in different parts of the ancient world.

The Attic *stadium* being 177 m., the Olympic was 192 m., the Ptolemaic 185 m., the Ionic 210 m. (A metre is 39·37 English inches.)

The Romans, using round numbers, reckoned 8 stadia to the mile. According to this relation, the Roman stadium would be 185 m., and the old Italian 165 m.

Similarly, the Greeks reckoned 30 stadia to the parasang, but the parasang was really 30 *Persian* stadia, which were longer than the Greek, being 196·8 m. The true parasang was therefore 5904 m., or 3 miles 1180 yards. (So Oppert, but Hultsch determines it at 5670 m.)

The Gallic *leuga* was 2220 m.; the German *rasta* 4440 m.

TABLE V.

GRECIAN MEASURES OF SURFACE.

(Attic Standard.)

		ORDINARY LAND MEASURES.	Square Metres.	Square Feet.	Perches.	Square Feet.
		ΠΟΥ͂Σ *τετράγωνος* (Square Foot)	0·087	·94245	..	·94245
100		*Ἄκαινα* (Square of the *κάλαμος*)	8·74	94·245	..	94·245
10,000	100	ΠΛΕ΄ΘΡΟΝ	8740	9424·5	34	167·5

NOTES.

The English acre being 160 perches or 4840 sq. yds., the *πλέθρον* is obviously less than ¼ of an acre.

The Egyptian *ἄρουρα* (Herod. ii. 168) was a square of 50 Egyptian ells each way. The ell being taken at 0·524 m., or about 21 English inches, this gives a value of about 820 sq. yds. for the *ἄρουρα*.

TABLE VI.

ROMAN MEASURES OF SURFACE.

ORDINARY LAND MEASURES.										Square Feet.	Acres.	Roods.	Perches.	Square Feet.
Pes Quadratus										·94245	..	..	..	·9425
100	Scrupulum, or Decempeda Quadrata*									94·245	..	..	..	94·245
480	4⅘	Actus Simplex								452·377	..	..	1	180·127
2400	24	5	Uncia†.							2261·89	..	..	8	83·885
3600	36	7½	1½	Clima						3392·83	..	..	12	125·83
14,400	144	30	6	4	Actus Quadratus					13,571·318	..	1	9	231·07
28,800	288	60	12	8	2	Jugerum				27,142·636	..	2	19	189·89‡
57,600	576	120	24	16	4	2	Heredium			54,285·272	1	0	39	107·53
5,760,000	57,600	12,000	2400	1600	400	200	100	Centuria		5,428,527·2	124	2	19	135·25
23,040,000	230,400	48,000	9600	6400	1600	800	400	4	Saltus	21,714,108·8	498	1	37	268·75

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* This was the square of the *pertica* or standard 10-foot measuring-rod.

† The *As* to which this *Uncia* and the above *Scrupulum* belong is the *Jugerum*. The other uncial divisions of the *Jugerum* may easily be calculated from the *Uncia*. The *Semissis* is, of course, the *Actus Quadratus*.

‡ *i.e.* almost ⅝ths of an acre. The Italian *versus* was about 3/16ths of a jugerum, or nearly 18 perches.

TABLE VII.

GRECIAN MEASURES OF CAPACITY.

I. ATTIC LIQUID MEASURES. (Solonian.)												Gallons.	Pints.	Approximate.	
														Gallons.	Pints.
Κοχλιάριον												..	·008	..	1/120
2	Χήμη											..	·016	..	1/60
2½	1¼	Μύστρον										..	·02	..	1/48
5	2½	2	Κόγχη									..	·04	..	1/24
10	5	4	2	ΚΥ'ΑΘΟΣ.								..	·08	..	1/12
15	7½	6	3	1½	'Οξύβαφον							..	·12	..	⅛
30	15	12	6	3	2	Τέταρτον						..	·24	..	¼
60	30	24	12	6	4	2	Κοτύλη, Τρυβλίον, or Ἡμίνα					..	·48	..	½
120	60	48	24	12	8	4	2	ΞΕ'ΣΤΗΣ (Sextarius)				..	·96	..	1
720	360	288	144	72	48	24	12	6	ΧΟΥ͂Σ			..	5·76	..	6
5760	2880	2304	1152	576	384	192	96	48	8	Roman Amphora (κεράμιον)		5	6·08	6	..
8640	4320	3456	1728	864	576	288	144	72	12	1½	ΑΜΦΟΡΕΥ'Σ ΜΕΤΡΗΤΗ'Σ	8	5·12	9	..

NOTE.—The above table is calculated from the *κύαθος*, as estimated above. If it is estimated at ·045 litre, the *μετρητὴς* will be determined at about 1 pint less.

TABLE VIII.

ROMAN MEASURES OF CAPACITY.

I. LIQUID MEASURES.										Gallons.	Pints.	Approximate.	
												Gallons.	Pints.
Ligula										..	·02	..	$\frac{1}{48}$
4	CYATHUS *									..	·08	..	$\frac{1}{12}$
6	1½	Acetabulum								..	·12	..	$\frac{1}{8}$
12	3	2	Quartarius, *i.e.* ¼th of the *Sextarius*							..	·24	..	$\frac{1}{4}$
24	6	4	2	Hemina or Cotyla						..	·48	..	$\frac{1}{2}$
48	12	8	4	2	SEXTARIUS, *i.e.* ⅙th of the *Congius*					..	·96	..	1
288	72	48	24	12	6	CONGIUS				..	5·76	..	6
1152	288	192	96	48	24	4	Urna			2	7·04	3	..
2304	576	384	192	96	48	8	2	AMPHORA QUADRANTAL		5	6·08	6	..
46,080	11,520	7680	3840	1920	960	160	40	20	Culeus	115	1·6	120	..

* According to the uncial division, the *Sextarius* was the *As*, and the *Cyathus* the *Uncia*.

NOTE.—The above table is also calculated from the *Cyathus*, determined at ·08 pint, and here also a calculation from the *Cyathus* = ·045 litre would make a trifling difference in the *Amphora*.

TABLE IX.

GRECIAN MEASURES OF CAPACITY.

II. ATTIC DRY MEASURES. (Solonian.)								Gallons.	Pints.	Approximate.	
										Gallons.	Pints.
							ΚΥ'ΑΘΟΣ	..	·08	..	$\frac{1}{12}$
1½							'Οξύβαφον	..	·12	..	$\frac{1}{8}$
6	4						ΚΟΤΥ'ΛΗ, or 'Ημίνα	..	·48	..	$\frac{1}{2}$
12	8	2					ΞΕ'ΣΤΗΣ (*Sextarius*)	..	·96	..	1
24	16	4	2				ΧΟΙ͂ΝΙΞ	..	1·92	..	2
96	64	16	8	4			'Ημίεκτον	..	7·68	1	..
192	128	32	16	8	2		'Εκτεύς (equal to the Roman *Modius*)	1	7·36	2	..
1152	768	192	96	48	12	6	ΜΕ'ΔΙΜΝΟΣ	11	4·16	12	..

Note.—The Egyptian *hin* was about 10 κύαθοι: the Persian ἀρτάβη about 48 quarts; the Ptolemaic ἀρτάβη about 48 quarts (= 1 μέδιμνος): the Spartan *medimnus* about 65 quarts: the Ptolemaic *medimnus* about 96 quarts or 3 bushels.

TABLE X.

ROMAN MEASURES OF CAPACITY.

II. DRY MEASURES.								Gallons.	Pints.	Approximate.	
										Gallons.	Pints.
Ligula								..	·02	..	$\frac{1}{48}$
4	**Cyathus***							..	·08	..	$\frac{1}{12}$
6	$1\frac{1}{2}$	Acetabulum						..	·12	..	$\frac{1}{8}$
12	3	2	Quartarius, *i.e.* 1-4th of the *Sextarius*					..	·24	..	$\frac{1}{4}$
24	6	4	2	Hemina or Cotyla				..	·48	..	$\frac{1}{2}$
48	12	8	4	2	**Sextarius**, *i.e.* 1-6th of the *Congius*			..	·96	..	1
384	96	64	32	16	8	Semimodius		..	7·68	1	..
768	192	128	64	32	16	2	**Modius**	1	7·36	2	..

* See also Table VIII and Note.

TABLE XI.

N.B.—One pound *avoirdupois* is exactly 7,000 grains: one ounce *avoirdupois* is 437½ grains. 1 *gramme* is 15·43234 grains.

(A.) Various Oriental Weights.

1. Egyptian.			Grammes. (Approximate.)	Grains. (Approximate.)	Avoirdupois. (Approximate.)
Kat			9	140	⅓ oz.
10	Outen or Ten		90	1400	3⅕ oz.
2. Babylonian Heavy Gold.					
Shekel			16·83	260	⅗ oz.
50	Mina		841·5	13,000	1 lb. 13⁵⁄₇ oz.
3000	60	Talent	50,490	780,000	111³⁄₇ lbs.
3. Babylonian Heavy Silver.					
Shekel			22·4	344	⅘ oz.
50	Mina		1,122	17,200	2 lbs. 7⅓ oz.
3000	60	Talent	67,320	1,032,000	147³⁄₇ lbs.
4. Babylonian Light Gold and Light Silver Standards were exactly half the heavy gold and heavy silver respectively, so that:					
Light Gold Shekel			8·41	130	³⁄₁₀ oz.
Light Silver Shekel			11·2	172	⅖ oz.
5. Phoenician Silver.					
Shekel			14·9	230	⁶⁄₁₁ oz.
50	Mina		745	11,500	1 lb. 10²⁄₇ oz.
3000	60	Talent	44,700	690,000	98⁴⁄₇ lbs.

(B.) Aeginetan and Attic Commercial Weights.

					Grammes.	Grains.
Obol					1·05	16
6	Drachm				6·30	97
12	2	Didrachm (στατήρ)			12·60	195
600	100	50	Mina		630	9,750
36,000	6000	3000	60	Talent	37,800	585,000

(C.) Euboic Weights.

				Grammes.	Grains.
Drachm				4·20	65
2	Stater			8·40	130
100	50	Mina		420	6,500
6000	3000	60	Talent	25,200	390,000

N.B.—Just as the Euboic drachm is ⅓ of the Aeginetan stater, so the Corinthian drachm is ⅓ of the Euboic stater. See Vol. II., p. 449 *b*.

(D.) Attic Weights (Solonian Coinage).

				Grammes.	Grains.
Drachm				4·40	67·5
2	Didrachm or Stater			8·80	135
100	50	Mina		440	6,750
6000	3000	60	Talent	26,400	405,000

N.B.—It will be seen that the ratio of the Aeginetan stater (195 gr.) to the Attic (135 gr.) is a good deal larger than 100:73 or 138:100 or 83⅓:60, which are the ratios ascribed to Solon's reduction of the Attic coinage.

TABLE XII.

GRECIAN MONEY (valued by Weight).*

I. ATTIC COPPER AND SILVER.													£	s.	d.	Farthings.
Lepton (Λεπτόν)													..	..	..	·10
7	Chalcus (Χαλκοῦς)												..	..	..	·75
14	2	Dichalcon, or Quarter Obol (Δίχαλκον)											..	..	..	1·5
28	4	2	Half Obol (Ἡμιωβόλιον)										..	..	..	3
56	8	4	2	Obol (Ὀβολός)									..	..	1	1
112	16	8	4	2	Diobolus (Διώβολον)								..	..	2	2
168	24	12	6	3	1½	Triobolus (Τριώβολον)							..	..	3	3
224	32	16	8	4	2	1⅓	Tetrobolus (Τετρώβολον)						..	..	5	0
336	48	24	12	6	3	2	1½	Drachma (Δραχμή)					.	..	8	2
672	96	48	24	12	6	4	3	2	Didrachm (Δίδραχμον)				..	1	5	0
1344	192	96	48	24	12	8	6	4	2	Tetradrachm (Τετράδραχμον)			..	2	9	3
33,600	4800	2400	1200	600	300	200	150	100	50	25	Mina (Μνᾶ)		3	10	3	3
2,016,000	288,000	144,000	72,000	36,000	18,000	12,000	9000	6000	3000	1500	60	Talent (Τάλαντον)	210	18	9	0

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* N.B. The above table is calculated from the weights of existing coins, and gives their value *as bullion*, if silver be taken at 5*s.* an ounce troy. But their value, if compared with English *coined* silver, would be much higher: *e.g.* the shilling weighs 87·27 gr., and contains only about 80 gr. of pure silver. The drachma, of 67·5 gr. pure, is obviously more than ⅔rds of this. For practical purposes it is perhaps better to reckon the drachma as worth about a French franc (9½d.), the *mina* £4. Cf. Table XVI. and notes. An Attic gold talent would be worth £3875, if gold be taken at 2*d.* a grain, and a gold didrachm would be worth £1 2*s.* 6*d.*

TABLE XIII.

ROMAN WEIGHTS.

I. THE UNCIAL DIVISIONS OF THE POUND.													Grammes.	Avoirdupois Weight.	
														Oz.	Grs.
UNCIA													27·288	..	$430·83\frac{1}{3}$*
$1\frac{1}{2}$	Sescuncia, or Sescunx												40·932	1	203·75
2	$1\frac{1}{3}$	Sextans											54·576	1	$404·16\frac{2}{3}$
3	2	$1\frac{1}{2}$	Quadrans, or Teruncius										81·864	2	168·7500
4	$2\frac{1}{3}$	2	$1\frac{1}{3}$	Triens									109·152	3	$270·83\frac{1}{3}$
5	$3\frac{1}{3}$	$2\frac{1}{2}$	$1\frac{2}{3}$	$1\frac{1}{4}$	Quincunx								136·440	4	$354·16\frac{2}{3}$
6	4	3	2	$1\frac{1}{2}$	$1\frac{1}{5}$	SEMIS, or Semissis							163·728	5	337·5
7	$4\frac{1}{3}$	$3\frac{1}{2}$	$2\frac{1}{3}$	$1\frac{3}{4}$	$1\frac{2}{5}$	$1\frac{1}{6}$	Septunx						191·016	6	$320·33\frac{1}{3}$
8	$5\frac{1}{3}$	4	$2\frac{2}{3}$	2	$1\frac{3}{5}$	$1\frac{1}{3}$	$1\frac{1}{7}$	Bes, or Bessis					218·304	7	$104·16\frac{2}{3}$
9	6	$4\frac{1}{2}$	3	$2\frac{1}{4}$	$1\frac{4}{5}$	$1\frac{1}{2}$	$1\frac{2}{7}$	$1\frac{1}{8}$	Dodrans				245·592	8	277·5
10	$6\frac{1}{3}$	5	$3\frac{1}{3}$	$2\frac{1}{2}$	2	$1\frac{2}{3}$	$1\frac{3}{7}$	$1\frac{1}{4}$	$1\frac{1}{9}$	Dextans			272·880	9	$270·83\frac{1}{3}$
11	$7\frac{1}{3}$	$5\frac{1}{2}$	$3\frac{2}{3}$	$2\frac{3}{4}$	$2\frac{1}{5}$	$1\frac{5}{6}$	$1\frac{4}{7}$	$1\frac{3}{8}$	$1\frac{2}{9}$	$1\frac{1}{10}$	Deunx		300·168	10	$260·83\frac{1}{3}$
12	8	6	4	3	$2\frac{2}{5}$	2	$1\frac{5}{7}$	$1\frac{1}{2}$	$1\frac{1}{3}$	$1\frac{1}{5}$	$1\frac{1}{11}$	As, or LIBRA	327·456	11†	237·5†

* This differs from the ounce avoirdupois (437·5 grains) by less than 7 grains.

† The *as* is taken at 5050 grains, instead of 5052·55.

TABLE XIV.

ROMAN WEIGHTS.

II. SUBDIVISIONS OF THE UNCIA.										Grains.
Siliqua										2·9224
3	Obolus									8·767361
6	2	SCRUPULUM								17·53472
12	4	2	Semisextula							35·0694
24	8	4	2	SEXTULA						70·138
36	12	6	3	1½	Sicilicus					105·2083
48	16	8	4	2	1⅓	Duella				140·277
72	24	12	6	3	2	1½	Semuncia			120·416
144	48	24	12	6	4	3	2	UNCIA		420·833
1728	576	288	144	72	48	36	24	12	As or LIBRA	5050

TABLE XV.

NORMAL WEIGHTS OF ROMAN COINS IN ENGLISH GRAINS.

	B.C. 350.	B.C. 269.*	B.C. 210.†	B.C. 89.	Augustus.‡	Nero.	Caracalla.§
Gold.							
Aureus	..	..	52·5	..	126·	112·	101
Silver.							
Denarius	..	70	60	60	60	52	..
Quinarius	..	35	30	..	30	26	..
Sestertius	..	17·5	15	..	15	..	..
Victoriatus	..	..	..	45	..	..	..
Antoninianus	..	..	..	..	..	..	84
Copper.							
Sestertius (brass)	..	..	..	..	420	420	
Dupondius (brass)	..	..	..	..	210	210	
As (*libella*)	5050	1750	421	210	200?	200	
Semis	2525	875	210	105	100?		

* In B.C. 269 1 *denarius* = 4 *sestertii* = 10 *asses* or *libellae*.

† In B.C. 210 1 *denarius* = 1 Attic drachma = 4 *sestertii* = 16 *asses*. (1 *aureus* = 15 *denarii*.)

‡ Temp. Augusti, 1 *aureus* = 25 *denarii* = 100 *sestertii* = 400 *asses*.

§ Temp. Caracallae, 1 *aureus* = 20 *Antoniniani* = 100 *sestertii* = 400 *asses*.

The gold *solidus* of Constantine and his successors weighed a little over 80 grains.

N.B.—The English sovereign weighs 123·27447 grains; the shilling 87·27272 gr.; the penny 145·83333 gr. These weights form the basis of Table XVI.

TABLE XVI.

ROMAN COINS COMPARED, IN WEIGHT, WITH ENGLISH.

	B.C. 350.	B.C. 269.	B.C. 210.	B.C. 89.	Augustus.	Nero.	Caracalla.
GOLD.							
Aureus . .	..	..	£$\frac{17}{40}$	..	£1$\frac{1}{15}$	£$\frac{10}{11}$	£$\frac{9}{11}$
SILVER.							
Denarius . .	..	$\frac{4}{5}$*s.*	$\frac{11}{16}$*s.*	$\frac{11}{16}$*s.*	$\frac{11}{16}$*s.*	$\frac{3}{5}$*s.*	..
Quinarius .	..	$\frac{2}{5}$*s.*	$\frac{11}{32}$*s.*	..	$\frac{11}{32}$*s.*	$\frac{3}{10}$*s.*	..
Sestertius .	..	$\frac{1}{5}$*s.*	$\frac{11}{64}$*s.*	..	$\frac{11}{64}$*s.*	..	..
Victoriatus .	..	..	..	$\frac{33}{64}$*s.*	..	..	..
Antoninianus	..	..	..	..	..	..	$\frac{28}{29}$*s.*
COPPER.							
Sestertius (brass) .	..	..	..	..	2$\frac{7}{8}$*d.*	2$\frac{7}{8}$*d.*	..
Dupondius (brass) .	..	..	..	..	1$\frac{7}{16}$*d.*	1$\frac{7}{16}$*d.*	..
As	34$\frac{1}{2}$*d.*	12*d.*	2$\frac{7}{8}$*d.*	1$\frac{7}{16}$*d.*	1$\frac{3}{8}$*d.* (?)	1$\frac{3}{8}$*d.*	..
Semis . . .	17$\frac{1}{4}$*d.*	6*d.*	1$\frac{7}{16}$*d.*	$\frac{3}{4}$*d.*	..	..	..

NOTE.—The above table gives a good idea of the *size* of the coin, but not so accurate a notion of its *intrinsic value*, for the English sovereign contains $\frac{1}{12}$th alloy, the shilling $\frac{3}{40}$ths alloy, the penny $\frac{1}{20}$th alloy.

The intrinsic value of a gold coin may be determined from the fact that the Bank of England is bound to buy gold bullion at the fixed rate of £3 17*s.* 9*d.* per oz. Troy of 480 grs. Hence, for instance, the *aureus* of Augustus would fetch £1 0*s.* 9½*d.* But the price of silver bullion is not fixed, and has varied within the last 20 years from 5*s.* to 3*s.* 8*d.* per oz. Troy; and similarly the value of copper varies. The relative values, again, of gold to silver and of silver to copper fluctuated considerably in ancient times, as they do now, and the intrinsic values of *e.g.* the *aureus* to the *denarius*, taken now, would not correspond to their relative values of 1 aureus = 25 denarii. Cf. also the article As.

For practical purposes, the *aureus* of Augustus = £1 sterling; the *denarius* = a franc (9$\frac{3}{5}$*d.*); the *sestertius* = 2$\frac{2}{5}$*d.* or $\frac{1}{100}$th of £1. A sum given in *sestertii* may be converted into pounds sterling by dividing it by 100.

GREEK INDEX.

The numerals indicate the volumes and pages, and the letters a *and* b *the first and second columns respectively.*

LATIN INDEX.

ENGLISH INDEX.

APPENDIX.

THE whole of Volume II. was in type, and Volume I. already published, when the tract ascribed to Aristotle *on the Athenian Constitution* first appeared. The following Appendix shows the principal points on which the conclusions arrived at in the Dictionary require to be modified, if that authority is followed, and also supplies references to several passages of the treatise which support opinions already expressed. In the first part of the Appendix, which bears on articles in Volume I., Dr. Hager is responsible for the notes on Civitas, Eisangelia, Emmenoi Dikai, Endeixis, Epitropus, Eponymus, Euthyne, Exomosia, Exsilium, Heres, Jusjurandum; Mr. Wayte for the remainder. As regards the notes which refer to articles in Volume II., Dr. Hager is responsible for those on Nomos, Paranoias Dike, Prostates tou Demou, Psephus, Seisachtheia; Mr. Wayte for those on Sitophylaces, Synegorus, Tamias, Tettaraconta, Tribus, Trieropoei; Mr. Marindin for the remainder.

APPENDIX TO VOLUME I.

ADYNATI. The quotation from Harpocration can now be corrected from the author's own words. No other rate of payment is mentioned than two obols daily; and a special *ταμίας*, chosen by lot, presided over the distribution ('Αθ. πολ. c. 49).

AGORANOMI. The statement as to their number, five for the city and five for the Peiraeus, is in accordance with the text (c. 51).

ANTIGRAPHEIS. The distinction between these and the GRAMMATEIS is perhaps too strongly emphasised in both articles. The *γραμματεύς*, an assessor to the *βουλή* (*ὃς παρακάθηται*), is appointed *ἐπὶ τοὺς νόμους*, and sees that they are correctly transcribed (*ἀντιγράφεται καὶ οὗτος πάντας*, c. 54).

APODECTAE. They had summary jurisdiction to the value of ten drachmas only: beyond that, *εἰς τὸ δικαστήριον εἰσάγοντες ἔμμηνα* (c. 52).

ARCHON. Against the received tradition that the Medontidae, the early successors of Codrus, held office for life, but without the title of king, the contention of Lugebil and Caillemer (see ARCHON, p. 165 *b*) that both the name and the attributes of royalty survived almost unchanged, has now received important confirmation. In 'Αθ. πολ. c. 3 it is stated that "in the times before Draco" the head of the state was styled *βασιλεύς*, and ruled for life; next to him was a *πολέμαρχος*, or commander-in-chief, who indeed dates back to the period of the real kings; thirdly, an *ἄρχων*, or chief civil magistrate. These two officers were probably elected for a term of years by the Eupatrids, and formed an important check on the autocracy of the titular king. Mr. Kenyon remarks: "The abolition of the title of king as that of the chief magistrate of the state probably took place when the decennial system was established. The name was then retained only for sacrificial and similar reasons, and, to mark the fact that the kingly rule was actually at an end, the magistrate bearing the title was degraded to the second position, while the Archon, whose name naturally suggested itself as the best substitute for that of king, was promoted to the titular headship of the state."

Fresh light is also thrown on the question discussed at p. 166 *b*, as to the time when the election by lot was introduced. We find "the following stages in the history of the method of election to this office: (1) prior to Draco, the archons were nominated by the Areopagus; (2) under the Draconian constitution they were elected by the ecclesia; (3) under the Solonian constitution, so far as it was not disturbed by internal troubles and revolutions, they were chosen by lot from forty candidates selected by the four tribes; (4) under the constitution of Cleisthenes they were directly elected by the people in the ecclesia; (5) after 487 B.C. they were appointed by lot from 100 (or 500, see below) candidates selected by the ten tribes; (6) at some later period the process of the lot was adopted also in the preliminary selection by the tribes" (Mr. K., pp. 59–60; 'Αθ. πολ. c. 22). As regards the number of candidates selected under the arrangement of 487 B.C. the MS. here gives 500, but the writer had previously stated (c. 8) that each tribe chose ten candidates, making a total of 100. It is probable that for *πεντακοσίων* (*φ'*) we should read *ἑκατόν* (*ρ'*).

After the expulsion of Damasias, who in a two years' archonship (B.C. 582–1) tried to establish a tyranny, we have for one year the unprecedented number of *ten* archons, of whom five were Eupatrids, three ἄγροικοι = Geomori, and two Demiurgi (c. 13). The conjecture mentioned at p. 167 *a*, that the tenth tribe, which did not elect an archon, was compensated by having the appointment of the secretary (*γραμματεύς*), is stated as a fact (Ἀθ. πολ. c. 55).

The received account of the abolition of the property qualification (ARCHON, p. 167 *a*) must also be modified. If, according to Plutarch's account, Aristides in 479 B.C. widened the area of eligibility, he may at most have extended it from the *πεντακοσιομέδιμνοι* to the *ἱππεῖς*. It is now definitely stated (Ἀθ. πολ. c. 26) that the *ζευγῖται* first became eligible in 457 B.C., "five years after the death of Ephialtes": which shows incidentally that the murder of Ephialtes must have taken place immediately after the triumph of his democratic legislation in 462. It is a further curious fact, that the property qualification was never entirely abolished by law. The *θητικὸν τέλος*, or lowest class, was still in theory ineligible for any office, but in the time of Aristotle a member of that class was allowed to represent himself as a *ζευγίτης* by a legal fiction (c. 7).

In the archons' oath we get a rational explanation of the *χρυσῆ εἰκὼν* without the absurd addition *ἰσομέτρητος* (see ARCHON, p. 169 *a*). The archons and, it would seem, the diaetetae also, swore that if they accepted bribes they would dedicate a golden image—presumably of equal value to the amount received, though this is not explicitly stated. A somewhat similar explanation is given by Thompson on Plat. *Phaedr.* 235 D (Ἀθ. πολ. cc. 7, 54).

It has generally been held, as by Schömann (*Antiq.* i. 401–2, E. T.), that all magistracies (*ἀρχαὶ* in the technical sense) were unpaid at Athens (cf. HYPERETES, p. 986 *a*). The treatise before us mentions, on the contrary, the pay of many public officers; and there is reason to think that that of the archons was four obols a day, though the passage (Ἀθ. πολ. c. 62) is mutilated and the words *ἐνν[έα ἄρχον]τες* partly conjectural.

AREIOPAGUS. Our account, in all its main features, is thoroughly confirmed by the Ἀθ. πολ. The Areiopagus unquestionably existed before the time of Draco, and till then, it would seem, was the only council: in those times it appointed the archons, who already, after their year of office, were called up into it. It was thus a close corporation of Eupatrids, then the only depositaries of real political power. Draco, whose legislative changes went much further than has hitherto been supposed, was the first to constitute a second *βουλή* (see below, App. under BOULÉ); he also gave additional importance to the ecclesia, which had previously existed only in a rudimentary and uninfluential form, and assigned to it the election of archons.

The conduct of the Areiopagites at the time of the battle of Salamis (Vol. I. p. 176 *a*) was rewarded by a greatly increased respect for their authority; and for the first sixteen years of Athenian naval supremacy (B.C. 478–462) they once more became the ruling power in the state (Ἀθ. πολ. cc. 23, 41). The personality of Ephialtes, who put an end to this state of things, and the precise date of his reforms, now come out more clearly. It was in the archonship of Conon, B.C. 462, that he overthrew the Areiopagus; he was at this time the leader of the democratical party, not Pericles, whose advent to power must be dated some years later. As has been already said (Vol. I. p. 177 *b*), the curtailment of the powers of the Areiopagus was necessary to the expansion of Athens, and must be pronounced justifiable; it was not, however, carried out by constitutional methods: Ephialtes put many Areiopagites to death, and was himself assassinated (Ἀθ. πολ. c. 26).

ASTYNOMI. We have further proof (c. 50) that the Astynomi, and not the Areiopagus, were charged with preventing encroachments of private buildings upon the streets. From the same passage it is clear that windows were not allowed to open back into the street: cf. DOMUS, p. 663 *b*; JANUA, p. 987 *b*.

BOULÉ. The origin of the second or probouleutic council is now definitely ascribed to Draco: the number was 401, chosen apparently by lot from the whole body of citizens (*ἐκ τῆς πολιτείας*, c. 4); for the odd number compare the 51 Ephetae, and the juries of 201, 501, &c. dicasts. The additional member was omitted by Solon, who assigned an equal number to each of the four tribes (c. 8); the ten Cleisthenean tribes and *βουλὴ* of 500 are described in the usual terms (c. 21). The limitations on the powers of the *βουλὴ* are insisted on: the people alone is sovereign, and governs by psephismata and dicasteries (*αἱ τῆς βουλῆς κρίσεις εἰς τὸν δῆμον ἐληλύθασιν*, c. 41; *οὐ κυρία δ' ἡ κρίσις, ἀλλ' ἐφέσιμος εἰς τὸ δικαστήριον*, c. 45). Compare Aristot. *Pol.* iv. 4 = p. 1292, 5. The control of the *βουλὴ* over naval matters through *ἀρχιτέκτονες* and *τριηροποιοί*, subordinate to itself, and the conditions of its receiving the annual compliment (*δωρεάν*, crown, or "vote of thanks"), are in accordance with the text of Demosthenes (*Androt.* pp. 598–9, §§ 17–20; cf. BOULÉ, p. 310 *a*; Ἀθ. πολ. c. 46). The "naval architects," or "master ship-builders," however, are mentioned only by our author. The *ἀρχιτέκτων* of Dem. *de Cor.* p. 234, § 28, is a different person.

The pay of the *βουλευταί*, usually stated as a drachma a day, is given as five obols (Ἀθ. πολ. c. 62). Under the oligarchy of 411 B.C. those of the Four Hundred *βουλευταὶ* who were absent without leave were to be fined a drachma a day (c. 30).

The functions of the Prytanes, Proedri, and Epistatae are clearly and simply explained in accordance with the view now universally held [BOULÉ, p. 311 *a*]. There is only one set of Proedri, one from each of the non-presiding tribes, and there are two Epistatae (c. 44). According to Aristotle (c. 43), the four first prytanies were the longest, having the extra (thirty-sixth) day: our statement (p. 310 *b*) that the four last were the longest is based on an inscription of B.C. 410; but the rule may have changed between that date and the middle of the following century.

CENSUS (GREEK). In this article the property qualification of the Zeugitae is given, on the authority of Boeckh and Schömann, at 150 medimni a year. The more usual statement, following Plutarch (*Sol.* 18) and several passages of the grammarians, puts the figure at 200: a view strongly maintained by Grote (ii. 320 n., ed. 1862). Gilbert (*Staatsalterth.* i. 133) declares that the question cannot be positively decided. To the testimony of later writers in favour of the number 200 is now added the earlier and better authority of Aristotle (Ἀθ. πολ. c. 7), and this must be pronounced by far the most probable opinion.

CIVITAS (Greek). The Ἀθηναίων πολιτεία, if right in this matter, throws a new light upon the legislation of Draco: in a less degree, on that of Solon and Cleisthenes. From c. 4 it appears that Draco not merely codified the law (though this is particularly emphasised in the summary of political changes in c. 41, ἡ ἐπὶ Δράκοντος ἐν ᾗ καὶ νόμους ἀνέγραψαν πρῶτον *), but also gave Athens a constitution. A share in the government (ἡ πολιτεία) was given to all who could furnish a military equipment (τοῖς ὅπλα παρεχομένοις—the same qualification was necessary after the overthrow of the Four Hundred, Thuc. viii. 97: τοῖς πεντακισχιλίοις ἐψηφίσαντο τὰ πράγματα παραδοῦναι, εἶναι δὲ αὐτῶν ὁπόσοι καὶ ὅπλα παρέχονται). This body elected (αἱρεῖσθαι) the more important magistrates. There were property qualifications of varying amount for the different offices, *e.g.* of 100 (?: cf. Appendix, *s. v.* Strategus) minae for στρατηγοὶ and ἵππαρχοι, they had besides to be married and to have children more than ten years old; cf. Dinarch. *c. Dem.* § 71: καὶ τοὺς μὲν νόμους προλέγειν τῷ ῥήτορι καὶ τῷ στρατηγῷ τὴν παρὰ τοῦ δήμου πίστιν ἀξιοῦντι λαμβάνειν, παιδοποιεῖσθαι κατὰ τοὺς νόμους, γῆν ἐντὸς ὅρων κεκτῆσθαι, etc.; the property qualification of the nine archons and the ταμίαι was only 10 minae. Moreover 401 members of this body (over thirty years of age) were elected by lot as senate, and some others were in the same way appointed to some less important magistracies; but as no one could be a member of the senate or hold one of these offices a second time, before all other qualified persons had had their turn, the lot decided merely the order in which such persons should succeed. According to Ἀθ. πολ. the creation of a senate, which has hitherto been ascribed to Solon, was the work of Draco; nor was the property classification Solon's work, for it is incidentally mentioned as existing in the time of Draco, who ordained that for non-attendance at a meeting of the βουλὴ or ἐκκλησία a senator should pay three, two, or one drachma according as he was a πεντακοσιομέδιμνος, a ἱππεὺς or a ζευγίτης. No further information is given as to the functions of βουλὴ and ἐκκλησία; probably they did not exercise any important powers, the Areopagitic council having still (as before c. 3) control over all the magistrates, and being the guardian of the laws (ἡ δὲ βουλὴ ἡ ἐξ Ἀρείου πάγου φύλαξ ἦν τῶν νόμων καὶ διετήρει τὰς ἀρχὰς ὅπως κατὰ τοὺς νόμους ἄρχωσιν: cf. Tisamenus' decree in Andoc. *Myst.* § 84, ἐπιμελείσθω ἡ βουλὴ ἡ ἐξ Ἀρείου πάγου τῶν νόμων, ὅπως ἂν αἱ ἀρχαὶ τοῖς κειμένοις νόμοις χρῶνται); in fact it would seem to have possessed the right of revising decisions (ἐξῆν δὲ τῷ ἀδικουμένῳ πρὸ[ς τὴν τῶν] Ἀρεοπαγειτ[ῶν] βουλὴν εἰσαγγέλλειν ἀποφαίνοντι παρ' ὃν ἀδικεῖται νόμον). These constitutional changes failed, however, to remove the prevailing distress: they did not touch the large class of people who could not furnish a military equipment, and these remained as before ἐπὶ τοῖς σώ[μα]σι δεδεμένοι (cc. 2, 5).

Solon therefore, when he was elected διαλλακτὴς καὶ ἄρχων by the contending parties (κοινῇ), first attacked the economic question, as has been described under Seisachtheia (cf. Ἀθ. πολ. cc. 9, 10). Then all the laws of Draco (θεσμοὶ) except those on homicide were repealed, and the new code of laws (νόμοι, c. 6; θεσμοί, cc. 12, 35) was written on κύρβεις and placed ἐν τῇ στοᾷ τῇ βασιλείῳ (=Harpocr. *s. v.* κύρβεις). The most democratic features of his constitution are said to be: the prohibition of borrowing on the security of a man's person, the right of every one to commence an action for wrong done to him—τὸ ἐξεῖναι τῷ βουλομένῳ [γράφεσθαι, Mr. Kenyon] ὑπὲρ τῶν ἀδικουμένων—and the right of appeal to a court of law—[ᾗ] μάλιστά φασιν ἰσχυκέναι τὸ πλῆθος—ἡ εἰς τὸ δικ[αστήριον] ἔφ[εσι]ς. κύριος γὰρ ὢν ὁ δῆμος τῆς ψήφου κύριος γίνεται τῆς πολιτείας (c. 9). As regards Solon's reconstruction of the constitution, he used the classification of the people according to their property for political purposes (c. 7): offices (archons, ταμίαι, πωληταί, οἱ ἕνδεκα, κωλακρέται) were filled from the first three property classes, some from one, others from another (ἑκάστοις ἀνάλογον τῷ μεγέθει τοῦ τιμ[ή]μ[ατο]ς ἀποδιδοὺς τ[ὴν ἀρ]χήν), *e.g.* only Pentacosiomedimnoi were eligible as archons and ταμίαι, and it was not until 457 B.C. that ζευγῖται were admitted to the archonship (c. 26, the ἱππεῖς must have become qualified before that time), whilst the ταμίαι τῆς Ἀθηνᾶς had to be members of the first class—at least nominally, even in the days of the writer (cc. 8, 47, ἐκ πεντακοσιομεδίμνων κατὰ τὸν Σόλωνος νόμ[ον—ἔτι γὰρ ὁ ν]όμος κύριός ἐστιν,—ἄρχει δ' ὁ λαχὼν κἂν πάνυ πένης ᾖ). To the fourth class, the Thetes, Solon also gave a share of political power for the first time: a voice in the assembly and a seat in the law-courts.

Solon re-established the senate to the number of 400 (100 from each tribe), and left to the Areiopagitic council the guardianship of the laws (νομοφυλακεῖν) and its other important functions, giving it the right to pass judgment on those who conspired to overthrow the constitution (c. 8, καὶ τοὺς ἐπὶ καταλύσει τοῦ δήμου συν[ι]σταμένους ἔκρινεν, Σόλωνος θεν[τός]; cf. the law in c. 16).

Cleisthenes put an end to the four old tribes with their subdivisions, the trittyes and naucraries, and instituted a new set of tribes, ten in number (ἀναμῖξαι βουλόμενος ὅπως μετασχῶσι πλείους τῆς πολιτείας, c. 21), each to contain three trittyes, of which one was taken from the plain, one from the shore, and one from the mountain. See further under Demus. Cleisthenes left the γένη and φρατρίαι and ἱερωσύναι undisturbed, increased the number of the members of the senate to 500 (fifty from each tribe), and introduced the direct election of the principal magistrates (τοὺς στρατηγοὺς ᾑροῦντο κατὰ φυλάς, ἐξ ἑκάστης φυλῆς ἕνα, c. 22) by the

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* Mr. Kenyon infers from c. 3, ὅπως ἀναγράψαντες τὰ θέσμια φυλάττωσι πρὸς τὴν τῶν [παρανομού]ντων κρίσιν, "that the thesmothetae received their name not merely from the fact that they made law by administering it, but from being the first to lay it down in written decisions. There was, therefore, some written basis of law before the time of Draco."

popular assembly, which, as far as the nine archons are concerned, remained in force until 487 B.C., when selection by lot, closely resembling that of Solon, seems to have been re-introduced. Out of consideration for the new citizens (*νεοπολῖται*) whom Cleisthenes had introduced in large numbers, Cleisthenes altered the official mode of designation (c. 21) [DEMUS]. The account of Cleisthenes' reforms is summed up (c. 22), *τούτων δὲ γενομένων δημοτικωτέρα πολ[ὺ τῆς Σ]όλωνος ἐγένετο ἡ πολιτεία* (cf. c. 41, but see c. 29, Cleitophon's rider)· *καὶ γὰρ συνέβη τοὺς μὲν Σόλωνος νόμους ἀφανίσαι τὴν τυραννίδα διὰ τὸ μὴ χρῆσθαι, τοὺς δὲ ἄλλους θεῖναι τὸν Κλεισθένην στοχαζόμενον τοῦ πλήθους, ἐν οἷς ἐτέθη καὶ ὁ περὶ τοῦ ὀστρακισμοῦ νόμος.*

From c. 40 we learn that Thrasybulus proposed to grant citizenship *πᾶσι τοῖς ἐκ Πειραιέως συγκατελθοῦσι* (*ὧν ἔνιοι φανερῶς ἦσαν δοῦλοι*), and that Archinus instituted against him a *γραφὴ παρανόμων*. This was Thrasybulus *ὁ Στειριεύς*, and Archinus won his case (Aeschin. *c. Ctes.* § 195; one scholiast explains that Thrasybulus proposed civic rights for the orator Cephalus, another for Lysias: cf. [Plut.] *Vitt. X. Oratt.* p. 835 E f).

C. 42 deals with the manner of registration of the youths in the *ληξιαρχικὸν γραμματεῖον*, on completion of their eighteenth year, as it existed in the writer's own time. The demotae having sworn the customary oath, decided by vote *εἰ δοκοῦσι γεγονέναι τὴν ἡλικίαν τὴν ἐκ τοῦ νόμου*, and secondly *εἰ ἐλεύθερός ἐστι καὶ γέγονε κατὰ τοὺς νόμους*. If they were not satisfied on the former point, the particular youth was relegated to the *παῖδες*: if they found that a youth was not *ἐλεύθερος*, the latter might appeal to a court of law, before which the demotae were represented by five *κατήγοροι* elected from amongst themselves; and in case the court decided against the youth, he was sold by the state, whilst, on receiving a verdict in his favour, he was of necessity entered in the register of the deme. A second *δοκιμασία* was instituted by the senate; and if it was found that the name of one under eighteen years had been entered, they inflicted a penalty on the demotae who had admitted him. For details how the youths spent the following two years, see EPHEBUS. The account continues: *φρουροῦσι δὲ τὰ δύο ἔτη . . . καὶ ἀτελεῖς εἰσὶ πάντων καὶ δίκην οὔτε διδόασιν οὔτε λαμβάνουσιν ἵνα μὴ πράγμασι συμμιγεῖεν* (?) *τι, πλὴν περὶ κλήρου καὶ ἐπικλήρου, κἄν τινι κατὰ τὸ γένος ἱερωσύνη γένηται.* (This refers probably to disputes as to who was entitled to the succession in a priestly office: cf. c. 57 and Pollux, viii. 90, *δίκαι δὲ πρὸς αὐτὸν* (*βασιλέα*) *λαγχάνονται . . . ἱερωσύνης ἀμφισβητήσεως*). The second dokimasia on the part of the senate is, it seems, only mentioned here. As regards the *ἀτέλεια*, it is evident from Lys. *c. Diog.* § 24, that orphans were at that time released from liturgies only one year: *οὓς* (*τοὺς ὀρφανοὺς*) *ἡ πόλις οὐ μόνον παῖδας ὄντας ἀτελεῖς ἐποίησεν ἀλλὰ καὶ ἐπειδὰν δοκιμασθῶσιν, ἐνιαυτὸν ἀφῆκεν ἁπασῶν τῶν λειτουργιῶν.* The list of such lawsuits is either not complete—for see the action in Lys. *c. Theomn.* (§ 4, *φαίνομαι οὖν τρισκαιδεκαέτης ὤν, ὅτε ὁ πατὴρ ὑπὸ τῶν τριάκοντα ἀπέθνησκε· ταύτην δὲ ἔχων τὴν ἡλικίαν οὔτε . . . οὔτε ἐκείνῳ ἀδικουμένῳ ἠδυνάμην βοηθῆσ* § 31, *ὃς μόνος* [of the brothers] *ἐπειδὴ τάχισ ἐδοκιμάσθην, ἐπεξῆλθον τοῖς τριάκοντα ἐν Ἀρε Πάγῳ*)—or it applies to the writer's time onl The time of Lysias is referred to by *πρότερ* in c. 60, *πρότερον δ' ἐπώλει τὸν κάρπον πόλις*; cf. Lys. *pro Olea sacr.* § 2, *πρὸς το ἐωνημένους τοὺς κάρπους τῶν μοριῶν*: but t punishment mentioned there (§§ 3, 5, 26, 4 was not death (p. 817 *a*; cf. also App. s. STRATEGUS for the date of the election generals for special duties).

It is stated in c. 26 that in 451 B.C., on th proposal of Pericles, it was decreed *μὴ μετέχει τῆς πόλεως ὃς ἂν μὴ ἐξ ἀμφοῖν ἀστοῖν ᾖ γεγον* (cf. c. 13: among the followers of Pisistrat were also *οἱ τῷ γένει μὴ καθαροί*. The accou goes on: *σημεῖον δ' ὅτι μετὰ τὴν τῶν τυράνν κατάλυσιν* [Mr. Kenyon] *ἐποίησαν διαψηφισμ* [Mr. Kenyon, *διαψηφισμὸν?*] *ὡς πολλῶν κοινωνούντων τῆς πολιτείας οὐ προσῆκον*), and tha the same law prevailed in the time of the write is said in c. 42. No mention is made in th treatise of Aristophon's proposal in B.C. 40 *ὃς ἂν μὴ ἐξ ἀστῆς γένηται νόθον εἶναι*, and o Nicomedes' amendment, *τοὺς δὲ πρὸ Εὐκλεί ἀνεξετάστους ἀφεῖσθαι*, and we know that th became law (Isae. *Cir. Her.* § 43).

We find in c. 55 the proceedings at th dokimasia of the nine archons fully describe The questions as to descent bear out Pollux's statement (viii. 85, *εἰ Ἀθηναῖοί εἰσιν ἑκατέρωθεν ἐκ τριγονίας*); they were: *τίς σοι πατὴρ κα πόθεν τῶν δήμων, καὶ τίς πατρὸς πατὴρ καὶ τίς μήτηρ, καὶ τίς μητρὸς πατὴρ καὶ πόθεν τῶν δήμων· μετὰ δὲ ταῦτα εἰ ἔστιν αὐτῷ Ἀπόλλων πατρῷος καὶ Ζεὺς ἑρκεῖος καὶ ποῦ ταῦτα τὰ ἱερά ἐστιν*, etc.

DECUMAE. We read of Pisistratus (Ἀθ. πολ. c. 16) *ἐπράττετο γὰρ ἀπὸ τῶν γιγνομένων δεκάτην*. This is direct evidence for the tithe, which has hitherto been merely inferred from Thucyd. vi. 54. The difficulty still remains that the sons who levied only an *εἰκοστὴ* are always stated to have been more oppressive than their father. They may have lightened this particular tax, and levied others more burdensome.

DEMUS. The ten Cleisthenean tribes, like the four old-Ionic, were divided *each into three τριττύες*: the number of demes must have been unevenly distributed among trittyes as well as tribes (Ἀθ. πολ. c. 21). *The same* passage confirms what is stated as probable [DEMUS, p. 616 *a*], that before the time of Cleisthenes, Athenians were not *described by* the name of their deme.

DIAETETAE. According to our author (c. 53), they were men of just *sixty years* of age, bound under the penalty of atimia to serve in that capacity for the first year after their superannuation from military *service*. *Cf.* below, App. *s. v.* EPONYMI.

DICASTERION, DICASTES. The dicasteries existed at least as early *as the time* of Solon (c. 9), a point which has been regarded as doubtful. The dicasticon is here expressly referred to Pericles as its *author* (c. 27): no other amount than three obols is mentioned (c. 62). The usual number of the jury in civil cases was 201 if the amount was below 1000 drachmas; above that sum 401 (Ἀθ. πολ. c. 53).

DIOBELIA, DIOBOLON. The evidence on which this payment is ascribed to Pericles is insufficient. Our author (c. 28), who uses the form *διωβολία* (which is found also in the passage cited from the *Politics* of Aristotle), states definitely that it was first established by Cleophon. As regards the words which follow, speaking of an increase by Callicrates, see note on THEORICON.

ECCLESIA. It has been mentioned (App. *s. v.* AREIOPAGUS) that the Ecclesia first took a definite shape in the legislation of Draco. The four regular assemblies in each prytany, of which only the first was called *κυρία*, appear in the text of the 'Αθ. πολ. in accordance with the citations from Aristotle in Harpocration and Pollux [ECCLESIA, p. 697 *b*]. The name of Callistratus does not occur in the account of the *μισθὸς ἐκκλησιαστικός* [*ib.* p. 699 *a*]: it is briefly stated that Agyrrhius first gave an obol, one Heraclides raised it to a *διώβολον*, Agyrrhius again to a *τριώβολον* (c. 41). A very different statement in another part of the work must be left unexplained: *μισθοφοροῦσι δὲ πρῶτον [μὲν ὁ δῆμος] ταῖς μὲν ἄλλαις ἐκκλησίαις δραχμήν, τῇ δὲ κυρίᾳ ἐννέα* (*i.e.* nine obols or a drachma and a half, c. 62). If, as Mr. Kenyon supposes, this doubling and trebling of the pay was the work of demagogues of the fourth century, we should probably have found some mention of it in the orators and grammarians. The word *δῆμος*, it will be seen, has been supplied from conjecture, but seems to give the sense required by the context.

As regards the business taken at each meeting, the details given by the grammarians [ECCLESIA, p. 702 *b*] may be supplemented, but are not contradicted. In the first or *κυρία ἐκκλησία* of each prytany, after the "claims to succession" (*λήξεις κλήρων*) the words *καὶ τῶν ἐπικλήρων* follow, and may easily have dropped out (c. 43). Then follows an account of matters reserved for the *κυρία ἐκκλησία* of the sixth prytany: questions of ostracism, and of the prosecution of informers (*προβολαὶ συκοφαντῶν*). The 'Αθ. πολ., in agreement with other authorities, assigns the second assembly of each prytany to *ἱκετηρίαι*: as to the third and fourth it differs somewhat from Pollux, whose account we had followed: *αἱ δὲ δύο περὶ τῶν ἄλλων εἰσίν, ἐν αἷς κελεύουσιν οἱ νόμοι τρία μὲν ἱερῶν χρηματίζειν, τρία δὲ κήρυξιν καὶ πρεσβείαις, τρία δ' ὁσίων*: *i.e.* not more than three proposals or motions on each of these subjects were allowed in each prytany.

Schömann's conjecture [*ib.* p. 702 b] that the *ἀρχαιρεσίαι* took place in the ninth prytany must now give place to the definite statement that they were in the first prytany after the sixth in which the omens were favourable (*ποιοῦσι δ' οἱ μετὰ τὴν ϛ πρυτανεύοντες ἐφ' ὧν ἂν εὐσημία γένηται*, c. 44). This of course applies only to *ἀρχαὶ χειροτονηταί* such as the Strategi and other military officers: *ἀρχαὶ κληρωταί*, as we have stated *l. c.*, might be filled up at the very end of the year.

EISAGOGEIS. These magistrates were five in number, *δυοῖν φυλαῖν ἕκαστος* (c. 52), instead of the more usual ten.

EISANGELIA. *Εἰσαγγέλλειν πρὸς τὴν τῶν Ἀρεοπαγειτῶν βουλήν* is used in c. 4 (for the time before Solon) of one who had been illegally dealt with by a magistrate, and now pointed out the law which had not been observed (*ἐξῆν δὲ τῷ ἀδικουμένῳ πρὸ[ς τὴν τῶν] 'Αρεοπαγειτ[ῶν] βουλὴν εἰσαγγέλλειν ἀποφαίνοντι παρ' ὃν ἀδικεῖται νόμον*).

Under the rule of the Four Hundred it was proposed to abolish *τὰς τῶν παρανόμων γραφὰς καὶ τὰς εἰσαγγελίας*, etc. *ὅπως ἂν οἱ ἐθέλοντες 'Αθηναῖοι συμβουλεύωσι περὶ τῶν προκειμένων*, etc. (c. 29). Anyone accusing such persons as had come forward with proposals was to be punished most severely: *ἔνδειξιν αὐτοῦ εἶναι καὶ ἀπαγωγὴν πρὸς τοὺς στρατηγούς, τοὺς δὲ στρατηγοὺς παραδοῦναι τοῖς ἕνδεκα θανάτῳ ζημιῶσαι.* (Thuc. viii. 67 gives a much briefer account.)

Among the instances of gross abuse of the eisangelia Hyper. *pro Eux.* col. 19 mentions that of Diognides and the metoec Antidorus against whom an eisangelia was laid, *ὡς πλέονος μισθοῦντες τὰς αὐλητρίδας ἢ ὁ νόμος κελεύει*—this law is quoted in c. 50.

From c. 45 we learn that in former times the senate had summary jurisdiction, *χρήμασιν ζημιῶσαι καὶ δῆσαι καὶ ἀποκτεῖναι*, but that, when they were on the point of putting a certain Lysimachus to death, they were deprived of it by the people. This does not agree with c. 48, *καὶ ταῦτα εἰσπρά[ττειν ἡ βο]υλὴ καὶ δῆσαι [κυρ]ία κατὰ τοὺς νόμους ἐστίν*: cf. *C. I. A.* ii. No. 809 b (B.C. 325–4). In the time of Demosthenes the senate was competent to impose a fine of 500 drachmae (Dem. *c. Everg.* and *Mnes.* p. 1152, § 43), nor was the eisangelia laid by a private individual before the senate, at that time confined to charges against magistrates for not carrying out the laws, as described in c. 45 (*ἔξεστι δὲ καὶ τοῖς ἰδιώταις εἰσαγγέλλειν ἣν ἂν βούλωνται τῶν ἀρχῶν μὴ χρῆσθαι τοῖς νόμοις*).

The passage about the functions of the thesmothetae in Pollux, viii. 87 f., is almost verbally taken from c. 59; thus the statement that they laid the eisangeliae before the popular assembly, which Boeckh considered wrong and due to a misapprehension of some sort, is taken *verbatim* from the 'Αθην. πολ. But whilst the 'Αθην. πολ. has: *καὶ γραφὰς παρανόμων καὶ νόμον μὴ ἐπιτήδειον θεῖναι καὶ προεδρικὴν καὶ ἐπιστατικὴν καὶ στρατηγοῖς εὐθύνας*, Pollux strangely enough omits *προεδρικὴν καὶ ἐπιστατικήν*. Harpocr., *s. v.* *ῥητορικὴ γραφή*, mentions the *πρυτανικὴ καὶ ἐπιστατικὴ γραφή* [RHETORICE GRAPHE].

2. Among the charges laid before the Archon are mentioned in c. 56 *γονέων* (Mr. Wyse) *κακώσεως*, with the remark *αὗται δέ εἰσιν ἀζήμιοι τῷ βουλομένῳ διώκειν*: this seems to point to the *εἰσαγγελία κακώσεως γονέων*, cf. Bekk. *Anecd.* p. 269, 5 f., and Harpocr. *s. v.* *κακώσεως*.

3. In c. 53 the eisangelia against *διαιτηταί* is mentioned: *ἔστι δὲ καὶ εἰσαγγέλλειν εἰς τοὺς διαιτητὰς* (papyrus: Mr. Kenyon reads *δικαστὰς*) *ἐάν τις ἀδικηθῇ ὑπὸ τοῦ διαιτητοῦ, κἄν τινος καταγνῶσιν ἀτιμοῦσθαι κελεύουσιν οἱ νόμοι. ἔφεσις δ' ἐστὶ καὶ τούτοις.* Appeal to a law-court was inferred by Fränkel, *Att. Geschworenger*, p. 73 n., from Dem. *c. Mid.* p. 543, § 91. The reading of the papyrus *εἰς τοὺς διαιτητὰς* ought not to have been altered to *εἰς τοὺς δικαστὰς* on the authority of Harpocr. *s. v.* *εἰσαγγελία*: Bergk's alteration there from *πρὸς τοὺς δικαστὰς* to *πρὸς τοὺς διαιτητὰς* is borne out by

the papyrus. [In the article in Vol. I. p. 710 *b*, Bergk's reading is by a printer's error wrongly given; read also Schol. Plat. *Legg.* p. 920 D instead of p. 926 D.]

EMMENOI DIKAI. In c. 52, the *εἰσαγωγεῖς* are mentioned as still existing. They were five in number, appointed by lot *δυοῖν φυλαῖν ἕκαστος, οἳ τὰς ἐμμήνους εἰσάγουσι δίκας.* The list of the classes of cases coming under this head is longer and more detailed than that given elsewhere: *προικὸς ἐάν τις ὀφείλων μὴ ἀποδῷ κἄν τις ἐπὶ δραχμῇ δανεισάμενος ἀποστερῇ* (*i.e.* 12 per cent.: in Dem. *c. Aphob.* i. p. 818, § 17, *c. Neaer.* p. 1362, § 52, the interest as fixed by law is at the rate of 9 obols, *i.e.* 18 per cent. in case of non-fulfilment of marriage-contract or of divorce) *κἄν τις ἐν ἀγορᾷ βουλόμενος ἐργάζεσθαι δανείσηται παρά τινος ἀφορμήν.*

αἰκίας (this action was brought before the Forty in the time of Demosthenes, Dem. *c. Pantaen.* p. 976, § 33; cf. Schol. Plat. *de Republ.* v. p. 464 E);

ἐρανικαὶ καὶ κοινωνικαί (Harpocr. *s. v. κοινωνικῶν· τάχα δὲ καὶ περὶ τῶν ἑκούσιον κοινωνίαν συνθεμένων ἐμπορίας ἤ τινος ἄλλου*: cf. Dem. *c. Pantaen.* p. 977, § 38, *οἱ κοινωνοῦντες μετάλλου*);

ἀνδραπόδων, ὑποζυγ[ίω]ν (cf. the title of Dinarch. *c. Antiph. περὶ ἵππου*, etc.);

τριηραρχίας καὶ τραπεζιτικαί.

The *δίκαι μεταλλικαὶ* and *ἐμπορικαὶ* are not mentioned, probably because they belonged to the *ἡγεμονία* of the thesmothetae (Dem. *c. Apat.* p. 892, § 12; 'Αθην. πολ. c. 59 = Pollux, viii. 88).

Then follows the sentence *οὗτοι μὲν οὖν ταύτας δικάζουσιν ἐμμήνους εἰσάγ[ον]τες, οἱ δ' ἀποδέκται τοῖς τελώναις καὶ κατὰ τῶν τελωνῶν, τὰ μὲν μεχρὶ δέκα δραχμῶν ὄντες κύριοι, τὰ δ' ἄλλ' εἰς τὸ δικαστήριον εἰσάγοντες ἔμμηνα* (cf. Pollux, viii. 97); here *δικάζειν* seems to refer to the *ἡγεμονία.*

ENDEIXIS. From c. 52 we learn that some *ἐνδείξεις* were laid before the Eleven and some before the thesmothetae. From c. 29 it appears that during the rule of the Four Hundred they were laid before the generals. This measure was directed against those who prosecuted anyone for anti-constitutional propositions. The *ἔνδειξις* against persons who acted as dicasts, though disqualified as state-debtors or *ἄτιμοι*, is discussed in c. 63, *ἐνδείκνυται κατὰ τὸ δικαστήριον εἰσαγγελί[α]* (Mr. Kenyon now reads *ἐ. καὶ [εἰς] τὸ δικαστήριον εἰσάγεται*), *ἐὰν δ' ἁλῷ προστιμ[ῶσιν αὐτ]ῷ οἱ δικασταὶ ὅ τι ἂν δοκῇ ἄξιος εἶναι παθε[ῖν] ἢ ἀποτῖσαι. ἐὰν δὲ ἀργυρίου τιμηθῇ δεῖ αὐτὸν δεδέ[σθαι] ἕως ἂν ἐκτίσῃ τό τε πρότερον ὄφλημ[α ἐ]φ' ᾧ ἐνεδείχθη καὶ ὅ τι αὐτῷ προστιμήσῃ τ[ὸ δικ]αστήριον.*

EPIMELETAE. Three kinds of *ἐπιμεληταὶ* are mentioned in the 'Αθ. πολ., Nos. 3, 4, and 5 in our article. The received account of the *ἐπιμεληταὶ τοῦ ἐμπορίου* (No. 3) is taken mainly from Harpocration, who copied Aristotle. The only point worth noticing is the reading *σιτικὸν* ('Αθ. πολ. c. 51) for the *'Αττικὸν* of Harpocrat. and *ἀστικὸν* of *Lex. Seguer.* p. 255. It appears to us that *'Αττικὸν ἐμπόριον*, a common phrase for "the port of Athens," is the best reading of the three: cf. Dinarch. *c. Dem.* § 96, *τί κατεσκεύακεν οἰκοδόμημα Δημοσθένης ἐν τῷ ἐμπορίῳ τῷ ὑμετέρῳ ἢ ἐν τῷ ἄστει ἢ ἄλλοθί που τῆς χώρας*; where *ἐμπόριον* is simply the Peiraeus. The *ἐπιμεληταὶ τῶν μυστηρίων* (No. 4) are mentioned in c. 57 as associated with the king archon: here also we find nothing that has not been already extracted by Harpocrat. On the *ἐπιμεληταὶ τῆς πομπῆς τῷ Διονύσῳ* (No. 5) there is a difference of some importance. "They were formerly chosen by *χειροτονία*, and paid the expenses [of the greater Dionysia] themselves: but now ('Αθ. πολ. c. 56) by lot, and the state allows them 100 minae for expenses." This change must have been very recent when the tract was written, as *χειροτονία* was still the rule in B.C. 349–8, the date of the *Meid.* (p. 519, § 15). Whether the 100 minae were allotted to each of the ten, or to the whole body, is not clear from the words of the 'Αθ. πολ.: but £400, rather than £4000, is the more likely sum for the Athenians to have voted for the festival.

Another *ἐπιμελητὴς* is mentioned in 'Αθ. πολ. c. 43, and not, it would seem, elsewhere; the *ἐπ. τῶν ὑδάτων.* The office was an important one, as he was elected by *χειροτονία*: and he is apparently to be identified with the *ἐπιστάτης τῶν ὑδάτων* (Plut. *Themist.* 31; EPISTATES). The *κρηνοφύλακες* (Hesych., Phot.) were probably his subordinates, and the *κρηνοφυλάκιον* their place of business.

EPISKEUASTAE. To the list of Athenian public officers must now be added ten *ἱερῶν ἐπισκευασταί*, "repairers of temples," chosen by lot and allowed the very moderate sum of 30 minae (£120) for their department ('Αθ. πολ. c. 50). For the ordinary, unofficial sense of *ἐπισκευαστής*, cf. Dem. *c. Androt.* p. 615, § 6 p. 618, § 78.

EPITROPUS. C. 56 contains a full account (of which Pollux, viii. 89, gives a summary) of the functions of the archon; we quote here the passages which refer to the superintendence he exercised over orphans and their estates: *γραφαὶ δ[ὲ καὶ δ]ίκαι λαγχάνονται πρὸς αὐτόν, ὡς ἀνακρίνας εἶτ' [εἰς δι]καστήριον εἰσά[γει]....*

ὀρφανῶν κ[ακώ]σεως (αὗται δ' εἰσὶ κατὰ τῶν ἐπιτρόπων)

ἐπικλήρου κακώσε[ως] (αὗται δέ εἰσι κατὰ [τῶν] ἐπιτρόπων καὶ τῶν συνοικούντων),

οἴκου ὀρφανικοῦ κακώσεως (εἰσὶ δὲ καὶ [αὗται κατὰ τῶν] ἐπιτρό[πω]ν)....

εἰς ἐπιτροπῆς κατάστασιν, εἰς ἐπιτροπῆς διαδικασίαν, εἰ [πλείονες τῆς αὐτῆς θέλουσ]ιν ἐπίτροποι αὐτὸν ἐγγράψαι...

μισθοῖ δὲ καὶ τοὺς οἴκους τῶν ὀρφανῶν.

EPONYMI. Under this head we have to notice a new explanation of the difficult phrase *ἐπώνυμοι τῶν ἡλικιῶν.* In c. 53 we read *εἰσὶ γὰρ ἐπώνυμοι δέκα μὲν οἱ τῶν φυλῶν, δύο δὲ καὶ τετταράκοντα οἱ τῶν ἡλικιῶν*: and that formerly the names of the *ἔφηβοι* were written *εἰς λελευκωμένα γραμματεῖα*, and in the time of the writer *εἰς στήλην χαλκῆν καὶ ἵσταται ἡ στήλη πρὸ τοῦ βουλε[υτ]ηρίου παρὰ τοὺς ἐπωνύμους.* Mr. Kenyon observes: "It seems that for the purposes of military service a cycle of forty-two years was arranged, to each of which a name was given, probably chosen, like those of the eponymi of the ten tribes, from the heroes of Athenian legendary history. Thus when a youth was enrolled in the lists of the tribes and became liable for military service, his name was entered on a roll, with the name of the year according to the archon and the name of the eponymous hero from whom his military service was to be dated." (The meaning of ὁ ἐπώνυμος ὁ τῷ προτέρῳ [ἔτει] δε διαιτηκὼς is not explained.) "For all official purposes, such as the indication of what years were to be called out for service on any particular occasion, these names were employed:" χρῶνται δὲ τοῖς ἐπωνύμοις καὶ πρὸς τὰς στρατείας, καὶ ὅταν ἡλικίαν ἐκπέμπωσι προγράφουσιν ἀπὸ τίνος ἄρχοντος καὶ ἐπων[ύμου μ]έχρι τινῶν δεῖ στρατεύεσθαι. [App. *s. v.* DIAETETAE.] As a matter of fact the orators use a shorter expression: ψηφισαμένων δ' ὑμῶν ... καὶ τοὺς μέχρι τριάκοντ' ἔτη γεγονότας ἐξιέναι, Aeschin. *F. L.* § 133: ἐψηφίσασθε...καὶ τοὺς μέχρι πέντε καὶ τετταράκοντα ἐτῶν αὐτοὺς ἐμβαίνειν, Dem. *Olynth.* iii. p. 29, § 4: cf. Lycurg. *c. Leocr.* § 39.

EUTHYNE. The λογισταὶ are twice mentioned. From c. 48 we learn that they, ten in number, were appointed by lot from among the members of the senate, to check the accounts of the different officers in each prytany; and in c. 54, λογισταὶ δέκα καὶ συνήγοροι τούτοις δέκα are mentioned as appointed by lot. Then follows a detailed account of the proceedings in the law-courts: if they prove a man guilty of embezzlement (κλοπή: cf. Dem. *c. Timocr.* p. 735, § 112, εἰ μέν τις ἀγορανόμος .... κλοπῆς ἐν εὐθύναις ἥλωκεν, ... τούτῳ μὲν τὴν δεκαπλασίαν εἶναι; Aeschin. *c. Ctes.* § 10; Plut. *Arist.* 4), then the dicasts find him guilty of embezzlement, and he is fined in ten times the amount of the sum proved against him. The same procedure took place in case of bribes (cf. Dem. *F. L.* p. 429, § 273, δῶρα λαβεῖν ἔδοξε πρεσβεύσας), the fine being again tenfold; whilst in the case of ἀδικίου the fine was in the same amount as the fraud, if paid before the 9th prytany, and double the amount if deferred. The δίκη ἀδικίου is mentioned in Plut. *Per.* 32, εἴτε κλοπῆς καὶ δώρων εἴτ' ἀδικίου βούλοιτό τις ὀνομάζειν τὴν δίωξιν of Pericles regarding the expenditure of public money; cf. Harpocr. *s. v.* and Pollux, viii. 31. Two πάρεδροι to each εὔθυνος, appointed by lot, are mentioned in c. 48. The duty of the πάρεδροι was to station themselves in the ἀγοραὶ by the Eponymi of the several tribes, and there to receive complaints against persons who had received their discharge from a court of law within three days from such discharge. The complaint was entered upon a tablet with the name of the complainant and the person accused, together with the amount of the τίμημα (τίμημα [παραλ]αβόμενος, Mr. Kenyon: ἐπιγραφόμενος ?). This he handed to the εὔθυνος who investigated the matter (ὁ δὲ λαβὼν τοῦτο καὶ ἀ[κούσας], Mr. Kenyon: ἀ[νακρίνας] ?); and if he judged the man guilty, he passed over the matter if a private one to the δικασταὶ οἱ κατὰ δήμους οἳ τὴν φυλὴν ταύτην εἰσάγουσιν, but if a public matter to the thesmothetae.

EXOMOSIA. (2.) The exomosia of those enrolled by the καταλογεῖς as horsemen is mentioned in c. 49: οὗτοι (οἱ ἵππαρχοι καὶ φύλαρχοι) παραλαβόντες εἰσφέρουσι τ[ὸν] κατάλογον εἰς τὴν βουλὴν καὶ τὸν πίνακα ἀνοίξαντες, ἐν ᾧ κατασεσημασμένα τὰ ὀνόματα τῶν ἱππέων ἐστί, τοὺς μὲν ἐξομνυμένους τῶν πρότερον ἐγγεγραμμένων μὴ δυνατοὺς εἶναι τοῖς σώμασιν ἱππεύειν ἐξαλείφουσι, τοὺς δὲ κατειλεγμένους [κ]αλοῦσι, κἂν μέν τις ἐξομόσηται μὴ δύνασθαι τῷ σώματι ἱππεύειν ἢ τῇ οὐσίᾳ τοῦτον ἀφιᾶσιν, etc.

EXSILIUM. In c. 22 it is stated that Cleisthenes introduced ostracism (ὃς sc. νόμος ἐτέθη διὰ τὴν ὑποψίαν τῶν ἐν ταῖς δυνάμεσιν, ὅτι Πεισίστρατος δημαγωγὸς καὶ στρατηγὸς ὢν τύραννος κατέστη; cf. Harpocr. *s. v.* Ἵππαρχος). It was in the first place aimed at the supporters of his family who still remained at Athens—the first victim was Hipparchus, the son of Charmus, the law being put in force against him two years after the battle of Marathon, and in 487 B.C. Megacles, the son of Hippocrates, was ostracised—but soon it became to be used εἴ τις δοκοίη μείζων εἶναι, *e.g.* Xanthippus, the son of Ariphron, in 468 B.C., Aristides, Damonides (c. 27). The only foundation for the story that Cleisthenes himself was ostracised is Aelian (*V. H.* xiii. 24). At the approach of Xerxes the persons ostracised were recalled, and it was henceforward ordained that persons ostracised should reside ἐντὸς Γεραιστοῦ καὶ Σκυλλαίου ἢ ἀτίμους εἶναι καθάπαξ, *i.e.* between the extreme south of Euboea and east of Argolis respectively. "The regulation," Mr. Kenyon remarks, "cannot, however, have been strictly observed subsequently; for instance, we find the ostracised Themistocles living in Argos (Thuc. i. 135), and the ostracised Hyperbolus in Samos (Thuc. viii. 73)." These facts, and the statement of Philochorus in *Lex. Rhet. Cantabr.* s. v. ὀστρακισμοῦ τρόπος· μὴ ἐπιβαίνοντα ἐντὸς Γεραίστου τοῦ Εὐβοίας ἀκρωτηρίου, suggest the reading ἐκτὸς instead of ἐντὸς in the Ἀθην. πολ.

GEOMORI. For these, the second of the Theseian classes in early Attica, the name ἄ[γρ]οικοι occurs Ἀθ. πολ. c. 13. The restoration of the illegible letters is undoubted. In a passage already cited (Dion. Hal. ii. 8) the plebs at Rome are called ἄγροικοι in distinction from the εὐπατρίδαι or patricians. Cf. Hesych. *s. v.* ἀγροιῶται: ἄγροικοι, καὶ γένος Ἀθήνησιν, οἳ ἀντιδιεστέλλοντο πρὸς τοὺς εὐπατρίδας· ἦν δὲ τὸ τῶν γεωργῶν, καὶ τρίτον τὸ τῶν δημιουργῶν.

HECTEMORII. The following passage confirms the view taken in the text: καὶ δὴ καὶ ἐδούλευον οἱ πένητε[ς τοῖς] πλουσίοις καὶ αὐτοὶ [καὶ τ]ὰ τέκνα καὶ αἱ γυναῖκες, καὶ ἐκαλοῦντο πελάται καὶ ἑκτημόροι· [ἐπὶ] ταύτης γὰρ τῆς μισθώσεως [εἰ]ργάζοντο τῶν πλουσίων τοὺς ἀγρούς (Ἀθ. πολ. c. 2). Thus the ἑκτημόριοι or ἑκτημόροι (the latter form, given also by Hesychius, seems the correct one) *received* only a sixth part of the produce: ἀντί, however, rather than ἐπί, seems the preposition to be supplied.

HENDECA, HOI. Meier's conjecture as to the early origin of this body is now confirmed: Solon provided for their election, it would seem, out of the first three classes, and is not said to have created the office (Ἀθ. πολ. c. 7). The account of their duties (c. 52) adds no new particulars.

HERES. The Thirty are said (c. 35) to have struck out in Solon's law relative to the right of bequest (περὶ τοῦ δοῦναι τὰ ἑαυτοῦ ᾧ ἂν ἐθέλῃ) the provisions ἐὰν μὴ μανιῶν ἢ γηρῶν ἢ γυναικὶ πιθόμενος, to limit the opportunities of the sycophants (ὅπως μὴ ᾖ τοῖς συκοφάνταις ἔφοδος).

HODOPOEI. We now learn that they were five in number, and appointed by lot: they repaired (*ἐπισκευάζειν*) the roads, having public slaves (*δημόσιοι ἐργάται*) under them (*'Αθ. πολ.* c. 54).

JUSJURANDUM. Some particulars about the oath of the nine archons are supplied by the *'Αθ. πολ.*; it is said that they swear [*καθάπερ*] *ἐπὶ 'Ακάστου* [*τῆς πόλεως ἄρξ*]*ειν*; and this is used as an argument to show that the archon was first associated with the king at the accession of Acastus (c. 3: cf. ARCHON).

The archons were bound to observe the laws of Solon by an oath which was still sworn by them in the time of the writer (c. 7; cf. c. 55): *ἀναβάντες δ' ἐπὶ τοῦτον* (*τὸν λίθον ὑφ' ᾧ τὰ ταμιεῖα ἐστίν*) *ὀμνύουσιν δικαίως ἄρξειν καὶ κατὰ τοὺς νόμους καὶ δῶρα μὴ λήψεσθαι τῆς ἀρχῆς ἕνεκα, κἄν τι λάβωσιν ἀνδρίαντα ἀναθήσειν χρυσοῦν. ἐντεῦθεν δ' ὀμόσαντες*, etc. At the same stone *οἱ μάρτυρες ἐξόμνυνται τὰς μαρτυρίας*.

The treaty in c. 23 (*ἐφ' οἷς* [*ὅρκοις*] *καὶ τοὺς μύδρους ἐν τῷ πελάγει καθεῖσαν*) supplies a parallel to Herod. i. 165 (p. 1046 *a*).

APPENDIX TO VOLUME II.

METOECI. C. 58 confirms the statements (p. 170 *a*) as to their actions at law before the polemarch.

METRONOMI. Fränkel's view as to their number (see p. 170 *b*) is confirmed by *'Αθ. πολ.* c. 51.

NAUCRARIA. The passage in c. 8 clearly makes the *ναυκραρίαι* date from a period before Solon: not only the context, but the tense *ἦσαν νενεμημέναι* admits of no other explanation. The transference of the duties to the demarchi is stated in c. 21.

NOMOS. For Draco's constitutional changes cf. note on CIVITAS.

Solon's law *περὶ τῶν τυράννων* is quoted c. 16. The text is evidently corrupt. Perhaps the law was *ἐάν τις ἐπὶ τυραννίδι ἐπανιστῆται ἢ συγκαθίστῃ τὴν τυραννίδα ἄτιμον εἶναι αὐτὸν καὶ γένος*. In Andoc. *Myst.* § 97 a law is quoted (professedly Solonian) in which the same phrases occur—*κτενῶ . . . . καὶ ἐάν τις τυραννεῖν ἐπαναστῇ ἢ τὸν τύραννον συγκαταστήσῃ*. Dobree inserts *ἐπὶ τῷ* before *τυραννεῖν*: probably in the *'Αθην. πολ.* *τυραννεῖν* was written above *ἐπὶ τυραννίδι*, and a copyist inserted the phrase lower down in the text. The story (Plut. *Sol.* 18) about want of clearness in Solon's laws occurs in c. 9.

Cc. 29 to 32 give at great length the constitutional schemes of the Four Hundred, quoting apparently from original documents.

Of the Thirty it is said (c. 35): *τὸ μὲν οὖν πρῶτον . . . . προσεποιοῦντο διοικεῖν τὴν πάτριον πο*[*λιτ*]*είαν* (the restoration of the "ancient constitution" was included in the terms of peace) *καὶ τοὺς περὶ τῶν 'Αρεοπαγιτῶν καθεῖλον ἐξ 'Αρείου* [*πάγου*] *καὶ τῶν Σόλωνος θεσμῶν ὅσοι διαμφισβητ*[*ήσ*]*εις εἶχον*, *e.g.* in Solon's law regarding testamentary dispositions they abolished the provisions *ἐὰν μὴ μανιῶν ἢ γηρῶν ἢ γυναικὶ πιθόμενος* (Dem. *c. Steph.* ii. p. 1133, § 14 *lex*). Cf. Schol. Aeschin. *c. Tim.* § 39, *ἐλυμήναντο τοὺς Δράκοντος καὶ Σόλωνος νόμους*.

Of the restoration of the democracy after the fall of the Thirty little is said in c. 39: *τὰς δὲ δίκας τοῦ φόνου εἶναι κατὰ τὰ πάτρια, κ.τ.λ.* (the text is unfortunately corrupt), an amnesty was granted with certain exceptions, and in c. 40 an instance is given of the zeal with which Archinus prosecuted a breach of this amnesty (*ἐπεί τις ἤρξατο τῶν κατεληλυθότων μνησικακεῖν, ἀπαγαγὼν τοῦτον ἐπὶ τὴν βουλὴν καὶ πείσας ἄκριτον ἀποκτεῖναι*, etc.: cf. Isocr. *c. Callim.* § 3).

OLEA. We learn from c. 60 that the state management of the *μορίαι* described in the article (p. 263 *a*) was earlier than the date of the treatise *'Αθ. πολ.*, and that the penalty in those older times for damaging one of the trees was death (at an earlier date probably than the oration of Lysias). In the writer's own time the owner of the land where the *μορίαι* grew was obliged to render to the archon 1½ cotylae of oil for each tree, and (since the registers of the trees doubtless remained, so that their destruction entailed no loss of oil upon the state) the state penalty became obsolete. The archon had to hand over the oil so received to the *ταμίαι* at the end of his year of office. The *ταμίαι* stored it in the Acropolis till the Panathenaea, when they delivered it to the athlothetae.

PANATHENAEA. The statement (p. 327 *b*) that the officials of the greater festival were the *Athlothetae*, not the Hieropoioi, is confirmed by cc. 54 and 60. In c. 49 it is mentioned that the selection of weavers of the sacred *πέπλος* (p. 327 *a*) was first in the hands of the *βουλή*, and afterwards of a *δικαστήριον* (see note on *βουλή*).

PARANOIAS DIKE. It was laid before the archon: *ἐάν τις αἰτιᾶταί τινα παρανοοῦντα τ*[*ὰ ἑαυτοῦ κτήματα ἀ*]*πολλύ*[*ναι*], c. 56.

PAREDRI. The number, two for each of the three superior archons, is confirmed by c. 56: also that they were subject to *δοκιμασία* and *εὔθυναι*. The two *πάρεδροι* of the *εὔθυνοι* are mentioned in c. 48.

PHYLARCHI. The surmise that the ten phylarchi were elected by cheirotonia is confirmed by c. 61 [see p. 388 *b*, where a misprint, "one *tribe* commanded the cavalry contingent," should be altered to "one phylarch"]. Their examination of the cavalry roll in presence of the *βουλή*, and in conjunction with the hipparchs, and their register of the vote passed as to the fitness or unfitness of those who pleaded incapacity for service, are mentioned in c. 49.

POLETAE. The statements in the article are confirmed by the account of the Poletae in c. 47 with some additional details. They are said to ratify the lease of revenues conferred on any *τελώνης* by the *βουλή*, in conjunction with the *ταμίας τῶν στρατιωτικῶν* and the superintendents of the theoricon. The Poletae deliver to the *βουλὴ* tablets (*γραμματεῖα λελευκωμένα*) stating the amount of payments (*καταβολαί*) to be made in each prytany. The greater number were made in the 9th prytany of the year (cf. TELONES).

PROBOULI. The statement (p. 493 *b*) in which we followed Grote, that there was no sufficient ground for supposing that the *ξυγγραφῆς αὐτοκράτορες* of Thuc. viii. 67 were the same persons as the *πρόβουλοι* must be modified. In c. 29 we are told that on the motion of Pythodorus twenty persons over forty years of age were elected, in addition to the ten *προϋπάρχοντες πρόβουλοι*, to draw up the constitution under the 400. We should infer, with Mr. Kenyon, that this "pre-existing" board of ten commissioners was a continuation of that mentioned in Thuc. viii. 1; and that the party of Pisander having either reappointed them, or appointed others with the same title, added twenty to carry out the work. So far this treatise justifies Androtion and Philochorus when Harpocration (*s. v. συγγραφεῖς*) cites as speaking of *thirty in all;* and Grote is probably wrong in supposing that they confused the oligarchy of the 400 with that of the Thirty.

PROSTATES TOU DEMOU. In the 'Αθ. πολ. the term *προστάτης τοῦ δήμου* (or *τοῦ πλήθους*) is constantly used in the sense of "leader of the popular party": *e.g.* Solon (*πρῶτος ἐγέν[ετο τοῦ δήμου] προστάτης*, cc. 2, 28), Pisistratus (*δεύτερος*, c. 28), Cleisthenes (cc. 21, 28), Xanthippus, Themistoles and Aristides (cc. 23, 28), Ephialtes (cc. 25, 28), Pericles, Cleon, Cleophon. These are opposed to the leaders for the time being of the other party (*προστ. τῶν ἑτέρων, τῶν εὐπόρων, τῶν γνωρίμων*. Hipparchus, the son of Charmus, is called *ἡγεμὼν καὶ προστάτης* of the *φίλοι τῶν τυράννων*, c. 22).

PRYTANEUM. C. 62 notes that the Athlothetae dined in the Prytaneum in the month in which the Panathenaea was celebrated, from the 4th of the month onwards. It should be observed also that this treatise (c. 43) speaks of the prytanes as still dining together in the Tholos (cf. p. 515 *b*).

PSEPHUS. Unfortunately the greater portion of the detailed account of the procedure in the law-courts is either lost or exists only in a very mutilated condition. On p. 168 ff. we have the description of the voting: of the two *ἀμφορεῖς*, one was of metal, *ὁ κύριος*—the other of wood, *ὁ ἄκυρος*, placed separate (*διαίρετοι*); the *ἀμφορεὺς* of metal is described (Schol. Aristoph. *Equ.* 1147, and Pollux, viii. 123, are correct); *ἔπειτα πάλιν [ὁ κῆρυξ κηρ]ύττ[ει], ἡ τε [τρυπη]μένη τοῦ πρ[ό]τερο[ν λέγοντος] ἡ [δὲ] πλή[ρης το]ῦ ὕστερον λέγοντος . . . . τῶν ψήφων τοῦ μὲν διω[κόν]τος τὰς τετρυπημένας, τοῦ δὲ φ[εύγοντος] [τὰ]ς πλήρεις· ὁποτέρῳ δ' [ἂν πλείω γ]ένη[ται οὗ]τος νικᾷ. ἂν δὲ [ἴσαι, ἀποφεύγει].* (Cf. *Lex. Rhet. Cantabr.* s. v. *ἴσαι αἱ ψῆφοι αὐτῶν.*) *Εἶτ]α πάλιν Τιμῶσι, ἂν δεῇ τιμῆσαι, τὸν αὐτὸν τρόπον ψηφιζόμενοι, τὸ μὲν σύμβολον ἀποδίδοντες, βακτηρίαν δὲ πάλιν παραλαμβάνοντες* (cf. p. 163=Schol. Aristoph. *Plut.* 278; see Dem. *de Cor.* p. 298, § 210), *ἡ δὲ τίμησίς ἐστιν πρὸς ἡμίχουν ὕδατος ἑκατέρων.* That the clepsydra was filled again for the *τίμησις* was known from Aeschin. *c. Ctes.* § 197: *ἤδη τὸ τρίτον ὕδωρ ἐγχεῖται τῇ τιμήσει*, but only now do we learn the amount of water put in, half a *χοῦς*. The time allowed was certainly short, considering that in a *γραφῇ παραπρεσβείας* each side was allowed eleven *ἀμφορεῖς* (Aeschin. *F. L.* § 126), and in an inheritance suit each party was allowed one *ἀμφορεὺς* for the first speech, and the quarter of that, three *χόες*, for the second. (Dem. *c. Macart.* p. 1052, § 8.)

SEISACHTHEIA. This measure, which was a cancelling of all debts, both public and private (c. 6), preceded Solon's legislation, and the reform of the money standard and of the system of weights and measures followed the legislation (c. 10; it was not contemporary with the Seisachtheia, Plut. *Sol.* 15). Some particulars are given as to the monetary standard introduced by Solon: unfortunately the reform of the system of weights and measures is only mentioned as a fact without details.

SITOPHYLACES. Fränkel's view as to their number, five for the city and five for the Peiraeus, is shown to be correct ('Αθ. πολ. c. 51).

STRATEGUS. 'Αθ. πολ., c. 4, speaks of *στρατηγοὶ* in the time of Draco, mentioning the qualification that they must be married, and adding that they must have children over ten years of age. As the text stands we are told of a property qualification of 100 minae; but, since the qualification of an archon (at that time a more important office) was only ten minae. this is unlikely, and *ἕκαστον η'* (implying a qualification of eight minae) may be a truer reading than *ἢ ἑκατόν*.

The election of one strategus from each tribe in the time of Cleisthenes is mentioned in c. 57: we learn also that after the reforms of Cleisthenes they were still of lower rank than the archons and subordinate in military rule to the Polemarch (c. 22, *τῆς δ' ἁπάσης στρατιᾶς ἡγεμὼν ἦν ὁ Πολέμαρχος*). This bears out the account of Herod. vi. 109, 111, placing the growth of their importance later.

From c. 61 we learn that, instead of one being elected as in older times from each tribe, the ten were now chosen by *χειροτονία* from the whole body of citizens (*ἐξ ἁπάντων*), which obviously gave a greater freedom for choosing the best men. It is not, however, stated when this change was made.

The assignment of the five first strategi to special duties is mentioned as fixed and definite: 1. the commander of hoplites on service out of the country: 2. over the local defence and general-in-chief in case of invasion: 3. over Munychia: 4. over the shore (= the *χώρα παραλία* of *C. I. G.* 178, 179, as Mr. Kenyon remarks)—3 and 4 are reckoned together as *ἐπὶ τὸν Πειραιᾶ*: 5. *ἐπὶ τὰς συμμορίας*, the duties specified being to make out the register of the trierarchs, to carry out the *ἀντιδόσεις* and to preside at legal proceedings connected with the trierarchy (cf. p. 892 *a*). The other five strategi were employed as occasion demanded (*τοὺς δ' ἄλλους πρὸς τὰ παρόντα πράγματα ἐκπέμπουσιν*). It is added that the strategus could imprison and fine (*ἐπιβολὴν ἐπιβάλλειν*) anyone guilty of breach of discipline on service, but that the fine was rarely resorted to. It will be seen from the above that the treatise gives a clearer view of the question of election (discussed on pp. 719, 720), and a definite apportionment of their functions in more regular order (cf. p. 718 *a*). In this point the supposed date of the treatise will bear out Gilbert's deduction from inscriptions (*Gr. Staatsalt.* i. p. 221), that the special office of *στρατηγὸς ἐπὶ συμμορίας* began sometime between 334 and 324 B.C.; and agrees also with the fact, which he notices, that a further apportionment of offices, not here mentioned, such as *ἐπὶ τὸ ναυτικόν, ἐπὶ τοὺς ξένους*, &c. (presumably taking up the other five strategi), is traceable first in reference to an event (*C. I. A.* ii. 331) shortly before 315 B.C. (*i.e.* later than the date assigned to 'Αθ. πολ.).*

SYNEGORUS. For the *συνήγοροι τῶν λογιστῶν*, see App. *s. v.* EUTHYNE.

TAMIAS. The *ταμίαι*, who were required by the law of Solon to be *πεντακοσιομέδιμνοι* (cc. 7, 8, 47), are undoubtedly the *ταμίαι τῆς θεοῦ*. Here, again, a legal fiction came in: the property qualification was never actually repealed, but the poorest man was eligible in practice (c. 47). What is said of their duties contains nothing new, the passages having been extracted by the grammarians. The *ταμίαι τοῖς ἄλλοις θεοῖς* or *τῶν ἄλλων θεῶν*, *i.e.* of all except Athena, are mentioned c. 30; the passage, however, refers to the short-lived rule of the Four Hundred. The *ταμίαι* of the sacred triremes (see p. 761 *b*) are mentioned in 'Αθ. πολ. c. 61: *χειροτονοῦσι δὲ καὶ ταμίαν τῆς Παράλου καὶ ἄλλον τῆς* [*τοῦ* 'Α]*μμωνος* (cf. THEORIS; Gilbert, *Staatsalterth.* i. 330, n. 3). On this *ταμίας* see also Köhler in *Mittheil. des archäol. Instituts*, viii. 165 ff. Inscriptions show that the *ταμίας* of the Paralos could also be trierarch of another ship: *C. I. A.* ii. 804 b, line 66, and *ib.* 808. The *ταμίας τῶν στρατιωτικῶν* (p. 761 *b*), in addition to his military duties, is curiously enough associated with the *βουλὴ* in matters connected with the Panathenaic festival (c. 49). See also App. *s. v.* ADYNATI.

TETTARACONTA, HOI. Their origin is now ascribed to Pisistratus ('Αθ. πολ. c. 16); their number at this time is not stated. They reappear under Pericles, B.C. 453, and are then thirty (c. 26). In c. 53 their duties are described: ten drachmas as the limit of their competence to decide; and the traditional reason for the change of number from thirty to forty. The opening words, *Κληροῦσι δὲ καὶ τετταράκοντα, τέτταρας ἐξ ἑκάστης φυλῆς*, now supply documentary evidence for the view maintained in our concluding paragraph (p. 809 *b*), which hitherto has rested partly upon conjecture.

THEORICON. According to c. 43 of 'Αθ. πολ. the superintendents of the *θεωρικὸν* were elected, not chosen by lot: from the same chapter it is clear that there were more than one, since the plural *τῶν ἐπὶ τὸ θεωρικὸν* is contrasted with the singular *ταμίας στρατιωτικῶν*. It is even more impossible to get over (by such an argument as Gilbert uses for the passage in Aeschin. *c. Ctes.* § 25) the words in c. 47, *μετὰ τοῦ ταμίου τῶν στρατιωτικῶν καὶ τῶν ἐπὶ τὸ θεωρικὸν ᾑρημένων ἐναντίον τῆς βουλῆς κατακυροῦσιν*, &c. The evidence therefore from this treatise is opposed to the view supported by Gilbert (*Gr. Staatsalt.* i. 230) and Fränkel (note on Boeckh, *Staatsh.* i. p. 225), and may incline us to hold, with Boeckh, that there were more than one.

As regards the payment of two obols [see DIOBELIA; THEATRUM, p. 819 *b*; THEORICON, p. 526 *a*], there is a passage in 'Αθ. πολ. c. 28, *μετὰ δὲ ταῦτα κατέλυσε Καλλικράτης Παιανιεὺς πρῶτος ὑποσχόμενος ἐπιθήσειν πρὸς τοῖν δυοῖν ὀβόλοιν ἄλλον ὀβολόν*. If this means that Callicrates raised the *θεωρικὸν* for any continued period to 3 obols for a single spectacle, it is at variance with other authorities. But the words *πρῶτος ὑποσχόμενος*, &c. seem to imply that it was a promise of a demagogue, imitated afterwards by others, which was either never carried out at all or revoked soon after. This would illustrate Arist. *Pol.* ii. vii. 19 = p. 1267 b.

THEORIS. The office of a treasurer for the Paralus and the Ammonis or Ammonias is noticed in c. 61 (see note on TAMIAS). That a treasurer of the Salaminia is not mentioned agrees with the account supported by Boeckh and Fränkel (*op. cit.*), that in the course of the 4th century B.C. *Salaminia* ceased to be the name of a sacred ship, appearing as that of an ordinary war-ship (for which a trierarch is mentioned) in the navy records. Fränkel notes as the earliest inscription in which the name so appears one of B.C. 357 (*C. I. A.* ii. 793). If the argument is correct, it follows that from that date until the Ammonis was built we have mention of only one ship, the Paralus, which can have been available for theoriae, other than the mission to Delos. Fränkel has observed that the sacred ships are not included in the navy records. Such names as *Delias*, *Hiera*, *Theoris* occurring in the lists of war-ships do not denote a special destination. The reference to Plutarch should be *Thes.* 23.

TRIBUS. The four old-Ionic tribes were of immemorial antiquity, and were retained unaltered by Solon, being still divided into *τριττύες* and *ναυκραρίαι* ('Αθ. πολ. c. 8). The constitution of Cleisthenes is described at length in c. 21, and the writer brings out forcibly the desire of the legislator to break up the old organisations and party ties: cf. DEMUS, Vol. I. 615 *a*. He did not adopt the number of twelve tribes, as that would have coincided with the old division of the four tribes into twelve *τριττύες*: he divided each of his ten tribes into *τριττύες* on a new principle, assigning one *τριττὺς* to the *ἄστυ*, one to the *παραλία*, and one to the *μεσόγεια*, *ὅπως ἑκάστη* (*φυλὴ*) *μετέχῃ πάντων τῶν τόπων*. The theory, already advanced as probable, that the city and ports now formed ten demes, one belonging to each tribe, thus becomes almost a certainty [DEMUS, *l. c.*].

TRIEROPOEI. See App. *s. v.* BOULÉ. In the words of c. 46, *ποιεῖται δὲ* (*ἡ βουλὴ*) *τὰς τριήρεις, δέκα ἄνδρας ἐξ* [*ἁπάντων*] *ἑλομένη τριηροποιούς*, we suggest that the lacuna is to be supplied with *ἑαυτῆς* rather than *ἁπάντων*. The *τριηροποιοὶ* may possibly have been a subordinate body appointed by, as they were unquestionably responsible to, the *βουλῇ*: but it is more likely that they were a committee of the Bouleutae themselves.

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* Since the above was in print, a writer in the *Quarterly Review* has given reasons for believing that the date of the treatise is much later (*Q. R.* for April 1891, p. 345).

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